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SENATE—*Monday, March 26, 2007*

The Senate met at 2:30 p.m. and was called to order by the Honorable MARK L. PRYOR, a Senator from the State of Arkansas.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, whose power moves in the changes of the seasons and in the circuit of the stars, let Your gentle strength live in each of our hearts.

Today, infuse our Senators with Your wisdom so that in their coming and going they will walk in the path of Your will. Lord, keep them faithful. Amid the haste and hurry of their labors this week, remind them to spend time with You so that they experience You as the joy and strength of true living. Quicken their faith and hope; give them Your perfect calm as they aspire to honor You. Make their lives a gift of Your love to a hurting world.

Much like the gift of Bishop Gilbert Earl Patterson, Lord, we thank You and praise You for his life and witness. Today, comfort the millions who are mourning his death. We humbly pray these things in the Name of Him who was in the beginning and will be in the end. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARK L. PRYOR led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 26, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARK L. PRYOR, a Senator from the State of Arkansas, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. PRYOR thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

EXTENSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there be an extra 30 minutes for morning business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this afternoon, the Senate will be in a period for morning business. At 3:30 p.m., the Senate will proceed to consideration of the supplemental appropriations bill, H.R. 1591. As I announced earlier, there will be no rollcall votes today. This week is slated to be the last week of the work period prior to the Easter recess. However, we must work toward finishing the supplemental before we can do this, and I am going to be meeting in the next few minutes with the distinguished Republican leader to see if that is possible to do.

MEASURE PLACED ON THE CALENDAR—H.R. 545

Mr. REID. Mr. President, it is my understanding that H.R. 545 is at the desk and due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bill by title for a second time.

The bill clerk read as follows:

A bill (H.R. 545) to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

Mr. REID. Mr. President, I now object to any further proceedings at this time.

The ACTING PRESIDENT pro tempore. Objection is heard. The measure will be placed on the calendar.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business until 3:30 p.m., with Senators permitted to speak therein for up to 10 minutes each, with the time equally divided and controlled between the two leaders or their designees.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, I wish to make a brief statement, but I believe the majority leader may have one as well.

Mr. REID. Please, go ahead.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS BILL

Mr. McCONNELL. Mr. President, the House of Representatives passed an emergency war spending bill on Friday that includes tens of billions of dollars for projects that have no connection whatsoever to the needs of our troops in Iraq and Afghanistan, that tells U.S. generals how to do their jobs, and which pulls out of thin air a date for evacuating U.S. troops from Iraq.

It was meant to send a message to the Commander in Chief, but its only real effect is to delay the delivery of urgent material support to our troops.

● This "bullet" symbol identifies statements or insertions which are not spoken by a member of the Senate on the floor.

The President has said he will veto any legislation that includes a surrender date and which substitutes the judgment of politicians in Washington for the judgment of commanders in the field. Those who voted for the House spending bill on Friday, therefore, knew it had no chance of being approved. It was an empty promise to the troops.

The Constitution gives Members of Congress a concrete way of expressing their opposition to a war, and that is to vote against funding it. But House Democrats are trying to have it both ways: They call their bill a statement against the very war it continues to fund, a promise of support for the troops that has no chance of being signed.

Who loses out in this strange calculus? American soldiers and marines deployed in Afghanistan and Iraq and their worried families here at home are the losers.

The Secretary of Defense said as much last week. He said delaying the approval of funds would slow the training of units already headed into Iraq and reduce the funds available for repairs to buildings and equipment. He said it would force the Army to consider cutting funds for renovations to barracks and cut off repairs to equipment that is needed to support troop deployment training.

The House brushed these concerns aside to express a point of view. But troops who have been sent into battle with assurances of support got another message: Don't count on it from us.

Some have said the Senate version of the war spending bill is more palatable. They say this because its date for withdrawal is only a goal. They think that by retaining this provision, they will eventually force Republicans to accept the notion that battlefield commanders should be tied to arbitrary timelines. Believe me, they are wrong.

The week before last, we prevented legislation that would have told our enemies the date on which we will give up. A majority in the Senate showed it won't approve a bill that shares our battle plan with the enemy or which tells soldiers and commanders how to do their jobs.

We won't let timelines be used as the toll booth for getting aid to the troops, and we need to send the President a bill that doesn't include them so he can sign it without delay. I urge my colleagues to put an end to this unfortunate and misguided effort to set an arbitrary date upon which to withdraw from Iraq and to strip language from this emergency spending bill that only guarantees our troops will have to wait for the help they need and the support they deserve.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The majority leader.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. REID. Mr. President, the first 3 months of the 110th Congress have been very productive. We have shown the American people that when Democrats and Republicans work together results flow. It is interesting, when that happens, there are a lot of positives that can be said by both parties. When we don't accomplish something, there is a lot of criticism that is shared by both parties.

This productive work began in January when we passed the ethics bill, the most sweeping reform in the history of our country. Next we worked to raise the minimum wage for the first time in a decade. After minimum wage, we finished the fiscal work of the last Congress, the 109th Congress, by passing a responsible continuing resolution with no earmarks. Then we went to homeland security and ensured that 5 years after 9/11, all the recommendations of the 9/11 Commission will be implemented. Last week, we passed a balanced budget which includes over $180 billion in tax breaks for middle-class families and says in the future, if you are going to lower taxes, if you are going to increase spending, you have to have some way to pay for it. Ethics, minimum wage, the continuing resolution, the 9/11 recommendations and the budget—it is a record of which all of us can be proud. But, of course, we have so much more to do. From stem cell to immigration to energy, there are challenges ahead, and this week the Senate will turn its attention to the most pressing challenge of them all—the debacle of Iraq.

Today we begin consideration of the 2007 supplemental appropriations bill. This legislation includes more than $121 billion. The vast majority—90 percent of it—is for the wars in Iraq and Afghanistan. It is also for enhancing military readiness generally, for improving veterans health care—and certainly in the wake of Walter Reed and other scandals regarding how veterans are being taken care of, this is certainly something that is necessary—for national priorities such as rebuilding the gulf coast and homeland security and I mention, Mr. President, drought assistance, farm disaster.

In the western part of the United States, because of this global climate change, we have had millions—I am speaking directly—millions, not thousands, but millions—of acres burned, and unless we figure out some way to restore that vegetation, that land is going foul, to say the least. That is what this is all about—farm aid assistance. Willie Nelson could sing for weeks about the need for this assistance to take place in the West. I am not an expert on wheat, corn, rice, and all those other products—a lot of people here are—but I am about rangelands and what has happened to Nevada.

The bill contains critical money, as I have indicated, for our troops. We need to get the money to them as quickly as we can. Our troops are serving under difficult conditions. The Senate will ensure they have everything they need to continue this fight as we have done.

Our support, though, for the troops does not stop at funding. We must also ensure our soldiers have a strategy for success. The Democratic-controlled Congress is listening to the American people and fighting to give our troops what they need and strategy—strategy worthy of their sacrifices. That is why in addition to the much needed changes for our troops, the bill also contains a strong message for President Bush: Change course in Iraq.

My friend, the distinguished Republican leader, criticized what is in this bill that will be reported to the floor shortly, saying it is not good for the troops. David Brooks, the very conservative editorial writer for the New York Times, said last Friday on the "Jim Lehrer NewsHour": This is ridiculous for anyone to criticize a democracy for debating the most important issue of the day, the war in Iraq. The very conservative David Brooks said this is what democracies are all about. The troops over there know this is good.

I have my BlackBerry on my hip. Someone BlackBerried his friend, one of my staff members, who is a full colonel in the Army National Guard out in Nevada. He keeps in touch with his friends. He said what happened in the House and what we put in our bill is good for the troops—this is a soldier e-mailing my friend from Iraq—because it lets the Iraqi Government know we are serious. He went on to say the deadline is important for the Iraqi people and the soldiers, and the Iraqi people know that.

Secretary Gates, when asked about this timeline, provisions in the bill relating to Iraq, said it doesn't affect the troops adversely at all.

Certainly the troops know we care about them. We give them everything they need. But last week, we entered the fifth year of this war. Think about that, the fifth year of this war, and there is no end in sight, I am sorry to say. The news this morning, when I first got up, was five more soldiers were killed yesterday, 238 this year alone. March 26, 238 dead Americans, just like the boy Raul Bravo, from Elco, NV. I talked to his mother—237 just like that young man. Three thousand two hundred forty-one so far in this war—dead Americans—25,000 wounded. One hospital in Texas has handled 250 amputations. There are 2,000 double amputees as a result of this war.

The war continues to move in the wrong direction and yet—instead of digging us out of the hole it created in Iraq—instead of stopping this downward spiral of destruction—instead of taking the fight to the terrorists who attacked us on September 11—this White House wants us to keep doing more of the same in Iraq.

In January, President Bush said he would escalate the conflict and send 21,500 new troops for a few months. Of course, we were misled on that. We now know the number is around 30,000, and they will be there indefinitely, and the President has said he might ask for more troops. There is no short-term surge, as the President has described. It is more of the same. The President is placing troops in the middle of an Iraqi sectarian civil war. More military solutions to a problem that General Petraeus, our top commander in Iraq, has said can only be solved politically. Our commander on the ground in Iraq has said that only 20 percent of it can be won militarily. That is not good enough for me. We need to find a new way forward.

If the President will not listen to the generals, if he will not listen to the American people, who have spoken for a new direction, then perhaps he will listen to us, Congress, when we send him a supplemental bill that acknowledges reality in Iraq. We must find a new way forward. The President can swagger all he wants, but we have 3,241 dead Americans.

The Iraq measure in this bill changes the mission of U.S. troops from policing a civil war to counterterror, training, and force protection. It rejects the notion that this war can be won militarily, and it sets a goal of redeploying our troops by March 2008. It includes a requirement for a political, diplomatic, and economic strategy to be implemented in conjunction with the redeployment.

The Iraq language is based on a simple premise: Iraq can be won only politically. In short, it offers a responsible strategy in Iraq that the American people asked for last November 7—a strategy that will enhance our country's ability to wage war on terror.

Contrary to what President Bush believes, the key to success in Iraq is not escalating the conflict by adding tens of thousands of additional troops to trod down the same dangerous road. It is to find a new way forward.

I urge my colleagues to support this supplemental. After 4 years of war, our troops deserve a strategy to help them complete the mission so they can come home.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I wish to thank our leader for his comments about the progress that has been made in the Senate on issues that affect the working middle-class families of this country and also for his responses on the issue of the war in Iraq, where there should be an opportunity, as we focus on the particular amendment, to get into that in greater detail. But I thank him for his very worthwhile comments this afternoon.

NORTHERN IRELAND PEACE PROCESS

Mr. KENNEDY. Mr. President, the leaders of Northern Ireland took another giant step toward lasting peace earlier today when Sinn Fein and the Democratic Unionist Party reached a landmark agreement to share power in a joint administration to be established on May 8. The agreement gives hope to all who have worked so long and so hard to bring unionists and nationalists together in government on a permanent basis.

Prime Minister Ahern of Ireland and Prime Minister Blair of Britain have been strong allies for peace. John Hume and many others have been heroes along the way. But the indispensable persons in this historic agreement today are Gerry Adams, the leader of Sinn Fein, and Ian Paisley, the leader of the Democratic Unionist Party. In reaching this agreement, they have acted to strengthen democracy and create a future of peace and stability for the future of that troubled land.

Today, the people of Northern Ireland salute them both for reaching this new day, and the world congratulates them as well. We know it was not an easy step to take. Their past disagreements have been intense and deep. The challenges they have faced often seemed irreconcilable, and the scars of the past have often seemed impossible to heal. Compromises have been difficult and painful to achieve. But with this agreement, Sinn Fein and the DUP have finally taken the essential step of looking forward together—not backward—and have agreed at long last to work with one another for the future of Northern Ireland.

The eyes of the world will be on them on May 8. All who care about lasting peace and stability look forward to the permanent restoration of the Northern Ireland Government at that time. In a world where political resolution often is elusive, these leaders deserve enormous credit for giving us hope.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. HATCH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I listened with interest to the remarks of the distinguished Senator from Massachusetts. I do, myself, feel a great sense of pleasure and comfort in what has transpired today with regard to Ireland, and I wanted to say so.

THE EMPLOYEE FREE CHOICE ACT

Mr. HATCH. Mr. President, on March 1, the other body passed the horribly misnamed "Employee Free Choice Act," H.R. 800, and we may soon be called upon to consider that bill or a similar Senate counterpart. The bill was steamrolled through the House of Representatives in less than a month from its introduction, with only a single day of subcommittee hearings, at which only one expert witness critical of the bill was permitted to testify. It was considered in the House with only limited amendments allowed to be offered. Obviously, it is incumbent on us to make certain the Senate takes the opportunity for fuller debate on a measure of such wide impact.

The chairman of the Health, Education, Labor, and Pensions Committee has scheduled a hearing tomorrow, where we will undoubtedly hear how "unfair" the current unionization system is and how it must be amended to allow for greater unionization. I am sure we will have a full and robust debate in this body. But as we kick off this debate over whether to deny private ballots to workers who wish to unionize, it is my hope we will be able to at least hold fast and true to the facts. There should be a full debate on these facts.

There is ample evidence to indicate that we should be wary of amending the National Labor Relations Act, the NLRA, in a way that would upset the balance in national labor policy between labor and management and employer and employee. We must not rely on slogans, anecdotal stories, and questionable secretly commissioned and selective statistics about alleged unfair labor practices.

The NLRA and its attendant volumes of reported decisions and case precedent by the National Labor Relations Board is an extremely complicated, interwoven area of law. Amending it in the way the sponsors of H.R. 800 envision could rip a gaping hole in the precise weave of this complex fabric and have a dramatic impact with many unintended consequences.

It must also be considered that amending the NLRA will not only affect the welfare of unions, but it will also have a negative overall impact on workers, employers—especially small employers—and on the economy and America's ability to be competitive in a global economy.

So let us begin the discussion of the bill. The Employee Free Choice Act is designed to increase union membership, which currently stands at 7.4 percent of the private sector workforce. The bill would accomplish that through an artificial, union-controlled "card check" certification procedure in place of the traditional NLRB-supervised private ballot election or, as some have called it, a secret ballot election.

In fact, the bill would radically upset the balance in labor and management and employer-employee relations by amending the National Labor Relations Act in three ways:

First, the bill would mandate union representation without a private ballot election among employees. The so-called Employee Free Choice Act mandates that the NLRB certify a union as the exclusive collective bargaining representative of employees when the union has demonstrated that a majority of the employees, 50 percent plus 1, have signed union authorization cards—or, in other words, the "card check" system without a private ballot election among employees.

Not only would this deny employees the right of private, NLRB-protected ballot elections on the question of initial union representation, but through operation of the NLRB's current "certification bar" doctrine, it would prevent employees from challenging the union's majority status through a decertification election for the certification year.

Secondly, the bill would guarantee union contracts where the Government would impose the wages, the terms, and conditions of employment for 2 years if the parties fail to agree after 90 days of bargaining and 30 days of mediation. That is because the so-called Employee Free Choice Act requires compulsory, binding arbitration of initial union contracts.

Specifically, under the so-called Employee Free Choice Act, an employer must begin bargaining within 10 days of the union's demand. Thereafter, if the union and the employer cannot reach an agreement within 90 days, the contract terms must be submitted to the Federal Mediation and Conciliation Service for a 30-day period of mediation. If the FMCS is unable to mediate an agreement between the parties, then it must refer the initial contract to an FMCS arbitration panel with the authority to issue a decision that is binding on the employer and union for a 2-year period.

Added to current law, the effect would be to deny employees the opportunity to approve, or ratify, the terms of the contract. They would be prevented by the NLRB's "contract bar" from initiating a private ballot decertification election challenging the union's continuing majority status for the 2-year term of the contract.

Finally, the bill would impose new antiemployer penalties. These include prioritizing NLRB investigations of unfair labor practice charges alleged to have been committed by an employer during an organizing campaign and possibly pursuing injunctive remedial action in Federal Court.

The proposal also provides for liquidated damages in the amount of two times any back pay found due and owing and subjects an employer to a civil penalty not to exceed $20,000 per violation of the NLRA. As this chart shows, the proponents of the so-called Employee Free Choice Act are asking the American worker to accept the denial of access to complete information about the union, the denial of a private ballot vote, the inability to decertify a union for at least 28 months after it is initially certified, the denial of the right to strike for a better deal after binding arbitration, potentially the denial of an employee's opportunity to vote on a contract, and the denial of knowing if a union is organizing at their place of work.

Let us look at that again. The effect of the Employee Free Choice Act dissolves workers' rights to access to complete information about the union, to vote in secret, to decertify the union for at least 28 months, to strike for a better deal—takes that away from them—to vote on a contract—takes that away from them—and to know if union organizing is taking place. It takes their rights away as workers.

This deceptively named bill has little to do with employee free choice. In fact, it would take away an employee's right to choose union representation through private ballot elections—some say "secret ballot" elections—something the unions have always fought for but now are going to throw away in their desire to unionize at all costs. Indeed, it has everything to do with guaranteeing union organizing to increase union membership, at a time when unions represent a steadily declining percentage of America's private sector workforce.

As you can see clearly from this chart, since the modern-day union movement in 1935, when you evaluate their percentage of the overall workforce, unions have had good years, up in here, and they have had many bad years.

As that chart clearly demonstrates, under the current system of NLRB overseeing private ballot elections in recent years, unions have lost membership.

Currently, I must underscore, union membership stands at 7.4 percent of the private sector workforce. Proponents of the Employee Free Choice Act seek to turn back time when it comes to the percentage of the American workforce that is unionized and that they want to be unionized.

I have no inherent problem with a fairly considered, fairly elected union. However, this bill attempts to increase union strength through an artificial, union-controlled "card check" certification procedure which tosses away the traditional NLRB-supervised private ballot election.

Where is the problem we are trying to fix? This bill would replace the time-honored, NLRB-protected private ballot election, the traditional system under which workers decide whether to be represented or not represented by a union. Instead, the system would be supplanted with the mandated "card check" procedure, where union organizers can pressure employees to sign union authorization cards which are then presented to the NLRB for certification of the union as the exclusive collective bargaining representative of all of the employees.

It is important for us to consider that the U.S. Supreme Court has repeatedly denounced union authorization cards as being "inherently unreliable" because of the types of peer pressures, some subtle and some not so subtle or benign, to sign the cards. In its 1969 Gissel Packing decision, the Court acknowledged that the use of authorization cards to determine majority support is unreliable and that private ballot elections are the "most satisfactory—indeed the preferred method of ascertaining whether a union has majority support."

Unions, likewise, prefer a NLRB-protected and supervised private ballot election, at least when they are faced with a decertification petition from their members to determine whether the union has majority support. That was demonstrated once again last month by union opposition to a proposed amendment to apply the "card check" provisions of the so-called Employee Free Choice Act to decertification elections. That amendment was defeated in the House committee's markup.

As one court stated with regard to "card check" authorization:

> It would be difficult to imagine a more unreliable method of ascertaining the real wishes of employees than a "card check" unless it were an employer's request for an open show of hands. The one is no more reliable than the other.

That is in the NLRB v. Logan Packing Company of the Fourth Circuit.

It is hard to believe we are seriously considering a bill to deny workers a private ballot vote so soon after the national elections. It is also inconsistent with our Nation's history of promoting private ballot elections for the disenfranchised members of society through the suffragette and civil rights movements, especially when we are fighting for the opportunity of individuals around the world to have the democratic right to a private ballot election that is free of intimidation and coercion.

I am reminded of a statement made on January 31 of this year by my longtime friend and colleague from Massachusetts on the need for fair elections:

> For too long, we've ignored the festering problem of deceptive practices intended to intimidate and deceive voters in our national elections. . . ."

Although I am not able to say this very often, I can say that I am in absolute agreement with my friend on that point. In every election, whether it is for President, local dog catcher, or union organization, we as representatives of the people whom we serve have an obligation to ensure our constituents' votes will be cast without fear of intimidation.

I assert—and I think many also would back this up—that a private ballot election overseen by the NLRB, a Government agency, has a better chance to be more free and fair than one in which it is left to the union organizers to solicit cards in secret until they receive a majority of 50 plus 1. What happens to the other 49%? Are they just disenfranchised? The answer is yes.

Under the "card check" system, there is no inducement to allow employees to make an informed decision, learn all the facts, and hear arguments for and against unionization.

It is difficult for me to believe we would be considering a bill which would mandate that the Government impose wages, terms, and conditions of employment where the parties, new to collective bargaining, have not reached agreement after 90 days. This would destroy free collective bargaining and the entire labor law concept of "impasse" when the parties are unable to agree. Under the so-called Employee Free Choice Act, for first contracts, "impasse" would be defined as 90 days of bargaining before the Government steps in. Even basic labor law textbooks term compulsory binding arbitration as the "antithesis of collective bargaining."

These are radical changes in collective bargaining which have little to do with employee free choice. In fact, these amendments would disenfranchise workers by denying them private ballot elections and a vote on whether to accept wages, terms, and conditions the Government arbitration panel would impose on them.

Who would benefit from the passage of the so-called Employee Free Choice Act? I can tell you. Only unions. They would be virtually guaranteed organizing success, increased union membership, and more union dues.

As you can see from this chart, over the past 6 years, unions traditionally win approximately 50 to 60 percent of NLRB-supervised private ballot elections. In contrast, it is reported that "card check" elections yield unions success approximately 80 to 85 percent of the time. Who would benefit? I can tell you. Only unions.

Look at that chart again. "Union Win Rates in Elections." The NLRB-supervised election, in 2000, the unions won 51 percent; in 2001, the unions won 54 percent; in 2002, they won 56 percent; in 2003, they won 57 percent; in 2004, they won 57 percent; in 2005, they won 61 percent; and in 2006, they won 61 percent.

Where "card check" elections have been held—because the employers have agreed to them, I guess, because they are certainly not law yet; that is why they are bringing this up—80–85 percent have become unionized even though 49 percent of the people in those companies have had nothing to say about it. It is not right. It is not the way to go.

Unions would be guaranteed first contracts for a period of 2 years under this bill.

Looking at the big picture, what would the so-called Employee Free Choice Act mean for our economy? Let me read from a recent article written by Jack and Suzy Welch in the March 12 issue of BusinessWeek magazine. Jack Welch is one of the alltime important business leaders in this country. Here is what they had to say:

> We know it must sound strange to oppose legislation that promises something as motherhood-y as "free choice." But the title of this bill is pure propaganda. It won't encourage liberty or self-determination in the workplace; more likely it will introduce intimidation and coercion by labor organizers, who, after a long slide into near-oblivion, finally see a glorious new route to millions of dues-paying members. Their campaign could trigger a surge in unionization across U.S. industry—and in time, a reversion to the bloated economy that brought America to its knees in the late 1970s and early '80s and that today cripples much of European business. If you want to be reminded of what that looks like, drive through Pennsylvania's Lehigh Valley, as we did last weekend, and take a look at all the shuttered factories. Steel—like coal, autos, and so many other industries in the global economy—paid the inevitable price of unionization run amok.
>
> . . . The advance of the Employee Free Choice Act continues unabated. And so pretty soon, if enough business leaders and legislators don't stand up, it may well be: Hello again, unions. So long, American competitiveness. The change will not happen instantly. Companies will fight unions as if their lives depend on it, because they do. But given the logistics of the Employee Free Choice Act, any management campaign is hobbled. If you can't be at the kitchen table with the organizers and their hard stares, you probably can't win.

He sums it up:

> In those areas where employers have agreed to a "card check," they have invariably become unionized and many employees unionized against their will with the obligation of paying dues.

Mr. President, I ask unanimous consent that the full article be printed in the RECORD.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATCH. Mr. President, I assert that this is the start of another historic Senate debate on national labor policy. It is unfortunate that I have to be involved in this because I was raised in the union movement. I am one of the few people who have served in Congress who actually earned a union card, who actually became a skilled building tradesman, who worked in the building construction trade unions for 10 years. I believe unions are important, but I believe they should have to earn their membership and not have it given to them.

In conclusion, as we enter this debate, let us not be fooled by the misinformation from the other side.

Take a look at this chart. They claim employers coerce employees to vote no. The truth is that in less than 2 percent of cases is it found that an employer has inappropriately interfered in a union organizing election.

They claim unions can't win elections under the current system. The truth is that unions won 62 percent of NLRB elections in 2005, the last year for which a complete set of statistics exists.

They claim American workers want to form unions using a "card check" system. The truth is that, according to a recent poll, 79 percent of Americans disagree with the elimination of private ballots when voting in union organizing elections.

The President has issued a Statement of Administration Policy that he would veto the so-called Employee Free Choice Act if it reached his desk. That should not make us complacent in the Senate. Even if a veto were necessary, Senate passage of a bill like that which was passed by the House would put us on record in future Congresses as being against private ballot elections for workers in union representation decisions, in support of Government-imposed wages, benefits, and other terms and conditions of employment through union contracts where workers themselves will be denied a ratification vote. Is that where we want to be a year or two from now? I, for one, do not believe we as a nation should head in that direction, and I urge my colleagues to resist any attempt to force unionization on the American workforce.

To paraphrase the movie "The Godfather," I believe union bosses have made the American workforce a deal they can refuse. We must oppose any attempt to pass any iteration of the Employee Free Choice Act, and we must do it on behalf of the American worker.

Mr. President, I yield the floor.

EXHIBIT 1

[From BusinessWeek, Mar. 12, 2007]

THE UNEMPLOYMENT ACT

(By Jack and Suzy Welch)

Are you at all concerned about American competitiveness in the future?

—*Srikanth Raghunathan, Irwin, Pa.*

Yes. But not for the standard "the sky is falling" reasons, like the twin deficits, low-cost Chinese manufacturing, or intellectual property piracy. We believe those challenges will largely be ameliorated by market, political, and legal forces. No, we're as worried as can be that American competitiveness is about to be whacked by something no one seems to be talking about: the Employee Free Choice Act, which is currently weaving an insidious path through Congress toward becoming law. If it does, the long-thriving American economy will finally meet its match.

You didn't read wrong. We know it must sound strange to oppose legislation that promises something as motherhood-y as "free choice." But the title of this bill is pure propaganda. It won't encourage liberty or self-determination in the workplace; more likely it will introduce intimidation and coercion by labor organizers; who, after a long slide into near-oblivion, finally see a glorious new route to millions of dues-paying members. Their campaign could trigger a surge in unionization across U.S. industry—and in time, a reversion to the bloated economy that brought America to its knees in the late 1970s and early '80s and that today cripples much of European business. If you want to be reminded of what that looks like, drive through Pennsylvania's Lehigh Valley, as we did last weekend, and take a look at all the shuttered factories. Steel—like coal, autos, and so many other industries in the global economy—paid the inevitable price of unionization run amok.

Make no mistake, We don't unilaterally oppose unions. Indeed, if a company is habitually unfair or unreasonable, it deserves what it gets from organized labor. But the problem with unions is that they make a sport out of killing productivity even when companies are providing good wages, benefits, and working conditions. It is not uncommon in a union shop to shut down production rather than allow a nonunion worker to flip a switch. Only a union or millwright electrician can do that job! Come on. Companies today can't afford such petty bureaucracy or the other excesses unions so often lead to, such as two people for every job and a litigious approach to even the smallest matters. Yes, managers and employees will sometimes disagree. But in the global economy, they have to work through those differences not as adversaries but as partners.

The Employee Free Choice Act undermines that. Here's how. Currently, when labor organizers want to launch a unionization effort, they ask each worker to sign a card as a show of support. If 30% or more employees do so, a federally supervised election can be called and conducted with one of the most revered mechanisms in democracy, the secret ballot. Thus, employees can vote their conscience, without fear of retribution from either union leaders or management.

By contrast; under the Employee Free Choice Act, organizers could start a union if 50% of employees, plus one more worker, sign cards. That's right—no more secret ballot. Instead, employees would likely get a phone call with a pointed solicitation, or worse, a home visit from a small team of organizers. You can just imagine the scenario. The organizers sit around the kitchen table and make their case, likely with a lot of passion. Then they slide a card in front of the employee with a pen. Who would say no? Who could?

Now, union supporters will tell you that they won't intimidate employees for votes, and regardless, management intimidates all the time by threatening to fire employees who vote union. But the system as it exists has safeguards, including heavy fines against companies that misbehave and automatic new elections.

Still, the advance of the Employee Free Choice Act continues unabated. And so pretty soon, if enough business leaders and legislators don't stand up, it may well be: Hello again, unions. So long, American competitiveness. The change won't happen instantly. Companies will fight unions as if their lives depend on it, because they do. But given the logistics of the Employee Free Choice Act; any management campaign is hobbled. If you can't be at the kitchen table with the organizers and their hard stares, you probably can't win.

It's too bad. In fact, its terrible. And ironic. First, because the ability to unionize already exists in America, thanks to the secret ballot. And second, because the Employee Free Choice Act ultimately only provides a free choice nobody would ever want: how to spend a government issued unemployment check.

The ACTING PRESIDENT pro tempore. The Senator from Colorado.

ENERGY

Mr. SALAZAR. Mr. President, I come to the Senate floor to speak about the issue of energy and the importance of this Senate and this Congress and this country moving forward with an authentic picture with respect to energy independence for our country. When I get up in the morning and think about the major issues that are facing our country, there are three issues which always come to mind.

The first is what is happening in Iraq and around the world and how we restore America's greatness and how we put Humpty Dumpty together again with respect to making sure America's greatness which we have enjoyed for the last two centuries is something we enjoy in the 21st century and beyond.

Second are the difficult and important domestic issues which we are attempting to confront today—the issue of health care and how we move forward to create a system of health insurance and health care availability for all the people of America, an issue which continues to confront us.

Third, the issue of energy and how we look forward. The issue of energy is something many of us in this Chamber and in the House of Representatives and the White House today will continue to work on, which is so important to all of us.

With respect to Iraq, we will be facing that issue here in the weeks and months ahead. I believe strongly there is unity in the United States of America in terms of our support for our troops. I believe there is a long-term desire for us to make sure what we do is establish stability in the Middle East.

I believe all of us want to make sure we are doing everything we can do to support our troops. Nonetheless, the debate will occur here on this floor this week and beyond. It is an important debate. It is a debate that involves perhaps the most important issue of our time. That is the issue of war and peace and the debate that is certainly appropriate to be held on the floor of the Senate.

With respect to health care, I am pleased with the efforts the Senate Finance Committee and the HELP Committee are undertaking, with the leadership of Senator BAUCUS and Senator KENNEDY and others, as we try to address the issue of health care. This year for sure we will move forward with a program that hopefully will expand the coverage of health insurance to the children of America. We think about 9 million children in this country today who have no health insurance. The expansion of the SCHIP program is something that is very important for all of these children across our many States who today do not have health insurance.

But the other issue, the energy issue, is one which is winding its way through our various committees in the Senate today. In the Agriculture Committee, under the leadership of Senator TOM HARKIN, we currently are looking at title 9 of the farm bill. We will have a robust law that will move us forward with a new agenda with respect to agriculture and energy.

In the Senate Energy Committee, under the leadership of Senators BINGAMAN and DOMENICI, we are working on several bills that will help us move forward toward energy independence.

In the Senate Finance Committee, under the leadership of Senator BAUCUS and Senator GRASSLEY, we have numerous initiatives on the table that will create incentives for us to have the kind of biofuels, solar energy, and the other kinds of energy that will create the new environment for us to be successful in a program on energy independence.

For me, when I think about energy, I see the dawning of a new age for my State of Colorado and also for America. It is a dawning of an age for America which we ought to embrace with vigor. It is the dawning of the age of a clean energy future for the United States of America. One year ago in my State I hosted the first Colorado Renewable Energy Summit. At the summit, there were more than 500 of us brought together to talk about our national energy policy and the energy opportunities we face in my State.

We put renewable energy in the headlines for Colorado, and we have kept energy at the top of Colorado's agenda for the past year. This last Saturday, 2 days ago, on March 24, 2007, we again summoned the people of Colorado and we had over 1,000 people who attended a summit at the Colorado Convention Center. We were joined in that summit by my colleague Senator WAYNE ALLARD, by Colorado Governor Ritter, the mayor, six Members of the U.S. House of Representatives, the president of the Colorado Senate, the speaker of the Colorado House of Representatives and, as I said, more than 1,000 people in my State who were interested in renewable energy and energy efficiency, not only for our State but for the entire country.

Because of the work we have taken on in the last year in Colorado, today we have a Colorado Renewable Energy collaboration. That laboratory is an incredible association with the National Renewable Energy Lab, the Colorado School of Mines, Colorado State University, and the University of Colorado at Boulder.

Even though the ink is not yet dry on the formation of the collaboration, these four great research institutions have already launched a world-class research program. It is called the Colorado Center for Bioresearch and Biofuels.

Colorado's private sector is moving forward, too, on a variety of different fronts. First, with respect to wind, Colorado has added over 60 megawatts of wind generation in the last 4 years. But consider what is on the agenda for 2007. In 2007, my State of Colorado will add another 775 megawatts. That is more than tripling the State's production of wind generation. That is an equivalent of the generation we get from approximately two full-fledged powerplants.

Beyond wind, we have embraced solar. Since the passage of a citizens' initiative in Colorado 2 years ago, Colorado's solar industries have seen a growth of 40 percent every year. The State's first commercial solar electricity project will be constructed in my native San Luis Valley in 2007. We moved from wind to solar to biodiesel. In 2004, there was no biodiesel produced in the State of Colorado. Today we have three plants in my State that are producing more than 30 million gallons a year, and a fourth plant is ready to start operations in the production of biodiesel.

We go beyond biodiesel to ethanol. Two years ago we had no ethanol plants in the State of Colorado. Today we have three ethanol plants that are producing 90 million gallons of ethanol, and we have a fourth plant that will come on line in 2007, adding 50 million more gallons per year, and several other plants that are in the planning stages.

That is not all. In my State of Colorado, we have moved forward with wind energy companies, with solar, photovoltaic designers, and manufacturers who are opening facilities in places such as Larimer County. Cellulosic ethanol companies, which are engaged in research and development, inform us within 2 years they will be at a point where cellulosic ethanol will be available in the commercial markets.

We have hybrid vehicle manufacturers who are doing the technology development and research in my State, hybrid and plug-in vehicle battery manufacturers, engine efficiency research companies, such as German manufacturers in El Paso County and Colorado Springs.

There is a whole lot more that is happening with respect to clean renewable energy in my State of Colorado. We have a long road ahead of us, but we have found our stride and we know the destination. We want America to be the world's center for renewable energy research, for development and for production. I want my State to play a significant role as we embrace that agenda.

Let's be clear about what is happening with respect to energy in the United States of America. Some of us need to remind ourselves it was not so long ago when President Nixon and then President Carter later on said we needed to embrace a new ethic of energy independence. This was in the 1970s, some 35, 40, 45 years ago when we were talking about the importance of energy independence, frankly, because of the economics that were driving it at the time. There was great concern with respect to the formation of OPEC and with respect to the volatility of markets that could disrupt the American economy.

We see what happened in response to the leadership in the 1970s where there were great investments made in technologies that would look at alternative fuels that would power our homes and cars in this country. But the driver of economics went away when the price of oil dropped to around $20, $21, $22, $23 per barrel. Over this last year, we saw the price of oil get up to $60 and $70 per barrel, and we saw the price of a gallon come up to $3 a gallon, in some places more than $3.50, $3.60 a gallon, the price of diesel following the same path. It became apparent at the time the economic driver was not the only significant driver here.

Mr. President, may I inquire as to the amount of time we have in morning business?

The ACTING PRESIDENT pro tempore. We have 7½ minutes remaining.

Mr. SALAZAR. May I inquire of my friend from West Virginia as to whether he planned on using any of the time in morning business.

Mr. BYRD. Mr. President, I do have an amendment, and I will speak to that amendment.

The ACTING PRESIDENT pro tempore. If the Senator from West Virginia does have not objection, we will allow the Senator from Colorado to finish his remarks, and then we will recognize the Senator from West Virginia.

Mr. BYRD. Very well.

Mr. SALAZAR. Mr. President, so I am clear on my time, I have about 7 minutes in morning business allocated to me under the current order?

The ACTING PRESIDENT pro tempore. That is correct.

Mr. SALAZAR. Mr. President, let me continue with respect to the comments I was making concerning the issue of energy.

If you think about the 1970s and the 1980s, it was the economy that was at the root of what we were trying to do to develop solar energy and wind energy and looking at biofuels and the like. A lot has changed in those times. There is tremendous interest and a tremendous amount of energy being spent in each of our committees here in the Senate and the House of Representatives and in the White House and the Department of Energy on a clean energy future for America.

Some people will ask the question today: Well, is this another short-lived agenda in the same way it was in the 1970s and the 1980s? When you look at the charts and you see what we were investing in clean energy technology back in the 1970s and 1980s, it was significantly higher than what we are investing in the 1980s and the 1990s and the early 2000s.

I submit that things have changed because the drivers today are not only the economic drivers of our time. Today when we look at the energy issues we face in our world, it is not just about the volatility of the energy markets we see around the world and here in the United States, there are two other drivers that are equally as important. The first of those drivers has to be our national security. When you think about the fact that today we are importing about 60 percent of our oil from foreign countries, in the next 10 to 15 years, if projections continue the way they are, and growth continues the way it is expected to continue, we will be importing 70 percent of our oil from foreign countries.

If that occurs, then we will continue to compromise the foreign policy, the national security of this Nation in a manner none of us should ever allow to happen. In fact, it would be a dereliction of duty for this Congress, for the Senate, and for this country to allow that to happen.

In the latest skirmish with Israel and Lebanon, one has to ask the question about where that money was coming from that was funding the militia group of Hezbollah in its firing of nearly 10,000 rockets into the northern city of Haifa in northern Israel. One has to ask that question, where was the money coming from that would fund the 10,000 members of that militia group called Hezbollah in Lebanon and other places around the world?

Well, we do not need to look very far for the answer to that question. You and I know—you as the Presiding Officer are well aware of the security interests here in our country—very well that the money creating and funding the terrorist groups in places such as Lebanon is coming from oil. It is coming from oil we are paying $60 and $70 a barrel for today.

So the very national security of our country requires us, it demands of us, and we can do no less than to move forward with an agenda that grasps the imperative of energy independence in our world. That energy independence will come about with great opportunities as we look at a clean energy future for America. We will be able to derive jobs and create the kind of national economic security we need in the United States of America.

The final driver is the issue of global warming. The debate is about whether global warming is an issue that needs to be confronted in the United States of America, the debate that was being held several years ago. But I would imagine most people in the United States of America today are saying it is important for us to confront this issue.

In fact, as we are opening this day in the Senate, Senator BINGAMAN and Senator DOMENICI are holding a hearing with members of the European Union on the issue of global warming. Things have changed. Things have changed from the 1970s and the 1980s and the 1990s when America slept, and the only factor that was driving us to energy independence was the volatility of the markets.

Today the driver is national security. We cannot afford to compromise our national security by continuing to be overdependent, by continuing our current addiction to foreign oil. We cannot afford to ignore the issue of global warming that threatens the future of civilization. How we approach those issues and how we develop solutions that bring us to a positive movement forward is very important.

The issue of energy is one that can bring America together. To be sure, the last 6 years have seen a divided America on many issues, including Iraq. Energy can bring together Democrats and Republicans, progressives and conservatives, much as the Energy Futures Coalition has done in working with all of us. We crafted legislation that we call Set America Free. It is my hope that by the time the Senate finishes for the year or before we begin the August recess, we will have legislation that is bipartisan in nature, that will move us forward with a new energy future for America. That energy future will be one that is bound by a vision of a clean energy future that includes renewable energies, new technologies, and that goes after the low-hanging fruit of energy efficiency and addresses the issue of global warming.

I ask unanimous consent that a portion of a speech I gave at an energy summit in Colorado be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

COLORADO NEW ENERGY SUMMIT—2007

This is the dawning of a new age for Colorado and America—this is the dawning of the age of America's clean energy future!

One year ago, we hosted the first Colorado renewable energy summit. That 2006 Summit brought more than 500 of us together to talk about our national energy policy and Colorado's energy opportunities. We put renewable energy in the headlines for Colorado, and we've kept energy at the top of Colorado's agenda for the past year.

This Saturday, March 24, 2007, over one thousand people from Colorado joined us for Colorado's New Energy Summit. We were joined by two United States Senators, the Colorado Governor, the Mayor of Denver, six Members of the U.S. House of Representatives, the President of the Colorado Senate, the Speaker of the Colorado House of Representatives . . . and more than one thousand Coloradans who want more renewable energy, improved energy efficiency, and greater energy independence.

One year ago, we talked about attracting more energy research projects and more energy entrepreneurs to Colorado. Today, we have the Colorado Renewable Energy Collaboratory, an incredible association of the National Renewable Energy Lab, the Colorado School of Mines, Colorado State University and the University of Colorado at Boulder. And even though the ink is not yet dry on the Collaboratory Agreement, these four great research institutions have already launched a world class research program: the Colorado Center for Biorefining and Biofuels—C2B2.

And Colorado's private clean energy sector is taking off, too.

Wind

Colorado has added 60 megawatts of wind capacity in the last two years.

And by the end of 2007, we will add another 775 megawatts, more than tripling the State's production of wind power to more than 1,000 megawatts.

Solar

Since the passage of Amendment 37, Colorado's solar rooftop industries have seen growth of 40% per year.

And the State's first commercial solar electricity project will be constructed in the San Luis Valley in 2007.

Biodiesel

In 2004, there was no biodiesel produced in Colorado.

Today, we have three plants producing more than 30 million gallons a year, and a fourth plant ready to start operations.

Ethanol

Two years ago, there were no ethanol plants in Colorado.

Today, three plants produce more than 90 million gallons per year, and a fourth plant will come on line in 2007, adding another 50 million gallons per year.

And that's not all. We have locally based:

Wind energy companies

Solar photovoltaic designers and manufacturers

Cellulosic ethanol companies, engaged in R&D and preparing to build biorefineries

Hybrid vehicle manufacturers

Hybrid and plug-in vehicle battery manufacturers

Engine efficiency research companies

And that's only the beginning.

Colorado's clean, renewable energy economy is on the move.

We have got a long road ahead of us, but we have found our stride and we know our destination: Colorado will be the world's center for renewable energy research, development and production.

AMERICA'S ENERGY CHALLENGES

We have come a long way in the past year, and we should be proud, but we must be realistic about the energy challenges that face us as a Nation and world.

ENERGY SECURITY AND INDEPENDENCE

First, energy policy is at the heart of our national security. The United States continues to import much more oil than we produce. Nearly two-thirds of our oil supplies come from abroad. And much of that oil, comes from unstable and even politically hostile regions. Our deep dependence on foreign oil means that our national security is constantly at risk. Our oil supply lines are long and fragile. Even worse, our dependence on foreign oil means that we're sending hundreds of billions of dollars overseas, much of which flows to regimes that are hostile or corrupt or both. Indeed, we are funding the very regimes that threaten our interests. It is foolish to think we can control our Nation's security if we can't control our energy lifelines.

It may be decades before we get the majority of liquid transportation fuels from renewable sources, but that doesn't mean renewables can't make a significant difference immediately. We produced nearly five billion gallons of ethanol in 2006, biodiesel is on the rise and cellulosic biofuels will be in commercial production by 2009. We can also look to other current or emerging technologies—hybrids and plug-in electrics—to reduce our thirst for oil.

There are a lot of good reasons to turn to renewable energy, but I start with this one: the most effective step to increase our national security in the twenty-first century is to reduce our dependence on foreign oil.

ENERGY AND ECONOMIC SUSTAINABILITY

The second energy challenge that we face is economic. We're not going to run out of oil any time soon, but we're going to run out of cheap oil. Oil from new reserves and alternative sources, like the deep Gulf of Mexico reserves and Canadian tar sands, will cost much more to find, to extract and to refine. On top of increased costs, we are going to see increasing competition from the rapidly growing economies of China and India and other developing nations. That means demand pressures on top of supply pressures.

And it is not just our cars and trucks that run on oil—much of our current economy depends on oil and natural gas. We heat with it, we produce lubricants and fertilizers and commercial chemicals with it, and we make plastics and fibers and construction materials from it. The economic competitiveness of our economy will be determined in substantial part by how we cope with increasing energy costs. In coming decades, those economies that develop reliable, affordable sources of energy will thrive. Those economies that remain dependent on imported oil and gas will suffer.

But, there is also an economic opportunity. There is money to be made in creating new energy technologies, and there is money to be made in using them. America has led the world in developing renewable energy technologies, but we have lost much of our advantage because other nations have been much better at implementing those technologies. Solar energy, wind energy, biofuels—most of these technologies were originally developed here, but other nations have surpassed us in manufacturing or implementing these technologies. We should admire the Japanese and the Germans for their solar photovoltaics, the Israelis for concentrating on solar power, the Danes and Germans for their advances in wind technology, and the Brazilians for their ethanol, but there is no reason for us to import their technology when we can manufacture this equipment right here in America.

ENERGY AND RURAL AMERICA

I believe our economic future depends on our ability to create the energy technologies of tomorrow.

Nowhere is this more true than in rural America. With the advent of new energy technologies—including biofuels, wind and solar—rural America can become not only our food basket, but also our energy basket. At a time when we have record trade deficits and much of rural America is struggling economically, we should be investing in renewable energy from our farms and ranches instead of importing foreign oil.

And let me point out that all our energy does not have to come from 500 megawatt electric power plants or 100 million gallon a year ethanol plants. Big centralized plants will always have their place, but much of our energy can come from smaller production plants, whether it's a small wind farm or a community-owned biodiesel plant. Distributed generation of electricity and biofuels will play a major role in our energy future, and much of that energy production will benefit rural America, both by creating new sources of income and by reducing the cost of locally produced and locally used energy.

GLOBAL WARMING

The two drivers of national security and economic challenges and opportunities drive us toward a renewable energy and energy efficiency future. But there is a third driver, just as compelling: global warming. Average temperatures are rising, glaciers and sea ice are melting, and the overwhelming majority of scientists agree that our use of fossil fuels is a significant part of the problem.

There is no single solution to this crisis, no silver bullet. But there are lots of options that will contribute to a solution, including technologies and investments that increase energy efficiency and conservation. Currently available technologies, like fuel-efficient cars and compact fluorescent light bulbs, reduce energy consumption. Biofuels replace billions of gallons of gasoline and diesel, and biofuels reduce the net amount of greenhouse gas emissions because next year's crop will capture the emissions from this year's fuels. Once installed, solar and wind technologies produce electricity without generating any carbon dioxide.

And new technologies may enable us to use some fossil fuels without contributing to global warming. IGCC—integrated gasification combined cycle—power plants, for example, may allow us to capture the carbon dioxide in coal before it is released to the atmosphere, so that the CO_2 can be used or can be sequestered deep underground.

With creativity and commitment, there are many actions that we can take that will substantially reduce greenhouse gas emissions and help to turn the tide of global warming.

Countless generations of human beings have in my State enjoyed this beautiful planet. But it is not certain that our grandchildren and great grandchildren will be able to enjoy snowcapped peaks, mountain streams, Colorado skiing, lush green forests and fields of grain. If we want them to see and enjoy Colorado's beauty and enjoy our State's natural resources, then we need to act—now. And what is true for Colorado is true for the Nation. Those of us who walk the Earth today are not solely responsible for the fact of global warming—the roots of this crisis go back to the Industrial Revolution—but it falls to us to do something about it. We must not fail.

The three great energy challenges that confront us at the dawn of the 21st century are daunting—national security, economic sustainability and the future of our planet. But we know we can and will confront these challenges. And part of the solution to each of these challenges lies in renewable energy and efficiency and other clean energy technologies. For the past 25 years, America has lacked the consistent political leadership and public commitment to pursue these new technologies, but their time has come and today we can unite America in the spirit of bipartisanship to confront these challenges.

STATE AND LOCAL LEADERSHIP

Much of the leadership in the areas of renewable energy and energy efficiency has come from local and state efforts. In November, 2004, the people of Colorado were the first in the Nation to enact a renewable energy standard by popular vote with the adoption of Amendment 37. Our General Assembly and our new Governor have taken up the baton and carried it forward with exciting new programs that will expand wind and solar power in Colorado. Other states have done the same.

ENERGY IN THE 110TH CONGRESS

So I applaud and encourage this kind of state and local leadership, but the ultimate success of our new energy policy and our new energy economy will also require national leadership in this 110th Congress.

I am proud to be a sponsor, with Senator Chuck Grassley, of Senate Concurrent Resolution 3 to adopt 25 25 as a national goal. Many of you know about this initiative. The goal is to produce 25% of our total energy needs from our farms, ranches and forests by the year 2025. Independent studies confirm we can achieve that goal. 25 25 makes economic sense. Achieving this goal will yield over 700 billion dollars in economic activity and create more than 4 million new jobs. A combination of energy conservation, energy efficiency and renewable energy can get us to our goal. We should establish the 25 25 resolution this Congress.

As a member of the Senate Agriculture Committee, I am also working on the 2007 Farm Bill with Senator Tom Harkin and my colleagues on that Committee. This new Farm Bill will include an expanded Energy Title that will create new programs and build upon existing programs to make the goal of 25 25 achievable. Just two weeks ago, Senator Harkin, Chairman of the Agriculture Committee, traveled to Colorado for two purposes: to visit NREL and to hold a Committee hearing on the Farm Bill. Senator Harkin and I agree that good farm policy means good energy policy in this new world.

I am also enthused by Senator Max Baucus and my colleagues on the Finance Committee as we do our part to address the energy challenges of our time. I have introduced a series of bills that will help us I produce more renewable energy, adopt more energy efficient technologies and combat global warming.

Senate Bill 672 is the Rural Community Energy Bonds Act. I support our big wind farms, but we need a lot of small wind farms, too, and we need a lot of small biomass and solar and other renewable energy projects. This bill will allow small renewable energy projects with at least 49 percent local ownership to qualify for tax-exempt bonds. That will make it easier for locally and community owned renewable energy projects in rural and small town America to find investors. And local ownership means that more of the profits from those projects will stay on Main Street in Colorado's small towns.

I have also introduced the Rural Wind Energy Development Act, Senate Bill 673. This bill will create a tax credit for every residential wind turbine installed and will also allow for accelerated depreciation on those turbines. For turbines under 100 kilowatts, there's a tax credit of $1,500 for each half-kilowatt of generating capacity. As I said earlier, we need more distributed generation, and this bill will help us develop it.

I am also working on several other bills to encourage renewable energy production and energy efficiency investments. The Securing America's Energy Independence Act will extend the energy tax credit for solar technologies and for residential energy efficiency improvements through 2016. If we want manufacturers to build these technologies and we want homeowners to buy them, we need to create reliable incentives that encourage planning and investment.

I am also proud to co-sponsor the DRIVE Act with Senator Bingaman and nearly 30 co-sponsors, with equal numbers of Republicans and Democrats. The Drive Act stands for Dependence Reduction through Innovation in Vehicles and Energy. This bill, Senate Bill 339, and other related legislation, will reduce oil consumption by 25% by 2025, impose Federal fleet conservation requirements, support research on electric vehicles, require the Federal government to purchase 15% of its electricity from renewable sources by 2015, and would phase-out incandescent light bulbs in favor of more energy efficient technologies. I am hopeful that this bill will pass in this Congress.

I'm also working with other members of the Senate Energy and Natural Resources Committee to draft a bill to require the use of 30 billion gallons of renewable fuels by 2020, to increase the funding for bioenergy research and development, and to offer financial support for renewable fuel production facilities, including cellulosic biofuel plants and biorefineries.

We should all recognize that we are going to be dependent on fossil fuels for a significant portion of our energy for the next several decades, so I'm sponsoring legislation to conduct a national assessment of our carbon sequestration capacity. As we continue to burn fossil fuels, we must find a way to reduce the volume of carbon dioxide released into the atmosphere. IGCC technology can achieve its promise only if we can effectively sequester the carbon dioxide that's captured.

CONCLUSION

Together, the 110th Congress can lead our State and our Nation to a new energy future.

Mr. SALAZAR. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration of H.R. 1591, which the clerk will report.

The legislative clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The PRESIDING OFFICER. The Senator from West Virginia.

AMENDMENT NO. 641

(Purpose: An amendment in the nature of a substitute)

Mr. BYRD. Madam President, I send an amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from West Virginia [Mr. Byrd] proposes an amendment numbered 641.

Mr. BYRD. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The amendment is printed in today's Record under "Text of Amendments.")

Mr. BYRD. Madam President, today we take up a supplemental bill to fund our troops in the field, to send a strong message about the direction of the war in Iraq, to improve the veterans and defense health care system, to help the victims of Hurricane Katrina rebuild, to secure the homeland, and to provide emergency relief to farmers impacted by major drought and freezes. We are now in the fifth year—the fifth year—of the war, this terrible war.

I was against it. I voted against it. We are there. We are now in the fifth year of the war in Iraq. The debate about the war has deteriorated into a series of buzz words—preemptive war, mission accomplished, exaggerated intelligence, inadequate body armor, and surges—and on and on. Our job in the Senate is not to look backward but to look forward.

The Constitution clearly gives the Congress the power—yes, it does; it clearly gives the Congress, us, the power—to decide when this Nation should go to war, and it gives Congress the power of the purse, money. Money talks. Funding such conflicts is the responsibility of the Senate Appropriations Committee, the Senate Appropriations Committee. The buck stops here, and don't you ever forget it, the Senate Appropriations Committee. Because of that power over the purse, it is certainly our duty to debate the future of the war in Iraq.

The bill before the Senate includes a provision that would give the war a new direction, and it points the way out—out, out—of the civil war in Iraq. There is no restriction on funding for the troops—no restriction on funding for the troops. We fully fund the needs of the troops. We do that, yes. In fact, the bill provides more funds than the President requested for the Department of Defense, with an increase of $1.3 billion for the defense health care system, $1 billion for equipping the Guard and Reserve, and $1.1 billion for military housing.

The language in the bill narrows the mission of our troops in Iraq, keeps pressure on the Iraqi Government to meet benchmarks on national reconciliation, requires the President—yes, hear me now; requires the President—to send Congress a phased redeployment plan. It sets a goal for the redeployment of most of the U.S. troops from Iraq by March 31, 2008.

This country was not attacked by Iraq on 9/11. There was not a single Iraqi, not one, involved in the devastation in New York, Washington, and Pennsylvania on that fateful day. According to our own Government, the perpetrators of 9/11, Osama bin Laden and his organization, are alive today and rebuilding in Afghanistan and Pakistan at this moment, as I speak, so help me God. Language in this bill would allow the President to refocus our military and our intelligence on the terrorists who actually attacked us on 9/11.

During the debate on this bill, assertions will be made, yes, that it is inappropriate to add to this bill funding to meet domestic needs. In fact, the White House has claimed that efforts to add funding for our veterans, for Katrina victims, and for homeland security will hold hostage the funds for the troops. What nonsense—hear me—nonsense. Just more buzzwords.

In fact, funding for the war is not the only critical need worthy of supplemental funding this year. The war must not obliterate every other concern. Last week, the Director of the Office of Management and Budget, Rob Portman, said the President would veto the bill if the Iraq language and additional spending remain in the bill. He said:

We're disappointed the Senate is allowing politics—

humbug—

to interfere with getting needed resources to our troops.

Politics? Politics? I ask the Senate, is it politics to ensure that the VA has a health care system that can provide first-rate care for the wounded? Is it? No. It is a moral imperative—yes, a moral imperative.

Is it politics to provide critical resources to help the gulf region rebuild after Hurricane Katrina? Is it? Is it politics? No, it is not politics. It is compassion—compassion.

Is it politics to help rural America recover from drought and freeze? Is it? No. It is common sense, do you hear me, common sense and good economics.

This bill meets some of the most urgent needs of our country. It includes $1.7 billion to ensure that the VA has the resources it needs to help the brave men and women wounded in the war. The VA needs resources in order to provide first-rate care to profoundly wounded, terribly wounded, horribly wounded soldiers. We are morally bound—hear me; yes, we are morally bound, aren't we, to care for our wounded troops. This is not politics. No. Shame. This is not politics; it is common decency.

This bill also includes $3.3 billion above the administration's request for the victims of Hurricanes Katrina, Rita, and Wilma. The President proposes to pay for the increased costs of repairing the existing levees in Louisiana by cutting the funding that Congress provided to improve the capacity of the levees to protect New Orleans from future hurricanes. Shame. That makes no sense.

The bill provides new resources to repair the levees. We will not follow a nonsensical strategy of repairing the existing levee system that failed during Katrina by cutting funding already appropriated for actual improvements to the levee system. We will not. We also include funding for health and education, for law enforcement, and for transit systems in the gulf region to help rebuild, to bring people back to work, and to bring the region back to life. Not politics, just plain old common sense.

The bill includes $4.2 billion for agricultural disaster relief. The agricultural economy has been hit with drought and freezes. In 2006, 69 percent of all counties in the United States were declared primary or contiguous disaster areas. Fourteen States had 100 percent of their counties declared disaster areas by the Department of Agriculture.

I commend Senator Dorgan and Senator Feinstein and Senator Bond for their hard work on this disaster package.

Madam President, I ask unanimous consent that a letter from California Governor Arnold Schwarzenegger requesting agricultural disaster assistance be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

February 8, 2007.

Hon. Harry Reid,
Majority Leader, U.S. Senate, Washington, DC.
Hon. Mitch McConnell,
Minority Leader, U.S. Senate, Washington, DC.
Hon. Robert C. Byrd,
Chairman, Committee on Appropriations, Washington, DC.
Hon. Thad Cochran,
Ranking Member, Committee on Appropriations, Washington, DC.

Dear Majority Leader Reid, Chairman Byrd, Senator McConnell and Senator Cochran: As you prepare to begin work on the Emergency Supplemental to fund vital government programs, I implore you to include the Emergency Farm Assistance Act of 2007. The Farm Assistance Act provides much needed relief to California's multi-billion dollar agricultural industry, which has suffered devastating losses due to the recent record setting freeze, as well as the extreme heat wave in 2006 and flooding in 2005.

As you know, on January 11, 2007, an arctic air mass moved into the state and extreme cold air conditions pushed nighttime temperatures to record and near record lows throughout the state for the next 8–10 days.

These extreme weather conditions had a devastating impact on California's agricultural industry, exacting catastrophic losses on our citrus, avocado, vegetable and strawberry crops. Agriculture plays a central role in our local economies, and as a result of the freeze, many farm communities and related businesses have suffered massive losses. To provide immediate relief, I directed state agencies to make state facilities available to local agencies for use as warming centers. We also contacted agricultural associations to ensure that growers were aware of cold weather, so that appropriate protective actions could be taken.

In response to these dire events, I directed the execution of the State Emergency Plan. In accordance with Section 401 of the Stafford Act, on January 12, 2007, I proclaimed a state of emergency for all 58 California counties. I also issued additional proclamations to specifically address the impacts of the freeze on the agricultural industry, small businesses and individuals in an effort to expedite federal assistance to the counties that were hardest hit. I have since requested that the President declare a major disaster for 31 California counties.

In spite of these significant efforts to protect crops, agricultural communities in California have sustained substantial crop losses and unknown long-term tree damage in excess of $1.14 billion. With the loss of a major portion of our agricultural crop, thousands of farmworkers and their families in impacted counties have been displaced due to job loss and loss of income. Despite the assistance farmers and ranchers are now receiving through the United States Department of Agriculture and the Small Business Administration, more aid is needed. It is clear that the full impact of this disaster will be ongoing and systemic.

The California Delegation has played a critical role in the development of the Farm Assistance Act. I applaud their bipartisan work to provide crucial assistance to our farmers and ranchers in need. To that end, I strongly support the Farm Assistance Act and its inclusion in the Emergency Supplemental. The unfolding crisis in our agricultural communities requires swift assistance and attention. California agriculture literally feeds the nation, and I urge you to include the Emergency Farm Assistance Act of 2007 as part of the Emergency Supplemental.

Thank you for your consideration of this important request.

Sincerely,

ARNOLD SCHWARZENEGGER.

Mr. BYRD. Providing agricultural disaster relief is not politics, no. It is good policy.

The bill that is before the Senate also includes $2 billion for securing the homeland. In the State of the Union, the President said:

> The evil that inspired and rejoiced in 9/11 is still at work in the world. And so long as that's the case, America is still a nation at war.

Despite hundreds of innocent people being killed in train bombings in London, Madrid, Moscow, Tokyo, and Mombai, India, and despite the aviation sector remaining at a high terrorist threat level since August, the President did not request one extra dime—not one thin dime—in the supplemental for securing the homeland. This bill includes funding for purchasing explosive detection systems for our airports, for grants to help secure our rail and transit systems, and for securing our ports and borders. The money is needed now.

For 5½ years, since the attack on 9/11, this administration has raised fears of another terrorist attack. The administration has announced a high, or orange, threat level for possible terrorist attacks on eight different occasions. In every State of the Union Address, the President has stoked the fires of fear. Periodically, the Attorney General, the Secretary of Homeland Security, or the FBI Director helped to fan those flames. Yet the President consistently sends to Congress budgets for homeland security that do not reflect this perceived threat. Rather than spreading fear, the administration should be reducing vulnerabilities by doing everything it can to deter another attack. Providing funding to secure the homeland is not politics; it is an essential duty.

The President's "rob Peter to pay Paul" approach to funding domestic agencies has real and demonstrably severe consequences. The failed response to Hurricane Katrina proved that. The inability to provide first-class health care to our wounded veterans proved that. But we never learn.

Another important aspect of this bill is in the oversight and accountability that it mandates. For far too long—far too long—oversight has been a lost cause, yes, around this Congress. Tough questions are ditched in favor of softballs. Honest answers are buried in political spin. This legislation says "no more." Real oversight is back, and it will not be denied. This legislation makes major investments in inspectors general, from the Special Inspector General for Iraq Reconstruction to inspectors general for the Department of State, the Department of Defense, and the Department of Justice. Let's hope we can begin to get the waste, fraud, and abuse in Government under control. The legislation presses forward with GAO audits of the use of these dollars as we try to put an end to the contractors' bonanza of big dollars free from the prying eyes of Congress or the public. Insisting that U.S. tax dollars are wisely spent is not politics. What is it? It is our duty. Hear me. It is our duty.

The Appropriations Committee has made careful choices. The White House assertion that spending in this bill is excessive or extraneous or political—humbug. It simply has no foundation. The committee has chosen to provide first-rate care to the war wounded, to provide resources to help the gulf region rebuild after Katrina, to improve homeland security, and to provide agricultural disaster assistance. This is a good bill. I urge prompt action on this legislation.

Madam President, I yield the floor.

Mr. COCHRAN. Madam President, this appropriations bill reported by our Committee on Appropriations responds to the President's request for supplemental funding for the Department of Defense and other departments and agencies. The bill provides $121.6 billion in emergency spending. Of this amount, $102.48 billion is provided to support Iraqi security forces to continue operations in Afghanistan and to wage the global war on terrorism. In testimony before our Appropriations Subcommittee on Defense, we were told this funding is needed by the end of April.

I am disappointed the bill contains language that sets forth a timetable for the withdrawal of troops from Iraq. The language amounts to a restatement of S.J. Res. 9, which a majority of Senators voted against, 50 to 48, on March 15. The Senate has spoken on this issue. Inclusion of this language as reported by the Appropriations Committee last week will only slow down the bill and invite a Presidential veto. We need to approve the funding now. Unnecessarily extending this debate is not going to serve the national interests. I will offer an amendment to strike this language from the bill.

In this bill, the Appropriations Committee also approved $14.8 billion for additional emergencies, including $7.9 billion for continuing the recovery from Hurricane Katrina. The affected States are making good progress, slow but steady and sure. But additional Federal resources are needed. The bill also includes $1.7 billion for veterans health care facilities, which signals the committee's continuing interest in ensuring that our veterans receive the quality care they deserve.

I applaud the chairman's goal, the distinguished Senator from West Virginia, of completing work on the bill this week. I am concerned, however, that the bill is almost $19 billion above the President's request. We need to be sure this spending is necessary and responsible. I look forward to working with my good friend from West Virginia to ensure that this is the case. It is imperative that we provide funding to our troops promptly, and it will remain my goal to put a bill on the President's desk that he can sign.

AMENDMENT NO. 643 TO AMENDMENT NO. 641

Madam President, I send an amendment to the desk and ask that it be reported.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

> The Senator from Mississippi [Mr. COCHRAN], for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. CRAIG, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI, proposes an amendment numbered 643 to amendment No. 641.

Mr. COCHRAN. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

AMENDMENT NO. 643

(Purpose: To strike language that would tie the hands of the Commander-in-Chief by imposing an arbitrary timetable for the withdrawal of U.S. forces from Iraq, thereby undermining the position of American Armed Forces and jeopardizing the successful conclusion of Operation Iraqi Freedom)

On page 24, strike line 16 and all that follows through page 26, line 24 and insert:

"SEC. 1315. BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—"

Mr. COCHRAN. Madam President, this is an amendment to the committee substitute which is now at the desk. The amendment will strike part of section 1315 of the bill titled "Revision of United States Policy on Iraq." The majority of section 1315 of this act is a restatement of S.J. Res. 9, the United States Policy in Iraq Resolution of 2007.

Two weeks ago, the Senate voted against adopting S.J. Res. 9 by a vote of 50 to 48. Section 1315 calls for a prompt transition of the mission in Iraq to a limited mission; a phased redeployment of U.S. forces from Iraq within 120 days of enactment of this act; a goal of redeployment of all U.S. combat forces from Iraq by March 31, 2008, except for a limited number essential for protecting U.S. and coalition personnel and infrastructure, training, and equipping Iraqi forces, and conducting targeted counterterrorism operations.

Section 1315 also calls for a classified campaign plan for Iraq, including benchmarks and projected redeployment dates of U.S. forces from Iraq. Finally, it also includes an expression of the sense of Congress concerning benchmarks for the Government of Iraq, along with a reporting requirement by the commander, multinational forces, Iraq, which is currently General Petraeus, to detail the progress being made by the Iraqi Government on the benchmarks contained in this section.

This amendment does not remove the sense-of-the-Congress provision that is important to a number of Senators. I think all Senators share an earnest desire that the Iraqi Government move aggressively to undertake the measures necessary to ensure a stable and free Iraq. The language to be removed by my amendment is essentially a restatement of S.J. Res. 9, which, as I said, on March 15 Senators defeated by a vote of 50 to 48.

Before announcing his new plan in Iraq, the President sought input from his top military and civilian advisers, along with Members of Congress, foreign leaders, and other military and foreign policy experts. He acknowledged there was no easy solution to the situation in Iraq and the Middle East, and he determined a temporary deployment of additional U.S. troops in Iraq to support Iraqi security forces would provide a new window of opportunity for Iraqi political and economic initiatives to take hold and reduce sectarian violence. This plan provides the best hope to bring stability to the country and to hasten the day when our troops will come home.

Earlier this year the National Intelligence Estimate entitled "Prospects for Iraq's Stability: A Challenging Road Ahead," was delivered to the Congress. The National Intelligence Estimate indicated—and I am quoting now from an unclassified version:

> Coalition capabilities, including force levels, resources, and operations, remain an essential stabilizing element in Iraq. If coalition forces were withdrawn rapidly during the term of this Estimate—

Which is 12 to 18 months—

> we judge that this almost certainly would lead to a significant increase in the scale and scope of sectarian conflict in Iraq, intensify Sunni resistance to the Iraqi government, and have adverse consequences for national reconciliation.
>
> If such a rapid withdrawal were to take place, we judge that the Iraqi security forces would be unlikely to survive as a nonsectarian national institution; neighboring countries—invited by Iraqi factions or unilaterally—might intervene openly in the conflict; massive civilian casualties and forced population displacement would be probable; Al-Qaida in Iraq would attempt to use parts of the country—particularly al Anbar province—to plan increased attacks in and outside of Iraq; and spiraling violence and political disarray in Iraq, along with Kurdish moves to control Kirkuk and strengthen autonomy, could prompt Turkey to launch a military incursion.

It is clear to me that it is in our national interests to support the President's new strategy, to help provide an opportunity for political and economic solutions in Iraq, and for more effective diplomatic efforts in the Middle East region. Of course, we know there are no guarantees of success, but according to the National Intelligence Estimate and the perspective of some of our most experienced foreign policy experts, maintaining the current course or withdrawal without additional stability in Iraq will be harmful to our national interests and to the entire region.

We need to do what we can to help stabilize this situation and bring our troops home. As a beginning point, for this strategy to work, we should show a commitment to success. I support the new initiative and urge the Senate to give it a chance to work. This does not mean we should not monitor the situation or that the plan should not be adjusted as new developments occur, but we need to let the forces move forward to brighten the prospects of stabilizing Iraq and bringing our troops home.

As Commander in Chief, the President needs our support. I support his efforts and the efforts of our troops. The Senate should provide the resources necessary to accomplish this mission, and these funds are included in this bill. Troop levels and missions need to be left to General Petraeus and his commanders who ought to have the flexibility to react to the situation on the ground in determining how to deploy troops as needed. Congress should not be tying the hands of our commanders or limiting their flexibility to respond to the threats on the battlefield.

The inclusion of unnecessarily restrictive language will ensure a Presidential veto, we are advised. In testimony before the Appropriations Subcommittee on Defense, we were told that the funding provided by this bill is needed by the end of April. We need to speed this funding to our troops, rather than slow it down by returning to a debate already settled by the Senate by a recorded vote.

Madam President, I urge the support of my amendment.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I expect that a number of Senators will want to debate the Iraq amendment tomorrow. I look forward to a good debate on this matter.

I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KYL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Arizona is recognized.

Mr. KYL. Madam President, I wish to speak to the amendment that was laid down by Senator COCHRAN from Mississippi, an amendment to strike language from the bill that is pending before us, language that would inhibit the ability of our commanders on the ground to carry out the message we have asked them to perform in Iraq.

As we are all aware, this security supplemental is designed to provide money for the conduct of our operations in Afghanistan and Iraq. There is a timetable here. The commanders have said they need, by April 15, the beginning part of this funding so they can carry out the missions we have asked them to perform. When I was there about a month ago, this message was given to me over and over when I would say: Is there anything I can do for you: Senator make sure we get the funding without the strings attached when we need that money.

So the President requested this security supplemental appropriations bill. The House has acted. The Senate has the bill before us this week. Madam President, this funding bill will do no good if it has limitations imposed in it that prevent us from carrying out the mission, and the President has already said if language that sets a timetable for the withdrawal of our troops is included, he will be forced to veto the bill. We understand that.

It makes no sense to me that we would go ahead and pass such a bill, knowing the President will veto it, because there would be no way for us to go back and redo it all before the April 15 time, when the troops begin to need this money. Many have suggested that this is actually a slow-bleed strategy on the part of some to put a poison pill in the bill, forcing the President to veto it, knowing it means the troops would not get the money they need when they need it. I would rather like to think that this is a genuine point of view on the part of some of my colleagues who believe we should put strings attached on this funding and somehow that will provide a more clear way for us to achieve our mission. I don't understand it, but I suspect somebody could argue that.

What I would like to do is support Senator COCHRAN's amendment to simply strike this language from the bill. If the President is able to continue to carry out the Petraeus plan and we have funding to do that, we will know soon enough whether it will enable us to achieve the mission. By the summertime or thereabouts, if it appears this surge is not working, then we will know that as well.

What I cannot understand is why anybody would want to pull the rug out from under the troops just at the time it appears the President's strategy is beginning to work. When I was there, there was already cautious optimism, signs of success of the plan—nobody wants to declare success or victory, of course, but that those elements of success continue to be manifested and be reported on.

I ask unanimous consent to have printed in the RECORD, at the conclusion of my remarks, a piece by William Kristol and Frederick Kagan from the Weekly Standard of April 2, 2007, entitled "Wrong on Timetables."

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KYL. Madam President, this piece by William Kristol and Frederick Kagan tries to take the arguments that have been offered by the opposition in favor of a timetable and demonstrate why those arguments are incorrect. The first of the arguments is that the Iraqi Government needs stimulus by us, or a threat by us, that if they don't hurry up and do what they are supposed to do, we are going to pull out. This kind of strings attached, therefore, makes some sense. They point out the fact that, first of all, the resolution itself that was defeated in this body a week or so ago by a vote of 48 to 50, that resolution, which would have established timetables, was defeated, among other things, because the Iraqis have already gotten the message.

It is not so much about sending a message to them as it is about sending a message to our enemies and to our allies and to our own troops, which says regardless of what you do, we are going to be out by a certain date. The problem with the goals and with the specifics that are supposed to be achieved, the benchmarks, so-called, in the legislation is that it matters not how well the Iraqi Government performs; we are still going to be out by a date certain. So it is not the kind of message we want to send to the Iraqi Government and, clearly, not the kind we want to send to our enemies who simply know they have to just wait us out.

Another argument is that American forces would be able to fight al-Qaida, and we don't need to be involved in the civil war of the Iraqis. It would take a lawyer to figure that out. You are going to have to have a lawyer with every squad on patrol to figure out whether they are fighting al-Qaida or somebody else or what kind of action can be taken. It is very hard to distinguish whom you are fighting when the fighting is going on. Al-Qaida is definitely a problem. What did al-Qaida do? They went over to bomb the Golden Mosque in Samarra, which got the Shiites to decide they had to provide protection with militias, which went over and attacked the Sunnis, who then went over and attacked the Shiites and achieved the objective that al-Qaida wanted: to foment violence among different factions within the country.

Where do you draw the line against fighting al-Qaida and someone else if someone else is doing al-Qaida's bidding? It is a very convoluted proposition. Clearly, you cannot have troops there to fight one specific enemy but not another, especially when they are so difficult to identify.

Finally, some think it is too late, that we have already lost, and we might as well figure out a way to get out. I haven't heard my colleagues talk that way because, under that scenario, you ought to cut off funding today and not wait for the 6 or 8 or 10 months called for under the resolution. As I said, the Senate defeated the virtually identical provision 2 weeks ago. One of the reasons is because our military is making progress. It is finding that, for example, in Sadr City, the mayor of Sadr City essentially invited the Iraqi and coalition forces in without a shot being fired. The forces of Moqtada al-Sadr have either gone underground or disbanded. Al-Sadr himself is believed to have gone to Iran. Prime Minister Maliki has made it clear he is not going to relent against the forces of the Sadr army. He has fired the Deputy Health Minister, one of Sadr's allies. He has turned a deaf ear to the complaints of al-Sadr. He oversaw the cleaning out of the Interior Ministry, which was a stronghold that was corrupting the Iraqi police. He has worked with other coalition leaders to deploy the Iraqi units pursuant to the Baghdad security plan. Interestingly, he has also visited the sheik in Ramadi, which is the capital of Anbar Province and formally the real base of al-Qaida operations, and has gotten cooperation with the tribal leaders in that area to join us in the effort against al-Qaida and other insurgents.

All of this is demonstrating cooperation of the Government in Baghdad, clearly refuting the notion that somehow the American policy has to be to threaten the Iraqis to cooperate with us or else we will leave and the only way to do that is by expressing that through a timetable. Clearly, the Iraqi Government is cooperating, and setting arbitrary deadlines would send exactly the wrong message both to our allies and, of course, to our enemies.

We need to express the view to our allies that we will be there to protect them when the going gets tough. The enemy is not simply going to lie down and allow this plan to continue to work. They will fight back. As somebody said, there are going to be good days and bad days, but our allies need to know that we will be there in the bad days and that we won't set an absolute deadline for getting out.

The other point I made earlier is the services need this supplemental appropriations bill, and that is why it is necessary for us to strike provisions of section 1315, provisions which would deny that funding without the strings that are attached.

To this point, I also alluded to the fact that section 1315 is internally contradictory and self-defeating. As I said, it provides benchmarks for the Iraqi leaders to meet and then says it doesn't matter whether they meet them, we are out of here. The resolution would not send any message that is constructive in any way and certainly is not changing the behavior of the administration.

There are some who might believe they could support section 1315 because it is less restrictive than the House language. Indeed, it is somewhat less restrictive, although essentially a distinction without a difference.

This bill has to go to conference. There has been a great deal of discussion by pundits and others that the more liberal element in the House of Representatives is going to insist upon, at a bare minimum, the language that passed the House of Representatives which they felt was too moderate to begin with. We are likely to get change in a conference that is language the President will have to veto, language which is closer to the House language than the Senate language. I think, therefore, Senators should not be acting under the illusion that we can go ahead and pass this language and make sure that either in conference everything gets taken out or at least this language, rather than the more difficult House language, will be what is sent to the President.

The reality is these are real bullets. This is not something with which to play around. I don't think we can be voting for something just because maybe in the conference committee we can try to make it a little bit better.

Madam President, I wish to get to this point that will, perhaps, put this in perspective. I can't remember another time in history when the United States in the middle of a war has set a deadline and basically told the world: We will be out by this specific date. To state the proposition is to illustrate how odd and destructive a proposition it is. If someone can come to the floor and tell me when this has been done in the past and when it has had a salutary effect on the conflict, I would be very interested and would certainly be willing to listen to how that might have a positive effect here. But even colleagues on the other side of the aisle several months ago expressed themselves on the matter of timetables and deadlines, and they know who they are; they acknowledge this is not the way to fight a war. One thing you cannot do is tell the enemy when you are going to be leaving because it simply allows the enemy to wait you out. Nothing has changed. That fact still remains, and it seems almost inconceivable to me that Members now would be deciding it is now OK to set a deadline and to set timetables.

Some might argue that it is just a goal, it is not a timetable. But the reality is there are both embodied in this section which we seek to strike. The beginning phrase is, "The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of enactment of the act." That is not a "maybe," it is not an "if everything goes well" or "if everything doesn't go well," it is a "shall commence" redeployment. The goal is "with the goal of redeploying by March 31, 2008," but the "shall commence" is pursuant to that goal. So you have to start it, and then you keep going, and your goal is to get it done by March 31, 2008. The only exception is for the limited purposes of leaving troops behind to protect our infrastructure and coalition personnel, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

How do you decide how many troops you need to leave behind to conduct targeted counterterrorism operations when virtually everything we are doing in Iraq right now is counterterrorism? How do you decide we are going to be able to cut, say, in half the number of troops and still be able to effectively conduct targeted counterterrorism operations? If you are driving down a street to conduct a targeted counterterrorism operation and somebody begins firing on you, do you have to ask them whether they are a terrorist before you can return fire? Do you turn to your lawyer sitting in the humvee with you: I want to comply with the law, so can I shoot back or not?

This is ludicrous. We cannot impose these kinds of conditions on our troops in the middle of combat and expect them to perform their mission safely. We send the best trained and best equipped troops into harm's way, and we need to give them the other tool they need to prevail; that is, the ability to carry out their mission as their commanders have defined it for them, not as it is micromanaged by a bunch of lawyers in Washington or Members of the Congress.

So, No. 1, this isn't just a wish that we redeploy. It begins "shall commence the phased redeployment not later than 120 days after the date of enactment of this act," and the goal is to have it all done by March 31 of next year. That is so destructive in the middle of war that I just can't believe my colleagues would actually contemplate doing that or that they can believe putting these kinds of limitations on our troops is a realistic way to fight a war—conducting targeted counterterrorism operations but not returning fire against, what, against somebody defined as an insurgent, maybe? I don't understand it, and I don't know how many lawyers it is going to take to understand it. Our troops on the ground who are in the middle of a conflict certainly are not going to be able to fight and defend themselves under restrictions such as these, which is, I gather, precisely why the President says he will have to veto it.

That gets me to my last point. I can understand why, Madam President, if you felt this was a lost cause, you would want to just say: Let's have a vote to get out and be done with it and not fund the troops. But instead, there are some—and I am not suggesting in the Congress but there are some who have talked about this as a very clever strategy. They say the opponents of the President and the Congress are going to be able to say they voted to support the troops because they voted for a supplemental appropriations bill for that purpose, knowing all along, however, that it is a false exercise because it puts restrictions on the troops fighting the war that they can't possibly live with, so the President has to veto it. But he will get the blame, not them.

Well, that is too clever by half. The American people understand this. I urge, if any of my colleagues are considering supporting this for that reason, that they fail to appreciate that the American people, yes, would like to bring our troops home, they would like to see this conflict ended, but, no, they do not want it to end with an American defeat. They do not want to see us defeated and, most especially, I can't imagine anybody who wants to have our troops continue the war for a limited duration of time under rules which put them in great danger, which is what this would do. So the President has to veto it.

What happens when he vetoes the bill, if this is the form in which we pass it? We are now beyond April 15, the time the troops need the money, and yet Congress has still not acted to provide the security supplemental funding. The Defense Department now has to terminate contracts so they can switch money from this account over to this account and begin a very costly and time-consuming process of trying to make do while Congress makes up its mind, to make sure they can get the money to the troops so they can continue their operations.

Maybe secretly there are some out there who hope all of this will gradually reduce the ability of the troops to perform their mission so that it becomes a proposition where our strategy, even under the best of circumstances, can't succeed. In other words, the Petraeus plan fails because we couldn't get the support to the troops when they needed the support.

I hope that certainly my colleagues in the House and Senate will not buy into that proposition, will not pull the rug out from under our troops just when it appears this plan is showing signs of success. That slow-bleed strategy would not only ensure that we would lose everything we have gained so far, including the prospect of a success, but that our troops would be put in more danger now than they would be either by supporting them or simply by leaving. It would leave them in a middle ground, in the middle of a fire but without the ability to properly defend themselves.

Maybe some believe that would force our hand and just bring them home anyway, acknowledge defeat, and be done with it. I don't think that is what the American people want. If anybody is thinking that is the strategy behind this proposition, I think they are not only misreading American public opinion but do not have the best interests of our troops in mind.

Since that is the rationale behind this resolution, as offered by my colleagues, I am sure that is not the case. But that is why we need to strike this particular section from the bill.

We will talk later about some other items that need to be stricken as well. It is amazing to me, and I won't get into all the pork that is in this bill, but here we have a security supplemental, emergency funding to support the troops, and we decide to lard it up with all manner of items that are not emergencies, have nothing to do with supporting the troops, but because everybody knows this is a must-pass bill, they figure this is a real good opportunity for them to get things in the bill that might otherwise be very difficult to pass in the Congress.

Just a couple ideas: $3.5 million related to guided tours of the U.S. Capitol. I am all for guided tours of the U.S. Capitol, but is this an emergency?

There is $13 million for mine safety research. I am sure mine safety is important to research. Is this an emergency which can't be put in a regular appropriations bill?

We are targeting funding for sugar beets. I presume I like sugar beets—I am not sure—but I don't think it is an emergency for which we need to spend $24 million.

There is another $3 million funding for sugarcane, which I understand goes to one Hawaiian cooperative.

Here is something which would appeal to all the politicians: $100 million for security related to the Republican and Democratic Presidential nominating conventions. Is that next month, Madam President? I have forgotten. Nominating conventions would be in July and August, not of this year but the following year—not exactly an emergency we need to fund in an emergency security supplemental to conduct this war.

Do my colleagues hear what I am saying? Politicians have decided this is a good train to get on board because it has to move, we have to fund the troops. Since it is hard for us to get the Senate and the House to act on these items otherwise, we will just try to attach them to this bill.

We will have other amendments to try to remove these extraneous matters from this funding bill. But what I wanted to talk about today was primarily my concern that if we don't strike this section which has the timetables for withdrawal, then one of two things is going to happen: Either the President vetoes the bill and it then takes us forever to get a clean bill to the President, with the result that the troops don't have the funding they need and the strategy that is currently working becomes a self-fulfilling prophecy for those who say it can't work because they have denied the funds for it to work, or these provisions remain and, of course, it is impossible to conduct operations with these strings attached for our troops. Either way, it is a heck of a way to fight a war. And it illustrates to me that we ought not try to micromanage this conflict from the Halls of Congress. We have plenty of other things that should occupy our time than developing a strategy and the rules of engagement for fighting a war when we have perfectly good people, such as General Petraeus who was unanimously confirmed by this body, to develop a plan and see to it that it is properly executed. We have sent him over to do it. I suggest we give him and his troops the support they need to get the job done.

I would support the amendment of the Senator from Mississippi to strike this section from the bill.

Madam President, I yield the floor.

[From the Weekly Standard, Apr. 2, 2007]

WRONG ON TIMETABLES

(By William Kristol and Frederick W. Kagan)

Let's give congressional Democrats the benefit of the doubt: Assume some of them earnestly think they're doing the right thing to insist on adding to the supplemental appropriation for the Iraq war benchmarks and timetables for withdrawal. Still, their own arguments—taken at face value—don't hold up.

Democrats in Congress have made three superficially plausible claims: (1) Benchmarks and timetables will "incentivize" the Maliki government to take necessary steps it would prefer to avoid. (2) We can gradually withdraw over the next year so as to step out of sectarian conflict in Iraq while still remaining to fight al Qaeda. (3) Defeat in Iraq is inevitable, so our primary goal really has to be to get out of there. But the situation in Iraq is moving rapidly away from the assumptions underlying these propositions, and their falseness is easier to show with each passing day.

(1) The Iraqi government will not act responsibly unless the imminent departure of American forces compels it to do so. Those who sincerely believe this argument were horrified by the president's decision in January to increase the American military presence in Iraq. It has now been more than ten weeks since that announcement—long enough to judge whether the Maliki government is more or less likely to behave well when U.S. support seems robust and reliable.

In fact, since January 11, Prime Minister Nuri al-Maliki has permitted U.S. forces to sweep the major Shiite strongholds in Baghdad, including Sadr City, which he had ordered American troops away from during operations in 2006. He has allowed U.S. forces to capture and kill senior leaders of Moktada al-Sadr's Mahdi Army—terrifying Sadr into fleeing to Iran. He fired the deputy health minister—one of Sadr's close allies—and turned a deaf ear to Sadr's complaints. He oversaw a clearing-out of the Interior Ministry, a Sadrist stronghold that was corrupting the Iraqi police. He has worked with coalition leaders deploy all of the Iraqi Army units required by the Baghdad Security Plan. In perhaps the most dramatic move of all, Maliki visited Sunni sheikhs in Ramadi, the capital of Anbar province and formerly the base of al Qaeda fighters and other Sunni Arab insurgents against his government. The visit was made possible because Anbar's sheikhs have turned against al Qaeda and are now reaching out to the government they had been fighting. Maliki is reaching back. U.S. strength has given him the confidence to take all these important steps.

(2) American forces would be able to fight al Qaeda at least as well, if not better, if they were not also engaged in a sectarian civil war in Iraq. The idea of separating the fight against al Qaeda from the sectarian fighting in Iraq is a delusion. Since early 2004, al Qaeda in Iraq (AQI) has sought to plunge Iraq into sectarian civil war, so as to critically weaken the government, which is fighting it. AQI endeavors to clear Shiites out of mixed areas, terrorize local Sunnis into tolerating and supporting AQI, and thereby establish safe havens surrounded by innocent people it then dragoons into the struggle. Now, heartened by the U.S. commitment to stay, Sunni sheikhs in Anbar have turned on AQI. In response, AQI has begun to move toward Baghdad and mixed areas in Diyala, attempting to terrorize the locals and establish new bases in the resulting chaos. The enemy understands that chaos is al Qaeda's friend. The notion that we can pull our troops back into fortresses in a climate of chaos—but still move selectively against al Qaeda—is fanciful. There can be no hope of defeating or controlling al Qaeda in Iraq without controlling the sectarian violence that it spawns and relies upon.

(3) Isn't it too late? Even if we now have the right strategy and the right general, can we prevail? If there were no hope left, if the Iraqis were determined to wage full-scale civil war, if the Maliki government were weak or dominated by violent extremists, if Iran really controlled the Shiites in Iraq—if these things were true, then the new strategy would have borne no fruit at all. Maliki would have resisted or remained limp as before. Sadr's forces would have attacked. Coalition casualties would be up, and so would sectarian killings. But none of these things has happened. Sectarian killings are lower. And despite dramatically increased operations in more exposed settings, so are American casualties. This does not look like hopelessness.

Hope is not victory, of course. The surge has just begun, our enemies are adapting, and fighting is likely to intensify as U.S. and Iraqi forces begin the main clear-and-hold phase. The Maliki government could falter. But it need not, if we do not. Unfortunately, four years of setbacks have conditioned Americans to believe that any progress must be ephemeral. If the Democrats get their way and Gen. Petraeus is undermined in Congress, the progress may indeed prove short-lived. But it's time to stop thinking so hard about how to lose, and to think instead about how to reinforce and exploit the success we have begun to achieve. The debate in Washington hasn't caught up to the realities in Baghdad. Until it does, a resolute president will need to prevent defeatists in Congress from losing a winnable war in Iraq.

Mr. CORNYN. Madam President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Madam President, I agree with the Senator from Arizona that the consequences of playing politics with this important funding for our troops is simply the wrong strategy; that what we have is a game of chicken between the House of Representatives, which is larding up a supplemental appropriations bill with a bunch of extraneous pork, and the President, recognizing that there are nonsecurity provisions in that supplemental appropriations, has said if that and the timetable for withdrawal from Iraq is included as part of this emergency supplemental, he will veto it. So this is a high-risk game of chicken, with the impact of delaying passage of the supplemental being felt directly by our troops on the ground, if that is in fact the result.

Last week, Secretary Gates made clear the consequences of not quickly passing the supplemental funding necessary to support our troops. The downstream effects will directly impact our soldiers, sailors, marines, and airmen. By not moving expeditiously to pass a clean supplemental bill that can pass the Senate and be signed by the President, the majority risks extending the tours of our troops scheduled to come home from Iraq and slowing the repair of equipment necessary to equip them, as well as the training of Iraqi soldiers who are designed to replace them.

Any delay in funding will not prevent a buildup of security forces in Iraq but, instead, threaten to dramatically impact forces already on the ground. Secretary Gates has said this kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families. So I can't imagine why in the world our colleagues on the other side of the aisle, the new majority, would want to risk that.

This supplemental is necessary to pay for training and equipping the soldiers in Iraq and Afghanistan. If approved, the supplemental will pay for military operations in Iraq and Afghanistan, repairing and replacing equipment damaged or destroyed in combat, and new technologies to protect U.S. servicemembers. This last provision includes a new generation of body armor, better armored vehicles, and countermeasures against improvised explosive devices. IEDs have caused about 70 percent of the casualties in Iraq. The supplemental also will provide funding for training and equipping the Iraqi and Afghan security forces.

If this supplemental appropriations bill is not passed by April 15, the military will be forced to consider the following: curtailing and suspending home station training for Reserve and Guard units; slowing the training of units slated to deploy next to Iraq and Afghanistan; cutting the funding for upgrading and renovating the barracks and other facilities that support quality of life for our troops and their families; and stopping the repair of equipment necessary to support predeployment training. This is what Secretary of Defense Robert Gates has said on March 22, 2007.

If the supplemental is not passed by May 15, the military will be forced to consider the following: reducing the repair work done at Army depots; delaying or curtailing the deployment of brigade combat teams to their training rotations. This, in turn, will cause additional units in theater to have their tours extended because other units are not ready to take their place. Delaying the formation of new brigade combat teams; implementation of civilian hiring freeze; prohibiting the execution of new contracts and service orders, including service contracts for training events and facilities; and, finally, holding or canceling the order of repair parts to nondeployed units in the Army.

All of these, according to Secretary of Defense Robert Gates, on March 22, 2007.

When the new majority took over Congress, they promised change. In fact, the first bill passed in the Senate was an ethics bill that, in part, helped improve transparency in the way we spend taxpayers' money in Washington. While that ethics bill remains in limbo, the 110th Congress has returned to the tried-and-true technique of inserting mystery earmarks that have nothing to do with funding our troops or fighting the war on terror into a war supplemental bill.

During the election season, many on the other side called the 109th Congress the "do-nothing" Congress. The 110th Congress is quickly becoming the "say anything and do-nothing Congress" when it comes to fiscal discipline. Last week, when the Senate debated the budget, the majority spoke of the need for fiscal discipline, even as it passed the $700 billion tax hike for taxpayers over the next 5 years.

The chairman of the Senate Budget Committee was quoted as saying:

> We have a responsibility to govern, and you can't govern without a budget.

But governing takes more than simply passing a budget. Governing also includes the discipline to live within a budget.

Unfortunately, both the Senate and the House failed in their first test by including billions more in the war supplemental than the President requested. As I mentioned, President Bush has already threatened to veto the House bill; not all because of the timetable it imposes for our troops' withdrawal from Iraq but also because the bill is full of pork.

In today's edition of the Politico, they did a fine job of identifying some of the most egregious examples of pork included in the House bill. They highlighted $5 million for tropical fish breeders and transporters for losses from a virus last year; $25 million for spinach that growers and handlers were unable to market, up to 75 percent of their losses; $60.4 million for the National Marine Fisheries Service to be distributed among fishing communities, Indian tribes, individuals, small businesses, including fishermen, fish processors, and related businesses, and other persons for assistance to mitigate the economic and other social effects by a commercial fishery failure.

It also includes $74 million for the payment of storage, handling, and other associated costs for the 2007 crop of peanuts to ensure proper storage of peanuts for which a loan is made, and the House bill also includes $120 million for the shrimp and menhaden fishing industries to cover consequences of Hurricane Katrina.

Now, I have to confess, even though I like to fish a little myself, I had never even heard of menhaden, so I went on the Internet to something called the Menhaden Fact Sheet. This is, if you will recall, $120 million for the shrimp and menhaden fishing industries to cover consequences of Hurricane Katrina. Well, as it turns out, according to the Wikipedia, the free encyclopedia on the Internet, the menhaden are fish of the—well, I can't even pronounce the Latin phrase, but they are of the herring family.

It says here, describing this menhaden that the taxpayer is being asked to pay $120 million in this emergency war supplemental: to support the gulf menhaden and Atlantic menhaden which are characterized by a series of smaller spots behind the main, humeral spot and larger scales than yellowfin menhaden and finescale menhaden. In addition, yellowfin menhaden tail rays are a bright yellow in contrast to those of the Atlantic menhaden, which are grayish. Menhaden range in weight up to 1 pound or more. At sea, schools of Atlantic menhaden may contain millions of members. Common names for Atlantic menhaden are mossbunkers and fatback. In Florida, yellowfin menhaden are called pogies, and are the preferred species for use as strip bait.

This is important. It talks about the range, since this is supposedly done as part of the Hurricane Katrina relief measure. It says gulf menhaden range from the Yucatan Peninsula to Tampa Bay, FL, with finescaled menhaden from the Yucatan to Louisiana—I guess we are getting a little closer now to where Hurricane Katrina hit—yellowfin menhaden from Louisiana to North Carolina, the Atlantic menhaden ranges from Jupiter Inlet, FL, to Nova Scotia. The various species of menhaden occur anywhere from estuarine waters outward to the Continental Shelf.

It says that menhaden are essentially filter feeders, straining microscopic plankton, algae, et cetera, from the water they swim through openmouthed. Unlike mullet, they are not bottom feeders. Due to their feeding habits, they must be caught by cast netting to be used as live bait.

This is the most interesting part of the article. It says: menhaden are not used for human consumption. Most recently, menhaden has begun to be exploited as a source of omega-3 fatty acid fish oil for commercial human consumption, further threatening menhaden populations.

I certainly don't know what the purpose is of this $120 million for shrimp and the menhaden fishing industries, but I can't see in this description, or anywhere else in this legislation, why this is an emergency or why it ought to be included in an emergency war supplemental. If anything, the inclusion of this kind of appropriation in this emergency war supplemental in the House bill trivializes the importance of providing the money that will help our troops deployed in Afghanistan and Iraq in harm's way.

Here is what the Senate bill included: $24 million for funding of sugar beets; $3 million funding for sugar cane, all of which goes to a Hawaiian cooperative; $100 million for dairy product losses; an additional $31 million for a 1-month extension of the Milk Income Loss Contract Program; 13 million for Ewe Lamb Replacement and Retention Program; $115 million for the conservation security program; $100 million for small agricultural dependent businesses; $13 million for mine safety technology research; $50 million for fisheries disaster mitigation fund.

There is so much pork included in this supplemental appropriations bill, both in the House version and in the Senate proposal, that it warranted a front-page story and editorial in USA Today. An editorial in USA Today questioned:

> Which is worse: Leaders offering peanuts for a vote of this magnitude, or Members allowing their votes to be bought for peanuts.

The editorial went on to conclude:

> These provisions demean a bill that, if enacted, would affect the lives of troops in Iraq and Afghanistan, the balance of power in the Middle East and America's long-term security.

In short, what we have is that my colleagues on the other side of the aisle are willing to put money into pet projects—which may or may not be worthy endeavors, we will never know—and yet are unwilling to adequately fund the needs of our military. For all their talk of earmark reform and transparency earlier this year, my colleagues seemed to have forgotten all of that when they put together the supplemental appropriations bill.

Madam President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ALEXANDER. Madam President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Tennessee is recognized.

Mr. ALEXANDER. Madam President, I ask unanimous consent to speak as in morning business for up to 8 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

FIRING OF U.S. ATTORNEYS

Mr. ALEXANDER. Madam President, my late friend Alex Haley, the author of Roots, lived his life by 6 words: "Find the Good and Praise It." I thought of those 6 words in connection with the current discussion about the firing of 8 United States Attorneys.

The Democrats are making political hay out of these firings at a time when the Senate should be focused on Iraq, terrorism, health care costs, excessive federal spending, energy independence and keeping our brainpower advantage so we can keep our good jobs here instead of seeing them move overseas.

U.S. Attorneys have always been political appointees serving at the pleasure of the president. President Clinton fired them all on his first day in office. Such partisanship is nothing new. Former Attorney General Griffin Bell recently said that the custom once was for U.S. attorneys simply to vacate their offices on the day a new president was inaugurated, knowing that new political appointees would soon arrive to take their desks.

In the summer of 1963, in between my first and second year at New York University Law School, I worked in Attorney General Robert Kennedy's office as an intern. I was so impressed that, after graduation, I drove to Chattanooga to apply for a job as an Assistant U.S. Attorney. The interview went fine until the U.S. Attorney for the Eastern District of Tennessee asked about my politics.

"I'm a Republican," I said.

"Sorry," he said, "We only hire Democrats."

"But the Attorney General said the administration of justice was non-partisan," I replied.

"That word hasn't gotten down here," the U.S. Attorney said.

Yet the historic political nature of these appointments is no excuse for the excessive partisanship, amateurishness and bumbling exhibited by the firing of these eight U.S. Attorneys in the middle of the President's term. The best way to put in relief what is wrong with these firings is to remember Alex Haley's admonition, "Find the Good and Praise It," and point to an example of how political appointees can by their courageous action earn respect for the administration of justice.

I have a personal interest in the example I offer. Nearly 30 years ago—on January 17, 1979—I was sworn into office 3 days early as Governor of Tennessee in order to prevent the incumbent Governor from issuing 52 pardons and commutations to prisoners the FBI believed had paid cash for their release.

The U.S. Attorney for the Middle District of Tennessee, Hal Hardin—a Democrat appointed by President Carter—telephoned to ask me to take office early. Hardin was working with the State attorney general, William Leech, another Democrat, to arrange the unprecedented early swearing-in. Because Hardin and Leech were able to rise above partisanship, the Speakers of the Senate and House and Chief Justice as well as the Secretary of State—also all Democrats—participated in my early swearing-in and the ouster of a Democratic incumbent Governor.

As it turned out, I was the only Republican in the group.

As then-Speaker of the House and later Governor Ned McWherter said, "We are Tennesseans first."

The story of January 17, 1979 was recently retold by Judge William C. Koch, Jr., a member of the Tennessee Court of Appeals, in the March 2007 issue of the Nashville Bar Journal. Judge Koch was on the staff of the State attorney general at that time and later was counsel when I was Governor.

In the spirit of "Find the Good and Praise It," I offer for the RECORD Judge Koch's article as an example of how our system of political appointment of U.S. Attorneys can and should operate, in contrast to the example of the 8 firings and the response to those firings that we are discussing today.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Nashville Bar Journal, Mar. 2007]

THEY WERE TENNESSEANS FIRST

(By Judge William C. Koch, Jr.)

Cries of "let's kill all the lawyers" have been heard ever since Shakespeare wrote Henry VI. Some believe that lawyers and judges have caused—or at least contributed to—most of society's ills. Because the legal profession provides such a convenient target, lawyer-bashing remains fashionable in some circles.

Despite the din of criticism, the truth is that our nation has looked to lawyers for guidance and leadership in times of crisis. An appellate lawyer from Virginia wrote the Declaration of Independence. A trial lawyer from Illinois signed the Emancipation Proclamation. A former criminal prosecutor led the citizens of New York during the dark days following the destruction of the Twin Towers. And it was a Tennessee lawyer who, as a member of the Senate Watergate Committee, helped establish that not even the President of the United States is above the law.

Lawyers and the courts have also been instrumental in facilitating orderly transitions of governmental power in times of controversy and unrest. Most recently, the nation and the world looked on as lawyers and courts resolved the legal disputes surrounding the 2000 presidential election. Almost thirty years ago, two Tennessee lawyers orchestrated one of this country's most unique transitions of governmental power right here in Tennessee. My purpose is to recount some of what Hal Hardin and Bill Leech did in less than twenty-four hours on Wednesday, January 17, 1979.

Governor Ray Blanton's administration was clouded by controversy from its very beginning in January 1975. Many of these controversies involved state prisoners. In October 1976, a rumored federal "clemency for cash" investigation made front page headlines when FBI agents raided the office of Governor Blanton's lawyer and seized over one hundred files. In August 1977, the Governor fired Marie Ragghianti, his handpicked chairman of the parole board. Ms. Rigghianti hired Fred Thompson, and litigation followed.

Perhaps the most notorious controversy involved Roger Humphreys, the son of one of Governor Blanton's political allies, who had been convicted in 1975 of murdering his former wife and her boyfriend. Humphreys shot his two victims eighteen times with a two-shot derringer. Governor Blanton arranged for Humphreys to become a trustee and then gave him a job as a state photographer. When questioned, the governor insisted that Humphreys was "a fine young man" and bragged that he planned to pardon Humphreys before he left office.

The reaction to Governor Blanton's promise to pardon Roger Humphreys was swift and furious. The Tennessee House of Representatives passed HJR 271 urging Governor Blanton not to pardon him. A bipartisan committee, chaired by former Governor Winfield Dunn, a Republican, and John Jay Hooker, a prominent Democrat, started a statewide petition drive to urge the Governor not to pardon Humphreys. Governor Blanton announced on the eve of the 1978 general election that "after prayerful consideration" he would not pardon Humphreys. However, two weeks after the election, Governor Blanton announced that he had changed his mind and that he was again considering a pardon for Humphreys.

The public's outrage increased during December 1978. The FBI arrested Governor Blanton's lawyer in his office at the Capitol and charged him with selling pardons. The lawyer had clemency papers and marked money in his possession when we was arrested. One week later, Governor Blanton appeared before a federal grand jury and proclaimed as he was leaving the courthouse, "I have nothing to hide."

Governor Blanton's activities eventually prompted Senator Victor Ashe, a Republican from Knoxville, to ask William M. Leech, Jr., Tennessee's new Attorney General, to decide whether the governor-elect could become governor before the inauguration set by the legislature for January 20, 1979. While Bill Leech, a populist Democrat from Santa Fe, had been in the eye of the storm before, he did not relish answering this question. On January 3, 1979, his office issued Opinion No. 79–3 concluding that Republican Governor-elect Lamar Alexander could take the oath of office and become governor any time after midnight on January 15, 1979. General Leech decided against releasing the opinion to the public immediately.

On January 5, 1979, Governor Blanton confirmed that he had been notified that he was a target of the federal grand jury "clemency for cash" investigation. In addition, the United States Attorney for the Middle District of Tennessee sent a letter to the parole board identifying twenty-six prisoners who were implicated in the growing "clemency for cash" investigation. Despite these developments, Governor Blanton continued to joke with the press about his plans to pardon Roger Humphreys.

Even though the Attorney General's opinion was not released to the public until January 15, 1979, rumors about the possibility of an early swearing-in began to circulate on Capitol Hill. Speaker of the House Ned Ray McWherter confirmed that the General Assembly might inaugurate the Governor-elect early if Governor Blanton issued any mass commutations. Lamar Alexander, an accomplished lawyer himself, downplayed the Attorney General's opinion. After consulting privately with the Speaker McWherter and Lieutenant Governor John Wilder, he stated that it would be "totally inappropriate for me to assume power wholly on my own initiative."

Speaker McWherter's fears were realized on Monday, January 15, 1979. Around 8:00 p.m. on that cold, rainy evening, Governor Blanton returned to his office in the Capitol. He was joined by his new lawyer and his Commissioner of Correction, and later by Secretary of State Gentry Crowell. Over the course of the next three hours, Governor Blanton signed clemency papers for 52 prisoners, including Roger Humphreys. As he signed Humphreys's papers, the Governor commented, "This takes guts." Mr. Crowell replied, "Yeah, well some people have more guts than they've got brains."

The press corps quickly learned that Governor Blanton was in his office, and the reporters were waiting for him when he left the Capitol after 11:00 p.m. The Governor confirmed that he had signed a number of clemency documents, but he was coy about how many and for whom. Governor Blanton did not tell the reporters that Rogers Humphreys's clemency was being hand-carried to the state prison at that very moment. By the time the Secretary of State confirmed that Humphreys was among the 52 prisoners receiving clemencies, Humphreys had already left the prison a free man.

News of the 52 late night clemencies hit like a bombshell on January 16, 1979. State and federal officials—both Democrat and Republican—expressed dismay and began looking for ways to undo what Governor Blanton had done. The Governor's office fueled the controversy when the Governor's new lawyer announced that Governor Blanton might issue 18 more clemencies, including one "big name," before the governor-elect's inauguration.

General Leech was in Washington on January 16, 1979 to argue a case before the United States Supreme Court. His pregnant wife had also gone into labor. He completed the argument and telephoned his office with directions to modify Opinion No. 79–3 to state that a court might hold that the Governor-elect could only take the oath of office at the scheduled inauguration. General Leech arrived in Nashville later that evening and went directly to the hospital. His son was born the next morning.

It was at this point that Hal D. Hardin, the United States Attorney in Nashville, stepped up to the plate. Hardin, a "yellow dog" Democrat, had been appointed United States Attorney by President Jimmy Carter in July 1977. Prior to that appointment, he had been the widely respected presiding judge on the Circuit Court for Davidson County. In fact, Governor Blanton himself had placed Mr. Hardin on the bench in 1975. Despite Governor Blanton's protestations that the "clemency for cash" investigation was a partisan Republican conspiracy, Hardin had been involved with the investigation for more than a year.

Mr. Hardin had learned from a confidential source that Governor Blanton was preparing to issue clemencies for 18 to 20 more prisoners who were implicated in the ongoing "clemency for cash" investigation. Rather than waiting for events to unfold, Mr. Hardin, without the knowledge of the FBI or his staff, telephoned Lamar Alexander on the morning of January 17, 1979. He told Alexander that he was calling as a Tennessean and explained that he had received reliable information that Governor Blanton was preparing to issue additional clemencies, and he recommended that the Governor-elect consider taking office three days early in what Lamar Alexander later described as a "swift and secret coup."

Lamar Alexander had high regard for Hal Hardin. However, rather than acting on his own, he asked Hardin relay the information to Speaker McWherter, Lieutenant Governor Wilder, and General Leech. Hardin placed separate telephone calls to Speaker McWherter and Lieutenant Governor Wilder. He suggested a meeting among the three of them. Speaker McWherter and Lieutenant Governor Wilder decided against the meeting because they were concerned that a private meeting might violate the Sunshine Law. Instead, they asked him to meet with General Leech. Mr. Hardin telephoned General Leech, and a short time later, General Leech and two senior members of his staff met with Mr. Hardin in a hotel room across the street from the federal courthouse that Hardin had rented under an assumed name. Both Hardin and Leech understood that they had been given the responsibility to chart a course of action for the leaders of state government. The discussion was tense and sometime heated despite their close personal and professional relationship. For several hours, they reviewed Opinion No. 79–3 and eventually determined that the original opinion was correct. They also discussed how Governor Blanton might react and formulated contingency plans. When the meeting concluded, both General Leech and Mr. Hardin agreed to advise the state officials that the only way to prevent Governor Blanton from issuing more clemencies would be for Lamar Alexander to take the oath of office immediately.

Mr. Hardin returned to his office following the meeting in the hotel room. General Leech telephoned Lamar Alexander. He told the Governor-elect that despite his earlier misgivings about Opinion No. 79–3, he was now convinced that state law permitted the Governor-elect to assume office before the inauguration and that removing Governor Blanton from office was not only appropriate but necessary. Then General Leech met with Speaker McWherter and Lieutenant Governor Wilder and reiterated what he had told the Governor-elect. The legislative leaders were convinced that Governor Blanton should be removed from office, and Speaker McWherter telephoned Lamar Alexander and told him, "It's time for leadership . . . We will support you."

Numerous telephone conversations involving Lamar Alexander, Speaker McWherter, Lieutenant Governor Wilder, and General Leech followed.

They agreed that bipartisanship was essential and that Tennessee's citizens should understand that Tennessee's elected leaders were united in this decision. They decided that the legislative leaders, the constitutional officers, and the Attorney General—all Democrats—should be present at the ceremony, and they agreed on a statement that Alexander would read before he took the oath of office. They also decided that the ceremony should take place in the courtroom at the Supreme Court Building in Nashville and that Chief Justice Joseph Henry, also a Democrat, should be invited to administer the oath of office.

Shortly after 5:00 p.m., Speaker McWherter, Lieutenant Governor Wilder, the constitutional officers, and the members of the media walked from the Legislative Plaza to the Supreme Court. They were joined there by Lamar Alexander, his family, and several of Alexander's senior advisors. Chief Justice Henry administered the oath. The somber ceremony lasted six minutes. The press conference that followed lasted much longer. It was not lost on the media that the new governor was a Republican while most of the other officials involved in the ceremony were Democrats. One television reporter attempted to obtain a partisan comment from Speaker McWherter. However, Speaker McWherter, who would later serve as Governor with distinction, cut the reporter short saying, "Let me say to you.

First, I'm a Tennessean, and I think this is in the interest of Tennessee regardless of the party."

Just before the ceremony began, General Leech telephoned Governor Blanton to inform him he was no longer Governor. Following the call, Governor Blanton complained that "there was no courtesy extended to me today." Agents of the FBI circulated through the Capitol serving grand jury subpoenas on Governor Blanton's staff. Hal Hardin decided not to attend the ceremony. Rather than remaining in his office, he went for a long drive to be alone with his thoughts and to reflect on the events of the day.

As soon as the ceremony ended, several senior members of now Governor Alexander's staff made their way to the Capitol to secure the Governor's office. They found Governor Blanton's lawyer in his office preparing clemency papers for 30 more prisoners. Lewis R. Donelson, a Memphis lawyer who had already been named as the new Commissioner of Finance and Administration, refused to permit the lawyer to leave the building with the papers. When Governor Blanton telephoned to question his authority, Mr. Donelson replied that he was acting "by the authority of the new governor." In response to Governor Blanton's assertion that he was still the governor, Mr. Donelson replied, "Not anymore."

A full discussion of the aftermath of the events of January 17, 1979 must await another day. Governor Alexander appointed Fred Thompson as special counsel to oversee his Administration's response to the clemency crisis. Governor Alexander's formal inauguration took place as planned on January 20, 1979. For the second time, Governor Alexander took the oath administered by Chief Justice Henry in the presence of Speaker McWherter, Lieutenant Governor Wilder and the constitutional officers. While litigation in the federal and state court would follow, the transition of governmental power proceeded with bipartisan dignity. Governor Alexander announced that "today ought to be a happy one because the people and their government are back together again."

Courage does not always draw attention to itself. Hal Hardin did not attend the inauguration. Bill Leech was present but did not play a prominent role in the ceremonies. While Lamar Alexander, Ned Ray McWherter, and John Wilder deserve credit for their personal courage and decisive demonstration of bipartisanship, the principal figures in this political drama agree that the events of January 17, 1979 would not have unfolded the way they did had it not been for Hal Hardin and Bill Leech. These lawyers placed the rule of law and governmental integrity ahead of political expediency and personal reputation. In the words of Speaker McWherter, they were Tennesseans first and their actions sprang from their desire to protect the interests of all Tennesseans, regardless of party.

Mr. ALEXANDER. I thank the Senator from Washington. I yield the floor.

MORNING BUSINESS

Mrs. MURRAY. I ask unanimous consent the Senate now proceed to Morning Business with Senators allowed to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. LIEBERMAN. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. LIEBERMAN. Madam President, I rise to speak in support of the amendment to strike section 1315 of the supplemental appropriations bill now before the Senate. The motion to strike was proposed earlier today by the Senator from Mississippi, Mr. COCHRAN. I am honored to be a cosponsor of it. I wish to explain to my colleagues why I am cosponsoring it.

This is a bill that is quite necessary to the funding of our military effort in Iraq and more broadly. The bill has kind of grown like Topsy and has a lot of other stuff in it. Maybe I am reflecting on the fact that I am going to see my grandchildren soon. One of my favorite Dr. Seuss books is about Thidwick the moose. Thidwick is a glorious moose with large antlers. Various creatures in the forest begin to occupy, ultimately quite unjustifiably, Thidwick's antlers until they fall off. There are parts of this supplemental appropriations bill that in my opinion, respectfully, do not belong there. Most significant of those is section 1315, which our motion would strike.

Section 1315 would order a withdrawal of American troops in Iraq to begin 120 days after passage, regardless of conditions on the ground, regardless of the recommendations of General Petraeus, regardless of the opinions of our partners in Iraq and throughout the region, regardless of whether security is improving or deteriorating, the most significant of all. The withdrawal would be ordered by this section of the bill regardless of whether security was improving or deteriorating on the ground. It is the wrong measure at the wrong time. Ultimately, it will be a lot of sound and fury that signifies nothing but, more importantly, that accomplishes nothing and may do harm.

Why do I say it will accomplish nothing? Because everyone in this Chamber knows that the President of the United States could not have been more clear: If section 1315 is in this bill and is sent to his desk, he will veto it. In my opinion, he should veto it. Everyone in this Chamber knows there are not the votes in either House of Congress to override that veto. So that all that would have been accomplished is a delay in getting essential support to our troops in Iraq and Afghanistan, support they need and on which they are counting. That is unacceptable.

Obviously, Iraq and what has happened there, what is happening now is on our minds. We should discuss it. There are ways in which we can appropriately legislate with regard to Iraq. In fact, in this bill before us, there is a section on benchmarks which establishes for ourselves and for the Iraqi Government some benchmarks, some goals that we have in mind for what they primarily, on their own, should be achieving as they move to secure Baghdad and the rest of the country and to take control of their own destiny, an Iraqi Government governing the Iraqi people, which was the aim of our overthrow of Saddam Hussein.

The benchmarks are in there, inspired by the good work done by Senator NELSON of Nebraska, Senator WARNER of Virginia. Senator McCAIN and I, earlier in the debate on Iraq a couple of months ago, were prepared to introduce an amendment to have such benchmarks. So there was constructive work that could be done. The benchmarks in this bill are in the form of a sense of Congress. They are a message. But they are not tied to a deadline. The measure that passed the House last week actually has some benchmarks that are tied to triggers that would begin withdrawal from Iraq.

President Eisenhower, speaking as a general, once said, now famously because it has been quoted often in these debates about Iraq, and I paraphrase: Anyone who sets a deadline, who argues for a deadline to be set in war doesn't understand war.

I believe what General Eisenhower was saying is that war is a dynamic process, a terrible process, a deadly process, one we try, through the exercise of all our diplomatic strength, to avoid. But when you are in a war, you have to give some deference not just to the generals you authorized to be in command but to the reality on the ground. War is ever changing. I believe Eisenhower must have intended, when he said deadlines should not be set in war, that there are two occasions which would justify a withdrawal. One is when the mission is accomplished. When the purpose for which a nation entered a war is accomplished, then one withdraws in victory. The second occasion when one would withdraw, based on what is happening on the ground, not some arbitrary deadline set far from the battlefield, would be if those in charge conclude that it is impossible to achieve the mission, to achieve the purpose for which the military action, the war, was commenced. Then a retreat occurs, a retreat which is a retreat in defeat.

As difficult as it has gone in Iraq and as many mistakes as have been made, as many setbacks as have occurred, as much as these mistakes and setbacks have stirred feelings of anger and frustration among the American people, which are totally understandable, justified, we have not reached the point in Iraq, in my considered judgment, where it is ready for a retreat because we have lost all hope of achieving our purposes there, which are to create a self-governing, self-sustaining Iraqi Government that will be our ally, particularly in the war against terrorism, as opposed to our enemy, and would create a model, a path, an alternative path to a better future in the Arab world, the Islamic world, than the death, hatred, and suicidal ambitions of al-Qaida and the other Islamic extremists, such as those who attacked us on September 11.

We are in a long and difficult war, and the price paid by our heroic soldiers and their families has been heavy. I understand the feelings of anger and frustration among the American people. But what is not understandable, with all respect, is for Congress now to let the passions of this moment, in Washington, obscure what is happening at this moment in Baghdad and in Anbar. Our actions should be driven by the real-war conditions in Iraq, not by the mindset here in Washington.

So I ask my colleagues to keep their minds open as we begin this very important and, critical debate. Our national security, in my opinion, is on the line in the outcome of this debate. The lives of our troops in Iraq and Afghanistan are on the line, quite literally, in the outcome of this debate.

I ask my colleagues to keep their minds open and to make a judgment as to whether this section—ordering a withdrawal from Iraq within 120 days, regardless of what happens on the ground; to be essentially completed by March of next year when most American troops would be withdrawn, regardless of what is happening on the ground in Iraq—to keep their minds open as to whether this is the right time for such a measure, whether it is the right measure, and whether it has any chance to do anything but to send a mixed message from this Congress, particularly to those who are fighting for us.

I ask my colleagues to look from here, for a moment, at what is actually happening on the ground in Baghdad and in Anbar Province, to the west, under the new security strategy with the new troops GEN David Petraeus is implementing.

Here is what I hear people saying—this is preliminary, this is early, but it is encouraging—sectarian fighting between Sunni and Shia is down significantly in districts in Baghdad where American and Iraqi forces have entered. That means the number of people killed in sectarian conflict, violent acts, death squads in Baghdad is down significantly in those districts where Iraqi and American forces have entered and established a presence.

As security improves, many Iraqi families that fled from their homes are returning to Baghdad. Moqtada al-Sadr, the head of the Mahdi militia, who has been so anti-American, has disappeared and many of his top lieutenants have been arrested.

The Government of Prime Minister Maliki, the Government in Iraq, has shown the kind of strength and decisiveness that is an obvious and necessary precondition for progress there.

I ask my colleagues to consider the testimony given to the Homeland Security and Governmental Affairs Committee, which I am privileged to chair, last Wednesday by Stuart Bowen, Jr., the Special Inspector General for Iraqi Reconstruction. Anybody who has followed Mr. Bowen's work knows this is a straight shooter. He is not in there to protect anybody. He is not in there to spin. He has told it as he sees it. He has been extremely critical of so much of what has happened in Iraq, particularly, obviously, within the jurisdiction the law gives him as Inspector General, which is to see how our money has been spent. He has documented waste in ways that are truly infuriating.

So when Stuart Bowen says something encouraging about what he sees in Iraq, that matters to me, and I believe it should matter to others. Last Wednesday, before the committee, Mr. Bowen said the week before he had returned from his 15th visit to Iraq. He said:

> It's been about twenty months—

Almost 2 years—

> since I have returned from Iraq with a sense of cautious optimism. I have that now.

That is significant. Why on Earth—with independent testimony from Iraq that there are preliminary, encouraging signs of the effect of the new troops, the new plan, the new leader—why on Earth would we at this time order a withdrawal of those troops to begin within 120 days regardless?

Why, in the face of these encouraging developments, would this Chamber demand that the essence of the plan that has brought about these encouraging developments should end? Why, just several weeks after confirming GEN David Petraeus to lead our effort in Iraq, would this Chamber block him from carrying out the strategy he shaped, is now implementing, and appears to be working?

In my opinion, the deadline for withdrawal from Iraq that is in this bill now is a deadline for defeat, where victory and success are still possible. There are no guarantees, of course, in war. That is why we adjust our judgments according to what is happening on the ground. So there are no guarantees that the encouraging first results of the implementation of the Petraeus plan will continue and go to full success—no guarantees.

But I can tell you this: If we adopt an arbitrary order to begin to withdraw our troops, regardless of what is happening on the ground in Iraq in the war, it will guarantee failure. That failure will have profound consequences for Iraq, which I believe will break up into not just full-fledged civil war but the kind of ethnic slaughter that drew us a decade ago into Bosnia to stop. And we will have withdrawn and be expected to stand by and let it happen.

Of course, ultimately it will lead to what will be claimed as a victory for the forces of Islamic extremism, our enemies in this war we are fighting. It will, in my opinion, ultimately embolden them to strike us here at home again.

So I appeal to my colleagues, as this debate on this amendment to strike begins, let's have a good debate. That is our nature. That is the essence of our democracy and of this Senate in which we are privileged to serve. But I ask my colleagues, in the end, to step back and think carefully about what this section 1315 would bring about, and instead of undermining General Petraeus, or at best sending a mixed message to him and his troops, let's give him and his troops the unified support and time they need to succeed for us.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

I withdraw the suggestion of an absence of a quorum, seeing my friend and colleague from Oklahoma now on the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oklahoma.

Mr. COBURN. Mr. President, the Senate is going to take up, tomorrow, in rather full detail, an emergency supplemental spending bill. I think it is real important, first, for the American people to know what an emergency supplemental bill is supposed to be. It is supposed to be about funding unforeseen problems we could not have anticipated in the regular appropriations process. For a very small amount of this bill, that may be true.

This bill is $121 billion of your grandchildren's and great-grandchildren's money. This bill does not have to stay within the budgetary limitations Congress sets on itself. This bill goes outside every rule we have in terms of controlling the budget, living within our means, and it says: Here is a credit card.

Now, by the way, on the way to funding the war in Iraq, the wisdom of the Senate has added—and it is $21 billion in the House—about $18.9 billion in a wish list. It is a Christmas tree. If each of us in our own personal lives ran our businesses or our households the way Congress is running the emergency supplemental process, we would do it for about 1 year. Then we would be going to bankruptcy court, and we would be losing the vast majority of our possessions because we would not have been deemed to be responsible with the assets we had.

There lies the problem. It is the culture of Congress that thinks we can put a hood over the American people's eyes so they will not know what we are about to do in the next 4 or 5 days in this Chamber. You are going to hear all the reasons in the world why somebody needs something, except it is never going to be held in contrast to the loss of the standard of living of our grandchildren. Yes, there are agricultural needs out there we should have funded a year ago.

The chairman of the Budget Committee said when he would get in power, when the Democrats would get in power, they were going to pay for it—except here we have an emergency agriculture supplemental bill, a good portion of which is needed but it is not paid for. There is no offset anywhere else in the hundreds of billions of dollars' worth of waste in the discretionary side of the budget alone, to reduce something else so we can take care of those who need us now.

There is another aspect to this funding bill; that is, the politics that plays into it over the debate on the Iraq war. What we are seeing play out is a double-edged sword of how do we hurt the troops in the field by adding things to a supplemental bill to take care of them, when there has already been a threatened veto over the bill because it adds $18.9 billion more than what the President asked for to fund the war.

So as you listen, in the next 4 or 5 days, to the Senate debate this bill, there are a couple things you ought to pay attention to, and you ought to ask yourself the question: Where is the money coming from to pay for this bill? Where is the sacrifice from the generations today to do what the Members of this body want to do?

There is no sacrifice. We are not calling on anybody to sacrifice. What we are saying is: Those unborn, those young, those who are about to be born, and the children of those who are young, unborn or about to be born are the ones who are going to pay for it.

It portends a great moral question of our society today: How is it we can totally turn upside down the heritage of this country, the heritage of a country that has been built on the following premise: "I am going to work hard. I am going to sacrifice. And I am going to serve so that my children and grandchildren get ahead"? Have we become such a selfish country that we do not care about the next two generations?

I think the Senate has spoken, at least the appropriators have spoken. They have said "yes," it is OK to do things such as pay for the conventions, in August, of the Democratic and Republican Parties for the additional funds that will be needed for police enforcement with an emergency bill. Our grandchildren are not going to benefit from that. The political process today is. But we put it in this bill because it means if we put it in this bill, it will not be charged against the regular budget process. It is another way to spend more money. So let's move more things into the emergency category, so we do not have to be responsible when the rest of the appropriations bills come through the Senate.

Think about this: You have a grandchild sitting on your knee and you say: Yes, back in 2007, they had a party in Minneapolis and in Denver, and they charged it to you. You may get to go to college, you may not, but I just want you to know we had a good time at our conventions. How about $100 million for businesses that have under $15 million in revenue a year that have suffered some loss from a drought over the last 2 or 3 years. We already have several organizations within the Federal Government: Farm Service Agency, loan capabilities from the Department of Agriculture, the Small Business Administration. All are qualified to loan money to businesses that work in the agricultural area but, no, we set aside. We expanded the farm program with this bill to give $100 million to small businesses that have been hurt. If you are not connected to agriculture and you have been hurt, where is the bill to help you? Where does the precedent stop in terms of your small business?

What about the fact that gas prices rose and some auto dealers went out of business? Where is the $100 million for them? What about the fact that energy prices have gone up and small business profits all across the country have been severely damaged because if they are energy dependent, their costs have risen significantly? Where is the $100 million? Where does it stop? Where does it stop that we steal—when do we stop stealing from our grandchildren?

There is also in this emergency provision $3.5 million for tours of the Capitol. An emergency, that we have to have the money now, otherwise we won't have tours in the Capitol? That isn't right, but that is what is in the bill: $3.5 million. Why? So we can have $3.5 million more to play with when we get inside the budget now that we are outside the budget.

Oh, and I forgot to mention the fact the administration isn't innocent in this either, because the war in Iraq is hardly an emergency. As a matter of fact, it is in its fourth year. The administration should know what they need. Rather than send a supplemental up here, it should be in the Defense appropriations bill. It should have been in the bill we passed this last year. But instead, even the administration is complicit.

Who is going to stand and speak for the future against the processes the Congress uses today to fund and grow the Government, not worrying about how we pay for it in the future? Will you? Will you challenge this process? Will you say enough is enough? Will you do your part as a citizen of this country to make a difference, to hold people accountable here, rather than let the continued culture—and I call it a culture which actually the majority party ran on. It is a culture of corruption. When you do for you and steal from those who are weak and have no access or ability to pay it, that is corruption. It is morally corrupt. It is a process by which we undermine the very foundation upon which our country has become strong. If we continue it, what we will see is a weakened nation.

We now have $70 trillion of unfunded liabilities for Medicare, Medicaid, and Social Security. Think about that for a minute. Go figure out how many zeroes are associated with $1 trillion. If you had everyone who was worth more than $1 billion in the world sell all of their assets tomorrow and give every bit of that to the U.S. Government, it wouldn't even pay the interest for 1 year. How is it we can be going down this road? How is it we can be turning our backs on the principles that made us great as a nation—the idea of personal responsibility even applied to Senators, and accountability, and transparency. We are going to hear a lot of stories about what is and isn't happening with this bill over the next 3 or 4 days, but the question I hope the American people will ask themselves is where is the money coming from? Where is the money coming from? If it is not in a pot somewhere and if it is not saved, somebody is going to have to pay for it.

This money is coming from the big Visa card of the Federal Government. We are going to "cha-ching" and we are going to say: Grandchildren, you have to pay for this war in Iraq, plus another $19 billion, because we don't have the courage to hold this Government accountable. We don't even have the courage to hold ourselves accountable. We don't have the courage to eliminate the duplication, the fraud, and the waste that accounts for over $200 billion every year in this $3 trillion budget. There is no courage here to face that. We can do oversight hearings, and we have done so. Senator CARPER and myself did 46, more than any other committee of Congress, over the last 2 years. What we found was almost $200 billion of either duplicative programs, wasteful programs, or outright fraud. Yet where is the Congress offsetting those with this bill? No. It is too hard work. You might offend somebody. The next election is more important than the next generation. Being here is more important than doing what is the best thing for our Nation.

So I hope as we approach this bill, the American public will ask that question about where the sacrifice comes from to do this. Where does the sacrifice come from? Unfortunately, it is going to come from the next 2 generations. It is hard to identify what that means, but with $9 trillion of actual outstanding debt we have now and the $70 trillion of unfunded liability, it doesn't take a great imagination to understand how that might impact our children and grandchildren, with high interest rates, lack of ability to afford a college education, inability to own a home, buy a new car. All of those things are coming as we continue to steal the future from our children and our grandchildren. The big government credit card. It is only available because there is a lack of backbone and spine in the Congress to do what is necessary to give the American people true value from their Government. It is hard. A lot of people get upset. But I would much rather stand here and try to change it now than try to explain to my grandchildren why we didn't change it, why we didn't do that.

I have some hope the American people are starting to wake up to the budgetary gimmicks and processes the Congress uses. When they really awaken, what they are going to do is change who runs this place. It is going to be real citizen legislators. It is going to be people who care about the future more than they care about today. It is going to be people who care about a heritage that continues to be and create and hold forth the greatest experiment in freedom that has ever been. Without that change, as Will Durant said:

> Great societies are never conquered from without until they rot from within.

This is part of the rotting process we are going to see over the next 5 days in the Senate. If people summon courage, summon long-term viewpoint, summon sacrifice of giving up of themselves, whether it be position or power so we can create something better, the country will be all the better for that. If we don't, there won't be a headline that says: "Grandchildren hurt by supplemental bill," but it doesn't mean they won't be. The fact is they will.

It is interesting the accounting that Washington uses. Last year the official number on the deficit was $175 billion, but the real number, the amount the debt went up, was $360 billion. If you are at home and you have a checkbook and you spend $175 more than you had in the checkbook, but at the end of the year you charged another $200 on top of it, you really spent it all, and you went into debt for that whole amount. But we don't do what national accounting standards say. We play a game. We take the Social Security money and we lessen the effect of what we are doing through Social Security and 30 some other trust funds such as the inland waterway trust fund and several others, and the retirement of the employees of the Federal Government that is not funded, and we add all that back and we make it look better than it is.

The idea behind a half lie is a whole truth, but it is not. A half truth is a whole lie.

So my hope is when we have this debate on this bill, this $121 billion bill, America will say: Wait a minute. Why aren't you paying for it? Why aren't you trimming some of the fat? Why aren't you trimming some of the problems? Why aren't you doing that? Because it is hard. That is not a good enough reason to undermine the future of this country.

Mr. President, I appreciate the opportunity to come and speak this evening and the staff staying here.

Mr. President, I note the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. REID. Mr. President, I ask that morning business be closed.

The PRESIDING OFFICER. Without objection, it is so ordered.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007—Continued

Mr. REID. Mr. President, I ask unanimous consent that the substitute amendment be agreed to, the bill, as amended, be considered as original text for the purpose of further amendments, and that no points of order be considered waived by virtue of this agreement; further, that the pending Cochran amendment remain in order, notwithstanding this agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 641) was agreed to.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 84, H.R. 1591, the emergency supplemental 2007 appropriations bill.

Harry Reid, Robert C. Byrd, Jack Reed, Patrick Leahy, B.A. Mikulski, Byron L. Dorgan, Christopher J. Dodd, Dianne Feinstein, Richard J. Durbin, Chuck Schumer, Debbie Stabenow, Barbara Boxer, Herb Kohl, Jay Rockefeller, Joe Biden, E. Benjamin Nelson, Daniel K. Akaka, Ted Kennedy.

Mr. REID. Mr. President, I ask unanimous consent that the live quorum under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. CON. RES. 21

AMENDMENT NO. 589

Mr. KYL. The fiscal year 2006 and fiscal year 2007 budget resolutions included an importation reserve fund for drugs imported from countries "with strong safety laws." Yet the Dorgan-Snowe amendment omits that language. Does the Senator from New Hampshire agree that under the Dorgan-Snowe amendment, the term "safe importation" means from countries "with strong safety laws"?

Mr. GREGG. Yes. The term "safe importation" means importation only from countries with strong safety laws. The additional language "with strong safety laws," which was included in last year's budget, was redundant, but the absence of those words does not alter the meaning, in my opinion. "Safe importation" refers to the importation of prescription drugs from countries that require the review of drugs for safety and effectiveness by an entity of the government of the country; that require the methods used in and the facilities and controls used for the manufacture, processing, and packing of drugs in the country to be adequate to preserve their identity, quality, purity, strength, and efficacy; that require the labeling and promotion of drugs to be in accordance with the approval of the drug and whose valid marketing authorization system is equivalent to the systems in the United States.

GENOMICS AND PERSONALIZED MEDICINE ACT

Mr. BURR. Mr. President, I rise today to express my support for S. 976, the Genomics and Personalized Medicine Act of 2007, which my distinguished colleague from Illinois, Senator OBAMA, and I introduced on March 23, 2007. Senator OBAMA introduced this legislation last year. We have worked together on some revisions, and I am proud to join him in cosponsoring the legislation this year.

I believe this legislation will help improve the quality and safety of health care by providing a better understanding of what causes certain diseases. Through a coordinated research initiative and safer genetic tests, patients and doctors will be empowered to make more informed decisions about medical treatments.

This bill will advance the study of human genes and their functions to better predict patients' susceptibility to certain diseases or conditions and better customize drugs and medical treatments to meet patients' unique needs. By facilitating genomics research, fostering a capable genomics workforce, and encouraging the development of high quality genetic tests, patients will be better informed about the medical care they need.

I am proud that North Carolina is a leader in genomics and personalized medicine research. Duke University's Institute for Genome Sciences and Policy and the University of North Carolina at Chapel Hill's Institute for Pharmacogenomics and Individualized Therapy are both conducting significant research efforts in this area and support a stronger Federal focus on genomics. This legislation will increase Federal support for initiatives at Duke and Chapel Hill—a win-win for North Carolina and patients.

Specifically, this bill establishes an Interagency Working Group at the U.S. Department of Health and Human Services to pull together and accelerate genomics research by developing standardized terminology and establishing quality standards and guidelines for the collection, processing, and storage of genomic samples and data. It advances genomics research by establishing a national biobanking distributed database that collects and integrates genomic data to simplify pooled data analysis. The bill also develops biobanking initiatives at academic medical centers across the country, including biobanks containing biological specimens. It will improve genetics and genomics training by developing model training programs, residency curricula and teaching materials, and by integrating genetics and genomics into clinical and public health practice by developing health professional guidelines.

The bill will also encourage drug sponsors and device companies to develop companion diagnostic tests, and it will improve Federal oversight and regulation of genetic tests by identifying which tests require review and which agency—the Centers for Medicare and Medicaid Services or the Food and Drug Administration—should have oversight over specific categories of tests. It requires the Centers for Disease Control and Prevention to evaluate direct-to-consumer marketing of genetic tests to which consumers have direct access and to educate the public about genomics and its applications. It also asks the Agency for Healthcare Research and Quality to assess the clinical utility and cost-effectiveness of companion diagnostic tests that guide prescribing decisions.

ADDITIONAL STATEMENTS

BURLINGTON COMMUNITY HEALTH CENTER

• Mr. HARKIN. Mr. President, this spring, the new community health center in Burlington, IA, officially opened for business. Having secured funding for the center and attended the groundbreaking ceremony last June, I know how important this health care facility is to Burlington and the surrounding communities. At long last, Des Moines County has a permanent, unified medical and dental clinic, which has been sorely needed for many years.

This is a truly unique community health center. It is housed on the grounds of Southeastern Community College, and there is an agreement between the CHC board and the community college to allow nursing and health aide students to do some of their training in the center. This gives the center an edge in recruiting staff, and it gives students hands-on training opportunities right there on campus. Clearly, this is a win-win-win arrangement for the center, for the community college, and for the entire Burlington community.

I salute Ron Kemp and others who had the vision to create this new community health center, and the persistence to transform their vision into bricks and mortar. The facility is welcoming, modern, and well-equipped. The staff members are truly an inspiration. They have a special passion for their work, and take pride in the fact that they are providing first-rate health care to underserved communities.

Dr. Martin Luther King, Jr., used to say that "Life's most persistent and urgent question is: What are you doing for others?" The staff members at the community health centers of Southeast Iowa have answered that question in powerful ways. They have committed themselves to providing high-quality health care to all comers, regardless of ability to pay. All are welcomed equally. All are served with professionalism and excellence. As chair of the Health and Human Services Appropriations Subcommittee, I am 100 percent committed to securing appropriate funding for community health centers all across America. One thing I know for certain: Every dollar Congress appropriates for centers like the one in Burlington is a dollar spent wisely and frugally. It never ceases to amaze me how their staff members are able to do so much—and to serve so many people—with such limited resources.

I dare say that no one in the health care profession faces greater challenges than those who choose to work in community health centers. These challenges include chronic illness, cultural and linguistic differences, geographical barriers, and homelessness, to name just a few. Nothing stops these dedicated professionals.

And one more thing: community health centers have a well-deserved reputation for caring and kindness. They offer a direct and personal style of health care. They follow up. They care about prevention and wellness.

So I am deeply grateful to Executive Director Ron Kemp, to President Beverly Simone of Southeastern Community College, to the center's dedicated board members, to Ted Boesen, executive director of the Iowa/Nebraska Primary Care Association, and to all the other people who made this new facility possible. They work their hearts out to provide the very best health care to some of our most needy citizens. I deeply appreciate their passion, their compassion, and their dedication to public service.•

HONORING LAS PLANTADAS

Mr. MENENDEZ. Mr. President, today I wish to honor Las Plantadas, a group of women incarcerated for resisting the dictatorial regime of Cuba for nearly half a century. The National Association of Cuban American Women will gather on Saturday, March 24, 2007, to honor a group of Las Plantadas—Ana Lazara Rodriguez, Miriam Ortega, Genoveva Felixgraw, Clara Berta Canton Gomez, Olga Morgan and Gladys B. Campaneria Herrera—with the Elena Mederos Award during a Women's History Month Celebration at Schuetzen Park, in North Bergen, NJ.

The Elena Mederos Award was instituted by the National Association of Cuban American Women in memory of Dr. Elena Mederos, 1900–1981, a human rights activist, who is considered the most prominent Cuban woman of the 20th Century.

Ana Lazara Rodriguez, a doctor, was imprisoned when she was a 19-year-old medical student for participating in protests against the Cuban dictatorship. She was released in 1979 and traveled to the United States via Costa Rica. In May 1995, she published "Diary of a Survivor," a book detailing her experiences while incarcerated.

Miriam Ortega was born in Ciego de Avila, Cuba. She was imprisoned for 18 years for working against the Castro regime. She was released and moved to the United States, where she continues in her determination to fight for a free Cuba.

Clara Berta Canton Gomez was born in Havana, Cuba. In 1962, State security agents searched the home of her parents seeking her brother who was involved in efforts against the Castro regime. Because they did not speak against their family member, Clara and her parents were incarcerated and sentenced to serve 30 years in prison. Released after 7 years, Clara has dedicated her time to fight for the release of political prisoners. She dreams of returning to see a free Cuba.

Olga Morgan was born in Santa Clara, Las Villas. When she was working against the Batista dictatorship, she met her husband, William Alexander Morgan, with whom she has two children, Olguita and Loretta. Olga and her husband were imprisoned in 1960 and 1961. Her husband was executed with the regime proclaiming both he and Olga a "high risk for the revolution." Olga was released in 1971, and after being denied a travel document in 1978, she reached the shores of the United States in the 1980 Mariel boatlift.

Gladys B. Campaneria Herrera was born in Matanzas and raised in Havana. Between 1959 to 1963 she fought against the Castro regime, for which she was arrested in 1964 and sentenced to 3 years in prison. While she was in prison, she suffered greatly. She was released and moved to the United States, where she has lived in New York and worked in New Jersey as a reporter for various Spanish media outlets. An avid writer, Gladys has authored more than 150 poems and songs. She continues to fight for a free Cuba.

The inspiring stories of these women, and of the nearly 3000 other Cuban women who have been imprisoned, tortured, and endured many punishments for refusing to accept a dictatorial regime are a symbol of the dignity and courage of women and a reminder of the need to continue to fight for human rights around the world.

There is no doubt that Las Plantadas are exemplary leaders and profoundly committed individuals who are role models for the Nation. Therefore, I am pleased to pay tribute to Las Plantadas, and I know my colleagues will join in wishing them continued success in their quest for human rights and a free Cuba.•

TRIBUTE TO JUDGE ELSIJANE TRIMBLE ROY

• Mrs. LINCOLN. Mr. President, every year during the month of March, we honor the women who have made a lasting impact on our country's history with Women's History Month. This month, I want to pay tribute to a true Arkansas pioneer who passed away earlier this year, Judge Elsijane Trimble Roy.

Judge Roy has been referred to as "Arkansas' Lady of Many Firsts." Only the third woman to graduate from the University of Arkansas law school in 1939, Judge Roy was the first female in the state of Arkansas to be appointed as circuit judge in 1966. In 1975, then-Governor David Pryor appointed Judge Roy to the Arkansas Supreme Court, making her the first woman to serve as an Arkansas Supreme Court Justice. Just 2 years later, newly elected President Jimmy Carter selected Judge Roy to serve on the Federal bench, and she was given the distinct honor of becoming Arkansas' first female Federal judge, as well as the first female judge appointed to the eighth Circuit.

The daughter of Federal judge Thomas C. Trimble, Judge Roy and her father also held the distinction of being the first father and daughter to serve as Federal judges. In fact, Judge Roy served in the same courtroom that her father presided over for nearly 20 years. She often mentioned that she could feel his presence, and in a 1996 interview with the Arkansas Democrat Gazette, she noted that "It's meant so much to me to be able to try cases in the same court. I look up there, and he helps me with the hard cases."

A gifted athlete who loved sports, Judge Roy was a star player for the Lonoke High School basketball team in Lonoke, AR, and was a two-time women's singles champion at the University of Arkansas.

Judge Roy was devoted to both her family and her faith. She was a proud mother, grandmother, and later in life, a great-grandmother. Judge Roy was also an aunt to many nieces and nephews. She was a longtime member of First Baptist Church in Lonoke and taught Sunday school class when she lived in Blytheville, AR. According to her obituary, Judge Roy gave credit to the Lord for her many judicial appointments, saying, "I have always felt I have been brought to these positions by the Lord." The center of her faith was her favorite Bible verse, Micah 6:8, which reads, "What does the Lord require of you but to do justice, love mercy, and walk humbly with your God."

A truly remarkable woman, Judge Roy received many honors in her life, including the Outstanding Appellate Judge of 1976–1977 by the Arkansas Trial Lawyers Association. One honor, however, stands out above others. In 1976, Judge Roy was chosen as Arkansas Democrat's Woman of the Year, a distinction her mother also earned. She received a plaque for that honor, and in a 1979 Arkansas Democrat article, Judge Roy said, "If anything is ever written about me, I want it to contain the words on that plaque. Throughout my career, the things written there are the things I have lived for."

The plaque reads:

> As a law clerk, lawyer, and trial judge, Elsijane Trimble Roy established a reputation for integrity, intelligence, and independence. As the first woman on the Arkansas Supreme Court, she has become a symbol of pride and inspiration to all women.

Judge Roy, you have been a source of pride and inspiration to all women, not only in Arkansas, but throughout our great land. You will most certainly be missed.•

DIERKS, ARKANSAS, CELEBRATES 100TH ANNIVERSARY

• Mr. PRYOR. Mr. President, it is with the greatest pleasure that today I honor Dierks, AR, which will soon be celebrating its 100th anniversary. Dierks is located in Howard County which lies in the southwestern part of my State. It was named after a German family that immigrated to the United States in the mid-1800s. The family established a major sawmill known as Hardscrabble, and when the community was incorporated in 1907, it changed its name to Dierks.

The Weyerhaeuser Company purchased most of the Dierks' family holdings in 1969. Weyerhaeuser employs some 600 people in Howard County and is one of the county's largest employers.

Dierks is also one of many of Arkansas's fine recreation destinations. Visitors take advantage of Dierks Lake which offers boating, fishing, waterskiing, camping, and sightseeing. Among fishermen, the lake is best known for its large-mouth bass and crappie. Catfish and bream can also be caught in abundance. The beautiful surroundings make it among one of the most scenic spots in the State.

Mr. President, I ask my colleagues to join me today in congratulating Dierks on its 100th anniversary and in wishing its 1,300 citizens a wonderful day of celebration.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MEASURES PLACED ON THE CALENDAR

The following bill was read the second time, and placed on the calendar:

H.R. 545. An act to amend the Omnibus Crime Control and Safe Streets Act of 1968 to clarify that territories and Indian tribes are eligible to receive grants for confronting the use of methamphetamine.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, without amendment:

S. 93. A bill to authorize NTIA to borrow against anticipated receipts of the Digital Television and Public Safety Fund to initiate migration to a national IP-enabled emergency network capable of receiving and responding to all citizen activated emergency communications (Rept. No. 110–38).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 261. A bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

By Mr. LEAHY, from the Committee on the Judiciary, without amendment:

S. 627. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to improve the health and well-being of maltreated infants and toddlers through the creation of a National Court Teams Resource Center, to assist local Court Teams, and for other purposes.

S. 888. A bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. LANDRIEU:

S. 983. A bill for the relief of Michael Anthony Hurley; to the Committee on the Judiciary.

By Ms. LANDRIEU:

S. 984. A bill for the relief of Jiao Ying Li; to the Committee on the Judiciary.

By Mr. LEVIN:

S. 985. A bill to establish a pilot program to provide low interest loans to nonprofit, community-based lending intermediaries, to provide midsize loans to small business concerns, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. REID (for himself and Mr. SANDERS):

S. 986. A bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 987. A bill to enhance the energy security of the United States by promoting biofuels and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. MIKULSKI (for herself, Mr. WARNER, Mr. LEVIN, Mr. VOINOVICH, Mr. LEAHY, Mr. LIEBERMAN, Mr. GREGG, Ms. COLLINS, Mr. ENZI, Ms. SNOWE, Mr. SUNUNU, Mr. STEVENS, Mr. KENNEDY, and Mr. CARDIN):

S. 988. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mrs. LINCOLN:

S. 989. A bill to amend title XVI of the Social Security Act to clarify that the value of certain funeral and burial arrangements are not to be considered available resources under the supplemental security income program; to the Committee on Finance.

By Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 990. A bill to fight criminal gangs; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DEMINT:

S. Res. 123. A resolution reforming the congressional earmark process; to the Committee on Rules and Administration.

By Mr. BIDEN:

S. Res. 124. A resolution congratulating the European Union on the 50th anniversary of the signing of the Treaty of Rome creating the European Economic Community among 6 European countries and laying the foundations for peace, stability, and prosperity in Europe; considered and agreed to.

ADDITIONAL COSPONSORS

S. 57

At the request of Mr. INOUYE, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Nevada (Mr. REID) were added as cosponsors of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 254

At the request of Mr. ENZI, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 406

At the request of Mrs. HUTCHISON, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 406, a bill to ensure local governments have the flexibility needed to enhance decision-making regarding certain mass transit projects.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Kansas (Mr. BROWNBACK) and the Senator from Texas (Mrs. HUTCHISON) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 576

At the request of Mr. DODD, the names of the Senator from Vermont (Mr. SANDERS) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 582

At the request of Mr. SMITH, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 582, a bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation.

S. 597

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 638

At the request of Mr. ROBERTS, the name of the Senator from Wyoming (Mr. ENZI) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 656

At the request of Mr. REED, the name of the Senator from Minnesota (Ms.

KLOBUCHAR) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 673

At the request of Mr. SALAZAR, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 673, a bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes.

S. 682

At the request of Mr. KENNEDY, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from New Hampshire (Mr. SUNUNU), the Senator from Tennessee (Mr. ALEXANDER), the Senator from Alaska (Ms. MURKOWSKI), the Senator from Texas (Mrs. HUTCHISON), the Senator from Utah (Mr. HATCH), the Senator from North Dakota (Mr. CONRAD), the Senator from Connecticut (Mr. DODD) and the Senator from South Carolina (Mr. GRAHAM) were added as cosponsors of S. 682, a bill to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 756

At the request of Mr. DODD, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 756, a bill to authorize appropriations for the Department of Defense to address the equipment reset and other equipment needs of the National Guard, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 831

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. FEINSTEIN), the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 871

At the request of Mr. LIEBERMAN, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 871, a bill to establish and provide for the treatment of Individual Development Accounts, and for other purposes.

S. 883

At the request of Mrs. FEINSTEIN, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 888

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 888, a bill to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

S. 903

At the request of Mr. DURBIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 903, a bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty.

S. 914

At the request of Mr. VOINOVICH, the name of the Senator from Kentucky (Mr. BUNNING) was added as a cosponsor of S. 914, a bill to authorize the States (and subdivisions thereof), the District of Columbia, territories, and possessions of the United States to provide certain tax incentives to any person for economic development purposes.

S. 959

At the request of Mrs. CLINTON, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 969

At the request of Mr. DODD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 980

At the request of Mrs. FEINSTEIN, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 980, a bill to amend the Controlled Substances Act to address online pharmacies.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. REID (for himself and Mr. SANDERS):

S. 986. A bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability; to the Committee on Armed Services.

Mr. REID. Mr. President, before I introduce my legislation, The Combat Related Special Compensation Act of 2007, I would like to briefly talk about the unfair treatment and the deplorable health care conditions found at the Walter Reed Army Medical Center. I feel that the current situation there has some bearing on my legislation.

Walter Reed is one of the Army's best-known and premier medical facilities for wounded service members in the country. Numerous reports by the Government Accounting Office and transcripts of congressional testimony indicate that many of our military facilities for wounded outpatients are in disarray. These facilities are plagued by mold, mice, stained carpets, and a system ill equipped to handle another generation of psychologically scarred veterans.

Nearly 4,000 outpatients are currently in the military's Medical Holding companies, which oversee the wounded. Soldiers and veterans across the country report bureaucratic neglect similar to Walter Reed's: untrained staff; misplaced paperwork; lost computer generated medical appointments; and long waits for consultations. These serious problems have resulted from bureaucratic red tape and substandard health care conditions. This situation is unacceptable. We have not fulfilled our covenant, nor have we kept our promise to take care of our troops.

Our dedicated service members took an oath to serve our Nation. We as policy makers have a moral obligation to take care of these dedicated service men and women that have shown heroic patriotism in Afghanistan and Iraq.

"As described in the Washington Post", It is not just a problem at Walter Reed: others describe depressing living conditions for outpatients at military bases throughout the country. Let me share with you the comments of a 70-year-old soldier, Mr. Oliva, who is worried about the military health care our wounded will receive. He described his own troubling experiences at the VA hospital in Livermore, CA.

"It is not just Walter Reed," Mr. Oliva states. "The VA hospitals are not good either except for the staff members who work so hard. It brings tears to my eyes when I see my brothers and sisters having to deal with these conditions."

Mr. Oliva is but one voice in a vast outpouring of emotion and anger about the treatment of wounded outpatients at Walter Reed. Stories of neglect and substandard care have flooded in from soldiers, their family members, veterans, doctors and nurses working inside the system. This is appalling and an embarrassment to our Nation.

I am particularly concerned that some of the highest ranking officials were aware of the problem for almost two years, but took no action to correct the situation. While we have seen some positive signs from the fallout over the scandal, such as the firing of the head of Walter Reed and the establishment of a bipartisan commission, more must be done.

Our soldiers receive first class care in combat, and they should receive the same level of care in our own country. Congress must lead the way in this effort. We must continue our efforts and pass legislation that will improve the quality of life for all of America's heroes, including providing them with the benefits they have earned.

Today, I join with many of my Senate colleagues to fight and end the ban on current receipt so that disabled veterans can get the fair benefits they deserve. We have made some progress over the last few years, but as everyone knows, we still have a lot of work to do.

The legislation I am introducing today—the Combat-Related Special Compensation Act of 2007, would continue to chip away at this unfair policy, by giving pro-rated retirement benefits to our service men and women who are forced into early retirement because of their combat-related injuries.

Our veterans on a day-to-day basis sacrifice their life for our country. As public servants, we Americans owe it to our dedicated service men and women to end this inequity. We must support our troops; we must ensure that those who serve us with dignity and valor receive these deserving benefits. They have earned it and they deserve it.

My legislation will take care of soldiers who had hoped to make the military a career, but were discharged prematurely for an injury sustained in combat and forced to retire medically before attaining 20 years of service.

Like many of you, I have visited military hospitals on several occasions and have seen first hand the injuries sustained by our military personnel. Many of the members have reached the 10-, 12-, 14-year marks of their military careers and have been forced to retire medically before they meet the 20-year requirement to receive full benefits. Right now, these soldiers receive combat-related disability benefits, but are not eligible to receive retirement benefits because they cannot fulfill the 20-year service requirement.

This is a travesty to treat our dedicated service men and women inequitably. It's wrong.

We should not penalize veterans because they incurred a combat-related injury while serving their country. This legislation will ensure they will receive both their prorated military retirement pay, along with their disability compensation.

Let me point out that this legislation is especially important given the injuries sustained by these troops that are currently serving in Afghanistan, Iraq, and other theaters throughout the world. This legislation is essential for the more than 23,000 injured personnel who are returning from war. The widespread use of improvised explosive devices (IED) has created numerous amputees and therefore, result in an increase in medically discharged veterans. As described in stories reported by the Washington Post, a 25-year-old soldier got too close to an IED in Iraq and was sent to Walter Reed, where doctors did all they could before shipping the soldier to the VA for the remainder of his life. Will this young soldier be one of the victims of war that do not receive disability compensation and military retirement pay?

Mr. President, ensuring our veterans receive retirement benefits they have earned is the right thing to do, especially in light of recent issues surrounding the treatment of patients at Walter Reed. We must never forget the sacrifices our service men and women have made to protect our freedom. They serve because they love this great country. Taking care of our veterans is not only the right thing to do; it is also important for our efforts to win the war on terror. In our all-volunteer military, it is critical to attract and retain professional and dedicated soldiers. In turn, they expect that we will honor our commitments to provide health care and other primary benefits for them and their families.

By ending this unfair policy, we now have an opportunity to show our gratitude to our veterans. If we are to truly honor the sacrifices of our veterans, we need to ensure that those who were injured in defense of our Nation receive these well deserved benefits.

While our Nation is at war, there is no better honor we could bestow upon them than to pass this legislation.

Mr. President, I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 986

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Combat-Related Special Compensation Act of 2007".

SEC. 2. EXPANSION OF COMBAT-RELATED SPECIAL COMPENSATION ELIGIBILITY FOR CHAPTER 61 MILITARY RETIREES.

(a) ELIGIBILITY.—Subsection (c) of section 1413a of title 10, United States Code, is amended by striking "entitled to retired pay who—" and all that follows and inserting "who—

"(1) is entitled to retired pay (other than by reason of section 12731b of this title); and

"(2) has a combat-related disability.".

(b) COMPUTATION.—Paragraph (3) of subsection (b) of such section is amended—

(1) by designating the text of that paragraph as subparagraph (A), realigning that text so as to be indented 4 ems from the left margin, and inserting before "In the case of" the following heading: "IN GENERAL.—"; and

(2) by adding at the end the following new subparagraph:

"(B) SPECIAL RULE FOR RETIREES WITH FEWER THAN 20 YEARS OF SERVICE.—In the case of an eligible combat-related disabled uniformed services retiree who is retired under chapter 61 of this title with fewer than 20 years of creditable service, the amount of the payment under paragraph (1) for any month shall be reduced by the amount (if any) by which the amount of the member's retired pay under chapter 61 of this title exceeds the amount equal to 21½ percent of the member's years of creditable service multiplied by the member's retired pay base under section 1406(b)(1) or 1407 of this title, whichever is applicable to the member.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008, and shall apply to payments for months beginning on or after that date.

By Mr. BINGAMAN (for himself and Mr. DOMENICI):

S. 987. A bill to enhance the energy security of the United States by promoting biofuels and for other purposes; to the Committee on Energy and Natural Resources.

Mr. President, I am very pleased to introduce the Biofuels for Energy Security and Transportation Act of 2007, along with my co-sponsor, Senator DOMENICI. This bipartisan bill will increase our use of home-grown biofuels and reduce our dependence on imported oil.

The bill establishes a new Renewable Fuel Standard. Starting in 2008, the new renewable fuel standard will require 8.5 billion gallons of renewable fuel. The standard increases gradually to 15 billion gallons per year by 2015. After 2015, a complementary "advanced biofuel" standard takes effect. This standard requires 3 billion gallons per year of advanced biofuels in 2016 and increases steadily to reach 21 billion gallons per year in 2022, for a total renewable fuel standard of 36 billion gallons per year in 2022.

The bill includes a number of provisions to expand the renewable transportation fuel infrastructure of the United States. A pilot program for renewable fuel corridors is created. Funding for biofuels research is increased, with new research centers established to include more of the country's diverse biofuels feedstocks. To promote the growth of local biorefineries, a national biorefinery information center is established. Further toward that end, a competitive grant program is established to develop infrastructure to support local biorefineries.

Finally, the bill calls for a number of studies that will explore how we should move forward with biofuels. Studies include: the feasibility of nationwide ethanol blended gasoline at levels between 10 and 25 percent (E10 to E25); the feasibility of dedicated ethanol pipelines; optimization of flex fuels vehicles, which are currently optimized to run on gasoline, to run on E85; an assessment of the state of advanced biofuels technology, in advance of the advanced biofuel standard in 2015; and allowing for renewable fuel standard credit generation through plug in hybrids.

The introduction of this bill is the beginning of what I hope will be a substantive exploration of the comprehensive set of issues surrounding the role of biofuels in meeting our future energy security.

Mr. President, I ask unanimous consent that the full text of the bill be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 987

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Biofuels for Energy Security and Transportation Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RENEWABLE FUEL STANDARD

Sec. 101. Renewable fuel standard.

TITLE II—RENEWABLE FUELS INFRASTRUCTURE

Sec. 201. Infrastructure pilot program for renewable fuels.
Sec. 202. Bioenergy research and development.
Sec. 203. Bioresearch centers for systems biology program.
Sec. 204. Loan guarantees for renewable fuel facilities.
Sec. 205. Grants for renewable fuel production research and development in certain States.
Sec. 206. Grants for infrastructure for transportation of biomass to local biorefineries.
Sec. 207. Biorefinery information center.
Sec. 208. Conversion assistance for cellulosic biomass, waste-derived ethanol, approved renewable fuels.
Sec. 209. Alternative fuel database and materials.
Sec. 210. Fuel tank cap labeling requirement.

TITLE III—STUDIES

Sec. 301. Study of advanced biofuels technologies.
Sec. 302. Study of increased consumption of ethanol-blended gasoline with higher levels of ethanol.
Sec. 303. Pipeline feasibility study.
Sec. 304. Study of optimization of alternative fueled vehicles to use E-85 fuel.
Sec. 305. Study of credits for use of renewable electricity in electric vehicles.

SEC. 2. DEFINITIONS.

In this Act:

(1) ADVANCED BIOFUEL.—

(A) IN GENERAL.—The term "advanced biofuel" means fuel derived from renewable biomass other than corn kernels.

(B) INCLUSIONS.—The term "advanced biofuel" includes—

(i) ethanol derived from cellulose, hemicellulose, or lignin;

(ii) ethanol derived from sugar or starch, other than ethanol derived from corn kernels;

(iii) ethanol derived from waste material, including crop residue, other vegetative waste material, animal waste, and municipal solid waste;

(iv) diesel-equivalent fuel derived from renewable biomass, including vegetable oil and animal fat;

(v) biogas produced by the anaerobic digestion or fermentation of organic matter from renewable biomass; and

(vi) butanol produced by the fermentation of renewable biomass.

(2) CELLULOSIC BIOMASS ETHANOL.—The term "cellulosic biomass ethanol" means ethanol derived from any cellulose, hemicellulose, or lignin that is derived from renewable biomass.

(3) CONVENTIONAL BIOFUEL.—The term "conventional biofuel" means ethanol derived from corn kernels.

(4) RENEWABLE BIOMASS.—

(A) IN GENERAL.—The term "renewable biomass" means any organic matter that is available on a renewable or recurring basis.

(B) INCLUSIONS.—The term "renewable biomass" includes—

(i) renewable plant material, including—

(I) feed grains;

(II) other agricultural commodities;

(III) other plants and trees grown for energy production; and

(IV) algae; and

(ii) waste material, including—

(I) crop residue;

(II) other vegetative waste material (including wood waste and wood residues);

(III) animal waste and byproducts (including fats, oils, greases, and manure); and

(IV) municipal solid waste.

(C) EXCLUSIONS.—The term "renewable biomass" does not include old-growth timber of a forest from the late successional stage of forest development.

(5) RENEWABLE FUEL.—

(A) IN GENERAL.—The term "renewable fuel" means motor vehicle fuel, boiler fuel, or home heating fuel that is—

(i) produced from renewable biomass; and

(ii) used to replace or reduce the quantity of fossil fuel present in a fuel mixture used to operate a motor vehicle, boiler, or furnace that would otherwise operate using fossil fuel.

(B) INCLUSION.—The term "renewable fuel" includes—

(i) conventional biofuel; and

(ii) advanced biofuel.

(6) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(7) SMALL REFINERY.—The term "small refinery" means a refinery for which the average aggregate daily crude oil throughput for a calendar year (as determined by dividing the aggregate throughput for the calendar year by the number of days in the calendar year) does not exceed 75,000 barrels.

TITLE I—RENEWABLE FUEL STANDARD

SEC. 101. RENEWABLE FUEL STANDARD.

(a) RENEWABLE FUEL PROGRAM.—

(1) REGULATIONS.—

(A) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the President shall promulgate regulations to ensure that motor vehicle fuel, home heating oil, and boiler fuel sold or introduced into commerce in the United States (except in noncontiguous States or territories), on an annual average basis, contains the applicable volume of renewable fuel determined in accordance with paragraph (2).

(B) PROVISIONS OF REGULATIONS.—Regardless of the date of promulgation, the regulations promulgated under subparagraph (A)—

(i) shall contain compliance provisions applicable to refineries, blenders, distributors, and importers, as appropriate, to ensure that the requirements of this subsection are met; but

(ii) shall not—

(I) restrict geographic areas in the contiguous United States in which renewable fuel may be used; or

(II) impose any per-gallon obligation for the use of renewable fuel.

(C) RELATIONSHIP TO OTHER REGULATIONS.—Regulations promulgated under this paragraph shall, to the maximum extent practicable, incorporate the program structure, compliance, and reporting requirements established under the final regulations promulgated to implement the renewable fuel program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 1067).

(2) APPLICABLE VOLUME.—

(A) CALENDAR YEARS 2008 THROUGH 2022.—

(i) RENEWABLE FUEL.—For the purpose of paragraph (1), subject to clause (ii), the applicable volume for any of calendar years 2008 through 2022 shall be determined in accordance with the following table:

Calendar year:	Applicable volume of renewable fuel (in billions of gallons):
2008	8.5
2009	10.5
2010	12.0
2011	12.6
2012	13.2
2013	13.8
2014	14.4
2015	15.0
2016	18.0
2017	21.0
2018	24.0
2019	27.0
2020	30.0
2021	33.0
2022	36.0

(ii) ADVANCED BIOFUELS.—For the purpose of paragraph (1), of the volume of renewable fuel required under clause (i), the applicable volume for any of calendar years 2016 through 2022 for advanced biofuels shall be determined in accordance with the following table:

Calendar year:	Applicable volume of advanced biofuels (in billions of gallons):
2016	3.0
2017	6.0
2018	9.0
2019	12.0
2020	15.0
2021	18.0
2022	21.0

(B) CALENDAR YEAR 2023 AND THEREAFTER.—Subject to subparagraph (C), for the purposes of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be determined by the President, in coordination with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, based on a review of the implementation of the program during calendar years 2007 through 2022, including a review of—

(i) the impact of renewable fuels on the energy security of the United States;

(ii) the expected annual rate of future production of renewable fuels, including advanced biofuels; and

(iii) the impact of the use of renewable fuels on other factors, including job creation, the price and supply of agricultural commodities, rural economic development, and the environment.

(C) MINIMUM APPLICABLE VOLUME.—Subject to subparagraph (D), for the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall be equal to the product obtained by multiplying—

(i) the number of gallons of gasoline that the President estimates will be sold or introduced into commerce in the calendar year; and

(ii) the ratio that—

(I) 36,000,000,000 gallons of renewable fuel; bears to

(II) the number of gallons of gasoline sold or introduced into commerce in calendar year 2022.

(D) MAXIMUM QUANTITY DERIVED FROM CONVENTIONAL BIOFUEL FEEDSTOCKS.—For the purpose of paragraph (1), the applicable volume for calendar year 2023 and each calendar year thereafter shall not exceed 15,000,000,000 gallons of conventional biofuel.

(b) APPLICABLE PERCENTAGES.—

(1) PROVISION OF ESTIMATE OF VOLUMES OF GASOLINE SALES.—Not later than October 31 of each of calendar years 2008 through 2021, the Administrator of the Energy Information Administration shall provide to the President an estimate, with respect to the following calendar year, of the volumes of gasoline projected to be sold or introduced into commerce in the United States.

(2) DETERMINATION OF APPLICABLE PERCENTAGES.—

(A) IN GENERAL.—Not later than November 30 of each of calendar years 2008 through 2022, based on the estimate provided under paragraph (1), the President shall determine and publish in the Federal Register, with respect to the following calendar year, the renewable fuel obligation that ensures that the requirements of subsection (a) are met.

(B) REQUIRED ELEMENTS.—The renewable fuel obligation determined for a calendar year under subparagraph (A) shall—

(i) be applicable to refineries, blenders, and importers, as appropriate;

(ii) be expressed in terms of a volume percentage of gasoline sold or introduced into commerce in the United States; and

(iii) subject to paragraph (3)(A), consist of a single applicable percentage that applies to all categories of persons specified in clause (i).

(3) ADJUSTMENTS.—In determining the applicable percentage for a calendar year, the President shall make adjustments—

(A) to prevent the imposition of redundant obligations on any person specified in paragraph (2)(B)(i); and

(B) to account for the use of renewable fuel during the previous calendar year by small refineries that are exempt under subsection (g).

(c) VOLUME CONVERSION FACTORS FOR RENEWABLE FUELS BASED ON ENERGY CONTENT OR REQUIREMENTS.—

(1) IN GENERAL.—For the purpose of subsection (a), the President shall assign values to specific types of advanced biofuels for the purpose of satisfying the fuel volume requirements of subsection (a)(2) in accordance with this subsection.

(2) ENERGY CONTENT RELATIVE TO ETHANOL.—For advanced biofuel, 1 gallon of the advanced biofuel shall be considered to be the equivalent of 1 gallon of renewable fuel multiplied by the ratio that—

(A) the number of British thermal units of energy produced by the combustion of 1 gallon of the advanced biofuel (as measured under conditions determined by the Secretary); bears to

(B) the number of British thermal units of energy produced by the combustion of 1 gallon of pure ethanol (as measured under conditions determined by the Secretary to be comparable to conditions described in subparagraph (A)).

(3) TRANSITIONAL ENERGY-RELATED CONVERSION FACTORS FOR CELLULOSIC BIOMASS ETHANOL.—For any of calendar years 2008 through 2015, 1 gallon of cellulosic biomass ethanol shall be considered to be the equivalent of 2.5 gallons of renewable fuel.

(d) CREDIT PROGRAM.—

(1) IN GENERAL.—The President, in consultation with the Secretary and the Administrator of the Environmental Protection Agency, shall implement a credit program to manage the renewable fuel requirement of this section in a manner consistent with the credit program established by the amendment made by section 1501(a)(2) of the Energy Policy Act of 2005 (Public Law 109-58; 119 Stat. 1067).

(2) MARKET TRANSPARENCY.—In carrying out the credit program under this subsection, the President shall facilitate price transparency in markets for the sale and trade of credits, with due regard for the public interest, the integrity of those markets, fair competition, and the protection of consumers and agricultural producers.

(e) SEASONAL VARIATIONS IN RENEWABLE FUEL USE.—

(1) STUDY.—For each of calendar years 2007 through 2020, the Administrator of the Energy Information Administration shall conduct a study of renewable fuel blending to determine whether there are excessive seasonal variations in the use of renewable fuel.

(2) REGULATION OF EXCESSIVE SEASONAL VARIATIONS.—If, for any calendar year, the Administrator of the Energy Information Administration, based on the study under paragraph (1), makes the determinations specified in paragraph (3), the President shall promulgate regulations to ensure that 25 percent or more of the quantity of renewable fuel necessary to meet the requirements of subsection (a) is used during each of the 2 periods specified in paragraph (4) of each subsequent calendar year.

(3) DETERMINATIONS.—The determinations referred to in paragraph (2) are that—

(A) less than 25 percent of the quantity of renewable fuel necessary to meet the requirements of subsection (a) has been used during 1 of the 2 periods specified in paragraph (4) of the calendar year;

(B) a pattern of excessive seasonal variation described in subparagraph (A) will continue in subsequent calendar years; and

(C) promulgating regulations or other requirements to impose a 25 percent or more seasonal use of renewable fuels will not significantly—

(i) increase the price of motor fuels to the consumer; or

(ii) prevent or interfere with the attainment of national ambient air quality standards.

(4) PERIODS.—The 2 periods referred to in this subsection are—

(A) April through September; and

(B) January through March and October through December.

(f) WAIVERS.—

(1) IN GENERAL.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, may waive the requirements of subsection (a) in whole or in part on petition by one or more States by reducing the national quantity of renewable fuel required under subsection (a), based on a determination by the President (after public notice and opportunity for comment), that—

(A) implementation of the requirement would severely harm the economy or environment of a State, a region, or the United States; or

(B) extreme and unusual circumstances exist that prevent distribution of an adequate supply of domestically-produced renewable fuel to consumers in the United States.

(2) PETITIONS FOR WAIVERS.—The President, in consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency, shall approve or disapprove a State petition for a waiver of the requirements of subsection (a) within 90 days after the date on which the petition is received by the President.

(3) TERMINATION OF WAIVERS.—A waiver granted under paragraph (1) shall terminate after 1 year, but may be renewed by the President after consultation with the Secretary of Energy, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency.

(g) SMALL REFINERIES.—

(1) TEMPORARY EXEMPTION.—

(A) IN GENERAL.—The requirements of subsection (a) shall not apply to small refineries until calendar year 2013.

(B) EXTENSION OF EXEMPTION.—

(i) STUDY BY SECRETARY.—Not later than December 31, 2008, the Secretary shall submit to the President and Congress a report describing the results of a study to determine whether compliance with the requirements of subsection (a) would impose a disproportionate economic hardship on small refineries.

(ii) EXTENSION OF EXEMPTION.—In the case of a small refinery that the Secretary determines under clause (i) would be subject to a disproportionate economic hardship if required to comply with subsection (a), the President shall extend the exemption under subparagraph (A) for the small refinery for a period of not less than 2 additional years.

(2) PETITIONS BASED ON DISPROPORTIONATE ECONOMIC HARDSHIP.—

(A) EXTENSION OF EXEMPTION.—A small refinery may at any time petition the President for an extension of the exemption under paragraph (1) for the reason of disproportionate economic hardship.

(B) EVALUATION OF PETITIONS.—In evaluating a petition under subparagraph (A), the President, in consultation with the Secretary, shall consider the findings of the study under paragraph (1)(B) and other economic factors.

(C) DEADLINE FOR ACTION ON PETITIONS.—The President shall act on any petition submitted by a small refinery for a hardship exemption not later than 90 days after the date of receipt of the petition.

(3) OPT-IN FOR SMALL REFINERIES.—A small refinery shall be subject to the requirements of subsection (a) if the small refinery notifies the President that the small refinery waives the exemption under paragraph (1).

(h) PENALTIES AND ENFORCEMENT.—

(1) CIVIL PENALTIES.—

(A) IN GENERAL.—Any person that violates a regulation promulgated under subsection (a), or that fails to furnish any information required under such a regulation, shall be liable to the United States for a civil penalty of not more than the total of—

(i) $25,000 for each day of the violation; and

(ii) the amount of economic benefit or savings received by the person resulting from the violation, as determined by the President.

(B) COLLECTION.—Civil penalties under subparagraph (A) shall be assessed by, and collected in a civil action brought by, the Secretary or such other officer of the United States as is designated by the President.

(2) INJUNCTIVE AUTHORITY.—

(A) IN GENERAL.—The district courts of the United States shall have jurisdiction to—

(i) restrain a violation of a regulation promulgated under subsection (a);

(ii) award other appropriate relief; and

(iii) compel the furnishing of information required under the regulation.

(B) ACTIONS.—An action to restrain such violations and compel such actions shall be brought by and in the name of the United States.

(C) SUBPOENAS.—In the action, a subpoena for a witness who is required to attend a district court in any district may apply in any other district.

(i) EFFECTIVE DATE.—Except as otherwise specifically provided in this section, this section takes effect on January 1, 2008.

TITLE II—RENEWABLE FUELS INFRASTRUCTURE

SEC. 201. INFRASTRUCTURE PILOT PROGRAM FOR RENEWABLE FUELS.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation and the Administrator of the Environmental Protection Agency, shall establish a competitive grant pilot program (referred to in this section as the "pilot program"), to be administered through the Vehicle Technology Deployment Program of the Department of Energy, to provide not more than 10 geographically-dispersed project grants to State governments, local governments, metropolitan transportation authorities, or partnerships of those entities to carry out 1 or more projects for the purposes described in subsection (b).

(b) GRANT PURPOSES.—A grant under this section shall be used for the establishment of refueling infrastructure corridors, as designated by the Secretary, for gasoline blends that contain at least 85 percent renewable fuel or diesel fuel that contains at least 10 percent renewable fuel, including—

(1) installation of infrastructure and equipment necessary to ensure adequate distribution of renewable fuels within the corridor;

(2) installation of infrastructure and equipment necessary to directly support vehicles powered by renewable fuels; and

(3) operation and maintenance of infrastructure and equipment installed as part of a project funded by the grant.

(c) APPLICATIONS.—

(1) REQUIREMENTS.—

(A) IN GENERAL.—Subject to subparagraph (B), not later than 90 days after the date of enactment of this Act, the Secretary shall issue requirements for use in applying for grants under the pilot program.

(B) MINIMUM REQUIREMENTS.—At a minimum, the Secretary shall require that an application for a grant under this section—

(i) be submitted by—

(I) the head of a State or local government or a metropolitan transportation authority, or any combination of those entities; and

(II) a registered participant in the Vehicle Technology Deployment Program of the Department of Energy; and

(ii) include—

(I) a description of the project proposed in the application, including the ways in which the project meets the requirements of this section;

(II) an estimate of the degree of use of the project, including the estimated size of fleet of vehicles operated with renewable fuel available within the geographic region of the corridor;

(III) an estimate of the potential petroleum displaced as a result of the project, and a plan to collect and disseminate petroleum displacement and other relevant data relating to the project to be funded under the grant, over the expected life of the project;

(IV) a description of the means by which the project will be sustainable without Federal assistance after the completion of the term of the grant;

(V) a complete description of the costs of the project, including acquisition, construction, operation, and maintenance costs over the expected life of the project; and

(VI) a description of which costs of the project will be supported by Federal assistance under this subsection.

(2) PARTNERS.—An applicant under paragraph (1) may carry out a project under the pilot program in partnership with public and private entities.

(d) SELECTION CRITERIA.—In evaluating applications under the pilot program, the Secretary shall—

(1) consider the experience of each applicant with previous, similar projects; and

(2) give priority consideration to applications that—

(A) are most likely to maximize displacement of petroleum consumption;

(B) demonstrate the greatest commitment on the part of the applicant to ensure funding for the proposed project and the greatest likelihood that the project will be maintained or expanded after Federal assistance under this subsection is completed;

(C) represent a partnership of public and private entities; and

(D) exceed the minimum requirements of subsection (c)(1)(B).

(e) PILOT PROJECT REQUIREMENTS.—

(1) MAXIMUM AMOUNT.—The Secretary shall provide not more than $20,000,000 in Federal assistance under the pilot program to any applicant.

(2) COST SHARING.—The non-Federal share of the cost of any activity relating to renewable fuel infrastructure development carried out using funds from a grant under this section shall be not less than 20 percent.

(3) MAXIMUM PERIOD OF GRANTS.—The Secretary shall not provide funds to any applicant under the pilot program for more than 2 years.

(4) DEPLOYMENT AND DISTRIBUTION.—The Secretary shall seek, to the maximum extent practicable, to ensure a broad geographic distribution of project sites funded by grants under this section.

(5) TRANSFER OF INFORMATION AND KNOWLEDGE.—The Secretary shall establish mechanisms to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(f) SCHEDULE.—

(1) INITIAL GRANTS.—

(A) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for applications to carry out projects under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal up to 5 applications for projects to be awarded a grant under the pilot program.

(2) ADDITIONAL GRANTS.—

(A) IN GENERAL.—Not later than 2 years after the date of enactment of this Act, the Secretary shall publish in the Federal Register, Commerce Business Daily, and such other publications as the Secretary considers to be appropriate, a notice and request for additional applications to carry out projects under the pilot program that incorporate the information and knowledge obtained through the implementation of the first round of projects authorized under the pilot program.

(B) DEADLINE.—An application described in subparagraph (A) shall be submitted to the Secretary by not later than 180 days after the date of publication of the notice under that subparagraph.

(C) INITIAL SELECTION.—Not later than 90 days after the date by which applications for grants are due under subparagraph (B), the Secretary shall select by competitive, peer-reviewed proposal such additional applications for projects to be awarded a grant under the pilot program as the Secretary determines to be appropriate.

(g) REPORTS TO CONGRESS.—

(1) INITIAL REPORT.—Not later than 60 days after the date on which grants are awarded under this section, the Secretary shall submit to Congress a report containing—

(A) an identification of the grant recipients and a description of the projects to be funded under the pilot program;

(B) an identification of other applicants that submitted applications for the pilot program but to which funding was not provided; and

(C) a description of the mechanisms used by the Secretary to ensure that the information and knowledge gained by participants in the pilot program are transferred among the pilot program participants and to other interested parties, including other applicants that submitted applications.

(2) EVALUATION.—Not later than 2 years after the date of enactment of this Act, and annually thereafter until the termination of the pilot program, the Secretary shall submit to Congress a report containing an evaluation of the effectiveness of the pilot program, including an assessment of the petroleum displacement and benefits to the environment derived from the projects included in the pilot program.

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section $200,000,000, to remain available until expended.

SEC. 202. BIOENERGY RESEARCH AND DEVELOPMENT.

Section 931(c) of the Energy Policy Act of 2005 (42 U.S.C. 16231(c)) is amended—

(1) in paragraph (1), by striking "$213,000,000" and inserting "$326,000,000";

(2) in paragraph (2), by striking "$251,000,000" and inserting "$377,000,000"; and

(3) in paragraph (3), by striking "$274,000,000" and inserting "$398,000,000".

SEC. 203. BIORESEARCH CENTERS FOR SYSTEMS BIOLOGY PROGRAM.

Section 977(a)(1) of the Energy Policy Act of 2005 (42 U.S.C. 16317(a)(1)) is amended by inserting before the period at the end the following: ", including the establishment of at least 7 bioresearch centers that focus on biofuels, of which at least 1 center shall be located in each of the 4 Petroleum Administration for Defense Districts with no subdistricts and 1 center shall be located in each of the subdistricts of the Petroleum Administration for Defense District with subdistricts".

SEC. 204. LOAN GUARANTEES FOR RENEWABLE FUEL FACILITIES.

(a) IN GENERAL.—Section 1703 of the Energy Policy Act of 2005 (42 U.S.C. 16513) is amended by adding at the end the following:

"(f) RENEWABLE FUEL FACILITIES.—

"(1) IN GENERAL.—The Secretary may make guarantees under this title for projects that produce advanced biofuel (as defined in section 2 of the Biofuels for Energy Security and Transportation Act of 2007).

"(2) REQUIREMENTS.—A project under this subsection shall employ new or significantly improved technologies for the production of renewable fuels as compared to commercial technologies in service in the United States at the time that the guarantee is issued.

"(3) ISSUANCE OF FIRST LOAN GUARANTEES.—The requirement of section 20320(b) of division B of the Continuing Appropriations Resolution, 2007 (Public Law 109–289, Public Law 110–5), relating to the issuance of final regulations, shall not apply to the first 6 guarantees issued under this subsection.

"(4) PROJECT DESIGN.—A project for which a guarantee is made under this subsection shall have a project design that has been validated through the operation of a continuous process pilot facility with an annual output of at least 50,000 gallons of ethanol.

"(5) MAXIMUM GUARANTEED PRINCIPAL.—The total principal amount of a loan guaranteed under this subsection may not exceed $250,000,000 for a single facility.

"(6) AMOUNT OF GUARANTEE.—The Secretary shall guarantee 100 percent of the principal and interest due on 1 or more loans made for a facility that is the subject of the guarantee under paragraph (3).

"(7) DEADLINE.—The Secretary shall approve or disapprove an application for a guarantee under this subsection not later than 90 days after the date of receipt of the application.

"(8) REPORT.—Not later than 30 days after approving or disapproving an application under paragraph (7), the Secretary shall submit to Congress a report on the approval or disapproval (including the reasons for the action).".

(b) IMPROVEMENTS TO UNDERLYING LOAN GUARANTEE AUTHORITY.—

(1) DEFINITION OF COMMERCIAL TECHNOLOGY.—Section 1701(1) of the Energy Policy Act of 2005 (42 U.S.C. 16511(1)) is amended by striking subparagraph (B) and inserting the following:

"(B) EXCLUSION.—The term 'commercial technology' does not include a technology if the sole use of the technology is in connection with—

"(i) a demonstration plant; or

"(ii) a project for which the Secretary approved a loan guarantee.".

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (b) and inserting the following:

"(b) SPECIFIC APPROPRIATION OR CONTRIBUTION.—

"(1) IN GENERAL.—No guarantee shall be made unless—

"(A) an appropriation for the cost has been made; or

"(B) the Secretary has received from the borrower a payment in full for the cost of the obligation and deposited the payment into the Treasury.

"(2) LIMITATION.—The source of payments received from a borrower under paragraph (1)(B) shall not be a loan or other debt obligation that is made or guaranteed by the Federal Government.

"(3) RELATION TO OTHER LAWS.—Section 504(b) of the Federal Credit Reform Act of 1990 (2 U.S.C. 661c(b)) shall not apply to a loan or loan guarantee made in accordance with paragraph (1)(B).".

(3) AMOUNT.—Section 1702 of the Energy Policy Act of 2005 (42 U.S.C. 16512) is amended by striking subsection (c) and inserting the following:

"(c) AMOUNT.—

"(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall guarantee up to 100 percent of the principal and interest due on 1 or more loans for a facility that are the subject of the guarantee.

"(2) LIMITATION.—The total amount of loans guaranteed for a facility by the Secretary shall not exceed 80 percent of the total cost of the facility, as estimated at the time at which the guarantee is issued.".

(4) SUBROGATION.—Section 1702(g)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16512(g)(2)) is amended—

(A) by striking subparagraph (B); and

(B) by redesignating subparagraph (C) as subparagraph (B).

SEC. 205. GRANTS FOR RENEWABLE FUEL PRODUCTION RESEARCH AND DEVELOPMENT IN CERTAIN STATES.

(a) IN GENERAL.—The Secretary shall provide grants to eligible entities to conduct research into, and develop and implement, renewable fuel production technologies in States with low rates of ethanol production, including low rates of production of cellulosic biomass ethanol.

(b) ELIGIBILITY.—To be eligible to receive a grant under the section, an entity shall—

(1)(A) be an institution of higher education (as defined in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801)) located in a State described in subsection (a); or

(B) be a consortium of such institutions of higher education, industry, State agencies, or local government agencies located in the State; and

(2) have proven experience and capabilities with relevant technologies.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $25,000,000 for each of fiscal years 2008 through 2010.

SEC. 206. GRANTS FOR INFRASTRUCTURE FOR TRANSPORTATION OF 'BIOMASS TO LOCAL BIOREFINERIES.

(a) IN GENERAL.—The Secretary shall conduct a program under which the Secretary shall provide grants to local governments and other eligible entities (as determined by the Secretary) (referred to in this section as "eligible entities") to promote the development of infrastructure to support the transportation of biomass to local biorefineries, including by portable processing equipment.

(b) PHASES.—The Secretary shall conduct the program in the following phases:

(1) DEVELOPMENT.—In the first phase of the program, the Secretary shall make grants to eligible entities to assist the eligible entities in the development of local projects to promote the development of infrastructure to support the transportation of biomass to local biorefineries, including by portable processing equipment.

(2) IMPLEMENTATION.—In the second phase of the program, the Secretary shall make competitive grants to eligible entities to implement projects developed under paragraph (1).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 207. BIOREFINERY INFORMATION CENTER.

(a) IN GENERAL.—The Secretary, in cooperation with the Secretary of Agriculture, shall establish a biorefinery information center to make available to interested parties information on—

(1) renewable fuel resources, including information on programs and incentives for renewable fuels;

(2) renewable fuel producers;

(3) renewable fuel users; and

(4) potential renewable fuel users.

(b) ADMINISTRATION.—In administering the biorefinery information center, the Secretary shall—

(1) continually update information provided by the center;

(2) make information available to interested parties on the process for establishing a biorefinery; and

(3) make information and assistance provided by the center available through a toll-free telephone number and website.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 208. CONVERSION ASSISTANCE FOR CELLULOSIC BIOMASS, WASTE-DERIVED ETHANOL, APPROVED RENEWABLE FUELS.

(a) DEFINITIONS.—In this section:

(1) APPROVED RENEWABLE FUEL.—The term "approved renewable fuels" means an alternative or replacement fuel that—

(A) has been approved under title III of the Energy Policy Act of 1992 (42 U.S.C. 13211 et seq.); and

(B) is made from renewable biomass.

(2) PRODUCER.—The term "producer" means—

(A) a merchant producer;

(B) a farm or dairy cooperative; or

(C) an association of agricultural producers.

(3) WASTE-DERIVED ETHANOL.—The term "waste-derived ethanol" means ethanol derived from—

(A) animal waste (including poultry fat and poultry waste) and other waste material; or

(B) municipal solid waste.

(b) CONVERSION ASSISTANCE.—The Secretary may provide grants to producers of cellulosic biomass ethanol, waste-derived ethanol, and approved renewable fuels in the United States to assist the producers in building eligible production facilities described in subsection (c) for the production of ethanol or approved renewable fuels.

(c) ELIGIBLE PRODUCTION FACILITIES.—A production facility shall be eligible to receive a grant under this section if the production facility—

(1) is located in the United States; and

(2) uses renewable biomass.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section—

(1) $400,000,000 for fiscal year 2008;

(2) $500,000,000 for fiscal year 2009; and

(3) $600,000,000 for fiscal year 2010.

SEC. 209. ALTERNATIVE FUEL DATABASE AND MATERIALS.

The Secretary and the Director of the National Institute of Standards and Technology shall jointly establish and make available to the public—

(1) a database that describes the physical properties of different types of alternative fuel; and

(2) standard reference materials for different types of alternative fuel.

SEC. 210. FUEL TANK CAP LABELING REQUIREMENT.

Section 406(a) of the Energy Policy Act of 1992 (42 U.S.C. 13232(a)) is amended—

(1) by striking "The Federal Trade Commission" and inserting the following:

"(1) IN GENERAL.—The Federal Trade Commission"; and

(2) by adding at the end the following:

"(2) FUEL TANK CAP LABELING REQUIREMENT.—Beginning with model year 2010, the fuel tank cap of each alternative fueled vehicle manufactured for sale in the United States shall be clearly labeled to inform consumers that such vehicle can operate on alternative fuel.".

TITLE III—STUDIES

SEC. 301. STUDY OF ADVANCED BIOFUELS TECHNOLOGIES.

(a) IN GENERAL.—Not later than October 1, 2012, the Secretary shall offer to enter into a contract with the National Academy of Sciences under which the Academy shall conduct a study of technologies relating to the production, transportation, and distribution of advanced biofuels.

(b) SCOPE.—In conducting the study, the Academy shall—

(1) include an assessment of the maturity of advanced biofuels technologies;

(2) consider whether the rate of development of those technologies will be sufficient to meet the advanced biofuel standards required under section 101;

(3) consider the effectiveness of the research and development programs and activities of the Department of Energy relating to advanced biofuel technologies; and

(4) make policy recommendations to accelerate the development of those technologies to commercial viability, as appropriate.

(c) REPORT.—Not later than November 30, 2014, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report describing the results of the study conducted under this section.

SEC. 302. STUDY OF INCREASED CONSUMPTION OF ETHANOL-BLENDED GASOLINE WITH HIGHER LEVELS OF ETHANOL.

(a) IN GENERAL.—The Secretary (in cooperation with the Secretary of Agriculture, the Administrator of the Environmental Protection Agency, and the Secretary of Transportation) shall conduct a study of the feasibility of increasing consumption in the United States of ethanol-blended gasoline with levels of ethanol that are not less than 10 percent and not more than 25 percent, including a study of production and infrastructure constraints on increasing the consumption.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 303. PIPELINE FEASIBILITY STUDY.

(a) IN GENERAL.—The Secretary, in coordination with the Secretary of Agriculture and the Secretary of Transportation, shall conduct a study of the feasibility of the construction of dedicated ethanol pipelines.

(b) FACTORS.—In conducting the study, the Secretary shall consider—

(1) the quantity of ethanol production that would make dedicated pipelines economically viable;

(2) existing or potential barriers to dedicated ethanol pipelines, including technical, siting, financing, and regulatory barriers;

(3) market risk (including throughput risk) and means of mitigating the risk;

(4) regulatory, financing, and siting options that would mitigate risk in those areas and help ensure the construction of 1 or more dedicated ethanol pipelines;

(5) financial incentives that may be necessary for the construction of dedicated ethanol pipelines, including the return on equity that sponsors of the initial dedicated ethanol pipelines will require to invest in the pipelines;

(6) technical factors that may compromise the safe transportation of ethanol in pipelines, identifying remedial and preventative measures to ensure pipeline integrity; and

(7) such other factors as the Secretary considers appropriate.

(c) REPORT.—Not later than 15 months after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the results of the study conducted under this section.

SEC. 304. STUDY OF OPTIMIZATION OF ALTERNATIVE FUELED VEHICLES TO USE E-85 FUEL.

(a) IN GENERAL.—The Secretary shall conduct a study of methods of increasing the fuel efficiency of alternative fueled vehicles by optimizing alternative fueled vehicles to operate using E-85 fuel.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives a report that describes the results of the study, including any recommendations of the Secretary.

SEC. 305. STUDY OF CREDITS FOR USE OF RENEWABLE ELECTRICITY IN ELECTRIC VEHICLES.

(a) DEFINITION OF ELECTRIC VEHICLE.—In this section, the term "electric vehicle" means an electric motor vehicle (as defined in section 601 of the Energy Policy Act of 1992 (42 U.S.C. 13271)) for which the rechargeable storage battery—

(1) receives a charge directly from a source of electric current that is external to the vehicle; and

(2) provides a minimum of 80 percent of the motive power of the vehicle.

(b) STUDY.—The Secretary shall conduct a study on the feasibility of issuing credits under the program established under section 101(d) to electric vehicles powered by electricity produced from renewable energy sources.

(c) REPORT.—Not later than 18 months after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report that describes the results of the study, including a description of—

(1) existing programs and studies on the use of renewable electricity as a means of powering electric vehicles; and

(2) alternatives for—

(A) designing a pilot program to determine the feasibility of using renewable electricity to power electric vehicles as an adjunct to a renewable fuels mandate;

(B) allowing the use, under the pilot program designed under subparagraph (A), of electricity generated from nuclear energy as an additional source of supply;

(C) identifying the source of electricity used to power electric vehicles; and

(D) equating specific quantities of electricity to quantities of renewable fuel under section 101(d).

BY Mr. MENENDEZ (for himself and Mr. LAUTENBERG):

S. 990. A bill to fight criminal gangs; to the Committee on the Judiciary.

Mr. MENDENEZ. Mr. President, today, all across America, organized criminal gangs plague our communities, destroying the lives of thousands of young children and adults each and every year. Unfortunately, this plague is currently not being treated effectively, and as a result has grown in size and power in almost every State in the Nation. In order to effectively counter this growing threat, we cannot continue to believe it is only a State and local issue that predominantly occurs in highly urbanized areas. Instead, we must recognize that it has escalated into a national issue—reaching small rural towns, suburban areas, and big cities alike—and affecting our country as a whole.

In light of this, it is clear that we must recalibrate our efforts and—in addition to our local initiatives—comprehensively confront gang violence at the national level. That is why I rise today, along with my colleague, Senator LAUTENBERG, to introduce the Fighting Gangs and Empowering Youth Act of 2007.

Combining the efforts of Federal, State, and local agencies, this legislation would utilize a multi-pronged approach in order to comprehensively deal with all aspects of gang violence. From rigorously enforcing and appropriately sentencing criminal acts, to exposing and eliminating the root causes of gang pervasiveness, this bill would simultaneously deter gang violence while proactively targeting the sources that have led to its expanding prevalence.

Like most of the problems we face as a society, gang violence can most effectively be handled by addressing its root causes. In order to grow in size and power, gangs need a large, self-replenishing pool of recruits to draw upon.

They prey on areas that suffer from high dropout rates, crippling poverty, and rampant unemployment—areas where hope is often in short supply. All too often children who live in these areas are caught in a tragic web of gang violence simply because they can envision no other alternative.

It is in these circumstances, where a 15-year-old child sees life in a gang as not just their best option, but often their only option—that gang membership thrives. It is in these circumstances, where children do not anticipate living to celebrate their 30th birthday—that gangs flourish. Not only does this environment destroy the life of the individual recruited—it also serves to strengthen the gang, further reinforcing a vicious cycle.

Thus, any effort undertaken to combat gang violence must address the environment that transforms promising, young adolescents into ruthless tools of a criminal enterprise. While we will probably never be able to completely eliminate all acts of violence from our society, there is much we can do to instill in our children the skills they need to pursue a law abiding life. To this end, my legislation would authorize funds for afterschool and community-based programs designed to economically empower young people. Disadvantaged students will be given the opportunity to realize their potential, through tutoring, mentoring, and job training programs as well as college preparation classes and tuition assistance. Additionally, millions of dollars would be authorized to enhance and expand anti-gang and anti-violence programs in elementary and secondary schools, ensuring that students can focus solely on learning, without having to be concerned for their personal safety. By providing "at-risk" youth with the resources and opportunities necessary to succeed in life, they will be far less susceptible to the pressures to join a criminal gang.

This bill would also attack one of the roots of gang violence—gang recruiters, who seek out young, economically disadvantaged, at-risk youth and pressure them to join. Currently, there is no Federal law specifically forbidding gang recruitment. This legislation would change that—making it illegal for a gang member to solicit or recruit others into a gang—and would incarcerate an offender for up to 10 years if the person being recruited was 18 or older, or up to 20 years if the individual was under the age of 18. This provision would effectively target the kingpins of gangs, who cowardly order younger members to do their violent bidding, callously sacrificing their lives like pawns on a chessboard.

For those who have made wrong choices in life, but are still capable of rehabilitation, this bill would expand adult and juvenile offender reentry demonstration projects to help with post-release and transitional housing, while promoting programs that hire former prisoners, and establish reentry planning procedures within communities. To be eligible for early release, prisoners with drug addictions would be required to participate in treatment programs both while they are imprisoned as well as during their transition period back into society. All offenders would be encouraged to participate in educational initiatives such as job training, GED preparation, and a myriad of other programs designed to provide offenders with the skills necessary to become legally employed when they are released from prison. By providing such individuals with an alternative choice to a life of crime, lives can be transformed and recidivism rates amongst ex-convicts will be reduced.

In addition to programs focused on gang violence prevention, we must provide law enforcement officials at every level of government with all of the tools and resources necessary for them to safely and effectively protect and serve their communities. All too often these heroic officers are caught in the crossfire of gang violence, and all too often they make the ultimate sacrifice so that others may live.

One tragic example involves the late Detective Kiernan Shields from East Orange, New Jersey. Detective Shields was a rising star in the East Orange Police Department, living his lifelong dream of serving his community as an officer of the peace. He was a devoted, loving husband and proud father of three children, who was remembered by his peers and colleagues not just as a multi-talented person with a great sense of humor, but as the epitome of a role model in an area that desperately needed one. Unfortunately, New Jersey lost one of its bravest and finest sons on the evening of August 7, 2006, when Detective Shields was ruthlessly shotgunned to death by a reputed member of the Bloods gang, as he valiantly ran toward the sound of echoing gunfire—Ran toward the gunfire.

This single act of heroism is consistent with the way police officers across this Nation live their daily lives. These are the people who are fighting day in and day out to keep our communities safe. The best way to honor the victims of gang violence and those who are still fighting it is to fully commit ourselves to eradicating this cancer.

To assist our frontline warriors in their daily struggle against gang violence, my proposal would provide law enforcement officials on every level of government with the resources and information they need to accurately track and effectively neutralize criminal gangs. Specifically, this legislation would establish a program similar to the current Community Oriented Policing Services (COPS) program to augment the number of police officers combating gangs in our local communities, and would authorize $700 million annually for it. Additional funds would be used to provide more forensic examiners to investigate, and more attorneys to prosecute, gang crimes. These measures would show that we pay homage not just with our words, but more importantly, with our actions, as we recognize the heroic deeds performed by law enforcement officials every single day.

As is true with almost all problems, a better understanding of how gangs operate translates into a better understanding of how best to counter them. That is why this bill would authorize additional funding for the National Youth Gang Survey to increase the number of law enforcement agencies whose data is collected and included in the annual survey and provide money to upgrade technology to better identify gang members and include them in the National Gang Database. Additionally, this legislation would expand the Uniform Crime Reports (UCRs) to include local gang and other crime statistics from the municipal level, while also requiring the Attorney General to distinguish those crimes committed by juveniles. The bill also requires consolidation and standardization of criminal databases, enabling law enforcement all across the country to better share information.

For those who still choose a life of crime, this proposal would increase the penalties for crimes committed in the furtherance of a gang. Gangs are dependent on committing crimes such as witness intimidation, illegal firearm possession, and drug trafficking—implementing these violent instruments to augment their power. Subsequently, when these crimes are committed in the furtherance of gang activity, they can be more detrimental to society than if they were committed in isolation. Thus, these tougher sentencing requirements for crimes committed in the furtherance of a gang are not only appropriate, but necessary to deter gang violence and shield society from its most dangerous and unremorseful criminals.

Taken together, the provisions of this bill develop a comprehensive approach to gang violence by focusing on prevention, deterrence, and enforcement. Failure to address all of these gang violence catalysts in their entirety would leave us with an incomprehensive approach that would do little to quell the scourge of gang violence. Therefore, I urge my colleagues to support the Fighting Gangs and Empowering Youth Act, and by doing so, give law enforcement and our communities the means to thoroughly and comprehensively counter the growing specter of gang violence that afflicts our great Nation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 123—REFORMING THE CONGRESSIONAL EARMARK PROCESS

Mr. DEMINT submitted the following resolution; which was referred to the Committee on Rules and Administration:

S. RES. 123

Resolved,

SECTION 1. CONGRESSIONAL EARMARK REFORM.

The Standing Rules of the Senate are amended by adding at the end the following:

"RULE XLIV

"EARMARKS

"1. It shall not be in order to consider——

"(a) a bill or joint resolution reported by a committee unless the report includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill or in the report (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits;

"(b) a bill or joint resolution not reported by a committee unless the chairman of each committee of jurisdiction has caused a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the bill or joint resolution, of congressional earmarks, limited tax benefits, and limited tariff benefits in the bill (and the name of any Member who submitted a request to the committee for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits to be printed in the Congressional Record prior to its consideration; or

"(c) a conference report to accompany a bill or joint resolution unless the joint explanatory statement prepared by the managers on the part of the House and the managers on the part of the Senate includes a list, which shall be made available on the Internet in a searchable format to the general public for at least 48 hours before consideration of the conference report, of congressional earmarks, limited tax benefits, and limited tariff benefits in the conference report or joint statement (and the name of any Member, Delegate, Resident Commissioner, or Senator who submitted a request to the House or Senate committees of jurisdiction for each respective item included in such list) or a statement that the proposition contains no congressional earmarks, limited tax benefits, or limited tariff benefits.

"2. For the purpose of this rule—

"(a) the term 'congressional earmark' means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process;

"(b) the term 'limited tax benefit' means—

"(1) any revenue provision that—

"(A) provides a Federal tax deduction, credit, exclusion, or preference to a particular beneficiary or limited group of beneficiaries under the Internal Revenue Code of 1986; and

"(B) contains eligibility criteria that are not uniform in application with respect to potential beneficiaries of such provision; or

"(2) any Federal tax provision which provides one beneficiary temporary or permanent transition relief from a change to the Internal Revenue Code of 1986; and

"(c) the term 'limited tariff benefit' means a provision modifying the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities.

"3. A Member may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner.

"4. (a) A Member who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking member of the committee of jurisdiction, including—

"(1) the name of the Member;

"(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

"(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member;

"(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

"(5) a certification that the Member or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

"(b) Each committee shall maintain the written statements transmitted under subparagraph (a). The written statements transmitted under subparagraph (a) for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be published in a searchable format on the committee's or subcommittee's website not later than 48 hours after receipt on such information.

"5. It shall not be in order to consider any bill, resolution, or conference report that contains an earmark included in any classified portion of a report accompanying the measure unless the bill, resolution, or conference report includes to the greatest extent practicable, consistent with the need to protect national security (including intelligence sources and methods), in unclassified language, a general program description, funding level, and the name of the sponsor of that earmark.".

SENATE RESOLUTION 124—CONGRATULATING THE EUROPEAN UNION ON THE 50TH ANNIVERSARY OF THE SIGNING OF THE TREATY OF ROME CREATING THE EUROPEAN ECONOMIC COMMUNITY AMONG 6 EUROPEAN COUNTRIES AND LAYING THE FOUNDATIONS FOR PEACE, STABILITY, AND PROSPERITY IN EUROPE

Mr. BIDEN submitted the following resolution; which was considered and agreed to:

S. RES. 124

Whereas after a half century of war and upheaval, and in the face of economic and political crises and the threat of communism, European visionaries began a process to bring the countries of Europe into closer economic and political cooperation to help secure peace and prosperity for the peoples of Europe;

Whereas, on March 25, 1957, 6 European countries—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed the Treaty of Rome, creating the European Economic Community;

Whereas the Treaty of Rome established a customs union between the signatory countries, but also did much more, creating a framework that has broadened and deepened over time into the European Union, promoting the free movement of people, services, and capital, and common policies among the countries in important areas, and that has helped secure the spread of peace and stability in Europe;

Whereas the European Economic Community expanded to bring more European countries into closer union, with the United Kingdom, Denmark, and Ireland joining in 1973, Greece joining in 1981, and Spain and Portugal joining in 1986;

Whereas the member countries of the European Economic Community agreed to the Single European Act in 1987, paving the way for a single European market, and on February 7, 1992, the member countries of the European Community signed the Treaty of Maastricht, furthering the economic and political ties among the member countries and creating the European Union;

Whereas the European Union has continued to grow so that the European Union now comprises 27 countries with a population of over 450,000,000, after the successful unification of Germany in 1990 and the joining of Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, and the European Union continues to consider expanding to include other countries central to the history and future of Europe;

Whereas the European Union has developed a broad acquis communautaire covering policies in the economic, security, diplomatic, and political areas, has established a single market, has built an economic and monetary union, including the Euro currency, and has built an area of freedom, security, peace, and justice, extending stability to its neighbors;

Whereas the European Union played a key role at the end of the Cold War in helping to spread free markets, democratic institutions and values, and respect for human rights to the former central European communist states;

Whereas the United States and the European Union have shared a unique partnership based on a common heritage, shared values, and mutual interests, and have worked together to strengthen international cooperation and institutions, to create a more open international trading system, to ensure transatlantic and global security, to preserve and promote peace, freedom, and democracy, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union to promote prosperity, peace, and democracy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the European Union and the member countries of the European Union on the 50th anniversary of the historic signing of the Treaty of Rome;

(2) commends the European Union for the critical role it and its predecessor organizations have played in spreading peace, stability, and prosperity throughout Europe; and

(3) affirms the desire of the United States to strengthen the transatlantic partnership with the European Union and with all of its member countries.

AMENDMENTS SUBMITTED AND PROPOSED

SA 641. Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 642. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 643. Mr. COCHRAN (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. CRAIG, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI) proposed an amendment to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra.

SA 644. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 645. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 646. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 647. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 641. Mr. BYRD proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $475,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated $82,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): *Provided*, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $500,000, to remain available until September 30, 2008.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $4,093,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $5,000,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $25,000,000, to remain available until September 30, 2008.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $348,260,000, of which $338,260,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $25,100,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,870,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,100,410,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,495,827,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,218,587,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $77,523,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $9,073,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $474,978,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $41,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $4,865,003,000, of which $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities in support of activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,101,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,685,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,790,669,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law:

Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: *Provided further*, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $455,600,000, to remain available for transfer until September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,400,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $10,589,272,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $963,903,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $722,506,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,703,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $1,431,756,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $78,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,972,131,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $903,092,000, to remain available until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $1,000,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $125,576,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $308,212,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $233,869,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $522,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $2,466,847,000; of which $2,277,147,000 shall be for operation and maintenance; of which $118,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $71,700,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and Central Asia: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of non-military medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1315. REVISION OF UNITED STATES POLICY ON IRAQ. (a) FINDINGS.—Congress makes the following findings:

(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.

(2) The circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially.

(3) United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution.

(4) United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror.

(b) Prompt Commencement of Phased Redeployment of United States Forces From Iraq.—

(1) Transition of mission.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) Commencement of phased redeployment from Iraq.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting United States and coalition personnel and infrastructure.

(B) Training and equipping Iraqi forces.

(C) Conducting targeted counter-terrorism operations.

(3) Comprehensive strategy.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(4) Reports required.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this subsection, as well as a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of United States forces from Iraq.

(c) Benchmarks for the Government of Iraq.—

(1) Sense of congress.—It is the sense of Congress that—

(A) achieving success in Iraq is dependent on the Government of Iraq meeting specific benchmarks, as reflected in previous commitments made by the Government of Iraq, including—

(i) deploying trained and ready Iraqi security forces in Baghdad;

(ii) strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention;

(iii) disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the constitution of Iraq;

(iv) enacting and implementing legislation to ensure that the energy resources of Iraq benefit all Iraqi citizens in an equitable manner;

(v) enacting and implementing legislation that equitably reforms the de-Ba'athification process in Iraq;

(vi) ensuring a fair process for amending the constitution of Iraq so as to protect minority rights; and

(vii) enacting and implementing rules to equitably protect the rights of minority political parties in the Iraqi Parliament; and

(B) each benchmark set forth in subparagraph (A) should be completed expeditiously and pursuant to a schedule established by the Government of Iraq.

(2) Report.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces-Iraq shall submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq in meeting the benchmarks set forth in paragraph (1)(A).

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $140,000,000, to remain available until September 30, 2008.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border and the Great Lakes, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $660,000,000; of which $600,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; and $60,000,000 shall be for air cargo security, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $15,000,000, to remain available until September 30, 2008.

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For an additional amount for "Office of the Chief Medical Officer" for nuclear preparedness and other activities, $18,000,000, to remain available until September 30, 2008.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security" for chemical site security activities, $18,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq. (as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note; Public Law 109–295))), $20,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $850,000,000; of which $190,000,000 shall be for port security pursuant to section 70107(l) of title 46 United States Code; $625,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; and $35,000,000 shall be for regional grants and technical assistance to high risk urban areas for catastrophic event planning and preparedness: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That funds for such regional grants and technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants" for necessary expenses related to the Nationwide Plan Review, $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $30,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo research, $15,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 1501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

Sec. 1502. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.".

CHAPTER 6

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,261,390,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $347,890,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $34,700,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 7

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $815,796,000, to remain available until September 30, 2008, of which $70,000,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $36,500,000, to remain available until December 31, 2008: *Provided*, That of the funds appropriated under this heading, not less than $1,500,000 shall be made available for activities related to oversight of assistance furnished for Iraq and Afghanistan with funds appropriated in this Act and in prior appropriations Acts: *Provided further*, That $35,000,000 of these funds shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $59,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $187,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for internally displaced persons in Iraq, not less than $18,000,000 shall be made available for emergency shelter, fuel and other assistance for internally displaced persons in Afghanistan, not less than $10,000,000 shall be made available for assistance for northern Uganda, not less than $10,000,000 shall be made available for assistance for eastern Democratic Republic of the Congo, and not less than $10,000,000 shall be made available for assistance for Chad.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $5,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for activities related to oversight of assistance furnished for Iraq with funds appropriated in this Act and in prior appropriations Acts, and not less than $1,000,000 shall be made available for activities related to oversight of assistance furnished for Afghanistan with funds appropriated in this Act and in prior appropriations Acts.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,602,200,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $100,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109-13: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to the United States Agency for International Development for continued support for its Afghan Civilian Assistance Program: *Provided further*, That of the funds appropriated under this heading, not less than $6,000,000 shall be made available for assistance for elections, reintegration of ex-combatants, and other assistance to support the peace process in Nepal: *Provided further*, That of the funds appropriated under this heading, not less than $3,200,000 shall be made available, notwithstanding any other provision of law, for assistance for Vietnam for environmental remediation of dioxin storage sites and to support health programs in communities near those sites: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from other governments, multilateral organizations, and private sources: *Provided further*, That of the funds made available under this heading, not less than $6,000,000 shall be made available for typhoon reconstruction assistance for the Philippines: *Provided further*, That of the funds made available under this heading, not less than $110,000,000 shall be made available for assistance for Pakistan, of which not less than $5,000,000 shall be made available for political party development and election monitoring activities: *Provided further*, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available to support the peace process in northern Uganda: *Provided further*, That of the funds made available under the heading "Economic Support Fund" in Public Law 109-234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

DEPARTMENT OF STATE

Assistance for Eastern Europe and the Baltic States

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

Democracy Fund

For an additional amount for "Democracy Fund", $465,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $385,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for democracy, human rights, and rule of law programs in Iraq: *Provided further*, That prior to the initial obligation of funds made available under this heading for Iraq for the Political Participation Fund or the National Institutions Fund, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for media and reconciliation programs in Somalia.

International Narcotics Control and Law Enforcement

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $210,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance", $143,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for Iraqi refugees including not less than $5,000,000 to rescue Iraqi scholars, and not less than $18,000,000 shall be made available for assistance for Afghan refugees.

United States Emergency Refugee and Migration Assistance Fund

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

Nonproliferation, Anti-terrorism, Demining and Related Programs

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

International Affairs Technical Assistance Program

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.

Peacekeeping Operations

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Peacekeeping Operations", $323,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to "Contributions to International Peacekeeping Activities", to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions: *Provided*, That of the funds appropriated under this heading, not less than $45,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1701. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1702. Section 1302(a) of Public Law 109–234 is amended by striking "one additional year" and inserting in lieu thereof "two additional years".

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1703. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

DEBT RESTRUCTURING

SEC. 1704. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1705. Of the funds appropriated by this Act for assistance for Iraq under the heading "Economic Support Fund" that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" for assistance for Jordan: *Provided*, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1706. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: *Provided*, That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1707. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1708. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1709. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Diplomatic and Consular Programs".

"Educational and Cultural Exchange Programs".

"International Disaster and Famine Assistance".

"Economic Support Fund".

"Assistance for Eastern Europe and Baltic States".

"Democracy Fund".

"Migration and Refugee Assistance".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Peacekeeping Operations".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BENCHMARKS FOR CERTAIN RECONSTRUCTION ASSISTANCE FOR IRAQ

SEC. 1710. (a) BENCHMARKS.—Notwithstanding any other provision of law, fifty percent of the funds appropriated by this Act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has—

(1) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(2) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(3) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(4) amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and

(5) allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(b) EXEMPTIONS.—The requirement to withhold funds from obligation pursuant to subsection (a) shall not apply with respect to funds made available under the heading "Economic Support Fund" that are administered by the United States Agency for International Development for continued support for the Community Action Program, assistance for civilian victims of the military operations, and the Community Stabilization Program in Iraq, or for programs and activities to promote democracy, governance, human rights, and rule of law.

(c) REPORT.—At the time the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has met the benchmarks described in subsection (a), the President shall submit to such Committees a report that contains a detailed description of the specific actions that the Government of Iraq has taken to meet each of the benchmarks referenced in the certification.

RELIEF FOR IRAQI, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 1711. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows: "The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or non-statutory), including but not limited to section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 242 and only to the extent provided in section 242(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of title 8.".

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi) in the matter preceding section (I), by striking "As" and inserting "Except as provided in clause (vii), as"; and

(2) by adding at the end the following new clause:

"(vii) Notwithstanding clause (vi), for purposes of this section the Hmong, the Montagnards, the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State and Secretary of Homeland Security to exercise their discretionary authority pursuant to 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)).".

(c) DURESS EXCEPTION.—Section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)) is amended by adding "other than an act carried out under duress" after "act" and before "that the actor knows".

(d) TECHNICAL CORRECTION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking "Subclause (VII)" and inserting "Subclause (IX)".

(e) REGULATIONS.—Section 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)) is amended by adding the following subsection:

"(iii) Not later than 180 days after the date of enactment of this Act, the Secretary of the Department of Homeland Security and Secretary of State shall each publish in the Federal Register regulations establishing the process by which the eligibility of a refugee, asylum seeker, or individual seeking to adjust his immigration status is considered eligible for any of the exceptions authorized by clause (i), including a timeline for issuing a determination.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(1) removal proceedings instituted before, on, or after the date of enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1712. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings "International Disaster and Famine Assistance", "Office of the United States Agency for International Development Inspector General", and "Office of the Inspector General": *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

KATRINA RECOVERY, VETERANS' CARE AND FOR OTHER PURPOSES

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, notwithstanding the provisions of section 511 of said Act, $170,000,000, to remain available until September 30, 2008: *Provided*, That of the amount made available under this heading, $70,000,000 shall be for local law enforcement initiatives in the gulf coast region related to the aftermath of Hurricanes Katrina and Rita, of which no less than $55,000,000 shall be for the State of Louisiana: *Provided further*, That of the amount made available under this heading, $100,000,000 shall be for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008

Presidential Candidate Nominating Conventions, of which $50,000,000 shall be for the city of Denver, Colorado and $50,000,000 shall be for the city of St. Paul, Minnesota: *Provided further*, That the Department of Justice shall report to the Committees on Appropriations of the House and the Senate on a quarterly basis on the expenditure of the funds provided in the previous proviso.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to fisheries disasters, $165,900,000, to remain available until September 30, 2008: *Provided*, That of the amount provided under this heading, the National Marine Fisheries Service shall cause $60,400,000 to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006: *Provided further*, That of the amount provided under this heading, $105,500,000 shall be for necessary expenses related to the consequences of Hurricanes Katrina and Rita on shrimp and fishing industries.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to disaster response and preparedness of the Gulf of Mexico coast, $6,000,000, to remain available until September 30, 2008.

FISHERIES DISASTER MITIGATION FUND

For an additional amount for a "Fisheries Disaster Mitigation Fund", $50,000,000, to remain available until expended for use in mitigating the effects of commercial fisheries failures and fishery resource disasters as determined under the Magnuson Stevens Act (16 U.S.C. 1801 et seq.) or the Interjurisdictional Fisheries Act (16 U.S.C. 4101 et seq.): *Provided*, That the Secretary of Commerce shall obligate funds provided under this heading according to the Magnuson Stevens Conservation Act, as amended, the Interjurisdictional Fisheries Act, as amended, or other Acts as the Secretary determines to be appropriate.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109-234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $150,000,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,557,700,000, ,to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 2302. The limitation concerning total project costs in sectjon 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.

SEC. 2303. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109-234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109-234 require notifications of the House and Senate Committees on Appropriation.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. ECONOMIC INJURY DISASTER LOANS. (a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "covered small business concern" means a small business concern—

(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(B) that has not more than 50 full-time employees; and

(C) that—

(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and

(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or

(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(4) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with "Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the "Disaster Loans Program Account" or transfer such amounts to and merge such amounts with "Salaries and Expenses", if—

(A) such amounts are—

(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or

(ii) necessary to provide assistance in the event of a major disaster; and

(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 2402. OTHER PROGRAMS. (a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8)."; and

(2) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) RELIEF FROM TEST PROGRAM.—Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—

"(A) IN GENERAL.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005 during the time period described in subparagraph (B).

"(B) TIME PERIOD.—The time period for the purposes of subparagraph (A)—

"(i) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(ii) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,310,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Alabama, and Texas in connection with Hurricanes Katrina and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which applications have been prepared for the Federal Emergency Management Agency before the date of enactment of this Act.

SEC. 2502. (a) Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109-88; 119 Stat. 2061) is amended by striking ": *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled".

(b) Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 471) is amended under the heading "Disaster Assistance Direct Loan Program Account" under the heading "Federal Emergency Management Agency" under the heading "Department of Homeland Security", by striking "*Provided further*, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

SEC. 2503. Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109-234; 120 Stat. 460) is amended by striking "12 months" and inserting "24 months".

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $15,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from foreign drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106–393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000 to be used to cover any shortfall for payments made under this section.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

SEC. 2602. Disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund," for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, that the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $320,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $320,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $820,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $50,000,000, to remain available until expended.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008."

(INCLUDING RESCISSION)

SEC. 2702. (a) From unexpended balances of the amounts made available in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) for the Employment Training Administration, Training and Employment Services under the Department of Labor, $3,589,000 are rescinded.

(b) For an additional amount for the Centers for Disease Control and Prevention for carrying out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109–148), $3,589,000.

SEC. 2703. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2008.

SEC. 2704. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007. (a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—The Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and "(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).

"(C) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence_

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

(c) GENERAL EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

SEC. 2705. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 2 years after the date of enactment of this Act, take any action to finalize, or otherwise implement provisions—

(1) contained in the proposed rule published on January 18, 2007, on pages 2236 through 2258 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act in a similar manner; or

(2) restricting payments for graduate medical education under the Medicaid program.

(b) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking "and" after the semicolon;

(2) in subclause (V)—

(A) by inserting "and before April 1, 2007," after "1995,"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(VI) after March 31, 2007, is 20 percent.".

SEC. 2706. (a) For grant years beginning in 2006–2007, the Secretary of Health and Human Services may waive the requirements of, with respect to Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas, the following sections of the Public Health Service Act:

(1) Section 2612(e)(1) of such Act (42 U.S.C. 300ff–21(b)(1)).

(2) Section 2617(b)(7)(E) of such Act (42 U.S.C. 300ff–27(b)(7)(E)).

(3) Section 2617(d) of such Act (42 U.S.C. 300ff–27(d)), except that such waiver shall apply so that the matching requirement is reduced to $1 for each $4 of Federal funds provided under the grant involved.

(b) If the Secretary of Health and Human Services grants a waiver under subsection (b), the Secretary—

(1) may not prevent Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas from receiving or utilizing, or both, funds granted or distributed, or both, pursuant to title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) because of the failure of Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas to comply with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a);

(2) may not take action due to such noncompliance; and

(3) shall assess, evaluate, and review Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area's eligibility for funds under such title XXVI as if Louisiana, Mississippi, Alabama, and Texas or such eligible metropolitan area had fully complied with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a).

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $25,000,000, for emergency utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until expended.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Air Force Reserve", $3,096,000, to remain available until September 30, 2011: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 109–114, $3,096,000 are hereby rescinded.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $454,131,000, to remain available until expended, of which $50,000,000 shall be for the establishment of new Level I comprehensive polytrauma centers; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $20,000,000 shall be for additional transition caseworkers; $30,000,000 shall be for substance abuse treatment programs; $20,000,000 for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 for additional polytrauma points of contacts; and $201,335,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner outside of the Veterans Equitable Resource Allocation and specific to the needs and geographic distribution of Operation Enduring Freedom and Operation Iraqi Freedom veterans: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for non-recurring maintenance prior to obligation.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $30,000,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $46,000,000, to remain available until expended, for the hiring and training of new pension and compensation claims processing personnel.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $36,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of OIF/OEF veterans benefits claims, including making electronic DOD medical records available for claims processing and enabling electronic benefits applications by veterans; $1,000,000 shall be for the digitization of benefits records; and $15,100,000 shall be for electronic data breach and remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $355,907,000, to remain available until expended, of which $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to downsize staff or to close, realign or phase out essential services at Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped, and until the Secretary of Defense has certified in writing to the Congress that:

(1) the new facilities at Walter Reed National Military Medical Center at Bethesda and/or the Fort Belvoir Community Hospital are complete and fully operational, and

(2) replacement medical facilities at Walter Reed National Military Medical Center at Bethesda have adequate capacity to meet both the existing and projected demand for complex medical care and services, including outpatient and medical hold facilities, for combat veterans and other military personnel.

(b) Not later than 30 days after enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives a report and proposed timetable outlining the Department's plan to transition patients, staff and medical services to the new facilities at Bethesda and Fort Belvoir without compromising patient care, staffing requirements or facility maintenance at the Walter Reed Medical Center.

(c) To ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to continue the maximum level of inpatient and outpatient services.

SEC. 2902. Within existing funds appropriated to Departmental Administration, General Operating Expenses for fiscal year 2007, and within 30 days after enactment of this Act, the Department of Veterans Affairs shall contract with the National Academy of Public Administration for the purpose of conducting an independent study and analysis of the organizational structure, management and coordination processes, including Seamless Transition, utilized by the Department of Veterans affairs to:

(1) provide health care to active duty and veterans of Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) provide benefits to veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

SEC. 2903. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $388,903,000, to remain available until expended: *Provided*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $388,903,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That section 4103 of title III of this Act shall not apply to the first proviso under this paragraph.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $75,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3001. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a State found within Federal Emergency Management Agency Region IV or VI. The provisions of this section shall cease to be in effect twenty-four months following the date of enactment of this Act.

SEC. 3002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) shall receive funding for calendar year 2007 based on the amount such public housing agencies were eligible to receive in calendar year 2006".

TITLE III

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $75,000,000, to remain available until expended: *Provided*, That this amount shall only be available for the modernization and repair of the computer systems used by the Farm Service Agency (including all software, hardware, and personnel required for modernization and repair): *Provided further*, That of this amount $27,000,000 shall be made available 60 days after the date on which the Farm Service Agency submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office a spending plan for the funds.

GENERAL PROVISIONS—THIS CHAPTER

(RESCISSION)

SEC. 3101. Of the unobligated balances of funds made available pursuant to section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401G(a)), $75,000,000 are rescinded.

SEC. 3102. (a) Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended in the first sentence by striking "fair market value of the land less the fair market value of such land encumbered by the easement" and inserting "fair market value of the land as determined in accordance with the method of valuation used by the Secretary as of January 1, 2003".

(b) Section 1238I(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3838i(c)(1)) is amended by inserting at the end the following:

"(C) VALUATION.—The Secretary shall determine fair market value under this paragraph in accordance with the method of valuation used by the Secretary as of January 1, 2003.".

SEC. 3103. Subsection (b)(1) of section 313A of the Rural Electrification Act shall not apply in the case of a cooperative lender that has previously received a guarantee under section 313A and such additional guarantees shall not exceed the amount provided for in Public Law 110–5.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. Section 20314 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking "Resources." and inserting in lieu thereof: "Resources: *Provided*, That $22,762,000 of the amount provided be for geothermal research and development activities.".

SEC. 3202. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 3203. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 3302. Funds made available in section 21075 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) shall be made available to a 501(c)(3) entity: (1) with a wide anti-drug coalition network and membership base, and one with a demonstrated track record and specific expertise in providing technical assistance, training, evaluation, research, and capacity building to community anti-drug coalitions; (2) with authorization from Congress, both prior to fiscal year 2007, and in fiscal years 2008 through 2012, to perform the duties described in subsection (1) of this section; and (3) that has previously received funding from Congress, including through a competitive process as well as direct funding, for providing the duties described in subsection (1) of this section: *Provided*, That funds appropriated in section 21075 shall be obligated within sixty days after enactment of this Act.

SEC. 3303. Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).

SEC. 3304. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 3305. None of the funds appropriated or otherwise made available in section 21063 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the "General Services Administration, Real Property Activities, Federal Buildings Fund", may be obligated for design, construction, or acquisition until the House and Senate Committees on Appropriations approve a revised detailed plan, by project, on the use of such funds: *Provided*, That the new plan shall include funding for completion of courthouse construction projects which received funding in fiscal year 2006 above a level of $5,000,000: *Provided further*, That such plan shall be provided by the Administrator of the General Services Administration to the House of Representatives and the Senate Committees on Appropriations within seven days of enactment.

SEC. 3306. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 3307. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House of Representatives Committee on Appropriations, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an unclassified report, suitable to be made public, that contains the names of (1) all companies trading in securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals; and (2) the names of all other companies, which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 20 days after enactment, the Secretary of the Treasury shall inform the aforementioned committees of Congress of any statutory or other legal impediments to the successful completion of this report.

(c) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress of the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 3308. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $8,000,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $8,000,000, to remain available until September 30, 2008.

SEC. 3309. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Any unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay" shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 3402. INTEGRATED DEEPWATER SYSTEM. (a) COMPETITION FOR ACQUISITION AND MODIFICATION OF ASSETS.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall utilize full and open competition for any contract entered into after the date of enactment of this Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater System Program of the Coast Guard.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) The acquisition or modification of the following asset classes for which assets of the class and related systems and components under the Integrated Deepwater System are under a contract for production:

(i) National Security Cutter;

(ii) Maritime Patrol Aircraft;

(iii) Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance, and Reconnaissance (C4ISR) System; and

(iv) HC-130J Fleet Introduction.

(B) The modification of any legacy asset class under the Integrated Deepwater System Program being performed by a Coast Guard entity.

(b) CHAIR OF PRODUCT AND OVERSIGHT TEAMS.—The Commandant of the Coast Guard shall assign an appropriate officer or employee of the Coast Guard to act as chair of each of the following:

(1) Each integrated product team under the Integrated Deepwater System Program.

(2) Each higher-level team assigned to the oversight of a product team referred to in paragraph (1).

(c) LIFE-CYCLE COST ESTIMATE.—The Commandant of the Coast Guard may not enter into a contract for lead asset production under the Integrated Deepwater System Program until the Commandant obtains an independent estimate of life-cycle costs of the asset concerned.

(d) REVIEW OF ACQUISITIONS AND MAJOR DESIGN CHANGES.—

(1) IN GENERAL.—With the exception of assets covered under (a)(2) of this section, the Commandant of the Coast Guard may not carry out an action described in paragraph (2) unless an independent third party with no financial interest in the development, construction, or modification of any component of the Integrated Deepwater System Program, selected by the Commandant for purposes of the subsection, determines that such action is advisable.

(2) COVERED ACTIONS.—The actions described in the paragraph are as follows:

(A) The acquisition or modification of an asset under the Integrated Deepwater System Program.

(B) The implementation of a major design change for an asset under the Integrated Deepwater System Program.

(e) LINKING OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—The Commandant of the Coast Guard shall require that all contracts under the Integrated Deepwater System Program that provide award fees link such fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(f) CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—The Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under the Integrated Deepwater System Program unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions.

(2) EXCEPTION.—A contract, task or delivery order, letter contract, modification thereof, or other similar contract described in paragraph (1) may be awarded or issued if the head of contracting activity of the Coast

Guard determines that a compelling need exists for the award or issue of such instrument.

(g) Designation of Technical Authority.—The Commandant of the Coast Guard shall designate the Assistant Commandant of the Coast Guard for Engineering and Logistics as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System Program.

(h) Report on Personnel Required for Acquisition Management.—Not later than 30 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater System Program.

(i) Comptroller General Report on Progress.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress of the Coast Guard in complying with the requirements of this section.

Sec. 3403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

Sec. 3501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

Sec. 3502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

Sec. 3503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000: "of which $13,000,000 shall be for Save America's Treasures".

Sec. 3504. Of the funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition", not to exceed $1,980,000 may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

Sec. 3505. The Administrator of the Environmental Protection Agency shall grant to the Water Environment Research Foundation (WERF) such sums as were directed in fiscal year 2005 and fiscal year 2006 for the On-Farm Assessment and Environmental Review program: *Provided*, That not less than 95 percent of funds made available shall be used by WERF to award competitively a contract to perform the program's environmental assessments: *Provided further*, That WERF shall not retain more than 5 percent of such sums for administrative expenses.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

Sec. 3601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost)".

Sec. 3602. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows:

"(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows:

"(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

Sec. 3603. (a) From the amounts available for Department of Education, Safe Schools and Citizenship Education as provided by the Continuing Appropriations Resolution, 2007, $321,500,000 shall be available for Safe and Drug-Free Schools State Grants and $247,335,000 shall be available for Safe and Drug-Free Schools National Programs.

(b) Of the amount available for Safe and Drug-Free National Programs, not less than $25,000,000 shall be for competitive grants to local educational agencies to address youth violence and related issues.

(c) The competition under subsection (b) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

Sec. 3604. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

(TRANSFER OF FUNDS)

Sec. 3605. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

Sec. 3606. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall be effective 30 days after enactment of this Act except that any vehicles in use to transport Head Start children as of January 1, 2007, shall not be subject to a requirement under that part regarding rear emergency exit doors for two years after the date of enactment.

The Secretary of Health and Human Services shall revise the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) to exempt from Federal seat spacing requirements and supporting seating requirements related to compartmentalization any vehicle used to transport children for a Head Start program if the vehicle meets federal motor vehicle safety standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling). Such revision shall be made in a manner consistent with the findings of the National Highway Traffic Safety Administration, pursuant to its study on occupant protection on Head Start transit vehicles, related to the Government Accountability Office report GAO–06–767R.

(INCLUDING RESCISSION)

Sec. 3607. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

(b) For the activities carried out by the Secretary of Education under section 3(a) of Public Law 108–406 (42 U.S.C. 15001 note), $1,000,000.

(INCLUDING RESCISSION)

Sec. 3608. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 for "Department of Education, Student Aid Administration", $2,000,000 are rescinded.

(b) For an additional amount for "Department of Education, Higher Education" under part B of title VII of the Higher Education Act of 1965 which shall be used to make a grant to the University of Vermont for the Educational Excellence Program, $2,000,000.

SEC. 3609. Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) DELTA HEALTH INITIATIVE.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region, to solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, planning, construction, and the equipment of public health-related facilities in the Mississippi Delta region.

"(2) FEDERAL INTEREST IN PROPERTY.—With respect to funds used under this subsection for construction or alteration of property, the Federal interest in the property shall last for a period of 1 year following completion or until the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in fiscal year 2007 and in each of the five succeeding fiscal years.".

CHAPTER 7

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

"(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.".

(INCLUDING RESCISSION)

SEC. 3702. (a) Of the funds provided for the "Capitol Guide Service and Special Services Office" in section 20703(a) of the Continuing Appropriations Resolution, 2007 (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), $3,500,000 are rescinded.

(b) For an additional amount for "Capitol Guide Service and Special Services Office", $3,500,000, to remain available until September 30, 2008.

CHAPTER 8

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, or any other Act, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

CHAPTER 9

GENERAL PROVISIONS—THIS CHAPTER

CONSULTATION REQUIREMENT

SEC. 3901. Of the funds provided in the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the United States-China Economic and Security Review Commission, $1,000,000 shall be available for obligation only in accordance with a spending plan submitted to and approved by the Committees on Appropriations which addresses the recommendations of the Government Accountability Office's audit of the Commission.

TECHNICAL AMENDMENT

SEC. 3902. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $4,800,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance" for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 4003. The dates for subsidy reductions and demonstrations for discontinuance of reductions in operating subsidy under the new operating fund formula, pursuant to HUD regulations at 24 CFR 990.230, shall be moved forward so that the first demonstration date for asset management compliance shall be September 1, 2007, and reductions in subsidy for calendar year 2007 shall be limited to the 5 percent amount referred to in such regulations. Any public housing agency that has filed information to demonstrate compliance on or prior to April 15, 2007 shall be permitted to re-file the same or different information to demonstrate such compliance on or before September 1, 2007.

CHAPTER 11

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 4102. Amounts provided in title I of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 4103. Amounts provided in title II of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE IV—EMERGENCY FARM RELIEF

SEC. 401. SHORT TITLE.

This title may be cited as the "Emergency Farm Relief Act of 2007".

SEC. 402. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) APPLICABLE CROP.—The term "applicable crop" means 1 or more crops planted, or prevented from being planted, during, as elected by the producers on a farm, 1 of—

(A) the 2005 crop year;

(B) the 2006 crop year; or

(C) that part of the 2007 crop year that takes place before the end of the applicable period.

(3) APPLICABLE PERIOD.—The term "applicable period" means the period beginning on January 1, 2005 and ending on February 28, 2007.

(4) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(5) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(6) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(7) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine; and

(F) other livestock, as determined by the Secretary.

(8) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during the applicable period under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(9) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(10) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 411. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 55 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the applicable crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the applicable crop of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 55 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than 1 of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only 1 of the crop years.

(f) PAYMENT LIMITATION.—

(1) LIMITATION.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the

Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 412. DAIRY ASSISTANCE.

The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.

SEC. 413. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

SEC. 414. LIVESTOCK ASSISTANCE.

(a) Livestock Compensation Program.—

(1) Use of commodity credit corporation funds.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during the applicable period for losses (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, except that the payment rate shall be 80 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) Eligible applicants.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during the applicable period that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) Mitigation.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) Payments for reduction in grazing on federal land.—

(A) In general.—In carrying out this subsection, the Secretary shall make payments to livestock producers that are in proportion to any reduction during calendar year 2007 in grazing on Federal land in a disaster county leased by the producers a result of actions described in subparagraph (B).

(B) Federal actions.—Actions referred to in subparagraph (A) are actions taken during calendar year 2007 by the Bureau of Land Management or other Federal agency to restrict or prohibit grazing otherwise allowed under the terms of the lease of the producers in order to expedite the recovery of the Federal land from drought, wildfire, or other natural disaster declared by the Secretary during the applicable period.

(5) Limitation.—The Secretary shall ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative payments under this subsection and another Federal program with respect to any loss.

(b) Livestock Indemnity Payments.—

(1) In general.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during the applicable period (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) Payment rates.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) Ewe Lamb Replacement and Retention.—

(1) In general.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) Ineligibility for other assistance.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(d) Election of Production Year.—If a producer incurred qualifying production losses in more than one of the production years, the producers on a farm shall elect to receive assistance under this section in only one of the production years.

(e) Exception.—Notwithstanding any other provision of this section, livestock producers on a farm shall be eligible to receive assistance under subsection (a) or livestock indemnity payments under subsection (b) if the producers on a farm—

(1) have livestock operations in a county included in the geographic area covered by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to blizzards, ice storms, or other winter-related causes during the period of December 2006 through January 2007; and

(2) meet all eligibility requirements for the assistance or payments other than the requirements relating to disaster declarations by the Secretary under subsections (a) and (b)(1).

SEC. 415. FLOODED CROP AND GRAZING LAND.

(a) In General.—The Secretary shall compensate eligible owners of flooded crop and grazing land in the State of North Dakota.

(b) Eligibility.—

(1) In general.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) Inclusions.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) Administration.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) Sign-up.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) Compensation Payments.—

(1) In general.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) Reduction.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) Exclusion.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) Relationship to Agricultural Commodity Programs.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) Use of Land.—

(1) In general.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) Recreational activities.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 416. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the applicable crop.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

(d) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only one of the crop years.

SEC. 417. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

"(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.".

SEC. 418. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 421. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term "qualified State" means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the applicable period.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the applicable period as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(B) EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.—

(i) Funds made available by this subtitle may be used to carry out assistance programs in States that are consistent with the purpose and intent of the program authorized at section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a).

(ii) In carrying out this subparagraph, a qualified State may waive the gross income requirement at subparagraph (A)(i) of this paragraph.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Forestry

SEC. 431. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term "tree" includes—

(1) a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree);

(2) a bush (including a shrub, nursery shrub, nursery bush, ornamental bush, ornamental shrub, potted bush, and potted shrub); and

(3) a vine (including a nursery vine and ornamental vine).

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the terms and conditions of the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in disaster counties; and

(2) fruit and tree nut producers in disaster counties.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) SCOPE OF ASSISTANCE.—Assistance under this section shall compensate for losses resulting from disasters during the applicable period.

Subtitle D—Conservation

SEC. 441. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks, $1,000,000 to provide emergency loans for losses of agricultural income, and $2,000,000 to repair ditch irrigation systems in conjunction with the Presidential declaration of a major disaster (FEMA–1664–DR), dated October 17, 2006, and related determinations issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act): *Provided*, That the Secretary may transfer a portion of these funds to the Natural Resources Conservation Service, to include Resource Conservation and Development councils.

SEC. 442. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $50,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

SEC. 443. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110-5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

Subtitle E—Farm Service Agency

SEC. 451. FUNDING FOR ADDITIONAL PERSONNEL AND ADMINISTRATIVE SUPPORT.

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation—

(1) of which $9,000,000 shall be used to hire additional County Farm Service Agency personnel to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) to be used as the Secretary determines to be necessary to carry out this and other agriculture and disaster assistance programs.

Subtitle F—Miscellaneous

SEC. 461. CONTRACT WAIVER.

In carrying out this title and section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108-324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 462. INSECT INFESTATIONS.

(a) IN GENERAL.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service, shall use not less than $20,000,000 of funds made available from the Commodity Credit Corporation for the Animal and Plant Health Inspection Service to survey and control insect infestations in the States of Nevada, Idaho, and Utah.

(b) USE OF FUNDS.—Funds described in subsection (a) shall be used in a manner that promotes cooperative efforts between Federal programs (including the plant protection and quarantine program of the Animal and Plant Health Inspection Service) and State and local programs carried out, in whole or in part, with Federal funds to fight insect outbreaks.

SEC. 463. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 464. REGULATIONS.

(a) IN GENERAL.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) PROCEDURE.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) CONGRESSIONAL REVIEW OF AGENCY RULEMAKING.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle G—Emergency Designation

SEC. 471. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SA 642. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 13, strike "$150,000,000" and insert "$755,000,000".

On page 60, line 16, insert after "area" the following: "*Provided*, That $605,000,000 shall be for construction of the Inner Harbor Navigation Canal Lock replacement project, to remain available until expended".

SA 643. Mr. COCHRAN (for himself, Mr. MCCAIN, Mr. LIEBERMAN, Mr. GRAHAM, Mr. WARNER, Mr. STEVENS, Mr. BROWNBACK, Mr. SHELBY, Mr. Craig, Mr. ALLARD, Mr. BENNETT, and Mr. ENZI) proposed an amendment to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 24, strike line 16 and all that follows through page 26, line 24 and insert:

"SEC. 1315. BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—"

SA 644. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 19 strike $214,000,000 and insert $214,000,001

SA 645. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In the amendment strike $214,000,001 and insert $214,000,002.

SA 646. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

"SEC. _____. Notwithstanding any other provision of law, the Secretary of Veterans Affairs is authorized to convey without consideration to the State of Texas all right, title, and interest of the United States in and to a parcel of real property comprising the location of the Marlin, Texas Department of Veterans Affairs Medical Center. In so conveying, the Secretary need not comply with Federal laws relating to the environment and historic preservation. However, the Secretary may at his discretion undertake environmental cleanup at a cost not to exceed $500,000 utilizing appropriations available for the environmental cleanup of sites under the Department's jurisdiction. The purpose of the conveyance is to permit the State of Texas to utilize the property for purposes of a prison."

SA 647. Mr. SESSIONS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 72, between lines 7 and 8, insert the following:

SEC. 2504. MAJOR DISASTER OR EMERGENCY BENEFITS.

(a) FRAUD IN CONNECTION WITH MAJOR DISASTER OR EMERGENCY BENEFITS.—

(1) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

"§1040. Fraud in connection with major disaster or emergency benefits

"(a) Whoever, in a circumstance described in subsection (b) of this section, knowingly—

"(1) falsifies, conceals, or covers up by any trick, scheme, or device any material fact; or

"(2) makes any materially false, fictitious, or fraudulent statement or representation, or makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or representation,

in any matter involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191), or in connection with any procurement of property or services related to any emergency or major disaster declaration as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, shall be fined under this title, imprisoned not more than 30 years, or both.

"(b) A circumstance described in this subsection is any instance where—

"(1) the authorization, transportation, transmission, transfer, disbursement, or payment of the benefit is in or affects interstate or foreign commerce;

"(2) the benefit is transported in the mail at any point in the authorization, transportation, transmission, transfer, disbursement, or payment of that benefit; or

"(3) the benefit is a record, voucher, payment, money, or thing of value of the United States, or of any department or agency thereof.

"(c) In this section, the term 'benefit' means any record, voucher, payment, money or thing of value, good, service, right, or privilege provided by the United States, a State or local government, or other entity.".

(2) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following new item:

"1040. Fraud in connection with major disaster or emergency benefits.".

(b) Increased Criminal Penalties for Engaging in Wire, Radio, and Television Fraud During and Relation to a Presidentially Declared Major Disaster or Emergency.—Section 1343 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

(c) Increased Criminal Penalties for Engaging in Mail Fraud During and in Relation to a Presidentially Declared Major Disaster or Emergency.—Section 1341 of title 18, United States Code, is amended by inserting: "occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)), or" after "If the violation".

(d) Directive to Sentencing Commission.—

(1) In general.—Pursuant to its authority under section 994(p) of title 28, United States Code, and in accordance with this subsection, the United States Sentencing Commission forthwith shall—

(A) promulgate sentencing guidelines or amend existing sentencing guidelines to provide for increased penalties for persons convicted of fraud or theft offenses in connection with a major disaster declaration under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) or an emergency declaration under section 501 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191); and

(B) submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives an explanation of actions taken by the Commission pursuant to subparagraph (A) and any additional policy recommendations the Commission may have for combating offenses described in that subparagraph.

(2) Requirements.—In carrying out this subsection, the Sentencing Commission shall—

(A) ensure that the sentencing guidelines and policy statements reflect the serious nature of the offenses described in paragraph (1) and the need for aggressive and appropriate law enforcement action to prevent such offenses;

(B) assure reasonable consistency with other relevant directives and with other guidelines;

(C) account for any aggravating or mitigating circumstances that might justify exceptions, including circumstances for which the sentencing guidelines currently provide sentencing enhancements;

(D) make any necessary conforming changes to the sentencing guidelines; and

(E) assure that the guidelines adequately meet the purposes of sentencing as set forth in section 3553(a)(2) of title 18, United States Code.

(3) Emergency authority and deadline for commission action.—The Commission shall promulgate the guidelines or amendments provided for under this subsection as soon as practicable, and in any event not later than the 30 days after the date of enactment of this Act, in accordance with the procedures set forth in section 21(a) of the Sentencing Reform Act of 1987, as though the authority under that Act had not expired.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 11, 2007, at 10 a.m., to conduct an oversight hearing on the Smithsonian Institution.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224-6352.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a Roundtable Discussion during the session of the Senate on Monday, March 26, 2007, at 2:30 p.m. in room SD–G50 of the Dirksen Senate Office Building.

The purpose of the Roundtable is to discuss the progress of the European Union's Emissions Trading Scheme and to receive information on lessons learned for policymakers who want to better understand how a market-based trading program could operate efficiently and effectively in the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Monday, March 26, 2007, at 2 p.m., to receive a briefing on the reorganization of the office of the Under Secretary of Defense for Policy.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON HUMAN RIGHTS AND THE LAW

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Human Rights and the Law be authorized to meet on Monday, March 26, 2007, at 3 p.m., to conduct a hearing on "Legal Options to Stop Human Trafficking," in Room 226 of the Dirksen Senate Office Building.

Grace Chung Becker, Deputy Assistant Attorney General for Civil Rights, United States Department of Justice, Washington, DC; Katherine Kaufka, Supervising Attorney, Counter-Trafficking Services Program, National Immigrant Justice Center, Heartland Alliance for Human Needs & Human Rights, Chicago, IL; Martina E. Vandenberg, Attorney, Jenner & Block, Washington, DC; and Holly J. Burkhalter, Vice President, International Justice Mission, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON OVERSIGHT OF GOVERNMENT MANAGEMENT, THE FEDERAL WORKFORCE AND THE DISTRICT OF COLUMBIA

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia be authorized to meet on Monday, March 26, 2007, at 2:30 p.m., for a hearing entitled, Understanding the Realities of REAL ID: A Review of Efforts to Secure Drivers' Licenses and Identification Cards.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. COCHRAN. Madam President, I ask unanimous consent that Yvonne Stone, a detailee from the Department of Veterans Affairs, be granted floor privileges for the duration of the debate on H.R. 1591, the emergency war supplemental.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COCHRAN. I also ask unanimous consent that Earl Rilington and Eric Perritt, Fellows serving in my office, be granted floor privileges for the duration of the debate on H.R. 1591, the fiscal year 2007 emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. Madam President, I ask unanimous consent that Adam Morrison and Tad Gallion be granted floor privileges during the debate on this measure.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KENNEDY. I ask unanimous consent that my State Department fellow, Mike Stanton, and my Marine Corps fellow, Mark Carlton, be granted floor privileges for the duration of debate on H.R. 1591 supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered

UNANIMOUS CONSENT AGREEMENT—NOMINATION OF GEORGE WU

Mr. REID. Mr. President, I ask unanimous consent that tomorrow at 11:50 a.m., the Senate proceed to executive session to consider the nomination of George Wu to be a U.S. district judge, Calendar No. 38; that there be 20 minutes for debate equally divided between the chairman and ranking member of the Judiciary Committee; that at the conclusion of or yielding back of time, the Senate vote on the confirmation of the nomination; that following the vote, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING THE EUROPEAN UNION

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of S. Res. 124 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 124) congratulating the European Union on the 50th anniversary of the signing of the Treaty of Rome creating the European Economic Community among 6 European countries and laying the foundations for peace, stability, and prosperity in Europe.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The resolution (S. Res. 124) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 124

Whereas after a half century of war and upheaval, and in the face of economic and political crises and the threat of communism, European visionaries began a process to bring the countries of Europe into closer economic and political cooperation to help secure peace and prosperity for the peoples of Europe;

Whereas, on March 25, 1957, 6 European countries—the Federal Republic of Germany, France, Italy, Belgium, the Netherlands, and Luxembourg—signed the Treaty of Rome, creating the European Economic Community;

Whereas the Treaty of Rome established a customs union between the signatory countries, but also did much more, creating a framework that has broadened and deepened over time into the European Union, promoting the free movement of people, services, and capital, and common policies among the countries in important areas, and that has helped secure the spread of peace and stability in Europe;

Whereas the European Economic Community expanded to bring more European countries into closer union, with the United Kingdom, Denmark, and Ireland joining in 1973, Greece joining in 1981, and Spain and Portugal joining in 1986;

Whereas the member countries of the European Economic Community agreed to the Single European Act in 1987, paving the way for a single European market, and on February 7, 1992, the member countries of the European Community signed the Treaty of Maastricht, furthering the economic and political ties among the member countries and creating the European Union;

Whereas the European Union has continued to grow so that the European Union now comprises 27 countries with a population of over 450,000,000, after the successful unification of Germany in 1990 and the joining of Austria, Finland, and Sweden in 1995, Cyprus, the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Malta, Poland, Slovakia, and Slovenia in 2004, and Bulgaria and Romania in 2007, and the European Union continues to consider expanding to include other countries central to the history and future of Europe;

Whereas the European Union has developed a broad acquis communautaire covering policies in the economic, security, diplomatic, and political areas, has established a single market, has built an economic and monetary union, including the Euro currency, and has built an area of freedom, security, peace, and justice, extending stability to its neighbors;

Whereas the European Union played a key role at the end of the Cold War in helping to spread free markets, democratic institutions and values, and respect for human rights to the former central European communist states;

Whereas the United States and the European Union have shared a unique partnership based on a common heritage, shared values, and mutual interests, and have worked together to strengthen international cooperation and institutions, to create a more open international trading system, to ensure transatlantic and global security, to preserve and promote peace, freedom, and democracy, and to advance human rights; and

Whereas the United States has supported the European integration process and has consistently supported the objective of European unity and the enlargement of the European Union to promote prosperity, peace, and democracy: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the European Union and the member countries of the European Union on the 50th anniversary of the historic signing of the Treaty of Rome;

(2) commends the European Union for the critical role it and its predecessor organizations have played in spreading peace, stability, and prosperity throughout Europe; and

(3) affirms the desire of the United States to strengthen the transatlantic partnership with the European Union and with all of its member countries.

PERMITTING USE OF THE ROTUNDA OF THE CAPITOL

Mr. REID. Mr. President, I ask unanimous consent the Senate proceed to the consideration of H. Con. Res. 66.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 66) permitting the use of the rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. I ask unanimous consent the concurrent resolution be agreed to and the motion to reconsider be laid on the table, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 66) was agreed to.

ORDERS FOR TUESDAY, MARCH 27, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, March 27; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, the time for the two leaders be reserved for their use later in the day, that there then be a period for morning business for 60 minutes with Senators permitted to speak therein for up to 10 minutes each, the first 30 minutes under the control of the Republicans, and the final 30 minutes under the control of the majority; that at the close of morning business, the Senate resume consideration of H.R. 1591; that on Tuesday, following the vote on the judicial nomination, the Senate stand in recess until 2:15 p.m. in order to accommodate the respective party conference work periods. I further ask unanimous consent that Members have until 2:30 to file first-degree amendments for the matter pending.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. If there is no further business today, I ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 6:56 p.m., adjourned until Tuesday, March 27, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 26, 2007:

DEPARTMENT OF THE INTERIOR

R. LYLE LAVERTY, OF COLORADO, TO BE ASSISTANT SECRETARY FOR FISH AND WILDLIFE, VICE HAROLD CRAIG MANSON.

DEPARTMENT OF STATE

JANET E. GARVEY, OF MASSACHUSETTS, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF CAMEROON.

R. NIELS MARQUARDT, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF MADAGASCAR, AND TO SERVE CONCURRENTLY AND WITHOUT ADDITIONAL COMPENSATION AS AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE UNION OF COMOROS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) MICHAEL J. LYDEN, 0018

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral

REAR ADM. (LH) CHRISTINE S. HUNTER, 9053

REAR ADM. (LH) ADAM M. ROBINSON, JR., 9660

IN THE AIR FORCE

THE FOLLOWING NAMED AIR NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE AIR FORCE UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12212:

To be colonel

THOMAS I. ANDERSON, 0302
GLEN M. BAKER, 6828
WAYNE E. BALE, 3898
RONALD D. BLUNCK, 4140
MARY J. BRANDT, 8658
PHILLIP R. BROWN, 7136
STANLEY D. BRUNTZ, 9158
THADDEUS E. BURR, 7221
CONRAD C. CALDWELL III, 7861
WILLIAM S. CARLE, 1505
WENZELL E. CARTER, JR., 5257
DAVID R. CHESSER, 1924
EDWARD J. CHUPEIN, JR., 3137
ROBERT J. CLARK, 9342
CARL E. CROFT, 0537
PAUL D. CUMMINGS, 8535
WILLIAM E. DAY III, 9410
JOHN W. DUGAN, 9523
JAMES K. EDENFIELD, 4953
TIMOTHY J. EVANS, 6057
DOUGLAS A. FARNHAM, 4991
DAVID K. FAUST, 2516
BRENT J. FEICK, 8822
JAMES E. FREDREGILL, 9368
DENNIS J. GALLEGOS, 8705
KENNETH L. GAMMON, 5024
DAVID R. GANN, 8178
ROBERT M. GENTRY, 9267
RICHARD P. GREENWOOD, 2617
MURRAY A. HANSEN, 5126
JAMES C. HAY, JR., 3651
THOMAS J. HAYEK, 8511
PAIGE P. HUNTER, 4365
DOUGLAS R. JACOBSON, 7918
MATTHEW P. JAMISON, 2224
JOHN S. JOSEPH, 5009
RICHARD W. KELLY, 5550
BRIAN W. LEAKWAY, 0572
JEROME P. LIMOGE, JR., 4864
DALE R. MARKS, 2524
BETTY J. MARSHALL, 4033
JAMES T. MATLOCK III, 3398
JOHN E. MCNEIL, 5021
SCOTT A. MCPHERSON, 2815
PHILLIP S. MICHAEL, 0234
DONALD F. MOFFORD, 6186
JAMES J. MONTAGUE, 7282
CLAYTON W. MOUSHON, 1155
MARTIN J. PARK, 6473
MITCHELL L. PERRY, 2067
JEFFREY W. PETTIGREW, 3480
EDWARD J. PIECEK, 3458
WILLIAM Q. PLATT III, 1699
CHARLES B. POWLEY, 4186
SAMUEL H. RAMSAY III, 4738
JAMES F. REAGAN, 7039
KEVIN F. REILLY, 4289
DAVID L. REYNOLDS, 5973
DEREK P. ROGERS, 2270
JEFFERY A. SABOTKA, 1221
GEORGE E. SCHERZER, JR., 2257
STEPHEN P. SHAFFER, 6325
DANEIL C. SHEA, 4131
MARK E. SHEEHY, 7261
JEFFREY M. SILVER, 4218
DAVID C. SNAKENBERG, 1098
RONALD W. SOLBERG, 1834
KURT D. SONDERMAN, 9577
CHRISTOPHER A. STRATMANN, 0688
JASVANT S. SURANI, 8371
WILLIAM R. SWANSON, 2460
MICHAEL T. THOMAS, 8502
CAROL A. TIMMONS, 1870
ANDREW P. URBANSKY, 7817
PHILIP M. VANEAU, 3311
MARK J. VANKOOTEN, 6217
BRIAN L. VOGNILD, 8817
THERESA A. VOTINELLI, 7969
CHARLES W. WEDDLE, JR., 9177
HAROLD L. WESTBROOK, JR., 8986
GREGORY T. WHITE, 8531
WILLIAM C. WOLFARTH, 2269
HARRY W. YOUNG, JR., 3236
MUSSARET A. ZUBERI, 4900

HOUSE OF REPRESENTATIVES—*Monday, March 26, 2007*

The House met at 12:30 p.m. and was called to order by the Speaker pro tempore (Ms. CASTOR).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 26, 2007.

I hereby appoint the Honorable KATHY CASTOR to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. DEFAZIO) for 5 minutes.

THE VICE PRESIDENT AND THE IRAQ ACCOUNTABILITY ACT

Mr. DEFAZIO. I thank the Chair.

Well, Vice President CHENEY was in form last weekend in Florida addressing a small group behind closed doors. He attacked the House of Representatives for passing the Iraq Accountability Act. I am not certain whether it is because he objects to the fact that we are going to make this administration review the readiness of our troops, their equipment, before they're rushed to Iraq in an attempt to escalate the war. They don't want that kind of accountability, because it failed our troops, from day one, on equipment and readiness.

And then maybe it's the other part, the part where we are going to demand accountability of the Iraqi Government. Time and time again President Bush sets benchmarks. "Those benchmarks will be met." They are never met. There has to be a diplomatic and political component. You cannot resolve a civil war with military force in Iraq. But time and time again the Bush administration has let the Iraqi Government skate. This bill says they will meet the President's own chosen, President Bush and al Maliki's, own chosen guidelines and benchmarks or we will begin to bring our troops home. Plain and simple, not a war without end, not a war that will be settled by future Presidents, as George Bush said a year ago, but if this administration and the Iraqi Government fail to do what's necessary for our troops, we are not going to strand them in the middle of a civil war.

But the Vice President objects to those things. He says if they really support the troops, then we should take them at their word and expect them to meet the needs of our military on time, in full, no strings attached.

Let's review the administration's record on those issues. Let's review how the Bush-Cheney administration met the needs of our troops. First of all, it was an unnecessary war. They were pursuing a necessary war against al Qaeda, the Taliban, Osama bin Laden. Remember them? Dead or alive? Dead or alive? They abandoned that war for an unnecessary war launched under false pretenses in Iraq.

Now, something called the Office of Special Plans phonied up the intelligence. DICK CHENEY put together the Office of Special Plans with some of his own hand-picked people, I think one of whom is now on the way to jail, in fact, Scooter Libby. In fact, he personally, unprecedented for a Vice President, kept visiting the CIA and saying, no, they didn't have the intelligence right yet. I.e., they didn't say what he wanted. Niger yellow cake, Chalabi, all that stuff. He was so wrong. And then he said, "Simply stated, there's no doubt that Saddam Hussein now has weapons of mass destruction." Vice President CHENEY in August of 2002 as he was pushing us toward war.

But then on the eve of the war, even after their myths about weapons of mass destruction, the yellow cake, the aluminum tubes had started to fall apart, he said, "We believe that Saddam has in fact reconstituted nuclear weapons." Vice President CHENEY. A man who has been so wrong and put our troops in harm's way unnecessarily, jeopardized the security of the United States by distracting us from the real fight in Afghanistan, challenges this Congress on the Iraq Accountability Act? No, I think last November the American people started to ask about accountability for him and his supposed boss, George Bush.

And then let's look at their military planning. General Shinseki, a good man. They fired him. It was said we didn't need 350,000 people. Rummy said, "Oh, don't worry. We can do it with 100,000 or so." Shinseki said, that would lead to strife, civil war and chaos. He was right. They fired him. But presidential economic adviser Larry Lindsey said, "It's going to be very expensive. Very expensive." No, CHENEY and his cohorts said, "No, don't worry. Iraq can pay for it themselves." Well, we are now at $2 billion a week, hundreds of billions of dollars on this war. So wrong.

And then our troops, how did they serve them? Vice President CHENEY again, "We believe we will, in fact, be greeted as liberators. I think it will go relatively quick. Weeks rather than months." So they didn't give our men and women body armor, didn't have armored Humvees, they didn't have the equipment they needed. Congress had to uncover those scandals after we heard from the troops in the field. We had to provide it over the objections of this administration, and this guy has the gall to say we aren't serving the troops as they want to keep our troops mired down forever in the middle of a civil war?

This is extraordinary. And, most recently, Vice President CHENEY last year, no, 2 years ago, "I think they're in the last throes, if you will, of the insurgency." I guess he still believes that.

These people have done an extraordinary disservice to our troops, our country, our national security and the fight against true terrorism that attacked us on 9/11. We will not be distracted or bullied anymore. The Iraq Accountability Act is a strong response to their mismanagement and it offers the United States a way to bring this war to a successful conclusion and soon.

Bring the troops home.

CONGRATULATING BARTON COLLEGE'S BASKETBALL TEAM

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from North Carolina (Mr. BUTTERFIELD) is recognized during morning hour debates for 5 minutes.

Mr. BUTTERFIELD. Thank you very much, Madam Speaker.

Madam Speaker, there was great cause for celebration in eastern North Carolina over this past weekend, as Wilson, North Carolina's Barton College captured the NCAA Division II men's college basketball championship. What a game.

Barton College, Madam Speaker, is a small but proud college with a rich academic history. With a student body of about 1,000 students, it is located not only in my congressional district but located in my community. I am so proud of them.

Barton College captured the national championship Saturday afternoon, scoring an amazing come-from-behind 77–75 victory over previously undefeated and defending national champion Winona State University. Barton won the title game at the buzzer, with one-tenth of a second remaining. They won their semifinal game by one point on a last-second free throw. And it won its quarterfinal game on a three-pointer at the buzzer in overtime. This will be a game that will long be remembered.

Madam Speaker, it is a great honor for me to recognize the success, efforts and achievements of these outstanding young student athletes. It is my pleasure to recognize their head coach, Ron Lievense, and his staff. Their hard work and dedication to teamwork is something that we are all proud of in Wilson, North Carolina and throughout the First Congressional District.

I ask my colleagues today to rise and join me in paying tribute to Barton College's basketball team of 2007 and to recognize their extraordinary championship.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 39 minutes p.m.), the House stood in recess until 2 p.m.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 2 p.m.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

"Go down, Moses,
Way down in Egypt land.
Tell ole Pharaoh,
Let my people go."

These lines from the old spiritual, Lord, gave human slavery voice and hope. Its rundown rhythm muffled the sound of the Underground Railroad traveling through darkness to bring people freedom's light.

Lord, we pray that You help now all those held captive in human bondage. May the thousands caught in the clutches of slave labor and worse, in our own country, find a new exodus. Bring their hidden stories to the brightness of news in our day, so they may live with the glimmer of hope. Lead them through the complexity of economic and legal systems to breathe in the common air of freedom.

May our preparations for Passover and Easter shake off our indifference, change obstinate hearts of unscrupulous employers and profiteers in human trafficking that the redeemed may rejoice in You, our God and Savior, both now and forever. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Arkansas (Mr. ROSS) come forward and lead the House in the Pledge of Allegiance.

Mr. ROSS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

DEMOCRATS CONTINUE TO TAX AND SPEND

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, Democrats are as predictable as the sun: it continues to rise in the east, and they continue to tax and spend.

The Democratic budget released last week proposes the largest tax increase in American history: $392.5 billion. Not only does it allow for the expiration of the 2001 and 2003 tax cuts, but it does nothing to control unsustainable entitlement spending.

Republicans believe fiscal restraint and pro-growth economic policies will lead to budget surpluses and new jobs. Democrats believe out-of-control government spending should be subsidized with the hard-earned money of American taxpayers.

Unfortunately, the Democratic budget continues to squeeze taxpayers' pocketbooks without tightening the belt of Big Government. Such reckless policies will chill our growing economy by reducing job creation.

In conclusion, God bless our troops, and we will never forget September 11.

PHOTO IDENTIFICATION SECURITY ACT

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, you know, one of the things that we heard about so often during the campaign last year was illegal immigration. And coming back to Congress, one of the things we are hearing about as we hold our town hall meetings is the impact of illegal immigrants having access to credit cards and to financial services in this country. Banking institutions, the Federal Reserve, the U.S. Treasury, and the IRS are allowing illegal immigrants the ability to sign up for credit cards, mortgages, taxpayer identification numbers, and to transfer money back to their country.

It is a problem, and there is a solution. H.R. 1314 is a piece of legislation I have filed. It is bipartisan legislation with over 50 cosponsors. The Photo ID Security Act will close the loophole that illegal immigrants are using to obtain valid financial service information and access to these services. What it will do is change the identification that is required, requiring them to present a photo ID issued from their home country or the U.S. Everyone in the U.S. can legally obtain these documents.

I encourage all Members to cosponsor H.R. 1314.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair announces that the Speaker's appointment of the remaining 19 members of the Permanent Select Committee on Intelligence on January 17, 2007, without objection, is made notwithstanding the requirement of clause 11(a)(1)(C) of rule X.

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken after 6:30 p.m. today.

CLIFFORD DAVIS/ODELL HORTON FEDERAL BUILDING

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 753) to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis/Odell Horton Federal Building," as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 753

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building located at 167 North Main Street in Memphis, Tennessee, commonly known as the Clifford Davis Federal Building, shall be known and designated as the "Clifford Davis and Odell Horton Federal Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Clifford Davis and Odell Horton Federal Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Speaker, I am joined in H.R. 753 by the entire Tennessee delegation, and I am joined in a companion bill with its authorship/sponsorship of each of our Senators, LAMAR ALEXANDER and BOB CORKER.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 753.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

H.R. 753, sponsored by the entire Tennessee delegation of both the House and the Senate, is to designate the Federal building in Memphis, Tennessee, located at 167 North Main Street as the Clifford Davis and Odell Horton Federal Building.

Judge Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter on May 12, 1980. He was brought to the attention of President Carter by then-Senator Jim Sasser and through a proposal by Lieutenant Governor John Wilder who represented the district that Judge Horton grew up in Bolivar, Tennessee.

Judge Horton in 1980 was the first African American Federal judge appointed to the bench in Tennessee since Reconstruction. He has many firsts as an African American, but he has more regard simply as an outstanding jurist, attorney, soldier and human being.

He was born May 13, 1929, in Bolivar, Tennessee, and grew up during the Depression and the Second World War. His father was a laborer and his mother took in laundry. The children, four boys and a girl, picked cotton, stacked lumber, and took other odd jobs to make ends meet.

Judge Horton graduated from Bolivar High School in 1946 and enlisted in the Marine Corps "as a vehicle to find a way out of Bolivar." After an early discharge, he enrolled in Morehouse College in Atlanta, Georgia, using Federal aid under the GI bill to finance his tuition. The Korean War was under way by the time he graduated in 1951, and he returned for a second tour with the Marines. After a second tour, during which he graduated from the U.S. Navy School of Journalism, Horton entered Howard University Law School in Washington, DC. He received his degree from Howard in 1956, then moved to Memphis to begin private practice in a one-room office upstairs at 145 Beale Street in Memphis, the legendary Beale Street in Memphis.

He served in private practice for 5 years from 1957 until 1962 and then was appointed Assistant U.S. Attorney in Memphis. After being Assistant U.S. Attorney, he served in other capacities. First of all, during Mayor Henry Lobe's city administration, he was the first African American member of that administration, head of health and hospitals. That was a tumultuous time in Memphis' history. During that time, Dr. King was killed in Memphis on April 4, 1968, and we will observe that tragedy soon in Memphis. But Judge Horton, as an African American, had a difficult task. As such, he ordered the desegregation of the Bowld Hospital which was the public hospital. That was a great thing that he did in bringing Memphis forward.

A year after he did that in 1968, he received the L.M. Graves Memorial Health Award for his efforts to advance the cause of health care in Memphis. He later became a criminal court judge appointed by then-Governor Buford Ellington. After serving on the criminal court bench, he went on to serve as president of LeMoyne-Owen College, an historically black college in Memphis, a liberal arts school where he served for 4 years from 1970 to 1974.

In 1974, Judge Horton ran for Shelby County district attorney general. Although he lost by just about 4,000 votes, he came very close, and it was a historic election that set a precedent for other individuals running for office and being elected on their merits and not based on their race. He received over 23 percent of the Caucasian vote, which was unheard of at the time, and it showed the respect that he had from all sections of the community.

He returned to Federal service after being at LeMoyne-Owen and after having unsuccessfully sought the DA's job as reporter for the Speedy Trial Act Implementation Committee by the Western District Court. After that, he served as a U.S. bankruptcy judge from 1976 to 1980. Then he received the appointment from President Carter. Then from January 1, 1987, until December 31, 1993, he served as the chief judge for the Western District of Tennessee. On May 16, 1995, he took senior judge status, and 2 years later closed his Memphis office.

He is remembered in Memphis as a calm and patient judge who carefully and deliberately explained legal concepts to jurors. He was a model for judges because of his judicial temperament and set a standard in such regards. Judge Horton and his wife, Evie Randolf, were married for over 50 years and have two sons, Odell Horton, Jr., and Christopher, who graduated from his alma mater, Morehouse College in Atlanta. Judge Horton's widow spoke for so many in his profession and personal life when she stated after his death, "He was a rare and precious jewel in the crown of humanity and made all of our lives richer and better because he passed this way." Indeed, Mrs. Horton was correct.

Judge Horton received many honors for his work from different bar associations and institutions. He was a member of the American Bar Association and Chair of the National Conference of Federal Trial Judges. He served as a member of the Judicial Conference Committee on Defender Services, and Morehouse College awarded him an honorary degree of Doctor of Laws.

In the year 2000, the Memphis Bar Association awarded Judge Horton with a Public Service Award. He died February 22, 2006. In honor of Judge Horton's significant contributions to the legal community in Memphis and his pioneering career, it is both fitting and proper to designate the courthouse located at 167 North Main Street in Memphis as the Clifford Davis and Odell Horton Federal Building.

As Senator ALEXANDER mentioned on the Senate floor, it is appropriate that this building have both the names of Judge Horton, a great pioneer of the latter half of the 20th century, and Clifford Davis, who was part of the first half of the 20th century, served as United States Congressman from 1940 to 1965. It shows a continuum of history, a growth of history, and history is a process. The naming of this building for Judge Horton as well as former Congressman Clifford Davis shows progress in Memphis, progress in race relations, and progress among human beings.

Accordingly, I ask for unanimous passage of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 753, as amended, designates the Clifford Davis Federal Building in Memphis, Tennessee, as the Clifford Davis and Odell Horton Federal Building. The bill honors Judge Horton's dedication to public service.

After service in the United States Marines during the Korean War and acquiring a law degree from Howard University, Judge Horton engaged in the private practice of law from 1957 until 1962.

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His career included serving as an Assistant United States Attorney in Memphis, an appointment to the Shelby County Criminal Court, and serving as the President of LeMoyne-Owen College.

Judge Horton was appointed to the United States District Court for the Western District of Tennessee by President Carter in 1980. He served as its chief judge from 1987 to 1993 and became a senior judge on May 16, 1995. Two years later, he retired from the Federal bench; and, sadly, Judge Horton passed away last year on February 22.

I support this legislation and encourage our colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 753, a bill to re-designate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

Odell Horton was appointed to the United States District Court for the Western District of Tennessee by President Jimmy Carter on May 12, 1980. He was the first African-American Federal Judge appointed in Tennessee since Reconstruction.

Judge Horton was born in Boliver, Tennessee. He grew up during the Depression and World War II in an environment he described as "typically rural Southern and typically segregated, with all the attendant consequences of that." He was the oldest of five children to hard-working parents. During his childhood, he and his brothers and sister picked cotton to help support the family.

Horton graduated from high school in 1946 and enlisted in the Marine Corps "as a vehicle to find a way out of Bolivar." Ten months later, he took advantage of an early discharge program designed to reduce the number of men in the military, and enrolled in Morehouse College in Atlanta, Georgia, using Federal aid under the GI bill to finance his tuition. The Korean War was underway by the time he graduated in 1951, and he returned for a second tour of duty in the Marines.

During his second tour, he graduated from the U.S. Navy School of Journalism. After returning home, Horton entered Howard University Law School in Washington, DC. He received his law degree in 1956 and moved to Memphis, Tennessee, where he started a private law practice.

In 1962, Horton became Assistant United States Attorney in Memphis. He remained in that position until his appointment to the Shelby County Criminal Court by Governor Buford Ellington. In 1968, Judge Horton ordered the desegregation of Bowld Hospital. A year later, he received the L.M. Graves Memorial Health Award for his efforts to advance the cause of health care in Memphis. Judge Horton stepped down from his Federal judgeship to serve as President of LeMayne-Owen College, a predominately African-American liberal arts college.

He returned to Federal service upon his appointment as reporter for the Speedy Trial Act Implementation Committee by the Western District Court of Tennessee. He later served as U.S. Bankruptcy Judge from 1976 to 1980. Judge Horton also served as Chief Judge for the Western District of Tennessee from January 1, 1987, until December 31, 1993. On May 16, 1995, he took senior status and retired two years later.

Judge Horton was a member of the American Bar Association and Chair of the National Conference of Federal Trial Judges. He also served as a member of the Judicial Conference Committee on Defender Services. Morehouse College honored him with an Honorary Degree of Doctor of Laws. In 2000, the Memphis Bar Association awarded Judge Horton with a Public Service Award.

Judge Horton died February 22, 2006, at Baptist Memorial Hospital in Memphis, Tennessee, and was buried in Elmwood Cemetery in Memphis.

In honor of Judge Horton's outstanding contributions to the legal community in Memphis and his exemplary professional career, it is both fitting and proper to designate the courthouse located on 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

I urge my colleagues to support this bill.

Mr. LATOURETTE. Mr. Speaker, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 753, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the 'Clifford Davis and Odell Horton Federal Building'.".

A motion to reconsider was laid on the table.

RAFAEL MARTINEZ NADAL UNITED STATES CUSTOMHOUSE BUILDING

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1019) to designate the United States Customhouse Building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1019

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayagüez, Puerto Rico, shall be known and designated as the "Rafael Martinez Nadal United States Customhouse Building".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States customhouse building referred to in section 1 shall be deemed to be a reference to the "Rafael Martinez Nadal United States Customhouse Building".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1019.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1019 is a bill to designate the United States Customhouse Building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the Rafael Martinez Nadal United States Customhouse Building.

Although Don Rafael Martinez Nadal was born in the city of Mayaguez on April 22, 1877, he resided and passed away in Guaynabo. He received his college degree in philosophy and letters from the Provincial Institute of Secondary Education in San Juan. At 16, he was sent to Barcelona, Spain, to study law.

In August, 1904, he returned to Mayaguez and began to study coffee growing agriculture. Simultaneously, he began his first successful attempts in the media and politics with the Puerto Rican Republican Party. In 1908, he founded the political newspaper El Combate. In 1912, he obtained his law degree and became one of the most prominent men in the Puerto Rican political arena. He was considered one of the most famous criminal lawyers of the time.

In 1914, he was elected as a member of the Chamber of Delegates for the city of Ponce by the Puerto Rican Republican Party. In 1920, he was chosen by the same party to serve in the Senate and was re-elected in the next five general elections. When the alliance of the Union of Puerto Rico Party and the Puerto Rican Republican Party formed in 1924, Nadal left the Republican Party and initiated a political movement called the Pure Republican Party, which registered officially as the Historical Constitutional Party.

Later, he founded the Republican Union, working to advance the ideal of statehood for Puerto Rico. In coalition with the Socialist Party, the Republican Union triumphed in the general elections of 1932 and 1936. In both terms, Nadal presided over the Senate.

Before the election of 1940, because of a serious illness, he returned to his Guaynabo residence. He died there on July 6, 1941.

In honor of Rafael Martinez Nadal's outstanding contributions to the Commonwealth of Puerto Rico and his exemplary professional writing career, it is both fitting and proper to designate the courthouse located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building."

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1019, introduced by my friend and colleague, Congressman FORTUÑO of Puerto Rico, designates the United States Customhouse Building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building." This bill honors Rafael Martinez Nadal's contributions to the Commonwealth of Puerto Rico.

Rafael Martinez Nadal was born in the city of Mayaguez on April 22, 1877. In 1912, he became a lawyer and entered the Puerto Rican political arena. He was considered one of the most famous criminal lawyers in Puerto Rico at that time.

In 1914, Rafael Martinez Nadal was elected to Puerto Rico's House of Representatives for the District of Ponce. In 1920, he was elected to Puerto Rico's Senate, where he served as its President from 1932 to 1940.

Rafael Martinez Nadal was a strong defender of statehood in Puerto Rico and has been described as a political leader, a writer, a successful businessman, a brilliant orator and a distinguished lawyer. He passed away in July of 1941.

I support this legislation, congratulate my friend Congressman FORTUÑO, and urge our colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 1019, a bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

Don Rafael Martínez Nadal was born in the city of Mayaguez on April 22, 1877. He received his college degree in Philosophy and Letters from the Provincial Institute of Secondary Education in San Juan.

He pursued studies in Barcelona, Spain, and Paris, France. He returned to Mayaguez in 1904 and began studying the cultivation of coffee. Simultaneously, he pursued his interest in media and politics and joined the Puerto Rican Republican Party. In 1908, he founded the political newspaper El Combate. In 1912, he obtained his law degree, and became one of the most prominent men of the Puerto Rican political arena. He was considered one of the most famous criminal lawyers in Puerto Rico of his time.

In 1914, he was elected as a member of the Chamber of Delegates for the city of Ponce by the Puerto Rican Republican Party. In 1920, he was chosen by the same party to serve in the Senate and was re-elected in the next five general elections. Nadal left the Puerto Rican Republican Party and launched a political movement that became known as the Historical Constitutional Party. Later, he founded the Republican Union, working to advance the cause of Puerto Rican statehood. In coalition with the Socialist Party, the Republican Union triumphed in the general elections of 1932 and 1936. In both terms, Martinez Nadal presided over the Senate. Before the election of 1940, because of a serious illness, he returned to his Guaynabo residence. He died on July 6, 1941.

In honor of Rafael Martinez Nadal's outstanding contributions to the Commonwealth of Puerto Rico, it is both fitting and proper to designate the courthouse located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

I urge my colleagues to support this bill.

Mr. LATOURETTE. Mr. Speaker, if the majority has no additional speakers, I yield back the balance of my time.

Mr. COHEN. Mr. Speaker, I am proud to be here on this bipartisan Federal customs building, and I yield back my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 1019.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

J. HERBERT W. SMALL FEDERAL BUILDING AND UNITED STATES COURTHOUSE

Mr. COHEN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1138) to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1138

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, shall be known and designated as the "J. Herbert W. Small Federal Building and United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse referred to in section 1 shall be deemed to be a reference to the "J. Herbert W. Small Federal Building and United States Courthouse".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Tennessee (Mr. COHEN) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

GENERAL LEAVE

Mr. COHEN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H.R. 1138.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. COHEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1138 is a bill to designate the Federal building and United States courthouse located at 306 East Main Street, Elizabeth City, North Carolina, as the J. Herbert W. Small Federal Building and United States Courthouse.

J. Herbert W. Small, a lifelong resident of Elizabeth City, North Carolina, is a graduate of the University of Virginia Engineering School and the University of North Carolina Law School. He began the practice of law in 1949 and continued in his chosen field for over five decades. During his professional career, he was a member of the First Judicial District Bar Association, the American Bar Association and the North Carolina Bar Association.

In 1974, Judge Small was elected judge of Superior Court of the First Judicial District and served as Senior Resident Judge for 17 years. Judge Small is an active volunteer, serving on the Board of Directors of the Albemarle Hospital and the American Red Cross. He has received numerous awards and honors from the Jaycees, Boy Scouts, Volunteer Firemen, Chamber of Commerce, and the Rotary and Elks clubs. Further, Judge Small, a World War II veteran, served in the United States Navy for 3 years.

Judge Small is an outstanding jurist, civic leader, mentor and volunteer. I support this bill and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 1138 designates the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the J. Herbert W. Small Federal Building and United States Courthouse. The bill honors Judge Small's service to the legal profession.

Judge Small served in the United States Navy during the Second World War and received a law degree from the University of North Carolina Law

School at Chapel Hill. He began the practice of law in 1949 and practiced for over five decades.

His career included serving on the Congressional Committee on Intergovernmental Relations, as county attorney for Pasquotank County, and as judge of the Superior Court of the First Judicial District. Judge Small served as Senior Resident Judge for 17 years.

I support this legislation and encourage my colleagues to do the same.

Mr. Speaker, I reserve the balance of my time.

Mr. COHEN. Mr. Speaker, I yield such time as he may consume to the honorable gentleman from North Carolina (Mr. BUTTERFIELD), the sponsor of the bill.

Mr. BUTTERFIELD. Mr. Speaker, let me first thank the gentleman from Tennessee for yielding the time to me to speak to this very important piece of legislation.

Mr. Speaker, I rise today to honor an outstanding jurist and community leader by seeking to name the Federal building in Elizabeth City, North Carolina, as the J. Herbert Small Federal Building and United States Courthouse.

I want to thank my good friend, Chairman OBERSTAR, and Ranking Member MICA for their outstanding leadership in quickly moving this legislation through their committee. I would also like to thank each member of the entire North Carolina delegation, Democrat and Republican, for their collective support of this important bill.

Mr. Speaker, J. Herbert Small is a lifelong resident of Elizabeth City, North Carolina. He has devoted 52 long years of his professional life to the practice of law and to the administration of justice in eastern North Carolina.

Herb Small began his law practice in Elizabeth City in 1949 after graduating from the School of Law at the University of North Carolina at Chapel Hill. He served as Special Counsel to the Congressional Committee on Intergovernmental Relations and later served 8 years as county attorney for the County of Pasquotank.

He was elected as district attorney for the First Judicial District of North Carolina for three consecutive terms. During his tenure, he served as chairman of the District Attorneys Advisory Committee, was President of the District Attorneys Association and was appointed by the Governor to the Jail Study Commission.

It was when Mr. Small was a district attorney that our paths first met. As a young lawyer, I opposed him in the courtroom on several occasions. He was a strong and effective district attorney.

In 1979, Herb Small was elected as Resident Superior Court Judge for the First Judicial District of North Carolina. He served in this capacity for 17 years. He was honored by his peers when he was elected President of the North Carolina Conference of Superior Court Judges. During this time, he represented the conference on the North Carolina Policy and Sentencing Commission.

In the early days of Judge Small's service as a trial judge, I appeared before him as a lawyer, representing both civil and criminal clients. He was a firm but fair judge, treating everyone who came before his court with respect.

And then Mr. Speaker, I had the privilege of being able to call Judge Small my judicial colleague. When I was elected as a Superior Court Judge in 1988, Judge Small had preceded me to the bench by several years. He welcomed me among the ranks of Superior Court Judges, and our friendship continued to evolve.

Mr. Speaker, Herb Small is a legal scholar; and our courts benefited in so many ways because of his intellect.

Now, I am very proud to call Judge Small a constituent. He is retired. He is happily retired, living in Elizabeth City, North Carolina, which is one of my 23 communities in my congressional district. Herb Small is a trusted friend and a good adviser.

Judge Small served as chairman of the Albemarle Hospital Board of Directors and as Chairman of the American Red Cross Chapter. He has been actively engaged in other civic and charitable and service organizations, including the Jaycees and the Boy Scouts and Volunteer Firemen, Chamber of Commerce and the Rotary Club and the Elks Club and the Red Men and so on. He was given the Distinguished Service Award by the Jaycees, the Volunteer of the Year Award by the Chamber of Commerce, and the Order of the Long Leaf Pine by the State of North Carolina for outstanding community involvement.

Very importantly, Mr. Speaker, during World War II, Judge Small served 3 years in the United States Navy; and our country is proud of and thanks him for his service.

Judge Small has been married to a wonderful individual, Mrs. Annette Ward Small, for many years. They have four children, Elizabeth, John Herbert, Fran and Carol; and they have nine grandchildren, Rachel, Matthew, John, Mary, Margaret, Ruth, Allison Katie, and Chris.

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Mr. Speaker, I can think of no finer individual and no person who is more deserving of this high honor than Judge J. Herbert Small. I can assure you that Judge Small is humbled and honored by this recognition. The people of Elizabeth City and the First Congressional District of North Carolina are grateful for his community service, for his dedication, and his great and extraordinary leadership.

I thank the gentleman from Maryland for yielding me time, and I thank the gentleman from Ohio for his work on this matter.

I urge my colleagues today to vote "yes" on H.R. 1138.

Mr. LATOURETTE. Mr. Speaker, I yield myself as much time as I might consume to congratulate the gentleman from North Carolina (Mr. BUTTERFIELD) for his legislation today and also to advise my friend from Tennessee I have no further speakers and if he is in the same position, I yield back the balance of my time.

Mr. COHEN. I join in congratulating the gentleman from North Carolina.

Mr. OBERSTAR. Mr. Speak, I rise in strong support of H.R. 1138, a bill to designate the Federal building and United States courthouse located at 306 East Main Street, in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

J. Herbert W. Small is a life-long resident of Elizabeth City, North Carolina. He is a graduate of the University of Virginia Engineering School, and the University of North Carolina Law School at Chapel Hill. He began practicing law in 1949 and continued in his chosen field for more than five decades. During his professional career, he was a member of the First Judicial District Bar Association, the American Bar Association, and the North Carolina Bar Association.

He began his career as Special Counsel to the Congressional Committee on Intergovernmental Relations. Judge Small later served as County Attorney for Pasquotank County. In 1979, Judge Small was elected Judge of Superior Court of the First Judicial District and served as senior resident judge for 17 years. Judge Small is an active volunteer, serving on the Board of Director of the Albemarle Hospital and the American Red Cross. He has received numerous awards and honors from the Jaycees, the Boy Scouts, the Volunteer Fireman, the Chamber of Commerce, and the Rotary and Elks clubs. Further, Judge Small was a World War II veteran and served in the U.S. Navy for three years.

Judge Small is an outstanding mentor and volunteer. For more than five decades, he has been an exceptional jurist and civic leader. It is fitting and proper to honor his outstanding contributions with this designation.

I urge my colleagues to support the bill.

Mr. COHEN. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Tennessee (Mr. COHEN) that the House suspend the rules and pass the bill, H.R. 1138.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

MARITIME POLLUTION PREVENTION ACT OF 2007

Mr. CUMMINGS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 802) to amend the Act to Prevent Pollution from ships to implement MARPOL Annex VI, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 802

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Maritime Pollution Prevention Act of 2007".

SEC. 2. REFERENCES.

Wherever in this Act an amendment or repeal is expressed in terms of an amendment to or a repeal of a section or other provision, the reference shall be considered to be made to a section or other provision of the Act to Prevent Pollution from Ships (33 U.S.C. 1901 et seq.).

SEC. 3. DEFINITIONS.

Section 2(a) (33 U.S.C. 1901(a)) is amended—

(1) by redesignating the paragraphs (1) through (12) as paragraphs (2) through (13), respectively;

(2) by inserting before paragraph (2) (as so redesignated) the following:

"(1) 'Administrator' means the Administrator of the Environmental Protection Agency.";

(3) in paragraph (5) (as so redesignated) by striking "and V" and inserting "V, and VI";

(4) in paragraph (6) (as so redesignated) by striking "'discharge' and 'garbage' and 'harmful substance' and 'incident'" and inserting "'discharge', 'emission', 'garbage', 'harmful substance', and 'incident'"; and

(5) by redesignating paragraphs (7) through (13) (as redesignated) as paragraphs (8) through (14), respectively, and inserting after paragraph (6) (as redesignated) the following:

"(7) 'navigable waters' includes the territorial sea of the United States (as defined in Presidential Proclamation 5928 of December 27, 1988) and the internal waters of the United States;".

SEC. 4. APPLICABILITY.

Section 3 (33 U.S.C. 1902) is amended—

(1) in subsection (a)—

(A) by striking "and" at the end of paragraph (3);

(B) by striking the period at the end of paragraph (4) and inserting "; and"; and

(C) by adding at the end the following:

"(5) with respect to Annex VI to the Convention, and other than with respect to a ship referred to in paragraph (1)—

"(A) to a ship that is in a port, shipyard, offshore terminal, or the internal waters of the United States;

"(B) to a ship that is bound for, or departing from, a port, shipyard, offshore terminal, or the internal waters of the United States, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated pursuant to section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment;

"(C) to a ship that is entitled to fly the flag of, or operating under the authority of, a party to Annex VI, and is in—

"(i) the navigable waters of the United States;

"(ii) an emission control area designated under section 4; or

"(iii) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment; and

"(D) to the extent consistent with international law, to any other ship that is in—

"(i) the exclusive economic zone of the United States;

"(ii) the navigable waters of the United States;

"(iii) an emission control area designated under section 4; or

"(iv) any other area that the Administrator, in consultation with the Secretary and each State in which any part of the area is located, has designated by order as being an area from which emissions from ships are of concern with respect to protection of public health, welfare, or the environment.";

(2) in subsection (b)—

(A) in paragraph (1) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by adding at the end the following:

"(3) With respect to Annex VI the Administrator, or the Secretary, as relevant to their authorities pursuant to this Act, may determine that some or all of the requirements under this Act shall apply to one or more classes of public vessels, except that such a determination by the Administrator shall have no effect unless the head of the Department or agency under which the vessels operate concurs in the determination. This paragraph does not apply during time of war or during a declared national emergency.";

(3) by redesignating subsections (c) through (g) as subsections (d) through (h), respectively, and inserting after subsection (b) the following:

"(c) Application to Other Persons.—This Act shall apply to all persons to the extent necessary to ensure compliance with Annex VI to the Convention."; and

(4) in subsection (e), as redesignated—

(A) by inserting "or the Administrator, consistent with section 4 of this Act," after "Secretary";

(B) by striking "of section (3)" and inserting "of this section"; and

(C) by striking "Protocol, including regulations conforming to and giving effect to the requirements of Annex V" and inserting "Protocol (or the applicable Annex), including regulations conforming to and giving effect to the requirements of Annex V and Annex VI".

SEC. 5. ADMINISTRATION AND ENFORCEMENT.

Section 4 (33 U.S.C. 1903) is amended—

(1) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively, and inserting after subsection (a) the following:

"(b) Duty of the Administrator.—In addition to other duties specified in this Act, the Administrator and the Secretary, respectively, shall have the following duties and authorities:

"(1) The Administrator shall, and no other person may, issue Engine International Air Pollution Prevention certificates in accordance with Annex VI and the International Maritime Organization's Technical Code on Control of Emissions of Nitrogen Oxides from Marine Diesel Engines, on behalf of the United States for a vessel of the United States as that term is defined in section 116 of title 46, United States Code. The issuance of Engine International Air Pollution Prevention certificates shall be consistent with any applicable requirements of the Clean Air Act or regulations prescribed under that Act.

"(2) The Administrator shall have authority to administer regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) The Administrator shall, only as specified in section 8(f), have authority to enforce Annex VI of the Convention.";

(2) in subsection (c), as redesignated, by redesignating paragraph (2) as paragraph (4), and inserting after paragraph (1) the following:

"(2) In addition to the authority the Secretary has to prescribe regulations under this Act, the Administrator shall also prescribe any necessary or desired regulations to carry out the provisions of regulations 12, 13, 14, 15, 16, 17, 18, and 19 of Annex VI to the Convention.

"(3) In prescribing any regulations under this section, the Secretary and the Administrator shall consult with each other, and with respect to regulation 19, with the Secretary of the Interior."; and

(3) by adding at the end of subsection (c), as redesignated, the following:

"(5) No standard issued by any person or Federal authority, with respect to emissions from tank vessels subject to regulation 15 of Annex VI to the Convention, shall be effective until 6 months after the required notification to the International Maritime Organization by the Secretary.".

SEC. 6. CERTIFICATES.

Section 5 (33 U.S.C. 1904) is amended—

(1) in subsection (a) by striking "The Secretary" and inserting "Except as provided in section 4(b)(1), the Secretary";

(2) in subsection (b) by striking "Secretary under the authority of the MARPOL protocol." and inserting "Secretary or the Administrator under the authority of this Act."; and

(3) in subsection (e) by striking "environment." and inserting "environment or the public health and welfare.".

SEC. 7. RECEPTION FACILITIES.

Section 6 (33 U.S.C. 1905) is amended—

(1) in subsection (a) by adding at the end the following:

"(3) The Secretary and the Administrator, after consulting with appropriate Federal agencies, shall jointly prescribe regulations setting criteria for determining the adequacy of reception facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues at a port or terminal, and stating any additional measures and requirements as are appropriate to ensure such adequacy. Persons in charge of ports and terminals shall provide reception facilities, or ensure that reception facilities are available, in accordance with those regulations. The Secretary and the Administrator may jointly prescribe regulations to certify, and may issue certificates to the effect, that a port's or terminal's facilities for receiving ozone depleting substances, equipment containing such substances, and exhaust gas cleaning residues from ships are adequate.";

(2) in subsection (b) by inserting "or the Administrator" after "Secretary";

(3) in subsection (e) by striking paragraph (2) and inserting the following:

"(2) The Secretary may deny the entry of a ship to a port or terminal required by the MARPOL Protocol, this Act, or regulations prescribed under this section relating to the provision of adequate reception facilities for garbage, ozone depleting substances, equipment containing those substances, or exhaust gas cleaning residues, if the port or terminal is not in compliance with the MARPOL Protocol, this Act, or those regulations.”;

(4) in subsection (f)(1) by striking “Secretary is” and inserting “Secretary and the Administrator are”; and

(5) in subsection (f)(2) by striking “(A)”.

SEC. 8. INSPECTIONS.

Section 8(f) (33 U.S.C. 1907(f)) is amended to read as follows:

“(f)(1) The Secretary may inspect a ship to which this Act applies as provided under section 3(a)(5), to verify whether the ship is in compliance with Annex VI to the Convention and this Act.

“(2) If an inspection under this subsection or any other information indicates that a violation has occurred, the Secretary, or the Administrator in a matter referred by the Secretary, may undertake enforcement action under this section.

“(3) Notwithstanding subsection (b) and paragraph (2) of this subsection, the Administrator shall have all of the authorities of the Secretary, as specified in subsection (b) of this section, for the purposes of enforcing regulations 17 and 18 of Annex VI to the Convention to the extent that shoreside violations are the subject of the action and in any other matter referred to the Administrator by the Secretary.”.

SEC. 9. AMENDMENTS TO THE PROTOCOL.

Section 10(b) (33 U.S.C. 1909(b)) is amended by inserting “or the Administrator as provided for in this Act,” after “Secretary,”.

SEC. 10. PENALTIES.

Section 9 (33 U.S.C. 1908) is amended—

(1) by striking “Protocol,,” each place it appears and inserting “Protocol,”;

(2) in subsection (b)—

(A) by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place it appears;

(B) in paragraph (2), by inserting “, or the Administrator as provided for in this Act,” after “Secretary”; and

(C) in the matter after paragraph (2)—

(i) by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place it appears; and

(ii) by inserting “, or the Administrator as provided for in this Act,” after “Secretary” the second and third places it appears;

(3) in subsection (c), by inserting “, or the Administrator as provided for in this Act,” after “Secretary” each place it appears; and

(4) in subsection (f), by inserting “, or the Administrator as provided for in this Act” after “Secretary” the first place appears.

SEC. 11. EFFECT ON OTHER LAWS.

Section 15 (33 U.S.C. 1911) is amended to read as follows:

“SEC. 15. EFFECT ON OTHER LAWS.

“Authorities, requirements, and remedies of this Act supplement and neither amend nor repeal any other authorities, requirements, or remedies conferred by any other provision of law. Nothing in this Act shall limit, deny, amend, modify, or repeal any other authority, requirement, or remedy available to the United States or any other person, except as expressly provided in this Act.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Maryland (Mr. CUMMINGS) and the gentleman from Ohio (Mr. LATOURETTE) each will control 20 minutes.

The Chair recognizes the gentleman from Maryland.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

As the chairman of the Coast Guard and Maritime Transportation Subcommittee, I am pleased that the first piece of maritime legislation to be brought to the floor by the Committee on Transportation and Infrastructure is a bill that will enable us to combat pollution emitted by ships.

The Maritime Pollution Prevention Act of 2007, H.R. 802, would institute the legal changes needed to bring the United States into compliance with the International Convention for the Prevention of Pollution from Ships, the MARPOL Convention Annex VI.

MARPOL Annex VI limits the emissions from ships of sulfur oxide and nitrogen oxide, which are ozone-depleting substances. The Annex VI treaty was ratified by the Senate in April 2006 and came into force internationally in May of 2006.

According to the United States Department of Transportation, ocean-going ships transport 80 percent by weight of all goods and services moved into and out of the United States. The volume of trade through U.S. ports is only expected to increase.

In fact, the United States Maritime Administration estimates that the total volume of trade handled by United States ports will double in the next 15 years. Unfortunately, the ships on which we rely to carry the trade that keeps our economy growing release excessive amounts of pollution.

In fact, according to a very disturbing study released just last week by the International Council on Clean Transportation, the sulfur oxide emissions from ocean-going ships may exceed the total amount of such emissions produced by cars, trucks and buses in the world. Further, the International Maritime Organization, also known as IMO, estimates that as much as 80 percent of all ship emissions may be released within 250 miles of shore.

That means that much of the pollution emitted by ships is affecting the residents of port communities such as my hometown of Baltimore. The emissions of sulfur oxide from ships are also high because the bunker fuel used in ships may contain as much as 3 percent sulfur content by weight, or an astounding 28,000 parts per million of sulfur.

By comparison, the new ultralow sulfur diesel fuel that is mandated for use in trucks in most of the United States is not allowed to contain more than 15 parts per million of sulfur. Given the nature of shipping, it is not possible for any single nation to unilaterally regulate emissions produced by ships.

Instead, regulations applied to ocean-going vessels are usually developed through negotiations conducted by IMO, a specialized agency of the United Nations responsible for developing multinational conventions regulating international shipping.

The member states of IMO developed the International Convention for the Prevention of Pollution from Ships treaty, known as MARPOL, which was adopted in 1973. This groundbreaking convention has already successfully limited all pollution and pollution from ships' garbage and sewage. The most recent annex to MARPOL convention, Annex VI, sets limits on emissions from ships of sulfur oxide and nitrogen oxide. This annex also establishes specific limits on the sulfur content of fuel oil used in ships.

The measure before us today, H.R. 802, is a bipartisan measure that would bring United States law into compliance with the requirements of MARPOL Annex VI. The substitute amendment clarifies that the MARPOL Annex VI amendments apply only to vessels in the United States' exclusive economic zone once Annex VI becomes customary maritime law.

The amendment also requires the EPA to consult with a State when establishing an emission area and requires that regulations regarding reception facilities be jointly prescribed by the Environmental Protection Agency and the United States Coast Guard. Through our participation in Annex VI, the United States will contribute to a global effort to control a large source of ozone-depleting emissions that has been virtually unregulated to this point.

Mr. Speaker, our natural resources are our most precious gifts, and we are merely the stewards of these resources, responsible for preserving them for generations yet unborn.

When you go into Sea World and Disney World, one of the things the signs that are written there say, “We do not inherit our environment from our parents; we borrow it from our children.”

I applaud Chairman OBERSTAR for his outstanding leadership on this issue and for his commitment to implementing measures that will help us combat the release of emissions from mobile sources that are contributing to global warming.

I also thank our ranking member, the very distinguished gentleman, Congressman MICA, and the ranking member of our subcommittee on Coast Guard and Maritime Transportation, Congressman LATOURETTE, for their leadership in helping us to get this very, very important bill to the floor of the House so that we can send it on to the Senate.

Mr. Speaker, I reserve the balance of my time.

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 802, the Maritime Pollution Prevention Act of 2007. H.R. 802 was introduced by our full committee chairman, Jim Oberstar, and is similar language that was approved by voice vote in the House during the last Congress. I say “similar to” because there are some differences, and we noted those differences at the time of the markup of this legislation.

I want to thank the chairman of the full committee, Mr. OBERSTAR, and I also want to thank the distinguished chairman of our subcommittee, Mr. CUMMINGS, for working with me and others on my side of the aisle to address our concerns with the introduced version of the bill.

The bill will implement international requirements for air emissions from ships for purposes of U.S. law. Under this bill, the Coast Guard and the Environmental Protection Agency will be required to develop regulations that establish standards for emissions of ozone-depleting substances and other pollutants as well as marine fuel oil quality that are used in U.S. waters. I am happy to see that we are considering this legislation that will reduce our emissions from vessels operating in U.S. waters this early in the year.

Again, I want to thank Chairman OBERSTAR and Chairman CUMMINGS for working with us to improve the bill. I urge our colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I am very pleased to yield to the distinguished chairman of the Transportation Committee, Mr. OBERSTAR, such time as he may consume.

Mr. OBERSTAR. I thank the gentleman for yielding. I especially want to thank the chairman of the Subcommittee on Coast Guard and Maritime Affairs for his leadership, absorbing so quickly in such a short period of time the complexities under the jurisdiction of this subcommittee. I also would like to express my appreciation to the gentleman from Ohio (Mr. LATOURETTE) for his partnership and working so diligently to bring this important legislation to the floor.

Mr. Speaker, this is an international issue. In fact, just moments ago, just before arriving to the floor, I had a meeting with a representative of the transportation ministry of the European Union. He is the deputy in charge of the Transport Ministry of the European Union, and we were discussing the MARPOL legislation and the need for international participation and cooperation on these issues.

In fact, the European Transport Ministry has established a new section dealing with maritime pollution issues which go beyond that of the subject of this legislation to include pollution at sea from accidents to maritime vessels, the first most serious of which was the Torrey Canyon disaster in the English Channel in 1967, which alerted all of the maritime sector to the need for double-hulled vessels, to the need for international standards on shipping.

We have moved beyond the water pollution issue, ocean pollution issue, which continues to be a matter of great concern, to that of air pollution, which is the subject of this legislation, the discharge of nitrogen oxides from maritime diesel engines, the sulfur content of diesel fuel, ozone-depleting substances, volatile organic compounds and standards for shipboard incinerators, fuel oil quality, platforms for drill rigs at sea. All of these are the subject of this legislation and of the International Maritime Pollution Convention.

At the beginning of next week, our committee will travel to Brussels to meet with members of the European Transport Ministry and members of the European Parliament Transport Committee to discuss this issue and other issues including emissions from aircraft at altitude, which are the subject of the ongoing discussions in the international community on emissions trading and steps that the international community together can take to reduce impact on factors that are accelerating global climate change.

This legislation, in other words, is not just a relatively noncontroversial matter that we attempted to accomplish in the last Congress; but for various reasons, we were not able to do so with the other body. But this is one step in a global issue of international concern that brings the United States and its maritime partners into cooperation on matters that involve air quality at sea.

I want to thank the gentleman from Maryland, the chairman of the subcommittee, for his diligent work, and Mr. LATOURETTE and Ranking Member MICA for their participation and working with us to bring this legislation to the floor. I hope that the other body will cooperate promptly and move this bill to the President.

We have incorporated recommendations by the administration in this legislation to accommodate their interests.

□ 1445

Mr. LATOURETTE. Mr. Speaker, I yield myself such time as I might consume for the purposes of engaging in a colloquy with the distinguished chairman of the subcommittee.

Chairman CUMMINGS, if I could clarify, through this colloquy, the language that was included in sections 4 and 5.

First, section 4 authorizes the Environmental Protection Agency, in consultation with the Coast Guard, to designate special areas where vessels would be required to comply with vessel emission regulations under Annex VI to the MARPOL Convention. This section also directs the EPA to consult with a State if such an area is established in an area that is under the jurisdiction of that State.

Is it the chairman's understanding that the committee does not intend to require the agencies to consult with a State or to give a State any authority over a special area that is not wholly established outside of the three or, in some cases, nine nautical mile belt of waters that fall within the jurisdiction of a State?

Mr. CUMMINGS. The gentleman is absolutely correct.

Mr. LATOURETTE. I thank the chairman.

Additionally, Mr. Chairman, section 5 of the bill grants the EPA certain authorities to establish, administer and enforce regulations to implement MARPOL Annex VI. Is it the chairman's understanding that this language does not replace or reduce the Coast Guard's parallel authorities to administer and enforce regulations to implement Annex VI or other regulations under the Act to Prevent Pollution from Ships?

Mr. CUMMINGS. The gentleman is absolutely correct.

Mr. LATOURETTE. I thank the chairman very much for his response. And, again, my congratulations to both chairmen, the chairman of the full committee, Mr. OBERSTAR, and the chairman of the subcommittee, Mr. CUMMINGS, for bringing this legislation forward. And, again, my thanks for working with us to make the slight improvements to the bill.

Mr. Speaker, I yield back the balance of my time.

Mr. CUMMINGS. Mr. Speaker, I yield myself such time as I may consume.

Again, I want to thank Chairman OBERSTAR and certainly Ranking Member MICA. But I also thank you very much, Mr. LATOURETTE, for your cooperation in moving this bill along.

Mr. Speaker, I yield 2 minutes to Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Speaker, although it has been discussed previously before I reached the Chamber, I just want to be sure to emphasize the important change to allow EPA to enforce the standards in addition to the Coast Guard. These are changes requested by the administration. The Coast Guard acknowledging that EPA has far more experience than does the Coast Guard on air quality emission standards.

It is important for EPA to develop standards jointly with the Coast Guard because, on the Coast Guard side, they have more knowledge and understanding and expertise in vessel safety issues that have to be incorporated into any air quality emission standards that may be promulgated.

I want to emphasize this role of EPA, an important step forward, and I am very pleased the administration was emphatic in asking for an EPA role, and Coast Guard similarly has been very insistent on including EPA in this process. I think this will, overall, strengthen the result of the legislation that we are considering today.

Mr. Speaker, I rise today to strongly support H.R. 802, the "Maritime Pollution Prevention

Act of 2007". The gentleman from Maryland, Mr. CUMMINGS, and I introduced this legislation in February to provide the U.S. Coast Guard and the Environmental Protection Agency ("EPA") with the legal authority they need to implement Annex VI of the International Convention for the Prevention of Pollution from Ships.

Global climate change is a critical issue, not only for the United States, but for every man, woman, and child that live on this planet called Earth. The international maritime community has recognized this problem and developed an international convention to help address air pollutants from diesel ships.

For many years, the International Maritime Organization, an organization of the United Nations, has been developing international standards to prevent pollution from ships that ply the world's oceans. The international convention is called the International Convention for the Prevention of Pollution from Ships, 1973. The United States has implemented these environmental laws by enacting and amending the Act to Prevent Pollution from Ships ("APPS").

On May 19, 2005, Annex VI of that Convention came into force internationally. Annex VI limits the discharge of nitrogen oxides from large marine diesel engines, governs the sulfur content of marine diesel fuel, prohibits the emission of ozone-depleting substances, regulates the emission of volatile organic compounds during the transfer of cargoes between tankers and terminals, sets standards for shipboard incinerators and fuel oil quality, and establishes requirements for platforms and drilling rigs at sea. In April 2006, the Senate ratified this treaty by unanimous consent.

H.R. 802 is the necessary implementing legislation for Annex VI of that Convention. This legislation will give the Coast Guard and the Environmental Protection Agency the authority they need to develop the U.S. standards and to enforce these requirements on the thousands of U.S.- and foreign-flag vessels that enter the United States each year from overseas.

Everyone here recognizes the challenge that the world faces in combating global climate change. We must pursue all avenues in the effort to turn around the rising temperatures on this planet. I am pleased that the International Maritime Organization stepped up to the plate and developed amendments to the International Convention for the Prevention of Pollution from Ships to regulate air pollution from ships.

Last year, the Committee on Transportation and Infrastructure reported H.R. 5811, the MARPOL Annex VI Implementation Act of 2006, favorably to the House. This bill was subsequently added to H.R. 5681, the Coast Guard Authorization Act of 2006, and passed the House on October 28, 2006.

H.R. 802 is very similar to H.R. 5811, but includes changes to allow the EPA to enforce the standards, in addition to the Coast Guard. These changes were requested by the Administration. The Coast Guard acknowledges that the EPA has far more experience than they do on air quality emission standards. However, it is important for the EPA to develop the standards jointly with Coast Guard because of the Coast Guard's expertise over vessel safety issues.

During Committee consideration of the bill, the Committee adopted an amendment in the nature of a substitute that clarifies that MARPOL Annex VI will only apply to vessels in the United State's 200-mile Exclusive Economic Zone when the Executive Branch determines that MARPOL Annex VI is customary international law. In addition, the amendment clarified that MARPOL Annex VI will not apply to public vessels owned by the U.S. Government until the head of the agency that operates the vessels agrees with the EPA Administrator that MARPOL VI should apply to that agency's vessels.

The amendment in the nature of a substitute that the House considers today further clarifies that the application of MARPOL VI to the U.S. Exclusive Economic Zone and territorial sea takes effect when it becomes customary international law; requires EPA to consult with a State when establishing an emission area; and requires the regulations regarding reception facilities to be jointly prescribed by EPA and the Coast Guard.

I would like to take the opportunity to thank our new Chairman of the Subcommittee on Coast Guard and Maritime Transportation, Mr. CUMMINGS, for his help in developing this bill.

I strongly urge my colleagues to support passage of H.R. 802, the Maritime Pollution Prevention Act of 2007.

Mr. CUMMINGS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 802, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CUMMINGS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

GENERAL LEAVE

Mr. CUMMINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 802.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

Ms. SHEA-PORTER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 266) supporting the goals and ideals of Professional Social Work Month and World Social Work Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 266

Whereas social workers have the demonstrated education and experience to guide individuals, families, and communities through complex issues and choices;

Whereas social workers connect individuals, families, and communities to available resources;

Whereas social workers are dedicated to improving the society in which we live;

Whereas social workers are positive and compassionate professionals;

Whereas social workers stand up for others to make sure everyone has access to the same basic rights, protections, and opportunities;

Whereas social workers have been the driving force behind important social movements in the United States and abroad; and

Whereas Professional Social Work Month, and World Social Work Day, which is March 27, 2007, will build awareness of the role of professional social workers and their commitment and dedication to individuals, families, and communities everywhere though service delivery, research, education, and legislative advocacy: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Professional Social Work Month and World Social Work Day;

(2) acknowledges the diligent efforts of individuals and groups who promote the importance of social work and who are observing Professional Social Work Month and World Social Work Day;

(3) encourages the American people to engage in appropriate ceremonies and activities to further promote awareness of the life-changing role of social workers;

(4) recognizes with gratitude the contributions of the millions of caring individuals who have chosen to serve their communities through social work; and

(5) encourages young people to seek out educational and professional opportunities to become social workers.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Tennessee (Mr. DAVID DAVIS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Mr. Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 266 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Ms. SHEA-PORTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to rise today to offer House Resolution 266, which honors the dedication and compassion of professional social workers. Our highest calling as humans is to provide service to others, especially those less fortunate than ourselves.

At the turn of the 20th century, thousands of people lived in despair and poverty, and it was the early progressive moment in which the social work movement was born, providing food, clothing, health care and education to the less fortunate.

Social workers had a role in civil rights and in women's freedom. Today, social workers continue this fight to ensure that vulnerable families have the support and the health care that they need.

Social workers are everywhere in our society, caring for all of us. They help people in all stages of life, from children to the elderly, and in all situations, from adoption to hospice care. You can find social workers in hospitals, police departments, mental health clinics, military facilities and corporations.

Professional social workers are the Nation's largest providers of mental health care services. They provide more mental health services than psychologists, psychiatrists and psychiatric nurses combined.

More than 600,000 people in the United States hold social work degrees. The Veterans Administration employs more than 4,400 social workers to assist veterans and their families with individual and family counseling, client education, end-of-life planning, substance abuse treatment, crisis intervention and other services.

Mr. Speaker, I reserve the balance of my time.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I rise in support of House Resolution 266. This resolution would recognize the important work of our Nation's social workers and support the goals and ideals of Professional Social Worker Month and World Social Worker Day.

Social work is a profession for those with a strong desire to help improve people's lives and play a valuable role in the Nation's health care system. Social workers help people function the best way they can in their environment, deal with their relationships, and solve personal and family problems.

Social workers often see clients who face life-threatening disease or social problems such as inadequate housing, unemployment, a serious illness, a disability, or substance abuse. Social workers also assist families that have serious domestic conflicts, sometimes involving a child or spousal abuse.

For example, child, family and school social workers provide social services and assistance to improve the social and psychological functioning of children and their families and to maximize the family well-being and academic functioning of children. They assist single parents, arrange adoption, or help find foster homes for neglected, abandoned or abused children.

In schools, they address problems such as teenage misbehavior and truancy and advise teachers on how they can cope with problem students. Social workers also specialize in services for senior citizens, running support groups for family caregivers or for the adult children of aging parents, advising elderly people or family members about choices in areas such as housing, transportation, and long-term care and coordination and monitoring of these services.

Through employee assistance programs, they may help workers cope with job-related pressures or with personal problems that affect the quality of their work.

Medical and public health social workers provide persons, families, and vulnerable populations with psychosocial support needed to cope with chronic, acute and terminal illnesses such as Alzheimer's disease and cancer. They also assess and treat individuals with mental illness or substance abuse, including abuse of alcohol, tobacco and other drugs. They also may help plan for supportive services to ease patients' return into the community.

In my State of Tennessee, we have a long tradition of recognizing the vital role of social workers. In 2005, the Tennessee legislature, of which I was honored to serve as a member for many years, passed important legislation which required social workers to have received a B.S. or master's degree in social work from an accredited school, received a doctorate or Ph.D. in social work, or have a specialized certificate or license from the State.

As a society, we have come to trust that the people using a certain title have completed specific training to prepare them for their work in assisting the public. Thanks to this legislation, Tennessee now ensures that positions requiring the skills and training of professional social workers are filled with fully qualified professionals.

In addition, the East Tennessee State University Department of Social Work has a long and proud history of preparing the majority of social workers in the region that I represent. In addition to providing high-quality education to future social workers, the Department hosts a Social Work Career Day where students, community agencies and practitioners come together and share educational experience and information on a career in social work. Students and faculty are also involved in a number of community based interdisciplinary learning and service activities.

According to the United States Department of Labor, the need for additional social workers is expected to increase faster than the average of all other occupations through the year 2014 due to the rapidly growing elderly population which is expected to create greater demand for health and social careers. The growth in social work is expected to occur most rapidly in home health care services, assisted living and senior living communities and the school setting. In addition, there is expected to be a significant need for those social workers specializing in substance abuse.

Nearly 50 percent of the United States population, age 15 to 54, report having at least one psychiatric disorder. Both severe and persistent mental disorders, including addictions, have profound consequences for individuals, their families and society, affecting their ability to learn, to grow into healthy adults and to nurture children, to work and secure housing and to engage in other routines of living. Recognizing the prevalence of mental disorders and the cost they exact on our society, social workers provide more than 40 percent of all mental health services available to Americans, making them an integral part of our Nation's health care delivery system.

So we stand here to recognize the importance of our Nation's social workers and support the Professional Social Work Month and World Social Work Day. We also stand to encourage more young adults to seek out educational and professional opportunities as social workers where they can play a positive impact on changing people's lives.

Mr. Speaker, I urge my colleagues to join me in highlighting the contributions of social workers and to support House Resolution 266.

Mr. Speaker, I reserve the balance of my time.

□ 1500

Ms. SHEA-PORTER. Today we thank all those who have toiled in the fields of our community, including my maternal grandmother, who left the comfort of her home each day at the turn of the century and went to the Lower East Side to help immigrants. And we praise all of those who reach out to others every day in their community.

Social workers' service makes our communities stronger. March is National Professional Work Month, and Tuesday, March 27 is World Social Work Day. I honor their service and thank them for caring for all of us each day.

Mr. Speaker, I yield back the balance of my time.

Ms. LEE. Mr. Speaker, I'd like to thank my colleague Congressman CIRO RODRIGUEZ for arranging this time on the floor for us to celebrate World Social Work Day and to acknowledge the contributions of social workers to the well-being of our society.

I'm proud to say that I'm a social worker and that my predecessor, former Congressman and now mayor of Oakland, Ron Dellums, was also a social worker. I believe our records, interests and efforts here in Congress and outside reflect the influence of our social work background. This education has helped me to form my principles and has helped me to fight injustice and inequality, not just here in the U.S. but also abroad.

Social workers make a difference in people's lives everyday and at all levels. They're in the streets working one-on-one with the homeless. They're in the hospitals and clinics helping people through their health crises. They're in the schools making our kids safe, adjusted, and prepared to take on the world. They're advocating for the rights of our country's most vulnerable citizens—our children, the elderly, the mentally ill, the poor, and others in our society that may not have a strong voice. They're fighting for social justice and human rights internationally and they're creating policies and programs here in the halls of both the Congress and the Senate that address the needs of our society.

The hallmark trait of a social worker is their ability to empathize—their ability and willingness to put themselves in someone else's place. This is not always an easy thing to do. Many times social workers encounter people who are in extreme states of crisis. Times when their lives are feeling out of control. It's no easy feat to step into someone else's nightmare and help them find the strength to cope, to problem-solve, and to move forward. But this is what social workers do on a daily basis.

Nonetheless, there are also times that are incredibly heartening and rewarding—times that renew your faith in humanity. They are the times when you see the first trusting smile on the face of a child that came from the chaos of an abusive home and you feel that connection. They are the times when you're able to help a family—homeless and devastated by the ravages of a massive natural disaster. They are times when the grassroots movement you've been working with is able to achieve its goal. They're the times when you're able to help a young man who seemed like he was starting down the path to a life of crime to find a better road and to make better decisions.

One of the ways that I think I've best used my social work education has been in the work I have done here in Congress. As a social worker, I am concerned about the many things that ail our community as a whole. That is why I have made the fight against AIDS a priority—not just domestically, but also abroad. We need to stop crimes against humanity, like the genocide that continues to ravage the Darfur region. I also believe we need to fully fund No Child Left Behind. Our education system is failing—No Child Left Behind is failing our children, our teachers, our parents, and our community as a whole.

Recognizing the importance that social workers bring to our schools, I'd also like to take this opportunity to thank my colleagues who have cosponsored H.R. 171, the Student Support Act. I hope more of my colleagues will consider supporting this legislation, which helps ensure that our schools have the necessary amount of mental health professionals at their schools, including school social workers, school psychologists, counselors and psychiatrists. Almost all States fall below the recommended guidelines by the American Counseling Association of 1 counselor for every 250 students. My own State of California has 966 students for every one counselor. So I hope my colleagues can cosponsor this important act, and maybe we can see this legislation make some progress here in the House.

Social workers don't just make an impact on our students—social workers give back to our society by helping to make better citizens of us all. They strive to help their clients become the best that they can be, to improve their communities and to confront the injustices that they see. They foster a new way of looking at the world around you—one where you see promise and possibility. Social workers help us to realize a world where mediation, coalition building and effective communication are used to find peaceful solutions instead of military posturing.

I'd like to close by saying, I'm grateful to be part of a profession that is devoted to service to our people and that is so necessary to our society's well-being. I know that many of my dedicated colleagues work quietly in the field and that their contributions are not always given the attention they deserve, so I'm very pleased to be able to celebrate this day and to publicly acknowledge their contributions.

Thank you again, Congressman CIRO RODRIGUEZ for organizing this special order, and also thank you to all of my colleagues who were able to participate tonight.

Mr. DAVID DAVIS of Tennessee. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 266.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SHEA-PORTER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

DISADVANTAGED BUSINESS DISASTER ELIGIBILITY ACT

Ms. VELÁZQUEZ. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1468) to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005, the period in which it can participate is extended by 18 months, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1468

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Disadvantaged Business Disaster Eligibility Act".

SEC. 2. EXTENSION OF PARTICIPATION TERM FOR VICTIMS OF HURRICANE KATRINA.

(a) RETROACTIVITY.—If a small business concern, while participating in any program or activity under the authority of paragraph (10) of section 7(j) of the Small Business Act (15 U.S.C. 636(j)), was located in a parish or county described in subsection (b) and was affected by Hurricane Katrina of 2005, the period during which the small business concern is permitted continuing participation and eligibility in such program or activity shall be extended for an additional 18 months.

(b) PARISHES AND COUNTIES COVERED.—Subsection (a) applies to any parish in the State of Louisiana, or any county in the State of Mississippi or in the State of Alabama, that has been designated by the Administrator of the Small Business Administration as a disaster area by reason of Hurricane Katrina under disaster declaration 10176, 10177, 10178, 10179, 10180, or 10181.

(c) REVIEW AND COMPLIANCE.—The Administrator of the Small Business Administration shall ensure that the case of every small business concern participating before the date of the enactment of this Act in a program or activity covered by subsection (a) is reviewed and brought into compliance with this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New York (Ms. VELÁZQUEZ) and the gentleman from Ohio (Mr. CHABOT) each will control 20 minutes.

The Chair recognizes the gentlewoman from New York.

GENERAL LEAVE

Ms. VELÁZQUEZ. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

Ms. VELÁZQUEZ. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, Hurricane Katrina forced evacuation of individuals and business owners who are only recently recovering and rebuilding. Clearly, through no fault of their own, these firms have been disrupted.

A number of these businesses are participants in the SBA's 8(a) program, the primary way that minority entrepreneurs enter the Federal marketplace. 8(a) is a business development initiative, and that is what the companies in the gulf region need right now.

Because of the magnitude of the disaster, these companies need additional time in the 8(a) program. This will counterbalance the period of inoperability these firms experienced due to Hurricane Katrina. And I commend my colleague Mr. JEFFERSON from Louisiana for offering this solution.

As currently structured, the program allows businesses to participate for a limited length of time. They are given 9 years and 9 years only. Even if the companies fail, they can never reapply and get back in.

In this way 8(a) is different than any other SBA procurement initiative, which allow companies to be certified for increments of 3 years. As long as they meet the eligibility criteria, they can continue being recertified without end.

It is because of this limitation that the 8(a) program is simply not structured to respond to companies that have been victimized by disasters.

This bill is targeted and narrow. It applies only to 8(a) program participants in Alabama, Mississippi, or Louisiana that were impacted by this disaster. At most, this represents barely 4 percent of all 8(a) participants. Eighteen months is not a significant amount of time, but it could play a major role in ensuring that these businesses are able to participate in the rebuilding of their home States.

I urge support of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CHABOT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 1468, the Disadvantaged Business Disaster Eligibility Act. This legislation, as the chairwoman indicated, would simply extend for 18 months the period of time that 8(a) Small Business Development Program participants who enrolled in the program prior to August 29 of 2005 could stay in the program by 18 months if they had their businesses primarily located in the area devastated by Hurricane Katrina.

The 8(a) Small Business Development Program, administered by the Small Business Administration, provides a useful mechanism for aspiring entrepreneurs and existing small business owners who, for social or economic reasons, may not have the same opportunities other small business owners have had and face challenging barriers to their success.

Entrepreneurs who participate in the 8(a) program undergo an extensive 9-year process, where they obtain specialized business training, counseling, marketing assistance, and high-level executive development. They also receive additional help in the form of low-interest loans, access to government surplus office equipment, and bonding assistance.

The Small Business Development Program provides many of the tools needed for any small business to succeed. Most significantly, the program assists these entrepreneurs in obtaining Federal Government contracts as a base from which to grow their businesses. Given the devastation to the gulf coast region by Hurricane Katrina, access to Federal Government contracts constitutes an important component of the region's rebirth, and I think we all agree that we all want to see the rebirth in that area occur.

Tragically, as every American remembers, the late summer of 2005 proved to be one of the most catastrophic in American history. The 9.7 million Americans residing on the gulf coast of Alabama, Louisiana, and Mississippi were victims of an unprecedented natural disaster, which, unfortunately, has become a nightmare that is etched in all our memories and a daily challenge for those who lived through it.

The storms of 2005 drowned 80 percent of New Orleans in seawater, killed in excess of 1,600 people, destroyed more than 200,000 gulf coast homes, and displaced more than 1 million of our fellow Americans. Starting a new business is challenging under normal circumstances. Only two-thirds of them make it through their first 2 years. And needless to say, the devastation along the gulf coast compounds this difficulty exponentially.

This legislation provides some additional time for those businesses facing the 9-year participation deadline provided for in the 8(a) program to get back on their feet. Nothing in the Small Business Act currently allows for an extension of participation as a result of extraordinary circumstances such as those created by Hurricane Katrina.

For business owners that may not have had access to their businesses or their customers for months, the rigidity of the Small Business Act seems unduly harsh. An additional 18 months of assistance to firms who face an uphill battle before the storms hit who are now hanging on by a thread after the storms have passed is truly the least that we can do.

Today I encourage my colleagues to support this necessary legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. JEFFERSON).

Mr. JEFFERSON. I thank the gentlewoman for yielding, and I am pleased to sponsor H.R. 1468, the Disadvantaged Business Disaster Eligibility Act. I would like to thank Chairwoman VELÁZQUEZ as well as Ranking Member CHABOT for their leadership in committee on this important bill. I would also like to thank the other members of the committee for voting in a bipartisan spirit to bring this measure to the floor in an expeditious manner.

This bill provides that if a small business affected by Hurricane Katrina that participates in any section 8(a) business development program, the eligibility period for its participation in such program is extended by 18 months.

The 8(a) program was designed as a 9-year business development program geared toward small businesses owned by citizens who are socially and economically disadvantaged. This program is of benefit to emerging African American, Hispanic, Asian American, and nonminority women-owned firms included in the program's coverage. Once the eligibility for the 9-year program has run out, the small business participating in the program is ineligible to re-enter it. When Hurricane Katrina ripped through New Orleans on August 29, 2005, it left 80,000 businesses damaged or destroyed, 97 percent of which were small businesses. A significant percentage were participating in the 8(a) program and were forced to shut down for an extended period of time, losing time in the program through a series of events far beyond their control. It is only right and fair that we extend the period of eligibility so that the affected disadvantaged businesses are allowed to grow and flourish and enjoy the full 9 years of the program.

Nineteen months since Katrina struck, most of our 8(a) firms across the gulf coast are still struggling to return.

This bill is about equity and fairness at a time when the road to recovery has been anything but fair for disadvantaged firms in the region. For example, in the time just following the storm, 90 percent of the $2 billion in initial contracts were awarded to companies based outside of the three primary affected States and to large concerns. Minority businesses received just 1.5 percent of the first $1.6 billion spent there. Women-owned businesses received even less. This was the outcome in spite of laws such as the Stafford Act, which require contracting officials to prioritize awards to local businesses and to reach a goal of 5 percent of contracts to minority-owned businesses.

The continued recovery from Katrina is made up of many interconnected issues, and we cannot fully recover without addressing all of them. Helping small businesses, as this and other bills such as the RECOVER Act do, restores jobs that our citizens can return home to and puts our businesses back on track. It broadens the tax base of our region and helps with our recovery.

I look forward to continuing to work on the Small Business Committee with Ms. VELÁZQUEZ and Mr. CHABOT to address the needs of small businesses in the gulf region.

Mr. CHABOT. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Ms. VELÁZQUEZ. Mr. Speaker, I would like to thank the gentleman from Ohio (Mr. CHABOT) for his support and cooperation in helping expedite this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New York (Ms. VELÁZQUEZ) that the House suspend the rules and pass the bill, H.R. 1468, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 13 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1700

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 5 p.m.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2007

Mr. SCOTT of Virginia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 137) to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 137

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “Animal Fighting Prohibition Enforcement Act of 2007”.

SEC. 2. ENFORCEMENT OF ANIMAL FIGHTING PROHIBITIONS.

(a) IN GENERAL.—Chapter 3 of title 18, United States Code, is amended by adding at the end the following:

“§ 49. Enforcement of animal fighting prohibitions

“Whoever violates subsection (a), (b), (c), or (e) of section 26 of the Animal Welfare Act shall be fined under this title, imprisoned for not more than 3 years, or both, for each violation.”.

(b) CLERICAL AMENDMENT.—The table of contents for such chapter is amended by inserting after the item relating to section 48 the following:

“49. Enforcement of animal fighting prohibitions.”.

SEC. 3. AMENDMENTS TO THE ANIMAL WELFARE ACT.

Section 26 of the Animal Welfare Act (7 U.S.C. 2156) is amended—

(1) in subsection (c), by striking “interstate instrumentality” and inserting “instrumentality of interstate commerce for commercial speech”;

(2) in subsection (d), by striking “such subsections” and inserting “such subsection”;

(3) by striking subsection (e) and inserting the following:

“(e) It shall be unlawful for any person to knowingly sell, buy, transport, or deliver in interstate or foreign commerce a knife, a gaff, or any other sharp instrument attached, or designed or intended to be attached, to the leg of a bird for use in an animal fighting venture.”;

(4) in subsection (g)—

(A) in paragraph (1), by striking “or animals, such as waterfowl, bird, raccoon, or fox hunting”; and

(B) by striking paragraph (3) and inserting the following:

“(3) the term ‘instrumentality of interstate commerce’ means any written, wire, radio, television or other form of communication in, or using a facility of, interstate commerce;”; and

(5) by adding at the end the following new subsection:

“(i) The criminal penalties for violations of subsection (a), (b), (c), or (e) are provided in section 49 of title 18, United States Code.”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Virginia (Mr. SCOTT) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Virginia.

GENERAL LEAVE

Mr. SCOTT of Virginia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 137 is a bipartisan effort by the Judiciary Committee, led by the gentleman from California (Mr. GALLEGLY) as the chief sponsor and the gentleman from Oregon (Mr. BLUMENAUER) as the lead Democratic sponsor. Both have worked long and hard on this issue. I would also like to express my appreciation to Chairman CONYERS, Ranking Member SMITH, and Subcommittee Ranking Member FORBES for their leadership and support in moving this matter forward, and also the former chairman of the committee, Mr. COBLE, who is with us today.

The Animal Fighting Prohibition Enforcement Act of 2007 addresses the growing problem of staged animal fighting in this country. It increases the penalties under the current Federal law for transporting animals in interstate commerce for the purpose of fighting and for interstate and foreign commerce in knives and gaffs designed for use in cockfighting.

Specifically, H.R. 137 makes violations of the law a felony punishable by up to 3 years in prison. Currently, these offenses are limited to misdemeanor treatment with the possibility of a fine and up to 1 year of imprisonment. Most States make all staged animal fighting illegal. Just one State currently allows cockfighting to occur legally.

The transport of game birds for the purpose of animal fighting and the implements of cockfighting are already prohibited by Federal law, though the current law only allows, as I have indicated, the misdemeanor treatment. In 1976 Congress amended title 7, U.S. Code, section 2156, the Animal Welfare Act, to make it illegal to knowingly sell, buy, transport, deliver, or receive a dog or other animal in interstate or foreign commerce for the purposes of participation in an animal fighting venture or knowingly sponsoring or exhibiting an animal in a fighting venture if any animal in the venture was moved in interstate or foreign commerce. Amendments to the Animal Welfare Act contained a loophole, however, that allowed shipments of birds across State lines for fighting purposes if the destination State allowed cockfighting.

While Congress did amend section 26 of the Animal Welfare Act to close this loophole in 2002, the penalty section and other provisions of the act have not been updated since their original enactment in 1976. This bill is designed to address those shortfalls to more effectively cover modern problems associated with animal fighting ventures.

As I have already mentioned, the legislation increases current penalties to provide a meaningful deterrent. One of the primary reasons for enacting the increased penalties under title 18 is the reluctance of U.S. Attorneys to pursue animal fighting cases under the current misdemeanor provisions because they view the penalties as ineffective against an animal fighting industry, which has continued unabated nationwide.

H.R. 137 further makes it a felony to transport cockfighting implements in interstate or foreign commerce. These implements take the form of razor-sharp knives, known as slashers; or gaffs, instruments shaped in the form of curved ice picks that are attached to birds' legs for fighting. Proponents of these implements within the game fowl community apparently contend that they inflict cleaner wounds upon the birds which are then quicker and easier to heal.

Since penalties against animal fighting were codified in 1976, Federal authorities have pursued less than half a dozen animal fighting cases, despite the fact that the USDA has received numerous tips from informants and requests to assist with State and local prosecutions.

In addition, despite the fact that all 50 States have banned dog fighting and all but one State has banned cockfighting, the animal fighting industry continues to thrive within the United States. Numerous nationally circulated animal fighting magazines advertise fighting animals, and paid lobbyists continue to advocate for animal fighters' interests. Thankfully, H.R. 137 will seek to bring an end to these practices.

Finally, Mr. Speaker, this bill affects matters within the jurisdiction of the

Committee on Agriculture and the Judiciary Committee. Both committees have worked closely together to ensure that all matters are dealt with appropriately. We appreciate their assistance in bringing this bill expeditiously to the floor, and I will insert into the CONGRESSIONAL RECORD at this point an exchange of letters between Chairman PETERSON of the Agriculture Committee and Chairman CONYERS of Judiciary.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, March 8, 2007.

Hon. COLLIN C. PETERSON,
Chairman, Committee on Agriculture,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding the Agriculture Committee's jurisdictional interest in H.R. 137, the "Animal Fighting Prohibition Enforcement Act of 2007," which the Committee on the Judiciary reported by voice vote. As ordered reported, the bill establishes criminal penalties for violations of Federal prohibitions on animal fighting.

I appreciate your willingness to discharge the bill from further consideration by your Committee, in order to expedite its floor consideration. I understand and agree that this is without prejudice to your Committee's jurisdictional interests in this or similar legislation in the future. In the event a House-Senate conference on this or similar legislation is convened, I would support your request for an appropriate number of conferees.

I will include a copy of your letter and this response as part of the Congressional Record during consideration of the legislation on the House floor. Thank you for your cooperation as we work towards enactment of H.R. 137.

Sincerely,
JOHN CONYERS, Jr.,
Chairman.

U.S. HOUSE OF REPRESENTATIVES,
COMMITTEE ON AGRICULTURE,
Washington, DC, March 8, 2007.

Hon. JOHN CONYERS,
Chairman, Committee on the Judiciary,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your recent letter regarding Judiciary Committee action on H.R. 137, a bill to establish criminal penalties for violations of Federal prohibitions on animal fighting.

In the interest of expediting the consideration of H.R. 137, I agree to the discharge of the bill from further consideration by the Committee on Agriculture. I do so with the understanding that the Committee on Agriculture does not waive any future jurisdictional claim over this or similar matters. In the event a conference with the Senate is requested on this bill, the Committee on Agriculture reserves the right to seek appointment of conferees.

Thank you for your cooperation in this matter.

Sincerely,
COLLIN C. PETERSON,
Chairman.

With that, Mr. Speaker, I urge my colleagues to support the legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007, creates Federal felony penalties for animal fighting. The distinguished gentleman from California (Mr. GALLEGLY) is the lead sponsor of this bill with over 300 cosponsors from both sides of the aisle.

The Animal Fighting Prohibition Enforcement Act increases criminal penalties for illegal dog fighting and cockfighting. The act, furthermore, imposes penalties for the interstate promotion of animal fighting and the interstate transportation of animals for use in an animal fighting venture.

All 50 States, Mr. Speaker, prohibit dog fighting, and 48 States prohibit cockfighting. Louisiana and New Mexico, the two States that do, in fact, allow cockfighting, may take up legislation to ban the practice as early as this year.

According to the Humane Society, animal fighting, particularly cockfighting, has become an interstate venture with small syndicates of cockfighters moving across the country staging these different fights. Animal fighting is also linked oftentimes with other criminal conduct such as drug trafficking, illegal firearms sales, and gang activity.

By raising this offense from a misdemeanor to a felony, we are more likely to deter illegal animal fighting and increase the likelihood that Federal prosecutors will pursue these cases.

I urge my colleagues to support this bipartisan legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from Michigan (Mr. CONYERS), chairman of the Judiciary Committee.

Mr. CONYERS. Mr. Speaker, to subcommittee Chairman BOBBY SCOTT we owe a debt of gratitude, as well as to subcommittee Ranking Member COBLE and, of course, the author of this bill, ELTON GALLEGLY, who through the years has persevered to make us finally come to this day. I guess we should also thank about 303 Members of the House of Representatives that have stuck with us and supported this legislation all this time. My congratulations to all of you. I never thought that a measure that was not considered as grave and large as some of the issues that come before the House Judiciary Committee would meet with so much encouragement and support to get us to this day. I congratulate the House of Representatives and the leadership on both sides.

I join, of course, in this measure and would like to make this point: this legislation includes a special provision clarifying the fact that it only supersedes State law in the case of a direct or irreconcilable conflict. The Humane Society is with us. The American Veterinary Medical Association is with us. The National Association of Sheriffs is with us, and hundreds and hundreds of local law enforcement agencies in every State of the Union have all come out in support of this basic, commonsense, long overdue legislation.

I thank those who have worked so tirelessly across the years to bring us to this day where this bill has now come before the floor.

I'm pleased to join the growing list of supporters, including the 30 or so Members of the Judiciary Committee, that have decided to lend their support to this measure.

For far too long, the sponsors of abusive animal fighting events (including cockfight and dog fight promoters) have been permitted to freely engage in such activities without any real fear of prosecution. Fortunately, the bill before us seeks to change that.

First, the legislation provides up to the three years in jail for people who transport animals in interstate commerce with the purpose of participating in an animal fighting venture. Current law only treats such offenses as a mere misdemeanor. However, research has shown us that simple misdemeanor criminal penalties don't provide enough of a meaningful deterrent, especially when thousands of dollars are wagered on a single dog or cock fight.

Second, the legislation makes it unlawful to sell or ship instruments in interstate commerce that are designed to be attached to the leg of a bird for use in an animal fighting venture. Razor sharp knives, commonly known as "slashers", are oftentimes attached to the legs of a bird to make cockfights even more violent. This provision would prohibit such activity, and subject any violators to a term of imprisonment of up to three years in jail.

Finally, the legislation includes a special provision clarifying that this measure only supersedes state law in the case of a direct or irreconcilable conflict.

The Humane Society, the American Veterinary Medical Association, the National Sheriffs Association, and nearly 400 local law enforcement agencies covering all 50 states have all come out in support of this legislation.

I strongly urge my colleagues to lend their support to this bipartisan, commonsense measure as well.

Mr. COBLE. Mr. Speaker, I now yield 3 minutes to the distinguished gentleman from California (Mr. GALLEGLY), member of the House Judiciary Committee and original sponsor of this legislation.

Mr. GALLEGLY. Mr. Speaker, I thank the gentleman for yielding.

As you know, along with my good friend EARL BLUMENAUER and ROSCOE BARTLETT, we have been trying to federally criminalize this brutal, inhumane practice of animal fighting for the past several Congresses.

When Congress enacted legislation to tighten Federal animal fighting laws, we left in place weak penalties that have proven ineffective and allowed the barbaric practice to thrive, in spite of bans in virtually every State. Misdemeanor penalties simply don't provide a meaningful deterrent. Animal fighters consider misdemeanor penalties as a "slap on the wrist" or merely the "cost of doing business."

State and local law enforcement officials are increasingly concerned about animal fighting not only because of the animal cruelty involved but because of the other crimes that often go hand in hand with animal fighting, including illegal gambling, drug trafficking, and acts of human violence. In the last 6 months, virtually every reported arrest in an animal fight has also led to additional arrests for at least one of these criminal activities.

Cockfighting has also spread diseases that jeopardize poultry and even public health. California experienced this firsthand when cockfighters spread exotic Newcastle disease in 2002 and 2003. That outbreak cost U.S. taxpayers nearly $200 million to eradicate, and the cost to the U.S. poultry industry was in the millions. Cockfighting has been identified as the major contributor to the spread of avian flu throughout Thailand and other parts of Asia, where the strain originated.

I want to express my sincere thanks to you, EARL BLUMENAUER, and to ROSCOE BARTLETT for their work on this legislation. I also commend and thank my good friend and neighbor Mr. JOHN CONYERS, the chairman of the committee; LAMAR SMITH, the ranking member; BOBBY SCOTT, the chairman of the subcommittee; and RANDY FORBES, the ranking member, for recognizing the importance of this issue and moving H.R. 137 through the Judiciary Committee so quickly.

□ 1715

Also I want to recognize COLLIN PETERSON on the Ag Committee for his assistance.

Finally, more important than all, is recognizing the 303-plus Members that have co-sponsored this legislation. It is hard to believe that we have that many people agreeing on something like this when it is not often that we have that many people in the House agreeing on what day of the week it is. So I want to thank all of them for their support.

Mr. Speaker, I ask my colleagues to join with all of us in passing this legislation when we bring it to a vote here in a couple of minutes.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER), the lead Democratic sponsor of this measure.

Mr. BLUMENAUER. Mr. Speaker, I appreciate Mr. SCOTT's courtesy in permitting me to speak and the leadership in taking what is seemingly a simple and innocuous bill and bringing it to the floor of the House. I appreciate working with my friend, ELTON GALLEGLY. This has been a long haul, lots of ups and downs, but today we reach an important milestone.

This is my fifth year of working on this issue. We were exposed to it during the last farm bill. We found that this got caught up in back-room machinations that really just defy description.

You have already heard about the despicable cruelty. You have heard about the association with illegal activity, gambling, violence, drugs and firearms trade. Louisiana is now poised to become the last State to make it illegal, making it illegal in every State in the Union.

Why then is this even an issue? Well, it is an underground and pervasive activity. It is in fact active across the country.

I just heard from one of our floor staff as we walked in today that he saw accounts from small town newspapers in Alabama the last 2 weeks in articles there. In Portland, Oregon, in recent months we have had officers break into a meth and coke den where there were 43 live chickens and all the equipment, as well as illegal weapons and large amounts of cash. In another high-profile case in my community, a professional basketball player was involved with illegal fighting of his pit bull.

This is something that has been an area, frankly, where Congress has shamefully been complicit. We have ignored the fact that inadequate penalties, as has been said by the chairman of the committee, by my friend from California, which have just been the "cost of doing business," We have looked the other way.

This is an important vote today. I am confident with over 300 co-sponsors it will pass, and it will pass overwhelmingly. But the battle is not done. Never underestimate the power of the apologists, the allies and the enablers of this vicious and cruel, I won't even call it a "sport," it is a vicious practice.

I am hopeful that we will move forward with not just voting today, but make sure that it passes the other body, and it is not subjected, as it has been time and time again over the last 5 years, to some other devious action.

Do not sell short the people who are apologists for this sport. Join with us not just with your vote but to make sure that we get this legislation enacted and then enforced around the country.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 2½ minutes to the gentlelady from California, Ms. SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise today in proud support of H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007, because it is time for the Federal Government to up the ante in its efforts to curb this cruel and gruesome abuse of animals.

The current misdemeanor penalties in Federal law have not been effective. They are considered a cost of doing business by the animal fighting industry, which continues to operate across the country.

This bill addresses the growing problem of animal fighting by amending Federal law to prohibit moving animals through interstate commerce for the purpose of fighting.

Do we want to make a Federal case out of this? Yes, we do. Those who profit from animal fighting often drug dogs and roosters to make them hyper-aggressive and to keep fighting even after suffering severe injuries. The animals are in a closed pit from which they cannot escape. Often, they die during the fight. This is a gruesome and inhumane practice. The American people agree. Dog fighting is illegal in 50 States and cockfighting is illegal in most.

Current law is simply not strong enough. Animal fighting often leads to additional criminal behavior. It is associated with illegal gambling, narcotics trafficking, public corruption, gang activity, and violent behavior toward people.

The National Sheriffs' Association supports the legislation, and more than 400 individual sheriffs and police departments in every State in the country have endorsed it. They recognize that animal fighting often involves movement of animals across interstate and foreign borders, and they can't do the job on their own. They need the Federal Government to do its part to curb this dangerous activity.

I am proud to be a part of this bipartisan effort to curb this appalling treatment of animals. I urge my colleagues to join me in voting yes on H.R. 137.

Mr. COBLE. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 3 minutes to the gentleman from Tennessee (Mr. COHEN).

Mr. COHEN. Mr. Speaker, I want to thank the gentleman from Virginia for this time.

This is my first year in the Congress. In my 24 years in the State senate, I was the leading spokesperson for animal welfare legislation, and I took great pride in that. So I am particularly appreciative of standing up on this bill.

I incorporate by reference all the things that have been said about the harmful effects of this practice, and they are well known. I think that the spread of avian flu and all the other pertinent conduct is to be prohibited.

But the main thing is, dogs are our best friends. Harry Truman said, if you want a friend in Washington, get a dog. So far, I haven't been here 90 days, I have made lots of friends. I haven't needed a dog yet, but I have thought about the day. I saw a Congressman come in the other day, Congressman WHITFIELD from Kentucky, he had his dog with him. He has been here more years than me.

Dogs are our friends. We all have dogs that we feel that are part of our families. We shouldn't treat any of God's creatures the way that people treat dogs and cocks; and I guess if I was from Kentucky, Congressman YARMUTH, I could speak more fondly about chickens, because the Colonel and KFC have done a lot for his district.

But my particular interest is dogs, and we should treat them well. They are our friends. You can go back in TV lore, Lassie and Asta, and you think about Snoopy. To teach them to fight, to require them to fight, to watch them die is just not what God intended and not what we should encourage and condone.

Children shouldn't be exposed to this, and sometimes they are. This type of conduct leads to other types of harmful conduct and violence against women, violence against seniors. People who enjoy this type of violence and watching it are more often than not going to be the most likely people to pick on others who are unable to take care of themselves.

I am very proud to be a cosponsor of H.R. 137. I look forward to its passage and the day that we don't have people who get some type of great enjoyment out of watching dogs, cocks or any other of God's creatures fight to the death and find pleasure and enjoyment in it and teach their children by that association that violence is something good, when it isn't.

Mr. COBLE. Mr. Speaker, I am advised the distinguished gentleman from Virginia would like me to yield 3 minutes to the distinguished gentleman from Virginia (Mr. MORAN) which I am pleased to do.

Mr. MORAN of Virginia. Mr. Speaker, I thank both my friend from North Carolina and my friend from Virginia, as well as the chairman of the Judiciary Committee, for bringing this forward, as well as those who have spoken on behalf of this bill.

This is not just a nuisance industry. This is a malicious industry that represents a very, very serious public health threat. We are very much concerned that the interstate or international transport, especially of birds used for cockfighting, could spread an influenza outbreak. The World Health Organization has reported at least nine confirmed human cases of avian flu in Thailand and Vietnam that they expect is related directly to cockfighting activity.

The American Veterinary Medical Association, the poultry industry, all the animal protection associations, of course, but the National Sheriffs' Association as well has urged us to pass this bill.

Yes, there are 50 different State bills against dog fighting, 49 against cockfighting, but many of them are different. And the fact is there is a great deal of interstate commerce that takes place, so you need a Federal law banning this, because it is so closely associated, and this is what the National Sheriffs' Association tells us, so closely associated to illegal gambling, trafficking of narcotics, public corruption, dangerous gang activity. There are so many reasons why we should ban this practice.

As has been said, it is cruel, and it is inhumane. They drug these animals so that they are hyper-aggressive, so that they will continue fighting until they kill or are killed. That is not right. It is not moral. But even beyond the cruel and inhumane aspect of this practice, it represents a very dangerous public health threat, as well as a source of a great deal of other illegal criminal activity.

This House would be well-served to listen to the more than 300 Members who have cosponsored this legislation and pass it today.

Mr. SCOTT of Virginia. Mr. Speaker, I yield 1 minute to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me thank the author of the bill and certainly the chairman of the Subcommittee on Crime, the chairman of the full committee and ranking members as well.

I rise to enthusiastically support H.R. 137 and announce that it is impacting so many different communities that it is imperative that there be a Federal prohibition on transporting animals interstate. There is a question of disease, there is a question of violence, and certainly with the increasing numbers of dangerous animals that attack human beings, fighting animals certainly pose a severe threat to the community.

This is a good bill. I am delighted to be a co-sponsor. The good news is that we are getting it through the House today. This bill has been around since the last session. I congratulate all of the authors. It is time now to spell relief by passing this bill and protecting the lives of our children and saving the lives of those who would be endangered by cockfighting and other dangerous activities with animals.

Mr. Speaker, I rise in strong support of H.R. 137, the "Animal Fighting Prohibition Enforcement Act of 2007." I was a co-sponsor of this legislation when it was considered in the 109th Congress and a strong supporter and cosponsor when the bill was re-introduced in this Congress.

Mr. Speaker, H.R. 137 establishes felony-level jail time (up to 3 years) for violators of the Federal animal fighting law. The bill amends Title 18 of the U.S. Code to strengthen the maximum jail time from the 1-year misdemeanor level in current law. The bill also prohibits interstate and foreign commerce in cockfighting weapons.

1. DOGFIGHTING AND COCKFIGHTING ARE INHUMANE AND BARBARIC ACTIVITIES

In a typical fight, animals are drugged to heighten their aggression and forced to keep fighting even after injuries such as pierced lungs and gouged eyes—all for the amusement and illegal wagering of handlers and spectators. Dogfighting and cockfighting are also associated with other criminal conduct, such as drug traffic, illegal firearms use, and violence toward people. Children are often present at these spectacles. Some dogfighters steal pets to use as bait for training their dogs; some allow trained fighting dogs to roam neighborhoods and endanger the public.

2. FELONY PENALTIES ARE NEEDED

Misdemeanor penalties don't provide a meaningful deterrent; they're considered a "slap on the wrist" or a "cost of doing business." And prosecutors are reluctant to pursue animal fighting cases carrying only a misdemeanor penalty. Since the Federal animal fighting law was first enacted in 1976, authorities have pursued only a handful of cases, despite receiving innumerable informant tips about illegal interstate activity and requests to assist with state and local busts and prosecutions.

3. THE ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT BRINGS FEDERAL LAW IN LINE WITH STATE LAWS

When the Federal animal fighting law was enacted in 1976, only one state had felony penalties for animal fighting. Today, dogfighting is a felony in 48 states, and cockfighting is a felony in 33 states. State laws commonly authorize jail time of 3 to 5 years or more for animal fighting.

4. OTHER RECENT FEDERAL ANIMAL PROTECTION LAWS THAT AMENDED TITLE 18 OF THE U.S. CODE HAVE FELONY PENALTIES

In 1999, Congress authorized imprisonment of up to 5 years for interstate commerce in videos depicting animal cruelty, including animal fighting (P.L. 106–152), and mandatory jail time of up to 10 years for willfully harming or killing a federal police dog or horse (P.L. 106–254).

5. THERE IS NO REASON TO ALLOW INTERSTATE AND FOREIGN COMMERCE IN SHARP IMPLEMENTS DESIGNED EXCLUSIVELY FOR COCKFIGHTS

Razor-sharp knives known as "slashers" and ice pick-like gaffs are attached to the legs of birds to make cockfights more violent. These weapons, used only in cockfights, are sold through cockfighting magazines and through the Internet.

6. THE ANIMAL FIGHTING INDUSTRY CONTINUES TO THRIVE ACROSS THE U.S

All 50 states ban dogfighting, 48 states ban cockfighting, and there has been a dramatic increase in the number of animal fighting raids by state and local authorities. Yet numerous nationally circulated animal fighting magazines still promote these cruel practices and advertise fighting animals and the accoutrements of animal fighting. There are also several active websites for animal fighting enthusiasts, and paid lobbyists advocating animal fighters' interests.

7. COCKFIGHTERS HAVE SPREAD DISEASES AND POSE A CONTINUING THREAT TO FARMERS AND PUBLIC HEALTH

As former Agriculture Secretary Ann Veneman wrote in a May 2004 letter indicating the Bush Administration's endorsement of the animal fighting felony legislation:

> "[cockfighting has] been implicated in the introduction and spread of exotic Newcastle disease in California in 2002–2003, which cost U.S. taxpayers nearly $200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets. . . . We believe that tougher penalties

and prosecution will help to deter illegal movement of birds as well as the inhumane practice of cockfighting itself.”

According to government officials, interstate and international transport of fighting birds posed the greatest risk of transmission, since cockfighters move their birds often and participants from as many as a dozen states gather at illegal fighting derbies.

Cockfighting also has been implicated in the deaths of at least 9 people in Asia who were reportedly exposed through cockfighting activity to bird flu. The National Chicken Council, which represents 95 percent of U.S. poultry producers/processors, has called on Congress to enact the animal fighting felony legislation, noting “we are concerned that the nationwide traffic in game birds creates a continuing hazard for the dissemination of animal diseases.” We can't afford not to act. The economic consequences of an avian influenza outbreak are staggering—with U.S. losses estimated at between $185 and $618 billion (Congressional Budget Office) and worldwide losses projected from $1.5 to $2 trillion (The World Bank).

8. H.R. 137 ENJOYS OVERWHELMING BIPARTISAN SUPPORT

H.R. 137 currently has more than 300 sponsors. More than 400 local and state law enforcement agencies covering every state in the country have endorsed this legislation, along with animal welfare, poultry industry, and other organizations. Enacting this animal fighting legislation is long overdue.

Mr. Speaker, I urge my colleagues to support H.R. 137.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I urge my colleagues to support this legislation. It is bipartisan legislation. We have listened to all of the people who have worked long and hard on this legislation. I hope it will be the pleasure of the House to pass the bill.

Mr. BLUMENAUER. Mr. Speaker, I support the Animal Fighting Prohibition Act, which would raise the penalty for violators of the federal animal welfare law, from a class 1 misdemeanor to a felony. In an industry where thousands of dollars change hands with each fight, misdemeanor fines and charges are simply considered “the costs of doing business”. This bill would close this loophole and keep criminals from traveling to states with weaker penalties to conduct their business.

Animal fights are not only despicable for their cruelty to animals, but they are commonly associated with illegal gambling, drug traffic, firearms trades, and numerous other illicit activities. Recently in Oregon, officers found meth, cocaine, $10,000 in cash, along with 43 live chickens, cockfighting equipment including metal spurs and gaffs in a Portland man's home. Drugs are often the impetus for the discovery of gamecocks and illegal weapons. In another high profile Oregon case, a former Portland Trailblazer pled guilty to animal abuse for fighting his pit bull. Officials found her bloody, scarred, and covered in tar which is used by fighters as a cheap antiseptic to fresh wounds.

But animal fighting doesn't just pose a threat to the people and animals who engage in them, it has enormous costs to the United States health and economy. Cockfighting has been implicated in the introduction and spread of exotic Newcastle disease in California in 2002–2003, which cost the U.S. taxpayers nearly $200 million to eradicate. The disease spread further to large scale egg farms in Arizona, Nevada, New Mexico, and Texas; costing the U.S. poultry industry many millions of dollars in lost export markets. Cockfighting has also been implicated in the deaths of at least 9 people in Asia who contracted avian flu after exposure to fighting birds. If avian flu were to reach the shores of America, the economic and human consequences would be staggering.

This bill has widespread support across the country, including 303 cosponsors in the House and 35 cosponsors in the Senate. HR 137 is endorsed by the Humane Society of the United States, the National Chicken Council which represents 95 percent of the Nation's poultry producers, the American Veterinary Medical Association, the National Sheriff's Association, and more than 400 local law enforcement agencies. Currently there is only one bastion left for cock fighters; the State of Louisiana. Although gamers have attempted to use tribal lands as exemptions from state and federal laws, a federal jury recently convicted four men for their participation in a cockfight, and 70 others entered guilty pleas. It is my understanding that the increase in penalties contained within this bill would be equally applicable to animal fights held on tribal lands or Indian Reservations.

It is far past time that Congress give our law enforcement agencies the tools they need to end this barbaric and consequential practice.

Mr. SHAYS. Mr. Speaker, I rise in support of H.R. 137, the Animal Fighting Prohibition Enforcement Act, of which I am also a cosponsor. The way a society treats its animals speaks to the core values and priorities of its citizens. I am committed to animal welfare because I believe humankind has an obligation to all animals.

Currently, it is a misdemeanor to sell, buy, or transport an animal to be used in a fight.

This legislation would make the crime a felony and increase the imprisonment penalty from 1 year to 3 years. The legislation also makes it unlawful to ship in interstate commerce a knife, gaff, or other sharp instrument used in cockfighting, and makes it a felony to use the postal service to promote an animal fight.

Dog fighting is banned in 50 states and cockfighting is banned in all but two, so I believe the Federal government is simply codifying a value that our States governments have already individually expressed.

Animal fighting is a cruel pastime where, in a typical fight, animals are drugged to heighten their aggression and forced to keep fighting, even after injuries, for the amusement and illegal wagering of handlers and spectators. We must put an end to this form of entertainment, which results in the brutal treatment of animals.

As a co-chair of the Congressional Friends of Animals Caucus, I will continue to work on a bipartisan basis to help protect animals at the Federal level.

Mr. BARTLETT of Maryland. Mr. Speaker, with my colleagues Mr. GALLEGLY and Mr. BLUMENAUER, I have introduced H.R. 137 to establish felony-level jail time of up to 3 years for those who violate the law against animal fighting. H.R. 137 would amend current law to toughen the maximum jail time from a one-year misdemeanor.

The penalties in the existing federal animal fighting statute are too weak. The upgraded penalty better aligns federal law with state law. Almost all states have established felony-level penalties for illegal animal fighting activities. State laws commonly authorize jail time of 3 to 5 years or more for animal fighting.

George Bernard Shaw once stated, “The worst sin toward our fellow creatures is not to hate them, but to be indifferent to them, that's the essence of inhumanity.” We should not be indifferent to the reprehensible underground organized crime of animal fighting, which is not only cruel but poses threats to public health and safety.

The Humane Society of the U.S. estimates that there are at least 40,000 dogfighters in America. Cockfighting has been tied to the spread of bird flu. Animal fighting spawns a number of other criminal activities, such as illegal gambling and using and selling drugs. Even more disturbing is the conclusion by many experts that acts of cruelty against animals are precursors to violence against humans. The felony-level penalties against animal fighting in H.R. 137 are necessary, and I urge my colleagues to support the bill.

Mr. FARR. Mr. Speaker, I rise today in strong support of H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007.

As many of my colleagues know, I have had a lifelong love and compassion for animals of all kinds. That is why I am simply shocked that it is not already illegal to take animals across state lines for the purpose of fighting. This is an inhumane and cruel practice that must not be allowed to continue. Another reason why this practice must be outlawed is because animal fighting spreads disease and poses an enormous public health risk. At a time when avian flu is at the forefront of this county's health-related worries, it should be of the utmost concern to people that animal fighting is occurring all across the country. It makes one wonder, what kind of person could enjoy a “sport” like this?

In the forty-eight states where animal fighting is already outlawed, illegal gambling goes hand-in-hand with this gruesome activity. H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007, makes it a felony to knowingly sponsor or exhibit an animal or to use interstate commerce for the purposes of fighting. This bill would impose a prison sentence of up to 3 years.

I have supported this legislation since 2003. I am pleased that this legislation has overwhelming bipartisan support, with 303 cosponsors. Obviously we need stronger laws on this because this practice still continues.

Mr. Speaker, I urge my colleagues to pass H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007.

Mr. KUCINICH. Mr. Speaker, I rise today in support of H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007. It is hard to believe that an act as horrendous and brutal as animal fighting still takes place today.

H.R. 137 would make engaging in animal fighting a felony. This legislation will ensure that those who choose to fight animals illegally will be met with the appropriate penalty when they disregard the law.

Despite the fact that the vast majority of states have banned this atrocious and deplorable act, animal fighting continues to plague our communities. Animals such as dogs and chickens are fought to the death in the name of sport. This is unhealthy, violent behavior on the part of humans and is inhumane and merciless to the animals.

I commend both local and state officials for stepping up raids on animal fighting rings. Now it is time for this body of Congress to do our part by making these offenses a felony under Federal law. I urge my colleagues to join me and vote in favor of the Animal Fighting Prohibition Enforcement Act, H.R. 137.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007. I want to thank my colleagues Representative GALLEGLY and Representative BLUMENAUER for their hard work on this issue.

This important legislation will make it illegal to transport an animal across State or international borders for the purpose of fighting, prohibits use of the mail system to promote animal fighting, and criminalizes interstate buying, selling, or transportation of knives or gaffs used for animal fighting.

Animal fighting is a deplorable activity with a purely negative impact on society. In cockfights, when two birds fight with blades or gaffs attached to their feet, at least one, and sometimes both of the birds are killed. Dogs who are made to fight often sustain severe injuries such as deep wounds and broken bones. Subsequent to fights, many dogs die of blood loss, exhaustion, or shock. Fighting animals are usually subject to inhumane living conditions intended to make them more aggressive, sometimes denied adequate nutrition, and made to exercise until they are physically exhausted.

In addition to the inexcusable harm inflicted on the animals, the fights also have negative effects on humans. Illegal gambling and drug trafficking are often closely tied to animal fighting operations. Also, animals bred to fight are abnormally aggressive, and pose a danger to the communities they live in if they were to get loose.

I applaud the passage of this bill, which will end an inhumane practice that is an embarrassment to our country. I am proud that this democratic majority has made animal welfare a priority in the 110th Congress.

Mr. GALLEGLY. Mr. Speaker, as you know, I, along with Mr. BLUMENAUER and Mr. BARTLETT, have been trying to federally criminalize the brutal, inhumane practice of animal fighting for the past several Congresses.

A few years ago, Congress enacted legislation to tighten Federal laws with regard to animal fighting; however, this law created some loopholes that allowed the barbaric practices of animal fighting to thrive nationwide, in spite of bans in virtually every State. We left in place weak penalties that have proven ineffective. Misdemeanor penalties simply don't provide a meaningful deterrent. We've heard from U.S. Attorneys that they are reluctant to pursue animal fighting cases with just a misdemeanor penalty. Those involved in animal fighting ventures consider misdemeanor penalties a "slap on the wrist" or merely a "cost of doing business."

In recent years, we've seen a marked rise in the frequency of animal fighting busts in communities across the country. Local police and sheriffs are increasingly concerned about animal fighting, not only because of the animal cruelty involved, but also because of the other crimes that often go hand-in-hand, including illegal gambling, drug trafficking, and acts of human violence. In the last 6 months, every reported bust of an animal fight also led to additional arrests for at least one of these criminal activities.

Furthermore, there is an inherent danger for the children of animal fighters to be close to these animals. Children are often brought to these gruesome spectacles. Some dog fighters steal pets to use as bait for training their dogs; some allow trained fighting dogs to roam neighborhoods and endanger the public.

There is the additional concern that cockfighters spread diseases that jeopardize poultry flocks and even public health. We in California experienced this first-hand, when cockfighters spread exotic Newcastle disease, which was so devastating to many of our poultry producers in 2002 and 2003. That outbreak cost U.S. taxpayers nearly $200 million to eradicate, and cost the U.S. poultry industry many millions more in lost export markets.

Cockfighting has been identified as the major contributor of the spread of avian flu throughout Thailand and other parts of Asia, where the strain originated. At least nine people who contracted avian flu and died from it reportedly contracted it from fighting birds. Among those who are reported to have died from avian influenza as a result of exposure through cockfighting, include 4-year-old, 6-year-old, and 18-year-old boys in Thailand and a 6-year-old girl in Vietnam. Fortunately, bird flu has not yet jumped the species barrier in this country, but we ought to do all we can to minimize the risk.

Opponents of H.R. 137 have said this bill should be blocked because it will drive them underground, increasing the public health risks. That's a ludicrous argument. They're already underground (it's illegal in 49 States and various localities in the remaining State, Louisiana). They're coaching each other, as documented in chat rooms and other communications that have been intercepted, to hide their birds to avoid detection in the event of an outbreak. We're not talking about stellar citizens who are planning to contact health officials to "do their part" in stemming a pandemic. We'll be much better off cracking down on illegal cockfighting than allowing this high-risk industry to continue thriving and hoping they'll work with the government cooperatively to stem the threat of disease.

We need to help State and local law enforcement officials who have requested this strengthening of Federal laws to rid animal fighting from communities that do not want it. This legislation makes violations of federal animal fighting law a felony punishable by up to 3 years in prison, makes it a felony to transport an animal across State or international borders for the purpose of animal fighting, and prohibits the interstate and foreign commerce in knives and gaffs designed for use in cockfighting.

This bill simply promotes meaningful enforcement of current Federal law that bars interstate and foreign movement of animals for fighting purposes, including both dog fighting and cockfighting, by upgrading current misdemeanor penalties to a felony level. The bill is explicitly limited to interstate and foreign commerce, so it protects States' rights in the 2 States where cockfighting is allowed, yet further protects States' rights in the other 48 States where weak Federal law compromises the ability to keep animal fighting outside their borders.

I also wanted to clarify for the RECORD that subsection (c) of section 26 of the Animal Welfare Act, which is about interstate instrumentalities and commercial speech, prohibits the websites and the magazines where fighting animals are advertised for sale. These publications are commercial speech, and also clearly promote animal fighting. They advertise fighting animals and weapons for sale in interstate commerce. For example, over the last 12 months, there have been over 1,600 pages worth of advertisements for illegal interstate commercial transactions in the two main cockfighting magazines.

Subsection (d) is meant to limit subsection (c) with respect to the magazines and other commercial speech promoting cockfights in States where that is legal. It acts as a limitation upon subsection (c), but, as under current law, only if the effect of that promotion is limited to cockfights in the one State where cockfighting is still legal. So as a practical matter, (d) does not limit enforcement of (c) against the cockfighting magazines and website advertisements, because these materials promote animal fights in every State—they are sent to or read by buyers in many States, who buy the fighting animals and implements and then use them in animal fights in States where cockfighting is illegal.

Finally, I also want to say that these provisions in current law, which are mirrored in H.R. 137, pose no problem in terms of the First Amendment. Animal fighting magazines and websites aren't protected by the First Amendment. The Supreme Court has been clear on this score—there is no First Amendment protection for commercial speech where the underlying commercial transaction is lawfully prohibited, as is the case here. Subsection (c) is clearly constitutional. It is narrowly tailored with this in mind. First Amendment consideration is built right into the language. It only prohibits "commercial speech"—like the cockfighting magazines with all of their advertisements for contraband. These animal fighting magazines are not political speech, they are basically just catalogs, with hundreds of advertisements per issue for illegal transactions. The sellers are just soliciting the buyers to commit criminal acts. They can't cloak it in the First Amendment just by throwing a little bit of non-commercial speech in there either, and the Supreme Court has been clear on that as well.

This is the perfect example of a bipartisan bill. The bill I cosponsored in the last Congress, the Animal Fighting Prohibition Act of 2006, had 324 cosponsors and was passed through the Senate by unanimous consent. Mr. BLUMENAUER, Mr. BARTLETT, and I rounded up 300 Democrat and Republican co-sponsors in just a few weeks.

I want to express my sincere thanks to Mr. BLUMENAUER and Mr. BARTLETT for their work on this legislation. We have all been working on this legislation for quite some time. I also want to commend Mr. CONYERS, Mr. SMITH, Mr. SCOTT, and Mr. FORBES for recognizing the importance of this issue and thank them for moving H.R. 137 through the Judiciary Committee so quickly. I also want to thank Mr. PETERSON of the Agriculture Committee for his assistance on this matter. Finally, I want to thank my 300+ colleagues who cosponsored H.R. 137. Without your help, we would not have been able to show the amount of support this Congress has for ending this deplorable practice and all of the destructive behavior associated with it.

Mr. KING of Iowa. Mr. Speaker, on February 7, 2007, the House Committee of the Judiciary passed by voice vote H.R. 137, the Animal Fighting Prohibition Enforcement Act of 2007. This is a bad piece of legislation that will greatly devalue human life in the eyes of the law.

H.R. 137 would make it a federal felony to transport a chicken across state lines for the purpose of exhibiting it in a fight. Currently, 49 states have laws on the books to address this issue. To add a federal law would add another layer of bureaucracy to an already complicated legal code.

I believe that human life is diminished by our making it a felony to transport animals for fighting, without first making it a felony to take a minor girl across a state line for an abortion. It is a strong conviction of mine to fight for the sanctity of life.

While I believe that it is important that we act humanely in our treatment of animals, I do not believe that we should put their welfare ahead of unborn babies or minor girls. I call upon the Humane Society to work for humanity to humanity first.

Until we provide a higher standard of protection for human life, I will oppose making interstate transportation of animals for purposes of animal fighting a felony. In the U.S., we are faced with the alarming practice of people taking a minor girl across state lines for an abortion to avoid their own state's laws that require the minor's parents to be notified. Federal legislation, CIANA, the Child Interstate Abortion Notification Act, would only make this abhorrent activity, which exploits a young woman and kills her child, a misdemeanor. Though this legislation has not yet become law, it is a step forward in the right direction. Many who I know opposed CIANA in the past will vote today for the misdemeanor in current law, transporting a chicken, to become a felony, thereby placing animal welfare over that of a young girl and her unborn baby.

I believe that we should not place more value on animal life than we do on human life. It makes no sense that killing a person is a misdemeanor offense while transporting animals to a fight is a felony, punishable by three years in a federal penitentiary.

Mr. Speaker, while on the topic of valuing human life, I would like to talk briefly about bio-medical research, which is opposed by animal rights activists. I would like to mention that there is bio-medical research being done demonstrating, through transgenics, that the immune system from a baboon, or a human for that matter, can be spliced into the DNA of a hog to grow a heart a baboon can use.

The heart was then harvested from the hog and transplanted to a baboon. The baboon lived another 6 months with a heart that was grown in a pig. This is longer then the first human heart transplant patient.

But what has been proven now is that humans can transplant through transgenics the human immune system into a hog. In doing so, and we are only 3 years, maybe 4 years away from being able to custom build the human organ. rejection genetics into a pig.

We will be able to very soon custom raise human organs in hogs. Today we are already transplanting out of hogs and into humans anterior cruciate ligaments and heart valves.

We can raise in hogs 28 different organs. Not just hearts, but lungs, esophagus, stomach, bladder, but other important organs as well, kidneys, pancreas, liver, even skin for burn patients; name your organ. Except for the brain.

The reason for bringing up these pigs is that it further illustrates how the animal rights community, through legislation such as H.R. 137, seeks to pass their agenda for animals on the rest of America. They oppose using animals for lifesaving research like I just mentioned.

My home state of Iowa is an agricultural state. We understand the importance of animal husbandry and good stewardship of our animals. However, we also understand that animals are less important than humans. Animal rights activists seek to place heifers and hogs on the same level as people. I disagree.

I strongly oppose this legislation because animals should not be elevated above humans. Mr. Speaker, I would urge my colleagues to oppose this legislation.

Mr. SCOTT of Virginia Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 137, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WESTMORELAND. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1730

INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS

Mr. CONYERS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 580) to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 580

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS.

Section 546 of title 28, United States Code, is amended by striking subsection (c) and inserting the following new subsections:

"(c) A person appointed as United States attorney under this section may serve until the earlier of—

"(1) the qualification of a United States attorney for such district appointed by the President under section 541 of this title; or

"(2) the expiration of 120 days after appointment by the Attorney General under this section.

"(d) If an appointment expires under subsection (c)(2), the district court for such district may appoint a United States attorney to serve until the vacancy is filled. The order of appointment by the court shall be filed with the clerk of the court.

"(e) This section is the exclusive means for appointing a person to temporarily perform the functions of a United States attorney for a district in which the office of United States attorney is vacant.".

SEC. 2. APPLICABILITY.

(a) IN GENERAL.—The amendments made by this Act shall take effect on the date of the enactment of this Act.

(b) APPLICATION.—

(1) IN GENERAL.—Any person serving as a United States attorney on the day before the date of the enactment of this Act who was appointed under section 546 of title 28, United States Code, for a district may serve until the earlier of—

(A) the qualification of a United States attorney for that district appointed by the President under section 541 of that title; or

(B) 120 days after the date of the enactment of this Act.

(2) EXPIRED APPOINTMENTS.—If an appointment expires under paragraph (1)(B), the district court for the district concerned may appoint a United States attorney for that district under section 546(d) of title 28, United States Code, as added by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. CONYERS) and the gentleman from North Carolina (Mr. COBLE) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. CONYERS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the measure before us today has been introduced by the gentleman from California, a ranking member of the committee and a subcommittee Chair, HOWARD BERMAN. It is intended to restore the historical checks and balances to the process by which interim U.S. Attorneys are appointed. It will repair a breach in the law that has been a major contributing factor in the recent termination of eight able and experienced United States Attorneys and their replacement with interim appointments. It has gathered much attention across this Nation, and not just in government and legal circles.

The full circumstances surrounding these terminations are still coming to light, but what we know is already very troubling. The reports about these terminations are particularly troubling in that the United States Attorneys are among the most powerful government officials we have. They have the power to seek convictions and bring the full weight of the United States Government against any citizen or company that they deem important and eligible for prosecution. They can negotiate plea agreements. They can send people to prison for years and years. And frequently, the mere disclosure of a criminal investigation can destroy reputations and careers.

These are awesome powers. And so we on the Judiciary Committee consider it absolutely essential that the American people have full confidence in those entrusted to exercise these powers and that they do so with complete integrity and free from political influence of any kind.

The committee's investigation into these troubling circumstances is continuing. The longer time goes on, the more we know; and the more we know, the more we are troubled about what has been going on in the Department of Justice. It has already become abundantly clear that the gaping vulnerability in the law, which has placed the independence and integrity of our prosecutorial system in jeopardy, needs to be repaired as quickly as possible; and that is what we are here to do today.

What helped bring these troubling circumstances about, what helped make it possible for high-level Justice Department and White House officials to even entertain the notion that they could, as appears to be the case, target certain U.S. Attorneys for an unprecedented mid-course purge was an obscure provision adequately and anonymously slipped into the USA PATRIOT Reauthorization Act conference report in March of 2006. Without any debate, let alone the benefit of a single hearing in either body, this provision, added at the behest of the Justice Department's top political appointees to significantly enhance the power to appoint interim U.S. Attorneys without having to subject their appointments to customary safeguard of Senate confirmation. It was a middle-of-the-night insertion, and we are here to correct that.

Indeed, the administration's plan to exploit the new provision to bypass the Senate confirmation process is now well documented. As bluntly explained by internal e-mails we received, and they now number in the hundreds, although we get them late on Friday nights, by the Attorney General's then-chief of staff, for example, discussing their plan to install the former Republican National Committee political operative, the new provision would enable them to "give far less deference to home State Senators and thereby get our preferred person appointed and do it far faster and more efficiently at less political cost to the White House."

This is outrageous. The Senate has already acted. The time is now. We need to move as rapidly as we can to correct this very serious error that casts a question upon the integrity of a very, very important part of our government, the Department of Justice.

Speaker, the bill before us today, introduced by my friend HOWARD BERMAN, will restore the historical checks and balances to the process by which interim U.S. Attorneys are appointed. It will repair a breach in the law that has been a major contributing factor in the recent termination of eight able and experienced United States Attorneys and their replacement with interim appointments.

The full circumstances surrounding these terminations are still coming to light, but what we know already is very troubling.

In one instance, the primary apparent qualification for the President's chosen replacement was that he had been an aggressive political operative at the Republican National Committee, thereby putting himself on Karl Rove's A list. In several other instances, the U.S. Attorney was in the midst of a sensitive public corruption investigation, and there were reportedly complaints from Republicans that the investigation was being pursued too aggressively against a fellow Republican, or was not being pursued aggressively enough against a Democrat.

The reports about these terminations are particularly troubling in that U.S. Attorneys are among our most powerful government officials. They not only have power to seek convictions and negotiate plea agreements that can send people to prison for years. The mere disclosure of a criminal investigation can destroy reputations and careers.

These are awesome powers, and it is absolutely essential that the American people can have full confidence those entrusted to exercise these powers do so with complete integrity and free from improper political influence.

The Committee's investigation into these troubling circumstances is continuing, and we will know more, and we will leave extended discussion of them for another day. But it has already become abundantly clear that the gaping vulnerability in the law, which has placed the independence and integrity of our prosecutorial system in jeopardy, needs to be repaired as quickly as possible. And that is what we are here to do today.

What helped bring these troubling circumstances about—what helped make it possible for high-level Justice Department and White House officials to even entertain the notion that they could, as appears to be the case, target certain U.S. Attorneys for an unprecedented mid-course purge—was an obscure provision quietly and anonymously slipped into the USA PATRIOT, Reauthorization Act conference report in March 2006.

Without any I debate, let alone the benefit of a single hearing in either body, this provision was added at the behest of the Justice Department's top political appointees, to significantly enhance their power to appoint interim U.S. Attorneys, without having to subject the appointments to the customary safeguard of Senate confirmation.

Indeed, the Administration's deliberate plan to exploit the new provision to bypass the Senate confirmation process is now well documented. As bluntly explained in an internal e-mail by the Attorney General's then chief of staff, for example, discussing their plan to install the former RNC political operative, the new provision would enable them to "give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

Traditionally—since the Civil War—whenever a U.S. Attorney left office, and until the Senate could confirm a replacement, the local federal district court has appointed someone to fill the position on an interim basis. This was a neutral means of ensuring that permanent appointments remained the shared responsibility of the President and the Senate—to encourage the President to send a nomination to the Senate promptly, and to encourage the Senate to act promptly on the nomination.

In 1986, at the request of Attorney General Ed Meese, the law was modified to authorize the Attorney General to make short-term interim U.S. Attorney appointments, for up to 120 days. But if a permanent U.S. Attorney had not been confirmed by the end of that 120 days, the district court retained authority to make the appointment for the remainder of the interim period. This procedure, codified in 28 U.S.C. § 546, preserved the incentives on the Executive and Legislative Branches to work together on the nomination and confirmation of a permanent replacement.

That balanced approach was unceremoniously jettisoned a year ago, and with it respect for the Senate's role in ensuring that the President's power to hire and fire U.S. Attorneys at will was not abused at the expense of prosecutorial integrity.

The stealth provision in the 2006 USA PATRIOT Reauthorization Act completely removed the district court as a backstop in the interim appointment process, turning over sole power to the Attorney General, to unilaterally make interim appointments, for an unlimited time, with no obligation to involve the Senate, or the Judicial Branch, or anyone else.

H.R. 580 will restore the checks and balances that have historically provided a critical safeguard against politicization of U.S. Attorneys. First, it repeals the 2006 change to section 546, keeping the Attorney General's interim appointment role, but limiting it to 120 days, as it was before.

Second, the bill clarifies that section 546 is the only way to make interim U.S. Attorney appointments. This additional change has become necessary in light of indications, documented by the Congressional Research Service, that the Justice Department has used, and could again use, the Federal Vacancies Reform Act to evade the intent of a tightened section 546.

Mr. Speaker, this bill is an important step in restoring legal safeguards against abuse of Executive power to politicize core government functions that need to be above political calculations in their execution. I urge my colleagues to support this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. COBLE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in mild opposition to H.R. 580, primarily against the process rather than substantively.

Scrutiny over the dismissal of several U.S. Attorneys in recent days may have triggered this legislation. While we are still learning the facts surrounding those dismissals, it does remain clear that the U.S. Attorneys do indeed serve at the pleasure of the President. Some are calling for oversight investigation because of the political appearance surrounding those dismissals, and this is fine; but amending the appointment process for interim U.S. Attorneys I believe is the wrong response.

Prior to 1986, the district court appointed interim U.S. Attorneys to fill vacancies until a Presidential appointee had been nominated and confirmed by the Senate. In 1986, the process was changed to authorize the Attorney General to appoint an interim United States Attorney for 120 days, at which time, if the Senate had not confirmed a new United States Attorney, the district court would then appoint an interim to serve until a new permanent United States Attorney was indeed confirmed.

This process was not infallible. Some said authorizing the judiciary to appoint the prosecutors before their court created a conflict of interest, and I think a good argument can be made for that. Others said the Executive could maneuver the Constitution by terminating a court-appointed interim by repeatedly substituting its own interim for 120-day stints. A good argument could well be made for that as well.

In 2005, the process for appointing interim United States Attorneys, however, was changed once again. This was an amendment to section 546 of title 28, which eliminated the 120-day time limit for an Executive-appointed interim to serve and eliminated the authority for the district court to appoint an interim.

Unfortunately, one of these responses to the recent dismissals had been H.R. 580, which would return the process of appointing interim United States Attorneys for 120 days and authorizing the judiciary to appoint interims if a permanent United States Attorney is not confirmed prior to the 120-day passes.

The bill, H.R. 580, was accelerated through the Judiciary Committee. Only one hearing was held on the bill. That hearing focused mostly on the current U.S. Attorney controversy, not the bill itself. It was then heard by the full committee, but there was no opportunity for the Judiciary Subcommittee on Commercial Administrative Law markup to therefore improve the bill.

Republicans on the Judiciary Committee, many of us, would have liked to have worked with the Democrats in a bipartisan fashion more thoroughly, and I think we may have come at the finish line with a more favorable finished product. Given more time, we might have considered some promising ideas. For instance, this bill does not address the problem of appointing and confirming United States Attorneys in a timely fashion. Senators KYL and SESSIONS introduced amendments in the Senate proposing several other responses to inherent conflicts created by United States Attorney vacancies and possible ways to provide for interims.

In these times of the war on terror, Mr. Speaker and colleagues, and the continuing age-old war on crime, the service of the United States Attorneys, indeed the front line of Federal law enforcement, is more than ever a matter of first importance to the Nation. Their appointment is serious business. We should not have rushed to judgment in attending to this business, but instead have given the legislative process more time to work. I think we missed an opportunity to improve the bill as a result.

Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield myself 15 seconds only to say, Mr. HOWARD COBLE, I recognize you as a sincere and experienced and valued member of this committee, and I appreciate the circumstances that you are in this evening.

Mr. Speaker, I yield 4 minutes to the subcommittee chairwoman, LINDA SANCHEZ of California, and I thank her for the excellent job that she has done.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, I rise in support of H.R. 580, a bill to revoke the Attorney General's unfettered authority to appoint U.S. Attorneys indefinitely.

This legislation would repeal a small provision, with enormous repercussions, that was placed into the USA PATRIOT Reauthorization Act conference report. The provision, which removed the 120-day limit for interim appointment of U.S. Attorneys, allows interim appointees to serve indefinitely and without Senate confirmation.

We now know that the provision was inserted into the conference report at the request of a Justice Department official. Clearly, the Justice Department's effort to insert this provision was just one part of the Bush administration's coordinated plan to purge U.S. Attorneys across the country for political reasons.

My suspicions about the role of this provision in the firing of at least eight U.S. Attorneys have been confirmed after reading the documents turned over by the Justice Department. We learned, for example, that in an e-mail to former White House Counsel Harriet Miers, former Attorney General Chief of Staff Kyle Sampson wrote: "I strongly recommend that as a matter of administration policy we utilize the new statutory provisions that authorize the Attorney General to make U.S. Attorney appointments."

The Congressional Research Service, a nonpartisan entity, has completed a report finding that these firings are unprecedented. Prior to the forced resignation of eight U.S. Attorneys in recent months, and outside the normal turnover of U.S. Attorneys that occurs with a new administration, only 10 U.S. Attorneys were forced to resign in the last 25 years. The 10 U.S. Attorneys cited in the CRS report were all fired for cause, most under a cloud of scandal.

H.R. 580, legislation offered by my friend and colleague from California, Representative HOWARD BERMAN, provides the necessary legislative response to restore checks and balances in the U.S. Attorney appointment process by reinstating the 120-day limit on all interim appointments.

The bill also closes other potential loopholes through which Senate confirmation could be bypassed. It clarifies that section 546 of title 28 of the United States Code is the exclusive means of appointing interim U.S. Attorneys.

Additionally, the bill would apply retroactively to all U.S. Attorneys currently serving in an interim capacity. This would ensure that interim U.S. Attorneys appointed since the purge scheme was hatched are not permitted to serve indefinitely and without Senate confirmation.

At a legislative hearing on H.R. 580 before the Subcommittee on Commercial and Administrative Law on March 6, this bill received strong support from the president of the National Association of Former U.S. Attorneys, as well as a former Republican-appointed U.S. Attorney. It is also important to note that the Attorney General himself has expressed that he is not opposed to rolling back this provision of the PATRIOT Act. And if the Attorney General's claim that he was not aware of the Justice Department efforts to quietly insert this provision are true, it would seem he never wanted the PATRIOT Act changes to the U.S. Attorney selection process in the first place.

Additionally, the corresponding bill in the Senate received strong bipartisan support and passed by an overwhelming margin of 94–2.

Mr. Speaker, we must begin to restore the independence of U.S. Attorneys across the country and return to the bedrock principle of our court system that justice must be served objectively and without fear or favor.

□ 1745

While the consideration of H.R. 580 will not end the Judiciary Committee's ongoing investigation of the U.S. Attorney purge scheme, the passage of this legislation is a critical step in this process to close the loophole in the PATRIOT Act that this administration has improperly exploited for political purposes.

I urge my colleagues to support this legislation.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I recognize HOWARD BERMAN, the senior member on the Judiciary Committee, and thank him for his authorship of the measure that brings us to the floor this evening. I yield to him 5 minutes.

Mr. BERMAN. Mr. Speaker, I thank the chairman who cosponsored this bill with me, along with the gentleman from Virginia (Mr. SCOTT), chairman of the Crime Subcommittee of Judiciary Committee.

H.R. 580 does only one thing, it restores the checks and balances that, until last year, had long been part of the process for filling vacancies in U.S. Attorneys' offices.

I won't go through the history of how interim U.S. Attorneys were appointed, because the chairman has spelled it out, and the gentleman from North Carolina has reaffirmed that history. But I want to address the one issue my friend from North Carolina raised, which is, were we to take a longer time, this might have been, at least to his way of thinking, a better approach.

The whole goal of this bill is to restore the status quo ante before a sneak attack change on the law utilized in the PATRIOT Act without anyone calling special attention to it, undiscussed by the conferees or by the members of either this House or the other body, change that law to give the executive bench total authority in this particular area.

The Senator, a member of the other body who was chairman of the Judiciary Committee of the other body during this time, has said that he didn't know about the provision until a colleague alerted him to it last month. The former chairman's staff told him that the Department of Justice provided the language and that it was inserted in the conference report by a member of his staff who was made U.S. Attorney in Utah only 4 months later.

Now we have a different story from the Department of Justice. Will Moschella, the former head of the Office of Legislative Affairs, now claims sole responsibility for the provision and says he pursued the change on his own, without the knowledge or coordination of his superiors at the Justice Department or the White House.

This is a Department, the Department of Justice, that says it fired eight U.S. Attorneys for not coordinating their work 100 percent with the priorities of the Department, and yet we are supposed to believe that they are permitting a relatively low-level official to fly solo in changing Federal law on the appointment of U.S. Attorneys without any other departmental involvement. It is for this reason, I say to my friend from North Carolina, that the first thing we need to do is to go back to the status quo ante, the compromise worked out in the Reagan administration with Attorney General Ed Meese, a Democratic House and the Republican Senate in 1986, which allowed for this process where we gave for the first time the Attorney General the right to name an interim U.S. Attorney, providing the district court with the theoretical ability, should that court choose to do so, to replace or, as has been much more likely, simply reaffirm the naming of the interim U.S. Attorney if no full U.S. Attorney had been confirmed yet by the Senate.

What is clear from the e-mails provided to the Judiciary Committee is that the Department of Justice and White House employees, whatever their motivation in pushing this proposal originally, whatever their motivation, they quickly figured out that the provision created the possibility to circumvent the Senate and decided to exploit that power.

One e-mail between the Department of Justice and the White House depicts an effort to slow-walk a nomination so an interim appointee can stay in place. The two employees discussed an interim appointee in Arkansas who they knew was unlikely to get Senate confirmation.

An employee in the White House Counsel's Office writes, "If this is a section 546 appointment for unlimited duration, he can call himself U.S. Attorney. Our talkers should avoid referring to him as 'interim.'"

The Attorney General's chief of staff replies, and I quote, "We should gum this to death. Our guy is in there so the status quo is good for us. Pledge a desire for a Senate-confirmed U.S. Attorney and otherwise hunker down."

I suggest there is ample opportunity in the record to recognize that the change we made in the PATRIOT Act without the knowledge, as far as I can tell, of any representative of either House was an ill-considered change; and the first thing we need to do and what this bill does is bring the law back to what had existed.

Mr. CONYERS. Mr. Speaker, how much time remains on either side?

The SPEAKER pro tempore. The gentleman from Michigan has 5 minutes; the gentleman from North Carolina has 15½ minutes.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. I recognize the gentleman from Oregon (Mr. BLUMENAUER) for 1 minute.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the chairman's courtesy in permitting me to speak on this bill. I appreciate also what Ranking Member COBLE talked about in terms of outlining these issues.

But it seems to me that there was just one area where I would take modest exception with him, and that is the notion that we should have been taking more time to vet this and look at alternatives. Because I fully agree with the gentleman from California, where there was not adequate time for Congress to be involved is when this was slipped into the PATRIOT Act revisions in the first place. Without the knowledge of anybody, it seems, in the House or the Senate, this change was done by the staff behind closed doors. We didn't know about it. I haven't heard yet from any of my Republican friends that did.

By restoring the status quo ante the way that it had been for years, we get back to a situation where we can remove this from the table. We can have a dispassionate discussion about what has happened with the Department of Justice and its future; and, if we want to make any change, then at least we have something that has stood the test of time.

Mr. COBLE. Mr. Speaker, I reserve the balance of my time.

Mr. CONYERS. The gentleman from Washington (Mr. INSLEE) is recognized for 2 minutes.

Mr. INSLEE. Mr. Speaker, this bill could not be more timely. As I was walking across the street in front of the Supreme Court, I saw the inscription chiseled in the marble of the Supreme Court. It says, "Equal justice under law." But we have witnessed now in the last few weeks the unpeeling of a scandal where the executive branch fired eight well-performing U.S. Attorneys because they would not do the political dirty work of the White House. And it is apparent now, as much as it has ever been, that we have to have a check and balance on the executive branch with Senate confirmation.

I want to know why this is so viscerally important. In my district in western Washington, we had a gentleman named John McKay who was doing, by all rights, a good job as a U.S. Attorney for western Washington. But then there was this contentious election out there for Governor in 2004, and a bunch of Republicans were leaning on him to start a grand jury investigation alleging voter fraud because the vote came out in favor of the Democrat. He refused to do so because he said he didn't see any evidence of voter fraud.

A little later what happens is he goes to the White House for a meeting about a prospective judgeship, and what do they ask him about? They say: How come Republicans are mad at you, at the White House. And he knows what they are mad about, is because they wouldn't go after this case where there was no evidence of voter fraud. It was apparent they were leaning on him; and, when he did not collapse, he was fired.

Now, this is a situation where it is clear that we need Senate confirmation. And, by the way, I have written a letter to the President today saying the President should reinstate that U.S. Attorney while this matter is investigated. This thing smells like a mackerel in the moonlight, and it needs to be resolved. Until it is resolved, Congress is going to be investigating; and to prevent this from happening again, we need to be sure we have Senate confirmation.

Mr. COBLE. Mr. Speaker, the gentleman from Washington referred to it as scandal. It may well end up being a scandal, but I think to use that word today might well be premature. But, meanwhile, I reserve the balance of my time.

Mr. CONYERS. Mr. Speaker, I yield to the gentlewoman from Texas, SHEILA JACKSON-LEE, 1 minute.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I thank the distinguished gentleman, and I rise with sadness to support this legislation that clears up the obviously ongoing abuse and disrespect of the integrity of the three branches of government.

We passed the PATRIOT Act that some of us did not support, but we did not intend for it to be used to avoid the constitutional Senate confirmation process. That is what has happened. We understand now that the Attorney General unfortunately may have been in meetings, may have been informed of issues dealing with the termination of U.S. Attorneys without providing that direct information to the United States Congress.

This legislation again sets the Constitution back on its feet. It allows for Senate confirmation for U.S. Attorneys, and it puts back on track the integrity in terms of the respect and integrity that is necessary for the judiciary and legal system that the American people have come to understand and believe. I believe we should support this bill, and I hope we will get back on track with the relationship between Congress, the executive, and the judiciary.

Mr. Speaker, I rise in strong support of H.R. 580, which amends chapter 35 of title 28 of the United States Code to restore the 120-day limit on the term of a United States Attorney appointed on an interim basis by the Attorney General. The shocking disclosures of the last few weeks provide all the justification needed to adopt this salutary measure promptly and by an overwhelming margin. Our friends in the other body passed companion legislation last week by a vote of 94–2.

Mr. Speaker, United States Attorneys are appointed by the President with the advice and consent of the Senate. Each United States Attorney so appointed is authorized to serve a 4-year term but is subject to removal by the President without cause. The Senate's advise and consent process formally checks the power of the President by requiring the United States Attorney nominee to go through a confirmation process. In addition, Senators also play a particularly influential informal role in the nomination of United States Attorneys.

Typically, a President, prior to appointing a new United States Attorney, consults with the Senators from the State where the vacancy exists if they are members of the President's political party. The President usually accepts the nominee recommended by the Senator or other official. This tradition, called "senatorial courtesy," serves as an informal check on the President's appointment power.

Since the Civil War, the judiciary has been empowered to fill vacancies in the office of the United States Attorney. In 1966, that authority was codified at 28 U.S.C. §546. When a United States Attorney position became vacant, the district court in the district where the vacancy occurred named a temporary replacement to serve until the vacancy was filled. In 1986, in response to a request by the Attorney General that its office be vested with authority to appoint interim United States Attorneys, Congress amended the statute to add former section 546(d).

Pursuant to this authority, the Attorney General was authorized to appoint an interim United States Attorney for 120 days and, if the Senate did not confirm a new United States Attorney within such period, the district court was then authorized to appoint an interim United States Attorney to serve until a permanent replacement was confirmed. By having the district court play a role in the selection of an interim United States Attorney, former section 546(d) allowed the judicial branch to act as a check on executive power. In practice, if a vacancy was expected, the Attorney General would solicit the opinion of the chief judge of the relevant district regarding possible temporary appointments.

Twenty years later, section 546 was amended again in the USA PATRIOT Improvement and Reauthorization Act of 2005. This legislation amended section 546(c) to provide that "[a] person appointed as United States attorney under this section may serve until the qualification of a United States Attorney for such district appointed by the President" under 28 U.S.C. §541. The extent of the legislative history of this provision is one sentence appearing in the conference report accompanying the act: "Section 502 [effecting the amendments to section 546] is a new section and addresses an inconsistency in the appointment process of United States Attorneys."

Although the legislative purpose is unclear, the practical effect is not. The act amended section 546 in two critical respects. First, it effectively removed district court judges from the interim appointment process and vested the Attorney General with the sole power to appoint interim United States Attorneys. Second, the act eliminated the 120-day limit on the term of an interim United States Attorney appointed by the Attorney General. As a result, judicial input in the interim appointment process was eliminated. Even more problematic, it created a possible loophole that permits United States Attorneys appointed on an interim basis to serve indefinitely without ever being subjected to a Senate confirmation process, which is plainly a result not contemplated by the Framers.

Mr. Speaker, excluding changes in administration, it is rare for a United States Attorney to not complete his or her 4-year term of appointment. According to the Congressional Research Service, only 54 United States Attorneys between 1981 and 2006 did not complete their 4-year terms. Of these, 30 obtained other public sector positions or sought elective office, 15 entered or returned to private practice, and 1 died. Of the remaining eight United States Attorneys, two were apparently dismissed by the President, and three apparently resigned after news reports indicated they had engaged in questionable personal actions.

Mr. Speaker, in the past few months disturbing stories appeared in the news media reporting that several United States Attorneys had been asked to resign by the Justice Department. It has now been confirmed that at least seven United States Attorneys were asked to resign on December 7, 2006. An eighth United States Attorney was subsequently asked to resign. They include the following: H.E. Cummins, III, U.S. Attorney, E.D. Ark.; John McKay, U.S. Attorney, W.D. Wash.; David Iglesias, U.S. Attorney, D. N.M.; Paul K. Charlton, U.S. Attorney, D. Ariz.; Carol Lam, U.S. Attorney, S.D. Calif.; Daniel Bogden, U.S. Attorney, D. Nev.; Kevin Ryan, N.D. Calif.; and Margaret Chiara, W.D. Mich.

On March 6, 2007, the Subcommittee on Commercial and Administrative Law held a hearing entitled, "H.R. 580, Restoring Checks and Balances in the Confirmation Process of United States Attorneys." Witnesses at the hearing included six of the eight former United States Attorneys and William Moschella, Principal Associate Deputy Attorney General, among other witnesses.

Six of the six former United States Attorneys testified at the hearing and each testified that he or she was not told in advance why he or she was being asked to resign. Upon further inquiry, however, Messrs. Charlton and Bogden were advised by the then Acting Assistant Attorney General, William Mercer, that they were terminated essentially to make way for other Republicans to enhance their credential and pad their resumes. In addition, Messrs. Iglesias and McKay testified about inappropriate inquiries they received from Members of Congress concerning pending investigation, which they surmised may have led to their forced resignations.

Mr. Speaker, the USA PATRIOT Act Reauthorization provision on interim U.S. Attorneys should be repealed for two reasons. First, Members of Congress did not get an opportunity to vet or debate the provision that is current law. Rather the Republican leadership of the 109th Congress slipped the provision into the conference report at the request of the Department of Justice. Not even Senate Judiciary Chairman ARLEN SPECTER, whose chief of staff was responsible for inserting the provision, knew about its existence.

Second, it is now clear that the manifest intention of the proponents of the provision was to allow interim appointees to serve indefinitely and to circumvent Senate confirmation. We know now, for example, that in a September 13, 2006 e-mail to former White House Counsel Harriet Miers, Attorney General Chief of Staff Kyle Sampson wrote:

> I strongly recommend that, as a matter of Administration policy, we utilize the new statutory provisions that authorize the Attorney General to make U.S. Attorney appointments.

Mr. Sampson further said that by using the new provision, DOJ could "give far less deference to home-State Senators and thereby get (1) our preferred person appointed and (2) do it far faster and more efficiently, at less political cost to the White House."

Regarding the interim appointment of Tim Griffin at the request of Karl Rove and Harriet Miers, Mr. Sampson wrote to Monica Goodling, Senior Counsel to the White House and Liaison to the White House on December 19, 2006 the following:

> I think we should gum this to death: ask the Senators to give Tim a chance, meet with him, give him some time in office to see how he performs, etc. If they ultimately say, 'no never' (and the longer we can forestall that, the better), then we can tell them we'll look for other candidates, and otherwise run out the clock. All of this should be done in 'good faith,' of course.

Finally, we now know that after gaining this increased authority to appoint interim U.S. Attorneys indefinitely, the administration has exploited the provision to fire U.S. Attorneys for political reasons. A mass purge of this sort is unprecedented in recent history. The Department of Justice and the White House coordinated this purge. According to an administration "hit list" released on Tuesday, U.S. Attorneys were targets for the purge based on their rankings. The ranking relied in large part on whether the U.S. Attorney "exhibit[ed] loyalty to the President and Attorney General."

Mr. Speaker, until exposed by this unfortunate episode, United States Attorneys were expected to, and in fact did exercise, wide discretion in the use of resources to further the priorities of their districts. Largely a result of its origins as a distinct prosecutorial branch of the Federal Government, the office of the United States Attorney traditionally operated with an unusual level of independence from the Justice Department in a broad range of daily activities. That practice served the Nation well for more than 200 years. The practice that has been in place for less than 2 years has served the Nation poorly. It needs to end.

Mr. Speaker, during the full committee markup of H.R. 580, I brought to my colleagues' attention the value of including in the bill or committee report the core congressional findings that forms the justification for this legislation. Briefly stated, those findings are as follows:

The Congress finds as follows:

(1) That United States Attorneys are "inferior officers" and therefore are subject to the Constitution's discretionary appointment provisions authorizing the Congress to vest the appointment power in the President alone or the judiciary.

(2) Vesting the authority in the United States Attorney General to appoint an interim United States Attorney to serve an indefinite term undermines the confirmation process of the United States Senate and removes a legislative check on executive power.

(3) Vesting residual power to appoint an interim United States Attorney in the Federal district court in which the vacancy occurs constitutes an important judicial check on executive power.

Mr. Speaker, H.R. 580 is a thoughtful and well crafted legislative measure which will restore public confidence in the process by which interim United States Attorneys are appointed. I strongly support the bill and urge all Members to do likewise.

Mr. COBLE. Mr. Speaker, I yield back the balance of my time.

Mr. CONYERS. Mr. Speaker, Members of the House, the American people must have full confidence in the integrity and the independence of the United States Attorneys in charge of Federal prosecutions throughout the country, in every State. While they owe the President their appointments, once they are in their jobs their enforcement decisions must be unquestionably above politics; and that is why we are here today.

Senate confirmation is required for each one of them in an open and public process, and it is a critical safeguard against politicization of our prosecutorial system. This safeguard has been severely compromised by the secret change that has been referred to, and this bill restores the safeguards.

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I ask my colleagues to fully support this measure on both sides of the aisle.

Mr. SMITH of Texas. Mr. Speaker, this legislation would return the procedures for appointing interim U.S. Attorneys to what it was before Congress reauthorized the PATRIOT Act.

Some have claimed that the PATRIOT Act's reform was used to avoid Senate confirmation of permanent U.S. attorneys. To prevent that alleged abuse, this bill, H.R. 580, was rushed headlong through the Judiciary Committee.

One hearing was held on the bill. But that hearing focused mostly on the current U.S. Attorney controversy, not the bill, itself. It was then pushed immediately to the full committee, without an opportunity for subcommittee markup.

Republicans on the Judiciary Committee would have liked to have worked more with the Democrats in a bipartisan fashion to improve the existing law. We might well have found a better solution.

The majority's own witnesses at the hearing, for example, testified that much of the problem with the interim appointments process is the time it takes to obtain Senate confirmation. This bill, however, does not address that problem.

Given more time, we might have considered some promising ideas from the other side of the Capitol.

Senator KYL, for example, proposed a 120-day interim appointment power for the Executive Branch, and a 120-day clock for the Senate to confirm permanent appointees. This would have addressed the principal problem.

Senator SESSIONS proposed to set qualification standards for judicial appointments of interim appointees. These standards would have helped prevent unsuitable judicial appointees—assuming, for the purposes of argument, that there should be any judicial appointees of Executive Branch prosecutors.

This bill would allow judges to appoint the very Executive Branch prosecutors practicing before them, and would raise legal, ethical and practical concerns. Surely we could have done better than return to a flawed law of the past.

The rush to legislation also led to an under-considered amendment adopted at committee mark-up. That amendment would preclude the use of the full range of tried and true tools in the Vacancy Reform Act to obtain interim U.S. Attorneys.

Specifically, it would preclude the President from reaching out to Senate-confirmed, Presidential appointees serving in other capacities, rather than just career civil servants, to serve in these important posts on an interim basis.

The amendment limits the pool of qualified individuals to serve temporarily as U.S. Attorneys, so it weakens the federal government's ability to fight crime.

In these times of the War on Terror and the continuing, age-old war on crime, the service of U.S. Attorneys—the front line of federal law enforcement—is more than ever a matter of first importance to the Nation. Their appointment is serious business.

We should not have rushed to judgment in attending to this business, but instead have given the legislative process the time that it deserves.

We have missed an opportunity to improve this bill. The American people have not been well-served.

Mr. CONYERS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 580, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. CONYERS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SAFETEA–LU TECHNICAL CORRECTIONS ACT

Mr. DEFAZIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1195) to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1195

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—HIGHWAY PROVISIONS

SECTION 101. SURFACE TRANSPORTATION TECHNICAL CORRECTIONS.

(a) Correction of Internal References in Disadvantaged Business Enterprises.—Paragraphs (3)(A) and (5) of section 1101(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1156) are amended by striking "paragraph (1)" each place it appears and inserting "paragraph (2)".

(b) Correction of Distribution of Obligation Authority.—Section 1102(c)(5) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1158) is amended by striking "among the States".

(c) Correction of Federal Lands Highways.—Section 1119 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1190) is amended by striking subsection (m) and inserting the following:

"(m) Forest Highways.—Of the amounts made available for public lands highways under section 1101—

"(1) not more than $20,000,000 for each fiscal year may be used for the maintenance of forest highways;

"(2) not more than $1,000,000 for each fiscal year may be used for signage identifying public hunting and fishing access; and

"(3) not more than $10,000,000 for each fiscal year shall be used by the Secretary of Agriculture to pay the costs of facilitating the passage of aquatic species beneath forest roads (as defined in section 101(a) of title 23, United States Code), including the costs of constructing, maintaining, replacing, and removing culverts and bridges, as appropriate.".

(d) Correction of Description of National Corridor Infrastructure Improvement Project.—Item number 1 of the table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in the State column by inserting "LA," after "TX,".

(e) Correction of Interstate Route 376 High Priority Designation.—

(1) In general.—Section 1105(c)(79) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2032; 119 Stat. 1213) is amended by striking "and on United States Route 422".

(2) Conforming amendment.—Section 1105(e)(5)(B)(i)(I) of the Intermodal Surface Transportation Efficiency Act of 1991 (105 Stat. 2033; 119 Stat. 1213) is amended by striking "and United States Route 422".

(f) Correction of Infrastructure Finance Section.—Section 1602(d)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1247) is amended by striking "through 189 as sections 601 through 609, respectively" and inserting "through 190 as sections 601 through 610, respectively".

(g) Transportation Systems Management and Operations Defined.—Section 101(a) of title 23, United States Code, is amended by adding at the end the following:

"(39) Transportation systems management and operations.—

"(A) In general.—The term 'transportation systems management and operations' means an integrated program to optimize the performance of existing infrastructure through the implementation of multimodal and intermodal, cross-jurisdictional systems, services, and projects designed to preserve capacity and improve security, safety, and reliability of the transportation system.

"(B) Inclusions.—The term 'transportation systems management and operations' includes—

"(i) regional operations collaboration and coordination activities between transportation and public safety agencies; and

"(ii) improvements to the transportation system, such as traffic detection and surveillance, arterial management, freeway management, demand management, work zone management, emergency management, electronic toll collection, automated enforcement, traffic incident management, roadway weather management, traveler information services, commercial vehicle operations, traffic control, freight management, and coordination of highway, rail, transit, bicycle, and pedestrian operations.".

(h) Correction of Reference in Apportionment of Highway Safety Improvement Program Funds.—Effective October 1, 2006, section 104(b)(5)(A)(iii) of title 23, United States Code, is amended by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways".

(i) Correction of Amendment To Advance Construction.—Section 115 of title 23, United States Code, is amended by redesignating subsection (d) as subsection (c).

(j) Correction of High Priority Projects.—Section 117 of title 23, United States Code, is amended—

(1) by redesignating subsections (d) through (h) as subsections (e) through (i), respectively;

(2) by redesignating the second subsection (c) (relating to Federal share) as subsection (d);

(3) in subsection (a)(2)(A) by inserting "(112 Stat. 257)" after "21st Century"; and

(4) in subsection (a)(2)(B)—

(A) by striking "subsection (b)" and inserting "subsection (c)"; and

(B) by striking "SAFETEA–LU" and inserting "Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256)".

(k) Correction of Transfer of Unused Protective-Device Funds to Other Highway Safety Improvement Program Projects.—Section 130(e)(2) of title 23, United States Code, is amended by striking "purposes under this subsection" and inserting "highway safety improvement program purposes".

(l) Metropolitan Transportation Planning.—

(1) Section 134(j)(3)(D) of title 23, United States Code, is amended—

(A) by inserting "or the identified phase" before "within the time"; and

(B) by inserting "or the identified phase" before the period at the end.

(2) Section 134(k)(2) of such title is amended by striking "a metropolitan planning area serving".

(m) Correction of Highway Bridge Program.—

(1) In general.—Section 144 of title 23, United States Code, is amended—

(A) in the section heading by striking "**replacement and rehabilitation**";

(B) in subsections (b), (c)(1), and (e) by striking "Federal-aid system" each place it appears and inserting "Federal-aid highway";

(C) in subsections (c)(2) and (o) by striking "the Federal-aid system" each place it appears and inserting "Federal-aid highways";

(D) in the heading to paragraph (4) of subsection (d) by inserting "SYSTEMATIC" before "PREVENTIVE";

(E) in subsection (e) by striking "off-system bridges" each place it appears and inserting "bridges not on Federal-aid highways";

(F) by striking subsection (f);

(G) by redesignating subsections (g) through (s) as subsections (f) through (r), respectively;

(H) in paragraph (2) of subsection (f) (as redesignated by subparagraph (G)) by striking the paragraph heading and inserting "BRIDGES NOT ON FEDERAL-AID HIGHWAYS";

(I) in subsection (m) (as redesignated by subparagraph (G)) by striking the subsection heading and inserting "Program for Bridges Not on Federal-Aid Highways"; and

(J) in subsection (n)(4)(B) (as redesignated by subparagraph (G)) by striking "State highway agency" and inserting "State transportation department".

(2) Conforming amendments.—

(A) Metropolitan planning.—Section 104(f)(1) of such title is amended by striking "replacement and rehabilitation".

(B) Equity bonus program.—Subsections (a)(2)(C) and (b)(2)(C) of section 105 of such title are amended by striking "replacement and rehabilitation" each place it appears.

(C) Analysis.—The analysis for chapter 1 of such title is amended in the item relating to section 144 by striking "replacement and rehabilitation".

(n) Correction of National Scenic Byways Program Coverage.—Section 162 of title 23, United States Code, is amended—

(1) in subsection (a)(3)(B) by striking "a National Scenic Byway under subparagraph (A)" and inserting "a National Scenic Byway, an All-American Road, or one of America's Byways under paragraph (1)"; and

(2) in subsection (c)(3) by striking "or All-American Road" each place it appears and inserting "All-American Road, or one of America's Byways".

(o) Correction of Reference in Toll Provision.—Section 166(b)(5)(C) of title 23, United States Code, is amended by striking "paragraph (3)" and inserting "paragraph (4)".

(p) Correction of Recreational Trails Program Apportionment Exceptions.—Section 206(d)(3)(A) of title 23, United States Code, is amended by striking "(B), (C), and (D)" and inserting "(B) and (C)".

(q) Consolidation of Grant Applications.—Section 402(m) of title 23, United States Code, is amended in the first sentence—

(1) by striking "through" and inserting "for which"; and

(2) by inserting "is appropriate" before the period at the end.

(r) Correction of Infrastructure Finance.—Section 601(a)(3) of title 23, United States Code, is amended by inserting "bbb minus, BBB (low)," after "Baa3,".

(s) Correction of Miscellaneous Typographical Errors.—

(1) Section 1401 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1226) is amended by redesignating subsections (d) and (e) as subsections (c) and (d), respectively.

(2) Section 1404(e) of such Act (119 Stat. 1229) is amended by inserting "tribal," after "local,".

(3) Section 10211(b)(2) of such Act (119 Stat. 1937) is amended by striking "plan administer" and inserting "plan and administer".

(4) Section 10212(a) of such Act (119 Stat. 1937) is amended—

(A) by inserting "equity bonus," after "minimum guarantee,";

(B) by striking "freight intermodal connectors" and inserting "railway-highway crossings";

(C) by striking "high risk rural road,"; and

(D) by inserting after "highway safety improvement programs" the following: "(and separately the set aside for the high risk rural road program)".

SEC. 102. MAGLEV.

(a) Funding.—Section 1101(a)(18) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1155) is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) $20,000,000 for fiscal year 2007; and

"(B) $35,000,000 for each of fiscal years 2008 and 2009.".

(b) Contract Authority.—Section 1307 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1217) is amended by adding at the end the following:

"(e) Contract Authority.—Funds authorized under section 1101(a)(18) shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code; except that the funds shall not be transferable and shall remain available until expended, and the Federal share of the cost of a project to be carried out with such funds shall be 80 percent.".

SEC. 103. PROJECTS OF NATIONAL AND REGIONAL SIGNIFICANCE AND NATIONAL CORRIDOR INFRASTRUCTURE IMPROVEMENT PROJECTS.

(a) Project of National and Regional Significance.—The table contained in section 1301(m) of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1203) is amended in item number 4 by striking the project description and inserting "$7,400,000 for planning, design, and construction of a new American border plaza at the Blue Water Bridge in or near Port Huron; $12,600,000 for integrated highway realignment and grade separations at Port Huron to eliminate road blockages from NAFTA rail traffic".

(b) National Corridor Infrastructure Improvement Project.—The table contained in section 1302(e) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1205) is amended in item number 23 by striking the project description and inserting "Improvements to State Road 312, Hammond".

SEC. 104. IDLING REDUCTION FACILITIES.

Section 111(d) of title 23, United States Code, is repealed.

SEC. 105. PROJECT AUTHORIZATIONS.

(a) In General.—The table contained in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) is amended—

(1) in item number 34 by striking the project description and inserting "Removal and Reconfiguration of Interstate ramps, I-40, Memphis";

(2) by striking item number 61;

(3) in item number 87 by striking the project description and inserting "M-291 highway outer road improvement project";

(4) in item number 128 by striking "$2,400,000" and inserting "$4,800,000";

(5) in item number 154 by striking "Virginia" and inserting "Eveleth";

(6) in item number 193 by striking the project description and inserting "Improvements to or access to Route 108 to enhance access to the business park near Rumford";

(7) in item number 240 by striking "$800,000" and inserting "$2,400,000";

(8) by striking item number 248;

(9) in item number 274 by striking the project description and inserting "Intersection improvements at Belleville and Ecorse Roads and approach roadways, and widen Belleville Road from Ecorse to Tyler, Van Buren Township, Michigan";

(10) in item number 277 by striking the project description and inserting "Construct connector road from Rushing Drive North to Grand Ave., Williamson County";

(11) in item number 395 by striking the project description and inserting "Plan and construct interchange at I-65, from existing SR-109 to I-65";

(12) in item number 463 by striking "Cookeville" and inserting "Putnam County";

(13) in item number 576 by striking the project description and inserting "Design, right-of-way, and construction of Nebraska Highway 35 between Norfolk and South Sioux City, including an interchange at Milepost 1 on I-129";

(14) in item number 595 by striking "Street Closure at" and inserting "Transportation improvement project near";

(15) in item number 649 by striking the project description and inserting "Construction and enhancement of the Fillmore Avenue Corridor, Buffalo";

(16) in item number 655 by inserting ", safety improvement construction," after "Environmental studies";

(17) in item number 676 by striking the project description and inserting "St. Croix River crossing project, Wisconsin State Highway 64, St. Croix County, Wisconsin, to Minnesota State Highway 36, Washington County";

(18) in item number 770 by striking the project description and inserting "Improve existing Horns Hill Road in North Newark, Ohio, from Waterworks Road to Licking Springs Road";

(19) in item number 777 by striking the project description and inserting "Akutan Airport access";

(20) in item number 829 by striking the project description and inserting "$400,000 to conduct New Bedford/Fairhaven Bridge modernization study; $1,000,000 to design and build New Bedford Business Park access road";

(21) in item number 881 by striking the project description and inserting "Pedestrian safety improvements near North Atlantic Boulevard, Monterey Park";

(22) in item number 923 by striking the project description and inserting "Improve safety of a horizontal curve on Clarksville St. 0.25 miles north of 275th Rd. in Grandview Township, Edgar County";

(23) in item number 947 by striking the project description and inserting "Third East/West River Crossing, St. Lucie River";

(24) in item numbers 959 and 3327 by striking "Northern Section," each place it appears;

(25) in item number 963 by striking the project description and inserting "For engineering, right-of-way acquisition, and reconstruction of 2 existing lanes on Manhattan Road from Baseline Road to Route 53";

(26) in item number 983 by striking the project description and inserting "Land acquisition for highway mitigation in Cecil, Kent, Queen Annes, and Worcester Counties";

(27) in item number 1039 by striking the project description and inserting "Widen State Route 98, including storm drain developments, from D. Navarro Avenue to State Route 111";

(28) in item number 1047 by striking the project description and inserting "Bridge and road work at Little Susitna River Access road in Matanuska-Susitna Borough";

(29) in item number 1124 by striking "bridge over Stillwater River, Orono" and by inserting "routes";

(30) in item number 1206 by striking "Pleasantville" and inserting "Briarcliff Manor";

(31) in item number 1281 by striking the project description and inserting "Upgrade roads in Attala County District 4 (Roads 4211 and 4204), Kosciusko, Ward 2, and Ethel, Attala County";

(32) in item number 1487 by striking "$800,000" and inserting "$1,600,000";

(33) in item number 1575 by striking the project description and inserting "Highway and road signage, and traffic signal synchronization and upgrades, in Shippensburg Boro, Shippensburg Township, and surrounding municipalities";

(34) in item number 1661 by striking the project description and inserting "Sheldon West Extension in Matanuska-Susitna Borough";

(35) in item number 1810 by striking the project description and inserting "Design, engineering, ROW acquisition, construction, and construction engineering for the reconstruction of TH 95, from 12th Avenue to CSAH 13, including bridge and approaches, ramps, intersecting roadways, signals, turn lanes, and multiuse trail, North Branch";

(36) in item number 1852 by striking "Milepost 9.3" and inserting "Milepost 24.3";

(37) in item numbers 1926 and 2893 by striking the project descriptions and inserting "Grading, paving roads, and the transfer of rail-to-truck for the intermodal facility at Rickenbacker Airport, Columbus, Ohio";

(38) in item number 1933 by striking the project description and inserting "Enhance Byzantine Latino Quarter transit plazas at Normandie and Pico, and Hoover and Pico, Los Angeles, by improving streetscapes, including expanding concrete and paving";

(39) in item number 1975 by striking the project description and inserting "Point MacKenzie Access Road improvements in Matanuska-Susitna Borough";

(40) in item number 2015 by striking the project description and inserting "Heidelberg Borough/Scott Township/Carnegie Borough for design, engineering, acquisition, and construction of streetscaping enhancements, paving, lighting and safety upgrades, and parking improvements";

(41) in item number 2087 by striking the project description and inserting "Railroad crossing improvement on Illinois Route 82 in Geneseo";

(42) in item number 2211 by striking the project description and inserting "Construct road projects and transportation enhancements as part of or connected to RiverScape Phase III, Montgomery County, Ohio";

(43) in item number 2234 by striking the project description and amount and inserting "North Atherton Signal Coordination Project in Centre County" and "$400,000", respectively;

(44) in item number 2316 by striking the project description and inserting "Construct a new bridge at Indian Street, Martin County";

(45) in item number 2420 by striking the project description and inserting "Preconstruction and construction activities of U.S. 51 between the Assumption Bypass and Vandalia";

(46) in item number 2482 by striking "Country" and inserting "County";

(47) in item number 2663 by striking the project description and inserting "Rosemead Boulevard safety enhancement and beautification, Temple City";

(48) in item number 2671 by striking "from 2 to 5 lanes and improve alignment within rights-of-way in St. George" and inserting ", St. George";

(49) in item number 2743 by striking the project description and inserting "Improve safety of culvert replacement on 250th Rd. between 460th St. and Cty Hwy 20 in Grandview Township, Edgar County";

(50) by striking item number 2800;

(51) in item number 2826 by striking "State Street and Cajon Boulevard" and inserting "Palm Avenue";

(52) in item number 2931 by striking "Frazho Road" and inserting "Martin Road";

(53) in item number 3047 by inserting "and roadway improvements" after "safety project" ;

(54) in item number 3078 by striking the project description and inserting "U.S. 2/Sultan Basin Road improvements in Sultan";

(55) in item number 3174 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(56) in item number 3219 by striking "Forest" and inserting "Warren";

(57) in item number 3254 by striking the project description and inserting "Reconstruct PA Route 274/34 Corridor, Perry County";

(58) in item number 3260 by striking "Lake Shore Drive" and inserting "Lakeshore Drive and parking facility/entrance improvements serving the Museum of Science and Industry";

(59) in item number 3368 by striking the project description and inserting "Plan, design, and engineering, Ludlam Trail, Miami";

(60) in item number 3410 by striking the project description and inserting "Design, purchase land, and construct sound walls along the west side of I–65 from approximately 950 feet south of the Harding Place interchange south to Hogan Road";

(61) in item number 3537 by inserting "and the study of alternatives along the North South Corridor," after "Valley";

(62) in item number 3582 by striking the project description and inserting "Improving Outer Harbor access through planning, design, construction, and relocations of Southtowns Connector–NY Route 5, Fuhrmann Boulevard, and a bridge connecting the Outer Harbor to downtown Buffalo at the Inner Harbor";

(63) in item number 3604 by inserting "/Kane Creek Boulevard" after "500 West";

(64) in item number 3632 by striking the State, project description, and amount and inserting "FL", "Pine Island Road pedestrian overpass, city of Tamarac", and "$610,000", respectively;

(65) in item number 3634 by striking the matters in the State, project description, and amount columns and inserting "FL", "West Avenue Bridge, city of Miami Beach", and "$620,000", respectively;

(66) in item number 3673 by striking the project description and inserting "Improve marine dry-dock and facilities in Ketchikan";

(67) in item number 2942 by striking the project description and inserting "Redesigning the intersection of Business U.S. 322/High Street and Rosedale Avenue and constructing a new East Campus Drive between High Street (U.S. 322) and Matlock Street at West Chester University, West Chester, Pennsylvania";

(68) in item number 2781 by striking the project description and inserting "Highway and road signage, road construction, and other transportation improvement and enhancement projects on or near Highway 26, in Riverton and surrounding areas";

(69) in item number 2430 by striking "200 South Interchange" and inserting "400 South Interchange";

(70) by striking item number 20;

(71) in item number 424 by striking "$264,000" and inserting "$644,000";

(72) in item number 1210 by striking the project description and inserting "Town of New Windsor—Riley Road, Shore Drive, and area road improvements";

(73) by striking item numbers 68, 905, and 1742;

(74) in item number 1059 by striking "$240,000" and inserting "$420,000";

(75) in item number 2974 by striking "$120,000" and inserting "$220,000";

(76) by striking item numbers 841, 960, and 2030;

(77) in item number 1278 by striking "$740,000" and inserting "$989,600";

(78) in item number 207 by striking "$13,600,000" and inserting "$13,200,000";

(79) in item number 2656 by striking "$12,228,000" and inserting "$8,970,000";

(80) in item number 1983 by striking "$1,600,000" and inserting "$1,000,000";

(81) in item number 753 by striking "$2,700,000" and inserting "$3,200,000";

(82) in item number 64 by striking "$6,560,000" and inserting "$8,480,000";

(83) in item number 2338 by striking "$1,600,000" and inserting "$1,800,000";

(84) in item number 1533 by striking "$392,000" and inserting "$490,000";

(85) in item number 1354 by striking "$40,000" and inserting "$50,000";

(86) in item number 3106 by striking "$400,000" and inserting "$500,000";

(87) in item number 799 by striking "$1,600,000" and inserting "$2,000,000";

(88) in item number 159—

(A) by striking "Construct interchange for 146th St. and I–69" and inserting "Upgrade 146th St. to I–69 Access"; and

(B) by striking "$2,400,000" and inserting "$3,200,000";

(89) by striking item number 2936;

(90) in item number 3138 by striking the project description and inserting "Elimination of highway-railway crossing along the KO railroad from Salina to Osborne to increase safety and reduce congestion";

(91) in item number 2274 by striking "between Farmington and Merriman" and inserting "between Hines Drive and Inkster, Flamingo Street between Ann Arbor Trail and Joy Road, and the intersection of Warren Road and Newburgh Road";

(92) in item number 52 by striking the project description and inserting "Pontiac Trail between E. Liberty and McHattie Street";

(93) in item number 1544 by striking "connector";

(94) in item number 2573 by striking the project description and inserting "Rehabilitation of Sugar Hill Road in North Salem, NY";

(95) in item number 1450 by striking "III–VI" and inserting "III–VII";

(96) in item number 2637 by striking the project description and inserting "Construction, road and safety improvements in Geauga County, OH";

(97) in item number 2342 by inserting "and to Heisley Road" after "Interchange";

(98) in item number 161 by striking the project description and inserting "Construct False Pass causeway and road to the terminus of the south arm breakwater project";

(99) in item number 2002 by striking the project description and inserting "Providence Hospital public access road and enhancements, including access connections between the proposed Providence Regional Administration Building and Piper Street, to improve access and circulation in the Providence Southwest Campus";

(100) in item number 2023 by striking the project description and inserting "Biking and pedestrian trail construction, Kentland";

(101) in item number 2035 by striking "Replace" and inserting "Repair";

(102) in item number 2511 by striking "Replace" and inserting "Rehabilitate";

(103) in item number 2981 by striking the project description and inserting "Roadway improvements on Highway 262 on the Navajo Nation in Aneth";

(104) in item number 2068 by inserting "and approaches" after "capacity";

(105) in item number 98 by striking the project description and inserting "Right-of-way and construction for the 77th Street reconstruction project, including the Lyndale Avenue Bridge over I–494, Richfield";

(106) in item number 1783 by striking the project description and inserting "Clark Road access improvements, Jacksonville";

(107) in item number 2711 by striking the project description and inserting "Main Street Road Improvements through Springfield, Jacksonville";

(108) in item number 3485 by striking the project description and inserting "Improve SR 105 (Hecksher Drive) from Drummond Point to August Road, including bridges across the Broward River and Dunns Creek, Jacksonville";

(109) in item number 3486 by striking the project description and inserting "Construct improvements to NE 19th Street/NE 19th Terrace from NE 3rd Avenue to NE 8th Avenue, Gainesville";

(110) in item number 3487 by striking the project description and inserting "Construct improvements to NE 25th Street from SR 26 (University Blvd.) to NE 8th Avenue, Gainesville";

(111) in item number 803 by striking "St. Clair County" and inserting "city of Madison";

(112) in item number 615 by striking the project description and inserting "Roadway improvements to Jackson Avenue between Jericho Turnpike and Teibrook Avenue";

(113) in item number 889 by striking the project description and inserting "U.S. 160, State Highway 3 to east of the Florida River";

(114) in item number 324 by striking the project description and inserting "Paving a portion of H–58 from Buck Hill to 4,000 feet east of Hurricane River";

(115) in item number 301 by striking the project description and inserting "Improvements for St. Georges Avenue between East Baltimore Avenue on the southwest and Chandler Avenue on the northeast";

(116) in item number 1519 by inserting "at the intersection of Quincy/West Drinker/Electric Streets near the Dunmore School complex" after "roadway redesign";

(117) in item number 2604 by inserting "on Coolidge, Bridge (from Main to Monroe), Skytop (from Gedding to Skytop), Atwell (from Bear Creek Rd. to Pittston Township), Wood (to Bear Creek Rd.), Pine, Oak (from Penn Avenue to Lackawanna Avenue), McLean, Second, and Lolli Lane" after "roadway redesign";

(118) in item number 1157 by inserting "on Mill Street from Prince Street to Roberts Street, John Street from Roberts Street to end, Thomas Street from Roberts Street to end, Williams Street from Roberts Street to end, Charles Street from Roberts Street to end, Fair Street from Roberts Street to end, Newport Avenue from East Kirmar Avenue to end" after "roadway redesign";

(119) in item number 805 by inserting "on Oak Street from Stark Street to the township line at Mayock Street and on East Mountain Boulevard" after "roadway redesign";

(120) in item number 2704 by inserting "on West Cemetery Street and Frederick Courts" after "roadway redesign";

(121) in item number 3136 by inserting "on Walden Drive and Greenwood Hills Drive" after "roadway redesign";

(122) in item number 1363 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, handicap access ramps, parking, and roadway redesign on Bilbow Street from Church Street to Pugh Street, on Pugh Street from Swallow Street to Main Street, Jones Lane from Main Street to Hoblak Street, Cherry Street from Green Street to Church Street, Main Street from Jackson Street to end, Short Street from Cherry Street to Main Street, and Hillside Avenue in Edwardsville Borough, Luzerne County";

(123) in item number 883 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, parking, roadway redesign, and safety improvements (including curbing, stop signs, crosswalks, and pedestrian sidewalks) at and around the 3-way intersection involving Susquehanna Avenue, Erie Street, and Second Street in West Pittston, Luzerne County";

(124) in item number 625 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Sampson Street, Dunn Avenue, Powell Street, Josephine Street, Pittston Avenue, Railroad Street, McClure Avenue, and Baker Street in Old Forge Borough, Lackawanna County";

(125) in item number 372 by inserting ", replacement of the Nesbitt Street Bridge, and placement of a guard rail adjacent to St. Vladimir's Cemetery on Mountain Road (S.R. 1007)" after "roadway redesign";

(126) in item number 2308 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign, including a project to establish emergency access to Catherino Drive from South Valley Avenue in Throop Borough, Lackawanna County";

(127) in item number 967 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and catch basin restoration and replacement on Cherry Street, Willow Street, Eno Street, Flat Road, Krispin Street, Parrish Street, Carver Street, Church Street, Franklin Street, Carolina Street, East Main Street, and Rear Shawnee Avenue in Plymouth Borough, Luzerne County";

(128) in item number 989 by inserting "on Old Ashley Road, Ashley Street, Phillips Street, First Street, Ferry Road, and Division Street" after "roadway redesign";

(129) in item number 342 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign, and cross pipe and catch basin restoration and replacement on Northgate, Mandy Court, Vine Street, and 36th Street in Milnesville West, and on Hillside Drive (including the widening of the bridge on Hillside Drive), Club 40 Road, Sunburst and Venisa Drives, and Stockton #7 Road in Hazle Township, Luzerne County";

(130) in item number 2332 by striking "Monroe County" and inserting "Carbon, Monroe, Pike, and Wayne Counties";

(131) in item number 2436 by striking the project description and amount and inserting "For Wilkes-Barre to design, acquire land, and construct a parking garage or parkade, streetscaping enhancements, paving, lighting, safety improvements, and roadway redesign at and around the Sterling Hotel in Wilkes-Barre, including on River Street, Market Street, or Franklin Street (or any combination thereof) to the vicinity of the Irem Temple" and "$3,000,000", respectively;

(132) in item number 2723 by striking "$4,000,000" and by inserting "$3,150,000";

(133) in item number 61 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Wiregrass Central RR at Boll Weevil Bypass in Enterprise, AL", and "$250,000", respectively;

(134) in item number 314 by striking the project description and amount and inserting "Streetscape enhancements to the transit and pedestrian corridor, Fort Lauderdale, Downtown Development Authority" and "$610,000", respectively;

(135) in item number 1639 by striking the project description and inserting "Operational and highway safety improvements on Hwy 94 between the 20 mile marker post in Jamul and Hwy 188 in Tecate";

(136) in item number 2860 by striking the project description and inserting "Roadway improvements from Halchita to Mexican Hat on the Navajo Nation";

(137) in item number 2549 by striking "on Navy Pier";

(138) in item number 2804 by striking "on Navy Pier";

(139) in item number 1328 by striking the project description and inserting "Construct public access roadways and pedestrian safety improvements in and around Montclair State University in Clifton";

(140) in item number 2559 by striking the project description and inserting "Construct sound walls on Route 164 at and near the Maersk interchange";

(141) in item number 1849 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(142) in item number 697 by striking the project description and inserting "Highway, traffic-flow, pedestrian facility, and streetscape improvements, Pittsburgh";

(143) in item number 3597 by striking the project description and inserting "Road Alignment from IL Route 159 to Sullivan Drive, Swansea";

(144) in item number 2352 by striking the project description and inserting "Streetscaping and transportation enhancements on 7th Street in Calexico, traffic signalization on Highway 78, construction of the Renewable Energy and Transportation Learning Center, improve and enlarge parking lot, and create bus stop, Brawley";

(145) in item number 3482 by striking the project description and inserting "Conduct a study to examine multi-modal improvements to the I–5 corridor between the Main Street Interchange and State Route 54";

(146) in item number 1275 by striking the project description and inserting "Scoping, permitting, engineering, construction management, and construction of Riverbank Park Bike Trail, Kearny";

(147) in item number 726 by striking the project description and inserting "Grade Separation at Vanowen and Clybourn, Burbank";

(148) in item number 1579 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(149) in item number 2690 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(150) in item number 2811 by striking the project description and inserting "San Gabriel Blvd. rehabilitation project, Mission Road to Broadway, San Gabriel";

(151) in item number 259 by striking the project description and inserting "Design and construction of the Clair Nelson Intermodal Center in Finland, Lake County";

(152) in item number 3456 by striking the project description and by inserting "Completion of Phase II/Part I of a project on Elizabeth Avenue in Coleraine to west of Itasca County State Aid Highway 15 in Itasca County";

(153) in item number 2429 by striking the project description and inserting "Upgrade streets, undertake streetscaping, and implement traffic and pedestrian safety signalization improvements and highway-rail crossing safety improvements, Oak Lawn";

(154) in item number 766 by striking the project description and inserting "Design and construction of the walking path at Ellis Pond, Norwood";

(155) in item number 3474 by striking the project description and inserting "Yellow River Trail, Newton County";

(156) in item number 3291 by striking the amount and inserting "$200,000";

(157) in item number 3635 by striking the matters in the State, project description, and amount columns and inserting "GA", "Access Road in Montezuma", and "$200,000", respectively;

(158) in item number 716 by striking the project description and inserting "Conduct a project study report for new Highway 99 Interchange between SR 165 and Bradbury Road, and safety improvements/realignment of SR 165, serving Turlock/Hilmar region";

(159) in item number 1386 by striking the project description and amount and inserting "Pedestrian and bicycle facilities, and street lighting in Haddon Heights" and "$300,000", respectively;

(160) in item number 2720 by striking the project description and amount and inserting "Pedestrian and bicycle facilities and street lighting in Barrington and streetscape improvements to Clements Bridge Road from the circle at the White Horse Pike to NJ Turnpike overpass in Barrington" and "$700,000", respectively;

(161) in item number 2523 by striking the project description and inserting "Penobscot Riverfront Development for bicycle trails, amenities, traffic circulation improvements, and waterfront access and stabilization, Bangor and Brewer";

(162) in item number 545 by striking the project description and inserting "Planning, design, and construction of improvements to the highway systems connecting to Lewistown and Auburn downtowns";

(163) in item number 2168 by striking the project description and amount and inserting "Study and design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, along the Rt. 315 corridor from Dupont to Wilkes Barre" and "$1,000,000", respectively;

(164) in item number 170 by striking the project description and amount and inserting "Study of a Maglev train route from Northeast Pennsylvania through New Jersey and New York" and "$1,600,000", respectively;

(165) in item number 2366 by striking the project description and inserting "Design, engineering, right-of-way acquisition, and paving of the parking lot at the Casey Plaza in Wilkes-Barre Township";

(166) in item number 826 by striking "and Interstate 81" and inserting "and exit 168 on Interstate 81 or the intersection of the connector road with Northampton St.";

(167) in item number 2144 by striking the project description and inserting "Design, engineering, right-of-way acquisition and construction of streetscaping enhancements, paving, lighting, safety improvements, parking, and roadway redesign on Third Street from Pittston Avenue to Packer Street; Swift Street from Packer Street to Railroad Street; Clark Street from Main Street to South Street; School Street from Main Street to South Street; Plane Street from Grove Street to William Street; John Street from 4 John Street to William Street; Grove Street from Plane Street to Duryea Borough line; Wood Street from Cherry Street to Hawthorne Street in Avoca Borough, Luzerne County";

(168) in item number 1765 by striking the project description and amount and inserting "Design, engineering, right-of-way acquisition, and construction of street improvements, streetscaping enhancements, paving, lighting, safety improvements, parking, roadway redesign in Pittston, including right-of-way acquisition, structure demolition, and intersection safety improvements in the vicinity and including the intersection of Main and William Streets in Pittston" and "$1,600,000", respectively;

(169) in item number 2957 by striking the project description and amount and inserting "Design, engineering, land acquisition, right-of-way acquisition, and construction of a parking garage, streetscapping enhancements, paving, lighting, safety improvements, parking, and roadway redesign in the city of Wilkes-Barre" and "$2,800,000", respectively;

(170) in item number 3283 by striking the project description and amount and inserting "Pedestrian access improvements, including installation of infrastructure and equipment for security and surveillance purposes at subway stations in Astoria, New York" and "$1,300,000", respectively;

(171) in item number 3556 by striking the project description and amount and inserting "Design and rehabilitate staircases used as streets due to the steep grade of terrain in Bronx County" and "$1,100,000", respectively;

(172) by striking item number 203;

(173) by striking item number 552;

(174) by striking item number 590;

(175) by striking item number 759;

(176) by striking item number 879;

(177) by striking item number 1071;

(178) by striking item number 1382;

(179) by striking item number 1897;

(180) by striking item number 2553;

(181) in item number 3014 by striking the project description and amount and inserting "Design and Construct school safety projects in New York City" and "$2,500,000", respectively;

(182) in item number 2375 by striking the project description and amount and inserting "Subsurface environmental study to measure presence of methane and benzene gasses in vicinity of Greenpoint, Brooklyn, and the Kosciusko Bridge, resulting from the Newtown Creek oil spill" and "$100,000";

(183) in item number 221 by striking the project description and inserting "Study and implement transportation improvements in the Breezy Point neighborhood of Queens County";

(184) in item number 2732 striking the project description and inserting "Pedestrian safety improvements in the vicinity of LIRR stations";

(185) by striking item number 99;

(186) in item number 398 by striking the project description and inserting "Construct a new 2-lane road extending north from University Park Drive and improvements to University Park Drive";

(187) in item number 446 by striking the project description and inserting "Transportation improvements for development of the Williamsport-Pile Bay Road corridor";

(188) in item number 671 by striking "and Pedestrian Trail Expansion" and inserting ", including parking facilities and Pedestrian Trail Expansion";

(189) in item number 674 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Conecuh Valley RR at Henderson Highway (CR–21) in Troy, AL", and "$300,000", respectively;

(190) in item number 739 by striking the matters in the State, project description, and amount columns and inserting "AL", "Grade crossing improvements along Luxapalila Valley RR in Lamar and Fayette Counties, AL (Crossings at CR–6, CR–20, SH–7, James Street, and College Drive)", and "$300,000", respectively;

(191) in item number 746 by striking "Planning and construction of a bicycle trail adjacent to the I–90 and SR 615 Interchange in" and inserting "Planning, construction, and extension of bicycle trails adjacent to the I–90 and SR 615 Interchange, along the Greenway Corridor and throughout";

(192) in item number 749 by striking the matters in the State, project description, and amount columns and inserting "PA", "UPMC Heliport in Bedford", and "$750,000", respectively;

(193) in item number 813 by striking the project description and inserting "Preliminary design and study of long-term roadway approach alternatives to TH 36/SH 64 St. Croix River Crossing Project";

(194) in item number 816 by striking "$800,000" and inserting "$880,000";

(195) in item number 852 by striking "Acquire Right-of-Way for Ludlam Trail, Miami, Florida" and inserting "Planning, design, and engineering, Ludlam Trail, Miami";

(196) in item number 994 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construct 2 flyover ramps and S. Linden Street exit for access to industrial sites in the cities of McKeesport and Duquesne", and "$500,000", respectively;

(197) in item number 1015 by striking the project description and inserting "Mississippi River Crossing connecting I–94 and US 10 between US 160 and TH 101, MN";

(198) in item number 1101 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(199) in item number 1211 by striking the matters in the State, project description, and amount columns and inserting "PA", "Road improvements and upgrades related to the Pennsylvania State Baseball Stadium", and "$500,000", respectively;

(200) in item number 1345 by striking "to Stony Creek Park, 25 Mile Road in Shelby Township" and inserting "south to the city of Utica";

(201) in item number 1501 by striking the project description and inserting "Construction and right-of-way acquisition of TH 241, CSAH 35 and associated streets in the city of St. Michael";

(202) in item number 1525 by striking "north of CSX RR Bridge" and inserting "US Highway 90";

(203) in item number 1847 by striking "Ferry" and inserting "Dock";

(204) in item number 2031 by striking the project description and inserting "Construct and improve Westside Parkway in Fulton County";

(205) in item number 2103 by striking "$2,000,000" and inserting "$3,000,000";

(206) in item number 2219 by striking "SR 91 in City of Twinsburg, OH" and inserting "Center Valley Parkway in Twinsburg, OH";

(207) in item number 2302 by inserting "and other road improvements to Safford Street" after "crossings";

(208) in item number 2560 by striking the project description and inserting "I–285 underpass/tunnel assessment and engineering and interchange improvements in Sandy Springs";

(209) in item number 2563 by striking the project description and amount and inserting "Construct hike and bike path as part of Bridgeview Bridge replacement in Macomb County" and "$486,400", respectively;

(210) in item number 2698 by striking the project description and inserting "Interchanges at I–95/Ellis Road and between Grant Road and Micco Road, Brevard County";

(211) in item number 3141 by striking "$2,800,000" and inserting "$1,800,000";

(212) by striking item number 3160;

(213) in item number 3353 by inserting "and construction" after "mitigation";

(214) in item number 996 by striking "$2,000,000" and inserting "$687,000";

(215) in item number 2166 by striking the project description and inserting "Design, right-of-way acquisition, and construction for I–35 and CSAH2 interchange and CSAH2 corridor to TH61 in Forest Lake";

(216) in item number 3251 by striking the project description and inserting "I–94 and Radio Drive Interchange and frontage road project, design, right-of-way, and construction, Woodbury";

(217) in item number 1488 by striking the project description and inserting "Construct a 4-lane highway between Maverick Junction and the Nebraska border";

(218) in item number 3240 by striking the project description and inserting "Railroad-highway crossings in Pierre";

(219) in item number 1738 by striking "Paving" and inserting "Planning, design, and construction";

(220) in item number 3672 by striking the project description and inserting "Pave remaining stretch of BIA Route 4 from the junction of the BIA Route 4 and N8031 in Pinon, AZ, to the Navajo and Hopi border";

(221) in item number 2424 by striking "Construction" and inserting "preconstruction (including survey and archeological clearances) and construction";

(222) in item number 1216 by striking the matters in the State, project description, and amount columns and inserting "PA", "For roadway construction improvements to Route 222 relocation, Lehigh County", and "$1,313,000", respectively;

(223) in item number 2956 by striking "$1,360,000" and inserting "$2,080,000";

(224) in item number 1256 by striking the matters in the State, project description, and amount columns and inserting "PA", "Construction of a bridge over Brandywine Creek as part of the Boot Road extension project, Downingtown Borough", and "$700,000", respectively;

(225) in item number 1291 by striking the matters in the State, project description, and amount columns and inserting "PA", "Enhance parking facilities in Chester Springs, Historic Yellow Springs", and "$20,000", respectively;

(226) in item number 1304 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 4003 (Kernsville Road), Lehigh County", and "$250,000", respectively;

(227) in item number 1357 by striking the matters in the State, project description, and amount columns and inserting "PA", "Intersection signalization at SR 3020 (Newburg Road)/Country Club Road, Northampton County", and "$250,000", respectively;

(228) in item number 1395 by striking the matters in the State, project description, and amount columns and inserting "PA", "Improve the intersection at SR 100/SR 29, Lehigh County", and "$220,000", respectively;

(229) in item number 80 by striking "$4,544,000" and inserting "$4,731,200";

(230) in item number 2096 by striking "$4,800,000" and inserting "$5,217,600";

(231) in item number 1496 by striking the matters in the State, project description, and amount columns and inserting "PA", "Study future needs of East-West road infrastructure in Adams County", and "$115,200", respectively;

(232) in item number 2193 by striking the project description and inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility";

(233) in item number 2445 by striking the project description and by inserting "$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County";

(234) in item number 346 by striking the project description and by inserting "Hansen Dam Recreation Area access improvements, including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue"; and

(235) in item number 449 by striking the project description and inserting "Route 30 and Mount Pleasant Road Interchange Safety Improvements, Westmoreland County, install light installations at intersection and consolidate entrances and exits to Route 30".

(b) Unused Obligation Authority.—Notwithstanding any other provision of law, unused obligation authority made available for an item in section 1702 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1256) that is repealed, or authorized funding for such an item that is reduced, by this section shall be made available—

(1) for an item in section 1702 of that Act that is added or increased by this section and that is in the same State as the item for which obligation authority or funding is repealed or reduced;

(2) in an amount proportional to the amount of obligation authority or funding that is so repealed or reduced; and

(3) individually for projects numbered 1 through 3676 pursuant to section 1102(c)(4)(A) of that Act (119 Stat. 1158).

(c) Additional Discretionary Use of Surface Transportation Program Funds.—Of the funds apportioned to each State under section 104(b)(3) of title 23, United States Code, a State may expend for each of fiscal years 2007 through 2009 not more than $1,000,000 for the following activities:

(1) Participation in the Joint Operation Center for Fuel Compliance established under section 143(b)(4)(H) of title 23, United States Code, within the Department of the Treasury, including the funding of additional positions for motor fuel tax enforcement officers and other staff dedicated on a full-time basis to participation in the activities of the Center.

(2) Development, operation, and maintenance of electronic filing systems to coordinate data exchange with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(3) Development, operation, and maintenance of electronic single point of filing in conjunction with the Internal Revenue Service by States that impose a tax on the removal of taxable fuel from any refinery and on the removal of taxable fuel from any terminal.

(4) Development, operation, and maintenance of a certification system by a State of any fuel sold to a State or local government (as defined in section 4221(d)(4) of the Internal Revenue Code of 1986) for the exclusive use of the State or local government or sold to a qualified volunteer fire department (as defined in section 150(e)(2) of such Code) for its exclusive use.

(5) Development, operation, and maintenance of a certification system by a State of any fuel sold to a nonprofit educational organization (as defined in section 4221(d)(5) of such Code) that includes verification of the good standing of the organization in the State in which the organization is providing educational services.

(d) Project Federal Share.—Section 1964 of the Safe, Accountable, Flexible, Efficient Transportation Equity: A Legacy for Users (119 Stat. 1519) is amended by adding at the end the following:

"(c) Special Rule.—Notwithstanding any other provision of law, the Federal share of the cost of the projects described in item numbers 1284 and 3093 in the table contained in section 1702 of this Act shall be 100 percent.".

SEC. 106. NONMOTORIZED TRANSPORTATION PILOT PROGRAM.

Section 1807(a)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1460) is amended by striking "Minneapolis-St. Paul, Minnesota" and inserting "Minneapolis, Minnesota".

SEC. 107. CORRECTION OF INTERSTATE DESIGNATION.

Section 1908(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1469) is amended by striking paragraph (3).

SEC. 108. FUTURE OF SURFACE TRANSPORTATION SYSTEM.

Section 1909(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1471) is amended—

(1) in the matter preceding subparagraph (A) of paragraph (9) by striking "July 1, 2007" and inserting "December 31, 2007";

(2) in paragraph (11)(C) by striking "the Administrator of the Federal Highway Administration" and inserting "the Secretary";

(3) in paragraph (11)(D)(i) by striking ", on a reimbursable basis,";

(4) in paragraph (15) by striking "$1,400,000 for each of fiscal years 2006 and 2007" and inserting "$1,400,000 for fiscal year 2006 and $3,400,000 for fiscal year 2007";

(5) by redesignating paragraphs (14), (15), (16), and (17) as paragraphs (15), (16), (17), and (18), respectively; and

(6) by inserting after paragraph (13) the following:

"(14) Limitations.—Funds made available to carry out this section may be expended only to support the activities of the Commission. No data, analyses, reports, or any other documents prepared for the Commission to fulfill its duties may be provided to or shared with other commissions or task forces until such data, analyses, reports, or documents have been made available to the public.".

SEC. 109. BUDGET JUSTIFICATION; BUY AMERICA.

(a) Budget Justification.—Section 1926 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1483) is amended by striking "The Department" and inserting "Notwithstanding any other provision of law, the Department".

(b) Buy America.—Section 1928 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1484) is amended—

(1) by redesignating paragraphs (2) through (5) as paragraphs (3) through (6), respectively; and

(2) by inserting after paragraph (1) the following:

"(2) the current application by the Federal Highway Administration of the Buy America test is only applied to components or parts of a bridge project and not the entire bridge project and this is inconsistent with this sense of Congress;".

SEC. 110. TRANSPORTATION IMPROVEMENTS.

The table contained in section 1934(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1486) is amended—

(1) in item number 436 by inserting ", Saole," after "Sua";

(2) in item number 448 by inserting "by removing asphalt and concrete and reinstalling blue cobblestones" after "streets";

(3) by striking item number 451; and

(4) in item number 452 by striking "$2,000,000" and inserting "$3,000,000".

SEC. 111. BIA INDIAN ROAD PROGRAM.

Section 1939(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1511) is amended—

(1) by striking "For the villages" and inserting the following:

"(1) IN GENERAL.—For the villages";

(2) by striking ", and the Secretary" and inserting a period and the following:

"(2) FISCAL YEAR 2006.—The Secretary"; and

(3) by adding at the end the following:

"(3) FISCAL YEAR 2007.—The Secretary shall pay, from amounts made available to carry out section 202(d) of title 23, United States Code, for fiscal year 2007, the tribal organizations listed in paragraphs (1) and (2) of subsection (a) the difference between the Federal share of the costs of the projects listed in such paragraphs and the amounts paid to the respective tribal organizations for such projects under this section in fiscal year 2006.".

SEC. 112. I–95/CONTEE ROAD INTERCHANGE DESIGN.

Section 1961 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1518) is amended—

(1) in the section heading by striking "study" and inserting "design" ;

(2) by striking subsections (a), (b), and (c) and inserting the following:

"(a) DESIGN.—The Secretary shall make available the funds authorized to be appropriated by this section for the design of the I–95/Contee Road interchange in Prince George's County, Maryland.";

(3) by redesignating subsection (d) as subsection (b); and

(4) in subsection (b)(1) (as so redesignated) by striking "2006" and inserting "2007".

SEC. 113. HIGHWAY RESEARCH FUNDING.

(a) F-SHRP FUNDING.—Notwithstanding any other provision of law, for each of fiscal years 2007 through 2009, at any time at which an apportionment is made of the sums authorized to be appropriated for the surface transportation program, the congestion mitigation and air quality improvement program, the National Highway System, the Interstate maintenance program, the bridge program, or the highway safety improvement program, the Secretary of Transportation shall—

(1) deduct from each apportionment an amount not to exceed 0.205 percent of the apportionment; and

(2) transfer or otherwise make that amount available to carry out section 510 of title 23, United States Code.

(b) CONFORMING AMENDMENTS.—

(1) FUNDING.—Section 5101 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779) is amended—

(A) in subsection (a)(1) by striking "509, and 510" and inserting "and 509";

(B) in subsection (a)(4) by striking "$69,700,000" and all that follows through "2009" and inserting "$40,400,000 for fiscal year 2005, $69,700,000 for fiscal year 2006, $76,400,000 for each of fiscal years 2007 and 2008, and $78,900,000 for fiscal year 2009"; and

(C) in subsection (b) by inserting after "50 percent" the following "or, in the case of funds appropriated by subsection (a) to carry out section 5201, 5202, or 5203 of this Act, 80 percent".

(2) FUTURE STRATEGIC HIGHWAY RESEARCH PROGRAM.—Section 5210 of such Act (119 Stat. 1804) is amended—

(A) by striking subsection (c); and

(B) by redesignating subsection (d) as subsection (c).

(c) CONTRACT AUTHORITY.—Funds made available under this section shall be available for obligation in the same manner as if the funds were apportioned under chapter 1 of title 23, United States Code, except that the Federal share shall be determined under section 510(f) of that title.

(d) APPLICABILITY OF OBLIGATION LIMITATION.—Funds made available under this section shall be subject to any limitation on obligations for Federal-aid highways and highway safety construction programs under section 1102 the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (23 U.S.C. 104 note; 119 Stat. 1157) or any other Act.

(e) EQUITY BONUS FORMULA.—Notwithstanding any other provision of law, in allocating funds for the equity bonus program under section 105 of title 23, United States Code, for each of fiscal years 2007 through 2009, the Secretary of Transportation shall make the required calculations under that section as if this section had not been enacted.

(f) FUNDING FOR RESEARCH ACTIVITIES.—Of the amount made available by section 5101(a)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1779)—

(1) at least $1,000,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(h) of title 23, United States Code; and

(2) at least $4,900,000 shall be made available for each of fiscal years 2007 through 2009 to carry out section 502(i) of that title.

(g) TECHNICAL AMENDMENTS.—

(1) SURFACE TRANSPORTATION RESEARCH.—Section 502 of title 23, United States Code, is amended by striking the first subsection (h), relating to infrastructure investment needs reports beginning with the report for January 31, 1999.

(2) ADVANCED TRAVEL FORECASTING PROCEDURES PROGRAM.—Section 5512(a)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1829) is amended by striking "PROGRAM APPRECIATION.—" and inserting "PROGRAM APPLICATION.—".

(3) UNIVERSITY TRANSPORTATION RESEARCH.—Section 5506 of title 49, United States Code, is amended—

(A) in subsection (i)—

(i) by striking "In order to" and inserting the following:

"(1) IN GENERAL.—In order to"; and

(ii) by adding at the end the following:

"(2) SPECIAL RULE.—Nothing in paragraph (1) requires a nonprofit institution of higher learning designated as a Tier II university transportation center to maintain total expenditures as described in paragraph (1) in excess of the amount of the grant awarded to the institution."; and

(B) in subsection (k)(3) by striking "The Secretary" and all that follows through "to carry out this section" and inserting "For each of fiscal years 2007 through 2009, the Secretary shall expend not more than 1.5 percent of amounts made available to carry out this section".

SEC. 114. RESCISSION.

Section 10212 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (as amended by section 1302 of the Pension Protection Act of 2006 (Public Law 109–280)) (119 Stat. 1937; 120 Stat. 780) is amended by striking "$8,593,000,000" each place it appears and inserting "$8,710,000,000".

SEC. 115. TEA-21 TECHNICAL CORRECTIONS.

(a) SURFACE TRANSPORTATION PROGRAM.—Section 1108(f)(1) of the Transportation Equity Act for the 21st Century (23 U.S.C. 133 note; 112 Stat. 141) is amended by striking "2003" and inserting "2009".

(b) PROJECT AUTHORIZATIONS.—The table contained in section 1602 of the Transportation Equity Act for the 21st Century (112 Stat. 257) is amended in item number 1096 (as amended by section 1703(a)(11) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1454)) by inserting ", and planning and construction to Heisley Road," before "in Mentor, Ohio".

SEC. 116. DEFINITION OF REPEAT INTOXICATED DRIVER LAW.

Section 164(a)(5) of title 23, United States Code, is amended by striking subparagraphs (A) and (B) and inserting the following:

"(A) receive—

"(i) a driver's license suspension for not less than 1 year; or

"(ii) a combination of suspension of all driving privileges for the first 45 days of the suspension period followed by a reinstatement of limited driving privileges for the purpose of getting to and from work, school, or an alcohol treatment program if an ignition interlock device is installed on each of the motor vehicles owned or operated, or both, by the individual;

"(B) be subject to the impoundment or immobilization of, or the installation of an ignition interlock system on, each motor vehicle owned or operated, or both, by the individual;".

SEC. 117. RESEARCH TECHNICAL CORRECTION.

Section 5506(e)(5)(C) of title 49, United States Code, is amended by striking "$2,225,000"and inserting "$2,250,000".

SEC. 118. BUY AMERICA.

Section 313 of title 23, United States Code, is amended by adding at the end the following:

"(g) WAIVERS.—

"(1) WRITTEN JUSTIFICATIONS.—If the Secretary determines that it is necessary to waive the application of subsection (a) in accordance with subsection (b), the Secretary shall, before the waiver becomes effective—

"(A) publish in the Federal Register a detailed written justification as to why the waiver is needed; and

"(B) provide the public with a reasonable period of time for notice and comment.

"(2) ANNUAL REPORT.—Not later than one year after the date of enactment of this subsection, and annually thereafter, the Secretary shall submit to the Committee and Transportation and Infrastructure of the House of Representatives and the Committee on the Environment and Public Works of the Senate a report on any waivers granted under subsection (b).".

SEC. 119. EFFICIENT USE OF EXISTING HIGHWAY CAPACITY.

(a) STUDY.—The Secretary of Transportation shall conduct a study on the impacts of converting left and right highway safety shoulders to travel lanes.

(b) CONTENTS.—In conducting the study, the Secretary shall——

(1) analyze instances in which safety shoulders are used for general purpose vehicle traffic, high occupancy vehicles, and public transportation vehicles;

(2) analyze instances in which safety shoulders are not part of the roadway design;

(3) evaluate whether or not conversion of safety shoulders or the lack of a safety shoulder in the original roadway design has a significant impact on the number of accidents or has any other impact on highway safety; and

(4) compile relevant statistics.

(c) REPORT.—Not later than one year after the date of enactment of this Act, the Secretary shall transmit to Congress a report on the results of the study.

SEC. 120. EFFECTIVE DATE.

(a) IN GENERAL.—Except as otherwise provided in this Act (including subsection (b)), this Act and the amendments made by this Act take effect on the date of enactment of this Act.

(b) EXCEPTION.—

(1) IN GENERAL.—The amendments made by this Act (other than the amendments made by sections 103, 105, 110, and 201(o)) to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) shall—

(A) take effect as of the date of enactment of that Act; and

(B) be treated as being included in that Act as of that date.

(2) EFFECT OF AMENDMENTS.—Each provision of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59; 119 Stat. 1144) (including the amendments made by that Act) (as in effect on the day before the date of enactment of this Act) that is amended by this Act (other than sections 103, 105, 110, and 201(o)) shall be treated as not being enacted.

TITLE II—TRANSIT PROVISIONS

SEC. 201. TRANSIT TECHNICAL CORRECTIONS.

(a) SECTION 5302.—Section 5302(a)(10) of title 49, United States Code, is amended by striking "charter," and inserting "charter, sightseeing,".

(b) SECTION 5303.—

(1) Section 5303(j)(3)(D) of such title is amended—

(A) by inserting "or the identified phase" before "within the time"; and

(B) by inserting "or the identified phase" before the period at the end.

(2) Section 5303(k)(2) of such title is amended by striking "a metropolitan planning area serving".

(c) SECTION 5307.—Section 5307(b) of such title is amended—

(1) in paragraph (2)(A) by striking "mass transportation" and inserting "public transportation"; and

(2) in paragraph (3) by striking "section 5305(a)" and inserting "section 5303(k)".

(d) SECTION 5309.—Section 5309(m) of such title is amended—

(1) in the heading for paragraph (2)(A) by striking "MAJOR CAPITAL" and inserting "CAPITAL"; and

(2) in paragraph (7)(B) by striking "section 3039" and inserting "section 3045".

(e) SECTION 5311.—Section 5311 of such title is amended—

(1) in subsection (g)(1)(A) by striking "for any purpose other than operating assistance" and inserting "for a capital project or project administrative expenses";

(2) in subsections (g)(1)(A) and (g)(1)(B) by striking "capital" after "net"; and

(3) in subsection (i)(1) by striking "Sections 5323(a)(1)(D) and 5333(b) of this title apply" and inserting "Section 5333(b) applies".

(f) SECTION 5312.—The heading for section 5312(c) of such title is amended by striking "MASS TRANSPORTATION" and inserting "PUBLIC TRANSPORTATION".

(g) SECTION 5314.—Section 5314(a)(3) is amended by striking "section 5323(a)(1)(D)" and inserting "section 5333(b)".

(h) SECTION 5319.—Section 5319 of such title is amended by striking "section 5307(k)" and inserting "section 5307(d)(1)(K)".

(i) SECTION 5320.—Section 5320 of such title is amended—

(1) in subsection (a)(1)(A) by striking "intra—agency" and inserting "intraagency";

(2) in subsection (b)(5)(A) by striking "5302(a)(1)(A)" and inserting "5302(a)(1)" ;

(3) in subsection (d)(1) by inserting "to administer this section and" after "5338(b)(2)(J)"; and

(4) by adding at the end of subsection (d) the following:

"(4) TRANSFERS TO LAND MANAGEMENT AGENCIES.—The Secretary may transfer amounts available under paragraph (1) to the appropriate Federal land management agency to pay necessary costs of the agency for such activities described in paragraph (1) in connection with activities being carried out under this section.".

(j) SECTION 5323.—Section 5323(n) of such title is amended by striking "section 5336(e)(2)" and inserting "section 5336(d)(2)".

(k) SECTION 5325.—Section 5325(b) of such title is amended—

(1) in paragraph (1) by inserting before the period at the end "adopted before August 10, 2005";

(2) by striking paragraph (2); and

(3) by redesignating paragraph (3) as paragraph (2).

(l) SECTION 5336.—

(1) APPORTIONMENTS OF FORMULA GRANTS.—Section 5336 of such title is amended—

(A) in subsection (a) by striking "Of the amount" and all that follows before paragraph (1) and inserting "Of the amount apportioned under subsection (i)(2) to carry out section 5307—";

(B) in subsection (d)(1) by striking "subsections (a) and (h)(2) of section 5338" and inserting "subsections (a)(1)(C)(vi) and (b)(2)(B) of section 5338"; and

(C) by redesignating subsection (c), as added by section 3034(c) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1628), as subsection (k).

(2) TECHNICAL AMENDMENTS.—Section 3034(d)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1629), is amended by striking "paragraph (2)" and inserting "subsection (a)(2)".

(m) SECTION 5337.—Section 5337(a) of title 49, United States Code, is amended by striking "for each of fiscal years 1998 through 2003" and inserting "for each of fiscal years 2005 through 2009".

(n) SECTION 5338.—Section 5338(d)(1)(B) of such title is amended by striking "section 5315(a)(16)" and inserting "section 5315(b)(2)(P)".

(o) SAFETEA–LU.—

(1) SECTION 3037.—Section 3037(c)(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1636) is amended by striking "Phase II".

(2) SECTION 3040.—Section 3040(4) of such Act (119 Stat. 1639) is amended by striking "$7,871,895,000" and inserting "$7,872,893,000".

(3) SECTION 3043.—

(A) PORTLAND, OREGON.—Section 3043(b)(27) of such Act (119 Stat. 1642) is amended by inserting "/Milwaukie" after "Mall".

(B) SAN DIEGO.—Section 3043(c)(105) of such Act (119 Stat. 1645) is amended by striking "LOSSAN Del Mar-San Diego—Rail Corridor Improvements" and inserting "LOSSAN Rail Corridor Improvements".

(C) SAN DIEGO.—Section 3043(c)(217) of such Act (119 Stat. 1648) is amended by striking "San Diego" and inserting "San Diego Transit".

(D) LIVERMORE.—Section 3043(c) of such Act (119 Stat. 1645) is amended by inserting after paragraph (102) the following:

"(102A) Livermore, California—Livermore Amador Valley Transit Authority BRT.".

(E) SACRAMENTO.—Section 3043(c)(204) of such Act (119 Stat. 647) is amended by striking "Downtown".

(4) SECTION 3044.—

(A) PROJECTS.—The table contained in section 3044(a) of such Act (119 Stat. 1652) is amended—

(i) in item 25—

(I) by striking "$217,360" and inserting "$167,360"; and

(II) by striking "$225,720" and inserting "$175,720";

(ii) in item number 36 by striking the project description and inserting "Los Angeles County Metropolitan Transportation Authority (LACMTA) for bus and bus-related facilities in the LACMTA's service area";

(iii) in item number 71 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(iv) in item number 84 by striking the project description and inserting "Improvements to the existing Sacramento Intermodal Facility (Sacramento Valley Station)";

(v) in item number 94 by striking the project description and inserting "Pacific Transit, WA Vehicle Replacement";

(vi) in item number 120 by striking "Dayton Airport Intermodal Rail Feasibility Study" and inserting "Greater Dayton Regional Transit Authority bus facilities";

(vii) in item number 152 by inserting "Metropolitan Bus Authority" after "Puerto Rico";

(viii) in item number 416 by striking "Improve marine intermodal" and inserting "Improve marine dry-dock and";

(ix) by adding at the end—

(I) in the project description column "666. New York City, NY, rehabilitation of subway stations to include passenger access improvements including escalators or installation of infrastructure for security and surveillance purposes"; and

(II) in each of the FY08 and FY09 columns by inserting "$50,000";

(x) in item number 457—

(I) by striking "$65,000" and inserting "$0"; and

(II) by striking "$67,500" and inserting "$0"; and

(xi) in item number 458—

(I) by striking "$65,000" and inserting "$130,000";

(II) by striking "$67,500" and inserting "$135,000"; and

(xii) in item number 57 by striking the project description and inserting "Wilmington, NC, maintenance, operations and administration, transfer facilities".

(B) SPECIAL RULE.—Section 3044(c) of such Act (119 Stat. 1705) is amended—

(i) by inserting ", or other entity," after "State or local governmental authority"; and

(ii) by striking "projects numbered 258 and 347" and inserting "projects numbered 258, 347, and 411".

(5) SECTION 3046.—Section 3046(a)(7) of such Act (119 Stat. 1708) is amended—

(A) by striking "hydrogen fuel cell vehicles" and inserting "hydrogen fueled vehicles";

(B) by striking "hydrogen fuel cell employee shuttle vans" and inserting "hydrogen fueled employee shuttle vans"; and

(C) by striking "in Allentown, Pennsylvania" and inserting "to the DaVinci Center in Allentown, Pennsylvania".

(6) San Gabriel Valley—Gold Line Foothill Extension Phase II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by section 3043(b)(33) of such Act (119 Stat. 1642) in the new starts rating process, the Secretary of Transportation shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.

TITLE III—OTHER PROVISIONS

SEC. 301. TECHNICAL AMENDMENTS RELATING TO MOTOR CARRIER SAFETY.

(a) Conforming Amendment Relating to High-Priority Activities.—Section 31104(f) of title 49, United States Code, is amended by striking the designation and heading for paragraph (1) and by striking paragraph (2).

(b) New Entrant Audits.—

(1) Corrections of references.—Section 4107(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1720) is amended—

(A) by striking "Section 31104" and inserting "Section 31144"; and

(B) in paragraph (1) by inserting "(c)" after "the second subsection".

(2) Conforming amendment.—Section 7112 of such Act (119 Stat. 1899) is amended by striking subsection (c).

(c) Prohibited Transportation.—Section 4114(c)(1) of the such Act (119 Stat. 1726) is amended by striking "the second subsection (c)" and inserting "(f)".

(d) Effective Date Relating to Medical Examiners.—Section 4116(f) of such Act (119 Stat. 1728) is amended by striking "amendment made by subsection (a)" and inserting "amendments made by subsections (a) and (b)".

(e) Roadability Technical Correction.—Section 31151(a)(3)(E)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "section".

(f) Correction of Subsection Reference.—Section 4121 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1734) is amended by striking "31139(f)(5)" and inserting "31139(g)(5)".

(g) CDL Learner's Permit Program Technical Correction.—Section 4122(2)(A) of such Act (119 Stat. 1734) is amended by striking "license" and inserting "licenses".

(h) CDL Information System Funding Reference.—Section 31309(f) of title 49, United States Code, is amended by striking "31318" and inserting "31313".

(i) Clarification of Reference.—Section 229(a)(1) of the Federal Motor Carrier Safety Improvement Act of 1999 (49 U.S.C. 31136 note; 119 Stat. 1743) is amended by inserting "of title 49, United States Code," after "31502".

(j) Registration of Brokers.—Section 4142(c)(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1747) is amended by inserting "each place it appears" before the semicolon.

(k) Redesignation of Section.—The second section 39 of chapter 2 of title 18, United States Code, relating to commercial motor vehicles required to stop for inspections, and the item relating to such section in the analysis for such chapter, are redesignated as section 40.

(l) Office of Intermodalism.—Section 5503 of title 49, United States Code, is amended—

(1) in subsection (f)(2) by striking "Surface Transportation Safety Improvement Act of 2005", and inserting "Motor Carrier Safety Reauthorization Act of 2005"; and

(2) by redesignating the first subsection (h), relating to authorization of appropriations, as subsection (i) and moving it after the second subsection (h).

(m) Use of Fees for Unified Carrier Registration System.—Section 13908 of title 49, United States Code, is amended by redesignating subsection (e) as subsection (f) and by inserting after subsection (d) the following:

"(e) Use of Fees for Unified Carrier Registration System.—Fees collected under this section may be credited to the Department of Transportation appropriations account for purposes for which such fees are collected and shall be available for expenditure for such purposes until expended.".

(n) Commercial Motor Vehicle Definition.—Section 14504a(a)(1)(B) of title 49, United States Code, is amended by striking "a motor carrier required to make any filing or pay any fee to a State with respect to the motor carrier's authority or insurance related to operation within such State, the motor carrier" and inserting "determining the size of a motor carrier or motor private carrier's fleet in calculating the fee to be paid by a motor carrier or motor private carrier pursuant to subsection (f)(1), the motor carrier or motor private carrier".

(o) Clarification of Unreasonable Burden.—Section 14504a(c)(2) of title 49, United States Code, is amended by striking "interstate" the last place it appears and inserting "intrastate".

(p) Contents of Agreement Typo.—Section 14504a(f)(1)(A)(ii) of title 49, United States Code, is amended by striking "or" the last place it appears.

(q) Other Unified Carrier Registration System Technical Corrections.—Section 14504a of title 49, United States Code, is amended—

(1) in subsection (c)(1)(B) by striking "the a" and inserting "a"; and

(2) in subsection (f)(1)(A)(i) by striking "in connection with the filing of proof of financial responsibility".

(r) Termination of Registration Provisions.—Section 4305(a) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1764) is amended by striking "12 months" and inserting "24 months".

(s) Identification of Vehicles.—Section 14506(b)(2) of title 49, United States Code, is amended by inserting before the semicolon at the end the following: "or under an applicable State law if, on October 1, 2006, the State has a form of highway use taxation not subject to collection through the International Fuel Tax Agreement".

(t) Driveaway Saddlemount Vehicle.—

(1) Definition.—Section 31111(a)(4) of title 49, United States Code, is amended—

(A) in the paragraph heading by striking "DRIVE-AWAY SADDLEMOUNT WITH FULLMOUNT" and inserting "DRIVEAWAY SADDLEMOUNT" ;

(B) by striking "drive-away saddlemount with fullmount" and inserting "driveaway saddlemount" ; and

(C) by inserting "Such combination may include one fullmount." after the period at the end.

(2) In general.—Section 31111(b)(1)(D) of such title is amended by striking "a driveaway saddlemount with fullmount" and inserting "all driveaway saddlemount".

SEC. 302. TECHNICAL AMENDMENTS RELATING TO HAZARDOUS MATERIALS TRANSPORTATION.

(a) Definition of Hazmat Employees.—Section 7102(2) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1892) is amended—

(1) by striking "(3)(A)" and inserting "(3)";

(2) in subparagraph (A) by striking "clause (i)" and inserting "clause (i) of subparagraph (A)"; and

(3) in subparagraph (B) by striking "clause (ii)" and inserting "subparagraph (A)(ii)".

(b) Technical Correction.—Section 5103a(g)(1)(B)(ii) of title 49, United States Code, is amended by striking "Act" and inserting "subsection".

(c) Relationship to Other Laws.—Section 7124(3) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1908) is amended by inserting "the first place it appears" before "and inserting".

(d) Report.—Section 5121(h) of title 49, United States Code, is amended—

(1) in paragraph (2) by striking "exemptions" and inserting "special permits"; and

(2) in paragraph (3) by striking "exemption" and inserting "special permit".

(e) Section Heading.—Section 5128 of title 49, United States Code, is amended by striking the section designation and heading and inserting the following:

"§ 5128. Authorization of appropriations".

(f) Chapter Analysis.—The analysis for chapter 57 of title 49, United States Code, is amended in the item relating to section 5701 by striking "Transportation" and inserting "transportation".

(g) Norman Y. Mineta Research and Special Programs Improvement Act.—Section 5(b) of the Norman Y. Mineta Research and Special Programs Improvement Act (49 U.S.C. 108 note; 118 Stat. 2427) is amended by inserting "(including delegations by the Secretary of Transportation)" after "All orders".

(h) Shipping Papers.—Section 5110(d)(1) of title 49, United States Code, is amended—

(1) in the subsection heading by striking "Shippers" and inserting "Offerors"; and

(2) by striking "shipper's" and inserting "offeror's".

(i) NTSB Recommendations.—Section 19(1) of the Pipeline Inspection, Protection, Enforcement, and Safety Act of 2006 (49 U.S.C. 60102 note; 120 Stat. 3498) is amended by striking "165" and inserting "1165".

SEC. 303. HIGHWAY SAFETY.

(a) State Minimum Apportionments for Highway Safety Programs.—Effective October 1, 2007, section 402(c) of the title 23, United States Code, is amended by striking "The annual apportionment to each State shall not be less than one-half of 1 per centum" and inserting "The annual apportionment to each State shall not be less than three-quarters of 1 percent".

(b) Technical Corrections.—

(1) Section 2002(b) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1521) is amended—

(A) by striking paragraph (2); and

(B) by redesignating paragraphs (3) and (4) as (2) and (3), respectively.

(2) Section 2007(b)(1) of such Act (119 Stat. 1529) is amended—

(A) by inserting "and" after the semicolon at the end of subparagraph (A);

(B) by striking "and" at the end of subparagraph (B); and

(C) by striking subparagraph (C).

(3) Effective August 10, 2005, section 410(c)(7)(B) of title 23, United States Code, is amended by striking "clause (i)" and inserting "clauses (i) and (ii)".

(4) Section 411 of title 23, United States Code, is amended by redesignating the second subsection (c), relating to administration expenses, and subsection (d) as subsections (d) and (e), respectively.

SEC. 304. REPEAL OF NATIONAL SURFACE TRANSPORTATION COMMISSION.

Section 11142 of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (119 Stat. 1961), and the item relating to such section in the table of contents contained in section 1(b) of such Act, are repealed.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Oregon (Mr. DEFAZIO) and the gentleman from Arkansas (Mr. BOOZMAN) each will control 20 minutes.

The Chair recognizes the gentleman from Oregon.

GENERAL LEAVE

Mr. DEFAZIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 1195.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oregon?

There was no objection.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this legislation is truly a compendium of technical corrections. When you look at a bill the magnitude of SAFETEA–LU and its extraordinary importance in our economy, and I believe the signature accomplishment of the last Congress, there are bound to be some drafting errors and other minor concerns in the legislation. We recognized those quite early on and had hoped to pass this bill, this technical corrections bill, during the last Congress; but it was never considered by the Senate, as are so many things that we do around here. Hopefully, this time we will get this needed work done.

There are some essential things to be accomplished in this legislation. There is an oversight in the bill that results in the Surface Transportation Research Development and Deployment account being oversubscribed. People say, who cares.

Well, actually it means that critical programs for the Federal Highway Administration Legacy Research and research programs will not be funded, and that creates a major problem. For instance, this would mean that we would not get the biennial "Conditions and Performance Report." If we are going to maintain and improve our Nation's transportation infrastructure, we need to understand its status, its condition, and its need for future investment as we move toward yet another transportation bill in the coming Congress.

It provides appraisals of highways, bridges, and transit finance, their expenditures in those accounts, and compares it to the needs we have, operational performance and future investment requirements.

It also would free up additional funding for the National Surface Transportation Policy and Revenue Study Commission, something that was created as part of SAFETEA–LU and has yet to get its work accomplished. We have charged them with both looking at and assessing the future needs, building on the requirements I just mentioned, the annual reports of the Department of Transportation, but even going beyond that to determine our infrastructure needs both to maintain the current infrastructure, to enhance it, and to mitigate congestion and to move toward a less congested and more fuel-efficient transportation future.

They have also been charged with looking at how we pay for these vital investments and assessing the current revenue source, the gas tax, and some assorted excise taxes with future needs. This is again critical work to be done by that commission.

This will better fund their work and give them some of the staff assistance they need, give them the capability of obtaining the data that they need, and extend the deadline for the report to Congress, which will be a crucial building block in the next transportation bill, by 6 months. We have now set a deadline of December 31, 2007.

The bill also clarifies something regarding a sense of Congress regarding the buy America requirement. We feel that the Federal Highway Administration is not implementing the Buy America Act consistent with our, Congress's, statutory intent. They are beginning to break projects down into segments in a way that was not anticipated so that they can basically go around some of the buy America requirements. We want to reinforce here that the separate component test is not what we intended, and the amendment included in this bill is intended to clarify congressional intent and provide guidance to the Federal Highway Administration in the implementation of that section of the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I would like to thank the chairman for leading the charge on this important technical corrections bill. I want to voice my support for H.R. 1195, and I encourage my colleagues to do the same.

In the time that has passed since SAFETEA–LU was signed into law, we have heard from the Department of Transportation and several States regarding fixes to different programs and high-priority projects. H.R. 1195 addresses most of the areas that need correction.

It is important to note that this bill does not make substantial policy changes to SAFETEA–LU. Rather, this bill corrects provisions that were not workable in SAFETEA–LU. After we pass this bill, SAFETEA–LU will finally be able to accomplish what Congress voted to do 2 years ago.

The bulk of this bill is section 105, which makes changes to over 200 of the high-priority projects in section 1702 of SAFETEA–LU. These changes address surface transportation projects in the bill that were unable to be executed, clarifying recipients, and increasing certain project funding levels, and decreasing others to achieve budget neutrality.

The bill also makes a critical correction in the Transportation Research Program authorized in SAFETEA–LU. Errors were made in the research section of SAFETEA–LU that weakened the legacy research programs carried out by the Department of Transportation. This bill addresses that problem.

The bill also extends the reporting deadline for the National Surface Transportation Policy and Review Study Commission established in SAFETEA–LU. This important commission is tasked with recommending a new direction in funding and policy for our surface transportation programs, and we look forward to seeing their final report.

Again, thank you, Mr. Chairman, for revitalizing this technical corrections bill. I hope all of my colleagues will join me in supporting the bill.

Mr. Speaker, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, I yield such time as he may desire to the gentleman from Alaska (Mr. YOUNG).

Mr. YOUNG of Alaska. Mr. Speaker, I would like to thank the gentleman from Oregon (Mr. DEFAZIO) for bringing this bill forth, and Mr. OBERSTAR, the chairman of the full committee. This was our bill. We worked on this jointly. Some people say, Why do you need a technical corrections bill?

If you remember, every highway bill we have ever passed has gone through a series of technical correction adjustments because when we write a bill, sometimes it is misinterpreted by highway departments and municipalities. This is purely a technical corrections bill. It adds nothing; it takes nothing away.

Again, we passed a good piece of legislation 2 years ago. It has been implemented, but it will be implemented in a better way with these corrections.

I have talked with the gentleman from Oregon and all he has to say is "yes" or "no." Regarding Providence Hospital of Anchorage, we are looking for a solution to a problem. I agree that we shouldn't be paying for something that is already done, but I would like to have those moneys available to improve the transportation to the center hub of health care in the city of Anchorage. It is my understanding that the gentleman has agreed to work with me in conference to try to solve that problem.

Mr. DEFAZIO. Mr. Speaker, will the gentleman yield?

Mr. YOUNG of Alaska. I yield to the gentleman from Oregon.

Mr. DEFAZIO. Absolutely. The gentleman from Alaska has had extensive conversation with the chairman of the committee. It is my understanding that he is fully committed to helping resolve this issue.

There is a problem with retroactive reimbursement, but we are looking at other ways to deal with critical access to a vital health facility in Anchorage.

Mr. YOUNG of Alaska. I thank the gentleman, and I look forward to working with the gentleman and the chairman of the full committee on the new highway bill.

I believe that the adjustments in this bill for the commission are set up for finding ways to fund, and it is crucially important to make sure that they have enough time to do that job. We are right in the process of not only finishing up SAFETEA-LU, but now we are in the process of beginning to write another bill which has to address the issue of transportation in this country.

As you know how strong I supported the funding and the methods of funding previously was not successful, I think this Congress has a responsibility to provide the transportation for the Nation as a whole that can do the job.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

I want to thank the gentleman from Alaska (Mr. YOUNG) for his leadership as chairman of the full committee as we went through that process in the last Congress, and also the fact that he is willing to get out front at the beginning to begin to try to address what is actually an investment deficit so far as it goes to transportation in the United States, something that can be easily recognized if one travels to other countries and sees how committed they are, particularly to competitors like China and the investments they are making which are absolutely on a massive scale to make their economy more efficient to move their people more efficiently.

We need to not only maintain what we have and live on the benefits of our past investment; we need to ensure more robust future investments. I assure the gentleman I have begun a series of hearings that are on two tracks in the subcommittee I chair to look both at the future investment needs and also potential ways to raise the funds we need to make those investments.

I look forward to working with the gentleman and others as we go through that process.

I do want to assure Members since there is a new sensitivity around here about PAYGO that H.R. 1195 complies fully with House budget rules; and although it only addresses changes to previously authorized projects, not new projects, it also fully adheres to the new House Member earmark disclosure requirements.

This is legislation that I recommend wholly to my colleagues, and they can vote for it in good conscience. It will help build our future and realize the full dream of SAFETEA-LU as we move through its full term.

Mr. Speaker, I reserve the balance of my time.

Mr. BOOZMAN. Mr. Speaker, in closing, I want to thank Mr. DEFAZIO, Mr. DUNCAN, Mr. OBERSTAR, and Mr. MICA, and certainly their staffs, for working so hard together to rectify the technical corrections that we are addressing in SAFETEA-LU. And I also want to thank our former chairman, the gentleman from Alaska (Mr. YOUNG), for his hard work in providing the leadership that we had in the last Congress to get the SAFETEA-LU bill done.

Mr. MICA. Mr. Speaker, H.R. 1195 makes technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users, or SAFETEA-LU.

This is the third time we have worked to finalize these technical corrections to SAFETEA-LU. During the 109th Congress, the House passed H.R. 5689, a bill to make technical corrections to SAFETEA-LU in June 2006.

During the summer and fall of 2006, we worked with the Senate to create H.R. 6233, which is a very similar product to the bill we are considering today. Now, we are trying again.

As my colleagues have just said, H.R. 1195 makes numerous technical corrections to Federal surface transportation programs authorized by SAFETEA-LU. The technical corrections included in this bill have been identified by the Department of Transportation and are mostly of a conforming nature, or to correct drafting errors. The most important correction we are making is to strengthen the Federal Highway research program by ensuring the continuation of the legacy research programs carried out by the Department of Transportation.

The majority of this bill is section 105, which makes changes to over 200 of the high priority projects in sec. 1702 of SAFETEA-LU. These changes address "broken" surface transportation projects, clarifying recipients and increasing certain project funding levels and decreasing others to achieve budget neutrality.

There is one purely technical correction that is not included in this package. SAFETEA-LU inadvertently changed certain regulations for trucks with a gross vehicle weight of less than 10,000 pounds.

One of the implications of this error is that operators of these trucks no longer have to register or file insurance with DOT. Consequently, DOT can not regulate them for safety purposes.

When Congress passed SAFETEA-LU, this change was not a policy change Congress knew about or intended to make. If Congress wanted to make this change, we would have debated and discussed it. Rather, this was something we were not aware of and has had very serious unintended consequences—especially for small businesses.

I hope the Chairman, along with our colleagues in the Senate, will work with me to correct this technical problem.

Despite the omission of this important correction, I still support this legislation and I encourage my colleagues to do the same.

Mr. OBERSTAR. Mr. Speaker, I rise in strong support of H.R. 1195, a bill to make technical corrections to the surface transportation act, SAFETEA-LU.

H.R. 1195 makes technical corrections to the surface transportation act, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), enacted in 2005. This is a non-controversial, bipartisan bill that is intended to correct drafting errors, make technical fixes, and clarify Congressional intent on several provisions of the SAFETEA-LU.

This legislation is very similar to the two bills that passed the House last year, but were never considered by the Senate.

Although H.R. 1195, as amended, only addresses changes to previously authorized projects, the Committee on Transportation and Infrastructure, per my direction, has required Members of Congress to submit earmark disclosure certifications pursuant to Rule XXI of the Rules of the House of Representatives. In addition, the bill, as amended, complies with pay-as-you-go budget rules.

SAFETEA-LU has been very successful and effective. Building on previous surface transportation acts, SAFETEA-LU provides the programmatic framework and investments necessary to begin addressing the nation's growing surface transportation needs. However, as with legislation of this magnitude, there were inadvertent drafting errors. The changes in this bill are required to ensure that all policies, programs, and projects embodied in the authorization act are implemented as intended by Congress.

In particular, this bill makes critical fixes to the transportation research program authorized in SAFETEA-LU. Errors were made in the research program funding calculations that resulted in lower than intended funding levels in several research programs. These technical fixes will recapture critical research funds for many essential programs, including:

The Future Strategic Highway Research Program, a concentrated, results-oriented research program focused on solving the top problems of highway safety, reliability, capacity, and renewal; and

The University Transportation Center Program which advances U.S. technology and expertise in the many disciplines comprising transportation through the mechanisms of education, research, and technology.

The bill also clarifies section 1928 of SAFETEA-LU regarding the Sense of Congress concerning Buy America requirements for Federal-aid highway bridge projects. Congress does not believe that the Federal Highway Administration ("FHWA") is implementing the Buy America Act consistent with the statutory intent. Specifically, the "additional cost test" should be conducted on the basis of an entire bridge project, not on separate components of the bridge project. Regrettably, FHWA has applied the test to separate components of a bridge project if the project is broken into several components for contracting purposes. The original Sense of Congress, as well as the amendment included in this bill, is intended to clarify Congressional intent and to provide guidance to the FHWA in its implementation.

Finally, H.R. 1195 modifies the Repeat Intoxicated Driver Law to allow for the use of ignition interlock devices. This change gives States more flexibility to either continue with the current one-year license suspension requirement for repeat offenders, or permit a 45-day license suspension, after which limited driving privileges are reinstated provided an ignition interlock device is placed on the offender's vehicle.

Repeat offenders are a significant part of the United States drunk driving problem, representing about one-third of all Driving Under the Influence (DUI) arrests each year. It is estimated that between 50 and 75 percent of repeat offenders whose licenses have been suspended continue to drive illegally. An ignition interlock device prevents offenders who have alcohol in their system from operating their vehicle, but allows them to continue to drive to work, school, or an alcohol treatment program.

Mr. Speaker, I urge my colleagues to join me in supporting H.R. 1195.

Mr. Speaker, I submit the following exchange of letters between Mr. GORDON and myself regarding this bill.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE AND TECHNOLOGY,
Washington, DC, March 26, 2007.
Hon. JAMES L. OBERSTAR,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR MR. CHAIRMAN: I am writing to you concerning the jurisdictional interest of the Committee on Science and Technology in matters being considered in H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes. The bill amends research portions of H.R. 3, Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (P.L. 109-59), which are within the Committee on Science and Technology's jurisdiction.

The Committee on Science and Technology acknowledges the importance of H.R. 1195 and the need for the legislation to move expeditiously. Therefore, while we have a valid claim to jurisdiction over the bill, I agree not to request a sequential referral. This, of course, is conditional on our mutual understanding that nothing in this legislation or my decision to forgo a sequential referral waives, reduces or otherwise affects the jurisdiction of the Committee on Science and Technology and that a copy of this letter and of your response will be included in the Congressional Record when the bill is considered on the House Floor.

The Committee on Science and Technology also asks that you support our request to be conferees on any provisions over which we have jurisdiction during any House-Senate conference on this legislation.

Thank you for your attention to this matter.

Sincerely,
BART GORDON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE,
Washington, DC, March 26, 2007.
Hon. BART GORDON,
Chairman, Committee on Science and Technology, Washington, DC.

DEAR CHAIRMAN GORDON: Thank you for your March 26, 2007 letter regarding H.R. 1195, to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes. Your support for this legislation and your assistance in ensuring its timely consideration are greatly appreciated.

I agree that the research provisions in the bill are of jurisdictional interest to the Committee on Science and Technology. I acknowledge that by forgoing a sequential referral, your Committee is not relinquishing its jurisdiction and I will fully support your request to be represented in a House Senate conference on those provisions over which the Committee on Science and Technology has jurisdiction in H.R. 1195.

I value your cooperation and look forward to working with you as we move ahead with this important clean air legislation.

Sincerely,
JAMES L. OBERSTAR, M.C.,
Chairman.

Mr. DUNCAN. Mr. Speaker, I would like to thank the Chairman for revitalizing this important technical corrections bill and voice my support for H.R. 1195. I encourage my colleagues to do the same.

There were many minor errors—in policy and in Members projects—in SAFETEA–LU that need technical correction.

Most people may not remember, but the House and Senate actually passed a SAFETEA–LU technical corrections bill that was signed into law in October 2005. That bill was taken up with extreme urgency because it prevented the accidental shutdown of boat safety programs.

In the time that has passed since the October 2005 SAFETEA–LU technical corrections bill was signed into law, we have heard from DOT and various states regarding fixes to different programs and high priority projects. I believe H.R. 1195 addresses most of the areas which need correction.

It is important to note that this bill does not make substantial policy changes to SAFETEA–LU. Rather, this bill corrects provisions that were not "workable" in SAFETEA–LU. After we pass this bill, SAFETEA–LU will finally be able to accomplish what Congress voted to do 2 years ago.

H.R. 1195 addresses all of the true technical corrections except one. This bill does not include a correction to an error in the motor carrier title of SAFETEA–LU.

In SAFETEA–LU, we attempted to harmonize the definition of "commercial motor vehicle" with "motor vehicle". Unintentionally, this change removed trucks weighing 10,000 lbs or less from the truck exemption of the Fair Labor Standards Act and from DOT's safety oversight.

I am very concerned with this change in policy that was never negotiated for or discussed during the bill's original conference.

Now, small trucking business, who will have to change their business plan in order to comply with the law, are going to suffer the most. These are the small businesses who have high overhead and small profits, but are providing necessary services and products to urban areas and rural towns across the country.

This change is going to create great hardships on the small companies who are already in the business and most likely will inhibit others from entering the business.

It is disappointing this Congress has not addressed this problem, but I hope we can do so before final passage of this bill.

Again, thank you, Mr. Chairman, for revitalizing this technical correction bill and I hope all my colleagues will join me in supporting this bill.

Mr. BACA. Mr. Speaker, I rise today to voice my strong support for H.R. 1195. This bill will make essential technical corrections to the Safe, Accountable, Flexible, and Efficient Transportation Equity Act.

I want to thank my friend, Rep. JAMES OBERSTAR, and the Members of the Transportation and Infrastructure Committee for bringing this legislation to the floor.

This legislation will provide support for vital projects to my home state of California, and in particular to the city of San Bernardino, located in my district. I commend the Chairman for his foresight in giving states the flexibility our districts need to carry out these important transportation projects.

I am particularly pleased this bill includes a technical correction for High Priority Project # 2826. This change will allow transportation officials in the Inland Empire to double the number of grade separations constructed on the Alameda Corridor East.

There is no doubt this project will go a long way to help reduce congestion and improve road safety for residents in my home district and all Californians traveling to and from the Inland Empire. I urge my colleagues to support our local communities and cast a vote in favor of H.R. 1195.

Mr. WEINER. Mr. Speaker, I rise to commend my colleagues for their work on the SAFETEA–LU technical corrections bill. After extensive conversations with the local transportation authority in New York City, it has become apparent that several changes are necessary in order for very important transportation infrastructure improvements to be implemented in New York City. Included in this bill are a number of projects that will enhance transportation throughout New York City and in my district in particular.

At my urging, the technical corrections bill includes: $1,100,000 for the New York City Department of Transportation to design and rehabilitate roads commonly known as step streets, which connect streets on steep grades, in Bronx County in coordination with my colleagues Mr. ENGEL, Mr. CROWLEY, and Mr. SERRANO; $2,500,000 to design and construct school safety projects in New York City to be used as part of the recently launched Safe Routes to Schools project, spearheaded by the New York City Department of Transportation; $1,300,000 for the New York Metropolitan Transit Authority to install security cameras at the Steinway Street, Broadway, 30th Avenue, and Astoria Boulevard subway stations in Astoria, New York, at the suggestion and urging of New York Assemblyman Michael Gianaris; $100,000 to provide for an independent study of the Newtown Creek oil spill in coordination with my colleague Ms. VELÁZQUEZ; $500,000 for the New York City Department of Transportation to study and implement transportation improvements in the Breezy Point neighborhood of Queens County; $500,000 for the New York Metropolitan Transit Authority's interagency task force on fencing to fence exposed track along the Long Island Railroad.

These high priority projects will make a considerable contribution to the lives of New York City residents.

Chairman OBERSTAR, Mr. MICA, Chairman DEFAZIO, and Mr. DUNCAN deserve the thanks and appreciation of every Member of this House for their tireless efforts to improve America's transportation system.

I also could not have secured these and other programs within TEA–LU without the help and counsel of individuals here in Washington, and New York City. I would like to thank Joshua Fay-Hurvitz of my staff. I would also like to thank both the Democratic and Republican staff of the Transportation Committee. In particular, I would like to thank Jackie Schmitz and Ward McCarragher of Mr. OBERSTAR's staff. I would also like to thank Commissioner Iris Weinshall, David Woloch, and Andra Horsch at the New York City Department of Transportation. Additionally, I'd like to thank Derrick Douglas with the State of New York, and Judy Chesser and Bill Daly with the City of New York. Finally I'd like to thank Lee Sander and Chris Boylan with the New York Metropolitan Transit Authority, Mike Weiss at the Federal Highway Administration, and Jessie Torres at the Department of Transportation.

Mr. MITCHELL. Mr. Speaker, I rise to thank our Chairman, JAMES OBERSTAR, for his dedication to our Nation's highways, and for his willingness to work with me on an issue of great importance to Arizona as H.R. 1195 continues its way through the legislative process.

H.R. 1195 makes technical corrections to the law that funds our Nation's highways: the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users ("SAFETEA–LU").

Unfortunately, when the law was drafted, Arizona was left out of a key provision. That provision concerns the Federal funding share that is made available for certain highway projects.

Under existing law, the Federal Government is supposed to assume a larger share for Federal highway projects in states with large proportions of Federal lands.

Currently, SAFETEA–LU identifies 6 such states with large amounts of public land.

Unfortunately, Arizona . . . which ranks 3rd in the Nation in public lands . . . was left off that list.

I believe this was a mistake, and should be corrected along with all the other mistakes that H.R. 1195 addresses.

At the time SAFETEA–LU was initially drafted, no one from Arizona served on the House Committee on Transportation and Infrastructure, and thus, there was no one to bring this omission to the Committee's attention.

I am now proud to serve on that committee.

When we marked up H.R. 1195 earlier this month, I offered an amendment to add Arizona to the list of states with large amounts of public lands which are supposed to receive a higher Federal share.

My amendment was budget-neutral. It would have cost nothing. It would not have reduced any other state's highway funding. Rather, it would have merely given our state . . . a state with more public lands than 47 other states . . . the flexibility it needs to allocate its Federal funding between our various highway projects.

At the Chairman's request, and in exchange for his commitment to work with me on this issue as H.R. 1195 goes to conference comittee, I withdrew my amendment. I know the Chairman understands how important this is to Arizona, and I am grateful for his assistance.

I would also like to publicly thank Senator JON KYL, who has been a champion of this issue for years. He has fought hard for this in the Senate, and I know he will do the same again this year. I look forward to working with him as well, for the good of Arizona, when the bill reaches conference committee.

Mr. BOOZMAN. Mr. Speaker, I yield back the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Oregon (Mr. DEFAZIO) that the House suspend the rules and pass the bill, H.R. 1195, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 15 minutes p.m.), the House stood in recess until approximately 6:30 p.m.

☐ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. SALAZAR) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 802, by the yeas and nays;

H.R. 137, by the yeas and nays;

H.R. 580, by the yeas and nays.

The vote on H. Res. 266 will be taken tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

MARITIME POLLUTION PREVENTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 802, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Maryland (Mr. CUMMINGS) that the House suspend the rules and pass the bill, H.R. 802, as amended.

The vote was taken by electronic device, and there were—yeas 359, nays 48, not voting 26, as follows:

[Roll No. 187]

YEAS—359

Abercrombie
Ackerman
Aderholt
Akin
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goodlatte
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack

Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—48

Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Blunt
Boehner
Bonner
Brown-Waite, Ginny
Burton (IN)
Buyer
Cantor
Carter
Cubin
Davis (KY)
Davis, David
Deal (GA)
Everett
Foxx
Franks (AZ)
Gingrey
Gohmert
Goode
Hastert
King (IA)
Kingston
Kline (MN)
Lewis (KY)
Linder
Mack
McCrery
McHenry
Miller (FL)
Miller (MI)
Paul
Pence
Poe
Price (GA)
Rogers (AL)
Sali
Sensenbrenner
Sessions
Stearns
Sullivan
Tancredo
Thornberry
Westmoreland

NOT VOTING—26

Brady (PA)
Brown, Corrine
Cardoza
Carson
Crowley
Davis, Jo Ann
Edwards
Feeney
Flake
Gordon
Hunter
Kanjorski
Lampson
Marchant
Millender-McDonald
Neal (MA)
Payne
Peterson (PA)
Price (NC)
Shuster
Smith (WA)
Souder
Udall (NM)
Walsh (NY)
Wamp
Wexler

☐ 1854

Mr. POE and Mr. ROGERS of Alabama changed their vote from "yea" to "nay."

Mr. CANNON changed his vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

The title was amended so as to read: "A bill to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.".

A motion to reconsider was laid on the table.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 137, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Virginia (Mr. SCOTT) that the House suspend the rules and pass the bill, H.R. 137, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 368, nays 39, not voting 26, as follows:

[Roll No. 188]

YEAS—368

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Bonner
Bono
Boozman
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Capito
Capps
Capuano
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Goodlatte
Granger
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Herger
Herseth
Higgins
Hill
Hinchey
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Manzullo
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NAYS—39

Barton (TX)
Blunt
Boehner
Boren
Brady (TX)
Cannon
Cantor
Cole (OK)
Conaway
Davis, David
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Foxx
Garrett (NJ)
Gohmert
Graves
Hayes
Hensarling
Hinojosa
Johnson, Sam
King (IA)
Kingston
Lamborn
Lewis (KY)
Lucas
Mack
Neugebauer
Paul
Poe
Rogers (AL)
Sali
Sensenbrenner
Smith (NE)
Stearns
Sullivan
Thornberry
Westmoreland
Young (AK)

NOT VOTING—26

Brady (PA)
Brown, Corrine
Cardoza
Carson
Crowley
Davis, Jo Ann
Feeney
Flake
Goode
Gordon
Hunter
Kanjorski
Lampson
Marchant

Millender-McDonald
Neal (MA)
Payne
Peterson (PA)
Price (NC)
Shuster
Smith (WA)
Souder
Udall (NM)
Walsh (NY)
Wamp
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

INTERIM APPOINTMENT OF UNITED STATES ATTORNEYS

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 580, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. CONYERS) that the House suspend the rules and pass the bill, H.R. 580, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 329, nays 78, not voting 26, as follows:

[Roll No. 189]

YEAS—329

Abercrombie
Ackerman
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bartlett (MD)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Braley (IA)
Brown-Waite, Ginny
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Capito
Capps
Capuano
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doyle
Drake
Dreier
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
Eshoo
Etheridge
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neugebauer
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Rodriguez
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)

NAYS—78

Aderholt
Akin
Bachmann
Baker
Barrett (SC)
Barton (TX)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Brady (TX)
Brown (SC)
Burton (IN)
Buyer
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Doolittle
Duncan
English (PA)
Everett
Foxx
Franks (AZ)
Gingrey
Granger
Graves
Hall (TX)
Hastert
Hayes
Herger
Johnson, Sam
Jordan
Kingston
Kline (MN)
Lamborn
LaTourette
Lewis (KY)
Linder
Manzullo
McCarthy (CA)
McCrery
McHenry
Mica
Miller (FL)
Musgrave
Myrick
Nunes
Poe
Price (GA)
Reynolds
Rogers (AL)
Rogers (KY)
Roskam
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Smith (NE)
Tiahrt
Tiberi
Turner
Westmoreland
Wicker
Wilson (SC)
Young (FL)

NOT VOTING—26

Brady (PA)
Brown, Corrine
Cardoza
Carson
Crowley
Davis, Jo Ann
Feeney
Flake
Gordon
Hunter
Jefferson
Kanjorski
Lampson
Marchant
Millender-McDonald
Neal (MA)
Payne
Peterson (PA)
Price (NC)
Shuster
Smith (WA)
Souder
Udall (NM)
Walsh (NY)
Wamp
Wexler

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

□ 1911

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

NATO FREEDOM CONSOLIDATION ACT OF 2007

Mr. TANNER. Madam Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 494) to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore (Ms. WATSON). Is there objection to the request of the gentleman from Tennessee?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 494

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "NATO Freedom Consolidation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) The sustained commitment of the North Atlantic Treaty Organization (NATO) to mutual defense has made possible the democratic transformation of Central and Eastern Europe. Members of the North Atlantic Treaty Organization can and should play a critical role in addressing the security challenges of the post-Cold War era in creating the stable environment needed for those emerging democracies in Europe.

(2) Lasting stability and security in Europe requires the military, economic, and political integration of emerging democracies into existing European structures.

(3) In an era of threats from terrorism and the proliferation of weapons of mass destruction, the North Atlantic Treaty Organization is increasingly contributing to security in the face of global security challenges for the protection and interests of its member states.

(4) In the NATO Participation Act of 1994 (title II of Public Law 103-447; 22 U.S.C. 1928 note), Congress declared that "full and active participants in the Partnership for Peace in a position to further the principles of the North Atlantic Treaty and to contribute to the security of the North Atlantic area should be invited to become full NATO members in accordance with Article 10 of such Treaty at an early date. . .".

(5) In the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104-208; 22 U.S.C. 1928 note), Congress called for the prompt admission of Poland, Hungary, the Czech Republic, and Slovenia to the North Atlantic Treaty Organization, and declared that "in order to promote economic stability and security in Slovakia, Estonia, Latvia, Lithuania, Romania, Bulgaria, Albania, Moldova, and Ukraine . . . the process of enlarging NATO to include emerging democracies in Central and Eastern Europe should not be limited to consideration of admitting Poland, Hungary, the Czech Republic, and Slovenia as full members of the NATO Alliance".

(6) In the European Security Act of 1998 (title XXVII of division G of Public Law 105-277; 22 U.S.C. 1928 note), Congress declared that "Poland, Hungary, and the Czech Republic should not be the last emerging democracies in Central and Eastern Europe invited to join NATO" and that "Romania, Estonia, Latvia, Lithuania, and Bulgaria . . . would make an outstanding contribution to furthering the goals of NATO and enhancing stability, freedom, and peace in Europe should they become NATO members [and] upon complete satisfaction of all relevant criteria should be invited to become full NATO members at the earliest possible date".

(7) In the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107-187; 22 U.S.C. 1928 note), Congress endorsed ". . . the vision of further enlargement of the NATO Alliance articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996".

(8) At the Madrid Summit of the North Atlantic Treaty Organization in July 1997, Poland, Hungary, and the Czech Republic were invited to join the Alliance, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "[t]he alliance expects to extend further invitations in coming years to nations willing and able to assume the responsibilities and obligations of membership . . . [n]o European democratic country whose admission would fulfill the objectives of the [North Atlantic] Treaty will be excluded from consideration".

(9) At the Washington Summit of the North Atlantic Treaty Organization in April 1999, the North Atlantic Treaty Organization heads of state and government issued a communiqué declaring "[w]e pledge that NATO will continue to welcome new members in a position to further the principles of the [North Atlantic] Treaty and contribute to peace and security in the Euro-Atlantic area . . . [t]he three new members will not be the last . . . [n]o European democratic country whose admission would fulfill the objectives of the Treaty will be excluded from consideration, regardless of its geographic location . . .".

(10) In May 2000 in Vilnius, Lithuania, the foreign ministers of Albania, Bulgaria, Estonia, Latvia, Lithuania, the Republic of Macedonia (FYROM), Romania, Slovakia, and Slovenia issued a statement (later joined by Croatia) declaring that—

(A) their countries will cooperate in jointly seeking membership in the North Atlantic Treaty Organization in the next round of enlargement of the North Atlantic Treaty Organization;

(B) the realization of membership in the North Atlantic Treaty Organization by one or more of these countries would be a success for all; and

(C) eventual membership in the North Atlantic Treaty Organization for all of these countries would be a success for Europe and for the North Atlantic Treaty Organization.

(11) On June 15, 2001, in a speech in Warsaw, Poland, President George W. Bush stated "[a]ll of Europe's new democracies, from the Baltic to the Black Sea and all that lie between, should have the same chance for security and freedom—and the same chance to join the institutions of Europe—as Europe's old democracies have . . . I believe in NATO membership for all of Europe's democracies that seek it and are ready to share the responsibilities that NATO brings . . . [a]s we plan to enlarge NATO, no nation should be used as a pawn in the agenda of others . . . [w]e will not trade away the fate of free European peoples . . . [n]o more Munichs . . . [n]o more Yaltas . . . [a]s we plan the Prague Summit, we should not calculate how little we can get away with, but how much we can do to advance the cause of freedom".

(12) On October 22, 1996, in a speech in Detroit, Michigan, former President William J. Clinton stated "NATO's doors will not close behind its first new members . . . NATO should remain open to all of Europe's emerging democracies who are ready to shoulder the responsibilities of membership . . . [n]o nation will be automatically excluded . . . [n]o country outside NATO will have a veto . . . [a] gray zone of insecurity must not reemerge in Europe".

(13) At the Prague Summit of the North Atlantic Treaty Organization in November 2002, Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia were invited to join the Alliance in the second round of enlargement of the North Atlantic Treaty Organization since the end of the Cold War, and the North Atlantic Treaty Organization heads of state and government issued a declaration stating "NATO's door will remain open to European democracies willing and able to assume the responsibilities and obligations of membership, in accordance with Article 10 of the Washington Treaty".

(14) On May 8, 2003, the United States Senate unanimously approved the Resolution of Ratification to Accompany Treaty Document No. 108-4, Protocols to the North Atlantic Treaty of 1949 on Accession of Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia, inviting Bulgaria, Estonia, Latvia, Lithuania, Romania, Slovakia, and Slovenia to join the North Atlantic Treaty Organization.

(15) At the Istanbul Summit of the North Atlantic Treaty Organization in June 2004, the North Atlantic Treaty Organization heads of state and government issued a communiqué reaffirming that NATO's door remains open to new members, declaring "[w]e celebrate the success of NATO's Open Door Policy, and reaffirm tody that our seven new members will not be the last. The door to membership remains open. We welcome the progress made by Albania, Croatia, and the former Yugoslav Republic of Macedonia (1) in implementing their Annual National Programmes under the Membership Action Plan, and encourage them to continue pursuing the reforms necessary to progress toward NATO membership. We also commend their contribution to regional stability and cooperation. We want all three countries to succeed and will continue to assist them in their reform efforts. NATO will continue to assess each country's candidacy individually, based on the progress made towards reform goals pursued through the Membership Action Plan, which will remain the vehicle to keep the readiness of each aspirant for membership under review. We direct that NATO Foreign Ministers keep the enlargement process, including the implementation of the Membership Action Plan, under continual review and report to us. We will review at the next Summit progress by aspirants towards membership based on that report".

(16) Georgia and Ukraine have stated their desire to join the Euro-Atlantic community, and in particular, are seeking to join the North Atlantic Treaty Organization. Georgia and Ukraine are working closely with the North Atlantic Treaty Organization and its members to meet criteria for eventual membership in NATO.

(17) At a press conference with President Mikhail Saakashvili of Georgia in Washington, D.C. on July 5, 2006, President George W. Bush stated that ". . . I believe that NATO would benefit with Georgia being a member of NATO, and I think Georgia would benefit. And there's a way forward through the Membership Action Plan . . . And I'm a believer in the expansion of NATO. I think it's in the world's interest that we expand NATO".

(18) Following a meeting of NATO Foreign Ministers in New York on September 21, 2006, NATO Secretary General Jaap de Hoop Scheffer announced the launching of an Intensified Dialogue on membership between the Alliance and Georgia.

(19) At the NATO-Ukraine Commission Summit in Brussels in February 2005, President of Ukraine Victor Yushchenko declared membership in NATO as the ultimate goal of Ukraine's cooperation with the Alliance and expressed Ukraine's desire to conclude a Membership Action Plan.

(20) At the NATO-Ukraine Commission Foreign Ministerial meeting in Vilnius in April 2005, NATO and Ukraine launched an Intensified Dialogue on the potential membership of Ukraine in NATO.

(21) At the Riga Summit of the North Atlantic Treaty Organization in November 2006, the Heads of State and Government of the member countries of NATO issued a declaration reaffirming that NATO's door remains open to new members, declaring that "all European democratic countries may be considered for MAP (Membership Action Plan) or admission, subject to decision by the NAC (North Atlantic Council) at each stage, based on the performance of these countries towards meeting the objectives of the North Atlantic Treaty. We direct that NATO Foreign Ministers keep that process under continual review and report to us. We welcome the efforts of Albania, Croatia, and the former Yugoslav Republic of Macedonia to prepare themselves for the responsibilities and obligations of membership. We reaffirm that the Alliance will continue with Georgia and Ukraine its Intensified Dialogues which cover the full range of political, military, financial and security issues relating to those countries' aspirations to membership, without prejudice to any eventual Alliance decision. We reaffirm the importance of the NATO-Ukraine Distinctive Partnership,

which has its 10th anniversary next year and welcome the progress that has been made in the framework of our Intensified Dialogue. We appreciate Ukraine's substantial contributions to our common security, including through participation in NATO-led operations and efforts to promote regional cooperation. We encourage Ukraine to continue to contribute to regional security. We are determined to continue to assist, through practical cooperation, in the implementation of far-reaching reform efforts, notably in the fields of national security, defence, reform of the defence-industrial sector and fighting corruption. We welcome the commencement of an Intensified Dialogue with Georgia as well as Georgia's contribution to international peacekeeping and security operations. We will continue to engage actively with Georgia in support of its reform process. We encourage Georgia to continue progress on political, economic and military reforms, including strengthening judicial reform, as well as the peaceful resolution of outstanding conflicts on its territory. We reaffirm that it is of great importance that all parties in the region should engage constructively to promote regional peace and stability.".

(22) Contingent upon their continued implementation of democratic, defense, and economic reform, and their willingness and ability to meet the responsibilities of membership in the North Atlantic Treaty Organization and a clear expression of national intent to do so, Congress calls for the timely admission of Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine to the North Atlantic Treaty Organization to promote security and stability in Europe.

SEC. 3. DECLARATIONS OF POLICY.

Congress—

(1) reaffirms its previous expressions of support for continued enlargement of the North Atlantic Treaty Organization contained in the NATO Participation Act of 1994, the NATO Enlargement Facilitation Act of 1996, the European Security Act of 1998, and the Gerald B. H. Solomon Freedom Consolidation Act of 2002;

(2) supports the commitment to further enlargement of the North Atlantic Treaty Organization to include European democracies that are able and willing to meet the responsibilities of Membership, as expressed by the Alliance in its Madrid Summit Declaration of 1997, its Washington Summit Communiqué of 1999, its Prague Summit Declaration of 2002, its Istanbul Summit Communiqué of 2004, and its Riga Summit Declaration of 2006; and

(3) endorses the vision of further enlargement of the North Atlantic Treaty Organization articulated by President George W. Bush on June 15, 2001, and by former President William J. Clinton on October 22, 1996, and urges our allies in the North Atlantic Treaty Organization to work with the United States to realize a role for the North Atlantic Treaty Organization in promoting global security, including continued support for enlargement to include qualified candidate states, specifically by entering into a Membership Action Plan with Georgia and recognizing the progress toward meeting the responsibilities and obligations of NATO membership by Albania, Croatia, Georgia, Macedonia (FYROM), and Ukraine.

SEC. 4. DESIGNATION OF ALBANIA, CROATIA, GEORGIA, MACEDONIA (FYROM), AND UKRAINE AS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE NATO PARTICIPATION ACT OF 1994.

(a) DESIGNATION.—

(1) ALBANIA.—The Republic of Albania is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994 (title II of Public Law 103–447; 22 U.S.C. 1928 note), and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(2) CROATIA.—The Republic of Croatia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(3) GEORGIA.—Georgia is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(4) MACEDONIA (FYROM).—The Republic of Macedonia (FYROM) is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(5) UKRAINE.—Ukraine is designated as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994, and shall be deemed to have been so designated pursuant to section 203(d)(1) of such Act.

(b) RULE OF CONSTRUCTION.—The designation of the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine pursuant to subsection (a) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994—

(1) is in addition to the designation of Poland, Hungary, the Czech Republic, and Slovenia pursuant to section 606 of the NATO Enlargement Facilitation Act of 1996 (title VI of section 101(c) of title I of division A of Public Law 104–208; 22 U.S.C. 1928 note), the designation of Romania, Estonia, Latvia, Lithuania, and Bulgaria pursuant to section 2703(b) of the European Security Act of 1998 (title XXVII of division G of Public Law 105–277; 22 U.S.C. 1928 note), and the designation of Slovakia pursuant to section 4(a) of the Gerald B. H. Solomon Freedom Consolidation Act of 2002 (Public Law 107–187; 22 U.S.C. 1928 note) as eligible to receive assistance under the program established under section 203(a) of the NATO Participation Act of 1994; and

(2) shall not preclude the designation by the President of other countries pursuant to section 203(d)(2) of the NATO Participation Act of 1994 as eligible to receive assistance under the program established under section 203(a) of such Act.

SEC. 5. AUTHORIZATION OF SECURITY ASSISTANCE FOR COUNTRIES DESIGNATED UNDER THE NATO PARTICIPATION ACT OF 1994.

Of the amounts made available for fiscal year 2008 under section 23 of the Arms Export Control Act (22 U.S.C. 2763) such sums as may be necessary are authorized to be appropriated for assistance to the Republic of Albania, the Republic of Croatia, Georgia, the Republic of Macedonia (FYROM), and Ukraine.

The Senate bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

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REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–73) on the resolution (H. Res. 269) providing for consideration of the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Ms. CASTOR, from the Committee on Rules, submitted a privileged report (Rept. No. 110–74) on the resolution (H. Res. 270) providing for consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes, which was referred to the House Calendar and ordered to be printed.

PROTECT IMPORTANT TAX RELIEF

(Ms. GINNY BROWN-WAITE of Florida asked and was given permission to address the House for 1 minute.)

Ms. GINNY BROWN-WAITE of Florida. Madam Speaker, I rise today to express my concern that the Democrats will not extend tax measures critical to the American people. Residents in my own State are at risk. Floridians currently can deduct their sales tax from the Federal income tax. However, this deduction expires this year.

As Democrats set their agenda for the coming year, there is talk of offsetting increases in Federal spending by raising taxes for millions of Americans. Quite frankly, I worry that the use of this provision will be to pay for additional spending. Constituents don't want additional taxes. They want us to be more conservative in spending.

Listen up, America. Congress needs to be sure that taxpayers do not face unnecessary tax increases. I appeal to my colleagues on both sides of the aisle to ensure that our constituents are able to keep more of their hard-earned money.

GRANDMOTHER AND THE ATTORNEY GENERAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, the U.S. Attorney General, Alberto Gonzales, is the chief law enforcement officer in this Nation. He is the most powerful prosecutor in America. As such, his credibility is based on his word. He must never deceive, mislead or misstate.

There have been two different accounts by his office about the firings of some U.S. Attorneys. Gonzalez says he never has discussed the firings, but secret memos show a meeting to discuss such was held in his very office where he was present. Both statements cannot be true. His word is tarnished.

The issue is not whether the administration can fire U.S. Attorneys. It can do so for almost any reason under the law.

Madam Speaker, growing up, my grandmother was the Chief Law Enforcement Officer. Her word was the law. I never doubted what she said. I respected her because she was always bluntly truthful. If she had told me it was raining in my house, I would have rushed home and started putting plastic over the furniture, because she never misled or misstated the truth.

This Nation deserves better than to have an Attorney General who cannot be forthright with Congress and misleads the citizens he has been sworn to protect. He has a credibility issue. His word should be as bluntly truthful as my grandmother's.

And that's just the way it is.

AMERICA MUST BECOME ENERGY INDEPENDENT

(Mr. KINGSTON asked and was given permission to address the House for 1 minute.)

Mr. KINGSTON. Madam Speaker, in 2004, the United States of America spent $103 billion buying oil from nondemocratic countries, such countries as Venezuela, as Iran, as Russia, and even ones who are our allies like Saudi Arabia, where some of that money finds its way into the hands of terrorist groups.

We are funding both sides in the war on terrorism. It is a national security issue. We have to get off Middle East oil, and we need to reduce our oil dependency. We import 60 percent of our oil today.

Congressman ELIOT ENGEL and I have introduced H.R. 670. The goal of it is to reduce our oil consumption by 20 percent in 20 years. It has overwhelming bipartisan support, both in the House and the Senate.

Now, if you don't buy that, there is another reason to focus on this, and it has to do with your pocketbook. Just think about the flexibility that we have out there in fuel choices, from ethanol to biodiesel to battery operated cars.

Madam Speaker, we need to move in this direction. I recommend H.R. 670 to my colleagues and hope they will cosponsor it with me.

SPECIAL ORDERS

The SPEAKER pro tempore (Ms. WATSON). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE COMMITTEE ON THE JUDICIARY, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Michigan (Mr. CONYERS) is recognized for 5 minutes.

Mr. CONYERS. Madam Speaker, in accordance with clause 2(a) of rule XI of the Rules of the House of Representatives, I respectfully submit the rules of the Committee on the Judiciary for printing in the CONGRESSIONAL RECORD. The Committee on the Judiciary adopted these rules by voice vote, a quorum being present, at our organizational meeting on January 24, 2007.

COMMITTEE ON THE JUDICIARY, RULES OF PROCEDURE, ONE HUNDRED TENTH CONGRESS, ADOPTED JANUARY 24, 2007

Rule I. The Rules of the House of Representatives are the rules of the Committee on the Judiciary and its Subcommittees with the following specific additions thereto.

RULE II. COMMITTEE MEETINGS

(a) The regular meeting day of the Committee on the Judiciary for the conduct of its business shall be on Wednesday of each week while the House is in session.

(b) Additional meetings may be called by the Chairman and a regular meeting of the Committee may be dispensed with when, in the judgment of the Chairman, there is no need therefor.

(c) At least 24 hours (excluding Saturdays, Sundays and legal holidays when the House is not in session) before each scheduled Committee or Subcommittee meeting, each Member of the Committee or Subcommittee shall be furnished a list of the bill(s) and subject(s) to be considered and/or acted upon at the meeting. Bills or subjects not listed shall be subject to a point of order unless their consideration is agreed to by a two-thirds vote of the Committee or Subcommittee.

(d) In an emergency that does not reasonably allow for 24 hours' notice, the Chairman may waive the 24-hour notice requirement with the agreement of the Ranking Minority Member.

(e) Committee and Subcommittee meetings for the transaction of business, i.e. meetings other than those held for the purpose of taking testimony, shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(f) Every motion made to the Committee and entertained by the Chairman shall be reduced to writing upon demand of any Member, and a copy made available to each Member present.

(g) For purposes of taking any action at a meeting of the full Committee or any Subcommittee thereof, a quorum shall be constituted by the presence of not less than one-third of the Members of the Committee or subcommittee, except that a full majority of the Members of the Committee or Subcommittee shall constitute a quorum for purposes of reporting a measure or recommendation from the Committee or Subcommittee, closing a meeting to the public, or authorizing the issuance of a subpoena.

(h)(1) Subject to subparagraph (2), the Chairman may postpone further proceedings when a record vote is ordered on the question of approving any measure or matter or adopting an amendment. The Chairman may resume proceedings on a postponed request at any time.

(2) In exercising postponement authority under subparagraph (1), the Chairman shall take all reasonable steps necessary to notify Members on the resumption of proceedings on any postponed record vote.

(3) When proceedings resume on a postponed question, notwithstanding any intervening order for the previous question, an underlying proposition shall remain subject to further debate or amendment to the same extent as when the question was postponed.

(i) Transcripts of markups shall be recorded and may be published in the same manner as hearings before the Committee.

(j) Without further action of the Committee, the Chairman is directed to offer a motion under clause 1 of rule XXII of the Rules of the House of Representatives whenever the Chairman considers it appropriate.

RULE III. HEARINGS

(a) The Committee Chairman or any Subcommittee chairman shall make public announcement of the date, place, and subject matter of any hearing to be conducted by it on any measure or matter at least one week before the commencement of that hearing. If the Chairman of the Committee, or Subcommittee, with the concurrence of the Ranking Minority Member, determines there is good cause to begin the hearing sooner, or if the Committee or Subcommittee so determines by majority vote, a quorum being present for the transaction of business, the Chairman or Subcommittee chairman shall make the announcement at the earliest possible date.

(b) Committee and Subcommittee hearings shall be open to the public except when the Committee or Subcommittee determines by majority vote to close the meeting because disclosure of matters to be considered would endanger national security, would compromise sensitive law enforcement information, or would tend to defame, degrade or incriminate any person or otherwise would violate any law or rule of the House.

(c) For purposes of taking testimony and receiving evidence before the Committee or any Subcommittee, a quorum shall be constituted by the presence of two Members.

(d) In the course of any hearing each Member shall be allowed five minutes for the interrogation of a witness until such time as each Member who so desires has had an opportunity to question the witness.

(e) The transcripts of those hearings conducted by the Committee which are decided to be printed shall be published in verbatim form, with the material requested for the record inserted at that place requested, or at the end of the record, as appropriate. Individuals, including Members of Congress, whose comments are to be published as part of a Committee document shall be given the opportunity to verify the accuracy of the transcription in advance of publication. Any requests by those Members, staff or witnesses to correct any errors other than errors in the transcription, or disputed errors in transcription, shall be appended to the record, and the appropriate place where the change is requested will be footnoted. Prior to approval by the Chairman of hearings conducted jointly with another congressional Committee, a memorandum of understanding shall be prepared which incorporates an agreement for the publication of the verbatim transcript.

RULE IV. BROADCASTING

Whenever a hearing or meeting conducted by the Committee or any Subcommittee is open to the public, those proceedings shall be open to coverage by television, radio and still photography except when the hearing or meeting is closed pursuant to the Committee Rules of Procedure.

RULE V. STANDING SUBCOMMITTEES

(a) The full Committee shall have jurisdiction over the following subject matters: antitrust law, tort liability, including medical malpractice and product liability, legal reform generally, and such other matters as determined by the Chairman.

(b) There shall be five standing Subcommittees of the Committee on the Judiciary, with jurisdictions as follows:

(1) Subcommittee on Courts, the Internet, and Intellectual Property: copyright, patent and trademark law, information technology, administration of U.S. courts, Federal Rules of Evidence, Civil and Appellate Procedure, judicial ethics, other appropriate matters as referred by the Chairman, and relevant oversight.

(2) Subcommittee on the Constitution, Civil Rights, and Civil Liberties: constitutional amendments, constitutional rights, federal civil rights laws, ethics in government, other appropriate matters as referred by the Chairman, and relevant oversight.

(3) Subcommittee on Commercial and Administrative Law: bankruptcy and commercial law, bankruptcy judgeships, administrative law, independent counsel, state taxation affecting interstate commerce, interstate compacts, other appropriate matters as referred by the Chairman, and relevant oversight.

(4) Subcommittee on Crime, Terrorism, and Homeland Security: Federal Criminal Code, drug enforcement, sentencing, parole and pardons, terrorism, internal and homeland security, Federal Rules of Criminal Procedure, prisons, criminal law enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(5) Subcommittee on Immigration, Citizenship, Refugees, Border Security, and International Law: immigration and naturalization, border security, admission of refugees, treaties, conventions and international agreements, claims against the United States, federal charters of incorporation, private immigration and claims bills, non-border enforcement, other appropriate matters as referred by the Chairman, and relevant oversight.

(c) The Chairman of the Committee and Ranking Minority Member thereof shall be ex officio Members, but not voting Members, of each Subcommittee to which such Chairman or Ranking Minority Member has not been assigned by resolution of the Committee. Ex officio Members shall not be counted as present for purposes of constituting a quorum at any hearing or meeting of such Subcommittee.

RULE VI. POWERS AND DUTIES OF SUBCOMMITTEES

Each Subcommittee is authorized to meet, hold hearings, receive evidence, and report to the full Committee on all matters referred to it or under its jurisdiction. Subcommittee chairmen shall set dates for hearings and meetings of their respective Subcommittees after consultation with the Chairman and other Subcommittee chairmen with a view toward avoiding simultaneous scheduling of full Committee and Subcommittee meetings or hearings whenever possible.

RULE VII. NON-LEGISLATIVE REPORTS

No report of the Committee or Subcommittee which does not accompany a measure or matter for consideration by the House shall be published unless all Members of the Committee or Subcommittee issuing the report shall have been apprised of such report and given the opportunity to give notice of intention to file supplemental, additional, or dissenting views as part of the report. In no case shall the time in which to file such views be less than three calendar days (excluding Saturdays, Sundays and legal holidays when the House is not in session).

RULE VIII. COMMITTEE RECORDS

The records of the Committee at the National Archives and Records Administration shall be made available for public use according to the Rules of the House. The Chairman shall notify the Ranking Minority Member of any decision to withhold a record otherwise available, and the matter shall be presented to the Committee for a determination on the written request of any Member of the Committee.

RULE IX. OFFICIAL COMMITTEE WEBSITE

The Chairman shall maintain an official website on behalf of the Committee for the purpose of furthering the Committee's legislative and oversight responsibilities, including communicating information about the Committee's activities to Committee Members and other Members of the House. The Ranking Member is authorized to maintain a similar official website on behalf of the Committee Minority for the same purpose, including communicating information about the activities of the Minority to Committee Members and other Members of the House.

THE NEED FOR FAIR TRADE POLICIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Maine (Mr. ALLEN) is recognized for 5 minutes.

Mr. ALLEN. Madam Speaker, I rise today to express my opposition to trade policies that are unfair to American workers.

Congress must insist on a new model for trade that makes American workers the top priority. Trade agreements must also take into account protections for the environment and ensure access to life-saving medicines.

Developing trade agreements that take these priorities into account will be difficult, but we must not rush into obligations which will ultimately harm our own interests, and we must reject the false choice between expanding our trade opportunities and fairness to U.S. workers.

It is simply wrong to follow the old model that we know hurts the livelihoods of so many of our constituents. That is why Democrats are pushing for new priorities in the trade deals that the administration is negotiating with Colombia, Peru, Panama, South Korea and other countries.

Congress must continue to press the administration to change its trade policies and provide specific, constructive suggestions to advance the goals of our workers and our economy.

Unfortunately, the Bush administration doesn't act as though it believes that Congress should have a real say in trade negotiations. One example, though it is certainly not the only one, is the matter of allowing access to life-saving medications.

Congress has passed legislation directing the administration to respect the Doha Declaration, an agreement that allows countries flexibility under WTO rules to provide for public health. Although the administration signed the Doha Declaration, USTR has completely ignored Congress' directive to respect it.

Every trade pact negotiated since 2002 has contained stringent intellectual property rules sought by the major drug companies. By keeping medicine prices high, these rules increase industry profits but restrict access to needed medicines for citizens in developing countries. Even in current free trade negotiations, USTR continues to ignore the will of Congress to respect the Doha Declaration.

That is why a new framework for trade must include a stronger role for Congress. The current model of nonbinding negotiating objectives permits the President to ignore the wishes of this Congress.

It is no surprise that the administration has favored large corporate interests at the expense of American workers, the environment and global health. But it is wrong. However, our new majority in Congress will respond to workers who have been hurt by previous trade agreements. After all, trade agreements have affected my home State of Maine's manufacturing, farming and service sectors.

Soon Congress may be asked to consider renewing fast track authority. I voted against the Trade Act of 2002, which granted fast track authority to the President. I urge my colleagues to reject renewal of fast track in its current form. It is vital that Congress continue to press for change, firmly and constructively.

INJUSTICE AGAINST FORMER U.S. BORDER PATROL AGENTS RAMOS AND COMPEAN CONTINUES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina (Mr. JONES) is recognized for 5 minutes.

Mr. JONES of North Carolina. Madam Speaker, today is the 69th day since a great injustice took place in this country. On January 17, 2007, two

U.S. Border Patrol agents entered Federal prison to begin serving 11 and 12 year sentences, respectively.

Agents Compean and Ramos were convicted last spring for shooting a Mexican drug smuggler who brought 743 pounds of marijuana across our border into Texas. These agents never should have been prosecuted. The U.S. Attorney's Office prosecuted the agents and granted immunity to the drug smuggler, who claimed he was unarmed. The illegal drug smuggler received full medical care in El Paso, Texas, was permitted to return to Mexico, and is suing the Border Patrol for $5 million for violating his civil rights.

Madam Speaker, he is not an American citizen. He is a criminal.

Madam Speaker, it is ironic that one of the Federal prosecutors dismissed by the Justice Department, who never should have been terminated, was criticized for not doing more to try cases of illegal immigration. Yet we have a Federal prosecutor in western Texas, Johnny Sutton, who, instead of prosecuting an illegal alien, who was also a known drug smuggler, decided to give immunity to the illegal alien drug smuggler and prosecuted the two Hispanic-American border agents who tried to apprehend the smuggler.

Madam Speaker, this makes absolutely no sense. Johnny Sutton also prosecuted another law enforcement agent, Deputy Sheriff Gilmer Hernandez. Hernandez was recently sentenced to a year in jail for shooting the tires of a car transporting illegal aliens after the driver attempted to escape a routine traffic stop by aiming the vehicle at the deputy. Hernandez was charged with violating the civil rights of one of the passengers, an illegal Mexican national, who was struck in the lip by bullet or metal fragments.

Citizens across this country and many of us in Congress want to know why does the U.S. Attorney's Office in western Texas choose to go after law enforcement officers while protecting the illegal aliens who commit crimes?

The President has the power to immediately reverse this injustice by granting a pardon to these two men, who were doing their jobs to protect the American people. But, so far, the President has refused to stand up for justice in this case.

Madam Speaker, I hope the White House will agree with many of us in Congress who believe Mr. Sutton's actions in prosecuting these agents raises serious questions and need to be investigated.

I thank House Judiciary Chairman JOHN CONYERS and his staff for their interest in this situation involving the two border agents, who should have been commended instead of indicted. I am hopeful that the House, under the leadership of JOHN CONYERS, will soon hold hearings to look into this injustice.

NEW POLLS REGARDING VIEWS OF IRAQI PEOPLE

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Madam Speaker, on the fourth anniversary of the invasion of Iraq, several new polls looking at the opinions of the Iraqi people were released. It is important that we heed this call and that we listen to their choices, because it has been 4 years.

Some frightening stories were illuminated by the new polls. For example, one in four Iraqi adults have had a family relative murdered in the last 3 years, while 23 percent of those living in Baghdad have had a family relative kidnapped in the last 3 years.

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More than half of Iraqis have a close friend or relative who has been hurt or killed in the current violence. One in six say someone in their own household has been harmed. Eighty-six percent worry about a loved one being hurt, two-thirds worry deeply. Huge numbers limit their daily activities to minimize risk. Seven in 10 report multiple signs of traumatic stress. The number of Iraqis who describe their lives as good has dropped from 71 percent 3 years ago to under 40 percent today.

This is shameful, Madam Speaker. Every day the evidence against President Bush's so-called war plan mounts. It makes one wonder if there is even a plan at all. How much of the Bush Iraq policy has been forced on the Iraqi people? How much real involvement have the Iraqi people had in deciding the future of their own country. How are the Bush policies affecting Iraqi families?

I voted against the authorization to go to war. And Madam Speaker, I say to my colleagues, whether they voted "yes" or "no," now is the time to make a change in direction. Let us empower the Iraqi people; let us restore their sovereignty.

Last week, I had the opportunity to testify before the Foreign Affairs Committee about my legislation, H.R. 508, the Bring the Troops Home and Restoration of Iraq Sovereignty bill. This bill is a comprehensive proposal. It has 49 cosponsors, and it will end the occupation of Iraq within 6 months of enactment. It will accelerate the training and equipping of Iraqi military and security forces, preparing the Iraqis to take over their own security after U.S. troops and contractors leave at the end of the 6 months. It will fully fund the health care commitment to our returning veterans. It will make veterans health care an entitlement, something they deserve because, for heavens sakes, they have done so much for us.

Additionally, the legislation revokes the President's Iraq war powers, it prevents establishment of permanent bases in Iraq, and it returns the oil rights to the Iraqi people. Actually, it gives Iraq back to the Iraqis.

Madam Speaker, our most solemn obligation is to the brave and capable men and women who have been placed in harm's way. This legislation, as I said, guarantees physical and mental health care for U.S. veterans of military operations in Iraq and other conflicts. It is the least we can do. It is the very least we can do to show the gratitude of a grateful Nation.

H.R. 508 will fulfill our commitment to our Nation's brave troops and to the Iraqi people. The polls here and the polls in Iraq are clear: it is time to bring our troops home.

To those who are watching and wondering about the future of our Iraq policy, I say I will not stop, I will not rest, and I will not back down in my fight until every single last soldier and marine is home safe with his or her family.

PRIVATE CLARENCE SPENCER AND SERGEANT FIRST CLASS ALLEN MOSTEIRO

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. GRANGER) is recognized for 5 minutes.

Ms. GRANGER. Madam Speaker, I rise today to honor one of the bravest and most dedicated young heroes of north Texas and of our Nation.

Army Private Clarence Spencer was killed in Bilad, Iraq while fighting against enemy forces in one of the most important conflicts our Nation has ever engaged in. Clarence Spencer gallantly and selflessly gave his life for his country while fighting alongside his fellow soldiers of the 1st Cavalry Division of Fort Hood, Texas.

Private Spencer is survived by his mother and son and his loving wife, Army Private Charlotte Spencer, who has also devoted herself to our Nation's noble military profession.

Clarence Spencer served three tours in Iraq, two of which were as a marine. Wounded in Iraq on a previous tour, he demonstrated tremendous courage by deploying into harm's way once again. Private Clarence Spencer is gone, but he will never be forgotten. His memory lives in our hearts, and America is eternally grateful for his spirit and his dedication.

As Clarence's Dunbar High School football coach said about Clarence, "I have coached faster, stronger and more talented students, but I've never coached anyone I was more proud of." That is precisely the way that the Fort Worth community and our Nation feel about soldiers such as Private Clarence Spencer, a true American hero.

Madam Speaker, I also rise to honor a second hero of the Fort Worth community and of our Nation. A graduate of Fort Worth's Eastern Hills High School, Sergeant First Class Allan

Mosteiro was an 18-year veteran of the Army, who was assigned as a scout leader in the 1st Cavalry Division based at Fort Hood, Texas. He gallantly and selflessly gave his life for his country as a result of wounds he received during a fire fight against enemy forces in Taji, Iraq on February 13, 2007.

Sergeant Mosteiro is survived by his loving wife, son, parents, one brother and three sisters.

The American people recognize their sacrifice and honor the Mosteiro family's patriotism. As a career soldier and senior noncommissioned officer, Sergeant Mosteiro's leadership was instrumental in developing younger soldiers, and he did not take his responsibility lightly. A veteran of Operation Desert Storm and of the current war, Allan Mosteiro dedicated his life to securing the freedoms that all Americans so rightfully cherish.

Sergeant First Class Allan Mosteiro is gone, but he will never be forgotten. His memory lives on through the wonderful family that he left behind and the dedicated soldiers he so ably led.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed without amendment concurrent resolutions of the House of the following titles:

H. Con. Res. 44. Concurrent resolution honoring and praising the National Association for the Advancement of Colored People on the occasion of its 98th anniversary.

H. Con. Res. 66. Concurrent resolution permitting the use of the Rotunda of the Capitol for a ceremony as part of the commemoration of the days of remembrance of victims of the Holocaust.

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the President pro tempore, appoints the following Senators as members of the United States Capitol Preservation commission:

The Senator from Illinois (Mr. DURBIN).

The Senator from Louisiana (Ms. LANDRIEU).

The message also announced that pursuant to Public Law 100–696, the Chair, on behalf of the Republican Leader, announced the appointment of the Senator from Colorado (Mr. ALLARD) as a member of the United States Capitol Preservation Commission.

FAILED TRADE POLICY

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Maine (Mr. MICHAUD) is recognized for 60 minutes as the designee of the majority leader.

Mr. MICHAUD. Thank you very much, Madam Speaker.

I rise with my colleagues here this evening to talk about our failed trade policy.

As a former mill worker at Great Northern Paper Company in East Millinocket, Maine, I know firsthand how these trade deals have crippled our manufacturing base in the State of Maine.

When I ran for Congress, I told the people of the State of Maine I would fight for them, for their jobs and for their families every single day. Mainers know that these trade deals have left them behind. You can go almost anywhere in my district and find an abandoned mill or a vacant factory. They are painful reminders of what was and is no longer to be. Their jobs have been outsourced to countries that pay slave wages. How can we compete when our own workforce has been left behind?

The election results proved that the American public is sick and tired of their jobs being outsourced. They want a Congress that fights for our workers and businesses. They want this country to move in a new direction. They want this Congress to move in a new direction.

I will be the first to say that I am concerned when I am hearing from my fellow colleagues that we can't cut side deals on trade agreements. Some say maybe we can make a few concessions on both sides and a deal is cut. The American workforce is sick of these trade deals, these side deals being cut. They don't want more trade adjustment assistance; they want their jobs.

Some say that the pending free trade agreements, that we should do a side letter to appease labor, or maybe a couple tiny provisions that fix the environment. My mom always told me, you can't fix what's broken. Our trade policies are broken.

It is time to start from the ground up. It is time to renegotiate the Peru, the Colombia and the Panama Free Trade Agreements. With the TPA deadlines quickly approaching, we cannot rush something through. The American public deserves to have the new majority renegotiate these trade deals.

This election sent a strong message. It is to change course in what the Bush administration has done with our failed trade policies. There is no quick fix to this solution, not when these agreements are based on a flawed model. These agreements compromise our port security, they privatize Social Security, they threaten our intellectual property rights, they undermine States' rights, and they infringe on access to medicines.

I strongly agree with Chairman LEVIN that we need to address these issues, and we need to do it now. Nonbinding side letters are not good enough.

Regarding the Colombia Free Trade Agreement, there is no fix that can make this agreement acceptable. It is highly offensive that the Bush administration even initiated negotiations with a country infamous for having the highest rate of trade unionists assassinated. More than 2,000 labor union activists have been murdered in Colombia since 1990. More than 2,000 labor unionists murdered since 1990, with 60 assassinated in 2006 alone, one per week. Until the Colombian Government changes this abominable situation, the United States should not offer any enhanced trade relations to Colombia.

And then let me touch on the biggest issue of them all: fast track. Fast track delegates away Congress' constitutional authority. It undermines our right to have a say in what goes on in these trade deals. We must replace this outdated, failed trade negotiating system.

Over 3 million American manufacturing jobs, one out of every six manufacturing jobs, have been lost during the fast track era. Before fast track, we had balanced trade. The United States trade deficit has exploded as imports surged. The worldwide gulf between the rich and the poor has widened since fast track.

I could go on and on and on about fast track. Fast track has put us on the wrong track, and it is time to turn it around. Any acceptable version of fast track must include the bare minimum of some of the following:

It would restore Congress' right to decide which countries it is in our national interest to negotiate new agreements. It would set mandatory requirements for what must and must not be in every agreement, including core labor and environmental standards. It would require Congress to vote on a trade agreement content before it can be signed, and it would not allow for secretive negotiations. A new negotiating system must include more oversight on how past agreements are actually working. It would reinstate our system of checks and balances.

I am pleased that some of my colleagues are here this evening to join me in this trade discussion, and I look forward to their remarks. I would like to thank them for their leadership as well in this area.

I now would like to introduce Congressman PHIL HARE, a newly elected freshman from Illinois, to be the next speaker. PHIL knows firsthand about how these trade agreements affect our manufacturing industries. Prior to working for Congressman Lane Evans, PHIL's first job was at the Seaford Clothing Factory in Rock Island. During the 13 years, he cut linen for men's suits there.

PHIL served as a union leader and as the president of Unite Here Local 617. As district director for then-Congressman Lane Evans, PHIL HARE fought for the working men and women in his district. PHIL is a leader among the freshman class on trade issues.

PHIL, I want to thank you for your tremendous leadership on this very important issue that affects men and women throughout the United States. I yield to the good gentleman.

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Mr. HARE. I thank the gentleman from Maine, and I also want to just commend you for your leadership on this whole issue of trade.

When I first came to this body, I campaigned on the sole issue of trade; and they said there are a couple of people you need to look up right away. I needed to look up Representative MARCY KAPTUR and MIKE MICHAUD for standing up for ordinary people.

With all due respect to the President, I don't consider this fast track legislation; it is wrong track legislation. I am a card-carrying capitalist, and I have said this many, many times. But I came out of an industry, the clothing and textile industry. But, for the life of me, I don't understand, this President just doesn't seem to get it. We keep losing good-paying jobs overseas, and for the life of me we are one of the few countries I know that actually subsidize our manufacturers for going overseas, if you look at the east coast and look what happened in your area from Maine all the way down and you look what happened in the Midwest with Maytag.

Today I sat and I listened to a person from my district, Dave Bevard, who worked at the Maytag plant. He had 32 years in and his wife had 30, 62 years between the both of them. Here, these workers gave up two wage concessions, if you can believe that, to keep this plant open, $24 million from our State of Illinois in tax breaks to this company; and at the end of the day they ended up moving to Sonora, Mexico. The CEO of the company said, "I don't care about the workers and the community. I am here to make a dollar for my shareholders." It didn't matter about the health care and the pensions.

And Dave brought up today, you know, we have trade readjustment funds and things of that nature, but, as the gentleman knows, by the time you get them you have to decide between your unemployment compensation and whether you are going to be retrained. Then they tell you, well, you should go into a field that is growing, maybe like health care. So he said, of the 2,500 people that lost their jobs at that plant, 400 people tried the medical care, thinking they were going to get into medical care. Well, that worked great for the schooling, but when it came to practical exercise to go in and be able to learn the trade and be able to do it, they only had room for 30 people. So, 370 people are left out in the cold.

Another woman wanted to go through and wanted to get into daycare and needed a 1-year program at the community college. They only had a 2-year program; and they said, well, maybe she should just try being a cosmetologist instead.

When you take a look at the way we do this and the way we treat our workers, I said today this is a moral issue that I think we in this Congress have.

I support trade. I will always support trade. I know our country needs it. But I ask, at what price? And I want to know why is it that this President feels he doesn't have to basically come to Congress for anything, as you know, but particularly when it comes to the trade issue. He can outsource it, he can fast track, and he can do whatever he wants to do, and there is no congressional accountability, no oversight. We are left with a package we can't even vote up or down half the time because he has the secret back-door deals.

I, for one, as a freshman am tired. I am tired of going back to my district and seeing people like Dave Bevard and his wife who, by the way, has cancer. He is going to lose his health care.

And I ask a question very simply of this administration and for those on the other side of the aisle and maybe some within my own party who think that this is the way to go. I want you to come to Gifford, and I want you to see what is left of that Maytag plant, and I want you to see the people whose lives have been affected by this and the lack of health care.

Their prescription programs that they had, now they have lost their prescription drug program that they had, it equals for some of them their prescriptions per month, the pension that they receive. Now, they don't even get a pension, they have no health care, and somebody is going to try to convince me that this trade deal is going to work and that this was in the best interest of our manufacturing base?

Now I can't in good conscience do that. I think we had some interesting hearings today, but, ultimately, we have to be able to stand up.

And I agree with the gentleman from Maine. We had a directive I think this past election. I campaigned on this issue, as you know; and I campaigned very strongly about it. I said, look, I support trade, I support fair trade. So I am a fair trader, and I think that is what we should all be. And I think we have an obligation, as I said before, to ask this administration but also ask of ourselves: Are we here to represent the Dave Bevards of this country? Or are we here to represent the CEO that took the jobs to Sonora, Mexico?

And they are going to keep doing it. Every single day we read of another small factory going. My clothing factory that I worked in was shut down, and now I hear that the remaining 350 people that were working there are hanging by a thread. Translation: In about a year, that plant is going to go simply because nobody wants to have the initiative and the courage to stand up for an industry that has been hit, or dumping its steel. It goes on and on.

I don't want to use up the whole hour, but if the gentleman would just let me conclude by saying this. I would like to ask some of our folks on the other side that call me a protectionist, and I looked in the dictionary, and I think that means you are trying to protect something, and I am, and I know we are. We are trying to protect a basic fundamental right for people to have a decent-paying job.

You know, these aren't CEOs. These are ordinary people who want to put their kids through school, have health care. They want to be able to work, and work very hard, and be able to retire and not have to worry about it.

I am not going to stop on this issue, and I again applaud the gentleman from Maine for courage that he has. And I will promise you this, that I have said many times: I don't know how long I am going to be in this body, but as long as I am I am going to continue to come to this floor, I am going to continue to talk about those lost jobs and say we have to start thinking differently than we have before.

We have an obligation, and our obligation is to stand up for ordinary people. That is what I have always been about. And I think the basic job of a Member of Congress, when you really get down to it, after all is said and done, is all of us are here to do the best we can to help ordinary people out, to make their lives better, not complicated.

So to my friends on the other side that might think I am off base, I am not going to support fast track. I will vote against it. I am not going to have any part of outsourcing one more job from my district or from this country. I am going to stand up for workers, whether they are from Illinois or Maine or Ohio or Florida or wherever they are from, because we have a responsibility to do it. It is the right thing to do.

And, again, I just can't thank you enough, Congressman, for taking the lead on this. You and Representative KAPTUR have been great inspirations to me as a freshman here and campaigned on this issue of trade.

And, by the way, I would just say to people listening, it is okay to run on things you believe in and lead with your heart and on the right issues, and every now and then the good guys do come out on top. So I thank the gentleman for allowing me to participate this evening and look forward to any questions or discussion you might have.

Mr. MICHAUD. I thank you very much, Congressman HARE.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. WATSON). All Members are reminded to address their comments to the Chair.

Mr. MICHAUD. I apologize, Madam Speaker.

I would like to thank the gentleman for his kind remarks. It is I who ought to thank you and the freshman class for your leadership in this area. You have actually brought forward a whole new fresh discussion about trade and what it has done to this country. So I really appreciate your leadership and look forward to continuing working with you as we move forward in this area.

There is another Member I would like to recognize, not a member of the freshman class, but this Member has been a true advocate for fair trade. Congresswoman KAPTUR has been a tremendous leader in this fair trade fight.

MARCY came to Congress from a working-class background. Her family operated a small grocery where her mother worked, after serving on the original organizing committee of an auto trade union at Champion Spark Plug. MARCY knows firsthand how these unfair trade deals have affected industry throughout her congressional district in Ohio and has been a key player in our trade working group in the House.

I really appreciate all the leadership and expertise that you have brought forward on this issue, Congresswoman KAPTUR. You have been a true leader, and you have been a mentor to me ever since I got elected to Congress. So thank you, and I yield you such time as you may consume.

Ms. KAPTUR. Congressman MICHAUD, thank you so much for bringing us together tonight and for your great contributions to this debate. That is probably the major economic debate this Nation faces. It is a real pleasure to be here with you this evening. I thank you for yielding me some time.

And to Congressman PHIL HARE from Illinois, who has just hit the ground running here and who I think is such a tremendous addition to our membership and to this great struggle for the cause of all people in our country, the dignity of their work, the future for their families and the future of our communities.

And to Congressman STEVE LYNCH of Massachusetts, who works so respectably as an ironworker. He looks like that man that they have on that iron beam over New York City, that famous poster. Whenever I look at him, I think I see him. He is the one who is swinging the golf club with the ball or something.

It is a pleasure to be here with these gentlemen tonight, because they have all worked for a living, their families have worked for a living, and we need more people who bring this experience to the Congress of the United States.

The plant that Congressman MICHAUD discussed, Champion spark plugs, no longer exists in Toledo. Back when I was first elected, we tried so hard to get the Japanese to buy the spark plugs, the best plugs that were made in the whole country, Champion spark plugs.

I took them to Japan in 1985, and I said to Prime Minister Nakasone, "Your companies aren't buying from our premier companies." Our trade deficit was beginning to really get bad back then, so I said, "So I would like to suggest that we give you these plugs for free for your manufacturers, and let them try them."

And we learned a lot about the keiratsu system of Japan and what a closed system indeed it is and that other companies couldn't bid into that production and that these very tight buying chains exist globally. Japan has been eating our lunch in the automotive market for a very long time now, but the Japanese market still remains closed, with less than 3 percent of the cars on their streets from anywhere else in the world. They didn't even take Yugos or bugs, VW bugs. So that market is a closed market, and we began to see how difficult it was to engage in trade with nations who truly were protectionists.

Congressman HARE talked about protectionist countries. You can see pretty clearly which ones they are when you look at what is on their shelves and what is on their streets.

I am here tonight to say that I have never supported fast track, because I don't believe Congress should ever let a fast ball go through here that we don't grab ahold of. And the problem is you can't amend a trade agreement. So even if you want to, as happened when we debated NAFTA, I can't remember a more piercing debate in this Congress other than votes on war. That NAFTA debate was the most significant economic debate we had here in 1993; and at the time that we debated that, it was purposefully brought to the floor in a way that we could not amend.

So let me just take one issue. We are going to have discussions this year on the issue of immigration. When that bill came down here, there were many of us who said we have to deal with the displacement that is going to happen in Mexico in the farm sector, because there is no transition provision in NAFTA and no currency exchange, that we knew that the Mexican farmers were going to be thrown off of their community oriented farming ejido systems. It has happened. No one wants to recognize it has happened, but over 2 million people were disgorged from their villages and towns, and they are wandering the continent, providing an endless stream of labor that is dirt cheap there and here. It is almost as if they didn't want us to talk about it because that fast track bill came through here.

Now, the NAFTA model is being used, they want to expand it to Colombia, they want to put it to Peru.

I wanted to say a word about Colombia this evening. I agree with Congressman MICHAUD. There is no nation in the world that allows the assassination of their labor leaders more than Colombia. Why would we want to sign a free trade agreement with a country that isn't free? Our cardinal rule ought to be: Free trade among free people.

When we look at what happened in Colombia recently, Chiquita brands, remember Chiquita Banana, which is headquartered in my State of Ohio, has just pleaded guilty to funding terrorism in Colombia. Several what are called unidentified high-ranking corporate officers of a subsidiary of Chiquita paid $1.7 million from 1997 through 2004 to fund the United Self-Defense Forces of Colombia, a group that our country says is a terrorist organization. And Chiquita also bribed other groups inside of Colombia.

The company has now admitted to this wrongdoing and agreed to pay $25 million in fines. They said that the money was paid to protect employees from violent paramilitaries who fight over the banana plantations. I wouldn't wish working on a Colombian banana plantation to any living human being.

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And yet we are about to sign a free trade agreement under fast track that we can't amend and stand up for the dignity of people in Colombia.

We know that the Colombian worker isn't safe; yet the President evidently thinks it is okay to sign an agreement where there is no transparent justice system, where bribes and protections and murders are every-day occurrences. Where are our values as a country? Why has it taken us almost 20 years from 1985 to 1995 to 2005, now it is 2007, to bring this issue up? We had to have so many casualties in this country. We tried 23 years ago so the hurt would not be so bad. And the gentlemen that are here this evening, Mr. LYNCH, Mr. MICHAUD, Mr. HARE, Mr. ELLISON, they represent those who are suffering in our country. There are people suffering in other countries, too.

I want to say I associate myself with the gentleman's remarks this evening. And what you said about those who have been murdered in Colombia, we know 72 were murdered in 2006, and the gentleman talked about prior assassinations of those who were trying to form groups there so they could earn a decent wage. Almost none have been prosecuted. It is like their lives have no meaning. So we need to set a higher standard. Maybe our Constitution really should stand for something and we should look for an agreement among the peoples of the Americas that uses democracy and liberty as its fundamental principles, not the diminishing of workers, be they farmers or industrial workers.

I oppose the Colombian free trade agreement and stand up for human rights, the middle class, the rule of law, and everything that this Nation should be committed to.

Mr. MICHAUD. Thank you, and I look forward to working with you as we move forward.

We also have been joined by Mr. ELLISON, who represents the Fifth District in Minnesota with distinction. Congressman ELLISON believes NAFTA and CAFTA have encouraged the movement of manufacturing and agricultural jobs out of Minnesota to be done under sweat-shop conditions in other countries.

A 2003 report by the Minnesota Fair Trade Coalition reported that at least a quarter and likely one-third of the net 45,000 manufacturing jobs that Minnesota lost from 2001 to 2003 were directly attributable to trade deals such as NAFTA.

Congressman ELLISON has been a leader among the freshman class, along with Congressman HARE, in fighting for fairer trade deals. I yield to Congressman ELLISON.

Mr. ELLISON. Thank you. I thank you for your leadership on this issue of fair trade. I think that the time is right, the time is now to begin talking about fair trade. I want to commend all of the Members here tonight talking about this critical issue.

This election sent a strong message: no staying the course on Bush's failed trade policy. So now what do we hear, that the Bush administration wants to send to Congress NAFTA expansion agreements with Peru and Colombia. Consider the problems that Democrats have endlessly raised in writing, in hearings, on the floor, think about these problems and the administration's trade agreement model, how we have continually demonstrated that the Bush trade model is killing American jobs and is an enemy of the middle class.

Then consider what the administration chose to put in the deals anyway. Democrats are for consumers' right to affordable medicine. The 2002 trade negotiation authority instructed the Bush administration not to lard up and pack up these trade deals with new protections for big pharmaceuticals that could cut poor consumers off from access to medications and cause endless deaths in poor countries. But the administration inserted this poison pill into the FTAs. The TRIPS-plus requirement needs to come out.

Democrats are against privatization of Social Security. We believe the elderly in whatever nation they are in should have safeguards for their security as they age. Yet the Peru free trade agreement requires Peru to open its social security system for privatization. That has to come out.

Democrats believe that foreign businesses operating on U.S. soil shouldn't have greater rights than U.S. businesses. And we believe that our environmental and health safeguards cannot be exposed to attack in international tribunals. But the administration included the extreme foreign investor rights and investor state enforcement of NAFTA's Chapter 11. That needs to come out as well.

Democrats believe in the right of Congress and the President to protect this Nation's security. We have made it clear that the trade pacts cannot subject our decisions about who should operate U.S. ports to attacks in international tribunals or demands for compensation. Yet although the Dubai Ports World operates Peru's ports and thus would have the right to such a claim, you included the "landslide port activities" in the Peru and Colombian agreements. That has to come out.

Democrats believe in reducing poverty in the developing world. We believe in providing farmers in the Andean nations opportunities to earn a living without resorting to illegal drugs that will end up on our streets here in the United States. But despite the warnings from Peruvian and Colombian Governments and the record of NAFTA displacing 1.7 million compesinos, the President has insisted on zeroing out corn, rice and bean tariffs in those things. That has to come out.

Democrats believe consumers have a right to safe food. But the administration included provisions allowing food imports that don't meet our standards. That needs to come out.

Democrats believe that when governments spend tax dollars, they must do so in the best interest of the taxpayers. But the administration included language in these FTA procurement texts that could expose Davis-Bacon prevailing wage laws, renewable energy standards and more to challenge. That must come out.

It would only require striking a sentence here or a word there to remove the FTA terms that directly conflict with these core Democratic Party values and goals.

And then there is what is missing, the enforceable labor and environmental standards in the core of the text of the agreement equal to the commercial provisions.

Regarding the Colombia FTA, there is no fix to that and there is nothing that can make this agreement acceptable in my view. It is highly offensive that the Bush administration would exploit the enormous discretion fast track provides even to initiate negotiations with a country infamous and, unfortunately, famous for having the highest rate of trade union assassinations. More than 2,000 labor activists have been murdered in Colombia since 1990. Sixty were assassinated in 2006 alone; one per week. The Colombian Army is implicated in many of these murders, but few have been prosecuted. Until the Colombian Government changes its situation, the United States should not offer any enhanced trade relations to Colombia.

Mr. MICHAUD, thank you for your excellent work and leadership. The American people deserve fair trade agreements. The American Congress must take back its constitutional authority to make sure that any agreement that the United States engages in is an agreement that is in the best interest of the American working people.

Mr. MICHAUD. Madam Speaker, it is my pleasure to introduce my co-founder of the Congressional Labor and Working Families Caucus, a member of the House Trade Working Group, Mr. STEVE LYNCH.

During his career as an ironworker, Congressman LYNCH worked at a General Motors plant in Framingham, Massachusetts, the General Dynamics shipyard in Quincy, Massachusetts, and the United States Steel plant in Gary, Indiana, all of which were shut down due to foreign competition and unfavorable trade conditions.

Mr. LYNCH's firsthand experience in seeing the effects of plant closures on American workers and on local communities has led him to focus on efforts to improve United States trade policy and help protect not only American workers but also American businesses which also feel strongly about these trade deals and have been working very closely with the United States Business and Industry Council to make sure that we have fair trade deals. I look forward to hearing Congressman LYNCH's remarks.

Mr. LYNCH. Thank you very much. I thank the gentleman for yielding. I want to join the rest of the Members here tonight to say how proud we are of the fashion in which you have defended American workers and led this cause for all Americans.

I rise tonight to address the House on the matter of the pending trade agreements with Peru and Colombia and the general trade promotion authority.

There has been much talk over the past couple of weeks and all of us have heard it about the desire of our country to export democracy to the Middle East. I just have to say that I am a firm believer that you do not export democracy through the Defense Department, as has been suggested by this administration.

What we are talking about here in these trade agreements, this is how you export democracy. If you are going to do it at all, it is through trade agreements which give other workers in other countries a fair opportunity to have a decent standard of living, and it is really incumbent upon us through the Commerce Department and these trade agreements to make sure that at the same time we protect our own workers, we also give a fair chance at a decent living to those of our neighbors internationally.

Just like the job loss that has been described by Mr. HARE, Ms. KAPTUR, Mr. ELLISON, and Mr. MICHAUD, as the gentleman from Maine indicated, I worked at a General Motors plant in Framingham, Massachusetts, and I saw the impact in Massachusetts and in Framingham of those 2,300 workers getting laid off.

The same thing happened at the General Dynamics shipyard where I worked in Quincy, Massachusetts, and I saw the impact there, as well as the steel plants in the Midwest that I worked at which have also been closed down.

What really gets me is as an ironworker hearing the talk in Washington, especially this administration, they talk about job loss like they talk about the weather, like it is something beyond their control, like it is a natural disaster that they have nothing to do with, when in reality when you look at the policies this administration has put forward, it is a deliberate cause and effect. The reason we are losing jobs is because of the policies that we have adopted.

Just like so many other so-called free trade agreements, this Colombia and Peru trade agreement contain no meaningful language or effective labor and environmental standards for workers in those countries, nor does it provide adequate protections to our own workers.

Madam Speaker, these trade agreements are based on deeply flawed models of NAFTA and CAFTA. We continually repeat the same mistakes and offer the same problematic language in our trade agreements. Instead of enforceable labor provisions, these free trade agreements merely suggest that those nations that we deal with adopt and enforce their own labor laws. They offer no assurance that existing labor problems will be resolved, and they allow labor law to be weakened or eliminated in the future with no possibility of recourse for those workers.

From our experience, we understand that attaching nonbinding side letters is not enough; especially when you consider, as my colleagues mentioned tonight, the record of deplorable labor conditions in the two countries under consideration: Peru and Colombia. They are among the worst examples of labor laws and protections and enforcements in the world.

Peru, as my colleague from Maine has pointed out, the U.S. State Department documented the failure of Peru's own labor laws to comply with U.S. internationally recognized worker rights and ILO core labor standards. Our own State Department included violations of child labor laws with an estimated one-quarter of all Peruvian children between the ages of 6 and 17 employed.

The State Department also indicated Peru's noncompliance with minimum wage guidelines with roughly half of the workforce, about 50 percent of the workforce in Peru, earning the minimum wage or below. These conditions are a far cry from free trade.

Instead, American workers are being asked to compete with underpaid, exploited and child labor workforces. One would think with such deplorable conditions in Peru, that the U.S. would insert enforceable labor standards in the agreement. However, the labor protections are weak and nonbinding.

The same goes for Colombia, a country that is infamous for having the highest trade union assassinations in the world. Mr. MICHAUD pointed out that more than 2,000 labor activists have been murdered in Colombia since 1990.

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Until the Colombian government takes action to change this volatile situation, the United States should not offer any enhanced trade agreements with Colombia.

We also must consider the national security implications of these agreements. Both Peru and Colombia harbor terrorist organizations with heavy involvement in narcotrafficking. While both countries have established financial intelligence units for analyzing and disseminating financial information connected with anti-terrorist financing regimes, greater cooperation from the Peruvian and Colombian government is crucial in undermining the funding mechanisms for these organizations. This crucial issue of national security cannot be overlooked when we consider these trade agreements.

Madam Speaker, while sanctions and serious remedies are granted to the commercial trade and investment provisions of these free trade agreements, the labor, environmental and international security standards are completely ineffectual.

There is no quick fix that can make trade agreements with these countries work for Colombian and Peruvian workers.

To truly strengthen the trade agreements, Congress must also strengthen its negotiating mechanism. Not only are free trade agreements flawed trade models, it is paired with a flawed blueprint for negotiation, and that is the trade promotion authority. Congress needs a new procedure for trade negotiations because we are being held responsible for the damage all over the world. Under the TPA, Congress cedes its ability to control the content of these U.S. trade pacts. Yet we are stuck time and time again with the political liability for the damage that these trade pacts cause.

This damage falls mainly to the American middle class, but also the Peruvian and Colombian agreements are replicating the same model of NAFTA and CAFTA that have been disastrous for the U.S. economy. Since NAFTA, over 1 million jobs have been lost nationwide, with over 23,000 jobs lost in my State of Massachusetts alone. This has reduced wage payments to U.S. workers by $7.6 billion for just 2004. The administration's trade agreement model is killing the American middle class, plain and simple.

Not only has NAFTA been harmful for American workers in Mexico, it displaced 1.7 million campesinos and forced them towards overcrowded cities and to enter the U.S. illegally. Yet the administration has evidently not learned from NAFTA's mistakes. Instead, the administration insisted on zeroing out corn, rice and bean tariffs, even in the face of warnings from the Peruvian and Colombian governments. Such measures will expand the NAFTA disaster to Peru and Colombia.

In their current form, the Peru and Colombian trade agreements will only export more economic hardship rather than democracy for foreign workers.

So I urge my colleagues and I urge everyone to reject the Peru and Colombian trade agreements until the rights of labor and the environmental issues are contained in these agreements. They should be rejected.

I believe in the potential of free trade, like my colleagues Mr. HARE and Ms. KAPTUR and Mr. MICHAUD, but along with power, as the major world power, we have a responsibility to use that power in a way that softens the impact of globalization on our own American workers, as well as the workers from Peru and Colombia.

Mr. MICHAUD. Madam Speaker, I would like to thank the gentleman for his comments. We have talked a lot about the individual workers, but, also, this really devastates the community.

Three days after I got sworn in as a Member of Congress, the company I worked for filed bankruptcy. The Great Northern paid approximately 65 percent of the tax base in the town of East Millinocket. That had a devastating effect on what is going to happen to the school system as far as being able to get the taxes owed because of the mill going through bankruptcy. But also other small businesses in the community actually had to close down because they relied on the workers in the mill to help keep the small businesses going and running.

When you talk about getting retrained, my colleagues I worked with at the mill, they were up in the age of 50 or 60 years old. Now they have got to go back to school. A lot of them never went to school beyond high school. Now they had to go back and try to further their education, which is very difficult, and get trained. For what?

If you look at what happened in our State, we had mill after mill, paper machine after paper machine, shut down. It has been very, very difficult to find jobs in these communities, and it is very disheartening to see grown men and women for the first time in their lives that they actually had to go and ask for help for food. They had to raise funds to fund the food bank, and it is very difficult.

I just hope that our colleagues on both sides of the aisle have seen the failed trade policy that has come about starting with NAFTA, and I know it was a Democratic administration, but probably conceptually sounded good. But now we have got a track record of what NAFTA has brought us; and, hopefully, we have learned our lesson and will be able to move forward in the manner that we do have fair trade deals.

I will open it up for any discussion that my colleagues might have.

Mr. HARE. Madam Speaker, one of the things that I think we need to do here is we have to start bringing some commonsense back to all of this. I think sometimes we think in too broad of thoughts. For example, some of the questions I would ask is, why can we not make a television in this country anymore, why can we not make stereos, and why can we not have textile mills in this country? We have quality workers. They were trained. They knew what they were doing.

My colleague, Representative KAPTUR, and I have been talking about getting a group of Members of Congress to go around to areas that have been hit and to interview those workers who have lost their jobs and to put it on tape and to show that to people. I would appreciate the gentlewoman might want to comment about that.

But what we are talking about here, Madam Speaker, is letting ordinary people tell us what has happened to them. These are people who are our veterans. They fought in the wars. They have come back, and they are working in the factory. They lose everything they have ever had, and some of them with very little or no notice at all, and yet we are so quick to want to find work outside of this country when we have people going to bed in this country hungry. Those jobs in Ohio and in Maine and in Illinois, they are gone.

I think we have to start doing something proactive. We have to stop this hemorrhaging of jobs, and we have to start thinking about how we are going to keep the jobs that we have here and expanding them.

The late Senator Humphrey said that the American worker was the most productive worker in the world, and that has never changed. So I appreciate the gentleman for giving me a little bit of time. I thank you for allowing me to speak this evening, but perhaps the gentlewoman from Ohio might want to comment.

Ms. KAPTUR. I thank the gentleman for yielding.

Congressman HARE and I are thinking about going to track the whole Maytag saga, starting in his home community but then going over to Iowa and the whole buyout of Maytag by Wall Street and the shedding of jobs, thousands, thousands of jobs.

Then, in my home State of Ohio, 2,000 more jobs hang in the balance at a place called Hoover Vacuum, which was part of this leveraged buyout. There was an article recently in the paper about the Maytags now being made by Samsung in South Korea, 250,000 of them being recalled in this country because they are burning up. They are actually catching on fire because water is dripping off the back onto the electrical panel. That never happened with Maytag. The Maytag repairman really was in that little room, and nobody bothered him.

I think it is important for us as Members to tell the story, whether it is Maytag, whether it is Champion, Dixon Ticonderoga, companies that Congressman MICHAUD worked for, and whether it is Maytag. We need to help America give full voice to what is happening.

It is interesting how little is on television, because some of the very same advertisers that own the airwaves do not want this story on there.

I understand Lou Dobbs is coming to Congress this week for a hearing that Congressman SHERMAN is going to have. That is one of the few reporters that even talks about this, but for the most part you do not see this on the evening news.

So I am very anxious to travel and tell the Maytag story and then maybe tell the story of Brachs Candy and tell the story of some our steel mills and to give these workers, first, appreciation for the fine products that they have built and it is not their fault and to say that we understand, but we know we are outnumbered sometimes, but our numbers are growing.

Mr. HARE. They are.

Ms. KAPTUR. But our numbers are growing.

We said when NAFTA passed it was the first battle in a long war, and we knew there were going to be casualties, and it literally broke our heart because we knew what was going to happen on this continent.

But now we have the next wave that came in when Congressman MICHAUD arrived; and now, with 39 new Members in your class, Congressman HARE, to come here, and you cannot imagine what that means to the more senior Members.

Our only sadness is all the casualties that are out there and all the people that have had to suffer. We had hoped to protect America from that. We had hoped to protect those families, but we did not have the votes. But now I think we have the votes.

I know one thing, we have the American people. Sometimes things get a little convoluted once it comes into this city, but we know the American people are with us. Let us make them famous. They are the ones that have lived this. Let us put it on our Web sites. Let us tell their stories. If others will not, let us do that. They surely deserve that. They have lived it.

Mr. MICHAUD. You are absolutely right. The American people, they do get it, and that is why they sent so many freshmen Members here in this Congress on the very issue that they talked about in their campaigns, and that issue is trade.

We are heading for disaster, a perfect storm. We have the largest budgetary deficit in the United States history, with over 45 percent approximately is owned by foreigners. We have the largest trade deficit in our history, over $202 billion with China alone. It is over I think approximately, what, 7 percent of our GDP?

We are heading on a collision course. We must make sure that we have a strong manufacturing base here in the United States, and that is why I look forward to working with my colleagues here on the floor, look forward to working with a good, diverse group of the United States Business and Industry Council, labor, environmental groups, my colleagues across the aisle, Congressman WALTER JONES, DUNCAN HUNTER, TIM RYAN on our side of the aisle and BETTY SUTTON.

So I am really excited. We see new life here in Congress as it relates to trade, and we have just got to keep talking about trade so that our colleagues will start paying attention to what is going on here.

Ms. KAPTUR. I think that if we look at those people that are trying to sell off chunks of America piece by piece, I am offended by that. I am truly offended by it.

When I heard the announcement that Hershey, one of America's logo companies, right, was going to move production to Mexico, they are already making those big kisses there, I guess. I did not know that. When you think of all the dairy jobs in Pennsylvania, you think of all of the factory jobs, you think of all of the distribution jobs. I mean, this is a massive American company. It was America. It was America. And so now we are going to let that go? And then they dumbed down the recipe so the chocolate is not as good? They put more wax in it or whatever. Come on.

Do not take the American people for fools. We understand what is going on, and we know that we are being sold out. America is being sold out from under us, and the American people do not like it at all. They expect us to stand up for them.

So it is just a joy to have you here, to be a part of this effort, and to say that the Peru and Colombian free trade agreement that is supposed to come through here on fast track, again, it is more just of NAFTA. It is more of the same. We should not approve it.

But what has surprised me the most, as much as the American people have been hurt by NAFTA, if we go back, what has shocked me, what I never expected or anticipated, was all the casualties across the continent in terms of job loss and people hurt. I never thought I would see the people of Latin America rise up in Mexico, in Brazil, in these massive demonstrations. That has literally humbled me as a citizen of the continent to think that the poorest among us, many have been risking their lives, to say the pain on them is even greater than on us. Their wages have been cut in half. They are losing their little stakeholds in Mexico, for example, and they are just being thrown off their land, and yet they are going to Mexico City and demonstrating by the millions.

I never anticipated that that would happen, and I think what is going to happen here, those folks in Wall Street and other places thought they were going to be so smart. I think you are going to see another generation come behind us. They are going to create a charter for the people of the Americas that we should have created. Some of us wanted to, but we did not have the votes here, and I think that the backlash on NAFTA and on these kinds of free trade agreements that cause so much harm, I think Wall Street has only begun to see what is going to happen.

So I put my faith in the people, I put my faith in the institutions of good governance, and I hope that, I do not know how harshly God will judge those who have done so much harm, but it did not have to happen.

□ 2030

We don't have to repeat the mistakes of the past, so I thank my dear colleagues here this evening, Congressman MICHAUD and Congressman HARE and Congressman LYNCH and Congressman ELLISON, for understanding what it is going to take to turn this continent and our values to put the values forward that were the ideals.

When I think about John Kennedy and his Alliance For Progress, and you go down in Latin America and in every home there is a picture of John Kennedy because he cared for them. He cared for them first. I thought how did we go so far? Why couldn't we get a majority here? What was wrong with us back in the 1990s, that is, that we couldn't put that together? I see a rebirth of that spirit of idealism here this evening, and I know that the continent is waiting for us.

I thank my dear colleagues for sponsoring this Special Order this evening and for helping us speak on behalf of the people who expect us to be here for them.

Mr. MICHAUD. Thank you, and I thank Congressman HARE once again for coming to the floor this evening to talk about it. We have a lot to talk about. We have fast track, we have the trade deals we are talking about. We will be talking more about the value-added tax as that comes forward in a couple of weeks, and also the trade balancing act, which I will be resubmitting again in this Congress to look at trade in a comprehensive manner.

I look forward to working with my colleagues on both sides of the aisle. This is an American issue. This is an issue that is important to this country, important to our long-term stability.

2008 FISCAL YEAR BUDGET

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from California (Mr. CAMPBELL) is recognized for 60 minutes as the designee of the minority leader.

Mr. CAMPBELL of California. Madam Speaker, tonight, and the next 60 minutes, we are going to talk a little bit about one of the major issues that will be on the floor here in the House of Representatives as people vote later this week, and that will be the budget of the United States Government for the next fiscal year, the fiscal year that begins later this year. It's called the 2008 fiscal year budget.

There will be several budgets offered; but if history is any guide, the one that is most likely to pass is the one that is being offered by the majority party, or the majority Democrats, in this case.

That budget is a travesty. Tonight, we are going to show you why, why that is not the budget that should pass, why that is not the budget that should govern the United States taxpayers' money over the next year. This budget that we will see later this week proposed by the Democrat majority has the largest tax increase in American history. Let me say that again: this budget you will see the Democrats propose this week has the largest tax increase in American history. It has no reform of any of the entitlements.

If we are going to save Medicare, we are going to save Social Security for future generations, as we will explain to you later, they are unsustainable. They have to be reformed. They have no reform whatsoever.

They do not save or preserve the Social Security surplus. You know, people pay Social Security taxes. When they do, they presume that money goes to pay for Social Security. Makes sense. That is why it's called a Social Security tax.

But, no, every year, a portion of that money is used to pay various other priorities of the Federal Government. The budget that the Democrats will propose this year for the next 5 years will not change that one little bit. Yes, this budget, Democrat budget later this week, is full of empty promises except one, to give you the largest tax increase in American history.

Now, let's bore into a few of these things. Let's look into a little bit of this in detail. In order to do that I have a few charts here. I don't want to have anyone have some flashback to Ross Perot, I know he had charts, so I have charts too. I have charts to show you what's happening.

This first one shows there is a misconception there, particularly on the Democratic side of the aisle, in spite of all the statistics, that somehow the deficit that we are in today was caused by the tax relief that was enacted back in 2003, that somehow allowing people at home to keep more of their own money to spend on their priorities, rather than Washington's priorities, that somehow allowing people to do that caused the deficit that we have today. It's absolutely not true.

If you look at this chart, you will see that total Federal revenues declined until 2003, when the tax relief was enacted, and they have risen and are now up somewhere around 46 percent. Since then, the Federal Government has 46 percent more revenue, 46 percent more money than it did in 2003.

I would ask the average American taxpayer at home, do you have 46 percent more money, more revenue, more income than you had in 2003? If you don't, you should understand, the Democrats believe that the 46 percent increase for the Federal Government wasn't enough, and that whatever you got, it was too much. Because they want to take some of what you have and put it right here in Washington, right here in the midst of the Federal Government.

So the tax relief did not cause the deficit, actually caused an increase in revenue. Spending caused the deficit, too much spending, something the budget, the Democrats are proposing the majority party does, is more. Their proposal over the next 5 years is to spend more and more and more, yet raise your taxes to do it. So they are taking the thing that is reducing the deficit and getting rid of it, and taking the problem that has created the deficit spending and giving you more of it. Let me show you a few more things why these tax reductions actually resulted in more revenue.

They stimulate the economy. When you have more money, what do you do with it? You save it, you invest it. You spend it, you create jobs, you do all kinds of good things with it. That is why after the tax relief was enacted in 2003, we created more jobs, lots more jobs, every single month, not a single month without more jobs created in this country since the tax relief was enacted.

What else did the tax relief do? It also increased gross domestic product. That is basically the size of the total economy. If you look, after 2003, it's not so good, but after 2003, gross domestic product has increased dramatically every single quarter. So many charts, they are falling down. The chart fell down and so did the unemployment rate after the enactment of the tax decreases. Again, here they go. Unemployment up close to 6.5 percent, and where is it now? Down around 4.5 percent.

These things are not coincidences. These good things that happened to the economy did not suddenly hit just when the tax relief went into effect by coincidence. No. The tax relief left billions and billions of dollars in the American public's hands and in the American taxpayers' hands so they could use it for their purposes and help the economy grow. That is what we should be doing more of, not less of.

But the proposed Democratic budget does a lot less of that. Let's talk for a second about how much less. This proposed budget has the greatest increase in taxes in American history.

Now, I could tell average taxpayers, people at home, how much is that? Oh, it's $392.5 billion a year. What does that mean? They don't know what that means. But let me tell you and bring it home a little better. It means $3,035 for the average tax return in America per year, per year, folks.

As people sit at home and they watch this, imagine the Democrats' budget is saying to you, $3,000 per year, you have to pay more here to Washington so they can spend it on more of their priorities.

We often hear, gee, in Washington, the spenders like to say, the tax and spenders like to say, oh, we need to do this, and we have to get the money. Where are we going to find the money if we don't raise taxes?

Well, I would say this, where is the average American going to find that money? Do you think they just will say, $3,000 a year, oh, that is no problem. That is just about $250 a month. That is nothing. I have got lots of that. That is no problem, we are happy to do that.

I don't think so. I think that would cause a tremendous impact on the average American family, a tremendous impact on their budget, and not a good one if it would have the reverse of all these effects. It would start to drive unemployment up. It would start to drive job growth down. It would start to the drive the economy down. We need to stop this budget that will appear here on the floor this week.

Now, I would like to introduce the gentleman from South Carolina (Mr. BARRETT). Mr. BARRETT, before you begin speaking, I would like to point out to you, because I have these figures broken down by State, that the average South Carolinian under the Democrats' tax proposal would pay $2,482.66 more tax per year. So you might tell me, Mr. BARRETT of South Carolina, how do you think the average taxpayer in South Carolina is going to pay for that?

Mr. BARRETT of South Carolina. My friend was exactly right. We are talking about the largest tax increase in our history, $292 billion. My friend from California was exactly right. When you talk about facts and figures, it's one thing. But when you try to bring it home and let people understand exactly what it means to them personally, it's another thing.

Let me just give you some examples. Nationwide, if the Democrat budget were to happen to pass, we are talking about some nationwide impacts. Here we go, a family of four earning $40,000 will face a tax increase of $2,052. That is a family of four nationwide and 113 million taxpayers will see their taxes go up by an average $2,200. Actually, $2,216, but what the heck, it's government work, let's round it off a little bit. Over 5 million individuals and families who would have seen their income tax liabilities completely eliminated will now have to pay taxes.

So not only people that haven't paid taxes in the past now, another 5 million individuals are going to have to hit the tax rolls; 45 million families with children will face an average tax increase of $2,864; 15 million elderly individuals, elderly. Now, most of these are on fixed incomes, will pay an average tax increase of $2,934. And 27 million small business owners will pay an average tax increase, listen to this one now, listen to this one, $4,712. Let me read that one again, 27 million small business owners will pay an average tax increase of $4,712. Unbelievable.

Let's bring it home. I am from South Carolina, born and raised there. Let's put it in South Carolina terms. In South Carolina the impact of repealing the Republican tax relief would be felt. Here is how. It's higher than I thought: 1,300,000 taxpayers statewide who are benefiting from the new lower 10 percent bracket would see their taxes go up.

In South Carolina alone, 1.3 million people added to the 10 percent bracket; 447,000 married couples in the State of South Carolina would see higher taxes because of the increase in the marriage penalty. We are penalizing people to be married; 427,000 families with children would pay more taxes because the child tax credit would expire; and 212,000 investors, including seniors, would pay more because of an increase on tax rates on the capital gains and dividends.

The gentleman from California was there last Wednesday into Thursday morning when we passed it, we voted against it, but the Democrats passed their budget. It's full of empty promises, with the exception of two, more spending and higher taxes. That is a done deal; it's going to happen. The Democrat budget says it's the largest tax increase in American history. The Republican budget will say no tax increases.

□ 2045

The Democrat budget will say, immense new spending. The Republican will say, we will hold the line and we were going to increase accountability.

Entitlements, on the Democratic side, it is a complete failure, $77 million worth of entitlement savings, $77 million when we are talking about literally hundreds of billions of dollars in entitlement spending that they are going to do. The Republican budget says reforms, improvements in reforms, trying to make entitlement more sustainable and adding to the longevity of it. So it is plain and simple.

Again, the figure that the gentleman from California, Madam Speaker, quoted a little bit earlier, when you bring it home in South Carolina terms where everybody can understand it, where it hits their pocketbook, we are talking per year average for 5 years if the Democratic budget passes, $2,482.66 that my people in South Carolina will have to pay more.

And I ask the gentleman from California, I don't think that is a pretty good deal, do you?

Mr. CAMPBELL of California. I thank the gentleman for yielding.

I don't think it is a very good deal at all. What are they going to get for that? I think that is part of the question here. What exactly are they going to get for that?

Are they going to get some of the spending like we just saw passed in the bill last week, you know, maybe some things to help shrimp and peanuts and a few things like that? Is that the sort of stuff they are going to get? Are they going to get a bunch of earmarks? What are they going to get? I don't think they are going to get very much.

I yield back to the gentleman from South Carolina. Do you see much that your South Carolinian constituents will get for their $2,500 a year?

Mr. BARRETT of South Carolina. I thank the gentleman for yielding; and, no, I don't. Again, broken promises.

One of the ways that the Democrats want to fund all this new spending is reserve funds. And you talk about a shell game. We are talking about setting up reserve funds so we can spend more money, but there is actually no money in the reserve funds because we are going to put the money in there later on.

Mr. CAMPBELL of California. Will the gentleman yield?

Can you explain that to me again?

Wait a minute. A reserve fund? I mean, a reserve fund to me is something where I put some money aside. You are telling me that they are saying they are setting up a reserve fund, the Democrats are, with zero money it.

I yield back to the gentleman.

Mr. BARRETT of South Carolina. Exactly. And as the gentleman from California knows, we had an empty jar, a big empty jar in our committee to illustrate that view.

One of the ways that the Democrats in their budget spend more money is they set up this empty reserve fund to be funded later, that the committees and the agencies and organizations can draw money out to spend more money, but yet there is no money in the reserve fund to spend. So you talk about a shell game. It is a shell game at its finest.

One of the things that I was proud of several weeks ago, I guess maybe it was 2 weeks ago, I was proud to be part of an RSC, the Republican Study Committee, a press conference that we had to talk about a Taxpayer Bill of Rights.

And, Madam Speaker, what we are talking about here is giving the taxpayers across the country more accountability for their government. Four simple things, things that we have talked about and things that we would like to see come to fruition. Let me tell you what they are.

Taxpayers should have the right to a Federal government that does not grow beyond their ability to pay for it. I don't think we see that in this budget, Madam Speaker.

Taxpayers should have the right to receive back every dollar they entrust to the government for their retirement. It is incredible what we have done and what we are continuing to do, Madam Speaker, in this Democratic budget.

Number three, taxpayers have a right to expect the government to balance the budget without having their taxes raised. As the gentleman from California well knows, the Republican budget that we will present later this week will do that in 5 years. We will balance the budget, save the Social Security fund, and do it all without raising taxes. The Democratic budget does not. It does not. Now they may say one thing, but the figures show something else.

And, last, taxpayers have a right to a simple and fair Tax Code that they understand. Boy, that is a tough one there. But it is a game of trying to be responsible to the taxpayers, as my friend from California knows. It is a game of making sure that our people keep their money. They know how to spend it more than we do in Washington, DC, and I trust my people more.

Unfortunately, Madam Speaker, as my friend from California knows, this budget trusts the government more than it trusts the American taxpayer.

With that, I yield back.

Mr. CAMPBELL of California. Will the gentleman yield one more minute?

Let me just ask you one more question, and then we will go on.

The gentleman from South Carolina, so narrow it down. There will be a Republican alternative to the Democratic budget here that everyone on this floor will vote on this week. What are the major differences? I mean, could you lay out for me and for Madam Speaker and for anyone watching what are those differences?

And I yield.

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

I think it is very simple. Number one, we will balance the budget without raising taxes; and, number two, we will reform entitlements. Because, as you well know, over the next 5 years, Madam Speaker, entitlement spending will grow 19 percent. Now that is without me, without my friend from California, without anybody in this House lifting a single finger. Entitlement spending will grow 19 percent.

So the budget we bring to the floor this week will be very simple. We will slow the growth, not cut. We will slow the growth, because entitlement spending will still continue to grow. We will slow the growth of entitlement spending, and we will balance the budget without raising taxes.

And I yield back.

Mr. CAMPBELL of California. Thank you, Mr. BARRETT from South Carolina.

Now, Madam Speaker, so you don't think that we are just trying to do rhyming people here, we go from Mr. BARRETT of South Carolina to Mr. GARRETT of New Jersey. But before I yield to Mr. GARRETT from New Jersey, you know, I am from California, and California taxpayers, under the Democrats' proposal, would pay $3,331.09 more per taxpayer in California.

Now, I thought that was a lot. I thought that was a lot. It is one of the higher numbers on the page. But it is not as much as New Jersey. Taxpayers in New Jersey would pay $3,779.88 more in taxes under the Democrats proposal than they do now. And that is an average, again, per tax return filed per year. Almost $4,000.

I am glancing here and I think, Mr. GARRETT, there is only one other State that is going to pay, have more of an increase and that is Connecticut than New Jersey. So I am curious, Scott Garrett from New Jersey, what exactly do you think and what will people in New Jersey think and how will they deal with $4,000 a year more taxes?

I yield to the gentleman.

Mr. GARRETT of New Jersey. I appreciate the gentleman from California yielding.

New Jersey is proud to be number one in a number of things. But, quite honestly, we do not like to be proud, we are not proud of the fact that we are number one when it comes to paying taxes in this country, whether you are talking about local taxes, sales taxes, State income taxes, property taxes. I think we are just about number one in all of those combined.

Yet when you take that and you add what is happening here, this could be one of the most expensive weeks for the citizens of the State of New Jersey if this House proceeds with what the Democrat leadership plans to do.

Now, I have the privilege of serving with you, the gentleman from California, on the Budget Committee. And as you know, we just debated, if you will, the Democrats' budget proposal just last week. Actually, we had a number of hearings over the last 3 months now, during which time we have had a number of experts come and testify on various aspects of the Federal budget and the ramifications of not doing some things in the area of mandatory spending.

When you think about all the rhetoric that we have heard from the other side of the aisle, and maybe it was disquieting at some times, I think the one thing that maybe we can reach across the aisle here and maybe hear one language, one word that we are on the same page on at least, in rhetoric at least, is they agree with us on this one point and that is that we should get to a balanced budget at some point. The distinction, of course, is how they get there and how we get there.

Now, anyone who tuned in to C–SPAN, if people did tune in C–SPAN and listen to those budget hearings that we had, they may realize, or they watch the stuff on the floor, what have you, might realize just how complex the Federal budget is. With talk of rescissions and special orders and earmarks and everything, it is a hugely complex matter that we deal with; and I appreciate your expertise that you come to the House with to be able to handle this.

But, in reality, if you just step back for a minute, what we all do here on the House floor and in Budget Committee isn't a heck of a lot different than what every single American family, my own included, and the residents of the State of California and New Jersey have to do every single year, every week, every month when it comes to their own family budget, and that is to say they have to live within their means.

Now, Washington doesn't have a good track record on this, but that is what families have to do. When it comes to families, I guess families don't really have a choice to say whether we are going to have a balanced budget or not. Washington does. People know how much money they are earning.

Mr. CAMPBELL of California. Will the gentleman yield?

Mr. GARRETT of New Jersey. Absolutely.

Mr. CAMPBELL of California. I was going to say, one thing that you can do here in Washington is print money. The average family can't. If the Democrats were to pass this budget and give them that $4,000 or $3,800 tax increase in New Jersey, your citizens in New Jersey can't print money like the Federal Government to just run a deficit, can they?

I yield back to the gentleman.

Mr. GARRETT of New Jersey. No, you are absolutely right on point. The average family has to sit down and say, this is what my income is going to be for the week, the month or the year for the year ahead and say I am going to live within those means. At the same time, what they have to do is they have to set priorities. And I think that what the gentleman was also trying to elicit from the Democrats during this last budget hearing was to set priorities. What are your top-ranking priorities? What must we spend on and where should we spend it? And if there are other things that you don't want to spend on now because you don't have the money, what are they?

They would never agree to do that, if the gentleman recalls. That is why I think they came up with this hollow, empty trust fund which, in reality, they could have said the trust fund is this big, since it is empty, or they could have said it is this large. Because if there is no money in it, there is no limit to how large the empty promises are.

But the family budget can't do that, just like you said.

But the other thing that the Democrats in Washington are able to do, besides print money, that the average family can't do, you know what else the family can't do? They can't raise taxes. A family cannot simply go out and say, I am short on cash this week, so I am going to raise taxes. That is why I started off by saying, as you pointed out, that this is the most expensive week for a family in the Fifth Congressional District for the State of New Jersey.

Let me just give you one other number while I stand here. It was the New York Times, that paper did a study just recently looking at what the Democrats in the House and the Senate are proposing. They looked at it a little bit slightly differently but came up with a little bit different number, but still draws the point.

They looked at an average family of four making $70,000 in the State of New Jersey. Now, if you are from the State of New Jersey, I don't think anyone from either side of the aisle would say that a family making $70,000 is rich by any means. It is expensive to live in our State.

But they said that family, who did very well under the Republican tax decreases in 2003 that we passed with the creation of jobs and the like, that family, under the Democrats' budget that may pass this House this week, would see their taxes go up by $1,500.

So if you think you are rich at $70,000, which I guess the other side of the aisle thinks New Jerseyans making $70,000 are able to pay more in taxes, those taxes are going up by $1,500. I think that is a burden that that average family should not have to bear in light of the property tax.

The overall average is the number that you brought out for the entire State of New Jersey, approximately $3,000. You may have it in front of you. I don't have it here.

Mr. CAMPBELL of California. Will the gentleman yield? $3,779.98 for the entire State of New Jersey.

I yield back.

Mr. GARRETT of New Jersey. So around $3,800 or almost $4,000. And you think about it. What could that $4,000 be used for? If you are the family and the husband and wife sitting down with your family, well, I would like to use that $4,000 to go on vacation this year. I would like to be able to use it on some other niceties or what have you. Or maybe, if they can't use it on that, maybe they have health expenses.

I have a daughter in college right now. Maybe they have college expenses, other things like that. I am sure they could find a use for $4,000 to spend.

I will yield.

Mr. CAMPBELL of California. I think this discussion we are having right now gets to the core of the difference between what Democrats in Washington, how they look at things and how we Republicans in Washington look at things. They look at it from the sense of, well, if we don't raise these taxes, how is the government going to spend more money on this or spend more money on that, or how are they going to get to take that? Because that is what it amounts to. When you tax everybody else, you come here, the 435 of us, plus the 100 people in the other body, get to spend the money on the stuff they want to spend it on.

□ 2100

And so how can we spend that money if we don't do this?

You and I, Mr. GARRETT, look at it from the standpoint of families, of taxpayers, of people. What are they not going to be able to do in New Jersey with that almost $350 a month? I mean, that is a nice car payment. That is substantial child care. That is a chunk of a house payment. It is a lot of different things to a lot of people. And we look at everything from the sense of the family, the taxpayer. They come first and the government comes second. That is not the way the Democrats in this town look at it, is it?

I yield back to the gentleman.

Mr. GARRETT of New Jersey. Mr. Speaker, I appreciate the gentleman's yielding. I remember one of the comments from the other side of the aisle during budget process, I think you shook your head when they said this as well, where they said, Well, if we do a tax cut, the Federal Government is subsidizing that taxpayer. And we just shook our head at that because a tax cut is not a subsidy to the American taxpayer. A tax cut is simply saying to Mr. and Mrs. Taxpayer and family that you don't have to send quite as much of your hard-earned money each week to Washington. You are able to keep $3,800 of that money. And maybe you want to use that $3,800 in New Jersey to go on vacation to a beautiful State like the State of California.

Mr. CAMPBELL of California. Mr. Speaker, reclaiming my time, it is a matter of it is your money. When you earn it, when people earn the money, it is their money. It is not the government's money. It is their money and the government takes some of it for necessary operation to run government. But it is not like it is all the government's money and the government allows you to keep some. That is not the way we look at it.

I yield back to the gentleman

Mr. GARRETT of New Jersey. I will just close on these thoughts: the difference that we are seeing here between what the Democrats will be proposing in their budget and the Republican alternative budget that should also come before the floor is in three areas, I think. We are both aiming towards the same goal, fortunately, of trying to reach a balanced budget by 2012, 5 years from now. But the Republican budget will reach that goal of 2012 without raising taxes by almost $400 billion, which is what your chart behind you shows. And that is critical.

So, number one, we will not put a burden of almost $4,000, $3,800, on the families in the State of New Jersey, $1,500 if you are a family of four making $70,000.

Secondly, by not raising taxes we will not be undermining the pro-growth policies of this administration and of this government over the last 10 years. Those pro-growth policies, for New Jerseyans at least, have created tremendous employment, very low unemployment, so that that family that is making that $70,000 a year or more or less in New Jersey at least knows that the unemployment rate is almost at historic lows at this point. So they know there is the opportunity for jobs, and because of that, there is great opportunity to improve yourselves in careers and what have you. And because of that pro-growth policy, we have seen the deficit shrink by 26 percent.

And, thirdly, and I think this is very important to everyone at home, is that we are making sure on the Republican proposal that those dollars that we do spend, because we are always going to have some spending by the Federal Government, that those dollars will not be wasted, not waste, fraud, and abuse, but will be spent on those things that are critical to my State, to your State, to national security, to homeland security, and to our veterans as well.

So balance the budget without raising taxes, make sure we continue the pro-growth tax policies that we have had in the past to create jobs, and make sure that those dollars are wisely spent. They all come under the umbrella of one thing, and you said it: to realize that these dollars come from the family budget. And our focus should be on the family budget and not on the Washington budget all the time.

Mr. CAMPBELL of California. Mr. Speaker, I thank the gentleman from New Jersey (Mr. GARRETT) so much for his comments and his hard work on these efforts and on these proposals to recognize that it is your money first, taxpayers. It is your money first. It is not the government's first that they let you keep some of. It is your money, and you should keep all of it except for the minimum amount necessary to properly run the government.

Now let us talk about a few more things on these taxes. Some of the rhetoric that people may hear from the majority party here is that this tax relief in 2003, 2001, this just gave tax cuts to the rich. We hear that over and over: "tax cuts to the rich." Well, as Mr. GARRETT pointed out, a $70,000-a-year family of four in New Jersey is probably not rich, and they would be paying $1,500 or whatever the amount was that you said.

Let us look at some of this. Now, these are numbers in billions of dollars, Mr. Speaker; so they can't relate to per person. This is the total Democrat proposed tax increase. This orange slice stands for the people who save money because of the 10 percent income tax bracket. Now, the 10 percent income tax bracket is the lowest tax bracket that exists. It is at $15,000 of income for a married couple. So this amount of this tax is going to people with roughly a taxable income of about $15,000. That is rich? I don't think so.

Look at this slice right here, this red slice. This is people who get the child tax credit and the marriage penalty credit, these benefits which the Democrats have proposed to raise, to cut in half the child tax credit and to eliminate what was put in place sometime ago so that people don't get a penalty, don't pay more tax if two people both earn income get married. Under the old law, a lot of them pay more tax. Now a lot fewer of them pay more tax. This would get rid of that. Both of these phase out over a certain income level. So all of these are geared only for people at lower income levels.

Let us look at this chunk. This is the death tax, which can affect all kinds of people, whether it is the person who is deceased or whether it is one of the many beneficiaries of someone who is deceased. And we know how the death tax has been destructive for family farms, family businesses, people wanting to pass their home that maybe has been in the family for generations, maybe only for a short period of time, but they want their children to have it, and they can't because the death tax got in the way.

We are scheduled to have the death tax continue to decline. But the Democrat budget has proposed to put it way back into full force and effect with a rate, I believe, of up to 55 percent.

And then look at this chunk, the biggest chunk of all the marginal rates. That means seniors with dividends and capital gains income and people at all other schedules in the different tax brackets within the Tax Code. These tax increases affect everyone, not just the supposed rich.

And let us look at what this would do to certain tax rates: the 35 percent tax rate would go to 39.6. A capital gains tax rate of 15 would go to 20. The estate tax would go from 0 to 55 percent. The child tax credit, from $1,000 to $500. And the very lowest tax bracket starting at taxable income, technically, of 0 would go from 10 to 15 percent. So, again, tax increases on everybody all across the board.

We talked a lot about taxes tonight. But as I said when we started this conversation, the reason we have a deficit is not because we lowered taxes. Lowering taxes stimulated the economy, created more revenue for the Federal Government. Mr. Speaker, the reason we have a deficit is because we spend too much. And here is a chart showing how spending drives the long-term problems:

Here is our spending today, roughly 20 percent of the economy; so already the Federal Government is spending about $1 out of $5 that exists in the economy. But if we leave things alone, if we allow spending to go forward and grow as it is in law now and if we just left all these things alone, it will go by 2049, you see here, up to nearly double that, nearly 40 percent of the economy. So $4 out of every $10 in the economy would be government spending.

Now, what this chart doesn't show is in countries where they have done this sort of thing before. The private part of the economy contracts. It doesn't have money for investment. It doesn't have money for growth. If government takes 3,331 more dollars out of each taxpayer in California, as the Democrats have proposed to do to spend on some of this stuff, they don't have that money to save. They don't have that money to invest. They don't have that money to buy things that help stimulate the economy. The government has it. The government doesn't save it. The government doesn't invest it. The government just spends it. And as we know, in a lot of cases not particularly wisely. So that is what happens if we leave spending alone. That is why we have a deficit.

Even with the Democrats' proposed tax cuts, which is the orange line here, Mr. Speaker, you see it isn't going to work. The spending increases much faster than even after those tax increases.

So I say to the people who have put together the majority budget, what do you plan to do here? Are we ever going to deal with this rapid exponential growth in spending? Or are you planning to raise these taxes further? Is the $3,331 per taxpayer in California just the beginning? Are we looking over a 10- or 15-year period of time at twice that? Three times that? Four times that? The sort of thing it would take to get anywhere near this spending level?

Chairman Bernanke is the Chairman of the Federal Reserve. And the Federal Reserve, I think there is pretty general unanimity on both sides of the aisle, as well as with the economists, that the Federal Reserve has done a pretty good job of managing our economy for some time, interest rates and inflation; and they tend to know what could set this economy off course and what could keep it on course. And I think they deserve a lot of credit for keeping the economy on course, not just over the last 3 or 4 years but over the last 15 or 20 years.

But Chairman Bernanke said just earlier this year that "without early and meaningful action to address entitlements, the U.S. economy could be seriously weakened with future generations bearing much of the cost."

What does he mean by that? When he talks about entitlements, he is talking about Social Security, Medicare, Medicaid, things like that that the government does. And he said if we don't deal with it early and meaningfully, if we don't take early and meaningful action to deal with the growth in these retirements, that the economy is in trouble.

Now, the Democrat budget that will be on this floor later this week, let's see, it is a 5-year budget. What reform of entitlements does it include? Oh, yes. Zero. None. Not one change. Nothing in the entitlements over the next 5 years. Is that early reform? I don't think so. Is that meaningful reform? Well, if zero is meaningful, then maybe; but I don't think it is meaningful reform.

So let us look at what happens if we don't reform. Again, here is revenue, this black line. That is income coming into the Federal Government, roughly the same tax rates that we have today. But look at what happens to spending. It goes from a little more than we are taking in right now to nearly double. Nearly double if we don't reform. That is why Chairman Bernanke said, Mr. Speaker, that we need early and meaningful reform or this economy is in trouble, as he said, with future generations bearing much of the cost.

Mr. Speaker, we have a lot of discussion about children around here and what is good for children and how we are going to help children. Let me tell you something I know is not good for children, and that is sending them this kind of price tag for us, for our Medicare, our Social Security, our Medicaid over the next 15, 20 years, and asking them to pay double, at least, the tax rates, the tax burden, that we pay because we didn't act.

☐ 2115

We know this is coming. This is not a Republican chart. This is not a Democratic chart. This is prepared by the Congressional Budget Office, the Office of Management and Budget. Any number of nonpartisan government agencies agree. All the experts agree. On the Budget Committee that Mr. GARRETT and Mr. BARRETT and I sit on, every single expert who came in said that this entitlement spending, this planned growth in spending, is a disaster, a budget disaster, that we can see. It is a train coming down the track right into our eyes. But we are not blinded. It is not like we can't see it, Mr. Speaker. It is right here. We can see it. It is right here on this chart. We know it is coming, and we know the only way to deal with it is to reform these things.

So where are they? Where are those reforms? What will people do if that top tax rate rises?

Let me pull out one of these other charts. Just think about it. Doubling taxes. I realize it is quite a few years off, but if we don't deal with it now, we will get there. What does that mean? I guess that means the 39 percent rate would go almost 80 percent. That capital gains would have to go to 40. The estate tax, I guess you just take it all, which has happened in some countries before. The child tax credit, you probably get rid of it. And the lowest tax bracket would probably need to go up to 20 or 25 percent.

Those obviously aren't exact figures or anything like that, Mr. Speaker, but just to give a sense of what we are talking about here if we don't do something, if we don't change these processes and change this. Because if you look at this chart again, the reason we can see the train coming is, if we do nothing, absolutely nothing, to change Social Security, that is this one, Medicare and Medicaid is this one, interest on the debt is that one. If we did nothing to change existing law, it is not like you have to do more, that we have to take action to spend this money. This is the money that will get spent if we do nothing, if we leave it alone under existing law. That is why we have to take action, and it is for the kids.

Our kids can't bear this burden. People have said that if we allow this to happen that my children will be the first generation of Americans to have a lower standing of living than their parents. We have never had that happen in this country, and we should never let it happen in this country. The only way it is going to happen is if we shirk our responsibility today, because, gosh, it is 15 years off, let's deal with it later.

This isn't about destroying Social Security. This is about saving Social Security. Because you really can't pay for this. There isn't enough money in the economy. So we have to reform it. We have to change the way it works to save it.

That is why Republican budgets will say we should save the Social Security system. We shouldn't spend it. That is why it is part of the American Taxpayers' Bill of Rights, which a group of us Republicans introduced a few weeks ago, where we said if you pay money for your retirement it should only be spent on your retirement. It shouldn't be spent on something else.

This isn't about destroying Medicare or wrecking Medicare, as you will probably hear demagoguery on the other side. It is about saving it. It won't continue this way. There isn't enough money. We have to save it, and to save it we must reform it.

You will see proposals, you will see reform, but not in the Democratic budget that we see today. And that is what is so disappointing, Mr. Speaker. We can't ignore it. We shouldn't ignore it. It is right there. It is right before us.

Our children will look back at this time in the future as to what we did with their inheritance. And I don't mean about the death tax necessarily. I mean the inheritance of optimism that is so much a part of the American ethos, the optimism that the average American can always do better, that anyone can lift themselves up, that they can move things forward.

Instead, this is saying, no, we have to take more of your money. We have to move things backwards. You may not be able to have the same things that your parents had because we need more of your money for a failed and inefficient system.

That is not the America my parents left me, it is not the America that I want to leave my children, but it is the America that this Democratic budget is heading us towards.

Mr. Speaker, we do not need the largest tax increase in American history. We need to let people keep more of their money, not less. Families will not struggle because government doesn't spend enough. Families will struggle when government spends too much and takes too much of their money.

Mr. Speaker, we need a solvent Social Security system, a solvent retirement system, not one that takes the money that that is taken out of people's paycheck for their retirement and spends it on other things and not one that is unsustainable, that won't exist 20 or 30 years from now.

Mr. Speaker, we need a Medicare system, a healthcare system, where people control their own healthcare, where people control their own destiny, not where the government is telling them what to do and telling them how to do it and using one of the most inefficient methods and high cost to do so. We have to reform that, or it won't exist in the future.

Yes, this Democratic budget is full of empty promises. You will hear about them over the next few days and weeks. You will hear that they promise to spend more money on this and spend more money on that and spend more money on the other thing, and in some cases they are definitely planning to do that. What they are not telling you is where they are getting it, and they are getting it right out of your pocket.

In some cases, they are going to say we are going to spend more money on this and spend more money on that and grow this program and grow that program; and, as Mr. BARRETT from South Carolina said earlier, they don't actually have the money in the budget to do it. They are just telling you, oh, yeah, we are going to do it. But we will find the money later.

Well, you can be sure where they are going to get that money, probably the place they get the other money, right out of the American taxpayer. It is the only place to go, unless you cut spending somewhere else, which we are very happy to talk about, very willing to do. That is always something you do in budgets, you set those priorities.

Yes, it is a budget filled with empty promises, except one, the largest tax increase in American history.

Mr. Speaker, American taxpayers deserve better, and I hope that we will defeat this budget later this week.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). All Members are reminded to address their comments to the Chair.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Connecticut (Mr. MURPHY) is recognized for 60 minutes.

Mr. MURPHY of Connecticut. Mr. Speaker, it is good to see you in the Chair this evening.

This has been a pretty amazing first 3 months for a new Member such as myself, who just joined this Chamber after having watched it from afar for a number of years. As our majority leader said at an engagement earlier tonight, this has really been one of the most remarkably productive Congresses in as long as he can remember being here. That is important. That is important to me.

Mr. Speaker, we are going to be joined later tonight by Ms. WASSERMAN SCHULTZ, who is just beginning her second term. I think she shares a lot of the same frustration that the new Members do, that for all of the important policy changes that this Congress has started, whether you want to talk about raising the minimum wage, starting to repeal some of these massive tax breaks we have given to the oil industry, the very important action that we took on Friday that we will talk about in terms of Iraq and the new direction that this Democratic Congress is beginning to set on what we do in Iraq, maybe the most important thing was that we started getting this place to work again and starting to give our constituents out there faith that Congress is back to work for the people of this country. Instead of sort of waiting for the special interests and the lobbyists to line up and come into the offices of the prior leadership to tell them what they wanted, now actually we have got the American people, middle-class families, working class families, their priorities are back in charge here again. That is what makes me proud to be part of this group.

This is the hour that the 30-Something Working Group gets to spend on the floor of the House. I am proud to be a member of that group, a new member, proud that Speaker PELOSI has allowed us this opportunity.

We are going to cover I think a couple of subjects tonight. We will certainly talk about what happened here on Friday.

But I want to first just rewind for a second, to rewind to what happened when we first got here in January. Because it is interesting. I watched C-SPAN occasionally when I got home from the campaign trail, I got home from the State capital where I served in Connecticut for a few years, so I have some familiarity with some of the talk that goes on in this place.

But now I get to sort of listen it to with new ears, because now I listen to a lot of the revisionist history that gets thrown around this place late at night, listen to our friends on the other side of the aisle, and they are friends.

It is important to put up this chart, Mr. Speaker, to remind the American people that we actually can be friends when it actually comes to putting on the floor of the House of Representatives up or down votes on issues that matter to regular, middle-class families out there.

We can talk about 68 Republican votes along with the Democrats voting to implement the recommendations of the 9/11 Commission. When we raised the minimum wage, set that bill on a path forward in this House, we got 82 Republican votes for that. Stem cell research, passed 253–174, 37 Republicans. Better prescription drug programs for our elderly, 24 Republicans. And on and on and on.

When it matters, where you put up-or-down votes in front of this House for things that make lives better for regular people out there, you are going to have Republicans and Democrats agreeing. So we are friends. We are friends when we put things before us we can all agree on.

But there has been some revisionist history. There has been some interesting 20–20 hindsight happening on this floor often. We heard just a little bit of it before. A lot the decrying about the situation that our Federal budget has gotten into is pretty curious, seeing that the reason that I am here in large part is because a whole bunch of people out in northwestern Connecticut who voted for one person for 24 years decided that the budget priorities, along with the priorities on our foreign policy, were gravely out of whack.

A $9 trillion deficit, Mr. Speaker. A President that inherited a budget surplus, who ran on very fiscally conservative principles, managed to turn that into a record deficit in his first 6 years in office. A Republican Congress, I am sure there were some Democrats that were at the trough as well, but a Republican-led Congress that was complicit in racking up record amounts of debt that we know are not owned in large part by domestic banks but are increasingly owned by foreign banks, Asian banks and, in fact, it will put us in a very difficult position with when we are sitting down at a table to negotiate foreign policy with a lot of these foreign debt holders that have fairly decent leverage over us.

So we hear a lot about how we need to do something about this deficit. How it is our children, our children are going to be crippled under the weight of this deficit. They absolutely are. They absolutely are.

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We had 6 years with a Republican President, 6 years with a Republican House, a Republican Senate for much of that time. Could have fixed it during that time; didn't get the job done.

Let's take a look at this chart for just one second. Let's make this clear, when we borrow money, all of this debt that we have racked up over the past several years, it is owned by Japan, China, the United Kingdom, Caribbean nations, Taiwan, OPEC nations, right down the line. That is who owns our foreign debt. That is what places us in incredibly compromising positions when we try to bring them to the table to be a multilateral player in actions throughout this world.

So here is why I am here: I am here because people in northwestern Connecticut wanted us to finally challenge this President on his disastrous policy in Iraq. I am here because they were sick and tired of the programs that make communities strong, the health care programs, education programs, job training programs, we are getting slashed and burned and cut to the bone by this Congress, while they gave away more and more massive tax breaks to their friends in the upper .1 percent of income earners in this Nation.

But they are also upset because the party that I think they thought was, you know, you see it in the polls, people for years and years and years thought that the Republicans were the ones that could manage their money and the Democrats they weren't so sure on. Well, they finally wised up after a while to realize that this place wasn't so responsible even under Republican rule; that in fact after budget after budget that got put before here, that President Bush put before this Congress was rubber-stamped over and over and over again and led to some of the most fiscally irresponsible policies that this Congress has ever seen, that this Nation, in fact, has ever seen. Largest Federal debt in the history of this country, growing by the day.

Now, here is the good news: It's changing. Now, as many times as folks on the other side of the aisle want to talk and use the term "biggest tax increase in the history of the Federal Government," well, I'm still searching through that budget resolution, I'm still searching through what I am going to vote on this week and I don't see it. I don't see it because it's not there because we are actually going to do the responsible thing. Because what happened to create this Federal budget deficit was not just these massive tax breaks that they gave away to the folks way at the top, top, top of the income bracket, but they also spent money in a way that would have your eyes spin to the back of your head if you dug into some of the things they were doing here.

A Medicare prescription drug program that deliberately ties the hands of the Federal Government, doesn't allow the Federal Government to negotiate lower prices with the drug industry, Mr. Speaker, making millions, hundreds of millions, in dollars in profit for the drug industry at the expense of American taxpayers.

A defense policy which asks virtually no questions of how we spend our money in Iraq. We find out that there was $9 billion sent over to Iraq on pallets, thrown out of SUVs in duffel bags, unaccounted for; disappeared in that country. Stories of these pork barrel projects that would make your head spin, the "bridge to nowhere" in Alaska, simply the tip of the iceberg when it comes to some of the frivolous spending that happens from this supposedly fiscally conservative Congress.

You could run through the examples over and over and over again. Mr. Speaker, we just had a hearing in the Government Oversight Committee that I sit on where we found out that the government does audits, each Department does an audit every year to try to make sure that we are spending money in a fiscally sound manner, just like any business would, that government should act like a business. Well, the analogy isn't particularly apt in a lot of facets. But when you are talking about at least having generally accepted accounting principles to make sure that money comes in and goes out in an efficient manner, well, yes, we should start acting like a business does.

The only agency in the Federal Government that can't give a clean audit year after year after year, the Department of Defense. Nobody here is putting pressure on them to account for how they spend money, to make sure that the billions of dollars that we hand to the Department of Defense in order to protect this country is being spent in the means that make sure that we are not saddling our children or grandchildren with the enormous amount of debt that we have racked up in this Congress.

I mean, you want to talk about spending money wisely, our friends on the other side of the aisle have to look themselves in the mirror, have to wonder why this election happened. I know that this war was a major factor in people's choice at the polls. I also know that were a lot of people in my district, and I have got the run of the economic spectrum in the Fifth Congressional District, from people living in places like New Britain and Waterbury that used to have good, solid middle-class jobs who are still struggling to get back to that level of sustenance, to folks that are doing pretty well with their lives that have made a buck in this economy. Those folks at the upper end of the economic spectrum are wondering how this government is spending their money.

So this week we are going to put a budget before this House. And Mr. MEEK, who has joined us and Ms. WASSERMAN SCHULTZ, who sits on the Appropriations Committee, can talk more intelligently than I can about this. We are going to finally put a budget before this House that is going to start to reflect the priorities of the American people; we are going to get our financial ship in order. All the things that folks over there talk about are actually going to be reality in this budget.

We are going to make sure that we invest in the programs that make America strong. We are going to make sure that we end this disastrous policy of unbalanced budgets. We can do it in the next 5 years. That budget says that we can and we will. And it is going to continue at a pretty important precedent that we have set in this Congress, which is to change course on some of the most disastrous policies of this administration, particularly the vote that we took on Friday on the war in Iraq, and I know that we will talk about that, but also start to get our fiscal ship in order, to put our money where our mouth is.

It is one thing for people to come up to this dais day after day after day and talk about fiscal responsibility. It is another thing to actually do it and put it into practice.

The budget that we are going to vote on will be, as I have learned, this place calls a pay-as-you-go budget. It is simply this, what every family lives with every day. You want to spend some new money, show how you are going to pay for it. You want to cut some taxes, show how you are going to account for it. Pretty simple budget rule, Mr. Speaker. But not to be too partisan here, it took a Democratic Congress in order to start playing by those very simple rules.

So, Mr. Speaker, I want to want to hand it over to Mr. MEEK for some words, who normally gets to kick off this hour. But let me say that it has been a proud first three months. Probably the proudest day I have had was on Friday, when we came together to stand up to the President's policy in Iraq. It is going to be another proud week this week when we set the budget policies of this country straight and we finally stand up to the President and don't do what every other Congress has done, which is take this massive document, throwing our deficit into an increasingly upward spiral, throwing our families into turmoil. We are going to finally take this very weighted document and hold it up to the light, not just rubber-stamp it.

It is going to be another good week here, Mr. Speaker. And with that, I yield to Mr. MEEK.

Mr. MEEK of Florida. Thank you so very much, Mr. MURPHY. It is an honor to be here on the floor with you. I look forward to having a discussion not only with you, but also other Members of the House about what is coming up this week. I know that you alluded to last week's action that took place here on this floor. Democrats and Republicans and the majority were able to pass an emergency supplemental war bill that would not only put benchmarks in to make sure that the Iraqi Government is doing all that they should do to make sure that they carry out their responsibility since the U.S. taxpayer will be spending over $100 billion and counting over in Iraq in this piece of legislation, this supplemental, but also the $400-plus billion that have already been spent.

And also security for the troops, making sure that Department of Defense regulations, Mr. Speaker, that have been put forth to protect our troops, that they have what they need: the up-armor that they need, the training that they need, the equipment that they need, the personal equipment that they need.

And also making sure that our troops, as it relates to their rotation into theater, that they actually get an opportunity to have a Defense Department that has to do what they said they would do, and making sure they have enough time to be with their families, make sure they are able to maintain a job, those that are Reservists and National Guard men and women back home. And to also make sure that their families have an opportunity to be a part of their father or their mother's lives, or their parents having an opportunity to enjoy their son or daughter. And I think that is so very, very important as family values, and it is also standing by our word.

If we can't stand by our word while they are enlisted or federalized to serve in Iraq and Afghanistan, then how do they expect for us to stand next to them and behind them when they are veterans and they are out in the world of veterans health care?

I can tell you also, Mr. Speaker, that I am very pleased with the fact that we did put something in the legislation that will hopefully point towards redeployment of our troops. This war will continue and continue and continue if left up to the President of the United States. But before I start talking about the action really that we took, passing that legislation, seeing the voice vote that took place in the Senate last week, moving on legislation even with a closer time line and different benchmarks, which, Mr. Speaker, you know we will come together in conference to talk about a little further and iron out and be able to get a work product to the President.

But as you know, today, March 26 of 2007, the number stands at 3,235 U.S. servicemen and women that have died in Iraq; some 13,415 of U.S. troops have been injured and returned back to battle. You have to think about it, injured and then returned back to battle; 10,000 U.S. troops have been injured and have not been able to return back to battle.

Hearing those numbers and hearing how they continue to move up, Mr. Speaker, even speaks further to the kind of oversight that this Congress must have in this conflict in Iraq, this civil war in Iraq, I must add, that we are officiating.

We know that the President had a press conference after we took our action here on the floor. I want to commend the Members again who voted in the affirmative to make sure that we were able to take action, the first time the U.S. Congress has taken action with benchmarks, even against profiteering with U.S. contractors that are the third largest, you may call it coalition partner, or the second largest outside of U.S. servicemen and women in Iraq. You would assume that there are other countries in the world, since this is such a world issue that the United States is involved in, you would assume that there would be a number of countries before U.S. contractors, but U.S. contractors are the second largest number of individuals that are there.

Mr. Speaker, when I talk about these numbers and when we talked about the action last week, the President, then he sprung into action. He had a press conference talking about how the Congress is now holding dollars back from our men and women in theater and asking us to please stop. Well, I am glad that I lived long enough over the weekend to come back here to the floor, Mr. Speaker, to not only share with the President, but those that may think that by us standing up on behalf of veterans health care, by us making sure that Walter Reed Hospital gets the necessary dollars they need to be able to take on the influx of men and women coming back from theater that are injured of the 10,772 that cannot and will not go back to theater and the 13,415, when that number continues to increase, that when they get their care in the field and then they move on to Germany and they get even further care, and some of them have to come back here to Washington, DC to even get physical therapy and all the things that they need to get back to the theater, if that is stopping the dollars from getting to the troops, then I think that we need to go back to a civics lesson of what this is all about.

We are putting dollars in what the Republican majority did not put in. Anything that the President asked for, the Republican majority rubber-stamped it. As a matter of fact, the Republican majority in the last Congress was so loyal to the President of the United States that whatever he said, whatever he wanted, they did it. And guess what, Mr. Speaker? I am here to report that that is one of the big reasons why we have a Democratic majority right now in the U.S. House of Representatives and in the Senate. Some 30-odd seats were lost living under that philosophy. And all of the hours that we spent on this floor, all of the hours that we spent in committee saying that if you give us the opportunity to lead, we will lead. Democrats, Republicans, Independents and some Americans who never voted before in their life went out and voted last November.

Now, the President can have a press conference, that's fine, he is the President of the United States. I can go out and have a press conference. The bottom line is let's not have the people of the United States of America feel that the U.S. House and the Senate are holding money back from the troops. As a matter of fact, we have given more than what the President called for as it relates to armor. We've given the troops more as it relates to troop safety and force protection. We've added three new brigades to the Marines. We've added 36,000 more soldiers to the Army to make sure we are at the readiness level. Under the Republican majority of the 109th and the 108th Congress, as this war started and continued to escalate to the numbers of where it is now, our readiness levels, and when I speak of readiness levels, Mr. Speaker, I speak of the fact that if we had to go into another conflict, we are not ready.

□ 2145

There is not a National Guard unit right now that is ready to go to battle. Now, what do we mean by readiness? Making sure that they have the equipment, making sure that they have enough personnel to be able to rise to the occasion, all the specialists that are needed, all the striker brigades that are needed. We have 100 of them, but we are not at the readiness level that we need to be, and we haven't been at this low level that we are now since the Vietnam war. I am not giving out any national secrets. Everyone knows that this is the case. So if we know the obvious, why not take care of it?

We are doing more than what the President has asked for. The President just has a problem. Do you know what the problem is? It is the fact that the Congress has said: Guess what, Mr. President. I know you have been saying a lot over the last 4 or 5 years of this war, now within its fifth year, the third escalation of troops that you have sent over to Iraq; and we pass a nonbinding resolution in the majority and Republicans voted for that, too, saying that we disagree with that philosophy. The American people are far beyond the President on this issue. So we are here to represent the American people.

The second point, when you look at this issue of the binding resolution, it says that if the Iraqi government does not meet the benchmarks set by who, the President of the United States, George W. Bush, then the redeployment of troops will start. The clock will start at that point for a redeployment of a number of troops within 6 months.

What else took place? The President said that it is important that we are not there forever. Well, still living under going in the old direction, the President wants the prerogative to be able to say, well, they are going to be there as long as they need to be there, and there is not necessarily a plan, and you haven't given an opportunity for the plan to work of the new escalation of troops.

Well, guess what? We saw plan one, and the violence did not go down. We sat here and watched plan two, and the violence did not subside. They weren't using Vice President CHENEY's, the enemies are in the last throes of their insurgency, later to find out that that is not the truth.

So I guess we are just are supposed to continue to go on and on and on.

So, Mr. MURPHY, I guess when we start looking at the benchmarks, that is the problem. Why doesn't the President say, that is my problem; I have a problem with the fact that the U.S. Congress is saying they no longer want to go with my original thoughts? There is nothing wrong with that. He is an American. He can say it.

But the bottom line is every last one of us sitting in these seats here in Congress and across the hall in the Senate, our obligation is to the individuals that have sent us here. Our constituents that have Federalized us here to make decisions on their behalf.

We are not generals. Some of us served in the military, some of us did not serve in the military, some of us never wore a uniform in our lives, but I can tell you this much. We have been sent here to watch over the U.S. taxpayer dollars, have the well-being of our U.S. troops that are allowing us to salute one flag, and to make sure that our number one obligation is to be loyal to the American people, and not one person.

So I speak very firmly and I stand very firmly on this point. Because I sat here the last 4 years in the minority not having an opportunity to be a part of the decisionmaking, not even being able to agenda a bill in committee or subcommittee, not able to bring a bill up here on the floor that the Republican majority did not allow me to. I mean, under the rules, they didn't allow me to. To now say, well, the President says that we are holding up dollars, emergency dollars for the war in Iraq?

Let me just share a few other things, and then possibly we can go into an exchange.

In the summer of 2005, there was a shortfall as it relates to veterans' health care, $2.7 billion.

In March of 2006, the President's budget cut funding by $6 billion over 5 years that was passed by a Republican-controlled Congress. And the first time, Mr. MURPHY, that we had an opportunity to do anything, when I say the Democratic majority, the first action, and it was because of the inaction by the Republican Congress that did not pass the appropriations bills on time, that we passed a continuing resolution to keep this government running, and what did we do?

Well, we went into that bill and we made sure some of the special interest tax breaks and all of the things that the Republicans had in place, being loyal to individuals that had great influence in this House, and I am not talking about Members, I am talking about outside forces. We took $3.6 billion of the U.S. taxpayer dollars to increase the VA health care program and to make sure that their budget was in place so that our veterans would have somewhere that they can get care and their families.

That was our action. The President didn't ask for that. As a matter of fact, the President didn't even want it. But we did it because it was the right thing to do, and that was prior to the Walter Reed.

I keep saying that because that is so very, very important. People think that politicians and some folks do things just because somebody was looking or somebody said that you should do it or you are under some political pressure. That was a natural thing for the Democratic majority to do, and we did it.

And for the President to stand and say, well, you know, there is things in there that should not be in there and things that I didn't ask for. Well, guess what, we have to ask for it. I am even going to go down memory lane again.

January of 2003, the same administration, President Bush cuts veterans' health care for 164,000 veterans.

March of 2003, Republican budget cut $14 billion from veterans' health care, passed by the Congress, with 199 Democrats voting against it. That is House Concurrent Resolution 95, vote number 82.

March, 2004, Republican budget shortchanged veterans health care by $1.5 billion. It was passed by the Congress, 201 Democrats voting against it. That is House Concurrent Resolution 393, vote number 92.

March, 2005, President Bush's budget shortchanged veterans' health care by more than $2 billion for 2005 and cut veterans' health care by $14 billion over 5 years. That was passed with 201 Democrats voting against it. That is House Concurrent Resolution, vote number 88.

I think it is very important that we outline that.

Just like I said here earlier when I talked about the 2005 shortfall, after Democrats pressured the Bush administration and finally acknowledged that the 2006 shortfall for veterans' health care totaled $2.7 billion, Democrats fought all summer to make sure that those dollars were placed back in the right direction as it relates to veterans' health care.

Also in March, 2006, President Bush's budget cut veterans' funding by $6 billion over 5 years, passed by the Republican-controlled Congress and, like I said, at $3.6 billion.

Mr. Speaker, we come to the floor and we mean business. We are not coming here to have a press conference and talk to some folks that may not quite understand exactly what is going on day to day in Congress. That is why we are here. We are here to make sure the American people know exactly what is going on here.

The reason why we speak very passionately about, you may say, well, it is Iraq, Iraq, Iraq, Iraq and, guess what, that other issue, Iraq. The reason we speak very passionately about that is that we have seen so much on this floor and so many words that Mr. MURPHY talked about earlier, Members going on passing out inaccurate information every now and then, or the spirit of the information, whichever way you want to frame it, and to see the hard-core reality of these issues are still not addressed.

I had something here where all of the veteran groups, I must add here, Mr. Speaker, "This much-needed funding increase will allow the Department of Veterans Affairs to better meet its needs for the men and women returning from Iraq and Afghanistan, as well as all veterans who have served in the past." That is from the National Commander of Disabled American Veterans. That press release was March 21, 2007. "The American Legion and its 2.8 million members applaud the Budget Committee for the budget resolution recommendation for $43.1 billion in discretionary funding for veterans. Your recommendations are close with the views that are estimated, that was estimated by the American Legion earlier this year." That is by the legislative director and the lead on the American Legion.

I think it is very, very important that Members understand that. Veteran groups are 110 percent, 110 percent, Mr. Speaker, about what this Democratic-controlled Congress is doing; and we are just getting started. This is Monday. We are talking about the things that we need to put in place to make sure that our men and women need to have what they need to have when they are in theater and when they are out of theater.

I challenge the President to think within his heart and within his mind that he would turn a new leaf, and making sure that when we send this emergency supplemental to his desk, if he vetoes it, it will be his action that will be delaying the dollars to go to our men and women in harm's way.

I have said once before last week, Mr. Speaker, I voted for two emergency supplementals, a lot that I did not agree with, but the last thing I wanted to do was to leave our men and women in harm's way without the necessary funding that they need. So if I, someone that has a different opinion than the President and the old Republican majority as it relates to this war in Iraq, we are all Americans first and, guess what, life is not perfect and everything is not going to come the way you want it to come when you want it to come.

There are other people in this democracy that have something to say about it, and I know there are Republicans in America that feel the way the way that we feel. I know that there are Independents in America that feel the way we feel, and I know that there are Democrats and those that are looking to vote in coming elections to be a part of this democracy.

So I come very proud of the work that has been done and the work that will continue to be done here in this House.

Mr. MURPHY of Connecticut. Mr. MEEK, just as a transition to Ms. WASSERMAN SCHULTZ, I would just say, elections matter; and there is probably no better example of that in recent history than the election in November. Things have just changed here. The air is different, the priorities are different, the rate of action is different.

And, Mr. MEEK, I get why we had to have an election in order to change course in Iraq. I understand that this is a very difficult subject that has divided people for a number of years. Over the past several years, people, large numbers of people came to the conclusion that we needed to change course from the President's policy, that we needed to put a Congress here that is going to start standing up to this guy and insisting that there are some other fights that matter in this world, and that we need to invest back in Afghanistan, that we need to make sure that our borders here are protected and that we needed to start redeploying our forces.

So I get that we had to go to a national referendum in order to set a new course. That is an important issue that has divided people.

Now, people have come down pretty firmly in the past 12 or 18 months on the side of a new direction. That is why Friday, to me, was maybe the most gratifying day in the short number that I have been here. But, Mr. MEEK, I don't get why we had to have an election to decide to support veterans.

Mr. MEEK of Florida. If I may, and then I will yield and you can share all the great information. And Ms. WASSERMAN SCHULTZ happens to be in between us today, so all we need is Mr. RYAN down here, and she will have a real challenge. But I can tell you from past experience of serving with her for 12 plus years now that she is very capable of rising to the occasion here.

Let me just point out, just today, Mr. MURPHY and Ms. WASSERMAN SCHULTZ, we took a vote. We took a vote saying that we would like for the appointed U.S. District Attorneys to come and be confirmed before Congress. Something that is very, very important, giving the chief judge an opportunity to appoint a temporary U.S. District Attorney, for that opportunity to take place because of what is happening now in the Justice Department. And I think it is important. I saw Ms. WASSERMAN SCHULTZ earlier talking today about this very subject.

But, on the Republican side, you have some Republicans that are saying it is just horrible of what is happening. Because if what we think or believe what happened, these political appointees and then they got taken out because they were either going after someone that the administration did not want them to go after or they weren't going after certain individuals as it relates to political motivation. And under what we may call regular order in the 109th Congress or the 108th Congress or beyond, the kind of grip that this administration had over the House and the Senate, the chokehold that they had over the House and Senate, this would have never been an issue. It never would have been followed up on. There never would have been a hearing.

Guess what? Now, Mr. Speaker, there are hearings in both House and Senate, and now the Attorney General is getting caught in his own words. One minute he had nothing to do with it, and he didn't know what anyone was talking about. Now we understand that he led a meeting even talking about this issue.

So when you look at it, and Mr. MURPHY and Ms. WASSERMAN SCHULTZ, 329 Members of the House. It goes to show you, with the right leadership in place, we have a Democratic majority, Republicans will vote, some Republicans will vote and move in the right direction. Only one Member of the Republican leadership voted for this commonsense approach. There are still Members on the Republican side that are in the leadership that are still holding on to what used to be. The election took place last November. You would think, well, maybe the American people are not with this.

So I am just saying that this issue is continuing to evolve, and I bring these examples up so that the Members can see that we have a lot of work to do. It is not about partisanship. This is about leadership, and we are providing the leadership here.

I know Ms. WASSERMAN SCHULTZ who serves on the Judiciary Committee can speak more eloquently on this issue. But this is one example amongst many. You called out those bipartisan votes at the beginning of the hour. We have to continue to embrace bipartisanship because that is what the American people want. They don't want us to be Democrats and Republicans. They want us to be Members of Congress watching out for the better good.

□ 2200

Ms. WASSERMAN SCHULTZ. Thank you, Mr. MEEK and Mr. MURPHY, it is great to be here again.

I had an opportunity to engage in some dialogue with the caucus chairman on the Republican side, the gentleman from Florida (Mr. PUTNAM). I fully expected to be engaged in a point-counterpoint discussion on the U.S. Attorney General and the U.S. Attorney scandal, and that he would be defensive, as many of his colleagues have been. But knowing Mr. PUTNAM as we do, he was very frustrated. He expressed deep concern. He was beyond comprehension how the administration could have dealt with this problem in the way that they did.

I was asked how I felt about it as a member of the Judiciary Committee. Quite honestly, under normal circumstances the President does have the right to appoint and unappoint and ask for the resignation of U.S. Attorneys that serve at his pleasure. Had it been a matter of him just saying, yes, I asked for their resignation, we have some other needs, we are moving in a different direction, whatever he said, just be straight with the American people. Just be straight with the Congress. If he had said, yes, I asked for their resignation, I can do that, I am the President. Fine.

But, instead, it is fabrication, it is distortion, it is no, it was not him, it was the guy behind the tree. It was his mother. Just own up to what you did.

Now, if the problem is what you did, you asked for their resignation because they were too good at their job and they were pursuing public corruption cases against Republicans, and we have colleagues that picked up the phone and put some pressure on these U.S. Attorneys whose resignation ultimately was asked for, that is a horse of a different color.

But this would have never exploded to the level it has if they had just said, yes, we did. What I pointed out in my conversion with Mr. PUTNAM, in past years, and I was happy to see he was frustrated and concerned and there is bipartisan concern about the action that this administration has taken repeatedly on the war in Iraq, on the U.S. Attorney firings, and on the handling of the Valerie Plame issue, and the list goes on and on.

Had there not been Democrats in charge of the Congress, this would have been another thing that would have been swept aside. They would have moved on or waited it out. They would have squeezed their eyes tight shut and hoped that this, too, would pass.

Mr. MURPHY of Connecticut. I know that some of this administration are supposedly not great students of history; but if you read of recent Presidencies, you might find out if you tell the truth right off the bat, you get yourself in a lot less trouble than if you try to place the blame.

Ms. WASSERMAN SCHULTZ. I want to go back to my "mom" analogy that I had last week. It is like how I deal with my kids. I told them, as all little kids, they get nervous when they have done something wrong. Sometimes they might not be completely truthful. And I have sat them down time and again, and said, listen, honey, if you just tell me the truth right away, it is going to be easier. I might be a little mad, but I am going to be more upset if I find out you lied on top of a lie. Young kids might not completely understand this, but grownups like the President and the Attorney General can certainly understand the more you stretch the truth, because we have to be careful about the words we use here, the harder it is to remember the last one you told, the last version of the truth you told.

Mr. MURPHY of Connecticut. Ms. WASSERMAN SCHULTZ, there is going to be a lot of stuff over the next couple months about Executive privilege and who said what, and there may be a lot of terms that may not seem like it matters to regular people.

The heart of the matter is the difference between America and some Third World nations out there is we have a system of blind justice which holds people accountable for their actions based on whether they were right or wrong, whether they broke the law or didn't break the law; not whether they have some powerful friend sitting in the halls and corridors of power in Washington, DC or their State legislature. That is what separates this country from a lot of other places in the world where you can get hauled off to jail simply because you have fallen in disfavor with someone who is in a high political position. That is the essence of the genius of this country, that we have made sure that our legal system operates separate from our political system.

There is going to be a lot of commotion about Executive privilege. What it comes down to is what may have happened is that this administration violated one of the basic principles of American democracy: don't mix justice with politics.

And you are very right, maybe people wouldn't have found out about this if we did have Democrats in the majority.

Ms. WASSERMAN SCHULTZ. We absolutely have to make sure that we continue to exercise the system of checks and balances in our oversight role here. If we don't, I am really fearful about what else. And we have already seen the evidence of how far this administration will push and how obsessed they are with the notion of a unitary Executive and the concentration of power that they have tried to gather in the Executive, through signing statements which are notations, whole paragraphs and pages and pages of notations on legislation that we pass here.

We will say "X" must happen. And in a signing statement, the President will actually write a note that says why he doesn't have to do "X" even though Congress passed a law and he signed it. He has exercised more than any other President combined the so-called right to, essentially if he doesn't think a provision in the law that we have passed is constitutional, he has exercised his belief that he can ignore it or not implement it. That is what the judiciary is for.

So between signing statements and the abuse of power with the PATRIOT Act and National Security Letters and essentially not being entirely straightforward, for lack of a better term. I am coming up with a lot of adjectives and synonyms for the "L" word here, there is an incredible effort being made that seems to require more energy than the straight-up truth does.

That is why the oversight role is so important. If we are not here asking questions, then the administration will run rough shod over the Constitution. They have proven that.

Mr. RYAN of Ohio. The sense I am getting from my district now is that this is all fine probably if everything is going okay for everyone else. But the fact that things aren't going well, people are struggling to pay for their health care and college tuition. They are living paycheck to paycheck, bankruptcies are up, foreclosures, and kids are getting killed because of an administration that has been less than forthright with the facts. I think that is what is stirring among the American people.

That is what happened in the election in November; and I think quite frankly the key to moving the kind of agenda we want to move here is going to be organize and tap that energy that is back home in a lot of our districts. Unless we do that, we are going to struggle. But I think we have the wind at our back. We have the American people at our back. They like what we are doing. There are good responses from the bill we passed on Friday.

□ 2210

We have got to get out of Iraq, and this President does not have the credibility to I think withstand the kind of pressure that is coming from the American people. The American people want out. They are tired of watching what is happening. Five more soldiers got killed, more kids maimed, more kids injured, more kids at Walter Reed, more kids go into a VA system that is less than adequate, and the American people are looking for the kind of changes that you have talked about, Congressman MEEK has talked about.

The bottom line I think is this, and whether you are talking about the war or anything else. For the war, it is like, well, there is only two options here. We either go down the road the President has taken us down and keep going or we have this alternative that we presented to get us out in the next year, hopefully earlier. An alternative to not going with our proposition is to continue to give the President a blank check, continue to have kids get killed, continue to not have a plan with absolutely no explanation as to what we are doing over there. No one even knows anymore.

To go along with the President's budget means that as we look through our notes here and the research we did, 1 million children who are currently covered under the SCHIP program will get cut out of it. Our plan, invest $50 billion to cover millions of children who are currently uninsured. Which way do you want to go? I mean, this is not brain surgery. The President wants to continue to give tax cuts to the top 1 percent. We want to cover kids with health care, without raising taxes.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ALTMIRE). All Members are reminded to refrain from engaging in personalities toward the President.

Mr. RYAN of Ohio. Mr. Speaker, I thank the Speaker, but this Congress wants to add up to $50 billion to cover $50 million of new children on the State Children's Health Insurance Program. We want to get the Pell grant up to at least $4,600 and we reject the President's proposals for cuts.

Now, imagine the leadership in the United States of America in 2007, Mr. Speaker, 2007 where he is going to say we want to not fund Pell Grants, we want to not fund children's health insurance and we want to continue to spend $2 billion a week in Iraq.

Ms. WASSERMAN SCHULTZ. I thank the gentleman. On Friday, what we said was no more blank checks, no more war without a strategy and a plan to get our men and women in uniform home, no more sending troops over into combat, into harm's way without the armor they need, without the preparation they need, without the rest they need. All of those items were in that Iraq War supplemental.

The alternative, what the President preferred, was just give me the money, just give me the money; do not ask me any questions. He was opposed to his own benchmarks. The benchmarks that he laid out on January 10 were in the bill, the ones that he said the Iraqi people have to meet, that the Iraqi leadership has to meet, and we added some that said, you know what, you have to make sure that you think about protecting the men and women we are sending over there.

Mr. RYAN of Ohio. We said that you said these are the benchmarks, and guess what, we are going to hold you accountable for what you have said, because up to this point, you have been saying whatever you want and there has not been the kind of force of law which we passed out of here on Friday.

Ms. WASSERMAN SCHULTZ. Words are nice, but when you go, like each of us have, to Walter Reed Army Medical Center and you look those troops in the eye and you have a chance to spend some time with them, the words ring really hollow unless you know you can back those words up with some action, with some commitment, with some belief in the mission and understand how devoted these men and women are to getting the job done.

I mean, listen to some of the folks that are in that hospital, they all, to a person, have told me when I have been there, they want to go back. They want to get better, and they want to go back to join their comrades, their buddies, and help finish the job, but we have to make sure that we have their back.

Mr. RYAN of Ohio. Is that not interesting that the soldiers we talked to, Mr. Speaker, at Walter Reed, back home, the kids that have gone, come back, gone, come back, and they are going back again, the reason you hear about why these kids want to go back and you think why would you want to go back, they want to go back because their buddies are still there. They feel like if they go back that they will be able to save their lives.

The last couple of funerals I have been to with kids who were stop-loss and were supposed to come home but ended up staying longer than they probably should have and ended up not making it back, the reason they wanted to go back in the first place was to protect their friends, and that is the heroism, that is the valor, that is the nobility of the cause. That is why these kids go back.

To talk about that the debate last week, and many of us did not get an opportunity to speak for a variety of different reasons, but to hear, Mr. Speaker, some people say that if we bring these kids home, somehow that is going to make us less safe here in the United States, is an appalling argument, that this administration and this Republican Congress would rubber stamp this war to go over there, and that National Intelligence Estimate has told us that this war has created more terrorists, not less. It has created terrorists, Mr. Speaker, and then now that we have thousands and thousands and thousands of more people gunning for us here, these folks have the audacity to tell us, Mr. Speaker, that somehow us bringing our kids home is going to make us less safe.

Now, that, to me, is appalling and to continue that kind of disjointed logic is unacceptable to me because we have kids in our districts who are not back home. They are either in Iraq, and many of them have gotten killed under the guise of the war, and to tell us that by bringing our kids home and getting them out of a civil war is going to make us less safe does not make any sense because all of the intelligence in the whole world is saying this war in Iraq has completed the final piece of the fanaticism of the Middle East.

We have given anyone who kind of wanted to join but did not really want to, they are now joining. They are now a part of everything. They are now a part of the terrorist groups. They are now a part of the terrorist organizations. They now hate the United States more than they ever have, and so I find the whole operation appalling.

Mr. MURPHY of Connecticut. What we have gotten ourselves into, this is a religious war.

Mr. RYAN of Ohio. Civil war.

Mr. MURPHY of Connecticut. This is a religious war that we helped to create in part. It did not exist until the bull sort of rushed into the China shop, but I think we all find it appalling, some of us, this simplistic terminology that gets rolled out here that we cannot leave until victory has been achieved. Explain to me what victory is because if we have to stay there until we have completely eliminated a civil/religious conflict, well, it was not raging for the decades before we got there and is one that has almost no historical bounds. That is a difficult victory to ask our brave men and women to achieve, to try to somehow remediate a dispute between Shia and Sunni that cannot be resolved through the military actions of our men and women.

Victory is much broader than that. Victory is about going after the fight that really mattered in the first place which is in Afghanistan, Mr. Speaker. Victory is about making sure that we secure our borders here at home; that every container that comes into American ports gets checked; that every airport has the proper screening technology to make sure that the ports of entry who brought in the terrorists who harmed this country have all the technology they need to make sure that it never happens again.

□ 2220

That's victory in the end. So it's frustrating as a new Member to come down here and to listen to this new terminology get thrown out there that doesn't have any basis in reality. That is part of what we did on Friday as well, to start to broaden that definition of what victory means and try to challenge the people to rise to that.

Mr. RYAN of Ohio. On behalf of the American people, I think they are trying to see what we are trying to do. We are trying to end this war, stop the killing of our own kids, stop the maiming of our own soldiers, get them out of a civil war, try to calm down what's happening, stop the $8-plus billion a month that we are spending over there, and try to take some of that money and invest that into our own students, our own kids.

I was, just before I got here, having dinner with an old friend of mine, who is a Republican. He said, we have spent $400 billion, soon to be $500-and-some-billion dollars on this war. Can you just imagine, we could have covered all of our citizens for health care, we could have paid for everyone's college education, and, you know, gotten some stuff done in this country.

Instead, we have $500 billion, we have well over 3,000 kids have gotten killed, adults and soldiers, some 25,000 maimed or injured and God knows how many innocent Iraqi civilians, many of them children.

Ms. WASSERMAN SCHULTZ. As we conclude, the President is so stubborn and so "my way or the highway," that his own definition of victory, the benchmarks that we have put in this bill, he is threatening to veto. That is what is mind-boggling, even when we insert his milestones. Still, that is not acceptable.

If the gentleman would like to talk about our Web site.

Mr. RYAN of Ohio. Our e-mail is 30somethingdems@mail.house.gov if any Members would like to e-mail us or visit us at www.speaker.gov/30something, e-mail us, 30somethingdems@mail.house.gov.

Mr. MURPHY of Connecticut. The Web site now, Mr. RYAN, is updated.

Mr. RYAN of Ohio. All of the new statistics from our budget will be on there, I am sure.

I think this is an appropriate time to make the announcement of our key staffer for years and years and years here at the 30-something Working Group, Tom Manatos has gotten engaged. He is going to be married to a beautiful young Republican.

Ms. WASSERMAN SCHULTZ. Who works at the White House.

Mr. RYAN of Ohio. Who works at the White House, and the engagement, I guess, was blessed by the Greek Orthodox archbishop. How about that for off to a good start?

Mr. MURPHY of Connecticut. The bipartisan spirit preached by the 30-something working group put in practice.

Ms. WASSERMAN SCHULTZ. Absorbed, even, by the 30-something leadership.

Mr. RYAN of Ohio. Right up to the staff level.

Mr. Speaker, we yield back the balance of our time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. KANJORSKI (at the request of Mr. HOYER) for today and the balance of the week on account of personal business.

Mr. LAMPSON (at the request of Mr. HOYER) for today and the balance of the week.

Ms. MILLENDER-MCDONALD (at the request of Mr. HOYER) for today and March 27.

Mr. UDALL of New Mexico (at the request of Mr. HOYER) for today and March 27.

Mr. WAMP (at the request of Mr. BOEHNER) for today on account of attending his son's 20th birthday.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. TANNER) to revise and extend their remarks and include extraneous material:)

Mr. CONYERS, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. ALLEN, for 5 minutes, today.

(The following Members (at the request of Mr. JONES of North Carolina) to revise and extend their remarks and include extraneous material:)

Mr. POE, for 5 minutes, today and March 27, 28, and 29.

Mr. GARRETT of New Jersey, for 5 minutes, March 27.

Ms. GRANGER, for 5 minutes, today.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. BURTON of Indiana, for 5 minutes, today and March 27, 28, and 29.

ADJOURNMENT

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 10 o'clock and 23 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, March 27, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

960. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and promulgation of State Plan for Designated Facilities and Pollutants; Florida: Emissions Guidelines for Small Municipal Waste Combustion Units [EPA-R04-OAR-2006 -0140-200605(a); FRL-8276-7] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

961. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Approval and Promulgation of Air Quality Implementation Plans; West Virginia; Amendments to the Minor New Source Review Program [EPA-R03-OAR-2006-0915; FRL-8276-3] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

962. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's final rule — Outer Continental Shelf Air Regulations Consistency Update for Alaska [EPA-R10-OAR-2006-0377; FRL-8249-2] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

963. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Part 97 of the Commission's Rules To Implement WRC-03 Regulations Applicable to Requirements for Operator Licenses in the Amateur Radio Service [WT Docket No. 05-235] Amendment of the Commisison's Rules Governing the Amateur Radio Services [WT Docket No. 04-140] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

964. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Rechannelization of

the 17.7-19.7 GHz Frequency Band for Fixed Microwave Services under Part 101 of the Commission's Rules [WT Docket No. 04-143] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

965. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Petition of Mid-Rivers Telephone Cooperative, Inc. for Order Declaring It to be an Incumbent Local Exchange Carrier in Terry, Montana Pursuant to Section 251(h)(2) [WC Docket No. 02-78] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

966. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Communications Assistance for Law Enforcement Act and Broadband Access and Services [ET Docket No. 04-295; RM-10865] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

967. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hennessey, Oklahoma) [MB Docket No. 05-85; RM-11164] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

968. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), FM Table of Allotments, FM Broadcast Stations (Opelika and Waverly, Alabama) [MB Docket No. 05-79] Reclassification of License of Station WSTR(FM), Smyrna, Georgia) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

969. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Hale Center, Texas) [MB Docket No. 05-114; RM-1190] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

970. A letter from the Office of Managing Director, AMD-PERM, Federal Communications Commission, transmitting the Commission's final rule — Amendment of Section 73.202(b), Table of Allotments, FM Broadcast Stations. (Columbus, Indiana) [MB Docket No. 05-238; RM-11260] received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

971. A letter from the Acting SSA Regulations Officer, Social Security Administration, transmitting the Administration's final rule — Optometrists as "Acceptable Medical Sources" to Establish a Medically Determinable Impairment.[Docket No. SSA-2006-0085] (RIN: 0960-AG05) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means. H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; with an amendment (Rept. 110–28 Pt. 2). Ordered to be printed.

Mr. OBERSTAR: Committee on Transportation and Infrastructure. H.R. 1019. A bill to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building" (Rept. 110–70). Referred to the House Calendar.

Mr. OBERSTAR. Committee on Transportation and Infrastructure. H.R. 1138. A bill to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse" (Rept. 110–71). Referred to the House Calendar.

Mr. OBERSTAR. Committee on Transportation and Infrastructure. H.R. 753. A bill to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis/Odell Horton Federal Building"; with amendments (Rept. 110–72). Referred to the House Calendar.

Mr. HASTINGS of Florida. Committee on Rules. House Resolution 269. Resolution providing for consideration of the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians (Rept. 110-73). Referred to the House Calendar.

Mr. HASTINGS of Florida. Committee on Rules. House Resolution 270. Resolution providing for consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes (Rept. 110–74). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILL

Pursuant to clause 2 of rule XII the following action was taken by the Speaker:

H.R. 493. Referral to the Committee on Energy and Commerce extended for a period ending not later than March 29, 2007.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Ms. BEAN (for herself, Mr. Frank of Massachusetts, and Mr. Gillmor):

H.R. 1675. A bill to suspend the requirements of the Department of Housing and Urban Development regarding electronic filing of previous participation certificates and regarding filing of such certificates with respect to certain low-income housing investors; to the Committee on Financial Services.

By Mr. BOREN (for himself, Mr. Frank of Massachusetts, Mr. Renzi, and Mr. Kildee):

H.R. 1676. A bill to reauthorize the program of the Secretary of Housing and Urban Development for loan guarantees for Indian housing; to the Committee on Financial Services.

By Mr. RANGEL (for himself and Mr. Lewis of Georgia):

H.R. 1677. A bill to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. Lantos, Mr. Oberstar, Mr. Udall of Colorado, Mr. Michaud, Mr. McGovern, Mr. Fortenberry, Mr. Pitts, Mr. Wolf, Ms. McCollum of Minnesota, Mr. Berman, Mr. Emanuel, Mrs. Maloney of New York, Mr. Rangel, Ms. Schakowsky, Mr. DeFazio, Mr. Ackerman, Mr. McNulty, Ms. Watson, Mr. Udall of New Mexico, Mr. Renzi, Mr. Grijalva, and Mr. Payne):

H.R. 1678. A bill to amend the Torture Victims Relief Act of 1998 to authorize appropriations to provide assistance for domestic and foreign programs and centers for the treatment of victims of torture, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Lincoln Diaz-Balart of Florida, Mr. Mario Diaz-Balart of Florida, Mr. Burton of Indiana, Mr. Mahoney of Florida, Mr. Sires, Mr. Mack, Mr. Pence, Mr. Bilirakis, Mr. Buchanan, Ms. Wasserman Schultz, Mr. Fortuño, Mr. McCotter, and Mr. Hastings of Florida):

H.R. 1679. A bill to protect the environmental integrity of coral reefs and other coastal marine resources from exploration, development, and production activities for petroleum resources located in a maritime exclusive economic zone of the United States that is contiguous to a foreign exclusive economic zone; to the Committee on the Judiciary, and in addition to the Committees on Foreign Affairs, Financial Services, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. THOMPSON of Mississippi (for himself, Mr. King of New York, Mr. Langevin, Mr. McCaul of Texas, Mr. Etheridge, Mr. Dent, Ms. Loretta Sanchez of California, and Ms. Jackson-Lee of Texas):

H.R. 1680. A bill to authorize the Secretary of Homeland Security to regulate the sale of ammonium nitrate to prevent and deter the acquisition of ammonium nitrate by terrorists; to the Committee on Homeland Security.

By Mr. LANTOS (for himself, Ms. Ros-Lehtinen, Mr. Flake, Ms. Jackson-Lee of Texas, Mr. Wexler, Mr. Ackerman, Mr. Sires, and Mr. Scott of Georgia):

H.R. 1681. A bill to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes; to the Committee on Foreign Affairs.

By Mr. FRANK of Massachusetts (for himself, Mrs. Biggert, Mr. Blumenauer, Ms. Waters, Mr. Taylor, Ms. Matsui, Mr. Mahoney of Florida, Ms. Wasserman Schultz, Mr. Baker, Mr. Gary G. Miller of California, Mrs. Jo Ann Davis of Virginia, and Ms. Ginny Brown-Waite of Florida):

H.R. 1682. A bill to restore the financial solvency of the national flood insurance program, and for other purposes; to the Committee on Financial Services.

By Mr. HOEKSTRA (for himself, Mr. STUPAK, Mr. LARSEN of Washington, Mr. SOUDER, Mr. EHLERS, Mr. UPTON, Mr. BOOZMAN, Mr. McHUGH, Mr. GILLMOR, Mr. CHABOT, Mr. VAN HOLLEN, Mr. McCOTTER, Ms. KAPTUR, Mr. RYAN of Ohio, Mr. LATHAM, Mr. NUNES, Mr. RADANOVICH, and Mr. CAMP of Michigan):

H.R. 1683. A bill to amend the Public Health Service Act to provide for community projects that will reduce the number of individuals who are uninsured with respect to health care, and for other purposes; to the Committee on Energy and Commerce.

By Mr. THOMPSON of Mississippi (for himself, Mr. KING of New York, Mr. CARNEY, Mr. ROGERS of Alabama, Mr. ETHERIDGE, Mr. LANGEVIN, Mr. CUELLAR, Ms. CLARKE, and Ms. LORETTA SANCHEZ of California):

H.R. 1684. A bill to authorize appropriations for the Department of Homeland Security for fiscal year 2008, and for other purposes; to the Committee on Homeland Security.

By Mr. PRICE of Georgia:

H.R. 1685. A bill to protect information relating to consumers, to require notice of security breaches, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Oversight and Government Reform, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ETHERIDGE (for himself, Mr. ROGERS of Alabama, and Mr. THOMPSON of Mississippi):

H.R. 1686. A bill to amend the Homeland Security Act to require that uniforms, protective gear, badges, and identification cards of personnel be manufactured in the United States; to the Committee on Homeland Security.

By Mr. KIND (for himself, Mr. REGULA, Ms. HOOLEY, Mr. ROGERS of Alabama, Mr. SPRATT, Mr. McDERMOTT, Mr. INSLEE, Mr. BOSWELL, Mr. TOWNS, Mr. SESSIONS, Mr. GORDON, Mr. ORTIZ, Mr. LATOURETTE, Mr. HIGGINS, Mr. WALSH of New York, Mr. COBLE, Mr. SHAYS, Mr. WELLER, Mr. KUHL of New York, Ms. WATSON, Mr. GRIJALVA, Ms. LEE, Mr. CARNAHAN, Mr. MOLLOHAN, Mr. PRICE of North Carolina, Mr. NADLER, Mr. PETRI, Mr. DOYLE, Ms. SCHAKOWSKY, Mr. ISRAEL, Ms. SUTTON, and Ms. BALDWIN):

H.R. 1687. A bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes; to the Committee on Education and Labor.

By Mr. SCOTT of Virginia:

H.R. 1688. A bill to amend the Social Security Act to provide health insurance coverage for children and pregnant women throughout the United States by combining the children and pregnant woman health coverage under Medicaid and SCHIP into a new All Healthy Children Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KELLER:

H.R. 1689. A bill to provide support to combat illegal downloading on college and university campuses; to the Committee on Education and Labor.

By Mrs. LOWEY:

H.R. 1690. A bill to improve airport screening and security; to the Committee on Homeland Security.

By Mrs. LOWEY (for herself, Mr. SHAYS, Mr. CROWLEY, Mr. DEFAZIO, Mr. GRIJALVA, Mr. FRANK of Massachusetts, Ms. BERKLEY, and Mr. McNULTY):

H.R. 1691. A bill to end the use of conventional steel-jawed leghold traps on animals in the United States; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Foreign Affairs, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PALLONE:

H.R. 1692. A bill to fight criminal gangs; to the Committee on the Judiciary, and in addition to the Committees on Education and Labor, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PAYNE (for himself, Mr. COHEN, Ms. SUTTON, Mr. SIRES, Mrs. LOWEY, Ms. JACKSON-LEE of Texas, Mr. JOHNSON of Georgia, and Mr. CLAY):

H.R. 1693. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Natural Resources.

By Mr. REICHERT:

H.R. 1694. A bill to improve the financial assistance provided to State, local, and tribal governments by expanding the eligible use of funding under the Homeland Security Grant Program to include costs related to staff and law enforcement analysts engaged in information and intelligence sharing activities; to the Committee on Homeland Security.

By Mr. REICHERT:

H.R. 1695. A bill to establish a National Commission on the Prevention of Radicalization, to enhance information sharing, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. REYES:

H.R. 1696. A bill to amend the Ysleta del Sur Pueblo and Alabama and Coushatta Indian Tribes of Texas Restoration Act to allow the Ysleta del Sur Pueblo tribe to determine blood quantum requirement for membership in that Tribe; to the Committee on Natural Resources.

By Mr. ROGERS of Alabama (for himself, Mr. DAVID DAVIS of Tennessee, and Mr. JINDAL):

H.R. 1697. A bill to establish a Rural Policing Institute within the Federal Law Enforcement Training Center of the Department of Homeland Security to develop and provide for training programs for rural law enforcement agencies; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY (for herself, Mrs. McCARTHY of New York, and Mr. GRIJALVA):

H.R. 1698. A bill to direct the Consumer Product Safety Commission to promulgate a consumer product safety standard for each durable infant or toddler product, and for other purposes; to the Committee on Energy and Commerce.

By Ms. SCHAKOWSKY (for herself and Mr. UPTON):

H.R. 1699. A bill to direct the Consumer Product Safety Commission to require certain manufacturers to provide consumer product registration forms to facilitate recalls of durable infant and toddler products; to the Committee on Energy and Commerce.

By Mr. WEINER (for himself, Mr. SCOTT of Virginia, and Mr. KELLER):

H.R. 1700. A bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes; to the Committee on the Judiciary.

By Mr. WELDON of Florida (for himself, Mr. NUNES, and Mr. SHAYS):

H.R. 1701. A bill to amend the Internal Revenue Code of 1986 to provide an exemption from the harbor maintenance tax for certain shipping between United States mainland ports; to the Committee on Ways and Means.

By Ms. WOOLSEY (for herself, Ms. LEE, Mr. KUCINICH, Ms. JACKSON-LEE of Texas, Ms. KILPATRICK, Ms. SCHAKOWSKY, Mr. GRIJALVA, Mr. SERRANO, Mr. STARK, Mr. BECERRA, Ms. CARSON, Mrs. CHRISTENSEN, Mr. ELLISON, Mr. FILNER, Mr. GUTIERREZ, Mr. HINCHEY, Mr. HONDA, Ms. KAPTUR, Mr. McDERMOTT, Mr. McGOVERN, Mr. RUSH, Ms. SOLIS, and Ms. WATSON):

H.R. 1702. A bill to reallocate funds toward sensible priorities such as improved children's education, increased children's access to health care, expanded job training, and increased energy efficiency and conservation through a reduction of wasteful defense spending, and for other purposes; to the Committee on Armed Services, and in addition to the Committees on Energy and Commerce, Education and Labor, Homeland Security, Foreign Affairs, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. YOUNG of Alaska:

H.R. 1703. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANTOS (for himself, Mr. FORTENBERRY, Ms. ROS-LEHTINEN, Mr. PAYNE, Mr. SMITH of New Jersey, Mr. HASTINGS of Florida, Mr. ROYCE, Mr. JACKSON of Illinois, Mr. PITTS, Mr. MORAN of Virginia, Mr. DOOLITTLE, Ms. WATSON, Mr. FORTUÑO, Mr. RUSH, Mr. SCOTT of Georgia, Mr. KENNEDY, Mr. BERMAN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. Engel, Mr. FATTAH, Ms. CORRINE BROWN of Florida, Mr. JEFFERSON, Mr. SMITH of Washington, Mr. ABERCROMBIE, Mr. UDALL of Colorado, Ms. WOOLSEY, Mr. BURTON of Indiana, Mr. SHERMAN and Mr. BLAUMENAUER:)

H. Con. Res. 100. A concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on Foreign Affairs.

By Ms. SHEA-PORTER (for herself, Mrs. DAVIS of California, Ms. LEE, Mr. RODRIGUEZ, Ms. SCHWARTZ, Mr. TOWNS, and Mrs. JONES of Ohio):

H. Res. 266. A resolution supporting the goals and ideals of Professional Social Work Month and World Social Work Day; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. ANDREWS, Mr. SCOTT of Georgia, Mr. TIM MURPHY of Pennsylvania, Mr. SESTAK, Mr. KLEIN of Florida, Mr. CROWLEY, Mr. ENGEL, Mr. WEXLER, Mr. SIRES, Ms. LINDA T. SÁNCHEZ of California, Mr. BOOZMAN, Mr. CHABOT, Mr. MACK, Mr. BURTON of Indiana, Mr. MCCOTTER, Mr. HASTINGS of Florida, Mr. BOUSTANY, Mr. PATRICK MURPHY of Pennsylvania, Mr. SHIMKUS, Mr. CANTOR, Mr. ENGLISH of Pennsylvania, Mr. ISRAEL, Mr. MILLER of Florida, Mr. CARNAHAN, Ms. BEAN, Mr. BARROW, Ms. WASSERMAN SCHULTZ, Mr. MELANCON, Mr. LOBIONDO, Mr. CONAWAY, Mr. LYNCH, Mr. MAHONEY of Florida, Mr. MCNERNEY, Mr. FOSSELLA, Mr. KUHL of New York, Mr. SESSIONS, Mr. PENCE, Mr. GARRETT of New Jersey, Mr. LINCOLN DIAZ-BALART of Florida, Mr. PLATTS, Mrs. BLACKBURN, Mr. BUCHANAN, Mr. SHUSTER, Mr. PORTER, Mr. KNOLLENBERG, Mr. FEENEY, Mr. CANNON, Mr. MARIO DIAZ-BALART of Florida, Mr. CAMPBELL of California, Mr. GOODLATTE, Ms. SCHAKOWSKY, Mr. CULBERSON, Mr. CRENSHAW, Mrs. TAUSCHER, Mrs. MILLER of Michigan, Mr. RENZI, Mr. YOUNG of Florida, Ms. GIFFORDS, and Mr. JORDAN):

H. Res. 267. A resolution calling for the immediate and unconditional release of British marines and sailors held captive by Iran, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MCINTYRE (for himself and Mr. PITTS):

H. Res. 268. A resolution supporting responsible fatherhood, promoting marriage, and encouraging greater involvement of fathers in the lives of their children, especially on Father's Day; to the Committee on Education and Labor.

By Mr. BURGESS:

H. Res. 271. A resolution recognizing the heroism and sacrifice of Medal of Honor recipients, commending the efforts of the Medal of Honor Host City Program in Gainesville, Texas, to celebrate and honor the contributions of Medal of Honor recipients, and encouraging the expansion of the program; to the Committee on Armed Services.

By Ms. LEE (for herself, Mr. PAYNE, Mr. HASTINGS of Florida, Mr. MCDERMOTT, Mr. RANGEL, Ms. LINDA T. SÁNCHEZ of California, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. ELLISON, Mr. FATTAH, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mr. SERRANO, Mr. ENGEL, Mr. DAVIS of Illinois, and Ms. KILPATRICK):

H. Res. 272. A resolution commemorating the 200th anniversary of the abolition of the transatlantic slave trade; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. STUPAK introduced a bill (H.R. 1704) for the relief of Robert and Verda Shatusky; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 20: Mr. WAXMAN.

H.R. 23: Mr. SPACE, Ms. HARMAN, Mr. SHAYS, Mr. PASCRELL, MRS. BLACKBURN, Mr. MILLER of Florida, Mr. WALZ of Minnesota, Mr. OLVER, Mr. STARK, Mr. WESTMORELAND, Mr. DAVID DAVIS of Tennessee, Mr. KING of New York, Mr. BROWN of South Carolina, and Mr. PETERSON of Minnesota.

H.R. 39: Ms. SHEA-PORTER.

H.R. 45: Mr. MCGOVERN, Mr. BURGESS, and Ms. SCHAKOWSKY.

H.R. 66: Mr. SCOTT of Georgia, Mr. MILLER of North Carolina, and Mr. BUTTERFIELD.

H.R. 74: Mr. LATHAM and Mr. BLUMENAUER.

H.R. 89: Mr. REYES.

H.R. 146: Ms. GIFFORDS.

H.R. 191: Mr. DOOLITTLE.

H.R. 192: Mr. DOOLITTLE.

H.R. 193: Mr. BARTLETT of Maryland.

H.R. 234: Mr. WAXMAN, and Mr. MCNERNEY.

H.R. 303: Mr. WOLF, Ms. HARMAN, Mr. SCOTT of Georgia, Mr. DAVID DAVIS of Tennessee, Mr. COURTNEY, Mrs. EMERSON, and Mr. OLVER.

H.R. 315: Mr. HASTINGS of Washington.

H.R. 359: Mr. SHERMAN and Mr. BERMAN.

H.R. 368: Mr. GOODE, Mr. ALTMIRE, Mr. RENZI, Mr. TOWNS, Mr. ROSKAM, Mr. KENNEDY, Ms. LORETTA SANCHEZ of California, Mr. MICHAUD, Mr. CLEAVER, Mr. ROTHMAN, Mr. BACHUS, and Mr. CAPUANO.

H.R. 410: Mr. TOWNS.

H.R. 418: Mr. PORTER.

H.R. 462: Mr. BARTLETT of Maryland.

H.R. 463: Mr. COURTNEY.

H.R. 473: Mrs. MCMORRIS RODGERS and Mr. PLATTS.

H.R. 477: Ms. MCCOLLUM of Minnesota, Mr. JINDAL, and Mr. YARMUTH.

H.R. 493: Mr. DAVIS of Alabama and Mr. HILL.

H.R. 550: Mr. EHLERS, Mr. MOORE of Kansas, Mr. WOLF, Ms. ESHOO, Mr. DOGGETT, Ms. BERKLEY, Mr. LARSON of Connecticut, Mr. HOLT, Mr. DOOLITTLE, Mrs. WILSON of New Mexico, and Mr. SMITH of New Jersey.

H.R. 552: Mr. GILCHREST, Mr. HOLDEN, and Mr. DOYLE.

H.R. 620: Mr. SARBANES.

H.R. 649: Mr. PORTER.

H.R. 657: Mr. PASTOR and Mr. MILLER of Florida.

H.R. 661: Mr. PASCRELL and Mr. LARSON of Connecticut.

H.R. 670: Mr. WILSON of South Carolina.

H.R. 684: Ms. HIRONO.

H.R. 695: Mr. HOLT, Mr. MCCOTTER, Mr. MOORE of Kansas, and Mrs. EMERSON.

H.R. 699: Mrs. BACHMANN and Mr. LOBIONDO.

H.R. 704: Mr. MILLER of Florida.

H.R. 718: Mr. MCINTYRE, Mr. BRALEY of Iowa, Mr. SHULER, Mr. JONES of North Carolina, Mr. BAIRD, Mr. COURTNEY, Mr. BLUMENAUER, and Mr. FILNER.

H.R. 727: Mr. BOUSTANY.

H.R. 748: Mr. OBERSTAR, Mr. HALL of Texas, and Mr. FARR.

H.R. 758: Mrs. CAPPS.

H.R. 760: Mr. LAMPSON.

H.R. 808: Mr. MARKEY.

H.R. 816: Ms. BERKLEY.

H.R. 819: Mrs. BIGGERT and Mrs. GILLIBRAND.

H.R. 869: Ms. ZOE LOFGREN of California.

H.R. 881: Mr. GOODE.

H.R. 901: Mr. BOUCHER.

H.R. 913: Ms. ROS-LEHTINEN.

H.R. 943: Mr. ABERCROMBIE, Mr. WEXLER, Mr. LOBIONDO, Ms. KAPTUR, Mr. HOLDEN, and Mr. PAYNE.

H.R. 971: Mr. EDWARDS, Mr. JINDAL, Ms. SLAUGHTER, and Mr. STUPAK.

H.R. 997: Mr. MCKEON, Mr. GILCHREST, Mrs. MILLER of Michigan, Mr. MCCRERY, Mr. BISHOP of Utah, Mr. ROYCE, Mr. DAVIS of Kentucky, and Mr. ROGERS of Kentucky.

H.R. 1038: Mr. THORNBERRY, Ms. NORTON, Mr. HOLDEN, and Mr. COHEN.

H.R. 1042: Mr. FLAKE.

H.R. 1051: Ms. SCHAKOWSKY.

H.R. 1056: Mr. BARTLETT of Maryland.

H.R. 1058: Mr. BARTLETT of Maryland.

H.R. 1061: Mr. BAIRD and Ms. BALDWIN.

H.R. 1063: Mr. MARSHALL and Mr. ALEXANDER.

H.R. 1073: Mr. PRICE of North Carolina, Mr. HOLT, Mrs. MILLER of Michigan, Ms. SCHAKOWSKY, Mr. MURTHA, Mr. MCGOVERN, and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1074: Mr. HILL and Ms. LINDA T. SÁNCHEZ of California.

H.R. 1078: Mr. MORAN of Virginia, Mr. ROTHMAN, Mr. WEXLER, and Mr. ISRAEL.

H.R. 1093: Mr. BOUSTANY, Ms. WASSERMAN SCHULTZ, Mr. MICA, and Ms. CORRINE BROWN of Florida.

H.R. 1094: Mr. ALEXANDER.

H.R. 1103: Mr. GRIJALVA, Mr. SERRANO, Ms. JACKSON-LEE of Texas, and Mr. KUCINICH.

H.R. 1108: Mr. MARSHALL and Mr. CROWLEY.

H.R. 1117: Mr. CUMMINGS, Mr. HODES, and Ms. SHEA-PORTER.

H.R. 1120: Mr. WALBERG, Mr. CARNEY, Mr. PATRICK MURPHY of Pennsylvania, Mr. COLE of Oklahoma, Mr. MCCARTHY of California, Mr. GINGREY, Mr. PRICE of Georgia, and Mr. TERRY.

H.R. 1121: Mr. MILLER of Florida.

H.R. 1122: Mr. MILLER of Florida.

H.R. 1139: Mr. DREIER and Mrs. NAPOLITANO.

H.R. 1146: Mr. SAM JOHNSON of Texas.

H.R. 1157: Mr. SMITH of New Jersey, Mrs. SCHMIDT, Mr. KANJORSKI, Mr. LATHAM, and Mr. RODRIGUEZ.

H.R. 1187: Ms. MCCOLLUM of Minnesota.

H.R. 1216: Mr. MORAN of Kansas, Mrs. MCCARTHY of New York, Mr. ISRAEL, and Mr. WEXLER.

H.R. 1222: Mr. BOSWELL, Mr. MARSHALL, and Mr. NADLER.

H.R. 1223: Mr. BOSWELL and Mr. NADLER.

H.R. 1225: Mr. LEVIN.

H.R. 1228: Mr. NADLER.

H.R. 1246: Mr. PRICE of North Carolina.

H.R. 1250: Mr. PEARCE.

H.R. 1280: Mr. FILNER and Mr. LARSON of Connecticut.

H.R. 1281: Mrs. NAPOLITANO and Mr. LEVIN.

H.R. 1289: Mr. GRIJALVA.

H.R. 1314: Mr. WICKER, Mr. BROWN of South Carolina, Mr. BILIRAKIS, Mr. KING of Iowa, and Mr. CRENSHAW.

H.R. 1324: Mr. MILLER of Florida.

H.R. 1330: Ms. GIFFORDS and Mrs. EMERSON.

H.R. 1346: Mr. WAXMAN and Mr. NADLER.

H.R. 1347: Ms. SHEA-PORTER.

H.R. 1353: Mr. ISRAEL and Mr. WEXLER.

H.R. 1363: Mr. MCDERMOTT, Mr. NADLER, and Ms. SUTTON.

H.R. 1380: Mr. MCDERMOTT.

H.R. 1391: Ms. JACKSON-LEE of Texas and Mr. ISRAEL.

H.R. 1392: Ms. Ginny Brown-Waite of Florida.

H.R. 1413: Mrs. McCarthy of New York.

H.R. 1422: Mr. Rahall and Mr. Blumenauer.

H.R. 1434: Mr. Kagen, Ms. Moore of Wisconsin, Mr. Moran of Virginia, Mr. Moore of Kansas, Ms. Jackson-Lee of Texas, Ms. Bordallo, and Mr. Wolf.

H.R. 1441: Mr. Berman, Mr. Baird, and Mr. Wexler.

H.R. 1448: Mr. Grijalva and Mr. Wexler.

H.R. 1469: Mr. Costello, Mr. Scott of Georgia, Ms. Hooley, Mr. Wexler, Mr. Wu, and Mr. DeFazio.

H.R. 1474: Mr. Wolf, Mr. McIntyre, Mr. Bonner, Mr. Moore of Kansas, and Mr. Marshall.

H.R. 1479: Mr. Nadler.

H.R. 1493: Mrs. Miller of Michigan.

H.R. 1498: Mr. Gordon.

H.R. 1506: Mr. Payne, Mr. McNulty, Mr. Taylor, Mr. Moran of Virginia, Mr. Smith of Washington, Mr. Schiff, Ms. Baldwin, Mr. Rothman, Mr. Hinchey, and Mr. Nadler.

H.R. 1524: Mr. Levin.

H.R. 1543: Mr. Holden, and Ms. Ros-Lehtinen.

H.R. 1551: Mr. Rangel, Mr. Rothman, Mr. Israel, and Mr. McHugh.

H.R. 1554: Mr. Paul.

H.R. 1560: Mr. Wexler, Mr. Waxman, Mr. Filner, and Mr. LoBiondo.

H.R. 1565: Mr. Frank of Massachusetts.

H.R. 1566: Mr. Serrano.

H.R. 1576: Mr. Schiff, Mrs. Miller of Michigan, Mr. Dingell, and Mr. Platts.

H.R. 1586: Ms. Foxx, Mrs. Drake, Mr. Smith of Texas, Mr. Shimkus, Mr. Gerlach, Mr. Garrett of New Jersey, Mr. Gary G. Miller of California, Mr. Wamp, Mr. Radanovich, Mr. Turner, Mr. Hensarling, Mr. Boozman, and Mr. Jordan.

H.R. 1588: Mr. McNulty.

H.R. 1595: Mr. George Miller of California, Mr. Lantos, Mr. Scott of Virginia, Ms. Velázquez, Ms. Loretta Sanchez of California, Mr. Rodriguez, Ms. Berkley, Mrs. Napolitano, Ms. Schakowsky, Mr. Udall of Colorado, Mr. Wu, Mrs. Davis of California, Mr. Miller of Florida, and Mr. Butterfield.

H.R. 1633: Mr. Cohen.

H.R. 1640: Mr. Blunt and Mr. Turner.

H.R. 1645: Mr. Honda and Ms. Velázquez.

H.R. 1660: Mr. Udall of Colorado and Mr. Perlmutter.

H.J. Res. 12: Mr. Jindal.

H.J. Res. 14: Mr. Smith of Washington.

H.J. Res. 37: Ms. Schakowsky.

H.J. Res. 39: Mr. McCotter, Mr. Farr, and Mr. Cohen.

H. Con. Res. 28: Mr. Lampson.

H. Con. Res. 37: Mr. Sessions.

H. Con. Res. 49: Mr. Pearce, Mr. Watt, Mr. Porter, and Mr. Boren.

H. Con. Res. 60: Mr. Boyd of Florida.

H. Con. Res. 68: Mr. Arcuri, Mr. Pascrell, Mr. Lantos, Mrs. Bono, Mr. Pallone, Mr. Ferguson, Mr. Capuano, Mr. Ryan of Ohio, Mr. Serrano, Mr. King of New York, and Mr. Davis of Illinois.

H. Con. Res. 75: Mr. Johnson of Georgia.

H. Con. Res. 85: Mr. Hastings of Florida.

H. Con. Res. 87: Mr. Gallegly, Mr. Klein of Florida, Mrs. Lowey, Mr. Wolf, Mr. Shuler, and Mr. Wynn.

H. Con. Res. 92: Mr. Wexler.

H. Res. 20: Mr. Doggett.

H. Res. 37: Mr. Becerra.

H. Res. 55: Mrs. Napolitano and Mr. Fattah.

H. Res. 100: Mr. Oberstar.

H. Res. 119: Ms. Hirono, Mr. Inglis of South Carolina, and Mr. Peterson of Minnesota.

H. Res. 121: Mr. Jefferson, Mr. Fattah, Mr. Engel, Mr. English of Pennsylvania, Mr. Holden, Mr. Larson of Connecticut, and Mr. Doyle.

H. Res. 154: Mr. Meeks of New York, Mr. Doyle, and Ms. Jackson-Lee of Texas.

H. Res. 158: Mr. Tancredo and Mr. Crenshaw.

H. Res. 169: Mr. Ellsworth.

H. Res. 179: Mrs. Wilson of New Mexico, Ms. Norton, Mr. Lincoln Davis of Tennessee, Mr. Nadler, Mr. Souder, Mr. Payne, Mr. McIntyre, Mr. Stark, Mr. Emanuel, and Mr. Shuler.

H. Res. 196: Mr. Baird.

H. Res. 197: Mr. Stark.

H. Res. 221: Mr. Watt.

H. Res. 231: Mrs. Bachmann and Mr. Miller of Florida.

H. Res. 233: Mr. Lewis of Georgia.

H. Res. 235: Mr. Engel, Mrs. Tauscher, Mr. Israel, Mr. Burton of Indiana, Mr. McNulty, Mr. Brown of South Carolina, Mr. Berman, Mr. Weiner, Mr. Towns, Ms. Corrine Brown of Florida, and Mr. Boyd of Florida.

H. Res. 243: Mr. Moran of Virginia.

H. Res. 250: Mrs. Bachmann, Mr. Hastert, Mr. Cannon, Mr. Rogers of Michigan, Mr. Burton of Indiana, Mr. Smith of Texas, Mr. Gingrey, Mr. Pitts, Mr. Sensenbrenner, and Mr. Campbell of California.

H. Res. 259: Mr. Salazar, Mr. Saxton, Mr. Kuhl of New York, Ms. Schakowsky, Mr. Stupak, Mr. Blumenauer, Mr. Bishop of Georgia, Mr. Shays, and Mr. Matheson.

H. Res. 264: Mr. Tom Davis of Virginia.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The Honorable James L. Oberstar, Compliance with Rule XI

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives, the Committee is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives. It is not clear if the definition of "congressional earmark" under clause 9(d) of rule XXI applies to technical corrections to SAFETEA-LU projects because these technical corrections do not provide new budget authority for such projects.

However, in the interests of full disclosure and transparency, the Committee has required Members of Congress to comply with all requirements of clause 9(d), 9(e), or 9(f) of rule XXI. The table included in House Report 110-62 provides a list of such provisions included in the bill. The following table provides a list of such additional provisions included in the bill, as amended, that the House of Representatives considers today:

H.R. 1195 Section	SAFETEA–LU Section	Legislative provision	Requested by
§ 105(a)(232)	§ 1702(2193)	In item number 2193 by striking the project description and by inserting "710 Freeway Study to comprehensively evaluate the technical feasibility of a tunnel alternative to close the 710 Freeway gap, considering all practicable routes, in addition to any potential route previously considered, and with no funds to be used for preliminary engineering or environmental review except to the extent necessary to determine feasibility".	Adam Schiff.
§ 105(a)(233)	§ 1702(2445)	In item number 2445 by striking the project description and by inserting "$600,000 for road and pedestrian safety improvements on Main Street in the Village of Patchogue; $900,000 for road and pedestrian safety improvements on Montauk Highway, between NYS Route 112 and Suffolk County Road 101 in Suffolk County".	Timothy H. Bishop.
§ 105(a)(234)	§ 1702(346)	In item number 346 by striking the project description and by inserting "Hansen Dam Recreation Area access improvements including hillside stabilization and parking lot rehabilitation along Osborne Street between Glenoaks Boulevard and Dronfield Avenue".	Howard L. Berman.
§ 105(a)(235)	§ 1702(449)	In item number 449 by striking the project description and inserting "Route 30 and Mount Pleasant Road Interchange Safety Improvements, Westmoreland County, install light installations at intersection and consolidate entrances and exits to Route 30".	Tim Murphy.
§ 110(3)	§ 1934(c)(451)	By striking item number 451	Luis G. Fortuno.
§ 110(4)	§ 1934(c)(452)	In item number 452 by striking "$2,000,000" and inserting "$3,000,000".	Luis G. Fortuno.
§ 201(o)(4)(A)(xii)	§ 3044(a)(57)	In item number 57 by striking the project description and inserting "Wilmington, NC, maintenance/operations and administration/transfer facilities".	Mike McIntyre.
§ 201(o)(6)	§ 3043(b)(33)	San Gabriel Valley—Gold Line Foothill Extension Phase II.—In evaluating the local share of the San Gabriel Valley—Gold Line Foothill Extension Phase II project authorized by section 3043(b)(33) of such Act (119 Stat. 1642) in the new starts rating process, the Secretary of Transportation shall give consideration to project elements of the San Gabriel Valley—Gold Line Foothill Extension Phase I project advanced with 100 percent non-Federal funds.	Adam Schiff and David Dreier.

EXTENSIONS OF REMARKS

A TRIBUTE TO AGNES E. GREEN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Agnes E. Green. Agnes E. Green is the eldest of seven children born to David and Agnes Cokley, and the mother of one son, Eric. She is currently the Assistant Director of Public Affairs at Spring Creek Towers and the Editor-in-Chief of its newspaper, The Spring Creek Sun.

Born and raised in Brooklyn's Bedford-Stuyvesant and now a resident of Prospect Heights, Agnes is an activist who possesses a strong desire to obtain the greatest good for her community.

While living in Crown Heights where her son was raised, she became active in the parent associations and often served as president. Her leadership was rewarded and she became a member on the Executive Board of the citywide United Parents Association and later the Board President.

As a parent leader, Agnes gained a reputation as an independent, outspoken voice for all children's entitlement to a quality education and parents' rights to participate in their education. Because of her advocacy, she was asked by leaders of the CSD 17 Presidents' Council to represent them in the race for a seat on Community School Board 17. With the collective energy of parents and community support, she was elected in 1983 and in every Board election thereafter, until the New York City School Board was dissolved in 2004.

As a first term Board member, Agnes surprised many by becoming President of the CSB 17 and held other officer and committee chair positions throughout her 17 years as an elected school official.

She was appointed by Mayor Edward I. Koch to serve on the newly created AIDS panel for school-aged children in August 1985. She was the first parent representative to serve during one of the most contentious periods in the City's public school history. The panel reviewed the medical status and family history of children diagnosed HIV positive.

The end of the School Board did not diminish Agnes' commitment to urging the improvement of public school education. She is a founding member of Black New Yorkers for Educational Excellence, a citywide progressive organization whose mission is to actively work for education as a means of liberation.

Agnes, an honor student throughout public school, was also Bushwick High School's first Black and first female to be elected President of the Student Government Association. Her college education began at Brooklyn College and formally ended at New York University where she majored in Broadcast Journalism and minored in English literature.

After attending NYU, Agnes was hired by WCBS Newsradio 88 where she worked for 19 years. She began as a News Desk Assistant and quickly rose to Chief News Desk Assistant. Through her many years at WCBS Radio she won numerous awards.

Agnes is currently the producer and host of Everyday People and Everyday Voices aired monthly on Brooklyn Community Access Television.

Her passions include outdoor music concerts, jazz festivals, live theatrical productions, taking photos, and collecting Black memorabilia.

Madam Speaker, I would like to recognize this outstanding journalist for all of her work.

Madam Speaker, I urge my colleagues to join me in paying tribute to Agnes E. Green.

PAYING TRIBUTE TO MAUREEN CLARK

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor and congratulate Mrs. Maureen Clark for being awarded National Board Certification in Career and Technical Education Communication Arts by the National Board for Professional Teaching Standards.

Maureen is 1 of 2 educators at Foothill High School in Henderson, Nevada to become nationally certified. National Board Certification is a process that requires 1 to 3 years of preparation and testing. Maureen completed an extensive portfolio of assignments, essays, and videotapes as well as tests which assessed her knowledge of the individual subjects she teaches. Once obtaining National Board Certification, a teacher is given the highest honor of professional teaching excellence. Only 116 of more than 20,000 teachers in the Clark County School District, less than 1 percent, have earned this distinction.

Mrs. Clark has a long and distinguished career as an educator. She received her Bachelor's Degree in Art Education from the University of Minnesota, Minneapolis and a Master's in Art Education from Northern Arizona University. She is an 18-year veteran teacher, teaching the last 7 years at Foothill High School. She currently teaches classes in Computer Graphics, Website Science, and Computer Graphic and 3D Animation. It is said that Mrs. Clark's classes are in high demand by Foothill students and her teaching approaches are described as innovative and exciting. After school, Mrs. Clark is the adviser for SkillsUSA, a club and national organization that prepares students for college by training them in technical, skilled, and service occupations. Under her advisement, SkillsUSA has competed and earned numerous state awards for its technology innovations. Maureen has made a profound difference in our community and we are most fortunate to have this leadership which positively impacts student achievement.

Madam Speaker, I am proud to honor Maureen Clark. Her efforts to improve the educational experiences of the student at Foothill High School are commendable. I congratulate her on her much deserved recognition and I wish her continued success.

A TRIBUTE TO LILLIAN ROBERTS

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise to pay tribute to Ms. Lillian Roberts. Lillian Roberts is currently the Executive Director of District Council 37 of the AFSCME, AFL–CIO union. She represents 121,000 public workers in New York City, 50,000 of them retirees, 1,000 titles and 56 locals. She is also Vice President of the New York State AFL–CIO, Vice President of the NYC Central Labor Council and Secretary of the Municipal Labor Committee.

Lillian became a union activist as a Nurse's Aide working in a Chicago hospital in the 1950s. She spearheaded the creation of five locals and led an organizing drive at four Chicago hospitals.

Lillian came to New York City, built DC 37's hospital division and became Associate Director of DC 37. She distinguished herself by her skill as an organizer and her ability to connect with rank-and-file members. She established the DC 37 Education fund, the largest union-based adult education program in the country that offers union members a four-year degree with the College of New Rochelle. This program has become a model for unions nationwide.

During the late 1970s and 1980s, Lillian brought into the union thousands of workers in federally funded jobs. She found that experience to be a blueprint for creating unionized jobs for welfare recipients. She also developed the DC 37 Municipal Employees Legal Services program, which provides legal services to members and the DC 37 Personal Services Unit, which offers counseling to those with personal problems.

In 1981, Lillian became the first African-American woman named New York State Commissioner of Labor. During her 6-year tenure, she lead the 7,500 employee body to increase the annual job placement level by 5 percent, obtained federal approval of a state plan for a Public Employees Occupational Safety and Health Program, and computerized unemployment insurance offices and the Job Service program.

Lillian was first elected DC 37 Executive Director in 2002 after serving as consultant to

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

the union she helped build. She was re-elected to a 3-year term in January of 2004. In January of 2007, Ms. Roberts was overwhelmingly re-elected for her 3rd term.

Lillian currently leads the union where she had been a previous Associate Director and consultant. In the 1960s and 1970s, she played a major role in organizing new members into DC 37 and establishing an array of benefits that became the envy of the Nation's labor movement.

With housing costs rising, Lillian approached Mayor Bloomberg with a proposal to give DC 37 members and municipal workers an affordable way to meet the City's requirement that they live in the 5 boroughs. The result is the innovative DC 37 Affordable Housing Program. This program allows DC 37 members and city workers preference for 5 percent of units in city-sponsored lotteries for affordable homes and apartments, down payment grants through the NYC Department of Housing Preservation and Development, and homebuyer training and education through Neighborhood Housing Services.

Lillian's leadership is rooted in the lessons she learned while growing up on welfare on Chicago's South Side and fighting for better working conditions as a Nurse's Aide. Growing up as 1 of 5 siblings in conditions of poverty, she was instilled with a deep concern for the needy and a passion for fighting social injustices.

Lillian has been a member of numerous boards including: Board of Trustees of the College of New Rochelle; the State University of New York, the National Equal Rights Committee and the National Committee for Labor Israel.

Madam Speaker, I would like to recognize this labor activist. for all of her accomplishments and her empathy for area workers.

Madam Speaker, I urge my colleagues to join me in paying tribute to Lillian Roberts.

PAYING TRIBUTE TO JOANN STRAND

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor and congratulate Mrs. Joann Strand for being awarded National Board Certification in Adolescence and Young Adulthood Secondary Language Arts by the National Board for Professional Teaching Standards.

Joann is 1 of 2 educators at Foothill High School in Henderson, Nevada to become nationally certified. National Board Certification is a process that requires 1 to 3 years of preparation and testing. Mrs. Strand completed an extensive portfolio of assignments, essays, and videotapes as well as tests which assessed her knowledge of the individual subjects she teaches. Once obtaining National Board Certification, a teacher is given the highest honor of professional teaching excellence. Only 116 of more than 20,000 teachers in the Clark County School District, less than 1 percent, have earned this distinction.

Mrs. Strand has a long and distinguished career as an educator beginning with a Bachelor's Degree from Bemidji State University and a Master's Degree in Secondary Language Arts from the University of Nevada, Las Vegas. She has been an employee of the Clark County School District for 19 years and has spent the past 8 years at Foothill High School as a member of the English Department. Mrs. Strand is also a co-creator with a fellow teacher of Young Entrepreneur Services, Inc., YES, Inc., is a unique company classroom which has been recognized throughout the district for its unique approach to instructing students. This class applies real world business work situations with the necessities of an English class. Mrs. Strand is known by her colleagues as a tireless worker who is both inspiring and relentless in her pursuit of excellence. Joann has made a profound difference in our community and we are most fortunate to have this leadership which positively impacts student achievement.

Madam Speaker, I am proud to honor Joann Strand. Her efforts to improve the educational experiences of the student at Foothill High School are commendable. I congratulate her on her much deserved recognition and I wish her continued success.

A TRIBUTE TO MS. AURORA BROWN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn resident Aurora Brown. Ms. Brown is a native New Yorker and a third generation West Indian who sites education as the strength of her lineage. The Amsted's (family name) were the first black school teachers in Virginia. Ms. Brown taught scholastic and college preparatory classes to youth for employment opportunities. Her students have successfully gone on to colleges and universities such as Morehouse, Spelman and Hampton through her mentoring.

As the Chief Executive Officer and Co-Founder of S&B Cleaning Services, Inc., Ms. Brown's mission to incorporate was derived from previous experiences of managing several janitorial companies and being employed by federal affiliates including 26 Federal Plaza, New York, New York.

Ms. Brown received The Council City of New York Proclamation Award in December of 2005 and the Partner in Education Award from the Occupational Training Center of New York in June of 2004. Known for her generosity and fairness when dealing with clients and employees, she makes it her business to oversee personally the human resources development of employing disadvantaged and handicapped individuals.

Ms. Brown's work ethic serves as encouragement for women to venture out and become business owners. She states, "through long hours, trials, and tribulations, moments were grueling, but definitely worth the effort." She also admits the company motto was her driving force when faced with opposition and adversity. Tedious daily functions of operating a business, she makes time to give to her community as a facilitator of public functions, contributing donations, fundraising for the welfare of child care. Ms. Brown, in conjunction with public officials and local affiliates, has donated toys to the Young Minds Daycare Center for the 2005 holiday season. Her personal choice for donations in 2006 was Family Life Foster Care.

Ms. Brown has others to thank in establishing herself, such as family, friends, and associates, but likes to acknowledge that her Executive Vice-President Edwin Santiago is a key component in the developmental operation of rapid growth of this organization; she also takes pride in acknowledging that her employees are the backbone of S&B Cleaning Services, Inc. There is much more you can expect to see that Ms. Brown has yet to reveal. Just like her company motto "There's not much we don't do."

Madam Speaker, I would like to recognize Ms. Aurora Brown for her accomplishments in business.

Madam Speaker, I urge my colleagues to join me in paying tribute to Ms. Aurora Brown.

HONORING ANDREW WISE

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise today to honor Mr. Andrew Wise of the Neighborhood Housing & Development Corporation in Gainesville, Florida.

On Tuesday, March 20, 2007, Andrew Wise was honored with the Dorothy Richardson Awards for Resident Leadership from NeighborWorks America.

Mr. Wise combined his passion for Neighborhood Housing & Development Corporation (NHDC) and his networking skills to recruit a remarkable stream of community, business and educational leaders who have become active in the NHDC organization. NHDC is a non-profit homeownership center that has been in existence since 1982. The organization's goal is to promote and provide decent and affordable housing for low-to-moderate income residents of North Central Florida.

Mr. Wise has been an eloquent NHDC ambassador to the many church, community and civic organizations to which he belongs. Within NHDC, his board tenure and experience have made him the go-to person for new board members—especially community residents—in understanding the array of NHDC programs and their many and varied funding sources. He has been invaluable in helping new members move past this steep learning curve by getting them to focus on the mission of the organization and how its board and staff are so instrumental in transforming lives and uplifting the community.

Created in 1991, the Dorothy Richardson Awards for Resident Leadership celebrate the outstanding contributions of dedicated community leaders across the United States. Each year, the NeighborWorks network honors residents who exemplify the qualities of Dorothy Richardson, a Pittsburgh activist who helped advance the community-based development movement that informed the formation of the NeighborWorks network.

My congratulations and respect go out to Mr. Wise on his lifetime of work and commitment to earn this award.

HONORING THE CAREER OF DENNIS GJERDINGEN

HON. RICHARD E. NEAL

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. NEAL of Massachusetts. Madam Speaker, today I wish to recognize and honor a dedicated and innovative educator, Mr. Dennis Gjerdingen, upon his retirement after 26 years as principal of the Clarke School for the Deaf in Northampton, Massachusetts.

Dennis became interested in childhood deafness when, in 1964, he learned that his newborn son was deaf. He trained as a teacher of social studies and English at Minnesota State University, received his masters in Speech and Hearing at Washington University in St. Louis and did post-masters work there in Educational Administration. He spent 14 years at Central Institute for the Deaf in St. Louis, as a classroom teacher, researcher, associate professor, assistant to the director and as headmaster, before coming to Clarke School for the Deaf in 1981. He is the 6th president in Clarke's 140-year history.

Clarke School is an international leader in teaching listening, speech, language and academic skills to deaf children and assisting families and training professionals to work with them. During his tenure, Mr. Gjerdingen has reorganized the Clarke School and its structure to position Clarke for a rapidly changing future. He designed and administered new Clarke programs, including the creation of the Center for Oral Education on the Northampton campus that helps people of all ages with hearing loss. In the last 10 years, Mr. Gjerdingen spearheaded a strategic plan to expand Clarke to 5 campuses with 4 new schools for young children in Boston, MA, Jacksonville, FL, New York City, and Philadelphia, PA. Clarke School for the Deaf now impacts the lives of more than 10,000 children and adults annually through its educational programs, research, curriculum development and professional training.

The author of more than 30 articles in professional journals, Mr. Gjerdingen is widely recognized as an expert in the field. In 1987 he was appointed by Congress to the Commission on the Education of the Deaf that reported directly to Congress and the President. During this appointment, he helped author a report from which major legislation was adopted. He has also served as president of the International Alexander Graham Bell Association.

It is my great privilege to honor Mr. Gjerdingen for his commitment to providing greater educational opportunities for deaf children and their families and professionals around the country.

PAYING TRIBUTE TO THE SCHWARTZ FAMILY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Schwartz family for their philanthropic efforts in the Jewish Community of Las Vegas and for their many contributions to provide the Las Vegas Valley with a new community center and synagogue.

The Schwartz family, principals of Great American Capital, a real estate development company found in Las Vegas, have been leaders in the development, acquisition, operation and management of high quality commercial and residential real estate projects in Nevada and Southern California. As a result of their civic generosity, the construction of the Beit Allon Chabad of Summerlin Community Center and Synagogue was completed and opened in April of 2006. This facility has emerged as one of the most magnificent synagogues in Las Vegas and includes the finest, up-to-date facilities for education, socializing, and catering affairs. For their humanitarian efforts and community service the Schwartz family is being recognized as inaugural recipients of the Chabad of Summerlin Founder's Award.

Madam Speaker, I am proud to honor the Schwartz family. Their commitment to the Jewish Community is commendable and I congratulate them on their much deserved recognition. I thank them for their dedication and loyalty and wish them the best in their future endeavors.

A TRIBUTE TO MELINDA JAMES-DELROSARIO, RN, BSN

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn, New York resident Melinda DelRosario. Melinda DelRosario was born in Panama City in the Republic of Panama. She attended the Instituto Nacional in the Republic of Panama and became the youngest member of the senior choir and usher ministry at Rio Abajo Methodist Church. Upon migrating to the U.S. Ms. DelRosario attended Eramus High School in Brooklyn, New York. In pursuit of a nursing career she earned a BSN Degree at St. Joseph College in Brooklyn, New York graduating with Phi Beta Kappa honors.

Upon graduation from St. Joseph College, she assumed various administrative positions in home care and hospitals, among them; Kings Brook Jewish Medical Center as an Administrative Supervisor/Administrator on duty.

Currently, Melinda oversees the Nurse Connection Program with Village Care of New York in conjunction with Roche Pharmaceutical Company. Ms. DelRosario is an HIV Nurse and consultant. She also instructs doctors and nurses in the administration of fuzeon therapy for HIV positive patients. In addition, Melinda provides in home instruction to patients and counseling to families.

Besides working as a healthcare provider, Melinda has been a prolific community activist and commonly known for her spirit of cooperation and punctuality. Twenty-five years ago, she became a member of "The Diggers." This is an organization led by Mr. Roman Foster who researched historical facts on the building and construction of the Panama Canal. This research resulted in the production of a documentary which provided narratives and anecdotes with the contributions of West Indians and the Caribbean works in Panama during the Canal's construction.

Melinda James-DelRosario was also a member of the Madison Democratic Club; the former Secretary of the Panamanian Nurses Association and the Caribbean Nurses Association; Travel Coordinator with MIPOPA which is an organization group headed by Dr. Carlos E. Russell which advocates the rights of Panamanians to vote abroad. She is a member of Panama Vote 2004, an organization led by Dr. George Priestly, which raised funds to support the candidacy of President Martin Torrijos and Probisida, an organization dedicated to providing assistance to HIV positive patients.

Melinda is also a civic minded, community oriented individual who embraces the concept of caring and sharing in issues affecting those who have been disenfranchised.

Madam Speaker, I would like to recognize Melinda James-DelRosario for her good works and accomplishments in our community.

Madam Speaker, I urge my colleagues to join me in paying tribute to Melinda James-DelRosario.

TRIBUTE TO THE FIRST ANNUAL CESAR CHAVEZ MARCH

HON. DALE E. KILDEE

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. KILDEE. Madam Speaker, I rise today to recognize the 20th anniversary of the naming of Chavez Drive and the first annual Cesar Chavez March in my hometown of Flint, Michigan. A celebration and fundraiser for the United Farm Workers members will be held on March 31st to coincide with what would have been the late Cesar Chavez's 80th birthday.

Born on a family farm, March 31, 1927, Cesar Chavez witnessed firsthand the suffering of migrant workers. When the family lost the farm during the Great Depression, Cesar toiled in the fields following crops across the Southwest. After serving in the US Navy during World War II he returned to farm work and began his lifelong commitment to justice for migrant workers.

During the 1960s Cesar Chavez, in reaction to the conditions he witnessed in the fields, became a union activist. Adopting the techniques of industrial unions like the UAW, Cesar fought against agribusiness and unfair laws that forbade farm workers from organizing. A nationwide boycott of table grapes and a 25-day hunger strike brought the United

Farm Workers international attention. His leadership and personal commitment forced agribusiness to sign the first union contract with the United Farm Workers. He labored to improve the health and safety of the workers. He fought successfully to end the use of harmful chemicals like DDT and benefited not only the worker but the consumer as well.

When Cesar Chavez died in 1993, over 40,000 people attended his funeral. In a show of respect for the man who had changed so many lives, our nation posthumously awarded him the Presidential Medal of Freedom.

Madam Speaker, Flint, Michigan was the first community in our nation to honor this great humanitarian by naming a street after Cesar Chavez. I ask the House of Representatives to join me in honoring the memory of Cesar Chavez and his legacy to the American people.

PAYING TRIBUTE TO FRANK J. FERTITTA AND LORENZO J. FERTITTA

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friends Frank J. Fertitta, Chairman of the Board and C.E.O. of Station Casino and Lorenzo J. Fertitta, Vice Chairman of the Board and President of Station Casino as well as the entire Fertitta family.

Through the consistent efforts of Frank and Lorenzo Fertitta, Station Casino was recently recognized by Fortune magazine as one of the top 100 companies to work for nationwide. The management of Station Casino, which has received this recognition for 3 consecutive years, has enacted several policies aimed at bettering the quality of life for its team members. One such program, initiated by Frank and Lorenzo, provides team members with assistance becoming homeowners. Another program offers assistance to team members seeking to become U.S. Citizens; this program offers assistance such as citizenship application classes, study material for the citizenship examination, and payroll advances for citizenship application. As a result of this program, in 2006, 28 Station team members gained U.S. citizenship and currently 260 more team members are attending citizenship classes.

In addition to implementing programs to enhance certain aspects of their employees' lives, Frank and Lorenzo Fertitta have cultivated a working environment founded upon ideals of camaraderie, respect and fairness.

Madam Speaker, I am proud to honor my good friends Frank Fertitta, Lorenzo Fertitta and the entire Fertitta family. Their dedication to their employees is commendable and I wish them continued success in their future endeavors.

A TRIBUTE TO JOYCE McDONALD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. I rise today to pay tribute to Brooklyn resident Joyce McDonald. Joyce McDonald was born to parents Willie and Florence McDonald and raised in Brooklyn's Farragut Houses. Joyce is the third eldest of seven children. She was reared in a household where unconditional love was practiced and family values were instilled.

Joyce attended P.S. 287, Sands JHS 265 as well as Fashion Industry High School. Her love and compassion for people led her to become a volunteer at Cumberland Hospital as a Junior Nurse's Aide at 16-years-old for the terminally ill. Joyce's teenaged years were not always so hopeful.

During her teen years into adulthood, Joyce made many bad choices. Thirty years afterward, she changed direction. Joyce has survived various forms of mental and physical abuses which include rape, attempted suicide, depression and a 25-year heroin addiction. In 1995, Joyce tested positive for HIV and was later diagnosed with AIDS.

Despite her diagnosis, Joyce continued to share her life's story and artistic talents with the world.

Without any formal art training, Joyce McDonald is currently a world renowned artist. Her work has been exhibited in galleries, schools, universities, shelters, nursing homes and hospitals. Her testimony and art has been shared throughout the country via the media.

Joyce has received numerous awards, including: the 2002 Martin Luther King, Jr. Service Award, the 2003 Church of the Open Door Woman of the Year Award, the 2004 Isler's Award from the Women's Empowerment Movement, and the 2004 Governor's Citation from Maryland. In 2005, Joyce was one of nine Magnificent Women of Brooklyn honored by Senator Velmanette Montgomery and received a citation from the New York Assembly. She has also received the Dr. Martin Luther King Award from Emmanuel Baptist Church.

Joyce McDonald's talents include being an artist, sculptress, designer, writer, singer, poet and motivational speaker. These are talents she attributes to her family, including her Dad who is now deceased, her Mother, her two married daughters and their spouses and her six grandchildren.

Madam Speaker, I would like to recognize the impressive achievements of this extraordinary individual, who through her own pain found it within herself to help others.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful person and her creative works.

PAYING TRIBUTE TO THE INY FAMILY

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the Iny Family for their numerous contributions to the Jewish Community of Las Vegas and for their many contributions to provide the Las Vegas Valley with a new community center and synagogue.

The Iny Family, principals of Great American Capital, a real estate development company found in Las Vegas, have been leaders in the development, acquisition, operation and management of high quality commercial and residential real estate projects in Nevada and Southern California. As a result of their civic generosity, the construction of the Beit Allon Chabad of Summerlin Community Center and Synagogue was completed and opened in April of 2006. This facility has emerged as one of the most magnificent synagogues in Las Vegas and includes the finest, up-to-date facilities for education, socializing, and catering affairs. For their humanitarian efforts and community service, the Iny Family is being recognized as inaugural recipients of the Chabad of Summerlin Founder's Award.

Madam Speaker, I am proud to honor the Iny Family. Their commitment to the Jewish Community is commendable and I congratulate them on their much deserved recognition. I thank them for their dedication and loyalty and wish them the best in their future endeavors.

A TRIBUTE TO EUGENIA "GENIE" SWINSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ms. Eugenia Elizabeth Swinson. Eugenia Swinson, or "Genie," was born in Savannah, GA, to Eugene and Carrie Swinson. She was raised on Long Island's South Shore Bay in New York. Genie and her 9 siblings are products of the Bay Shore Public School District. After graduation, all of them attended college. Genie decided upon C.W. Post College with a major of vocal music.

During her studies at Post, she toured Europe her freshman year with the Chamber and Madrigal Ensembles. Upon returning from the tour, she decided to move to California to launch a professional singing career. This turned out be a wise decision because once there she had an opportunity to work with Quincy Jones on the Brothers Johnson debut album as well as tour with Boz Scaggs under the stage name of "Pepper Swinson." There would be many more bands that would come her way.

She returned to New York due to illness, however, after recuperating, she moved to Israel to sing. After working in the Givatiem and Tel Aviv, Israel, she once again returned to New York, this time with a new skill. She had mastered the Hebrew language. Almost immediately after arriving in the United States, Genie's health took a turn for the worse. She began a battle with end stage renal disease, due to Systemic Lupus Erythmatosis. This would mean 7 years of dialysis before a successful kidney transplant at Beth Israel Hospital in Boston, Massachusetts.

While in New York, Genie decided to return to C.W. Post College to earn her undergraduate degree in modern languages with a minor in music. She studied Spanish, Hebrew and Arabic. After the transplant, Genie landed a job with the New York City Board of Education as a teacher of Spanish. She received her masters degree in multicultural education from the College of Mount Saint Vincent in Bronx, New York. She is currently a teacher at a Theatre Arts School in the Bronx and also gives private voice lessons in her home. Genie actively continues her studies in languages. Italian and Portuguese are her current passions. "It's my favorite pastime."

Not long after her transplant, she was approached by a representative from the New York Organ Donor Network and became a volunteer spokesperson for that organization. She appeared at several speaking and singing engagements on behalf of the Network. At several events she sang "Another Chance to Give" (La Vispera de Vida) in both English and Spanish in an effort to bring awareness to the need for organ and tissue donors.

It was her position as the official spokesperson for the Network that led her to an opportunity to sing the national anthem before games at both Yankee Stadium and Madison Square Garden for both professional teams. Today, Genie remains a strong advocate of organ and tissue transplantation.

Genie has modeled for Mode Magazine and continues to sing for Wilson Pickett's back up band, The Midnight Movers. Accompanied by jazz pianist Dr. Billy Taylor, she recently sang at a gala given by the Jazz Foundation of America which honored its co-founder Ann Ruckert.

"I am a collector of people," said Genie. "I have the same friends today that I had in the second grade. Naturally, I've added on to that distinctive group, but those friends are still an important part of my life. I like to spend time, reading, studying languages and spoiling my nieces, nephews and God's children. I'm honored to be a part of this distinctive group," added Genie.

Madam Speaker, I would like to honor Genie for sharing her beautiful talents with the rest of us. Through all of her adversity she continued to grace us with her gift of song.

Madam Speaker, I urge my colleagues to join me in paying tribute to Eugenia "Genie" Swinson.

TRIBUTE TO 2007 JOHNSON COUNTY MOVERS AND SHAKERS AWARD WINNERS

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to note an important event in the Third Congressional District of Kansas. On April 10, 2007, the Volunteer Center of Johnson County in Overland Park, KS, will honor outstanding youth volunteers. Eighty young people have been nominated by school personnel and nonprofit organizations for their dedication and service to the community. Youth volunteerism continues to grow and be a strong force in Johnson County. These 80 youth exemplify the true meaning of volunteerism and giving back to their community, and it is my honor to recognize each student volunteer and his/her school.

Alexander Abramovitz, Shawnee Mission North; Molly Allison-Gallimore, Homeschool; Sydney Ayers, Barstow; Ava Azad, Blue Valley; Lisa Barry, Olathe South; Lindsay Beardall, Shawnee Mission South; Alexandria Bieber, Mill Valley; Abbey Blick, Shawnee Mission East; Ashley Boots, Olathe Northwest; Sarah Briggs, Trailridge Middle; Kristina Buchanan, Trailridge Middle School; Kim Burnell, Olathe North; Amy Byarlay, Olathe South; Sarah Campbell, Blue Valley North; Kelsey Charles, Blue Valley West; Jenna Christensen, Shawnee Mission North; Becca Doran, Shawnee Mission West; Katherine Ebling, Blue Valley; and Marissa Erickson, Olathe South.

Evan Gage, Blue Valley Northwest; Jennifer Garren, Shawnee Mission West; Kathryn Garrett, Shawnee Mission West; Kevin Garrett, Shawnee Mission West; Michael Garrett, Westridge Middle; Lindsey Gerber, Olathe North; Jean Gianakon, Shawnee Mission North; Allison Golub, Blue Valley West; Kaley Hagemann, Olathe East; Jessica Hebenstreit, Pembroke Hill; Tess Hedrick, Shawnee Mission East; Logan Heley, Antioch Middle School; Lauren Hiatt, Olathe North; Spencer Hill, Shawnee Mission Northwest; Jing Jian, Olathe North; Janelle Johnston, Shawnee Mission West; Michele Kerns, Blue Valley West; Rachel Knapp, Westridge Middle; and Jessica Kruger, Olathe North.

Hailey Lapin, Blue Valley Northwest; K. Clemence Lawson, Olathe Northwest; Jake Ludemann, Shawnee Mission North; Sarah Martin, Shawnee Mission West; Magdalena May, Olathe North; Kaela McWherter, Blue Valley North; Courtney Miller, Blue Valley West; Rebecca Miller, Olathe North; Jovana Mirabile, St. Thomas Aquinas; Peri Montgomery, Shawnee Mission West; Megan Moomau, Olathe North; Alyssa Morrison, Mill Valley High School; Stephanie Nemer, Spring Hill High School; Evan Neuman, Trailridge Middle; Alexandra Olsen, Prairie Trail Junior High; Sam Parkinson; Sweta Patel, Olathe North; Meredith Pavicic, St. Teresa's Academy; and Lauren Peterson, Shawnee Mission Northwest.

Angela Podoll, Westridge Middle; Courtney Rathke, Olathe North; Kaytlin Renfro, Shawnee Mission East; Bryce Reynolds, Olathe Northwest; Kyle Reynolds, Olathe Northwest; Cassie Rhodes, Spring Hill High School; Kaitlyn Rittgers, Olathe Northwest; Alex Rorie, Mission Valley; Beth Russell, Olathe Northwest; Michael Shoykhet, Olathe North; Devin Smith, Olathe North; Elaina Smith, Prairie Trail Junior High; Haylee Solcum, Trailridge Middle School; Peter Spitsnogle, Shawnee Mission East; Jessica Stack, Olathe Northwest; Alexandria Szalawiga, Olathe South High School; Nicole Tepper, Mill Valley High School; Irene Wang, Olathe North; Danielle Weathers, Mill Valley; Marin Willis, Spring Hill Middle; Jessica Wilson, Spring Hill High School; Alexis Young, Chisholm Trail Junior High; and Jenny Zhong, Blue Valley Northwest.

A TRIBUTE TO DEBORAH BATTLE POINTER

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn resident Deborah Battle Pointer. Deborah Battle Pointer is a true child of the Diaspora with Carolinian, Jamaican and Black Foot Indian roots. She was born and raised in Connecticut and received a Bachelor of Science Degree in Psychology from SUNY Cortland and a Master's Degree in Education from Cambridge College. The issues of access and equality for all have been important cornerstones in her academic career. For the past 30 years, she has worked in higher education, and served her community as a volunteer while maintaining her involvement in the creative arts.

Deborah was the first Associate Dean of Admissions and Financial Aid at Cornell University, the first black woman to hold the position of Director of Admissions at Columbia University's School of Engineering and former Director of Financial Aid at both Columbia College and SUNY Downstate Medical Center. While residing in Ithaca, New York, she was elected to the Ithaca School Board where she served two terms.

Ms. Pointer is a co-founder and Co-Executive Producer of "Russell Simmons Presents Def Poetry," a television series shown on the Home Box Office cable network. She was also an Executive Consultant to the Broadway hit show, Def Poetry. The television series aired for the first time in December of 2001 and continues to be a hit on HBO today. Deborah and other Executive Producers of Def Poetry were recognized with a Peabody Award for Excellence in Television for the HBO program and received a Tony Award for the Broadway production in 2003.

In October of 2001, under the company name Bone Bristle Entertainment LLC, Deborah and her business partners created a poetry anthology published by Random House, "Bum Rush the Page." The anthology features works of 200 poets and has sold more than 15,000 copies. She has recently published a children's picture book, "I Am Hip-Hop" through her non-profit organization Healium Inc. founded by Deborah Pointer and Ronald Grant. Healium Inc. is dedicated to the efforts of ending child abuse.

Deborah is currently a consultant to the Chairman of the Department of Pediatrics at the Children's Hospital at Downstate where she is involved in development and community outreach. She is also one of a few African-American Christmas and Kwanzaa ornament designers and was featured as an Editor's Choice in "Decorative Gifts and Accessories" magazine.

Ms. Pointer has authored several magazine articles on financing and college education and has worked on a series of videotapes on financial aid for students. The videotapes aired on Public Broadcasting Stations in the New York tri-state area. For many years she was a consultant to ESPN on selecting the High School Athlete of the Year. Deborah is currently a member of the Brooklyn Borough President's Task Force on BCAT, President of the Rutland Road Block Association and a member of numerous other organizations.

Madam Speaker, I would like to recognize the impressive achievements of Deborah Battle Pointer and her commitment to the children of Brooklyn, New York. I also want to thank Ms. Pointer for sharing her gifts with the rest of us.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful and talented woman.

MOURNING THE LOSS OF DAVID BROWN

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. WILSON of South Carolina. Madam Speaker, I rise today in honor of a true public servant of South Carolina's Second Congressional District. David Brown, chief executive officer of Beaufort Memorial Hospital of Beaufort, South Carolina, passed away Monday, March 19, 2007. Brown fell ill last month and was hospitalized at Johns Hopkins University Hospital, where he passed.

Brown ably led the hospital during a time of tremendous growth. The facility is now twice the size it was when Brown took over in 1996. During his tenure as CEO, Brown developed a long-term affiliation with Duke University Health System in heart and cancer care. Most recently, he worked with Beaufort to bring additional workforce housing to the area and led the hospital's expansion of services across the Broad River.

Brown, son of Emerson M. Brown and the late Winifred Ryan Brown, was born in 1951 in Germany, where his father was assigned as a U.S. foreign service officer. Brown also lived in India, the Netherlands, and Canada and attended high school in Switzerland and in Maine. He earned a bachelor of arts degree in 1974 and a masters of business administration with honors in 1976, both from Boston University.

Brown began his career in healthcare in 1976 as assistant executive director of Prince George's County Foundation for Medical Care in Landover, Md., and became executive director within a year.

In 1982 he joined the Greater Southeast Community Hospital in Washington as vice president for professional services. Before leaving the Washington area in 1996, Brown became president and CEO of the Greater Southeast Community Hospital Foundation, which operated two hospitals as well as long-term care facilities, home health agencies, pharmacies and other health care-related businesses.

Brown is survived by his daughter, Caitlin Ryan Brown; son, Ryan David Brown; father, Emerson Brown of Reed City, Mich.; sister, Catherine W. Brown of Washington; and brother, Christopher G. Brown of Columbus, Ohio.

A TRIBUTE TO CLAUDETTE AUDIGE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn, New York resident, Ms. Claudette Audige. Claudette Audige was born on December 7, 1962, in Kingston, Jamaica. She has been a resident of New York for more than 21 years. Ms. Audige is the wife of Andre Audige and the mother of 3 beautiful children, Chase, Chad and Jodie.

Claudette Audige has been an experienced loan consultant for more than 20 years. She is noted for her wisdom and compassion for encouraging home ownership. She has inspired and helped many people to save their homes as well as purchase a home.

Most of Mrs. Audige's extensive community involvement has been with young people. She was a counselor at Good Samaritan Church, in the Bronx, and St. Michaels, in Sheldon, New York. Her community activities include participation in the McDonald's sing along concert series, a drug awareness campaign, and the neighborhood gang violence awareness program. The assistance she provides for children goes beyond the call of duty since she works closely with the youth in her community.

She is sensitive to the needs of homeowners and it is out of that compassion that led her to become a financial consultant. In addition, the high rate of housing foreclosures among her friends and family was another incentive for her to embark on this profession. Claudette gives workshops to new homeowners and advises them of their financial status. Due to her own past financial hardships, she has developed a flair for assisting people to accumulate wealth through the power of prayer and financial wisdom. Financial empowerment guides and motivates Mrs. Audige to teach others to accumulate wealth and prosperity.

This extraordinary woman goes above and beyond the call of duty and is commendable to the standards befitting the praised, virtuous woman described in Proverbs.

Her motto is "if I can help someone let not my living be in vain." Claudette Audige strives to educate the young and the old to possess the knowledge of financial wisdom. She believes that everyone can own a home with the proper education.

Madam Speaker. I would also like to recognize the impressive works of Claudette Audige as well as her commitment to the Brooklyn community.

Madam Speaker. I urge my colleagues to join me in paying tribute to this wonderful woman for all that she does for current and prospective homeowners.

RECOGNITION OF THE HUNTINGTON VETERANS AFFAIRS MEDICAL CENTER

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. RAHALL. Madam Speaker, I rise today in recognition of the Huntington Veterans Affairs Medical Center (VAMC) located in Huntington, West Virginia. I am so proud to report that the Huntington VAMC was named the "Best Performing Facility" for 2006.

This is a well deserved honor for the dedicated employees of the Huntington VAMC who work so hard to ensure that our Nation's veterans receive the quality they deserve. This honor is even greater considering this is not the first time the Huntington VAMC has been singled out for its high quality care. Just two years ago, this center received similar recognition from the VA.

It is wonderful to know that the veterans who call West Virginia home have such a top-notch medical facility to provide care. As we all recognize, our veterans are our heroes and these heroes deserve only the best care available.

It is important that we remember our veterans have given so much to the future of our country and have asked for so little in return. Our veterans, as our soldiers today, remain foremost in the thoughts and prayers of all West Virginians.

I am honored that the Huntington VAMC is in my district. I hope that this entire body will take a minute to congratulate the hard-working men and women of the Huntington VAMC and to honor the sacrifices that our brave servicemembers have made and continue to make.

A TRIBUTE TO AY'TASHA T. HANTON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Brooklyn resident Ay'Tasha T. Hanton. Ms. Hanton is the proud daughter of Edna M. Fulton, and Willie E. Hanton Sr., stepdaughter of Maudine Hanton, who she affectionately calls "Mom." Ay'Tasha was born in New York City as the only daughter of seven children. Ay'Tasha's father expired when she was 1½ years old. Without the relationship of her father, she faced many challenges. With the loving support of her mother, family and friends, she matured into a strong, independent woman.

A nine-year employee of the New York City Health and Hospitals Corporation, Ay'Tasha has extensive knowledge in Finance Administration, Policy and Procedures, Performance Improvement, Graphic Design, Community Affairs and Healthcare Administration. In April of 1998, her career in health care began when she became the Coordinating Manager of Chemical Dependency Outpatient Services and the Mental Health Geriatric Program at Cumberland Diagnostic and Treatment Center serving the Fort Greene Community. As an Assistant to the Sr. Associate Director, Ay'Tasha worked diligently to aide the Chemical Dependency patients who strived daily to maintain sobriety from their addictions. She also worked attentively to aide the Geriatric population as they faced the uneasiness of Mental Health.

In October of 2005, Ay'Tasha was reassigned as the NYS OASAS (Office of Alcoholism and Substance Abuse Services) Administrator of Chemical Dependency Inpatient and Outpatient Services at Woodhull Medical Center, where she studied the communities' statistics.

Recognizing her statistical talents, Ay'Tasha was given additional responsibilities by the Associate Executive Director of the Division of

Chemical Dependency for the North Brooklyn Health Network in the newly established Performance Improvement Department, helping the Assistant Director in strategizing ways to support the population suffering from substance abuse addictions.

Her most recent opportunity towards climbing the corporate ladder came in March of 2006 when she was assigned to assist the Associate Director of Psychiatry in restructuring Woodhull's Psychiatric Emergency Department. As the Administrative Manager of Psych ED, Consultation and Liaison Services and the Chemical Dependency Inpatient Detoxification Units, Ay'Tasha is also faced with the daily challenge of aiding the Psychiatric patients as well as encouraging, mentoring and challenging her staff to heightened levels, while advocating for the Williamsburg and Bedford Stuyvesant communities.

Throughout her HHC career under the umbrella of the Department of Psychiatry, Ay'Tasha has been a member of many committees such as Cumberland's Open Access Team, Billing/Finance, Information Technology and Community Affairs.

Ay'Tasha's walls are lined with many awards, certificates, and presentations as a testament of her hard work. She has also received extensive continuing education in Healthcare Professionalism such as Managerial, Administrative Assistant, Graphic Design, and the list continues. Ay'Tasha's most heartfelt accomplishment is her Associate of Arts Degree in Biblical Studies from Bethel Bible Institute. Ay'Tasha is presently seeking her Bachelors Degree in Health Administration.

Ay'Tasha understands the importance of children. She nurtures her nieces, nephews, godchildren and a host of other youth. Not only is she an inspiration to children, Ay'Tasha mentors young women in her community. Ay'Tasha encompasses the true identity of a role model in today's society.

Madam Speaker, I would like to recognize the impressive achievements of Ay'Tasha T. Hanton for her commitment to her community.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful person and the great things she has done.

A TRIBUTE TO AIDA T. WILSON

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ms. Aida T. Wilson. Aida T. Wilson was born in Panama City in the Republic of Panama. She is the eldest of five children born to Olga and Charles Tyrell. After completing high school at Santa Familia School for Dressmaking in Panama City, she was immediately employed by Maloul Brothers for five years in Colon, City of Panama.

Ms. Wilson migrated to the United States in 1956 and immediately began to further her education by attending several adult education programs while employed as a seamstress. She was later employed by one of New York City's most prestigious department stores Lord and Taylor. After serving in several positions she became their Merchandising Auditor. She retired in 1994 after 37 years of service with the company. Following one year of retirement, she was hired to work on a part-time basis at Community Board 5 in East New York as a Community Service Aide and has maintained this position for the past 11 years.

Ms. Wilson has been a communicant of St. Laurence Church RC for the past 30 years. She has served on their Board of Trustees; as member and past President of the Laurencian Guild (Rosary Society); Chairperson of the Liturgy Committee; Treasurer of the Church AARP Chapter; and presently a Lector at Sunday Masses and a member of the Parish Pastoral Planning Committee. Mrs. Wilson is an active member and Past President of the Brooklyn New Lots Lions Club and Part District Treasurer for the Lions of District 20 K1 (Brooklyn and Queens). For her lionistic activism, she has been recognized with many awards and citations including the Distinguished Service Award for Community Service, Lion of the Year, Knights of the Blind Award and the highest recognition by an association, The Melvin Jones Fellowship.

Aida Wilson is married to Lloyd G. Wilson, (retired MTA Motorman). This union brought forth a son Rodney, and a daughter Sharon who have blessed them with six grandchildren: Tyrell and Cherrell Wilson, Jazine Miller, Eryka, Elissa, and Jessica Hill. A step granddaughter Kristin Reid Hill, son-in-law Eric Hill and daughter-in-law Angela A. Wilson.

Madam Speaker, I would like to recognize this pillar of our community for all of her good works and kind gestures.

Madam Speaker, I urge my colleagues to join me in paying tribute to Aida T. Wilson.

INTRODUCTION OF THE INFANT AND TODDLER DURABLE PRODUCT SAFETY ACT AND THE DANNY KEYSAR CHILD PRODUCT SAFETY NOTIFICATION ACT

HON. JANICE D. SCHAKOWSKY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Ms. SCHAKOWSKY. Madam Speaker, today I am once again introducing two bills that would help prevent needless deaths and injuries of young children: the Infant and Toddler Durable Product Safety Act and the Danny Keysar Child Product Safety Notification Act. These bills would help us protect infant and toddlers from dangerous products, both before they arrive on the shelves—and after they end up in homes.

The Infant and Toddler Durable Product Safety Act would require infant and toddler products to receive a federal seal of approval before they are sold. This bill is long overdue.

Currently, most consumers believe that, because a product is on a shelf, it is safe. A Coalition for Consumer Rights' survey in Illinois found that 75 percent of adults believe that the government oversees pre-market testing for children's products; 79 percent believe that manufacturers are required to test the safety of those products before they are sold. For most products, neither is true.

In fact, there are no mandatory safety standards for the majority of the children's products being sold today. The majority of the standards that are in place are "voluntarily" set by the very industries looking to make profits. They are also allowed to police themselves about whether the standards are enforced.

Let me stress what that means: although there may be voluntary standards in place, there are no requirements that all potential hazards are addressed in those standards. For instance, the voluntary standards for bassinets set by the industry did not have height requirement for the sides or any test to make sure the baby couldn't fall out. Only because of the tenacity of advocates like Kids in Danger, was one finally set. There are also no consequences for the manufacturer if the standards are not met, and no requirements for products to be tested to see if the standards are met. This is true even for baby carriers, cradles, play pens, and high chairs. For the few products that do have mandatory federal standards, because there are no testing requirements, the standards are meaningless.

Although the Consumer Products Safety Commission—the CPSC—requires no testing and manufacturers mayor may not perform their own tests, do not be mistaken, children's products are tested. They are tested in our own homes, with our children and grandchildren as test dummies. The cost of those tests can be a panicked child, amputated fingers, fractured skulls, or a dead child.

Unfortunately, a trip to the emergency room or the morgue is often the only way to know if a product is unsafe. This is unacceptable.

Parents and caregivers must have assurance that when they buy a product, it will be safe. Therefore, the Infant and Toddler Durable Product Safety Act would not only require the CPSC to issue mandatory safety standards for infant and toddler products, it would require the testing and certification of these products by an independent third party before they are allowed to be sold to anyone.

To protect children should unsafe products make it into their homes—as is currently happening—we also have to make sure that we can get the hazards out as soon as possible. The Danny Keysar Child Product Safety Notification Act would help us do that by requiring that all children's durable products sold have recall registration cards attached to them and that manufacturers directly contact those who fill them out should there be a recall.

Although there is a shocking number of recalled products, our current recall system is failing. Actual notice of a recall is dependent on news outlets picking up the story and spreading the word. Notification targeted to owners of the products is rare, and many parents remain unaware of the dangers even when products are recalled. In fact, many families still have the dangerous products listed in this report in their homes because they have not happened to turn on the television at the right time or read the right newspaper. We need to make sure that notification is directed at the families that have bought these faulty products so they don't have to rely on chance to hear the news.

My colleague, Rep. FRED UPTON, and I named our bill that would help solve this problem the Danny Keysar Child Product Safety

Notification Act because his story is a tragic example of the inadequacy of our current recall practices.

Danny Keysar, the precious 17-month old son of Linda Ginzel and her husband, Boaz Keysar, died when the Playskool Travel-Lite portable crib he had been napping in at his babysitter's home collapsed. The rails of the crib folded into a "V"-shaped wedge when he stood up, trapping his neck. He was strangled to death. It was May 12, 1998, five years after the CPSC had ordered it off the shelves because it was so dangerous.

Word of its hazard had not reached Danny's parents, the caregiver with whom he was staying, or a state safety inspector who visited the home just eight days before Danny's death. Had the Child Product Safety Notification Act been in effect, there would have been a much greater chance of saving Danny's life—and the 11 children who have since died from the TravelLite.

We know that recall registration cards work. My bill is modeled after the National Highway and Transportation Safety Administration's recall system for car seats. Since NHTSA started requiring car seats to have registration cards in 1993, the number of families registering increased by at least tenfold. In fact, 53 percent of parents who obtained cards mailed in the cards. Recall repair rates have gone up by 56 percent—all for a mere 43-cents per item. This bill will give families a much greater chance to repair, return, or discard any dangerous products that have made it into their children's nursery.

It is past due that we give parents the security they deserve and children the safety they need. I urge my colleagues to support these two bills.

INTRODUCTION OF HOUSE RESOLUTION 267 CONDEMNING THE ISLAMIC REPUBLIC OF IRAN FOR ITS SEIZURE OF BRITISH SAILORS AND MARINES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. KIRK. Madam Speaker, today I introduced House Resolution 267 with my fellow Iran Working Group co-Chair Congressman ROB ANDREWS (D–NJ) and Iran Working Group Vice-Chairs Dr. CHARLES BOUSTANY (R–LA) and RON KLEIN (D–FL). This resolution condemns the Islamic Republic of Iran for seizing 15 British sailors and marines in the Persian Gulf and calls for their immediate release. These sailors and marines, based on the HMS Cornwall, had finished a routine search of a civilian vessel in Iraqi waters at the time of the kidnapping. The Iranian regime now says it may charge the sailors and marines for illegally entering Iranian-controlled waters.

The British soldiers were captured a day before the UN debated additional sanctions for Iran's continued efforts to enrich uranium. The sanctions were unanimously approved, and include a ban on arms sales from Iran as well as freezing assets of 28 people and organizations involved with the nation's nuclear programs.

Our resolution also asks the Security Council to explore new economic sanctions against Iran, including a restriction on gasoline imports. Despite its status as a top oil producing nation, Iran is highly dependent on foreign gasoline due to severe mismanagement of its domestic energy supply. An international restriction on foreign gasoline is the most effective economic lever in our diplomatic toolbox to prevent further Iranian hostility, deny Iran's ability to militarize the Persian Gulf and enforce Iran's nonproliferation commitments.

The Iranian regime defied international law by seizing sailors in waters outside of its jurisdiction. Our resolution sends a strong message of condemnation from the House of Representatives.

I want to thank Reps. ANDREWS, BOUSTANY and KLEIN for leading with me on this resolution. I look forward to working with them and the more than fifty original cosponsors on this important initiative.

INTRODUCTION OF THE BLUE WATER HIGHWAY ACT OF 2007

HON. DAVE WELDON

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. WELDON of Florida. Madam Speaker, today I introduced the Blue Water Highway Act of 2007.

As Members of this body know, the ability to cost-effectively transport goods to domestic markets is vital to our economy. It's becoming increasingly clear, however, that economic and population growth is far outpacing our ability to maintain and expand our existing transportation infrastructure, posing serious, long-term challenges to our current reliance upon land-based shipping.

In Florida and around the country, roadway congestion and driver shortages are already making it difficult for trucking companies to expand capacity. Freight shipping by rail is encountering serious capacity problems in some regions, as well. And, recent estimates indicate that overall freight traffic will continue to increase exponentially in the coming years—up as much as 70 percent by 2020.

Madam Speaker, we are presented with a choice as we seek to address this capacity crunch: We can try to engineer our way out of the current situation at hundreds of billions of dollars in new federal expenditures. Or, we can find alternate innovative modes of transportation that will help absorb some of the traffic our growing economy continues to create.

While we must continue to invest in our surface transportation infrastructure, I believe that an alternative, environmentally sound mode of transportation is at our fingertips that will lessen highway congestion, save energy, and reduce air pollution.

Short sea shipping, or what I call the "Blue Water Highway," involves shipping cargo by sea between U.S. ports. By establishing a "highway" along our coast where smaller cargo ships travel from port to port along the Eastern Seaboard, Gulf Coast, Pacific Coastline, and the Great Lakes, we have the opportunity to significantly reduce highway congestion in an environmentally friendly and economically sound manner. Additionally, sea-based shipping would mitigate against wear and tear on our highways, potentially delaying the need for expensive taxpayer-funded improvement projects and allowing such funds instead to be used to free traffic congestion.

Though getting the Blue Water Highway up and running is no small task, I believe that a modest tax policy change provided in my legislation would significantly encourage the development of a short sea shipping industry.

The Blue Water Highway Act of 2007 would amend the Internal Revenue Code to exempt cargo shipped between U.S. mainland ports from the harbor maintenance tax. This simple tax reform would remove the primary prohibitive cost to short sea shipping, allowing designated cargo vessels to travel from Port Canaveral in Florida, to Baltimore, and then onto New York and Bridgeport, Conn. making other port calls along the way without having to pay the cargo tax each time it enters a port.

Madam Speaker, amending the harbor maintenance tax is a reasonable policy objective that would go a long way toward moving short sea shipping from the backwater of the shipping industry.

HONORING THE BREESE CENTRAL LADY COUGARS BASKETBALL TEAM

HON. JOHN SHIMKUS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. SHIMKUS. Madam Speaker, today I rise to honor the Breese Central Lady Cougars basketball team on their success in winning the championship game of the 28th annual Class A state tournament at Redbird Arena in Normal, Illinois.

Jessica Hemann, Courtney Strieker, Leann Voss, Britni Holtmann, K.C. Root, Christy Rolfingsmeyer, Katie Robben, Kelsie Netemeyer, Katelin Wiegmann, Tiffany Hilmes, Katie Scheer, Lauren Budde, and Cassandra Deiters make up this victorious team of athletes, which are lead by Head Coach Nathan Rueter and Assistant Coaches Angela Witte and Kelly Hasheider.

The Number 11 State-Ranked Breese Central ladies received medals after winning against Number 9 State-Ranked Rochester in a 47–41 victory.

I am very pleased to congratulate the Breese Central Lady Cougars on their victory and wish them the best of luck for next season.

TRIBUTE TO DOLORES HUERTA

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. BACA. Madam Speaker, I rise today to voice my strong support for H. Res. 37. This resolution honors Dolores Huerta for her commitment to protecting the rights of women and children everywhere, and improving the lives of farm workers.

I want to thank my colleague from California, Rep. HILDA SOLIS, for sponsoring this resolution.

Since 1955, Dolores Huerta has been a preeminent figure in the civil rights movement. She has dedicated her life to fighting for the rights of workers, women, and children. Dolores has lived a life full of compassion and love for her fellow man. Her actions helped to change the way farm workers were treated and further established fair treatment and respectable working conditions for them.

As a strong female leader, Dolores Huerta defied cultural and gender stereotypes. She has been awarded the Eleanor D. Roosevelt Human Rights Award and was inducted into the Women's Hall of Fame in 1993. Together with Cesar Chavez, she founded the National Farm Workers Association, now the United Farm Workers Organizing Committee.

Beyond her professional work, she is a proud mother of 11 children and many grandchildren and great-grandchildren.

I urge my colleagues to send a message of support for the rights of all workers and to honor the accomplishments of a true revolutionary, Dolores Huerta, by supporting H. Res. 37.

RECOGNIZING LOYOLA UNIVERSITY CHICAGO'S CENTER FOR PUBLIC SERVICE

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. EMANUEL. Madam Speaker, I rise today to recognize; Loyola University Chicago for its enduring commitment to community service and its creation of the Center for Public Service. I am pleased that the Center will house the congressional papers of former Congressman Henry J. Hyde and former Congressman Dan Rostenkowski.

Loyola's Center for Public Service will undertake the task of encouraging citizens to dedicate their lives to civil service and government. Through research and discourse, this non-partisan academic unit will increase education on important policy issues.

Both Congressman Hyde and Congressman Rostenkowski attended Loyola, so it seems fitting that their work will be preserved there.

Congressman Hyde recently retired from Congress after serving the people of the Sixth district of Illinois for 15 terms. The former Dean of the Illinois delegation served as Chairman of the Judiciary Committee from 1995–2001 and was later Chairman of the International Relations Committee.

Congressman Rostenkowski, or Mr. Chairman as he is still known, served my district in the House and was a legislative force for 34 years. As the Chairman of the Ways and Means Committee, he played an important role in tax and trade policy for thirteen years.

Madam Speaker, I congratulate Loyola University Chicago for its creation of the Center for Public Service and its collection of the congressional papers of former Congressmen Henry J. Hyde and Dan Rostenkowski. I wish its faculty, staff and students the best of luck as they pursue lives of public service.

TRIBUTE TO SAM MURPHEY FOR A LIFETIME OF DEDICATED SERVICE TO THE NATION AND THE PEOPLE OF CENTRAL TEXAS

HON. CHET EDWARDS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. EDWARDS. Madam Speaker, I rise today to honor a dedicated public servant of the people of Central Texas, Sam Murphey. Sam is about to embark on a well-deserved retirement after 22 years of service in the U.S. Army and 16 years looking after the needs of the people of Central Texas as my right-hand man and District Director.

Sam Murphey is a decorated soldier and veteran whose distinguished service in the United States Army and his service to the constituents of Central Texas is unparalleled in my experience. The positive impact Sam has had is immeasurable and proof that one person can truly make a difference in the lives of others. Sam is known by many names: husband, father, grandfather, motivator, leader, and confidante. I join the many others who are fortunate to call him "friend".

Sam graduated from the University of Texas in 1967 earning a bachelors degree in business administration and a commission in the Regular Army of the United States as a 2nd Lieutenant of Field Artillery. Sam later earned his master of science degree in management from the University of Central Texas in 1981 and he has completed an additional 18 post-graduate hours of study in political science.

Following his graduation from the University of Texas, Sam began a 22-year career in the U.S. Army that took him to assignments in the United States, Europe, Korea and Vietnam. He spent his combat tour in Vietnam as a Field Artillery Forward Observer and Liaison Officer with the 173rd Airborne Brigade. Other notable experiences during his military career include a teaching assignment in the Gunnery Department of the U.S. Army Field Artillery School, graduation from the Marine Corps Command and Staff College, and an assignment at the U.S. Air Force Academy as Air Officer Commanding of Cadet Squadron 29. He retired from the Army at Fort Hood, Texas on October 1, 1989.

In March 1991, as a newly elected Congressman, I was wise enough to hire Sam as my primary contact for the military and veterans communities in what was then District 11. Sam excelled in that role and became the District Director in January 1996. As a local veterans leader, his counsel and advice have been indispensable over the years.

Among many other accomplishments, Sam played a key leadership role in the successful fight to save the Waco VA hospital from closure and helped make it into a national center of excellence. The massive modernization of Fort Hood in the 1990s had Sam Murphey's fingerprints all over it. Countless soldiers and their families have benefited from Sam's hard work to make dramatic improvements in barracks, housing, and training facilities at Fort Hood. Sam was also instrumental in opening Gray Army Airfield to commercial aviation, providing land for the Central Texas Veterans Cemetery and Tarleton State's upper level institution in Killeen.

As a district director, it goes without saying that Sam is very active in local community affairs, but he also spends much of his free time to give back to the community. He continues to serve as Vice Chairman of the Board of Directors of Heart O' Texas Federal Credit Union. He is a past president of the University of Central Texas Alumni Association, and has taught government and business classes at the University of Central Texas and Central Texas College as a member of their adjunct faculty. He is a past chairman of the Harker Heights Chamber of Commerce Board of Directors and served 6 years as Commissioner on the Harker Heights Planning and Zoning Commission. He is a co-founder of the Harker Heights Economic Development Corporation and is a past president of the Central Texas—Fort Hood Chapter of the Association of the United States Army and of the Central Texas Chapter of the Military Officers Association of America. He is a graduate of Leadership Temple and Leadership Killeen and is a co-founder of the Leadership Belton program. He was recently named Chairman of the Harker Heights Chamber of Commerce Military Affairs Committee.

Sam and his wonderful wife Peggy, his much, much better half, are retiring at the same time to enjoy their beautiful family together in Harker Heights, Texas. Peggy is retiring after a career of service to the soldiers and families at Fort Hood, a place that I had the privilege to represent for 14 years and is very close to my heart. The Good Lord has blessed Sam and Peggy with two children, Steven and Kathleen and five grandchildren, Samantha and Steven Murphey, Hartley, Elle and Sophia Corsi.

May the Good Lord continue to watch over them and as Sam is fond of saying, "bless their little hearts."

Thank you, Sam for your personal friendship and for your service to the people of Central Texas and the citizens of our Nation. We wish you and your family all the best in the years ahead.

TRIBUTE TO GARY PLAYER

HON. LYNN A. WESTMORELAND

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. WESTMORELAND. Madam Speaker, I rise today to carry on a tradition started by the late Congressman Charlie Norwood, whose death this year was a great loss to Georgia and the U.S. House of Representatives. Each year on the eve of the Masters golf tournament in his hometown of Augusta, GA., Congressman Norwood would honor a golfer of great acclaim before his colleagues in the House.

This year, that tribute belongs to Gary Player, a world-renowned golfer whose accomplishments extend far beyond the links. In April, Mr. Player will tee up at the Augusta National for the Masters tournament for the 50th consecutive year, a remarkable achievement of longevity in any career. Few events in sports compare to the grace and beauty of the Masters tournament, and for a half century, Mr. Player has played an important role in one of the most cherished and most watched sporting events in the world.

Gary Player's record is the envy of countless golfers. It includes 159 victories worldwide. He holds nine major championships including: three Masters, three British Opens, two U.S. Opens and one PGA Championship. In addition, he has won the World Match Play Championship four times.

Outside the game of golf, Mr. Player has dedicated his life to family—he is celebrating his 50th wedding anniversary this year—and to serving the underprivileged.

In 1983, he established the Gary Player Foundation to address the education crisis in South Africa. The Player family started the Blair Atholl School—complete with a primary school of 400 students, a pre-elementary school for 75, a community resource center and a sports complex. The foundation ensures high-quality education, a nutritional feeding scheme and basic medical care for each child.

Besides his foundation, Gary Player hosts the annual Nelson Mandela Invitational Golf Tournament, one of the largest charity events in South Africa. To recognize his many achievements, Gary Player was awarded an Honorary Doctor of Laws from the Saint Andrews University in 1995.

Gary Player has lived an incredible life and he doesn't take those blessings for granted. He has said, "I have been so lucky with golf, with my family, with my health, all I can be is thankful." Let us wish him continued luck and thanks for his accomplishments on and off the course. Mr. Player, good luck in Augusta.

ON THE INTRODUCTION OF THE DHS SAFE ACT TO ENHANCE THE SECURITY OF DEPARTMENT OF HOMELAND SECURITY BADGES, IDENTIFICATION CARDS, UNIFORMS, AND PROTECTIVE EQUIPMENT

HON. BOB ETHERIDGE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Monday, March 26, 2007

Mr. ETHERIDGE. Madam Speaker, today I have introduced, together with my colleagues from the Committee on Homeland Security, Chairman Thompson of Mississippi and Mr. Rogers of Alabama, legislation that will prevent terrorists or others with bad intent from posing as Homeland Security officials or officers. This common sense bill will require the Department of Homeland Security to make sure that sensitive material—badges, identification cards, uniforms, and protective gear—is made in the United States. As these items would be vulnerable to theft in transit, it just makes sense to make sure they start and stay in America.

When the Department of Homeland Security buys identification cards overseas, there is no system in place to ensure that they are not stolen and misappropriated by terrorists, who could then pass into restricted areas with fraudulent credentials. In countries with less robust ethical and management standards for business, manufacturers might even be willing to sell uniforms or badges to the highest bidder. The men and women who serve in positions that protect our security are put at risk by a policy that does not secure these materials, and the practice of purchasing them overseas without appropriate safeguards must end.

It is certainly not uncommon for cargo to be hijacked or lost, particularly in the staging areas at our Nation's ports of entry. The potential theft of uniforms, badges, or ID cards by the truckload pose a clear threat. These items are meant to serve as validation that those charged with securing our country are who they say they are; misappropriation is unacceptable.

This legislation will not slow down the Department at all with regard to purchases; it merely ensures that sensitive materials are kept securely inside the United States when appropriate. The bill contains a waiver for small purchases and for material that will be used outside of the United States. It gives the Department the flexibility to procure materials outside of the United States if necessary and as long as steps are taken to prevent misappropriation.

This legislation is focused and targeted at the area of greatest risk in procurement. I urge my colleagues in the House of Representatives to support it.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, March 27, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 28

9:30 a.m.
Armed Services
Strategic Forces Subcommittee
To hold hearings to examine the Strategic Forces Program in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program, with the possibility of a closed session in SR–222 following the open session.
SR–232A

Joint Economic Committee
To hold hearings to examine the current economic outlook.
SH–216

9:45 a.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Labor.
SD–124

10 a.m.
Environment and Public Works
To hold hearings to examine reducing government building operational costs through innovation and efficiency, focusing on legislative solutions.
SD–406

Finance
To hold hearings to examine risks and reform, focusing on the role of currency in the U.S.-China relationship.
SD–215

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold hearings to examine the future of the Coast Guard Dive Program.
SR–253

Rules and Administration
Business meeting to consider S. 223, to require Senate candidates to file designations, statements, and reports in electronic form.
SR–301

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine the proposed budget estimates for fiscal year 2008 for the United States Agency for International Development and foreign assistance programs.
SD–138

10:30 a.m.
Appropriations
Defense Subcommittee
To hold hearings to examine the proposed budget estimates for fiscal year 2008 for the United States Navy.
SD–192

Aging
To hold hearings to examine affordable drug coverage that works for Wisconsin, focusing on preserving senior care.
SD–562

11:45 a.m.
Foreign Relations
Business meeting to consider S. 193, to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, S. 613, to enhance the overseas stabilization and reconstruction capabilities of the United States Government, H.R. 1003, to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy, S. Res. 30, expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments, S. Res. 65, condemning the

murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance, S. Res. 76, calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan, and the nominations of Paul J. Bonicelli, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador, Eli Whitney Debevoise II, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development, Sam Fox, of Missouri, to be Ambassador to Belgium, Zalmay Khalilzad, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador and the Representative of the United States of America in the Security Council of the United Nations, Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund, Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development, Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development. (Reappointment), and Ford M. Fraker, of Massachusetts, to be Ambassador to the Kingdom of Saudi Arabia.

SD–419

2:30 p.m.

Appropriations

Interior, Environment, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for United States Forest Service.

SD–124

Commerce, Science, and Transportation

Space, Aeronautics, and Related Agencies Subcommittee

To hold hearings to examine transitioning to a next generation Human Space Flight System.

SR–253

3 p.m.

Appropriations

Financial Services and General Government Subcommittee

To hold hearings to examine the proposed budget estimates for fiscal year 2008 for the Department of the Treasury.

SD–192

Health, Education, Labor, and Pensions

To hold hearings to examine No Child Left Behind Reauthorization, focusing on effective strategies for engaging parents and communities in schools.

SD–430

3:30 p.m.

Armed Services

Personnel Subcommittee

To hold hearings to examine active component, reserve component, and civilian personnel programs in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program.

SR–232A

MARCH 29

9:15 a.m.

Indian Affairs

To hold an oversight hearing to examine Indian trust fund litigation.

SR–485

9:30 a.m.

Armed Services

To hold hearings to examine the Department of the Navy in review of the Defense Authorization Request for fiscal year 2008 and the future years Defense Program, with the possibility of a closed session in SR–222 following the open session.

SD–106

Foreign Relations

To hold hearings to examine an update on Iran; may be followed by a business meeting to consider pending calendar business.

SD–419

Small Business and Entrepreneurship

Business meeting to markup S. 163, to improve the disaster loan program of the Small Business Administration.

SR–428A

Veterans' Affairs

To hold joint hearings with the House Committee on Veterans' Affairs to examine the legislative presentation of AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, the Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.

SD–226

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine the nomination of David James Gribbin IV, of Virginia, to be General Counsel of the Department of Transportation.

SR–253

Environment and Public Works

Business meeting to consider S. 801, to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse", S. 521, to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heany Federal Building and United States Courthouse and Customhouse", the Public Buildings Cost Reduction Act, the Water Resources Development Act of 2007, and the nominations of Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency, and Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation.

SD–406

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine eliminating and recovering improper payments, focusing on the Office of Management and Budget report entitled "Improving the Accuracy and Integrity of Improper Payments".

SD–342

Finance

To hold hearings to examine clean energy from the margins to the mainstream.

SD–215

Judiciary

To continue hearings to examine Department of Justice hiring and firing of United States Attorneys, focusing on preserving prosecutorial independence.

SH–216

2 p.m.

Judiciary

Business meeting to consider S. 236, to require reports to Congress on Federal agency use of data mining, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 849, to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 621, to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II, and S. Res. 108, designating the first week of April 2007 as "National Asbestos Awareness Week" and to discuss the possibility of the issuance of certain subpoenas in connection with investigation into replacement of United States Attorneys.

SD–226

2:30 p.m.

Intelligence

Closed business meeting and hearing regarding certain intelligence matters.

SH–219

MARCH 30

10 a.m.

Appropriations

Legislative Branch Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Office of the Senate Sergeant at Arms and Doorkeeper, and the United States Capitol police.

SD–138

APRIL 10

10 a.m.

Commerce, Science, and Transportation

To hold an oversight hearing to examine the Federal Trade Commission (FTC).

SR–253

APRIL 11

9:30 a.m.

Veterans' Affairs

To hold hearings to examine issues relative to Filipino veterans.

SR–418

10 a.m.

Banking, Housing, and Urban Affairs

To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.

SD–538

Rules and Administration

To hold an oversight hearing to examine the Smithsonian Institution.

SR–301

APRIL 17

10 a.m.

Judiciary

To hold an oversight hearing to examine the Department of Justice.

SD–106

APRIL 25

2 p.m.

Veterans' Affairs

To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.

SR–418

APRIL 26

10 a.m.

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine clean coal technology.

SR–253

SENATE—*Tuesday, March 27, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Most holy and gracious God, who turns the shadow of night into the glory of morning, shower our lawmakers with Your mercy this day. Calm troubled thoughts, and guide their feet in the way of peace.

Let Your strength be more than sufficient to meet and manage their weaknesses. Make them instruments of Your grace and goodness, as You renew in them the joy of belonging to You. Let Your eyes rest upon our Senators, and keep Your ears open to their prayers.

Guard their feet so that they will not deviate from the path of unwavering integrity. Give them fresh opportunities to discover Your unlimited power. We pray in Your blessed Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT MENENDEZ led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 27, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT MENENDEZ, a Senator from the State of New Jersey, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. MENENDEZ thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we are going to proceed to a period of morning business now. It will be for 60 minutes. The time is divided between both the majority and the minority. The Republicans are controlling the first 30 minutes. Following morning business, the Senate will resume consideration of H.R. 1591, which is the supplemental appropriations bill. We will interrupt consideration of the supplemental at 11:50 in order to debate a judicial nomination. A vote on confirmation of the nomination of George Wu to be a U.S. district judge will occur around 12:10 or thereabouts. The vote will be the first vote today. After that vote, we will recess until 2:15 p.m. in order to permit the regular Tuesday meeting of the respective party conferences.

As a reminder, cloture was filed last evening on the supplemental appropriations bill. Members have until 2:30 today to file first-degree amendments.

We are conferring with the Republicans—Senator MCCONNELL and I have spoken on a number of occasions, not this morning yet but yesterday—to try to arrange votes on a number of amendments, one of which is the one filed by Senator COCHRAN. We are going to try to work out an orderly process to go to an amendment relating to minimum wage. There are, perhaps, some other amendments the Republicans want to do dealing with strikes, dealing with the funding of this bill. There is an issue which is important to both Democrats and Republicans dealing with county payments and payment in lieu of taxes.

At this stage, that is the universe of the matters we will work on and try to get time agreements to proceed to the cloture vote, which will occur in the morning. Hopefully, we can work toward that end and get a lot of it done today.

We all recognize the importance of this legislation, not only from the aspect of the military, but there are other matters in the bill that are extremely important.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

VOTES

Mr. MCCONNELL. Mr. President, let me just note the remarks of the majority leader that there are at least three amendments, hopefully, we can vote on today: the pending Cochran amendment; there will be a minimum wage amendment, on which Senator GRASSLEY and Senator BAUCUS are working; and the so-called county payments amendment, which also has bipartisan support, which was referred to by Senator REID. It would be my hope that we could vote on all of those today. We have, as the majority leader indicated, the cloture motion vote in the morning, so I think it would be good to dispose of those three for sure today, if not others.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republicans and the final 30 minutes under the control of the majority.

IRAQ SUPPLEMENTAL

Mr. THOMAS. Mr. President, I think this is certainly one of the most important bills we have had before us and one, frankly, that is the most time-constrained of any we have had before us. Normally, we have a good deal of time to talk about bills and we have budget bills that won't go into effect until next year, but the fact is, this bill, which is for the funding of troops, these dollars need to be available within the next couple of weeks, as we understand it, of course. So it is important that we recognize that and that we understand the purpose of this bill is to fund our troops.

Whether you agree with the troops being there, the troops are there, and the fact is that it is up to us to provide the support they need and the dollars which are necessary to provide them the support they need in the position they are in. If there were ever a bill that should be recognized as having a unique purpose and should not be attached to other kinds of nonpertinent issues, I believe this is one. We are going to have the opportunity to decide whether we want to attach other issues to this bill and extend it, whether we

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

want to have a situation where there is a veto and all those time-consuming things or whether we indeed want to have a clean bill that provides for the support of our troops who are now in Iraq and Afghanistan.

For weeks now, the President has repeatedly said he will veto the bill if it ties the hands of the generals on the ground. What he is saying is he and the generals have a plan, and the fact is the plan seems to be making more advances and accomplishments than we have had in the past, so we need to allow that to continue to work. We have all said the President needs a different plan. The President now has a different plan. There is new leadership in Iraq.

So I think we need to understand where we are with respect to this bill because we certainly have been on notice and are well aware of the looming veto. That veto would simply take more time and keep this money from getting where it needs to be to support the troops.

Not passing this legislation, of course, would only delay the critical resources and the necessary equipment and training for our soldiers who are getting ready to deploy or have, in fact, deployed. Secretary of Defense Gates has warned the Congress that if we delay emergency spending for our troops already deployed, many will not be able to come home. This is a very serious statement, and we need to pay attention to it.

I don't want to portray the President's plan in Iraq as being a success so far, but our commanders on the ground are reporting good news and that we are making progress, and that is what it is all about, of course. We need to be there until we have completed our task. I understand that explaining what the completion of the task is may not be easy, and people have different views about what that should be, but it is pretty clear we need to be able to get the Iraqis in a position to govern themselves before we can return. I am for returning as soon as possible, but I think setting an artificial definition for when they return is not appropriate anywhere and particularly not appropriate on this bill.

I just do not understand how Members on the other side can say one thing in their States and then stand and do the opposite thing—stand for supporting their troops in their States and then come here and have exactly the opposite position in Washington. At this point, we are where we are, and we need to have funding for our troops in the field, no question. Nobody would argue that, and I think no one would dispute that is a time sensitive issue as well.

We are going to be here this week on this bill. We are going to be gone next week. If the bill were to be vetoed, then we would have to go through that whole process. One can see that if we are going to get this done by the date which we have all heard, which is April 15, it is important we take off these kinds of things that are holding it up. We should not play political one-upmanship when it comes to funding our men and women who are in theater or are ready to deploy—I don't think there is any question about that—nor should we attempt to move legislation by buying votes for things that would be at the expense of our troops.

Unfortunately, the emergency legislation we have before us has been larded up with all manner of nonemergency spending and extraneous measures. Not only are we attempting to tie the President's hands by micromanaging the war, but we are trying to push through pet projects at the expense of our troops. I understand the politics of this place. When someone has something they would like very much to have done, the greatest thing to do is to put it on the bill that has to pass, and even though it is inappropriate, even though it is not a part of the purpose of the bill, of course, I understand that helps get it done. But the request submitted to the Congress was to have $100 billion for troops and hurricane relief. The bill we are considering contains an additional $20 billion—$20 billion—for individual Member requests, a minimum wage increase, and small tax packages. The last time I checked, none of these is an emergency, so they do not qualify for this bill. I understand the merits of many of these things, and they should be considered. But, again, in terms of how we do things here, this is an emergency bill, and things that are in here ought to qualify as emergencies or else not be on the bill.

So we have to say: Do they have merit? Of course they have merit. There is no question that many of them do and should be individually addressed in the normal legislative process. They should be considered because they have merit and, indeed, are worth consideration. However, we are also faced with the question that the majority has said we must get our fiscal house in order. That is what we have been hearing, but that is not what we have been doing. It is easy to say that, but it is hard to do it.

We do need to take a look at spending. This is an emergency bill—this is outside the budget—and so it is a wonderful place to pen on a lot of things that are additional spending that really aren't within the limits of spending, which all of us seem to be so proud to be putting on in this Congress. So I think we have to take a look at all those things. Almost to a person, everyone has come to the floor and promised the American public that future spending would be paid for. These things that are added are not paid for. So we are not keeping that promise that has been made.

I think this week the majority will have an opportunity to stand by their words. We must keep Federal spending under control and accountable. To add things that are inappropriate, that do not fit on the bill, that are outside the budget—to use this opportunity is not being accountable. To add projects to emergency spending, which by definition is outside the normal budget process, is not the right way to accomplish this goal.

It is going to be tough. We are going to have projects that everyone on both sides of the aisle thinks: Oh, that is good for my State—whether it is shrimp or spinach or whatever. So there will be support for those things. But the fact is, they do not belong on this emergency bill.

I remind my colleagues of the budget resolution for 2007 which explicitly defines what constitutes an emergency. It says all of the five following criteria must be satisfied in order for something to be considered an emergency: No. 1, is necessary, essential, or vital; No. 2, sudden, quickly coming into being, and not building up over time; No. 3, a pressing and compelling urgent need requiring immediate action; No. 4, an unforeseeable, unpredictable, and unanticipated issue; and, finally, not permanent but temporary in nature.

The Senate has to establish the criteria, and I think we ought to follow it in this budget area. I know we cannot fix the problems in just 1 week. There should be an effort to remove all the extraneous and nondefense spending. I look forward to bringing an important question before us, privatizing these things. The American people will soon learn whether the Members of the Senate have committed themselves to getting their financial house in order, whether they will back their words with action.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I join my distinguished colleague from Wyoming in addressing the pending business of the Senate, which is the emergency supplemental to help fund our troops who are serving in harm's way. The problem with this particular legislation is it does more than that. In fact, contrary to its advertised purpose of supporting the troops, it undermines the ability of our commanders on the ground to actually succeed in the goal they volunteered to achieve and which we have asked them to do because it sets artificial timelines and attempts to micromanage the fighting of the war on the ground.

It ultimately jeopardizes the ability to get funds for the troops, to provide the necessary equipment, to provide the replenishment of used-up resources that are necessary as we rotate troops who are in the battlefield today. It would ultimately make it more likely that troops who are already there—who sacrificed a lot, along with their families—are going to have to sacrifice even more because the troops necessary and the equipment necessary to actually rotate in and relieve them of their responsibilities will not be available.

The other thing that is so unseemly, to me, about this whole process is, because this is the train leaving the station and colleagues know that this bill needs to pass, or at least some version of it—emergency spending to support our troops—that the House, in particular, and now the Senate has joined in a similar manner in larding this appropriations bill with various pork projects.

My colleague from Wyoming has pointed out that the nature of emergency spending means this money goes straight to the deficit. In other words, the bill is passed on to the next generation and beyond and not paid for.

We just went through an elaborate process in passing a budget resolution. Time and time again, the new majority has said they want to engage in some budget and fiscal discipline, but that stated goal, to try to deal with taxpayer dollars responsibly, to find offsets for spending and have pay-as-you-go rules is completely belied by the actions reflected in this particular appropriations bill.

The fact is, we did debate this issue just 2 weeks ago with regard to artificial timelines and micromanaging the war. The Senate voted 48 to 50 not to approve cloture on S.J. Res. 9, which was an effort by our Democratic colleagues to micromanage and set artificial timelines. They lost that vote by 48 to 50. Now they are back again, trying it another time.

Giving the enemy a timetable when American troops will withdraw from Iraq without regard to conditions on the ground, without regard to the early signs of progress that we are making, only helps the enemy plan on how to establish and accomplish their goals, not our goals. Our focus should be on how to succeed in Iraq, not how to tie the hands of our troops, jeopardize the funding that is necessary for their success, and to micromanage something that we have no business micromanaging from the Halls of Congress, thousands of miles away from the battlefield.

The tragedy of this is it now represents 18 different proposals by the Democrats in Congress on how to lose in Iraq and not a single proposal on how to succeed. The chairman of the Senate Armed Services Committee on which I serve has pointed out that there are between 5,000 and 6,000 al-Qaida operatives now in Iraq. To pass legislation which sets an arbitrary deadline for withdrawing our combat forces without defeating al-Qaida makes no sense, no sense at all. It will create a power vacuum, much as Afghanistan was after the fall of the Soviet Union, which then gave rise to a failed state and a launching pad for terrorist attacks on the United States on September 11, 2001. We need to do everything in our power to prevent that from happening again and not forget the lessons of 9/11 and allow it to be repeated in Iraq.

The Iraqis know our commitment there is not open ended, and they understand the future of Iraq is in their hands. But to pass legislation that micromanages how our troops should fight the enemy and essentially allow the creation of safe havens for terrorists is the height of irresponsibility.

We pointed out before, but it is worth pointing out again, we unanimously confirmed General Petraeus, the architect of the counterinsurgency plan currently being carried out in Baghdad. He does not need the armchair generals in the Senate dictating military tactics to him. If the Members of this body really support the troops, we will provide, unencumbered, the resources necessary for our troops to accomplish the goals which they so valiantly and bravely volunteered to do, under the leadership of great generals such as GEN David Petraeus.

We all want our troops home as soon as possible. We all share that goal. But any decision to withdraw from Iraq before the Iraqis themselves are able to stabilize their country, with our help, to allow them to govern and defend themselves, will not heighten America's national security but, rather, will jeopardize it.

We have had 18 proposals to date from our colleagues on the other side of the aisle. Every attempt they have had to try to pass one of these proposals has failed. But as Yogi Berra said, "It's deja vu all over again." Here we go again. We just voted last week 48 to 50 against legislation that would impose a deadline. I hope we will not have to continue to debate this over and over again and continue to send the message to our enemies: Yes, you are that much closer to breaking America's will in this contest of wills in something that is so important to our national security. We need to get this legislation passed and passed soon, so our troops do not have to guess whether the funding necessary to carry out their mission will be forthcoming.

Using the supplemental appropriations to play political games and to pay off domestic priorities, such as peanut subsidies and spinach subsidies, is not in the best interests of our men and women in uniform. That is why the President has threatened to veto this bill, due to the pork and the timelines that are included in it. I encourage my colleagues to think long and hard before moving forward in a way that would compromise the mission of our troops who are serving to protect all of us.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Alabama.

Mr. SHELBY. Mr. President, I rise today to speak on the amendment of Senator COCHRAN, the amendment to strike the language, of which I am a cosponsor. I raised this in the Appropriations Subcommittee on Defense last week. Senator COCHRAN indicated then that he would do as he has done; that is, to move to strike the language in the supplemental requiring the phased withdrawal of U.S. forces from Iraq in 120 days, 4 months—120 days.

Mr. President, as you heard—and you have been a party to—4 months is clearly not enough time for General Petraeus or the brave members of our Armed Forces to have a chance to see if a surge in troop numbers could turn the war. I don't know for sure. I had, as a lot of us did, a conversation with General Petraeus before he took command about the troop surge, about the 20,000 troops. I personally think we need 100,000 troops, but we don't have them. General Petraeus is a very smart man. He is a combat soldier. He is in control. I believe to put on an arbitrary timeline of 120 days is the wrong message at the wrong time, where they are beginning—just beginning—to secure some neighborhoods. Will they continue to do this? We hope so. But we should bring every bit of stability we can to the Baghdad area.

I have no illusion about sooner or later coming home. I would like to see our troops come home. I don't think that will be the end of the struggle with Islamic fundamentalists by any stretch of the imagination, but I think if we are able to stabilize that area of Iraq to some degree, perhaps there can be some kind of diplomatic resolution because ultimately none of us ever envisioned staying in Iraq. We have been there 4 years. I wish we were not there today, but we are and we are heavily engaged.

I think we need to give our Armed Forces every opportunity to succeed. We should not send an ambiguous message to them: We are going to support you today and tomorrow we want you to withdraw, in 120 days, or begin to withdraw. I think that is the wrong message, and I think it would undermine the morale of our troops.

Congress should not be armchair generals. We should not try to micromanage what is going on on the ground. That is why I support the Cochran amendment. We need to give our commanders and our soldiers every chance to succeed in Iraq, to bring stability there, where diplomatic maneuvers then perhaps could begin to work. Sending ambiguous messages to our Armed Forces is not the right way. They need our support both morally and materially. I believe at the end of the day they are going to get it.

The President has already signaled if this language were to stay he would veto this bill. I believe what he says he is going to do. But we can strike this language today. We can move on and get this supplemental passed to make sure our troops are well funded and that they have what they need to succeed. And they will succeed.

The members of our Armed Forces are in harm's way every day. We know the horror stories about war. But they bravely face a sometimes unknown enemy and have done everything asked of them—sometimes two and three times, Mr. President, as you well know. Micromanaging the war from the Halls of Congress is not the right thing to do.

I urge my colleagues to support the Cochran amendment and strike this language from the supplemental bill.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BOND. I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. I ask unanimous consent to speak as in morning business. I know it is not our side's time. If there is no objection, I would appreciate using the time.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BOND. Mr. President, this is going to be a very busy day. I have comments that will relate to what will happen when we bring the bill up on the floor, but I thought I would take this time to talk about two things that are extremely important. First, with respect to the bill, I am the lead Republican cosponsor, with the Senators from North Dakota and South Dakota, on ag disaster. We have been 3 years without an agricultural disaster bill. We have had 3 years of agricultural disasters. Those of us from the Midwest know that we have been afflicted with droughts, tornadoes, tremendous losses by farmers, livestock producers, and others in agricultural production. I visited southwest Missouri this January and saw what some people described as countywide tornadoes. The ice storms were so severe they broke down trees, collapsed sheds, knocked out power, broke down fences, and put many livestock and poultry producers on the verge of financial disaster.

Similarly over the years, when drought has struck, the ag producers, livestock and poultry and crops, were hit severely. This ag disaster package is absolutely essential. I appreciate the lead of the chairman of the Appropriations Committee in including our request for ag disaster.

In addition, I am a very strong supporter of the amendment of the ranking minority member of the Appropriations Committee to strike the limitations on the ability of General Petraeus to conduct the war in Iraq. Let us remember that General Petraeus came before the committees to outline his new ideas, his new plan for moving forward in Iraq. People had been saying: We need a new plan. Yes, clearly, we need a new plan. The Bremer plan, debaathification, firing the Army, sending them home without pay and with their weapons, turns out to have been the absolute wrong thing to do. But General Petraeus, who was unanimously confirmed by this body, has gone back to Iraq with his new way of going forward.

They have made some significant changes in the rules of engagement. Now no longer are Shia death squads or militia off-limits. Moqtada al-Sadr has seen the light or felt the heat, and he has gone to Tehran. We are talking action against Jaysh al-Mahdi and others who are engaged in sectarian battles. We have a new plan of going in, holding, and clearing, the conventional and now-proven theory of dealing with insurgencies. You cannot just go in and wipe out people who are causing chaos and killing their political enemies. You have to stay there and maintain peace, security. That is what we are supporting the Iraqi forces doing. The Iraqi forces are there. They are the ones who are going to have to take over. The training of the Iraqi forces is the critical element for us to assure stability in the region.

Many of my colleagues on the other side of the aisle and on mine embraced the recommendations of the Iraq Study Group. For example, the distinguished majority whip on December 8 on CNN said:

> We ought to follow the Iraqi Study Group.

This new plan the President and General Petraeus have put forward is, by and large, the Iraq Study Group's plan. After receiving the report, when you look at the recommendations, they track with what we are doing now, from sending reinforcements to Baghdad to increasing the number of embedded American advisers, to holding the Iraqi Government responsible for specific security and political milestones. The differences between what we are doing now in Iraq and the Iraq Study Group recommendations are insignificant. Sending reinforcements to Baghdad, the principal tenet of the new plan General Petraeus has put forth, is referenced in general by the Iraq Study Group, which said it could support a short-term redeployment or surge of American combat forces to stabilize Baghdad, recognizing the level of violence in and around Baghdad has crippled the ability of both the al-Maliki Government and the U.S. military to restore basic services and establish a modicum of law and order. I quote:

> The ISG recognized, as does the U.S. military, that Baghdad is central to success or failure in Iraq. It is not surprising that more troops were added—the total number of which is still below 2005 levels.

There is one other very important point that is of concern to everybody in this body and all Americans. The Iraq Study Group said:

> The United States should not make an open-ended commitment to keep large numbers of American troops deployed in Iraq.

President Bush said of his plan and its implementation:

> I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people.

It is clear we have a new way forward. The language in the underlying legislation before us says we ought to set a timetable, a political timetable. We ought to determine in this body exactly the dates when we start removing troops from Baghdad, from Iraq, changing our policy.

I have a novel idea: Wars cannot be run from these hallowed and comfortable and sanctified chambers 10,000 miles away from the war zone. How about allowing the officers, the men, and the commanders in the field—who are engaged daily, risking their lives to bring peace and security to Iraq—to determine when and how we can best turn over to the Iraqi security forces the critical job—the critical job—of assuring security and a relatively peaceful country? Nobody is saying it is going to be a Jeffersonian democracy. What we are seeking is peace and security.

We had an open hearing with the leaders of the intelligence community in January before the Senate Intelligence Committee. The top leaders of that intelligence community said, unanimously, it would be very unwise to establish a short-term political timetable for withdrawal prior to the time the Iraqi security forces take over.

If this body, in its "wisdom"—an oxymoron in this case—says pull out on such-and-such date, and the Iraqi security forces are not ready to take over, what would happen? Three things—all of them bad.

No. 1, the killing, sectarian violence between Shia and Sunnis would escalate. You would see many more thousands killed, as we would no longer be there to serve as a buffer and as adviser to prevent that from happening.

No. 2, the goal of al-Qaida, as expressed by Osama bin Laden and his No. 2 man, Ayman al-Zawahiri, to achieve the headquarters of the caliphate in the "land of the two rivers," i.e., Baghdad, would be achieved. They would have a safe haven. They would have a safe haven from which they could train, recruit, perhaps even get back to turning on the dual-use facilities Saddam Hussein set up for turning out chemical or biological weapons.

Now, the third thing that would happen, which is a true disaster, would be the neighboring countries would have to come in to back up their co-religionists. If the Sunnis are being oppressed by the Shia, then the Sunni states will be ready, and they will come in. If they come in, Iran and its Shia partners are all ready to come in.

What happens then? We have a conflagration in the Middle East bringing in many countries in a region-wide war that will draw, unfortunately, perhaps hundreds of thousands of American troops to prevent the disaster from spreading, to support our friends in Israel.

General Petraeus has promised, in his confirmation hearings, that he will tell us if the new plan, the new rules of engagement—putting the Iraqi security forces out front, with American advisers continuing to supply American troops to go after the high-value targets, the radical Salafist jihadists of al-Qaida and other entities—we will continue to hunt them down so they do not overwhelm the Iraqi security forces.

General Petraeus will tell us. He should know by this summer if it fails. If it fails, he said he will tell us, and I would trust he would begin making such changes as are necessary, without tipping off the enemy what they are planning to do. The important thing is not telling the enemy what our timetable is.

I think it is perhaps illustrative to share with you some comments from an e-mail I received from a marine who has been in Iraq and who is going back. He was commenting on a timetable. He said: I haven't polled all of them. I don't speak for all of them, but I can tell you, a lion's share think a timetable is a disastrous idea. I don't know what possible benefit you can assess that would come from a timetable. Where is the help toward mission accomplishment?

He said: Iraqis understand that progress is being made. I think the Iraqi forces are getting ready to take over and with our help should be able to do it sometime in 2007. But if we tell everyone exactly when that is going to be, it gets a lot easier for the merry mujahedin to claim victory, lay low, and then wreak havoc when the coalition packs up shop.

This particular marine said: I'm not wild about going back to Iraq, but I would sure as heck rather do that than essentially invalidate everything we've done to date by leaving too early and inviting chaos.

That is the choice. Does a political timetable give Members cover back here? Maybe. But I have even heard that ridiculed. I have heard that ridiculed. I ask this body to strike the language, let General Petraeus run the war, let him pursue every avenue to assure Iraq is stable and secure. He and the President have said, if it does not work, we will change policy. But let's give it a chance to work.

Mr. President, I appreciate the indulgence of my colleagues and yield the floor.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1591, which the clerk will report.

The bill clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Cochran amendment No. 643 (to amendment No. 641), to strike language that would tie the hands of the Commander-in-Chief by imposing an arbitrary timetable for the withdrawal of U.S. forces from Iraq, thereby undermining the position of American Armed Forces and jeopardizing the successful conclusion of Operation Iraqi Freedom.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, before my colleague from Missouri, Senator BOND, leaves the floor, I wonder if I might just engage him in a colloquy for just a moment.

Mr. BOND. Sure.

Mr. DORGAN. Mr. President, I came to the floor to speak about agriculture disaster provisions in the emergency supplemental bill. We had some people on the Senate floor yesterday questioning whether they are valid, whether they are necessary provisions to help family farmers. I noted the Senator from Missouri was a cosponsor of mine, as we worked together to put the agriculture disaster program in the emergency supplemental bill.

Let me make a point and then ask a question of my colleague from Missouri.

First of all, I appreciate very much his help. I know Missouri has been hit with a devastating drought and other weather-related disasters for family farmers. It has been the case in other parts of the country as well. We have been working for some long while just to reach out a helping hand to those farmers out there struggling who got hit with weather-related disasters to say: You are not alone. As is the tradition in this country when you get hit with a weather-related disaster and lose everything, this country wants to help you some. We help everyone around the world. It is time to take care of things at home. That is what this provision is about.

I ask the Senator from Missouri about his motivation for being a part of those of us who worked together to get this put in the emergency supplemental bill. I know he strongly supports it.

The ACTING PRESIDENT pro tempore. The Senator from Missouri.

Mr. BOND. Mr. President, I thank my colleague from the Dakotas. Before he arrived on the floor, I made the case for it. The Senator asked about the situation in Missouri. I told them about the devastating ice storms. We have had a historic drought. What we need is a comprehensive national policy to deal with the problems and not just for the Dakotas or Missouri but for Colorado, Texas, Nebraska, Kansas, California—throughout this country—where people have been devastated by extreme weather conditions.

We have livestock producers who were hit the hardest. There is no safety net in place for livestock producers. They are not protected by crop insurance, the farm bill, or disaster protection under the USDA since the standard is crop loss and there were no crops to be lost in the middle of the winter in an ice storm. But the devastation is there.

This body and this Government came to the rescue of people who were absolutely wiped out by Hurricane Katrina and other natural disasters. Well, the impact in the farm area is very severe. No, it is not the same as a hurricane, but the weather disasters have caused tremendous hardships and threaten to put many farmers under and destroy rural communities.

That is why I am very pleased to join with my colleague in urging this body to keep the agricultural disaster program, the relief we have not had for 3 years, in this bill.

I thank my colleague.

The ACTING PRESIDENT pro tempore. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I thank the Senator from Missouri for his leadership on this issue as well.

Let me say that the Congress did help farmers in the gulf region who lost their crops. I understand we helped cities that were devastated and lost buildings and lives and so on. We also helped farmers who lost their crops.

My point is—and I think the point of the Senator from Missouri is—there is no difference between a person who loses their entire crop in Missouri or North Dakota or in the gulf region because of a hurricane. We do not name droughts. We name hurricanes. But if Hurricane Katrina took your entire crop away, this Government would say: We want to help you. So, too, should we help in the case of a drought or ice storms, as the Senator from Missouri just described. I certainly appreciate his help on these matters.

I wanted to come to the floor because yesterday there was some discussion by several Members of the Senate referring to the agriculture disaster piece as pork. Now, our farmers know about pork, and they know you do not legislate pork, you eat pork. There is a big difference.

I am just curious, why is it every time you try to do something in this country to help people who need help, it is called pork. Well, if you invest, for example, in public policy, as we have, to say build a road in Iraq, that is national security. If you have a provision in an appropriations bill that says build a road in this country, it is pork. If you build a health clinic in Iraq, that is national security. If you build it here, it is pork. If you build a water project in Iraq, that is national security. If you build it here, it is pork.

Why is it, to someone in this Chamber, investing in this country is always pork, but as long as it is investing somewhere else in this world, that is just fine. Mr. President, $18.1 billion went out of this Chamber in unbelievable ways for reconstruction in Iraq. Let me tell you, any time someone is sending one-hundred-dollar bills out of the back of a pickup truck, you don't think there is going to be graft and fraud and corruption? You take a look at what has happened with respect to the taxpayers' money and the way it was spent in Iraq. I described some of that on the floor of the Senate previously.

We paid a corporation $220 million to reconstruct 142 health clinics in Iraq. Twenty got done. The rest—122—never got done. A courageous Iraqi doctor went to the Iraqi Health Minister and said: Well, can I see these Iraqi clinics that were supposed to have been rehabilitated with American taxpayer dollars?

The Iraqi Health Minister says: Well, those were "imaginary clinics."

The money was not imaginary. The American taxpayer got fleeced. The money is gone.

But why is it when we come to this Chamber and talk about investing in people's lives in this country—a farmer, his wife, and two kids, who live out under a yard light, who planted in the spring, trying to make a go of it, hoping it would not rain too much, hoping it would rain enough, hoping it would not hail or they would have crop disease or insects, hoping they would raise a crop. Finally, when they get a crop, they hope the price is sufficient so maybe they can make a living. Then, along comes a storm, an unbelievably devastating storm—perhaps an ice storm, perhaps a torrential rain—that wipes out their entire crop, washes it away. Or maybe it is a drought. All of a sudden, that farmer has nothing. Oh, they put the seeds in the ground, but nothing came up, or they put the seeds in the ground, and it washed away. The farmer ends up with nothing.

Look, the grand tradition in this Chamber has always been to provide some disaster aid to farmers who lose everything. Why? Because we want to maintain a network of family farms in this country. This is not new. We have been doing it for some long while. When we have devastating weather-related disasters hit family farmers, we help them with a disaster bill. It is only recently that has become controversial.

Twice I have run that disaster bill through the Appropriations Committee. Senator CONRAD, myself, and others put together a bipartisan bill. As an appropriator this year, I offered it with my colleague, Senator FEINSTEIN from California, and Senator BOND from Missouri—bipartisan. We offered it a third time. It is going to come to the floor now. It is in this bill, and we have people complaining about it. This is investing in our country's strength. This is the best notion of our country to say to family farmers: You had some trouble. It wasn't your fault. We want to help you through this difficult time.

Now, we have usually done this without great controversy. The controversy this time is because the last two times I got this through the Senate, I was a conferee and I went to the conference. The President was threatening to veto a bill that had agriculture disaster help in it for family farmers. So twice we went to conference and the U.S. House conferees, at the request of the then-Speaker of the House, Mr. HASTERT, blocked it on behalf of the President.

Well, it is here a third time and we will go to conference. This time I will be a conferee and my colleague Senator FEINSTEIN will be a conferee, Senator BOND will be a conferee, and there will be bipartisan support on the Senate side. The difference this time is we go to the conference and the House conferees will come to conference having passed their own disaster bill for family farmers. This time we are going to get this to the President's desk, at long last.

Some say: Well, why just farmers? Why family farmers? There is something unusual about those who produce from the land in this country. It goes back to the homestead days in sod huts out there, alone, trying to raise a family, raise a crop, make a living. We could do, I suppose, without family farmers, but it wouldn't be the same country. You could have corporate agri-factory farms from California to Maine, but it wouldn't be the same country. Once they control food production, then ask yourselves: What is going to be the cost of food in this country?

Someone once wrote, and I have mentioned him on the floor a few times—Rodney Nelson, in fact, a North Dakota rancher who wrote a piece of prose about ranching and farming. He asked this question, and I think it is important for the country. He said: What is it worth for a kid to know how to plow a furrow, how to teach a newborn calf to suck milk from a pail? What is it worth for a kid to know how to weld a seam? What is it worth for a kid to know how to build a door, to build a lean-to, to grease a combine, to pour cement? What is it worth for a kid to learn all of those things? There is only one university in America where you learn all of that, and that is the family farm, America's family farm. It is an unbelievable asset to this country.

We are asking for something very simple that has been done routinely prior to this President beginning to block it, and that is when trouble comes, when weather disasters wipe out an entire crop, we say to families living out there under the yardlight, trying to raise a family and raise a crop: You are not alone. This country wants to help. That is why we brought this in this bill to the floor of the Senate. It won't make anybody whole, but it does say to farmers: Maybe you will have a chance to keep going. They live on hope. How else could you plant a crop and do anything other than hope that things will work out?

This country has a rich tradition of supporting family farmers, because it is in this country's interests. The seedbed rolls from big cities to small towns and enriches and nourishes this country. We have always known that and we have always done the right thing.

Family farmers have been hard hit in the last couple of years with weather-related disasters. This Congress took action with respect to one facet of those weather-related disasters. We said farmers in the Gulf of Mexico who lost their entire crops due to a hurricane named Katrina, you are going to get some help. The rest of you, we are sorry. Well, listen, I was supportive of saying to those farmers we are going to give you some help. It doesn't matter to me whether it is a Katrina or a drought that doesn't have a name or an ice storm that is not named, weather-related disasters that destroy farmers' crops, in my judgment, ought to be responded to by this Congress to say to those family farmers: This has destroyed your crop, but not your hope. We want to give you hope to be able to continue farming. That is what this disaster piece is all about. I am proud to stand here and support it. Those who believe this is some kind of pork do not understand what essential investment in this country's strength is all about. An investment in America's family farming is a good investment in this country's future.

My colleague from California who worked with me in the Appropriations Committee to get this done is on the floor, so let me yield the floor to her and thank her for her leadership in responding to these needs as well.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. FEINSTEIN. I thank the Senator very much. Thank you, Mr. President.

I very much commend the Senator from North Dakota. I think he said it well and in a very inspiring way. If I had to summarize it, it would be that we in America try to take care of our own—not only people in other nations, but people who have been the victims of real disaster in this country.

The fact is we haven't been doing it for 3 years, and the disasters have piled up: in 2005, 2006, and 2007. This package takes care of that problem. In my State, California, we suffered two devastating disasters in the last 2 years which have resulted in Federal disaster declarations: a heat wave and a freeze. We are currently suffering a drought. Governor Schwarzenegger has certified through March 13 a loss from the freeze of $1.397 billion. The total damage has yet to be figured.

I think people don't understand how big this was in California. We have losses in 35 out of 58 counties, many the most productive in the country, that produce more agricultural products than 22 other States, in 40 different types of crops. They include avocados, strawberries, grapes, walnuts, guavas, lettuce, broccoli, cauliflower, artichokes, asparagus, and celery.

The losses include $817 million in damage to California's citrus crops. Lemons, limes, mandarins, grapefruit, navel oranges, and Valencias are dead in the field. Here is what some of it looks like. This is one tree.

Now, most people know Florida has oranges, but those are the oranges we make juice out of. When you eat an orange, a tangerine, or a grapefruit, or you put a lemon in your ice tea, those fruits are from California. But not this year. We have lost at least 50 percent of the navel orange crop, 65 percent of the Valencia crop, and 65 percent of our mandarins. My farmers need this assistance.

Some of my colleagues are asking, why do we need to provide this funding? Farmers should have their own insurance. The answer is, in California most farmers already do have insurance, but here is the rub: It is not going to be nearly enough to cover the damage.

Let me provide an example. According to the Department of Agriculture's Risk Management Agency, citrus growers will be able to collect up to $311 million in crop insurance. Now, that sounds like a lot, but the farming costs for California's citrus industry for this year's operations alone total $560 million. What do I mean by farming costs? This is the amount farmers have spent to irrigate, spray, prune, everything that is necessary to prepare a crop for harvest. But this year, there is no harvest. Therefore, they absorb the $560 million.

They also have to begin to get ready for next year's harvest. They need to get their loans. That will also be an incurrence of $560 million in normal farming costs. That adds up to $1.2 billion in regular farming costs, and only $311 million—at most—in available insurance they can recoup. And they are not guaranteed a crop next year.

Add on to that the $100 million these growers spent in January on wind machines, irrigation, and other methods to protect their orchards from the freezing temperatures, plus the costs they are incurring now to remove the dead fruit and branches.

Now, 85 percent of citrus is grown by family farmers—that is just a fact—not the big agricultural combines. These are responsible farmers. In fact, 75 percent of the citrus acres in California are insured, but again, insurance alone will not cover the needs of my constituents. This is why we need this assistance.

When some people saw there was also an appropriation for dairy milk loss, some people actually laughed. I was offended, because in July of 2006, California experienced 2 weeks of blistering, triple digit temperatures. For 12 days the San Joaquin Valley, the most productive agricultural region of this country, had temperatures over 105 degrees.

What does this mean? Well, 20,552 milk cows died and 10,738 calves died. Those are counted animals—over 30,000 dead. That doesn't include our losses in poultry. There were so many dead carcasses, the rendering plants could not handle the load. The State temporarily lifted the ban on burying dead livestock in landfills, but that was still not enough. These cows died because of the heat. Even the cows that survived produced 25 percent less milk than is normal. So the death of these animals, plus the stress put on the ones still producing, resulted in more than $228 million in milk losses for my dairymen.

In addition, because regular breeding could not take place for a month because of the death of so many animals, my farmers will again face at least $228 million in losses for 2007. That is why my colleague, Senator BARBARA BOXER, has joined with me in helping us push for the addition of this relief into our emergency supplemental.

This is a total of $460 million in losses. We are asking for only $95 million, and that is in this supplemental. What is more, this funding can be accessed by dairymen on the gulf coast, including Mississippi, Louisiana, and Arkansas, who also suffered losses due to the hurricanes.

Let me conclude. This has not been easy, and I thank Senator BYRD, Senator DORGAN, Senator CONRAD, Senator KOHL, and Senator REID for their work on this Agricultural Disaster package, and also the Republican leadership on the Appropriations Committee who acceded to the request.

America is a great nation, and one of the reasons we are a great nation is we don't only care about others; we care about our own. If there is ever a time when we could help our own, it is in this supplemental appropriation. So what I say is: Hands off, please. We have worked hard to get where we are. The losses have been substantial. The disasters have been large. Families who can't pay their mortgages, who lose their boats if they are fishermen, lose their farms if they can't make the payments, can be helped by this assistance. So I hope it remains in. I hope we resist an effort to remove this from the supplemental package. Again, I thank those who have helped with this.

Mr. President, I yield the floor, and I note the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. CASEY). Without objection, it is so ordered.

Mr. DORGAN. Mr. President, we are considering the supplemental appropriations bill. I spoke earlier about the agricultural disaster piece in that bill. I believe other colleagues will be over to talk about that as well. My colleague, Senator FEINSTEIN from California, just finished discussing it. She was a major cosponsor of it. I have indicated previously that my colleague, Senator CONRAD, is coming. He worked to create a coalition of interest and support of the agricultural disaster piece. So when others come, I expect we will have more discussion about this important issue.

I wish to talk for a moment about the supplemental appropriations bill and the issue of Iraq. Earlier, one of my colleagues was describing the issue of Iraq and the controversy that the Congress might get involved and somehow interfere and that there cannot be 535 commanders in chief. I understand that. I wish to make a couple of points about Iraq, however.

The issue of Iraq, as you know, casts a shadow on virtually everything else in this country. We are spending, in terms of the lives of American soldiers and America's treasure, an unbelievable amount with respect to the war in Iraq. All of us want this country to succeed. There is nobody here who doesn't want America to succeed in whatever we are involved in.

I wish to make this point: The National Intelligence Estimate has just been completed. There is a classified and an unclassified version. The unclassified version tells all of us and the

American people that what is happening in Iraq is largely sectarian violence. It is not a fight against the "terrorists." It is sectarian violence—Shia trying to kill Sunni, Sunni trying to kill Shia. That is a civil war by classic definition. That is what we face in Iraq. There is an al-Qaida presence in Al Anbar Province. We understand that. What is happening there is largely a civil war.

Now, the head of our intelligence services in this country testified twice. The former head, Mr. Negroponte, and the current head have testified within the last 2½ months. Both of them have said exactly the same thing. They have both said the greatest terrorist threat to this country is al-Qaida, its networks around the world, and its determination to strike us in our homeland. So the greatest threat to our homeland is from the terrorist group al-Qaida. Both have described al-Qaida as operating in a safe hideaway in northern Pakistan.

If the greatest threat to our country is al-Qaida, if the leadership of al-Qaida is directing threats against our homeland and they are in a secure hideaway in northern Pakistan, if that is the greatest threat to our homelend, and if, in fact, what is happening in Iraq, according to the National Intelligence Estimate, is a civil war, then I think the question is, What better protects our country? Is it beginning to extract from a civil war? After all, the Iraqi people have seen Saddam Hussein executed. They have seen the opportunity to vote for their own new Constitution. They have been given the opportunity to vote for their own new Government. The only question remaining is, Do those same people have the will to provide for their own security? So the question is, What better protects our country? Is it the opportunity to extract from a civil war at some point soon or is it the determination to ignore the presence of the al-Qaida leadership in northern Pakistan?

If we begin to withdraw and extract from a civil war in Iraq, do we then have a better capability to keep our eye on the ball, the greatest threat to our country, the leadership of al-Qaida and their network around the world? If that were the case, wouldn't this country wish to begin to take action against the greatest threat to our homeland and threat to our security, the leadership of al-Qaida?

That is not me describing that. That is from the National Intelligence Estimate, the combined judgment of the intelligence communities in our Government.

You can make a pretty strong case that Osama bin Laden, who boasted about murdering innocent Americans on 9/11/2001—he still speaks to us from time to time from a "secure hideaway," as described by the head of our intelligence. Al-Zawahiri and Osama bin Laden, after all of these years having passed since 9/11, still exist. Their leadership apparently is still intact, according to the head of our national intelligence services. We generally know where they are. They are apparently in a country that is supposed to be cooperating with us—Pakistan.

The question is, Why have we not brought to justice the leadership of al-Qaida, if that is our greatest threat? The answer, I suppose, is because this country has 140,000-plus soldiers in Iraq prosecuting a war in the middle of what is now a civil war in Iraq.

We can debate forever, perhaps, the conditions that got us to this point—terrible intelligence, the most unbelievable intelligence failure, perhaps, in the history of this country. This country told the world that the country of Iraq possessed weapons of mass destruction that threatened America. Now it turns out, we understand, to take one example, that the issue of mobile chemical weapons laboratories—that intelligence was given to us by German authorities. That came from a fabricator who is now alleged to have been a drunk—a single source, perhaps drunk, fabricator persuades this country to tell the world Iraq has mobile chemical labs. But it turns out they didn't.

I could go on at great length about the intelligence failures. Whatever the intelligence failures were, we went to Iraq. This country went to Iraq, and a number of things have happened. We have unearthed mass graves. Several hundred thousand Iraqis were murdered by a brutal regime headed by Saddam Hussein. There are a number of brutal regimes in this world. We don't take it upon ourselves—unless it is in our national interest—to send troops to those brutal regimes. But Saddam Hussein was, in fact, a brutal dictator. He has been executed. The world is better for that. The country of Iraq has shed itself of a brutal dictator. His execution comes amid other opportunities for the people of Iraq. They have a constitution, a brandnew one; they wrote it and voted for it. They have a new government. They have created and voted for that government. And now we have tens and tens and tens of thousands of American soldiers in Iraq, in the middle of a civil war.

We have taken our eye off the ball because the issue really is the terrorist organizations that wish to commit acts of terror against our country. The head of our national intelligence says that al-Qaida is the greatest terrorist threat to our country. They are in secure hideaways in northern Pakistan. It seems to me that the ability to begin to extract ourselves from the middle of a civil war in Iraq gives us the opportunity to put pressure on and work with other countries to bring to justice the greatest terrorist threat to this country, the terrorist organization that murdered Americans on 9/11/2001. That ought to be our overriding goal. If that is the greatest terrorist threat, it seems to me our most important job is to eliminate that threat, and sooner rather than later.

So I end where I began. No one in this Chamber has a difference of opinion about whether we want our country to succeed. We love our country, and we want to succeed. We honor our soldiers, and we insist, when we send America's sons and daughters to war, that they have all the things they need and the support they need to do their job. But from a policy perspective, I believe this President has made very serious mistakes.

One of my colleagues, this morning, said the general will tell us whether things are going well. I cannot tell you how many briefings I have been in—top-secret briefings—month after month after month and year after year in which the top generals have come to us and said things are going really very well, when, in fact, that hasn't been the case. Only later have we discovered it was not the case; it never was the case.

It seems to me that this country has to evaluate what it can do at this point to begin to find a way to withdraw and extract from a civil war in Iraq. Perhaps there needs to be partitioning, I don't know. I know that is a tough subject to introduce these days. But if there are no alternatives, perhaps you have to partition the parties fighting each other, the Sunnis and Shias, and try to find another device to deal with the issue.

In any event, it seems to me it is in this country's best interest to keep our eye on the ball, and the ball here is, according to head of our intelligence, that the greatest terrorist threat to our country is the leadership of al-Qaida and their network. We have not, in my judgment, with respect to al-Qaida and the deepening problems of the Taliban in Afghanistan, kept our eye on the ball. That is one of the reasons there needs to be a change.

This notion of "stay the course" or "cut and run," which was the slogan—there is the slogan of the week or the slogan of the month. The administration's slogan of the month last year was "stay the course" or "cut and run." It was always a false choice that was never a substitute for thoughtful debate. It was a thoughtless chant of things that mattered very little.

What matters most to this country is that we are engaged in pursuits which will provide opportunity to strengthen this country, which do honor and justice to the efforts of our soldiers, and which relate to responding to the terrorist threat because the threat against this country is a very serious, abiding, long-term threat. All of us want to succeed in dealing with that threat.

Mr. President, one of my colleagues, Senator CONRAD, has arrived. I think he intends to speak on this agricultural disaster issue. Let me at this point yield the floor, and I think other colleagues will speak on the agricultural disaster piece I spoke on earlier.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CONRAD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CONRAD. Mr. President, this week, the Senate will once again have the opportunity to demonstrate its support for America's family farmers and ranchers by improving emergency agricultural disaster assistance as part of the supplemental appropriations bill.

For over a year, I, along with Senate colleagues from both sides of the aisle, have attempted repeatedly to convince the Congress of the United States and this administration to provide desperately needed disaster assistance.

As part of the hurricane supplemental last year, the Senate approved an agricultural disaster package. That measure was dropped in conference as a result of opposition from the administration. The need for this legislation has only been made more compelling by the severe disasters that have hit California, Colorado, Kansas, Nebraska, New Mexico, and Oklahoma during the final weeks of 2006.

In my own home State of North Dakota, in 2005, we had a disaster that was devastating to thousands of farm and ranch families. This is what we saw across North Dakota—flooded lands, over a million acres of land that could not even be planted and another million acres of land that was drowned out. Then, irony of ironies, the next year we had a devastating drought—the third worst drought in this Nation's entire history, hitting not only North Dakota but right down the heartland of America.

This is a farm field near my home, in Burleigh County. I live in Bismarck. This is a farm field in that same county, and you can see almost nothing growing.

Here is the U.S. Drought Monitor, and they determine on a scientific basis the effect of drought across America. This is from July 25, 2006, and you can see drought right down the heartland of America—in our case, exceptional drought. That is the dark brown right on the border between North Dakota and South Dakota—exceptional drought. The next category going down the scale, extreme drought, an even broader area between the two States. We also see exceptional and extreme droughts in these parts of the country, and then severe drought. That is the tan. Virtually all of North Dakota had exceptional, extreme, and severe drought conditions. And, of course, not just North Dakota, it was right down the heartland of the country.

This is a headline from July 30, 2006, from the Grand Forks Herald: "Dakotas the Epicenter of a Drought-Stricken Nation. More than 60 percent of the United States in drought."

This has been an absolutely bizarre set of circumstances: One year, extreme flooding; the next year, extreme drought. But that is the reality of what we have confronted, and if assistance is not provided, thousands of farm families will be forced off the land.

The President's chief economic adviser was in my office to visit me on another matter at the same time there were independent bankers from my State there to talk to me about agricultural assistance—bankers talking to me about the desperate need for drought assistance. They told me and told the President's chief economic adviser that if assistance were not forthcoming, they would lose 5 to 10 percent of their clients. These are farm and ranch families who work hard, who love this country, who work the land, and who are some of the most independent people you would ever want to meet. The last thing they want is a government handout, but if they do not have a helping hand extended to them, they are going to be out of business. That shouldn't be the result. We should provide the very basic assistance we have provided in other times in other parts of the country to those who have been hard hit.

Let me make certain that people understand. To get any assistance, producers will need to demonstrate they have had a 35-percent loss, and they will get no help for that first 35 percent of loss. That is the floor. They have to have lost 35 percent before they get anything, and then the assistance will apply to the losses beyond 35 percent.

Nobody is getting rich on this program. Some have suggested this bill will result in farmers becoming more than whole because of crop insurance. That is simply incorrect. Under the provisions, a producer receiving disaster assistance cannot recover more than 95 percent of the expected value of the crop, after both crop insurance and the expected market income from the crop have been deducted.

This is desperately needed. It is done in a way that is fair and balanced and prevents abuse. I hope my colleagues will support it.

I thank the Chair, and I yield the floor.

EXECUTIVE SESSION

NOMINATION OF GEORGE H. WU TO BE UNITED STATES DISTRICT JUDGE

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The legislative clerk read the nomination of George H. Wu, of California, to be United States District Judge for the Central District of California.

The PRESIDING OFFICER. Under the previous order, there will be 20 minutes for debate, equally divided between the chairman and ranking member of the Judiciary Committee.

The Chair recognizes the gentleman from Vermont.

Mr. LEAHY. Mr. President, with this confirmation—and I expect Mr. Wu will be confirmed—we will have confirmed 14 lifetime appointments to the Federal bench so far this year. This is March. I mention that because, when President Clinton was in office and the Republicans controlled the Senate, there were only 17 confirmations during the entire 1996 session of the Senate.

For those who think there is partisanship in the confirmation of judges, yes, there has been. Fortunately, it has been my friends on the other side.

Today the Senate continues, as we have since the beginning of this Congress, to make progress on judicial nominations. The Senate will consider and, I believe, confirm the nomination of George H. Wu to be a United States District Judge for the Central District of California.

With this confirmation, the Senate will have confirmed 14 lifetime appointments to the Federal bench so far this year. There were only 17 confirmations during the entire 1996 session of the Senate. I have worked cooperatively with Members from both sides of the aisle on our committee and in the Senate to move quickly to consider and confirm these judicial nominations so that we can fill vacancies and improve the administration of justice in our Nation's Federal courts.

The Administrative Office of the U.S. Courts lists 48 remaining judicial vacancies, yet the President has sent us only 27 nominations for these vacancies. Twenty-one of these vacancies—almost half—have no nominee. Of the 20 vacancies deemed by the Administrative Office to be judicial emergencies, the President has yet to send us nominees for 10 of them. That means half of the judicial emergency vacancies are without a nominee.

Judge Wu's nomination has the support of his home State Senators, and I thank Senators FEINSTEIN and BOXER for their support of this nomination.

Judge Wu has an extensive record of public service as a State trial judge, a

Federal prosecutor, and a law professor. In his 14 years on the State trial bench, Judge Wu has served in the Los Angeles Municipal Court and in the Los Angeles Superior Court, handling an array of criminal and civil cases. Previously, Judge Wu worked on complex commercial matters in private practice for two Los Angeles law firms. Judge Wu has also served as a law professor at the University of Tennessee School of Law, and as an assistant U.S. attorney and later assistant division chief in the civil division of the U.S. Attorney's Office for the Central District of California.

I am pleased that the nominee before us is an Asian-Pacific American. I have urged, and will continue to urge, the President to nominate men and women to the Federal bench who reflect the diversity of America. Racial and cultural diversity remains a pillar of strength for our country and one of our greatest natural resources. Diversity on the bench helps ensure that the words "equal justice under law," inscribed in Vermont marble over the entrance to the Supreme Court, are a reality and that justice is rendered fairly and impartially. Judicial decisions should reflect insight and experiences as varied as America's citizenry. A more representative judiciary helps cultivate public confidence in the judiciary which strengthens the independence of our Federal courts.

There is still much work to be done. Out of the 875 seats on the Federal judiciary, there are only 5 active Asian-Pacific American judges on the Federal bench, less than 1 percent of all Federal judges. President Bush has nominated only two Asian-Pacific American candidates during his 6 years in office, neither to a seat on a Federal circuit court. With outstanding lawyers like Dean Harold Koh of Yale, Professor Goodwin Liu of Boalt Hall School of Law at the University of California at Berkeley, or attorneys Karen Narasaki, John Yang and Debra Yang, it is not as if there is a dearth of qualified candidates who would be universally endorsed.

Our Nation has highly qualified individuals of diverse heritages who would help to unify our Nation while adding to the diversity of our courts. I hope the President will send us more consensus nominees that reflect the rich diversity of our Nation.

I congratulate Judge Wu, and his family, on his confirmations today.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. President, this emergency supplemental bill that we are debating today has been long seen as our best chance of extricating ourselves from the quagmire in Iraq. As one of only 23 Senators who opposed the authorization of the use of military force, I have supported every credible proposal that has come before this body to bring our troops home.

The war in Iraq was not about September 11. It was not about al-Qaida. It was not about making our Nation safer. While no one can prove a negative, I believe the damage this war has done to our national security, our national interest, and our international standing has been incalculable. When we had a chance to capture Osama bin Laden, the master mind of 9/11, we let him get away because the administration, the Bush-Cheney administration, wanted to take our troops out of Afghanistan and send then to Iraq, a country that had absolutely nothing to do with 9/11. The injustices perpetrated at Abu Ghraib and Guantanamo have tarnished our national reputation and leadership, and the way Iraq has become a rallying cry for religious extremists has made the American people less safe.

For whatever misguided reasons, the President started a unilateral, preemptive war in Iraq which has cost us thousands of American lives and made us less safe. I think that historians will look back at this war as one of the most costly, reckless mistakes made by any administration in this history.

This supplemental contains another $96 billion to support U.S. military operations in Iraq and Afghanistan. I supported the use of military force to remove the Taliban from power, and I support the continued efforts of our military and NATO forces against the Taliban and al-Qaida in Afghanistan. But I did not, do not, and will not agree to the use of the U.S. military to continue putting our people in harm's way in the middle of a continuing civil war in Iraq.

This bill also contains money to help the people of Lebanon rebuild after the devastating war between Hezbollah and Israel last year, aid for refugees in Darfur, the Congo, Uganda, and other humanitarian crises, and to prevent the spread of avian influenza. It contains resources to help Kosovo as it moves toward independence, for Liberia to rebuild after their civil war, and to support the peace process in Nepal which finally has a chance to shed its feudal past.

It contains a provision I sponsored, with the support of both Republicans and Democrats, to fix the illogical and unfair provisions in the Immigration and Naturalization Act that have been used to prevent victims of terrorist groups or members of groups who fought alongside the United States from admission as refugees or from obtaining asylum.

As the chairman of the Senate's Subcommittee on State, Foreign Operations, and Related Programs, I am also pleased to report the bill includes, for the first time, benchmarks on a portion of the reconstruction assistance for Iraq. We are not going to continue to pour billions of dollars into no-bid contracts that have been plagued by rampant fraud and shoddy workmanship. It is about time we put an end to the practice of handing out American taxpayers' money with no strings attached. These benchmarks reflect what the Iraqi Government itself has pledged and what even President Bush acknowledged is necessary if the Iraqi Government is to succeed in bringing stability to that country.

So there is much in this bill that I support, but despite that, I do not support the funding to continue the military operations in Iraq, and I will vote against this bill unless it contains the provision relating to the withdrawal of our forces, which is similar to legislation which narrowly lost in the Senate last week. I voted for it then, and I will vote for it again.

The withdrawal provision in this bill is not, in some respects, as definitive as what passed the House by the slimmest of margins last Friday. Like many others, I would have written it differently. I wanted a deadline for commencement of the withdrawal of our forces but also for completing it within a target date. I have cosponsored legislation that contains such a deadline. But this provision represents a 90-degree change of course from the President's policy of escalation in the middle of a civil war. It is our best hope of obtaining the majority of votes needed to begin that process. So I am confident that once the withdrawal of our troops begins, there will be no turning back.

We have to remove our troops from the Iraq civil war. That argument has been made eloquently, including by former senior military officers whose credibility is unimpeachable. Retired LTG William Odom, in an op-ed piece of February 11 in the Washington Post, said it better than I ever could. It is the only way the Iraqis will make the difficult political compromises that can save their country from further destruction.

The President has threatened to veto this bill if the troop withdrawal provision is included. That is not surprising for a White House that has stubbornly refused to change course even in the face of dwindling support from the American people whose sons and daughters are dying. For more than 4 years, President Bush, Vice President CHENEY and former Secretary of Defense Rumsfeld, backed by a rubberstamp Congress, made one incompetent decision after another, arrogantly insisting they knew best and dismissing anyone who so much as questioned their policy for "not supporting the troops." It has been reminiscent of the old "soft on communism" and "soft on drugs" refrains that were used, and still are used, for political purposes to justify failed policies.

None of us should be intimidated by these worn out arguments. If they want to show their support of the troops, they should do something about our VA system. Fix up Walter Reed and fix up the other facilities where we are not giving proper help to our wounded soldiers when they return from Iraq. We Democrats want to support those troops, too, and not just to be at the parades when they go over but to be there to help them when they come back. If this administration wants to support the troops, it should have given them the equipment, the training, and the armor they still don't get in a war that has lasted longer than World War II. And they should take care of the wounded whose bodies, minds and lives have been shattered.

None of us should have confidence in a failed war effort that has already wrought enormous toll in American blood, treasure, and credibility, not after the fiasco this White House has wrought. It is time for the Congress to act as the voice and the conscience of the American people.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The senior Senator from Pennsylvania.

Mr. SPECTER. Mr. President, I have sought recognition to urge my colleagues to support the nomination of Judge George H. Wu to be U.S. district judge for the Central District of California. Judge Wu currently serves as a judge on the Los Angeles Superior Court, where he has presided since 1996, and before that was a judge on the Los Angeles municipal court from 1993 to 1996.

He came to those judicial positions with an excellent academic background—a bachelor's degree from Pamona College in 1972 and a law degree from the University of Chicago in 1975. He has an outstanding record in the practice of law. He was assistant professor of law at the University of Tennessee College of Law from 1979 to 1982. He was an Assistant U.S. Attorney in the civil division of the Central District of California office in Los Angeles from 1982 to 1989. He later served as Assistant Division Chief in the U.S. Attorney's Office from 1991 to 1993. Judge Wu is very well qualified, rated so by the American Bar Association. They unanimously rated Judge Wu as "well qualified."

His nomination to the Federal bench is recognition of the contributions of lawyers from the Southern California Chinese Lawyers Association, where he was a member from 1984 until the present time.

I recently spoke at the convention of lawyers from the Asian-Pacific American Bar Association, who made the point to me that there ought to be more representation, more diversity for judges with a background from Asia and specifically from China. There are not very many judges representing that particular group. I think it is a good idea to have diversity on the Federal bench among people from all walks of life, all backgrounds, all national origins, all ethnic representations, and applaud his nomination from that point of view, in addition to the excellent credentials which I have cited.

I ask unanimous consent that the full text of his resume and background on two pages be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

GEORGE H. WU

UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA

Birth: November 3, 1950, New York, NY.

Legal Residence: California.

Education: B.A., Pomona College, 1972; J.D., University of Chicago Law School, 1975.

Employment: Associate, Latham & Watkins, Los Angeles, CA, 1975–1976, 1977–1978; Law Clerk, Hon. Stanley N. Barnes, U.S. Court of Appeals for the Ninth Circuit, 1976–1977 (and again for brief periods in 1979 and 1980); Associate, Latham & Watkins, Los Angeles, CA, 1977–1978; Assistant Professor of Law, University of Tennessee College of Law, 1979–1982; Assistant U.S. Attorney, U.S. Attorney's Office, Civil Division, Central District of California, 1982-1989; Associate, LaBoeuf, Lamb, Leiby & MacRae, Los Angeles, CA, 1989-1991; Assistant Division Chief, U.S. Attorney's Office, Civil Division, Central District of California, 1991–1993; Judge, Los Angeles Municipal Court, 1993-1996; Judge, Los Angeles Superior Court, 1996–Present.

Selected Activities: Member, Committee on Standard Jury Instructions (Criminal and Civil) of the Superior Court of Los Angeles County, California, 2000-2004; Member, Southern California Chinese Lawyers Association, 1984-Present; Member, Federal Bar Association, 1983-1986 (Member, Judicial Evaluation Committee, 1984–1985); Member, Los Angeles County Bar Association, 1983–1992 (Member, Committee on Federal Courts and Practice, 1984, 1985); Member, Barristers—Los Angeles County Bar Association, 1983-1986 (Co-Chairman, Government Attorneys Committee, 1985–1986).

Judge George Wu was nominated in the last Congress, but his nomination was not acted upon prior to its adjournment.

President Bush re-nominated Judge Wu on January 9, 2007. A hearing was held on his nomination on February 6 and the Judiciary Committee favorably reported him on March 1.

Judge Wu is a highly qualified nominee with a distinguished record.

In 1972, he earned his B.A. degree from Pomona College. In 1975, he earned his J.D. from the University of Chicago Law School.

After law school, Judge Wu became an associate at the firm of Latham & Watkins in Los Angeles from 1975 to 1976.

Judge Wu subsequently served as a judicial clerk for the Honorable Stanley N. Barnes on the U.S. Court of Appeals for the Ninth Circuit.

From 1979 to 1982 Judge Wu was an Assistant Professor of Law at the University of Tennessee College of Law in Knoxville, Tennessee, where his courses included civil procedure, torts, and labor law.

Judge Wu served as an Assistant U.S. Attorney in the Civil Division of the Central District of California office in Los Angeles from 1982 to 1989 and later served as Assistant Division Chief from 1991 to 1993.

From 1989 to 1991, Judge Wu returned to private practice, this time as an associate at LeBoeuf, Lamb, Leiby & MacRae in Los Angeles.

In 1993, Governor Pete Wilson appointed Judge Wu to the Los Angeles Municipal Court, which handles misdemeanor cases, preliminary felony hearings, and small civil actions. In 1996, Governor Wilson elevated Judge Wu to the Los Angeles Superior Court, which handles felony cases and larger civil suits.

The American Bar Association unanimously rated Judge Wu "Well Qualified."

ATTORNEY GENERAL GONZALES

Mr. SPECTER. I note we are scheduled to vote on Judge Wu at 12:10. As ranking member, I have the balance of the time until that period. I choose to use it to comment briefly on a letter which I received yesterday from John M. Dowd, who is an attorney for Ms. Monica Goodling, who was counsel to Attorney General Gonzales and White House liaison. In this letter, Mr. Dowd asserts the basis for having Ms. Goodling claim her constitutional rights under the fifth amendment, and privilege against self-incrimination, not to testify before the Judiciary Committee on our inquiry into the eight U.S. attorneys who were asked to resign. Mr. Dowd makes the point emphatically that in asserting this privilege against self-incrimination, Ms. Goodling is not saying she has done anything wrong and explicitly denies any wrongdoing but cites Supreme Court authority for the right of an individual to claim the privilege against self-incrimination, even those who are innocent, as well as those who might have something to hide. There is a firm assertion of her innocence by her attorney and her own affidavit.

I can understand the reasons for this claim of privilege and the reasons Ms. Goodling does not want to testify before the Judiciary Committee. In Mr. Dowd's letter, he references some of my prior statements and then says:

> Senator Schumer has no less than five times characterized the Department's testimony to date as "false" or "a falsehood," and concluded that there have been misleading statement after misleading statement, deliberate misstatements.

If a false statement has been made to a congressional committee, that constitutes a crime under title 18 of the United States Code, section 1001. That was the basis on which the No. 2 man in the Interior Department entered a guilty plea during the course of the past week. Where there have already been characterizations, as cited by Mr. Dowd of Senator SCHUMER's statement that there are misleading statements which have been made, which I state is a crime, I can understand the sense of a potential witness in not wanting to be ensnared in that kind of proceeding where conclusions have already been reached by Senator SCHUMER who is in charge of the investigation.

Mr. Dowd's letter further goes on, citing comments which I had made earlier, "that Senator SCHUMER is using the hearings"—this is Mr. Dowd's statement—"hearings to promote his political party. That is not a legitimate reason for the Judiciary Committee to conduct hearings."

I have said in the Judiciary Committee hearings, in the presence of Senator SCHUMER, eyeball to eyeball, so to speak, that I thought there was a conflict of interest. In concluding there was a conflict of interest, I did not ask Senator SCHUMER to step aside. I said that was up to him.

But following the testimony of U.S. Attorney Iglesias, from New Mexico, the very next day the Web site of the Democratic Senatorial Campaign had Senator DOMENICI's picture on it, urging his defeat in the 2008 election. Then, shortly thereafter, there was a fundraising letter from the Democratic Senatorial Campaign Committee to raise money, saying the Democrats were elected to clean up Washington and this is an example of what needs to be cleaned up.

Any of us may be subject to comment in a political situation. Senator SCHUMER has a right to make political hay out of whatever he chooses. But I think it is inconsistent with leading an inquiry, and I can understand Ms. Goodling's decision not to testify in this context. I think it is very unfortunate, because it is very important for the Judiciary Committee to get to the bottom of what has happened with the request for eight U.S. attorneys to resign. There is a cloud over U.S. attorneys, and I think it has had a distinctly chilling effect on all 93 U.S. attorneys, not knowing what will come next.

It is generally agreed that the President of the United States has the authority, standing, right to discharge U.S. attorneys for no reason at all. When President Clinton took office, in one fell swoop he replaced 93 U.S. attorneys and no one raised any question. But I think not if U.S. attorneys have been asked to resign and have been replaced for an improper reason, for a bad reason. Suggestion has been made that the U.S. attorney in San Diego, Ms. Lam, was replaced because she was hot on the trail of political operatives who may have been connected to former Congressman Duke Cunningham, who is now serving an 8-year sentence; or the allegation has been made—it has not been substantiated but it has been made—that New Mexican U.S. Attorney Iglesias was replaced for failure to prosecute a vote fraud case. An extended article in the New York Times a week ago Sunday gave extensive analysis, which might lead to the conclusion that there was justification for Mr. Iglesias's resignation, or perhaps there was not. But that is up to the Judiciary Committee to make a determination.

So it is unfortunate that you have a situation where witnesses are not coming forward. It is my hope we would not rush to judgment on this matter, that we would avoid conclusory statements, and that instead we would wait until we find out what the facts are. If these U.S. attorneys were asked to resign for improper reasons, I will be among the first to say so.

I yield the floor.

The PRESIDING OFFICER. The Senator from Vermont.

Mr. LEAHY. Mr. President, it is true Ms. Goodling's attorney has said that she will take the fifth amendment. Now, as both a former defense attorney and a former prosecutor, I respect the right under our Constitution for anybody to take the fifth so they won't say something that might incriminate them and bring about criminal charges against them from their own statements. But it is a little bit odd that in a letter from Ms. Goodling's attorney, he speaks that she does not want to face the fate of Mr. Libby, or words to that effect. Scooter Libby was convicted of perjury. He was convicted of obstruction of justice. While I realize many believe he is going to be pardoned, those are the reasons he was convicted.

I would have assumed that Ms. Goodling—who has been a very high-ranking member of the Department of Justice, would come in and tell the truth. If she takes the fifth amendment, that's a more difficult thing. We won't hear from her. If she feels that what she has to tell us would subject her to criminal prosecution, well, that raises some serious questions. We hope that others will testify and that they will testify honestly. We'll continue to ask people. But it is very, very difficult to get the facts when you have key members of the Bush-Cheney administration taking the fifth.

Mr. President, have the yeas and nays been ordered on this?

The PRESIDING OFFICER. They have not.

Mr. LEAHY. If I have any further time, I yield it back and I request the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Will the Senate advise and consent to the nomination of George H. Wu, of California, to be a U.S. District Judge for the Central District of California. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Wyoming (Mr. ENZI), and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 95, nays 0, as follows:

[Rollcall Vote No. 115 Ex.]

YEAS—95

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—5

Biden
Brownback
Enzi
Johnson
McCain

The nomination was confirmed.

The PRESIDING OFFICER. Under the previous order, the motion to reconsider is considered made and laid upon the table. The President will be immediately notified of the Senate's action.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will resume legislative session.

The majority leader.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1591

Mr. REID. Mr. President, I ask unanimous consent that the vote with respect to the Cochran amendment No. 643 occur at 5 p.m. today; the time from 3:45 to 5 p.m. be for debate with respect to that amendment, with the time equally divided and controlled between the two leaders or their designees; that no amendments be in order to the amendment or the language proposed to be stricken; that the last 10 minutes prior to the vote be equally divided and controlled between the two leaders, with the majority leader controlling the last 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TONY SNOW

Mr. REID. Mr. President, on a matter of concern and seriousness, in my office this morning I had a newspaper clipping regarding Tony Snow. He had a tumor removed and the cancer had not returned, and I wrote a letter and signed it. A few minutes later, my secretary brought in a news clipping that Tony Snow's cancer has returned. I have known Tony Snow long before he became the spokesperson for the White House. My relations with him have always been superb. To me he has always been very fair. I have great respect for him and his family.

I want the record to reflect that I speak for everyone on this side of the aisle of our real concern. He has been a tremendously good representative for the President. He does an outstanding job dealing with some of the most serious issues any person could face. He has done a wonderful job. I hope and pray that Tony Snow will again be able to whip the cancer he has already whipped once. With the good thoughts and prayers from everyone in this body and the many friends he has in Washington and around the world, it will go a long way toward healing this man who certainly deserves it.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, let me join the majority leader in expressing our best wishes, hopes, and prayers for Tony Snow's speedy recovery. He has been a spectacular press secretary to the President. He enjoys widespread respect and admiration. We wish him well for a speedy recovery.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, at 12:41 p.m., the Senate recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARPER).

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007—Continued

The PRESIDING OFFICER. The Senator from Indiana.

Mr. LUGAR. Mr. President, I send to the desk an updated version of an amendment I filed earlier today to H.R. 1591.

The PRESIDING OFFICER. Is there objection?

The Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I want to cooperate with my friend and colleague. If the Senator would give us a few moments to go over that for the leadership to work that out. I do not do it as a matter of personal privilege but as speaking for our leader on this side. So if the Senator would withhold for a half an hour or so.

I would have to object to it. I do not personally object to it. I object for the leadership until it has an opportunity to examine the amendment.

The PRESIDING OFFICER. Objection is heard.

The Senator from Indiana.

Mr. LUGAR. Mr. President, may I raise a question. Will the distinguished Senator be able to respond that I have submitted the amendment, in other words, that I would not have to reappear to resubmit the amendment at that time or is the Senator in a position to give us that assurance?

Mr. President, I have already submitted the amendment, and I am submitting an updated version of the amendment.

Mr. KENNEDY. Mr. President, is the Senator trying to perfect his own amendment?

Mr. LUGAR. Yes, and I am attempting to file the amendment. It was requested I appear in person to do so.

Mr. KENNEDY. Mr. President, if the Senator is requesting to alter his amendment, I have no objection to him doing so.

Mr. LUGAR. I thank the Senator.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Massachusetts.

AMENDMENT NO. 680

(Purpose: To provide for an increase in the Federal minimum wage, and for other purposes)

Mr. KENNEDY. Mr. President, amendment No. 680 is at the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Without objection, the pending amendment is set aside and the clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Massachusetts [Mr. KENNEDY], for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY, proposes an amendment numbered 680.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. KENNEDY. Mr. President, for the benefit of the Members, as they remember, we passed the substance of this legislation, I believe, 97 to 3. That is what is effectively the substance of this legislation. The House of Representatives has passed its own minimum wage. Because of the parliamentary complexities, we were unable to get this issue resolved. The House has included a minimum wage provision in their proposal.

We offer this proposal, which is an expression of the Senate. It has broad bipartisan support—Republican and Democrat. This will mean both pieces of legislation—the supplemental—will have the minimum wage, and then the conferees will be able to make their judgment. But out of it will come an increase in the minimum wage. So it is in that spirit. I am delighted to debate the minimum wage, but I think we had a good debate. We had, I think, close to 7 days' debate on it in the last few weeks, so I do not think that is necessary.

That is the current situation. That is the reason that legislation is pending at this time. I very much appreciate the cooperation of the floor managers in letting us get this at least up before the Senate at this time.

The PRESIDING OFFICER. The Senator from Oregon.

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment—is the distinguished Senator from North Carolina intending to manage this legislation?

Mr. BURR. Mr. President, the Senator from North Carolina is not intending to manage this side. Our manager is not here right now. I would ask the Senator from Oregon if he would withhold setting the current amendment aside. If he wishes to talk on an amendment, feel free to, but at this time I would have to object to setting aside the pending amendment.

Mr. WYDEN. Mr. President, I would be happy to do that.

AMENDMENT NO. 709

Mr. President, I ask unanimous consent to speak on the bipartisan amendment I will be offering as soon as we have a manager on the other side to conduct business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is recognized.

Mr. WYDEN. Mr. President, in a few minutes I will offer a bipartisan amendment to address the great needs of rural communities across this country. It is an amendment I will offer on behalf of myself, the distinguished Senate majority leader, the chairman of the Senate Finance Committee, the chairman of the Senate Energy Committee; my colleague from Oregon, Senator SMITH; Senator CRAIG of Idaho, Senator DOMENICI, and a large additional group of Senators of both political parties who wish to see reauthorized the Secure Rural Schools and Community Self-Determination Act which is also known as the County Payments Program.

Mr. President and colleagues, without this amendment, there is a very real prospect small counties in the rural West are going to fall into the Pacific Ocean. These small counties are now standing on the abyss because without county payments funding, they simply are not going to be able to pay for critical services such as law enforcement and rural education.

In Oregon, the sheriff of Grants Pass told me without county payments funding, he may have to call out the National Guard to protect public safety. The county commissioners of Curry County report that without county payments funding, they may have no choice but to dissolve their county altogether. Local officials in Coos County, just at the prospect of losing county payments funds, have already released prisoners from their jails. Local communities in many other States face similar hardships.

Some Senators may not yet be fully aware of what the county payments law is about, so I am going to give a brief explanation of how the program has come to be.

County payments are not welfare, but they are a more than 100-year-old Federal obligation that goes back to the creation of the Federal forest system. The deal was if Federal policy prevented local communities from maximizing their revenues from their forests, the Federal Government would provide a partial payment to these local communities so they could pay for essential services such as law enforcement and schools.

As environmental values changed in the 1990s, and these payments grew even smaller, Senator CRAIG of Idaho and I wrote the Secure Rural Schools and Community Self-Determination Act. That law compensated these rural communities for part of what they needed to pay for essential services. The act has worked extraordinarily well and expired at the end of last year.

In this amendment, our large bipartisan coalition—and I read only a number of the Senators from both political parties who are sponsoring this amendment—our large group seeks to put in place a new updated lifeline to small rural counties. County payments would be extended for 5 years and a new formula put in place to provide greater funding to more than 80 percent of the counties in our country. The formula is based on the current funding formula for county payments and the acreage of U.S. Forest Service and eligible Bureau of Land Management lands, along with a mechanism to focus support on those communities where there is greatest economic need.

In addition to the County Payments Program, this amendment also assists States with a similar program, the Payment in Lieu of Taxes Program. This is a program which compensates States for the loss of tax revenue from Federal lands in their State. For the first time in modern history, this program will receive full funding, and it will result in additional support for each county with Federal land.

I note at this time, particularly, the exceptional work done by the chairman of the Senate Finance Committee, Senator BAUCUS, who, with Senator BINGAMAN and so many of our colleagues of both political parties, has been involved in these efforts. As a result of those combined efforts, this amendment is paid for with all funding beyond 2007 paid for by closing tax loopholes that have been identified by Senator BAUCUS, the chairman of the Senate Finance Committee.

This bipartisan amendment is supported by a diverse coalition, including the National Association of Counties, many labor organizations, and education advocates across the country. I urge the Senate this afternoon to recognize the exceptional urgency of this situation and to support the bipartisan effort to reauthorize the County Payments Program and to strengthen the Payment in Lieu of Taxes Program.

Rural communities across this country have been hit with a wrecking ball. With the change in environmental values, we have seen many of them, as they look to diversify their economies, reach out and find new industries, yet they have still had great difficulty in paying for essential services.

As they try to meet these challenges—and I am committed, as chairman of the Forestry Subcommittee, to work on finding new economic opportunities for these rural communities—the country should not turn its back on rural America as it looks to come up with vibrant, new economic prospects for the future.

These laws—the Secure Rural Schools and Community Self-Determination Act and the law that puts in place the Payment in Lieu of Taxes Program—provide essential funding and will be a lifeline as these communities work to transition into additional areas that make sense for resource-based economies.

Today, these small communities are asking the Senate to help them from falling into the abyss. The blow to rural communities, if they lose county payments, will be a crippling blow that, in my view, some rural counties simply will not be able to recover from.

Mr. President and colleagues, let us remember rural America as we consider this legislation. I hope Senators of both political parties will join the very large block of Democratic and Republican Senators who offer this amendment today.

Mr. President, we are waiting for a manager on the other side. A number of colleagues, particularly the Senator from Illinois, has been very gracious and very patient. I think what I wish to do is yield at this time. When a manager comes, we will resume deliberations.

I thank the Senator from Illinois for his patience.

The PRESIDING OFFICER. The Senator yields the floor.

Who seeks recognition?

The Senator from Illinois.

Mr. OBAMA. Mr. President, it is my understanding that at this point we cannot set aside the pending amendment because we are waiting for a floor manager.

The PRESIDING OFFICER. The Chair will advise the Senator from Illinois, unanimous consent needs to be sought and granted in order to proceed while the Cochran amendment is pending.

Mr. OBAMA. Mr. President, why don't I wait to find out whether it is possible for the Senator from Oregon to potentially call up his amendment. If not, then what I would like to do is speak on my amendment and find out when I can call up my amendment.

Mr. WYDEN. Mr. President, the Senator from Illinois has indicated he would speak very briefly. I ask unanimous consent that the Senator from Illinois could speak for his 5 minutes, and with the floor manager coming on to the floor, that we could then turn to the county payments legislation after the Senator from Illinois has spoken for 5 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The Senator from Illinois is recognized for 5 minutes.

Mr. OBAMA. Mr. President. I ask unanimous consent that after I speak, if the Senator from Oregon is able to call up his amendment, I be able to call up my amendment as well thereafter.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

AMENDMENT NO. 664

Mr. OBAMA. Mr. President, toward the end of World War II, Norman Rockwell created a cover for the Saturday Evening Post titled "Homecoming GI." It is a picture of a soldier returning from war. He has a duffle bag clutched in his left hand. He is looking up at the back of a brick building with laundry hanging from the back porch. A woman in an apron sees him with outstretched arms, and a young child races down the stairs. Everyone sees that soldier—the neighbors' kids, the man fixing the roof, faces from another window—and everyone welcomes that soldier who has come home from war.

That is what our Nation did for the millions of servicemembers who returned from the Atlantic and the Pacific. We watched them come home in waves. Some were just as strong as their first day in battle: others limped. We saw them crowd Times Square. We saw them walk down Main Street and sit on stoops. My grandfather, who fought in Patton's army, would often speak about this time as America at its finest. That homecoming didn't just happen; we were ready for it.

Long before the beaches of Normandy were stormed and the last battle was fought, in 1943 President Roosevelt said:

> Among many other things, we are, today, laying plans for the return to civilian life of our gallant men and women in the armed services. They must not be demobilized into an environment of inflation and unemployment, to a place on a bread line, or on a corner selling apples. We must, this time, have plans ready instead of waiting to do a hasty, inefficient, and ill-considered job at the last moment.

These are the words of wisdom that we ignore at our peril.

Today we have more than 631,000 veterans from Iraq and Afghanistan and other parts of the global war on terror. According to a recent VA health care report, one-third—more than 205,000—have sought treatment at VA health facilities.

Even if the war in Iraq comes to an end soon—and I hope the Senate takes action this week to accomplish that goal—the war will live on with our servicemembers and their families for the rest of our lives.

Unfortunately, over the past month, we have all seen the disturbing pictures of neglect at Walter Reed. We have read about bats and bureaucratic redtape at the VA. We have seen too many stories about our veterans who have been forgotten—not greeted by the Nation that asked them to serve. The time has come for us to see this generation of veterans in all their valor and pain. We should provide them with a plan that is worthy of their courage and will help build back the military they love.

That is what Senator MCCASKILL and I are trying to do with the amendment we offer today.

First, we provide an additional $41 million to hire more caseworkers to assist servicemembers navigating the military's bureaucracy. The last thing a wounded servicemember should have to face when they return home is a front line of paperwork and delay. Right now, the caseworker-to-servicemember ratio at Walter Reed is 1 to 50. Caseworkers help recovering soldiers schedule appointments, take care of their everyday needs, and fill out paperwork. Military caseworkers are overwhelmed. I understand the Army is reducing the caseworker-to-servicemember ratio to 1 to 17, and I applaud this move. Our amendment would help the military achieve this goal at all military hospitals.

Our amendment also provides $30 million for the Armed Forces to create an Internet-based system for servicemembers to submit their paperwork electronically. No longer will amputees and servicemembers in wheelchairs have to go to countless offices to fill out duplicative forms only to learn that the forms have been lost in Government bureaucracy.

We also need to do more to increase the number of mental health crisis counselors available to assist recovering servicemembers and their families. Too many servicemembers are returning home with unmet mental health needs—stresses that are often experienced by their family members. That is why our amendment provides $17 million for more mental health crisis counselors.

While we all praise how our country treated the servicemembers returning from World War II, we must remember the lessons after Vietnam. The landmark National Vietnam Veterans Readjustment Study was congressionally mandated in 1983, 15 years after the height of that war. The completed report showed the vast majority of Vietnam veterans had successfully acclimated to postwar life.

We can't wait 15 years to plan and prepare for the readjustment needs of the servicemembers returning from Iraq and Afghanistan. The average age of a servicemember deployed since September 11 is 27. The average age of our Guard and Reserves is 33. Sixty percent of those deployed have family responsibilities, and 47 percent of those who have died have left families. Mr. President, 160,000 women have been deployed, and 10 percent of those women are single mothers. These men and women are going to face real challenges in readjusting to normal life.

Our amendment would provide for a study by the National Academy of Sciences of the mental health and readjustment needs of returning servicemembers. This study will assist the Department of Defense, the Veterans' Administration, and Congress in planning for the long-term needs of our veterans.

Last week I met a woman at Walter Reed. She is one of the 160,000 women who have been deployed, and she suffers from post-traumatic stress disorder. Most of us associate PTSD with men in combat, but many of the women in theater face firsthand dangers in their combat support roles. Driving a truck in Baghdad is one of the most dangerous missions around, and it is considered a support role. Women are witnessing the horrors of improvised explosive devices and the horrors of losing fellow servicemembers, and too many are experiencing the trauma of sexual harassment or abuse.

This young woman was very scared, and she trembled as we spoke. I asked her what we could do to help. She said that she could not handle group therapy sessions; she could only tolerate one-on-one sessions with counselors. Her experience is shared by many women. Treatment for women with PTSD, especially sexual abuse victims, is very different from treatment for men.

That is why as part of our amendment we want to provide $15 million to address the unique mental health needs of women. This funding will ensure the development and implementation of a women's treatment program for mental health conditions, including PTSD. It will also include the hiring and training of sexual abuse counselors so that the servicemembers who suffer from this trauma do not have to suffer in silence. We can do this for the woman I met at Walter Reed and the thousands who suffer like her.

The total cost of our amendment is $103 million—less than one-tenth of 1 percent of the total cost of this bill. This is the least we can do for our servicemembers recovering at Walter Reed and other military hospitals.

I am proud that Veterans For America has endorsed our amendment, and I ask unanimous consent that their letter of endorsement be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

VETERANS FOR AMERICA,
March 27, 2007.

DEAR SENATOR OBAMA: Veterans for America commends you for fighting to ensure that the service-related needs are met of the one and a half million men and women who have been deployed in our wars in Iraq and Afghanistan. We commend you for fighting to enact an amendment—based primarily on the provisions of the Dignity for Wounded Warriors Act (S. 713)—to the current emergency supplemental appropriations bill (S. 965).

This is the most important piece of legislation offered since the start of our wars in Iraq and Afghanistan.

Today's military is drastically different from any other we have ever sent to war. Too many of our troops are returning to a system that completely ignores their most urgent service-related health and readjustment needs.

One fact is quite striking: of the tens of billions of dollars spent to meet the needs of America's veterans, less than one percent is spent on this generation.

We waited almost 15 years after the end of the Vietnam War to examine the specific needs of my generation through the National Vietnam Veterans Readjustment Study. We fought hard for this study, and while we waited for its completion, tens of thousands of lives were shattered.

We cannot wait that long this time. The study included in your amendment will prevent us from failing thousands upon thousands of our service members and veterans. We must stop throwing money at a broken system that does not address the most urgent unmet needs of today's service members and veterans.

I also want to commend your efforts to recognize the challenges faced by women service members and veterans. The needs of women troops are being effectively ignored. This is a national disgrace.

Again, you have my sincere thanks and the thanks of millions of others who have proudly served our country.

Sincerely,

BOBBY MULLER,
President.

Mr. OBAMA. I hope my colleagues will join me in supporting this amendment. At this point I turn the floor back to the Senator from Oregon, Mr. WYDEN, and I ask, if the floor managers are prepared, that I be able to call up this amendment after the Senator from Oregon does so with his amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. MCCASKILL. Mr. President, I ask unanimous consent to speak to the Obama amendment and then go back to regular order.

The PRESIDING OFFICER. Is there objection?

Mr. OBAMA. Mr. President, I apologize. I should have allowed——

Mrs. MURRAY. Mr. President, if I could just clarify for all of us, could you tell us what the current unanimous consent agreement has in it?

The PRESIDING OFFICER. The pending amendment before the Senate is the Cochran amendment. The Senator from Illinois had asked unanimous consent to address the Senate for 5 minutes, and then when he completed, to yield back to Senator WYDEN to continue to discuss his amendment. There was no objection. Further, after the Wyden amendment was brought up, the next amendment to be offered would be that of the Senator from Illinois, Mr. OBAMA. There was no objection.

Mrs. MURRAY. Thank you, Mr. President.

The PRESIDING OFFICER. Without objection, the Senator from Missouri is recognized.

AMENDMENT NO. 664

Mrs. MCCASKILL. Mr. President, I rise to speak in favor of the amendment that will be offered by Senator OBAMA. Our amendment takes part of the legislation we have introduced, the Dignity for the Wounded Warriors Act, and moves it to the front of the line.

The question which has to be asked is, Why? Why is it important that this go into this bill at this time? There is a lot of talk about what should and shouldn't go into the supplemental. I think it is important we realize if we don't act immediately to begin to take the kind of care of our wounded they need to have, that they should have, that we are morally bound to give them, then we shouldn't be passing any more supplemental funding for any more activities in this war.

It is of primary importance to us that we take care of the men and women who have been wounded, who have given more than most Americans will ever give as it relates to this conflict in the Middle East.

I have to say, if you step back and look at this problem, it is not just the active military hospitals that this amendment deals with, but it is the entire system of medical care for our wounded and for our veterans.

I was struck last week when a report came out on all the veterans facilities around the country. This was an internal report done by the Veterans' Administration but contained in that report was a startling revelation. In that report they found there was a bat infestation in a veterans hospital in the State of the Senator from Oregon.

Now, one would think that if you found a bat infestation in a hospital alarms would go off, lights would signal, and the head of that hospital would step up and say: I failed. Oh, no. The head of that hospital said the bats had been helpful to the insect population. Understand that with this particular species of bat, there is more bacteria contained in an ounce of the droppings from this animal than any other species of bat. Microbiologists yearn to study these droppings because of all of the bacteria that is contained in them.

Something is terribly wrong when we have a veterans hospital in this country that is putting up with an infestation of bats, and if we don't have it in us to fix this medical facility and all others like it in this country, then shame on us. Shame on our Nation that we can't do what we must do to take care of those who have taken care of us.

All the rhetoric about "support the troops"—forget about it if we can't do basic medical care for those who are coming home who are wounded. We specifically deal with that in our amendment, with the additional funds in this supplemental that we have added to the President's budget to care for our veterans and veterans facilities.

There is no job we have here that is more important. I hope my colleagues will support this amendment and the addition of about $1.7 billion in funding to the supplemental for veterans care. They are both important. They are both moral imperatives. It is time we make that phrase—"support our troops"—more than a political phrase.

Mr. President, I yield to the Senator from Oregon, or to go back to regular order.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment, and I call up my bipartisan amendment on county payments and the payment in lieu of taxes.

Mr. COCHRAN. Mr. President, reserving the right to object, I do not intend to object but for the purpose of asking if there would be any objection to my offering an amendment on behalf of the Senator from Indiana, Mr. LUGAR, and then yielding to the Senator. We wouldn't have any debate, but we would just offer this amendment so it would be pending in the regular order.

Mr. WYDEN. I would be happy to proceed, but I recognize the manager on our side.

Mrs. MURRAY. Mr. President, if I could just clarify, is it amendment No. 690?

Mr. COCHRAN. It is amendment No. 690.

Mrs. MURRAY. Then we would not object.

AMENDMENT NO. 690

Mr. COCHRAN. Mr. President, I send to the desk an amendment on behalf of the Senator from Indiana, Mr. LUGAR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Mississippi [Mr. COCHRAN], for Mr. LUGAR, proposes an amendment numbered 690.

The amendment is as follows:

AMENDMENT NO. 690

(Purpose: To provide that, of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps)

On page 56, after line 18, insert the following:

CIVILIAN RESERVE CORPS

SEC. 1713. Of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

Mr. COCHRAN. I thank the Chair, and I thank the distinguished Senator from Oregon.

AMENDMENT NO. 709

Mr. WYDEN. Mr. President, I ask unanimous consent to set aside the pending amendment and to call up our bipartisan amendment on County Payments and the Payments in Lieu of Taxes Program.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Oregon [Mr. WYDEN], for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. STEVENS, Mr. BENNETT, and Ms. MURKOWSKI, proposes an amendment numbered 709.

Mr. WYDEN. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. WYDEN. Mr. President, a great many Senators of both political parties have signed on as cosponsors of this legislation: the distinguished Senate majority leader; the chairman of the Senate Finance Committee, Chairman BAUCUS; chairman of the Energy Committee, Senator BINGAMAN; Senators SMITH, DOMENICI, CRAIG, STEVENS, BENNETT, CANTWELL, BOXER, MURRAY, CRAPO, TESTER, and MURKOWSKI. A great many Senators have agreed to be cosponsors.

My understanding is that, perhaps, in a few minutes the Senate is going to be given a choice of two approaches on how to deal with this issue: the approach that I and a large bipartisan group of Senators are offering this afternoon or an approach that will be offered by the distinguished Senator from North Carolina, our colleague, Senator BURR, which, in my view, is very restrictive and, unfortunately, it is not in line with what Senator CRAIG and I sought to do on a bipartisan basis back in 2000.

Our law that was enacted at that time was called the Secure Rural Schools and Community Self-Determination Act. Unfortunately, as I understand it, the proposal offered by the distinguished Senator from North Carolina would, for example, make it very difficult for local law enforcement to get some of these essential dollars that have been absolutely critical to public safety for all these years.

My view is that, under our bipartisan proposal, local law enforcement would have at least a fair measure of the resources they need to fight methamphetamine in local communities across the country. Our colleague from North Carolina, in his approach, would not make that possible.

So I hope that, as colleagues consider this debate, they will vote in favor of the amendment I offer this afternoon, on behalf of the large group of Senators of both political parties who have been intimately involved in this program for many years.

Our amendment is fully paid for through the good work of the chairman of the Senate Finance Committee, and I hope our colleagues will vote for our amendment and will reject the amendment of the Senator from North Carolina, which is much more restrictive and, unfortunately, forgets the second part of the legislation that is so vital to rural communities and that is law enforcement and roads and other essential services.

I had a chance to speak on this earlier, so I will be brief. Other colleagues would like to speak as well. The reality in rural America and the rural West is that communities are about to fall off a financial cliff.

They are going to lose these essential funds that have been part of a Federal obligation for more than a hundred years. It is not a welfare program. It is not some kind of a handout that goes to rural communities in the West. These are communities where the Federal Government owns most of the land. The local community is not allowed to maximize its revenues on those lands because the Federal Government has essentially said we are not going to treat them as private property, where you generate a sale and revenue and you pay for essential services.

So the Federal Government entered into an agreement more than a hundred years ago to provide compensation to those local communities where the Federal Government owned most of the land. What our bipartisan group wants to do is update and modernize that obligation that was incurred more than a hundred years ago when the Federal forest system was established.

Our amendment would resolve the budget crisis that is confronting rural communities by fully funding the County Payments Program for 2007, and then we set in place a formula that was negotiated for many months through a large group of Senators.

I have the chart indicating the new formula that has been put into place. It makes it very clear that Senators understand this program, because of the will of this body, ought to be modernized. That is what we have done. But in addition to that effort, we have made sure the Payment in Lieu of Taxes Program, which compensates States for the loss of tax revenue from Federal lands in that State, would receive support as well. And every county in our country with Federal land would benefit from this particular program. The emergency funding is what gets us over the first year of the program; it is a 5-year program. Senator BAUCUS has been willing because he feels strongly about making sure when the Federal Government steps in and goes to bat for rural communities, that it will be fully paid for. On the Senate Finance Committee, because of Chairman BAUCUS's leadership, we are going to raise those funds by closing tax loopholes.

I know my friend from North Carolina is going so speak in a moment. I wish to note, again, a number of colleagues on the other side of the aisle who are supporting this: Senators SMITH, DOMENICI, CRAIG, CRAPO, STEVENS, BENNETT, and MURKOWSKI. They have all said that this amendment is the way to go if you want to stand up for rural communities. But if you want to make a break with 100 years' worth of history and not even give rural communities the opportunity to get support, as they historically have, for local law enforcement, then Senators can vote for the amendment offered by our colleague from North Carolina, Senator BURR. I hope my colleagues will not do that.

We are going to have two votes. One will be on the amendment I offered with that large bipartisan group of Senators I listed. I hope Senators will vote in favor of that amendment.

There will be another amendment offered by the Senator from North Carolina. For the reasons I have described this afternoon, I hope Senators will vote against that. Keep in mind that under the amendment offered by the Senator from North Carolina, if you have people who are concerned about local law enforcement they are not, under the amendment of the Senator from North Carolina, going to be able to get support as it relates to law enforcement—the needed support to fight meth and to be able to protect public safety in their communities. That is why the large coalition I have described this afternoon is in favor of what I am proposing.

The Senator from North Carolina has come to the floor. I have enormous respect for him. He is going to be the ranking member on the subcommittee. We don't happen to see eye to eye on this issue. I point out that the predecessor of the Senator from North Carolina, Senator CRAIG, is a cosponsor of this amendment. He remembers the history from back in 2000, when we came together. It is my intent to allow the Senator from North Carolina time to offer his amendment as well, and then at that time I would like to respond to what the distinguished Senator from North Carolina said about his amendment.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, is it possible for the Senator from Oregon to yield to me briefly so I could call up an amendment? I will call it up, would not discuss it and it can then be set aside and we can immediately go to the Senator from North Carolina.

Mr. WYDEN. I have no objection.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 664

Mr. OBAMA. Mr. President, I ask unanimous consent that the pending amendment be set aside so I may call up amendment No. 664.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report.

The assistant legislative read as follows:

The Senator from Illinois [Mr. OBAMA], for himself, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Ms. CANTWELL, Mr. BIDEN, Mr. BINGAMAN, Mr. CASEY, Mr. DURBIN, and Mr. BAUCUS, proposes an amendment numbered 664.

Mr. OBAMA. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $58,000,000 for Defense Health program for additional mental health and related personnel, an additional $10,000,000 for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional $15,000,000 for Defense Health Program for women's mental health services)

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR ADDITIONAL MENTAL HEALTH AND RELATED PERSONNEL.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $58,000,000, with the amount of the increase to be available for additional caseworkers at military medical treatment facilities and other military facilities housing patients to participate in, enhance, and assist the Physical Disability Evaluation System (PDES) process, and for additional mental health and mental crisis counselors at military medical treatment facilities and other military facilities housing patients for services for members of the Armed Forces and their families.

SEC. 1317. ADDITIONAL AMOUNTS FOR OPERATION AND MAINTENANCE FOR THE MILITARY DEPARTMENTS FOR IMPROVED PHYSICAL DISABILITY EVALUATIONS OF MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(b) ADDITIONAL AMOUNTS FOR OPERATION AND MAINTENANCE FOR DEPARTMENT OF THE NAVY.—The aggregate amount appropriated or otherwise made available by this chapter under the headings "OPERATION AND MAINTENANCE, NAVY" and "OPERATION AND MAINTENANCE, MARINE CORPS" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(c) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(d) INTERNET ACCESS TO PHYSICAL DISABILITY EVALUATIONS OF MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Each Secretary of a military department shall, utilizing amounts appropriated by the applicable subsection of this section, develop and implement an Internet website to permit members of the Armed Forces who are subject to the Physical Disability Evaluation system of such military department to participate in such system through the Internet.

(2) ELEMENTS.—Each Internet website under paragraph (1) shall include the following:

(A) The availability of any forms required for the utilization of the physical disability evaluation system concerned by members of the Armed Forces who are subject to such system.

(B) Secure mechanisms for the submission of forms described in subparagraph (A) by members of the Armed Forces described in that subparagraph, and for the tracking by such members of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces described in subparagraph (A) of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance for members of the Armed Forces described in subparagraph (A), including assistance through the caseworkers assigned to such members, in submitting and tracking forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

SEC. 1318. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR WOMEN'S MENTAL HEALTH SERVICES.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $15,000,000, with the amount of the increase to be available for the development and implementation of a women's mental health treatment program for women members of the Armed Forces to help screen and treat women members of the Armed Forces, including services and treatment for women who have experienced post-traumatic stress disorder and services and treatment for women who have experienced sexual assault or abuse, which services shall include the hiring and training of sexual abuse crisis counselors for members of the Armed Forces who have experienced sexual abuse or assault.

SEC. 1319. STUDY ON MENTAL HEALTH AND READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) IN GENERAL.—Using amounts appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act, to determine the parameters of the final phase of the study under paragraph (2).

(2) A second phase, to be completed not later than two years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under paragraph (1), of the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(c) REPORTS.—The Secretary of Defense shall submit to Congress, and make available to the public, a comprehensive report on each phase of the study required under subsection (a) not later than 30 days after the date of the completion of such phase of the study.

Mr. OBAMA. I ask unanimous consent that Senators CASEY, BAUCUS, and DURBIN be added as cosponsors.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from North Carolina is recognized.

Mr. BURR. Madam President, I ask unanimous consent to set the pending amendment aside.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

AMENDMENT NO. 709

Mr. BURR. Madam President, I ask unanimous consent to resume consideration of the Wyden amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BURR. Madam President, I have deep respect for my colleague, Senator WYDEN. We worked together in the House. We will work together in the Senate. As he said, this is a small disagreement we have because I believe when you have a bill that says this money is going to be used for schools and communities, we should make a commitment that this money in fact does go to our Nation's schools. Today, through my amendment, we have an opportunity to make an obligation to education.

Seventy percent of our children in high school today graduate on time. In North Carolina it is 68 percent. That is 32 percent of students who don't graduate on time. We hear on the floor of this institution state all the time that there's a need to make a commitment to education. And I believe we need to make a commitment to it.

I believe we need to make a commitment on this bill. This program was set to sunset this year. That means the Congress, in the past, set this program to expire, to go away; that the Federal Government had met its obligation. I don't disagree with the Senators from Oregon, Senator WYDEN and Senator SMITH, who have both been instrumental on this. North Carolina is a beneficiary. We have a tremendous amount of public land. I think it should continue. But at a time that we are required to prioritize where we make our investment, I believe we would help every community by saying 80 percent of the new money—not the money we were using up until this point but the almost $500 million of additional money per year we are going to pump into this program, all new money, that 80 percent of it ought to be used for our schools. It ought to be used for public education and ought to be there to support school construction, K through 12, No Child Left Behind. It ought to focus on high school graduation.

We should take America's high school children from 70 percent graduation and drive it to 100 percent graduation. I heard the argument this was about economic development, about communities, about law enforcement. If you solve education, you lessen the need for law enforcement. The reason we need so many cops on the beat today, that we need more schools, is because our children don't have the skills to compete in the job market. So, yes, we can add policemen and make all Federal dollars open for every community to decide how they use them, but let me assure you, if we don't educate our children, no matter how much money is pumped into those communities, they will have cancer in them.

What am I doing? It is very simple. I am going to offer an amendment that requires 80 to 85 percent of the new dollars to be devoted solely to education. That way every community that is the beneficiary of this money—Oregon, with millions of dollars, and North Carolina, with the several million dollars it gets. It is not enough to solve the education problem, but it shows a commitment on our part to make sure we are willing to contribute the Federal dollars that are available to begin to address this cancer our kids have succumbed to.

AMENDMENT NO. 716 TO AMENDMENT NO. 709

At this time, Madam President, I send to the desk a second-degree amendment to the Wyden amendment.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from North Carolina [Mr. BURR] proposes amendment numbered 716 to amendment No. 709.

Mr. BURR. Madam President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To require that payments to eligible States and eligible counties only be used for public schools)

Beginning on page 13, strike line 22 and all that follows through page 17, line 18, and insert the following:

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended only for public schools of the eligible county.

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended only for public schools of the eligible county.

"(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II;

"(II) carrying out projects under title III; or

"(III) a combination of the purposes described in subclauses (I) and (II); or

"(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

"(2) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) be available for expenditure by the Secretary concerned, without further appropriation; and

"(ii) remain available until expended in accordance with title II.

"(3) ELECTION.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

"(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

"(II) return the balance to the Treasury of the United States.

"(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds for public schools in the eligible county.

Mr. BURR. Madam President, it is very simple. The question before us, whether it is a side-by-side we decide on or a second-degree amendment, is: Are we going to commit to using part of these Federal dollars that States deserve—because it is in many cases in lieu of Federal payments for a tax—are we going to commit those to local school systems to educate our children? That is the decision we will have.

At the end of the day, I am going to support Wyden-Reid-Baucus-Bingaman, and however many more people go on the chart before we actually have a vote, but before that vote we will have a decision as to whether we are going to make a commitment to education in this country, and I urge my colleagues to vote in favor of that.

Mr. WYDEN. Madam President, I see the distinguished Senator from Arizona is here, but I wish to briefly respond to the comments of Senator BURR.

When we do vote, again I would highlight that I hope Senators, on a bipartisan basis, for the amendment I am offering on behalf of the large group that includes Senator SMITH, Senator DOMENICI, Senator CRAIG, Senator MURKOWSKI, and a great many Senators on the other side, virtually every Democrat, will reject the Burr amendment. Here is the difference, and it is striking.

The Burr amendment, offered by our distinguished colleague from North Carolina, sets in place a Federal mandate. It is a one-size-fits-all approach that somehow we ought to decide here in Washington, DC what happens in these local communities. What I have decided, with our bipartisan coalition, is we ought to have an approach that gives local communities a lot of flexibility and a lot of freedom to design approaches that are tailor made to their area.

I have mentioned law enforcement, for example, as one critical area a local community might want to support under the approach I offer with our bipartisan group but which cannot be offered under the approach of the distinguished Senator from North Carolina, and there would be other examples as well.

For example, if a community was concerned about its roads and was troubled about the prospect that their roads were dangerous, so that, for example, in the snowy seasons it would be treacherous for kids to get to school, under our amendment local communities would have the flexibility to support some of that upkeep for local roads. I have been told in communities such as Fossil, in my home State, they don't think they even have a roads program without the county payments legislation. So there are stark differences between the approach offered by the Senator from North Carolina and the bipartisan approach I am offering today with many of our colleagues.

At the end of the day, the difference is the Senator from North Carolina is offering a Federal mandate which ties the hands of local communities and local school districts, and I gather is one of the reasons some educational advocates have already come out against the amendment of the Senator from North Carolina.

I hope our colleagues will support the approach we are advocating today which gives local communities real flexibility, ensures that the Federal Government is keeping its obligation—its more than 100-year obligation—to these rural communities, but updates it, as we have sought to do with this payment in lieu of taxes provision in our amendment and with the new formula—a formula, as the distinguished Senator from Washington, the manager of the legislation, mentioned was arrived at only through some very difficult negotiations with many Senators involved.

So when Senators vote in a few minutes, I hope they will support the amendment I am offering today, with the large group of bipartisan sponsors, and reject the amendment offered by the Senator from North Carolina which, in my view, is a Federal mandate that greatly limits the ability to make the best use of these county payments dollars.

Mrs. FEINSTEIN. Madam President, I rise today in support of Senator WYDEN's amendment to the emergency supplemental appropriations bill that would provide critical funding for a multiyear extension of the Secure Rural Schools and Community Self-Determination Act and fully fund the Payment in Lieu of Taxes, PILT, Program.

This amendment provides nearly $5 billion for rural schools, counties and communities through 2012—crucial to California's rural counties, which face a devastating loss in Federal funding.

Last Thursday, March 22, my colleagues and I on the Senate Appropriations Committee approved the inclusion of $425 million in emergency appropriations to fund the Secure Rural Schools program for 1 year in the emergency supplemental—helping to immediately address the pending budget crisis confronting over 700 counties in 39 States, including my State of California.

This emergency funding adds $425 million to the $100 million available from the 25 percent of receipts that compensate counties for reductions in timber harvest on public lands.

However, our counties should not have to rely on emergency funding year after year and be faced with such uncertainty.

We must provide our rural counties with a stable funding stream so that they are not in the same dire situation next year and can plan for the future.

This amendment, supported by the National Association of County Officials, the National Forest Counties and Schools Coalition, and the National Education Association, would maintain a safety net for counties while gliding down funding in a predictable manner so counties can fiscally prepare for the future.

Specifically, this amendment would provide $2.8 billion in funding over 5 years for a multiyear extension of the Secure Rural Schools Program. It would also provide $1.9 billion to fund the Payment in Lieu of Taxes, PILT, Program for 5 years, from 2008 through 2012. This program compensates States for the loss of tax revenue from Federal lands in the State. It would also provide funding beyond fiscal year 2007 to be fully paid for by a combination of tax offsets.

In addition, it would provide California, Oregon, and Washington with additional transition funding in the early years to minimize the effects of the overall decline of the total authorization level to $379 million in 2011 under the Secure Rural Schools Program. The additional transition funding for these States—California, Oregon, and Washington—would also help counties with adjusting to the new funding formula under the Secure Rural Schools Program.

The new funding formula would be based on the current formula of historical payments and the current acreage of U.S. Forest Service and eligible Bureau of Land Management lands, along with mechanism to focus support on those communities in greatest economic need.

Under this amendment, California's counties would receive $283 million in funding from fiscal year 2007 to fiscal year 2011 from the Secure Rural Schools Program. Without this funding, mostly rural California counties would face sudden, catastrophic cuts. Counties in California would lose $57 million this year alone if the Secure Rural Schools Program is not extended.

Last year, California's counties received $69 million to fund their schools and road and forest improvement projects from this program. The loss of these Federal funds would have a devastating impact on California's rural counties, resulting in school closures, teacher layoffs, and some schools could even face bankruptcy or State takeover. Furthermore, essential road and forest improvement projects would be jeopardized.

For example, Trinity County received almost $8 million in funding, and all school districts in the county could be faced with bankruptcy and would have to eliminate the school curriculum, cut one full-time school nurse—leaving one nurse to cover the entire 4,000-square-mile county—and cut music and arts programs.

Plumas County, which received $7.5 million, would have to lay off teachers—resulting in increased class sizes in grades K through 12—eliminate all school librarians, and close school cafeterias.

Lassen County received $4 million, and over half of the 10 school districts in the county would be faced with budget insolvency—resulting in school libraries being closed, teacher layoffs, the elimination of school-based health services, and the reduction of teacher training and student textbooks.

We simply cannot allow this to happen.

It is critical that we provide immediate and long-term funding to our rural counties that depend on the Secure Rural Schools Program for their livelihood.

This amendment would also fund the Payment in Lieu of Taxes, PILT, Program, providing $1.9 billion over 5 years.

This means California would receive an estimated $11 million or more in additional dollars annually on top of the $21 million the State currently receives from the Payment in Lieu of Taxes Program.

In recognition of the reality that Federal lands pay no local property taxes, PILT compensates counties for the Federal lands within their borders. PILT compensation is especially important for rural counties with heavy concentrations of Federal lands that reduce their available tax base.

I urge my colleagues to support this amendment so we can ensure that our Nation's rural counties continue to receive much needed resources to serve their schools and communities.

Mr. CRAPO. Madam President, I rise today in support of the funding provided in the supplemental appropriations legislation for continuation of the Secure Rural Schools and Community Self-Determination Act, and the 5-year reauthorization of the program through the Wyden amendment. Counties and school districts across this country are poised to cut much needed jobs and services without this continuation. Many of us have heard the urgent calls from constituents. The message has been clear—"Please help us." And, I'm proud to answer that call by supporting this reauthorization.

For example, Idaho's Fremont County is one of the counties across the State and Nation that have been faced with a dire situation. Fremont County is looking at not only eliminating road and bridge services but also students would be impacted by a loss of nursing services for students, playground and safety equipment at elementary schools, library books, and continuing education instructions. Counties across Idaho face similar difficult emergency situations.

Ideally, management of our forested land would generate the revenue necessary to assist with services in cash-strapped communities with large amounts of federally owned land. Unfortunately, that just hasn't been the case for some time. We must continue to work to remove impediments to forest health and productivity. However, in the meantime, Congress must commit the resources necessary to ensure that rural communities across this country do not have to forgo road maintenance, close libraries, and make cuts to children's education. Anything less is unacceptable.

The legislation before us today would respond by fully funding PILT through 2012 reauthorizing Secure Rural Schools through 2011, reauthorizing the valuable Resource Advisory Committees, RACs, and phasing down the payments over time. I urge other Senators to join me in supporting this amendment that fulfills the responsibility to these communities that shoulder the local cost of the public lands we all enjoy.

Thank you for the opportunity to share a few words.

Madam President, I yield the floor.

Mrs. MURRAY. Madam President, I thank the Senator from Oregon for offering this amendment.

Madam President, I ask unanimous consent that Senator SALAZAR be allowed to speak for 3 minutes on the pending amendment, and that Senator MCCAIN, who has been waiting, follow Senator SALAZAR with his comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado is recognized for 3 minutes.

Mr. SALAZAR. Madam President, I thank my good friend, the distinguished Senator from Arizona, and I thank Senator MURRAY and Senator WYDEN as well.

I wish to make two quick points in support of the amendment Senator WYDEN and our colleagues have brought to the Senate floor today.

The reality of the West in America is so much of our lands are owned by the Federal Government. We have about a third of the entire State of Colorado—and it is a big State, but it is about a third of that State—that is owned by the Federal Government. In some of those counties in my State, 95 to 98 percent of the lands is owned by the Federal Government as well. So they have been dependent on payments in lieu of taxes in order for them to be able to pay the expenses of their government.

Unfortunately, what has happened over many years in the past is there has not been the full funding of the Payment in Lieu of Taxes Program. The consequence of that is some of these small rural counties in my State of Colorado have not had the financial wherewithal to be able to move forward with the functioning of their government. I am hopeful the bipartisan coalition Senator WYDEN has put together will help us move forward in the full funding of the bill.

Secondly, I wish to make a quick comment about the Secure Rural Schools and Community Self-Determination Act of 2000. I fully support that part of this legislation. I know the importance of funding for those rural school districts. The rural school district I grew up in would receive about one-half of the funding that is being spent in other school districts in the metropolitan areas. What this funding will do is help equalize the amount of funding we are putting into equal education opportunity for all people, so it doesn't matter whether you come from a wealthy urban area or you come from one of the poorest, most rural, remote areas, there will be that funding assistance so everyone in America has an equal educational opportunity.

Madam President, I yield the floor again, thanking my colleagues and Senator McCAIN for yielding to me first.

Mrs. MURRAY. Madam President, I ask unanimous consent that following the Senator from Arizona, the Senator from Virginia be recognized for 7 minutes.

The PRESIDING OFFICER. Is there objection?

The Chair hears none, and it is so ordered.

The Senator from Arizona.

Mr. McCAIN. Madam President, I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCAIN. Madam President, I rise in support of the amendment which we will be voting on at 5 p.m. that would, according to, I believe, the unanimous consent agreement, strike the language in this bill calling for a withdrawal of American forces from Iraq. These same provisions were rejected by the Senate 2 weeks ago by a 48-to-50 vote. Now here we are debating the same provisions that have the same serious problems. I hope they will be rejected again by the same, if not a larger, margin. Supporters of this provision say they want a date certain for a U.S. withdrawal from Iraq, but what they have offered us is more accurately described as a date certain for surrender—a date certain for surrender—with grave consequences for the future of Iraq, the stability of the Middle East, and the security of Americans at home and abroad. And they offer it just as the situation in Iraq, though still fraught with difficult challenges, is beginning to improve.

The new developments argue for more effort in Iraq rather than the withdrawal advocated by this bill's sponsors. As my colleagues know, I have been critical of the conduct of this war since 2003, and I very much regret that only now, 4 years into the conflict, are we beginning to implement the kind of strategy that was necessary from the start: a traditional counterinsurgency strategy that emphasizes protection of the population, economic development, and political progress, all with troop levels appropriate for the mission.

We are seeing today the emergence of precisely such a strategy. I would emphasize this point: This new plan is not "stay the course." We are not staying the course in Iraq and I would not support the status quo any more than I have over the past 4 years. Nor have we merely deployed a new commander, however capable, and additional forces. America is engaged today in a fundamentally new strategy, a new approach to the war, an approach that is already showing encouraging signs that it might succeed.

Until now, U.S. forces did not attempt to defeat the insurgency and the terrorists, protect the population, and end the violence so political and economic progress could occur. Most American troops spent their days on large forward-operating bases making forays out into hostile territory in which they were subject to ambush. Today, U.S. troops, along with Iraqi forces, are out of the FOBs and living in small outposts. Today, U.S. forces are operating throughout Baghdad, even in Shiite strongholds such as Sadr City, Sunni areas such as Mansoor, and mixed districts such as Rashid. As of March 15, 24 joint security stations were operational, with many more planned. American forces in these stations are visible every day, living among the population, building confidence that we—and not the terrorists—will prevail. Contrary to some predictions, this has not increased U.S. casualties. And, not surprisingly, our presence has resulted in a dramatic increase in actionable intelligence about terrorists.

You might not know it from reading newspapers or watching the evening news, but in Iraq today there are real signs the new strategy is working. I wish to spend a few moments outlining some of this progress, not to paint an overly rosy scenario but, rather, to correct what has become an almost single-minded focus in the Congress on the prospects of defeat. The debate in Congress has an "Alice in Wonderland" quality about it: We are debating efforts to micromanage a conflict based on what the conditions were 3 months ago, not on what the reality is today. Conditions have changed in Iraq. The Baghdad security plan—the "surge"—is working far better than even the most optimistic supporter had predicted. The progress is tangible in many key areas despite the fact only 40 percent of the planned forces are in Iraq.

Allow me to review some specifics.

In Baghdad, the military has reported an increase in real-time, actionable intelligence provided to U.S. and Iraqi forces by a newly confident population. Prime Minister Maliki, who prevented U.S. troops from conducting certain Baghdad operations last year, has given the green light to American incursions throughout the city, including Shiite strongholds. All of the Iraqi army battalions called for under the plan have arrived, many at or above 75 percent of their programmed manning levels. Bomb attacks and murders are down since the surge began. Civilians killed in Baghdad numbered 1,222 in December, 954 in January, and fell to 494 in February. There are reports of Sunni and Shia moving back into neighborhoods from which they had fled constant and horrific violence. Markets that have been subject to horrific car bombings have been turned into pedestrian malls that facilitate commerce and thwart terrorists.

Moqtada al-Sadr has fled, possibly to Iran, and has ordered his followers not to oppose the new Baghdad security plan. The Madhi army, purportedly dedicated to the expulsion of Americans from Iraq, does not today openly challenge either U.S. or Iraqi forces. American troops are engaged in reconstruction efforts in Saudi City, with the cooperation of the local mayor. In the western part of Baghdad, our troops are establishing new outposts in areas—these areas here—that have been conduits for al-Qaida in Iraq penetration into the capital city, and have begun to clear these areas of terrorists and insurgents. The net result of all of this is key Shiite leaders are now claiming the Baghdad security plan was their idea, and are taking credit for the increase in security—a development that would have been unthinkable 3 months ago.

There is progress outside Baghdad as well:

Throughout Anbar Province, Sunni sheikhs have banded together to fight al-Qaida in Iraq, and are pouring recruits into the police forces. Sixteen of twenty-six tribes in that western province are now working against al-Qaida. With numerous senior al-Qaida leaders killed or captured, the younger, less experienced leaders are making mistakes, such as targeting respected sheikhs and murdering children, that have alienated Sunnis and their leaders.

In the town of Ramadi, hundreds of Iraqi police last week conducted a major sweep. In the surrounding areas—all of these surrounding areas—including Haditha and Hit, U.S. and Iraqis are conducting operations against al-Qaida and insurgents while protecting the population.

In Diyala Province U.S. forces expelled al-Qaida forces from one of their major bases in January, seized major weapons caches, disrupted fighter networks, and cleared cities and villages of al-Qaida fighters. A U.S. Stryker battalion has reinforced Diyala and is conducting major operations against AQI forces seeking to reconstitute. At the same time, other U.S. forces in Diyala are acting against rogue Mahdi Army leaders in the province and are holding the Diyala and Tigris Rivers to combat re-infiltration into Baghdad.

On the belt to the south of Baghdad, al-Qaida has come under heavy U.S. pressure in recent weeks, with American forces destroying car bomb factories and uncovering major weapons caches in areas such as Yusufiya, Latifiya, and Salman Pak.

In Mosul, U.S. and Iraqi forces have killed and captured numerous al-Qaida operatives since December.

In Samarra, American and Iraqi troops have captured al-Qaida facilitators and north of the city, Salahuddin Province, American troops have moved off of their forward operating base and into the town of Bayji, an important hub on the road network.

These developments, which have occurred just 1 month into the new strategy and with only a portion of the five additional U.S. brigades having yet deployed, suggest that, at long last, we have a strategy in Iraq that is succeeding. That is not to say that all is going well in Iraq; clearly, it is not. Violence continues, the Mahdi Army recently launched an attack in Basra, and one of Iraq's vice presidents was gravely wounded in a bomb attack. But we all know the negatives; we read about them every day and see them flash across our television screens hourly. The enemy knows how attention-getting car bombs are, and their strategy reflects this understanding.

We must try to stop such events, and push the Iraqi Government to move forward with its reconciliation efforts and meet the benchmarks laid out by the President. What we cannot do, and, for the sake of America's vital national security interests, we must not do, is give up just at the moment we are starting to turn things around in Iraq.

Yet in the face of this new reality, the proponents of the legislation offer one prescription for the future: withdrawal of U.S. forces. Despite the progress, despite the ongoing need for U.S. troops to stabilize Iraq and pave the way for a political solution, despite the moral burdens we have incurred as a result of our decision to topple Saddam Hussein, and, above all, despite the catastrophic consequences for vital U.S. interests that would follow a premature withdrawal from Iraq, the sponsors of this legislation would force precisely that.

To those who believe that the best course is to withdraw, I ask: Can you explain to the American people precisely what you believe to be the consequences of this action? If we follow the timetable included in this bill—to withdraw troops whether or not we are succeeding or failing; regardless of whether the country is secured; irrespective of whether the Iraqis can manage their own affairs alone, or whether the forces of terror and chaos will triumph—if we follow this timetable we risk a catastrophe for American national security interests.

Note that American national security interests are directly at stake. Not just Israeli interests, though Prime Minister Olmert has said that defeat in Iraq could be devastating for his country. Not just for our Arab friends and partners in the region, though they fear the consequences of massive humanitarian displacement, growing Iranian influence, and wider bloodshed. Not just for the Iraqis themselves, for whom genocide is a real prospect should sectarian violence spiral out of control. But for America. Success or failure in Iraq is the transcendent issue for our foreign policy and our national security. People say they want to defeat the terrorists. But if we withdraw from Iraq prematurely, it will be the terrorists' greatest triumph.

Withdrawing before there is a stable and legitimate Iraqi authority would turn Iraq into a failed state, in the heart of the Middle East. We have seen a failed state emerge after U.S. disengagement once before, and it cost us terribly. In pre-9/11 Afghanistan, terrorists found sanctuary to train and plan attacks—including attacks against America—with impunity. If we leave Iraq based on an artificial timetable, al-Qaida will be free to plan, train for and conduct operations from Iraq just as they did from Afghanistan. We cannot make this fatal mistake twice.

If Iraq descends into chaos, the power vacuum there will invite further Iranian interference, at a time when Tehran already feels emboldened. Iraq's neighbors, from Saudi Arabia to Egypt to Turkey, would feel their own security eroding, and may intervene on the side of particular factions. This uncertain swirl of events could spark regional war severely damaging to America's fundamental security interests. And we would then face a terrible choice: watch the region burn, watch the terrorists establish new bases, with profound implications for the safety of Americans and their economic well-being, or send troops back into Iraq once again.

The proponents of withdrawal state that they envision no such catastrophe; they are not advocating a precipitous withdrawal but something more gradual, and they would leave American troops in place to focus on three limited objectives: protecting coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counter-terrorism operations. But if these three missions sound familiar, that's because they formed the centerpiece of the strategy that was failing up until the beginning of this year. They would forbid counterinsurgency operations, protection of the population, and the other elements of our new strategy that are directly responsible for the successes we have seen this year. This legislation is a plan for failure. But neither failure nor success is the objective of its sponsors. They wish to get out of Iraq, whatever the consequences for America. They conceive no failure as worse than remaining in Iraq and no success worthy of additional sacrifice. They are wrong, terribly, terribly wrong.

These provisions draw a false distinction between terrorism and sectarian violence. Let us think about the implications of ordering American soldiers to target "terrorists," but not those who foment sectarian violence. Was the attack on the Golden Mosque in Samarra a terrorist operation or the expression of sectarian violence? When the Mahdi Army attacks government police stations, are they acting as terrorists or as a militia? When AQI attacks a Shia village along the Diyala River, is that terrorism or sectarian violence? What about when an American soldier comes across some unknown assailant burying an IED in the road? The obvious answer is that such acts very often constitute terrorism in Iraq and sectarian violence in Iraq. The two are deeply intertwined. To try and make an artificial distinction between terrorism and sectarian violence is to fundamentally misunderstand al-Qaida's strategy which is to incite sectarian violence. To say that targeting terrorist violence is allowable while stopping sectarian violence is illegal flies in the face of this reality, and would make it impossible to fight this war against terrorism, let alone prevail in it.

Some Senators have taken a different tack, arguing that Iraq is still winnable but that, by withdrawing troops, we will actually maximize the chances of success. They concede that a withdrawal will encourage insurgents and terrorists to unleash greater violence on the Iraqi people, but believe that such violence might induce Iraqi politicians to make the political decisions necessary to end it. Could this possibly be true? Can we, by withdrawing our troops from Iraq, actually increase the stability in Iraq rather than risk catastrophe, and induce a political solution rather than make it less possible? Is success in Iraq as simple as issuing redeployment orders, a move blocked only by stubborn commanders and civilian authorities?

GEN David Petraeus, for one, believes that it is not. Of course the dire situation in Iraq demands a political solution. That is undeniably true. But a political solution among the Iraqis cannot be simply conjured. It is impossible for meaningful political and economic activity to take place in an environment as riddled with violence as Baghdad has been. Security is the precondition for political and economic progress, and without security, we will not see the political progress all of us agree is necessary. In this regard, there are positive indications. Prime Minister Maliki went to Ramadi to reach out to Sunnis, and the Iraqi Government is pushing through a new de-Baathification law. The oil revenue sharing law has been approved by the Council of Ministers and should be approved by parliament soon. Reports indicate that Iraqi officials are in discussions with a number of non-AQI Sunni insurgent groups, while fighting has broken out between AQI and Sunni insurgents.

Reconciliation is not the inevitable outcome of the new strategy. On the contrary, there is no guarantee of success. What the situation demands is not a guarantee, but rather a strategy designed to give us the best possible chance for success. This, I believe, is what the new plan represents.

The provisions our amendment would strike would force redeployments of U.S. forces within 120 days, and nearly all troops would have to leave Iraq by March 31, 2008. This does not incentivize the Government of Iraq to make tough decisions on reconciliation; it sets the stage for the Government's collapse. This arbitrary deadline informs our enemies when they need no longer fear American military power. It signals to the population that their best bet for security really does rest in the hands of militias, rather than the Government. It demonstrates to the Government that they cannot rely on us—after all, we are pulling out regardless of the situation or the consequences. And it tells the terrorists that they—not we—will prevail.

All of us want to bring our troops home, and to do so as soon as possible. None of us, no matter how we voted on the resolution authorizing this war, believes the situation that existed until recently is sustainable. But there is a new situation, a new reality in Iraq. This amendment ignores that reality and ignores the consequences that would flow from its adoption. When Congress authorized this war, we committed America to a mission that entails the greatest sacrifice a country can make, one that falls disproportionately on those Americans who love their country so much that they volunteer to risk their lives to accomplish that mission. When we authorized this war, we accepted the responsibility to make sure they could prevail. When we voted to send them into battle we asked them to use every ounce of their courage and fortitude on behalf of us.

This body unanimously confirmed General Petraeus. Why would we now deprive him of the opportunity to pursue the strategy he helped design and believes can work? Why would we hand our enemies a victory when we have finally taken the initiative and they are on the defensive? Let us give him and the soldiers he has the honor to command, Americans who are risking everything so that this new plan can succeed, the time necessary to achieve its objectives.

And let us elected officials who have the honor of overseeing the conduct of our soldiers' mission in Iraq exercise a lesser magnitude of courage—our political courage on behalf of them and the country they serve. If any Senator believes that our troops' sacrifice is truly in vain, the dictates of conscience demand that he or she act to prevent it. Those who would cut off all funding for this war, though I disagree deeply with their position, and dread its consequences, have the courage of their convictions, and I respect them for it.

If, on the other hand, you believe, as I do, that an increase of U.S. troops in Iraq, carrying out a counterinsurgency mission, provides the best chance for success in Iraq, then you should give your support to this new strategy. It may not be popular nor politically expedient, but we are always at our best when we put aside the small politics of the day in the interest of our Nation and the values upon which they rest.

Those are the only responsible, the only honorable choices before us. There are no others. I wish there were. But here we are, confronting a political, military and moral dilemma of immense importance, with the country's most vital security interests and the lives of the best Americans among us at stake. May God grant us the wisdom and humility to make this difficult judgment in our country's best interests only, and the courage to accept our responsibility for the consequences that will ensue.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, under the previous unanimous consent agreement, at 3:45 we will return to the Cochran amendment. I ask unanimous consent that the Senator from Virginia, Mr. WEBB, proceed for up to 8 minutes and that the time remaining until 3:45 be allocated to the Senator from South Carolina, Mr. GRAHAM.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 692

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Madam President, I ask unanimous consent to call up my amendment No. 692.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Virginia [Mr. WEBB] proposed an amendment numbered 692.

The amendment is as follows:

(Purpose: To prohibit the use of funds for military operations in Iran)

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN IRAN.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities within or above the territory of Iran, or within the territorial waters of Iran, except pursuant to a specific authorization of Congress enacted in a statute enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply with respect to military operations or activities as follows:

(1) Military operations or activities to directly repel an attack launched from within the territory of Iran.

(2) Military operations or activities to directly thwart an imminent attack to be launched from within the territory of Iran.

(3) Military operations or activities in hot pursuit of forces engaged outside the territory of Iran who thereafter enter into Iran.

(4) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) REPORT.—Not later than 24 hours after determining to utilize funds referred to in subsection (a) for purposes of a military operation described in subsection (b), the President shall submit to the appropriate committees of Congress a report on the determination, including a justification for the determination.

Mr. WEBB. Madam President, I have been on the Senate floor on a number of occasions to discuss the amendment which I am introducing today. I introduced it on March 5 as S. 759, which is a bill to prohibit the use of funds for military operations in Iran without the consent of the Congress. I am offering this legislation today as an amendment to the fiscal 2007 emergency supplemental appropriations bill, with the support of the chairman of the Appropriations Committee.

This bill has received a good bit of discussion and also a good bit of correspondence from various citizens groups that have gone to Members' offices. I will not take a great deal of time in terms of going through a lot of the debate about it. I would like to say at the outset that I have taken great care in the preparation of this amendment to ensure that it will not in any way prevent our military forces from carrying out their tactical responsibilities in places such as Iraq and in other areas that are on the coastlines and border lines of Iran. But I would like to emphasis that, in my view, this amendment is essential to revitalizing the constitutional health of our governmental process.

The purpose of this legislation is to restore a proper balance between the executive and legislative branches when it comes to the commencement of war. Any general attack on Iran would be, beyond cavil, a commencement of a new war in a region that is already enduring two costly and debilitating wars. If this action is to be taken, it should be done only with the full and considered consent of the Congress.

At the same time, the legislation allows American forces to directly respond to attacks or possible attacks which might be initiated from Iran, as well as those which might be begun elsewhere and then carry over into Iranian territory.

Specifically, the amendment requires that the President seek congressional authorization prior to commencing any broad military action in Iran, and it allows the following exceptions: first, military operations or activities that would directly repel an attack launched from within the territory of Iran; second, those activities that would directly thwart an imminent attack that would be launched from Iran; third, military operations or activities that would be in hot pursuit of forces engaged outside the territory of Iran who thereafter would enter Iran; and finally, those intelligence-collection activities that have been properly noticed to the appropriate committees of Congress.

The major function of the amendment again is to restore the constitutional balance. No administration should have the power to commence unproved military activities against Iran or any other nation without the approval of the Congress, but the issue of the day is Iran.

I am offering this amendment partly due to my concern over President Bush's signing statement which accompanied the 2002 congressional resolution authorizing the use of force in Iraq. That amendment, if you read it carefully, indicates that this administration believes it possesses the broadest imaginable authority to commence military action without the consent of the Congress. It should not be left unanswered by this body.

This amendment will not take any military operations off the table, any options off the table. It will not tie the hands of this administration if our military forces are actually attacked from Iranian soil or territorial waters or by forces that retreat into Iranian territory.

This is responsible legislation. I urge my colleagues to support it.

I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I understand I have 7 minutes; is that correct?

The PRESIDING OFFICER. The Senator has until 3:45—9 minutes.

Mr. GRAHAM. I was going to yield to Senator COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Madam President, I ask unanimous consent to call up amendments and set them aside. That way, they can be considered as called up. Senator GRAHAM has graciously allowed me some of his time to do that. The amendment Nos. are 648, 649, 656, 657, 715, 717, and 718.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. If the Senator would hold and let us take a quick look at that. Perhaps Senator GRAHAM could go ahead and use his time. We will talk, and then when Senator GRAHAM is done, before we begin the debate on the Cochran amendment, we can work with the Senator on an agreement on those amendments.

I object at this time, and I will work with the Senator to work out those amendments.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, I would like to associate myself with the comments of Senator McCAIN about what is going on on the ground in Iraq. I thought he did an excellent job of explaining that this new strategy is just what it is described as being—new. We are not sending more people to do the same old thing. It is a fundamentally different approach to how we handle the situation in Iraq.

The situation in Iraq is the result of not having enough forces on the ground in the early parts of the war. The security environment in Iraq got out of control. The terrorists seized an opportunity to divide the Iraqis by bombing the Samarra mosque, the third most holy site in the Shia region in Samarra. Ever since then, we have been in a conflict between Shias and Sunnis in Baghdad.

Anbar has always been about Sunni insurgents trying to topple this infant democracy, and it has been the place where al-Qaida has been hiding.

The progress is that the Sunni insurgency—the tribal chiefs are beginning to understand that their lives are better with the unified Iraq; that if they can share in the oil revenues of the country, future Sunni generations will be benefited. I think Shias are beginning to understand that to reject Al-Sadr—his view of Iraq becoming a Shia theocracy is not going to be accepted by people in the neighborhood and other folks living in Iraq. So I think every group is beginning to understand that through political reconciliation, they have a better, brighter future. The way to get political reconciliation is to control the violence. That is why we need more troops, more troops to hold areas previously cleared, to buy time for political reconciliation and economic progress, and the early indications are that it is working.

Now, what is not working. The Congress is not working. I think the Congress is about to make history in all of the wrong ways. Do we really want to be the first Congress—maybe ever in the history of the country, that I am aware of—that would, by congressional enactment, set a hard date to withdraw from a war in Iraq with which our vital national security interests as Americans are intertwined? What are the consequences of leaving in March or any other date in 2008? What happens when we leave? No one who is offering these amendments has really thought that through.

I do believe that a failed State in Iraq jeopardizes our national security interests for decades, is a loss in the war on terror, is an empowering event for extremists, a death blow to moderation, and that we need to see this through by changing course, and this is exactly what we are doing.

Setting a timeline for withdrawal is saying you have no confidence in General Petraeus to execute the plan we sent him to execute. It is saying we have no confidence in our military to deliver, because the day you set that date, you are going to freeze political reconciliation. People are not going to do deals the same way when they know America is going to leave at a certain date because what happens when America leaves will be thought of in terms of the consequences of a particular deal.

If we leave and Iraq is in chaos, the police and the army are unable to deal with the wolves of terrorism, then they are overwhelmed, the country breaks apart, and the regional consequences and the consequences to the world are monumental, in my opinion.

The first rule of medicine is to do no harm. It should be the first rule of politics. And we have done harm with our Iraqi strategy. We have assumed the best and never planned for the worst.

Whatever mistakes the Bush team has made, and there are many, the Congress is about to make the greatest mistake of all; that is, to tell the enemy what they have to do to get us out of Iraq on their terms, not ours. It is a death blow to moderation. Who in the Mideast will try to come together knowing that the United States cannot be counted on? What effect would it have on the worldwide terrorist networks if they believe, through their acts of violence and barbaric behavior, that America will leave?

We cannot let suicide bombers determine the fate of the 21st century. We cannot let people who will blow up children in a car determine the fate of Iraq. We cannot let that happen. We are bigger than that. We are better than that. I believe passionately, after five visits, with one more to come, that the people in Iraq want more. They are dying for their own freedom. I would leave tomorrow if I thought the Iraqi people were incapable of solving their problems. I do believe the majority of Shias, Sunnis, and Kurds want the same thing that every Member of this body wants for their family—a better life. They have looked into the abyss, and they are making the changes they need to make.

If we restrict funding, if we restrict our military commanders' ability to go after the enemy in all of its forms, we are doing them a disservice. If you set a hard deadline for withdrawal, you have doomed us as a nation to lose in Iraq. What good would it be for one person to be maimed or to die waiting on that day to come? If you pick March 2008, what do you tell a family member of the U.S. military why their loved one died or was harmed, knowing that the date killed our efforts to be successful? This is irresponsible. This does everything wrong that the Congress could do at a time when things could get better.

I cannot promise you success. But I know our last best chance lies with General Petraeus. Our last best chance lies with a reinforcement of a country and a military that needs it. The military needs this money. They deserve this money without strings attached. They deserve a chance to turn Iraq around to make us free.

The House may be satisfied with this vote on the supplemental, and they may think this is a victory for the Democratic leadership in the House. I think this is a shameful chapter in the history of the House. These votes to pass this bill were literally bought. There is money in this bill, the supplemental bill, that has nothing to do with the military, nothing to do with Iraq, and there was money being spent to buy votes to make sure we drive ourselves out of Iraq without consequence and the thought of what happens.

If we do not pass a supplemental soon, Secretary Gates has laid out what happens in April, May, and June to our military. Because of time limitations, I will not go into detail on what happens to the military, but I can tell you with certainty that the military needs this money for ongoing operations, and every month and week that goes by without this money going into the Department of Defense, major decisions have to be made that compromise troop safety, that hurt the quality of life of families, and keep this surge from being successful.

If your goal is to end this war because you think we have lost, choose an honorable path. The honorable path would be to come to this floor, offer an amendment to stop funding now and get out of Iraq as soon as possible. A date certain a year from now, a year and a half from now, whatever date you pick, it ensures we lose, and it ensures that the people who are left there to fight until that day comes get injured and die in vain.

This is the wrong way to run a war. This is the wrong way to fight terrorism.

Three weeks ago, I was at Guantanamo Bay listening to Shaikh Mohammed, the mastermind of 9/11, explaining why he was at war with us. He will be at war with us until his last breath. There are people like him in Iraq measuring us as a nation. Please do not send them the wrong signal. Fund our troops without condition. Stand behind General Petraeus because he deserves our support.

We sent him off to do a mission. Give him the resources to do it, and in time we will figure this out. This is not an open-ended commitment. I know as well as everybody else that we are not going to be in Iraq forever. But we need to be in Iraq on terms that will empower moderates and deflate extremists. I believe the Iraqi political leadership, given the breathing space, will have the ability, with our support, to reconcile their country because it is in their best interests. Literally thousands of Iraqis have died for their own freedom. What more can we ask of someone. Political reconciliation is hard. It took us 13 years to write our Constitution. We were at civil war among ourselves. Democracy is hard, but it is worth fighting for.

AMENDMENT NO. 643

The PRESIDING OFFICER (Mr. TESTER). The Senator from Washington.

Mrs. MURRAY. Mr. President, under the previous consent agreement, for the information of all Senators, we are now going to the debate on the Cochran amendment; is that correct?

The PRESIDING OFFICER. Under the previous order, the time until 5 p.m. is for debate with respect to amendment number 643, with the time equally divided and controlled between the two leaders or their designees.

Mrs. MURRAY. I yield 12 minutes to the Senator from West Virginia, Mr. BYRD.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank the able Senator from Washington.

While I oppose the amendment by the Senator from Mississippi, I thank him for his courtesy in bringing this bill to the floor. In order to facilitate Senate action on this critical supplemental bill, the Senate Appropriations Committee reported a bill by voice vote on Thursday, March 22. Again, I thank the able Senator from Mississippi, Mr. COCHRAN, for his support.

In this 2007 supplemental, the Congress is providing nearly $100 billion to support our military and diplomatic efforts in Iraq and Afghanistan. This brings total appropriations for the wars to nearly $170 billion for this year alone. When Congress approves this supplemental, it will have appropriated $448 billion for the war in Iraq.

As the conflict in Iraq enters its fifth year, more than 3,220 members of the uniformed services have sacrificed their lives, with over 24,000 more wounded, many grievously wounded. The Iraq conflict most certainly has become a civil war. The American people need to know what we are accomplishing by remaining in Iraq. How much longer will Congress continue to blindly write checks for this failed strategy in Iraq? Supporting the troops means doing all we can to remove them from this violent internal sectarian conflict in Iraq.

The American people have made it very clear where they stand on this matter. A large majority of Americans, according to any number of polls, wants the troops home, and the sooner the better. I, for one, am not so stubborn that I will keep marching on toward some intangible success in Iraq, no matter how many may die, no matter how many may be wounded, and no matter how many families are torn apart by grief. A continued U.S. presence is a catalyst for violence in Iraq and in the region. It is time to remove that spark from this volatile situation and pursue a diplomatic track which may lead to a national reconciliation for the people of Iraq.

The language in this bill encourages a decrease in Iraqi reliance on U.S. troops to keep the peace in Iraq and pave the way for the Iraqi people to take steps toward national reconciliation. The language in the bill is not Draconian, nor is it precipitous. It is simply a recognition of the reality of the situation in Iraq. It calls for a gradual redeployment of U.S. troops in conjunction with concerted efforts to train and equip Iraqi security forces while building regional and international support for the Iraqi Government. The language permits continued counterterrorism operations by U.S. forces and allows a limited number of U.S. forces to remain in order to protect U.S. and coalition personnel and infrastructure. That is not a precipitous withdrawal. It is not cutting and running. Rather, it is a commonsense compromise between those who want all the troops home now and those who advocate a continued massive American presence in Iraq.

It is time—yes, time—to change course in Iraq before 3,000 more Americans and thousands more Iraqis are killed.

I urge my colleagues to oppose the amendment to strike section 1315(a) and (b) of the bill.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. COCHRAN. I yield the distinguished Senator from Louisiana 5 minutes.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Mr. VITTER. Mr. President, I rise to encourage all of my colleagues, Democrat and Republican, to support the Cochran amendment as a responsible action. The situation in Iraq is deeply controversial and divisive. As we debate it, everyone here and in the country say they are clearly for supporting our troops in the field and giving them what they need once they are put there to do their mission. That is why just a week or two ago huge numbers of Members of the Senate supported the Gregg resolution, 82 Senators saying clearly: We are going to support the men and women in uniform in the field; likewise, they supported in huge numbers the Murray resolution, 96 Senators, to support the men and women in uniform in the field.

I am afraid the path some are urging us to go down today belies that statement, contradicts that statement, and does not support those men and women in uniform in the field.

We all know the consequences of the Reid language. That language insists that the President pull our troops out of Iraq on a date certain with no regard at all for the conditions on the ground or the progress being made by our troops or the Iraqi Government. It micromanages the war, taking what is in the purview of the Commander in Chief and bringing it to Congress. The Reid language will absolutely draw a veto from the President. What would that do? It would delay for a significant amount of time getting aid, money, help, and equipment to our troops in the field.

We should not go down this path. This language will earn a veto from the President. Indeed, it would earn a veto from any President because it micromanages his responsibilities as Commander in Chief, and that will delay getting resources to folks in the field.

Our military leadership has said in no uncertain terms that they must get this supplemental funding to support the troops in the field by mid-April. This language will push all of that well beyond that deadline, will delay it by 5, 6 weeks or more, and endanger our troops in the field by not getting them the resources and equipment they need. That is not right. That is exactly contrary to what almost all Members of this body have spoken for: supporting our troops in the field.

This supplemental appropriations bill also has important help for the victims of Hurricanes Katrina and Rita on the gulf coast, emergency measures that are supported by the President and the Congress but have not yet been fully funded. Just as we are playing politics potentially with our troops in the field with this veto scenario, we would be playing politics with this language, drawing a veto from the President, with the victims of the worst natural disaster in U.S. history. That is not right. It is politics over people. Worse than that, it is politics over our people in uniform. It is politics over our people who suffered the worst natural disaster in history. We should not go down this path. We should not be so cynical and callous. We should put our people in uniform first and get them the funds and support they need in the field as we promise to do speech after speech after speech.

Words are cheap. Actions, votes lead to consequences. That is what this debate and what these votes are all about—supporting our troops in the field, supporting the victims of the worst natural disaster in U.S. history.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Washington.

Mrs. MURRAY. Mr. President, I yield 10 minutes to the Senator from Nebraska, Mr. HAGEL.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, there will be no victory or defeat for the United States in Iraq. There will not be a military solution to Iraq. Iraq belongs to the 25 million Iraqis who live there. It does not belong to the United States. Iraq is not a prize to be won or lost.

We can help the people of Iraq, as we have been helping them over the last 4 years, with a tremendous amount of our American blood and treasure. We have much invested in Iraq. America has strategic interests in the Middle East. And we will continue to help the people of Iraq, as we will continue to protect our interests and those of our allies in the Middle East.

But the future of Iraq, however, will be determined by the Iraqi people. The future of Iraq will be determined by a political accommodation by the people in Iraq, which will result in a political resolution that will be supported by the Iraqi people, its regional neighbors, and other powers, including the United States.

After 4 years in Iraq, America's policy there should be designed to gradually pull the United States further away from the day-to-day responsibilities, those day-to-day responsibilities of defending Iraq and de facto governance of Iraq, and turning over those responsibilities to the Iraqis, not escalating—not escalating—our military involvement in Iraq.

Today, we are headed in the opposite direction. I will not support sustaining a flawed and failing policy in Iraq.

We are now in our fifth year in an active war in Iraq. Iraq is more dangerous today than at any time in the last 4 years. And—puzzling—the administration says, we are making real progress in Iraq. So if we are making real progress in Iraq, then why are we putting more and more American combat troops into Iraq at the same time our allies are leaving or have already left?

The President's strategy is taking America deeper and deeper into this quagmire, with no exit strategy.

In January, we were told that 21,500 more U.S. troops would be sent to Iraq. This month, we learned that as many as 7,000 more U.S. troops, in addition to the 21,500, would be sent to Iraq. The Congressional Budget Office has estimated that the President's recent decision to escalate our military involvement could require as many as 48,000 additional U.S. troops in Iraq.

In January, the administration said progress on the Iraq war would be measurable by this summer. We have heard that at 6-month intervals for the last 2 years in oversight committee hearings. But now we are being told that additional troops could be required in Iraq well into next year.

This strategy to deepen America's military involvement in Iraq will not bring a resolution in Iraq. It will only continue to undermine America's standing in Iraq and the Middle East, complicating and limiting our diplomatic options, and doing further damage to our military. And we continue to finance and build the most powerful and unaccountable mercenary armies in history, like Blackwater.

We cannot continue down a path that is destroying our military and continuing to place our men and women in uniform in Iraq in the middle of a civil war.

In February, the Chairman of the Joint Chiefs of Staff, General Peter Pace, reported to Congress that there is now—his word—a "significant" risk that our military will not be able to respond to an emerging crisis in another part of the world. Why did he say that? It is because we are overburdened, overstretched. We are breaking our force structure—third and fourth tours.

Recently, the inspector general of the Defense Department issued a report on our National Guard. Our National Guard—our Army National Guard in America is broken. The Chief of Staff of the Army, General Schoomaker, has made similar, recent comments in open testimony before the Senate Armed Services Committee.

It is now time for the Congress to step forward and establish responsible boundaries and conditions for our continued military involvement in Iraq. That is our responsibility. Need I remind our colleagues in this body, the

Congress of the United States is a coequal branch of Government with the President of the United States? We not only have moral obligations but we have constitutional responsibilities.

To hear some of my colleagues say we should dispense with this "frivolous" debate because the President has threatened a veto—what a waste of our time—if you logically follow that through, why do we need a Congress? Why don't we let the President make all the choices, make all the decisions? There are some, I suspect, in this administration who would like that, some in this country would like that. But we tried a monarchy once. It is not suited to America. There are separations of power. Of course there are. But there are three coequal branches of Government.

It is now time for the Congress to step forward, after a disastrous 4 years in Iraq. The language in the Senate supplemental bill does this in a responsible way. The Senate language does not cut off funds. It does not impose a precipitous withdrawal of troops from Iraq. This language establishes a limited U.S. military mission in Iraq: counterterrorism, training Iraqi forces, and protecting U.S. personnel. That is not new. We have heard that from this administration over the last 4 years. This was not dreamed up. This idea that somehow you do not support the troops if you do not continue, in a lemming-like way, to accept whatever this administration's policy is wrong. That is what is wrong, and that is dangerous.

This language establishes a limited U.S. military mission in Iraq that focuses on the things we should be doing, we can be doing. This new and responsible mission would pull our troops out of the middle of Iraq's civil war. Is that wrong? Is there something wrong with that—asking these young men and women to put their lives on the line in the middle of a civil war in Baghdad, kicking down doors, with a bull's eye on their back—to pull them out of that? Is that wrong? Does that somehow display a cavalier attitude toward the support of our troops? I think not. I think just the opposite.

There is a timeline in the Senate language. But it does not establish a binding date for U.S. withdrawal from Iraq. Let's get that clear. It would establish the goal—those are the terms, goal—a goal that U.S. forces not involved in this more limited military mission be redeployed by March 2008. Is there something wrong with that? That means March of 2008 is 5 years we will have been there—5 years. We will have done significant damage to our Marines and our Army and our National Guard by then.

We have misunderstood, misread, misplanned, and mismanaged our honorable intentions in Iraq with an arrogant self-delusion reminiscent of Vietnam. Honorable intentions are not policies or plans or responsible. It may take many years before there is a cohesive political center in Iraq. America's options on this point have always been limited.

I support the President's decision to initiate a new diplomatic strategy and support a regional diplomatic process on the future of Iraq that began on March 10 at the regional security conference in Baghdad. But the President must devote his attention to foster those efforts. As the Baker-Hamilton report made clear, we must develop a regional diplomatic strategy to achieve stability in Iraq.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HAGEL. Mr. President, I ask for 60 seconds to conclude my remarks.

Mrs. MURRAY. Mr. President, I yield the Senator 60 seconds.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. America finds itself in a dangerous and isolated position in the world. We are perceived as a nation at war with Muslims. This debilitating and dangerous perception must be reversed as the world seeks a new center of gravity for this new century. The United States must begin planning for a phased troop withdrawal from Iraq. The cost of combat in Iraq in terms of American lives, dollars, and world standing has been devastating for our country.

The American people are demanding that we develop a bipartisan consensus for an honorable and responsible exit strategy from Iraq. If we fail to build a bipartisan foundation for an exit strategy, America will pay a high price for this blunder—one we will have difficulty recovering from in the years ahead.

Our actions today in the Congress begin this effort.

Mr. President, I thank you and yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. COCHRAN. Mr. President, I am pleased to yield to the distinguished Senator from South Dakota, Mr. THUNE, 10 minutes.

The PRESIDING OFFICER. The Senator from South Dakota.

Mr. THUNE. Mr. President, I thank the Senator from Mississippi for yielding.

I rise in support of his amendment and also note that Friday of last week, March 23, was, in my view, a sad day because it was on that day the House of Representatives voted to usurp the responsibilities of the President of the United States as Commander in Chief of the Armed Forces. Unfortunately, the Democratic majority in the Senate, rather than reject this ill-conceived and dangerous line of thinking, has chosen to endorse it.

I believe the phased redeployment language in the supplemental is wrong. Today, I ask my colleagues to stop and think about the long-term effects the redeployment language is going to have. This language will do more than redeploy troops. It will set a precedent that Congress may interject itself into the military chain of command. This is not a slippery slope, it is a straight drop to the bottom.

War requires one Commander in Chief. Every civilization, from Greece to the British Empire, has understood this basic premise, as did our Founders.

Wars are unpredictable, and they are fluid. Success in any military conflict requires energy, speed, flexibility, and adaptability. I thought the Senate understood this, particularly when we unanimously confirmed General Petraeus to be the commander of forces in Iraq.

What are our commanders in the field supposed to think? What orders are they to comply with? Are they going to conduct the surge or are they going to reorganize their forces to comply with redeploying the troops? Should we expect our commanders to read their operations orders or congressional conference reports to determine their priorities?

This effort, led by the Democratic majority, is simply a bad idea, and I hope my colleagues can see that the short-term gain they seek on this bill will lead to long-term consequences for the military.

The other reason I oppose the redeployment language is it confuses strategic policy with foreign policy. Both have the same goal: victory in Iraq and to bring our troops home. However, that goal is arrived at by very different means.

Our strategic policy is set by the President and by our military commanders. Conversely, our foreign policy is set by their diplomatic counterparts at the State Department. That is why interagency cooperation is important now more than ever. In order for the U.S. Government to effectively employ the elements of the national power, Congress must resist the temptation to intervene and ultimately make matters worse.

Redeploying our troops from Iraq on a published timeline is not going to end the war on terrorism. To me, the redeployment language in this bill is the strategic equivalent of the Maginot line. In World War II, the French built a wall and the Germans went around it. If we publish our deployment timeline, then Shia and Sunni insurgents, al-Qaida in Iraq, and Iranian instigators will all simply wait for us to leave and then begin their efforts to undo all we have worked for over the past 4 to 5 years.

The conflict we are fighting today is unlike any other we have fought. That is why I find the Democratic talking points about how the war in Iraq has lasted longer than this conflict or that conflict to be so disingenuous. They are right on one point: This is not World War II. It is not Vietnam. It is Iraq. It is the war on terror, and our efforts in Iraq cannot be looked at in a vacuum.

Iraq is a front in the war on terror, but it is not the front in the war on terror, because this war has no front. If you want to know where the front is in the war on terror, then get in your car and drive 10 minutes over to the Pentagon. That is a front. Go to New York and look at the gaping holes in the ground. That is a front. Or visit the field in Pennsylvania where a group of brave passengers forced a plane to the ground at the expense of their own lives. That is a front. If any of my colleagues are still wondering where the front is on the war on terror, you are standing on it.

In order to deal with this phenomenon, in almost every sector of U.S. security policy we are trying to push America's enemies further away. Port security is a perfect example. We are putting inspectors in foreign ports to inspect cargo before it comes to the United States, and we are allowing the Coast Guard to inspect ships further out at sea, all for the purpose of putting the enemy farther away from us. Yet in this instance, this bill seems to invite our enemies into the very heart of our country. To me, it simply does not make sense.

Our colleagues on the other side also like to note there were no Iraqis on the planes that attacked us on September 11. Well, there weren't any Afghanis either. In fact, if we follow this line of thinking to its logical conclusion about who was on those planes, then perhaps this Congress should change the 2002 authorization for the use of force and allow the President to attack Saudi Arabia, because the majority of the hijackers were Saudis.

Of course, such a line of thinking is ridiculous because this conflict is not about national identity, it is about ideology. It is about good versus evil, right versus wrong, freedom versus tyranny, and hope versus cynicism.

I will concede this administration has not handled Iraq as well as it could have, but I also believe this debate is more about our national identity or resolve than our involvement in Iraq.

I still believe that America, for all its faults, is a shining city on a hill, that our greatest export should be freedom and our greatest asset being people and ideas: that we are a beacon of hope to those who toil in the darkness of tyranny and oppression. I also believe if we pass this legislation, we are saying to the world the United States is committed to defending freedom only when it is convenient or popular. That is not the America I know. It is not the America my father, a World War II fighter pilot, taught me about or the country we should hope to become.

It is my sincere hope my colleagues will vote to support Senator COCHRAN's amendment to remove the troop withdrawal language from this bill. If we do not, I believe we will be doing more harm than good, despite the intentions to the contrary.

Mr. President, I yield the remainder of my time.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. OBAMA. Mr. President, we gather on another occasion to bring the Iraq war to its fateful end. While this effort may fall short again, we will continue to try to do what is in the national security of our country.

The Iraq war should never have been authorized. I was proud to say so in 2002, but I am even more proud of the plan I have offered that calls for combat to begin redeploying on May 1 with the goal of all combat troops out of Iraq by March 2008.

We also must make sure that we are not as careless getting out of this war as we were getting in, and that is why this withdrawal should be gradual, and keep some U.S. troops in the region to prevent a wider war in the region and go after al-Qaida and other terrorists.

Those who would have us continue this war in perpetuity like to say that this is a matter of resolve on behalf of the American people. But the American people have been extraordinarily resolved. They have seen their sons and daughters killed or wounded on the streets of Fallujah. They have spent hundreds of billions of dollars on this effort—money that could have been devoted to strengthening our homeland security and our competitive standing as a nation.

No, it has not been a failure of resolve that has led us to this chaos, but a failure of strategy—a strategy that has only strengthened Iran's strategic position; increased threats posed by terrorist organizations; reduced U.S. credibility and influence around the world; and placed Israel and other nations friendly to the United States in the region in greater peril.

Iraq has been a failure of strategy and that strategy must change. It is time to bring a responsible end to this conflict because there is no military solution to this war.

Before we send our best off to battle in the future, we must remember what led us to this day and learn from the principles that follow.

We must remember that ideology is not a foreign policy. We must not embark on war based on untested theories, political agendas or wishful thinking that have little basis in fact or reality. We must focus our efforts on the threats we know exist, and we must evaluate those threats with sound intelligence that is never manipulated for political reasons again.

We must remember that the cost of going it alone is immense. It is a choice we sometimes have to make, but one that must be made rarely and always reluctantly.

We must remember that planning for peace is just as critical as planning for war. Iraq was not just a failure of conception, but a failure of execution. So when a conflict does arise that requires our involvement, we must try to understand that country's history, its politics, its ethnic and religious divisions before our troops ever set foot on its soil.

We must understand that setting up ballot boxes does not automatically create a democracy. Real freedom and real stability come from doing the hard work of helping to build a strong police force, and a legitimate government, and ensuring that people have food, and water, and electricity, and basic services. And we must be honest about how much of that we can do ourselves and how much must come from the people themselves.

And finally, we must remember that when we send our service men and women to war, we make sure we have given them the training they need, and the equipment that will keep them safe, and a mission they can accomplish. And when our troops come home, it is our most solemn responsibility to make sure they come home to the services, and the benefits, and the care they deserve.

The cause to defend our country and our interests around the world will never end. It will be one of our country's constant threads through the ages. It is our sacred trust to ensure that those moments, those times of great struggle, are the right ones. And when they are not, we must continue to try and end those conflicts for the sake of our country, our service men and women, and the ideals we hold dear.

For these reasons, I strongly support the provision in the supplemental bill that calls for the withdrawal of American combat troops by March 31, 2008, and I will oppose any efforts to strip that provision from the bill.

Mr. BROWNBACK. Mr. President, we have arrived at a key moment for U.S. policy in Iraq. History recalls Operations Desert Shield and Storm in 1990 and 1991. It recalls the no-fly zones we maintained in the 1990s. It recalls the Iraq Liberation Act of 1998. It recalls our sanctions against Saddam Hussein. And when history records Operation Iraqi Freedom, it will remember whether Congress provided the direction necessary to complete the mission or chose to cut it off prematurely. History win judge today's vote.

The American people await this vote. The Iraqi people await this vote. Al-Qaida awaits this vote. The surge is now underway. I did not support the surge, but I hope it works. The first reports have been encouraging, but the fog of war remains thick. Over the next few months, we will be able to assess whether the surge is working or not. Now is hardly the time to set a date for retreat.

I am not saying we should have an open-ended commitment, but I am saying that our mission over there—and not politics over here—should drive our policy. I know many of my colleagues believe we have nothing to gain by staying. But I believe there is a way forward.

Everyone agrees that a political solution is crucial to success. And it turns out that the political solution Iraqis ought to pursue is the most American of all: Federalism.

Thankfully, in the early days in America, we did not have the kind of factional violence and terrorism we have seen in Iraq. But it certainly included rivalries between the colonies and different visions of the future.

The great solution chosen by the founding fathers was federalism—something embodied by the Senate itself. An Iraq with several federal regions, with Baghdad as a federal capital represents the best chance for Iraq to achieve stability.

If the surge works, federalism can provide the framework necessary to stabilize Iraq over the long term. If the surge fails, and Iraq's sectarian violence deepens, a federal Iraq will be the only choice available to separate the warring factions while keeping Iraq from breaking apart—something that we cannot allow to occur in such a vital region.

I believe that instead of giving the terrorists a reason to be hopeful and sending mixed signals to our forces in the field, we should be talking about the possibility of a federal Iraq. The Iraqi Constitution calls for it. The Iraqi Parliament passed a law supporting it. The Kurdish region proves that it can be successful. Yes, a federal Iraq may require the presence of U.S. forces for some period of time. But as we have seen in Bosnia, our deployments in support of a political solution endorsed by all sides can bring lasting peace and a chance for a brighter future.

For this reason, I urge my colleagues to vote in favor of the Cochran amendment. We need to stop talking about how to retreat and start talking about winning in Iraq. A conversation about a federal Iraq is the best way for the Senate to contribute to success in Iraq.

Mr. KENNEDY. Mr. President, I oppose the Republican effort to strike the critical section of this bill requiring our troops in Iraq to begin to come home in 120 days and that we finish the job in 2008.

This is a defining moment for our country. The American people are watching, and the world is watching. The issue is clear. Will we stand with our soldiers by ending their misguided mission and beginning to bring them home? Or will we stand with the President and keep our soldiers trapped in Iraq's civil war?

History will judge us. We can either continue down the President's perilous path or insist on a new direction. If we don't change course, we know what lies ahead—more American casualties, more deaths, more destruction, greater loss of respect for America in the wider world, and greater danger to our national security. A new strategy that makes Iraqis less reliant on our military is the best way forward.

More of the same misguided policy will result in more of the same tragedy for our military. We need a realistic strategy, and we need it now. Iraq is the overarching issue of our time. Our national security itself is at stake.

In this debate, we hear echoes of the past: We are accused of cutting and running. We are accused of giving comfort to the enemy. We are told we need to be patient and to accept the importance of staying the course. We are told we have to give the latest escalation a chance to succeed.

Listen to this comment from a high-ranking American official:

> It became clear that if we were prepared to stay the course, we could help to lay the cornerstone for a diverse and independent Asia . . . If we faltered, the forces of chaos would scent victory and decades of strife and aggression would stretch endlessly before us. The choice was clear. We would stay the course. And we shall stay the course.

That is not President Bush speaking. It is President Lyndon Johnson 40 years ago, ordering a 100,000 more American soldiers to Vietnam.

Here is another quotation:

> The big problem is to get territory and to keep it. You can get it today and it will be gone next week. That is the problem. You have to have enough people to clear it . . . and enough people to preserve what you have done.

That is not President Bush on the need for more forces in Iraq. It is President Johnson in 1966 as he doubled our military presence in Vietnam.

Here is yet another familiar argument.

> We are not going to tuck our tail and run . . .

Those are not President Bush's words. Those are the words of President Johnson in 1966.

Here is another familiar argument:

> We are being steadfast in Vietnam because we don't want the next generation of Americans to have to fight another war.

That is not President Bush, but it sure sounds like him. It is Vice President Agnew in December 1969.

Here is another familiar argument being used in the Iraq debate by the stay-the-course Republicans that we've heard before:

> We think we can bring peace. We will bring peace. The peace that we will be able to achieve will be due to the fact that Americans, when it really counted, did not buckle, did not run away, but stood fast . . .

That is not President Bush. It is President Nixon in September 1969.

And here is another:

> If, when the chips are down, the world's most powerful nation, the United States of America, acts like a pitiful, helpless giant, the forces of totalitarianism and anarchy will threaten free nations and free institutions throughout the world.

That's not President Bush. Those are the words of President Nixon in April of 1970.

These words from the past resonate painfully in today's debate on Iraq. In Vietnam, the White House grew increasingly obsessed with victory, and increasingly divorced from the will of the people and any rational policy. The Department of Defense kept assuring us that each new escalation in Vietnam would be the last. We were told to be steadfast, to stay the course, and not to retreat. There was no military solution to that war. But we kept trying to find one anyway. In the end, 58,000 Americans died in the search for it.

Echoes of that disaster are all around us today. Iraq is George Bush's Vietnam.

But we have heard all that in the current debate about Iraq as well. We have heard for years that the administration has a plan for success, that progress is just around the corner. But the plans for success keep getting tossed aside for new plans. The administration has benchmarks to measure success, but there are no consequences when the benchmarks are not met. The timelines for progress keep getting extended. We have turned so many corners that we have ended up back where we started—trying to control Baghdad.

It is time to change direction. Mr. President, 3,200 members of our forces have been killed, and more than 24,000 have been wounded. The casualties keep mounting. The violence continues to spiral upward. Our troops are in the impossible position of trying to stabilize a country at war with itself.

The recent National Intelligence Estimate confirms the nightmare scenario unfolding for our troops. Iraq is sliding deeper into the abyss of civil war, and our brave men and women are caught in the middle of it. Prospects for halting the sectarian violence are bleak.

Greater chaos and anarchy are looming ahead. Needless additional U.S. causalities are inevitable.

The facts speak for themselves. According to the United Nations, nearly 35,000 civilians were violently killed in Iraq last year. Most were killed in Baghdad, where "unidentified bodies killed execution-style are found in large numbers daily."

More than 2 million refugees have fled the violence in Iraq, and another 1.8 million have been displaced internally.

Our military should not be caught in the middle of this quagmire. Only a political solution can solve Iraq's problems.

General Casey, in his testimony to the Senate Armed Services Committee in June 2005, called for a political solution. He said:

> If you look back historically at how insurgencies have been defeated, they have been defeated when the insurgents saw their options as better protected in the political process and their prospects for economic advancement can be better protected by the political process than fighting for them. And that's the essential element here.

Last August, General Abizaid spoke about the need for a political solution. He said:

> Our troops are the best equipped, the best trained, the best led in the world. And I am enormously proud of them, and I have the utmost confidence in their ability to handle any mission. Yet, sectarian violence is worse than ever in Baghdad in particular. And I wonder about the validity of a strategy that says that less capable troops that are not as well equipped, trained and led as the best troops in the world can handle the security of this country if the upswing in violence has occurred despite the presence of the best troops in the world. It doesn't give me a lot of confidence in our underlying strategy. And it suggests to me that what we need is a political rather than a military solution.

General Petraeus, the new commander of our forces in Iraq, recently emphasized as well that there is "no military solution" in Iraq. But no one in the administration has been able to clearly articulate a political solution or how it can take hold in the midst of this chaos.

Instead of giving the Iraqis a necessary incentive to get their political house in order by beginning an orderly redeployment of our troops out of Iraq, the President stubbornly insists on sending more and more American troops into Iraq's civil war. Escalation didn't work in Vietnam and it won't work in Iraq either.

Even worse, the administration has not been honest about the number of troops the President plans to send to Iraq for the surge.

On January 10, he announced that he had committed "more than 20,000" additional troops to Iraq. Within a few days, we were told the number was 21,500.

The Congressional Budget Office estimated that it would be far higher as much as 35,000 to 48,000 troops when support troops are included.

On February 6, I asked General Pace and Secretary Gates for the best military estimate as to the actual size of the escalation. Their answer was an additional 10 to 15 percent. General Pace said, "you're going to need no more than another 2,000, 2,500 troops on the ground."

Nine days later, the number more than doubled. General Schoomaker told the Armed Services Committee his estimate was somewhere between 5,000 and 6,000 troops when he included imbedded trainers. Then, on March 6 Deputy Secretary of Defense Gordon England told a House committee "about 4,000, maybe as many as 7,000."

On March 7, at the request of General Petraeus, Secretary Gates authorized an additional 2,200 military police troops.

We still don't have an accurate total for the size of this escalation. The administration refuses to speak with clarity and candor.

Since the current surge began, Shiite militias in Baghdad may be lying low, but violence has increased elsewhere in Iraq.

In Diyala province, in just 3 months, American casualties have exceeded the number for the entire year of 2006.

In January this year, 83 American soldiers were killed, compared to 62 in the same month a year ago.

Eighty more American soldiers were killed in February this year. In the same month last year, we lost 55 soldiers.

In March, we have already lost 76 soldiers, compared to 31 in March 2006.

Continuing our open-ended commitment to stay in Iraq will not bring victory. It will not stop the violence, and it will not protect our national security.

The administration has outlined military, economic, and political benchmarks to measure success. But it has not given any timeline to achieve them, and it has not specified any consequences if the benchmarks are not met.

This same administration supported timelines for every Iraqi election and for drafting the constitution. Yet it remains emphatically opposed to any timeline for the redeployment of our military.

The American people have been patient. But America has now been in Iraq longer than it took us to win World War II. Instead of progress, we continue to see unacceptably high levels of violence, death, and destruction.

We are putting too much strain on our Army, especially the Army National Guard. Our forces are overextended. Many soldiers are now on their third rotation. In the long run, we can't protect our Army if we don't end the war.

Our troops have done their part. They have served with great courage. We are proud of their service, and we are ready to welcome them home.

It is time to change course. It is time to insist that Iraqis step up to the plate and take responsibility for their own future. It is time to begin to redeploy our troops out of Iraq. It is time to put the Iraqis on notice that our military will no longer be a permanent crutch for them to lean on and avoid their responsibility to achieve a political solution. As General Abizaid told the Armed Services Committee last November:

> I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future.

The only practical way to accomplish the change that is long overdue is for American combat troops to begin to come home.

Those of us who opposed the war are used to the administration's attacks when we disagree with their wrongheaded policy. We have come to expect that.

They have questioned our patriotism and called us defeatists.

When we challenged the President's misguided policy, they accused us of having political motives and being partisan. But all of their criticisms have a hollow ring, because the administration has been so consistently wrong about the war in Iraq.

They were wrong about the link between al-Qaida and Saddam Hussein.

They were wrong about Saddam Hussein's possession of weapons of mass destruction. They were wrong about America being greeted as liberators. They were wrong about the insurgency being in its last throes. And they are wrong to deny that Iraq is in a civil war. The American people are far ahead of the administration. For all of us who oppose this misguided war, our goals have always been clear: to protect the lives of our soldiers and to protect our national security.

We have an obligation to stand up for our troops and stand up to our President when he stubbornly refuses to change course in Iraq.

This legislation will do that. It will change the mission of our military away from combat and require the President to begin to redeploy American combat troops out of Iraq in 4 months. The target date for the completion of the redeployment is March 2008, 1 year from now. A limited number of troops would remain in Iraq after that, to train and equip the Iraqi Security Forces, to conduct counterterrorism operations, and to guarantee the safety of our soldiers.

Legislation is clearly necessary to give the Iraqi Government enough incentive to step up to the plate, work out its political differences, and take responsibility for Iraq's future.

Our proposal is consistent with the bipartisan Iraq Study Group's findings. It is also consistent with the wishes of the American people, who want most of our troops home within a year. How much clearer does it have to be before Republicans in Congress and the President finally respond to the voices of the American people? We are meeting our responsibilities by changing the mission of our military. We are not micromanaging the war.

Many of us oppose the war, but all of us support our troops. We don't want to keep sending more and more of them into the middle of a civil war. Under no circumstances do we want them to go to war without proper armor and equipment. Our troops deserve better. Their families and loved ones deserve better.

For the sake of our men and women in uniform in Iraq and the American people, it is time for us to take a stand. We need to adopt a new strategy. We need to make clear to the Iraqi Government that the mission of our troops must change and that we have a clear timeframe for their departure from Iraq.

The Senate will fail our troops unless we vote to change course and begin to bring our soldiers home.

At the end of this debate, the American people will know where each of us stands. On our side of the aisle, we stand with the American people. The voters told us in November to change course and begin to bring our troops home, and that is what we want to do.

We stand with our troops. We and we alone are the ones insisting on a policy worthy of their courage and sacrifice.

We stand for protecting America's national security. The war in Iraq has been a disaster from the start. It has made America more hated in the world. It has made it harder to win the war against terrorism. It has made it harder to work with other nations on every issue.

Peace and progress in Iraq must be earned by Iraqis and their neighbors.

We must no longer send our brave soldiers to an uncertain fate on the streets of Baghdad.

We must begin to bring them home, to the hero's welcome they have surely earned.

Mr. FEINGOLD. Mr. President, I strongly oppose the Cochran amendment, which would strike language in the bill that takes a significant step toward ending our involvement in the war in Iraq.

The language I am referring to won the support of 48 Senators just a few weeks ago. I voted for it then and will vote to retain it today. While it does not go as far or as fast as I would like, it would effectively end the President's misguided policies in Iraq by terminating, within 120 days, the current open-ended military mission in Iraq. At that point, U.S. troops could remain in Iraq for three specified, narrow purposes. The remainder of our troops would be redeployed. This provision is binding and it would bring to an end our current involvement in perhaps the greatest foreign policy mistake in our country's history.

Some of my colleagues continue to argue that Congress should defer to the Commander in Chief when it comes to Iraq, that we should give him the opportunity to change course in Iraq, or that we should allow his escalation plan the chance to succeed. Those arguments ignore our congressional responsibilities. Congress authorized this war and it is in our power to bring it to a close. More importantly, we have not just the power but the responsibility to end a war that is draining vital national security resources in pursuit of a goal that cannot be achieved militarily. The political problems that are driving much of the insurgency and sectarian strife in Iraq are tragic and important. They require the attention of U.S. policymakers. They do not require in fact, they cannot be solved by a massive and indefinite U.S. military presence in Iraq. Our troops continue to perform heroically in Iraq but there is no military solution to Iraq's problems.

Some of my colleagues raise the specter of dire consequences if we redeploy U.S. forces from Iraq. That is precisely why we need a strategic approach to redeployment, one that addresses ongoing instability and other threats with our intelligence, diplomatic, economic and, in a limited manner, military capabilities. Not only is the continuation of this war not going to end sectarian and insurgent violence, it puts off the day when we develop a comprehensive strategy for Iraq that is sustainable and fits squarely within the larger struggle of fighting al-Qaida.

As long as the President's policies continue, our troops will continue to put their lives on the line, our constituents will continue putting billions of their dollars into this war, our military readiness will continue to erode, our Guard and Reserve members will continue to face heavy burdens, and our ability to respond to an array of national security challenges will continue to suffer. From Somalia to Afghanistan to the ongoing fight against al-Qaida, we face threats and challenges that require serious attention and resources. Right now, far too much of both are being spent on a single country. It is this single-minded and self-defeating policy that needs to end, and it is up to Congress to do so.

Time and again, the President has made it clear that nothing not the wishes of the American people, not the advice of military and foreign policy experts, not the concerns of members of both parties will dissuade him from pursuing policies in Iraq that are not working. Faced with a clear mandate from the voters last November, he stalled for time, before announcing not just a continuation but an escalation of his policies. Congress cannot wait for the President to change course we need to change the course ourselves.

The provision that Senator COCHRAN seeks to strike represents a change of course. It requires redeployment of our troops while recognizing that the U.S. has an ongoing role to play in addressing the terrorist threat in Iraq. While Iraq was not a hot-bed of terrorism before the President led us to war in that country, al-Qaida and its allies are trying to use the anger and frustrations unleashed by that war to their advantage. Like Afghanistan and Somalia, Iraq will need to be closely monitored to ensure that it does not become a failed state and breeding ground for terrorism. And we must be prepared to pursue targeted missions to take out terrorists. But maintaining 140,000 U.S. troops in Iraq is not the way to defeat al-Qaida. And military operations of any size will only succeed if they are combined with other measures including diplomatic, economic and intelligence measures as part of a comprehensive strategy for defeating the terrorists who threaten our country. Al-Qaida is not a one-country franchise it is a global threat that requires a global response.

Mr. SPECTER. Mr. President, I have sought recognition to address the amendment offered by Senator COCHRAN. The Senate finds itself in the same position it was in just 2 weeks ago, when it considered an amendment offered by the majority leader, Senator REID. Senate amendment No. 643, offered by the Senior Senator from Mississippi, who is the ranking member on the Appropriations Committee, would strike the language that is essentially that of S. J. Res. 9, which the Senate rejected on March 15, 2007. I draw to the attention of my colleagues my statement in the RECORD of March 15, 2007, at page 53166.

As I stated 2 weeks ago, I would be prepared to cross party lines, as I have done in the past when I thought it warranted, if I agreed with the thrust of the resolution. Seven Senators of the minority joined with the majority in voting for cloture several weeks ago to move ahead with the debate and try to come to a resolution on the Iraqi issue. I was one of the seven. I would not hesitate to do so again if I agreed, but I cannot agree with the language requiring that not later than 120 days after enactment to have phased redeployment of U.S. forces, with the goal of redeploying by March 31, 2008, all U.S. combat forces in Iraq.

The thrust of the language in the bill, however, is to leave Iraq in a year, something that will ensure defeat—as setting a timetable simply enables our opponents to wait us out.

I think beyond that, the idea of having the Congress of the United States micromanage the war is simply not realistic, and perhaps it may even be unlawful. I note in the case of Fleming v. Page, in 1850, the Supreme Court said:

> As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy.

That is a fairly forceful statement that it is not up to the Congress to micromanage a war but that it is up to the Commander in Chief, the President of the United States. That is not to say that the Congress does not have authority in the premises. I continue to seek hearings by the Judiciary Committee on the relative powers, authority of the Congress under the Constitution, with our power of the purse and our power to maintain and direct armies, contrasted with the President's power as Commander in Chief.

I believe, however, it is impractical and of questionable legal authority for us to seek to micromanage the war if the consequences of giving an order to the President would just enable the enemy to wait us out. That is not to say that at sometime in the future it may be necessary, and there may be a considered joint judgment by the Congress, to use the extraordinary power of the purse to implement our constitutional authority to maintain armies to effectuate a withdrawal.

I had one additional thought to the substance of my floor statement of March 15. We may find victory, unexpectedly, as Winston Churchill said in a June 18, 1940 speech, when he was commenting on World War I:

> During the first four years of the last war the Allies experienced nothing but disaster and disappointment. That was our constant fear: one blow after another, terrible losses, frightful dangers. Everything miscarried. And yet at the end of those four years the morale of the Allies was higher than that of the Germans, who had moved from one aggressive triumph to another, and who stood everywhere triumphant invaders of the lands into which they had broken. During that war we repeatedly asked ourselves the question: How are we going to win? And no one was able ever to answer it with much precision, until at the end, quite suddenly, quite unexpectedly, our terrible foe collapsed before us, and we were so glutted with victory that in our folly we threw it away.

Churchill's words suggest that if we maintain our determination we can win although the path to victory, at the moment, is very uncertain.

Furthermore, the President has issued a veto threat should legislation contain the provision Senator COCHRAN's amendment would strike. Such an action would deprive funds vital to U.S. troops and the operations of the Department of Defense.

Mr. LEVIN. Mr. President, I thank the Senator from Washington for her leadership and floor management.

The Cochran amendment would strike the heart of the provision relating to Iraq from this supplemental appropriations bill. The main point of our provision is a requirement that the President commence a reduction of U.S. forces from Iraq not later than 120 days after enactment. Not included in the reduction would be those forces that are essential for force protection, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

This language is essential because nothing else has been successful in convincing the Iraqis that they have to take responsibility for their own country and that they must make the political compromises that are necessary to end the sectarian violence and defeat the insurgency in Iraq. Only when the Iraqis realize the mission of U.S. forces is going to change and that we are going to reduce the number of U.S. forces in Iraq will they realize we cannot save them from themselves, and that they need to act to meet the commitments they made to themselves and to us.

Commitments are only words unless they are fulfilled. Last month, during our debate on Iraq, I put in the RECORD Secretary Rice's letter to me of January 2007 which had an enclosure of the listing of the political commitments and the timelines the Iraqis themselves had established. Virtually none of those commitments has been met, despite the fact most of them were to have been fulfilled last year, and all but one were to have been accomplished prior to this month. They committed themselves to approve a provincial elections law and they set a date for a provincial elections law by October of 2006. They set a date to approve militias and other armed formations by December 2006. They set a date for the constitutional review committee to complete its work by January 2007. They made a commitment to conduct a referendum on constitutional amendments which was to have been accomplished by this month. They violated every single one of those commitments.

We need to retain this language. We need to retain the language that we begin to reduce the number of American forces in Iraq beginning in 4 months because that reduction is the action-forcing mechanism—the sign to the Iraqi leaders we cannot save them from themselves, and their future is in their hands, not our hands.

The most graphic demonstration of the importance of our provision is the fact that even our senior leaders in this administration, while opposing our position, have used the growing support for our position to try to impress upon the Iraqi leaders they have to move promptly to settle their differences and to meet their commitments.

Last month while in Baghdad, Secretary Rice used the restiveness in Washington to emphasize to the Iraqi leaders the growth of American frustration with the absence of a political settlement in Iraq. She said she had "made clear that some of the debate in Washington is indicative of the concerns that the American people have about the prospects for success" if Iraq's leaders do not quickly take the steps needed to ensure longer-term stability.

Ambassador Khalilzad, in a television interview on March 9, said the debate in Congress:

> Sends a message to the Iraqis that the patience of the American people is running out. And—

He said, Ambassador Khalilzad said—

> that is helpful to my diplomacy.

The Iraqi Study Group said:

> The open-ended commitment of American forces does not provide the Iraqi government with the incentive that it needs to take political actions that give Iraq the best chance of quelling sectarian violence. In the absence of such an incentive—

The Iraq Study Group said—

> in the absence of ending the open-ended commitment that has been made to Iraq, the Iraqi government might continue to delay taking those difficult actions.

I think perhaps General Casey said it best:

> The longer U.S. forces continue to bear the main burden of Iraq's security, it lengthens the time that the government of Iraq has to take the hard decisions about reconciliation in dealing with the militias.

General Casey had it right. Let us not sustain the Cochran amendment. Let's keep this critically important action-forcing mechanism in the bill where it will do some good to force those Iraqi leaders to finally recognize their future is in their hands, not ours.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. I yield 10 minutes to the distinguished Senator from Connecticut, Mr. LIEBERMAN.

Mr. LIEBERMAN. Mr. President, today the Senate approaches a decisive turning point in the history of our engagement in Iraq, a moment that will have repercussions not only for the future of that country but for the security of our country as well.

The immediate question before us is direct. Should Congress impose a deadline for the withdrawal of our troops from Iraq? To that question I answer: No, no, no.

We all know the circumstances under which this vote is taking place. The administration is politically weak. The war is politically unpopular. It has never been easier to advocate a withdrawal. But I cannot support it because I believe deeply that it would be wrong. Our cause in Iraq remains just and necessary, and we continue to have the prospect of achieving success there.

If passed, this legislation would order a withdrawal of American troops from Iraq to begin in 120 days, regardless of conditions on the ground, regardless of whether we are succeeding or failing, regardless of the consequences for America's security, regardless of the consequences for our allies in the region, and regardless of the recommendations of the man we unanimously put in charge of our troops there—GEN David Petraeus. In short, this withdrawal would be ordered by this legislation regardless of reality.

This congressionally ordered withdrawal of our troops from Iraq would essentially be giving up on our cause in Iraq just when our prospects are picking up there. It would snatch defeat from the jaws of progress in Iraq today—progress that is critically important to our success in the larger war against terrorism.

What then are the arguments given to justify such an arbitrary order to our troops from this Congress so far away?

First, proponents of withdrawal keep returning to the proposition that American soldiers shouldn't be policing a civil war. Surely my colleagues don't mean to say the U.S. military has never or should never police a civil war. That would certainly come as a surprise to our soldiers who have been keeping the peace in Bosnia and Kosovo over the past decade, dispatched there wisely and strongly under a Democratic President with the support of Democrats in Congress. Clearly, our military has policed civil wars in the past and will do so and must do so in the future. So why do proponents of withdrawal from Iraq keep insisting it shouldn't happen now? The answer has to do with the way some people choose to characterize what is happening in Iraq.

When they suggest our soldiers are stuck in a civil war there, it suggests the conflict has become hopeless, a pit of violence where there are no heroes, only villains, and where our military cannot possibly do any good. Is this the case? I think the facts suggest not. There are more heroes by far than villains in Iraq today and, most of all, there is the overwhelming majority of the Iraqi people who are the innocent victims of violence and want nothing more than to live secure and free lives.

Iraq has a government—a government freely elected by the people; a government where every day Iraqis of every ethnicity and sectarian identity come together. That is not a civil war. The Iraqi Government has faults and weaknesses, to be sure, and we should be using every instrument at our disposal to pressure its leaders to make better choices. But there is a world of difference between the moderates who compose the Iraqi Government and the extremists who seek to murder them.

The image of Iraq as a country in which everyone is complicit in the violence also overlooks something else. It overlooks the innocent victims of that violence who are the majority. The truth is we are confronted in Iraq today with a deliberated, calculated campaign of murder of civilians, often on the basis of religious identity alone, by insurgents and terrorists.

All of us should be able to unite around the proposition, therefore, that we as Americans have a moral responsibility not to pick up and walk away and turn our backs on the slaughter. Like the Serb death squads that tried to ethnically cleanse Kosovo or Hutu extremists in Rwanda, or the jingaweit today in Darfur, the sectarian violence we are witnessing in Iraq is directed at the extermination of human beings on the basis of nothing more than who they are.

It is an awful irony of this debate that many of the same people who consistently and correctly call on the United States to do more to stop the genocide in Darfur now demand we abandon the Iraqis and invite a genocide there.

I know some believe the violence in Iraq is inevitable, the outgrowth of ancient hatreds that exist outside the bounds of normal politics. We heard those arguments before also. We heard them in the 1990s about Yugoslavia and about Rwanda. Surely, from those conflicts, we should know better than that now.

The wanton slaughter of innocent people that our soldiers are trying to stop in Baghdad, and now with some success, is not the inevitable product of ancient hatreds but the consequence of a deliberate, calculated strategy by an identifiable group of perpetrators, first and foremost al-Qaida. We know this because al-Qaida itself has said so. Its leaders have stated openly that they have worked to foment hatred, fear, and violence between Sunnis and Shiites, precisely because al-Qaida knows it represents their best opportunity to overthrow the elected Iraqi Government, to sow the seeds of chaos, to stamp out any hope of Middle Eastern democracy, and, sadly, as this debate shows today, to push the United States of America—the world's superpower, the embodiment of the hopes and dreams of so many for freedom—to the point of retreat from Iraq.

This is also why the notion expressed in the supplemental that we can separate the fight against terrorism from the fight against sectarian violence in Iraq simply defies reality. The fact is, the worst sectarian violence in Iraq is being committed by al-Qaida and other Islamist terrorists.

The biggest cause of the violence in Iraq is not the split between the Sunnis and Shiites but a specific ideology—the ideology of Islamic extremism—that is trying to exploit that divide for its own evil ends.

The success of that ideology is not inevitable. Thanks to General Petraeus, his troops, and the new strategy, sectarian violence is down. Maqtada al-Sadr has disappeared. The Mahdi army is splintering. Displaced Iraqi families are returning to their homes.

Of course, we will not know for some time to what extent the new strategy will succeed, but it is clear that, for the first time in a long time, there is reason for cautious optimism about Iraq. Why would we, at this moment, order a withdrawal of the very troops that are bringing greater security and a cause for optimism?

Mr. President, the record of the past 2 months shows Prime Minister Maliki has allowed and encouraged U.S. forces to sweep into Sadr City. He has worked with General Petraeus to ensure that all of the Iraqi Army units required by the new strategy are available. He has flown to the heart of Al Anbar Province to meet with Sunni leaders. These breakthroughs have happened not in spite of but because of the American commitment to Iraq and because of the presence of General Petraeus and his troops.

I ask my colleagues to consider what it will mean if Congress now orders our troops to pull back from this battle, just at the moment that they are beginning to succeed. Consider the consequences if we knowingly and willingly withdraw our forces and abandon one of the few states in the Middle East to have had free, competitive elections as an alternative to extremism and violence.

I understand the frustration and anger and sheer sense of exhaustion so many feel about Iraq. I am acutely aware of the enormous toll this war has taken. But I ask those determined to order a withdrawal to think carefully about the consequences, and not just geopolitical but moral, for the United States. We cannot redeploy from our moral responsibility in Iraq or in our foreign policy, more generally. It is contrary to our traditions. It is contrary to our values. It is contrary to our interests. Yet that is precisely what this Congress will be calling for if we order our troops to withdraw now. That is precisely what the Congress will be calling for if we order our troops to withdraw from Iraq now, regardless of what is happening on the ground.

I appeal to my colleagues, don't do this. Give General Petraeus and his troops a chance to succeed for us in Iraq. Strike this language from this bill.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The majority has 12½ minutes. The Republicans have 13 minutes.

Mrs. MURRAY. Mr. President, I yield myself 2½ minutes.

We need to change course in Iraq. That is why I support the supplemental bill now before the Senate and oppose the Cochran amendment that is pending. This underlying bill finally sets a new direction for our mission in Iraq. It begins to redeploy our troops, and it helps us refocus our efforts on fighting and winning the war on terror.

Mr. President, our troops have done everything we have asked them to do. Now it is time to start bringing them home. It is time for the Iraqi people and for the Iraqi Government to take responsibility for their own country. We should not be sending more and more Americans into the middle of a civil war. The conflict in Iraq is not going to be solved by military force alone. It is going to require a political solution among Iraqis. So this underlying bill sets benchmarks for the Iraqi

Government on the types of progress that we all agree they ought to be making. They should not be stricken from this by the Cochran amendment.

The President wants to commit more American servicemembers to an open-ended conflict. This bill recognizes that we need a new strategy. We need to do what the Iraqi Study Group and what many generals and what the American people have called for. We need to redeploy our troops. The bill says a redeployment should begin within 120 days, and it sets the goal of having most U.S. forces out of Iraq by next March.

Importantly, this bill helps us take care of those who are injured fighting for our country. It is time we focused our attention on those men and women who have sacrificed so much, who have come home and have endured the hardship we have seen at Walter Reed and other facilities across this country. We need to make sure they get the resources they need, and this bill does that.

I am pleased to support the underlying bill. I oppose the Cochran amendment, and I support this bill because it sets a new direction for our policy in Iraq and it provides important new support for our servicemembers and veterans who are here at home.

I retain the remainder of our time.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I yield 8 minutes to the Senator from Virginia, Mr. WARNER.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my long-term friend, the distinguished Senator from Mississippi. We came to the Senate together some 29 years ago. I commend him for the leadership he has provided throughout his many years and, particularly, on this coming vote, which is most important—not just to the Senate but to the whole Congress and to the people of the United States and to the world. I strongly support the amendment of the Senator from Mississippi, Mr. COCHRAN.

Some many weeks ago, shortly after January 10, when the President announced his new strategy for a surge, I was among those few voices on this side that expressed concern about that initiative. I believed that this Nation had invested so heavily in Iraq, in life, in limb, and an extraordinary amount of money, much of that having been spent on the training of the Iraqi security forces, and that the time had come for those security forces to bear the brunt of the battle. Our group, having drawn up a resolution, endeavored to try to get it debated, but the record shows that opportunity, and the opportunity to vote on it, was not given. But that is history.

At this time, however, I believe the operations of our troops under the new strategy are well underway. We have many men and women of our Armed Forces in harm's way, and we must be very cautious as to the message we send at this time.

Mr. President, I say most respectfully that with this current draft we are trying to strike out the language that, if allowed to stand, would send a sound all over the world. It would be the bugle of retreat; it would be echoed and repeated from every minaret throughout Iraq: The coalition forces have decided to take the first step backward.

We cannot send that message at this time. I will be among those who will constantly challenge any aspect of the policies of this administration which I believe are not in the best interest. I have two amendments that, hopefully, will be considered in the context of the pending bill. One calls for an independent investigation—independent of the Department of Defense and all entities of the Federal Government—of the Iraqi security forces, principally the army and, to some extent, the police, to determine what the status is of those forces today.

What has been the result of the billions of dollars we have expended over 2½ years to train and equip them? Are they now, or in the immediate future, able to carry the burden of this fight to enable the people and the Government of Iraq to have greater security and eventually achieve the goals and the full reins of a democracy?

The other amendment I have calls for a table of benchmarks and a reporting sequence from our administration as to whether the Iraqis are or are not meeting those benchmarks because any option laid down is dependent on the capability of the Iraqi security forces. Early reports in the engagements thus far indicate that, in some measures, they have met the commitments they made to have sent battalions, to have engaged with such limited aggression that has been brought against them in the course of this surge and against the coalition forces. Nevertheless, it is the American forces that are primarily in the lead, primarily in the support role and carrying the greater burden of this battle.

So at this time I do not think it is wise to sound that bugle, that sound of retreat. Think of the consequences if that nation implodes and fractures and the Government and all of the gains that we have gotten thus far are lost. Think of the consequences on, for example, the potential for other energy sources to be developed in that region—energy that is vital to the world, energy that must flow from that region through the Straits of Hormuz that could be jeopardized if there is a convulsion among the border states and the spreading of the anarchy that could simply flow from this most distressed land of uncertainty we call Iraq, this situation that is so fragile at this time.

So I urge my colleagues, with no disrespect to those who put this in the bill, to support the Cochran amendment.

Mr. President, while I have the floor, I simply ask unanimous consent to send a modification to the desk for an amendment filed, No. 698.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Mr. President, I say to the Senator from Virginia, I would have to object at this time. We are happy to work with the Senator during the vote to deal with the modification.

Mr. WARNER. Mr. President, I respect the manager of the bill, and I thank her.

Mrs. MURRAY. How much time remains on both sides?

The PRESIDING OFFICER. The majority controls 10 minutes. The minority controls 6½ minutes. That includes 10 minutes for the leadership.

Mrs. MURRAY. I yield 3 minutes to the Senator from Illinois.

Mr. DURBIN. Mr. President, the amendment which we are going to vote on very shortly in the Senate is a historic amendment. It is an amendment which I think will be followed very carefully not just in the United States but around the world, particularly in Iraq.

Understand what this amendment does. The Cochran amendment removes the language which starts to bring American troops home. The Cochran language, instead, calls on the President to make periodic reports to Congress on the progress in Iraq. With all due respect to those who support that amendment, periodic reports will not bring this war to an end. Periodic messages from the White House will not turn over this war to the Iraqis to defend their own country.

What we have seen in Iraq is the worst foreign policy mistake in our time. We have paid so dearly in our Nation for this mistake. Over 3,200 of our bravest soldiers have given their lives. Over 24,000 have come home injured, some with serious injuries that will haunt them for a lifetime. We have spent $500 billion of our treasure in Iraq that could have been spent in the United States for the betterment of our people. We have given to the Iraqi people more than any other Nation could ask for. We have stood behind them, we have deposed their dictator, we have given them free governance and a chance at a constitution and free elections. Now it is time for us to make it clear to the Iraqis that it is their country, it is their war, and it is their future.

This President recently said we need to continue to send soldiers, more soldiers, into Iraq. Sadly, many of them are being sent to battle without the equipment, the training, the rest they need, and the time at home with their families. We are pushing these brave men and women to the limit. Voting for the Cochran amendment says it is enough that the President sends us every 60 or 90 days a report; that he tells us how things are going; how we are doing. Is that why we are in Congress, to receive reports from the President, to put them on a bookshelf somewhere and hope a staffer has time to read them? I think not.

What we are here to do is speak for the American people who want a new direction in Iraq. They want this Congress to stand up once and for all and say to this President that this policy has to change. American soldiers must start to come home in an orderly manner and the Iraqis have to stand and defend their own country. A vote for the Cochran amendment, sadly, will take away any type of incentive for the Iraqis to do the right thing for their own Nation.

Many have studied this over the last 4 years, a war that has gone on longer than World War II. They have come to the same conclusions—the Iraq Study Group and many others—it is time for the United States to announce a new policy. The Cochran amendment says we will stay with the old policy; we will receive periodic reports from the White House. That is not the answer.

What we need to do is to stand behind our soldiers by bringing them home as quickly as possible.

Mr. COCHRAN. Mr. President, I yield 3 minutes to the distinguished Senator from Texas, Mrs. HUTCHISON.

The PRESIDING OFFICER. Is there objection? That exceeds the Senator's time.

Mr. COCHRAN. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator has 1½ minutes before the 5 minutes.

Mr. COCHRAN. I yield 1½ minutes to the distinguished Senator from Texas.

Mr. McCONNELL. Mr. President, I am going to use about 5 minutes of my leader time after Senator HUTCHISON, and she needs a minimum of 3 minutes. I will ask unanimous consent that Senator HUTCHISON be allowed to have 1½ minutes of my leader time, and I will take about 5 minutes.

Mrs. MURRAY. Mr. President, I will not object if we can add an equal amount of time to the majority side.

Mrs. HUTCHISON. Mr. President, let me ask for 2 minutes. I thought the last time the Chair announced the time it was 6½ minutes after Senator WARNER.

The PRESIDING OFFICER. It is 6½ minutes, but the leader gets 5 of those 6½.

Mrs. HUTCHISON. I understand. I ask unanimous consent that I be allowed 2 minutes, after which the leader will then be allowed his 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mrs. HUTCHISON. I thank the Chair.

Mr. President, let me say that the distinguished deputy leader on the other side said that if the Cochran amendment passes, it will be the same strategy, nothing new, nothing changed.

Nothing could be further from the truth. In fact, the President heard what the people said in the elections of last year. The President has changed the policy. We have confirmed a general to go over there and direct a new strategy, which, by all accounts, is beginning to have some hope of success.

If we do what is in this bill, by not passing the Cochran amendment, it says that the President must commence the phased redeployment of U.S. forces from Iraq not later than 120 days after the date of this act. That puts a bulls-eye on our troops on the ground. It says we are not committed to do what we said we would do, to stand with Iraq to have a stable democracy in their country. It says that we are just going to leave.

We are not stating any benchmarks; we are not stating any success strategies; we are saying 120 days and we are gone. What do you think that does to our troops on the ground? What does it say to our allies? Most importantly, what does it say to the enemy? It says the greatest country in the world is going to be there as long as it is not very hard. But when it gets too tough for America, we will leave and we will walk out.

That should not be the message of the greatest country on Earth, and I hope we will pass the Cochran amendment and do what is right for our country for the long term.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Republican leader.

Mr. McCONNELL. Mr. President, less than 2 weeks ago, a bipartisan majority of Senators put aside disagreements over the war in Iraq and agreed on at least one thing and that one thing was that announcing a surrender date for our troops is certainly not in our national interest.

It is wrong by the troops who have been risking their lives to bring stability and order throughout Baghdad and Iraq. Certainly, they do not want to tell the enemy they intend to run up the white flag 365 days from today. Setting a date for withdrawal is akin to sending a memo to our enemies to rest, refit, and replan until the day we leave. It is a memo to our friends, too, telling them we plan to walk away and leave them on their own, regardless of what we leave behind. We know as well as they do that we can expect the following: a Sunni minority exposed to the whims of the Shia majority, ethnic cleansing, and regional instability the consequences of which are painful to contemplate but easy to predict.

It is wrong by the commanders in the field, who have been sent into battle with a mission to fulfill and who know better than we do how to carry out that mission.

It is wrong by the Iraqis themselves, who have risked their lives and fortunes on the strength of a promise that the United States of America would stand with them and see this struggle through until the end.

We voted against setting a surrender date, despite intense political pressure because common sense tells us that politicians in Washington don't tell the commanders on the battlefield when the fight is won.

Common sense told us something else a few months ago. It told us we had to change course, and that is exactly what we have done. We realized the only way we would win this fight would be to secure the city of Baghdad, the seat of the Iraqi Government, and home to a quarter of its population. We implemented a strategy to do it.

Some have said there is no military, only a political solution to ending the violence in Iraq. But we can't pretend the Iraqis will forge a political solution unless they are secure in their homes and on their streets. That is the key to the Petraeus strategy and to our efforts in Baghdad.

We have been pursuing that new course for the last few months. A Democratic-controlled Senate sent a new commander into the field of battle to carry it out. We have seen early signs of success, enough to believe this new approach was exactly the right thing to do.

Now Congress is being asked to fund it. I agree this is also the right thing to do. We are not about to pull the rug out from under our soldiers in the field just as they begin to carry out the mission we have sent them on. We are going to give them everything they need, and we are not going to slip a deadline now into their security package.

The Constitution gives those who oppose this war a clear and concrete way of expressing their views, and that is to vote against funding it. Attempting to have it both ways—by slipping a withdrawal date into this bill and making the support of our troops contingent on a dangerous and defeatist surrender date—was wrong a week and a half ago and it is wrong now.

It is also dangerous. President Bush has repeatedly said he will veto a bill that includes a surrender date. He said it again this morning. He said this spending bill, in its current form, assumes and enforces the failure of the new strategy even before American commanders are able to implement their plans and he will veto it if it reaches his desk.

I urge my colleagues not to take us down this path, not to delay the delivery of emergency funding to our troops by forcing a Presidential veto. There is no need. Nothing has changed since the majority of us voted against this very same timeline the week before last.

Stripping the withdrawal date will not prevent anyone in this Chamber from expressing his or her views on Iraq. Its only effect would be to delay the delivery of much needed funding and equipment to our soldiers in the field. I strongly urge my colleagues to strike this dangerous provision and support the Cochran amendment.

Mr. President, I yield the floor.

Mr. REID. Mr. President, Senator KENNEDY has 2½ minutes, but he is not here, so I will proceed to wrap up the debate.

My friend, the Republican leader, said nothing has changed since the last vote. That is the whole problem, nothing has changed. Nothing has changed in over 4 years of this bloody war in Iraq. One course. That course has been followed from the very beginning and has never changed.

The choice tonight is very clear. It is as clear as it is important. It is a choice between staying the course in Iraq and changing the course in that faraway land. With their votes, Senators tonight can send a message to the President that it is time to come with us, to help find a new way and end this intractable civil war or Senators can allow this course to continue, allow President Bush to commit more U.S. troops in this open-ended Iraqi civil war.

After more than 4 years, the related deaths of 3,250 of our brave soldiers, and the wounded tens of thousands of these men and women, it is time we should change. This war is not worth the spilling of another drop of American blood. As it stands, this emergency legislation before this body tonight will send a signal to our President that it is time for a new direction, it is time to set benchmarks, it is time to send a signal to the Iraqi Government that they must take responsibility for their own people, and it is time to start redeploying our troops and recommitting ourselves to fighting al-Qaida and other terrorists around the world.

If this amendment passes, sending a message to the President to change course, that is the right way to go. If, however, Senators decide to allow the President to continue along the line he has outlined for more than 4 years, that would be a shame. That is what this amendment is all about, whether this carefully crafted legislation will be stripped from this bill. It would then turn out to be, instead of a bill that demands the President change his policy, that we will have a bill that gives the President a blank check and a green light to continue the failed course we have had in Iraq.

Without this language in the supplemental, the President would be free to keep U.S. troops in Iraq indefinitely, serving an impossible mission of policing an acknowledged civil war. Staying the course in Iraq will not lead to success. There are no military solutions. My friend, the Republican leader, said "some say." "Some say." Well, one person who says the war can't be won militarily is the man we have commanding the troops over there, General Petraeus. He said 20 percent of the war is military, the rest is political and diplomatic and economic. That is the way it is.

The bill, without this amendment, offers a responsible strategy in Iraq, which the American people asked for last November, a strategy that will maximize our chances to succeed in Iraq and enhance our ability to defeat al-Qaida. General after general after general has said that is the right strategy. A group of patriotic Americans devoted a year of their lives to giving the American people and this Congress and the President the advice of their collective wisdom—and it was wisdom—former Secretaries of Defense, Secretaries of State, college professors, former Members of Congress. They came to the conclusion that we have in this amendment. It is in this bill. The Iraq Study Group agrees with what we have in this legislation.

It is time for the Senate to put a stamp of approval on people such as Secretary Jim Baker. He is a man who is a card-carrying Republican. He served as Secretary of State, Chief of Staff for the President of the United States, and he has held other Cabinet positions. He is an example of what that Iraq Study Group was all about. They did it because it was the right thing to do. The reason we are having even minimal contact right now with Iranians is because of Secretary Baker. Secretary Baker said you do not only negotiate with your friends, you have to negotiate with your enemies.

I have come to know very well a person who is part of my security detail. He has traveled with me all over the country—has been to my home in Searchlight. He is now headed for his third tour of duty in Iraq. He has two little children. He is headed for Iraq. He leaves in less than a month. I admire James for his courage and his patriotism, but he should not be going back for a third go-around. He is a National Guardsman.

I understand how some of my colleagues feel. In this Chamber is JOE LIEBERMAN. There is not a Senator for whom I have more respect than JOE LIEBERMAN. I know how passionately he feels on this issue.

JOHN WARNER, seated across from me, is one of my friends. I can say that without any reservation or hesitation. We have served together for many years. I was his subcommittee chairman in the Environment and Public Works Committee. I know how he feels about this issue, how torn he is as to what is the right thing to do, what is not the right thing to do. I acknowledge the feelings of JOHN WARNER and JOE LIEBERMAN, but that does not take away from the way I feel about this issue.

I have said on this floor before and I will say it again, the sparsely populated State of Nevada has lost 39 soldiers in Iraq. The last one, I called his mother less than 2 weeks ago. Raul Bravo is dead. He was 21 years old—a marine on his second tour of duty in Iraq. His mother expressed to me what a tremendous loss this was. He was the only man in her family, she said—she and her three daughters. I admire Raul Bravo for going to Iraq twice. He did what he had to do. But we have had too many Raul Bravos dying over there, unnecessarily, in the middle of a civil war.

I listened to my radio yesterday morning, as I do every morning. Yesterday morning: five dead soldiers the day before.

I say sincerely that we should not spill any more blood there. We should start redeploying these troops, have them work in counterterrorism, force protection, training the Iraqis.

Every one of my colleagues should understand that the Prime Minister of Iraq told the President of the United States to his face the last time they met: Get the American troops out of Baghdad. That is what he told him. This was before the surge that the President came up with. The leader of the country of Iraq told the President of the United States: Get the American troops out of here.

The Iraqi people don't want us there. All the polls show overwhelmingly the people, Iraqi people, don't want us there. The majority of the people think it is OK to kill and injure Americans. Is that what we want to be involved in? I think not.

A lot of people worked very hard on the provision that is subject to being stricken from this bill. This is a good piece of legislation that is in this bill. It is the right thing to do. It is good for America. It is good for our world. And it is good for President Bush.

I yield back Senator KENNEDY's time.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Mississippi.

Mr. WARNER. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

Further, if present and voting, the Senator from Wyoming (Mr. ENZI) would have voted "aye."

The PRESIDING OFFICER (Mr. SALAZAR). Are there any other Senators in the chamber desiring to vote?

The result was announced—yeas 48, nays 50, as follows:

[Rollcall Vote No. 116 Leg.]

YEAS—48

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Pryor
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—50

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NOT VOTING—2

Enzi
Johnson

The amendment (No. 643) was rejected.

Mr. DURBIN. Mr. President, I move to reconsider the vote.

Mr. LEVIN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I am going to shortly suggest the absence of a quorum again. I want to tell everybody, it is going to take us a little while to figure out where we go next. I need to meet with Senator McCONNELL, Senator BYRD, and Senator COCHRAN. This is not an easy proposition. We have cloture in the morning. As we have heard from both sides, this is a very important bill and we have to move as quickly as we can. Well over 100 amendments have been filed on this bill. That is going to throw a monkey wrench into things. Senator McCONNELL has worked in good faith for us to get to the point where we are today. I hope I have done the same. I represented to Senator McCONNELL we could have a vote on the Iraq bill, and we have done that. I represented to Senator McCONNELL we could have a vote on the minimum wage, and we almost have that worked out. I represented to Senator McCONNELL there were certain amendments a couple of his Senators wanted to offer and we were going to work that out, and I think we have done that.

There is something that is wanted on both sides, very important to Senator WYDEN and Senator SMITH, Senator BINGAMAN and Senator BAUCUS, and others. We are at a point where we can resolve that.

Beyond that, it is a legislative mess. Standing here in the well, I have had five Senators come up to me and say they had emergency things they needed done. I asked each of them: Is it in the supplemental? No.

It makes it tough to try to be everything to everybody. We need a little time to see what we can do to work through this. I want to be as fair as we can, but this is an unusual piece of legislation. We have a cloture vote in the morning. The staff will work during the night to find out which of the amendments that have been filed either are germane or appear to be germane or are not.

We will not have a vote in the near future. It will be a little while. I would say it will probably take us at least 15 minutes before we know where we are going. We have Senator COCHRAN, Senator BYRD, who are as experienced as anyone could be on this most important bill. We will do our best to give everyone an idea of where we are headed.

Mr. McCONNELL. Will the majority leader yield for an observation?

Mr. REID. I am happy to yield to the Senator from Kentucky.

Mr. McCONNELL. Mr. President, I think we are close to sorting out a way to go forward, as the majority leader has described. As soon as we finish this colloquy, why don't we get about figuring out how to sort that out.

Mr. REID. I appreciate that very much. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate now return to the Kennedy amendment and that a Grassley second-degree amendment be considered and agreed to; that the Kennedy amendment, as amended, be agreed to and the motion to reconsider be laid upon the table; that on Wednesday, March 28, there be 30 minutes of debate to run concurrently with respect to the Wyden amendment No. 709 and the Burr amendment No. 716, with the time equally divided and controlled between Senators WYDEN and BURR or their designees; that the Burr amendment be modified to be a first-degree amendment; that no amendments be in order to either amendment; that there then be 30 minutes of debate prior to a vote on the motion to invoke cloture on H.R. 1591, with the time equally divided and controlled between the two leaders or their designees; that upon the use of time, without further intervening action or debate, the Senate proceed to a vote in relation to the Wyden amendment, to be followed by a vote in relation to the Burr amendment, and then a vote on the motion to invoke cloture; that there be 2 minutes of debate equally divided prior to each vote; that on Wednesday, it be in order for Senator HAGEL to call up amendment No. 707 and there be 90 minutes of debate under the control of Senator HAGEL; that upon the use or yielding back of that time, the amendment be withdrawn. That would be whether cloture is invoked or not. And it relates to the Hagel amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, we have taken, as you know, a long time to get to this point. There are a number of other Senators who have questions, and we are still in the process of working our way through that.

I further ask unanimous consent that Senator COBURN be recognized to call up six amendments en bloc—Nos. 648, 649, 656, 657, 717, and 718; that once they are reported by number, the amendments be set aside.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Virginia.

AMENDMENT NO. 698, AS MODIFIED

Mr. WARNER. Mr. President, I know there has been a diligent effort on both sides to get the Byrd-Warner amendment cleared. I am hoping to get the final clearance from Senator STEVENS. I know where he is, and I have contacted him. If that could just be held in abeyance for a minute or two, in the meantime, may I modify one of the amendments that is filed at the desk?

I ask unanimous consent to modify amendment No. 698.

The ACTING PRESIDENT pro tempore. Without objection, the amendment is so modified.

The amendment (No. 698), as modified, is as follows:

(Purpose: Relating to Iraq)

At the end of chapter 3 of title I, add the following:

SEC. 1316. IRAQ.

(a) FINDINGS.—Congress makes the following findings:

(1) On the fourth anniversary of Operation Iraqi Freedom, the regime of a brutal dictator has been replaced by a democratically elected government in the Arab world.

(2) United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security".

(3) More than 137,000 United States military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly.

(4) Many United States military personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families.

(5) The United States Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan, and these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our Nation's all volunteer force.

(6) Iraq is experiencing a deteriorating problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims, concentrated primarily in Baghdad.

(7) Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq.

(8) The responsibility for internal security and halting sectarian violence in Iraq must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).

(9) President George W. Bush said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(10) It is essential that the Government of Iraq set out measurable and achievable benchmarks and President George W. Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks".

(11) According to Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were—

(A) reaffirmed by Iraq's Presidency Council on October 6, 2007;

(B) referenced by the Iraq Study Group; and

(C) posted on the website of the President of Iraq.

(12) The Secretary of State indicated on January 30, 2007 that "we expect the Prime Minister will follow through on his pledges to the President that he would take difficult decisions".

(13) The Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have testified about, and, or, provided unclassified material to members of Congress on Iraqi commitments and goals.

(14) Congress acknowledges that the Baghdad Security Plan is in its initially months and while there are signs of progress, there are also signs of difficulty and uncertainty. For these reasons, and others, Congress must have timely reports to evaluate in performance of roles under the Constitution of the United States.

(b) BENCHMARKS.—It is the sense of Congress that—

(1) United States strategy in Iraq, hereafter, should be conditioned on the Government of Iraq meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the commitments of the Government of Iraq to the United States, and to the international community, including—

(A) forming a Constitutional Review Committee and then completing the Constitutional review;

(B) enacting and implementing legislation on de-Bathification;

(C) enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law, provincial council authorities, and a date for provincial elections;

(F) enacting and implementing legislation addressing amnesty;

(G) enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq;

(H) establishing supporting political media, economic, and services committees in support of the Baghdad Security Plan;

(I) providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) providing Iraqi commanders with all authorities to execute the Baghdad Security Plan and to make tactical and operational decisions, in consultation with United States commanders, without political intervention;

(K) ensuring that there Iraqi Security Forces are providing even handed enforcement of the law against all who break it;

(L) ensuring that, according to President George W. Bush, as Prime Minister of Iraq Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation";

(M) establishing all of the planned joint security stations in neighborhoods across Baghdad;

(N) increasing the number of Iraqi security forces units capable of operating independently;

(O) allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; and

(2) the achievement of these benchmarks by the Government of Iraq, or the demonstration by the Government of Iraq of satisfactory progress towards achieving these benchmarks, should be viewed as the condition for continued United States military and economic involvement in Iraq.

(c) REPORTS ON BENCHMARKS.—

(1) IN GENERAL.—The Commander, Multi-National Forces-Iraq, in coordination with the United States Ambassador to Iraq, shall submit a report to the Commander of United States Central Command not later than July 15, 2007, and every 60 days thereafter. The report shall detail the status of each of the specific benchmarks set forth in subsection (b), and conclude whether satisfactory progress has been made toward meeting the overall benchmarks as specified in that subsection, in a timely manner.

(2) ASSESSMENT BY COMMANDER OF CENTRAL COMMAND.—Upon receipt of a report under paragraph (1), the Commander of United States Central Command shall prepare an assessment of the report. The report and the assessment shall be submitted to the Secretary of Defense not later than July 20, 2007, and every 60 days thereafter.

(3) ASSESSMENT BY SECRETARY OF DEFENSE AND SECRETARY OF STATE.—Upon receipt of a report and assessment under paragraph (2), the Secretary of Defense shall, in consultation with the Secretary of State, prepare an independent assessment of the report and submit the report and all assessments, not later than August 1, 2007, and every 60 days thereafter, to—

(A) the Committees on Armed Services, Appropriations, and Foreign Relations and the Select Committee on Intelligence of the Senate; and

(B) the Committees on Armed Services, Appropriations, and Foreign Affairs and the Permanent Select Committee on Intelligence of the House of Representatives.

(4) REPORT BY THE PRESIDENT.—If any report or any of the assessments fail to indicate satisfactory progress in any benchmark, the President shall, within 30 days thereafter, submit to Congress a report on those benchmarks that failed to achieve satisfactory progress. The President's report shall provide an explanation of why satisfactory progress was not achieved and describe revisions to the January 10, 2007 strategy that reflect how satisfactory progress will be attained.

(5) TERMINATION OF SUPERSEDED REPORTING REQUIREMENT.—The reporting requirement in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 (Public Law 109–163; 119 Stat. 3465; 50 U.S.C. 1541 note) is terminated after the reporting period ending May 31, 2007.

(d) REPORTS ON READINESS OF THE ARMED FORCES.—

(1) REPORTS BY SERVICE SECRETARIES.—Commencing 60 days after the date of the enactment of this Act, the Secretaries of the military departments, in coordination with the Chiefs of the Services, shall report to the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives, not later than 30 days before the date of embarkation, on the deployment of any unit of the Armed Forces of the United States, to include the Reserve Forces and National Guard (hereafter known as "the unit"), outside the United States and its territories that is not considered fully mission capable of performing reasonably assigned mission-essential tasks to prescribed standards, under anticipated conditions in the theater of operations, of the supported combatant commander.

(2) ASSESSMENT OF RISK.—Subsequently, the supported combatant commander, in coordination with the Commander of Joint Forces Command, shall assess the risk of the deployment of the unit as significant, high, medium, or low, and specify to the Secretary

of Defense corrective actions to reduce that level of risk from significant, high, or medium to low, not later than 20 days before the embarkation of the unit.

(3) TRANSMITTAL OF ASSESSMENT.—Thereafter, the Secretary of Defense, in coordination with Chairman of the Joint Chiefs of Staff, shall forward the aforementioned risk assessment to the Committees on Armed Services and Appropriations of the Senate and the Committees on Armed Services and Appropriations of the House of Representatives, not later than 10 days before the date of embarkation of the unit, with a statement that—

(A) the risk associated with the deployment of the unit has been mitigated to satisfaction; or

(B) the deployment of the unit has been cancelled, delayed, or determined to be of such significant importance that deployment of the unit is essential and the level of risk of that deployment is vital to the national security of the United States.

Mr. WARNER. Mr. President, I will advise the leadership as soon as I get a message. I thank the distinguished leaders.

AMENDMENT NO. 798 TO AMENDMENT NO. 680

The ACTING PRESIDENT pro tempore. Under the previous order, the clerk will report the Grassley second-degree amendment.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. GRASSLEY, proposes an amendment numbered 798 to amendment No. 680.

(The amendment is printed in today's RECORD under "Text of Amendments.")

The ACTING PRESIDENT pro tempore. Under the previous order, the amendment is agreed to.

The amendment (No. 798) was agreed to.

AMENDMENT NO. 680, AS AMENDED

The ACTING PRESIDENT pro tempore. Under the previous order, the Kennedy amendment No. 680, as amended, is agreed to.

The amendment (No. 680), as amended, was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Oklahoma is recognized under the previous order.

AMENDMENTS NOS. 648, 649, 656, 657, 717, AND 718, EN BLOC

Mr. COBURN. Mr. President, I call up six amendments en bloc: 648, 649, 656, 657, 717, and 718, and I ask that they be set aside after they are reported.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendments (Nos. 648, 649, 656, 657, 717, and 718, en bloc) are as follows:

AMENDMENT NO. 648

(Purpose: To remove $100 million in funding for the Republican and Democrat party conventions in 2008)

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, and the total amount made available in this Act in Title II, Chapter 2, under the heading "State and Local Law Enforcement Assistance" is reduced by $100,000,000.

AMENDMENT NO. 649

(Purpose: To remove a $2 million earmark for the University of Vermont)

At the appropriate place, add the following: Notwithstanding any other provision of this Act, Sec. 3608(b) of this Act shall not take effect.

AMENDMENT NO. 656

(Purpose: To require timely public disclosure of Government reports submitted to Congress, and for other purposes)

At the appropriate place, insert the following:

SEC.   . (a) POSTING OF CERTAIN REPORTS ON INTERNET WEBSITES.—Each report described in subsection (b) shall be posted on the Internet website of the department or agency submitting that report for the public not later than 48 hours after the submission of that report to Congress.

(b) COVERED REPORTS.—The reports described in this subsection are each report (including any review, evaluation, assessment, or analysis) required by a provision of this Act to be submitted by any department or agency to Congress or any committee of the Senate or the House of Representatives.

(c) REDACTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the department or agency under subsection (a), the head of that department or agency may redact any information the release of which to the public would compromise the national security of the United States.

AMENDMENT NO. 657

(Purpose: To provide farm assistance in a fiscally responsible manner)

(The amendment is printed in today's RECORD under "Text of Amendments.")

AMENDMENT NO. 717

At the appropriate place, insert the following:

SEC.   . INAPPLICABILITY OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, titles II, III, and IV of this Act shall not take effect.

AMENDMENT NO. 718

At the appropriate place, insert the following:

SEC.   . INAPPLICABILITY OF CERTAIN PROVISIONS.

Notwithstanding any provision of this Act, titles II (except for chapter 8 and 9 of title II), III, and IV of this Act shall not take effect.

The ACTING PRESIDENT pro tempore. The amendments are pending en bloc.

Mr. LUGAR. Mr. President, I have filed amendment No. 670 to H.R. 1591. This amendment authorizes the Secretary to spend up to $50 million for the establishment and maintenance of a civilian reserve corps to address postconflict situations and other emergencies overseas. The amendment provides the Secretary the flexibility to use a portion of the funding in this act to make an urgent effort to recruit and train more civilians in planning and managing stabilization and reconstruction.

The Senate embraced the creation of such a civilian corps when it unanimously passed S. 3322 last May. The funding in this amendment matches the level provided in the House version of the emergency supplemental.

If enacted, this amendment provides the Secretary with access to immediate funding to recruit and send civilians with the appropriate skills to assist in reconstruction and stabilization in Iraq and Afghanistan, as well as to emerging trouble spots around the world. The United States must have the right structures, personnel, and resources in place when an emergency occurs. A delay in our response of a few weeks, or even days, can mean the difference between success and failure.

Both the State Department and the Defense Department are keenly aware of the importance of this amendment. They understand that, if we cannot work together better as a government in postconflict and other unstable situations, the United States may come to depend even more on our military for tasks and functions far beyond its current role. This amendment builds on the planning that has already taken place to develop a civilian reserve and jumpstarts it so that it can be available as soon as possible.

Mr. President, I would like to have printed in the RECORD at this point a letter from the Secretary of State strongly endorsing the need for the funding contained in this amendment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF STATE,
Washington, DC, March 27, 2007.
Hon. RICHARD G. LUGAR,
U.S. Senate,
Washington, DC.

DEAR SENATOR LUGAR: I am writing to express my strong support for including funding of $50 million in the supplemental appropriations bill to establish a Civilian Reserve Corps. Since our supplemental funding request went forward, we have worked diligently to refine a proposal to jump start the creation of a Civilian Reserve Corps. We are pleased the House of Representatives agrees and has included. $50 million in its supplemental appropriations bill for this purpose. We believe that we are able to justify and to spend wisely these funds in building a reserve capability to complement our internal surge capacity.

We have seen the dangers to U.S. interests that can occur from unstable and ungoverned territories that foster the emergence of terrorist organizations. We must find new and better ways to respond to the urgent demands of post-conflict stabilization and reconstruction. The Civilian Reserve Corps, which the President proposed in his State of the Union address, is one way to do just that. We cannot create stability, reconstruct economies, and foster the growth of institutions with military solutions; for these purposes we must call on American civilians who have the necessary expertise to assist in these vital tasks.

The Civilian Reserve Corps will tap the creativity, the energy, and the idealism of the American people. I look forward to working with the Congress to advance and refine the legislation which will authorize the use of these funds.

Sincerely,

Condoleezza Rice.

Mr. LUGAR. In testimony before the Senate Armed Services Committee on February 6, Secretary of Defense Robert Gates and Chairman of the Joint Chiefs Peter Pace talked about the urgent need for civilian expertise in the Iraq stabilization effort. General Pace also called for more civilian resources for the broader worldwide effort, people who can build judicial and rule of law systems, provide engineering expertise, and bring clean water and electricity to people "before a country devolves into a state where the terrorists can find a home."

Passing the amendment will demonstrate that there is a keen understanding in the Senate that we need to move forward now to strengthen our civilian reconstruction capabilities in Iraq and Afghanistan.

I recommend this amendment to my colleagues and urge its adoption.

Mr. BIDEN. Mr. President, once again we are debating additional wartime funding for Iraq. Once again, we are trying to mitigate the damage caused by the President's utterly failed Iraq policy and the failure to properly plan for and manage the aftermath of Saddam Hussein's fall. I have spoken many times about how damaging this lack of planning has been to our efforts in Iraq and to our standing in the world.

For the past 2 months, the spotlight has shone on another administration failure in this war: the shameful conditions our wounded soldiers face as outpatients navigating the military health system when they return from Iraq or Afghanistan. This is another example of gross mismanagement and a strained system. As such, I will offer amendment No. 766 to improve the care that members of the Armed Forces and veterans receive at Walter Reed and other military medical facilities.

The purpose of this amendment is to ensure that some of the reasons for concern at Walter Reed do not occur in the future. As the living conditions for outpatients at Walter Reed Army Medical Center indicate, moving to private contracts for maintenance can cause problems. After a private contract was awarded for maintenance and upkeep of buildings on the campus of Walter Reed Army Medical Center, a maintenance crew of approximately 300 was whittled down to 50 by the time the contract went into effect. Many of the terrible living conditions found in Building 18 were a direct result of delays in building repair and maintenance because of a shortage in manpower. To prevent this situation from occurring again, this amendment calls for public-private competitions of maintenance services at military medical complexes to stop while our country is engaged in military conflicts. It also calls for a Government Accountability Office review of contracting-out decisions for basic maintenance work at military facilities.

Other problems discovered at Walter Reed are directly attributable to shortages resulting from pressures to cut budgets for military medical services. These cuts cannot be tolerated at a time when military medical services are needed to treat servicemembers who have been wounded in Iraq and Afghanistan. As such, this amendment would require medical command budgets to be equal to or exceed the prior year amount while the Nation is involved in a major military conflict or war.

Another issue that the conditions at Walter Reed brought up is whether or not the facility should be closed as the Base Realignment and Closure Commission recommended. The Commission recommended building new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of care and access to care in this region. Military leaders have indicated that the planned closure has limited their ability to attract needed professionals to jobs at Walter Reed and there have been concerns raised whether adequate housing for the families of the wounded has been properly planned. To deal with that, this amendment requires the Department of Defense to submit to Congress within one year a detailed plan that includes an evaluation of the following: the desirability of being able to guarantee professional jobs for 2 years or more following the closure; detailed construction plans for the new facilities and for new family housing; and the costs and benefits of building all of the needed medical treatment, rehabilitation, and housing before a single unit is moved.

Another major problem and source of frustration for injured soldiers is the length of time it takes to receive a disability determination. In order to hasten the disability determination process, we need to ensure that the Department of Defense has information systems capable of communicating with those in the Department of Veterans Affairs. The VA has been a leader in implementing electronic medical record keeping, but we have to improve the capability of the Department of Defense to send electronic medical records to the VA to speed up the disability determination process. Making the disability determination system more efficient can reduce the stress on the soldiers and their families going through the determination process.

Caseworkers are also critical. They schedule appointments and make sure wounded servicemembers get the rehabilitative and follow-up care they need. As more and more soldiers and marines come home wounded, many military caseworkers are overwhelmed. To improve the care given to servicemembers, this amendment requires a minimum ratio of case managers to patients of 1 to 20, that case managers have contact with recovering servicemembers at least once a week, and that case managers be properly trained on the military's disability and discharge systems so they can better assist patients with their paperwork.

Currently, many combat veterans returning from Iraq and Afghanistan have service-related mental health issues like posttraumatic stress disorder, PTSD, and traumatic brain injury, TBI. Many have labeled TBI the "signature injury" of the Iraq and Afghanistan conflicts. It is estimated that as many as 10 percent of those serving or who have served in Iraq and Afghanistan have brain injuries. That would mean about 150,000 of the 1.5 million soldiers who have served in Operation Enduring Freedom or Operation Iraqi Freedom have suffered a brain injury. In many cases, these injuries are not diagnosed because there is not an external wound. Depending on the severity of these injuries, returning soldiers can require immediate treatment or not have symptoms show up until several years later. This amendment calls for every returning soldier to be screened for TBI. While the VA has announced plans to do this, it needs to happen in active-duty military medical facilities too. In addition, the amendment calls for a study on the advisability of treating TBI as a presumptive condition in every service's disability evaluation system, as well as the VA disability evaluation system.

We often hear about the 25,000 soldiers and marines who have been wounded in these wars—but that figure grossly underestimates the demand that the VA health care system faces. Since our country was attacked on September 11, 2001, more than 1.5 million soldiers have been deployed to Afghanistan, Iraq, and other locations. Of these, 630,000 are now veterans and, according to the Department of Defense, more than 205,000 have already received medical treatment through the Department of Veterans Affairs. A recent Harvard study on the long-term costs of treating these new veterans estimates that by 2012 more than 643,000 veterans from Iraq and Afghanistan will be using the VA system, an almost threefold increase of what the system faces now. With a significant backlog of claims currently existing, the system is in desperate need of an upgrade. To address this concern, my amendment directs the Secretary of Veterans Affairs to submit to Congress a plan for the long-term care needs for veterans for the next 50 years.

In addition to this amendment that I offer today, I am happy to have also joined with my colleagues Senators OBAMA and MCCASKILL and offered an amendment based on the Dignity for Wounded Warriors Act. My amendment complements the Obama and McCaskill amendment to improve the care our wounded soldiers receive at Walter Reed Army Medical Center and other military medical facilities. I believe both amendments will make medical care better for our military personnel and veterans. I also commend the Appropriations Committee for already providing approximately $3.1 billion in funding above the President's request for health programs in the Department of Defense and the Department of Veterans Affairs. Providing $1.3 billion for defense health programs and $1.767 billion for veterans' health programs is a great step to fix some of the problems we currently face.

It is our highest obligation to heal the hundreds of thousands of brave men and women who will bear the physical and emotional scars of these wars for the rest of their lives. While President Bush and his administration may have failed to plan adequately to ensure that these soldiers and veterans receive the care that they deserve, we in Congress must act now to improve this situation.

Mr. BAUCUS. Mr. President, I am pleased to join with the senior Senator from Massachusetts, the chairman of the Health, Education, Labor, and Pensions Committee, in support of amendment No. 680. The substance of this amendment is what the Senate passed by a 94-to-3 vote as the minimum wage and small business tax bill on February 1.

This amendment would thus extend to hard-working Americans a long-overdue increase in the minimum wage. It is long past time when Congress should have increased the minimum wage.

Now some worry that an increase in the minimum wage would burden small businesses. Smaller businesses employ a disproportionate share of workers earning the minimum wage.

Representatives of small businesses have therefore argued that any increase in the minimum wage should be accompanied by tax incentives targeted for small businesses in order to lower their costs.

Small business is particularly important in rural States like Montana. Rural communities generally do not have large employers. Rural families rely on small businesses for jobs.

The Finance Committee has jurisdiction over taxes. The committee held a hearing on January 10 entitled "Tax Incentives for Businesses in Response to a Minimum Wage Increase." The committee heard from a variety of witnesses, including labor economists, small business owners, and tax experts.

Following that hearing, the committee held a markup on January 17. The committee reported an original bill called the Small Business and Work Opportunity Act of 2007.

That bill is a revenue-neutral bill containing a number of tax incentives for small businesses and businesses that hire minimum wage workers. The committee favorably reported the bill by unanimous voice vote. And the majority leader included that bill in its entirety in his amendment to the House-passed Fair Minimum Wage Act. That bill passed the Senate on February 1.

Now the chairman of the Health, Education, Labor, and Pensions Committee and I have included that bill in its entirety in our amendment to the House-passed supplemental appropriations bill, the U.S. Troops Readiness, Veterans' Health, and Iraq Accountability Act.

The small business tax provisions included in this amendment will help small businesses to succeed. These provisions will spur investment and thus create jobs. They will provide greater opportunity for workers looking for a job. They all enjoy strong support.

To carry out day-to-day activities, small business owners are often required to invest significant amounts of money in depreciable property, such as machinery. The amendment would help business owners to afford these large purchases for their businesses. To do so, the amendment would extend for another year expensing under section 179 of the Internal Revenue Code.

New equipment and property are necessary to successfully operate a business. But large business purchases generally require depreciation across a number of years, and depreciation requires additional bookkeeping.

Expensing under section 179 allows for an immediate 100-percent deduction of the cost for most personal property purchased for use in a business. In 2007, small business owners may deduct up to $112,000 of equipment expenses.

When small business owners are able to expense equipment, they no longer have to keep depreciation records on that equipment. So extending section 179 expensing would ease small business bookkeeping burdens.

The amendment would also allow small business owners to quickly recover the cost of improvements to their establishments through extension and expansion of the 15-year straight-line depreciation period for leaseholds and restaurant improvements. Without this provision, they would have to depreciate over the course of 39 years.

Allowing retailers and restaurants to use a 15-year straight-line depreciation period would help entrepreneurs who open a business or remodel their property. The entrepreneur's investment could be recovered over a period of time more closely reflecting wear and tear.

The amendment would extend the 15-year recovery period for leasehold and restaurant improvements. The amendment would also broaden the provision to allow retail owners and new restaurants to take advantage of this shortened depreciation period.

The amendment would also help businesses to provide jobs for workers who have experienced barriers to entering the workforce by extending and expanding the work opportunity tax credit or WOTC.

WOTC encourages businesses to hire workers who might not otherwise find work. WOTC has been remarkably successful. By reducing expenditures on public assistance, WOTC is highly cost-effective. The business community is highly supportive of these credits. Industries like retail and restaurants that hire many low-skill workers find it especially useful.

The amendment would extend WOTC for 5 years, and the amendment would expand the credit to make it available to employers who hire veterans disabled after 9/11.

As of July 2006, nearly 20,000 members of our Armed Forces were wounded in action in Operation Iraqi Freedom and Operation Enduring Freedom. Many of these soldiers are now permanently disabled. Many do not know what they are going to do. We need to help these young men and women. A modest tax incentive to help them get back into the workforce is one place to start.

The amendment would simplify the way that small businesses keep records for tax purposes. The cash method of accounting is often the easiest method of accounting. Allowing small business to use the cash method reduces the administrative and tax compliance burden of these businesses.

The amendment would let more businesses take advantage of this method. Businesses with gross receipts up to $10 million would be able to use the cash method.

The amendment helps small businesses by modifying S corporation rules. These modifications reduce the effect of what some call the "sting tax." These modifications improve the viability of community banks.

Senator GRASSLEY, members of the Finance Committee, and I have worked to develop a balanced package, and I believe that we have succeeded.

The language included in the amendment is a responsible package that will ensure the continued growth and success of small businesses.

We have also paid for it. Most of the offsets are proposals that the Senate has supported several times before.

The offsets include a proposal to end future tax benefits for abusive sale in/lease out tax shelters, or SILOs. These deals use foreign tax exempt entities to generate sham tax deductions. Even after Congress shut these deals down in 2004, some taxpayers continue to take excessive, unwarranted depreciation deductions on German sewer systems and the like. The IRS says that it has

1,500 of these deals under audit, involving billions, yes, billions, of dollars.

The offsets include doubling fines, penalties, and interest on taxes owed as a result of using certain abusive offshore financial arrangements to avoid paying taxes. Taxpayers who hide their money from the IRS through offshore credit cards and other shady financial arrangements need to get the message that this Congress is serious about ending these abuses.

The offsets include closing corporate loopholes for companies who reinvented themselves as foreign corporations to avoid paying tax here in America. In March of 2002, Senator GRASSLEY and I made it clear that those who put profits ahead of patriotism did so at their own peril. The amendment would treat those who moved offshore after that date like a U.S. company, and the amendment would make those companies pay U.S. taxes.

The hard-working American taxpayers whom we are trying to help in this amendment should not have to pay more in taxes because some taxpayers are abusing the tax system through tax shelters. They also should not have to bear the burden of civil settlements and punitive damages paid by companies who engage in questionable behavior.

These are sound tax policy changes. Let us finally enact an increase in the minimum wage, and let us also pass this useful package of tax benefits to help America's small businesses. I urge my colleagues to support the amendment.

Mr. LUGAR. Mr. President, along with Senator BOND and Senator COLEMAN, I will offer an amendment that addresses an issue about which there has been much news reporting and hearings in both House and Senate subcommittees; namely, the situation facing Iraqi and Afghani interpreters and translators who are bravely working on the front lines with our soldiers and diplomats. Such work is vital to our efforts in these two conflicts, yet it often makes them and their families targets for insurgents. This past week, Mr. George Packer wrote a lengthy piece in the New Yorker on this that I commend to my colleagues.

My interest in this issue, like many of my colleagues, began last summer when I received e-mails from a first lieutenant in the Indiana National Guard who had recently returned from a tour in Iraq and from a sergeant in the Army who was at the time serving in a combat support hospital, also in Iraq.

Aaron Inkenbrandt wrote:

> During my year in Iraq, I served as a military Transition team member. As such, I lived exclusively with Iraqi forces and acted as a mentor and advisor to them. My team and I did much to build and train these forces under very difficult circumstances. However, we could not have achieved success without our Iraqi interpreters. I believe that our Nation must reciprocate the loyalty proved by these men by offering to them sanctuary in the United States.
>
> Iraqi interpreters are an outstanding group of people. These men not only act as our communicators but also our cultural advisors and our friends. Our interpreters share with us the dangers of combat and the rigors of military life. While interpreters are generally well paid, the risks associated in assisting Coalition forces are extraordinary. Both at work and at home, interpreters fear for their lives. This fear is often so great that they cannot tell even their closest relatives what they do for a living.
>
> The insurgency in Iraq has made clear that they will murder any Iraqi caught assisting Coalition Forces. Interpreters are especially prized by insurgents who often pay high bounties for their killings or capture. Iraqis not associated with the insurgency are also hostile toward interpreters. Many Iraqis believe, though wrongly, that interpreters are snitches or traitors. Such hostility makes life very difficult for Iraqi interpreters."
>
> The withdrawal of Coalition Forces will likely increase rather than decrease the danger posted to interpreters. Without our protection, former interpreters will be left defenseless before their enemies and subject to persecution by their friends. In my opinion, [it] would be immoral and contrary to the precepts of our Constitution to abandon these brave patriots in light of the vast sacrifices that they have made in the cause of freedom. Therefore, I implore you to advocate preferable immigration status to all Iraqi interpreters whose loyalty we reasonably ascertain.

The e-mails, and a cable that our then Ambassador to Baghdad, Zalmay Khalilzad, released regarding the life-threatening conditions our Foreign Service Nationals were facing prompted me to write to the Secretary of State last July about the issue. I encouraged her to develop a policy to address these various situations and suggest legislative language. The United States has experience and tradition in this respect from past wars that provide precedent and guidance.

The amendment I am offering today with Senator BOND and Senator COLEMAN is not a conventional amendment for an emergency supplemental, but because it has a direct impact on the missions in Iraq and Afghanistan, we are hopeful this can be included in the package.

By virtue of a provision crafted by former Congressman John Hostettler of Indiana, the 2006 Defense authorization bill established a program to allow 50 Iraqis and Afghans who have worked for the U.S. military as translators for at least 12 months to come to the United States on a special visa. The program has been underway now for just over a year and has been met with success and approval by all of the agencies who work with it.

Since instatement, 445 applications have been received. 377 have been approved, 10 denied and 58 are pending. Under the current cap of 50 per year, it will take until 2016 to admit those currently in the queued—and their families—for entry to the United States.

In order to help reduce this wait-time, my colleagues and I have crafted an amendment that expands the program to 300 admissions per year and also makes some other technical changes. We change the language to include interpreters as well as translators—as that, is the proper term for those who translate conversation while translators work on documents. We also authorize the U.S. Ambassadors in Iraq and Afghanistan to nominate non-Department of Defense personnel under this program, and we exempt those admitted under this program, and their families from the numerical cap of immigrants who enter in this same, so-called 4th Preference category. Finally, we wish to sunset the program after 3 years.

Mrs. FEINSTEIN. Mr. President, we have before us today a supplemental appropriations bill that will finally start the process of bringing our troops home.

The United States today is in its fifth year in Iraq. The administration offers no apparent road out of Iraq. It offers only an escalation plan that keeps growing, and an open-ended commitment to a civil war.

The Congress of the United States has an obligation to express its voice on this matter and to offer a solution.

The search for a solution has been difficult. We have come to the floor many times this year, and we have struggled to find the right course of action.

I believe that path is before us today.

This legislation would initiate the orderly drawdown of our forces and redefine the mission for a small supporting force that would remain. It sets benchmarks for the administration and for the Iraqi Government.

This legislation calls for actions which this administration has stubbornly resisted, including the prompt phased redeployment of U.S. forces from Iraq. This redeployment would begin within 120 days of the legislation being enacted.

The legislation sets a goal of March 31, 2008, for redeploying major combat forces from Iraq. A smaller force would be allowed to remain, with its mission limited to protecting American and coalition personnel and infrastructure, training and equipping Iraqi forces, and conducting targeted counterterrorism operations.

This supplemental also calls for a vigorous "diplomatic, political, and economic strategy."

This strategy would involve "sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq."

This is the key to ending the violence in Iraq—the recognition that the solution to Iraq lies not in U.S. force but in political accommodation among the Iraqis.

This legislation also sets benchmarks for the Iraqi Government.

These include deploying trained and ready Iraqi security forces in Baghdad; strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention; disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the Iraqi Constitution; enacting and implementing legislation to ensure that Iraq's oil is distributed to all Iraqi citizens in an equitable manner; enacting and implementing legislation that reforms the de-Ba'athification process in Iraq; ensuring a fair process for amending the Iraqi Constitution to protect minority rights; and enacting and implementing rules to protect the rights of minority political parties in the Iraqi Parliament.

Finally, this supplemental requires that the top U.S. commander in Iraq report to Congress on progress by the Iraqi Government in meeting these benchmarks—30 days after this act is enacted and every 90 days thereafter.

Our Nation's present course of action is untenable and unsustainable.

Our very purpose for being in Iraq bears little resemblance to the reasons Congress authorized the use of military force in October 2002. What do we have as we enter the fifth year of this war? A terrible human toll in dead and injured—3,200 Americans killed, more than 24,000 wounded, with estimates of Iraqi civilian deaths that soar well into the six figures and a toll on our Treasury that is unsustainable.

According to the Congressional Research Service, the Iraq war is already the fourth most expensive war in U.S. history, behind World War II, Korea and Vietnam. We are spending roughly $8.4 billion in Iraq a month—more than $2 billion a week. So far we have spent nearly $400 billion in Iraq. Think of the opportunity costs to this Nation. Wars cost money. I understand this. But we cannot continue this level of spending on a distant civil war with no exit strategy. If we keep our combat forces in Iraq for years to come—as this administration seems intent on doing—it will likely become the second costliest war we have ever waged.

Our military cannot continue to bear this heavy burden. This war has eroded our troop readiness, depleted military equipment, and left our fighting forces weary.

Consider these developments:

Army and Marine officers say the rapid pace of deployments into Iraq has put the readiness of their troops into a "death spiral"—with 40 percent of gear worn out and soldiers and marines left fatigued and undertrained. Our Nation owes our fighting forces better than this.

The 3rd Infantry Division, scrambling to meet deployment orders, reportedly has sent injured troops back to Iraq—including ones so badly injured that they could not put on their body armor. We owe our fighting forces better than this.

The Army's medical facilities are understaffed and underfunded—not just at Building 18 at Walter Reed—and its medical staff is overwhelmed. We owe our fighting forces better than this.

Some 1,800 Marine Corps reservists will get letters this week notifying them that they are being involuntarily recalled for a year, thanks to a shortage of volunteers to fill some jobs in Iraq.

This follows news that should make everyone in this Chamber take notice: The 82nd Airborne Division—the storied "All-American" Division—is so strained by this war that it can no longer respond on short notice to a crisis.

For decades, the 82nd Airborne has kept a brigade on round-the-clock alert—ready to respond to a crisis anywhere around the globe within 18 to 72 hours. But The New York Times reported on March 20 that the 82nd Airborne can no longer meet this standard—a standard it has long held with pride.

I believe the supplemental that we have before us today is the solution to the Iraq problem. It provides a vehicle for Congress to express its sense on Iraq and to require the President to take concrete, measurable steps forward. It sets clear deadlines and requires vigorous regional diplomacy. It sends a message to an administration marked by arrogance and declares to the Iraqi Government that their time has come.

Zalmay Khalilzad, the outgoing U.S. Ambassador to Iraq, said as much Monday, March 26, in his farewell news conference.

Mr. Khalilzad was direct: The Iraqi leadership must understand, he said, that time is running out.

Finally, most importantly, this legislation begins the process of bringing our troops home.

We have a choice today. We can vote for a clear-headed Iraq policy or do nothing. We can exercise our constitutional oversight duties or we can be a rubberstamp for a failed Iraq policy.

I urge my colleagues to choose the first path. To choose the other is to abdicate our responsibility.

(At the request of Mr. LOTT, the following statement was ordered to be printed in the RECORD.)

VOTE EXPLANATION

• Mr. ENZI. Mr. President, I would like to state my position on the Cochran amendment No. 643 voted on by the U.S. Senate.

I was unable to vote due to a family emergency but would have voted in favor of the Cochran amendment. I was pleased to be an original cosponsor of the amendment.

I do not support congressional micromanagement of military operations and I do not support the congressionally mandated phased deployment of our troops in Iraq.

Troop redeployment decisions should be made by military leaders and the combat commanders who are on the ground in Iraq. I do not favor a set redeployment date, reporting to our enemies in language "cut in stone."

Congress must provide our troops with the resources they need when they need it. I fully support our Armed Forces personnel in their current military operations in Iraq and Afghanistan.

I want our troops to come home as soon as possible. My goal has always been for American Armed Forces to stand down as the Iraqi forces stand up. The United States cannot abandon the efforts of the people who have sacrificed so much.•

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate now go into morning business, with Senators allowed to speak for 10 minutes on each side.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing no objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that Senator COBURN be recognized for up to 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

HEALTH CARE

Mr. COBURN. Mr. President, I understand that I am to be able to speak as in morning business for up to 1 hour.

The ACTING PRESIDENT pro tempore. We are in morning business, and the Senator is recognized for up to 1 hour.

Mr. COBURN. I thank the Chair.

Mr. President, if you go out in our country and you ask, besides the war, what is on people's minds, the No. 1 topic you will hear about is health care. And what are the questions that you hear? Why can't I choose my own doctor? Why can't I pick my own health insurance plan? Why do my premiums increase every year but my benefits don't increase? Why do I have trouble understanding which benefits my health plan offers? Why does my employer get a tax break from my health care but I don't? Who can make the best health care decisions for my family, us in Washington, the insurance bureaucrats, other people, my employer, or how about me? How about me getting to make a decision about my health care?

There is no question America's health care is broken. It is not that we are getting bad care, it is that we pay a tremendous amount for what we get in our care. The estimates are anywhere from $1 out of every $3 to $1 out of every $4 we spend on health care doesn't go to help anybody get well in this country and doesn't go to help anybody prevent having an illness. That is $2.2 trillion, and it will be over $2.3 trillion this year.

When you see what happens—and these are not my numbers, by the way; these are Price Waterhouse numbers, a breakdown on health care dollars—what you see are some pretty interesting statistics. You see that when we go to spend $1 on health care, 35 percent of it goes to hospitals, 21 percent of it goes to doctors, 15 percent goes to prescription drugs, and 5 percent goes to equipment.

All the rest of that, the medical liability insurance—nobody realizes that is 10 percent. Ten cents out of every dollar we spend goes to medical liability. We are insuring against a problem in health care—10 percent. It costs us 6 percent to process the claims. One-half of all the claims filed against all the insurance companies in this country are denied because the people haven't met their deductible, and yet we keep sending the claims, keep spending the money.

One out of every three people who works in a hospital, one out of every three people who works in a doctor's office doesn't do anything to help anybody get well. Why is that?

It is because of the system we have set up. If you add this 10 percent for liability insurance, 6 percent for processing, 5 percent for marketing, 23 percent for the insurance industry profit—and I doubt seriously it is that low—what you come up with is 24 percent, as a minimum, that doesn't have anything to do with helping anybody get well.

Now, why is that? Why is it we have this system? It is because we have somebody besides the patient choosing what they will get in terms of health care. In Medicaid, it is your State. Oftentimes in Medicaid it is your State paying a very low rate, so now you get to choose from those who will accept the lowest rates. In Medicare, they tell you exactly what the price is. We spend all our time around here trying to change Medicare, because when we push on the balloon one way, something else pops out.

So whether it is the Deficit Reduction Act or some of the other things we have had, what we find is we cannot control this tiger because we have a bureaucratic maze that nobody understands. When we try to use price controls, when we try to limit expenditures, we end up losing control.

So what happens? Who makes your health care decisions? Either CMS, the Center for Medicare Services, in conjunction with your State, either for Medicare or Medicaid, your employer, or an insurance company.

Whatever happened to you making decisions about your health care, about which doctor, about which insurance policy, about which hospital you want to go to? And why is it that if you happen to be Medicaid, you get to choose less than somebody who doesn't happen to be Medicaid? Why is it we are treating in an unequal fashion those who are the poorest among us?

Why shouldn't we have the right to pick what insurance benefits are best for us? Why shouldn't we have the right to choose who is going to be our caregiver, whether it is a doctor, a nurse practitioner, a physician's assistant, a chiropractor, or an optometrist? Why shouldn't we get to choose that, rather than an insurance company or an employer deciding who we can or cannot see?

They also decide the price we are going to pay because we are trying to control all these costs. They are also going to decide which hospital we go to. But how is it that we have a system now where everybody except the patient gets to decide what happens to them in terms of their health care?

We can't afford the health care system we have today. For one thing, 16 percent of our GDP, the highest of any country in the world by 50 percent, is spent on health care. Although we have good health care, we don't have better health care than those countries that are spending less. We are spending 16.2 percent, or $2.3 trillion, per year on health care, so we should be 50 percent better off. We should have a 50-percent better life expectancy, 50 percent less heart disease, and 50 percent less cancer. Of the money we spend on health care, fully three-quarters of that is spent on five diseases.

Think about that: 75 cents out of every dollar that actually gets into health care, which is only 60 to 70 percent of the money we actually pay into health care, 75 cents of that goes for either heart disease, stroke, chronic obstructive pulmonary disease, diabetes, or cancer. Five diseases, most of which are readily preventable—not partially preventable but readily preventable—through increased prevention activities.

This Government this year will spend $20 billion on prevention in 12 different agencies, through 27 different programs, none of which are coordinated to try to maximize the education of the American people to what they need to know about their health care so they can make decisions on prevention. Consequently, we are very ineffective with prevention.

If you look down the road at what is coming in terms of Medicare and Medicaid, what you see is an unfunded liability of over $60 trillion—$60 trillion—we are adding. This isn't about health care now. That $60 trillion that is getting ready to hit our kids and grandkids in terms of Medicaid and Medicare that we have promised for the future, that we have no way to pay for now, one of the great ways of lessening that number is to change what we do on prevention. Prevention is the key.

Grandma was right: An ounce of prevention is worth a pound of cure. As a matter of fact, it is said in 2070 $1 out of every $2 that Medicare spends, at our current rates, will be spent on diabetes—$1 of $2. So when you look at this Medicare number, with the vast majority of the baby boomers who are going to retire and then their generation is going to retire, $1 of every $2 that will be spent by Medicare will be spent on one disease only, which means we only have $1 to spend on all the rest of health care for seniors, plus any attempts at prevention and at early diagnosis or new and modern treatments. We can't continue without a coherent plan on health care.

The other problem that is facing us as a nation is right now we can't compete globally in many areas because of health care costs. When you compare GM and Toyota, there is a four times greater differential for what goes into a car made in this country by one of the Big Three versus what goes into a car made outside of this country by their competitors. So there is no way that we can, in fact, be competitive globally until we handle health care. There is no way we can handle Medicare and Medicaid until we change the health care system.

Myself and RICHARD BURR and several other Members of the Senate will be introducing a bill tomorrow that addresses every problem our health care system faces today, whether it is tort liability, and making sure people get awarded what they need when a mistake is made during the practice of medicine, or whether it is immunizations. The fact is, we have very few States where we have achieved 90-percent immunization.

We are going to address every problem we face, the liability that comes at us in the future through Medicaid and Medicare, the problems we face on liability, the problems on access, the inequality that somebody, because they happen to work at a very low-paying job, gets stamped with something on their forehead that says, you are of less value than somebody who happens to work someplace that has great insurance and a higher paying job.

Our bill changes all of that, and instead of going to the Department of Motor Vehicles to wait in line, we are talking about a health care system where you, the consumer, are No. 1. The government isn't No. 1, the doctor isn't No. 1, the hospital isn't No. 1, the drug company isn't No. 1, but you, the patient, become No. 1. You get to choose what insurance you want, you get to choose what kind of insurance you want, and you get to choose how much you will pay for it. We create a new insurance market where everybody gets to play by an even set of rules.

How do we do that? We do that by giving everybody the same advantage in this country when it comes to health care, and that is a refundable tax credit, $2,000 for every individual, or $5,000 for every family. What that means is, if you are earning about $120,000 a year or less in this country, you will gain in terms of your taxes off of this bill. If you are making $120,000 or less, what is going to happen is you are going to have the option of staying with your employer, if you like what they have, and that tax credit will be available to your employer. But if you decide you want something different, maybe it offers something you don't get covered today or doesn't cover a whole lot of things you think you need, you can take that tax credit and buy that insurance and save the difference in the money for your future health care. The Universal Health Care Choice and Access Act provides $2,000 for every one of the 45 million uninsured tomorrow, every one of them as an individual.

Now, what does that buy? People say: That won't buy much. Well, if you go to Kentucky and you happen to be 35 years of age, you can buy a $2,000 yearly deductible policy for $897 and have $1,300 or $1,100 left over between that and the deductible. If you try to buy that same policy in the Chair's State, it is almost $6,000 for that identical policy. Why? Because government has decided in New Jersey differently than what government has decided in Kentucky. Therefore, the cost of getting this minimal coverage, because of the mandates put on by government—not what a patient wants but by what government says patients should have—makes that unavailable in New Jersey.

How do we fix that? We allow people to buy insurance anywhere they want, just like they buy their auto insurance today; like they buy their homeowner's insurance. They can buy it from any company anywhere in America, as long as they have a registration with a State. We create a primary and a secondary location for that. So if you want to buy something that has a better price, that fits your needs, you have the capability to do that and put the difference into a health savings account, where you can use it for future health care needs, that you can use to apply to any deductible, or if you get enough money in it, you can bring it down to where, if you want to, you can have a zero deductible—if you want—but most people will not want to do that. We allow you to select a health plan that truly meets your family's needs, not what some Government bureaucrat says or some Senator says you must have. It is what you want. We allow individuals to choose what they want in terms of their health care.

What will that do in terms of the market? That is going to create innovation in the health care market all across this country. It is going to cause competition like crazy for the dollars. Once we truly have competition, which is something we do not have in health care today, which we tremendously need, then we are going to see a big change.

The other thing this does is it gives access for affordable health care for a ton of people who do not have it today. They get to choose their health care provider. The patient gets to choose who takes care of them. Not the Government, not their employer, not the Senate, not their State insurance commissioner, but they are going to get to choose who is going to take care of them. It is the right to choose who is going to care for you.

How do we do that for the States? We do not mandate anything for anyone. We do not say anybody has to do anything. But we create a lot of incentives. We tell the States that, if you want to, you can take your Medicaid funds and your disproportionate share funds and anybody who is Medicaid eligible, under the 133 percent of poverty level, you can take their $2,000, plus the Medicaid money, plus the DSH money, and you can help them buy an insurance policy in your State. If you want to stay with Medicaid, you can stay with Medicaid. There is no mandate from the Federal Government other than to get people into coverage.

You ask any government tomorrow if they would take $2,000 per eligible person in their Medicaid program, would they take a deal with them having the freedom to design what is best for their State? Every Governor will tell you yes. Every Governor will tell you yes. Why? Because now we are given the resources there to allow a Medicaid patient to be just like everybody else—a Senator, their mayor or somebody who works at the best factory in town. They have an option to not be discriminated against because they show a Medicaid card. Now they have an insurance card. People ask: What about the people who do not want to have insurance? We allow the States the opportunity to have a default mechanism. If the State of Tennessee—I see the Senator from Tennessee here. If the State of Tennessee wants to decide we will option, if we have people in our State who are going to be so irresponsible that they will not even buy themselves coverage and they have an opportunity to take tax money to do that, then we are going to create a default mechanism whereby the State of Tennessee—if you are a 25-year-old motorcycle rider and you don't want to buy insurance, they can take your tax credit and buy a high-deductible policy for you so when you go to the ER, all the rest of us don't have to pay all your costs. What is happening in our health care system is we keep transferring the costs so we have a rationale for jumping up the price because they are doing something for somebody else at a low price.

What the real facts are—and we never hear it—the real facts are, when you look at the hospitals out there, all—the vast majority of them—and this is a very key, important point—the vast majority are nonprofit entities. That means they pay no income taxes, they pay no payroll taxes. On order, the vast majority, and on average, offer 10 percent of their total billed care as indigent care.

But that is not a real number. The reason it is not a real number is because they bill the highest prices they have for that indigent care. If you look at the cost of that care, it would be far below that. I know in the State of Oklahoma, the hospitals there last year billed over $5 billion in revenue, made over $5 billion in profit, and out of that they billed another $400-some-odd million in care that was uncollectible to people who did not have insurance or couldn't pay. That was not really their cost. That was their billed price.

Remember, we give this nonprofit status to all these entities, this $500 million worth of profit in Oklahoma, for example, and they pay no taxes on that. They pay no real estate taxes. In essence, they offer about $100 million worth of charitable care.

What this bill does is it takes away all the cost shifting.

What are the other things we do? We incentivize high-risk pools. What about the person who gets a chronic illness and they say all of a sudden their insurance company drops them. We have incentivized so the insurance company is not going to do that. In every State we give a bonus if they set up a high-risk pool and then the high-risk pool is funded out of everybody who is insured in that State. So if you have an insurer insuring someone with complications from diabetes and they say we will drop this person because it is too costly, they go to the high-risk pool. Guess what. That insurance company is going to pay for them anyway. There is no benefit for them to drop them. There is all the benefit then for that insurance company to get busy and involved in managing the chronic disease, where we know we can eliminate complications, we can improve the quality of life, and we can also increase life expectancy by managing the chronic disease.

Here is what we do for Medicaid patients. They get a $2,000 check from the Federal Government plus from their State. They can go into whatever plan they want. If their State says we want to stay with Medicaid and take that in enhanced Medicaid, the State gets to do that. There is not a mandate in anything. What it says is: If you think a

State Medicaid Program is better for your State, without choice, then you can do it. But all the rest of the States are going to say I think I would rather have our Medicaid patients have a true insurance, a real card where they have the same access, the same equality of access as anybody else.

All of a sudden you have everybody in the marketplace compete. They can stay in a State-run system. They get to save what they don't spend on their health care for future health care needs.

One of our problems is savings in this country. It is important. How do we fix our health care system? We know that, if we look at the liability costs that showed 10 percent of the health insurance dollar going for liability insurance, that is an underestimate. The American Hospital Association found, recently reestablished by another organization, I can't remember who, that repeated the study—what we know is each year, today, besides that 10 percent, providers order another 8 percent of the cost of health care for tests that patients do not need.

Why do they do that? They do that because they perceive they need to have everything on the books to defend themselves that they can have, so they fire a shotgun at it. We will get this test, this test, this test—knowing they don't need it but they operate under the "what if" scenario, this adversary system that we have.

Finally, we address liability. We give another percentage bonus to the States that will set up what is called a "health court" system. It is a real simple system. If you have a complaint against a provider, a hospital or a doctor, you can go to the health court. You don't have to go to the health court. But you can go to the health court and you can be seen in front of three lawyers, three doctors, and a judge who have their own expert witnesses. This judge is schooled in medical malpractice. They can make a decision for you right then.

If you accept the decision, then you give up your right to go to court. If you don't accept the decision, you can't ever come back to that court on that particular issue, but everything you do in court is admissible. We do not take away anybody's right to go to court. But what we do accomplish is making sure people get made whole quicker and cheaper—40 percent now doesn't go to the trial lawyer for you to get made whole.

There is no question we make mistakes in medicine every year. But why should we drag it out for 3 to 5 years, No. 1. Why should we pay 40 percent of whatever the ultimate award is to somebody who helped us accomplish that, where we can set up a system that will arbitrate that in front of a nonbiased group of peers, lawyers and doctors who say: Here is the right thing, here is the medical case, the legal case, let's make a decision and send it on.

What it does is it saves tons of money directly, but what will it do? As soon as you create confidence on the part of providers that they do not have to order this other 8 percent of tests, you are going to see that dropping about half. So we can gain 4 percent in this cost of health care by setting up health courts, by changing the dynamic under which we make sure people are made whole when something happens to them in the medical malpractice area.

Not every State has to do this. But if your State decides to do this, you get a 1-percent bonus on your Medicaid money—out of a large pool.

We have lots of ways in which we do not say we want the States to do this and now we are going to tell you how to do it. We are saying here are some ways we think you can also do it. Go figure out the best way for you, and by the way, if you do some of the things that we think will save some money, here is some extra money for you.

Ultimately, if we do not fix health care—everybody in this Chamber knows we are going to go the way of Western Europe and that is the following: We are going to decide that we are going to have a single-payer system run by the Government. As P.J. O'Rourke says: "If you think medicine is expensive now, wait until it is free."

We are going to control costs. We are going to do it the same way we are trying to control costs with CMS. What happens? What happens is we are going to start rationing care.

Let's take some real statistics. In England, diagnosis? Cancer. In England, if you get a diagnosis of cancer right now, the average starting time for your chemotherapy is 10 months after your diagnosis. Anybody here who wants that kind of medicine will vote against this bill. That is exactly what we get. We get rationing. What it means is people with great potential will not get the treatment in time to capture that great potential. What it means is great suffering. What it means is loss of innovation. What it means is a lack of available, fair access. It is everything in England in their health care system takes away all freedom.

It is also interesting to know this past year in Canada there was a lawsuit filed, which was won. What this individual said is the Canadian law says I can't go to anybody except a Canadian doctor who is owned and run by the Government. They challenged that. The Canadian supreme court ruled on the side of the patient: You ought to have the right and freedom to go wherever you want, to whomever you want if you are willing to pay the bill.

Paying the bill is the insurance part of this. If you want to be able to have that access, then you are going to want to be able to buy a policy that allows you to have it. If you don't want that access, you can buy a policy that says here is a straight HMO, here are the only four doctors you can go to, and here is the hospital you are going to get to go to.

We are talking about freedom in health care. How do we get to the bottom line, away from 16 percent of our GDP, down to 10 percent of our GDP? More importantly, how do we create a system that gives us better quality, at lower cost, with better value. That is what we are talking about.

I yield to the Senator from North Carolina.

Mr. BURR. Mr. President, I commend my colleague from Oklahoma, a dear friend and somebody who has been passionate about health care for years. He and I came to Washington together in 1995. We served on the Energy and Commerce Committee, and we recognized then that changes needed to be made. Every year we have seen the same response in Washington. We have seen the end of a calendar year come, the need to find savings in health care. Administrations, Republican and Democratic, turn to Medicare and Medicaid and say we are going to extract $60 billion, $70 billion out of savings in these health care systems. We have laughed as they called it "waste, fraud, and abuse" because there is waste, fraud and abuse in it. We just didn't get any money out of it because we have been reluctant to fix the health care system in this country.

What are we doing? What is this plan? This plan is universal health care. Let me say it again. This plan is universal health care. This is providing affordable, accessible health care, provided by the private sector, for every American in this country.

This is change in the design of health care that has been historically, up to this point, employer negotiated, the majority employer paid for, and an employee has very little input into the makeup of the policies that cover them.

It doesn't reflect their age, it doesn't reflect their health conditions, it does not reflect their income.

What we are talking about is shifting it away from employers over time. We are talking about creating real incentives for individuals. We are talking about making sure 47 million uninsured Americans today and tomorrow have tax credits that can be used for real insurance coverage. What does that provide for them? For the first time, it creates a relationship between a patient and a health care professional.

We have talked in this institution, we have talked in this town, and we have talked in this country about the need to project wellness and prevention in health care. Well, this does it. This, for once, accomplishes that because we as individuals can negotiate our plans, not through the group plan but as 250 million-plus Americans. We can negotiate what makes sense for us from the standpoint of the scope of coverage that reflects what we are willing to pay as it relates to premium—and, by the way, provides States the capability to do the same thing with their Medicaid beneficiaries, their Medicaid patients, if, in fact, they want to begin to change the way their care is delivered, by creating the same relationship between a health care professional and them, because they now have the same insurance we do.

Medicaid beneficiaries have this big "M" on their foreheads. They do not want to be on Medicaid, but they are there because it is the last resort. What we want to do is integrate them into what all of the rest of us have; that is, individual insurance.

Dr. COBURN hit on a real key; that is, an attempt to bring everyone's health care costs down. It is not to pick out a group and to say, We are going to reduce yours, and pick out a group over here and say, We are going to reduce yours. This is an attempt—it is the first real attempt—to bring everybody's health care costs down.

What we learned when we created Part D Medicare, the drug benefit for 35 million-plus seniors in this country, was that when we created real competition between insurers and we brought transparency to price, two very real things happened: In the first year, premiums dropped 28 percent over what we had projected, and drug pricing dropped 33 percent.

We have a model we have already tried that seniors across this country say: Do not mess with this plan. That, in fact, exemplifies what we are trying to do. We are trying to create real competition between insurance for our insurance business; we are not letting one employer negotiate the plan and then dump it on the employees. But the question is, Can we have the same results as Part D by seeing the cost of health care reduced for all Americans? Well, you start that process when you eliminate cost-shifting. You accelerate that process when you inject what this bill does; that is, transparency in the price of health care that is delivered to you.

Imagine the day that you can go online and you can actually see what your doctor's visit is going to cost, what the lab workup is going to cost, what a visit to the emergency room at your local hospital is going to cost. In markets in North Carolina today, some choose not to go to the hospital for the nonemergency care, even though that may be their primary provider; they choose to go to the community health center because the community health center actually delivers the same if not a better level of care. But one thing is for certain: They know exactly what it is going to cost them. And these are individuals who are insured.

For the first time, all Americans have an opportunity at prevention and wellness. What does that mean? It means we can make decisions about our health care that have an impact on the cost of our health care to us and consequently have a ripple effect across the marketplace, that as more and more Americans make healthy decisions, the cost of health care overall comes down.

It means we have freed up those valuable health care dollars to make sure they are there for the individuals who are going to be susceptible to disease—chronic or terminal illness.

It means the relationship we have now established between patient and health care professionals means we have recognized we can accumulate the data we need so that Medicare reimbursements are no longer a shot in the dark where we pull a number down that may not be reflective of the cost of delivering the service, may not be reflective of the value of the service. The reality is that when we create that relationship, we are able to accomplish the accumulation of data that tells us what things really should cost.

In health care, those healthy decisions allow individuals to make decisions about disease management. The most costly part of the U.S. health care system is the chronic diseases that exist and our inability to manage those diseases. The most expensive is diabetes.

Today, we have electronic capabilities for diabetics and for coronary heart patients where, at different periods during the day, their vital signs can be transmitted over a telephone line to their doctor. The doctor can instantly know whether, if it is a diabetic, they are managing their insulin. If it is a coronary heart patient, they can determine whether the fluid buildup means they need to adjust their medication. What does that give us the ability to do? It means we can take a patient who up to that point got too much fluid on the heart, made an emergency room visit, and in all likelihood was admitted for 3 days as they get the medicine back in balance. Now, a doctor, 24 hours a day, as these reports come in, can change their diuretic, can work with a diabetic on checking their blood sugar and what their insulin intake is, can detect whether they took the right medication. We can extrapolate that across every disease because technology now lets us do it in a real way. If we are not able to do this, then we are not able to recognize the value of new technology.

So much technology today that would benefit us in the Medicare marketplace is not reimbursable by Medicare. It is a decision they make because it is not tested in the marketplace; therefore, it has no value because they do not know how to reimburse for it. Well, the reality is, when you have a health care system that responds to the benefits to individuals, all of a sudden you have the market that creates a value for the technologies and for the innovations.

So I am delighted to be here. There is so much to this bill. This bill is the most comprehensive transformation of the health care system in my lifetime.

One might say it is difficult to do so big a bite at one time. I made that mistake. The reality is that when you look at the timeline we are up against every year we do not adopt this type of transformation of our health care system, more Americans become uninsured, more individuals with preexisting conditions no longer can afford health care, and the cost of everybody's health care in America goes up because we have not eliminated cost-shifting.

With disease management we could do today if, in fact, people had incentives in their system to take the time to monitor their health, to take their medication, to counsel with health care professionals about changes they could make, the more money we can save not only for each one of us but for the total system.

I am convinced that if you could only pick one thing out of this plan that you highlighted for the American people, it would be this: For the first time, we are presenting a very real way to insure 47 million Americans, the people who are most at risk in this country. If all of us were the beneficiaries in some way of reduced prices, more access, the ability to have transparency in pricing, the accumulation of data, electronic medical records that enable us to find savings, if that is the byproduct of us finding a way to use savings in the system to insure 47 million Americans, I believe that is the right thing to do.

The President came out in the State of the Union and he presented a very similar plan. Our plan expands on what the President said. Our plan goes to the heart of the health care system and says: If we are going to change it, then we have to go through total transformation. This is that total transformation that at the end of the day empowers every individual in this country to have custom health care coverage for themselves, for everyone in their family, for their health conditions, for their income and, more importantly, for their security.

So I commend the Senator for his work. I now look forward to working with him as we go through what I think will be a very intellectual debate about the future of health care in this country. As some look at Europe and look at other countries and say, Maybe we ought to do that in the future, I believe if we adopt this method we are going to have every country in the world looking at this model and saying, How do we do this? How fast can we do that?

Mr. COBURN. People may be saying: Well, how do you know this will work? There is a great little company named MedEncentive. They have been running pilot programs all across the country. Let me explain what they do. They get doctors to agree to follow a certain set of protocols called best practices, and they sign up communities, municipalities, and their employees, and then they do a couple of things. They take them under coverage, and they reward the employee—i.e. the patient—if they will use those doctors.

What is unique about this system? One is, after the patient has finished their office visit with the doctor, they have a patient-doctor interactive form they fill out that says: The doctor wants me to take this medicine. I understand this. Here is the reason he wants me to take this. So they have to fill out the form to say they really understood.

The other thing is, on the professional side, the practitioner side, they agree to follow the best-practice model in how they treat these patients. That was actually developed by Vanderbilt, where they followed a best-practice guideline which helps them decide what to order, what not to order, what to do, what not to do in terms of what is best for that patient. They can get off if they choose to, if they think in their medical judgment that they need to.

What has been the result? The three published results that I know of, in all three communities, in the first year of operating this where there was this competitive model, best-practice quality outline, patient followup, because the insurance company is involved in making sure the patient does that—what happened to their health care costs? One down 18 percent, one declined 22 percent, and one declined 12 percent. Now, that is just in three. Each one of them had 300 or 400 patients and took all comers, chronic disease or not.

How did their costs go down? The costs went down for a lot of reasons. One is they were practicing not defensive medicine, they were practicing real medicine. They were not throwing tests at a patient because they were worried but because they had the background of the excellence of Vanderbilt University as a practice guideline at their defense.

So what we know is that in the various test models where true marketing, true competition, true transparency as far as price, true concern for the patients' well-being, not just at the office visit but thereafter, wellness and prevention were modified, what happens is costs go down.

That is just in three cities in Oklahoma. It has been done all across this country. But what we do know is that if we attack it in a nonbureaucratic way, but we allow competitive forces—which would you rather have, an insurance company that is invested to try to make your health better or one that just wants to make a dollar on you and turn on you?

So going back, let me just kind of summarize. The system we have today limits our ability to do what we as Americans do well; that is, discern value for what we have purchased—discern whether we get value for it, discern how to do it, and we discern that on an individual basis.

Our health care is not designed on an individual basis. In many places, we get one-size-fits-all; what the Government says you will have or what the State says you must have, you must buy this. I believe a lot of our problems have come because we have tried to micromanage it from Washington and from the statehouse. What we are talking about is giving freedom of choice, not just to patients and providers but to insurance industries.

Imagine the tremendous possibilities that will come into a market that says: This is a new day. I get to market all sorts of different things that might match up with different people. All of a sudden, now I will have to compete not only with people in my State but all across the country for the best plan that gives me the best value that meets my needs. Why would we not want that? We have that in every other thing. Why would we not want to capture the best aspect of the American consumer, which is discernment?

Not long ago I was sitting with some friends and put forth the fact that I believe Americans are smart enough to know what they want in health care. The idea got pooh-poohed. I thought, how insulting. We can figure out what computer to buy and how much memory we want and how big a hard drive we want and whether we want a photo section on it or a print lab. We can figure out all of those things—as a matter of fact, our 10-year-old kids can figure that out—but we can't figure out how to buy health care. We are going to say to the American people: You are not sophisticated enough, you are not smart enough to know what is good for you or to know what you need. So, therefore, the Government is going to tell you what you need. That is what we have today, whether it is the Government or your employer or somewhere else.

This bill changes all that. This is a bill that will create transparency so you as a consumer can know what something is going to cost. It is going to create a situation where you can perceive whether you have value. It is going to create an incentive to save for health care for the future and an incentive for wellness, not just by what the insurance company will come to sell you but by the $20 billion that we are now spending, of which less than $2 or $3 billion makes any difference at all in somebody's health care. We are going to focus that on true prevention. We are going to direct that the HHS relook at every one of these programs and develop a model to where we educate the American people about the risk.

Let me give a personal story. I am a colon cancer survivor. What we do know is with good prevention and good screening, one out of every two people who are going to get colon cancer we can keep from getting it. Why wouldn't we do that? Why wouldn't we prevent half the colon cancer in this country? We don't have a good reason. One of the reasons is because we have an ineffective prevention program.

I am a small government person; I admit that. But there is a legitimate role for the Federal Government when it comes to teaching America about our health needs, prevention, and wellness. We have plenty of money to do it if we take the same money we have now and redirect it in a way that educates the American people. Innovation works. We know that. Competition works.

Take, for example, a year ago a 46-inch plasma TV cost $11,526. Today you can buy the same thing for $2,300. Next year you will be able to buy it for $1,400. The next year you will be able to buy it for $700. Why? Competition. Competition breeds quality and value, only if you have a market under which you can operate. We don't have that today in health care. Innovation also works in health care.

Look at Lasik. Here is a procedure that is not paid for by the Government. It is not paid for by any of the insurance industry. But if you are nearsighted and you want to be able to look far away, you can get that done. When it first started, it was $4,000 an eye. Now there are places you can get it done—the same piece of equipment, the same computer—for $500 an eye. Why won't that work? It will work in health care. It will work. Innovation will come as a result of that.

What happens when we innovate. What we get is better quality at a lower price and better value. I am hopeful that as the American people look at this, they will be reminded of a couple things. This is universal coverage. Everybody in America gets treated the same by the Federal Government when it comes to health care. Everybody in America is on equal footing as far as the Income Tax Code is concerned when you go to buy your health care. No longer do we advantage the very rich with $2,700 a year in tax benefit and the very poor with $100. We totally neutralize that and say: Everybody ought to be treated the same under the Tax Code for health care. It is universal coverage.

No. 2, it takes away discrimination. Because you are poor, because you don't have the ability to have a job that has insurance coverage today, and if, in fact, you are at 133 percent of poverty, why should you be discriminated against because you are on the Medicaid Program? This is no offense to any practicing professional out there because there are great professionals who are taking care of Medicaid patients. But if you look at the marketeering, the ones with the best doctors, as a rule, because Medicaid pays so low, do they have time to take care of Medicaid patients? No. What happens is, somehow they don't have time. So what we have done is discriminated down with Medicaid patients.

Why shouldn't a Medicaid patient get the best doctor every time, just like a Senator? Why shouldn't they have access to capability? Why should they be discriminated against by having a Medicaid stamp on their forehead? We are talking about universal access, equality of care, and personal freedom and choice. You get to decide what is best for you and your health care and your family.

By the way, when you get this money and you haven't spent it all, you get to save it for next year and the year after and the year after. You can buy what is best for you with that money.

This money also goes to retirees. If you retire at 60 and are not eligible for Medicare, you still get your tax credit. We don't discriminate against anybody. Everybody gets the tax credit.

The final thing I would say, it doesn't cost the American taxpayer one additional dollar in income tax. There will be no increased cost with this plan. Actually, we have tried to make it revenue neutral. My worry is that it will save us money. We have tried to make it where it does not. We have tried to make it the most generous thing we can to get the most coverage for everybody out there. Again, prevention first, free choice, freedom, and liberty. You get to decide who cares for you, what insurance, what hospital, and every American gets that. It is the Government not telling you what you must do but saying here is what you can do if you want.

I yield to the Senator from North Carolina if he has any additional comments.

Mr. BURR. I would only use that time to thank the Senator from Oklahoma. This is a crucial debate that this country needs to have, this institution needs to have. More importantly, we are at a point where we have to stop talking about what we are going to do and actually start doing something. The Senator from Oklahoma has stated it very well. What we can do is bring a higher level of care to all Americans—not just some Americans, to all Americans. Through that effort, all Americans receive a financial benefit. Our system prospers because we are able to take care of more, and we are able to provide an unlimited opportunity in the future because we unleash innovation and technology in health care.

I have wondered what it would be like if we had innovation at the same level in health care as, say, in cell phones; that we would have a new platform every 6 years, and that platform would provide an array of opportunities to us that we are not forced to take, but they are available to us if, in fact, we want them. Health care has been starved of innovation, in large measure because it treats every American differently. This is the first real opportunity for universal coverage, universal access, where every American has an opportunity at the best coverage available.

I thank the Senator from Oklahoma.

Mr. COBURN. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. BROWN). The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RENO-TAHOE YOUNG PROFESSIONALS NETWORK

Mr. REID. Mr. President, I rise today to honor the Reno-Tahoe Young Professionals Network, RTYPN. This important organization has been formed recently by local community leaders and will provide a significant service to northern Nevada. I am pleased to recognize the group here today.

The Reno-Tahoe area has been growing swiftly for the past decade. The region enjoys a strong and relatively diverse economy, offering a range of jobs and professional opportunities. Reno-Tahoe also offers a wonderful quality of life and some of the finest recreational opportunities in the Nation.

Despite the overall growth and undeniable lures to the region, it has not succeeded as well in attracting and retaining young professionals, a demographic critical to its continued and future economic growth. To address this issue, the Economic Development Authority of Western Nevada, EDAWN—through the leadership of Chuck Alvey, Michael Thomas, and consultant Stacey Crowley—wisely recognized the need to provide young local professionals with an opportunity to meaningfully engage with regional business and community leaders and participate in directing the region's future.

Toward that end, EDAWN launched the RTYPN, an organization designed to teach valuable skills, provide networking and leadership opportunities and participate in the regional discussion about how to capitalize on the region's assets to grow a better community and economy for the future. With the partnership of organizations such as EDAWN and the Reno Sparks Chamber of Commerce, the creation of RTYPN shows the vision and resourcefulness of the Reno-Tahoe community and I am eager to learn of RTYPN's future successes.

NATIVE HAWAIIAN GOVERNMENT REORGANIZATION ACT

Mr. AKAKA. Mr. President, on January 17, 2007, Senator INOUYE and I introduced S. 310, the Native Hawaiian Government Reorganization Act of 2007 to extend the Federal policy of self-governance and self-determination to Hawaii's indigenous people. This measure is of critical importance to the people of Hawaii. It would, at long last, clarify the existing legal and political relationship of Native Hawaiians with the United States, allowing for the formation of a government-to-government relationship.

Mr. REID. Mr. President, I am very well aware of the support of the Senator from Hawaii for this measure and his determination to see it enacted. As a result of the hard work by Senator AKAKA as well as his colleague, Senator INOUYE, on behalf of this legislation, every Member of this body should know how important this bill is to the people of Hawaii.

Mr. INOUYE. I thank the Senator for his recognition of our continuing perseverance and unwavering resolve to move this measure forward. At its core, S. 310 is about equity. It is about establishing parity in the Federal policies towards Native Americans, Alaska Natives, and Native Hawaiians. Our U.S. Constitution is clear in the means by which it addresses the status of the indigenous, native people of this land. It is a status based not on consideration of race or ethnicity, but rather on the political relationship that existed between the United States and the native people who occupied and exercised sovereignty over lands that later became part of the United States.

Mr. AKAKA. Mr. President, the senior Senator from Hawaii is absolutely correct, and I appreciate both his comments and that of our majority leader about my efforts to date. I first introduced this bill, together with the members of Hawaii's Congressional Delegation, in 1999. And, I have introduced a similar bill every Congress. In each Congress, the bill has been favorably reported by the Senate Committee on Indian Affairs, and its companion measure has been favorably reported by the House Committee on Natural Resources.

During the 109th Congress, Senator INOUYE and I were successful in filing a cloture motion to proceed to the bill. This procedural action required 60 votes to bring the bill, S. 147, to the Senate floor for a full debate and vote.

Falling four votes short of the required 60 votes, cloture was not invoked. As a result, the Senate has not yet voted on the substance and merits of this bill. In fact, the cloture vote demonstrated that if the measure was considered on an up-or-down vote, the votes are here to pass it by a simple majority.

Senator INOUYE and I are currently working to have S. 310 considered by the Senate Indian Affairs Committee in the near future, and brought to the Senate floor shortly thereafter. In the U.S. House of Representatives, the companion measure, H.R. 505, was scheduled for markup by the House Natural Resources Committee, but Hawaii Congressman ABERCROMBIE was not able to be present. At Congressman ABERCROMBIE's request, H.R. 505 is being rescheduled for committee consideration shortly.

Mr. REID. Mr. President, through his position on the Indian Affairs Committee, the senior Senator from Hawaii has demonstrated leadership on and knowledge of Indian issues. He has been second to no Member in this body with his empathetic advocacy for fair and equitable treatment of Native Americans. I can clearly understand what drives both Hawaii Senators to secure some measure of fairness and self-determination for the indigenous people of their beautiful home State. Senator AKAKA's description of events here in the Senate culminating with a failed cloture vote was accurate.

However, I want to be very clear to every Member of this body: As a Senator from Nevada, I strongly support S. 310. As majority leader, I am committed to ensuring Senate consideration of S. 310 and will work with the Senators from Hawaii to gain the support of members from both sides of the aisle. This is my commitment to the gentlemen from Hawaii.

Mr. INOUYE. We thank you, the leader. Native Hawaiian programs and institutions continue to be under attack in the courts. Hence, there is an urgency to act and to clarify that the status of Native Hawaiians is a political question best left to the political arena, namely the Congress, to resolve.

Mr. AKAKA. I deeply appreciate the leader's commitment and support. Hawaii is the only homeland of the Native Hawaiian people, and I remain committed to empowering the people of Hawaii and our Nation to preserve a Hawaii that respects Native Hawaiians and the contributions made by those who have made Hawaii their home.

BUDGET RESOLUTION

Mr. CHAMBLISS. Mr. President, I voted against the budget resolution for the 2008 fiscal year because it contained record-breaking tax increases on hard-working American families in a time when we should be putting more money back into the pockets of taxpayers, not taking it out. This year's budget resolution is historical because it proposes the largest tax increase ever—$916 billion in tax increases on the backs of the American people. This is almost four times the amount of the second largest tax hike in history, $240 billion proposed in 1993. By letting progrowth tax policies expire, this resolution reaches deep into the pockets of hard-working families and seeks to reduce the take-home pay of a family of four earning $50,000 by as much as 6 percent.

Additionally, this budget ignores the concerns of future generations. Proposed tax hikes would slow the economy, and stifle investment and job creation. Since 2003, over 7 million new jobs have been created. The U.S. economy is experiencing 5 uninterrupted years of growth, and since the tax cuts of 2003, the rate of economic growth has more than doubled. Tax increases move us in the wrong direction and that is why I am opposing this budget resolution—because it is wrong for the economy, wrong for hard-working families, and wrong for America.

Despite the inclusion of funding for several essential programs in this budget resolution, it is imperative that we realize the effect of this proposal as a whole. When we examine closely the entire package, it is clear that the tax increases on Americans included in this budget will serve to stunt our continued economic growth. Therefore, I opposed this budget resolution. We simply cannot afford to appease short-term priorities at the expense of long-term stability and prosperity. The success of our economy depends on and demands from us fair tax policies which enable hard-working Americans to prosper, leading us as a country to fiscal stability.

HONORING OUR ARMED FORCES

SERGEANT WAYNE R. CORNELL

Mr. NELSON of Nebraska. Mr. President, I rise today to honor Army SGT Wayne R. Cornell of Holstein, NE.

Sergeant Cornell will be remembered as a dedicated husband and father. Having been deployed to Iraq earlier this year, Sergeant Cornell made certain he would be allowed to take his 2 weeks' leave in July. He was determined to make it home to Holstein, NE, in time to see his wife Patricia give birth to their third child.

With both his father and grandfather having served in the military, enlisting had always been a top priority for Sergeant Cornell. While at Silver Lake High School in Roseland, no matter what branch of service was making a recruiting visit to his school, Sergeant Cornell was always the first in line to meet with the military recruiter. In addition to his desire to enlist, Sergeant Cornell was also a skilled martial arts student and is remembered by his teachers as a kindhearted and well-meaning individual.

Shortly after graduating from high school in 1999, Sergeant Cornell chose to enlist in the Nebraska Army National Guard. During 4 years with the Guard, he served twice in Bosnia and once in Afghanistan. In addition to his service to his country, Sergeant Cornell also served his community as a volunteer firefighter. Last year he enlisted in the Army; he was deployed to Iraq when called up in February. On March 20, 2007, while serving with the Army's 1st Battalion, 28th Infantry, 4th Brigade, 1st Infantry Division, based out of Fort Riley, KS, Sergeant Cornell passed away when the vehicle he was traveling in was struck by a roadside bomb in Baghdad.

"He did it all for his family," said his wife Patricia. "He was an awesome father, and he just made every sacrifice for us." In addition to his wife Patricia, Sergeant Cornell is survived by his two children, Dameion, 5, and Zoie, 3, of Holstein; mother Patricia Perrie of Holstein; father Larry Cornell of Fairmont, NE; and sisters Jadeen Cornell of Blue Hill, NE, and Janalle Gowlovech, of Sioux Falls, SD.

I offer my sincere condolences to Sergeant Cornell's family. Not only did he sacrifice for his family, he made the ultimate and most courageous sacrifice for his Nation. Every American and all Nebraskans are proud of the service of brave military personnel such as SGT Wayne Cornell.

Mr. HAGEL. Mr. President, I rise to express my sympathy over the loss of U.S. Army SGT Wayne Cornell of Nebraska. Sergeant Cornell was killed in Baghdad when an improvised explosive device detonated near his vehicle. He was 26 years old.

Sergeant Cornell grew up in the small town of Holstein, NE. A 1999 graduate of Silver Lake High School, his teachers had little doubt that he would serve his country after graduation. He enlisted with the Army National Guard soon after graduation and was deployed to Bosnia and Afghanistan.

In 2006, Sergeant Cornell decided to continue his career in the Armed Forces and enlisted with the Regular Army. He was deployed to Iraq in February 2007 with the 1st Battalion, 28th Infantry Regiment, 4th Brigade Combat Team, 1st Infantry Division based at Fort Riley, KS.

Sergeant Cornell was a deeply committed father and husband. He always put his family first in the decisions he made. The Army was his means to provide for his family, as well as serve his country. He and his wife Patricia had two children, Dameion and Zoie, and the family is expecting a third child in July.

In addition to his wife and children, Sergeant Cornell is survived by his father Larry Cornell, his mother Patricia

Perrie, and sisters Jadeen Cornell and Janalle Gowlovech.

I ask my colleagues to join me and all Americans in honoring SGT Wayne Cornell.

MARCH MADNESS

Mr. COLEMAN. Mr. President, I rise today to spend a few minutes talking about March Madness. Millions of Americans are glued to their televisions to watch basketball this time of year, and I want to talk about a No. 1 seed that wasn't closely followed nationwide.

Everyone knows how Florida, Georgetown, UCLA, and Ohio State are faring in their tournament games, but the Winona State Warriors may not be on everyone's radar. Well, they should be. The Warriors set a Division II record by winning 57 straight games over the last two seasons. This breaks the previous record of 52 games which has been intact since 1946. Over this stretch, the Warriors have dominated most teams that they met with the average margin of victory being almost 20 points—including one victory by 81 points. Unfortunately, this streak ended on Saturday as they came just a few points short of winning back-to-back Division II championships when their opponents made a buzzer-beating shot.

I commend Coach Mike Leaf for his accomplishments. In the 9 years he has coached at Winona State, he has lead the Warriors to five regular-season Northern Sun Intercollegiate Conference titles, four tournament conference titles, four Division II tournament appearances, and the 2006 national title. He was also named national coach of the year after leading his team to the national championship last year.

It takes a great deal to bring together a championship basketball team. Coach Leaf has done this while serving as an inspiration to his players and the entire Winona community. He has taught his players to work hard and enjoy themselves while winning with class.

I ask my colleagues to join me in congratulating Coach Leaf, his staff, his players, the students of Winona State, and all the Warrior fans. I look forward to the continued successes of Coach Leaf and his team next year. Go Warriors!

S. CON. RES. 21

Mr. OBAMA. Mr. President, I rise today to speak about the budget resolution that the U.S. Senate adopted last Friday.

Every year, Congress considers a budget resolution, setting the Government's priorities for the coming year. For the past 2 years since my election to the Senate, I have been compelled to vote against budget resolutions that I believed were out of touch with our fiscal realities and national priorities. This year, I was proud to support the resolution.

I commend the outstanding leadership of Chairman CONRAD, who helped to produce a resolution that makes great progress getting our Nation's priorities back on track. Instead of deepening our fiscal hole with irresponsible tax giveaways to the wealthy, this budget makes an important departure from the Republican budgets of the recent past and brings our budget back into balance. Instead of gutting programs that help our most vulnerable citizens and communities, this budget allows these programs—like the State Children's Health Insurance Program, the Low-Income Home Energy Assistance Program, Medicare, COPS, and others—to keep serving those who rely on the important moral commitments our Nation has made. Instead of budget gimmicks and deferred responsibility, this budget brings greater transparency and responsibility back to Washington.

It does so first by reinstating pay-go. In a Democratic Senate, new mandatory spending, just like new tax cuts, must be paid for by offsetting spending reductions or revenue increases. Pay-go will require tough choices and difficult tradeoffs. We will not be able simply to pass along the debt to future generations for the choices we make today. We will have to be accountable for paying our own bills and collecting our own revenue. Pay-go by itself will not bring our budget back to balance, but it will prevent deficits from getting worse. Pay-go by itself cannot resolve our Nation's long-term liabilities, but it will restore the budget discipline that has been lacking in Washington for too long.

When I travel around the country or talk to families in Illinois, I hear about the same priorities again and again. People from all walks of life—farmers and small businesspeople, teachers and veterans, salespeople and service workers, doctors and senior citizens, people prospering and those struggling at the margins—all share a common set of concerns and aspirations. They want affordable health care for themselves and their children. They want a quality education for their children. They want to retire with dignity. They are concerned about our national security and our domestic security.

Unfortunately, many Americans are not convinced that their voices are heard here in Washington. They are not convinced because the President proposed a budget that ignores their priorities. They are not convinced because they don't see enough serious efforts to reduce their health care costs or to improve educational opportunities. They are not convinced because it appears that for too long no one in Government has been held accountable for incompetent leadership and neglect of the public interest.

Fortunately, the budget resolution we adopted last week responds to their voices. It demonstrates to families across the Nation that we are once again paying attention to their concerns. They have a reason to start once again to have confidence in their Government.

Let me give a few reasons, why I supported this resolution.

The failure of our Nation to guarantee access to affordable health care for children is shameful, and the President's budget threatened to worsen the situation for children in working families. This budget rejects the President's proposed cuts to the State Children's Health Insurance Program, extends care to 6 million additional eligible children, and makes children's healthcare a priority for Congress.

This budget also makes progress to ensure that preschool children from disadvantaged backgrounds will receive quality care and education; that children, no matter where they go to school, will have an equal opportunity for quality education; and will make college more affordable so that our children can compete in a global marketplace. By rejecting the President's proposed cuts in education and training, this budget shores up the Federal end of the bargain to support No Child Left Behind and support programs that educate individuals with disabilities.

This budget also includes $100 million for grants to establish summer learning programs in local school districts through the Summer Term Education Program. I thank Chairman CONRAD for his assistance in getting my amendment to fund these programs included in the final resolution. These grants will help students in early elementary grades by supporting their participation in 6 weeks of summer school. Teachers tell us that students return to school each September at levels below their successes of the previous spring. Educators know this as "summer learning loss," and research has shown that students, on average, lose more than 1 month of reading skills and 2 months of math skills during the summer. The impact of summer learning loss is greatest for children living in poverty, children with learning disabilities, and children who do not speak English at home. The achievement gap in education begins early in life and remains a burden for too many throughout their time in school. The Summer Term Education Program funded by this resolution will help to bridge this gap through structured summer learning opportunities.

The security of our Nation at home and abroad is also a critical priority, and honoring our veterans should be considered a sacred obligation. This budget fully funds our defense and homeland security funding needs and respects our duty to support our veterans. These brave men and women have sacrificed so much for us and for our Nation. Sadly, as uncovered by the Walter Reed scandal, our Government is failing them. This budget makes it possible to provide the quality health care and services that our veterans deserve. We cannot ignore the reality that there are financial and human costs to war. This budget recognizes that reality.

I am also pleased that the budget resolution includes an important bipartisan amendment that I offered with my colleagues, Senators BUNNING, BINGAMAN, LUGAR, and BOXER, to triple the administration's recommendation for carbon sequestration. This amendment provides an additional $200 million for Department of Energy efforts on carbon sequestration, for a total of $279 million in that account. Both environmental groups and the coal industry acknowledge the importance of better technology for carbon sequestration and control. The International Panel on Climate Change, environmental groups like NRDC, and the mining industry all are on record that the long-term deep geological storage of carbon is possible and is happening now on a small scale. But for it to occur on a far larger scale, we must redouble Federal efforts to make technologies widespread and economical in the next 15 years. A recent report by the Massachusetts Institute of Technology recommended a $5 billion program over the next 10 years to achieve that goal. My amendment today provides a significant increase down that path.

Too many Americans say they lack confidence in our tax system because they hear about well-connected individuals and corporations getting away without paying their fair share. I believe this budget will begin to restore the confidence necessary for a fair and effective tax system. Instead of reaching deeper into the pockets of hard-working Americans, this budget will collect taxes where taxes are due. This budget calls for strong new measures to close the tax gap, shut down tax scams, and address offshore tax havens. I am proud of my efforts with Senator LEVIN and the Permanent Subcommittee on Investigations to stop tax haven abuses, and I look forward to working with my colleagues in the 110th Congress to improve the fairness of our Tax Code.

The budget resolution we passed last week demonstrates that we can rise above ideology and gimmicks and begin tackling the serious challenges we face as a nation. It demonstrates that vision matters and leadership matters. I am grateful for Chairman CONRAD's extraordinary leadership and the terrific work of his talented, dedicated, and hard-working staff. They worked well in committee and on the floor to help assemble a budget resolution that a majority of us in the Senate could vote for in good conscience and with confidence that America's fiscal policies have a chance, at long last, to get back on track.

COMMENDING MAJOR GENERAL GALE S. POLLOCK

Mr. INOUYE. Mr. President, I would like to commend the Army leadership for selecting the first woman and nurse to serve as the Acting Army Surgeon General. Today, MG Gale S. Pollock, a nurse, is in charge of the Army Medical Department and leading the way in improving organizational efficiencies and streamlining the care of our wounded warriors.

Major General Pollock was born in Kearny, NJ, and entered the Army Nurse Corps in 1976 after earning her BSN from the Walter Reed Institute of Nursing through the University of Maryland. She also completed a master of business administration from Boston University, a master in health care administration from Baylor University, and a master in national security and strategy from the National Defense University. Major General Pollock also attended the U.S. Army Nurse Anesthesia Program and is a certified registered nurse anesthetist, CRNA, and a fellow in the American College of Healthcare Executives.

Major General Pollock's military education includes Senior Service College at the Industrial College of the Armed Forces, the U.S. Air Force War College, the Interagency Institute for Federal Health Care Executives, the Military Health System CAPSTONE program, the Principles of Advanced Nurse Administrators, and the NATO staff officer course.

On March 20, 2007, Major General Pollock, Chief of the Army Nurse Corps, was officially named Commander of the U.S. Army Medical Command and the Acting Army Surgeon General. Her previous military assignments include, Commander, Pacific Regional Medical Command and Tripler Army Medical Center, Honolulu, HI; Special Assistant to the Surgeon General for Information Management and Health Policy; Commander, Martin Army Community Hospital, Fort Benning, GA; Commander, U.S. Army Medical Department Activity, Fort Drum, NY; Staff Officer, Strategic Initiatives Command Group for the Army Surgeon General; Department of Defense, DoD, Healthcare Advisor to the Congressional Commission on Servicemembers and Veterans Transition Assistance; Health Fitness Advisor at the National Defense University; Senior Policy Analyst in Health Affairs, DoD; and Chief, Anesthesia Nursing Service at Walter Reed Army Medical Center, Washington, DC.

Major General Pollock brings extensive leadership, education, and experience to her new position as the Acting Army Surgeon General. As an Army nurse and woman, I applaud her many accomplishments which have brought her to the highest level of rank and responsibility in military medicine.

HONORING JASON RAY

Mr. BURR. Mr. President, I rise today to honor the life of Jason Ray, a young man whose life was tragically cut short this past weekend while with the University of North Carolina basketball team during their trip to the NCAA Tournament games in New Jersey.

Jason, a 21-year-old native of Concord, NC, was set to graduate from UNC-Chapel Hill this May majoring in business administration with a minor in religion.

Jason was best known for regularly performing at sporting events as the university's mascot, "Rameses." He was a member of UNC's cheerleading squad.

I have seen Jason perform at the school's sporting events. I admired his unmatched school spirit and his animated, energetic interaction with the Tar Heel fans.

The University of North Carolina community lost a dear friend in Jason on Monday. However, he left a legacy that will certainly last for the many generations of fans that watched him perform. College basketball holds a special place in North Carolinians' hearts. Jason's team spirit and dedication helped make rooting for UNC basketball a community tradition.

I send my thoughts and prayers to his family, teammates, classmates, fans, and friends.

COLLEGE NATIONAL CHAMPIONS

Mr. BURR. Mr. President, I rise today to congratulate a college basketball team that this past weekend won a national title.

I am speaking of Barton College in Wilson, NC, which beat the defending champion Winona State to win the Division II Basketball Championship.

Through their win, Barton College also ended Winona State's Division II record 57-game winning streak.

Now I have seen a lot of college basketball games over the course of my life, especially representing the State of North Carolina, where basketball is not just a game but a way of life, but this one ranks close to the top when it comes to exciting endings.

With only 45 seconds left to play in the game, Barton down by 7 points—a deficit that would be extremely difficult to overcome by any team—and assisted by the stellar performance of his teammates, Barton's Anthony Atkinson scored an unbelievable 10 points in the remaining 39 seconds, included a buzzer-beating lay-up, to win the Division II national title by a score of 77 to 75.

If you didn't see the game live, I would suggest you go on the Internet and watch the ending to this fantastic game.

It is simply unbelievable and is reminiscent of Christian Laettner's game-winning last-second jump shot in Duke's dramatic 104 to 103 victory over Kentucky in the East regional final of the 1992 NCAA Tournament.

For Barton College, a small private school with a student body of only 960 students, this win over Winona State, a relatively large school with an enrollment of over 8,000 students, represents a "David and Goliath" story for a smalltown North Carolina basketball team.

Again, I congratulate the NCAA Division II National Champion Barton Bulldogs and head coach Ron Lievense on an extremely exciting end to an extraordinary season.

BIOFUELS FOR ENERGY SECURITY AND TRANSPORTATION ACT

Mr. DOMENICI. Mr. President, over 18 months ago, the President signed into law the Energy Policy Act of 2005. The enactment of that legislation was a watershed event in structuring sound energy policy for this Nation's future. One of the linchpins of that act is its commitment to the development of ethanol and other alternative fuels that will move us toward greater energy security by displacing foreign sources of energy for our transportation fuels.

Since EPACT was enacted, we have seen a surge of interest in the development of infrastructure for production and distribution of ethanol and other biofuels. I am proud that the Energy Policy Act of 2005 is greatly responsible for that. EPACT is creating American energy and American jobs in America's heartland.

Just as I am proud of the new world of alternative fuels created in EPACT, I am also very proud of the bill Senator BINGAMAN and I have introduced to build on the renewable fuels provisions of that Act—the Biofuels for Energy Security and Transportation Act, the BEST Act—of 2007.

The Energy Policy Act established the first renewable fuels standard, which required the production of 7.5 billion gallons of ethanol annually by the year 2012. Private industry responded, and today we are on course to exceeding significantly the levels set in the Energy. Since August 2005, construction has begun on more than 70 new ethanol biorefineries, creating more than 160,000 new jobs, and last year, this country produced nearly 5 billion gallons of ethanol.

Building on that success, the BEST Act that Senator BINGAMAN and I have introduced increases the renewable fuels standard, RFS—beginning at a level of 8.5 billion gallons next year and increasing to 36 billion gallons in 2022. We get this ambitious RFS with the understanding that promotion and enhancement of advanced biofuels, such as cellulosic ethanol, will be essential to making this new goal a reality.

In his recent State of the Union speech, the President laid out an ambitious but worthy goal to reduce our consumption of gasoline by 20 percent in 10 years. The President envisioned biofuels as a key component to meeting this goal. In addition to implementing the 2005 Energy Bill, the BEST Act is another step, and a very significant one, in achieving that mark. By increasing our production and consumption of biofuels in the United States, we can decrease our reliance on foreign oil, while at the same time creating American jobs in a growing biofuels industry.

To complement the increase in the renewable fuels standard, our bill includes several measures to help promote the establishment of a biofuels infrastructure, including grants to States and localities to build biofuels corridors.

Another enhancement to speed production and distribution of these fuels is Federal loan guarantees specifically for these projects. I am pleased that we appear to be getting on the right path to implementing a significant loan guarantee program as envisioned in the title 17 of EPACT. This provision is absolutely essential to starting up some of the domestic clean energy investments we so urgently need to ensure our energy security. The BEST Act further refines those provisions to reflect the realities of commercial project finance.

Finally, the bill increases our investment in bioenergy research and development by 50 percent. This research is essential to developing methods to produce advanced biofuels, such as cellulosic ethanol, that we will need to meet our long-term goals.

Several weeks ago, Senator BINGAMAN and I sponsored a biofuels conference in the Energy and Natural Resources Committee to explore all of the issues related to this important piece of our energy policy. We heard from numerous government and private sector scientists, industry project developers, and the financial community. We explored every facet of the issues related to increased biofuels production and development. The BEST Act we have introduced is the culmination of our deliberations. I am very pleased with this effort and hopeful that it will be every bit as successful as the effort we spawned in the 2005 Energy bill.

ADDITIONAL STATEMENTS

RETIREMENT OF JOE DART

• Mr. KERRY. Mr. President. I honor a great and dedicated American, Joseph A. Dart, who for almost 30 years has championed the rights of workers across Massachusetts. As he prepares for a well-deserved retirement, I am grateful to be able to pay tribute to this wonderful man and give him the recognition he deserves for touching the lives of so many.

Joe has spent his career bringing real meaning to the American dream. As president of the Massachusetts Building Trades Council, AFL–CIO, and executive vice president of the Massachusetts AFL–CIO, Joe advocates for the rights of more than 75,000 construction trades men and women throughout the Commonwealth.

Joe has fought for, and defended, the right to collective bargaining and the empowerment that it has brought to working families throughout our history.

Joe helped write competitive bid laws for public construction projects, helped to pass the OSHA 10-hour law which requires all construction workers on public projects to undergo safety training, and helped to pass a law strengthening wage enforcement.

Throughout his years in public service, Joe has negotiated dozens of agreements to guarantee fair, competitive wages, a reasonable work week, and safe working conditions on billions of dollars of construction projects throughout the Commonwealth.

I am most fortunate to have had his support, friendship, and counsel throughout many campaigns and many years in office here in Massachusetts.

An exemplary community leader, Joe has worked tirelessly to uphold the rights of thousands of Massachusetts workers who entrusted him with this office. Massachusetts is grateful for the service he has provided. Countless families in Massachusetts are living better, safer lives because of Joe Dart and his commitment to organized labor.

On behalf of workers throughout our State, I am proud to honor him for his selfless dedication to countless works across the Commonwealth.•

RECOGNIZING DR. LEN PETERS

• Mrs. MURRAY. Mr. President, I would like to take this opportunity to recognize a great contributor to the State of Washington and to the national science and education communities. Dr. Len Peters recently stepped down as the Director of the Pacific Northwest National Laboratory in Richland, WA. Fortunately, Dr. Peters has agreed to remain in Richland, working for Battelle Memorial Institute to help promote and build education and community projects.

PNNL, a DOE national laboratory, experienced tremendous growth during Dr. Peters' tenure. The lab added 330 new members to its world-class staff, enabling the facility to better serve the Nation in the areas of renewable energy, national security, and environmental research. Dr. Peters led the staff in enhancing relationships with a number of research universities in the region, continuing his commitment to quality public-private relationships in the interest of furthering math and science education.

Dr. Peters came to PNNL in 2003, after serving as the vice provost for research at Virginia Polytechnic Institute and State University. Prior to guiding Virginia Tech's ambitious research portfolio, he served as acting vice president for research and graduate studies at the University of Kentucky. Dr. Peters spent nearly 20 years in the classroom, educating our next generation of scientists. He is a distinguished scholar and a leader in the field of atmospheric chemistry.

In his new role at Battelle, Dr. Peters will continue to serve Washington State through community outreach programs. His work to expand higher education opportunities in the Tri-Cities, as well as his leadership on the Hanford Reach Interpretive Center Board are examples of his strong commitment to building a better community, region and State.

I thank Dr. Len Peters for his guidance and commitment to PNNL over the past 3½ years. For the people of Washington State and the entire Pacific Northwest region, I thank Dr. Peters for his continued service to our community and wish him all the best in his future endeavors.●

MESSAGE FROM THE HOUSE

At 12:01 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 580. An act to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes.

H.R. 753. An act to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building".

H.R. 802. An act to amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI.

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico, as the "Rafael Martinez Nadal United States Customhouse Building".

H.R. 1138. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse".

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes.

H.R. 1468. An act to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005, the period in which it can participate is extended by 18 months.

The message further announced that the House has passed the following bill, without amendment:

S.494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 238. An act to repeal a prohibition on the use of certain funds for tunneling in certain areas with respect to the Los Angeles to San FernandoValley Metro Rail project, California; to the Committee on Banking, Housing, and Urban Affairs.

H.R. 1019. An act to designate the United States customhouse building located at 31 Gonzalez Clemente Avenue in Mayaguez, Puerto Rico , as the "Rafael Martinez Nadal United States Customhouse Building"; to the Committee on Environment and Public Works.

H.R. 1138. An act to designate the Federal building and United States courthouse located at 306 East Main Street in Elizabeth City, North Carolina, as the "J. Herbert W. Small Federal Building and United States Courthouse"; to the Committee on Environment and Public Works.

H.R. 1195. An act to amend the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users to make technical corrections, and for other purposes; to the Committee on Environment and Public Works.

H.R. 1468. An act to ensure that, for each small business participating in the 8(a) business development program that was affected by Hurricane Katrina of 2005, the period in which it can participate is extended by 18 months; to the Committee on Small Business and Entrepreneurship.

MEASURES PLACED ON THE CALENDAR

The following bills were read the first and second times by unanimous consent, and placed on the calendar:

H.R. 137. An act to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

H.R. 580. An act to amend chapter 35 of title 28, United States Code, to provide for a 120-day limit to the term of a United States attorney appointed on an interim basis by the Attorney General, and for other purposes.

MEASURES READ THE FIRST TIME

The following bills were read the first time:

S. 997. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 1001. A bill to restore Second Amendment rights in the District of Columbia.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM-49. A resolution adopted by the California State Lands Commission urging the Senate to pass Senate Resolution 151; to the Committee on Energy and Natural Resources.

Whereas, U.S. Senators Boxer and Feinstein have introduced S. 151 to prohibit new oil and gas leasing in federal waters off California; and

Whereas, California's 1,100 mile coastline, with its beautiful beaches, wild cliffs, abundant fish stocks and fragile environment is a national treasure and a valuable state resource, which is at the heart of a tourist industry that generates nearly five billion dollars in state and local taxes each year; and is the heart of the state's $43 billion ocean economy; and

Whereas, the citizens of California have long opposed new oil and gas drilling off their coastline and support protecting the fragile and valuable coastal environment over development of the relatively small amounts of oil and gas offshore California; and

Whereas, California initiated protection of its coast from oil and gas development when the California Legislature in 1955 and 1963, prohibited oil and gas leasing in the State waters off Monterey and Santa Cruz counties and portions of Los Angeles, Santa Barbara, San Luis Obispo, Humboldt, and Mendocino Counties; and

Whereas, the California State Lands Commission has not issued any offshore oil and gas lease for new areas since the 1969 spill from a well in Federal waters off Santa Barbara that released over three million gallons of crude oil, coating Santa Barbara County's ocean beaches; and

Whereas, the California Legislature continued the State's efforts to restrict oil and development in its own waters by enacting the California Coastal Sanctuary Act in 1994, which codified the Commission's earlier administrative prohibition of new offshore leases and created a statutory statewide coastal sanctuary that prohibits future oil and gas leasing in all State coastal waters, from Mexico to the Oregon border, in perpetuity; and

Whereas, the U.S. Congress has protected California coastline from expanded offshore drilling for more than twenty years, renewing this protection in the form of a legislative moratorium contained in the annual appropriations bill for the Department of the Interior; and

Whereas, the need for new oil development can be reduced by improving automobile fuel efficiency and energy efficiency, utilizing and further researching renewable energy and alternative fuels, and fully funding energy conservation and efficiency programs, including solar and renewables, weatherization, and other initiatives; thus increasing energy independence and reducing the reliance on foreign oil; and

Whereas, in spite of the steady opposition to new oil and gas leasing off California, various proposals have been made in the last five years to end the federal moratorium or to take steps, such as oil and gas inventories, that are intended to lead to new leasing; and

Whereas, the Commission has adopted six resolutions since 2001 supporting the existing moratorium on new federal leases and opposing the new initiatives to open the California coast to new oil and gas development and leases; and

Whereas, S. 151, recently introduced by Senator's Boxer and Feinstein would permanently ban new oil and gas leasing in federal waters, consistent with the state's own prohibition of new leasing in state waters; now, therefore, be it

Resolved by the California State Lands Commission, That it supports S. 151 and the prohibition it proposes for new oil and gas leases in federal waters off California and urges Congress to adopt this measure; and be it further

Resolved, That the Congress of the United States and the Federal government be encouraged to explore options to increase energy independence and reduce reliance on foreign oil, such as incentives to improve energy efficiency, requirements to improve automobile fuel efficiency, provide funding for research into renewable energy and alternative fuels, and fully funding energy conservation and efficiency; and be it further

Resolved, That the Commission's Executive Officer transmit copies of this resolution to the President and Vice President of the United States, to the Governor of California, to the Majority and Minority Leaders of the United States Senate, to the Speaker and Minority Leader of the United States House of Representatives, to the Chairs and Ranking Minority Members of the House Committee on Natural Resources, the House Committee on Energy and Commerce, the Senate Committee on Energy and Natural Resources, and the Senate Committee on Environment and Public Works and to each Senator and Representative from California in the Congress of the United States.

POM–50. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan urging Congress to enact the Great Lakes Asian Carp Barrier Act; to the Committee on Environment and Public Works.

HOUSE RESOLUTION NO. 17

Whereas, two species of Asian carp are on the verge of invading the Great Lakes. Silver carp and bighead carp have advanced up the Mississippi River since their escape from southern fish farms in the early 1980s, and now have been identified within miles of Lake Michigan in the Illinois River near Chicago; and

Whereas, Asian carp pose a significant risk to the ecology and economy of the Great Lakes region. Asian carp can grow as large as 100 pounds and are voracious feeders. They compete with native fish for food and degrade water quality by disturbing sediments. They could become a dominant species in the Great Lakes, threatening a $4.5 billion commercial and recreational fishery. Silver carp can also jump up to 10 feet out of the water when disturbed, posing a risk to recreational boaters; and

Whereas, Asian carp are the latest in a long line of exotic species to threaten the Great Lakes. Over 180 exotic species have invaded the Great Lakes since European settlement. The most harmful exotic species, zebra mussels and sea lampreys, have cost an estimated $100 million per year to control during the 1990s. Scientists project that Asian carp could have a similar impact on the Great Lakes; and

Whereas, the only thing preventing the movement of Asian carp into the Great Lakes is a temporary electrical barrier in the Chicago Sanitary and Ship Canal operated by the United States Army Corps of Engineers. In addition, the Army Corps and the state of Illinois are constructing a permanent electrical barrier to replace the temporary barrier; and

Whereas, to date, over $12 million has been spent on construction and operation of the electrical barriers. To help match federal funding, the state of Michigan has contributed nearly $70,000 toward the completion of the permanent electrical barrier; and

Whereas, current funding is insufficient to complete construction of the permanent barrier and only finances operation of the temporary barrier through the first half of fiscal year 2007. In addition, there is no funding to renovate the temporary barrier as a permanent backup to the new barrier; and

Whereas, The Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336) would provide funds to upgrade the current barrier and complete construction of the permanent barrier; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact the Great Lakes Asian Carp Barrier Act (H.R. 553 and S. 336) to protect the Great Lakes from Asian carp; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–51. A resolution adopted by the House of Representatives of the General Assembly of the State of Kentucky urging Congress to repeal the Government Pension Offset and the Windfall Elimination Provision; to the Committee on Finance.

HOUSE RESOLUTION NO. 45

Whereas, the intent of Congress in the enactment of the Government Pension Offset (GPO) and the Windfall Elimination Provision (WEP) was to protect the Social Security program and eliminate perceived abuses in the payment of dual benefits to certain beneficiaries; and

Whereas, the GPO and WEP, have resulted in devastating, unintended consequences for hundreds of thousands of teachers and other public employees nationwide; and

Whereas, the GPO affects teachers and other public employees in Kentucky and other states who are participants in public retirement systems but who do not participate in the Social Security retirement program; and

Whereas, under the GPO, a teacher who receives benefits under the Kentucky Teachers' Retirement System will suffer at least a two-thirds reductions in the Social Security survivor benefits the teacher would otherwise receive from a spouse's private-sector earnings; and

Whereas, teachers in fifteen states, including Kentucky, do not participate in the Social Security program; and

Whereas, the WEP reduces the Social Security benefits of a teacher or other public employee who has participated and received earnings sufficient to qualify for Social Security retirement benefits as well as the benefits procured under the Kentucky Teachers' Retirement System or other public retirement system; and

Whereas, the GPO and WEP unfairly target public employees, especially our highly valued teachers who sacrifice lucrative earnings in the private sector to educate our children; and

Whereas, Kentucky has a significant teacher shortage and loses more than 2000 teachers annually to retirement and must actively recruit new teachers to meet growing enrollment demands; and

Whereas, a federal proposal to repel both the GPO and WEP, the Social Security Fairness Act of 2007, has been introduced in the U.S. House of Representatives and the U.S. Senate and clearly indicates an awareness and acknowledgment of the devastating impact of these provisions on teachers and other public employees; Now, therefore, be it

Resolved by the House of Representatives of the General Assembly of the Commonwealth of Kentucky:

Section 1. The House of Representatives of the Commonwealth of Kentucky urges the Congress of the United States to enact the Social Security Fairness Act of 2007 or similar legislation to repeal the GPO and WEP provisions of the Social Security law.

Section 2. The Clerk of the House of Representatives shall transmit copies of this Resolution to the President and Vice President of the United States to the Speaker of the U.S. House of Representatives, the Majority Floor Leader of the U.S. Senate, and to each Senator and Representative from the Commonwealth of Kentucky in the Congress of the United States.

POM–52. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan urging the President and Congress to appropriate additional funding for the Low Income Home Energy Assistance Program; to the Committee on Health, Education, Labor, and Pensions.

HOUSE RESOLUTION NO. 33

Whereas, Home heating is a fundamental necessity in northern climate states during the months from October through March. However, low-income households in Michigan and across the nation struggle to pay for this basic necessity. High energy bills in winter force many low-income households into difficult situations, such as forgoing medicine or food in order to pay energy bills or putting themselves in danger by using stoves and portable heaters to provide warmth; and

Whereas, In the early 1980s, Congress recognized the need for heating and other home energy assistance when it enacted legislation to create the Low Income Home Energy Assistance Program (LIHEAP). The LIHEAP program has become a crucial safety net for low-income households and families across the nation, especially in northern climate states. LIHEAP assistance has helped millions of families keep their homes at safe and healthy temperatures; and

Whereas, Last year Congress appropriated a record level $3.2 billion in LIHEAP funding. In spite of this, only a fraction of eligible low income households received assistance. According to the United States Department of Health and Human Services, last winter only 15 percent of 38 million eligible low-income households actually received assistance from the LIHEAP program; and

Whereas, This year, with the adoption of a September 29th, continuing resolution, Congress has appropriated only $1.98 billion for LIHEAP. The President's proposed FY 2008 budget calls for funding to be reduced further to $1.78 billion. Under these funding proposals, it is estimated that Michigan will receive as much as $47 million dollars less than last year. This will surely mean that state energy assistance programs will be forced to shut down programs and turn needy people away. Last year, even with the record level funding, only 35 percent of eligible low-income households in Michigan received LIHEAP assistance; and

Whereas, such inadequate LIHEAP funding could be disastrous for Michigan. The state is struggling through one of the nation's worst economic situations. Currently, nearly one third of Michigan households are at or below 60 percent of the state's median income, and the unemployment rate, which is already much higher than the national average, keeps growing. Clearly, such tough economic times coupled with a cold, harsh winter, and high heating fuel prices, make LIHEAP funding vital for the state of Michigan; now, therefore be it

Resolved by the House of Representatives, That we urge the President and the Congress of the United States to immediately increase funding for LIHEAP to at least last year's level of $3.2 billion; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-53. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan urging Congress to enact the Employee Free Choice Act; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 21

Whereas, In 1935, the United States established, by law, that workers must be free to form unions. The freedom to form or join a union is internationally recognized as a fundamental human right; and

Whereas, Union membership provides workers better wages and benefits, and protection from discrimination and unsafe workplaces. Unions benefit communities by strengthening tax bases, promoting equal treatment, and enhancing civic participation; and

Whereas, Even though on paper America's workers have the freedom to choose for themselves whether to have a union, in reality, workers across the nation are routinely denied that right. More than 40 million United States workers say they would join a union now if they had the opportunity; and

Whereas, When the right of workers to form a union is violated, wages fall, race and gender pay gaps widen, workplace discrimination increases, and job safety standards disappear; and

Whereas, Many thousands of workers in our country are routinely threatened, coerced, or fired each year because they try to form a union. Most violations of workers' freedom to choose a union occur behind closed doors, and each year millions of dollars are spent to frustrate workers' efforts to form unions; and

Whereas, A worker's fundamental right to choose a union is a public issue that requires a public policy solution, including legislative remedies; and

Whereas, The Employee Free Choice Act (H.R. 800) has been introduced in the United States Congress in order to restore workers' freedom to join a union; now, therefore, be it

Resolved by the House of Representatives, That we memorialize the United States Congress to enact the Employee Free Choice Act, which would authorize the National Labor Relations Board to certify a union as the bargaining representative when a majority of employees voluntarily sign authorizations designating that union to represent them; provide for first contract mediation and, arbitration; and establish meaningful penalties for violations of a worker's freedom to choose a union; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-54. A resolution adopted by the Senate of the Legislature of the State of Michigan urging the President and Congress to increase funding for the Low Income Home Energy Assistance Program and to facilitate the establishment of programs that provide information about responsible energy use; to the Committee on Health, Education, Labor, and Pensions.

Senate Resolution No. 10

Whereas, Each winter, public and private programs offering help to low-income families trying to heat their homes usually find their budgets stretched thin; and

Whereas, Fortunately, there is a federally funded program that provides energy assistance to low-income households. The Low Income Home Energy Assistance Program (LIHEAP) is a federal block grant program that provides billions of dollars annually to help low-income households pay energy bills. LIHEAP funds have averted numerous tragedies by enabling needy families to keep their homes at healthy and safe temperatures during the bitter cold months of winter; and

Whereas, Utility companies, government agencies, and nonprofit organizations often make information available to low-income families to help reduce their heating bills. Such information often recognizes the need for reducing home energy costs through the use of conservation technologies and flexible bill payment practices designed to help empower low-income consumers to pay their utility bills on a discounted basis; and

Whereas, Coordinated and efficient consumer education programs of federal, state, and local agencies could help consumers take responsibility for their winter heating bills. Educational programming on things such as how to set proper temperatures in the home, the use of programmable thermostats, tips on household budgeting, how to weatherize a home, and energy efficiency training could better prepare low-income households with the skills needed to control their winter heating costs; and

Whereas, The President's proposed budget for next year would reduce the percentage of eligible needy families that receive LIHEAP assistance. The President is requesting only $1.782 billion for LIHEAP in FY 2008. This is far less than the $5.1 billion that is authorized for the program under the U.S. Energy Policy Act of 2005 and a dramatic 44 percent reduction from FY 2006 funding levels. According to the National Energy Assistance Directors' Association (NEADA), the President's proposed cut to LIHEAP would force states to eliminate energy assistance to more than a million households; and

Whereas, The President's proposal would hit Michigan particularly hard. No other northern climate state is suffering through such tough economic times. Michigan finished last year with one of the nation's worst unemployment rates, second only to Mississippi. Since 2003, the unemployment rate in Michigan has exceeded the national rate by an ever-widening margin. As the number of unemployed persons in the state grows, so, too, does the number of households seeking energy assistance. In spite of this, under the President's proposal, it is estimated that the state would receive nearly $50 million less than it did last year. Clearly, we should educate customers on how to use energy wisely and we should adequately fund the LIHEAP program to ensure that low-income families in Michigan and across the nation receive the help they need during the bitter cold months of winter; now, therefore, be it

Resolved by the Senate, That we memorialize the President and the Congress of the United States, particularly the Michigan congressional delegation and the chairman of the Committee on Energy and Commerce, to do all they can to provide additional funding for the Low Income Home Energy Assistance Program and facilitate the establishment of programs that provide information on responsible energy use; and be it further

Resolved, That copies of this resolution be transmitted to the Office of the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. INOUYE, from the Committee on Commerce, Science, and Transportation, with an amendment in the nature of a substitute:

S. 39. A bill to establish a coordinated national ocean exploration program within the National Oceanic and Atmospheric Administration, and for other purposes (Rept. No. 110-39).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 558. A bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DURBIN (for himself, Mr. Coleman, Mr. Dodd, Mr. Hagel, Mr. Obama, Mr. Kerry, Mr. Roberts, Mr. Menendez, Mr. Cochran, Mr. Lieberman, Mr. Levin, Mr. Smith, Mr. Stevens, Mr. Akaka, Mr. Chambliss, Ms. Stabenow, Ms. Snowe, Ms. Cantwell, Mr. Baucus, Mr. Warner, Mr. Pryor, and Mr. Kennedy):

S. 991. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961; to the Committee on Foreign Relations.

By Mrs. BOXER (for herself, Mr. Inhofe, Mr. Lautenberg, Mr. Alexander, Mr. Cardin, Mr. Lieberman, Mrs. Clinton, Ms. Klobuchar, and Mr. Craig):

S. 992. A bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes; to the Committee on Environment and Public Works.

By Mrs. CLINTON (for herself and Mr. Dodd):

S. 993. A bill to improve pediatric research; to the Committee on Health, Education, Labor, and Pensions.

By Mr. TESTER (for himself and Mr. SALAZAR):

S. 994. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affairs, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. COLEMAN (for himself, Mr. COCHRAN, and Ms. KLOBUCHAR):

S. 995. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 996. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mr. HATCH, Mrs. FEINSTEIN, Mr. SMITH, Mr. REID, and Mr. SPECTER):

S. 997. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research; read the first time.

By Mr. BUNNING:

S. 998. A bill to exempt the natural aging process in the determination of the production period for distilled spirits under section 263A of the Internal Revenue Code of 1986; to the Committee on Finance.

By Mr. COCHRAN (for himself, Mr. KENNEDY, Mr. WARNER, Mr. DORGAN, Mrs. MURRAY, Ms. COLLINS, Mr. REED, Ms. CANTWELL, and Mr. COLEMAN):

S. 999. A bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation; to the Committee on Health, Education, Labor, and Pensions.

By Mr. STEVENS (for himself and Ms. LANDRIEU):

S. 1000. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. HUTCHISON (for herself, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BOND, Mr. BROWNBACK, Mr. BURR, Mr. BUNNING, Mr. CHAMBLISS, Mr. COBURN, Mr. COCHRAN, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mr. HAGEL, Mr. INHOFE, Mr. ISAKSON, Mr. KYL, Mr. LOTT, Mr. MARTINEZ, Mr. MCCAIN, Ms. MURKOWSKI, Mr. NELSON of Nebraska, Mr. ROBERTS, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, and Mr. VITTER):

S. 1001. A bill to restore Second Amendment rights in the District of Columbia; read the first time.

By Mr. KENNEDY (for himself, Mr. ENZI, and Mr. ROBERTS):

S. 1002. A bill to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program; considered and passed.

By Mr. KENNEDY (for himself, Mr. KERRY, Mrs. BOXER, Mr. HARKIN, Mr. LAUTENBERG, Mr. DODD, Mr. LIEBERMAN, Mrs. FEINSTEIN, Ms. MIKULSKI, Mr. BROWN, Mr. DURBIN, Mr. SCHUMER, Ms. CANTWELL, Mr. BIDEN, Mr. LEVIN, Mr. MENENDEZ, Mrs. MURRAY, Mrs. CLINTON, Mr. FEINGOLD, Ms. STABENOW, and Mr. WHITEHOUSE):

S.J. Res. 10. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, Mr. FEINGOLD, Mr. LEVIN, Ms. SNOWE, Mr. KERRY, Mr. BIDEN, Ms. CANTWELL, Mr. LIEBERMAN, Mr. WYDEN, Mrs. CLINTON, Mr. CRAPO, and Mr. SANDERS):

S. Res. 125. A resolution designating May 18, 2007, as "Endangered Species Day", and encouraging the people of the United States to become educated about, and aware of, threats to species, success stories in species recovery, and the opportunity to promote species conservation worldwide; to the Committee on the Judiciary.

By Mr. AKAKA (for himself, Mr. DODD, Mrs. CLINTON, Mr. COCHRAN, Mr. DURBIN, Mr. KOHL, Mr. KENNEDY, Mr. MENENDEZ, Mr. SCHUMER, Mr. INOUYE, Ms. STABENOW, Mr. CARDIN, Mr. LEVIN, Mr. CRAPO, Mr. DEMINT, Mrs. FEINSTEIN, Mr. BAUCUS, Mr. THOMAS, Mrs. LINCOLN, Mr. ALLARD, and Mr. ENZI):

S. Res. 126. A resolution designating April 2007 as "Financial Literacy Month"; considered and agreed to.

By Mr. INHOFE (for himself and Mr. DODD):

S. Res. 127. A resolution designating April 8, 2007 as "National Cushing's Syndrome Awareness Day"; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 128. A resolution to authorize testimony, document production, and legal representation in United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller; considered and agreed to.

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 129. A resolution to authorize testimony, document production, and legal representation in State of Alaska v. Robert S. Mulford and Don G. Muller; considered and agreed to.

ADDITIONAL COSPONSORS

S. 223

At the request of Mr. FEINGOLD, the name of the Senator from West Virginia (Mr. BYRD) was added as a cosponsor of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 288

At the request of Mr. KERRY, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 288, a bill to amend titles 10 and 14, United States Code, to provide for the use of gold in the metal content of the Medal of Honor.

S. 329

At the request of Mr. CRAPO, the name of the Senator from Montana (Mr. TESTER) was added as a cosponsor of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 350

At the request of Mr. VITTER, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. KYL) and the Senator from Oklahoma (Mr. INHOFE) were added as cosponsors of S. 350, a bill to prohibit certain abortion-related discrimination in government activities.

S. 351

At the request of Mr. VITTER, the names of the Senator from Nevada (Mr. ENSIGN) and the Senator from South Carolina (Mr. DEMINT) were added as cosponsors of S. 351, a bill to amend title X of the Public Health Service Act to prohibit family planning grants from being awarded to any entity that performs abortions.

S. 459

At the request of Ms. SNOWE, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 459, a bill to require that health plans provide coverage for a minimum hospital stay for mastectomies, lumpectomies, and lymph node dissection for the treatment of breast cancer and coverage for secondary consultations.

S. 474

At the request of Mrs. HUTCHISON, the name of the Senator from Oklahoma (Mr. COBURN) was added as a cosponsor of S. 474, a bill to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 502

At the request of Mr. CRAPO, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 506

At the request of Mr. LAUTENBERG, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 506, a bill to improve efficiency in the Federal Government through the use of high-performance green buildings, and for other purposes.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 604

At the request of Mr. LAUTENBERG, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from New York (Mrs. CLINTON), the Senator from Rhode Island (Mr. REED), the Senator from Massachusetts (Mr. KERRY), the Senator from Idaho (Mr. CRAIG), the Senator from Florida (Mr. NELSON), the Senator from Mississippi (Mr. COCHRAN), the Senator from Louisiana (Ms. LANDRIEU), the Senator from Hawaii (Mr. AKAKA), the Senator from Washington (Ms. CANTWELL) and the Senator from Wyoming (Mr. THOMAS) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 613

At the request of Mr. LUGAR, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 613, a bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes.

S. 614

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 614, a bill to amend the Internal Revenue Code to double the child tax credit for the first year, to expand the credit dependent care services, to provide relief from the alternative minimum tax, and for other purposes.

S. 638

At the request of Mr. BYRD, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 659

At the request of Mr. HAGEL, the name of the Senator from Iowa (Mr. GRASSLEY) was added as a cosponsor of S. 659, a bill to amend section 1477 of title 10, United States Code, to provide for the payment of the death gratuity with respect to members of the Armed Forces without a surviving spouse who are survived by a minor child.

S. 694

At the request of Mrs. CLINTON, the names of the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 790

At the request of Mr. LUGAR, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 790, a bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions.

S. 797

At the request of Mr. CARDIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 797, a bill to amend the National Trails System Act to designate the Star-Spangled Banner Trail in the States of Maryland and Virginia and the District of Columbia as a National Historic Trail.

S. 798

At the request of Mr. CARDIN, the names of the Senator from Louisiana (Ms. LANDRIEU) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of S. 798, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the names of the Senator from Minnesota (Mr. COLEMAN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 823

At the request of Mr. OBAMA, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 823, a bill to amend the Public Health Service Act with respect to facilitating the development of microbicides for preventing transmission of HIV/AIDS and other diseases, and for other purposes.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 863

At the request of Mr. SESSIONS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 863, a bill to amend title 18, United States Code, with respect to fraud in connection with major disaster or emergency funds.

S. 897

At the request of Ms. MIKULSKI, the names of the Senator from Illinois (Mr. DURBIN), the Senator from Minnesota (Mr. COLEMAN) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 897, a bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 921

At the request of Mr. THOMAS, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 921, a bill to amend title XVIII of the Social Security Act to provide for the coverage of marriage and family therapist services and mental health counselor services under part B of the Medicare program, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 963

At the request of Mr. MENENDEZ, the names of the Senator from Pennsylvania (Mr. SPECTER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 963, a bill to authorize the Secretary of Education to make grants to educational organizations to carry out educational programs about the Holocaust.

S. 966

At the request of Mr. SCHUMER, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 966, a bill to enable the Department of State to respond to a critical shortage of passport processing personnel, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Montana (Mr. BAUCUS) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 987

At the request of Mr. BINGAMAN, the names of the Senator from Washington

(Ms. CANTWELL), the Senator from Colorado (Mr. SALAZAR), the Senator from Idaho (Mr. CRAIG), the Senator from Florida (Mr. MARTINEZ) and the Senator from Hawaii (Mr. AKAKA) were added as cosponsors of S. 987, a bill to enhance the energy security of the United States by promoting biofuels and for other purposes.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Wyoming (Mr. THOMAS) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. RES. 76

At the request of Mr. FEINGOLD, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from California (Mrs. BOXER), the Senator from California (Mrs. FEINSTEIN), the Senator from Maine (Ms. SNOWE), the Senator from Maryland (Ms. MIKULSKI), the Senator from New York (Mrs. CLINTON), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Ohio (Mr. BROWN) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. Res. 76, a resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 112

At the request of Mr. SCHUMER, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 112, a resolution designating April 6, 2007, as "National Missing Persons Day".

S. RES. 122

At the request of Mr. HAGEL, the names of the Senator from South Dakota (Mr. THUNE), the Senator from Texas (Mrs. HUTCHISON) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. Res. 122, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

AMENDMENT NO. 643

At the request of Mr. COCHRAN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of amendment No. 643 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 647

At the request of Mr. SESSIONS, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of amendment No. 647 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DURBIN (for himself, Mr. COLEMAN, Mr. DODD, Mr. HAGEL, Mr. OBAMA, Mr. KERRY, Mr. ROBERTS, Mr. MENENDEZ, Mr. COCHRAN, Mr. LIEBERMAN, Mr. LEVIN, Mr. SMITH, Mr. STEVENS, Mr. AKAKA, Mr. CHAMBLISS, Ms. STABENOW, Ms. SNOWE, Ms. CANTWELL, Mr. BAUCUS, Mr. WARNER, Mr. PRYOR, and Mr. KENNEDY):

S. 991. A bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961; to the Committee on Foreign Relations.

Mr. DURBIN. Mr. President, I have spoken many times about one of our Nation's greatest public servants, the late Senator Paul Simon. He was an honorable man who devoted his life to working for the public good.

In the months before his untimely death, Senator Simon returned to Washington to talk to his former colleagues about the need to strengthen our Nation's international understanding and our ability to remain a world leader in the 21st century. His desire to promote peace and security through mutual understanding and sensitivity to the rest of the world was borne out of the tragic events of September 11, 2001.

Senator Simon struggled with the question of how America could lead when so few of our citizens have the proper knowledge and understanding of the world beyond our borders. He knew that America's security, global competitiveness, and diplomatic efforts in working towards a peaceful society rest on our young people's global competence and ability to appreciate languages and cultural and social realities beyond what they may have experienced in the United States. He envisioned a United States populated by a generation of Americans with a greater knowledge and understanding of the world—a generation of our Nation's future leaders that have been abroad and have a personal connection to another part of the world.

Senator Simon's tireless efforts led to Congress's establishment of the Abraham Lincoln Study Abroad Commission. I was honored to serve on this bipartisan Commission, and it was a privilege for me to introduce legislation last year that brought Senator Simon's dream one step closer to reality. The bill, based on the Commission's recommendations, would have established a study abroad program for undergraduate students that would help build global awareness and international understanding.

I am once again proud to stand here today and introduce legislation that embodies Senator Simon's vision. The bill has been renamed the Senator Paul Simon Study Abroad Foundation Act so that all future generations will remember Senator Simon's commitment to international education.

The goal of this legislation remains the same: to encourage and support the experience of studying abroad in developing countries—in countries whose people, culture, language, government, and religion might be very different from ours. This bill aims to have at least 1 million undergraduate students study abroad annually within 10 years and to expand study abroad opportunities for students who are currently underrepresented.

The Senator Paul Simon Study Abroad Foundation Act would establish study abroad as a national priority and provide the catalyst for the education community to commit to making study abroad an institutional priority.

This legislation would create an independent public-private entity, the Senator Paul Simon Foundation, that would award grants to carry out the goal of making study abroad in high-quality programs in diverse locations around the world the routine, rather than the exception, for college students. Students who were previously unable to study abroad due to financial constraints would be eligible for grants. Grants also would provide colleges, universities and nongovernmental institutions with the financial incentive to develop programs that make it easier for college students to study abroad.

The future of our country depends on having globally literate citizens—those who are able to look at other points of view and incorporate those ideas into their thinking and manner of interacting with others. I have shared this Paul Simon quote before, and I will do so again because it is the most poignant example of Paul's vision in his own words:

> A nation cannot drift into greatness. We must dream, and we must be willing to make small sacrifices to achieve those dreams. This major national initiative can lift our vision and responsiveness to the rest of the world.

I ask my colleagues to join with me and with Senator COLEMAN in support of this legislation and to see to it that Senator Paul Simon's dream of building a stronger and more culturally aware nation is realized.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 991

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Senator Paul Simon Study Abroad Foundation Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to President George W. Bush, "America's leadership and national security rest on our commitment to educate and prepare our youth for active engagement in the international community.".

(2) According to former President William J. Clinton, "Today, the defense of United States interests, the effective management of global issues, and even an understanding of our Nation's diversity require ever-greater contact with, and understanding of, people and cultures beyond our borders.".

(3) Congress authorized the establishment of the Commission on the Abraham Lincoln Study Abroad Fellowship Program pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108-199). Pursuant to its mandate, the Commission has submitted to Congress and the President a report of its recommendations for greatly expanding the opportunity for students at institutions of higher education in the United States to study abroad, with special emphasis on studying in developing nations.

(4) Studies consistently show that United States students score below their counterparts in other advanced countries on indicators of international knowledge. This lack of global literacy is a national liability in an age of global trade and business, global interdependence, and global terror.

(5) By numbers ranging from 77 to more than 90 percent, Americans believe that it is important for their children to learn other languages, study abroad, attend a college where they can interact with international students, learn about other countries and cultures, and generally be prepared for the global age, according to a December 2005 national survey commissioned by NAFSA: Association of International Educators.

(6) In today's world, it is more important than ever for the United States to be a responsible, constructive leader that other countries are willing to follow. Such leadership cannot be sustained without an informed citizenry with much more knowledge and awareness of the world than most Americans currently possess.

(7) Study abroad has proven to be a very effective means of imparting international and foreign-language competency to students.

(8) In any given year, only approximately one percent of all students enrolled in United States institutions of higher education study abroad.

(9) Less than 10 percent of the students who graduate from United States institutions of higher education with bachelors degrees have studied abroad.

(10) Far more study abroad must take place in the developing countries. Ninety-five percent of the world's population growth over the next 50 years will occur outside of Europe. Yet in the academic year 2004-2005, 60 percent of United States students studying abroad studied in Europe, and 45 percent studied in four countries—the United Kingdom, Italy, Spain, and France—according to the Institute of International Education.

(11) The Final Report of the National Commission on Terrorist Attacks Upon the United States (The 9/11 Commission Report) recommended that the United States increase support for "scholarship, exchange, and library programs". The 9/11 Public Discourse Project, successor to the 9/11 Commission, noted in its November 14, 2005, status report that this recommendation was "unfulfilled," and stated that "The U.S. should increase support for scholarship and exchange programs, our most powerful tool to shape attitudes over the course of a generation.". In its December 5, 2005, Final Report on the 9/11 Commission Recommendations, the 9/11 Public Discourse Project gave the government a grade of "D" for its implementation of this recommendation.

(12) Investing in a national study abroad program would help turn a grade of "D" into an "A" by equipping United States students to communicate United States values and way of life through the unique dialogue that takes place among citizens from around the world when individuals study abroad.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to significantly enhance the global competitiveness and international knowledge base of the United States by ensuring that more students in United States institutions of higher education have the opportunity to acquire foreign language skills and international knowledge through significantly expanded study abroad;

(2) to enhance the foreign policy capacity of the United States by significantly expanding and diversifying the talent pool of individuals with non-traditional foreign language skills and cultural knowledge in the United States who are available for recruitment by United States foreign affairs agencies, legislative branch agencies, and nongovernmental organizations involved in foreign affairs activities;

(3) to ensure that an increasing portion of study abroad by United States students will take place in nontraditional study abroad destinations such as the People's Republic of China, countries of the Middle East region, and developing countries; and

(4) to create greater cultural understanding of the United States by exposing foreign students and their families to American students in countries that have not traditionally hosted large numbers of American students.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Appropriations of the Senate.

(2) BOARD.—The term "Board" means the Board of Directors of the Foundation established pursuant to section 5(d).

(3) CHIEF EXECUTIVE OFFICER.—The term "Chief Executive Officer" means the chief executive officer of the Foundation appointed pursuant to section 5(c).

(4) FOUNDATION.—The term "Foundation" means the Senator Paul Simon Study Abroad Foundation established by section 5(a).

(5) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(6) NONTRADITIONAL STUDY ABROAD DESTINATION.—The term "nontraditional study abroad destination" means a location that is determined by the Foundation to be a less common destination for United States students who study abroad.

(7) STUDY ABROAD.—The term "study abroad" means an educational program of study, work, research, internship, or combination thereof that is conducted outside the United States and that carries academic credit toward fulfilling the participating student's degree requirements.

SEC. 5. ESTABLISHMENT AND MANAGEMENT OF THE SENATOR PAUL SIMON STUDY ABROAD FOUNDATION.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—There is established in the executive branch a corporation to be known as the "Senator Paul Simon Study Abroad Foundation" that shall be responsible for carrying out this Act under the authorities of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.). The Foundation shall be a government corporation, as defined in section 103 of title 5, United States Code.

(2) BOARD OF DIRECTORS.—The Foundation shall be governed by a Board of Directors chaired by the Secretary of State in accordance with subsection (d).

(3) INTENT OF CONGRESS.—It is the intent of Congress in establishing the structure of the Foundation set forth in this subsection to create an entity that will administer a study abroad program that—

(A) serves the long-term foreign policy and national security needs of the United States; but

(B) operates independently of short-term political and foreign policy considerations.

(b) MANDATE OF FOUNDATION.—In administering the program referred to in subsection (a)(3), the Foundation shall—

(1) promote the objectives and purposes of this Act;

(2) through responsive, flexible grant-making, promote access by students at diverse institutions of higher education, including two-year institutions, minority-serving institutions, and institutions that serve nontraditional students;

(3) through creative grant-making, promote access by diverse students, including minority students, students of limited financial means, and nontraditional students;

(4) raise funds from the private sector to supplement funds made available under this Act; and

(5) be committed to minimizing administrative costs and to maximizing the availability of funds for grants under this Act.

(c) CHIEF EXECUTIVE OFFICER.—

(1) IN GENERAL.—There shall be in the Foundation a Chief Executive Officer who shall be responsible for the management of the Foundation.

(2) APPOINTMENT.—The Chief Executive Officer shall be appointed by the Board and shall be a recognized leader in higher education, business, or foreign policy, chosen on the basis of a rigorous search.

(3) RELATIONSHIP TO BOARD.—The Chief Executive Officer shall report to and be under the direct authority of the Board.

(4) COMPENSATION AND RANK.—

(A) IN GENERAL.—The Chief Executive Officer shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5, United States Code, and shall have the equivalent rank of Deputy Secretary.

(B) AMENDMENT.—Section 5314 of title 5, United States Code, is amended by adding at the end the following:

“Chief Executive Officer, Senator Paul Simon Study Abroad Foundation.”.

(5) AUTHORITIES AND DUTIES.—The Chief Executive Officer shall be responsible for the management of the Foundation and shall exercise the powers and discharge the duties of the Foundation.

(6) AUTHORITY TO APPOINT OFFICERS.—In consultation and with approval of the Board, the Chief Executive Officer shall appoint all officers of the Foundation.

(d) BOARD OF DIRECTORS.—

(1) ESTABLISHMENT.—There shall be in the Foundation a Board of Directors.

(2) DUTIES.—The Board shall perform the functions specified to be carried out by the Board in this Act and may prescribe, amend, and repeal bylaws, rules, regulations, and procedures governing the manner in which the business of the Foundation may be conducted and in which the powers granted to it by law may be exercised.

(3) MEMBERSHIP.—The Board shall consist of—

(A) the Secretary of State (or the Secretary's designee), the Secretary of Education (or the Secretary's designee), the Secretary of Defense (or the Secretary's designee), and the Administrator of the United States Agency for International Development (or the Administrator's designee); and

(B) five other individuals with relevant experience in matters relating to study abroad (such as individuals who represent institutions of higher education, business organizations, foreign policy organizations, or other relevant organizations) who shall be appointed by the President, by and with the advice and consent of the Senate, of which—

(i) one individual shall be appointed from among a list of individuals submitted by the majority leader of the House of Representatives;

(ii) one individual shall be appointed from among a list of individuals submitted by the minority leader of the House of Representatives;

(iii) one individual shall be appointed from among a list of individuals submitted by the majority leader of the Senate; and

(iv) one individual shall be appointed from among a list of individuals submitted by the minority leader of the Senate.

(4) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Foundation shall serve as a nonvoting, ex officio member of the Board.

(5) TERMS.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—Each member of the Board described in paragraph (3)(A) shall serve for a term that is concurrent with the term of service of the individual's position as an officer within the other Federal department or agency.

(B) OTHER MEMBERS.—Each member of the Board described in paragraph (3)(B) shall be appointed for a term of 3 years and may be reappointed for a term of an additional 3 years.

(C) VACANCIES.—A vacancy in the Board shall be filled in the manner in which the original appointment was made.

(6) CHAIRPERSON.—There shall be a Chairperson of the Board. The Secretary of State shall serve as the Chairperson.

(7) QUORUM.—A majority of the members of the Board described in paragraph (3) shall constitute a quorum, which, except with respect to a meeting of the Board during the 135-day period beginning on the date of the enactment of this Act, shall include at least one member of the Board described in paragraph (3)(B).

(8) MEETINGS.—The Board shall meet at the call of the Chairperson.

(9) COMPENSATION.—

(A) OFFICERS OF THE FEDERAL GOVERNMENT.—

(i) IN GENERAL.—A member of the Board described in paragraph (3)(A) may not receive additional pay, allowances, or benefits by reason of the member's service on the Board.

(ii) TRAVEL EXPENSES.—Each such member of the Board shall receive travel expenses, including per diem in lieu of subsistence, in accordance with applicable provisions under subchapter I of chapter 57 of title 5, United States Code.

(B) OTHER MEMBERS.—

(i) IN GENERAL.—Except as provided in clause (ii), a member of the Board described in paragraph (3)(B)—

(I) shall be paid compensation out of funds made available for the purposes of this Act at the daily equivalent of the highest rate payable under section 5332 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties as a member of the Board; and

(II) while away from the member's home or regular place of business on necessary travel in the actual performance of duties as a member of the Board, shall be paid per diem, travel, and transportation expenses in the same manner as is provided under subchapter I of chapter 57 of title 5, United States Code.

(ii) LIMITATION.—A member of the Board may not be paid compensation under clause (i)(II) for more than 90 days in any calendar year.

SEC. 6. ESTABLISHMENT AND OPERATION OF PROGRAM.

(a) ESTABLISHMENT OF THE PROGRAM.—There is hereby established a program, which shall—

(1) be administered by the Foundation; and

(2) award grants to—

(A) individuals for study abroad;

(B) nongovernmental institutions that provide and promote study abroad opportunities, in consortium with institutions described in subparagraph (C); and

(C) institutions of higher education, individually or in consortium,

in order to accomplish the objectives set forth in subsection (b).

(b) OBJECTIVES.—The objectives of the program established under subsection (a) are that, within 10 years of the date of the enactment of this Act—

(1) not less than one million undergraduate students in United States institutions of higher education will study abroad annually for credit;

(2) the demographics of study-abroad participation will reflect the demographics of the United States undergraduate population; and

(3) an increasing portion of study abroad will take place in nontraditional study abroad destinations, with a substantial portion of such increases taking place in developing countries.

(c) MANDATE OF THE PROGRAM.—In order to accomplish the objectives set forth in subsection (b), the Foundation shall, in administering the program established under subsection (a), take fully into account the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program (established pursuant to section 104 of the Miscellaneous Appropriations and Offsets Act, 2004 (division H of Public Law 108–199)).

(d) STRUCTURE OF GRANTS.—In accordance with the recommendations of the Commission on the Abraham Lincoln Study Abroad Fellowship Program, grants awarded under the program established under subsection (a) shall be structured to the maximum extent practicable to promote appropriate reforms in institutions of higher education in order to remove barriers to participation by students in study abroad.

(e) BALANCE OF LONG-TERM AND SHORT-TERM STUDY ABROAD PROGRAMS.—In administering the program established under subsection (a), the Foundation shall seek an appropriate balance between—

(1) longer-term study abroad programs, which maximize foreign-language learning and intercultural understanding; and

(2) shorter-term study abroad programs, which maximize the accessibility of study abroad to nontraditional students.

SEC. 7. ANNUAL REPORT.

Not later than March 31, 2008, and each March 31 thereafter, the Foundation shall submit to Congress a report on the implementation of this Act during the prior fiscal year.

SEC. 8. POWERS OF THE FOUNDATION; RELATED PROVISIONS.

(a) POWERS.—The Foundation—

(1) shall have perpetual succession unless dissolved by a law enacted after the date of the enactment of this Act;

(2) may adopt, alter, and use a seal, which shall be judicially noticed;

(3) may make and perform such contracts, grants, and other agreements with any person or government however designated and wherever situated, as may be necessary for carrying out the functions of the Foundation;

(4) may determine and prescribe the manner in which its obligations shall be incurred and its expenses allowed and paid, including expenses for representation;

(5) may lease, purchase, or otherwise acquire, improve, and use such real property wherever situated, as may be necessary for carrying out the functions of the Foundation;

(6) may accept cash gifts or donations of services or of property (real, personal, or mixed), tangible or intangible, for the purpose of carrying out the provisions of this Act;

(7) may use the United States mails in the same manner and on the same conditions as the executive departments;

(8) may contract with individuals for personal services, who shall not be considered Federal employees for any provision of law administered by the Office of Personnel Management;

(9) may hire or obtain passenger motor vehicles; and

(10) shall have such other powers as may be necessary and incident to carrying out this Act.

(b) PRINCIPAL OFFICE.—The Foundation shall maintain its principal office in the metropolitan area of Washington, District of Columbia.

(c) APPLICABILITY OF GOVERNMENT CORPORATION CONTROL ACT.—

(1) IN GENERAL.—The Foundation shall be subject to chapter 91 of subtitle VI of title 31, United States Code, except that the Foundation shall not be authorized to issue obligations or offer obligations to the public.

(2) CONFORMING AMENDMENT.—Section 9101(3) of title 31, United States Code, is amended by adding at the end the following:

“(R) the Senator Paul Simon Study Abroad Foundation.”.

(d) INSPECTOR GENERAL.—

(1) IN GENERAL.—The Inspector General of the Department of State shall serve as Inspector General of the Foundation, and, in acting in such capacity, may conduct reviews, investigations, and inspections of all aspects of the operations and activities of the Foundation.

(2) AUTHORITY OF THE BOARD.—In carrying out the responsibilities under this subsection, the Inspector General shall report to and be under the general supervision of the Board.

(3) REIMBURSEMENT AND AUTHORIZATION OF SERVICES.—

(A) REIMBURSEMENT.—The Foundation shall reimburse the Department of State for all expenses incurred by the Inspector General in connection with the Inspector General's responsibilities under this subsection.

(B) AUTHORIZATION FOR SERVICES.—Of the amount authorized to be appropriated under section 10(a) for a fiscal year, up to $2,000,000 is authorized to be made available to the Inspector General of the Department of State to conduct reviews, investigations, and inspections of operations and activities of the Foundation.

SEC. 9. GENERAL PERSONNEL AUTHORITIES.

(a) DETAIL OF PERSONNEL.—Upon request of the Chief Executive Officer, the head of an agency may detail any employee of such agency to the Foundation on a reimbursable basis. Any employee so detailed remains, for the purpose of preserving such employee's allowances, privileges, rights, seniority, and other benefits, an employee of the agency from which detailed.

(b) REEMPLOYMENT RIGHTS.—

(1) IN GENERAL.—An employee of an agency who is serving under a career or career conditional appointment (or the equivalent), and who, with the consent of the head of such agency, transfers to the Foundation, is entitled to be reemployed in such employee's former position or a position of like seniority, status, and pay in such agency, if such employee—

(A) is separated from the Foundation for any reason, other than misconduct, neglect of duty, or malfeasance; and

(B) applies for reemployment not later than 90 days after the date of separation from the Foundation.

(2) SPECIFIC RIGHTS.—An employee who satisfies paragraph (1) is entitled to be reemployed (in accordance with such paragraph) within 30 days after applying for reemployment and, on reemployment, is entitled to at least the rate of basic pay to which such employee would have been entitled had such employee never transferred.

(c) HIRING AUTHORITY.—Of persons employed by the Foundation, not to exceed 30 persons may be appointed, compensated, or removed without regard to the civil service laws and regulations.

(d) BASIC PAY.—The Chief Executive Officer may fix the rate of basic pay of employees of the Foundation without regard to the provisions of chapter 51 of title 5, United States Code (relating to the classification of positions), subchapter III of chapter 53 of such title (relating to General Schedule pay rates), except that no employee of the Foundation may receive a rate of basic pay that exceeds the rate for level IV of the Executive Schedule under section 5315 of such title.

(e) DEFINITIONS.—In this section—

(1) the term "agency" means an executive agency, as defined by section 105 of title 5, United States Code; and

(2) the term "detail" means the assignment or loan of an employee, without a change of position, from the agency by which such employee is employed to the Foundation.

SEC. 10. AUTHORIZATION OF APPROPRIATIONS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this Act $80,000,000 for fiscal year 2008 and each subsequent fiscal year.

(b) ALLOCATION OF FUNDS.—

(1) IN GENERAL.—The Foundation may allocate or transfer to any agency of the United States Government any of the funds available for carrying out this Act. Such funds shall be available for obligation and expenditure for the purposes for which the funds were authorized, in accordance with authority granted in this Act or under authority governing the activities of the United States Government agency to which such funds are allocated or transferred.

(2) NOTIFICATION.—The Foundation shall notify the appropriate congressional committees not less than 15 days prior to an allocation or transfer of funds pursuant to paragraph (1).

By Mrs. BOXER (for herself, Mr. INHOFE, Mr. LAUTENBERG, Mr. ALEXANDER, Mr. CARDIN, Mr. LIEBERMAN, Mrs. CLINTON, Ms. KLOBUCHAR, and Mr. CRAIG):

S. 992. A bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes; to the Committee on Environment and Public Works.

Mrs. BOXER. Mr. President, today I am pleased to introduce the "Public Buildings Cost Reduction Act of 2007." I am joined by my Environment and Public Works Committee colleagues Senators INHOFE, LAUTENBERG, ALEXANDER, CARDIN, LIEBERMAN, CLINTON, and KLOBUCHAR. This bill will reduce air pollution and save taxpayer money by accelerating the use of cost-effective technologies that reduce energy use in public buildings.

The goal of this legislation is to have the government lead by example. This bill will help to ensure less polluting and more cost-effective General Services Administration, or GSA, buildings. Under this legislation, the GSA, which is the Nation's largest public real estate organization, must establish a program to speed the use of cost-effective and energy-efficient technology and other actions, called "cost-effective technologies and practices", in its buildings. GSA also must assure that a manager is named who is responsible for accelerating the use of cost-effective technologies and practices for each GSA building.

In addition, the GSA must review current and available highly-efficient lighting within 90 days, and complete a plan within 6 months for installing highly-efficient lighting in GSA buildings. Within 1 year after enactment, GSA must issue a detailed timetable to replace all existing inefficient lighting in GSA buildings as quickly as feasible, within 5 years, using available funds.

A second provision in the bill requires GSA to complete a broader plan that will: (1) achieve a 20-percent reduction in operating costs at GSA facilities to the maximum extent feasible within 5 years after enactment through the application of cost-effective, highly efficient technologies and practices, using available funds; (2) describe the current and needed funding for these programs and any issues that may inhibit their implementation; (3) recommend uniform standards for federal agencies for highly efficient technologies; and (4) recommend ways to allow federal agencies to keep their savings from using efficient technologies and practices, to use them for additional investments and other purposes.

The bill also creates an EPA grant program to help local governments make their buildings more efficient. This $20 million per year matching grant program at EPA will help local governments renovate their buildings to make them more cost-effective and energy efficient. The grant program will require a 40 percent match from the local government, and will require grantees to show they will cut utility bills by 40 percent through renovations of a building or buildings that use highly efficient technologies and practices. Further, EPA will have to verify the efficiency and savings and issue guidelines for the program. Grants of up to $1 million will be allowed. In addition, the bill requires reports to Congress on progress under the program, savings achieved, and recommendations.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 992

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Buildings Cost Reduction Act of 2007".

SEC. 2. COST-EFFECTIVE TECHNOLOGY ACCELERATION PROGRAM.

(a) ESTABLISHMENT.—The Administrator of General Services (referred to in this section as the "Administrator") shall establish a program to accelerate the use of more cost-effective technologies and practices at GSA facilities.

(b) ACCELERATED USE OF COST-EFFECTIVE LIGHTING TECHNOLOGIES.—

(1) REVIEW.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 90 days after the date of enactment of this Act, the Administrator shall conduct a review of—

(i) current use of cost-effective lighting technologies in GSA facilities; and

(ii) the availability to managers of GSA facilities of cost-effective lighting technologies.

(B) REQUIREMENTS.—The review under subparagraph (A) shall—

(i) examine the use of cost-effective lighting technologies and other cost-effective technologies and practices by Federal agencies in GSA facilities; and

(ii) identify, in consultation with the Environmental Protection Agency, cost-effective lighting technology standards that could be used for all types of GSA facilities.

(2) REPLACEMENT.—

(A) IN GENERAL.—As part of the program under this subsection, not later than 180 days after the date of enactment of this Act, the Administrator shall establish a cost-effective lighting technology acceleration program to achieve maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies in each GSA facility using available appropriations.

(B) ACCELERATION PLAN TIMETABLE.—

(i) IN GENERAL.—To implement the program established under subparagraph (A), not later than 1 year after the date of enactment of this Act, the Administrator shall establish a timetable including milestones for specific activities needed to replace existing lighting technologies with more cost-effective lighting technologies, to the maximum extent feasible (including at the maximum rate feasible), at each GSA facility.

(ii) GOAL.—The goal of the timetable under clause (i) shall be to complete, using available appropriations, maximum feasible replacement of existing lighting technologies with more cost-effective lighting technologies by not later than the date that is 5 years after the date of enactment of this Act.

(c) GSA FACILITY COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—Not later than 180 days after the date of enactment of this Act, and annually thereafter, the Administrator shall—

(1) ensure that a manager responsible for accelerating the use of cost-effective technologies and practices is designated for each GSA facility; and

(2) submit to Congress a plan, to be implemented to the maximum extent feasible (including at the maximum rate feasible) using available appropriations, by not later than the date that is 5 years after the date of enactment of this Act, that—

(A) identifies the specific activities needed to achieve a 20-percent reduction in operational costs through the application of cost-effective technologies and practices from 2003 levels at GSA facilities by not later than 5 years after the date of enactment of this Act;

(B) describes activities required and carried out to estimate the funds necessary to achieve the reduction described in subparagraph (A);

(C) describes the status of the implementation of cost-effective technologies and practices at GSA facilities, including—

(i) the extent to which programs, including the program established under subsection (b), are being carried out in accordance with this Act; and

(ii) the status of funding requests and appropriations for those programs;

(D) identifies within the planning, budgeting, and construction process all types of GSA facility-related procedures that inhibit new and existing GSA facilities from implementing cost-effective technologies and practices;

(E) recommends language for uniform standards for use by Federal agencies in implementing cost-effective technologies and practices;

(F) in coordination with the Office of Management and Budget, reviews the budget process for capital programs with respect to alternatives for—

(i) permitting Federal agencies to retain all identified savings accrued as a result of the use of cost-effective technologies and practices; and

(ii) identifying short- and long-term cost savings that accrue from cost-effective technologies and practices;

(G) achieves cost savings through the application of cost-effective technologies and practices sufficient to pay the incremental additional costs of installing the cost-effective technologies and practices by not later than the date that is 5 years after the date of installation; and

(H) includes recommendations to address each of the matters, and a plan for implementation of each recommendation, described in subparagraphs (A) through (G).

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section, to remain available until expended.

SEC. 3. ENVIRONMENTAL PROTECTION AGENCY DEMONSTRATION GRANT PROGRAM FOR LOCAL GOVERNMENTS.

(a) GRANT PROGRAM.—

(1) IN GENERAL.—The Administrator of the Environmental Protection Agency (referred to in this section as the "Administrator") shall establish a demonstration program under which the Administrator shall provide competitive grants to assist local governments (such as municipalities and counties), with respect to local government buildings—

(A) to deploy cost-effective technologies and practices; and

(B) to achieve operational cost savings, through the application of cost-effective technologies and practices, as verified by the Administrator.

(2) COST SHARING.—The Federal share of the cost of an activity carried out using a grant provided under this section shall be 40 percent.

(3) MAXIMUM AMOUNT.—The amount of a grant provided under this subsection shall not exceed $1,000,000.

(b) GUIDELINES.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Administrator shall issue guidelines to implement the grant program established under subsection (a).

(2) REQUIREMENTS.—The guidelines under paragraph (1) shall establish—

(A) standards for monitoring and verification of operational cost savings through the application of cost-effective technologies and practices reported by grantees under this section;

(B) standards for grantees to implement training programs, and to provide technical assistance and education, relating to the retrofit of buildings using cost-effective technologies and practices; and

(C) a requirement that each local government that receives a grant under this section shall achieve facility-wide cost savings, through renovation of existing local government buildings using cost-effective technologies and practices, of at least 40 percent as compared to the baseline operational costs of the buildings before the renovation (as calculated assuming a 3-year, weather-normalized average).

(c) COMPLIANCE WITH STATE AND LOCAL LAW.—Nothing in this section or any program carried out using a grant provided under this section supersedes or otherwise affects any State or local law, to the extent that the State or local law contains a requirement that is more stringent than the relevant requirement of this section.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000 for each of fiscal years 2007 through 2012.

(e) REPORTS.—

(1) IN GENERAL.—The Administrator shall provide annual reports to Congress on cost savings achieved and actions taken and recommendations made under this section, and any recommendations for further action.

(2) FINAL REPORT.—The Administrator shall issue a final report at the conclusion of the program, including findings, a summary of total cost savings achieved, and recommendations for further action.

(f) TERMINATION.—The program under this section shall terminate on September 30, 2012.

SEC. 4. DEFINITIONS.

In this Act:

(1) COST-EFFECTIVE LIGHTING TECHNOLOGY.—

(A) IN GENERAL.—The term "cost-effective lighting technology" means a lighting technology that—

(i) will result in substantial operational cost savings by ensuring an installed consumption of not more than 1 watt per square foot; or

(ii) is contained in a list under—

(I) section 553 of Public Law 95–619 (42 U.S.C. 8259b); and

(II) Federal acquisition regulation 23–203.

(B) INCLUSIONS.—The term "cost-effective lighting technology" includes—

(i) lamps;

(ii) ballasts;

(iii) luminaires;

(iv) lighting controls;

(v) daylighting; and

(vi) early use of other highly cost-effective lighting technologies.

(2) COST-EFFECTIVE TECHNOLOGIES AND PRACTICES.—The term "cost-effective technologies and practices" means a technology or practice that—

(A) will result in substantial operational cost savings by reducing utility costs; and

(B) complies with the provisions of section 553 of Public Law 95–619 (42 U.S.C. 8259b) and Federal acquisition regulation 23–203.

(3) OPERATIONAL COST SAVINGS.—

(A) IN GENERAL.—The term "operational cost savings" means a reduction in end-use operational costs through the application of cost-effective technologies and practices, including a reduction in electricity consumption relative to consumption by the same customer or at the same facility in a given year, as defined in guidelines promulgated by the Administrator pursuant to section 3(b), that achieves cost savings sufficient to pay the incremental additional costs of using cost-effective technologies and practices by not later than the date that is 5 years after the date of installation.

(B) INCLUSIONS.—The term "operational cost savings" includes savings achieved at a facility as a result of—

(i) the installation or use of cost-effective technologies and practices; or

(ii) the planting of vegetation that shades the facility and reduces the heating, cooling, or lighting needs of the facility.

(C) EXCLUSION.—The term "operational cost savings" does not include savings from measures that would likely be adopted in the absence of cost-effective technology and practices programs, as determined by the Administrator.

(4) GSA FACILITY.—

(A) IN GENERAL.—The term "GSA facility" means any building, structure, or facility, in whole or in part (including the associated support systems of the building, structure, or facility) that—

(i) is constructed (including facilities constructed for lease), renovated, or purchased, in whole or in part, by the Administrator for use by the Federal Government; or

(ii) is leased, in whole or in part, by the Administrator for use by the Federal Government—

(I) except as provided in subclause (II), for a term of not less than 5 years; or

(II) for a term of less than 5 years, if the Administrator determines that use of cost-effective technologies and practices would result in the payback of expenses.

(B) INCLUSION.—The term "GSA facility" includes any group of buildings, structures, or facilities described in subparagraph (A) (including the associated energy-consuming support systems of the buildings, structures, and facilities).

(C) EXEMPTION.—The Administrator may exempt from the definition of "GSA facility" under this paragraph a building, structure, or facility that meets the requirements of section 543(c) of Public Law 95-619 (42 U.S.C. 8253(c)).

By Mrs. CLINTON (for herself and Mr. DODD):

S. 993. A bill to improve pediatric research; to the Committee on Health, Education, Labor, and Pensions.

Mrs. CLINTON. Mr. President, today I am introducing the Pediatric Research Improvement Act, legislation to reauthorize the Pediatric Rule and extend it permanently. I believe that doing so is critically important to ensure that the drugs designed for children are safe and effective for children. This legislation will result in better health outcomes for our children, grandchildren, and many generations of children to come.

In 1998, the FDA issued a regulation called the pediatric rule, which allowed the agency to require companies to perform pediatric clinical trials on medications used by children. It is important to note that this requirement does not slow the drug approval process. If a drug is not likely to be used in the pediatric population, it is not subject to this testing. Companies can also apply for a deferral, so that they can perform necessary tests after a drug has been approved and is being used in the adult population.

In October 2002, a U.S. District Court found that the FDA had exceeded its statutory authority when it promulgated the Pediatric Rule, and that Congress needed to explicitly award the FDA the power to require these clinical trials.

In response, I worked with my colleagues in Congress to pass the Pediatric Research Equity Act, legislation that codified the Pediatric Rule, and which was signed into law on December 3, 2003.

Since 2003, over 100 drugs have been evaluated under PREA—and since 1998, more than 1,000 drugs have fallen under the authority of the pediatric rule. The legislation has successfully resulted in increased pediatric evaluations. We've been able to collect data on drugs commonly used in children—like azithromycin, an antibiotic used to treat bronchitis, pneumonia, and other respiratory infections—as well as drugs that may not be so commonly used, but that help keep children alive, like emtriva, one of the newer drugs we have to treat AIDS.

But unless we act to reauthorize this legislation now, the pediatric rule is set to sunset on September 30 of this year, placing in jeopardy the ability of the agency to require these safeguards for our children.

In order to address this, I am introducing the Pediatric Research Improvement Act to remove the sunset for the pediatric rule, so that we will never again be in danger of losing the authority to make sure that the drugs designed for children are safe for children.

In addition to making the rule permanent, this reauthorization would do the following:

Improves Coordination between Pediatric Specialists and Others at the FDA. In order to improve coordination with the pediatric exclusivity provisions of the Best Pharmaceuticals for Children Act (BPCA), PRIA would expand an internal FDA committee to review all issues of pediatric-related labeling and assessments. Doing so ensures that a drug that falls under PRIA or BPCA is reviewed not only by experts for that particular drug, but those with pediatric expertise.

Streamlines the process for obtaining pediatric data on already-marketed drugs. If a company chooses not to pursue pediatric exclusivity for an already marketed drug under the Best Pharmaceuticals for Children Act, the Secretary has the authority to require the submission of pediatric data for the drug. This authority has never been utilized, in part due to the lengthy administrative process required. PRIA would streamline this administrative process and help get essential data on drugs for which it is vitally needed, while preserving the ability of companies to have a fair review of the agency's decisions.

Increases Data about the Use and Applicability of PRIA. PRIA would require two reports—one from the Institute of Medicine and one from the GAO—that would allow us to have better data on the number and ways in which the pediatric rule is used, and evaluate its contributions to ensuring overall pediatric drug safety.

This legislation is supported by the American Academy of Pediatrics, Elizabeth Glaser Pediatric AIDS Foundation, Ambulatory Pediatric Association, American Pediatric Society, Association of Medical School Pediatric Department Chairs, and the Society for Pediatric Research.

I look forward to working with my colleagues in Congress to pass this vital piece of legislation as quickly as possible, and help to ensure that our pediatricians and other health professionals have the tools they need to provide safe and effective treatment to our Nation's children.

By Mr. TESTER (for himself and Mr. SALAZAR):

S. 994. A bill to amend title 38, United States Code, to eliminate the deductible and change the method of determining the mileage reimbursement rate under the beneficiary travel program administered by the Secretary of Veteran Affáirs, and for other purposes; to the Committee on Veterans' Affairs.

Mr. TESTER. Mr. President, today I am proud to introduce legislation that will go a long ways toward meeting our Nation's obligations to our rural veterans. The Disabled Fairness Act will make a real improvement in the lives of America's rural veterans—more than 17,000 of whom live in my State.

For many veterans who live far from a VA hospital or community health center, transportation remains the single biggest obstacle to care. Today, disabled veterans are eligible to have only a small fraction of their transportation costs reimbursed. They must pay the first $18 per month out of their own pocket. And after that, they receive reimbursement at the rate of just 11 cents per mile—less than one-quarter of the current rate of 48.5 cents per mile for Government employees. The reimbursement rate has not been changed since 1977. That is unacceptable.

In Montana, we have several very good VA health clinics, as well as one of the best hospitals in the VA system, the Ft. Harrison Hospital in Helena. But the smaller clinics simply cannot provide all the services that Ft. Harrison offers. That is no complaint against these clinics, it is just a fact.

So when a disabled veteran in my State gets in his car and drives 200 miles from Havre to the Ft. Harrison VA hospital in Helena to receive treatment for an injury he suffered while defending our country, he will be reimbursed $4. On the way back, he will be eligible to be reimbursed $22. That is $26 total for a trip that the Federal Government estimates will actually cost $194. That is a slap in the face to someone whose life has been fundamentally altered by the wounds they suffered on the field of battle.

In the last month, AAA reports that the price of gas in Montana has increased 36 cents over the last month. That means disabled veterans are spending much more of their own money to get to a VA hospital, especially in places like Montana, where a trip to the hospital can mean a journey of hundreds of miles.

The Disabled Veterans Fairness Act ends this practice. My bill repeals the $18 per month deductible that disabled veterans must satisfy before they can be eligible for reimbursement for mileage traveled to and from a VA hospital for treatment. The bill also raises the reimbursement rate from the current level of 11 cents per mile to the prevailing rate for Federal employees, as determined by the General Services Administration.

I also want to thank Senator SALAZAR for his advice on this legislation. I am proud to have him as a cosponsor. He has worked so hard to improve the lives of rural veterans, and I look forward to supporting his efforts in the coming months as well.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 996. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for certain noise compatibility projects; to the Committee on Commerce, Science, and Transportation.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to allow the Los Angeles World Airports to provide the Lennox and Inglewood School Districts, which lie directly in the Los Angeles International Airport's flight path, with noise reduction funds.

This bill would authorize the Los Angeles World Airports to allow the use of passenger facility fees for noise reduction projects at these schools.

In 1980, the Lennox School District and the City of Los Angeles settled a lawsuit, allowing aircraft carrying up to 40 million people per year to fly overhead the schools. The City also agreed to provide approximately $2.5 million to the Lennox School District.

Currently, an airplane flies a few hundred feet above the Lennox and Inglewood schools about every three minutes. The noise is deafening. It rattles windows, disrupts lessons, and makes it very difficult for these students to learn.

In February 2005, the Lennox and Inglewood School Districts settled a lawsuit with the Los Angeles World Airports under which the Los Angeles International Airport agreed to provide the School Districts with more than $110 million in noise mitigation funds over 10 years. These funds are essential for the improvement of conditions at these schools.

Unfortunately, the Federal Aviation Administration interpreted the 1980 agreement and Federal law in a way that prevents the payment of the funds under the 2005 agreement.

Thus, Federal legislation is necessary to allow the use of passenger facility fees for noise reduction projects at the Lennox and Inglewood schools. I am introducing legislation to do just this.

This bill was drafted with the assistance of the Federal Aviation Administration, and it has the support of the Lennox and Inglewood School Districts, the Los Angeles World Airports, and the Los Angeles Mayor, Antonio Villaraigosa. My colleague in the House of Representatives, Congresswoman JANE HARMAN, will introduce this same bill today.

I urge my colleagues to join me in supporting this non-controversial legislation that will allow for the use of passenger facility fees for noise reduction projects in the Lennox and Inglewood School Districts. I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 996

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. EXPANDED PASSENGER FACILITY FEE ELIGIBILITY FOR NOISE COMPATIBILITY PROJECTS.

Section 40117(b) of title 49, United States Code, is amended by adding at the end the following:

"(7) NOISE MITIGATION FOR CERTAIN SCHOOLS.—

"(A) IN GENERAL.—In addition to the uses specified in paragraphs (1), (4), and (6), the Secretary may authorize a passenger facility fee imposed under paragraph (1) or (4) at a large hub airport that is the subject of an amended judgment and final order in condemnation filed on January 7, 1980, by the Superior Court of the State of California for the county of Los Angeles, to be used for a project to carry out noise mitigation for a building, or for the replacement of a relocatable building with a permanent building, in the noise impacted area surrounding the airport at which such building is used primarily for educational purposes, notwithstanding the air easement granted or any terms to the contrary in such judgment and final order, if—

"(i) the Secretary determines that the building is adversely affected by airport noise;

"(ii) the building is owned or chartered by the school district that was the plaintiff in case number 986,442 or 986,446, which was resolved by such judgment and final order;

"(iii) the project is for a school identified in 1 of the settlement agreements effective February 16, 2005, between the airport and each of the school districts;

"(iv) in the case of a project to replace a relocatable building with a permanent building, the eligible project costs are limited to the actual structural construction costs necessary to mitigate aircraft noise in instructional classrooms to an interior noise level meeting current standards of the Federal Aviation Administration; and

"(v) the project otherwise meets the requirements of this section for authorization of a passenger facility fee.

"(B) ELIGIBLE PROJECT COSTS.—In subparagraph (A)(iv), the term 'eligible project costs' means the difference between the cost of standard school construction and the cost of construction necessary to mitigate classroom noise to the standards of the Federal Aviation Administration.".

By Mr. STEVENS (for himself and Ms. LANDRIEU):

S. 1000. A bill to enhance the Federal Telework Program; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, today I am joined by Senator LANDRIEU in introducing the Telework Enhancement Act of 2007. This legislation will build on the existing Federal telework program to ensure maximum participation in the program among those in the Federal workforce. This measure will improve the cost-efficiency of the Federal Government and will also serve to reduce traffic congestion and thereby save fuel and greenhouse gas emissions. It will also enhance efforts by the Federal Government with respect to continuity of operations, COOP, provide employee incentives to attract and retain highly skilled Federal personnel, and provide a model for the private sector.

In 2000, the key legislation affecting telework in the Federal Government was signed into law as part of that year's highway bill. The enacted provision provided that "each executive agency . . . establish a policy under which eligible employees of the agency may participate in telecommuting to the maximum extent possible without diminished employee performance." The measure was intended to apply to 25 percent of the Federal workforce, and to an additional 25 percent of the workforce each year thereafter.

The objective of that measure, as outlined in the bill's conference report, was to "reduce traffic congestion" and to allow Federal employees to telework to the maximum extent possible. The Report also made clear that each Federal agency was to establish telework criteria, and remove any "managerial, logistical, organizational, or other barriers to full implementation and successful functioning of the policy. . . and provide for adequate administrative, human resources, technical, and logistical support for carrying out the policy."

The lead agencies that have carried out this telework mandate are Office of Personnel Management, OPM, and the General Services Administration, GSA. Together these agencies formed a common Web site www.telework.gov to facilitate the advancement of the program, which has had a degree of success. As of 2004, of the 1.7 million Federal employees in the 82 agencies, 752,337 had been deemed eligible for telework, which was an increase from 521,542 in 2001. But despite a very loose definition of "telework," which only requires that an employee work from home 1 day per week to be considered a "teleworker," 140,694, or 19 percent of those eligible, were deemed as having teleworked in 2004. Critics argue that this low percentage of teleworkers comparable to the much larger pool of telework-eligible employees can be attributed to insufficient employee education, program coordination, and workforce culture issues.

While OPM and GSA should be commended for the strides they have made in implementing the Federal telework program, there are several enhancements to the program that can be made legislatively to facilitate the original goal of maximizing telework among eligible Federal employees.

Species Day" on May 18, 2007. I am submitting this resolution with Senators COLLINS, FEINGOLD, LEVIN, SNOWE, KERRY, BIDEN, CANTWELL, LIEBERMAN, WYDEN, CLINTON, CRAPO, and SANDERS whose co-sponsorship I appreciate.

I want to commend my constituent Mr. David Robinson, who first suggested the establishment of an "Endangered Species Day." Individuals like Mr. Robinson do make a difference.

The designation of an "Endangered Species Day" provides a multitude of opportunities for young people, students, and the general public to learn more about endangered species both in our country and abroad.

Last year, thirty-six events were held across the country to highlight endangered species success stories. The Governor of Maine, the Rhode Island State legislature, and the cities and counties of Santa Barbara, San Diego, and San Francisco also declared State and local Endangered Species Days. Zoos and aquariums across the country, such as the Roger Williams Zoo and the San Diego Zoo, also held educational events.

Endangered Species Day 2006 provided an opportunity for schools, libraries, museums, zoos, aquariums, botanical gardens, agencies, businesses, community groups, and conservation organizations to educate the public about the importance of protecting endangered species and to highlight everyday actions that individuals and groups can take to help protect our nation's wildlife, fish, and plants.

Based on the success of last year, I believe that "Endangered Species Day" fosters increased communication and awareness about many of the most endangered species by encouraging such activities as school field trips to the zoo or attending a lecture at the local library.

In my home State of California, I am especially proud of the conservation and management efforts that have helped significantly restore populations of California condor, winter run chinook salmon, the least Bell's vireo songbird, and the California gray whale.

Despite these success stories, we need to be aware that more can be done. At this time, we have more than 1,800 species in the U.S. and abroad, which are designated as "at risk" for extinction. One small step is to increase awareness about the seriousness of the circumstances facing many of these endangered species and educating the public about these species.

I am submitting this resolution with the hope that "Endangered Species Day" can spark the wonder and interest in our youth to continue the conservation efforts we have begun, but still are far from finishing.

I urge my colleagues to join me in supporting this resolution.

SENATE RESOLUTION 126—DESIGNATING APRIL 2007 AS "FINANCIAL LITERACY MONTH"

Mr. AKAKA (for himself, Mr. DODD, Mrs. CLINTON, Mr. COCHRAN, Mr. DURBIN, Mr. KOHL, Mr. KENNEDY, Mr. MENENDEZ, Mr. SCHUMER, Mr. INOUYE, Ms. STABENOW, Mr. CARDIN, Mr. LEVIN, Mr. CRAPO, Mr. DEMINT, Mrs. FEINSTEIN, Mr. BAUCUS, Mr. THOMAS, Mrs. LINCOLN, Mr. ALLARD, and Mr. ENZI) submitted the following resolution; which was considered and agreed to:

S. RES. 126

Whereas the personal savings rate of people in the United States declined from minus 0.5 percent in 2005 to minus 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative;

Whereas the 2006 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 42 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,400,000,000,000 in 2006;

Whereas household debt reached a record $12,800,000,000,000 in 2006;

Whereas, during the second quarter of 2006, a record high of 14.5 percent of disposable personal income went to paying the interest on personal debt;

Whereas over 1,000,000 individuals in the United States filed for bankruptcy in 2006;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2004 Survey of the States compiled by the National Council on Economic Education found that only 17 States require an economics course to be offered to high school students;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2007 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

SENATE RESOLUTION 127—DESIGNATING APRIL 8, 2007 AS "NATIONAL CUSHING'S SYNDROME AWARENESS DAY"

Mr. INHOFE (for himself and Mr. DODD) submitted the following resolution; which was considered and agreed to:

S. RES. 127

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocrticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2007, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

SENATE RESOLUTION 128—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN UNITED STATES V. PHILIP G. BALCOMBE, SANSI G. COONAN, JOHN S. DEAR, JAN LUSTIG, MICHELLA A. MARUSA, MARTIN J. RYAN, ELEANORE M. VOUSELAS, AND BRUNO KELLER

Mr. REID (for himself and Mr. McConnell) submitted the following resolution; which was considered and agreed to:

S. Res. 128

Whereas, in the case of United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller, Cr. No. 07-207, pending in federal district court in Albuquerque, New Mexico, testimony and documents have been requested from Maggie Murray, an employee in the office of Senator Pete Domenici;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Maggie Murray and any other employees of Senator Domenici's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the case of United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Maggie Murray and other employees of Senator Domenici's staff in the actions referenced in section one of this resolution.

SENATE RESOLUTION 129—TO AUTHORIZE TESTIMONY, DOCUMENT PRODUCTION, AND LEGAL REPRESENTATION IN STATE OF ALASKA V. ROBERT S. MULFORD AND DON G. MULLER

Mr. REID (for himself and Mr. McConnell) submitted the following resolution; which was considered and agreed to:

S. Res. 129

Whereas, in the cases of State of Alaska v. Robert S. Mulford (Cr. No. 4FA-07-547) and Don G. Muller (Cr. No. 4FA-07-548), pending in state court in Fairbanks, Alaska, testimony and documents have been requested from Diane Hutchison, an employee in the office of Senator Ted Stevens;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Diane Hutchison and any other employees of Senator Stevens' office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of *State of Alaska* v. *Robert S. Mulford* and Don G. Muller, except concerning matters for which a privilege should be asserted.

Sec. 2. The Senate Legal Counsel is authorized to represent Diane Hutchison and other employees of Senator Stevens' staff in the actions referenced in section one of this resolution.

AMENDMENTS SUBMITTED AND PROPOSED

SA 648. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 649. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 650. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 651. Mr. McCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 652. Mr. WARNER (for himself and Mr. Webb) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 653. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 654. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 655. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 656. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 657. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 658. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 659. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 660. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 661. Mr. KOHL (for himself, Ms. Snowe, Mr. Feingold, and Ms. Landrieu) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 662. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 663. Ms. STABENOW (for herself and Mr. Levin) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 664. Mr. OBAMA (for himself, Mrs. McCaskill, Ms. Mikulski, Mr. Harkin, Mr. Kerry, Ms. Cantwell, Mr. Biden, Mr. Bingaman, Mr. Casey, Mr. Durbin, Mr. Baucus, Ms. Landrieu, and Mr. Leahy) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 665. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 666. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 667. Mrs. CLINTON (for herself and Mr. Feingold) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 668. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 669. Mr. LIEBERMAN (for himself, Mrs. Boxer, Mr. Kennedy, Mrs. Clinton, Ms. Cantwell, Mr. Akaka, Mr. Biden, Ms. Landrieu, and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 671. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 672. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 673. Mr. HAGEL (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 674. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 675. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 676. Mr. FEINGOLD (for himself, Mrs. BOXER, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 677. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 679. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 680. Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 681. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 682. Mr. LEAHY (for himself, Mr. BOND, Ms. LANDRIEU, Mr. DODD, Mr. BINGAMAN, Ms. MIKULSKI, Ms. CANTWELL, Mr. BAUCUS, Mr. BROWN, Mr. KERRY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. DOMENICI, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 683. Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 684. Mr. OBAMA (for himself, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Ms. CANTWELL, Mr. BIDEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 685. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 686. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 687. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 688. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 689. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 690. Mr. COCHRAN (for Mr. LUGAR) proposed an amendment to the bill H.R. 1591, supra.

SA 691. Mr. WEBB (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 692. Mr. WEBB proposed an amendment to the bill H.R. 1591, supra.

SA 693. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 694. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 695. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 696. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 697. Mr. WARNER (for himself, Mr. BYRD, Ms. COLLINS, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. SALAZAR, Ms. MURKOWSKI, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 698. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 699. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 700. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 701. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 702. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 703. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 704. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 705. Mr. HAGEL (for himself, Mr. WEBB, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 706. Mr. BURR submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 707. Mr. HAGEL (for himself, Mr. WEBB, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 708. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 709. Mr. WYDEN (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. STEVENS, Mr. BENNETT, Ms. MURKOWSKI, Mr. SALAZAR, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 1591, supra.

SA 710. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 711. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 712. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 713. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 714. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 715. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 716. Mr. BURR proposed an amendment to amendment SA 709 proposed by Mr. WYDEN (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. STEVENS, Mr. BENNETT, Ms. MURKOWSKI, Mr. SALAZAR, and Mrs. FEINSTEIN) to the bill H.R. 1591, supra.

SA 717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 718. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra.

SA 719. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 720. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 721. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 722. Mr. DOMENICI (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 723. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 724. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 725. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 726. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 727. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 728. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table .

SA 729. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 730. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 731. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 732. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 733. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 734. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 735. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 736. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 737. Mr. SANDERS (for himself, Mr. REED, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Mr. WYDEN, Mrs. CLINTON, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 738. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 739. Mr. BIDEN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 740. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 741. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 743. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 744. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 745. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 746. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 747. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 748. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 749. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 750. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 751. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 752. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 753. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 754. Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 755. Mr. LEAHY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 756. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 757. Mr. BYRD (for himself and Mr. INOUYE) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 758. Mr. INOUYE submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 759. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 760. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 761. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 762. Mr. VOINOVICH (for himself, Mr. INHOFE, Mr. WARNER, Mrs. HUTCHISON, Mr. CRAIG, Mr. COBURN, and Mr. ENZI) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 763. Mr. BROWNBACK (for himself and Mr. ROBERTS) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 764. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 765. Mr. SMITH (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. EMZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 766. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 767. Mr. KENNEDY (for himself, Mr. LIEBERMAN, Mr. LEAHY, Mr. SMITH, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 768. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 769. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 770. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 771. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 772. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 773. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 774. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 775. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 776. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 777. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 778. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 779. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 780. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 781. Mrs. LINCOLN (for herself, Mr. SMITH, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 782. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 783. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 784. Mr. DURBIN (for himself, Mr. BIDEN, Mr. MENENDEZ, Mr. LEVIN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 785. Mr. DURBIN (for himself, Mrs. BOXER, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 786. Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 787. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 788. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 789. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 790. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 791. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table .

SA 792. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table .

SA 793. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 794. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 795. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 796. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table .

SA 797. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 798. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, supra.

SA 799. Mr. LUGAR (for himself, Mr. BOND, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 800. Mrs. LINCOLN (for herself, Mr. SMITH, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 801. Mrs. LINCOLN (for herself, Mr. SMITH, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 658 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 802. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 658 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 803. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 804. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 780 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 805. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 780 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 806. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 675 submitted by Mr. THOMAS and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 648. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, none of the funds appropriated or otherwise made available in this Act may be available for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, and the total amount made available in this Act in Title II, Chapter 2, under the heading "State and Local Law Enforcement Assistance" is reduced by $100,000,000.

SA 649. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, add the following: Notwithstanding any other provision of this Act, Sec. 3608(b) of this Act shall not take effect.

SA 650. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

. Beginning on page 144, strike line 23 through line 4 on page 145.

SA 651. Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 139, strike line 3 through line 17.

SA 652. Mr. WARNER (for himself and Mr. WEBB) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. WAIVER FOR CERTAIN STATES, LOCAL EDUCATIONAL AGENCIES, AND SCHOOLS.

A State, local educational agency, or school shall be held harmless and not subject to the penalties provision under section 1111(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)), the requirements of school or local educational agency improvement, corrective action, restructuring, or other sanctions or penalties under section 1116 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6313), or any other sanctions or penalties relating to academic assessments under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the 2006–2007 school year if the following criteria are met:

(1) The State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) had 1 or more approved academic assessment plans for the 2005–2006 school year.

(2) The State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) had 1 or more of such plans subsequently held invalid by the Department of Education for the 2006–2007 school year.

(3) The Governor of the State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) certifies, in writing, to the Secretary of Education that—

(A) the State cannot effectively train its educators on a new or alternative assessment or assessments in place of the assessment or assessments for which the plan or plans were held invalid by the Department of Education, prior to the date the assessment or assessments are to be administered; and

(B) the administration of any new or alternative assessment or assessments, in place of the assessment or assessments for which the plan or plans were held invalid by the Department of Education, in the 2006–2007 school year is not in the best interest of the public school system and the children such system serves.

(4) The Governor of the State (in the case of a local educational agency or school, the State within which such local educational agency or school exists) certifies, in writing, to the Secretary of Education that the local educational agency or school failed to make adequate yearly progress (as described in section 1111(b)(2) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(b)(2))) based on academic assessments administered in the 2006–2007 school year or the State would be subject to the penalties provision under section 1111(g) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311(g)) or any other sanctions or penalties relating to academic assessments under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) for the 2006–2007 school year solely because the State, local educational agency, or school meets each of the criteria described in paragraphs (1) through (3).

SA 653. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike line 7 and all that follows through page 52, line 5.

On page 52, line 8 strike "1711" and insert in lieu thereof "1710".

On page 56, line 6 strike "1712" and insert in lieu thereof "1711".

SA 654. Mr. INHOFE submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 22, strike line 17 and all that follows through "(B) the Secretary" on line 21 and insert the following:

(A) the commander of such facility or quarters, as applicable, shall—

(i) in the case of a facility or quarters recommended for closure or realignment under the 2005 round of defense base closure and realignment, comply with the requirements applicable to such closure or realignment pursuant to the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and submit to the Secretary a report comparing the costs and feasibility of—

(I) accelerating the schedule for closing or realigning the facility or quarters; and

(II) transferring the operations and personnel from such facility or quarters to an alternate temporary and adequate facility or quarters until such closure or realignment is completed; or

(ii) in the case of a facility or quarters not recommended for closure or realignment under the 2005 round of defense base closure and realignment, submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary

SA 655. Mrs. HUTCHISON submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, between lines 18 and 19, insert the following:

SEC. 13___. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

SA 656. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) POSTING OF CERTAIN REPORTS ON INTERNET WEBSITES.—Each report described in subsection (b) shall be posted on the Internet website of the department or agency submitting that report for the public not later than 48 hours after the submission of that report to Congress.

(b) COVERED REPORTS.—The reports described in this subsection are each report (including any review, evaluation, assessment, or analysis) required by a provision of this Act to be submitted by any department or agency to Congress or any committee of the Senate or the House of Representatives.

(c) REDACTION OF CERTAIN INFORMATION.—In posting a report on the Internet website of the department or agency under subsection (a), the head of that department or agency may redact any information the release of which to the public would compromise the national security of the United States.

SA 657. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In title IV, strike sections 411 and all that follows through the section heading for section 471 and insert the following:

SEC. 411. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriated funds under section 421, the Secretary shall make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 55 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the applicable crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), subject to the availability of appropriated funds under section 421, the Secretary shall make payments to producers on a farm described in subsection (a) that incurred a quality loss for the applicable crop of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 55 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than

1 of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only 1 of the crop years.

(f) Payment Limitation.—

(1) Limitation.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) Other payments.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(g) Timing.—

(1) In general.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) Interest.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 412. LIVESTOCK ASSISTANCE.

(a) Livestock Compensation Program.—

(1) Use of appropriated funds.—Effective beginning on the date of enactment of this Act, subject to the availability of appropriated funds under section 421, the Secretary shall carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during the applicable period for losses (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, except that the payment rate shall be 80 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) Eligible applicants.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during the applicable period that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108–324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) Mitigation.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) Payments for reduction in grazing on federal land.—

(A) In general.—In carrying out this subsection, the Secretary shall make payments to livestock producers that are in proportion to any reduction during calendar year 2007 in grazing on Federal land in a disaster county leased by the producers a result of actions described in subparagraph (B).

(B) Federal actions.—Actions referred to in subparagraph (A) are actions taken during calendar year 2007 by the Bureau of Land Management or other Federal agency to restrict or prohibit grazing otherwise allowed under the terms of the lease of the producers in order to expedite the recovery of the Federal land from drought, wildfire, or other natural disaster declared by the Secretary during the applicable period.

(5) Limitation.—The Secretary shall ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative payments under this subsection and another Federal program with respect to any loss.

(b) Livestock Indemnity Payments.—

(1) In general.—Subject to the availability of appropriated funds under section 421, the Secretary shall make livestock indemnity payments to producers on farms that have incurred livestock losses during the applicable period (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) Payment rates.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) Ewe Lamb Replacement and Retention.—

(1) In general.—Subject to the availability of appropriated funds under section 421, the Secretary shall use $13,000,000 of the funds made available under that section to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) Ineligibility for other assistance.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(d) Election of Production Year.—If a producer incurred qualifying production losses in more than one of the production years, the producers on a farm shall elect to receive assistance under this section in only one of the production years.

(e) Exception.—Notwithstanding any other provision of this section, livestock producers on a farm shall be eligible to receive assistance under subsection (a) or livestock indemnity payments under subsection (b) if the producers on a farm—

(1) have livestock operations in a county included in the geographic area covered by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to blizzards, ice storms, or other winter-related causes during the period of December 2006 through January 2007; and

(2) meet all eligibility requirements for the assistance or payments other than the requirements relating to disaster declarations by the Secretary under subsections (a) and (b)(1).

Subtitle B—Miscellaneous

SEC. 421. AUTHORIZATION OF APPROPRIATIONS.

(a) In General.—The Secretary shall use to carry out this title funds derived from annual appropriations for the Department of Agriculture, as determined by the Secretary.

(b) Limitation.—Notwithstanding any other provision of this title, the authority provided by this title and the amendments made by this title shall apply only to the extent that funds are appropriated in advance in an annual appropriations Act for the Department of Agriculture.

Subtitle C—Emergency Designation

SEC. 431. EMERGENCY DESIGNATION.

SA 658. Mr. GRASSLEY (for himself and Mr. Baucus) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

V—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 500. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) In General.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) In General.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) Transition.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the

minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

"(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2012".

(b) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) Designated community residents.—

"(A) In general.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) Individual must continue to reside in zone, community, or county.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) Rural renewal county.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) Conforming amendment.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) Clarification of Treatment of Individuals Under Individual Work Plans.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) Treatment of Disabled Veterans Under the Work Opportunity Tax Credit.—

(1) Disabled veterans treated as members of targeted group.—

(A) In general.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) Definitions.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) Other definitions.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) Increase in amount of wages taken into account for disabled veterans.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "**ONLY FIRST** $6,000 of" in the heading and inserting "**LIMITATION ON**".

(e) Effective Date.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) Employment Taxes.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) General Rules.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) Successor Employer Status.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) Liability of Certified Professional Employer Organization.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) Treatment of Credits.—

"(1) In general.—For purposes of any credit specified in paragraph (2)—

"(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

"(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

"(i) paid by the certified professional employer organization with respect to the work site employee, and

"(ii) for which the certified professional employer organization receives payment from the customer, and

"(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

"(2) Credits specified.—A credit is specified in this paragraph if such credit is allowed under—

"(A) section 41 (credit for increasing research activity),

"(B) section 45A (Indian employment credit),

"(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

"(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

"(E) section 51 (work opportunity credit),

"(F) section 51A (temporary incentives for employing long-term family assistance recipients),

"(G) section 1396 (empowerment zone employment credit),

"(H) 1400(d) (DC Zone employment credit),

"(I) Section 1400H (renewal community employment credit), and

"(J) any other section as provided by the Secretary.

"(e) Special Rule for Related Party.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) Special Rule for Certain Individuals.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Certified Professional Employer Organization Defined.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) In General.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) General Requirements.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary, "(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(l) RURAL INVESTMENT PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

" "In the case of:	The applicable recovery period is:
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

"(ii) not used or located outside such county on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

"(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

"(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) in the case of any binding, written settlement agreement which requires the taxpayer to pay or incur an amount in excess of $1,000,000, is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the settlement agreement or in the court order implementing the settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

“(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

“(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

“(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.”.

(b) Reporting of Deductible Amounts.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

“SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

“(a) Requirement of Reporting.—

“(1) In general.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

“(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

“(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

“(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

“(2) Suit or agreement described.—

“(A) In general.—A suit or agreement is described in this paragraph if—

“(i) it is—

“(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

“(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

“(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

“(B) Adjustment of reporting threshold.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

“(3) Time of filing.—The return required under this subsection shall be filed not later than—

“(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

“(B) the date specified by the Secretary.

“(b) Statements To Be Furnished to Individuals Involved in the Settlement.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

“(1) the name of the government or entity, and

“(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

“(c) Appropriate Official Defined.—For purposes of this section, the term ‘appropriate official’ means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.”.

(2) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

“Sec. 6050W. Information with respect to certain fines, penalties, and other amounts”.

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

“SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

“(a) General Rules.—For purposes of this subtitle—

“(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

“(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

“(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

“(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

“(3) Exclusion for certain gain.—

“(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

“(B) Cost-of-living adjustment.—

“(i) In general.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

“(I) such dollar amount, multiplied by

“(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting ‘calendar year 2006’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

“(4) Election to continue to be taxed as United States citizen.—

“(A) In general.—If a covered expatriate elects the application of this paragraph—

“(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

“(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

“(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

“(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

“(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

“(iii) complies with such other requirements as the Secretary may prescribe.

“(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

“(b) Election To Defer Tax.—

“(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) Determination of tax with respect to property.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) Termination of postponement.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) Security.—

“(A) In general.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) Adequate security.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) Waiver of certain rights.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) Availability of information.—

(A) In general.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) Disclosure to deny visa or admission to certain expatriates.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) Safeguards.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) Effective dates.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) Conforming Amendments.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) Application.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) Application.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) Application.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) Clerical Amendment.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation".

(g) Effective Date.—

(1) In general.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) Gifts and bequests.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) Due date for tentative tax.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) In General.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) Annual limitation on aggregate deferred amounts.—

"(A) Limitation.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) Inclusion of future earnings.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) Aggregation rule.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) Applicable dollar amount.—For purposes of this paragraph—

"(i) In general.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) Base period.—

"(I) In general.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) Elections made before computation year.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) Computation year.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) Special rule for employees of less than 5 years.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) Guidance relating to certain existing arrangements.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) In General.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) in general.—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) Increase in Penalties.—

(1) Attempt to evade or defeat tax.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking “Any person” and inserting the following:

“(a) IN GENERAL.—Any person”, and

(ii) by striking “$25,000” and inserting “$50,000”,

(B) in the third sentence, by striking “section” and inserting “subsection”, and

(C) by adding at the end the following new subsection:

“(b) AGGRAVATED FAILURE TO FILE.—

“(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

“(A) ‘felony’ for ‘misdemeanor’,

“(B) ‘$500,000 ($1,000,000’ for ‘$25,000 ($100,000’, and

“(C) ‘10 years’ for ‘1 year’.”.

“(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years if the aggregate tax liability for such period is not less than $100,000.”.

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking “$100,000” and inserting “$500,000”,

(B) by striking “$500,000” and inserting “$1,000,000”, and

(C) by striking “3 years” and inserting “5 years”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term “applicable taxpayer” means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term “applicable penalty” means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking “$750” and inserting “$1,250”, and

(2) by striking “$15” and inserting “$25”.

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking “The Secretary” and inserting the following:

“(1) IN GENERAL.—The Secretary”, and

(2) by adding at the end the following new paragraph:

“(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

“(A) IN GENERAL.—In the case of a debt instrument which—

“(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

“(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

“(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.”.

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

“For the treatment of contingent payment convertible debt, see section 1275(d)(2).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking “September 30, 2014” and inserting “September 30, 2016”.

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking “; or” at the end of paragraph (1) and inserting a comma,

(2) by adding “or” at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

“(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking “$2,000,000” and inserting “$20,000”.

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

“(c) WHISTLEBLOWER OFFICE.—

“(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the ‘Whistleblower Office’ which—

“(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

“(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

“(C) shall monitor any action taken with respect to such matter,

“(D) shall inform such individual that it has accepted the individual's information for further review,

“(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

“(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

“(G) shall determine the amount to be awarded to such individual under subsection (b).

“(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

“(3) REQUEST FOR ASSISTANCE.—

“(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Reports.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) Conforming amendment.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) Report on implementation.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) Publicity of Award Appeals.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) Appeal of award determination.—

"(A) In general.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) Publicity of appeals.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) Publicity of award appeals.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) In General.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) Covered employee.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 19 before the close of the taxable year, or

"(ii) is a student (as defined in section 152(f)(2))—

"(I) who has not attained age 24 before the close of such taxable year, and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5)) for such taxable year, and".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.

(a) Failure to File Correct Information Returns.—

(1) In general.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) Reduction where correction in specified period.—

(A) Correction within 30 days.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) Failures corrected on or before August 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) Lower limitation for persons with gross receipts of not more than $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) Penalty in case of intentional disregard.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) Failure to Furnish Correct Payee Statements.—

(1) In general.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) Penalty in case of intentional disregard.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) Failure to Comply With Other Information Reporting Requirements.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) Effective Date.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) In General.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) Conforming Amendment.—Section 6724 is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) In General.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) Administration of federal tax laws.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) Disclosure.—

(1) In general.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) Disclosure of return information of prisoners to federal bureau of prisons.—

"(A) In general.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) Disclosure by agency to employees.—The head of the Federal Bureau of

Prisons may redisclose information received under subparagraph (A)—

“(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

“(ii) solely for the purposes described in subparagraph (C).

“(C) Restriction on use of disclosed information.—Return information disclosed under this paragraph may be used only for the purposes of—

“(i) preventing the filing of false or fraudulent returns; and

“(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.”.

(2) Procedures and record keeping related to disclosure.—Subsection (p)(4) of section 6103 is amended—

(A) by striking “(14), or (17)” in the matter before subparagraph (A) and inserting “(14), (17), or (21)”, and

(B) by striking “(9), or (16)” in subparagraph (F)(i) and inserting “(9), (16), or (21)”.

(3) Evaluation by Treasury Inspector General for Tax Administration.—Paragraph (3) of section 7803(d) is amended by striking “and” at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting “; and”, and by adding at the end the following new subparagraph:

“(C) not later than 3 years after the date of the enactment of section 6103(l)(21), submit a written report to Congress on the implementation of such section.”.

(b) Annual Reports.—

(1) In general.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) Contents of report.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) Exchange of information.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) Effective Date.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 550. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) Increase in Penalty for Attempt to Evade or Defeat Tax.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking “$100,000” and inserting “$500,000”,

(2) by striking “$500,000” and inserting “$1,000,000”, and

(3) by striking “5 years” and inserting “10 years”.

(b) Modification of Penalties for Willful Failure to File Return, Supply Information, or Pay Tax.—

(1) In general.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking “Any person” and inserting the following:

“(a) In General.—Any person”, and

(ii) by striking “$25,000” and inserting “$50,000”,

(B) in the third sentence, by striking “section” and inserting “subsection”, and

(C) by adding at the end the following new subsection:

“(b) Aggravated Failure to File.—

“(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

“(A) ‘felony’ for ‘misdemeanor’,

“(B) ‘$250,000 ($500,000’ for ‘$50,000 ($100,000’, and

“(C) ‘5 years’ for ‘1 year’.

“(2) Failure described.—A failure described in this paragraph is—

“(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

“(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.”.

(2) Penalty may be applied in addition to other penalties.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking “the penalty provided in section 6674” and inserting “the penalties provided in sections 6674 and 7203(b)”.

(c) Fraud and False Statements.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking “$100,000” and inserting “$500,000”,

(2) by striking “$500,000” and inserting “$1,000,000”, and

(3) by striking “3 years” and inserting “5 years”.

(d) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking “Any person who—” and inserting “(a) In General.—Any person who—”, and

(2) by adding at the end the following new subsection:

“(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.”.

(e) Effective Date.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 551. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) Application of Return Preparer Penalties to All Tax Returns.—

(1) Definition of tax return preparer.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking “income” each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking “subtitle A” each place it appears and inserting “this title”.

(2) Conforming amendments.—

(A)(i) Section 6060 is amended by striking “**INCOME TAX RETURN PREPARERS**” in the heading and inserting “**TAX RETURN PREPARERS**”.

(ii) Section 6060(a) is amended—

(I) by striking “an income tax return preparer” each place it appears and inserting “a tax return preparer”,

(II) by striking “each income tax return preparer” and inserting “each tax return preparer”, and

(III) by striking “another income tax return preparer” and inserting “another tax return preparer”.

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking “income tax return preparers” and inserting “tax return preparers”.

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking “**Income Tax Return Preparers**” in the heading and inserting “**Tax Return Preparers**”.

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking “income tax return preparers” and inserting “tax return preparers”.

(B) Section 6103(k)(5) is amended—

(i) by striking “income tax return preparer” each place it appears and inserting “tax return preparer”, and

(ii) by striking “income tax return preparers” each place it appears and inserting “tax return preparers”.

(C)(i) Section 6107 is amended—

(I) by striking “**INCOME TAX RETURN PREPARER**” in the heading and inserting “**TAX RETURN PREPARER**”,

(II) by striking “an income tax return preparer” each place it appears in subsections (a) and (b) and inserting “a tax return preparer”,

(III) by striking “Income Tax Return Preparer” in the heading for subsection (b) and inserting “Tax Return Preparer”, and

(IV) in subsection (c), by striking “income tax return preparers” and inserting “tax return preparers”.

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking “Income tax return preparer” and inserting “Tax return preparer”.

(D) Section 6109(a)(4) is amended—

(i) by striking “an income tax return preparer” and inserting “a tax return preparer”, and

(ii) by striking “INCOME RETURN PREPARER” in the heading and inserting “TAX RETURN PREPARER”.

(E) Section 6503(k)(4) is amended by striking “Income tax return preparers” and inserting “Tax return preparers”.

(F)(i) Section 6694 is amended—

(I) by striking “**INCOME TAX RETURN PREPARER**” in the heading and inserting “**TAX RETURN PREPARER**”,

(II) by striking “an income tax return preparer” each place it appears and inserting “a tax return preparer”,

(III) in subsection (c)(2), by striking “the income tax return preparer” and inserting “the tax return preparer”,

(IV) in subsection (e), by striking “subtitle A” and inserting “this title”, and

(V) in subsection (f), by striking “income tax return preparer” and inserting “tax return preparer”.

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "**A TAX RETURN PREPARER**".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 552. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

SEC. 553. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "24-month period".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

SEC. 554. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) CONFORMING AMENDMENT.—The heading for paragraph (4) of section 6159(b) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 555. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate, with his reasons therefor" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor".

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 556. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.

(a) IN GENERAL.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

"(4) IMPOSITION OF FINANCIAL MANAGEMENT SERVICES TRANSACTION FEES.—If the Secretary approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

"(A) shall be treated as an expense under section 6341,

"(B) may be collected through a levy under this subsection, and

"(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.".

(b) RETENTION OF FEES BY FINANCIAL MANAGEMENT SERVICE.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

SEC. 557. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 558. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.

(a) TAXES ON DISQUALIFYING LOBBYING EXPENDITURES OF CERTAIN ORGANIZATIONS.—

(1) IN GENERAL.—Section 4912(a) (relating to tax on organization) is amended by striking "5 percent" and inserting "10 percent".

(2) TAX ON MANAGEMENT.—Section 4912(b) is amended by striking "5 percent" and inserting "10 percent".

(b) TAXES ON POLITICAL EXPENDITURES OF SECTION 501(c)(3) ORGANIZATIONS.—

(1) IN GENERAL.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking "10 percent" and inserting "20 percent", and

(B) in paragraph (2), by striking "2½ percent" and inserting "5 percent".

(2) INCREASED LIMITATION FOR MANAGERS.—Section 4955(c)(2) is amended—

(A) by striking "$5,000" and inserting "$10,000", and

(B) by striking "$10,000" and inserting "$20,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 559. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: "In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting '$250' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.".

(b) CONFORMING AMENDMENT.—The third sentence of section 6652(c)(1)(A) is amended by inserting "but not exceeding $25,000,000" after "$1,000,000".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 560. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) IN GENERAL.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) INCREASED PENALTIES FOR TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $100,000,000.—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 512.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

PART III—GENERAL PROVISIONS

SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 659. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle F of title IV, add the following:

SEC. 4___. APPLICABILITY OF COUNTRY OF ORIGIN LABELING REQUIREMENTS.

Section 285 of the Agricultural Marketing Act of 1946 (7 U.S.C. 1638d) is amended by striking "September 30, 2008" and inserting "September 30, 2007".

SA 660. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. MAN-PORTABLE AIR DEFENSE SYSTEMS.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of State may authorize the use of counter-MANPADS equipment to protect the civil reserve air fleet if the Secretary determines that—

(1) such use is in the national security or foreign policy interests of the United States; and

(2) sufficient safeguards are in place to ensure that the technology relating to such use is not diverted or compromised.

(b) DEFINITION OF MANPADS.—In this section, the term "MANPADS" means—

(1) a surface-to-air missile system designed to be man-portable and carried and fired by a single individual; and

(2) any other surface-to-air missile system designed to be operated and fired by more than one individual acting as a crew and portable by several individuals.

(c) REGULATIONS.—The Secretary of State shall, in consultation with the Secretary of Commerce, promulgate regulations to carry out the section.

SA 661. Mr. KOHL (for himself, Ms. SNOWE, Mr. FEINGOLD, and Ms. LANDRIEU) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 10 of title III, add the following:

SEC. 4004. With respect to any funds made available under this or any other Act for the operation, capital improvement, or management of public housing as authorized under sections 9(d) and 9(e) of the United States Housing Act of 1937 (42 U.S.C. 1437g(d) and (e)), the Secretary of Housing and Urban Development shall not impose any requirement or guideline relating to asset management that restricts or limits in any way the use of capital funds for central office costs pursuant to section 9(g)(1) or 9(g)(2) of such Act (42 U.S.C. 1437g(g)(1),(2)).

SA 662. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 10 and 11, insert the following:

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

For an additional amount for the "International Boundary and Water Commission, United States and Mexico", $21,700,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $11,700,000 shall be made available for sediment removal and construction associated with the Rio Grande Canalization project in Doña Ana County, New Mexico: *Provided further*, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for sediment removal associated with the Rio Grande Flood Control System Rehabilitation project in El Paso County, Texas.

SA 663. Ms. STABENOW (for herself and Mr. LEVIN) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, strike lines 21 and 22 and insert the following: "the 2005 season, $18,590,000, to remain available until expended, of which $15,590,000 shall be for emergency repairs to breakwaters and dredging of commerical and shallow draft harbors in the Detroit District."

SA 664. Mr. OBAMA (for himself, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Ms. CANTWELL, Mr. BIDEN, Mr. BINGAMAN, Mr. CASEY, Mr. DURBIN, Mr. BAUCUS, Ms. LANDRIEU, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR ADDITIONAL MENTAL HEALTH AND RELATED PERSONNEL.

The amount appropriated or otherwise made available by this chapter under the heading "Defense Health Program" is hereby increased by $58,000,000, with the amount of the increase to be available for additional caseworkers at military medical treatment facilities and other military facilities housing patients to participate in, enhance, and assist the Physical Disability Evaluation System (PDES) process, and for additional mental health and mental crisis counselors at military medical treatment facilities and other military facilities housing patients for services for members of the Armed Forces and their families.

SEC. 1317. ADDITIONAL AMOUNTS FOR OPERATION AND MAINTENANCE FOR THE MILITARY DEPARTMENTS FOR IMPROVED PHYSICAL DISABILITY EVALUATIONS OF MEMBERS OF THE ARMED FORCES.

(a) Additional Amount for Operation and Maintenance, Army.—The amount appropriated or otherwise made available by this chapter under the heading "Operation and Maintenance, Army" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(b) Additional Amounts for Operation and Maintenance for Department of the Navy.—The aggregate amount appropriated or otherwise made available by this chapter under the headings "Operation and Maintenance, Navy" and "Operation and Maintenance, Marine Corps" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(c) Additional Amount for Operation and Maintenance, Air Force.—The amount appropriated or otherwise made available by this chapter under the heading "Operation and Maintenance, Air Force" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(d) Internet Access to Physical Disability Evaluations of Members of the Armed Forces.—

(1) In general.—Each Secretary of a military department shall, utilizing amounts appropriated by the applicable subsection of this section, develop and implement an Internet website to permit members of the Armed Forces who are subject to the Physical Disability Evaluation system of such military department to participate in such system through the Internet.

(2) Elements.—Each Internet website under paragraph (1) shall include the following:

(A) The availability of any forms required for the utilization of the physical disability evaluation system concerned by members of the Armed Forces who are subject to such system.

(B) Secure mechanisms for the submission of forms described in subparagraph (A) by members of the Armed Forces described in that subparagraph, and for the tracking by such members of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces described in subparagraph (A) of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance for members of the Armed Forces described in subparagraph (A), including assistance through the caseworkers assigned to such members, in submitting and tracking forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

SEC. 1318. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR WOMEN'S MENTAL HEALTH SERVICES.

The amount appropriated or otherwise made available by this chapter under the heading "Defense Health Program" is hereby increased by $15,000,000, with the amount of the increase to be available for the development and implementation of a women's mental health treatment program for women members of the Armed Forces to help screen and treat women members of the Armed Forces, including services and treatment for women who have experienced post-traumatic stress disorder and services and treatment for women who have experienced sexual assault or abuse, which services shall include the hiring and training of sexual abuse crisis counselors for members of the Armed Forces who have experienced sexual abuse or assault.

SEC. 1319. STUDY ON MENTAL HEALTH AND READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) In General.—Using amounts appropriated or otherwise made available by this chapter under the heading "Defense Health Program", the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) Phases.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act, to determine the parameters of the final phase of the study under paragraph (2).

(2) A second phase, to be completed not later than two years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under paragraph (1), of the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(c) Reports.—The Secretary of Defense shall submit to Congress, and make available to the public, a comprehensive report on each phase of the study required under subsection (a) not later than 30 days after the date of the completion of such phase of the study.

SA 665. Mr. REED submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, line 18, insert before the period at the end the following: ": *Provided further*, That the Secretary of the Army, acting through the Chief of Engineers, shall use not more than $3,250,000 of the amounts made available under this heading to rehabilitate the flood damage reduction project, Woonsocket, Rhode Island to federal levee standards.

SA 666. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES.

The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SA 667. Mrs. CLINTON (for herself and Mr. Feingold) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . REPORT ON SUPPORTING THE RESTORATION OF DEMOCRATIC RULE IN ZIMBABWE.

(a) In General.—Not later than 90 days after the date of the enactment of this Act, the Secretary of State shall submit to Congress a report detailing a comprehensive plan for supporting and assisting the people of Zimbabwe in their efforts to restore democratic rule.

(b) Consultation.—The Secretary of State shall develop the plan described in subsection (a) in consultation with—

(1) the United Nations;

(2) the African Union;

(3) the Southern African Development Community;

(4) other multilateral organizations; and

(5) interested States.

SA 668. Mrs. CLINTON submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. LINKING OF AWARD FEES UNDER DEPARTMENT OF DEFENSE CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES.

The Secretary of Defense shall require that all contracts of the Department of Defense that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SA 669. Mr. LIEBERMAN (for himself, Mrs. Boxer, Mr. Kennedy, Mrs. Clinton, Ms. Cantwell, Mr. Akaka, Mr. Biden, Ms. Landrieu, and Mr. Menendez) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR ENHANCED ACTIVITIES OF THE DEFENSE AND VETERANS BRAIN INJURY CENTER.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $17,000,000, with the amount of the increase to be available for the Defense and Veterans Brain Injury Center (DVBIC) for activities as follows:

(1) To provide care to members of the Armed Forces with traumatic brain injury at sites of the Defense and Veterans Brain Injury Center.

(2) To develop best practices on diagnosis and short-term and long-term medical care for traumatic brain injury and disseminate such practices to medical treatment facilities and centers of the Department of Defense and the Department of Veterans Affairs.

(3) To conduct outreach and education to families of members of the Armed Forces and veterans who are affected by traumatic brain injury.

(4) To investigate promising preventive interventions and early interventions (including behavioral and pharmacological treatments) to mitigate the impact of traumatic brain injury.

SA 670. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, after line 18, insert the following:

CIVILIAN RESERVE CORPS

SEC. 1713. Of the funds appropriated by this chapter under the heading "ECONOMIC SUPPORT FUND" and available for Iraq and Afghanistan, up to $50,000,000 may be made available to establish and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 671. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 413.

SA 672. Mr. CRAIG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 89, line 8, strike "available until expended," and all that follows through "that within 30 days" on page 90, line 15, and insert "available until expended.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain avialable until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites: *Provided*, That within 30 days

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SA 673. Mr. HAGEL (for himself, Mr. HARKIN, Mr. GRASSLEY, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 9 of title II, add the following:

SEC. 2904. PAYMENT OF DEATH GRATUITY WITH RESPECT TO MEMBERS OF THE ARMED FORCES WITHOUT A SURVIVING SPOUSE WHO ARE SURVIVED BY A MINOR CHILD.

Section 1477 of title 10, United States Code, is amended—

(1) in subsection (a), by inserting ", subject to subsection (d)," after "shall be paid";

(2) by redesignating subsection (d) as subsection (e); and

(3) by inserting after subsection (c) the following new subsection (d):

"(d)(1) In the case of a person covered by section 1475 or 1476 of this title who has no surviving spouse, but who has one or more surviving children (as prescribed by subsection (b)) under the age of 18 years who, after the death of the person, will be in the custody of a parent (as prescribed by subsection (c)) or brother or sister (as prescribed by subsection (a)) of the person, the death gratuity shall be paid to such parent, brother, or sister as designated by the person, whether in the full amount payable under section 1478 of this title or in such portion of such amount as the person shall specify.

"(2) If the amount of the death gratuity specified for payment under paragraph (1) is less than the full amount of the death gratuity payable under section 1478 of this title, the balance of the amount of the death gratuity shall be paid to or for the living survivors of the person concerned in accordance with paragraphs (2) through (5) of subsection (a).

"(3) An individual designated for the payment of death gratuity under paragraph (1) shall be treated as an eligible survivor for purposes of subsection (e).".

SA 674. Mr. COCHRAN (for himself and Mr. LOTT) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, beginning on line 14, strike "the Commander, Multi-National Forces-Iraq shall submit" and insert "the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit".

SA 675. Mr. THOMAS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. (a) Notwithstanding any other provision of this Act, the following amounts provided in this Act are rescinded and shall be null and void:

(1) $24,000,000 for funding sugar beets.

(2) $3,000,000 for funding for sugar cane.

(3) $20,000,000 for insect infestation damage reimbursements in Nevada, Idaho, and Utah.

(4) $2,100,000,000 for crop production losses.

(5) $1,500,000,000 for livestock production losses.

(6) $100,000,000 for Dairy Production losses.

(7) $13,000,000 for Ewe Lamb Replacement and Retention program.

(8) $32,000,000 for Livestock Indemnity program.

(9) $40,000,000 for the Tree Assistance program.

(10) $100,000,000 million for Small Agricultural Dependent Businesses.

(11) $6,000,000 for North Dakota flooded crop land.

(12) $35,000,000 for emergency conservation program.

(13) $50,000,000 for the emergency watershed program.

(14) $115,000,000 for the conservation security program.

(15) $18,000,000 for drought assistance in upper Great Plains/South West.

(16) Provisions that extend the availability by a year $3,500,000 in funding for guided tours of the Capitol. Also a provision allows transfer of funds from holiday ornament sales in the Senate gift shop.

(17) $165,900,000 for fisheries disaster relief, funded through NOAA.

(18) $12,000,000 for forest service money (requested by the President in the non-emergency fiscal year 2008 budget).

(19) $425,000,000 for education grants for rural areas-(Secure Rural Schools program).

(20) $640,000,000 for LIHEAP.

(21) $25,000,000 for asbestos abatement at the Capitol Power Plant.

(22) $388,900,000 for funding for backlog of old Department of Transportation projects.

(23) $22,800,000 for geothermal research and development.

(24) $500,000,000 for wildland fire management.

(25) $13,000,000 for mine safety technology research.

(26) $31,000,000 for 1 month extension of Milk Income Loss Contract program (MILC).

(27) $50,000,000 for fisheries disaster mitigation fund.

(28) Subsections (a) and (b) of section 1315 (Iraq withdraw).

(29) Any provision relating to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or Hurricane Dennis emergency assistance.

(30) $100,000,000 for the 2008 Presidential Candidate Nominating Conventions.

(b) Notwithstanding any other provision of this Act, any provision relating to the Federal minimum wage and any related changes to the Internal Revenue Code of 1986, shall be null and void.

SA 676. Mr. FEINGOLD (for himself, Mrs. BOXER, and Mr. LEAHY) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes;

which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. PROHIBITION ON USE OF FUNDS TO MAINTAIN THE UNITED STATES ARMED FORCES IN IRAQ.

(a) PROHIBITION.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act may be obligated or expended to continue the deployment of members of the United States Armed Forces to Iraq.

(b) EXCEPTIONS.—The prohibition under subsection (a) shall not apply to the use of funds as follows:

(1) To conduct targeted counterterrorism operations in Iraq.

(2) To provide security for United States infrastructure and personnel.

(3) To train Iraqi security forces.

(4) To provide for the safe redeployment from Iraq of members of the United States Armed Forces who are not needed to perform any of the tasks described in paragraphs (1) through (3).

SA 677. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 1, strike "$5,000,000" and insert in lieu thereof "$10,000,000".

SA 678. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, line 16, strike "$323,000,000" and insert in lieu thereof "$328,000,000".

On page 44, line 24, strike "$45,000,000" and insert in lieu thereof "$50,000,000".

On page 42, line 20, strike "$210,000,000" and insert in lieu thereof "$205,000,000".

SA 679. Ms. COLLINS (for herself and Mr. LIEBERMAN) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following new section:

PROCUREMENT OF SMALL ARMS

SEC. 4104. (a) None of the funds appropriated or otherwise made available by this Act may be obligated or expended for the procurement of small arms, including pistols, rifles, and machine guns of .50 caliber or below, for assistance to the military or security forces of Iraq or Afghanistan unless such arms are procured through a contract awarded on or after January 1, 2007, using competitive procedures that require full and open competition and that are open to all qualified manufacturers in the United States.

(b) The restriction under subsection (a) applies to contracts to procure small arms and associated equipment, including magazines and cleaning kits.

SA 680. Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end add the following:

TITLE V—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 500. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "April 1, 2008".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before April 1, 2008.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

"(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE AND SPECIAL RULES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

(2) CHANGE IN METHOD OF ACCOUNTING.—In the case of any taxpayer changing the taxpayer's method of accounting for any taxable year under the amendments made by this section—

(A) such change shall be treated as initiated by the taxpayer;

(B) such change shall be treated as made with the consent of the Secretary of the Treasury; and

(C) the net amount of the adjustments required to be taken into account by the taxpayer under section 481 of the Internal Revenue Code of 1986 shall be taken into account over a period (not greater than 4 taxable years) beginning with such taxable year.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2012".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, or renewal community.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE OR COMMUNITY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, or renewal community.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "only first $6,000 of" in the heading and inserting "limitation on".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

“(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

“(c) Liability of Certified Professional Employer Organization.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(d) Treatment of Credits.—

“(1) In general.—For purposes of any credit specified in paragraph (2)—

“(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

“(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

“(i) paid by the certified professional employer organization with respect to the work site employee, and

“(ii) for which the certified professional employer organization receives payment from the customer, and

“(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

“(2) Credits specified.—A credit is specified in this paragraph if such credit is allowed under—

“(A) section 41 (credit for increasing research activity),

“(B) section 45A (Indian employment credit),

“(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

“(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

“(E) section 51 (work opportunity credit),

“(F) section 51A (temporary incentives for employing long-term family assistance recipients),

“(G) section 1396 (empowerment zone employment credit),

“(H) 1400(d) (DC Zone employment credit),

“(I) Section 1400H (renewal community employment credit), and

“(J) any other section as provided by the Secretary.

“(e) Special Rule for Related Party.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting ‘10 percent’ for ‘50 percent’.

“(f) Special Rule for Certain Individuals.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer’s trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

“(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) Certified Professional Employer Organization Defined.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

“SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

“(a) In General.—For purposes of this title, the term ‘certified professional employer organization’ means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

“(b) General Requirements.—A person meets the requirements of this subsection if such person—

“(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

“(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

“(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

“(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

“(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

“(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

“(c) Bond and Independent Financial Review Requirements.—

“(1) In general.—An organization meets the requirements of this paragraph if such organization—

“(A) meets the bond requirements of paragraph (2), and

“(B) meets the independent financial review requirements of paragraph (3).

“(2) Bond.—

“(A) In general.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

“(B) Amount of bond.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

“(i) 5 percent of the organization’s liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

“(ii) $50,000.

“(3) Independent financial review requirements.—A certified professional employer organization meets the requirements of this paragraph if such organization—

“(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization’s financial statements are presented fairly in accordance with generally accepted accounting principles, and

“(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

“(4) Controlled group rules.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

“(5) Failure to file assertion and attestation.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

“(6) Review date.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization’s fiscal year.

“(d) Suspension and Revocation Authority.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

“(e) Work Site Employee.—For purposes of this title—

“(1) In general.—The term ‘work site employee’ means, with respect to a certified professional employer organization, an individual who—

“(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

“(B) performs services at a work site meeting the requirements of paragraph (3).

“(2) Service contract requirements.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

“(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

“(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual’s wages, without regard to the receipt or adequacy of payment from the customer for such services,

“(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

“(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Special rule for treatment as second class of stock.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) In General.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) Special Rule for Bank Required To Change From the Reserve Method of Accounting on Becoming S Corporation.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) In General.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) In general.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) Termination by reason of sale of stock.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) No Look Through for Eligibility Purposes.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) Leases to Foreign Entities.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) Leases to foreign entities.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) In General.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) Inverted Corporations Treated as Domestic Corporations.—

"(1) In general.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) Special rule for certain transactions occurring after March 20, 2002.—

"(A) In general.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) Special rules.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "Or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) In General.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) Fines, Penalties, and Other Amounts.—

"(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to the violation of any law or the investigation or inquiry by such government or entity into the potential violation of any law.

"(2) Exception for amounts constituting restitution or paid to come into compliance with law.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (including remediation of property) for damage or harm caused by or which may be caused by the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as restitution or as an amount paid to come into compliance with the law, as the case may be, in the court order or settlement agreement.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation.

"(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) Reporting of Deductible Amounts.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) Requirement of Reporting.—

"(1) In general.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) Suit or agreement described.—

"(A) In general.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) Adjustment of reporting threshold.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) Time of filing.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified Secretary.

"(b) Statements To Be Furnished to Individuals Involved in the Settlement.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) Appropriate Official Defined.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) Election to continue to be taxed as United States citizen.—

"(A) In general.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) Requirements.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) Election.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) Election To Defer Tax.—

"(1) In general.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

“(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

“(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

“(4) SECURITY.—

“(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

“(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

“(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

“(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or "(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) BASE PERIOD.—

"(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. INCREASE IN CRIMINAL MONETARY PENALTY LIMITATION FOR THE UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.

(a) IN GENERAL.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(b) INCREASE IN PENALTIES.—

(1) ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "5 years" and inserting "10 years".

(2) WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—Section 7203 is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$500,000 ($1,000,000' for '$25,000 ($100,000', and

"(C) '10 years' for '1 year'.".

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is a failure to make a return described in subsection (a) for a period of 3 or more consecutive taxable years if the aggregate tax liability for such period is not less than $100,000.".

(3) FRAUD AND FALSE STATEMENTS.—Section 7206(a) (as redesignated by subsection (a)) is amended—

(A) by striking "$100,000" and inserting "$500,000",

(B) by striking "$500,000" and inserting "$1,000,000", and

(C) by striking "3 years" and inserting "5 years".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART III—GENERAL PROVISIONS

SEC. 551. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 552. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 553. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 554. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great

Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 555. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

“(m) CONTINUED FUNDING FOR CENTERS.—

“(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

“(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

“(3) APPLICATION AND APPROVAL CRITERIA.—

“(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

“(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

“(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

“(4) AWARD OF GRANTS.—

“(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

“(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

“(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

“(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

“(5) RENEWAL.—

“(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

“(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

“(n) PRIVACY REQUIREMENTS.—

“(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

“(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

“(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

“(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

“(A) restrict Administration access to program activity data; or

“(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

“(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).”.

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 556. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking “Notwithstanding” and inserting the following:

“(a) IN GENERAL.—Notwithstanding”; and

(2) by adding at the end the following:

“(b) REPORTS.—

“(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

“(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

“(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

“(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

“(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

“(D) a summary of—

“(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

“(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

“(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

“(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).”.

SEC. 557. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 558. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 559. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

“(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

“(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

“(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

“(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

“(iii) WAIVER.—

“(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SA 681. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. AMOUNTS FOR PROCUREMENT OF DEPLOYABLE, TWO-WAY, SPEECH-TO-SPEECH LANGUAGE TRANSLATION DEVICES FOR USE IN IRAQ AND AFGHANISTAN.

Of the amount appropriated or otherwise made available by this chapter under the heading "OTHER PROCUREMENT, ARMY", the amount ($12,800,000) otherwise available for the Sequoyah Foreign Language Translation System shall be available instead for the procurement of deployable, two-way, speech-to-speech language translation devices for use in Iraq and Afghanistan.

SA 682. Mr. LEAHY (for himself, Mr. BOND, Ms. LANDRIEU, Mr. DODD, Mr. BINGAMAN, Ms. MIKULSKI, Ms. CANTWELL, Mr. BAUCUS, Mr. BROWN, Mr. KERRY, Mr. DURBIN, Mr. ROCKEFELLER, Mr. DOMENICI, and Mr. BIDEN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR NATIONAL GUARD AND RESERVE EQUIPMENT FOR EQUIPMENT FOR THE ARMY NATIONAL GUARD.

The amount appropriated by this chapter under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby increased by $1,000,000,000, with the amount of the increase to be available for equipment for the Army National Guard: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 376 (109th Congress) as made applicable to the House of Representatives pursuant to H. Res. 818 (109th Congress), and as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress) as made applicable to the Senate by section 7035 of Public Law 109–234.

SA 683. Mr. DORGAN (for himself, Mr. CONRAD, Mr. JOHNSON, and Mr. THUNE) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 8 of title III, add the following:

SEC. 38___. AWARD OF MEDAL OF HONOR TO WOODROW W. KEEBLE FOR VALOR DURING KOREAN WAR.

(a) WAIVER OF TIME LIMITATIONS.—Notwithstanding any applicable time limitation under section 3744 of title 10, United States Code, or any other time limitation with respect to the award of certain medals to individuals who served in the Armed Forces, the President may award to Woodrow W. Keeble the Medal of Honor under section 3741 of that title for the acts of valor described in subsection (b).

(b) ACTS OF VALOR.—The acts of valor referred to in subsection (a) are the acts of Woodrow W. Keeble, then-acting platoon leader, carried out on October 20, 1951, during the Korean War.

SA 684. Mr. OBAMA (for himself, Mrs. MCCASKILL, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Ms. CANTWELL, Mr. BIDEN, and Mr. BINGAMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR ADDITIONAL MENTAL HEALTH AND RELATED PERSONNEL.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $58,000,000, with the amount of the increase to be available for additional caseworkers at military medical treatment facilities and other military facilities housing patients to participate in, enhance, and assist the Physical Disability Evaluation System (PDES) process, and for additional mental health and mental crisis counselors at military medical treatment facilities and other military facilities housing patients for services for members of the Armed Forces and their families.

SEC. 1317. ADDITIONAL AMOUNTS FOR OPERATION AND MAINTENANCE FOR THE MILITARY DEPARTMENTS FOR IMPROVED PHYSICAL DISABILITY EVALUATIONS OF MEMBERS OF THE ARMED FORCES.

(a) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY.—The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, ARMY" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(b) ADDITIONAL AMOUNTS FOR OPERATION AND MAINTENANCE FOR DEPARTMENT OF THE NAVY.—The aggregate amount appropriated or otherwise made available by this chapter under the headings "OPERATION AND MAINTENANCE, NAVY" and "OPERATION AND MAINTENANCE, MARINE CORPS" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(c) ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.—The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $10,000,000, with the amount of the increase to be available in accordance with subsection (d).

(d) INTERNET ACCESS TO PHYSICAL DISABILITY EVALUATIONS OF MEMBERS OF THE ARMED FORCES.—

(1) IN GENERAL.—Each Secretary of a military department shall, utilizing amounts appropriated by the applicable subsection of this section, develop and implement an Internet website to permit members of the Armed Forces who are subject to the Physical Disability Evaluation system of such military department to participate in such system through the Internet.

(2) ELEMENTS.—Each Internet website under paragraph (1) shall include the following:

(A) The availability of any forms required for the utilization of the physical disability evaluation system concerned by members of the Armed Forces who are subject to such system.

(B) Secure mechanisms for the submission of forms described in subparagraph (A) by members of the Armed Forces described in that subparagraph, and for the tracking by such members of the acceptance and review of any forms so submitted.

(C) Secure mechanisms for advising members of the Armed Forces described in subparagraph (A) of any additional information, forms, or other items that are required for the acceptance and review of any forms so submitted.

(D) The continuous availability of assistance for members of the Armed Forces described in subparagraph (A), including assistance through the caseworkers assigned to such members, in submitting and tracking forms, including assistance in obtaining information, forms, or other items described by subparagraph (C).

SEC. 1318. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR WOMEN'S MENTAL HEALTH SERVICES.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by **$15,000,000**, with the amount of the increase to be available for the development and implementation of a women's mental health treatment program for women members of the Armed Forces to help screen and treat women members of the Armed Forces, including services and treatment for women who have experienced post-traumatic stress disorder and services and treatment for women who have experienced sexual assault or abuse, which services shall include the hiring and training of sexual abuse crisis counselors for members of the Armed Forces who have experienced sexual abuse or assault.

SEC. 1319. OFFSET.

The amount appropriated or otherwise made available by this chapter under the heading "IRAQ FREEDOM FUND" is hereby reduced by $103,000,000.

SEC. 1320. STUDY ON MENTAL HEALTH AND READJUSTMENT NEEDS OF MEMBERS AND FORMER MEMBERS OF THE ARMED FORCES WHO DEPLOYED IN OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM AND THEIR FAMILIES.

(a) IN GENERAL.—Using amounts appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", the Secretary of Defense shall, in consultation with the Secretary of Veterans Affairs, enter into an agreement with the National Academy of Sciences for a study on the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(b) PHASES.—The study required under subsection (a) shall consist of two phases:

(1) A preliminary phase, to be completed not later than 180 days after the date of the enactment of this Act, to determine the parameters of the final phase of the study under paragraph (2).

(2) A second phase, to be completed not later than two years after the date of the enactment of this Act, to carry out a comprehensive assessment, in accordance with the parameters identified under paragraph (1), of the mental health and readjustment needs of members and former members of the Armed Forces who deployed in Operation Iraqi Freedom or Operation Enduring Freedom and their families as a result of such deployment.

(c) REPORTS.—The Secretary of Defense shall submit to Congress, and make available to the public, a comprehensive report on each phase of the study required under subsection (a) not later than 30 days after the date of the completion of such phase of the study.

SA 685. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON MODIFICATIONS TO CONSULTING AND EDUCATIONAL SERVICES OF THE ARMED FORCES INSTITUTE OF PATHOLOGY.

No funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to plan for, prepare for, or implement any action to reduce, eliminate, or substantially modify the consulting services or educational services provided by the Armed Forces Institute of Pathology.

SA 686. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON MODIFICATIONS TO CONSULTING AND EDUCATIONAL SERVICES OF THE ARMED FORCES INSTITUTE OF PATHOLOGY.

No funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to plan for, prepare for, or implement any action to reduce, eliminate, or substantially modify the consulting services or educational services provided by the Armed Forces Institute of Pathology.

SA 687. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 5 and 6, insert the following:

SEC. 2403. RESERVIST PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(c) PREAPPROVAL PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preapproval process, under which the Administrator—

(A) may approve a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(d) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

SA 688. Mr. LEVIN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, after line 19, add the following:

SEC. 3____. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110-5; 121 Stat. 26) is amended by striking "Superfund', $1,251,574,000." and inserting "Superfund', $1,251,574,000: *Provided*, That $19,000,000 of the amount provided for Environmental Protection Agency, Science and Technology shall be for the Climate Protection Program.".

SA 689. Mr. LUGAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 56, after line 18, insert the following:

CIVILIAN RESERVE CORPS

SEC. 1713. Of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 690. Mr. COCHRAN (for Mr. LUGAR) proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

On page 56, after line 18, insert the following:

CIVILIAN RESERVE CORPS

SEC. 1713. Of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

SA 691. Mr. WEBB (for himself and Mr. BYRD) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN IRAN.

(a) PROHIBITION.—No funds appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities within or above the territory of Iran, or within the territorial waters of Iran, except pursuant to a specific authorization of Congress enacted in a statute enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply with respect to military operations or activities as follows:

(1) Military operations or activities to directly repel or thwart an attack or imminent attack on United States forces or interests from within the territory of Iran.

(2) Military operations or activities in hot pursuit of forces engaged outside the territory of Iran who thereafter enter into Iran.

(3) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) REPORT.—Not later than 24 hours after determining to utilize funds referred to in subsection (a) for purposes of a military operation described in subsection (b), the President shall submit to the appropriate committees of Congress a report on the determination, including a justification for the determination.

SA 692. Mr. WEBB proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON USE OF FUNDS FOR MILITARY OPERATIONS IN IRAN.

(a) PROHIBITION.—Notwithstanding any other provision of law, no funds appropriated or otherwise made available by this Act may be obligated or expended for military operations or activities within or above the territory of Iran, or within the territorial waters of Iran, except pursuant to a specific authorization of Congress enacted in a statute enacted after the date of the enactment of this Act.

(b) EXCEPTIONS.—The prohibition in subsection (a) shall not apply with respect to military operations or activities as follows:

(1) Military operations or activities to directly repel an attack launched from within the territory of Iran.

(2) Military operations or activities to directly thwart an imminent attack to be launched from within the territory of Iran.

(3) Military operations or activities in hot pursuit of forces engaged outside the territory of Iran who thereafter enter into Iran.

(4) Intelligence collection activities of which Congress has been appropriately notified under applicable law.

(c) REPORT.—Not later than 24 hours after determining to utilize funds referred to in subsection (a) for purposes of a military operation described in subsection (b), the President shall submit to the appropriate committees of Congress a report on the determination, including a justification for the determination.

SA 693. Mr. DODD submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 10 of title III, add the following:

SEC. 4004. For an additional amount to carry out housing counseling, $25,000,000, to remain available until expended, shall be made available to the Secretary of Housing and Urban Development, *Provided*, That the amount provided under this section is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 694. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 10 and 11, insert the following:

SEC. 2904. (a) It is the sense of Congress that the realignment of functions from Walter Reed Army Medical Center, as prescribed under the 2005 round of defense base closure and realignment, should be accelerated to minimize the uncertainty faced by the dedicated professionals serving at the Center, and to ensure the quickest possible completion of facilities and the immediate transfer of functions from the Center.

(b) Of the funds appropriated by this chapter for military construction under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005", $123,000,000 shall be deposited into the Department of Defense Base Closure Account 2005 established under section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and made available for the acceleration of construction activities related to the closure of Walter Reed Army Medical Center.

SA 695. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 10 and 11, insert the following:

SEC. 2904. (a) Congress makes the following findings:

(1) Congress authorized the 2005 Defense Base Closure and Realignment (BRAC) process in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) as the only fair and objective way for the Department of Defense to reduce excess military base infrastructure and to obtain savings from these reductions.

(2) In order to ensure a fair and objective process, the President was required to present to Congress a list of bases to be closed or realigned, as determined by the BRAC Commission, in a totality without any changes or alterations.

(3) The President submitted to Congress the decisions of the BRAC Commission under the 2005 round of defense base closure and realignment on September 15, 2005, two and a half years after the commencement of Operation Iraqi Freedom.

(4) As part of the BRAC process, the Secretary of Defense was required by law to assess the probable threats to national security and, as part of such assessment, determine the potential, prudent, surge requirements to meet those threats.

(5) The Department of Defense and the BRAC Commission were required by law to determine whether each decision accounted

for the ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(6) Congress took no action to disapprove the decisions of the Commission, thus allowing the totality of the 2005 round of defense base closure and realignment to become law on November 20, 2005.

(7) Contained within the totality of the 2005 BRAC decisions was the realignment of the Walter Reed Army Medical Center in Washington, D.C., which would result in the closure of the main post and the relocation of—

(A) all tertiary (sub-specialty and complex care) medical services, Legal Medicine, and a Pathology Program Management Office to National Naval Medical Center, Bethesda, Maryland;

(B) all non-tertiary (primary and specialty) patient care functions to a new community hospital at Fort Belvoir, Virginia;

(C) the Armed Forces Medical Examiner, DNA Registry, and Accident Investigation to Dover Air Force Base, Delaware; and

(D) the Combat Casualty Care Research sub-function and the enlisted histology technician training to Fort Sam Houston, Texas.

(8) The decision to close Walter Reed Army Medical Center is estimated to save the Department of Defense over $170,000,000 annually after 2011.

(9) The cost to maintain and renovate current facilities at Walter Reed Army Medical Center and in the national capitol region was estimated by the Department of the Army to exceed $13,000,000,000 over the next 13 years.

(10) A delay in the closure or realignment of a military installation would cause further disruption and uncertainty for the workforce supporting the installation and the local community surrounding the installation until the action is complete.

(11) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) requires the Secretary of Defense to complete all such closures and realignments no later than September 15, 2011, in order minimize to the negative impact on military operations and local communities by establishing clear, specific goals for the realignment and closure activities.

(12) The inadequate conditions and processes recently identified at Walter Reed Army Medical Center are, in part, due to antiquated facilities spread over a 113-acre campus, which was not initially designed for processes necessitated by current military operations.

(13) The BRAC decision will allow the Department of Defense to transform legacy medical facilities into a premier, modern, state-of-the-art joint operational medical facility that will combine the best military practitioners, medical practices, and medical research efforts from both the Department of the Army and the Department of the Navy under one roof working side-by-side for wounded servicemembers.

(14) The acceleration of the construction at the receiving locations from the closure of Walter Reed Army Medical Center will allow for a quicker transition of functions and patient services to newer, more modern facilities, significantly improving the capability to care for our Nation's wounded service members.

(15) Any action by Congress to delay or reverse the BRAC decision to close Walter Reed Army Medical Center will result in an unprecedented disruption to the BRAC process and introduce a level of uncertainty in every other BRAC decision, which could paralyze the efforts of the military and local communities to faithfully carry out the decisions made under the 2005 round of defense base closure and realignment.

(b) It is the sense of Congress that the realignment of functions from Walter Reed Army Medical Center, as prescribed under the 2005 round of defense base closure and realignment, should be accelerated to minimize the uncertainty faced by the dedicated professionals serving at the Center, and to ensure the quickest possible completion of facilities and the immediate transfer of functions from the Center.

(c) There are authorized to be appropriated $123,000,000 for an additional amount to be deposited into the Department of Defense Base Closure Account 2005 established under section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) for the purpose of accelerating construction activities related to the closure of Walter Reed Army Medical Center. Any funds so appropriated shall remain available until expended.

SA 696. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 10 and 11, insert the following:

SEC. 2904. (a) Congress makes the following findings:

(1) Congress authorized the 2005 Defense Base Closure and Realignment (BRAC) process in the National Defense Authorization Act for Fiscal Year 2002 (Public Law 107–107) as the only fair and objective way for the Department of Defense to reduce excess military base infrastructure and to obtain savings from these reductions.

(2) In order to ensure a fair and objective process, the President was required to present to Congress a list of bases to be closed or realigned, as determined by the BRAC Commission, in a totality without any changes or alterations.

(3) The President submitted to Congress the decisions of the BRAC Commission under the 2005 round of defense base closure and realignment on September 15, 2005, two and a half years after the commencement of Operation Iraqi Freedom.

(4) As part of the BRAC process, the Secretary of Defense was required by law to assess the probable threats to national security and, as part of such assessment, determine the potential, prudent, surge requirements to meet those threats.

(5) The Department of Defense and the BRAC Commission were required by law to determine whether each decision accounted for the ability to accommodate contingency, mobilization, surge, and future total force requirements at both existing and potential receiving locations to support operations and training.

(6) Congress took no action to disapprove the decisions of the Commission, thus allowing the totality of the 2005 round of defense base closure and realignment to become law on November 20, 2005.

(7) Contained within the totality of the 2005 BRAC decisions was the realignment of the Walter Reed Army Medical Center in Washington, D.C., which would result in the closure of the main post and the relocation of—

(A) all tertiary (sub-specialty and complex care) medical services, Legal Medicine, and a Pathology Program Management Office to National Naval Medical Center, Bethesda, Maryland;

(B) all non-tertiary (primary and specialty) patient care functions to a new community hospital at Fort Belvoir, Virginia;

(C) the Armed Forces Medical Examiner, DNA Registry, and Accident Investigation to Dover Air Force Base, Delaware; and

(D) the Combat Casualty Care Research sub-function and the enlisted histology technician training to Fort Sam Houston, Texas.

(8) The decision to close Walter Reed Army Medical Center is estimated to save the Department of Defense over $170,000,000 annually after 2011.

(9) The cost to maintain and renovate current facilities at Walter Reed Army Medical Center and in the national capitol region was estimated by the Department of the Army to exceed $13,000,000,000 over the next 13 years.

(10) A delay in the closure or realignment of a military installation would cause further disruption and uncertainty for the workforce supporting the installation and the local community surrounding the installation until the action is complete.

(11) The Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) requires the Secretary of Defense to complete all such closures and realignments no later than September 15, 2011, in order minimize to the negative impact on military operations and local communities by establishing clear, specific goals for the realignment and closure activities.

(12) The inadequate conditions and processes recently identified at Walter Reed Army Medical Center are, in part, due to antiquated facilities spread over a 113-acre campus, which was not initially designed for processes necessitated by current military operations.

(13) The BRAC decision will allow the Department of Defense to transform legacy medical facilities into a premier, modern, state-of-the-art joint operational medical facility that will combine the best military practitioners, medical practices, and medical research efforts from both the Department of the Army and the Department of the Navy under one roof working side-by-side for wounded servicemembers.

(14) The acceleration of the construction at the receiving locations from the closure of Walter Reed Army Medical Center will allow for a quicker transition of functions and patient services to newer, more modern facilities, significantly improving the capability to care for our Nation's wounded service members.

(15) Any action by Congress to delay or reverse the BRAC decision to close Walter Reed Army Medical Center will result in an unprecedented disruption to the BRAC process and introduce a level of uncertainty in every other BRAC decision, which could paralyze the efforts of the military and local communities to faithfully carry out the decisions made under the 2005 round of defense base closure and realignment.

(b) It is the sense of Congress that the realignment of functions from Walter Reed Army Medical Center, as prescribed under the 2005 round of defense base closure and realignment, should be accelerated to minimize the uncertainty faced by the dedicated professionals serving at the Center, and to ensure the quickest possible completion of facilities and the immediate transfer of functions from the Center.

(c) Of the funds appropriated by this chapter for military construction under the heading "DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005", $123,000,000 shall be deposited into the Department of Defense Base Closure Account 2005 established under section 2906A(a)(1) of the Defense Base Closure and Realignment Act of 1990 (part A of title XXIX of Public Law 101–510; 10 U.S.C. 2687 note) and made available for the acceleration of construction activities related to the closure of Walter Reed Army Medical Center.

SA 697. Mr. WARNER (for himself, Mr. BYRD, Ms. COLLINS, Mr. NELSON of Nebraska, Ms. SNOWE, Mr. SALAZAR, Ms. MURKOWSKI, and Mr. SMITH) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . INDEPENDENT ASSESSMENT OF CAPABILITIES OF THE IRAQI SECURITY FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).

(2) In quarterly reports to Congress, and in testimony before a number of congressional committees, the Department of Defense reported progress towards training and equipping Iraqi Security Forces; however, the subsequent performance of the Iraqi Security Forces has been uneven and occasionally appeared inconsistent with those reports.

(3) On November 15, 2005, President Bush said, "The plan [is] that we will train Iraqi troops to be able to take the fight to the enemy. And as I have consistently said, as the Iraqis stand up, we will stand down".

(4) In testimony to Congress, on November 15, 2006, U.S. Central Command Commander General John Abizaid said, "I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future".

(5) On January 10, 2007, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military; the central component of the military element being an augmentation of the present level of the U.S. military forces with more than 20,000 additional U.S. military troops to Iraq to "work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs".

(6) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(7) The latest National Intelligence Estimate (NIE) on Iraq, entitled "Prospects for Iraq's Stability: A Challenging Road Ahead," released in January 2007, found: "If strengthened Iraqi Security Forces (ISF), more loyal to the government and supported by Coalition forces, are able to reduce levels of violence and establish more effective security for Iraq's population, Iraqi leaders could have an opportunity to begin the process of political compromise necessary for longer term stability, political progress, and economic recovery".

(8) The NIE also stated that "[d]espite real improvements, the Iraqi Security Forces (ISF)—particularly the Iraqi police—will be hard pressed in the next 12-18 months to execute significantly increased security responsibilities".

(9) The current and prospective readiness of the ISF is critical to (A) the long term stability of Iraq, (B) the force protection of U.S. forces conducting combined operations with the ISF; and (C) the scale of U.S. forces deployed to Iraq.

(b) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, $750,000, that the Department, in turn, will commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by US forces, the continued support of US troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SA 698. Mr. WARNER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. SENSE OF THE SENATE CONCERNING IRAQ.

Whereas on the fourth anniversary of Operation Iraqi Freedom, the regime of a brutal dictator has been replaced by a democratically elected government in the Arab world;

Whereas, the United Nations Security Council Resolution 1723, approved November 28, 2006, "determin[ed] that the situation in Iraq continues to constitute a threat to international peace and security;"

Whereas, over 137,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the support of all Americans, which they have strongly;

Whereas many American service personnel have lost their lives, and many more have been wounded, in Iraq, and the American people will always honor their sacrifices and honor their families;

Whereas the U.S. Army and Marine Corps, including their Reserve and National Guard organizations, together with components of the other branches of the military, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan, and these deployments, and those that will follow, will have lasting impacts on the future recruiting, retention and readiness of our nation's all volunteer force;

Whereas Iraq is experiencing a deteriorating problem of sectarian and intra-sectarian violence based upon political distrust and cultural differences between some Sunni and Shia Muslims, concentrated primarily in Baghdad;

Whereas Iraqis must reach political settlements in order to achieve reconciliation, and the failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

Whereas the responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF);

Whereas the President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

Whereas it is essential that the Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks;"

Whereas according to Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2007; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's website;

Whereas the Secretary of State indicated on January 30, 2007 that "we expect the Prime Minister will follow through on his pledges to the President that he would take difficult decisions."

Whereas the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff have testified about, and, or, provided unclassified material to members of Congress on Iraqi commitments and goals.

Whereas Congress acknowledges that the Baghdad Security Plan is in it's initial months and while there are signs of progress, there are also signs of difficulty and uncertainty. Now therefore be it

Resolved that

(1) The United States strategy in Iraq, hereafter, should be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(a) forming a Constitutional Review Committee and completing the Constitutional review;

(b) enacting and implementing legislation on de-Bathification;

(c) enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources to the people of Iraq without regard to the sect or ethnicity of recipients, and ensuring that the energy resources of Iraq benefit Sunni Arabs, Shia

Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(d) enacting and implementing legislation on procedures to form semi-autonomous regions;

(e) enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(f) enacting and implementing legislation addressing amnesty;

(g) enacting and implementing legislation establishing a strong militia disbarment program to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq;

(h) establishing supporting political media, economic, and services committees in support of the Baghdad Security Plan;

(i) providing three trained and ready Iraqi brigades to support Baghdad operations;

(j) providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention;

(k) ensuring that the Iraqi Security Forces are providing even handed enforcement of the law against all who break it;

(l) ensuring that, the Baghdad security plan is not providing a safe haven for any outlaws, regardless of their sectarian or political affiliation; as Prime Minister Maliki stated to President Bush.

(m) establishing all of the planned joint security stations in neighborhoods across Baghdad;

(n) increasing the number of Iraqi security forces units capable of operating independently;

(o) allocating and spending $10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis;

(2) The Iraqi government achieving, or demonstrating satisfactory progress towards achieving these benchmarks should be viewed as the condition for continued United States military and economic involvement in Iraq;

Sec. 2. Reporting Requirements.

A. Report Required on Benchmarks

(1) The Commander, Multi-National Forces-Iraq, in coordination with the United States Ambassador to Iraq, shall submit a report (hereafter known as "the report"), to the Commander of U.S. Central Command not later than July 15, 2007, and every 60 days thereafter. The report shall detail the status of each of the specific benchmarks established in Section 1, and conclude whether satisfactory progress has been made toward meeting the overall benchmarks as defined in Section 1, in a timely manner.

(2) Upon receipt of the report, the Commander of U.S. Central Command shall prepare an assessment of the report. The report and the assessment shall be submitted to the Secretary of Defense not later than July 20, 2007, and every 60 days thereafter.

(3) Upon receipt of the report and assessment, the Secretary of Defense shall, in consultation with the Secretary of State, prepare their independent assessment of and submit the report and all assessments to the Committees on Armed Services; Appropriations; Foreign Relations or International Relations; and Intelligence of the Senate and House of Representatives, not later than August 1, 2007, and every 60 days thereafter.

(4) If the report or any of the assessments fail to indicate satisfactory progress in any benchmark, the President shall submit, within 30 days thereafter, a report to Congress on those benchmarks that failed to achieve satisfactory progress. The Presidents' report shall provide an explanation of why satisfactory progress was not achieved and describe revisions to the January 10, 2007 strategy, that reflect how satisfactory progress will be attained.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2007 is terminated after a reporting period ending May 31, 2007.

B. Reports on Readiness of the Armed Forces.

(1) Commencing 60 days after the enactment of this Act, the Secretaries of the military services, in coordination with the Chiefs of the Services, shall report to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, not later than 30 days before the date of embarkation, the deployment of any unit of the Armed Forces of the United States, to include the Reserve Forces and National Guard (hereafter known as "the unit"), outside the United States and its territories, that is not deemed fully mission capable of performing reasonably assigned mission-essential tasks to prescribed standards, under anticipated conditions in the theater of operations, of the supported combatant commander.

(2) Subsequently, the supported combatant commander, in coordination with the Commander of Joint Forces Command, shall assess the risk of the deployment of the unit as significant, high, medium, or low, and specify corrective actions to reduce that level of risk from significant, high, or medium to low to the Secretary of Defense, not later than 20 days before the embarkation of the unit.

(3) Thereafter, the Secretary of Defense, in coordination with Chairman of the Joint Chiefs of Staff, shall forward the aforementioned risk assessment to the Committees on Armed Services and Appropriations of the Senate and the House of Representatives, not later than 10 days before the date of embarkation of the unit, with a statement that the risk associated with the deployment of "the unit" has been mitigated to satisfaction, or that the deployment of "the unit" has been canceled, delayed, or determined to be of such significant importance that deployment of "the unit" is essential and the level of risk of that deployment is vital to national security.

SA 699. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 2704 and insert the following:

SEC. 2704. (a) ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007.—

(1) IN GENERAL.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006, is amended—

(A) by redesignating paragraphs (4) through (7) as paragraphs (5) through (8), respectively;

(B) by inserting after paragraph (3), the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) ALLOTMENT AUTHORITY.—From the amounts made available under subparagraph (D) for additional allotments under this paragraph, subject to subparagraph (C), the Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of March 31, 2007, that the projected Federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).

"(C) PRORATION RULE.—If the amount available under subparagraph (D) is less than the total amount of the estimated shortfalls determined by the Secretary under subparagraph (A), the amount of the allotment for each remaining shortfall State determined under such subparagraph shall be reduced proportionally.

"(D) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007, not to exceed $750,000,000. Amounts appropriated pursuant to the preceding sentence are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).".

(2) CONFORMING AMENDMENTS.—Such section is further amended—

(A) in paragraph (1)(B), by striking "paragraph (4)(B)" and inserting "paragraph (5)(B)";

(B) in paragraph (2)—

(i) in the paragraph heading, by striking "REMAINDER OF REDUCTION" and inserting "PART";

(ii) in subparagraph (A), by striking "paragraph (5)(B)" and inserting "paragraph (6)(B)"; and

(iii) in subparagraph (B), by striking "paragraph (4)(B)" and inserting "paragraph (5)(B)";

(C) in paragraph (5) (as redesignated by paragraph (1)(A))—

(i) in subparagraph (A), by inserting "or allotted" after "redistributed"; and

(ii) in subparagraph (B)—

(I) by inserting "or allotted" after "redistributed";

(II) by striking "To the" and inserting the following:

"(i) IN GENERAL.—Subject to clause (ii), to the"; and

(III) by adding at the end the following new clause:

"(ii) EXCEPTION FOR REMAINING SHORTFALL STATES WITH LOWEST THIRD RANKING OF UNINSURED CHILDREN.—Only with respect to the amounts allotted under paragraph(4) to a remaining shortfall State described in subparagraph (B) of such paragraph, clause (i) shall not apply to any such State that, on the basis of the most recent American Community Survey of the Bureau of the Census (or, until such data is available, on the basis of the 3 most recent Annual Social and Economic Supplements of the Current Population Survey of the Bureau of the Census), ranks in the lowest ⅓ of States in terms of the State's percentage of low-income children without health insurance.'';

(D) in subparagraph (6)(A) (as so redesignated), by striking ''and (3)'' and inserting ''(3), and (4)''; and

(E) in paragraph (7) (as so redesignated)—

(i) in the first sentence

(I) by inserting ''or allotted'' after ''redistributed''; and

(II) by inserting ''or allotments'' after ''redistributions''; and

(ii) in the second sentence, by striking ''and (3), in accordance with paragraph (5)'' and inserting ''(3), and (4) in accordance with paragraph (6)''.

(b) IMPROVING ACCESS TO DENTAL SERVICES AND MENTAL HEALTH SERVICES FOR CHILDREN.—Title V of the Social Security Act (42 U.S.C. 701 et seq.) is amended by adding at the end the following:

''SEC. 511. SEPARATE PROGRAM TO IMPROVE ACCESS TO DENTAL SERVICES AND MENTAL HEALTH SERVICES.

''(a) AUTHORITY TO AWARD ALLOTMENTS.—For the purpose described in subsection (b)(1), the Secretary shall allot to each State which has transmitted an application under subsection (c) that has been approved by the Secretary an amount equal to the product of—

''(1) the amount appropriated in subsection (h) for the period of fiscal years 2007 through 2012; and

''(2) the proportion that the number of low-income children for that State bears to the total of such numbers of children for all the States with approved applications under this section for such period.

''(b) PURPOSE; PRIORITY FOR USE OF FUNDS.—

''(1) PURPOSE.—The purpose of an allotment under subsection (a) to a State is to enable the State to carry out activities that are designed to improve access to dental services and mental health services for targeted low-income children and other children with low income or limited availability of health services.

''(2) PRIORITY FOR USE OF FUNDS.—In carrying out activities with funds from an allotment made under this section, a State shall give priority to activities that are designed to improve access to dental services and mental health services for targeted low-income children.

''(c) APPLICATION.—A State that desires to receive an allotment under this section shall submit, not later than June 1, 2007, an application to the Secretary in such form and manner, and containing such information, as the Secretary may require. Such application shall include—

''(1) a detailed description of the activities proposed to be conducted with funds from the allotment;

''(2) quality and outcomes performance measures to evaluate the effectiveness of such activities; and

''(3) an assurance that the State shall—

''(A) conduct an assessment of the effectiveness of such activities against such performance measures; and

''(B) cooperate with the collection and reporting of data and other information determined as a result of conducting such assessments to the Secretary, in such form and manner as the Secretary shall require.

''(d) REPORT.—Not later than March 31, 2008, the Secretary shall submit a report to Congress on the activities conducted with funds allotted under this section.

''(e) SUPPLEMENT, NOT SUPPLANT.—Funds awarded under this section shall be used to supplement, not supplant, non-Federal funds that are otherwise available for activities conducted with funds from an allotment made under this section.

''(f) APPLICATION OF OTHER PROVISIONS.—

''(1) IN GENERAL.—Sections 503, 507, and 508 shall apply to allotments under subsection (a) to the same extent and in the same manner as such sections apply to allotments under section 502(c).

''(2) REPORTS.—Section 506 shall apply to allotments under subsection (a) to the extent determined by the Secretary to be appropriate.

''(g) DEFINITIONS.—In this section:

''(1) TARGETED LOW-INCOME CHILDREN.—The term 'targeted low-income children' means, with respect to a State, children enrolled in the State child health plan under title XXI.

''(2) LOW-INCOME CHILDREN.—The term 'low-income children' has the meaning given the term 'low-income child' under section 2110(c)(4).

''(h) APPROPRIATION.—There is appropriated, out of any money in the Treasury not otherwise appropriated, $250,000,000 for the period of fiscal years 2007 through 2012 for the purpose of making allotments under this section.''.

(c) FUNDING PROVISIONS.—

(1) REPEAL OF THE LIMITED CONTINUOUS ENROLLMENT PROVISION FOR CERTAIN BENEFICIARIES UNDER THE MEDICARE ADVANTAGE PROGRAM.—

(A) IN GENERAL.—Subparagraph (E) of section 1851(e)(2) of the Social Security Act (42 U.S.C. 1395w–21(e)(2)), as added by section 206(a) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432), is repealed.

(B) CONFORMING AMENDMENT.—Section 1860D–1(b)(1)(B)(iii) of the Social Security Act (42 U.S.C. 1395w–101(b)(1)(B)(iii)), as amended by 206(b) of division B of the Tax Relief and Health Care Act of 2006 (Public Law 109–432), is amended by striking ''subparagraphs (B), (C), and (E)'' and inserting ''subparagraphs (B) and (C)''.

(C) EFFECTIVE DATE.—The amendments made by this paragraph shall take effect on the day after the date of enactment of this Act.

(2) REQUIREMENT FOR USE OF TAMPER-RESISTANT PRESCRIPTION PADS UNDER THE MEDICAID PROGRAM.—

(A) IN GENERAL.—Section 1903(i) of the Social Security Act (42 U.S.C. 1396b(i)) is amended—

(i) by striking ''or'' at the end of paragraph (21);

(ii) by striking the period at the end of paragraph (22) and inserting ''; or''; and

(iii) by inserting after paragraph (22) the following new paragraph:

''(23) with respect to amounts expended for medical assistance for covered outpatient drugs (as defined in section 1927(k)(2)) for which the prescription was executed in written (and non-electronic) form unless the prescription was executed on a tamper-resistant pad.''.

(B) EFFECTIVE DATE.—The amendments made by subparagraph (A) shall apply to prescriptions executed after September 30, 2007.

(3) EXTENSION OF SSI ASSET VERIFICATION DEMONSTRATION TO MEDICAID.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary of Health and Human Services shall collaborate with the Commissioner of Social Security to provide for the use, for purposes of verifying financial eligibility for medical assistance under State plans under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.), of the system administered by the Commissioner (under section 1631(e)(1)(B)(ii) of such Act (42 U.S.C. 1383(e)(1)(B)(ii)) under which the Commissioner may obtain information held by financial institutions in order to verify eligibility for benefits under title XVI of such Act (42 U.S.C. 1381 et seq.).

(B) LIMITATION.—For purposes of this paragraph, use of the system described in subparagraph (A), and the information obtained through such system, shall be limited to determinations of eligibility for medical assistance in States in which such system is being used by the Commissioner to verify eligibility for benefits under such title XVI.

(C) SHARING BY COMMISSIONER OF INFORMATION OBTAINED FROM FINANCIAL INSTITUTIONS.—Notwithstanding the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401 et seq.) or any other provision of law, information obtained by the Commissioner from financial institutions under the system described in subparagraph (A) may, for purposes of carrying out this paragraph, be shared with the agencies of States specified in subparagraph (B) which are administering the plans of such States under title XIX of the Social Security Act.

(d) GENERAL EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

SA 700. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 85, between lines 7 and 8, insert the following:

Nothing in the preceding sentence shall be construed as prohibiting the Secretary of Health and Human Services during the period described in such sentence from promulgating or implementing a rule designed to prevent fraud and protect the integrity of the Medicaid program or the State Children's Health Insurance Program, reduce inappropriate spending under such programs, or protect hospitals and other providers of items and services under such programs by permitting such hospitals and providers to retain all allowable Federal, State, and local payments for items or services provided to recipients of medical assistance under the Medicaid program or child health assistance under the State Children's Health Insurance Program.

SA 701. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 85, between lines 7 and 8, insert the following:

Nothing in the preceding sentence shall be construed as prohibiting the Secretary of Health and Human Services during the period described in such sentence from promulgating or implementing a rule designed to prevent fraud and protect the integrity of the Medicaid program or the State Children's Health Insurance Program or reduce inappropriate spending under such programs.

SA 702. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike subtitle C of title IV.

SA 703. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 135, strike lines 5 through 14.

SA 704. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 1 of title III, insert the following:

SEC. 3104. SPINACH.

No funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006.

SA 705. Mr. HAGEL (for himself, Mr. WEBB, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

CHAPTER 8—ADDITIONAL POLICY AND REQUIREMENTS ON IRAQ

SEC. 1803. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF UNITS UNLESS FULLY MISSION CAPABLE.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for the deployment of a unit or member of the Armed Forces unless the Chief of Staff of the Armed Force concerned certifies to the congressional defense committees, not later than 15 days before the date of such deployment, that the unit or member, as the case may be, is fully mission capable.

(b) FULLY MISSION CAPABLE.—For purposes of this section, a unit or member of the Armed Forces shall be rated as being fully mission capable only if—

(1) the unit or member is capable of performing assigned mission-essential tasks to prescribed standards under anticipated conditions in the theater of operations of deployment in accordance with guidelines set forth in the Department of Defense readiness reporting system; and

(2) the unit or member is capable of performing such other assigned mission tasks, including mission tasks outside the theater of operations of deployment, that could reasonably be expected to arise during the period of deployment.

(c) APPLICABILITY TO VOLUNTARY DEPLOYMENTS.—The limitation in subsection (a) shall apply with respect to the deployment of any member of the Armed Forces who voluntarily consents to deployment.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive the applicability of the limitation in subsection (a) to the deployment of a unit or member of the Armed Forces if the President certifies to the congressional defense committees, not later than 15 days before the date of such deployment, that—

(A) any equipment required for the unit or member to be deployed as fully mission capable that is not available at the time of deployment will be supplied upon arrival in the theater of operations to which the unit or member is deployed; and

(B) the unit or member has met, prior to deployment, all other requirements to be rated as fully mission capable.

(2) CASE-BY-CASE BASIS.—Any waiver under paragraph (1) shall be made on a case-by-case basis.

(e) ADDITIONAL WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency.

SEC. 1804. LIMITATION ON EXTENDING LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to deploy, continue the deployment, or execute any order that has the effect of extending the deployment of a unit or member of the Armed Forces for Operation Iraqi Freedom as follows:

(1) In the case of a unit or member of the Army (including a unit or member of the Army National Guard or the Army Reserve), if the deployment or continuation or extension of deployment would result in the deployment of the unit or member for more than 365 consecutive days.

(2) In the case of a unit or member of the Marine Corps (including a unit or member of the Marine Corps Reserve), if the deployment or continuation or extension of deployment would result in the deployment of the unit or member for more than 210 consecutive days.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) DEPLOYMENT DEFINED.—For purposes of this section, the term "deployment" has the meaning given that term in section 991(b) of title 10, United States Code.

SEC. 1805. MINIMUM PERIOD BETWEEN DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) MINIMUM PERIOD FOR CERTAIN MEMBERS OF THE ARMY AND MARINE CORPS.—

(1) IN GENERAL.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to deploy for Operation Iraqi Freedom a unit or member of the Armed Forces specified in paragraph (2) unless the period between the deployment of the unit or member for Operation Iraqi Freedom covered by this subsection and the previous deployment of the unit or member is equal to or longer than the period of such previous deployment of the unit or member.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(b) MINIMUM PERIOD FOR MEMBERS OF ARMY RESERVE, MARINE CORPS RESERVE, AND ARMY NATIONAL GUARD.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to deploy for Operation Iraqi Freedom a unit or member of the Army Reserve, Marine Corps Reserve, or Army National Guard if the unit or member has been deployed at any time within the five years preceding the date of the deployment covered by this subsection.

(c) DEPLOYMENT DEFINED.—For purposes of this section, the term "deployment" has the meaning given that term in section 991(b) of title 10, United States Code.

SEC. 1806. ADDITIONAL AMOUNT FOR NATIONAL GUARD PERSONNEL, ARMY.

The amount appropriated by chapter 3 of this title under the heading "NATIONAL GUARD PERSONNEL, ARMY" is hereby increased by $597,100,000.

SEC. 1807. ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.

The amount appropriated by chapter 3 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" is hereby increased by $460,700,000.

SEC. 1808. ADDITIONAL AMOUNT FOR NATIONAL GUARD AND RESERVE EQUIPMENT.

The amount appropriated by chapter 3 of this title under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby increased by $364,900,000, with the amount of such increase to be available for National Guard equipment needs.

SEC. 1809. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS.

The amount appropriated by chapter 3 of this title under the heading "PROCUREMENT, MARINE CORPS" is hereby increased by $1,700,000,000, with the amount of such increase to be available for additional Mine Resistant Ambush Protection vehicles.

SEC. 1810. REPORTS ON UNITED STATES EFFORTS FOR IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to the appropriate committees of Congress a report that sets forth a comprehensive description and assessment of current United States diplomatic, political, and economic efforts with respect to Iraq.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall set forth, current as of the date of such report, a comprehensive description and assessment of United States diplomatic, political, and economic efforts with respect to Iraq, including efforts as follows:

(A) To achieve broad-based national political reconciliation in Iraq that includes all of Iraq's communities.

(B) To engage all nations in the Middle East, including Iraq's immediate neighbors, the international community, and international institutions in developing a regional, internationally-sponsored reconciliation and reconstruction process for Iraq.

(C) To utilize United States political, economic, and military assistance to facilitate the reconstruction of Iraq.

(D) To secure the delivery of pledged economic and other assistance for Iraq from the international community, and to secure additional pledges of assistance for Iraq, including specific information regarding the status of assistance pledges for Iraq from the international community.

(E) To ensure that the Government of Iraq is increasing and improving the delivery of basic services to the people of Iraq.

(2) INFORMATION ON STATUS OF PLEDGED ASSISTANCE.—The description of pledged economic and other assistance for Iraq under paragraph (1)(D) shall include information on the current status of delivery of assistance for Iraq under pledges of assistance from the international community.

(c) FORM OF REPORT.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SEC. 1811. EMERGENCY DESIGNATION.

Amounts provided in this chapter are designated as emergency requirements pursuant to section 403 of H.Con.Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 706. Mr. BURR submitted an amendment intended to be proposed to amendment SA 641 proposed by Mr. BYRD to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 112, line 14, insert before the period the following: "; in addition to the amounts transferred, an additional $111,000,000 is appropriated to the Public Health and Social Services Emergency Fund to carry out section 319L of the Public Health Service Act (the Biomedical Advanced Research and Development Authority), which shall be designated as an emergency requirement pursuant to section 402 of S. Con. Res. 83 (109th Congress), the concurrent resolution on the budget for fiscal year 2007, as made applicable in the Senate by section 7035 of Public Law 109-234, to remain available until expended, and to be offset through striking the amount appropriated in chapter I of title III (Department of Agriculture) for the Farm Service Agency, reducing the amount appropriated under section 412 by $12,000,000, and striking the amount appropriated under section 416".

SA 707. Mr. HAGEL (for himself, Mr. WEBB, and Mr. SALAZAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title I, add the following:

CHAPTER 8—ADDITIONAL POLICY AND REQUIREMENTS ON IRAQ

SEC. 1801. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the primary objective of United States strategy in Iraq should be to achieve a political solution and national reconciliation in Iraq through increased, concerted regional and international diplomacy;

(2) the United States should engage all nations in the Middle East, including Iraq's immediate neighbors, in developing a regional, internationally sponsored peace and reconciliation process for Iraq;

(3) the regional security conferences on Iraq that are being organized by Prime Minister of Iraq Nuri al-Maliki represent important first steps to achieve a more robust diplomatic initiative that should be given the full and direct support by the President; and

(4) the President and the Government of Iraq should build on the momentum of the Baghdad conference and the upcoming ministerial meeting by convening a diplomatic conference with the purpose of bringing stability to the region, reinforcing national reconciliation efforts, achieving the withdrawal of the United States Armed Forces from Iraq, and promoting a comprehensive regional diplomatic solution.

SEC. 1802. FINDINGS REGARDING THE UNITED STATES ARMED FORCES.

Congress makes the following findings:

(1) The United States Armed Forces, and the members of the Armed Forces and their families, are under enormous strain from multiple, extended deployments to Iraq and Afghanistan.

(2) The readiness of nondeployed Army and Marine Corps units has declined significantly due to a lack of equipment and insufficient time to train, thereby jeopardizing their capability to respond quickly and effectively to other crises or contingencies in the world.

(3) The Navy and Air Force are sustaining high operating tempos in support of military operations in Iraq and Afghanistan, as well as conducting other global missions.

(4) Each of the Armed Forces has important requirements to modernize and recapitalize aging legacy platforms and systems if our Nation is to possess the military capability needed to defend against a growing array of dynamic and challenging threats to our national security.

(5) The current deployment tempo of the United States Armed Forces will have lasting impacts on the future recruitment, retention, and readiness of the All-Volunteer Force.

SEC. 1803. LIMITATION ON AVAILABILITY OF FUNDS FOR DEPLOYMENT OF UNITS UNLESS FULLY MISSION CAPABLE.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended for the deployment of a unit or member of the Armed Forces unless the Chief of Staff of the Armed Force concerned certifies to the congressional defense committees, not later than 15 days before the date of such deployment, that the unit or member, as the case may be, is fully mission capable.

(b) FULLY MISSION CAPABLE.—For purposes of this section, a unit or member of the Armed Forces shall be rated as being fully mission capable only if—

(1) the unit or member is capable of performing assigned mission-essential tasks to prescribed standards under anticipated conditions in the theater of operations of deployment in accordance with guidelines set forth in the Department of Defense readiness reporting system; and

(2) the unit or member is capable of performing such other assigned mission tasks, including mission tasks outside the theater of operations of deployment, that could reasonably be expected to arise during the period of deployment.

(c) APPLICABILITY TO VOLUNTARY DEPLOYMENTS.—The limitation in subsection (a) shall apply with respect to the deployment of any member of the Armed Forces who voluntarily consents to deployment.

(d) WAIVER AUTHORITY.—

(1) IN GENERAL.—The President may waive the applicability of the limitation in subsection (a) to the deployment of a unit or member of the Armed Forces if the President certifies to the congressional defense committees, not later than 15 days before the date of such deployment, that—

(A) any equipment required for the unit or member to be deployed as fully mission capable that is not available at the time of deployment will be supplied upon arrival in the theater of operations to which the unit or member is deployed; and

(B) the unit or member has met, prior to deployment, all other requirements to be rated as fully mission capable.

(2) CASE-BY-CASE BASIS.—Any waiver under paragraph (1) shall be made on a case-by-case basis.

(e) ADDITIONAL WAIVER AUTHORITY.—The President may waive the applicability of the limitation in subsection (a) in the event of a requirement for the use of military force in time of national emergency.

SEC. 1804. LIMITATION ON EXTENDING LENGTH OF DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) LIMITATION.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to deploy, continue the deployment, or execute any order that has the effect of extending the deployment of a unit or member of the Armed Forces for Operation Iraqi Freedom as follows:

(1) In the case of a unit or member of the Army (including a unit or member of the Army National Guard or the Army Reserve), if the deployment or continuation or extension of deployment would result in the deployment of the unit or member for more than 365 consecutive days.

(2) In the case of a unit or member of the Marine Corps (including a unit or member of the Marine Corps Reserve), if the deployment or continuation or extension of deployment would result in the deployment of the unit or member for more than 210 consecutive days.

(b) EXCEPTION.—The limitation in subsection (a) shall not apply to designated key command headquarters personnel or other members of the Armed Forces who are required to maintain continuity of mission and situational awareness between rotating forces.

(c) DEPLOYMENT DEFINED.—For purposes of this section, the term "deployment" has the meaning given that term in section 991(b) of title 10, United States Code.

SEC. 1805. MINIMUM PERIOD BETWEEN DEPLOYMENTS FOR OPERATION IRAQI FREEDOM.

(a) MINIMUM PERIOD FOR CERTAIN MEMBERS OF THE ARMY AND MARINE CORPS.—

(1) IN GENERAL.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may

be obligated or expended to deploy for Operation Iraqi Freedom a unit or member of the Armed Forces specified in paragraph (2) unless the period between the deployment of the unit or member for Operation Iraqi Freedom covered by this subsection and the previous deployment of the unit or member is equal to or longer than the period of such previous deployment of the unit or member.

(2) COVERED UNITS AND MEMBERS.—The units and members of the Armed Forces specified in this paragraph are as follows:

(A) Units and members of the regular Army.

(B) Units and members of the regular Marine Corps.

(b) MINIMUM PERIOD FOR MEMBERS OF ARMY RESERVE, MARINE CORPS RESERVE, AND ARMY NATIONAL GUARD.—Commencing 120 days after the date of the enactment of this Act, no funds appropriated or otherwise made available by this Act or any other Act may be obligated or expended to deploy for Operation Iraqi Freedom a unit or member of the Army Reserve, Marine Corps Reserve, or Army National Guard if the unit or member has been deployed at any time within the five years preceding the date of the deployment covered by this subsection.

(c) DEPLOYMENT DEFINED.—For purposes of this section, the term "deployment" has the meaning given that term in section 991(b) of title 10, United States Code.

SEC. 1806. ADDITIONAL AMOUNT FOR NATIONAL GUARD PERSONNEL, ARMY.

The amount appropriated by chapter 3 of this title under the heading "NATIONAL GUARD PERSONNEL, ARMY" is hereby increased by $597,100,000.

SEC. 1807. ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD.

The amount appropriated by chapter 3 of this title under the heading "OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD" is hereby increased by $460,700,000.

SEC. 1808. ADDITIONAL AMOUNT FOR NATIONAL GUARD AND RESERVE EQUIPMENT.

The amount appropriated by chapter 3 of this title under the heading "NATIONAL GUARD AND RESERVE EQUIPMENT" is hereby increased by $364,900,000, with the amount of such increase to be available for National Guard equipment needs.

SEC. 1809. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS.

The amount appropriated by chapter 3 of this title under the heading "PROCUREMENT, MARINE CORPS" is hereby increased by $1,700,000,000, with the amount of such increase to be available for additional Mine Resistant Ambush Protection vehicles.

SEC. 1810. REPORTS ON UNITED STATES EFFORTS FOR IRAQ.

(a) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 60 days thereafter, the President shall submit to the appropriate committees of Congress a report that sets forth a comprehensive description and assessment of current United States diplomatic, political, and economic efforts with respect to Iraq.

(b) ELEMENTS.—

(1) IN GENERAL.—Each report under subsection (a) shall set forth, current as of the date of such report, a comprehensive description and assessment of United States diplomatic, political, and economic efforts with respect to Iraq, including efforts as follows:

(A) To achieve broad-based national political reconciliation in Iraq that includes all of Iraq's communities.

(B) To engage all nations in the Middle East, including Iraq's immediate neighbors, the international community, and international institutions in developing a regional, internationally-sponsored reconciliation and reconstruction process for Iraq.

(C) To utilize United States political, economic, and military assistance to facilitate the reconstruction of Iraq.

(D) To secure the delivery of pledged economic and other assistance for Iraq from the international community, and to secure additional pledges of assistance for Iraq, including specific information regarding the status of assistance pledges for Iraq from the international community.

(E) To ensure that the Government of Iraq is increasing and improving the delivery of basic services to the people of Iraq.

(2) INFORMATION ON STATUS OF PLEDGED ASSISTANCE.—The description of pledged economic and other assistance for Iraq under paragraph (1)(D) shall include information on the current status of delivery of assistance for Iraq under pledges of assistance from the international community.

(c) FORM OF REPORT.—Each report under this section shall be submitted in unclassified form, but may include a classified annex.

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term "appropriate committees of Congress" means—

(1) the Committees on Armed Services, Foreign Relations, and Appropriations of the Senate; and

(2) the Committees on Armed Services, Foreign Affairs, and Appropriations of the House of Representatives.

SEC. 1811. EMERGENCY DESIGNATION.

Amounts provided in this chapter are designated as emergency requirements pursuant to section 403 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 708. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At page 53, strike line 12 and all that follows through page 56, line 4 and insert the following:

"(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—For purposes of section 212(a)(3)(B) of the Immigration and Nationality Act (INA) (8 U.S.C. §1181(a)(3)(B)), the Hmong, the Montagnards, the Karen National Union/Karen National Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of the enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State and Secretary of Homeland Security to exercise their discretionary authority pursuant to section 212(d)(3)(B)(i) of the INA (8 U.S.C. 1182(d)(3)(B)(i).".

(c) TECHNICAL CORRECTION.—Section 212(a)(3)(B)(ii) of the INA (8 U.S.C. 1182(a)(3)(B)(vi)) is amended by striking "Subclause (VII)" and replacing it with "Subclause (IX)".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and section 212(a)(3)(B)(ii) of the INA (8 U.S.C. 1182(a)(3)(B)(ii), as amended by this section, shall apply to—

(1) removal proceedings instituted before, on, or after the date of the enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SA 709. Mr. WYDEN (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, and Mr. STEVENS, Mr. BENNETT Ms. MURKOWSKI, Mr. SALAZAR, and Mrs. FEINSTEIN) proposed an amendment to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Beginning on page 75, strike line 25 and all that follows through page 76, line 15, and insert the following:

SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $526,079,656 for fiscal year 2007;

"(B) $520,000,000 for fiscal year 2008; and

"(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State an amount equal to the sum of the amounts elected under subsection (b) by each county within the State for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

"(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

“(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

“(A) the Act of May 23, 1908 (16 U.S.C. 500); and

“(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

“(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

“(1) ALLOCATIONS.—

“(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

“(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

“(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

“(i) reserve any portion of the balance for—

“(I) carrying out projects under title II;

“(II) carrying out projects under title III; or

“(III) a combination of the purposes described in subclauses (I) and (II); or

“(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

“(2) DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended in accordance with title II.

“(3) ELECTION.—

“(A) NOTIFICATION.—

“(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

“(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

“(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

“(II) return the balance to the Treasury of the United States.

“(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

“(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

“SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED AMOUNT.—The term ‘adjusted amount’ means, with respect to a covered State—

“(A) for fiscal year 2007—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

“(B) for fiscal year 2008, 90 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

“(C) for fiscal year 2009, 81 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

“(D) for fiscal year 2010, 73 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

“(2) COVERED STATE.—The term ‘covered State’ means each of the States of California, Oregon, and Washington.

“(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable, from funds in the Treasury of the United States not otherwise appropriated.

“(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

“(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties in fiscal year 2006:

“(1) Payments to the State of California under subsection (b).

“(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

“(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

“TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

“SEC. 201. DEFINITIONS.

“In this title:

“(1) PARTICIPATING COUNTY.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

“(2) PROJECT FUNDS.—The term ‘project funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

“(3) RESOURCE ADVISORY COMMITTEE.—The term ‘resource advisory committee’ means—

“(A) an advisory committee established by the Secretary concerned under section 205; or

“(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

“(4) RESOURCE MANAGEMENT PLAN.—The term ‘resource management plan’ means—

“(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

“(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

“(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

“(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-

Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

"(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

"(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

"(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

"(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

"(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

"(1) The purpose of the project and a description of how the project will meet the purposes of this title.

"(2) The anticipated duration of the project.

"(3) The anticipated cost of the project.

"(4) The proposed source of funding for the project, whether project funds or other funds.

"(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

"(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

"(6) A detailed monitoring plan, including funding needs and sources, that—

"(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

"(B) includes an assessment of the following:

"(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

"(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

"(7) An assessment that the project is to be in the public interest.

"(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

"(a) CONDITIONS FOR APPROVAL OF PROPOSED PROJECT.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

"(1) The project complies with all applicable Federal laws (including regulations).

"(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

"(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

"(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

"(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

"(b) ENVIRONMENTAL REVIEWS.—

"(1) REQUEST FOR PAYMENT BY COUNTY.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

"(2) CONDUCT OF ENVIRONMENTAL REVIEW.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

"(3) EFFECT OF REFUSAL TO PAY.—

"(A) IN GENERAL.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) EFFECT OF WITHDRAWAL.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) DECISIONS OF SECRETARY CONCERNED.—

"(1) REJECTION OF PROJECTS.—

"(A) IN GENERAL.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) NO ADMINISTRATIVE APPEAL OR JUDICIAL REVIEW.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) NOTICE OF REJECTION.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) NOTICE OF PROJECT APPROVAL.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) SOURCE AND CONDUCT OF PROJECT.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) IMPLEMENTATION OF APPROVED PROJECTS.—

"(1) COOPERATION.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) BEST VALUE CONTRACTING.—

"(A) IN GENERAL.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) FACTORS.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) MERCHANTABLE TIMBER CONTRACTING PILOT PROGRAM.—

"(A) ESTABLISHMENT.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2007, 25 percent.

"(ii) For fiscal year 2008, 35 percent.

"(iii) For fiscal year 2009, 45 percent.

"(iv) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) Requirements for Project Funds.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) Establishment and Purpose of Resource Advisory Committees.—

"(1) Establishment.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) Purpose.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) Access to resource advisory committees.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) Existing advisory committees.—

"(A) In general.—An advisory committee that meets the requirements of this section, an advisory committee established before the date of enactment of this Act, or an advisory committee determined by the Secretary concerned to meet the requirements of this section before the date of enactment of this Act may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) Charter.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) Bureau of land management advisory committees.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) Duties.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) Appointment by the Secretary.—

"(1) Appointment and term.—

"(A) In general.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) Reappointment.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) Initial appointment.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) Vacancies.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) Compensation.—Members of the resource advisory committees shall not receive any compensation.

"(d) Composition of Advisory Committee.—

"(1) Number.—Each resource advisory committee shall be comprised of 15 members.

"(2) Community interests represented.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) Balanced representation.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) Geographic distribution.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) Chairperson.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) Approval Procedures.—

"(1) In general.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) Quorum.—A quorum must be present to constitute an official meeting of the committee.

"(3) Approval by majority of members.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) Other Committee Authorities and Requirements.—

"(1) Staff assistance.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) Meetings.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) Records.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) Agreement Regarding Schedule and Cost of Project.—

"(1) Agreement between parties.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) Limited use of federal funds.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) Transfer of Project Funds.—

"(1) Initial transfer required.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) EFFECT OF COURT ORDERS.—

"(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

"(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

"(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

"The Secretary of Agriculture and the Secretary of the Interior shall jointly issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

"(b) EMERGENCY DESIGNATION.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

"(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.".

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

"For each of fiscal years 2008 through 2012, such sums as are authorized under this chapter shall be made available to the Secretary of the Interior, out of any amounts in the Treasury not otherwise appropriated, for obligation or expenditure in accordance with this chapter.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

"6906. Funding.".

(d) INCREASE IN INFORMATION RETURN PENALTIES.—

(1) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(A) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$250,000" and inserting "$3,000,000".

(B) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(i) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(I) by striking "$15" and inserting "$50",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$75,000" and inserting "$500,000".

(ii) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(I) by striking "$30" and inserting "$100",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$150,000" and inserting "$1,500,000".

(C) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) of such Code is amended—

(i) in subparagraph (A)—

(I) by striking "$100,000" and inserting "$1,000,000", and

(II) by striking "$250,000" and inserting "$3,000,000",

(ii) in subparagraph (B)—

(I) by striking "$25,000" and inserting "$175,000", and

(II) by striking "$75,000" and inserting "$500,000", and

(iii) in subparagraph (C)—

(I) by striking "$50,000" and inserting "$500,000", and

(II) by striking "$150,000" and inserting "$1,500,000".

(D) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(i) by striking "$100" in paragraph (2) and inserting "$500",

(ii) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(2) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(A) IN GENERAL.—Section 6722(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$100,000" and inserting "$1,000,000".

(B) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) of such Code is amended—

(i) by striking "$100" in paragraph (1) and inserting "$500", and

(ii) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(3) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 of the Internal Revenue Code of 1986 is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

(e) REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.—

(1) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(B) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendment made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

(f) PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.—

(1) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

SA 710. Mr. KYL submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At page 52, line 16, strike "may determine" and all that follows through page 53, line 11 and insert the following:

"may determine in such Secretary's sole unreviewable discretion that—

(1) subsection (a)(3)(B)(i)(IV)(bb) of this section shall not apply to an alien;

(II) subsection (a)(3)(B)(i)(VII) of this section shall not apply to an alien who endorsed or espoused terrorist activity or persuaded others to endorse or espouse terrorist activity or support a terrorist organization described in clause (vi)(III);

(III) subsection (a)(3)(B)(iv)(VI) of this section shall not apply with respect to any material support that an alien afforded under duress (as that term is defined in common law) to an organization or individual that has engaged in a terrorist activity; or

(IV) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group that—

(aa) does not pose a threat to the United States or other democratic countries; and

(bb) has not engaged in terrorist activity targeted at civilians; or

(V) subsection (a)(3)(B)(vi)(III) of this section shall not apply to a group solely by virtue of its having a subgroup within the scope of that subsection.

"Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Not withstanding any other provision of law (statutory or nonstatutory), including but not limited to section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 242 and only to the extent provided in section 242(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of title 8.".

SA 711. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 50, strike line 7 and all that follows through page 52, line 5.

SA 712. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, line 18, insert the following before the period:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is provided an additional $10,000,000 under this heading to rehabilitate the flood damage projects for the Albuquerque Middle Rio Grande levee, New Mexico; the Abeytas to Bernardo levee in Socorro County, New Mexico; and the Glenwood/Whitewater Creek levee in Catron County, New Mexico, to Federal levee standards: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 713. Mr. COLEMAN (for himself and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 9 of title II, add the following:

CONVEYANCE OF A-12 BLACKBIRD AIRCRAFT TO THE MINNESOTA AIR NATIONAL GUARD HISTORICAL FOUNDATION

SEC. 2904. (a) CONVEYANCE REQUIRED.—The Secretary of the Air Force shall convey, without consideration, to the Minnesota Air National Guard Historical Foundation, Inc. (in this section referred to as the "Foundation"), a non-profit entity located in the State of Minnesota, A-12 Blackbird aircraft with tail number 60-6931 that is under the jurisdiction of the National Museum of the United States Air Force and, as of January 1, 2007, was on loan to the Foundation and display with the 133rd Airlift Wing at Minneapolis-St. Paul International Airport, Minnesota.

(b) CONDITION.—The conveyance required by subsection (a) shall be subject to the requirement that Foundation utilize and display the aircraft described in that subsection for educational and other appropriate public purposes as jointly agreed upon by the Secretary and the Foundation before the conveyance.

(c) RELOCATION OF AIRCRAFT.—As part of the conveyance required by subsection (a), the Secretary shall relocate the aircraft described in that subsection to Minneapolis-St. Paul International Airport and undertake any reassembly of the aircraft required as part of the conveyance and relocation. Any costs of the Secretary under this subsection shall be borne by the Secretary.

(d) MAINTENANCE SUPPORT.—The Secretary may authorize the 133rd Airlift Wing to provide support to the Foundation for the maintenance of the aircraft relocated under subsection (a) after its relocation under that subsection.

(e) REVERSION OF AIRCRAFT.—

(1) REVERSION.—In the event the Foundation ceases to exist, all right, title, and interest in and to the aircraft conveyed under subsection (a) shall revert to the United States, and the United States shall have immediate right of possession of the aircraft.

(2) ASSUMPTION OF POSSESSION.—Possession under paragraph (1) of the aircraft conveyed

under subsection (a) shall be assumed by the 133rd Airlift Wing.

(f) ADDITIONAL TERMS AND CONDITIONS.—The Secretary may require such additional terms and conditions in connection with the conveyance required by subsection (a) as the Secretary considers appropriate to protect the interests of the United States.

SA 714. Mr. VOINOVICH submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS REGARDING BUDGETING FOR OPERATION IRAQI FREEDOM AND THE GLOBAL WAR ON TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The global war on terrorism began in September 2001 and military operations in Iraq began in March 2003, and United States military involvement in Iraq and Afghanistan no longer represents unforeseen, unpredictable, or unanticipated events.

(2) Since the beginning of the global war on terrorism and the military operations in Iraq, Congress has provided $503,000,000,000 in budget authority to carry out Operation Iraqi Freedom and the global war on terrorism, including funding for military operations and other defense activities, indigenous security forces, diplomatic operations, and foreign aid.

(3) The President has requested $98,000,000,000 in additional fiscal year 2007 supplemental appropriations to carry out Operation Iraqi Freedom and the global war on terrorism, bringing the total appropriated upon the date of the enactment of this Act for that purpose to $601,000,000,000.

(4) The President has requested $145,000,000,000 in fiscal year 2008 supplemental appropriations to carry out Operation Iraqi Freedom and the global war on terrorism.

(5) During the past few years, both the President and Congress have consistently underestimated the future costs of carrying out Operation Iraqi Freedom and the global war on terrorism in budget requests and in congressional budget resolutions.

(6) The President and Congress have provided funds to carry out Operation Iraqi Freedom and the global war on terrorism largely through the use of supplemental appropriations bills that escape the budget limitations imposed on regular appropriations.

(7) As a result of insufficient budget projections and exemption of supplemental appropriations from budget rules, Congress and the President have provided the public with erroneous information regarding the true impact of Operation Iraqi Freedom and the global war on terrorism on future budget deficits and the growth of the national debt.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) fiscal year 2008 should be the last fiscal year for which Congress provides funding to carry out Operation Iraqi Freedom and the global war on terrorism through the use of supplemental appropriations that generally are not subject to budget limitations; and

(2) beginning in fiscal year 2009, Congress should include funding to carry out Operation Iraqi Freedom and the global war on terrorism in the regular budget and appropriations processes so that the public is able to recognize and understand the costs of carrying out such activities and Congress may consider whether additional spending and revenue policies should be enacted to offset such costs.

SA 715. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . In accordance with paragraphs (4) and (5) of section 203(d) of the Legislative Reorganization Act of 1946 (2 U.S.C. 166(d)), the Congressional Research Service may not refuse a request from a Member of the Senate or House of Representatives for compilation and analysis of earmarks contained in appropriations bills and amendments.

SA 716. Mr. BURR proposed an amendment to amendment SA 709 proposed by Mr. WYDEN (for himself, Mr. REID, Mr. BAUCUS, Mr. BINGAMAN, Mr. SMITH, Ms. CANTWELL, Mr. DOMENICI, Mrs. BOXER, Mr. CRAIG, Mrs. MURRAY, Mr. CRAPO, Mr. TESTER, Mr. STEVENS, Mr. BENNETT, Ms. MURKOWSKI, Mr. SALAZAR, and Mrs. FEINSTEIN) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Beginning on page 13, strike line 22 and all that follows through page 17, line 18, and insert the following:

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to eligible counties shall be expended only for public schools of the eligible county.

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) IN GENERAL.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended only for public schools of the eligible county.

"(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II;

"(II) carrying out projects under title III; or

"(III) a combination of the purposes described in subclauses (I) and (II); or

"(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

"(2) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) be available for expenditure by the Secretary concerned, without further appropriation; and

"(ii) remain available until expended in accordance with title II.

"(3) ELECTION.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

"(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

"(II) return the balance to the Treasury of the United States.

"(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds for public schools in the eligible county.

SA 717. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. ___. INAPPLICABILITY OF CERTAIN PROVISIONS.

Notwithstanding any other provision of this Act, titles II, III, and IV of this Act shall not take effect.

SA 718. Mr. COBURN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

SEC. . INAPPLICABILITY OF CERTAIN PROVISIONS.

Notwithstanding any provision of this Act, titles II (except for chapter 8 and 9 of title II), III, and IV of this Act shall not take effect.

SA 719. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 95, strike line 22 and all that follows through page 96, line 8.

SA 720. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, lines 5 and 6, strike "a State found within Federal Emergency Management Agency Region IV or VI" and insert "the State of Alabama, Florida, Louisiana, Mississippi, or Texas".

SA 721. Mr. ALEXANDER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 96, lines 6 through 8, strike "The provisions of this section shall cease to be in effect twenty-four months following the date of enactment of this Act." and insert "This section shall cease to be in effect as of the date that is 180 days after the date of enactment of this Act, and the authority provided by this section is contingent on authorization by the appropriate committees of Congress prior to implementation.".

SA 722. Mr. DOMENICI (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 10 and 11, insert the following:

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the "International Boundary and Water Commission, United States and Mexico", $21,700,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $11,700,000 shall be made available for sediment removal and construction associated with the Rio Grande Canalization project in Doña Ana County, New Mexico: *Provided further*, That of the funds appropriated under this heading, not less than $10,000,000 shall be made available for sediment removal associated with the Rio Grande Flood Control System Rehabilitation project in El Paso County, Texas.

Of the funds appropriated for the "Millennium Challenge Corporation" under the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102), $21,700,000 are rescinded.

SA 723. Mr. DOMENICI submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 62, line 18, insert the following before the period:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is provided an additional $10,000,000 under this heading to rehabilitate the flood damage projects for the Albuquerque Middle Rio Grande levee, New Mexico; the Abeytas to Bernardo levee in Socorro County, New Mexico; and the Glenwood/Whitewater Creek levee in Catron County, New Mexico, to Federal levee standards.

SA 724. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 28, between lines 18 and 19, insert the following:

SEC. 1316. It is the sense of the Senate that a portion of the funds appropriated or otherwise made available by this Act should be used to begin the phased redeployment of United States military forces from Iraq.

SA 725. Mrs. BOXER submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. RESEARCH ON MENTAL HEALTH NEEDS OF FEMALE MEMBERS OF THE ARMED FORCES.

Of the amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM", $10,000,000 shall be available for research on the mental health needs of female members of the Armed Forces, with a specific emphasis on post traumatic stress disorder and sexual trauma and the development of new treatment models.

SA 726. Mr. KERRY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, line 3, insert after "Public Law 109–13:" the following: "*Provided further*, That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $1,000,000 shall be made available for a Youth Center/Work Study Program in Iraq to be administered by the Iraqi Ministry of Youth and Sport:".

SA 727. Mr. STEVENS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. REDEVELOPMENT OF INDUSTRIAL SECTOR IN IRAQ.

Of the amount appropriated or otherwise made available by this chapter under the heading "IRAQ FREEDOM FUND", up to $100,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

SA 728. Mr. BOND submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table, as follows:

At the end of chapter 10 of title II, insert the following:

SEC. 4004. In section 21307 of Public Law 110–5, in the first proviso, strike out "for such account".

SA 729. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

SEC. 23____. Not later than 90 days after the date of enactment of this Act, the Chief of Engineers shall, at full Federal expense, investigate and submit to Congress an analysis of—

(1) the overall technical advantages, disadvantages, and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue, and London Avenue canals in the New Orleans area directed for construction in the matter under the heading "FLOOD CONTROL AND COASTAL EMERGENCIES" of chapter 3 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 454) concurrently or in series with existing pumping stations serving those canals;

(2) the advantages, disadvantages, and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and

(3) the advantages, disadvantages, and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the 3 canals specified in paragraph (1).

SA 730. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 60, strike line 23 and all that follows through page 70, line 13, and insert the following:

FLOOD CONTROL AND COASTAL EMERGENCIES.—For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $2,257,700,000, to remain available until expended: *Provided*, That $2,000,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

DEPARTMENT OF INTERIOR.

BUREAU OF RECLAMATION.

WATER AND RELATED RESOURCES.—For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

SEC. 2301. GENERAL PROVISIONS—THIS CHAPTER.

The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 2302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.

SEC. 2303.(a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109–234 require notifications of the House and Senate Committees on Appropriation.

CHAPTER 4—SMALL BUSINESS ADMINISTRATION—DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

SEC. 2401. GENERAL PROVISIONS—THIS CHAPTER.

In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "covered small business concern" means a small business concern—

(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(B) that has not more than 50 full-time employees; and

(C) that—

(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and

(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or

(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(4) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with "Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the "Disaster Loans Program Account" or transfer such amounts to and merge such amounts with "Salaries and Expenses", if—

(A) such amounts are—

(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or

(ii) necessary to provide assistance in the event of a major disaster; and

(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 2402. OTHER PROGRAMS.

(a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8)."; and

(2) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) RELIEF FROM TEST PROGRAM.—Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—

"(A) IN GENERAL.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005 during the time period described in subparagraph (B).

"(B) TIME PERIOD.—The time period for the purposes of subparagraph (A)—

"(i) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(ii) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

CHAPTER 5—DEPARTMENT OF HOMELAND SECURITY—FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF.

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $3,610,000,000, to remain available until expended.

SA 731. Mr. VITTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 64, between lines 15 and 16, insert the following:

Section 23__. (a) Using funds made available in Chapter 3 under Title II of Public Law 109–234 (120 Stat. 453), under the heading "Investigations", within three months after the date of enactment of this Act, the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall submit to Congress a final report of the Chief of Engineers recommending a comprehensive plan to install a permanent storm surge and intrusion barrier on the lower Mississippi River Gulf-outlet and to restore associated structural and non-structural hurricane and storm surge reduction in this region to ensure the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements as part of the Lake Pontchartrain and Vicinity Louisiana project as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

SA 732. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II Chapter 3 General Provisions, insert the following:

Section . The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges: Provided, That the analysis should be conducted at Federal expense: Provided further, that the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SA 733. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

On page 59, between lines 23 and 24, insert the following:

ECONOMIC DEVELOPMENT ADMINISTRATION

For an additional amount for the Economic Development Administration, $175,000,000, to remain available until expended, for use in providing grants to the Port of New Orleans to relocate public facilities located along the Mississippi River Gulf Outlet that are adversely affected by the closing of the Mississippi River Gulf Outlet: *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 734. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

At the end of title III, add the following:

NO AUTHORITY TO INITIATE MILITARY ACTION AGAINST IRAN

SEC. 4104. No provision of this Act, the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), or the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note), may be construed as granting authority to the President to initiate military action against Iran.

SA 735. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

At the end of title III, add the following:

PROHIBITION ON USE OF FUNDS TO INITIATE OFFENSIVE MILITARY ACTION

SEC. 4104. None of the funds appropriated or otherwise made available by this Act may be obligated or expended to initiate offensive military action against any country, including Iran, that is not authorized by law.

SA 736. Mr. SANDERS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

At the end of title III, add the following:

SENSE OF CONGRESS REGARDING INITIATING MILITARY ACTION AGAINST IRAN

SEC. 4104. It is the sense of Congress that—

(1) initiating military action against Iran without congressional approval does not fall within the President's "Commander in Chief" powers under article II, section 2, of the Constitution of the United States;

(2) the Authorization for Use of Military Force (Public Law 107–40; 50 U.S.C. 1541 note), approved in response to the terrorist attacks of September 11, 2001, does not explicitly or implicitly extend to authorizing military action against Iran, including over its nuclear program;

(3) the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243; 50 U.S.C. 1541 note) does not explicitly or implicitly extend to authorizing military action against Iran, including over its nuclear program; and

(4) seeking congressional authority prior to taking military action against Iran is not discretionary, but is a legal and constitutional requirement.

SA 737. Mr. SANDERS (for himself, Mr. REED, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, Mr. HARKIN, Mr. WYDEN, Mrs. CLINTON, and Mr. SUNUNU) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

On page 99, line 4, strike "ties" and insert "ties: *Provided further*, That $242,200,000 of the amount provided shall be used for the weatherization assistance program of the Department of Energy".

SA 738. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows;

At the appropriate place, insert the following:

TITLE VI—FUNDING FOR GLOBAL WAR ON TERROR

SEC. 601. FINDINGS.

The Congress finds the following:

(1) It is estimated that the top 1 percent of income earners in the United States will receive at total of $715 billion in tax cuts between 2001 and 2010 under current law.

(2) It is estimated that in the single year 2009, tax cuts for the top 1 percent of income earners will total over $94 billion.

(3) To date all of the funds for military operations in Iraq and Afghanistan have been designated as emergency spending.

(4) Operations in Iraq alone have now lasted longer than World War II and are not "unanticipated uncontrollable expenditures" as defined by the Congressional Budget Act.

SEC. 602. SENSE OF THE SENATE.

It is the sense of the Senate that in order to fund the operations of the Government under chapter 3 of title I of this Act, including $1,500,000,000 for mine resistant ambush protected vehicles, the Committee on Finance of the Senate should report to the Senate not later than 30 days after the date of the enactment of this Act legislation which increases revenues to the Treasury in the amount of $93,500,000,000 during taxable years 2007 through 2011 by reducing scheduled and existing income tax reductions enacted since taxable year 2001 with respect to the top 1 percent of income earners.

SA 739. Mr. BIDEN (for himself, Mr. KENNEDY, Mr. KERRY, Mr. DURBIN, and Mr. PRYOR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS, FOR ACCELERATION OF PROCUREMENT OF ADDITIONAL 2,500 MINE RESISTANT AMBUSH PROTECTED VEHICLES FOR THE ARMED FORCES.

(a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading "PROCUREMENT, MARINE CORPS" is hereby increased by $1,500,000,000, with the amount of the increase to be available to the Marine

Corps for the procurement of an additional 2,500 Mine Resistant Ambush Protected (MRAP) vehicles for the regular and reserve components of the Armed Forces by not later than December 31, 2007.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the procurement of vehicles described in that subsection is in addition to any other amounts available under this chapter for that purpose.

SA 740. Mr. CASEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle A of title IV, add the following:

SEC. 4 . DAIRY LOSSES.

The Secretary shall use such funds of the Commodity Credit Corporation as are necessary to make payments to producers on a dairy farm in the State of Pennsylvania in the amount of $2.50 per hundredweight of milk produced by the dairy producers during the period beginning on August 1, 2006, and ending on February 28, 2007.

SA 741. Mr. KENNEDY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE V—FAIR MINIMUM WAGE

SEC. 500. SHORT TITLE.

This title may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

SA 742. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 35, line 3, insert after "law" the following: ": *Provided*, That of the funds appropriated under this heading, up to $1,900,000 may be available for the construction of a Deployment Processing Facility for the Montana Air National Guard".

SA 743. Mr. LAUTENBERG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . FAA PERSONNEL MANAGEMENT SYSTEM ARBITRATION.

Section 40122(a) of title 49, United States Code, is amended—

(1) by striking the second and third sentences of paragraph (2);

(2) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(3) by inserting after paragraph (2) the following:

"(3) ARBITRATION.—

"(A) IN GENERAL.—If the services of the Federal Mediation and Conciliation Service under paragraph (2) do not lead to an agreement, the Federal Service Impasses Panel shall assert jurisdiction over the issues in controversy in accordance with subsection (g)(2)(C) and order binding arbitration.

"(B) ARBITRATION BOARD.—The Panel shall appoint an arbitration board composed of 3 professional private arbitrators with Federal sector experience. The Executive Director of the Panel shall request a list of not fewer than 15 arbitrators from the Director of the Federal Mediation and Conciliation Service. Each party shall select one arbitrator and the Executive Director of the Panel shall select the third and final member of the arbitration board.

"(C) RATIFICATION AND APPROVAL.—In accordance with subsection (g)(2)(C), upon reaching agreement or at the conclusion of the binding arbitration, the final agreement shall be subject to ratification by the exclusive representative, upon request, and approval by the head of the agency.

"(D) ENFORCEMENT ACTIONS.—Each United States district court and each United States court of a place subject to the jurisdiction of the United States shall have jurisdiction of any action brought to enforce this paragraph. Upon the application of any exclusive bargaining representative, any changes implemented in the personnel management system by the Administrator after July 9, 2005, without the agreement of the exclusive bargaining representative and before the agreement ratified and approved under subparagraph (C) takes effect shall be reversed and the status quo ante shall be restored until the date certified by the exclusive bargaining representative and the Administrator as the date on which the ratified and approved agreement takes effect."

SA 744. Ms. STABENOW submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In section 402, strike paragraph (2) and insert the following:

(2) APPLICABLE CROP.—The term "applicable crop" means—

(A) 1 or more crops planted, or prevented from being planted, during, as elected by the producers on a farm, 1 of—

(i) the 2005 crop year;

(ii) the 2006 crop year; or

(iii) that part of the 2007 crop year that takes place before the end of the applicable period; and

(B) that part of the 2004 crop of sugar beets that was damaged during calendar year 2005.

SA 745. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 1503. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.

Of the amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAM" and available under that heading for regional grants and technical assistance, $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

SA 746. Mr. TESTER submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 94, between lines 10 and 11, insert the following:

SEC. 2904. (a) ADDITIONAL AMOUNT FOR MEDICAL SERVICES.—The amount appropriated or otherwise made available by this chapter under the heading "MEDICAL SERVICES" is increased by $127,000,000.

(b) AVAILABILITY.—Of the amount appropriated or otherwise made available by this chapter under the heading "MEDICAL SERVICES", as increased by subsection (a), $127,000,000 shall be available for increasing the reimbursement rate for beneficiary travel described in section 111 of title 38, United States Code.

SA 747. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 25, strike line 11 and all that follows through page 26, line 24 and insert:

(b) CLASSIFIED CAMPAIGN PLAN.—The President shall create a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of US forces ITom Iraq as those benchmarks are met.

(c) COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2)

(2) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq pursuant to the plan required in subsection

(b) except for the limited number that are essential for the following Purposes:

(A) Protecting United States and coalition personnel and infrastructure.

(B) Training and equipping Iraqi forces.

(C) Conducting targeted counter-terrorism operations.

(3) COMPREHENSIVE STRATEGY.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(4) REPORTS REQUIRED.—Not later than 60 days after the date of enactment of this Act, the President shall submit the plan required in subsection (b), and every 90 days thereafter, provide classified reports to Congress on the progress made in transitioning the mission of United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required by subsection (b).

(d) BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—

SA 748. Mr. CHAMBLISS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . AUTHORITY TO WAIVE ANNUAL LIMITATIONS ON TOTAL COMPENSATION PAID TO CERTAIN FEDERAL CIVILIAN EMPLOYEES.

(a) WAIVER AUTHORITY.—For pay earned during calendar years 2006 and 2007 and notwithstanding section 5547 of title 5, United States Code, the head of an executive agency or the head of a military department may waive, subject to subsection (c), the limitation established in that section for total compensation (including limitations on the aggregate of basic pay and premium pay payable in a calendar year) of an employee who performs work while engaged in repair, recovery, restoration, and other authorized actions associated with the destruction caused by natural disasters in Louisiana, Mississippi, and Alabama.

(b) PAY EARNED IN 2006 BUT PAID IN 2007.—With regard to subsection (c), to the extent that a waiver granted under subsection (a) results in additional pay for calendar year 2006 that is paid in calendar year 2007, such additional pay paid in calendar year 2007 shall not be used to compute the total maximum compensation for calendar year 2007.

(c) MAXIMUM TOTAL COMPENSATION.—The total compensation of an employee whose pay is covered by a waiver under subsection (a) may not exceed $200,000 in calendar year 2006 and $212,000 in calendar year 2007.

(d) ADDITIONAL PAY NOT CONSIDERED BASIC PAY.—To the extent that a waiver under subsection (a) results in payment of additional premium pay of a type that is normally creditable as basic pay for retirement or any other purpose, such additional pay—

(1) shall not be considered to be basic pay for any purpose; and

(2) shall not be used in computing a lump sum payment for accumulated and accrued annual leave under section 5551 of title 5, United States Code.

SA 749. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 63, strike lines 14 through 19.

SA 750. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

RESCISSION

SEC. ____. Five percent of each amount appropriated under the Continuing Appropriations Resolution, 2007 (as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110-5)) is rescinded, except that none of the amount appropriated under the following provisions of the Continuing Appropriations Resolution, 2007 shall be rescinded:

(1) Section 101(a)(7).

(2) Chapter 2 or 8 of title II.

SA 751. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In the second sentence of the matter under the heading "LOW-INCOME HOME ENERGY ASSISTANCE" in the matter under the heading "ADMINISTRATION FOR CHILDREN AND FAMILIES" in the matter under the heading "DEPARTMENT OF HEALTH AND HUMAN SERVICES", in chapter 7 of title II (relating to amounts for section 2604(e) of the Low-Income Home Energy Assistance Act of 1981), strike "$320,000,000" and insert the following "$320,000,000: *Provided*, That $80,000,000 of that $320,000,000 shall be transferred to the Secretary of the Interior, for the account entitled 'PAYMENTS IN LIEU OF TAXES', to implement sections 6901 through 6907 of title 31, United States Code".

SA 752. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike lines 13 through 22 and insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $17,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $37,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for "Educational and Cultural Exchange Programs", $25,000,000 is rescinded.

SA 753. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 3, strike lines 13 through 22 and insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $17,500,000, to remain available until September 30, 2008: *Provided*, That $12,500,000 of such amount shall be used by the United States Attorneys' Offices to prosecute child pornographers and individuals who exploit children.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $37,500,000, to remain available until September 30, 2008: *Provided*, That $12,500,000 of such amount shall be used by the United States Marshals Service to carry out the Adam Walsh Child Protection and Safety Act of 2006 (Public Law 109-248; 120 Stat. 587), and the amendments made by that Act, and to track down unregistered convicted sex offenders: *Provided Further*, That of the amounts made available in this Act for "Educational and Cultural Exchange Programs", $25,000,000 is rescinded.

SA 754. Mr. SHELBY (for himself and Ms. MIKULSKI) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 60, line 4, strike the period and insert the following ": Provided, that of the amount made available under this heading, $20,000,000 shall be for the Lunar Precursor and Robotic Program."

SA 755. Mr. LEAHY (for himself and Mr. SPECTER) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

CHAPTER —THE JUDICIARY

SUPREME COURT OF THE UNITED STATES

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of Justices of the Supreme Court, $27,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the United States Court of Appeals for the Federal Circuit, $29,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

United States Court of International Trade

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the United States Court of International Trade, $18,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the Courts of Appeals and District Courts, $5,279,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

General Provisions—The Judiciary

Sec. . (a) Pursuant to section 140 of Public Law 97-92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

(b) This section shall be effective as of January 1, 2007, and shall apply only with respect to the salaries of justices and judges for whom appropriations are made available under this chapter, notwithstanding section 603 of title 28, United States Code, or similar provision of law.

SA 756. Ms. **LANDRIEU** submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. . ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.

The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $20,000,000, with the amount of the increase to be available to provide for:

(1) The development of a field-deployable system which would mitigate the impact of traumatic brain injury, such as deployable ice water immersion cooling system.

(2) The development of an ice water immersion cooling system to treat traumatic brain injuries, suitable for use in a stationary medical treatment center.

SA 757. Mr. **BYRD** (for himself and Mr. Inouye) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, between lines 4 and 5, insert the following:

(RESCISSION)

Of the amount appropriated by title III of division A of Public Law 109-148 under the heading "Other Procurement Army", $6,250,000 is hereby rescinded.

On page 34, line 5, strike "$1,261,390,000" and insert "$1,267,640,000".

SA 758. Mr. **INOUYE** submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add the following:

SEC. 1316. STUDY ON REFORM OF NATIONAL SECURITY SYSTEM.

Of the amount appropriated or otherwise made available by this chapter under the heading "Operation and Maintenance, Defense-Wide", up to $4,000,000 may be available for a detailed, objective study of the current national security system in order to identify the reforms to the system that will be required to assure that the system possesses the capabilities required to meet the future national security interests of the United States.

SA 759. Mrs. **CLINTON** (for herself and Mr. Schumer) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in chapter 7 of title II, insert the following:

Sec. . For an additional amount to enable the Centers for Disease Control and Prevention to carry out activities under section 5011(b) of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public law 109-148), and in addition to giving first priority to the entities described in such section, also including first priority for the World Trade Center Environmental Health Center at Bellevue Hospital, $296,700,000 to remain available until September 30, 2008.

SA 760. Mr. **ENSIGN** submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike lines 14 through 20, and insert the following:

"(C) Limitation on use of funds.—A State shall not use amounts allotted under this paragraph for expenditures for providing child health assistance or other health benefits coverage for any nonpregnant adult.

"(D) Appropriation; allotment authority.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

SA 761. Mr. **ENSIGN** submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 83, strike lines 14 through 20, and insert the following:

"(C) Limitation on use of funds.—A State shall not use amounts allotted under this paragraph for expenditures for providing child health assistance or other health benefits coverage for any nonpregnant childless adult.

"(D) Appropriation; allotment authority.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

SA 762. Mr. **VOINOVICH** (for himself, Mr. Inhofe, Mr. Warner, Mrs. Hutchison, Mr. Craig, Mr. Coburn, and Mr. Enzi) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike lines 11 through 23.

SA 763. Mr. **BROWNBACK** (for himself and Mr. Roberts) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

IMPORTANCE OF OMITTING PROVISIONS THAT THREATEN PASSAGE OF LEGISLATION FUNDING THE IMPLEMENTATION OF BRAC RECOMMENDATIONS

Sec. . (a) The Senate makes the following findings:

(1) Congress and President George W. Bush approved the final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

(2) These recommendations propose major changes in the positioning of United States military personnel.

(3) The Department of Defense is moving rapidly to implement these recommendations.

(4) The communities near military installations that are slated to receive major troop increases have already invested time and capital in making preparations for upcoming increases in population.

(5) Funding these recommendations on an annual basis is absolutely necessary for their implementation and the economic confidence of the communities that are expecting increases in population.

(b) It is the sense of the Senate that Congress should not include provisions that provoke veto threats from the President in bills that appropriate funds for the implementation of recommendations of the Base Closure and Realignment Commission.

SA 764. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 37, between lines 10 and 11, insert the following:

INTERNATIONAL COMMISSIONS

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

CONSTRUCTION

For an additional amount for "Construction" for the "International Boundary and Water Commission, United States and Mexico", $4,300,000, to remain available until expended.

SA 765. Mr. SMITH (for himself and Mr. COLEMAN) submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 32, line 13, strike all through page 39, line 10, and insert the following:

Subtitle B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after December 31, 2006) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SA 766. Mr. BIDEN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION ON COMPETITIVE SOURCING OF CERTAIN ACTIVITIES AT MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) Prohibition on Competitive Sourcing of Certain Activities at Medical Facilities of the Department of Defense.—

(1) Prohibition on initiation of competitive sourcing activities at medical facilities of department of defense during period of major military conflict.—

(A) In general.—Except as provided in paragraph (2), during a period in which the Armed Forces are involved in a major military conflict, the Secretary of Defense shall not take any action under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy—

(i) to subject work performed by an employee of a medical facility of the Department of Defense or employee of a private contractor of such a medical facility to public-private competition; or

(ii) to convert such employee or the work performed by such employee to private contractor performance.

(B) Exception to prevent negative impact on provision of services.—Paragraph (1) shall not apply to any action at a medical facility of the Department of Defense if the Secretary of Defense certifies to Congress that not initiating such action during such period would have a negative impact on the provision of services at such military medical facility.

(2) Study on competitive sourcing activities at medical facilities of department of defense.—The Comptroller General of the United States shall assess the efficiency and advisability of subjecting work performed by an employee of a medical facility of the Department of Defense or a private contractor of such a medical facility to public-private competition, or converting such employee or the work performed by such employee to private contractor performance, under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy.

(b) Minimum Budget for Medical Services of the Armed Forces During Period of Major Military Conflict.—

(1) In general.—Except as provided in paragraph (2), if the Armed Forces are involved in a major military conflict at the time the President submits the budget for a fiscal year to Congress, the President shall not include in that budget a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than the total aggregate amount allocated for such purposes in the budget submitted by the President to Congress for the previous fiscal year.

(2) Exception.—Paragraph (1) shall not apply if the President—

(A) certifies to Congress that submitting a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than that required under paragraph (1) is in the national interest; and

(B) submits to Congress a report on the reasons for the reduction described by subparagraph (A).

(c) Limitation on Implementation of Recommendation To Close Walter Reed Army Medical Center.—

(1) Limitation on implementation of recommendations.—The Secretary of Defense shall not take any action to implement the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment relating to the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which Congress receives the plan required under paragraph (2).

(2) Plan required.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan that includes an assessment of the following:

(A) The feasibility and advisability of providing current or prospective employees at Walter Reed Army Medical Center a guarantee that their employment will continue for more than two years after the date on which Walter Reed Army Medical Center is closed.

(B) Detailed construction plans for new medical facilities and family housing at the National Naval Medical Center at Bethesda and at Fort Belvoir to accommodate the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir.

(C) The costs, feasibility, and advisability of completing all of the construction planned for the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir before any patients are transferred to such new facilities from Walter Reed Army Medical Center as a result of the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

(d) Improving Case Management Services for Members of the Armed Forces.—

(1) Case managers.—

(A) In general.—The Secretary of Defense shall assign at least one case manager for every 20 recovering servicemembers to assist in the recovery of such recovering servicemember.

(B) Minimum contact.—The Secretary of Defense shall ensure that case managers meet with each of their assigned recovering servicemembers not less than once per week.

(C) Training.—The Secretary of Defense shall ensure that case managers of the Department of Defense are familiar with the disability and discharge system of the Department of Defense and that such case managers are able to assist recovering servicemembers complete necessary and related forms.

(2) Recovering servicemember.—In this subsection, the term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

(e) Screening for Traumatic Brain Injury.—

(1) Screening required.—The Secretary of Defense shall screen every member of the Armed Forces returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom for traumatic brain injury upon the return of each such member.

(2) Studies on treating traumatic brain injury as presumptive condition for disability compensation.—

(A) Study by secretary of defense.—

(i) In general.—The Secretary of Defense shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Defense.

(ii) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study required by clause (i).

(B) Study by secretary of veterans affairs.—

(i) In general.—The Secretary of Veterans Affairs shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for the qualification for veterans who served as members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom for disability compensation under laws administered by the Secretary of Veterans Affairs.

(ii) Report.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the results of the study required by clause (i).

(C) Study by director of national institutes of health.—

(i) In general.—The Director of the National Institutes of Health shall conduct a study on traumatic brain injury, including the detection of traumatic brain injury and the measurement and classification of the severity of traumatic brain injury.

(ii) Report.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to Congress a report on the results of the study required by clause (i).

(f) Requiring Medical Records Management Systems of Department of Defense To Communicate With Medical Records Management Systems of Department of Veterans Affairs.—

(1) In general.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall ensure that the medical records management systems of the Department of Defense are capable of transmitting medical records to and receiving medical records from the medical records management systems of the Department of Veterans Affairs electronically.

(2) Initiation of activities.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall begin any activities required to meet the requirements of paragraph (1).

(g) Department of Veterans Affairs Assessment of Long-Term Care Needs of Veterans.—

(1) Assessment of long-term care needs.—The Secretary of Veterans Affairs shall assess the current ability of the Department of Veterans Affairs to meet long-term care needs of veterans during the 50-year period that begins on the date of the enactment of this Act.

(2) Determination of actions required to meet long-term care needs.—The Secretary

of Veterans Affairs shall determine what actions are required to ensure that the needs described in paragraph (1) are satisfied.

(3) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment required in paragraph (1) and the determination required in paragraph (2).

SA 767. Mr. KENNEDY (for himself, Mr. LIEBERMAN, Mr. LEAHY, Mr. SMITH, and Mr. LEVIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . TEMPORARY INCREASE IN NUMBER OF IRAQI AND AFGHAN TRANSLATORS IN THE UNITED STATES ARMED FORCES ELIGIBLE FOR SPECIAL IMMIGRANT STATUS.

Section 1059(c) of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in paragraph (1), by striking "The total" and inserting "Except as provided under paragraph (3), the total";

(2) in paragraph (2), by inserting "and shall not be counted against the numerical limitations under sections 202(a) and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1152(a) and 1153(b)(4))" before the period at the end; and

(3) by adding at the end the following:

"(3) ADDITIONAL VISAS AVAILABLE FOR FISCAL YEAR 2007.—Notwithstanding paragraph (1), up to 500 principal aliens may be provided special immigrant status under this section during fiscal year 2007.".

SA 768. Mrs. CLINTON (for herself and Mr. SCHUMER) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in chapter 7 of title II, insert the following:

SEC. . For an additional amount to enable the Centers for Disease Control and Prevention to carry out activities under section 5011(b) of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148), $296,700,000 to remain available until expended.

SA 769. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 5 and 6, insert the following:

(c) CATASTROPHIC DISASTER AREAS.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (F), as added by subsection (a) of this section, by striking the period at the end and inserting "; or"; and

(B) by adding at the end the following:

"(G) catastrophic disaster areas, for a period of not longer than 3 years, as determined by the Administrator."; and

(2) in paragraph (4), by adding at the end the following:

"(E) CATASTROPHIC DISASTER AREA.—The term 'catastrophic disaster area' means an area—

"(i) affected by—

"(I) a disaster determined to be an incident of national significance under Homeland Security Presidential Directive-5, or any successor to that directive; or

"(II) a catastrophic incident, as that term is defined in section 501 of the Homeland Security Act of 2002 (6 U.S.C. 311); and

"(ii) for which the Administrator determines that designation as a HUBZone would substantially contribute to the reconstruction and recovery effort in that area.".

SA 770. Ms. SNOWE (for herself and Mr. KOHL) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . CLARIFICATION OF ELIGIBLE CONTRIBUTIONS IN CONNECTION WITH REGIONAL CENTERS RESPONSIBLE FOR IMPLEMENTING THE OBJECTIVES OF THE HOLLINGS MANUFACTURING PARTNERSHIP PROGRAM.

Paragraph (3) of section 25(c) of the National Institute of Standards and Technology Act (15 U.S.C. 278k(c)(3)) is amended to read as follows:

"(3) FINANCIAL SUPPORT.—

"(A) IN GENERAL.—Any nonprofit institution, or group thereof, or consortia of nonprofit institutions, including entities existing on August 23, 1988, may submit to the Secretary an application for financial support under this subsection, in accordance with the procedures established by the Secretary and published in the Federal Register under paragraph (2).

"(B) CENTER CONTRIBUTIONS.—In order to receive assistance under this section, an applicant for financial assistance under subparagraph (A) shall provide adequate assurances that non-Federal assets obtained from the applicant and the applicant's partnering organizations will be used as a funding source to meet not less than 50 percent of the costs incurred in connection with the activities undertaken to improve the management, productivity, and technological performance of small- and medium-sized manufacturing companies.

"(C) AGREEMENTS WITH OTHER ENTITIES.—In meeting the 50 percent requirement, it is anticipated that a Center will enter into agreements with other entities such as private industry, universities, other Federal agencies, and State governments to accomplish programmatic objectives and access new and existing resources that will further the impact of the Federal investment made on behalf of small- and medium-sized manufacturing companies. All non-Federal costs, contributed by such entities and determined by a Center as programmatically reasonable and allocable are includable as a portion of the Center's contribution.

"(D) ALLOCATION OF LEGAL RIGHTS.—Each applicant under subparagraph (A) shall also submit a proposal for the allocation of any legal right associated with any invention that may result from an activity of a Center for which such applicant receives financial assistance under this section.".

SA 771. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 70, between lines 5 and 6, insert the following:

(c) SUBCONTRACTS.—Section 15 of the Small Business Act (15 U.S.C. 640) is amended by adding at the end the following:

"(q) DISASTER SUBCONTRACTING POLICY.—As soon as is practicable, the Administrator may issue a policy reflecting the recommendations of the Comptroller General in the report titled 'Hurricane Katrina: Agency Contracting Should Be More Complete Regarding Subcontracting Opportunities for Small Businesses' (relating to small business disaster subcontracting compliance and reporting), GAO-07-205, dated March 2007.".

SA 772. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 69, strike line 5 and all that follows through page 70, line 5, and insert the following:

(b) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

SA 773. Mr. LEAHY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. INCREASING NUMBER OF H–2B NONIMMIGRANT VISAS FOR FISCAL YEAR 2007.

Section 214(g)(1)(B) of the Immigration and Nationality Act (8 U.S.C. 1184(g)(1)(B)) is amended to read as follows:

"(B) under section 101(a)(15)(H)(ii)(b), may not exceed—

"(i) 106,000 in fiscal year 2007; and

"(ii) 66,000 in any fiscal year other than fiscal year 2007.".

SA 774. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, line 21, strike "20" and insert "17.4".

SA 775. Mr. BAUCUS submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, strike lines 8 through 21.

SA 776. Ms. LANDRIEU (for herself and Mr. COCHRAN) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, principals, school leaders, and other educators for positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, and relocation costs, with priority given to teachers and school leaders who were displaced from, or lost employment in, Louisiana, Mississippi, or Alabama by reason of Hurricane Katrina or Hurricane Rita and who return to and are rehired by such State or local educational agency; *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity of such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State educational agency: *Provided further*, That, in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system for such performance bonuses based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

HURRICANE EDUCATION RECOVERY PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting, retaining and compensating new and current teachers, principals, school leaders, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided, further*, That in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 777. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.

(a) ADDITIONAL AMOUNT.—The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $100,000,000.

(b) OFFSET.—The amount appropriated or otherwise made available by chapter 2 of title II under the heading "STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE" is hereby decreased by $100,000,000, with the amount of the decrease to be allocated to amounts otherwise available under that heading for reimbursement of State and local law enforcement entities for security and related costs associated with the 2008 Presidential Candidate Nominating Conventions.

SA 778. Ms. COLLINS submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 33, strike lines 11 through 23 and insert the following:

SEC. 1502. (a) Any provision of the interim final regulations issued under section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) relating to the preemption of State law, or the law of a political subdivision thereof, shall have no force or effect.

(b) Nothing in subsection (a) shall be construed to effect the interpretation by any court of Federal preemption of State law, or the law of a political subdivision thereof, under section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note).

SA 779. Ms. SNOWE submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Not later than 120 days after enactment of this provision, the Commander, Multi-National Forces-Iraq, having consulted with the relevant U.S. and Iraqi officials, shall provide a report detailing the status of the specific 5 benchmarks described below and declaring, in his judgment, whether each has been met:

(a) Iraqi assumption of control of its military;

(b) enactment of a Militia Law to disarm and demobilize militias and to ensure that such security forces are accountable only to the central government and loyal to the constitution of Iraq;

(c) completion of the constitutional review and a referendum held on special amendments to the Iraq Constitution that ensure equitable participation in the Government of Iraq without regard to religious sect or ethnicity;

(d) completion of provincial election law and preparation for the conduct of provincial elections that ensures equitable constitution of provincial representative bodies without regard to religious sect or ethnicity;

(e) enactment and implementation of legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner; and

(f) enactment and implementation of legislation that equitably reforms the de-Ba'athification process in Iraq.

Not later than 14 days after submission of that report to Congress, the Commander, Multi-National Forces-Iraq shall appear to testify before the relevant committees of jurisdiction in both the House of Representatives and the Senate to provide his personal and professional opinion regarding:

(a) the Iraqi government's success or failure to meet the benchmarks listed

(b) the ability of the Iraqi government to meet these benchmarks Should the Commander, Multi-National Forces, Iraq report and testify that the Iraqi government has failed to meet the benchmarks listed, then the Commander, Multi-National Forces, Iraq shall be required to present:

(a) plans for the phased redeployment of U.S. Armed Forces deployed to Iraq in support of the Baghdad Security Plan as outlined by the President

(b) plans for changing the mission of US forces to: (i) Train and equip Iraqi forces. (ii) Assist Iraqi deployed brigades with intelligence, transportation, air support, and logistics support. (iii) Protect United States and coalition personnel and infrastructure. (iv) Maintain rapid-reaction teams and special operations teams to undertake strike missions against al Qaeda in Iraq, and for other missions considered vital by the U.S. commander in Iraq."

SA 780. Mr. GRASSLEY (for himself and Mr. BAUCUS) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike all after the first word and insert the following:

V—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 500. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) In General.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) In General.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) Transition.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) Short Title.—This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) Extension of Leasehold and Restaurant Improvements.—

(1) In general.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) Effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) Modification of Treatment of Qualified Restaurant Property as 15-Year Property for Purposes of Depreciation Deduction.—

(1) Treatment to include new construction.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) Qualified restaurant property.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) Effective date.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) Recovery Period for Depreciation of Certain Improvements to Retail Space.—

(1) 15-year recovery period.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) Qualified retail improvement property.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) Qualified retail improvement property.—

"(A) In general.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Improvements made by owner.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) Requirement to use straight line method.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) Alternative system.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) Effective date.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) Cash Accounting Permitted.—

(1) In general.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) Certain Small Business Taxpayers Permitted To Use Cash Accounting Method Without Limitation.—

"(1) In general.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) Eligible taxpayer.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) Expansion of gross receipts test.—

(A) In general.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) Entities meeting gross receipts test.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

"(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2012".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "**ONLY FIRST** $6,000 of" in the heading and inserting "**LIMITATION ON**".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) TREATMENT OF CREDITS.—

"(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

"(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

"(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

"(i) paid by the certified professional employer organization with respect to the work site employee, and

"(ii) for which the certified professional employer organization receives payment from the customer, and

"(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

"(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

"(A) section 41 (credit for increasing research activity), "(B) section 45A (Indian employment credit),

"(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

"(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

"(E) section 51 (work opportunity credit),

"(F) section 51A (temporary incentives for employing long-term family assistance recipients),

"(G) section 1396 (empowerment zone employment credit),

"(H) 1400(d) (DC Zone employment credit),

"(I) Section 1400H (renewal community employment credit), and

"(J) any other section as provided by the Secretary.

"(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(m) RURAL INVESTMENT PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

" **"In the case of:**	**The applicable recovery period is:**
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

"(ii) not used or located outside such county on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

"(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

"(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 527. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) In General.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) Fines, Penalties, and Other Amounts.—

"(1) In general.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) Exception for amounts constituting restitution or paid to come into compliance with law.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) Exception for amounts paid or incurred as the result of certain court orders.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) Certain nongovernmental regulatory entities.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) Exception for taxes due.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) Reporting of Deductible Amounts.—

(1) In general.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) Requirement of Reporting.—

"(1) In general.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) Suit or agreement described.—

"(A) In general.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) Adjustment of reporting threshold.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) Time of filing.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) Statements To Be Furnished to Individuals Involved in the Settlement.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) Appropriate Official Defined.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) Conforming amendment.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts".

(c) Effective Date.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) In General.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) General Rules.—For purposes of this subtitle—

"(1) Mark to market.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) Recognition of gain or loss.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) Exclusion for certain gain.—

"(A) In general.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) Cost-of-living adjustment.—

"(i) In general.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) Rounding rules.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

‘‘(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

‘‘(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

‘‘(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

‘‘(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

‘‘(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

‘‘(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

‘‘(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

‘‘(iii) complies with such other requirements as the Secretary may prescribe.

‘‘(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

‘‘(b) ELECTION TO DEFER TAX.—

‘‘(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

‘‘(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

‘‘(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

‘‘(4) SECURITY.—

‘‘(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

‘‘(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

‘‘(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

‘‘(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

‘‘(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

‘‘(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

‘‘(7) INTEREST.—For purposes of section 6601—

‘‘(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

‘‘(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

‘‘(c) COVERED EXPATRIATE.—For purposes of this section—

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

‘‘(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

‘‘(A) the individual—

‘‘(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

‘‘(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

‘‘(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

‘‘(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

‘‘(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

‘‘(1) EXEMPT PROPERTY.—This section shall not apply to the following:

‘‘(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

‘‘(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

‘‘(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

‘‘(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

‘‘(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

‘‘(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

‘‘(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

‘‘(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

‘‘(D) APPLICABLE PLANS.—This paragraph shall apply to—

‘‘(i) any qualified retirement plan (as defined in section 4974(c)),

‘‘(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

‘‘(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

‘‘(e) DEFINITIONS.—For purposes of this section—

‘‘(1) EXPATRIATE.—The term ‘expatriate’ means—

‘‘(A) any United States citizen who relinquishes citizenship, and

‘‘(B) any long-term resident of the United States who—

‘‘(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

‘‘(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

‘‘(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

‘‘(A) the date an individual relinquishes United States citizenship, or

‘‘(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

‘‘(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

‘‘(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

‘‘(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

‘‘(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

‘‘(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

‘‘(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

‘‘(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

‘‘(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) Special rules for interests in qualified trusts.—

"(A) In general.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) Amount of tax.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) Deferred tax account.—For purposes of subparagraph (B)(ii)—

"(i) Opening balance.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) Increase for interest.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) Decrease for taxes previously paid.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) Allocable expatriation gain.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) Tax deducted and withheld.—

"(i) In general.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) Exception where failure to waive treaty rights.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) Disposition.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) Definitions and special rules.—For purposes of this paragraph—

"(i) Qualified trust.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) Vested interest.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) Nonvested interest.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) Adjustments.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) Coordination with retirement plan rules.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) Determination of beneficiaries' interest in trust.—

"(A) Determinations under paragraph (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) Other determinations.—For purposes of this section—

"(i) Constructive ownership.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) Taxpayer return position.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) Termination of Deferrals, Etc.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) Imposition of Tentative Tax.—

"(1) In general.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) Due date.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) Treatment of tax.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) Deferral of tax.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) Special Liens for Deferred Tax Amounts.—

"(1) Imposition of lien.—

"(A) In general.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) Deferred amount.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) Period of lien.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

“(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.”.

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

“(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

“(1) TREATMENT OF GIFTS AND INHERITANCES.—

“(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

“(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

“(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

“(A) the gift, bequest, devise, or inheritance is—

“(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

“(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

“(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

“(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.”.

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

“(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

“(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

“(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.”.

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

“(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.”.

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

“(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).”.

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking “or (20)” each place it appears and inserting “(20), or (21)”.

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

“(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.”.

(2) Section 2107 is amended by adding at the end the following new subsection:

“(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.”.

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

“(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.”.

(4) Section 6039G(a) is amended by inserting “or 877A” after “section 877(b)”.

(5) The second sentence of section 6039G(d) is amended by inserting “or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))” after “section 877(a))”.

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

“Sec. 877A. Tax responsibilities of expatriation”.

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking “and (4)” in subclause (I) of paragraph (1)(A)(i) and inserting “(4), and (5)”, and

(2) by adding at the end the following new paragraph:

“(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

“(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

“(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

“(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

“(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

“(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

“(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

“(i) IN GENERAL.—The term ‘applicable dollar amount’ means, with respect to any participant, the lesser of—

“(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

“(II) $1,000,000.

“(ii) BASE PERIOD.—

“(I) IN GENERAL.—The term ‘base period’ means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

“(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

“(III) COMPUTATION YEAR.—For purposes of this clause, the term ‘computation year’ means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

“(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "5 years" and inserting "10 years".

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$250,000 ($500,000' for '$50,000 ($100,000', and

"(C) '5 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is—

"(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

"(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.".

(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking "the penalty provided in section 6674" and inserting "the penalties provided in sections 6674 and 7203(b)".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "3 years" and inserting "5 years".

(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking "Any person who—"and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5)) for such taxable year,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

"(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

"(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

"(ii) solely for the purposes described in subparagraph (C).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

"(i) preventing the filing of false or fraudulent returns; and

"(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.".

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking "(14), or (17)" in the matter before subparagraph (A) and inserting "(14), (17), or (21)", and

(B) by striking "(9), or (16)" in subparagraph (F)(i) and inserting "(9), (16), or (21)".

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than 3 years after the date of the enactment of section 6103(l)(21), submit a written report to Congress on the implementation of such section.".

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 550. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETRUN PREPARER**" in the heading and inserting "**TAX RETRUN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETRUN PREPARER**" in the heading and inserting "**TAX RETRUN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETRUN PREPARERS**" in the heading and inserting "**TAX RETRUN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETRUN PREPARERS**" in the heading and inserting "**TAX RETRUN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) Modification of Penalty for Understatement of Taxpayer's Liability by Tax Return Preparer.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) Understatement Due to Unreasonable Positions.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Unreasonable position.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) Reasonable cause exception.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) Understatement Due to Willful or Reckless Conduct.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Willful or reckless conduct.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) Reduction in penalty.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 551. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) Civil Penalty.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) Excessive Amount.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) Coordination With Other Penalties.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) Effective Date.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

SEC. 552. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) Exception for certain taxpayers.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

SEC. 553. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for paragraph (4) of section 6159(b) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 554. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate, with his reasons therefor" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 555. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.

(a) In General.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

"(4) Imposition of financial management services transaction fees.—If the Secretary approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

"(A) shall be treated as an expense under section 6341,

"(B) may be collected through a levy under this subsection, and

"(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.".

(b) Retention of Fees by Financial Management Service.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) Effective Date.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

SEC. 556. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 557. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.

(a) Taxes on Disqualifying Lobbying Expenditures of Certain Organizations.—

(1) In general.—Section 4912(a) (relating to tax on organization) is amended by striking "5 percent" and inserting "10 percent".

(2) Tax on management.—Section 4912(b) is amended by striking "5 percent" and inserting "10 percent".

(b) Taxes on Political Expenditures of Section 501(c)(3) Organizations.—

(1) In general.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking "10 percent" and inserting "20 percent", and

(B) in paragraph (2), by striking "2½ percent" and inserting "5 percent".

(2) Increased limitation for managers.—Section 4955(c)(2) is amended—

(A) by striking "$5,000" and inserting "$10,000", and

(B) by striking "$10,000" and inserting "$20,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 558. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.

(a) In General.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: "In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting '$250' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.".

(b) Conforming Amendment.—The third sentence of section 6652(c)(1)(A) is amended by inserting "but not exceeding $25,000,000" after "$1,000,000".

(c) Effective Date.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 559. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) In General.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) In General.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) Increased penalties for taxpayers with gross receipts between $1,000,000 and $100,000,000.—

"(A) Taxpayers with gross receipts between $1,000,000 and $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) Taxpayers with gross receipts over $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) Increased penalties for certain taxpayers with gross receipts exceeding $100,000,000.—In the case of a return described in section 6651—

"(A) Taxpayers with gross receipts between $100,000,000 and $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) Taxpayers with gross receipts over $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) Exception for certain returns.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.".

(b) Clerical Amendment.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) Effective Date.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

PART III—GENERAL PROVISIONS

SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) In General.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) Compliance Guide.—

"(1) In general.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) Publication of guides.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) Publication date.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) Compliance actions.—

"(A) In general.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) Explanation.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) Procedures.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) Agency preparation of guides.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration; of such grant or agreement.

SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SEC. 570. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—

(1) by striking "Nothing" in subsection (a) and inserting "Except as provided in subsection (c), nothing",

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).

"(2) QUALIFYING DISABILITY PREFERENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:

"(i) Such person employs within the United States at least 50 severely disabled individuals.

"(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

"(I) be hired after the date such contract is awarded, and

"(II) be severely disabled individuals.

"(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.

"(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.

"(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:

"(A) Any veteran of the United States Armed Forces with—

"(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or

"(ii) a disability deemed by statute to be service-connected.

"(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b-19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.".

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.

(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—

(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,

(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and

(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of this Act.

SA 781. Mrs. LINCOLN (for herself, Mr. SMITH, and Ms. CANTWELL) submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)), the election under this section shall be made separately by each taxpayer subject to tax on such gain.".

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.".

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "and 1203" after "section 1202".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and before January 1, 2009.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SA 782. Mrs. LINCOLN submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of this paragraph" for "the date of such determination" in subparagraph (A) thereof.

(d) PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any return filed on or after January 1, 2008.

SA 783. Mr. DORGAN submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On Page 62, line 18, insert the following before the period:

Provided further, That the Secretary of the Army, acting through the Chief of Engineers, is provided an additional $3,000,000 under this heading to rehabilitate the flood damage project for Marmarth, North Dakota, to Federal levee standards: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 784. Mr. DURBIN (for himself, Mr. BIDEN, Mr. MENENDEZ, Mr. LEVIN, and Mr. CARDIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 44, beginning on line 16, strike "$323,000,000" and all that follows through "$128,000,000" on line 17 and insert the following: "$373,000,000, to remain available until September 30, 2008, of which up to $178,000,000".

SA 785. Mr. DURBIN (for himself, Mrs. BOXER, and Mr. BROWN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 37, line 25, strike "$161,000,000" and all that follows through page 38, line 7, and insert the following: "$211,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, funds made available under the heading 'Millennium Challenge Corporation' and 'Global HIV/AIDS Initiative' in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations: *Provided further*, That of the funds appropriated under this heading, $50,000,000 shall be made available to combat the spread of multidrug resistant tuberculosis (MDR-TB) and extremely or extensively drug resistant tuberculosis (XDR-TB) in sub-Saharan Africa.".

SA 786. Mr. BINGAMAN (for himself and Mrs. HUTCHISON) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 14, line 21, strike beginning with "to" through "Asia:" on line 24 and insert ", to remain available until expended of which $20,000,000 shall be for the National Guard Counterdrug Support Program to be allocated to States based on the most immediate drug threats: *Provided*, That the remainder of these funds may be used only for such activities related to Afghanistan and Central Asia:".

SA 787. Mr. LEVIN (for himself, Ms. STABENOW, and Mr. DURBIN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EMERALD ASH BORER.

The Secretary shall use $15,000,000 of funds of the Commodity Credit Corporation to carry out activities for the eradication of the emerald ash borer in the States of Michigan, Ohio, Indiana, Illinois and Maryland.

SA 788. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, strike line 1 and all that follows through page 155, line 15, and insert the following:

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $12,588,272,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $963,903,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163.813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $722,506,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $3,896,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $1,431,756,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $78,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,972,131,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $903,092,000, to remain available until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $1,000,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $125,576,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $308,212,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $233,869,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $522,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $2,466,847,000; of which $2,277,147,000 shall be for operation and maintenance; of which $118,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $71,700,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended: *Provided*, That these funds may be used only for such activities related to Afghanistan and Central Asia: *Provided further*, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: *Provided further*, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: *Provided further*, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: *Provided further*, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until

September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: *Provided*, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: *Provided further*, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: *Provided further*, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: *Provided*, That such amounts shall be available for the same time period as the appropriation to which transferred: *Provided further*, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: *Provided*, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: *Provided*, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL.l (a) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of non-military medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1315. REVISION OF UNITED STATES POLICY ON IRAQ. (a) FINDINGS.—Congress makes the following findings:

(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.

(2) The circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially.

(3) United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution.

(4) United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror.

(b) PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting United States and coalition personnel and infrastructure.

(B) Training and equipping Iraqi forces.

(C) Conducting targeted counter-terrorism operations.

(3) COMPREHENSIVE STRATEGY.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(4) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this subsection, as well as a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of United States forces from Iraq.

(c) BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) achieving success in Iraq is dependent on the Government of Iraq meeting specific benchmarks, as reflected in previous commitments made by the Government of Iraq, including—

(i) deploying trained and ready Iraqi security forces in Baghdad;

(ii) strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention;

(iii) disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the constitution of Iraq;

(iv) enacting and implementing legislation to ensure that the energy resources of Iraq benefit all Iraqi citizens in an equitable manner;

(v) enacting and implementing legislation that equitably reforms the de-Ba'athification process in Iraq;

(vi) ensuring a fair process for amending the constitution of Iraq so as to protect minority rights; and

(vii) enacting and implementing rules to equitably protect the rights of minority political parties in the Iraqi Parliament; and

(B) each benchmark set forth in subparagraph (A) should be completed expeditiously and pursuant to a schedule established by the Government of Iraq.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces-Iraq shall submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq in meeting the benchmarks set forth in paragraph (1)(A).

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

National Nuclear Security Administration

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

United States Customs and Border Protection

SALARIES AND EXPENSES

. For an additional amount for "Salaries and Expenses", $140,000,000, to remain available until September 30, 2008.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border and the Great Lakes, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008.

Immigration and Customs Enforcement

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until September 30, 2008.

Transportation Security Administration

AVIATION SECURITY

For an additional amount for "Aviation Security", $660,000,000; of which $600,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; and $60,000,000 shall be for air cargo security, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $15,000,000, to remain available until September 30, 2008.

Preparedness

MANAGEMENT AND ADMINISTRATION

For an additional amount for "Office of the Chief Medical Officer" for nuclear preparedness and other activities, $18,000,000, to remain available until September 30, 2008.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security" for chemical site security activities, $18,000,000, to remain available until September 30, 2008.

Federal Emergency Management Agency

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq. (as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note; Public Law 109-295))), $20,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $850,000,000; of which $190,000,000 shall be for port security pursuant to section 70107(l) of title 46 United States Code; $625,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; and $35,000,000 shall be for regional grants and technical assistance to high risk urban areas for catastrophic event planning and preparedness: *Provided*, That none of the funds made available under this heading may be obligated for such regional grants and technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: *Provided further*, That funds for such regional grants and technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants" for necessary expenses related to the Nationwide Plan Review, $100,000,000.

United States Citizenship and Immigration Services

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $30,000,000, to remain available until September 30, 2008: *Provided*, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

Science and Technology

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo research, $15,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for “Research, Development, and Operations” for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1502. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

“(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.”.

CHAPTER 6

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for “Military Construction, Army”, $1,261,390,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: *Provided further*, That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for “Military Construction, Navy and Marine Corps”, $347,890,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for “Military Construction, Air Force”, $34,700,000, to remain available until September 30, 2008: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 7

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for “Diplomatic and Consular Programs”, $815,796,000, to remain available until September 30, 2008, of which $70,000,000 for World Wide Security Upgrades is available until expended: *Provided*, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: *Provided further*, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: *Provided further*, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading “Emergencies in the Diplomatic and Consular Service” for emergency evacuations: *Provided further*, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the “Emergencies in the Diplomatic and Consular Service” appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for “Office of Inspector General”, $36,500,000, to remain available until December 31, 2008: *Provided*, That of the funds appropriated under this heading, not less than $1,500,000 shall be made available for activities related to oversight of assistance furnished for Iraq and Afghanistan with funds appropriated in this Act and in prior appropriations Acts: *Provided further*, That $35,000,000 of these funds shall be transferred to the Special Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for “Educational and Cultural Exchange Programs”, $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for “Contributions to International Organizations”, $59,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for “Contributions for International Peacekeeping Activities”, $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for “International Broadcasting Operations” for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for “Child Survival and Health Programs Fund”, $161,000,000, to remain available until September 30, 2008: *Provided*, That notwithstanding any other provision of law, funds made available under the heading “Millennium Challenge Corporation” and “Global HIV/AIDS Initiative” in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for “International Disaster and Famine Assistance”, $187,000,000, to remain available until expended: *Provided*, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for internally displaced persons in Iraq, not less than $18,000,000 shall be made available for emergency shelter, fuel and other assistance for internally displaced persons in Afghanistan, not less than $10,000,000 shall be made available for assistance for northern Uganda, not less than $10,000,000 shall be made available for assistance for eastern Democratic Republic of the Congo, and not less than $10,000,000 shall be made available for assistance for Chad.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for “Operating Expenses of the United States Agency for International Development”, $5,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for “Operating Expenses of the United States Agency for International Development Office of Inspector General”, $4,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for activities related to oversight of assistance furnished for Iraq with funds appropriated in this Act and in prior appropriations Acts, and not less than $1,000,000 shall be made available for activities related to oversight of assistance furnished for Afghanistan with funds appropriated in this Act and in prior appropriations Acts.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for “Economic Support Fund”, $2,602,200,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $100,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: *Provided further*, That of the funds appropriated under this heading that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to the United States Agency for International Development for continued support for its Afghan Civilian Assistance Program: *Provided further*, That of the funds appropriated under this heading, not less than $6,000,000 shall be made available for assistance for elections, reintegration of ex-combatants, and other assistance to support the peace process in Nepal: *Provided further*, That of the funds appropriated under this heading, not less than $3,200,000 shall be made available, notwithstanding any other provision of law, for assistance for Vietnam for environmental remediation of dioxin storage sites and to support health programs in communities near those sites: *Provided further*, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from other governments, multilateral organizations, and private sources: *Provided further*, That of the funds made available under this heading, not less than $6,000,000 shall be made available for typhoon reconstruction assistance for the Philippines: *Provided further*, That of the funds made available under this heading, not less than $110,000,000 shall be made available for assistance for Pakistan, of which not less than $5,000,000 shall be made available for political party development and election monitoring activities: *Provided further*, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available to support the peace process in northern Uganda: *Provided further*, That of the funds made available under the heading "Economic Support Fund" in Public Law 109-234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

DEPARTMENT OF STATE

Assistance for Eastern Europe and the Baltic States

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

Democracy Fund

For an additional amount for "Democracy Fund", $465,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $385,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for democracy, human rights, and rule of law programs in Iraq: *Provided further*, That prior to the initial obligation of funds made available under this heading for Iraq for the Political Participation Fund or the National Institutions Fund, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq: *Provided further*, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for media and reconciliation programs in Somalia.

International Narcotics Control and Law Enforcement

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $210,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109-234, $13,000,000 are rescinded.

Migration and Refugee Assistance

For an additional amount for "Migration and Refugee Assistance", $143,000,000, to remain available until September 30, 2008: *Provided*, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for Iraqi refugees including not less than $5,000,000 to rescue Iraqi scholars, and not less than $18,000,000 shall be made available for assistance for Afghan refugees.

United States Emergency Refugee and Migration Assistance Fund

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

Nonproliferation, Anti-terrorism, Demining and Related Programs

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

International Affairs Technical Assistance Program

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

Foreign Military Financing Program

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.

Peacekeeping Operations

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Peacekeeping Operations", $323,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to "Contributions to International Peacekeeping Activities", to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions: *Provided*, That of the funds appropriated under this heading, not less than $45,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1701. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91–672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1702. Section 1302(a) of Public Law 109–234 is amended by striking "one additional year" and inserting in lieu thereof "two additional years".

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1703. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109-364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

DEBT RESTRUCTURING

SEC. 1704. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1705. Of the funds appropriated by this Act for assistance for Iraq under the heading "Economic Support Fund" that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs" for assistance for Jordan: *Provided*, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1706. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism. Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: *Provided*, That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1707. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1708. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1709. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Diplomatic and Consular Programs".

"Educational and Cultural Exchange Programs".

"International Disaster and Famine Assistance".

"Economic Support Fund".

"Assistance for Eastern Europe and Baltic States".

"Democracy Fund".

"Migration and Refugee Assistance".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Peacekeeping Operations".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BENCHMARKS FOR CERTAIN RECONSTRUCTION ASSISTANCE FOR IRAQ

SEC. 1710. (a) BENCHMARKS.—Notwithstanding any other provision of law, fifty percent of the funds appropriated by this Act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has—

(1) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(2) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(3) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(4) amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and

(5) allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(b) EXEMPTIONS.—The requirement to withhold funds from obligation pursuant to subsection (a) shall not apply with respect to funds made available under the heading "Economic Support Fund" that are administered by the United States Agency for International Development for continued support for the Community Action Program, assistance for civilian victims of the military operations, and the Community Stabilization Program in Iraq, or for programs and activities to promote democracy, governance, human rights, and rule of law.

(c) REPORT.—At the time the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has met the benchmarks described in subsection (a), the President shall submit to such Committees a report that contains a detailed description of the specific actions that the Government of Iraq has taken to meet each of the benchmarks referenced in the certification.

RELIEF FOR IRAQI, HMONG AND OTHER REFUGEES WHO DO NOT POSE A THREAT TO THE UNITED STATES

SEC. 1711. (a) AMENDMENT TO AUTHORITY TO DETERMINE THE BAR TO ADMISSION INAPPLICABLE.—Section 212(d)(3)(B)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)(i)) is amended to read as follows: "The Secretary of State, after consultation with the Attorney General and the Secretary of Homeland Security, or the Secretary of Homeland Security, after consultation with the Secretary of State and the Attorney General, may determine in such Secretary's sole unreviewable discretion that subsection (a)(3)(B) shall not apply with respect to an alien within the scope of that subsection, or that subsection (a)(3)(B)(vi)(III) shall not apply to a group. Such a determination shall neither prejudice the ability of the United States Government to commence criminal or civil proceedings involving a beneficiary of such a determination or any other person, nor create any substantive or procedural right or benefit for a beneficiary of such a determination or any other person. Notwithstanding any other provision of law (statutory or non-statutory), including but not limited to section 2241 of title 28, or any other habeas corpus provision, and sections 1361 and 1651 of such title, no court shall have jurisdiction to review such a determination or revocation except in a proceeding for review of a final order of removal pursuant to section 242 and only to the extent provided in section 242(a)(2)(D). The Secretary of State may not exercise the discretion provided in this clause with respect to an alien at any time during which the alien is the subject of pending removal proceedings under section 1229a of title 8.".

(b) AUTOMATIC RELIEF FOR THE HMONG AND OTHER GROUPS THAT DO NOT POSE A THREAT TO THE UNITED STATES.—Section 212(a)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)) is amended—

(1) in clause (vi) in the matter preceding section (I), by striking "As" and inserting "Except as provided in clause (vii), as"; and

(2) by adding at the end the following new clause:

"(vii) Notwithstanding clause (vi), for purposes of this section the Hmong, the Montagnards, the Karen National Union/Karen Liberation Army (KNU/KNLA), the Chin National Front/Chin National Army (CNF/CNA), the Chin National League for Democracy (CNLD), the Kayan New Land Party (KNLP), the Arakan Liberation Party (ALP), the Mustangs, the Alzados, and the Karenni National Progressive Party shall not be considered to be a terrorist organization on the basis of any act or event occurring before the date of enactment of this section. Nothing in this subsection may be construed to alter or limit the authority of the Secretary of State and Secretary of Homeland Security to exercise their discretionary authority pursuant to 212(d)(3)(B)(i) (8 U.S.C. 1182(d)(3)(B)(i)).".

(c) DURESS EXCEPTION.—Section 212(a)(3)(B)(iv)(VI) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(iv)(VI)) is amended by adding "other than an act carried out under duress" after "act" and before "that the actor knows".

(d) TECHNICAL CORRECTION.—Section 212(a)(3)(B)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B)(ii)) is amended by striking "Subclause (VII)" and inserting "Subclause (IX)".

(e) REGULATIONS.—Section 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(d)(3)(B)) is amended by adding the following subsection:

"(iii) Not later than 180 days after the date of enactment of this Act, the Secretary of the Department of Homeland Security and Secretary of State shall each publish in the Federal Register regulations establishing the process by which the eligibility of a refugee, asylum seeker, or individual seeking to adjust his immigration status is considered eligible for any of the exceptions authorized by clause (i), including a timeline for issuing a determination.".

(f) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this section, and these amendments and sections 212(a)(3)(B) and 212(d)(3)(B) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(B) and 1182(d)(3)(B)), as amended by these sections, shall apply to—

(1) removal proceedings instituted before, on, or after the date of enactment of this section; and

(2) acts and conditions constituting a ground for inadmissibility, excludability, deportation, or removal occurring or existing before, on, or after such date.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1712. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings "International Disaster and Famine Assistance", "Office of the United States Agency for International Development Inspector General", and "Office of the Inspector General": *Provided*, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

KATRINA RECOVERY, VETERANS' CARE AND FOR OTHER PURPOSES

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, notwithstanding the provisions of section 511 of said

Act, $170,000,000, to remain available until September 30, 2008: *Provided*, That of the amount made available under this heading, $70,000,000 shall be for local law enforcement initiatives in the gulf coast region related to the aftermath of Hurricanes Katrina and Rita, of which no less than $55,000,000 shall be for the State of Louisiana: *Provided further*, That of the amount made available under this heading, $100,000,000 shall be for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, of which $50,000,000 shall be for the city of Denver, Colorado and $50,000,000 shall be for the city of St. Paul, Minnesota: *Provided further*, That the Department of Justice shall report to the Committees on Appropriations of the House and the Senate on a quarterly basis on the expenditure of the funds provided in the previous proviso.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to fisheries disasters, $165,900,000, to remain available until September 30, 2008: *Provided*, That of the amount provided under this heading, the National Marine Fisheries Service shall cause $60,400,000 to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006: *Provided further*, That of the amount provided under this heading, $105,500,000 shall be for necessary expenses related to the consequences of Hurricanes Katrina and Rita on shrimp and fishing industries.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to disaster response and preparedness of the Gulf of Mexico coast, $6,000,000, to remain available until September 30, 2008.

FISHERIES DISASTER MITIGATION FUND

For an additional amount for a "Fisheries Disaster Mitigation Fund", $50,000,000, to remain available until expended for use in mitigating the effects of commercial fisheries failures and fishery resource disasters as determined under the Magnuson Stevens Act (16 U.S.C. 1801 et seq.) or the Interjurisdictional Fisheries Act (16 U.S.C. 4101 et seq.): *Provided*, That the Secretary of Commerce shall obligate funds provided under this heading according to the Magnuson Stevens Conservation Act, as amended, the Interjurisdictional Fisheries Act, as amended, or other Acts as the Secretary determines to be appropriate.

GENERAL PROVISION—THIS CHAPTER

Sec. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $150,000,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,557,700,000, to remain available until expended: *Provided*, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: *Provided further*, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: *Provided further*, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": *Provided further*, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: *Provided further*, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: *Provided*, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2301. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

Sec. 2302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.

Sec. 2303. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109–234 require notifications of the House and Senate Committees on Appropriation.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Disaster Loans Program Account" for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with "Small Business Administration, Salaries and Expenses".

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2401. ECONOMIC INJURY DISASTER LOANS. (a) DEFINITIONS.—In this section—

(1) the term "Administrator" means the Administrator of the Small Business Administration;

(2) the term "covered small business concern" means a small business concern—

(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(B) that has not more than 50 full-time employees; and

(C) that—

(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and

(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or

(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;

(3) the term "major disaster" has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(4) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with "Salaries and Expenses" to carry out the disaster loan program of the Small Business Administration.

(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the "Disaster Loans Program Account" or transfer such amounts to and merge such amounts with "Salaries and Expenses", if—

(A) such amounts are—

(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or

(ii) necessary to provide assistance in the event of a major disaster; and

(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 2402. OTHER PROGRAMS. (a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking "or";

(B) in subparagraph (E), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8)."; and

(2) by adding at the end the following:

"(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

"(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

(b) RELIEF FROM TEST PROGRAM.—Section 711(d) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended—

(1) by striking "The Program" and inserting the following:

"(1) IN GENERAL.—Except as provided in paragraph (2), the Program"; and

(2) by adding at the end the following:

"(2) EXCEPTION.—

"(A) IN GENERAL.—The Program shall not apply to any contract related to relief or reconstruction from Hurricane Katrina of 2005 or Hurricane Rita of 2005 during the time period described in subparagraph (B).

"(B) TIME PERIOD.—The time period for the purposes of subparagraph (A)—

"(i) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

"(ii) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.".

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for "Disaster Relief" for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,310,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Alabama, and Texas in connection with Hurricanes Katrina and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which applications have been prepared for the Federal Emergency Management Agency before the date of enactment of this Act.

SEC. 2502. (a) Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking ": *Provided further*, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled".

(b) Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "Disaster Assistance Direct Loan Program Account" under the heading "Federal Emergency Management Agency" under the heading "Department of Homeland Security", by striking "*Provided further*, That, notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

SEC. 2503. Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 460) is amended by striking "12 months" and inserting "24 months".

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $15,000,000, to remain available until September 30, 2008: *Provided*, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: *Provided further*, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: *Provided further*, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: *Provided further*, That individual grants shall not be subject to a non-Federal matching requirement: *Provided further*, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

Forest Service

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from foreign drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: *Provided*, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: *Provided further*, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2601. (a) For fiscal year 2007, payments shall be made from any revenues, fees, penalties, or miscellaneous receipts described in sections 102(b)(3) and 103(b)(2) of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393; 16 U.S.C. 500 note), not to exceed $100,000,000, and the payments shall be made, to the maximum extent practicable, in the same amounts, for the same purposes, and in the same manner as were made to States and counties in 2006 under that Act.

(b) There is appropriated $425,000,000 to be used to cover any shortfall for payments made under this section.

(c) Titles II and III of Public Law 106–393 are amended, effective September 30, 2006, by striking "2006" and "2007" each place they appear and inserting "2007" and "2008", respectively.

Sec. 2602. Disaster relief funds from Public Law 109-234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund," for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: *Provided*, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, that the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention, Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: *Provided*, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: *Provided further*, That the amount provided under this heading shall remain available until September 30, 2008.

Administration for Children and Families

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $320,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $320,000,000.

Office of the Secretary

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $820,000,000, to remain available until expended: *Provided*, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: *Provided further*, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: *Provided further*, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: *Provided further*, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F-4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $50,000,000, to remain available until expended.

DEPARTMENT OF EDUCATION

Higher Education

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: *Provided*, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: *Provided further*, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

GENERAL PROVISIONS—THIS CHAPTER

Sec. 2701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008."

(INCLUDING RESCISSION)

Sec. 2702. (a) From unexpended balances of the amounts made available in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) for the Employment Training Administration, Training and Employment Services under the Department of Labor, $3,589,000 are rescinded.

(b) For an additional amount for the Centers for Disease Control and Prevention for carrying out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and Pandemic Influenza, 2006 (Public Law 109-148), $3,589,000.

Sec. 2703. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109–148 shall be available for expenditure by the States through the end of fiscal year 2008.

Sec. 2704. Elimination of Remainder of SCHIP Funding Shortfalls for Fiscal Year 2007. (a) Elimination of Remainder of Funding Shortfalls, Tiered Match, and Other Limitation on Expenditures.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) Additional amounts to eliminate remainder of fiscal year 2007 funding shortfalls.—

"(A) In general.—The Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) Remaining shortfall state described.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).

"(C) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

(b) Conforming Amendments.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

(c) General Effective Date; Applicability.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

Sec. 2705. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 2 years after the date of enactment of this Act, take any action to finalize, or otherwise implement provisions—

(1) contained in the proposed rule published on January 18, 2007, on pages 2236 through 2258 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act in a similar manner; or

(2) restricting payments for graduate medical education under the Medicaid program.

(b) Increase in Basic Rebate for Single Source Drugs and Innovator Multiple Source Drugs.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking "and" after the semicolon;

(2) in subclause (V)—

(A) by inserting "and before April 1, 2007," after "1995,"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(VI) after March 31, 2007, is 20 percent.".

Sec. 2706. (a) For grant years beginning in 2006–2007, the Secretary of Health and Human Services may waive the requirements of, with respect to Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas, the following sections of the Public Health Service Act:

(1) Section 2612(e)(1) of such Act (42 U.S.C. 300ff–21(b)(1)).

(2) Section 2617(b)(7)(E) of such Act (42 U.S.C. 300ff–27(b)(7)(E)).

(3) Section 2617(d) of such Act (42 U.S.C. 300ff–27(d)), except that such waiver shall apply so that the matching requirement is reduced to $1 for each $4 of Federal funds provided under the grant involved.

(b) If the Secretary of Health and Human Services grants a waiver under subsection (b), the Secretary—

(1) may not prevent Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas from receiving or utilizing, or both, funds granted or distributed, or both, pursuant to title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) because of the failure of Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas to comply with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a);

(2) may not take action due to such noncompliance; and

(3) shall assess, evaluate, and review Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area's eligibility for funds under such title XXVI as if Louisiana, Mississippi, Alabama, and Texas or such eligible metropolitan area had fully complied with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a).

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

Capitol Power Plant

For an additional amount for "Capitol Power Plant", $25,000,000, for emergency utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: *Provided*, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

GOVERNMENT ACCOUNTABILITY OFFICE

Salaries and Expenses

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until expended.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

Military Construction, Air Force Reserve

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Air Force Reserve", $3,096,000, to remain available until September 30, 2011: *Provided*, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 109–114, $3,096,000 are hereby rescinded.

Department of Defense Base Closure Account, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note), $3,136,802,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

Veterans Health Administration

MEDICAL SERVICES

For an additional amount for "Medical Services", $454,131,000, to remain available until expended, of which $50,000,000 shall be for the establishment of new Level I comprehensive polytrauma centers; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $20,000,000 shall be for additional transition caseworkers; $30,000,000 shall be for substance abuse treatment programs; $20,000,000 for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 for additional polytrauma points of contacts; and $201,335,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: *Provided*, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner outside of the Veterans Equitable Resource Allocation and specific to the needs and geographic distribution of Operation Enduring Freedom and Operation Iraqi Freedom veterans: *Provided further*, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for non-recurring maintenance prior to obligation.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $30,000,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

Departmental Administration

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $46,000,000, to remain available until expended, for the hiring and training of new pension and compensation claims processing personnel.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $36,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of OIF/OEF veterans benefits claims, including making electronic DOD medical records available for claims processing and enabling electronic benefits applications by veterans; $1,000,000 shall be for the digitization of benefits records; and $15,100,000 shall be for electronic data breach and remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $355,907,000, to remain available until expended, of which $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to downsize staff or to close, realign or phase out essential services at Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped, and until the Secretary of Defense has certified in writing to the Congress that:

(1) the new facilities at Walter Reed National Military Medical Center at Bethesda and/or the Fort Belvoir Community Hospital are complete and fully operational, and

(2) replacement medical facilities at Walter Reed National Military Medical Center at Bethesda have adequate capacity to meet both the existing and projected demand for complex medical care and services, including outpatient and medical hold facilities, for combat veterans and other military personnel.

(b) Not later than 30 days after enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives a report and proposed timetable outlining the Department's plan to transition patients, staff and medical services to the new facilities at Bethesda and Fort Belvoir without compromising patient care, staffing requirements or facility maintenance at the Walter Reed Medical Center.

(c) To ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to continue the maximum level of inpatient and outpatient services.

SEC. 2902. Within existing funds appropriated to Departmental Administration, General Operating Expenses for fiscal year 2007, and within 30 days after enactment of this Act, the Department of Veterans Affairs shall contract with the National Academy of Public Administration for the purpose of conducting an independent study and analysis of the organizational structure, management and coordination processes, including Seamless Transition, utilized by the Department of Veterans affairs to:

(1) provide health care to active duty and veterans of Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) provide benefits to veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

SEC. 2903. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $388,903,000, to remain available until expended: *Provided*, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $388,903,000 are rescinded: *Provided further*, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: *Provided further*, That section 4103 of title III of this Act shall not apply to the first proviso under this paragraph.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $75,000,000, for the operating and capital costs of transit services, to remain available until expended: *Provided*, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3001. Notwithstanding part 750 of title 23, Code of Federal Regulations (or a successor regulation), if permitted by State law, a nonconforming sign that is or has been damaged, destroyed, abandoned, or discontinued as a result of a hurricane that is determined to be an act of God (as defined by State law) may be repaired, replaced, or reconstructed if the replacement sign has the same dimensions as the original sign, and said sign is located within a State found within Federal Emergency Management Agency Region IV or VI. The provisions of this section shall cease to be in effect twenty-four months following the date of enactment of this Act.

SEC. 3002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: "; *Provided further*, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) shall receive funding for calendar year 2007 based on the amount such public housing agencies were eligible to receive in calendar year 2006".

TITLE III

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $75,000,000, to remain available until expended: *Provided*, That this amount shall only be available for the modernization and repair of the computer systems used by the Farm Service Agency (including) software, hardware, and personnel required for modernization and repair): *Provided further*, That of this amount $27,000,000 shall be made available 60 days after the date on which the Farm Service Agency submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office a spending plan for the funds.

GENERAL PROVISIONS—THIS CHAPTER

(RESCISSION)

SEC. 3101. Of the unobligated balances of funds made available pursuant to section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401G(a)), $75,000,000 are rescinded.

SEC. 3102. (a) Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended in the first sentence by striking "fair market value of the land less the fair market value of such land encumbered by the easement" and inserting "fair market value of the land as determined in accordance with the method of valuation used by the Secretary as of January 1, 2003".

(b) Section 1238I(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3838i(c)(1)) is amended by inserting at the end the following:

"(C) VALUATION.—The Secretary shall determine fair market value under this paragraph in accordance with the method of valuation used by the Secretary as of January 1, 2003.".

SEC. 3103. Subsection (b)(1) of section 313A of the Rural Electrification Act shall not apply in the case of a cooperative lender that has previously received a guarantee under section 313A and such additional guarantees shall not exceed the amount provided for in Public Law 110–5.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. Section 20314 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking "Resources." and inserting in lieu thereof: "Resources: *Provided*, That $22,762,000 of the amount provided be for geothermal research and development activities.".

SEC. 3202. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 3203. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

Sec. 3301. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

Sec. 3302. Funds made available in section 21075 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) shall be made available to a 501(c)(3) entity: (1) with a wide anti-drug coalition network and membership base, and one with a demonstrated track record and specific expertise in providing technical assistance, training, evaluation, research, and capacity building to community anti-drug coalitions; (2) with authorization from Congress, both prior to fiscal year 2007, and in fiscal years 2008 through 2012, to perform the duties described in subsection (1) of this section; and (3) that has previously received funding from Congress, including through a competitive process as well as direct funding, for providing the duties described in subsection (1) of this section: *Provided*, That funds appropriated in section 21075 shall be obligated within sixty days after enactment of this Act.

Sec. 3303. Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).

Sec. 3304. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

Sec. 3305. None of the funds appropriated or otherwise made available in section 21063 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the "General Services Administration, Real Property Activities, Federal Buildings Fund", may be obligated for design, construction, or acquisition until the House and Senate Committees on Appropriations approve a revised detailed plan, by project, on the use of such funds: *Provided*, That the new plan shall include funding for completion of courthouse construction projects which received funding in fiscal year 2006 above a level of $5,000,000: *Provided further*, That such plan shall be provided by the Administrator of the General Services Administration to the House of Representatives and the Senate Committees on Appropriations within seven days of enactment.

Sec. 3306. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

Sec. 3307. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House of Representatives Committee on Appropriations, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an unclassified report, suitable to be made public, that contains the names of (1) all companies trading in securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals; and (2) the names of all other companies, which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 20 days after enactment, the Secretary of the Treasury shall inform the aforementioned committees of Congress of any statutory or other legal impediments to the successful completion of this report.

(c) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress of the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

Sec. 3308. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $8,000,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $8,000,000, to remain available until September 30, 2008.

Sec. 3309. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

Sec. 3401. Any unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay" shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

Sec. 3402. Integrated Deepwater System. (a) Competition for Acquisition and Modification of Assets.—

(1) In general.—The Commandant of the Coast Guard shall utilize full and open competition for any contract entered into after the date of enactment of this Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater System Program of the Coast Guard.

(2) Exceptions.—Paragraph (1) shall not apply to the following:

(A) The acquisition or modification of the following asset classes for which assets of the class and related systems and components under the Integrated Deepwater System are under a contract for production:

(i) National Security Cutter;

(ii) Maritime Patrol Aircraft;

(iii) Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance, and Reconnaissance (C4ISR) System; and

(iv) HC–130J Fleet Introduction.

(B) The modification of any legacy asset class under the Integrated Deepwater System Program being performed by a Coast Guard entity.

(b) Chair of Product and Oversight Teams.—The Commandant of the Coast Guard shall assign an appropriate officer or employee of the Coast Guard to act as chair of each of the following:

(1) Each integrated product team under the Integrated Deepwater System Program.

(2) Each higher-level team assigned to the oversight of a product team referred to in paragraph (1).

(c) Life-cycle Cost Estimate.—The Commandant of the Coast Guard may not enter into a contract for lead asset production under the Integrated Deepwater System Program until the Commandant obtains an independent estimate of life-cycle costs of the asset concerned.

(d) Review of Acquisitions and Major Design Changes.—

(1) In general.—With the exception of assets covered under (a)(2) of this section, the Commandant of the Coast Guard may not carry out an action described in paragraph (2) unless an independent third party with no financial interest in the development, construction, or modification of any component of the Integrated Deepwater System Program, selected by the Commandant for purposes of the subsection, determines that such action is advisable.

(2) Covered Actions.—The actions described in the paragraph are as follows:

(A) The acquisition or modification of an asset under the Integrated Deepwater System Program.

(B) The implementation of a major design change for an asset under the Integrated Deepwater System Program.

(e) Linking of Award Fees to Successful Acquisition Outcomes.—The Commandant of the Coast Guard shall require that all contracts under the Integrated Deepwater System Program that provide award fees link such fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(f) CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—The Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under the Integrated Deepwater System Program unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions.

(2) EXCEPTION.—A contract, task or delivery order, letter contract, modification thereof, or other similar contract described in paragraph (1) may be awarded or issued if the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(g) DESIGNATION OF TECHNICAL AUTHORITY.—The Commandant of the Coast Guard shall designate the Assistant Commandant of the Coast Guard for Engineering and Logistics as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System Program.

(h) REPORT ON PERSONNEL REQUIRED FOR ACQUISITION MANAGEMENT.—Not later than 30 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater System Program.

(i) COMPTROLLER GENERAL REPORT ON PROGRESS.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress of the Coast Guard in complying with the requirements of this section.

SEC. 3403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109-54".

SEC. 3502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110-5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 3503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 3504. Of the funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition", not to exceed $1,980,000 may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

SEC. 3505. The Administrator of the Environmental Protection Agency shall grant to the Water Environment Research Foundation (WERF) such sums as were directed in fiscal year 2005 and fiscal year 2006 for the On-Farm Assessment and Environmental Review program: *Provided*, That not less than 95 percent of funds made available shall be used by WERF to award competitively a contract to perform the program's environmental assessments: *Provided further*, That WERF shall not retain more than 5 percent of such sums for administrative expenses.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 3601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost)".

SEC. 3602. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows:

"(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows:

"(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 3603. (a) From the amounts available for Department of Education, Safe Schools and Citizenship Education as provided by the Continuing Appropriations Resolution, 2007, $321,500,000 shall be available for Safe and Drug-Free Schools State Grants and $247,335,000 shall be available for Safe and Drug-Free Schools National Programs.

(b) Of the amount available for Safe and Drug-Free National Programs, not less than $25,000,000 shall be for competitive grants to local educational agencies to address youth violence and related issues.

(c) The competition under subsection (b) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 3604. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section 4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

(TRANSFER OF FUNDS)

SEC. 3605. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 3606. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall be effective 30 days after enactment of this Act except that any vehicles in use to transport Head Start children as of January 1, 2007, shall not be subject to a requirement under that part regarding rear emergency exit doors for two years after the date of enactment.

The Secretary of Health and Human Services shall revise the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) to exempt from Federal seat spacing requirements and supporting seating requirements related to compartmentalization any vehicle used to transport children for a Head Start program if the vehicle meets federal motor vehicle safety standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling). Such revision shall be made in a manner consistent with the findings of the National Highway Traffic Safety Administration, pursuant to its study on occupant protection on Head Start transit vehicles, related to the Government Accountability Office report GAO–06–767R.

(INCLUDING RESCISSION)

SEC. 3607. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110-5)) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

(b) For the activities carried out by the Secretary of Education under section 3(a) of

Public Law 108-406 (42 U.S.C. 15001 note), $1,000,000.

(INCLUDING RESCISSION)

SEC. 3608. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 for "Department of Education, Student Aid Administration", $2,000,000 are rescinded.

(b) For an additional amount for "Department of Education, Higher Education" under part B of title VII of the Higher Education Act of 1965 which shall be used to make a grant to the University of Vermont for the Educational Excellence Program, $2,000,000.

SEC. 3609. Section 1820 of the Social Security Act (42 U.S.C. 1395i-4) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) DELTA HEALTH INITIATIVE.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region, to solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, planning, construction, and the equipment of public health-related facilities in the Mississippi Delta region.

"(2) FEDERAL INTEREST IN PROPERTY.—With respect to funds used under this subsection for construction or alteration of property, the Federal interest in the property shall last for a period of 1 year following completion or until the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in fiscal year 2007 and in each of the five succeeding fiscal years.".

CHAPTER 7

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

"(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.".

(INCLUDING RESCISSION)

SEC. 3702. (a) Of the funds provided for the "Capitol Guide Service and Special Services Office" in section 20703(a) of the Continuing Appropriations Resolution, 2007 (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), $3,500,000 are rescinded.

(b) For an additional amount for "Capitol Guide Service and Special Services Office", $3,500,000, to remain available until September 30, 2008.

CHAPTER 8

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, or any other Act, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code. 34

CHAPTER 9

GENERAL PROVISIONS—THIS CHAPTER

CONSULTATION REQUIREMENT

SEC. 3901. Of the funds provided in the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the United States-China Economic and Security Review Commission, $1,000,000 shall be available for obligation only in accordance with a spending plan submitted to and approved by the Committees on Appropriations which addresses the recommendations of the Government Accountability Office's audit of the Commission.

TECHNICAL AMENDMENT

SEC. 3902. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $4,800,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: *Provided*, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: *Provided further*, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": *Provided further*, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading "Project-Based Rental Assistance" for fiscal year 2006 and prior fiscal years: *Provided further*, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: *Provided further*, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: *Provided further*, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 4003. The dates for subsidy reductions and demonstrations for discontinuance of reductions in operating subsidy under the new operating fund formula, pursuant to HUD regulations at 24 CFR 990.230, shall be moved forward so that the first demonstration date for asset management compliance shall be September 1, 2007, and reductions in subsidy for calendar year 2007 shall be limited to the 5 percent amount referred to in such regulations. Any public housing agency that has filed information to demonstrate compliance on or prior to April 15, 2007 shall be permitted to re-file the same or different information to demonstrate such compliance on or before September 1, 2007.

CHAPTER 11

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 4102. Amounts provided in title I of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 4103. Amounts provided in title II of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

SA 789. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 11, line 3, strike "$10,589,272,000" and insert "$12,588,272,000".

On page 11, line 24, strike "$1,703,389,000" and insert "$3,896,389,000".

Strike title IV.

SA 790. Mr. GREGG submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Strike title IV and insert the following:

TITLE IV—MINE RESISTANT AMBUSH PROTECTION FOR AMERICAN TROOPS

SEC. 401. SHORT TITLE.

This title may be cited as the "Mine Resistant Ambush Protection for American Troops Act of 2007".

PROCUREMENT

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $1,999,000,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $2,193,000,000, to remain available until September 30, 2009.

SEC. 402. CONSTRUCTION.

(a) EMERGENCY DESIGNATION.—The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

(b) SUPPLEMENT NOT SUPPLANT.—The amounts provided in this title for the purposes so provided are in addition to any other amounts provided in this Act for such purposes.

SA 791. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At end of chapter 3 of title I, insert the following:

SEC. 1316. REPORT ON CONTINGENCY PLANNING ON IRAQ.

(a) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the President shall submit to Congress a report on United States contingency planning for Iraq.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) Proposed United States strategic military and policy options if the current United States plan for Iraq fails to achieve its stated objective of transitioning Iraq to a stable democracy and having Iraq become an ally in the war on terror, including options on the following:

(A) Prevent the emergence of terrorist safe-havens in Iraq.

(B) An Iraq that is not allied with or a significant supporter of Iran.

(2) The number and type of United States military forces needed for each option proposed under paragraph (1), including the equipment required for each such option.

(3) An estimate of the cost and schedule for each option proposed under paragraph (1).

(4) The key assumptions underlying each option proposed under paragraph (1).

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 792. Mr. BAYH submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

REPORT ON CLOSING THE PREDATOR AND GLOBAL HAWK UAV PRODUCTION GAP

(a) REPORT REQUIRED.—Not later than 30 days after the date of the enactment of this Act, die Secretary of Defense shall report to the Congress no later than 90 days after enactment of this legislation on how the Department of Defense will rapidly reduce the gap in available Predator unmanned aerial vehicles and associated orbits with military and intelligence mission requirements.

(b) ELEMENTS.—The report and proposed plan shall include the following elements:

(1) What is the shortage of available Predators, Global Hawks and orbits to stated Department of Defense requirements in the field, including for U.S. forces in Iraq, Afghanistan, Colombia, East, South and Southeast Asia?

(2) What is the timeline for fully closing this shortage?

(3) Has the Department of Defense requested all necessary funds to keep Predator, Global Hawk and associated orbit production lines running at maximum capacity until the shortage is fully closed? If not, why not?

(4) What steps do you recommend to close this gap?

(5) Does having a sole source producer delay meeting Predator production and procurement timelines? If so, how can we best open up the competition?

(6) Please provide the five year Predator, Global Hawk and orbit requirement? Do you foresee long-endurance UAVs, armed and for intelligence, surveillance and reconnaissance purposes, being a long-term and growing requirement for the United States Armed Forces?

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 793. Ms. KLOBUCHAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In providing any grants for small and rural community technical and compliance assistance under the Fiscal Year 2007 Operating Plan of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of need) from small communities in each State.

SA 794. Mr. SALAZAR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table: as follows:

On page 56, after line 18, add the following:

SEC. 1713. (a) QUARTERLY REPORTS ON EFFECTS OF PARTICIPATION IN THE GLOBAL WAR ON TERRORISM ON VETERANS AND THE DEPARTMENT OF VETERANS AFFAIRS.—

(1) QUARTERLY REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every fiscal year quarter thereafter, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on the effects of participation in the Global War on Terrorism on veterans and on the Department of Veterans Affairs.

(2) SCOPE OF REPORT.—Each report required by paragraph (1) shall provide the information specified in paragraph (3), current as of the date of such report, separately for each of the following periods:

(A) The period of the fiscal year quarter for which such report is submitted.

(B) The period beginning on October 1, 2001, and ending on the last day of the most recent fiscal year completed on or before the date of such report, with such information set forth—

(i) in aggregate over such period; and

(ii) separately for each complete fiscal year that falls within such period.

(3) COVERED INFORMATION.—The information specified in this paragraph for a report under paragraph (1) is information on the provision to veterans of the Global War on Terrorism of benefits and services under the laws administered by the Secretary of Veterans Affairs as follows:

(A) PERSONAL INFORMATION.—Aggregated personal information on veterans of the Global War on Terrorism, including—

(i) the number of such veterans by race;

(ii) the number of such veterans by sex;

(iii) the number of such veterans by age;

(iv) the number of such veterans by marital status (whether married, single, separated, or divorced); and

(v) the number of such veterans by residence (by State, territory, or country).

(B) INFORMATION ON MILITARY SERVICE.—Aggregated information on the military service of veterans of the Global War on Terrorism, including information on the following:

(i) In the case of all veterans of the Global War on Terrorism—

(I) the number of such veterans by Armed Force, and by component of Armed Force, in which such veterans served in the Global War on Terrorism; and

(II) the number of such veterans by duty status in which such veterans served in the Global War on Terrorism, including, in the case of veterans who were members of a reserve component of the Armed Forces, the number of such veterans who were members of the National Guard.

(ii) In the case of veterans of the Global War on Terrorism who served only in Operation Enduring Freedom—

(I) the number of such veterans by Armed Force, and by component of Armed Force, in which such veterans served in Operation Enduring Freedom; and

(II) the number of such veterans by duty status in which such veterans served in Operation Enduring Freedom, including, in the case of veterans who were members of a reserve component of the Armed Forces, the number of such veterans who were members of the National Guard.

(iii) In the case of veterans of the Global War on Terrorism who served only in Operation Iraqi Freedom—

(I) the number of such veterans by Armed Force, and by component of Armed Force, in which such veterans served in Operation Iraqi Freedom; and

(II) the number of such veterans by duty status in which such veterans served in Operation Iraqi Freedom, including, in the case of veterans who were members of a reserve component of the Armed Forces, the number of such veterans who were members of the National Guard.

(iv) In the case of veterans of the Global War on Terrorism who served in both Operation Enduring Freedom and Operation Iraqi Freedom—

(I) the number of such veterans by Armed Force, and by component of Armed Force, in which such veterans served in each of Operation Enduring Freedom and Operation Iraqi Freedom; and

(II) the number of such veterans by duty status in which such veterans served in Operation Enduring Freedom or Operation Iraqi Freedom, including, in the case of veterans who were members of a reserve component of the Armed Forces, the number of such veterans who were members of the National Guard.

(v) In the case of veterans of the Global War on Terrorism who served in neither Operation Enduring Freedom nor Operation Iraqi Freedom—

(I) the number of such veterans by Armed Force, and by component of Armed Force, in which such veterans served in the Armed Forces during the Global War on Terrorism; and

(II) the number of such veterans by duty status in which such veterans served in the Armed Forces during the Global War on Terrorism, including, in the case of veterans who were members of a reserve component of the Armed Forces, the number of such veterans who were members of the National Guard.

(vi) The number of veterans of the Global War on Terrorism by deployment location in the Global War on Terrorism, including the number of such veterans deployed to each location specified in subsection (c)(2).

(vii) The deployment history of veterans during the Global War on Terrorism, including—

(I) the number of veterans who were deployed more than once; and

(II) for each number of veterans who were deployed twice, three times, four times, or more than four times, the number of such veterans who were deployed each such number of times.

(viii) The number of veterans of the Global War on Terrorism by grade upon completion of military service in the Global War on Terrorism.

(ix) The medical evacuation history of veterans during the Global War on Terrorism, including—

(I) the number of veterans who were evacuated once or more during the Global War on Terrorism; and

(II) for each number of veterans who were evacuated twice, three times, four times, or more than four times, the number of such veterans who were evacuated each such number of times.

(C) HEALTH, COUNSELING, AND RELATED BENEFITS.—Aggregated information on the health, counseling, and related benefits and services provided by the Department of Veterans Affairs to veterans of the Global War on Terrorism, including information on the enrollment of such veterans in the patient enrollment system under section 1705 of title 38, United States Code, by priority of enrollment status.

(D) COMPENSATION, PENSION, AND OTHER BENEFITS.—Aggregated information on the compensation, pension, and other benefits and services provided by the Department of Veterans Affairs to veterans of the Global War on Terrorism, including information on the following:

(i) The claims of such veterans for compensation under chapter 11 of title 38, United Stated Code, including—

(I) the number of claims received;

(II) the number of claims granted;

(III) the number of claims denied; and

(IV) the number of claims pending.

(ii) The amount of compensation paid to such veterans, stated as an average monthly amount for each of the periods covered by such report and as a total amount for both such periods.

(iii) The claims for dependency and indemnity compensation under chapter 13 of title 38, United States Code, with respect to such veterans, including—

(I) the number of claims received;

(II) the number of claims granted;

(III) the number of claims denied; and

(IV) the number of claims pending.

(iv) The amount of dependency and indemnity compensation paid with respect to such veterans, stated as an average monthly amount for the periods covered by such report and as a total amount for such periods.

(v) The claims for pension under chapter 15 of title 38, United States Code, for or with respect to such veterans, including—

(I) the number of claims received;

(II) the number of claims granted;

(III) the number of claims denied; and

(IV) the number of claims pending.

(vi) The education benefits provided to or with respect to such veterans or other individuals under chapter 30, 32, or 35 of title 38, United States Code, or chapter 1606 or 1607 of title 10, United States, including—

(I) the number of veterans or other individuals provided such benefits (set forth by chapter under which provided); and

(II) the amount of such benefits (set forth by chapter under which provided).

(vii) The vocational rehabilitation benefits and services provided to such veterans, including—

(I) the number of veterans submitting applications for such benefits or services;

(II) the number of applications granted;

(III) the number of applications denied;

(IV) the number of applications pending; and

(V) the type and amount of such benefits and services provided.

(viii) The housing and small business loan guaranty benefits provided to such veterans under chapter 37 of title 38, United States Code, and other provisions of law, including—

(I) the number of veterans submitting applications for such benefits;

(II) the type, and number and amount by type, of such benefits provided; and

(III) the number and amount by type of loans in default.

(ix) The specially adapted housing assistance provided to such veterans under chapter 21 of title 38, United States Code, including the type and amount of assistance provided.

(x) The insurance benefits provided to or with respect to such veterans under chapter 19 of title 38, United States Code, including the amount of benefits provided under each type of insurance offered by the Secretary.

(E) BURIAL AND CEMETERY BENEFITS.—Aggregated information on the burial and cemetery benefits provided by the Department of Veterans Affairs with respect to veterans of the Global War on Terrorism, including information on the following:

(i) The number of burials in a cemetery of the National Cemetery System or Arlington National Cemetery.

(ii) The number of flags furnished under section 2301 of title 38, United States Code.

(iii) The amount of burial allowances paid under section 2302 of title 38, United States Code.

(iv) The amount of plot allowances paid under section 2303 of title 38, United States Code.

(v) The number of headstones, markers, and burial receptacles furnished under section 2306 of title 38, United States Code, and the cost of furnishing such headstones, markers, and receptacles.

(vi) The amount of burial and funeral expenses paid under section 2307 of title 38, United States Code, for veterans who die from a service-connected disability.

(vii) The costs of the transportation of the remains of deceased veterans to a national cemetery under section 2308 of title 38, United States Code.

(F) SERVICE-CONNECTED STATUS.—A description of the way in which the Secretary of Veterans Affairs distinguishes between service-connected disabilities and disabilities that are not service-connected.

(4) PROTECTION OF IDENTITIES.—The Secretary shall take appropriate actions in preparing and submitting reports under this subsection to ensure that no personally identifying information on any particular veteran is included or otherwise improperly released in such reports.

(5) DEFINITIONS.—In this subsection:

(A) APPROPRIATE COMMITTEES OF CONGRESS.—The term "appropriate committees of Congress" means—

(i) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the Senate; and

(ii) the Committees on Armed Services, Appropriations, and Veterans' Affairs of the House of Representatives.

(B) VETERAN OF THE GLOBAL WAR ON TERRORISM.—The term "veteran of the Global War on Terrorism" means a veteran of the Global War on Terrorism who served on active military, naval, or air service during the Global War on Terrorism in a location specified in subsection (c)(2).

(b) QUARTERLY REPORTS ON EFFECTS OF PARTICIPATION IN THE GLOBAL WAR ON TERRORISM ON MEMBERS OF THE ARMED FORCES AND THE DEPARTMENT OF DEFENSE.—

(1) QUARTERLY REPORTS REQUIRED.—Not later than 90 days after the date of the enactment of this Act, and every 90 days thereafter, the Secretary of Defense shall submit

to the congressional defense committees a report on the effects of participation in the Global War on Terrorism on the members of the Armed Forces and on the Department of Defense.

(2) SCOPE OF REPORT.—Each report required by paragraph (1) shall include the information specified in paragraph (3), current as of the date of such report, separately for each of the following periods:

(A) The 90-day period ending on the date of such report.

(B) The period beginning on September 11, 2001, and ending on the date of such report.

(3) COVERED INFORMATION.—The information specified in this paragraph for a report under paragraph (1) is information on the participation of members of the Armed Forces in the Global War on Terrorism as follows:

(A) PERSONAL INFORMATION.—Aggregated personal information on members of the Armed Forces participating in the Global War on Terrorism, including—

(i) the number of such members by race;

(ii) the number of such members by sex;

(iii) the number of such members by age;

(iv) the number of such members by marital status (whether married, single, separated, or divorced); and

(v) the number of such members by home of record (by State or territory).

(B) INFORMATION ON MILITARY SERVICE.—Aggregated information on the military service of members of the Armed Forces participating in the Global War on Terrorism, including information on the following:

(i) The number of such members by Armed Force, and by component of Armed Force, in which such members are serving in the Global War on Terrorism.

(ii) The number of such members by duty status in which such members are serving in the Global War on Terrorism, including, in the case of members who are members of a reserve component of the Armed Forces, the number of such members who are members of the National Guard.

(iii) The number of such members by deployment status in which such members are serving in the Global War on Terrorism, including the number of such members who—

(I) have served only in Operation Enduring Freedom;

(II) have served only in Operation Iraqi Freedom;

(III) have served in both Operation Enduring Freedom and Operation Iraqi Freedom; or

(IV) have served in neither Operation Enduring Freedom nor Operation Iraqi Freedom.

(iv) The number of such members by deployment location in the Global War on Terrorism, including the number of such members deployed to each location specified in subsection (c)(2).

(v) The deployment history of such members during the Global War on Terrorism, including—

(I) the number of members who have been deployed more than once; and

(II) for each number of members who have been deployed twice, three times, four times, or more than four times, the number of such members who have been deployed each such number of times.

(vi) The number of such members by grade.

(vii) The medical evacuation history of such members during the Global War on Terrorism, including—

(I) the number of members who have been evacuated once or more during the Global War on Terrorism; and

(II) for each number of members who have been evacuated twice, three times, four times, or more than four times, the number of such members who have been evacuated each such number of times.

(viii) The number of such members whose enlistment or period of obligated service has been extended, or whose eligibility for retirement has been suspended, during the Global War on Terrorism under a provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Forces in a time of war or national emergency declared by Congress or the President, including—

(I) the number of such members who have been subject to the exercise of such authority; and

(II) for each number of times being subject to the exercise of such authority, the number of such members who have been so subject to such authority each such number of times.

(ix) The number of such members who have been discharged or released from the Armed Forces, including, for each category of condition of discharge, the number of members discharged under such category.

(C) INFORMATION ON ADMINISTRATION OF ARMED FORCES.—Aggregated information on the administration of the Armed Forces participating in of the Global War on Terrorism, including information on the following:

(i) The number of members of the reserve components of the Armed Forces called or ordered to active duty for service in the Global War on Terrorism, including—

(I) the number of members of the National Guard and the number of Reserves so ordered;

(II) for each number of times of being so called or ordered to active duty, the number of such members who have been so called or order to active duty each such number of times; and

(III) the average number times being so called or ordered to active duty among all members of the National Guard and Reserve who have been so called or ordered to active duty.

(ii) The number of members of the Armed Forces who have been subject to medical evacuation once or more in the Global War on Terrorism.

(iii) The number of members of the Armed Forces whose enlistment or period of obligated service has been extended, or whose eligibility for retirement has been suspended, for purposes of the Global War on Terrorism under a provision of law (commonly referred to as a "stop-loss authority") authorizing the President to extend an enlistment or period of obligated service, or suspend eligibility for retirement, of a member of the Armed Forces in a time of war or national emergency declared by Congress or the President.

(iv) The number of members of the Armed Forces participating in the Global War on Terrorism who have been discharged or released from the Armed Forces, including—

(I) the military status of such members at the time of discharge or release; and

(II) the nature of such discharge or release, including less than honorable discharge for drug abuse, alcohol abuse, domestic violence, discipline problems, and other war-related reintegration problems.

(v) The number of members of the Armed Forces described in subparagraph (H) who have had their discharge upgraded, set forth by deployment status in the Global War on Terrorism and by nature of discharge upon discharge.

(4) DEFINITIONS.—In this subsection:

(A) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" means—

(i) the Committees on Armed Services and Appropriations of the Senate; and

(ii) the Committees on Armed Services and Appropriations of the House of Representatives.

(B) MEMBER OF THE ARMED FORCES PARTICIPATING IN THE GLOBAL WAR ON TERRORISM.—The term "member of the Armed Forces participating in the Global War on Terrorism" means a member of the Armed Forces who served on active duty in the Global War on Terrorism at a location specified in section (c)(2).

(c) DEFINITIONAL MATTERS.—

(1) GENERAL DEFINITION OF GLOBAL WAR ON TERRORISM.—In this section, the term "Global War on Terrorism" means the period beginning on September 11, 2001, and ending on the date thereafter prescribed by Presidential proclamation or by law.

(2) SPECIFICATION OF LOCATIONS OF GLOBAL WAR ON TERRORISM.—For purposes of this section, the geographic location of the Global War on Terrorism shall be the locations (including the airspace above) as follows: Afghanistan, Algeria, the Arabian Sea, Armenia, Bab el Mandeb, Bahrain, Bulgaria, Cyprus, Diego Garcia (United Kingdom Indian Ocean Territory), Djibouti, Egypt, Eritrea, Ethiopia, the Republic of Georgia, Greece, Guantanamo Bay, Cuba, the Gulf of Aden, the Gulf of Aqaba, the Gulf of Oman, the Gulf of Suez, Indonesia, the Ionian Sea, Iran, Iraq, Israel, Japan, Jordan, Kazakhstan, Kenya, Kyrgyzstan, Kuwait, Lebanon, the Mediterranean Sea, Oman, Pakistan, the Pentagon Reservation, Virginia (but only on September 11, 2001), the Persian Gulf, the Philippines, Qatar, the Red Sea, Romania, Saudi Arabia, Somalia, the Spratley Islands, the Strait of Hormuz, the Suez Canal, Syria, Tajikistan, Turkey, Turkmenistan, the United Arab Emirates, Uzbekistan, Yemen, and any other location specified for purposes of this Act by the Secretary of Veterans Affairs in consultation with the Secretary of Defense.

SA 795. Mr. THUNE submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of chapter 3 of title I, add insert the following:

SEC. 1316. ADDITIONAL AMOUNT FOR OPERATION AND MAINTENANCE, AIR FORCE.

The amount appropriated or otherwise made available by this chapter under the heading "OPERATION AND MAINTENANCE, AIR FORCE" is hereby increased by $222,000,000: *Provided*, that the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

SA 796. Mr. REID submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, insert the following:

CLARIFICATIONS

SEC. ___. The Consolidated Appropriations Act, 2005, is amended in the matter under the heading "COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFERS OF FUNDS)", in title II, by striking "equipment" and inserting "renovation and construction". The Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006 is amended in the matter under the heading "COMMUNITY DEVELOPMENT FUND (INCLUDING TRANSFERS OF FUNDS)", in title III, by adding at the end the following: "Funds made available under this heading for a Small Business Development Center shall be used for revitalization costs at the College of Agriculture, Biotechnology, and Natural Resources at the institution involved.".

SA 797. Mr. GRASSLEY submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

V—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 500. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) IN GENERAL.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) IN GENERAL.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) TRANSITION.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) SHORT TITLE.—This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) EXTENSION OF LEASEHOLD AND RESTAURANT IMPROVEMENTS.—

(1) IN GENERAL.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) MODIFICATION OF TREATMENT OF QUALIFIED RESTAURANT PROPERTY AS 15-YEAR PROPERTY FOR PURPOSES OF DEPRECIATION DEDUCTION.—

(1) TREATMENT TO INCLUDE NEW CONSTRUCTION.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) QUALIFIED RESTAURANT PROPERTY.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) RECOVERY PERIOD FOR DEPRECIATION OF CERTAIN IMPROVEMENTS TO RETAIL SPACE.—

(1) 15-YEAR RECOVERY PERIOD.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) QUALIFIED RETAIL IMPROVEMENT PROPERTY.—

"(A) IN GENERAL.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) IMPROVEMENTS MADE BY OWNER.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) CERTAIN IMPROVEMENTS NOT INCLUDED.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) REQUIREMENT TO USE STRAIGHT LINE METHOD.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) ALTERNATIVE SYSTEM.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) CASH ACCOUNTING PERMITTED.—

(1) IN GENERAL.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2007’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.”.

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

“(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

“(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

“(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term ‘qualified taxpayer’ means—

“(A) any eligible taxpayer (as defined in section 446(g)(2)), and

“(B) any taxpayer described in section 448(b)(3).”.

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking “2007” and inserting “2012”.

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

“(5) DESIGNATED COMMUNITY RESIDENTS.—

“(A) IN GENERAL.—The term ‘designated community resident’ means any individual who is certified by the designated local agency—

“(i) as having attained age 18 but not age 40 on the hiring date, and

“(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

“(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term ‘qualified wages’ shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

“(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term ‘rural renewal county’ means any county which—

“(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

“(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.”.

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

“(D) a designated community resident,”.

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking “or” at the end of clause (i), by striking the period at the end of clause (ii) and inserting “, or”, and by adding at the end the following new clause:

“(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.”.

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking “agency as being a member of a family” and all that follows and inserting “agency as—

“(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

“(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.”.

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

“(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms ‘compensation’ and ‘service-connected’ have the meanings given such terms under section 101 of title 38, United States Code.”.

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting “($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))” before the period at the end, and

(B) by striking “**ONLY FIRST** $6,000 of” in the heading and inserting “**LIMITATION ON**”.

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

“SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

“(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

“(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

“(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

“(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

“(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

“(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

“(d) TREATMENT OF CREDITS.—

“(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

“(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

“(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

“(i) paid by the certified professional employer organization with respect to the work site employee, and

“(ii) for which the certified professional employer organization receives payment from the customer, and

“(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

“(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

“(A) section 41 (credit for increasing research activity),

“(B) section 45A (Indian employment credit),

“(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

“(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

“(E) section 51 (work opportunity credit),

“(F) section 51A (temporary incentives for employing long-term family assistance recipients),

“(G) section 1396 (empowerment zone employment credit),

“(H) 1400(d) (DC Zone employment credit),

“(I) Section 1400H (renewal community employment credit), and

“(J) any other section as provided by the Secretary.

“(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) Special Rule for Certain Individuals.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) Certified Professional Employer Organization Defined.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) In General.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) General Requirements.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) Bond and Independent Financial Review Requirements.—

"(1) In general.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) Bond.—

"(A) In general.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) Amount of bond.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) Independent financial review requirements.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) Controlled group rules.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) Failure to file assertion and attestation.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) Review date.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) Suspension and Revocation Authority.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) Work Site Employee.—For purposes of this title—

"(1) In general.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) Service contract requirements.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) Work site coverage requirement.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) Determination of Employment Status.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) Conforming Amendments.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) Treatment of Certified Professional Employer Organizations.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) Certified professional employer organizations.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(m) RURAL INVESTMENT PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

" **"In the case of:**	**The applicable recovery period is:**
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

"(ii) not used or located outside such county on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

"(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

"(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

SEC. 517. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting "this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 527. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the itém relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—.

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)-(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

“(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

“(E) TAX DEDUCTED AND WITHHELD.—

“(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

“(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

“(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

“(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

“(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

“(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

“(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

“(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

“(i) QUALIFIED TRUST.—The term ‘qualified trust’ means a trust which is described in section 7701(a)(30)(E).

“(ii) VESTED INTEREST.—The term ‘vested interest’ means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

“(iii) NONVESTED INTEREST.—The term ‘nonvested interest’ means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

“(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

“(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

“(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

“(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

“(B) OTHER DETERMINATIONS.—For purposes of this section—

“(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

“(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

“(I) the methodology used to determine that taxpayer's trust interest under this section, and

“(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

“(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

“(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

“(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

“(h) IMPOSITION OF TENTATIVE TAX.—

“(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

“(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

“(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

“(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

“(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

“(1) IMPOSITION OF LIEN.—

“(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

“(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

“(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

“(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

“(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

“(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) BASE PERIOD.—

"(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "5 years" and inserting "10 years".

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$250,000 ($500,000' for '$50,000 ($100,000', and

"(C) '5 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is—

"(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

"(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.".

(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking "the penalty provided in section 6674" and inserting "the penalties provided in sections 6674 and 7203(b)".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "3 years" and inserting "5 years".

(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003-11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

"(B) Special rule.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) Cross Reference.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) In General.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) Effective Date.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) Modification of Tax Threshold for Awards.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) Whistleblower Office.—

(1) In general.—Section 7623 is amended by adding at the end the following new subsections:

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Reports.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) Conforming amendment.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) Report on implementation.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) Publicity of Award Appeals.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) Appeal of award determination.—

"(A) In general.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) Publicity of appeals.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) Publicity of award appeals.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) In General.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) Covered employee.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof) for such taxable year,".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.

(a) Failure To File Correct Information Returns.—

(1) In general.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) Reduction where correction in specified period.—

(A) Correction within 30 days.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) Failures corrected on or before August 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) Lower limitation for persons with gross receipts of not more than $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000".

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

"(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

"(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

"(ii) solely for the purposes described in subparagraph (C).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

"(i) preventing the filing of false or fraudulent returns; and

"(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.".

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking "(14), or (17)" in the matter before subparagraph (A) and inserting "(14), (17), or (22)", and

(B) by striking "(9), or (16)" in subparagraph (F)(i) and inserting "(9), (16), or (22)".

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.".

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 550. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "**AN INCOME TAX RETURN PREPARER**" each place it appears and inserting "**A TAX RETURN PREPARER**",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "income tax return preparer" in the heading and inserting "tax return preparer",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) Modification of Penalty for Understatement of Taxpayer's Liability by Tax Return Preparer.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) Understatement Due to Unreasonable Positions.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Unreasonable position.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) Reasonable cause exception.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) Understatement Due to Willful or Reckless Conduct.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Willful or reckless conduct.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) Reduction in penalty.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 551. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) Civil Penalty.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) Excessive Amount.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) Coordination With Other Penalties.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) Effective Date.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

SEC. 552. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) Exception for certain taxpayers.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

SEC. 553. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for paragraph (4) of section 6159(b) is amended by striking "Failure to pay an installment or any other tax liability when due or to provide requested financial information" and inserting "Failure to make payments or deposits or file returns when due or to provide requested financial information".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 554. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate, with his reasons therefor" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 555. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.

(a) In General.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

"(4) Imposition of financial management services transaction fees.—If the Secretary approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

"(A) shall be treated as an expense under section 6341, "(B) may be collected through a levy under this subsection, and

"(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.".

(b) Retention of Fees by Financial Management Service.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) Effective Date.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

SEC. 556. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 557. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.

(a) Taxes on Disqualifying Lobbying Expenditures of Certain Organizations.—

(1) In general.—Section 4912(a) (relating to tax on organization) is amended by striking "5 percent" and inserting "10 percent".

(2) Tax on management.—Section 4912(b) is amended by striking "5 percent" and inserting "10 percent".

(b) Taxes on Political Expenditures of Section 501(c)(3) Organizations.—

(1) In general.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking "10 percent" and inserting "20 percent", and

(B) in paragraph (2), by striking "2½ percent" and inserting "5 percent".

(2) Increased limitation for managers.—Section 4955(c)(2) is amended—

(A) by striking "$5,000" and inserting "$10,000", and

(B) by striking "$10,000" and inserting "$20,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 558. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.

(a) In General.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: "In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting '$250' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.".

(b) Conforming Amendment.—The third sentence of section 6652(c)(1)(A) is amended by inserting "but not exceeding $25,000,000" after "$1,000,000".

(c) Effective Date.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 559. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) In General.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) In General.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) Increased penalties for taxpayers with gross receipts between $1,000,000 and $100,000,000.—

"(A) Taxpayers with gross receipts between $1,000,000 and $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) Taxpayers with gross receipts over $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) Increased penalties for certain taxpayers with gross receipts exceeding $100,000,000.—In the case of a return described in section 6651—

"(A) Taxpayers with gross receipts between $100,000,000 and $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) Taxpayers with gross receipts over $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) Exception for certain returns.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.".

(b) Clerical Amendment.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) Effective Date.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

PART III—GENERAL PROVISIONS

SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) In General.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) Compliance Guide.—

"(1) In general.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) Publication of guides.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) Publication date.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) Compliance actions.—

"(A) In general.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) Explanation.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) Procedures.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) Agency preparation of guides.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SEC. 570. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—

(1) by striking "Nothing" in subsection (a) and inserting "Except as provided in subsection (c), nothing",

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).

"(2) QUALIFYING DISABILITY PREFERENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:

"(i) Such person employs within the United States at least 50 severely disabled individuals.

"(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

"(I) be hired after the date such contract is awarded, and

"(II) be severely disabled individuals.

"(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.

"(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.

"(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:

"(A) Any veteran of the United States Armed Forces with—

"(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or

"(ii) a disability deemed by statute to be service-connected.

"(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b-19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.".

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.

(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—

(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,

(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and

(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of ths Act.

SA 798. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

Strike all after the Page 3 line 12 and insert:

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) Short Title.—This subtitle may be cited as the “Small Business and Work Opportunity Act of 2007”.

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking “2010” each place it appears and inserting “2011”.

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) Extension of Leasehold and Restaurant Improvements.—

(1) In general.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking “January 1, 2008” and inserting “January 1, 2009”.

(2) Effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) Modification of Treatment of Qualified Restaurant Property as 15-Year Property for Purposes of Depreciation Deduction.—

(1) Treatment to include new construction.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

“(7) Qualified restaurant property.—The term ‘qualified restaurant property’ means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.”.

(2) Effective date.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) Recovery Period for Depreciation of Certain Improvements to Retail Space.—

(1) 15-year recovery period.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking “and” at the end of clause (vii), by striking the period at the end of clause (viii) and inserting “, and”, and by adding at the end the following new clause:

“(ix) any qualified retail improvement property placed in service before January 1, 2009.”.

(2) Qualified retail improvement property.—Section 168(e) is amended by adding at the end the following new paragraph:

“(8) Qualified retail improvement property.—

“(A) In general.—The term ‘qualified retail improvement property’ means any improvement to an interior portion of a building which is nonresidential real property if—

“(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

“(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

“(B) Improvements made by owner.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

“(C) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

“(i) the enlargement of the building,

“(ii) any elevator or escalator,

“(iii) any structural component benefitting a common area, or

“(iv) the internal structural framework of the building.”.

(3) Requirement to use straight line method.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

“(I) Qualified retail improvement property described in subsection (e)(8).”.

(4) Alternative system.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39”.

(5) Effective date.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) Cash Accounting Permitted.—

(1) In general.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

“(g) Certain Small Business Taxpayers Permitted To Use Cash Accounting Method Without Limitation.—

“(1) In general.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

“(2) Eligible taxpayer.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

“(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

“(B) the taxpayer is not subject to section 447 or 448.”.

(2) Expansion of gross receipts test.—

(A) In general.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

“(3) Entities meeting gross receipts test.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.”.

(B) Conforming amendments.—Section 448(c) of such Code is amended—

(i) by striking “$5,000,000” in the heading thereof,

(ii) by striking “$5,000,000” each place it appears in paragraph (1) and inserting “$10,000,000”, and

(iii) by adding at the end the following new paragraph:

“(4) Inflation adjustment.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

“(A) such dollar amount, multiplied by

“(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting ‘calendar year 2007’ for ‘calendar year 1992’ in subparagraph (B) thereof.

“If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.”.

(b) Clarification of Inventory Rules for Small Business.—

(1) In general.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

“(c) Small Business Taxpayers Not Required To Use Inventories.—

“(1) In general.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

“(2) Treatment of taxpayers not using inventories.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

“(3) Qualified taxpayer.—For purposes of this subsection, the term ‘qualified taxpayer’ means—

“(A) any eligible taxpayer (as defined in section 446(g)(2)), and

“(B) any taxpayer described in section 448(b)(3).”.

(2) Conforming amendments.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) Extension.—Section 51(c)(4)(B) (relating to termination) is amended by striking “2007” and inserting “2012”.

(b) Increase in Maximum Age for Designated Community Residents.—

(1) In general.—Paragraph (5) of section 51(d) is amended to read as follows:

“(5) Designated community residents.—

“(A) In general.—The term ‘designated community resident’ means any individual who is certified by the designated local agency—

“(i) as having attained age 18 but not age 40 on the hiring date, and

“(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

“(B) Individual must continue to reside in zone, community, or county.—In the case of a designated community resident, the term ‘qualified wages’ shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "**ONLY FIRST $6,000 OF**" in the heading and inserting "**LIMITATION ON**".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) TREATMENT OF CREDITS.—

"(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

"(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

"(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

"(i) paid by the certified professional employer organization with respect to the work site employee, and

"(ii) for which the certified professional employer organization receives payment from the customer, and

"(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

"(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

"(A) section 41 (credit for increasing research activity),

"(B) section 45A (Indian employment credit),

"(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

"(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

"(E) section 51 (work opportunity credit),

"(F) section 51A (temporary incentives for employing long-term family assistance recipients),

"(G) section 1396 (empowerment zone employment credit),

"(H) 1400(d) (DC Zone employment credit),

"(I) Section 1400H (renewal community employment credit), and

"(J) any other section as provided by the Secretary.

"(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(m) RURAL INVESTMENT PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

"In the case of:	The applicable recovery period is:
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property	22 years.

"(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

"(ii) not used or located outside such county on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

"(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

"(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

SEC. 517. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting "this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) SPECIAL RULE FOR TREATMENT AS SECOND CLASS OF STOCK.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) IN GENERAL.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) IN GENERAL.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) IN GENERAL.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) TERMINATION BY REASON OF SALE OF STOCK.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) NO LOOK THROUGH FOR ELIGIBILITY PURPOSES.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 527. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) IN GENERAL.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) LEASES TO FOREIGN ENTITIES.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) LEASES TO FOREIGN ENTITIES.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) IN GENERAL.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) INVERTED CORPORATIONS TREATED AS DOMESTIC CORPORATIONS.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) DISALLOWANCE OF DEDUCTION.—

(1) IN GENERAL.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) TREBLE DAMAGES.—If", and

(C) by adding at the end the following new paragraph:

"(2) PUNITIVE DAMAGES.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) CONFORMING AMENDMENT.—The heading for section 162(g) is amended by inserting "OR PUNITIVE DAMAGES" after "LAWS".

(b) INCLUSION IN INCOME OF PUNITIVE DAMAGES PAID BY INSURER OR OTHERWISE.—

(1) IN GENERAL.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) REPORTING REQUIREMENTS.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) SECTION TO APPLY TO PUNITIVE DAMAGES COMPENSATION.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) CONFORMING AMENDMENT.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of which is determined in whole or in part by reference to the property with respect to which the election was made.

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or “(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

“(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

“(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

“(7) INTEREST.—For purposes of section 6601—

“(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

“(B) section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(c) COVERED EXPATRIATE.—For purposes of this section—

“(1) IN GENERAL.—Except as provided in paragraph (2), the term ‘covered expatriate’ means an expatriate.

“(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

“(A) the individual—

“(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

“(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

“(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

“(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

“(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

“(1) EXEMPT PROPERTY.—This section shall not apply to the following:

“(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

“(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

“(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

“(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

“(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

“(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

“(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

“(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

“(D) APPLICABLE PLANS.—This paragraph shall apply to—

“(i) any qualified retirement plan (as defined in section 4974(c)),

“(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

“(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

“(e) DEFINITIONS.—For purposes of this section—

“(1) EXPATRIATE.—The term ‘expatriate’ means—

“(A) any United States citizen who relinquishes citizenship, and

“(B) any long-term resident of the United States who—

“(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

“(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

“(2) EXPATRIATION DATE.—The term ‘expatriation date’ means—

“(A) the date an individual relinquishes United States citizenship, or

“(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

“(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

“(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

“(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

“(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

“(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

“(4) LONG-TERM RESIDENT.—The term ‘long-term resident’ has the meaning given to such term by section 877(e)(2).

“(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

“(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

“(A) the individual shall not be treated as having sold such interest,

“(B) such interest shall be treated as a separate share in the trust, and

“(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

“(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

“(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

“(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

“(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

“(i) paragraph (1) and subsection (a) shall not apply, and

“(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

“(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

“(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

“(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

“(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

“(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

“(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting ‘5 percentage points’ for ‘3 percentage points’ in subparagraph (B) thereof.

“(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

“(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

“(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—

Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) BASE PERIOD.—

"(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "5 years" and inserting "10 years".

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) Aggravated Failure to File.—

"(1) In general.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$250,000 ($500,000' for '$50,000 ($100,000', and

"(C) '5 years' for '1 year'.

"(2) Failure described.—A failure described in this paragraph is—

"(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

"(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.".

(2) Penalty may be applied in addition to other penalties.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking "the penalty provided in section 6674" and inserting "the penalties provided in sections 6674 and 7203(b)".

(c) Fraud and False Statements.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "3 years" and inserting "5 years".

(d) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking "Any person who—" and inserting "(a) In General.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) Increase in Monetary Limitation for Underpayment or Overpayment of Tax Due to Fraud.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(e) Effective Date.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) Determination of Penalty.—

(1) In general.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) Applicable taxpayer.—For purposes of this subsection—

(A) In general.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) Authority to waive.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) Issues raised.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) Applicable Penalty.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) Effective Date.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) In General.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) In general.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) Treatment of contingent payment convertible debt.—

"(A) In general.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

"(B) Special rule.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) Cross Reference.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) Effective Date.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) In General.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) Effective Date.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) Modification of Tax Threshold for Awards.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) Whistleblower Office.—

(1) In general.—Section 7623 is amended by adding at the end the following new subsections:

"(c) Whistleblower Office.—

"(1) In general.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review, "(E) may require such individual and any legal representative of such individual to not disclose any information so provided,

"(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) Funding for office.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) Request for assistance.—

"(A) In general.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) Funding of assistance.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) Reports.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) Conforming amendment.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) Report on implementation.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) Publicity of Award Appeals.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) Appeal of award determination.—

"(A) In general.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) Publicity of appeals.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) Publicity of award appeals.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) In General.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) Covered employee.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) In General.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof) for such taxable year,".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.

(a) Failure to File Correct Information Returns.—

(1) In general.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) Reduction where correction in specified period.—

(A) Correction within 30 days.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) Failures corrected on or before August 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) Lower limitation for persons with gross receipts of not more than $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) Penalty in case of intentional disregard.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) Failure to Furnish Correct Payee Statements.—

(1) In general.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) Penalty in case of intentional disregard.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) Failure to Comply With Other Information Reporting Requirements.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) Effective Date.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) In General.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) Conforming Amendment.—Section 6724 is amended by striking subsection (c).

(c) Effective Date.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) In General.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) Administration of federal tax laws.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

"(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

"(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

"(ii) solely for the purposes described in subparagraph (C).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

"(i) preventing the filing of false or fraudulent returns; and

"(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.".

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking "(14), or (17)" in the matter before subparagraph (A) and inserting "(14), (17), or (22)", and

(B) by striking "(9), or (16)" in subparagraph (F)(i) and inserting "(9), (16), or (22)".

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.".

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 550. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

“(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

“(A) the tax return preparer knew (or reasonably should have known) of the position,

“(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

“(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

“(ii) there was no reasonable basis for the position.

“(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

“(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

“(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

“(A) $5,000, or

“(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

“(2) WILLFUL OR RECKLESS CONDUCT.—Conduct described in this paragraph is conduct by the tax return preparer which is—

“(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

“(B) a reckless or intentional disregard of rules or regulations.

“(3) REDUCTION IN PENALTY.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 551. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

“SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

“(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

“(b) EXCESSIVE AMOUNT.—For purposes of this section, the term ‘excessive amount’ means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

“(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.”.

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

“Sec. 6676. Erroneous claim for refund or credit.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

SEC. 552. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) IN GENERAL.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking “18-month period” and inserting “36-month period”.

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

SEC. 553. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.

(a) IN GENERAL.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking “or” at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

“(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

“(D) to file a return of tax imposed under this title by its due date (including extensions), or”.

(b) CONFORMING AMENDMENT.—The heading for paragraph (4) of section 6159(b) is amended by striking “FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION” and inserting “FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 554. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) IN GENERAL.—Section 7122(b) (relating to record) is amended by striking “Whenever a compromise” and all that follows through “his delegate, with his reasons therefor” and inserting “If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel’s delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor”.

(b) CONFORMING AMENDMENTS.—Section 7122(b) is amended by striking the second and third sentences.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 555. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.

(a) IN GENERAL.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

“(4) IMPOSITION OF FINANCIAL MANAGEMENT SERVICES TRANSACTION FEES.—If the Secretary approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

“(A) shall be treated as an expense under section 6341,

“(B) may be collected through a levy under this subsection, and

“(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.”.

(b) RETENTION OF FEES BY FINANCIAL MANAGEMENT SERVICE.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) EFFECTIVE DATE.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

SEC. 556. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking “2007” both places it appears and inserting “2008”.

SEC. 557. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.

(a) TAXES ON DISQUALIFYING LOBBYING EXPENDITURES OF CERTAIN ORGANIZATIONS.—

(1) IN GENERAL.—Section 4912(a) (relating to tax on organization) is amended by striking “5 percent” and inserting “10 percent”.

(2) TAX ON MANAGEMENT.—Section 4912(b) is amended by striking “5 percent” and inserting “10 percent”.

(b) TAXES ON POLITICAL EXPENDITURES OF SECTION 501(c)(3) ORGANIZATIONS.—

(1) IN GENERAL.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking “10 percent” and inserting “20 percent”, and

(B) in paragraph (2), by striking “2½ percent” and inserting “5 percent”.

(2) INCREASED LIMITATION FOR MANAGERS.—Section 4955(c)(2) is amended—

(A) by striking “$5,000” and inserting “$10,000”, and

(B) by striking “$10,000” and inserting “$20,000”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 558. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.

(a) IN GENERAL.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: “In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting ‘$250’ for ‘$20’ and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.”.

(b) CONFORMING AMENDMENT.—The third sentence of section 6652(c)(1)(A) is amended by inserting “but not exceeding $25,000,000” after “$1,000,000”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 559. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) IN GENERAL.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) IN GENERAL.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) AMOUNT OF PENALTY.—

"(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) INCREASED PENALTIES FOR TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $100,000,000.—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

PART III—GENERAL PROVISIONS

SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SEC. 570. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—

(1) by striking "Nothing" in subsection (a) and inserting "Except as provided in subsection (c), nothing",

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).

"(2) QUALIFYING DISABILITY PREFERENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:

"(i) Such person employs within the United States at least 50 severely disabled individuals.

"(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

"(I) be hired after the date such contract is awarded, and

"(II) be severely disabled individuals.

"(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.

"(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.

"(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:

"(A) Any veteran of the United States Armed Forces with—

"(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or

"(ii) a disability deemed by statute to be service-connected.

"(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.".

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.

(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—

(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,

(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and

(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of ths Act.

SA 799. Mr. LUGAR (for himself, Mr. BOND, and Mr. COLEMAN) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter";

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "50" and inserting "300".

(b) EXCLUSION FROM NUMERICAL LIMITATION.—Section 1059(c)(2) of such Act is amended—

(1) in the subsection header, by striking "COUNTING AGAINST" and inserting "EXCLUSION FROM"; and

(2) by striking "." at the end and inserting "and shall not be counted against the numerical limitations under sections 201(d), 202(a) and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a) and 1153(b)(4)).".

(c) ADJUSTMENT OF STATUS.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.".

(d) SUNSET PROVISION.—Section 1059 of such Act is further amended by adding at the end the following:

"(f) SUNSET PROVISION.—

"(1) IN GENERAL.—This section is repealed on the date that is 3 years after the date of the enactment of this subsection.

"(2) APPLICABILITY.—Notwithstanding paragraph (1), the Secretary of Homeland Security may provide an alien with the status of a special immigrant under this section if—

"(A) the alien's petition for such status was pending before the date described in paragraph (1); and

"(B) the alien was eligible for such status at the time the petition was filed.".

SA 800. Mrs. LINCOLN (for himself, Mr. SMITH, and Ms. CANTWELL) submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)), the election under this section shall be made separately by each taxpayer subject to tax on such gain.".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain Not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(21) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "and 1203" after "section 1202".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and before January 1, 2009.

(2) Taxable years which include date of enactment.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SA 801. Mrs. Lincoln (for herself, Mr. Smith, and Ms. Cantwell) submitted an amendment intended to be proposed to amendment SA 658 submitted by Mr. Grassley (for himself and Mr. Baucus) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) In General.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) In General.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) Qualified Timber Gain.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) Special Rules for Pass-Thru Entities.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)), the election under this section shall be made separately by each taxpayer subject to tax on such gain.".

(b) Coordination With Maximum Capital Gains Rates.—

(1) Taxpayers other than corporations.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) Reduction of net capital gain.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) Corporations.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) Qualified Timber Gain Not Taken Into Account.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) Deduction Allowed Whether or Not Individual Itemizes Other Deductions.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(21) Qualified timber gains.—The deduction allowed by section 1203.".

(d) Deduction Allowed in Computing Adjusted Current Earnings.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) Deduction for qualified timber gain.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) Deduction Allowed in Computing Taxable Income of Electing Small Business Trusts.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) Conforming Amendments.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section

1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "and 1203" after "section 1202".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and before January 1, 2009.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SA 802. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 658 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of this paragraph" for "the date of such determination" in subparagraph (A) thereof.

(d) PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any return filed on or after January 1, 2008.

SA 803. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 680 submitted by Mr. KENNEDY (for himself, Mr. ENZI, Mr. BAUCUS, and Mr. GRASSLEY) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. ____. SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of this paragraph" for "the date of such determination" in subparagraph (A) thereof.

(d) PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any return filed on or after January 1, 2008.

SA 804. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 780 submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . SPECIAL PERIOD OF LIMITATION WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.

(a) IN GENERAL.—Subsection (d) of section 6511 (relating to special rules applicable to income taxes) is amended by adding at the end the following new paragraph:

"(8) SPECIAL RULES WHEN UNIFORMED SERVICES RETIRED PAY IS REDUCED AS A RESULT OF AWARD OF DISABILITY COMPENSATION.—

"(A) PERIOD OF LIMITATION ON FILING CLAIM.—If the claim for credit or refund relates to an overpayment of tax imposed by subtitle A on account of—

"(i) the reduction of uniformed services retired pay computed under section 1406 or 1407 of title 10, United States Code, or

"(ii) the waiver of such pay under section 5305 of title 38 of such Code,

as a result of an award of compensation under title 38 of such Code pursuant to a determination by the Secretary of Veterans Affairs, the 3-year period of limitation prescribed in subsection (a) shall be extended, for purposes of permitting a credit or refund based upon the amount of such reduction or waiver, until the end of the 1-year period beginning on the date of such determination.

"(B) LIMITATION TO 5 TAXABLE YEARS.—Subparagraph (A) shall not apply with respect to any taxable year which began more than 5 years before the date of such determination.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to claims for credit or refund filed after the date of the enactment of this Act.

(c) TRANSITION RULES.—In the case of a determination described in paragraph (8) of section 6511(d) of the Internal Revenue Code of 1986 (as added by this section) which is made by the Secretary of Veterans Affairs after December 31, 2000, and before the date of the enactment of this Act, such paragraph—

(1) shall not apply with respect to any taxable year which began before January 1, 2001, and

(2) shall be applied by substituting "the date of the enactment of this paragraph" for "the date of such determination" in subparagraph (A) thereof.

(d) PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(2) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to any return filed on or after January 1, 2008.

SA 805. Mrs. LINCOLN submitted an amendment intended to be proposed to amendment SA 78D submitted by Mr. GRASSLEY (for himself and Mr. BAUCUS) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . DEDUCTION FOR QUALIFIED TIMBER GAIN.

(a) IN GENERAL.—Part I of subchapter P of chapter 1 is amended by adding at the end the following new section:

"SEC. 1203. DEDUCTION FOR QUALIFIED TIMBER GAIN.

"(a) IN GENERAL.—In the case of a taxpayer which elects the application of this section for a taxable year, there shall be allowed a deduction against gross income equal to 60 percent of the lesser of—

"(1) the taxpayer's qualified timber gain for such year, or

"(2) the taxpayer's net capital gain for such year.

"(b) QUALIFIED TIMBER GAIN.—For purposes of this section, the term 'qualified timber gain' means, with respect to any taxpayer for any taxable year, the excess (if any) of—

"(1) the sum of the taxpayer's gains described in subsections (a) and (b) of section 631 for such year, over

"(2) the sum of the taxpayer's losses described in such subsections for such year.

"(c) SPECIAL RULES FOR PASS-THRU ENTITIES.—In the case of any qualified timber gain of a pass-thru entity (as defined in section 1(h)(10)), the election under this section shall be made separately by each taxpayer subject to tax on such gain.".

(b) COORDINATION WITH MAXIMUM CAPITAL GAINS RATES.—

(1) TAXPAYERS OTHER THAN CORPORATIONS.—Paragraph (2) of section 1(h) is amended to read as follows:

"(2) REDUCTION OF NET CAPITAL GAIN.—For purposes of this subsection, the net capital gain for any taxable year shall be reduced (but not below zero) by the sum of—

"(A) the amount which the taxpayer takes into account as investment income under section 163(d)(4)(B)(iii), and

"(B) the lesser of—

"(i) the amount described in paragraph (1) of section 1203(a), or

"(ii) the amount described in paragraph (2) of such section.".

(2) CORPORATIONS.—Section 1201 is amended by redesignating subsection (b) as subsection (c) and inserting after subsection (a) the following new subsection:

"(b) QUALIFIED TIMBER GAIN NOT TAKEN INTO ACCOUNT.—For purposes of this section, in the case of a corporation with respect to which an election is in effect under section 1203, the net capital gain for any taxable year shall be reduced (but not below zero) by the corporation's qualified timber gain (as defined in section 1203(b)).".

(c) DEDUCTION ALLOWED WHETHER OR NOT INDIVIDUAL ITEMIZES OTHER DEDUCTIONS.—Subsection (a) of section 62 is amended by inserting before the last sentence the following new paragraph:

"(21) QUALIFIED TIMBER GAINS.—The deduction allowed by section 1203.".

(d) DEDUCTION ALLOWED IN COMPUTING ADJUSTED CURRENT EARNINGS.—Subparagraph (C) of section 56(g)(4) is amended by adding at the end the following new clause:

"(vii) DEDUCTION FOR QUALIFIED TIMBER GAIN.—Clause (i) shall not apply to any deduction allowed under section 1203.".

(e) DEDUCTION ALLOWED IN COMPUTING TAXABLE INCOME OF ELECTING SMALL BUSINESS TRUSTS.—Subparagraph (C) of section 641(c)(2) is amended by inserting after clause (iii) the following new clause:

"(iv) The deduction allowed under section 1203.".

(f) CONFORMING AMENDMENTS.—

(1) Subparagraph (B) of section 172(d)(2) is amended to read as follows:

"(B) the exclusion under section 1202 and the deduction under section 1203 shall not be allowed.".

(2) Paragraph (4) of section 642(c) is amended by striking the first sentence and inserting the following: "To the extent that the amount otherwise allowable as a deduction under this subsection consists of gain described in section 1202(a) or qualified timber gain (as defined in section 1203(b)), proper adjustment shall be made for any exclusion allowable to the estate or trust under section 1202 and for any deduction allowable to the estate or trust under section 1203."

(3) Paragraph (3) of section 643(a) is amended by striking the last sentence and inserting the following: "The exclusion under section 1202 and the deduction under section 1203 shall not be taken into account."

(4) Subparagraph (C) of section 643(a)(6) is amended to read as follows:

"(C) Paragraph (3) shall not apply to a foreign trust. In the case of such a trust—

"(i) there shall be included gains from the sale or exchange of capital assets, reduced by losses from such sales or exchanges to the extent such losses do not exceed gains from such sales or exchanges, and

"(ii) the deduction under section 1203 shall not be taken into account.".

(5) Paragraph (4) of section 691(c) is amended by inserting "1203," after "1202,".

(6) Paragraph (2) of section 871(a) is amended by inserting "and 1203" after "section 1202".

(7) The table of sections for part I of subchapter P of chapter 1 is amended by adding at the end the following new item:

"Sec. 1203. Deduction for qualified timber gain.".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years ending after the date of the enactment of this Act and before January 1, 2009.

(2) TAXABLE YEARS WHICH INCLUDE DATE OF ENACTMENT.—In the case of any taxable year which includes the date of the enactment of this Act, for purposes of the Internal Revenue Code of 1986, the taxpayer's qualified timber gain shall not exceed the excess that would be described in section 1203(b) of such Code, as added by this section, if only dispositions of timber after such date were taken into account.

SA 806. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 675 submitted by Mr. THOMAS and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, strike "any other provision" and all that follows and insert the following: "any other provision of this Act, the following amounts provided in this Act are rescinded and shall be null and void:

"(1) $24,000,000 for funding sugar beets.

"(2) $3,000,000 for funding for sugar cane.

"(3) $20,000,000 for insect infestation damage reimbursements in Nevada, Idaho, and Utah.

"(4) $2,100,000,000 for crop production losses.

"(5) $1,500,000,000 for livestock production losses.

"(6) $100,000,000 for Dairy Production losses.

"(7) $13,000,000 for Ewe Lamb Replacement and Retention program.

"(8) $32,000,000 for Livestock Indemnity program.

"(9) $40,000,000 for the Tree Assistance program.

"(10) $100,000,000 million for Small Agricultural Dependent Businesses.

"(11) $6,000,000 for North Dakota flooded crop land.

"(12) $35,000,000 for emergency conservation program.

"(13) $50,000,000 for the emergency watershed program.

"(14) $115,000,000 for the conservation security program.

"(15) $18,000,000 for drought assistance in upper Great Plains/South West.

"(16) Provisions that extend the availability by a. year $3,500,000 in funding for guided tours of the Capitol. Also a provision allows transfer of funds from holiday ornament sales in the Senate gift shop.

"(17) $165,900,000 for fisheries disaster relief, funded through NOAA.

"(18) $12,000,000 for forest service money (requested by the President in the non-emergency fiscal year 2008 budget).

"(19) $425,000,000 for education grants for rural areas-(Secure Rural Schools program).

"(20) $640,000,000 for LIHEAP.

"(21) $25,000,000 for asbestos abatement at the Capitol Power Plant.

"(22) $388,900,000 for funding for backlog of old Department of Transportation projects.

"(23) $22,800,000 for geothermal research and development.

"(24) $500,000,000 for wildland fire management.

"(25) $13,000,000 for mine safety technology research.

"(26) $31,000,000 for 1 month extension of Milk Income Loss Contract program (MILC).

"(27) $50,000,000 for fisheries disaster mitigation fund.

"(28) Subsections (a) and (b) of section 1315 (Iraq withdraw).

"(29) Any provision relating to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or Hurricane Dennis emergency assistance.

"(30) $100,000,000 for the 2008 Presidential Candidate Nominating Conventions.

"(31) $660,000,000 for Aviation Security for procurement and installation related to baggage systems and air cargo security.

"(32) $850,000,000 for State and Local Programs for regional grants and technical assistance.

"(33) $15,000,000 for Research, Development, Acquisition, and Operations for air cargo research.

"(34) $39,000,000 for Research, Development, and Operations for non-container, rail, aviation and intermodal radiation detection activities.

"(35) $820,000,000 for Public Health and Social Services Emergency Fund for influenza pandemic.

"(36) $170,000,000 for State and Local Law Enforcement Assistance for discretionary grants.

"(b) Notwithstanding any other provision of this Act, the following provisions of this Act shall be null and void:

"(1) Any provision relating to the Federal minimum wage and any related changes to the Internal Revenue Code of 1986.

"(2) Sections 2704, 2705, and 2706, relating to SCHIP funding.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the Chair wishes to inform Members that the Committee on Small business and Entrepreneurship will hold a public markup entitled, "Small Business Disaster Response and Loan Improvements Act of 2007" on Thursday, March 29, 2007, at 9:30 a.m., in room 428A Russell Senate Office Building.

The Chair urges every Member to attend.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. REID. Mr. President, I ask unanimous consent that the committee on armed services be authorized to meet during the session of the Senate on March 27, 2007, at 9:30 a.m., in open and possibly executive session, to consider the following nominations: Claude M. Kicklighter to be Inspector General, Department of Defense; James R. Clapper, Jr., to be Under Secretary of Defense for Intelligence; S. Ward Casscells, MD, to be Assistant Secretary of Defense for Health Affairs; and William C. Ostendorff to be Principal Deputy Administrator, National Nuclear Security Administration.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. REID. Mr. President. I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, March 27, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building.

The purpose of this hearing is to examining competition and consumer choice in sports programming.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President, I ask unanimous consent the Committee on Finance be authorized to meet during the session on Finance on Tuesday, March 27, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Opportunities and Challenges in the U.S.-China Economic Relationship."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. REID. Mr. President. I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Tuesday, March 27, 2007, at a time to be determined as soon as a quorum is obtained during the scheduled Committee Hearing, in 215 Dirksen Senate Office Building, to consider Subcommittee Assignments for the 110th Congress.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the Employee Free Choice Act during the session of the Senate on Tuesday, March 27, 2007, at 9:30 a.m. in SD-430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. REID. Mr. President. I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on ensuring safe medicines and medical devices for children during the session of the Senate on Tuesday, March 27, 2007, at 1 p.m. in SD-430.

PRESIDING OFFICER. without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. REID. Mr. President. I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Tuesday, March 27, 2007, at 9:30 a.m. in room 418 of the Russell Building to conduct an oversight hearing on VA-

DOD Cooperation and Collaboration on Health Care Issues.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. REID. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "oversight of the Federal Bureau of Investigation" on Tuesday, March 27, 2007, at 9:30 a.m. in the Dirksen Senate Office Building, room 106.

The Honorable Robert S. Mueller III, Director, Federal Bureau of Investigation, United States Department of Justice, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. REID. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 27, 2007, at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. REID. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet during the session of the Senate on Tuesday, March 27, 2007, at 3:30 p.m., to receive a briefing on special operations command's global operations.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent that Fay Peng, a detailee with the Defense Appropriations Subcommittee, and Gary Reese of the Appropriations Committee staff be granted floor privileges during consideration of H.R. 1591, the emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that Jeremy Weirich, a detailee to the Senate Appropriations Subcommittee on Commerce, Justice, Science, and Related Agencies, be granted floor access for the duration of the Senate debate on the 2007 emergency supplemental appropriations bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

NOTICE: REGISTRATION OF MASS MAILINGS

The filing date for 2007 first quarter Mass Mailings is Wednesday, April 25, 2007. If your office did no mass mailings during this period, please submit a form that states "none."

Mass mailing registrations, or negative reports, should be submitted to the Senate Office of Public Records, 232 Hart Building, Washington, DC 20510-7116.

The Public Records office will be open from 9 a.m. to 5:30 p.m. on the filing date to accept these filings. For further information, please contact the Public Records office on (202) 224-0322.

ORDER OF PROCEDURE

Mr. REID. Mr. President, I ask unanimous consent that with respect to the agreement entered in regard to debate on Wednesday, the phrase "without intervening action or debate" be deleted.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEASURES READ THE FIRST TIME—S. 997 AND S. 1001

Mr. REID. Mr. President, it is my understanding there are two bills at the desk, and I ask for their first reading en bloc.

The PRESIDING OFFICER. The clerk will read the titles of the bills for the first time en bloc.

The legislative clerk read as follows:

A bill (S. 997) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 1001) to restore Second Amendment rights in the District of Columbia.

Mr. REID. Mr. President, I ask for a second reading en bloc, and I object to my own request en bloc.

The PRESIDING OFFICER. Objection is heard.

The bills will be read a second time on the next legislative day.

FINANCIAL LITERACY MONTH

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 126.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 126) designating April 2007 as "Financial Literacy Month."

There being no objection, the Senate proceeded to consider the resolution.

Mr. AKAKA. Mr. President, I am pleased I have submited a resolution designating April of this year as Financial Literacy Month. I thank my cosponsors, Senators DODD, CLINTON, COCHRAN, DURBIN, KOHL, KENNEDY, MENENDEZ, SCHUMER, INOUYE, STABENOW, CARDIN, LEVIN, CRAPO, DEMINT, FEINSTEIN, BAUCUS, THOMAS, LINCOLN, ALLARD, and ENZI. I am glad to work once again with my colleagues in a bipartisan manner to advance financial and economic literacy for all Americans.

As we enter into the month of April, I wish to recognize those organizations that released information last April shedding light on financial literacy in our country. This includes Junior Achievement's annual poll of teenagers on issues of personal finance, the Jumpstart Coalition for Personal Financial Literacy's survey of the financial literacy of high school seniors, and the Employee Benefit Research Institute's Retirement Confidence Survey. These surveys present deeply troubling figures that underscore the need for increased financial literacy. For instance, while 84 percent of teens with credit cards reported paying off their balance in full each month, 16 percent admitted that they were just making the minimum payments according to the Junior Achievement poll. Further, the Jumpstart survey found that most high school seniors failed a test about credit cards, retirement funds, insurance, and other personal finance basics, and the Employee Benefit Research Institute found that despite modest savings, over two-thirds of Americans are confident in their retirement. In addition to these valuable surveys, I would like to acknowledge the biennial Survey of the States published by the National Council on Economic Education. It was last released in 2005 and provided a useful update on the status of financial and economic education nationwide.

The resolution I have submitted today designates April 2007 as Financial Literacy Month, and highlights the need to promote financial literacy. To this extent, I would like to mention a few efforts that give a sense of the variety of approaches being taken to highlight financial and economic education. Here in Washington, the National Foundation for Credit Counseling will award a winner for its national poster contest later in the month. With a theme of "Plant the Seed of Saving to Grow Your Future," the contest encourages first through twelfth grade students to start thinking about how to best manage their finances. On public television, a new show, called "What's up in Finance?," created by station WNET in New York City, will premiere this April. It will help to make financial and economic education more accessible to young adults and introduce them to the range of job opportunities in finance and economics. In Santa Barbara, California, the Money Camp, in coordination with Junior Achievement and BizWorld, will host a Financial Literacy Training Intensive program. The event is intended to be the first of an annual event to provide advanced training to professionals in the area of financial education. In New Jersey, the state departments of Education and of Banking and Insurance are coordinating with banks and credit unions to bring staff from government and financial institutions who will make presentations on budgeting, saving, and credit at high schools in the State. I applaud these and other efforts taking place in April to address the need for greater financial literacy among Americans.

Increased financial and economic literacy can help people navigate around the countless pitfalls found in the marketplace. Consumers with a variety of credit histories can easily find credit in many different forms. Lenders' aggressive marketing campaigns encourage families to take on substantial debt for indulgences and luxuries, which may be harmful if families are already saddled with debt and not saving toward an education or retirement nest egg. Taking on substantial or additional debt that they cannot effectively pay back is irrational, but abusive marketing efforts have resulted in unprecedented levels of borrowing.

Although the availability of credit has grown dramatically, the understanding of financial matters has not. Consequently, we are presented with a number of worrisome statistics. During the last 2 years, Americans have on average spent more money than they make. The last year this occurred was in 1933 at the end of the Great Depression. Moreover, the household debt service ratio, which gives a sense of the proportion of disposable income people are using to pay off their debt, increased to record levels again in 2006. These findings suggest a serious problem exacerbated by the fact that most workers have not calculated how much they need to save for retirement, even if they believe they are behind schedule in their retirement.

As policymakers, we need to focus on these issues year round. However, focusing on Financial Literacy Month in April means that we have a designated part of the year when we can reassess our efforts to highlight those that worked and improve on those that have not. I urge my colleagues to support this resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table; that any statements relating to this matter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 126) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 126

Whereas the personal savings rate of people in the United States declined from minus 0.5 percent in 2005 to minus 1.0 percent in 2006, making 2005 and 2006 the only years since the Great Depression years of 1932 and 1933 when the savings rate has been negative;

Whereas the 2006 Retirement Confidence Survey conducted by the Employee Benefit Research Institute found that only 42 percent of workers or their spouses calculated how much they need to save for retirement, down from 53 percent in 2000;

Whereas consumer debt exceeded $2,400,000,000,000 in 2006;

Whereas household debt reached a record $12,800,000,000,000 in 2006;

Whereas, during the second quarter of 2006, a record high of 14.5 percent of disposable personal income went to paying the interest on personal debt;

Whereas over 1,000,000 individuals in the United States filed for bankruptcy in 2006;

Whereas nearly half of adults in the United States are not aware that they can access their credit reports for free;

Whereas, in a 2006 survey, the Jump$tart Coalition for Personal Financial Literacy found that high school seniors scored an average of only 52.4 percent on an exam testing knowledge of basic personal finance;

Whereas approximately 10,000,000 households in the United States do not have accounts at mainstream financial institutions such as banks or credit unions;

Whereas expanding access to the mainstream financial system will provide individuals with less expensive and more secure options for managing their finances and building wealth;

Whereas the 2004 Survey of the States compiled by the National Council on Economic Education found that only 17 States require an economics course to be offered to high school students;

Whereas quality personal financial education is essential to ensure that individuals are prepared to manage money, credit, and debt, and to become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas increased financial literacy empowers individuals to make wise financial decisions and reduces the confusion caused by the increasingly complex economy of the United States;

Whereas a greater understanding of, and familiarity with, financial markets and institutions will lead to increased economic activity and growth;

Whereas, in 2003, Congress found it important to coordinate Federal financial literacy efforts and formulate a national strategy; and

Whereas, in light of that finding, Congress established the Financial Literacy and Education Commission and designated the Office of Financial Education of the Department of the Treasury to provide support for the Commission: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 2007 as "Financial Literacy Month" to raise public awareness about—

(A) the importance of financial education in the United States; and

(B) the serious consequences that may result from a lack of understanding about personal finances; and

(2) calls on the Federal Government, States, localities, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate programs and activities.

NATIONAL CUSHING'S SYNDROME AWARENESS DAY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 127.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 127) designating April 8, 2007 as "National Cushing's Syndrome Awareness Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. INHOFE. Mr. President, I rise today to have proudly introduced a resolution designating April 8, 2007, as "National Cushing's Syndrome Awareness Day." I have long been dedicated to quality health care and therefore seek to raise awareness of this debilitating disorder that affects an estimated 10 to 15 people per million.

I seek your help in raising awareness of Cushing's Syndrome, which is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol. Though it can lead to death, Cushing's Syndrome often goes undiagnosed or misdiagnosed because the initial symptoms are shared with a number of milder ailments. These symptoms include, but are not limited to, abnormal weight gain, skin changes, fatigue, diabetes, high blood pressure, depression, and osteoporosis.

Cushing's Syndrome can take a variety of forms. Normally, the hypothalamus, a part of the brain which is about the size of a small sugar cube, stimulates the pituitary gland, the adrenal glands, and then the kidneys, which release cortisol into the bloodstream. High levels of cortisol can result from overproducing cortisol or from taking glucocorticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, and other inflammatory diseases.

Doctors can detect Cushing's Syndrome through a series of tests, often using x-rays to examine adrenal or pituitary glands to locate tumors. However, since awareness of the syndrome is low, doctors do not always run these tests, and patients do not know to ask for them. Therefore, treatment often comes later than it should for victims of Cushing's Syndrome. Potential treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, or reducing the dosage of glucocorticoid hormones.

The need for heightened awareness of Cushing's Syndrome was brought to my attention by constituents who suffer from this dangerous disease. For the sake of these individuals and for the benefit of sufferers in your own State and around the Nation, I ask you to join me in this effort to raise awareness of Cushing's Syndrome.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 127) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 127

Whereas Cushing's Syndrome annually affects an estimated 10 to 15 people per million, most of whom are currently between the ages of 20 and 50;

Whereas Cushing's Syndrome is an endocrine or hormonal disorder caused by prolonged exposure of the body's tissue to high levels of the hormone cortisol;

Whereas exposure to cortisol can occur by overproduction in the body or by taking glucocrticoid hormones, which are routinely prescribed for asthma, rheumatoid arthritis, lupus, or as an immunosuppressant following transplantation;

Whereas the syndrome may also result from pituitary adenomas, ectopic ACTH syndrome, adrenal tumors, and Familial Cushing's Syndrome;

Whereas Cushing's Syndrome can cause abnormal weight gain, skin changes, and fatigue and ultimately lead to diabetes, high blood pressure, depression, osteoporosis, and death;

Whereas Cushing's Syndrome is diagnosed through a series of tests, often requiring x-ray examinations of adrenal or pituitary glands to locate tumors;

Whereas many people who suffer from Cushing's Syndrome are misdiagnosed or go undiagnosed for years because many of the symptoms are mirrored in milder diseases, thereby delaying important treatment options;

Whereas treatments for Cushing's Syndrome include surgery, radiation, chemotherapy, cortisol-inhibiting drugs, and reducing the dosage of glucocorticoid hormones;

Whereas Cushing's Syndrome was discovered by Dr. Harvey Williams Cushing, who was born on April 8th, 1869;

Whereas the Dr. Harvey Cushing stamp was part of the United States Postal Service's "Great American" series, initiated in 1980 to recognize individuals for making significant contributions to the heritage and culture of the United States;

Whereas President Ronald Reagan spoke on April 8, 1987, in the Rose Garden at a White House ceremony to unveil the commemorative stamp honoring Dr. Harvey Cushing;

Whereas following the ceremony, President Reagan hosted a reception in the State Dining Room for Mrs. John Hay Whitney, Dr. Cushing's daughter, and representatives of the American Association of Neurological Surgeons; and

Whereas the Senate is an institution that can raise awareness in the general public and the medical community of Cushing's Syndrome; Now, therefore, be it

Resolved, That the Senate—

(1) designates April 8, 2007, as "National Cushing's Syndrome Awareness Day";

(2) recognizes that all Americans should become more informed and aware of Cushing's Syndrome;

(3) Calls upon the people of the United States to observe the date with appropriate ceremonies and activities; and

(4) directs the Secretary of the Senate to transmit a copy of this resolution to the Cushing's Understanding, Support & Help Organization.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 128.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 128) to authorize testimony, document production, and legal representation in United States v. Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony, documents, and representation in an action pending in Federal district court in Albuquerque, NM. In this action, antiwar protesters have been charged with failure to comply with official signs and directions for refusing repeated requests by law enforcement officials and building management to leave the office building housing Senator PETE DOMENICI's Sante Fe, NM, office on September 26, 2006. A trial of these defendants is scheduled to commence on April 12, 2007. The prosecution has requested that a member of the Senator's staff who had conversations with the defendants during the events in question testify and produce any relevant documents. Senator DOMENICI would like to cooperate by providing testimony and any relevant documents from his staff. This resolution would authorize that staff member, and any other employee of Senator DOMENICI's office from whom evidence may be required, to testify and produce documents in connection with this action, with representation by the Senate legal counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 128) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 128

Whereas, in the case of *United States* v. *Philip G. Balcombe, Sani G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller*, Cr. No. 07-207, pending in federal district court in Albuquerque, New Mexico, testimony and documents have been requested from Maggie Murray, an employee in the office of Senator Pete Domenici;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved that Maggie Murray and any other employees of Senator Domenici's office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the case of *United States* v. *Philip G. Balcombe, Sansi G. Coonan, John S. Dear, Jan Lustig, Michella A. Marusa, Martin J. Ryan, Eleanore M. Vouselas, and Bruno Keller*, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Maggie Murray and other employees of Senator Domenici's staff in the actions referenced in section one of this resolution.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 129 which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 129) to authorize testimony, document production, and legal representation in State of Alaska v. Robert S. Mulford and Don G. Muller.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for testimony, documents, and representation in actions pending in state court in Fairbanks, AK. In these actions, two antiwar protesters have been charged with criminal trespass for refusing repeated requests by building management and local police to leave Senator TED STEVENS' Fairbanks, AK office on February 20, 2007. A trial of these defendants is scheduled to commence on April 5, 2007. The prosecution has subpoenaed testimony and documents from a member of the Senator's staff who had conversations with the defendants during the events in question. Senator STEVENS would like to cooperate by providing testimony and any relevant documents from his staff. This resolution would authorize that staff member, and any other employee of Senator STEVENS' office from whom evidence may be required, to testify and produce documents in connection with this action, with representation by the Senate Legal Counsel.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD, and that there be no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 129) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 129

Whereas, in the cases of State of Alaska v. Robert S. Mulford (Cr. No. 4FA–07–547) and Don G. Muller (Cr. No. 4FA–07–548), pending in state court in Fairbanks, Alaska, testimony and documents have been requested from Diane Hutchison, an employee in the office of Senator Ted Stevens;

Whereas, pursuant to sections 703(a) and 704(a)(2) of the Ethics in Government Act of 1978, 2 U.S.C. §§288b(a) and 288c(a)(2), the Senate may direct its counsel to represent employees of the Senate with respect to any subpoena, order, or request for testimony relating to their official responsibilities;

Whereas, by the privileges of the Senate of the United States and Rule XI of the Standing Rules of the Senate, no evidence under the control or in the possession of the Senate may, by the judicial or administrative process, be taken from such control or possession but by permission of the Senate;

Whereas, when it appears that evidence under the control or in the possession of the Senate may promote the administration of justice, the Senate will take such action as will promote the ends of justice consistent with the privileges of the Senate: Now, therefore, be it

Resolved, That Diane Hutchison and any other employees of Senator Stevens' office from whom testimony or the production of documents may be required are authorized to testify and produce documents in the cases of State of Alaska v. Robert S. Mulford and Don G. Muller, except concerning matters for which a privilege should be asserted.

SEC. 2. The Senate Legal Counsel is authorized to represent Diane Hutchison and other employees of Senator Stevens' staff in the actions referenced in section one of this resolution.

TO AWARD A CONGRESSIONAL GOLD MEDAL TO MICHAEL ELLIS DEBAKEY, M.D.

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Banking, Housing and Urban Affairs be discharged from further consideration of S. 474 and that the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 474) to award a congressional gold medal to Michael Ellis DeBakey, M.D.

There being no objection, the Senate proceeded to consider the bill.

Mrs. HUTCHISON. Mr. President, today the Senate will unanimously pass S. 474, a bill I introduced to award a Congressional Gold Medal—the highest civilian award which may be bestowed by the United States Congress—to my dear friend, Dr. Michael DeBakey. I thank my colleagues for joining me in recognizing and honoring Dr. Deakey for his lifetime of medical achievement and public service. I would especially like to thank my friend and colleague from Louisiana, Senator MARY LANDRIEU. She joined me in circulating a letter to our Senate colleagues on this bill, and she was very helpful in gathering key co-sponsors needed to pass this legislation today.

Dr. DeBakey is currently in Texas recovering from the very type of heart operation he pioneered. At the age of 98, he is the oldest survivor of the operation he developed to repair a damaged aorta, the main artery from the heart. I certainly wish him well as he continues to recover from this major operation. I would also like to take this opportunity to thank him once again for his lifetime of commitment and service not only to the medical community but to the world and strongly encourage my colleagues in the House of Representatives to pass this legislation as soon as possible.

I ask unanimous consent that the text of the Dear Colleague letter for S. 474 be printed in the RECORD, and I request that Senator LANDRIEU be added as an original cosponsor of this bill because without her help, this bill would not have passed.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
Washington, DC, March 6, 2007.

DEAR COLLEAGUE: Please join us in recognizing Dr. Michael DeBakey, a public servant and world-renowned cardiologist, for his many outstanding achievements in the field of medicine. We encourage you to co sponsor S. 474, a bill to award Dr. DeBakey the Congressional Gold Medal. This is the highest award which may be bestowed by the United Stated Congress, and Dr. DeBakey is most deserving.

Dr. Michael DeBakey, a native of Louisiana and graduate of the Tulane University School of Medicine, is a pioneer in every sense of the word. His long and distinguished career has impacted nearly every aspect of modern medicine.

When he was just 23 years old and still attending medical school, Dr. DeBakey developed a roller pump for blood transfusions—the precursor and major component of the heart-lung machine used in the first open-heart operation. During his service in World War II, Dr. DeBakey observed soldiers dying on the battlefield who he believed could be saved. From that experience he made numerous recommendations to improve the military's medical procedures, including the development of mobile army surgical hospitals, better known as MASH units. These efforts earned him the Legion of Merit in 1945. Dr. DeBakey later helped establish the specialized medical and surgical centers system for treating military personnel returning from the war, which subsequently became the Veterans Affairs Medical Center System.

In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he started its first surgical residency program and was later elected the first President of Baylor College of Medicine. Adding to his list of accomplishments, Dr. DeBakey performed the first successful procedure to treat patients with aneurysms, performed the first successful coronary bypass surgery, and he was the first to successfully implant a partial artificial heart.

Dr. DeBakey continued to amaze the medical world when he pioneered the field of telemedicine by performing the first open-heart surgery transmitted over satellite and later when he supervised the first successful multi-organ transplant, where a heart, both kidneys and a lung were transplanted from a single donor into four separate recipients. Most recently, Dr. DeBakey worked with NASA engineers to develop the DeBakey Ventricular Assist Device, which may eliminate the need for some patients to receive heart transplants.

These accomplishments have led to national recognition. Dr. DeBakey has received both the Presidential Medal of Freedom with Distinction from President Lyndon Johnson and the National Medal of Science from President Ronald Reagan.

Dr. DeBakey's efforts and innovative surgical techniques have saved the lives of thousands, if not millions, of people. We hope you will join us in recognizing Dr. DeBakey's profound impact on the field of medicine and how we care for our veterans, by co-sponsoring legislation to award him the Congressional Gold Medal. If you wish to co-sponsor or have any questions about this legislation, please contact Chad Heflin at (202) 224–5922.

Sincerely,

KAY BAILEY HUTCHISON.
MARY LANDRIEU.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and that any statements relating to this matter be printed at the appropriate place in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 474) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 474

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. FINDINGS.

The Congress makes the following findings:

(1) Michael Ellis DeBakey, M.D., was born on September 7, 1908, in Lake Charles, Louisiana, to Shaker and Raheeja DeBakey.

(2) Dr. DeBakey, at the age of 23 and still a medical student, reported a major invention, a roller pump for blood transfusions, which later became a major component of the heart-lung machine used in the first successful open-heart operation.

(3) Even though Dr. DeBakey had already achieved a national reputation as an authority on vascular disease and had a promising career as a surgeon and teacher, he volunteered for military service during World War II, joining the Surgeon General's staff and rising to the rank of Colonel and Chief of the Surgical Consultants Division.

(4) As a result of this first-hand knowledge of military service, Dr. DeBakey made numerous recommendations for the proper staged management of war wounds, which

led to the development of mobile army surgical hospitals or "MASH" units, and earned Dr. DeBakey the Legion of Merit in 1945.

(5) After the war, Dr. DeBakey proposed the systematic medical follow-up of veterans and recommended the creation of specialized medical centers in different areas of the United States to treat wounded military personnel returning from war, and from this recommendation evolved the Veterans Affairs Medical Center System and the establishment of the Commission on Veterans Medical Problems of the National Research Council.

(6) In 1948, Dr. DeBakey joined the Baylor University College of Medicine, where he developed the first surgical residency program in the city of Houston, and today, guided by Dr. DeBakey's vision, the College is one of the most respected health science centers in the Nation.

(7) In 1953, Dr. DeBakey performed the first successful procedures to treat patients who suffered aneurysms leading to severe strokes, and he later developed a series of innovative surgical techniques for the treatment of aneurysms enabling thousands of lives to be saved in the years ahead.

(8) In 1964, Dr. DeBakey triggered the most explosive era in modern cardiac surgery, when he performed the first successful coronary bypass, once again paving the way for surgeons worldwide to offer hope to thousands of patients who might otherwise succumb to heart disease.

(9) Two years later, Dr. DeBakey made medical history again, when he was the first to successfully use a partial artificial heart to solve the problems of a patient who could not be weaned from a heart-lung machine following open-heart surgery.

(10) In 1968, Dr. DeBakey supervised the first successful multi-organ transplant, in which a heart, both kidneys, and lung were transplanted from a single donor into 4 separate recipients.

(11) In 1964, President Lyndon B. Johnson appointed Dr. DeBakey to the position of Chairman of the President's Commission on Heart Disease, Cancer and Stroke, leading to the creation of Regional Medical Programs established "to encourage and assist in the establishment of regional cooperative arrangements among medical schools, research institutions, and hospitals, for research and training".

(12) In the mid-1960s, Dr. DeBakey pioneered the field of telemedicine with the first demonstration of open-heart surgery to be transmitted overseas by satellite.

(13) In 1969, Dr. DeBakey was elected the first President of Baylor College of Medicine.

(14) In 1969, President Lyndon B. Johnson bestowed on Dr. DeBakey the Presidential Medal of Freedom with Distinction, and in 1985, President Ronald Reagan conferred on him the National Medal of Science.

(15) Working with NASA engineers, he refined existing technology to create the DeBakey Ventricular Assist Device, one-tenth the size of current versions, which may eliminate the need for heart transplantation in some patients.

SEC. 2. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President Pro Tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design, to Michael Ellis DeBakey, M.D., in recognition of his many outstanding contributions to the Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (referred to in this Act as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions to be determined by the Secretary.

SEC. 3. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 2 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 4. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of sections 5134 and 5136 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 5. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 3 shall be deposited into the United States Mint Public Enterprise Fund.

OLDER AMERICANS REAUTHORIZATION TECHNICAL CORRECTIONS ACT

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1002 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

> A bill (S. 1002) to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the Older Americans Technical Corrections Act of 2007 that I introduced today with Senator ENZI and Senator ROBERTS will restore States' ability to obtain Department of Agriculture commodities under the Nutrition Services Incentive Program. Through this program seniors obtain their meals through organizations in the community such as Meals on Wheels.

Last year, during the Older Americans Act Reauthorization negotiations, the Department of Agriculture asked Congress to make a change to this program. It was not made clear to us at the time that, under this change, States could not continue to receive commodities through the Department of Agriculture.

Without this correction, thousands of seniors in Massachusetts and a number of other States will be affected. Department of Agriculture commodities are much less expensive than what States can purchase on the commercial market and are of higher quality. And they're less expensive. The State distributing agency in Massachusetts has calculated that purchasing similar commodities would cost $1 million more a year which would lead to 500,000 fewer meals served.

Six States in addition to Massachusetts have been obtaining USDA commodities for several years. The program is especially important to our States, to their partners, and to the seniors who obtain their meals through this program.

I urge our colleagues in both the Senate and the House to pass this legislation without delay.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to this matter be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1002) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Reauthorization Technical Corrections Act".

SEC. 2. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), as amended by section 309 of the Older Americans Act Amendments of 2006, is further amended—

(1) by striking subsection (b)(3);

(2) by striking subsection (d) and inserting the following:

"(d)(1) Each State agency and each title VI grantee shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain, subject to paragraphs (2) and (3), from the Secretary of Agriculture commodities available through any food program of the Department of Agriculture at the rates at which such commodities are valued for purposes of such program.

"(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

"(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall transfer funds to the Secretary of Agriculture for the costs of commodities received by such State agency or grantee, and expenses related to the procurement of the commodities on behalf of such State agency or grantee, under this subsection, and shall then pay the balance (if any) to such State agency or grantee. The amount of funds transferred for the expenses related to the procurement of the commodities shall be mutually agreed on by the Secretary and the Secretary of Agriculture. The transfer of funds for the costs of the commodities and the related expenses shall occur in a timely manner after the Secretary of Agriculture submits the corresponding report described in paragraph (2), and shall be subject to the availability of appropriations. Amounts received by the Secretary of Agriculture pursuant to this section to make commodity purchases for a fiscal year for a State agency or title VI grantee shall remain available, only for the next fiscal year, to make commodity purchases for that State agency or grantee pursuant to this section.

"(4) Each State agency and title VI grantee shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase domestically produced foods for their nutrition projects.

"(5) Nothing in this subsection shall be construed to require any State agency or title VI grantee to elect to receive cash payments under this subsection."; and

(3) by striking subsection (f) and inserting the following:

"(f) In each fiscal year, the Secretary and the Secretary of Agriculture shall jointly disseminate to State agencies, title VI grantees, area agencies on aging, and providers of nutrition services assisted under this title, information concerning the foods available to such State agencies, title VI grantees, area agencies on aging, and providers under subsection (c).".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 2 shall take effect beginning with fiscal year 2008.

(b) APPLICATION PROCESS.—Effective on the date of enactment of this Act, the Secretary of Agriculture shall take such actions as will enable State agencies and title VI grantees described in section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) to apply during fiscal year 2007 for allotments under such section for fiscal year 2008.

UNANIMOUS CONSENT AGREEMENT—SECOND-DEGREE AMENDMENTS

Mr. REID. Mr. President, I ask unanimous consent that second-degree amendments may be filed until 10:30 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR WEDNESDAY, MARCH 28, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m. tomorrow morning, Wednesday, March 28; that following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day, and that the Senate then resume consideration of H.R. 1591, as provided under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I appreciate everybody's patience in getting to this point. There has been a lot of down time, but it was necessary in order to be at a point where we could proceed in an appropriate manner tomorrow.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. REID. Mr. President, if there is no further business today, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:01 p.m., adjourned until Wednesday, March 28, 2007, at 10 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Tuesday, March 27, 2007:

THE JUDICIARY

GEORGE H. WU, OF CALIFORNIA, TO BE UNITED STATES DISTRICT JUDGE FOR THE CENTRAL DISTRICT OF CALIFORNIA.

HOUSE OF REPRESENTATIVES—*Tuesday, March 27, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Ms. BERKLEY).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 27, 2007.

I hereby appoint the Honorable SHELLY BERKLEY to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Illinois (Mr. WELLER) for 5 minutes.

DEMOCRAT TAX INCREASES IN OUR FUTURE

Mr. WELLER of Illinois. Madam Speaker, this week the House is going to be taking up the budget and there is nothing more basic in the fundamental process of being a legislator than the budget. What is written in the budget says a lot. In fact, the budget is really a defining difference when you put forward your budget.

The Democratic leadership is planning to bring their partisan Democratic budget to the floor. Again when you get down to basics, the differences are pretty clear because what is in the Democrat leadership's budget that they are bringing to the floor today is the biggest tax increase in the history of our Nation. Think about that. Can we really afford to tax the middle class more.

In their first order of business in the 110th Congress, the Democrats made it easier to raise taxes. When Republicans were in the majority, we said you couldn't raise taxes unless you had a two-thirds vote. The Democrats eliminated that because they wanted to make it easier to raise taxes. They have eliminated that rule.

They have shown their agenda before. Back when the Democrats were in the majority back when President Clinton called for a big tax increase, the Democrats followed and they rubber-stamped a tax increase at that time, which was the biggest tax increase in the history of our Nation, a $240 billion tax increase on the American people.

Just this past week, the Democrats outdid themselves. In fact, they brought an even bigger tax increase to the floor that we are going to debate this week. It was $240 billion 13 years ago, today it is a $400 billion tax increase. They plan to raise the tax on every taxpayer; man, woman, child, married, if you die, you are going to pay more in taxes under the Democrat budget.

In fact, if you are a typical couple in the district I represent making $60,000 a year, mom, dad and two kids, you will pay on average $2,000 more in higher taxes. That is a 60 percent increase in higher taxes called for in the Democrat budget.

In 2001 and 2003, Republicans worked with the President. We worked to eliminate unfairness in the Tax Code. We worked to lower taxes for the middle class. We succeeded in 2001 and 2003 in reducing taxes for a typical American family. And again, for a family making about $60,000 a year, those tax cuts meant about $2,000 more in higher take-home pay. That is money they can spend on their own needs.

In my home State of Illinois, 4.2 million taxpayers benefited from the creation of a new, lower tax bracket. We lowered taxes for everyone, but for lower income Americans, we created a 10 percent tax bracket. Today, 5 million Americans no longer pay Federal taxes because of that new tax bracket; and 1.4 million taxpayers benefited from our efforts to eliminate the marriage tax penalty. We increased the child tax credit benefiting 1.3 million Illinoisans.

We also passed into law my legislation which eliminated the marriage tax penalty. I stood on this floor day after day after day and I asked a pretty fundamental question: Is it right, is it fair that our Tax Code punishes the most basic institution in our society, which is marriage. And in 2001 we passed the Marriage Tax Elimination Act. That was our third try. Twice we passed the Marriage Tax Elimination Act, eliminating the marriage tax penalty, a tax on marriage and President Clinton vetoed that twice. President Bush signed it into law.

But today, millions of couples, in fact 24 million married working couples no longer pay the marriage tax penalty thanks to that legislation being signed into law. Unfortunately, the Democrats want to bring the marriage tax penalty back. In fact, you will hear some this week say "they are probably rich" because if they pay the marriage tax penalty, they must be rich.

Well, under their legislation this week, 23 million typical married couples in America will see their taxes go up just from the marriage tax penalty alone of almost $500 more in higher taxes just because they are married. Is that right? Is that fair?

We worked to benefit all taxpayers by lowering taxes in 2001 and 2003. Now the Democrats, they want to come back and they want to raise taxes on all taxpayers, including reinstating the marriage tax penalty.

COMMENDING MATHEMATICAL BREAKTHROUGH

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from California (Mr. MCNERNEY) is recognized during morning hour debates for 5 minutes.

Mr. MCNERNEY. Madam Speaker, the American Institute of Mathematics, MIT, Cornell University, University of Michigan, University of Utah, and the University of Maryland together created a mathematical breakthrough this week made possible by congressional support of the National Science Foundation.

The breakthrough involves defining the detailed structure of a geometric object called E8, the largest of the exceptional Lie groups used to study symmetry. E8, one of the most complicated structures ever studied, is a 248-dimensional Lie group used to explore the symmetries of a 57-dimensional object. Mapping out such an object is a magnificent achievement of the human mind.

Connections between E8 and string theory indicate that physical applications of E8 will eventually emerge.

The participants are to be commended for their work that has expanded the limits of human knowledge and brings hitherto unknown beauty and power to grace our human condition.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

GENETIC INFORMATION NONDISCRIMINATION ACT OF 2007

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the gentleman from Florida (Mr. STEARNS) is recognized during morning hour debates for 5 minutes.

Mr. STEARNS. Madam Speaker, last week the Energy and Commerce Committee marked up H.R. 493, Genetic Information Nondiscrimination Act. Two other committees of jurisdiction have also voted on this same bill.

Many people have been remarking that we have been working for over a dozen years on this particular piece of legislation and this subject. I count myself among them because in 1995 I was proud to be named the first chair of the Congressional Task Force on Medical Records and Genetics by then-Commerce Committee Chairman Tom Bliley. Indeed, in the Health Insurance Portability and Accountability Act of 1996 (HIPAA) markup, I was successful in adding two words to a list of protections: "Genetic information," which is in the HIPAA law today.

I have continued my engagement, authoring bills in the last several Congresses to prohibit genetic nondiscrimination in health insurance. While I agree conceptually with the intent, this particular piece of legislation I have mentioned earlier, gives rise to many concerns.

First, I can support legislation which would surgically target what people are fearing: They worry about being excluded or charged a higher rate from a health insurance agent or fired or not hired in the first place by an employer because of predictive, speculative genetic information that in no way exhibits in their current health status.

However, with the wording "request or require," which is in the bill, this bill goes beyond that to cast a shadow upon any use of genetic information by a health plan or physician. This bill should ban misuse of genetic information, but not impede the flow of information between provider, patient and plan.

Let's not stifle health services, pharmacies, health records services, health counseling or health education. I think we should not fear beneficial, patient-friendly medical opportunities. We should harness those, while drawing a tighter box around the misuses that are feared. Ban misuses, not ban all uses.

Secondly, I am troubled by the rather murky, broad definitions in this legislation. In particular, by the definitions of "genetic test" and "genetic information." This legislation does not clarify that information regarding current health status is not exempted by the bill's prohibition. For example, the mere fact that someone has an O or AB blood type, also detects that person has the O or AB genotype, which under the definition of this bill is a genetic test. This bill could ensnare the most routine lab test of a health exam: A blood panel to check for heart, kidney or liver functioning.

And beyond health applications, at the Health Subcommittee March 13 hearing, Dr. Francis Collins, head of the National Human Genome Research Institute, acceded as much. When Ranking Member NATHAN DEAL questioned him if this bill, GINA, covers certain tests, Dr. Collins answered: "To the extent that those tests are conducted in a way that conducts genotypes, mutations, or chromosomal changes, they would qualify as a genetic test." These include forensic DNA identification tests, tests for organ donors to match organ tissues, paternity tests, and tests to select safer and more effective drugs based on your genetic profile. For example, if the bill means to sweep in genetic tests performed on cancer tumors, it will prevent tests such as Her 2 genetic tests given to women with breast cancer, designed to determine if their tumors are responsive to drug therapy. Such therapy is both risky and very costly for patients without such a specific gene marker.

In the employment setting, this bill muddies what an employer will be able to do in a worker's compensation or occupational substance abuse situation; very important. Currently, an employer has the right, in fact, the legal responsibility, to conduct drug tests in the name of public safety for cause, and to examine medical records in a work comp case to determine the nature of an injury. If a blood test, therefore a genetic test, is included in the medical record, a hapless employer could have an unintentional disclosure on their hands.

Finally, it is unclear if this legislation will preempt or create an unworkable patchwork with the nearly 40 States' genetic bans.

Most have a bright line distinction between "current health" versus "genetic", and excluding paternity and forensic uses. Florida's law does. And, the author of the legislation, Representative SLAUGHTER, did herself include current health wording in prior versions of her legislation.

Genetic information is personal, powerful, permanent, and sensitive. Let us continue to work to make this bill a tool for protecting Americans against ill uses of their genetic profile, while not impeding the flow of information, routine employment activity, and the delivery of health care.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 45 minutes a.m.), the House stood in recess until noon.

□ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Reverend Roy Smith, Arkansas Conference of the United Methodist Church, Little Rock, Arkansas, offered the following prayer:

Our holy and gracious God, we are grateful to be here in this place today. These Representatives have been entrusted by the citizens of this country to govern our Nation. In the midst of a world of rapid change, of challenge, of diversity and need, this is a solemn and daunting task. It is an extraordinary responsibility and challenge which calls for courage and conviction, integrity and honor, understanding and compassion, intelligence and commitment.

As these Members of Congress gather today to do the important work before them, O God, in Your grace draw near. Send us Your compassion, Your courage, Your wisdom, Your strength and Your understanding. May the will and work of this House be carried out so the people of this land may live in freedom and hope and share in your bountiful blessings. May our Nation be a beacon of freedom and hope in the world today.

We pray in Your holy name. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from North Carolina (Mr. MCHENRY) come forward and lead the House in the Pledge of Allegiance.

Mr. MCHENRY led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING THE REVEREND ROY SMITH

(Mr. ROSS asked and was given permission to address the House for 1 minute.)

Mr. ROSS. Madam Speaker, I rise today to recognize Reverend Roy P. Smith of Little Rock, Arkansas. I first met Roy in 1992 when he moved to my hometown of Prescott, Arkansas, to lead the church that my family and I belong to, the First United Methodist Church of Prescott. During his 3 years in my hometown, Roy was my pastor, my spiritual adviser, and a leader in our community. By the time Roy, along with his wife Sandy, daughter Martha Helen and son Andrew left Prescott to move on to their next assignment up the road in Malvern, Arkansas, Roy had become one of my closest and most trusted personal friends.

My family and the Smith family will be forever linked together by a strong and lasting bond of friendship, and it is a distinct pleasure to have Reverend Roy Smith here today to open this legislative day in the United States House of Representatives with his thoughtful and meaningful words of prayer. As we go about doing the work of the people, may we remember the prayer Reverend Roy Smith delivered on the floor of the U.S. House of Representatives this day.

THE BUDGET

(Mr. MCHENRY asked and was given permission to address the House for 1 minute.)

Mr. MCHENRY. Mr. Speaker, the Democrats are setting some records this week, but these are not landmarks we should be proud of. In fact, it won't make the Democrats famous, but it will most certainly make them infamous.

The Democrats are poised to pass a $392 billion tax increase on this House floor, the largest tax increase in American history. Rewind to 1993, the last time the Democrats had control of this House Chamber, and what did they do? They proposed the largest tax increase in American history. They're one-upping their own history.

It's amazing, Mr. Speaker. That means 115 million Americans will see taxes increased on average by $1,795. This isn't chump change. It's real money to the American people.

And why do Democrats feel they're entitled to this money? Because that's what they do. They're Democrats. They tax. They spend. It's not a new idea. They've been at it for 70 years. If it weren't so infuriating, it would just simply be so sad.

IRAN

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. The President's threat of the use of military force against Iran is an impeachable offense. When our Commander in Chief says all options are on the table, it is unmistakable. That means a military strike, even the use of nuclear weapons. Instead of inviting calamity upon himself, our Nation and the world, President Bush should reopen serious diplomatic negotiations with Iran to de-escalate tensions and resolve all issues, including Iran's use of nuclear power.

We must reject the idea that war is inevitable and that war is diplomacy by another means and work to remove the barriers of misunderstanding between Iran and the U.S. and Iran and the region.

Instead of making statements or passing resolutions which sets the stage for conflict with Iran, Members of Congress should convene to seek a way to avert military conflict with Iran.

I will be contacting my colleagues to discuss how we can create a course of action which creates peace through integrating Iran with the world community and addresses all issues which are at the core of the conflict.

BARBECUE KILLER

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, Tynesha Stewart, a 19-year-old freshman at Texas A&M, was looking forward to spring break and coming home to Houston to visit with her mother.

There was one problem with coming home, however. Her possessive ex-boyfriend Timothy Shepherd would not leave her alone. Tynesha knew that he would contact her, even though she had repeatedly told him she wanted to move on. He and his male ego refused to accept this.

On March 15, Tynesha made one final attempt to cut the ties with this harasser. She told him that she was seeing someone else and that it was over. Shepherd decided if he could not have her, no one would, and he strangled this young college student.

This was not the end of his barbaric acts. He needed to get rid of her body, so he dismembered Tynesha and then he barbecued her on his apartment patio grill. The burning of her body took 2 full days. Shepherd did all this to the person he claimed he loved.

Timothy Shepherd has been charged with murder for his grisly crimes. The people of Texas will properly decide what to do with this barbecue killer.

Love is not harassment, control, or abuse. You never hurt someone you claim you love. And if you do, woe to you, because justice will rule the day.

And that's just the way it is.

DEMOCRATIC BUDGET IS BALANCED WITHIN THE NEXT 5 YEARS AND INVESTS IN OUR CHILDREN

(Ms. SOLIS asked and was given permission to address the House for 1 minute.)

Ms. SOLIS. Mr. Speaker, a budget is a blueprint of a party's values. This week, Democrats will bring a budget to the House floor that cares for our children and our families without raising taxes.

For the first time in 6 years, we have an opportunity to pass a budget that actually finds balance in the next 5 years, something that Republicans never did while they controlled the House and something the President continues to refuse to do. We want to get our fiscal house in order so that our children are not forced to pay off our debts decades from now. At the same time we are paying down our debt, we also invest in our children, making sure they have access to quality health care and to quality education.

The Democratic budget substantially increases the S-CHIP program, which will allow our States to insure millions of children who are now uninsured. In California, it is known as the Healthy Families program. We also provide $7.9 billion over the President's budget for education funding, which includes No Child Left Behind, special education and helping students better afford college.

Mr. Speaker, the Democratic budget values our children and puts them first while investing in our country.

THE FEDERAL BUDGET

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Right now, taxpayers in south central Michigan are making tough choices every day to ensure their family budgets are balanced. They do so by cutting spending and having fiscal discipline. It's time we make these same commonsense choices on a Federal level.

This week in the House, we will begin debating a budget plan for the fiscal year 2008. A budget proposal introduced by my colleagues on the opposite side of the aisle would impose the largest tax increase in American history, nearly $400 billion over the next 5 years. Their plan would institute a $3,000 tax increase for every typical Michigander and put off needed entitlement reform for at least another 5 years.

Congress needs to pass a balanced budget bill without raising taxes. We need to make tax relief permanent for hardworking American families and reform unsustainable entitlements. The American people long for a Congress that puts our fiscal house in order on a Federal level, but they want this done without expanding the size and scope of the Federal Government.

I urge my colleagues to oppose any budget plan that proposes a "spend now, reform later" mentality.

PRESIDENT REFUSES TO CHANGE COURSE AND CALLS HOUSE ACTION POLITICAL THEATER

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, last week the Democratic House delivered on its promise to move the Iraq war in a new direction. We approved a very serious piece of legislation that includes the recommendations of the President, the nonpartisan Iraq Study Group and the Pentagon. The President responded to our action by describing it as political theater and threatening a Presidential veto.

How can this be political theater if we are putting some real teeth into the benchmarks that the President himself established for the Iraqi government earlier this year? Let's not forget the President's own words: "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended. If the Iraqi government does not follow through on its promises, it will lose the support of the American people," said President Bush. Those were his words.

This legislation passed last week puts in law the President's demands that the Iraqis meet his benchmarks. You would think the President would support such action. Instead, he calls it political theater. So much for holding the Iraqi government accountable. The President should reconsider his veto threat. It could be the theater of the absurd.

HOUSE OVERSIGHT OF BUSH ADMINISTRATION IS LEADING TO RESULTS IN THE U.S. ATTORNEYS SCANDAL

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Mr. Speaker, they say when you have bad news, get it out on Friday night. That's exactly what happened last Friday when the Justice Department released documents indicating that Attorney General Gonzales led a meeting of top aides to discuss the firing of U.S. Attorneys. This document completely contradicts the Attorney General's own statement that he did not participate in any discussion and only had cursory knowledge of the U.S. Attorney dismissals.

The Attorney General's contradictions were followed yesterday by a Justice Department official taking the fifth and refusing to testify. This is unacceptable, particularly after Gonzales himself said that all Justice Department officials would be made available to Congress.

The administration needs to make Justice Department and White House officials available to Congress so that we can continue to provide oversight. This Congress will continue to ask tough questions so that we may ensure U.S. Attorneys are free from political pressure.

THE DEMOCRATIC BUDGET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. George Bush and the Republicans have spent our country to the verge of bankruptcy. They have doubled our foreign debt. They have increased our national debt by 60 percent. George Bush has accumulated more debt than every President who preceded him in the United States of America and they have done it on the credit card.

And guess who is going to get the bill in their world after they eliminate taxes for the wealthy? It's going to be the middle class, and they're going to get hit twice. They're going to get the bill, and their kids and grandkids are going to get the bill. And the programs that middle-income Americans need like tuition assistance for their kids to go to college, the Bushies cut those. That's their sense of fiscal responsibility.

The other side over here, the gentleman from North Carolina is saying, oh, the largest tax increase in history.

No. We're allowing the tax cuts for the wealthiest among us, people who earn over $250,000 a year, people who have estates worth more than $5 million, we're asking that once again they pay their fair share. There will not be a penny increase on middle-income families. They can make up anything they want, but it's not true.

But, yes, the wealthy would pay a little bit more. That's why they're squealing so much, because the Republicans get their money from the wealthy to try and maintain control of our country.

□ 1215

SALUTE TO CORPORAL FLETCHER

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, "hero" is not a label that should be employed carelessly, and in a time when our country has many heroes serving abroad, I rise today to honor a hero at home: Corporal Ronald Fletcher.

A member of the Jefferson County Sheriffs Department, Corporal Fletcher was pursuing a burglary suspect into a home last month when he was shot twice in the chest and once in the arm.

At only 26 years old, he lay seriously wounded in the house with the suspect until his fellow deputies were able to remove him safely.

Today, just one short month after the incident, I am proud to share that Corporal Fletcher is home and well on his way to recovery. As a testimony to his profound sense of duty, he recently complained about being bored in his home full of fruit baskets and is eager to return to service.

Mr. Speaker, I salute the heroism of Corporal Fletcher and the valor of the Jefferson County Sheriffs Department. West Virginia is sincerely grateful for their service.

RESTORING FISCAL RESPONSIBILITY

(Mr. YARMUTH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. YARMUTH. Mr. Speaker, for too long, many of America's toughest challenges have gone unaddressed while massive debt was piled on the backs of our young generations.

Now, this Democratic-led House has proposed a budget that takes our Nation in a new direction and reaches balance in 5 years while lowering the deficit. By contrast, the President's proposed budget does not achieve balance at all, despite his promises to do so.

The House budget also puts in place pay-as-you-go spending principles, finally requiring our government to balance and prioritize spending the way all American families must do. Restoring fiscal integrity is not only good for the budget's bottom line, but it is also important in protecting our national security, since much of our Nation's debt is owed to foreign governments.

Mr. Speaker, the Democratic budget resolution begins the process of restoring fiscal integrity to the leftover Republican mess of reckless spending and massive deficits. It is time for a balanced budget that meets the needs of American families without mortgaging our future to foreign interests.

DEMOCRATS' MANY ACCOMPLISHMENTS IN 110TH CONGRESS

(Mr. PERLMUTTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PERLMUTTER. Mr. Speaker, over the last 3 months, this new Democratic House has paved the way for a new direction in America.

During the first 100 hours, we passed legislation increasing the minimum wage, giving the Federal Government the ability to negotiate cheaper prescription drug prices, making college more affordable by cutting interest rates in half on student loans, and fully implementing the 9/11 Commission's recommendations.

We have provided valuable oversight of the Bush administration's failings at both the Justice Department and at Walter Reed Hospital. Had we not conducted oversight hearings of the horrendous conditions at Walter Reed, several incompetent administration officials would still be on the job.

Then, last week, we approved an emergency supplemental spending bill that provides critical funding for our soldiers and our veterans while holding the Iraqi Government accountable for taking control of Iraq.

And this week, we will pass a budget which is balanced within the next 5 years.

Mr. Speaker, the American people asked for a change and a new direction, and this Congress is delivering.

STRYKER BRIGADE COMBAT TEAM

(Mr. CARNEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. CARNEY. Mr. Speaker, today I rise to salute the Pennsylvania National Guard, in particular the Stryker Brigade Combat Team. Fielding the Stryker Brigade has been the largest program undertaken by the Pennsylvania National Guard in modern history.

The Stryker Brigade Combat Team is a combat force that provides division, corps, or joint task force commanders a unique capability across the full range of operations.

On this upcoming district work period, I will be visiting Fort Indiantown Gap, Pennsylvania, to have an opportunity to tour their Stryker program. The Stryker is a survivable and sustainable method of troop transportation. It can take soldiers safely into a range of environments, from war to humanitarian assistance. We must do everything we can to defend our troops from harm, and the Stryker provides that protection.

Pennsylvania has the largest Army National Guard in the United States, with the 28th Infantry Division being the premier division with a large number of soldiers in a high state of readiness.

I commend the Stryker Brigade Combat Team and the entire Pennsylvania National Guard for their fine service to our country and representing Pennsylvania with honor.

IRAQ BENCHMARKS

(Mr. BRALEY of Iowa asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BRALEY of Iowa. Mr. Speaker, when hundreds of billions of dollars of U.S. taxpayer money is being spent on a war overseas, it is important there be benchmarks and consequences if they are not met.

Last week the House approved an emergency war supplemental that will finally hold the Iraqi Government accountable by measuring its performance on standards that President Bush himself outlined earlier this year.

Under the plan passed here last week, the President must report to Congress this summer on the progress the Iraqi Government has made on these key benchmarks. If the Iraqi Government lives up to its promises, our troops will remain there until next year. If, however, they do not meet the President's own benchmarks by this summer, we will begin to redeploy our troops out of Iraq immediately. This accountability is particularly critical after the release of a Defense Department report showing that the Iraqi Government is not close to meeting any of these benchmarks.

Mr. Speaker, it is time that the Iraqi Government realizes that the American troops are not going to be in Iraq indefinitely, and that they have to begin seriously taking responsibility for their own nation.

PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 269 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 269

Resolved, That upon the adoption of this resolution it shall be in order to consider in the House the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians. All points of order against the bill and its consideration are waived except those arising under clause 9 or 10 of rule XXI. The bill shall be considered as read. The previous question shall be considered as ordered on the bill to final passage without intervening motion except: (1) one hour of debate equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services; and (2) one motion to recommit with or without instructions.

SEC. 2. During consideration of H.R. 835 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore (Mr. BUTTERFIELD). The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. For purposes of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members have up to 5 legislative days to revise and extend their remarks on House Resolution 269.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 269 provides for consideration of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007, a closed rule providing 1 hour of general debate in the House, equally divided and controlled by the chairman and ranking minority member of the Committee on Financial Services.

The rule waives all points of order against the bill and against its consideration except for clauses 9 and 10 of rule XXI. The rule provides that the bill shall be considered as read. Finally, the rule provides one motion to recommit with or without instructions.

Mr. Speaker, I do not intend to speak very long about this legislation other than to express my sincere hope that this body will move forward expeditiously with its passage.

As my colleagues know, the Hawaiian Homeownership Opportunity Act was placed on the Suspension Calendar last week after being unanimously voted out of the Committee on Financial Services by a voice vote. It was our hope, and the hope of so many Native Hawaiians, that the House would support it with as much enthusiasm as did the committee of jurisdiction.

Unfortunately, as we all now know, there are some in this body who believe that it is in their best interest to create a partisan divide where no such division should exist. They have in my opinion falsely accused my friends and representatives from Hawaii of ulterior motives, and in doing so, have delayed justice and fairness to some of our most loyal citizens.

Contrary to the false accusation made by its opponents, this bill is not a bill aimed at achieving Native American status for Native Hawaiians, no matter how important that issue may be.

This bill provides low-income Native Hawaiians access to the American Dream. They, just like all of us in this body, have had at one point in our lives a dream to own a home. This bill brings them one step closer to realizing that dream.

Shame on those who continue to paint this bill as anything other than what it is.

I urge my colleagues to support this rule and the underlying legislation which is so critically needed.

Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself such time as I may consume.

I rise today in opposition to this closed rule and the potentially unconstitutional measure that the Democrat majority is presently bringing before the House.

I also rise in opposition to the majority's gaming of the system by bringing this legislation up under a closed rule with no input from the minority, even after this measure failed to win the support of two-thirds of the House when it was considered under the suspension of the rules just last week.

I believe that the 162 "no" votes that were cast last Wednesday prove that this measure carries with it some measure of controversy. I have heard the gentleman from Florida explain very clearly and carefully in addressing this issue his desire for us to understand that in fact nothing more other than the words that are on the paper are intended and implied in this bill. However, I would say there is also room to make sure that is not only correct, but also to improve this legislation.

I am also confident that an overwhelming number of Members would likely support the final measure if they were given a chance to improve it through the amendment that perhaps we are hearing that the majority intended perhaps in the first place or at least did not unintend to make it happen.

Unfortunately, in what is becoming a standard practice for the Rules Committee, last night the Democrat majority rejected along party line the only amendment offered to this legislation that would have offered the solution on behalf of the 162 "no" votes. This amendment was offered by the gentleman from Texas (Mr. NEUGEBAUER) who simply would have made it clear that there is nothing in this legislation that should be constructed to confer a special relationship between the United States and the Native Hawaiian people for the purpose of establishing a government-to-government relationship.

This amendment is necessary because in 2000 the Supreme Court decided in Rice v. Cayetano that the current configuration of Justices would likely strike down most Federal benefits flowing to Native Hawaiians as an unconstitutional racial set-aside if, given a chance, by accepting Mr. NEUGEBAUER's amendment, or at least allowing its merits to be debated and voted on, Congress would have had the opportunity to make it crystal clear to any future court that this legislation should not be construed as Congress' abuse of its power under the Indian commerce clause to indirectly confer tribal status on the Native Hawaiian people.

I will take the words that have been given to me by the gentleman from Hawaii (Mr. ABERCROMBIE) as well as the gentleman from Florida (Mr. HASTINGS) from the Rules Committee that they do not intend this legislation in any way, and it should not be construed as told to the minority, that they would intend to pass power under the Indian commerce clause to indirectly confer tribal status on the Native Hawaiian people. I will take them at their word as the understanding and the basis and the intent of this legislation.

But by shutting out this amendment, the Democrat majority has done nothing to address the concerns of the 162 Members of this body who do believe that this legislation under consideration is vague at best and unconstitutional at worst.

□ 1230

Nor have they done anything to clarify the intent of this legislation to the courts. While, Mr. Speaker, you and I recognize that courts in their deliberations would look at congressional intent, we would like for it to be so stated. While the majority has indicated they do not intend this, we wish it had also been in the form of an amendment.

Mr. Speaker, I am disappointed that, once again, the majority has silenced the minority in this effort. I am disappointed also that, by failing to include this amendment, Congress may very well be opening up this legislation to be overturned by the courts. In doing so, Congress would be depriving Native Hawaiians access to the loan guarantee programs provided for in this bill simply for the sake of speed at the cost of accuracy and good legislation.

I urge my colleagues to oppose this rule so that this legislation can be passed in a clear, constitutional way that makes it transparent to the courts that this is not a back-door attempt to lay the groundwork for other legislation to confer tribal status on the Native Hawaiian people. Native Hawaiians are just as much a part of America, this great land, as any of us. Their history is covered by the Constitution, and they are part of this country. I oppose this rule and the underlying legislation.

Mr. Speaker, I reserve the balance of my time.

I would notify the gentleman from Florida I have no additional speakers. If he would engage with me in a quick colloquy, we can figure out where we are in terms of moving forward.

Mr. HASTINGS of Florida. I will be the last speaker on my side.

Mr. Speaker, I reserve the balance of my time until the gentleman has closed for his side and has yielded back his time.

Mr. SESSIONS. Mr. Speaker, I do appreciate the gentleman from Florida, his conduct on the Rules Committee, him working with the minority on a number of bills. We wish we could have been successful on this amendment, just the one amendment to add into this piece of legislation.

We will take them at their word that they do not intend for this to be any sort of a back-door attempt to form a government-to-government relationship with the tribal Native Hawaiians.

I will tell you that we do believe that public housing and housing for Hawaiians, who are many times faced with increasing not only land costs but prices that escalate in the beautiful, beautiful State of Hawaii, that this is a good idea. We should be helping these people out. We simply wish that the amendment had been made in order for the proper clarification.

Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself the balance of our time.

I appreciate very much my friend's attitude with reference to this matter and his suggestion that he would accept the representation of our two colleagues from Hawaii as well as me and other members of the Rules Committee.

I would also urge that your concerns, albeit, I believe, likely to be taken care of on another day, have been addressed by the committee that reported this out unanimously, meaning the Republicans and the Democrats on the relevant committee voted this matter out.

I would also urge that the Hawaiian State legislature has indicated that there are no intentions at all to seek any special status; and the Governor of Hawaii, who is a Republican also, has made it clear that no special status is sought.

Toward that end, it would seem to me that this matter, having been supported, had the enjoyment of the support of 262 Members last week, and that is a total that I hope we will reach today, because this legislation is desperately needed. This is an issue of fairness and access.

I urge my colleagues on both sides of the aisle to support this appropriate rule and the underlying legislation and to clearly understand that it has nothing to do with citizenship and everything to do with housing.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

The point of no quorum is considered withdrawn.

Mr. HASTINGS of Florida. Mr. Speaker, may I inquire as to whether or not my friend from Texas is going to manage all the time on this rule.

Mr. SESSIONS. I appreciate the gentleman's inquiry.

At this time, the gentleman from Florida (Mr. LINCOLN DIAZ-BALART) is intended to represent the minority on the Rules Committee. He is not here at this time. So until further notice or until his arrival, it would be my intent to have the gentleman accept me in his stead.

PROVIDING FOR CONSIDERATION OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Mr. HASTINGS of Florida. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 270 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 270

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and the ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Homeland Security now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1401 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentleman from Florida (Mr. HASTINGS) is recognized for 1 hour.

Mr. HASTINGS of Florida. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to my colleague and co-Chair of Florida's congressional delegation, Mr. LINCOLN DIAZ-BALART, or his designee, my friend from Texas (Mr. SESSIONS). All time yielded during consideration of this rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

GENERAL LEAVE

Mr. HASTINGS of Florida. Mr. Speaker, I ask unanimous consent that all Members may have up to 5 legislative days to revise and extend their remarks on House Resolution 270.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. HASTINGS of Florida. Mr. Speaker, House Resolution 270 provides for consideration of H.R. 1401, the Rail and Public Transportation Security Act of 2007 under a structured rule. The rule provides 1 hour 20 minutes of general debate. One hour is to be equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The rule waives all points of order against consideration of the bill, except those arising under clauses 9 and 10 of rule XXI.

The rule provides that the amendment in the nature of a substitute recommended by the Committee on Homeland Security shall be considered as an original bill for purposes of amendment and shall be considered as read.

The rule waives all points of order against the bill.

Importantly, the rule makes in order the eight amendments printed in the report accompanying this rule and waives all points of order against such amendments. The amendments may be offered only in the order printed in the report and by the Member designated in the report or his or her designee.

Mr. Speaker, I am pleased to have the opportunity to commence debate on this very essential piece of legislation. Five years have passed since the terrorist attacks of September 11. While we in this body have done a great deal of talking about Homeland Security, our record on the issue suggests otherwise.

Under Republican control, the majority maintained that mandating certain security enhancements was not necessary at the time. Democrats, on the contrary, believe that they are and will not allow this need to go unmet any longer.

The fact that this bill was reported favorably out of the Homeland Security and Transportation and Infrastructure Committees with near unanimity and the cosponsorship of the ranking Republican member of the Homeland Security Committee suggests that our concerns are almost universal in this body.

Moreover, this rule makes in order a total of eight amendments, half of which will be offered by the Members of the minority party. The rule and the process further prove that Democrats refuse to allow partisanship to supersede our responsibility to protect the American people.

Congress's prior reluctance to mandate certain security enhancements out of fear that it might rock the administration's boat has left us woefully behind the curve when it comes to rail and mass transit security. That is why I am very pleased that the Rail and Public Transportation Security Act makes the necessary investment in these absolutely critical enhancements.

The bill requires that the administration develop a security plan for all forms of covered transportation. The bill also creates a system and methods under which all agencies tasked with the responsibility of protecting our country can work together.

We don't stop there. The bill requires the Department of Homeland Security to expand its coordination network through enhanced communication and cooperation at all levels of government.

It requires DHS to develop security training programs for railroad and public transportation employees and extends whistleblower protections to all providers, public or private, who provide covered transportation services.

Under this bill, the number of surface transportation security inspectors will increase by six times by the year 2010, and the bill mandates that the administration issue regulations requiring enhanced security measures for the shipment of security sensitive materials and requires that these shipments not go through highly populated areas.

□ 1245

Perhaps most importantly, this bill pays for these improvements and authorizes $7.3 billion in security enhancements to make America safer.

Mr. Speaker, the Government Accountability Office has determined that the United States must provide much more leadership and guidance in constructing a rail and security transit plan. This bill answers that challenge and fills the void left by the administration's failure to secure all modes of transportation in this country.

It, just like the rule, is worthy of the support of this body. I urge my colleagues to support both.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I would like to thank my good friend, the gentleman from Florida (Mr. HASTINGS), for the time. I yield myself such time as I may consume.

At about 9 a.m. on July 5, 2005, three bombs went off within 50 seconds of each other in the London underground. Less than an hour later there was another explosion in one of London's double-decker buses. The bombings killed over 50 people and injured approximately 700.

On March 11, 2004, the Spanish people also faced an attack on their rail system. Like the attacks in London, in that attack the terrorists exploded multiple bombs on four trains packed with early morning commuters. The attacks killed almost 200 and left at least 1,800 injured in Madrid.

Mr. Speaker, those attacks were a warning to us on this side of the Atlantic that just as terrorists can take advantage of our airlines to carry out cowardly acts, they can do the same with our public service transportation systems. With this in mind, the House of Representatives last year passed comprehensive rail and mass transit security legislation. The legislation was included in H.R. 5814, the Department of Homeland Security Authorization Act for Fiscal Year 2007. Unfortunately, the session of Congress ended before that important legislation could be enacted into law.

Public transit moves more people on a given day than any other mode of transportation worldwide. Transit sustains the economic vitality of any community. In heavily populated areas like Miami-Dade County, one of the counties that I am honored to represent, many people depend on public transit for cost efficiency and convenience. The provision of safe transit requires a significant investment in technology to protect infrastructure, equipment, workers and, of course, the passenger. H.R. 1401 makes it possible for Congress to invest in public transportation security.

And in my district, Miami-Dade Transit is also responsible for the evacuation of the general public, including disabled persons, in moments of crisis. This bill provides critical funding for evacuation improvements. Miami-Dade County would be eligible for funds, regardless of whether the evacuation is due to terrorism or natural disasters.

Although Miami-Dade Transit has a fleet of over 360 paratransit vehicles and over 1,000 buses and approximately 45 miles of rail, they do not have mobile communication service equipment. This means that all modes do not have a way to communicate with each other during an evacuation procedure. This bill takes into account those needs and provides for security improvements to stations' surveillance equipment, public awareness campaigns, and GPS systems.

I would like to point out, Mr. Speaker, that this bill includes risk-based grants. In their final report to Congress, the 9/11 Commission criticized the existing process for allocation of Federal homeland security assistance grants, recommending that the distribution not, I quote, "remain a program for general revenue sharing." Given the limited resources of Federal aid, distributing grants based on risk is really the only appropriate way to apportion grants. In order to ensure that our taxpayer funds are spent as efficiently and effectively as possible, we need to focus our resources at those sectors under the greatest threat.

When I was a member of the Select Committee on Homeland Security, I worked hard to ensure that Homeland Security grant funds are distributed through risk-based assessments. I commend the Homeland Security Committee for following through on the recommendation of the 9/11 Commission and including risk as the primary motive for distribution of grants in this legislation.

Mr. Speaker, yesterday the Rules Committee met to report out a rule for this legislation. The rule that we are now debating closes out several important and germane amendments. Two amendments by my friend, Mr. MICA, the ranking member of the Committee on Transportation and Infrastructure, were excluded by the majority on the Rules Committee, even though they were germane and, obviously, from a key committee with jurisdiction. Another of my Florida colleagues, Representative GINNY BROWN-WAITE, offered an amendment last night that would have strengthened protections for all sensitive security information related to rail and mass transit plans and procedures. That amendment also was blocked by the majority on the Rules Committee. I think it was unnecessary and unfortunate for the majority in the Committee on Rules to continue to close the legislative process in the 110th Congress.

Mr. Speaker, one thing, an additional point I would like to make, I would like to point out to my colleagues that the majority is now including in this section 2 language which allows the Speaker to postpone consideration of the bill at any time in every rule. It is including that language now in every rule.

It is interesting, since this is a structured rule, which means that the bill will be considered in the Committee of the Whole. This is very precedent-setting because in previous Congresses this language has never been included on structured rules. It is typically only included on a closed rule or a modified closed rule where the bill is being considered in the House and not in the Committee of the Whole. And in previous Congresses it was only included when debate was scheduled to last more than the traditional 1 hour in the House. So I find this strange, because when the House is in the Committee of the Whole, it can simply rise and postpone consideration. I find it curious as to why the new majority is extending this authority now to all rules, even when it doesn't seem necessary. Could it be that the majority is intending to quash the minority's lone procedural guarantee, the motion to recommit? I am afraid that that may be exactly what it amounts to, Mr. Speaker, because there is no other procedural excuse for this language being included in a structured rule. It is not necessary for the Speaker to have this authority unless they want to postpone consideration just prior to the vote on the motion to recommit. This is just another example, Mr. Speaker, of the seemingly small, yet significant, precedents that the new Democratic majority is setting, creating new ways to silence the voice of the minority.

At this time, Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I yield myself 1 minute. And I would say to my friend from Florida that, in his concerns about the motion to recommit and the time to see it, I am sure my friend is mindful that when a motion to recommit comes to the House floor that it comes without the Members of the House having had an opportunity to know the substance of the motion to recommit.

I might add, that period of time, particularly in the last 2 months, we have seen that when the minority has presented the motion to recommit, that what winds up happening is even Members of the minority don't know what is in the motion to recommit. Therefore, it seems more than reasonable that a sufficient amount of time be given for that purpose. And I also think in the interest of fairness that we have been considerably fair in accepting more motions to recommit than have our friends in the minority.

Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, yielding myself such time as I may consume before yielding to my good friend from New York, it is important to note when, again, seemingly small but significant precedents are changed. This is a precedent change. We have not seen it for many, many years. With regard to the motions to recommit, what we have seen in this Congress is that they often have been passing. But that is more precisely because the membership, when finding out the merits of the motions to recommit on a bipartisan basis have been supporting them.

But, no, it is of concern, and it is important to note that if there is a step being taken, as it seems that it is being taken, to limit that very important, often sole procedural remedy available to the minority which is the motion to recommit, that it is very disturbing.

At this time, Mr. Speaker, I yield 3 minutes to my distinguished friend from New York (Mr. KING).

Mr. KING of New York. Mr. Speaker, I thank my friend from Florida for yielding. And I stand here today, first, to commend the chairman of the full committee, Mr. THOMPSON, for the bipartisanship he has shown, the level of cooperation he has demonstrated in bringing this bill through the committee process and to the House floor today. This was work that was begun in the last Congress, and now it has been brought to its fruition, and I commend the gentleman for that.

As Mr. DIAZ-BALART indicated, there were serious rail attacks in Britain in 2005, in Spain in 2004 and, of course, in India. And there is no doubt that terrorists certainly would be considering to use rail and transit as a base for future attacks here in this country. So this legislation is needed. It is constructive and on balance, it is very positive. For instance, it authorized the use of VIPER teams. It does base funding on threat and risk. And it addresses very, very key areas of vulnerability.

Having said that, I wish the same spirit of bipartisanship that had prevailed at the committee level had prevailed in the Rules Committee, because there are a number of amendments which were not ruled in order. In fact, there was no amendment ruled in order which was offered by a member of the Homeland Security Committee, specifically, an amendment by Mr. DANIEL E. LUNGREN, which would have, I believe, addressed deficiencies in the whistleblower language which would have protected classified national security information.

The amendment by Ms. GINNY BROWN-WAITE, who will be speaking on it herself in a few moments, would have certainly prevented the disclosure of sensitive security information on Freedom of Information requests, and two amendments by Mr. DENT as far as screening travelers entering the U.S. and interdicting terrorists at the border. All four of these amendments would have been very constructive. I supported them strongly. At the very least, they deserved a full debate here on the House floor today. So for that reason I will oppose the rule.

Having said that, I do support the underlying legislation, and I do commend Chairman THOMPSON for his efforts and certainly subcommittee ranking member and former chairman, Mr. DANIEL E. LUNGREN, for the efforts that he put into this in the previous Congress.

This is legislation whose time has come. Unfortunately, it was not allowed the opportunity to even be better than it is.

So having said, while I support the underlying legislation, I must reluctantly oppose the rule today.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to a distinguished member of the Rules Committee, my good friend from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Speaker, I thank my good friend from the Rules Committee for yielding time on this very, very important issue.

Today is a great day, and I rise in support of the rule and the underlying resolution in this matter to improve our security on our rail and busway systems throughout this country.

☐ 1300

When I was running for this office, this was a very, very important and significant issue to many people who I represent throughout Northeast Ohio. We have many passengers and others who utilize these services who, unfortunately, despite evidence of vulnerability and potential attack, have been exposed to the ongoing danger of our failure to secure these systems. I also am proud to see that in this bill we have protections for whistleblowers that will improve the likelihood of secure and safe transit systems within our country.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, at this time it is my pleasure and privilege to yield 4 minutes to my distinguished friend and colleague from Pennsylvania (Mr. DENT).

Mr. DENT. Mr. Speaker, early in this session the majority promised to implement all the 9/11 Commission recommendations. Yesterday, the Rules Committee, which is controlled by the majority, had the opportunity to deliver on that promise by making two of my amendments to this legislation in order. It failed to do so, and the security of our rail and bus passengers and, in fact, our border security in general will be all the worse as a result.

The 9/11 Commission advised the President to direct the Department of Homeland Security to "design a comprehensive screening system" that would target "particular, identifiable suspects or indicators of risk" and give border officials "the resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations." They concluded that targeting travel is at least as powerful a weapon against terrorists as targeting their money. That is the 9/11 Commission report, recommendation 14, page 385. And it recommended that a terrorist travel intelligence collection and analysis program, which had "produced disproportionately useful results," should be expanded.

The first of these amendments involved the Advance Passenger Information System, or APIS as we commonly refer to it. Today, under this program, air and sea carriers collect passenger and crew biographical data and transmit this data to Customs and Border Protection while the vessel or aircraft is en route to the United States. This is an important tool in CBP's efforts to identify suspect or high-risk passengers before, that is before, they enter the country.

As terrorists are just as capable of taking a Greyhound bus across border as they are landing at LAX, I thought that my amendment, which would have required bus and train companies transporting passengers into this country to provide the same advanced information to CBP as do the airlines, made sense. Unfortunately, the majority members in the Rules Committee did not agree.

My second amendment would have authorized the deployment of the Automated Targeting System For Passengers, or ATS–P as we refer to it. ATS–P is an intranet-based enforcement and decision support tool that is the cornerstone of all of CBP's targeting efforts at the border.

ATS–P coordinates passenger information and forms an intelligence assessment of a traveler. ATS–P then makes a simple "yes" or "no" determination on whether that international traveler should be flagged for additional screening. Once this information is received by CBP officials, these officials retain the discretion to act, or not to act, on that information. In short, ATS–P is nothing more than a tool that can help CBP determine who might be a person worthy of a follow-up interview.

Again, since we are already using this technology to screen international incoming flights, why not apply it to border crossings of trains and buses, other forms of transportation through which terrorists might try to enter the country? Why not? That was the gist of my amendment. Once more, however, the majority on the Rules Committee shot us down.

Together, APIS and the ATS–P make up the building blocks of exactly the kind of border security program recommended by the 9/11 Commission, and yet this rule prohibits our consideration of these two programs as part of our mass transit and rail security structure. The majority can talk the talk when it comes to adopting the 9/11 Commission recommendations, but by failing to implement these two amendments, it has shown that it cannot walk the walk.

Accordingly, while I know that this legislation, H.R. 1401, will do many good things, and I do support the underlying bill, I ask that you vote against this rule because it fails to address the homeland security concerns detailed in my amendments.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, at this time I yield 3 minutes to our distinguished colleague from Florida (Ms. GINNY BROWN-WAITE).

Ms. GINNY BROWN-WAITE of Florida. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, I rise in strong opposition to the rule for H.R. 1401, the Rail and Public Transportation Security Act of 2007.

This rule is overly restrictive because it prohibits several good amendments like my colleague just enumerated as well as an amendment that I had tried to get in the bill. I think it is shocking because members are the most knowledgeable about this bill, having worked on it for weeks now, our members of the committee.

One of the amendments that the rule excludes was the rule that basically said if we have an assessment out there of perhaps a lack of security or an area that we need additional resources in, this information is going to become public. Think about what the terrorists would do. The amendment would have filled this security gap by exempting all sensitive information from Freedom of Information Act requests. It directed the Secretary of Homeland Security to issue regulations that would prohibit unauthorized disclosure of sensitive information such as security plans, vulnerability assessments, and risk-based criteria.

Mr. Speaker, the International Association of Fire Chiefs recently wrote a letter supporting my amendment, and I will include that letter in the RECORD.

INTERNATIONAL ASSOCIATION
OF FIRE CHIEFS,
Fairfax, VA, March 12, 2007.

Hon. GINNY BROWN-WAITE,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE BROWN-WAITE: On behalf of the nearly 13,000 chief fire and emergency officers of the International Association of Fire Chiefs (IAFC), I would like to voice our support for your amendment to the "Rail and Public Transportation Security Act of 2007" that would protect sensitive information about our nation's rail and public transportation sector.

We share your concerns about protecting sensitive information from accidental public disclosure. Both the vulnerability plans and the security assessments described in this legislation contain sensitive information, such as threats to our nation's transportation system, security weaknesses, and redundant and back-up systems. It is important that this information be shared with the appropriate fire and emergency services, and law enforcement organizations to ensure that they are prepared for the accidental or deliberate release of hazardous materials. However, this information should not be made public, because of the serious problems that could occur if information about weaknesses in the security of our nation's transportation system fell into the wrong hands.

Thank you again for offering this amendment. If you have any questions about the IAPC's role in the safe transportation of hazardous materials, please feel free to call Ken LaSala, the Director of Government Relations.

Sincerely,
JAMES B. HARMES,
President.

I would also like to quote two sentences from the letter by those who would be the first responders, the Association of Fire Chiefs, and the fire chiefs in your local district: "It is important that this information be shared with appropriate fire and emergency services and law enforcement organizations to ensure that they are prepared for the accidental or deliberate release of hazardous materials. However, this information should not be made public because of the serious problems that could occur if information about weaknesses in the security of our Nation's transportation system fell into the wrong hands."

Mr. Speaker, they said it far better than I could, and they would clearly be the first responders. By excluding these important amendments, we are shortchanging the people of America with a bill that is filled with loopholes.

I ask Members to vote "no" on the previous question and on the rule so we can go back and make some of these very appropriate amendments in order.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 3 minutes to my good friend from Mississippi (Mr. THOMPSON), the Chair of the Homeland Security Committee.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of the rule for H.R. 1401, the Rail and Public Transportation Security Act of 2007. I am also grateful to the Rules Committee and my colleague from Florida for offering this rule.

The bill passed out of the Committee on Homeland Security was a comprehensive bill. I know a number of my colleagues offered amendments, and I appreciate their interest.

I am also pleased the rule makes in order the manager's amendment I will be offering. This amendment was the result of extensive negotiations with my colleagues on the Oversight and Government Reform as well as Transportation Committees. Chairman WAXMAN assisted in perfecting the whistleblower protections in the bill. Chairman OBERSTAR worked with me on clarifying the roles and responsibilities of the Departments of Transportation and Homeland Security in this bill.

In closing, Mr. Speaker, I feel this is a good rule. It provides for sufficient debate on this important legislation. It also rules in order several amendments that deserve discussion and consideration by the House.

Mr. Speaker, I urge my colleagues to support the rule.

Mr. LINCOLN DIAZ-BALART. Mr. Speaker, at this time it is my privilege to yield 4 minutes to a distinguished new Member who is already making an impact in this House with his forceful leadership and his knowledge and wisdom, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Speaker, I rise today in opposition to this rule but in support of H.R. 1401, the Rail and Public Transportation Security Act, which will improve the security of our Nation's rail, subway, and bus systems.

I am very disappointed that this rule does not allow any Republicans on the Homeland Security Committee to offer amendments, of which there were several. Two of my committee colleagues, Congressman DANIEL E. LUNGREN and Congresswoman GINNY BROWN-WAITE, have critically important amendments that would significantly improve this bill.

However, I am pleased to support this bill, which my Homeland Security Committee approved unanimously. I support this bill because it will provide much-needed protections and security improvements for the millions of Americans that travel on our Nation's buses, our subway system, and our train system.

The Rail and Public Transportation Security Act will require Federal officials and transportation providers to assess our vulnerability to terrorist attacks against these public transportation systems and determine ways to improve their security.

I am especially pleased that the bill we are considering today includes two proposals that I made during committee consideration of this measure that I believe will strengthen our security against terrorist attacks on rail and mass transportation systems.

First, the committee adopted an amendment I offered that requires DHS to conduct physical testing of railcars to determine the most likely successful means of attack against them. This is important because no real-world vulnerability testing has been done on the safety of tank cars carrying dangerous toxic-by-inhalation hazardous materials. My amendment remedies that by requiring such tests so that we can properly assess their current vulnerabilities and protect them to the most practical extent possible.

My proposal also requires real-world plume modeling analysis for such attacks to help fill the current gaps in our understanding of these vulnerabilities so that we can better protect our constituents and first responders from attacks on tank cars carrying dangerous materials and mitigate their consequences.

Second, this bill incorporates the text of an amendment that I filed during the committee's consideration of H.R. 1401 that requires the security coordinator positions required under section 103 of the bill to be filled by U.S. citizens, a requirement which I think makes sense for several reasons. U.S. citizenship is required for individuals seeking security clearances for access to classified information and materials. I very strongly believe that individuals who will be responsible for coordinating and implementing security plans for our Nation's rail and public transportation systems should be able to access, when appropriate, information to help them do their jobs as effectively as possible.

I think it just makes sense to put American citizens in charge of the security for our country. As we saw during the Dubai Ports debacle, many of our constituents demanded that Americans be in charge of America's security, a position with which I hope we can all agree.

I want to thank full committee Chairman BENNIE THOMPSON, Ranking Member PETER KING, Transportation Security and Infrastructure Protection Subcommittee Chairwoman SHEILA JACKSON-LEE, and subcommittee Ranking Member DAN LUNGREN for their hard work and open-mindedness in crafting this legislation.

Mr. Speaker, we have rightly focused much of our time, attention, and resources on securing our Nation's aviation system in the years since 9/11. I believe it is time that we focus on securing our country's public transportation systems, which so many of our constituents use each day.

□ 1315

This bill is a significant step in that direction. I urge our colleagues to support this bill.

Mr. HASTINGS of Florida. Mr. Speaker, I am very pleased to yield 4 minutes to my good friend, the distinguished gentlewoman from Texas (Ms. JACKSON-LEE), the chairwoman of the Transportation Security and Infrastructure Protection Subcommittee of the Homeland Security Committee.

Ms. JACKSON-LEE of Texas. Mr. Speaker, it is a pleasure to address you this afternoon. I thank my good friend Mr. HASTINGS from Florida, and let me thank the Rules Committee for the thoughtful and constructive rule that has been put forward and acknowledge my colleague on the subcommittee, Mr. BILIRAKIS, for his comments about the underlying bill.

Just to inform my colleagues, this is a bill long overdue, and procedurally I believe that we moved this bill in regular order. We held two hearings. First of all, a hearing that allowed us to hear from the vastness of government agencies, who, I guess out of their testimony, one could argue that they made a very clear case that we needed a regulatory framework within which to secure the Nation's railroads and transit systems.

Obviously, through the tragedies of London and Madrid, we knew that the clock was ticking; and this committee, under the chairmanship of Chairman THOMPSON, knows that we must advance the ball, building on the work that this committee has done as a bipartisan committee over the years with a number of chairpersons, that we must move the ball forward to ensure the security of the Nation's homeland.

That means this particular subcommittee will address questions dealing with not only the questions of rail, but of aviation, of bus, of trucking, and as well critical infrastructure that heretofore may not have been assessed as closely as we should have.

So we held one hearing. At a second hearing we were able to hear from a number of industry persons to tell us, again, of some of the mountains that they had to climb in order to ensure security of the homeland.

That being so, this is a comprehensive bill. I am delighted it includes language regarding research and training, whistleblower language that comports with the Waxman legislation, so we are consistent in the legislative structure. I support, as well, the manager's amendment by Mr. THOMPSON, which focuses on some aspects that I think help the bill.

There will be some issues that I hope that we can move further along, and that is a relationship of consultation between the Homeland Security Department and the Department of Transportation.

As relates to security, I think it is key that the Department of Homeland Security and the Homeland Security Committee lead in consultation with a number of our jurisdictional allies.

I want to thank the chairman of the transportation committee and the chairperson of the Subcommittee on Railroads, Congresswoman CORRINE BROWN. We worked very collegially together, and I think this is a strong product.

Might I also just indicate that I hope my colleagues will pay close attention to language that would eliminate Amtrak from security grants. One of the largest modes of passenger transportation, which has had its ups and downs, sometimes the passenger rate is up, sometimes it is down, but it does not mean that it is not a vulnerable target.

It is interesting that if you run your transit system 24 hours a day, for example, there has to be a period where there is low passenger census. Does that mean that it is any less a target to threats than it would be during peak times? So I hope my colleagues will consider the vulnerability that the Sessions amendment gives to this whole bill and the idea of securing extensively the rail system.

Might I suggest that amendments that would undermine the Transportation Security Administration breeding program increase also pose concern, because, as we know, we have not yet had a system in rail travel that addresses the question of security of baggage. So this breeding program, dealing with domestic animals, is an important aspect of dealing with the question of security.

I would also suggest that you don't want to leave out the provision that we have in the over-the-road bus program, and that should not be eliminated.

This is a good rule. I ask my colleagues to support it, and I hope they will support the underlying bill.

Mr. Speaker, I rise to speak about the history of this bill. This bill was badly needed because, as you know, the issue of transportation security has been over looked. This bill authorizes more than 5 billion dollars over the next four years for rail, public transportation, and over-the-road bus security. Having seen the horrific events in Madrid and London, something must be done to improve transportation security. We know that this bill moves in that direction because we've had a long and distinguished legislative record resulting in this bipartisan bill.

As the Chairwoman for the Homeland Security's Subcommittee on Transportation Security and Infrastructure Protection we have held two hearings on the topic of transportation security. On February 6, the Subcommittee received testimony from the government on transportation security. On February 13, the Subcommittee heard testimony from industry and labor about the issue as well. Both of these hearings were attended by the Subcommittee's Ranking Member, Mr. LUNGREN from California, and other Committee Members from both parties.

In these hearings, the Subcommittee heard from over nine different witnesses. The witnesses included, Assistant Secretary Hawley, with the Transportation Security Administration, two witnesses from the Department of Transportation, one from the Federal Railroad Administration, and the other from the Federal Transit Administration, and the Government Accountability Office's rail security expert. We also heard from the Amtrak's Inspector General, the Association of American Railroads, and the New York Metropolitan Transportation Authority. Finally, we also heard from the Transport Workers Union and the International Brotherhood of Teamsters. As such, I think we have heard from all the stakeholders impacted by this bill.

Besides hearings, the Subcommittee held a mark-up on March 1, 2007, in which there were ten amendments offered and discussed. These amendments dealt with issues, including whistleblower rights, reducing protections for protecting sensitive information, and others. I believe the mark-up yielded a strong bill, which was made even stronger by the Full Committee's mark-up and its consideration of more than twenty amendments.

Mr. Speaker, because the Homeland Security bill was passed unanimously out of Committee and it represents a compromise between the Transportation & Infrastructure and Oversight and Government Reform Committees, and is a great step forward to protecting our transportation systems, I urge my colleagues to support the Rule.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, it is my privilege to yield 2 minutes to our distinguished colleague from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Speaker, this is a good day in some respects, and that is that we have this bill on the floor, H.R. 1401, the Rail and Public Transportation Security Act of 2007. It follows up on work that we began in the last Congress on a bipartisan basis.

I would say the committee acted on a bipartisan basis all the way through. It is a shame, however, that bipartisanship stops at the edge of the Rules Committee. When we made an attempt to ask for reasonable amendments in this regard from members of the committee of jurisdiction, the Homeland Security Committee, we were rejected.

I might just talk about the one amendment that I had asked to be considered dealing with whistleblower protection. The bill has in it now a provision which is extraordinary in its breadth and which is unique in its application of criminal law. People wonder why we would be concerned about this when we all agree we ought to allow whistleblowers, when acting properly, to expose wrongdoing.

The problem is we are in an area dealing with security, and this would allow an employee to make an individualized determination, without further review or even perhaps without all the relevant information, to disclose classified information. We ought to be concerned about that. My amendment would have dealt with that.

For some reason now in the manager's amendment we are going to exempt these criminal penalties for many Federal employees, but we are going to impose them on State and local employees, criminal penalties and punitive damage awards. So we are going to have a situation in terms of sensitive information that might be revealed by an employee and therefore action taken against that employee, and the government unable to respond to that, because under this whistleblower protection law, there will not be the ability for the government to talk about protecting basically state secrets.

What we are talking about here are areas of sensitive information. This goes along with the gentlewoman from Florida's amendment to try and protect sensitive information. Both of those amendments were rejected.

I would hope that Members would vote down this rule so we might have a chance to do our job and at the same time protect sensitive information.

Mr. HASTINGS of Florida. Mr. Speaker, I reserve the balance of my time.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield 3 minutes to the gentleman from Florida (Mr. MICA), one such distinguished Member who had two germane amendments before the Rules Committee that were shut out. He is the ranking member of the Transportation and Infrastructure Committee.

Mr. MICA. Mr. Speaker, I thank the gentleman for yielding, and I do rise in opposition to this rule.

I have been here for 15 years, and this is probably one of the most egregious efforts to deny committees of jurisdiction input into this very important legislation.

We just heard from Mr. LUNGREN, a very distinguished Member and ranking member on the Homeland Security Committee. He stated again the partisan nature of the Rules decision. The Chair on the Republican side, the ranking member of that committee, Mr. KING, indicated that there were zero amendments. Unprecedented. On the Transportation and Infrastructure Committee, there were zero amendments accepted.

So I must strongly encourage that we vote against this rule. Again, in my experience, I have never heard of such an egregious abuse of minority rights or participation in the process.

Most importantly, I think that one of the amendments that we offered from the Transportation and Infrastructure Committee, while the manager's amendment does have some improvements in taking these important security grants from DHS, which has had difficulty in managing all their responsibilities, and we have the money going through DHS and the grants administered by the Department of Transportation, which is an improvement, it has been my experience that it is not how much money you spend, it is how you spend it. We had an amendment that offered a vast improvement, which was to conduct a needs and risk assessment on security risks relating to transit and rail, which has never been conducted.

So we are going to take $6 billion of hard-earned taxpayer money and put it through this system that I just described and not really address that money to the real threats and risks that we face. I don't think that is wise.

This weekend I spent some time in Pennsylvania. I went through a couple of towns and I saw a lot of people. I saw some tough towns in some of the rural areas traveling up there. But I saw a lot of people going to work and working hard, sending their money to Washington. They are counting on us to be good stewards of that money and to spend that money.

Our number one responsibility is the safety and security of those people, and here we are abandoning that responsibility. So they work very hard out there to send that money here and now see it not properly applied.

That is wrong, and I will oppose this rule.

Mr. Speaker, I rise in opposition to the Rule, H. Res. 270, for the consideration of H.R. 1401, the Rail and Public Transportation Security Act of 2007.

I strongly support effective security measures for America's railroads, transit systems, and intercity buses.

But the funding authorization levels in the bill that will be brought up today are based on a phony estimate of the surface transportation security needs.

The $6 billion authorized in H.R. 1401 is based on a 2003 member survey conducted by the American Public Transportation Association.

There was no discipline to the APTA survey—anyone could ask for anything they thought they might need at any time.

Yesterday, I offered two amendments to the Rules Committee, both of which were rejected on a straight party-line vote.

The first amendment was simply a requirement that DHS and DOT determine what the security needs of the Nation's transit systems and railroads are before authorizing $6 billion in grants.

This amendment was supported by the Committee on Homeland Security and the Committee on Transportation and Infrastructure. Yet the Rules Committee refused to allow the amendment to be considered.

I also proposed an amendment to expand the current whistleblower protection law for both the safety and security of railroad employees under the Railway Labor Act.

This effective whistleblower protection law in title 49 of the U.S. Code has been in place since 1970. This law covers the reporting of all hazardous conditions, whether related to safety or security.

Under the Railway Labor Act whistleblower protection, railroad employees are fully protected against termination, harassment or discrimination.

There is absolutely no good reason to replace this functional and effective law with new whistleblower protection requirements under the Department of Labor. Don't fix it if it isn't broken.

But this amendment, despite support from both the Committee on Homeland Security and the Committee on Transportation and Infrastructure, was also rejected by the Rules Committee on a party-line vote.

I strongly oppose this Rule.

The bill development was not bipartisan, and it is obvious that the development of the Rule was completely partisan.

The Democrat-led Congress's unwillingness to work with Republicans on this bill flies in the face of Speaker PELOSI's commitment to work in an open and bipartisan manner.

It's a shame that this Congress has put politics ahead of effective security for the traveling public.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we are going to oppose the previous question. If the previous question is defeated, I will amend the rule to make in order two amendments Mr. DENT of Pennsylvania offered last night at the Rules Committee. Mr. DENT, a member of the Homeland Security Committee, testified on behalf of his amendments, but the Democratic majority of the Rules Committee all voted against making these important amendments in order.

These amendments would establish a screening program for individuals who are arriving at or departing from the U.S. through covered transportation, namely, by passenger rail and bus. His amendments would also require carriers who provide transportation to people entering the U.S. to provide passenger information to Customs and Border Protection.

Mr. DENT's amendments would implement one of the key 9/11 Commission recommendations, which stated: "Information systems able to detect potential terrorist indicators should be used at primary border inspection lines, in immigration services offices, and in intelligence and enforcement units."

During the recent campaign, the Democrats pledged to enact all of the 9/11 Commission recommendations. By not allowing Mr. DENT's amendments, they are ignoring a loophole for the terrorists to exploit and are reneging on a promise they made to the American people to protect them.

Mr. Speaker, I ask unanimous consent to insert in the RECORD a copy of the amendment and extraneous material immediately prior to the vote on the previous question.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I yield back the balance of my time.

Mr. HASTINGS of Florida. Mr. Speaker, I listened with great intensity to my friend from Florida regarding the resources that the American public provides to the United States Government for its distribution. He seems to decry the fact that this year we are going to spend $7 billion on rail security. My ultimate question would be, What did you spend on rail security last year, the year before, the year before and the year before that?

Somewhere along the line, I believe that the American people want us to make sure that our rail system and our bus system are as secure as we can make them. This is a start in that direction.

I also heard my friend from Orlando say that the rule itself is the most egregious that he has seen in 15 years. Well, I have been here every one of those 15 years that he has been here, and if he wants to see egregious, then travel with me back to the 4 years in the minority that I was on the Rules Committee, and I will show you egregiousness.

☐ 1330

Mr. Speaker, the 9/11 Commission gave the Transportation Security Administration a C-minus for its efforts to develop a security strategy for all modes of transportation. GAO, as I previously mentioned, has said that the U.S. has failed to provide the appropriate leadership in enhancing all forms of covered transportation.

Something needs to change. This bill provides the necessary leadership and funding to move us forward.

For too long, Congress has neglected its responsibility to do whatever is necessary to protect the well-being of the American people. This is a fair rule. It gives four amendments to the minority and four amendments to the majority; hardly as egregious as the many times no amendments were granted to the minority when Democrats were in the minority.

I urge my colleagues to support both the substantive legislation and this rule.

Ms. MATSUI. Mr. Speaker, I strongly support the Rail and Public Transportation Security Act (H.R. 1401). Our country needs this bill. Our communities need this bill.

This legislation is very timely for my district. On March 15th, a train trestle burned down just outside central Sacramento. The fire sent a dark plume of smoke into the sky.

The residents of our region received quite a scare. Children were kept inside because authorities could not determine if the smoke from the trestle fire was toxic.

Fortunately, no one was hurt. The incident is not being investigated as a terrorist attack.

However, this fire showcased the impact that our rail vulnerabilities can have on communities.

In Sacramento, our train tracks form a ring around our most populated areas. If the trestle had caught fire just a few miles down the track, houses would have burned. If the train had exploded, or if it had leaked hazardous material, my constituents could have died.

I cannot let that happen. That is why this legislation is so important. It makes critical advancements in rail security policy.

I am grateful that Representative MARKEY has addressed the transport of hazardous materials through heavily populated areas.

As the situation in Sacramento demonstrated, we must begin to reroute hazardous shipments to avoid populated areas.

When possible, we must integrate new technologies to secure these shipments. I look forward to working with Mr. MARKEY to implement this proposal.

It is also important to note that more people than ever are using public transit. Over 10 billion trips were taken on public transportation last year. There has been a 30 percent increase in public transit use in the last decade.

This increased ridership is great news. However, it is important that we invest in security funding to match growing demand. This legislation will do just that.

Finally, I want to commend Chairman BENNIE THOMPSON of the Homeland Security Committee for his leadership on this issue.

As a member of the Transportation and Infrastructure Committee, I have seen how smoothly Chairman OBERSTAR and Chairman THOMPSON have collaborated.

They have done a great job dealing with the jurisdictional issues raised by transit security.

Their work demonstrates the level of commitment that is needed to secure our communities. Such collaboration is a refreshing change.

It should serve as an example for us all as we tackle other pressing issues facing the 110th Congress.

I urge my colleagues to support the Rule, so that we can enact this important legislation.

The material previously referred to by Mr. LINCOLN DIAZ-BALART of Florida is as follows:

AMENDMENT TO H. RES. 270

OFFERED BY REP. LINCOLN DIAZ-BALART OF FLORIDA

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendments printed in sections 4 and 5 shall be in order as though printed as the last two amendments in the report of the Committee on Rules if offered by Representative Dent of Pennsylvania or his designee. Such amendments shall each be separately debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The first amendment referred to in section 3 is as follows:

At the end of title I of the bill, add the following new section (and conform the table of contents accordingly):

SEC. 1xx. PASSENGER AND CREW MANIFESTS FOR VEHICLES ARRIVING IN OR DEPARTING FROM THE UNITED STATES.

(a) STATEMENT OF POLICY.—Congress supports the following recommendations from the Final Report of the National Commission on Terrorist Attacks Upon the United States:

(1) "The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the borders encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.".

(2) "Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration services offices, and in intelligence and enforcement units.".

(3) "We advocate a system for screening, not categorical profiling. A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations.".

(4) "[T]he National Targeting Center, assisted by the new Terrorist Screening Center, provides information support to inspectors at ports of entry so that they can make more informed decisions about potential terrorists and harmful cargo attempting to enter the United States.".

(b) AUTHORITY TO REQUIRE ADVANCED DELIVERY OF INFORMATION.—Part II of title IV of the Tariff Act of 1930 (19 U.S.C. 1431 et seq.) is amended by inserting after section 434 the following new section:

"SEC. 435. PASSENGER AND CREW MANIFESTS FOR VEHICLES ARRIVING IN OR DEPARTING FROM THE UNITED STATES.

"(a) PASSENGER AND CREW MANIFESTS REQUIRED.—The Commissioner of United States Customs and Border Protection of the Department of Homeland Security may require each vehicle (including a rail car or bus) of a provider of covered transportation, as defined in the Rail and Public Transportation Security Act of 2007 arriving in the United States from, or departing the United States to, a foreign port or place to transmit to United States Customs and Border Protection a passenger manifest and crew manifest containing the information set forth in subsection (c) for each such arrival in or departure from the United States.

"(b) TRANSMISSION.—A passenger manifest and crew manifest required pursuant to subsection (a) shall be transmitted to United States Customs and Border Protection in advance of arrival in or departure from the United States in such manner, time, and form as the Commissioner of United States Customs and Border Protection may prescribe by regulations.

"(c) INFORMATION.—The information to be provided with respect to each person listed on a passenger manifest or crew manifest required pursuant to subsection (a) may include—

"(1) the person's complete name, date of birth, citizenship, gender, passport number and country of issuance, and alien registration number, if applicable; and

"(2) such other information as the Commissioner of United States Customs and Border Protection determines is necessary to enforce the customs, immigration, and other related laws of the United States, to ensure the transportation security of the United States, and to protect the national security of the United States.

"(d) CIVIL PENALTY.—Any person who fails to provide accurate and full information in a passenger manifest or crew manifest required pursuant to subsections (a) and (c) or regulations issued thereunder, or fails to provide the manifest in the manner prescribed pursuant to subsection (b) or regulations issued thereunder, shall be liable for a civil penalty in the amount of $5,000 with respect to each person listed on the manifest for whom such accurate or full information is not provided in accordance with such requirements.

"(e) PASSENGER NAME RECORD INFORMATION.—

"(1) REQUIREMENT.—The Commissioner of United States Customs and Border Protection may require each commercial carrier arriving in the United States from, or departing the United States to, a foreign port or place to make available to United States Customs and Border Protection, upon the agency's request, passenger name record information for each such arrival in or departure from the United States in such manner, time, and form as the Commissioner may prescribe by regulations.

"(2) CIVIL PENALTY.—Any person who fails to provide passenger name record information required pursuant to paragraph (1) shall be liable for a civil penalty in the amount of $5,000 with respect to each person for whom such information is not provided in accordance with such requirements.

"(f) SHARING OF MANIFEST AND PASSENGER NAME RECORD INFORMATION WITH OTHER GOVERNMENT AGENCIES.—The Commissioner of United States Customs and Border Protection may provide information contained in passenger and crew manifests and passenger name record information received pursuant to this section to other government authorities in order to protect the national security of the United States or as otherwise authorized by law.

"(g) CONSIDERATION OF ECONOMIC IMPACT.—Prior to issuing any interim or final regulation under this section, the Commissioner of United States Customs and Border Protection shall consult with stakeholders from the transportation industry and assess the economic impact that the regulation would have on private industry.

"(h) SAVINGS CLAUSE.—Nothing in this section abrogates, diminishes, or weakens the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.".

SEC. 5. The second amendment referred to in section 3 is as follows:

At the end of the title I, insert the following new section (and conform the table of contents accordingly):

SEC. 132. AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.

(a) FINDINGS OF THE 9/11 COMMISSION.—Congress finds that the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) concluded that—

(1) "The small terrorist travel intelligence collection and analysis program currently in place has produced disproportionately useful results. It should be expanded. Since officials at the border encounter travelers and their documents first and investigate travel facilitators, they must work closely with intelligence officials.";

(2) "Information systems able to authenticate travel documents and detect potential terrorist indicators should be used at consulates, at primary border inspection lines, in immigration service offices, and intelligence and enforcement units.";

(3) "The President should direct the Department of Homeland Security to lead the effort to design a comprehensive screening system, addressing common problems and setting common standards with systemwide goals in mind.";

(4) "A screening system looks for particular, identifiable suspects or indicators of risk. It does not involve guesswork about who might be dangerous. It requires frontline border officials who have the tools and resources to establish that people are who they say they are, intercept identifiable suspects, and disrupt terrorist operations."; and

(5) "Inspectors adjudicating entries of the 9/11 hijackers lacked adequate information and knowledge of the rules. A modern border and immigration system should combine a biometric entry-exit system with accessible files on visitors and immigrants, along with intelligence on indicators of terrorist travel.".

(b) AUTOMATED TARGETING SYSTEM FOR PERSONS ENTERING OR DEPARTING THE UNITED STATES.—The Secretary of Homeland Security, acting through the Commissioner of Customs and Border Protection, may establish an automated system for the purpose of the enforcement of United States law, including laws relating to anti-terrorism and border security, to assist in the screening of persons seeking to enter or depart the United States (in this section referred to as the "system") through the use of covered transportation.

(c) NO PRIVATE RIGHT OF ACTION.—The Secretary, acting through the Commissioner, shall ensure than an administrative process is established, or application of an existing administrative process is extended, pursuant to which any individual may apply to correct any information retained by the system established under subsection (b). Nothing in this section shall be construed as creating a private right of action and no court shall have jurisdiction based on any of the provisions of this section to hear any case or claim arising from the application of the system or the corrective administrative process established or applied under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as abrogating, diminishing, or weakening the provisions of any Federal or State law that prevents or protects against the unauthorized collection or release of personal records.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R-Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adopting the resolution . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information form Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the previous question, who may offer a proper amendment or motion and who controls the time for debate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

Mr. HASTINGS of Florida. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. LINCOLN DIAZ-BALART of Florida. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make a point of order a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

Pursuant to clause 8 and clause 9 of rule XX, this 15-minute vote on ordering the previous question on H. Res. 270 will be followed by 5-minute votes on adoption of H. Res. 270, if ordered; adoption of H. Res. 269, if ordered; and the motion to suspend the rules on H. Res. 266.

The vote was taken by electronic device, and there were—yeas 222, nays 199, not voting 12, as follows:

[Roll No. 190]

YEAS—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Andrews
Barton (TX)
Carson
Davis, Jo Ann
Ehlers
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Spratt
Udall (NM)

☐ 1359

Messrs. YOUNG of Alaska, RYAN of Wisconsin, PETERSON of Pennsylvania, and SULLIVAN changed their vote from "yea" to "nay."

Mr. RUPPERSBERGER changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 223, nays 199, not voting 11, as follows:

[Roll No. 191]

YEAS—223

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)

Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Carson
Davis, Jo Ann
Garrett (NJ)
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Spratt
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1408

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 835, HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT

The SPEAKER pro tempore. The unfinished business is the de novo vote on adoption of House Resolution 269.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 188, not voting 11, as follows:

[Roll No. 192]

YEAS—234

Abercrombie
Ackerman
Allen
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Buyer
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velazquez
Visclosky
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—188

Aderholt
Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence

Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf

NOT VOTING—11

Andrews
Carson
Cooper
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Udall (NM)
Yarmuth

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised that we have 2 minutes remaining in this vote.

☐ 1416

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF PROFESSIONAL SOCIAL WORK MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 266, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 266.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 417, nays 2, not voting 14, as follows:

[Roll No. 193]

YEAS—417

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NAYS—2

Paul
Tancredo

NOT VOTING—14

Andrews
Carson
Davis (CA)
Davis, Jo Ann
Ellsworth
Franks (AZ)
Green, Gene
Kanjorski
Kingston
Lampson
Meehan
Millender-McDonald
Udall (NM)
Yarmuth

☐ 1427

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. GENE GREEN of Texas. Mr. Speaker, on rollcall No. 193, had I been present, I would have voted "yea."

PERSONAL EXPLANATION

Mr. YARMUTH. Mr. Speaker, I was unavoidably detained during the recorded votes for rollcall Nos. 192 and 193. Had I been present I would have voted "yea" for both measures.

GENERAL LEAVE

Mr. THOMPSON of Mississippi. Madam Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and insert extraneous material into the RECORD on H.R. 1401.

The SPEAKER pro tempore (Ms. CLARKE). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 270 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the bill, H.R. 1401.

☐ 1429

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole

House on the state of the Union for the consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes, with Mr. BUTTERFIELD in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Homeland Security and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure.

The gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING) each will control 30 minutes, and the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes.

The Chair recognizes the gentleman from Mississippi.

☐ 1430

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself as much time as I may consume.

Three years ago this month, 10 explosions shook Madrid's commuter rail systems, killing 191 people and leaving thousands wounded. As Americans, we mourned the loss felt by Spain. We wondered whether terrorists would try the same here at home. Then we waited.

The next year, suicide bombers attacked the Tube in London. Last year, it was Mumbai. Last month, it was New Delhi. Each time we watched and waited.

Mr. Chairman, the time for wondering and waiting has come and gone. Today, we act. The Rail and Public Transportation Security Act of 2007 makes clear that America simply will not wait for terrorists to attack our trains, buses and subways. We will act now to secure them.

A bipartisan bill, H.R. 1401, was passed unanimously out of the Committee on Homeland Security. This legislation goes a long way to protect our rail and mass transit systems so that we can move freely, yet securely, through our communities.

For example, it requires rail and public transportation systems to complete vulnerability assessments and security plans. It requires the Department of Homeland Security to finally develop a strategy for rail and transportation security. It strengthens intelligence and information-sharing efforts. It ensures that hardworking rail and public transportation employees are trained and on the lookout for security violations. It requires railroads to use the most secure routes to transport hazardous materials. It provides for much-needed R&D testing and technology in the rail and public transportation arena.

I am certain that bill is not without its naysayers. There are some that have and will continue to say that we can never secure these systems. I have heard many excuses from people in the past years. They say that the systems are too expensive, that the systems are too open, that we should only worry about aviation.

I say in response, if Congress does nothing and America is attacked, it will be our responsibility. We will deserve to be judged harshly for our inaction. Instead of waiting, let's do something right and protect the people we are here to serve.

I urge all of my colleagues to support this bill.

Mr. Chairman, I submit these two letters, correspondence between myself and Mr. WAXMAN, chairman of the Committee on Oversight and Government Reform, regarding H.R. 1401, the Rail and Public Transportation Security Act of 2007.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, March 26, 2007.

Hon. BENNIE G. THOMPSON,
Chairman, House Committee on Homeland Security, Washington, DC.

DEAR BENNIE: The Committee on Homeland Security reported H.R. 1401, the "Rail and Public Transportation Security Act of 2007," on March 22, 2007. As you know, H.R. 1401 contains provisions within the jurisdiction of the Committee on Oversight and Government Reform, specifically section 112 dealing with whistle-blower protections for various federal employees and contractors.

Because of your desire to move this legislation expeditiously, I have agreed to waive consideration of the bill by the Committee on Oversight and Government Reform. I appreciate your responsiveness after our discussions including, in a manager's amendment, a number of changes to the Committee reported bill.

By agreeing to waive consideration of the bill, the Committee does not waive jurisdiction over H.R. 1401. In addition, the Committee reserves its authority to seek conferees on any provisions of the bill that are within its jurisdiction during any House-Senate conference that may be convened on this or similar legislation.

Finally, I ask that you please include this letter and your response in the Congressional Record during consideration of the legislation on the House floor. Thank you for your attention to these matters.

Sincerely,

HENRY A. WAXMAN,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, March 26, 2007.

Chairman HENRY WAXMAN,
Committee on Oversight and Government Reform, Washington, DC.

DEAR HENRY: Thank you for your recent letter expressing the Committee on Oversight and Government Reform's jurisdictional interest in H.R. 1401, the "Rail and Public Transportation Security Act of 2007." The Committee on Homeland Security appreciates your willingness to work cooperatively on this important legislation.

The Committee on Homeland Security recognizes your jurisdictional interest over provisions contained in this bill, as amended, and appreciates your agreement not to request a sequential referral. The Committee on Homeland Security acknowledges that your decision to forgo a sequential referral on this legislation does not waive, reduce or otherwise affect, the jurisdiction of the Committee on Oversight and Government Reform. Accordingly, the Committee on Homeland Security will support your efforts to participate as conferees in any House-Senate conference on this legislation or in any other legislation that includes this legislation.

A copy of this letter, together with the letter you sent on this matter, will be included in the Committee's report on the bill and the Congressional Record when the bill is considered on the House floor.

Thank you for your continued cooperation, and I look forward to working with you as H.R. 1401 proceeds through the legislative process.

Sincerely,

BENNIE G. THOMPSON,
Chairman, Committee on Homeland Security.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield myself such time as I may consume.

At the outset, let me thank Chairman THOMPSON not only for his work on this bill in particular but for the spirit of cooperation that prevailed throughout this entire period leading up to today.

I also want to commend Mr. LUNGREN, who was chairman of the subcommittee in the previous Congress which did much of the groundwork for this legislation and for the dedication that he has shown and continued in his efforts as subcommittee ranking member.

Mr. THOMPSON had pledged, upon becoming chairman of the full committee, that will be a main priority for him, and he has delivered. There are certain parts of the bill that I would have problems with. But having said that, I certainly commend him for the effort he has put into this and, again, for level of cooperation not only between him and me but between other members of the committee, between majority staff and the minority staff.

Mr. Chairman, September 11 changed all our worlds, and we have attempted in various ways to meet the threat that is presented to us by international Islamic terrorism. Much work has been done at the airports. Last year, we adopted very extensive and expansive port security legislation, chemical plant security legislation.

Some strides have been made towards rail and transit security. But today's bill, today's legislation is very much needed to take a more significant step down that road.

We saw from the attacks on March 11, 2004, in Madrid; the attacks of July 7 in London in 2005; and the attacks in India on commuter lines, that terrorists certainly are targeting our rail and transit for terrorist attack, one of the reasons being that it is so much more difficult to secure transit than it is airports.

Certainly, looking at it very parochially, from my own perspective in New York, the New York City subway system, it has more than 400 subway stations. It has over 1,500 exits and entrances to those stations. In addition to that, we have many, many tens of thousands of commuters coming in from the suburbs of Long Island, upstate New York and New Jersey every day.

It is not just a New York issue, by any means. This is an issue which affects rail and transit throughout the country, but it is an issue that must be addressed.

We have to look at the possibility that the next terrorist attack, like London, Madrid and India, will be launched from the suburbs. It is not just the inner city subways, big city commuter systems, but it is all of them. All of them have to be protected to the extent that we can.

We also have to support those systems which we believe can work, such as the VIPER system, which I believe is essential.

We have to have training for the security personnel. I wish that the legislation had also provided that the funding could go directly to the police, who provide security. It won't be you will have to go through the intermediary carriers, which I think is not a step in the right direction, but I also understand the realities of what has to be done. I think that certainly the police and the transit workers are the front line of defense when it comes to securing our mass transit, and it is essential that they receive the training that they need.

It is also essential that there be capital improvements, that, for instance, the tunnels leading into main terminals be reinforced, that the escape precautions be improved upon, that the first responders have access to tunnels and terminals in times of terrorist attack.

So these are all issues which I believe are addressed to a significant extent in the legislation.

As we said during the previous debate on the rule, there are parts of the legislation, though, which would have been very, very essential, I think, to have had amendments ruled in order. Mr. LUNGREN, I am sure, will be addressing some of these issues, but I am concerned about the whole issue on the whistleblowers as to what we do to protect national security secrets and top secret materials and why the government will be, in effect, precluded from asserting the State secret defense. That is, to me, a very, very significant issue, and it is one where I believe the legislation does not give us adequate protection.

Also, on the issue of Freedom of Information, which Ms. GINNY BROWN-WAITE will discuss as to how we can protect top secret and classified information, all of this to me is important.

But, having said that, this legislation is a very, very significant step forward. It is a major step forward, and it is an area where, again, we realize in a bipartisan way that more had to be done. While significant, more has to be done in the future, because we have an enemy which is constantly adapting, an enemy which is vicious and deadly. As has been proven on 9/11, they can use any number of means at their disposal.

We have to think outside the box. We have to try to anticipate what they are going to do. If, God forbid, there is an attack, we want to make sure our people are able to respond as quickly and as effectively as possible. I believe that this legislation addresses much of that.

I want to thank the chairman for, again, the open-mindedness that he has had on this in accepting many of our suggestions and also negotiating and working with us and, again, just developing and showing a spirit of bipartisanship, which I think is really essential.

Homeland Security should not be a partisan issue. We will and we do have honest differences, but I think the overwhelming majority of the issues affecting Homeland Security can and should be addressed in a bipartisan way.

On those issues that we cannot resolve, we can have honest, intelligent differences on them without in any way questioning the motives of either side and also realizing that sometimes very pragmatic decisions have to be made. We can't allow the perfect to be the enemy of the good.

I thank Chairman THOMPSON. I certainly thank Ranking Member LUNGREN both for his efforts in the last Congress and in this Congress for all that he has done and also the gentlelady from Texas (Ms. JACKSON-LEE).

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Colorado (Mr. PERLMUTTER).

Mr. PERLMUTTER. Thank you, Mr. THOMPSON.

Mr. Chairman, I rise today in strong support of H.R. 1401, the Rail and Public Transportation Security Act. This bill finally addresses the security of our Nation's rail and mass transit industries, and it has been put together in a bipartisan fashion.

The bill includes commonsense provisions that require transportation providers to conduct thorough risk assessment and threat mitigation plans. It also develops security training guidelines for front-line workers who are the eyes and ears on the ground.

Finally, it gives over $1 billion in Federal grants for first responder training, for purchasing of emergency response equipment, interoperable communications systems and cargo and passenger screening equipment. These steps identify where we are vulnerable and give the right people the training and equipment to make us less so.

I also commend the committee for adopting the two amendments I introduced.

The first, which I introduced with the help of Congressman JOHN SALAZAR from Colorado, adds Transportation Technology Center, Inc., in Colorado to the National Domestic Preparedness Consortium so that it can bring its expertise in providing additional security to rail and mass transit systems. As the Nation's premier rail training facility, this will give greater ability to respond to rail disasters.

My other amendment is one that I worked on with my friend from California, and it clarifies Department of Homeland Security rules on what crimes constitute security risks for employees during a background check, and it provides a redress process for individuals who feel they were unfairly fired or terminated.

Mr. Chairman, the security of America's railroad and public transit systems are too important to ignore any longer. This bipartisan, commonsense bill will drastically improve our security.

I urge an "aye" vote.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the gentleman from California, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the ranking member for that and at the outset if I could ask the gentleman from Colorado if he would engage in a colloquy to clarify a section of the bill with me.

Mr. PERLMUTTER. I certainly would, sir.

Mr. DANIEL E. LUNGREN of California. At committee, the gentleman and I worked to clarify language in section 120, which he just referred to, regarding background checks on employees. We included language that specified that nothing in this section of the bill was intended to preempt State and local governments from enacting or enforcing requirements regarding criminal background checks.

Further, we agreed, and the committee agreed in report language, that this section was not intended to prohibit an employer, including State and local governments, from making any employment decisions otherwise permissible under Federal, State or local law.

I would also like to clarify my understanding that this section is intended to impact employers who are complying with the Department of Homeland Security requirements, regulation or guidance, but does not apply to employers who conduct background checks for other reasons.

I would ask the gentleman and yield to him whether this is his understanding of the intent of the section.

Mr. PERLMUTTER. Yes, I concur with your description of my amendment. I thank you for the question.

First, I would like to thank the committee and my friend from California, because we worked out language that would prevent preemption of Federal, State or local laws for security background checks.

Furthermore, these requirements only apply to Department of Homeland Security guidelines. Private employers may conduct subsequent or alternative security background checks, looking for other crimes, based on their employment agreements or other applicable laws.

However, if a person is adversely affected by that security check with regard to his or her employment, the employer may not use Homeland Security as the impetus for that adverse decision.

This section addresses the concerns brought to our attention at a hearing on the impacts of background checks on the transportation workforce. Additionally, it provides a redress process modeled after the transportation worker identification card program that carefully balances the importance of background checks while protecting the Nation's critical infrastructure.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for working with me on this bill and for clarifying this section.

Mr. Chairman, I rise in support of the bill. This is a bill which we have worked on for some time. We started in the last Congress, holding hearings on this in a bipartisan basis. We attempted to get information from the public and private sector in these areas of our economy.

I congratulate the chairman of the full committee and the chairperson of the subcommittee for moving forward with dispatch on this issue.

☐ 1445

We did work on other sectors of our economy with respect to the issue of security against terrorist threats. We did very good work in the area of port security. We did very good work in the area of chemical facility security. I hope that we will continue to do work in the area of the trucking industry.

Where we are talking about the rail system and mass transit systems there is a demonstrated need for us to act, for us to have guidance from the Federal Government to State and local governments in cooperation with State and local governments, and for us to have guidance for the private sector and to work with the private sector in dealing with this threat that threatens all of us, public and private sector combined.

At the same time, I would suggest that there are a couple of concerns that I have about what form this bill may take. One of the areas that I tried, by way of presenting a suggested amendment to the Rules Committee to improve this legislation, was in the area of whistleblower. I mentioned this earlier in the debate on the rule, but let me just stress why this is important. We are dealing with an area in which we are requiring and requesting that other entities work with the Federal Government in coming up with security measures. And as a result of that, there will be information that we do not want shared with the outside world, that we certainly do not want shared in a public venue such that those who would do us harm would have an opportunity to be effective in their intent.

And that is why I was concerned, and other Members on my side of the aisle were concerned, about the whistleblower provisions here, which, frankly, do not carve out an exception for that area of the law dealing with security-sensitive information.

This is of such concern that I understand the administration would recommend a veto of this bill, not on the substance of it, but on the whistleblower provision, and there is no reason for us to run into that difficulty.

Secondly, in the area that will be discussed by the gentlelady from Florida, Ms. BROWN-WAITE, we have the concern about allowing this information out, not in a whistleblower setting, but just allowing this information out as a result of requests under the Freedom of Information Act.

And remember, prior to 9/11 we used to have all sorts of information about nuclear facilities and other entities dealing with power, such that someone could go on an Internet search and find out exactly what the vulnerabilities of those particular facilities happened to be. We realized after 9/11 that in our effort to get everything out to the public we had probably damaged ourselves in terms of our vulnerability.

Here is another area where we are not, in my judgment, giving enough concern about the possible ill effects of our effort to get everything out in the public. And what we have said, and Ms. BROWN-WAITE's amendment attempted to do, was to try and say, in those areas where we have security-sensitive information, there ought to be an exception from the provisions of the Freedom of Information Act. We did this on a bipartisan basis in the Maritime Security Bill a couple of Congresses ago. Why we are not doing the same thing here, I do not understand. And if we had had our amendment to bring forward, we could have debated that. And I hope we will take care of that problem on the Senate side or in conference.

The last thing I would suggest is I understand there is going to be an amendment presented on the floor about alternative material sources. This deals with toxic inhalation materials. We worked very closely, I worked personally with the gentleman from Massachusetts (Mr. MARKEY) in this specific area, and we managed to come up with a bipartisan, balanced approach to that. And I just hope when we have the short time allowed for debate on that amendment, we will debate it in the context of the bipartisan, balanced approach that we developed in our committee and brought forth to this floor.

If you are going to present an amendment which basically is going to have the effect, whether intended or otherwise, to remove these materials from rail to our highways, how can we say we are any safer? And, frankly, that is what that amendment will do.

So I hope Members will look at this, not as a partisan issue, and not saying, well, it was offered by the majority side or the minority side, therefore I am going to vote for it or defeat it on that basis, but look at the actual words in there and look at what the impact will be.

We have made some mistakes in the past in our effort to do things that we have done in the past without the knowledge of the threat of terrorism that came upon us in 9/11. Let us not complete action on this bill as if we were dealing with it on 9/10. This is a bill that ought to be debated, considered, and voted on in the full light of the events that took place on 9/11 and thereafter.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentlelady from New York (Mrs. LOWEY).

Mrs. LOWEY. Mr. Chairman, I rise in strong support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. I want to thank Chairman THOMPSON and Ranking Member KING for moving this bill to the floor in a bipartisan manner.

The President's budget request for fiscal year 2008 includes only $41 million for TSA for surface transportation, less than 1 percent of the TSA budget. From fiscal year 2003 to fiscal year 2006, DHS distributed approximately $387 million for rail and mass transit security grants. On average, that is only one penny of Federal homeland security funding spent for each of the 9.5 billion transit passenger trips each year. This number is miniscule compared with the average Federal security investment of $9 per airline passenger trip.

This legislation represents the first step in closing the enormous gap between Federal spending on aviation security and spending on security for rail and public transportation.

As we saw in the uncovered plot to bomb the Herald Square subway station in New York City, as well as the horrific attacks in Madrid, London and

Mumbai, terrorists are targeting mass transit systems, and we must do what it takes to protect and secure our transportation networks.

This bill, for the first time, authorizes dedicated risk-based funding for the security of railroad carriers, public transportation systems, and over-the-road bus systems.

It also provides for fire and line-safety improvements to be made at Amtrak tunnels throughout the critically important Northeast corridor, including six tunnels in the New York City area.

Every day, thousands of my constituents join more than 7 million riders traveling on Metropolitan Transit Authority trains and buses throughout the New York metro area. They expect and deserve to know that the Federal Government is just as committed to rail security as it is to other homeland security priorities.

I urge my colleagues to support this legislation.

Mr. KING of New York. Mr. Chairman, I yield such time as he may consume to the former sheriff of King County in Washington State and current ranking member of the Intelligence Subcommittee, Mr. REICHERT.

Mr. REICHERT. Mr. Chairman, I thank the gentleman for allowing me time to speak this afternoon. I also want to take a moment to congratulate Chairman THOMPSON on bringing this legislation forward.

And I do rise, Mr. Chairman, in support of H.R. 1401. A number of the speakers already have touched upon how the world has changed since September 11, but sometimes we say those words and, really, the heart and the meat of those words don't really touch our hearts. And if I could just take a moment to share a story with you.

As I was traveling through my district a few months ago along the freeways just south of the city of Seattle, I looked up at one of the traffic advisory boards. Usually what you see on those advisory boards are traffic alerts: take a different route; traffic accident ahead; severe hazard is ahead; exit freeway; blocked freeway ahead. Those are the things that we are used to seeing on our traffic advisory boards in the Seattle area.

But on this day, as I looked up at the traffic advisory board, what it said was, SEA-TAC Airport security alert. No gels, no liquids allowed on planes in carry-on luggage.

That, to me, just struck for a moment at, really, the true change that has happened since September 11. Freedom has been impacted by the attack on the United States of America. And as we look at protecting our homeland, it is so important for our protection to be coordinated by law enforcement, by local law enforcement, for grant money to be directed toward local law enforcement and partnering with the Federal system, partnering with the Department of Transportation, partnering with the airport and the rail and security people who protect our railways, highways and airports. All of those have to be brought together and in conjunction with the private sector. That is the duty of local law enforcement to bring people together, to make our neighborhoods and communities safe.

But, as I support H.R. 1401, as reported unanimously by the Committee on Homeland Security, I am in strong opposition to the manager's amendment that is up for consideration today.

Under the version of this legislation, Mr. Chairman, approved by the Committee on Homeland Security, the Department of Homeland Security would be responsible for distributing rail and public transportation security grants. Unfortunately, good policy has given way to politics. And in the manager's amendment, we see the responsibility for administering these grants has shifted from the Department of Homeland Security to the Department of Transportation.

In a statement by the National Sheriffs' Association on this legislation, the association writes: "Specifically, the National Sheriffs' Association, sheriffs and law enforcement officials have a vested interest in protecting national and homeland security and, in order to do so, it is paramount that an obvious and central entity exist to which sheriffs can turn to for support and assistance. Thus, the National Sheriffs' Association believes that allowing the Department of Homeland Security to maintain the primary role in the assessment and the distribution of grant monies concerning rail security will help maintain such a necessary and efficient Homeland Security infrastructure."

Let me repeat that last part, please: "Allowing the Department of Homeland Security to maintain the primary role in the assessment and distribution of grant monies concerning security will help maintain such a necessary and efficient Homeland Security infrastructure."

In addition to this ill-conceived move, the manager's amendment makes another critical error in determining who is eligible for the $2.4 billion of funds for rail security. Again, the version of this legislation reported out of the Committee on Homeland Security allowed State, local and tribal government entities, as well as railroad carriers, to apply for these grants. Risk-based, threat-based. The manager's amendment allows eligible railroad carriers only to apply for these grants.

Mr. Chairman, as a former sheriff of a major metropolitan area, I understand local law enforcement plays an important role in protecting our Nation's transit and rail systems. A cynical person might say that the manager's amendment serves as nothing more than a $2.4 billion earmark for Amtrak, though I am sure that that is not the overt intent of its author.

While the manager's amendment has made some improvements to this legislation, specifically, the whistleblower provisions, I remain in strong opposition to the dangerous changes the amendment makes to the grant portion of this bill.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Rhode Island (Mr. LANGEVIN), the chairman of the Emerging Threats Subcommittee.

Mr. LANGEVIN. Mr. Chairman, I thank the chairman for yielding, and I want to commend him on his outstanding leadership in bringing this bill to the floor.

Mr. Chairman, I rise today in strong support of the Rail and Public Transportation Security Act, H.R. 1401, which will significantly strengthen the safety of our Nation's rail and mass transit systems.

Mass transit systems worldwide have long been terrorist targets.

□ 1500

Within the past few years, terrorists have exploited security vulnerabilities to carry out attacks on mass transit systems in London, Madrid, and Mumbai. We are fortunate to have escaped attack here in the United States, but make no mistake about it, the threat continues to be very real.

Each day, over 11.3 million Americans utilize our Nation's rail and public transit systems. Therefore, we must strike a delicate balance between tightening security and allowing for the free flow of passengers heading to school, work, and recreational activities.

One of the ways we can make a difference is in training our mass transit and railway personnel. Rail and mass transit security workers are our first line of defense in identifying abnormal activity and protecting passengers from potentially harmful situations. It is therefore vital that we equip them with the training that they need to be effective. Now, this legislation will create mandatory security training programs to prepare all front-line railroad and public transportation workers for potential threat conditions.

I am also pleased that this bill finally authorizes additional funding for enhanced security efforts. On average, Mr. Chairman, we spend $9 per air passenger annually on security but only 1 penny per rail and mass transit passenger. This is clearly an unbalanced approach to our transportation security.

Now, while we should continue to allocate sufficient funding to secure our aviation sector, we must also increase the resources we dedicate to rail and mass transit. I am confident that H.R. 1401 will bring us another step closer to achieving this goal.

Mr. Chairman, we have certainly come a long way in making our Nation safer since September 11, but we are still not yet safe. This bill, combined with other homeland security measures passed in recent months, will close many of the existing gaps and make our Nation safer.

I urge my colleagues to join me in supporting this important piece of legislation. Again, I commend the chairman for his leadership in bringing this important bill to the floor.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentlewoman from the District of Columbia (Ms. NORTON).

Ms. NORTON. Mr. Chairman, I thank Mr. THOMPSON and the ranking member, Mr. OBERSTAR, and his ranking member as well for this very important legislation that has come forward today.

Perhaps you, too, can hear the collective sighs of the American people now that we are doing something about rail and mass transit. They have wondered, and how could they not, whether the bombs that were planted in Madrid and in London would somehow find their way into their own subways or whether the Hazmat accidents could be more than that here in this country.

I was moved by these vulnerabilities to be the lead sponsor first of the Safe TRAINS Act, then the Secure TRAINS Act. After all, 800,000 Federal workers use our Metro daily. That did not inspire the Federal Government to move forward. Finally, we have a bipartisan bill to relieve the national anxiety of the average American about the forms of transportation she uses most.

They watched as we poured billions into air travel security. We had to do it, it was after the fact. But we left huge vulnerabilities.

Union Station, for example, the hub of the entire region, you have beneath it the trains running underneath a hall where Members every other day come to celebrate in the evening one or the other kind of event. The District of Columbia was driven by the vacuum to actually pass its own rerouting legislation that has not even been dismissed ever yet. That shows you how vulnerable we are.

The bill finally instructs the Department of Homeland Security to exercise leadership, to use its expertise so that transit systems are not working on security on a case-by-case basis. We can't protect the country by shoring up one mode of transportation alone—a virtual invitation to then move elsewhere.

I think there is an important lesson here. I am on the Aviation Subcommittee, so I have wanted to shore up air travel. But by shoring up one mode of transportation, we may be offering a virtual invitation for terrorists to go to the next most vulnerable target. That turns out to be rail and mass transit, where we could least afford terrorist events. That is where the American people are. I thank both sides of the aisle for coming together on this bill to go precisely where they are to protect the public at last.

Mr. KING of New York. Mr. Chairman, I continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentleman from North Carolina (Mr. ETHERIDGE).

Mr. ETHERIDGE. I thank the chairman for yielding, and I commend him and the ranking member for their hard work on this piece of legislation.

For too long, the Department of Homeland Security has ignored threats to rail and public transportation and buses; and I am pleased to help cosponsor this legislation to correct this problem.

In the face of recent attacks in London and Madrid and with our own subways and buses still vulnerable, I am hopeful that this legislation will make sure that the Department addresses this critical work.

In addition to closing security gaps in rail and mass transit safety efforts and providing support and guidance for training, security planning and research and development, this bill contains language that I proposed requiring the Department of Homeland Security to assess threats to our Nation's children posed by security risks to school bus transportation.

School buses have been targets of terrorists throughout the world, including here in the United States. Just last month, the FBI said that members of extremist groups have purchased school buses and obtained licenses to operate them, while adding that "parents and children have nothing to fear." I do not believe we can take these assessments at face value without a comprehensive threat assessment of school bus transportation.

School transportation is a patchwork of systems including public entities, privately owned school bus companies, contractors who provide school transportation, individual owner-operators of school buses who contract with school districts or school systems. The risks are poorly understood, as the FBI's muddled message indicates.

An attack on our school buses would be devastating not only in the lives harmed but also in the psychological and symbolic impact. As a former superintendent of schools for the State of North Carolina, I know that children, parents, and schools deserve our school buses to get children to school as safely and as securely as possible. We owe our children no less than to be able to confidently say that our transportation system is secure.

The bill requires DHS to perform a comprehensive threat assessment for school transportation and make recommendations on how to respond to these threats. The bill requires vulnerability assessments and security plans for other modes of transportation in the public trust, and it should be the same for our children.

I urge everyone to vote for it.

I thank you, Mr. Chairman, for yielding the time and to the ranking member for all your hard work.

Mr. KING of New York. Mr. Chairman, I continue to reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from South Texas (Mr. CUELLAR).

Mr. CUELLAR. I thank the gentleman for yielding, and I also thank Chairman THOMPSON for the strong leadership that he has shown on this bill. I also thank Mr. KING for the bipartisan support that he has shown on this bill and with the committee.

I rise in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. H.R. 1401 is an important piece of legislation that takes steps to secure our Nation's railroads, over-the-road bus networks, and the public transportation systems. In addition, the Rail and Public Transportation Security Act includes provisions that take strides in enhancing the security of transportation systems at our critically important international land borders.

My hometown of Laredo, Texas, is one of the busiest ports of entry into the United States and a hub of international commerce. Approximately 1,600 railcars cross the border daily in Laredo. Additionally, 163,000 cars cross annually that are loaded with freight and headed to destinations throughout the United States.

To meet the challenge of securing our Nation's border rail ports of entry, I worked with my chairman and my colleagues on the Homeland Security Committee to include two important additions to H.R. 1401. The first one supports the development and emergency response and recovery techniques that can be used at our international borders. The second gives rail inspection facilities at our international borders a priority to receive critically important rail security grant funding authorized by this legislation.

I am proud to support this legislation that will make our Nation's rail, transit, and bus systems more secure and that will ensure that the safety of citizens living across the Nation are secure as they use these systems.

Mr. Chairman, I again thank our chairman for the leadership that he has shown on this piece of legislation and for leading our committee.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to a former member, stellar member, of the House Homeland Security Committee, Mr. PASCRELL of New Jersey, who has moved on, but he still has an interest.

Mr. PASCRELL. Mr. Chairman, I rise in strong support of the Rail and Public Transportation Security Act of 2007. This is critical legislation designed to focus on a long-time vulnerability that exists within our Nation.

This bill is a real product of bipartisan cooperation. So I want to commend our leader, Chairman BENNIE THOMPSON, as well as Ranking Member PETER KING, both of whom I enjoyed working with and continue to work with, even though I am not officially on the committee. You have performed a tremendous service to this country, and we are indebted to you. Your sagacity is seconded by no one.

We know that rail and public transportation represent a very tempting target for those who wish to do us harm. London and Madrid are just two recent examples of the mass transit systems that are plagued by terrorism. Last year, in fact, the committee went to Madrid, to Rome, and to London, and we saw the evil deeds of terrorists, and we learned much, and they learned much from us. Thankfully, H.R. 1401 will make needed and long-overdue investments in America's public transportation to ensure that we are safer and more secure.

The bill provides for comprehensive, mandatory training for front-line workers. That is so critical for us to understand. These are folks that are on the job every day. Transit employees must know how to identify risks and respond in case of a threat or attack.

And you know, Mr. Chairman, I felt very strongly about this, discussed it with both of you, that we need to get more retired law enforcement into these positions of security. They know how to detect the threats that are on the line.

The bill also enhances whistleblower protections so that workers can be free to report security concerns. This is critical, Mr. Chairman. This has been so critical in exposing the security gaps at airports throughout the United States of America. If people are not free to tell us what they see day to day and are fearful that there will be reaction against them, that is not good.

Most importantly, this bill provides $7.3 billion to public transit agencies, Amtrak, bus operators, and other providers of rail and public transportation. We want people to feel as safe on the trains as they are in the air.

We know full well that rail and mass transit have been negligently underfunded in terms of security since 9/11, and it is long past time that we do this.

□ 1515

Today we do that. I applaud the chairman and I applaud the entire committee for their hard work.

Mr. KING of New York. Mr. Chairman, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2 minutes to the gentleman from Houston, Texas (Mr. AL GREEN).

Mr. AL GREEN of Texas. Mr. Chairman, I especially want to thank the chairman for his outstanding leadership. It is an honor and really a preeminent privilege to serve with him on this committee. I also thank the ranking member. I would thank also the subcommittee Chair, SHEILA JACKSON-LEE, from the great State of Texas. She and I have districts that are juxtaposed right next to each other.

Mr. Chairman, I am supporting this legislation because it authorizes $140 million to Amtrak to improve tunnels in the Northeast corridor. It requires programs that will cause our transit employees to be trained on how to prevent, prepare for, and respond to terrorist attacks. Our first line of defense will be prepared to defend as a result of this bill.

This bill requires that we look forward, and it authorizes $200 million over the next 4 years to find solutions to security threats.

This bill protects those who would protect us in that the whistleblowers will be protected. I trust that while it may not be a perfect provision, it is better than what we had, and I assure the public that this is going to help us.

This bill will help us to get the additional inspectors that we need. We will move from 100 inspectors to 600 by 2010.

This bill helps us to protect America's future, our children, in that it provides for school bus transportation security assessments.

This bill provides for enhanced security for shipments of sensitive materials.

Finally, of the many things I can say, I want to remind us that this bill provides that violators of the act will be punished. There are both civil and criminal penalties for violators.

I think this is a good bill. I am honored to have my name associated with it as an original cosponsor.

Mr. KING of New York. Mr. Chairman, I continue to reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 2½ minutes to the gentlelady from New York (Ms. CLARKE).

Ms. CLARKE. Mr. Chairman, I wish to thank Chairman THOMPSON, Ranking Member KING and Chairwoman JACKSON-LEE for their vigilance on this issue.

Mr. Chairman, I rise in support of the Rail and Public Transportation Security Act of 2007, H.R. 1401. In the past, Congress has passed laws to improve air and maritime security. With this bill, Congress is finally taking the very important step of securing America's vast ground transportation systems.

It is particularly important for my home city of New York, which has spent far more of its own treasury than any other city on securing its citizens. Along with providing much-needed funding for security improvements to mass transit, bridges and tunnels, this bill will also help fund police and counterterrorism task forces to patrol the areas and react to emergencies.

Further, this bill provides $100 million over the next 4 years to bring about long-anticipated safety and security renovations at Penn Station, which sees thousands of New Yorkers and tourists from across America each day.

I am particularly proud of the language included in the bill that ensures labor unions will play an integral role in the solution. Unions will now be eligible to receive a portion of the grant funding, allowing them to work hand-in-hand with transportation carriers on how to improve the safety of the workers and passengers alike.

Also, for some time, many local governments and agencies have been concerned about their lack of involvement with the Federal side of the transportation security process. For years, Federal security inspectors have refused to consult with transit agencies about how best to patrol their facilities. This new bill will force DHS and DOT to work together with State and local governments when deciding how the Federal Government will interact with local agencies.

H.R. 1401, the Rail and Public Transportation Security Act of 2007, is an excellent bill that will revolutionize transportation security in America, and I wholeheartedly recommend that my colleagues join me in voting "yes" for this bill.

Mr. KING of New York. Mr. Chairman, I continue to reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1½ minutes to the gentleman from Colorado (Mr. SALAZAR).

Mr. SALAZAR. I thank the gentleman from Mississippi for yielding, and I want to recognize the chairman and the ranking member for their exceptional leadership on this critical issue.

Mr. Chairman, I rise today in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007, and urge its swift passage.

Horrific terrorist events around the world have forced us to focus on rail security. This bill is an important and necessary step towards protecting our Nation's rail and surface transportation safety.

My district is home to the world-renowned Transportation Technology Center in Pueblo, Colorado. TTCI's Emergency Response Training Center conducts hands-on hazmat training for first responders and is known in the field as the premier graduate school for surface transportation hazmat training.

My good friend and fellow Coloradan, Mr. PERLMUTTER, highlighted in committee the critical role that TTCI plays in advancing rail security, research and development and hazmat training.

By making TTCI the sixth member of the National Domestic Preparedness Consortium, it will add a critical component to the consortium that is now missing. TTCI is the only facility in the Nation that has the experience and assets necessary to test new emergency response and recovery techniques. Adding TTCI to the consortium will help fulfill the goals of this bill, making our rail lines safer from homeland security threats by enabling the facility to accelerate its already outstanding work in the field of rail security.

Mr. Chairman, I urge my colleagues to support the investment in rail and public transportation security and passage of this much-needed bill.

Mr. KING of New York. Mr. Chairman, I reserve my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 1 minute to the gentleman from Chicago, Illinois (Mr. DAVIS).

Mr. DAVIS of Illinois. Mr. Chairman, I rise in strong support of H.R. 1401, the Rail and Public Transportation Security Act of 2007, and I commend the Committees on Homeland Security and Transportation for such an outstanding piece of work. But I also want to just take this opportunity to pay serious appreciation to the chairman of Homeland Security, to the chairman of Transportation, Representative OBERSTAR, and to the chairman of Judiciary, Representative JOHN CONYERS.

I was involved in a situation with an issue that we brought to them, and, as a result of their humaneness, their serious understanding and their recognition of the need to protect the rights of individuals throughout America, I think we ended up with a bill that I am strongly in support of, urge its passage and, again, commend all of these gentleman for their tremendous sensitivity and hard work.

Mr. KING of New York. Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield 3 minutes to the gentlelady from Texas, Ms. SHEILA JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me thank the distinguished chairman of the committee and thank the ranking member and the members of the committee who worked so diligently. Let me specifically thank the members of the Subcommittee on Transportation Security and Critical Infrastructure. Each and every one of them worked tirelessly to contribute to this bill, along with members of the full committee.

This has been a very tough mountain to climb. We waited for 4 years to travel through a number of legislative initiatives, and finally we reached a point where we are able to bring to the floor the Rail and Public Transportation Security Act of 2007.

Let me thank the chairperson, Mr. THOMPSON, for his vigorous leadership and his concern, so much so that he organized and made sure that the full Homeland Security Committee was organized to have a subcommittee that would focus on transit systems which would include over-the-road buses, trucking and a number of other important transit systems or transportation systems that heretofore had not been covered.

Let me also thank him for the inclusion of the aspect of critical infrastructure because, interestingly enough, when you look at transportation systems, critical infrastructure plays into the holistic approach to security. So this bill I think has a holistic approach to ensuring that we have security, and it has as a backdrop the tragedies of Madrid and the tragedies, of course, of London.

So what we do is, how do we fix the problems. I think we have a hands-on approach, but a balanced approach, between the Departments of Transportation and Homeland Security. We increase the number of inspectors to 600. We require a national rail and public transportation security plan. For the first time in the history of this Nation, we will clarify the roles and responsibilities of Federal, State and local agencies, so that if you have a local transit agency, they will have the opportunity to develop a transit security system. I would encourage my colleagues as this bill makes its way that we focus on local jurisdictions having security plans.

It will strengthen intelligence sharing. One of the Achilles heels of 9/11 was that we did not share intelligence. We will do that as relates to transportation systems.

Then we will lay out plans for public outreach and public education initiatives. It will include strategies and time lines for research and develop. We have expanded, of course, this whole idea of security to diverse groups that have not heretofore had the opportunity, minority institutions, minority contractors and women-owned businesses that can become engaged.

And, yes, our committee had a hearing on the tension, but also the separation, between the hiring of individuals and the requirements of railroad companies versus the requirements of the Department of Homeland Security, so we wouldn't use security as a reason for terminating individuals.

This bill has a positive end to it. We will bring rail security to America, Mr. Chairman. I am proud to have been the subcommittee Chair on this and proud of this committee. I ask my colleagues to support this bill.

Mr. Chairman, I rise in support of this bill.

As the Chairwoman for the Homeland Security's Subcommittee on Transportation Security and Infrastructure Protection, we have held numerous vital hearings on the topic of transportation security. These hearings were attended by the Subcommittee's Ranking Member, Mr. LUNGREN from California, and other Committee Members from both parties.

Over the past couple of months, the Committee on Homeland Security has heard testimony on the important issue of rail, mass transit, and over-the-road bus security. After hearing the experts' testimony, I, like many Americans, am appalled by the failure to provide ongoing and continuous oversight in transportation security—specifically, in the areas of rail and mass transit.

Throughout the world, mass transit systems have long been targets of terrorist attacks. Algerian extremists set off bombs on the subways of Paris in 1995 and 1996; the Irish Republican Army waged a long-running terrorist campaign against the London Underground; Palestinian terrorists have carried out suicide bombings on Israel's buses; Chechnyan terrorists killed 40 people by bombing the Moscow subway in 2004; and, in the first terrorist use of a chemical weapon, a Japanese cult—Aum Shinrikyo—released sarin gas on a Tokyo subway in 1995.

Recent events make it clear that the threat continues. On the morning of March 11th, 2004, ten explosions occurred at the height of the Madrid rush hour aboard four commuter trains. On July 7, 2005, during the morning peak travel hours, three separate explosions ripped through the London Underground and a fourth explosion occurred on a double-decker bus. These four explosions, the result of coordinated suicide-bombings by British-born Islamic extremists, claimed the lives of 56 people and seriously injured hundreds more. Two weeks later, on July 21, 2005, another group of terrorists unsuccessfully attempted to attack London's mass transit system again. On July 11th, 2006 a series of seven bomb blasts against the Suburban Railway in Mumbai (formerly known as Bombay), capital city of the Indian state of Maharashtra and India's financial capital resulted in 207 lost lives and over 700 injured.

The recent attacks serve as a harsh reminder of mass transit and rail security vulnerabilities. Both mass transit and rail systems are public and used by millions of people daily. Because of their size, openness, and highly networked character, there are no obvious checkpoints, like those at airports, to inspect passengers and parcels. Passengers are strangers, promising attackers anonymity and easy escape.

And attacks on mass transit—the circulatory systems of urban areas—can cause widespread fear, severely disrupt economic activity, kill or injure large numbers of people, and alter our way of life. An attack on our freight rail, either the material being transported (such as hazardous materials, or vital commodities), or merely the system itself, could severely impact our national economy.

As a result, both mass transit and rail systems are attractive targets. Since September 11, 2001, according to the Memorial Institute for the Prevention of Terrorism, mass transit systems have been the target of more than 145 terrorist attacks.

Due to their existence in high-population, high-risk urban areas, mass transit systems are also inevitably affected by any terrorist attack that may occur within that jurisdiction—regardless of whether the transit system was the target of the attack. For example, during September 11, 2001, two of New York City's busiest transit stations were lost and considerable damage occurred to the tunnel structures, endangering hundreds of lives underground. Great care was required to evacuate passengers, locate and rescue trapped transit cars, and communicate instructions. The damage in New York City was so great that in the immediate aftermath of 9/11, Congress appropriated $1.8 billion to rebuild the subway infrastructure that was damaged in the attacks. I am hopeful that through this legislation we can prevent such attacks rather than face the tragic consequences of 9/11 again.

I refuse to sit idly by and allow another 9/11 or Madrid, London, or Mumbai bombing to disrupt our Nation and its critical infrastructure—it is with that conviction that I seek to address these issues. The recent world events should serve as a wake-up call that we must do more to secure our transportation systems and we must act quickly and responsibly.I firmly believe that the legislation before us today will take an important step in securing our transportation systems.

Pursuant to the Aviation and Transportation Security Act of 2001 (ATSA), the Transportation Security Administration (TSA) is responsible for the security of all modes of transportation including rail and mass transit. TSA, however, has focused the majority of its resources and assets on aviation security in the past five years.

Congress, recognizing TSA's lack of progress in developing a security strategy for all modes of transportation, mandated the development of a National Strategy for Transportation Security in the Intelligence Reform and Terrorism Prevention Act of 2004 ("9/11 Act"). This strategy, although due April 1, 2005, was not finalized by TSA until September 2005. Moreover, the document provided by the Department of Homeland Security (DHS) did not meet the requirements set out by Congress, especially with regards to rail and mass transit security. Furthermore, subsequent congressionally mandated updates were also not met by TSA, resulting in the 9/11 Discourse Project giving the TSA a C− for its efforts.

TSA's failure to assume a leadership position on surface transportation security is plainly evident. It is time that we take action and leadership to help protect the more than 11.3 million passengers in 35 metropolitan areas and 22 states who use commuter, heavy, or light rail each weekday. There must be substantial penalties for those who do not follow the security plans, vulnerability assessments, and regulations set out in this legislation.

This bill provides the framework by which to create an ongoing and constant oversight process for our overlooked modes of transportation. Working with other federal government agencies, the Department of Homeland Security will monitor and assess the progress made by transportation providers and their workforces in implementing the security training mandated for transportation workers in this bill. I am also pleased that I was able to ensure in this bill that DHS would leverage its work in regards to security training with the safety training which has already been developed in universities and institutions of higher learning.

These institutions with existing transportation programs will also have an opportunity to participate in the National Transportation Center of Excellence Consortium. These programs have spent numerous years developing solutions for transportation vulnerabilities and this knowledge should be employed. I am especially pleased that minority serving institutions will play an active role in contributing to improving our transportation security.

Furthermore, neighborhood and local participation through programs such as Citizen Corps exercises is also critically important in facilitating security exercises. The millions of men and women who live next to railroad tracks and subway stations will be directly impacted if there is an attack, and they should be active and knowledgeable participants in preparing for such a tragic incident.

Furthermore, I am pleased that I was able to work with Chairman THOMPSON and Chairman OBERSTAR on the issue of rail security grants for security improvements to new start rail projects and systems. New start rail projects throughout the country will be more secure because we were able to incorporate language ensuring that rail security grants are used for security plans for new start rail projects which have not become operational yet.

Mr. Chairman, I also worked to ensure that this bill will authorize some much needed human resources to the Transportation Security Administration in the form of 600 additional rail security officers and inspectors. TSA will need additional manpower to meet the mandates set out in this legislation, such as approving of security plans and implementing training programs for covered transportation workers. The 100 additional officers I was able to secure will ensure that TSA is equipped to live up to its new mission.

This bill also authorizes more than $5.1 billion for the next four years, for rail, mass transit, and bus security. The funds called for in this bill should be based on risk and the priorities established by DHS. With this bill—for the first time—we will have comprehensive vulnerability assessments and security plans for rail, mass transit and buses.

I find it completely appalling that this Administration seems to be unwilling to act on rail and mass transit security until we are faced with another disaster. I shudder to think that if the Washington, DC or New York subway systems were attacked, and mass casualties resulted, that we would be thinking that more could have been done to prevent such a tragedy. We will be desperately trying to figure out how to prepare for a disaster that has already happened and holding hearing after hearing to find out where we dropped the ball. The time to prepare is now, and I am committed to securing our nation's rail and mass transit system expeditiously. We have been blessed thus far that our rail and public transportation systems have not been attacked. We should make our best efforts to ensure that we do not overlook this blessing.

From the terrorist attacks that have occurred around the world, we know that terrorists will target our rail and public transportation systems. Despite this admonition, the agency created and funded by Congress to address the issue of transportation security has consistently dropped the ball when it comes to rail and public transportation. We cannot let the lessons of Madrid, London, and Mumbai go unheeded. For the sake of the millions of Americans who use our rail and mass transit systems every day to go to work, school, and visit friends and family, we have to take charge on this security risk.

What we are witnessing with the Transportation Security Administration is a lack of complete accountability. The Transportation Security Administration is not being held fully accountable for protecting our transportation systems and this must change. I acknowledge and appreciate the time that TSA Administrator Kip Hawley has taken to participate in this important hearing. However, we cannot tolerate the TSA's past inaction on this issue to continue for a moment longer.

While it is understandable that we would put focus on the safety of air travel, given the events of 9/11, what cannot be justified is the completely lopsided attention by the Department to aviation security at the expense of rail and mass transit security. I am pleased that this Congress and Chairman THOMPSON have decided to do what this Administration has thus far proved unwilling to do. That is, to provide a comprehensive framework to secure this nation's rail and public transportation systems.

We owe it to the public to safeguard the modes of transportation that allow them to carry on with their lives and drive this economy. Millions of men and women ride our nation's rail and public transportation systems every day; we owe it to them to ensure that they can do so safely and securely. I hope that through today's hearing and our continued efforts on the issue of rail and mass transit security, we can resolve the asymmetric way in which we treat aviation versus rail security and resolve the substantial threat posed by inadequate security on our rail and mass transit system.

I want to thank my colleagues for all of their hard work and dedication to these important issues, but I also want to emphasize that our job is not complete until we pass this bill and send it to the President. I eagerly look forward to the expeditious enactment of this critical legislation.

Mr. KING of New York. Mr. Chairman, let me again commend Chairman THOMPSON for his very high level of cooperation, for the dedication he has shown to this, and again thank Mr. LUNGREN, the ranking member of the subcommittee, for his efforts in the previous Congress and this Congress, and also the gentlewoman from Texas (Ms. JACKSON-LEE) for her efforts.

Mr. Chairman, the country was caught unaware on September 11. We could perhaps say that we did not anticipate the ferocity of the attack or the nature of the attack or the nature of our enemy, but we no longer have that excuse. September 11 certainly made us fully aware of how deadly our enemy is. Since then, whether it be intelligence reports or whether it be the attacks in London, Madrid or Mumbai, we realize also that mass transit is a favorite target of Islamic terrorists.

So we have no excuses. We have to move forward, and that is what this legislation does. It sets a coordinated national policy toward dealing with attacks on our public transportation system. It coordinates at the national level with the State and local officials what has to be done. It provides a level of training to our transit workers and to our police.

As I mentioned before, in New York, as Ms. CLARKE knows well, there are more than 5 million riders on our mass transit system every day.

As the gentleman from New Jersey (Mr. PASCRELL) mentioned, he and I and a number of other members of the committee last year visited London and we visited Madrid. We saw the extent of the carnage and the destruction that was caused. We full well realize that the next terrorist attack may very well be launched from the suburbs. It could be brought in on a commuter train to our cities. The subway systems themselves, the mass transit systems themselves are extremely vulnerable to attack.

We can never be 100 percent secure. We can probably never reach the same level of protection on a subway system or mass transit system, for instance, that we can at our airports.

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We do a great deal. And that is what this bill does, it moves us forward. It provides levels of protection that we do not currently have. And it is going to be an ongoing work in progress. It is going to be something that requires our continued dedication, our continued effort. It is going to require continued bipartisan effort, bipartisan support.

So I look forward to working with the chairman at least for the next 21 months in his role as chairman and, whatever happens after that, continue to work with him. Because this is, again, an issue, it is a threat that goes far beyond any type of partisan divide. It is something that should bring us all together as Americans. There is so much that we have in common where our values and principles are shared, are in common that, as Democrats and Republicans and, most importantly, as Americans, we can work together. This bill goes very far in that direction.

Again, I commend the chairman. I commend all of the members of the committee on both sides for their efforts.

Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, let me, at the close, thank my ranking member of the committee.

Our committee, as you know, has a reputation of being one of the more bipartisan committees here on the Hill; and I look forward to continuing that. Mr. KING has done a wonderful job.

Clearly, this legislation helps close the gap in terms of vulnerability. Those people who fly have been reasonably safe since 9/11. However, we clearly have vulnerabilities that we need to fix on the rail and public transit systems. So what this bill does is move us in that direction.

Mr. Chairman, I urge my colleagues to vote "aye" on H.R. 1401.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. SNYDER). All time has expired on this section of general debate which has been controlled by the gentleman from Mississippi (Mr. THOMPSON) and the gentleman from New York (Mr. KING).

Pursuant to the rule, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Florida (Mr. MICA) each will control 10 minutes of general debate.

The Chair recognizes the gentleman from Minnesota.

Mr. OBERSTAR. Mr. Chairman, I yield myself 2 minutes.

This legislation is vitally important. It is long-standing. Actually, transportation security legislation in the aftermath of September 11 originated in the Committee on Transportation and Infrastructure, where the gentleman from Alaska, then the chairman, and I worked on a wide range of transportation issues. The gentleman from Florida (Mr. MICA), then the Chair of the Aviation Subcommittee, and I worked on what became the Transportation Security Administration, the TSA, the aviation portion of it.

So we have a long-standing interest and involvement and in-depth engagement in this issue of transportation security. And now that the Homeland Security Committee has been created, we share aspects of this jurisdiction with that committee under the able leadership of the gentleman from Mississippi (Mr. THOMPSON), the able chairman of the committee. We are very grateful for the opportunity we have had to work together to align our interests and achieve a memorandum of understanding that has been incorporated into the Rules of the House on the shared jurisdiction.

Over a decade before September 11, 40-plus percent of terrorist incidents were carried out against rail systems and transit buses; and events of recent note show that those kinds of attacks continue.

The transportation systems covered under this legislation cover over 11 billion passengers. In the United States, every day 14 million people use public transportation for some 10 billion plus transit trips annually.

This legislation gives us new authority and new funding to address the needs of those transit systems, to protect them against attacks, reduce their vulnerability and improve the security of passengers.

Mr. Chairman, I reserve the balance of my time.

Mr. MICA. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would have liked to have come to the floor and supported this bill. However, the more I learn about some of the provisions of the manager's amendment that will be offered, the more I learn about some of the special interest provisions that have been put in this bill in the name of some special interest, as opposed to national security, I find myself inclined to vote against the measure and final passage, if it continues as it is now crafted.

First of all, I truly believe that the security grants that are provided for under the provisions of this legislation will not prevent terrorist attacks. This isn't always a question, as I said earlier on the rule, of how much money we spend. I have no problem as a Member of Congress spending money on rail and transit security. It is how we effectively spend that money.

This bill is not going to prevent a Madrid, where cell phones and backpacks were used. This is not going to prevent a London, where clean, unknown suicide bombers exercised their will and slaughtered many people, both aboveground and underground.

I was there just weeks before and saw some of the measures that they put in place. Now they were nice surveillance measures, but we can't make the same mistakes. If we want to stop terrorism, we are going to have to penetrate the organizations, the finances and the communications of individuals that are willing to take their own lives and others. This bill is not going to, as it is crafted, provide that.

The other thing that was prohibited from both the Homeland Security Committee and the T&I Committee was the ability to amend this. As we saw this product developing, we did not put in a needs assessment or risk assessment, which has never been done for rail or transit security, so we don't know where to spend the money.

We heard some of the Members saying we are going to have 600 inspectors. Do we need those 600 inspectors? Someone else said we are going to make these grants available to unions. Is that the best interest or is that serving some special interest?

So I have grown to have some very serious concerns about the provisions of this legislation. And the American Association of Railroads has said that, in fact, this is going to dismantle safety and security as we know it under existing law with the preemption clause that has been provided here.

So from State to State under the provisions of the way this manager's amendment is crafted, the regulations will vary. Can you imagine a train going from jurisdiction to jurisdiction under those circumstances?

Mr. Chairman, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Chairman, I yield 4 minutes to the gentlelady from Florida, the Chair of the Rail Subcommittee.

Ms. CORRINE BROWN of Florida. I want to thank Chairmen OBERSTAR and THOMPSON for working together to bring this important legislation to the floor.

For too long, we have neglected the security of our rail and transit system, and this legislation will go a long way to make up for this.

March 11 marked the third anniversary of the train bombing in Madrid, where 191 people were killed and 2,050 were injured. Since that terrible terrorist attack, additional bombings have occurred in London and India, killing hundreds more people. It is obvious that we must be ready for a similar attack here in our own country, but, sadly, we are not.

Mr. Chairman, each year more Americans ride on rail and transit systems than they do on planes, yet the money we are putting in security is a mere fraction of what we devote to aviation security. In 2006, the Federal Government spent $4.7 billion for airline security, yet only $136 million for rail and transit systems. Five times more people take trains over planes each day, yet we spend 35 times more on aviation security than we do on rail and transit security. This is not acceptable.

Chairman DEFAZIO and I recently held a hearing on rail and transit security, and what we found was discouraging. Since 9/11, the Department of Homeland Security has failed to issue a strategy to secure our rail and transit infrastructure, and the Transportation Security Administration has not completed a risk assessment of these systems.

Additionally, the rash of international terrorist bombings means that terrorists are getting smarter. Their future attacks will be harder to prevent. The window to secure our rail and transit infrastructure is closing quickly, and we need to act. While the Department of Transportation has done the most work of all agencies to secure this segment, it is obvious that much more work needs to be done.

I am glad that the manager's amendment will require DHS to work with the DOT to improve our Nation's rail and transit security system. It is hard to believe that almost 6 years after 9/11 we still have not addressed the rail and transit security. But election brings changes, and I am glad that we, the new congressional leadership, have common sense to take steps to protect the millions of people who use our Nation's many rail and transit systems.

The legislation on the floor today takes important steps to address our Nation's rail and transit security. This bill requires comprehensive security plans, strengthens whistleblower protection for workers, mandates security training, improves communications and intelligence sharing, authorizes a high level of grant funding for Amtrak, the freight railroads and public transit providers, and provides funding for safety improvements to the tunnels in New York, Baltimore and Washington, D.C.

Most importantly, it ensures our communities, first responders, transit and rail workers have the resources they need to keep their systems safe and secure; and it does it through a coordinated effort between the Homeland Security and the Department of Transportation.

While we may lag behind other countries' efforts to protect transit and rail workers, I am glad that our new congressional leadership is taking steps to correct this problem.

H.R. 1401 will go a long way to protect our Nation's millions of transit and rail passengers, while protecting the communities they travel through and keeping the trains running on time.

I encourage my colleagues to safeguard their constituents and support this long-overdue rail and security legislation.

Mr. MICA. Mr. Chairman, I am pleased to yield 3 minutes to the Republican leader on the Railroads, Pipelines and Hazardous Materials Subcommittee, the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. I appreciate the gentleman yielding me time.

Mr. Chairman, I rise with great concern and in opposition to H.R. 1401.

I think there are many provisions in this bill that are positive, that will enhance security, but I am concerned about the strategy as we move forward. Do we have one to move forward, spending billions of dollars?

In addition, there are a couple of provisions in this bill, section 124, which would require carriers to ship along the most secure routes. That sounds good, but when you put in there shipping along these routes without concern for safety, you may decide that when you look at what may be to some secure, you have serious safety considerations, whether the track is safe or what the weather is going to be like, and what is the first responder capabilities? Those are things that we have to consider when we are deciding on which route to take different shipments.

Also, the background checks. Section 120, I believe, weakens the background checks and it appears to me may pressure private industry to hire people, hire felons that we don't want working on the rail system that could further jeopardize our security.

The whistleblower protection. I believe it already affords adequate whistleblower protection for our workers. Keeping it under its current law under the Federal Rail Administration I believe is much better than moving it over to the Department of Labor. The Department of Labor hasn't had the experience in working with rail and rail labor, where the FRA has great experience. So I think we need to leave it there instead of moving it to an agency that, as I said, has no experience.

Most importantly, I rise today to oppose the manager's amendment. For decades, the Federal policy has given the U.S. Department of Transportation preeminent jurisdiction over rail safety under the Federal Railroad Safety Act. Section 3 of the manager's amendment would destroy that Federal preemption.

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Under current law, States may enact safety laws as long as they address unique local safety hazards.

As I said, section 3 of the manager's amendment will change all of that. This would balkanize our rail system and subject railroads to a hodgepodge of State and local regulations. Railroads could face different rules every time they crossed a State or county or municipal border. Imagine, 50 States, 50 different jurisdictions, or more, when you talk about the different counties in America. And they could regulate on braking systems, the number of people on the trains, and the types of trains that we use or the tracks we use. In fact, in California there are proposals out there that they want to change the track standards, they want to change the types of locomotives.

This is going to destroy the efficiency of the national rail system that we have created, a successful one over 20 or so years. And I repeat, this is not a security issue. It does not belong in this bill. And I hope the chairman of the full committee joins me in opposing this manager's amendment because rail safety belongs in a rail safety bill, which the subcommittee is going to take up. So I urge my colleagues to oppose the manager's amendment.

Mr. MICA. Mr. Chairman, I am pleased to yield at this time 3 minutes to the previous Chair of the Rail Subcommittee and current ranking Republican leader of the Coast Guard Subcommittee of the House of Representatives, the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. I thank the chairman, and I thank Ranking Member MICA for yielding me the time.

Mr. Chairman, I want to commend the chairman and ranking member of the Homeland Security Committee for bringing this important legislation to the floor. As Mr. SHUSTER indicated, there are some good provisions in the bill that will improve our Nation's rail network and the flow of freight and passengers using that. However, there is something very troubling in the manager's amendment which will be discussed soon.

Without careful consideration, there is a provision in the manager's amendment that could be detrimental to anybody who wants to ship anything on rail in this country or any passenger who wants to ride on Amtrak.

Unfortunately, section 3 of the manager's amendment is crippling to the bill. This section will undermine the efforts of the U.S. Department of Transportation and FRA's efforts to create a sound national safety policy. As Mr. SHUSTER indicated, for decades the preeminent jurisdiction has been maintained by DOT. Section 3 destroys that Federal preemption.

Under current law, States can enact safety laws as long as they address the unique local safety hazard. The amendment before us will change that and will allow States to effectively override Federal policies. With this amendment, the railroads could have 50 different sets of local laws to follow, and Federal law would no longer provide the blanket policy for the carriers to follow.

A few of the things that we look at on the Transportation and Infrastructure Committee is how DOT and FRA are doing with the implementation of our laws and regulations relating to the safety and security of the Nation's railroad. In addition, as a committee we also look into issues such as capacity on railroad network, and how efficiently and effectively the network is working for the freight passengers using the network.

Because this provision has been inserted into the manager's amendment without the benefit of bipartisan testimony and hearings, the catastrophic consequences of such provision have not been debated or considered, in my opinion, in regular order. I call for regular order today, Mr. Chairman. I know that the chairman of our full committee and the ranking member of our full committee are thoughtful Members, deliberative when it comes to our Nation's transportation laws. This provision severely cripples the good work of our committee, in my opinion, the good work of DOT, and FRA. We should not make radical changes to the law without careful bipartisan consideration. The consequences that has not occurred.

I would indicate that Chairwoman BROWN has had a hearing. And I know the gentleman from North Dakota is preparing to speak on the horrible events that occurred in Minot, North Dakota. We also had the benefit of what used to be the American Trial Lawyers Association. I think in the greatest PR stunt in the universe they are now the American Association for Justice; they are no longer the Trial Lawyers.

I think that the gentleman's concern can be addressed without throwing out the Federal preemption, and I am saddened that the manager's amendment does that, and I hope my colleagues will oppose the manager's amendment because of section 3.

Mr. MICA. Mr. Chairman, could I inquire as to the time remaining.

The Acting CHAIRMAN. The gentleman from Florida has 1½ minutes, and the gentleman from Minnesota has 4 minutes.

Mr. OBERSTAR. Mr. Chairman, I yield myself 3 minutes and yield to the distinguished gentleman from North Dakota.

Mr. POMEROY. Mr. Chairman, I rise to engage the chairman in a colloquy and thank the gentleman for yielding.

Chairman OBERSTAR, I rise to discuss an issue that is of critical importance to my district. At 1:39 a.m. on January 18, 2002, a Canadian Pacific Railway freight train derailed in Minot, North Dakota. The freight train derailed 31 freight cars, including 15 cars containing anhydrous ammonia. As a result of this accident, the people of Minot were exposed to the largest catastrophic release of anhydrous ammonia in U.S. history. They were not at fault. They were sitting ducks in their own homes.

After the area cleared, one individual, John Grabinger, had died, and many, many others suffered injuries, including individuals who sustained second degree burns to their skin. And many others are still suffering from long-term permanent physical damage.

Some courts are ignoring congressional intent and denying Americans grievously injured in railroad accidents their rights under State law, even when it is undisputed that the cause of the accident was the railroad's wrongdoing. By preempting State law, these courts are leaving injured North Dakotans and others with no remedy at all, since the Federal Railroad Safety Act itself does not provide a remedy or cause of action for victims.

I just want to clarify with the chairman the intent of the language found in section 3 on the first page of the manager's amendment. Is it correct that this legislation clarifies that the Federal Rail Safety Act of 1970 does not and was never intended to preempt State law claims for damages?

Mr. OBERSTAR. That is correct. This clarifying language comes in large part as a response to court opinions that have misapplied principles of Federal preemption which has prevented people injured by the negligent acts of railroads from being compensated. The bill does not change any of the current law, but only adds to it to clarify the meaning of what is already in public law.

Mr. POMEROY. It is my understanding that until 1993, there was no question that State causes of actions were not preempted. The Supreme Court then said they could be, under some circumstances, and some courts since then have been broadening the railroads' immunity from liability under the auspices of preemption. Congress tried before to change the FRSA's preemptive scope, but courts didn't listen. Does this language reflect the fact that Congress never intended preemption of State causes of action?

Mr. OBERSTAR. That is correct.

Mr. POMEROY. While the bill accurately clarifies that State causes of action are not preempted, will you continue to work with us to take the steps necessary to ensure that courts construe this amendment only as a clarification of Congress' original intent?

Mr. OBERSTAR. We will pursue this issue in future hearings of the subcommittee of relevance.

Mr. POMEROY. Is it also your understanding that the same Federal court that dismissed those claims urged the Congress to remedy this situation and the language in section 3 does precisely what the court said needed to be done?

Mr. OBERSTAR. The situation that needs to be cured is not that the statute preempts negligence claims requires a change. The situation needing remedy is the misinterpretation of the statute by some courts. That is precisely what this clarifying language is intended to accomplish. This matter will be further reviewed as we proceed with reauthorization of the Federal Rail Safety Act in our Committee on Transportation and Infrastructure, and I would look forward to continuing to work with the gentleman from North Dakota, the Chair of the subcommittee, and ranking member of the subcommittee to address the judicial interpretation.

Mr. POMEROY. I thank the chairman.

Mr. MICA. Mr. Chairman, I yield myself the balance of my time.

I wish I could have come to the floor today and supported this measure, because rail and transit security are extremely important and it is one of our most important responsibilities as representatives of the people. People are working hard, trying to make a living, raise their families. They send us here to know the facts. And I can tell you, the facts are that this bill was done in haste, particularly the manager's amendment. It is a great example for the House of Representatives and the majority, the new majority and the minority. Because when you subvert and do not conduct yourself in the process that the Founding Fathers had envisioned, a bipartisan approach to crafting legislation, you get yourself tied up in these little knots. Now they are finding flaws in this legislation left and right, deregulating State traffic and railroads. They are scurrying around trying to figure out how are we going to fix this.

This is not the way to do the people's business, particularly on an important issue like security. So I will go home and tell people why I voted against this. Many others can go home and say, I voted $7 billion or $8 billion of your money for rail and transit security. But what did it do? Unfortunately, it didn't do the job we need to do in the situation we find ourselves in with terrorist threats and what we have seen in the rest of the world. We are abdicating our responsibility.

Mr. OBERSTAR. Mr. Chairman, we have worked very vigorously in our committee over decades to achieve the bipartisanship, and we have done so. But I think the gentleman is a little misguided in his recitation of history, because there were the Federalists and the Democrats at the outset and they didn't do much bipartisanship at the beginning of this Congress of ours.

I just refer to section 3 of the manager's amendment, line 2: No Preemption of State Law. Nothing in section 20106 of title 49 U.S. Code preempts a State cause of action, or any damages recoverable in such an action, et cetera. So, in fact, the preemptive language specifically recognizes that existing law preempts positive laws, regulation, or orders by executive or legislative branch officials, expressly address railroad safety or security. And, not to be concerned, we will address the broader issue as we go forward with the rail safety authorization.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise in strong support of H.R. 1401, The Rail and Public Transportation Security Act of 2007, of which I am an original cosponsor. This legislation will make long overdue security improvements to the rail, transit, and surface transportation systems in our nation.

In the last 80 years there have been over 900 attacks on public transportation systems around the world. In recent history, the horrific attacks in Madrid, London, and Mumbai have been unfortunate reminders that we must do more to secure our Nation's transportation systems. For too long, our country has not done enough to improve the security of our transportation systems. In fact President Bush's fiscal year 2007 budget proposal included $41.4 million in the Transportation Security Administration budget for surface transportation security, less than 1 percent of the TSA budget. Clearly the past level of funding has been inadequate to address the security of the surface transportation system. I am very pleased that H.R. 1401 authorizes three grant programs that will make more funds available to enhance the security of rail, public transportation and over-the-road systems.

The Rail and Public Transportation Security Act of 2007 requires rail and public transportation systems to submit vulnerability assessments and security plans to the Department of Homeland Security. Each system is then placed into a risk tier, those in medium and high risk tiers have to have Department of Homeland Security approval for their security plans. Each transportation system will then employ security measures to address the type and degree of risk they face. This approach will help increase the security of our transportation systems, while allowing them the flexibility to adopt measures that meet their needs.

I am particularly pleased that the Rail and Public Transportation Security Act of 2007 requires that rail and public transportation systems provide their employees with adequate training. This training requirement will enable employees to respond efficiently to prevent potential terrorist attacks and to minimize the damage and loss of life if an attack does occur. I am also pleased that this legislation establishes a rail and public transportation security exercise program so that systems can practice and perfect their responses to potential attacks.

I urge my colleagues to support this important legislation.

Mr. HOLT. Mr. Chairman, I rise today in support of this bill.

As events over the last several years have shown, we ignore rail and transit security at our peril. Since 2004, terrorist cells have conducted successful and deadly bombings on major passenger rail systems in Spain (2004), the United Kingdom (2005), and India (2006), with 450 people killed and 2,800 wounded. We know al Qaeda and like-minded groups desire to repeat such attacks here in America. We also know that our rail and transit systems need more money to help deter such threats.

For example, the American Public Transportation Association (APTA) estimates that since 9/11, our government has invested $7.53 in aviation security improvements per passenger boarding, but only $0.008 (less than one penny) in public transportation security improvements per passenger boarding. This security investment disparity has been allowed to persist for years, despite the fact that every weekday, more than 14 million people use public transportation, and more than 25 million passengers ride Amtrak each year.

In New Jersey alone, NJ Transit—the third largest statewide transit agency—has stated that it has only 220 police officers to protect 400,000 customers per day (265,000 bus and 135,000 rail), 10,500 employees at multiple locations, 800 trains on more than 1,000 miles of track, 161 rail stations, and 49 light rail stations. Additionally, these same officers must protect and secure more than 2,000 buses that use more than 20,800 bus stops.

In 2004, the APTA outlined $6 billion in needs for transit agency security-related investments. A 2002 Government Accountability Office study of just eight transit systems that had completed security assessments found that needed upgrades would cost at least $700 million.

The Congress took a positive step last year when it raised rail and transit security funding from $150 million to $175 million. However, if we are to prevent the tragedies that occurred in Madrid, London, and Mumbai from being repeated in America, we must act now to ensure that our local transit providers have the resources they need to protect the millions of Americans who rely on rail service. Fortunately, Congress is now taking additional steps to address this problem.

The bill before us today authorizes three separate security grant programs: one each for rail security, public transportation security, and over-the-road bus security. More than $5.8 billion would be authorized for these grants through 2011. If fully funded, these programs would help us close major security gaps in our rail and transit systems. Similar grant programs for firefighters and other first responders have helped local jurisdictions—including several in my own district—to upgrade their response capabilities. I look forward to working with my colleagues on both sides of the aisle to make sure the money to support these new grant programs is there from day one.

Additionally, this bill mandates a range of additional measures designed to improve rail and transit security, including vulnerability assessments and regular security exercises to test the ability of rail and transit systems to spot and defeat potential threats to the traveling public. One of the chief lessons of the Hurricane Katrina debacle is that Federal, State, and local governments, along with the relevant private sector partners, must regularly test our collective response system to detect and fix problems before a real incident occurs. Regular exercises and the lessons learned from them must be implemented in a timely fashion. Creating a system that institutionalizes such a process is vital.

Mr. Chairman, I'm pleased we're finally beginning to address our rail and transit security needs in a systematic way, and I urge my colleagues to support passage of this bill.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1401, the Rail and Public Transportation Security Act of 2007. This bill calls for necessary funding and emergency planning to protect the American rail system and other critical points of our Nation's infrastructure.

I support H.R. 1401 because I have seen the chaos that can ensue when a disaster occurs. I was in New York City on 9/11, and I saw firsthand what can happen when we are improperly prepared for a terrorist attack or natural disaster. The entire world saw in New Orleans that without planning and foresight, the aftermath a disaster can be even worse than the disaster itself. This bill will require a national plan to prepare for rail and public transportation emergencies.

This bill will also provide grant funding dedicated to rail and public transportation security. Included in these grants will be $100 million over the next 4 years to improve security in six New York City tunnels. Anybody who has traveled through these tunnels, as much as I have, will know this funding is critical.

In addition to providing direct funding for emergency prevention, this bill will require training programs to teach employees of public transportation systems how to prevent and prepare for a terrorist attack, and how to respond to such an attack. And it will go further, by establishing programs which will test how well the transportation systems have prepared for such an attack.

Mr. Chairman, H.R. 1401 is a wide ranging bill that touches on a number of critical infrastructure points in the United States. For example, currently our Nation has only 100 surface transportation inspectors. This bill will increase that number to 600 over the next 3 years.

In addition to providing grants for localities to secure their infrastructure, this bill will help prevent attacks that we haven't even thought of yet. $200 million in this bill will go towards research and development that is intended to plan for and prevent terrorist attacks.

Mr. Chairman, millions of Americans from coast to coast rely upon public transportation every day. Our people deserve as much safety as we can provide for them. We cannot predict when a terrorist attack or natural disaster will occur, and we cannot always prevent these from happening. However, we have also seen that the better prepared we are, and the more we have planned, the better we can address these problems. H.R. 1401 will go a long way towards helping us minimize the impact of a terrible disaster. I strongly support it and urge my colleagues to offer their support as well.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise today to discuss H.R. 1401, the Rail and Public Transportation Security Act of 2007.

Securing our Nation's rail and public transportation systems has long been a priority for the Homeland Security Committee.

However, many different competing priorities elbowed this issue out of the way as we faced growing concern about border and port security.

Our Committee addressed these issues head-on under the leadership of Ranking Member—then Chairman—PETER KING, and made great strides in securing our homeland.

However, attacks in London and Madrid are stark illustrations of the urgency with which Congress must address rail and mass transit security.

H.R. 1401 requires transportation providers to conduct vulnerability assessments and implement security plans.

The bill also mandates security training for transportation workers.

These steps are crucial in bringing rail and mass transit security up to par to the level of airports and seaports.

I also appreciate that our Committee adopted several amendments I offered during our makrup.

Transportation workers will now have to undergo a background check that will look at both criminal history and current immigration status.

We cannot afford to give criminals and terrorists the access to our secure sites.

The American people do not understand or accept such a risk, and nor do I.

My other amendment specified that some of the new training exercises take place at the border.

We have all heard rumblings over the last few years about criminal gang activity, particularly along the Southern border.

It makes sense to have a portion of training dedicated to an area with a high risk.

However, I must express my disappointment that the Rules Committee did not make in order my amendment to better secure sensitive information from Freedom of Information Act Requests.

I fear without this additional language, security plans and risk assessment criteria could easily fall into the wrong hands.

Further, I have grave concerns about the amount of money we are spending in the bill without these protections.

The American people would not thank us for all of our work in airports or seaports if something happens to a major rail or subway carrier.

I want to thank Chairman THOMPSON and Ranking Member KING for their tireless work on this bill and for working with me on my amendments.

Mr. MARKEY. Mr. Chairman, first of all, I'd like to congratulate my colleagues on both sides of the aisle for producing bipartisan legislation to address the security weaknesses in our rail and mass transit systems and to ensure that strong whistleblower protections are provided to our front-line rail and mass transit security workers.

One area that has been largely overlooked since September 11th is the security associated with shipments of extremely hazardous materials on the roads and railways of our country.

Every day tank cars pass through our urban centers carrying enough chlorine to kill 100,000 people in half an hour. Some of these shipments must travel the routes they are currently using. But others could easily be safely re-routed to avoid population centers and other sensitive areas.

We already know that these chemicals are attractive terrorist targets. Just a few weeks ago, several deadly attacks in Iraq involved improvised explosive devices that included canisters of deadly chlorine gas, and a planned attack involving a truck full of chlorine was foiled this past weekend.

The risk is not just an overseas risk either. Several years ago, an Ohio-based al Qaeda operative was arrested and pled guilty for plotting to collapse a bridge in New York City or derail a train in DC.

Earlier this year, reporter Carl Prine at the Pittsburgh Tribune wrote a scathing expose on the state of rail insecurity in our country. He was able to walk right into rail yards with tanker cars containing some of the deadliest chemicals on earth. No one stopped him—he had no problem getting his hands on these deadly chemical tanks.

We're lucky that—this time—it was a journalist and not a jihadist who penetrated these rail yards.

Whether it's an accident or an al Qaeda attack, we need to make the shipments of deadly chemicals more secure.

The language in this bill that I authored and that was agreed to on a bipartisan basis builds upon the recent Notices of Proposed Rulemaking issued by the Department of Transportation and the TSA.

It requires rail carriers to analyze the routes and storage facilities for security sensitive materials as part of the security plans that they must submit for approval to the Department of Homeland Security. Then it requires the rail carriers to select the route and storage facilities that best reduce the risk and consequences of a terrorist attack on a shipment of these materials as they travel through or near high threat urban areas and other areas that DHS thinks need special security protections.

The language in this bill doesn't apply to all hazardous materials—just the ones that pose the greatest threat, such as chlorine or propane. Most assessments put this at less than 1 percent of all shipments.

This bill also doesn't require re-routing to occur if there is no practical alternative route. Rail carriers will only be required to re-route when a more secure route is available.

I urge my colleagues to join me in this bipartisan effort. Now is the time to upgrade the security for these toxic shipments so none of our constituents are ever exposed to a catastrophic chemical release simply because we failed to take these simple steps.

Mrs. MALONEY of New York. Mr. Chairman, I rise today in strong support of H.R. 1401, the "Rail and Public Transportation Security Act."

Since the attacks on 9/11, we have seen the tragic consequences when the vulnerabilities of rail and public transportation systems are exploited, including in London and Madrid. We cannot afford to wait for an attack here in America before we make rail and transit security the priority it needs to be.

Tens of billions of dollars have been spent on aviation security since 9/11, yet only $660 million has been devoted to mass transit security. While we all agree that air travel needs to be as safe as possible, we cannot forget about the security of the millions of people who are riding subways, trains, and busses everyday.

This bipartisan legislation will help to make our Nation's railways and public transportation systems safer by requiring the Departments of Homeland Security and Transportation to develop a national strategy for the security of these systems after assessing the significant risks associated with them. The bill would authorize $6 billion over the next four years for grant programs and it would require training for rail, transit, and bus employees about prevention, preparation, and response to a terrorist attack. H.R. 1401 increases the number of full-time surface transportation inspectors and it requires the development of regulations for the transportation of sensitive materials including the possibilities of alternative routes.

I am especially pleased to note that this bill provides critical whistleblower protections for DHS, DoT, and rail and public transportation employees who report security risks or violations. Just this month the House passed legislation that, among other provisions, extended important whistleblower protections to employees of intelligence agencies and to federal contractors. It is important that we protect those who by blowing the whistle on misconduct or wrongdoing help keep this country safe.

Our constituents should feel as safe as possible whether they commute daily on a train or bus or whether they are occasional travelers on public transportation systems. Passage of the bill before us today is an important step in enhancing the security of the Nation's mass transit systems.

I urge my colleagues to vote aye.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1401

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Rail and Public Transportation Security Act of 2007".

(b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—RAIL AND PUBLIC TRANSPORTATION SECURITY

Sec. 101. National strategy for rail and public transportation security.
Sec. 102. Assignment of providers of covered transportation to risk-based tiers.
Sec. 103. Rail and public transportation assessments and plans.
Sec. 104. Information sharing plan.
Sec. 105. Rail security assistance.
Sec. 106. Public transportation security assistance.
Sec. 107. Over-the-road bus security assistance.
Sec. 108. Fire and life safety improvements.
Sec. 109. Security training program.
Sec. 110. Security exercises.
Sec. 111. Security research and development.
Sec. 112. Whistleblower protections.
Sec. 113. Increase in surface transportation security inspectors.
Sec. 114. National domestic preparedness consortium.
Sec. 115. Authorization of Visible Intermodal Protection Response Teams.
Sec. 116. National Transportation Security Center of Excellence.
Sec. 117. TSA personnel limitations.
Sec. 118. Homeland security grants.
Sec. 119. Threat assessment screening.
Sec. 120. Background checks for covered individuals.
Sec. 121. Task force on disqualifying crimes.
Sec. 122. Penalties.
Sec. 123. School bus transportation security.
Sec. 124. Enhanced security measures for shipments of security sensitive materials.
Sec. 125. Technology standards and clearinghouse to improve security of covered transportation.
Sec. 126. Rail tank car security testing.
Sec. 127. Rail radiological and nuclear detection.
Sec. 128. Requirement to provide preference to qualified anti-terrorism technologies.
Sec. 129. Promoting liability protections for providers of covered transportation and related technologies.
Sec. 130. International rail security program.
Sec. 131. Terrorist watchlist and immigration status review at high-risk transportation sites.

TITLE II—SECURE TRANSPORTATION THROUGH INCREASED USE OF CANINE DETECTION TEAMS

Sec. 201. Increasing the number of canine detection teams for transportation security.
Sec. 202. National explosives detection canine team program increase.
Sec. 203. Transportation security administration breeding program increase.

SEC. 2. DEFINITIONS.

In this Act, the following definitions apply:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) and includes the Committees on Homeland Security and Transportation and Infrastructure of the House of Representatives and the Committees on Homeland Security and Governmental Affairs and Commerce, Science, and Transportation of the Senate.

(2) APPROPRIATE STAKEHOLDERS.—The term "appropriate stakeholders" means—

(A) providers of covered transportation;

(B) organizations representing providers of covered transportation;

(C) nonprofit employee labor organizations representing railroad, public transportation, or over-the-road bus workers;

(D) shippers of hazardous material;

(E) manufacturers of railroad and transit cars;

(F) State departments of transportation, regional agencies, and metropolitan planning organizations;

(G) public safety officials;

(H) law enforcement and fire service officials; and

(I) other relevant persons.

(3) COVERED TRANSPORTATION.—The term "covered transportation" means transportation provided by a railroad carrier, a provider of public transportation, or an over-the-road bus.

(4) DEPARTMENT.—The term "Department" means the Department of Homeland Security.

(5) DESIGNATED RECIPIENT.—The term "designated recipient" has the meaning that the term has in section 5307(a) of title 49, United States Code.

(6) PROVIDER OF COVERED TRANSPORTATION.—The term "provider of covered transportation" means—

(A) with respect to transportation provided by a railroad carrier, the railroad carrier;

(B) with respect to public transportation, the public transportation designated recipient providing the transportation; and

(C) with respect to transportation provided by an over-the-road bus, the private operator.

(7) OVER-THE-ROAD BUS.—The term "over-the-road bus" means a bus characterized by an elevated passenger deck located over a baggage compartment.

(8) PUBLIC TRANSPORTATION.—The term "public transportation" has the meaning that term has in section 5302(a) of title 49, United States Code.

(9) RAILROAD.—The term "railroad" has the meaning that term has in section 20102 of title 49, United States Code.

(10) RAILROAD CARRIER.—The term "railroad carrier" has the meaning that term has in section 20102 of title 49, United States Code.

(11) SECRETARY.—The term "Secretary" means the Secretary of Homeland Security.

(12) STATE.—The term "State" means any one of the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

(13) TERRORISM.—The term "terrorism" has the meaning that term has in section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101).

(14) TRANSPORTATION.—The term "transportation", as used with respect to an over-the-road-bus, means the movement of passengers or property by an over-the-road-bus.

(A) in the jurisdiction of the United States between a place in a State and a place outside the State (including a place outside the United States); or

(B) in a State that affects trade, traffic, and transportation described in subparagraph (A).

(15) UNITED STATES.—The term "United States" means the 50 States, the District of Columbia, Puerto Rico, the Northern Mariana Islands, the Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States.

TITLE I—RAIL AND PUBLIC TRANSPORTATION SECURITY

SEC. 101. NATIONAL STRATEGY FOR RAIL AND PUBLIC TRANSPORTATION SECURITY.

(a) MODAL PLAN.—Not later than 6 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop and implement the modal plan for covered transportation as required by section 114(t)(1)(B) of title 49, United States Code. The modal plan shall be entitled the "National Strategy for Rail and Public Transportation Security" and shall include, at a minimum—

(1) a description of the roles, responsibilities, and authorities of Federal, State, and local agencies, government sponsored entities, tribal governments, and appropriate stakeholders under the plan;

(2) identification of, and a plan to address, gaps and unnecessary overlaps in the roles, responsibilities, and authorities described in paragraph (1);

(3) a methodology for how the Department will work with the entities described in paragraph (1), and make use of existing Federal expertise within the Department, the Department of Transportation, and other appropriate agencies;

(4) a process for providing security clearances to facilitate intelligence and information sharing with the entities described in paragraph (1);

(5) a description of—

(A) how the Department has reviewed terrorist attacks on covered transportation throughout the world in the last 25 years;

(B) the lessons learned from those reviews; and

(C) how those lessons are being used in current and future efforts to secure covered transportation;

(6) a strategy and timeline for the Department, the Department of Transportation, other appropriate Federal agencies and private entities to research and develop new technologies for securing covered transportation;

(7) measurable goals, including objectives, mechanisms, and a schedule for enhancing the security of covered transportation;

(8) a framework for resuming the operation of covered transportation in the event of an act of terrorism and prioritizing resumption of such operations;

(9) a description of current and future public outreach and educational initiatives designed to inform the public on how to prevent, prepare for, respond to, and recover from a terrorist attack on covered transportation; and

(10) a process for coordinating covered transportation security strategies and plans, including the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order: Strengthening Surface Transportation Security dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning railroad security dated September 28, 2006, and the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concering Public Transportation Security dated September 8, 2005.

(b) ADEQUACY OF EXISTING PLANS AND STRATEGIES.—Nothing in this section shall prevent the Secretary from using existing plans and strategies, including those developed or implemented pursuant to section 114(t) of title 49, United States Code, or Homeland Security Presidential

Directive-7, in meeting the requirements of subsection (a).

SEC. 102. ASSIGNMENT OF PROVIDERS OF COVERED TRANSPORTATION TO RISK-BASED TIERS.

(a) ASSIGNMENT.—The Secretary shall assign each provider of covered transportation to one of the not less than three risk-based tiers established by the Secretary.

(b) PROVISION OF INFORMATION.—The Secretary may request, and the provider of covered transportation shall provide, information necessary for the Secretary to assign a provider of covered transportation to the appropriate tier under subsection (a).

(c) NOTIFICATION.—Not later than 60 days after the date a provider of covered transportation is assigned to a tier under this section, the Secretary shall notify the provider of the tier to which the provider is assigned and the reasons for such assignment.

(d) HIGH- AND MEDIUM-RISK TIERS.—At least two of the tiers established by the Secretary under this section shall be tiers designated for high- and medium-risk providers of covered transportation.

SEC. 103. RAIL AND PUBLIC TRANSPORTATION ASSESSMENTS AND PLANS.

(a) IN GENERAL.—Not later than 12 months after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall issue regulations that—

(1) require each provider of covered transportation assigned to a high- or medium-risk tier under section 102—

(A) to conduct a vulnerability assessment in accordance with subsections (b) and (c); and

(B) to prepare, submit to the Secretary for approval, and implement a security plan in accordance with this section that addresses security performance requirements under subsection (f); and

(2) establish standards, and guidelines for vulnerability assessments under subsection (c) and security plans under subsection (d) and for developing and implementing such security plans.

(3) establish a security program for providers of covered transportation not assigned to a high- or medium-risk tier under section 102, including a process for providers to conduct vulnerability assessments and prepare and implement security plans, as determined appropriate by the Secretary.

(b) DEADLINE FOR SUBMISSION.—Not later than 6 months after the date of issuance of the regulations under subsection (a), the vulnerability assessments and security plans required by such regulations for a provider of covered transportation assigned to a high- or medium-risk tier shall be completed and submitted to the Secretary for review and approval.

(c) VULNERABILITY ASSESSMENTS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide technical assistance and guidance to providers of covered transportation in conducting vulnerability assessments under this section and shall require that each vulnerability assessment of a provider of covered transportation assigned to a high- or medium-risk tier under section 102 include, at a minimum—

(A) identification and evaluation of critical covered transportation assets and infrastructures of the provider, including platforms, stations, bus and intermodal terminals, tunnels, bridges, switching and storage areas, and information systems;

(B) identification of the threats to those assets and infrastructures;

(C) identification of the security weaknesses of the covered transportation in—

(i) physical security;

(ii) passenger and cargo security;

(iii) programmable electronic devices, computers, or other automated systems which are used in providing the transportation;

(iv) alarms, cameras, and other protection systems;

(v) communications systems, including dispatching services and mobile service equipment systems, to provide access to emergency services in underground fixed guideway systems;

(vi) utilities;

(vii) emergency response planning;

(viii) employee training; and

(ix) such other matters as the Secretary determines appropriate; and

(D) identification of redundant and backup systems required to ensure the continued operations of critical elements of the covered transportation in the event of an attack or other incident, including disruption of commercial electric power or communications network.

(2) THREAT INFORMATION.—A provider of covered transportation conducting a vulnerability assessment under this section shall incorporate in the assessment any threat information provided by the Secretary and other sources.

(d) SECURITY PLANS.—

(1) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall provide technical assistance and guidance to providers of covered transportation in preparing and implementing security plans under this section and shall require that each security plan of each provider of covered transportation assigned a high- or medium-risk under section 102 include, at a minimum—

(A) identification of a security coordinator having authority—

(i) to implement security actions under the plan;

(ii) to coordinate security improvements described in sections 105, 106, and 107; and

(iii) to receive immediate communications from appropriate Federal officials regarding covered transportation security;

(B) plans for periodic exercises under section 110 that include participation by local law enforcement agencies and emergency responders as appropriate;

(C) a list of needed capital and operational improvements such as those described in sections 105, 106, and 107;

(D) procedures to be implemented or used by the provider in response to a terrorist attack, including evacuation and passenger communication plans that include individuals with disabilities;

(E) identification of steps taken with State and local law enforcement agencies, emergency responders, and Federal officials to coordinate security measures and plans for response to a terrorist attack;

(F) a strategy and timeline for conducting training under section 109, including recurrent training and periodic unannounced exercises for employees of the provider to be carried out under the plan to prevent, prepare for, or respond to a terrorist attack;

(G) enhanced security measures to be taken by the provider when the Secretary declares a period of heightened security risk;

(H) plans for redundant and backup systems required to ensure the continued operation of critical covered transportation elements of the provider in the event of a terrorist attack or other incident;

(I) plans for locating, including by covert electronic devices, shipments of railroad cars transporting security sensitive materials or nuclear waste so that, if the assets are lost or stolen, the provider or law enforcement authorities may locate, track, and recover the assets;

(J) a strategy for implementing enhanced security for shipments of security sensitive materials under section 124; and

(K) such other actions or procedures as the Secretary determines are appropriate to address the covered transportation security of the provider to a terrorist attack.

(2) SECURITY COORDINATOR REQUIREMENTS.—The Secretary shall require that the individual serving as the security coordinator identified in paragraph (1)(A) is a citizen of the United States. The Secretary may waive this requirement with respect to an individual if the Secretary determines that it is appropriate to do so based on a background check of the individual and a review of terrorist watch lists to ensure that the individual is not identified on any such terrorist watch list.

(3) CONSISTENCY WITH OTHER PLANS.—The Secretary, in consultation with the Secretary of Transportation, shall ensure that each security plan under this section is consistent with the requirements of the National Strategy for Rail and Public Transportation Security described in section 101.

(e) PROVIDED BY SECRETARY.—The Secretary shall provide, in a timely manner to the maximum extent practicable under applicable authority and in the interest of national security, to the provider of the covered transportation threat information that is relevant to the provider when preparing and submitting vulnerabilities and security plans, including an assessment of the most likely method that could be used by terrorists to exploit weaknesses in the covered transportation security and the likelihood of success by such terrorists.

(f) SECURITY PERFORMANCE REQUIREMENTS.—The Secretary shall, by regulation, establish security performance requirements for the security plans required for providers of covered transportation. The regulations shall—

(1) require separate and increasingly stringent security performance requirements for security plans as the level of risk associated with the tier increases; and

(2) permit each provider of covered transportation submitting a security plan to select a combination of security measures that satisfy the security performance requirements established by the Secretary under this subsection.

(g) DEADLINE FOR REVIEW PROCESS.—Not later than 12 months after the date of the issuance of the regulations under subsection (a), the Secretary, in consultation with the Secretary of Transportation, shall—

(1) review each vulnerability assessment and security plan submitted to the Secretary in accordance with subsection (b);

(2) require amendments to any security plan that does not meet the requirements of this section, including the regulations issued under subsection (a);

(3) approve any vulnerability assessment or security plan that meets the requirements of this section, including such regulations; and

(4) review each security plan periodically thereafter.

(h) INTERIM SECURITY MEASURES.—The Secretary, in consultation with the Secretary of Transportation, shall require, during the period before the deadline established under subsection (b), each provider of covered transportation required to submit a security plan under subsection (b) to implement any necessary interim security measures to deter, mitigate, and respond to, to the maximum extent practicable, a transportation security incident with respect to the covered transportation or a substantive threat of such an incident until the security plan of the provider is approved.

(i) NONDISCLOSURE OF INFORMATION.—

(1) IN GENERAL.—Nothing in this Act shall be construed to require the disclosure of a vulnerability assessment or a security plan of a provider of covered transportation to the extent that such information is exempted from mandatory disclosure under section 552 of title 5, United States Code.

(2) OTHER OBLIGATIONS UNAFFECTED.—Nothing in this section shall affect any obligation of

the provider of covered transportation to submit or make available information to covered transportation employees, nonprofit employee labor organizations, or a Federal, State, or local government agency under, or otherwise to comply with, any other law.

(3) SUBMISSION OF INFORMATION TO CONGRESS.—Nothing in this section shall be construed as authorizing the withholding of any information from Congress.

(4) DISCLOSURE OF INDEPENDENTLY FURNISHED INFORMATION.—Nothing in this section shall be construed as affecting any authority or obligation of a Federal agency to disclose any record or information that the Federal agency obtains from a provider of covered transportation under any other law.

(j) PENALTIES.—

(1) ADMINISTRATIVE PENALTIES.—

(A) IN GENERAL.—The Secretary may impose an administrative penalty of not more than $100,000 for failure to comply with this section, including regulations issued under subsection (a).

(B) NOTICE AND OPPORTUNITY TO REQUEST HEARING.—Before imposing a penalty under subparagraph (A), the Secretary shall provide to the person against whom the penalty is to be imposed—

(i) written notice of the proposed penalty; and

(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed penalty.

(C) REGULATIONS.—The Secretary may issue regulations establishing the procedures for administrative hearings and appropriate review of penalties imposed under this Act, including deadlines.

(2) CIVIL PENALTIES.—

(A) IN GENERAL.—The Secretary may bring an action in a United States district court against any provider of covered transportation that violates or fails to comply with this Act, including regulations issued under subsection (a), or a security plan approved by the Secretary under this section.

(B) RELIEF.—In any action under this Act, a court may issue an order for injunctive relief and may impose a civil penalty of not more than $75,000 for each day on which a violation occurs or a failure to comply continues.

(3) CRIMINAL PENALTIES.—A provider of covered transportation who intentionally violates this section, including regulations issued under subsection (a), shall be fined not more than $50,000 for each day of such violation, imprisoned for not more than 2 years, or both.

(k) EXISTING PROCEDURES, PROTOCOLS AND STANDARDS.—

(1) DETERMINATION.—In response to a petition by a provider of covered transportation or at the discretion of the Secretary, the Secretary may recognize existing procedures, protocols, and standards of a provider of covered transportation that the Secretary determines to meet all or part of the requirements of this section, including regulations issued under subsection (a), regarding vulnerability assessments and security plans.

(2) ELECTION.—Upon review and written determination by the Secretary that existing procedures, protocols, or standards of a provider of covered transportation satisfy all of the requirements of this section, including regulations issued under subsection (a), the provider may elect to comply with those procedures, protocols, or standards instead of the requirements of this section.

(3) PARTIAL APPROVAL.—If the Secretary determines that the existing procedures, protocols, or standards of a provider of covered transportation satisfy only part of the requirements of this section, including regulations issued under subsection (a), the Secretary may accept those submissions, but shall require submission by the provider of any additional information relevant to vulnerability assessments and security plans of the provider to ensure that the remaining requirements of this section are fulfilled.

(4) NOTIFICATION.—If the Secretary determines that particular existing procedures, protocols, or standards of a provider of covered transportation under this subsection do not satisfy the requirements of this section, including regulations issued under subsection (a), the Secretary shall provide to such provider a written notification that includes an explanation of the reasons why the determination could not be made.

(5) REVIEW.—Nothing in this subsection shall relieve the Secretary of the obligation—

(A) to review the vulnerability assessment and security plan submitted by a provider of covered transportation under this section; and

(B) to approve or disapprove each submission on an individual basis.

(l) PERIODIC REVIEW BY PROVIDER OF COVERED TRANSPORTATION REQUIRED.—

(1) SUBMISSION OF REVIEW.—Not later than 3 years after the date on which a vulnerability assessment or security plan required to be submitted to the Secretary under subsection (b) is submitted, and at least once every 5 years thereafter (or on such a schedule as the Secretary may establish by regulation), the provider of covered transportation who submitted the vulnerability assessment or security plan shall also submit to the Secretary a review of the adequacy of the vulnerability assessment or security plan that includes a description of any material changes made to the vulnerability assessment or security plan.

(2) REVIEW OF REVIEW.—Not later than 180 days after the date on which a review is submitted, the Secretary shall review the review and notify the provider of covered transportation submitting the review of the Secretary's approval or disapproval of such review.

(m) SHARED FACILITIES.—The Secretary, in consultation with the Secretary of Transportation, may permit under this section the development and implementation of coordinated vulnerability assessments and security plans to the extent 2 or more providers of covered transportation have shared facilities (such as tunnels, bridges, or stations, or facilities) that are geographically close or otherwise co-located.

(n) FERRY EXEMPTION.—This section does not apply to any ferry system for which a vulnerability assessment and security plan is required pursuant to chapter 701 of title 46, United States Code.

(o) REPORT.—Not later than 180 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall submit a report to the appropriate congressional committees regarding the feasibility of implementing name-based checks against terrorist watch lists for all National Railroad Passenger Corporation, hereinafter referred to as "Amtrak" passengers.

SEC. 104. INFORMATION SHARING PLAN.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall develop and submit to the appropriate congressional committees a railroad, public transportation, and over-the-road bus information sharing plan to ensure the development of both tactical and strategic intelligence products pertaining to the threats and vulnerabilities to covered transportation for dissemination to Federal, State, and local agencies, tribal governments, and appropriate stakeholders.

(b) CONTENT OF PLAN.—The plan submitted under subsection (a) shall include—

(1) a description of how intelligence analysts in the Transportation Security Administration are coordinating with other intelligence analysts in the Department and other Federal, State, and local agencies;

(2) reasonable deadlines for the completion of any organizational changes within the Department to accommodate implementation of the plan; and

(3) a description of resource needs for fulfilling the plan.

(c) UPDATES.—

(1) CERTIFICATION OF IMPLEMENTATION.—After the plan is submitted under subsection (a), the Secretary shall certify to the appropriate congressional committees when the plan has been implemented.

(2) ANNUAL REPORTS.—After the Secretary provides the certification under paragraph (1), the Secretary shall provide a report to the appropriate congressional committees each year thereafter on the following:

(A) The number and brief description of each railroad, public transportation, and over-the-road bus intelligence report created and disseminated under the plan.

(B) The classification of each report as tactical or strategic.

(C) The numbers of different government, law enforcement, and public or private sector partners who the Department provided with each intelligence product.

(d) ANNUAL SURVEYS.—The Secretary shall conduct an annual survey of the satisfaction of each of the recipients of railroad, public transportation, and over-the-road bus intelligence reports created and disseminated under the plan and include the results of the survey as part of the corresponding annual report provided under subsection (c)(2).

(e) CLASSIFICATION OF MATERIAL.—To the greatest extent possible, the Department shall provide appropriate stakeholders with information in an unclassified format.

(f) SECURITY CLEARANCES.—The Department shall assist the appropriate Federal, State, regional, local, and tribal authorities, in addition to appropriate stakeholders, in obtaining the security clearances needed to receive classified covered transportation security information as necessary if this information cannot be disseminated in an unclassified format.

SEC. 105. RAIL SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants to eligible entities for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant under this section shall use the grant funds for one or more of the following:

(1) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades at railroad facilities.

(2) Technologies to reduce the vulnerability of rail cars.

(3) Passenger railroad station security redevelopment and capital improvement projects that the Secretary determines enhance rail station security.

(4) Security improvements to passenger railroad stations and other railroad transportation infrastructure.

(5) Tunnel protection systems.

(6) Evacuation improvements.

(7) Inspection technologies, including verified visual inspection technologies using hand-held readers and discs.

(8) Communications equipment, including equipment that is interoperable with Federal, State, and local agencies and tribal governments.

(9) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(10) Surveillance equipment.

(11) Cargo or passenger screening equipment.

(12) Railroad inspection facilities and related infrastructure at United States international borders, including additional side railroad track necessary for passenger and freight train inspection.

(13) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(14) Global positioning or tracking and recovery equipment.

(15) Redundant critical operations control systems.

(16) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line railroad employees.

(17) Live or simulated exercises described in section 110.

(18) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(19) Public awareness campaigns for enhanced rail security.

(20) Operational costs for personnel assigned to full-time security or counterterrorism duties related to rail transportation.

(21) Such other security improvements as the Secretary considers appropriate.

(c) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(d) MULTIYEAR AWARDS.—Pursuant to this section, the Secretary may issue multi-year grants for not longer than a 5-year period.

(e) LETTERS OF INTENT.—

(1) ISSUANCE.—The Secretary may issue a letter of intent to a recipient of a grant under this section, to commit funding from future budget authority of an amount, not more than the Federal Government's share of the project's cost, for a capital improvement project.

(2) SCHEDULE.—The letter of intent under this subsection shall establish a schedule under which the Secretary will reimburse the recipient for the Federal Government's share of the project's costs, as amounts become available, if the recipient, after the Secretary issues that letter, carries out the project without receiving amounts under a grant issued under this section.

(3) NOTICE TO SECRETARY.—A recipient that has been issued a letter of intent under this section shall notify the Secretary of the recipient's intent to carry out a project before the project begins.

(4) NOTICE TO CONGRESS.—The Secretary shall transmit to the appropriate congressional committees a written notification at least 3 days before the issuance of a letter of intent under this subsection.

(5) LIMITATIONS.—A letter of intent issued under this subsection is not an obligation of the Federal Government under section 1501 of title 31, United States Code, and the letter is not deemed to be an administrative commitment for financing. An obligation or administrative commitment may be made only as amounts are provided in authorization and appropriations laws.

(6) STATUTORY CONSTRUCTION.—Nothing in this section shall be construed to prohibit the obligation of amounts pursuant to a letter of intent under this section in the same fiscal year as the letter of intent is issued.

(f) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include State, local, and tribal governmental entities, Amtrak, infrastructure owners, including railroad carriers, private entities, and public-private entities, or their designees.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a rail security plan developed, submitted to, and approved by the Secretary.

(g) FEDERAL SHARE.—

(1) IN GENERAL.—Except as provided in paragraphs (2) and (3), a grant for a project under this section shall be for 80 percent of the net cost of the project.

(2) SMALL PROJECT EXCEPTION.—If a grant under this section is for a project with a net cost of $25,000 or less, the Federal share for the grant shall be for 100 percent of such cost.

(3) NATIONAL SECURITY EXCEPTION.—If the Secretary determines, upon written notice to the appropriate congressional committees, that a higher Federal share for a grant under this section is necessary to respond to an urgent threat to national security, the Secretary may increase the Federal share for the grant to up to 100 percent of the net cost of the project.

(4) APPLICABILITY.—This subsection shall only apply to freight rail carriers.

(h) SUBJECT TO CERTAIN STANDARDS.—The Secretary shall require a recipient of a grant under this section and section 108 to comply with the standards of section 24312 of title 49, United States Code, as in effect on January 1, 2007, with respect to the project in the same manner as Amtrak is required to comply with such standards for construction work financed under an agreement made under section 24308(a) of that title.

(i) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used—

(1) to supplant State or local funds; and

(2) to make any State or local government cost-sharing contribution under any other law.

(j) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of grant funds.

(k) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as contractors or subcontractors to the extent practicable.

(l) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(m) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary $600,000,000 for each of fiscal years 2008 through 2011 for making grants under this section.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 106. PUBLIC TRANSPORTATION SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants to an eligible public transportation designated recipient for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant under subsection (a) shall use the grant funds for one or more of the following:

(1) Perimeter protection systems, including access control, installation of improved lighting, fencing, and barricades.

(2) Security improvements to stations and other public transportation infrastructure.

(3) Tunnel protection systems.

(4) Evacuation improvements.

(5) Inspection technologies, including verified visual inspection technologies using hand-held readers and discs.

(6) Communications equipment, including mobile service equipment to provide access to emergency services in an underground fixed guideway system.

(7) Chemical, biological, or radiological or explosive detection, including canine patrols for such detection.

(8) Surveillance equipment.

(9) Emergency response equipment, including fire suppression and decontamination equipment, personal protective equipment, and defibrillators.

(10) Global positioning or tracking and recovery equipment.

(11) Redundant critical operations control systems.

(12) Live or simulated exercises described in section 110.

(13) Public awareness campaigns for enhanced public transportation security.

(14) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line public transportation employees.

(15) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(16) Operational costs for personnel assigned to full-time security or counterterrorism duties related to public transportation.

(17) Such other security improvements as the Secretary considers appropriate.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include public transportation agencies and State, local, and tribal governmental entities that provide security or counterterrorism related services to public transportation.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further a public transportation security plan developed, submitted to, and approved by the Secretary.

(d) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant provided under this section shall be subject to the terms and conditions applicable to a grant made under section 5307 of title 49, United States Code, under effect on January 1, 2007, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—Grants made under this section may not be used—

(1) to supplant State or local funds; and

(2) to make any State or local government cost-sharing contribution under any other law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary on the use of the grant funds.

(h) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as contractors or subcontractors to the extent practicable.

(i) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(j) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There are authorized to be appropriated to the Secretary to make grants under this section—

(A) $775,000,000 for fiscal year 2008;

(B) $825,000,000 for fiscal year 2009;

(C) $880,000,000 for fiscal year 2010; and

(D) $880,000,000 for fiscal year 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 107. OVER-THE-ROAD BUS SECURITY ASSISTANCE.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for making grants for eligible private operators providing transportation by an over-the-road bus for security improvements described in subsection (b).

(b) USES OF FUNDS.—A recipient of a grant received under subsection (a) shall use the grant funds for one or more of the following:

(1) Constructing and modifying terminals, garages, facilities, or over-the-road buses to increase their security.

(2) Protecting or isolating the driver of an over-the-road bus.

(3) Acquiring, upgrading, installing, or operating equipment, software, or accessorial services for collection, storage, or exchange of passenger and driver information through ticketing systems or otherwise and for information links with government agencies.

(4) Installing cameras and video surveillance equipment on over-the-road buses and at terminals, garages, and over-the-road bus facilities.

(5) Establishing and improving an emergency communications system linking drivers and over-the-road buses to the recipient's operations center or linking the operations center to law enforcement and emergency personnel.

(6) Implementing and operating passenger screening programs for weapons and explosives.

(7) Public awareness campaigns for enhanced over-the-road bus security.

(8) Operating and capital costs associated with security awareness, preparedness, and response training, including training under section 109 and training developed by universities and institutions of higher education and by nonprofit employee labor organizations, for front-line over-the-road bus employees.

(9) Chemical, biological, radiological, or explosive detection, including canine patrols for such detection.

(10) Overtime reimbursement for additional security personnel during periods of heightened security as determined by the Secretary.

(11) Live or simulated exercises described in section 110.

(12) Operational costs for personnel assigned to full-time security or counterterrorism duties related to over-the-road bus transportation.

(13) Such other improvements as the Secretary considers appropriate.

(c) ELIGIBILITY.—

(1) IN GENERAL.—Eligible entities for a grant under this section may include over-the-road bus providers and State, local, and tribal governmental entities that provide security or counterterrorism related services to over-the-road bus providers.

(2) PROJECT ELIGIBILITY.—A recipient of a grant under this section may use grant funds only for permissible uses under subsection (b) to further an over-the-road bus security plan developed, submitted to, and approved by the Secretary.

(d) SECURITY IMPROVEMENT PRIORITIES.—In establishing guidelines for applications for grants under this section, the Secretary shall establish a list in order of priority regarding uses of funds for grant recipients under this section.

(e) SUBJECT TO CERTAIN TERMS AND CONDITIONS.—Except as otherwise specifically provided in this section, a grant made under this section shall be subject to the terms and conditions applicable to subrecipients who provide intercity bus transportation under section 5311(f) of title 49, United States Code, and such other terms and conditions as are determined necessary by the Secretary.

(f) LIMITATION ON USES OF FUNDS.—A grant made under this section may not be used to—

(1) supplant State or local funds for activities; and

(2) make any State or local government cost-sharing contribution under any other law.

(g) ANNUAL REPORTS.—Each recipient of a grant under this section shall report annually to the Secretary and the Secretary of Transportation on the use of such grant funds

(h) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary, in consultation with the Secretary of Transportation, shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, and disadvantaged businesses as contractors or subcontractors to the extent practicable.

(i) MONITORING.—The Secretary shall be responsible for monitoring the manner in which the grants are used.

(j) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Secretary to make grants under this section—

(A) $12,000,000 for fiscal year 2008; and

(B) $25,000,000 for each of fiscal years 2009 through 2011.

(2) PERIOD OF AVAILABILITY.—Sums appropriated to carry out this section shall remain available until expended.

SEC. 108. FIRE AND LIFE SAFETY IMPROVEMENTS.

(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary of Transportation for making grants to Amtrak, for the purpose of carrying out projects to make fire and life safety improvements to Amtrak tunnels on the Northeast Corridor the following amounts:

(1) For the 6 tunnels in New York City, New York, to provide ventilation, electrical, and fire safety technology improvements, emergency communication and lighting systems, and emergency access and egress for passengers—

(A) $25,000,000 for fiscal year 2008;

(B) $25,000,000 for fiscal year 2009;

(C) $25,000,000 for fiscal year 2010; and

(D) $25,000,000 for fiscal year 2011.

(2) For the Baltimore & Potomac Tunnel and the Union Tunnel in Baltimore, Maryland, to provide adequate drainage and ventilation, communication, lighting, standpipe, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(3) For the Union Station tunnels in the District of Columbia to provide ventilation, communication, lighting, and passenger egress improvements—

(A) $5,000,000 for fiscal year 2008;

(B) $5,000,000 for fiscal year 2009;

(C) $5,000,000 for fiscal year 2010; and

(D) $5,000,000 for fiscal year 2011.

(b) AVAILABILITY OF AMOUNTS.—Amounts appropriated pursuant to this section shall remain available until expended.

(c) GUIDELINES.—Before distribution of funds to recipients of grants under this section, the Secretary of Transportation shall issue guidelines to ensure that recipients of grants under this section use small, minority, women-owned, or disadvantaged businesses as the contractors or subcontractors to the extent practicable.

SEC. 109. SECURITY TRAINING PROGRAM.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall—

(1) develop security training programs to prepare all railroad, public transportation, and over-the-road bus workers, including front-line employees for potential threat conditions; and

(2) issue detailed guidance for the program.

(b) CONSULTATION.—The Secretary shall develop the guidance under subsection (a)(2) in consultation with—

(1) appropriate law enforcement, fire service, security, and terrorism experts;

(2) representatives of providers of covered transportation; and

(3) nonprofit employee labor organizations representing railroad, public transportation, over-the-road bus workers, and fire fighter workers.

(c) PROGRAM ELEMENTS.—The guidance developed under subsection (a)(2) shall require security training programs described in subsection (a) to include, at a minimum, elements to address the following:

(1) Determination of the seriousness of any occurrence or threat.

(2) Crew and passenger communication and coordination.

(3) Appropriate responses to defend oneself, including using nonlethal defense devises.

(4) Evacuation procedures for passengers and workers, including individuals with disabilities.

(5) Live situational training exercises regarding various threat conditions, including tunnel evacuation procedures.

(6) Recognition and reporting of dangerous substances and suspicious packages, persons, and situations.

(7) Understanding security incident procedures, including procedures for communicating with governmental and nongovernmental emergency response providers and for on-scene interaction with such emergency response providers.

(8) Operation and maintenance of security equipment and systems.

(9) Any other subject the Secretary considers appropriate.

(d) REQUIRED PROGRAMS.—

(1) DEVELOPMENT AND SUBMISSION TO SECRETARY.—Not later than 60 days after the Secretary issues guidance under subsection (a)(2) in final form, each provider of covered transportation shall develop a security training program in accordance with the guidance developed under subsection (2) and submit the program to the Secretary for approval.

(2) APPROVAL.—Not later than 60 days after receiving a security training program under this subsection, the Secretary shall approve the program or require the provider of covered transportation that developed the program to make any revisions to the program that the Secretary considers necessary for the program to meet the guidance requirements.

(3) TRAINING.—Not later than 1 year after the Secretary approves a security training program under this subsection, the provider of covered transportation that developed the program shall complete the training of all workers covered under the program.

(4) UPDATES.—The Secretary shall periodically review and update as appropriate the training guidance issued under subsection (a)(2) to reflect new or changing security threats and require providers of covered transportation to revise their programs accordingly and provide additional training to their workers.

(e) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Department of Homeland Security Appropriations Act of 2007 (6 U.S.C. 748).

(f) FERRY EXEMPTION.—This section does not apply to any ferry system for which training is required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 110. SECURITY EXERCISES.

(a) IN GENERAL.—The Secretary, in consultation with the Secretary of Transportation, shall establish a program for conducting security exercises for covered transportation for the purpose of assessing and improving the capabilities of entities described in subsection (b) to prevent, prepare for, mitigate against, respond to, and recover from acts of terrorism involving covered transportation.

(b) COVERED ENTITIES.—Entities to be assessed under the program shall include—

(1) Federal, State, and local agencies and tribal governments;

(2) employees and managers of providers of covered transportation;

(3) governmental and nongovernmental emergency response providers and law enforcement personnel, including railroad and transit police; and

(4) any other organization or entity that the Secretary determines appropriate.

(c) REQUIREMENTS.—The Secretary, in consultation with the Secretary of Transportation, shall ensure that the program—

(1) consolidates all existing security exercises for covered transportation administered by the Department and the Department of Transportation;

(2) requires, on a periodic basis, at the facilities a provider of covered transportation, exercises to be conducted that are—

(A) scaled and tailored to the needs of the facilities, including individuals with disabilities;

(B) live, in the case of the most at-risk facilities to a terrorist attack;

(C) coordinated with appropriate officials of covered transportation providers;

(D) as realistic as practicable and based on current risk assessments, including credible threats, vulnerabilities, and consequences; and

(E) consistent with the National Incident Management System, the National Response Plan, the National Infrastructure Protection Plan, the National Preparedness Guidance, the National Preparedness Goal, and other such national initiatives;

(3) provides that exercises described in paragraph (2) will be—

(A) evaluated against clear and consistent performance measures;

(B) assessed to learn best practices, which shall be shared with appropriate Federal, State, local, and tribal officials, governmental and nongovernmental emergency response providers, law enforcement personnel, including railroad and transit police, and appropriate stakeholders; and

(C) followed by remedial action in response to lessons learned;

(4) includes exercises involving covered transportation at or near the international land borders of the United States and in coordination with international stakeholders;

(5) involves individuals in neighborhoods around the infrastructure of a provider of covered transportation; and

(6) assists State, local, and tribal governments and providers of covered transportation in designing, implementing, and evaluating exercises that conform to the requirements of paragraph (2).

(d) REMEDIAL ACTION MANAGEMENT PROGRAM.—The Secretary shall utilize the remedial action management program of the Federal Emergency Management Agency to—

(1) identify and analyze each exercise conducted under the program for lessons learned and best practices;

(2) disseminate lessons learned and best practices to participants in the program;

(3) monitor the implementation of lessons learned and best practices by participants in the program; and

(4) conduct remedial action tracking and long-term trend analysis.

(f) NATIONAL TRAINING PROGRAM.—The Secretary shall ensure that the training program developed under subsection (a) is a component of the National Training Program established under section 648 of the Department of Homeland Security Appropriations Act of 2007 (6 U.S.C. 748).

(g) FERRY SYSTEM EXEMPTION.—This section does not apply to any ferry for which drills are required to be conducted pursuant to section 70103 of title 46, United States Code.

SEC. 111. SECURITY RESEARCH AND DEVELOPMENT.

(a) ESTABLISHMENT OF RESEARCH AND DEVELOPMENT PROGRAM.—The Secretary shall carry out a research and development program for the purpose of improving the security of covered transportation.

(b) ELIGIBLE PROJECTS.—The research and development program may include projects—

(1) to reduce the vulnerability of passenger trains, stations, and equipment to explosives and hazardous chemical, biological, and radioactive substances including the development of technology to screen passengers in large numbers at peak commuting times with minimal interference and disruption;

(2) to test new emergency response and recovery techniques and technologies, including those used at international borders;

(3) to develop improved freight railroad technologies, including—

(A) technologies for sealing or modifying railroad tank cars;

(B) automatic inspection of railroad cars;

(C) communication-based train controls;

(D) signal system integrity at switches;

(E) emergency response training, including training in a tunnel environment;

(F) security and redundancy for critical communications, electrical power, computer, and train control systems; and

(G) technologies for securing bridges and tunnels;

(4) to test wayside detectors that can detect tampering;

(5) to support enhanced security for the transportation of security sensitive materials by railroad;

(6) to mitigate damages in the event of a cyberattack; and

(7) to address other vulnerabilities and risks identified by the Secretary.

(c) COORDINATION WITH OTHER RESEARCH INITIATIVES.—The Secretary shall—

(1) ensure that the research and development program is consistent with the National Strategy for Rail and Public Transportation Security developed under section 101; and

(2) to the greatest extent practicable, coordinate the research and development activities of the Department with other ongoing research and development security related initiatives, including research being conducted by—

(A) the National Academy of Sciences;

(B) the Department of Transportation, including University Transportation Centers and other institutes, centers, and simulators funded by the Department of Transportation;

(C) the Technical Support Working Group;

(D) other Federal departments and agencies; and

(E) other Federal and private research laboratories, research entities, and universities and institutions of higher education including, Historically Black Colleges or Universities, and Hispanic Serving Institution or Tribal University, with the capability to conduct both practical and theoretical research and technical systems analysis on subjects that include bridge, tunnel, blast, and infrastructure protection;

(3) carry out any research and development project authorized by this section through a reimbursable agreement with the appropriate agency or entity official, if the agency or entity—

(A) is currently sponsoring a research and development project in a similar area; or

(B) has a unique facility or capability that would be useful in carrying out the project;

(4) award grants, cooperative agreements, contracts, other transactions, or reimbursable agreements to the entities described in subsection (c)(2) and shall adopt necessary procedures, including audits, to ensure that awards made under this section are expended in accordance with the purposes of this title and the priorities and other criteria developed by the Secretary; and

(5) make reasonable efforts to enter into memoranda of understanding, contracts, grants, cooperative agreements, or other transactions with owners and operators of freight and intercity passenger rail and over-the-road bus facilities willing to contribute both physical space and other resources.

(d) PRIVACY AND CIVIL RIGHTS AND CIVIL LIBERTIES ISSUES.—

(1) CONSULTATION.—In carrying out research and development projects under this section, the Secretary shall consult with the Chief Privacy Officer of the Department and the Officer for Civil Rights and Civil Liberties of the Department as appropriate and in accordance with section 222 of the Homeland Security Act of 2002 (6 U.S.C. 142).

(2) PRIVACY IMPACT ASSESSMENTS.—In accordance with sections 222 and 705 of the Homeland Security Act of 2002 (6 U.S.C. 142; 345), the Chief Privacy Officer shall conduct privacy impact assessments and the Officer for Civil Rights and Civil Liberties shall conduct reviews, as appropriate, for research and development initiatives developed under this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out this section—

(1) $50,000,000 for fiscal year 2008;

(2) $50,000,000 for fiscal year 2009;

(3) $50,000,000 for fiscal year 2010; and

(4) $50,000,000 for fiscal year 2011.

Such sums shall remain available until expended.

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. app.; Public Law 95-452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate misconduct);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) ENFORCEMENT ACTION.—

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may seek relief under subsection (c)—

(A) for covered individuals who are employees of the Department or the Department of Transportation, by filing a complaint with the Merit Systems Protection Board;

(B) for contractors or subcontractors of the Department or Department of Transportation, by filing a complaint with their respective Inspector General;

(C) for all other covered individuals, by filing a complaint with the Secretary of Labor; and

(D) if the Secretary of Labor, Merit System Protection Board, or the respective Inspector General has not issued a final decision not later than 180 days after the filing of the complaint, or in the event that a final order or decision is issued by the Secretary of Labor, Merit System Protection Board, or the respective Inspector General, whether within the 180-day period or thereafter, when, not later than 90 days after such an order or decision is issued, bringing an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and then, at the request of either party to such action, be tried by the court with a jury.

(2) PROCEDURE.—

(A) IN GENERAL.—An action under paragraph (1) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) EXCEPTION.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) BURDENS OF PROOF.—An action brought under paragraph (1) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) STATUTE OF LIMITATIONS.—An action under paragraph (1) shall be commenced not later than 1 year after the date on which the violation occurs.

(c) REMEDIES.—

(1) IN GENERAL.—A covered individual prevailing in any action under subsection (b)(1) shall be entitled to all relief necessary to make the covered individual whole.

(2) DAMAGES.—Relief for an action under subsection (b)(1) shall include remedies under subparagraphs (A) through (C) and if appropriate, may include subparagraph (D) of such subsection—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any backpay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees; and

(3) POSSIBLE RELIEF.—Relief from an action under paragraph (1) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) USE OF STATE SECRETS PRIVILEGE.—If the Government, in a court of competent jurisdiction, asserts as a defense the privilege commonly referred to as the "state secrets privilege" then—

(1) the parties will act expeditiously to settle the case and the court shall grant the parties 60 days by which to reach settlement of the pending matter to avoid disclosure of any sensitive government information, including classified or sensitive intelligence information. The parties may certify to the court that settlement cannot be reached before the end of the 60-day period;

(2) if the parties cannot settle the matter and the parties continue to litigate the matter, the parties and court shall apply special procedures in order to protect classified or sensitive intelligence information in a manner consistent with sections 1 through 10 of the Classified Information and Procedures Act, and shall adhere to the Classified Information Procedures Act (18 U.S.C. App.; Public Law 96–456; 4 Stat. 2025); and

(3) if, in any action brought under subsection (b)(1), the Government asserts the state secrets privilege and the assertion of such privilege either is frivolous, without merit, or is asserted and causes undue delay or hardship to the plaintiff, or prevents the plaintiff from establishing a prima facie case in support of the plaintiff's claim or from rebutting an affirmative defense, then the court shall enter judgment for the plaintiff and shall determine the relief to be granted.

(e) CRIMINAL PENALTIES.—

(1) IN GENERAL.—It shall be unlawful for any person employing a covered individual to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) REPORTING REQUIREMENT.—

(A) IN GENERAL.—The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) CONTENTS.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(1) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) NO PREEMPTION.—Nothing in this section preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) RIGHTS RETAINED BY COVERED INDIVIDUAL.—Nothing in this section shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section may not be waived by any agreement, policy, form, or condition of employment.

(h) DEFINITIONS.—In this section, the following definitions apply:

(1) COVERED INDIVIDUAL.—The term "covered individual" means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) LAWFUL.—The term "lawful" means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) CONTRACTOR.—The term "contractor" means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) EMPLOYEE.—The term "employee" means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(A), (1)(B), or (1)(C) any officer, partner, employee, or agent.

(5) SUBCONTRACTOR.—The term "subcontractor"—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the Federal contractor or a higher tier subcontractor.

(6) PERSON.—The term "person" means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

SEC. 113. INCREASE IN SURFACE TRANSPORTATION SECURITY INSPECTORS.

(a) IN GENERAL.—The Secretary shall increase the total number of positions for full-time surface transportation security inspectors of the Department so that by December 31, 2010, the total number of such positions is at least 600.

(b) QUALIFICATIONS.—Surface transportation security inspectors hired by the Secretary shall have at least 1 year or equivalent experience in conducting inspections and investigations and engaging in testing security systems and any other qualifications that the Secretary determines appropriate.

(c) ROLES AND RESPONSIBILITIES.—The Secretary, in consultation with the Secretary of Transportation and appropriate State, local, and tribal officials, shall develop a standard operating procedure clearly defining the relationship between—

(1) surface transportation security inspectors of the Department and safety inspectors of the Department of Transportation; and

(2) State, local, and tribal law enforcement officers and other law enforcement personnel, including railroad and public transportation police.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a) such sums as may be necessary. Such sums shall remain available until expended.

SEC. 114. NATIONAL DOMESTIC PREPAREDNESS CONSORTIUM.

(a) IN GENERAL.—There is in the Department of Homeland Security a National Domestic Preparedness Consortium.

(b) MEMBERS.—The National Domestic Preparedness Consortium that identifies, develops, tests, and delivers training to State, local, and tribal emergency response providers, provides onsite and mobile training at the performance

and management and planning levels, and facilitates the delivery of awareness level training by the training partners of the Department shall consist of—

(1) the Center for Domestic Preparedness;

(2) the National Energetic Materials Research and Testing Center, New Mexico Institute of Mining and Technology;

(3) the National Center for Biomedical Research and Training, Louisiana State University;

(4) the National Emergency Response and Rescue Training Center, Texas A&M University;

(5) the National Exercise, Test, and Training Center, Nevada Test Site; and

(6) the Transportation Technology Center in Pueblo, Colorado.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary—

(1) to at least maintain the funding level of fiscal year 2007 for each member of the National Domestic Preparedness Consortium listed in subsection (b) in existence prior to the inclusion of the Transportation Technology Center in the Consortium; and

(2) in fiscal years 2008 through 2011, increase the funding level for each member of the National Domestic Preparedness Consortium to not less than 3 percent of the amount made available for the preceding fiscal year.

SEC. 115. AUTHORIZATION OF VISIBLE INTERMODAL PROTECTION RESPONSE TEAMS.

The Secretary, acting through the Administrator of the Transportation Security Administration, is authorized to develop Visible Intermodal Protection Response (referred to in this section as "VIPR") teams designed to augment security for any mode of transportation at any location within the United States. In forming a VIPR team, the Secretary—

(1) may use any asset of the Department, including Federal air marshals, surface transportation security inspectors, canine detection teams, and advanced screening technology;

(2) has the discretion to determine, consistent with ongoing security threats, when a VIPR should be deployed, as well as the duration of the deployment in coordination with local security and law enforcement officials; and

(3) prior to deployments, shall consult with local security and law enforcement officials in the jurisdiction where the VIPR Team is planned to deploy, to develop and agree upon the appropriate operating protocols and in order to educate those officials regarding the mission of the VIPR teams.

SEC. 116. NATIONAL TRANSPORTATION SECURITY CENTER OF EXCELLENCE.

(a) ESTABLISHMENT.—The Secretary shall establish a National Transportation Security Center of Excellence at an institution of higher education to conduct research and education activities, and to develop or provide professional security training, including the training of rail and public transportation employees and rail and public transportation-related professionals, with emphasis on utilization of intelligent transportation systems, technologies, and architectures.

(b) CRITERIA.—The Secretary shall designate the Center according to the following selection criteria:

(1) The demonstrated commitment of the institution to transportation security issues.

(2) The use of and experience with partnerships with other institutions of higher education, Federal laboratories, or other nonprofit laboratories.

(3) Capability to conduct both practical and theoretical research and technical systems analysis.

(4) Utilization of intelligent transportation system technologies and architectures.

(5) Ability to develop professional security training programs.

(6) Capability and willingness to conduct education of transportation security professionals.

(7) Such other criteria as the Secretary may designate.

(c) CONSORTIUM.—

(1) EXPERIENCE.—The Consortium shall include universities and institutions of higher education that have existing transportation programs.

(2) CERTAIN INCLUSIONS.—At least two of the consortium colleges and universities associated with the National Transportation Security Center of Excellence shall be an Historically Black College or University, an Hispanic Serving Institution, Tribal University, even if the primary institution is one of the aforementioned institutions of higher education.

(3) DEGREE PROGRAM.—Of the universities selected under paragraph (2), at least one shall have an established degree and an advanced degree program in transportation studies.

(d) TRAINING.—If the consortium does not include the National Transit Institute, the Consortium shall work with the National Transit Institute on training programs.

(e) FUNDING.—The Secretary shall provide such funding as is necessary to the National Transportation Security Center of Excellence established under subsection (a) to carry out this section.

SEC. 117. TSA PERSONNEL LIMITATIONS.

Any statutory limitation on the number of employees in the Transportation Security Administration does not apply to employees carrying out this Act.

SEC. 118. HOMELAND SECURITY GRANTS.

Notwithstanding any provision of this Act, all grants distributed for security-related purposes pursuant to this Act, shall be administered on the basis of risk by the Secretary as the lead Federal official on transportation security.

SEC. 119. THREAT ASSESSMENT SCREENING.

Not later than 180 days after the date of the enactment of this Act, the Secretary shall implement a threat assessment screening program, including name-based checks against terrorist watch lists and immigration status check, for all employees of covered transportation, that is the same as the threat assessment screening program required for facility employees and longshoremen by the Commandant of the Coast Guard under Coast Guard Notice USCG–2006–24189 (71 Fed. Reg. 25066 (Friday, April 28, 2006)).

SEC. 120. BACKGROUND CHECKS FOR COVERED INDIVIDUALS.

(a) DEFINITIONS.—In this section, the following definitions apply:

(1) BACKGROUND CHECKS.—The term "background check" means a check of the following:

(A) Relevant criminal history databases.

(B) In the case of an alien (as defined in the Immigration and Nationality Act (8 U.S.C. 1101(a)(3)), the relevant databases to determine the status of the alien under the immigration laws of the United States.

(2) COVERED INDIVIDUALS.—The term "covered individual" means an employee of—

(A) an employer, within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)), who is a provider of covered transportation; or

(B) a contractor or subcontractor of such an employer.

(b) REDRESS PROCESS.—If a provider of covered transportation conducts background checks in order to satisfy any rules, regulations, directives, or other guidance issued by the Secretary to protect covered transportation from the threat of terrorism, the provider of covered transportation shall provide an adequate redress process.

(c) STANDARDS FOR REDRESS PROCESS.—

(1) IN GENERAL.—The Secretary shall ensure that each provider of covered transportation implements a redress process in accordance with subsection (b) for covered individuals adversely impacted by a background check described in subsection (b).

(2) STANDARDS.—The redress process shall be modeled after the appeals and waiver process established for hazmat drivers and transportation workers at ports, as required by section 1515 of title 49, Code of Federal Regulations.

(3) COMPONENTS.—The redress process shall include the following:

(A) A waiver process that will allow a covered individual to demonstrate, through rehabilitation, or facts surrounding the conviction or other mitigating factors, that the individual is not a security risk.

(B) An appeal process during which a covered individual will have an opportunity to demonstrate that the individual does not have a disqualifying conviction either by—

(i) correcting outdated underlying court records;

(ii) proving mistaken identity; or

(iii) establishing that the conviction cannot serve as the basis for an adverse employment decision in accordance with the limitations contained in subsection (d).

(C) A proceeding providing an independent review.

(D) A process to ensure compliance with the requirements of this section.

(4) PROCEEDINGS PROVIDING AN INDEPENDENT REVIEW.—A covered individual who requests a proceeding under paragraph (3)(C) shall have the right to have waiver and appeal decisions heard by an independent decisionmaker with the ability to order reinstatement expeditiously or provide other remedy.

(5) PREVIOUS BACKGROUND CHECKS.—A covered individual subjected to and adversely affected by a background check conducted by a provider of covered transportation (or a contractor or subcontractor of such a provider), in the period beginning on June 23, 2006, and ending on the date of enactment of this Act, to satisfy any rules, regulations, directives, or other guidance issued by the Secretary to protect covered transportation from the threat of terrorism shall have an immediate right to a proceeding with an independent decisionmaker to determine if the adverse action was in compliance with this section and shall have a right to immediate reinstatement or other remedy if the background check fails to comply with this section.

(d) LIMITATIONS.—

(1) IN GENERAL.—Subject to paragraph (2), any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals shall prohibit an employer from making an adverse employment decision, including removal or suspension, with respect to a covered individual based on—

(A) a felony conviction that occurred 7 or more years ago;

(B) a conviction of any offense for which the individual was released from incarceration 5 or more years ago; or

(C) any felony not listed in section 1572.103 of title 49, Code of Federal Regulations.

(2) EXCEPTIONS.—The limitations contained in paragraph (1) shall not apply to a covered individual who has been convicted of any of the following:

(A) Treason (or conspiracy to commit treason).

(B) Espionage (or conspiracy to commit espionage).

(C) Sedition (or conspiracy to commit sedition).

(D) Any crime listed in chapter 113B of title 18, United States Code (or conspiracy to commit such a crime).

(e) No Preemption of Federal or State Law.—Nothing in this section shall be construed as preempting a Federal, State, or local law that requires criminal history background checks of covered employees.

(f) Statutory Construction.—Nothing in this section shall be construed to affect the process for review established under section 70105(c) of title 46, United States Code, including regulations issued pursuant to such section.

SEC. 121. TASK FORCE ON DISQUALIFYING CRIMES.

(a) Establishment.—The Secretary shall establish a task force to review the lists of crimes that disqualify individuals from certain transportation-related employment under current regulations of the Transportation Security Administration and assess whether such lists of crimes are accurate indicators of a terrorism security risk.

(b) Membership.—The task force shall be composed of representatives of appropriate industries, including representatives of nonprofit employee labor organizations, and Federal agencies.

(c) Report.—Not later than 180 days after the date of enactment of this Act, the task force shall transmit to the Secretary and Congress a report containing the results of the review, including recommendations for a common list of disqualifying crimes and the rationale for the inclusion of each crime on the list.

SEC. 122. PENALTIES.

(a) Regulations and Orders of the Secretary.—Section 114 of title 49, United States Code, is amended by adding at the end the following:

"(u) General Civil Penalties and Enforcement of Regulations and Orders of the Secretary of Homeland Security.—

"(1) Application.—This subsection applies to the enforcement of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 701 of title 46 and this title (other than chapter 449) (in this subsection referred to as an 'applicable provision of this title'). Penalties for violation of regulations prescribed, and orders issued, by the Secretary of Homeland Security under a provision of chapter 449 are provided under chapter 463.

"(2) General civil penalties.—

"(A) Maximum civil penalties.—A person is liable to the United States Government for a civil penalty of not more than $10,000 for a violation of a regulation prescribed, or order issued, by the Secretary of Homeland Security under an applicable provision of this title.

"(B) Separate violations.—A separate violation occurs under this paragraph for each day the violation continues.

"(3) Administrative imposition of civil penalties.—

"(A) In general.—The Secretary of Homeland Security may impose a civil penalty for a violation of a regulation prescribed, or order issued, under an applicable provision of this title. The Secretary of Homeland Security shall give written notice of the finding of a violation and the penalty.

"(B) Civil actions to collect penalties.—In a civil action to collect a civil penalty imposed by the Secretary under this paragraph, the issues of liability and the amount of the penalty may not be reexamined.

"(C) Exclusive jurisdiction of district courts.—Notwithstanding subparagraph (A) of this paragraph, the district courts of the United States have exclusive jurisdiction of a civil action involving a penalty that the Secretary initiates if—

"(i) the amount in controversy is more than—

"(I) $400,000 if the violation was committed by a person other than an individual or small business concern; or

"(II) $50,000 if the violation was committed by an individual or small business concern;

"(ii) the action is in rem or another action in rem based on the same violation has been brought; or

"(iii) another action has been brought for an injunction based on the same violation.

"(D) Maximum civil penalties imposed by the Secretary.—The maximum civil penalty the Secretary may impose under this paragraph is—

"(i) $400,000 if the violation was committed by a person other than an individual or small business concern; or

"(ii) $50,000 if the violation was committed by an individual or small business concern.

"(E) Notice and opportunity to request hearing.—Before imposing a penalty under this section the Secretary shall provide to the person against whom the penalty is to be imposed—

"(i) written notice of the proposed penalty; and

"(ii) the opportunity to request, not later than 30 days after the date on which the person receives the notice, a hearing on the proposed penalty.

"(4) Compromise and setoff.—

"(A) Compromise.—The Secretary may compromise the amount of a civil penalty imposed under this subsection.

"(B) Setoff.—The Government may deduct the amount of a civil penalty imposed or compromised under this subsection from amounts it owes the person liable for the penalty.

"(5) Investigations and proceedings.—The provisions set forth in chapter 461 shall be applicable to investigations and proceedings brought under this subsection to the same extent that they are applicable to investigations and proceedings brought with respect to aviation security duties designated to be carried out by the Secretary.

"(6) Nonapplication.—

"(A) Persons subject to penalties determined by the Secretary of Defense.—Paragraphs (1) through (4) of this subsection do not apply to the following persons, who shall be subject to penalties as determined by the Secretary of Defense or the Secretary's designee:

"(i) The transportation of personnel or shipments of materials by contractors where the Department of Defense has assumed control and responsibility.

"(ii) A member of the Armed Forces of the United States when performing official duties.

"(iii) A civilian employee of the Department of Defense when performing official duties.

"(B) Postal service; department of defense.—In this subsection, the term 'person' does not include—

"(i) the United States Postal Service; or

"(ii) the Department of Defense.

"(7) Small business concern defined.—The term 'small business concern' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).".

(b) Conforming Amendment.—Section 46301(a)(4) of title 49, United States Code, is amended by striking "or another requirement under this title administered by the Under Secretary of Transportation for Security".

SEC. 123. SCHOOL BUS TRANSPORTATION SECURITY.

(a) School Bus Security Threat Assessment.—Not later than 1 year after the date of enactment of this Act, the Secretary shall transmit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives, a report, including a classified report, as appropriate, containing a comprehensive threat assessment of the threat of a terrorist attack on the Nation's school bus transportation system in accordance with the requirements of this section.

(b) Contents of Threat Assessment.—The assessment shall include—

(1) an assessment of the Nation's school bus transportation system, including publicly and privately operated systems;

(2) the security threats to the assets and systems;

(3) an assessment of actions already taken by operators to address identified security vulnerabilities by both private and publicly operated systems;

(4) an assessment of additional actions and investments necessary to improve the security of the Nation's school children traveling on school buses;

(5) an assessment of whether additional legislation or Federal programs are needed to provide for the security of children traveling on school buses; and

(6) an assessment of the psychological and economic impacts of an attack on school buses.

(c) Consultation.—In conducting the threat assessment, the Secretary shall consult with administrators and officials of school systems, representatives of the school bus industry, including both public and privately operated systems, public safety and law enforcement officials, and nonprofit employee labor organizations representing school bus drivers.

SEC. 124. ENHANCED SECURITY MEASURES FOR SHIPMENTS OF SECURITY SENSITIVE MATERIALS.

(a) In General.—Not later than 90 days after the date of enactment of this Act, the Secretary, in consultation with the Secretary of Transportation, shall issue regulations to require enhanced security measures for shipments of security sensitive materials.

(b) Definitions.—

(1) Security sensitive material.—The Secretary shall designate a material, or a group or class of material, in a particular amount and form as security sensitive when the Secretary determines that transporting the material in commerce poses a significant risk to national security due to the potential use of the material in an act of terrorism. In making such a designation, the Secretary shall consider the following:

(A) A highway route-controlled quantity of a Class 7 (radioactive) material, as defined in section 173.403 of title 49, Code of Federal Regulations, in a motor vehicle, railcar, or freight container.

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 of section 173.5 of title 49, Code of Federal Regulations (explosive) material in a motor vehicle, rail car, or freight container;

(C) More than one liter (1.06 quart) per package of a material poisonous by inhalation, as defined in section 171.8 of title 49, Code of Federal Regulations, that meets the criteria for hazard zone A, as specified in section 173.116(a) or section 173.133(a) of title 49, Code of Federal Regulations.

(D) A shipment of a quantity of hazardous materials in a bulk packaging having a capacity equal to or greater than 13,248 liters (3,500 gallons) for liquids or gases or more than 13.24 cubic meters (68 cubic feet) for solids.

(E) A shipment in other than a bulk packaging of 2,268 kilograms (5,000 pounds) gross weight or more of one class of hazardous materials for which placarding of a vehicle, rail car, or freight container is required for that class under the provisions of section 172.521B of title 49, Code of Federal Regulations.

(F) A select agent or toxin regulated by the Centers for Disease Control and Prevention under part 73 of title 42, Code of Federal Regulations.

(G) A quantity of hazardous material that requires placarding under the provisions of subpart F of part 172 of title 49, Code of Federal Regulations.

(2) Area of Concern.—For purposes of this section, the term "area of concern" means a geographic region designated by the Secretary as commanding special consideration with respect to the security of the transportation of security sensitive materials, which shall include high threat urban areas as determined by the Secretary.

(3) Storage Pattern.—The term "storage pattern" is defined as the conditions of storage, including—

(A) location of cars in railyards or on railroad-controlled leased tracks;

(B) type of storage (such as bulk transfer or not);

(C) typical types and numbers of security sensitive material cars stored in close proximity (in ranges);

(D) population density;

(E) average length of time cars are stored, attended or unattended; and

(F) security measures present, including physical security measures, secure handoffs and nearest available safe havens for storage in case of heightened threat conditions.

(4) Most Secure.—The term "most secure route or storage pattern" means the route or storage pattern that best reduces the risk, including consequences, of a terrorist attack on a shipment of security sensitive material that is transported through or near an area of concern.

(c) Compilation of Route and Storage Pattern Information for Rail Carriers Transporting Security Sensitive Materials.—Not later than 90 days after the end of each calendar year, a rail carrier shall compile commodity data by route and storage pattern, a line segment or series of line segments as aggregated by the rail carrier. Within the rail carrier selected route, the commodity data shall identify the geographic location of the route and storage pattern and the total number of shipments by United Nations identification number for security sensitive materials and storage patterns along the routes.

(d) Rail Transportation Route and Storage Pattern Analysis for Security Sensitive Materials.—For each calendar year, a rail carrier shall provide a written analysis of the security risks for the transportation routes and storage patterns, identified in the commodity data collected as required by subsection (c). The security risks present shall be analyzed for the route, railroad facilities, railroad storage facilities, private storage facilities, and areas of concern along or in proximity to the route.

(e) Alternative Route and Storage Pattern Analysis for Security Sensitive Materials.—

(1) By the end of each calendar year, a rail carrier shall—

(A) identify to the Department practical alternative routes and storage patterns that will avoid areas of concern for each of the transportation routes or facilities it used to ship or store security sensitive materials through or near areas of concern in the last calendar year; and

(B) perform a security risk assessment of the alternative route or storage pattern for comparison to the route and storage pattern analysis specified in subsection (d).

(2) The analysis shall include the following:

(A) Identification of security risks for alternative route or storage pattern.

(B) Comparison of those risks identified in subparagraph (A) to the primary rail transportation route or storage pattern.

(3) Rail carriers transporting security sensitive materials must consider the availability of interchange agreements or systems of tracks and facilities owned by other operators when determining whether an alternate route for transporting the security sensitive materials to avoid areas of concern is practical.

(4) An alternate route or storage facility that will avoid an area of concern may be considered by the rail carrier to be impractical if the shipment originates in or is destined for the area of concern, or if there would be no harm beyond the property of the rail carrier transporting the shipment or storage facility storing the shipment in the event of a successful terrorist attack on the shipment.

(f) Alternative Route and Storage Pattern Selection for Security Sensitive Materials.—A carrier shall use the analysis required by subsections (d) and (e) to select the most secure route and storage pattern to be used in moving the materials specified in subsection (b).

(g) Review.—Not less than once every 5 years, the analyses route and storage pattern selection determinations required under subsections (c), (d), (e), and (f) shall include a comprehensive, system-wide review of all operational changes, infrastructure modifications, traffic adjustments, changes in the nature of the areas of concern located along or in proximity to the route, or other changes affecting the security of the movements of the materials specified in subsection (b) of this section that were implemented during the 5-year period.

SEC. 125. TECHNOLOGY STANDARDS AND CLEARINGHOUSE TO IMPROVE SECURITY OF COVERED TRANSPORTATION.

(a) In General.—The Secretary, acting through the Under Secretary for Science and Technology and the Director of the Domestic Nuclear Detection Office (for radiological and nuclear detection technologies and training), in consultation with the Director of the National Institute of Standards and Technology and other appropriate Federal agencies, as appropriate, shall establish a standards program to support the development, promulgation, and updating as necessary of national voluntary consensus standards for performance, testing, use, and training with respect to technologies that will improve the security of covered transportation in order to meet the security plan requirements under section 103(d)(1) and the security performance requirements under section 103(f).

(b) Equipment Standards.—

(1) Requirements.—The standards for the performance, use, and validation of equipment developed under subsection (a) shall be designed to assist Federal, State, local, and tribal government and nongovernment emergency response providers, other components of the Department, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders in acquiring and implementing technologies to prevent, prepare for, mitigate against, and respond to acts of terrorism on covered transportation. Such standards—

(A) shall be, to the maximum extent practicable, consistent with any existing voluntary consensus standards;

(B) shall take into account, as appropriate, new types of terrorism threats which may target covered transportation and responsibilities of the Department that may not have been contemplated when such existing standards were developed;

(C) shall focus on maximizing interoperability, interchangeability, durability, flexibility, efficiency, efficacy, portability, sustainability, and safety;

(D) shall facilitate deployment of the systems to the field and include concept of operations;

(E) shall consider human factors science; and

(F) shall cover all appropriate uses of the equipment.

(2) Categories of Equipment.—In carrying out paragraph (1), the Secretary shall specifically consider national voluntary consensus standards for the performance, use, and validation of the following categories of equipment:

(A) Physical security equipment, including surveillance cameras, alarm systems, access/intrusion control, motion detection, barriers such as fences, impact resistant doors, bomb-resistant trash receptacles, and personnel and vehicle identification systems.

(B) Interoperable communications equipment, including wireless and wireline voice, video, and data networks.,

(C) Information technology, including position locating and tracking systems.

(D) Cybersecurity equipment, including biometric authentication systems, network and personal firewalls and other authentication technologies.

(E) Personal protective equipment, including garments, boots, gloves, and hoods and other protective clothing.

(F) Operational and search and rescue equipment, including canines and scene control and safety equipment such as first aid kits.

(G) Explosive mitigation devices and explosive detection and analysis equipment.

(H) Chemical, biological, radiological, and nuclear detection equipment.

(I) Decontamination equipment.

(J) Noninvasive inspection and screening systems.

(K) Medical and pharmaceutical supplies.

(L) Other terrorism incident prevention equipment.

(M) Such other equipment for which the Secretary determines that national voluntary consensus standards would be appropriate to improve the security of covered transportation.

(3) Certification and Accreditation.—The Secretary, in carrying out this subsection, and in coordination with the Director of the National Institute of Standards and Technology, may support the certification of equipment and the accreditation of laboratories to conduct testing and evaluation.

(c) Training Standards.—

(1) Requirements.—The standards for the training developed under subsection (a) shall be designed to enable Federal, State, local, and tribal government and nongovernment emergency response providers, other Department personnel, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders to use equipment effectively and appropriately in carrying out their responsibilities to secure covered transportation. Such standards shall prioritize—

(A) enabling appropriate stakeholders to prevent, prepare for, respond to, mitigate against, and recover from terrorist threats on covered transportation, including threats from chemical, biological, radiological, and nuclear weapons and explosive devices capable of inflicting significant human casualties, and other potentially catastrophic emergencies; and

(B) familiarizing appropriate stakeholders with the proper use of equipment, including the capabilities and limitations of equipment and conditions in which the equipment is expected to operate.

(2) Categories of Activities.—In carrying out paragraph (1), the Secretary specifically shall include the following categories of activities:

(A) Regional planning.

(B) Joint exercises.

(C) Information analysis and sharing.

(D) Decision making protocols for incident response and alarms.

(E) Emergency notification of affected populations.

(F) Detection of biological, nuclear, radiological, and chemical weapons of mass destruction.

(G) Screening and patrolling procedures.

(H) Such other activities for which the Secretary determines that national voluntary consensus training standards would be appropriate.

(3) CONSISTENCY.—In carrying out this subsection, the Secretary shall ensure that training standards are consistent with the principles of all hazards emergency preparedness.

(d) CONSULTATION WITH STANDARDS ORGANIZATIONS.—In establishing national voluntary consensus standards for equipment and training under this section, the Secretary shall consult with relevant public and private sector groups, including—

(1) the National Institute of Standards and Technology;

(2) the American Public Transportation Association;

(3) the National Fire Protection Association;

(4) the National Association of County and City Health Officials;

(5) the Association of American Railroads;

(6) the American Bus Association;

(7) the Association of State and Territorial Health Officials;

(8) the American National Standards Institute;

(9) the National Institute of Justice;

(10) the Inter-Agency Board for Equipment Standardization and Interoperability;

(11) the National Public Health Performance Standards Program;

(12) the National Institute for Occupational Safety and Health;

(13) ASTM International;

(14) the International Safety Equipment Association;

(15) the Emergency Management Accreditation Program; and

(16) to the extent the Secretary considers appropriate, other national voluntary consensus standards development organizations, other interested Federal, State, and local agencies, and other interested persons.

(e) TECHNOLOGY CLEARINGHOUSE TO ENHANCE THE SECURITY OF COVERED TRANSPORTATION.—

(1) IN GENERAL.—The Secretary shall utilize the Technology Clearinghouse established under section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) to facilitate the identification, acquisition, and deployment of technology, equipment, and training for use by Federal, State, local, and tribal agencies, emergency response providers, other components of the Department, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders to prevent, prepare for, mitigate against, respond to, or recover from acts of terrorism on covered transportation.

(2) ELEMENTS OF THE TECHNOLOGY CLEARINGHOUSE.—Activities in carrying out paragraph (1) shall include—

(A) identifying available technologies that have been, or are in the process of being, developed, tested, evaluated, or demonstrated by the Department, other Federal agencies, the private sector, or foreign governments and international organizations, and reviewing whether such technologies may be useful in assisting appropriate stakeholders to prevent, prepare for, mitigate against, respond to, or recover from acts of terrorism on covered transportation; and

(B) communicating to Federal, State, local, and tribal agencies, emergency response providers, other components of the Department, providers of covered transportation, shippers of hazardous material, manufacturers of railroad and transit cars, transportation and public safety officials, and other relevant stakeholders the availability of such technologies, as well as—

(i) the technology's specifications and concept of operations;

(ii) satisfaction of appropriate equipment and training standards developed under subsections (a) and (b);

(iii) relevant grants available from the Department to purchase or train with such technologies; and

(iv) whether the Secretary has designated a product, equipment, service, device, or technology under subparagraph (A) as a qualified antiterrorism technology pursuant to the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (6 U.S.C. 441 et seq.).

(3) COORDINATION.—The Secretary shall ensure that the technology clearinghouse activities conducted through the Under Secretary for Science and Technology are coordinated with appropriate components of the Department including the Domestic Nuclear Detection Office, the Transportation Security Administration, the Office of Infrastructure Protection, the Office of Grants and Training, and the Federal Emergency Management Agency.

(4) AGREEMENTS.—The Secretary may enter into memoranda of understandings or agreements with other Federal agencies, foreign governments, and national and international organizations as appropriate, in order to maximize the availability of such technologies and information through the Technology Clearinghouse.

SEC. 126. RAIL TANK CAR SECURITY TESTING.

(a) RAIL TANK CAR VULNERABILITY ASSESSMENT.—

(1) ASSESSMENT.—The Secretary shall assess the likely methods of a deliberate attack against a rail tank car used to transport toxic-inhalation-hazard materials, and for each method assessed, the degree to which it may be successful in causing death, injury, or serious adverse effects to human health, the environment, critical infrastructure, national security, the national economy, or public welfare.

(2) THREATS.—In carrying out paragraph (1), the Secretary shall consider the most current threat information as to likely methods of a successful attack on a rail tank car transporting toxic-inhalation-hazard materials, and may consider the following:

(A) An improvised explosive device placed along the tracks.

(B) An improvised explosive device attached to the rail car.

(C) The use of shoulder-fired missiles.

(D) The use of rocket propelled grenades.

(E) The use of mortars or high-caliber weapons.

(3) PHYSICAL TESTING.—In developing the assessment required under paragraph (1), the Secretary shall conduct physical testing of the vulnerability of rail tank cars used to transport toxic-inhalation-hazard materials to different methods of a deliberate attack, using technical information and criteria to evaluate the structural integrity of railroad tank cars.

(4) REPORT.—Not later than 30 days after the completion of the assessment under paragraph (1), the Secretary shall provide to the appropriate congressional committees a report, in the appropriate format, on such assessment.

(b) RAIL TANK CAR DISPERSION MODELING.—

(1) IN GENERAL.—The Secretary, acting through the National Infrastructure Simulation and Analysis Center, shall conduct air dispersion modeling analysis of a release of the contents of a single rail tank car of toxic-inhalation-hazard materials in at least three high-threat urban areas in the United States.

(2) CONSIDERATIONS.—The analysis under this subsection shall take into account the following considerations:

(A) A deliberate attack on a rail tank car transporting toxic-inhalation-hazard materials, including the most likely means of attack and the resulting dispersal rate.

(B) Different times of day, to account for differences in population size and density in the urban area, as well as differences in cloud coverage over the affected regions.

(C) Historically accurate wind speeds, temperatures and directions.

(D) The difference between a rail tank car in motion and a stationary rail tank car.

(E) Emergency response procedures by local officials, including the availability of medical countermeasures to treat exposures to toxic-inhalation-hazard materials.

(F) Any other considerations the Secretary believes would develop an accurate, plausible dispersion model for toxic-inhalation-hazard materials released from a rail tank car as a result of a terrorist act.

(3) CONSULTATION.—In conducting the dispersion modeling under paragraph (1), the Secretary shall consult with the appropriate State, local, and tribal officials of the high-threat urban area selected, and with other Federal agencies as appropriate.

(4) INFORMATION SHARING.—Upon completion of the analysis required under paragraph (1), the Secretary shall share the information developed with the appropriate stakeholders within each high-threat urban area selected, given appropriate information protection provisions as may be required by the Secretary.

(5) REPORT.—Not later than 30 days after completion of all dispersion analyses under paragraph (1), the Secretary shall submit to the appropriate congressional committees a report detailing the Secretary's conclusions and findings in an appropriate format.

SEC. 127. RAIL RADIOLOGICAL AND NUCLEAR DETECTION.

(a) PROTOTYPE.—Not later than one year after the date of enactment of this Act, the Domestic Nuclear Detection Office shall begin testing and evaluation of prototype systems to detect nuclear or radiological materials in rail security venues, including spectroscopic technologies.

(b) STRATEGY.—Upon successful developmental testing and evaluation of such radiation detection technologies at Domestic Nuclear Detection Office test facilities, as well as extensive testing and evaluation in operational environments, the Domestic Nuclear Detection Office shall, in coordination with Customs and Border Protection and the Transportation Security Administration, ensure appropriate training, operations, and response protocols are established and, shall develop a deployment strategy to detect nuclear or radiological materials arriving in or transporting through the United States by rail. Such strategy shall consider the integration of radiation detection technologies with other nonintrusive inspection technologies, including imagery and density scanning, in order to utilize existing rail examination facilities and further strengthen border security.

(c) REPORT TO CONGRESS.—Not later than September 30, 2008, the Domestic Nuclear Detection Office shall transmit to Congress a report. Such report shall—

(1) describe the progress of testing and evaluation under subsection (a); and

(2) in coordination with U.S. Customs and Border Protection and the Transportation Security Administration, describe the development of a strategy under subsection (b).

(d) IMPLEMENTATION.—The Domestic Nuclear Detection Office, U.S. Customs and Border Protection, and the Transportation Security Administration shall begin implementation of the strategy developed under subsection (b) after verification of systems performance.

SEC. 128. REQUIREMENT TO PROVIDE PREFERENCE TO QUALIFIED ANTI-TERRORISM TECHNOLOGIES.

In using grant funds provided under this Act to purchase products, equipment, services, devices, or technologies to be employed in the implementation of any security plan required under this Act, a grant recipient shall, to the extent practicable, give preference to products, *equipment, services, devices, and technologies that the Secretary has designated as qualified anti-terrorism technologies under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (subtitle G of title VIII of the Homeland Security Act of 2002; 6 U.S.C. 441 et seq.), if the grant recipient determines that such a product, equipment, service, device, or technology meets or exceeds the requirements of the security plan.*

SEC. 129. PROMOTING LIABILITY PROTECTIONS FOR PROVIDERS OF COVERED TRANSPORTATION AND RELATED TECHNOLOGIES.

The Secretary shall work with providers of covered transportation to identify for procurement products, equipment, services, devices, and technologies to be employed in the implementation of security plans required under this Act, that are designated by the Secretary as qualified anti-terrorism technologies under the Support Anti-terrorism by Fostering Effective Technologies Act of 2002 (subtitle G of title VIII of the Homeland Security Act of 2002; 6 U.S.C. 441 et seq.) or may otherwise be eligible for liability protections.

SEC. 130. INTERNATIONAL RAIL SECURITY PROGRAM.

(a) NON-INTRUSIVE INSPECTION EQUIPMENT.—For the purpose of checking in-bound rail shipments to the United States for undeclared passengers or contraband, including terrorists or weapons, including weapons of mass destruction, the Secretary shall—

(1) deploy, where practicable, non-intrusive inspection imaging equipment at locations where rail shipments cross an international border to enter the United States; or

(2) implement alternative procedures to check such rail shipments at locations where the deployment of non-intrusive inspection imaging equipment is determined to not be practicable.

(b) ADVANCED FILING OF SECURITY DATA.—

(1) IN GENERAL.—The Secretary shall—

(A) identify and seek the submission of additional data elements for improved high-risk targeting related to the movement of cargo through the international supply chain utilizing a railroad prior to importation into the United States; and

(B) analyze the data provided pursuant to in paragraph (1) to identify high-risk cargo for inspection.

(2) INTERNATIONAL SUPPLY CHAIN DEFINED.—For purposes of this subsection, the term "international supply chain" means the end-to-end process for shipping goods to or from the United States beginning at the point of origin (including manufacturer, supplier, or vendor) through a point of distribution to the destination.

SEC. 131. TERRORIST WATCHLIST AND IMMIGRATION STATUS REVIEW AT HIGH-RISK TRANSPORTATION SITES.

The Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to conduct checks of their employees against available terrorist watchlists and immigration status databases.

TITLE II—SECURE TRANSPORTATION THROUGH INCREASED USE OF CANINE DETECTION TEAMS

SEC. 201. INCREASING THE NUMBER OF CANINE DETECTION TEAMS FOR TRANSPORTATION SECURITY.

(a) MINIMUM REQUIREMENT.—The Secretary shall coordinate with owners and providers of covered transportation systems to ensure that canine detection teams are deployed at each high-risk transportation system to provide continuous coverage if the Secretary considers it necessary. Each canine detection team—

(1) shall be trained to detect explosives, and, to the greatest extent possible, chemical and biological weapons; and

(2) may be deployed to alternate sites to provide additional coverage during times of increased risk or due to specific threat information, as determined by the Secretary.

(b) INCREASE.—The Secretary shall coordinate with owners and providers of covered transportation systems to increase the number of trained canine detection teams deployed at the Nation's high-risk rail and mass transit systems by not less than 10 percent each fiscal year for fiscal years 2008 through 2012. Each canine detection team shall be trained to detect explosives, and, to the greatest extent possible, chemical and biological weapons.

SEC. 202. NATIONAL EXPLOSIVES DETECTION CANINE TEAM PROGRAM INCREASE.

(a) INCREASE IN TEAMS.—The National Explosives Detection Canine Team Program of the Transportation Security Administration may train up to an additional 100 canine detection teams per year but shall train at least the following numbers of additional teams:

(1) 50 in fiscal year 2008.

(2) 55 in fiscal year 2009.

(3) 60 in fiscal year 2010.

(4) 66 in fiscal year 2011.

(5) 73 in fiscal year 2012.

(b) DEPLOYED THROUGHOUT COUNTRY.—The canine detection teams authorized under this section shall be deployed across the country to strengthen the security of covered transportation systems, including buses, subway systems, ferries, and passenger rail carriers.

(c) REPORT.—Not later than 90 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the personnel and resource needs to fulfill the requirements of this section.

(d) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

SEC. 203. TRANSPORTATION SECURITY ADMINISTRATION BREEDING PROGRAM INCREASE.

(a) TSA PUPPY PROGRAM.—The Transportation Security Administration Puppy Program shall work to increase the number of domestically bred canines to help meet the increase in demand for canine detection teams authorized in section 202 while preserving the current quality of canines provided for training.

(b) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this section, the Administrator of the Transportation Security Administration shall submit to the Committee on Homeland Security of the House and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the personnel and resource needs to fulfill the requirements of this section.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except the amendments printed in House Report 110–74. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–74.

Mr. THOMPSON of Mississippi. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Section 2(2)(E), strike "railroad and transit cars" and insert "railroad cars, public transportation cars and buses, and over-the-road buses".

Section 2(6)(B), strike "the public transportation designated recipient providing the transportation" and insert " the designated recipient".

Section 2(14), strike the period after "over-the-road bus" and insert "—".

After section 2, insert the following:

SEC. 3. NO PREEMPTION OF STATE LAW.

(a) NO PREEMPTION OF STATE LAW.—Nothing in section 20106 of title 49, United States Code, preempts a State cause of action, or any damages recoverable in such an action, including negligence, recklessness, and intentional misconduct claims, unless compliance with State law would make compliance with Federal requirements impossible. Nothing in section 20106 of title 49, United States Code, confers Federal jurisdiction of a question for such a cause of action.

(b) SECRETARIAL POWER.—Section 20106 of title 49, United States Code, preempts only positive laws, regulations, or orders by executive or legislative branch officials that expressly address railroad safety or security. The Secretary and the Secretary of Transportation have the power to preempt such positive enactments by substantially subsuming the same subject matter, pursuant to proper administrative procedures.

Section 101(a), strike ", in consultation with the Secretary of Transportation,".

Section 103, strike ", in consultation with the Secretary of Transportation," each place it appears, except subsection (o).

Section 103(c)(1), strike "high-or" and insert "high- or".

Section 103(e), strike "vulnerabilities and security plans"and insert "a vulnerability assessment and security plan".

Section 103(k)(3)—

(1) strike "those submissions" and insert "such submission"; and

(2) strike "vulnerability assessments and security plans" and insert "the vulnerability assessment and security plan".

Section 103(o), strike ", hereinafter referred to as 'Amtrak' ".

Section 104(a), strike ", in consultation with the Secretary of Transportation,".

Section 105(a), strike ", in consultation with the Secretary of Transportation,".

Section 105(b)(2), strike "rail" and insert "railroad".

Section 105(b)(3), strike "redevelopment and".

Section 105(b)(4), insert ", including stations and other railroad transportation infrastructure owned by State or local governments" before the period.

Section 105(b)(12) insert "security" before "inspection" each places it appears.

Section 105(b)(16), strike "front-line railroad employees" and insert "railroad employees, including front-line employees".

Strike section 105(c) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

Section 105—

(1) strike subsection (f);

(2) redesignate subsections (d) through (m) as subsections (g) through (o), respectively;

(3) insert after subsection (c), as amended, the following:

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation jointly shall monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a rail security plan.

Section 105(j), as redesignated (relating to standards)—

(1) strike "The Secretary shall require a" and insert "A";

(2) after "108" insert "shall be required"; and

(3) strike "Amtrak" and insert "the National Railroad Passenger Corporation".

Section 105(m), as redesignated (relating to guidelines)—

(1) strike ", in consultation with the Secretary of Transportation,"; and

(2) strike "recipients of grants under this section" the first place it appears and insert ", to the extent that recipients of grants under this section use contractors or subcontractors, such recipients"

Section 105 strike subsection (n), as redesignated.

Section 105, redesignate subsection (o), as redesignated, as subsection (n).

Section 106, strike ", in consultation with the Secretary of Transportation," each place it appears.

Section 106(b)(2), insert ", including stations and other public transportation infrastructure owned by State or local governments" before the period.

Section 106(b)—

(1) redesignate paragraphs (10) through (17) as paragraphs (11) through (18), respectively; and

(2) after paragraph (9) insert the following:

(10) Purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels.

Section 106(b)(15), as redesignated—

(1) strike "front-line" before "public"; and

(2) insert ", including front-line employees" after "employees".

Section 106(b)(16), as redesignated, after "reimbursement" insert ", including reimbursement of State, local, and tribal governments for costs,".

Section 106(b)(17), as redesignated, after "costs" insert ", including reimbursement of State, local, and tribal governments for costs".

At the end of section 106(b), strike paragraph (18), as redesignated, and insert the following:

(18) Such other security improvements as the Secretary considers appropriate, including security improvements for newly completed public transportation systems that are not yet operable for passenger use.

Section 106—

(1) strike subsections (c) and (d);

(2) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(3) insert after subsection (b) the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A designated recipient is eligible for a grant under this section if the recipient has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a public transportation security plan.

Section 106, subsection (g), as redesignated (relating to terms and conditions), strike "under effect" and insert "as in effect".

Section 106, subsection (j), as redesignated (relating to guidelines), strike "recipients of grants under this section" the first place it appears and insert ", to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 106, strike subsection (k), as redesignated (relating to monitoring).

Section 106, redesignate subsection (l), as redesignated (relating to authorization of appropriations), as subsection (k).

Section 107, strike ", in consultation with the Secretary of Transportation," each place it appears.

Section 107(b)(1), insert: ", including terminals and other over-the-road bus facilities owned by State or local governments" before the period.

Section 107(b)(8) strike—

(1) strike "front-line" before "over-the-road"; and

(2) insert ", including front-line employees" after "employees".

Section 107(b)(10), after "reimbursement" insert "including reimbursement of State, local, and tribal governments for costs,".

Section 107(b)(12), after "costs" insert ", including reimbursement of State, local, and tribal governments for such costs.".

Section 107—

(1) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(2) strike subsections (c) and (d) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days of making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

Section 107, subsection (i), as redesignated (relating to annual reports), after "funds" insert a period.

Section 107, subsection (j), as redesignated (relating to guidelines), strike "recipients of grants under this section the first place it appears" and insert "to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 107, strike subsection (k) as redesignated (relating to monitoring).

Section 107, redesignate subsection (l), as redesignated (relating to authorization), as subsection (k).

Section 108(a), strike "Amtrak" the first place it appears and insert "the National Railroad Passenger Corporation".

Section 108(c) strike "recipients of grants under this section" the first place it appears and insert ", to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 109(a), strike ", in consultation with the Secretary of Transportation," Section 109(a)(1), insert a comma after "employees".

Section 109(b)(3) strike "and fire fighter workers" and insert "or emergency response personnel".

Section 109(c)(9), strike "Any other subject" and insert "Other security training activities that".

Section 109(d)(1), strike "in final form".

Section 109(d)(2), insert "proposal" after "training program".

Section 109(d)(3), insert "proposal" after "training program".

Section 109(d)(4), insert "as necessary" after "workers".

Section 110(a), strike ", in consultation with the Secretary of Transportation,".

Section 110(c), strike ", in consultation with the Secretary of Transportation,".

Section 110(c)(1), insert "working jointly with the Secretary of Transportation," before "consolidates".

Section 111(b)(3) strike "freight".

Section 111(b), strike "and" at the end of paragraph (6), redesignate paragraph (7) as paragraph (8), and insert the following after paragraph (6):

(7) to assess the vulnerabilities and risks associated with new rail and public transportation construction projects prior to their completion; and

Section 111(c)(2)(E)—

(1) strike "including," and insert ", including"; and

(2) strike "Institution or Tribal University" and insert "Institutions or Tribal Universities".

Strike section 112 of the bill and insert the following (and make all necessary technical and conforming changes):

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) In General.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) Enforcement Action.—

(1) In general.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may—

(A) in the case of a covered individual who is employed by the Department or the Department of Transportation, seek relief in accordance with—

(i) the provisions of title 5, United States Code, to the same extent and in the same manner as if such individual were seeking relief from a prohibited personnel practice described in section 2302(b)(8) of such title; and

(ii) the amendments made by section 112A;

except that, if the disclosure involved consists in whole or in part of classified or sensitive information, clauses (i) and (ii) shall not apply, and such individual may seek relief in the same manner as provided by section 112B;

(B) in the case of a covered individual who is a contractor or subcontractor of the Department or the Department of Transportation, seek relief in accordance with section 112B; and

(C) in the case of any other covered individual, seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

(2) Procedure.—

(A) In general.—An action under paragraph (1)(C) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) Exception.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) Burdens of proof.—An action brought under paragraph (1)(C) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) Statute of limitations.—An action under paragraph (1)(C) shall be commenced not later than 1 year after the date on which the violation occurs.

(3) De novo review.—With respect to a complaint under paragraph (1)(C), if the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the covered individual may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(c) Remedies.—

(1) In general.—A covered individual prevailing in any action under subsection (b)(1)(C) shall be entitled to all relief necessary to make the covered individual whole.

(2) Damages.—Relief in an action under subsection (b)(1)(C) (including an action described in subsection (b)(3)) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) Possible relief.—Relief in an action under subsection (b)(1)(C) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) Use of State Secrets Privilege.—

(1) If, in any action for relief sought by a covered individual in accordance with the provisions of subsection (b)(1)(A), (B), or (C), the Government agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the "state secrets privilege", and if the assertion of such privilege prevents the covered individual from establishing an element in support of the covered individual's claim, the court shall resolve the disputed issue of fact or law in favor of the covered individual, provided that, in an action brought by a covered individual in accordance with the provisions of subsection (b)(1)(A) or (B), an Inspector General investigation under section 112B has resulted in substantial confirmation of that element, or those elements, of the covered individual's claim.

(2) In any case in which the Government agency asserts the privilege commonly referred to as the "state secrets privilege", whether or not an Inspector General has conducted an investigation with respect to the alleged discrimination, the head of the Government agency involved shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the covered individual, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

(e) Criminal Penalties.—

(1) In general.—It shall be unlawful for any person employing a covered individual described in subsection (b)(1)(C) to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) Reporting requirement.—

(A) In general.—The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) Contents.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(1)(C) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) No Preemption.—Nothing in this section, section 112A, or section 112B preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) Rights Retained by Covered Individual.—Nothing in this section, section 112A, or section 112B shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section, section 112A and section 112B may not be waived by any agreement, policy, form, or condition of employment.

(h) Definitions.—In this section, section 112A and section 112B, the following definitions apply:

(1) Covered individual.—The term "covered individual" means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) Lawful.—The term "lawful" means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in the interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) Contractor.—The term "contractor" means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) Employee.—The term "employee" means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(C) or (1)(D), any officer, partner, employee, or agent.

(5) Subcontractor.—The term "subcontractor"—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the contractor or a higher tier subcontractor.

(6) Person.—The term "person" means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

Section 113(c), strike "the Secretary of Transportation and".

Section 116(b), strike "designate the Center" and insert "select an institution of higher education to operate the National Transportation Security Center of Excellence".

Section 116(c)—

(1) redesignate paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) insert after the subsection heading the following:

(1) Consortium.—The institution of higher education selected under subsection (b) shall execute agreements with other institutions of higher education to develop a consortium to assist in accomplishing the goals of the Center.

Section 116(c)(3), as redesignated, insert "or" before "Tribal".

Section 116, strike "Consortium" each place it appears and insert "consortium".

Section 118, after "risk" strike all that follows through "security".

Section 120(d)(1), strike "any rule" and all that follows through "an employer" and insert the following: "if an employer performs background checks to satisfy any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals, the employer shall be prohibited".

Section 123(a), strike "the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives" and insert "the appropriate congressional committees".

Section 124, strike "railcar" and insert "railroad car" each place it appears.

Section 124(b)(1), strike subparagraph (B) and insert the following:

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 explosive, as defined in section 173.50 of title 49, Code of Federal Regulations, in a motor vehicle, rail car, or freight container.

Section 124(b)(3)(A), strike "railyards" and insert "railroad yards".

Section 124(f), insert "railroad" before "carrier".

Section 125(d)—

(1) redesignate paragraph (16) as paragraph (17);

(2) in paragraph (15), strike "and" after the semicolon; and

(3) after paragraph (15), insert the following:

(16) nonprofit employee labor organizations; and

Section 124(f), insert "railroad" before "carrier".

Section 125 at the end, insert the following:

(f) Savings Provision.—An action of the Secretary or the Secretary of Transportation under this Act is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1)), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Section 126(a)(1), "The Secretary shall" and insert "The Secretary and the Secretary of Transportation shall jointly".

Section 126(a)(2), strike "the Secretary shall" and insert "the Secretary and the Secretary of Transportation shall jointly".

Section 126(a)(3), insert "and the Secretary of Transportation" after "Secretary".

Section 126(b)(3), insert "and the Secretary of Transportation" after "Secretary".

Section 128, strike "shall" and insert "should".

Section 128, insert "(a) Preference.—" before "In".

Section 128 at the end, insert the following:

(b) Savings Provision.—Nothing in this section shall affect grant recipient requirements pursuant to section 5323(j) of title 49, United States Code, section 24305(f) of title 49, United States Code, and the Buy American Act (41 U.S.C. 10).

Section 130(a), strike "undeclared passengers or contraband, including".

Section 130 at the end, insert the following:

(c) Use of Transportation Data.—In carrying out this subsection, the Secretary shall make use of data collected and maintained by the Secretary of Transportation.

Section 131, strike the text and insert the following: "In carrying out section 119, the Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to submit the names of their employees to the Secretary to conduct checks of their employees against available terrorist watchlists and immigration status databases.".

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 132. REVIEW OF GRANT-MAKING EFFICIENCY.

(a) Annual Study.—The Comptroller General of the United States shall conduct an annual study for each of the first 3 years after the enactment of this title regarding the administration and use of the grants awarded under sections 105, 106, and 107 of this title, including—

(1) the efficiency of the division of the grant-making process, including whether the Department of Transportation's role in distributing, auditing, and monitoring the grant funds produces efficiency compared to the consolidation of these responsibilities in the Department of Homeland Security;

(2) whether the roles of the Department of Homeland Security and the Department of Transportation in the administration of the grants permit the grants to be awarded and used in a timely and efficient manner and according to their intended purposes;

(3) the use of grant funds, including whether grant funds are used for authorized purposes.

(b) Report.—The Comptroller General of the United States shall submit an annual report to the appropriate congressional committees on the results of the study for each of the first 3 years after enactment of this title, including any recommendations for improving the administration and use of the grant funds awarded under sections 105, 106, and 107.

SEC. 133. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out sections 101, 103, 104, 105, 106, 107, 109, 110, 111, 113, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 201 of this Act are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107-71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Railroad Security, dated September 28, 2006; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Public Transportation Security, dated September 8, 2005; and any subsequent agreements between the Department of Homeland Security and the Department of Transportation.

Section 201(a), strike "ensure that canine detection teams are deployed" and insert "encourage the deployment of canine detection teams".

Section 201(b), strike "to increase" and insert "to encourage an increase in".

Strike "rail carrier" and insert "railroad carrier" each place it appears in the bill.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Mississippi (Mr. THOMPSON) and a Member opposed will each control 5 minutes.

The Chair recognizes the gentleman from Mississippi.

Mr. THOMPSON of Mississippi. Mr. Chairman, before I begin, I ask unanimous consent that the amendment be modified with the text I have placed at the desk.

The Acting CHAIRMAN. Is there objection to the modification?

Mr. MICA. Mr. Chairman, I reserve the right to object.

Mr. Chairman, I am not sure of the provisions of the offering that have been made by the gentleman. I was wondering if I could inquire as to the content of his modification.

Mr. THOMPSON of Mississippi. Actually, Mr. Chairman, it was a drafting error on the whistleblower proceedings. And if you would look at it, it clearly was Legislative Counsel's error, and we are really just trying to correct the language.

Mr. MICA. Mr. Chairman, will the gentleman yield for further inquiry?

Mr. THOMPSON of Mississippi. I yield to the gentleman from Florida.

Mr. MICA. Mr. Chairman, it is my understanding that in fact the way that the amendment is now drawn, the original Thompson amendment offered as amendment No. 1 was in fact flawed and that this would correct that flaw; and the intent that is in the Thompson amendment that would be of a negative impact would be removed by the correction that you are now offering.

Mr. THOMPSON of Mississippi. Mr. Chairman, I understand that Mr. DAVIS, as well as Mr. WAXMAN, are in agreement with the correction, because it is really the language from their whistleblower bill that we are trying to make sure that is consistent with what we have.

The Acting CHAIRMAN. Does the gentleman from Florida withdraw his reservation?

Mr. MICA. I do have a reservation. I will have to object.

The Acting CHAIRMAN. Objection is heard.

The Chair recognizes the gentleman from Mississippi.

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Mr. THOMPSON of Mississippi. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as I noted earlier, H.R. 1401 is an important milestone in protecting our Nation's rail and public transportation systems.

Since its introduction, however, Chairman OBERSTAR and Chairman WAXMAN have worked with me to improve the bill and satisfy a number of concerns they had. I am proud that my colleagues and I were able to put aside jurisdictional squabbles that plagued our committees in the past two Congresses. By working together, we came up with compromise language that is good for the Nation and good for Congress.

I want to thank Chairman WAXMAN for the assistance he and his staff gave me on improving whistleblower protections for transportation workers. The manager's amendment strengthens the protections for Federal employees and contractors.

As revised, the protections more closely resemble those found in H.R. 985, the Whistleblower Protection Enhancement Act. Members may recall that H.R. 985 overwhelmingly passed the House 2 weeks ago.

I also have worked closely with Chairman OBERSTAR to clarify the roles and responsibilities of the Departments of Homeland Security and Transportation under this bill. The two agencies will have the same responsibilities established in the various laws, executive orders, and MOUs already governing their relationship.

Additionally, in order to improve efficiency, we will create a new relationship between the Departments to manage the rail, public transportation, and bus security grants created by this bill. For all three grants, the Homeland Security Department will be responsible for determining the requirements for recipients of grants, including application requirements; determining who receives the grants; determining the uses for the grant funds; and establishing priorities for uses of funds.

Transportation will be responsible for distributing grant funds to those recipients as directed by Homeland Security. Both agencies will jointly monitor and audit the use of grant funds.

I believe that this cooperative relationship will create efficiencies. Allowing Transportation to be the "Western Union" for grants is consistent with the recommendation of the American Public Transportation Association.

I am proud to have worked side by side with Chairman OBERSTAR to ensure that our Nation's security needs are met in an efficient and effective manner.

Since its creation in the 108th Congress, the Committee on Homeland Security has had to compete with other committees just to get things done. Good bills were stalled or held up too long because of jurisdictional squabbles. Not this Congress. I thank Chairman OBERSTAR for his help. By working together, I think we can demonstrate that the 110th Congress is a do-something Congress, not a Congress of competing jurisdictions.

I urge all of my colleagues to support this amendment and make this a Congress that acts to better protect our rail and public transportation system.

Mr. Chairman, I enter the following for purposes of explaining my request for unanimous consent to correct a technical drafting error that resulted in the omission from the Manager's Amendment of two sections clearly referenced throughout the Manager's Amendment, specifically referred to below as sections 112A and 112B.

The two sections listed below are not essential to making this section of the underlying bill operative, but, while the bill and section are still operational, the bill would be further clarified if the following sections were included. I am disappointed that my unanimous consent request was objected to, apparently for mere partisan advantage. As such, at conference, I plan to work with Chairman WAXMAN of the Oversight and Government Reform Committee to offer this language as it represents a compromise between myself and Chairman WAXMAN. I worked with Chairman WAXMAN to make the provisions of H.R. 1401 similar to those in H.R. 985, which is the bipartisan whistleblower protection bill that overwhelmingly passed the House on March 14. Below is the technical amendment that should have been made today:

SEC. 112A. WHISTLEBLOWER PROVISIONS RELATING TO CERTAIN FEDERAL EMPLOYEES.

(a) IN GENERAL.—Section 1221 of title 5, United States Code, is amended by adding at the end the following:

"(k)(1) If, in the case of a covered individual described in the provisions of section 112(b)(1)(A) of the Rail and Transportation Security Act of 2007 seeking relief (in accordance with such provisions) from any discrimination described in section 112(a) of such Act, no final order or decision is issued by the Board within 180 days after the date on which a request for such relief has been duly submitted (or, in the event that a final order or decision is issued by the Board, whether within that 180-day period or thereafter, then, within 90 days after such final order or decision is issued, and so long as such covered individual has not filed a petition for judicial review of such order or decision under subsection (h))—

"(A) such covered individual may, after providing written notice to the Board, bring an action at law or equity for de novo review in the appropriate United States district court, which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury; and

"(B) in any such action, the court—

"(i) shall apply the standards set forth in subsection (e); and

"(ii) may award any relief which the court considers appropriate, including any relief described in subsection (g).

An appeal from a final decision of a district court in an action under this paragraph may, at the election of the covered individual, be taken to the Court of Appeals for the Federal Circuit (which shall have jurisdiction of such appeal), in lieu of the United States court of appeals for the circuit embracing the district in which the action was brought.

"(2) For purposes of this subsection, the term 'appropriate United States district court', as used with respect to any alleged discrimination, means the United States district court for the district in which the such discrimination is alleged to have occurred, the judicial district in which the employment records relevant to such discrimination are maintained and administered, or the judicial district in which resides the covered individual allegedly affected by such discrimination.

"(3) This subsection applies with respect to any appeal, petition, or other request for relief duly submitted to the Board, whether pursuant to section 1214(b)(2), the preceding provisions of this section, section 7513(d), or any otherwise applicable provisions of law, rule, or regulation.".

(b) REVIEW OF MSPB DECISIONS.—Section 7703(b) of such title 5 is amended—

(1) in the first sentence of paragraph (1), by striking "the United States Court of Appeals for the Federal Circuit" and inserting "the appropriate United States court of appeals"; and

(2) by adding at the end the following:

"(3) For purposes of the first sentence of paragraph (1), the term ' appropriate United States court of appeals' means the United States Court of Appeals for the Federal Circuit, except that in the case of any discrimination to which section 1221(k) applies, such term means the United States Court of Appeals for the Federal Circuit and any United States court of appeals having jurisdiction over appeals from any United States district court which, under section 1221(k)(2), would be an appropriate United States district court for purposes of such discrimination.".

(c) COMPENSATORY DAMAGES.—Section 1221(g)(1)(A)(ii) of such title 5 is amended by striking "changes." and inserting "changes (as well as, in any case of discrimination covered by section 112 of the Rail and Public Transportation Security Act of 2007, compensatory damages, including attorney's fees, interest, reasonable expert witness fees, and costs).".

(d) CONFORMING AMENDMENTS.—

(1) Section 1221(h) of such title 5 is amended by adding at the end the following:

"(3) Judicial review under this subsection shall not be available with respect to any decision or order as to which a covered individual has filed a petition for judicial review under subsection (k).".

(2) Section 7703(c) of such title 5 is amended by striking "court." and inserting "court, and in the case of discrimination described in section 112 of the Rail and Public Transportation Security Act of 2007 brought under any provision of law, rule, or regulation described in section 1221(k)(3), the covered individual involved shall have the right to de novo review in accordance with section 1221(k).".

SEC. 112B. WHISTLEBLOWER PROVISIONS RELATING TO CERTAIN FEDERAL CONTRACTORS.

(a) INVESTIGATION OF COMPLAINTS.—A covered individual described in subsection (b)(1)(B) of section 112 who believes that such individual has been subjected to discrimination prohibited by such section may submit a complaint to the Inspector General and the head of the contracting agency. The Inspector General shall investigate the complaint and, unless the Inspector General determines that the complaint is frivolous, submit a report of the findings of the investigation within 120 days to the covered individual and to the head of the contracting agency.

(b) REMEDY.—

(1) Within 180 days of the filing of the complaint, the head of the contracting agency shall, taking into consideration the report of the Inspector General under subsection (a) (if any), determine whether the covered individual has been subjected to discrimination prohibited by section 112, and shall either issue an order denying relief or shall take one or more of the actions described in subparagraphs (A) through (C) of section 315(c)(1) of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 265(c)(1)).

(2) If the head of the contracting agency has not made a determination under paragraph (1) within 180 days of the filing of the complaint (or has issued an order denying relief, in whole or in part, whether within that 180-day period or thereafter, then, within 90 days after such order is issued), the covered individual may bring an action at law or equity for de novo review to seek any relief described in paragraph (1) in the appropriate United States district court (as defined by section 1221(k)(2) of title 5, United States Code), which shall have jurisdiction over such action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(3) A covered individual adversely affected or aggrieved by an order issued under paragraph (1), or who seeks review of any relief determined under paragraph (1), may obtain judicial review of such order in the United States court of appeals for the circuit in which the discrimination is alleged to have occurred. No petition seeking such review may be filed more than 60 days after issuance of the order or the determination to implement any relief by the head of the agency. Review shall conform to chapter 7 of title 5, United States Code.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman is recognized for 5 minutes.

Mr. KING of New York. Mr. Chairman, I yield myself 1 minute; and I reluctantly oppose the manager's amendment.

The first basic reason is, when the original legislation was passed out of our committee, we would have had funding going directly to police agencies, the police departments who actually do security work. Now the money will have to go through the carriers, and the police will have to seek reimbursement from them. This is an added level of bureaucracy we don't need. It will impede a well-coordinated and structured security response. For that reason alone, I have to oppose it.

Also, by having a bifurcated rent distribution system between DOT and DHS, to me this goes against the letter and the spirit of the 9/11 Commission. For those basic reasons, I reluctantly oppose the manager's amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield 2 minutes to the ranking member of the Transportation Committee, the gentleman from Florida (Mr. MICA).

Mr. MICA. Mr. Chairman and Members of the House, again, I wish that this bill could truly have been crafted in a bipartisan manner.

I have to speak against the manager's amendment because the sponsor of the manager's amendment just stood and admitted to a flaw that is in the bill. Again, this is a lesson to all of us that if we craft these pieces of important legislation, we put partisan politics aside. This isn't the place for partisan politics. This is a national security issue critical to the survival of our people. If we put those aside and we work together on this, we wouldn't find ourselves tied in this little legislative knot that they are trying to figure out: Should we pass this flawed manager's amendment?

The bad news is that the flawed provision in section 3 of the manager's amendment allows every State to effectively override safety rules. That is the great part of this system, that the minority and the majority work together and craft legislation and we find some flaws and make some improvements, and we were denied that. The T&I side was denied even one amendment.

That is why I opposed the rule, and that is why I am going to oppose the manager's amendment, and that is why I am going to oppose this bill.

I will go back and tell folks in my district, I did not vote for this, and it was $7 billion, not because I didn't want to provide security, but I wanted to make sure that their hard-earned money was well spent and we didn't pass in an arbitrary fashion, ignore the rights of the majority and the minority, legislation that would benefit this country, especially in the situation we find ourselves with the terrorist threats we have seen.

We don't want a Madrid or a London, but I don't want politics to override what should be good legislation.

Mr. THOMPSON of Mississippi. Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I yield the balance of my time to the gentleman from Ohio (Mr. LATOURETTE).

Mr. LATOURETTE. How much time is left, Mr. Chairman?

The Acting CHAIRMAN. Two minutes.

Mr. LATOURETTE. I want to thank Mr. KING for yielding.

I listened very carefully to the colloquy between someone I have the greatest respect for in the entire Congress, Chairman OBERSTAR, and the gentleman from North Dakota. We had the gentleman from North Dakota and some of his constituents and people from the American Association for Justice before the committee.

I happen to believe that anybody who is injured as a result of fault by another person should have his or her day in court and should be compensated when that is required. But the problem we have with section 3, section 3 undoes decades of Federal preemption when safety matters are concerned on the Nation's railroads, and the situation that we are going to find ourselves in is the one that Mr. SHUSTER described: States will be free to pass 50 different sets of safety regulations, and trains are going to have to stop at the border and comply with this, that or the other thing.

If section 3 simply said what happened in Minot, North Dakota, is horrible and those people should have their day in court to have the ability to seek compensation, I would be the first one to support it.

I am afraid, however, and with as much respect as I have for the chairman of the committee, Mr. OBERSTAR, when the title of the document, section 3, is "No Preemption of State Law" it is going to have an unintended consequence. It is going to undo the fabric of our Nation's rail system. I think for that reason alone, notwithstanding whatever Mr. MICA had to say, for that reason alone, we should have come together in a bipartisan way, recognizing the strengthens of both the Homeland Security and the Transportation and Infrastructure Committee, and gotten this right.

This, in my opinion, is a ham-handed approach that should be defeated.

Mr. THOMPSON of Mississippi. Mr. Chairman, I am prepared to close at this time.

Mr. KING of New York. Mr. Chairman, I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Chairman, I yield the balance of my time to the chairman of the Transportation and Infrastructure Committee, Mr. OBERSTAR.

The Acting CHAIRMAN. The gentleman from Minnesota is recognized for 90 seconds.

Mr. OBERSTAR. Again, I want to express my great appreciation to the chairman of the Homeland Security Committee with whom I have worked very diligently and cooperatively. He is a man of great personal integrity and legislative honor and has worked vigorously to produce a splendid rail and public transportation security bill.

There has been some discussion about how the grants will be administered. We had testimony before our committee from the Nation's transit agencies and through their national organization. The American Public Transit Association told our committee they prefer to work with the DOT and Federal Transit Administration and grant administration. They have had experience with them. FTA knows the operational aspect of transit. They know the security side of transit. They can combine the two with less complexity and more efficiency than the Department of Homeland Security, which is just getting started, with a huge new bureaucracy, as we have learned, with over 206,000 people. So that part is working well and will work well in the language that we have agreed upon.

Again, let me just come back to the preemption issue. Read the words, believe the words, "no preemption of State law." That's what it says. That's what it means. I strongly support the manager's amendment.

Mr. THOMPSON of Mississippi. Mr. Chairman, I want to call to your attention a problem which has been slowly developing based on recent court cases, and why it is necessary for Congress to rectify the situation. Courts are ignoring congressional intent and leaving Americans injured by the negligence of the railroads without any remedies.

The Federal Rail Safety Act (FRSA) was enacted in 1970 to create a system of minimum safety standards to improve railroad safety and reduce accidents. Congress intended for these federal standards to be a floor, and expressly granted states the authority to pass stronger safety laws.

Now some courts are ignoring congressional intent and denying Americans grievously injured in railroad accidents their rights under state law, even when it is undisputed that the cause of the accident was the railroad's wrongdoing. By preempting state law, these courts are leaving injured Americans with no remedy at all—since FRSA itself does not provide a remedy or cause of action for victims.

The residents of Minot, North Dakota and others similarly injured should have their day in court. One only needs to look at the tragedy in Minot, North Dakota to see the impact of these court decisions on real people. On January 31, 2002, 31 railroad cars derailed near the city of Minot, North Dakota, releasing over 200,000 gallons of the deadly gas, anhydrous ammonia. The dense cloud of toxic fumes engulfed the town of Minot causing one death and injuring hundreds of people. If this tragedy had happened in a big city or even in the middle of the day (instead of 2:00 a.m.) countless more people would be killed or injured.

Among the various causes of the derailment was the failure of a so-called temporary joint bar that had been left in this substandard track for over 20 months. In addition, the track itself was old, worn out and poorly maintained—not even meeting the minimum standards under FRSA. The Canadian Pacific Railroad admitted that it was responsible for the derailment, but argued that it could not be held accountable because FRSA preempted state law claims.

The federal court dismissed the claims brought under state law on the basis of federal preemption, admitting that "such a result is unduly harsh and leaves the Plaintiffs no remedy for this tragic accident." *Mehl* v. *Canadian Pacific Railway*, 417 F. Supp. 2d 1104, 1120 (D.N.D. 2006).

Unfortunately, this isn't a problem limited to one court. Court decisions in Minnesota and Massachusetts have left victims of negligence with no recourse for their injuries. See, e.g., *Kalan Enterprises, LLC* v *BNSF Railway Co.*, 415 F. Supp. 2d 977 (D. Minn. 2006); *Ouellette* v. *Union Tank Car Co.*, 902 F. Supp. 5 (D. Mass 1995).

Congress mut act now before more Americans lose their right to a remedy, and that is why we have chosen to add technical language to the Rail Security bill to alleviate this problem on a timely basis. Over 200 claims pending in Minnesota state court have been removed to federal court by Canadian Pacific. The railroad is arguing that all claims against it should be dismissed based on preemption under the FRSA. Oral argument on the railroad's motion to dismiss has been scheduled for May 15th so it's imperative to clarify that the FRSA does not preempt state remedies in order to prevent an additional travesty of justice.

The language would clarify that the purpose of the FRSA was and is to set uniform minimum safety standards, and that an expansive application of preemption to deprive accident victims' access to state remedies is a misapplication of the law.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

Mr. LATOURETTE. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Mississippi will be postponed.

AMENDMENT NO. 2 OFFERED BY MR. ARCURI

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–74.

Mr. ARCURI. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. ARCURI:

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. . ASSESSMENT AND REPORT.

(a) STUDY.—The Secretary, in coordination with the Secretary of Transportation, shall assess the safety and security vulnerabilities of placing high voltage direct current electric transmission lines along active railroad rights-of-way. In conducting the assessment, the Secretary shall, at a minimum, evaluate the risks to local inhabitants and to consumers of electric power transmitted by those lines, associated with a train collision or derailment that damages such electric transmission lines.

(b) REPORT.—Not later than 6 months after the date of enactment of this Act, the Secretary shall transmit the results of the assessment in subsection (a) to the appropriate congressional committees as defined in this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from New York (Mr. ARCURI) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York.

Mr. ARCURI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment to H.R. 1401, the Rail and Public Transportation Security Act, would address an important issue surrounding our Nation's efforts to expand electric power to major urban areas, and that is, of course, the safety issue.

On the morning of March 12, 2007, a CSX freight train derailed approximately 34 cars near Oneida, New York. Reports indicate there was an evacuation covering a 1-mile radius. Luckily, there were no reported deaths or injuries. However, a large fire occurred at the scene, and residents and emergency responders reported hearing secondary explosions. CSX provided information that there were 40 tank cars carrying liquid petroleum gas in the train. What's more, the derailment closed the New York State Thruway for several hours, requiring traffic to be detoured miles out of the way.

Prior to this incident, there were 18 train derailments in western New York between January, 2005, and September, 2006, which further suggests the condition of New York State's freight railways are in need of serious attention and repair.

While this concern continues to trouble the people of New York, a private company is seeking to build a 190-mile high-voltage direct current transmission line from the town of Marcy in Oneida County, located in my district, to the town of New Windsor in Orange County in Mr. JOHN HALL's district.

The company estimates that more than 90 percent of the proposed primary and alternative routes will follow existing rights-of-way, both along railroad tracks and natural gas lines. The transmission line would consist of 135-foot-tall towers and be operated with a rated power flow of 1,200 megawatts. A portion of the proposed route follows the New York Susquehanna & Western Railway right-of-way, which would run through some of the more heavily populated cities and towns in upstate New York. This is a situation where the consequences and risk are not only unknown but wholly unnecessary.

☐ 1615

For these reasons, my amendment to H.R. 1401 would require the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to conduct an assessment of the safety and security vulnerabilities of placing high voltage direct current electric transmission lines along active railroad rights-of-way.

The assessment shall, at a minimum, evaluate the risks to local inhabitants and consumers of electric power transmitted by those lines, associated with a train collision or derailment that damages such electric transmission lines.

It is no secret that as our cities continue to grow they will need more energy, and I fully support addressing that need; but meeting that need must be done in a safe and a responsible way.

To this end, my amendment simply requires the Departments of Homeland Security and Transportation to take a hard look at our existing rail infrastructure and assess the security vulnerabilities so that we can avoid further electric power interruptions and preserve the safety of our constituents.

Mr. Chairman, I reserve the balance of my time.

Mr. KING of New York. Mr. Chairman, I would claim the time in opposition, even though I do not intend to oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New York is recognized for 5 minutes.

There was no objection.

Mr. KING of New York. Mr. Chairman, I would just say to the gentleman from New York, I commend him for his amendment and I appreciate his concerns. My only thought is that these seem to be primarily safety concerns, as opposed to security, and there are already so many reporting requirements on the Department of Homeland Security that I am reluctant to request another report from the Department of Homeland Security.

Having said that, as this legislation goes forward, I would just ask the gentleman to work with us as it goes to conference in the event that after speaking with the Secretary and the Department that they do consider this a burden and perhaps refine it.

With that, I have no objection to it. I just would ask the gentleman if he would work with us as the process goes forward.

Mr. ARCURI. If the gentleman would yield, I thank the gentleman, yes.

Mr. KING of New York. I thank the gentleman.

Mr. Chairman, I yield back the balance of my time.

Mr. ARCURI. Mr. Chairman, may I inquire as to how much time we have remaining.

The Acting CHAIRMAN. The gentleman from New York (Mr. ARCURI) has 2 minutes remaining.

Mr. ARCURI. Mr. Chairman, I yield 1½ minutes to the gentleman from New York (Mr. HALL).

Mr. HALL of New York. Mr. Chairman, I thank my colleague from New York for offering this important amendment. I am honored to speak in support of it.

America's railways and power lines are key critical infrastructure. So when proposals would locate them together, it only makes sense for DHS and DOT to give them serious scrutiny.

In the State of New York, the homeland security stakes are particularly high. Yet a private company continues to pursue eminent domain authority to install the massive New York Regional Interconnect along rail routes, through environmentally sensitive areas, and over the objections of local residents.

In their hurry to get NYRI up and running, the company has pushed forward a plan that would put a 1,200 megawatt line on 135-foot towers near numerous rail lines. In western New York, there have been 19 derailments since 2005. The potential recipe for disaster is clear here.

There is also a matter of precedent that this amendment would help to clarify. By passing this amendment, this body can say that in projects in New York and around the country that we will not endorse putting special for-profit eminent domain provisions above the security of our citizens, the sanctity of our environment or the rights of our landowners.

I urge my colleagues to support this amendment.

Mr. ARCURI. Mr. Chairman, I yield 15 seconds to the gentlewoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to indicate that the committee majority supports Mr. ARCURI's very thoughtful method to protect those individuals along those very difficult byways dealing with these particular power lines.

Mr. ARCURI. Mr. Chairman, as I said, my amendment simply requires the Departments of Homeland Security and Transportation to take a hard look at our existing rail infrastructure and assess the security vulnerabilities so that we can avoid further electric power interruptions, while at the same time ensuring the health and safety of our citizens residing near high voltage power lines.

I urge my colleagues on both sides of the aisle to support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. ARCURI).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–74.

Mr. COHEN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COHEN:

At the end of title I, add the following:

SEC. _______. ALTERNATIVE MATERIAL SOURCES.

The Secretary of Transportation, in consultation with the Secretary, shall establish a program to coordinate with State and local governments to minimize the need for transportation of toxic inhalation hazardous materials by rail.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Tennessee (Mr. COHEN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Tennessee.

Mr. COHEN. Mr. Chairman, I yield myself as much time as necessary to make this presentation.

I rise today to offer an amendment to H.R. 1401, the Rail and Public Transportation Security Act. My amendment would call for the Department of Transportation to coordinate with related agencies as well as State and local governments to seek efforts that will minimize the transport of toxic inhalation hazardous materials.

Never has the danger of transporting hazardous materials been more clear than in this post-9/11 age. While rail is clearly the safest means of transport for such materials, we must work to ensure this transit is as secure, efficient and is as considerate towards the safety of our communities as possible. The U.S. Naval Research Lab has said an attack on such a rail car could kill 100,000 people.

Additionally, in 2005 testimony before the Senate Committee on Homeland Security and Government Affairs, the administration's deputy homeland security adviser at the time, Richard A. Falkenrath, told Congress in 2005 that "toxic-by-inhalation industrial chemicals present a mass-casualty terrorist potential rivaled only by improvised nuclear devices, certain acts of bioterrorism, and the collapse of large, occupied buildings." Railroads carry 105,000 carloads of toxic chemicals a year and 1.6 million carloads of other hazardous materials such as explosives and radioactive items.

In mid-January of this year, several train cars carrying flammable liquid derailed and exploded south of Louisville, Kentucky, shutting down a nearby highway and forcing evacuations of nearby homes, businesses and a school, according to local authorities. Two years earlier, a train crash in South Carolina caused a release of chlorine gas resulting in deaths, injuries, and forcing the evacuation of people from the surrounding areas. Most recently, there was a Union Pacific derailment of 28 cars in Henderson County, Texas.

In the wake of these recent derailments, State and local officials nationwide have begun examining their regulatory authority over the transportation of hazardous materials by rail. Several localities nationwide have either introduced or enacted absolute bans on the transportation of certain toxic substances from trains that travel through their areas.

This action has prompted litigation from the rail industry due to alleged violations of the U.S. Constitution's commerce clause and Federal statutes concerning the transportation of hazardous materials. Rail companies fear such laws would force them to extend the travel of hazardous cargo by hundreds of miles around cities with the unintended effect of transferring the risk to other localities. This consensus amendment addresses the concerns of both rail companies and community advocates by seeking to cut the transport of these hazardous materials all together.

In a June 2006 statement before the House Transportation and Infrastructure Committee, the president and CEO of the Association of American Railroads made several recommendations intended to reduce the risks associated with the manufacture and transport of highly hazardous materials. Among these recommendations was "examining whether and how railroads can utilize coordinated routing arrangements to safely reduce hazmat transportation" as well as "examining whether hazmat consumers can source hazmat from closer suppliers."

My amendment would simply call upon the Department of Transportation to follow this recommendation by coordinating with localities to allow consumers to obtain TIH materials with the intended consequence of minimizing the time and frequency such materials are routed through our communities.

Last July, the Memphis Commercial Appeal identified train cars carrying chlorine, 2-Dimethylaminoethyl acrylate, acetone cyanohydrin, nickel carbonyl, and several other toxic inhalation hazard cargoes over a 2-day period in or near residential areas of Memphis. Not only hard to pronounce but very difficult to inhale I am sure of the things we would rather not inhale or pronounce. All of these chemicals are listed as potentially lethal if inhaled.

City council members and other community leaders in Memphis are calling on the Federal Government for assistance in deterring the transport of these materials through their residential areas.

Mr. Chairman, I am proud to support this amendment and support this legislation and current efforts under way to improve the safety of our rail system. To further ensure the safety of our railways, as well as the local communities they serve, I call upon my colleagues to pass this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. Who claims time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I do.

The Acting CHAIRMAN. The gentleman from California is recognized for 5 minutes.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I understand the intent of the gentleman offering the amendment; but, unfortunately, upon reading it, it is obvious that this is a do-good amendment that either does nothing or does harm.

The reason I say that is that the subject the gentleman wishes to cover in this amendment is covered by the base bill already which will be retained if, in fact, we pass the manager's amendment.

Section 124 of the bill, pages 84, 85, 86, 87, 88, 89 and 90, take into effect what the gentleman is talking about. This is the Markey amendment which was worked out in committee on a bipartisan basis in some detail to work with the problem that you have, the security-sensitive materials, that encompasses security-sensitive materials, which includes within its universe toxic inhalation hazardous materials.

The issue is, what do we do with the fact that we need some of these products as far as our society goes now but that they would also provide an opportunity for terrorists to utilize them for damage to a particular community? So we crafted a very careful amendment that allows for consideration of the needs here on the economic side and the harm done.

The way the gentleman has written his amendment, it requires the Secretary of Transportation to establish a program to minimize the need for transportation of toxic inhalation hazardous materials by rail only, by rail only. We looked at that requirement to have the Secretary come up with rules and regulations that were to take into consideration the total threat, the total need here. So by the gentleman's own amendment, we may be required to minimize the travel on rail, which will maximize the travel on our highways. Now, I do not think the gentleman believes that necessarily makes it safer, or on our barges.

This amendment, as drafted so narrowly, would require us to undercut much of what we have done in the base bill as a result of working on a bipartisan basis with Mr. MARKEY in an area of concern that he has expressed often on the floor and in committee hearing after committee hearing.

That is why I say either it does nothing and, therefore, is harmless or if, in fact, it does something, and there is mandatory language in here requiring the Secretary of Transportation, he shall establish such a program, requires him to move in only one direction which may, in fact, make it more dangerous overall.

One of the things we learned in our hearings was that you have to consider the entirety of the threat out there, the entirety of the universe of possible options. The gentleman denies the Secretary to do that by requiring that it minimize the transit of toxic inhalation hazardous materials by rail only, and it undercuts what we have done in a very, very I think informed way, detailed way, talking about storage patterns, talking about rail transportation routes, talking about the analysis of these storage patterns and then requires a compilation of that information and analysis of that information and consideration of that information and then informed judgment, not something like this which says, you know, you have to do it only one way.

So, as I say, I understand what the gentleman has said. It sounds good when you first look at it; but if you really look at what it means, it is going to tie the Secretary's hands to move in a particular direction that may or may not allow us to be safer than we are today; and for that reason, I would hope that we would vote this down.

If the gentleman would like to work with us on a bipartisan basis, as I did with Mr. MARKEY before, that would be superior to this. This unfortunately, as I say, is a do-good amendment which either does nothing or does harm to the interests of this bill as presented by our committee on a bipartisan basis.

Mr. COHEN. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentleman from Tennessee.

Mr. COHEN. Thank you. It is my understanding that the Markey amendment dealt with a study. This does not deal with a study.

Mr. DANIEL E. LUNGREN of California. No, no. I take my time back. The Markey amendment does not just deal with a study. Read the Markey amendment. It starts with a study. Then it requires the Secretary to come forward with regulations. Then it requires certain action on the part of all the parties involved. It is not just a mere study. Working that hard on it, I frankly do not appreciate you trying to say that it is just a study. That is not true whatsoever.

Ms. JACKSON-LEE of Texas. Mr. Chairman, will the gentleman yield?

Mr. DANIEL E. LUNGREN of California. I yield to the gentlewoman from Texas.

Ms. JACKSON-LEE of Texas. First of all, the gentleman knows that we look forward in our committee to work on this issue dealing with trucks. I would say that the distinguished gentleman from Tennessee's amendment does not push it off to trucks. It only wants to reduce chemicals.

I thank the gentleman for yielding.

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The Acting CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Tennessee (Mr. COHEN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. COHEN. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Tennessee will be postponed.

AMENDMENT NO. 4 OFFERED BY MR. CASTLE

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110-74.

Mr. CASTLE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. CASTLE:

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. . STUDY OF FOREIGN RAIL SECURITY PRACTICES.

The Secretary shall—

(1) study select foreign rail security practices, and the cost and feasibility of implementing selected best practices that are not currently used in the United States, including—

(A) implementing covert testing processes to evaluate the effectiveness of rail system security personnel;

(B) implementing practices used by foreign rail operators that integrate security into infrastructure design;

(C) implementing random searches or screening of passengers and their baggage; and

(D) establishing and maintaining an information clearinghouse on existing and emergency security technologies and security best practices used in the passenger rail industry both in the United States and abroad; and

(2) report the results of the study, together with any recommendations that the Secretary may have for implementing covert testing, practices for integrating security in infrastructure design, random searches or screenings, and an information clearinghouse to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Transportation and Infrastructure of the House of Representatives not later than 1 year after the date of enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Delaware (Mr. CASTLE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Delaware.

Mr. CASTLE. Mr. Chairman I yield myself such time as I may consume.

I rise to offer an important amendment to the legislation before us today.

As many of my colleagues have noted, terrorists are increasingly targeting rail and transit systems throughout the world. The recent bombings in India, London and Madrid are clear evidence of this dangerous trend.

While the concept of rail security is relatively new here at home, security officials in Europe and Asia have decades of experience with terrorist attacks, and I have long believed in the importance of leveraging this experience to improve our own system.

In 2003, I asked the Government Accountability Office to undertake an in-depth study of foreign rail security practices. Over the course of several months, a GAO team visited 13 different foreign rail systems, and a subsequent report identified many innovative measures to secure rail systems, many of which are currently being used in the U.S.

Most significantly, however, the GAO report identified four important foreign rail security practices that are not currently being used to any great extent in the United States.

First, the report found that other nations have improved the vigilance of their security staff by performing daily unannounced events, known as covert testing, to gauge responsiveness to incidents such as suspicious packages or open emergency doors.

Similarly, two of the thirteen foreign operators interviewed by GAO also reported success using some form of random screening to search passengers and baggage for bombs and other suspicious materials. This practice has been used sporadically in the U.S., including in New York City following in the 2005 London bombings, but has never been implemented for any continuous period of time.

The GAO also noted that many foreign governments maintain a national clearinghouse on security technologies and best practices. Such a government-sponsored database would allow rail operators to have one central source of information on the merits of rail security technology, like chemical sensors and surveillance equipment.

Finally, while GAO noted that the Department of Transportation has taken steps to encourage rail operators to consider security when renovating or constructing facilities, many foreign operators are still far more advanced when it comes to incorporating aspects of security into infrastructure design.

For example, this photograph here to my left of the London Underground demonstrates several security upgrades, such as vending machines with sloped tops to reduce the likelihood of a bomb being placed there, clear trash bins, and netting throughout the station to prevent objects from being left in recessed areas. As you can see, the London stations are also designed to provide security staff with clear lines of sight to all areas of the station, including underneath benches and ticket machines.

The British government has praised these measures for deterring terrorist attacks. In one incident their security cameras recorded IRA terrorists attempting to place an explosive device inside a station. According to London officials, due to infrastructure design and improvements, the terrorists were deterred when they could not find a suitable location to hide the device inside the station.

While the GAO acknowledged that deploying these four practices in this country may be difficult, in fact, random screening may pose many challenges, it is clear that these foreign security techniques deserve greater consideration. Therefore, the amendment I am offering today would take steps to improve rail and transit security by requiring the Secretary of Homeland Security to study the cost and feasibility of implementing these practices and submit a report making recommendations to the Homeland Security Committee and Transportation Committee within one year of enactment.

Mr. Chairman, recent attacks on rail and transit throughout the world underscores the importance of acting now to upgrade security here at home. My amendment will make certain that we are knowledgeable and consider all available options when it comes to ensuring the safety and security of our rail system.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise to claim the time in opposition. I am not opposed, but I would claim the time.

The Acting CHAIRMAN. Without objection, the gentlelady is recognized for 5 minutes.

There was no objection.

Ms. JACKSON-LEE of Texas. I thank the distinguished gentleman.

I believe this is a thoughtful amendment. The committee believes this adds to the legislation on the floor. We should look into security practices used by other countries that have experience with attacks on rail and mass transit systems.

This timeframe, the month of March, sadly commemorates the tragedy in Madrid. Certainly we are well aware of the London train bombings. Their insight, their recovery, their instructions would be very important. This study should include an evaluation of practices such as covert testing, security measures built into infrastructure and random searches of passengers and baggage.

When GAO testified before our committee, we learned that, while we share many rail security practices with other countries such as customer awareness, canine teams, limited passenger and baggage screening and technology upgrades, there were many practices that we haven't fully vetted. It makes sense to learn what we can from our neighbors who have already done a lot of work in this area.

I know that this is a tough challenge. This bill, I believe, answers a lot of the concerns about the massiveness of rail travel and passenger travel and all that goes into securing that particular travel.

Looking at what our neighbors are doing and what other countries are doing, Mr. CASTLE, I think it provides us an added road map for a complicated process which really impacts certain areas of our country more so than others. The Northeast corridor, of course, deserves our fullest measure of support when it comes to passenger travel for the numbers of systems that are here.

I ask my colleagues to support it.

Mr. Chairman, I reserve the balance of my time.

Mr. CASTLE. Mr. Chairman, I will just take a moment.

First, let me first thank very much the distinguished Congresswoman from Texas for her very kind words about the amendment. I am a strong believer, as you have indicated as well, that when there are good ideas out there that we should borrow these ideas. I believe this is something we should do.

I don't mean to burden Homeland Security with studies, but to me this is a relatively simple study matter and something which I think will ultimately provide greater safety to people in this country.

Hopefully, all can support this amendment.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I simply ask my colleagues to support this amendment.

I thank the gentleman for his thoughtful contribution to this bill.

I support Mr. CASTLE's amendment.

We should look into security practices used by other countries that have experience with terrorist attacks on rail and mass transits systems.

This study should include an evaluation of practices such as covert testing, security measures built into infrastructure, and random searches of passengers and baggage.

When GAO testified before our committee, we learned that while we share many rail security practices with other countries, such as customer awareness, canine teams, limited passenger and baggage screening, and technology upgrades, there were many practices that we haven't fully vetted.

It makes sense to learn what we can from our neighbors who have already done a lot of work in this area.

I ask that my colleagues support this amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Delaware (Mr. CASTLE).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–74.

Mr. SESSIONS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Mr. SESSIONS:

At the end of title I, insert the following new section:

SEC. 132. USE OF FUNDS BY AMTRAK.

None of the funds appropriated pursuant to this Act, except pursuant to section 108, may be used by Amtrak for any of the 10 long-distance routes of Amtrak that have the highest cost per seat/mile ratios according to the September 2006 Amtrak monthly performance report, unless the Secretary has transmitted to Congress a waiver of the requirement under this section with respect to a route or portion of a route that the Secretary considers to be critical to homeland security.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Texas (Mr. SESSIONS) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. SESSIONS. Mr. Chairman, my amendment is a straightforward attempt to prevent any further taxpayer money from being spent to place additional unnecessary cost on Amtrak's 10 least profitable routes.

I would like to talk a little bit about what this amendment does not do.

This amendment does not remove any currently appropriated funds.

This amendment does affect the 10 routes that are affected by the amendment that currently cost the taxpayer $161 million per year and will continue to cost the taxpayers $161 million if it is enacted.

This amendment does not affect the funds made available in section 108, which would be used to upgrade and improve the Northeast corridor tunnels in New York City, Baltimore, and Washington, D.C.

This amendment does not tie the hands of the administration, because it provides the Secretary of the Department of Homeland Security with the flexibility to waive this provision should that Secretary deem that a security upgrade on one of these most unprofitable routes, or even a partial part of it, would be deemed to be critical to Homeland Security.

What this amendment does, and it does it very simply, is stop adding unnecessary costs to the 10 worst routes that already cost Amtrak $161 million a year. The worst route in Amtrak's system, called the Sunset Limited, which runs from New Orleans to Los Angeles, had a net loss of $20.4 million last year, or, on a cost basis to taxpayers, 25.5 cents per seat for every mile of that journey.

The tenth worst route in Amtrak's system is the City of New Orleans, which runs from Chicago to New Orleans, which had a net loss of $9 million last year, or a cost to taxpayers of 10.4 cents per seat for every mile of that trip.

This amendment seeks to prevent further good taxpayer dollars from being thrown after bad by limiting the costs on these already unprofitable routes.

All in all, it says that if Amtrak wants to compete for the $4 billion worth of funds made available under this Act, they must ensure that they are being used for routes that cost the taxpayer less than 10.4 cents per seat over every single mile, a hurdle that is hardly unreasonable.

This amendment will provide fiscal discipline and accountability to a system that has already received over $30 billion in taxpayer subsidies over its lifetime.

My amendment is supported by the National Taxpayers Union, Citizens Against Government Waste and Americans for Tax Reform, which are three of the most prominent groups committed to monitoring the effective use of taxpayer dollars.

On behalf of fiscal discipline, I don't know if there is anything that's possible that they could want to support on behalf of taxpayers that would be more. I encourage all of my colleagues to support my amendment.

COUNCIL FOR CITIZENS AGAINST
GOVERNMENT WASTE,
Washington, DC, March 27, 2007.

HOUSE OF REPRESENTATIVES,
Washington, DC.

DEAR REPRESENTATIVE: Soon you will have the opportunity to vote on an amendment to H.R. 1401, the Rail and Public Transportation Security Act of 2007, that will be offered by Rep. Pete Sessions (R-Texas). This amendment will prevent Amtrak from using any of the appropriated funds in the bill, except those noted in Section 108, from being used for any of the top ten revenue losing long-distance routes that were noted in Amtrak's September 2006 monthly performance report. On behalf of the more than 1.2 million members and supporters of the Council for Citizens Against Government Waste (CCAGW), I ask that you support this amendment.

Amtrak has failed to produce a profit since its inception in 1971 and still has not met the Congressional deadline of December 2, 2002 to achieve self-sufficiency. As a result, it has become a black hole for taxpayer dollars. Fewer and fewer people are using the rail service due to less costly and more efficient alternatives, yet everyone pays for Amtrak through their taxes. This amendment will ensure that tax dollars will not be used to prop up non-profitable Amtrak routes and that the money will be used in appropriate areas in order to provide greater protection and safety for our nation's public transportation. It does provide a waiver from this provision if the Secretary of Homeland Security believes a route or a portion of an Amtrak route is critical to homeland security.

All votes on H.R. 1401 will be among those considered in CCAGW's 2007 Congressional Ratings.

Sincerely,

THOMAS SCHATZ,
President.

AMERICANS FOR TAX REFORM,
Washington, DC, March 26, 2007.

Hon. LOUISE M. SLAUGHTER,
Chairwoman, Committee on Rules,
Washington, DC.

DEAR CHAIRWOMAN SLAUGHTER: On behalf of Americans for Tax Reform (ATR), I urge you to make in order as part of the rule the amendment offered by Congressman Pete Sessions (R-TX) to H.R. 1401, the "Rail and Public Transportation Security Act of 2007." This amendment ensures the correct and effective allocation of appropriations for homeland security in H.R. 1401.

H.R. 1401 was created to increase protection of America's rail and public transportation. Congressman Sessions' amendment helps close loopholes that could be exploited by Amtrak to increase revenue on the least profitable of its lines. Congressman Sessions makes clear that Amtrak may petition for use of the funds on these rail lines if it is a matter of homeland security.

Year after year taxpayers send Amtrak millions of dollars in funding for projects and improvements that routinely fall short of expectations. The funds in this bill have been created to aid American transportation organizations in making their services safer and more secure, not to help an archaic railway.

Many amendments have been proposed to H.R. 1401 in an effort to make the legislation stronger and more effective. By allowing the Sessions amendment to be attached to H.R. 1401, you send a clear message that the funds included in this bill are for making America safer, not for helping Amtrak's bottom line.

Sincerely,

GROVER NORQUIST,
President.

NATIONAL TAXPAYERS UNION,
Alexandria, VA, March 26, 2007.

NATIONAL TAXPAYERS UNION VOTE ALERT

NTU urges all Members to vote "yes" on the amendment offered by Rep. Pete Sessions to the Rail and Public Transportation Security Act of 2007 (H.R. 1401) that would prohibit funds in the bill from being used by Amtrak for any of the 10 worst revenue-losing long-distance routes. Amtrak has received more than $30 billion in taxpayer subsidies during its lifetime, yet it continues to lose money due to poor management practices and insulation from real-world competitive business pressures. In fact, a 2005 Reason Foundation commentary noted that one unprofitable crosscountry route operated by Amtrak lost $466 per passenger in 2004! Rep. Sessions' amendment would put an end to this kind of fiscal foolishness by stopping Amtrak from throwing good taxpayer money after bad.

Roll call votes on the Sessions Amendment will be included in our annual Rating of Congress.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentlelady from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, this is a baffling, puzzling amendment. I ask the question of my colleagues, what is one life worth? What is one life worth that travels along the Nation's transit corridors, the intense Northeast corridor that deals with Amtrak long distance routes, 2 million people?

The Sessions amendment would prohibit any grant funds appropriated pursuant to this Act to be used by Amtrak for making necessary safety or security improvements along 10 Amtrak routes, with the exceptions of some of those in some of the more intense areas of New York, Baltimore and Union Station. Many of these routes provide central transportation services to rural areas. Some of them enabled Amtrak to bring water and food to the people of New Orleans during Hurricane Katrina and to hurricane victims.

The question is, what is one life worth that is using this system? What is our responsibility as Members of the United States Congress and the Homeland Security Committee?

I believe this is both a bad amendment but a puzzling amendment, and I would ask my colleagues to oppose this amendment so that we can truly have a rail security bill that secures all of the transit system that needs that coverage.

Mr. Chairman, I reserve the balance of my time.

Mr. SESSIONS. Mr. Chairman, so that the gentlewoman from Texas is not confused, I will repeat what we have said. The routes that we have selected, the 10 most unprofitable routes, do not have enough people on them to support this additional security and additional necessary things that would come under the billions of dollars of this bill.

My amendment is straightforward. It allows the management of Amtrak to be able to reallocate those resources where there are a lot of people, namely, the east coast and the west coast, rather than providing all these new security concerns all across the country that has little to no passengers, that is unprofitable.

I am trying to allow Amtrak and the management, including the people who live in the east coast and the west coast, to be able to get the full measure of the security enhancements that would be necessary.

I am trying to allow the men and women, the management of Amtrak, to be able to run their own business where the allocation of resources should be made.

The Acting CHAIRMAN. The time of the gentleman from Texas has expired.

Ms. JACKSON-LEE of Texas. Mr. Chairman, how much time remains?

The Acting CHAIRMAN. The gentlelady has 3½ minutes.

Ms. JACKSON-LEE of Texas. Let me just simply say to the gentleman, so that I will clarify any suggestion of my confusion, we have 3.5 million passengers who are riding Amtrak. One of the routes the gentleman wants to eliminate is from Texas to California. I believe the gentleman is from Texas. The idea is, Mr. Chairman, to make sure we have a system that is integrated, safe; and there are security provisions to make the network safe, the network that travels to the east coast, the network that travels to California, the network that travels to the Northwest.

That is the idea of the rail bill, to ensure that we now have coverage and the opportunity for security where we previously did not, to avoid London and to avoid Madrid.

It is now my pleasure to be able to yield to the distinguished chairman of the Transportation Committee, Mr. OBERSTAR, for such time as he might consume.

☐ 1645

Mr. OBERSTAR. I thank the Chair of the subcommittee for yielding.

And I respect very much the gentleman from Texas (Mr. SESSIONS). He is a very devout fiscal conservative. But, unfortunately, this language, as I read his amendment, would make very vulnerable those persons who travel Amtrak routes that don't yield as much revenue to Amtrak as those on the east coast or the west coast. The Silver Service Palmetto carries 457,000 passengers. The Silver Meteor goes from New York, Philadelphia, Wilmington, all the way to Ft. Lauderdale. 273,000 passengers. The Capitol Limited, Chicago to Washington, Pittsburgh, Cleveland, Toledo, nearly 200,000 passengers. The City of New Orleans, from Chicago to New Orleans, 175,000 passengers a year. You are saying that they should be vulnerable, but not others in more densely run lines. I think that is inappropriate.

Mr. SESSIONS. Will the gentleman yield?

Mr. OBERSTAR. I would like to yield, but unfortunately I have committed time to the gentlewoman from Florida, Chair of the Rail Subcommittee to whom, the gentlewoman controls the time, if I may yield further to her.

Ms. JACKSON-LEE of Texas. I thank the distinguished chairman for his eloquent statement.

Let me yield 1 minute to the distinguished chairman of the Subcommittee on Rails on the Transportation Committee.

Ms. CORRINE BROWN of Florida. This amendment jeopardizes the safety and security of over 2 million Amtrak passengers and is a huge step backwards in protecting the Nation's transportation infrastructure from harm.

Amtrak was a first responder during Hurricane Katrina, delivering food and supplies and helping to evacuate thousands of gulf region residents when President Bush and his administration were nowhere to be found. Now they are becoming a key part in each State's future evacuation plan.

I was in New York City shortly after September 11 when the plane leaving JFK airport crashed into the Bronx. Along with many of my other colleagues in both the House and the Senate, I took Amtrak back to Washington. I realized once again just how important Amtrak is to the American people and how important it is for this Nation to have alternate modes of transportation.

Vote "no" on this amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will close by simply saying that we have asked the question and it has been answered: What is one life worth?

Amtrak is part of a system. You break the security of one part of the system, Mr. Chairman, you break the security of the entire system. This amendment is important for breaking that. It is not important for making this bill work.

I ask my colleagues to oppose the Sessions amendment so that the network of Amtrak will have a secure and safe system for those that travel on it.

Mr. Chairman, I yield back my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. SESSIONS).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. SESSIONS. Mr. Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Texas will be postponed.

AMENDMENT NO. 6 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110-74.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Mr. FLAKE:
Strike section 203.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike funding in the bill for the TSA puppy breeding program, the increase that is slated to take place in section 203 of the underlying bill.

The Transportation Security Administration, or TSA, has a puppy program that puts government in the role of being the breeder of bomb-sniffing dogs. This is clearly a role for the private sector.

There are literally hundreds, or thousands perhaps, private contractors that perform this function. It seems laughable to me that the Federal Government needs to be in the business of breeding dogs for any purpose.

Some will defend the role of bomb-sniffing dogs. I don't question the importance of the work that these animals do. It is important. It is needed. It is certainly necessary.

What I am questioning is whether or not the Federal Government ought to be in the business of breeding dogs. This is something that the private sector does a lot more effectively.

I would ask any American who has been to the airport, any airport at any time recently, if they believe that the TSA is so efficient in what they do that they have somehow found new efficiencies in dog breeding and that this is something that they ought to be spending their time doing. I would venture to say, no, that they ought to spend their time in doing the tasks that they have been given and not expanding their reach further into this business.

How much this will cost the average American taxpayer is unclear. In the bill it simply says "such sums as may be necessary." I think that we should, if there is a figure, it ought to be there rather than a simple "such sums as may be necessary." We have no idea how expensive this program may become.

Mr. Chairman, I reserve the balance of my time and look forward to hearing the justification for this program.

The Acting CHAIRMAN. Who claims time in opposition?

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, again, let me simply say that we are speaking about an existing program. We know that throughout our security system the FBI, Customs and Border Protection, we use bomb-sniffing dogs. And this is a program that already exists. It strikes the increase in TSA's, Transportation Security Administration's, already-existing program, domestic canine breeding program that is called for in this bill.

Interestingly enough, this was added by Mr. ROGERS, MIKE ROGERS of our committee, of Alabama. This was added in the markup because he is the ranking member on our Management and Personnel Subcommittee. He understands the need for these canines. It was accepted in a spirit of bipartisanship.

The TSA canine teams are a key part of the equation in keeping our traveling public secure, and we all support expanding this program.

I ask one person in here, when they see dogs coming to be part of the security team, how many people want to reject that canine team that is very effective in determining whether something heinous and horrific is going to act, even on this very campus in the United States Congress.

I ask my colleagues to oppose the amendment.

Mr. Chairman, I reserve my time.

Mr. FLAKE. Mr. Chairman, I appreciate the discussion on this. As I said, nobody is questioning, certainly not me, the need to have bomb-sniffing dogs. The FAA has had programs since 1972. Those programs have continued.

But in 1999 the FAA, and as later taken up by the TSA, got into the business of dog breeding. All this amendment says is, don't go any further.

I have yet to hear a justification why the Federal Government needs to be in the business of dog breeding.

Mr. ROGERS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Alabama.

Mr. ROGERS of Alabama. One of the main reasons is we don't have the capacity domestically to breed these dogs. Of the dogs that we use in TSA now, about 420, only about 15 percent, are bred in the domestic program here. We have to go overseas to European sources for these dogs because you can't just use any kind of dogs. They have to have particular breeds that have skill sets and the ability to sniff a variety of not only drugs but explosives, and we can't get them domestically.

And I find it odd that I am on the other side of this issue because I am the one that is usually criticized for advocating more contracting out. But the fact is domestically we just do not have the capacity to provide these dogs that we need in TSA or in other areas, CBP, Secret Service or in DOD. DOD is obtaining the majority of its dogs from European sources as well. I think that is unacceptable as Americans.

Mr. FLAKE. Reclaiming my time, I have here a list of many, many companies that perform this function already that offer canine support services in the private sector.

I still don't know why the Federal Government is in the business. I haven't heard justification, and I don't think we can take it at face value. I will bet if you go to the private contractors here they would say there is enough. There are plenty of people in the private sector that are doing this.

Why is the Federal Government competing with the private sector? Why are we in the business?

I can guarantee you that TSA hasn't found efficiencies that people in the private sector already know.

Mr. ROGERS of Alabama. Mr. Chairman, will the gentleman yield?

Mr. FLAKE. I yield to the gentleman from Alabama.

Mr. ROGERS of Alabama. The interesting thing about TSA, I have been over to, the last couple of years, most of the breeding and training programs for canines in this country. And the interesting thing about TSA is they have the most stellar breeding program because they are genetically breeding a dog that is particularly useful in transportation settings at detecting explosives and being on its feet for long periods of time.

The contractors you are talking about, you can buy dogs in this country. Not the breeds that we need. That is the problem. If we could, I would be on your side of this amendment. We can't. That is why currently we are obtaining over 80 percent of our dogs from European sources. And they are private sources, by the way.

Mr. FLAKE. Mr. Chairman, I simply have a hard time believing that there aren't sufficient private sector contractors out there. And if the Federal Government needs to set some standards and say we will only take dogs or companies that are licensed this way or that way, they can do that. But to get in the business of competing is simply wrong.

I would urge adoption of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, let me yield 1½ minutes to the distinguished subcommittee Chair on the Transportation Committee and a member of the Homeland Security Committee, Mr. DEFAZIO of Oregon.

Mr. DEFAZIO. Mr. Chairman, the simple answer to Mr. FLAKE is, this saves the taxpayers money. And I know that is a concern to the gentleman.

We have here certified breeding stock that was donated to the Government of the United States of America by the Australian Customs Service that has a great line of dogs that are easily trained and have a low failure rate once they reach maturity.

The gentleman obviously doesn't know much about dogs. And in fact, I would say there might even be a security risk. There are not a lot of breeders in the U.S. who are training for this specific purpose. In fact, many police agencies now have to buy their dogs from Germany.

Remember the Hamburg cell? Do you want them infiltrating our dog program, maybe with secret German commands that we don't know? I mean, come on. This is a national security issue, to have a little fun with the gentleman.

But the point is, these dogs are great stock. It is less expensive. They go to a foster home for a year. That isn't a year that you would have to pay for with a breeder, and then they get their final training. They have a very low failure rate. That again saves money for the program.

We are saving money here. We are providing a vital service. The gentleman doesn't strike the previous section of the bill, 201, which requires a dramatic increase in dogs for the program, which is fully warranted because they are extraordinarily effective deterrents, and they are very good at detecting problems, explosives, drugs and other contraband.

So I would say that the gentleman really should withdraw his amendment if he is interested in saving the taxpayers money. Privatization for private profits' sake is not the way to serve our taxpayers and our security well in this matter.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I would be delighted to yield 30 seconds to the distinguished Chair of the Transportation Committee, Mr. OBERSTAR.

Mr. OBERSTAR. Mr. Chairman, the godfather of security dogs, the gentleman from Indiana (Mr. BURTON), would probably be surprised at this debate unfolding this afternoon.

When I was Chair of the Aviation Subcommittee, we were doing a major security act, he came to me with this idea of using dogs as a supplement to security, and I agreed to it. We included the language, and it has proceeded now to this stage of breeding special dogs that have staying power and the ability to cleanse their system of previously inhaled items in order to sustain the work of security.

The gentleman's amendment is misguided.

□ 1700

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 30 seconds to the gentleman from New York (Mr. KING).

Mr. KING of New York. Mr. Chairman, let me just make two points.

There is nobody on our committee who is more dedicated to this issue than Mr. ROGERS. There is also no one in the Congress who I know that is more dedicated to contracting out than Mr. ROGERS, his dedication on this issue and the fact that we have to realize that it is more important to know the value of something rather than just the price. The fact is, this is a situation where both the price and the value call for us to go forward with this program. This is an issue of Homeland Security. We can trivialize it. We can have some fun with it. But the fact is it is a very, very important issue. So I ask for defeat of the amendment.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I yield 1 minute to the ranking member of the subcommittee, Mr. ROGERS.

Mr. ROGERS of Alabama. Mr. Chairman, I do want to go back to one question the gentleman from Arizona had, and that was the cost. Roughly, we are spending about $500,000 on this TSA breeding and training program. It trains about 50 dogs a year now. It can double that capacity with this.

This breeding is very important, particularly at this facility because it is on the cutting edge. I would urge this Congress to recognize how significant it is that we are able to produce this kind of dog here, and I would tell you that I have also been a big advocate on the DOD side as well of our trying to create more breeding programs domestically. I would like to see them be private, frankly, but we don't have that capacity right now that can put the standard of quality of dogs out that we need so that we don't have to rely on foreign sources for these dogs. Because I can assure you we are not getting the first quality and the quantity that we need.

So I would urge my colleagues to vote against this amendment. It is truly a matter of national security both in TSA and I think in DOD.

Ms. JACKSON-LEE of Texas. Mr. Chairman, to close, let me just thank Mr. ROGERS for the underlying language and make the point again that this is a question of security and to contract out, privatize the breeding of these dogs and/or to use foreign-bred dogs may raise a question in terms of source, resource, and utilization.

This is good language in this bill that allows TSA to continue its program, particularly since we are expanding rail security and therefore needing the increase in the canine breed.

I would ask my colleague to defeat the Flake amendment.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The amendment was rejected.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–74.

Mr. FLAKE. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

> Amendment No. 7 offered by Mr. FLAKE:
>
> Strike section 107 and redesignate the succeeding sections accordingly and conform the table of contents.

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Arizona (Mr. FLAKE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Arizona.

Mr. FLAKE. Mr. Chairman, this amendment would strike section 107 of the underlying bill. This section authorizes $87 million for a new Homeland Security grant program for private bus companies.

I and some of my colleagues have expressed concern about what we see as Homeland Security grant waste. It is everywhere in the country. It is in my district. It is in virtually every district across the country.

I pointed out in a recent meeting that in my own district there is some Homeland Security funding going to things like synchronization of street lights. It shouldn't come from the Federal Government. It needs to be done, should be done, by local governments. In this case, this is activity that should be done by the private companies themselves.

We have seen Homeland Security grants in recent years go to protect mushroom festivals, lawn mower races, investigations into bingo halls, and puppet show performances. There seems to be no end to the waste. Yet now we are going to authorize a new Homeland Security grant program to go to private bus operators like the Hampton Jitney?

For those who have not ridden on the Hampton Jitney, it is a private bus service that brings wealthy East Side Manhattanites to their beach homes in the Hamptons. The Hampton Jitney and other private bus companies such as Greyhound and Peter Pan Bus Lines have received Homeland Security grant dollars under the Intercity Bus Security Grant program in 2005.

This is corporate welfare, pure and simple. These are for-profit enterprises that should not be underwritten by the taxpayer.

This amendment to eliminate this wasteful spending is supported by an array of taxpayer groups across the country. I would urge its adoption.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I claim the time in opposition to the amendment.

The Acting CHAIRMAN. The gentlewoman from Texas is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I strongly oppose this amendment striking the bus security grant provided in this bill.

The underlying jurisdiction of this particular subcommittee and Homeland Security includes responsibility of over-the-road buses. We plan to look even more extensively at the necessary security requirements of making sure that people who travel in bus transportation likewise deserve the coverage and security that we can provide. More people ride over-the-road buses and more communities and destinations are served by those buses than any other form of intercity passenger transportation.

Jitney-type buses are not the only forms of buses, but they are part of the bus transportation of this country. Buses and bus terminals have been the targets of suicide bombers in countries like Iraq, Israel, Pakistan, and elsewhere in the world. The question for the Homeland Security Department and the Homeland Security Committee is to be preventative in front of the tragedy, not behind it. This legislation is to get us in front, to look at areas that we have not looked at before.

Worldwide over the last 80 years, 47 percent of surface transportation terrorist attacks have involved buses. We have seen the horrific tragedy. We have seen the loss of lives, the loss of lives of children. We must invest the money needed to protect bus passengers; and I believe the gentleman's amendment may be well-intended but, frankly, underestimates the need of security measures for buses and undermines the bill.

I would ask my colleagues to oppose this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, let me point out that in 2005 I mentioned there is already an Intercity Bus Security Grant award program. Under this program, since 2005, Academy Express LLC has received $267,279; Greyhound Lines has received $5,471,365; Trans-Bridge Lines, $466,611.

How do you decide which private sector business gets the grant and which ones don't? What about a group like, as I mentioned, the Hampton Jitney? It is hardly a model of an intercity where it is just taking people that can't afford to ride the bus. It goes to the Hamptons. Yet we are subsidizing that.

Here is another one. It is called the Hampton Luxury Liner. This is another one that would qualify, that would be eligible to receive grants under this program. They advertise complimentary snacks, complimentary beverage, a feature movie. The latest periodicals, newspapers, and magazines are handed out to those patrons who ride those bus lines, yet they will be eligible to receive grants, taxpayer money, to subsidize their business.

Why are we doing this kind of corporate welfare? Where are those who stand against corporate welfare? When are they going to stand up and say, enough is enough, we shouldn't be doing this? We are wasting too much money in the Homeland Security program that should be actually spent in threat-based programs where there are real, actual threats, instead of simply spread around by formula or favor around the country.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, it is my pleasure to yield 2 minutes to the distinguished subcommittee Chair of the Transportation Committee, Mr. DEFAZIO.

Mr. DEFAZIO. Mr. Chairman, I thank the gentlewoman for yielding.

First, to correct the gentleman, it is not a new program. It is an ongoing program.

However, we are going to add an element. No longer will it just be competitive. It will be risk-based.

Now, he is true. On the Republican watch, when they controlled the House, the Senate, and the White House, there were scandalous and wasteful expenditures of funds by the early startup of the Department of Homeland Security, which actually I opposed creating that giant new bureaucracy. I thought we could have done it in a much more effective way.

However, I serve on the committee now that has jurisdiction over that. We are cleaning up the mess you guys created. This is a risk-based program. It is competitive.

Now, are we are telling the 800 million people a year who ride buses in the

U.S. they are third or fourth class? The gentleman says it is a private undertaking; they shouldn't even be able to get risk-based competitive grants. Well, would you abandon aviation security, too? That is also a private industry. Rail? Well, most of that is private, with the exception of Amtrak. All of maritime is private, so I guess we will sort of abandon the ports.

If you follow that principle to its illogical conclusion, we would not spend public taxpayer dollars to defend any mode of transportation in this country, with very narrow exceptions. That is not the criteria that we need to apply here: risk-based, competitive.

Now, what happened after 9/11? How did people get around the country? We need alternate modes.

An important Federal official was here on 9/11. He had to get back to Oregon. He took Amtrak. Other people took the bus system. So you have got to understand redundancy. You have got to understand risk. And, hopefully, we will provide the oversight that was lacking before to make sure that we don't have any more of those scandalous things that he talked about. Those are the past. That was on the all-Republican watch. We will do better.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I continue to reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I applaud the talk about cleaning up the extravagant spending in the past. I applaud it. I just don't see it. I just wish that you would say, all right, this was a scandal.

We gave out millions and millions of dollars to private bus companies and others. Yet how are we going to fix it? We are going to create a new authorized program, a new one on top of this. Instead of saying, let's go in and find the waste, fraud, and abuse that was there before, we are not doing that. We are adding a new program.

What this amendment does is simply strikes funding for the new authorization so we don't do more. If we do need these expenditures that are risk-based, then let's take out the formula funding that we are already doing.

If you are in the majority and you have the power to do it, please don't blame those in the past. I have no brief for what we did before. I didn't vote for the creation of the Department. But if there is waste and abuse, let's take care of it. Let's not add to it. And that is what we are seeking to do with this amendment. Don't go any further.

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I will be happy to yield 30 seconds to the gentleman from Oregon (Mr. DEFAZIO).

Mr. DEFAZIO. Mr. Chairman, in response to the gentleman from Arizona, we have added the risk element which wasn't there previously. And he is right. We are still confronted with the Bush administration. But I feel that the new TSA administrator is the best we have ever had, and let's give him the tools he needs to do his job properly. Risk-based, competitive grants. If he doesn't find there is risk in the intercity bus service, then he shouldn't give out the grants. I think he will find plenty of meritorious, risk-based, competitive grants that will help better protect the traveling public in this vital mode of transportation.

Mr. FLAKE. Mr. Chairman, let me close by saying we are already spending millions and millions, tens of millions of dollars on programs to make sure that bus travel and other modes of transportation travel are safe. Let's not add another program so that the Hampton Jitney and other private sector businesses can continue to receive this kind of corporate welfare. We can't keep doing this. We have a massive deficit and a huge debt. When are we going to say, let's stop authorizing new programs like this?

Mr. Chairman, I reserve the balance of my time.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I reserve the balance of my time.

Mr. FLAKE. Mr. Chairman, I will just finish. I will say again, let's not authorize a new program when we concede that there is considerable waste in the current program.

To say that we simply can't address what is in the past, these programs are continuing forward. Let's simply say, let's take from this formula, the money that is distributed by formula and favor, and apply it toward the real risks out there, rather than creating new authorization for new spending on programs that can be taken care of elsewhere.

Mr. Chairman, I yield back the balance of my time.

Ms. JACKSON-LEE of Texas. Let me close, Mr. Chairman.

Mr. FLAKE has one philosophy about security, and that is narrow and let us not move forward. The underlying bill makes a whole new statement to America, that we are planning on reviewing those areas that are failing in security and improve them.

Has anyone heard of the eighth grade school bus trip, where children fill up a long-distance bus going somewhere that you hope your children will return from?

□ 1715

That is what we are trying to improve, the tragedy that may occur when people are using over-the-road buses. This is what this program is. It is not a program of waste; it is based on risk. As well, we are holding TSA accountable in the utilization of funds.

This is a bad amendment that undermines the new idea, which is to make sure that all aspects of America's security are both reviewed and provided resources so we can do the right thing and move forward with the right program that is fiscally responsible, but also provides the security necessary.

This amendment undermines the underlying bill and certainly takes away the necessary security for over-the-road buses. I ask my colleagues to oppose this amendment.

I strongly oppose this amendment striking the bus security grants provided in this bill.

More people ride over-the-road buses, and more communities and destinations are served by those buses, than any other form of intercity passenger transportation.

Buses and bus terminals have been the targets of suicide bombers in Iraq, Israel, Pakistan and elsewhere in the world.

Worldwide, over the last 80 years, 47% of surface transportation terrorist attacks have involved buses.

We must invest the money needed to protect bus passengers.

I encourage my colleagues to vote against this amendment.

The Acting CHAIRMAN. All time has expired on this amendment.

The question is on the amendment offered by the gentleman from Arizona (Mr. FLAKE).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Mr. FLAKE. Mr. Chairman, I demand a recorded vote.

The Acting Chairman. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentleman from Arizona will be postponed.

AMENDMENT NO. 8 OFFERED BY MR. LYNCH

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–74.

Mr. LYNCH. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Mr. LYNCH:

At the end of section 109, add the following:

(g) REPORTING REQUIREMENTS.—Not later than one year after the issuance of guidelines under subsection (a)(2), the Secretary shall conduct a survey regarding the satisfaction of workers regarding the effectiveness and adequacy of the training programs. In addition, the Secretary shall submit a report to the appropriate congressional committees regarding the results of the survey and the progress of providers of covered transportation in meeting the requirements of paragraphs (1) and (3) of subsection (d).

The Acting CHAIRMAN. Pursuant to House Resolution 270, the gentleman from Massachusetts (Mr. LYNCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. LYNCH. Mr. Chairman, I want to begin by thanking Chairman BENNIE

THOMPSON, Chairman OBERSTAR, Ranking Member MICA, and Ranking Member PETER KING for their great work on this bill.

This amendment actually strengthens the worker training requirements contained in H.R. 1401, the Rail and Public Transportation Security Act, by ensuring that Congress is kept informed of the progress that must be made in rail and mass transportation providers providing basic security training to their front line workers.

Specifically, this amendment would require the Secretary of Homeland Security within 1 year of issuing the worker training guidance mandated by section 109 of this bill to submit a comprehensive progress report to Congress on the steps that rail and mass transit entities have taken to meet the bill's worker-training requirements.

Notably, this report must also include the result of a worker survey conducted by the Department on whether our front line rail workers and mass transit employees have actually received basic security training.

Mr. Chairman, this amendment stems from the reluctance on the part of the Department of Homeland Security and the rail industry carriers to make worker training a priority.

Back in November, Chairman THOMPSON and I addressed the National Rail Symposium here in Washington, a rail security conference attended by rail workers, union representatives, industry experts, and transportation scholars. The symposium marked the release of a key rail security study prepared by the National Rail College which noted that our Nation's rail workers continue to lack basic and necessary emergency and anti-terrorism training.

The National Labor College study came on the heels of a 2005 Rail Worker Safety Report prepared by the International Brotherhood of Teamsters Rail Security Conference based on over 4,000 surveys completed by the members of the Brotherhood of Locomotive Engineers and Trainmen and the Brotherhood of Maintenance of Way employees. Regrettably, that report revealed that 84 percent, of rail workers surveyed had not received any terrorism prevention training within the last year,.and that 64 percent had not ever been trained in their railroad emergency response plan.

Mr. Chairman, reports that our locomotive engineers, our train crews, conductors, track workers, bridge and building trade employees, our electricians and all other front line rail employees have not received basic security training, are particularly troubling, given that the pattern of terrorist activity around the globe continues to be markedly centered on rail and mass transit.

You can follow the pattern of attacks, Mr. Chairman. Whether it be in 1995 with the sarin gas attacks in Tokyo, the 1995 attacks by the Algerian rebels in Paris, the 2004 suicide bombings of the Moscow metro rail car by Chechen separatists, the 2004 Madrid train bombings, the 2005 London train bombings, or recently the 2006 Mumbai train bombings, terrorists have indicated that this is a preferred area of terrorism, and there is no indication that there is any let-up here. Their willingness to execute bold attacks on rail and transit systems worldwide continues.

Yet despite these lessons learned, our rail and mass transit workers still lack basic and necessary security training, and since 9/11 we have spent over $24 billion on aviation security versus less than $600 million on rail and transit. The Rail Security Summit that we had in Boston not long ago revealed the fact that very few of these workers have been trained at all.

Accordingly, I urge my colleagues to support this amendment, as well as the main bill, bipartisan legislation that is the result of good work on the part of Chairman THOMPSON, again Ranking Member KING of the Homeland Security Committee, as well as Chairman OBERSTAR and also Mr. MICA, the ranking member of the Transportation Committee.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. Who claims the time in opposition?

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I claim the time in opposition, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from California is recognized for 5 minutes.

There was no objection.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, this is a worthy amendment. We need information of this nature. In hearings that I conducted last year as the Chair of the relevant subcommittee and in hearings we have had this year, we have had conflicting bits of information from those in management and those representing labor as to the length and breadth of the training programs that are available and that have been actually implemented. We never got a definitive answer in that regard, even though we requested it from both sides.

Therefore, this amendment I think will be of benefit not only to the Department, but to those of us in this body such that we might be able to make a determination as to the extent and effectiveness, as well as adequacy, of the security training programs that we have been told are already in effect, but now that are specifically required under section 109 of this bill.

Under this amendment, the Secretary would submit to us a report on the results of the survey and the progress of the providers of the covered transportation, and that is something that we have been lacking in the past. So I thank the gentleman for this amendment.

This bill requires mandatory security training programs for all rail, mass transit and over-the-road bus employees and requires that the employers provide such training within 1 year of the issuance of regulations. In order for us to exercise our proper oversight, this information is necessary. In order for us to put forth appropriate prodding with respect to both the employers and the employees in this regard, I think this survey will be very, very beneficial.

Having said that with reference to the specifics of this, let me just remark on some things that have been said on this floor about where we have been previous to this bill.

The fact of the matter is that those of us on this committee, on a bipartisan basis, for at least the last 3 years I have been here, and I have been assured before that with the select committee, we have worked to try and respond in an appropriate way to the threats coming from 9/11 and the things that we have learned subsequent to 9/11. It is true that in the immediate response to 9/11 the administration and the Congress worked together and in some ways pushed money out the door without a risk-based analysis.

That has changed over the last number of years. There has been a commitment on a bipartisan basis in this committee and on this floor and in the Senate and in the conference in all the bills that we have passed that a risk-based assessment is necessary for a strategy for our tactics and our grants. Now, I will say I think we are more enlightened on this side of the Capitol than maybe some of our friends over in the other body in terms of how we make sure that we are dedicated to a risk-based analysis, but we have been going forward with that.

Also I would like to say with respect to the administration, Secretary Chertoff, his number two, his number three and the head of TSA, have all committed themselves publicly and privately and I think in their actions to a risk-based analysis.

We are all in this together. I don't think there is any disagreement on the risk-based analysis being absolutely essential to tactics, to strategy, and to grants. It is in this bill, as it should be; it was in the bills that we passed over the last 2 years, as it should have been; and it is in the actions of the current administration.

So I just wanted to make that clear. I believe the gentleman's amendment will be helpful in gauging the progress made in terms of training in this very serious area and giving us the kind of information necessary so that we can make informed judgments in the years ahead.

Mr. Chairman, I yield back the balance of my time.

Mr. LYNCH. Mr. Chairman, just on the point of the risk analysis and the risk-based strategy here, I do want to note that in our rail conference, our summit on rail security, at one point I did ask the union representative of Amtrak and some of the train crews that were present where they worked. They explained they are the train crews that travel on the trains that go beneath New York City. They run the Northeast corridor from basically Boston to Washington, D.C.

I asked them if they had been trained on evacuation procedures in the tunnels beneath New York City and they explained to me that, no, they had not been trained on evacuating train passengers from the maze of tunnels beneath New York City. I think reason and experience would agree that that is something that would be included in our risk-based strategy.

Ms. JACKSON-LEE of Texas. Mr. Chairman, we support the amendment offered by the gentleman from Massachusetts.

Training is a critical component of my bill.

We specifically added training language to the bill because I knew that our Nation's rail, public transportation and over-the-road bus employees were not receiving the necessary security training.

Representative LYNCH's amendment goes one step further—it mandates a survey of the satisfaction of workers regarding the effectiveness and adequacy of the training.

I urge my colleagues to support this amendment.

The Acting CHAIRMAN. The gentleman's time has expired.

The question is on the amendment offered by the gentleman from Massachusetts (Mr. LYNCH).

The amendment was agreed to.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, proceedings will now resume on those amendments on which further proceedings were postponed, in the following order:

Amendment by Mr. THOMPSON of Mississippi.

Amendment by Mr. COHEN of Tennessee.

Amendment by Mr. SESSIONS of Texas.

Amendment by Mr. FLAKE of Arizona.

The Chair will reduce to 5 minutes the time for any electronic vote after the first vote in this series.

AMENDMENT NO. 1 OFFERED BY MR. THOMPSON OF MISSISSIPPI

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Mississippi (Mr. THOMPSON) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 224, noes 199, answered "present" 1, not voting 14, as follows:

[Roll No. 194]

AYES—224

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—199

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Boyda (KS)

NOT VOTING—14

Andrews
Campbell (CA)
Carson
Cuellar
Davis, Jo Ann
Honda
Kanjorski
Kingston
Lampson
McKeon
Millender-McDonald
Reynolds
Sullivan
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1752

Messrs. MILLER of North Carolina, COURTNEY, and CLEAVER changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT NO. 3 OFFERED BY MR. COHEN

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Tennessee (Mr.

COHEN) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 237, noes 188, not voting 13, as follows:

[Roll No. 195]

AYES—237

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Faleomavaega
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee
(TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda
T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman
Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—188

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite,
Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel
E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris
Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—13

Andrews
Carson
Davis, Jo Ann
Donnelly
Graves
Jones (OH)
Kanjorski
Kingston
Lamborn
Lampson
Millender-
McDonald
Sires
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised that less than 2 minutes remain in this vote.

□ 1800

So the amendment was agreed to.

The result of the vote was announced as above recorded.

Stated against:

Mr. GRAVES. Mr. Chairman, on rollcall No. 195, I put my card in the machine but was inadvertently not recorded. I should have been recorded as a "no."

AMENDMENT NO. 5 OFFERED BY MR. SESSIONS

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Texas (Mr. SESSIONS) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 130, noes 299, not voting 9, as follows:

[Roll No. 196]

AYES—130

Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Brown (SC)
Buchanan
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carney
Carter
Chabot
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Garrett (NJ)
Gingrey
Gohmert
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Heller
Hensarling
Hunter
Inglis (SC)
Issa
Johnson, Sam
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Knollenberg
Lamborn
Latham
Lewis (KY)
Linder
Lucas
Mack
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Perlmutter
Petri
Pickering
Pitts
Poe
Price (GA)
Putnam
Ramstad
Reichert
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shuster
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Walberg
Walden (OR)
Wamp
Westmoreland
Wilson (SC)
Young (AK)

NOES—299

Abercrombie
Ackerman
Aderholt
Allen
Altmire
Arcuri
Baca
Bachus
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bonner
Bono
Bordallo
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Brown-Waite,
Ginny
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps

Capuano
Cardoza
Carnahan
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Farr
Fattah
Ferguson
Filner
Fortenberry
Fortuño
Fossella
Frank (MA)
Frelinghuysen
Gallegly
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hayes
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Klein (FL)
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Regula
Rehberg
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (FL)

NOT VOTING—9

Andrews
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Radanovich
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes left to vote.

☐ 1808

Mr. ELLISON and Mr. JACKSON of Illinois changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT NO. 7 OFFERED BY MR. FLAKE

The Acting CHAIRMAN. The unfinished business is the demand for a recorded vote on the amendment offered by the gentleman from Arizona (Mr. FLAKE) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The Acting CHAIRMAN. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 98, noes 332, not voting 8, as follows:

[Roll No. 197]

AYES—98

Aderholt
Akin
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bishop (UT)
Blunt
Boehner
Bonner
Boyda (KS)
Brown-Waite, Ginny
Burgess
Burton (IN)
Campbell (CA)
Cannon
Cantor
Carter
Chabot
Coble
Cole (OK)
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dingell
Duncan
Ehlers
Everett
Feeney
Flake
Foxx
Franks (AZ)
Frelinghuysen
Giffords
Gingrey
Granger
Graves
Hastings (WA)
Heller
Hensarling
Herger
Hill
Hoekstra
Inglis (SC)
Issa
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
Kline (MN)
Lamborn
Lewis (KY)
Linder
Lucas
Mack
Manzullo
McCarthy (CA)
McCrery
McHenry
McKeon
Miller (FL)
Musgrave
Myrick
Neugebauer
Paul
Pence
Pickering
Pitts
Poe
Price (GA)
Putnam
Radanovich
Rehberg
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Shadegg
Smith (NE)
Smith (TX)
Stearns
Sullivan
Tancredo
Terry
Tiahrt
Walberg
Wamp
Weldon (FL)
Westmoreland
Wilson (OH)
Wilson (SC)

NOES—332

Abercrombie
Ackerman
Alexander
Allen
Altmire
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Butterfield
Buyer
Calvert
Camp (MI)
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Edwards
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Faleomavaega
Fallin
Farr
Fattah
Ferguson
Filner
Forbes
Fortenberry
Fortuño
Fossella
Frank (MA)
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hayes
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Platts
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Ramstad
Rangel
Regula
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Thornberry
Tiberi
Tierney
Towns
Turner
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)

Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—8

Andrews
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1815

So the amendment was rejected.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. SOLIS) having assumed the chair, Mr. SNYDER, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes, pursuant to House Resolution 270, reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment reported from the Committee of the Whole?

Mr. PRICE of Georgia. Madam Speaker, I demand a re-vote on the Thompson and the Cohen amendments.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment reported from the Committee of the Whole?

The Clerk will redesignate the first amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. THOMPSON of Mississippi:

Section 2(2)(E), strike “railroad and transit cars” and insert “railroad cars, public transportation cars and buses, and over-the-road buses”.

Section 2(6)(B), strike “the public transportation designated recipient providing the transportation” and insert” the designated recipient”.

Section 2(14), strike the period after “over-the-road bus” and insert “—”.

After section 2, insert, the following:

SEC. 3. NO PREEMPTION OF STATE LAW.

(a) NO PREEMPTION OF STATE LAW.—Nothing in section 20106 of title 49, United States Code, preempts a State cause of action, or any damages recoverable in such an action, including neglignce, recklessness, and intentional misconduct claims, unless compliance with State law would make compliance with Federal requirements impossible. Nothing in section 20106 of title 49, United States Code, confers Federal jurisdiction of a question for such a cause of action.

(b) SECRETARIAL POWER.—Section 20106 of title 49, United States Code, preempts only positive laws, regulations, or orders by executive or legislative branch officials that expressly address railroad safety or security. The Secretary and the Secretary of Transportation have the power to preempt such positive enactments by substantially subsuming the same subject matter, pursuant to proper administrative procedures.

Section 101(a), strike “, in consultation with the Secretary of Transportation,”.

Section 103, strike “, in consultation with the Secretary of Transportation,” each place it appears, except subsection (o).

Section 103(c)(1), strike “high-or” and insert “high- or”.

Section 103(e), strike “vulnerabilities and security plans”and insert “a vulnerability assessment and security plan”.

Section 103(k)(3)—

(1) strike “those submissions” and insert “such submission”; and

(2) strike “vulnerability assessments and security plans” and insert “the vulnerability assessment and security plan”.

Section 103(o), strike “, hereinafter referred to as ‘Amtrak’ ”.

Section 104(a), strike “, in consultation with the Secretary of Transportation,”.

Section 105(a), strike “, in consultation with the Secretary of Transportation,”.

Section 105(b)(2), strike “rail” and insert “railroad”.

Section 105(b)(3), strike “redevelopment and”.

Section 105(b)(4), insert “, including stations and other railroad transportation infrastructure owned by State or local governments” before the period.

Section 105(b)(12) insert “security” before “inspection” each places it appears.

Section 105(b)(16), strike “front-line railroad employees” and insert “railroad employees, including front-line employees”.

Strike section 105(c) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

Section 105—

(1) strike subsection (f);

(2) redesignate subsections (d) through (m) as subsections (g) through (o), respectively;

(3) insert after subsection (c), as amended, the following:

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation jointly shall monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A railroad carrier is eligible for a grant under this section if the carrier has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a rail security plan.

Section 105(j), as redesignated (relating to standards)—

(1) strike “The Secretary shall require a” and insert “A”;

(2) after “108” insert “shall be required”; and

(3) strike “Amtrak” and insert “the National Railroad Passenger Corporation”.

Section 105(m), as redesignated (relating to guidelines)—

(1) strike “, in consultation with the Secretary of Transportation,”; and

(2) strike “recipients of grants under this section” the first place it appears and insert “, to the extent that recipients of grants under this section use contractors or subcontractors, such recipients”.

Section 105 strike subsection (n), as redesignated.

Section 105, redesignate subsection (o), as redesignated, as subsection (n).

Section 106, strike “, in consultation with the Secretary of Transportation,” each place it appears.

Section 106(b)(2), insert “, including stations and other public transportation infrastructure owned by State or local governments” before the period.

Section 106(b)—

(1) redesignate paragraphs (10) through (17) as paragraphs (11) through (18), respectively; and

(2) after paragraph (9) insert the following:

(10) Purchase and placement of bomb-resistant trash cans throughout public transportation facilities, including subway exits, entrances, and tunnels.

Section 106(b)(15), as redesignated—

(1) strike “front-line” before “public”; and

(2) insert “, including front-line employees” after “employees”.

Section 106(b)(16), as redesignated, after “reimbursement” insert “, including reimbursement of State, local, and tribal governments for costs,”.

Section 106(b)(17), as redesignated, after “costs” insert “, including reimbursement of State, local, and tribal governments for costs” .

At the end of section 106(b), strike paragraph (18), as redesignated, and insert the following:

(18) Such other security improvements as the Secretary considers appropriate, including security improvements for newly completed public transportation systems that are not yet operable for passenger use.

Section 106—

(1) strike subsections (c) and (d);

(2) redesignate subsections (e) through (j) as subsections (g) through (l), respectively; and

(3) insert after subsection (b) the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days after making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(t) ELIGIBILITY.—A designated recipient is eligible for a grant under this section if the recipient has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further a public transportation security plan.

Section 106, subsection (g), as redesignated (relating to terms and conditions), strike "under effect" and insert "as in effect".

Section 106, subsection (j), as redesignated (relating to guidelines), strike "recipients of grants under this section" the first place it appears and insert ", to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 106, strike subsection (k), as redesignated (relating to monitoring).

Section 106, redesignate subsection (1), as redesignated (relating to authorization of appropriations), as subsection (k).

Section 107, strike ", in consultation with the Secretary of Transportation," each place it appears.

Section 107(b)(1), insert: ", including terminals and other over-the-road bus facilities owned by State or local governments" before the period.

Section 107(b)(8) strike—

(1) strike "front-line" before "over-the-road"; and

(2) insert ", including front-line employees" after "employees".

Section 107(b)(10), after "reimbursement" insert "including reimbursement of State, local, and tribal governments for costs,".

Section 107(b)(12), after "costs" insert ", including reimbursement of State, local, and tribal governments for such costs.".

Section 107—

(1) redesignate subsections (e) through (j) as subsections (g) through (1), respectively; and

(2) strike subsections (c) and (d) and insert the following:

(c) DEPARTMENT OF HOMELAND SECURITY RESPONSIBILITIES.—In carrying out the responsibilities under subsection (a), the Secretary shall—

(1) determine the requirements for recipients of grants under this section, including application requirements;

(2) pursuant to subsection (f), determine who are the recipients of grants under this section;

(3) pursuant to subsection (b), determine the uses for which grant funds may be used under this section;

(4) establish priorities for uses of funds for grant recipients under this section; and

(5) not later than 5 business days of making determinations under paragraphs (1) through (4), transfer grant funds under this section to the Secretary of Transportation for distribution to the recipients of grants determined by the Secretary under paragraph (2).

(d) DEPARTMENT OF TRANSPORTATION RESPONSIBILITIES.—The Secretary of Transportation shall distribute grant funds under this section to the recipients of grants determined by the Secretary under subsection (f).

(e) MONITORING AND AUDITING.—The Department of Homeland Security and the Department of Transportation shall jointly monitor and audit the use of funds under this section.

(f) ELIGIBILITY.—A private operator providing transportation by an over-the-road bus is eligible for a grant under this section if the operator has completed a vulnerability assessment and developed a security plan that the Secretary has approved under section 103. Grant funds may only be used for permissible uses under subsection (b) to further an over-the-road bus security plan.

Section 107, subsection (i), as redesignated (relating to annual reports), after "funds" insert a period.

Section 107, subsection (j), as redesignated (relating to guidelines), strike "recipients of grants under this section the first place it appears" and insert "to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 107, strike subsection (k) as redesignated (relating to monitoring).

Section 107, redesignate subsection (1), as redesignated (relating to authorization), as subsection (k).

Section 108(a)" strike "Amtrak" the first place it appears and insert "the National Railroad Passenger Corporation".

Section 108(c) strike "recipients of grants under this section" the first place it appears and insert ", to the extent that recipients of grants under this section use contractors or subcontractors, such recipients shall".

Section 109(a), strike ", in consultation with the Secretary of Transportation," .

Section 109(a)(1), insert a comma after "employees".

Section 109(b)(3) strike "and fire fighter workers" and insert "or emergency response personnel".

Section 109(c)(9), strike "Any other subject" and insert "Other security training activities that".

Section 109(d)(1), strike "in final form".

Section 109(d)(2), insert "proposal" after "training program".

Section 109(d)(3), insert "proposal" after "training program".

Section 109(d)(4), insert "as necessary" after "workers".

Section 110(a), strike ", in consultation with the Secretary of Transportation,".

Section 110(c), strike ", in consultation with the Secretary of Transportation," .

Section 110(c)(1), insert "working jointly with the Secretary of Transportation," before "consolidates".

Section 111(b)(3) strike "freight".

Section 111(b), strike "and" at the end of paragraph (6), redesignate paragraph (7) as paragraph (8), and insert the following after paragraph (6):

(7) to assess the vulnerabilities and risks associated with new rail and public transportation construction projects prior to their completion; and

Section 111(c)(2)(E)—

(1) strike "including," and insert ", including"; and

(2) strike "Institution or Tribal University" and insert "Institutions or Tribal Universities".

Strike section 112 of the bill and insert the following (and make all necessary technical and conforming changes):

SEC. 112. WHISTLEBLOWER PROTECTIONS.

(a) IN GENERAL.—No covered individual may be discharged, demoted, suspended, threatened, harassed, reprimanded, investigated, or in any other manner discriminated against, including by a denial, suspension, or revocation of a security clearance or by any other security access determination, if such discrimination is due, in whole or in part, to any lawful act done, perceived to have been done, or intended to be done by the covered individual—

(1) to provide information, cause information to be provided, or otherwise assist in an investigation regarding any conduct which the covered individual reasonably believes constitutes a violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road-bus security, which the covered individual reasonably believes constitutes a threat to rail, public transportation, or over-the-road-bus security, or which the covered individual reasonably believes constitutes fraud, waste, or mismanagement of Government funds intended to be used for rail, public transportation, or over-the-road-bus security, if the information or assistance is provided to or the investigation is conducted by—

(A) by a Federal, State, or local regulatory or law enforcement agency (including an office of the Inspector General under the Inspector General Act of 1978 (5 U.S.C. App.; Public Law 95–452);

(B) any Member of Congress, any committee of Congress, or the Government Accountability Office; or

(C) a person with supervisory authority over the covered individual (or such other person who has the authority to investigate, discover, or terminate);

(2) to file, cause to be filed, testify, participate in, or otherwise assist in a proceeding or action filed or about to be filed relating to an alleged violation of any law, rule, or regulation relating to rail, public transportation, or over-the-road bus security; or

(3) to refuse to violate or assist in the violation of any law, rule, or regulation relating to rail public transportation, or over-the-road bus security.

(b) ENFORCEMENT ACTION.

(1) IN GENERAL.—A covered individual who alleges discharge or other discrimination by any person in violation of subsection (a) may—

(A) in the case of a covered individual who is employed by the Department or the Department of Transportation, seek relief in accordance with—

(i) the provisions of title 5, United States Code, to the same extent and in the same manner as if such individual were seeking relief from a prohibited personnel practice described in section 2302(b)(8) of such title; and

(ii) the amendments made by section 112A; except that, if the disclosure involved consists in whole or in part of classified or sensitive information, clauses (i) and (ii) shall not apply, and such individual may seek relief in the same manner as provided by section 112B;

(B) in the case of a covered individual who is a contractor or subcontractor of the Department or the Department of Transportation, seek relief in accordance with section 112B; and

(C) in the case of any other covered individual, seek relief in accordance with the provisions of this section, with any petition or other request for relief under this section to be initiated by filing a complaint with the Secretary of Labor.

(2) Procedure.—

(A) In general.—An action under paragraph (1)(C) shall be governed under the rules and procedures set forth in section 42121(b) of title 49, United States Code.

(B) Exception.—Notification made under section 42121(b)(1) of title 49, United States Code, shall be made to the person named in the complaint and to the person's employer.

(C) Burdens of proof.—An action brought under paragraph (1)(C) shall be governed by the legal burdens of proof set forth in section 42121(b) of title 49, United States Code.

(D) Statute of limitations.—An action under paragraph (1)(C) shall be commenced not later than 1 year after the date on which the violation occurs.

(3) De novo review.—With respect to a complaint under paragraph (1)(C), if the Secretary of Labor has not issued a final decision within 180 days after the filing of the complaint (or, in the event that a final order or decision is issued by the Secretary of Labor, whether within the 180-day period or thereafter, then, not later than 90 days after such an order or decision is issued), the covered individual may bring an original action at law or equity for de novo review in the appropriate district court of the United States, which shall have jurisdiction over such an action without regard to the amount in controversy, and which action shall, at the request of either party to such action, be tried by the court with a jury.

(c) Remedies.—

(1) In general.—A covered individual prevailing in any action under subsection (b)(1)(C) shall be entitled to all relief necessary to make the covered individual whole.

(2) Damages.—Relief in an action under subsection (b)(1)(C) (including an action described in subsection (b)(3)) shall include—

(A) reinstatement with the same seniority status that the covered individual would have had, but for the discrimination;

(B) the amount of any back pay, with interest; and

(C) compensation for any special damages sustained as a result of the discrimination, including litigation costs, expert witness fees, and reasonable attorney fees.

(3) Possible relief.—Relief in an action under subsection (b)(1)(C) may include punitive damages in an amount not to exceed the greater of 3 times the amount of any compensatory damages awarded under this section or $5,000,000.

(d) Use of State Secrets Privilege.—

(1) If, in any action for relief sought by a covered individual in accordance with the provisions of subsection (b)(1)(A), (B), or (C), the Government agency moves to withhold information from discovery based on a claim that disclosure would be inimical to national security by asserting the privilege commonly referred to as the "state secrets privilege", and if the assertion of such privilege prevents the covered individual from establishing an element in support of the covered individual's claim, the court shall resolve the disputed issue of fact or law in favor of the covered individual, provided that, in an action brought by a covered individual in accordance with the provisions of subsection (b)(1)(A) or (B), an Inspector General investigation under section 112B has resulted in substantial confirmation of that element, or those elements, of the covered individual's claim.

(2) In any case in which the Government agency asserts the privilege commonly referred to as the "state secrets privilege", whether or not an Inspector General has conducted an investigation with respect to the alleged discrimination, the head of the Government agency involved shall, at the same time it asserts the privilege, issue a report to authorized Members of Congress, accompanied by a classified annex if necessary, describing the reasons for the assertion, explaining why the court hearing the matter does not have the ability to maintain the protection of classified information related to the assertion, detailing the steps the agency has taken to arrive at a mutually agreeable settlement with the covered individual, setting forth the date on which the classified information at issue will be declassified, and providing all relevant information about the underlying substantive matter.

(e) Criminal Penalties.—

(1) In general.—It shall be unlawful for any person employing a covered individual described in subsection (b)(1)(C) to commit an act prohibited by subsection (a). Any person who willfully violates this section by terminating or retaliating against any such covered individual who makes a claim under this section shall be fined under title 18, United States Code, imprisoned not more than 1 year, or both.

(2) Reporting requirement.—

(A) In general.— The Attorney General shall submit to the appropriate congressional committees an annual report on the enforcement of paragraph (1).

(B) Contents.—Each such report shall—

(i) identify each case in which formal charges under paragraph (1) were brought;

(ii) describe the status or disposition of each such case; and

(iii) in any actions under subsection (b)(1)(C) in which the covered individual was the prevailing party or the substantially prevailing party, indicate whether or not any formal charges under paragraph (1) have been brought and, if not, the reasons therefor.

(f) No Preemption.—Nothing in this section, section 112A, or section 112B preempts or diminishes any other safeguards against discrimination, demotion, discharge, suspension, threats, harassment, reprimand, retaliation, or any other manner of discrimination provided by Federal or State law.

(g) Rights Retained by Covered Individual.—Nothing in this section, section 112A, or section 112B shall be deemed to diminish the rights, privileges, or remedies of any covered individual under any Federal or State law or under any collective bargaining agreement. The rights and remedies in this section, section 112A and section 112B may not be waived by any agreement, policy, form, or condition of employment.

(h) Definitions.—In this section, section 112A and section 112B the following definitions apply:

(1) Covered individual.—The term "covered individual" means an employee of—

(A) the Department;

(B) the Department of Transportation;

(C) a contractor or subcontractor; and

(D) an employer within the meaning of section 701(b) of the Civil Rights Act of 1964 (42 U.S.C. 2000e(b)) and who is a provider of covered transportation.

(2) Lawful.—The term "lawful" means not specifically prohibited by law, except that, in the case of any information the disclosure of which is specifically prohibited by law or specifically required by Executive order to be kept classified in he interest of national defense or the conduct of foreign affairs, any disclosure of such information to any Member of Congress, committee of Congress, or other recipient authorized to receive such information, shall be deemed lawful.

(3) Contractor.—The term "contractor" means a person who has entered into a contract with the Department, the Department of Transportation, or a provider of covered transportation.

(4) Employee.—The term "employee" means—

(A) with respect to an employer referred to in paragraph (1)(A) or (1)(B), an employee as defined by section 2105 of title 5, United States Code; and

(B) with respect to an employer referred to in paragraph (1)(C) or (1)(D), any officer, partner, employee, or agent.

(5) Subcontractor.—The term "subcontractor"—

(A) means any person, other than the contractor, who offers to furnish or furnishes any supplies, materials, equipment, or services of any kind under a contract with the Department, the Department of Transportation, or a provider of covered transportation; and

(B) includes any person who offers to furnish or furnishes general supplies to the contractor or a higher tier subcontractor.

(6) Person.—The term "person" means a corporation, partnership, State entity, business association of any kind, trust, joint-stock company, or individual.

Section 113(c), strike "the Secretary of Transportation and".

Section 116(b), strike "designate the Center" and insert "select an institution of higher education to operate the National Transportation Security Center of Excellence".

Section 116(c)—

(1) redesignate paragraphs (1) through (3) as paragraphs (2) through (4), respectively; and

(2) insert after the subsection heading the following:

(1) Consortium.—The institution of higher education selected under subsection (b) shall execute agreements with other institutions of higher education to develop a consortium to assist in accomplishing the goals of the Center.

Section 116(c)(3), as redesignated, insert "or" before "Tribal".

Section 116, strike "Consortium" each place it appears and insert "consortium".

Section 118, after "risk" strike all that follows through "security".

Section 120(d)(1), strike "any rule" and all that follows through "an employer" and insert the following: "if an employer performs background checks to satisfy any rule, regulation, directive, or other guidance issued by the Secretary regarding background checks of covered individuals, the employer shall be prohibited".

Section 123(a), strike "the Committee on Homeland Security and Government Affairs of the Senate and the Committee on Homeland Security of the House of Representatives" and insert "the appropriate congressional committees".

Section 124, strike "railcar" and insert "railroad car" each place it appears.

Section 124(b)(1), strike subparagraph (B) and insert the following:

(B) More than 25 kilograms (55 pounds) of a division 1.1, 1.2, or 1.3 explosive, as defined in section 173.50 of title 49, Code of Federal Regulations, in a motor vehicle, rail car, or freight container.

Section 124(b)(3)(A), strike "railyards" and insert "railroad yards".

Section 124 (f), insert "railroad" before "carrier".

Section 125(d)—

(1) redesignate paragraph (16) as paragraph (17);

(2) in paragraph (15), strike "and" after the semicolon; and

(3) after paragraph (15), insert the following:

(16) nonprofit employee labor organizations; and

Section 124(f), insert "railroad" before "carrier".

Section 125 at the end, insert the following:

(f) SAVINGS PROVISION.—An action of the Secretary or the Secretary of Transportation under this Act is not an exercise, under section 4(b)(1) of the Occupational Safety and Health Act of 1970 (29 U.S.C. 653(b)(1), of statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health.

Section 126(a)(1), "The Secretary shall" and insert "The Secretary and the Secretary of Transportation shall jointly".

Section 126(a)(2), strike "the Secretary shall" and insert "the Secretary, and the Secretary of Transportation shall jointly".

Section 126(a)(3), insert "and the Secretary of Transportation" after "Secretary".

Section 126(b)(3), insert "and the Secretary of Transportation" after "Secretary".

Section 128, strike "shall" and insert "should".

Section 128, insert "(a) PREFERENCE.—" before "In".

Section 128 at the end, insert the following:

(b) SAVINGS PROVISION.—Nothing in this section shall affect grant recipient requirements pursuant to section 5323(j) of title 49, United States Code, section 24305(f) of title 49, United States Code, and the Buy American Act (41 U.S.C. 10).

Section 130(a), strike "undeclared passengers or contraband, including".

Section 130 at the end, insert the following:

(c) USE OF TRANSPORTATION DATA.—In carrying out this subsection, the Secretary shall make use of data collected and maintained by the Secretary of Transportation.

Section 131, strike the text and insert the following: "In carrying out section 119, the Secretary shall require each provider of covered transportation, including contractors and subcontractors, assigned to a high-risk tier under section 102 to submit the names of their employees to the Secretary to conduct checks of their employees against available terrorist watchlists and immigration status databases.".

At the end of title I, insert the following (and conform the table of contents accordingly):

SEC. 132. REVIEW OF GRANT-MAKING EFFICIENCY.

(a) ANNUAL STUDY.—The Comptroller General of the United States shall conduct an annual study for each of the first 3 years after the enactment of this title regarding the administration and use of the grants awarded under sections 105, 106, and 107 of this title, including—

(1) the efficiency of the division of the grant-making process, including whether the Department of Transportation's role in distributing, auditing, and monitoring the grant funds produces efficiency compared to the consolidation of these responsibilities in the Department of Homeland Security;

(2) whether the roles of the Department of Homeland Security and the Department of Transportation in the administration of the grants permit the grants to be awarded and used in a timely and efficient manner and according to their intended purposes;

(3) the use of grant funds, including whether grant funds are used for authorized purposes.

(b) REPORT.—The Comptroller General of the United States shall submit an annual report to the appropriate congressional committees on the results of the study for each of the first 3 years after enactment of this title, including any recommendations for improving the administration and use of the grant funds awarded under sections 105, 106, and 107.

SEC. 133. ROLES OF THE DEPARTMENT OF HOMELAND SECURITY AND THE DEPARTMENT OF TRANSPORTATION.

The Secretary of Homeland Security is the principal Federal official responsible for transportation security. The roles and responsibilities of the Department of Homeland Security and the Department of Transportation in carrying out sections 101, 103, 104, 105, 106, 107, 109, 110, 111, 113, 123, 124, 125, 126, 127, 128, 129, 130, 131, and 201 of this Act are the roles and responsibilities of such Departments pursuant to the Aviation and Transportation Security Act (Public Law 107–71); the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458); the National Infrastructure Protection Plan required by Homeland Security Presidential Directive 7; Executive Order 13416: Strengthening Surface Transportation Security, dated December 5, 2006; the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities, dated September 28, 2004; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Railroad Security, dated September 28, 2006; the Annex to the Memorandum of Understanding between the Department and the Department of Transportation on Roles and Responsibilities concerning Public Transportation Security, dated September 8, 2005; and any subsequent agreements between the Department of Homeland Security and the Department of Transportation.

Section 201(a), strike "ensure that canine detection teams are deployed" and insert "encourage the deployment of canine detection teams".

Section 201(b), strike "to increase" and insert "to encourage an increase in".

Strike "rail carrier: and insert "railroad carrier" each place it appears in the bill.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. THOMPSON of Mississippi. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, subsequent votes on amendments in this series will be 5-minute votes.

The vote was taken by electronic device, and there were—ayes 222, noes 197, answered "present" 5, not voting 9, as follows:

[Roll No. 198]

AYES—222

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castor
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NOES—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes

Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Tanner
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—5

Bartlett (MD)
Boyda (KS)
Gilchrest
Jones (NC)
Paul

NOT VOTING—9

Andrews
Boehner
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1838

Mr. MILLER of North Carolina changed his vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The Clerk will redesignate the second amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. COHEN:

At the end of title I, add the following:

SEC. ——. ALTERNATIVE MATERIAL SOURCES.

The Secretary of Transportation, in consultation with the Secretary, shall establish a program to coordinate with State and local governments to minimize the need for transportation of toxic inhalation hazardous materials by rail.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 234, nays 184, answered "present" 4, not voting 11, as follows:

[Roll No. 199]

YEAS—234

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrett (SC)
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—184

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Snyder
Souder
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

ANSWERED "PRESENT"—4

Bartlett (MD)
Gilchrest
Jones (NC)
Paul

NOT VOTING—11

Andrews
Boehner
Carson
Davis, Jo Ann
Hunter
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)
Weller

☐ 1849

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended, was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

MOTION TO RECOMMIT OFFERED BY MR. KING OF NEW YORK

Mr. KING of New York. Madam Speaker, I offer a motion to recommit.

The SPEAKER pro tempore. Is the gentleman opposed to the bill?

Mr. KING of New York. I am, Madam Speaker, in its present form.

The SPEAKER pro tempore. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. King of New York moves to recommit the bill H.R. 1401 to the Committee on Homeland Security with instructions to report the same back to the House forthwith, with the following amendment:

At the end of title I, add the following (and conform the table of contents accordingly):

SEC. . IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or to any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating__

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) IMMUNITY FOR MITIGATION OF THREATS.—Any person, including an owner, operator or employee of a transportation system, who takes reasonable action to mitigate a suspicious matter described in subsection (b) shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such action.

(d) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(e) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(f) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

Mr. KING of New York (during the reading). Madam Speaker, I ask unanimous consent that the motion be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes in support of his motion to recommit.

Mr. KING of New York. Madam Speaker, all our lives changed on September 11. The government tried to react the best that it could; all levels of government have tried to come forward. But one of the most important things we have done is ask our local citizens, to ask the average person to do what they can to avoid a terrorist attack. We have asked them, for instance, there are signs at trains and subways and means of transportation all over the country which say, if you see something, say something.

Yet we saw the incident this past November in Minnesota where passengers on a US Airways flight reported what they saw as suspicious activity. That resulted in six imams being removed from the plane. Now, that is a matter that is going to be in litigation between US Airways and those six imams.

But what is absolutely disgraceful is to find out that lawyers are coming forward and advocacy groups are coming forward to represent those imams and suing, attempting to find the identity of those passengers, those citizens who acted in good faith, who responded to their government and reported what they deemed to be suspicious activity.

Madam Speaker, that is absolutely disgraceful. What this motion to recommit would do would be to provide immunity for any citizen, any individual that comes forward and reports suspicious activity in good faith. If they do, they will be indemnified. This is the very least we can do, to stand by good people who come forward and report suspicious activity.

I mean, just think if we had citizens who had seen what was happening on September 11, who saw people sitting not in their assigned seats, who had seen them being disruptive, who had seen them asking for extended seatbelts when they didn't need them and yet, somehow, those people didn't come forward because they were afraid of being sued.

If we are going to be serious, as a Nation, about fighting Islamic terrorism, then we have to stand by our people who come forward and report suspicious activity. So I think it is absolutely essential that this motion to recommit be passed. I can't imagine anyone being opposed to it.

Madam Speaker, I yield the balance of my time to the gentleman from New Mexico (Mr. PEARCE) who has been a true leader on this issue.

Mr. PEARCE. Madam Speaker, I want to thank the gentleman from New York for working with me on this motion to recommit that we are offering today. I believe that we are going to make this legislation much better.

Ever since 9/11, law enforcement agencies have been telling the American people that they should immediately report any suspicious activity. This important step is one of the best ways that we have to stop terrorism. In essence, the public is the eyes and ears for the security of the Nation.

Sadly, a lawsuit has been filed in Minnesota which named as defendants the Americans who were simply trying to protect themselves and their country. These everyday people have now found themselves subject to a lawsuit for simply reporting what they thought in good faith was suspicious activity.

We are in grave danger when terrorists and their sympathizers use our freedoms against us. Terrorists have abused our Nation's immigration system, our foreign student travel visa opportunities, and open society's freedom to travel.

On 9/11 the hijackers knew how the crew on the plane would respond and used that knowledge against the air crews to carry out their deadly attacks.

Now, we have imams who behaved in methods similar to those 9/11 terrorists and are now using our courts to terrorize the Americans who reported the behavior. They used a seating pattern that was similar to the 9/11 attackers. They asked for seatbelt extensions, and then didn't use them but laid them at their feet in an ominous gesture of disrespect. They did not sit in assigned seats. The loud criticism of President Bush and the war all added together to create a mood of uncertainty among passengers who were watching them.

If we allow these lawsuits to go forward, it will have a chilling effect on the future of American security. Today's USA Today opinion stated the "Clerics' lawsuit threatens the security of all passengers; efforts to name those who reported suspicious actions has chilling effect." I will submit the full article for the RECORD.

If we are serious about fighting terrorism, if we are serious about protecting Americans and asking them to help protect each other, then we must pass this motion.

If I leave my colleagues with one message about this motion, it is simply, no American should be sued for trying to stop terrorism.

Recently, I visited Israel. There they were much more open about it. They said, the stakes are too high. The danger is too imminent. There is no room left in the world for political correctness.

Today we are going to make that choice on the floor of the House, to choose political correctness or to choose to protect the people in this country and the people who would bring the attention of suspicious activities to the Nation's authorities.

Vote "yes" on today's motion to recommit and help protect Americans.

[From USA Today, Mar. 27, 2007]

OUR VIEW ON POST–9/11 TRAVEL: CLERICS' LAWSUIT THREATENS SECURITY OF ALL PASSENGERS

"If you see something, say something."

Since the terror attacks of 9/11, that common-sense message has been displayed prominently worldwide for obvious reasons.

Police and transportation authorities can't be everywhere. Whether at an airport, bus or rail station, officials need passengers to alert them to unattended baggage that might contain explosives and behavior that appears out of the ordinary.

Now the reward for being vigilant apparently includes being dragged into a lawsuit and accused of bigotry. The wry adage about how no good deed goes unpunished seems apt, though not so funny.

The lawsuit grew out of an incident last November when six Muslim clerics, returning from a religious conference in Minneapolis, were removed from a US Airways flight after passengers and crew raised alarms. The imams were questioned by authorities and released. The six say they are innocent victims of ethnic profiling for merely praying quietly in Arabic at the terminal.

Their lawsuit, filed earlier this month, accused the airline and Metropolitan Airports Commission of anti-Muslim bias. That was expected. What's unique and especially troubling, though, is the effort to identify an unknown number of passengers and airline employees who reported suspicions so they might also be included as defendants. For example, the imams want to know the names of an elderly couple who turned around "to watch" and then made cellphone calls, presumably to authorities, as the men prayed.

This legal tactic seems designed to intimidate passengers willing to do exactly what authorities have requested—say something about suspicious activity.

The imams' actions last November appeared to be either deliberately provocative or clueless as to how others might perceive them. Several passengers and crewmembers told authorities that the men loudly chanted "Allah" several times, cursed U.S. involvement in Iraq and switched their seat assignments. Three imams asked for seat belt extenders, which include a heavy metal buckle that could be used as a weapon, but left them on the floor.

Under the circumstances, the pilot made a reasonable judgment call to remove them from the plane. Some of the facts are in dispute: The imams deny making any anti-American remarks and say seats were changed to accommodate a blind cleric who might need assistance. They accuse the airline of slandering them.

US Airways can afford to defend itself and the crew in court. Passengers who notified authorities don't have those resources. Several lawyers have promised to represent such passengers for free. The American Islamic Forum for Democracy, a moderate Muslim group, will raise funds for their defense. Rep. Steve Pearce, R-N.M., has introduced a bill to shield from legal liability those who report suspicious behavior.

It shouldn't have to come to that, especially if a judge has the wisdom to throw out the complaints against the "John Doe" passengers before they're identified.

As for ethnic profiling—the reprehensible practice of discriminating solely based on ethnicity—this incident doesn't qualify. The imams were tossed off the plane because of suspicious behavior, which obviously can't be ignored. Suing passengers who merely report such behavior threatens everyone's ability to travel securely.

Mr. THOMPSON of Mississippi. Madam Speaker, I rise to claim time.

The SPEAKER pro tempore. Is the gentleman opposed?

Mr. THOMPSON of Mississippi. In its present form I am.

The SPEAKER pro tempore. The gentleman is recognized for 5 minutes.

Mr. THOMPSON of Mississippi. Madam Speaker, as you know, we just received the motion to recommit a few minutes ago, and if I could ask some questions of the ranking member about the motion to recommit, it would help.

You have the motion to recommit being retroactive back until November 20, 2006. Is there any reason for that date?

Mr. KING of New York. Will the gentleman yield?

Mr. THOMPSON of Mississippi. I yield to the gentleman from New York.

Mr. KING of New York. November 20 was the date of the incident in Minnesota where the passengers on the plane reported suspicious activity to the pilots and to the flight attendants.

Mr. THOMPSON of Mississippi. Have they been charged with anything, to your knowledge?

Mr. KING of New York. If the gentleman will yield, a lawsuit is being commenced and John Does are being named in the complaints, the John Does for the purpose of finding out the identity of those passengers, those good-faith passengers who came forward to report the suspicious activity to make them defendants in the case.

Mr. THOMPSON of Mississippi. But to your knowledge no criminal charges have been filed against the people on the plane.

Mr. KING of New York. This motion is only dealing with civil cases, which is why they would also be indemnified for their reasonable costs and attorneys' fees.

Mr. THOMPSON of Mississippi. Reclaiming my time, Madam Speaker, I think the issue is if individuals who were singled out, not charged with anything in violation of the law, then why shouldn't they be able to seek remedy in a court of law?

For the sake of discussion, Madam Speaker, all of us in this body don't look alike, and it is clear that people could be profiled because of their religion or their race.

□ 1900

I think the record is clear in this country that some people are profiled, and I am wondering if people are profiled illegally, not charged with a criminal act. They absolutely should have the ability to seek redress in a court of law.

What I want to do is to say that there is nothing wrong with reporting in good faith, but when it is clear that we have not defined in a good-faith language in this motion to recommit what that is, then a number of people in this country could be singled out for various and sundry reasons. And what I am saying in this motion to recommit is it sets us up to start profiling against individuals regardless of religion, custom, or what have you.

If I am praying on a plane simply because I am afraid to fly, then I could be singled out in the eyes of someone else. So I am clear that this is speculative on people who look different; it is speculative on people who perhaps act differently. I am convinced that, knowing you, you have not proven on the committee to be a punitive person; and the reason I say that, Mr. Ranking Member, is we should not be singling people out for personal reasons. We need to catch bad people, but we need to make sure that we are not profiling those individuals because of how they look. I mean, this is America. This is the melting pot with a rainbow.

The point that I am making, while this motion to recommit might be well-intended, it has unintended consequences on a lot of people, people who, for religious or other reasons, might look different; and I think that the offerers of this motion to recommit should think about this. Because we are not a body or a country of just one people. And if you look at it, we should be tolerant, and tolerant doesn't mean singling people out or having them arrested for no apparent reason other than the fact that they look different.

Madam Speaker, I accept the motion to recommit.

The SPEAKER pro tempore. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to recommit.

The question was taken; and the Speaker pro tempore announced that the noes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. Pursuant to clause 9 of rule XX, the Chair will reduce to 5 minutes the time for any electronic vote on the question of passage.

The vote was taken by electronic device, and there were—ayes 304, noes 121, not voting 8, as follows:

[Roll No. 200]

AYES—304

Aderholt
Akin
Alexander
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn

Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cohen
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Keller
Kildee
Kind
King (IA)
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Lantos
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meek (FL)
Melancon
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Obey
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Tancredo
Tanner
Taylor
Terry
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Upton
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

NOES—121

Abercrombie
Ackerman
Allen
Baca
Baldwin
Becerra
Berman
Berry
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Castor
Clarke
Clay
Cleaver
Clyburn
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeGette
Delahunt
DeLauro
Dingell
Doggett
Ellison
Engel
Eshoo
Farr
Fattah
Filner
Frank (MA)
Gonzalez
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Kaptur
Kennedy
Kilpatrick
Kucinich
Langevin
Larsen (WA)
Larson (CT)
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
Meehan
Meeks (NY)
Michaud
Miller (NC)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Oberstar
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rahall
Rangel
Rodriguez
Rothman
Roybal-Allard
Rush
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sires
Slaughter
Stark
Sutton
Tauscher
Thompson (CA)
Tierney
Towns
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Watt
Welch (VT)
Wexler
Woolsey
Wynn

NOT VOTING—8

Andrews
Carson
Davis, Jo Ann
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised less than 2 minutes remain in this vote.

☐ 1922

Messrs. ALLEN, MICHAUD, DOGGETT and MARKEY changed their vote from "aye" to "no."

Ms. SHEA-PORTER and Mr. HILL changed their vote from "no" to "aye."

So the motion to recommit was agreed to.

The result of the vote was announced as above recorded.

Mr. THOMPSON of Mississippi. Madam Speaker, pursuant to the instructions of the House in the motion to recommit, I report the bill, H.R. 1401, back to the House with an amendment.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

Amendment:

At the end of title I, add the following (and conform the table of contents accordingly):

SEC. _____. IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or to any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating__

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) IMMUNITY FOR MITIGATION OF THREATS.—Any person, including an owner, operator or employee of a transportation system, who takes reasonable action to mitigate a suspicious matter described in subsection (b) shall be immune from civil liability to any person under any law or regulation of the United States, any constitution, law, or regulation of any State or political subdivision of any State, for such action.

(d) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(e) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(f) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

Mr. THOMPSON of Mississippi (during the reading). Madam Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

The SPEAKER pro tempore. The question is on the amendment.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

RECORDED VOTE

Mr. KING of New York. Madam Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 299, noes 124, answered "present" 1, not voting 9, as follows:

[Roll No. 201]

AYES—299

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilirakis
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Brady (PA)
Braley (IA)
Brown, Corrine
Burgess
Butterfield
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Ferguson
Filner
Fortenberry
Fossella
Frank (MA)
Frelinghuysen
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Hastings (WA)
Heller
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHugh
McIntyre
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (MI)
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Platts
Pomeroy
Porter
Price (NC)
Rahall
Ramstad
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Ros-Lehtinen
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wilson (NM)
Wilson (OH)
Wolf
Woolsey
Wu
Wynn
Yarmuth

NOES—124

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Bilbray
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Carter
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Drake
Dreier
Duncan
Everett
Fallin
Feeney
Flake
Forbes
Foxx
Franks (AZ)
Gallegly
Gingrey
Granger
Graves
Hall (TX)
Hastert
Hayes
Hensarling
Herger
Hobson
Inglis (SC)
Issa
Johnson (IL)
Johnson, Sam
Jordan
King (IA)
Lamborn
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Mack
Manzullo
Marchant
McCarthy (CA)
McCrery
McHenry
McKeon
Mica
Miller (FL)
Miller, Gary
Moran (KS)
Musgrave
Myrick
Neugebauer
Paul
Pence
Peterson (PA)
Petri
Pickering
Pitts
Poe
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Rogers (KY)
Rogers (MI)
Rohrabacher
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shadegg
Shuster
Simpson
Smith (NE)
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Walberg
Wamp
Weldon (FL)
Westmoreland
Wicker
Wilson (SC)
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Boyda (KS)

NOT VOTING—9

Andrews
Carson
Davis, Jo Ann
Hunter
Kanjorski
Kingston
Lampson
Millender-McDonald
Udall (NM)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes left on this vote.

☐ 1933

Mr. SIMPSON and Mr. HAYES changed their vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1401, RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

Mr. THOMPSON of Mississippi. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1401, including corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore (Mr. KIND). Is there objection to the request of the gentleman from Mississippi?

There was no objection.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

KATRINA HOUSING TAX RELIEF ACT OF 2007

Mr. RANGEL. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1562) to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to housing in the GO Zones, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1562

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Katrina Housing Tax Relief Act of 2007".

SEC. 2. EXTENSION AND EXPANSION OF LOW-INCOME HOUSING CREDIT RULES FOR BUILDINGS IN THE GO ZONES.

(a) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Subsection (c) of section 1400N of the Internal Revenue Code of 1986 (relating to low-income housing credit) is amended by redesignating paragraph (5) as paragraph (6) and by inserting after paragraph (4) the following new paragraph:

"(5) TIME FOR MAKING LOW-INCOME HOUSING CREDIT ALLOCATIONS.—Section 42(h)(1)(B) shall not apply to an allocation of housing credit dollar amount to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone, if such allocation is made in 2006, 2007, or 2008, and such building is placed in service before January 1, 2011.".

(b) EXTENSION OF PERIOD FOR TREATING GO ZONES AS DIFFICULT DEVELOPMENT AREAS.—

(1) IN GENERAL.—Subparagraph (A) of section 1400N(c)(3) of such Code is amended by striking "2006, 2007, or 2008" and inserting "the period beginning on January 1, 2006, and ending on December 31, 2010".

(2) CONFORMING AMENDMENT.—Clause (ii) of section 1400N(c)(3)(B) of such Code is amended by striking "such period" and inserting "the period described in subparagraph (A)".

(c) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—Subsection (c) of section 1400N of such Code (relating to low-income housing credit), as amended by this Act, is amended by redesignating paragraph (6) as paragraph (7) and by inserting after paragraph (5) the following new paragraph:

"(6) COMMUNITY DEVELOPMENT BLOCK GRANTS NOT TAKEN INTO ACCOUNT IN DETERMINING IF BUILDINGS ARE FEDERALLY SUBSIDIZED.—For purpose of applying section 42(i)(2)(D) to any building which is placed in service in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone during the period beginning on January 1, 2006, and ending on December 31, 2010, a loan shall not be treated as a below market Federal loan solely by reason of any assistance provided under section 106, 107, or 108 of the Housing and Community Development Act of 1974 by reason of section 122 of such Act or any provision of the Department of Defense Appropriations Act, 2006, or the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006.".

SEC. 3. SPECIAL TAX-EXEMPT BOND FINANCING RULE FOR REPAIRS AND RECONSTRUCTIONS OF RESIDENCES IN THE GO ZONES.

Subsection (a) of section 1400N of the Internal Revenue Code of 1986 (relating to tax-exempt bond financing) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR REPAIRS AND RECONSTRUCTIONS.—

"(A) IN GENERAL.—For purposes of section 143 and this subsection, any qualified GO Zone repair or reconstruction shall be treated as a qualified rehabilitation.

"(B) QUALIFIED GO ZONE REPAIR OR RECONSTRUCTION.—For purposes of subparagraph (A), the term 'qualified GO Zone repair or reconstruction' means any repair of damage caused by Hurricane Katrina, Hurricane Rita, or Hurricane Wilma to a building located in the Gulf Opportunity Zone, the Rita GO Zone, or the Wilma GO Zone (or reconstruction of such building in the case of damage constituting destruction) if the expenditures for such repair or reconstruction are 25 percent or more of the mortgagor's adjusted basis in the residence. For purposes of the preceding sentence, the mortgagor's adjusted basis shall be determined as of the completion of the repair or reconstruction or, if later, the date on which the mortgagor acquires the residence.

"(C) TERMINATION.—This paragraph shall apply only to owner-financing provided after the date of the enactment of this paragraph and before January 1, 2011.".

SEC. 4. GAO STUDY OF PRACTICES EMPLOYED BY STATE AND LOCAL GOVERNMENTS IN ALLOCATING AND UTILIZING TAX INCENTIVES PROVIDED PURSUANT TO THE GULF OPPORTUNITY ZONE ACT OF 2005.

(a) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the practices employed by State and local governments, and subdivisions thereof, in allocating and utilizing tax incentives provided pursuant to the Gulf Opportunity Zone Act of 2005 and this Act.

(b) SUBMISSION OF REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General shall submit a report on the findings of the study conducted under subsection (a) and shall include therein recommendations (if any) relating to such findings. The report shall be submitted to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate.

(c) CONGRESSIONAL HEARINGS.—In the case that the report submitted under this section includes findings of significant fraud, waste or abuse, each Committee specified in subsection (b) shall, within 60 days after the date the report is submitted under subsection (b), hold a public hearing to review such findings.

SEC. 5. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) of the Internal Revenue Code of 1986 (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 of such Code (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if—

"(1) the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served, and

"(2) such levy is served before February 29, 2016.

For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 6. TIME FOR PAYMENT OF CORPORATE ESTIMATED TAXES.

Subparagraph (B) of section 401(1) of the Tax Increase Prevention and Reconciliation Act of 2005 is amended by striking "106.25 percent" and inserting "106.45 percent".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. RANGEL) and the gentleman from Michigan (Mr. CAMP) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

Mr. RANGEL. Mr. Speaker, once again I find myself thanking Mr. MCCRERY, the ranking member, and members of the minority on the Ways and Means Committee for moving forward to a piece of legislation, agreeing that it go to the suspension calendar and, more importantly, working with us in bringing about changes in order to make certain that we have a pay-for that is appreciated by the House.

This is important legislation. The Nation suffered a tremendous natural setback with Katrina. Thousands of people in Mississippi and Louisiana felt the pain. And somehow we are sluggishly moving towards some type of solution of this real problem.

One of the major problems, of course, is housing, people not being able to come back. We on the Ways and Means Committee can play some small part in putting together tax incentives to move forward, to make certain that these people have a place to stay and go back to their home.

More important, I am so pleased that JOHN LEWIS will be managing this bill, a man of compassion, a man of understanding, a man that understands the real pain that people have felt and continue to feel. I don't think there is any Member in the House that I would rather see associated with a bill that brings some type of relief to people who have felt so much pain.

So, Mr. Speaker, with your permission, I would like to ask Mr. LEWIS from the sovereign State of Georgia, an outstanding Member of Congress, to manage the remainder of this time and to distribute it as he sees fit.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. CAMP of Michigan. Mr. Speaker, I am pleased to rise in support of H.R. 1562, the Katrina Housing Tax Relief Act of 2007, which was introduced by my friends, the chairman and ranking member of the Committee on Ways and Means.

It is unfortunate that we continue to deal with the aftermath of the devastating hurricanes of 2005. The imprint left by Hurricanes Katrina and Rita on the Gulf Coast has been well documented. Unfortunately, the slow pace of recovery has also been well documented, despite substantial efforts by the Ways and Means Committee and the Congress as a whole to provide direct and indirect support to the rebuilding efforts.

As part of that effort, the Congress enacted the Gulf Opportunity Zone Act of 2005. Among its provisions, the measure authorized a tenfold increase in Section 42 low-income housing tax credits for States in the Gulf Opportunity Zone. At the time, our hope was that putting a fast expiration on those credits would lead to the rapid rebuilding of this much-needed housing. Our experience, however, has shown otherwise. Delays in getting necessary permitting and insurance, combined with the high cost of materials and a shortage of skilled labor, have created a situation in which many of the allocated credits are likely to go unused by the current December 31, 2008, deadline.

The good news for the GO Zone is that credits not used by the end of 2008 will not be lost. Instead, they will revert back to the State for future allocation. But the difficulties on the ground create uncertainty as to whether these projects will be placed in service by the end of 2008.

Witnesses at an Oversight Subcommittee hearing earlier this month warned that many deserving projects that had been allocated credits in Louisiana and Mississippi by the State housing agencies are going unfunded and therefore will not be built by the end of next year.

The measure before us makes several changes to the rules governing low-income housing tax credits in the GO

Zone. These changes expire at the end of 2010. Hopefully, the modifications we are making today will allow the States to get these housing projects financed and constructed long before that sunset date.

It is my understanding from the Joint Committee that the cost of this bill is not the result of additional credits being used. Rather, it is that credits will be used more quickly than expected under current law.

Under these circumstances, I believe the changes in the bill before us are an appropriate response to the unique and unprecedented challenges in the gulf coast region and will help ensure that goals of the 2005 legislation are met. Unique circumstances sometimes require unique solutions.

Finally, I would like to comment on a provision of the bill being used to offset these costs. As originally considered by the committee, the measure would slightly alter the circumstances under which the government can levy the assets of an employer for unpaid employment taxes. During committee considerations, questions were raised about the provision, and I am pleased that the bill we are considering today contains an important modification to the provision that ensures that employers who unknowingly fall behind in their payment of employment taxes are properly protected.

On that count, particular thanks are due to the chairman, the staff of the IRS and the Treasury and the staff of the Joint Committee on Taxation for their help in working through this difficult but important issue.

Mr. Chairman, let me again express my appreciation to you and your staff for working across the aisle to craft this measure that I hope will make it possible for thousands of residents of the gulf States to go home soon.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, on March 13, 2007, the Ways and Means Subcommittee on Oversight held a hearing on housing tax issues related to the rebuilding of communities affected by Hurricanes Katrina, Rita and Wilma. These hurricanes created and caused more damage than any other natural disaster and left over 700,000 residents in the Gulf Coast without housing.

The Congress has provided $15 billion in tax relief to victims of the hurricanes, but it is clear that we must do more and we can do more. The Katrina Housing Tax Relief Act of 2007 will help families affected by the hurricane to return home. This bill will extend incentives for low-income rental housing. It will also expand existing incentives so they can be used to refinance homes that need to be rebuilt from scratch.

Mr. Speaker, this is a good bill. This is a necessary bill. I wholeheartedly support H.R. 1562 and urge all of my colleagues to vote in favor of this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. CAMP of Michigan. At this time, I yield such time as he may consume to the distinguished gentleman from New York, a member of the Ways and Means Committee.

Mr. REYNOLDS. I thank the gentleman from Michigan for yielding me this time, and I rise in support of the amended version of H.R. 1562 that is before us. I greatly appreciate the remarks of the ranking member of this side, Dave Camp, as he outlined the legislation and our support for it and the need for it, and the amendments that were brought forth by Chairman RANGEL and by Ranking Member McCRERY.

Mr. Speaker, it has been that type of cooperation in working on legislation such as this that we were able to take a bill that is vitally needed in the Katrina zone for low-income housing tax credits to work and do their job, but to also make it work for the taxpayers as we consider the PAYGO requirements set forth by the rules of the House. I believe that we have worked diligently, through the efforts of staff on both the majority and the minority and Joint Tax as well as IRS, as has been outlined by previous speakers, to bring forth legislation that will work to get the job done for Katrina victims, for the States and, importantly, to see a recovery come about under the intent of this legislation. So I am going to support it.

I greatly appreciate the cooperation of Chairman RANGEL and Ranking Member McCRERY in working forward to have legislation language that meets some of the outlines of concerns that Mr. JOHNSON and I had and have been fully met by their hard work.

☐ 1945

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill, H.R. 1562.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey, Congressman PASCRELL.

Mr. PASCRELL. Mr. Speaker. Hurricane Katrina was more than a natural catastrophe. The painful images of folks suffering, dying, and calling desperately for help will forever be seared in our collective conscience. I rise today in strong support of the Katrina Housing Relief Act, critical legislation designed to respond to the needs of hurricane victims by getting affordable housing in the gulf coast region expeditiously built.

I want to commend Chairman RANGEL for the steady hand he has displayed in crafting this legislation and also for the collegial spirit he has fostered on the Ways and Means Committee thus far. This is the second noteworthy tax package that has come to the floor in recent weeks, and I am heartened at the bipartisanship that has been displayed. And when it comes to helping those who suffered from Katrina, bipartisanship is the only way to operate.

Unfortunately, the immediate response from Washington was handled poorly, insufficiently, and only exacerbated the suffering. Today, we take a step in the right direction. We need to get help to people and get them back in their homes, and this bill does that.

H.R. 1562 strengthens existing tax incentives to builders of affordable rental housing by extending the current deadline within which those units must be inhabited by an extra 2 years, to 2010. The bill makes it easier for a greater number of homeowners to benefit from tax-exempt bonds issued by local governments for substantial renovations and to refinance existing residential mortgage loans.

These are prudent, practical measures that will do a great deal of good for those in need. I implore my colleagues to support this bill. I again commend the leadership for bringing this to the floor.

Mr. CAMP of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY).

Mr. BOUSTANY. Mr. Speaker, I rise in support of this bill. I want to thank my colleague. I also want to thank Chairman RANGEL and Ranking Member McCRERY for bringing this bill to the floor.

And while I am pleased that this bill is being brought to the floor this evening, its title is actually a misnomer. The Katrina Housing Tax Relief Act also covers many areas hit by my district in southwest Louisiana and southeast Texas, those areas hit by Hurricane Rita.

My district in southwest Louisiana received about $10 billion in damage from Hurricane Rita, and this was to small rural communities that don't have the ability to bounce back. As we recover in southwest Louisiana, we have learned all too well that government cannot micromanage the full recovery process, and this GO-Zone legislation has played a very important role in providing a foundation for businesses and families to get back on their feet. So I am pleased that today's legislation extends many of these successful provisions and programs for southwest Louisiana communities.

Two of the most important include an extension of the placed-in-service deadline and a waiver of the 10 percent rule for GO-Zone credits. These provisions will help those who are on the front lines of our housing recovery, rather than revert funding back to the State.

Additionally, the bill allows GO-Zone low-income housing projects to receive additional federally subsidized loans without facing a reduction in tax credits.

Mr. Speaker, while I take issue with the bill's title, I fully support its provisions. It is a good bill. Again, I thank Chairman RANGEL and Ranking Member MCCRERY for their support and urge support of this bill.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3¾ minutes to the gentleman from Louisiana, who represents New Orleans in the Congress, Mr. JEFFERSON.

Mr. JEFFERSON. I thank the gentleman for yielding.

Mr. Speaker, I rise in support of H.R. 1562, the Katrina Housing Tax Relief Act of 2007.

I am extremely grateful to Chairman RANGEL, Ranking Member MCCRERY, Mr. LEWIS, Mr. CAMP, and the members of the Ways and Means Committee for their bipartisan support of this bill and for bringing it to the floor in this expeditious manner. As Chairman RANGEL stated, it represents this Congress "doing our part," he said, "to make things right and that begins with helping people get back to their homes."

Few needs are greater in the city of New Orleans and surrounding areas than affordable housing. One New Orleanian who currently resides in a FEMA trailer 1 hour north of the city surmises that many people want to move back to the city, but after looking at the rental prices has said, who could afford that? In the gulf coast, Katrina destroyed over one-quarter million homes. More than 30 percent of these losses involved affordable housing losses, most of which were rental properties.

Post-Katrina, the average rental payment in New Orleans has risen 70 percent. Before Katrina, Mary Wright of our city paid about $300 in rent. Now she pays triple that amount. There are folks who were paying about $500 in rent are now paying $850. New Orleans' population has diminished to only 237,000 residents from 437,000 before the storm. It is not because residents do not wish to return. It is because many cannot afford to return. The lack of affordable housing has caused not only a problem for citizens wishing to return, but it is also a problem for developers, planners, and investors who are strapped in their options to increase affordable housing. The lack of quality affordable housing that is sustainable discourages the return of a workforce and the restoration of the economy of the city.

The Low Income Housing Tax Credit is of great assistance to helping our people of the gulf region return home. The credits will be competitively awarded to qualified developers who are then put under the constant scrutiny by our State housing authority to ensure that the buildings that are built are quality affordable housing. The safeguard in the system also provides for 30 years of high-quality housing, and for 15 years the rental properties developed using these tax credits must be maintained as affordable units. Should the properties not continue to meet the criteria specified when receiving the reward, the IRS will recapture the tax credits.

In December of 2005, Congress passed the Gulf Opportunities Zone Act, and among other much needed tax incentives it included a significant increase in housing credits for the Gulf States, and a 130 percent basis boost in which they treated all regions as difficult to develop areas, thus allowing them more funding for rebuilding.

The gulf coast faces many obstacles to redevelopment. Extending the placed-in-service deadline for both the credits and for the treatment of difficult to develop areas will remove one of them by giving planners and developers in these communities a reasonable time to effectively reinvest in that community.

Finally, mortgage revenue bonds have provided over 3.5 million lower-income Americans affordable homeownership opportunities and another 1 million with rental housing opportunities. Since Katrina, they have backed many homeowners but their utility has been limited in that these bonds are typically for first-time home buyers only. Provisions in this legislation waive this requirement for those whose homes were damaged by the hurricanes. This will assist with the rebuilding efforts, allowing mortgage revenue bond proceeds to go towards refinancing home loans, to free up funds for the reconstruction of homes and renewal of families.

We need to do everything we can to facilitate recovery, and this bill removes critical obstacles to rebuilding the homes, rental properties, indeed the very life blood of the families of the gulf region. I urge passage and full support of this legislation.

Mr. CAMP of Michigan. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2¼ minutes to the gentleman from Louisiana (Mr. MELANCON).

Mr. MELANCON. Mr. Speaker, I thank the gentleman. I would like to thank the leadership for the bipartisan effort also. It has been a long 18, going on 19, months for the folks of Louisiana; and this is the kind of thing that they have needed for a long time.

I am here today to speak in support of the Katrina Housing Tax and, as Mr. BOUSTANY pointed out, the Rita Housing Tax, also, which will extend important tax credits and waivers that are boosting rebuilding efforts along the gulf coast.

It is hard to exaggerate the devastation Hurricanes Katrina and Rita caused in south Louisiana. Over 1 million people had to flee their homes, and over 200,000 homes were damaged or completely destroyed. In St. Bernard Parish, a community to the east of New Orleans that I represent, it is reported that only five or six homes out of the 27,000 were inhabitable after the storm. It will take many years to repair the damage Katrina and Rita and the levee failures caused in just a few days.

The enormous extent of the damage and the unprecedented time and money it will take to recover are why we need to pass the Katrina-Rita Housing Relief Act. For south Louisiana to rebuild, we need to continue encouraging developers to build affordable housing, not just high-priced condos. There is a severe housing shortage in the region, and rental prices have increased by 39 percent and more since the storm. Home sale prices in suburban parishes have also skyrocketed. Average working people can't move home because they can't find affordable housing.

One of the most important features of this bill is the extension of the Gulf Opportunity Zone low-income housing tax credit until the end of 2010. Louisiana is offering these tax credits to developers who build affordable housing in the hurricane-affected communities, but current law requires that developers have the project built and occupied by the end of 2008.

In the post-storm world of south Louisiana, this is almost impossible. The Housing Financing Agency in New Orleans estimates that 65 percent of the affordable housing units under development, about 11,050 units, won't make the deadline to be available for rent by the deadline at the end of 2008. Add all the extenuating circumstances of post-Katrina Louisiana, mold remediation for flood-damaged rehabilitation projects, elevation of property, getting permits, going through the zoning requirements, all the things that take time, including needing water, sewer, and gas lines, there is no way that developers can finish.

Finally, as a fiscal conservative and a Blue Dog, I want to point out that this bill follows House PAYGO rules and will not increase the deficit. In fact, the offsets that are contained in the bill will cause an increase in revenue.

I thank the gentleman from Georgia, and I thank the bipartisan effort of the committee.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself as much time as I may consume.

I fully support H.R. 1562, the Katrina Housing Relief Act of 2007. Adequate and affordable housing is a basic human right, and today Congress is stepping in again to give our citizens of the gulf coast some help. This bill will provide tax incentives to ensure that adequate and affordable housing is available in the gulf coast region.

I urge all of my colleagues on both sides of the aisle to vote "yes" for this bill.

Mr. SAM JOHNSON of Texas. I rise today in support of the amended version of H.R. 1562. During the Committee debate on this bill I raised concerns about the revenue offset used to pay for this legislation. The original bill would have permitted the IRS to seize the assets of a taxpayer prior to a hearing. The provision was scored as raising $240 million. The reason for the change was that there are some taxpayers who are serial abusers of the payroll tax withholding mechanism who needed to be shut down to prevent a drain on revenues.

The problem is that we cannot begin to close the tax gap at the expense of basic civil liberties. We would have a taxpayer revolt at such heavy-handed tactics. Congress put in place many taxpayer protections against heavy-handed IRS tactics and I think we need to be very careful as we contemplate rolling back any of them in the name of closing the "tax gap."

The amended bill before us now would go after the serial abusers of the payroll tax system. It would require that if someone has already been through the hearing process in the last two years, then they don't get to keep scamming the tax system. They cannot hide behind the protections meant for taxpayers who have simply made a mistake in filing payroll taxes for their employees.

The protection of having a hearing prior to IRS seizure of assets is important in many circumstances. One of the leading reasons for this protection is innocent spouse relief. If a husband messes up his company's payroll taxes in one quarter, the Committee approved bill and the version already approved by the other body, would have allowed the IRS to seize his wife's assets and give her no ability to claim innocent spouse relief until roughly eight months after the seizure. I don't think this is good policy and I think it is a lousy way to close the "tax gap."

I commend Chairman RANGEL and Ranking Member MCCRERY for working to be sure that these situations are addressed by the amendment we have worked out. I hope that whenever the House and Senate put this revenue raiser into a final agreement later this year, that the House version prevails.

Again, I support the version of this legislation that we are debating on the House floor today and I want to personally thank the Chairman and Ranking Member for working so hard to address these concerns.

Mr. LEWIS of Georgia. Mr. Speaker, I'm submitting the CBO cost estimate on H.R. 1562, the Katrina Housing Tax Relief Act of 2007.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, March 23, 2007.

Hon. CHARLES B. RANGEL,
Chairman, Committee on Ways and Means, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1562, the Katrina Housing Tax Relief Act of 2007.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Emily Schlect.

Sincerely,

PETER R. ORSZAG.

Enclosure.

H.R. 1562—Katrina Housing Tax Relief Act

Summary: H.R. 1562 would extend and expand certain tax laws specific to areas affected by Hurricane Katrina, which were enacted in the Gulf Opportunity Zone Act of 2005. The bill would also raise revenue by changing the collection due process procedures for employment taxes.

The Joint Committee on Taxation (JCT) estimates that enacting H.R. 1562 would decrease revenues by $1 million in 2007 and increase revenues by $42 million over the 2007-2012 period and by $4 million over the 2007-2017 period. The Congressional Budget Office estimates that implementing H.R 1562 would have discretionary costs of less than $500,000 in 2007 and 2008, subject to the availability of appropriated funds.

JCT has determined that the tax provisions of the bill contain no private-sector or intergovernmental mandates as defined in the Unfunded Mandates Reform Act (UMRA). CBO has determined that the non-tax provisions (section 4) contain no private-sector or intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of the bill over the 2007-2017 period is shown in the following table.

	By fiscal year, in millions of dollars—												
	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2007–2012	2007–2017
CHANGES IN REVENUES[1]													
Low-Income Housing Provisions	0	0	−61	−97	−53	−10	0	0	0	0	0	−221	−221
Treatment of Repairs for Bond Purposes	−1	−4	−7	−4	0	0	0	0	0	0	0	−16	−16
Modification of Collection Due Process	0	53	54	28	20	17	20	23	26	0	0	172	241
Corporate Estimated Tax Payments	0	0	0	0	0	107	−107	0	0	0	0	107	0
Total Changes	−1	49	−14	−73	−33	114	−87	23	26	0	0	42	4
On-Budget	−1	6	−58	−96	−49	100	−103	4	5	0	0	−97	−191
Off-Budget	0	43	44	23	16	14	16	19	21	0	0	139	195

[1] Assuming availability of appropriated funds, the cost of the Government Accountability Office report required by the bill would be less than $500,000.

Note: Numbers may not sum to totals because of rounding.

Basis of estimate: For this estimate, JCT assumes that the bill will be enacted by July 1, 2007.

Revenues

The legislation would reduce revenues through two provisions related to areas affected by Hurricane Katrina, and it would also raise revenues by changing collection due process procedures for employment tax liabilities and making other changes. All in all, JCT estimates that the bill would increase revenues by $42 million over the 2007-2012 period and by $4 million over the 2007-2017 period.

First, H.R. 1562 would decrease revenues by extending and expanding low-income housing credit rules that were enacted in response to damage caused by Hurricane Katrina. Generally, low-income housing credits are subject to a cap. In response to Hurricane Katrina, this ceiling amount was increased for the states affected, for the years 2006 through 2008. This bill would extend the higher cap for two years (through December 31, 2010). It would also make changes to the carryover allocation rules that specifies the time by which the housing must be completed to still qualify for the credit. This provision, JCT estimates, would reduce revenues by $221 million over the 2009–2012 period.

Second, the bill would reduce revenues by treating certain repairs in the Gulf Opportunity Zone (composed of areas affected by the hurricane) as qualified rehabilitation for purposes of certain bond rules. In general, qualified mortgage bonds are tax-exempt and must be used for new mortgages. Qualified rehabilitation loans, on the other hand, may be used for replacing existing mortgages. Since the hurricane, states in the Gulf Opportunity Zone have been allowed to issue Gulf Opportunity Zone Bonds for construction and rehabilitation of property. This bill would allow loans financed with qualified mortgage bonds and Gulf Opportunity Zone Bonds to be used for existing mortgages, regardless of certain rules in place for normal qualified rehabilitation loans. JCT estimates that this provision would reduce revenues by $1 million in 2007 and by $16 million over the 2007–2012 period.

H.R. 1562 would raise revenue by changing collection due process procedures with regards to employment tax liabilities. Currently, the Internal Revenue Service (IRS) may seize a taxpayer's property given a federal tax lien. Prior to seizing the property, the IRS must notify taxpayers that they have a right to a collection due process hearing. This bill would enable the IRS to seize property without first having a hearing. JCT estimates that this provision would increase revenues by $172 million over the 2007-2012 period and by $241 million over the 2007-2017 period. Of the revenue gain, JCT estimates that a portion would be off-budget—totaling $195 million over the 2007–2017 period.

Finally, one provision would shift revenues between 2012 and 2013. For corporations with at least $1 billion in assets in 2012, the bill would increase the portion of corporate estimated tax payments due in July through September of that year. This change would increase revenues by $107 million in 2012 and decrease revenues by $107 million in 2013.

Spending Subject to Appropriation

Section 4 would require the Government Accountability Office to report recommendations to the Congress on the use of federal tax incentives provided to state and local governments affected by Hurricanes Katrina, Rita, and Wilma. Based on similar reports, CBO estimates that preparing and distributing the report would cost less than $500,000 in any one fiscal year.

Intergovernmental and private-sector impact: JCT has determined that the tax provisions of the bill contain no private-sector or intergovernmental mandates as defined in the UMRA. CBO has determined that the non-tax provisions (section 4) contain no private-sector or intergovernmental mandates as defined in UMRA and would impose no costs on state. local, or tribal governments.

Estimate prepared by: Federal revenues: Emily Schlect. Federal spending: Matthew Pickford. Impact on state, local, and tribal governments: Melissa Merrell. Impact on the private sector: Nabeel Alsalam.

Estimate approved by: G. Thomas Woodward, Assistant Director for Tax Analysis. Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

Mr. Speaker, I yield back the balance of my time.

Mr. CAMP of Michigan. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. RANGEL) that the House suspend the rules and pass the bill, H.R. 1562, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

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APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore (Mr. BRALEY of Iowa). Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. HINCHEY, New York
Mr. HILL, Indiana
Ms. LORETTA SANCHEZ, California
Mr. CUMMINGS, Maryland
Mr. DOGGETT, Texas

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2007

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1132) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007".

SEC. 2. NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM.

Title XV of the Public Health Service Act (42 U.S.C. 300k et seq.) is amended—

(1) in section 1501(d)—

(A) in the heading, by striking "2000" and inserting "2020"; and

(B) by striking "by the year 2000" and inserting "by the year 2020";

(2) in section 1503, by adding at the end the following:

"(d) WAIVER OF SERVICES REQUIREMENT ON DIVISION OF FUNDS.—

"(1) IN GENERAL.—The Secretary shall establish a demonstration project under which the Secretary may waive the requirements of paragraphs (1) and (4) of subsection (a) for not more than 5 States, if—

"(A) the State involved will use the waiver to leverage non-Federal funds to supplement each of the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(B) the application of such requirement would result in a barrier to the enrollment of qualifying women;

"(C) the State involved—

"(i) demonstrates, to the satisfaction of the Secretary, the manner in which the State will use such waiver to expand the level of screening and follow-up services provided immediately prior to the date on which the waiver is granted; and

"(ii) provides assurances, satisfactory to the Secretary, that the State will, on an annual basis, demonstrate, through such documentation as the Secretary may require, that the State has used such waiver as described in clause (i);

"(D) the State involved submits to the Secretary—

"(i) assurances, satisfactory to the Secretary, that the State will maintain the average annual level of State fiscal year expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the period for which the waiver is granted, and for the period for which any extension of such wavier is granted, at a level that is not less than—

"(I) the level of the State fiscal year expenditures for such services and activities for the fiscal year preceding the first fiscal year for which the waiver is granted; or

"(II) at the option of the State and upon approval by the Secretary, the average level of the State expenditures for such services and activities for the 3-fiscal year period preceding the first fiscal year for which the waiver is granted; and

"(ii) a plan, satisfactory to the Secretary, for maintaining the level of activities carried out under the waiver after the expiration of the waiver and any extension of such waiver;

"(E) the Secretary finds that granting such a waiver to a State will increase the number of women in the State that receive each of the services or activities described in paragraphs (1) and (2) of section 1501(a), including making available screening procedures for both breast and cervical cancers; and

"(F) the Secretary finds that granting such a waiver to a State will not adversely affect the quality of each of the services or activities described in paragraphs (1) and (2) of section 1501(a).

"(2) DURATION OF WAIVER.—

"(A) IN GENERAL.—In granting waivers under paragraph (1), the Secretary—

"(i) shall grant such waivers for a period that is not less than 1 year but not more than 2 years; and

"(ii) upon request of a State, may extend a waiver for an additional period that is not less than 1 year but not more than 2 years in accordance with subparagraph (B).

"(B) ADDITIONAL PERIOD.—The Secretary, upon the request of a State that has received a waiver under paragraph (1), shall, at the end of the waiver period described in subparagraph (A)(i), review performance under the waiver and may extend the waiver for an additional period if the Secretary determines that—

"(i) without an extension of the waiver, there will be a barrier to the enrollment of qualifying women;

"(ii) the State requesting such extended waiver will use the waiver to leverage non-Federal funds to supplement the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(iii) the waiver has increased, and will continue to increase, the number of women in the State that receive the services or activities described in paragraphs (1) and (2) of section 1501(a);

"(iv) the waiver has not, and will not, result in lower quality in the State of the services or activities described in paragraphs (1) and (2) of section 1501(a); and

"(v) the State has maintained the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the period for which the waiver was granted at a level that is not less than—

"(I) the level of the State fiscal year expenditures for such services and activities for the fiscal year preceding the first fiscal year for which the waiver is granted; or

"(II) at the option of the State and upon approval by the Secretary, the average level of the State expenditures for such services and activities for the 3-fiscal year period preceding the first fiscal year for which the waiver is granted.

"(3) REPORTING REQUIREMENTS.—The Secretary shall include as part of the evaluations and reports required under section 1508, the following:

"(A) A description of the total amount of dollars leveraged annually from Non-Federal entities in States receiving a waiver under paragraph (1) and how these amounts were used.

"(B) With respect to States receiving a waiver under paragraph (1), a description of the percentage of the grant that is expended on providing each of the services or activities described in—

"(i) paragraphs (1) and (2) of section 1501(a); and

"(ii) paragraphs (3) through (6) of section 1501(a).

"(C) A description of the number of States receiving waivers under paragraph (1) annually.

"(D) With respect to States receiving a waiver under paragraph (1), a description of—

"(i) the number of women receiving services under paragraphs (1), (2), and (3) of section 1501(a) in programs before and after the granting of such waiver; and

"(ii) the average annual level of State fiscal expenditures for the services and activities described in paragraphs (1) and (2) of section 1501(a) for the year preceding the first year for which the waiver was granted.

"(4) LIMITATION.—Amounts to which a waiver applies under this subsection shall not be used to increase the number of salaried employees.

"(5) DEFINITIONS.—In this subsection:

"(A) INDIAN TRIBE.—The term 'Indian tribe' has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

"(B) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Health Care Improvement Act.

"(C) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto

Rico, American Samoa, the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, the Republic of Palau, an Indian tribe, and a tribal organization.

"(6) SUNSET.—The Secretary may not grant a waiver or extension under this subsection after September 30, 2012.";

(3) in section 1508—

(A) in subsection (a), by striking "evaluations of the extent to which" and all that follows through the period and inserting: "evaluations of—

"(1) the extent to which States carrying out such programs are in compliance with section 1501(a)(2) and with section 1504(c); and

"(2) the extent to which each State receiving a grant under this title is in compliance with section 1502, including identification of—

"(A) the amount of the non-Federal contributions by the State for the preceding fiscal year, disaggregated according to the source of the contributions; and

"(B) the proportion of such amount of non-Federal contributions relative to the amount of Federal funds provided through the grant to the State for the preceding fiscal year."; and

(B) in subsection (b), by striking "not later than 1 year after the date on which amounts are first appropriated pursuant to section 1509(a), and annually thereafter" and inserting "not later than 1 year after the date of the enactment of the National Breast and Cervical Cancer Early Detection Program Reauthorization of 2007, and annually thereafter"; and

(4) in section 1510(a)—

(A) by striking "and" after "$150,000,000 for fiscal year 1994,"; and

(B) by inserting ", $225,000,000 for fiscal year 2008, $245,000,000 for fiscal year 2009, $250,000,000 for fiscal year 2010, $255,000,000 for fiscal year 2011, and $275,000,000 for fiscal year 2012" before the period at the end.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

Mr. PALLONE. Mr. Speaker, I have a request from the gentleman from New York (Mr. TOWNS) to go out of order, and I yield 2 minutes to Mr. TOWNS at this time.

CONGRATULATING NEW YORK HIGH SCHOOL BASKETBALL CHAMPIONS

Mr. TOWNS. Mr. Speaker, I thank Mr. PALLONE very much for yielding.

Mr. Speaker, I rise today to congratulate East New York's Transit Technical High School boy's basketball team for winning the PSAL New York City Championship.

The East New York Transit defeated Thomas Edison High School of Queens with a score of 52–46. This is only the second time in the school's history that the Transit boys' basketball team made it to the State playoff. The first time was in 1993 when the team still played in the "B" division.

I would also like to congratulate the staff of New York Transit Tech and its principal, Larry Kalvar, and its basketball coach, Michael Perazzo.

Mr. Speaker, I ask that you please join me in honoring the boys' basketball team at East New York Transit Tech High School for its outstanding accomplishment.

I also rise to congratulate Brooklyn's Thomas Jefferson High School girls' basketball team for winning the PSAL A-league championship. The girls at Jefferson defeated New Town High School championship team to win the title, finishing with an overall 17–1 record, making this the first girls' basketball team to represent the borough of Brooklyn in the State playoffs.

My congratulations also goes out to the Jefferson High School principal, Michael Alexander, and the girls' basketball team coach, Calvin Young, for doing a marvelous job with the team. We need to recognize him as well.

I ask that you all please join me in honoring the girls' basketball team at Brooklyn's Thomas Jefferson High School for this outstanding accomplishment.

Sometimes we criticize our young people about not doing what we feel is right, but here is a situation where some young people have done a very positive thing, and I think we should pause to salute them for that.

Mr. PALLONE. Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Let me also add my congratulations to the girls' basketball team at Brooklyn Thomas Jefferson High School. That is quite an accomplishment.

Mr. Speaker, I rise tonight in support of H.R. 1132, the National Breast and Cervical Cancer Early Detection Program. The National Breast and Cervical Cancer Early Detection Program has had many proven successes in screening low-income, minority and uninsured women for little or no cost.

The Centers for Disease Control estimates that between 8 and 11 percent of women nationwide are eligible for participation in this program. Since its inception in 1991, the early detection program has served almost 3 million women, providing more than 6.9 million screening examinations, and has diagnosed almost 30,000 breast cancers, 95,000 precursor cervical lesions, and 1,800 cervical cancers. There is a direct link between these statistical figures and the lives that have been saved.

The Susan G. Komen Breast Cancer Foundation and the American Cancer Society have been instrumental in promoting the successes of the early detection program.

I would also like to commend the gentlewoman from Wisconsin (Ms. BALDWIN) and the gentlewoman from North Carolina (Mrs. MYRICK), a breast cancer survivor herself, who have worked tirelessly in bringing this legislation to the floor of the House and eventually to the President's desk to be signed into law. I urge my colleagues' support of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 4 minutes to the sponsor of the bill, Ms. BALDWIN.

Ms. BALDWIN. Mr. Speaker, it is high time we reauthorize the National Breast and Cervical Cancer Early Detection Program. This important program provides breast and cervical cancer screening to low-income, uninsured women who otherwise would have little or no access to such care. Early detection is a woman's most powerful weapon against breast or cervical cancer because early detection, followed by early treatment intervention, greatly increases a woman's odds of beating cancer; and we know that our vigilance is having results as this is the second straight year of declining cancer deaths.

The National Breast and Cervical Cancer Early Detection Program is a Federal-State partnership that builds on the existing public health infrastructure and involves all sectors of the community in outreach and delivery of services.

Established in 1991, the National Breast and Cervical Cancer Early Detection Program provides low-income women who have limited or no health insurance with breast and cervical cancer screening, education, outreach, and case management services. Administered by the Centers for Disease Control and Prevention, the National Breast and Cervical Cancer Early Detection Program provides access to mammograms, pap tests, surgical consultations, and diagnostic testing. The program is operational in all 50 states, four U.S. territories, the District of Columbia, and 13 American Indian or Alaskan Native organizations. The National Breast and Cervical Cancer Early Detection Program also works with nonprofit organizations that provide supplemental funding for screening, education, outreach, case management and treatment services.

To date, the National Breast and Cervical Cancer Early Detection Program has provided nearly 6.5 million screenings to 2.7 million women, detecting almost 30,000 breast cancers, almost 90,000 precancerous cervical lesions and 1,700 cervical cancers.

This reauthorization will strengthen this important program by increasing the program's authorization level. At its current $205 million funding level, it is estimated that the program only provides services to 20 percent of all eligible women in the United States. This additional authorization would enable the program to provide 147,000 more screenings per year.

In addition, it will assist rural communities and special populations by permitting a five-State demonstration program for States to receive a time-limited waiver of current regulatory requirements in order to provide greater emphasis on education and outreach, while ensuring that women continue to have access to life-saving screening services.

I have been honored to work on this reauthorization, and I want to thank the American Cancer Society and the Susan G. Komen Foundation for their continued support of this critical program.

In addition, I have been honored to work with my colleague, Congresswoman SUE MYRICK, in advancing this important legislation. In the war against breast and cervical cancer, we know that screening and early detection saves lives. I am very proud and pleased that on this issue Republicans and Democrats are working together to support a life-saving program. I urge all of my colleagues to support this reauthorization.

Mr. BURGESS. Mr. Speaker, I yield such time as she may consume to the gentlewoman from North Carolina (Mrs. MYRICK), the cosponsor of this legislation.

Mrs. MYRICK. Mr. Speaker, I am really pleased to be able to speak on behalf of this bill tonight in reauthorizing the Nation's breast and cervical cancer screening program in all 50 States.

Many women around the country work hard but are uninsured and don't qualify for Medicaid or other insurance assistance. This program helps to give them peace of mind when it comes to a disease that women often fear the most: Cancer.

Many hardworking women would like to be responsible and get preventive screenings. But, as we all know, it is very expensive to do so without insurance. And it is even more expensive for all of us if these women go without screening and an undiagnosed cancer is allowed to progress.

The early detection programs in our States and districts provide free and low-cost screenings, medical referrals, and education for women who may not otherwise have access to preventive tests. It is literally a lifesaver for women across the country, because breast cancer is still the most common cancer among women, and cervical cancer is very preventable. Thankfully, we continue to make strides against these diseases.

Millions of women have been screened; and at CDC's last count, they state the program has detected almost 30,000 breast cancers and over 1,700 cervical cancers.

As a breast cancer survivor, I know how scary it is to hear those words, "You have cancer." I can't even imagine what it would be like to be told, "But I'm sorry, I can't help."

That is why a few years ago I introduced a bill that would allow State Medicaid programs to cover treatment costs for women who are screened through the program; and it passed the House with only one "no" vote in May, 2000. And of course 50 States do cover the treatment cost as well.

We all know prevention is the most cost-effective way to fight the war on cancer, and this screening program saves money by detecting those cancers early and steering women towards treatment options.

It is also, unfortunately, estimated that less than 20 percent of the eligible women in the country are served by the program; and so the bill today provides for enhanced preventive efforts and includes a structured limited waiver demonstration project through the Department of Health and Human Services to improve flexibility.

States that can prove that they can increase the number of women served may apply to use the higher percentage of their Federal funding for outreach, education, medical training and other services. So, hopefully, some of the most vulnerable women will be reached.

States must meet a series of requirements in order to apply for the waiver to ensure that the Federal dollars are spent as efficiently as possible.

Grantees across the country have effectively leveraged the private dollars with the Federal money they receive; and, as others have acknowledged, I am grateful, too, to Susan G. Komen and the American Cancer Society and other groups for their dedication to the screening program.

I am glad that this bill is on the House floor today; and I would like to thank the bill's sponsor, Representative TAMMY BALDWIN, for her hard work on this legislation. I would also like to thank Chairman DINGELL and Ranking Member BARTON for their prompt consideration of this bill. I urge my colleagues to join me in supporting H.R. 1132.

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Mr. PALLONE. Mr. Speaker, I yield 3 minutes to the gentlewoman from Connecticut (Ms. DELAURO), a champion on this issue.

Ms. DELAURO. Mr. Speaker, I rise in support of the National Breast and Cervical Cancer Early Detection Program and its reauthorization. I commend the congresswomen who have spoken tonight, Mrs. MYRICK and Ms. BALDWIN, for their dedication to this important program and for their work to ensure its continued success.

Cancer is a disease that affects almost all Americans in one way or another. It is as indiscriminate a disease as you can find. It does not care about your age, your family, your sex, your race, your religion.

It reminds us that we are human and we are vulnerable. But as every survivor knows, it brings out our resilience, our strength, and it makes us value and really savor every moment of our lives afterward, and I can say that as a survivor of ovarian cancer.

It has also taught us just how critical early detection can be; and when detected at its earliest stages, the 5-year survival rate for breast cancer is nearly 98 percent. When detected at its earliest stages, the 5-year survival rate for cervical cancer is more than 92 percent. However, many women have limited access to life-saving early cancer detection.

So in 1990, Congress created a National Breast and Cervical Cancer Early Detection Program, and I was proud to be part of that effort. It provides access to critical breast and cervical cancer screening services for underserved women in the United States, especially those at high risk for breast cancer, including minority women and women with a family history of breast cancer.

Since its launch, the program has served more than 2.9 million women, and it has provided more than 6.9 million screening examinations and diagnosed more than 29,000 breast cancers; 94,000 precursor cervical lesions; and 1,800 cervical cancers. Any way you look at it, these numbers represent incredible success, and they translate into lives saved.

We have made tremendous progress in the fight against cancer, but there is no doubt we have a long way still to go. Today, the National Breast and Cervical Cancer Early Detection Program reaches only 20 percent of eligible women. We need to work together to make sure that all women can take advantage of the medical advances we have seen, so that everyone has a fighting chance of beating this disease.

That is why this legislation is so important. It provides this critical and proven program with the resources for 147,000 more screenings per year. Through a five-State demonstration project it extends assistance to rural communities and special populations, providing an emphasis on education and on outreach, while ensuring that women continue to have access to life-saving screening services.

Reauthorization is critical. We know that more challenges lie ahead, and so we must keep up the drumbeat. Outreach, education, screenings: these make early detection possible. They make beating cancer possible. They are powerful tools that give us real hope.

We do a lot of things in this institution. We deal with roads, bridges, any number of parks. This is life and death.

Mr. BURGESS. Mr. Speaker, I yield 4 minutes to the distinguished gentleman from Indiana (Mr. BURTON).

Mr. BURTON of Indiana. Mr. Speaker, I thank the gentleman for yielding.

I want to thank SUE MYRICK who has worked on this for such a long time, along with the gentlewoman from Wisconsin for sponsoring this bill. It really is so important for people to be screened early.

I do not think there is a family in the United States that has not been touched by some form of cancer; and if you catch it early, the life expectancy can be extended a great deal of time, and in many cases, it can be cured.

We had a personal experience in my family. In fact, I lost my first wife to cancer, and I think in part it was because there was not early detection of that cancer. So one of the things that I think is most important is that women and men get screened for various forms of cancer. There is prostate cancer in men. There is cervical cancer for women. There is ovarian cancer. There is breast cancer. There needs to be early screening.

That is one of the reasons why DARRELL ISSA and I cosponsored Jo-Anna's Law to make doctors and patients aware of the signs of cervical cancer very, very early so that women can be saved from terminally being ill. It is so important that they learn about these things before they get out of hand.

I cannot express enough and I think SUE will tell you this, I cannot express enough the pain that a family goes through when they find out that one of their loved ones is terminally ill and it could have been prevented if you had found out about it early enough. That is why I think this is such a great program.

I am glad this reauthorization is taking place, and I thank SUE once again for working so hard on this. I want to thank the gentlewoman from Wisconsin for working so hard on this. I thank you for yielding the time, and I would just urge anybody who is paying attention to this discussion tonight, and a lot of people are not, get detection early. Get screened early. It will save your life. It will save your family a lot of heartache if you learn about these things before it is too late.

I thank the gentleman for yielding.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY), a member of our Health Subcommittee.

Ms. HOOLEY. Mr. Speaker, I thank the gentleman from New Jersey for yielding and for all the work that he has done on this. I also thank Ms. BALDWIN and Mrs. MYRICK for all of their hard work and their commitment to this.

The National Breast and Cervical Cancer Early Detection Program is vital to help promote the well-being of low-income and uninsured women throughout the country. The 5.8 million screening examinations provided under the program have saved lives. More than 22,000 women were diagnosed with breast cancer and over 1,500 with cervical cancer through the program's screening.

Early detection of breast and cervical cancer can mean the difference between life or death. For breast cancer, the 5-year survival rate is 95 percent when caught early. Given what we know about the importance of early detection, I believe it is critical to provide this screening assistance to low-income or uninsured women.

I am also pleased that this reauthorization gives more flexibility to rural communities as they try to use these funds. The situation is so different in rural communities. Their outreach has to be different, and the fact that this bill acknowledges that, I am very pleased about it.

This is an important, life-saving measure. It needs all of our support, and I thank the gentleman for the time.

Mr. BURGESS. Mr. Speaker, the gentlewoman from Oregon is indeed correct: this is important, life-saving legislation. Early detection expands the treatment options available to women who are afflicted with this disease.

With that, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

I just wanted to mention, Mr. Speaker, that screening for, and early detection of, breast and cervical cancer reduces death rates and greatly improves cancer patients' survival. Sadly, there is a low rate of screening among women of certain racial and ethnic minorities and among under- or uninsured women, which creates disparities in health outcomes.

Since 1991, this program has served more than 2.5 million women nationwide, provided more than 5.8 million screening examinations, and diagnosed more than 22,000 breast cancers, 76,000 precursor cervical lesions, and 1,500 cervical cancers.

This bill reauthorizes a program vital to the health and well-being of women nationwide. I just want to thank again Representatives BALDWIN and MYRICK for their hard work on this legislation and urge my colleagues to support H.R. 1132.

Mr. HIGGINS. Mr. Speaker, today I rise in support of H.R. 1132.

Today in our country, millions of families are faced with the agonizing emotional and financial stress caused by a loved one who has cancer. In fact, every year cancer claims the lives of hundreds of thousands of Americans, making it our country's second leading cause of death. The financial costs of cancer on our society are also enormous, and it has been estimated by the Centers for Disease Control and Prevention that, in 2006 alone, the cost of cancer was an astonishing $206 billion dollars. This Congress must do more to accelerate the pace of cancer research, and to help alleviate the immense suffering of so many of our citizens.

This bill is a small step that could have a significant impact on the lives of many women across our country. Every year, too many women fail to receive crucial preventative screenings because they do not have the means to see a doctor. Along with a good knowledge of their family's medical history, these screenings are the best indicators by which many women can determine whether they are at risk for common cancers. By providing easy access to these screenings, this bill would allow women to determine whether they are at risk for cancer, allow them to detect any problems early, and prevent any cancer from spreading, if it has already developed.

We already know that prevention is a key factor to stopping the spread of cancer. Mr. Speaker, I urge my colleagues to recognize this reality and support this legislation because it would provide a crucial tool by which many women across our country could take control over their health and prevent the spread of cancer.

Ms. BORDALLO. Mr. Speaker, I rise today in strong support of H.R. 1132, the National Breast and Cervical Cancer Early Detection Program Reauthorization Act of 2007. This legislation will further the work of this important program within the Centers for Disease Control and Prevention (CDC). The National Breast and Cervical Cancer Early Detection Program (NBCCEDP) is a federally-funded initiative that provides access to breast and cervical cancer early detection services to low-income and underserved women.

Breast cancer is the second leading cause of cancer-related death among American women. Sadly, one in every eight American women—an estimated 200,000 women this year alone—will be diagnosed with breast cancer according to the Susan G. Komen Breast Cancer Foundation. The American Cancer Society reports in "Breast Cancer Facts and Figures 2005–2006" that 40,410 women lost their fights with breast cancer last year. In 2007, the American Cancer Society estimates that 11,150 cases of cervical cancer will be diagnosed and about 3,670 women will lose the battle with cervical cancer this year alone. More must be done to provide access to early detection programs that have the potential to greatly reduce these staggering numbers.

The NBCCEDP provides breast examinations, mammograms, pap smears, and a number of other services to women who fall at or below 250 percent of the Federal poverty level. To date, this successful program has served nearly three million women and diagnosed more than 29,000 breast cancers and 1,800 cervical cancers. Access to early detection medical services is an important step in battling breast and cervical cancers.

As the Chair of the Congressional Asian Pacific American Caucus' Health Task Force, I am acutely aware of the high rates of cancer infections present in the Asian and Pacific Islander American communities. For instance, breast cancer is also the leading cause of cancer death for Filipino-American women, and cervical cancer strikes Vietnamese American women five times more often than Caucasian women, according to the Asian and Pacific Islander American Health Forum. I am also all too aware of the disparities that exist for and the challenges that must be overcome by women from minority communities in order to gain access to screening and diagnostic services for breast and cervical cancer. The CDC reports that the number of new breast cancer diagnoses over the last ten years has remained stable or decreased significantly within ethnic groups other than Asian and Pacific Islander American. The prevalence of breast cancer diagnoses in the Asian and Pacific Islander American, however, has increased during the last 10 years.

On Guam, we have a shortage of oncology-related services. There is no radiology treatment center on Guam. Our only oncologist recently left the island. Cancer early detection is an even higher priority for the people of Guam in light of the challenges we face each day toward gaining better access to cancer diagnosis for those who may be at risk, better treatment for those battling the disease, and better long-term care for those who are survivors.

As someone who knows firsthand the impact that breast and cervical cancer can have on a family, I urge my colleagues to support this important legislation and ensure that we make early detection and diagnosis of breast and cervical cancer a national priority.

Ms. WOOLSEY. Mr. Speaker, I rise in support of this legislation. Breast cancer is the second leading cause of cancer death among women and the leading cause of cancer death among women under the age of 40. Early detection and education are key to winning this battle. It is imperative that we reauthorize the National Breast and Cervical Cancer Early Detection Act, H.R. 1132, so that all women are given access to free and low-cost breast and cervical screenings. No woman should be denied these life-saving screenings simply because they cannot afford them. Further, all women should be made aware of the benefits of each screening and the risks of these cancers through public education programs.

This issue is very important within my District of Marin and Sonoma Counties in California, and especially so in Marin County because it has the highest rate of breast cancer in the country. Among white women, aged 45 to 64, the breast cancer rate in Marin has increased 72 percent in the last decade. Marin County's rates are approximately 40 percent higher than the national average and about 30 percent higher than the rest of the Bay Area. This is why early detection and education in women of all ages is so important.

In addition to this important legislation, we need to do more to prevent breast cancer deaths in women under the age of 40. Approximately 11,000 women under the age of 40 will be diagnosed with breast cancer this year, of which nearly 1,300 will die. That's why I introduced the Annie Fox Act, H.R. 715, named after a young woman in my district who was diagnosed with breast cancer and died at the age of 35. This bill will authorize research into the causes of breast cancer in younger woman and educate them about the risks of breast cancer.

It is important that we not only continue to fund preventative screenings, education and research for women over the ages of 45, but that we also do so for our younger women so that they may live long, healthy lives.

I applaud the passage of this important legislation and look forward to working with my colleagues to pass H.R. 715, the Annie Fox Act.

Ms. McCOLLUM of Minnesota. Mr. Speaker, I rise today in strong support of the National Breast and Cervical Cancer Early Detection Program Reauthorization Act.

Increasing access to cancer screening for women at risk is an essential part of preventing deaths from breast and cervical cancers. However, unfortunately, women with fewer resources and women of color, who are disproportionately uninsured or underinsured, are significantly less likely to have access to preventative screenings such as mammograms and Pap tests.

I am proud to be a cosponsor of H.R. 1132, which reauthorizes the National Breast and Cervical Cancer Early Detection Program, NBCCEDP, to improve access to screening and diagnostic services for breast and cervical cancers among underserved women. It also authorizes increased funding for this lifesaving program.

Since it was created in 1991, NBCCEDP has provided breast and cervical cancer screening services to more than 2.9 million uninsured and underinsured women. It has diagnosed more than 29,000 breast cancers, 94,000 precursor cervical lesions, and 1,800 cervical cancers. H.R. 1132 renews our commitment to saving women's lives through screening and early detection of breast and cervical cancers.

Ensuring that all women have access to these vital health services must be a priority. I urge my colleagues to join me in supporting this bill.

Mr. PALLONE. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 1132, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

TRAUMA CARE SYSTEMS PLANNING AND DEVELOPMENT ACT OF 2007

Mr. GENE GREEN of Texas. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 727) to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 727

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Trauma Care Systems Planning and Development Act of 2007".

SEC. 2. ESTABLISHMENT.

Section 1201 of the Public Health Service Act (42 U.S.C. 300d) is amended to read as follows:

"SEC. 1201. ESTABLISHMENT.

"(a) IN GENERAL.—The Secretary shall, with respect to trauma care—

"(1) conduct and support research, training, evaluations, and demonstration projects;

"(2) foster the development of appropriate, modern systems of such care through the sharing of information among agencies and individuals involved in the study and provision of such care;

"(3) collect, compile, and disseminate information on the achievements of, and problems experienced by, State and local agencies and private entities in providing trauma care and emergency medical services and, in so doing, give special consideration to the unique needs of rural areas;

"(4) provide to State and local agencies technical assistance to enhance each State's capability to develop, implement, and sustain the trauma care component of each State's plan for the provision of emergency medical services;

"(5) sponsor workshops and conferences; and

"(6) promote the collection and categorization of trauma data in a consistent and standardized manner.

"(b) GRANTS, COOPERATIVE AGREEMENTS, AND CONTRACTS.—The Secretary may make grants, and enter into cooperative agreements and contracts, for the purpose of carrying out subsection (a).".

SEC. 3. CLEARINGHOUSE ON TRAUMA CARE AND EMERGENCY MEDICAL SERVICES.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended—

(1) by striking section 1202; and

(2) by redesignating section 1203 as section 1202.

SEC. 4. ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.

Section 1202 of the Public Health Service Act, as redesignated by section 3(2), is amended to read as follows:

"SEC. 1202. ESTABLISHMENT OF PROGRAMS FOR IMPROVING TRAUMA CARE IN RURAL AREAS.

"(a) IN GENERAL.—The Secretary may make grants to public and nonprofit private entities for the purpose of carrying out research and demonstration projects with respect to improving the availability and quality of emergency medical services in rural areas—

"(1) by developing innovative uses of communications technologies and the use of new communications technology;

"(2) by developing model curricula, such as advanced trauma life support, for training emergency medical services personnel, including first responders, emergency medical technicians, emergency nurses and physicians, and paramedics—

"(A) in the assessment, stabilization, treatment, preparation for transport, and resuscitation of seriously injured patients, with special attention to problems that arise during long transports and to methods of minimizing delays in transport to the appropriate facility; and

"(B) in the management of the operation of the emergency medical services system;

"(3) by making training for original certification, and continuing education, in the provision and management of emergency medical services more accessible to emergency medical personnel in rural areas through telecommunications, home studies, providing teachers and training at locations accessible to such personnel, and other methods;

"(4) by developing innovative protocols and agreements to increase access to prehospital care and equipment necessary for the transportation of seriously injured patients to the appropriate facilities;

"(5) by evaluating the effectiveness of protocols with respect to emergency medical services and systems; and

"(6) by increasing communication and coordination with State trauma systems.

"(b) SPECIAL CONSIDERATION FOR CERTAIN RURAL AREAS.—In making grants under subsection (a), the Secretary shall give special consideration to any applicant for the grant that will provide services under the grant in any rural area identified by a State under section 1214(d)(1).

"(c) REQUIREMENT OF APPLICATION.—The Secretary may not make a grant under subsection

(a) unless an application for the grant is submitted to the Secretary and the application is in such form, is made in such manner, and contains such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.''.

SEC. 5. COMPETITIVE GRANTS.

Part A of title XII of the Public Health Service Act, as amended by section 3, is amended by adding at the end the following:

"SEC. 1203. COMPETITIVE GRANTS FOR THE IMPROVEMENT OF TRAUMA CARE.

''(a) In General.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to States, political subdivisions, or consortia of States or political subdivisions for the purpose of improving access to and enhancing the development of trauma care systems.

''(b) Use of Funds.—The Secretary may make a grant under this section only if the applicant agrees to use the grant—

''(1) to integrate and broaden the reach of a trauma care system, such as by developing innovative protocols to increase access to prehospital care;

''(2) to strengthen, develop, and improve an existing trauma care system;

''(3) to expand communications between the trauma care system and emergency medical services through improved equipment or a telemedicine system;

''(4) to improve data collection and retention; or

''(5) to increase education, training, and technical assistance opportunities, such as training and continuing education in the management of emergency medical services accessible to emergency medical personnel in rural areas through telehealth, home studies, and other methods.

''(c) Preference.—In selecting among States, political subdivisions, and consortia of States or political subdivisions for purposes of making grants under this section, the Secretary shall give preference to applicants that—

''(1) have developed a process, using national standards, for designating trauma centers;

''(2) recognize protocols for the delivery of seriously injured patients to trauma centers;

''(3) implement a process for evaluating the performance of the trauma system; and

''(4) agree to participate in information systems described in section 1202 by collecting, providing, and sharing information.

''(d) Priority.—In making grants under this section, the Secretary shall give priority to applicants that will use the grants to focus on improving access to trauma care systems.

''(e) Special Consideration.—In awarding grants under this section, the Secretary shall give special consideration to projects that demonstrate strong State or local support, including availability of non-Federal contributions.''.

SEC. 6. REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.

Section 1212 of the Public Health Service Act (42 U.S.C. 300d–12) is amended to read as follows:

"SEC. 1212. REQUIREMENT OF MATCHING FUNDS FOR FISCAL YEARS SUBSEQUENT TO FIRST FISCAL YEAR OF PAYMENTS.

''(a) Non-Federal Contributions.—

''(1) In General.—The Secretary may not make payments under section 1211(a) unless the State involved agrees, with respect to the costs described in paragraph (2), to make available non-Federal contributions (in cash or in kind under subsection (b)(1)) toward such costs in an amount that—

''(A) for the second and third fiscal years of such payments to the State, is not less than $1 for each $1 of Federal funds provided in such payments for such fiscal years; and

''(B) for the fourth and subsequent fiscal years of such payments to the State, is not less than $2 for each $1 of Federal funds provided in such payments for such fiscal years.

''(2) Program Costs.—The costs referred to in paragraph (1) are—

''(A) the costs to be incurred by the State in carrying out the purpose described in section 1211(b); or

''(B) the costs of improving the quality and availability of emergency medical services in rural areas of the State.

''(3) Initial Year of Payments.—The Secretary may not require a State to make non-Federal contributions as a condition of receiving payments under section 1211(a) for the first fiscal year of such payments to the State.

''(b) Determination of Amount of Non-Federal Contribution.—With respect to compliance with subsection (a) as a condition of receiving payments under section 1211(a)—

''(1) a State may make the non-Federal contributions required in such subsection in cash or in kind, fairly evaluated, including plant, equipment, or services; and

''(2) the Secretary may not, in making a determination of the amount of non-Federal contributions, include amounts provided by the Federal Government or services assisted or subsidized to any significant extent by the Federal Government.''.

SEC. 7. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.

Section 1213 of the Public Health Service Act (42 U.S.C. 300d–13) is amended to read as follows:

"SEC. 1213. REQUIREMENTS WITH RESPECT TO CARRYING OUT PURPOSE OF ALLOTMENTS.

''(a) Trauma Care Modifications to State Plan for Emergency Medical Services.—With respect to the trauma care component of a State plan for the provision of emergency medical services, the modifications referred to in section 1211(b) are such modifications to the State plan as may be necessary for the State involved to ensure that the plan provides for access to the highest possible quality of trauma care, and that the plan—

''(1) specifies that the modifications required pursuant to paragraphs (2) through (11) will be implemented by the principal State agency with respect to emergency medical services or by the designee of such agency;

''(2) specifies a public or private entity that will designate trauma care regions and trauma centers in the State;

''(3) subject to subsection (b), contains national standards and requirements of the American College of Surgeons or another appropriate entity for the designation of level I and level II trauma centers, and in the case of rural areas level III trauma centers (including trauma centers with specified capabilities and expertise in the care of pediatric trauma patients), by such entity, including standards and requirements for—

''(A) the number and types of trauma patients for whom such centers must provide care in order to ensure that such centers will have sufficient experience and expertise to be able to provide quality care for victims of injury;

''(B) the resources and equipment needed by such centers; and

''(C) the availability of rehabilitation services for trauma patients;

''(4) contains standards and requirements for the implementation of regional trauma care systems, including standards and guidelines (consistent with the provisions of section 1867 of the Social Security Act) for medically directed triage and transportation of trauma patients (including patients injured in rural areas) prior to care in designated trauma centers;

''(5) subject to subsection (b), contains national standards and requirements, including those of the American Academy of Pediatrics and the American College of Emergency Physicians, for medically directed triage and transport of severely injured children to designated trauma centers with specified capabilities and expertise in the care of pediatric trauma patients;

''(6) utilizes a program with procedures for the evaluation of designated trauma centers (including trauma centers described in paragraph (5)) and trauma care systems;

''(7) provides for the establishment and collection of data in accordance with data collection requirements developed in consultation with surgical, medical, and nursing specialty groups, State and local emergency medical services directors, and other trained professionals in trauma care, from each designated trauma center in the State of a central data reporting and analysis system—

''(A) to identify the number of severely injured trauma patients and the number of deaths from trauma within trauma care systems in the State;

''(B) to identify the cause of the injury and any factors contributing to the injury;

''(C) to identify the nature and severity of the injury;

''(D) to monitor trauma patient care (including prehospital care) in each designated trauma center within regional trauma care systems in the State (including relevant emergency-department discharges and rehabilitation information) for the purpose of evaluating the diagnosis, treatment, and treatment outcome of such trauma patients;

''(E) to identify the total amount of uncompensated trauma care expenditures for each fiscal year by each designated trauma center in the State; and

''(F) to identify patients transferred within a regional trauma system, including reasons for such transfer and the outcomes of such patients;

''(8) provides for the use of procedures by paramedics and emergency medical technicians to assess the severity of the injuries incurred by trauma patients;

''(9) provides for appropriate transportation and transfer policies to ensure the delivery of patients to designated trauma centers and other facilities within and outside of the jurisdiction of such system, including policies to ensure that only individuals appropriately identified as trauma patients are transferred to designated trauma centers, and to provide periodic reviews of the transfers and the auditing of such transfers that are determined to be appropriate;

''(10) conducts public education activities concerning injury prevention and obtaining access to trauma care;

''(11) coordinates planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning; and

''(12) with respect to the requirements established in this subsection, provides for coordination and cooperation between the State and any other State with which the State shares any standard metropolitan statistical area.

''(b) Certain Standards With Respect to Trauma Care Centers and Systems.—

''(1) In General.—The Secretary may not make payments under section 1211(a) for a fiscal year unless the State involved agrees that, in carrying out paragraphs (3) through (5) of subsection (a), the State will adopt standards for the designation of trauma centers, and for triage, transfer, and transportation policies, and that the State will, in adopting such standards—

''(A) take into account national standards that outline resources for optimal care of injured patients;

"(B) consult with medical, surgical, and nursing speciality groups, hospital associations, emergency medical services State and local directors, concerned advocates, and other interested parties;

"(C) conduct hearings on the proposed standards after providing adequate notice to the public concerning such hearing; and

"(D) beginning in fiscal year 2008, take into account the model plan described in subsection (c).

"(2) QUALITY OF TRAUMA CARE.—The highest quality of trauma care shall be the primary goal of State standards adopted under this subsection.

"(3) APPROVAL BY THE SECRETARY.—The Secretary may not make payments under section 1211(a) to a State if the Secretary determines that—

"(A) in the case of payments for fiscal year 2008 and subsequent fiscal years, the State has not taken into account national standards, including those of the American College of Surgeons, the American College of Emergency Physicians, and the American Academy of Pediatrics, in adopting standards under this subsection; or

"(B) in the case of payments for fiscal year 2008 and subsequent fiscal years, the State has not, in adopting such standards, taken into account the model plan developed under subsection (c).

"(c) Model Trauma Care Plan.—

"(1) In general.—Not later than 1 year after the date of the enactment of the Trauma Care Systems Planning and Development Act of 2007, the Secretary shall update the model plan for the designation of trauma centers and for triage, transfer, and transportation policies that may be adopted for guidance by the State. Such plan shall—

"(A) take into account national standards, including those of the American College of Surgeons, American College of Emergency Physicians, and the American Academy of Pediatrics;

"(B) take into account existing State plans;

"(C) be developed in consultation with medical, surgical, and nursing speciality groups, hospital associations, emergency medical services State directors and associations, and other interested parties; and

"(D) include standards for the designation of rural health facilities and hospitals best able to receive, stabilize, and transfer trauma patients to the nearest appropriate designated trauma center, and for triage, transfer, and transportation policies as they relate to rural areas.

"(2) Applicability.—Standards described in paragraph (1)(D) shall be applicable to all rural areas in the State, including both non-metropolitan areas and frontier areas that have populations of less than 6,000 per square mile.

"(d) Rule of Construction With Respect to Number of Designated Trauma Centers.—With respect to compliance with subsection (a) as a condition of the receipt of a grant under section 1211(a), such subsection may not be construed to specify the number of trauma care centers designated pursuant to such subsection.".

SEC. 8. REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.

Section 1214 of the Public Health Service Act (42 U.S.C. 300d–14) is amended to read as follows:

"SEC. 1214. REQUIREMENT OF SUBMISSION TO SECRETARY OF TRAUMA PLAN AND CERTAIN INFORMATION.

"(a) In General.—For each fiscal year, the Secretary may not make payments to a State under section 1211(a) unless, subject to subsection (b), the State submits to the Secretary the trauma care component of the State plan for the provision of emergency medical services, including any changes to the trauma care component and any plans to address deficiencies in the trauma care component.

"(b) Interim Plan or Description of Efforts.—For each fiscal year, if a State has not completed the trauma care component of the State plan described in subsection (a), the State may provide, in lieu of such completed component, an interim component or a description of efforts made toward the completion of the component.

"(c) Information Received by State Reporting and Analysis System.—The Secretary may not make payments to a State under section 1211(a) unless the State agrees that the State will, not less than once each year, provide to the Secretary the information received by the State pursuant to section 1213(a)(7).

"(d) Availability of Emergency Medical Services in Rural Areas.—The Secretary may not make payments to a State under section 1211(a) unless—

"(1) the State identifies any rural area in the State for which—

"(A) there is no system of access to emergency medical services through the telephone number 911;

"(B) there is no basic life-support system; or

"(C) there is no advanced life-support system; and

"(2) the State submits to the Secretary a list of rural areas identified pursuant to paragraph (1) or, if there are no such areas, a statement that there are no such areas.".

SEC. 9. RESTRICTIONS ON USE OF PAYMENTS.

Section 1215 of the Public Health Service Act (42 U.S.C. 300d–15) is amended to read as follows:

"SEC. 1215. RESTRICTIONS ON USE OF PAYMENTS.

"(a) In General.—The Secretary may not, except as provided in subsection (b), make payments under section 1211(a) for a fiscal year unless the State involved agrees that the payments will not be expended—

"(1) for any purpose other than developing, implementing, and monitoring the modifications required by section 1211(b) to be made to the State plan for the provision of emergency medical services;

"(2) to make cash payments to intended recipients of services provided pursuant to this section;

"(3) to purchase or improve real property (other than minor remodeling of existing improvements to real property);

"(4) to satisfy any requirement for the expenditure of non-Federal funds as a condition for the receipt of Federal funds; or

"(5) to provide financial assistance to any entity other than a public or nonprofit private entity.

"(b) Waiver.—The Secretary may waive a restriction under subsection (a) only if the Secretary determines that the activities outlined by the State plan submitted under section 1214(a) by the State involved cannot otherwise be carried out.".

SEC. 10. REQUIREMENTS OF REPORTS BY STATES.

The Public Health Service Act (42 U.S.C. 201 et seq.) is amended by striking section 1216.

SEC. 11. REPORT BY SECRETARY.

Section 1222 of the Public Health Service Act (42 U.S.C. 300d–22) is amended to read as follows:

"SEC. 1222. REPORT BY SECRETARY.

"Not later than October 1, 2008, the Secretary shall report to the appropriate committees of Congress on the activities of the States carried out pursuant to section 1211. Such report shall include an assessment of the extent to which Federal and State efforts to develop systems of trauma care and to designate trauma centers have reduced the incidence of mortality, and the incidence of permanent disability, resulting from trauma. Such report may include any recommendations of the Secretary for appropriate administrative and legislative initiatives with respect to trauma care.".

SEC. 12. FUNDING.

Section 1232 of the Public Health Service Act (42 U.S.C. 300d–32) is amended to read as follows:

"SEC. 1232. FUNDING.

"(a) AUTHORIZATION OF APPROPRIATIONS:—For the purpose of carrying out parts A and B, subject to subsections (b) and (c), there are authorized to be appropriated $12,000,000 for fiscal year 2008, $10,000,000 for fiscal year 2009, and $8,000,000 for each of the fiscal years 2010 through 2012.

"(b) Reservation of Funds.—If the amount appropriated under subsection (a) for a fiscal year is equal to or less than $1,000,000, such appropriation is available only for the purpose of carrying out part A. If the amount so appropriated is greater than $1,000,000, 50 percent of such appropriation shall be made available for the purpose of carrying out part A and 50 percent shall be made available for the purpose of carrying out part B.

"(c) Allocation of Part A Funds.—Of the amounts appropriated under subsection (a) for a fiscal year to carry out part A—

"(1) 10 percent of such amounts for such year shall be allocated for administrative purposes; and

"(2) 10 percent of such amounts for such year shall be allocated for the purpose of carrying out section 1202.".

SEC. 13. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

"SEC. 1251. RESIDENCY TRAINING PROGRAMS IN EMERGENCY MEDICINE.

"(a) In General.—The Secretary may make grants to public and nonprofit private entities for the purpose of planning and developing approved residency training programs in emergency medicine.

"(b) Identification and Referral of Domestic Violence.—The Secretary may make a grant under subsection (a) only if the applicant involved agrees that the training programs under subsection (a) will provide education and training in identifying and referring cases of domestic violence.

"(c) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there is authorized to be appropriated $400,000 for each of the fiscal years 2008 though 2012.".

SEC. 14. STATE GRANTS FOR CERTAIN PROJECTS.

*Section 1252 of the Public Health Service Act (42 U.S.C. 300d–52) is amended in the section heading by striking "**demonstration**".*

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. GENE GREEN) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from Texas (Mr. GENE GREEN).

GENERAL LEAVE

Mr. GENE GREEN of Texas. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. GENE GREEN of Texas. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 727, legislation to reauthorize the Trauma Systems Planning and Development Act. This program, under the Public Health Service Act, was first authorized in 1990 to improve and coordinate trauma care in our country.

Since then, this program has provided $30 million to States to establish state-wide and regional trauma systems. Injury related to trauma is the leading cause of death for younger Americans, ages 1 through 44. Trauma also causes more than 300,000 permanent disabilities each year.

For seriously injured individuals, the first hour after an injury is when medical care is most effective in saving lives and function. This hour is also often referred to as the "golden hour," during which trauma and emergency systems must respond both quickly and efficiently.

This golden hour is also the goal that our military has for getting medical attention to our soldiers injured on the battlefield. The military has an impressive, streamlined trauma system that my colleagues Dr. BURGESS; our ranking member at that time, Congressman DEAL from Georgia; and our late colleague Dr. Norwood from Georgia and I marveled at during our trip last summer to Iraq, where we toured the military's trauma facilities in Balad.

Unfortunately, the military's trauma system is not replicated in civilian health care, and too many Americans do not benefit from trauma systems that facilitate medical intervention during this critical time frame.

While the death rate from trauma is 50 percent higher in rural areas than in urban locations, trauma affects each corner of this country. In fact, nearly 25 percent of all Americans sustain injuries each year that require medical attention. Yet without coordinated trauma systems and quick access to care, injuries are too often fatal.

In Houston, we learned this lesson the hard way when the lack of trauma coordination forced a young man to wait more than 4 hours to receive care after he was hit by a car on Halloween night in 2001. With serious head, chest and leg injuries, this patient was clearly medically unstable and should have received immediate care at one of Houston's two level-one trauma centers. But with the trauma centers increasingly on diversion, this young man was transported to Austin where he died the next day.

It was clear that we needed better trauma systems in the Houston area, and we quickly learned that the problem was felt throughout our Nation. We also learned that the effective trauma systems would help prevent nearly 25,000 deaths each year.

As a response, we developed this legislation to build on the program's initial success since 1990, and we authorized it through 2012.

This bill includes changes to the program to ensure that scarce health care dollars go to the communities most in need, ensuring that Federal funds are utilized to strengthen trauma systems and improve communication and coordination among different trauma systems.

It specifically ensures that grants go to States that coordinate planning for trauma systems with State disaster emergency planning and bioterrorism hospital preparedness planning.

In addition, this legislation would require the Secretary to update the model plan for the designation of trauma centers and set triage, transfer, and transportation policies.

The legislation also reauthorizes the Residency Training Program in Emergency Medicine in an effort to ensure an adequate level of ER physicians to treat patients in need of care from America's trauma centers.

I would like to thank Mr. BURGESS from Texas for his leadership on this legislation and for helping to craft the compromise before us today.

I would also like to thank Chairman DINGELL and our Health Subcommittee Chairman PALLONE for their interest in this issue. We have been working on this bill for 5 years.

Until now, this important issue failed to receive the attention it deserved, so I appreciate my chairman including this bill on our first markup in this Congress.

I also appreciate the hard work that John Ford, William Garner and Pete Goodloe of the committee staff put in to guide this bill through the committee to ensure that we have a consensus product to approve today, and also my own staff who has worked on this for at least 3 years.

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I also appreciate the support of the American College of Surgeons, the American Osteopathic Association, the American Academy of Pediatrics, the American Association of Neurological Surgeons, the American Trauma Society, the Coalition for American Trauma Care and the Emergency Nurses Association.

The members of these groups are on the front lines and know that coordinated trauma systems can literally save lives. We thank them for all they do for our communities.

I urge my colleagues to vote for this important legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, at this point, I yield such time as he may consume to the gentleman from Louisiana (Mr. BOUSTANY), who has intimate, firsthand knowledge of this issue.

Mr. BOUSTANY. I thank my colleague from Texas for yielding time to me.

Mr. Speaker, prior to coming to Congress, I was a practicing cardiovascular and thoracic surgeon with extensive experience in open heart surgery, as well as trauma surgery. But I want to speak about the importance of this bill not as a physician but as a parent of a son who was in a severe car accident.

About 6 years ago, I will never forget this, this was a Wednesday night, about 11:30 in the evening, and I received a phone call from the hospital from a friend of mine who is an emergency room physician who told me, was your son driving a black Alero? I said, what do you mean, "was"? He went on to say, "Well, I think he's going to be okay." He started to read off the litany of injuries that my son had.

So I immediately rushed over to the hospital, and I didn't think about it, but I happened to be on call for chest trauma that night, so I was worried that I might have to operate on my own son. I get to the hospital and found out that he was in the emergency room, sitting there for about 3 to 4 hours. He was in shock. There was no organization with regard to prioritization of his injuries.

I immediately jumped in and started kind of prioritizing things, and we managed to get him stabilized. He went through some extensive surgery that night. He subsequently had to be transferred to another hospital 180 miles away for further treatment of his extensive orthopedic injuries.

Because of lack of trauma coordination at that hospital, he developed severe malnutrition, lost about 50 pounds, had a lack of coordination with his antibiotics, developed infections, and spent nearly 6 or 7 weeks in the hospital, followed by about 3 to 4 to 5 months of further care to get him back to where he could walk with crutches. Thankfully now, today, he is doing well.

But if it wouldn't have been for my personal experience as a physician, overseeing the care of my son, he would not have gotten the appropriate care, and that is because we didn't have a coordinated trauma center.

Trauma cannot be fragmented. It requires a coordinated effort by a team of experts.

As was mentioned, the mortality rate from trauma is significantly higher in rural areas than it is in urban areas. There are nearly 20- to 25,000 trauma deaths each year that are preventable if we had the proper coordination.

We have learned much from the military. Much of trauma surgery has evolved from military activity and stream of the wounded afterwards. There have been tremendous advances, but this does not translate to civilian area, where we do not have trauma centers.

Clearly, this is a bill that is important, and I appreciate the committee for bringing this forward and the hard work that has been done.

This bill will ensure that severely injured patients get coordinated care, get care by experts, by a team of experts, not just in the emergency room and the operating room but in the aftermath, where it's so critical to full recovery and full rehabilitation.

This bill will award grants to the States for planning, implementing and developing trauma care systems. The Institute of Medicine has said the availability of Federal funds through the Trauma Care Systems and Planning Development Act appears to have helped increase the number of trauma centers and urged, in 1999, the reauthorization of the Trauma Care Act.

This bill is absolutely necessary. It's critical, and it also will serve to build a trauma registry, which is so important, so that we can catalog these injuries and learn from these things so that we can actually improve trauma care further in the civilian arena.

I urge my colleagues to support this bill. It's a superb bill. It's an excellent bill.

Mr. GENE GREEN of Texas. Mr. Speaker, we reserve the balance of our time.

Mr. BURGESS. Mr. Speaker, as we have just heard, this is an important bill. Trauma is one of the most expensive illnesses that we treat in this country. I am so pleased today to stand in support of H.R. 727, the Trauma Care Systems Planning and Development Act of 2007.

In 1990, the Trauma Care Systems Planning and Development Act created title XII of the Public Health Service Act. This program was borne out of a report in which it was found that severely injured individuals in a majority of both urban and rural areas of the United States were not receiving the benefit of trauma systems, despite considerable evidence that a trauma system would improve survival rates.

H.R. 727 requires the Health Resources and Services Administration to work with each State to help establish advanced trauma life support systems and to train EMS personnel for rural areas. Likewise, the program will help to make improvements in communication and coordination with the larger State trauma systems.

For Americans between the ages of 1 and 44, trauma is the leading cause of death. Traumatic injury in the United States, largely due to motor-related trauma, totals $260 billion in costs. By reauthorizing this program, we will achieve the goal of ensuring that all areas of the United States have appropriate emergency medical services.

As the legislation is structured, entities, either States or independent agencies, may compete for planning and development grants to help improve the trauma system and coordination in a given region. That is a distinct difference from the trauma bill that existed before.

This bill is an improvement over the previous authorization because it will allow both States and other political subdivisions to work cooperatively to improve trauma systems. This bill also represents a more realistic authorization that will essentially act as startup Federal funding for enhanced communication, enhanced coordination and data collection for States and other eligible grantees.

Certainly, I need to join my colleague from Texas in thanking Congressman BARTON and Congressman DINGELL for their hard work on this legislation. Mr. Speaker, this has been a work in process for some time.

My personal staff, Josh Martin, worked diligently on this bill last year. There were a number of issues with the other body which took some time to resolve, but happily they were resolved before the end of the year. We are now able to support H.R. 727 in this Congress, get the bill passed and get this coordination of service where it is so badly needed.

Mr. Speaker, I yield back the balance of my time.

Mr. GENE GREEN of Texas. Mr. Speaker, I urge passage of the bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. GENE GREEN) that the House suspend the rules and pass the bill, H.R. 727, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

STROKE TREATMENT AND ONGOING PREVENTION ACT

Mr. PALLONE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 477) to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 477

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stroke Treatment and Ongoing Prevention Act".

SEC. 2. AMENDMENTS TO PUBLIC HEALTH SERVICE ACT REGARDING STROKE PROGRAMS.

(a) STROKE EDUCATION AND INFORMATION PROGRAMS.—Title III of the Public Health Service Act (42 U.S.C. 241 et seq.) is amended by adding at the end the following:

"PART [R] *S—STROKE EDUCATION, INFORMATION, AND DATA COLLECTION PROGRAMS*

"SEC. [399AA] *399FF*. STROKE PREVENTION AND EDUCATION CAMPAIGN.

"(a) IN GENERAL.—The Secretary shall carry out an education and information campaign to promote stroke prevention and increase the number of stroke patients who seek immediate treatment.

"(b) AUTHORIZED ACTIVITIES.—In implementing the education and information campaign under subsection (a), the Secretary may—

"(1) make public service announcements about the warning signs of stroke and the importance of treating stroke as a medical emergency;

"(2) provide education regarding ways to prevent stroke and the effectiveness of stroke treatment; and

"(3) carry out other activities that the Secretary determines will promote prevention practices among the general public and increase the number of stroke patients who seek immediate care.

"(c) MEASUREMENTS.—In implementing the education and information campaign under subsection (a), the Secretary shall—

"(1) measure public awareness before the start of the campaign to provide baseline data that will be used to evaluate the effectiveness of the public awareness efforts;

"(2) establish quantitative benchmarks to measure the impact of the campaign over time; and

"(3) measure the impact of the campaign not less than once every 2 years or, if determined appropriate by the Secretary, at shorter intervals.

"(d) NO DUPLICATION OF EFFORT.—In carrying out this section, the Secretary shall avoid duplicating existing stroke education efforts by other Federal Government agencies.

"(e) CONSULTATION.—In carrying out this section, the Secretary may consult with organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

"SEC. [399BB] *399GG*. PAUL COVERDELL NATIONAL ACUTE STROKE REGISTRY AND CLEARINGHOUSE.

"The Secretary, acting through the Centers for Disease Control and Prevention, shall maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse by—

"(1) continuing to develop and collect specific data points and appropriate benchmarks for analyzing care of acute stroke patients;

"(2) collecting, compiling, and disseminating information on the achievements of, and problems experienced by, State and local agencies and private entities in developing and implementing emergency medical systems and hospital-based quality of care interventions; and

“(3) carrying out any other activities the Secretary determines to be useful to maintain the Paul Coverdell National Acute Stroke Registry and Clearinghouse to reflect the latest advances in all forms of stroke care.

“SEC. [399CC] *399HH.* STROKE DEFINITION.

“For purposes of this part, the term ‘stroke’ means a ‘brain attack’ in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

“SEC. [399DD] *399II.* AUTHORIZATION OF APPROPRIATIONS.

“There is authorized to be appropriated to carry out this part $5,000,000 for each of fiscal years 2008 through 2012.”.

(b) EMERGENCY MEDICAL PROFESSIONAL DEVELOPMENT.—Section 1251 of the Public Health Service Act (42 U.S.C. 300d–51) is amended to read as follows:

“SEC. 1251. MEDICAL PROFESSIONAL DEVELOPMENT IN ADVANCED STROKE AND TRAUMATIC INJURY TREATMENT AND PREVENTION.

“(a) RESIDENCY AND OTHER PROFESSIONAL TRAINING.—The Secretary may make grants to public and nonprofit entities for the purpose of planning, developing, and enhancing approved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical services professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment, and rehabilitation.

“(b) CONTINUING EDUCATION ON STROKE AND TRAUMATIC INJURY.—

“(1) GRANTS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, may make grants to qualified entities for the development and implementation of education programs for appropriate health care professionals in the use of newly developed diagnostic approaches, technologies, and therapies for health professionals involved in the prevention, diagnosis, treatment, and rehabilitation of stroke or traumatic injury.

“(2) DISTRIBUTION OF GRANTS.—In awarding grants under this subsection, the Secretary shall give preference to qualified entities that will train health care professionals that serve areas with a significant incidence of stroke or traumatic injuries.

“(3) APPLICATION.—A qualified entity desiring a grant under this subsection shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including a plan for the rigorous evaluation of activities carried out with amounts received under the grant.

“(4) DEFINITIONS.—For purposes of this subsection:

“(A) The term ‘qualified entity’ means a consortium of public and private entities, such as universities, academic medical centers, hospitals, and emergency medical systems that are coordinating education activities among providers serving in a variety of medical settings.

“(B) The term ‘stroke’ means a ‘brain attack’ in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

“(c) REPORT.—Not later than 1 year after the allocation of grants under this section, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report on the results of activities carried out with amounts received under this section.

“(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $4,000,000 for each of fiscal years 2008 through 2012. The Secretary shall equitably allocate the funds authorized to be appropriated under this section between efforts to address stroke and efforts to address traumatic injury.”.

SEC. 3. PILOT PROJECT ON TELEHEALTH STROKE TREATMENT.

(a) ESTABLISHMENT.—Part D of title III of the Public Health Service Act (42 U.S.C. 254b et seq.) is amended by inserting after section 330L the following:

“SEC. 330M. TELEHEALTH STROKE TREATMENT GRANT PROGRAM.

“(a) GRANTS.—The Secretary may make grants to States, and to consortia of public and private entities located in any State that is not a grantee under this section, to conduct a 5-year pilot project over the period of fiscal years 2008 through 2012 to improve stroke patient outcomes by coordinating health care delivery through telehealth networks.

“(b) ADMINISTRATION.—The Secretary shall administer this section through the Director of the Office for the Advancement of Telehealth.

“(c) CONSULTATION.—In carrying out this section, for the purpose of better coordinating program activities, the Secretary shall consult with—

“(1) officials responsible for other Federal programs involving stroke research and care, including such programs established by the Stroke Treatment and Ongoing Prevention Act; and

“(2) organizations and individuals with expertise in stroke prevention, diagnosis, treatment, and rehabilitation.

“(d) USE OF FUNDS.—

“(1) IN GENERAL.—The Secretary may not make a grant to a State or a consortium under this section unless the State or consortium agrees to use the grant for the purpose of—

“(A) identifying entities with expertise in the delivery of high-quality stroke prevention, diagnosis, treatment, and rehabilitation;

“(B) working with those entities to establish or improve telehealth networks to provide stroke treatment assistance and resources to health care professionals, hospitals, and other individuals and entities that serve stroke patients;

“(C) informing emergency medical systems of the location of entities identified under subparagraph (A) to facilitate the appropriate transport of individuals with stroke symptoms;

“(D) establishing networks to coordinate collaborative activities for stroke prevention, diagnosis, treatment, and rehabilitation;

“(E) improving access to high-quality stroke care, especially for populations with a shortage of stroke care specialists and populations with a high incidence of stroke; and

“(F) conducting ongoing performance and quality evaluations to identify collaborative activities that improve clinical outcomes for stroke patients.

“(2) ESTABLISHMENT OF CONSORTIUM.—The Secretary may not make a grant to a State under this section unless the State agrees to establish a consortium of public and private entities, including universities and academic medical centers, to carry out the activities described in paragraph (1).

“(3) PROHIBITION.—The Secretary may not make a grant under this section to a State that has an existing telehealth network that is or may be used for improving stroke prevention, diagnosis, treatment, and rehabilitation, or to a consortium located in such a State, unless the State or consortium agrees that—

“(A) the State or consortium will use an existing telehealth network to achieve the purpose of the grant; and

“(B) the State or consortium will not establish a separate network for such purpose.

“(e) PRIORITY.—In selecting grant recipients under this section, the Secretary shall give priority to any applicant that submits a plan demonstrating how the applicant, and where applicable the members of the consortium described in subsection (d)(2), will use the grant to improve access to high-quality stroke care for populations with shortages of stroke-care specialists and populations with a high incidence of stroke.

“(f) GRANT PERIOD.—The Secretary may not award a grant to a State or a consortium under this section for any period that—

“(1) is greater than 3 years; or

“(2) extends beyond the end of fiscal year 2012.

“(g) RESTRICTION ON NUMBER OF GRANTS.—In carrying out the 5-year pilot project under this section, the Secretary may not award more than 7 grants.

“(h) APPLICATION.—To seek a grant under this section, a State or a consortium of public and private entities shall submit an application to the Secretary in such form, in such manner, and containing such information as the Secretary may require. At a minimum, the Secretary shall require each such application to outline how the State or consortium will establish baseline measures and benchmarks to evaluate program outcomes.

“(i) DEFINITION.—In this section, the term ‘stroke’ means a ‘brain attack’ in which blood flow to the brain is interrupted or in which a blood vessel or aneurysm in the brain breaks or ruptures.

“(j) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $10,000,000 for fiscal year 2008, $13,000,000 for fiscal year 2009, $15,000,000 for fiscal year 2010, $8,000,000 for fiscal year 2011, and $4,000,000 for fiscal year 2012.”.

(b) STUDY; REPORTS.—

(1) FINAL REPORT.—Not later than March 31, 2013, the Secretary of Health and Human Services shall conduct a study of the results of the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) and submit to the Congress a report on such results that includes the following:

(A) An evaluation of the grant program outcomes, including quantitative analysis of baseline and benchmark measures.

(B) Recommendations on how to promote stroke networks in ways that improve access to clinical care in rural and urban areas and reduce the incidence of stroke and the debilitating and costly complications resulting from stroke.

(C) Recommendations on whether similar telehealth grant programs could be used to improve patient outcomes in other public health areas.

(2) INTERIM REPORTS.—The Secretary of Health and Human Services may provide interim reports to the Congress on the telehealth stroke treatment grant program under section 330M of the Public Health Service Act (added by subsection (a)) at such intervals as the Secretary determines to be appropriate.

SEC. 4. RULE OF CONSTRUCTION.

Nothing in this Act shall be construed to authorize the Secretary of Health and

Human Services to establish Federal standards for the treatment of patients or the licensure of health care professionals.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. PALLONE) and the gentleman from Texas (Mr. BURGESS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey.

GENERAL LEAVE

Mr. PALLONE. Mr. Speaker, I ask that all Members may have 5 legislatives days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. PALLONE. Mr. Speaker, I yield myself such time as I may consume.

The bill before us, H.R. 477, the Stroke Treatment and Ongoing Prevention Act, amends the Public Health Service Act to strengthen education, prevention and treatment programs to improve health outcomes for stroke patients. Stroke is the third leading cause of death in America and a major contributor to long-term disability. The American Heart Association reports that approximately 700,000 Americans suffer from a stroke each year and that more than 150,000 die annually. The AHA estimates that someone dies of a stroke every 3 minutes.

H.R. 477 would authorize the Secretary of the Department of Health and Human Services to engage in activities designed to increase knowledge and awareness of stroke prevention and treatment. This legislation would require the Secretary to conduct educational campaigns, maintain a national stroke registry and establish an information clearinghouse related to stroke.

The bill would authorize the Secretary to make grants to public and nonprofit entities for the purpose of planning, developing and enhancing improved residency training programs and other professional training for appropriate health professions in emergency medicine, including emergency medical service professionals, to improve stroke and traumatic injury prevention, diagnosis, treatment and rehabilitation.

Finally, the bill would authorize the Secretary to make grants to States and public and other private entities to make medical professional training programs and telehealth networks that seek to coordinate stroke care and improve patient outcomes.

The legislation has 86 cosponsors and is supported by the American Heart Association, the American Stroke Association, the American Physical Therapy Association and the STOP Stroke Coalition.

I would like to personally thank Representative CAPPS and Representative PICKERING for all their hard work on this life-saving legislation. I particularly want to thank Representative CAPPS. I know how hard she has worked on this. I know, because of her background as a nurse, she brings to our attention on the subcommittee so many bills and so many issues that are really important. I would thank her not only for this bill but for so many other initiatives.

I would urge all of my colleagues to join me in support of H.R. 477.

Mr. Speaker, I reserve the balance of my time.

Mr. BURGESS. Mr. Speaker, I am pleased to rise in support of H.R. 477, the STOP Stroke Act. By passing this legislation, we are drawing attention to the dangers of stroke and heart disease. As we have already heard, stroke is the third leading cause of death in this country, preceded by cardiovascular disease and cancer, but clearly an important cause of death in this country. It is the most common cause of adult disability. As we have already heard, each year, more than 700,000 Americans suffer stroke, and 160,000 die from stroke-related causes.

It is important to increase awareness and knowledge about stroke and stroke prevention. One of the key components of this legislation is that it allows the Secretary of HHS to establish programs for education about stroke prevention.

Additionally, the STOP Stroke Act provides federally funded grants to health care professionals at qualified entities to help educate them about the need for prevention, diagnosis, treatment and rehabilitation.

Lastly, the legislation before us today includes a 5-year pilot program that provides grants to States and public-private entities for coordination of health care through telehealth networks.

I want to thank Congresswoman CAPPS and Congressman PICKERING for their work in bringing this legislation to the floor tonight. I urge my colleagues to support the STOP Stroke Act.

Mr. Speaker, I reserve the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield to the sponsor of the bill, Mrs. CAPPS, such time as she may consume.

Mrs. CAPPS. I thank my colleague from New Jersey for yielding and for your leadership on this and the other health bills that we have been dealing with lately.

Mr. Speaker, I rise in strong support of the Stroke Treatment and Ongoing Prevention Act, known as the STOP Stroke bill. I have been very proud to work on this legislation over several years with my colleague, Chip Pickering; and I am thrilled that it has come before the House today. I thank our staffs for all of us and those who have supported this legislation in the past, particularly calling to mind the groups that Mr. Chairman mentioned in support of the legislation, groups across the country made up of survivors of stroke and those who are very interested in what we do here today.

It has been mentioned that stroke is the Nation's number three killer, a leading cause of long-term disability, and it's also known but not widely understood that stroke affects all age groups, not just the very elderly. It cuts through every socioeconomic and ethnic group. It really is a very significant destroyer of lives and homes and families, as it has such devastating results as it affects people.

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Across this country, someone suffers a stroke every 45 seconds.

In my State of California, stroke accounts for approximately 7 percent of deaths. In 2004, that amounted to nearly 17,000 individuals. So many of these deaths due to stroke are preventable. Others are treatable.

The staggering numbers of death and long-term disability due to stroke means that it is now time that we pass into law a comprehensive plan for preventing, for diagnosing, and for treating stroke. H.R. 477 would accomplish this goal by authorizing the resources needed to implement coordinated stroke systems.

The bill's first initiative would create a national awareness campaign that would educate both patients and providers. Not enough people know the symptoms of stroke when it impacts them.

We must standardize prevention and early treatment in order to achieve real results in our fight against stroke. In order to further improve education about stroke prevention, diagnosis and treatment, this bill will authorize grants for qualified health professional programs so that providers are equipped with the most up-to-date information and technologies.

H.R. 477 would also maintain the Paul Coverdell Registry, which serves as a clearinghouse of information about stroke care and best practices.

And, finally, it would make up to seven grants available to conduct pilot projects on how we may be able to improve stroke outcomes through telehealth networks.

I am very proud of this bill's comprehensive approach to improve our ability to manage stroke in the United States.

Only when we tackle this disease from all angles, from prevention, from treatment, from coordination of care, can we really make progress. So I urge my colleagues to vote in favor of H.R. 477. And I look forward to seeing it finally signed into law.

Mr. BURGESS. Mr. Speaker, through the course of these three bills being brought by the Energy and Commerce

Committee tonight, we have heard a number of stories. People have shared with us their personal stories.

I saw on the news wires just this evening where a good friend of our committee, Jack Valenti, had been hospitalized with a stroke earlier this week.

My own father suffered a stroke, May 23 of 1989. He, unfortunately, died 2 years ago this week. He spent the last 16 years of his life living with a disability as a result of that stroke. The day that it happened, he lost the ability to speak and never regained it prior to his death.

Stroke treatment is so important and it has evolved over time. It wasn't too many years ago where it was just simply a question of being certain about the diagnosis, making certain the stroke patient was stable, and then making arrangements for their rehabilitation. But so much more can be done now.

And we heard about the golden hour when talking about the trauma bill. Actually, for stroke victims, if treatment is rendered within the first 3 hours of a clot occurring, anti-clot medications, clot-busting medications, thrombolytic agents can be administered to restore significant function to that and prevent injury to that part of the brain that has been injured by, or been placed in jeopardy by, the presence of a clot.

Other strokes are caused by bleeding and blood vessel malformations within the brain; and one of our colleagues in the other body, indeed, suffered such an injury earlier this year. The treatment is vastly different. Clearly, those patients should not be treated with clot-inhibiting agents because they would be placed at greater risk.

So the diagnosis of the type of stroke at the time of the stroke becomes critical, and that is where the funding placed for the education and the medical research becomes so important. Further, it is my feeling that, as time goes forward, we will indeed improve the ability to help individuals who have been afflicted by a stroke.

Additionally, the bill calls for the Secretary of Health and Human Services to establish programs educating the public about stroke prevention. And thanks to my good friends at mayoclinic.com, I would like to take just a moment to run through, to enumerate those things that should be done for stroke prevention. And the number one issue is, if a person has hypertension, that hypertension needs to be controlled. If a person has high cholesterol, that needs to be lowered, either by modifying diet, a diet low in fat or a cholesterol lowering medication such as a statin. No one should smoke in the United States today. If you are diabetic, control your blood sugar. Maintain a healthy weight. Exercise regularly. Avoid stress. Don't serve in Congress. Oh, that wasn't on the list. Avoid stress. And if you do use alcohol or illicit drugs, perhaps you ought to think of another activity.

These are very commonsense recommendations. They have been developed by, again, our good friends at Mayo Clinic. And I urge all Americans to consider incorporating those into their lifestyle.

This is important legislation. I urge my colleagues to support the legislation.

Mr. Speaker, I yield back the balance of my time.

Mr. PALLONE. Mr. Speaker, I yield 2 minutes to the gentlewoman from Oregon (Ms. HOOLEY).

Ms. HOOLEY. Mr. Speaker, as a strong proponent of the American Heart Association's GO-Red campaign aimed at educating women about heart disease and stroke, I am proud to be a cosponsor of the Stroke Treatment and Ongoing Prevention Act.

This legislation will help reduce the 150,000 deaths that occur each year from stroke. Every 3 minutes someone dies of a stroke according to the American Heart Association. To a stroke victim, delay means more dead brain cells. The most common type of strokes kills 1.9 million brain cells every minute. One study estimated that for every 12 minutes a stroke victim delays treatment, a pea-sized portion of the brain dies.

Fortunately, educating people about when to seek treatment makes a difference. And I want to tell a story about a friend of mine. About 6 months ago, young woman, she happened to have another friend visiting her. And she woke up one morning and said, I don't feel very good. I can hardly lift my arm. And her friend that was visiting said, we are going straight to the hospital. She is doing very well in recovery, not only because she is a very determined person, but she can also thank her friend for recognizing what was happening and getting her to a hospital immediately.

By educating people about stroke symptoms and strengthening training programs for physicians, this legislation will save lives and limit the damage to stroke survivors.

I urge my colleagues to support H.R. 477.

Mr. PICKERING. Mr. Speaker, I rise today in support of the Stroke Treatment and Ongoing Prevention Act.

As the original cosponsor of the STOP Stroke Act, I would like to extend a special thanks to my colleague and the bill's sponsor, Congresswoman CAPPS for her tireless efforts to move this important legislation.

Despite significant advances in its diagnosis, treatment, and prevention, stroke remains the nation's number three killer and a leading cause of long-term disability. An estimated 700,000 U.S. residents have a new or recurrent stroke each year, and about 160,000 of them die, according to statistics compiled by the American Heart Association. On average, every 45 seconds, someone in the United States has a stroke, and someone dies of a stroke every 3 to 4 minutes. Stroke is the number four killer in my home state of Mississippi. In 2004, 1,651 people in Mississippi died of stroke. Mississippi ranks first in the nation for the highest death rate from heart disease, stroke, and other cardiovascular diseases.

Today 5.7 million Americans are stroke survivors. As many as 30 percent of them are permanently disabled, requiring extensive and costly care. It is expected that stroke will cost the nation $62.7 billion in 2007.

Prompt treatment of patients experiencing stroke can save lives and reduce disability, yet thousands of stroke patients do not receive the care they need. Additionally, most Americans cannot identify the signs of stroke, and even emergency medical technicians are often not taught how to recognize and manage its symptoms. Even in hospitals, stroke patients often do not receive the care that could save their lives. Rapid administration of clot-dissolving drugs dramatically improves the outcome of stroke, yet fewer than 3 percent of stroke patients now receive such medication.

The STOP Stroke Act is a first step toward removing these barriers to quality stroke care, thereby saving lives and reducing disability. The legislation addresses a number of significant hindrances to quality stroke care including low public awareness, lack of necessary infrastructure, low awareness among medical professionals, and lack of adequate data collection.

The legislation will coordinate these various components. According to the American Heart Association, developing coordinated systems of care is essential to improving prevention, treatment, and rehabilitation for stroke patients.

The STOP Stroke Act authorizes a national public information campaign to educate the public about stroke, including how to reduce risk, recognize the warning signs, and seek emergency treatment as soon as symptoms occur.

This legislation also authorizes the Paul Coverdell Stroke Registry and Clearinghouse to collect data about the care of acute stroke patients and foster the development of effective stroke care systems. The clearinghouse will serve as a resource for States seeking to design and implement their own stroke care systems by collecting, analyzing and disseminating information on the efforts of other communities to establish similar systems.

The STOP Stroke Act also provides grants for public and non-profit entities to develop and implement continuing education programs in the use of new diagnostic approaches, technologies, and therapies for the prevention and treatment of stroke. Stroke support can be delivered to smaller, underserved facilities by relying more heavily on innovative telemedicine approaches that overcome the boundaries of time and distance to help rural hospitals tap into otherwise unattainable resources.

Finally, this bill authorizes a telehealth stroke treatment pilot project to support states' efforts to develop comprehensive networks to improve stroke prevention, treatment, and rehabilitation. These grants will allow states to identify stroke centers, improve communication networks that bring stroke care to rural areas, and decease response time.

The time has come for a bill such as the STOP Stroke Act. In fact, the time is past due. We are in a situation where stroke rates are on the rise, and we must address the issues that are going to help us match resources with the growing need to prevent and treat this devastating illness.

I look forward to working with my colleagues in both Chambers to promptly move this legislation that has actually passed previously in both the House and the Senate.

Mr. PALLONE. Mr. Speaker, I have no further requests for time, and I would yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New Jersey (Mr. PALLONE) that the House suspend the rules and pass the bill, H.R. 477, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

Mr. ABERCROMBIE. Mr. Speaker, pursuant to House Resolution 269, I call up the bill (H.R. 835) to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians, and ask for its immediate consideration.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 835

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hawaiian Homeownership Opportunity Act of 2007".

SEC. 2. AUTHORIZATION OF APPROPRIATIONS FOR HOUSING ASSISTANCE.

Section 824 of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4243), as added by section 513 of Public Law 106–569 (114 Stat. 2969), is amended by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011 and 2012.".

SEC. 3. LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING.

Section 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z–13b), as added by section 514 of Public Law 106–569 (114 Stat. 2989), is amended as follows:

(1) AUTHORIZATION OF APPROPRIATIONS.—In subsection (j)(7), by striking "fiscal years" and all that follows and inserting the following: "fiscal years 2008, 2009, 2010, 2011 and 2012.".

(2) AUTHORITY.—In subsection (b), by striking "or as a result of a lack of access to private financial markets".

(3) ELIGIBLE HOUSING.—In subsection (c), by striking paragraph (2) and inserting the following new paragraph:

"(2) ELIGIBLE HOUSING.—The loan will be used to construct, acquire, refinance, or rehabilitate 1- to 4-family dwellings that are standard housing and are located on Hawaiian Home Lands.".

SEC. 4. ELIGIBILITY OF DEPARTMENT OF HAWAIIAN HOME LANDS FOR TITLE VI LOAN GUARANTEES.

Title VI of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4191 et seq.) is amended as follows:

(1) HEADING.—In the heading for the title, by inserting "**AND NATIVE HAWAIIAN**" after "**TRIBAL**".

(2) AUTHORITY AND REQUIREMENTS.—In section 601 (25 U.S.C. 4191)——

(A) in subsection (a)—

(i) by inserting "or by the Department of Hawaiian Home Lands," after "tribal approval,"; and

(ii) by inserting "or 810, as applicable," after "section 202" ; and

(B) in subsection (c), by inserting "or VIII, as applicable" before the period at the end.

(3) SECURITY AND REPAYMENT.—In section 602 (25 U.S.C. 4192)—

(A) in subsection (a)—

(i) in the matter preceding paragraph (1), by striking "or housing entity" and inserting ", housing entity, or Department of Hawaiian Home Lands"; and

(ii) in paragraph (3)—

(I) by inserting "or Department" after "tribe";

(II) by inserting "or VIII, as applicable," after "title I"; and

(III) by inserting "or 811(b), as applicable" before the semicolon; and

(B) in subsection (b)(2), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(4) PAYMENT OF INTEREST.—In the first sentence of section 603 (25 U.S.C. 4193), by striking "or housing entity" and inserting ", housing entity, or the Department of Hawaiian Home Lands".

(5) AUTHORIZATION OF APPROPRIATIONS FOR CREDIT SUBSIDY.—In section 605(b) (25 U.S.C. 4195(b)), by striking "1997 through 2007" and inserting "2008 through 2012".

The SPEAKER pro tempore. Pursuant to House Resolution 269, the gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from Alabama (Mr. BACHUS) each will control 30 minutes.

The Chair recognizes the gentleman from Hawaii.

GENERAL LEAVE

Mr. ABERCROMBIE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on this legislation and to insert extraneous material thereon.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Hawaii?

There was no objection.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I might consume.

Mr. Speaker, with regard to H.R. 835, I would first like to thank very much Chairman BARNEY FRANK and Ranking Member SPENCER BACHUS for their consideration of H.R. 835.

It is imperative, from the point of view of Representative HIRONO and myself, that we regard this bill as nonpartisan in nature. And it was considered that way in committee, and I am grateful for it.

The bill was passed overwhelmingly last week 262–162. It was under the Suspension Calendar and did not receive a sufficient number of votes for the two-thirds required margin, so we find the bill before us this evening.

Of those 162 Republicans who voted "no" last week, 39 of them cosponsored the bill to create the Native Hawaiian Housing Title in the 106th Congress, including our good friend, Mr. BACHUS, and minority leader JOHN BOEHNER.

This reauthorization and improvements were requested by Hawaii's Republican Governor, Linda Lingle. The Department of Hawaiian Home Lands is chaired by the former head of the State's Republican Party.

This bill was introduced last year by Congressman Ney and was reported out of the Financial Services Committee by voice vote without amendment. And last year's Republican chairman of the Financial Services Committee, Mike Oxley, was also a cosponsor of the bill.

I bring these things up, Mr. Speaker, to emphasize that never have we ever considered this bill to be a partisan bill, a Republican or Democratic bill. This is a bill that affects constituents, regardless of their political affiliation, and is not ideological in nature. It is really administrative in nature.

There have been some discussions and some arguments concerning some of the constitutional issues that have been raised in other contexts about native people. This is not the venue to have that kind of a discussion or argument. We do not want to harm those who come before us for legislative redress and expect to have it and not expect to have an argument in which they will become grist for an ideological mill, grist for a disputation of an academic nature or of a philosophical nature, having nothing to do with the question at hand, in this instance, most particularly dealing with homeownership, mortgages, and refinancing.

I understand, and will defer to Mr. BACHUS on this point, that Mr. RENZI has made a statement of support in addition, and I expect to hear about that when we yield to Mr. BACHUS for his participation.

Mr. Speaker, I want to emphasize again that this is not a partisan bill. It is not really anything that should be considered other than on the merits of the subject matter at hand.

Mr. Speaker, I reserve the balance of my time.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

And the first thing I would like to acknowledge is both my respect and friendship with my colleague from Hawaii, Mr. ABERCROMBIE. I have enjoyed a long friendship with him, have the utmost respect for him, and I associate myself with the remarks he made. I believe his remarks were fair and accurate. Not to parrot the Fox News network, but also fair and accurate.

He has, I think, correctly pointed out, colleagues on my side of the aisle, some are supportive of this legislation. Others have concerns about the legislation. And it is for that reason that we have asked for time on the floor just to express some of those concerns.

At the same time, as the gentleman from Hawaii has said, we have some Members that strongly support this legislation. He mentioned the gentleman from Arizona (Mr. RENZI), also the gentleman, DON YOUNG, from Alaska, is a strong supporter of this legislation. And a number of my colleagues also voted for the legislation.

Others of my colleagues are concerned about some of the statements made in the Rice v. Cayetano case, that some of these benefits, and there are some 160 benefits that go to Native Hawaiians. And some of these benefits actually date back to statehood and, I think, the founding of the State of Hawaii. So there is some historical basis for these.

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But, as I have said, some of my colleagues are concerned about that.

Some of them have pointed out the words of Justice Kennedy in that decision where he said this: "America is a melting pot of cultures from around the world." And he said, "As the State of Hawaii attempts to address these realities, it must, as always, seek the political consensus that begins with a shared purpose. One of the necessary beginning points is this principle: The Constitution of the United States too has become the heritage of all the citizens of Hawaii."

And that Constitution, as we know, in almost all cases is opposed to racial set-asides. So this disturbs many of my colleagues on my side of the aisle.

At the same time, as I said, there is some historical context for these, and I think probably utmost is that I think most people in Hawaii, several Republicans, officeholders as well as both members of the present Hawaii delegation, support these programs and believe they greatly have benefited the people of Hawaii.

Let me simply close by saying we had hoped to come united together in supporting this legislation. Mr. CAMPBELL in committee had offered an amendment, and in closing I will read that amendment. Had this amendment been accepted, we would have been prepared, I think, to almost unanimously to have supported this bill.

Mr. CAMPBELL's amendment said: "Nothing in this title shall be construed to confer a constitutionally special political or legal relationship based on Native Hawaiian race or ancestry between the United States and the Native Hawaiian people for purposes of establishing a government-to-government relationship.

With that, Mr. Speaker, as I said, with great respect for Congressman ABERCROMBIE and also Congresswoman HIRONO, I appreciate the civility and the spirit of cooperation in which we come here tonight.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I yield myself such time as I may consume.

Briefly, Mr. Speaker, I am also very grateful to Mr. BACHUS for his commentary and his observations and will indicate that, at least as far as this Member is concerned, there will be time enough, I believe, tomorrow to deal with the question should there be a recommittal offered on the issues that were raised by either the Campbell amendment or any of the other points that were raised as a basis or foundation for possible opposition to the bill. I believe they can be answered.

I believe that this is fundamentally a very conservative approach that merits the support of Members across the various ideological spectrums that exist here in the House of Representatives; and I hope, with the opportunity to speak about them at some length, perhaps tomorrow, that we will be able to satisfy one and all here on the floor that this is a bill worthy of support.

The principal thing I would say, just simply in quick response, is that the Rice versus Cayetano decision which was mentioned does not affect these programs, has literally nothing to do with the issue at hand in this H.R. 835. The decision invalidated an election system for a State agency, the Office of Hawaiian Affairs, a State agency. The decision did not affect the agency itself. It did not even question the validity of the agency. It had to do with the question of who could vote for the trustees of the Office of Hawaiian Affairs.

The Office of Hawaiian Affairs still exists today. It exists for the benefit of Native Hawaiians and is voted on by the entire voting population of the State of Hawaii. So it had to do with an election issue and absolutely nothing to do with this, and the Court declined to address the question of Native Hawaiian programs authorized by Congress. So we are dealing with an entirely separate set of issues here, and I hope to make that clear tomorrow.

At this time, Mr. Speaker, I yield such time as she may consume to Representative HIRONO.

Ms. HIRONO. Mr. Speaker, I thank the gentleman and my colleague for yielding time.

I rise in strong support of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007 and ask for my colleagues' support of the bill.

The Act assists the State of Hawaii's Department of Hawaiian Home Lands, DHHL, to provide opportunities for homeownership for low-income native Hawaiians. The bill in no way addresses the question of whether or not Native Hawaiians should be recognized as a sovereign entity akin to Alaska Natives or American Indians.

During debate on this bill last Wednesday, no Member came to the floor to speak in opposition to the bill. In fact, the gentleman from Arizona, who managed the time, expressed support for the bill.

Unfortunately, either during the debate or afterward, e-mails were sent to Members containing at least two erroneous assertions: first, that this bill is unconstitutional and, second, that this bill "would confer on Native Hawaiians an arrangement like that between the Federal Government and American Indian tribes." Opponents then compounded the error by citing the Rice v. Cayetano voting rights Supreme Court decision in support of their broad assertions.

As to the first assertion, the constitutionality of any measure must be decided by the courts; and, clearly, the courts have not opined on the constitutionality of this bill. As to the second assertion, there is nothing in the bill that speaks to creating a political relationship between Native Hawaiians and the Federal Government akin to the relationship between the Federal Government and American Indian tribes.

This bill, which promotes homeownership, a goal that all of us can support in bipartisan fashion, has been targeted for defeat by opponents who are misreading the bill as well as case law.

I was a member of the Cayetano administration in Hawaii and sat in the Supreme Court when arguments in the Rice case were heard. It may interest some of you to know that one of the lawyers arguing the State of Hawaii's case was John Roberts, who is now Chief Justice of our Supreme Court.

The central issue in the Rice v. Cayetano case was the narrow question of whether the State of Hawaii could hold an election for trustees of the Office of Hawaiian Affairs where only Native Hawaiians could vote. In holding that the State could not so limit these elections, the majority opinion of the Court deliberately avoided the question of whether or not Native Hawaiians deserved the same right of self-determination granted to American Indians and Alaska Natives.

Nothing in the Rice decision holds that programs that benefit Native Hawaiians are unconstitutional. The majority court decision did not call into question the trust relationship between the U.S. Government and the Native Hawaiian people. It did not strike down the Office of Hawaiian Affairs or any other program benefiting Native Hawaiians as unconstitutional.

While the entire Hawaii congressional delegation, Hawaii's Governor, who happens to be a Republican, and the Hawaii legislature supports self-determination for Native Hawaiians, that is not the subject of the bill before us today. My colleague and I have introduced H.R. 505, the Native Hawaiian Government Reorganization Act of 2007, also known as the Akaka bill. We can discuss the merits of self-determination for Native Hawaiians when and if the Congress considers that bill.

The bill before us today provides assistance to a limited group of Native Hawaiians, those designated as beneficiaries under the Hawaiian Homes Commission Act of 1921. That bill, in recognition of the desperate poverty and displacement from the land of Native Hawaiians, established a homesteading program to place eligible Native Hawaiians, or those with at least 50 percent Hawaiian blood, on lands in Hawaii designated for that purpose. The law was passed at the urging of the Territory of Hawaii's delegate to Congress, Prince Jonah Kuhio Kalanianaole. Some 200,000 acres were set aside for the purpose of providing Native Hawaiians with land. This 1921 Act of Congress has never been challenged in the Supreme Court in the last 86 years.

Despite the good intentions of the Congress, progress in meeting the goal of delivering land to Native Hawaiians was slow. Most of the Hawaiian homelands were located in areas far from jobs, and infrastructure like roads and utilities were nonexistent. Many individuals were on the waiting list for more than 30 years. The Hawaiian Homelands Homeownership Act of 2000 has provided the Department of Hawaiian Homelands with much-needed resources to expand opportunities for homeownership among low-income Native Hawaiians. Especially critical has been the ability to use these funds to develop the infrastructure that makes placing homes on these properties possible.

Because the issue of Native Hawaiian rights as a native people lies at heart of the opposition of this bill, I would like to quote attorneys H. Christopher Bartolomucci, Viet Dinh, and Neal Katyal, who stated in a February, 2007, legal document prepared for the Office of Hawaiian Affairs:

"Congressional legislation dealing with indigenous groups is political, not racial, in character and therefore is neither discriminatory nor unconstitutional. Rice v. Cayetano specifically declined to address whether 'Native Hawaiians have a status like that of Indians in organized tribes' and 'whether Congress may treat Native Hawaiians as it does the Indian tribes'."

As previously mentioned, we can and should have the debate on whether or not Native Hawaiians should enjoy the rights to self-determination given to other Native American groups when that bill is squarely before us in H.R. 505. Native Hawaiians deserve no less.

This bill before us today simply provides Native Hawaiians who are eligible for homesteads under the Hawaiian Homes Commission Act passed by Congress with the financing tools to allow them to realize for their families the dream of homeownership which otherwise would be available to very few of them.

I urge my colleagues to support this bill. Mahalo nui loa.

Mr. BACHUS. Mr. Speaker, I yield myself such time as I may consume.

Let me say that I appreciate Congresswoman HIRONO's discussing the bill and the different components of the bill and also Congressman ABERCROMBIE. And let me say that I do acknowledge that low-income Native Hawaiians living on the Hawaiian homelands, that they are under some restraints in building homes and financing those homes; and, because of that, there is support on my side of the aisle for some of these programs, and there are some differences of opinion. So I do acknowledge that for them, because it is on Native Hawaiian lands, it is almost impossible for them to get private financing; and that is at least the basis for some of these programs. And I do believe and I am hopeful that some of the discussions we have heard tonight will enlighten Members on both sides. It is not the intent of the minority to obstruct the passage of this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. ABERCROMBIE. Mr. Speaker, I am again very appreciative of Mr. BACHUS for his perception, his perspective, and his judgment with regard to the bill.

Mr. Speaker, I have no further requests for time, and I yield back the balance of my time except for 5 minutes.

Mr. BACHUS. Mr. Speaker, I reserve 5 minutes of my time, and I yield back the balance of my time, also.

□ 2115

The SPEAKER pro tempore. Pursuant to section 2 of House Resolution 269, further proceedings on the bill will be postponed.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 1132, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

GRASSROOTS LOBBYING AND FREEDOM OF SPEECH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, as part of the Constitutional Caucus, we try every week to raise issues that are of concern to us, because dealing with the Constitution, observing the Constitution and honoring the Constitution is very, very important to us. It is the basis of everything that we do here in the Congress and should be the basis of every lawmaking body in our country. So tonight I want to talk a little bit about the first amendment and a concern that I have about an assault that has been made on the first amendment by a previous Congress.

The first amendment clearly states that "Congress shall make no law abridging the freedom of speech." Our Founding Fathers understood the vital role that free speech played in the health and functioning of our democracy. They lived under the restrictions of colonial England, and were very intent on creating a new system of government that respected the right to speech and political expression.

One of the strongest proponents of the Constitution's Bill of Rights, Patrick Henry, said: "Guard with jealous attention the public liberty. Suspect everyone who approaches that jewel."

Today, as Mr. Henry advised 200 years ago, I look with suspicion at some of the legislation that has emerged from this body. I am suspicious that we have at times not given adequate attention to the "public liberty" that Patrick Henry so strongly urged us to guard.

Congress must take great care when attempting to control political expression. But, unfortunately, this has not always been the case. In the past, Congress has created laws which restrict organizations' rights to participate in the electoral process.

The First Amendment Restoration Act, H.R. 71, would restore America's first amendment rights by repealing the "electioneering communication" provision in the Bipartisan Campaign Reform Act of 2002, known as BCRA.

This provision stifles the speech rights of corporations, nonprofits and labor unions. They are prohibited from sponsoring no-PAC funded radio and TV advertisements that include any references to Federal candidates during the 30 days before primary elections and 60 days before general elections. This is a severe infringement on these organizations' constitutional rights to free speech. It communicates to them that they have no right to voice their views during elections.

It is a clear violation of the first amendment to restrict the speech of organizations and limit what people can say about a candidate and when they may say it. The Supreme Court, unfortunately, upheld the constitutionality of these restrictions on groups in the days leading up to an election. But the Supreme Court has erred in the past.

This bill offers a much-needed correction to the Bipartisan Campaign Reform Act. The 30/60 day BCRA provision was an attack on the primary purpose of the first amendment's free speech clause, which is the protection of political speech. This bill fully restores those rights which were hampered by BCRA.

We must be vigilant and heed the words of America's founders. They knew firsthand the democracy-choking effect of restrictions placed on political speech. But the minute we begin to craft laws that hamper expression, we demonstrate we have forgotten the priceless lessons of liberty that have been fought for by the patriots who have gone before us.

I urge my colleagues to support the First Amendment Restoration Act, H.R. 71.

GENERAL LEAVE

Mr. RODRIGUEZ. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks on the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

NATIONAL PROFESSIONAL SOCIAL WORKER MONTH AND WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for 5 minutes.

Mr. RODRIGUEZ. Mr. Speaker, I rise today as a former social worker serving in the United States Congress, and I rise to honor the work of professional social workers across the country and throughout the world.

I would like to join my colleagues in the National Association of Social Workers in recognizing March as National Professional Social Work Month and today as World Social Work Day. Today we have the opportunity to acknowledge the important contributions that social workers make in our community and throughout this country.

Today the House overwhelmingly passed H. Res. 266 to recognize the goals and ideals of National Professional Social Work Month and World Social Work Day. This legislation offered the Congress a valuable occasion to support professionals who have helped individuals, families, and communities resolve complicated issues and make significant choices.

My experience as a social worker had a profound influence on my decision to enter public life. I could see that many of the challenges facing my clients and those that I worked with had stemmed from the decisions being made at the public policy level. Serving in Congress allows me to be able to continue to help my clients in a broader capacity.

Social work as a profession is a commitment to not only addressing the individual needs of clients, but also in creating a just system. As a Member of Congress, I work every day to create a just system for the American people.

This year, the theme of National Professional Social Work Month is "Hope and Health." This theme allows us to highlight the considerable involvement of social workers in the health profession.

Social workers often work cooperatively with doctors, nurses and other medical professionals to ensure that their clients receive the highest quality care. Care and attention provided by social workers begins when the client enters the health care profession and does not end until he or she has recovered.

When dealing with health care, social workers will most often act as counselors and therapists. In that capacity, they must help the client and his or her family understand the diagnosis, the illnesses, and the emotions involved. In addition, social workers provide much-needed advice and support regarding the difficult health care decisions that clients must make.

In fact, professional social workers provide more mental health care than psychologists, psychiatrists and psychiatric nurses combined, making them the largest provider of mental health services in this country.

These services are also extended to our Nation's veterans. Professional social workers provide counseling, substance abuse treatment, crisis intervention and other services to veterans and their families.

At a time when our Nation is involved in wars both in Iraq and Afghanistan, it is important that our returning soldiers have access to the compassionate care that social workers provide. The Department of Veterans Affairs employs over 4,400 social workers to assist American veterans, including those returning from combat in Iraq and Afghanistan.

Mr. Speaker, I would like to thank my colleagues for joining me in support of H. Res. 266 yesterday and for honoring and paying their respect to our country's professional social workers and the services they provide.

I want to take this opportunity also to indicate that as a former social worker, I had the opportunity not only to teach 11 years in the School of Social Work, but also serve as a caseworker for heroin addicts for about 3 years, where I had the opportunity to serve directly with individuals that also had substance abuse, including adolescent substance abuse. I also had the privilege of working in the community mental health area, where I had an enjoyable practice and enjoyed working with individuals.

Mr. Speaker, I want to thank all the social workers throughout this country for the services they provide.

A STRANGE REWARD FOR HEROIC ACTION

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Colorado (Mr. TANCREDO) is recognized for 5 minutes.

Mr. TANCREDO. Mr. Speaker, I come to the floor as I have so many times in the past to address an issue dealing with our extradition policy.

Mr. Speaker, a gentleman by the name of Duane Chapman, a bounty hunter that goes by the name of "Dog," faces the strangest of rewards for heroic action.

In 2003, Mr. Chapman received a tip regarding the whereabouts of a millionaire by the name of Andrew Luster. Mr. Luster was a convicted felon who had fled as an escapee from the California Department of Corrections 6 months earlier by jumping $1 million bail on charges that he drugged and raped three women. He was also on the FBI's Most Wanted List, convicted and sentenced to a term of 124 years of imprisonment in absentia for 86 counts of rape, drug and weapons offenses.

Mr. Chapman went to Mexico to act on this tip and was accompanied by a local Mexican police officer. He was also in communications with U.S. officials, who were aware of his activities.

Much to his credit, Mr. Chapman successfully located Mr. Luster and apprehended him. However, on the way to the jail to book Mr. Luster, Chapman's police escort disappeared, strangely. As a result, Mr. Chapman was detained for several days on the relatively minor charge of deprivation of freedom and conspiracy. Mr. Chapman then returned to the U.S. after posting bail.

Thanks to Dog, a serial rapist is now rightly serving a 124-year sentence and the situation seemed to have worked out for the best. But now, years after the fact, it seems that the Mexican Government is intent on extraditing and prosecuting Mr. Chapman. Incredibly, our State Department seems to have no problem being complicit in these proceedings.

I have written the Department of Justice at least once and the Department of State several times just asking them to justify what they have done. I wanted to figure out exactly what their reasoning is for handling this specific case in this way.

There are a lot of legitimate questions. For instance, how is it possible that the Department of Justice would decide to use taxpayer resources to send U.S. Marshals to Hawaii to take Mr. Chapman into custody?

□ 2130

This is an administration that routinely tells Congress that they cannot secure our borders and immigration system due to lack of resources. We are told that the U.S. Attorney's Office in the border States are simply overwhelmed with cases and cannot prosecute all of the violations, even very serious ones. We are told that ICE can't possibly tackle the task of deporting illegal aliens from the interior of our Nation. We are apparently supposed to accept the presence of roughly 100,000 criminal aliens inside our borders, a number that is growing every year, while the U.S. Marshals track down a successful bounty hunter instead.

After formally apprehending Mr. Chapman and putting him into a bevy of new legal proceedings, the question of extradition is raised. Though my observations of our extradition treaty with Mexico indicate that it is not absolutely binding, conventional wisdom has seemed to assume that the treaty between the U.S. and Mexico requires Chapman's extradition. But it is just this, conventional wisdom. It is not part of the treaty, apparently.

I am not the only one to question whether extradition ought to proceed. One recent news story reported that although the U.S. and Mexico informally agreed to recognize trans-border captures by bounty hunters as extraditable offenses, this provision was never fully incorporated into the extradition treaty. The report indicates that this "informal" addition to the treaty came after bounty hunters captured a gentleman by the name of Humberto Alvarez-Machain, a Mexican physician implicated in the torture and execution of a U.S. Drug Enforcement Agent. Alvarez-Machain maintained that his capture violated the U.S.-Mexico extradition treaty.

The U.S. Supreme Court rejected Alvarez-Machain's claim in 1992. In the decision, Justice Rehnquist wrote that the treaty "says nothing about the obligations of the United States and Mexico to refrain from forcible abductions of people from the territory of the other nation, or the consequences under the treaty if such an abduction occurs." That is his quote.

Mexico's Government was upset by the decision which gave rise to its "informal" addition to the treaty. Alan Kreczko, then deputy legal adviser to the Secretary of State, then James Baker, said in congressional testimony that the U.S. and Mexican governments had exchanged letters recognizing that trans-border abductions by so-called bounty hunters and other private individuals would be considered extraditable offenses by both nations.

This international dispute should have remained amicably resolved by virtue of the fact that justice has clearly been served in the case of "Dog" Chapman. But now that these events have been set in motion anew, the best resolution in which we can hope for would come from the Mexican government and judiciary when they dismiss the charges pending against the Chapmans and also to withdraw their request for extradition.

Let's just say that I am not over optimistic for this stand by Secretary Rice to refuse extradition to Mr. Chapman, and I hope this good deed does not go unpunished.

NATIONAL PROFESSIONAL SOCIAL WORK MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York (Mr. TOWNS) is recognized for 5 minutes.

Mr. TOWNS. Mr. Speaker, I rise tonight to honor America's social workers. This month provides us an opportunity to highlight the essential role that social workers play in alleviating some of America's most difficult problems.

Professional social workers are found in every facet of community life, including our schools, our hospitals, mental health clinics, senior citizen facilities, elected office, private practices, prisons, among our military personnel, and the list goes on and on.

I have had the opportunity to work with some outstanding social workers or to be involved professionally with them. I have been involved with Dr. Roger Witherspoon, who is a great social worker, Mr. Levander Lilly, Ruby Bullock, Betty Williams, Mark Handelman, Ed Pitt, Dr. Joe Jackson, Sam Hodes, and I can go on and on because of my many years of being involved in the field of social work.

This year's theme for National Professional Social Workers Month is "Hope and Health; Help Starts Here." This theme reflects the important work being done by social workers in the health care field.

Social workers involved in health care often work within a multidisciplinary team which includes doctors, nurses and other medical professionals. This is an approach to ensure quality care for patients and their families.

I am grateful for the leadership and expertise that the members of the National Association of Social Workers provide to the people of America and, of course, around the world. Social workers in all disciplines use their collective power every day to strengthen our Nation's families and communities, help individuals overcome adversity, and advance sound social policies. The commitment and dedication of social workers to create a more positive environment for all of our people is to be commended.

Last year, the National Association of Social Workers released the results of a national study which warns of an impending shortage of social workers that threatens future services for all Americans, especially the most vulnerable among us, our children and our senior citizens.

Throughout history, social workers have addressed the needs of society and brought our Nation's social problems to the public's attention. As one of the 10 proud social workers of the House of Representatives, today I know firsthand how social workers across this country advocate for the humane, fair and beneficial policies for all of our citizens.

So I salute all social workers during this National Professional Social Work Month; and I say to my colleagues around the board, social workers make a great contribution to the improvement of the quality of life for so many people in this country.

DENOUNCING THE GOVERNMENT OF BELARUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. SHIMKUS) is recognized for 5 minutes.

Mr. SHIMKUS. Mr. Speaker, on Sunday, March 25, approximately 7,000 citizens of Belarus gathered together in commemoration of the 89th anniversary of the short-lived Belarusian National Republic, which was formed on March 25, 1918, when Belarusians proclaimed their independence from the Russian empire. Unfortunately, only 10 months later, the Red Army entered Minsk, quashed this democracy and set up the Belarusian Soviet Socialist Republic.

On Sunday, the brave men and women of Belarus gathered together to commemorate their ancestors' drive for democracy and independence almost 90 years ago and express their own desire to live in free and democratic Belarus. This group had planned to assemble in October Square in central Minsk to start their peaceful march towards the National Academy of Sciences. However, participants arrived at this public square to find it blocked by riot police, and trucks and busses were forced to split into several groups.

One group decided to march to the Sport Palace and reassemble there. When they got to that destination, they were met by a large number of policemen warning that if they did not leave within the next 5 minutes, special measures would be taken against them. Several minutes later, the first clash between the police and protesters took place, with several people beaten and arrested. Former presidential candidate Aleksander Milinkevich and his wife were among those hit and knocked to the ground.

Finally, the group managed to break through and march to the National Academy of Sciences, where they were able to meet up with the rest of the group; and a rally was held. Participants included young people and families with children. They shouted slogans, sang songs and waived red and white Belarusian flags and banners which read "Freedom to Kozulin and freedom to political prisoners."

While speaking to the crowd, former presidential candidate Aleksander Milinkevich declared that "Democratic Belarus will prevail, as truth and God are on its side. Under the weight of its lies, this regime will fall, but we should give it a push with our strength, our loyalty and our love for the homeland. We should do this in a peaceful manner, as Belarusians don't like violence. We are peaceful people and have not shed anyone's blood. It is our blood that has been shed and our people are in prison."

Yet in spite of the peaceful nature of a crowd and Mr. Milinkevich's public assurances that the pro-democratic forces carried a message of peace, the police continued to try to break up the rally. Police set up loudspeakers which continually interrupted the rally speakers, warning the group that their actions were illegal, that they had not received permission to hold a rally at the National Academy of Sciences, and if they refused to leave, physical force would be used against them. Forty people were arrested on March 25th alone. Many people were also beaten with police batons.

Leaders of the pro-democratic forces in Belarus, Anatoly Lebedko, Alexander Milinkevich, Victor Karnyenka and Valentina Polevikova, were among those hit by security forces' batons, with Ms. Polevikova suffering a head injury.

What is additionally disconcerting is that 60 additional activists were arrested on March 23rd and 24th in the lead-up to the rally in a shocking incident. Prominent pro-democratic activist and mother of two, Krystsina Shatsikava, was abducted by unknown men and forced into a car at 4:30 p.m. on Friday, March 23rd. She was later brought to a mental hospital in Mogilov, where she said that she had been tied to a bed and given an unknown injection at the hospital. She was finally released today. The young woman was a prominent activist following the fraudulent presidential elections in March, 2006, and had repeatedly declared her intention to participate in the March 25th rally.

Mr. Speaker, in closing, I find it appalling that 7,000 peaceful protestors gathered together to commemorate an anniversary of national independence and freedom, only to have their voices crushed once again by the current regime of Aleksander Lukashenko.

I denounce the government of Belarus for its actions against these peaceful protestors and demand that they release all the activists who were jailed for their participation during the leading up to the March 25th rally.

I also, along with our European colleagues, once again urge the government of Belarus to allow its citizens to exercise their right to assemble peacefully and express their views freely.

WORLD SOCIAL WORK DAY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Mrs. JONES) is recognized for 5 minutes.

Mrs. JONES of Ohio. Mr. Speaker, I rise in proud recognition of World Social Work Day. First off I would like to extend my gratitude to all social workers for the important work they do. It is selfless work that impacts the most impoverished and sick among us. Your hard work assists millions of individuals, families and communities across the country and the globe.

I have always been a strong advocate for social workers. The field of social work can be a thankless profession which is not very lucrative, so having fully trained professional social workers is always a blessing. In the 108th and 109th Congresses, I introduced a bill that would provide loan forgiveness to social workers who work for child protective agencies. I hear from students all the time who express desire to work as a social worker, but may choose a different field in order to be able to pay for their education.

I want to encourage people who are interested and have a desire to become a social worker, and not have them choose a different career based on the cost of their education. Their work is vital to my community and to all communities, and we need to encourage young people's interest in social work.

This year's theme for National Professional Social Work Month is "Hope and Health." My home is Cleveland, Ohio, and we have been rated as one of the most impoverished cities in the nation. With so many individuals unemployed and unable to provide for themselves or their families, a strong social worker presence is vital for my community.

Thirty-two percent of Clevelanders live below the poverty line.

Almost half of the children live below the poverty line compared to a national average of 18 percent.

Nineteen percent of those children lack any type of health coverage.

There are over 21,000 social workers in the state of Ohio, and the majority of them work in the fields of Mental Health, Child and Family Welfare, Health, and Aging.

I would like to highlight North East Ohio Health Services, which is a behavioral health care organization that provides services to the residents of Cuyahoga County. They have many programs that reach children through seniors in crisis intervention to continuing care. I am grateful for organizations like North East Ohio Health Services that employ social workers to assist my constituents with the greatest need.

Mr. Speaker, I would like to thank all my colleagues in the House who are social workers, and especially Congressman CIRO RODRIGUEZ for arranging this special order to recognize World Social Work Day. And I would like to reiterate my deepest respect and admiration to all the people who choose to devote their lives and careers to providing a helping hand to the most desperate among us.

APPOINTMENT OF MEMBERS TO JOINT ECONOMIC COMMITTEE

The SPEAKER pro tempore. Pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Joint Economic Committee:

Mr. BRADY, Texas
Mr. ENGLISH, Pennsylvania
Mr. PAUL, Texas

ANNUAL BUDGET DEBATE

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. HENSARLING) is recognized for 60 minutes as the designee of the minority leader.

Mr. HENSARLING. Mr. Speaker, tonight we start an important debate that we have here each year in this Nation, and that is a debate over the annual budget. I know for a lot of people, Mr. Speaker, this is a debate about numbers, kind of a green-shade visor exercise, but frankly, it is a lot more than that. It has a lot to do with values. It has a lot to do with principles.

□ 2145

And it is a debate that the American people need to pay very close attention to. Clearly, we know the results of the last election: there is a new majority party. The Democrat majority has taken control, which they have not had in 12 years. They won the election fair and square. But, Mr. Speaker, the more things change, the more they stay the same.

I have the pleasure and honor of serving on the House Budget Committee, and just this last week the Democrats voted out their budget that has the single largest tax increase in American history in it. Now, Mr. Speaker, the last time that the Democrats had control of the House, guess what they did, they passed the single largest tax increase in American history. Again, the more things change, the more they stay the same. The single largest tax increase in American history. Mr. Speaker, people have to know what this is going to mean to them.

I have the honor and privilege of representing people in the Fifth District of Texas. It starts out in the city of Dallas, takes in the southeast Dallas County suburbs, and six really great east Texas counties full of small business people and agricultural producers. For the people in the State of Texas, for the people in the Fifth District of Texas, that is going to mean an additional tax burden for the average family of four of $2,700 a year. That is $2,700 a year, Mr. Speaker, that could have gone into funding the family budget that is instead going to go into funding the Federal budget. And every time, every time that we increase that Federal budget, we are taking money away from some valuable family budget.

Now, we are always going to hear from our colleagues on the other side of the aisle, the Democrats, that these vital investments are needed for housing programs and for nutritional programs and health care programs. And certainly we need a social safety net. But, Mr. Speaker, this isn't really a debate about how much we spend on these vital programs. The real question is, who is going to do the spending? Democrats believe government should do the spending. We believe that families should do the spending. And when it comes to my constituents in the State of Texas, they need that $2,700. They need that $2,700 to help send a child to college, to help finance higher education. They need that $2,700 to make a down payment on their first home and help realize the great American Dream for their family. They need that $2,700 a year to help with long-term care for an elderly parent. I mean, these are the priorities of American families.

Where do we believe that somehow we have all this perfect knowledge in Washington, D.C.? I mean, Mr. Speaker, how much is enough? The single largest tax increase in American history is now being proposed by the Democrats, and what is this going to do? What is this going to do to families all across America? Every family in America who is paying attention to this debate ought to go and look at their checkbook, and every night, every week they have to get around that kitchen table and they have to make priorities, something that Congress isn't particularly good at, and they have to decide how they are going to meet their bills.

And yet here is the Democrat majority saying, well, we need an extra $2,700 a year from your family because we know better than you do about the health care you need and the education you need. You can't handle that yourself. We need to do it for you.

That is just one difference, one difference that we have. Because in the Republican budget, we know the American people work hard for their money. We know they roll up their sleeves and work hard to put food on the table to feed their family, to put a roof over their family's head.

There is no tax increase on the poor beleaguered taxpayer, no tax increase on American families, no tax increase on small businesses in the Republican budget. But what do you find in the Democrat budget? The single largest tax increase in American history.

Now, Mr. Speaker, I have been joined by a number of my colleagues tonight who know a lot about what this Democrat budget would mean to their constituents and would mean to their people back home. I am very happy that we are joined by the gentlewoman from North Carolina (Ms. Foxx), and I would like to yield to her to get her perspective on this single largest tax increase in American history.

Ms. FOXX. I thank you, Congressman HENSARLING. And I want to thank you for setting the stage for this discussion tonight. As you said, it is the beginning of many times when we need to be bringing this issue up. I also want to thank you for your leadership of the Republican Study Committee, our party group of conservatives that raises issues every day here on the floor and in committee meetings on the things that the American people believe in and that we fight for every day.

Let me reiterate some of what you said and then add some points about North Carolina and raise some other issues that you have not yet gotten to.

As you said, under the assumptions in this proposed budget, we will see the largest tax increase in our Nation's history. And I think we need to keep saying that over and over and over again. The Democrat budget increases taxes by $392.5 billion over 5 years, shattering their last record tax increase of $240 billion in 1993. In fact, they would raise taxes, increase taxes by $231 billion in 2012 alone. But the hits just keep coming; and as you pointed out, it is the same playbook that they used in 2003 all over again.

It is more than just a reckless policy that endangers the strength of our economy; it is a cause for serious concern for the livelihood of the constituents of the Fifth District in North Carolina and, in fact, people all over North Carolina. We would see in North Carolina more than 3 million taxpayers whose bills would go up. And it wouldn't be just a little bump, either. The average tax increase for the 3.1 million North Carolinians would be $2,671. That is a lot of money.

This stark reality underscores the truth of my Democrat colleagues' approach to the Federal budget. They know that the more money they can get out of Americans' pockets, the more money they can spend to expand the Federal Government. That is not what we need. This approach is completely backwards. We should be looking first to put money back into taxpayers' pockets, not taking it out.

Furthermore, this current budget proposal is a squandered opportunity to reform spiraling Social Security, Medicare, and Medicaid costs and to give Americans the permanent tax relief they deserve. Instead, it allows widespread tax increase that hit middle-income families, low-income earners, families with children, small businesses, and others.

Some people would see more than a 100 percent increase in their taxes. For example, an elderly couple with $40,000 in income would see a tax increase of 156 percent in 2011, from $583 to $1,489. And a family of four with $60,000 in income would have a tax bill that would rise from $3,030 to $4,893 in 2011, an increase of more than $1,850, or 61 percent.

And these increases are no accident. The Democrats were warned. During budget markup I know that my colleagues introduced many amendments which were all rejected, and these would have prevented the tax increases. But they would not listen.

But the budget proposal again isn't a real surprise. It is business as usual for the Democrats and proves that their promises to be fiscally responsible are just empty rhetoric. If this budget is approved, it will signal a return to the Democrats' beloved tax and spend model for government.

If you take a look also at the more than $20 billion in pork that was added to last week's troop emergency funding bill, it becomes crystal clear where the Democrats stand on spending. And, worse, they prove they don't mind using our troops as bargaining chips.

Democrats have willfully abandoned their pledge of fiscal responsibility. We have talked about it before. They are being very hypocritical in terms of what they promised and what they have done. They pledged to follow pay-as-you-go spending rules and spending restraint to curb the deficit. And then we get this budget which would give us again the largest tax increase in the history of this country and ignore the larger consequences for our economy.

These tax increase are going to threaten to reverse the substantial deficit reduction that has occurred in the past several years. We have increased tax revenue from 16.5 percent of GDP in 2003 to 18.5 percent this year, exceeding the average percentage of the past 4 decades. This is a result of those tax cuts that we passed. Tax revenue grew by 14.6 percent in 2005, 11.5 percent in 2006, and already 9.3 percent in the first 5 months of fiscal 2007. This revenue growth was the principle factor in reducing the budget deficit from $412.7 billion in 2004 to an estimated $214 billion this year, according to the Congressional Budget Office.

Let me give just a couple more examples of again how people are directly going to be affected by this tax increase and to show the hypocrisy of the

Democrats who say all the time that they are trying to help low-income and middle-income people. It will raise the 10 percent tax rate bracket to 15 percent. This will give a tax increase to 5 million individuals and families who don't pay taxes now but would become subject to the individual income tax in 2011 if the Democrats are successful in raising the 10 percent tax bracket to 15 percent. It eliminates the marriage penalty relief that we have had; 23 million taxpayers would see their taxes increase on average by $466. It cuts the child tax credit in half; 31 million taxpayers would see their taxes increase on average by $859 in 2011.

Every working American would be affected by the Democrats' tax hike. We have to bring this message to the American public and show them why the Republicans are fighting so hard against this budget that is going to be brought up by the Democrats.

And, again, Congressman HENSARLING, I applaud your efforts through the RSC and through the Budget Committee for helping us put together this Special Order and giving these facts about the largest single tax increase in American history being proposed by the Democrats.

Mr. HENSARLING. I thank the gentlewoman for her leadership in this body on issues that are important to taxpayers of America and taxpayers of North Carolina.

Again, Mr. Speaker, we are very privileged tonight to have Republican members of the House Budget Committee and members of the Republican Study Committee, the conservative caucus within Congress, Congress' largest caucus, made up of people who want to further the conservative cause of more freedom and more opportunity and limited government and accountable government, and people who understand that every time we inflate the Federal budget we are taking money away from the family budget.

Again, this single largest tax increase in history that the Democrats are proposing may fuel their vision of Big Government, but it doesn't do much to help fuel the budgets of families throughout our Nation, including some families in the State of Nebraska.

And I am very happy that we have been joined by one of the outstanding freshmen Members within our GOP ranks. At this time I would yield to the gentleman from Nebraska (Mr. SMITH).

Mr. SMITH of Nebraska. I thank the gentleman from Texas (Mr. HENSARLING). It is good to be here this evening as we discuss, I believe, an important aspect of our future.

Later this week we will begin debating the majority party's budget resolution. It promises to balance the budget by 2012 without raising taxes and with significant increases in both discretionary and mandatory spending. Basic math tells me this is impossible.

The majority party's budget assumes the expiration of all of the 2001 and 2003 tax cuts by adding those revenues into the budget over time to bring it into balance. Chasing higher spending with higher taxes, Mr. Speaker, will fail to address the unsustainable growth of government and will undo everything our economy has accomplished.

□ 2200

Even as our Nation faced tremendous challenges over the past few years, the strategy of economic growth through tax relief has delivered significant deficit reductions, including job growth.

If we are to raise taxes to balance the budget, entitlements would quickly drive us right back into the deficit, just at a higher level of taxing and spending.

With the retirement of the massive baby-boom generation looming, this situation will grow more serious, not less so. Most importantly, however, from an agricultural point of view, the majority party's budget promises more than $110 billion in increased mandatory spending in selected issue areas. They address this by creating 10 so-called reserve funds for specific items like health care, education and the farm bill. Agriculture gets a $20 billion "reserve" fund to be released at the discretion of the Budget Committee chairman. Sounds like a good deal, well, until you read the details.

This farm bill reserve fund can only be made available if the farm bill would not increase the deficit or decrease the surplus through 2017. In other words, to get the $20 billion, it must be offset by spending cuts or tax increases. This is either a shell game to give the impression of increased funding with no substance, or it is part of a larger plan leading to tax hikes, and I believe it is a part of a larger plan that would lead to the largest tax increase in American history.

It is interesting to note that in Nebraska this tax hike would cost the average Nebraskan, with over 656,000 taxpayers in Nebraska, an average of over $2,800 per taxpayer. My friends in Wyoming, almost $3,200 per taxpayer. My neighbors in Colorado over $3,000; Kansas, almost $2,900; South Dakota, almost $2,600 per taxpayer.

What concerns me the most, Mr. Speaker, is that sitting through several long hearings in the Budget Committee because it is certainly an important topic, we heard from the experts, and I would say the experts of the experts, who gave us clear warnings that we must reform entitlements.

The Federal Reserve Chairman, Mr. Bernanke, in the Budget Committee on February 28, 2007, said, "Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

The Comptroller General, Mr. David Walker, also in a Budget Committee hearing, on January 23 stated, "Health care is the number one fiscal challenge for the Federal and State governments. It is the number one competitiveness challenge for American business, and it is a growing challenge for American families. If there is one thing that can bankrupt America, it is health care. We need dramatic and fundamental reforms."

Mr. Walker went on to say on "60 Minutes" that the rising cost of government entitlements are a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America.

Even the Democrat chairman of the Senate Budget Committee has acknowledged, "It is always easier to defer, to kick the can down the road to avoid making choices."

Mr. Speaker, I rise with great concern about our future. I am concerned that when it comes to fiscal policies we have ignored the past, we haven't learned our lessons, and that we expect spending into prosperity, taxing into prosperity, and there is a law of diminishing returns. We know that is not a sustainable situation, and we have to practice fiscal responsibility because what concerns me the most is that the more we delay the decision, the tougher the decision becomes.

I know as we look at this budget and the revenues it necessitates are not sustainable with those policies. I rise out of great concern and look forward to a good, hearty debate as we address these issues that are so important to middle-class America.

Mr. HENSARLING. I thank the gentleman for his contribution. I thank him for his leadership within the freshman class.

Again, Mr. Speaker, people need to know that once a year we come together and as a Nation debate what the Federal budget ought to be. There are clearly those who think that the American people are undertaxed, and I suppose that is why the Democrats have proposed the largest single tax increase in American history.

But talking to working mothers in the Fifth Congressional District of Texas, talking to small business people and talking to farmers and ranchers, they don't seem to think that they are undertaxed. They think that Washington spends too much. But, instead, the Democrat response is almost $400 billion of tax increase. Nationwide, that is about $2,400, $2,500 per family of four that is going to be taken out of the family budget and put into the Federal budget if they succeed in their largest single tax increase in American history.

They are going to eliminate the marriage penalty relief. They are going to bring back the marriage penalty so people who fall in love and get married have to pay more taxes than if the two were single.

They are going to cut the child tax credit in half. They are going to cut it in half as working families and working mothers all over America are struggling to meet the needs of their children and of child care.

And for the working poor, this one is so hard to believe, but for the working poor in the 10 percent bracket, they are going to raise their taxes 50 percent. Fifty percent, Mr. Speaker, on the working poor and take them back to the 15 percent bracket.

Where does it all end?

I myself hail from the Lone Star State of Texas. We are what is known as a sales tax State. We do not have a State income tax. We are very blessed that we do not have one. Yet there has been this inequity in the Tax Code that allows taxpayers who come from a State income tax State to deduct their taxes, but for those of us from a sales tax State, we don't have that benefit.

Well, the Republicans knew that was not equitable, and we passed tax relief so all Americans would enjoy tax relief, whether or not they are from a sales tax State or a State income tax State. Now under the Democrats' plan, under the single largest tax increase in America's history, they are going to bring back the penalty if you happen to hail from one of these sales tax States.

Mr. Speaker, I am very happy that we are joined tonight by another Member who comes from one of those sales tax States, one of the great leaders of the Republican Study Committee, one of the co-authors of the American Taxpayer Bill of Rights. At this time I yield to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. I thank you so much. I am really appreciative that you have mentioned sales tax deductibility. As the gentleman from Texas knows, that is something that I worked feverishly and diligently to have passed when I came to this body in 2003, restoring that deductibility of sales tax to our Federal income tax filing for those of us who live in non-State income tax States.

Now whether you are from Washington State or from Nevada or from Texas or from Florida or Tennessee, my home State, you have been able to enjoy a sizable deduction. Our colleagues on the other side of the aisle, the Democrats, are willing to do away with that as they go about passing the largest tax increase in American history, the single largest tax increase in American history. They are going to do it all in one bill and all with one fell swoop.

You know, as I have listened to the debate on both sides of the aisle gathering around this budget, it has reminded me of something that we have talked about on this floor before, Mr. Speaker, and it is that the budget should reflect the priorities of the people of this great Nation, not the priorities of government.

Mr. Speaker, what we have right before us is a classic liberal elite bureaucratic document. It is all about growing the bureaucracy. It is about power to Washington, D.C., and not power to the people in our districts. It is clear as day. I am really kind of glad that the Democrats have brought this budget forward. It defines so clearly the priorities of our parties.

□ 2210

Are you for the bureaucracy or are you for the people? Are you for tax relief or are you for tax increases? Are you for middle class, hardworking Americans or are you for the liberal elites? Are you for those liberal elites that want to tell you they are smarter than you and they ought to be telling you exactly how to spend your money or are you for the taxpayers that are right now sitting at home at their kitchen table trying to figure out how much they owe the IRS and they are looking at the end of the month coming up and they have more month left over than they have money left in that checking account and it is because they know the government never gets enough of the taxpayers' money?

Mr. Speaker, my constituents know this Federal Government does not have a revenue problem. This Federal Government has a spending problem, and our colleagues across the aisle would be well-served to learn that lesson.

Whether you go back to the New Deal or the Great Society, all these programs that have been put in place and have to be grown and have to be fed, government never gets enough of your money because of this.

Now, in Tennessee, because of all the bookkeeping gimmicks of the Democrats, and they ran on one set of priorities but now they are governing like what they are, the liberal elites, and it is going to cost 2.1 million Tennesseans $2,600 per family. If they want to go vote to raise the taxes on the constituents in their district, have at it. Let them line up and vote to raise the taxes on the people that live in their districts. But the people in my district in Tennessee do not want to pay more in either State or Federal taxes. They want to see their taxes reduced. They want to see the size of government shrink, and they want to see better fiscal management and responsibility of the resources that the government has.

I thank the gentleman from Texas for yielding. I look forward to continuing this debate. I look forward to working hard to defeat the Democrats' tax increase which is the single largest tax increase in American history.

Mr. HENSARLING. Mr. Speaker, I thank the gentlewoman for bringing to the floor very important aspects of this debate.

Again, Mr. Speaker, I just do not know how anybody can justify this single largest tax increase in American history, almost $400 billion of taxes that are going to get imposed on American families. In Texas, it is going to be taking away $2,700 on average from every family of four. I mean, that is impacting real families in Texas. It is taking away from their family budget.

Mr. Speaker, I recently contacted my constituents and I asked them if the Democrats are successful with their plan to put forth the single largest tax increase in American history, what is it going to mean to you?

Well, I heard from Diana in Mesquite, and she said: Congressman, I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount would break me. I would be at risk of losing my home with this type of increase. I am writing to ask your help to keep this from happening. This would be devastating to middle-income families and families in my situation.

Again, Mr. Speaker, every time you plus-up, you increase the Federal budget, you are taking away from the family budget. You are taking away from Diana's budget in Mesquite, as she works to try to keep her home.

I heard from Brian who came from Dallas, and I asked him, and he said: Congressman HENSARLING, the loss of $2,700 would affect our ability to pay tuition and books for our daughter to go to college. While she is a junior this year, we are trying to save money for her education, and as the cost of education increases each year, the loss of these funds due to an increase in taxes will have a negative impact on our plans for her education.

Again, what the Democrats are doing with their single largest tax increase in American history is they are getting the family budget. They are making it more difficult. They are making it more difficult for Brian to be able to send his daughter to college. There is no fairness in this. There is no compassion in this.

I have heard from many other constituents and the Democrats have to realize once again how devastating this is to American families. It is not their money, Mr. Speaker. They did not earn it. It belongs to the American people. It is their money. They need to use it for their education program.

I think it is again important to point out that if the Democrats are successful in their plan to engage in the single largest tax increase in American history, it is going to take away from American families their ability to send their children to college. It is going to take away from their ability to purchase their first homes. It is going to devastate the family budget so that Democrats can bulk up on the Federal budget. This is not fair, Mr. Speaker. This is not right.

Another gentleman who has been a great leader within our conference and a great leader in the Budget Committee and somebody who represents the people of south Alabama very well in this institution, who knows about the devastating impact that this Democrat budget could have on family budgets, is the gentleman from Alabama, and I would be happy to yield to Mr. BONNER.

Mr. BONNER. Mr. Speaker, I thank the gentleman, and I thank the Speaker for allowing this Special Order to proceed.

I thank Jeff for organizing this. This is important for the American people in Texas and California and Alabama and all over this great country to understand what the Democratic majority is doing this week by unveiling their budget, and a budget that we will have to vote on.

As my friend from Texas will appreciate and certainly as the majority of my constituents back home in south Alabama know, I do not often come to the House floor every time there is an open microphone just to offer my view on whatever the topic of the day happens to be. Instead, I remember the words of my father who although I was only 13 when he passed away, he told my brother, Jim, my sister, Judy, and me that you learn a lot more from listening than you do from talking.

So usually I prefer to sit in the back of the chamber, this building, this awesome chamber that we are so privileged to serve in, and listen to the give-and-take, the back-and-forth of the debates that have helped to define our time.

Sadly, however, on this particular evening, I feel moved to come off that back bench so as to speak up and to voice my real concern and, quite frankly, my real disappointment that now that they are back in power after 12 years of being out, our friends on the other side of the aisle have chosen with their budget to revert back to their old familiar habits.

□ 2220

Because when all is said and done, that is what this budget will do. In a single sweep, in the snap of a finger, this Democratic budget will give to the American people the single largest tax increase in American history.

If all of that sounds familiar to you, then perhaps there's a reason for that. You see, the last time the Democrats were in control of Congress, they, too, gave the American people what was, at that time, the largest single tax increase in American history. Of course, that was back in 1993, when they had the help of President Bill Clinton to sign the bill into law. Fortunately, at least for the time being, President Bush has a veto pen that hopefully will keep these tax increases from becoming a reality.

But one thing is for certain. It didn't take the Democrats long, just 77 days from the time they took over the majority on January 4 of this year, to roll out their plan to raise taxes, yet once again on the backs of hard working Americans.

Now, Mr. and Mrs. Middle-Class American Taxpayer, I know some of you may be sitting at home tonight working on your own taxes. In fact, I called a constituent of mine in Mobile just last night, and that is what he told me he was doing, working on his tax returns for 2006. After all, April 15 is just 19 days away. So this topic of raising taxes on America's families couldn't be more timely.

Congressman HENSARLING, I don't know about you, but I don't recall a single time in any of my years of being in Congress, either as an elected Member or in the 18 years that I worked for my predecessor, Congressman Sonny Callahan, I don't recall a single time where a constituent came up to me, not at a town meeting, not at a Rotary Club, Lion's Club, Kiwanis Club or the like, and somebody came up to me and said, Jo, old buddy, you know the Federal Government needs more money. Why don't you just take some of mine?

Nor have I had anyone come up and say, Congressman, there is not an ounce of waste in the Federal Government. Washington, DC, is a lean, well-oiled machine. You all could use a little bit more of my money. Here, take whatever you need.

Correct me if I am wrong, but I doubt the gentleman from the Fifth District of Texas has ever heard any of his constituents make the statement to him.

Mr. HENSARLING. We should obviously inform our Democrat colleagues that last I looked, the IRS takes voluntary contributions. So if they don't believe their taxes are high enough, if they don't believe the taxes of their constituents are high enough, they can simply add a zero to that line on the 1040 and send in more. They somehow act that there is a revenue deficiency in Washington, DC.

I don't know how much government spending is enough, but just looking over about the last 10 years, I see where the agricultural budget has increased 126 percent, the Federal transportation budget, 97 percent, the education budget, 75 percent, Medicare has increased 137 percent, all at the same time where the family budget has increased about 36 percent. The Federal budget is outpacing the family budget by 3 to 1, 4 to 1. That cannot continue.

So, again, we come back to the basic question. Is Washington spending too much, or are the American people undertaxed? I think the gentleman from Alabama has hit the nail on the head.

Mr. BONNER. I thank the gentleman, and I know that he has done the math for his constituents in the Dallas area of Texas. I have done the math for people of south Alabama as well; and, if enacted, what the budget will mean to the average Alabama household is not good news. In fact, I hate to be the bearer of bad news, but there are approximately 4.4 million people who are proud to call Alabama their home. If this tax increase is enacted, it will mean that the average tax-paying Alabama household will owe another $2,500, $2,500. Friends, that is a lot of money to most folks back in my district in Alabama and I think in every district in America.

But if they have to write an additional check for $2,500 more to Uncle Sam, if this Democrat budget is enacted, then that likely means no braces for the kids. It means that you won't be able to set aside money this year for your children going off to college, and it certainly will mean there will be no family vacation.

Sadly, the Democratic majority must think either the Federal Government can spend the American people's hard-earned tax dollars better than they can, or that the Federal Government simply shouldn't be asked to make a sacrifice when there are so many worthy programs yet to fund. Either way, the Democratic majority is making quite a statement this week, a statement that I hope the American people will listen closely to as this debate unfolds.

You see, as my friend, Mr. HENSARLING from Texas, knows all too well, as do my other Republican colleagues on the House Budget Committee, last week when the Democrats passed this budget out of committee, they had an opportunity some 32 different times, I have got the amendments in my hand, to accept some reasonable tax relief for the American people by putting into writing their commitment to not raise taxes.

Now, in fairness, JEB, you will recall many of our Democratic colleagues on the committee, they were quick to say, well, wait a minute, we don't want to raise taxes, well, not all of them, at least not now.

But actions speak louder than words. Their actions, unfortunately, speak much louder than the lack of their words in that document. This is nothing short of the single largest tax increase on the American people. Quite frankly, it's a sad day for the American taxpayer.

Time after time, House Republicans on the Budget Committee tried to amend this budget with commonsense amendments that are overwhelmingly supported by the majority of the American people, amendments such as the one that our colleague, Congressman JON PORTER of Nevada, offered to prevent a tax increase on middle-income families with children. That went down on a party line vote by the Democratic majority.

The amendment by our friend, Congressman MARIO DIAZ-BALART of Florida, who offered to prevent an increase of the onerous and, I think, the most unAmerican of all taxes, the death tax that, if the Democratic majority doesn't do anything, will go back to 55 percent in just 4 short years. That amendment also went down on a party line vote by the Democratic majority.

Congressman HENSARLING, you remember your amendment, you had many, but this one in particular, JEB, to dedicate funding to protect America's veterans. Did it pass?

Mr. HENSARLING. No, it went down again on a straight party line vote. It was a very simple amendment. Budgets are about priorities. At a time our Nation is fighting this war on terror, it was a very simple amendment. It said, you know what? Whatever figure we decide is the right figure for veterans' funding, and I know you can never give enough, but whatever it is, let's make sure we put a floor under it. Let's give it a firewall. Because too often what we find out in what we call the appropriations process up here, sometimes these funds get raided for other purposes, just like Congress has too many times raided the Social Security fund.

So this was a simple amendment that said we are going to put a firewall around veterans' spending, and the number that we put in the budget is sacrosanct. Every single Democrat on the Budget Committee voted against that amendment. They voted against veterans. It was not a proud day for the institution.

Mr. BONNER. Congressman HENSARLING, I know there are others here tonight who want to speak out against this single largest tax increase of American history. I don't want to be accused of hogging microphone.

But, instead, I would like to close for my part by asking the American taxpayer a very simple question. Time after time our Democrat colleagues have come to this floor over the past few months and said the American people voted for change on November 7. It was all about change. Well, if this Democratic budget passes and if our taxes go up, and they most certainly will, then that is about all the American people are going to have left after these tax increases go up, is a little change. Is that really the message you were sending on November 7 of last year?

JEB, you have two beautiful children, Claire and Travis. Janee and I have two beautiful children back home in Mobile, Alabama. I hope they are all asleep right now, Lee and Robbins. This is really about the future of our children and grandchildren. There are a lot of good Democrats and a lot of good Republicans who have children and grandchildren who are concerned about them. This Democratic tax increase and this Democratic budget is nothing about the children. Unfortunately, it's about the government.

I thank the gentleman for this special order, and I appreciate his leadership on fiscal responsibility.

□ 2230

Mr. HENSARLING. I thank the gentleman for his contribution this evening. I thank him for his leadership on the Budget Committee. And he has brought up a very important point, Mr. Speaker, that we have yet to talk about this evening, and that is, as the Democrats offer up their single largest tax increase in American history, that is like the appetizer. That is the appetizer.

As the gentleman from Alabama talked about his family, and he has a wonderful family, and we all think about our children and our grandchildren, but do we really think enough about them? Because let me tell you, the single largest tax increase in history is just the start. The Comptroller General, the Chief Fiduciary Officer of the Federal Government has said that if we don't begin to reform entitlement spending, this spending explosion in Washington, unless, as a society, we find a better way, a smarter way to deliver health care and retirement security at a more reasonable cost, we are going to be on a path to double taxes, double taxes on our children and grandchildren in just one generation. And that is why I say, the single largest tax increase in American history, that is just the appetizer. The entree is, because the Democrats have no reforms, no reforms of entitlement spending in their budget whatsoever, which is the single largest fiscal challenge we face, according to the Congressional Budget Office, the Office of Management and Budget, the Federal Reserve Chairman, the Secretary of Treasury, anybody who is responsible for fiscal or monetary policy in America, the Democrat budget is silent on it. They are putting us on a path to double taxes on our children. And the Comptroller General, and I paraphrase, has said, we are on the verge of being the first generation in American history to leave the next generation with a lower standard of living.

And as the father of a 5-year-old and a 3-year-old, I will not stand idly by and let that happen. I will raise my voice about this single largest tax increase in American history.

Mr. Speaker, we are joined by another great freshman member of the Republican Party who has been outspoken on these budget issues and somebody else who hasn't lost his ability to be outraged on how this will impact, the single largest tax increase in American history will impact the people in his district. And I am happy now to yield to the gentleman from Ohio (Mr. JORDAN).

Mr. JORDAN of Ohio. I thank the gentleman from Texas, and I thank him for his work with the Republican Study Committee. His leadership there is just so valuable.

Mr. Speaker, let me just make a couple of points about this tax increase that has been talked about this last hour, this largest tax increase in the history of the United States of America, why it is such bad policy for our country. And I want to just focus, as I said, on two points.

First of all, I think it's important to recognize how the competition is stiffer today. And what I mean by that is this changing dynamic that we see in the world market. There was a point maybe in the past where elected officials, where politicians could afford to make poor decisions, poor policy decisions and because America's economy was so far ahead of the rest of the world, we could succeed in spite of the bad policies that were enacted. But the facts today are such that it is important we get it right and we not put additional burdens on families, on taxpayers, and on our economy if we are going to compete in this world market.

Just a couple of facts. Think about this: China has 1.4 billion people. The country of India has 800 million people. The United States of America, we just hit a population of 300 million last summer. So, again, two countries, over two million people that we are competing against. China's economy is growing at about 10 percent. India's is growing at about 7½ percent. If we are going to compete against those emerging countries who are moving towards middle class, if we are going to compete, we have got to have the right kind of policies in place. Tax increases are not the right kind of policies on our families, on our business owners, on our American economy. It is important we recognize that.

I have related this story to the Chair of the Republican Study Committee before, but I think it captures just how important it is to understand the dynamic that we find ourselves in in this point in history.

We have a constituent who has been very successful in manufacturing. And he wanted to, a few years ago, sit down with our United States Senator and talk about this dynamic that is taking place in the world market. And so we helped put together a meeting, and he sat down with our United States Senator around the conference table. He took one of the pieces, the piece that they make in their manufacturing plants and he had taped to that piece, he had two pennies taped to it. And he slid that piece across the table to our U.S. Senator and he said, Senator, those two pennies taped to that piece, those represent, those two pennies represent our labor costs in that piece. He said, competing with China. He said China and India aren't beating us on labor costs. What makes it tougher, he said, we are so efficient. Our systems, our processes are so good we feel like we can compete with anybody in the world. What makes it tough for us to compete is the stuff you politicians do, and he pointed right to our Senator. He said it is the tax increases, it is the regulation, it is the litigation, it is those sorts of things in our economy, in our policy that make it tough for us to compete.

We have got to recognize that when we are competing in this world market today, it is important we get it right, because, again the competition is so stiff.

And then of course the other reason that has been talked about very eloquently, I think, this evening, why it is bad policy to raise taxes. It is not just because it is bad for the economy. It is not just because we have all this focus when we are dealing with the budget where we talk about budgets and numbers and revenues and projections. It is bad because it is about people. It is about families. And when you think about what really makes our country strong, what has allowed the United States of America to be the most prosperous Nation in history, it is the fact that we have that key institution that has been so strong, that family institution. And really, I believe what makes America so great, it is this idea, and the chairman was just alluding to this, it is this idea that moms and dads are willing to sacrifice so that their kids can have life a little better than they did. And then that next generation, as they grow up, they do the same thing for their kids and their grandkids, and it continues. And it has been that cycle that has allowed America to prosper.

If we are going to take an additional $2,500 per family away from them, away from their checkbook, away from their pocketbook, away from their goals, their dreams, the things they want to spend it on, we are making it tougher for that American Dream to continue. We are making it tougher on the families, that key institution in our culture. And that is why this budget, this $392 billion tax increase is wrong for our country when we think about competing in the world market, and it is wrong for families who make this country so great in the first place.

And with that I would yield back to the chairman of the RSC and thank him for his work here this evening and for his continued work for families across this country.

Mr. HENSARLING. I thank the gentleman from Ohio for joining us this evening, for this debate about the very important budget that will be introduced and debated on this floor tomorrow, Mr. Speaker.

Another aspect of this debate that is important to note, and I am sure we will hear from our friends on the other side of the aisle, the Democrats, how tax relief over the last several years has somehow been a bad thing for America.

I might note, Mr. Speaker, that as we have given small businesses and America's families tax relief, guess what we have? We have more tax revenue. And, in fact, Mr. Speaker, we have more tax revenue than we have ever had in the history of America. We are awash in tax revenue. Why? Because if you let the American people keep more of what they earn, they will save, they will invest, they will work hard. They will expand the automobile transmission shop on one street corner. They will go out and start a barbecue stand on another street corner. It is called entrepreneurial vision. People go out and roll up their sleeves and work hard, and that is what they have done.

And not only, Mr. Speaker, are we awash in tax revenue. In this case, tax relief has proven to be part of the deficit solution. We also have new jobs. Since we have had tax relief, we have created 7½ million new jobs in America. 7½ million new jobs. The greatest health care program, the greatest nutritional program, the greatest housing program in the history of America is the American free enterprise system and the jobs that it creates.

But, Mr. Speaker, if the Democrats go through with their program to have the single largest tax increase in American history, you start taking the jobs away. And somehow they call it compassion when they hand you a government check and they take away your paycheck, because when they increase taxes on American families and they increase taxes on small businesses, they take away our jobs. They take away our careers. They take away our futures. There is nothing fair about that, Mr. Speaker. There is nothing compassionate about that.

The Republican budget will ensure that hardworking American families are not burdened with further tax increases. The Republican budget will make sure that the next generation enjoys greater freedom and greater opportunity, and that vital programs like Medicare, Medicaid and Social Security that are going broke, that we reform them and modernize them and that we can save them for the next generation.

The Democrat budget is absolutely silent, absolutely silent on the number one fiscal challenge to the next generation.

□ 2240

They present a budget for the next election, Mr. Speaker. We are presenting a budget for the next generation.

So I hope, Mr. Speaker, that the American people will follow this very important debate closely, because there are two different visions. One believes in the family budget; one believes in the Federal budget. One believes in American families keeping more of what they earn; the other believes in the single largest tax increase in American history. And it is not too late for us to vote for the family budget and against the single largest tax increase in American history.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Ms. SUTTON (during the Special Order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 110–78) on the resolution (H. Res. 274) providing for consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H. CON. RES. 99, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SUTTON (during the Special Order of Mr. HENSARLING), from the Committee on Rules, submitted a privileged report (Rept. No. 110–79) on the resolution (H. Res. 275) providing for consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, which was referred to the House Calendar and ordered to be printed.

THE BLUE DOG COALITION: THE NATIONAL DEBT

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, this evening, I rise on behalf of the 43-member-strong, fiscally conservative Democratic Blue Dog Coalition.

Mr. Speaker, I don't know about you, but I believe the American people like me are sick and tired of all the partisan bickering that goes on at our Nation's capital. I can tell you that I don't care if it is the Democratic or Republican idea. I ask myself is it a commonsense idea and does it make sense for the people in Arkansas' Fourth Congressional District? Then I vote accordingly.

What we have witnessed on this floor this evening is a lot of talk, and I think it is time that we speak to the facts, the facts about the state of our Nation and how we get out of this mess that we have seen be created during the past 6 years when the Republicans controlled the White House, the House, and the Senate.

Let's begin by looking here at the Blue Dog Coalition poster. The Blue Dog Coalition is nothing more than a name for fiscally conservative Democrats. And as you walk the halls of Congress, the Cannon House office building, the Longworth House office building, and the Rayburn House office building, you will occasionally happen upon one of these Blue Dog Coalition posters reminding Members of Congress, reminding those who walk the halls of Congress that today, today, the United States national debt is $8,841,089,074,666.40.

If you divide that by every man, woman, and child living in America today, every one of us, our share is $29,326.47. It is what those of us in the fiscally conservative Democratic Blue Dog Coalition call the debt tax, d-e-b-t, and that is one tax that cannot be cut, that will not go away until we get our Nation's fiscal house in order.

This evening, they have been talking about the budget for fiscal year 2008 that will begin October 1. Let's begin by talking about the budget passed by the Republicans for fiscal year 2007.

Mr. Speaker, I have got to tell you that when I came to Washington back in 2001, the first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security Trust Fund. That was back when the Republicans controlled the White House, the House, and the Senate. And the Republican national leadership would not give me a hearing or a vote on that bill. Now we know why. Because this year, under the budget that was approved last year by the Republicans for fiscal year 2007, the deficit, the deficit is $427 billion. That is counting the portion that they are borrowing from the Social Security Trust Fund with absolutely no provision made on how it is going to be paid back, when it is going to be paid back, or where the money is coming from to pay it back.

We hear a lot of talk about the national debt. It doesn't show up much in most public opinion polls. A lot of folks think we can simply print more money. Oh, how I wished it were that simple. The total national debt from 1789 until 2000 was $5.67 trillion. But, by 2010, the total national debt will have increased to $10.88 trillion.

I know those are big numbers. They are big numbers to me. But I can tell you this: It is a doubling, it is a doubling of the 211 year debt in just one decade, in just 10 years.

Interest payments on this debt are one of the fastest-growing parts of the Federal budget, and the debt tax, d-e-b-t, is the one tax that cannot be repealed. And every man, woman, and child in America, our share is $29,326.47. It would take all of us in America writing a check that large to pay off this debt that has been accumulated as a result of the reckless spending we have seen from this administration and this Republican-led Congress for the past 6 years.

Well, as you can see, the current national debt, $8,841,089,074,666.40, again, every man woman and child in America, our share of the national debt, $29,326.47.

Why do I raise this issue and why is this issue so important to the 43 members of the fiscally conservative Democratic Blue Dog Coalition? Here is why: Deficits do matter. Deficits reduce economic growth. They burden our children, our grandchildren with liabilities. They increase our reliance on foreign lenders.

In fact, I think it is important, Mr. Speaker, that we look here at the amount of foreign-held debt and the fact that it has more than doubled under the Bush administration. These numbers are in the billions. You can see how much was borrowed from foreigners in 2001, and you can see how much is borrowed from foreigners today. In fact, Mr. Speaker, the U.S. is becoming increasingly dependent on foreign lenders to fund our government. Foreign central banks and foreign investors currently hold a total of about $2.224 trillion. That is, $2,224,000,000,000 of our public debt. Compare this to only $623 billion in foreign holdings in 1993.

Kind of like David Letterman and his Top Ten List, we have a Top Ten List of whom the United States of America has borrowed money from, we are talking foreign central banks and foreign investors, to fund our government. Since 2001, this administration and this Republican-led Congress has continued to pass tax cuts that primarily benefit only those earning over $400,000 a year. They have done so while America is at war. Never before have we cut taxes when America was at war. In the past wars, we have had a shared sacrifice; and this war the only sacrifice being made is by our men and women, our brave men and women in uniform and their families.

□ 2250

I know this. My brother-in-law is currently stationed in the Middle East in the United States Air Force. This war has affected all of us in one way or another, and I know the kind of toil that takes, not only on him but his family back home at Fairchild Air Force Base in Spokane, Washington. Yet we have seen this administration, this Republican-led Congress, up until January pass tax cut after tax cut that primarily only benefits those earning over $400,000 a year.

Where is the money coming from? We haven't had a surplus. It has come, first, from raiding the Social Security trust fund. After they have gotten all the money they can suck out of it, they have gone to foreign investors and foreign central banks. Here is the top 10 list.

Japan: Our Nation has borrowed $637.4 billion from Japan to fund tax cuts for people in this country earning over $400,000 a year.

China: $346.5 billion.

The United Kingdom: $223.5 billion.

OPEC: Now we understand why gasoline was approaching $3 a gallon last summer. We have borrowed $97.1 billion from OPEC to fund tax cuts in America for folks earning over $400,000 a year.

Korea: $67.7 billion.

Taiwan: $63.2 billion. My friend John Tanner, one of the founders of the Blue Dogs, said it best when he said our country is in such a mess that if China does decide to invade Taiwan, we will have to borrow even more money from China to defend Taiwan.

The Caribbean Banking Center: $63.6 billion.

Hong Kong: $51 billion.

The United States of America has borrowed $52.1 billion from Germany to fund our government.

And get a load of this: The United States of America, our country, has borrowed $38.2 billion from Mexico to help fund tax cuts in this country for folks earning over $400,000 a year.

Those are the facts, not rhetoric, as we have heard.

Well, the Democrats are now in the majority, and it is now our responsibility to offer up a commonsense budget that puts America's children and families first again. Yes, we are doing it without raising taxes. In fact, we are proposing tax cuts. We are proposing a fix to the Alternative Minimum Tax, which is now eating away at middle-income families all across this country.

I think it is important to note that for the first time in 40 years, and this is not a partisan thing, President Clinton was born and grew up in Hope and Hot Springs Arkansas, two towns I am proud to represent in the United States House of Representatives. I am a 1979 graduate of Hope High School and live some 16 miles up the road from there now in Prescott, Arkansas, which is where Holly and I are raising our children.

But if you think back with me, it was President Clinton who gave us the first balanced budget in this country by a Democrat or a Republican, either one, in about 40 years. You can see that the debt added under President Clinton was $1.6 trillion. We actually had a balanced budget from 1998 through 2001. Then the debt added under President Bush so far, $3.9 trillion. This is an accumulation of gross national debt in trillions of dollars, the difference that we have seen.

How did that happen? Well, in the Clinton years, when we had the first balanced budget in about 40 years, one of the ways it happened was by the House of Representatives implementing what is known as the PAYGO rules, which means pay-as-you-go, something that we do at the Ross home in Prescott, Arkansas, something that we do at our small-town family pharmacy that my wife, who is a pharmacist, and I own, and something most families in America and most businesses in America adhere to. Pay-as-you-go.

Yet for the past 6 years, those rules were abolished on the floor of the United States House of Representatives. The PAYGO rules were not in effect, and we saw the largest deficit after the largest deficit after the largest deficit in the history of this country, which has totaled into the largest debt ever in our Nation's history.

I am real proud of the new Democratic leadership, because the 43 members of the fiscally conservative, Democratic Blue Dog Coalition went to the Democratic leadership and said we are in the middle, and we believe we are where America is and it is important to us that you govern from the middle, and they have.

There was a lot of talk about the first 100 hours, and we did a lot of good things for the American people in the first 100 hours. We did a lot of good things for children, we did a lot of good things for working families, and, yes, a lot of good things for seniors. We cleaned up the mess in Washington by passing ethics reform. We raised the Federal minimum wage for working families. We passed legislation to allow our government to negotiate with the big drug manufacturers to bring down the high cost of medicine for America's seniors. We did a lot of good things in the first 100 hours.

But the most significant thing we did early on, one of the first things we did in the first few hours of the 110th session of Congress, is we adopted PAYGO rules on the floor of the United States House of Representatives, meaning pay-as-you-go.

It means if you have got an idea for a program you want to fund over here, you have to show us how you are going to pay for it. You have to show us what you are going to cut over here.

Now, some Republicans seem to think that means that the way you pay for new programs is raising taxes. We saw the largest deficit ever in our Nation's history, year after year. We saw the largest debt in our Nation's history ever. And we saw all this money that the Republican leadership and this administration was borrowing from foreign central banks and foreign investors to fund tax cuts and to fund programs.

They were so out of touch that they forgot the idea that you could actually cut programs to fund programs, cut programs that don't work to fund programs that do.

You don't have to raise taxes to fund programs. You do away with the programs that do not work. You want to talk about waste? There is all kinds of waste in our Federal Government. I have about $400 million worth of waste sitting in a cow pasture at the airport in Hope Arkansas.

In 2005, when Hurricane Katrina hit, one the first things FEMA did was order tens of thousands of brand new, fully-furnished mobile homes. They brought many of them, 10,777 at one time, to the airport in Hope, which had these inactive tarmacs and runways that were World War II era, and they thought it was a wonderful place to have a so-called FEMA staging area.

The idea was they were going to come through there on the way to the Gulf Coast. They all came, but they never went. This was 2005, and these mobile homes never got to the storm victims of Hurricane Katrina. At last count, FEMA has 8,420, 8,420 of these brand new, fully-furnished, not camper trailers, we are talking about mobile homes, 16 foot wide and 60 foot long, just sitting there. Just sitting there.

To try to get them to the homeless on the Gulf Coast, I raised the issue with the Inspector General at FEMA back in late 2050, saying, Mr. Inspector General, Mr. Director of FEMA, Mr. President, if you don't move these mobile homes off this cow pasture, they are going to start sinking and it is going to destroy them. I did that to try to get them off high center and get them to the victims of Hurricane Katrina.

□ 2300

You know what they did? Mr. Speaker, do you know what they did? They showed up. They didn't move them. They showed up with $7 million. FEMA showed up with $7 million worth of gravel to put under them. This stuff is so crazy you can't make it up. And they continue to sit there today.

So the Republican leadership needs to understand when we talk about paying for something, when we talk about cutting programs that don't work and use that money to pay for programs that do, we are not talking about raising taxes, we are talking about identifying waste, like the $400 million, the more than 8,000 brand new, fully furnished mobile homes sitting there in the cow pasture at the airport in Hope, Arkansas.

That was one of the first things that happened on the floor of the House at the Blue Dog's insistence, as this 110th began under the new Democratic majority. And I am proud of this majority for listening to the 43 of us. It was one of our 12 points that I spent the last 2 years on the floor of the House talking about for meaningful budget reform. It was one of the first things implemented on this floor which will help us get back to the days of a balanced budget and a surplus, which is very, very important for a lot of reasons that we will discuss.

Mr. Speaker, I think it is important that we look at the facts. The debt when President Bush took office, $5.7 trillion, the debt today $8.8 trillion. The debt added so far under the Bush Administration, $3.1 trillion, the debt projected at the end of the Bush Presidency is $9.6 trillion, the total Bush increases to the debt, $3.9 trillion. Deficits without the Social Security surplus. The OM budget deficit for 2007, $427 billion. The OM budget deficit for 2008 under the President's budget, $451 billion, one of the largest deficits ever in our Nation's history.

The cost of debt service. This is why it matters to every man, woman and child in America. The net interest for 2002 was $170 billion. You can see what's happening here. The net interest for 2008 is projected to be $261 billion. What does that mean? That means our Nation is spending three-quarters of a billion dollars a day simply paying interest on the national debt before we borrow another billion dollars today. Every day, our Nation starts off owing three-quarters of a billion dollars in interest payments.

Let me tell you why that matters. Because the interest payments on the debt are dwarfing other priorities. The red is the amount of money we are spending of your tax money, Mr. Speaker, paying interest on the national debt.

We talk about our children and how we love them and how we value their education. Look at how much we are investing in education in this country. Again, the red demonstrates the amount of money we are spending in a year paying interest to the national debt, which continues to go up to the tune of about $1 billion a day. The light blue reflects how much we do, as a Nation, value education. It reflects how much we are spending in a year educating our children.

The green. Oh, we talk about how we support our men and women in uniform on the floor of this House. And I hope every Member that gets up and says that does. You know, money speaks louder than words. Look at our priorities. The green represents the amount of money our Federal Government is spending on veterans, including a new generation of veterans coming back from Iraq and Afghanistan. Look how that compares to the red, the amount of money we are spending simply paying interest on the national debt.

And this new buzz word "homeland security." Oh, we all take our belt off and take our shoes off and go through all that at the airport, and we feel safer. Are we? Look at the purple. Look at how much we are investing in homeland security. Look at how much we are investing as a Nation under the President's budget, all of this is under the President's budget in keeping America safe, and look how all those, education, veterans, homeland security compare to the amount of money our Nation is spending paying interest on the national debt.

I represent a district about half of Arkansas, and about half of that is in the Delta region, one of the poorest regions in the country. We have a lot of hope in that region that someday I–69 will be completed. I–69 is an interstate that was announced in Indianapolis 5 years before I was born. I am 45. With the exception of about 40 miles in Kentucky and a few miles in Tennessee, none of that has been completed south of Indianapolis. Just to complete the Arkansas section that can create economic opportunities and help the Delta region realize an economic revival with will take some $1.6 billion. That's a lot of money we don't have as a Nation. Why? Because we are spending it paying interest on the national debt, a debt that continues to go up under these Republican policies and under this administration's budget.

As I said earlier, we are spending three-quarters of a billion dollars a day simply paying interest on the national debt. Give me about 2 days interest on the national debt, Mr. Speaker, and I can build I–69 through Arkansas and create all kinds of jobs and economic opportunities and help this poor Delta region recognize an economic revival.

On the western side of my State, folks have been waiting since I was a small child for the completion of Interstate 49. It, too, can create jobs and economic opportunities and open up the western side of Arkansas and complete the first north-south corridor through the middle of our country. I need $2 billion to complete I–49 in Arkansas. It's a lot of money, but it's about 3 or 4 days interest on the national debt.

We need new public schools built in this country for our children to be able to receive the very best education possible. We could build about 200 brand new elementary schools every single day in America just for the interest we are spending on the national debt.

My point, Mr. Speaker, is that America's priorities, education, veterans, homeland security, roads, infrastructure, are going to continue to go unmet until this Nation gets its fiscal house in order. That is what the fiscally conservative Democratic Blue Dog Coalition is all about. We are about restoring fiscal discipline and common sense to our government.

This week, the Democrats are going to offer a budget that is fiscally responsible. Our budget adheres to the PAYGO budgeting rules that I talked about earlier and provides a commitment to the compensation of statutory PAYGO requirements. Our legislation, I should say legislation that was passed by the Republican Congress and signed by President Bush, has increased mandatory spending by $262 billion over the last 5 years. The PAYGO rule, as applied to mandatory spending increases as well as tax cuts, will enforce much greater spending restraint than the Republicans passed over the last 5 years. And I have gone through the details of why in my presentation earlier.

The Democratic budget meets the President's levels of spending for national defense, very important to me and members of the Blue Dog Coalition. We've got to have a strong national defense. Our brave men and women in uniform are doing whatever we ask of them; and as long as they are willing and able to do that, it is our duty and our obligation to provide them the resources that they need to do their job as safely as possible. And it is also our duty and obligation to them to ensure they receive the health care and veterans benefits that they have earned as this new generation of veterans return from Afghanistan and Iraq. And the Democratic budget increases homeland security funding levels.

The Democratic budget reaches balance, a balanced budget by 2012, and provides for greater deficit reduction than the President's budget over 5 years. Total spending in 2012 will be 18.9 percent of GDP, exactly 1 percent lower than it will be this year and lower than it has been in any year since 2001. And, yes, that's Democrats offering that budget, a commonsense budget to restore fiscal discipline to our Nation's government. This is a lot different than how the other side tried to explain it.

Our budget provides accountability. If there is one thing our Nation needs as a government, it is to restore accountability to our government. Defense auditors estimate that more than one of six dollars they have audited for Iraq is suspect, including $2.7 billion in Halliburton contracts. The Democrat budget assumes substantial savings from more efforts by the Defense Department, with increased congressional oversight, to root out wasteful spending, building on just-passed reform legislation to reduce waste in Federal contracting.

□ 2310

You know, the Constitution of the United States of America gives Congress the duty, the authority to provide oversight; and for the past 6 years this Republican-led Congress has been nothing more than a rubber stamp for whatever this administration wants. That is not what the framers of our Constitution envisioned. I am not suggesting, Mr. Speaker, that we go on a witch hunt or start issuing a lot of subpoenas. But what I am suggesting is that it is time for this Congress to fulfill its constitutional duty and responsibility of providing oversight. And we have started doing that. No more flying into Washington on Tuesday and out on Thursday. You are seeing a new Congress that is cleaning up the mess, that is coming in on Monday and staying to Friday, rolling up their sleeves. And, yes, not just voting on the floor of the House, but meeting in committees and providing the oversight as required by the Constitution of the United States of America.

Also under the Democratic budget, the House committees will conduct performance reviews to make sure that government programs are working, and work to eliminate, yes, the Democratic budget will work to eliminate unnecessary and wasteful spending. Similar efforts saved billions of dollars under the Clinton administration which gave us the first balanced budget by a Democrat or a Republican in some 40 years.

The Congress will save millions of dollars by investing in efforts to identify and eliminate wasteful spending and improve government efficiency. Our budget addresses the permanent AMT reform. You heard the Republicans tonight talking about the Democratic budget is going to raise our taxes. We are not raising anyone's taxes. In fact, our budget calls for a permanent fix for the alternative minimum tax, commonly known as AMT, to provide tax relief, yes, tax relief, for middle-class families, without increasing the deficit, and reaffirms support for extending middle-income tax cuts consistent with the PAYGO rules, pay-as-you-go.

The Democratic budgets includes a deficit neutral reserve fund that provides the framework necessary for permanent AMT relief for America's middle-income working families. While our plan to permanently reform AMT is a revenue and deficit neutral approach, the President's budget calls for a temporary 1-year fix and contributes to the already out-of-control deficits. Well, providing a permanent fix to the AMT will prevent millions, yes, millions, of hardworking Americans from facing a devastating tax increase this year.

The Democratic budget, our budget, will cut taxes for America's working families. President Bush's failed tax policies have left us with a debt of nearly $9 trillion. In fact, Mr. Speaker, as you can see here, again I will remind you, today the U.S. national debt: $8,841,089,074,666.40.

Well, in taking a revenue and deficit neutral approach to reforming the AMT, our budget is taking a measured and responsible approach to cleaning up the fiscal mess in which our Republican predecessors have left us. Over the past 6 years they have done these things, and now we have asked for a chance the clean them up, and we are in the process of doing that.

The Democratic budget meets the needs of veterans. Very important. Our budget meets previously unmet needs for veterans by increasing discretionary funding for the Department of Veterans Affairs from $36.5 billion to $43.1 billion. That is a $6.6 billion increase over fiscal year 2007. That is an 18.1 percent increase over last year, and a $3.5 billion increase, or 8.9 percent over the administration request for fiscal year 2008. Over the 5-year budget, the Democratic budget resolution includes $32 billion more to protect the health and well-being of our men and women in uniform than does the administration's request. And, yes, we owe it to our brave men and women in uniform, a new generation of veterans coming home from Iraq and Afghanistan. And, as a Nation, we had better be there for them and provide them the health care and the resources that they need, because they are there for us doing what our Nation is asking of them.

The additional funds will allow the Department of Veterans Affairs to provide excellent health care, keeping up with the high rate of health care inflation, and the continuing increases in new veterans entering the VA system. In fiscal year 2008, Mr. Speaker, the VA will treat 5.8 million patients. Yes, America is at war, and we need to recognize it and we need to properly fund the Veterans Administration to provide the health care and the needs of our new veterans coming home from Iraq and Afghanistan.

Our budget addresses the Veterans Administration's repair and maintenance backlog in the wake of a VA report that outlines 1,000 specific problems at VA facilities around the country. That is no way to honor our veterans. We have got to fix these 1,000 specific problems that have been outlined by the Veterans Administration, not only at Walter Reed, but all across this country.

Our budget increases efforts to address mental health, post-traumatic stress disorder, and traumatic brain injuries. The Democratic budget also rejects the Bush administration's proposed enrollment fees and near doubling of prescription copayments for America's veterans.

Mr. Speaker, in the last half of this hour I want to visit more about this budget that may very well be on the floor of this House on Thursday. Our budget provides for a strong national defense. Our budget provides for robust defense funding levels while targeting resources on the most pressing security concerns. It increase funding for veterans health care and services by $5.4 billion above current services. The Democratic budget provides more homeland security funding than the administration and provides funding for the 9/11 Commission recommendations. Yes, we are going to fund the bipartisan 9/11 Commission recommendations that should have been done several years ago.

In the area of health care, our budget accommodates an increase of $50 billion to expand children's health insurance to cover millions of additional uninsured children. Mr. Speaker, we have 48 million people in this country without health insurance. This is America. We are the leader of the free world, and we have got 48 million people in this country that don't have access to health care. And who are these? Not the people who don't want to work. If you don't want to work or can't work, you qualify for Medicaid, which is a health insurance program for the poor, the disabled, and the elderly.

These 48 million folks, who are they? Ten million of them are children. Children. And the rest of them are people that are trying to do the right thing and stay off welfare and they are working the jobs with no benefits. We want to expand children's health insurance to cover the millions of additional uninsured children in this country.

Education. The Democratic budget provides a 2008 program level that is $3 billion over current services for education, training, and social services, which includes funding for No Child Left Behind programs, special education, and aid to help students afford college. Now, this idea of No Child Left Behind was a great concept, but it has become nothing more than an unfunded mandate for our local school districts, and it has forced our schools and teachers to spend all their time teaching to a test instead of teaching our children how to learn.

This No Child Left Behind business is so messed up, Mr. Speaker, that we are spending the whole school year teaching a test, and then giving the children the test in March on everything that they were supposed to learn through May. It is my understanding the reason they give the test in March on everything they are supposed to learn through May is they have got to do it early, as in March, so that the people that grade the tests can get the results back by October so the school district will have it to write a report that is due in September on how they are going to make the school better.

□ 2320

And they call it No Child Left Behind. It needs some serious fine tuning, and we need to put an end to this unfunded mandate and fund this program and fund our children's education.

Well, the budget, as I mentioned, also will provide aid to help students afford college. The Democratic budget increases funds for Head Start and child care.

Let me tell you, Mr. Speaker, that we live in a country where we get to choose where we work, where we worship, whom we marry. One of the few things in life we don't get to choose is who our parents are. Some children get really lucky. I did. Some don't. But as a Nation, I believe we have a duty and an obligation to be there for all children. And, Mr. Speaker, if we will invest in their education, in Head Start funding, if we will invest in the early years of a child's life, we can turn them into a productive, lifelong citizen of this country. Compare that to turning our backs on them and spending $25,000 a year warehousing them behind bars. The choice is easy for me, and that choice is reflected in our Democratic budget.

Well, the fiscally conservative Democratic Blue Dog Coalition in the past has had to write our own budget. Why? Because the Republican leadership wouldn't give us a seat at the table. They wouldn't listen to our ideas. They would not include our ideas in their budget. This year the new Democratic majority leadership invited the Blue Dog Coalition, the 43 of us that are fiscally conservative Democrats, to sit at the table and to help draft a commonsense budget that reflects our values, our priorities, and restores fiscal discipline to our Nation's government. We asked for several principles to be included in this budget, and I am pleased to tell you, Mr. Speaker, that the budget that will be on the floor of this House on Thursday includes all six of the provisions that we asked for. Again, we are in the middle, America is in the middle, and as you can see, we are ensuring that this new Democratic majority governs from the middle.

Here are the six points that we asked to be included in the budget, and they have been: Number one, as we mentioned earlier, the Democratic budget adheres to the House pay-as-you-go, PAYGO, rule, a principle long advocated by the Blue Dogs as a solution for putting an end to deficit spending and reducing the nearly $9 trillion national debt. Republican budgets over the past several years included a net total of hundreds of billions of dollars in new mandatory spending. By contrast, this budget includes a net total of zero dollars in new mandatory spending. Due to its adherence to PAYGO rules, any increases in mandatory spending must be offset elsewhere in the government. That means cut programs that don't work. Don't borrow more money from China and Mexico. That key provision is included in the budget that will be on the floor of this House, the Democratic budget, on Thursday.

The second thing we asked for and got in this budget: The Democratic budget provides a commitment to the extension of statutory PAYGO requirements, a tool that was instrumental, as I mentioned earlier, in the return of the budget surpluses during the 1990s. Our budget resolution puts the House on record as endorsing an extension of the statutory version of PAYGO, pay-as-you-go, rules, which proved instrumental in bringing the budgets from large deficits of the early 1990s to the budget surpluses achieved by the end of that decade. We have now passed PAYGO as a rule in the House, and now in this budget we are endorsing it as law.

Number three, we asked for and received in this budget a provision for a strong national defense. The budget provides for a strong national defense and ensures that the protection of all Americans is the number one priority of our Federal Government. The preamble of the Blue Dog Coalition talks about fiscal discipline and talks about a strong national defense. It was important to us that we matched the funding request in the President's budget and provide increases in homeland security funding levels, and we have done that. The Democratic budget does that. It targets these resources to our most pressing security needs, and the budget includes an increase over the President's request for veterans health care and homeland security. That is the third point.

The fourth point that we asked for and got included in the budget: Unlike the President's budget, the Democratic budget is fiscally responsible and realistically reaches balance in 2012. Our budget puts an end to irresponsible deficit spending and has a better bottom line than the President's budget over 5 years by $234 billion and therefore accrues less debt and waste, fewer resources on interest payments on the national debt. Our budget holds the line on mandatory spending levels, putting our country back on the path toward fiscal responsibility.

The fifth thing we asked for and got in the budget, Mr. Speaker, provides for fiscally responsible tax relief. The budget calls for a permanent fix, not temporary, but a permanent fix, for the alternative minimum tax, AMT, to provide tax relief for middle-class families without increasing the deficit and reaffirms support for extending middle-income tax cuts consistent with PAYGO, pay-as-you-go, rules.

And, finally, number six, the last thing we asked for and got included in the budget: The Democratic budget contains tough program integrity measures to crack down on wasteful spending while ensuring that legitimate recipients of Federal funds and law-biding taxpayers are not penalized. That is what our new Democratic budget does. It will be on the floor of this House on Thursday.

Here is the alternative. This is what has been proposed by the President in his budget: The Bush administration has turned a projected 10-year budget surplus of $5.6 trillion into a projected 10-year deficit of $2.8 trillion. Under the last 6 years of fiscal irresponsibility, America's national debt has increased 50 percent to nearly $9 trillion, or $29,000 for every American. About 75 percent of America's new debt has been borrowed from foreign creditors, making our fiscal integrity a matter of national security. The national debt is up $3 trillion since 2001, and it will soar to more than $12 trillion by the end of 2012. President Bush has now borrowed more money from foreign nations than the previous 42 U.S. Presidents combined. Let me repeat that. This administration has borrowed more money from foreign central banks and foreign investors in the past 6 years than the previous 42 Presidents combined. You want to talk about a threat to our national security, there is one.

Well, the President's budget continues on the same fiscally irresponsible course. Under the President's budget, America's national debt will grow by $3 trillion over the next 5 years to $11.5 trillion, more than twice the size of the debt that the Bush administration inherited. Under the President's plan, deficits continue for the next 5 years. The deficit would increase by $24 billion in fiscal year 2008 if not for a growing Social Security surplus that is used to mask the true nature of the President's deficits. With honest and realistic accounting, under the President's budget, we have a deficit projected to rise to $464 billion by 2016. To hide this fact, the budget omits enormous costs, including the full cost of fixing the alternative minimum tax and the full cost for the Iraqi war, which is now costing us as taxpayers some $12 million an hour.

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$2.5 billion a week it costs us, $9 billion a month.

The President's budget cuts domestic purchasing power by $114 billion over 5 years. Well, the President's budget omits the full cost of the administration's policy in Iraq and Afghanistan, which means the President will come back, as he did last week, asking for more emergency spending, asking for more supplemental measures, another way of trying to hide the true cost of the war in Iraq.

The President's budget only provides $50 billion for wars in Iraq and Afghanistan after fiscal year 2008, yet last week he asked for $95 billion just to get through the rest of this year. Despite the numerous underestimations provided in years past and the nearly half a trillion dollars spent already, again he has come in and underestimated the amount of money that will be needed for fiscal year 2008 in Iraq and Afghanistan.

The administration's budget discontinues the funding after just a down payment for 2009, even though the administration is increasing troop strengths and has no current plans to scale back operations in Iraq or Afghanistan.

Mr. Speaker, a recent CBO, Congressional Budget Office, scenario estimated war costs for Iraq, Afghanistan and the Global War on Terrorism, could be as much as $603 billion higher over 10 years than what is included in the administration's budget. The President's budget uses rosy assumptions that boost the bottom line. The President's 2008 budget relies on unrealistically rosy assumptions that the economy will grow its way back to a budget surplus.

For example, in 2012 it assumes revenues that are $155 billion higher than comparable projections made by CBO, the Congressional Budget Office. Without these optimistic assumptions, a claimed 2012 surplus of $61 billion becomes a $94 billion deficit.

The President's budget fails to address permanent AMT reform. The President's budget includes only a 1 year fix for the Alternative Minimum Tax. This will allow the number of taxpayers affected by the AMT to skyrocket from 3.5 million in 2006 to 26.5 million in 2008, and represents a $247 billion tax increase on middle class families over the next 5 years. That is in the budget President's budget, a $247 billion tax increase on middle-class families over the next 5 years.

Forty-three members of the fiscally conservative Democratic Blue Dog coalition do not support tax increases like the one found here in the President's budget. The AMT has been deliberately used by the Bush administration to mask, to hide, the cost of its tax cuts, which have been paid for by the middle-class.

The AMT has also taken back a large portion of the Bush tax cuts promised for middle-class families. In 2001, an act provided marriage penalty relief by increasing the standard deduction and the size of the 15 percent tax bracket, but it did not reduce the marriage penalty contained in the AMT. In essence the 2001 act did not provide marriage penalty relief for many married taxpayers.

Democrats are going to fix that in the budget voted on on the floor of this House on Thursday. It remains unfixed, however, in the President's budget.

Congress has recently enacted a series of temporary fixes that limited the expansion of the AMT, Alternative Minimum Tax, to about 4 million taxpayers. But if left unchanged, next year the AMT will become a burden on the pocketbooks of millions of middle-class Americans.

Well, the President's budget also includes additional hidden taxes and fee increases. For example, the President's budget raises taxes on about 30 million families with employer-provided health insurance by over $300 billion over 10 years. The President's plan will result in a growing proportion of seniors paying higher Medicare premiums every year by eliminating indexing of the income related premium and extending it to the Medicare prescription drug benefit. These proposals will increase premiums paid by seniors to the tune of $5.5 billion over the next 5 years.

Veterans, I told you what the Democratic budget is going to do for veterans. Let's look at the President's. The President's budget proposes new enrollment fees and increases copayments for veterans healthcare. These fee collections will cost veterans $2.3 billion from 2008 to 2012.

The President's budget also imposes medical fees on TRICARE, the health insurance plan for military retirees under the age of 65. The increased fees imposed on military retirees will amount to $1.9 billion in 2008 and $14.5 billion over 5 years.

The President's budget eliminates, doesn't cut, it eliminates, a $9 million traumatic brain injury program at a time when hundreds of Iraq and Afghanistan veterans are returning home needing help as a result of these traumatic brain injuries.

Education. We talked about what the Democratic budget will do for education. Let's look at the President's. The President's budget cuts funding for elementary and secondary education, denying 3.2 million children the extra reading and math help they were promised by the so-called No Child Left Behind Act.

The Bush budget eliminates higher education programs designed to help lower income students afford college, including the Perkins loans, the Supplemental Educational Opportunity Grant Program and the Leveraging Educational Assistance Partnership Program. Approximately 1.5 million students would lose financial aid awards as a result of these Bush higher education cuts.

Mr. Speaker, the Bush budget eliminates, not cuts, it does not cut, it eliminates 44 education programs, including Supplemental Opportunity Education Grants, Education Technology, Even Start, Ready to Teach, school counseling, mentoring and school drop out prevention.

The President's budget cuts, I am sorry, it doesn't cut, it eliminates, 44 education programs that can help to lift up our young people. The President's budget cuts discretionary education funding by $1.5 billion, or 2.6 percent below fiscal year 2007.

Well, the President's budget also reduces the availability of low cost loans for financially needy students by proposing to recall $419 million from Perkins loan revolving funds held by 1,315 colleges and universities. This will be the first step toward recalling $3.2 billion over 5 years from these revolving funds, which are used to provide low income loans averaging $2,000 to financially needy students.

The President's budget eliminates the $771 million Supplemental Educational Opportunity Grant Program and the $65 million Leveraging Educational Assistance Partnership Program, both of which help lower income students afford a higher education.

Overall, Mr. Speaker, approximately 1.5 million students would lose financial aid awards as a result of these Bush higher education cuts.

The Bush budget cuts funding for Head Start by $100 million. If enacted, this cut in the President's budget means that up to 13,500 children will be cut from the program next year.

There are cuts to healthcare. There are so many cuts. There are cuts to agriculture. There are cuts to homeland security.

Mr. Speaker, I know as our time winds down that it is important that we look at the President's budget, it is important that we look at the Democratic budget and that we ask ourself, which one reflects our values, our priorities? Which one reflects America's values and priorities?

I am proud that this new Democratic majority on the Budget Committee, under the leadership of Chairman SPRATT, that they sat with us, 43 member strong fiscally conservative Democratic Blue Dog Coalition and gave us input in helping write a common sense budget that meets America's values and priorities, while restoring common sense and fiscal discipline to our Nation's government.

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And I hope on Thursday, Mr. Speaker, we will see this budget, this commonsense budget pass that does reflect our values. It relates to our children and education, to our working families, to our seniors and their security, their Social Security and their retirement security and their health care security, and to children, some 10 million without health insurance tonight.

It is a commonsense budget that can help us return to the days of a balanced budget, that can help us put an end to this deficit spending, that can help us put an end to this reckless spending that we have seen for the past 6 years occur day after day on the floor of this House Chamber.

Mr. Speaker, as I close this evening, I remind you that as you walk the halls of Congress, as you walk the House Office Buildings, you will note this Blue Dog Coalition poster reminding every Member of Congress and those who walk the halls that today the U.S. national debt is $8,841,089,074,666.40. And every one of us, every man, woman and child in America, our share is $29,326.47.

Mr. Speaker, I submit to you that it is our duty and obligation to restore fiscal discipline to our national government; and that when we leave here someday we will be able to say to our children and grandchildren that we helped make this country a better place for all of us to call home.

With that, Mr. Speaker, on behalf of the 43 member strong, fiscally conservative Democratic Blue Dog Coalition, I yield back the balance of my time.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. ANDREWS (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

The following Members (at the request of Mr. RODRIGUEZ) to revise and extend their remarks and include extraneous material:

Mr. RODRIGUEZ, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Ms. SHEA-PORTER, for 5 minutes, today.

Mrs. JONES of Ohio, for 5 minutes, today.

Mr. TOWNS, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mrs. BOYDA of Kansas, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

(The following Members (at the request of Mr. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. WOLF, for 5 minutes, March 28.

Ms. FOXX, for 5 minutes, today.

Mr. TANCREDO, for 5 minutes, today.

Mr. BARTLETT of Maryland, for 5 minutes, March 28.

Mr. FRANKS of Arizona, for 5 minutes, today.

Mr. SHIMKUS, for 5 minutes, today.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 474. An act to award a congressional gold medal to Michael Ellis DeBakey, M.D.; to the Committee on Financial Services.

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program; to the Committee on Education and Labor.

ADJOURNMENT

Mr. ROSS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 41 minutes p.m.), the House adjourned until tomorrow, Wednesday, March 28, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

972. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data [Docket No. 2006N-0335] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

973. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule — Medical Devices; Reprocessed Single-Use Devices; Requirement for Submission of Validation Data; Withdrawal [Docket No. 2006N-0335] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

974. A letter from the Deputy Director, Defense Security Cooperation Agency, transmitting reports in accordance with Section 36(a) of the Arms Export Control Act, pursuant to 22 U.S.C. 2776(a); to the Committee on Foreign Affairs.

975. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report providing information on steps taken by the U.S. Government to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries, as requested in Section 535 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act for Fiscal Year 2006 (Pub. L. 109-102); to the Committee on Foreign Affairs.

976. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting extension of the waiver of Section 907 of the FREEDOM Support Act, Pub. L. 102-511, with respect to assistance to the Government of Azerbaijan; to the Committee on Foreign Affairs.

977. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to Section 620C(c) of the Foreign Assistance Act of 1961, as amended, and in accordance with section 1(a)(6) of Executive Order 13313, a report prepared by the Department of State and the National Security Council on the progress toward a negotiated solution of the Cyprus question covering the period December 1, 2006 through January 31, 2007; to the Committee on Foreign Affairs.

978. A letter from the Deputy Secretary, Department of State, transmitting the Department's report on the status of the use of Pub. L. 107-228 Authority for Russian Federation Debt Reduction for Nonproliferation; to the Committee on Foreign Affairs.

979. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

980. A letter from the Assistant Secy for Administration & Management, Department of Labor, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

981. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habit for the Spikedace (Meda fulgida) and the Loach Minnow (Tiaroga cobitis) (RIN: 1018-AU33) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

982. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Reclassification of the American Crocodile Distinct Population Segment in Florida from Endangered to Threatened (RIN: 1018-AI41) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

983. A letter from the Acting Chair, Federal Subsistence Board, Department of the Interior, transmitting the Department's final rule — Subsistence Management Regulations for Public Lands in Alaska, Subpart C and Subpart D-2007-08 Subsistence Taking of Fish and Shellfish Regulations (RIN: 1018-AU57) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

984. A letter from the Director, Fish and Wildlife Service, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Final Rule Designating the Greater Yellowstone Area Population of Grizzly Bears as a Distinct Population Segment; Removing the Yellowstone Distinct Population Segment of Grizzly Bears From the Federal List of Endangered and Threatened Wildlife; 90-Day Finding on a Petition to List as Endangered the Yellowstone Distinct Population Segment of Grizzly Bears (RIN: 1018-AT38) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

985. A letter from the Deputy Assistant Administrator for Regulatory Programs, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Bering Sea and Aleutian Islands; 2007 and 2008 Final Harvest Specifications for Groundfish [Docket No. 070213033-7033-01; I.D. 112706A] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. DINGELL: Committee on Energy and Commerce. H.R. 477. A bill to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; with amendments (Rept. 110–75). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 1132. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; with an amendment (Rept. 110–76). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL: Committee on Energy and Commerce. H.R. 727. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes; with an amendment (Rept. 110–77). Referred to the Committee of the Whole House on the State of the Union.

Ms. CASTOR: Committee on Rules. House Resolution 274. Resolution providing for consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes (Rept. 110–78). Referred to the House Calendar.

Ms. SUTTON: Committee on Rules. House Resolution 275. Resolution providing for consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal year 2009 through 2012 (Rept. 110–79). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LIPINSKI (for himself, Mr. Inglis of South Carolina, Mr. Berman, Mr. Blumenauer, Mr. Boyd of Florida, Mr. Braley of Iowa, Ms. Corrine Brown of Florida, Mr. Cleaver, Mr. Costa, Mr. Doyle, Mr. Gerlach, Ms. Giffords, Mr. Gilchrest, Mr. Gordon, Mr. Grijalva, Mr. Hall of New York, Mr. Hare, Mr. Higgins, Mr. Hill, Mr. Hinchey, Mr. Honda, Ms. Kaptur, Mr. Kuhl of New York, Mr. Lampson, Mr. Levin, Mr. Markey, Ms. McCollum of Minnesota, Mr. McNulty, Mr. Moore of Kansas, Mr. Moran of Virginia, Mr. Nadler, Mr. Reichert, Mr. Shuler, Mr. Smith of Washington, Mr. Waxman, Mr. Welch of Vermont, and Mr. Wynn):

H.R. 1705. A bill to amend title 40, United States Code, to direct the Administrator of General Services to install energy efficient lighting fixtures and bulbs in constructing, altering, and maintaining public buildings; to the Committee on Transportation and Infrastructure.

By Mr. NUNES (for himself and Mr. Thompson of California):

H.R. 1706. A bill to provide for assistance to United States exporters of certain fruits and vegetables in order to ensure better access to foreign markets; to the Committee on Agriculture, and in addition to the Committees on Ways and Means, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Mr. Platts, Mr. Honda, Mr. LaHood, Mr. Gutierrez, Mr. Paul, Mr. Serrano, Mr. Petri, Mr. Hinchey, Mr. Walsh of New York, Mr. Levin, Mrs. Biggert, Mr. Cohen, Ms. Moore of Wisconsin, Mr. McDermott, Mr. Holt, Mrs. Capps, Mr. Meehan, Mr. Kind, Mr. Grijalva, Mr. Doyle, Ms. Schakowsky, Mr. Cummings, Mr. Rush, Mr. Kildee, Mr. DeFazio, Mr. Farr, Ms. Matsui, Mr. Kucinich, Mr. Van Hollen, Mr. Price of North Carolina, Mr. George Miller of California, Mr. Wynn, Mrs. Maloney of New York, Mr. Yarmuth, Mr. Capuano, Ms. Woolsey, Mr. Blumenauer, Mr. Israel, Mr. Baird, Mr. Fattah, Ms. Baldwin, Mr. Higgins, Mr. Conyers, Ms. Eshoo, Mr. McNulty, Ms. Watson, Ms. Zoe Lofgren of California, Mr. Oberstar, Mr. Moore of Kansas, Mr. Waxman, Ms. Kaptur, Mr. Delahunt, Ms.

CARSON, Ms. LINDA T. SÁNCHEZ of California, Mr. CROWLEY, Ms. DELAURO, Mr. LEWIS of Georgia, Mr. DOGGETT, Mr. CARNAHAN, Mr. PAYNE, Mr. LYNCH, Mr. STARK, Mr. LARSON of Connecticut, Mr. PASCRELL, Mr. CLAY, Ms. WATERS, Mr. OLVER, Mr. ACKERMAN, Mr. UDALL of New Mexico, Mr. ALTMIRE, and Mr. WEXLER):

H.R. 1707. A bill to suspend the authority for the Western Hemisphere Institute for Security Cooperation (the successor institution to the United States Army School of the Americas) in the Department of Defense, and for other purposes; to the Committee on Armed Services.

By Ms. HARMAN (for herself and Ms. WATERS):

H.R. 1708. A bill to amend title 49, United States Code, to expand passenger facility fee eligibility for noise compatibility projects; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida:

H.R. 1709. A bill to authorize resources for sustained research and analysis to address Colony Collapse Disorder, and for other purposes; to the Committee on Agriculture.

By Ms. HOOLEY:

H.R. 1710. A bill to modify the calculation of back pay for persons who were approved for promotion as members of the Navy and Marine Corps while interned as prisoners of war during World War II to take into account changes in the Consumer Price Index; to the Committee on Armed Services.

By Ms. HOOLEY:

H.R. 1711. A bill to amend the Elementary and Secondary Education Act of 1965 to improve certain accountability and assessment provisions; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1712. A bill to amend the Internal Revenue Code of 1986 to provide incentives to improve America's research competitiveness, and for other purposes; to the Committee on Ways and Means.

By Ms. LEE (for herself and Mr. SHAYS):

H.R. 1713. A bill to require the President and the Office of the Global AIDS Coordinator to establish a comprehensive and integrated HIV prevention strategy to address the vulnerabilities of women and girls in countries for which the United States provides assistance to combat HIV/AIDS, and for other purposes; to the Committee on Foreign Affairs.

By Mr. MACK:

H.R. 1714. A bill to clarify the boundaries of Coastal Barrier Resources System Clam Pass Unit FL-64P; to the Committee on Natural Resources.

By Mrs. MCCARTHY of New York:

H.R. 1715. A bill to authorize the Secretary of Homeland Security to make grants to address homeland security preparedness shortcomings of units of municipal and county government; to the Committee on Homeland Security.

By Mr. MCCAUL of Texas (for himself, Mr. HILL, Mr. EHLERS, Ms. SCHWARTZ, and Mr. MCCOTTER):

H.R. 1716. A bill to authorize higher education curriculum development and graduate training in advanced energy and green building technologies; to the Committee on Science and Technology.

By Mr. MCCAUL of Texas (for himself, Mr. PICKERING, Mr. LANGEVIN, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, and Ms. JACKSON-LEE of Texas):

H.R. 1717. A bill to amend the Homeland Security Act of 2002 to establish a National Bio and Agro-defense Facility; to the Committee on Homeland Security, and in addition to the Committees on Agriculture, and Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MOORE of Kansas (for himself, Mr. HASTINGS of Florida, Ms. HIRONO, Mr. HOLT, Mr. MCCAUL of Texas, Mr. REYES, Mr. SHAYS, and Mr. WEXLER):

H.R. 1718. A bill to provide additional student loan forgiveness to teachers of foreign languages; to the Committee on Education and Labor.

By Ms. MOORE of Wisconsin (for herself and Mr. ROGERS of Kentucky):

H.R. 1719. A bill to amend the Small Business Investment Act of 1958 to reauthorize and expand the New Markets Venture Capital Program, and for other purposes; to the Committee on Small Business.

By Mr. PAUL (for himself, Mr. DUNCAN, Mr. MCHUGH, Mr. BARTLETT of Maryland, and Mr. GARRETT of New Jersey):

H.R. 1720. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts received on the sale of animals which are raised and sold as part of an educational program; to the Committee on Ways and Means.

By Ms. WASSERMAN SCHULTZ (for herself, Mr. WOLF, Mr. CLYBURN, Mr. GRIJALVA, Mr. WEXLER, Mr. SCHIFF, Mr. MOORE of Kansas, Mr. HASTINGS of Florida, Mr. KING of New York, Ms. BEAN, Mr. KLEIN of Florida, Mr. MAHONEY of Florida, Mr. BISHOP of New York, Mr. KLINE of Minnesota, Mr. THOMPSON of California, and Mr. CANNON):

H.R. 1721. A bill to increase the safety of swimming pools and spas by requiring the use of proper anti-entrapment drain covers and pool and spa drainage systems, by establishing a swimming pool safety grant program administered by the Consumer Product Safety Commission to encourage States to improve their pool and spa safety laws and to educate the public about pool and spa safety, and for other purposes; to the Committee on Energy and Commerce.

By Mr. WEXLER (for himself, Ms. CASTOR, Mr. KLEIN of Florida, Mr. MILLER of Florida, Mr. CRENSHAW, Ms. CORRINE BROWN of Florida, Mr. BILIRAKIS, Mr. BUCHANAN, Ms. GINNY BROWN-WAITE of Florida, Mr. HASTINGS of Florida, Mr. MARIO DIAZ-BALART of Florida, Mr. BOYD of Florida, Mr. MAHONEY of Florida, Mr. FEENEY, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MACK, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. KELLER, Mr. STEARNS, Mr. PUTNAM, Mr. MEEK of Florida, Mr. MICA, Mr. YOUNG of Florida, and Mr. WELDON of Florida):

H.R. 1722. A bill to designate the facility of the United States Postal Service located at 601 Banyan Trail in Boca Raton, Florida, as the "Leonard W. Herman Post Office"; to the Committee on Oversight and Government Reform.

By Mr. WILSON of Ohio (for himself and Mr. CLAY):

H.R. 1723. A bill to amend the National Housing Act to ensure fair appraisals in connection with mortgages insured under the FHA single family mortgage insurance program; to the Committee on Financial Services.

By Mrs. MALONEY of New York (for herself, Mr. NADLER, Mr. DINGELL, Ms. VELÁZQUEZ, Ms. CLARKE, Ms. WOOLSEY, Ms. JACKSON-LEE of Texas, Ms. SOLIS, Mr. ABERCROMBIE, Mr. ACKERMAN, Mr. ALLEN, Mr. ANDREWS, Mr. ARCURI, Mr. BACA, Mr. BAIRD, Ms. BALDWIN, Ms. BEAN, Mr. BECERRA, Ms. BERKLEY, Mr. BERMAN, Mr. BERRY, Mrs. BIGGERT, Mr. BISHOP of Georgia, Mr. BISHOP of New York, Mr. BLUMENAUER, Ms. BORDALLO, Mr. BOSWELL, Mr. BOUCHER, Mr. BRADY of Pennsylvania, Mr. BRALEY of Iowa, Ms. CORRINE BROWN of Florida, Mr. BUTTERFIELD, Mrs. CAPPS, Mr. CAPUANO, Mr. CARDOZA, Mr. CARNAHAN, Ms. CARSON, Mr. CASTLE, Ms. CASTOR, Mr. CHANDLER, Mrs. CHRISTENSEN, Mr. CLAY, Mr. CLEAVER, Mr. CLYBURN, Mr. CONYERS, Mr. COOPER, Mr. COSTA, Mr. COSTELLO, Mr. CROWLEY, Mr. CUELLAR, Mr. CUMMINGS, Mr. DAVIS of Alabama, Mr. DAVIS of Illinois, Mrs. DAVIS of California, Mr. DEFAZIO, Ms. DEGETTE, Mr. DELAHUNT, Ms. DELAURO, Mr. DICKS, Mr. DOGGETT, Mr. DOYLE, Mr. EDWARDS, Mr. ELLISON, Mr. EMANUEL, Mr. ENGEL, Ms. ESHOO, Mr. FARR, Mr. FATTAH, Mr. FILNER, Mr. FRANK of Massachusetts, Mr. FRELINGHUYSEN, Mrs. GILLIBRAND, Mr. GONZALEZ, Mr. AL GREEN of Texas, Mr. GENE GREEN of Texas, Mr. GRIJALVA, Mr. GUTIERREZ, Mr. HALL of New York, Mr. HALL of Texas, Mr. HARE, Ms. HARMAN, Mr. HASTINGS of Florida, Ms. HERSETH, Mr. HIGGINS, Mr. HINCHEY, Mr. HINOJOSA, Ms. HIRONO, Mr. HOLT, Mr. HONDA, Ms. HOOLEY, Mr. HOYER, Mr. INSLEE, Mr. ISRAEL, Mr. JACKSON of Illinois, Mr. JEFFERSON, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JOHNSON of Georgia, Mrs. JONES of Ohio, Ms. KAPTUR, Mr. KENNEDY, Mr. KILDEE, Ms. KILPATRICK, Mr. KIND, Mr. KIRK, Mr. KLEIN of Florida, Mr. KUCINICH, Mr. LANGEVIN, Mr. LANTOS, Mr. LATHAM, Ms. LEE, Mr. LEVIN, Mr. LEWIS of Georgia, Mr. LOBIONDO, Mr. LOEBSACK, Ms. ZOE LOFGREN of California, Mrs. LOWEY, Mr. LYNCH, Mr. MARKEY, Ms. MATSUI, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MCGOVERN, Mr. MCINTYRE, Mr. MCNERNEY, Mr. MCNULTY, Mr. MEEHAN, Mr. MEEK of Florida, Mr. MEEKS of New York, Mr. MELANCON, Mr. MICHAUD, Ms. MILLENDER-MCDONALD, Mr. MILLER of North Carolina, Mr. GEORGE MILLER of California, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, Mrs. NAPOLITANO, Mr. NEAL of Massachusetts, Ms. NORTON, Mr. OLVER, Mr. ORTIZ, Mr. PALLONE, Mr. PASCRELL, Mr. PASTOR, Mr. PAYNE, Mr. PERLMUTTER, Mr. PETERSON of Minnesota, Mr. PRICE of North Carolina, Ms. PRYCE of Ohio, Mr. RAHALL, Mr. RAMSTAD, Mr. RANGEL, Mr. REYES, Mr. ROTHMAN, Ms. ROYBAL-ALLARD, Mr. RUPPERSBERGER, Mr. RUSH, Ms. LINDA T. SÁNCHEZ of California, Ms. LORETTA SANCHEZ of California, Ms. SCHAKOWSKY, Mr. SCHIFF, Ms. SCHWARTZ, Mr. SCOTT of Georgia, Mr. SERRANO, Mr. SHAYS, Ms. SHEA-PORTER, Mr. SHERMAN, Mr. SIRES, Ms. SLAUGHTER, Mr. SMITH of

Washington, Mr. SNYDER, Mr. SPRATT, Mr. STARK, Ms. SUTTON, Mrs. TAUSCHER, Mr. TAYLOR, Mr. THOMPSON of Mississippi, Mr. THOMPSON of California, Mr. TIERNEY, Mr. TOWNS, Mr. UDALL of Colorado, Mr. VAN HOLLEN, Mr. WALZ of Minnesota, Ms. WASSERMAN SCHULTZ, Ms. WATERS, Ms. WATSON, Mr. WATT, Mr. WAXMAN, Mr. WEINER, Mr. WEXLER, Mr. WU, and Mr. WYNN):

H.J. Res. 40. A joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

By Mr. RANGEL:

H. Con. Res. 101. Concurrent resolution expressing the sense of Congress that the bicentennial of the 1807 Abolition of the Slave Trade Act, which banned the slave trade in the British Empire, allowed for the search and seizure of ships suspected of transporting enslaved people, and provided compensation for the freedom of slaves, should be commemorated; to the Committee on Foreign Affairs.

By Mr. SCHIFF (for himself and Mr. WOLF):

H. Con. Res. 102. Concurrent resolution supporting the goals and ideals of observing the National Day of Human Trafficking Awareness each year to raise awareness of and opposition to human trafficking; to the Committee on the Judiciary.

By Mr. HINOJOSA (for himself, Mrs. BIGGERT, Mr. FRANK of Massachusetts, Mr. BACHUS, Mrs. MALONEY of New York, Ms. BEAN, Mr. CLAY, Mr. CLEAVER, Mr. CROWLEY, Mr. DAVIS of Kentucky, Mrs. DRAKE, Mr. GERLACH, Mr. GILLMOR, Mr. AL GREEN of Texas, Mr. HENSARLING, Mr. HODES, Mr. JOHNSON of Illinois, Mr. JONES of North Carolina, Mr. KLEIN of Florida, Mrs. MCCARTHY of New York, Mr. MEEKS of New York, Mr. MOORE of Kansas, Ms. MOORE of Wisconsin, Mr. ORTIZ, Mr. PEARCE, Ms. PRYCE of Ohio, Ms. LORETTA SANCHEZ of California, Mr. SIRES, Mr. SCOTT of Georgia, Mr. WILSON of South Carolina, Mr. GUTIERREZ, Ms. MILLENDER-MCDONALD, Mr. CASTLE, Mr. RAMSTAD, Mr. BILBRAY, Mrs. MILLER of Michigan, Mr. DENT, Mr. SHAYS, Mr. DANIEL E. LUNGREN of California, Mr. DREIER, Ms. GINNY BROWN-WAITE of Florida, Mr. WELLER, Mr. BOOZMAN, Mr. CAMPBELL of California, Mr. MICA, Mr. SHIMKUS, Mr. KIRK, Mr. BURGESS, Mr. MCCAUL of Texas, Mr. PENCE, Mr. MCHENRY, Mr. TIBERI, Mr. SESSIONS, Mr. ROSKAM, Mr. ENGLISH of Pennsylvania, Mr. HALL of Texas, Mr. FORBES, Mr. NEUGEBAUER, Mr. LAHOOD, Mr. BAKER, Mr. LEWIS of Kentucky, Mr. LATOURETTE, Mr. MCCOTTER, Mr. TIAHRT, Mr. EHLERS, Ms. FOXX, Mr. HERGER, Mr. GILCHREST, Mr. HASTERT, Mr. FEENEY, Mr. PRICE of Georgia, Mr. MARCHANT, Mr. PUTNAM, Mrs. CAPITO, Mr. MANZULLO, Mr. WALDEN of Oregon, Mr. BILIRAKIS, Mr. BACA, Ms. MATSUI, Ms. LINDA T. SÁNCHEZ of California, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. BECERRA, Mr. GONZALEZ, Mr. SALAZAR, Mr. REYES, Mr. RODRIGUEZ, Ms. ROYBAL-ALLARD, Ms. VELÁZQUEZ, Ms. HARMAN, Mr. DOGGETT, Mr. KIND, Mr. LARSON of Connecticut, Mr. SESTAK, Mr. FATTAH, Ms. ZOE LOFGREN of California, Ms. MCCOLLUM of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. BARROW, Mr. SCOTT of Virginia, Ms. SOLIS, Ms. SUTTON, Ms. HOOLEY, Ms. BALDWIN, Mr. HARE, Mrs. CAPPS, Mr. CAPUANO, Mr. CONAWAY, Mr. BOREN, Ms. HIRONO, Mr. MILLER of North Carolina, Mr. LYNCH, Mrs. JONES of Ohio, and Mr. WATT):

H. Res. 273. A resolution supporting the goals and ideals of Financial Literacy Month, and for other purposes; to the Committee on Oversight and Government Reform.

By Mrs. DRAKE (for herself, Mr. HAYES, and Mr. MCINTYRE):

H. Res. 276. A resolution honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community; to the Committee on Armed Services.

By Mr. GRIJALVA:

H. Res. 277. A resolution expressing support for the designation and goals of "National Hispanic Media Week" in honor of the Hispanic media of the United States; to the Committee on Oversight and Government Reform.

By Mr. RENZI:

H. Res. 278. A resolution recognizing the 125th anniversary of Payson, Arizona; to the Committee on Oversight and Government Reform.

By Mr. TOWNS:

H. Res. 279. A resolution congratulating East New York Transit Technical High School of Brooklyn, New York, on winning the 2006-2007 PSAL New York City Boys Basketball Championship; to the Committee on Education and Labor.

By Mr. TOWNS:

H. Res. 280. A resolution congratulating Thomas Jefferson High School on winning the 2006-2007 PSAL New York City A-League Girls Basketball Championship; to the Committee on Education and Labor.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

12. The SPEAKER presented a memorial of the Senate of the State of Kansas, relative to Senate Resolution No. 1817 urging the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill; to the Committee on Armed Services.

13. Also, a memorial of the Legislature of the State of Kansas, relative to House Resolution Number 6008 urging the United States Senate to fulfill the requests of the 2005 BRAC Commission and the United States Military by restoring federal funds for military construction in the Federal Continuing Resolution to the funding levels agreed upon in the FY 2007 Defense Authorization Bill; to the Committee on Armed Services.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. WALSH of New York introduced a bill (H.R. 1724) for the relief of Maria Manzano; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 21: Mrs. DAVIS of California, Ms. LINDA T. SÁNCHEZ of California, Mr. GEORGE MILLER of California, Mr. FALEOMAVAEGA, Mr. MOORE of Kansas, Mr. HINCHEY, Mr. ABERCROMBIE, Mr. BLUMENAUER, Ms. LEE, Mr. PRICE of North Carolina, Ms. LORETTA SANCHEZ of California, Mr. HOBSON, Mr. GRIJALVA, and Mr. COURTNEY.

H.R. 74: Mr. MCNERNEY.

H.R. 98: Mr. MCCAUL of Texas.

H.R. 154: Mr. DOGGETT.

H.R. 211: Mr. GEORGE MILLER of California, Mr. TIBERI, Mr. GRIJALVA, and Mr. FARR.

H.R. 241: Mr. WALBERG.

H.R. 243: Mr. GONZALEZ and Mr. BOREN.

H.R. 260: Mr. LEVIN.

H.R. 274: Mr. DONNELLY.

H.R. 371: Ms. ROS-LEHTINEN, Mr. MARIO DIAZ-BALART of Florida, Mr. LATOURETTE, Ms. HOOLEY, Mr. GRIJALVA, and Mr. WELCH of Vermont.

H.R. 393: Ms. CLARKE.

H.R. 397: Mr. MILLER of Florida and Mr. BAKER.

H.R. 400: Mr. GEORGE MILLER of California.

H.R. 402: Mr. BOREN.

H.R. 406: Mr. REYES, Mr. FATTAH, Mr. PAYNE, Mr. JOHNSON of Georgia, and Ms. ESHOO.

H.R. 410: Mr. MEEK of Florida.

H.R. 411: Mr. THORNBERRY.

H.R. 458: Ms. CLARKE.

H.R. 459: Ms. CLARKE.

H.R. 506: Mr. PRICE of North Carolina and Mr. UDALL of Colorado.

H.R. 539: Mr. UDALL of Colorado and Mrs. SCHMIDT.

H.R. 549: Mr. TIBERI.

H.R. 579: Mr. SALAZAR, Mr. PETERSON of Minnesota, Mr. KLEIN of Florida, and Mr. MCHUGH.

H.R. 583: Mr. LEWIS of Kentucky, Mrs. DRAKE, Mr. HOLDEN, Mr. SOUDER, Ms. MCCOLLUM of Minnesota, and Mr. NADLER.

H.R. 621: Mr. ROSS, Mr. COURTNEY, and Mr. SMITH of New Jersey.

H.R. 622: Ms. CLARKE.

H.R. 653: Mr. WEXLER.

H.R. 661: Mr. AL GREEN of Texas.

H.R. 668: Ms. ROS-LEHTINEN.

H.R. 676: Ms. SUTTON.

H.R. 678: Mr. BOREN and Mr. DELAHUNT.

H.R. 690: Mr. BOREN.

H.R. 694: Mr. BACA and Mr. ROTHMAN.

H.R. 695: Ms. SHEA-PORTER and Mr. KAGEN.

H.R. 728: Mr. KILDEE and Mr. WEXLER.

H.R. 735: Ms. CLARKE.

H.R. 771: Mrs. BONO.

H.R. 784: Mr. FARR.

H.R. 818: Ms. CLARKE.

H.R. 853: Mr. UPTON.

H.R. 871: Mr. BISHOP of Georgia.

H.R. 923: Mr. MORAN of Virginia.

H.R. 943: Mr. BISHOP of Georgia, Mr. CHANDLER, Mr. GRIJALVA, Mr. HIGGINS, Mr. BRADY of Pennsylvania, Mr. MCNULTY, Mr. BOSWELL, Mr. PITTS, Mr. RYAN of Ohio, and Mr. MORAN of Virginia.

H.R. 962: Mr. LANTOS.

H.R. 971: Mr. MILLER of Florida, Mr. CONAWAY, Mr. SMITH of Nebraska, and Mr. SKELTON.

H.R. 980: Mrs. MILLER of Michigan, Mr. ROSKAM, Mr. RYAN of Wisconsin, Mr. ENGLISH of Pennsylvania, Mr. LOEBSACK, Ms. HERSETH, Mr. SARBANES, Mr. JOHNSON of Illinois, Mr. KING of New York, Mr. MCHUGH, Mr. BERMAN, Mr. TIM MURPHY of Pennsylvania, and Mr. SHIMKUS.

H.R. 1061: Ms. BERKLEY.

H.R. 1064: Mr. REYES, Mrs. NAPOLITANO, Mr. FATTAH, Ms. NORTON, Mr. BRADY of Pennsylvania, Mr. HOLDEN, Ms. BORDALLO, Mr. MATHESON, Ms. ESHOO, Mr. SKELTON, and Mr. ETHERIDGE.

H.R. 1069: Mr. MEEK of Florida.

H.R. 1070: Mr. FATTAH and Mr. MEEKS of New York.

H.R. 1072: Mr. OBERSTAR, Ms. KILPATRICK, Mr. REYES, Ms. BORDALLO, Ms. SCHAKOWSKY, and Mr. ISRAEL.

H.R. 1076: Mr. WELLER and Mr. KUHL of New York.

H.R. 1087: Mr. HARE.

H.R. 1091: Mr. PUTNAM and Mr. LINCOLN DIAZ-BALART of Florida.

H.R. 1093: Ms. ROS-LEHTINEN.

H.R. 1098: Ms. HIRONO, Mr. BOUCHER, Mr. COSTA, Mr. MCNULTY, Mr. HODES, and Mr. MOORE of Kansas.

H.R. 1102: Mr. FILNER, Mr. LAHOOD, Mr. SOUDER, Ms. BALDWIN, and Mr. HINCHEY.

H.R. 1154: Mr. SAM JOHNSON of Texas, Mr. HINOJOSA, Mr. PETRI, Ms. CLARKE, Mr. JACKSON of Illinois, Mr. DAVIS of Illinois, Mr. CLAY, Mrs. EMERSON, Mr. FRANK of Massachusetts, Ms. SCHWARTZ, Mr. HASTINGS of Florida, Ms. DELAURO, Ms. WATSON, Mr. LANTOS, Mr. LEWIS of Georgia, Mr. BLUMENAUER, Mr. CLEAVER, Mr. PASTOR, Mr. WATT, Ms. KAPTUR, Mr. WU, Mr. VAN HOLLEN, Mr. DINGELL, Ms. GINNY BROWN-WAITE of Florida, and Mr. HARE.

H.R. 1155: Mr. WEXLER.

H.R. 1192: Mr. AL GREEN of Texas, Mr. FARR, and Mr. CLEAVER.

H.R. 1222: Mr. BOREN, Mrs. EMERSON, and Mr. GRIJALVA.

H.R. 1223: Mr. GRIJALVA.

H.R. 1232: Mr. THOMPSON of California, Ms. MCCOLLUM of Minnesota, and Mrs. NAPOLITANO.

H.R. 1236: Mr. WYNN, Mr. GRIJALVA, Mr. TOWNS, Ms. CARSON, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Mr. MCNERNEY, Mr. ORTIZ, Ms. ESHOO, Mr. MCCOTTER, Mr. BURTON of Indiana, Mr. ETHERIDGE, and Mr. BARROW.

H.R. 1238: Mr. SERRANO and Mr. COHEN.

H.R. 1259: Mr. ISRAEL.

H.R. 1260: Mr. DAVID DAVIS of Tennessee, Mr. TANNER, Mr. COHEN, and Mr. GORDON.

H.R. 1261: Mr. RADANOVICH.

H.R. 1268: Mr. UDALL of New Mexico, Mr. HODES, and Mr. ARCURI.

H.R. 1280: Mr. LOBIONDO.

H.R. 1283: Mr. HOLDEN, Mr. WEXLER, Mr. TIBERI, Mr. SCOTT of Virginia, Mr. CAMP of Michigan, and Ms. MCCOLLUM of Minnesota.

H.R. 1302: Ms. SCHAKOWSKY, Mr. BAIRD, Mr. HIGGINS, Mr. SIRES, Mr. COSTA, and Mr. EHLERS.

H.R. 1303: Mr. TERRY, Mr. SHAYS, and Mr. MCHUGH.

H.R. 1314: Mr. ROGERS of Alabama, Mr. WHITFIELD, and Mr. KUHL of New York.

H.R. 1318: Mr. PETERSON of Minnesota.

H.R. 1328: Mr. UDALL of Colorado, Mr. ALLEN, and Mr. WALDEN of Oregon.

H.R. 1329: Mr. CONAWAY.

H.R. 1333: Mr. BUYER and Ms. HERSETH.

H.R. 1343: Mr. DELAHUNT, Mr. FORBES, Mr. WEXLER, Mr. NADLER, Mr. WAXMAN, and Mr. DAVID DAVIS of Tennessee.

H.R. 1344: Mr. GUTIERREZ, Mr. SALAZAR, Mr. LATOURETTE, Mr. MICHAUD, Mr. BOSWELL, and Ms. WOOLSEY.

H.R. 1350: Ms. MCCOLLUM of Minnesota.

H.R. 1353: Mr. GONZALEZ.

H.R. 1354: Mr. SHULER and Mr. KLEIN of Florida.

H.R. 1359: Mr. DAVID DAVIS of Tennessee.

H.R. 1380: Mr. BARTLETT of Maryland, Mrs. CHRISTENSEN, and Mr. COHEN.

H.R. 1385: Mr. FILNER.

H.R. 1386: Mr. BRALEY of Iowa.

H.R. 1388: Mr. CUMMINGS.

H.R. 1389: Mr. TOM DAVIS of Virginia.

H.R. 1391: Mr. BLUMENAUER.

H.R. 1392: Mrs. MYRICK.

H.R. 1399: Mrs. BACHMANN, Mr. MOLLOHAN, Mr. BOOZMAN, Mr. GARRETT of New Jersey, and Ms. FALLIN.

H.R. 1418: Mr. HOLT.

H.R. 1424: Mr. GERLACH and Mr. EHLERS.

H.R. 1439: Ms. BALDWIN and Mr. MCCOTTER.

H.R. 1441: Ms. JACKSON-LEE of Texas, Mr. KIRK, Mr. MCCARTHY of California, Mr. SIRES, Ms. BERKLEY, and Ms. SHEA-PORTER.

H.R. 1453: Mr. HOLT.

H.R. 1469: Mr. SIRES.

H.R. 1497: Mr. LANTOS and Mr. MORAN of Virginia.

H.R. 1498: Ms. LEE, Mrs. CUBIN, and Mr. KAGEN.

H.R. 1507: Mr. EMANUEL, Mrs. MALONEY of New York, Ms. LINDA T. SÁNCHEZ of California, Mr. MEEKS of New York, Mr. ROTHMAN, Mr. OLVER, Ms. BALDWIN, Mr. FARR, and Mr. MCGOVERN.

H.R. 1522: Mr. MCKEON, Mr. HINOJOSA, Mr. FORTUÑO, Mr. JEFFERSON, Mr. BRADY of Texas, Mr. MCNULTY, Mr. MARIO DIAZ-BALART of Florida, Mr. MILLER of Florida, Ms. ROS-LEHTINEN, Mr. TIBERI, Mr. BARRETT of South Carolina, Mr. ROGERS of Michigan, Mr. JONES of North Carolina, Mr. SHUSTER, Mr. ENGLISH of Pennsylvania, Mrs. BONO, Mr. MACK, Mr. KUHL of New York, Mr. FORBES, Mrs. CAPITO, Mr. DAVID DAVIS of Tennessee, Mr. DUNCAN, Mr. FOSSELLA, Mr. KIRK, Mr. BILIRAKIS, Mrs. MILLER of Michigan, Mr. MORAN of Kansas, Ms. GINNY BROWN-WAITE of Florida, Mrs. BIGGERT, Mr. CHABOT, Mr. CRENSHAW, Mr. LINCOLN DIAZ-BALART of Florida, Ms. PRYCE of Ohio, Mr. PLATTS, Mr. SMITH of Texas, Mr. MCCAUL of Texas, Mr. MARCHANT, Mr. HIGGINS, Mr. PASTOR, Mr. BACA, Mr. GONZALEZ, Mrs. NAPOLITANO, Mr. GRIJALVA, Mr. DENT, Mr. FRANKS of Arizona, and Mr. BOUSTANY.

H.R. 1527: Mrs. EMERSON.

H.R. 1539: Mr. LUCAS and Ms. FALLIN.

H.R. 1541: Mr. JOHNSON of Georgia, Mr. MCGOVERN, and Mrs. CHRISTENSEN.

H.R. 1542: Ms. KILPATRICK, Mr. HOLT, Mr. SERRANO, Mr. GRIJALVA, Mr. PALLONE, Mr. PRICE of North Carolina, Mr. STARK, and Mr. LARSON of Connecticut.

H.R. 1564: Mr. GRIJALVA and Ms. SCHAKOWSKY.

H.R. 1576: Mr. BOREN.

H.R. 1593: Mr. ISSA.

H.R. 1600: Mr. BAIRD, Mr. MCCOTTER, Mr. LANTOS, and Mr. GALLEGLY.

H.R. 1613: Ms. FALLIN, Ms. FOXX, Mr. HUNTER, Mr. TERRY, and Mr. POE.

H.R. 1616: Mr. MORAN of Virginia, Mr. WAXMAN, Ms. SUTTON, Mr. TIAHRT, Mr. LYNCH, Mr. PRICE of North Carolina, and Ms. HIRONO.

H.R. 1620: Mr. MCDERMOTT.

H.R. 1622: Mr. FORBES, Mrs. DRAKE, and Mr. CANTOR.

H.R. 1638: Mr ENGEL, Mr. TOWNS, and Mr. WEINER.

H.R. 1640: Mr. POE, Mr. SAM JOHNSON of Texas, and Mr. FEENEY.

H.R. 1647: Mr. KIND, Mr. OBERSTAR, Mr. CHANDLER, Mr. MILLER of North Carolina, Mr. HIGGINS, Mr. BONNER, Mrs. CAPPS, Mr. ROGERS of Alabama, Ms. WASSERMAN SCHULTZ, Mr. RAMSTAD, Ms. KAPTUR, Mr. DEFAZIO, Mr. FOSSELLA, Mr. SIRES, and Mr. WELDON of Florida.

H.R. 1650: Mr. KAGEN.

H.R. 1653: Mr. COSTA, Ms. MCCOLLUM of Minnesota, Mr. CROWLEY, Mr. FILNER, Mr. HONDA, Mr. LEWIS of Georgia, Mrs. CAPPS, Ms. SLAUGHTER, Mr. NADLER, Mr. MCNULTY, Mr. STARK, and Mr. DOYLE.

H.R. 1664: Mr. CANTOR, Mr. GOODE, Mrs. DRAKE, Mrs. JO ANN DAVIS of Virginia, Mr. MORAN of Virginia, Mr. BOUCHER, Mr. WOLF, Mr. FORBES, Mr. TOM DAVIS of Virginia, and Mr. SCOTT of Virginia.

H.R. 1671: Ms. CLARKE.

H.R. 1676: Mr. HINOJOSA, Mr. MEEKS of New York, and Mr. KENNEDY.

H.R. 1678: Mr. ELLISON.

H.R. 1683: Mr. WALBERG.

H.J. Res. 3: Mr. ENGLISH of Pennsylvania.

H.J. Res. 12: Mr. SKELTON.

H.J. Res. 39: Ms. SHEA-PORTER.

H. Con. Res. 26: Ms. CLARKE.

H. Con. Res. 29: Ms. CLARKE.

H. Con. Res. 68: Mr. GERLACH, Ms. CLARKE, Ms. BORDALLO, and Mr. LAMPSON.

H. Con. Res. 71: Mr. SCOTT of Virginia.

H. Con. Res. 90: Mr. HILL.

H. Con. Res. 91: Mrs. MCCARTHY of New York.

H. Con. Res. 98: Mr. FORBES.

H. Con. Res. 100: Ms. LEE.

H. Res. 33: Mr. HOBSON, Mr. STUPAK, and Mr. REHBERG.

H. Res. 76: Mr. PAYNE, Ms. CLARKE, Mr. HARE, and Mr. GENE GREEN of Texas.

H. Res. 111: Mrs. EMERSON.

H. Res. 114: Ms. CLARKE.

H. Res. 171: Mr. GRAVES, Mr. AKIN, and Mr. BLUNT.

H. Res. 179: Mrs. BACHMANN and Mr. GORDON.

H. Res. 227: Mr. BAIRD.

H. Res. 247: Ms. CORRINE BROWN of Florida, Mr. Ellison, Mr. PAYNE, Mr. EMANUEL, and Mr. SCOTT of Virginia.

H. Res. 252: Mr. HOBSON.

H. Res. 258: Mr. UPTON and Mr. KENNEDY.

H. Res. 267: Mr. KINGSTON, Mr. UDALL of Colorado, and Mr. LEWIS of Kentucky.

H. Res. 272: Mr. BERMAN.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

The amendment to be offered by Mr. IKE SKELTON, or a designee, to H.R. 1538, the Wounded Warrior Assistance Act of 2007, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits, as defined in clause 9(d), 9(e), or 9(f) of the Rule XXI.

SENATE—*Wednesday, March 28, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, You have said that the truth will set us free. We thank You that Your idea of freedom leads to harmony and not discord, to consensus and not conflict.

Liberate our lawmakers from deceptions that distort and misrepresent facts. Teach them the fine art of conciliation, and inspire them to choose rational roads instead of emotional dead ends. May they commit their time, effort, and resources in formulating policy which is in accordance with Your will.

Lord, lift them above partisan rancor, and give them the power to walk in Your light, to act in Your strength, to think with Your wisdom, to speak with Your truth, and to live in Your love. We pray in Your sacred Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, March 28, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

UNANIMOUS-CONSENT AGREEMENT—H.R. 1591

Mr. REID. Mr. President, I ask unanimous consent that the previous order with respect to the timing of the three rollcall votes this morning be modified to provide that the votes be delayed until 11:45 a.m., under the same sequence as previously ordered and the other provisions as previously ordered; that following the 60 minutes of debate, the amendments be set aside and that Senator COBURN then be recognized to debate his pending amendments and that all other provisions remain in effect.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

SCHEDULE

Mr. REID. Mr. President, this morning, as indicated, we are going to have a change of schedule, but it will work out just fine. I have spoken with the distinguished Republican leader. We are going to do what we can to finish this bill today. It is extremely important. It will give the House and Senate 2 full days prior to the recess to have this important bill worked on in regard to the conference that must take place. Hopefully, the first day or two that we get back after the break, we can have a conference report to vote on. I hope we can do that. That would be extremely important if we could.

MEASURES PLACED ON THE CALENDAR—S. 997 AND S. 1001

Mr. REID. Mr. President, before I turn to my distinguished Republican colleague, it is my understanding that there are two bills at the desk due for a second reading.

The ACTING PRESIDENT pro tempore. The clerk will report the bills by title for a second time.

The assistant legislative clerk read as follows:

> A bill (S. 997) to amend the Public Health Service Act to provide for human embryonic stem cell research.
>
> A bill (S. 1001) to restore Second Amendment rights in the District of Columbia.

Mr. REID. Mr. President, I object to any further proceedings with respect to these bills, en bloc.

The ACTING PRESIDENT pro tempore. Objection is heard. The bills will be placed on the calendar.

ORDER OF BUSINESS

Mr. REID. Mr. President, the first vote will be with respect to the Wyden county payments amendment, then the Burr county payments amendment, followed by a vote on the motion to invoke cloture on the bill. Members have until 10:30 a.m. this morning to file their second-degree amendments. Other votes will likely occur this afternoon.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. MCCONNELL. Mr. President, there are a number of germane amendments which will be in order postcloture. I have indicated to the majority leader that we hope to have a number of those voted on. Whether we finish this bill today or tomorrow, I certainly share the view of the majority leader that we need to get this bill conferenced by staff at the very least—both the staff of the House and the Senate—over the break so that the conference can be completed, we can get the bill down to the President for a veto, and get it passed in a form that gets the funding to our troops at the earliest possible point. There will be maximum cooperation on this side toward that end. We need to get through this process and repass this bill as quickly as possible because the troops need the money.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the

Senate will resume consideration of H.R. 1591, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (H.R. 1591) making emergency supplemental appropriations for fiscal year ending September 30, 2007, and for other purposes.

Pending:

Cochran (for Lugar) amendment No. 690, to provide that, of the funds appropriated by this act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50 million may be made available to support and maintain a civilian reserve corps.

Wyden amendment No. 709, to reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.

Obama amendment No. 664, to appropriate an additional $58 million for Defense Health Program for additional mental health and related personnel, an additional $10 million for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional $15 million for Defense Health Program for women's mental health services.

Burr amendment No. 716 (to amendment No. 709) to require that payments to eligible States and eligible counties only be used for public schools.

Webb amendment No. 692, to prohibit the use of funds for military operations in Iran.

Coburn amendment No. 648, to remove $100 million in funding for the Republican and Democratic Party conventions in 2008.

Coburn amendment No. 649, to remove a $2 million earmark for the University of Vermont.

Coburn amendment No. 656, to require timely public disclosure of Government reports submitted to Congress.

Coburn amendment No. 657, to provide farm assistance in a fiscally responsible manner.

Coburn amendment No. 717, to make certain provisions inapplicable.

Coburn amendment No. 718, to make certain provisions inapplicable.

AMENDMENTS NOS. 709 AND 716

The ACTING PRESIDENT pro tempore. Under the previous order, there is 30 minutes of debate on amendments Nos. 709 and 716, with the time equally divided between the Senator from Oregon, Mr. WYDEN, and the Senator from North Carolina, Mr. BURR.

Who yields time?

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I ask unanimous consent to add Senator HATCH and Senator ROCKEFELLER as cosponsors of our bipartisan amendment.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, it is my intent to take a couple of minutes to lay out the reason it is so important to pass this county payments amendment this morning. Then I plan to yield 5 minutes to my good friend and teammate on this issue, Senator CRAIG, and then it is my intent to close for our side.

This issue of county payments funding is literally an issue of survival for rural counties across this country. It is going to determine whether the Federal Government will keep a more than 100-year obligation to rural communities or whether the Federal Government is going to turn its back on these communities and allow them to become national sacrifice zones.

Mr. President, 100 years ago, the Federal Government entered into an agreement with rural communities in exchange for creating national forests and restricting how local communities manage their forest lands. The Government would provide a partial payment so those local communities could pay for essential services, such as law enforcement and education. But the most recent law guaranteeing those payments—the law the distinguished Senator from Idaho and I wrote, the Secure Rural Schools and Community Self-Determination Act—has expired. If the law is not extended—the safety net payments rural communities need in order to carry out essential services—without those dollars, there will be havoc in rural communities across our country.

The votes the Senate is going to soon take are going to decide the future of a lot of these rural communities, and there are two approaches. First, there is the approach Senator CRAIG and I and a bipartisan group of 17 Senators favor that is flexible, that ensures we don't make the decisions in Washington, DC, we don't micromanage these local communities but give them the flexibility at the local level to make choices that make sense for them.

This legislation is sponsored by both Republican Senators from Idaho, both Democratic Senators from Washington State, and many others. We have a broad coalition. The National Association of Counties, labor groups, education advocates—all have said that the approach that makes sense for them is our bipartisan amendment, and they have not been in favor of the amendment offered by the Senator from North Carolina.

I am now going to make 5 minutes from our time available to my friend and colleague, Senator CRAIG. I thank him again for his support.

The ACTING PRESIDENT pro tempore. The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, I thank the Senator from Oregon for yielding. He has clearly outlined the critical nature of this legislation and its reauthorization from the original Secure Rural Schools and Community Self-Determination Act of 2005. Out in Oregon, they called it Wyden-Craig; in Idaho, they called it Craig-Wyden. But in reality, it became a lifeline for the rural communities that since 1908 had become increasingly dependent upon the revenues that flowed from our public lands. In fact, on and after May 23, 1908—and I am quoting specifically from the law—"25 per centum of all moneys received during any fiscal year from each national forest shall be paid at the end of such year by the Secretary of the Treasury to the State or the territory" in which that money was generated for the purpose of it flowing down to, it very specifically says, "public schools, public roads of the county or counties in which such national forests are situated."

During the decade of the eighties, we reduced the allowable cut on our forested lands by nearly 80 percent. What Senator WYDEN and I recognized at that time—we had counties in near bankruptcy—as a result of that, in 2000, we passed the Secure Rural Schools and Community Self-Determination Act. That act expired on September 30, 2006. Whom did it impact? It impacted 700 counties, 4,400 school districts in 39 States, 8 million schoolkids, and approximately 15,000 miles of roads.

We knew that probably the formula would have to change, and the Senator from Oregon and I have worked mightily on that issue. He offered a reauthorization of the old formula. I finally offered a 1-year extension. We were able to get the funding for a 1-year extension in the underlying vehicle, but as a result of all of that work, a new formula, a compromise, has come to be that the Senator brought to the floor as an amendment yesterday to this bill.

This is a formula which takes us out to 2012. It is a formula which stabilizes these communities. It is also a package that extends and improves the PILT, or the payment in lieu of taxes, to these large, federally dominated rural counties. It is awfully important to remember that point.

A lot of folks east of the Mississippi don't recognize sometimes that we have counties that are 80 percent and 90 percent public lands. They have no fee-simple private land base from which to fund their public needs and facilities. Yet those are the very lands on which people love to come and recreate. People from the East love to go out there and recreate. They can get hung up on a cliff somewhere and they can't get down, so local search and rescue has to get a helicopter for $10,000 and pluck them off a cliff. And who pays for it? They have enjoyed their recreational experience on the public land, but it is the county and the private funding resource that has to pay for it.

So the extension of PILT, in combination with what we are doing to sustain our rural schools and counties and their roads and bridges, is absolutely critical. It is why we created PILT years ago. It is why, when Teddy Roosevelt asked the American people to create Federal reserves, he wanted to tie the communities of interest to the Federal reserves, and out of it came the 25-percent formula that I just quoted. The extension of that is critical in western rural public land, timber, and U.S.-forest-land-dominated States. It is not, however, just in the West. Other States across the country recognize it, from the East to the South; as I said, 700 counties, 4,400 school districts, 39 States, with 8 million kids.

What does it mean in some districts? It means a third of their budget, gone. Can you raise that much revenue in a local area? Probably not. So the reality of what we are doing is important, it is very necessary, and I thank my colleague from Oregon for persisting in working with us on this formula and developing what is a new approach, probably more balanced and sustainable in the long run than what the old, original bill was, in recognition that times have changed and we need to adjust and change to them.

Let me close with this one thought—48 million kids and their education. That need has not changed, and that is why we are on the floor of the Senate today insisting that this be a part of this supplemental emergency funding program to assure the stability of those rural school districts and those rural counties.

Mr. President, I thank my colleague for yielding to me, and I yield the floor.

Mr. WYDEN. Mr. President, how much time remains on our side?

The ACTING PRESIDENT pro tempore. The Senator from Oregon has a little over 6 minutes.

Mr. WYDEN. I thank the Chair, and I thank my colleague from Idaho for an excellent assessment of where we are now, both with respect to the need here and our bipartisan amendment.

Here is what it is going to come down to, colleagues. There are going to be two different approaches. One is offered by the Senator from North Carolina, the other is a bipartisan one offered by many Senators, and I and Senator CRAIG have outlined it. Ours is supported by the groups that have the most expertise in this area: the National Association of Counties, educators, labor organizations, and those who are on the ground.

The Senator from North Carolina seeks to dictate from Washington, DC, how this program would operate. I will just say to the Senate, it seems to me what is best for Ashville, NC, may not be best for Amity, OR. Let's make sure these local communities have the freedom to make choices, make judgments with respect to essential services in the law enforcement area and in the roads area. I pointed out yesterday that if the approach offered by the Senator from North Carolina were to prevail, we couldn't, for example, do upkeep of rural roads, which get very snowy in the winter. If we don't make improvements in them, the kids aren't even going to get to the schools, which is the point my colleague from Idaho has mentioned as well.

As Senators think about this, I would like to also stress that this is not some kind of welfare program. I know many Senators are still not up on all the details. They do not live and breathe this subject on a daily basis as Senator CRAIG and I do, but these are not handout payments. This is not welfare. This is part of a 100-year deal which came about when the Federal forest system was created.

As we move on our side to the end of our presentation, I would like for folks to understand what the stakes are in rural communities and give some accounts from my State that are very similar to what Senators are hearing from officials in their States.

In my State, for example, the sheriff of Grants Pass—and I was recently there for a community meeting—told me that without county payments funding, he may have to call out the National Guard to protect public safety. The approach that is offered by the Senator from North Carolina wouldn't make it possible for those local law enforcement officials to be on the front lines in terms of fighting crime, in terms of fighting meth, which is a scourge in so many communities across our country.

The county commissioners of Curry County, a beautiful community on the Oregon coast, report that without county payments funding, they may have no choice but to dissolve their county altogether. They have already begun discussions with our State about dissolving the county. You can be sure if county payments funding is not available, those discussions will continue and, in my view, based on a recent community meeting there, I am of the view that their county may not survive.

Local officials in Coos County, just at the prospect of losing county payment funds, have already been releasing prisoners. So when people talk about what this issue can mean and what it really comes down to in local communities, this isn't an abstract issue in Coos County, OR. They have released prisoners—they have released prisoners—and they are going to lay off people who have had 25 years of service in that community. There are reports in the newspaper that they have already been terminated from their jobs, and I believe that we are going to see, in other communities across this country, similar problems.

I understand my friend from Idaho would like me to yield to him, and I am happy to do so.

Mr. CRAIG. Mr. President, I thank my colleague from Oregon for yielding for a moment, and I ask unanimous consent to have printed in the RECORD a letter from the National Association of Counties supporting the new version of what we call Wyden-Craig, and also the National Governors Association and its support, and a good, balanced observation of the difference between the Wyden amendment as offered and what the Senator from North Carolina is offering.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

NATIONAL ASSOCIATION
OF COUNTIES,
March 27, 2007.

Hon. RON WYDEN,
U.S. Senate, Washington, DC.
Hon. LARRY E. CRAIG,
U.S. Senate, Washington, DC.

DEAR SENATORS WYDEN AND CRAIG: On behalf of the National Education Association, the American Association of School Administrators and the National Association of Counties we thank you for your leadership in developing the amendment to H.R. 1591 to reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.

We understand that Senator Burr intends to offer an amendment to your amendment which would divert increases realized by counties under your amendment to be used solely for education. While well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

The Burr amendment requires "new money" to be spent on education. This would deny communities and their elected leaders to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

Further, it appears that the Burr amendment would shift the hard-won increase to PILT funding offered by the Wyden-Craig amendment away from the counties' general funds to schools, which was never the purpose of the PILT Act.

We also are concerned that the Burr amendment interferes with the authority states have had since 1908 to allocate forest reserve funds—authority explicitly and deliberately retained by Congress in Title I of the Secure Rural Schools and Community Self-Determination Act of 2000. Congress should not upend a 100-year old precedent that has served the forest counties and schools well.

Finally, as you know all too well, your amendment is the result of months, if not years, of dialogue and discussion, among all the stakeholders. It represents a carefully calibrated compromise which should be respected by the Senate.

Please urge your colleagues on our behalf to reject the Burr amendment.

Sincerely,

LARRY NAAKE,
Executive Director.

NATIONAL GOVERNORS ASSOCIATION,
September 19, 2006.

Hon. BILL FRIST,
U.S. Senate,
Washington, DC.
Hon. J. DENNIS HASTERT,
House of Representatives,
Washington, DC.
Hon. HARRY REID,
U.S. Senate,
Washington, DC.
Hon. NANCY PELOSI,
House of Representatives,
Washington, DC.

DEAR SENATOR FRIST, SENATOR REID, SPEAKER HASTERT, AND REPRESENTATIVE PELOSI:

We write to urge reauthorization this Congress of Public Law 106–393, the Secure Rural Schools and Community Self-Determination Act. This extremely successful law sunsets at the end of September 2006. Failure to reauthorize this law by passing either H.R. 517 or S. 267 would be a significant blow to over 800 counties in 42 states that depend on the program to fund their schools, roads, forest improvement projects and other essential services.

P.L. 106–393 maintains a congressionally approved arrangement to share revenue generated from our national forests with the rural counties that play host to these federal lands. Without reauthorization, rural forest dependent communities across the nation will lose over $400 million annually. This economic loss will be devastating to the economy and spirit of rural America, as well as to the timber, mining and recreation industries.

Beyond the revenue sharing provisions of P.L. 106–393, the law augments federal and non-federal wildfire management, habitat improvement and watershed restoration. Through the work of citizen-based Resource Advisory Committees, over 2500 projects have been completed on federal lands and not one has been appealed or litigated. Many of these projects leverage the federal dollars to obtain matching private, county and state dollars to conduct a range of essential federal forest management activities, such as necessary fuel reduction to protect our national forests from major fires.

If Congress is unable to adopt a comprehensive reauthorization of the program, we urge at a minimum that funding for the program be extended for at least one year to provide adequate time to build a consensus supporting a longer-term solution.

Sincerely,

GOVERNOR JON HUNTSMAN, Jr.,
Chair, Natural Resources Committee.
GOVERNOR BILL RICHARDSON,
Vice Chair, Natural Resources Committee.

NATIONAL ASSOCIATION OF COUNTIES,
March 28, 2007.

YES on Wyden Amendment—NO on Burr Amendment

We understand that Senator Burr intends to offer an amendment to the Wyden-Craig amendment which would divert increases realized by counties under Wyden-Craig amendment to be used solely for education. While no doubt well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

The Burr amendment requires "new money" to be spent on education. While it sounds fine at first, this would deny communities and their elected leaders the ability to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

We also are concerned that the Burr amendment interferes with the authority states have had since 1908 to allocate forest reserve funds—authority explicitly and deliberately retained by Congress in Title I of the Secure Rural Schools and Community Self-Determination Act of 2000. Congress should not upend a 100-year old precedent that has served the forest counties and schools well.

Finally, as you know all too well, the Wyden-Craig amendment is the result of months, if not years, of dialogue and discussion, among all the stakeholders. It represents a carefully calibrated compromise which should be respected by the Senate.

Please support the Wyden-Craig amendment and oppose the Burr amendment.

Sincerely,

LARRY NAAKE,
Executive Director.

Mr. WYDEN. Mr. President, how much time remains?

The ACTING PRESIDENT pro tempore. The Senator has a minute and a half.

Mr. WYDEN. Mr. President, I think the Senate has had a chance—and I thank particularly my friend from Idaho for coming to the floor today—to get a sense of what this issue is all about. I close by saying that Senator CRAIG and I and all those who have been involved in this issue understand that as a result of this updated, modernized approach to the Secure Rural Schools Act, we are going to make sure the rural communities of this country can survive and help them make a transition into other areas.

Senator CRAIG and I held many hearings and have heard from rural communities about how they would like to have very strong thinning programs. This is something you don't know a whole lot about in Baltimore, Mr. President, but we have a lot of overstocked stands in our part of the country. If you don't thin them out, it makes for a big fire risk. If you thin them out, you bring the communities together—labor folks, environmentalists, and others—and you deal with the fire risk and get the material to the mill. Plus you put people to work.

Senator CRAIG and I and others on our committee are prepared to have those kinds of programs. However, if these rural communities can't survive, and I am of the view that many of them won't without this amendment, then we are not in a position to look at the next steps, which are approaches like I have outlined for thinning and biomass, where we take the woody waste off the forest floor, which makes for clean energy. Senator CRAIG and I have heard a great deal of testimony about that.

I hope our colleagues will support the bipartisan amendment that Senator CRAIG and I have talked about this morning, along with 17 of our colleagues, and reject the Burr amendment.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

AMENDMENT NO. 697, AS MODIFIED

Mr. WARNER. Mr. President, I send to the desk a modification to amendment No. 697, which is filed at the desk.

The ACTING PRESIDENT pro tempore. Hearing no objection, the amendment is so modified.

The amendment, as modified, is as follows:

At the appropriate place, insert the following:

SEC. . INDEPENDENT ASSESSMENT OF CAPABILITIES OF THE IRAQI SECURITY FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).

(2) In quarterly reports to Congress, and in testimony before a number of congressional committees, the Department of Defense reported progress towards training and equipping Iraqi Security Forces; however, the subsequent performance of the Iraqi Security Forces has been uneven and occasionally appeared inconsistent with those reports.

(3) On November 15, 2005, President Bush said, "The plan [is] that we will train Iraqi troops to be able to take the fight to the enemy. And as I have consistently said, as the Iraqis stand up, we will stand down".

(4) On January 10, 2007, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military; the central component of the military element being an augmentation of the present level of the U.S. military forces with more than 20,000 additional U.S. military troops to Iraq to "work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs".

(5) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(6) The latest National Intelligence Estimate (NIE) on Iraq, entitled "Prospects for Iraq's Stability: A Challenging Road Ahead," released in January 2007, found: "If strengthened Iraqi Security Forces (ISF), more loyal to the government and supported by Coalition forces, are able to reduce levels of violence and establish more effective security for Iraq's population, Iraqi leaders could have an opportunity to begin the process of political compromise necessary for longer term stability, political progress, and economic recovery".

(7) The NIE also stated that "[d]espite real improvements, the Iraqi Security Forces (ISF)—particularly the Iraqi police—will be hard pressed in the next 12-18 months to execute significantly increased security responsibilities".

(8) The current and prospective readiness of the ISF is critical to (A) the long term stability of Iraq, (B) the force protection of

U.S. forces conducting combined operations with the ISF; and (C) the scale of U.S. forces deployed to Iraq.

(b) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—

(1) IN GENERAL.—Of the amoung appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by US forces, the continued support of US troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

The ACTING PRESIDENT pro tempore. The Senator from North Carolina is recognized.

AMENDMENT NO. 716

Mr. BURR. Mr. President, I thank the Chair, and I would ask that the Chair alert me when I have 3 minutes remaining on my 15 minutes.

Mr. President, I want to make two points right up front. The first point is that I support the Wyden bill. I think if you listen to the debate, you would think I am urging my colleagues not to extend this program. North Carolina is 25 percent national land. We benefit from it.

The second point is that I have tremendous respect for Senator WYDEN and for Senator CRAIG, and the realities are that if you take everything that was said at face value, one of two things exists: either we are stretching the truth or we haven't read my amendment because there is no way for my amendment, which deals only with title I of Forest Service payments, to affect law enforcement. Title I of the Forest Service payments specifically says, since 1908, when it was created, that it can be used for schools or roads.

What does my amendment do? It is very simple. There are three payments the Wyden bill addresses: Forest Service payments, BLM land, and payments in lieu of taxes. Within the framework of the Forest Service payment there are three titles: title I, which is schools and roads; title II, which is forestry programs and others; and title III, which is sheriff's search and rescue, law enforcement.

What does my amendment do? My amendment says simply all the new money that goes to title I, schools and roads, which is an increase of approximately $177 million since it was reauthorized in 2000—title I had $300 million in 2000; fiscal year 2007 is projected to be $477 million—so $177 million of new money shall be devoted, 80 to 85 percent, to schools.

My good friend from Oregon said the issue is survival. I would say he is correct. I agree with him. More than 40 percent of America's schools are in rural areas, and approximately 30 percent of all students attend those rural schools. The Senator from Idaho said 8 million kids. To be sure, our rural schools face unique challenges. Often their geographic isolation makes it difficult for teachers to access professional development opportunities. It is often difficult for rural schools to recruit and retain high-quality, gifted teachers.

Additionally, it is also often difficult for high school students in rural areas to access the advanced placement programs that students in urban areas have access to, which sets them on a course ahead of other students for higher education. Nationally, one-third of our students who enter high school in the ninth grade drop out before they receive a high school diploma. If this were a disease in America, it would be called an epidemic. If there were a disease in America, we would take Federal funds, State funds, local funds, and we would focus them to try to solve the problem.

Here we have an opportunity. We are not stealing any money. We are not changing the 1908 agreement. But as we plus up the money, all I am saying to my colleagues is, shouldn't we take the $177 million of new money and shouldn't we devote it to education? Shouldn't we say to these 8 million kids and their families, in 40 percent of America's schools: You know what. We are going to give you extra funds to address the geographical challenges you are faced with because you happen to be located in rural America. It affects North Carolina just as it does Idaho and just as it does Oregon.

As I said, in 1908, Congress first passed this bill and required that 25 percent of the revenues derived from national forest lands be paid to States. I am not trying to change that. I want to make sure that all of these payments—BLM payments, payments in lieu of taxes, Forest Service payments—go. I don't want to get into title III, where law enforcement is affected. I don't want to get into title II, where forestry programs and forestry management are affected. I do believe, however, that we can look at the challenges that we are faced with and say: If we are going to put new money into it, why don't we put 80 percent of it in education, the No. 1 challenge we have in America today.

I don't have any statements in support of my amendment. As a matter of fact, yesterday, the National Education Association sent out an e-mail alert to Senators warning them of this amendment. It basically said that a potential amendment would be offered by an unnamed Senator—they knew exactly who I was—that would divert funds away from the Secure Rural Schools Community Self-Determination Act. We urge you to oppose any such amendment.

I am beginning to figure out what is wrong with education. We are letting other people influence what we do, people who do not care whether we get our kids educated. Here is the National Education Association, the labor union of teachers, the ones who are supposed to be most concerned about our kids. Here is an amendment that puts $177 million into rural schools in America, and they are telling everybody to vote against it. Aren't they the ones who are supposed to stand up for our kids?

The ones who need to stand up for our kids are Members of this institution. They need to listen to the parents or these kids back at home and not listen to the organization that says they represent teachers and children that, frankly, when offered more money—it doesn't disrupt anything—they say oppose it.

The information contained in the NEA's e-mail is blatantly false. I am not trying to do anything to ensure anything other than 80 percent of new money, $177 million, goes, 80 percent, to schools. As a matter of fact, if you do the math, it means there is more money in 2007—where the other 20 percent is dedicated to roads—than there was under the 2000 reauthorization of this program. So, in fact, communities that are affected are going to have more money to put into roads. But, you know, an amazing thing is going to exist. They are also going to have more money to put into schools, exactly where I think we need to go.

One can look at the history of how this money has been spent. It might give you an indication as to why there is opposition and concern. Oregon, which will receive over $300 million, spends almost all of its money on roads. In 2004, Oregon spent $433 per student, compared to $7,388 per mile of road, out of title I, the Rural Schools Act. Let me say that again: $433 per student, compared to $7,388 per mile of roads.

Idaho spends almost 10 times the amount it spends on roads to what it spends on education, out of this program. Maine will see its share of funding increase from $40,000 per year to almost $1 million when this is reauthorized, and I support its reauthorization. But in 2004, Maine spent only $4.12 out of this program, per student, compared to almost $700 per mile of road.

There are some successes, though. Alaska dedicates all its title I money to public schools, about $10 million in

2006. If this bill is reauthorized, Alaska will receive almost $20 million. That will double the amount that Alaska invests in its rural schools through the same program that the National Education Association says would be devastating to the education of our children in this country.

As a matter of fact, New Hampshire, North Carolina, Vermont, and Virginia commit 100 percent of their money to education.

I am not here amending the legislation to say you have to spend the 100 percent. I am not here taking title I in total and saying let's change the formula for the entire thing. All I am saying is, if we are going to put new money in it—and we are putting new money in—why not take the bump-up of money and say, with what we are faced in this country, with only 70 percent of our kids graduating with a high school diploma, on time, maybe we ought to try to address that. It certainly is higher in rural America than it is in urban America.

Mr. CRAIG. Will the Senator yield?

Mr. BURR. I am happy to yield.

Mr. CRAIG. The Senator quoted States that, by the action of their legislatures, directed full amounts to education. I understand in the Senator's State that is also true, 100 percent.

Mr. BURR. That is correct.

Mr. CRAIG. So what does the Senator's formula do to his State legislature's allocation of money? Does it cut it back, adjust it or change it?

Mr. BURR. No, it has no effect.

Mr. CRAIG. So, in other words, the impact the Senator is advocating nationwide already happens in his State?

Mr. BURR. That is correct.

Mr. CRAIG. And States have that option, if they so choose, based on a State decision as to the importance of it rated as compared to public rural schools.

Mr. BURR. The Senator is correct. The Senator's point is I am taking power away from the decisions of the local community. The Senator is right. I make no bones about it. I plead guilty. I wish they were as concerned about their children's education as I am.

I have a school system where the graduation rate this year was 46 percent. The amazing thing is nobody has been fired. As a matter of fact, nobody is outraged at it. Today's jobs that we create in the 21st century require a different level of education for our children. If you are not competitive—you will not be invited for an interview if, in fact, you do not have a high school diploma.

The reality is, here is one little way we can have an impact on it, a little way that doesn't cost anybody anything because, as I said, this is all new money, from 2000 when it was at its peak. That is because, I remind everybody, in 2000 this was a 7-year program that was set to sunset, to go away. It was going to be no more. This was the adjustment period for all the States, including North Carolina, that received Federal money.

It is not going away. We are going to reauthorize it until 2012, and in 2012 it will be reauthorized until 2020, and the likelihood is the money will go up every year.

Our responsibility is, is the taxpayer money being used in a way that has a positive effect on the communities with Federal money? All I am saying is, as we put new money in, maybe we ought to have some Federal hand in saying let's focus it where we have a cancer. That cancer is in education. If we can't raise the graduation rate from 70 percent to 100 percent, we have individuals who come into our system incapable of competing for a job.

This is a very simple decision for Members of the Senate. I am sad today to tell you I do not expect to win on my amendment. Some will say I have tried to undo 100 years of public policy. I have changed the next 100 years, possibly.

They say I have trampled on States' rights by choosing how they pay for it. I am guilty. I admit it. Why? Because of our children. Our children's future is important. If it were not, we wouldn't be good parents. I am convinced this can have a small but a positive impact on rural schools and the education of our kids in rural communities. I urge my colleagues to consider supporting my amendment, which will, in fact, alter in a very small way the impact of the total Wyden amendment.

I yield the floor.

I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I ask unanimous consent that the debate time on the two amendments—the Wyden amendment, the bipartisan amendment and the Burr amendment—be extended until 11 a.m. and that the time be equally divided, which would mean, I think, we would have 10 minutes on our side so that I and Senator CRAIG would continue this discussion and then the distinguished Senator from North Carolina would have 10 minutes as well. I make that unanimous consent request.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. WYDEN. Mr. President, I wish to continue the discussion on the point made by our friend from North Carolina. He is going to be the ranking member on the forestry subcommittee. He and I are going to sit next to each other for a great many hours during the course of this session of the Senate. I know there are going to be many times when we agree because that has certainly been the case during our long years of service, both in the House and it is now an honor to serve with him in the Senate.

I wish to pick up on a couple of points. Senator CRAIG, in the very important discussion he had with the Senator from North Carolina, pointed out that North Carolina already spends every dollar of their county payments money. The distinguished Senator from North Carolina indicated his concern about the 40-percent graduation rate in one of his school districts. But the amendment offered by the Senator from North Carolina will not provide an additional dollar for that school district because under his State statute, every dollar of county payments his State gets already has to go to schools, and the amendment would not change that.

I think this has been a very instructive discussion. As Senators consider the next 15 or 20 minutes of this debate, I want to come back to where the organizations that are most intimately involved in this program, on a day-to-day basis, stand.

The Senator from North Carolina made mention of our support from labor. We are very proud to have a strong cross-section of labor groups that are aligned with our proposal. But in addition, the support from the National Association of Counties and the National Governors Association for our bipartisan effort is particularly important. I wish to read a little bit from the National Association of Counties' letter to myself and Senator CRAIG. It says, with respect to Senator BURR—and the National Association of Counties does not talk about anonymous Senators. They are very much aware of who is involved in this debate. The National Association of Counties wrote:

> While well-intentioned, we fear the Burr amendment is ill-conceived and would result in negative consequences.

They go on to say:

> The Burr amendment requires "new money" to be spent on education. This would deny communities and their elected leaders to set their own priorities, superimposing a Washington, DC, one-size-fits-all mandate on those rural forest counties already severely restrained by the presence of tax-exempt federal land.

This is a particularly important point and a very telling one about this debate. I think the Senator from North Carolina and I have been in scores of discussions over the years where the charge always was it was the Democrats who were coming up with this "big Government, run from Washington, DC," kind of approach. Here we are with a bipartisan amendment that

I, as a Democratic Senator, spent a lot of time talking about with local communities, and the counties say they favor our approach because it does give them the flexibility on the ground—in Asheville, NC, and Amity, OR, across the country, to make the choices that are best for them rather than to have somebody inside the beltway take out a cookie cutter and stamp all these programs as if one size fits all. That point in the National Association of Counties' letter strikes me as extremely important as well.

The counties also go on to say:

> . . . . it appears that the Burr amendment would shift the hard-won increase to PILT funding [the payment in lieu of taxes program offered by the Wyden Craig amendment] away from the counties' general funds to schools, which was never the purpose of the PILT Act.

I say to my colleague, we are going to hear a lot of testimony about this in our forestry subcommittee as well. The changes in the PILT Program, in particular, so that every county with Federal land can get a boost, are going to be especially helpful as we make this transition.

Mr. BURR. Will the Senator yield for a question?

Mr. WYDEN. Of course.

Mr. BURR. Does the Senator agree with the letter from the commissioners that I affect the PILT payments in my amendment?

Mr. WYDEN. My understanding is that the Senator's amendment does not affect it.

Mr. BURR. Does or does not?

Mr. WYDEN. Does not.

Mr. BURR. So the letter and the accusation the Senator received from, I think, the counties, is, in fact, inaccurate?

Mr. WYDEN. My sense says the county folks had some difficulty following the Senator's amendment as it went through its evolution. But what we do know is our amendment clearly protects the PILT funding, and that is why it is preferable on all counts.

Now, continuing with what the counties have had to say: We are also concerned that the Burr amendment interferes with the authority States have had since 1908 to allocate forest reserves funds, authority explicitly and deliberately retained by Congress in title 1 of the Secure Rural Schools and Communities Self-Determination Act.

This point from the counties is especially critical because it goes to the 100-year obligation with respect to county payments. We can debate who has better ideas about PILT. We think we do. That is why so many Senators have been attracted to our proposal, because of the additional support for PILT. But what the counties go on to say here is they are concerned about the 100-year precedent with respect to Federal forest systems.

Mr. President, the Senator from North Carolina has been very gracious. We are dividing the time. How much time remains on our side?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Oregon has 3 minutes 10 seconds remaining.

Mr. WYDEN. Mr. President, I yield the remainder of our time to the chairman of the Senate Energy and Natural Resources Committee, a cosponsor of the amendment, and I thank him for his many hours of support in putting this together.

The PRESIDING OFFICER. The Senator from New Mexico is recognized.

Mr. BINGAMAN. Mr. President, I thank my colleague and congratulate him on his leadership on this issue. His amendment is well designed and meritorious. I urge all colleagues to support the amendment.

I wish to speak about why I think this is so important to our rural counties. I do think the legislation is important because it lays out a period of years during which counties will know they have a set amount of money coming in to assist with the various responsibilities they have put upon them.

This amendment also, of course, involves a full funding of the payment in lieu of taxes, which is extremely important to many of the counties in my State, particularly. This payment in lieu of taxes is designed to provide some funding to those counties that have lost their tax base by virtue of the Federal Government owning so much of the land in those counties.

Both programs were authorized through the Committee on Energy and Natural Resources, and the committee has remained active on both issues in recent years. With regard to the Secure Rural Schools, or "county payments", program, we have held a number of oversight and legislative hearings during the last couple of years. Accordingly, I would like to briefly explain some of the key changes that this amendment makes to the original program.

The most significant change is in the formula. The new formula has three components: the original formula, the number of qualifying acres of Federal land, and per capita personal income. The mathematics of the formula are rooted at the county level, and the ultimate payments are determined by calculating what would be each participating county's portion of the total annual funding for the program. As a result, unlike the original formula, the new formula responds to the annual funding amount, permitting an orderly phase-down of the total annual funding levels.

The legislative text memorializes the component of the original formula at the county level in the definition of "base share" in paragraphs (2)(B)(i) and (9)(B)(i) of section 3. In developing the formula, we looked to existing data from the Federal agencies, recognizing that the specific data may change as a result of updating or correction. For the Forest Service, paragraph (2)(B)(i) of section 3 describes what the Forest Service referred to as the "potential county share" when it calculated payment amounts under the original formula on March 1, 2002. For the Bureau of Land Management, paragraph (9)(B)(i) of section 3 describes what the BLM referred to as "payment amounts to each eligible county" on its November 14, 2002, certification to the Treasury Department of payments made under the Secure Rural Schools and Community Self-Determination Act of 2000. The per capita personal income data was gathered from the Bureau of Economic Analysis' Regional Economic Accounts, Table CA1-3, 030.

Total funding for the program would be gradually reduced to approximately 72 percent of the fiscal year 2006 level by the end of the 5-year reauthorization. During the first 4 years of the reauthorization, additional funds would be provided to the uniquely affected States of Washington, California, and Oregon to ensure that they can make a reasonable transition to the new funding levels under the new formula. For fiscal year, 2007, the transition funding would provide the three States an amount equal to last year's levels, and then their total county payments funding would be reduced by 10 percent annually through 2010. Total funding levels in each of those States would be determined under the new formula in 2011. If counties that received county payments in fiscal year 2006 decided to optout of the county payments program, then those counties would instead receive the payment amounts required by the 1908 or 1937 acts and the county payments funding to their States during that fiscal year would be reduced by their corresponding share of the fiscal year 2006 county payments funding.

The amendment also focuses the county payments funding on resource advisory committee, "RAC", collaboration, which was one of the most successful aspects of the original law. Most counties are required to spend at least 13 percent of their total county payments program funding on special projects on federal land—unless they choose to forego that portion of the funding. Exceptions have been made where experience has shown that the 15-20 percent of total program funding available for special projects on Federal land, under title II, may be inadequate.

As recommended by an in-depth study of RACs under the county payments program, we have made a few changes to the RAC representation. The editions allow some key interest groups that currently are not adequately represented to participate on RACs. They also provide communities with some flexibility where existing requirements were unnecessarily difficult or awkward to fulfill.

As discussed in the study, in a number of cases, the Federal land management issues in any particular region simply were not relevant to a couple of the interest groups required to be represented under the original law. For example, while wild horse and burro interest groups are key stakeholders on many RACs, there also are many RACs in areas of the country with no wild horses or burros. In such cases, the study found that some counties simply could not find individuals willing to serve on RACs that met the letter and spirit of the existing criteria.

None of the editions exclude any of the interest groups currently represented on RACs, and the Secretaries retain appointment authority. As a result, the modest expansion should neither disadvantage any group currently participating on RACs nor disrupt in any way the collaboration on RACs. To the contrary, it should improve the collaboration by ensuring that RACs are adequately staffed with the appropriate interest groups.

County funding under title III has been restricted and focused on programs that indirectly benefit public land management. In addition, provisions have been added to title III to encourage compliance with its terms and greater awareness of the counties' efforts by Federal land managers.

Finally, a degree of stability for revenue sharing payments to counties is provided under the amendment. Stabilizing payments is one of the primary purposes of the Secure Rural Schools and Community Self-Determination Act, but as the recent experience with its expiration in 2006 exemplifies, a degree of stability remains necessary over the longterm. Section 3 of the amendment provides for 25 percent payments to be distributed based on a 7-year rolling average. This will ensure that counties receive the same level of overall payments while at the same time reducing to a significant degree the sometimes dramatic annual fluctuations of Federal payments that make county budgeting difficult.

By ensuring full funding for PILT, annual fluctuations in those payments also will be reduced through 2012. PILT also is a crucial part of ensuring an orderly transition for the States of California, Oregon, and Washington. And finally, full funding for PILT will provide a more equitable level of support to those counties with Federal land that does not qualify for the county payments program.

In all, the amendment provides for more secure rural schools in more States and counties around the country, healthier National Forests for all Americans to enjoy, and the foundation for a legacy of public lands collaboration that we hope will provide for community, economic, and environmental benefits for decades to come.

Let me also speak briefly about the amendment my friend from North Carolina has offered to insist and to require, I believe, 80 percent of the funds to be used for schools. It will be a substantial mistake to adopt that amendment, because it is a one-size-fits-all solution, when we have very different circumstances in each State.

For example, in my State, we have what we call an education equalization formula. That means the State takes credit for whatever the counties were to put into education. So the effect of giving this money to the counties would be that the State would reduce its contribution to the schools in that county by a proportionate amount or by 95 percent of that amount. This would not work in my State. It would not have the intended effect of getting more money to the schools, which I know is the purpose the Senator from North Carolina has.

It is better to stick with the amendment Senator WYDEN has crafted here, and give the discretion to each State and each local community to decide how to best spend those funds to meet the obligation they have to their constituents. That is the purpose of the legislation. That was the original purpose of the county payments legislation, certainly the original purpose of the PILT legislation, as well. That is the best result.

I hope my colleagues will support the Wyden amendment and will not support the Burr amendment. That is the best result for us. I hope that is the end result once the voting is concluded.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Carolina.

Mr. BURR. Mr. President, I thank my colleagues for a spirited debate, and before my colleague from New Mexico leaves, I want to make sure I have the opportunity to share with him, because he did not hear the first part, that there are three funding pieces to this bill. I am supportive of all three of them. It is the Forest Service payment, the BLM lands payment, and the payment in lieu of taxes.

My amendment affects one piece of one section, the Forest Service payment that is broken down into three titles: title 1, which is designated schools and roads; title 2, which goes to forestry programs and other management programs; and title 3, which goes to law enforcement search and rescue.

I do not affect title 2; I do not affect title 3. I only affect the new funding in title 1. There is no county that will be affected on what they have received up until that point. But of the $177 million of new money in title 1 of the Forest Service payment section only, he is exactly right. I would say 80 to no more than 85 percent has to go to the schools. And if, in fact, New Mexico is structured in a way that when a county ups its investment the State decreases its investment in education, he is exactly right, he would end up with no net gain.

That is where our problem is across the country, our students have no net gain. We have been stuck in this rut and we will not do what it takes to get out of it. Five years ago we passed No Child Left Behind. Nationally we are making progress. We actually see the trend going up. We see K–8 performing at math and science levels that, quite frankly, 5 years ago we did not know if we could reach. It is not a plateau they have gotten to; they are on the climb. We have challenged our elementary school students and they have responded, because we have made a commitment we are going to put highly qualified teachers in classrooms. We have made a commitment to them that we are going to provide the flexibility of Federal money so they can decide how best to use that so kids can learn.

In return, we are going to measure their progress. For the first time, America now knows the progress our students make. Parents are no longer reliant on the arbitrary A, B, C, D or, in some cases, pass-fail. Why is that important? It is important because we have got a 21st century economy. We are creating jobs that, quite frankly, without a high school diploma you are not competitive for.

My kids are still in college. I am fortunate in the fact that at least the tools are available to them. But it is their choice now as to whether they absorb it and use it. What about those kids who are still in K–8? Could this have an impact? Yes, it could have a real impact. It is not a whole lot of money. But when you move from, in Oregon I think, $433 per student, compared to $7,388 per mile, if you were to increase that investment locally, I think it would affect the outcome.

What you would be looking at is the outcome. That is the whole spirit behind No Child Left Behind. What is the result of K–8 not working? It is a 70-percent graduation rate, on time, of our high school students 9–12 today.

As I said earlier, if this were a disease, we would call it an epidemic. We would send every Federal, State, and local resource to try to cure the problem. Well, here is one of those ways: We can say, with the increased money, the $177 million worth of new money these counties have never had, let's use 80 to 85 percent for schools.

Mr. WYDEN. Would the Senator from North Carolina yield?

Mr. BURR. I yield.

Mr. WYDEN. We continue to look at the language. I think it goes back to the reason the counties and the Governors were so troubled by it. Where in my friend's amendment does it say it applies only to increases in funding? Because, as we read it, it would apply to all of the funding in section (2) of the amendment, subsection (d) payments received by a State under subsection (a) and distributed to eligible counties shall be only for public schools——

Mr. BURR. Reclaiming my time. I will say to the Senator, if for some reason it is not perfectly clear—and we have had the best legislative folks in the Senate who wrote the amendment; I do not think they got it wrong, but if they did, it will change.

But the reality is, it is not going to pass and the Senator from Oregon knows it is not going to pass, not because there are questions on whether it is all title 1; it is not going to pass because they are not willing to let the $177 million worth of new money be devoted to education. It is not because of some technical problem we have with my amendment. The Senator's bill was awfully large, and there were still changes being made to the bill yesterday. It was a moving target to try to figure out exactly how to do an amendment. The Senator may remember, yesterday it was a second-degree amendment, but to accommodate the majority leader, we decided to do it as a side-by-side, which meant I had to incorporate now my amendment into the Wyden bill. So we have got a Wyden bill by itself, and a Wyden bill with this change. What my colleagues are going to be asked to do is not to vote against Wyden; either way they vote, they get the Wyden bill. But if they vote for the Wyden bill with the Burr amendment, they have now made a commitment to education. They have now made a commitment to the children. They have now made a commitment to 40 percent of America's schools that are located in rural areas, 8 million kids. That is the decision. It is very simple.

So it is not do we understand where it fits. Clearly since the Senator thought it applied to more, since the county letters he got thought it applied to payments in lieu of taxes, since Senator BINGAMAN, when he came to the floor, was concerned about payments in lieu of taxes, we do not affect those. All we affect is title 1 of the Forest Service payments that are already designated in roads or schools, and we do not affect what we have spent in the past, up to that level. We only affect new dollars.

Of those new dollars, 80 to 85 percent has to go to education. So it means for your State, where it predominately goes for roads, they are not disadvantaged. They are actually going to get 20 percent more for roads. They are just going to have to take 80 percent of the new money and make more of an investment than $433 per student.

It is simple for our colleagues. We are going to vote on this, I think now the order calls for about 11:45 or 12 o'clock. I am not sure if it is going to be a series of three votes. I would encourage my colleagues to vote for the Wyden amendment, but vote for the Wyden amendment that has the Burr language in it, so that, in fact, we have a commitment to our kids, their future, and their education.

I yield the floor.

Mr. GRASSLEY. Mr. President, when we debated the Senate budget resolution in committee and on the floor over the last few weeks, I raised a concern about the transparency of the budget. One of the problems I pointed out was the over reliance of the budget resolution on unspecified revenue raisers. As ranking member of the Finance Committee, I referred mainly to Finance Committee policy demands that weren't realistically reflected in the budget. I referred to currently expiring tax, trade, and health and welfare spending provisions. The expiring tax relief provisions within the first year of the budget resolution alone amount to $135 billion.

In discussing the budget, I also referred to the track record of the Democratic leadership, while in the minority, of spending the same revenue raising offsets over and over again. There is a clear risk of this deceptive behavior having a real fiscal impact now that Democrats are in the majority. As has been proven over the last few weeks, the Democratic majority can't reduce spending. So taxes are raised to pay for more spending while the spending-driven deficit remains high.

What we have seen is an obsession by the Democratic leadership for going to the tax side of the ledger and gross up the spending side of the ledger. Once again, spending wins out and the taxpayer loses.

Now, comes the Wyden-Craig amendment. It increases popular spending—in this case we are talking about rural schools—and uses revenue raisers to mask the deficit effect of the spending. The budget resolution contains 39 reserve funds that authorize new spending, paid for with unspecified revenue raisers. This rural schools spending program is the subject of 1 of those 39 reserve funds. So, today, Senators WYDEN and CRAIG go to the tax ledger and remove some of the work product of the Finance Committee tax staff to use for their new spending program.

As ranking member of the Finance Committee, I view this effort as an intrusion on the jurisdiction of the Finance Committee. During my tenure as chairman, I am pleased to say that this jurisdiction was protected. I have indicated my concern to my friend, Chairman BAUCUS, that this is the start to a slippery slope of erosion of our committee's jurisdiction.

We have seen that those who advocate new spending can't find a dollar of spending offset within a $2.7 trillion budget. From this fiscal behavior, we can expect that the spending of these amendments will continue to be offset from the same pool of offsets. The Finance Committee tax staff can't do the heavy lifting of finding offsets for every new popular spending program.

By the terms of the Senate Democratic budget resolution, that pool of offsets has already been subscribed for expiring tax, trade, and health and welfare spending.

The Wyden-Craig amendment goes to part of the limited group of offsets and draws from previously passed Senate offsets and a small group of already identified tax gap offsets. These offsets are drawn from the limited group of $43 billion in revenue raising offsets I referred to in my floor statements.

There is a new revenue raiser in the Wyden-Craig amendment. I support it. It would permit section 457 retirement plans to employ a Roth IRA option.

Some will recall from last year's tax reconciliation conference report a similar proposal. The proposal permitted more taxpayers to convert traditional IRAs to Roth IRAs. That proposal met with severe criticism from the Democratic leadership, their allied liberal think tanks, and some in the east coast media who tend to be sympathetic to the views of the Democratic leadership.

I am pleased to see the Democratic leadership has changed its mind. With the Wyden amendment, and the Roth section 457 plan proposal, the Democratic leadership is now on board with the merits of the Roth IRA conversion concept. It will be interesting to see if the liberal think tanks and east coast media are consistent critics or whether they have changed their minds, now that this concept is employed by Senate Democrats. I will be looking for their reaction.

The PRESIDING OFFICER. Under the previous order, amendment No. 716 offered by the Senator from North Carolina, Mr. BURR, is modified to be a first-degree amendment.

The amendment, as modified, is as follows:

(Purpose: To reauthorize the secure rural schools and community self-determination program and to provide funding for the payments in lieu of taxes program.)

Beginning on page 75, strike line 25 and all that follows through page 76, line 15, and insert the following:

SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM.

(a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106-393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28; 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f-1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $526,079,656 for fiscal year 2007;

"(B) $520,000,000 for fiscal year 2008; and

"(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State an amount equal to the sum of the amounts elected under subsection (b) by each county within the State for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

“(2) DURATION OF ELECTION.—

“(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

“(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

“(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

“(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

“(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

“(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

“(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

“(A) the Act of May 23, 1908 (16 U.S.C. 500); and

“(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

“(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1), except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the county.

“(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

“(1) ALLOCATIONS.—

“(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended, except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the eligible county.

“(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

“(i) Reserve any portion of the balance for projects in accordance with title II.

“(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

“(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

“(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

“(i) reserve any portion of the balance for—

“(I) carrying out projects under title II;

“(II) carrying out projects under title III; or

“(III) a combination of the purposes described in subclauses (I) and (II); or

“(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

“(2) DISTRIBUTION OF FUNDS.—

“(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

“(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

“(i) be available for expenditure by the Secretary concerned, without further appropriation; and

“(ii) remain available until expended in accordance with title II.

“(3) ELECTION.—

“(A) NOTIFICATION.—

“(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

“(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

“(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

“(II) return the balance to the Treasury of the United States.

“(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended, except that, in a case in which a payment amount exceeds the payment amount for fiscal year 2006, the excess amount shall be used only for public schools in the eligible county.

“(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

“SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

“(a) DEFINITIONS.—In this section:

“(1) ADJUSTED AMOUNT.—The term ‘adjusted amount’ means, with respect to a covered State—

“(A) for fiscal year 2007—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

“(B) for fiscal year 2008, 90 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

“(C) for fiscal year 2009, 81 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

“(D) for fiscal year 2010, 73 percent of—

“(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

“(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

“(2) COVERED STATE.—The term ‘covered State’ means each of the States of California, Oregon, and Washington.

“(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable, from funds in the Treasury of the United States not otherwise appropriated.

“(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

“(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties in fiscal year 2006:

“(1) Payments to the State of California under subsection (b).

“(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

“(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

“TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

“SEC. 201. DEFINITIONS.

“In this title:

“(1) PARTICIPATING COUNTY.—The term ‘participating county’ means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

“(2) Project funds.—The term ‘project funds’ means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

“(3) Resource advisory committee.—The term ‘resource advisory committee’ means—

“(A) an advisory committee established by the Secretary concerned under section 205; or

“(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

“(4) Resource management plan.—The term ‘resource management plan’ means—

“(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

“(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 19741 (16 U.S.C. 1604).

“SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

“(a) Limitation.—Project funds shall be expended solely on projects that meet the requirements of this title.

“(b) Authorized Uses.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

“SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

“(a) Submission of Project Proposals to Secretary Concerned.—

“(1) Projects funded using project funds.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

“(2) Projects funded using other funds.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

“(3) Joint projects.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

“(b) Required Description of Projects.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

“(1) The purpose of the project and a description of how the project will meet the purposes of this title.

“(2) The anticipated duration of the project.

“(3) The anticipated cost of the project.

“(4) The proposed source of funding for the project, whether project funds or other funds.

“(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

“(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

“(6) A detailed monitoring plan, including funding needs and sources, that—

“(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

“(B) includes an assessment of the following:

“(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

“(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

“(7) An assessment that the project is to be in the public interest.

“(c) Authorized Projects.—Projects proposed under subsection (a) shall be consistent with section 2.

“SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

“(a) Conditions for Approval of Proposed Project.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

“(1) The project complies with all applicable Federal laws (including regulations).

“(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

“(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

“(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

“(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

“(b) Environmental Reviews.—

“(1) Request for payment by county.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

“(2) Conduct of environmental review.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

“(3) Effect of refusal to pay.—

“(A) In general.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

“(B) Effect of withdrawal.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

“(c) Decisions of Secretary Concerned.—

“(1) Rejection of projects.—

“(A) In general.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

“(B) No administrative appeal or judicial review.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

“(C) Notice of rejection.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

“(2) Notice of project approval.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

“(d) Source and Conduct of Project.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

“(e) Implementation of Approved Projects.—

“(1) Cooperation.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

“(2) Best value contracting.—

“(A) In general.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

“(B) Factors.—The Secretary concerned shall determine best value based on such factors as—

“(i) the technical demands and complexity of the work to be done;

“(ii)(I) the ecological objectives of the project; and

“(II) the sensitivity of the resources being treated;

“(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

“(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

“(3) Merchantable timber contracting pilot program.—

“(A) Establishment.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

“(i) the harvesting or collection of merchantable timber; and

“(ii) the sale of the timber.

"(B) ANNUAL PERCENTAGES.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2007, 25 percent.

"(ii) For fiscal year 2008, 35 percent.

"(iii) For fiscal year 2009, 45 percent.

"(iv) For each of fiscal years 2010 and 2011, 50 percent.

"(C) INCLUSION IN PILOT PROGRAM.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) ASSISTANCE.—

"(i) IN GENERAL.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) MAXIMUM AMOUNT OF ASSISTANCE.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) REVIEW AND REPORT.—

"(i) INITIAL REPORT.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) ANNUAL REPORT.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) REQUIREMENTS FOR PROJECT FUNDS.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) ESTABLISHMENT AND PURPOSE OF RESOURCE ADVISORY COMMITTEES.—

"(1) ESTABLISHMENT.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) PURPOSE.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) ACCESS TO RESOURCE ADVISORY COMMITTEES.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) EXISTING ADVISORY COMMITTEES.—

"(A) IN GENERAL.—An advisory committee that meets the requirements of this section, an advisory committee established before the date of enactment of this Act, or an advisory committee determined by the Secretary concerned to meet the requirements of this section before the date of enactment of this Act may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) CHARTER.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) BUREAU OF LAND MANAGEMENT ADVISORY COMMITTEES.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) DUTIES.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) APPOINTMENT BY THE SECRETARY.—

"(1) APPOINTMENT AND TERM.—

"(A) IN GENERAL.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) REAPPOINTMENT.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) BASIC REQUIREMENTS.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) Limited use of federal funds.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) Transfer of Project Funds.—

"(1) Initial transfer required.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) Condition on project commencement.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) Subsequent transfers for multiyear projects.—

"(A) In general.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) Suspension of work.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) Submission of Proposed Projects to Obligate Funds.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) Use or Transfer of Unobligated Funds.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) Effect of Rejection of Projects.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) Effect of Court Orders.—

"(1) In general.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) Expenditure of funds.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) In General.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) Deposits in Treasury.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) County funds.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) Participating county.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) Authorized Uses.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) Proposals.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) In General.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

"(b) Review.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

"(a) In General.—The authority to initiate projects under this title terminates on September 30, 2011.

"(b) Availability.—Any county funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

"The Secretary of Agriculture and the Secretary of the Interior shall jointly issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"(a) In General.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

"(b) Emergency Designation.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

"(a) Relation to Other Appropriations.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) Deposit of Revenues and Other Funds.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.".

(b) Forest Receipt Payments to Eligible States and Counties.—

(1) Act of May 23, 1908.—The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(2) Weeks law.—Section 13 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(c) Payments in Lieu of Taxes.—

(1) In general.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

"For each of fiscal years 2008 through 2012, such sums as are authorized under this chapter shall be made available to the Secretary of the Interior, out of any amounts in the Treasury not otherwise appropriated, for obligation or expenditure in accordance with this chapter.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

"6906. Funding.".

(d) INCREASE IN INFORMATION RETURN PENALTIES.—

(1) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(A) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$250,000" and inserting "$3,000,000".

(B) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(i) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(I) by striking "$15" and inserting "$50",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$75,000" and inserting "$500,000".

(ii) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(I) by striking "$30" and inserting "$100",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$150,000" and inserting "$1,500,000".

(C) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) of such Code is amended—

(i) in subparagraph (A)—

(I) by striking "$100,000" and inserting "$1,000,000", and

(II) by striking "$250,000" and inserting "$3,000,000",

(ii) in subparagraph (B)—

(I) by striking "$25,000" and inserting "$175,000", and

(II) by striking "$75,000" and inserting "$500,000", and

(iii) in subparagraph (C)—

(I) by striking "$50,000" and inserting "$500,000", and

(II) by striking "$150,000" and inserting "$1,500,000".

(D) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(i) by striking "$100" in paragraph (2) and inserting "$500",

(ii) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(2) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(A) IN GENERAL.—Section 6722(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$100,000" and inserting "$1,000,000".

(B) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) of such Code is amended—

(i) by striking "$100" in paragraph (1) and inserting "$500", and

(ii) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(3) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 of the Internal Revenue Code of 1986 is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

(e) REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.—

(1) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(B) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendment made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

(f) PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.—

(1) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

Mr. CRAIG. Mr. President, what is the order now?

The PRESIDING OFFICER. There is 1½ minutes under the control of the Senator from North Carolina.

Mr. WYDEN. Mr. President, does our side have any additional time?

The PRESIDING OFFICER. No.

Mr. BURR. Since the other side does not get any additional time, I will yield back the remainder of my time and ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. The Senator from Idaho.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CRAIG. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 697, AS MODIFIED

Mr. CRAIG. Mr. President, it is my understanding there is a Warner amendment 697 at the desk, as modified. I ask unanimous consent that it be agreed to, as modified.

The PRESIDING OFFICER. Without objection, the amendment, as modified, is agreed to.

The amendment (No. 697), as modified, was agreed to.

Mr. CRAIG. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. CRAIG. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COBURN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Mr. President, under the previous order, I believe I have several amendments pending. I rise to discuss those with my colleagues. I will call up several of them as I go along.

It is important for the American public to know what is going on. If we go back to 2003, what we can see is a major growth in emergency spending. Why is that important? It is important because emergency spending is totally outside the budget parameters on which the Senate works. Emergency spending doesn't count against any total cap on what our spending will be. It doesn't count against the budget deficit, and it doesn't count against the budget rules. We merely spend the money outside of any rules of control, and we charge it. We take a credit card and we say: Kaching, grandchildren, you are up.

As my colleagues can see from this chart, from 2003, 2004, 2005, 2006, to 2007, as the bill before us today, we see an average of over $100 billion a year, about $110 to $115 billion a year outside of a $3 trillion budget. So no taxpayer dollars presently are going to go to pay for any of this. What we are going to do is ask the Treasury to issue bonds and notes. Guess who will be redeeming those notes. Our grandchildren. Who is at fault in all this? Partly the administration because part of this funding has been for a war that should have been budgeted through the Defense appropriations bill. That will happen next year. But the fact is, we can take $80 billion out of this across the year and apply it to the war.

What about the other $30 billion every year on average that doesn't have anything to do with the war and doesn't have anything to do with an emergency? Remember, this is supposedly emergency spending. How long have we been in this war? Four years. There is nothing emergency about it. We know the spending. It should go through the regular process. Our budget rules define "emergency" as something unforeseen, unexpected. We have to question the intellectual honesty of our body when the $18.7 billion that is added on to the defense request in this bill is deemed an emergency.

The first amendment I will talk about is $100 million that is an emergency to fund increased security at the conventions, both in Minneapolis-St. Paul and in Denver. We have known we were going to have conventions every 4 years for a long time. Never before have we funded the security required for these conventions out of an emergency bill. So in essence, what we are going to do is we are going to have two big parties and we are going to send the bill for those parties to our grandkids.

The first amendment I have actually eliminates that $100 million. We have plenty of time under the regular appropriations process with which to supply the money within the budget guidelines. Every billion we spend outside of the budget guidelines means that is another billion which is going to be spent inside, which means we are actually doubling the spending. Something that should have been inside, now we are going to spend outside of the budget. We are going to charge it to our children, and then we are going to spend more money.

How did we get where we are? The important thing to look at as to how we got where we are is to look at what has happened to Defense appropriations every year. There is a requirement that is asked for from the Pentagon in the budget. It is within our budget numbers. What happens when it comes out of here? What happens is, it gets underfunded intentionally. Why does it get underfunded intentionally? So that we can create, in 2003, 2004, 2005, 2006, and 2007, additional spending inside the budget, and then we come back and get the actual defense needs in an emergency. It is a shell game that is being played on the American public that says: We are going to underfund what we know we need in defense. Then we know there is going to be an emergency supplemental, and we will make up for that when the emergency supplemental comes. But because we underfunded defense, we can therefore spend the money somewhere else outside of the budget. It is a game that we continue to play that is unfair to the American public.

AMENDMENT NO. 648

I call up amendment 648.

The PRESIDING OFFICER. The amendment is pending.

Mr. COBURN. Amendment No. 648 removes $100 million. This is not about being against security for people who are going to attend the conventions. It is ironic that the decisions which are made at the conventions will have already been made probably in February or March. But we are going to charge the American taxpayers $100 million for security outside of the budget. Who are we really charging? We are charging our grandkids. This has never before happened. Always before, if we funded money for convention sites, we have done it within the budget. So it isn't an emergency, and it is markedly unethical to take money that should be inside our budget and place it outside and ask our grandchildren to pay for us to all have a party in August and September.

H.R. 4613, the fiscal year Department of Defense appropriations bill, provided $50 million for discretionary grants for this same purpose associated with the 2004 nominating conventions. We did that in the 2005 bill. We did it within the budget. We have done it before.

Let's talk about the criteria of what is an emergency: necessary, essential, and vital, plus sudden, quickly coming into being, not building up over time, an urgent, pressing, compelling need requiring immediate action, subject to unforeseen, totally unpredictable and unanticipated, not permanent and temporary nature. There is no question the funding for the conventions for the Democratic and Republican parties does not meet any of those criteria. Yet here it is in the bill. Why do we find it in this bill? So we don't have to spend the money inside the budget limitations that are placed on Congress. Here is $100 million outside of that budget limitation that we are then going to spend, another $100 million, because we have not paid for this one, and we should have paid for it within the budget.

This isn't sudden. It is not urgent. It is not pressing. It does not require immediate action, is not unforeseen, not unpredictable, and it was not unanticipated. There have been nominating conventions since 1832. The year 2008 will be the second Presidential election since the 9/11 terrorist attack. There is no question that increased security is required. But this is the first time we have said it is an emergency. It is like saying we don't know the census is coming in 2010. We will have an emergency supplemental for the census. As a matter of fact, we have done that before. The war on terror is an emergency. Having a party for politicians and their political parties doesn't qualify.

We are going to have a vote on this amendment. I expect to lose the vote. But I also expect the American people will ask: Why in the world would we be doing this? Why would we violate their good will by playing games for the political parties? Why would we do that? It comes back to the point of where we are in the Senate, why are we addressing this legislation? Why is there $18.7 billion worth of additional items added to this bill other than to fund the Defense Department?

We will hear all sorts of answers: We need it. We didn't do it. We have emergency agricultural appropriations in this bill.

Actually, I believe there is an emergency in farm country, and we ought to be doing something about it. But we ought to be paying for it. I haven't yet talked to a farmer from Oklahoma who thinks his grandchildren ought to be paying for us to do an emergency supplemental in terms of agriculture. They believe we ought to find it within.

The fact is, Senator CARPER and I held 49 hearings in the last Congress and discovered over $200 billion of waste, fraud, abuse, or duplication within the discretionary budget. That is within $1 trillion, 20 percent. Most Americans probably believe that. The problem is, most politicians don't have the nerve to challenge where that spending is because there is an interest group that wants it spent. There is an interest group, and it is us. It is self-serving that we are going to spend $100 million on increased security for the conventions and not pay for it and spend that money inside the budget on something else. Probably the greatest moral question is, Are we going to have a party on our unborn next generation?

They are going to be the ones who pay back this $100 million. It is not going to be $100 million when they pay it back; it will probably be $500 million or $600 million by the time we get to paying it back with the compound interest.

What would this $100 million do if we were not spending it on security at party conventions? It would buy 31,797 sets of body armor. It would uparmor 658 humvees. It would uparmor 529 ambulances, medic carriers for the guys who are helping our guys in the field.

Instead, we are going to use a bill, intended to cover the cost of winning the war, to protect our national security, fight the war on terrorism, to add $100 million to our national debt that already exceeds $8.7 trillion. We added $1,000 to that debt last year for every man, woman, and child. We added $1,000. If you pass this bill—"emergency"—what we are going to do is add another $400 for every man, woman, and child in this country—the debt just for this bill. So it ought to be about real emergencies.

Federal funding also is already planned for the conventions. The Department of Justice did not request this $100 million. The administration budgeted $15 million for the Secret Service to provide the security at these conventions. Each convention has been designated as a national security, special security event, making security personnel eligible for other Federal tax dollars through grants to cover the expenses. Why are we doing it? There has not even been a security plan for which we are throwing $100 million at formalized for the conventions.

I believe if you are a young person in this country today, what we are doing on this bill, especially with this item, has to be heartbreaking. April 15 is coming up pretty soon. We all look at our pay stubs and see what we are paying in Federal taxes. What you do not see when you get that pay stub is how much additional you are going to owe at the end of the year because we were not responsible. We were not responsible with the taxpayers' money. Yet we play all these shell games of hiding money, underfunding defense so we can bring it back in a supplemental, so we can spend money elsewhere rather than making the tough choices.

Let's read about what was in the news after the last conventions. It is pretty interesting to know. One hundred million dollars of your money for the following: USA Today reported the convention featured more than 200 parties by corporations, lobbyists, trade groups, and other organizations. These were in addition to the high-dollar donor meals, golf tournaments, sporting events held during the convention week. Top sponsorship at these events can cost up to $250,000—golf tournaments, breakfast at Tiffany's, Yankee Stadium fundraisers, champagne and cigar celebration, baseball games.

We are going to spend $100 million of our grandkids' money to protect politicians while they have a party. To me, it is unconscionable. It is even more unconscionable to do it in this bill. There is nothing about this that is an emergency. There is nothing about this that was not foreseen. There is nothing about this that was not anticipated. This is a game.

The last election reminded us—my party—you cannot say one thing and do another, except that is what we are seeing with this bill.

AMENDMENT NO. 649

Mr. President, I wish also to spend some time on amendment No. 649. Over the last 5 years, the University of Vermont has received $400 million in earmarks for things for that university. In this bill is an earmark for $2 million. The first thing we said is we are not going to have earmarks that are not published: who put them in, who sponsored them, and what they are for. This is an emergency bill. There is no question we ought to honor former Senator Jeffords. There is no question we ought to do that. But in an emergency bill that is unpaid for, that does not have anything to do with fighting the war on terror, we are going to send another $2 million to a university that has gotten $400 million over the last 5 years? This is not a place for it. It is not the time for it. It is not the way to do it. Supposedly, we are free of earmarks, and yet here is an earmark for which we do not have the money. We are not going to be able to pay for it, even though the claim is this is offset. It is offset with student loan management money. That is how they have offset it to say it does not cost any money. Which is more important? More students getting loans and effective management so more people get student loans or giving another $2 million to a university that has already gotten $400 million of the taxpayers' money? I do not think there is any question in the average American's mind in regard to that.

Let me read what the University of Vermont has gotten: year 2000, $54 million for 201 different programs; year 2001, $60 million; year 2002, $69 million; year 2003, $76 million for 249 different programs; year 2004, $70 million; year 2005, $68 million. There is a lot of money that has already gone up there, a lot of it borrowed.

At the present time, the University of Vermont has an endowment of $282,594,000. Now, the interest on that, at 6 percent, gives you about, oh, close to $15 million a year—just the interest off that endowment. I believe they have plenty of money to fund this chair to honor Senator Jeffords.

The endowment grew 16 percent last year. Its growth last year was 20 times the amount of this earmark. Again, it is not unanticipated, certainly not an emergency, certainly it is not something we have to do now.

Again, is it necessary? Essential? Is it not merely useful or beneficial? It is useful. It will be beneficial. Did the demand for this quickly come into being? No. It was part of an earmark in the Labor-HHS bill that was not included in last year's appropriations. Is it urgent, pressing, and compelling, requiring immediate action? No. Was it unforeseen or unpredictable or unanticipated? Is it temporary in nature? No. It is not temporary. It is the start of many years of giving $2 million a year on the same thing.

This project violates the Appropriations Committee's own earmark moratorium. On December 11, Chairman BYRD and Congressman OBEY announced there would be no more congressional earmarks until the new rules were put in place to make the process more transparent and more accountable. Those rules are not in place. The transparency and accountability is not there. Yet we see an earmark.

Here is what the joint statement said:

> We will place a moratorium on all earmarks until a reform process is put in place. Earmarks included in this year's House and Senate bills will be eligible for consideration in the 2008 process subject to new standards for transparency and accountability. We will work to restore an accountable, above-board, transparent process for funding decisions and put an end to the abuses that have harmed the credibility of Congress.

More of the same. There is no end in sight. This earmark was previously included in the report language—not the law, in the report language—for the fiscal year 2007 Labor-HHS appropriations bill. That was on page 251 of that report. It is the first of the earmarks to be resurrected from last year.

I might say as an aside, the Congressional Research Service has refused to honor a request from myself and Senator DEMINT to give us a list of the earmarks in the 2007 appropriations bills—a flat-out refusal. There is a lot of speculation as to why they do not want the American people to know what the earmarks were last year. Come 2008, we are going to get to find out them all under the Transparency and Accountability Act that myself and Senator OBAMA and several others cosponsored, which became law last year.

When we questioned the University of Vermont about this earmark, we asked: What were the estimated costs of the project long term? They could not give us an answer. Who was going to finance it after the program was established? They could not give us an answer. How will the Federal funding be expended? They could not tell us that. Did the university request the funding? We do not know the answer to that either. None of these questions have been answered by the University of Vermont.

This $2 million could be spent for our troops. It would buy 2,857 carbine rifles the National Guard presently does not have so they could conduct training. It would buy 4 mine-protected vehicles or 13 uparmored humvees.

Mr. President, I wish at this time, without giving up my right to the floor, to yield time to the Senator from Virginia.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, I thank my distinguished colleague.

AMENDMENT NO. 697, AS MODIFIED

Mr. President, the Senate, a few minutes ago, acted on an amendment, the Warner-Byrd amendment. It is a rather unique one. I first thank my distinguished colleague and mentor in many ways, ROBERT C. BYRD of West Virginia. We have collaborated together many times on pieces of legislation.

But I approached him, and he concurred in my observations, that this was badly needed by the Congress, by the country, and indeed by the President and his staff, as well as the Department of Defense.

Our amendment calls for the appropriation of a sum of money to enable a private sector entity to make an independent—independent of all entities, the Pentagon and otherwise, in the

Federal Government—assessment of the status of the Iraqi security forces, most specifically the army, the national guard, and other elements which are fighting alongside the coalition forces, and primarily the U.S. forces now in the operations in Baghdad.

I have followed this issue for a number of years, and I have referred to the report to the Congress of May 2006, roughly a year ago. In that report, they talk about the:

> Iraqi Security Forces (ISF) continue to grow in strength and capability as indicated by:
>
> progress in the training and equipping of ISF personnel;
>
> assessed capabilities of operational units; and
>
> progress in assuming responsibility for security of areas within Iraq.

In another part, on page 46:

> With the generation of Iraqi Army battalions now more than 89 percent complete, the focus of the Army's train-and-equip effort has shifted towards building combat support and combat service support forces.

Now, this is a report, as I say, of a year ago. Compare that to the report Congress received this month, March of 2007, and the following paragraph, observation, from page 25:

> By the end of 2006, the United States and its Coalition partners met their force generation targets, while continuing their efforts to expand the size and capability of the ISF—

"ISF" being Iraqi Security Forces—

> to meet emergent requirements. As of February 19, 2007, approximately 328,700 forces (not including replenishments) have been trained. The actual number of present-for-duty soldiers is about one-half to two-thirds of the total due to scheduled leave, absence without leave—

That is referred to by those of us who served as "AWOL"—

> and attrition.

So it is not nearly, in 2007, as encouraging as the report in 2006. I felt, together with Senator BYRD and a group of cosponsors on this amendment, it was imperative we get an independent analysis of some of the reports of the Department of Defense and others to determine what is the viability of this force.

Every plan we lay down and discuss here on the floor regarding Iraq—the amendment yesterday adopted narrowly by Senator REID, calling on certain troop deployments and dates; the President's program of January 20 of this year, in which he revised strategy and initiated what we commonly refer to as the surge operation in Baghdad today—every single plan, concept for the future of Iraq is dependent upon the military proficiency, the viability, the capability of the Iraqi security forces. I felt very strongly that we had to go and get a second opinion—a phrase often used in medicine, but it is just as important here in diplomacy. It is just as important in military analysis. Let us get a second independent opinion about these forces.

Drawing on my own modest military career but a lifetime of experience in working with our military and having served in the Pentagon for over 5 years as Under Secretary and Secretary of the Navy, I have had some experience with training of forces. Our great country, since World War II, took recruits, brought them into recruit training, and in 6 to 7 months they were trained, capable individuals. They were then assigned to other units to have additional training, but they were often ready. Today, those same recruits in this generation of forces that we have serving on active duty in the Army and particularly the National Guard, they are trained in a period of 6 to 8 to 9 months, and then they go into combat situations. We have been training these 325,000 people, most of them, for a period of 2½ years. We need to know at what point this heavy investment of American taxpayers' dollars, the work of the U.S. military to train these individuals, at what point are we able to say: This force is able to take on these operations and perform them because all our planning is dependent on that.

I find it most difficult to see how we have trained 325,000—that is over twice the number of U.S. forces in Iraq—we have trained them for these many years. Why are they not able to step up and take on the major operations now being performed by the U.S. forces? Our President has indicated we will continue to embed our forces with Iraqi units and continue to give them certain supplies and logistics and equipment. It seems to me the fighting, the brunt of the fighting ought to be borne by the Iraqi forces, and we, the United States, be it the Congress or the executive branch—but most importantly the people—are entitled to have an assessment of what we have created with the expenditure of these hundreds upon hundreds upon hundreds of millions of dollars to train these forces.

Now, the concept is—and I will be working with the administration and hopefully this becomes law and work through the process of appropriations—this sum of money would go to a private, independent entity to engage individuals to make this report, and then the report comes back to the Congress of the United States.

I thank my colleagues who have supported me, particularly my distinguished, longtime friend and associate from West Virginia, Senator ROBERT C. BYRD. We have done our work to initiate this all-important study because every plan we have is dependent upon a better understanding and knowledge of what has or has not been created in terms of the Iraqi security forces.

Mr. DURBIN. Mr. President, will the Senator yield for a question?

Mr. WARNER. I am pleased to yield to the Senator.

Mr. DURBIN. I respect the Senator and his service to our country in uniform as well as the Secretary of the Navy and of course his service in the Senate. I ask him this question:

Let's assume that 120 days from now, the report comes back and says the Iraqi military is not prepared to stand and defend its own country. What responsibility then falls on our shoulders?

Mr. WARNER. Mr. President, it seems to me we have to face the reality of fact. Now, this would be an independent report. Obviously, I think the Department of Defense would come back and provide some rebuttal or some additional information, so we would have to take all the viewpoints and put them together. But what I say to my distinguished colleague from Illinois is we are still relying solely upon these reports that come on an annual basis. I read through them, and I encourage others to do so. It is very difficult to glean from these reports that sound, basic fact: Are they trained? Are they equipped? Are they ready? Most importantly, I say to the Senator, do they have the commitment in their hearts to take orders and fight on behalf of the Iraqi people? That is what concerns me because of the large amount of AWOL, absentees, and all the other types of things that are reflected in this report.

Mr. COBURN. Madam President, reclaiming my time, as the floor is under my control.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from Oklahoma is recognized.

AMENDMENT NO. 657

Mr. COBURN. I would like to continue, since my time is going to be limited by what I will be allowed to discuss on my amendments in terms of total time, I wish to spend a minute talking about amendment 657. There is no question we have some critical needs among many of our agricultural suppliers in this country—needs that were unforeseen, needs that were unanticipated, needs that we should have addressed last year but didn't; needs that we should have addressed in the CR, but we were precluded from offering an amendment to offer a way to supply those needs. What this amendment does is it provides farm relief to both our production agriculture individuals, as well as our cattle, in a fiscally responsible manner.

I wish to give some quotes, before I go into the details, from last year's debate with Senator CONRAD and Senator DORGAN. Here are the following quotes:

> I am very much in sympathy with Senator COBURN on the notion of paying for this. I appreciate very much—as the Senator knows, I wish to pay for this all as well. We have a way to do a pay-for, but I am precluded from doing so by the rules. On the question of paying for it, I have complete agreement with the Senator from Oklahoma. I wish the rules permitted us to offer an amendment for pay-for. I don't have disagreements about the issues of paying for it. I suggest we do a

unanimous consent. I would do a unanimous consent to pay for it. These things ought to be paid for. We have hundreds of billions of dollars come through here with hardly a blink, none of it paid for. That ought to change. I am with the Senator from Oklahoma. Let's try to change that.

The fact is this does not have a payfor, not because Senator CONRAD doesn't want it there or I don't want it there; it ought to be there.

Well, here is the chance to put those words into action. What this amendment does is strike all nonessential items in the farm title so the scarce resources we have can be maximized for crop and livestock disaster assistance. The language in this amendment leaves verbatim that language in the underlying bill. It requires, though, the underlying funding for the emergency in this bill to be paid for within existing funds at the Department of Agriculture. You are going to hear all this screaming: They can't do it. You know what. They have $8 billion in the bank right now unspent, unobligated; money that is sitting there from this last year and this year that they haven't spent. This total will come to $4.15 billion, $4.15 billion to take care of the real needs of the consumer, the production agriculture in this country that has had 3 years of drought, has had 3 years of floods, has had 3 years where they didn't produce a crop. Those who actually bought crop insurance are going under anyway. What it would not do is add the other $1 billion to the outside of that for special interests that aren't the heart of agriculture in this country and when we do that, we are going to pay for it.

How dare you take money from the Department of Agriculture. The Department of Agriculture is, if you compared it on size and budget, the sixth biggest business in the United States. There isn't a big business out there that if they had to scrimp, couldn't save 4 or 5 percent on their business. As a matter of fact, they do it every day. As soon as their stocks start getting low, they start trimming, becoming more efficient, better ideas, better efficiency, and they cut their costs. We can do that at the Department of Agriculture.

This body isn't about to vote for this amendment because they don't want to have that fight. They don't want to have the hard work of making the Department of Agriculture efficient and not allowing the waste, fraud, abuse, and duplication that goes on in the Department of Agriculture. The $1.6 billion of food stamp payments that are paid out to people who are ineligible every year, who are ineligible, who have plenty of money, yet they are getting food stamps. All the other programs that have waste, fraud, and abuse in them, we are not going to take the step and say: Department of Agriculture, take the money that you have now—you have almost $8 billion in the bank—work real hard, trim yourself about 2 or 3 percent, save the money and go out and do what is going to make a difference to the production of agriculture in this country. No, we are going to do what is easy when this amendment goes down.

What we are going to do is we are going to say: Grandkids, we didn't have the courage to do what was right in 2007. We didn't have the courage to look at the programs that weren't efficient. We didn't have the courage to challenge somebody when they were being wasteful. We didn't have the courage to find it within ourselves to not lessen your standard of living because we wanted our standard of living taken care of.

So what they are going to see is an extra $5 billion or $6 billion coming out of their pockets 20 and 30 years from now when we attempt to try to pay back this money, and they are going to wonder: What did we do? What were the standards under which we operated? What was the character trait in us, as a body, that allowed us to not demand efficiency from an agency of the Federal Government and yet go the easy way and demand it out of the livelihood and opportunity of our grandchildren? That is what they are going to ask. What is the character flaw in that? Is it laziness? The Members of this body obviously care about this country. What is it? What is it that would not make them do the hard work of challenging the inefficiency that we all know is out there in the Federal Government and we all know is within the Department of Agriculture? Not that the Department of Agriculture employees aren't great. They are. They work hard. They are dedicated. But there is still enough money in the sixth largest corporation in America, the Department of Agriculture, to find $4.15 billion and bail out the guys and gals who need to be bailed out right now, just like we have tried to bail out Louisiana.

What is the character flaw? Is it self-centeredness? Is it laziness? Is it not willing to fight to make things better? Or is it so easy to put the credit card into the machine and say: I am not going to worry about tomorrow. I am going to think about the short run right now. Long term doesn't have any consequence to it. I am not going to consider that.

Now, what does this amendment get rid of? What it keeps is $2.09 billion in crop assistance and $1.64 billion in livestock assistance. What does it get rid of? It gets rid of individual earmarks for individual Senators. It gets rid of $40 million for the tree assistance program which includes Christmas trees, shrubs, nursery bushes. It gets rid of $30 million in administration for hiring additional Farm Service Agency personnel and computer upgrades. You tell me we can't find $30 million in the sixth largest corporation in this country to finally fix the computers? Sure we can. It will be hard, but we can do it. But it will never happen unless Congress asks for it to happen—demands that it happen. Once you start asking one agency to do that, it will be easy to ask the next agency to do that. Pretty soon, before you know it, Americans are starting to get good value for their money.

If, in fact—it is not "if, in fact," it is actually a fact. Eighteen to twenty percent of all the discretionary funds spent by the U.S. Government are either waste, fraud, abuse or duplicative. Think about that. That means 20 cents out of every taxpayer dollar you pay in the discretionary side of the budget, one-third of the budget—the rest of it is Medicare, Medicaid, and Social Security—is not efficiently managed, spent or directed for the purposes it was intended. So why would we not force this? We are going to hear it is impossible. You can't ask them to find it. I will guarantee, if they were a public company and their stock was tanking and they weren't doing well, they would hire a new CEO and, before you knew it, that would happen. The $4 billion would be made up through efficiency, innovation, and programmatic changes that directed the programs to the most needy at the best time, at the best efficiency, with the least cost and the greatest skill.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. COBURN. I thank the Chair.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I now ask unanimous consent that the previous order be further modified to provide that the cloture vote occur immediately; that the other two votes with respect to the Wyden and Burr amendments occur at 2 p.m. under the same conditions and limitations; provided further, that notwithstanding rule XXII, the amendments remain in order.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, and I will not object, we are working on scheduling additional votes at 2 o'clock beyond those specified in the consent now pending.

I intend to vote for cloture. I hope everyone on my side will vote for cloture. We are going through an exercise that is going to ultimately lead to a vetoed bill that doesn't get money to the troops. The sooner we can get this bill out of the Senate and into conference, get the conference completed, and get the bill down to the President for veto, the sooner we can get serious about passing a bill and getting money to the troops.

Ultimately, I recommend that Republican Senators vote for cloture.

Mr. REID. Madam President, I want to get along, but we are serious about this legislation. We believe it is a good piece of legislation. We understand the President wants a bill. If he wants a bill, we can have final passage in about 10 minutes.

Mr. MCCONNELL. Madam President, further reserving the right to object, if we must debate this now, we will. The fundamental issue before us is whether we are going to get money to the troops, not whether we are going to deal with $20 billion of additional spending over and above the request to get money for the troops.

The only way this bill has a chance of becoming law in time to provide money for the troops, and not send a date for surrender to our enemies, is to get through the process as rapidly as possible.

The leader and I had very cordial conversations earlier today about votes on amendments postcloture. We think we have an understanding that will be satisfactory to both sides.

There will be additional votes this afternoon. There is a possibility that we might finish the bill today but certainly tomorrow. My recommendation is that we invoke cloture and move forward.

The PRESIDING OFFICER (Mr. CASEY). The majority leader is recognized.

Mr. REID. Mr. President, the Republican leader and I had cordial conversations this morning. We will have them this afternoon.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, we will now move to the cloture vote. Following the cloture vote, it is our understanding that Senators HAGEL and WEBB, under the previous agreement, will speak on the amendment to which they would like to speak. For the information of all Senators, once this vote occurs, Senator HAGEL and Senator WEBB will be speaking, and then we will have votes at 2 o'clock, which were just ordered.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close the debate on Calendar No. 84, H.R. 1591, the emergency supplemental 2007 appropriations bill.

Harry Reid, Robert C. Byrd, Jack Reed, Patrick Leahy, B.A. Mikulski, Byron L. Dorgan, Christopher J. Dodd, Dianne Feinstein, Richard J. Durbin, Chuck Schumer, Debbie Stabenow, Barbara Boxer, Herb Kohl, Jay Rockefeller, Joe Biden, E. Benjamin Nelson, Daniel K. Akaka, Ted Kennedy.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on H.R. 1591, an act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes, as amended, shall be brought to a close? The yeas and nays are mandatory under the rule. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 97, nays 0, as follows:

[Rollcall Vote No. 117 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Enzi
Johnson
McCain

The PRESIDING OFFICER. On this vote, the yeas are 97, the nays are 0. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Mr. REID. Mr. President, I call for the regular order with respect to amendment No. 690.

The PRESIDING OFFICER. Amendment No. 690 is now the pending question.

AMENDMENT NO. 823 TO AMENDMENT NO. 690

Mr. REID. I now call up my amendment No. 823.

The PRESIDING OFFICER. The clerk will report the amendment.

The legislative clerk read as follows:

The Senator from Nevada [Mr. REID] proposes an amendment numbered 823 to amendment No. 690.

Mr. REID. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the end of the amendment add the following:

The provision in this section shall become effective 2 days after enactment.

AMENDMENT NO. 707

Mr. REID. Mr. President, it is now my understanding that there is going to be an amendment that is going to be offered by the Senator from Nebraska and the Senator from Virginia; is that right?

The PRESIDING OFFICER. It is appropriate for the Senator to call for that amendment at this time, if he wishes.

Mr. REID. Mr. President, I haven't had an opportunity to speak to my friend from Nebraska, but I have spoken to my friend from Virginia, and I have a statement I would like to give. There is 90 minutes for debate. I don't know what their pleasure is or when they would want me to speak.

Mr. President, the amendment is at the desk; is that right?

The PRESIDING OFFICER. It is pending.

Mr. REID. Mr. President, first of all, I want to acknowledge how pleased I am to join as cosponsor of this extremely important amendment. I applaud Senators HAGEL and WEBB for returning the focus of the Senate to the issue of our troops and their readiness.

There is a lot of talk around here about supporting the troops. Too often we don't take the kind of action that can achieve that goal. Yesterday, when the Senate voted to maintain the language on changing course in Iraq, it was a good day for our country and for our troops who may finally get the new policy they deserve.

With yesterday's vote, the Senate finally acknowledged the reality in Iraq: The President's policy is not working. It is time to change course. This bipartisan position was backed up in the newspapers around the country today. USA Today and the Associated Press have an article today detailing how the surge is not working. Baghdad, in some instances, may be quieter, but according to the news outlets I have just mentioned, insurgents have taken their attacks elsewhere. I quote:

> Nationwide, the number of deaths from car bombs has decreased slightly since the Baghdad Security Operation began. However, the

> death toll from car bombs has more than doubled in areas outside the capital compared to the previous 6-week period.

Violence has not stopped in Iraq. It has gotten worse. Earlier today, Shiite militants, including local police, went on a violent rampage. When it ended 2 hours later, we do not know how many Sunnis have been killed, but at least 60. The victims were men between the ages of 15 and 60, most of them killed with a shot to the back of the head.

These reports fly in the face of what we heard in the Senate yesterday from some quarters, and we hear from President Bush that things are better in Iraq. The idea that the surge is working or that it needs more time is a fantasy. What we see today in Iraq, months into the surge, is more of the same—the same violence, the same chaos, the same loss of life we have seen over the last 4-plus years, with 3,200 dead Americans and $500 billion spent. It is long past time to change course in Iraq.

If, yesterday, the Senate acknowledged the reality of the Iraq war, today we must acknowledge the reality of what the Iraq war is doing to our military and their ability to defend this Nation everyplace.

Mr. President, we have no better advocates to learn about the reality of combat than Senators HAGEL and WEBB. The authors of this amendment have authority on this subject based on their experience in battle, in war—not the classroom. When CHUCK HAGEL and JIM WEBB speak for a change of course, we should all listen.

CHUCK HAGEL is a Vietnam combat veteran. He served with his brother Tom. Both of them were infantry squad leaders with the U.S. Army's 9th Infantry Division. For his service, Senator HAGEL earned many military decorations, including having been wounded twice—two Purple Hearts. When I say CHUCK HAGEL is a combat veteran, I mean it. I mean it. Here is a description from a 2005 Washington Post profile of what Senator HAGEL faced in Vietnam:

> In Vietnam, Chuck, 21, and his brother Tom, 19, had fought and nearly died together as infantry squad leaders. In 1968, their armored personnel carrier hit a 500-pound mine. It blew out Chuck's eardrums, set him on fire—"the whole left side of my face bubbled." Chuck pulled Tom, unconscious, from the burning gunner turret. Chuck saved his brother's life just months after Tom had saved his [brother Chuck's life], when shrapnel ripped through [Senator Hagel's] chest.

That is only part of the story. JIM WEBB was also in Vietnam. He was a marine with the Fifth Marine Regiment. For his service he was awarded the Navy Cross, the Silver Star, two Bronze Stars, and also two Purple Hearts. Here is an excerpt from his citation for the Navy Cross:

> Continuing the assault, [Webb] approached a third bunker and was preparing to fire into it when the enemy threw another grenade. Observing the grenade land dangerously close to his companion, First Lieutenant Webb simultaneously fired his weapon at the enemy, pushed the marine away from the grenade, and shielded him from the explosion with his own body.

WEBB's service did not stop on the battlefields of Vietnam. In 1984, he was appointed the inaugural Assistant Secretary of Defense. In 1987, under President Reagan, he became the first Naval Academy graduate in the history of our country to serve the military and then become Secretary of the Navy.

These two men are authorities on war, authorities on war and the military. All of us would be wise to heed their counsel. CHUCK HAGEL and JIM WEBB are certified heroes. That is all you can say.

This morning I got up early and went to Walter Reed. I met a new generation of heroes, men and women injured serving in Iraq and Afghanistan. I was accompanied by my friend, the distinguished Senator from Washington, Mrs. MURRAY. To say I left depressed is an understatement. We have all heard the stories about Walter Reed.

I have two observations from my visit. I have been there on other occasions, but I have two observations from my visit today.

First, private contracting is destroying the ability of the military to care for our troops. Go to Walter Reed. Listen to the parents. Listen to the people who are there, who are hurt. I was walking into Walter Reed and I introduced myself to a man dressed in civilian clothes. He told me who he was: a college graduate.

I said: What do you do?

He said: I am an industrial hygienist.

I said: What do you do?

He said: I am one of those guys who goes around trying to make sure that these places are sanitary and safe. I check for mold.

I said: How are you doing?

He said: Terrible.

I said: Why?

He said: Because of contracting out we went from 15 industrial hygienists at Walter Reed to 5.

So contracting out is hurting our ability to care for our troops.

No. 2, one soldier said it the best. He was sitting there, leg off midthigh. He said: Everyone thinks that this is my problem. He said: That's not my problem. He said: It's this leg—and he had a leg that was terribly mutilated—the calf blown off, dropped foot, scars all up and down it.

He said: You know, but I'm really fortunate because I'm alive.

He went on to say: We amputees are treated pretty well. It's the people with injuries that you can't see who are having a difficult time.

That is the way it is. One young man from Cincinnati, OH, just turned 20 years old—big, as big as the Presiding Officer—big man. He said: I only got shot once. He said: I had a protective vest. I was shot in the stomach. It didn't hurt me too bad. But I survived multiple explosive devices.

He said: My friend—these are his words—"vaporized sitting next to me."

He is now in big trouble—emotionally, mentally. He has a lot of problems. He said: I have nightmares, I sweat, I become violent, I can't remember anything. He said: I don't know what I'm going to do. He was one of a number whom we visited with there.

Walter Reed is a metaphor of what is happening to our military as a whole. We don't have a single Army unit that is nondeployed that is battle ready. We hear today from one of the generals that in the National Guard, 40 percent of the units are not capable of anything realistically connected to battle. It will take $40 billion to bring the Guard alone up to what it was before the war. The war has badly strained our military. The administration's policies have reduced our military readiness to levels not seen for a long time. Not a single unit, nondeployed Army unit, I repeat, is combat ready. Multiple and extended deployments overseas have reduced readiness and damaged recruiting, retention, and morale. Units have been sent into battle by this administration without the proper training and equipment, in my opinion. That is not supporting the troops; that is breaking the force. We have to do better.

This is not just my opinion. It is the opinion of current and former senior Army officers.

Colin Powell:

> The active Army is about broken.

Arnold Punaro, Chairman of the Commission on the National Guard and Reserves 15 days ago said:

> We can't sustain the [National Guard and Reserves] on the course we're on.

Peter Schoomaker, Chief of Staff of the Army, said:

> To meet combatant commanders' immediate wartime needs, we pooled equipment from across the force to equip soldiers deploying into harm's way. . . . This practice, which we are continuing today, increases risk for next-to-deploy units and limits our ability to respond to emerging strategic contingencies.

I spoke yesterday to a man in my security detail on his way to Iraq for the third time. Sadly, his story is the norm, not the exception. Of the Army's 44 combat brigades, all but one permanently based in South Korea have been deployed to Iraq or Afghanistan. Of those 43 brigades, 12 deployed once, 20 deployed twice, 9 deployed three times, 2 have been deployed 4 times.

Today we have soldiers serving in Iraq who have been fighting in battle well over a year. We have other soldiers who were on their way to Iraq after having been home with their families for a matter of months.

That is not supporting the troops. It is hurting the troops. Our men and women cannot and should not continue to bear the burden of this mismanaged war. We have to do better. That is why the Webb-Hagel amendment is so important.

This amendment will ensure our troops have the equipment they need before they go to battle—before they go to battle. It explicitly states that our troops must have the training and equipment they need or they cannot be sent overseas.

This amendment will also enhance the quality of life for troops and their families and, as a result, improve recruiting and retention. It says that after our brave men and women serve 365 days in Iraq, they are entitled to a significant period of rest back home before they can be redeployed. In short, this Hagel-Webb amendment will improve readiness and our ability to respond to other threats and project power around the world.

We live, we all know, in a dangerous world. We face many threats. From destroying al-Qaida to deterring Iran and North Korea from gaining nuclear weapons, there are critical challenges around the world that we, the superpower, America, must confront. Unfortunately, we have a military stretched too thin to meet these challenges.

After years of overuse and neglect, we must reinvest in the military. With this amendment we will take the necessary steps to make a downpayment on rebuilding our fighting force and keeping our families safe.

I so appreciate these two combat veterans, these two unique, good Senators leading us down this road on which we must be led.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Washington.

Mrs. MURRAY. Mr. President, it is my understanding that we are now going to turn to Senator HAGEL and Senator WEBB, who are both here. We have time allocated until 2 o'clock, at which time, I remind my colleagues, we will have two votes.

Mr. LEVIN. Will the Senator from Nebraska yield for a unanimous consent request?

Mr. HAGEL. I do yield for that purpose.

Mr. LEVIN. I ask unanimous consent that I be listed as a cosponsor of the amendment, the Hagel-Webb amendment, or the Webb-Hagel. The amendment speaks with real power about what we need to do. They have worked very hard on it. I wish we could adopt it. I know they are going to speak on it now. I just want to indicate my support for their tremendous effort. I ask to be a cosponsor of their amendment.

I think all of us would join in Senator REID's comments. They were eloquent and powerful, and we thank him for them.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nebraska is recognized.

AMENDMENT NO. 707

(Purpose: Relating to Iraq)

Mr. HAGEL. Mr. President, I thank the distinguished senior Senator from Michigan who occupies the chairmanship of the Senate Armed Services Committee.

I ask unanimous consent to call up amendment No. 707, offered by Senator WEBB and myself, and ask for its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The assistant legislative clerk read as follows:

> The Senator from Nebraska [Mr. HAGEL], for himself, Mr. WEBB, and Mr. LEVIN, proposes an amendment numbered 707.

Mr. HAGEL. I ask unanimous consent the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The text of the amendment is printed in today's RECORD under "Text of Amendments.")

Mr. HAGEL. Mr. President, I wish to offer my thanks as well to the distinguished majority leader of the Senate for his comments and his support of the amendment that I am about to address, as well as my friend and colleague, the distinguished junior Senator from Virginia.

The war in Iraq has pushed the U.S. military to the breaking point. Our troops are being deployed longer than they should be, more frequently than they should be, and without full training and equipment. When we deploy our military, the President and the Congress have a responsibility, an obligation to ensure that our troops are rested, ready, fully trained, and fully equipped.

Senator WEBB and I have introduced this amendment to protect and maintain the readiness and strength of our Armed Forces. Our amendment requires, with the force of law, that our troops are only deployed to Iraq when they meet the military's own standards for readiness and deployment. We are not creating new standards. We are simply requiring that the military's own standards be met so that our men and women in uniform are sufficiently rested, ready, fully equipped, and fully trained when deployed.

That is the President's and the Congress's responsibility. No American wants to allow a single soldier to be deployed without meeting the required standards of readiness. Our amendment gives the President appropriate flexibility. Our amendment has a 4-month delay, before the provisions come into force, to give the President time to comply.

The President can waive the readiness requirement in case of a national emergency and under circumstances where a unit will receive its full complement of equipment in the theatre of operations. Our amendment exempts from the deployment cap all headquarters personnel and any other U.S. military personnel who are needed in Iraq to ensure continuity of mission between rotating forces.

This amendment will help our troops in a way that avoids having unintended operational consequences for our commanders in Iraq. Our amendment is about our troops. It is about readiness. It is about preventing our troops from being extended 3, 4, 5 or 6 months, as has been and is currently the case today. It is about ensuring a minimum time home between deployments.

This amendment is also about addressing deployment rotations of our troops in Iraq. Many are there for their third and fourth tours of duty. The United States will not be able to sustain the greatest all-volunteer military that the world has ever known if we allow the status quo to continue.

We are witnessing a clear and dangerous consequence of the administration's Iraq policy in Army recruitment. To meet recruitment targets, the military is being forced to issue waivers today. These waivers are for violent offenders, criminals, and for drug abuse. We are waving education requirements. The result is a defining down, a defining down of the standards of the U.S. Army. No institution can maintain any aspect of excellence by dumbing down its standards. If we do not stop this dangerous trend, it will affect the entire institution of our military, an institution that has taken great American leaders 30 years to build.

After the disaster of Vietnam, our military was shredded. Ask Colin Powell. Ask Norman Schwarzkopf. Ask other great military leaders who, in fact, after Vietnam said: No more. We are going to build the finest, greatest, most responsible, best force structure the world has ever known, and they did.

The deployment and operations tempo our military has had to endure in both Iraq and Afghanistan over the last 4 years cannot be sustained without inflicting unacceptable costs to our military power and our standing and influence around the world.

As the Washington Post reported today, General Barry McCaffrey, the former four-star commander of the U.S. Southern Command, tours in Vietnam, led a division in 1991 in the Gulf War, he now believes—according to the article in today's Washington Post—that the U.S. military is in, his words, "strategic peril."

Yesterday, LTG Steven Blum, the Chief of the National Guard Bureau, testified before the House Armed Services Subcommittee on Readiness. General Blum said the National Guard is, in his words:

> . . . now in a degraded state back at home . . . The Army National Guard has on-hand

> only 40 percent of its equipment requirement . . . This hinders the ability of our units to train. It also can slow our response to disasters and terrorist incidents in the homeland.

In February, GEN Peter Schoomaker, the Chief of Staff of the U.S. Army, testified before the Senate Armed Services Committee. General Schoomaker said: "I am not satisfied with the readiness of our non-deployed forces."

At the same hearing, GEN Peter Pace, the Chairman of the Joint Chiefs of Staff, acknowledged that today our Army units "do not have the opportunity that they would normally have in a two-year cycle to train for the combined arms that they may be required to execute elsewhere in the world."

On March 1, the Commission on the National Guard and Reserves issued a report that concluded that: Nearly 90 percent of Army National Guard units are rated as—their words—"not ready."

There have been repeated reports that senior Army officials now believe there are no nondeployed Army brigades who are rated as combat ready.

Now in our fifth year of the war in Iraq, the Congress must assert itself in a very real and responsible way to fulfill our constitutional responsibilities in matters of war as a coequal branch of our Government.

Over the last 4 years, the Congress has been absent from this responsibility. The American people now expect us to step into this tragedy that we have allowed to happen and begin to reshape our policy in Iraq by placing responsible conditions on our continued military involvement in this war in Iraq.

We are abusing our all-volunteer force in a dangerous and irresponsible way. We are abusing our people. We are abusing their families. We cannot continue to burden our military by continuing to place our military in the middle of a civil war in Iraq and loading onto them, continuing to load onto our military, expectations that they are incapable of fulfilling.

We are asking our military to accomplish things they cannot accomplish, not because they are not brave enough, not because they haven't fought valiantly—they have fought valiantly and we are proud of them—but it is new diplomatic initiatives that must now drive our policies in Iraq. There will not be—nor cannot be—a military victory in Iraq that will achieve peace or any form of stability or security for the Iraqi people or the Middle East.

The future of Iraq will be determined by the political accommodations of the people of Iraq which will result in a political resolution that will be supported by the Iraqi people, its regional neighbors, and other powers, including the United States. Our military should not be asked to do it all. Our military should not be expected to do it all. They have done more than their part.

Our men and women in uniform and their families deserve policy worthy of their sacrifice. I do not believe that to be the case today. Unfortunately, today the Senate will not vote on our amendment. But Senator WEBB and I are committed to this amendment, and we will continue to push for a vote in the Senate in the coming weeks, and we will be back and we will be back.

We have been assured by the majority leader that we will get a vote on this amendment in the Senate. I conclude with this: I often ask myself, who speaks for the rifleman? Who cares about the rifleman? War is not a distraction. Those whom we ask to go fight and die are a very small percentage of our population whom we ask to carry all the burden and make all the sacrifices. But who speaks for them?

Of course, we have a responsibility for a larger geopolitical strategic policy for our interests. We have interests in Iraq. We have interests in the world. We have interests in the Middle East. But do we ever stop enough and listen enough and focus enough on these soldiers, these marines and their families who have nothing to say about policy; but they do what their country asks them to do.

When we frame policy in Washington, part of that prospective of framing that policy must include the right because it must ultimately get to this question: Is the cost worth what we are attempting to accomplish? Is the cost worth the high price we are asking others to pay?

Ultimately, that is the question we should always ask ourselves, those of us who have the privilege and the responsibility to frame policy—if Congress must be part of that—not just constitutionally but morally, but morally.

We each represent constituencies from around this country. We are close to those constituencies. We mirror those constituencies. We are products of those constituencies. We are close to those constituencies. We must do better for our military. We will pay a high price if we do not turn this around. We will pay a high price, indeed, not just in America's blood and treasure but for our future interests and security in the world.

We have not paid attention to our military, we have not paid attention to the rifleman, and now is the time to start paying attention. I appreciate the time to offer this amendment with my friend and colleague who, as the majority leader noted minutes ago, was one of the most decorated veterans of the Vietnam war. He understands this issue very well. He understands it from the bottom up.

It does not mean Senator WEBB and Senator HAGEL are always right on anything. But we do try to bring a frame of reference to this debate that is relevant, that is important, and focus our attention on the very critical element of who we are. It is our people. Nothing is more important than our people.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia is recognized.

Mr. WEBB. Mr. President, I would like to first express my profound appreciation for the majority leader's words today. Senator REID likes to say he is not a speaker of eloquence, but I have rarely heard such eloquence of words on this particular issue. They were from the heart, they touched me deeply, and also they were humbling. But most importantly, having the majority leader stand here and bring words to the floor today, as my colleague, Senator HAGEL, and I are attempting to do, in an attempt to inject a reality, a responsible reality to this debate that in many cases has been lacking, is greatly gratifying to me.

I also would like to thank and congratulate my good friend and colleague, the Senator from Nebraska. I greatly respect his service to our country. I greatly admire his courage and his willingness to speak out on this issue over the past several years. I would point out that he and I began our Government service many years ago as people who had come back from a different war and decided we would devote a good portion of our lives to trying to take care of those who had served.

The motivation behind the amendment he and I have worked so assiduously on over the last couple weeks is that same motivation that began nearly 30 years ago. I have seen a lot of comments over the past 3 months, some of it accusatory with respect to people who are trying to bring a different focus to our situation in the Middle East, saying that the people who are doing this were somehow hurting the troops.

The question becomes, how do you support the troops? What does it mean to support the troops? Who is really speaking for the troops? We have a good many Members of this body—and I respect them all—who have come back from multiple trips to Iraq. They have sat down with the military leaders who are charged with the responsibility of carrying out our policies. They have heard in many cases optimistic predictions. In too many cases, they have come back and basically said: If you want to do something different, you are affecting the options of the Commander in Chief, and you are being disloyal to the troops.

Who is really listening to the troops? On the one hand, the people who have been serving in this war are justifiably proud of their military service. On the other, they are carrying out the policies of our political process. If we look at polls—our best way of trying to figure out how the average military person feels about this war—we will see they share the same concerns in the aggregate as everyone else in the country. A little more than a year ago, when I announced for the Senate, there was a poll of our Active-Duty people actually serving in Iraq. Seventy-two percent of those people believed the United States should withdraw from Iraq by the end of last year. This included 70 percent of the Regular Army and 58 percent of the regular Marine Corps.

Our motivation today is to try to put a formula together that will respect the policies of the United States and truly show the best way to take care of the troops.

I note with some irony that the bill before us is called an emergency supplemental appropriation. Beginning the fifth year in this war, we are now calling it an emergency that we need to bring more money to the table. Why? There are a lot of different possibilities, but let's start with this: This has been a war which has been fought without a strategy. You do not have a strategy unless you can clearly articulate the end point of your military operations. I have been saying this for more than 4 years. But what we have had instead of a strategy is the plan of the week. We have had a lot of flailing around from the political leadership that has spilled over into the military leadership—let's try this; let's try that; let's extend our troops; let's deploy our troops early; let's send them back before they have had a chance to rest, recuperate, and refurbish. We are seeing now, as my good friend from Nebraska mentioned, the military cost of that kind of policy. We are also seeing a human cost. Who pays for this lack of clarity? The troops pay. They are sacrificing. They are proud to serve their country, and they can't plan their lives. They have kids being born, weddings to go to, people to visit, holidays to enjoy—all a part of the plan when they were deployed.

This amendment goes to that point, the proper utilization of our military. The first thing that it does is it establishes clearly, as Senator HAGEL and I and others have been saying for a long time, that the primary U.S. policy objective in Iraq should be a political solution that can be obtained through increased, concerted regional and international diplomacy. We have seen the seeds of that over the past couple of months. We are stating that this should be recognized as our primary goal.

The second point is that we are putting in, as the Senator from Nebraska mentioned, legally binding restrictions calling for the certification of any unit in the U.S. military that is going to be deployed, that it be fully mission capable. We have a reality check in this provision. We understand that in terms of heavy equipment, many units deployed fall onto equipment inside the theater of operations. We are not requiring that they have that equipment with them when they first deploy. We also have Presidential waivers in terms of possible national emergencies that might occur. Other than that, we should have unit-ready deployments.

The third portion of this amendment goes to extending deployments. We are basically saying Army units that deploy for a year should come back in 365 days. Marine units that are deployed for 7 months should come back at the end of 210 consecutive days with certain, again, realistic exclusions.

The fourth provision goes to the minimum period between deployments. You are not going to deploy military units until they have been home at least the amount of time they previously were deployed. This goes for individuals as well as units. It is quite possible in today's military for an individual to come back from deployment and, after a very short period of time, be backfilled into another unit that is going. Technically, the unit may have been back here for a year or 7 months, but the individual has not. That has to stop.

We are also saying in terms of the Guard and Reserve that they need a one for five. They need to be able to be home for five times the length of time they have been deployed. On this one-to-one cycle for Active Forces, the military itself, the Commandant of the Marine Corps has said they would like to have a two-for-one cycle—for every year you have been gone, 12 years home. In my experience in the Pentagon, as Assistant Secretary of Defense and as Secretary of the Navy, we looked at a two-for-one ratio for our ships, for our troops, a period of time deployed, a period of time to come back, get reacquainted with your family, get some down time, and then an equal period of time to refurbish and get ready to go again. All we are asking for here is a one-for-one.

If you look at what has happened in the conduct of this war, it has not been operational demands that have created the situation for our troops; it has been a lack of proper leadership. There is nothing in Iraq that would require this sort of chaotic planning. There is no emergency right now that can justify the unpredictability we have built into these deployments.

At the right time, when the Senator from Nebraska is able to negotiate this with the leadership—and I will pursue this as well—we want a vote. We are working to get a vote.

I urge all of my colleagues to support the amendment.

I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

Mr. HAGEL. Mr. President, I believe we have until 2 o'clock; is that correct?

The PRESIDING OFFICER. That is correct.

Mr. HAGEL. Seeing no other Senators on the floor wishing to speak on this amendment, unless the Senator from Virginia has additional colleagues that need time, I would, without objection, yield back our time.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I am aware of at least one other Senator who wants to speak, Senator NELSON of Florida. I don't know procedurally how we would go about that. I assume we could get a call from the cloakroom and see if he could come down. If we could reserve 10 minutes for the Senator from Florida at the time he arrives.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HAGEL. With that understanding, and without objection, I yield back the remainder of our time.

The PRESIDING OFFICER. Time is yielded back.

The Senator from Ohio.

AMENDMENT NO. 762

Mr. VOINOVICH. Mr. President, I ask unanimous consent that the pending amendment be set aside, and I call up Voinovich amendment No. 762.

The PRESIDING OFFICER. In my capacity as a Senator from Montana, I object.

Mr. VOINOVICH. I understand. Therefore, I would like to speak on behalf of the amendment.

This amendment would strike section 1502 from the underlying bill. I am pleased to be joined by Senators INHOFE, WARNER, HUTCHISON, ENZI, CRAIG, and COBURN in offering the amendment.

Section 1502 would allow State and local governments to trump the Federal Government in matters of national security involving privately owned chemical plants. Concerns have been raised by many about the security of chemical facilities since the tragic events of 9/11. After 5 years of negotiation and several unsuccessful attempts to pass meaningful legislation, a carefully crafted compromise was included in the fiscal year 2007 Department of Homeland Security Appropriations Act.

This act authorized the Department of Homeland Security for the first time to establish and implement risk-based performance standards at our Nation's high-risk chemical facilities. In order to meet its statutory deadline, the Department of Homeland Security has begun the process of implementing that language and will publish its final interim regulation within the next 2 weeks. Effectively changing recently passed legislation giving DHS the long-sought authority to regulate chemical facilities is premature at best.

In other words, what this amendment would do is strike some language that is going to try to amend this piece of legislation which we passed less than 6 months ago and which was signed by the President 6 months ago. It hasn't even really been implemented thus far. My colleagues do not want to further delay the process of securing our Nation's chemical facilities from future attack.

The legislation we passed less than 6 months ago to protect our chemical facilities from attack anticipated the need for flexibility in setting standards to protect our chemical facilities. The law specifically states that the Secretary "may approve alternative security programs established by private sector entities, Federal, State, or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations."

Basically what that means is that if a State or other local jurisdiction would come to the Department of Homeland Security and ask that they be able to enforce other rules and regulations, this legislation says they have an entree to the Department of Homeland Security, at which time they would be able to discuss what they would like to do.

Along those lines, the draft regulations issued by the Department of Homeland Security in December 2006 invite Federal consultation with any States or localities that want to enact their own chemical facility requirements. For example, the State of New Jersey has some very robust chemical security regulations. I heard the woman that runs that department talk about them. I would suspect that under those circumstances, the Department of Homeland Security would grant the State of New Jersey the right to regulate what they have been regulating for the last couple of years. Specifically, the regulations state that it would "permit State or local governments and/or covered facilities to seek opinions on preemption from the Department." This process fosters collaboration among parties and prevents unnecessary or unforeseen Federal preemption from occurring. I would argue that this flexibility alleviates the concerns expressed—I repeat—by the Senator from New Jersey on this issue.

I believe Federal preemption is necessary to give the chemical industry a single set of comprehensive national standards that are uniformly applied. Without the Department determining the applicability of Federal preemption, we would end up with a confusing situation.

Somebody has to decide whether—if this legislation is passed in the respective States, if they do it—it fits in and is consistent so we do not end up with an inconsistent patchwork of security regulations.

I understand the National Governors Association has sent a letter arguing against preemption. I think many of my colleagues know that as a former mayor and Governor, I do not advocate lightly Federal preemption of State and local action. I usually am a staunch advocate of States rights and have opposed legislation, such as No Child Left Behind, because I believed it was an intrusion by the Federal Government in policy areas that have been traditionally left to the States.

But the security of our Nation from foreign attack is not an arena traditionally left to the States. Article I, section 8 of the Constitution clearly states that Congress is delegated the power to provide for the common defense. We in the Congress have the duty to provide for the security of our States and our people. If there were ever a case for the Federal Government determining the applicability of preemption under the Constitution, the defense of the homeland certainly is the best example of that.

There is ample precedent for Federal preemption in regulatory matters dealing with security of industry. I think some of my colleagues are not aware of this. When Congress developed the Nuclear Regulatory Commission in the interest of national security, it gave the Federal Government exclusive regulatory authority. The Hazardous Materials Transportation Act explicitly preempts State action and authorizes a waiver only if the State regulation is "not an unreasonable burden on commerce." The preamble to the final rule implementing the Maritime Transportation Security Act of 2002—another act we put in place to protect our ports—explicitly states that it preempts State regulations relating to the security of facilities if such regulations would "conflict or would frustrate an overriding federal need for uniformity."

I would say to my colleagues, the chemical security legislation provides the Secretary with greater flexibility than the three examples I have just discussed. In other words, the ability to grant preemption is a lot more liberal in the Department's regulations dealing with the issue of chemical security in this country than in the cases that dealt with the Nuclear Regulatory Commission, the Maritime Transportation Security Act, and the Hazardous Materials Transportation Act, where one of them specifically preempts only if the State regulation is "not an unreasonable burden on commerce."

So the fact is, granting State and local governments authority to supplant Federal chemical manufacturing law is not just a minor carve-out. This preemption language in the bill before us overhauls 30 years of settled law regarding the Federal-State relationship on industrial chemical manufacturing laws as established under section 18 of the Toxic Substances Control Act. The Toxic Substances Control Act gives EPA the ability to track the 75,000 industrial chemicals currently produced or imported into the United States.

I want to ask my colleagues: Does it make sense to undermine the critical work of Congress last fall to enhance our Nation's security by eliminating our ability to set and enforce a single national standard for chemical security? Really, fundamentally, what this is about is to give the Department of Homeland Security the option of determining whether a State or locality that comes in and says: We want to regulate chemical security—it gives them the final say as to whether preemption will occur.

As to the language that is inserted in the supplemental, what it does is leaves it in the hands of the court to determine. For goodness' sake, the last thing we want right now—after 5 years of negotiation and several unsuccessful attempts to pass legislation, is to hinder the implementation of the regulations governing chemical security in the country. Why would we want to throw it up in the air and cause a lot of controversy and court action?

I want to read the words of Section 1502, which was put in the supplemental bill, in regards to the Chemical Security language that was included in the Fiscal 2007 Department of Homeland Security Appropriations Act, which came out of the conference committee less than 6 months ago. It says:

> This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section. . . .

Now, the issue is, who determines whether it is more stringent? Let's say I am the Governor of a State and I come in and say: My State laws are more stringent than Federal laws. Then Homeland Security comes back and says: We don't agree with you. Who decides? The Federal court.

Section 1502 goes on to say:

> . . . or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within a State, unless there is an actual conflict between this section and the law of that State.

Again, it just throws the issue about who determines whether a State is going to be allowed to do what they want to do into a court's hands rather than letting the director of Homeland Security make that determination.

I think what we are arguing for today is sensible. I would also like to quote from Section 550 of the Homeland Security Appropriations Act, which gives direction to the Department of Homeland Security on how the regulations are to be implemented. The law says:

> No later than 6 months after the date of enactment of this act, the Secretary of Homeland Security shall issue interim final

regulations establishing risk-based performance standards for security of chemical facilities and requiring vulnerability assessments and the development and implementation of the site security plans for chemical facilities.

That basically talks about how they go about developing the regulations. Then the law goes on to say:

The Secretary may approve—

Very important: "The Secretary may approve"—

alternative security programs established by private sector entities, Federal, State or local authorities, or other applicable laws if the Secretary determines that the requirements of such programs meet the requirements of this section and the interim regulations.

In other words, there is room for the Department to sit down with other people and say: Let's hear what you want to do, and if we think it makes sense, go ahead and do it.

Additionally, in the regulations issued to implement Section 550 it says:

To meet this need, the proposed regulations at section 27.405, would permit State or local governments, and/or covered facilities to seek opinions on preemption from the Department. Such a process has been used by Congress in other contexts.

They make reference to other sections of the code:

In most cases, the Department would utilize the process to address quickly a specific conflict between a particular application of State law or local law with an approved site security plan or other elements of the section 550 program. Note the Department has the authority to make preemption determinations as it administers the chemical security program under section 550.

So I think the Department, through the regulations, is carrying out the legislation that was passed last October. We should let the law go into effect and not tinker with it today, particularly in the supplemental bill, which, quite frankly, has not a single thing to do with chemical security. It does not make sense to have this into the supplemental bill because Congress has already acted on chemical security.

I suspect that this discussion may become moot because we are going to pass this bill, it will go to conference, the conference will do their thing, they will send it back here, it will be voted on in both Houses, it will go to the President, he will veto it, and then—in basketball parlance—it will be a jump ball in determining what we are going to do at that stage of the game.

I wanted to come to the floor and share my concern about the language which was inserted in the supplemental. Again, it should not have been put in the supplemental. I have spent hours of my time in the Senate on chemical security in the United States. We worked this through the committee and thought we had it taken care of it, and here we are again.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, the underlying bill, supplemental appropriations, is a must-pass piece of legislation. Attached to it is the language that has caused some controversy because it is an attempt at defining what the policy of the U.S. Government is with regard to the beginning of a redeployment from Iraq.

This Senator from Florida will vote for the funding bill with this legislation attached because America needs a new direction in Iraq. For 4 years, what we have been doing has not been working. It has not been working because—and I am not talking about all the mistakes of why we went into Iraq under misinformation and lack of intelligence and, in some cases, I think massaged intelligence. I am not talking about that. I am talking about that we did not have a sufficient understanding of the history of Islam and the history of that part of the world to understand how much enmity there is between the different sects of Islam and how, ever since 680 A.D.—the Battle of Karbala right in what is, today, Iraq—the Sunnis and the Shiites have been at each other's throats, and we are seeing that played out in gruesome detail right now.

Our men and women in uniform and not in uniform—because we have a lot of people over there defending the interests of the United States who are not in uniform: CIA, DEA, FBI, the State Department; you can go on and on—our men and women are right in the middle of that crossfire, particularly in Baghdad.

Now, when you talk about Iraq, you are talking about multiple differences in the country.

The northern part of the country is predominantly Kurd. They, for all intents and purposes, have an autonomous government. They even had that while Saddam Hussein was in power because the northern part of Iraq was protected by American air cover. They can basically provide for their own protection and their own governance.

The central part of Iraq is predominantly Sunni. It was from the Sunnis that the Baathist Party, the party of Saddam Hussein, dominated the rest of the country.

The south of Iraq is predominately Shiite. This is a Shiite kindredship which we now find—with the disintegration of Iraq—the kinship, the commonality of interests between the Shiites in Iraq and the Shiites in Iran. The big difference between the two is in Iran, they are Persians; in Iraq, they are Arabs.

Now, it took, for years, the hand of a brutal dictator who was gruesome beyond any measure to keep all those factions together because he was so brutal in his tactics. We are certainly glad Saddam Hussein is gone. Nobody like that who would just murder people at will deserves to be in power. You can understand it was a dictator who kept that power and kept that country, with all of its centrifugal forces, together. We as occupiers, as an occupying military force, thought we could keep it together, but we didn't understand the centrifugal forces of Iraq. Instead of being hailed as liberators, as there definitely was a lot of personal thanks toward the generosity of America for deposing the hated dictator, yet you see what started to kick in was the natural centrifugal forces. Will a democracy work in a country such as that? It would be nice if it would, but I think now, after 4 years, we are seeing it is going to be very difficult.

That is why in a political settlement, at the end of the day there is probably going to be some separation of those sects with autonomy and, hopefully, with a national government that can provide for the common defense and the distribution of the oil revenues according to population. But how do you get there? We thought as an occupying force we could keep the country under control until those seeds of a representative government could start to sprout. But that was one of the mistakes the United States made, because the Secretary of Defense would not listen to the top general, General Shinseki, when he answered the question in our Senate Armed Services Committee: How many and for how long are the American forces in occupation? He said: Several hundred thousand for several years. So with too little forces, you see the results. The question is: What do we do now?

That brings us to the present moment. People criticize what we are doing here and say: You don't have a plan. We most certainly do have a plan. The plan was laid out in a bipartisan commission, unanimously: five very prominent, erudite Republicans and the same, five Democrats, led by the former Secretary of State and the former chairman of the House International Relations Committee, unanimously, and they laid out a plan. They said to start a redeployment, and in the process of that redeployment, still have the American Army present so you are protecting the forces, those who are there, protecting the infrastructure. I would interpret that also to mean helping to control the borders of Iraq. Then they said, No. 2, train and equip the Iraqi Army. The Iraq Study Group even gave specifics of how you could embed advisers and then have a method for protecting the advisers embedded in the Iraqi forces. They said also to continue to go after al-Qaida. It is al-Qaida we are seeing, particularly in the western part of Iraq, that is getting insurrection among the predominant ethnic group there, the Sunnis, and they are causing mayhem all over. That is a mission we should continue.

It also said: Go aggressively after an international and diplomatic initiative, bringing all the countries in the region that would then enforce a political settlement that could be brought about. This is, in essence, what is a part of this bill. I suspect we are going to be able to pass the bill because the funding for the military is absolutely necessary, so it is going to be hard for people to vote "no" on this. We already had the real test vote that was a two-vote margin yesterday that kept basically the language in the bill I have just outlined. So I think we are going down the right road. This isn't a mandate. This sets as a goal over a year from now a redeployment of those troops with those three main statements of purpose to continue, and it says we ought to have a comprehensive strategy, a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community. That is exactly what the Iraq Study Group brought to us unanimously.

This Senator from Florida wanted to state very clearly that is why I think the Senate ought to support this funding bill, not only for the purposes of the funding, but also for the statement of what should be the policy of the United States Government with regard to Iraq.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. DORGAN. I make a point of order that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DORGAN. Mr. President, I have offered an amendment to the underlying bill, the supplemental appropriations bill. I wish to describe it for a moment, and then I wish to respond to some comments that were made earlier by my colleague from Oklahoma who is offering an amendment dealing with the agriculture disaster piece I included in this bill as well.

First, an issue I am very familiar with and concerned about. It is an issue called country-of-origin labeling. For those who don't know what that means, it means in 2002, 5 full years ago, the Congress mandated we would have country-of-origin labeling for beef, lamb, pork, fish, fruits, vegetables. Essentially, what you eat shall be labeled. If people walking around this Chamber would take their shoes off, they would find their shoes are labeled. If they took off their T-shirts, they would find they are labeled. Almost everything is labeled these days—made in Taiwan, made in China, made in wherever—so you can get a sense of where things are made. Go to the grocery store and pick up a package of pasta, linguini, spaghetti, take a look on the side and you will see what is in it. You will see where it was made. Labeling.

The only problem is we don't require labeling, for example, on a piece of steak. One day some while ago I brought to the floor of the Senate a piece of steak. I held it up and I said, I challenge anybody in the Congress to tell me where this piece of meat came from. Of course, no one tried and no one could. No one knows where that meat came from. As I asked about where this meat might have come from, I read from an inspector's report who went to a processing plant in Hermosillo, Mexico, the first time any inspector had ever been there to inspect the conditions of the processing of meat in that plant that was being shipped to American consumers. I read from the report. It said:

> Carcasses of meat were hanging in rooms that were not refrigerated, layered with feces and flies, and some from diseased animals ready to be put back into the same vat where they were going to grind it for beef and so on. I read the description of what the inspector found.

They shut down that plant. They shut down that plant in Mexico. Then it was reopened because it had new ownership. They made a few changes, reopened the plant, and still ship meat from Mexico to the United States from that plant, and there has never been an inspector back to take a look.

I asked the question: Can anybody tell me this piece of meat didn't come from that plant? Well, of course, nobody could. So you might ask why, if 5 years ago we mandated that there be country-of-origin labeling for meat in this country, why is there no labeling on meat? Well, the majority party in recent years apparently cared a lot about what the big packers thought and all the folks who were opposed to labeling these meat products. I was in a conference committee over in the middle of this Capitol in a small room. We were all packed into this little conference, an Appropriations Committee conference, and it was November of 2005. Country-of-origin labeling, remember, was supposed to have gone into effect on September 30, 2004. But then the majority party got involved and they extended it once.

In November of 2005 I was part of a conference on the Agriculture appropriations bill and I was prepared to debate this issue on country-of-origin labeling. The chairman of that conference banged the gavel, recessed the conference, and we never met again. The next time we saw the results of what those folks had done in a smoky back room some place, they had further extended country-of-origin labeling to September of 2008. They keep extending it and extending it. The law says meat must be labeled by September 30, 2004. It is not now labeled. Why? Because it has been extended and extended again, always done in the dead of night, always done in an amendment that is brought up not in the House or the Senate, but stuck in a conference some place—an unbelievable practice.

The result is we come now to this piece of legislation, an emergency supplemental appropriations bill, and I say: You know what. Let's decide that country-of-origin labeling for meat takes effect this September, several months ahead. Let's decide it does that.

One of the culprits here has been the U.S. Department of Agriculture too, because they almost wore out their shoes by dragging their feet. They have no interest in doing anything this aggressive, even though the Congress said: You must do it. They drug their feet, got their heels stuck in the ground. That gave their friends here in Congress enough time to do these extensions. The result is in this country today there is no labeling of meat products.

It is interesting. The other day I was listening to news reports, tragic news reports about pet food in this country—millions, tens of millions, I guess, of people who have fed pet food to their pets, apparently containing ingredients they had no notion of, filler wheat from China, apparently rat poisoning, and pets have died. A tragedy for those pet owners. But how would they have known? There is no label. They don't know what is in it. They don't know where it comes from. I assume even if it had a label, it wouldn't say rat poison. I don't know how rat poison would get into pet food. But in any event, as I was listening to the news and watching some owners of pets who had described the terrible, agonizing death of their pets from eating contaminated pet food, it reminded me again of this issue of labeling and of my description of the investigator who went to the one processing plant in Mexico, processing meat for this country.

Why in these circumstances and in this day and age, do we not have labeling on meat that is sold to the American consumer?

Up north in Canada—my heart goes out to those livestock producers in Canada. They are trying hard. They are trying to make a living like everybody else is, but the plain fact is they have had 10 cases of mad cow disease in Canada. Nine of them in Canada, one recently, and one Canadian cow discovered in the State of Washington. That is 10 cases of mad cow disease, including the most recent case a couple of months ago. Yet, even at that point, it seems as if the Secretary of Agriculture wants to do a mad cow cattle drive from Canada to the United States. He is all anxious about opening this market right now; got to do it right now. I am wondering why his inclination isn't first to protect our domestic industry. We have other countries that say, we want to trade with you. We want to buy some beef from you, but we are not interested in buying beef that is intermixed with other kinds of beef. We want beef that is certified as American beef. Why? It is the safest in the world. But if you open this border wide open to the Canadian cattle at this point, especially at this point, given what we have known about BSE in Canada, how can we tell other countries without country-of-origin labeling that we have segregated and we know exactly where this meat comes from?

I think the USDA is making a business mistake. I say to the USDA Secretary this: If you are going to do this, at least be consistent and say you cannot do it without implementing country-of-origin labeling immediately; you must argue for both. Yet he has not been willing to do that.

I don't want, by talking about this, to suggest in any way that people in this country should be concerned about their supply of meat. They should not. We have a lot of ranchers and folks in this country who do a lot of work to keep our beef, lamb, pork, and poultry supply safe. But the American consumer wishes to purchase that which comes from American ranchers. That is why country-of-origin labeling is important, to give the American consumer the choice and the opportunity. I am telling you something. It is long past time when this should have been done. Those who serve in this Congress who want to continue to prevent the consumer from knowing where this meat comes from do no favor to the American consumer, and they certainly do no favor to the producer who is producing the best quality of supply that exists in the world but are told it doesn't need to be labeled because the consumer doesn't need to know. Boy, I think that is dead wrong.

So I have introduced a piece of legislation that will move country-of-origin labeling up to September of this year. It is long past time for this Congress to take action to undo what others have done in the appropriations process in the dead of night to extend this country-of-origin labeling.

Let me also talk for a moment about amendments that will likely be offered to strike from the emergency legislation some assistance to family farmers who suffered weather-related disasters. Almost all of us were here when we debated what to do about Hurricane Katrina, which came roaring onto the shore in this country and devastated a significant part of this country. It flattened it, killed people, ravaged houses, destroyed a city, and then another city. It rendered the gulf coast in shambles. Included in that is the crop that the farmers planted, the crop they put in the fields, hoping it would grow—the destruction of all that crop that was put in for that year by those farmers.

What do we do about that? What we decided to do was to provide emergency help, billions and billions of dollars of help, to those people who were injured by Hurricane Katrina. At least one part of that was to help family farmers who lost everything in the gulf. We said: You are not alone, you didn't cause this hurricane, you are the victims of it. Just like the other victims of this weather-related disaster, we want you to know we are with you and we want to help you.

And we did. Family farmers in that region got disaster assistance and got it with my help. I insisted on supporting that, and I know my colleagues did as well. We had a responsibility to say to those farmers: You lost everything. You are the victims of this weather-related disaster. We want to help you get back on your feet and recover. We want you to be able to continue living and working on a family farm.

So we did that. But that was not the only weather-related disaster. In the last 2½ years, we have had torrential flooding in my State, for example. At one point, we had 2 million acres of land that was planted and completely washed away, or not planted at all. If you are a farmer who owns land in that 2 million acres, you didn't have a crop, or didn't plant one, and you don't have any hope.

Last year, we were the epicenter of a devastating drought. The pasture down near Zeeland, ND, when I drove there to go to a meeting with ranchers and farmers, looked exactly like a moonscape. Nothing was growing at all. Under the best of circumstances—I come from a semiarid area, where 17 inches of rain fall a year. Put that in the epicenter of a drought and you have real trouble. We had farmers who lost everything and not just us, but in other parts of the country the same was true.

We name hurricanes but not droughts or floods. The drought didn't have a name. It wasn't "Drought Kenneth" or "Drought Irma." Because these farmers lost everything to disasters that didn't have a name, are they any less deserving? Do we think any less of the interest in keeping them on the land and giving them help to continue farming? The answer ought to be, no, of course not. That is why I added a disaster piece for family farmers in this appropriations bill.

My colleague, Senator CONRAD, and I, and so many others, on a bipartisan basis—Senators BOND, FEINSTEIN, BOXER, and others—have all worked together to try to reach out to family farmers and say: When trouble visits your farm and you have lost everything, you are not alone. This Congress wants to help. This is not a recent urge of ours. We have always done this. We have always done it. So I was proud to be a part of putting this in the appropriations bill. It is on the floor. It should not be controversial. I spoke to President Bush last night and said: Mr. President, do not call this pork; it is not pork. You don't legislate pork, you eat pork. We understand about meat and pork and so on. This is not pork, but some want to call it that. Say that to a farmer and the farmer's family living under that yard light 10, 15 miles from town who lost everything; say to him: By the way, when the Congress wants to help you, somebody believes it is pork. It is not pork; it is in this country's interest to help those family farmers. It is simply in our interest. That is why we have added this, and I know we will have amendments to strip it out or make changes.

The fact is this is a worthy and a noble thing for the Congress to do. I hope that when the amendments are offered, we will be able to defeat them.

Mrs. BOXER. Will the Senator yield for a question?

Mr. DORGAN. Yes.

Mrs. BOXER. I thank the Senator for his leadership on behalf of family farms. I will ask the Senator a couple of questions because he has been here a long time in Congress and we have served together for many years. I see Senator CONRAD coming to the floor as well. The fact is—I want the Senator to let me know if he agrees with this—that the whole purpose of these emergency supplementals, if you look at the Web site that explains to people who want to know more about what we do on emergency supplementals, they have always been used—at least my research shows—is for emergencies, including especially natural disasters. Doesn't it strike the Senator as odd that the President of the United States would support $100 billion for the country of Iraq but tell us he doesn't support anything in this bill for the American people? Isn't that an odd thing?

Mr. DORGAN. Mr. President, the Senator from California is absolutely correct. It has always been the case that there are certain things you cannot predict in the coming year. You can budget for expected expenditures and programs you want to fund, but there are some things you probably cannot predict; for example, Hurricane Katrina is probably the prime example or a devastating drought or torrential rains or ice storms in California this spring. So what we have always done is we have always done emergency supplemental bills to try to respond to those. Only in this Presidency have those emergency bills overwhelmingly been defense bills because the President decided to move our armies overseas. We got involved with respect to

Afghanistan and Iraq, and we asked for no expenditures, except he would later ask for emergency funding for it. We have passed roughly $450 billion in emergency funding for defense. That is not the basis, generally, of what emergency supplemental bills have been about. They have been to respond to the unanticipated events in this country, such as agricultural disasters and other things.

I said yesterday, when I spoke on the floor, I thought it curious that in the Senate, when we did an $18 billion emergency funding for reconstruction of Iraq, nobody stood up, that I am aware—and Senator WYDEN and I cut it by about $1.8 billion—and said: OK. You are going to invest in health clinics. If you do that in Iraq, it is national security; if you do it in America, it is pork. You are going to invest in road programs. In Iraq, it is for national security; in America, it is called pork. You are going to invest in any number of dozens of other things, and as long as it is in Iraq with the reconstruction programs, that is OK, that is part of our national security issue. But if it is doing it in this country, they say, no, no, no, no, you cannot do that.

I observe one thing. Some of what we do is flatout spending. I understand that. We need to tighten our belts. But some of what we do is investing in this country's future. I think investing in this country's future includes saying to family farmers that this country values having you on the farm. You are the seedbed of family values that nourishes our country from the small towns to the big cities. Culturally and economically, you matter to this country.

When we pass a disaster bill that includes disaster help for family farmers, I think it represents the best instincts of this country and, frankly, it is what we must do if we are going to maintain a network of family farms producing America's food. Finally, we understand, all of us, that big corporations could probably farm from California to Maine—buy up the whole country and farm it. We know what would happen to food prices. Our country is much better served by having a network of family farmers out there, with their families living under yard lights, producing America's food supply. That is why I think the best instincts of this Congress is to do what we did in this legislation, to provide disaster help for those who need it.

I yield the floor.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I say to my friend from North Dakota, thank you for being here to talk about this issue because there is a huge misconception out there that is being perpetrated by the administration and that is that there is something wrong with the Democrats in Congress who are insisting the emergency needs of the American people be met in this bill.

Mr. President, in my question to the Senator from North Dakota, I was trying to make the point that history will show these emergency supplementals have always been used to help the American people. After all, it is their taxpayer dollars being used. The reason I wanted to take the floor this afternoon is because there are a number of amendments coming that will strip from this bill the help for the American people they deserve. Many of these people are the "salt of the Earth" people that we all know, that we visit, and I will talk about them in a minute. I will talk about the hardships they have gone through.

Here is something interesting. If you look at the Senate's Web site—this is not part of my Web site; this is the Senate's Web site, so it is written with Republicans and Democrats—you will find a glossary of terms that is intended to help the public understand what it is we are talking about when we use terms of art on the floor, such as "emergency supplemental appropriation."

The Senate glossary—and remember it is bipartisan—states this:

> Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act.

So the supplemental appropriations are meant to cover emergencies in America. Now, the President has tried to lead people astray when he says: No, no, this is only about the war in Iraq; I want all of the money to go to Iraq. I don't want any money to go to the people of America because this isn't the right vehicle to take care of those problems. Not true.

Mr. CONRAD. Will the Senator from California yield for a question?

Mrs. BOXER. I am delighted to yield for that purpose.

Mr. CONRAD. I ask the Senator, is it not a curious thing that the President, in his proposal on the supplemental appropriations bill, has a plan to rebuild Iraq but has no plan to rebuild parts of America that have been devastated by disaster? Is that not a curious thing?

Mrs. BOXER. It is not only curious, it is wrong. That is why I am so proud of the work that Senator CONRAD and so many others did to make this bill a balanced bill that meets the needs of our people. Yes, we are giving the President what he is asking for in Iraq. We have been critical that the President has not funded Iraq in the regular budget. So we are saying: OK. We are not happy about it, but, yes, we will give you every penny, plus what you ask for, for Iraq. But for goodness' sake, you are getting $102 billion for Iraq. How about $20 billion for the needs at home? I think my friend is right. It is curious, and it is wrong that he didn't balance his request.

Mr. CONRAD. And isn't it the case, I ask the Senator from California—

Mrs. BOXER. Mr. President, I ask unanimous consent for an additional 10 minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request?

Mrs. MURRAY. Mr. President, if I can inform our colleagues, we are in the process of working to get a unanimous consent agreement to move the two votes that were scheduled for 2 o'clock to 2:30 p.m. We are going to be putting that together. We should have it in just a few minutes. If our colleagues will allow us to let Senator BOXER continue for a few minutes, we will have that put together.

Mr. GRAHAM addressed the Chair.

Mrs. BOXER. Mr. President, I believe I have the time. I ask unanimous consent for the additional time, if there are no objections.

Mr. GRAHAM. I have no objection. I wish to make a request. Is it possible for me to speak for 5 to 10 minutes before 2:30, after the Senator from California speaks?

Mrs. MURRAY. Mr. President, I inform the Senator that we have about eight Senators here who are all wanting about 5 minutes between now and 2:30 p.m. If the Senator wouldn't mind withholding, we will try to accommodate him after the votes.

Mr. GRAHAM. Absolutely.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator from California is recognized for an additional 10 minutes.

Mrs. BOXER. Mr. President, I am going to yield to my friend for a question. But I say to my friend, Senator MURRAY, when she has that agreement, I will be happy to suspend at that time.

Mr. CONRAD. I ask the Senator, in conclusion, isn't it the case that the history in the Senate has been that emergency matters, of whatever type—whether they flow from a war or whether they flow from natural disasters—in this country are dealt with in a supplemental appropriations bill? There is nothing new in this at all. Isn't that the case?

Mrs. BOXER. My colleague is not only correct, but as I said, if we look at the Senate glossary written by both sides, its agreement on defining what a supplemental appropriations bill is—and I am going to quote it exactly for my colleague:

> Supplemental appropriations generally are made to cover emergencies, such as disaster relief, or other needs deemed too urgent to be postponed until the enactment of next year's regular appropriations act.

So it is absolutely in the definition on our Senate Web site.

Mr. CONRAD. I think that is clearly the case. I have served here—I am in my 21st year. This has always been the case with supplemental appropriations bills, that disasters are dealt with in this manner. Here we have a case where we had damage from Katrina that is addressed in this bill; where we have had devastating natural disasters affecting agricultural producers, whether it was drought or flooding or freeze, that are dealt with in this supplemental appropriations bill, which is the regular order, is it not, in the Senate?

Mrs. BOXER. My colleague is exactly right. All we are saying as Democrats to our friends is: Take care of the American people. Take care of them. They deserve it.

I am waiting for some photographs of the freeze that occurred in my home State. I see they have arrived. I need to share these with my friends.

There is a song called "Strawberry Fields Forever." I want my colleagues to look at what happened to the strawberry fields in California as a result of the freeze. When we look at this, I say to my colleague from Washington—I want to get her attention just to look at this and to thank her for helping us. This is a strawberry field. It looks like an ice rink. The strawberries are destroyed.

I want to show my colleagues our oranges. This is an orange tree. This is what has happened because of the frost. This picture is of an orange. You can hardly see it beneath the frost. A picture is worth a thousand words. I say to the President and my Republican friends: Don't turn your backs on these good people who endured these losses. And, by the way, in my State, in the most Republican part of my State, what are you doing? We need to help people. We need to help the workers. That is what is in this bill.

Yes, we provide all the funding for the troops and more. And, yes, thanks to the leadership of the Senator from Washington and the Senators from Hawaii and the majority leader, we have funds in this bill for Walter Reed Army Medical Center. And, yes, we look at what happened in Louisiana. We look at what happened with the levees, and we tried to help those living in FEMA trailer parks.

Why would this President turn his back on the people of Louisiana once again? Once again. We saw the lack of response, and now in this bill we are saying help the people, Mr. President. You went down to New Orleans. You stood there—I will never forget the speech—and you said: We will stand with you. Yet he says he doesn't want help for the people of Louisiana in this bill.

My farmers have suffered $1.3 billion in losses. I showed the pictures of the freeze. We know about the drought that hit the Midwest. So instead of pledging to work together, we find this administration threatening to veto this bill.

I say to this President: If you veto this bill, then you come to my State and you look into the eyes of these farmers and you look into the eyes of these workers and you tell them they didn't have an emergency. You tell them they don't qualify for assistance from a country they love, to which they are devoted. It isn't right.

And, yes, we added some language to the bill that says: We are not going to have an open checkbook forever for Iraq, and we are not going to have this continuous stream of wounded and dead coming back. Yes, we want to have a timeline that is fair and just.

If the President vetoes that, he is ignoring the will of the people.

I will suspend, Mr. President, withhold my time, not lose the floor, and let the Senator from Washington make her request.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Washington.

Mrs. MURRAY. Mr. President, if the Senator from California will yield for a minute for a unanimous consent request.

Mrs. BOXER. I yield.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the previous order be further modified, for the last time, and that the votes slated to occur at 2 p.m. be delayed until 2:40 p.m., and that the time until 2:40 p.m. be divided 30 minutes in opposition to the Coburn amendments Nos. 657 and 648, and that Senator COBURN control 5 minutes; that upon disposition of the Burr amendment, the Senate proceed to vote in relation to the Coburn amendment No. 657, to be followed by a vote in relation to amendment No. 648; that no amendments be in order to either amendment; that there be 2 minutes for debate prior to each amendment covered under this agreement; and that after the first vote, the time be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, for the information of all Senators, we will then have four votes beginning at 2:40 p.m.

I thank the Senator from California.

Mrs. BOXER. I was happy to yield. Mr. President, how much time do I have remaining?

The ACTING PRESIDENT pro tempore. Under the new consent agreement, the Senator could control 30 minutes.

Mrs. BOXER. I won't do that, of course. I will complete in 5 minutes.

Mrs. MURRAY. I yield 5 additional minutes to the Senator from California.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, we have spent half a trillion dollars from our Treasury on the war in Iraq, and we know there are 3,000-plus dead, 20,000-plus wounded. I think it is instructive to listen to what President Ronald Reagan once said. He said:

> History teaches that war begins when governments believe the price tag of aggression is cheap.

Let me say that again:

> History teaches us that war begins when governments believe the price tag of aggression is cheap.

Well, the Bush administration thought the price of this war would be cheap. They were wrong. We heard Secretary Rumsfeld tell Congress: The war will last 6 days, 6 weeks, I doubt 6 months. Budget Director Mitch Daniels said Iraq "will be an affordable endeavor." And we remember the President saying, "Mission accomplished," when it wasn't anywhere near accomplished. We remember Vice President CHENEY proclaiming "they're in the last throes, if you will, of the insurgency."

They were all wrong, and Congress has to weigh in. That is what this last election was about. We were weighing in with the help of a couple Republicans yesterday. We said to this President: Your one-man show in Iraq is over, Mr. President. You need to deal with the people of this country through their elected representatives. And don't issue these veto threats because that doesn't move us forward.

Senator REID has asked the President to please meet with us; we can talk, we can work things out. So it is really up to him. He is wielding a veto pen because he doesn't like the fact that Congress has finally a spine to say, no, we are not going to have an open checkbook anymore for Iraq, we are not going to keep sending our troops over there to die, we are not going to put them in the middle of a civil war, we are going to change the mission in Iraq from a combat mission to a support mission.

We say to this President: Accept reality, please; it is time you do that. If you love the troops, you have to give them a mission they can accomplish. If you love the troops, you don't send them to moldy hospital rooms to recuperate from their injuries. And thanks to the Senator from Washington, we have money in this bill to fix Walter Reed. If you love the troops, you don't send them back to fight with a post-traumatic stress disorder and a bottle of antidepressants.

We will give the troops what they need, but we will also be heard when we say: Don't put them in the middle of a civil war, Mr. President. Give them a mission that works, a support mission, to train the Iraqis. It is their country. They have to stand up and fight. We can no longer do it for them. And that was the importance of yesterday's vote.

In this bill, we do a lot of good things. We deal with the problems we are facing in Iraq. We say we ought to change the mission and make it binding and give a date that says, yes, start bringing the troops home and a goal for when we will bring them all home, except for those limited missions.

It is a smart piece of legislation, I say to the President.

And, yes, don't forget America. Don't forget the people, the "salt of the Earth" people who are suffering because of this freeze. I will show a few more pictures as I wind down on my time.

My State was devastated by the freeze. It left thousands of farm workers without employment. One of my constituents, a 46-year-old single mother of two in Tulare County, spent years working in the citrus fields and now has no job.

In this picture we can see the ice icicles near these avocados.

A look at this picture tells a thousand words. We can't turn our backs on these people. We can't turn our backs on our salmon fishermen who have been suffering so much. We can't turn our backs on the American people.

In conclusion, we have to serve as a check and balance on the Executive. When this Executive says it has an open checkbook for Iraq, nothing for America, we say: Whoa, whoa, whoa, Mr. President. That is not right for the American people. Look at the people who have been suffering because of natural disasters. Look at for what we are supposed to use emergency appropriations bills. Come to the table with us. Don't wave your veto pen because we have a spine and we stand up for these people and we stand up for our fighting men and women. Come to the table, we say, let's work things out.

If we read the Constitution, that is exactly what we are supposed to do.

I was interested to hear Senator HAGEL talk about the fact that this is not a monarchy, and he is right. We already had one King George, and that was enough.

It is my sincere hope that the President will respect the rule of the people and come to the table. I strongly support this bill, and I will vote against any amendment that hurts the people.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, I now yield 5 minutes to the Senator from Minnesota, Ms. KLOBUCHAR, and 10 minutes to the Senator from Colorado, Mr. SALAZAR.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized.

AMENDMENT NO. 648

Ms. KLOBUCHAR. Mr. President, I wish to speak briefly about the security funding the State of Minnesota and the State of Colorado need to prepare for the Presidential and Republican National Conventions. The Republican Convention is going to be held in Minnesota in September of 2008. I know the Senator from Oklahoma disagrees with our efforts to get funding for this important convention, for its security, but today I stand tall to protect the security of Republicans across the country when they come to my State.

The need for funding is obvious and urgent. As my colleagues on the other side of the aisle are well aware, preparations for the convention have already begun. I imagine they would want security to be a high priority on the list of preparations. As a former law enforcement person, and someone who was a prosecutor, I know you have to plan ahead for these things. Delaying this funding until the normal appropriations process would prevent Federal, State, and local law enforcement agencies from conducting the proper planning they need to do. This is an enormous effort that involves law enforcement from all over our State. We have to be reimbursed or taxpayers all over our State will have to foot the bill.

The Secretary of Homeland Security has already designated next year's event to be held in Minnesota a national special security event based on threat assessment. There is clear precedent for Congress providing convention cities with security funding. Four years ago, Congress gave $50 million each to New York and Boston, the two cities hosting Presidential nomination conventions, to help them defer their security costs. This included a total of $50 million designated as emergency spending.

The bill provides an equal amount of money this year to Minnesota and Colorado, and nothing more. The funding was approved by the Appropriations Committee with bipartisan support, including Chairman BYRD and Ranking Member COCHRAN. Senator COLEMAN also supports this funding.

I support this funding, and I join my Minnesota colleague and my friends from Colorado in insisting that the States we represent receive support equal to that support which Congress has provided in the past, and that the funding for security for the Republican Convention in Minnesota be protected in this bill.

Mr. President, I yield the floor.

Mr. SALAZAR. Mr. President, I rise to speak in opposition to amendment No. 648 offered by my friend from Oklahoma. I commend the Senator from Minnesota for her comments and standing tall for security for the national Republican Convention in Minneapolis, and I am here to stand tall in support of that Republican Convention in Minneapolis as well as to say we have to do the same thing in Denver, CO, where we will have the national Democratic Convention in November 2008.

Why is this money important, and why is it important at this point in time? We are living in a new world, as everybody in this Chamber recognizes. In these days after 9/11, we have to realize targets in America are vulnerable areas that would likely be hit by those who wish to do our Nation harm. If you are one of the bad people and you say, where am I going to do the most harm in this Nation, you would want to focus on those places where you have the national leadership assembled. In the conventions for both the Republican Party and the Democratic Party in these two cities, you will have the President of the United States, you will have the Vice President of the United States, you will have 100 Members, I am sure, of the Senate, and you will have 435 Members of the House of Representatives, as well as the national leadership all located in one place. Therefore, it makes sense to have these events designated as security events, as Secretary Chertoff has already done on March 5 when he said these are security events we ought to provide funding for so we can provide the kind of security that will protect the Americans who will be attending these events.

I wish to look back at what has happened in the past, in terms of what happened in Boston and New York, and I will make a couple of points. The first is for those conventions, back in 2004, when President George Bush was elected to be President of the United States, this Congress provided emergency funding to take care of the security needs in both Boston and New York. We did that in an emergency supplemental attached to the Department of Defense appropriations bill back in 2004. If it was good enough to do it in 2004, it ought to be good enough to do it in 2008.

Secondly, there is an enormous amount of planning that is required when you put on these kinds of events where you have hundreds of thousands of people who are watching and coming to these events in both of these cities. As the former attorney general for the State of Colorado, and having been involved with local, State, and Federal law enforcement, and planning for these kinds of events in the past, I can tell you the enormity of planning that has to take place is something that boggles the mind.

We are not that far away from these national conventions. These national conventions are going to happen in August of 2008. That is a little more than a year away. How can we provide the security needs for these two conventions, how can we provide the security needs that are required to protect this country and the leadership of America, unless we provide the funding now? It is necessary for law and order to be able to take every precaution and to provide security at these events.

Third, I say to my friend from Oklahoma, who has said we can do this in the normal course of the appropriations cycle, if we look at what happened in 2006, there was a failure of the appropriations cycle in this Congress. If that were to occur again in this Congress, which I dearly hope does not happen under this leadership, but if it were to occur again, that we are not able to get to the normal appropriations cycle, we simply would not have the resources and the time to be able to put together the kind of security plan for the 2008 conventions in Minneapolis and Denver.

It is important to this country that these two historic events, which will ultimately lead to the election of the next President of the United States in 2008, have the kind of security that is required to make sure all of the people in the communities which are hosting these conventions have the kind of security we can all be proud of.

I ask my colleagues in this Chamber to join me in opposition to amendment No. 648, the amendment that is offered by my friend from Oklahoma.

Mr. President, may I inquire as to the time remaining for myself?

The ACTING PRESIDENT pro tempore. The time under general allotment retained for the majority is about 12½ minutes.

Mr. SALAZAR. Mr. President, I ask unanimous consent to have an additional 5 minutes to speak about another amendment, No. 657, which has been offered by the Senator from Oklahoma.

The ACTING PRESIDENT pro tempore. Is there objection?

The Chair hears none, and it is so ordered. The Senator may proceed.

AMENDMENT NO. 657

Mr. SALAZAR. Mr. President, I rise also to speak in opposition this afternoon to amendment No. 657, which again my friend from Oklahoma has offered to strip out agricultural disaster emergency assistance to our farmers and ranchers across this country.

I came to this Senate 2 years ago and began at that time to work with Senator KENT CONRAD and Senator BYRON DORGAN and a number of other Members of this Senate, both Democrats and Republicans, to try to figure out how it is we could help out those areas of our country that were facing agricultural disaster emergencies. We saw it in the places of North Dakota and South Dakota and in many States across our country, but we certainly have seen it in my State of Colorado as well.

In many places in my State, across the vast eastern plains, we are now in the seventh year of what is an unprecedented drought—the seventh year of what is an unprecedented drought—including one of those years being the driest year of record in the entire history of the State of Colorado. On top of that drought, we also saw this last year in the State of Colorado, in January of this year, a blizzard that came in unexpectedly and ended up killing approximately 15 million cattle across all of the eastern plains. So today, I stand with my colleagues who say that kind of emergency and that kind of disaster requires us to act, to take some action to help those farmers and ranchers of America who are often forgotten by Washington simply because Washington can't connect to those farmers and ranchers and to those small rural communities across America.

This is our opportunity to make sure we are providing the kind of emergency disaster assistance that will help these ranchers and farmers see their way through the disaster they are currently facing. If we fail to act, what will end up happening is these ranchers and farmers across rural America are going to be so hurt that many of them are going to be driven off their farms and their ranches.

As I have traveled the eastern plains of my State, I have met with ranchers who have lost upwards of 50 percent of their herd. I am sure they are wondering, and we should be wondering in this body today as well, how are they going to pay off their bank note? How is it they are going to continue to provide for their livelihood? Are they going to have to sell off their farms or their ranches in order to continue?

Today, we have an opportunity to stand for rural America, for the forgotten America, and to say we believe in the food security of this Nation, we believe in our rural communities and in those farmers and those ranchers who are out there struggling every day to make sure we have the food on the table that feeds this Nation. I ask my colleagues to join me and others, both Democrats and Republicans in this Chamber, in casting a "no" vote against amendment No. 657, which would strip the agricultural emergency disaster assistance from this legislation.

Mr. President, I yield the floor.

Mrs. MURRAY. Mr. President, under the order, how much time remains on our side?

The ACTING PRESIDENT pro tempore. About 14 minutes.

AMENDMENT NO. 707 WITHDRAWN

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Hagel amendment, No. 707, be withdrawn, as outlined under a previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I yield the remaining time to the Senator from Wisconsin.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

REGIONAL IMPACT OF DARFUR CRISIS

Mr. FEINGOLD. Mr. President, I thank my colleague for yielding me the time. I don't think I will need to use all of it, but I appreciate it.

Time and time again, history has taught us that preventing a crisis is much less complicated and costly than ending and repairing the damage caused by a humanitarian tragedy. The clumsy and irresolute response to the current crisis in the Darfur region of Sudan, however, shows we still have not learned this painful lesson. While the world's leaders condemn the atrocities but delay taking strong action, the vile hatred and unspeakable violence that has resulted in the death and displacement of hundreds of thousands of innocent people in Darfur has now spread to actually infect nearby areas, destabilizing neighboring countries and fueling a downward spiral of conflict and insecurity throughout the region.

I am especially disturbed by evidence that the brutal tactics of Darfur—and their tragic consequences—have now, in part, been transferred across the distant western border into eastern Chad and the Central African Republic. Last week I held a hearing in the Foreign Relations Subcommittee on African Affairs to examine the regional impact of the Darfur crisis. The overwhelming message from our distinguished witnesses was that the victims and perpetrators of the Darfur conflict are no longer simply confined within Sudanese borders, so both our humanitarian response and our strategy for peace need to incorporate these new regional dimensions.

Nearly a quarter of a million Darfur refugees have fled into eastern Chad, compounding an existing political and humanitarian crisis in that country. Lax security along Sudan's porous border has also allowed weapons and Darfur-based rebel groups to spread violence into Chad. Both the Chadian and Sudanese Governments accuse each other of supporting rebel factions seeking to overthrow the neighboring state. Last Saturday, the Chadian Government claimed Sudanese aircraft had shelled four Chadian towns. Ironically, the UNHCR has now begun moving Chadian refugees into Darfur for their safety.

Even before the recent outbreak of hostilities in the north, the Central African Republic was suffering extreme poverty and was deemed by the UN as "the world's most silent crisis." Displacement—much of it the result of house-burning and other cruel tactics by Government forces—rose fourfold in the past year, with more than 200,000 unable to return to their homes. Since the displacement has been more gradual than in Darfur or eastern Chad, the growing humanitarian crisis has received little attention and the response of aid agencies has been slow and limited.

There is not yet a humanitarian emergency in the CAR, but if the fighting between the Government and rebel forces continues and the UN doesn't begin to respond more effectively, conditions could worsen dramatically. Rather than allow another crisis to break out, we could help avert massive starvation and disease with a relatively minor intervention now. That is why I have proposed to include $10 million for the Central African Republic in the fiscal year 2007 supplemental so as to provide seeds and tools, basic shelter materials, and medicine now, a month or two before the rainy season, to reduce the risk of a widespread humanitarian disaster.

While U.S. attention to Darfur is essential, the expansion of this crisis now requires a more comprehensive approach that addresses the interrelated emergencies and underlying causes of instability in this volatile region. Conflicts in these countries will continue to simmer and spread unless the international community musters the political will and material resources to act upon the conviction so often expressed.

As the violence in Darfur worsens and spreads, we cannot pretend we did not see this coming. For nearly 3 years now, my colleagues and I have stood on this floor and called for an end to the genocide in Darfur. It makes me ill to think of how many lives have been lost and civilians displaced since then, but I become even more upset when I consider how much worse this crisis could still become. There is no excuse for the persistent reluctance of the U.S. Government and the international community to begin applying the economic and military leverage at their disposal to end the violence in Darfur and beyond.

I will continue to call for courageous U.S. leadership to defend these innocent people and demand accountability for the perpetrators of the atrocities that have been allowed to continue for far too long.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I rise to speak in opposition.

Mrs. MURRAY. Mr. President, may I ask how much time do we have on our side?

The ACTING PRESIDENT pro tempore. Almost 9 minutes.

Mrs. MURRAY. I am happy to yield that time to the Senator from Minnesota.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota is recognized for 8 minutes 42 seconds.

AMENDMENT NO. 648

Mr. COLEMAN. Mr. President, I rise to speak in opposition to amendment No. 648, offered by my colleague, the Senator from Oklahoma. The Senator from Colorado and my colleague from Minnesota have already spoken in opposition to the amendment. I wish to add one other perspective and that is the perspective as a former mayor of the city of Saint Paul.

I have in my hands a letter from the Secretary of Homeland Security, Michael Chertoff, dated March 5, 2007, in which he says: After careful consideration, this letter is to advise you that the Republican National Convention, which will be held in St. Paul, MN in 2008, will be designated as an NSSE. That is a National Special Security Event.

As a result of being designated a National Special Security Event, done by Presidential directive which was established in 1998, you will have the Secret Service designated as the lead agency for design and implementation of the operational security plan, you will have the FBI designated as lead agency for crisis response, you will have FEMA designated as the lead agency for crisis or consequence management, working hand in hand with folks at the local level.

The bottom line is what we have here is designated a National Special Security Event. In effect, I view this almost as an unfunded mandate—very similar to that; that local agencies in St. Paul, Minneapolis, and Denver will face the responsibility of dealing with the national security event, working hand in hand with the Secret Service, the FBI, and FEMA, who will be leading the way. They simply do not have the resources to deal with the magnitude of security that will have to accompany this convention.

In conventions in Boston and New York, I was looking at some of the data, you are looking at 165,000 people passing through magnetometers, almost 10,000 packages screened, dealing with demonstrations, 9,500 U.S. Secret Service credentials be issued to local law enforcement, 200 Members of Congress, 20 to 30 Governors, national delegates, and obviously Presidential candidates.

The bottom line is some have characterized this as booze rather than bullets. This is not about booze. This is about security at an event in which there will be 14,000 international media present, in which much of the leadership of each of our parties will be present across the board, Federal, State, local.

In the past in this post-9/11 world, it has become very clear that local communities do not have the capacity to deal with this, so this Congress acted wisely in providing resources to the city of New York, acted wisely providing resources to the city of Boston.

I have trouble with the underlying bill. I oppose the language calling for withdrawal. I hope, after the President vetoes this bill, that this bill then comes back to us and we can vote on it without that language in it.

But this is a security issue. This is something that has to be done in a timely fashion. You can't wait until next year to develop these security plans.

I am raising my voice in concert with my colleagues on the other side of the aisle. I am raising my voice in opposition to amendment No. 648, which seeks to strip out the funding for this National Special Security Event. As a former local elected official, I understand folks at the local level simply do not have the capacity for what would be imposed on them in many instances, with national law enforcement directives telling them you have to do this and you have to do that. That, as we said before, was what we used to call unfunded mandates. It is something locals cannot do. Every dollar will be focused on security. There will be an accounting process for it.

The beginning of that process dealing with the security issues has to be now. This is something that should be dealt with. I think it is appropriate to be in this supplemental. Again, I have problems with other parts of the supplemental, other language. I suspect we will have a chance to vote on it again. But in whatever form it leaves this body, this language should be there. It is the right thing to do if you care about national security.

I ask unanimous consent to have printed in the RECORD the letter from the Department of Homeland Security, Secretary Chertoff, declaring the Republican National Convention to be a National Special Security Event.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF
HOMELAND SECURITY,
Washington, DC, March 5, 2007.

Hon. TIM PAWLENTY,
Governor of Minnesota,
Saint Paul, MN.

DEAR GOVERNOR PAWLENTY: On January 31, 2007, you requested that the Republican National Convention (RNC), occurring in the City of St. Paul, Minnesota, from September 1–5, 2008, be designated as a National Special Security Event (NSSE). After careful consideration, this letter is to advise you that the RNC will be designated as an NSSE.

The U.S. Secret Service, Federal Bureau of Investigation, and Federal Emergency Management Agency serve as the Federal agencies with lead responsibilities for NSSEs. Those agencies will partner with other Federal, State, and local law enforcement and public safety organizations in the development of a comprehensive strategy addressing all security and incident management related aspects of the NSSE. Additionally, at the appropriate time prior to the convention, I will assign a Principal Federal Official.

I would like to commend you, your staff, and the event planners in the City of St. Paul for the detailed security planning that has been accomplished thus far.

Sincerely,

MICHAEL CHERTOFF,
Secretary.

The ACTING PRESIDENT pro tempore. Who yields time? The Senator from Washington.

Mrs. MURRAY. Mr. President, how much time is remaining to both sides?

The ACTING PRESIDENT pro tempore. The Senator from Washington has 4 minutes; 5 minutes for the Senator from Oklahoma.

Mrs. MURRAY. I don't see the Senator from Oklahoma. He has some time. I assume he will be coming to the floor, since we will be going to a vote shortly.

I yield the remainder of our time to the Senator from Oregon.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I thank my friend and colleague from Washington. When we go to the two amendments on the Secure Rural Schools Act under the order, I have a couple of minutes and the distinguished Senator from North Carolina, Senator BURR has a couple of minutes. But since there was this opportunity as a result of the graciousness of Senator MURRAY, I wish to mention a letter that came in from the sheriff of Douglas County, which is in southwestern Oregon. This is an area he is policing, the sheriff notes, that is slightly larger than Connecticut. In other words, his county is extraordinarily large.

If this money is not forthcoming, funds that would be made available under the county payments, this is what the sheriff says will take place:

> There are no Troopers. We are running out of deputies. And, if we lose access to this Federal funding, the people will essentially be left to provide their own public safety. There is no fallback position for the citizens.

The sheriff goes on to say:

> This is not a matter crying wolf or exaggerating our problems. This is quite simply the fork in the road where we make a choice. Does local government in rural Oregon cease to exist, or are we partially and temporarily spared in hopes of securing some means of providing for ourselves?

I think the comments from Chris Brown, the Douglas County sheriff, which just came in, say it all. What the legislation we are going to be voting on in a few minutes is all about is ensuring the Federal Government keep its obligation to rural communities, where the Federal Government owns most of the land. This is not welfare. I have tried to go into how this came about several times in the course of the debate over the last couple of days. The reality is that when the Federal Forest System was created more than 100 years ago and these rural communities were in a position where they could not maximize their revenues from these lands, the Federal Government struck an agreement. The Federal Government said: We will be there to at least partially offer funding for the essential services such as those that Chris Brown, the Douglas County sheriff, has written to us about.

The reality is, the distinguished Senator from Washington knows—and we are very pleased that she is a cosponsor with 18 other Senators in the bipartisan "county amendments" legislation—we have huge problems in our part of the world, with serious drugs, particularly methamphetamine. What Chris Brown is saying, this Douglas County sheriff, with respect to his area—which is, as he notes, as large as the State of Connecticut—is that he is going to be essentially defenseless in terms of protecting public safety for his folks in southwestern Oregon without this funding. He is not alone. The sheriff of Grants Pass told me recently that without this funding he is looking at the prospect of calling out the National Guard.

We will have our debate for 2 minutes each when we go to this amendment.

I yield the floor.

Mrs. MURRAY. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I yield back all time on both sides.

AMENDMENT NO. 709

The ACTING PRESIDENT pro tempore. All time has been yielded back. There will now be 2 minutes equally divided prior to a vote in relation to the Wyden amendment.

The Senator from Oregon is recognized.

Mr. WYDEN. Mr. President, I urge the Senate to support the bipartisan group of 19 Senators and vote for the Wyden amendment and reject the Burr amendment. In voting for the Wyden amendment and rejecting the Burr amendment, Senators will be standing with the National Association of Counties, the National Governors Association, the 1,500 member organizations of the National Forest Counties and Schools Coalition and labor groups from across the land.

The Burr amendment purports to affect only the increase in funding but, as was pointed out in this morning's debate, the Burr amendment affects all funding, new and existing. As a result, the Burr amendment would stand in conflict with numerous State laws. The new formula in the bipartisan Wyden amendment is fair, fully paid for, and would ensure that America's rural communities can survive. I urge my colleagues to not walk away from the Federal Government's 100-year promise to rural America. Support the Wyden amendment and reject the Burr amendment.

I yield the remainder of my time to my friend and cosponsor, Senator CRAIG.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. CRAIG. Mr. President, the Senator from Oregon has spoken well to this issue. It is critical we vote now, that we vote for the amendment offered by the Senator from Oregon and reject the amendment of the Senator from North Carolina for micromanaging a decision that ought to be made at the local school district level when it comes to the allocation of these resources. The Federal Government and this Senate should not be telling the local school district in Nezperce, ID, or in a county such as Idaho County, ID: Here is how you are going to spend your money. We know better than the local school district or the local patrons of that district.

I hope you vote no on Burr and support the bipartisan amendment.

The ACTING PRESIDENT pro tempore. All time has expired. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 75, nays 22, as follows:

[Rollcall Vote No. 118 Leg.]

YEAS—75

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Casey
Chambliss
Clinton
Cochran
Coleman
Conrad
Corker
Craig
Crapo
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Specter
Stabenow
Stevens
Sununu
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—22

Bond
Brownback
Bunning
Carper
Coburn
Collins
Cornyn
DeMint
Grassley
Gregg
Hagel
Inhofe
Kyl
Martinez
Roberts
Sessions
Shelby
Snowe
Thomas
Thune
Vitter
Voinovich

NOT VOTING—3

Enzi
Johnson
McCain

The amendment (No. 709) was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. MENENDEZ. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 716

The ACTING PRESIDENT pro tempore. It is now in order to consider the Burr amendment, with 1 minute of debate on each side.

Who yields time?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, in a moment, we are going to hear from Senator BURR and Senator WYDEN on this amendment. I would tell our colleagues that we have three more votes that will be limited to 10 minutes.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from North Carolina.

Mr. BURR. Mr. President, let me ask my colleagues to listen because I think there are some misconceptions about what I am trying to do.

In 1908, we created this program. We reauthorized it in 2000. It was supposed to sunset a year ago. We have decided to continue the program. I supported the Wyden amendment.

There are three areas that receive funds from this amendment: Forest Service payments, BLM land, and the third fund is payments in lieu of taxes. I am only affecting one title of the first item, which is Forest Service payments. It is not doing anything to payments in lieu of taxes or BLM land.

Title 1, since 1908, has said the money could be used for schools or roads. That one title has 177 million new dollars in it. My amendment says 80 percent of the new dollars will go to education, to educate our children. It does not affect title 2, which is forest programs; it does not affect title 3, which is law enforcement, search and rescue. It is basically saying: At this time, our investment is going to go to our children.

I urge my colleagues to support the amendment.

The ACTING PRESIDENT pro tempore. The Senator from Oregon.

Mr. WYDEN. Mr. President, I urge the Senate to vote against the Burr amendment because it significantly undermines what the Senate just voted for. The Burr amendment purports to affect only the increase in funds, but, as was pointed out in this morning's debate, the Burr amendment would affect all funding, new and existing, and as a result, the Burr amendment would stand in direct conflict with numerous State laws.

What the Burr amendment would do is disrupt funding decisions and local government operations around the country. In many localities, county governments and school districts operate separate and distinct budgets. Under the Burr amendment, local government decisions would, in effect, be overturned and we would go to a one-size-fits-all Federal mandate instead of local communities deciding about their future and their kids' education. Their hands would be tied in Washington, DC.

I urge the Senate to reject this bureaucratic straightjacket and vote no on the Burr amendment.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from North Carolina.

Mrs. MURRAY. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. McCAIN).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 8, nays 89, as follows:

[Rollcall Vote No. 119 Leg.]

YEAS—8

Alexander
Bunning
Burr
Coburn
Dole
Gregg
Martinez
McConnell

NAYS—89

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Enzi
Johnson
McCain

The amendment (No. 716) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 657

The PRESIDING OFFICER. There will now be 2 minutes evenly divided on amendment No. 657.

The Senator from Oklahoma, Mr. COBURN, has 1 minute.

Mr. COBURN. Mr. President, the amendment we are considering says the agriculture supplemental we put forward is going to be paid for. The Agriculture Department is the sixth largest corporation in the United States, when you look at it. What it says is we ought to be able to use some of the $8 billion they have sitting in the pot now and we ought to be able to find a way to make them 3 percent more efficient so we can actually pay $4.1 billion to help in the agricultural emergency we have in this country.

It does not add it. We do not charge it to our grandchildren. We say we are going to be responsible, and we are going to take it out of the money that is in there now that is easily findable. We will actually pay for helping our farmers who need our help today.

It is the exact same language the appropriations bill has for both cattle producers and grain producers. It just says: Find it within the agency, pay for it, and we will do it.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, I hope the Senate will oppose this measure. The agricultural disaster program that was put in the supplemental bill is a bipartisan piece of legislation. Senator CONRAD, myself, Senator KIT BOND, Senator DIANNE FEINSTEIN—many of us worked together to put this in the legislation.

It is very simple. It reaches out a helping hand to those farmers, in many cases who lost everything, to say: You are not alone. This country wants to help you during tough times.

We have always—we have always—provided disaster relief on an emergency basis, except for the last several years; it has been blocked. This is the opportunity, on a bipartisan basis, for us to say to family farmers: You matter to this country. We want to help you. When you have had a weather-related disaster, we are here to help.

I hope we will turn down the amendment offered by my colleague from Oklahoma.

Mrs. MURRAY. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is on agreeing to amendment No. 657.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 23, nays 74, as follows:

[Rollcall Vote No. 120 Leg.]

YEAS—23

Alexander
Bunning
Burr
Carper
Coburn
Corker
Cornyn
DeMint
Dole
Ensign
Graham
Gregg
Inhofe
Kyl
Lugar
Martinez
McConnell
Sessions
Shelby
Sununu
Thomas
Voinovich
Warner

NAYS—74

Akaka
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Byrd
Cantwell
Cardin
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Craig
Crapo
Dodd
Domenici
Dorgan
Durbin
Feingold
Feinstein
Grassley
Hagel
Harkin
Hatch
Hutchison
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Thune
Vitter
Webb
Whitehouse
Wyden

NOT VOTING—3

Enzi
Johnson
McCain

The amendment (No. 657) was rejected.

Mrs. MURRAY. I move to reconsider the vote and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Ms. LANDRIEU. Mr. President, on the previous vote, vote No. 120, I voted "yea." I wish to change my vote to "nay." I ask unanimous consent that I be permitted to change my vote from "yea" to "nay."

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 648

The PRESIDING OFFICER. There will now be 2 minutes of debate equally divided on amendment No. 648.

The Senator from Oklahoma is recognized.

Mr. COBURN. This is simple. It is not an emergency. Eighteen months from now we are going to have the Presidential nominating conventions. In Atlanta, during the Olympics, for a month the entire security was $10 million. If we triple that amount for a month, you have $30 million. This bill allows $100 million for conventions and for decisions that are already going to be made prior to that so that the political parties can have a good time. Yet we are going to ask our children to pay for it. You are going to vote to ask your grandchildren to pay for a party you aren't having now, when the President already has $15 million in his budget for Secret Service for both of these conventions, which they feel is adequate at this time.

The question is not whether we should do it. If we are going to do it, we should do it inside the confines of the budget. Two, it is not an emergency. We have 18 months. We have plenty of appropriations bills to pay for this.

Mrs. MURRAY. I yield a minute to the Senator from Minnesota and then a minute to the Senator from Colorado.

Mr. COLEMAN. Mr. President, the world has changed since Atlanta. Since 9/11, this type of funding was available to Boston and it was available to New York City. There is absolutely no flexibility in scheduling the security in these cities. This month, the Director of Homeland Security declared Minneapolis-St. Paul a National Special Security Event. Secret Service will be the lead agency for one part of it, the FBI will be the lead for another, and FEMA for another part.

I say to my conservative colleagues, this is an unfunded mandate. These cities don't have a choice. The Feds tell them what they have to do. There is no flexibility in scheduling. This money needs to be put into place. We know the uncertainty of the appropriations process.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. In a March 5 letter from Secretary Chertoff, he indicated the Republican National Convention in St. Paul, MN, will be designated a National Special Security Event. In a March 9 letter, Senators ALLARD, COLEMAN, KLOBUCHAR, and myself asked for this assistance in appropriations, and it was included in there.

We have to remember we are living in a post-9/11 world. We are going to have 100 Senators, 435 Members of Congress, the President of the United States, and the Vice President all in this place at that one time. It is important for us to make sure we are providing the kinds of security they need.

I urge my colleagues to vote no on this amendment.

The PRESIDING OFFICER (Mrs. MCCASKILL). All time has expired.

Mrs. MURRAY. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) and the Senator from Nebraska (Mr. NELSON) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Wyoming (Mr. ENZI) and the Senator from Arizona (Mr. MCCAIN).

The result was announced—yeas 45, nays 51, as follows:

[Rollcall Vote No. 121 Leg.]

YEAS—45

Alexander
Bayh
Bingaman
Brownback
Bunning
Burr
Chambliss
Coburn
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Ensign
Feingold
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lincoln
Lugar
Martinez
McCaskill
Murkowski
Obama
Roberts
Sessions
Shelby
Smith
Snowe
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner

NAYS—51

Akaka
Allard
Baucus
Bennett
Biden
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Conrad
Dodd
Domenici
Dorgan
Durbin
Feinstein
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lott
McConnell
Menendez
Mikulski
Murray
Nelson (FL)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Specter
Stabenow
Stevens
Webb
Whitehouse
Wyden

NOT VOTING—4

Enzi
Johnson
McCain
Nelson (NE)

The amendment (No. 648) was rejected.

Mrs. MURRAY. I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mrs. MURRAY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Madam President, I ask unanimous consent that the Senator from Iowa be recognized for 10 minutes; that immediately following the Senator from Iowa, the Senator from South Carolina be recognized for 5 minutes, and then we immediately return to regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Madam President, the Durbin amendment is a perfect example of why authorizing on an appropriations bill ought to be discouraged. I know many Members are under extreme pressure from their hospitals to support the Durbin amendment, but I would encourage you to read the actual language and consider the consequences of what this amendment actually does.

This amendment will lead to anarchy in the Medicaid financial arrangements. As a result of the amendment, CMS will be prohibited from banning bad-actor States from reinstating the questionable schemes Congress has been trying to root out since 1991. This is because the Durbin amendment broadly—very broadly—prevents CMS from taking any action relating to this rule or any rule that would affect Medicaid or SCHIP in a similar manner.

For years, Medicaid was plagued by financial gamesmanship. States used so-called intergovernmental transfers to create scams that milked taxpayers out of millions, even billions of dollars. An example: A State bills the Federal Government for a $100 hospital charge. The hospital gets the $100 payment, and then the State would require the hospital to give $25 of it back to the State. In my view, that is a scam. What happens, then, to the $25? In the days before Congress and CMS cracked down on the behavior, the money could go to roads or to stadium construction. That is right, Medicaid paid for roads and stadiums instead of health care for the very poor. Because of the way the Durbin amendment is written, States could return to the financial schemes where they used Medicaid funds for porkbarrel projects.

In 1991, 1997, and again in the year 2000, Congress took specific action to limit a State's ability to use payment schemes to avoid paying a State's share of Medicaid. The Durbin amendment blows all that away.

I would like to read from a letter from Leslie Norwalk, Acting Commissioner of CMS, released today:

> The Durbin amendment is so broadly drafted that it would seriously limit the agency's ability to do the normal program oversight to ensure program integrity. If enacted, it could prevent CMS from disapproving State plan amendments that violate, for example, the 1991 provisions on taxes and donations, the 1997 limitations on limiting Federal expenditures to the State plan, and the 2000 phase-down of upper payment limits.

She goes on to say:

> We are deeply concerned that if enacted, the Durbin amendment would reverse this progress and reopen the Federal Treasury to the abuses of the past.

Madam President, it is one thing to complain about the CMS rule; it is quite another thing entirely to overturn 16 years of congressional action with this amendment.

Let us talk for a moment about the rule in question. The core goal of the rule is to limit provider reimbursement to actual cost. What is wrong with just paying actual cost? I know some people consider this a radical idea, but I just don't understand why anyone thinks it is a good idea to have hospitals paid more than the cost so that they can be part of these scams which rob the taxpayers to fund State pork.

Restricting payments to cost is not exactly a new idea. In 1994, the Government Accountability Office recommended that payments to Government providers be limited to cost. This is a fundamental issue of program integrity.

What did the GAO find in their 1994 report leading to that conclusion? The State of Michigan used these questionable transfers to reduce its share of Medicaid programs from 68 percent, which is what it should have been, to 56 percent. The GAO found evidence that in October of 1993, the State of Michigan made a $489 million payment to the University of Michigan. Within hours, the entire $489 million was returned to the State. The report found that in fiscal year 1993, Michigan, Tennessee, and Texas were able to obtain $800 million in Federal matching funds without putting up the State's share.

Congress and CMS have spent the last 15 years combating this behavior. It makes no sense for Congress to roll back the clock and allow these crazy practices to come back.

Over the past 4 years, CMS has been working with States to try to limit these scams. These efforts have not been without their controversy. States have been very concerned about exactly what the new standards are. Senator BAUCUS and I wrote to the Government Accountability Office and asked them to look into what CMS has been up to. We have been concerned that there has not been enough transparency in what CMS has done.

CMS has now published a rule. It is out there in the—government for everybody to look at. The rule stops improper transfers. The rule limits providers to cost. The rule requires payments matched up to claim. Just good accounting.

Let me speak to that last one specifically—matched up to claim. Too often in Medicaid, States are allowed to bill for services without being able to document that an actual service occurred. We have a program which spends hundreds of billions of taxpayer dollars. We have a rule which requires that the program better document where the money is spent.

What on Earth is going on that I have to come down to the floor to object to an amendment on an appropriations bill that tries to prevent a rule that protects the integrity of the Medicaid Program from going into effect, especially a responsible rule?

In 2005, the Finance Committee held a 2-day oversight hearing on the Medicaid Program. As a part of that hearing, we focused on continuing problems of States recycling funds. CMS has acted to stop that. If some people think CMS has gone too far, then we should review their actions in the Finance Committee. We should call CMS in, make them testify, and ask the tough questions to which we need answers. If we think there are things we should have done differently, then we should legislate. That is the way it ought to be done.

I want us to ask tough questions about the definition of "Government provider." I want to make sure that requiring schools to file claims isn't going to impede access to care for kids. I would like to know if the rule overturns arrangements such as the one the State of Iowa has created to provide a lump-sum payment to the University of Iowa and Broadlawns Hospital in Des Moines to care for the Medicaid patients. That is the right way to operate. We should deal with it in the Finance Committee.

That is why I have, as a general rule, objected to moving legislation in our jurisdiction on appropriations bills. The issues here are extremely complex. They deserve thorough consideration so we can assure the right action. Instead, we are here with this amendment. No hearings have been held, no testimony submitted, nothing.

This amendment throws the baby out with the bathwater. Then the bathtub goes out, and then the bathroom—this is the whole house. It undoes 16 years of sound public policy.

My amendment allows CMS to move forward to protect the Medicaid Program from fraud, to protect Medicaid integrity, and to ensure payments are not made inappropriately. We should stop an amendment that gives CMS a 2-year holiday from stopping fraud. We should stop an amendment that gives CMS a 2-year holiday from protecting program integrity. We should stop an amendment that gives CMS a 2-year holiday from stopping inappropriate payments.

Members should vote on my amendment so that it forces us to sit down and take a serious look at what we are doing here before we make a serious mistake we will all regret.

Madam President, how much time do I have remaining?

The PRESIDING OFFICER. Forty-five seconds.

Mr. GRASSLEY. At this time, then, I would ask unanimous consent to set aside the amendment before the body and that we take up Grassley amendment No. 701 to the Durbin amendment.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. GRASSLEY. I heard the objection. I can't believe anyone would object. So we are objecting to protecting Medicaid from fraud? We are objecting to protecting the integrity of the Medicaid Program? We are objecting to stopping inappropriate Medicaid payments?

We are making a mistake. I hope this gets fixed in conference, and I am going to work to do that. I regret the objection, but I understand why.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from South Carolina.

Mr. GRAHAM. Madam President, this bill is moving along very fast, and I compliment the majority and minority leaders for allowing the process to move forward in a quick fashion, because we understand the outcome. The bill most likely will pass in its current form, maybe with some changes, but at the end of the day, it will be vetoed.

I was listening earlier in the day to Senators HAGEL and WEBB discuss an amendment they had proposed. I am not sure whether it is germane, but the two Senators, who do deserve the respect of everyone in this body because they have been in combat, they have been in harm's way, had an amendment talking about force structure, how you would change the rotations, and the concerns this war has placed on the military. Well, those concerns are real, and I understand what they are trying to achieve there.

The reason I wanted to speak before we went to final passage is I know why the veto is coming. There are two components to this bill that the President should veto the bill over: No. 1, the restrictions we are placing on our military, and the deadlines and the timelines and the benchmarks all add up to making it impossible for the new strategy of General Petraeus to be successful, if it became law. This is a constitutional encroachment upon the power of the Commander in Chief which I believe is unprecedented. There is an honorable path for Congress to take; that is, just stop funding a war that you think is lost. But the combination of deadlines, benchmarks, timelines, and micromanaging troop rotations all adds up to Congress really taking over wartime activity in a way that was never envisioned before. I don't think any other commander is going to have to go through what General Petraeus would have to go through if we did pass this bill and it were not vetoed.

I have been a military lawyer for 20-some years. The combat folks in here have been in harm's way. As a military lawyer, I have had some clients who wanted to kill me, but that is about it. So my hat is off to the warfighters. I have been in a support role, and there are thousands of doctors and nurses and lawyers and other support personnel serving in Iraq, and they are very much needed. There is no front line in Iraq or Afghanistan, so my hat is off to all of them. But the warfighter's point of view is what we need to be thinking about.

From the commander's point of view, General Petraeus has been assigned to a mission. He has come up with a new doctrine. Even the worst critic cannot say it is not something new. It is clearly something new. Whether it works I can't promise, but I think it has a good chance and there are early signs of success. It is making up for past mistakes.

The President is going to veto this bill because Congress has come up with a constitutional construct that, if allowed to exist, I believe would create dangers for future Commanders in Chief and future wars that are just unnecessary. I know the political moment for Iraq is not popular. I know people are frustrated and upset and we have made tons of mistakes, but the biggest mistake would be to throw the constitutional balance we have enjoyed for 200 years out of kilter and try to take over this war in a way we are not built to take over as a Congress.

There is a way to cut off this funding. We just haven't chosen to go down that road, and I don't know why. If you think it is lost, then that is the road to go down.

The second part of the bill that has met with objection is the number of projects unrelated to the war—for lack of a better word, porkbarrel spending. And it may not be porkbarrel spending. Some of these projects are probably very worthy. I just don't believe this is the way to fund them.

The emergency supplemental appropriations process for the war is needed, but we shouldn't have an emergency appropriation. This war has been going on for 4 years, so hopefully next year we will not find ourselves in this spot. If we do not get the funds over to our commanders and into the DOD pipeline, then readiness is hurt, the ability to prosecute the war is compromised beginning April 15, and every month thereafter, it gets more difficult.

So the President is going to veto the bill for two sound reasons. The construct Congress has created is taking the Congress in an area we have never gone before that I believe would be devastating to future wars. It would undermine General Petraeus' ability to be successful in his mission. The spending practices this bill embraces is what has put Congress in such low standing with the American public.

Republicans lost for a reason. We didn't treat the process in a respectful way. Our Democratic friends, with some Republican help, are making the problem worse when it comes to fiscal matters. So I do hope that once the veto is rendered we can find a way to get the money to the troops who are desperately in need of it over time, and we can find a way to come together and give General Petraeus a decent opportunity to turn Iraq around.

I end on this note. What drives my thinking and what makes me disagree with Senator WEBB and Senator HAGEL—people who have experienced combat—is that I believe the outcome in Iraq is part of the overall war on terror. If we lose in Iraq—and I think this bill would ensure a loss if it ever became law—the ripple effect is catastrophic; the war gets bigger, not smaller. A failed state in Iraq is a huge loss in the war on terror. It compromises our national security for decades.

That is the way I see it, and I will take every vote in this body viewing Iraq as a central battlefront in the war on terror, one we cannot afford to lose.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent the Senator from Kentucky be allowed to speak for up to 10 minutes on the underlying bill, and at the end of that time or yielding back of that time we return to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from Kentucky is recognized.

Mr. BUNNING. Madam President, I rise today to voice my strong opposition to the emergency supplemental bill. The supplemental bill on the floor today is irresponsible. Since coming to the Congress 20-plus years ago, I have pushed for accountability and fiscal responsibility. When the Democrats took a page from the Republican playbook and said they would be responsible with the taxpayers' money, I wanted to believe them. I can see now that all the Democratic promises to the American people last fall were only empty words.

This bill is an insult to our men and women in uniform and every single American taxpayer. To me, this is not a political game. I came to the floor last year to oppose additional spending in the emergency supplemental bill. It had nondefense spending like $20 million for oyster fishermen in New England and $4 million for erosion control projects in California and Michigan, and that draft was put together by a Republican Congress.

The extra funds I opposed last year pale in comparison to what the Democrats have done this year. Unfortunately, it has become routine to see emergency spending bills on the Senate floor. I understand the pressing need for this legislation to defend America from terrorism and support our ongoing efforts in Iraq and Afghanistan. The purpose of the President's request is to protect and pay the men and women serving in our Armed Forces.

It also provides the funding needed to restore damaged military equipment and to purchase new state-of-the-art technology. This emergency supplemental is important to provide for American armed services the additional funds they need right now. However, this legislation goes far beyond necessary emergency defense spending. The majority is using budgetary gimmicks to pay for political handouts and entitlements on the backs of our fighting men and women. Mixed in the defense spending is a complicated list of earmark legislative language and program expansions.

Let me walk you through part of the bill. The hurricanes of 2005 were truly devastating, and I have supported the Government's rebuilding efforts in the region. But this bill before us today includes $1.45 billion in unrequested and unnecessary funding for the Corps of Engineers. It also eliminates a 10-percent local matching requirement for FEMA funds and eliminates the prohibition on forgiving community disaster loans.

These are two provisions Congress has supported in the past to ensure responsible spending. These provisions are not only inappropriate for a wartime supplemental, but they are also bad policy.

Another area of extra spending relates to agriculture. I have been a strong supporter of America's farms, but the programs in this bill are routinely funded through the regular process. I cannot justify supporting $3 million for Hawaiian sugar cane co-ops or $20 million for insect damage in Nevada on a wartime supplemental bill. This bill is about our troops, not our farmers.

There are even more glaring examples in this bill. There is $3.5 million for Capital Guide Services to provide service for tourism in this very building. It adds $100 million for dairy production losses; $13 million for a lamb replacement and retention program; $40 million for the tree assistance program; $6 million for flooded croplands in North Dakota; $25 million for asbestos abatement at the Capitol powerplant; $23 million for geothermal energy research. The list goes on and on.

I cannot support requests like these on the backs of our fighting men and women. I will support every effort to strip all the nondefense funding out of this bill. It is time to show fiscal restraint and use emergency wartime spending legislation for precisely that purpose—to pay for the war and not for domestic pork projects.

Finally, I want to address the single most important issue in the supplemental, the shortsighted and political call for troop withdrawal. This bill includes similar language to that which was rejected by the Senate 2 weeks ago. It calls for the withdrawal of troops starting 120 days after passage of the bill and sets an arbitrary goal of full withdrawal from Iraq by March 31, 2008. I voted against this language 2 weeks ago, I voted against it yesterday, and I will continue to vote against it. As I have stated repeatedly, I do not support micromanaging the war. It is counterproductive and sends a detrimental message to our troops and emboldens our enemies.

I want my colleagues to understand that without the U.S. military, Iraq would become a vacuum that would threaten the stability of the entire Middle East. I share the desire to have the Iraqis defend themselves, and our military is providing them with important training. But that cannot happen based on an arbitrary deadline.

I want to warn the other side of the aisle, if you try to force the American military out of Iraq, you will be responsible for the chaos that will ensue. Without the United States, Iraq would emerge as a training ground for all al-Qaida and terrorist organizations. I believe the power vacuum would lead to genocide and murdering far worse than the terrorist attacks that are now occurring in Iraq.

Without the United States, there would be greater threat to Israel, and Iran would become the dominant country in the Middle East.

I want my colleagues to think about the path this troop withdrawal language takes us down. I stand for the men and women serving in Iraq by supporting their mission, but this bill does the opposite. It undermines the military's ability to act.

We need to listen to the commanders on the ground instead of pulling the rug out from under them. This supplemental is not a strategy for success. It is a recipe for defeat. Now is precisely the wrong time to send this message. I believe we may be turning the corner in Iraq. We may already see some success, based on recent reports from General Petraeus. Sectarian killing has been lowered in Baghdad over the last several weeks, and many Iraqi families have been returning to their homes. Some of my colleagues would rather ignore these small signs and the opportunities to succeed in Iraq by pursuing a partisan political agenda.

This bill should be a commitment to General Petraeus and our soldiers. It should be a mandate for them to secure democracy in Iraq and protect America from terrorism. I rise to ask my colleagues to join me in opposing this bill. This may be the most important legislation we address all year. It is an opportunity to tell General Petraeus and our fighting men and women in uniform that we support them. It is an opportunity to tell the people of Iraq that we will not cut and run and will not give in to political pressure, allowing us to affect our decisions on the floor of the Senate. It is an opportunity to defend America from terrorism.

This bill is a mistake that we cannot afford, and I urge my colleagues to vote against it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I ask unanimous consent the Senator from Nevada be given 10 minutes to speak, and after using his time or yielding back his time we revert to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Nevada.

AMENDMENTS NOS. 752 AND 753

Mr. ENSIGN. Madam President, I appreciate the Senator allowing me to speak. There is an amendment being negotiated and, hopefully, we will be able to have a vote on what I believe is a very important amendment.

In this emergency bill there are some things that some might consider an emergency, and there are others that I would not classify as an emergency. But there are things in the country that truly are an emergency. My amendment attempts to address one of the most pressing issues happening in our country today.

My amendment provides additional funding for the Adam Walsh Act that we passed last year. As each Senator knows, the Adam Walsh bill provides law enforcement with the tools to go after child predators. It also gives parents the tools they need to protect their own children. My amendment provides funding for the Adam Walsh bill. Simply, my amendment provides $12.5 million in funding for U.S. Marshals to track down the estimated 100,000 convicted sex offenders who have failed to register as a sex offender. It provides $12.5 million in funding for the U.S. Attorneys Offices to prosecute child pornographers and people who exploit children.

This amendment does not include any new spending. This amendment is offset by eliminating the $25 million in funding in this bill for the Department of State's Educational and Culturing Exchange Program. While that might be a worthy program, certainly I do not believe it compares to the priority of locking up sexual predators and protecting the children of the United States. Earlier this year, just less than 2 months ago, we provided over $445 million for this same exchange program.

There are many true emergencies, but this Congress is required to make difficult decisions. We were elected to make sure that we spend money on what is most important. For a parent, protecting their child from harm is one of their top priorities. It certainly is for myself and my wife. Protecting children from an online predator has to be absolutely one of our nation's top priorities. That is why I believe my amendment is necessary.

According to the National Center for Missing and Exploited Children, we know there are about 100,000 unregistered sex offenders in the United States.

The dangers these predators present to our children are very serious. Last year, I chaired a subcommittee hearing at the Commerce Committee about this very issue. What we discovered—what the testimony revealed was shocking. The average sexual predator who targets females will molest, on average, 130 young girls over the predator's lifetime. Let me say that again, on average one predator will victimize 130 young girls.

If the predator targets males, the predator will molest 180 young boys. I know that these statics sound so unbelievable that they could not possible be true, but sadly they are. That is why the dangers these predators present to our children is very real.

Giving law enforcement the tools to track down unregistered sex offenders, to give prosecutors the tools to prosecute people who exploit these children is critical.

I have heard from law enforcement agencies in my home State, that the Adam Walsh bill is making a real difference in our neighborhoods and communities.

Our children are safer for it. We need to continue to do everything in our power to eradicate child predators in our communities or as parents we won't be able to have a moment of peace. Too many families and children have been victimized by these predators who leave wounds that do not heal. That is why we must commit the resources necessary to protect our children. That is why I believe that funding the Adam Walsh bill is so important. I urge my colleagues to adopt this important amendment.

Now, I am sure that cultural exchange is important, but can we compare cultural exchange programs to the importance of protecting the American children? Madam President, I think not. I would urge my colleagues to adopt this amendment unanimously.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. THOMAS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Wyoming is recognized.

AMENDMENT NO. 675

Mr. THOMAS. Madam President, I have an amendment at the desk. My amendment deletes unrelated measures to the spending bill. It includes a number of things, as you know, that we have talked about some. It includes the Transportation Department backlog of $389 million; fisheries, $216 million; conservation security, $115 million; tree assistance, $40 million; asbestos abatement, $25 million; Presidential nominating conventions, $180 million; MILC programs, $31 million; LIHEAP, $640.

As you know, the purpose of this bill is an emergency spending bill. I came to the floor during the budget debate to express my displeasure about the process and specifically with emergency spending. The bill before us now is a prime example. It started out as $100 billion in emergency spending for ongoing combat, added another $18 billion of additional nonemergency spending and a host of other things.

So I simply wish to make it clear that these provisions—many of them have merit, no question about that but, unfortunately, this bill is not where they belong. It is the wrong vehicle. I have tried for a number of years to get drought relief in the normal course of funding and will continue to do that for agriculture. But it does not make it emergency spending.

So, in any event, in the beginning of the fiscal year, Members of the Senate have said they were going to get our financial house in order. We are hoping to do that. I think this is not the way to do that. The American public deserves to know whether Members of the Senate who have committed themselves to get their financial house in order will back up their words with action.

So these are extraneous provisions that have little or nothing to do with meeting the supplies needed by our troops. I urge my colleagues to support this amendment.

Madam President, I ask unanimous consent to set aside the pending amendment. I have amendment 675 at the desk and ask for its immediate consideration.

The PRESIDING OFFICER. Is there objection?

Mrs. MURRAY. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. THOMAS. Madam President, I am disappointed that the majority has not allowed me the chance to offer my amendment. We have a long tradition of Members debating and considering amendments. I have been denied the opportunity, and other Members have been denied the opportunity. I am very sorry for that.

I think it is fair to say the majority party in the Senate is attempting to turn the body into the House where the rights of the minority are ignored.

It is a sad day for the body. The American public wants Congress to debate these tough issues. In any event, after the election, the new majority indicated it will not be business as usual.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. OBAMA). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Colorado be recognized for 7 minutes and that upon the completion of his remarks or yielding back of his time we revert to the regular order.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Colorado.

Mr. ALLARD. Mr. President, I thank the Senator from Washington for allowing me to speak and granting me the time right here in my schedule.

I rise today to reflect on the current emergency supplemental bill that is before us. I believe, as many do in this body, the current situation in Iraq is not sustainable but that it requires positive change, not defeatism. I think the worst thing we could do would be to give the terrorists of the world an opportunity to declare victory. In the long run, that would make it more difficult to assure Americans will be safe.

This bill includes conditions that do not support the commanders on the ground and sets artificial deadlines for troop withdrawal. I have consistently said we should give the President's plan time to work. There are signs it is.

I read today General McCaffrey's assessment. While not upbeat, he did find that "the situation on the ground has clearly and measurably improved." He says we have "little time left." I agree. But "little time" is not to set a deadline. Doing so changes the entire strategic picture. If you will forgive me some frivolity, it is the difference between the 2-minute warning and the ninth inning. We do not want to let the insurgents know they just have to let the clock run down. The insurgents might not be actually watching C-SPAN, but they do know what we do here, what we say here and can plan accordingly. This is not the time to micromanage the war from Washington and the Congress.

Outside this body, decisions have been made for a new direction in Iraq. The President has laid out his new strategy to the public. ADM William Fallon is in place as CENTCOM commander whose area of responsibility is Iraq. We have a new commander of our forces in Iraq, and that is GEN David Petraeus. Let me remind those who need to hear it that we sent him to Iraq by a vote of 81 to 0 to win, not to withdraw. Soon we will have a new diplomatic team on the ground in Baghdad as well.

This shift in strategies also includes something I believe is absolutely imperative to success: a real commitment from the Iraqi Prime Minister to get his Government to play a much stronger role in the destiny of Iraq. The President is confident we now have that commitment. I hope we can move on to more pressing issues in the Senate rather than repeating the same ones time and again.

One reason I do not support the withdrawal language is I believe it is based on an assumption that by leaving Iraq Americans will be safer. The terrorists have made it abundantly clear that Iraq is central to their war against the civilized world. They are committed to fighting there and will not stop unless we defeat them. If we have to fight, it is preferable not to fight on our own soil.

We are also facing a credible veto threat. This bill is going nowhere—at least nowhere beyond the President's desk, which means we are delaying the needed funds for our military. This is no surprise. The President has been very clear. When he has been this clear, he has not deviated from his described track that he will follow.

I hope we can get past this and move on to more pressing issues such as passing a bill that will provide our troops the money they need.

Finally, I will not support this bill because the last thing we need to do in Congress is hurt the morale or the mission of our men and women fighting in Iraq, especially when we have adopted the President's plan, which is a brandnew plan to succeed in Iraq. I believe it is the right course for our troops on the ground at this time.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senator from Idaho be allowed to speak for 5 minutes, that the Senator from Vermont be allowed to speak for 1 minute, and that the Senator from Illinois be allowed to speak for up to 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Idaho is recognized.

Mr. CRAIG. Mr. President, first of all, I thank the manager of the bill, the Senator from Washington.

Mr. President, I rise today to speak about the dangers of congressional micromanagement of war and the dangers of a precipitous withdrawal from Iraq. Yesterday, the Senate cast a historic vote to withdraw our troops from a field of combat. I believe that this vote was a mistake of enormous proportions. Now both the Senate and House have included language in an emergency supplemental funding bill to micromanage the war and take the authority from our commanding officers and our Commander in Chief. The President has rightly expressed his concern over this legislation, stated that he will veto this legislation, and I will vote to uphold his veto.

The commanding general in Iraq, General Petraeus, had a large part in drafting this new plan forward. Yet now, numerous Senators have called to override his expertise and pull out our troops before this plan has time to work. We are not a body of generals, but of policy makers, and therefore we should not be in the business of setting arbitrary deadlines for retreat, deadlines which are rejected by our military commanders and the Commander in Chief. It is the responsibility of the civilian leadership to set the political goals of an engagement, but leave the strategy decisions to the experts, the military leadership. It is clear to me that the majority leadership in the House and Senate see fit to preempt our military experts and inject their own political ideals into our Nation's military strategy. I believe that such actions are a great disservice to our men and women fighting in Iraq and Afghanistan, and I will continue to oppose their continued efforts to command our military tactics from the U.S. Capitol Building.

This bill contains critical funding for our military to ensure that our soldiers do receive the body armor, up-armored HMMWVs, and other necessary equipment to keep them safe in combat and allow them to seek out and destroy our enemies. The majority party is using this bill to play politics and score points with their base, delaying these necessary funds from reaching our troops. It is absolutely regrettable that my colleagues on the other side of the aisle voted to include this defeatist language on this critical funding bill for our soldiers.

I have heard a lot of my colleagues speak out against this war because of the duration of the war, that we have been in Iraq longer than in World War II, and that because of the duration of our efforts, we should simply retreat and come home. The fact is, we are not engaged against a standing Nazi German Army. While the United States continues to base large numbers of soldiers in Europe and on the DMZ in South Korea, we are told by some of our colleagues in the majority that we need to remove our footprint from Iraq completely and immediately, and allow these radical fundamentalists to butcher each other in our wake and create a new safe haven for terrorism in the Middle East.

Our soldiers in Iraq are fighting an insurgency that wears no uniform and fights with remote-controlled devices so they remain hidden on the battlefield making the job of our soldiers that much more difficult, but also making it that much more important that our Government continue to support their mission. No, this is not World War II. But the seriousness of this war is just as critical to the security of our country and the world.

I have stood on this floor several times this year talking not only about the implications to Iraq if we were to suddenly pull our troops out without a stable government and security forces in place, but about the implications to our own national security and the larger Middle East. If we were to pull our troops out tomorrow, the kind of humanitarian crisis we would see in Iraq, which would spill into neighboring countries in the form of violence and refugees, would be astronomical.

What then? Do we send more troops back in? Do we rely on an ineffective United Nations to send in corrupt officials and peacekeepers in an attempt to regain some sort of control? No, I do not believe that the United States should nor can afford to do that, and I will not cast a vote on this floor to allow that to happen.

Stability in Iraq, my colleagues say, is merely a pipe dream. However, we have already seen this new strategy start to work. Violence is down in Baghdad and the insurgence and terrorists are pulling out of the capital city and fleeing to the outskirts. Without a stable Baghdad, the Iraqi Government cannot rule. Our soldiers, aided by the reinforcements sent to Iraq by President Bush, are working very hard to provide the stability they so desperately need. Like every Member of this Chamber, I believe that we need a political solution to the situation in Iraq. However, a political situation cannot be met if there is not stability in the capital city of Baghdad. Some of my colleagues believe that if we pull our troops out of Iraq immediately, the violence will cease and the Government will stand up. It is my belief that the exact opposite will occur.

As I mentioned, our success in Iraq does not contain itself within the borders of Iraq. Our moderate allies in the Middle East are also counting on our success in the region to ensure that radical states, such as Iran, do not expand their powerbase to the entire Middle East. Without success in Iraq, and stability in the Middle East, our security and that of our allies will be in serious jeopardy.

We are already seeing what an instable leader of Iran is capable of doing. After defying U.N. resolution after resolution, the Iranian Government is moving forward with the enrichment of uranium; a move that could someday soon give them nuclear weapons. Can we trust the Iranian Government not to use those weapons against Israel, a country that their President has blatantly stated should be "wiped off the map", or Europe, or elsewhere around the world? No, I do not believe we can trust their Government to live peacefully with nuclear weapons. And our presence in the Middle East, along with success in Iraq, will go a long way to prevent that and keep the Iranian Government contained.

To those who contend that the United States does not have a very real interest in the Middle East and in a stable Iraq, I would say you are wrong. We have both security and economic interests in this part of the world and we cannot ignore that fact. I have been actively engaged in our Nation's energy debates to break our dependency on foreign oil. However, I recognize that this is not a problem that can be achieved over night. Our Nation has a real dependency on Middle Eastern oil, and a destabilized Iraq or a Middle East dominated by Iran would cause serious turmoil in the world's oil market and the economies of the United States and the world. I am working very hard to move our economy away from this dependency on foreign oil, and move towards more domestic production; but I also realize that if we leave Iraq before it can be stabilized and allow the Middle East to fall into the hands of radical fundamentalists, our economy will be in very real trouble.

We live in very serious times, a world where our enemies do not observe internationally recognized sovereign boundaries or governments, but instead choose to rule by terror and fear. If we allow these tactics to govern our way of life instead of standing up to them, we are essentially inviting the fight to our own backyard. We have the battleground established and we are taking the fight to our enemies; yet we are being pushed by the Democrats to pull back from the fight, come home to our shores, and hope that our enemies do not cross the oceans and follow us home. In our modern world, the vast Pacific and Atlantic Oceans are not the barriers they once were, and we need to ensure we do not end up fighting our enemies at home, when we could fight them abroad.

I would like to close by saying, again, unequivocally, that I believe the vote yesterday to retreat from Iraq was a serious mistake. Our enemies now look upon the United States as a country with no resolve, a country that will cut and run when things get tough. That, I firmly believe, is a very dangerous message for this country to be sending to our enemies and our friends. The Congress has a responsibility to conduct oversight over wars and to provide the necessary funding for our soldiers; but Congress does not have, nor should it have, the responsibility to dictate war strategies and tactical decisions. Those decisions should and must be left to the Commander in Chief and our expert military commanders. The President has made very clear that this bill will be vetoed, and I will vote to uphold that veto. The Senate cast a dangerous precedent yesterday with a vote to play general in war, and I hope that future Congresses choose not to go down this path.

AMENDMENT NO. 672

Mr. President, the senior Senator from Washington, the manager of the bill, and I have worked cooperatively together over the last several years for VA funding. But as to the VA funding that is in this bill, while I am not going to quibble with the amount, I am going to discuss with you for a moment what it does and how it does it.

Before I explain to my colleagues the amendment I was going to offer—amendment No. 672 that the majority will disagree with, and I will not offer that amendment—I wish to talk about the context of what is being offered. Does that sound technical? Well, it is, and it is not.

Under the current appropriations law, VA's health care system is funded through three separate accounts: the medical services, the medical administration, and the medical facilities accounts. That may sound simple enough. However, similar to a lot of things in health care, it is not simple at all.

Consider paying a chief of radiology at a VA hospital. You might say: Well, he is a health care provider and, therefore, should be paid out of the medical services account. However, some of what a chief does—monitoring credentials, overseeing reviews, ordering equipment, et cetera—is administrative in character. So some portion of his salary is literally charged to that account.

That is not simple accounting. It is literally two financial transactions from two separate accounts—just to pay one person's salary.

VA has tens of thousands of employees just like this one who must be paid out of at least two accounts. How cumbersome is this three-account structure? Consider this: Prior to the enactment of the three-account structure that we currently operate under, about 5 years ago, VA averaged 25,000 financial transactions each year to run its health care system—25,000 transactions.

Since we enacted the three-account structure, VA is averaging 70,000 transactions per year in operating the same system. I know some of my colleagues believe that three accounts help Congress better track VA spending in certain areas. However, we can track spending very effectively through VA's budgeting process; we do so on a quarterly basis today, and we are doing it effectively. We do not need 70,000 financial transactions to do that.

When you are talking bureaucracy, folks, this has become one of the biggest bureaucracies of the Federal Government. What is being offered in this supplemental is simply going to make it more bureaucratic.

Unfortunately, the legislation before us would exacerbate the problems associated with the three-account structure. That is because the bill carves out more accounts for specific types of care or care to specific populations.

For example, while the bill provides $454 million for the medical services account, it requires that VA "quarantine" $202 million of that money for use only in treating veterans of OIF and OEF. Further, the bill requires that $100 million be fenced off and used only for mental health care, $30 million only for substance abuse treatment, and $20 million on readjustment counseling.

That all sounds great. But here is the problem: The problem is that as the money makes its way down to the VA facilities in all our States, be it in Spokane or Walla Walla or Boise, ID, all the States and local managers will be confronted with the task of trying to find out which account to charge when, for example, providing care to an OIF veteran for substance abuse treatment and anger management counseling.

Which account do I charge? If I charge the wrong account, I complicate the process. Does that visit get charged to an OIF or an OEF account? The mental health account? The substance abuse account? The readjustment counseling account? Who knows?

Under what is happening tonight, we are complicating that process dramatically, and the issue goes on and on.

I respect very much the right of Congress to give direction to the executive branch on how to spend the public's money. But I would respectfully suggest that specificity of this type in the operations of a health care system belongs more appropriately in report language, not in bill language.

I realize that this is a small amount of money in the larger scheme of a $36 billion VA budget. But, it sets a precedent for funding that I believe is wrong and we must stop. Unfortunately, Republicans have been complicit in this type of budgeting already—over my objections.

A few years ago, the House of Representatives sent the Senate an Appropriations bill that required at least $2.2 billion of VA's overall budget be spent on mental health treatment. In spite of my private objections to the Appropriations Committee at the time, that language was retained. Congress just had to show it cared about mental health treatment.

Well, here we are now carving out money not just for mental health care, but also substance abuse, blind rehabilitation, readjustment assistance, et cetera.

Where does it end? I think it should end here. If we do not stop this type of appropriating, we are very soon going to find ourselves inundated with special funding requests for "politically popular" types of health care. What we must remember is that VA clinicians provide comprehensive medical services to all of their patients—even the kind that isn't considered "politically special care".

We simply should not get in the business of feeding the politics of health care by carving out specific accounts for certain types of care. I realize it is good politics. But it is bad government and very bad medicine. And it creates even more complications with the actual financial operations of the VA health care system. We will soon approach 100,000 transactions to do the same job.

I urge my colleagues to stop this bad trend from continuing.

Mr. President, the reality is, I was not going to change the money; I was simply going to simplify the process. To be politically correct, we are making this process so complicated the question is: What account do I charge so I am not in violation of the law?

I yield the floor.

The PRESIDING OFFICER. The time of the Senator from Idaho has expired.

The Senator from Vermont.

AMENDMENT NO. 649

Mr. LEAHY. Mr. President, I am sorry I even have to be on the floor, but I know the Senator from Oklahoma, Mr. COBURN, offered an amendment to strike a $2 million provision in the supplemental designated for the James M. Jeffords Institute. That is something, incidentally, that is already 100 percent paid for. It is not like the $1 trillion the Senator from Oklahoma supports for a needless war in Iraq.

The money, the $2 million identified to fund this center, is not designated as emergency or new. It is funded through a rescission to already existing dollars for the current fiscal year. It was going to be appropriated last year, but we never finished our appropriations bills and had to go to a continuing resolution.

These funds were included because Senator Jeffords championed policy initiatives and investments that focused on the long-term well-being and educational needs of all Americans. It was put in in a bipartisan way by Senators from both parties reflecting that.

Along with the leadership of the Appropriations Committee and the Senate, on both sides of the aisle, I felt this would be a fitting way to honor Senator Jeffords' service to our country while there is still time. Clearly, Senator COBURN does not feel that way. Sadly, that is not going to happen today. I think it is a disgrace.

Mr. President, as I said, I am disheartened that I need to come to the Senate floor to debate an amendment this afternoon that would strike a $2 million provision in the supplemental designated for the James M. Jeffords Institute that is 100 percent paid for already.

The U.S. Senate has many important issues to deal with right now. And this is just not one of them.

The Senator from Oklahoma has every right to offer this amendment. It is interesting, however, that he does not find it a priority to question the $1 trillion that our country has spent to fight the war in Iraq.

I can comfortably conclude, and this will be no surprise to the Senator from Oklahoma, that we share a different view about what the U.S. Senate should take time to debate on the floor.

The fiscal year 2007 supplemental appropriations bill includes $2 million to further the establishment of the James M. Jeffords Institute, a center for educational excellence at the University of Vermont. This is an effort to acknowledge the long and distinguished service to Vermont and our Nation of our former colleague and friend, Senator Jim Jeffords, in promoting educational and policy excellence in the fields of education, environment, health, and agriculture.

As a tribute to Senator Jeffords for his 32 years of service in both the House and Senate, $3 million was included in the fiscal year 2007 Labor-HHS Appropriations bill to support the UVM Education in Excellence program. However, because the fiscal year 2007 appropriations bills were left uncompleted by the last Congress, and due to the need to wrap up the process with a continuing resolution, this program, which had been the work of Senator Jeffords, was not funded.

Senator Jeffords did not seek reelection last fall so he could spend more time with his family and to address ongoing health issues. I am sad to note that these health issues continue.

In light of these developments with his health, I have worked with the chairmen of the Appropriations Committee and Labor-HHS Subcommittee and Senate leadership to include funding for the Jeffords Institute in the bill we now consider.

I will note that the $2 million identified to fund the center is not designated emergency or new. The project is funded through a rescission to already existing dollars for the current fiscal year and therefore does not increase the overall spending level of this bill or existing fiscal year 2007 spending levels.

Throughout his life in public service, Senator Jeffords championed policy initiatives and investments that focus on and enhance the overall well-being and educational success of individuals from early childhood through later years.

He championed legislation to strengthen our Nation's education system and increase the opportunities for individuals with disabilities. In 1975, he entered the House of Representatives as a new Member wearing a neck brace—as Jim was fond of saying, he was the walking wounded from a tough election—and went on to coauthor what would later be known as the Individuals with Disabilities Education Act, IDEA. That landmark legislation has provided equal access to education for millions of students with disabilities, students who otherwise would have been shunted aside and this country would not have had the value of their achievements. As chairman of the Senate Health, Education, Labor and Pension Committee, he continued to work tirelessly on education, job training, and disability legislation.

The Jeffords Institute continues those efforts by identifying and developing research and best practices that inform educational and social policies on early childhood, literacy, and youth development. A major focus of the institute will include collaboration with and preparation of teachers, administrators, and policymakers in the development and implementation of programs, policies, and practices that lead to positive, demonstrable outcomes in education and policy practices. Beyond the initial focus, which Senator Jeffords has been instrumental in shaping, the institute will expand its efforts to address policy and practice in the fields of environmental, health, and agriculture and their interrelationship with one another, with education being the overarching mission.

Senator COBURN's amendment to strike this provision from the supplemental appropriations bill is ill-considered. I think my colleagues will agree that Senator Jim Jeffords served Vermont well and, just as importantly, he served the House, Senate, and our Nation well. Were circumstances different, I would say that we could wait and find regular appropriations vehicles through which to fund this project.

I, along with the leadership of the Appropriations Committee and the Senate, believe this would be a fitting way to honor Senator Jeffords' service to our country while there is still time. Clearly, Senator COBURN does not feel that way. Sadly, that will not happen today. But I expect that the Senate will in due time give proper recognition to Senator Jeffords who we are so proud of in Vermont.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Mr. President, earlier today, when I was at a hearing, my friend and colleague from Iowa, Senator GRASSLEY, came to the floor to speak about a provision which I have added to this bill. I would like to address Senator GRASSLEY's remarks.

Senator GRASSLEY said that an amendment which I added in the Appropriations Committee, in his words, would "lead to anarchy in the Medicaid financial arrangements." He said it would prevent CMS from taking any action relating to the rules related to Medicaid reimbursement and SCHIP reimbursement.

Senator GRASSLEY recounted a time not that long ago when there was abuse of the Medicaid Program; where, in fact, States had figured ways to receive Medicaid funds and multiply them through accounting methods and use them in many instances for other purposes. In fact, Senator GRASSLEY talked about the fact that under this behavior of the past, the money the States managed to multiply through accounting techniques could be used for roads or for stadium construction. That is true. I thought it was an outrage. As a result, there was a hue and cry on Capitol Hill for a change in the law or more enforcement and these abuses were rooted out. I am happy to say my State of Illinois did not participate in any of these scams. I am proud they did not. Other States did, and it stopped, as it should have.

Then there was a negotiation between the Federal Government and States about this Medicaid formula. It is extremely complex. I wish it were as easy as some would portray, but it is not. So many States had negotiated with the Federal Government to reduce the Medicaid payments or to adjust Medicaid payments to acceptable levels. Many provisions of Medicaid reimbursement that had been agreed to by the Federal Government were changed and amended. That happened. The Federal Government, through CMS, had the authority to do that, and they did.

There are still several States in negotiation about this reimbursement from the Federal Government. I am hoping that negotiation will end in a positive way, as others have in the past, and I think it will. In the meantime, the Department of Health and Human Services comes in with a rule, a proposed rule, and says: Well, we would like to change the law in terms of these Medicaid reimbursements. Unfortunately, this rule they proposed is so sweeping it would cut off in my State of Illinois some $600 million in reimbursement to Medicaid providers, primarily public hospitals serving poor people.

I want this negotiation to continue. Clearly the Federal Government has the authority to continue this negotiation. I will not stand and defend any misuse of Federal funds or fraud. My concern, and the reason I offered this amendment, was the rule is so sweeping it goes too far.

Senator GRASSLEY has made a point, and others have backed him up, that this is probably the jurisdiction of the Finance Committee of the Senate, not the Appropriations Committee that brings this bill to the floor. I will acknowledge that point, but I also want to make it clear, this isn't the first time we have talked about this issue. In fact, it has been 2 years now when Senator GRASSLEY was chairman of the Finance Committee that we appealed to him to have Congress take the initiative and work out this problem. Unfortunately, Senator GRASSLEY couldn't schedule it in his busy schedule on the Finance Committee, and nothing was done.

The purpose of this amendment is simply to declare a moratorium on the new rule until we can put together this new approach through the Finance Committee. That is it. I am not standing here to defend any fraudulent practices. I don't want to take away from our Government any powers to enforce the law to stop any waste of taxpayers' dollars, but I want to make one point clear as well. When our State of Illinois entered into an agreement with the Federal Government about Medicaid reimbursement, it wasn't so we could use some backhanded accounting approach to build a road or a stadium. No. What we tried to do was to use accounting methods which would increase our opportunity to provide medical services to poor people and uninsured people. Our money we are receiving through Medicaid is used for health care and health care exclusively. This is the way it should be. It is a Medicaid program for health care. What we have done in Illinois with these funds is extend the reach of health care to uninsured people and provide services that otherwise would not be provided, such as specialized services many poor people never have a chance to receive.

I am proud our State has used this opportunity to expand care to people who need it: neonatal care for children who were born too soon and need the absolute best care immediately, and specialized care for those in every stage of life that otherwise wouldn't be available to them.

I say to my colleagues first, Senator GRASSLEY is right, we should not tolerate fraud in any way in Medicaid. This amendment does not. Secondly, we should urge every State to negotiate their accounting standards so they are consistent with the Federal Government, and I think that is taking place and should continue. In addition, I think this rule needs to be stopped at this point in time. Let the Finance Committee step in. Let us come up with an approach that works. In the meantime, some States that could be affected by this rule are concerned. If there is a cutoff of funds from the Federal Government to treat poor people, we know what will happen. These people will fall between the cracks, they will come to an emergency room for charitable care if they are lucky, they won't have the preventive care they need to keep themselves and their families happy, and they will pay a price in their life in terms of the quality and length of their own lives that are at stake here.

I urge my colleagues: Let's keep this provision in this supplemental appropriations bill. I urge my colleague Senator GRASSLEY, whom I dearly respect as a real leader here in the Senate, to work with Senator BAUCUS and others. Let us address this issue, not with this sword hanging over our heads about a rule that could come down and cut off hundreds of millions of dollars worth of funds for health care for poor people, but in a rational way that gives to each State what it is entitled to, and no more.

Mr. President, I ask how much time I have remaining on the time allocated.

The PRESIDING OFFICER. The Senator has 3 minutes remaining.

AMENDMENT NO. 784

Mr. DURBIN. Mr. President, I also wish at this moment to mention an amendment I am going to offer to this supplemental appropriation to increase funding for international peacekeeping by $50 million. It is amendment No. 784, cosponsored by—I am not offering it at this time, but I will at a later time—Senators BIDEN, MENENDEZ, LEVIN, and others, to meet the urgent needs in Darfur, Sudan, and the surrounding region.

I believe these urgent peacekeeping needs constitute a true emergency by definition in this bill and should be funded. That was the amendment I originally filed and my colleagues joined in cosponsoring. I also recognize we are under severe budgetary pressure and I have been told I have to find an offset for the $50 million.

I do this with reluctance, but let me share with my colleagues a few numbers. The United States has spent $592 million in the construction of a gigantic Baghdad embassy—$592 million. For 2007 and 2008, the administration has requested $2.8 billion for mission operations in Iraq. To put this in perspective, the State Department's request for diplomatic and consular operations for the rest of the world for fiscal year 2008 is $5 billion. So $2.8 billion for Iraq, $5 billion for the world. This supplemental as passed out of the committee contains over $700 million for diplomatic and consular operations intended for Iraq.

This amendment, as I modified it, would shift $50 million from this sum to peacekeeping. Why do we need the peacekeeping? Because there are 7,000 African Union forces who are doing their best to protect hundreds of thousands, if not millions, of poor people in Darfur. I think this $50 million is not too much to ask. A slight trim, a little trim on the money that might be available for the $592 million Baghdad embassy, is not something that is unreasonable. They will have time to come back for more money if they need it.

At the appropriate moment I will offer this amendment. I hope my colleagues will join me in supporting it.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, a few moments ago the Senator from Idaho came to the floor to talk about an amendment he had regarding the language in the underlying bill covering veterans and he described it as "too prescriptive." I think it is imperative that we keep the language the way it is written.

For 4 years, the Bush administration has conducted this war with very little regard for the tremendous strain it is putting on the VA and it is putting on veterans and their families. Last month we saw this horrible reality exposed at Walter Reed. So today, in this supplemental bill, we are helping to put an end to that neglect. We are not going to wait for the President to fix these problems. We have waited too long. We are facing the cost of war in the supplemental, and we are putting the money where it is needed.

This supplemental does include $1.7 billion for veterans health funding. We put this money in because this administration has fallen short in meeting the needs of our returning veterans. The supplemental does direct the VA to prescriptively put in $50 million for new polytrauma centers, as we have learned of the traumatic brain injury impact to many soldiers and their families. It does direct $100 million for mental health care, because we know more than a third of our soldiers who are returning home are suffering from post-traumatic stress syndrome and too often are being turned away for care. It does include $201 million to treat these recently returning veterans, because we know they are waiting in line and cannot get their benefits, and too many of them today are ending up homeless simply because they can't get the check they need to be able to pay for basic costs for themselves.

It does include $30 million for research on the best prosthetics for amputees. We were at the VA hearing a few days ago and heard from a wonderful woman, Tammy Duckworth, talking about our veterans today who are coming back who need prosthetics, not just to be able to walk but to be able to ski or to be able to rock climb. Those are the kinds of prosthetics that take a great deal of training. We want to make sure those young men and women who are coming back today who have lost limbs have the best prosthetics available for what they need in their lives. It does include $870 million to fix those problems that were uncovered at the VA facilities across the country, not just at Walter Reed, but for tiles falling off ceilings, bats that haven't been eliminated in Oregon, facilities that have peeling paint at care facilities that would not be accepted by any of us in this country. It does include $46 million to hire new claims processors so our veterans don't have to wait for their benefits.

Why are we being so prescriptive? Well, we are here today because we have seen the VA not spend the dollars wisely, to move the dollars around in different accounts to cover the lack of funding they have needed, and we are going to make sure in this bill we take care of the needs we have heard so vividly about from so many men and women who have returned from Iraq and Afghanistan and around the globe, and who are facing long lines, who aren't getting the mental health care they need, who need access to care for traumatic brain injuries, the signature injury of this war, and we are going to make sure we hold this administration accountable by finally being prescriptive so it is spent wisely.

I reject the Senator from Idaho's arguments on our amendment, and I think we have wisely held the administration and ourselves accountable to make sure the men and women who have served us so well are treated with respect when they come home.

Mr. President, we have a number of amendments we are going to go through at this time. I believe we are ready to accept them. I ask unanimous consent to set aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 655

Mrs. MURRAY. Mr. President, I call up amendment No. 655 on behalf of Senator HUTCHISON and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. HUTCHISON, proposes an amendment numbered 655.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To authorize the conveyance of a parcel of land for use for purposes of a prison in the State of Texas)

On page 28, between lines 18 and 19, insert the following:

SEC. 13___. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

Mrs. MURRAY. Mr. President, this amendment has been cleared on both sides.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 655) was agreed to.

AMENDMENT NO. 666

Mrs. MURRAY. Mr. President, I call up amendment No. 666 on behalf of Senator CLINTON.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mrs. CLINTON, proposes an amendment numbered 666.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To link award fees under Department of Homeland Security contacts to successful acquisition outcomes under such contracts)

At the end of chapter 5 of title I, add the following:

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES.

The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

Mrs. MURRAY. Mr. President, I believe this amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, what is this amendment?

Mrs. MURRAY. Amendment No. 666 on behalf of Senator CLINTON.

Mr. COCHRAN. We have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment.

The amendment (No. 666) was agreed to.

AMENDMENT NO. 685, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 685 on behalf of Senator KENNEDY, with a modification, and ask for its immediate consideration.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KENNEDY, proposes an amendment numbered 685, as modified.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment, as modified, is as follows:

On page 93, between lines 9 and 10.

SEC. ___. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. We have no objection to this amendment.

The PRESIDING OFFICER. Is there further debate?

If not, the question is on agreeing to the amendment, as modified.

The amendment (No. 685), as modified, was agreed to.

AMENDMENT NO. 674

Mrs. MURRAY. Mr. President, I call up amendment No. 674 on behalf of Senator COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COCHRAN, proposes an amendment numbered 674.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Purpose: To require the reports on the progress of the Government of Iraq in meeting benchmarks to be submitted jointly by the Commander, Multi-National Forces-Iraq, and the United States Ambassador to Iraq)

On page 28, beginning on line 14, strike "the Commander, Multi-National Forces-Iraq shall submit" and insert "the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit".

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Mr. President, there is certainly no objection to the Cochran amendment.

The PRESIDING OFFICER. Is there further debate?

The question is on agreeing to the amendment.

The amendment (No. 674) was agreed to.

AMENDMENT NO. 687, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 687 on behalf of Senator KERRY and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. KERRY, and Mr. HAGEL, proposes an amendment numbered 687, as modified.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 70, between lines 5 and 6, insert the following:

SEC. 2403. RESERVIST PROGRAMS.

(a) DEFINITIONS.—In this section—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the term "small business concern" has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

(c) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term "eligible Reservist" means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preconsideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(d) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the "program") to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

AMENDMENT NO. 687

Mr. KERRY. Mr. President, I wish to speak to an amendment that, if enacted, will serve to fix a program at the Small Business Administration, SBA, that was designed to help small businesses dependent on a military reservist who is called to active duty. Since 2002, fewer than 300 loans have been made to these businesses, despite seemingly ever-increasing numbers of reservists sent overseas. Reservists and their small businesses have been asked to sacrifice enough without having to incur the financial hardships associated with business failure, and we should be doing everything we can to help these businesses stay afloat.

According to a February 2007 report by the General Comptroller's Office, there are approximately 1.1 million reservists serving our country today, which represents about 44 percent of the Nation's entire military force. On March 1, 2007, the Independent Commission on the National Guard and Reserves issued an interim report stating that, since September 11, 2001, the deployments of U.S. military reservists have risen from approximately 12.7 million days of annual service to an estimated 63 million days in 2006.

Additionally, a recent Congressional Budget Office, CBO, analysis finds that only about 6 percent of businesses employ reservists. Smaller firms—those with fewer than 500 staff—employ 35 percent of all reservists. Eighteen percent of reservists work for firms with fewer than 100 employees. This report concluded that reservist activations are creating vacancies that firms would not otherwise have had, and, while larger businesses may absorb the loss of personnel at little cost, many small firms struggle to compensate for the absence of a key employee who has been called to active duty.

In an attempt to help reservists and businesses that incur economic hardships as a result of an essential employee or small firm owner being deployed, I authored legislation to create the Military Reservist Economic Injury Loan Program, MREIDL, in 1999. The program's goal is to assist reservist-dependent small businesses with the ordinary, day-to-day operating costs of running a business. The law provides these employees access to low interest loans from the SBA when they are called up to active duty.

Unfortunately, the intent of the law has not been put into action. Due to poor marketing of this program and the inability of a business to apply for a loan prior to a reservist's being called to active duty, as well as a very limited window of time in which a business can apply for a loan following a reservist's discharge, businesses are either reluctant to take on additional debt due to already declining revenues or are unaware of the program altogether.

My amendment serves to address these issues. First, my amendment extends the window of time for a reservist dependent business to apply for a loan from 90 days following the date of discharge to 1 full year. Reservists need ample time to return and get their feet underneath them. Often 90 days is not enough time to realize that the business is in need of assistance. This extension will allow a returning reservist to better understand the financial situation and to act accordingly in a reasonable amount of time.

Second, this amendment directs the SBA to create a preapproval process for reservist dependent businesses so that businesses can begin to draw down funds immediately upon the reservist being called to duty. Businesses that depend on reservists should not have to wait until they are failing in order to receive the financial assistance they require to stay afloat.

Third, this amendment establishes a coordinated, proactive marketing plan to be conducted by the SBA, the Veterans' Administration, and the Department of Defense to more effectively get information in the hands of reservists and their families. This program is of little help unless reservists and their families are aware of its benefits, and this provision addresses that simple fact.

Finally, the amendment directs the SBA to report back to the Small Business Committees of the Senate and the House of Representatives on the status of this program, as well as additional steps that may be taken to improve the program for reservist-dependent small businesses.

Mr. President, this is a noncontroversial amendment that simply seeks to fix a program that is not serving its original intent. The provisions in this amendment, including the extension of the application period and the preapproval process, were created in response to testimony heard earlier this year during a hearing in the Senate Committee on Small Business and Entrepreneurship, which I chaired and at which the administration testified. These are commonsense solutions for fixing this program and for helping our small business owners who have sacrificed the service of a key employee to military service. These small businesses are serving their country in a time of war. They should not be asked to sacrifice their livelihood as well. I would like to thank Senator HAGEL for his support of this important amendment. I ask my colleagues to support this amendment as well.

Mr. LEAHY. Mr. President, Senator SPECTER and I have joined together to offer amendment No. 755 the supplemental appropriations bill to authorize a cost-of-living adjustment, COLA, for the salaries of Justices and judges of the United States for fiscal year 2007.

I thank my friend, Senator SPECTER, for his leadership on this issue. I also thank the chairman of the Financial Services Appropriations Subcommittee, Senator DURBIN, and the chairman of the full Appropriations Committee, Senator BYRD, for working with us on the modifications made to this amendment.

This is a step I supported taking—and that we should have taken—in the last Congress. As the chairman of the Senate Judiciary Committee, I have worked diligently to preserve the independence of our Federal judiciary and to treat its members fairly.

At the beginning of this Congress, Senator SPECTER and I introduced legislation, S. 197, to authorize this COLA. It passed the Senate by unanimous consent and now awaits consideration by the House. That bipartisan effort—designed to protect and strengthen the integrity and independence of our coequal branch of government—is a modest step towards addressing the issues raised by Chief Justice Roberts in his "Year End Report on the Federal Judiciary."

In 1975, Congress enacted the Executive Salary Cost-of-Living Adjustment Act, intended to give judges, Members of Congress and other high-ranking executive branch officials automatic COLAs as accorded other Federal employees unless specifically rejected by Congress. In 1981, Congress enacted section 140 of Public Law 97-92, mandating specific congressional action to give COLAs to judges. During the 21 years of section 140's existence, Congress has always accorded to the Federal judiciary co-equal respect by suspending section 140 whenever Congress has granted to itself and other Federal employees a COLA.

The modified bipartisan amendment offered by Senator SPECTER and I today authorizes a COLA for Federal judges consistent with the law and with fairness. The fiscal year 2007 joint funding resolution approved by Congress and signed into law by the President earlier this year increased the Judiciary budget by $250 million over fiscal year 2006 levels. It did not, however, suspend section 140, thus ensuring that no COLA would be provided for Federal judges during the current fiscal year unless other action is taken. Our amendment will rectify that situation.

I thank my colleagues for agreeing to this amendment to authorize the annual judicial COLA in fiscal year 2007. With it, we take another step toward preserving the judicial independence critical for upholding our system of government and protecting the rights of all Americans.

Mrs. MURRAY. This amendment also has been cleared on both sides.

Mr. COCHRAN. It has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 687), as modified, was agreed to.

AMENDMENT NO. 727

Mrs. MURRAY. Mr. President, I call up amendment No. 727 on behalf of Senator STEVENS.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. STEVENS, proposes an amendment numbered 727.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To make a technical correction regarding the availability of funds from the Iraq Freedom Fund)

At the end of chapter 3 of title I, add the following:

SEC. 1316. REDEVELOPMENT OF INDUSTRIAL SECTOR IN IRAQ.

Of the amount appropriated or otherwise made available by this chapter under the heading "IRAQ FREEDOM FUND", up to $100,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. We have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 727) was agreed to.

AMENDMENT NO. 732, AS MODIFIED

Mrs. MURRAY. Mr. President, I call up amendment No. 732 on behalf of Senators LANDRIEU, VITTER, and INHOFE and send a modification to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, for herself, Mr. VITTER, and Mr. INHOFE, proposes an amendment numbered 732, as modified.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

At the appropriate place in Title II Chapter 3 General Provisions, insert the following:

Section . The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, that the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. __. Using funds made available in Chapter 3 under Title II of Public Law 109–234 (120 Stat. 453), under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

SEC. . (a) Section 111 of Public Law 108–137 [117 Stat. 1835] is amended by—

(1) adding the following language at the end of subsection (a):

'Such activities also may include the provision of financial assistance to facilitate the buy-out of properties located in areas identified by the State of Oklahoma as areas that are or will be at risk of damage caused by land subsidence and other necessary and closely associated properties otherwise identified by the State of Oklahoma; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of 42 U.S.C. 4601 et seq., consistent with section 2301 of Public Law 109–234 [120 Stat. 455–456].'; and

(2) striking the first sentence of subsection (d) and inserting the following language in lieu thereof:

"(d) Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.'"

Mrs. MURRAY. This amendment is cleared on both sides.

Mr. COCHRAN. I confirm that it has been cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 732), as modified, was agreed to.

AMENDMENT NO. 755

Mrs. MURRAY. Mr. President, I call up amendment No. 755 on behalf of Senators LEAHY and SPECTER.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. LEAHY, for himself and Mr. SPECTER, proposes an amendment numbered 755.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide a cost of living adjustment for the Federal judiciary, and for other purpose)

At the appropriate place, insert the following:

CHAPTER ___—THE JUDICIARY

Supreme Court of the United States

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of Justices of the Supreme Court, $27,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

United States Court of Appeals for the Federal Circuit

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the United States Court of Appeals for the Federal Circuit, $29,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

United States Court of International Trade

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the United States Court of International Trade, $18,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Courts of Appeals, District Courts, and Other Judicial Services

SALARIES AND EXPENSES

For an additional amount for "SALARIES AND EXPENSES" for the salaries of the judges of the Courts of Appeals and District Courts, $5,279,000, *Provided*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

General Provisions—The Judiciary

SEC. . (a) Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

(b) This section shall be effective as of January 1, 2007, and shall apply only with respect to the salaries of justices and judges for whom appropriations are made available under this chapter, notwithstanding section 603 of title 28, United States Code, or similar provision of law.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Yes, this amendment is cleared. We urge its adoption.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 755) was agreed to.

AMENDMENT NO. 772

Mrs. MURRAY. Mr. President, I call up amendment No. 772 on behalf of Senator SNOWE.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. SNOWE, proposes an amendment numbered 772.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To relieve burdens on small business concerns operating on Federal disaster projects and for other purposes)

On page 69, strike line 5 and all that follows through page 70, line 5, and insert the following:

(b) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after "January 1, 1989" the following: ", and shall terminate on the date of enactment of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. Yes, the amendment has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 772) was agreed to.

AMENDMENT NO. 776

Mrs. MURRAY. Mr. President, I call up amendment No. 776 on behalf of Senators LANDRIEU and COCHRAN.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. LANDRIEU, for herself and Mr. COCHRAN, proposes an amendment numbered 776.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds to recruit and retain teachers, principals, and other school leaders to areas impacted by Hurricane Katrina or Hurricane Rita)

At the appropriate place, insert the following:

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, principals, school leaders, and other educators for positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, and relocation costs, with priority given to teachers and school leaders who were displaced from, or lost employment in, Louisiana, Mississippi, or Alabama by reason of Hurricane Katrina or Hurricane Rita and who return to and are rehired by such State or local educational agency; *Provided*, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity of such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided further*, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State educational agency: *Provided further*, That, in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system for such performance bonuses based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

HURRICANE EDUCATION RECOVERY

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting, retaining and compensating new and current teachers, principals, school leaders, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: *Provided, further*, That in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act, and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: *Provided further*, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. Yes, this has been cleared.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 776) was agreed to.

AMENDMENT NO. 793

Mrs. MURRAY. Mr. President, I call up amendment No. 793 on behalf of Senator KLOBUCHAR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Ms. KLOBUCHAR, proposes an amendment numbered 793.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide effective rural and small community assistance by the Environmental Protection Agency)

At the appropriate place, insert the following:

SEC. ____. In providing any grants for small and rural community technical and compliance assistance under the Fiscal Year 2007 Operating Plan of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of need) from small communities in each State.

Mrs. MURRAY. This amendment has been cleared on both sides.

Mr. COCHRAN. Yes, it has been cleared on our side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 793) was agreed to.

AMENDMENT NO. 807

Mrs. MURRAY. Mr. President, I call up amendment No. 807 on behalf of Senator PRYOR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. PRYOR, proposes an amendment numbered 807.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To increase by $5,000,000 the amount available for the Department of Homeland Security for State and Local Programs and make the increase available for the Domestic Preparedness Equipment Technical Assistance Program and to provide an offset)

At the end of chapter 5 of title I, add the following:

SEC. 1503. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.

(a) ADDITIONAL AMOUNT FOR STATE AND LOCAL PROGRAMS.—The amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by $5,000,000.

(b) AVAILABILITY FOR DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.—Of the amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS", as increased by subsection (a), $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

(c) OFFSET.—The amount appropriated or otherwise made available by this chapter under the heading "UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES" is hereby reduced by $5,000,000.

Mrs. MURRAY. This amendment has been cleared.

Mr. COCHRAN. This amendment is cleared on this side of the aisle.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 807) was agreed to.

AMENDMENT NO. 835 TO AMENDMENT 700

Mrs. MURRAY. Mr. President, I call up amendment No. 835 on behalf of Senators COLEMAN, COCHRAN, and KLOBUCHAR.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Washington [Mrs. MURRAY], for Mr. COLEMAN, Mr. COCHRAN, and Ms. KLOBUCHAR, proposes an amendment numbered 835 to amendment No. 700.

Mrs. MURRAY. I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide for a hospital in Cass County, Minnesota and Kemper County, Mississippi)

In lieu of the matter proposed to be inserted, insert the following:

(b) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

"(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

"(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B));

"(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

"(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.".

Mrs. MURRAY. This amendment has also been cleared.

Mr. COCHRAN. This amendment has been cleared on this side.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment (No. 835) was agreed to.

Mrs. MURRAY. Mr. President, I move that the votes by which the last 13 amendments were agreed to be reconsidered en bloc and that my motion be laid upon the table en bloc.

The motions to lay on the table were agreed to en bloc.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. Mr. President, I now call for the regular order, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. CANTWELL). The Senator from Nevada is recognized.

Mr. REID. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I have been working for a little bit this afternoon—Senator MURRAY has been working all afternoon—trying to come to a conclusion on this legislation. Just a few moments ago, I spoke to the Republican Leader, Senator MCCONNELL, and we are very close to having an agreement on the universe of these amendments. We do not have it done yet, but we are close to doing that.

I think in fairness to everyone we should announce that there will be no more rollcall votes tonight. We are working on finishing this bill at a very early time tomorrow. Again, we do not have that done yet, but that should not prevent us from announcing that there will be no more rollcall votes tonight.

I appreciate very much Senator BYRD, and especially Senator PATTY MURRAY, working so hard on this all day. We have made great progress. We have a ways to go.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

AMENDMENT NO. 739

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. BIDEN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I apologize for my formal dress. Like many here, including, I suspect, the two Senators from Washington, I am supposed to be attending the correspondents dinner tonight.

I am informed that my amendment will actually be called up tomorrow as part of a series of votes. I would like to speak tonight as I have been told there will not be adequate time tomorrow.

For my colleagues' information, the amendment I will be discussing is No. 739. I ask unanimous consent to add as cosponsors Senator BYRD of West Virginia, Senator BOND, Senator PRYOR, Senator KENNEDY, Senator DURBIN, and Senator KERRY.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BIDEN. Madam President, I wish to begin by stating very simply that this amendment is literally, not figuratively, a matter of life and death. I have been here for many years. I have never begun a discussion of an amendment—and I have sponsored some serious amendments and pieces of legislation—by saying something as graphic and drastic as this is literally a matter of life and death. But it is. This is not hyperbole. This is not an exaggeration.

What my amendment will do is allow the military to put 2,500 more mine resistant ambush protected vehicles—known in the military by its acronym, MRAP—in the field by the end of this year.

Now, let me explain what I am talking about. First, I want to point out that the committee acknowledged the need for these vehicles and included $2.5 billion in this bill. But what I propose in this amendment is forward-funding money from next year's 2008 budget into this supplemental. In that way, we can build more of these vehicles which have one purpose—the specific purpose of saving lives, American lives.

The fact is, as most of my colleagues know, 70 percent of American casualties in Iraq are caused by improvised explosive devices, or IEDs.

Many of my colleagues, including the Presiding Officer, have been to Iraq. They have had the same experience I have in my seven trips—visiting field hospitals. There, you see amputees and people with serious head injuries who, because of the incredible skill and triage capability of our military doctors and nurses, are able to be kept alive. Most of those injured at Walter Reed and at Bethesda naval hospital are victims of these devices, sadly now familiar to all Americans from the nightly news. We have tried very hard—although this administration has done so belatedly—to better equip our troops to withstand IEDs. God forbid they find themselves victim of an IED attack, but if they do, we want them to be able to survive.

MRAP vehicles provide four to five times more protection to our troops than up-armored HMMWVs. That statement, that these MRAPs provide four to five times more protection than up-armored HMMWVs, is not my estimate. That is the judgment of our military leaders. The Commandant of the Marine Corps, GEN James Conway, with whom I spoke as recently as this afternoon, wrote on March 1 to the Chairman of the Joint Chiefs of Staff. He said:

> Multi-National Forces—West [that is, the Marines in Iraq] estimates that the use of the MRAP could reduce the casualties in vehicles due to IED attack by as much as 80 percent.

He went on further and said that even though the MRAP is not expeditionary:

> It is, however, the best available vehicle for force protection.

He concluded by saying:

> Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.

Let me repeat that:

> Getting the MRAP into the Al Anbar Province is my number one unfilled warfighting requirement at this time.

He went on to tell me today that although there is some disagreement in terms of priorities within this building, he was speaking to me from the Pentagon, he said, "I believe this is a moral imperative."

How many generals with four stars or three or two or one on their shoulders have you heard use that phrase? How often is something so fundamental it is called "a moral imperative"? This is a man who is heading back out to Iraq soon. He is talking about protecting his kids, his troops.

On my last trip into Anbar Province last summer, I went to Fallujah. I met with the commanding Marine general and roughly 30 to 40 of his commanders and noncommissioned officers. I was taken outside a building to see what they were trying to do to diminish the casualty rate of American forces required to patrol Fallujah. They showed me what they called a rhino, a big vehicle, looks like a Caterpillar bulldozer with a great big proboscis on it, a great big arm that is used when an IED is identified, to disarm it. It was interesting. I observed for the first time—maybe others knew about it—the hull. The bottom of it looked like a ship out of water. It had a V-shaped bottom. A humvee, like your SUV or your automobile, has a flat bottom. In a humvee, even if it is reinforced, it is still flat. The rhino had a V-shaped bottom or floor. I asked why. They said it made them much more blast resistant and it could protect the troops inside. That is the first time I heard about this concept. They did not have MRAPs yet, but they had this rhino, a much bigger vehicle for a different purpose.

As I talked to them, I remember asking the question, why aren't we building more of these things? You know, the folks on the ground, these kids and many not so young women and men who are climbing into these coffins, know that even in an up-armored vehicle if they are struck, deadly force may be exerted, scrambling their brains or outright killing them. The number one requirement of the Commandant of the Marine Corps is to get more of these vehicles. I respectfully suggest to all who care—and every one of us cares about the fate of the troops—if there is any place we should not consider the cost—emphasize again, not consider the cost—it is when there is a consensus that what we are purchasing can save lives. We have made no sacrifice in this country to fight this war except for the families of those who have gone to the war. We should not hesitate to save the lives of those who are sacrificing because of cost.

A couple of my colleagues off the floor, none of whom are on the floor at this moment, have told me it might not be cost effective because the military is working on a new vehicle. Give me a break. Cost effective? I wonder how many people asked, when we were talking about the invasion of Normandy in World War II: You know, we better be careful. We may build too many landing craft. We might have some left over. What are we going to do with them after the war?

We have no higher obligation than to protect those we send into battle. We have received a pretty good dose of this administration's willingness to send people into battle not prepared. Rumsfeld's famous comment: You go with the Army you have, not the Army you like or need. That is paraphrasing him from a couple of years ago. When we find a way to protect people better in battle, then it seems to me we have an overwhelming obligation to act.

Let me explain the specifics of the MRAP. Each vehicle can hold 4 to 12 troops. Like the rhino, these vehicles have raised steel, V-shaped hulls and chassis. The raised hull is valuable because it gives the blast more time to expand, lessening the impact. The V-shape pushes the blast up the sides of the vehicle and away from the occupants. With an up-armored HMMWV or any humvee, the flat bottom sends the blast through the floor right into the occupants. In addition, the vehicles have side armor and bulletproof glass, and they also have tires that can be driven when flat.

Ever since the military began using MRAPs in Iraq, the requirement has grown, as commanders realize how much better they are at protecting their personnel. In May of last year the requirement was only 185. By July, it had risen to 1,185. By November, it had risen to 4,060. By February of this year, after the supplemental request was submitted, it rose to 6,738. One month later, the requirement went up again to the current level of 7,774. At this point every one in the military agrees, we need 7,774 MRAPs.

The Marines are the executive agents for this program, meaning they are managing it for themselves and the other services. Every service has a need for the vehicle for explosive ordinance units as well as regular patrols. The Marines need 3,700 of them. The Army needs 2,500. The Air Force needs 697. The Navy needs 544, and the Special Operations Command needs 333. The cost of 7,774 MRAPs is $8.4 billion. This administration's current plan is to spend $2.3 billion this year and $6.1 billion next year. But I believe we can and must do much better, and so do the Marines. If we simply put more funds up front, spend them in the supplemental rather than allocate them a year later in the 2008 budget, the same money that we are going to spend anyway next year, if we move it up, we can accelerate production drastically.

Some have said the extra production capacity does not exist. Again, speaking to the Commandant of the Marine Corps today, he indicated that there are eight companies they are dealing with and he has confidence that they can build all they can purchase, all they can afford. That is also what the Chief of Staff of the Army thinks.

On March 14, General Peter Schoomaker told the Appropriations Committee that with the MRAPs, "We can build what we get the funds to build. It is strictly an issue of money."

Let's assume the Commandant of the Marine Corps and General Schoomaker are wrong. Let's assume they have made a mistake. Let's assume we can't build as many as the money we give them. So what. So what. We are not talking about building a highway on time. We are talking about an informed judgment by the United States military, to build not a new weapons system, but to build a new protection system for their forces.

I respectfully suggest, if we are going to err on one side or the other, for God's sake, for a change, let's err on the side of doing something that will protect American fighting women and men.

Quite frankly, if the Marines believe we can do it, then my money is on the Marines getting it right. If General Schoomaker says he needs it, and more money will get the vehicles, then I take him at his word. I would rather take a chance, and I believe the American people would also, to protect more Americans under fire than not.

What does this mean specifically? Well, by adding $1.5 billion, which my amendment does, to the supplemental today, the Marines will have $4 billion to work with. Based on their estimates, that will mean 2,500 vehicles get to the field 6 months sooner than under the current plan. You may say: What is 6 months? Ten of thousands of lives is what 6 months is. Figure it out: Four to twelve people in 2,500 more vehicles. Add up the numbers. That's 10,000 to 30,000 Americans. Look at the casualty rates that come from IEDs striking uparmored HMMWVs. Do the math, and tell me if their lives are not worth taking a financial risk to protect.

If we move this money forward, on October 1 of this year, instead of having only 2,000 MRAPs, we would have 4,500 in the field. On January 1, 2008, instead of 3,500 MRAPs, we would have 6,000 in the field. By February, we would fulfill the entire requirement, instead of waiting until next July. We are still going to spend $8.4 billion, but spending it faster will make a major difference.

If you want to be callous about this, it would also save the American taxpayers a whole lot of money because for every one of those injured soldiers who comes back—to put it in Machiavellian terms—who needs a lifetime of medical care, there are hundreds of thousands of dollars committed per casualty.

I can find no logical argument for delaying this.

Let me end where I began. This is a matter of life and death. Madam President, 2,500 more vehicles means literally that 10,000 to 30,000 more Americans will have a four to five times greater chance of surviving a hit with an IED while on patrol than exists today if we do not act. Madam President, 10,000 to 30,000 Americans will not be added to the casualty and death numbers if we move this money up.

To use the phrase of the Commandant of the Marine Corps, at 3 or 4 o'clock today, on the phone with me:

> This is a moral imperative.

I agree. It is a moral imperative that we protect these troops as soon as possible.

So tomorrow, when I have my 1 or 2 minutes to speak to this issue before we vote, I will urge all my colleagues to vote for this amendment.

I thank the Chair and yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SANDERS. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 808

Mr. SANDERS. Madam President, I would like to briefly discuss amendment No. 808 which will be voted upon tomorrow. This amendment deals with a very serious problem facing our country; that is, we have millions of low-income Americans who lack the resources to properly weatherize their homes.

I know, coming from a cold-weather State such as Vermont, this is a very serious problem. It gets cold in Vermont, sometimes 20 or 30 below zero. It is a real shame we have people who simply lack the financial resources to put in the proper insulation, roofing material, windows, doors to keep heat from literally disappearing. The result of that is low-income people are forced to pay a higher and higher heating bill, at a time when many of them do not have the funds to do that.

The other aspect to this issue, which is equally or even more important, is if the U.S. Congress and the American people are serious about dealing with the issue of global warming, then we have to make a major effort to retrofit homes all over this country so we are not wasting enormous amounts of energy.

We cannot come here and say we have a major global warming crisis and not be serious about energy efficiency and not be serious about making sure all our homes, especially those of lower income people, are properly weatherized.

As part of the continuing resolution, Congress level-funded the weatherization program at $242.2 million. Unfortunately, the administration's spending plan for fiscal year 2007, which came out about 2 weeks ago, reduced funding for the weatherization program by $38 million compared to what it received in fiscal year 2006.

In other words, despite the global warming crisis, despite the increase in poverty, despite the need to spend substantially more to weatherize homes throughout this country, the administration is actually lowering the funds available for weatherization. This makes no sense to me at all.

Tomorrow, I am going to be offering an amendment which is cosponsored—it is a bipartisan amendment—by Senators SUNUNU, BINGAMAN, JACK REED, MENENDEZ, KERRY, HARKIN, DODD, WYDEN, and CLINTON.

This amendment will add $25 million more to the weatherization program compared to last year's level. I hope we will have strong support for this effort. It will help us address global warming, and it will provide real assistance to many low-income families throughout this country.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mrs. MURRAY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

AMENDMENTS NOS. 835 AND 755

Mrs. MURRAY. Mr. President, I ask unanimous consent that action on amendment No. 835 be vitiated and the amendment be modified with the changes at the desk, the amendment, as modified, be agreed to, and the motion to reconsider be laid on the table; further, that action on amendment No. 755 be vitiated and the amendment be modified with the changes at the desk, and the amendment be agreed to, as modified, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendments (Nos. 835 and 755), as modified, were agreed to, as follows:

AMENDMENT NO. 835, AS MODIFIED

On page 85, after line 7, insert:

(b) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

"(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

"(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B));

"(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

"(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.".

AMENDMENT NO. 755, AS MODIFIED

On page 105, insert between lines 2 and 3 the following:

SEC. ____. Pursuant to section 140 of Public Law 97–92, justices and judges of the United

States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

Mrs. MURRAY. I ask unanimous consent that when the Senate resumes consideration of H.R. 1591 on Thursday, all time postcloture be considered expired; that the only amendments remaining in order to be the following, and that they may not be subject to second-degree amendment: The Ensign amendment, No. 752, to be modified; DeMint amendment No. 704; Coburn amendment No. 649; Sanders amendment No. 737, to be modified; Biden amendment No. 739; that the Reid second-degree amendment to the Lugar amendment No. 690 be withdrawn and the Lugar amendment be agreed to; that all other pending amendments be withdrawn, that there be 4 minutes equally divided and controlled in the usual form prior to each vote; that a manager's amendment be in order, provided it has been cleared by the managers and the two leaders; that upon disposition of the amendments, the bill be read a third time and the Senate proceed to vote on passage of the bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mrs. MURRAY. I ask unanimous consent that the votes occur in the order of the amendments I just listed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VOTE EXPLANATION

Mr. NELSON of Nebraska. Mr. President, I was unable to attend rollcall vote No. 121. Had I been present, I would have voted in the negative.

MINIMUM WAGE IN THE U.S. TERRITORIES

Mr. BINGAMAN. Mr. President, as chairman of the Committee on Energy and Natural Resources which has jurisdiction regarding the insular areas of the United States, I am concerned about provisions in the House passed supplemental appropriations bill, H.R. 1591, that would alter the way minimum wage levels are set in the U.S. territories of American Samoa and the Commonwealth of the Northern Mariana Islands, CNMI. Senators AKAKA and INOUYE share my concern and we would like to enter into a colloquy with the distinguished manager of the bill regarding our concerns.

Mr. BYRD. Yes, I would be pleased to enter into a colloquy.

Mr. BINGAMAN. As the Senator may know, in recognition of the special challenges that the territories face in promoting economic development, the Fair Labor Standards Act. FLSA, provides that the transition from the territories' historic subminmum wage levels up to the national minimum wage is managed by special industry committees. These committees convene ever 2 years, carefully analyze the islands economies, and recommend incremental increases toward the national minimum wage based upon those analyses.

Mr. BYRD. Yes, that is my understanding.

Mr. BINGAMAN. This process has worked well and has successfully raised the minimum wage in Puerto Rico and the U.S. Virgin Islands up to the national minimum wage. The process currently applies in American Samoa which continues to have regular increases in its minimum wage toward the national level. However, this Special Industry Committee process does not apply in the Commonwealth of the Northern Mariana Islands, CNMI, because the minimum wage provisions of the FLSA have never applied there. Section 503(c) of the Covenant to Establish the CNMI in Political Union with the United States—approved by P.L. 94-241—specifically authorized Congress to extend the national minimum wage to the CNMI and, in 1998 the Committee Energy and Natural Resources favorably reported legislation Senate Report 105-201 that would have extended the national minimum wage as authorized. That legislation would also have extended the FLSA's Special Industry Committee transition provisions to the CNMI just as they apply to American Samoa.

On March 1, 2006, the Committee on Energy and Natural Resources held an oversight hearing to examine economic conditions in the islands and we found the situation in both the CNMI and American Samoa very worrisome. More recently, I met with the Governor of American Samoa, Togiola Tulafono, and with a delegation from the CNMI headed by the resident representative, Pete Tenorio, and the Lieutenant Governor, Tim Villagomez, who expressed their concern about the House-passed minimum wage legislation that would increase their islands' minimum wages based on a fixed schedule, and without the periodic economic analyses conducted by the Special Industry Committees under the FLSA. These island leaders asked for my support in assuring that the FLSA's transition process will be used to assure a smooth transition from the local territorial minimum wage to the national minimum wage.

Mr. INOUYE. Mr. President, I would like to associate myself with the comments of my colleague from New Mexico. I have also met with the Governor of American Samoa regarding his concerns on proposed changes to the minimum wage law as it applies to American Samoa. In addition, I have met with the distinguished delegate from American Samoa, ENI FALEOMAVAEGA, who has been working with his colleagues in the House, Chairmen OBEY and MILLER, on this matter and he has their assurances that they will continue to work with him as this bill is considered in the conference committee. I have joined the delegate on a letter to the HELP Committee urging continuation of the current FLSA policy of having Special Industry Committees periodically determine the rate of increase in the territorial minimum wage.

Mr. AKAKA. Mr. President, I share the concerns of my colleagues. I have met with representatives of the Commonwealth of the Northern Mariana Islands, CNMI, on this matter and understand the risks that their economy is currently facing. We in Hawaii are particularly concerned that an inflexible approach to minimum wage increases in the CNMI and American Samoa could seriously disrupt those economies, cause unnecessary hardship, including the need for residents to emigrate to Hawaii or the mainland to find new job opportunities.

Mr. BINGAMAN. We share the concerns that these island leaders have brought to our attention and recognize that they have no representation here in the Senate. Accordingly, we ask the distinguished manager and chairman of the Appropriations Committee, as this legislation is reconciled with the House bill in conference committee, that he seeks an agreement that the FLSA's Special Industry Committees will be used in these two territories, as they were used in Puerto Rico and the U.S. Virgin Islands. We believe that this is important to assuring a smooth transition to the national minimum wage in these islands, and to avoiding unnecessary economic disruption.

Mr. BYRD. I thank the Senators and want to assure them that I understand their concern. Although I cannot commit to any particular outcome, I will work with them during the conference committee to address their concerns, and those of the American Samoa and the CNMI leadership, regarding their desire for Special Industry Committees under the FLSA to assure a smooth transition from the current local minimum wage to the national minimum wage.

Mr. BINGAMAN. I thank the distinguished manager and look forward to working with him to develop appropriate language as H.R. 1591 is considered in the conference committee.

Mr. INOUYE. I also thank the chairman and manager for his understanding and cooperation on this matter.

Mr. AKAKA. Mr. President, I too appreciate the willingness of the distinguished manager to consider our concerns, and his willingness to work with us during conference to find an acceptable solution.

AMENDMENT NO. 697

Mr. BYRD. Mr. President, today Senator WARNER and I have introduced an important and potentially landmark bipartisan resolution. My good friend and colleague from Virginia has correctly highlighted what is one of the most critical issues before us as we debate our continued occupation of Iraq: the capacity of the Iraqi Government to take responsibility for the security of its own country. The President said in November 2005 that "as the Iraqis stand up, we will stand down." But are the Iraqis standing up? If, in the President's formulation, our continued military occupation of Iraq is dependent on the readiness of the Iraqi security forces, is it not crucial that we know what kind of progress those Iraqi forces are making? The Warner-Byrd resolution will hopefully provide the Congress with the unvarnished truth about this issue, instead of more of the same rhetoric and obfuscation doled out to the Congress since the war began. Under Warner-Byrd, within 120 days of passage of this Act, a designated independent private sector entity will report to Congress on the readiness of the ISF to assume responsibility for maintaining the territorial integrity of Iraq, denying terrorists a safe haven, and bringing an end to sectarian violence. The report will also address whether continued support by U.S. troops is likely to contribute to the ISF's readiness to take on those missions in the coming months.

We have had 4 years now of rosy reports coming from the Pentagon and the White House about the steady progress being made in Iraq, but events on the ground regularly belie those sunny assessments. Our soldiers have been training and equipping Iraqi troops and police for several years, and the White House continues to tout the "real progress" made by the Iraqi security forces. However, an article in the February 5 edition of the New York Times noted that the Iraqi units arriving in Baghdad are showing up at 55 to 60 percent of their full strength. Even more problematic, the Iraqi police force is itself seen by many in Iraq as simply an extension of the sectarian militias, terrorizing the population with rape, extortion, and murder.

Considering the record to date of the Iraqi troops, will any amount of training produce a reliable and capable national army? If this is what we are waiting for—if we are truly planning to "stand down" once the ISF "stands up"—I, for one, want to know when we can expect that to happen. And if it is not going to happen, we should know that as well. How long will we continue to spend American lives and treasure training Iraqi troops that can't be counted on? Six months? A year? Five years? If this is an ultimately hopeless endeavor, we should find out now, and change our strategy accordingly.

The situation in Iraq has devolved into a full-blown civil war, as sects which have been battling for centuries continue to attack each other—and us—in an ever-widening bloodbath. In the words of the President's own National Intelligence Estimate, the term "'civil war' accurately describes key elements of the Iraqi conflict," which has become a "self-sustaining intersectarian struggle between Shia and Sunnis." U.S. troops have no constructive role to play in fighting another country's civil war. Increasingly in Iraq, there is no clearly defined "enemy" for our soldiers to engage, only various indigenous groups that hate us almost as much as they hate each other. The President's plan calls for the Iraqi troops to assume responsibility for halting this death spiral, but the NIE again casts doubt on this strategy. It states that "the Iraqi security forces—particularly the Iraqi police—will be hard-pressed in the next 12–18 months to execute significantly increased security responsibilities."

I suspect that further training is not really the answer. We can train a soldier how to fire a weapon; we can give him communications equipment; we can teach him how to conduct a raid or defend a post. But we cannot give him a sense of national identity. We cannot provide him with allegiance to government and country that transcends ethnic or sectarian hatreds. The bottom line is that the violence in Iraq requires a political solution. Everyone—everyone—now acknowledges that. Only when the Iraqi people, through their government, are able to overcome the sectarian divisions that are splitting the country apart, will stability and peace be achieved. U.S. Central Command Commander Gen. John Abizaid said it himself in testimony before Congress on November 15, 2006: "I believe that more American forces prevent the Iraqis from doing more, from taking more responsibility for their own future."

The Warner-Byrd resolution seeks to address that issue head-on, with an unbiased, nonpartisan report on the likelihood that continued U.S. involvement will contribute to the capacity for the Iraqis to take responsibility for their own future. This report will provide us with a clear-eyed view of what is going on in Iraq, and whether the President's plan has any realistic hope of success.

AMENDMENT NO. 740

Mr. CASEY. Mr. President, yesterday I filed amendment No. 740, which allows dairy farmers in Pennsylvania to receive a one-time emergency assistance payment of $2.50 for every hundredweight of milk they produced over the past 6 months. Because the Senate invoked cloture on this spending bill and we are quickly wrapping up our work to get funding to our troops in Iraq and Afghanistan, I will not have the opportunity to offer my amendment today. I will, however, continue to pursue this critical emergency funding for our dairy farmers.

Dairy farmers in my home State and other Northeastern States are at the end of their rope. They have cut corners and pared their operations down to the absolute necessities, but they simply cannot make ends meet. Prices for feed and fuel have more than doubled over the past year and a half, but the price farmers get for their milk has not kept pace. Consequently, dairy farmers in Pennsylvania are losing about $5 on every hundredweight of milk they produce. For a small dairy farmer with 75 or so cows, this could mean a loss of around $20,000 year.

During the last congressional recess, I toured two dairy farms in different regions of Pennsylvania and talked to dozens of farmers. I heard stories about draining savings accounts, trying to patch repair broken equipment, leaving bills unpaid, and selling cows just to keep the farm going. Our farmers are doing everything in their power to keep their businesses going. Unfortunately, many of them are now faced with their last option—to sell everything and shut down the farm. I want to be sure colleagues understand that this is happening right now, today. The prospect of mass closings of dairy farms is not something off in the distant future. Pennsylvania is losing 250 to 350 dairy farms every year. Today, dairy farmers in my home State are sitting down with their families and making tough decisions about the future of their farms. Many of them won't be able to stay in business while they wait for Congress to finish work on the new farm bill.

The result would be devastating. Dairy is Pennsylvania's top agricultural commodity, contributing $4.2 billion annually to the State economy and employing 40,000 people. This is what we stand to lose if we stand by and watch as our dairy farmers close down. I am not willing to risk it.

I also want to point out that the impacts of the loss of Pennsylvania's dairy industry will be felt throughout rural communities. As farmers go out of business, feed stores, fertilizer stores, and milk haulers go out of business, feed stores, fertilizer stores, and milk haulers go out of business. Without the economic engine provided by dairy, people are left out of work and our rural towns and counties will crumble.

I will do everything in my power to prevent that from happening.

I am committed to finding short-term relief to keep Pennsylvania dairy farmers in business while we make long-term fixes in Federal dairy policy in the next farm bill. I hope that all of my colleagues will support our hard-working dairy farmers and work with me to find commonsense solutions to avert an impending crisis in rural America.

Mr. DODD. Mr. President, last December, 10 of America's most distinguished senior statesmen and -women made public a blueprint for success in Iraq and in so doing opened up the possibility for the administration and the Congress to come together on a bipartisan basis to begin a new direction in Iraq. The Iraq Study Group, led by former Secretary of State James Baker and former Congressman Lee Hamilton, presented our Nation with a fully bipartisan Iraq strategy—a strategy that all of America could get behind, with clearly defined benchmarks, realistic goals, and a sensible approach for protecting U.S. security interests.

Today, the U.S. Senate is finally considering legislation that would help take us in the direction outlined by the Iraq Study Group, over 3 months ago. Under the leadership of Senator BYRD, the Senate Appropriations Committee has presented this body with a chance to get the mission right, namely by beginning the phased redeployment of our combat units from Iraq.

Thanks to additional language spelling out a clearly defined benchmarks for Iraqi authorities to meet, from Senator BEN NELSON, Congress has finally put the Iraqi Government on notice that it is time for them to step up to their responsibilities. It is time for the government of Prime Minister Nouri al-Maliki to start providing for Iraq's own security and making the difficult but necessary political compromises to bring all parties in Iraq to the table, thereby ending the untenable situation of American troops being forced to referee a civil war there. Iraqi compromises will only emerge through serious diplomatic engagement by the U.S. State Department, Iraqi politicians, and neighboring countries in the region.

But this isn't just my view. This is also the view of Iraq Study Group cochair, Congressman Lee Hamilton. Before the Senate bill was made public in its entirety, Congressman Hamilton had an opportunity to comment on the House's version of the supplemental appropriations bill. In a Washington Post op-ed, he pointed out that "The House Bill lays out the steps that the Iraqi Government must take . . . At issue is the conditionality of U.S. support. Time and again, Iraqis have missed deadlines. Time and again, deadlines have been extended, and U.S. political, economic and military support has continued and even increased. The House bill breaks that cycle."

Most crucially, Congressman Hamilton went on to say that the House bill, "by tying continued U.S. support—including the presence of U.S. troops—to benchmarks, uses the strongest possible leverage to press Iraqi leaders to meet their commitments."

Clearly, in the view of Cochair Hamilton, the current majority in Congress is taking the necessary steps to address our national security needs, and doing so in a manner consistent with the recommendations of the Iraq Study Group.

Without such a strategy, U.S. Iraq policy amounts to little more than an open-ended commitment which has not translated to progress on the ground in Iraq; and is causing significant long-term costs to our military and to our national security.

We have already lost over 3,200 brave American servicemembers in Iraq, and regrettably, that number continues to grow.

We have spent over $400 billion since the war began, with an additional $121 billion in the underlying bill being debated today.

And our Armed Forces have been left so depleted of combat gear due to the war in Iraq, that vast segments of our military are reporting "not ready" for duty—including two-thirds of the Army in the United States and nearly 90 percent of our National Guard.

As these figures demonstrate, our Armed Forces and America's national security simply cannot afford the Bush administration's "stay the course" policy in Iraq any longer. It is quite literally breaking our military. And it is endangering our Armed Forces' ability to respond to future challenges to America's national security—whether on the Korean Peninsula, the Middle East, or elsewhere in the world.

As Army Chief of Staff GEN Peter Schoomaker testified to the Senate Armed Services Committee: "We have a strategy right now that is outstripping the means to execute it." His deputy, GEN Richard Cody, further stated: "The readiness continues to decline of our next-to-deploy forces."

Yet, today, we find the administration still engaging in its smoke and mirror campaign to purposefully downplay the monetary and human costs of this war. They do it by forbidding the taking of photos of our honored fallen heroes coming back to Dover Air Force Base and by funding the war through emergency supplementals that are used to obscure the war's impact on our budget deficit. They do so by shamefully neglecting the needs of our returning heroes, too many of whom have come home broken in body or spirit.

Despite all of these efforts, the impact of the Iraq war has been so transparently damaging to America's security that it has been impossible even for this White House to keep the facts from the American people—particularly in terms of our military's combat readiness.

According to a March 19 Washington Post report, "it will take years for the Army and Marine Corps to recover from what some officials privately have called a 'death spiral,' in which the ever increasing pace of war-zone rotations has consumed 40 percent of their total gear, wearied troops and left no time to train to fight anything other than the insurgencies now at hand."

We are over 4 years into this war, and the administration is still decrying those of us trying to help address these serious concerns. And all the while, it is the administration who is still continuing to propose budgets, with too few resources for our deployed troops.

In fact, the President and the Vice President have continued their disingenuous claims that Democratic proposals would actually cut funding for our troops even while they are the ones proposing budgets with shortfalls in critical combat equipment, military hospital upkeep, and veterans health priorities.

It is time for Congress to finally say "enough is enough."

The Iraq Study Group was very clear on the need to restore our own military's combat readiness, as spelled out in recommendations 48 and 49 of its report. According to that report, "the defense budget as a whole is in danger of disarray, as supplemental funding winds down and reset costs become clear. It will be a major challenge to meet ongoing requirements for other current and future security threats that need to be accommodated together with spending for operations and maintenance, reset, personnel, and benefits for active duty and retired personnel. Restoring the capability of our military forces should be a high priority for the United States at this time."

I wholeheartedly agree with this statement.

As my colleagues know, since the war began in 2003, I have to come to the Senate floor time and again to offer amendments to spending bills to address shortfalls in the administration's proposed budget—largely over the objections of the White House and its congressional allies.

In 2003, I offered an amendment to the emergency supplemental appropriations bill to add $322 million for critical protective gear identified by the Army that the Bush administration had failed to include in their budget. But it was blocked by the administration and their allies.

In 2004 and 2005, I authored legislation, signed into law, to reimburse troops for equipment that they had to purchase on their own because the Rumsfeld Pentagon failed to provide them with the body armor and other gear they needed to stay safe.

And last year, working with Senators INOUYE, REED, and STEVENS, I offered an amendment to help address a $17 billion budget shortfall to replace and repair thousands of war battered tanks, aircraft, and vehicles. Without these additional resources, the Army Chief of Staff claimed that U.S. Army readiness would deteriorate even further. This provision was approved unanimously and enacted in law. But much more remains to be done.

A recent report by the independent National Guard Commission says that 88 percent of our National Guard is reporting "not ready" for duty. To address this concern, I introduced S. 756

to provide the $38 billion over the next 5 years the National Guard says it needs to restock its depleted equipment inventories and restore its preparedness, for both wartime and homeland security missions. Doing so is critical to our national security, and we owe our country and our troops no less.

Thankfully, here again, Senator BYRD and the Appropriations Committee have demonstrated their leadership by adding $1 billion to address critical equipment shortfalls for our National Guard in 2007. This is a good first step as we work to ensure that America's citizen soldiers are fully prepared to fight our enemies abroad and respond to domestic emergencies here at home. I am joining my colleagues, Senators LEAHY and BOND, in offering an amendment to add another $1 billion to meet other immediate National Guard short-term needs. In addition, I intend to work throughout this year to ensure that we address all of the Guard's critical equipment needs.

In the meantime, this supplemental appropriations bill will begin to put us on the right track, to reverse 4 years of the administration's mismanagement of a war, and 6 years of its reckless battering of America's great Armed Forces. We should have no higher priority than the safety and well-being of our troops. Plain and simple.

But a great deal more remains to be done. We need to redeploy our combat forces out of Iraq's urban areas to Kurdistan, other rural areas of Iraq, and to bases in Kuwait and Qatar, where they can focus on counterterrorism operations, train and equip Iraqi security forces, and offer force protection to U.S. personnel and infrastructure which remain in Iraq after the redeployment of combat forces has been completed early next year.

But more than that, we need to stop allowing ourselves and our Nation to be cowed by the administration's fearmongering. We must embrace the many recommendations of the Iraq Study Group and engage in a "New Diplomatic Offensive" in Iraq and the wider region because, as the Iraq Study Group wisely concluded, only a political solution which the Iraqi people buy into can salvage Iraq.

Mr. President, the United States has a moral obligation to assist Iraqi and Afghan refugees and those internally displaced by violence. I commend the Appropriations Committee for beginning to effectively do so, by increasing such assistance by $50 million for Iraq, and $18 million for Afghanistan.

The Brookings Institution estimates that nearly one-quarter of all physicians have fled Iraq. There are nearly 2 million Iraqi refugees in Jordan and Syria. These refugees have placed a tremendous strain on the essential social services and infrastructure of those two countries, which have begun to close their border crossings. Emergency funding is necessary to provide these individuals with basic medical care, food, housing and to ensure that their children are able to attend school.

We cannot afford to miss another opportunity to change our course in Iraq and to support the men and women sacrificing their lives there—opportunities this administration has resisted at every step of the way. The new Democratic majority in Congress has already begun doing so. The passage of this bill will represent another step toward a stronger and safer America, and more secure and stable Iraq.

If President Bush is wise he will reconsider his threat to veto this measure and begin to embrace the call for change embodied in this legislation. If not, I will continue to do all that I can to keep the pressure on the administration. I know that the majority of the Members in this body will as well. That is our responsibility as the people's representatives.

Ms. MIKULSKI. Mr. President, during the last election, the American people spoke loud and clear: they want a new direction in Iraq. In my own state of Maryland, I have heard from a strong grassroots movement—they want Congress to act now to end this war. I will vote for this emergency supplemental bill because it: fully funds the needs of our warfighters on the battlefield; adds $454 million to ensure veterans get the health care they need when they come home; requires the President to immediately change our mission in Iraq; and sets the goal of bringing our troops home by March 31, 2008.

This bill states clearly that Congress and the American people will continue to support and protect our troops. Our troops must understand that Congress will never abandon them: not while they are fighting on the battlefield and not when they come home. The best way to support our troops is to bring them home—swiftly and safely.

I am not new to this position. I never wanted to go to war in the first place. I was one of the 23 who voted against this war, 4 years ago, on October 11, 2002. I opposed giving the President unilateral authority to launch a preemptive attack. I said the United States had to exhaust our diplomatic options. I encouraged the administration to stick with the United Nations, U.N., to let the U.N. meet its responsibility to deal with the threat from Saddam. The day of the vote, I said, we don't know if we will be greeted with flowers or landmines. Well, now we know: when we got to Iraq, there were no weapons of mass destruction, but the destruction happened, and it happened fast.

The United States went to war with Iraq, but today we are at war within Iraq. Saddam is gone, but we are still there, mired in a civil war. No one could ask more of our troops. They are brave and courageous and have fought valiantly. And it is time to bring them home.

We need a way forward in Iraq. The Iraq Study Group gave us 79 recommendations as a way to go forward, but the President has completely ignored this report. Surely out of 79 recommendations, there are 50 we can agree on. The Iraq Study Group report calls for new and enhanced diplomatic and political efforts in Iraq and a change in the primary mission of U.S. forces in Iraq to enable the United States to begin to move our forces out of Iraq responsibly. It provides a direction for the U.S. and Iraqi governments to follow that could lead to withdrawal of American forces by first quarter of 2008.

This is exactly the approach called for by this supplemental bill, which will have most of our troops out of Iraq by March 31, 2008. What are we voting for? This bill contains a binding resolution that directs the President to promptly transition the mission of U.S. forces in Iraq and begin a phased redeployment within 120 days. It sets a goal of bringing U.S. combat forces home by March 31, 2008, except for a limited number of troops essential for force protection, training and equipping Iraqi troops, and targeted counterterror operations. It also requires the President to develop a comprehensive diplomatic, political and economic strategy for Iraq, including greater U.S. engagement with Iraq's neighbors and the international community to work together to bring stability to Iraq.

This resolution also says success in Iraq depends on the Iraqi Government's ability to meet important benchmarks, including: the training and equipping of Iraqi security forces so they can control the capital city of Baghdad; giving Iraqi military commanders the authority to conduct operations without political interference; disarming sectarian militias and ensuring that Iraqi security forces are loyal to Iraq's Government; drafting and implementing legislation to ensure the equal division of Iraqi oil revenues; drafting and implementing legislation to reform the de-Ba'athification process; implementing a fair process for amending the Iraqi Constitution to ensure minority rights are protected; and implementing new rules to protect minority rights in the Iraqi Parliament.

I support this Iraq resolution. It says what the Iraq Study Group has already told us: the problems in Iraq cannot be solved by the U.S. military—they require a political solution by the Iraqis and diplomatic engagement with Iraq's neighbors. It says Congress and the American people will not only support the troops but continue to protect them as well.

I want to end this war, and the resolution in this bill will do just that. Yet in ending the war, it is my responsibility as a Senator to ensure that our troops are brought home not only swiftly but safely. I will not vote to end funding for the pay that supports military spouses and children; body armor and armored humvee's our troops need for survival; tourniquets and surgical hospitals on the battlefield; jet fuel for the airplanes that take injured troops from Baghdad to Germany and then home; or the medical care they need when they get here.

In the last few weeks, we have all been shocked and awed by the conditions facing our wounded warriors. We know that more than 22,000 Purple Hearts have been awarded in Iraq. Yet our troops are being twice wounded. We know that acute care for our injured troops has been astounding, with historic rates of survival from even the most brutal battlefield injuries. Yet while we have saved their lives, we are failing to give them their life back. Outpatient care, facilities, social work, case workers, disability benefits—the whole system is dysfunctional.

I thank Senator INOUYE and Senator BYRD for their leadership in providing funding in this bill for military and veterans' health care. This supplemental includes an additional $20 million to improve conditions at Walter Reed Army Medical Center and an additional $100 million for research and treatment of traumatic brain injury, posttraumatic stress disorder, and other physical and mental trauma. It also adds $454 million for veterans health care, including $73 million for new polytrauma facilities and services and $100 million for mental health treatment.

We know this is only a downpayment for our troops and veterans. We need to overhaul the disability benefits system that is outdated and adversarial. We need a better system for transitioning our troops from active duty to the Veterans Administration to ensure they get the health care, job training, and educational benefits they deserve. We need to hear the recommendations of the Dole-Shalala Commission on how to fix the problems in our military and veterans' hospitals. And I look forward to working with Senator MURRAY, Senator LEVIN, and Senator INOUYE on a comprehensive reform package that will ensure our troops have the medical care they will need for the rest of their lives.

This supplemental supports our troops, follows the will of the American people, and follows the advice of the Iraq Study Group. It is time to change our direction in Iraq and bring our forces home. Let's send in the diplomats and bring our troops home safely and soon.

MORNING BUSINESS

Mrs. MURRAY. Mr. President, I ask unanimous consent that there now be a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CAMPAIGN DISCLOSURE PARITY ACT

Mr. BYRD. Mr. President, today the Senate Rules Committee reported S. 223, the Senate Campaign Disclosure Parity Act. I am a cosponsor of this legislation, and I voted in favor of reporting the measure.

This bill would require Senate candidates to file election-related designations, statements, and reports in electronic form with the Secretary of the Senate. It also would require that the Secretary of the Senate forward a copy of those filings to the Federal Election Commission within 24 hours so that they can be made available to the public.

I note for the RECORD that the bill as introduced and reported would require that Senate candidates file directly with the Secretary of the Senate, and not the Federal Election Commission. I support continuing this policy, and ensuring that the Senate as an institution retains custody of these campaign-related filings. According to testimony before the Rules Committee last month, the office of the Secretary of the Senate is fully capable of implementing this requirement and ensuring that these documents are made available to the public expeditiously.

I support the efforts of the Rules Committee on this matter

VOTE EXPLANATION

Mr. BROWNBACK. Mr. President, I regret that I was unable to vote the afternoon of March 27 on the confirmation of the nomination of George H. Wu, of California, to be United States District Judge for the Central District of California. I wish to address this confirmation so that the people of the great State of Kansas, who elected me to serve them as U.S. Senator, may know my position.

Regarding vote No. 115, I support the confirmation of George H. Wu. My vote would not have altered the outcome of this confirmation.

NSL INSPECTOR GENERAL REPORT

Mr. FEINGOLD. Mr. President, I wish to speak today about the recent report by the inspector general of the Department of Justice on the FBI's use of national security letters. According to the inspector general's testimony before the Judiciary Committee, there was "widespread and serious misuse of the FBI's national security letter authorities"—misuse that violated statutes, Attorney General guidelines, and internal FBI policies. I was deeply concerned by the findings in that report. Unfortunately, I was not surprised.

The national security letter, or NSL, authorities were dramatically expanded by Sections 358 and 505 of the PATRIOT Act. Unfortunately, in its haste to pass this flawed legislation, Congress essentially granted the FBI a blank check to obtain some very sensitive records about Americans, including people not under any suspicion of wrong doing, without judicial approval. So it is not surprising that the inspector general identified serious problems with the implementation of these broad authorities. Congress gave the FBI very few rules to follow. As a result, Congress shares some responsibility for the apparently lax attitude and in some cases serious misuse of these potentially very intrusive authorities by the FBI.

This inspector general report proves that "trust us" doesn't cut it when it comes to the Government's power to obtain Americans' sensitive business records without a court order and without any suspicion that they are tied to terrorism or espionage. It was a grave mistake for Congress to grant the Government broad authorities and just keep its fingers crossed that they wouldn't be misused. We have the responsibility to put appropriate limits on Government authorities—limits that allow agents to actively pursue criminals and terrorists but that also protect the privacy of innocent Americans.

But let me back up a few steps. What are NSLs, and why are they such a concern? I am going to spend a little time on this because it is important. I believe there should be a legislative response to this report, so I want my colleagues to understand what we are dealing with here.

National security letters are issued by the FBI to businesses to obtain certain types of records. So they are similar to the controversial section 215 business record orders but with one very critical difference. While section 215 involves an application to the FISA Court, the Government does not need to get any court approval whatsoever to issue NSLs. It doesn't have to go to the Foreign Intelligence Surveillance Court or any other court and make even the most minimal showing. Under the PATRIOT Act, the FBI can simply issue the order signed by the special agent in charge of a field office or some other supervisory official—although we now know that many NSLs were issued without even the signatures required by the PATRIOT Act.

Prior to the PATRIOT Act, the FBI had to certify specific and articulable facts giving reason to believe that the records sought with an NSL pertained to a terrorist or spy.

But the PATRIOT Act expanded the NSL authorities to allow the Government to use them to obtain records of people who are not suspected of being or even being connected to terrorists or spies. The Government need only certify that the documents are either "sought for" or "relevant to" an authorized intelligence investigation, a far-reaching standard that—even if followed closely, which we now know it was not—could be used to obtain all kinds of records about innocent Americans. Indeed, as the inspector general suggested, it could be used to "access NSL information about parties two or three steps removed from their subjects without determining if these contacts reveal suspicious connections." And just as with section 215, the recipient is subject to an automatic, permanent gag rule.

NSLs can be used to obtain three categories of business records, while section 215 orders can be used to obtain "any tangible things." But even the categories reachable by an NSL are quite broad, and the PATRIOT Act and subsequent legislation expanded them further.

Specifically, NSLs can be used to obtain the following: First, subscriber and transactional information related to Internet and phone usage, including information about the phone numbers and e-mail addresses that an individual is in communication with. Second, full credit reports. Prior to the PATRIOT Act, the FBI could not get a full credit report without obtaining a court order—it could only obtain what is called "credit header" information, which includes name, current and former addresses, current and former places of employment, and the names of financial institutions at which the individual has accounts. But the PATRIOT Act expanded that authority to include full credit reports, which generally include many personal details about loans, credit scores, and other aspects of individuals' financial situations. And the third category is financial records, a category that includes bank transactions but also was expanded in 2002 to include records from all kinds of everyday businesses like jewelers, car dealers, travel agents and even casinos.

Unfortunately, the PATRIOT Act reauthorization legislation that was enacted last year—over my opposition—did nothing to address the standard for issuing an NSL. It left in place the breathtakingly broad "relevance" or "sought for" standards. Not only that, but it left in place the automatic gag rule for NSL recipients, albeit with a new exception for notifying a lawyer.

What did the reauthorization legislation do with regard to NSLs? Well, primarily it created the illusion of judicial review, both for the letters themselves and for the accompanying gag rule. At a Judiciary Committee hearing this week, the FBI Director pointed to this after-the-fact judicial review provision as a privacy protection for NSLs. But if you look at the details, it was drafted in a way that makes that review virtually meaningless. With regard to the NSLs themselves, the reauthorization permits recipients to consult their lawyer and seek judicial review, but it also allows the Government to keep all of its submissions secret and not share them with the challenger, regardless of whether there are national security interests at stake.

The other significant problem with the judicial review provisions is the standard for getting the gag rule overturned. In order to prevail, the recipient has to prove that any certification by the Government that disclosure would harm national security or impair diplomatic relations was made in bad faith. This is a standard of review that is virtually impossible to meet.

Now, judicial review is not at issue in the IG's report, and indeed, the chances that a business receiving an NSL would seek judicial review rather than just comply are relatively slim, but I think it is important to point out that even on the one issue that the reauthorization legislation did address with regard to NSLs, judicial review, the result was entirely inadequate.

I want to make one additional point about national security letters. There is a crucial difference between obtaining records in national security investigations and in standard criminal investigations. As the General Counsel of the FBI testified before the House Judiciary Committee last week, actions in national security investigations "are typically taken in secret and they don't have the transparency of the criminal justice system." She explained that in the criminal system, agents know that "if they mess up during the course of an investigation, they're going to be cross-examined, they're going to have a federal district judge yelling at them." That means that more vigorous controls and compliance mechanisms are needed with respect to sensitive authorities like national security letters than their analogues in the criminal justice system—something I think the inspector general report demonstrates.

With that background, what did the inspector general find as a result of his audit of the use of NSLs from 2003 to 2005? He found that even the very limited protections in the existing statute were not being followed.

The inspector general found, based on FBI records, that the FBI's use of NSLs expanded exponentially after the PATRIOT Act, moving from approximately 8,500 requests in 2000, to 39,000 requests in 2003, 56,000 requests in 2004, and 47,000 requests in 2005. The total number of requests was 143,074 over the 3-year period.

But the inspector general also found that even those numbers are inaccurate because the FBI had no policies in place with respect to the retention or tracking of NSLs. In many cases, agents did not even keep copies of signed NSLs. As a result, the FBI significantly undercounted its NSL requests. In a sample of 77 case files that the IG looked at, the NSL requests were undercounted by roughly 22 percent.

Although it is hard to know how much can be extrapolated from that figure, if that figure holds throughout the Bureau, that could mean that there were roughly 30,000 more NSL requests issued that the FBI didn't keep track of. That is appalling—that the privacy rights of Americans would be treated so cavalierly that there are potentially tens of thousands of NSL requests out there that the FBI itself doesn't even have a record of. And it resulted in inaccurate information being reported to Congress about the use of NSLs, raising another grave concern.

What else did the inspector general find? He found that the use of NSL requests regarding U.S. persons—that is, citizens and legal permanent residents—shifted from 39 percent of all NSL requests in 2003 to 53 percent of all NSL requests in 2005, at least with respect to the NSL requests for which the FBI kept track of the U.S person status of the target. And, until 2006, the FBI did not keep track of how many NSL requests pertain to individuals who are not the subjects of authorized national security investigations. Obviously, if the FBI is using NSLs frequently to obtain information about people who are not the subjects of open investigations, that would present serious concerns about their use.

The inspector general also found that the FBI significantly underreported violations of the NSL statutes and internal guidelines from 2003 to 2005, with respect to notifying both the FBI's Office of General Counsel, or OGC, and the President's Intelligence Oversight Board, or IOB, as required by Executive order. FBI employees did report 26 violations to OGC, but the IG found examples of 22 more unreported violations in 17 investigative case files out of a sample of 77 investigative files in 4 field offices.

Some of these were significant violations, others less so. But that means that 22 percent of investigative files surveyed by the IG contained one or more violations not identified by the FBI or reported to the Intelligence Oversight Board, as required. According to the IG, "we have no reason to believe that the number of NSL-related possible IOB violations we identified in the four field offices was skewed or disproportionate to the number of possible IOB violations that exist in other offices." Thus, the IG's findings "suggest that a significant number of NSL-related possible IOB violations through the FBI have not been identified or reported by FBI personnel."

What else did the inspector general find? Perhaps the most disturbing revelation in his report, among many disturbing revelations, is that on more than 700 occasions, the FBI obtained telephone toll billing records or subscriber information from 3 telephone companies without first issuing NSLs or grand jury subpoenas. Instead, it relied on what it called "exigent letters" signed by personnel not authorized by statute to sign NSLs. Although the Electronic Communications Privacy Act does contain an emergency provision permitting the FBI to obtain certain communications records in emergencies where there is an immediate threat to a person's physical safety, many of these exigent letters were issued, admittedly, in nonemergency circumstances. Indeed, they were used as a matter of course by one headquarters unit. This violated both the statute and internal FBI policy.

The inspector general also found that FBI headquarters issued more than 300 NSLs without determining whether there was an authorized investigation in progress. Issuing an NSL without tying it an authorized investigation is a violation of the statute.

The inspector general also found that internal FBI guidance on how to properly use NSLs was woefully lacking, and that even to the degree there were FBI policies in place to govern the use of NSLs, those policies were not being followed. In 60 percent of the 77 case files that the IG examined in detail, there was some infraction of FBI guidance. Sixty percent. That is absolutely astounding.

But that is not all. Once information is obtained through an NSL, the Inspector general reported that the FBI retains it indefinitely and uploads it into databases like the "Investigative Data Warehouse," where it is retrievable by the thousands of authorized personnel, both inside and outside the FBI, who have access to these types of FBI databases. The FBI has no process for removing that information from its databases depending on the results of the investigation. So if a person's full credit report is obtained with an NSL as part of a preliminary investigation and that preliminary investigation is closed because the FBI determines that the person has done nothing wrong, it doesn't matter—the FBI can keep it anyway.

Although the FBI keeps all the data it collects using NSLs, it does not tag or mark that information to indicate that it was derived through an NSL. So the FBI does not track whether information from NSLs ends up in intelligence analysis products or is passed on to prosecutors for criminal investigations. You would think that these would be key indicators of the usefulness and effectiveness of NSLs, but that information is not available, other than anecdotally.

That is what the inspector general's report told us. The report revealed that the FBI took a shockingly cavalier attitude toward the privacy of innocent Americans in its implementation of the PATRIOT Act NSL authorities.

Congress meant for the inspector general's report to help it in its oversight of the use of national security letters, which are issued and enforced entirely in secret, and there is no question it has done that. The inspector general deserves a great deal of credit for his thorough and careful report. As I have already mentioned, much of the reporting to Congress on the use of NSLs since the PATRIOT Act has been inaccurate or misleading due to FBI recordkeeping problems, so having the results of this independent audit is invaluable.

But the report also reveals that the Justice Department essentially tried to whitewash this issue over the past several years. When Congress was considering whether to make changes to the NSL authorities as part of the PATRIOT Act reauthorization debate, the Attorney General came to Congress and resisted any changes, touting the strength of the checks on its power to obtain NSLs and assuring us that the power was being used carefully.

On April 5, 2005, Attorney General Gonzales told the Senate Judiciary Committee, "[T]he PATRIOT Act includes a lot of safeguards that critics of the Act choose to ignore." On November 23, 2005, the Justice Department wrote Senators Specter and Leahy a ten-page letter defending the FBI's use of National Security Letters, asserting that "the use of NSLs is subject to significant internal oversight and checks," and that there are "robust mechanisms for checking misuse," and that "[t]he FBI must and does conduct its investigations within the bounds of our Constitution, statutes, strict internal guidelines, and Executive Orders."

On December 14, 2005, the Washington Post quoted Attorney General Gonzales as saying, "[T]he PATRIOT Act has already undergone extensive review and analysis by Congress, by the DOJ Inspector General, and by other bodies . . . This extensive review has uncovered not one verified example of abuse of any of the Act's provisions."

It is now quite evident that the Attorney General must not have been looking very hard, and certainly not trying very hard to ensure the protection of Americans' privacy rights. There is a lot going on right now that suggests we should be skeptical of assurances from the Justice Department, but this report highlights just how overtly political, and how lacking in fact, were DOJ's representations regarding the implementation of the Patriot Act.

Indeed, as recently as November 2006, the Justice Department asserted—in response to an inspector general memo warning against the potential for abuse of national security letters—that the FBI is "aggressively vigilant in guarding against any abuse," a claim we now know was simply false.

It is an understatement to say that the inspector general's report uncovered serious flaws in the use of national security letters. But these were flaws waiting to happen. It should not have taken this type of highly critical report to convince Congress to do something about such wide-ranging Government power.

In fact, a bipartisan group of Senators proposed changes to the NSL statutes years ago, in the Security and Freedom Enhancement Act, or SAFE, Act. I, along with Senators CRAIG, DURBIN, SUNUNU, MURKOWSKI, SALAZAR, and many others, pushed for changes to the NSL statutes to try to prevent precisely the types of abuses that have now come to light. For example, the SAFE Act would have required that agents demonstrate that the records pertain to a suspected terrorist or spy before the FBI can issue an NSL, rather than the extremely loose standard in the PATRIOT Act.

The SAFE Act also would have given the recipient of an NSL a meaningful right to challenge the letter and the nondisclosure requirement, and placed a time limit on the nondisclosure requirement, which could be extended by the court. As is the case for FISA authorities, the SAFE Act would have required notice to the target of an NSL if the Government sought to use the records obtained from the NSL in a subsequent proceeding and given the target an opportunity to challenge the use of those records.

So the idea that the NSL statutes need to be revised is not new. But the inspector general's report has now highlighted the need for legislation and suggested some problems with the statutes that had not previously been identified.

The time for changing the lax and unchecked system for issuing national security letters is now. The hearings the Judiciary Committee has held with the inspector general and the FBI Director have been immensely helpful.

But we must not stop there. Legislation is needed. During the reauthorization of the PATRIOT Act, we were unable to fix the NSL statutes. The administration and its supporters even refused to put a sunset on the NSL powers. So we need to act, and soon. I hope to work closely with the bipartisan group of Senators who cosponsored the SAFE Act. I plan to press for Senate action on sensible reforms to help prevent future abuses of national security letters.

Let me say, in conclusion, that this report shows beyond doubt that Congress made a grave mistake when it let this administration intimidate us into silence and inaction rather than protecting the rights and freedoms of the American people. The Justice Department's credibility concerning the powers contained in the PATRIOT Act is in shreds. Congress needs to exercise extensive and searching oversight of those powers, and it must take corrective action. The inspector general's report has shown both that current safeguards are inadequate and that the Government cannot be trusted to exercise those powers lawfully. Congress must address these problems and fix the mistakes it made in passing and reauthorizing the flawed PATRIOT Act.

TRIBUTE TO HOWARD ARTHUR TIBBS

Mr. BROWN. Mr. President, it is my privilege to call to the attention of my colleagues a great Ohioan and distinguished Tuskegee Airman, Howard Arthur Tibbs, who this week will be posthumously awarded the Congressional Gold Medal.

Much has been written about the valiant service and tremendous bravery of these African-American men during World War II. Collectively the Airmen flew over 15,000 sorties and 1,500 missions in their legendary P–51 Mustangs. They were awarded two Presidential Unit Citations, 744 Air Medals, 150 Distinguished Flying Crosses, and numerous individual bronze and silver stars.

But this simple listing of their military accomplishments does not capture the true breadth of their commitment and sacrifice to this country. Not only did they greatly contribute to the Allies' defeat of the Axis Powers, but they did so within a highly segregated military. It has been stated that "These airmen fought two wars—one against a military force overseas and the other against racism at home and abroad."

Howard Arthur Tibbs exemplified the qualities for which the Tuskegee Airmen are so admired. At the age of 24, the Salem, OH native enlisted into the service of his country at Fort Hayes in Columbus, OH. He fought bravely and served honorably under tremendously challenging conditions. Our State and our Nation are indebted to him and his fellow airmen for their sacrifice.

A window into the character of Howard Arthur Tibbs is provided by the advice he gave his children. "Give each day your best," he told them, "and the best is bound to come back to you." Howard Tibbs certainly gave his best to this country, and this country is right to recognize his bravery and accomplishment.

I proudly celebrate the life and sacrifice of this great Ohioan on the occasion of his posthumous award of the Congressional Gold Medal.

NEW MEXICO'S TUSKEGEE AIRMEN

Mr. BINGAMAN. Mr. President, today I pay tribute to New Mexico's Tuskegee Airmen. With the awarding of the Congressional Gold Medal to John Allen, Robert Lawrence, and James Williams, we express our gratitude for their service, sacrifice, and leadership. Their military service in World War II helped pave the way for the future desegregation of our Armed Forces and country.

Each of these men distinguished themselves while serving our Nation. Robert Lawrence flew 33 separate combat missions over Italy, defending American bombers from the Luftwaffe. John Allen spent 20 years working for the Strategic Air Command following his World War II service. James Williams fought against segregationist policies at his base before becoming an accomplished surgeon. The Congressional Gold Medal, and invitation to the Capitol, shows how far we have come; many of the Tuskegee Airmen can recall when Black Americans were excluded from these hallowed hallways. However, I know it will take more than this award to eradicate the remaining vestiges of racism and prejudice these men have experienced. I pledge to continue working in that spirit and will keep these men in mind in the process.

The great State of New Mexico can be proud it is home to three such outstanding men. I hope that each of them knows how very much we value their contributions to our society in their efforts working for justice, our military for what the service they performed while in uniform, and our nation for teaching all Americans the importance of equality at any cost. I again thank them for all they have done.

GREEK INDEPENDENCE DAY

Mr. REED. Mr. President, in 1821, the Greeks began their 8-year battle for independence against the Ottoman Empire after over 400 years of Turkish rule. The beginning of the Greek Revolution eventually led to Greece's recognition as an autonomous power in 1832, secured with the signing of the Treaty of Constantinople.

The United States and Greece are very fortunate to have always had strong ties. James Monroe, President during the beginning of the Greek Revolution, publicly expressed a "strong hope" for Greece, which led to increasing support for the Greek people. These interactions of the past significantly represent the current relationship between the United States and Greece.

Our two countries continue as allies today, sharing the common ideals of freedom and democracy. We fought side by side in both world wars and currently work together in the war on terrorism. Greece has been a strong contributor to the NATO-led International Security Assistance Force and in providing security at the Kabul International Airport in Afghanistan. The support that Greece has offered in the war on terrorism has proved to be invaluable.

The historic friendship between Greece and United States has been one of mutual respect and support. A Greek proverb says "Take an old man's counsel and an experienced man's knowledge." The United States has been continuously influenced by the history, principles, and culture of Greece. I am proud to recognize March 25 as Greek Independence Day, including as an original cosponsor of a Senate resolution to so designate this day. I send all Greek-Americans in Rhode Island and throughout the world my best wishes as they celebrate their independence.

SOMALIA

Mr. FEINGOLD. Mr. President, in recent weeks, we have seen a level of chaos and brutal violence in Mogadishu, Somalia, that is tragic and horrific, not to mention extremely dangerous to our national security interests. According to the U.N., 40,000 people fled Mogadishu in February, and conditions have only deteriorated this month. Humanitarian access is severely restricted. Ugandan troops serving in an African Union peacekeeping force have been attacked. Last week a cargo plane was shot down. The Transitional Federal Government has been overwhelmed by the violence, and appears unable or unwilling to work with rival clans and other opponents. A mere 3 months after the Ethiopian incursion, the TFG is isolated and a dangerous power vacuum is forming.

These are the conditions that permit terrorist organizations to operate in Somalia, as they have for years. Insecurity and lawlessness facilitated the rise of the Islamic courts in recent years and now circumstances are again conducive for extremist elements to regroup and return. In other words, without a consistent, comprehensive plan for fostering stability in Somalia, we could find ourselves faced with the same conditions that preceded the Ethiopian incursion against the courts and subsequent U.S. military operations.

The United States and the international community has approached Somalia, and continues to approach Somalia, sporadically, with policy made on the fly and with few resources directed toward long-term political and economic development. When required by Congress to provide a comprehensive plan for Somalia, the Administration has failed to do so. In February, when I asked the Assistant Secretary of State for African Affairs why this legally mandated report was overdue, she indicated that that the Department was busy responding to "fast-moving events on the ground." But that is precisely the problem. Ad hoc approaches to Somalia have not worked; they have never worked. There was no comprehensive plan last year, when the Islamic courts took advantage of years of civil conflict to consolidate their power. There was no plan when Ethiopian troops entered Somalia, even though the international community had no ready peacekeeping capability to follow. There was no plan when the TFG was installed in Mogadishu with no effective international framework to ensure that it could govern. And there was no broader plan when U.S. airstrikes pursued targets in a country that, unless policies change, will remain a terrorist safe haven for years to come.

None of what we are seeing in Somalia today should come as a surprise. Last fall, Ethiopian Prime Minister Meles was loudly proclaiming his intention to go into Somalia. In my own meeting with Meles in early December, he told me exactly what he intended to do. He would enter Somalia, he would teach the Islamic courts a lesson, and he would withdraw. Ethiopia, he told me, had neither the capability nor the desire to engage in nation building. I asked him about the instability that might ensue and warned him against an invasion. The lessons from Iraq were perhaps inevitable and we discussed them. Yet Meles was committed to a strike against the Islamic courts, regardless of what would follow. In other words, quick military action was, from his perspective, in Ethiopia's national interests, even without an adequate international political framework or a robust peacekeeping capability.

That does not mean, however, that this was in America's national interests. I do not know if the Ethiopian incursion would have occurred if the United States had sought to stop it. I do know that the ruins left behind by this incursion were foreseeable and there was no excuse for the United States and the international community to have been caught so shamefully unprepared.

As I warned in January, even after the incursion there was a brief window of opportunity to bring some stability to Somalia. That window may have now closed. Still, we have no choice but to do what we should have been doing all along. It is in our interest to increase support for the peacekeepers who are currently being asked to police a state of chaos. It is in our interest to identify economic resources that could be used for development in Somalia and as an incentive for stability and representative government. And it is in our interest to promote a broad, international framework for stability in Somalia. It is not acceptable for the Transitional Federal Government to resist the tough political choices—including the inclusion of rival factions and clans—necessary to establish an effective national government that is seen as credible and legitimate by its own people as well as the international community. It is the Somalis who suffer when there is no representative government, and it is the terrorists who benefit. And it is irresponsible for other countries in the region to pursue their separate, conflicting agendas in Somalia rather than contribute to a sustainable compromise.

The stabilization and reconstruction of Somalia will not happen without a real commitment of attention and political capital from the United States. We must appoint a Special Envoy to work fulltime on Somalia and the Horn of Africa. The ambassadors in the region all have their own host countries to worry about every day. And it is not an option for the Secretary of State to be "in the lead on our Somalia policy," as the Assistant Secretary stated in February. Such unfocused leadership results in precisely the kind of sporadic response to events in Somalia that has so utterly failed us.

Last week, the violence in Mogadishu took a grisly and familiar turn: the dragging and mutilating of bodies through the streets. It was these kinds of images that helped prompt the United States to turn away from Somalia 15 years ago. But, as we learned in Nairobi and Tanzania in 1998, when we turn away from Somalia, we invite disaster. That does not mean that there was a military solution in 1993—certainly, the poorly defined U.S. military mission in Somalia 14 years ago was not a solution. Nor does it mean that there is a military solution now. Airstrikes can never, by themselves, dry up a terrorist safe haven, nor can they bring to power a stable government with which we can work to pursue our mutual interests.

Yet all too often, military options are all we consider, all we plan for, and all we devote resources to. High-level diplomacy has been neglected. Economic investments have been shortchanged. And, worst of all, those who are supposed to be leaders on this issue have already gotten distracted.

We cannot afford to let history repeat itself. If we do not act, conditions will continue to deteriorate. Civilians will die. Extremists who offer the promise of a modicum of security will not only emerge, but will be welcomed by a population desperate for some peace. Terrorist networks will thrive. And plots against the United States will be hatched.

The longer we continue to neglect Somalia, the longer we potentially undermine our own national security.

ADDITIONAL STATEMENTS

A TRIBUTE TO DOUG BYRNE

• Mr. ALLARD. Mr. President, today I wish to honor the service and sacrifice of Officer Doug Byrne.

My wife Joan and I were deeply saddened to hear of the senseless death of Officer Doug Byrne while in the line of duty March 26, in Aurora, CO, responding to a man dying of a seizure.

It takes a person of great conviction and courage to become an officer of the law. It takes a commitment to community, hard work, and patience. Officer Doug Byrne possessed these very qualities. And unfortunately, Officer Doug Byrne paid the ultimate price.

Officer Doug Byrne was the 5th Aurora police officer to be killed in the line of duty. According to the National Law Enforcement Officers Memorial Fund, more than 17,500 officers have been killed nationwide since 1792, including 236 in Colorado.

Doug Byrne was the second Aurora officer to be killed in the past 6 months. Aurora Police Detective Mike Thomas made his ultimate sacrifice last September.

A native of Aurora at 37 years of age, Doug joined the Aurora Police Department in 2004, and was known for his dedication to his profession. He served as a field training officer for recruits new to the force. From 1998–2004, Doug served the City of Glendale, CO, Police Department. There he distinguished himself by receiving the medal of valor by rescuing distraught tenants in an apartment complex fire. Officer Doug Byrne is someone who knows what service to country is as well. Doug served his country as a U.S. Marine in the Persian Gulf War during the liberation of Kuwait. Doug was a graduate of Gateway High School in Aurora.

The City of Aurora will forever be grateful for Officer Doug Byrne's service and dedication to the safety and well-being of others, and his contributions will be remembered.

Officer Byrne is survived by his parents. Doug had many friends and will be deeply missed.

I extend my deepest sympathy to the family of Officer Doug Byrne. May his bravery and unwavering sense of duty serve as a role model for the future generation of law officers.

Thank you for your service, Officer Byrne. Rest in peace, Sir. End of watch: Monday, March 26, 2007.•

TRIBUTE TO DR. JAMES WILLIAMS

• Mr. BINGAMAN. Mr. President, I wish to speak today on behalf of the Tuskegee Airmen; specifically, I would like to speak about Dr. James Williams, a Tuskegee Airman, renowned physician, and one of my Las Cruces constituents. He has lived a fascinating life and I think that the following story truly exemplifies why he is deserving of a Congressional Gold Medal.

As a World War II-era first lieutenant in the Army Air Corps, Dr. Williams was put into a terribly difficult situation when he refused a superior White officer's order to sign a base regulation. The effect of this regulation would have been to keep Black officers from entering the White officers' club, tennis courts, and pool. He rightly recognized that a segregated Army was not one that would be able to fight wars together. Because of this act of disobedience, he and 100 other Black officers were sent to Godman Field, KY, where they were met by 75 armed MPs. Held under house arrest at Godman, some there felt that they were being more closely watched than the German POWs being housed there.

Thankfully, the house arrest only lasted for 5 days before the Black officers were able to show that the White officers looking to keep the base facilities segregated were failing to follow Army regulations. They were quickly released and returned back to Freeman Field. However, a letter of reprimand stayed in all of their files until 1995, when the Air Force officially vindicated them.

Though Dr. Williams's unit never saw action in the European theater, they did fight against racism and for equality while serving our Nation. His contributions to this fight did not end with his military career. As a surgeon and the president of the Cook County Physicians Association, he worked to end discrimination in Chicago area hospitals. He met with President Kennedy on the issue and also served as Dr. Martin Luther King's physician when he was in Chicago.

New Mexico is lucky to have such a great man as a constituent and I am pleased to see that he and his comrades have finally received their Congressional gold medals. It is late in coming, but I believe it demonstrates that our Nation recognizes his fight as our own. Using Dr. Williams's selfless example, I will continue working to ensure equality for all Americans and end discrimination of all kinds.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a withdrawal of a nomination which was referred to the Committee on Foreign Relations.

(The nomination received today is printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:43 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 477. An act to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes.

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect breast and cervical cancers.

H.R. 1562. An act to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to housing in the GO Zones.

ENROLLED BILL SIGNED

The message also announced that the Speaker has signed the following enrolled bill:

S. 494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

The enrolled bill was subsequently signed by the President pro tempore (Mr. BYRD).

The message further announced that pursuant to 15 US.C. 1024(a), and the order of the House of January 4,2007, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. HINCHEY of New York, Mr. HILL of Indiana, Ms. LORETTA SANCHEZ of California, Mr. CUMMINGS of Maryland, and Mr. DOGGETT of Texas.

The message also announced that pursuant to 15 U.S.C. 1024(a), and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Joint Economic Committee: Mr. BRADY of Texas, Mr. ENGLISH of Pennsylvania, and Mr. PAUL of Texas.

At 3:51 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 835. An act to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians.

H.R. 1401. An act to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 477. An act to amend the Public Health Service Act to strengthen education, prevention, and treatment programs relating to stroke, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

H.R. 802. To amend the Act to Prevent Pollution from Ships to implement MARPOL Annex VI; to the Committee on Commerce, Science, and Transportation.

H.R. 835. An act to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians; to the Committee on Indian Affairs.

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers; to the Committee on Finance.

H.R. 1401. An act to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

H.R. 1562. An act to amend the Internal Revenue Code of 1986 to extend and expand certain rules with respect to housing in the GO Zones; to the Committee on Finance.

MEASURES PLACED ON THE CALENDAR

The following bills were read the second time, and placed on the calendar:

S. 997. A bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 1001. A bill to restore Second Amendment rights in the District of Columbia.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1176. A communication from the Administrator, Food and Nutrition Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Disclosure of Children's Free and Reduced Price Meals and Free Milk Eligibility Information in the Child Nutrition Programs" (RIN0584–AC95) received on March 23, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1177. A communication from the Acting Secretary of the Army, transmitting, pursuant to law, a report relative to the Nunn-McCurdy Unit Cost thresholds for certain programs; to the Committee on Armed Services.

EC–1178. A communication from the Secretary of the Air Force, transmitting, pursuant to law, a report relative to the Air Force, Air Force Reserve, and Air National Guard Bases affected by the 2005 round of Defense Base Closures and Realignment; to the Committee on Armed Services.

EC–1179. A communication from the Assistant Secretary of the Navy (Installations and Environment), transmitting, pursuant to law, a report relative to the inclusion of two additional civilian positions to be included in a previously reported public-private competition; to the Committee on Armed Services.

EC–1180. A communication from the Deputy Secretary, Division of Market Regulation, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Technical Amendments to Regulations S–T" (Release No. 34–55502) received on March 22, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1181. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Withdrawal of Final Flood Elevation Determination for Lexington/Fayette County, KY and Incorporated Areas” (FEMA–B–7465) received on March 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1182. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (72 FR 10392) received on March 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1183. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Changes in Flood Elevation Determinations” (72 FR 10382) received on March 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1184. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled “Final Flood Elevation Determinations” (72 FR 10391) received on March 23, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1185. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Regulatory Amendment To Amend the Regulations Regarding Procedures for Measuring Net Mesh Size” (RIN0648–AU83) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1186. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Final Rule—Fisheries in the Western Pacific; Western Pacific Pelagic Fisheries; Hawaii Shallow-set Longline Fishery” (RIN0648–AU99) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1187. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “2007 and 2008 Final Harvest Specifications for the Gulf of Alaska” (I.D. No. 112006B) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1188. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “2007 and 2008 Final Harvest Specifications for the Bering Sea and Aleutian Islands” (I.D. No. 112706B) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1189. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels 60 ft. LOA and Longer Using Hook-and-Line Gear in the Bering Sea and Aleutian Islands Management Area” (I.D. No. 022007D) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1190. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled “Temporary Rule; Inseason Summer Flounder Quota Transfer from NC to NJ” (I.D. No. 013107C) received on March 23, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1191. A communication from the Secretary of Commerce, transmitting, pursuant to law, the National Oceanic and Atmospheric Administration's report relative to the activities of its Chesapeake Bay Office during fiscal years 2005 and 2006; to the Committee on Commerce, Science, and Transportation.

EC–1192. A communication from the Administrator, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, a report relative to the foreign aviation authorities to which the Administration provided support during fiscal year 2006; to the Committee on Commerce, Science, and Transportation.

EC–1193. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report entitled “Buckle Up America Campaign: The National Initiative for Increasing Safety Belt Use”; to the Committee on Commerce, Science, and Transportation.

EC–1194. A communication from the Secretary of Commerce, transmitting the report of a draft bill intended to provide the necessary authority to the Secretary for the establishment and implementation of a regulatory system for offshore aquaculture in the U.S. Exclusive Economic Zone; to the Committee on Commerce, Science, and Transportation.

EC–1195. A communication from the Administrator, Energy Information Administration, Department of Energy, transmitting, pursuant to law, a report entitled “Voluntary Reporting of Greenhouse Gases 2005 Summary”; to the Committee on Energy and Natural Resources.

EC–1196. A communication from the Assistant Secretary of the Army (Civil Works), transmitting, pursuant to law, a report relative to the proposed project to replace the Atlantic Intracoastal Waterway Bridge at Deep Creek, Chesapeake, Virginia; to the Committee on Environment and Public Works.

EC–1197. A communication from the Secretary of Transportation, transmitting, pursuant to law, the Department's Annual Report for fiscal year 2006; to the Committee on Environment and Public Works.

EC–1198. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Computer Software under Section 199(c)(5)(B)” ((RIN1545–BF56) (TD 9317)) received on March 22, 2007; to the Committee on Finance.

EC–1199. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Fringe Benefits Aircraft Valuation Formula” (Revenue Ruling 2007–17) received on March 22, 2007; to the Committee on Finance.

EC–1200. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Procedure on Disclosures with the SEC” (Rev. Proc. 2007–25) received on March 22, 2007; to the Committee on Finance.

EC–1201. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Certain Plan Deduction Limits Under the Pension Protection Act of 2006” (Notice 2007–28) received on March 22, 2007; to the Committee on Finance.

EC–1202. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Revenue Procedure: Safe Harbors for Sections 143 and 25” (Rev. Proc. 2007–26) received on March 22, 2007; to the Committee on Finance.

EC–1203. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Summary Record of Assessment on Form 23C” (Rev. Rul. 2007–21) received on March 22, 2007; to the Committee on Finance.

EC–1204. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Corporate Reorganizations; Guidance on the Measurement of Continuity of Interest” (TD 9316) received on March 22, 2007; to the Committee on Finance.

EC–1205. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Dual Consolidated Loss Regulations” ((RIN1545–BD10) (TD 9315)) received on March 22, 2007; to the Committee on Finance.

EC–1206. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Applicable Federal Rates—April 2007” (Rev. Rul. 2007–23) received on March 22, 2007; to the Committee on Finance.

EC–1207. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, the Department's Annual Report on the Child Support Enforcement Program for fiscal year 2004; to the Committee on Finance.

EC–1208. A communication from the Inspector General, Department of Health and Human Services, transmitting, pursuant to law, a report relative to the use and effectiveness of funds appropriated by the Deficit Reduction Act to the Department; to the Committee on Finance.

EC–1209. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “Notice: Clean Renewable Energy Bonds” (Notice 2007–26) received on March 22, 2007; to the Committee on Finance.

EC–1210. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled “NRC Tier II Directive Super Completed Contract Method” (LMSB–04–0207–012) received on March 22, 2007; to the Committee on Finance.

EC–1211. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the steps taken to bring about an end to the Arab League boycott of Israel and to expand the process of normalization between Israel and the Arab League countries; to the Committee on Foreign Relations.

EC–1212. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–41—2007–49); to the Committee on Foreign Relations.

EC–1213. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to overseas surplus property; to the Committee on Foreign Relations.

EC–1214. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "FEMA Acquisition Regulation System; Removal of Chapter 44" (72 FR 9445) received on March 23, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1215. A communication from the Director, Office of Government Ethics, transmitting, the report of a legislative proposal intended to amend the Ethics in Government Act of 1978 to reauthorize the Office of Government Ethics; to the Committee on Homeland Security and Governmental Affairs.

EC–1216. A communication from the General Counsel, Department of the Treasury, transmitting, the report of a draft bill that would amend certain unworkable statutory investment provisions relating to the Department's investment of the Yankton Sioux and the Santee Sioux Tribes' Development Trust Funds; to the Committee on Indian Affairs.

EC–1217. A communication from the Chairman, Office of General Counsel, Federal Election Commission, transmitting, pursuant to law, the report of a rule entitled "Best Efforts in Administrative Fines Challenges" (Notice 2007–7) received on March 23, 2007; to the Committee on Rules and Administration.

EC–1218. A communication from the Director, Financial Management and Assurance, Government Accountability Office, transmitting, pursuant to law, a report relative to the financial statements of the Capitol Preservation Fund for the fiscal years ended September 30, 2005, and 2004; to the Committee on Rules and Administration.

EC–1219. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Schedule for Rating Disabilities; Appendices A, B, and C" (RIN2900–AM60) received on March 23, 2007; to the Committee on Veterans' Affairs.

EC–1220. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Delegations of Authority; National Cemetery Administration" (RIN2900–AM18) received on March 23, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mrs. FEINSTEIN, from the Committee on Rules and Administration, with an amendment:

S. 223. A bill to require Senate candidates to file designations, statements, and reports in electronic form.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mr. LEVIN for the Committee on Armed Services.

*James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence.

*S. Ward Casscells, of Texas, to be an Assistant Secretary of Defense.

*Claude M. Kicklighter, of Georgia, to be Inspector General, Department of Defense.

*William Charles Ostendorff, of Virginia, to be Principal Deputy Administrator, National Nuclear Security Administration.

Navy nomination of Adm. Gary Roughead, 6126, to be Admiral.

Navy nomination of Adm. Robert F. Willard, 1564, to be Admiral.

Navy nomination of Rear Adm. Samuel J. Locklear III, 1250, to be Vice Admiral.

Army nomination of Maj. Gen. Jeffrey A. Sorenson, 3510, to be Lieutenant General.

Army nomination of Maj. Gen. William B. Caldwell IV, 8600, to be Lieutenant General.

Marine Corps nomination of Brig. Gen. James L. Williams, 0353, to be Major General.

Army nomination of Col. James T. Cook, 4390, to be Brigadier General.

Marine Corps nomination of Lt. Gen. Richard S. Kramlich, 9829, to be Lieutenant General.

Marine Corps nominations beginning with Brig. Gen. John R. Allen and ending with Brig. Gen. Thomas D. Waldhauser, which nominations were received by the Senate and appeared in the Congressional Record on January 18, 2007.

Mr. LEVIN. Mr. President, for the Committee on Armed Services I report favorably the following nomination lists which were printed in the RECORD on the dates indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that these nominations lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Air Force nominations beginning with Katherine J. Alguire and ending with Kristen M. Zebrowski, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nominations beginning with Robert J. Aalseth and ending with Mario F. Zuniga, which nominations were received by the Senate and appeared in the Congressional Record on January 11, 2007.

Air Force nomination of Mark A. Yuspa, 2284, to be Major.

Air Force nomination of Cheryl A. Udensi, 9460, to be Major.

Air Force nominations beginning with Keith A. Darlington and ending with Frank A. Yerkes, Jr., which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Kenneth A. Arnold and ending with Thomas F. Zimmerman, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Glenn M. Frederick and ending with Julie L. Steele, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Pio Vazquezdiaz and ending with Drew D. Schnyder, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Air Force nominations beginning with Karen D. Doherty and ending with Maureen G. Toomey, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Army nomination of Gerald J. Lukowski, Jr., 9096, to be Colonel.

Army nomination of Charles W. Whittington, 7455, to be Colonel.

Army nomination of Vasilios Lazos, 7832, to be Major.

Army nomination of Thomas G. McFarland, 4368, to be Lieutenant Colonel.

Army nominations beginning with Jeffrey R. Bavis and ending with Sorrel B. Cooper, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2007.

Army nomination of Kathleen S. Loper, 3463, to be Colonel.

Army nomination of Michael A. White, 6264, to be Colonel.

Army nomination of Anthony T. Roper, 0533, to be Lieutenant Colonel.

Army nominations beginning with Eric A. Hansen and ending with Peter J. Varljen, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Army nominations beginning with Steven S. Gelbert and ending with Patrick R. Mcbrearty, which nominations were received by the Senate and appeared in the Congressional Record on March 19, 2007.

Marine Corps nominations beginning with Peter W. Ahern and ending with Kevin T. Wooley, which nominations were received by the Senate and appeared in the Congressional Record on February 15, 2007.

Navy nomination of Arthur W. Stauff, 3198, to be Captain.

Navy nomination of Charles A. McLenithan, 2873, to be Lieutenant Commander.

Navy nominations beginning with Jeffrey P. Bejma and ending with Jordan I. Ziegler, which nominations were received by the Senate and appeared in the Congressional Record on March 12, 2007.

By Mr. BIDEN for the Committee on Foreign Relations.

*Ford M. Fraker, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Nominee: Ford McKinstry Fraker.

Post: Ambassador.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, and Donee:

1. Self: Ford M. Fraker, none.
2. Spouse: Linda M. Fraker, none.
3. Children and spouses, Antonia W.H. Fraker, none; Ford J.H. Fraker, none; Charles T.H. Fraker, none.
4. Parents: Harrison S. Fraker, none; Marjorie T. Fraker, deceased.
5. Grandparents: George Fraker, deceased; Agnes Fraker, deceased.

Brothers and spouses: Harrison S. and Molly Fraker, $100, 09/2006, Phil Angelides; $100, 9/2006, Peter Hutchinson; $100, 9/2004, John Kerry.

Howard H. Fraker, none.

Christopher P. and Deborah Fraker, none.

7. Sisters and spouses: Wenda W. Fraker, deceased.

Zalmay Khalilzad, of Maryland, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary, and the Representative of the United States of America in the Security Council of the United Nations.

Nominee: Zalmay M. Khalilzad.

Post: United Nations.

(The following is a list of all members of my immediate family and their spouses. I have asked each of these persons to inform me of the pertinent contributions made by them. To the best of my knowledge, the information contained in this report is complete and accurate.)

Contributions, Amount, Date, Donee:

1. Self, none.

2. Spouse: none.

4. Children and spouses: Cyeryl C. Benard; Alexander Khalilzad Benard; Maximillian Khalilzad Bernard.

Parents: Zahra Khalilzad, Khalilullah, Deceased.

5. Grandparents: Deceased.

6. Brothers and spouses: David Khalilzad, none; Vicky Khalilzad, none; Tory Khalilzad, none.

7. Sisters and Spouses: Aziza Monawar, none; Malika Monawar, none; Ashan Monawar, none; Basima Khalilzad, none.

*Zalmay Khalilzad, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

*Douglas Menarchik, of Texas, to be an Assistant Administrator of the United States Agency for International Development.

*Katherine Almquist, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Paul J. Bonicelli, of Virginia, to be an Assistant Administrator of the United States Agency for International Development.

*Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

*Eli Whitney Debevoise II, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

*Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

Mr. BIDEN. Mr. President, for the Committee on Foreign Relations I report favorably the following nomination list which was printed in the RECORD on the date indicated, and ask unanimous consent, to save the expense of reprinting on the Executive Calendar that this nomination lie at the Secretary's desk for the information of Senators.

The PRESIDING OFFICER. Without objection, it is so ordered.

Foreign Service nominations beginning with Natalie J. Freeman and ending with Deborah Ann McCarthy, which nominations were received by the Senate and appeared in the Congressional Record on January 10, 2007. (minus 2 nominees: Beth Pennock Dunford; Ross Marvin Hicks)

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

(Nominations without an asterisk were reported with the recommendation that they be confirmed.)

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. STABENOW (for herself and Mr. SPECTER):

S. 1003. A bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes; to the Committee on Finance.

By Mr. BROWN (for himself and Mr. DORGAN):

S. 1004. A bill to make ineligible for Federal contract awards any expatriated corporations and any companies that do business with, or own foreign subsidiaries that do business with, state sponsors of terrorism or foreign terrorist organizations; to the Committee on Homeland Security and Governmental Affairs.

By Mr. KERRY (for himself, Mr. HAGEL, Mr. CARDIN, Mr. PRYOR, and Mr. TESTER):

S. 1005. A bill to amend the Small Business Act to improve programs for veterans, and for other purposes; to the Committee on Small Business and Entrepreneurship.

By Mr. KERRY:

S. 1006. A bill to amend the Internal Revenue Code of 1986 to deny qualified dividend income treatment to certain foreign dividends; to the Committee on Finance.

By Mr. LUGAR:

S. 1007. A bill to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment; to the Committee on Foreign Relations.

By Mr. SANDERS:

S. 1008. A bill to amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities; to the Committee on Environment and Public Works.

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 1009. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself, Mr. CONRAD, Ms. SNOWE, Ms. COLLINS, and Mrs. CLINTON):

S. 1010. A bill to amend the Internal Revenue Code of 1986 to encourage guaranteed lifetime income payments from annuities and similar payments of life insurance proceeds at dates later than death by excluding from income a portion of such payments; to the Committee on Finance.

By Mr. BIDEN (for himself, Mr. KENNEDY, and Mr. ENZI):

S. 1011. A bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health; to the Committee on Health, Education, Labor, and Pensions.

By Ms. LANDRIEU (for herself, Mr. BAUCUS, Mr. BOND, Mr. CRAIG, Mrs. LINCOLN, Mr. LOTT, Mr. MARTINEZ, Mr. VITTER, Mr. THUNE, and Mr. CHAMBLISS):

S. 1012. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. HARKIN (for himself, Mr. DODD, Mr. DURBIN, Mr. LAUTENBERG, Mr. LEAHY, and Mr. SCHUMER):

S. 1013. A bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services; to the Committee on Finance.

By Mr. ALEXANDER (for himself, Mr. ENSIGN, Mr. MARTINEZ, and Mr. DEMINT):

S. 1014. A bill to amend the Elementary and Secondary Education Act of 1965 to provide parental choice for those students that attend schools that are in need of improvement and have been identified for restructuring; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COCHRAN (for himself and Mr. ROCKEFELLER):

S. 1015. A bill to reauthorize the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MENENDEZ:

S. 1016. A bill to amend the Public Utility Regulatory Policies Act of 1978 to promote energy independence and self-sufficiency by providing for the use of net metering by certain small electric energy generation systems, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. McCONNELL (for Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. THOMAS, and Mr. CONRAD)):

S. 1017. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN):

S. 1018. A bill to address security risks posed by global climate change and for other purposes; to the Select Committee on Intelligence.

By Mr. COBURN (for himself, Mr. BURR, Mr. CHAMBLISS, and Mr. INHOFE):

S. 1019. A bill to provide comprehensive reform of the health care system of the United States, and for other purposes; to the Committee on Finance.

By Mrs. HUTCHISON (for herself, Mr. STEVENS, Ms. MURKOWSKI, Mr. ALLARD, and Mr. CORNYN):

S. 1020. A bill to move toward energy independence through a coordinated development of renewable energy sources, including wave, solar, wind, geothermal, and biofuels production; to the Committee on Energy and Natural Resources.

By Ms. STABENOW:

S. 1021. A bill to address the exchange-rate misalignment of the Japanese yen with respect to the United States dollar, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. THOMAS (for himself, Mr. CRAIG, Mr. INHOFE, Mr. SALAZAR, Mr. ENSIGN, Mr. BENNETT, Mr. STEVENS, Mr. CORNYN, Ms. LANDRIEU, Mr. BAUCUS, Mr. ALLARD, Mr. BINGAMAN, Mr. DORGAN, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAPO, Mr. ENZI, and Mr. HATCH):

S. Res. 130. A resolution designating July 28, 2007, as "National Day of the American Cowboy"; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, and Mr. TESTER):

S. Res. 131. A resolution designating the first week of April 2007 as "National Asbestos Awareness Week"; to the Committee on the Judiciary.

By Mr. STEVENS (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. CRAPO, Ms. MURKOWSKI, Mr. WYDEN, Mr. SANDERS, Ms. SNOWE, Ms. COLLINS, Mr. WARNER, and Mr. INHOFE):

S. Res. 132. A resolution recognizing the Civil Air Patrol for 65 years of service to the United States; to the Committee on the Judiciary.

By Mr. OBAMA (for himself, Mr. LEVIN, Mr. KERRY, Mr. ALEXANDER, and Mr. CORKER):

S. Res. 133. A resolution celebrating the life of Bishop Gilbert Earl Patterson; considered and agreed to.

ADDITIONAL COSPONSORS

S. 147

At the request of Mrs. BOXER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 147, a bill to empower women in Afghanistan, and for other purposes.

S. 223

At the request of Mr. FEINGOLD, the names of the Senator from Nebraska (Mr. HAGEL), the Senator from Utah (Mr. BENNETT) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 254

At the request of Mr. ENZI, the names of the Senator from North Dakota (Mr. CONRAD) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the names of the Senator from Connecticut (Mr. DODD), the Senator from New Hampshire (Mr. GREGG) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 293

At the request of Ms. LANDRIEU, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 293, a bill to extend the period in which States may spend funds from the additional allotments provided to States under the Social Services Block Grant program for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes in the Gulf of Mexico.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 368

At the request of Mr. BIDEN, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 368, a bill to amend the Omnibus Crime Control and Safe Streets Act of 1968 to enhance the COPS ON THE BEAT grant program, and for other purposes.

S. 382

At the request of Mr. HARKIN, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 439

At the request of Mr. REID, the name of the Senator from Alabama (Mr. SHELBY) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 479

At the request of Mr. HARKIN, the name of the Senator from Georgia (Mr. CHAMBLISS) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Utah (Mr. BENNETT) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 557

At the request of Mr. SCHUMER, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 557, a bill to amend the Internal Revenue Code of 1986 to make permanent the depreciation classification of motorsports entertainment complexes.

S. 576

At the request of Mr. DODD, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 617

At the request of Mr. SMITH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 617, a bill to make the National Parks and Federal Recreational Lands Pass available at a discount to certain veterans.

S. 624

At the request of Mr. KENNEDY, his name and the names of the Senator from Wyoming (Mr. ENZI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 742

At the request of Mrs. MURRAY, the names of the Senator from Pennsylvania (Mr. CASEY), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 743

At the request of Mr. VITTER, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 743, a bill to amend title 36, United States Code, to modify the individuals eligible for associate membership in the Military Order of the Purple Heart of the United States of America, Incorporated.

S. 773

At the request of Mr. WARNER, the names of the Senator from New Hampshire (Mr. GREGG) and the Senator from Idaho (Mr. CRAPO) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 828

At the request of Mr. BAUCUS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. 828, a bill to amend the Food Security Act of 1985 to require the Secretary of Agriculture to make cost-share payments for on-farm energy production under the environmental quality incentives program.

S. 845

At the request of Mr. KENNEDY, his name and the name of the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 845, a bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

S. 883

At the request of Mrs. FEINSTEIN, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Minnesota (Mr. COLEMAN) were added as cosponsors of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 913

At the request of Mr. GRASSLEY, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 913, a bill to clarify that the revocation of an alien's visa or other documentation is not subject to judicial review.

S. 959

At the request of Mrs. CLINTON, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 959, a bill to award a grant to enable Teach for America, Inc., to implement and expand its teaching program.

S. 962

At the request of Mr. BINGAMAN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Vermont (Mr. SANDERS) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 992

At the request of Mrs. BOXER, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 992, a bill to achieve emission reductions and cost savings through accelerated use of cost-effective lighting technologies in public buildings, and for other purposes.

S. RES. 30

At the request of Mr. BIDEN, the names of the Senator from Washington (Ms. CANTWELL), the Senator from Pennsylvania (Mr. CASEY), the Senator from Mississippi (Mr. COCHRAN), the Senator from Minnesota (Ms. KLOBUCHAR), the Senator from Michigan (Mr. LEVIN), the Senator from New Jersey (Mr. MENENDEZ), the Senator from Illinois (Mr. OBAMA), the Senator from Vermont (Mr. SANDERS), the Senator from Virginia (Mr. WEBB), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. DODD) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. Res. 30, a resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

S. RES. 65

At the request of Mr. BIDEN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

S. RES. 76

At the request of Mr. FEINGOLD, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. Res. 76, a resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan.

S. RES. 122

At the request of Mr. HAGEL, the name of the Senator from New Hampshire (Mr. GREGG) was added as a cosponsor of S. Res. 122, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

AMENDMENT NO. 661

At the request of Mr. KOHL, the names of the Senator from New York (Mr. SCHUMER), the Senator from New York (Mrs. CLINTON), the Senator from Maine (Ms. COLLINS), the Senator from Washington (Mrs. MURRAY), the Senator from Vermont (Mr. LEAHY) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of amendment No. 661 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 687

At the request of Mr. KERRY, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 687 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 690

At the request of Mr. LUGAR, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of amendment No. 690 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 697

At the request of Mr. WARNER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of amendment No. 697 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 707

At the request of Mr. LEVIN, his name was added as a cosponsor of amendment No. 707 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. DURBIN, his name was added as a cosponsor of amendment No. 707 proposed to H.R. 1591, supra.

AMENDMENT NO. 709

At the request of Mr. WYDEN, the names of the Senator from Utah (Mr. HATCH) and the Senator from West Virginia (Mr. ROCKEFELLER) were added as cosponsors of amendment No. 709 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 719

At the request of Mr. ALEXANDER, the names of the Senator from Alabama (Mr. SHELBY) and the Senator from Florida (Mr. MARTINEZ) were added as cosponsors of amendment No. 719 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 739

At the request of Mr. BIDEN, the names of the Senator from Missouri (Mr. BOND), the Senator from West Virginia (Mr. BYRD) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of amendment No. 739 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 773

At the request of Mr. LEAHY, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of amendment No. 773 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 784

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from New York (Mrs. CLINTON) were added as cosponsors of amendment No. 784 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 785

At the request of Mr. MENENDEZ, his name was added as a cosponsor of amendment No. 785 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 787

At the request of Mr. LEVIN, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of amendment No. 787 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KERRY (for himself, Mr. HAGEL, Mr. CARDIN, Mr. PRYOR, and Mr. TESTER):

S. 1005. A bill to amend the Small Business Act to improve programs for veterans, and for other purposes; to the Committee on Small business and entrepreneurship.

Mr. KERRY. Mr. President, I rise today with my colleague Senator HAGEL, the Senator from Nebraska, to introduce the Military Reservist and Veteran Small Business Reauthorization Act of 2007. There are currently 25 million veterans in America, including over one million who have left military service since September 11, 2001. As the conflicts in Iraq and Afghanistan continue, the number of veterans, including service disabled veterans, will increase and reservists will continue to carry more of the burden than ever before. As veterans and reservists reenter civilian life, the economic benefits and opportunities provided by the Federal Government will become even more critical, particularly in the field of entrepreneurship and business ownership. As the Chairman of the Senate Committee on Small Business and Entrepreneurship, I am serious about addressing the problems affecting veterans and reservists who wish or are already engaged in small business and this bill is another step forward in doing so.

As veterans, Senator HAGEL and I believe that the government has an obligation to help deployed reservists avoid economic hardship because of their service and to help veterans, particularly the service-disabled, return to civilian life when they retire. There are more veterans returning each day because of the war on terror—800,000 veterans were discharged between 2002 and 2005—and ensuring that these individuals have a secure financial future is not just a matter of fairness but of national security. The treatment of our troops affects the Nation's ability to recruit and retain the best and brightest. Veterans have told me that they feel that they are being forgotten and that the government is simply not living up to its past promises of helping veteran entrepreneurs succeed. This bill is one step in ensuring that the government is doing all it can to help those who have served and sacrificed on our behalf.

The Military Reservist and Veteran Small Business Reauthorization Act of 2007 reauthorizes the veteran programs in the Small Business Administration. Specifically, this legislation increases the funding authorization for the Office of Veteran Business Development from $2 million today to $2.5 million in three years. In light of the large numbers of veterans returning from Iraq and Afghanistan and increased responsibilities placed on this office by Executive Order 13360, it is high time that the Office of Veteran Business Development receive the funding levels that it needs.

In addition, this bill permanently extends the SBA Advisory Committee on Veterans Business Affairs. The committee was created to serve as an independent source of advice and policy recommendations to the SBA, the Congress, and the President. The veteran small business owners who serve on this committee provide a unique perspective which is sorely needed at this challenging time. Unfortunately, continuing uncertainty about the Committee's future has, at times, distracted the committee from focusing on its core function. Therefore, I have called for its permanent extension. It is clear to me that more needs to be done to address the issues facing veterans and reservists, and the role this committee plays will continue to be important.

Additionally, I have taken a number of steps to better serve the reservists who are serving their country abroad while their businesses are suffering at home. Over the past decade, the Department of Defense has increased its reliance on the National Guard and reserves. This has intensified since September 11 and increased deployments are expected to continue. The effect of this increase on reservists and small businesses continues to remain of concern. A 2003 GAO report indicated that 41 percent of reservists lost income when mobilized. This had a higher effect on self-employed reservists, 55 percent of whom lost income.

In 1999, I created the Military Reservist Economic Injury Disaster Loan (MREIDL) program to provide loans to small businesses that incur economic injury as a result of an essential employee being called to active duty. However, since 2002, fewer than 300 of these loans have been approved by the SBA, despite record numbers of reservists being called to active duty. It is clear that changes need to be made, so that reservists are informed about the availability of the MREIDL program and that the program better meets their needs.

At a hearing of the Committee on Small Business and Entrepreneurship on January 31st, the first hearing we held in this Congress, we heard suggestions for a number of changes which would improve the Military Reservist Economic Injury Disaster Loan program, and I have included those changes in this bill. They include increasing the application deadline for such a loan from 90 days to one year following the date of discharge; creating a pre-deployment loan approval process; and improved outreach and technical assistance.

This bill also creates a non-collaterized loan program. Reservist families have already sacrificed enough when a family member goes away to serve their country and when their business is harmed as a result. This loan program would allow reservist dependent businesses to access the capital they need to stay afloat without having to sacrifice beyond the service of the key employees. In order to give reservists time to repay the loans, the non-collaterized loan created in this bill would not accumulate interest or require payments for one year or until after the deployment ends, whichever is longer.

In addition, because loans aren't the answer for every business—additional debt could permanently cripple some businesses—I have also included a grant program for reservists. This program would allow up to $25,000 in grants for small businesses that can show economic injury because of deployment and prove that they have a viable business plan for the next three years. A grant program would help small businesses that cannot afford to take on a military reservist economic injury disaster loan or that were denied such a loan, but still are viable businesses and need assistance.

While addressing the funding needs of reservists is essential, I also want to make sure that reservists receive the technical and management assistance they need to succeed. For that reason, this bill also includes the establishment of the Reservists Enterprise Transition and Sustainability Task Force. This grant program would allow Small Business Development Centers, Women's Business Centers and veteran centers to compete for grants to create programs that help small businesses prepare for and cope with the mobilization of reservist-employees and owners.

Veterans possess great technical skills and valuable leadership experience, but they require financial resources to turn that potential into a viable enterprise. A recent report by the Small Business Administration stated that 22 percent of veterans plan to start or are starting a business when they leave the military. For service-disabled veterans, this number rises to 28 percent. So the legislation I introduce today will create a new program, administered by the Small Business Administration, to provide very-low-interest loans, up to $100,000, to help veterans start new small businesses.

Lastly, this bill calls for two reports from the Government Accountability Office. One report will look at the needs of service-disabled veterans who are interested in becoming entrepreneurs. As a result of the war on terror and improved medicine, we are seeing more service-disabled veterans than we have seen in decades. For some service-disabled veterans, entrepreneurship is the best or only way of achieving economic independence. Therefore, it is essential that we understand and take steps to address the needs of the service-disabled veteran entrepreneur or small business owner.

I am also calling for a study to investigate allegations that the changes the Department of Defense has made in regard to the use of reservists is harming the ability of reservists to find jobs and the ability of small business owners to continue hiring reservists. At the Committee's hearing on veteran small business issues, witnesses testified about reservists being turned down or not considered for jobs because they are reservists. I have heard reservists talk about being pressured to leave the reserves if they would like to continue to advance at work. I have also heard the concerns of small business owners who want to support servicemembers; however, they cannot do so if it means the survival of their business. Understanding more about this issue is important and essential to making sure that policymakers can continue to support citizen soldiers and the small businesses that employ them across the Nation.

One of the issues I am not addressing in my legislation today is Federal procurement. I heard clearly the concerns from veterans that they are not being treated fairly when it comes to selling goods and services to the Federal Government, and I am committed to making changes. However, to make real changes, changes that can pass the Senate and the House and become law, these changes must be part of a bigger package. Legislation that addresses not just the concerns of service-disabled veteran small business owners, but the concerns of all small business owners who want their fair share of Federal contracts. I am committed to taking the difficult steps necessary to address these issues and will do so.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1005

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Military Reservist and Veteran Small Business Reauthorization Act of 2007".

SEC. 2. DEFINITIONS.

In this Act—

(1) the term "activated" means receiving an order placing a Reservist on active duty;

(2) the term "active duty" has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term "Reservist" means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term "Service Corps of Retired Executives" means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the terms "service-disabled veteran" and "small business concern" have the meanings given those terms in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term "small business development center" means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term "women's business center" means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

TITLE I—MILITARY RESERVIST LOANS

SEC. 101. GRANT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.

(a) AUTHORIZATION OF GRANTS.—Section 7(b)(3)(B) of the Small Business Act (15 U.S.C. 636(b)(3)(B)) is amended by inserting "or grants" after "or a deferred basis)".

(b) GRANT SPECIFICATIONS.—Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by inserting after subparagraph (F) the following:

"(G) Grants made under subparagraph (B)—

"(i) may be awarded in addition to any loan made under subparagraph (B);

"(ii) shall not exceed $25,000; and

"(iii) shall be made only to a small business concern—

"(I) that provides a business plan demonstrating viability for not less than 3 years after the date of the application for that grant;

"(II) with 10 or fewer employees; and

"(III) that has not received a grant under subparagraph (B) during the 2-year period ending on the date of the application for that grant.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Section 20(e)(2) of the Small Business Act (15 U.S.C. 631 note) is amended by inserting after subparagraph (B) the following:

"(C) GRANT ASSISTANCE FOR MILITARY RESERVISTS' SMALL BUSINESSES.—There are authorized to be appropriated for grants under section 7(b)(3)(B)—

"(i) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization Act of 2007; and "(ii) $5,000,000 for each of the 2 fiscal years following the fiscal year described in clause (i).".

SEC. 102. NONCOLLATERALIZED LOANS.

Section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) is amended by inserting after subparagraph (G), as added by this Act, the following:

"(H)(i) Notwithstanding any other provision of law, the Administrator may make a loan under this paragraph of not more than $100,000 without collateral.

"(ii) The Administrator may defer payment of principal and interest on a loan described in clause (i) during the longer of—

"(I) the 1-year period beginning on the date of the initial disbursement of the loan; and

"(II) the period during which the relevant essential employee is on active duty.".

SEC. 103. APPLICATION PERIOD.

Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking "90 days" and inserting "1 year".

SEC. 104. PREAPPROVAL PROCESS.

(a) DEFINITION.—In this section, the term "eligible Reservist" means a Reservist who—

(1) has not been ordered to active duty;

(2) expects to be ordered to active duty during a period of military conflict (as that term is defined in section 7(n)(1) of the Small Business Act (15 U.S.C. 636(n)(1)); and

(3) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(b) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a preapproval process, under which—

(1) the Administrator may approve a loan or grant to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, before an eligible Reservist employed by that small business concern is activated; and

(2) the Administrator shall distribute funds for any loan or grant approved under paragraph (1) if that eligible Reservist is activated.

SEC. 105. OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.

(a) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this section referred to as the "program") to—

(1) market the loans and grants available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act, to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(2) provide technical assistance to a small business concern applying for a loan or grant under that section.

(b) COMPONENTS.—The program shall—

(1) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(2) require that information on the program is made available to small business concerns directly through—

(A) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(B) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(c) REPORT.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(2) CONTENTS.—Each report submitted under paragraph (1) shall include—

(A) for the 6-month period before the date of that report—

(i) the number of loans and grants approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)), as amended by this Act;

(ii) the number of loans and grants disbursed under that section; and

(iii) the total amount disbursed under that section; and

(B) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

TITLE II—NATIONAL RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY

SEC. 201. SHORT TITLE.

This title may be cited as the "National Reservist Enterprise Transition and Sustainability Act of 2007".

SEC. 202. PURPOSE.

The purpose of this title is to establish a program to—

(1) provide managerial, financial, planning, development, technical, and regulatory assistance to small business concerns owned and operated by Reservists;

(2) provide managerial, financial, planning, development, technical, and regulatory assistance to the temporary heads of small business concerns owned and operated by Reservists;

(3) create a partnership between the Small Business Administration, the Department of Defense, and the Department of Veterans Affairs to assist small business concerns owned and operated by Reservists;

(4) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to expand the access of small business concerns owned and operated by Reservists to programs providing business management, development, financial, procurement, technical, regulatory, and marketing assistance;

(5) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to quickly respond to an activation of Reservists that own and operate small business concerns; and

(6) utilize the service delivery network of small business development centers, women's business centers, Veterans Business Outreach Centers, and centers operated by the National Veterans Business Development Corporation to assist Reservists that own and operate small business concerns in preparing for future military activations.

SEC. 203. NATIONAL GUARD AND RESERVE BUSINESS ASSISTANCE.

(a) IN GENERAL.—Section 21(a)(1) of the Small Business Act (15 U.S.C. 648(a)(1)) is amended by inserting "any small business development center, women's business center, Veterans Business Outreach Center, or center operated by the National Veterans Business Development Corporation providing enterprise transition and sustainability assistance to Reservists under section 37," after "any women's business center operating pursuant to section 29,".

(b) PROGRAM.—The Small Business Act (15 U.S.C. 631 et seq.) is amended—

(1) by redesignating section 37 (15 U.S.C. 631 note) as section 38; and

(2) by inserting after section 36 the following:

"SEC. 37. RESERVIST ENTERPRISE TRANSITION AND SUSTAINABILITY.

"(a) IN GENERAL.—The Administrator shall establish a program to provide business planning assistance to small business concerns owned and operated by Reservists.

"(b) DEFINITIONS.—In this section—

"(1) the terms 'activated' and 'activation' mean having received an order placing a Reservists on active duty, as defined by section 101(1) of title 10, United States Code;

"(2) the term 'Administrator' means the Administrator of the Small Business Administration, acting through the Associate Administrator for Small Business Development Centers;

"(3) the term 'Association' means the association established under section 21(a)(3)(A);

"(4) the term 'eligible applicant' means—

"(A) a small business development center that is accredited under section 21(k);

"(B) a women's business center;

"(C) a Veterans Business Outreach Center that receives funds from the Office of Veterans Business Development; or

"(D) an information and assistance center operated by the National Veterans Business Development Corporation under section 33;

"(5) the term 'enterprise transition and sustainability assistance' means assistance provided by an eligible applicant to a small business concern owned and operated by a Reservist, who has been activated or is likely to be activated in the next 12 months, to develop and implement a business strategy for the period while the owner is on active duty and 6 months after the date of the return of the owner;

"(6) the term 'Reservists' means any person who is—

"(A) a member of a reserve component of the Armed Forces, as defined by section 10101 of title 10, United States Code; and

"(B) on active status, as defined by section 101(d)(4) of title 10, United States Code;

"(7) the term 'small business development center' means a small business development center as described in section 21 of the Small Business Act (15 U.S.C. 648);

"(8) the term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, and Guam; and

"(9) the term 'women's business center' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

"(c) AUTHORITY.—The Administrator may award grants, in accordance with the regulations developed under subsection (d), to eligible applicants to assist small business concerns owned and operated by Reservists by—

"(1) providing management, development, financing, procurement, technical, regulatory, and marketing assistance;

"(2) providing access to information and resources, including Federal and State business assistance programs;

"(3) distributing contact information provided by the Department of Defense regarding activated Reservists to corresponding State directors;

"(4) offering free, one-on-one, in-depth counseling regarding management, development, financing, procurement, regulations, and marketing;

"(5) assisting in developing a long-term plan for possible future activation; and

"(6) providing enterprise transition and sustainability assistance.

"(d) RULEMAKING.—

"(1) IN GENERAL.—The Administrator, in consultation with the Association and after notice and an opportunity for comment, shall promulgate regulations to carry out this section.

"(2) DEADLINE.—The Administrator shall promulgate final regulations not later than 180 days of the date of enactment of the Military Reservist and Veteran Small Business Reauthorization Act of 2007.

"(3) CONTENTS.—The regulations developed by the Administrator under this subsection shall establish—

"(A) procedures for identifying, in consultation with the Secretary of Defense, States that have had a recent activation of Reservists;

"(B) priorities for the types of assistance to be provided under the program authorized by this section;

"(C) standards relating to educational, technical, and support services to be provided by a grantee;

"(D) standards relating to any national service delivery and support function to be provided by a grantee;

"(E) standards relating to any work plan that the Administrator may require a grantee to develop; and

"(F) standards relating to the educational, technical, and professional competency of any expert or other assistance provider to whom a small business concern may be referred for assistance by a grantee.

"(e) APPLICATION.—

"(1) IN GENERAL.—Each eligible applicant desiring a grant under this section shall submit an application to the Administrator at such time, in such manner, and accompanied by such information as the Administrator may reasonably require.

"(2) CONTENTS.—Each application submitted under paragraph (1) shall describe—

"(A) the activities for which the applicant seeks assistance under this section; and

"(B) how the applicant plans to allocate funds within its network.

"(3) MATCHING NOT REQUIRED.—Subparagraphs (A) and (B) of section 21(a)(4), requiring matching funds, shall not apply to grants awarded under this section.

"(f) AWARD OF GRANTS.—

"(1) DEADLINE.—The Administrator shall award grants not later than 60 days after the promulgation of final rules and regulations under subsection (d).

"(2) AMOUNT.—Each eligible applicant awarded a grant under this section shall receive a grant in an amount—

"(A) not less than $150,000 per fiscal year; and

"(B) not greater than $500,000 per fiscal year.

"(g) REPORT.—

"(1) IN GENERAL.—The Comptroller General of the United States shall—

"(A) initiate an evaluation of the program not later than 30 months after the disbursement of the first grant under this section; and

"(B) submit a report not later than 6 months after the initiation of the evaluation under paragraph (1) to—

"(i) the Administrator;

"(ii) the Committee on Small Business and Entrepreneurship of the Senate; and

"(iii) the Committee on Small Business of the House of Representatives.

"(2) CONTENTS.—The report under paragraph (1) shall—

"(A) address the results of the evaluation conducted under paragraph (1); and

"(B) recommend changes to law, if any, that it believes would be necessary or advisable to achieve the goals of this section.

"(h) AUTHORIZATION OF APPROPRIATIONS.—

"(1) IN GENERAL.—There are authorized to be appropriated to carry out this section—

"(A) $5,000,000 for the first fiscal year beginning after the date of enactment of the Military Reservist and Veteran Small Business Reauthorization Act of 2007; and

"(B) $5,000,000 for each of the 3 fiscal years following the fiscal year described in subparagraph (A).

"(2) LIMITATION ON USE OF OTHER FUNDS.—The Administrator may carry out the program authorized by this section only with amounts appropriated in advance specifically to carry out this section.".

TITLE III—VETERAN ENTREPRENEUR LOANS

SEC. 301. AUTHORIZATION.

The first sentence of section 7(a) of the Small Business Act (15 U.S.C. 636) is amended by inserting "new veteran entrepreneurs under paragraph (32) and" and after "loans to any qualified small business concern, including".

SEC. 302. SPECIFICATIONS.

Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding after paragraph (31) the following:

"(32) VETERAN ENTREPRENEUR LOANS.—Each loan to a new veteran entrepreneur under this subsection shall—

"(A) be made directly to the new veteran entrepreneur;

"(B) not exceed $100,000; and

"(C) be made at the same interest rate as loans made under the second proviso of the unnumbered paragraph of subsection (b).".

SEC. 303. DEFINITIONS.

Section 3(q) of the Small Business Act (15 U.S.C. 632(q)) is amended by adding after paragraph (4) the following:

"(5) NEW VETERAN ENTREPRENEUR.—The term 'new veteran entrepreneur' means a person who—

"(A) is a veteran;

"(B) is establishing a new small business concern or established a new small business concern during the 6-month period ending on the date of the request for a loan; and

"(C) does not own or control any other business.".

TITLE IV—OTHER PROVISIONS

SEC. 401. INCREASED FUNDING FOR THE OFFICE OF VETERANS BUSINESS DEVELOPMENT.

There are authorized to be appropriated to the Office of Veterans Business Development of the Administration, to remain available until expended—

(1) $2,100,000 for fiscal year 2008;

(2) $2,300,000 for fiscal year 2009; and

(3) $2,500,000 for fiscal year 2010.

SEC. 402. PERMANENT EXTENSION OF SBA ADVISORY COMMITTEE ON VETERANS BUSINESS AFFAIRS.

(a) ASSUMPTION OF DUTIES.—Section 33 of the Small Business Act (15 U.S.C. 657c) is amended—

(1) by striking subsection (h); and

(2) by redesignating subsections (i) through (k) as subsections (h) through (j), respectively.

(b) PERMANENT EXTENSION OF AUTHORITY.—Section 203 of the Veterans Entrepreneurship and Small Business Development Act of 1999 (15 U.S.C. 657b note) is amended by striking subsection (h).

SEC. 403. RESERVISTS STUDY.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report regarding whether there has been a reduction in the hiring of Reservists by business concerns because of—

(1) any increase in the use of Reservists after September 11, 2001; or

(2) any change in any policy of the Department of Defense relating to Reservists after September 11, 2001.

SEC. 404. SERVICE-DISABLED VETERANS.

Not later than 180 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report describing—

(1) the types of assistance needed by service-disabled veterans who wish to become entrepreneurs; and

(2) any resources that would assist such service-disabled veterans.

By Mr. KERRY:

S. 1006. A bill to amend the Internal Revenue Code of 1986 to deny qualified dividend income treatment to certain foreign dividends; to the Committee on Finance.

Mr. KERRY. Mr. President, today I am introducing legislation that will clarify which dividends are eligible for a lower rate of 15 percent for upper-income taxpayers or a 5 percent rate for lower-income taxpayers. I am concerned that some foreign companies have a tax advantage over their American competitors.

Since dividend rates were lowered in 2003, some banks have promoted hybrid debt instruments from foreign corporations that may qualify for the lower rate. These hybrid arrangements are treated as debt in the host foreign country and the entity takes a deduction. In the United States, these instruments are classified as equity and thus treated as dividends eligible for the lower rate.

This was not the intention of Congress, and this abuse needs to stop. There should not be preferences in our tax code which make it easier for foreign corporations to raise capital at the expense of American companies. I believe that changes need to be made to our tax system to ensure that U.S companies can compete fairly in a global market place.

The legislation that I am introducing today is the same legislation introduced by Ways and Means Subcommittee on Select Revenue Chairman NEAL. This legislation amends Section 1 of the Internal Revenue Code to disallow the preferential dividends rate for payments from foreign entities not subject to tax in the foreign country, for payments that are deductible in the foreign country, or payments with respect to an instrument not treated as stock in the foreign country. In addition, the bill does not allow dividends from an entity not subject to or exempt from corporate tax in a foreign country to be eligible for the lower rate. If the entity is a passive foreign investment company (PFIC), the dividend would not be eligible for the lower rate even if the entity is also classified as a controlled foreign corporation.

This legislation builds upon a bill that Senator BAUCUS and I introduced last Congress, S. 1363, which prevents dividends received from corporations in a tax haven from receiving the lower rate. This legislation was introduced in the 109th Congress out of concern that the definition of qualifying foreign corporations is overly broad and includes companies in tax haven countries with little or no tax system.

The legislation that I am introducing today includes the provisions of S. 1363 which require that only dividends from foreign companies which are located in countries with a comprehensive income tax and are traded on a U.S. stock exchange may qualify for the preferential rate. In total, this legislation carries out the intent of the 2003 rate deduction on dividends.

The initial proposal to address dividends taxation was designed to eliminate the double taxation of corporate earnings. Eventually, this proposal was modified to lower the tax rate on dividends. I believe that it was never the original intent of Congress to provide the lower rates to dividends which are not subject to double taxation.

I urge my colleagues to support these common sense changes. I ask for unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1006

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CERTAIN FOREIGN DIVIDENDS NOT TREATED AS QUALIFIED DIVIDEND INCOME.

(a) IN GENERAL.—Clause (ii) of section 1(h)(11)(B) of the Internal Revenue Code of 1986 (relating to certain dividends excluded) is amended by striking "and" at the end of subclause (II), by striking the period at the end of subclause (III) and inserting ", and", and by adding at the end the following new subclause:

"(IV) any nonqualified dividend from a foreign corporation.".

(b) NONQUALIFIED DIVIDEND FROM A FOREIGN CORPORATION.—Paragraph (11) of section 1(h) of such Code (relating to dividends taxed as net capital gain) is amended by redesignating subparagraph (D) as subparagraph (E) and by inserting after subparagraph (C) the following new subparagraph:

"(D) NONQUALIFIED DIVIDEND FROM A FOREIGN CORPORATION.—For purposes of subparagraph (B)(ii)(IV), the term 'nonqualified dividend from a foreign corporation' means any dividend from a foreign corporation if—

"(i) any amount is allowable as a deduction to any person at any time under the taxation law of any foreign country (or any amount is otherwise creditable against the tax imposed under such law) with respect to such dividend,

"(ii) for the taxable year of the corporation in which the distribution is made, or the preceding taxable year—

"(I) such corporation is not treated as a corporation for purposes of the taxation laws of any foreign country to which it would be subject to tax if it were treated as a corporation,

"(II) such corporation is exempt from tax under the taxation laws of any foreign country to which (but for such exemption) it would otherwise be subject to tax (except for exemption on the basis of nonresidence, nondomicile, or similar criteria), or

"(III) such corporation is a passive foreign investment company (as defined in section 1297 (without regard to subsection (e) thereof)), or

"(iii) such dividend is paid with respect to an instrument which is treated as other than stock (or a similar equity interest) under the taxation laws of any foreign country with respect to which the payment is taken into account.".

(c) CONFORMING AMENDMENT.—Subparagraph (C) of section 1(h)(11) of such Code is amended by striking clause (iii) and by redesignating clause (iv) as clause (iii).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to dividends received after the date of the enactment of this Act.

SEC. 2. MODIFICATION TO THE DEFINITION OF QUALIFIED FOREIGN CORPORATION.

(a) IN GENERAL.—Clause (ii) of section 1(h)(11)(C) of the Internal Revenue Code of 1986 (relating to dividends on stock readily tradable on United States securities market) is amended by striking "by such corporation if the stock" and all that follows and inserting "by such corporation if—

"(I) the stock with respect to which such dividend is paid is readily tradable on an established securities market in the United States, and

"(II) such corporation is created or organized under the laws of a foreign country which has a comprehensive income tax system which the Secretary determines is satisfactory for the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to dividends received after the date of the enactment of this Act.

By Mr. LUGAR:

S. 1007. A bill to direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security by accelerating the development of biofuels production, research, and infrastructure to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment; to the Committee on Foreign Relations.

Mr. LUGAR. Mr. President, I rise to introduce the "United States Brazil Energy Cooperation Pact." This bill would direct the Secretary of State to work with the Government of Brazil and other foreign governments to develop partnerships that will strengthen diplomatic relations and energy security, including through accelerated development of biofuels production, research and infrastructure. This will help to alleviate poverty, create jobs, and increase income, while improving energy security and protecting the environment..

Earlier this month President Bush and Brazilian President Luiz Inacio Lula da Silva agreed in Sao Paulo to cooperate to promote ethanol in the Americas as an alternative to oil. The agreement aims to increase cooperation on biofuels technology and to develop international biofuels standards. President Bush is following up by hosting President da Silva at Camp David this Saturday, March 31.

President Bush intended his trip to rebuild bridges to Latin America. Many Latin Americans are critical, even hostile, over what they see as the administration's neglect of the region. Strained relationships often are repaired in small steps. The ethanol accord promises mutual benefits for the United States and Brazil, Latin America, and potentially, the rest of the world. If executed in a spirit of partnership and funded generously, it could have a significant regional and global impact on the development of ethanol markets, climate change and the ability of many poor countries to endure oil price shocks.

Although the agreement is overall a win-win-win deal for Brazil, the United States and the region, it has been criticized. Some opponents are simply trying to thwart better U.S.-Brazilian cooperation. But others have raised concerns about the dislocations and unintended consequences of promoting biofuel crops.

Only by addressing such worries and quelling the doubts can the Brazil-U.S. pact fully meet its promise to be a launching pad for what I envision as a transformational Americas-wide energy program that will radically improve the hemisphere's strategic and economic posture. Today I introduce the United States-Brazil Energy Cooperation Pact to capitalize on the opportunity it presents to reestablish strong U.S. relations with our neighbors while also building a more secure energy future.

The bill calls on Brazil and the United States to help fund feasibility studies to assess each Latin American country's biofuel needs and biomass production potential, with special attention to food security and the environment. By encouraging cellulosic ethanol that does not rely on grains, it should help assuage fears, shared by American and Latin American livestock producers alike, that excessive reliance on corn for ethanol will further drive up animal feed costs and thus prices of beef, pork and chicken. For Mexico, where skyrocketing tortilla prices have been blamed on the diversion of corn for ethanol, the bill calls for special efforts to find non-corn sources of biofuels.

The legislation envisions a special hemispheric carbon trading system to encourage preservation of tropical rain forests in the face of growing demand for energy crops, and it calls on the regional development banks, as well as U.S. foreign assistance, to support biofuel infrastructure projects.

The bill contains special provisions to help our closest and poorest neighbors in the Caribbean and Central America revive their moribund sugar cane industries so they can produce their own ethanol. Currently nearly all the ethanol they sell is processed product from Brazil.

And while biofuels are a key element of energy security, better utilization of conventional resources also plays a role. The bill seeks ways to help optimize Mexican oil output, which is lagging to the detriment of both countries, and encourages South America to exploit fully its natural gas supplies with new pipelines and liquefied natural gas facilities.

Giving the United States easy access to foreign ethanol supplies, even as we increase domestic production, is an essential component to meet President Bush's target of 35 billion gallons of renewable fuels use by 2017, which cannot be met by U.S. corn ethanol alone. U.S. corn ethanol production will peak around 14 billion gallons in 2010, experts estimate. Reducing dependence on oil imported from unstable and often hostile regions is a paramount foreign policy imperative.

The U.S. doesn't tax imported oil, but currently levies a 54-cents-per-gallon tariff on imported ethanol to protect U.S. producers from cheaper Brazilian ethanol. It is clear that this barrier to trade in Americas-grown fuel is inconsistent with our political goals in the region, and with our long-term energy security.

Altering the import tax would affect a number of industries and interests. Therefore, the bill calls for a comprehensive study on the current political and economic impacts of the tariff and the potential costs and benefits of repealing it or modifying it.

In this way, I believe that passage of this bill would encourage Administration officials to rethink old policies in order to improve energy cooperation, and encourage other Governments in the region to do likewise. With this legislation, Congress can demonstrate to citizens of the Americas that the U.S. is ready to embark on an equal partnership for progress.

In conclusion, I look forward to working with each of my colleagues to ensure the energy security of our country and the region.

By Mr. SANDERS:

S. 1008. A bill to amend the Atomic Energy Act of 1954 to improve and strengthen the safety inspection process of nuclear facilities; to the Committee on Environment and Public Works.

Mr. SANDERS. Mr. President, today I am introducing legislation that would provide greater assurance to the citizens of our Nation that their elected officials will do everything within their power to provide the highest levels of safety at nuclear facilities. The bill does this by allowing certain State officials to request that the United States Nuclear Regulatory Commission (NRC) conduct an independent safety assessment at key times in the life of a reactor. I ask that the full text of the bill be printed in the RECORD.

Too often we have found that the NRC has been uninterested in the legitimate concerns of national and State legislators who have requested greater safety oversight, especially at problem-plagued nuclear plants. In some instances, safety violations of the highest level have been allowed to continue, undetected, for years before discovery. Citizens deserve to have some greater assurance that when a plant has reached what was the intended end of its useful life and has applied for a license extension—another few decades of operating life—or when a plant seeks an "uprate"—an increase in power output from what it was permitted previously—or when there have been significant safety problems, that a facility will get a thorough review to protect the public safety. Without this bill, the public will continue to worry.

Under the legislation I am introducing, State officials would be able to request that a special Independent Safety Assessment Team be assembled to thoroughly review the safety of plants that meet the criteria listed in this bill. The team would be composed of individuals selected by the NRC and the requesting Governor or State public utilities commission to insure greater balance and independence on the Team. The Team's report would make recommendations on safety features that should be improved before additional licensing requests and other operational matters are favorably acted upon.

My legislation offers a simple and fair solution to a technical problem faced by citizens across the Nation and I encourage my colleagues to join me to ensure greater safety at our nuclear facilities.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1008

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INDEPENDENT SAFETY ASSESSMENTS.

Section 103 of the Atomic Energy Act of 1954 (42 U.S.C. 2133) is amended by inserting after subsection d. the following:

"e. INDEPENDENT SAFETY ASSESSMENTS.—

"(1) DEVELOPMENT OF PROCEDURE.—Not later than 90 days after the date of enactment of this subsection, the Nuclear Regulatory Commission (referred to in this subsection as the 'Commission') shall develop an independent safety assessment procedure.

"(2) CONDUCT OF ASSESSMENT.—

"(A) DEFINITION OF ELIGIBLE REQUESTOR.—In this paragraph, the term 'eligible requestor' means—

"(i) a Governor of a State in which a facility of a licensee is located;

"(ii) a public utility commission of a State in which a facility of a licensee is located; and

"(iii) a Governor of a State that—

"(I) because of dangers to the public relating to potential ingestion of water or foods that have been contaminated with radiation from a commercial nuclear power plant, is located in an emergency planning zone, as defined in section 350.2 of title 44, Code of Federal Regulations (or a successor regulation); and

"(II) is not the same State in which the facility of the licensee is located.

"(B) REQUEST OF ASSESSMENT.—

"(i) IN GENERAL.—At the request of an eligible requestor, the Commission shall conduct an independent safety assessment in accordance with the independent safety assessment procedure developed under paragraph (1) if the licensee has—

"(I) applied to the Commission for—

"(aa) an extension of the operating license of the licensee; or

"(bb) approval of an extended power uprate for the licensee; or

"(II) during any 5-year period, received, under the reactor oversight process of the Commission, 2 or more greater-than-green inspection findings.

"(ii) CONDUCT OF ASSESSMENT.—The Commission shall conduct an assessment requested by an eligible requestor under clause (i) not later than 18 months after the date on which the eligible requestor requested the assessment.

"(3) INSPECTION OF FACILITY.—

"(A) IN GENERAL.—In conducting an independent safety assessment under paragraph (2)(B), the Commission shall inspect the design, construction, maintenance, and operational safety performance of the facility of the licensee.

"(B) SCOPE OF INSPECTION.—An inspection of a facility of a licensee conducted under subparagraph (A) shall—

"(i) be at least equal in scope, depth, and breadth to the independent safety assessment conducted in 1996 by the Commission of the Maine Yankee Nuclear Power Plant, located in Wiscasset, Maine; and

"(ii) include an examination of the systems of the facility of the licensee, including—

"(I) the reactor containment systems;

"(II) the reactor emergency core cooling systems;

"(III) the control room and containment ventilation systems;

"(IV) the electrical system (including testing of relevant transients);

"(V) the condensate and feedwater systems;

"(VI) the spent fuel storage systems;

"(VII) any other system requested by the Governor of the State, or a public utility commission of the State, in which the facility of the licensee is located; and

"(VIII) any other system identified by a majority of the members of an inspection team described in paragraph (4).

"(4) INSPECTION TEAMS.—

"(A) IN GENERAL.—An independent safety assessment conducted under paragraph (2)(B) shall be conducted by an inspection team.

"(B) COMPOSITION.—An inspection team shall be composed of not less than 25 members, of whom—

"(i) not less than 16 members shall be—

"(I) employees of the Commission; and

"(II) unaffiliated with the regional office of the Commission in the region in which the facility of the licensee is located;

"(ii) not less than 6 members shall be independent contractors who have not worked for, or at—

"(I) the facility of the licensee; or

"(II) any other nuclear power plant owned or operated by the owner or operator of the facility of the licensee; and

"(iii) not less than 3 members shall be appointed by the eligible requestor.

"(5) REPORT.—

"(A) PREPARATION OF PRELIMINARY REPORT.—Not later than 90 days after the date on which an inspection team completes an independent safety assessment of a facility of a licensee under paragraph (2)(B), the inspection team shall prepare a preliminary report describing the findings and recommendations of the inspection team.

"(B) AVAILABILITY OF PRELIMINARY REPORT.—For a period of 90 days beginning on the date on which the inspection team completes a preliminary report prepared under subparagraph (A), the inspection team shall make available for review and comment by the public a copy of the preliminary report.

"(C) CONSIDERATION OF COMMENTS.—In preparing a final version of a preliminary report developed under subparagraph (A), the inspection team shall take into consideration any comments received from the public that are appropriate, as determined by the inspection team.

"(D) SUBMISSION OF FINAL VERSION.—Not later than 90 days after the date on which the period of review and public comment ends under subparagraph (B), the inspection team shall submit to the Commission a final version of the preliminary report developed under subparagraph (A).

"(6) AFFECT ON LICENSING ACTIONS.—A final decision by the Commission of whether to extend an operating license, approve an extended power uprate, or continue to operate under a license at a facility of a licensee assessed under paragraph (2)(B) shall not be made until the later of the date on which—

"(A) the Commission has completed the independent safety assessment of the facility of the licensee; and

"(B) the licensee has fully accepted and implemented each finding and recommendation of the report approved by the Commission relating to the independent safety assessment of the facility of the licensee submitted under paragraph (5)(D).

"(7) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this subsection $10,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.".

By Mr. MARTINEZ (for himself and Mr. CORNYN):

S. 1009. A bill to amend part A of title I of the Elementary and Secondary Education Act of 1965 to improve supplemental educational services, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MARTINEZ. Mr. President, I am here to discuss a topic of great meaning to American families: educating our children. We all want what is best for our children, and to provide them with the tools they need to succeed in tomorrow's workforce.

Today, I want to concentrate on one particular program that can play a key role in ensuring our children are meeting their educational goals.

I rise, along with Senator JOHN CORNYN of Texas, to once again introduce the Raising Achievement Through Improving Supplemental Education Act, or the RAISE Act for short.

The RAISE Act seeks to improve the Supplemental Educational Services program—a tutoring program under No Child Left Behind—to help it become well-known, widely available, and easily accessible to eligible students. It seeks to broaden eligibility requirements and prioritization of the program to target all low-performing students regardless of income status. The Supplemental Educational Services program—also known as SES—was implemented as part of No Child Left Behind and designed to be an innovative tool to help meet the academic needs of low-income students attending continuously failing schools.

Under the program, low-income parents can elect to have free private after-school tutoring for their children. To pay the providers of this tutoring service, school districts would need only to use a required 20 percent allocation of their Federal funds.

By providing direct tutoring after school, the SES program can help those students who are behind catch up with their peers. This, in turn, also improves the overall performance of the school. But, due to the lack of strong implementation, there have been numerous shortfalls nationwide. This is a troubling development that the RAISE Act seeks to correct.

For example, in the 2005–2006 school year, just 20 percent of the eligible 2½ million students participated in SES programs. That translates into hundreds of thousands of eligible children not being provided with tutoring help. The funding has already been set aside—there are children across the Nation who could benefit from this after-school tutoring program—but they have to know about it to benefit from it.

Parents and State agencies are reporting that poor communication, delayed notification, and lack of transportation have become barriers to their children participating in the program. Also, there were some conflicts with other, better established after-school programs.

In Florida, we have already implemented SES improvements. As a result, Florida is seeing stronger guidelines, better State oversight, and consequently, higher SES program participation rate.

Many of the provisions of the RAISE Act are modeled after the successes already occurring in my home State. And it is notable that States such as Maryland and Indiana—where similar guidelines have been in place longer—they are seeing a remarkable 64 to 68 percent participation rate in their SES programs.

In our school districts where SES programs are thriving, good communication with both parents and providers has been emphasized, as well as access to on-site tutoring at school facilities.

Another important component of the RAISE Act is eligibility for SES. Currently, SES targets low-income, low-performing students. I think we should be targeting all low-performing students, regardless of income status. By overlooking many middle-class families who do not have the money to put their children into private tutoring or after-school programs, many of those children are falling through the cracks.

How can we ensure that no child is being left behind unless we specifically focus programs on those students who need the most help?

The RAISE Act was developed in consultation with school administrators, State education officials, and non-profit and research groups. This is a nationwide imperative and I urge my colleagues to support this innovative set of reforms.

The RAISE Act aims to help every child in the schoolyard have an equal opportunity for scholastic growth and achievement—this also happens to be the fundamental purpose of No Child Left Behind.

Together, all of us in this Chamber can make the RAISE Act a reality, and improve the academic lives of countless American schoolchildren in need.

By Mr. BIDEN (for himself, Mr. KENNEDY, and Mr. ENZI):

S. 1011. A bill to change the name of the National Institute on Drug Abuse to the National Institute on Diseases of Addiction and to change the name of the National Institute on Alcohol Abuse and Alcoholism to the National Institute on Alcohol Disorders and Health; to the Committee on Health, Education, Labor, and Pensions.

Mr. BIDEN. Mr. President, for nearly 35 years I've been working on this floor to address the all too real public health and safety issues associated with drug and alcohol addiction. Stiff prosecution of trafficking and possession of illegal drugs is important; but just as critical is an intense focus on prevention and treatment. To this end, if we are to be successful in this fight, we—you, me, all of us—must understand that addiction is a neurobiological disease, not a lifestyle choice. The frank and constructive approach to help those struggling with the disease of addiction, and to protect society from the crime and violence that sometimes accompany drug trafficking and use, is through treatment. We must continually work hard to resist the counterproductive social stigma that too often brands addicts and thereby encourages them to slip into seclusion rather than seek treatment. As such, we must begin to change the nature of public discourse about addiction by more appropriately naming our own research institutes to reflect this reality: Addition is a preventable and treatable disease.

Today, I rise to introduce legislation recognizing this reality that addiction is a disease and not a chronic, stigmatizing life-sentence. The Recognizing Addiction as a Disease Act of 2007 changes the names of two institutes at the National Institutes of Health: the National Institute on Drug Abuse will become the National Institute on Diseases of Addiction, and the National Institute on Alcohol Abuse and Alcoholism will become the National Institute on Alcohol Disorders and Health.

These name changes accomplish two important objectives. First, they remove the pejorative term "abuse" from the institutes' names and properly help to distance that notion from the disease of addiction. Second, the new names more clearly link the concepts of addiction and disease, a connection that scientific study clearly supports. Identifying addiction as a neurobiological disease will diminish the social stigma, discrimination, and the personal shame that is often a barrier to seeking treatment, and it will further a common understanding of diseases of addiction.

The 2005 National Survey on Drug Use and Health reported that addiction affects 23.2 million Americans in our country, of whom only about 10 percent are receiving the treatment they need. Many are deterred from seeking such treatment because of the social stigma associated with admitting to a drug or alcohol dependency. This bill is a small but important step towards remedying this problem, fighting drug use, and successfully treating addiction.

Addiction is now understood to be a disease because scientific research has shown that alcohol and other drugs can change the brain's structure and function. Advances in brain imaging science now make it possible to see inside an addict's brain and pinpoint the parts of the brain affected by drugs or alcohol. These insights will enable the development of new approaches to prevention and treatment. In fact, we now have data indicating that excessive alcohol use and alcohol dependence (alcoholism) are not separate diagnostic categories, but exist along a single continuum of alcohol-disorders associated with increased frequency of a harmful drinking pattern.

Today's introduction of this legislation is timely. Two weeks ago HBO premiered an important new documentary movie, Addiction, which presents an encouraging look at addiction as a treatable disease and the film chronicles the major scientific advances that have helped us better understand and treat addiction. The Institutes collaborated with HBO to create this eye-opening documentary that seeks to help Americans understand addiction. HBO's Addiction Project will acquaint viewers with available evidence-based medical and behavioral treatments. This is especially important for disorders like addiction that for many years were treated outside the medical mainstream. From emergency rooms to living rooms to research laboratories, the documentary follows the trail of an illness that affects one in four families in the United States.

The facts surrounding addiction are self-evident. With nearly 1 in 10 Americans over the age of 12 suffering from some form of substance dependency, addiction takes an emotional, psychological, and social toll on the country. The economic costs of substance dependency and addiction alone are estimated to exceed a half trillion dollars annually in the United States due to health care expenditures, lost productivity, and crime.

I am proud to say that my friends and very distinguished colleagues Senators KENNEDY and ENZI, chairman and ranking member of the Health, Education, Labor, and Pensions Committee, respectively, are cosponsors of this important bill.

Today, the Recognizing Addiction as a Disease Act of 2007 takes a small but important stride towards helping those struggling with diseases of addiction.

By Mr. COCHRAN (for himself and Mr. ROCKEFELLER):

S. 1015. A bill to reauthorize the National Writing Project; to the Committee on Health, Education, Labor, and Pensions.

Mr. COCHRAN. Mr. President, today I am joined by my distinguished colleague and friend from West Virginia, Mr. ROCKEFELLER, in introducing the National Writing Project Act of 2007. The National Writing Project remains the only Federal program to improve the teaching of writing in America's classrooms.

Writing is complex, challenging and it is a basic component of literacy. And, literacy is essential for success in life. A Belden Russonello & Stewart poll announced yesterday that overwhelmingly, Americans want writing taught throughout school curriculum. Research shows that students taught by Writing Project demonstrate more improvement and higher overall writing performance than their peers.

Writing is not confined to thesis papers, college essays, and book reports. Writing skills for employment in the 21st Century require not only the grammar, construction and analytical thought of traditional writing, but the skills needed to communicate effectively using new technology. Effective instruction in writing requires teachers with high ability, who continuously develop their teaching skills.

A United States Department of Education program since 1991 and nearly 200 nation-wide, university based sites, the National Writing Project annually serves over 140,000 educators through more than 7,000 programs. It is based on a model of teachers teaching teachers: experienced teachers who share and develop the latest and most successful instruction techniques who in turn lead similar local workshops and training sessions for their colleagues.

National Writing Project teachers will be here this week to tell their personal stories and provide other information about what the College Board's National Commission on Writing calls "arguably the most successful teacher network in the United States." I hope all Senators will have the opportunity to visit with teachers from their State and I invite all Senators to join Mr. ROCKEFELLER and me in sponsoring this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1015

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "National Writing Project Act of 2007".

SEC. 2. FINDINGS.

Congress finds the following:

(1) The United States is facing a continuing crisis in writing in schools and in the workplace.

(2) The writing problem has been magnified by the rapidly changing student population, the growing number of English language learners, the increasing numbers of adolescents who are low-achieving writers, the shortage of adequately trained teachers, and the specialized knowledge required of teachers to teach students with special needs who are now part of mainstream classrooms.

(3) Nationwide reports show that nearly one-third of high school graduates are not ready for college-level English composition courses.

(4) Writing is a threshold skill for both employment and promotion. Deficiencies in writing skills have resulted in annual private sector costs for providing writing training that are as high as $3,100,000,000.

(5) Writing is a central feature in State and school district education standards in all disciplines.

(6) Since 1973, the only national program to address the writing problem in the Nation's schools has been the National Writing Project, a network of collaborative university-school programs.

(7) Evaluations of the National Writing Project document significant gains in student performance in writing and effective classroom practices.

(8) The National Writing Project has become a model for programs to improve

teaching in such other fields as mathematics, science, history, civics and government, geography, reading and literature, technology, performing arts, and foreign languages.

(9) Each year, more than 135,000 teachers directly benefit from National Writing Project programs in nearly 200 sites located in all 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

SEC. 3. AUTHORIZATION OF THE NATIONAL WRITING PROJECT.

Subpart 2 of part C of title II of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6701 et seq.) is amended to read as follows:

"Subpart 2—National Writing Project

"SEC. 2331. PURPOSES.

"The purposes of this subpart are—

"(1) to support and promote the expansion of the National Writing Project network of sites so that teachers in every region of the United States will have access to a National Writing Project program;

"(2) to ensure the consistent high quality of the sites through ongoing review, evaluation, and technical assistance;

"(3) to support and promote the establishment of programs to disseminate effective practices and research findings about the teaching of writing; and

"(4) to coordinate activities assisted under this subpart with activities assisted under this Act.

"SEC. 2332. NATIONAL WRITING PROJECT.

"(a) AUTHORIZATION.—The Secretary is authorized to award a grant to the National Writing Project, a nonprofit educational organization that has as its primary purpose the improvement of the quality of student writing and learning (hereafter in this section referred to as the 'grantee') to improve the teaching of writing and the use of writing as a part of the learning process in our Nation's classrooms.

"(b) REQUIREMENTS OF GRANT.—The grant shall provide that—

"(1) the grantee will enter into contracts with institutions of higher education or other nonprofit educational providers (hereafter in this section referred to as 'contractors') under which the contractors will agree to establish, operate, and provide the non-Federal share of the cost of teacher training programs in effective approaches and processes for the teaching of writing;

"(2) funds made available by the Secretary to the grantee pursuant to any contract entered into under this section will be used to pay the Federal share of the cost of establishing and operating teacher training programs as provided in paragraph (1); and

"(3) the grantee will meet such other conditions and standards as the Secretary determines to be necessary to assure compliance with the provisions of this section and will provide such technical assistance as may be necessary to carry out the provisions of this section.

"(c) TEACHER TRAINING PROGRAMS.—The teacher training programs described in subsection (b) shall—

"(1) be conducted during the school year and during the summer months;

"(2) train teachers who teach grades kindergarten through college;

"(3) select teachers to become members of a National Writing Project teacher network whose members will conduct writing workshops for other teachers in the area served by each National Writing Project site; and

"(4) encourage teachers from all disciplines to participate in such teacher training programs.

"(d) FEDERAL SHARE.—

"(1) IN GENERAL.—Except as provided in paragraph (2) or (3) and for purposes of subsection (b), the term Federal share' means, with respect to the costs of teacher training programs described in subsection (b), 50 percent of such costs to the contractor.

"(2) WAIVER.—The Secretary may waive the provisions of paragraph (1) on a case-by-case basis if the National Advisory Board described in subsection (e) determines, on the basis of financial need, that such waiver is necessary.

"(3) MAXIMUM.—The Federal share of the costs of teacher training programs conducted pursuant to subsection (b) may not exceed $150,000 for any one contractor, or $300,000 for a statewide program administered by any one contractor in at least five sites throughout the State.

"(e) NATIONAL ADVISORY BOARD.—

"(1) ESTABLISHMENT.—The National Writing Project shall establish and operate a National Advisory Board.

"(2) COMPOSITION.—The National Advisory Board established pursuant to paragraph (1) shall consist of—

"(A) national educational leaders;

"(B) leaders in the field of writing; and

"(C) such other individuals as the National Writing Project determines necessary.

"(3) DUTIES.—The National Advisory Board established pursuant to paragraph (1) shall—

"(A) advise the National Writing Project on national issues related to student writing and the teaching of writing;

"(B) review the activities and programs of the National Writing Project; and

"(C) support the continued development of the National Writing Project.

"(f) EVALUATION.—

"(1) IN GENERAL.—The Secretary shall conduct an independent evaluation by grant or contract of the teacher training programs administered pursuant to this subpart. Such evaluation shall specify the amount of funds expended by the National Writing Project and each contractor receiving assistance under this section for administrative costs. The results of such evaluation shall be made available to the appropriate committees of Congress.

"(2) FUNDING LIMITATION.—The Secretary shall reserve not more than $150,000 from the total amount appropriated pursuant to the authority of subsection (h) for fiscal year 2008 and each of the 5 succeeding fiscal years to conduct the evaluation described in paragraph (1).

"(g) APPLICATION REVIEW.—

"(1) REVIEW BOARD.—The National Writing Project shall establish and operate a National Review Board that shall consist of—

"(A) leaders in the field of research in writing; and

"(B) such other individuals as the National Writing Project determines necessary.

"(2) DUTIES.—The National Review Board shall—

"(A) review all applications for assistance under this subsection; and

"(B) recommend applications for assistance under this subsection for funding by the National Writing Project.

"(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subpart $30,000,000 for fiscal year 2008 and such sums as may be necessary for each of the 5 succeeding fiscal years.".

Mr. ROCKEFELLER. Mr. President, I rise today to join my distinguished colleague, Senator THAD COCHRAN, in sponsoring the reauthorization of the National Writing Project. We have worked together for many years on the wonderful program that supports teachers and quality writing. Senator COCHRAN has long been one of this body's strongest advocates for not only the NWP, but for education in general. His leadership is quiet and effective, and truly inspiring.

The National Writing Project, NWP, provides our teachers with professional development to enhance their skills and in turn those teachers bring new skills and new enthusiasm to their classrooms and their students. Over 141,000 educators annually go through the NWP and become invaluable resources to millions of children nationwide. The NWP is at the forefront in the efforts to improve our schools for teachers and students.

The NWP is not only a great idea in theory but it has a record of success by consistently delivering results that can be seen in our classrooms. Students in NWP classrooms have shown demonstrably improved ability to organize and develop ideas in writing. A study published in January 2006 concluded that students whose teachers underwent NWP training uniformly demonstrated positive results.

Every State participates in the program. West Virginia has benefited tremendously from this program. The three sites in my State are Central West Virginia Writing Project, Marshall University Graduate College in South Charleston, the Marshall University Writing Project in Huntington, and the National Writing Project at West Virginia University in Morgantown. I am particularly proud of the leadership at Marshall University on its Technology Project to explore ways to better integrate technology into writing and classroom education. During the 2005–2006 school year the NWP conducted more than 140 programs serving over 3,000 teachers.

The NWP is a perfect example of how the public and the private sector should work in partnership to improve our society. The NWP operating budget comes not only from the Federal Government but from in kind contribution from colleges and universities.

Programs like the NWP are an essential part strengthening our education system, and it deserves our continued support.

By Mr. MCCONNELL (for Mr. ENZI (for himself, Mr. DORGAN, Mr. GRASSLEY, Mr. THOMAS, and Mr. CONRAD)):

S. 1017. A bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. ENZI. Mr. President, Wyoming's late, great country music star Chris LeDoux has a song Some Things Never Change. I wish that were the case for Wyoming's hardworking livestock producers. As production agriculture has evolved and improved in the United States, producers in Wyoming continue to be held hostage to a regulatory nightmare and bound by the chains of unfair and manipulative marketing contracts. It is this regulatory nightmare that must be addressed. That is why I am reintroducing legislation today to break the chains and require livestock contracts to contain a fixed base price and be traded in open, public markets.

From Kaycee to Kansas City, captive supply is destroying the health of our family ranches. Many of these small businesses have operated for generations. Unfortunately, a handshake and an honest day's labor cannot compete with deceptive business practices. Captive supply is a business practice not well known to those outside of the industry, but a practice that has had a tremendous impact on the ranchers of the West.

I go back to Wyoming almost every weekend. Because Wyoming is such a large State, my travels take me to a different section of the State on each trip. Throughout Wyoming I hear the same concerns from my constituents. They are all clamoring for attention and relief so they can continue the work that so many in their families have done for so many years. These concerns are not unique to Wyoming. Captive supply is an industry-wide problem.

So what is captive supply—and how is it harming our Nation's ranchers to such an extent? Simply put, captive supply refers to the ownership by meat packers of cattle or the contracts they issue to purchase livestock. It is done to ensure that packers will always have a consistent supply of livestock on the kill floor which keeps slaughterhouses in perpetual operation.

The original goal of captive supply makes good business sense. All businesses want to maintain a steady supply of animals to ensure a constant stream of production and control costs.

But captive supply allows packers to go beyond good organization and business performance—to market manipulation—and this is where the problem lies.

The packing industry is highly concentrated. Using captive supply and the market power of concentration, packers can purposefully drive down the prices by refusing to buy in the open market. This deflates all livestock prices and limits the market access of producers that have not aligned with specific packers.

We made an attempt to address the problem of captive supply on the Senate floor during the 2002 Farm Bill debate, but the amendment to ban packer ownership of livestock more than 14 days before slaughter did not survive the conference committee deliberation. I look forward to working with my colleagues on the reauthorization of the Farm Bill this year. I will press this issue during the drafting of the Competition Title of the Farm Bill with my congressional colleagues.

The problems caused by captive supply are alive and well, just as Wyoming producers have testified to me in the phone calls, letters, faxes and emails I receive from them. Although I supported the packer ban and have cosponsored it again this Congress, I do not think that banning packer ownership of livestock will solve the entire captive supply problem. Packers are using numerous methods beyond direct ownership to control cattle and other livestock.

Currently, packers maintain captive supply through various means including direct ownership, forward contracts, and marketing agreements. The difference between the three is subtle, so let me take a moment to describe how they differ. Direct ownership refers to livestock owned by the packer. In forward contracts, producers agree to the delivery of cattle one week or more before slaughter with the price determined before slaughter. Forward contracts are typically fixed, meaning the base price is set.

As with forward contracts, marketing agreements also call for the delivery of livestock more than one week before slaughter, but the price is determined at or after slaughter. A formula pricing method is commonly used for cattle sold under marketing agreements. In formula pricing, instead of a fixed base price, an external reference price, such as the average price paid for cattle at a certain packing plant during one week, is used to determine the base price of the cattle. I find this very disturbing because the packer has the ability to manipulate the weekly average at a packing plant by refusing to buy in the open market. Unfortunately, marketing agreements and formula pricing are much more common than forward contracts.

Livestock producers have the same questions when they lose to the market pressures applied by captive supply. Captive supply gives packers the ability to discriminate against some producers. And those producers pay for it with their bottom line. At the same time, packers use contracts and marketing agreements to give privileged access and premiums to other producers regardless of the quality of their product. These uses of captive supply should be illegal. In fact, they are.

Section 202 of the Packers and Stockyards Act states in (3) (a) and (b):

"It shall be unlawful for any packer with respect to livestock . . . to:

"(a) Engage in or use any unfair, unjustly discriminatory, or deceptive practice or device; or

"(b) Make or give any undue or unreasonable preference or advantage to any particular person or locality in any respect, or subject any particular person or locality to any undue or unreasonable prejudice or disadvantage in any respect."

Packers that practice price discrimination toward some producers and provide undue preferences to other producers are clearly in violation of the law. But this law is not being enforced. So what we are left with are unenforced laws or no laws at all to protect the independent producer. The Packers and Stockyards Act is not being enforced and the cost of enforcing the law on a case-by-case basis in the courts is expensive and time-consuming.

A law is not worth the paper it is printed on if it is not enforced. The posted speed limit is not a suggestion. Our law enforcement officers enforce the law when motorists fail to heed the posted sign. This section of the Packers and Stockyards Act is like a sign on the road of commerce that no one is paying attention to because the police are busy doing something else. The bill I am introducing today is not just another sign on the road. It is a speed bump. It does not just warn cars to go slower; it makes it much more difficult for them to speed.

My bill does two things to create the speed bump. It requires that livestock producers have a fixed base price in their contracts. It also puts these contracts up for bid in the open market where they belong.

Under this bill, forward contracts and marketing agreements must contain a fixed base price on the day the contract is signed. This prevents packers from manipulating the base price after the point of sale. You may hear allegations that this bill ends quality-driven production, but it does not prevent adjustments to the base price after slaughter for quality, grade or other factors outside packer control. It prevents packers from changing the base price based on factors that they do control. Contracts that are based on the futures market are also exempted from the bill's requirements.

In an open market, buyers and sellers would have the opportunity to bid against each other for contracts and could witness bids that are made and accepted. Whether they take the opportunity to bid or not is their choice, the key here is that they have access to do so.

My bill also limits the size of contracts to the rough equivalent of a load of livestock, meaning 40 cattle or 30 swine. It does not limit the number of contracts that can be offered by an individual. This key portion prevents small and medium-sized livestock producers, like those found in Wyoming, from being shut out of deals that contain thousands of livestock per contract.

Requiring a firm base price and an open and transparent market ends the potential for price discrimination, price manipulation and undue preferences. These are not the only benefits of my bill. It also preserves the very useful risk management tool that contracts provide to livestock producers. Contracts help producers plan and prepare for the future. My bill makes contracts and marketing agreements an even better risk management tool because it solidifies the base price for the producer. Once the agreement is made, a producer can have confidence on shipping day in his ability to feed his family during the next year because he will know in advance how much he can expect to receive for his livestock.

This bill also encourages electronic trading. An open and public market would function much like the stock market, where insider trading is prohibited. The stock market provides a solid example of how electronic livestock trading can work to the benefit of everyone involved. For example, price discovery in an open and electronic market is automatic.

Captive supply is still weighing on the minds and hurting the pocketbooks of ranchers in Wyoming and across the United States. Wyoming ranchers encourage me to keep up the good fight on this issue on every trip I make to my home state. The economic soul of Wyoming is built on the foundation of small towns and small businesses. All livestock producers, even small and medium-sized ones, should have a fair chance to compete that allows them to get the best price possible for their product. We must do everything we can to keep our small producers in business.

My bill removes one of the largest obstructions preventing livestock producers from competing—formula-priced contracts. I ask my colleagues to assist me in giving their constituents and mine the chance to perform on a level playing field.

While Some Things Never Change, it is time for a sea change in the area of captive supply.

By Mr. DURBIN (for himself, Mr. HAGEL, and Mrs. FEINSTEIN):

S. 1018. A bill to address security risks posed by global climate change and for other purposes; to the Select Committee on Intelligence.

Mr. DURBIN. Mr. President, today, Senator HAGEL and I introduced the bipartisan Global Climate Change Security Oversight Act. We were joined by Senator FEINSTEIN. Our bill states that the consequences of global climate change represent a clear and present danger to the security of the United States.

For years, many of us have examined global warming as an environmental or economic issue. We also need to consider it as a security concern. Our bill begins this process by requiring a National Intelligence Estimate to assess the strategic challenges presented by the world's changing climate.

The National Security Strategy of 2006 stated that the United States now faces new security challenges, including "environmental destruction, whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security."

Global climate change represents one of the new environmental challenges outlined in the National Security Strategy that poses a threat to our national security. Failing to recognize and plan for the geopolitical challenges of global warming would represent a serious mistake.

A National Intelligence Estimate is a comprehensive review of a potential security threat that combines, correlates and evaluates intelligence from all of the relevant U.S. intelligence agencies. Various intelligence agencies—the CIA, NSA, the Pentagon, FBI, etc. must pool data, share perspectives and work together to assemble an accurate picture of threats to U.S. security.

Without an NIE, the various agencies may never have an opportunity to examine each other's data, and any differences or similarities between the reports could provide important information for policymakers.

In this legislation, we ask for the intelligence community to provide a strategic estimate of the risks posed by global climate change for countries or regions that are of particular economic or military significance to the United States or that are at serious risk of humanitarian suffering. This NIE will assess the political, social, agricultural, and economic challenges for countries and their likely impact.

Every region will be affected differently by global warming and it is critical that our intelligence and military communities are prepared to handle the situations most likely to arise.

For example, rising sea levels will have a profound impact on low lying coastal areas, especially in the Asia-Pacific region. This region is home to 58 percent of the world's population and 57 percent of the world's poorest population. More than 5 million people live in major cities that are in low lying coastal areas.

People in the Asia-Pacific region already endure coastal natural disasters, such as tsunamis, and inland flooding. Between 2001 and 2005, 62,273 people were killed annually by water related disasters in this region. This number is only going to increase as the world warms.

Africa is a place where changes in precipitation patterns will be particularly devastating. Many areas are already under enormous stress from drought and hunger. In 2005, 30 million people in 34 countries confronted food shortages as a result of drought. It is estimated that the droughts will become more severe and impact more people if the temperature continues to rise.

Environmental changes caused by global warming represent a potential threat multiplier for instability around the world. Scarce water, for example, may exacerbate conflict along economic, ethnic, or sectarian divisions. Water shortages, food insecurity, or flooding all of which may occur as a result of rising global temperatures could also displace people, forcing them to migrate. Many of the most severe effects of global warming are expected in regions where fragile governments are least capable of responding to them.

This NIE will examine these questions and more. It will also do something that we don't do often enough here in Congress: it will look beyond the near horizon of the next election or the next few years and require the intelligence community to think about these issues in the context of the next 30 years.

The bill we introduced today will also fund additional research by the Department of Defense in order to examine the impact of climate change on military operations.

Rising temperatures are altering the international environment. We need to be prepared for this new world.

We hope that our colleagues will join us in this bipartisan effort to assess the strategic implications of climate change. The scientific community has demonstrated that the earth is growing warmer. We are asking the intelligence community to analyze the geopolitical implications of these changes.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1018

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Global Climate Change Security Oversight Act".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) According to the National Oceanic and Atmospheric Administration, in 2007 the average annual temperature in the United States and around the global is approximately 1.0 degree Fahrenheit warmer than at the start of the 20th century, and the rate of warming has accelerated during the past 30 years, increasing globally since the mid-1970s. The fourth assessment report of the Intergovernmental Panel on Climate Change has predicted that the Earth will warm 0.72 degrees Fahrenheit during the next 2 decades with current emission trends.

(2) The annual national security strategy report submitted pursuant to section 108 of

the National Security Act of 1947 (50 U.S.C. 404a) for 2006 states that the United States faces new security challenges, including "environmental destruction, whether caused by human behavior or cataclysmic mega-disasters such as floods, hurricanes, earthquakes, or tsunamis. Problems of this scope may overwhelm the capacity of local authorities to respond, and may even overtax national militaries, requiring a larger international response. These challenges are not traditional national security concerns, such as the conflict of arms or ideologies. But if left unaddressed they can threaten national security.".

(3) According to the fourth assessment report of the Intergovernmental Panel on Climate Change, average temperature increases of between 2 and 4 degrees Celsius over preindustrial levels are projected to cause the sea level to rise by between 2 and 4 meters by 2100 due to melting of the Greenland and Antarctic ice sheets.

(4) In 2007, more than 200,000,000 people live in coastal floodplains around the world and 2,000,000 square kilometers of land and an estimated $1,000,000,000,000 worth of assets are less than a 1-meter elevation above sea level.

(5) An estimated 1,700,000,000 people in the world live in areas where water is scarce and in 25 years that population is projected to increase to 5,400,000,000. Climate change will impact the hydrological cycle and change the location, time of year, and intensity of water availability.

(6) The report of the World Health Organization entitled "The World Health Report 2002: Reducing Risks and Promoting Healthy Life" states that "Effects of climate change on human health can be expected to be mediated through complex interactions of physical, ecological, and social factors. These effects will undoubtedly have a greater impact on societies or individuals with scarce resources, where technologies are lacking, and where infrastructure and institutions (such as the health sector) are least able to adapt.".

(7) Environmental changes relating to global climate change represent a potentially significant threat multiplier for instability around the world as changing precipitation patterns may exacerbate competition and conflict over agricultural, vegetative, and water resources and displace people, thus increasing hunger and poverty and causing increased pressure on fragile countries.

(8) The strategic, social, political, and economic consequences of global climate change are likely to have a greater adverse effect on less developed countries with fewer resources and infrastructures that are less able to adjust to new economic and social pressures, and where the margin for governance and survival is thin.

(9) The consequences of global climate change represent a clear and present danger to the security and economy of the United States.

(10) A failure to recognize, plan for, and mitigate the strategic, social, political, and economic effects of a changing climate will have an adverse impact on the national security interests of the United States.

SEC. 3. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date set out in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an estimated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change;

(4) to assess the strategic challenges and opportunities posed to the United States by the risks described in paragraph (1);

(5) to assess the security implications and opportunities for the United States economy of engaging, or failing to engage successfully, with other leading and emerging major contributors of greenhouse gas emissions in efforts to reduce emissions; and

(6) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. Such National Intelligence Estimate may include a classified annex.

SEC. 4. RESPONSE TO THE NATIONAL INTELLIGENCE ESTIMATE.

(a) REPORT BY THE SECRETARY OF DEFENSE.—Not later than 270 days after the date that the National Intelligence Estimate required by section 3 is submitted to Congress, the Secretary of Defense shall submit to the Committee on Appropriations, the Committee on Armed Services, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Armed Services, and the Permanent Select Committee on Intelligence of the House of Representatives a report on—

(1) the projected impact on the military installations and capabilities of the United States of the effects of global climate change as assessed in the National Intelligence Estimate;

(2) the projected impact on United States military operations of the effects of global climate change described in the National Intelligence Estimate; and

(3) recommended research and analysis needed to further assess the impacts on the military of global climate change.

(b) SENSE OF CONGRESS ON THE NEXT QUADRENNIAL DEFENSE REVIEW.—It is the sense of Congress that the Secretary of Defense should address the findings of the National Intelligence Estimate required by section 3 regarding the impact of global climate change and potential implications of such impact on the Armed Forces and for the size, composition, and capabilities of Armed Forces in the next Quadrennial Defense Review.

(c) REPORT BY THE SECRETARY OF STATE.—Not later than 270 days after the date that the National Intelligence Estimate required by section 3 is submitted to Congress, the Secretary of State shall submit to the Committee on Appropriations, the Committee on Foreign Relations, and the Select Committee on Intelligence of the Senate and the Committee on Appropriations, the Committee on Foreign Affairs, and the Permanent Select Committee on Intelligence of the House of Representatives a report that addresses—

(1) the potential for large migration flows in countries of strategic interest or humanitarian concern as a response to changes in climate and the implications for United States security interests; and

(2) the potential for diplomatic opportunities and challenges facing United States policy makers as a result of social, economic, or political responses of groups or nations to global changing climate.

SEC. 5. AUTHORIZATION OF RESEARCH.

(a) IN GENERAL.—The Secretary of Defense is authorized to carry out research on the impacts of global climate change on military operations, doctrine, organization, training, material, logistics, personnel, and facilities and the actions needed to address those impacts. Such research may include—

(1) the use of war gaming and other analytical exercises;

(2) analysis of the implications for United States defense capabilities of large-scale Arctic sea-ice melt and broader changes in Arctic climate;

(3) analysis of the implications for United States defense capabilities of abrupt climate change;

(4) analysis of the implications of the findings derived from the National Intelligence

Estimate required in section 3 Act for United States defense capabilities;

(5) analysis of the strategic implications for United States defense capabilities of direct physical threats to the United States posed by extreme weather events such as hurricanes; and

(6) analysis of the existing policies of the Department of Defense to assess the adequacy of the Department's protections against climate risks to United States capabilities and military interests in foreign countries.

(b) REPORT.—Not later than 2 years after the date that the National Intelligence Estimate required by section 3 is submitted to Congress, the Secretary of Defense shall submit to Congress a report on the results of the research, war games, and other activities carried out pursuant to subsection (a).

SEC. 6. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act.

Mr. HAGEL. Mr. President. I rise today to join Senator DURBIN in introducing the Global Climate Change Security Oversight Act.

Global climate change has implications beyond economic, environmental and energy policies. It has the potential to affect every aspect of our daily lives. It is because of the possible broad impact on U.S. interests at home and abroad that I have agreed to be the lead Republican co-sponsor on the Global Climate Change Security Oversight Act.

Senator DURBIN and I differ on policy initiatives designed to reduce the impact of climate change. We do agree, however, on the need to assess potential impacts of the changing climate on U.S. national security interests so that our Nation can develop responsible, forward-thinking policies that ensure the continued safety and prosperity of the American people.

There will always be uncertainties and incomplete information in climate science. This is the nature of scientific discovery; it is constantly evolving, constantly gaining new insights and explanations of our natural world. National policy must be crafted based on what is known, but also must be able to incorporate the uncertainties of what is yet to be learned.

Our bill provides a foundation for future policy options. It instructs the Director of National Intelligence to conduct a National Intelligence Estimate to assess the potential geopolitical effects of global climate change and the implications for U.S. national security. It asks for a risk assessment of a broad array of impacts based on current scientific understanding. This bill is intended to gather information about the national security implications of projected climate change, so that in the future. Congress can develop policies that protect U.S. interests around the world.

I have said that the debate is not about whether we should take action, but rather what kind of action we should take. It would be irresponsible to attempt to develop a response to the physical effects of climate change without knowing what the potential consequences are. Our actions should always be based on a comprehensive base of scientific information and knowledge. Without this kind of information, we cannot effectively determine what the risks to U.S. national security will be. We cannot realistically design policies that mitigate these risks without this information. General Charles F. "Chuck" Wald, USAF, ret., former Deputy Commander, Headquarters U.S. European Command, has stated, "This bipartisan legislation takes on an important emerging policy issue—the impact of climate change and national security. I support its call for a national intelligence estimate of the topic and authorizing the Secretary of Defense to conduct further research on the military impact of climate change."

As I have said for many years, the way forward is to responsibly address the issue of climate change with a national strategy that incorporates economic, environmental and energy priorities. These issues are inextricably linked and changes to one will effect the other two. These priorities are also an integral part of U.S. national security. Risk assessment is essential to putting our national resources in the places where they will be most effective. This is even more important when assessing risk to national security. This legislation will provide information we need to continue to help make our country secure in the years to come.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 130—DESIGNATING JULY 28, 2007, AS "NATIONAL DAY OF THE AMERICAN COWBOY"

Mr. THOMAS (for himself, Mr. CRAIG, Mr. INHOFE, Mr. SALAZAR, Mr. ENSIGN, Mr. BENNETT, Mr. STEVENS, Mr. CORNYN, Ms. LANDRIEU, Mr. BAUCUS, Mr. ALLARD, Mr. BINGAMAN, Mr. DORGAN, Mr. DOMENICI, Mrs. MURRAY, Mr. CRAPO, Mr. ENZI, and Mr. HATCH) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 130

Whereas pioneering men and women, recognized as cowboys, helped establish the American West;

Whereas that cowboy spirit continues to infuse the Nation with its solid character, sound family values, and good common sense;

Whereas the cowboy embodies honesty, integrity, courage, compassion, respect, a strong work ethic, and patriotism;

Whereas the cowboy loves, lives off of, and depends on the land and its creatures, and is an excellent steward, protecting and enhancing the environment;

Whereas the cowboy continues to play a significant role in the culture and economy of the United States;

Whereas approximately 800,000 ranchers in all 50 States are conducting business and contributing to the economic well-being of nearly every county in the Nation;

Whereas rodeo is the sixth most-watched sport in the United States;

Whereas membership in rodeo and other organizations encompassing the livelihood of a cowboy transcends race and sex and spans every generation;

Whereas the cowboy is an American icon;

Whereas to recognize the American cowboy is to acknowledge the ongoing commitment of the United States to an esteemed and enduring code of conduct; and

Whereas the ongoing contributions made by cowboys to their communities should be recognized and encouraged: Now, therefore, be it

Resolved, That the Senate—

(1) designates July 28, 2007, as "National Day of the American Cowboy"; and

(2) encourages the people of the United States to observe the day with appropriate ceremonies and activities.

SENATE RESOLUTION 131—DESIGNATING THE FIRST WEEK OF APRIL 2007 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. BAUCUS (for himself, Mr. REID, Mr. KENNEDY, Mrs. FEINSTEIN, Mr. DURBIN, Mrs. MURRAY, Mr. LEAHY, and Mr. TESTER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 131

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2007 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

SENATE RESOLUTION 132—RECOGNIZING THE CIVIL AIR PATROL FOR 65 YEARS OF SERVICE TO THE UNITED STATES

Mr. STEVENS (for himself, Mr. INOUYE, Mr. DOMENICI, Mr. CRAPO, Ms. MURKOWSKI, Mr. WYDEN, Mr. SANDERS, Ms. SNOWE, Ms. COLLINS, Mr. WARNER, and Mr. INHOFE) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 132

Whereas the Civil Air Patrol was established on December 1, 1941, in the Office of Civilian Defense;

Whereas during World War II the volunteer units of the Civil Air Patrol conducted search and rescue missions, provided air transportation for military personnel and cargo, towed targets for the training of Army Air Corps gunners, and patrolled the coasts of the United States searching for enemy submarines;

Whereas by the end of World War II the Civil Air Patrol had flown more than 500,000 hours, sunk 2 German U-boats, and saved hundreds of crash victims;

Whereas on July 1, 1946, the Civil Air Patrol was chartered by the United States as a nonprofit, benevolent corporation;

Whereas on May 26, 1948, the Civil Air Patrol was permanently established as a volunteer auxiliary of the United States Air Force;

Whereas since 1942 the cadet programs of the Civil Air Patrol have trained more than 750,000 youth, providing them with leadership and life skills;

Whereas since 1942 the Civil Air Patrol has flown more than 1,000,000 hours of search and rescue missions, saving several thousand lives; and

Whereas since 1951 the aerospace education programs of the Civil Air Patrol have provided training and educational materials to more than 300,000 teachers, who have educated more than 8,000,000 students about aerospace: Now, therefore, be it

Resolved, That the Senate recognizes the Civil Air Patrol for 65 years of service to the United States.

Mr. STEVENS. Mr. President, last December, the Civil Air Patrol completed its 65th year of distinguished service to our Nation. I've come to the floor today to pay tribute to the brave men and women who helped this important organization reach this milestone.

In the late 1930s, Gill Robb Wilson, General Henry "Hap" Arnold, and other American aviation leaders recognized the need for a civilian group which could complement air operations undertaken by our military. Their vision led to the establishment of the Civil Air Patrol on December 1, 1941.

Less than a week later, Pearl Harbor was attacked and the United States was drawn into World War II. The newly formed Civil Air Patrol played a vital role in keeping America safe during this dark period in our history. CAP members kept watch for enemy submarines, assisted the Army Air Corps with training exercises, and helped transport military personnel and cargo. They rescued hundreds of crash survivors and helped force the Nazis to withdraw U-boat operations from our East Coast. In total, thousands of CAP volunteers flew more than 500,000 hours and 24 million miles during the war.

The tremendous accomplishments and potential of this organization did not go unnoticed. After World War II, President Truman signed a law designating the Civil Air Patrol as a nonprofit, benevolent corporation and an "instrumentality of the United States." Two years later, Congress passed legislation establishing CAP as a volunteer auxiliary of the United States Air Force.

Today, the three principal missions of the Civil Air Patrol are to administer cadet training programs, provide aerospace education, and perform operations related to homeland security and emergency services. This organization has exceeded all expectations in each of these areas.

Approximately 750,000 American children have learned important life and leadership lessons from CAP's cadet programs. More than 300,000 teachers—and some eight million students—have received training and instructional materials through CAP's aerospace education program. CAP volunteers have now flown more than one million hours of search and rescue operations, and thousands of lives have been saved as a result. As an Alaskan, I am particularly appreciative of these efforts—since 2004, the Civil Air Patrol has saved at least 57 lives in our State. And, I served as a Legal Officer for the Civil Air Patrol in Fairbanks, AK, in the 1950s.

Today, the Civil Air Patrol is a nationwide organization of nearly 57,000 volunteers. CAP wings can be found in all 50 States, the District of Columbia, and Puerto Rico. The organization's members—all volunteers—fly approximately 120,000 hours each year as they assist with border patrol, terrorism preparedness, the War on Drugs, and natural disaster responses.

The Civil Air Patrol also submits an annual report to Congress. In 2005, this report was titled "Everyday Heroes . . . The Faces of the Civil Air Patrol." In part, the word "hero" is defined as "a person noted for feats of courage or nobility of purpose, especially one who has risked or sacrificed his or her life."

Mr. President, I can think of no title more fitting for the members of the Civil Air Patrol. The men and women of this organization have volunteered their time and resources in the service of others for the past 65 years. Each is truly an "everyday hero" and worthy of our Nation's deepest gratitude.

In honor of the Civil Air Patrol's 65th anniversary, Senators INOUYE, DOMENICI, CRAPO, MURKOWSKI, WYDEN, SANDERS, SNOWE, COLLINS, WARNER, INHOFE, and I have introduced S. Res. XX. I encourage each Member of the Senate to support this resolution.

SENATE RESOLUTION 133—CELEBRATING THE LIFE OF BISHOP GILBERT EARL PATTERSON

Mr. OBAMA (for himself, Mr. LEVIN, Mr. KERRY, Mr. ALEXANDER, and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 133

Whereas Bishop Gilbert Earl Patterson was born in 1939 to Bishop W.A. and Mrs. Mary Patterson, Sr., in Humboldt, Tennessee;

Whereas Bishop Patterson was reared in Memphis, Tennessee, and Detroit, Michigan, and ordained as an elder in the Church of God in Christ in 1958 by Bishop J.S. Bailey;

Whereas Bishop Patterson grew in wisdom at the Detroit Bible Institute and LeMoyne Owen College in Memphis, Tennessee;

Whereas, in 1962, Bishop Patterson became co-pastor with his father of Holy Temple Church of God in Christ in Memphis, Tennessee;

Whereas, in 1975, Bishop Patterson founded Temple of Deliverance, the Cathedral of the Bountiful Blessings;

Whereas Temple of Deliverance is now a shining star of both the Church of God in Christ and all of the Nation's communities of faith;

Whereas Temple of Deliverance, under Bishop Patterson's wise leadership, continues to touch the entire Nation through its Bountiful Blessings Ministry;

Whereas Bishop Patterson reached millions across the globe with his direct and spirit-filled messages, encouraging the world to "be healed, be delivered, and be set free";

Whereas Bishop Patterson served as the international leader of the Church of God in Christ since November 2000, ably leading this denomination of over 6,000,000 members;

Whereas Bishop Patterson passed away on Tuesday, March 20, 2007, in Memphis, Tennessee, surrounded by his wife, Mrs. Louise Patterson, and his family;

Whereas Bishop Patterson will be celebrated as an invigorating spiritual leader; and

Whereas the family of Bishop Patterson, the Temple of Deliverance congregation, the Church of God in Christ, and indeed the entire Nation are deeply saddened by the loss of this great man: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the condolences of the Nation to the family of Bishop Gilbert Earl Patterson, the Temple of Deliverance Congregation, and the Church of God in Christ; and

(2) recognizes the life and accomplishments of Bishop Gilbert Earl Patterson, who guided a church, led a denomination, and influenced a nation.

AMENDMENTS SUBMITTED AND PROPOSED

SA 807. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

SA 808. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 737 submitted by Mr. Sanders (for himself, Mr. Wyden, Mrs. Clinton, and Mr. Sununu) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 809. Mr. OBAMA (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 810. Mr. OBAMA (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 811. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 690 proposed by Mr. Cochran (for Mr. Lugar) to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 812. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 664 submitted by Mr. Obama (for himself, Mrs. McCaskill, Ms. Mikulski, Mr. Harkin, Mr. Kerry, Ms. Cantwell, Mr. Biden, Mr. Bingaman, Mr. Casey, Mr. Durbin, Mr. Baucus, Ms. Landrieu, and Mr. Leahy) to the bill H.R. 1591, supra; which was ordered to lie on the table..

SA 813. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 745 submitted by Mr. Pryor and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 814. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. Landrieu and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 815. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 757 submitted by Mr. Byrd (for himself and Mr. Inouye) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 816. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 648 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 817. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 649 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 818. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 656 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 819. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 657 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 820. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 717 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 821. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 718 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 822. Mr. REID submitted an amendment intended to be proposed to amendment SA 670 submitted by Mr. Lugar and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 823. Mr. REID submitted an amendment intended to be proposed to amendment SA 690 proposed by Mr. Cochran (for Mr. Lugar) to the bill H .R. 1591, supra.

SA 824. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 718 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 825. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 656 submitted by Mr. Coburn to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 826. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 827. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 828. Mr. DeMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 829. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 700 submitted by Mr. Grassley and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 830. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 701 submitted by Mr. Grassley and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 831. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. Landrieu and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 832. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. Landrieu and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 833. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 778 submitted by Ms. Collins and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 834. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 784 submitted by Mr. Durbin (for himself, Mr. Biden, Mr . Menendez, Mr. Levin, and Mr. Cardin) and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 835. Mrs. MURRAY (for Mr. Coleman (for himself, Mr. Cochran, and Ms. Klobuchar)) submitted an amendment intended to be proposed by Mrs. Murray to the bill H.R. 1591, supra.

SA 836. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 700 submitted by Mr. Grassley and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 837. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 701 submitted by Mr. Grassley and intended to be proposed to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 838. Mr. COLEMAN (for himself, Mr. Cochran, and Ms. Klobuchar) submitted an amendment intended to be proposed by him to the bill H.R. 1591, supra; which was ordered to lie on the table.

SA 839. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1591, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 807. Mr. PRYOR submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of chapter 5 of title I, add the following:

SEC. 1503. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.

(a) Additional Amount for State and Local Programs.—The amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by $5.000.000.

(b) Availability for Domestic Preparedness Equipment Technical Assistance Program.—Of the amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS", as increased by subsection (a), $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

(c) Offset.—The amount appropriated or otherwise made available by this chapter under the heading "United States Citizenship and Immigration Services" is hereby reduced by $5,000,000.

SA 808. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 737 submitted by Mr. Sanders (for himself, Mr. Wyden, Mrs. Clinton, and Mr. Sununu) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 2, of the amendment, strike "$242,200,000" and insert "$229,500,000".

SA 809. Mr. OBAMA (for himself and Mrs. McCaskill) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR ADDITIONAL MENTAL HEALTH AND RELATED PERSONNEL.

The amount appropriated or otherwise made available by this chapter under the heading “DEFENSE HEALTH PROGRAM” is hereby increased by $58,000,000, with the amount of the increase to be available for additional caseworkers at military medical treatment facilities and other military facilities housing patients to participate in, enhance, and assist the Physical Disability Evaluation System (PDES) process, and for additional mental health and mental crisis counselors at military medical treatment facilities and other military facilities housing patients for services for members of the Armed Forces and their families.

SEC. . ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM FOR WOMEN'S MENTAL HEALTH SERVICES.

The amount appropriated or otherwise made available by this chapter under the heading “DEFENSE HEALTH PROGRAM” is hereby increased by $15,000,000, with the amount of the increase to be available for mental health services for women members of the Armed Forces, including services and treatment for women who have experienced post-traumatic stress disorder and services and treatment for women who have experienced sexual assault or abuse, which services shall include the hiring and training of additional sexual abuse crisis counselors for members of the Armed Forces who have experienced sexual abuse or assault.

SA 810. Mr. OBAMA (for himself and Mrs. McCASKILL) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . ADDITIONAL MENTAL HEALTH AND RELATED PERSONNEL.

Of the amount appropriated or otherwise made available by this chapter under the heading “DEFENSE HEALTH PROGRAM”, $58,000,000 shall be available for additional caseworkers at military medical treatment facilities and other military facilities housing patients to participate in, enhance, and assist the Physical Disability Evaluation System (PDES) process, and for additional mental health and mental crisis counselors at military medical treatment facilities and other military facilities housing patients for services for members of the Armed Forces and their families.

SEC. . WOMEN'S MENTAL HEALTH SERVICES.

Of the amount appropriated or otherwise made available by this chapter under the heading “DEFENSE HEALTH PROGRAM”, $15,000,000 shall be available for mental health services for women members of the Armed Forces, including services and treatment for women who have experienced post-traumatic stress disorder and services and treatment for women who have experienced sexual assault or abuse, which services shall include the hiring and training of additional sexual abuse crisis counselors for members of the Armed Forces who have experienced sexual abuse or assault.

SA 811. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 690 proposed by Mr. COCHRAN (for Mr. LUGAR) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, $12,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for “Educational and Cultural Exchange Programs”, $25,000,000 is rescinded.

SA 812. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 664 submitted by Mr. OBAMA (for himself, Mrs. McCASKILL, Ms. MIKULSKI, Mr. HARKIN, Mr. KERRY, Ms. CANTWELL, Mr. BIDEN, Mr. BINGAMAN, Mr. CASEY, Mr. DURBIN, Mr. BAUCUS, Ms. LANDRIEU, and Mr. LEAHY) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, $12,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for “Educational and Cultural Exchange Programs”, $25,000,000 is rescinded.

SA 813. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 745 submitted by Mr. PRYOR and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, $12,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for “Educational and Cultural Exchange Programs”, $25,000,000 is rescinded.

SA 814. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, $12,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for “Educational and Cultural Exchange Programs”, $25,000,000 is rescinded.

SA 815. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 757 submitted by Mr. BYRD (for himself and Mr. INOUYE) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for “Salaries and Expenses, United States Attorneys”, $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for “Salaries and Expenses, United States Marshals Service”, $12,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for “Educational and Cultural Exchange Programs”, $25,000,000 is rescinded.

SA 816. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 648 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 817. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 649 submitted by Mr.

COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 818. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 656 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 819. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 657 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 820. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 717 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 821. Mr. ENSIGN submitted an amendment intended to be proposed to amendment SA 718 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30,2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert the following:

LIMITATION ON USE OF FUNDS.—A State shall not use amounts provided for the purpose of additional allotments to remaining SCHIP shortfall states for providing child health assistance or other health benefits coverage for any non-pregnant adult.

SA 822. Mr. REID submitted an amendment intended to be proposed to amendment SA 670 submitted by Mr. LUGAR and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the end add the following:

This section shall become effective 2 days after enactment.

SA 823. Mr. REID submitted an amendment intended to be proposed to amendment SA 690 proposed by Mr. COCHRAN (for Mr. LUGAR) to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

At the end of the amendment add the following:

The provisions in this section shall become effective 2 days after enactment.

SA 824. Mr. THOMAS submitted an amendment intended to be proposed to amendment SA 718 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. (a) Notwithstanding any other provision of this Act, the following amounts provided in this Act are rescinded and shall be null and void:

(1) $24,000,000 for funding sugar beets.

(2) $3,000,000 for funding for sugar cane.

(3) $20,000,000 for insect infestation damage reimbursements in Nevada, Idaho, and Utah.

(4) $2,100,000,000 for crop production losses.

(5) $1,500,000,000 for livestock production losses.

(6) $100,000,000 for Dairy Production losses.

(7) $13,000,000 for Ewe Lamb Replacement and Retention program.

(8) $32,000,000 for Livestock Indemnity program.

(9) $40,000,000 for the Tree Assistance program.

(10) $100,000,000 million for Small Agricultural Dependent Businesses.

(11) $6,000,000 for North Dakota flooded crop land.

(12) $35,000,000 for emergency conservation program.

(13) $50,000,000 for the emergency watershed program.

(14) $115,000,000 for the conservation security program.

(15) $18,000,000 for drought assistance in upper Great Plains/South West.

(16) Provisions that extend the availability by a year $3,500,000 in funding for guided tours of the Capitol. Also a provision allows transfer of funds from holiday ornament sales in the Senate gift shop.

(17) $165,900,000 for fisheries disaster relief, funded through NOAA.

(18) $12,000,000 for forest service money (requested by the President in the non-emergency fiscal year 2008 budget).

(19) $425,000,000 for education grants for rural areas-(Secure Rural Schools program).

(20) $640,000,000 for LIHEAP.

(21) $25,000,000 for asbestos abatement at the Capitol Power Plant.

(22) $388,900,000 for funding for backlog of old Department of Transportation projects.

(23) $22,800,000 for geothermal research and development.

(24) $500,000,000 for wildland fire management.

(25) $13,000,000 for mine safety technology research.

(26) $31,000,000 for 1 month extension of Milk Income Loss Contract program (MILC).

(27) $50,000,000 for fisheries disaster mitigation fund.

(28) Subsections (a) and (b) of section 1315 (Iraq withdraw).

(29) Any provision relating to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or Hurricane Dennis emergency assistance.

(30) $100,000,000 for the 2008 Presidential Candidate Nominating Conventions.

(31) $660,000,000 for Aviation Security for procurement and installation related to baggage systems and air cargo security.

(32) $850,000,000 for State and Local Programs for regional grants and technical assistance.

(33) $15,000,000 for Research, Development, Acquisition, and Operations for air cargo research.

(34) $39,000,000 for Research, Development, and Operations for non-container, rail, aviation and intermodal radiation detection activities.

(35) $820,000,000 for Public Health and Social Services Emergency Fund for influenza pandemic.

(36) $170,000,000 for State and Local Law Enforcement Assistance for discretionary grants.

(b) Notwithstanding any other provision of this Act, the following provisions of this Act shall be null and void:

(1) Any provision relating to the Federal minimum wage and any related changes to the Internal Revenue Code of 1986.

(2) Sections 2704, 2705, and 2706, relating to SCHIP funding.

SA 825. Mr. STEVENS submitted an amendment intended to be proposed to amendment SA 656 submitted by Mr. COBURN to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 2, line 1, insert "(other than section 1313 of title I)" after "of this Act".

SA 826. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following: ": *Provided further*, That no funds shall be made available by this Act to carry out subtitle C of title IV, and that subtitle shall have no force or effect".

SA 827. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following: ": *Provided further*, That no funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006".

SA 828. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in the amendment, insert the following: ": *Provided further*, That no funds shall be made available by this Act to carry out section 413 (relating to the milk income loss contract program), and that section shall have no force or effect".

SA 829. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 700 submitted by Mr. GRASSLEY and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 1, line 5, of the amendment, strike "from" and all that follows through page 2, line 7, and insert "from enforcing any anti-fraud provisions of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or developing new proposals during such period to eliminate fraud in such programs, without harming beneficiaries' access to health care under such programs.".

SA 830. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 701 submitted by Mr. GRASSLEY and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 1 of the amendment, beginning on line 5, strike "from" and all that follows through line 9, and insert "from enforcing any anti-fraud provisions of law in effect as of the date of enactment of this Act with respect to the Medicaid program or the State Children's Health Insurance Program, or developing new proposals during such period to eliminate fraud in such programs, without harming beneficiaries' access to health care under such programs.".

SA 831. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

After the section heading, strike all and insert the following:

(b) ADDITIONAL AMOUNT FOR DEFENSE HEALTH PROGRAM.—The amount appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" is hereby increased by $10,000,000, with the amount of the increase to be available to provide for the following:

(1) The development of a field-deployable system which would mitigate the impact of traumatic brain injury, such as deployable ice water immersion cooling system.

(2) The development of an ice water immersion cooling system to treat traumatic brain injuries, suitable for use in a stationary medical treatment facility.

SA 832. Ms. LANDRIEU submitted an amendment intended to be proposed to amendment SA 756 submitted by Ms. LANDRIEU and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

After the section heading, strike all and insert the following:

(b) AVAILABILITY OF AMOUNT FOR ACTIVITIES RELATING TO TRAUMATIC BRAIN INJURY.—Amounts appropriated or otherwise made available by this chapter under the heading "DEFENSE HEALTH PROGRAM" shall be available for the following:

(1) The development of a field-deployable system which would mitigate the impact of traumatic brain injury, such as deployable ice water immersion cooling system.

(2) The development of an ice water immersion cooling system to treat traumatic brain injuries, suitable for use in a stationary medical treatment facility.

SA 833. Mr. LAUTENBERG submitted an amendment intended to be proposed to amendment SA 778 submitted by Ms. COLLINS and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, strike line 9 and all that follows through page 2, line 4.

SA 834. Mr. DURBIN submitted an amendment intended to be proposed to amendment SA 784 submitted by Mr. DURBIN (for himself, Mr. BIDEN, Mr. MENENDEZ, Mr. LEVIN, and Mr. CARDIN) and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30. 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 1, line 4, of the amendment, strike "$373,000,000" and insert "$373,000,000 (which is partially offset by reducing by $50,000,000 the amount appropriated by this chapter under the heading 'DIPLOMATIC AND CONSULAR PROGRAMS')".

SA 835. Mrs. MURRAY (for Mr. COLEMAN (for himself, Mr. COCHRAN, and Ms. KLOBUCHAR)) submitted an amendment intended to be proposed by Mrs. MURRAY to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(b) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

"(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

"(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B));

"(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

"(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.".

SA 836. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 700 submitted by Mr. GRASSLEY and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(b) BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.—

(1) IN GENERAL.—Section 6045 of the Internal Revenue Code of 1986 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to any applicable security, the broker shall include in such return the information described in paragraph (2).

"(2) ADDITIONAL INFORMATION REQUIRED.—

"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to an applicable security of a customer shall include for each reported applicable security the customer's adjusted basis in such security.

"(B) EXEMPTION FROM REQUIREMENT.—The Secretary shall issue such regulations or guidance as necessary concerning the application of the requirement under subparagraph (A) in cases in which a broker in making a return does not have sufficient information to meet such requirement with respect to the reported applicable security. Such regulations or guidance may—

"(i) require such other information related to such adjusted basis as the Secretary may prescribe, and

"(ii) exempt classes of cases in which the broker does not have sufficient information to meet either the requirement under subparagraph (A) or the requirement under clause (i).

"(3) INFORMATION TRANSFERS.—To the extent provided in regulations, there shall be such exchanges of information between brokers as such regulations may require for purposes of enabling such brokers to meet the requirements of this subsection.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'applicable security' means any—

"(A) security described in subparagraph (A) or (C) of section 475(c)(2),

"(B) interest in a regulated investment company (as defined in section 851), or

"(C) other financial instrument designated in regulations prescribed by the Secretary.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 2009, with respect to securities acquired after December 31, 2008.

(c) REGULATORY AUTHORITY.—The Secretary of the Treasury may promulgate regulations requiring information reporting on all non-wage payments by Federal, State, and local governments to procure property and services.

(d) REPEAL OF INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—The amendments made by this section to section 1927(c)(1)(B) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(B)) shall have no force and effect.

SA 837. Mr. BINGAMAN submitted an amendment intended to be proposed to amendment SA 701 submitted by Mr. GRASSLEY and intended to be proposed to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

(b) BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.—

(1) IN GENERAL.—Section 6045 of the Internal Revenue Code of 1986 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to any applicable security, the broker shall include in such return the information described in paragraph (2).

"(2) ADDITIONAL INFORMATION REQUIRED.—

"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to an applicable security of a customer shall include for each reported applicable security the customer's adjusted basis in such security.

"(B) EXEMPTION FROM REQUIREMENT.—The Secretary shall issue such regulations or guidance as necessary concerning the application of the requirement under subparagraph (A) in cases in which a broker in making a return does not have sufficient information to meet such requirement with respect to the reported applicable security. Such regulations or guidance may—

"(i) require such other information related to such adjusted basis as the Secretary may prescribe, and

"(ii) exempt classes of cases in which the broker does not have sufficient information to meet either the requirement under subparagraph (A) or the requirement under clause (i).

"(3) INFORMATION TRANSFERS.—To the extent provided in regulations, there shall be such exchanges of information between brokers as such regulations may require for purposes of enabling such brokers to meet the requirements of this subsection.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'applicable security' means any—

"(A) security described in subparagraph (A) or (C) of section 475(c)(2),

"(B) interest in a regulated investment company (as defined in section 851), or

"(C) other financial instrument designated in regulations prescribed by the Secretary.".

(2) EFFECTIVE DATE.—The amendment made by this subsection shall apply to returns the due date for which (determined without regard to extensions) is after December 31, 2009, with respect to securities acquired after December 31, 2008.

(c) REGULATORY AUTHORITY.—The Secretary of the Treasury may promulgate regulations requiring information reporting on all non-wage payments by Federal, State, and local governments to procure property and services.

(d) REPEAL OF INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—The amendments made by this section to section 1927(c)(1)(B) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(B)) shall have no force and effect.

SA 838. Mr. COLEMAN (for himself, Mr. COCHRAN, and Ms. KLOBUCHAR) submitted an amendment intended to be proposed by him to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

On page 85, between lines 21 and 22, insert the following:

(c) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

"(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after January 1, 2006, and before December 31, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

"(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i-4(c)(2)(B));

"(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

"(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.".

SA 839. Ms. KLOBUCHAR submitted an amendment intended to be proposed by her to the bill H.R. 1591, making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. In providing any grants for small and rural community technical and compliance assistance, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of support) from small communities in each State.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, March 28, 2007, at 10 a.m., in room 253 of the Russell Senate

Office Building. The purpose of this hearing is to discuss the future of the Coast Guard dive program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, March 28, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to discuss transitioning to a Next Generation Human Space Flight System.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet during the session of the Senate on Wednesday, March 28, 2007.

The agenda to be considered:

Reducing Government Building Operational Costs through Innovation and Efficiency: Legislative Solutions.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Wednesday, March 28, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Risks and Reform: The Role of Currency in the U.S.-China Relationship."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, March 28, 2007, at 11:45 a.m. to hold a business meeting.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on the No Child Left Behind reauthorization during the session of the Senate on Wednesday, March 28, 2007, at 3 p.m. in SD–430.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, March 28, 2007, at 10 a.m., to conduct a markup on S. 223, the Senate Campaign Disclosure Parity Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

JOINT ECONOMIC COMMITTEE

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Joint Economic Committee be authorized to conduct a hearing in Room 216 of the Hart Senate Office Building, Wednesday, March 28, 2007, from 10:30 a.m. to 1:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SPECIAL COMMITTEE ON AGING

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Special Committee on Aging be authorized to meet Wednesday, March 28, 2007, from 10:15 a.m. to 12 p.m. in Dirksen 562 for the purpose of conducting a hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON PERSONNEL

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Personnel be authorized to meet during the session of the Senate on Wednesday, March 28, 2007, at 3:30 p.m., to receive testimony on active component, reserve component, and civilian personnel programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open and closed sessions during the session of the Senate on Wednesday, March 28, 2007, at 9:30 a.m., to receive testimony on strategic forces programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRESSIONAL BUDGET FOR THE UNITED STATES GOVERNMENT FOR FISCAL YEAR 2008

On Friday, March 23, 2007, the Senate passed S. Con. Res. 21, as follows:

S. CON. RES. 21

Resolved by the Senate (the House of Representatives concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress declares that this resolution is the concurrent resolution on the budget for fiscal year 2008 and that the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012 are set forth.

(b) TABLE OF CONTENTS.—The table of contents for this concurrent resolution is as follows:

Sec. 1. Concurrent Resolution on the Budget for Fiscal Year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Social Security.
Sec. 103. Major functional categories.

TITLE II—BUDGET PROCESS

Sec. 201. Pay-as-you-go point of order in the Senate.
Sec. 202. Point of order against reconciliation legislation that would increase the deficit or reduce a surplus.
Sec. 203. Point of order against legislation increasing long-term deficits.
Sec. 204. Emergency legislation.
Sec. 205. Extension of enforcement of budgetary points of order.
Sec. 206. Point of order against advance appropriations.
Sec. 207. Discretionary spending limits.
Sec. 208. Application of previous allocations in the Senate.
Sec. 209. Point of order to Save Social Security First.
Sec. 210. Point of order against legislation that raises income tax rates.
Sec. 211. Circuit breaker to protect Social Security.
Sec. 212. Point of order—20% limit on new direct spending in reconciliation legislation.
Sec. 213. Point of order against legislation that raises income tax rates for small businesses, family farms, or family ranches.
Sec. 214. Point of order against provisions of appropriations legislation that constitutes changes in mandatory programs with net costs.
Sec. 215. Disclosure of interest costs.

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

Sec. 301. Deficit-neutral reserve fund for SCHIP legislation.
Sec. 302. Deficit-neutral reserve fund for care of wounded service members.
Sec. 303. Deficit-neutral reserve fund for tax relief.
Sec. 304. Deficit-neutral reserve fund for comparative effectiveness research.
Sec. 305. Deficit-neutral reserve fund for higher education.
Sec. 306. Deficit-neutral reserve fund for the Farm Bill.
Sec. 307. Deficit-neutral reserve fund for energy legislation.
Sec. 308. Deficit-neutral reserve fund for Medicare.
Sec. 309. Deficit-neutral reserve fund for small business health insurance.
Sec. 310. Deficit-neutral reserve fund for county payments for Secure Rural Schools and Community Self-Determination Act of 2000 reauthorization.
Sec. 311. Deficit-neutral reserve fund for terrorism risk insurance reauthorization.
Sec. 312. Deficit-neutral reserve fund for affordable housing.
Sec. 313. Deficit-neutral reserve fund for receipts from Bonneville Power Administration.
Sec. 314. Deficit-neutral reserve fund for Indian claims settlement.
Sec. 315. Deficit-neutral reserve fund for Food and Drug Administration.
Sec. 316. Deficit-neutral reserve fund for health care reform.
Sec. 317. Deficit-neutral reserve fund for enhancement of veterans' benefits.

Sec. 318. Deficit-neutral reserve fund for long-term care.
Sec. 319. Deficit-neutral reserve fund for health information technology.
Sec. 320. Deficit-neutral reserve fund for child care.
Sec. 321. Deficit-neutral reserve fund for comprehensive immigration reform.
Sec. 322. Deficit-neutral reserve fund for mental health parity.
Sec. 323. Deficit-neutral reserve fund for preschool opportunities.
Sec. 324. Deficit-neutral reserve fund for the safe importation of FDA-approved prescription drugs.
Sec. 325. Application and effect of changes in allocations and aggregates.
Sec. 326. Adjustments to reflect changes in concepts and definitions.
Sec. 327. Exercise of rulemaking powers.
Sec. 328. Deficit-neutral reserve fund for expansion of above-the-line deduction for teacher classroom supplies.
Sec. 329. Adjustment for Smithsonian Institution salaries and expenses.
Sec. 330. Deficit-reduction reserve fund for reduction of improper payments.
Sec. 331. Deficit-neutral reserve fund for extension of the deduction for State and local sales taxes.
Sec. 332. Deficit-neutral reserve fund for extension of certain energy tax incentives.
Sec. 333. Reserve fund to provide additional training for physicians and attract more physicians in States that face a shortage of physicians in training.
Sec. 334. Deficit-neutral reserve fund for repeal of the 1993 increase in the income tax on Social Security Benefits.
Sec. 335. Sense of Congress on the State Criminal Alien Assistance Program.
Sec. 336. Deficit-neutral reserve fund for eliminating military retirement and disability offset.
Sec. 337. Deficit-neutral reserve for asbestos reform legislation.
Sec. 338. Deficit-neutral reserve fund for manufacturing initiatives.
Sec. 339. Deficit-reduction reserve fund for increased use of recovery audits.
Sec. 340. Deficit-neutral reserve fund for a delay in the implementation of a proposed rule relating to the Federal-State Financial Partnerships under Medicaid and SCHIP.
Sec. 341. Reserve fund to improve the health care system.
Sec. 342. Reserve fund to improve Medicare hospital payment accuracy.
Sec. 343. Deficit-neutral reserve fund to improve health insurance.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,900,706,000,000.
Fiscal year 2008: $2,008,975,000,000.
Fiscal year 2009: $2,122,544,000,000.
Fiscal year 2010: $2,221,229,000,000.
Fiscal year 2011: $2,357,776,000,000.
Fiscal year 2012: $2,426,691,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be changed are as follows:

Fiscal year 2007: -$4,000,000,000.
Fiscal year 2008: -$41,821,000,000.
Fiscal year 2009: $15,618,000,000.
Fiscal year 2010: $57,508,000,000.
Fiscal year 2011: -$36,774,000,000.
Fiscal year 2012: -$170,405,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,364,566,000,000.
Fiscal year 2008: $2,490,185,000,000.
Fiscal year 2009: $2,506,314,000,000.
Fiscal year 2010: $2,555,623,000,000.
Fiscal year 2011: $2,669,264,000,000.
Fiscal year 2012: $2,696,288,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,298,846,000,000.
Fiscal year 2008: $2,460,251,000,000.
Fiscal year 2009: $2,555,575,000,000.
Fiscal year 2010: $2,587,173,000,000.
Fiscal year 2011: $2,675,133,000,000.
Fiscal year 2012: $2,682,375,000,000.

(4) DEFICITS.—For purposes of the enforcement of this resolution, the amounts of the deficits are as follows:

Fiscal year 2007: $398,140,000,000.
Fiscal year 2008: $451,276,000,000.
Fiscal year 2009: $433,031,000,000.
Fiscal year 2010: $365,944,000,000.
Fiscal year 2011: $317,357,000,000.
Fiscal year 2012: $255,684,000,000.

(5) PUBLIC DEBT.—The appropriate levels of the public debt are as follows:

Fiscal year 2007: $8,960,830,000,000.
Fiscal year 2008: $9,529,811,000,000.
Fiscal year 2009: $10,079,488,000,000.
Fiscal year 2010: $10,562,973,000,000.
Fiscal year 2011: $10,993,669,000,000.
Fiscal year 2012: $11,375,583,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,045,226,000,000.
Fiscal year 2008: $5,308,213,000,000.
Fiscal year 2009: $5,537,687,000,000.
Fiscal year 2010: $5,686,479,000,000.
Fiscal year 2011: $5,769,579,000,000.
Fiscal year 2012: $5,779,399,000,000.

SEC. 102. SOCIAL SECURITY.

(a) SOCIAL SECURITY REVENUES.—The amounts of revenues of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $637,586,000,000.
Fiscal year 2008: $668,998,000,000.
Fiscal year 2009: $702,851,000,000.
Fiscal year 2010: $737,589,000,000.
Fiscal year 2011: $772,605,000,000.
Fiscal year 2012: $807,928,000,000.

(b) SOCIAL SECURITY OUTLAYS.—The amounts of outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund are as follows:

Fiscal year 2007: $441,676,000,000.
Fiscal year 2008: $460,224,000,000.
Fiscal year 2009: $478,578,000,000.
Fiscal year 2010: $499,655,000,000.
Fiscal year 2011: $520,743,000,000.
Fiscal year 2012: $546,082,000,000.

(c) SOCIAL SECURITY ADMINISTRATIVE EXPENSES.—In the Senate, the amounts of new budget authority and budget outlays of the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund for administrative expenses are as follows:

Fiscal year 2007:
(A) New budget authority, $4,692,000,000.
(B) Outlays, $4,727,000,000.
Fiscal year 2008:
(A) New budget authority, $5,130,000,000.
(B) Outlays, $5,105,000,000.
Fiscal year 2009:
(A) New budget authority, $5,284,000,000.
(B) Outlays, $5,244,000,000.
Fiscal year 2010:
(A) New budget authority, $5,444,000,000.
(B) Outlays, $5,417,000,000.
Fiscal year 2011:
(A) New budget authority, $5,612,000,000.
(B) Outlays, $5,583,000,000.
Fiscal year 2012:
(A) New budget authority, $5,783,000,000.
(B) Outlays, $5,753,000,000.

SEC. 103. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):
Fiscal year 2007:
(A) New budget authority, $619,363,000,000.
(B) Outlays, $560,462,000,000.
Fiscal year 2008:
(A) New budget authority, $648,820,000,000.
(B) Outlays, $617,842,000,000.
Fiscal year 2009:
(A) New budget authority, $584,775,000,000.
(B) Outlays, $626,962,000,000.
Fiscal year 2010:
(A) New budget authority, $545,251,000,000.
(B) Outlays, $572,856,000,000.
Fiscal year 2011:
(A) New budget authority, $551,054,000,000.
(B) Outlays, $558,381,000,000.
Fiscal year 2012:
(A) New budget authority, $559,899,000,000.
(B) Outlays, $551,763,000,000.

(2) International Affairs (150):
Fiscal year 2007:
(A) New budget authority, $34,790,000,000.
(B) Outlays, $32,015,000,000.
Fiscal year 2008:
(A) New budget authority, $39,214,000,000.
(B) Outlays, $36,944,400,000.
Fiscal year 2009:
(A) New budget authority, $34,555,000,000.
(B) Outlays, $35,101,600,000.
Fiscal year 2010:
(A) New budget authority, $34,859,000,000.
(B) Outlays, $33,497,400,000.
Fiscal year 2011:
(A) New budget authority, $35,432,000,000.
(B) Outlays, $33,376,600,000.
Fiscal year 2012:
(A) New budget authority, $35,984,000,000.
(B) Outlays, $33,335,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $27,583,000,000.
(B) Outlays, $26,353,000,000.
Fiscal year 2009:
(A) New budget authority, $26,925,000,000.
(B) Outlays, $27,529,000,000.
Fiscal year 2010:
(A) New budget authority, $27,289,000,000.
(B) Outlays, $27,651,000,000.
Fiscal year 2011:
(A) New budget authority, $27,654,000,000.
(B) Outlays, $27,267,000,000.
Fiscal year 2012:
(A) New budget authority, $28,020,000,000.

(B) Outlays, $27,593,000,000.

(4) Energy (270):

Fiscal year 2007:

(A) New budget authority, $2,958,000,000.

(B) Outlays, $1,384,000,000.

Fiscal year 2008:

(A) New budget authority, $3,662,000,000.

(B) Outlays, $1,256,000,000.

Fiscal year 2009:

(A) New budget authority, $3,142,000,000.

(B) Outlays, $1,659,000,000.

Fiscal year 2010:

(A) New budget authority, $3,198,000,000.

(B) Outlays, $1,778,000,000.

Fiscal year 2011:

(A) New budget authority, $3,258,000,000.

(B) Outlays, $1,766,000,000.

Fiscal year 2012:

(A) New budget authority, $3,306,000,000.

(B) Outlays, $2,032,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2007:

(A) New budget authority, $31,332,000,000.

(B) Outlays, $32,905,000,000.

Fiscal year 2008:

(A) New budget authority, $32,933,000,000.

(B) Outlays, $34,927,000,000.

Fiscal year 2009:

(A) New budget authority, $33,331,000,000.

(B) Outlays, $35,250,000,000.

Fiscal year 2010:

(A) New budget authority, $33,999,000,000.

(B) Outlays, $35,264,000,000.

Fiscal year 2011:

(A) New budget authority, $34,365,000,000.

(B) Outlays, $35,337,000,000.

Fiscal year 2012:

(A) New budget authority, $35,098,000,000.

(B) Outlays, $35,624,000,000.

(6) Agriculture (350):

Fiscal year 2007:

(A) New budget authority, $26,207,000,000.

(B) Outlays, $22,580,000,000.

Fiscal year 2008:

(A) New budget authority, $20,481,000,000.

(B) Outlays, $21,497,000,000.

Fiscal year 2009:

(A) New budget authority, $20,984,000,000.

(B) Outlays, $20,108,000,000.

Fiscal year 2010:

(A) New budget authority, $21,137,000,000.

(B) Outlays, $20,118,000,000.

Fiscal year 2011:

(A) New budget authority, $21,099,000,000.

(B) Outlays, $20,390,000,000.

Fiscal year 2012:

(A) New budget authority, $21,288,000,000.

(B) Outlays, $20,763,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2007:

(A) New budget authority, $5,515,000,000.

(B) Outlays, –$3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $8,915,000,000.

(B) Outlays, $1,882,000,000.

Fiscal year 2009:

(A) New budget authority, $8,602,000,000.

(B) Outlays, $159,000,000.

Fiscal year 2010:

(A) New budget authority, $8,566,000,000.

(B) Outlays, $178,000,000.

Fiscal year 2011:

(A) New budget authority, $8,591,000,000.

(B) Outlays, –$27,000,000.

Fiscal year 2012:

(A) New budget authority, $8,772,000,000.

(B) Outlays, $507,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $83,872,000,000.

(B) Outlays, $81,383,000,000.

Fiscal year 2009:

(A) New budget authority, $75,700,000,000.

(B) Outlays, $84,032,000,000.

Fiscal year 2010:

(A) New budget authority, $76,253,000,000.

(B) Outlays, $85,893,000,000.

Fiscal year 2011:

(A) New budget authority, $76,887,000,000.

(B) Outlays, $86,307,000,000.

Fiscal year 2012:

(A) New budget authority, $77,476,000,000.

(B) Outlays, $87,721,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $19,117,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $15,415,000,000.

(B) Outlays, $22,461,500,000.

Fiscal year 2009:

(A) New budget authority, $13,561,000,000.

(B) Outlays, $21,264,000,000.

Fiscal year 2010:

(A) New budget authority, $13,742,000,000.

(B) Outlays, $20,059,000,000.

Fiscal year 2011:

(A) New budget authority, $13,921,000,000.

(B) Outlays, $18,076,000,000.

Fiscal year 2012:

(A) New budget authority, $14,098,000,000.

(B) Outlays, $15,084,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $93,889,000,000.

(B) Outlays, $90,399,000,000.

Fiscal year 2009:

(A) New budget authority, $97,592,000,000.

(B) Outlays, $93,948,000,000.

Fiscal year 2010:

(A) New budget authority, $99,366,000,000.

(B) Outlays, $96,896,000,000.

Fiscal year 2011:

(A) New budget authority, $99,650,000,000.

(B) Outlays, $98,473,000,000.

Fiscal year 2012:

(A) New budget authority, $100,104,000,000.

(B) Outlays, $98,307,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $268,340,000,000.

(B) Outlays, $268,645,000,000.

Fiscal year 2008:

(A) New budget authority, $291,266,000,000.

(B) Outlays, $290,234,000,000.

Fiscal year 2009:

(A) New budget authority, $310,068,000,000.

(B) Outlays, $308,329,000,000.

Fiscal year 2010:

(A) New budget authority, $333,219,000,000.

(B) Outlays, $333,355,000,000.

Fiscal year 2011:

(A) New budget authority, $356,057,000,000.

(B) Outlays, $355,356,000,000.

Fiscal year 2012:

(A) New budget authority, $379,814,000,000.

(B) Outlays, $379,151,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,969,000,000.

(B) Outlays, $390,035,000,000.

Fiscal year 2009:

(A) New budget authority, $414,779,000,000.

(B) Outlays, $414,440,000,000.

Fiscal year 2010:

(A) New budget authority, $439,862,000,000.

(B) Outlays, $440,092,000,000.

Fiscal year 2011:

(A) New budget authority, $484,792,000,000.

(B) Outlays, $484,811,000,000.

Fiscal year 2012:

(A) New budget authority, $481,008,000,000.

(B) Outlays, $480,632,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $379,759,000,000.

(B) Outlays, $383,609,000,000.

Fiscal year 2009:

(A) New budget authority, $390,801,000,000.

(B) Outlays, $393,118,000,000.

Fiscal year 2010:

(A) New budget authority, $400,706,000,000.

(B) Outlays, $401,774,000,000.

Fiscal year 2011:

(A) New budget authority, $415,851,000,000.

(B) Outlays, $415,874,000,000.

Fiscal year 2012:

(A) New budget authority, $401,275,000,000.

(B) Outlays, $400,684,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,262,000,000.

(B) Outlays, $84,424,000,000.

Fiscal year 2009:

(A) New budget authority, $87,372,000,000.

(B) Outlays, $87,943,000,000.

Fiscal year 2010:

(A) New budget authority, $89,559,000,000.

(B) Outlays, $89,210,000,000.

Fiscal year 2011:

(A) New budget authority, $94,707,000,000.

(B) Outlays, $94,314,000,000.

Fiscal year 2012:

(A) New budget authority, $91,513,000,000.

(B) Outlays, $90,957,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,559,000,000.

(B) Outlays, $44,709,000,000.

Fiscal year 2008:

(A) New budget authority, $48,796,000,000.

(B) Outlays, $47,090,500,000.

Fiscal year 2009:

(A) New budget authority, $47,333,000,000.

(B) Outlays, $48,622,900,000.

Fiscal year 2010:

(A) New budget authority, $48,106,000,000.

(B) Outlays, $48,669,000,000.

Fiscal year 2011:

(A) New budget authority, $48,895,000,000.

(B) Outlays, $48,976,000,000.

Fiscal year 2012:

(A) New budget authority, $49,686,000,000.

(B) Outlays, $49,583,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,196,000,000.

(B) Outlays, $18,577,000,000.

Fiscal year 2008:

(A) New budget authority, $18,758,000,000.

(B) Outlays, $19,118,000,000.

Fiscal year 2009:

(A) New budget authority, $19,214,000,000.

(B) Outlays, $19,313,000,000.

Fiscal year 2010:

(A) New budget authority, $19,657,000,000.

(B) Outlays, $19,573,000,000.

Fiscal year 2011:

(A) New budget authority, $20,222,000,000.

(B) Outlays, $19,987,000,000.

Fiscal year 2012:

(A) New budget authority, $20,725,000,000.

(B) Outlays, $20,606,000,000.

(18) Net Interest (900):

Fiscal year 2007:

(A) New budget authority, $344,475,000,000.

(B) Outlays, $344,475,000,000.

Fiscal year 2008:

(A) New budget authority, $370,425,000,000.

(B) Outlays, $370,425,000,000.

Fiscal year 2009:

(A) New budget authority, $390,393,000,000.

(B) Outlays, $390,393,000,000.

Fiscal year 2010:

(A) New budget authority, $412,002,000,000.

(B) Outlays, $412,002,000,000.

Fiscal year 2011:

(A) New budget authority, $427,476,000,000.

(B) Outlays, $427,476,000,000.

Fiscal year 2012:

(A) New budget authority, $438,455,000,000.

(B) Outlays, $438,455,000,000.

(19) Allowances (920):

Fiscal year 2007:

(A) New budget authority, $785,000,000.

(B) Outlays, $755,000,000.

Fiscal year 2008:

(A) New budget authority, -$16,724,000,000.

(B) Outlays, -$7,519,400,000.

Fiscal year 2009:

(A) New budget authority, -$7,296,000,000.

(B) Outlays, -$7,068,500,000.

Fiscal year 2010:

(A) New budget authority, -$7,390,000,000.

(B) Outlays, -$7,935,400,000.

Fiscal year 2011:

(A) New budget authority, -$7,481,000,000.

(B) Outlays, -$7,823,600,000.

Fiscal year 2012:

(A) New budget authority, -$7,574,000,000.

(B) Outlays, -$7,761,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2007:

(A) New budget authority, -$69,714,000,000.

(B) Outlays, -$69,714,000,000.

Fiscal year 2008:

(A) New budget authority, -$71,754,000,000.

(B) Outlays, -$71,754,000,000.

Fiscal year 2009:

(A) New budget authority, -$67,035,000,000.

(B) Outlays, -$67,044,000,000.

Fiscal year 2010:

(A) New budget authority, -$67,458,000,000.

(B) Outlays, -$67,458,000,000.

Fiscal year 2011:

(A) New budget authority, -$70,175,000,000.

(B) Outlays, -$70,195,000,000.

Fiscal year 2012:

(A) New budget authority, -$72,557,000,000.

(B) Outlays, -$72,560,000,000.

TITLE II—BUDGET PROCESS

SEC. 201. PAY-AS-YOU-GO POINT OF ORDER IN THE SENATE.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that would increase the on-budget deficit or cause an on-budget deficit for any 1 of 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 4 following periods:

(A) The current fiscal year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current fiscal year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) EXCLUSION.—For purposes of this subsection, the terms "direct spending legislation" and "revenue legislation" do not include—

(A) any concurrent resolution on the budget; or

(B) any provision of legislation that affects the full funding of, and continuation of, the deposit insurance guarantee commitment in effect on the date of enactment of the Budget Enforcement Act of 1990.

(5) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the baseline surplus or deficit used for the most recently adopted concurrent resolution on the budget; and

(B) be calculated under the requirements of subsections (b) through (d) of section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 for fiscal years beyond those covered by that concurrent resolution on the budget.

(6) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) SUPERMAJORITY WAIVER AND APPEALS.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this section shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(c) DETERMINATION OF BUDGET LEVELS.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Senate Committee on the Budget.

(d) SUNSET.—This section shall expire on September 30, 2017.

(e) REPEAL.—In the Senate, section 505 of H. Con. Res. 95 (108th Congress), the fiscal year 2004 concurrent resolution on the budget, shall no longer apply.

SEC. 202. POINT OF ORDER AGAINST RECONCILIATION LEGISLATION THAT WOULD INCREASE THE DEFICIT OR REDUCE A SURPLUS.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any reconciliation bill, resolution, amendment, amendment between Houses, motion, or conference report pursuant to section 310 of the Congressional Budget Act of 1974 that would cause or increase a deficit or reduce a surplus in the current fiscal year, the budget year, the period of the first 5 fiscal years following the current fiscal year, or the period of the second 5 fiscal years following the current fiscal year.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 203. POINT OF ORDER AGAINST LEGISLATION INCREASING LONG-TERM DEFICITS.

(a) CONGRESSIONAL BUDGET OFFICE ANALYSIS OF PROPOSALS.—The Director of the Congressional Budget Office shall, to the extent practicable, prepare for each bill and joint resolution reported from committee (except measures within the jurisdiction of the Committee on Appropriations), and amendments thereto and conference reports thereon, an estimate of whether the measure would cause, relative to current law, a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in fiscal year 2018 through fiscal year 2057.

(b) POINT OF ORDER.—In the Senate, it shall not be in order to consider any bill, joint resolution, amendment, motion, or conference report that would cause a net increase in deficits in excess of $5,000,000,000 in any of the four 10-year periods beginning in 2018 through 2057.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) DETERMINATIONS OF BUDGET LEVELS.—For purposes of this section, the levels of net deficit increases shall be determined on the basis of estimates provided by the Committee on the Budget of the Senate.

(e) REPEAL.—In the Senate, section 407 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

(f) SUNSET.—This section shall expire on September 30, 2017.

SEC. 204. EMERGENCY LEGISLATION.

(a) AUTHORITY TO DESIGNATE.—With respect to a provision of direct spending or receipts legislation or appropriations for discretionary accounts that the Congress designates as an emergency requirement in such measure, the amounts of new budget authority, outlays, and receipts in all fiscal years resulting from that provision shall be treated as an emergency requirement for the purpose of this section, except that the authority to designate shall not apply to funding for spinach producers on a supplemental appropriations bill pursuant to subsection (f)(1) that is designated to supplement funding for ongoing combat operations.

(b) EXEMPTION OF EMERGENCY PROVISIONS.—Any new budget authority, outlays, and receipts resulting from any provision designated as an emergency requirement, pursuant to this section, in any bill, joint resolution, amendment, or conference report shall not count for purposes of sections 302 and 311 of the Congressional Budget Act of 1974 and sections 201 and 207 of this resolution (relating to pay-as-you-go in the Senate and discretionary spending limits).

(c) DESIGNATIONS.—If a provision of legislation is designated as an emergency requirement under this section, the committee report and any statement of managers accompanying that legislation shall include an explanation of the manner in which the provision meets the criteria in subsection (f).

(d) DEFINITIONS.—In this section, the terms "direct spending", "receipts", and "appropriations for discretionary accounts" means any provision of a bill, joint resolution, amendment, motion, or conference report that affects direct spending, receipts, or appropriations as those terms have been defined and interpreted for purposes of the Balanced Budget and Emergency Deficit Control Act of 1985.

(e) POINT OF ORDER.—

(1) IN GENERAL.—When the Senate is considering a bill, resolution, amendment, motion, or conference report, if a point of order is made by a Senator against an emergency designation in that measure, that provision making such a designation shall be stricken from the measure and may not be offered as an amendment from the floor.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—Paragraph (1) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(3) DEFINITION OF AN EMERGENCY DESIGNATION.—For purposes of paragraph (1), a provision shall be considered an emergency designation if it designates any item as an emergency requirement pursuant to this subsection.

(4) FORM OF THE POINT OF ORDER.—A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(5) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) CRITERIA.—

(1) IN GENERAL.—For purposes of this section, any provision is an emergency requirement if the situation addressed by such provision is—

(A) necessary, essential, or vital (not merely useful or beneficial);

(B) sudden, quickly coming into being, and not building up over time;

(C) an urgent, pressing, and compelling need requiring immediate action;

(D) subject to paragraph (2), unforeseen, unpredictable, and unanticipated; and

(E) not permanent, temporary in nature.

(2) UNFORESEEN.—An emergency that is part of an aggregate level of anticipated emergencies, particularly when normally estimated in advance, is not unforeseen.

(g) REPEAL.—In the Senate, section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 205. EXTENSION OF ENFORCEMENT OF BUDGETARY POINTS OF ORDER.

Notwithstanding any provision of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, subsections (c)(2) and (d)(3) of section 904 of the Congressional Budget Act of 1974 and section 403 of H. Con. Res. 95 (109th Congress) shall remain in effect for purposes of Senate enforcement through September 30, 2017.

SEC. 206. POINT OF ORDER AGAINST ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—

(1) POINT OF ORDER.—Except as provided in subsection (b), it shall not be in order in the Senate to consider any bill, joint resolution, motion, amendment, or conference report that would provide an advance appropriation.

(2) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008, or any new budget authority provided in a bill or joint resolution making general appropriations or continuing appropriations for fiscal year 2009, that first becomes available for any fiscal year after 2009.

(b) EXCEPTIONS.—Advance appropriations may be provided—

(1) for fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,158,000,000 in new budget authority in each year; and

(2) for the Corporation for Public Broadcasting.

(c) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (a).

(d) FORM OF POINT OF ORDER.—A point of order under subsection (a) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(e) CONFERENCE REPORTS.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion in the Senate shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

(f) REPEAL.—In the Senate, section 401 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006, shall no longer apply.

SEC. 207. DISCRETIONARY SPENDING LIMITS.

(a) POINT OF ORDER.—

(1) IN GENERAL.—Except as otherwise provided in this section, it shall not be in order in the Senate to consider any bill or joint resolution (or amendment, motion, or conference report on that bill or joint resolution) that would cause the discretionary spending limits in this section to be exceeded.

(2) SUPERMAJORITY WAIVER AND APPEALS.—

(A) WAIVER.—This subsection may be waived or suspended in the Senate only by the affirmative vote of three-fifths of the Members, duly chosen and sworn.

(B) APPEALS.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(b) DISCRETIONARY SPENDING LIMITS.—In the Senate and as used in this section, the term "discretionary spending limit" means—

(1) for fiscal year 2007, $951,140,000,000 in new budget authority and $1,029,456,000,000 in outlays; and

(2) for fiscal year 2008, $942,295,000,000 in new budget authority and $1,021,392,000,000 in outlays;

as adjusted in conformance with the adjustment procedures in subsection (c).

(c) ADJUSTMENTS.—

(1) IN GENERAL.—After the reporting of a bill or joint resolution relating to any matter described in paragraph (2), or the offering of an amendment thereto or the submission of a conference report thereon—

(A) the chairman of the Senate Committee on the Budget may adjust the discretionary spending limits, budgetary aggregates, and allocations pursuant to section 302(a) of the Congressional Budget Act of 1974, by the amount of new budget authority in that measure for that purpose and the outlays flowing therefrom; and

(B) following any adjustment under subparagraph (A), the Senate Committee on Appropriations may report appropriately revised suballocations pursuant to section 302(b) of the Congressional Budget Act of 1974 to carry out this subsection.

(2) MATTERS DESCRIBED.—Matters referred to in paragraph (1) are as follows:

(A) CONTINUING DISABILITY REVIEWS AND SSI REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $213,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(B) INTERNAL REVENUE SERVICE TAX ENFORCEMENT.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $6,822,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap (taxes owed but not paid) and provides an additional appropriation of up to $406,000,000 for the Internal Revenue Service for enhanced tax enforcement to address the Federal tax gap, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $406,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(C) HEALTH CARE FRAUD AND ABUSE CONTROL.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $383,000,000 to the health care fraud and abuse control program at the Department of Health and Human Services, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $383,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(D) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS REVIEWS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $10,000,000 for unemployment insurance improper payments reviews for the Department of Labor, and provides an additional appropriation of up to $40,000,000 for unemployment insurance improper payments reviews for the Department of Labor, then the discretionary spending limits, allocation to the Senate Committee on Appropriations, and aggregates may be adjusted by the amounts provided in such legislation for that purpose, but not to exceed $40,000,000 in budget authority and outlays flowing therefrom for fiscal year 2008.

(E) WILDLAND FIRE SUPPRESSION.—

(i) DEFINITION.—For this subparagraph, the term "base amount" refers to the average of the obligations of the preceding 10 years for wildfire suppression in the Forest Service and the Department of the Interior, calculated as of the date of the applicable year's budget request is submitted by the President to Congress.

(ii) ADJUSTMENTS FOR FISCAL YEAR 2008.—If the amount appropriated for Wildland Fire Suppression in fiscal year 2008 is not less than the base amount, then the chairman of the Senate Committee on the Budget may adjust the appropriate allocations, aggregates, discretionary spending limits, and other budgetary levels in this resolution for any bill, joint resolution, amendment, motion, or conference report that provides additional funding for wildland fire suppression, by the amounts provided in such legislation for such purpose, but not to exceed the following amounts in budget authority and the outlays flowing therefrom:

(I) for the Forest Service, for fiscal year 2008, $400,000,000; and

(II) for the Department of the Interior, for fiscal year 2008, $100,000,000.

(F) COSTS OF GLOBAL WAR ON TERROR.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 or 2009 in excess of the levels assumed in this resolution for expenses related to the global war on terror, but not to exceed the following amounts:

(i) For fiscal year 2008, $145,162,000,000 in budget authority and the outlays flowing therefrom.

(ii) For fiscal year 2009, $50,000,000,000 in budget authority and the outlays flowing therefrom.

(G) ADJUSTMENT FOR UNITED STATES FORCES IN THE GLOBAL WAR ON TERRORISM.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $5,000,000,000 in budgetary authority and outlays flowing therefrom, to—

(i) address training, equipment, force protection, logistics, or other matters necessary for the protection of United States forces; or

(ii) address deficiencies at Walter Reed Army Medical Center and other facilities within the military medical system providing treatment to service members injured while performing their duties in the Global War on Terrorism.

SEC. 208. APPLICATION OF PREVIOUS ALLOCATIONS IN THE SENATE.

Section 7035 of Public Law 109–234 shall no longer apply in the Senate.

SEC. 209. POINT OF ORDER TO SAVE SOCIAL SECURITY FIRST.

(a) POINT OF ORDER IN THE SENATE.—It shall not be in order in the Senate to consider any legislation that would increase the on-budget deficit in any fiscal year until the President submits legislation to Congress and Congress enacts legislation which would restore 75-year solvency to the Old-Age, Survivors, and Disability Insurance Trust Funds as certified by the Social Security Administration actuaries.

(b) SUPERMAJORITY WAIVER AND APPEAL.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 210. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES.

(a) IN GENERAL.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase. In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) SUPERMAJORITY WAIVER AND APPEAL.—

(1) WAIVER.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) APPEAL.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 211. CIRCUIT BREAKER TO PROTECT SOCIAL SECURITY.

(a) CIRCUIT BREAKER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit (excluding Social Security) for the budget year or any subsequent fiscal year covered by those projections, then the concurrent resolution on the budget for the budget year shall reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years, and shall include such provisions as are necessary to protect Social Security and facilitate deficit reduction, except it shall not contain any reduction in Social Security benefits.

(b) POINT OF ORDER.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider a concurrent resolution on the budget for the budget year or any conference report thereon that fails to reduce on-budget deficits relative to the projections of Congressional Budget Office and put the budget on a path to achieve on-budget balance within 5 years.

(c) AMENDMENTS TO BUDGET RESOLUTION.—If in any year the Congressional Budget Office, in its report pursuant to section 202(e)(1) of the Congressional Budget Act of 1974 projects an on-budget deficit for the budget year or any subsequent fiscal year covered by those projections, it shall not be in order in the Senate to consider an amendment to a concurrent resolution on the budget that would increase on-budget deficits relative to the concurrent resolution on the budget in any fiscal year covered by that concurrent resolution on the budget or cause the budget to fail to achieve on-budget balance within 5 years.

(d) SUSPENSION OF REQUIREMENT DURING WAR OR LOW ECONOMIC GROWTH.—

(1) LOW GROWTH.—If the most recent of the Department of Commerce's advance, preliminary, or final reports of actual real economic growth indicate that the rate of real economic growth (as measured by real GDP) for

each of the most recently reported quarter and the immediately preceding quarter is less than 1 percent, this section is suspended.

(2) War.—If a declaration of war is in effect, this section is suspended.

(e) Supermajority Waiver and Appeals.—

(1) Waiver.—Subsections (b) and (c) may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeals.—Appeals in the Senate from the decisions of the Chair relating to any provision of this subsection shall be limited to 1 hour, to be equally divided between, and controlled by, the appellant and the manager of the bill or joint resolution, as the case may be. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this subsection.

(f) Budget Year.—In this section, the term "budget year" shall have the same meaning as in section 250(c)(12) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. 212. POINT OF ORDER—20% LIMIT ON NEW DIRECT SPENDING IN RECONCILIATION LEGISLATION.

(1) In the Senate.—It shall not be in order to consider any reconciliation bill, joint resolution, motion, amendment, or any conference report on, or an amendment between the Houses in relation to a reconciliation bill pursuant to section 310 of the Congressional Budget Act of 1974 that produces an increase in outlays, if—

(A) the effect of all the provisions in the jurisdiction of any committee is to create gross new direct spending that exceeds 20% of the total savings instruction to the committee; or

(B) the effect of the adoption of an amendment would result in gross new direct spending that exceeds 20% of the total savings instruction to the committee.

(2)(A) A point of order under paragraph (1) may be raised by a Senator as provided in section 313(e) of the Congressional Budget Act of 1974.

(B) Paragraph (1) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under paragraph (1).

(C) If a point of order is sustained under paragraph (1) against a conference report in the Senate, the report shall be disposed of as provided in section 313(d) of the Congressional Budget Act of 1974.

SEC. 213. POINT OF ORDER AGAINST LEGISLATION THAT RAISES INCOME TAX RATES FOR SMALL BUSINESSES, FAMILY FARMS, OR FAMILY RANCHES.

(a) In General.—It shall not be in order in the Senate to consider any bill, resolution, amendment, amendment between Houses, motion, or conference report that includes a Federal income tax rate increase on incomes generated by small businesses (within the meaning of section 474(c) of the Internal Revenue Code of 1986) or family farms or family ranches (within the meaning of section 2032A of such Code) (regardless of the manner by which such businesses, farms and ranches are organized). In this subsection, the term "Federal income tax rate increase" means any amendment to subsection (a), (b), (c), (d), or (e) of section 1, or to section 11(b) or 55(b), of the Internal Revenue Code of 1986, that imposes a new percentage as a rate of tax and thereby increases the amount of tax imposed by any such section.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—This section may be waived or suspended in the Senate only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required in the Senate to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

SEC. 214. POINT OF ORDER AGAINST PROVISIONS OF APPROPRIATIONS LEGISLATION THAT CONSTITUTES CHANGES IN MANDATORY PROGRAMS WITH NET COSTS.

(a) In General.—It shall not be in order in the Senate to consider any appropriations legislation, including any amendment thereto, motion in relation thereto, or conference report thereon, which includes one or more provisions that would have been estimated as affecting direct spending or receipts under section 252 of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002) were they included in legislation other than appropriations legislation, if such provision has a net cost over the total of the period of the current year, the budget year, and all fiscal years covered under the most recently adopted concurrent resolution on the budget.

(b) Determination.—For purposes of this section, the determination of whether a provision violates paragraph (a) shall be made by the Committee on the Budget of the Senate.

(c) Supermajority Waiver and Appeal.—This section may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn. An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under this section.

(d) General Point of Order.—It shall be in order for a Senator to raise a single point of order that several provisions of a bill, resolution, amendment, motion, or conference report violate this section. The Presiding Officer may sustain the point of order as to some or all of the provisions against which the Senator raised the point of order. If the Presiding Officer so sustains the point of order as to some of the provisions (including provisions of an amendment, motion, or conference report) against which the Senator raised the point of order, then only those provisions (including provision of an amendment, motion, or conference report) against which the Presiding Officer sustains the point of order shall be deemed stricken pursuant to this section. Before the Presiding Officer rules on such a point of order, any Senator may move to waive such a point of order as it applies to some or all of the provisions against which the point of order was raised. Such a motion to waive is amendable in accordance with rules and precedents of the Senate. After the Presiding Officer rules on such a point of order, any Senator may appeal the ruling of the Presiding Officer on such a point of order as it applies to some or all of the provisions on which the Presiding Officer ruled.

(e) Form of the Point of Order.—When the Senate is considering a conference report on, or an amendment between the Houses in relation to, a bill, upon a point of order being made by any Senator pursuant to this section, and such point of order being sustained, such material contained in such conference report or amendment shall be deemed stricken, and the Senate shall proceed to consider the question of whether the Senate shall recede from its amendment and concur with a further amendment, or concur in the House amendment with a further amendment, as the case may be, which further amendment shall consist of only that portion of the conference report or House amendment, as the case may be, not so stricken. Any such motion shall be debatable. In any case in which such point of order is sustained against a conference report (or Senate amendment derived from such conference report by operation of this subsection), no further amendment shall be in order.

SEC. 215. DISCLOSURE OF INTEREST COSTS.

(a) Point of Order.—It shall not be in order in the Senate to consider any direct spending or revenue legislation that is required to contain the statement described in section 308(a) of the Congressional Budget Act of 1974, unless such statement contains a projection by the Congressional Budget Office of the cost of the debt servicing that would be caused by such legislation for such fiscal year (or fiscal years) and each of the 4 ensuing fiscal years.

(b) Supermajority Waiver and Appeal.—

(1) Waiver.—In the Senate, subsection (a) may be waived or suspended only by an affirmative vote of three-fifths of the Members, duly chosen and sworn.

(2) Appeal.—An affirmative vote of three-fifths of the Members of the Senate, duly chosen and sworn, shall be required to sustain an appeal of the ruling of the Chair on a point of order raised under subsection (a).

TITLE III—RESERVE FUNDS AND ADJUSTMENTS

SEC. 301. DEFICIT-NEUTRAL RESERVE FUND FOR SCHIP LEGISLATION.

(a) Priority.—The Senate establishes the following priorities and makes the following findings:

(1) The Senate shall make the enactment of legislation to reauthorize the State Children's Health Insurance Program (SCHIP) a top priority for the remainder of fiscal year 2007, during the first session of the 110th Congress.

(2) Extending health care coverage to the Nation's vulnerable uninsured children is an urgent priority for the Senate.

(3) SCHIP has proven itself a successful program for covering previously uninsured children.

(4) More than 6 million children are enrolled in this landmark program, which has enjoyed broad bipartisan support in Congress, among our Nation's governors, and within state and local governments.

(5) SCHIP reduces the percentage of children with unmet health care needs.

(6) Since SCHIP was created, enormous progress has been made in reducing disparities in children's coverage rates.

(7) Uninsured children who gain coverage through SCHIP receive more preventive care and their parents report better access to providers and improved communications with their children's doctors.

(8) Congress has a responsibility to reauthorize SCHIP before the expiration of its current authorization.

(b) Reserve Fund.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $50,000,000,000 for reauthorization of the State Children's Health Insurance Program

(SCHIP), if such legislation maintains coverage for those currently enrolled in SCHIP, continues efforts to reach uninsured children who are already eligible for SCHIP or Medicaid but are not enrolled, and supports States in their efforts to move forward in covering more children, by the amounts provided in that legislation for those purposes up to $20,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012. Among the policy changes that could be considered to achieve offsets to the cost of reauthorizing the State Children's Health Insurance Program and expanding coverage for children is an increase in the tobacco products user fee rate with all revenue generated by such increase dedicated to such reauthorization and expansion.

SEC. 302. DEFICIT-NEUTRAL RESERVE FUND FOR CARE OF WOUNDED SERVICE MEMBERS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report which improves the medical care of or disability benefits for wounded or disabled military personnel or veterans (including the elimination of the offset between Survivor Benefit Plan annuities and veterans' dependency and indemnity compensation) or improves the disability evaluations of military personnel or veterans to expedite the claims process, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 303. DEFICIT-NEUTRAL RESERVE FUND FOR TAX RELIEF.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports that would provide tax relief, including extensions of expiring tax relief, such as enhanced charitable giving from individual retirement accounts, and refundable tax relief and including the reauthorization of the new markets tax credit under section 45D of the Internal Revenue Code of 1986 for an additional 5 years, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 304. DEFICIT-NEUTRAL RESERVE FUND FOR COMPARATIVE EFFECTIVENESS RESEARCH.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that establishes a new federal or public-private initiative for comparative effectiveness research, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 305. DEFICIT-NEUTRAL RESERVE FUND FOR HIGHER EDUCATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report, including tax legislation, that would make higher education more accessible and more affordable, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 306. DEFICIT-NEUTRAL RESERVE FUND FOR THE FARM BILL.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) reauthorizes the Food Security and Rural Investment Act of 2002;

(2) strengthens our agriculture and rural economies and critical nutrition programs;

(3) provides agriculture-related tax relief;

(4) improves our environment by reducing our Nation's dependence on foreign sources of energy through expanded production and use of alternative fuels; or

(5) combines any of the purposes provided in paragraphs (1) through (4);

by the amounts provided in that legislation for those purposes up to $15,000,000,000 over the total of fiscal years 2007 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 307. DEFICIT-NEUTRAL RESERVE FUND FOR ENERGY LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would reduce our Nation's dependence on foreign sources of energy, expand production and use of alternative fuels and alternative fuel vehicles, promote renewable energy development, improve electricity transmission, encourage responsible development of domestic oil and natural gas resources, or reward conservation and efficiency, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 308. DEFICIT-NEUTRAL RESERVE FUND FOR MEDICARE.

(a) PRESCRIPTION DRUGS.—The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that repeals the prohibition in section 1860D–11(i)(1) of the Social Security Act (42 U.S.C. 1395w–111(i)(1)) while preserving access to prescription drugs and price competition without requiring a particular formulary or instituting a price structure for reimbursement of covered Part D drugs, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012 and provided further that any savings from the measure are to be used either to improve the Medicare Part D benefit or for deficit reduction.

(b) PHYSICIAN PAYMENTS.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that increases the reimbursement rate for physician services under section 1848(d) of the Social Security Act and that includes financial incentives for physicians to improve the quality and efficiency of items and services furnished to Medicare beneficiaries through the use of consensus-based quality measures, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(c) IMPROVEMENTS TO MEDICARE PART D.—The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion,' or conference report that makes improvements to the prescription drug benefit under Medicare Part D, by the amounts provided in such legislation for that purpose up to $5,000,000,000, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 309. DEFICIT-NEUTRAL RESERVE FUND FOR SMALL BUSINESS HEALTH INSURANCE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that makes health insurance coverage more affordable or available to small businesses and their employees without weakening rating rules or reducing covered benefits, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 310. DEFICIT-NEUTRAL RESERVE FUND FOR COUNTY PAYMENTS FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000 REAUTHORIZATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 (Public Law 106-393), by the amounts provided by that legislation for that purpose, but not to exceed $440,000,000 in new budget authority for fiscal year 2008 and the outlays flowing from that budget authority and $2,240,000,000 in new budget authority for the period of fiscal years 2008 through 2012 and the outlays flowing from that budget authority, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 311. DEFICIT-NEUTRAL RESERVE FUND FOR TERRORISM RISK INSURANCE REAUTHORIZATION.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that provides for a continued Federal role in ensuring the availability of terrorism insurance after the expiration of the Terrorism Risk Insurance Extension Act, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 312. DEFICIT-NEUTRAL RESERVE FUND FOR AFFORDABLE HOUSING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would establish an affordable housing fund financed by the housing government-sponsored enterprises, by the amounts provided in such legislation for that purpose, provided that the legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 313. DEFICIT-NEUTRAL RESERVE FUND FOR RECEIPTS FROM BONNEVILLE POWER ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may adjust the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the United States Treasury, by the amounts provided by that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 314. DEFICIT-NEUTRAL RESERVE FUND FOR INDIAN CLAIMS SETTLEMENT.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that—

(1) creates an Indian claims settlement fund for trust accounting and management deficiencies related to Individual Indian Moneys and assets; and

(2) extinguishes all claims arising before the date of enactment for losses resulting from accounting errors, mismanagement of assets, or interest owed in connection with Individual Indian Moneys accounts;

by the amounts provided in such legislation for those purposes up to $8,000,000,000, provided that such legislation does not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 315. DEFICIT-NEUTRAL RESERVE FUND FOR FOOD AND DRUG ADMINISTRATION.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels and limits in this resolution for a bill, joint resolution, motion, amendment, or conference report that authorizes the Food and Drug Administration to regulate tobacco products and assess user fees on tobacco manufacturers and importers to cover the cost of the Food and Drug Administration's regulatory activities, by the amounts provided in that legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 316. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH CARE REFORM.

If an SCHIP reauthorization bill is enacted, then the Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, motion, amendment, or conference report to improve health care, and provide quality health insurance for the uninsured and underinsured, and protect individuals with current health coverage, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 317. DEFICIT-NEUTRAL RESERVE FUND FOR ENHANCEMENT OF VETERANS' BENEFITS.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would enhance benefits for veterans, including services for low-vision and blinded veterans, including GI educational benefits, by the amounts provided in such legislation for that purpose, provided that such legislation is deficit-neutral over the total of fiscal years 2007 through 2012.

SEC. 318. DEFICIT-NEUTRAL RESERVE FUND FOR LONG-TERM CARE.

The Chairman of the Senate Budget Committee may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would improve long-term care, enhance the safety and dignity of patients, encourage appropriate use of institutional and non-institutional care, promote quality care, and provide for the cost-effective use of public resources, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 319. DEFICIT-NEUTRAL RESERVE FUND FOR HEALTH INFORMATION TECHNOLOGY.

(a) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides incentives or other support for adoption of modern information technology to improve quality and protect privacy in health care, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

(b) The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for payments that are based on adherence to accepted clinical protocols identified as best practices, by the amounts provided in such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 320. DEFICIT-NEUTRAL RESERVE FUND FOR CHILD CARE.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides up to $5,000,000,000 for the child care entitlement to States, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 321. DEFICIT-NEUTRAL RESERVE FUND FOR COMPREHENSIVE IMMIGRATION REFORM.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion or conference report that—

(1) provides for comprehensive immigration reform;

(2) provides for increased interior enforcement, through an effective electronic employment verification system which accurately establishes the employment authorization of individuals; and

(3) provides for increased border security and enhanced information technology systems;

provided that such legislation would not increase the deficit for the fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 322. DEFICIT-NEUTRAL RESERVE FUND FOR MENTAL HEALTH PARITY.

If the Senate Committee on Health, Education, Labor, and Pensions reports a bill or joint resolution, or an amendment is offered thereto, or a conference report is submitted thereon, that provides parity between health insurance coverage of mental health benefits and benefits for medical and surgical services, the chairman of the Committee on the Budget of the Senate may make the appropriate adjustments in allocations and aggregates to the extent that such legislation would not increase the deficit for fiscal year 2008 and for the period of fiscal years 2008 through 2012.

SEC. 323. DEFICIT-NEUTRAL RESERVE FUND FOR PRESCHOOL OPPORTUNITIES.

If the Committee on Health, Education, Labor, and Pensions of the Senate, reports a bill or a joint resolution, or an amendment is offered in the Senate to such a bill or joint resolution, or a conference report is submitted to the Senate on a such a bill or joint resolution, that augments or establishes a Federal program that provides assistance to States that offer or expand preschool to children of low-income families, the Chairman of the Committee on the Budget of the Senate may revisit the aggregates, allocations, and other appropriate levels in this resolution by amounts provided in such measure for that purpose, provided that such legislation would not increase the deficit for the total of the period of fiscal years 2007 through 2012.

SEC. 324. DEFICIT-NEUTRAL RESERVE FUND FOR THE SAFE IMPORTATION OF FDA-APPROVED PRESCRIPTION DRUGS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that permits the safe importation of prescription drugs approved by the Food and Drug Administration from a specified list of countries, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 325. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Senate Committee on the Budget.

SEC. 326. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Senate Committee on the Budget may make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 327. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate, and as such they shall be considered as part of the rules of the Senate and such rules shall supersede other rules only to the extent that they are inconsistent with such other rules; and

(2) with full recognition of the constitutional right of the Senate to change those rules (so far as they relate to that house) at any time, in the same manner, and to the same extent as is the case of any other rule of the Senate.

SEC. 328. DEFICIT-NEUTRAL RESERVE FUND FOR EXPANSION OF ABOVE-THE-LINE DEDUCTION FOR TEACHER CLASSROOM SUPPLIES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would permanently extend and increase to $400 the above-the-line deduction for teacher classroom supplies and expand such deduction to include qualified professional development expenses, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 329. ADJUSTMENT FOR SMITHSONIAN INSTITUTION SALARIES AND EXPENSES.

(a) IN GENERAL.—The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and discretionary spending limits for one or more bills, joint resolutions, motions, amendments, or conference reports that make discretionary appropriations for fiscal year 2008 for an amount appropriated, but not to exceed $17,000,000 in budgetary authority and outlays flowing therefrom, once the Comptroller General of the United States has submitted a certification to Congress that since April 1, 2007—

(1) the Smithsonian Institution does not provide total annual compensation for any officer or employee of the Smithsonian Institution greater than the total annual compensation of the President of the United States;

(2) the Smithsonian Institution does not provide deferred compensation for any such officer or employee greater than the deferred compensation of the President of the United States;

(3) all Smithsonian Institution travel expenditures conform with Federal Government guidelines and limitations applicable to the Smithsonian Institution; and,

(4) all Smithsonian Institution officers and employees are subject to ethics rules similar to the ethics rules widely applicable to Federal Government employees.

(b) CRITERIA FOR CERTIFICATION.—In making the certification described in subsection (a), the Comptroller General of the United States should take into account the following:

(1) The Smithsonian Institution is a premier educational, historical, artistic, research, and cultural organization for the American people.

(2) The Inspector General for the Smithsonian Institution recently issued a report regarding an investigation of unauthorized and excessive authorized compensation, benefits, and expenditures by the Secretary of the Smithsonian Institution.

(3) The Inspector General's findings indicate that the actions of the Secretary of the Smithsonian Institution are not in keeping with the public trust of the office of the Secretary of the Smithsonian Institution.

(4) Priority should be given to funding for necessary repairs to maintain and repair Smithsonian Institution buildings and infrastructure and protect America's treasures.

(5) Priority should be given to full funding for the Office of the Inspector General for the Smithsonian Institution so that the American people and Congress have renewed confidence that tax-preferred donations and Federal funds are being spent appropriately and in keeping with the best practices of the charitable sector.

SEC. 330. DEFICIT-REDUCTION RESERVE FUND FOR REDUCTION OF IMPROPER PAYMENTS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by eliminating or reducing improper payments made by agencies reporting improper payments estimates under the Improper Payments Information Act of 2002 and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 331. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF THE DEDUCTION FOR STATE AND LOCAL SALES TAXES.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would provide for extension of the deduction for State and local sales taxes, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 332. DEFICIT-NEUTRAL RESERVE FUND FOR EXTENSION OF CERTAIN ENERGY TAX INCENTIVES.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other levels in this resolution for a bill, joint resolution, motion, amendment, or conference report that would extend through 2015 energy tax incentives, including the production tax credit for electricity produced from renewable resources, the Clean Renewable Energy Bond program, and the provisions to encourage energy efficient buildings, products and power plants, provided that such legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 333. RESERVE FUND TO PROVIDE ADDITIONAL TRAINING FOR PHYSICIANS AND ATTRACT MORE PHYSICIANS IN STATES THAT FACE A SHORTAGE OF PHYSICIANS IN TRAINING.

The Chairman of the Senate Budget Committee may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides additional training for physicians and attracts more physicians in States that face a shortage of physicians in training, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 334. DEFICIT-NEUTRAL RESERVE FUND FOR REPEAL OF THE 1993 INCREASE IN THE INCOME TAX ON SOCIAL SECURITY BENEFITS.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution by the amounts provided by a bill, joint resolution, amendment, motion, or conference report that would repeal the 1993 increase in the income tax on Social Security benefits, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 335. SENSE OF CONGRESS ON THE STATE CRIMINAL ALIEN ASSISTANCE PROGRAM.

(a) FINDINGS.—Congress makes the following findings:

(1) Control of illegal immigration is a Federal responsibility.

(2) The State Criminal Alien Assistance Program (referred to in this section as "SCAAP") carried out pursuant to section 241(i) of the Immigration and Nationality Act (8 U.S.C. 1231(i)) provides critical funding to States and localities for reimbursement of costs incurred as a result of housing undocumented criminal aliens.

(3) Congress appropriated $300,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2004.

(4) Congress appropriated $305,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2005.

(5) Congress appropriated $405,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2006.

(6) Congress appropriated $399,000,000 for SCAAP to reimburse State and local governments for those costs in fiscal year 2007.

(7) Congress has authorized to be appropriated $950,000,000 to carry out SCAAP for each of the fiscal years 2008 through 2011.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the budgetary totals in this resolution assume that $950,000,000 should be made available for SCAAP for fiscal year 2008.

SEC. 336. DEFICIT-NEUTRAL RESERVE FUND FOR ELIMINATING MILITARY RETIREMENT AND DISABILITY OFFSET.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that would expand eligibility for Combat-Related Special Compensation to permit additional disabled retirees to receive both disability compensation and retired pay, by the amounts provided by such legislation for that purpose, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 337. DEFICIT-NEUTRAL RESERVE FOR ASBESTOS REFORM LEGISLATION.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report regarding asbestos reform, that—

(i) either provides monetary compensation to impaired victims of mesothelioma or provides monetary compensation to impaired victims of asbestos-related disease who can establish that asbestos exposure is a substantial contributing factor in causing their condition,

(ii) does not provide monetary compensation to unimpaired claimants or those suffering from a disease who cannot establish that asbestos exposure was a substantial contributing factor in causing their condition, and

(iii) is estimated to remain funded from nontaxpayer sources for the life of the fund, by the amounts provided in such legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2057.

SEC. 338. DEFICIT-NEUTRAL RESERVE FUND FOR MANUFACTURING INITIATIVES.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for one or more bills, joint resolutions, amendments, motions, or conference reports, including tax legislation, that would revitalize the United States domestic manufacturing sector by increasing Federal research and development, by expanding the scope and effectiveness of manufacturing programs across the Federal government, by increasing support for development of alternative fuels and leap-ahead automotive and energy technologies, and by establishing tax incentives to encourage the continued production in the United States of advanced technologies and the infrastructure to support such technologies, by the amounts provided in that legislation for those purposes, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 339. DEFICIT-REDUCTION RESERVE FUND FOR INCREASED USE OF RECOVERY AUDITS.

The Chairman of the Senate Committee on the Budget may revise the aggregates, allocations, functional totals, and other appropriate levels and limits in this resolution upon enactment of legislation that achieves savings by requiring that agencies increase their use of the recovery audits authorized by the Erroneous Payments Recovery Act of 2001 (section 831 of the National Defense Authorization Act for fiscal year 2002) and uses such savings to reduce the deficit, provided that the legislation would not increase the deficit over the total of fiscal years 2007 through 2012.

SEC. 340. DEFICIT-NEUTRAL RESERVE FUND FOR A DELAY IN THE IMPLEMENTATION OF A PROPOSED RULE RELATING TO THE FEDERAL-STATE FINANCIAL PARTNERSHIPS UNDER MEDICAID AND SCHIP.

The Chairman of the Senate Committee on the Budget may revise the allocations, aggregates, and other appropriate levels in this resolution for a bill, joint resolution, amendment, motion, or conference report that provides for a delay in the implementation of the proposed rule published on January 18, 2007, on pages 2236 through 2248 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program and SCHIP in a similar manner, by the amounts provided in that legislation for that purpose, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

SEC. 341. RESERVE FUND TO IMPROVE THE HEALTH CARE SYSTEM.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) creates a framework and parameters for the use of Medicare data for the purpose of conducting research, public reporting, and other activities to evaluate health care safety, effectiveness, efficiency, quality, and resource utilization in Federal programs and the private health care system; and

(B) includes provisions to protect beneficiary privacy and to prevent disclosure of proprietary or trade secret information with respect to the transfer and use of such data; and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for fiscal year 2008, and for the period of fiscal years 2008 through 2012.

SEC. 342. RESERVE FUND TO IMPROVE MEDICARE HOSPITAL PAYMENT ACCURACY.

If the Senate Committee on Finance—

(1) reports a bill, or if an amendment is offered thereto, or if a conference report is submitted thereon, that—

(A) addresses the wide and inequitable disparity in the reimbursement of hospitals under the Medicare program;

(B) includes provisions to reform the area wage index used to adjust payments to hospitals under the Medicare hospital inpatient prospective payment system under section 1886(d) of the Social Security Act (42 U.S.C. 1395ww(d)); and

(C) includes a transition to the reform described in subparagraph (B); and

(2) is within its allocation as provided under section 302(a) of the Congressional Budget Act of 1974,

the Chairman of the Senate Committee on the Budget may revise allocations of new budget authority and outlays, the revenue aggregates, and other appropriate measures to reflect such legislation provided that such legislation would not increase the deficit for the period of fiscal years 2008 through 2012.

SEC. 343. DEFICIT-NEUTRAL RESERVE FUND TO IMPROVE HEALTH INSURANCE.

If a Senate committee reports a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, reduces growth in the number of uninsured Americans, improves access to affordable and meaningful health insurance coverage, improves health care quality, or reduces growth in the cost of private health insurance by facilitating market-based pooling, including across State lines, and a bill or joint resolution, or if an amendment is offered thereto, or if a conference report is submitted thereon, that, with appropriate protections for consumers, provides funding for State high risk pools or financial assistance, whether directly, or through grants to States to enhance the effectiveness of such pooling or to provide other assistance to small businesses or individuals, including financial assistance, for the purchase of private insurance coverage, the Chairman of the Committee on the Budget may make appropriate adjustments in allocations and aggregates for fiscal year 2007 and for the period of fiscal years 2008 through 2012, provided that such legislation would not increase the deficit over the total of the period of fiscal years 2007 through 2012.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. MURRAY. Mr. President, I ask unanimous consent the Senate proceed to executive session to consider Executive Calendar No. 43, the nomination of Vanessa Lynne Bryant, to be a U.S. district judge for the District of Connecticut; that the nomination be confirmed, the motion to reconsider be laid on the table, the President be notified of the Senate's action, and the Senate then return to legislative session; that any statements relating to the nomination be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination considered and confirmed is as follows:

THE JUDICIARY

Vanessa Lynne Bryant, of Connecticut, to be United States District Judge for the District of Connecticut.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate resumes legislative session.

RECOGNIZING THE CONTRIBUTIONS OF AGRICULTURAL PRODUCERS IN PENNSYLVANIA AND THROUGHOUT THE NATION ON THE OCCASION OF NATIONAL AGRICULTURE DAY

Mrs. MURRAY. Mr. President, I ask unanimous consent the Agriculture Committee be discharged from further consideration of S. Res. 114 and the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 114) recognizing the contributions of agricultural producers in Pennsylvania and throughout the Nation on the occasion of National Agriculture Day.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. I ask unanimous consent the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid on the table, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 114) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 114

Whereas National Agriculture Day is an annual celebration during which government agencies, community members, and agricultural groups work with agricultural producers to honor the importance of the agriculture industry;

Whereas agriculture is a pillar of the economy of the Commonwealth of Pennsylvania and many other States across the country;

Whereas agriculture is the number one industry in Pennsylvania and has contributed more than $45,000,000,000 to the economy of the Commonwealth;

Whereas agricultural producers in Pennsylvania export a considerable amount of food and agricultural and forest products, earning more than $1,500,000,000 annually in profits;

Whereas dairy cattle from Pennsylvania are used as breeding stock in a number of countries around the world;

Whereas Pennsylvania is the home of over 58,000 farms, covering more than 7,700,000 acres of land;

Whereas Pennsylvania is a leading producer of mushrooms, eggs, pumpkins, apples, grapes, freestone peaches, ice cream, milk cows, chickens, and other agricultural products and livestock;

Whereas each agricultural producer in the United States feeds more than 144 people and Pennsylvania's agricultural producers are responsible for feeding more than 8,000,000 mouths worldwide;

Whereas agricultural producers in Pennsylvania and throughout the Nation provide the people of the United States with food, clothes, and many other staples; and

Whereas the contribution of agricultural producers in Pennsylvania and throughout the United States should be honored with highest praise and respect: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes—

(A) that agriculture is the number one industry in Pennsylvania;

(B) the outstanding contribution of Pennsylvania's agricultural producers to the economy of the Commonwealth and the Nation; and

(C) that agriculture in Pennsylvania is diverse and provides important nutrition to the people of the United States; and

(2) pays tribute to agriculture and agricultural producers in Pennsylvania and throughout the United States on the occasion of National Agriculture Day.

CELEBRATING THE LIFE OF BISHOP GILBERT EARL PATTERSON

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 133, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 133) celebrating the life of Bishop Gilbert Earl Patterson.

There being no objection, the Senate proceeded to consider the resolution.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 133) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 133

Whereas Bishop Gilbert Earl Patterson was born in 1939 to Bishop W.A. and Mrs. Mary Patterson, Sr., in Humboldt, Tennessee;

Whereas Bishop Patterson was reared in Memphis, Tennessee, and Detroit, Michigan, and ordained as an elder in the Church of God in Christ in 1958 by Bishop J.S. Bailey;

Whereas Bishop Patterson grew in wisdom at the Detroit Bible Institute and LeMoyne Owen College in Memphis, Tennessee;

Whereas, in 1962, Bishop Patterson became co-pastor with his father of Holy Temple Church of God in Christ in Memphis, Tennessee;

Whereas, in 1975, Bishop Patterson founded Temple of Deliverance, the Cathedral of the Bountiful Blessings;

Whereas Temple of Deliverance is now a shining star of both the Church of God in Christ and all of the Nation's communities of faith;

Whereas Temple of Deliverance, under Bishop Patterson's wise leadership, continues to touch the entire Nation through its Bountiful Blessings Ministry;

Whereas Bishop Patterson reached millions across the globe with his direct and spirit-filled messages, encouraging the world to "be healed, be delivered, and be set free";

Whereas Bishop Patterson served as the international leader of the Church of God in Christ since November 2000, ably leading this denomination of over 6,000,000 members;

Whereas Bishop Patterson passed away on Tuesday, March 20, 2007, in Memphis, Tennessee, surrounded by his wife, Mrs. Louise Patterson, and his family;

Whereas Bishop Patterson will be celebrated as an invigorating spiritual leader; and

Whereas the family of Bishop Patterson, the Temple of Deliverance congregation, the Church of God in Christ, and indeed the entire Nation are deeply saddened by the loss of this great man: Now, therefore, be it

Resolved, That the Senate—

(1) expresses the condolences of the Nation to the family of Bishop Gilbert Earl Patterson, the Temple of Deliverance Congregation, and the Church of God in Christ; and

(2) recognizes the life and accomplishments of Bishop Gilbert Earl Patterson, who guided a church, led a denomination, and influenced a nation.

ORDERS FOR THURSDAY, MARCH 29, 2007

Mrs. MURRAY. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9 a.m., Thursday, March 29; that on Thursday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume consideration of H.R. 1591, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9 A.M. TOMORROW

Mrs. MURRAY. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:44 p.m., adjourned until Thursday, March 29, 2007, at 9:00 a.m.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, March 28, 2007:

THE JUDICIARY

VANESSA LYNNE BRYANT, OF CONNECTICUT, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF CONNECTICUT.

WITHDRAWAL

Executive Message transmitted by the President to the Senate on March 28, 2007 withdrawing from further Senate consideration the following nomination:

SAM FOX, OF MISSOURI, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BELGIUM, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

HOUSE OF REPRESENTATIVES—*Wednesday, March 28, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. BALDWIN).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 28, 2007.

I hereby appoint the Honorable TAMMY BALDWIN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

Rabbi Paul Silton, Temple Israel, Albany, New York, offered the following prayer:

May the author of liberty and equality, who created all human beings in His image, bless all of you who have been chosen by the citizens of this great bastion of democracy to represent them.

May He grant all of you the privilege of discovering His will and doing it wholeheartedly. May He touch your lives with the spirit of wisdom and insight. May He grant all of you the ability to make wise decisions and the satisfaction of doing a multitude of good deeds. May He strengthen you to walk in paths of honesty, to courageously meet every challenge, and to overcome all obstacles.

May you be blessed with long and peaceful lives, lives free from shame and reproach, lives filled with many years of physical vitality, so that you may see all your heart's desires for goodness fulfilled and the work of your hands established.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from New Jersey (Mr. PASCRELL) come forward and lead the House in the Pledge of Allegiance.

Mr. PASCRELL led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

WELCOMING DR. RABBI PAUL SILTON

(Mr. McNULTY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. McNULTY. Madam Speaker, I rise today to welcome my very dear friend, Dr. Rabbi Paul Silton, and to thank him for offering the opening prayer this morning for the United States House of Representatives.

Rabbi Silton has served the community of New York's Capital Region for over 30 years as Rabbi of Temple Israel, the largest conservative synagogue in northeastern New York. He began his career at Temple Israel as the education director where he was responsible for fostering growth at every education level, including the addition of an adult education program.

Rabbi Silton has made enormous contributions not just to Temple Israel, but to the entire community. He founded the Holocaust Survivors and Friends in Pursuit of Justice. He also hosted a 3-day National Holocaust Conference for 1,500 participants at Temple Israel.

He has also organized a multitude of services for the community Kristallnacht and the Holocaust Memorial commemorations.

Through the efforts of Dr. Rabbi Paul Silton, Temple Israel has received numerous awards from the United Synagogue of Conservative Judaism, in addition to education awards for programming, high school education, and the Framework for Excellent Synagogue School Program Award.

I am proud to welcome my very dear friend, Dr. Rabbi Paul Silton this morning, and to thank him on behalf of the entire United States House of Representatives.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. The Chair will recognize up to 15 requests for 1-minute speeches on each side.

FISCAL RESPONSIBILITY WITHOUT RAISING TAXES

(Mr. PASCRELL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PASCRELL. Madam Speaker, rather than pulling out the tired old talking points of "tax and spend," I wish my colleagues and my good friends on the other side of the aisle would actually read the Democratic budget resolution. Really, it makes for pretty good reading.

If they did, they would see that nowhere in the budget do we call for any increase in taxes; nowhere.

In fact, if the Republicans read our budget, they would see that it actually directs the Ways and Means Committee, of which I am a member, to come up with immediate relief for middle-income families who would otherwise be subject to the alternative minimum tax. Unless we reform that tax, 19 million families will have to pay higher taxes in 2007.

The President played games with this tax, coming up with only a 1-year fix. You hear it in your own districts. Democrats are committed to coming up with a permanent solution.

Our budget allows the Ways and Means Committee to extend other middle-income tax relief, including the child tax credit and marriage penalty relief, while remaining true to the PAYGO principle.

Madam Speaker, this is a good budget that provides tax relief to middle-income families, and at the same time, finds balance within the next 5 years. I suggest we take a look at it.

DEMOCRAT BUDGET

(Mr. PITTS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PITTS. Madam Speaker, in all my years of public service, I have never had a constituent tell me that they are taxed too little. Whether it is income taxes, property taxes, estate taxes, capital gains taxes, car taxes or some other tax, Americans give plenty of money to the government.

But for House Democrats, it seems that is not enough. How else do you explain a budget resolution that proposes the largest tax increase in American history by letting all of the tax cuts expire?

Their budget plan will deliver a hard blow to working families in our vibrant economy. By bringing back the marriage penalty, 23 million taxpayers will see their tax bill go up. By cutting the child tax credit in half, 31 million taxpayers will pay an average of $850 more a year.

In all, House Democrats are asking hardworking Americans to fork over an extra $400 billion over 5 years.

□This symbol represents the time of day during the House proceedings, e.g., □1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Madam Speaker, the other side will try to sell this budget, but don't be fooled, this is tax-and-spend politics at its worst, and it should be rejected.

HONORING CÉSAR CHÁVEZ

(Mr. BACA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BACA. Madam Speaker, I rise today to commemorate the 80th birthday of an American hero, the late César Chávez.

For 7 years, I have fought for a national holiday to honor César Chávez, a man who not only carried the torch for justice and freedom, but was the hope of thousands of impoverished people. César Chávez believed in "la causa," the cause; and he believed in "la huelga," the struggle.

As we approach his birthday, I urge my colleagues to support H. Res. 76, a resolution that educates our youth about his heroic life, celebrates his accomplishments and honors him with a national holiday.

The battle for social justice is far from over. But in the words of César Chávez, "si se puede."

CELEBRATING 100 YEARS OF BROWN

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, what can brown do for you? You may be familiar with this phrase because it is the new UPS advertising slogan. During the past 100 years, UPS has done much for American workers and the American economy.

Headquartered in Atlanta, Georgia, UPS employs more than 427,000 people and is the world's largest package delivery company. It is incredible to know that this global behemoth began in Seattle, Washington, as a messenger service by a 19-year-old teenager who borrowed $100.

Throughout 2007, UPS is celebrating its milestone 100th birthday by hosting employee events around the world. The celebration in more than 55 U.S. cities will revolve around the arrival of a mobile centennial exhibit. I was pleased South Carolina's Second Congressional District had the opportunity to participate in UPS's success when the birthday celebration came to the Midlands, and Rich McArdle was introduced as the new district manager.

In conclusion, God bless our troops, and we will never forget September 11.

HONORING CÉSAR CHÁVEZ

(Mr. GENE GREEN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GENE GREEN of Texas. Madam Speaker, I rise today in support of H. Res. 76, which would establish a national holiday in honor of César Chávez.

César Chávez dedicated his life to teaching others that persistence, hard work, faith, and willingness to sacrifice oneself breaks down barriers. He committed himself to achieving justice and equality for all farm workers, and paved the way for momentous social change.

In 1962, César Chávez formed what is known as the United Farm Workers. His efforts initiated one of the greatest social movements of our time. He dedicated himself to fighting for safe working conditions, reasonable wages, decent housing and the outlawing of child labor for farm workers everywhere.

Mr. Chávez embraced nonviolent tactics to help focus national attention on the problems that existed for farm workers. Mr. Chávez was said to have given his last ounce of strength defending the farm workers before he died in his sleep on April 23, 1993.

César Chávez is honored throughout America for his tireless work to help those who could not help themselves.

In my hometown of Houston and my district every year we celebrate the life and times of César Chávez by holding a Hispanic heritage parade and day of celebration. A national holiday in honor of César Chávez would serve as an inspiration to those who seek to create a better world in the legacy of one who served to remind us that together all things are possible; in Spanish, "si se puede."

2008 DEMOCRATIC BUDGET

(Mr. BARRETT of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BARRETT of South Carolina. Madam Speaker, this week, the Democrats will bring to the floor their budget, fiscal year 2008, that they passed out of committee. This budget promises to do two things: Raise taxes and increase spending.

My Republican colleagues and I will put forth a substitute that uses common sense to balance the budget in 5 years. It lowers spending, reforms unsustainable entitlement programs, and encourages economic growth without raising taxes.

Madam Speaker, as a result of the Republican supported tax policies passed in 2001 through 2005, every taxpayer who paid income taxes this year will get tax relief. My Republican colleagues and I believe government should limit taxing and spending and ease the burden on the economy. Let the country grow. The difference between the two budgets are plain and simple: The Democrats trust government, the Republicans trust people.

I urge my colleagues to support the fiscally responsible Republican substitute when it is brought to the floor later this week.

HONORING FORMER CONGRESSMAN JOHN BRADEMAS

(Mr. DONNELLY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DONNELLY. Madam Speaker, I rise to pay tribute to one of my distinguished predecessors in representing the district I am now privileged to serve in Congress and to celebrate his recent 80th birthday.

Dr. John Brademas served the then-Third District of Indiana in the House of Representatives for 22 years, from 1959 until 1981. While in Congress, Dr. Brademas played a leading role in writing most of Federal legislation enacted concerning schools, colleges and universities, services for the elderly and the disabled, libraries, museums, the arts and humanities.

During his last 4 years on Capitol Hill, John Brademas served as House majority whip under Speaker Tip O'Neill. Our distinguished former colleague was a dedicated and highly effective legislator and shaper of national policy. He has also been president of the Nation's largest private university, New York University.

Madam Speaker, many Members of both this Chamber and the Senate on both sides of the aisle served with Dr. Brademas. I believe they will share my sentiments in expressing our admiration for his outstanding public service and join me in wishing him well.

☐ 1015

SAY "YES" TO THE REPUBLICAN BUDGET RESOLUTION

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Madam Speaker, when it comes to the new Democrat Congress, it is the 1970s all over again. Think about it. We have hostages in Iran, Congress is making plans to withdraw from another unpopular war, and the Democrats return to the floor of Congress with plans to tax and spend once again. Higher taxes for working families, small businesses and family farms to finance billions of dollars in new spending with absolutely no reform of entitlements, the real threat to our children and grandchildren.

The GOP budget alternative will balance the budget by the year 2012 without tax increases, without raiding Social Security and with truly historic entitlement reform.

I say, Madam Speaker, say "no" to bell bottoms, disco and the tax-and-spend politics of the 1970s. Say "yes" to the Republican budget resolution.

DEMOCRATIC BUDGET GETS RAVE REVIEWS FROM BROAD VARIETY OF OUTSIDE GROUPS

(Mr. SIRES asked and was given permission to address the House for 1 minute.)

Mr. SIRES. Madam Speaker, the Democratic budget is receiving rave reviews from a broad variety of outside groups. Here are just some of the examples of what Democrats are hearing.

The American Legion praised our budget because it includes $3.3 billion more for veterans than the President's budget, making it the largest veterans increase in 77 years. In the letter, the American Legion writes: "As a Nation at war, this funding will help cover the ongoing cost of war to care for the men and women of the United States Armed Forces and their families."

The American Academy of Pediatrics writes: "This budget includes a significant commitment to infants, children, adolescents and young adults through its funding of SCHIP and Medicaid."

And the watchdog group OMB Watch writes: "We applaud its commitment to restoring fiscal responsibility by seeking to eliminate the Federal budget deficits by 2012, adopting the pay-as-you-go principle requiring that any new tax cuts and mandatory spending be paid for."

Madam Speaker, the Democratic budget shows that we can fiscally be responsible while also meeting the critical needs of the American people. This budget deserves strong support.

DEMOCRAT TAXES—ONCE AGAIN!

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Madam Speaker, I rise today to warn all Americans of the looming taxation tidal wave that is coming under this new Democrat majority.

Democrats have unveiled their tax-and-spend budget proposal which will bring upon the American people the largest tax increase in our Nation's history.

Rather than allow Americans to make choices about how best to spend their own money, it is clear that Democrats feel they and Washington bureaucrats better understand what is good for American families.

Our Democrat colleagues repeatedly claim that the Republican tax cuts only benefit the wealthy. Well, Madam Speaker, the lowest-income Americans are about to find out just how untrue that tired rhetoric is.

The tax hikes will hit all Americans in every tax bracket, the middle class, low-income families and small businesses.

But there is an alternative. House Republicans have vowed to not just extend but make permanent the pro-growth low-tax policies that have brought recovery to our economy.

Madam Speaker, we can move away from this tired trend of big and bigger government. We can return money back to the rightful owner, the American taxpayer; and we should start right now.

DEMOCRATIC BUDGET PROTECTS MIDDLE-INCOME FAMILIES FROM A TAX INCREASE

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute.)

Ms. SHEA-PORTER. Madam Speaker, when I ran for Congress, I ran for the rest of us, the bottom 99 percent of us who as a social worker I knew were not getting a fair shake under this administration and its followers. I knew they had created the greatest deficits in American history and that it was the middle class who had been harmed.

I stand here with great pride to ask my colleagues in the House to pass this Democratic budget which actually finally represents the middle class.

What does this budget do? Unlike the President's own budget proposal, the Democrats' House budget protects middle-class families from a tax increase. Our resolution protects 19 million families against the alternative minimum tax this year and creates a reserve fund accommodating a permanent fix. The reserve fund also will accommodate other middle-class tax cuts, including extending the child tax credit, marriage penalty relief, the extension of the 10 percent individual tax credit and the elimination of most estate taxes.

Compare these middle-class tax cuts to the $500 billion tax increase the President proposed in his budget over the next 10 years.

Madam Speaker, this Democratic House is committed to balancing the budget in the next 5 years without raising taxes, and that is what we are going to do here.

FREEWAY HOMICIDES AND AN ILLEGAL

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Madam Speaker, as Maria Ortiz and her daughter Vanessa were driving down the Eastex Freeway in Kingwood, Texas, on Sunday afternoon, they were probably talking about the upcoming birth of Vanessa's baby boy Nathaniel.

Ignacio Gomez-Gutierrez was blasting down that same freeway in his pick-up truck. He came up behind Maria and Vanessa and slammed his truck into the back of their car, smashing the trunk into the front seat, killing them both, Maria, Vanessa and also Nathaniel.

Gomez-Gutierrez was three times the legal limit drunk. Witnesses who were following him driving stated that he was so drunk he could barely hold his head up.

After this coward killed the Ortizes, he fled from his pick-up and ran, but he was finally captured and held for the police by a bystander.

Gomez-Gutierrez had already been convicted three times for drunk driving, and he was an illegal from Mexico. But he had been never been deported after any of his convictions. If he had, Maria, Vanessa, and the baby would still be here.

How many more Americans and legal immigrants need to be killed before the Feds start deporting these criminal illegals?

And that's just the way it is.

HONORING CÉSAR CHÁVEZ

(Mr. GRIJALVA asked and was given permission to address the House for 1 minute.)

Mr. GRIJALVA. Madam Speaker, today I rise to celebrate the life of César Chávez, to commemorate his life, to ask for a national holiday. He would have been 80 years old this Saturday, and I guess the most personal thing I can say is how he affected my life and the lives of countless people. He gave voice to the powerless in this country. He gave voice to the issues of the environment, human rights, labor rights, education and turned a whole generation and a whole community to look forward to opportunity and to stand up and protect the very fundamental rights that each one of us as an American holds true.

César Chávez is not just an icon. César Chávez is a living legacy of what this country's unfinished business is, the unfinished business of giving worth to each human being in this country.

I would end with a quote by César Chávez: "We can choose to use our lives for others to bring about a better and more just world for our children."

That is the greatest opportunity we have.

DEMOCRAT LEADERSHIP PUSHING MICHIGAN IN THE WRONG DIRECTION

(Mrs. MILLER of Michigan asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, my home State of Michigan is currently experiencing really hard economic times. We have the highest unemployment in the Nation. We have the lowest personal income growth in the Nation, dropping home values, tightening family budgets.

Government overspending, combined with declining revenue from the soft job market, has forced my State into a fiscal crisis, and our Democrat Governor thinks that the way to solve the problem is by raising taxes and increasing government spending.

Here in Washington, we also have a spending problem and a deficit that is too large. So what do the Democrats offer? The largest tax increase in American history, almost $400 billion, and massive new government spending.

The Democrats are also pushing arbitrary and draconian fuel economy standards that could decimate our domestic auto industry and cost even more Michigan jobs.

Madam Speaker, the people of Michigan just cannot take it anymore. They do not need bigger government. They need bigger paychecks, and I ask the Democrat leaders to take pity on the citizens of Michigan. Please just give Michigan a break.

CÉSAR CHÁVEZ NATIONAL HOLIDAY

(Ms. LEE asked and was given permission to address the House for 1 minute.)

Ms. LEE. Madam Speaker, I rise this morning in strong support of H. Res. 76, a resolution to create a national holiday in honor of a great human being, César Chávez.

Madam Speaker, already nine States celebrate his life. The legacy that he left on the history of this Nation must be recognized. He made a difference not only for Latinos, not only for migrant workers, but for the poor and the working poor, and he also built a coalition of conscience across racial and economic boundaries.

I am reminded today of the political support César provided to me during my first campaign for the California legislature. He truly helped me win my very first election, and for that I am deeply grateful.

I urge my colleagues to join us in supporting the movement for a national holiday in honor of this great civil and human rights leader and such an important historical figure of our Nation.

Feliz cumpleanos, César.

Si se puede.

CELEBRATING CÉSAR CHÁVEZ

(Mr. RODRIGUEZ asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RODRIGUEZ. Madam Speaker, I am proud to rise today to recognize and celebrate the 80th birthday of César E. Chávez.

César Chávez was born in Yuma, Arizona, and grew up in migrant labor camps, into the poverty of the migrant worker's life. He became an historical figure who embodied humility and extraordinary strength during his peaceful struggle towards social justice.

He was an individual who represented the ones who had less and had no representation whatsoever. He dedicated his entire life to tirelessly championing the rights of the farm laborers; and along with him was Dolores Huerta, also founder of the United Farm Workers union, fighting for better wages and conditions for those individuals that pick our fruit and feed our Nation.

César Chávez has been an extraordinary icon in my home State of Texas. In San Antonio, we honor his legacy during the annual César Chávez march to recognize those individuals that labor picking up our food.

Additionally, we cannot travel anywhere in the United States without seeing a town or street named after this amazing individual. We in San Antonio, Texas, have César Chávez Boulevard as well as others throughout the country.

I hope that his legacy will continue to remain, and I rise today to encourage my colleagues, urging the President and the Congress to establish a national holiday for César Chávez and encourage them to support H. Res. 76.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

The SPEAKER pro tempore (Ms. BALDWIN). Pursuant to section 2 of House Resolution 269, proceedings will now resume on the bill (H.R. 835), to reauthorize the programs of the Department of Housing and Urban Development for housing assistance for Native Hawaiians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. When proceedings were postponed on Tuesday, March 27, 2007, 10 minutes of debate remained on the bill.

The gentleman from Hawaii (Mr. ABERCROMBIE) and the gentleman from California (Mr. CAMPBELL) each have 5 minutes remaining.

Who yields time?

□ 1030

Mr. ABERCROMBIE. We are virtually at the end of our remarks, so it would probably be useful, Madam Speaker, to reiterate from last evening's proceedings.

Madam Speaker, I reserve the balance of my time.

Mr. CAMPBELL of California. I thank the gentleman from Hawaii.

Madam Speaker, I do claim the time in opposition. However, I do think the arguments relative to the bill were made last night.

Madam Speaker, I yield back the balance of my time.

Mr. ABERCROMBIE. Madam Speaker, I will just recapitulate for a couple of moments, then perhaps we can move to the conclusion.

I indicated last night, and I think it was agreed to by Mr. BACHUS of Alabama and others, by way of material that has been entered into the RECORD, like Mr. RENZI of Arizona, that this should not be a partisan fight. In fact, "fight" probably is the wrong word, but, I mean, even a disagreement here.

The reason that this bill passed overwhelmingly last week, with significant support from the Republican side of the aisle, was that it was supported in committee by Republicans and Democrats. The bill is here before the Congress as a result of a request by Hawaii's Republican Governor, and the former Chair of the Hawaii Republican Party, who is now the head of the Department of Hawaiian Home Lands.

We have always had legislation in this area based on the underlying law, which was passed in 1921, by the Congress, setting aside certain lands for Hawaiians. The issue before us is about refinancing of home mortgages. This is not about whether the original law, under which the Department of Hawaiian Home Lands was established, it is constitutional.

On the contrary, that issue has been raised, and it perhaps should be raised in another context; namely, if someone wants to change the underlying law. But we should not punish my constituents or anybody's constituents for the fact that they appear before us in the form of a bill trying to carry forward on the admonitions required of them, in this instance, by the Department of Housing and Urban Development in order to get their mortgages refinanced.

Let me say, just as recently as February 9 of this year, the U.S. Circuit Court of Appeals ruled against a group of individuals who came before the court, saying that funding for programs that benefit Hawaiians, in this instance, of this bill, the Department of Hawaiian Home Lands, constitutes an unconstitutional discrimination against non-Hawaiians.

The Federal appeals court ruled that was not the case. In fact, they returned it to the U.S. District Court to see if the plaintiffs were eligible "in any other capacity." That is to say, other than whether it was constitutional.

So we have, as recently as the last 30 days, appeals court admonitions that the constitutionality of having programs for Hawaiians is, in fact, constitutional.

If someone wants to argue that, please let's argue it on the basis of a bill that addresses that itself, rather than the bill which is before us, which has to do with the refinancing of mortgages. Please don't punish people that are trying to own their own homes, to keep their own homes, because of some ideological difference that we might have.

Mr. RENZI. Madam Speaker, today I rise in support of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007.

This bill is a reauthorization of Title 8 of the Native American Housing Assistance and Self-Determination Act—commonly known as NAHASDA.

H.R. 835 reauthorizes the program within the Department of Housing and Urban Development that provides low-income Native Hawaiian families the opportunity for homeownership on their Hawaiian home lands.

Back in 1996, Congress passed NAHASDA—which reorganized the system of housing assistance provided to tribes through HUD.

The Indian Housing Block Grant program was created to provide funds directly to tribes for housing services as determined by the tribes themselves.

In 2000, NAHASDA was amended to include Title 8 so that Native Hawaiians could receive block grant funding as well through a separate grant program—the Native Hawaiian Housing Block Grant program.

This program funds housing programs on Hawaiian Home Lands—through the Department of Hawaiian Home Lands, a Federal agency established by Congress in 1921 to administer trust land in Hawaii.

Title 8 funding has allowed the Department of Hawaiian Home Lands to target housing assistance to families at or below 80 percent of median income.

This funding is used for such assistance as infrastructure development, downpayment assistance, self-help home repair programs, and financial literacy programs.

Additionally, Habitat for Humanity has also received funding through this program.

Title 8 of NAHASDA was originally authorized for 5 years, through 2005, and has not been formally reauthorized since, although appropriations acts have continued to provide de facto 1-year reauthorizations for the program.

This bill would reauthorize the program through fiscal year 2012.

In addition to reauthorization, the bill makes two changes to existing law.

First, it makes the Department of Hawaiian Home Lands eligible for loan guarantees authorized under Title 6 of NAHASDA. Giving the Department Title 6 access would allow the Department to help more low-income families become homeowners without a large increase in Federal appropriations by partnering with the private market.

Second, this legislation allows Native Hawaiians the use of HUD's Section 184(a) guaranteed loans for refinancing in addition to construction. Adding the refinance authority reduces the cost of homeownership for low-income families and can also reduce risk by lowering monthly mortgage payments.

Congress must continue to embrace initiatives such as the one we are considering today that encourage Americans to own a home.

Last week, this bill failed to receive the two-thirds majority necessary to pass under the suspension calendar, although the majority of members voted to approve the bill.

I believe that the bill's failure to pass was the result of misconceptions about this bill that I would like to address.

This is not a bill about Native Hawaiian sovereignty.

The subject of Native Hawaiian sovereignty is a separate issue altogether and is not addressed in this legislation.

This bill simply reauthorizes and makes some small improvements to an existing program. It does not confer any special rights to the Native Hawaiians—nor does the bill suggest that Native Hawaiians should be given a status equal to that of Native Americans.

It simply reauthorizes a program created by Congress in the year 2000, just 7 years ago.

At that time, Congress chose to establish a housing program to benefit poor Native Hawaiians living on their home lands—200,000 acres scattered throughout the islands of Hawaii.

In the 7 years since the Native Hawaiian Housing Block Grant program has been in place, it has enabled thousands of Hawaiians to live in decent, safe, and sanitary housing and helped thousands to achieve the dream of homeownership.

This program is a model for Federal-State cooperation and also an example for how Federal resources can support the efforts of the private market in providing the capital necessary for homeownership.

Yesterday, Hawaiians celebrated Prince Kuhio Day, a State holiday recognizing the contributions of a great leader who was a leading member of the Republican Party in Hawaii and a delegate to the House of Representatives for nearly 20 years.

I ask my colleagues that we honor the memory of Representative Kuhio, and that we continue to support the Native Hawaiians living on the Home Lands.

I would like to recognize Mr. ABERCROMBIE for introducing this legislation.

Also, I thank Chairman FRANK and Ranking Member BACHUS of the Financial Services Committee for working to bring this bill to the floor, which was approved by the Financial Services Committee by voice vote.

I urge my colleagues to support this important piece of legislation to reauthorize a program to help Native Hawaiians living in poverty.

Mr. ABERCROMBIE. Madam Speaker, I rise today to support the final passage of H.R. 835, the Hawaiian Homeownership Opportunity Act of 2007.

Opponents of this bill believe this program may be unconstitutional based upon a mistaken interpretation of Rice v. Cayetano. But Rice v. Cayetano was a voting rights case. The question put to the Court was whether limiting the right to vote for trustees of the Office of Hawaiian Affairs to Native Hawaiians violated the 15th amendment. The court in Rice specifically declined to rule on the status of Native Hawaiians and Native Hawaiian programs created by Congress.

Moreover, this bill and these programs have never been a partisan issue in the past. This reauthorization and improvements were requested by Hawaii's Republican administration and Governor Linda Lingle. The Department of Hawaiian Home Lands is chaired by the former head of Hawaii's State Republican Party. This bill was introduced last year by Congressman Bob Ney and was reported out of the Financial Services Committee by voice vote and without amendment. Last Congress's Republican chairman of the Financial Services Committee, Mike Oxley, cosponsored this bill.

I mention these pieces of background information to illustrate the wide support for the program and the fact that it has been both Democratic and Republican. Last week, when this bill was up for consideration in the House under a suspension of the rules, the GOP leadership issued a statement just hours before the vote, calling the bill "unconstitutional" and charged that it would "confer on Native Hawaiian an arrangement like that between the federal government and American Indian tribes." Despite these charges, the bill was able to garner 34 Republican votes.

The status of Native Hawaiians needs to be debated and should be debated in the House. However, this is the wrong venue for that. I have another bill pending in the House of Representatives that would establish a process for the Federal recognition of Native Hawaiians. I hope to have this legislation considered by the House Natural Resources Committee and will gladly debate these issues at that time.

This measure is about helping low-income Native Hawaiians own their own home. The programs reauthorized by H.R. 835 simply provide funds for infrastructure, helps Native Hawaiians obtain mortgages and allows for refinancing to lower the cost of homeownership. This bill is about assisting Native Hawaiians to reach the American dream of owning their own home.

I believe this bill can, and should, pass with overwhelming bipartisan support. I urge my colleagues to vote for final passage of this bill and support efforts to get more low-income people into their own homes.

Mr. ABERCROMBIE. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. Pursuant to House Resolution 269, the bill is considered read and the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. CAMPBELL of California. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

□ 1045

PROVIDING FOR CONSIDERATION OF H. CON. RES. 99, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

Ms. SUTTON. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 275 and ask for its immediate consideration.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

The Clerk read the resolution as follows:

H. RES. 275

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012. The first reading of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution shall be dispensed with. All points of order against consideration of the concurrent resolution are waived. General debate shall not exceed four hours, with three hours confined to the congressional budget equally divided and controlled by the chairman and ranking minority member of the Committee on the Budget and one hour on the subject of economic goals and policies equally divided and controlled by Representative Maloney of New York and Representative Saxton of New Jersey or their designees. After general debate the concurrent resolution shall be considered for amendment under the five-minute rule. The concurrent resolution shall be considered as read. No amendment shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, and shall not be subject to amendment. All points of order against the amendments printed in the report are waived except that the adoption of an amendment in the nature of a substitute shall constitute the conclusion of consideration of the concurrent resolution for amendment. After the conclusion of consideration of the concurrent resolution for amendment, the Committee shall rise and report the concurrent resolution to the House with such amendment as may have been adopted. The previous question shall be considered as ordered on the concurrent resolution and amendments thereto to final adoption without intervening motion except amendments offered by the chairman of the Committee on the Budget pursuant to section 305(a)(5) of the Congressional Budget Act of 1974 to achieve mathematical consistency. The concurrent resolution shall not be subject to a demand for division of the question of its adoption.

SEC. 2. During consideration in the House of House Concurrent Resolution 99 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the concurrent resolution to such time as may be designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Ohio (Ms. SUTTON) is recognized for 1 hour.

Ms. SUTTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Texas (Mr. SESSIONS). All time yielded during consideration of the rule is for debate only.

GENERAL LEAVE

Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days in which to revise and extend their remarks on House Resolution 275.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Ohio?

There was no objection.

Ms. SUTTON. Madam Speaker, House Resolution 275 provides for consideration of H. Con. Res. 99, the concurrent resolution on the budget for fiscal year 2008 under a structured rule.

The rule provides for 4 hours of general debate, three to be controlled by the chairman and ranking member of the Committee on the Budget and one to be controlled by Representative MALONEY of New York and Representative SAXTON of New Jersey.

The rule also makes in order three substitute amendments by Representative SCOTT of Virginia, Representative WOOLSEY and Representative RYAN of Wisconsin.

Madam Speaker, budgets, more than anything else this government produces, are a statement of what matters to us and what does not. They are moral documents. They tell us to what degree we care to look after the old and protect the young. They indicate our responsibilities to commitments both abroad and here at home. They give life to our greatest dreams as a Nation. They are the hope we leave for our children and become the legacy we bestow upon our people.

And they can be examples of great courage, or an absolution of Congress's responsibility to set priorities consistent with strengthening our people and our communities.

Madam Speaker, as it concerns the budget, it has been a long 6 years for this Nation. The budget has been out of balance fiscally, and it has been out of balance with the needs of the American people.

Just 6 years ago, we were looking at a projected $5.6 trillion surplus. That has collapsed into a $9 trillion deficit. For every American in this country, there is $29,000 worth of debt.

And to add insult to injury, most of the debt we have taken on in recent years will be sent to investors in foreign countries.

It goes far beyond having been drunk at the wheel. Our predecessors in the majority not only crashed the car into a ditch, they accelerated after landing there, allowing mud to cave in on top of it.

That was the fiscal situation Democrats found when we arrived here a few months ago in the majority.

Since President Bush took office in 2001, my home State of Ohio alone has lost over 200,000 manufacturing jobs; and 3 million have been lost nationwide.

Job growth overall has slowed to a significantly slower pace in recent years than under the Clinton administration, at a rate even below the level necessary to keep pace with population growth. Sadly, our families have even less purchasing power today than they did in January of 2001.

And the debt has continued to pile up, with no accountability, no fiscal responsibility, no effort to place priorities in the right places, to curb wasteful spending, to do what needs to be done to make sure that the programs consistent with the values of this Nation, Social Security, Medicare and Medicaid, SCHIP and Community Block Grants continue to be able to survive.

In short, the policies enacted in recent years will have devastating effects on our future competitiveness and standard of living if we continue down the same destructive road.

But it is a new day, and we have a new path to follow, one that says that it is more important to take care of our wounded veterans than it is to take care of oil companies, one that says that kids cannot grow up to thrive and give back to this great Nation if they do not have the health care when they are young, one that says that a measure of a Nation can be taken in small things like heating assistance for the elderly and nutrition programs in local schools and special assistance for those with disabilities.

Indeed, it is in the small print of the Federal budget that we find our worth as a government, which is why I am proud, both as a member of the Budget Committee, and as a Member of Congress, to support this Democratic budget.

It is the first time in a very long time that Congress has before it a budget that is fiscally responsible and in line with the needs of the American people.

□ 1100

This budget makes critical investments in education, health care, our veterans, our communities and our economy while at the same time adhering to PAYGO principles and returning our budget to balance by 2012. The reckless economic policies of the last 6 years have been immensely damaging to our economy's long-term global competitiveness and particularly to our workers.

The Democratic budget will strengthen middle-class families by providing funding for job training programs, health care, and education, particularly in math and science. These are all essential investments in our workforce that will lay a solid foundation for a growing economy and improve our competitiveness. The Democratic budget rejects the President's draconian cuts to programs that provide health care to the poor, to our children, and our seniors. Nine million of the neediest children in this country and 242,000 in the State of Ohio lack health insurance coverage, and the funding levels in the President's budget put as many as 1 million of these children at risk to fall off the SCHIP program by 2012. In contrast, the Democratic budget provides for a $50 billion increase to SCHIP, allowing us to reach millions more children than we reach right now, making our children's health care needs a Federal Government priority.

The Democratic budget also rejects the $300 billion in Medicare and Medicaid cuts proposed by the administration. Access to health care should be a right, not a privilege, in this Nation and it does not serve any of us to roll back the clock on the health care initiatives that have served us so well up until now.

The Democratic budget is also about investing in our communities. It provides for increased funding for Community Development Block Grants, the Social Service Block Grants, and it saves Community Services Block Grants which was zeroed out in the President's budget. I have personally spoken with a number of the community officials in my own district that would have been affected by the proposed cuts in block grant programs and I will tell you that at the local level, these programs are lifelines for our neighborhoods and towns. They address needs in affordable housing, education and nutrition. They promote financial literacy and assist with child care needs and special services to children with disabilities. And in our cities, the CDBG funds help provide affordable housing and services to our most vulnerable populations. In short, we should not be trying to do away with programs that work.

The Democratic budget also makes education a priority, from early childhood to lifelong learning. To that end, our budget provides $3 billion over the current services level for education, training and social services. These increases are an investment in our future and will be vital to our global competitiveness. We have increased funding for those just beginning their education, like the 38,000 children in Head Start in Ohio, and we have taken steps to make college education more affordable through Pell Grants and a higher education reserve fund. We have included funds to train more math and science teachers.

Finally, the Democratic budget reflects a major shift in priorities by providing for a $5.4 billion increase in the Veterans Affairs budget which is an 18.1 percent increase over 2007 levels and the largest increase in history. Recently it has become clear that the needs of our brave men and women who have served our country so honorably have not been met. We have heard heartbreaking stories of wounded veterans who must wait up to 6 months for disability determinations and about VA facilities that are in disrepair. The more than 1 million veterans in Ohio and the more than 24 million nationwide deserve nothing less than our full support. Anything less is simply unacceptable.

A budget reflects the soul of a nation. It can give life to our most honorable pursuits and provide proof of the best of our intentions. It is the Rosetta Stone which those who look upon us from the present and from the future can decipher our worth and our courage.

It is with those thoughts in mind that I am proud to present this budget for consideration by the House.

Madam Speaker, I reserve the balance of my time.

Mr. SESSIONS. Madam Speaker, I rise today in strong opposition to this rule and to the unprecedented tax increase that the Democrat majority is bringing to the House floor today. The massive and irresponsible tax increase included in this budget would be the largest in American history, weighing in at a shocking $392.5 billion over the next 5 years. This Democrat budget, which is balanced on the backs of everyday taxpayers, will be used to finance bloated new government spending that my colleague just spoke about that will be well above the rate of inflation through 2012 while ignoring the brewing entitlement crisis. Spending, more spending, and more spending rather than worrying about the brewing entitlement crisis that faces this Nation. Around 77 million baby boomers will be retiring in the near future and will begin collecting Social Security, Medicaid and Medicare. Funding this new spending represents the greatest economic challenge of our era and is a challenge the Democrat budget has chosen to completely ignore while going on a spending spree everywhere else.

If fiscal discipline is what the Democrats promised voters this past fall, then by my count it took all of about 3 months for the Democrat candidates to abandon their campaign trail promises and show their true tax-and-spend stripes here again on the floor today.

This deeply flawed budget would increase taxes on almost 8 million taxpayers in my home State of Texas, costing each of them an average of $2,755 per year. It would collect these taxes by allowing the 2001 and 2003 tax relief provided by the Republican Congress to expire. In real terms, for every taxpayer, this means reducing the child tax credit for working families so that government can collect $27 billion more to finance the new spending that the Democrat majority chooses. It means reinstating the marriage penalty and the death tax to collect an additional $104 billion so that the majority can kick that further down the road rather than reforming and strengthening our Nation's entitlement programs. And it means completely ignoring the alternative minimum tax crisis which is projected to hit 23 million middle-class families if not dealt with quickly.

Madam Speaker, I believe the voters watching this debate on C-SPAN understand what these tax increases mean for our economy and our ability to compete globally, for, you see, I remember just a few short years ago when America was shipping thousands and thousands of jobs overseas and then the tax cuts took place and now we can't find enough workers in America. Madam Speaker, I would suggest to you, that is the way to be globally competitive, when you have plenty of jobs in America. But the voters and those people watching this debate may not realize that for a family of four with $60,000 in earnings, it would mean a tax increase of some 61 percent. It means that a single parent with two children and $30,000 in earnings would see a tax increase of 67 percent. And it means that an elderly couple with $40,000 in income would see their taxes increased by a whopping 156 percent.

Now, one would think that a tax increase of almost $400 billion impacting every American taxpayer would be enough to finance the Democrats' appetite for big government programs. But hold on. This is just the start. There's more to come. This budget also contains 12 reserve funds, or pet initiative IOUs, which set the stage for more than $115 billion in future higher spending which will have to be financed by, let me say, you guessed it, the taxpayer. Higher taxes.

For the last 4 years, responsible budgets passed by the Republican Party kept discretionary spending at or below inflation for all non-defense, non-homeland security spending. This budget plan brought forward by the Democrats brings this tradition to a screeching halt by allowing about $25 billion more in discretionary spending than requested by President Bush or even the spendthrift Senate, which asks for about $7 billion less than the House.

Thankfully, it is not too late to stop this fiscal train wreck. My friend, the ranking member of the Budget Committee, PAUL RYAN, has proposed an alternative budget that achieves balance by 2012 and ends the raid on Social Security without raising taxes. The Republican alternative maintains our strong economy, reforms and strengthens entitlement programs, and does this while keeping in place the tax relief that has contributed so much to our economy since 2001.

Without meaningful tax relief passed by recent Republican Congresses, our economy would not have seen the massive job growth—with 7.6 million new jobs or roughly 170,000 per month—and economic growth of 3.5 percent a year that it has experienced over the last 15 quarters.

The Republican budget contains no increase in marginal rates and leaves in place the 10 percent bracket for low-income filers. It includes no reduction in child tax credit, no rollback of the marriage penalty or death tax relief, and no increase in capital gains or dividend tax rates. It provides for an extension of alternative minimum tax relief, the research and development tax credit, and the State and local sales tax deduction that is so important to people all across this country, including the 17 States that it benefits. It ends the raid on Social Security and fully funds the President's request for national defense and the war on terrorism. It also makes important budget reforms, such as a legislative line-item veto; earmark transparency; requiring PAYGO to be offset by spending reductions, not tax increases; discretionary spending caps; requiring a vote on any debt limit increase; and requiring a vote on any bill that seeks to spend or authorize more than $50 million.

Madam Speaker, I encourage all of my colleagues to listen very carefully today about what the choices are that are on the floor of the House of Representatives and what they can support and to stand up for fiscal discipline, economic growth and responsible budgeting by opposing this rule and the underlying legislation.

Madam Speaker, I reserve the balance of my time.

Ms. SUTTON. Madam Speaker, I yield 5 minutes to the gentleman from Massachusetts (Mr. McGOVERN), a distinguished member of the Rules and Budget Committees.

Mr. McGOVERN. Madam Speaker, I am proud to rise in support of this rule and in support of this budget resolution. It provides our families, seniors and children with economic security, health care, and nutrition.

Madam Speaker, 5.4 million more people live in poverty today than in the year 2000. That is over 35 million total, and 12.4 million are children. One in every eight Americans is hungry. One in eight does not know whether they will be able to put food on the table. Madam Speaker, every single Member of this Congress should be ashamed of these statistics. The United States is the only wealthy industrialized nation in the world that tolerates widespread hunger amongst its people, including its children.

□ 1115

The decision to tolerate hunger in America has serious costs for us as a Nation. We constantly hear that we are a Nation committed to leaving no child behind. But children who are hungry, who live in poverty, cannot keep up. They cannot develop and thrive. They cannot learn or play with energy and enthusiasm.

Hunger stunts the physical, mental and emotional growth of millions of our children. When these children become adults, they are more likely to have low earnings and low productivity in the workforce. Their poor health means more illness that requires large health care expenditures. Their early mortality robs our economy of their labor and consumption. They are more likely to engage in crime, which results in monetary and personal cost to their victims and to the taxpayers for the cost of our criminal justice system. And, sadly, they are also more likely to be victims, resulting in similar costs.

In other areas, we see the difficulties faced by our seniors, who are dehumanized and demoralized when they have to choose between utilities and food. Many need special diets and adequate nutrition for their medications to work effectively. But, unfortunately, hundreds of thousands lack adequate food. And when we fail to end hunger among our elderly, we choose to add to their immediate and long-term health care costs, even while we hasten their deaths.

These are some of the priorities addressed in the Democratic budget resolution.

This budget resolution recognizes the burden faced by families when they are forced to choose between rent, food, heat and medicine, and provides funding for children's health care and provides funding for programs like LIHEAP, Head Start and low-income housing.

I want to thank Chairman SPRATT for holding a budget hearing on hunger and inviting Boston pediatrician Deborah Frank and South Carolina food banker Denise Holland to testify about the urgent need to address hunger in America. I only wish more of my colleagues attended that hearing.

We heard how food stamp benefits provide a first defense against hunger but are too meager to solve the problem, how food stamp benefits average just $1 per person per meal, how the minimum monthly benefit is stuck at the decades-old level of $10, and how the program is missing four in every 10 eligible people.

Madam Speaker, it is unconscionable that the programs proven to attack hunger in America are continually under attack. The Commodity Food Supplemental Program is continually zeroed out by the Bush administration. The Food Stamp Program is constantly derided, with fraud, waste and abuse cited, when, according to the GAO, it is running at the most productive levels in the history of the program.

It is unconscionable, Madam Speaker, that legal immigrants, people here legally with proper documentation, must wait 5 years for the food stamps they may need today, simply because they happen to be newcomers to our Nation. This is simply bad policy, and it needs to be fixed immediately. And it is unconscionable that children in need who receive breakfast and lunches during the school year are denied food during the summer months simply because school isn't in session.

The next farm bill needs to invest the additional Federal resources to improve these Federal anti-hunger programs. It should improve the food stamp benefit, open eligibility to vulnerable and underserved groups, and adequately fund and fully utilize USDA resources to support emergency food assistance and other commodity assistance programs that serve the needy.

This budget resolution, by providing a $20 billion reserve fund for the farm bill and by rejecting the President's arbitrary eligibility cuts to food stamps and the elimination of the Commodity Supplemental Food Program, not only makes a strong statement on the need to combat hunger in America, it actually takes concrete steps to do so.

This resolution deserves support for the economic and food security it provides all our people, but, and let me stress, it is only a beginning. Ending hunger is not and should not be a partisan issue. The moral and economic costs affect every community in America. There is not a single community in America that is hunger-free.

So I call upon my colleagues on both sides of the aisle to work together here in the Congress and in our communities to create the sustained and comprehensive investment necessary to end hunger and to make us a stronger Nation. One step in this path is to pass the budget resolution before us.

Mr. SESSIONS. Madam Speaker, I yield such time as he may consume to the gentleman from San Dimas, California (Mr. DREIER).

Mr. DREIER. Madam Speaker, as I listened to my colleague on the other side of the aisle, the distinguished gentleman from Massachusetts (Mr. McGOVERN), speak about the need to expand spending in a wide range of areas, I could not help but think about why it is that I chose to run for Congress and why I know my Republican colleagues stepped up to the plate to run for Congress. We want a defense capability that is second to none, but we also, Madam Speaker, want to do everything that we possibly can to reduce the size and scope of government, encouraging individual initiative and responsibility.

One of the things that troubles me as I listen to the arguments propounded by so many of my colleagues on the other side of the aisle is that they talk about a need that is there. We all want to make sure that we address the very important societal needs that are there. We want to put into place entitlement reform in the area of both Medicare and Medicaid. Why? Not only so we can save taxpayer dollars but so that we can ensure that the Medicare and Medicaid programs are more effective and provide needed assistance to those who are out there who truly are in need.

The problem that I have is, as they talk about all of these programs, it undermines, it undermines initiative and responsibility. What we want to do with our budget, Madam Speaker, is everything within our power, as Mr. SESSIONS said so well, to make sure that we keep taxes low.

One of the things that I find to be very troubling is that our colleagues on the other side of the aisle hate most, hate most the taxes that have actually created a surge in revenues to the Federal Treasury.

We all know that the budget that they are going to be bringing forward puts into place the largest tax increase in American history. We always held up the 1993 Clinton tax increase, that not one Republican voted for, as the largest increase in history; and I am proud that when we won our majority in 1994 we brought about major changes that, in fact, repealed large parts of that 1993 tax increase. But, Madam Speaker, that 1993 tax increase, which has been held up as the model, as the largest tax increase in American history, pales in comparison to this $392.5 billion tax increase that they are advocating in this budget.

Madam Speaker, when I say that they hate most the tax cuts that have created the greatest surge in revenue, I am referring, of course, to capital gains. I have been one who has long advocated a zero capital gains tax rate. One of the things that we found is that reducing the top rate on capital gains has not done what virtually every green eyeshade prognosticator looked at as what happened. They said there would be a loss in revenues to the Federal Treasury.

We found, of course, that there has been a surge in revenues to the Federal Treasury. Why? Because it has encouraged economic growth to the point where the deficit this year is actually $73 billion lower than it was last year. And that is as we have cut taxes, met the very important funding priorities of homeland security and national security, and we still have been able to actually reduce the Federal deficit. As a percentage of our Gross Domestic Product the deficit today, which everyone decries, Democrats and Republicans alike decry, is in fact lower as a percentage of the GDP than almost ever.

In light of that, Madam Speaker, I think it is very important for us to recognize we have a strong, vibrant, growing economy today.

I was very surprised when the distinguished Chair of the Committee on Rules last night, late last night when we were reporting out this rule, talked about how devastating the economy is.

Madam Speaker, I will tell you it is a devastatingly good economy. Just this morning, we got the report that there has been an increase in durable goods purchases. We have a 4.5 percent unemployment rate: 146 million Americans, more than ever in the history of our country, are working today. That is not an accident. We have gone through terrorist attacks, corporate scandals, the economic downturn; and, because of the policies that we put into place, we have the strongest, most dynamic, $13 trillion economy that we have ever seen in the history of the United States of America.

Madam Speaker, I talked to an economist last night who said to me, "You know, I had no idea that they would move this quickly to increase spending and increase taxes." And that is exactly what they are doing, and that is why we need to reject this rule and clearly do everything that we can to reject the tax-and-spend budget that they have propounded and support Mr. RYAN's alternative.

Ms. SUTTON. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, before I yield to my next speaker, I want to point out that the Democratic budget does not raise a single penny of taxes, period.

Madam Speaker, I yield 3 minutes to the distinguished gentlewoman from California (Ms. MATSUI), a distinguished member of the Rules Committee.

Ms. MATSUI. Madam Speaker, I thank the gentlelady from Ohio for yielding me time.

Madam Speaker, I am proud to support this rule and to enthusiastically support this solid and balanced budget resolution. It invests in strategic priorities for the future, while putting the Nation on the path to fiscal stability.

In approaching this debate, I would ask that Members and our constituents keep in mind that we are not starting from scratch. The previous leadership left us with a fiscal disaster that can't be repaired overnight. But this budget gets us on the right track in a responsible and strategic way.

That is governing. Governing is not easy. It requires making hard choices. But making hard choices today is better than Congress abdicating its responsibility to choose altogether. Because the alternative to making hard choices is passing debt on to tomorrow's decisionmakers, leaving our children and grandchildren, like my own Anna and Robby, with a diminished quality of life.

With PAYGO rules, the budget draws a line in the sand. If you want new mandatory spending or tax cuts, find a way to pay for it.

Shifting the burden on to the next generation is no longer an option under this budget. We are not going to eradicate the deficit as quickly as some would like, and we can't spend as much on domestic priorities as some would like. But this budget gives us the type of solid foundation that will allow us to tackle our fiscal challenges, while still investing in the most important priorities.

This budget recognizes that we need to invest in healthcare and education for our children. It recognizes that we must move to a clean energy economy by driving research and development and by promoting scientific innovation and that we must provide for our veterans, who have served honorably and deserve the best care possible. Finally, this budget recognizes that the Tax Code should be fair for hardworking families.

All of this is accomplished in a fiscally responsible manner, while ensuring the security of our Nation. That is a tremendous achievement, and I thank Chairman SPRATT for his diligence in achieving this excellent legislative product. I urge my colleagues to provide the type of broad and enthusiastic support that it deserves.

Mr. SESSIONS. Madam Speaker, I yield 3 minutes to the favorite son from Pasco, Washington (Mr. HASTINGS).

Mr. HASTINGS of Washington. Madam Speaker, I thank my friend from Texas for yielding.

Madam Speaker, there are two ways to balance a budget, whether it is your family budget or the Federal budget. You can either, one, reduce the amount of money being spent or, two, increase the amount of money coming in.

Madam Speaker, the Democrats have flat-out rejected option number one of spending less and declared their allegiance to option number two of raising taxes; and they have done both with a fervor that our country has never seen before.

The Democrat 5-year budget plan would spend more money each and every year and at a rate faster than the inflation rate. This means that each year the size of the Federal Government will grow bigger and more rapidly than the American economy. To pay for the record levels of spending in their budget, the Democrats plan to raise taxes on the American people more than at any other time in our country's history. That is right, raising spending to record levels and to pay for it with the largest tax increase in American history.

□ 1130

This budget does not extend tax relief from the marriage tax penalty. It doesn't extend the $1,000 child tax credit that many young families use. It doesn't end the death tax. It doesn't fix the alternative minimum tax for middle-class families. It doesn't protect the lowest tax rate, and would again impose taxes on lower income Americans who right now pay no taxes, thanks to the 2001 tax relief law passed by the Republican Congress.

This tax relief should not be repealed or allowed to expire to pay for more government spending. This tax relief that was passed in 2001 and 2003 should remain permanent for the American people.

Madam Speaker, on important priorities for my State, like the extention of the State and local sales tax deduction from the Federal tax and county payments for rural schools, the Democrat budget falls short. It offers only promises, but no real action. The Republican plan, on the other hand, sets aside real dollars to extend the State and local sales tax deduction for another year. So I encourage all Members who believe in sales tax fairness to think carefully about this when casting their vote.

On the issue of payment to rural schools in counties with Federal forests, this budget allows an extension, but it takes no real steps to make it happen. As I have said before on this issue, I am disappointed that the Democratic leadership denied the opportunity to attach an extension of this legislation to another bill, a bill that has, in fact, been signed into law.

Madam Speaker, the Republican plan I will be supporting holds the line on spending, sets priorities and allows taxpayers to keep more of their hard-earned money and invest it as they see fit, not how the Federal Government sees fit.

I urge my colleagues to oppose this rule and the budget resolution offered by the Democrat majority and support the substitute offered by Mr. RYAN of Wisconsin.

Ms. SUTTON. Madam Speaker, I yield 3½ minutes to the gentleman from Oregon, a distinguished member of the Budget Committee (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the gentlewoman's courtesy.

You can hear the drumbeat from our friends on the other side of the aisle about the largest tax increase in American history. Well, the fact is we are today going to be able to talk about the largest tax increase in American history, but it is not contained in the Democratic budget. The largest tax increase in American history is $1.8 trillion that the President's budget anticipates as a result of the collection of the alternative minimum tax.

It has never been a priority of the Republicans to deal with this looming disaster. Indeed, they squandered 8 years of hard-earned Democratic surpluses, unprecedented surpluses, squandered in a heartbeat in their relentless pursuit to give tax benefits for those who need them least.

There are a few items in there that would have broad bipartisan agreement, the 10 percent bracket, tax credit for families, making some reasonable adjustment in the inheritance tax. But no, they were not interested in dealing with areas of agreement and then solving the alternative minimum tax. Each year, they have kicked the millionaire tax down the road. It has long since morphed into something that is not a millionaire's tax. It is going to be a tax under the President's proposal, and with the Republican priorities, it is going to be a tax on every two-income working family in America with children that have any sort of middle income.

They are going to be paying the alternative minimum tax. And in fact, it is going to cost them more to compute in many cases than the actual tax. They get whacked twice.

In 2001, in 2003, the Republicans refused to deal with this looming challenge and instead gave all sorts of tax breaks to all sorts of people and avoided solving this problem.

In 2004, when we had a $4 billion problem with our overseas manufacturing tax credit, that morphed into a $137 billion tax grab bag and ignored the alternative minimum tax. I put forth to the administration in our hearings in both Ways and Means and in Budget to find out where their priority was. Well, their priority is not fixing the alternative minimum tax, just a 1-year patch. They want to extend all of these tax breaks, the good and, frankly, some of the bizarre, for people like Paris Hilton.

Well, Madam Speaker, the Democratic alternative is focusing on what the real problem is. What we are doing in Ways and Means, we have made a commitment. Our number one priority is to solve the alternative minimum tax. Theirs, as is evidenced in their substitute, is going to take all of the potential headroom to make that challenge in solving the problem even more difficult by permanently extending all of those tax increases without any offset.

The Democratic alternative is responsible, it speaks to the needs of working men and women, fiscal stability, and most important, our priorities stopping the looming tax tsunami of the alternative minimum tax, which will, in fact, be the largest tax increase in American history.

Mr. SESSIONS. Madam Speaker, by the way, I encourage the gentleman from Oregon to read the bill. The Democrat budget does not address the alternative minimum tax, as he stated.

Mr. BLUMENAUER. Will the gentleman yield?

Mr. SESSIONS. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. Is the gentleman familiar with the provisions in our bill that set up the reserve fund so that it permits the opportunity for the Ways and Means Committee to be able to move forward, hopefully on a bipartisan basis, to be able to establish that within the pay-as-you-go rule?

Mr. SESSIONS. You know, a reserve fund out there in the future does not fix a darn thing.

Madam Speaker, at this time I would like to yield 3 minutes to the chairman of the Suburban Caucus from Highland Park, Illinois (Mr. KIRK).

Mr. KIRK. I thank the gentleman from Texas.

Madam Speaker, the budget coming before this House does more than approve the largest tax increase in American history. That is what it includes. But what this budget is notable for is what it also does not include.

The leaders of the Republican Tuesday Group and the study committees came together to outline reforms to help the government spend less. And why should we do that? Let's note that in 1961, when President Kennedy took office, the Federal Government spent just $98 billion. We didn't hit our first trillion until 1987. We broke the second trillion in 2002, and in 2010, we will go above the $3 trillion level.

The Federal debt held by the public has climbed to over $3 trillion in 2006, a 300 percent increase in the last quarter century. This year, interest payments on our debt alone will top over $200 billion.

Now, last night I offered an amendment cosponsored by Congressmen DENT, PENCE and HENSARLING. We laid out some commonsense reforms that this budget should include, like statutory discretionary spending limits, like the kind approved by President Clinton that helped us spend less; like provisions to slow the growth of entitlement spending by requiring offsets for any new benefits allowed; like enforcement tools that restricted the definition of "emergency spending" that would have helped us not declare a spinach farmer bailout last week as a national security emergency, which we did in the supplemental appropriations bill; like accrual accounting, to show what the taxpayers' long-term obligations are, and to clearly lay out for the American people our financial position.

And finally, periodic audits and summaries updating the accounting rules we use so the American people always have the most transparent view of what their government is doing.

Unfortunately, last night the Rules Committee rejected this amendment. We will not even be allowed to vote on these commonsense reforms. Ironic because most of these reforms were taken from the Democratic Blue Dog group that has advocated strong financial controls, but somehow backed this effort to deny this amendment from even a vote.

I urge this House to reject this rule and allow these commonsense reforms to go through. If the past is our guide, even the budget that the Congress will consider today and tomorrow will be waived shortly because when the supplemental appropriations bill comes back from Congress, it will include a provision that says the budget act is entirely waived and $125 billion, $23 billion over the President's request, will be passed, waiving the budget that we even approve tomorrow.

Ms. SUTTON. Madam Speaker, before I yield, I would just like to remind the public that those on the other side of the aisle who are here today preaching about fiscal responsibility are the same people who, when they were in charge for 6 years, took a projected $5.6 trillion surplus and collapsed it into a $9 trillion deficit.

Madam Speaker, with that, I would yield 1 minute to the distinguished gentleman from Ohio (Mr. KUCINICH).

Mr. KUCINICH. Madam Speaker, the President's fiscal year 2008 budget requests funding for the Iraq war through 2009. The Democratic budget accepts that timeline. It includes $145.2 billion for military operations in Iraq and Afghanistan as requested by the President for fiscal year 2008. It requests $50 billion for fiscal year 2009. That is in addition to the $510 billion we have already spent on the war and another $97 billion pending in the supplemental, according to the CRS. The total, if approved, would be over $800 billion for war, while our schools, our health care and the quality of our environment are in decline. The budget should reflect the mandate Democrats were given in November, yet we are mirroring the President's plan for the war and his budget request to fund the war.

The supplemental calls for withdrawal by August 2008. Why does the budget encourage the war to continue into 2009? If we were serious about trying to stop the war, the budget should not contradict the supplemental language.

This budget does not end the war, it continues it through the end of President Bush's term. The American people want the war to end now, not in 2008, not in 2009, but the people want the war to end now.

Mr. SESSIONS. Madam Speaker, at this time, I would like to yield 2 minutes to the gentleman from Nevada (Mr. HELLER).

Mr. HELLER of Nevada. Thank you, to my colleague from Texas, I appreciate the time.

Madam Speaker, I rise today in opposition to this rule on the budget. It is unfair, and it unnecessarily limits debate on middle-class tax cuts.

Together with a colleague from Pennsylvania, we offer an amendment to ensure that the child tax credit is included in the budget. But the majority won't allow us to offer that amendment today or even have a debate about it. It is a shame that this amendment in defense of the middle-class families was not allowed. The new majority must still be convinced it is their money and not the taxpayers'.

Thirty-one million taxpayers will see their taxes increase in 2011 when the per-child tax credit is cut in half, and that is just the start. The average tax hike on 975,000 middle-class families and taxpayers in Nevada will be almost $3,000. We will likely be told that the budget assumes the cost of this tax provision will be addressed, along with seven others, through some vague "smoke and mirrors" policy. My western values told me what happens when you assume. Instead, the Murphy-Heller amendment guaranteed that funds would be there for families instead of wishful thinking.

Madam Speaker, to my colleagues, do the middle-class families make too much money? Is a child born after 2011 somehow less expensive than a child born in 2010? Is the child tax credit a partisan issue? Have those colleagues of mine in the majority like the Blue Dogs lost their way, or have they just been muzzled?

We are going to hear a lot from the majority today about the children, but apparently that is only when it comes to government spending, not middle-class tax cuts. Their rhetoric on tax rings hollow when Congress is muzzled on such a critical debate. Don't assume. Vote this rule down and for middle-class tax cuts for families.

Ms. SUTTON. Madam Speaker, I yield 2½ minutes to the distinguished gentlewoman from Connecticut, a distinguished member of the Budget Committee (Ms. DELAURO).

Ms. DELAURO. Let's be clear. The 2008 budget resolution, the Democratic proposal leaves the tax cuts in place, it plans for their extension, and it extends the child tax credit and will do that. If my colleagues on the other side of the aisle cared a whit about the child tax credit, they would entertain lowering the eligibility threshold so that families who make less than $10,500 a year in this Nation could be eligible for the child tax credit. They refuse to do that. So take their words with a grain of salt today, my friends.

As a nation, we face great challenges, challenges in education and in health care, challenges that the Federal Government has the ability, the capacity, the resources and the moral obligation to help us meet.

□ 1145

Our job is to help create real opportunity, to give people the tools that they need to succeed. The budget that we consider today reflects our Nation's values and puts us on the right path to meet our obligations.

I am proud of the work that we have done with this budget because I believe it addresses our most urgent priorities, and for the first time in 6 years we have a budget that makes an investment in children and in families. It puts children first by addressing their health care needs. It rejects the inadequate funding level proposed by the President for the SCHIP, the children's health care program. Our Nation's health care problems have become increasingly desperate. SCHIP is virtually the only success story that we have, covering nearly 1 million more children and working families today than even President Clinton anticipated when he created it.

And Republicans agree. Recently, I received a letter from my Republican Governor from the State of Connecticut saying as much.

This expands coverage to the estimated 6 million children eligible but not currently enrolled in SCHIP.

This budget focuses on education. A quality education is more closely tied to our economic prosperity than ever. It is critical to staying competitive in today's global economy. The President's budget reduces our commitment to education investment for a third year in a row. As we face record school enrollments, the academic requirements under No Child Left Behind and rising college costs, to say nothing of increased competition from China and India, the President's budget takes us in the wrong direction for this country.

Now is the time to invest more in education and not less. The funding allows for an infusion of new resources for No Child Left Behind and IDEA, where the Federal Government has a promise to keep, and it works to make higher education more affordable through a commitment to the Pell Grants.

Madam Speaker, I support this rule. I support this budget. It represents a commitment to fiscal responsibility and a greater investment in our future.

Mr. SESSIONS. Madam Speaker, the Rules Committee does not charge for people to come and attend our meetings, and it seems like a good number of Members probably needed to be there last night.

The gentlewoman from Connecticut would have heard that this big increase that she is talking about in SCHIP is in a reserve fund. It is not paid for. As a matter of fact, it is going to have to find an offset somewhere if they are going to get to it. So it is not reserved in the budget as necessarily to be paid for; it is in a reserve fund.

Madam Speaker, I yield 5½ minutes to the budget expert from the Republican Party from the Fifth District of Texas (Mr. HENSARLING).

Mr. HENSARLING. I thank my good friend and the gentleman from Texas for yielding.

Madam Speaker, I rise in opposition to this rule. It is anti-family, it is anti-tax, it is fiscally irresponsible. And I agree with my colleague from Texas. I can hardly believe some of the things I am hearing on the House floor.

The Democrats, Madam Speaker, obviously want to have it both ways. They claim on the one hand that they have done this incredible job of balancing the Federal budget, and then they claim that they actually preserve tax relief in the budget. But if anybody would bother to read the document, the only way they achieve balance is by taking away all of the tax relief that we have enjoyed in the last several years. They would bring forth the single largest tax increase in American history.

And guess what, Madam Speaker? Twelve years ago, the last time that they were in power, guess what they did? They brought forth the single largest tax increase in American history. Certainly they at least get an A for consistency, but you have to give them an F for fiscal responsibility.

I would point out to the preceding speaker, the gentlewoman from Connecticut, and I have the honor of serving with her on the Budget Committee, had the Democrats felt so strongly about preserving the tax relief, they had ample opportunity in committee to preserve the tax relief for American families, and they chose not to do it.

This is a budget which may be worthy of a Pulitzer Prize in fiction. It is full of Orwellian-speak. It is something that is worthy of the Twilight Zone. It makes no sense. You cannot claim that you are not reducing spending, you are preserving tax relief, and you are balancing budget all at the same time. You are taking three different sides of the argument. It does not wash.

This Democrat budget is also silent, absolutely stone cold silent on the number one fiscal issue facing our Nation, and that is out-of-control entitlement spending. If we don't reform these entitlement programs, it will lead to a doubling of taxes on the American people, our children, and our grandchildren. The single largest tax increase in history will pale in comparison if we don't act today.

And this is a budget for the next election, it is not a budget for the next generation. You can't have a fiscally responsible budget and remain silent on the number one fiscal challenge facing the Nation today. If you want to save Medicare, if you want to save Social Security, if you want to save Medicaid, you have to reform these programs; and the Democrat budget, again, is stone cold silent.

They speak of their reserve funds, but, Madam Speaker, there is no reserve and there is no funds. Again, this is fiction. This is pure, unadulterated fiction.

What isn't fiction is the largest single tax increase in American history that is going to fall upon American families. It is going to fall upon them hard. Because every time the Democrats increase the Federal budget, they are cutting some family budget. They are taking away from a family's ability to send a child to college. They are taking away from a family's ability to help a parent with long-term health care. They are taking away a family's ability to buy that first home, make a down payment on their first home. Every time you take away, every time you increase the Federal budget, you are taking away from the family budget.

So these two documents stand in stark contrast. The Democrat budget, the single largest tax increase in history. Again, this contrast could not be more stark. The single largest tax increase in American history. And I remind my colleagues on the other side to please, please think about the families that are in your district that actually pay these taxes.

You may think we are having a debate on how much our society is going to spend on health care and housing and education. That is not the debate I think we are having. I think we are having a debate about who is going to do that spending. Is it going to be government bureaucrats, or is it going to be American families?

In my State of Texas, the average Texas family is going to have to pay an additional $2,700 a year under the Democrat plan to have the single largest tax increase in American history. I asked my constituents, Madam Speaker, what is this going to mean to you? And I heard from several of them.

I heard, for example, from Diana in Mesquite, Texas. She wrote, "Dear Congressman, I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount would break me. I would be at the risk of losing my home with this type of increase. I am writing to ask your help to keep this from happening. This would be devastating to middle-income families." That is what Diana in Mesquite wrote.

Brian in Dallas, "This tax increase would affect our ability to pay tuition and books for our daughter to go to college. While she's a junior this year, we are trying to save money for her education. But as the cost of education increases this year, the loss of these funds, this increase in taxes, will have a negative impact on our ability to send her to college."

Again, this largest single tax increase in American history will have devastating impacts on American families. So the two budgets sit in stark contrast. One preserves the tax relief that has helped bring down the deficit, has given us the most tax revenues we have ever had before. We are awash in tax revenues, because people rolled up their sleeves, they went out, they worked, they saved. And that is why we have to vote down this rule.

Ms. SUTTON. Madam Speaker, before I yield, I would just like to respond.

Again, our budget resolution does not contain a single penny of tax increases, period. And I will tell you what does not wash to the distinguished gentleman who just spoke. What doesn't wash is that we are getting this lesson in fiscal responsibility from the party that took a projected $5.6 trillion surplus and collapsed it into a $9 trillion deficit.

Madam Speaker, I yield 1 minute to the distinguished gentleman from Rhode Island (Mr. LANGEVIN).

Mr. LANGEVIN. Madam Speaker, I rise in strong support of the rule and the Democratic budget for fiscal year 2008. This measure provides robust funding for our most important programs, while maintaining our firm commitment to fiscal discipline.

Last year, Democrats promised to move the country in a new direction, and that is exactly what this budget does. This budget restores many programs the President proposed to cut, while achieving balance by 2012.

It meets our commitments to defense and homeland security by implementing the 9/11 Commission recommendations and funding port security and first responders. It also recognizes those who have served our country with significant increases for veterans health care.

The resolution meets our domestic priorities by blocking proposed cuts to Medicare and Medicaid, while providing funding to cover millions of children without health insurance, something particularly important to my constituents in Rhode Island.

It boosts funds for education programs such as Pell Grants and promotes investment in programs that helps us move closer to energy independence and improve our environment.

I urge my colleagues to support this rule and the Democratic budget so that we can meet the needs of all Americans and restore fiscal responsibility through this process.

Mr. SESSIONS. Mr. Speaker, I reserve the balance of my time.

Ms. SUTTON. Mr. Speaker, I reserve the balance of my time.

Mr. SESSIONS. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, we have heard the debate today about this budget, about the priorities of the new Democrat majority, about how they have set aside all these 11 reserve funds; and we have seen Member after Member after Member from the new Democrat majority take credit for all these things that are going to be done. And yet, in fact, what they are is reserve funds set aside to find a way to either increase taxes or to find an offset.

We think that this is an irresponsible way to run the government. We think this is an irresponsible budget. We think raising taxes $395 billion, which is included in that budget; we heard the testimony last night from the chairman of the Budget Committee and the ranking member that the assumptions that are based on the Democrat budget are that the tax cuts will go away, that tax increases will fill their place. We disagree with that. We think that hardworking American families deserve the right and the opportunity to continue their best wishes for their families, for their children's education, and take care of their family needs through the hard-earned money that they earned, to be able to keep that rather than bringing it for more spending that this new Democrat majority has in mind.

Mr. Speaker, I will be asking Members to oppose the previous question so that I may amend the rule to make in order a very thoughtful amendment offered by Mr. BRADY of Texas which was rejected by the Rules Committee last night. The Democrats in the committee voted down on party line.

Mr. BRADY's amendment would amend the budget resolution to add reconciliation instructions to the Committee on Ways and Means to extend the State and local sales tax deduction through 2012.

Currently, the Democrat budget resolution does not contemplate the extension of any meaningful tax relief provided by Republicans in 2001 or 2003. In fact, the Democrat budget resolution is relying on tax increases to reach this balance. As Americans make their household budgets, they should be able to rely on a consistent and fair Tax Code. The Democrat budget resolution will undermine this goal by imposing double taxation and will help eliminate the stability in the Tax Code that Americans deserve.

So even if all the substitutes are defeated, we will still be able to consider and debate this very important amendment.

Mr. Speaker, I would ask unanimous consent to have the text of the amendment and extraneous material printed in the RECORD just prior to the vote on the previous question.

The SPEAKER pro tempore (Mr. BECERRA). Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. SESSIONS. Mr. Speaker, I yield back the balance of my time.

□ 1200

Ms. SUTTON. Mr. Speaker, I yield myself the balance of my time.

In a document released March 28, the Center on Budget and Policy Priorities stated: "Some are claiming that the budget plan adopted last week by the House Budget Committee, which the full House is expected to vote on this week, would constitute 'the largest tax increase in history.' This claim is incorrect. The House plan does not include a tax increase." That is what the Center on Budget and Policy Priorities stated.

Mr. Speaker, last November the American people made it clear they are ready for a government that will be fiscally responsible. This Nation spoke loud and clear when it put a new party in power in Congress, asking for responsibility and a new direction in our fiscal priorities. Education, health care, the care of our children and our seniors and our veterans, these are issues that Americans are concerned about.

Our budget restores common sense to our national spending and sanity to our national priorities. It restores the President's attempt to cut children's health care programs and Community Block Grants, and it puts forth the single largest increase in veterans spending in our Nation's history, and not a moment too soon.

It funds math and science programs for our kids, and programs like Head Start and Pell Grants that provide access to education that so many of our children need. And this budget concerns itself with the need to create jobs and build a bright economic future. It restores funding for job training programs.

Mr. Speaker, it is time for Congress to be accountable to American taxpayers once again. It is time for Congress to be accountable to our children's future once again. I urge a "yes" vote on the previous question and on the rule.

The material previously referred to by Mr. SESSIONS is as follows:

(The information contained herein was provided by Democratic Minority on multiple occasions throughout the 109th Congress.)

THE VOTE ON THE PREVIOUS QUESTION: WHAT IT REALLY MEANS

This vote, the vote on whether to order the previous question on a special rule, is not merely a procedural vote. A vote against ordering the previous question is a vote against the Democratic majority agenda and a vote to allow the opposition, at least for the moment, to offer an alternative plan. It is a vote about what the House should be debating.

Mr. Clarence Cannon's Precedents of the House of Representatives, (VI, 308–311) describes the vote on the previous question on the rule as "a motion to direct or control the consideration of the subject before the House being made by the Member in charge." To defeat the previous question is to give the opposition a chance to decide the subject before the House. Cannon cites the Speaker's ruling of January 13, 1920, to the effect that "the refusal of the House to sustain the demand for the previous question passes the control of the resolution to the opposition" in order to offer an amendment. On March 15, 1909, a member of the majority party offered a rule resolution. The House defeated the previous question and a member of the opposition rose to a parliamentary inquiry, asking who was entitled to recognition. Speaker Joseph G. Cannon (R–Illinois) said: "The previous question having been refused, the gentleman from New York, Mr. Fitzgerald, who had asked the gentleman to yield to him for an amendment, is entitled to the first recognition."

Because the vote today may look bad for the Democratic majority they will say "the vote on the previous question is simply a vote on whether to proceed to an immediate vote on adoptinig the resolution . . . . [and] has no substantive legislative or policy implications whatsoever." But that is not what they have always said. Listen to the definition of the previous question used in the Floor Procedures Manual published by the Rules Committee in the 109th Congress, (page 56). Here's how the Rules Committee described the rule using information from Congressional Quarterly's "American Congressional Dictionary": "If the previous question is defeated, control of debate shifts to the leading opposition member (usually the minority Floor Manager) who then manages an hour of debate and may offer a germane amendment to the pending business."

Deschler's Procedure in the U.S. House of Representatives, the subchapter titled "Amending Special Rules" states: "a refusal to order the previous question on such a rule [a special rule reported from the Committee on Rules] opens the resolution to amendment and further debate." (Chapter 21, section 21.2) Section 21.3 continues: Upon rejection of the motion for the previous question on a resolution reported from the Committee on Rules, control shifts to the Member leading the opposition to the revious question, who may offer a proper amendment or motion and who controls the time for detiate thereon."

Clearly, the vote on the previous question on a rule does have substantive policy implications. It is one of the only available tools for those who oppose the Democratic majority's agenda and allows those with alternative views the opportunity to offer an alternative plan.

AMENDMENT TO H. RES. 275

OFFERED BY REP. SESSIONS OF TEXAS

At the end of the resolution, add the following:

SEC. 3. Notwithstanding any other provision of this resolution, the amendment printed in section 4 shall be in order as though printed as the last amendment in the report of the Committee on Rules if offered by Representative Brady of Texas or a designee. That amendment shall be debatable for 30 minutes equally divided and controlled by the proponent and an opponent.

SEC. 4. The amendment referred to in section 3 is as follows:

Reduce the amounts on page 3, lines 10 through 12, and page 4, lines 1 through 3, by the following amounts:

Fiscal year 2008: $300,000,000.
Fiscal year 2009: $1,800,000,000.
Fiscal year 2010: $2,100,000,000.
Fiscal year 2011: $2,400,000,000.
Fiscal year 2012: $3,800,000,000.

Amend page 4, lines 7 through 12 to read as follows:

Fiscal year 2008: $300,000,000.
Fiscal year 2009: $1,800,000,000.
Fiscal year 2010: $2,100,000,000.
Fiscal year 2011: $2,400,000,000.
Fiscal year 2012: $3,800,000,000

Insert at the end of Title VI (page 61, line 10), the following section:

SEC. 602. RECONCILIATION FOR ECONOMIC GROWTH AND TAX FAIRNESS.

(a) IN THE HOUSE.—The House Committee on Ways and Means shall report a reconciliation bill not later than May 8, 2008, that consists of changes in laws within its jurisdiction sufficient to reduce revenues by not more than $10,400,000,000 for the period of fiscal years 2008 through 2012.

(b) PURPOSE.—The reconciliation legislation reported pursuant to subsection (a) shall make the changes in the Internal Revenue Code such that the deduction of State and Local Sales Taxes shall not decrease during the fiscal years covered by this resolution.

Ms. SUTTON. Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SESSIONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

PROVIDING FOR CONSIDERATION OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Ms. CASTOR. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 274 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 274

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the Whole House on the state of the Union for consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes. The first reading of the bill shall be dispensed with. All points of order against consideration of the bill are waived except those arising under clause 9 or 10 of rule XXI. General debate shall be confined to the bill and shall not exceed one hour and 20 minutes, with one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Armed Services now printed in the bill. The committee amendment in the nature of a substitute shall be considered as read. All points of order against the committee amendment in the nature of a substitute are waived except those arising under clause 9 or 10 of rule XXI. Notwithstanding clause 11 of rule XVIII, no amendment to the committee amendment in the nature of a substitute shall be in order except those printed in the report of the Committee on Rules accompanying this resolution. Each such amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against such amendments are waived except those arising under clause 9 or 10 of rule XXI. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the committee amendment in the nature of a substitute. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

SEC. 2. During consideration in the House of H.R. 1538 pursuant to this resolution, notwithstanding the operation of the previous question, the Chair may postpone further consideration of the bill to a time designated by the Speaker.

The SPEAKER pro tempore. The gentlewoman from Florida (Ms. CASTOR) is recognized for 1 hour.

Ms. CASTOR. Mr. Speaker, for the purpose of debate only, I yield the customary 30 minutes to the gentleman from Washington (Mr. HASTINGS). All time yielded during consideration of the rule is for debate only.

Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, House Resolution 274 provides for consideration of H.R. 1538, the Wounded Warrior Assistance Act of 2007, under a structured rule. The rule provides 1 hour and 20 minutes of general debate with 1 hour equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs.

The rule waives all points of orders against consideration of the bill except clauses 9 and 10 of rule XXI. The rule provides that the amendment in the nature of a substitute recommended by the Committee on Armed Services shall be considered as an original bill for the purpose of amendment and shall be considered as read. The rule waives all points of order against provisions in the bill, as amended.

The rule makes in order only those further amendments printed in the Rules Committee report accompanying the resolution; in this case, eight Democratic amendments and four Republican amendments. The amendments may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent, not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. All points of order against the amendment except for clauses 9 and 10 of rule XXI are waived.

The rule provides one motion to recommit with or without instructions. Finally, the rule permits the Chair, during consideration of H.R. 1538, to postpone further consideration to a time designated by the Speaker.

Mr. Speaker, the American people and this new Congress demand, through this rule and this legislation, that the executive branch move beyond the rhetoric of "support our troops" to concrete actions that sustain our brave men and women in uniform and their families by providing the quality health care they deserve when they return from the battlefield.

Supporting our troops does not mean that you simply salute as you send them off to war, ask them to serve in sacrifice for our great country, but it also means that they are supported when they come home, their families are respected, and our wounded warriors receive superior health care for their physical injuries and mental scars.

This might sound familiar from the Washington Post: "The conflict in Iraq has hatched a town of desperation and dysfunction, clinging to the pilings of Walter Reed. The wounded are socked away for months and years in random buildings and barracks in and around the military post. Mostly what the soldiers do together is wait: for appointments, evaluation, signatures and lost paperwork to be found. 'It's like,' one military wife said, 'if Iraq don't kill you, Walter Reed will.' While a part of Walter Reed has a full bar, there is not one counselor or psychologist assigned there to assist soldiers and families in crisis—an idea proposed by Walter Reed social workers but rejected by the military command that runs the post."

To the other end of Pennsylvania Avenue, I say what a shame that the American people had to have their eyes opened by two dedicated Washington Post reporters as to the treatment of our veterans, the incompetence and the profound disrespect. These reporters spent hundreds of hours documenting the intimate struggles of the wounded warriors who live at Walter Reed. Their stories triggered others from across the country, like in my hometown paper, the Tampa Tribune.

The Tampa Tribune last week told the story of soldier John Barnes who was injured by a mortar in Iraq just last year. Barnes was fortunate, he had a mother who was a dedicated nurse who stood by him during his days at Walter Reed.

Barnes, now 23, was frequently left unattended, his mother, Valerie Wallace said, even though he had a severe brain injury. He fell repeatedly. Orderlies failed to arrive on time to wheel him to appointments. Medicines were given in the wrong doses; paperwork was lost or never filed.

"'I don't think anybody planned this war far out,' said Wallace, an energetic woman who looks younger than her 45 years. 'If you are going to invade a country and you are expecting to be there for years, you've got to know there are going to be thousands of casualties,' she said. 'How are you going to take care of them? Where are you going to put them?'

"Wallace is a registered nurse who has worked for more than a decade at Tampa General Hospital. She wasn't intimidated by the staff at Walter Reed, and she knew what questions to ask. Still, the layers of bureaucracy were overwhelming. The need to remain constantly vigilant was exhausting. Trust quickly evaporated.

"'Nobody tells you anything,' Wallace said. 'Nobody prepares you for anything. You're very much on your own in a world you don't know or understand, and you are so overcome with grief and worry that you can't think straight anyway.' "

Well, these and other stories emboldened military families across the country and all Americans to stand up and demand better treatment for our troops and families who have sacrificed so much.

As Speaker PELOSI reminds us often, the support provided to our troops by the Bush administration has not matched their sacrifice, and, Mr. Speaker, we will rectify that today.

I wish, back in late 2003, when an Army specialist from Tampa named Corey Magee contacted my office, because I was a county commissioner before I was elected to Congress. His family contacted me and said Corey has been shot in the fire fight in Fallujah after an IED blew up his tank. He was shot in the neck and paralyzed and eventually flown to Walter Reed. In some God-given circumstance, I happened to be traveling to Washington that weekend and was able to assemble a care package from his family to deliver to Corey. But they couldn't find out what his situation was. We called and called. We enlisted the help of a United States Senator at the time who was on the Veterans' Committee. We still couldn't get through the bureaucracy.

I had to travel with the Senator's staff to Walter Reed Hospital, and track down the doctor to find out what brave Corey Magee's prognosis was. He was a brave young guy, and really in his condition couldn't ask for help on his own. And do you know, after that he thanked us profusely for contacting his family and filling them in. He said, "I am sure we won't have to call you again. They are going to take good care of me."

He returned to Tampa, and I was surprised a few weeks later to get a phone call from this brave Army specialist because he was having trouble getting his physical therapy appointments at the Veterans Hospital.

□ 1215

So this bill, though it is a step in the right direction today, comes a bit too late. I wish this bill and I wish the attention had been focused earlier and the respect paid to these families by the Bush administration.

As I visited the Bay Pines VA Medical Center in St. Petersburg just a few weeks ago, you see there are a few brave soldiers there who are very symbolic of soldiers across the country that are suffering from post-traumatic stress disorder.

One of the soldiers was in his early 20s, had served in Iraq, come back, trying to get his life together, but it was too much. The mental scars were too much. The post-traumatic stress set in. His young marriage faltered. He lost his job, meaning he eventually lost his home, and ended up as an alcoholic, a homeless alcoholic in his early 20s because of post-traumatic stress disorder.

What he explained to me was what he needed when he came out of the service was a helping hand. He needed someone proactively to say, are you all right, son, rather than to give him a checklist to check off to make sure he was okay.

These are tough guys. They are not going to own up oftentimes to the fact that they cannot sleep at night and they want to drink their sorrows and memories away.

Fortunately, I think the American people can be very heartened today to know that this is a bipartisan effort. Under the leadership of our Speaker, NANCY PELOSI, I am very fortunate to serve on the Armed Services Committee under the leadership of Chairman IKE SKELTON, and I salute him and the ranking member for moving this legislation quickly. We salute the Veterans' Affairs Committee and Chairman BOB FILNER but, mostly, the leadership of the American people who have cried out for change.

Through this rule and this bill, we are going to improve the health care and mental health for our wounded warriors. We are going to tackle the bureaucracy on their behalf. We are going to establish a toll-free hotline so that families and soldiers and anyone who cares about them can report deficiencies in our system. We are going to require expedited action.

Thanks to the leadership of subcommittee Chair VIC SNYDER, now Members of Congress that have desired information about the soldiers returning to their districts are going to be notified. Members of Congress oftentimes can be the best advocates for these returning soldiers, and now it will be a requirement in the law.

We are going to provide medical advocates to these soldiers. We are going to improve support services to families; and, rather than mismanage resources, we are going to turn the White House's privatization initiative around and require accountability.

Coming from Tampa, the home of the Haley VA Center and one of the four polytrauma centers in the country, I am especially heartened by the provisions in this bill that improve veterans health care by providing more physician residents in those polytrauma centers. ABC's News anchor, Bob Woodruff, brought this to life in his hour-long expose a few weeks ago. He visited the Haley Polytrauma Center in Tampa. These are where the most critically injured soldiers are sent for their health care, the brain injuries, the spinal cord injuries.

What Dr. Robert Scott, the medical director at that medical facility, told me a few weeks ago is, even though the polytrauma center is directly across the street from the University of South Florida College of Medicine, they cannot get the physician residents in training. The Feds are not providing enough. We need these doctors in training to learn and train about these critical war injuries and the physical therapy that our soldiers need.

So, Mr. Speaker, I urge this new Congress to chart a new direction today and to erase the moral stain on our Nation's conscience.

Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I thank the gentlewoman from Florida for yielding me the customary 30 minutes; and, Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, our men and women in uniform routinely risk their lives to protect ours. Along with their families, they make many sacrifices in service to America. There is no question that they deserve the very best care that our Nation can provide.

The situation at the Walter Reed Army Medical Center was unacceptable to all Americans, and I am encouraged that immediate steps have been taken to address the problems there. But it is just as important to take action to prevent similar problems from happening at any of our military health facilities.

Under Republican leadership, Mr. Speaker, recent Congresses have increased spending per veteran, expanded the concurrent receipt, written budgets that nearly doubled funding for veterans health care, and enhanced benefits for those returning from the war on terror.

Now, Congress is taking another step forward, and a proper step forward, in improving services for both our active military and our veterans.

Mr. Speaker, the underlying bill before us today makes commonsense improvements to ensure that our military men and women have access to the care that they have earned and to help maintain excellence throughout our military health system.

For example, this legislation creates a new toll-free hotline for reporting deficiencies at military health care facilities, calls for a study to identify infrastructure needs, and authorizes funding to support wounded warriors and their families. It assigns a medical case manager and a patient advocate to each servicemember receiving outpatient care and makes sure that these professionals are properly trained.

The process currently used to determine if a soldier can return to active duty is improved so that wounded servicemembers are afforded an opportunity to have input into the decision on whether they should retire from the service. Provisions are included to provide those separating or retiring from service with a seamless transition into the VA system, and the number of doctors at VA hospital facilities is increased.

Mr. Speaker, it is impossible to talk about military and VA health care systems without mentioning the unique challenges faced by veterans in rural areas. My district in central Washington has one of the highest concentrations of rural veterans in the Northwest. Although I am working with the VA to get a new outpatient clinic up and running in the northern part of my district, access to health care remains an issue of concern for me and my constituents who all too often are forced to drive hours and sometimes wait months to even get the most basic care.

So, Mr. Speaker, I am particularly disappointed that an amendment offered by Mr. PEARCE of New Mexico was rejected last night in the Rules Committee and will not be allowed to be considered on the floor today. We are missing an opportunity to make a good bill even better by improving care for our rural veterans. The Pearce amendment is based on a bill that I have cosponsored that would enable the VA to partner with existing hospitals and local communities on a case-by-case basis so that veterans in many rural areas can be cared for closer to home. This to me, Mr. Speaker, is a commonsense approach to get top-notch care to veterans without delay. I am at a loss to understand why anyone would oppose this improvement to caring for our veterans.

Similarly, Mr. MORAN of Kansas had an amendment that I also support; and, unfortunately, it, too, was rejected by Democrats on the Rules Committee.

Our support for improving veterans health care should not be a partisan issue. I am pleased that both Democrats and Republicans on the Armed Services Committee have made the underlying bill, the Wounded Warrior Assistance Act, a priority and that the committee approved it by unanimous vote.

So, Mr. Speaker, I support the bill.

Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I am proud to yield 3 minutes to the distinguished gentleman from New York (Mr. ARCURI), a member of the Rules Committee.

Mr. ARCURI. Mr. Speaker, I thank my colleague from the Rules Committee for yielding.

Mr. Speaker, I rise today in strong support of the rule and the underlying bill, the Wounded Warrior Assistance Act.

Improvements in medical technology over the years allow for more servicemen and -women to survive injuries sustained in battle. During World War II, for every soldier that was killed, two were wounded. Now, this ratio is up to 16 to 1. These incredible medical developments allow many more men and women to return home to their families, but their injuries tend to be much more serious and, in many cases, require additional care for the rest of their lives.

Last month, I had the opportunity to visit with wounded soldiers recovering at Walter Reed Medical Center. I met several young men wounded in Iraq, one a constituent of mine from upstate New York. As I stood next to the mother of one of the soldiers, I saw a look of sadness on her face, and at that point it struck me, what if one of my two teenage children were lying in that bed? I know that I would want the absolute best treatment and care for my children, and our brave troops deserve nothing less.

Sadly, the administration's mismanagement of the war in Iraq has extended to the home front as well. The selfless men and women who volunteered to defend their country have been callously neglected and were not only sent into battle without adequate resources, they also returned home to inadequate resources. When they asked for help, no one answered.

We make a promise to our soldiers to provide for them when they return home from battle, and it is absolutely unacceptable that this promise has been broken.

The Wounded Warrior Assistance Act will ensure that more than 25,000 servicemembers who have sustained injuries in Iraq and Afghanistan receive the world-class treatment and care and services they have so bravely earned and deserve. This bill creates an efficient system for the transition of records from the Department of Defense to the Veterans Administration. It establishes a support system of counselors, advocates and case managers to ensure timely, comprehensive care; and it establishes a number to call to report problems in facilities so that when a soldier asks for help someone answers.

Mr. Speaker, our men and women in uniform deserve the absolute best care that this Nation has to offer. I urge my colleagues to renew our promise to our veterans by supporting this rule and the underlying bill.

Mr. HASTINGS of Washington. Mr. Speaker, I am pleased to yield 3 minutes to the gentlewoman from Michigan (Mrs. MILLER).

Mrs. MILLER of Michigan. Mr. Speaker, I certainly appreciate the gentleman yielding; and although I do question as well this very restrictive rule, I rise to speak in very strong support of the underlying bill.

Mr. Speaker, our Nation is blessed, indeed blessed, that we have produced the incredible men and women who defend our freedom through their service and through their sacrifice in our military, and every one of those who serve do so voluntarily and out of a deep love of America and a commitment to the freedom that our Nation bestows. They deserve every last measure of support to ensure that when they are wounded they receive the best possible care.

And let me say this. The military medical corps has in large measure provided absolutely incredible care to those wounded in battle. The advancements in battlefield medicine and the care of our wounded warriors after they are removed from the battlefield has allowed countless of our soldiers to survive and to recover fully who in past conflicts may not have survived. In fact, the statistics that are coming out of theater are really a remarkable tribute to the doctors and to the nurses who are engaged there, and those who provide care to our soldiers deserve our thanks and our praise and our gratitude.

However, the recent discoveries at Walter Reed Army Medical Hospital were disturbing and totally unacceptable. We cannot allow any more Building 18 incidents to occur, and we must do everything that we possibly can to ensure that it does not.

This legislation that we are going to be debating shortly is a huge step in the right direction. It will begin to streamline the bureaucracy of the military medical systems and lighten the caseload of case managers by providing more assistance. It will provide a hotline for those receiving substandard care to report the problems so that those situations can be dealt with quickly and that the patients receive the care that they deserve when they need it. And it will provide for a smooth transition from the Department of Defense health system to the Department of Veterans Affairs, cutting more red tape so that the focus can be on the patient and not on the paperwork.

We cannot allow those who have fought our foreign enemies in the defense of freedom to come home and fight the Federal bureaucracy to get the health care that they need.

As a member of the House Armed Services Committee, I am very proud to support this important piece of legislation that our committee produced in a bipartisan way, and I certainly want to thank Chairman SKELTON and Ranking Member HUNTER, who are both patriots and veterans who have served the cause of freedom, for their dedication to the care of our troops and for their work in bringing this legislation forward to the floor today.

Mr. Speaker, I strongly support passage of the underlying bill, the Wounded Warrior Assistance Act. Our brave men and women wounded in defense of liberty, democracy and freedom deserve no less.

□ 1230

Ms. CASTOR. Mr. Speaker, I yield 3 minutes to the gentlewoman from Ohio and distinguished member of the Rules Committee, Ms. SUTTON.

Ms. SUTTON. I thank the gentlewoman for yielding time for her leadership on this rule and in the Armed Services Committee.

Mr. Speaker, I rise in support of the rule and in strong support of H.R. 1538, the Wounded Warrior Assistance Act. It is an outrage that our brave men and women, who have served our Nation so honorably, have returned home, as recent press accounts have revealed, and faced problems getting the care they so rightly deserve.

As I said before, our troops must have, and we must provide, that which they need for any mission upon which they are sent. They must have and we must provide that which they need when they return home.

My home State of Ohio has 6,347 brave soldiers currently serving in Afghanistan and Iraq. If they are injured in any way, they must have the care they need when they return home. The roughly 60,000 veterans in my congressional district and over 1 million veterans in Ohio and all of our veterans across this Nation deserve better support and assistance than many of them have received.

The legislation before us arose out of a lack of oversight and transparency that should have been in place, but was neglected by the administration and past Congresses. This bipartisan bill ensures that our wounded soldiers and their families can feel secure in the knowledge that they will now be properly cared for and treated with the respect and dignity that they have earned and most certainly deserve. This bill will ensure that all of our veterans get the care and assistance they need and improves the overall veterans health care system to make it easier for them to access and use.

Lastly, this bill puts in place strong oversight and inspection requirements to ensure that the events of Walter Reed and other facilities around this Nation never, ever happen again.

Let's pass this rule and pass this very important bill.

Mr. HASTINGS of Washington. Mr. Speaker, I reserve the balance of my time.

Ms. CASTOR. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Arizona (Mr. MITCHELL).

Mr. MITCHELL. Mr. Speaker, just weeks ago an outraged Nation learned about the terrible conditions many of our wounded warriors had to endure as they recovered from battlefield injuries at Walter Reed Medical Center. We have all heard the sad stories of mold and rat droppings at Building 18.

Even worse, we have learned that these dilapidated conditions extend beyond Walter Reed to other military facilities and even veterans facilities where troops turned veterans face a long, complicated and confusing process to get the benefits and care they have earned. Conditions like these and miles of bureaucratic red tape rob our troops and veterans of what they deserve the most, dignity, respect and honor.

It is absolutely unacceptable, and I am proud that this Congress is taking action. Just last week, the House approved more than $20 million to clean up the mess at Walter Reed. We approved more than $550 million to get rid of the backlog of maintenance requests at veterans facilities. That is a good start.

Last month, I introduced the Dignity for Wounded Warriors Act for 2007, which was the first legislation introduced in this House to prevent another episode like that of Walter Reed from ever happening again.

I commend the House Armed Services Committee for putting forward this legislation, which also establishes guidelines for how returning soldiers should be treated and measures of accountability. All of our troops, and all of our veterans, are entitled to quality health care and should be treated with the respect and dignity they deserve. These are great first steps, but we still have a long way to go to ensure our troops and veterans are treated properly. They have my commitment that we will continue to take care of them just as they have taken care of us.

Ms. CASTOR. Mr. Speaker, I reserve the balance of my time.

Mr. HASTINGS of Washington. Mr. Speaker, I yield myself the balance of my time.

Mr. Speaker, the bill that this rule makes in order is a good bill. It passed the Armed Services Committee unanimously. It is something that is needed now that we need are engaged in this war on terror. Bills like this, in my view, deserve an open rule, so that you can give the opportunity for Members on both sides of the aisle to try to improve this good product and make it better. I cited two examples for the Rules Committee to not make in order two bills that dealt specifically with our veterans in rural areas.

While I support the underlying bill, I am opposed to the rule, because I think the rule could have allowed more amendments to have been in order or, for that matter, have made this an open rule. I think that ought to be the standard when we have strong bipartisan support for legislation.

Mr. Speaker, I yield back the balance of my time.

Ms. CASTOR. Mr. Speaker, 4 years after the start of the war in Iraq, and less than 100 days since the swearing in of this new Congress, this Congress will act today.

I urge my colleagues to support this rule and this legislation so we can pass the Wounded Warrior Assistance Act of 2007. Let's send a message, let's stand up for our brave troops in the field, not just when they are serving on the battlefield, but when they return home. Let's give the families the respect they deserve and make sure that we are providing superior health care whether it's a physical injury or a mental scar.

Mr. Speaker, I urge a "yes" vote on the previous question and on the rule.

Mr. Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Florida. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question are postponed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will now put each question on which further proceedings were postponed, in the following order: ordering the previous question on House Resolution 275; adopting House Resolution 275, if ordered; adopting House Resolution 274; and passing H.R. 835.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

PROVIDING FOR CONSIDERATION OF H. CON. RES. 99, CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

The SPEAKER pro tempore. The unfinished business is the vote on ordering the previous question on House Resolution 275, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The vote was taken by electronic device, and there were—yeas 225, nays 196, not voting 12, as follows:

[Roll No. 202]

YEAS—225

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—196

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—12

Bonner
Braley (IA)
Courtney
Cubin
Davis, Jo Ann
Kanjorski
Lampson
McKeon
Millender-McDonald
Miller, George
Radanovich
Sullivan

□ 1302

Mr. DANIEL E. LUNGREN of California and Mr. JOHNSON of Illinois changed their vote from "yea" to "nay."

Mr. MILLER of North Carolina, Mr. CONYERS, Ms. HARMAN, Mr. CROWLEY, and Messrs. GORDON of Tennessee, JEFFERSON, and MEEHAN changed their vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

Stated for:

Mr. BRALEY of Iowa. Mr. Speaker, on rollcall No. 202, had I been present, I would have voted "yea."

Mr. COURTNEY. Mr. Speaker, on rollcall No. 202, had I been present, I would have voted "yea."

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. HASTINGS of Washington. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 229, nays 197, not voting 7, as follows:

[Roll No. 203]

YEAS—229

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)

Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—197

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick

Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Bonner
Davis, Jo Ann
Kanjorski
Lampson
McKeon
Millender-McDonald
Rogers (MI)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE.

The SPEAKER pro tempore (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1312

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

PROVIDING FOR CONSIDERATION OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on adoption of House Resolution 274 on which the yeas and nays are ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the resolution.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 243, nays 179, not voting 11, as follows:

[Roll No. 204]

YEAS—243

Abercrombie
Ackerman
Allen
Altmire
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Carnahan
Carney
Carson
Castle
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ellison
Ellsworth
Emanuel
Engel
English (PA)
Eshoo
Etheridge
Farr
Fattah
Filner

Fossella
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
McNulty
Meehan
Meek (FL)

Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Perlmutter
Peterson (MN)
Peterson (PA)
Platts
Pomeroy
Price (NC)
Rahall
Ramstad
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Shuler
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stearns
Stupak
Sutton
Tanner
Tauscher
Taylor

Terry
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez

Visclosky
Walden (OR)
Walsh (NY)
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt

Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—179

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Chabot
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Duncan
Ehlers
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Foxx
Franks (AZ)
Frelinghuysen

Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (CA)
Lewis (KY)
Linder
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)

Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Petri
Pickering
Pitts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuster
Simpson
Smith (NE)
Smith (TX)
Souder
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—11

Andrews
Bilbray
Bonner
Cardoza
Davis, Jo Ann
Emerson
Kanjorski
Lampson
McKeon
Millender-McDonald
Moore (KS)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1319

Mr. ENGLISH of Pennsylvania changed his vote from "nay" to "yea."

So the resolution was agreed to.

Mr. CARDOZA. Mr. Speaker, due to a technical glitch, my vote on rollcall No. 204 was not recorded. Had my vote been recorded, I would have voted "yea."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HAWAIIAN HOMEOWNERSHIP OPPORTUNITY ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the question of the passage of the bill, H.R. 835, on which further proceedings were postponed earlier today.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the passage of the bill, on which the yeas and nays are ordered.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 272, nays 150, answered "present" 1, not voting 10, as follows:

[Roll No. 205]

YEAS—272

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Bono
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Calvert
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Dreier
Edwards
Ellison
Ellsworth
Emerson
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Fortenberry
Frank (MA)
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastert
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hunter
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
King (NY)
Kingston
Knollenberg
Kucinich
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
LaTourette
Lee
Levin
Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Perlmutter
Peterson (MN)
Peterson (PA)
Pickering
Pomeroy
Porter
Price (NC)
Pryce (OH)
Rahall
Rangel
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Simpson
Sires
Skelton
Slaughter
Smith (NJ)
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Wilson (NM)
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—150

Aderholt
Akin
Alexander
Bachmann
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Camp (MI)
Campbell (CA)
Cantor
Carter
Castle
Chabot
Coble
Conaway
Crenshaw
Cubin
Culberson
Davis, David
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Duncan
Ehlers
English (PA)
Everett
Feeney
Ferguson
Flake
Forbes
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hoekstra
Hulshof
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jordan
Keller
King (IA)
Kirk
Kline (MN)
Kuhl (NY)
Lamborn
Latham
Lewis (CA)
Lewis (KY)
Linder
Lungren, Daniel E.
Mack
Manzullo
Marchant
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pence
Petri
Pitts
Platts
Poe
Price (GA)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Schmidt
Sensenbrenner
Sessions
Shuster
Smith (NE)
Smith (TX)
Souder
Stearns
Terry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Westmoreland
Whitfield
Wicker
Wilson (SC)
Wolf

ANSWERED "PRESENT"—1

Bachus

NOT VOTING—10

Bonner
Davis, Jo Ann
Emanuel
Fallin
Kanjorski
Klein (FL)
Lampson
McKeon
Millender-McDonald
Thornberry

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The Speaker pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1328

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. SKELTON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1538.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 1538.

☐ 1329

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, with Mr. BECERRA in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the bill is considered read the first time.

General debate shall not exceed 1 hour and 20 minutes, with 60 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Armed Services, and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on Veterans' Affairs.

The gentleman from Missouri (Mr. SKELTON) and the gentleman from California (Mr. HUNTER) each will control 30 minutes, and the gentleman from California (Mr. FILNER) and the gentleman from Indiana (Mr. BUYER) each will control 10 minutes.

The Chair recognizes the gentleman from Missouri.

☐ 1330

Mr. SKELTON. Mr. Chairman, I yield myself such time as I might consume.

Mr. Chairman, I am pleased to bring forward for consideration this bill, H.R.

1538, the Wounded Warrior Assistance Act of 2007. This bill is the House Armed Services Committee's first step to address the challenges and the obstacles that wounded and injured servicemembers face during their recovery at Walter Reed Medical Center, and at all military medical facilities around the world.

Mr. Chairman, I am glad this bill is a product of a strong bipartisan effort to support our troops. While recognizing the ranking member of the committee, DUNCAN HUNTER, and the House Veterans Affairs Chairman, BOB FILNER, and STEVE BUYER, the ranking member, for their support and contributions to this bill, I would be remiss if I did not also acknowledge the substantial contributions of the Military Personnel Subcommittee chairman, VIC SNYDER, and JOHN MCHUGH, the ranking member, for their considerable help during the development of this bill in committee.

Their knowledge and insights and understanding of the complex medical and disability systems that our servicemembers and their families are undergoing help to ensure that the bill before us today will have an immediate and positive impact on the lives of the wounded servicemembers as well as their families.

Mr. Chairman, the committee moved expeditiously to make changes that can be adopted fairly quickly after hearing what our wounded soldiers and their families are continuing to face at Walter Reed Hospital. However, these soldiers were not alone. The committee has heard of similar challenges that other soldiers, sailors, airmen and marines that are experiencing the same type of treatment across the country.

Sadly, what happened at Walter Reed was more than just a leadership failure in the Army. It is symptomatic of the enormous and complex factors that affect military medicine.

Yet while those in military medicine provide outstanding quality health care to wounded and injured soldiers, other factors brought to bear on this system also contribute to the state of affairs at Walter Reed Hospital as well as other medical facilities throughout our Nation.

Over the past several years, military medicine has been forced to convert thousands of military medical positions to civilian positions. One could ask how this could have an impact on our wounded forces, and the answer is clear and simple; fewer uniformed medical providers means fewer providers left at military hospitals back home treating injured and treating the wounded servicemembers. It also means that those in uniform who do remain will continue to face a high and sustained operational tempo, greater deployments and more time away from home. And yet the Navy, for example, has proposed for fiscal year 2008 to cut an additional 900 medical providers, including, Mr. Chairman, 100 doctors that provide needed health care to servicemembers as well as their families. That is why the committee chose to move quickly on this bill that will provide quick and immediate help to our troops.

It is clear that continued and persistent problems that were highlighted at Walter Reed Hospital require closer inspection and may demand a significant and comprehensive overhaul of the entire process.

As the Armed Services Committee continues to work on the fiscal year 2008 Defense Authorization bill, we will continue our efforts to examine greater comprehensive reforms to ensure that our forces receive the high quality care that our Nation has an obligation to provide for those wonderful young people in uniform.

However, H.R. 1538 is vitally needed now to provide immediate support for our wounded warriors.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I want to add my voice to the eloquent voice of the chairman, Mr. SKELTON. I want to thank him, and thank also Dr. SNYDER and JOHN MCHUGH, the chairman and ranking member of Personnel, for their hard work on this bill. And for all the other Members who worked on this, I know Mr. FILNER and Mr. BUYER were also architects of this bill. But especially our chairman, who has a heart for the military and perhaps is the most adept custodian of the history of military personnel matters in the Armed Services Committee; a guy with a great eye and ear for history and for the sense of tradition that kind of brings us together on the Armed Services Committee to find common ground on important issues to the folks that wear the uniform. This is one of those issues, Mr. Chairman.

Mr. Chairman, young people right now are serving this country in far away places like Ramadi and Fallujah and Mosul and Kabul, and many other places around the world where the war against terror brings them face to face with danger every day. Some of those, the great members of the U.S. military, give their last full measure of devotion. Some of them are wounded and come back through Landstuhl and then to Bethesda and Walter Reed.

And, Mr. Chairman, I am reminded of Ronald Reagan's speech in 1981, when he stood on the west steps of the Capitol and he gestured out to the west and he said, There's the Washington Monument, dedicated to the Father of our Country, and beyond that, the Lincoln Memorial, dedicated to the man who saved the Union. But beyond those monuments are thousands of monuments with crosses and Stars of David, dedicated to Americans who gave that full measure of devotion to the same degree that the Founding Fathers did, and that's Arlington Cemetery.'

And he mentioned that under one of those markers lies a man named Martin Trepto, who was killed in World War I. He had gone to fight with the Rainbow Division in France, and after a few months or a few weeks in country, he was killed. When his friends found his body, they found that he kept a diary, and he had written these words, and I am paraphrasing: I must fight this war as if the success or failure of America depends on me alone.

I can tell you, Mr. Chairman, in going out to the warfighting theaters, that standard is the same standard that is carried by the young men and women of America's Armed Forces. And because of that, it is all the more compelling that we do everything possible to make sure that they have good care when they come home, and when they are wounded and when their families similarly are wounded by their wounds; and to make sure that we have a government which is friendly to them.

A lot of this problem at Walter Reed and Bethesda and the rest of our medical care apparatus is this; we need to have a system that is friendly, friendly to that 22-year-old marine wife who drives a couple hundred miles, maybe leaves the kids with the mother-in-law while she goes with her husband to undertake therapy at one of our hospitals. To be able to get in and get out without having to get bogged down in a mass of bureaucracy. It is toward those ends that we dedicated this bill.

And again, I think the chairman has done a great job, as have Mr. MCHUGH and Mr. SNYDER. And let me tell you a couple of the highlights here.

I like the idea that you have got a limitation on 17 cases per case manager. That means that each case manager is going to have a lot of time to spend with each case, with each individual. And you also have the family advocate who will help with housing and transportation and all those things. That is almost as important as the case manager, because that helps a family to be with their loved one while they are undertaking their treatment.

I also like this handoff between the VA and DoD. We now have a physical meeting where you don't have the bureaucracy finally telling us after 3, 4 or 5 months that the records have been lost, that they have been misplaced or that there are some missing. And lastly, when we do the evaluation, to have experts who will assist the servicemember in making sure that his or her file is complete when they go for disability. That means if you've got that frag wound in your left leg, you make sure that you've got a record of that in that disability packet when you go before the board.

Now, there are lots of other good language in this bill and good provisions in this bill that will accrue to the benefit of the servicemember and their family, but I think those are especially important.

Lastly, I think the hotline is important, Mr. Chairman, where people can call in and let the system know that it's messed up and that it's not serving them well. And I know that the wonderful men and women who serve our U.S. military will respond to that and will make things right.

Thank you, Mr. Chairman, for letting me speak for a couple of minutes about this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I think our country was shocked at the revelation as to what the conditions were at that certain part of Walter Reed Hospital, and I am pleased that we, on a very bipartisan basis, have addressed this through the Armed Services Committee.

Mr. Chairman, at this time, I yield 2 minutes to my friend, my colleague, the gentleman from Connecticut (Mr. COURTNEY).

Mr. COURTNEY. Mr. Chairman, it was Presidents' Day weekend when The Washington Post story broke with the appalling and embarrassing story about the conditions under which our soldiers were living within the military health care system. I think as Americans, nothing could be more shocking and embarrassing than the notion that our own soldiers were isolated within the outpatient services of the military health care systems, in conditions with rotted walls, holes in the ceiling, mold growing. And I would give Mr. SKELTON and the ranking member of the Armed Services Committee all the credit because on March 8 the Armed Services Committee held a hearing, looked at the flaws that existed in the system and have come out with this legislation, which will do a lot to make sure that people will not be alone and isolated, with more case managers, with advocates that will be there, and a 1-800 emergency hotline to make sure they won't be, again, alone and isolated.

I do think, as Mr. HUNTER indicated, probably the biggest problem that is facing returning soldiers right now is the transition from the Department of Defense to the Department of Veterans Affairs. In the State of Connecticut today, the waiting period is over 600 days for over 2,500 veterans in the State of Connecticut trying to get their claims processed. And in section 10 of this bill, which will require a physical transfer of the files, the medical records of people leaving the Department of Defense system into the VA system will make sure that we are going to make a dent in reducing the length of time, which literally is threatening people's mortgage payments, their credit rating, and it is inexcusable that people who have served this country are being treated this poorly.

There was an amendment offered by myself on the Armed Services Committee which will also include State Veterans Affairs departments in that handoff because we have many benefits, property tax benefits, educational programs, preferential hiring within our State, like many other States, which returning veterans should be included and informed of immediately. I want to thank the chairman for including that language in the bill and strongly urge its passage.

Mr. HUNTER. I would like to yield 4 minutes to Dr. GINGREY, the gentleman from Georgia.

Mr. GINGREY. Mr. Chairman, I rise today in strong support of H.R. 1538, the Wounded Warrior Assistance Act.

This bipartisan bill was reported unanimously by the Armed Services Committee, and I am a proud, proud cosponsor, along with my friend, distinguished chairman, Mr. SKELTON, and my good friend, ranking member, Mr. HUNTER.

Mr. Chairman, we are debating this bill today because all of us here, Democrats and Republicans, want to ensure our soldiers are receiving the high quality care for which our military is known.

Indeed, Mr. Chairman, as a physician, I can tell you that access to care is critical to the health and well-being of our military, active, reserve and veteran. While it was a condition of some housing facilities at Walter Reed that led us to examine our military health care system, the fundamental problems with military medical care cannot be fixed with paint, putty and plaster.

I am relieved to know the run-down rooms have been refurbished, but I am proud that this bill starts addressing the system's fundamental problem of overcrowding, delayed paperwork and a shortage of human capital to oversee soldiers' continuing health care and quality of life needs.

Soldiers I met on a recent visit to Walter Reed were frustrated with lost medical records, dupes to forms, paperwork that took a week to make it from one office to another. This system greatly delays our soldiers' ability to meet with their doctors and to eventually, Mr. Chairman, be discharged.

☐ 1345

In fact, the average stay at Walter Reed is 350 days, and many of those days are spent as an outpatient assigned to the medical hold unit waiting for the paper trail to catch up with patient care.

This legislation starts addressing these problems by giving soldiers a louder voice in their medical care. It increases the personnel assigned to each servicemember and his or her family so that our soldiers have advocates helping them set appointments and understand the prescribed course of their care. As a physician, I know that caseload greatly affects the personal attention delivered to each patient. More staff means more time for each soldier and their individual needs.

Mr. Chairman, another problem facing our military health system is the difficulty personnel face when they are transitioning from active duty to the retired status, and I am pleased that this legislation includes a pilot program to examine this critical need. A fully electronic and integrated records system would allow the Department of Defense and the VA to share information in a timely fashion.

I would also encourage the Department of Defense to automate all in-patient health records. We know that in the private sector switching from paper files to electronic medical records cuts down on medical errors, saves time, and saves money. Our military should fully realize these benefits as well.

Mr. Chairman, I think it is important to recognize that the Wounded Warrior Act fixes a process that isn't serving the best interest of our warfighters or our military medical personnel. Our military doctors and nurses are an invaluable resource for their expertise, bravery, and dedication. We want to make sure that the system benefits these heroes as well.

The Wounded Warrior Assistance Act represents a significant step toward ensuring our soldiers and veterans are treated with the dignity and respect that they have earned and fully deserve, and I hope all my colleagues will join me in supporting this great piece of legislation.

Mr. SKELTON. Mr. Chairman, I am very, very pleased that this bill will directly address the transition between the Department of Defense and the Veterans Administration with the actual physical hand-off that is provided and required in this.

I yield now 2 minutes to my friend, my colleague, the gentleman from Maryland (Mr. CUMMINGS).

Mr. CUMMINGS. I thank the gentleman for yielding.

Mr. Chairman, today we have the opportunity to pass a bipartisan piece of legislation that will assist in correcting many of the wrongs that are rampant throughout our armed services health care system, as most recently illustrated in the reports and investigations surrounding Walter Reed.

I am pleased to join my colleagues in supporting this very vital piece of legislation that is an initial step, and I emphasize that, initial step in tearing down the bureaucratic red tape that can hold wounded service men and women in limbo for months and even years after they return home with injuries from the battlefield.

H.R. 1538, the Wounded Warrior Assistance Act, ensures better access to health care, better conditions in outpatient and inpatient treatment, a better means to report substandard conditions and, finally, better oversight.

H.R. 1538 responds to concerns raised by the men and women of our armed services and does the following things that are so important: Providing them with an assigned medical care case manager and limiting their caseload in order to prevent extensive backlogs; providing medical advocates to stand with soldiers before medical evaluations boards; and I think this is so important, providing a toll-free hotline that soldiers and their families can use to report inadequacies in care; and establishing a pilot program to ensure that our servicemembers have a seamless transition from Armed Forces to the Veterans Affairs agency.

Finally, let me say this, Mr. Chairman. I am pleased that our chairman, Mr. SKELTON, who has done an outstanding job, and Mr. HUNTER, our ranking member, were very significant, along with Mr. FILNER, in seeing that an amendment that I put forth was passed, and that was to give the head of Veterans Affairs two appointments to the Oversight Committee. So I urge my colleagues to vote in favor of this very outstanding piece of legislation.

Mr. HUNTER. Mr. Chairman, I would like to yield to the gentleman from New York (Mr. MCHUGH) as much time as he desires. And I would just note that Mr. MCHUGH, along with Dr. SNYDER, are chief architects of this legislation; and Mr. MCHUGH is the guy I like to refer to as the guy from the 10th Mountain Division in New York, a guy with enormous dedication to the men and women who wear the uniform.

Mr. MCHUGH. I thank the gentleman both for yielding and for his very, very gracious comments, and I thank Mr. Chairman.

I want to begin by giving thanks where thanks are certainly due. I want to express my particular appreciation to my chairman on the Personnel Subcommittee, a fellow I had the opportunity to work with when he was ranking member for a number of years when I had the opportunity to Chair that subcommittee, Dr. SNYDER; as well as and equally so with the chairman of the full committee, Mr. SKELTON; and, of course, my dear friend and such a great leader from the great State of California (Mr. HUNTER), for their leadership for recognizing the need to react to this, not in a bipartisan, not in a political way, but in a way that embodies the spirit of the Armed Services Committee.

One reason I am so proud and have been for now going on 15 years to serve on it and that is in the interest of those incredibly brave and unselfish men and women who don the uniform of the United States of America. We owe our thanks as well, as the gentleman from Maryland suggested, to the VA Committee, Mr. FILNER and Mr. BUYER, for their willingness to work together in addressing what we all recognize is a very, very serious problem.

This is not a perfect bill. It does not meet the entire range of challenges and problems that we know exist, the entire range and need of problems that, frankly, have been known to many of us for many, many years, particularly the disconnect between two very well-meaning systems, that of the Department of Defense, who cares for our wounded, and later, after retirement and disability ratings, the VA department, who cares for those who follow through.

Both of them tried to do the job, and they tried to do it in very distinct ways, and what we have understood now and what was demonstrated at least in part at Walter Reed is the challenges of helping those two well-meaning, independent agencies work better together.

But while it is not, Mr. Chairman, a perfect bill, it is a very, very good bill, an excellent first step, a place where we can put into effect mechanisms to better ensure the quality of service and, equally important, provide a continuum of care for the brave men and women who risk their lives in defense of our freedoms, of America's freedoms. And I think we can all agree as well we owe that to them. We owe it to their families. We owe them nothing less than the best that we can possibly provide, the absolute best; and this bill takes an important step towards effecting that kind of necessary change.

There will have to be things that follow. Once we hear from the recommendations of the Dole-Shalala Commission and from the DOD and Military Services' reviews and analysis, we will be in an even better position to take whatever additional actions are necessary to bring it together.

But you have heard my colleagues here on the floor today speak about the important components of this bill. We have looked at the problems, we have looked at the challenges that these folks have faced, and we have tried to respond to them. Everything from hotlines to actual human hand-offs between the two systems, more case managers, more personal face-to-face responsiveness to the problems they may encounter, this bill provides it, with more to follow.

I also want to add, Mr. Chairman, that without the hard work of the staff on both sides of the Armed Services Committee we would not have had this legislation. Our particular thanks to Mike Higgins, Debra Wada, John Chapla, and Jeanette James, amongst others, who took our concerns, who took our feedback and made them into the bill that we receive here today; and we owe them as well.

Before I yield back, on a last note, Mr. Chairman, I would be remiss if I didn't once again add my words of deep appreciation to those incredible military medical professionals who through their hard work, who through their dedication are solely responsible for the best quality care. We are experiencing survival rates today coming out of Afghanistan and Iraq that we have never experienced in any theater of war in the history of this Nation, in fact, in the history of mankind, and that is because of the wonderful job that they do.

This challenge has never been about them, and I want them most importantly to recognize we understand the differences of the system and, in fact, two systems that need correcting and better oversight from their valiant efforts. We all owe them our deepest appreciation.

So I am proud to be associated with this bill, a bill that will take a quantitative and qualitative step forward in providing the best possible care to our wounded and fallen warriors.

Mr. SKELTON. Mr. Chairman, I yield 3 minutes to my colleague, my friend, a member of the Armed Services Committee, the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, I thank you; and I thank the chairman for yielding.

Chairman SKELTON and Chairman SNYDER, Ranking Member HUNTER, Ranking Member MCHUGH have shown great leadership on this bill; and I thank them for their efforts and salute them for their work. They led because they listened.

First of all, as my friend Mr. MCHUGH just said, it is important to note that the drafters of this bill listened to the good work that was being done by the many, many men and women in the military health care system, in the veterans health care system.

The system has been beleaguered lately with terrible news reports of intolerable treatment of the wounded warriors of this country. We deplore those reports. We deplore the facts that gave rise to those reports.

But we do want to commend the vast majority of people who work in each of these systems for the great work that they do and acknowledge the contribution they make to our country.

The leaders of this bill listened, and I think they have come up with a great work product that will help. They have listened to the family of the warrior who has sat for too long on a bed unattended, who has languished for too long in a bureaucracy, forgotten about, whose care and whose future situation has not been given the attention it deserves. And by requiring a medical case manager and an advocate for each one of those persons, I think we will find that fewer people will be forgotten about and more people will get top-quality care.

This bill shows that its drafters have listened to those who have experienced the gaps in care and the frustration where there has not been a continuity of care when they were in the military health care system and then moved over to the VA health care system; that the care they are receiving, the diagnosis, the treatment is not consistent of someone who has had a good quality of care for a period of time, finds that interrupted and finds that to be inappropriate. This bill will establish means by which we can merge the best qualities of both systems and address the needs of that wounded warrior.

Finally, this bill deals with the outrageous inconsistency that so many people have experienced in the disability system, where the same injury under the same circumstances is treated one way in one system and another way in the other and where it takes months or even years to find out what your final resolution is going to be. So this is a bill that shows that we can listen to those concerns and address them.

As Mr. MCHUGH says, the bill is not perfect, but the bill is sound, because it listens to the very real concerns of the wounded warriors. It addresses them in a way that puts aside politics. I am proud to support this bill, and I thank the authors for this opportunity.

Mr. HUNTER. I just want to take a second, Mr. Chairman, to thank the gentleman who just spoke as one of the finest members of our committee and to point out, too, and he went over a number of the high points in this bill, and this idea of having an independent medical officer who helps the service personnel, making sure that they have got in their files when they go before that evaluation board, making sure they have got that record of that shrapnel wound to the calf or to the side, that in cases in times past you would have service personnel who were highly frustrated because they have been wounded, they knew where the wounds were, and yet somehow the paperwork had disappeared. So having that professional to help prepare it is very, very important; and I thank the gentleman for his great service and work on putting this thing together.

Mr. Chairman, I reserve the balance of our time.

□ 1400

Mr. SKELTON. Mr. Chairman, as the gentleman from New Jersey (Mr. ANDREWS) stated about the disparity between the treatment regarding the disability ratings made by the Department of Defense on the one hand, and the Veterans Administration on the other, we hope that disparity will be done away with by the legislation that we pass today.

I yield 1 minute to the gentlewoman from New York (Mrs. MCCARTHY).

Mrs. MCCARTHY of New York. Mr. Chairman, I would like to thank Chairman SKELTON for his leadership on this issue, as well as the ranking member, Mr. HUNTER.

If you look back at what happened at Walter Reed, and it is on the outside of the care, not the inside care of the hospital that we are talking about, the Wounded Warriors Act certainly is a good first step.

One of the things that I want to address, I want to say thank you to Chairman MURTHA for the commitment he has made to our military as far as making sure the money is in there so that we can implement what we need to do.

As we all know, head trauma has become the focus of a lot of these veterans that are coming home. With the IEDs in Iraq, traumatic brain injury has become the signature wound of this conflict. Our soldiers receive outstanding acute medical care; but people have to understand, it used to be thought that after 6 months of treatment, someone with a head injury would be fine and they would just kind of let them go. That is not true.

Back in 1993, my son was shot in the head and he certainly sustained very traumatic head injury. It takes a long time, and we know that we can give treatment for years after. It is 13 years since my son's head treatment, and he is still receiving therapy. So this is a good first start, and I hope we continue with it.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentlewoman from New Hampshire (Ms. SHEA-PORTER), a member of the Armed Services Committee.

Ms. SHEA-PORTER. I am pleased to rise today in support of H.R. 1538, the Wounded Warrior Assistance Act.

When men and women go to war, they are willing to give their bodies and their lives to this country. When they return, if they are broken, we have the obligation to try to restore them and to care for them and their families as they go about the long process of rehabilitation.

Our soldiers deserve a lot more than phrases such as "support the troops" and yellow ribbons and visits from celebrities. They deserve the right medical care and a seamless transition going from a military hospital to a veterans hospital for their care.

I urge my colleagues to support this bill. This is what we owe our soldiers and their families. When we talk about supporting the troops, we honor our commitments to them, and this is a very solid bill that will do just that.

Mr. SKELTON. Mr. Chairman, I yield to the gentleman from Illinois (Mr. HARE) 1 minute.

Mr. HARE. Mr. Chairman, I rise today in support of H.R. 1538, the Wounded Warrior Assistance Act of 2007.

As a member of the House Veterans' Affairs Committee, I am deeply concerned about the lack of a seamless transition for our servicemembers into the VA health care system.

This bill changes that broken system by creating a pilot program within the Department of Defense requiring a more efficient movement of medical records and a better process for our separated or retiring troops.

It also provides soldiers and their families with a toll-free hotline for reporting problems. Complaints called into the hotline must be investigated and a plan to remedy them must be in place within 96 hours.

Additionally, the bill requires the Department of Defense and the Veterans' Administration to work together to improve their disability evaluation systems ending a lot of backlog.

Finally, this bill authorizes $50 million for wounded soldiers' support programs, ensuring that these soldiers don't fall through the cracks without any financial support. Our soldiers have fought bravely on the battlefield, and they shouldn't have to fight for the care they need and deserve. I urge my colleagues to support this bill.

Mr. HUNTER. Mr. Chairman, I yield such time as he may consume to the gentleman from Mississippi (Mr. WICKER).

Mr. WICKER. Mr. Chairman, I rise today in support of this and other efforts to correct deficiencies in our military health care system and to ensure that the men and women of our Armed Forces get the attention and quality they deserve. This is not a partisan issue; as a matter of fact, this is a bipartisan effort, and I am glad to be a part of it as ranking member of the Subcommittee on Military Construction and Veterans Affairs in the Appropriations Committee.

The Wounded Warrior Assistance Act is an important first step in improving the delivery of medical care and quality of life for our injured military personnel and their families. I say a first step, Mr. Chairman, because I hope it is the first of several to focus the necessary resources and enhance the facilities for overall delivery of service.

I am particularly interested in simplifying and speeding the paperwork process associated with both the initial care of these heroes and their transition to the programs administered through the Department of Veterans Affairs.

Our wounded warriors, their families and the dedicated health care professionals committed to serving their needs should not have to face bureaucratic stumbling blocks that prevent the timely administration of care and the processing of claims to help these heroes get back on their feet. I support provisions in this legislation that will provide more resources to address the problem, especially the medical evaluation delays. As the bill moves forward, I will say to the leadership of the full committee, I encourage the authors of this legislation to consider adding additional judge advocates to assist the medical evaluation process.

In conversations with soldiers at Walter Reed, I learned of a shortfall of properly trained full-time attorneys to assist and represent patients during the formal evaluations. This occurs during the process leading up to the board and during the board. In many instances, the backlog was so long that soldiers retained outside counsel for hearings at their own cost. Those who could not afford to do this were forced to wait. In fact, the March 12 inspector general report highlighted this problem and recommended an increase in trained attorneys.

I am grateful for the full committee leadership of the Appropriations Committee for accommodating me in my amendment in this regard. While we await the full Army Tiger Team report in May, I hope my colleagues will recognize the need and right of our wounded soldiers to proper representation.

I participated in hearings on this issue as ranking member of the MILCON VA Appropriations Subcommittee, and as a member of the Defense Subcommittee. I have visited Walter Reed Army Hospital and talked to soldiers receiving treatment there and elsewhere in our military and VA systems. While the recent problems have stained our military health care system, I have been encouraged by the bipartisan manner in which we have approached this issue. I have also been encouraged to hear very positive reviews also with regard to our VA health care system, and I know it can be improved on, but certainly we get very, very positive reviews from the constituents who actually use these facilities.

These oversight activities have been very helpful in identifying steps we can take immediately to put the focus back on caring for our wounded soldiers. I look forward to working with the chairman and others of my colleagues to advance this legislation as it moves through the process.

Mr. SKELTON. Mr. Chairman, it is my pleasure to yield 3 minutes to the gentleman from Texas (Mr. ORTIZ), the chairman of the Readiness Subcommittee of the Committee on Armed Services.

Mr. ORTIZ. Mr. Chairman, today we begin the process of keeping our promise, our unique moral responsibility to the troops returning home to their families' arms.

Many of those warfighters are deeply wounded in body, mind and soul, and it is our responsibility to care for them, to treat their bodies and their minds.

I want to thank Chairman SKELTON for his work in marking this bill with great speed, also the ranking member, Mr. HUNTER, and the House leadership for moving this bipartisan bill so quickly.

This legislation provides more funding for caregivers at military hospitals along with training and oversight to guarantee that America's wounded troops will also receive committed quality care.

When we marked this bill in the Committee on Armed Services, I added an amendment which places a 1-year moratorium on all unannounced public-private competitions for work performed at medical facilities. It also requires a report from DOD on each competition still underway to allow Congress to understand the actual cost savings, and the effects of contracting on the quality of work and the workforce personnel before allowing the contracting to go forward.

Like many of my colleagues, I am a frequent visitor not only to Walter Reed, but to Bethesda as well. In the aftermath of the investigative series about the substandard services and housing at Walter Reed, it turns out that the mismanagement of the health care of our troops had much to do with a flawed contracting process.

This bill imposes a 1-year moratorium on future A–76 competitions at the Department of Defense for work at medical facilities. The problems we discovered with the contract at Walter Reed Army Medical Center are only the tip of the iceberg. At the moment Walter Reed should have been ramping up to care for the increased number of wounded warriors, they were single-sourcing a maintenance contract and watching some of their best talent walk out the door as they were caring for a large and growing number of patients.

In a September 2006 memo, the garrison commander admitted that he had difficulties in retaining and hiring skilled personnel.

This came about for several reasons: DOD wanted to contract out the maintenance work; the proposed firings of former workers; and, of course, BRAC.

We need to step back and review whether contracting is the right way to find cost savings and efficiencies for military medical facilities. And we must make certain that we have not sacrificed service or performance of the health care mission for our wounded fighters.

I urge my colleagues to pass this bill to reform the administrative process and restore the confidence in the integrity and efficiency of the disability evaluation system and begin a better transition of servicemembers to the Department of Veterans' Affairs programs.

Mr. HUNTER. Mr. Chairman, I would like to yield to the gentleman from New Jersey (Mr. SAXTON) 4 minutes.

Mr. SAXTON. Mr. Chairman, I thank the gentleman from San Diego for yielding me this time.

I rise in support of this legislation and want to highlight two key components of the Wounded Warrior Assistance Act that have significant relevance to some of my own constituents who are currently recovering at Walter Reed Mologne House.

Section 101 of the bill concerns improving the medical and dental care for servicemembers assigned to hospitals in outpatient status. Under this section, medical care case managers will have the training and resources to enable them to work closely with servicemembers in managing patient care and ensuring that patients fully understand his or her status and has a realistic expectation of the process ahead.

One of my constituents has been at Walter Reed for close to 10 months now after being evacuated from Iraq. During this time, he has had challenges in knowing his status in the disability determination process. He has been told that he had anywhere from 30 to 60 days left, although Walter Reed is working hard to get him home sooner. He is eager to get back home to his family and employer. His employer is holding his job for him. It is difficult for him to plan accordingly, however, because without being fully informed of his status in the system, it makes his future uncertain.

This bill would ensure that going forward, this individual would have up-to-date information on his status so that he is no longer kept in the dark about when he can expect to go home.

Section 101 of the bill also includes the establishment of the service-member advocate who will assist the patient in ensuring quality of life issues are taken care of, assisting in resolving problems related to financial or administrative matters, and overall ensure the patient and the family members are informed of benefits and program issues.

□ 1415

Both of my constituents who are currently at Walter Reed could have benefited greatly from the servicemember advocate. They have both encountered various administrative problems that have since been resolved with the assistance of their chain of command. However, I believe these problems would have been avoided in the first place had they been in contact with an advocate mandated to assist in these types of issues.

During discussions with these two soldiers and Walter Reed officials, the pattern that I have seen is that the actual medical care these wounded warriors receive is actually quite outstanding. The problems have really occurred in the red tape and bureaucracy that surrounds the administrative requirements and disability process. It should not take 3 or 4 months to begin receiving combat-related injury rehabilitation pay, for example. Servicemembers should receive accurate information in a timely manner when they inquire about their recovery plan or about specific benefits for which they might be eligible.

It is difficult at best for care managers to provide the necessary attention to a patient when they are handling caseloads beyond their capability. This bill goes a long way towards addressing this problem by limiting the number of cases for managers to oversee.

This bill and any other actions that this Congress can do to improve this system to ensure servicemembers receive the attention they deserve merits our full support; and I, therefore, urge everyone to support this bill.

Mr. SKELTON. Mr. Chairman, may I inquire as to the time remaining on each side?

The Acting CHAIRMAN (Mr. ROSS). The gentleman from Missouri (Mr. SKELTON) has 11½ minutes remaining. The gentleman from California (Mr. HUNTER) has 5½ minutes remaining.

PARLIAMENTARY INQUIRY

Mr. SKELTON. Parliamentary inquiry.

The Acting CHAIRMAN. The gentleman is recognized to state his parliamentary inquiry.

Mr. SKELTON. As soon as the gentleman from California and I finish our allotted time, is it not correct that the Veterans' Affairs Committee chairman and ranking member will assume leadership on this bill?

The Acting CHAIRMAN. A separate period of general debate is allocated to that committee.

Mr. SKELTON. Thank you.

Mr. Chairman, I yield myself such time as I may consume.

The sad situation of Walter Reed hospital regarding the outpatients has alarmed all of us, whether we be in Congress or not, and this bill has some excellent provisions. It is truly a bipartisan effort. I thank Mr. HUNTER and Dr. SNYDER, our chairman of our Subcommittee on Personnel, JOHN MCHUGH from New York. All have done superb work on this bill.

It makes some improvements to the medical and dental care for members in an outpatient status.

It establishes a toll-free hotline for reporting deficiencies in medical-related support facilities.

It requires Members of Congress to be notified of combat-wounded servicemembers who have been hospitalized.

It creates an independent medical advocate for members undergoing a medical evaluation board.

It improves the training and reduces the workload for Physical Evaluation Board Liaison Officers.

It standardizes the training program and curriculum for the Department of Defense Disability Evaluation System.

It enhances the training for health care professionals.

It would improve the transition for servicemembers between the Department of Defense and the Department of Veterans Affairs.

It provides a $50 million fund to support programs and activities related to medical treatment and care.

It would create an Oversight Board for Wounded Warriors.

It requires an annual report of the state of military medical facilities.

It requires an evaluation and report on the Department of Defense and the Department of Veterans Affairs Disability Evaluation Systems.

It requires a study of the support services available for families of recovering servicemembers.

And at the behest of Mr. ORTIZ, it places a 1-year moratorium on A–76 studies at any military medical facility.

It is clear, Mr. Chairman, that the continued and persistent problems that were highlighted at the Walter Reed Hospital require closer inspection and may demand a significant and comprehensive overhaul of the process.

Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I yield as much time as he might consume to the gentleman from South Carolina (Mr. WILSON), who has done an excellent job on this bill.

Mr. WILSON of South Carolina. Mr. Chairman, I thank Congressman HUNTER. I appreciate your service here in Congress, and I appreciate you being the parent of a veteran who has served in Iraq.

Mr. Chairman, I rise today in support of H.R. 1538, the Wounded Warrior Assistance Act of 2007, a bipartisan bill authored by Chairman IKE SKELTON.

Our men and women in the U.S. Armed Forces deserve the best medical care we can provide. As a 31-year veteran of the South Carolina Army National Guard, with four sons currently serving in the military, I was greatly concerned when learning of the inadequate living conditions our Nation's wounded veterans have been made to endure at Walter Reed Medical Center.

My eldest son served for a year in Iraq and came under enemy fire twice. Had he been injured, I would have expected him to receive top-notch health care which should be provided to every soldier.

While Walter Reed is renowned as a world-class facility, recent management neglected to provide adequate care. We have the best military medicine in world history, saving more lives than ever before and providing for the maximum recovery for patients.

I know firsthand from Major David Rozelle of the successes at Walter Reed Army Hospital for our amputees, where dedicated staff members are so caringly effective helping our troops recover. In fact, Major Rozelle wrote an excellent book, "Back in Action," the inspiring true story of the first amputee to return to active command in Iraq.

I am pleased Congress is coming together to improve the paperwork complications and ensure our military medical system remains the best there is. I urge all of my colleagues to support this bill and provide America's brave, injured warriors the care they so deserve.

In conclusion, God bless our troops, and we will never forget September 11.

Mr. SKELTON. Mr. Chairman, I reserve the balance of my time.

Mr. HUNTER. Mr. Chairman, I would yield the balance of my time to any other Members that would like to speak on the majority side, and if there are not, Mr. Chairman, give the chairman of the Veterans' Affairs Committee the option of us simply yielding back our time or if he would like to have some of our time, giving that to him.

Mr. SKELTON. On our time, I have no more speakers, and I would judge that any further speakers would be on the time of the Veterans' Affairs Committee.

Mr. HUNTER. Mr. Chairman, I yield back the balance of our time.

Mr. SKELTON. Mr. Chairman, I yield back the balance of the Armed Services time.

The Acting CHAIRMAN. For what purpose does the gentleman from California rise?

Mr. FILNER. Mr. Chairman, as the chairman of the Veterans Affairs Committee, I rise in strong support of the Wounded Warrior Assistance Act; and I yield to myself what time I might consume.

I want to thank Congressman SKELTON and Congressman HUNTER. This is a great bill. As a Nation and as a Congress, we were faced with a test, a real challenge, whether we can respond to the conditions of our Nation and of our veterans and our active duty troops. The revelations of what happened at Walter Reed presented us that challenge, gave us that test, and I say with confidence that this Congress is meeting that test.

This is step two in meeting that test. Step one was to make sure we had sufficient resources in the budget of this Nation to meet the needs not only of our existing veterans who have more and more need, whether they are from World War II or Vietnam or the first Persian Gulf war or the great influx of veterans that we are going to have from Iraq and Afghanistan. We already have over 700,000 returning troops who are now veterans, and we are going to get hundreds of thousands more.

In the so-called continuing resolution that was passed by this Congress a few weeks ago, the Veterans Administration was the only agency that got a significant increase from last year's budget; and this Congress added $3.6 billion to veterans in that one continuing resolution.

The supplemental for war that passed this House last week, led by Speaker

PELOSI, Chairman SKELTON, Chairman OBEY, and Chairman EDWARDS, we said that the supplemental for war has to also have a supplemental for the warrior—for the health care of our returning veterans. Both in the Defense Department and the VA, we put in almost $3.5 billion; and in the budget resolution that we will be considering today and voting on tomorrow, the Democrats have put in $6.6 billion above the 2007 levels. That, in 90 days, is over $13.5 billion added to last year's budget for the care of our veterans.

George Washington said it very clearly, that the morale of our active duty troops is dependent on the sense of how they are going to be treated when they come home.

The first step of infusion of money, the second step of the Wounded Warrior Assistance bill, says that we are going to meet the challenge, that we understand that the costs of caring for our veterans is part of the cost of war, and that no matter what we think about the war in Iraq, we are united in this Congress and in this Nation that every returning young man and woman gets all the care and love and respect and honor that this Nation can deliver. That is what this bill says, that we are all committed to making sure that the care of these veterans is first in our consciousness.

Both the Defense health care system and the VA system is stretched to its limits. We have underfunded it over the years. We are asking from very dedicated professionals in the VA system to do more and more with less and less resources.

The strain is evident wherever you look. The strain is evident at Walter Reed. The strain is evident when a young Marine shows up at a VA hospital in Minnesota and says, I think I have PTSD and I am having thoughts of suicide, and he was told that you are 28th on the waiting list, come back in a few weeks or a few months, and he went home and he committed suicide. The strain on our system is shown by events like that, and we are committed to making sure that they do not continue.

So we have to live up to our responsibilities, both for the returning Iraqi and Afghanistan veterans and to those who have served our Nation going back to World War II.

In many instances, the problems are exacerbated because of jurisdictional and procedure roadblocks between the Defense and the Veterans Administration. So we have to remove those roadblocks; and, as chairman of the Veterans Affairs Committee, I have worked closely with other members of our committee who will speak today, with Chairman SKELTON and Ranking Member HUNTER of the Committee on Armed Services, to make sure we are working off the same page.

This legislation takes important steps in making the servicemember's transition from the Department of Defense to the VA a seamless transition. We have been using that word for a long time, but we still have great cracks in that system. It is not seamless, but this bill would mandate the Department of Defense to provide disabled servicemembers who are being separated or returned from the Armed Forces with a written transition plan, a road map pointing the way to programs and benefits offered to them as veterans.

It would institute a formal process for transmitting reports and other information to the Veterans Administration from the active duty situation.

It would require both the Department of Defense and the Veterans Administration to establish a joint separation and evaluation physical.

□ 1430

Physicals now are done by two different agencies and with two different standards and with two different bureaucracies. It is sometimes a hellish situation for returning active duty troops. We have to have a fully interoperable medical information system so that two agencies can speak to one another, so that the veteran coming home will have on his record in the VA all the things that occurred to him when he was on active duty in the military.

If we are going to make the handoff in the continuum of care successful, if we are going to make sure there is a seamless transition, if we want to make sure that we don't fumble information that puts at risk the returning servicemembers, we have to take these steps. These steps have are not newly invented. They were first expressed in earlier reports, the President's Task Force, for example, to Improve Health care for our Nation's Veterans, talked about this transition. I hope we are providing both departments with the resources and the tools they need to get that transition right.

Mr. Chairman, our concern is for the health of our fighting men and women when they come home that they get that health care taken care of, both in the Defense Department hospitals and in the VA system. Let's work seamlessly. I urge support for H.R. 1538.

Mr. Chairman, I reserve the balance of my time.

Mr. BUYER. Mr. Chairman, I yield myself 5 minutes.

I rise in favor of this bill, the Wounded Warrior Assistance Act. For over 15 years, whether it was on the House Armed Services Committee or chairman of the personnel responsible for the military health delivery system or now at the VA, issues on seamless transition have been around. It appears that we can only measure success incrementally. For that, it is also unfortunate, because we deal with bureaucracies with both of these very large Departments and their subagencies.

Mr. SKELTON had some challenges in front of him because his leadership rushed him to get this bill to the floor. He also then convinced Chairman FILNER to waive the jurisdiction of the VA Committee so that this bill could get here.

I want to thank Chairman FILNER for complementing the amendment that I had offered in the Armed Services Committee, and I also want to thank Chairman SKELTON. I want to thank Duncan Hunter. I want to thank Dr. VIC SNYDER and JOHN MCHUGH for working with me on the amendment that was offered at the Armed Services Committee that profoundly enhances the seamless transition.

In its original form, the bill required a year-long pilot position on transition. Pilot programs can be useful in exploring new ground. But when it comes to seamless transition, and especially during a war, this is not new ground, and we need to proceed.

Back in 1982, is when Congress directed VA and DOD to work collaboratively together on health care. That was 25 years ago. I believe this collaboration is still being stymied by bureaucrats protecting their respective rice bowls. My amendment replaced the pilot project with system changes. It required a written transition plan for wounded servicemembers.

The bill would require an interoperable electronic exchange of critical medical information between the Departments and the use of the electronic DD Form 214, which DOD would provide to the VA. That allows VA real-time access to veterans' medical history.

There are countless examples of veterans seeking care at a VA facility, only to discover that their paper and military health records are not available. The lack of prior DOD health services is especially critical for badly wounded warriors returning from Iraq and Afghanistan. The ability to transmit data between DOD and VA will speed the recovery of these warriors by avoiding duplication of unnecessary treatment or, more importantly, failing to provide lifesaving procedures.

Electronic exchange of critical medical information might also prevent bureaucratic intransigence on the part of VA. For example, I recently heard from a former Indiana National Guard member who was wounded in the neck and shoulder by an improvised explosive device. When he eventually filed a disability claim, the VA said the documentation in his military medical record was not sufficient to prove the injury was service connected.

Hopefully this rapid exchange of information will put an end to such bureaucratic injustices. Further, H.R. 1538, as amended, would require the use of a uniformed separation and evaluation of physical by DOD and the VA, but the VA could use more disability ratings. This cornerstone seamless transition eliminates the frustrating requirement for a servicemember to have two physicals, one at the military and one at VA.

I associate my comments with Mr. FILNER. Too often, recently discharged veterans filing VA disability claims must undergo a VA physical because their discharge physical failed to address issues affecting the veteran's claim for benefits.

Corporal Murphy, for example, in a hypothetical, gets his discharge physical from Fort Hood, Texas, on June 3. A week later he files a disability claim to the VA for his bad knee. Meanwhile, 90 days later, his physical records at the National Records Center in St. Louis arrive. During that period of time, his medical records are not available to process his claim, and our corporal has already lost 3 months. This is foolishness.

The result is not only costly but also delays the processing of a veteran's claim and possibly entry into life-changing programs, like the VA's vocational rehab program. Finally, the amended wounded warriors bill would collocate VA benefit teams at military treatment facilities and other agreed upon sites to facilitate the transition of recovering servicemembers. Why should a wounded warrior undergo a lengthy period of convalescence and be required to seek out VA benefits counselors at VA offices that are usually far away from the MTF where the veteran is living.

Instead of making Airman Mendez, for example, go to the VA, it is time to mandate the VA to be present where the airman is undergoing treatment. This will give him timely access to VA counselors and benefits that process needed benefits.

These teams would provide preseparation counseling for recovering servicemembers, and records would be transmitted electronically from DOD to VA before the date of separation or retirement, thereby reducing delays, which now bedevil the system. Access to these teams would enable most veterans to leave the treatment facility with their VA benefit in hand.

My own personal experience over the past decade validates the importance of these reforms.

Mr. Chairman, I reserve the balance of my time.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. FILNER. Mr. Chairman, I would ask unanimous consent to use 10 minutes that were yielded back from the Armed Services time to be split evenly between the majority and minority.

The Acting CHAIRMAN. The Committee of the Whole cannot change the scheme of control for general debate.

Mr. FILNER. A point of order, Mr. Chairman, I had understood that they had yielded the time that they had left back to the Veterans' Affairs Committee for use if we needed it, and we do need it. I think Mr. BUYER needs some time, and I do also.

If I could yield to Mr. HUNTER for that.

Mr. HUNTER. Mr. Chairman, if we could ask unanimous consent that on Armed Services we could reclaim our time that we yielded back, we would like to yield it to the Veterans' Affairs Committee.

The Acting CHAIRMAN. The gentleman from California could ask unanimous consent to reclaim his time, but could not yield control to another manager.

Mr. HUNTER. I would ask unanimous consent to reclaim my time.

The Acting CHAIRMAN. Is there an objection? Hearing none, so ordered.

Mr. HUNTER. Mr. Chairman, I yield to the gentleman from California.

Mr. FILNER. I appreciate that.

PARLIAMENTARY INQUIRY

Mr. BUYER. Mr. Chairman, I have a parliamentary inquiry.

The Acting CHAIRMAN. The gentleman will state it.

Mr. BUYER. Was the time yielded to the Veterans' Affairs Committee 10 minutes or 20 minutes?

The Acting CHAIRMAN. Ten minutes per side.

Mr. BUYER. So we have 20 minutes. So as of right now we are still operating under the Veterans Affairs Committee time, not Mr. HUNTER's time, would that be correct?

The Acting CHAIRMAN. Mr. HUNTER has 3½ minutes remaining. The gentleman from California has 2½ minutes remaining, and the gentleman from Indiana has 5 minutes remaining.

Mr. BUYER. So to the Chair it doesn't matter, with regard to the utilization. All right. Thank you.

Mr. FILNER. Mr. Chairman, we yield 3 minutes to the command sergeant major from Minnesota (Mr. WALZ).

Mr. WALZ of Minnesota. Mr. Chairman, I rise today in support of H.R. 1538, the Wounded Warriors Assistance Act of 2007.

First of all, I would like to thank the chairman from California. I would like to thank the ranking member from Indiana for his leadership and colleagues on both sides of the aisle for introducing this timely bill that responds to the needs of our soldiers. Their leadership on both sides of the aisle is a testament to the 110th Congress' commitment to caring for this Nation's active duty forces and veterans. The commitment to veterans can show no political ideology.

As a 24-year veteran of the Army National Guard of this Nation, and the highest ranking enlisted soldier to ever serve in this Congress, I know that taking care of active duty forces and our veterans is one of the most important issues facing this country and this Congress. I, as all Americans, was outraged and saddened when we read reports of substandard care and unacceptable conditions at Walter Reed. Our Armed Forces and their families sacrificed too much to receive poor active duty care and difficulties in transitioning to veterans care. H.R. 1538 will fix these problems.

It will be done in a bipartisan manner and this piece of legislation has the possibility of starting to heal some of the divisions amongst this Nation, as we all agree, on the care of our veterans as a priority. This bill will provide more staff to work with outpatient servicemembers. It will improve training for medical staff. It will find ways to better transition from active duty to veterans care, and it will create an oversight board for wounded warriors that they will properly investigate the quality of care our veterans are receiving in a timely manner.

I urge all my colleagues on both sides of the aisle, regardless of political ideology, to support this bill. We must give our brave servicemen and -women the care they deserve, while serving our Nation. We must continue to address the need for their ongoing care once they hang up their uniforms, that they have performed their service to this Nation with honor, pride and dignity.

Now this Congress must do its job, provide the tools, the funding and the oversight necessary to ensure quality care for every soldier that serves this Nation.

Mr. SKELTON. Mr. Chairman, may I confirm the fact that when I yielded back a few moments ago, that I have 8 minutes remaining?

The Acting CHAIRMAN. The gentleman from Missouri had 8½ minutes remaining. However, one manager may not yield control of time to another manager.

Mr. SKELTON. I understand. I do ask that I be able to reclaim the time, the 8½ minutes.

The Acting CHAIRMAN. Is there objection? Without objection it is so ordered. To clarify, the gentleman from Missouri (Mr. SKELTON) now has 8½ minutes remaining. The gentleman from California (Mr. HUNTER) has 3½ minutes remaining. The gentleman from California (Mr. FILNER) is out of time, and the gentleman from Indiana (Mr. BUYER) has 5 minutes remaining.

Mr. SKELTON. I yield 3 minutes to the gentlelady from Arizona (Ms. GIFFORDS).

Ms. GIFFORDS. Mr. Chairman, we have before us today an excellent piece of legislation, the Wounded Warriors Assistance Act, that I believe will help untangle problems in military health care such as the ones that we recently saw at the Walter Reed Hospital. This legislation came before us in the Armed Services Committee recently, and I am convinced that the provisions will dramatically improve the treatment for our brave, wounded servicemembers and their families by the Department of Defense health care system.

One issue of particular importance that was addressed in this bill is the mental health services and screenings that we will provide to our troops. I want to thank Members for supporting my amendment, that directly impacts mental health treatment for our men and women in uniform.

Ongoing military operations in Iraq and Afghanistan are creating a brand-new generation of veterans, many have seen extreme stresses of war. According to the VA, post-traumatic stress syndrome rates are starting to appear about 20 percent. You look back during the Vietnam War era, those rates were close to 30 percent. So, I believe we are just beginning to see the tip of the iceberg.

PTSD is an issue that will face thousands of American combat veterans for years into the future. This legislation will help ensure that these soldiers don't face this problem alone.

I am proud to vote with my colleagues from the Armed Services Committee to report this bill favorably to the House. I will be very pleased to vote for this outstanding piece of legislation when it appears here on the House floor. I want to thank Chairman SKELTON and Ranking Member HUNTER, for bringing this piece of legislation forward, and, of course, the staff of the Armed Services Committee for their dedication to this issue.

In closing, not every American signs up to put on the uniform. Not every American puts their life on the line for our principles and our values. But for those Americans that do, we owe it to be there with them when they need help.

Mr. BUYER. Mr. Chairman, I yield 5 minutes to the gentleman from Kansas (Mr. MORAN).

Mr. MORAN of Kansas. I thank the gentleman from Indiana for yielding time to me. I express my appreciation to the Chair for recognizing me.

Mr. Chairman, I am here today in support of this legislation, but I think this legislation could be significantly improved. I come today to advocate on behalf of veterans who live in rural America, as well as servicemen and women on leave from active duty.

I failed to have the opportunity to attempt to amend this bill in the Veterans' Affairs Committee because of the waiver of its jurisdiction. I appeared yesterday before the Rules Committee seeking the opportunity to offer an amendment today on the House floor. That authorization for offering that amendment was not allowed, was denied.

□ 1445

And I am concerned that as we look at veterans and our military retirees, as we look at those actively engaged in the military today and we try to address the needs that they face, there is a large area of veterans, there is a significant veteran and military active military population that are disadvantaged. That is those who live in rural America.

I represent a district, a congressional district the size of the State of Illinois, and yet, although we have more hospitals, private community hospitals than any congressional district in the country, there is no VA Hospital. There is no military hospital. And so you can be distanced from that access to care by hours, by 3, 4, 5 and 6 hours.

Legislation that I have introduced would try diligently to address that issue, to allow access to the private sector health care providers. If you live further away from a VA Hospital or an outpatient clinic, that you can take your VA card, you can take your active military benefits and see your hometown physician.

Examples from my own constituents. A veteran in the community of Hoxie was told he couldn't see the local optometrist, despite the fact that the optometrist is down the street. But, no, he has to go to Wichita, 4 hours away, in order to have his glasses adjusted.

Another veteran, who is incapable of travel, was told that, no, the local physician can't refill his prescription. He has got to travel to the VA Hospital in order to do that.

This legislation would correct that by allowing, in those circumstances where distances are so great, that the VA can enter into contracts with the private sector to meet the needs of those veterans and that a physician, a private physician, could fill a prescription.

So, Mr. Chairman, I regret that, although this bill brings to the forefront and addresses many issues that our servicemen and women face, it fails in, at least in my belief, to address the needs that we see from rural veterans.

I was pleased that Mr. BARROW, the gentleman from Georgia, who I have joined with in past efforts to try to increase the reimbursement rate for mileage for rural veterans as they travel to a VA Hospital, his amendment was made in order. And I am pleased and will support that, would love to have the opportunity again to speak in favor of it.

But these are the kind of issues that we cannot let this Congress ignore. We are not a one-size-solution fits all. And those of us who have concerns for those who choose to live in rural America, we believe we can make this legislation better. So, Mr. Chairman, I appreciate the time to speak in favor.

Mr. BUYER. Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I yield 2 minutes to the gentleman from California (Mr. FILNER).

Mr. FILNER. Mr. SKELTON and Mr. HUNTER, your committee, working with the Veterans Committee, has produced an outstanding piece of legislation; and I hope that that cooperation, I know that cooperation will continue, because we have other things to do.

The gentleman from Kansas expressed what is on the minds of many of our colleagues, and that is to make sure that our rural veterans are served, also. We will do that; and I know my ranking member, Mr. BUYER, joins me in that commitment.

As I said earlier, Mr. Chairman, we have a test as a Nation. Are we going to make sure that every returning young man and woman from Iraq and Afghanistan has the best facilities, the best health care, the best treatment, the best love, the best commitment that we, as a Nation, can offer? And are we going to make sure that their predecessors, from World War II to the present, are also given that same care and commitment?

There are 200,000 homeless vets on the street tonight, mainly from the Vietnam era. We cannot allow that to continue.

We have a 600,000 claim backlog for disability payments. We cannot allow that to continue.

We have facilities that need to be repaired and rebuilt. We have needs for Agent Orange veterans and atomic veterans. We, as a Nation, must take up this challenge and must meet it.

We had significant new resources provided in the budget matters that have come before us in the last 60 days. This Wounded Warrior Assistance Act is the next step as we try to make sure that those who faced danger and life-threatening situations in Iraq do not have to face a bureaucracy which threatens to kill them off. This is a step to change that. We are going to have a seamless transition, and I thank the Chair for his commitment.

Mr. BUYER. Mr. Chairman, I yield myself such time as I may consume.

In the 1990s, Mr. SKELTON, you can remember well that we drew down the size of the military. We cut all the divisions and the wings and the squadrons; and then we had to figure out how we could maintain all those military hospitals and the medical treatment facilities, all the forts and bases. And we found out, with limited dollars, we really couldn't do all of that to the level which we wanted, so we created three centers of excellence, at Brooke and at Bethesda and at Walter Reed.

And I do not want this debate today, for anyone who is working at Walter Reed, to feel as though this Congress is not proud of the level of respect and the enduring appreciation that we have of the doctors and the nurses and the technicians that provide the health care at Walter Reed, Bethesda, Brooke or any other medical facility, from the battlefield throughout the entire process.

We are very disappointed that we had single soldiers that were wounded, convalescing, being held in an unhealthy building. But for that to then be interpreted as though bad care was being delivered at Walter Reed is not a factual basis.

It is a curious thing, though, that one of our centers of excellence ended up on the BRAC; and that is an issue, Mr. SKELTON, we are going to have to address.

I do want to also extend though a compliment to Mr. HUNTER and Mr. SKELTON, because you saw this one coming in 2004, because in the 2005 Defense bill you then created the Disability Claims Commission. It has been extended now and will not report until September of this year. So I want to thank you for seeing this one coming; and I wish that we could have gotten to those results much, much sooner.

Mr. HUNTER. Mr. Chairman, I yield myself such time as I may consume.

I just want to mention that in 2005, and working with Mr. BUYER and working with Mr. SKELTON and other Members of the Armed Services Committee and Veterans' Affairs Committee, we put together this Disability Claims Commission with an eye toward trying to make the evaluations that are arrived at in DOD and the VA system consistent. In this bill that we are passing today, we are directing DOD and VA to go back and, as this commission meets and continues to work, to focus on their work product and what they are doing; and, hopefully, we can have some value added as a result of their focusing on the commission that currently is in place.

Mr. BUYER. Mr. Chairman, will the gentleman yield?

Mr. HUNTER. I yield to the gentleman from Indiana.

Mr. BUYER. What this means, Mr. Chairman, is we still have work to do. And I didn't want to be overcritical about the pressure the leadership gave you to get this bill to the floor. I think you and I both would have liked to have done something more comprehensive. But with this Disability Claims Commission sitting out there, and they have given 2 years now of labor, we are going to have to come back at this one in earnest. And I am most hopeful that you will continue your work with the Veterans' Affairs Committee as we work in this endeavor of a seamless transition.

Mr. HUNTER. Mr. Chairman, if I have got a couple of minutes left, if any member of the Veterans' Affairs or the Armed Services Committee would like to use the rest of the time, I would be happy to yield to them.

Appearing that there isn't anybody, I yield back at this point, Mr. Chairman.

Mr. SKELTON. Mr. Chairman, I yield myself such time as I may consume.

I wish to mention Mr. BUYER and I have had this discussion about there is more work to do. We will do it. We will do our very best I know in the Armed Services Committee as well as in the Veterans' Affairs Committee; and I appreciate your mentioning the fact that this is a step, although in my opinion, it is a major step. We still have a great deal of work to do regarding the wounded warriors.

Now, Mr. Chairman, I have mentioned the positive work done by DUNCAN HUNTER, by VIC SNYDER, by JOHN MCHUGH, by BOB FILNER, by STEVE BUYER, but I would be remiss if I didn't brag on and thank the wonderful staff that we have on our Armed Services Committee and also in the Veterans' Affairs Committee. They have worked long and very efficiently, and the product before us is a work of art by the members of our staff, and I certainly thank them for their tremendous professionalism.

Mr. ELLSWORTH. Mr. Chairman, I rise in strong support of H.R. 1538, the Wounded Warrior Assistance Act of 2007.

Throughout our history, we have asked generations of Americans to protect the freedoms we enjoy. As the newest generation of brave Americans steps forward to answer the call at great personal sacrifice, we must honor them with a renewed commitment to providing the medical care they deserve.

The brave men and women of our armed forces proudly serve this great nation by putting their lives on the line in missions that take them far away from their homes and families. We must never forget the debt owed to our soldiers when they return home from the battlefield.

This bill addresses some of the patient care problems at Walter Reed Medical Center recently brought to light in news accounts and Congressional hearings. It requires every wounded service-member to be assigned a case manager to review and supervise the soldier's medical care.

The problems experienced at Building 18 should not overshadow the otherwise exceptional care the doctors and nurses at hospitals and clinics throughout the country provide our men and women in uniform. This will requires us to provide those doctors and nurses with reinforcements to ensure none of our wounded soldiers are left behind again.

Our obligations to our wounded soldiers do not stop when they become wounded veterans. By streamlining the transition process from soldier to veteran, our local VA clinics and hospitals can ensure our veterans continue to receive exceptional medical care without bureaucratic interruption.

Mr. Chairman, H.R. 1538, the Wounded Warrior Assistance Act of 2007, takes necessary strides toward ensuring that all of our wounded soldiers receive the best possible medical care. I am proud to support this bill and will continue to stand up for our service members in the future.

Mr. ETHERIDGE. Mr. Chairman, I rise in support of H.R. 1538, Wounded Warrior Assistance Act of 2007, and I urge my colleagues to join me in voting in favor of it.

I support H.R. 1538 because I believe our men and women in uniform who have served our country deserve the best possible care when they return home. The conditions that were recently uncovered at Walter Reed Army Medical Center were disturbing and unacceptable. In addition, thousands of soldiers are returning from Iraq and Afghanistan, and we need to further improve the conditions of the Department of Defense and Veterans Administration health care systems in order to meet this need. As the Representative for Fort Bragg and Pope Air Force Base, and as a veteran myself, I have always made the needs of our soldiers and veteran and their families high on the priority list.

H.R. 1538 is a bipartisan bill that improves the lives of our veterans in several ways. This legislation will improve the access to quality medical care for service members who are outpatients at military health care facilities, restore efficiency to the disability evaluation system, and streamline the transition of wounded service members from the Armed Forces to the Veterans Administration. By establishing a system or patient advocates and independent medical advocates, and improving the system of case managers for wounded service members, H.R. 1538 makes sure that veterans are getting the care that they need. In addition, this bill improves training and reduces caseloads for these managers so that service members and their families can get more individual attention. Finally, H.R. 1538 establishes a national toll-free hotline so that service members and families have a mechanism for reporting problems and deficiencies in their treatment.

I urge my colleagues to join me in voting for H.R. 1538, Wounded Warrior Assistance Act of 2007, and improving the quality of care for our Nation's veterans.

Mr. BACA. Mr. Chairman, I rise today in support of H.R. 1538, the Wounded Warrior Assistance Act.

I voted against this war 5 years ago and believe we should never have gone into Iraq.

But as a veteran, I stand by our troops and am committed to supporting all of our troops—before, during and after service.

There are 32,000 wounded soldiers from the Iraq conflict alone and they need medical attention and assistance to get back on their feet.

However, our veteran healthcare system that is in shambles. Internal reports, the media, and Congressional hearings are revealing the same kind of problems across the board—chronic under-funding, neglect, improper conduct, and lack of accountability.

There will be hundreds of thousands of veterans who will need care over the next decade as they return from Iraq, Afghanistan and other fronts in the Global War on Terror.

And our military and veterans healthcare systems are not prepared. Unless we act now, the situation will fall apart.

The recent tragedies at Walter Reed Army Medical Center underscore the urgency of the issue and the hardships faced by our military families across the country.

Mr. Chairman, I recently visited our returning veterans at Walter Reed Medical Center and as I spoke to these men and women and listened to their stories, I was almost brought to tears.

They told me of doctors who weren't giving them the attention they needed. Others shared how they had to prove to the medical staff that they were really injured.

One wounded soldier and his father in particular really struck a chord in me. This young man is from my home state of California and he told me how his father completely shut down his business, packed his things, and flew 3,000 miles across the country to make sure his son got the proper support and attention.

As if this brave soldier's sacrifice wasn't enough. Now his family has to put their lives on hold to ensure that he recuperates fully from his battle wounds.

After my visit, I took a long time to think and reflect on what I had seen. And really at the end of the day, all could think was that it just wasn't fair.

This young man is one of the lucky ones. His family could afford to make that sacrifice.

But what about the countless military families who are barely making ends meet and simply can't afford to quit their jobs?

Mr. Chairman, the bottom line is the American people shouldn't have to do these things.

We're fighting all over the world to spread democracy and peace at the expense of these young men and women and their families.

And yet what kind of example are we setting for the rest of world when we don't honor those who bear the scars of battle?

Veterans and military healthcare is one of the most neglected programs in this country.

It is immoral, it is embarrassing, and it is just plain irresponsible.

We have a duty as a government to take care of each and every soldier who has been injured in the line of duty in defense of our great Nation.

H.R. 1538 takes a step in the right direction by comprehensively examining the cracks in military healthcare and fixing them.

The Wounded Warrior Assistance Act reduces the caseloads of our medical case managers so service members and their families get help when they need it.

It also creates a system of patient advocates for outpatient wounded service members so that they get the right treatment.

The bill also establishes a toll-free hot line so that service members and their families have someplace to turn to when they see neglect or improper conduct.

We're also going to look at the training all of our military healthcare employees get from top to bottom. We're going to make sure the people who are treating and working with our troops and veterans have the right tools and information to give them the best service possible.

The bill also creates an Army Wounded Warrior Battalion pilot program to track active-duty soldiers in "outpatient status" who still require medical care.

H.R. 1538 will also look at overhauling the disability evaluation process. Average disability claims take a year and appeals are taking about two years to process. We have an enormous backlog of claims within the VA system and we need to fix the problem immediately.

Finally, we're going to help our troops better transition from military healthcare systems to veterans' healthcare systems. The transition will include an official handoff between the two systems with the electronic transfer of all medical and personnel records before the member leaves active duty so that there are no gaps in coverage or service.

The American people have already paid too high a price for this war. 3,233 soldiers have died in Iraq, including 10 men from my own district.

We need this bill to ensure that we honor the sacrifices of all our troops and their families by at the very least providing quality, timely healthcare.

That's why I urge my colleagues to support H.R. 1538.

Mr. HOLT. Mr. Chairman, it's unfortunate that we even have to consider this bill. Proper care of our military wounded should be the top priority of our military medical establishment. As we know now, it was not a sufficient priority for the Secretary of the Army and several senior Army officers. Those individuals may be gone, but the problems they allowed to take root and fester must be eliminated. This bill is a good first step in that direction.

The Wounded Warrior Assistance Act seeks to correct the training, personnel, and oversight deficiencies that the Walter Reed Medical Center scandal revealed earlier this year. I want to be clear: the overwhelming majority of the men and women who work at Walter Reed are first-rate medical professionals who care deeply about the troops in their care. However, we now know that for several years, Walter Reed—and almost certainly other DoD and VA medical facilities across the country—had been strained beyond its capacity.

Ill-advised decisions—including the outsourcing of administrative and maintenance personnel—clearly contributed to the appalling living conditions experienced by some soldiers at Walter Reed. I applaud the chairman of the Armed Services Committee, Mr. SKELTON, for including a 1-year moratorium on such outsourcing pending a review of the entire practice. I have long argued that it is a myth that the private sector can invariably do a better job than the Federal government with these kinds of services. We've already seen in Iraq how corporate contracting giants like Haliburton can make hundreds of millions of dollars while providing substandard services to troops in the field. I'm grateful that my colleagues on multiple committees are looking at these issues, and I'm sure the reforms in this bill will only be the beginning of our effort to re-evaluate the use of contractors within the Federal government.

This bill also mandates a review of the status of all DoD medical facilities, which is another key step in providing the oversight needed to ensure that any other hospitals or clinics with deficient care are identified and remedial measures taken immediately. I am confident that my friend from California, Mr. FILNER, the chairman of the House Veterans Affairs Committee, is already taking the same steps. Indeed, another positive aspect of this bill is that it seeks to streamline and rationalize the transition process for veterans when they move from the DoD medical system to the VA for treatment and followup care.

This bill requires that DoD ensure the veteran's medical and related records are transferred in a timely fashion, and that veterans get pre-separation counseling so that they understand the benefits they are entitled to and how to best interact with the VA medical system. Establishing a clear-cut mechanism for ensuring that veterans transition seamlessly from one system to another will require both a congressionally mandated structure, but perhaps even more important, continuous congressional engagement. That is why I am especially pleased that this bill mandates that members of Congress be informed any time one of their wounded military constituents enters the military medical system.

Current law requires DoD to notify members of the death of military constituents. These notifications, while bearing tragic news, allow us to provide the maximum possible assistance to families who have lost a servicemember. By now ensuring that we are informed when military constituents are wounded, we will be able to work proactively with the families to ensure the needs of the wounded are met in a more timely manner, and to provide us with a roadmap for oversight actions early on.

Mr. Chairman, I thank my friend from Missouri, Mr. SKELTON, for the work that he and his committee colleagues have done to bring this measure before us today, and I urge my colleagues to join me in supporting it.

Mr. ENGEL. Mr. Chairman, I rise today in support of H.R. 1538, the Wounded Warrior Assistance Act of 2007. This bill will provide long overdue assistance to our wounded veterans.

I know every Member of this body has read some of the horrific stories that have come out of veterans' facilities such as Walter Reed, which is just a few miles from where we stand. Stories such as mold in the rooms, holes in the ceiling, and insect and rodent infestation became commonplace at what should be our preeminent Army healthcare facility.

We owe our war veterans the very best care that our country can provide, but these problems at Walter Reed are not isolated incidents. They are indicative of an Administration that has failed soldiers and veterans at every level. The Wounded Warrior Assistance Act will help remedy the problems that have become known over the past few years.

This bill will take a number of steps to improve the quality of life for injured veterans. For starters, it will reduce the workload of case managers handling the medical care of vets. Currently, these case managers are overwhelmed with thousands of soldiers who have come back wounded from Iraq.

In addition to reducing their caseload, this bill will also require that case managers are properly trained to handle the supervision of the soldiers in their care. These injured soldiers need an advocate to help them navigate the paperwork and potential obstacles they face.

H.R. 1538 will also direct the Department of Defense to create a toll free hotline for soldiers to report problems with their medical care, or with the facilities in general. Had there been a hotline already, we might have learned about the Walter Reed problems long ago.

As has been proven with all the problems that we have seen in military medical facilities recently, there has been a general lack of oversight involving the military hospitals. This bill will fix that problem by creating an oversight board. This board would be composed of members of the House, Senate, as well as appointees of the Departments of Defense and

Veterans Affairs. This oversight is critical to prevent these terrible conditions from reoccurring.

Mr. Chairman, throughout our Nation's history, our freedom has been preserved by members of the Armed Forces. Countless soldiers throughout our history have given their lives or their health to preserve our way of life. Ensuring that they get the very best healthcare is the very least we can provide them with. How can we possibly ask a soldier to sacrifice a limb to preserve our safety, and then put them in a dirty, moldy room when they return? This is unconscionable behavior, and passing R.R. 1538 is a good way to address some of these problems.

I strongly support the Wounded Warrior Assistance Act, and I urge my colleagues to offer their support as well.

Ms. JACKSON-LEE of Texas. Mr. Chairman, I rise in strong support of H.R. 1538, the "Wounded Warrior Assistance Act of 2007." The news of the horrible living conditions at Walter Reed Army Medical Center raised our national consciousness regarding the need to do more—much more—for wounded and injured service members and to upgrade the administrative systems that support them. While the committee made improvements in the past, there is more that can and should be done. When our heroic young men and women willingly sacrifice life or limb on the battlefield, the nation has a moral obligation to ensure that they are treated with respect and dignity.

According to Webster's, dignity is "the quality or condition of being esteemed, honored or worthy." Madam Speaker, we can never do enough to honor our wounded veterans. Studies have shown that 30 percent of troops deployed to Iraq suffer from depression, anxiety, or post-traumatic stress disorder (PTSD). More than 1500 Iraq and Afghanistan veterans have sustained devastating brain injuries from improvised explosive devices (IEDs). However when wounded troops return home the treatment they receive is more befitting a second class citizen than a hero. This is a shame and a great stain on our nation.

How these problems could be overlooked or neglected by this Administration is unfathomable. The very leaders that these brave young men and women rely upon let them down. The message that incidents like Walter Reed Medical Center sends to our troops is that we do not care enough. But that is not the message we wish to send. The Wounded Warrior Assistance Act, H.R. 1538, will go a long away toward correcting this misapprehension.

On February 26, 2007, I had the opportunity to visit some of our wounded heroes at the Michael E. DeBakery VA Hospital in Houston, Texas. I promised those brave young men and women that "those of us in Washington would do everything we could to ensure that the health and well being of our veterans was a top priority."

Likewise, I was overwhelmed with sadness and anger after my visit to Walter Reed Hospital in May of last year. Walter Reed points to more general problems in the DOD and VA health care systems. The exposure of Walter Reed has led to the reviews of other DOD and VA health care facilities—reviews that have found that Walter Reed is not an isolated case. The Washington Post reported recently that a recent review by the Department of Veterans Affairs of 1,400 hospitals and other veterans' care facilities "turned up more than 1,000 reports of substandard conditions—from leaky roofs and peeling paint to bug and bat infestations—as well as a smaller number of potential threats to patient safety, such as suicide risks in psychiatric wards."

H.R. 1538 addresses the failures of an administration that was eager to go to war, yet took for granted its most valuable resource our troops. This bipartisan bill responds to the problems brought to light at the Walter Reed Army Medical Center and other military health care facilities by including provisions to: (1) improve the access to quality medical care for wounded service members who are outpatients at military health care facilities; (2) begin the process of restoring the integrity and efficiency of the disability evaluation system and taking other steps to cut bureaucratic red tape; and (3) improve the transition of wounded service members from the Armed Forces to the VA system.

Specifically, H.R. 1538 provides improvements to medical and dental care for members of the armed forces assigned to hospitals in an outpatient status. It establishes a toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.

The legislation requires congressional notification of hospitalization of combat wounded service members and creates an independent medical advocate for service members appearing before medical evaluation boards. The bill also provides for training and reduced caseloads for physical evaluation board liaison officers. It also requires the establishment of a standardized training program and curriculum for department of defense disability evaluation system.

Our wounded warriors will also benefit from improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members provided for in the bill, as they will from establishment of a medical support fund for support of members of the armed forces returning to military service or civilian life.

I am especially pleased that the bill requires the establishment of an oversight board for wounded warriors and the submission of an annual report to Congress evaluating military medical facilities and the DOD and VA disability evaluation systems. Finally, the bill imposes a moratorium on the outsourcing of mission critical health care jobs at Walter Reed Medical Center and other medical facilities.

Mr. Chairman, every morning when I arrive at my office, I am reminded of how fortunate I am. Outside of my office there is a posterboard with the names and faces of those heroes from Houston, Texas who have lost their lives wearing the uniform of our country. I think to myself how lucky I am to live in a nation where so many brave young men and women volunteer to the ultimate sacrifice so that their countrymen can enjoy the blessings of liberty. Now is the time to remind our heroes they have not been forgotten. More importantly, America has not forgotten them. As I have said in the past: "Just as our soldiers do not leave their comrades on the battle fields, America can not leave the injured to languish on their own with no comfort and support from a grateful nation. The problems in Iraq and Afghanistan are taking us away from focusing on the care for our wounded Veterans and their family and that must stop."

Substandard living conditions, inattentive care, and bureaucratic red tape are completely unacceptable. We must correct everything that is wrong with the current system of health care for wounded veterans and make it right. Most important, a situation like Walter Reed must never be allowed to happen again. One reason we are the greatest nation in the world is because of the brave young men and women fighting for us in Iraq and Afghanistan. They deserve honor, they deserve dignity, and they deserve our absolute best. Let them know you care. Let us honor our wounded warriors. Let us pass H.R. 1538.

Mr. LARSON of Connecticut. Mr. Chairman, today I rise in strong support of H.R. 1538, the Wounded Warrior Assistance Act, which would be the first step in addressing poor patient care and problems experienced in navigating the military's medical bureaucracy.

In February 2007, the media uncovered the grotesque living conditions, inattentive care, and bureaucratic hassles experienced by some of the wounded soldiers staying at Walter Reed Army Medical Center. However, the situation at Walter Reed is not an isolated case, but a systemic problem that plagues the veteran health care system. A recent review by the Department of Veterans Affairs (VA) of 1,400 hospitals and other veterans' care facilities found "more than 1,000 reports of substandard conditions—from leaky roofs and peeling paint to bug and bat infestations." In Connecticut, approximately 2,500 veterans are waiting for benefits. The military health care system is understaffed and drowning in a backlog of cases and unable to provide our veterans with the benefits and resources they sacrificed a great deal to earn.

The Wounded Warrior Assistance Act would restore the process of integrity and efficiency in our nation's military health care system. This bill would create a new system of case managers, advocates, and counselors for wounded service members returning from combat overseas to help them get the care they need and to help navigate the military's health care bureaucracy. The legislation would also require the establishment of a toll-free hotline for reporting deficiencies in facilities supporting medical patients and family members. Under H.R. 1538, the Department of Defense (DoD) and the VA would conduct a joint study on the disability evaluation systems operated by both departments in order to improve the consistency between these two systems.

I applaud the leadership of Chairman SKELTON and the honorable members of the House Armed Services Committee who crafted the legislation before us today. Congress has an obligation to be a watchdog for our veterans and ensure they receive appropriate care. These men and women have sacrificed their lives for our freedoms and they deserve the best health care and resources our country can provide.

Mr. REYES. Mr. Chairman, I rise today to express my strong support for the Wounded Warrior Assistance Act. While I am pleased that we are taking swift action on this important bill, I am woefully disappointed by the circumstances that brought us here.

It seems that the efforts to meet the medical treatment needs of our soldiers, sailors, airmen, and marines were as poorly planned and executed by this administration as the military operations.

There is no doubt that our troops are getting outstanding military care from the time that they are wounded until they leave inpatient care.

But it is the aftermath where we are failing our Nation's heroes. Things such as:

Obtaining treatment for conditions like PTSD that develop after a soldier has left the combat zone.

Coordination of medical care for soldiers who have left the military hospital but still require rehabilitation and outpatient treatment.

A smooth transition from the military to the Veterans Administration health care system.

The bill under consideration today makes critical and desperately needed improvements in our current military and veterans health care systems.

It responds to the need to better coordinate care so that our wounded warriors never fall through the cracks, by improving the training of case managers and limiting their workload to a manageable number of soldiers; by creating a new patient advocate program so that each injured service member has a government employee fighting for his or her needs; and by establishing a toll-free number where families can report deficiencies and receive quick action to resolve problems.

The bill would also address the transition of troops from military medical treatment to civilian life and the Veterans Administration health care system by beginning to reform the disability evaluation system; by appointing independent medical professionals to support wounded service members during the medical evaluation board process; and by formalizing the process of transitioning military patients and all of their medical records to the Veterans Administration.

The bill would also improve training for the medical professionals and counselors who work with service members and their families and would create new Wounded Warrior Battalions at all Army medical centers modeled on the Marine Corps's highly successful program.

The bill also includes a provision that I sponsored during consideration of the measure by the House Armed Services Committee. My amendment, as included in bill, addresses the challenges facing the Army in providing needed facilities by directing the Secretary of the Army to report back to Congress on infrastructure requirements for supporting wounded warriors at Army medical facilities and installations.

My amendment arose from what I observed at Fort Bliss, in my district of El Paso, Texas, and my visits to other military medical facilities throughout the world.

At Fort Bliss, our garrison commander, our medical facility commander, and our military hold unit commander have worked tirelessly to meet the most immediate needs of the over 250 soldiers on medical hold there, but it is clear that we need a more concentrated effort by the Army to identify and fund needed upgrades to facilities for wounded warriors.

From adequate numbers of family housing units and barracks rooms that meet accessability standards to sidewalks, our Army posts simply don't have the facilities they need to meet the needs of soldiers recovering from disabling injuries.

But the area where I have seen the greatest need is accessability to military hospitals. At Fort Bliss and Army posts around the Nation, just getting in the door is a struggle for wounded soldiers as they face Army Medical Centers where the support facilities simply aren't adequate.

At Fort Bliss soldiers seeking treatment at the hospital often find the parking lot completely full, and when they do find a parking space, it's likely in a remote spot which may or may not be served by a volunteer-staffed shuttle. And to make matters worse, more often than not, those shuttles are broken.

There is no doubt that our Nation wants to do all that we can to help those who are injured in their military service, and there are thousands of dedicated professionals working hard to give them the medical care that they deserve. But it is clear that we have to do more. We need to provide all the resources that are required, and we must remove legislative and administrative barriers that are keeping our wounded warriors from getting the best possible care. Our military forces make invaluable sacrifices in defense of our Nation, and we owe them nothing less.

Mr. EVERETT. Mr. Chairman, I rise today to express my support for the Wounded Warriors Assistance Act. As a member of the Armed Services Committee and a veteran myself, this is an issue that I find of the utmost importance.

Following the public exposure of the problems at Walter Reed Hospital, it has become clear that changes are needed in order to provide our soldiers the level of healthcare they deserve.

With a growing number of servicemembers in need of medical attention, it is imperative that there is an adequate amount of staff at our military hospitals. By enforcing a minimum ratio of caretakers to servicemembers, this legislation will ensure that every soldier gets the personal attention that they need. In addition, service members will be assigned medical care case managers that would help them and their families deal with the administrative process involved with their care. This type of personalized care and assistance will help our wounded warriors with their recovery, and make an easier transition back into the field or civilian life.

Having spent years on the House Armed Services Committee and the Committee on Veterans' Affairs, I have seen first hand the need for improved lines of communication between the Department of Defense and the Department of Veterans Affairs. Under the current system, there is no designated process by which military personnel become veterans; or for their medical and service records to move from one department to the other. This measure will streamline the transfer process by transmitting members' dismissal forms electronically to the correct agencies.'

Another great concern of mine comes from the inconsistencies between the two departments' disability ratings systems. When given a different rating of disability as a member of the military than as a civilian, disparities are bound to arise in what benefits can be expected. Creating a single, standardized rating system will help ensure that both our military personnel and our veterans receive the best care that our government can provide.

In conclusion, I would like to thank all of my colleagues on the Armed Services Committee for their hard work on this legislation; and I strongly urge an "aye" vote for this important bill.

Ms. LORETTA SANCHEZ of California. Mr. Chairman, I rise today in support of H.R. 1538—the Wounded Warrior Assistance Act of 2007.

At the beginning of this month, when I was in Iraq, I spoke with soldiers who had just learned that their tours had been extended.

They said to me, "Please, can you help us get us out of here." These troop extensions are really having an impact on the morale of our military men and women.

To add to that, soldiers see what has been going on at Walter Reed and they wonder whether they will be able to get the care they need.

The President has sent our troops into harm's way, extended their tours to support his surge, and has allowed these unforgivable lapses in the care of our wounded warriors under his watch.

When our men and women sign up for military service, recruiters assure them that the military will take care of them. The failure at Walter Reed calls the commitment given by our military recruiters into question.

The bill before us today will go a long way in making sure that the troops get the care they need and deserve.

I would like to thank my chairman, Mr. SKELTON, and all my colleagues for their work in developing this important legislation.

I supported this legislation when it came before the Armed Services Committee on which I sit, and I am proud to support it today.

Ms. HIRONO. Mr. Chairman, I rise to speak in support of H.R. 1538, the Wounded Warrior Assistance Act, which will help correct the unconscionable deficiencies exposed by the Washington Post at the Walter Reed Army Medical Center. H.R. 1538 will improve the delivery of medical services to our wounded warriors who have done all that we have asked of them. We now must honor our commitment to them to care for them when they are injured.

H.R. 1538 provides the basic services we would have expected for our wounded service personnel such as readily available case managers and advocates to assist incapacitated patients receive appropriate care, improved training of health care professionals and better monitoring of out-patients to ease the transition to the VA medical care system. The Walter Reed experience showed that we cannot rely on the current system to provide these basic services and care.

I am particularly pleased with the attention we will finally pay to the mental injuries, such as Post Traumatic Stress Disorder, that can be as crippling and incapacitating to our soldiers and veterans as physical injuries.

When I spoke on House Concurrent Resolution 63 opposing the President's surge, I mentioned CPT Lisa Blackman, a clinical psychologist, who cared for soldiers who suffered devastating emotional and mental harm inflicted while serving in Iraq and chronicled their troubling and heart-breaking torment in the book, Operation Homecoming.

These brave troops, who suffered severe physical as well as mental injuries, shamefully did not receive proper treatment after faithfully serving their country. H.R. 1538 properly recognizes the sacrifices our troops have made and provides the long overdue care and medical services our troops should properly expect and deserve from their government.

Ms. WATERS. Mr. Chairman, I rise in strong support of H.R. 1538, the Wounded Warrior Assistance Act.

The revamped case management system, the toll-free complaint hotline, and record transfer process from the Defense Department to the Veterans Administration will provide timely and serious response to the medical needs of our veterans.

Through repeated tours of duty, our troops have been made more vulnerable to injury and serious health complications. The U.S. Veteran healthcare system desperately needs the improvements that this bill provides in order to accommodate the soldiers who will be returning from these multiple tours.

In the 35th Congressional District, I have assigned staff specifically to the task of fielding the many calls of veterans who need assistance. Out of all veteran calls that we receive in our District office, the number one reason is to help them get a live response and to navigate through the bureaucracy to obtain the medical benefits that they earned serving our country. Therefore, in Los Angeles, we have living proof that our system is broken and in need of the fixes that this legislation offers.

Congress has appropriated more than enough funds to give our veterans decent medical care when they come home.

I commend Mr. SKELTON for his leadership on these issues and support H.R. 1538. I ask my colleagues to pass this legislation.

Mrs. WILSON of New Mexico. Mr. Chairman, I rise today in strong support of the Wounded Warrior Assistance Act, H.R. 1538.

This legislation will enhance the way the Department of Defense provides medical care for wounded warriors. Furthermore, the legislation will improve the transition of soldiers from the Department of Defense health care system to the Department of Veterans Affairs. An evaluation of care that our wounded men and women are receiving is requested in the legislation. I strongly support these provisions.

The Wounded Warriors Assistance Act will help address and eliminate the red tape that veterans and soldiers get tangled in.

My home district in Albuquerque is home to one of the premier VA hospitals in the country. They provide excellent care and support to our veterans. This legislation will improve the transition that New Mexico Service Members may face when leaving the Department of Defense medical system and returning to New Mexico to receive care at Albuquerque VA hospital. Specifically, the improvements will include a written transition plan specifying the schedule of milestones for transition of the member from the military service before the date of separation or retirement and set up a formal process for transmittal of records and other information to the Department of Veterans Affairs on or before the date of separation or retirement during a formal meeting. Furthermore, the legislation would require the Department of Defense and the Department of Veterans Affairs to establish a single medical information system, which will be a significant improvement for our service members.

I look forward to the findings of the many reports requested in the legislation. It will allow us as a body to evaluate these findings and implement improvements and initiatives that will continue to support our brave men and women. I am grateful to all who serve their nation and we as a Congress have a responsibility to ensure they receive the best possible care. In this war on terrorism, the greatest burdens have fallen on the shoulders of a relatively small number of Americans who have volunteered to take great risks on our behalf. Events over the last few years have made a new generation of Americans realize just how precious our freedoms really are. We owe our freedom fighters—past, present, and future—a debt of gratitude for their selflessness and sacrifice. I will continue to fight to ensure that our veterans get the benefits they were promised, the health care they deserve, and the recognition that our nation owes them.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. All time for general debate has expired.

Pursuant to the rule, the amendment in the nature of a substitute printed in the bill shall be considered as an original bill for the purpose of amendment under the 5-minute rule and shall be considered read.

The text of the amendment in the nature of a substitute is as follows:

H.R. 1538

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Wounded Warrior Assistance Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—WOUNDED WARRIOR ASSISTANCE

Sec. 101. Improvements to medical and dental care for members of the Armed Forces assigned to hospitals in an outpatient status.
Sec. 102. Establishment of toll-free hot line for reporting deficiencies in medical-related support facilities and expedited response to reports of deficiencies.
Sec. 103. Notification to Congress of hospitalization of combat wounded service members.
Sec. 104. Independent medical advocate for members before medical evaluation boards.
Sec. 105. Training and workload for physical evaluation board liaison officers.
Sec. 106. Standardized training program and curriculum for Department of Defense disability evaluation system.
Sec. 107. Improved training for health care professionals, medical care case managers, and service member advocates on particular conditions of recovering service members.
Sec. 108. Pilot program to establish an Army Wounded Warrior Battalion at an appropriate active duty base.
Sec. 109. Criteria for removal of member from temporary disability retired list.
Sec. 110. Improved transition of members of the Armed Forces to Department of Veterans Affairs upon retirement or separation.
Sec. 111. Establishment of Medical Support Fund for support of members of the Armed Forces returning to military service or civilian life.
Sec. 112. Oversight Board for Wounded Warriors.

TITLE II—STUDIES AND REPORTS

Sec. 201. Annual report on military medical facilities.
Sec. 202. Access of recovering service members to adequate outpatient residential facilities.
Sec. 203. Evaluation and report on Department of Defense and Department of Veterans Affairs disability evaluation systems.
Sec. 204. Study and report on support services for families of recovering service members.
Sec. 205. Report on traumatic brain injury classifications.
Sec. 206. Evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer Program.

TITLE III—GENERAL PROVISIONS

Sec. 301. Moratorium on conversion to contractor performance of Department of Defense functions at military medical facilities.
Sec. 302. Prohibition on transfer of resources from medical care.
Sec. 303. Increase in physicians at hospitals of the Department of Veterans Affairs.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL DEFENSE COMMITTEES.—The term "congressional defense committees" has the meaning given that term in section 101(a)(16) of title 10, United States Code.

(2) DISABILITY EVALUATION SYSTEM.—The term "disability evaluation system" means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.

(3) FAMILY MEMBER.—The term "family member", with respect to a recovering service member, has the meaning given that term in section 411h(b) of title 37, United States Code.

(4) RECOVERING SERVICE MEMBER.—The term "recovering service member" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

TITLE I—WOUNDED WARRIOR ASSISTANCE

SEC. 101. IMPROVEMENTS TO MEDICAL AND DENTAL CARE FOR MEMBERS OF THE ARMED FORCES ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.

(a) MEDICAL AND DENTAL CARE OF MEMBERS ASSIGNED TO HOSPITALS IN AN OUTPATIENT STATUS.—

(1) IN GENERAL.—Chapter 55 of title 10, United States Code, is amended by inserting after section 1074k the following new section:

"§1074l. Management of medical and dental care: members assigned to receive care in an outpatient status

"(a) MEDICAL CARE CASE MANAGERS.—(1) A member in an outpatient status at a military medical treatment facility shall be assigned a medical care case manager.

"(2)(A) The duties of the medical care case manager shall include the following with respect to the member (or the member's immediate family if the member is incapable of making judgments about personal medical care):

"(i) To assist in understanding the member's medical status.

"(ii) To assist in receiving prescribed medical care.

"(iii) To conduct a review, at least once a week, of the member's medical status.

"(B) The weekly medical status review described in subparagraph (A)(iii) shall be conducted in person with the member. If such a review is not practicable, the medical care case manager shall provide a written statement to the case manager's supervisor indicating why an in-person medical status review was not possible.

"(3)(A) Except as provided in subparagraph (B), each medical care case manager shall be assigned to manage not more than 17 members in an outpatient status.

"(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

"(4)(A) The medical care case manager office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code.

"(B) For purposes of subparagraph (A), an appropriate military occupation specialty, designator, or specialty code includes membership in the Army Medical Corps, Army Medical Service Corps, Army Nurse Corps, Navy Medical Corps, Navy Medical Service Corps, Navy Nurse Corps, or Air Force Medical Service.

"(5) The Secretary of Defense shall establish a standard training program and curriculum for medical care case managers. Successful completion of the training program is required before a person may assume the duties of a medical care case manager.

"(b) SERVICE MEMBER ADVOCATE.—(1) A member in an outpatient status shall be assigned a service member advocate.

"(2) The duties of the service member advocate shall include—

"(A) communicating with the member and with the member's family or other individuals designated by the member;

"(B) assisting with oversight of the member's welfare and quality of life; and

"(C) assisting the member in resolving problems involving financial, administrative, personnel, transitional, and other matters.

"(3)(A) Except as provided in subparagraph (B), each service member advocate shall be assigned to not more than 30 members in an outpatient status.

"(B) The Secretary concerned may waive for up to 120 days the requirement of subparagraph (A) if required due to unforeseen circumstances.

"(4) The service member advocate office at each facility shall be headed by a commissioned officer of appropriate rank and appropriate military occupation specialty, designator, or specialty code in order to handle service-specific personnel and financial issues.

"(5) The Secretary of Defense shall establish a standard training program and curriculum for service member advocates. Successful completion of the training program is required before a person may assume the duties of a service member advocate.

"(6) A service member advocate shall continue to perform the duties described in paragraph (2) with respect to a member until the member is returned to duty or separated or retired from the armed forces.

"(c) SEMIANNUAL SURVEYS BY SECRETARIES CONCERNED.—The Secretary concerned shall conduct a semiannual survey of members in an outpatient status at installations under the Secretary's supervision. The survey shall include, at a minimum, the members' assessment of the quality of medical care at the facility, the timeliness of medical care at the facility, the adequacy of living facilities and other quality of life programs, the adequacy of case management support, and the fairness and timeliness of the physical disability evaluation system. The survey shall be conducted in coordination with installation medical commanders and authorities, and shall be coordinated with such commanders and authorities before submission to the Secretary.

"(d) DEFINITIONS.—In this section:

"(1) The term 'member in an outpatient status' means a member of the armed forces assigned to a military medical treatment facility as an outpatient or to a unit established for the purpose of providing command and control of members receiving medical care as outpatients.

"(2) The term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1074l. Management of medical and dental care: members assigned to receive care in an outpatient status.".

(b) EFFECTIVE DATE.—Section 1074l of title 10, United States Code, as added by subsection (a), shall take effect 180 days after the date of the enactment of this Act.

SEC. 102. ESTABLISHMENT OF TOLL-FREE HOT LINE FOR REPORTING DEFICIENCIES IN MEDICAL-RELATED SUPPORT FACILITIES AND EXPEDITED RESPONSE TO REPORTS OF DEFICIENCIES.

(a) ESTABLISHMENT.—Chapter 80 of title 10, United States Code, is amended by adding at the end the following new section:

"§1567. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities

"(a) TOLL-FREE HOT LINE.—The Secretary of Defense shall establish and maintain a toll-free telephone number (commonly referred to as a 'hot line') at which personnel are accessible at all times to collect, maintain, and update information regarding possible deficiencies in the adequacy, quality, and state of repair of medical-related support facilities. The Secretary shall widely disseminate information regarding the existence and availability of the toll-free telephone number to members of the armed forces and their dependents.

"(b) INVESTIGATION AND RESPONSE PLAN.—Not later than 96 hours after a report of deficiencies in the adequacy, quality, or state of repair of a medical-related support facility is received by way of the toll-free telephone number or other source, the Secretary of Defense shall ensure that—

"(1) the deficiencies referred to in the report are investigated; and

"(2) if substantiated, a plan of action for remediation of the deficiencies is developed and implemented.

"(c) RELOCATION.—If the Secretary of Defense determines, on the basis of the investigation conducted in response to a report of deficiencies at a medical-related support facility, that conditions at the facility violate health and safety standards, the Secretary shall relocate the occupants of the facility while the violations are corrected.

"(d) MEDICAL-RELATED SUPPORT FACILITY DEFINED.—In this section, the term 'medical-related support facility' means any facility of the Department of Defense that provides support to any of the following:

"(1) Members of the armed forces admitted for treatment to a military medical treatment facility.

"(2) Members of the armed forces assigned to a military medical treatment facility as an outpatient.

"(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1567. Identification and investigation of deficiencies in adequacy, quality, and state of repair of medical-related support facilities.".

(c) EFFECTIVE DATE.—The toll-free telephone number required to be established by section 1567 of title 10, United States Code, as added by subsection (a), shall be fully operational not later than 180 days after the date of the enactment of this Act.

SEC. 103. NOTIFICATION TO CONGRESS OF HOSPITALIZATION OF COMBAT WOUNDED SERVICE MEMBERS.

(a) NOTIFICATION REQUIRED.—Chapter 55 of title 10, United States Code, is further amended by inserting after section 1074l the following new section:

"§1074m. Notification to Congress of hospitalization of combat wounded members

"(a) NOTIFICATION REQUIRED.—The Secretary concerned shall provide notification of the hospitalization of any member of the armed forces evacuated from a theater of combat to the appropriate Members of Congress.

"(b) APPROPRIATE MEMBERS.—In this section, the term 'appropriate Members of Congress', with respect to the member of the armed forces about whom notification is being made, means the Senators and the Members of the House of Representatives representing the States or districts, respectively, that include the member's home of record and, if different, the residence of the next of kin, or a different location as provided by the member.

"(c) CONSENT OF MEMBER REQUIRED.—The notification under subsection (a) may be provided only with the consent of the member of the armed forces about whom notification is to be made. In the case of a member who is unable to provide consent, information and consent may be provided by next of kin.".

(b) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"1074m. Notification to Congress of hospitalization of combat wounded members.".

SEC. 104. INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.

(a) ASSIGNMENT OF INDEPENDENT MEDICAL ADVOCATE.—Section 1222 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(d) INDEPENDENT MEDICAL ADVOCATE FOR MEMBERS BEFORE MEDICAL EVALUATION BOARDS.—(1) The Secretary of each military department shall ensure, in the case of any member of the armed forces being considered by a medical evaluation board under that Secretary's supervision, that the member has access to a physician or other appropriate health care professional who is independent of the medical evaluation board.

"(2) The physician or other health care professional assigned to a member shall—

"(A) serve as an advocate for the best interests of the member; and

"(B) provide the member with advice and counsel regarding the medical condition of the member and the findings and recommendations of the medical evaluation board.".

(b) CLERICAL AMENDMENTS.—

(1) SECTION HEADING.—The heading of such section is amended to read as follows:

"§ 1222. Physical evaluation boards and medical evaluation boards".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 61 of such title is amended by striking the item relating to section 1222 and inserting the following new item:

"1222. Physical evaluation boards and medical evaluation boards.".

(c) EFFECTIVE DATE.—Subsection (d) of section 1222 of title 10, United States Code, as added by subsection (a), shall apply with respect to medical evaluation boards convened after the end of the 180-day period beginning on the date of the enactment of this Act.

SEC. 105. TRAINING AND WORKLOAD FOR PHYSICAL EVALUATION BOARD LIAISON OFFICERS.

(a) REQUIREMENTS.—Section 1222(b) of title 10, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "establishing—" and all that follows through "a requirement" and inserting "establishing a requirement"; and

(B) by striking "that Secretary; and" and all that follows through the end of subparagraph (B) and inserting "that Secretary. A physical evaluation board liaison officer may not be assigned more than 20 members at any one time, except that the Secretary concerned may authorize the assignment of additional members, for not more than 120 days, if required due to unforeseen circumstances.";

(2) in paragraph (2), by inserting after "(2)" the following new sentences: "The Secretary of Defense shall establish a standardized training program and curriculum for physical evaluation board liaison officers. Successful completion of the training program is required before a person may assume the duties of a physical evaluation board liaison officer."; and

(3) by adding at the end the following new paragraph:

"(3) In this subsection, the term 'physical evaluation board liaison officer' includes any person designated as, or assigned the duties of, an assistant to a physical evaluation board liaison officer.".

(b) EFFECTIVE DATE.—The limitation on the maximum number of members of the Armed Forces who may be assigned to a physical evaluation board liaison officer shall take effect 180 days after the date of the enactment of this Act. The training program and curriculum for physical evaluation board liaison officers shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 106. STANDARDIZED TRAINING PROGRAM AND CURRICULUM FOR DEPARTMENT OF DEFENSE DISABILITY EVALUATION SYSTEM.

(a) TRAINING PROGRAM REQUIRED.—Section 1216 of title 10, United States Code, is amended by adding at the end the following new subsection:

"(e)(1) The Secretary of Defense shall establish a standardized training program and curriculum for persons described in paragraph (2) who are involved in the disability evaluation system. The training under the program shall be provided as soon as practicable in coordination with other training associated with the responsibilities of the person.

"(2) Persons covered by paragraph (1) include—

"(A) Commanders.

"(B) Enlisted members who perform supervisory functions.

"(C) Health care professionals.

"(D) Others persons with administrative, professional, or technical responsibilities in the disability evaluation system.

"(3) In this subsection, the term 'disability evaluation system' means the Department of Defense system or process for evaluating the nature of and extent of disabilities affecting members of the armed forces (other than the Coast Guard) and comprised of medical evaluation boards, physical evaluation boards, counseling of members, and final disposition by appropriate personnel authorities, as operated by the Secretaries of the military departments, and, in the case of the Coast Guard, a similar system or process operated by the Secretary of Homeland Security.".

(b) EFFECTIVE DATE.—The standardized training program and curriculum required by subsection (e) of section 1216 of title 10, United States Code, as added by subsection (a), shall be established not later than 180 days after the date of the enactment of this Act.

SEC. 107. IMPROVED TRAINING FOR HEALTH CARE PROFESSIONALS, MEDICAL CARE CASE MANAGERS, AND SERVICE MEMBER ADVOCATES ON PARTICULAR CONDITIONS OF RECOVERING SERVICE MEMBERS.

(a) RECOMMENDATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the appropriate congressional committees a report setting forth recommendations for the modification of the training provided to health care professionals, medical care case managers, and service member advocates who provide care for or assistance to recovering service members. The recommendations shall include, at a minimum, specific recommendations to ensure that such health care professionals, medical care case managers, and service member advocates are able to detect early warning signs of post-traumatic stress disorder (PTSD), suicidal tendencies, and other mental health conditions among recovering service members, and make prompt notification to the appropriate health care professionals.

(b) ANNUAL REVIEW OF TRAINING.—Not later than 180 days after the date of the enactment of this Act and annually thereafter throughout the global war on terror, the Secretary shall submit to the appropriate congressional committees a report on the following:

(1) The progress made in providing the training recommended under subsection (a).

(2) The quality of training provided to health care professionals, medical care case managers, and service member advocates, and the number of such professionals, managers, and advocates trained.

(c) TRACKING SYSTEM.—The Secretary shall develop a system to track the number of notifications made by medical care case managers and service member advocates to health care professionals regarding early warning signs of post-traumatic stress disorder and suicide in recovering service members assigned to the managers and advocates.

SEC. 108. PILOT PROGRAM TO ESTABLISH AN ARMY WOUNDED WARRIOR BATTALION AT AN APPROPRIATE ACTIVE DUTY BASE.

(a) PILOT PROGRAM REQUIRED.—

(1) ESTABLISHMENT.—The Secretary of the Army shall establish a pilot program, at an appropriate active duty base with a major medical facility, based on the Wounded Warrior Regiment program of the Marine Corps. The pilot program shall be known as the Army Wounded Warrior Battalion.

(2) PURPOSE.—Under the pilot program, the Battalion shall track and assist members of the Armed Forces in an outpatient status who are still in need of medical treatment through—

(A) the course of their treatment;

(B) medical and physical evaluation boards;

(C) transition back to their parent units; and

(D) medical retirement and subsequent transition into the Department of Veterans Affairs medical system.

(3) ORGANIZATION.—The commanding officer of the Battalion shall be selected by the Army Chief of Staff and shall be a post-command, at O–5 or O–5 select, with combat experience in Operation Iraqi Freedom or Operation Enduring Freedom. The chain-of-command shall be filled by previously wounded junior officers and noncommissioned officers when available and appropriate.

(4) FACILITIES.—The base selected for the pilot program shall provide adequate physical infrastructure to house the Army Wounded Warrior Battalion. Any funds necessary for construction or renovation of existing facilities shall be allocated from the Department of Defense Medical Support Fund established under this Act.

(5) COORDINATION.—The Secretary of the Army shall consult with appropriate Marine Corps counterparts to ensure coordination of best practices and lessons learned.

(6) PERIOD OF PILOT PROGRAM.—The pilot program shall be in effect for a period of one year.

(b) REPORTING REQUIREMENT.—Not later than 90 days after the end of the one-year period for the pilot project, the Secretary of the Army shall submit to Congress a report containing—

(1) an evaluation of the results of the pilot project;

(2) an assessment of the Army's ability to establish Wounded Warrior Battalions at other major Army bases.

(3) recommendations regarding—

(A) the adaptability of the Wounded Warrior Battalion concept for the Army's larger wounded population; and

(B) closer coordination and sharing of resources with counterpart programs of the Marine Corps.

(c) EFFECTIVE DATE.—The pilot program required by this section shall be implemented not later than 180 days after the date of the enactment of this Act.

SEC. 109. CRITERIA FOR REMOVAL OF MEMBER FROM TEMPORARY DISABILITY RETIRED LIST.

(a) CRITERIA.—Section 1210(e) of title 10, United States Code, is amended by inserting "of a permanent nature and stable and is" after "physical disability is".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to any case received for consideration by a physical evaluation board after the date of the enactment of this Act.

SEC. 110. IMPROVED TRANSITION OF MEMBERS OF THE ARMED FORCES TO DEPARTMENT OF VETERANS AFFAIRS UPON RETIREMENT OR SEPARATION.

(a) TRANSITION OF MEMBERS SEPARATED OR RETIRED.—

(1) TRANSITION PROCESS.—Chapter 58 of title 10, United States Code, is amended by inserting after section 1142 the following new section:

"§1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs

"(a) TRANSITION PLAN.—(1) The Secretary of Defense shall ensure that each member of the armed forces who is being separated or retired under chapter 61 of this title receives a written transition plan that—

"(A) specifies the recommended schedule and milestones for the transition of the member from military service; and

"(B) provides for a coordinated transition of the member from the Department of Defense disability system to the Department of Veterans Affairs.

"(2) A member being separated or retired under chapter 61 of this title shall receive the transition plan before the separation or retirement date of the member.

"(3) The transition plan for a member under this subsection shall include information and guidance designed to assist the member in understanding and meeting the schedule and milestones for the member's transition.

"(b) FORMAL TRANSITION PROCESS.—(1) The Secretary of Defense, in cooperation with the Secretary of Veterans Affairs, shall establish a formal process for the transmittal to the Secretary of Veterans Affairs of the records and other information described in paragraph (2) as part of the separation or retirement of a member of the armed forces under chapter 61 of this title.

"(2) The records and other information to be transmitted under paragraph (1) with respect to a member shall include, at a minimum, the following:

"(A) The member's address and contact information.

"(B) The member's DD–214 discharge form, which shall be transmitted electronically.

"(C) A copy of the member's service record, including medical records and any results of a Physical Evaluation Board.

"(D) Whether the member is entitled to transitional health care, a conversion health policy, or other health benefits through the Department of Defense under section 1145 of this title.

"(E) Any requests by the member for assistance in enrolling in, or completed applications for enrollment in, the health care system of the Department of Veterans Affairs for health care benefits for which the member may be eligible under laws administered by the Secretary of Veterans Affairs.

"(F) Any requests by the member for assistance in applying for, or completed applications for, compensation and vocational rehabilitation benefits to which the member may be entitled under laws administered by the Secretary of Veterans Affairs, if the member is being medically separated or is being retired under chapter 61 of this title.

"(3) The transmittal of information under paragraph (1) may be subject to the consent of the member, as required by statute.

"(4) With the consent of the member, the member's address and contact information shall also be submitted to the department or agency for veterans affairs of the State in which the member intends to reside after the separation or retirement of the member.

"(c) MEETING.—(1) The formal process required by subsection (b) for the transmittal of records and other information with respect to a member shall include a meeting between representatives of the Secretary concerned and the Secretary of Veterans Affairs, which shall take place at a location designated by the Secretaries. The member shall be informed of the meeting at least 30 days in advance of the meeting, except that the member may waive the notice requirement in order to accelerate transmission of the member's records and other information to the Department of Veterans Affairs.

"(2) A member shall be given an opportunity to submit a written statement for consideration by the Secretary of Veterans Affairs.

"(d) TIME FOR TRANSMITTAL OF RECORDS.—The Secretary concerned shall provide for the transmittal to the Department of Veterans Affairs of records and other information with respect to a member at the earliest practicable date. In no case should the transmittal occur later than the date of the separation or retirement of the member.

"(e) ARMED FORCES.—In this section, the term 'armed forces' means the Army, Navy, Air Force, and Marine Corps.".

(2) TABLE OF SECTIONS.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 1142 the following new item:

"1142a. Process for transition of members to health care and physical disability systems of Department of Veterans Affairs.".

(b) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—Section 1145 of such title is amended—

(1) by redesignating subsections (d) and (e) as subsections (e) and (f), respectively; and

(2) by inserting after subsection (c) the following new subsection:

"(d) UNIFORM SEPARATION AND EVALUATION PHYSICAL.—The joint separation and evaluation physical, as described in DD–2808 and DD–2697, shall be used by the Secretary of Defense in connection with the medical separation or retirement of all members of the armed forces, including members separated or retired under chapter 61 of this title. The Secretary of Veterans Affairs shall adopt the same separation and evaluation physical for use by the Department of Veterans Affairs.".

(c) INTEROPERABILITY OF MEDICAL INFORMATION SYSTEMS AND BI-DIRECTIONAL ACCESS.—The Secretary of Defense and the Secretary of Veterans Affairs shall establish and implement a single medical information system for the Department of Defense and the Department of Veterans Affairs for the purpose of ensuring the complete interoperability and bi-directional, real-time exchange of critical medical information.

(d) CO-LOCATION OF VA BENEFIT TEAMS.—

(1) CO-LOCATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall jointly determine the optimal locations for the deployment of Department of Veterans Affairs benefits team to support recovering service members assigned to military medical treatment facilities, medical-related support facilities, and community-based health care organizations.

(2) MILITARY MEDICAL TREATMENT FACILITY DEFINED.—In this subsection, the term "medical-related support facility" has the meaning given that term in subsection (b) of section 490 of title 10, United States Code, as added by section 201(a) of this Act.

(e) REPEAL OF SUPERSEDED CHAPTER 61 MEDICAL RECORD TRANSMITTAL REQUIREMENT.—

(1) REPEAL.—Section 1142 of such title is amended by striking subsection (c).

(2) SECTION HEADING.—The heading of such section is amended to read as follows:

"§1142. Preseparation counseling".

(3) TABLE OF SECTIONS.—The table of sections at the beginning of chapter 58 of such title is amended by striking the item relating to section 1142 and inserting the following new item:

"1142. Preseparation counseling.".

(f) EFFECTIVE DATES.—Section 1142a of title 10, United States Code, as added by subsection (a), and subsection (d) of section 1145 of such title, as added by subsection (b), shall apply with respect to members of the Armed Forces who are separated or retired from the Armed Forces on or after the first day of the eighth month beginning after the date of the enactment of this Act. The requirements of subsections (c) and (d), and the amendments made by subsection (e), shall take effect on the first day of such eighth month.

SEC. 111. ESTABLISHMENT OF MEDICAL SUPPORT FUND FOR SUPPORT OF MEMBERS OF THE ARMED FORCES RETURNING TO MILITARY SERVICE OR CIVILIAN LIFE.

(a) ESTABLISHMENT AND PURPOSE.—There is established on the books of the Treasury a fund to be known as the Department of Defense Medical Support Fund (hereinafter in this section referred to as the "Fund"), which shall be administered by the Secretary of the Treasury.

(b) PURPOSES.—The Fund shall be used—

(1) to support programs and activities relating to the medical treatment, care, rehabilitation, recovery, and support of wounded and injured members of the Armed Forces and their return to military service or transition to civilian society; and

(2) to support programs and facilities intended to support the families of wounded and injured members of the Armed Forces.

(c) ASSETS OF FUND.—There shall be deposited into the Fund any amount appropriated to the Fund, which shall constitute the assets of the Fund.

(d) TRANSFER OF FUNDS.—

(1) AUTHORITY TO TRANSFER.—The Secretary of Defense may transfer amounts in the Fund to appropriations accounts for military personnel; operation and maintenance; procurement; research, development, test, and evaluation; military construction; and the Defense Health Program. Amounts so transferred shall be merged with and available for the same purposes and for the same time period as the appropriation account to which transferred.

(2) ADDITION TO OTHER AUTHORITY.—The transfer authority provided in paragraph (1) is in addition to any other transfer authority available to the Department of Defense. Upon a determination that all or part of the amounts transferred from the Fund are not necessary for the purposes for which transferred, such amounts may be transferred back to the Fund.

(3) NOTIFICATION.—The Secretary of Defense shall, not fewer than five days before making a transfer from the Fund, notify the congressional defense committees in writing of the details of the transfer.

(e) AUTHORIZATION.—There is hereby authorized to be appropriated to the Medical Support Fund, from an emergency supplemental appropriation for fiscal year 2007 or 2008, $50,000,000, to remain available through September 30, 2008.

SEC. 112. OVERSIGHT BOARD FOR WOUNDED WARRIORS.

(a) ESTABLISHMENT.—There is hereby established a board to be known as the Oversight Board for Wounded Warriors (in this section referred to as the "Oversight Board").

(b) COMPOSITION.—The Oversight Board shall be composed of 12 members, of whom—

(1) two shall be appointed by the majority leader of the Senate;

(2) two shall be appointed by the minority leader of the Senate;

(3) two shall be appointed by the Speaker of the House of Representatives;

(4) two shall be appointed by the minority leader of the House of Representatives;

(5) two shall be appointed by the Secretary of Veterans Affairs; and

(6) two shall be appointed by the Secretary of Defense.

(c) QUALIFICATIONS.—All members of the Oversight Board shall have sufficient knowledge

of, or experience with, the military healthcare system, the disability evaluation system, or the experience of a recovering service member or family member of a recovering service member.

(d) APPOINTMENT.—

(1) TERM.—Each member of the Oversight Board shall be appointed for a term of three years. A member may be reappointed for one or more additional terms.

(2) VACANCIES.—Any vacancy in the Oversight Board shall be filled in the same manner in which the original appointment was made.

(e) DUTIES.—

(1) ADVICE AND CONSULTATION.—The Oversight Board shall provide advice and consultation to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives regarding—

(A) the process for streamlining the disability evaluation systems of the military departments;

(B) the process for correcting and improving the ratios of case managers and service member advocates to recovering service members;

(C) the need to revise Department of Defense policies to improve the experience of recovering service members while under Department of Defense care;

(D) the need to revise Department of Defense policies to improve counseling, outreach, and general services provided to family members of recovering service members;

(E) the need to revise Department of Defense policies regarding the provision of quality lodging to recovering service members; and

(F) such other matters relating to the evaluation and care of recovering service members, including evaluation under disability evaluation systems, as the Board considers appropriate.

(2) VISITS TO MILITARY MEDICAL TREATMENT FACILITIES.—In carrying out its duties, each member of the Oversight Board shall visit not less than three military medical treatment facilities each year, and the Board shall conduct each year one meeting of all the members of the Board at a military medical treatment facility.

(f) STAFF.—The Secretary shall make available the services of at least two officials or employees of the Department of Defense to provide support and assistance to members of the Oversight Board.

(g) TRAVEL EXPENSES.—Members of the Oversight Board shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Oversight Board.

(h) ANNUAL REPORTS.—The Oversight Board shall submit to the Secretary of Defense and the Committees on Armed Services of the Senate and the House of Representatives each year a report on its activities during the preceding year, including any findings and recommendations of the Oversight Board as a result of such activities.

TITLE II—STUDIES AND REPORTS

SEC. 201. ANNUAL REPORT ON MILITARY MEDICAL FACILITIES.

(a) IN GENERAL.—

(1) REPORT REQUIREMENT.—Chapter 23 of title 10, United States Code, is amended by adding at the end the following new section:

"§490. Annual report on military medical facilities

"(a) ANNUAL REPORT.—Not later than the date on which the President submits the budget for a fiscal year to Congress pursuant to section 1105 of title 31, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the adequacy, suitability, and quality of medical facilities and medical-related support facilities at each military installation within the Department of Defense.

"(b) RESPONSE TO HOT-LINE INFORMATION.—The Secretary of Defense shall include in each report information regarding—

"(1) any deficiencies in the adequacy, quality, or state of repair of medical-related support facilities raised as a result of information received during the period covered by the report through the toll-free hot line maintained pursuant to section 1567 of this title; and

"(2) the investigations conducted and plans of action prepared under such section to respond to such deficiencies.

"(c) MEDICAL-RELATED SUPPORT FACILITY.—In this section, the term 'medical-related support facility' is any facility of the Department of Defense that provides support to any of the following:

"(1) Members of the armed forces admitted for treatment to military medical treatment facilities.

"(2) Members of the armed forces assigned to military medical treatment facilities as an outpatient.

"(3) Family members accompanying any member described in paragraph (1) or (2) as a nonmedical attendant.".

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"490. Annual report on military medical facilities.".

(b) EFFECTIVE DATE.—The first report under section 490 of title 10, United States Code, as added by subsection (a), shall be submitted not later than the date of submission of the budget for fiscal year 2009.

SEC. 202. ACCESS OF RECOVERING SERVICE MEMBERS TO ADEQUATE OUTPATIENT RESIDENTIAL FACILITIES.

(a) REQUIRED INSPECTIONS OF FACILITIES.—All quarters of the United States and housing facilities under the jurisdiction of the Armed Forces that are occupied by recovering service members shall be inspected on a semiannual basis for the first two years after the enactment of this Act and annually thereafter by the inspectors general of the regional medical commands.

(b) INSPECTOR GENERAL REPORTS.—The inspector general for each regional medical command shall—

(1) submit a report on each inspection of a facility conducted under subsection (a) to the post commander at such facility, the commanding officer of the hospital affiliated with such facility, the surgeon general of the military department that operates such hospital, the Secretary of the military department concerned, the Assistant Secretary of Defense for Health Affairs, the Oversight Board for Wounded Warriors established pursuant to section 112, and the appropriate congressional committees; and

(2) post each such report on the Internet website of such regional medical command.

SEC. 203. EVALUATION AND REPORT ON DEPARTMENT OF DEFENSE AND DEPARTMENT OF VETERANS AFFAIRS DISABILITY EVALUATION SYSTEMS.

(a) EVALUATION.—The Secretary of Defense and the Secretary of Veterans Affairs shall conduct a joint evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs for the purpose of—

(1) improving the consistency of the two disability evaluation systems; and

(2) evaluating the feasibility of, and potential options for, consolidating the two systems.

(b) RELATION TO VETERANS' DISABILITY BENEFITS COMMISSION.—In conducting the evaluation of the disability evaluation systems used by the Department of Defense and the Department of Veterans Affairs, the Secretary of Defense and the Secretary of Veterans Affairs shall consider the findings and recommendations of the Veterans' Disability Benefits Commission established pursuant to title XV of the National Defense Authorization Act for Fiscal Year 2004 (Public Law 108–136; 38 U.S.C. 1101 note).

(c) REPORT.—Not later than 180 days after the date of the submission of the final report of the Veterans' Disability Benefits Commission, the Secretary of Defense and the Secretary of Veterans Affairs shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) the recommendations of the Secretaries for improving the consistency of the two disability evaluation systems and such other recommendations as the Secretaries consider appropriate.

SEC. 204. STUDY AND REPORT ON SUPPORT SERVICES FOR FAMILIES OF RECOVERING SERVICE MEMBERS.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study of the provision of support services for families of recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) A determination of the types of support services that are currently provided by the Department of Defense to family members described in subsection (c), and the cost of providing such services.

(2) A determination of additional types of support services that would be feasible for the Department to provide to such family members, and the costs of providing such services, including the following types of services:

(A) The provision of medical care at military medical treatment facilities.

(B) The provision of job placement services offered by the Department of Defense to any family member caring for a recovering service member for more than 45 days during a one-year period.

(C) The provision of meals without charge at military medical treatment facilities.

(3) A survey of military medical treatment facilities to estimate the number of family members to whom the support services would be provided.

(4) A determination of any discrimination in employment that such family members experience, including denial of retention in employment, promotion, or any benefit of employment by an employer on the basis of the person's absence from employment as described in subsection (c), and a determination, in consultation with the Secretary of Labor, of the options available for such family members.

(c) COVERED FAMILY MEMBERS.—A family member described in this subsection is a family member of a recovering service member who is—

(1) on invitational orders while caring for the recovering service member;

(2) a non-medical attendee caring for the recovering service member; or

(3) receiving per diem payments from the Department of Defense while caring for the recovering service member.

(d) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

SEC. 205. REPORT ON TRAUMATIC BRAIN INJURY CLASSIFICATIONS.

(a) INTERIM REPORT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives an interim report describing the changes undertaken within the Department of Defense to ensure that traumatic brain injury victims receive a proper medical *designation concomitant with their injury as opposed to the current medical designation which assigns a generic "organic psychiatric disorder" classification.*

(b) FINAL REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a final report concerning traumatic brain injury classifications and an explanation and justification of the Department's use of the international classification of disease (ICD) 9 designation, recommendations for transitioning to ICD 10 or 11, and the benefits the civilian community experiences from using ICD 10.

SEC. 206. EVALUATION OF THE POLYTRAUMA LIAISON OFFICER/NON-COMMISSIONED OFFICER PROGRAM.

(a) EVALUATION REQUIRED.—The Secretary of Defense shall conduct an evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program, which is the program operated by each of the military departments and the Department of Veterans Affairs for the purpose of—

(1) assisting in the seamless transition of members of the Armed Forces from the Department of Defense health care system to the Department of Veterans Affairs system; and

(2) expediting the flow of information and communication between military treatment facilities and the Veterans Affairs Polytrauma Centers.

(b) MATTERS COVERED.—The evaluation of the Polytrauma Liaison Officer/Non-Commissioned Officer program shall include evaluating the following areas:

(1) The program's effectiveness in the following areas:

(A) Handling of military patient transfers.

(B) Ability to access military records in a timely manner.

(C) Collaboration with Polytrauma Center treatment teams.

(D) Collaboration with Veteran Service Organizations.

(E) Functioning as the Polytrauma Center's subject-matter expert on military issues.

(F) Supporting and assisting family members.

(G) Providing education, information, and referrals to members of the Armed Forces and their family members.

(H) Functioning as uniformed advocates for members of the Armed Forces and their family members.

(I) Inclusion in Polytrauma Center meetings.

(J) Completion of required administrative reporting.

(K) Ability to provide necessary administrative support to all members of the Armed Forces.

(2) Manpower requirements to effectively carry out all required functions of the Polytrauma Liaison Officer/Non-Commissioned Officer program given current and expected case loads.

(3) Expansion of the program to incorporate Navy and Marine Corps officers and senior enlisted personnel.

(c) REPORTING REQUIREMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report containing—

(1) the results of the evaluation; and

(2) recommendations for any improvements in the program.

TITLE III—GENERAL PROVISIONS

SEC. 301. MORATORIUM ON CONVERSION TO CONTRACTOR PERFORMANCE OF DEPARTMENT OF DEFENSE FUNCTIONS AT MILITARY MEDICAL FACILITIES.

(a) FINDINGS.—Congress finds the following:

(1) The conduct of public-private competitions for the performance of Department of Defense functions, based on Office of Management and Budget Circular A–76, can lead to dramatic reductions in the workforce, undermining an agency's ability to perform its mission.

(2) The Army Garrison commander at the Walter Reed Army Medical Center has stated that the extended A–76 competition process contributed to the departure of highly skilled administrative and maintenance personnel, which led to the problems at the Walter Reed Army Medical Center.

(b) MORATORIUM.—During the one-year period beginning on the date of the enactment of this Act, no study or competition may be begun or announced pursuant to section 2461 of title 10, United States Code, or otherwise pursuant to Office of Management and Budget Circular A-76 relating to the possible conversion to performance by a contractor of any Department of Defense function carried out at a military medical facility .

(c) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committee on Armed Services of the Senate and the Committee on Armed Services of the House of Representatives a report on the public-private competitions being conducted for Department of Defense functions carried out at military medical facilities as of the date of the enactment of this Act by each military department and defense agency. Such report shall include—

(1) for each such competition—

(A) the cost of conducting the public-private competition;

(B) the number of military personnel and civilian employees of the Department of Defense affected;

(C) the estimated savings identified and the savings actually achieved;

(D) an evaluation whether the anticipated and budgeted savings can be achieved through a public-private competition; and

(E) the effect of converting the performance of the function to performance by a contractor on the quality of the performance of the function;

(2) a description of any public-private competition the Secretary would conduct if the moratorium under subsection (b) were not in effect; and

(3) an assessment of whether any method of business reform or reengineering other than a public-private competition could, if implemented in the future, achieve any anticipated or budgeted savings.

SEC. 302. PROHIBITION ON TRANSFER OF RESOURCES FROM MEDICAL CARE.

Neither the Secretary of Defense nor the Secretaries of the military departments may transfer funds or personnel from medical care functions to administrative functions within the Department of Defense in order to comply with the new administrative requirements imposed by this Act or the amendments made by this Act.

SEC. 303. INCREASE IN PHYSICIANS AT HOSPITALS OF THE DEPARTMENT OF VETERANS AFFAIRS.

The Secretary of Veterans Affairs shall increase the number of resident physicians at hospitals of the Department of Veterans Affairs.

The Acting CHAIRMAN. No amendment to the committee amendment is in order except those printed in House Report 110–78. Each amendment may be offered only in the order printed in the report, by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, equally divided and controlled by the proponent and an opponent of the amendment, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

AMENDMENT NO. 1 OFFERED BY MR. BARROW

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–78.

Mr. BARROW. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 1 offered by Mr. BARROW:

Add at the end of the bill the following new section:

SEC. 304. VETERANS BENEFICIARY TRAVEL PROGRAM.

(a) ELIMINATION OF DEDUCTIBLE.—Subsection (c) of section 111 of title 38, United States Code, is repealed.

(b) DETERMINATION OF MILEAGE REIMBURSEMENT RATE.—

(1) DETERMINATION.—Paragraph (1) of subsection (g) of such section is amended to read as follows:

"(1) In determining the amount of allowances or reimbursement to be paid under this section, the Secretary shall use the mileage reimbursement rates for the use of privately owned vehicles by Government employees on official business, as prescribed by the Administrator of General Services under section 5707(b) of title 5, United States Code.".

(2) CONFORMING AMENDMENT.—Subsection (g) of such section is further amended by striking paragraphs (3) and (4).

(c) SOURCE OF FUNDS.—Such section is further amended by adding at the end the following new subsection:

"(i) Funds for payments made under this section shall be appropriated separately from other amounts appropriated for the Department.".

(d) EFFECTIVE DATE.—The amendments made by this Act shall apply with respect to travel expenses incurred after the expiration of the 90-day period that begins on the date of the enactment of this Act.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Georgia (Mr. BARROW) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. BARROW. Mr. Chairman, this amendment will make good on a 50-year old promise that has been neglected in this country for 30 years now. For over 50 years, this government has promised veterans that they would be reimbursed for the full out-of-pocket costs they incur in traveling to and from medical care that they receive. For the first 20 years, this government kept that promise. Every time the civil service mileage rate went up, the veterans' reimbursement rate went up.

But for the last 30 years, that promise has not been kept. The mileage rate for veterans traveling to get their medical treatment hasn't gone up, hasn't changed one bit since 1977. The rate for vets is the same $0.11 per mile today that it was in 1977. In 1977, civil servants got $0.11 and vets got $0.11. But, today, civil servants get 48.5 cents for every mile they drive their car. But vets still get the same $0.11 they got back in 1977.

That is not all. Since then, Congress has tacked on a $6 deductible for vets that doesn't apply to civil servants. When you add it all up, you have got to travel over 50 miles to get the free medical care you have been promised before you will get one dime of reimbursement from the Federal Government. And if you have to travel as much as 500 miles, you get a lousy 48 bucks back in return.

The reason for this problem is simple. When Congress made this promise way back in the 1950s, it passed a law that authorized the VA to keep up with changes in the cost of travel, to keep up with inflation, but it didn't require the VA to do anything about it. And since 1977 nothing has been done about it.

My amendment will fix that by doing two things. First, it will eliminate the $6 deductible, round-trip deductible that applies to vets but not to civil servants; and, second, it will mandate that the mileage reimbursement rate for veterans traveling to and from medical care will go up every time the rate goes up for civil servants. There will be no more having to remember vets when they raise the reimbursement rate for civil servants, and there will be no more forgetting vets every time they are entitled to an increase in the reimbursement.

□ 1500

This legislation has the support of the Disabled American Veterans, the Paralyzed Veterans of America, the American Legion, AMVETS, Vietnam Veterans of America, and the Military Order of the Purple Heart.

This amendment is about making good on a promise we made to our veterans, and I urge my colleagues to vote in support.

On a personal level, I want to thank the chairmen of the committees of jurisdiction in this matter. I also want to thank the staffs of the committees on Armed Services and Veterans' Affair and the staff of the Rules Committee.

And I want to thank Mr. MORAN for his kind remarks earlier today. He supported this measure in the last Congress, and he continues to support it today. And I appreciate his support very much.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. BARROW. I will be happy to yield to the gentleman.

Mr. HUNTER. Mr. Chairman, I just want to say that I think this is an excellent amendment from our side. I want to thank the gentleman for offering it, and we have absolutely no objections to this amendment. We support it very strongly. Good work.

Mr. BARROW. Thank you, sir.

Mr. Chairman, with that, I will yield to the chairman of the Armed Services Committee.

Mr. SKELTON. Mr. Chairman, the amendment before us is an excellent one. Those of us who live in the rural part of this country, as well pointed out by the gentleman from Kansas (Mr. MORAN), will certainly appreciate this. If you look at the statistics, a disproportionate number of people in uniform come from a small town in rural America, and your change in the reimbursement rate will be a great deal of help to those young men and women as well as those who retire in their traveling to and from their hometown to receive the medical care from the designated facilities. And I compliment you and certainly approve of this amendment.

Mr. BARROW. Mr. Chairman, I reserve the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I rise to control the 5 minutes reserved for the opposition, although I am not opposed to the amendment.

The Acting CHAIRMAN. Without objection, the gentlewoman from Florida will control the time in opposition.

There was no objection.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I support the amendment before us.

This measure would increase the reimbursement rate available through the veterans beneficiary travel program to the level currently enjoyed by Federal employees, including Members of Congress who travel. It would also eliminate the travel deductible, which imposes an additional burden on veterans.

I have been pushing this issue for quite some time now and am happy to see it reach the floor of the House of Representatives. In my district, which spans eight counties, many veterans have to travel long distances to access health care. Considering today's gas prices, one can understand the enormous expenses incurred by those in need of care. Worse yet, with many veterans living on fixed incomes, the current reimbursement rate can seriously harm their standard of living. I know I have been contacted by many veterans also telling me about the burden that the deductibility imposes on us. It astounds me that in providing this benefit our government holds veterans to a different standard than Federal employees.

I commend the gentleman for introducing this amendment, and as he knows, our two staffs have been working together to put in an individual bill.

I believe that America needs to listen up. It is time for us to fix this inequity and support passage of this important amendment.

Mr. BARROW. Mr. Chairman, I yield back the balance of my time.

Ms. GINNY BROWN-WAITE of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Georgia (Mr. BARROW).

The amendment was agreed to.

AMENDMENT NO. 2 OFFERED BY MR. SKELTON

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–78.

Mr. SKELTON. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 2 offered by Mr. SKELTON:

At the end of section 1074l(a)(4)(B) of title 10, United States Code, as proposed to be added by section 101 of the bill, strike "or Air Force Medical Service." and insert "Air Force Medical Service, or other corps comprised of health care professionals at the discretion of the Secretary of Defense.".

In section 107(b), add at the end the following:

(3) The progress made in developing the tracking system under subsection (c) and the results of the system.

In section 107(c), strike "The" and insert "Not later than 180 days after the date of the enactment of this Act, the"

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Missouri (Mr. SKELTON) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, this amendment is a simple one that makes technical changes in section 101 to clarify the qualification of military officers who may supervise medical care case managers and also in section 107 to require that the tracking system for reports to medical authorities regarding wounded warriors' symptoms of post-traumatic stress disorder or suicidal tendencies be developed not later than 180 days after the date of enactment of this legislation.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. SKELTON. I yield to the gentleman.

Mr. HUNTER. Mr. Chairman, I want to thank my friend on the great work he has done being the chief architect on this bill. And I have absolutely no objections to the gentleman's amendment. I think it is good and I support it.

Mr. SKELTON. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Missouri (Mr. SKELTON).

The amendment was agreed to.

AMENDMENT NO. 3 OFFERED BY MR. KLINE OF MINNESOTA

The Acting CHAIRMAN. It is now in order to consider amendment No. 3 printed in House Report 110–78.

Mr. KLINE of Minnesota. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 3 offered by Mr. KLINE of Minnesota:

Insert the following after subsection (d) of section 111 (and redesignate subsection (e) as subsection (f)):

(e) WOUNDED WARRIOR REGIMENT PROGRAM.—The Secretary of Defense shall ensure that $10,000,000 for fiscal year 2007 is transferred from the Medical Support Fund to support programs, activities, and facilities associated with the Marine Corps Wounded Warrior Regiment program, to be used as follows:

(1) $6,550,000 for Case Management and Patient Support.

(2) $1,200,000 for Wounded Warrior Interim Regimental Headquarters Building conversion.

(3) $1,300,000 for Case Management System Development.

(4) $95,000 for Support Equipment.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Minnesota (Mr. KLINE) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Minnesota.

Mr. KLINE of Minnesota. Mr. Chairman, this amendment addresses the situation that we are facing on the ground overseas and at home. The United States Marine Corps is suffering a little over 30 percent of the combat casualties. My amendment makes sure that they and their program, in support of this very important bill, gets 20 percent of the money allocated in the fund established in this bill.

Mr. Chairman, on October 7, 2004, Marine Lieutenant Colonel Tim Maxwell's life changed forever. While on his third tour in Iraq, an enemy mortar attack left him with a battered body and severe brain trauma. But Colonel Maxwell is a marine, and despite the frustration of relearning how to walk and read, he has refused to give in to his wounds. In an open letter posted on his Web site, Colonel Maxwell talks about what it is like to be a wounded warrior:

"We tend not to complain about our injuries too much. Most of us know others who are worse off—a guy with a bad leg knows a guy who lost a leg, or both legs. I, with a brain that is 'cracked,' know youngsters with brain injuries who are unable to walk or talk. We all know some who died. So it is not a good thing to complain. We are tough guys. We are all going to whip it."

Having experienced loneliness, frustration, and depression during his recovery, Tim Maxwell set out to ensure that fellow wounded marines would have a place to recover with others like them. He said: "When you're in the hospital, your morale is okay. You are with other wounded warriors. You can chat about it. Sometimes we just look at each other in the hallway and nod. That's all. Acknowledgment. But once you are out of the hospital, it's tough. It sounds great on the day you leave. But there's irritation, frustration."

In May, 2005, Colonel Maxwell came across a 20-year-old wounded marine sitting alone inside a Camp Lejeune barracks. The young man couldn't use his arm and was lonely and lost, having seen his buddy killed in combat and with his family living far away in Florida. Colonel Maxwell decided that "no marine was going to be left alone like that."

So along with Gunnery Sergeant Ken Barnes, he convinced the Marine Corps leadership that wounded marines needed their own barracks to help them heal among other wounded warriors. The Marine Corps leadership agreed, and in September 2005, Camp Lejeune opened the first barracks for wounded marines. The following month the barracks was dedicated to the man whose vision led to today's Wounded Warrior Battalion: Lieutenant Colonel Tim Maxwell.

Maxwell Hall at Camp Lejeune now houses 80 marines and provides them with the support structure necessary to heal. A similar barracks has also been established at Camp Pendleton, California, to care for west coast marines. The program has been so successful that the concept was formalized by establishing the Wounded Warrior Battalions at Lejeune and Pendleton.

Simply put, Colonel Maxwell's vision of Wounded Warrior Battalions seeks to ensure that marines don't fall through the cracks that were so evident at Walter Reed. This amendment will help ensure this unique program succeeds and acts as a model for other services by assisting the Marine Corps transition this successful program from independent battalions on each coast into a single regiment with a headquarters located at Quantico.

The regiment's 54 staff members will help oversee the battalions at Pendleton and Lejeune, track active duty and discharged wounded marines through their recovery, and connect them with resources at the VA, other government agencies, and through private organizations. The battalions will continue to handle the day-to-day tasks of ensuring that marines are scheduled for medical appointments, that they are transported to those appointments, and that they receive counseling support to help heal their mental scars.

Earlier this week, I spoke with the newly appointed Wounded Warrior Regimental commander, Colonel Gregory Boyle. After the conversation I was even more convinced that the Wounded Warrior Regiment is the model for how to treat our wounded servicemembers. Colonel Boyle is motivated and ready to go forward. He came from infantry regimental command. Passage of this amendment will ensure he is able to do so.

I appreciate the opportunity to bring this amendment to the floor, and I very much appreciate the support of Chairman SKELTON and Ranking Member HUNTER.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KLINE of Minnesota. I will be happy to yield.

Mr. HUNTER. Mr. Chairman, I wanted to thank the gentleman for yielding. And, you know, the Marine motto is "Always Faithful," and once again, the gentleman, who is a great former marine, is being always faithful, not just to the men and women of his service, the Marine Corps, but those of all services who have been wounded in the war against terror. I want to thank the gentleman. I support this amendment very strongly.

Mr. KLINE of Minnesota. I thank the gentleman.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. KLINE of Minnesota. I would be happy to yield.

Mr. SKELTON. We discussed this issue and this proposed amendment in the committee. At that time, we said we would work with you, and I compliment you on it. I support it. I think it is an excellent amendment and I wish to move forward and vote for it.

Mr. KLINE of Minnesota. I thank the chairman.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota (Mr. KLINE).

The amendment was agreed to.

AMENDMENT NO. 4 OFFERED BY MR. KENNEDY

The Acting CHAIRMAN. It is now in order to consider amendment No. 4 printed in House Report 110–78.

Mr. KENNEDY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 4 offered by Mr. KENNEDY:

At the end of section 2, add the following:

(5) MEDICAL CARE.—The term "medical care" includes mental health care.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Rhode Island (Mr. KENNEDY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Rhode Island.

Mr. KENNEDY. Mr. Chairman, I rise to offer this amendment with my colleague Mr. SESTAK.

This amendment, Mr. Chairman, would amend the definition of medical care under the legislation to include mental health care. Under this definition, we measure the quality of health care in our military hospitals in order to determine that we ensure that our military personnel receive the best possible quality health care in the military that they ought to be entitled to. In doing so we ought to make sure that mental health care is part of that quality review process. And as we know full well, in the wake of this war, too many of our veterans coming back from Iraq and Afghanistan have been suffering tremendously from wounds that may not be visible from the outside but are wounds nonetheless that are equally harmful. They are psychological wounds, Mr. Chairman. They are mental health wounds, and they are wounds, nonetheless, that need to be treated.

□ 1515

That is why we need to have the best quality mental health care that our military can offer, and that is why we want to make sure that when it comes to measuring quality health care in this legislation that mental health care is also measured as a quality indicator to ensure that our military personnel receive the best quality health care that they can receive.

On behalf of Mr. SESTAK and myself, I move this amendment.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I thank my friend from Rhode Island, Mr. KENNEDY, for this amendment and for the fact that it is a clarifying amendment that makes all of us, as well as those within the medical community, understand that mental health is included in the term "medical care." I thank you for that, and I fully support it.

Mr. HUNTER. Mr. Chairman, will the gentleman yield?

Mr. KENNEDY. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I want to thank my friend, a former member of the committee, for his work. We support this amendment strongly.

Mr. KENNEDY. Mr. Chairman, I thank the chairman.

I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Rhode Island (Mr. KENNEDY).

The amendment was agreed to.

AMENDMENT NO. 5 OFFERED BY MS. CORRINE BROWN OF FLORIDA

The Acting CHAIRMAN. It is now in order to consider amendment No. 5 printed in House Report 110–78.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 5 offered by Ms. CORRINE BROWN of Florida:

In section 1567 of title 10, United States Code, as proposed to be added by section 102 of the bill—

(1) redesignate subsections (b), (c), and (d) as subsections (c), (d), and (e), respectively; and

(2) insert after subsection (a) the following new subsection (b):

"(b) CONFIDENTIALITY.—(1) Individuals who seek to provide information through use of the toll-free telephone number under subsection (a) shall be notified, immediately before they provide such information, of their option to elect, at their discretion, to have their identity remain confidential.

"(2) In the case of information provided through use of the toll-free telephone number by an individual who elects to maintain the confidentiality of his or her identity, any individual who, by necessity, has had access to such information for purposes of conducting the investigation or executing the response plan required by subsection (c) may not disclose the identity of the individual who provided the information.".

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentlewoman from Florida (Ms. CORRINE BROWN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Florida.

Ms. CORRINE BROWN of Florida. Mr. Chairman, first of all, I would like to thank Chairman SKELTON and Ranking Member HUNTER for bringing this bill to the floor.

Mr. Chairman, I rise today to bring an amendment to H.R. 1538, the Wounded Warrior Assistance Act of 2007. This bill establishes a toll-free hotline for reporting deficiencies in medical facilities and a new system of case managers, advocates and counselors for wounded servicemen returning from combat overseas to help them get the care they need and help navigate the military health care system.

The bill provides no professional protections for servicemen if they or their family members call this hotline to get better treatment. This could cause those injured men and women to refrain from reporting abuses and problems, and the situation we currently have at Walter Reed could continue.

There is also the worry that anything reported will affect the serviceman's career. My amendment would simply offer confidentiality for those soldiers to get the care they are provided under this bill.

This amendment requires any hotline set up by the Secretary of Defense to ask if the caller wants confidentiality at the beginning of the phone call.

Last month, I was in the grocery store in Jacksonville, Florida. A veteran working part time told me about a friend at Walter Reed, with pictures showing the problems occurring there. I couldn't believe what he was describing to me was a military facility, and I told him, You can't believe everything you see on the Internet. The next day, the very next day, this story was in The Washington Post. The fact that an active duty soldier was treated this way is inconceivable.

Most of the information I get is from families, about the war and lack of equipment. Not from the Department of Defense, not from the soldiers, but from the family members. I do not want a call for help by a wounded serviceman or woman or their family to be used against them. I do not want those heroes to be scared to ask for help, to be scared their future career could be compromised by one phone call.

Support the Brown amendment.

Mr. HUNTER. Mr. Chairman, will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentleman from California.

Mr. HUNTER. Mr. Chairman, I thank the gentlelady, and we support the amendment on this side. I thank her for her contribution.

Mr. SKELTON. Mr. Chairman, will the gentlewoman yield?

Ms. CORRINE BROWN of Florida. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I compliment the gentlelady on this excellent amendment, and certainly support it.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Florida (Ms. CORRINE BROWN).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. It is now in order to consider amendment No. 7 printed in House Report 110–78.

Mr. SESTAK. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SESTAK:

At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 113. PLANS AND RESEARCH FOR REDUCING POST TRAUMATIC STRESS DISORDER.

(a) PLANS FOR REDUCING POST TRAUMATIC STRESS DISORDER.—

(1) PLAN FOR PREVENTION.—

(A) IN GENERAL.—The Secretary of Defense shall develop a plan to incorporate evidence-based preventive and early-intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions) into—

(i) basic and pre-deployment training for enlisted members of the Armed Forces, noncommissioned officers, and officers;

(ii) combat theater operations; and

(iii) post-deployment service.

(B) UPDATES.—The Secretary of Defense shall update the plan under subparagraph (A) periodically to incorporate, as the Secretary considers appropriate, the results of relevant research, including research conducted pursuant to subsection (b).

(2) RESEARCH.—Subject to subsection (b), the Secretary of Defense shall develop a plan, in consultation with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences, to conduct such research as is necessary to develop the plan described in paragraph (1).

(b) EVIDENCE-BASED RESEARCH AND TRAINING.—

(1) WORKING GROUP.—The Secretary of Defense shall conduct a study, in coordination with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences' Institute of Medicine, to determine the feasibility of establishing a working group tasked with researching and developing evidence-based measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychological pathologies (including substance use conditions). The working group shall include personnel with experience in a combat theater, and behavioral health personnel who have experience providing treatment to individuals with experience in a combat theater.

(2) PEER-REVIEWED RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for a peer-reviewed research program within the Defense Health Program's research and development function to research and develop evidence-based preventive and early intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions).

(c) REPORT.—The Secretary of Defense shall submit to Congress annually a report on the plans and studies required under this section.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Pennsylvania (Mr. SESTAK) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Pennsylvania.

Mr. SESTAK. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as someone who wore the cloth of this Nation for 31 years, few things are as important to me as our obligation to support those who fought for our country. Our men and women in uniform serve selflessly on our behalf, and it is our foremost duty in Congress to do everything in our power to ensure that they have the care and the treatment they deserve, as they are, and they will remain, our most important recruiters in our volunteer Armed Forces of the future. So it matters how we treat them, as they will be the ones to encourage or discourage their sons and daughters, their loved ones and friends, to become or not to become part of what they once belonged to.

With that in mind, recent reports about the conditions at Walter Reed were quite sobering to who we believe we are. I am as, if I am not more, responsible as anyone. I should have known better and looked more because of my 31 years of service.

But the Armed Services Committee has now looked closely at this issue and taken a significant step forward in reporting H.R. 1538 to the House. This is a bill that will address concerns regarding the adequacy of the treatment received by our servicemembers returning home from Iraq.

While we are all familiar with the images of soldiers who have returned home maimed as a result of an IED, it is another range of medical challenges that are increasingly being seen as a signature disability of the war in Iraq, mental health disorders and the invisible psychological trauma of post-traumatic stress disorder.

According to a Pentagon study released last year, 35 percent of Iraqi war veterans received mental health care during the first year at home. Twelve percent were diagnosed with a mental health ailment.

Left untreated, the more recognizable symptoms of PTSD, including nightmares or flashbacks, can ultimately lead to other problems, including drug and alcohol abuse.

At a time when science has shown that mental health and physical health are inseparable, we cannot overlook the integral role that mental health care plays in the proper medical care of our servicemembers and veterans.

This past Sunday, I attended an event hosted by the Military Order of the Purple Heart for the VA Medical Center in Coatesville, Pennsylvania, and spoke to several of those who work with and treat veterans with PTSD. They emphasized to me their concerns about the level of resources, attention, and the scope of care available to those who need mental health services.

This is an issue we cannot simply ignore because the challenges of mental illness are interwoven with the other challenges that we are confronted with in every corner of our society. And that is why I was honored that Representative KENNEDY held with me a forum in my district on mental health and substance abuse last month, where, among other things, Congressman KENNEDY spoke of the importance of properly addressing the needs of veterans and servicemembers.

As a Nation, we will never be fully healthy, never fully productive, until we eliminate all barriers to good mental health care for all our citizens, and especially those who have put themselves in harm's way to serve our country.

This amendment requires the Secretary of Defense to develop a plan to reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies, what we might call psychological Kevlar.

Prevention, how nice. No, how necessary. It is what we do in the military. Successful generals win. Then they go to war.

This is what we must do to ensure that our soldiers are properly prepared, not just physically with the right Kevlar but, also, thanks to the knowledge developed through the peer-reviewed research called for in this amendment, with the proper psychological Kevlar. We must treát both physical and mental care of our troops the same.

I urge my colleagues to support this amendment.

I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, will the gentleman yield?

Mr. SESTAK. I yield to the gentleman from Missouri.

Mr. SKELTON. Mr. Chairman, I have examined this amendment. I think it is an excellent one, and I compliment you. It is certainly acceptable on our side.

Mr. KENNEDY. Mr. Chairman, I ask unanimous consent to claim the time in opposition, although I am not in opposition to the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Rhode Island is recognized for 5 minutes.

There was no objection.

Mr. KENNEDY. Mr. Chairman, I only asked for the opportunity to speak in opposition just to claim the time in opposition. This is my amendment, so I won't be speaking in opposition to it.

Of course, I do want to speak in favor of this, because clearly this is the leading cause of disability, I believe, and will be the leading cause of disability for this war. As we have seen our soldiers come back, more and more of them are reporting mental health as the leading cause of disability; and, of course, this has been underreported in so many instances.

Why? It has been underreported because of the stigma, Mr. Chairman. Continued in this country is the fact that our society continues to stigmatize the treatment of mental illness. So even our soldiers who have every right to feel that they have been stressed by the experience of having suffered through the trauma of war, even those that have been through this experience and have every right to seek mental health treatment, even they feel stigmatized by having to need mental health treatment, and that is the reason why so many of them don't actually go and seek mental health treatment.

But in spite of the stigma, we still find that 35 percent of those returning from Iraq and Afghanistan have sought treatment for mental health services. This is an enormous number, and I think it points very much to the fact that this is a very enormous challenge for our country.

Mr. Chairman, we need to deal with this problem before we even have these soldiers returning from Iraq, and that is why we are looking to have the psychological Kevlar act adopted in this legislation.

I want to identify Kristen Henderson, who is a spouse of a member of our military who came to my office and said, why is it that we are waiting until our soldiers get back from Iraq until we deal with their post-traumatic stress disorder? Why don't we start helping them become resilient, and how come we don't start preparing them for the trauma of war before they even get into the trauma of war? We do so much to put them into boot camps to train them physically for war. Why don't we do more to put them together and train them mentally for war?

This is what this amendment says. It puts the Department of Defense in the position where they have to put together a program where our military men and women are put into a curriculum where they are better prepared to deal with the conflicts and the stresses of war before they actually see the trauma of combat.

Mr. Chairman, I think that this is something that we need to do, because we need to make sure that when our soldiers come back that they don't have that sense of stigma attached to seeking mental health services. And if they understand that in order for them to be good soldiers that they need to be of sound mind and sound body and that is part of their being part of a esprit de corps, then they will be more forthcoming in seeking help when they need it. That will mean they will be better soldiers in the long run.

Mr. Chairman, just a few years ago, I had the opportunity to go down to Fort Bragg and see our Green Berets. Mr. Chairman, they have psychiatrists available 24 hours, 7 days a week.

You might ask, why do the best and brightest in the military have that? The reason they do is because the military has figured out that if they have anything else on their mind bothering them, they can't do their job the way they are best trained to do their job. I think, Mr. Chairman, if it is good enough for the Green Berets, then why isn't it good enough for the rest of our Armed Forces?

That is what this psychological Kevlar bill puts in place. It says we need to protect the mind as well as the body of our soldiers before battle, and we need to make sure that they are prepared for every eventuality when it comes to wartime.

I ask my colleagues to vote for this and destigmatize mental health and help the Department of Defense lift the veil of the stigma of mental illness and vote for the psychological Kevlar bill. For that reason, I will ask for a recorded vote on this amendment.

☐ 1530

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania (Mr. Sestak).

The amendment was agreed to.

Mr. SKELTON. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Ms. Hooley) having assumed the chair, Mr. Ross, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, had come to no resolution thereon.

PERMISSION TO OFFER AMENDMENTS OUT OF ORDER DURING CONSIDERATION OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. SKELTON. Madam Speaker, I ask unanimous consent that during further consideration of H.R. 1538 in the Committee of the Whole pursuant to House Resolution 274, any of the amendments printed in House Report 110–78 may be considered at any time.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Missouri?

There was no objection.

WOUNDED WARRIOR ASSISTANCE ACT OF 2007

The SPEAKER pro tempore. Pursuant to House Resolution 274 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the bill, H.R. 1538.

☐ 1532

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, with Mr. Ross (Acting Chairman) in the chair.

The Clerk read the title of the bill.

The Acting CHAIRMAN. When the Committee of the Whole rose earlier today, amendment No. 7 printed in House Report 110–78 by the gentleman from Pennsylvania (Mr. Sestak) had been disposed of.

Pursuant to the order of the House of today, amendments may be considered in any sequence.

AMENDMENT NO. 6 OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

The Acting CHAIRMAN. It is now in order to consider amendment No. 6 printed in House Report 110–78.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 6 offered by Ms. Eddie Bernice Johnson of Texas:

In section 107(a), in the first sentence, strike "modification of the training" and insert "improvement of the training".

In section 107(a), strike the second sentence and insert the following: "The recommendations shall include, at a minimum, specific recommendations to ensure that such health care professionals, medical care case managers, and service member advocates are adequately trained and able to detect early warning signs of post-traumatic stress disorder (PTSD), suicidal tendencies, and other mental health conditions among recovering service members.".

AMENDMENT NO. 6, AS MODIFIED, OFFERED BY MS. EDDIE BERNICE JOHNSON OF TEXAS

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I ask unanimous consent that my amendment be modified with the text that I have at the desk that proposes text changes in section 107 of the bill.

The Acting CHAIRMAN. The Clerk will report the modification.

The Clerk read as follows:

Modification to amendment No. 6 offered by Ms. Eddie Bernice Johnson of Texas:

The amendment, as modified, is as follows:

In section 107(a), in the first sentence, strike "modification of the training" and insert "improvement of the training".

In section 107(a), strike the second sentence and insert the following: "The recommendations shall include, at a minimum, specific recommendations to ensure that such health care professionals, medical care case managers, and service member advocates are adequately trained and able to detect early warning signs of post-traumatic stress disorder (PTSD), suicidal tendencies, and other mental health conditions among recovering service members and make prompt notification to the appropriate health care professionals.".

The Acting CHAIRMAN. Without objection, the amendment is modified.

There was no objection.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentlewoman from Texas (Ms. Eddie Bernice Johnson) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Texas.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, this amendment proposes text changes to section 107 of the bill, the section that deals with improved training for health care professionals, medical care case managers and servicemember advocates on particular conditions of recovering servicemembers.

As of March 1 of this year, over 24,000 servicemembers have been wounded in action since the onset of Operation Enduring Freedom and Operation Iraqi Freedom, according to the Department of Defense. The Government Accountability Office has found that servicemembers injured in combat face an array of medical and financial challenges as they begin their recovery process in the health care systems of the Department of Defense and the Department of Veteran Affairs. A GAO report was recently released on March 5 and entitled "DoD and Va Health Care, Challenges Encountered By Injured Service Members During Their Recovery Process."

According to the report, Mr. Chairman, the Department of Defense screens servicemembers for post-traumatic stress disorder, but it does not ensure that further mental health evaluations occur.

DoD health care providers review questionnaires, interview servicemembers, and use clinical judgment in determining the need for further mental health evaluation. Sadly, DoD found that only 22 percent of the service members who may have been at risk for developing post-traumatic stress syndrome were actually referred by the Defense Department health care providers for further evaluation. In addition, the Defense Department never identified the factors as health care actually used to determine which servicemembers needed the referrals.

Although our wounded warriors may obtain mental health evaluations for treatment for post-traumatic stress through the VA, and the VA may face a challenge in meeting the demand for these services, VA officials estimated that follow-ups for veterans to get treatment for this stress syndrome may be delayed up to 90 days.

Now, Mr. Chairman, I spent my professional career as a psychiatric nurse with the Veterans Administration. I can tell you that we could save time and money if we had the proper people in place to diagnose early, or at least get a referral. We miss a lot of early symptoms that later causes long-term unemployment, long-term financial stress and long-term hospitalization simply because we have not put the well-trained people in place, professional social workers, professional nurses that would diagnose and know that something needs to be done to prevent further deterioration, and that is my reason for bringing this.

My 15 years of hands-on inpatient program care were specialized in mental health. And I have my credentials to show that. And my amendment strengthens this section because I feel that more emphasis needs to be made on adequate training by health care professionals to recognize these signs, including suicidal tendencies, so that the early intervention can come, and it will shorten the recovery period.

I urge my colleagues to support this amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I ask to claim the time allotted for debate of the amendment offered by Ms. JOHNSON, although I do not oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from Pennsylvania is recognized for 5 minutes.

There was no objection.

Mr. TIM MURPHY of Pennsylvania. Mr. Chairman, I certainly support this and so many other amendments on this bill which are so very, very important not only to our veterans, but it serves as a model, as do so many veterans programs, of something we could be doing for other Americans.

Let me speak first to the point of what these do when we manage and coordinate patient care. We had an issue recently in the Energy and Commerce Committee which I serve on doing this, another aspect, and it was a very lively discussion. But recognize that someone who is wounded, as well as someone who has other medical illnesses, a single diagnosis is usually not something that stands loan. For example, a person with diabetes may have several other endocrine problems, problems with their kidneys, with their diet, their circulation, their limbs, their mobility, and of course there are emotions, too, all of which can be very, very complex to deal with.

When the University of Pittsburgh Medical Center did a study on coordinating the care of people with diabetes, for example, they found when they assign people to work on these cases, they reduce rehospitalization by 75 percent. Washington Hospital in Washington, Pennsylvania reduced rehospitalization of folks with heart disease by 50 percent. These are extremely important aspects. And we have to look upon these as things that not only save money, but they save lives and they save a lot of care.

Let me also point to an amendment offered by my dear friend, Mr. KENNEDY of Rhode Island, when he talked about mental illness. When we are talking about the wounds of war or the wounds of life, not all of these wounds are visible. They are not necessarily scars one can see, they are not something you can put a bandage on, but they are very real. The psychological wounds of war are such that they can break up a family, keep someone from holding a job, perhaps lead someone to try to self-medicate their problems away with drugs or alcohol, all too common problems among our veterans.

And then when they are not dealt with, we find people who become more dependent upon others, that with difficulties with their families, with their children, perhaps become hopeless, have trouble holding a job. And all of those continued effects of wounds of war go on.

It is extremely important that we recognize in Mr. KENNEDY's amendment, as well as Ms. JOHNSON's amendment and other aspects of this whole bill that what is vitally important is we treat the whole person.

The time is long past due in this country where we look at medical symptoms and medical disease as something that shows up on an x-ray or a blood test or some other sophisticated test. Indeed, the wounds of war are not always visible, nor are they things that appear soon after the battle. Post traumatic stress disorder, other anxiety disorders can remain latent for years and suddenly reappear. I remember meeting a veteran at a VA hospital who ended up with some problems after 20 or 30 years after the Vietnam War. He had recently had a liver transplant.

Under the medications and other aspects, he suddenly began having nightmares that he never had before. He had all this psychological trauma that was never showing up before.

What is so important is that we work to train people to understand these issues, which the gentlelady's amendment talks about, that we work to deal with the mental illness issues, which Mr. KENNEDY's amendment talks about, and we work as a unit, as a whole, as a Congress, as a Nation to recognize that many times the illnesses and wounds of war are things that may not be there now, may not be visible, but are aspects we have to treat in the long run.

I call on all of my colleagues to enthusiastically support these amendments.

Mr. Chairman, I yield back the balance of my time.

Ms. EDDIE BERNICE JOHNSON of Texas. I yield 1 minute to Mr. ANDREWS from New Jersey.

Mr. ANDREWS. I thank my friend. With the authority of the chairman of the full committee, I would like to indicate the committee enthusiastically supports this well-thought-out amendment and thanks the gentlelady for offering it.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Chairman, I have no further requests for speakers. I want to thank both sides for their support, and I urge adoption.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Texas (Ms. EDDIE BERNICE JOHNSON), as modified.

The amendment, as modified, was agreed to.

AMENDMENT NO. 8 OFFERED BY MS. HOOLEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 8 printed in House Report 110–78.

Ms. HOOLEY. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 8 offered by Ms. HOOLEY:

At the end of title I, add the following new section (and conform the table of contents accordingly):

SEC. 113. OPTION FOR MEMBERS OF RESERVE COMPONENTS TO USE MILITARY MEDICAL TREATMENT FACILITIES CLOSEST TO HOME FOR CERTAIN INJURIES.

The Secretary of Defense shall provide that, in the case of members of the reserve components returning from a combat theater, if a member requires treatment on an outpatient basis for injuries or wounds sustained in theater, the member may be provided treatment at the military medical treatment facility closest to the member's home rather than closest to the base from which the member was deployed.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentlewoman from Oregon (Ms. HOOLEY) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentlewoman from Oregon.

Ms. HOOLEY. Mr. Chairman, with four in 10 members of the military in Iraq and Afghanistan serving in the Reserve component, it is clear that our National Guard is no longer a strategic reserve, but an operational reserve. And as such, we must change the way we treat the Guard if we want to maintain recruitment and retention because it is the right and fair thing to do.

After 5 years of mobilization, both involuntary and voluntary, our National Guardsmen are still navigating the system that was intended for use by the active duty rather than our current nearly even blend of Reserve and active components.

My amendment to H.R. 1538, the Wounded Warriors Act, is simple. It allows members of the National Guard and Reserve who are returning from theater with minor injuries or other outpatient care needs the option to seek treatment at the military medical treatment facility closest to the member's home rather than closest to the base from which the member was deployed.

☐ 1545

When an active duty soldier with certain injuries comes back to the United States, he gets treated at the medical facility closest at his home base where his family lives. But for Oregon Guardsmen and Reservists and soldiers from about a dozen other States that have no bases, our troops must remain for weeks at the base they deployed from for follow-up care. These can be hundreds or even thousands of miles away from home and family.

In 2004, I spoke with Monica Davey of the New York Times about the problem as she covered the issues in a series of front-page news stories. She quoted one spouse as saying, "Having him in Iraq was hard enough. When he got hurt, I said, 'Well, at least he can come home now and get better here with us.' But it is a strange thing. He came home, but he is not home at all."

This problem is old news and no longer on the front page, but it still goes on. Here are a couple examples of what happens when these Guard troops request treatment upon demobilization:

An Oregon Guardsman who returned months ago is still on the east coast base with medical issues. He and his wife have several young children; and, as can happen with lengthy deployments, the separation has strained their relationship to the breaking point. He has seen his family only once in the last 3 months. That soldier should have the option of seeking treatment at Fort Lewis in Washington State, much closer to his home.

Another story involves an enlisted man with a wife and young children who has seen his young family stateside only three times in the last 3 months, once because the Army sent him home for convalescent leave, and the other two times over the holidays because his wife drove their children out to the east coast military treatment facility where he was awaiting care because they couldn't afford to fly.

These stories are heartbreaking; and, despite years of work on trying to get the problem fixed, little progress has been made. Since the start of the Iraq war in 2003, tens of thousands of Reservists and Guardsmen have been placed on medical hold.

As the New York Times reporter Ms. Davey aptly put it 3 years ago, "Unlike the most gravely injured soldiers receiving around-the-clock treatment at the finest military hospitals, these are ordinary soldiers with more ordinary wounds. The loneliest and the impatient can elect to go home even if they still need medical attention, but that could be a very expensive trade-off. Military rules dictate that they lose their active duty salaries, even though they may still be too injured or ill to return to their civilian jobs."

Today, four out of 10 soldiers in Iraq and Afghanistan are Guard or Reserve, and it is long past time for the DOD to adjust their policies and make improvements to the demobilization process for Guard members in States like mine that have no military treatment facilities. I ask for your support of this amendment so we can finally give soldiers from the Reserve component the flexibility to be treated for certain injuries at military medical treatment facilities nearest their homes and families just like the active component.

I yield to the gentleman from New Jersey.

Mr. ANDREWS. Very briefly on behalf of the committee, we thank the gentlelady for offering this well-thought-out amendment and, on behalf of the chairman, indicate our strong support for the amendment.

Mr. HUNTER. Mr. Chairman, I just want to say we support the gentlewoman's amendment and have no opposition to it here on our side.

Ms. HOOLEY. Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentlewoman from Oregon (Ms. HOOLEY).

The amendment was agreed to.

DEMAND FOR RECORDED VOTE ON AMENDMENT NO. 7 OFFERED BY MR. SESTAK

Mr. KENNEDY. Mr. Chairman, I ask unanimous consent that I may be permitted to request a recorded vote on amendment No. 7 at this point, notwithstanding the passage of time since its adoption by voice vote.

The Acting CHAIRMAN. Is there objection to the request of the gentleman from Rhode Island?

There was no objection.

The Acting CHAIRMAN. A recorded vote is requested. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment numbered 7 offered by the gentleman from Pennsylvania will be postponed.

AMENDMENT NO. 9 OFFERED BY MR. HENSARLING

The Acting CHAIRMAN (Mr. ALTMIRE). It is now in order to consider amendment No. 9 printed in House Report 110-78.

Mr. HENSARLING. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 9 offered by Mr. HENSARLING:

At the end of title II, add the following new section (and conform the table of contents accordingly):

SEC. 207. STUDY AND REPORT ON WAITING PERIODS FOR APPOINTMENTS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) STUDY REQUIRED.—The Secretary of Veterans Affairs shall conduct a study on the average length of time between the desired date for which a veteran seeks to schedule an appointment for health care at a Department of Veterans Affairs medical facility and the date on which such appointment is completed.

(b) FOCUS OF STUDY.—In conducting the study under subsection (a), the Secretary shall focus on appointments scheduled and completed at Department medical facilities located in both rural and urban areas.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit a report to Congress containing the findings of the study under subsection (a) and recommendations for decreasing the waiting time between the desired date of an appointment and the completion of the appointment to a maximum of 15 days.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Texas (Mr. HENSARLING) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Texas.

Mr. HENSARLING. Mr. Chairman, I yield myself as much time as I may consume.

Mr. Chairman, first, I want to thank the chairman of the committee, and I want to thank all those who contributed to this underlying legislation. I thank them for their good work on behalf of our Nation's veterans.

I myself am not a veteran. I did not serve my Nation in uniform. My grandfather did. He served during World War II. My father did. He served during Korea. My brother did. He served during the Cold War. So I have the highest respect for the men and women who serve our Nation in uniform.

Mr. Chairman, as we approach the annual debate on our budget, one thing that I think that we hold in common, although there are many differences in our parties, is that we all believe that our veterans and especially our veterans health care ought to be one of the most important priorities that we have as a Nation. And as we continue to fight this war on terror, we know we are creating more veterans with more health care needs.

During the last congressional recess, I spent a lot of time visiting with the veterans of the Fifth Congressional District in Texas that I have the honor and pleasure of representing. I heard many good comments, frankly, about VA health care and some complaints. And I suppose, Mr. Chairman, that one of the most important complaints I heard was the complaint on the waiting time in order to actually get the appointment that the veteran has requested.

Now, I know that great strides have been made in reducing these waiting times. I know that the veterans health care system is serving entire new populations that they didn't serve years ago. And this is a good thing. But I still would hope that, number one, we could understand exactly the challenges that our veterans are facing and see if there are not some commonsense solutions, as earlier the gentlelady from Texas, my colleague, said, that essentially we can save time and save money and still help our veterans.

This amendment is a very simple amendment. I hope it is a very noncontroversial amendment. It simply directs the Secretary of Veterans Affairs to study the average length of time between the desired date for which a veteran seeks a scheduled medical appointment and the date in which the appointment is actually completed.

Now, I know that the vast majority of appointments are completed within this 30-day window, but I don't believe this body knows if that means the bulk of them happened on day 29 or the bulk of them may happen on day six. This is important information we ought to have.

I represent a district that is urban, suburban, and rural; and this study would not just concentrate on our urban areas but our rural areas as well, where a number of our veterans go to retire.

Additionally, this amendment would ask for the Secretary's recommendations on what we might do to shorten the length of time to 15 days and provide recommendations to our body to do that. Not only veterans in the Fifth Congressional District of Texas, but if you look at the independent budget supported by numerous of our veterans service organizations, they speak to the need to see what we can do to reduce, in many cases, excess waiting times, something they flagged as a strong concern.

So I know the VA has made great strides, but there is still work that we can do to serve these people who serve us and protect freedom, the greatest commodity that we have in our land. And by supporting this amendment, Congress can make just one more small step in the direction of supporting our veterans.

Mr. Chairman, I reserve the balance of my time.

Mr. ANDREWS. Mr. Chairman, I ask unanimous consent that I may claim the time in opposition, although I do not, in fact, oppose the amendment.

The Acting CHAIRMAN. Without objection, the gentleman from New Jersey is recognized for 5 minutes.

There was no objection.

Mr. ANDREWS. Mr. Chairman, on behalf of the chairman of the committee, we thank the gentleman from Texas for offering this well-thought-out amendment. We support his efforts to try to reduce waiting time for our deserving veterans, and the majority will support the amendment.

Mr. Chairman, I yield back the balance of my time.

Mr. HENSARLING. Mr. Chairman, I want to thank the gentleman for his support. I know when to take "yes" for an answer.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Texas (Mr. HENSARLING).

The amendment was agreed to.

AMENDMENT NO. 10 OFFERED BY MR. BILIRAKIS

The Acting CHAIRMAN. It is now in order to consider amendment No. 10 printed in House Report 110–78.

Mr. BILIRAKIS. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 10 offered by Mr. BILIRAKIS:

After section 101, insert the following new section (and conform the table of contents accordingly):

SEC. 102. ESTABLISHMENT OF A DEPARTMENT OF DEFENSE-WIDE OMBUDSMAN OFFICE.

(a) ESTABLISHMENT.—The Secretary of Defense shall establish a Department of Defense-wide Ombudsman Office (in this section referred to as the "Ombudsman Office") within the Office of the Secretary of Defense.

(b) FUNCTIONS.—

(1) IN GENERAL.—The functions of the Ombudsman Office are to provide policy guidance to, and oversight of, the ombudsman offices in the military departments.

(2) POLICY GUIDANCE.—The Ombudsman Office shall develop policy guidance with respect to the following:

(A) Providing assistance to and answering questions from recovering service members and their families regarding—

(i) administrative processes, financial matters, and non-military related services available to the members and their families throughout the member's evaluation, treatment, and recovery;

(ii) transfer to the care of the Veterans Administration; and

(iii) support services available upon the member's return home.

(B) Accountability standards, including—

(i) creating and maintaining case files for individual specific questions received, and initiating inquiries and tracking responses for all such questions;

(ii) setting standards for timeliness of responses; and

(iii) setting standards for accountability to recovering service members and their families, including requirements for daily updates to the members and their families about steps being taken to alleviate problems and concerns until problems are addressed

(c) STATUS REPORTS.—The ombudsman office in each military department shall submit status reports of actions taken to address individual concerns to the Ombudsman Office, at such times as the Ombudsman Office considers appropriate.

(d) RESPONSES FROM OTHER OFFICES.—The Secretary of Defense shall ensure that all other offices within the Department of Defense and the military departments respond in a timely manner to resolve questions and requests from the Ombudsman Office on behalf of recovering service members and their families, including offices responsible for medical matters (including medical holdover processes), financial and accounting matters, legal matters, human resources matters, reserve component matters, installation and management matters, and physical disability matters.

(e) STAFF OF THE OFFICE.—The staff of the Ombudsman Office shall include representatives from each military department, including persons with experience in medical holdover processes and other medical matters.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Florida (Mr. BILIRAKIS) and the gentleman from New Jersey (Mr. ANDREWS) each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BILIRAKIS. Mr. Chairman, I yield myself as much time as I may consume.

Like all of my colleagues, I was greatly disturbed by the conditions at the Walter Reed Army Medical Center which were depicted in The Washington Post. Last week, I introduced H.R. 1580, the Wounded Warriors Joint Health Care Ombudsman Act. My legislation is intended to create a single point of reference for recovering servicemembers and their families to ensure they are receiving prompt responses and information to their questions.

The amendment that I am offering today is a modified version of my legislation, and it creates a Department of

Defense-wide ombudsman office within the Office of the Secretary of Defense. The functions of the office are to provide policy guidance and oversight to each military department. Specifically, the office would develop policy guidance with respect to providing assistance to and answering questions from recovering servicemembers and their families on a variety of important issues.

The policy guidance developed by the ombudsman office should allow recovering servicemembers to get information on administrative processes, financial assistance, the transition to care from the Department of Veterans Affairs and the support services available upon the member's return home. Very important.

The office would also establish accountability standards for the military departments. These standards would cover issues such as creating and maintaining case files for specific questions received, as well as tracking the response for all such questions. The office would also set timeliness standards for responses.

Under my amendment, the office can also require each military department to submit status reports of actions taken to address individual concerns raised by the recovering servicemembers and their families.

In closing, Mr. Chairman, everyone agrees that our military servicemembers should receive the highest quality of care and services possible. As they recover from their injuries, our wounded warriors should not have to battle bureaucracy to get the care and benefits they have earned. It is important that the ombudsman office be an advocate for servicemembers during every phase of treatment and the evaluation process as well.

I urge my colleagues to support this important amendment. I would also like to thank Chairman SKELTON and Ranking Member DUNCAN HUNTER for their assistance.

☐ 1600

Mr. ANDREWS. Mr. Chairman, will the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from New Jersey.

Mr. ANDREWS. On behalf of the chairman, we thank the gentleman for his carefully crafted amendment. We think it is important that there be a department-wide ombudsman as well as in the services. The majority will support the amendment.

Mr. HUNTER. Would the gentleman yield?

Mr. BILIRAKIS. I yield to the gentleman from California.

Mr. HUNTER. I want to join in thanking the gentleman for an excellent amendment, and thank him for his very thoughtful addition to this important bill.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BILIRAKIS).

The amendment was agreed to.

AMENDMENT NO. 11 OFFERED BY MR. BUCHANAN

The Acting CHAIRMAN. It is now in order to consider amendment No. 11 printed in House Report 110–78.

Mr. BUCHANAN. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 11 offered by Mr. BUCHANAN:

At the end of title II, add the following new section:

SEC. 207. STUDY AND REPORT ON STANDARD SOLDIER PATIENT TRACKING SYSTEM.

(a) STUDY REQUIRED.—The Secretary of Defense shall conduct a study on the feasibility of developing a joint soldier tracking system for recovering service members.

(b) MATTERS COVERED.—The study under subsection (a) shall include the following:

(1) Review of the feasibility of allowing each recovering service member, each family member of such a member, each commander of a military installation retaining medical holdover patients, each patient navigator, and ombudsman office personnel, at all times, to be able to locate and understand exactly where a recovering service member is in the medical holdover process.

(2) A determination of whether the tracking system can be designed to ensure that—

(A) the commander of each military medical facility where recovering service members are located is able to track appointments of such members to ensure they are meeting timeliness and other standards that serve the member; and

(B) each recovering service member is able to know when his appointments and other medical evaluation board or physical evaluation board deadlines will be and that they have been scheduled in a timely and accurate manner.

(3) Any other information needed to conduct oversight of care of the member through out the medical holdover process.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and the House of Representatives a report on the results of the study, with such findings and recommendations as the Secretary considers appropriate.

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Florida (Mr. BUCHANAN) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Florida.

Mr. BUCHANAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment is a simple one. It requires the Secretary of Defense to submit to Congress a report on the feasibility of a soldier patient tracking system to improve the medical holdover process.

In the aftermath of the Walter Reed scandal, we heard criticism about the medical hold and holdover process, which requires injured soldiers to stay in certain facilities until evaluated and treated.

We heard the story of U.S. Army Staff Sergeant John Shannon who testified before the House National Security and Foreign Affairs Subcommittee and he said, "I had been given a couple of weeks' appointments and some other paperwork upon leaving ward 58, and I went to all of my appointments during that time. After these appointments, I sat in my room for another couple of weeks wondering when someone would contact me."

The Buchanan amendment would require the Department of Defense to identify and report to Congress ways of making the medical holdover system more responsive and effective for military personnel like Staff Sergeant Shannon.

I believe every servicemember should have complete, on-demand information with respect to his or her status as a medical holdover. No soldier should sit in their room for weeks wondering about their treatment and when their next appointment might be. The Department of Defense must closely examine ways to give servicemembers real-time information regarding the key milestones in their physical and medical evaluation process.

By requiring a report to Congress, my amendment would make certain that we are knowledgeable in considering all available options when it comes to improving the medical holdover process for troops and their families. I urge my colleagues to support the Buchanan amendment.

Mr. Chairman, I reserve the balance of my time.

Mr. SKELTON. Mr. Chairman, I accept and I thank the gentleman from Florida for the amendment.

Mr. HUNTER. I want to support the gentleman's amendment, and thank him for his valuable contribution to this process.

Mr. BUCHANAN. I thank the chairman and the ranking member and the House Committee on Armed Services and their staff.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Florida (Mr. BUCHANAN).

The amendment was agreed to.

AMENDMENT NO. 12 OFFERED BY MR. WELCH OF VERMONT

The Acting CHAIRMAN. It is now in order to consider amendment No. 12 printed in House Report 110–78.

Mr. WELCH of Vermont. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment No. 12 offered by Mr. WELCH of Vermont:

Insert at the end of section 1074l(a) of title 10, United States Code, as proposed to be added by section 101 of the bill, the following new paragraph:

"(6) The Secretary concerned shall ensure that medical care case managers have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position."

Insert at the end of section 10741(b) of title 10, United States Code, as proposed to be added by section 101 of the bill, the following new paragraph:

"(7) The Secretary concerned shall ensure that service member advocates have the resources necessary to ensure that they expeditiously carry out the responsibilities and duties of their position."

Insert after subsection (b) of section 10741 of title 10, United States Code, as proposed to be added by section 101 of the bill, the following new subsection (and redesignate subsections (c) and (d) of such section as subsections (d) and (e), respectively):

"(c) OUTREACH.—The Secretary of Defense shall make available to each member in an outpatient status at a military medical treatment facility, and to the family members of all such members, information on the availability of services provided by the medical care case managers and service member advocates, including information on how to contact such managers and advocates and how to use their services."

The Acting CHAIRMAN. Pursuant to House Resolution 274, the gentleman from Vermont (Mr. WELCH) and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from Vermont.

Mr. WELCH of Vermont. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, first, I want to thank the Committee on Armed Services for this bipartisan legislation that all of us here in Congress are eager to support. Mr. SKELTON has spent virtually his entire career in Congress making certain that the military is prepared and has the equipment it needs and it has the services they require when they come home; and his colleague who has worked very carefully with him, the gentleman from California (Mr. HUNTER). I thank you for bringing this legislation to Congress.

The underlying bill does two things, as you know. It creates, one, a medical case manager. Number two, it creates a servicemember advocate. The point of those two positions is to guarantee that what happened at Walter Reed won't happen again.

My amendment is intended to strengthen and intensify the ability of those two positions to be effective on the part of the men and women who need medical services, and it does it in two ways. One, it makes it clear to the Secretary that these two positions must be empowered to do whatever is required to work through the bureaucracy and see to it that folks get the care they need.

Secondly, it requires the Secretary to advertise the availability of these services to our veterans, but also to their families. As we saw at Walter Reed, it was the families who often were the best spokesperson for the veterans and our soldiers who were in need of service. So the amendment builds on what the committee has done by empowering and advertising.

Mr. Chairman, I want to close by thanking the members of the Committee on Armed Services and their staff for working so closely with me to help write this amendment in a way that was consistent with the underlying objectives of the bill.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON).

Mr. SKELTON. Let me support this amendment of my friend and colleague, Mr. WELCH. The gentleman from Vermont has done a service in bringing this thoughtful amendment forward.

In doing so, it specifies the training and reporting requirements for medical care case managers and servicemember advocates. More importantly, it ensures they have the resources they need to get the job done. I will repeat that. That they have the resources to get the job done. I appreciate his contribution and thank him for his efforts in this regard to make this good bill even better.

Mr. HUNTER. Would the gentleman yield?

Mr. WELCH of Vermont. Yes, I yield.

Mr. HUNTER. I also want to thank the gentleman for his very thoughtful amendment.

Since this is the last amendment, I thought I would take this opportunity to thank my great friend, IKE SKELTON, for bringing our team to the floor and moving this very important legislation very effectively. I thank both gentlemen.

Mr. SKELTON. Would the gentleman yield?

Mr. WELCH of Vermont. I yield to Chairman SKELTON.

Mr. SKELTON. I must say, it is a thrill to be able to work with my friend, DUNCAN HUNTER, in bringing a piece of legislation like this forward in a bipartisan manner, and thank him for his cooperation as well as all on both sides of the aisle.

Again, I will mention our wonderful staff that works so well in a bipartisan manner. So Mr. HUNTER, thank you very much for your solid efforts in this regard.

Mr. WELCH of Vermont. Mr. Chairman, apparently I have the last word, and I think I will say what any of us would say if they were here, and that is thank you to the chairman and thank you to the ranking member. You have embodied in this legislation a principle we all know, and that is that the cost of the war has to include the cost of caring for the warrior. So I know I speak on behalf of all of us in thanking you for your excellent work.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN. The question is on the amendment offered by the gentleman from Vermont (Mr. WELCH).

The amendment was agreed to.

AMENDMENT NO. 7 OFFERED BY MR. SESTAK

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the request for a recorded vote on amendment No. 7 offered by the gentleman from Pennsylvania (Mr. SESTAK) on which further proceedings were postponed and on which the ayes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 434, noes 0, not voting 4, as follows:

[Roll No. 206]

AYES—434

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Christensen
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Faleomavaega
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt

Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Norton
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—4

Davis, Jo Ann
Kanjorski
Lampson
Millender-McDonald

☐ 1635

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The Acting CHAIRMAN. There being no further amendments, the question is on the committee amendment in the nature of a substitute, as amended.

The committee amendment in the nature of a substitute, as amended,was agreed to.

The Acting CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. ALTMIRE, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the bill (H.R. 1538) to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes, pursuant to House Resolution 274, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute reported from the Committee of the Whole?

Mr. PRICE of Georgia. Mr. Speaker, I demand a re-vote on the Sestak-Kennedy amendment.

The SPEAKER pro tempore. Is a separate vote demanded on any other amendment to the amendment in the nature of a substitute?

The Clerk will redesignate the amendment on which a separate vote has been demanded.

The text of the amendment is as follows:

Amendment No. 7 offered by Mr. SESTAK:

At the end of title I, add the following new. section (and conform the table of contents accordingly):

SEC. 113. PLANS AND RESEARCH FOR REDUCING POST TRAUMATIC STRESS DISORDER.

(a) PLANS FOR REDUCING POST TRAUMATIC STRESS DISORDER.—

(1) PLAN FOR PREVENTION—

(A) IN GENERAL.—The Secretary of Defense shall develop a plan to incorporate evidence-based preventive and early-intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions) into—

(i) basic and pre-deployment training for enlisted members of the Armed Forces, noncommissioned officers, and officers;

(ii) combat theater operations; and

(iii) post-deployment service.

(B) UPDATES.—The Secretary of Defense shall update the plan under subparagraph (A) periodically to incorporate, as the Secretary considers appropriate, the results of relevant research, including research conducted pursuant to subsection (b).

(2) RESEARCH.—Subject to subsection (b), the Secretary of Defense shall develop a plan, in consultation with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences, to conduct such research as is necessary to develop the plan described in paragraph (1).

(b) EVIDENCE-BASED RESEARCH AND TRAINING.—

(1) WORKING GROUP.—The Secretary of Defense shall conduct a study, in coordination with the Department of Veterans Affairs, the National Institutes of Health, and the National Academy of Sciences' Institute of Medicine, to determine the feasibility of establishing a working group tasked with researching and developing evidence-based measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychological pathologies (including substance use conditions). The working group shall include personnel with experience in a combat theater, and behavioral health personnel who have experience providing treatment to individuals with experience in a combat theater.

(2) PEER-REVIEWED RESEARCH PROGRAM.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan for a peer-reviewed research program within the Defense Health Program's research and development function to research and develop evidence-based preventive and early intervention measures, practices, or procedures that reduce the likelihood that personnel in combat will develop post-traumatic stress disorder or other stress-related psychopathologies (including substance use conditions).

(c) REPORT.—The Secretary of Defense shall submit to Congress annually a report on the plans and studies required under this section.

The SPEAKER pro tempore. The question is on the amendment.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. PRICE of Georgia. Mr. Speaker, on that, I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 207]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley

Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Fattah
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Bartlett (MD)
Davis, Jo Ann
Hayes
Issa
Kanjorski
Lampson
Millender-McDonald

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER) (during the vote). Members are advised that there are 2 minutes remaining in this vote.

☐ 1654

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore. The question is on adoption of the committee amendment, as amended.

The amendment was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. ANDREWS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 426, nays 0, not voting 7, as follows:

[Roll No. 208]

YEAS—426

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Ferguson
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jindal
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neal (MA)
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Rush
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)

Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—7

Davis, Jo Ann
Fattah
Kanjorski
Lampson
Meek (FL)
Millender-McDonald
Rangel

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. WEINER) (during the vote). Members are advised that 2 minutes remain in this vote.

□ 1711

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

AUTHORIZING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 1538, WOUNDED WARRIOR ASSISTANCE ACT OF 2007

Mr. ANDREWS. Mr. Speaker, I ask unanimous consent that the Clerk be authorized to make technical corrections in the engrossment of H.R. 1538, including corrections in spelling, punctuation, section numbering, and cross-referencing and the insertion of appropriate headings.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed a concurrent resolution of the following title in which the concurrence of the House is requested:

S. Con. Res. 21. Concurrent resolution setting forth the congressional budget for the United States Government for fiscal year 2008 and including the appropriate budgetary levels for fiscal years 2007 and 2009 through 2012.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.J. RES. 40

Mr. HALL of Texas. Mr. Speaker, I rise to request that my name be withdrawn as a cosponsor of H.J. Res. 40. After further reflection, I have concerns that this legislation, which would propose an amendment to the Constitution relative to equal rights for men and women, could potentially compromise my longtime stance on pro-life issues. I hope that clarifying language can be added to this bill to offer assurances to pro-life supporters that this measure would not be used to undermine Federal laws on this important matter.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 695 AND ADDED AS COSPONSOR OF H.R. 1222

Mr. VAN HOLLEN. Mr. Speaker, I ask unanimous consent that Mrs. EMERSON be removed as a cosponsor of H.R. 695 and added as a cosponsor of H.R. 1222. I regret the error.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

OLDER AMERICANS REAUTHORIZATION TECHNICAL CORRECTIONS ACT

Mr. LOEBSACK. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 1002) to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Iowa?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1002

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Older Americans Reauthorization Technical Corrections Act".

SEC. 2. NUTRITION SERVICES INCENTIVE PROGRAM.

Section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a), as amended by section 309 of the Older Americans Act Amendments of 2006, is further amended—

(1) by striking subsection (b)(3);

(2) by striking subsection (d) and inserting the following:

"(d)(1) Each State agency and each title VI grantee shall be entitled to use all or any part of amounts allotted under subsection (b) to obtain, subject to paragraphs (2) and (3), from the Secretary of Agriculture commodities available through any food program of the Department of Agriculture at the rates at which such commodities are valued for purposes of such program.

"(2) The Secretary of Agriculture shall determine and report to the Secretary, by such date as the Secretary may require, the amount (if any) of its allotment under subsection (b) which each State agency and title VI grantee has elected to receive in the form of commodities. Such amount shall include an amount bearing the same ratio to the costs to the Secretary of Agriculture of providing such commodities under this subsection as the value of commodities received by such State agency or title VI grantee under this subsection bears to the total value of commodities so received.

"(3) From the allotment under subsection (b) for each State agency and title VI grantee, the Secretary shall transfer funds to the Secretary of Agriculture for the costs of commodities received by such State agency or grantee, and expenses related to the procurement of the commodities on behalf of such State agency or grantee, under this subsection, and shall then pay the balance (if any) to such State agency or grantee. The amount of funds transferred for the expenses related to the procurement of the commodities shall be mutually agreed on by the Secretary and the Secretary of Agriculture. The transfer of funds for the costs of the commodities and the related expenses shall occur in a timely manner after the Secretary of Agriculture submits the corresponding report described in paragraph (2), and shall be subject to the availability of appropriations. Amounts received by the Secretary of Agriculture pursuant to this section to make commodity purchases for a fiscal year for a State agency or title VI grantee shall remain available, only for the next fiscal year, to make commodity purchases for that State agency or grantee pursuant to this section.

"(4) Each State agency and title VI grantee shall promptly and equitably disburse amounts received under this subsection to recipients of grants and contracts. Such disbursements shall only be used by such recipients of grants or contracts to purchase domestically produced foods for their nutrition projects.

"(5) Nothing in this subsection shall be construed to require any State agency or title VI grantee to elect to receive cash payments under this subsection."; and

(3) by striking subsection (f) and inserting the following:

"(f) In each fiscal year, the Secretary and the Secretary of Agriculture shall jointly disseminate to State agencies, title VI grantees, area agencies on aging, and providers of nutrition services assisted under this title, information concerning the foods available to such State agencies, title VI grantees, area agencies on aging, and providers under subsection (c).".

SEC. 3. EFFECTIVE DATE.

(a) IN GENERAL.—The amendments made by section 2 shall take effect beginning with fiscal year 2008.

(b) APPLICATION PROCESS.—Effective on the date of enactment of this Act, the Secretary of Agriculture shall take such actions as will enable State agencies and title VI grantees described in section 311 of the Older Americans Act of 1965 (42 U.S.C. 3030a) to apply during fiscal year 2007 for allotments under such section for fiscal year 2008.

Mr. LOEBSACK. Mr. Speaker, this bill makes technical corrections to the Older Americans Reauthorization Act of 2006. The bill would restore language regarding the administration of the Nutrition Services Incentive Program that existed prior to the Older Americans Act Reauthorization of 2006.

Prior to the reauthorization, this nutrition program provided cash or USDA commodities to states to supplement meals for the elderly. Six states chose to receive USDA commodities through the program—Massachusetts, Kansas, Connecticut, Oklahoma, Nevada, and Delaware. However, while attempting to relieve administrative burdens for USDA during the last reauthorization, Congress inadvertently denied states the ability to directly purchase essential USDA commodities.

This was not the intent of Congress. The states that receive USDA commodities run tremendous programs that help provide nutritious meals to seniors. Many states reported that they were able to double the value of their appropriated funds by purchasing USDA commodities and Massachusetts reported that because of this program they were able to avoid waiting lists for meals for 17 years.

I've heard from my fellow Iowans on the importance of this program as well. Iowa has participated in this program and recognizes its benefits. We never received much money for commodities—only about $155,000—but the money goes a long way. Our Area Agencies on Aging often have a hard time meeting their budgets, but USDA commodities allowed them to serve more meals at a higher quality. Iowa fully intends to take advantage of USDA commodities again once we pass this bill.

This bill hasn't strayed from Congress' original intent either. The bill reduces the administrative burden on USDA, and streamlines the transfer of funds between the Department of Health and Human Services, to which funds are appropriated, and the Department of Agriculture, which purchases commodities for the states.

We must pass this bill today so that states wishing to take some or all of their NSIP allotment in commodities may place their order with the Department of Agriculture for FY 2008 by April 7th.

It's time to fix the mistakes that were made and allow these state to continue to serve seniors the most effective way possible.

The Senate bill was read a third time and passed, and a motion to reconsider was laid on the table.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

The SPEAKER pro tempore. Pursuant to House Resolution 275 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution, H. Con. Res. 99.

□ 1714

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, with Mr. ALTMIRE in the chair.

The Clerk read the title of the concurrent resolution.

The CHAIRMAN. Pursuant to the rule, the concurrent resolution is considered read the first time.

General debate shall not exceed 4 hours, with 3 hours confined to the congressional budget, equally divided and controlled by the chairman and ranking member of the Committee on the Budget, and 1 hour on the subject of economic goals and policies, equally divided and controlled by the gentlewoman from New York (Mrs. MALONEY) and the gentleman from New Jersey (Mr. SAXTON).

The gentleman from South Carolina (Mr. SPRATT) and the gentleman from Wisconsin (Mr. RYAN) each will control 90 minutes on the congressional budget.

The Chair recognizes the gentleman from South Carolina.

□ 1715

Mr. SPRATT. Mr. Chairman, I yield myself 9 minutes.

Mr. Chairman, H. Con. Res. 99 is not the full and final solution, but it is a good solution. It moves us in the right direction towards a balanced budget. It moves us to balance in 5 years, as a matter of fact, by 2012. It posts a smaller deficit than the President's budget over 5 years. It adheres to PAYGO, and it contains no new mandatory spending that is not fully offset.

It also includes program integrity initiatives to root out waste, fraud and abuse in the Department of Health and Human Services and in the reporting of taxes in the Internal Revenue Service.

Mr. Chairman, I have listened to this resolution described both in our markup in committee and today during the debate on the rule. I think you have to bear in mind what our critics have said, in terms of where the criticism is coming from, because the party that is opposing this resolution and criticizing this resolution is the same party that took a surplus of $5.6 trillion between 2002 and 2011 and turned it into a deficit of $2.8 trillion during this same period of time.

As a consequence, we have heard a lot of talk out here today, but the truth of the matter is, with respect to taxes, their bill imposes on future generations, our children and grandchildren, an unerasable tax called a debt tax, because they will be servicing the debt of the United States for years to come.

Let me show you just a few charts to illustrate what I mean.

First of all, the chart showing the debt of the United States that has increased since 2001 when Mr. Bush took office. This is a simple chart, but it contains an enormous amount of truth.

When Mr. Bush took office in 2001, he came to office with an advantage that few American presidents have ever enjoyed, a budget in balance, in surplus by $236 billion the year before. Within 4 years, he had driven that surplus of $236 billion into a deficit of $418 billion; and, as a consequence, the debt when he took office, which was $5.7 trillion, today is $8.8 trillion, having increased $3.1 trillion over the last 6 years.

We have never seen a debt accumulation like this, certainly during any normal period of time. Except for the Depression or Second World War, we have never seen, except for those periods, any kind of accumulation of debt that approaches this. And if we continue on this path, if we continue on this path, then we will see the debt, by the time Mr. Bush leaves his presidency, at $9.6 trillion, as opposed to $5.7 trillion when he came to office.

Net interest on the national debt is today $170 billion. That is the debt tax I am talking about. This is the debt service that our children and their children will have to pay for years to come. It is a debt tax that is indelible, almost permanent, unless we can do something to turn this budget around and start reducing our debt, instead of accumulating mountainous debt year in and year out.

The budget that we bring to the floor today fully funds the President's defense request, and we husband what little is left over for some centerpiece initiatives which we strongly support as Democrats.

First of all, we created in 1997 a Children's Health Insurance Program. The authorization for it runs out this year. We would propose in our budget resolution to reauthorize the CHIP program, Children's Health Insurance, and add $50 billion to the program so we cover most of the children who are eligible for coverage in the United States.

The second point: With respect to education, we think the education of our children, of today's workforce, is critically important as never before in American history; and we think it would be shameful to cut back for education. But for 3 straight years President Bush has sent us a budget that would cut the Department of Education, this year by $1.5 billion.

If you take Function 500, which includes elementary and secondary education and student loans and workforce investment and Trade Adjustment Assistance Training, the Bush administration requests $3.6 billion next year less than this year; and in 2012 the request is $8.6 billion below current services. That is for training our workforce. That is what this administration is willing to invest in the education of our children.

We feel differently, and strongly differently, and we provide $8 billion to $9 billion more than the President and, over 5 years, $46 billion more than the President provides for education and job training and related activities.

We also call for a long-term fix in the Alternative Minimum Tax. The President has told us twice that they can take the Alternative Minimum Tax and, within the context of the Tax Code in a revenue-neutral manner, change the Alternative Minimum Tax so that it will not extend to middle-income families for whom it was never intended. They have told us that, but they are yet to do that.

We are saying in this budget resolution to the Ways and Means Committee, given its jurisdiction over taxes, and to the administration, we need to fix the AMT.

You will hear, as you have heard earlier today, a lot of talk about this being the biggest tax increase in American history, which is absolutely absurd. The Democratic budget resolution which I am presenting right now, introducing, which we will discuss tonight, does not raise taxes, period. The budget resolution that we bring to the floor tonight in no way affects the tax cuts that were passed in 2001 and in 2003. It leaves those tax cuts in place for 2007, 2008, 2009 and 2010.

What we do assume is the same revenues that CBO projects in its current baseline. If you look at the CBO baseline and the OMB baselines, you will find they virtually converge. There is about a 1.2 percent difference between the two of them, as this chart right here will easily show you.

All this palaver about taxes and the biggest tax increase in history, this is the difference between our revenue projections, the green bar, and theirs, which is blue, 1.2 percent over a 5-year period of time.

Looking at this budget in its whole context, three outside groups which are vigilant overseers and advocates for good, sound fiscal policy, the Concord Coalition has said, "Thus, to be clear," this is how they sum up their letter, "this budget resolution does not call for or require a tax increase." As plain as you can put it, from a group that is truly disinterested and independent politically.

Then we have got the Brookings Institution, the Hamilton Project. "This budget would not raise taxes." "This budget would not raise taxes."

Finally, the Center on Budget and Policy Priorities, they took a look at our budget and they said, "This claim is just flat incorrect. The House plan does not include a tax increase."

What the House plan does do is allow the tax cuts that were passed in 2001 and 2003 to follow their course. They will expire on December 31, 2010. Not because of this budget resolution. It doesn't have a thing to do with the expiration or extension of those tax cuts. But, in 2010, those tax cuts expire of their own volition, because they were so drawn, designed, intended by those on this side of the aisle, the Republicans. They were designed to expire on December 31, 2010.

What we are simply assuming in this budget resolution is that that decision will be taken when we reach it. When we have to cross that bridge, we will cross that bridge. We will know then what our deficit is in 2010. We hope we will have a surplus by that point in time; and if we have a surplus, we will know whether or not we can offset it against the extension of some of these tax cuts.

I will say this and will say it repeatedly: Read this budget resolution. Give us a fair shake. And you will find in two different places prominently inserted, this resolution says we endorse, we support, and we will seek the renewal of the middle-income tax cuts that have been passed since 2001 and 2003, the marital tax penalty, the child tax credit, the 10 percent bracket, State tax reform. All of these things we embrace and we pledge ourselves to the extension to see when they expire, as they will, they will be duly renewed.

We will have this debate continually throughout the night. It will be brought up again and again and again. But I want to say one final thing: This budget resolution does not raise taxes, and it does not cause the expiration of the 2001 and 2003 tax cuts. They expire of their own volition.

Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 12½ minutes.

Mr. Chairman, first off, I would like to start off this debate by paying a compliment to the gentleman from South Carolina (Mr. SPRATT). The gentleman from South Carolina is just that. He is a gentleman. He is a good man, he is a man who has a tough job, and he is a man who I enjoy working with.

The key to this year's budget debate is not whether Congress should balance the Federal budget. Republicans and Democrats this year are agreeing that we need to balance the Federal budget. The key is about how we are going to get there.

Today, as this House debates both the Democrats' and the Republicans' budget proposals for fiscal year 2008, it will become clear that this is much more than a simple discussion about numbers and how they add up over the next few years. Instead, this is going to be a bigger debate about our different governing philosophies, about what kind of society we envision, about what kind of country we want to leave to future generations.

The budget that the Democrats have proposed is true to their philosophy. I give them credit for that. They believe that more government is better government and that the best way to solve the myriad problems we face in this country is to spend more and more and to tax our people more and more to pay for that spending.

The Democrats' budget reflects this philosophy by calling for the largest tax increase in American history. I will make this irrefutably clear throughout the course of this debate: They call for immense new spending and postponement of critical entitlement reforms for another 5 years.

If Congress passes this budget tomorrow, this will enshrine the raising of taxes to the tune of $400 billion on the American family, worker and business. And we are not just talking about raising taxes on the rich, as they would like to have us believe. We are talking about raising taxes on every single American income tax payer. This means raising marginal income tax rates on all taxpayers; eliminating the 10 percent bracket that has benefited numerous low-income individuals; raising the tax on capital gains and dividends and discouraging investment in our economy and saving for our seniors; slashing the child tax credit in half; reinstating the marriage tax penalty; reimposing the death tax; and eliminating the State and sales tax deduction for States like Texas and Florida.

Let me just show you where the lie is. It is not in the numbers. The lie is in the so-called reserve funds. They can give you all the words they want. They can say they put all these fancy words in this budget that says we don't want to raise taxes, we want this new spending. But what a budget resolution is is a bunch of numbers, and numbers don't lie, Mr. Chairman.

This budget requires, banks on, plans for, assumes, insists upon the largest tax increase in American history. Otherwise, they don't balance the budget.

So my friends on the other side of the aisle can have it one way or the other, but not both. They can say they are balancing the budget. But, according to their budget, they therefore have to raise taxes. Or they can say they are not raising taxes, at which hand they then are not balancing the budget. They can't have it both ways.

□ 1730

The line, the red line, which is the revenue baseline, does not lie.

Now, their revenue numbers show it. And they can bring in all the left-leaning think tanks that have been in favor of tax increases in the past and in the present to say that this isn't a tax increase, but come December 10, January 31, that is the last day people have a $1,000 tax credit. It is the last day married couples won't be taxed for being married. It is the last day the death tax isn't at zero. It is the last day income tax rates don't go up across the board. That is what happens.

They have also made more than $100 billion worth of additional spending promises in this budget, if they are offset. That's what all these reserve funds are about; more money for this program, more for that program, more money for this program, maybe some tax relief for the middle class. We have a reserve fund for it. My friends, a reserve fund is worth less than the paper it's printed on because all it says is we have these priorities, these ideas, these things we would like to do, we have no money for it; middle-class tax relief, more money for SCHIP, farm programs.

But if we did come up with the money to pay for these programs, we would like to do it; but we don't have the money, so we're not doing it. That is basically what a reserve fund is.

What we really have here, Mr. Chairman, is a huge tax increase, a tax increase that will have the effect of significantly increasing the burden on individual taxpayers and small businesses and will completely ignore the positive growth impacts that these tax cuts encouraged since 2003.

Let's review some of the effects that low tax burdens have had on economic growth, on jobs. Before we provided tax relief in 2003, we were losing an average of 100,000 jobs a month. Since then, we have added 7.6 million new jobs; about 170,000 new jobs have been created per month since the tax relief.

The economy. Before tax relief occurred in 2003, the economy grew at an average rate of 1.1 percent. Now it has been 3.5 percent since then, faster than it has grown in the last three decades, on average.

Unemployment. When we passed tax relief, the unemployment rate was at 6.1 percent, now it's all the way down to 4.5 percent.

Business investment. When we passed tax relief, business investment had been down for nine straight quarters. Since then, business investment has been up for 15 straight quarters. That is where the 7.6 million new jobs got created. Unfortunately, the Democrat budget would ignore all of this, with immense tax increases that threatened to put us right back where we were in the recession of 2001.

And now on revenues. What they will tell you is that the revenues are the reason why we are in deficit. What they will tell you is that the tax cuts drove us deeply into deficits. That is completely untrue. On the contrary. If you take a look at this chart, the tax relief actually had the effect of increasing job creation and revenues coming into the Federal Government.

We had 3 straight years of revenue decline during the recession. The tax cuts kicked in. What happened? Revenues went up exponentially, to the point where we have had double digit revenue gains for the last 3 years, and as a consequence, the deficit has been going down. These surging revenues have been a key factor in reducing this deficit.

Mr. Chairman, the wrong way to balance the budget is to raise taxes. The right way to balance the budget is to control spending. We do not have a revenue problem in Washington. Money is coming in very quickly from taxpayers. What we have here is a spending problem. And the Democrats are making it worse because they are calling for all this new spending.

For all of their talk about reducing the deficit, all they have done since they came into the majority is to spend more and more money, and we are only into the end of March. First they passed the omnibus bill that added $6 billion in new spending. Next came the supplemental for the warfighters in Iraq and Afghanistan; they added $21 billion in unrelated and unrequested spending. And now their budget resolution adds another $24 billion in new spending next year alone.

For all the additional spending and gimmicks, the worst thing about this budget is not just the tax increases and the new spending, it's about what it does not include. This budget does nothing, absolutely nothing, to address our entitlement problem. This is what needs to be fixed, Mr. Chairman.

We had all these eyewitnesses, all these experts come from the left and the right that the majority called, from the GAO to CBO to other groups, all talking about the fact that our Nation is facing a fiscal crisis, that entitlements are growing out of control, that our primary responsibility in crafting our budget should be to address entitlement spending. Let me read some quotes from the Democrats' own witnesses.

The Comptroller General of the GAO has called the rising costs of government entitlements a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America. The Chairman of the Federal Reserve came to testify. He said, "Without early and meaningful action to address the rapid growth of entitlements, the U.S. economy could be weakened, with future generations bearing much of the cost." Even the Democrats' own witnesses from the Concord Coalition testified to the same.

They've heard all of these witnesses, they've heard all these warnings, and they have chosen in this budget to do nothing. There is not a single reform, a single dollar of savings from entitlements. Obviously, they seem to be unconcerned with the $4.6 trillion in liability that Social Security has, which grows every year by $600 billion; or the $32 trillion in liability that my children are facing that gets larger and larger every single year.

With this budget, they have simply accepted that we are going to continue to pile up massive amounts of debt to our children, and we are going to force them to pay double what we pay in taxes today to sustain these programs.

This brings me to my final chart, a chart by the General Accounting Office. We know that if we fail to reform entitlements, the Federal Government will double in size by the year 2040. When my kids reach my age, this budget would leave them with the choice of either paying double our current tax rate, or accepting the fact that we just don't have enough money to spend on health care, defense, national security or education.

I believe this is an enormous missed opportunity by the Democrats. Yes, the Democrats balance the budget in 2012, and they should be commended for reaching that goal. But at what price are they balancing the budget? They hit balance only because they are imposing the largest tax increase in American history. We still will have all of the same problems though.

They are not reforming anything in government. They are not reforming any program. They are just calling for the American taxpayer to send more money in Congress so we can continue to spend too much money. And because of the path of big government and the tax-and-spend policies that the Democrats have chosen, this is going to be a very short-lived success. As soon as we get back to this balanced budget on paper in 2012, the year where their budget gets balanced on the backs of taxpayers, it won't be long before entitlement spending drives the Federal Government right back into deficits as far as the eye can see.

This is not a Republican and Democrat issue. The fact is every independent expert in America that watches fiscal issues knows that government is growing out of control. We have really important programs that need our attention, Medicare, Medicaid, Social Security, the three most important programs, in my particular opinion, in the Federal Government. Important programs, and programs people depend on, organize their lives around. We have to reform these programs in order to save these programs, yet they are doing nothing to do that. And because their budget does nothing to save these programs, they are hastening the day at which they go bankrupt. That is an abdication of responsibility.

No matter how you put it, Mr. Chairman, this is a tax increase. No matter how you put it, Mr. Chairman, a reserve fund, no matter what flowery language you can attach to it, no matter what left-leaning think tank you can have to say whatever you want, a tax is a tax.

In our budget, we make sure that these tax increases don't hit American families. We make sure the marriage penalty stays away. We make sure the child tax credit stays up. We make sure tax rates are down. We make sure the death tax goes away. What do they do? They insist upon, they require, they depend up all these tax increases. If they don't, their budget doesn't balance. They can't have it both ways.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, before yielding to the gentleman from Texas, I yield myself 1 minute to reply.

Mr. Chairman, the gentleman will acknowledge that they have requested in their budget resolution $278 billion in reconciled tax cuts in Medicare, Medicaid, student loans and a number of different areas. He is faulting us for not joining in this endeavor. That is partly because, number one, we don't agree with his specific cuts. But number two, having so-called saved $278 billion, there is then enacted by reconciliation directive to the Ways and Means Committee $447 billion in tax cuts.

So the net effect is not to use entitlement cuts for reform, but to actually add to the deficit $168.5 billion.

Mr. Chairman, I now yield 8 minutes to the gentleman from Texas, a distinguished member of the Ways and Means Committee.

Mr. DOGGETT. I thank the gentleman for his leadership on this resolution.

You know, listening to these Republican complaints about this budget resolution, it kind of takes you into some sort of strange magic kingdom. They live by the first law of Disney, that wishing will make it so. They thought they could wish away the results of their tax policy changes, but we all suffer in national debt as a result of them. And no matter how long they wish and how hard they wish, they will not find the phantom taxes that they claim are increased in this budget resolution. We write our tax policy right in the black and white.

This year, additional revenues, zero. Next year, zero. The following year; zero. The following year, zero. The following year, zero. 2012, zero, but that year we still achieve a $154 billion surplus, the first time we will have a surplus in our budget since President Clinton left office.

You know, like Mickey Mouse and Tinker Bell, the Republicans are living in a land of fairy tales. But instead of imaginary friends, they've got imaginary demons, tax demons that come out. We cannot follow them on a path that is paved with fools gold deeper and deeper into national debt.

Mr. Chairman, I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I appreciate the gentleman's courtesy and I appreciate his calling the attention, if not to our Republican friends, but to the American public, that they can look at page four in the resolution that is before us and find what has been said is simply not true.

Additionally, they can keep thumbing to page 46, which deals with what our policy is, in fact. Because we do want to minimize the impact on middle America. We make it clear that we are very interested in terms of being able to support extensions, the extension of the child tax credit, the extension of the marriage penalty relief and the extension of the 10 percent individual income tax. What we are not interested in doing is buying into the grab bag of special interest tax benefits, most of which flow to the Americans who are most well off.

I want, if I could, to just make one point in terms of talk of the largest tax increase in American history. Well, it's coming. There is a tax tsunami that is bearing down not just on the rich, not just on the upper middle class, but on middle America, and it is called the "alternative minimum tax."

For 6 years, Republicans in charge have had an opportunity to rebalance tax priorities in this country. My colleagues and I have called upon them to deal with permanent adjustment to the alternative minimum tax. They have refused. So now we have inherited a serious problem that is going to mean that middle America is facing the alternative minimum tax. Twenty-six million American families, 89 percent of people who earn between $75,000 and $100,000 will pay the AMT by 2010. Stopping this increase is our priority, that is what we are going to focus on, that is what we have committed to, that is what we are going to do, something that the Republican majority have failed to do in 2001, 2003, 2004.

Mr. DOGGETT. Indeed, those are the true missed opportunities, 6 years of missed opportunities under this administration.

As the gentleman points out so well, our objective here is to respond to the legitimate tax concerns of middle-class families, but to do it in a fiscally responsible way. No more will we borrow from our children and our grandchildren to finance tax cuts for the wealthy few now.

Mr. Chairman, I know, the gentleman from California, serving on the Ways and Means Committee, is very familiar with what we have gone through in this last 6 years of Republican borrow and spend policies.

I yield to the gentleman from California.

Mr. BECERRA. I thank the gentleman for yielding. And I agree with my colleagues.

As we discuss here what we are going to do in this Democratic budget resolution, I think the first thing we have to remember is we are going to pass a Democratic budget resolution. Guess what? Last year, the Republican majority did not pass a budget resolution so we had no guidepost, no blueprint to tell us how the Congress would spend its money. And does it surprise anyone to know that we went further into debt?

Unfortunately, as we continue to hear our colleagues, our friends on the Republican side say they want to see further tax cuts, what they don't mention is all those tax cuts that they passed in the last several years, the 2001 and 2003 tax cuts that the President proposed, they paid this way.

□ 1745

This is what they did. They took out this credit card. Because every single one of those years we have been in deficit. And after using up the Social Security trust fund dollars, because they had to use the entire amount that was preserved for Social Security to help pay for the tax cuts, they still were in debt. So, guess what? They had to pull out the credit card, and we have been deficit spending for the last 7 years to pay for these tax cuts that have principally gone not to the middle class but to the folks who are on the highest level of our income scale.

This chart shows what happens, and it goes to the point of the gentleman from Oregon. What happens here is if you continue to extend the Republican tax cuts, you are going to help those that make over $1 million. The AMT, which the gentleman from Oregon pointed out, is going to hit folks that are making less than $200,000 or so most, the folks that were not helped by the Bush tax cuts. That is where we want to concentrate our tax cuts, right here, to help middle America.

Mr. DOGGETT. So this balanced budget resolution is a pledge for relief for legitimate middle-class working folks who are out there that have concerns without borrowing to finance more breaks for those over $1 million.

Mr. BECERRA. Precisely. We are going to provide middle-class Americans with these targeted tax cuts, targeted tax relief; and, as you mentioned before, Mr. DOGGETT, we are also going to be able to balance the budget in 5 years and have a surplus by 2012.

Mr. BLUMENAUER. Mr. Chairman, will the gentleman yield?

Mr. DOGGETT. I yield to the gentleman from Oregon.

Mr. BLUMENAUER. I just think it is important that the American public can listen to politicians debate on the floor of the House, but they also have an opportunity to deal with independent groups.

Mr. DOGGETT. Let me say, I believe this is one of the most impressive, it can't be discounted as a Democratic group, because the gentleman is aware that the Concord Coalition is a bipartisan, nonpartisan group that has a Republican and Democratic co-Chairs. And they have said, again, in black and white, "Thus, to be clear, the budget resolution does not call for or require a tax increase." It just demonstrates this imaginary demon that they have over here, which is about all they can unite around.

Mr. BLUMENAUER. And I appreciate the gentleman's pointing the Concord Coalition that makes it clear that it does not call for or require a tax increase and the type of mindset we are getting from our friends on the other side that they would dismiss former Senator Warren Rudman, Republican from New Hampshire, establishing a left-wing think tank.

Mr. BECERRA. If the gentleman would yield for a moment.

Mr. DOGGETT. I yield to the gentleman from California.

Mr. BECERRA. The real distinction comes here. Our tax cuts will be targeted towards the middle class, not towards the wealthiest. And, at the same time, we have priorities. We are going to balance this budget. We have committed to our PAYGO policies that we will pay for whatever we propose. But, at the same time, we are going to try to make sure that interest payments on the national debt don't consume everything, because today this is what happens when you do deficit spending.

Mr. DOGGETT. It is really a debt tax.

Mr. BECERRA. This is a debt tax, what happens when you do deficit spending. Deficits do matter. Under the last 7 years of Republican leadership with these tax cuts that have gone principally to very wealthy people, this is what happens. You have interest payments of over one quarter trillion dollars, yet veterans and education programs are suffering. This is what happens when you do deficit spending. You end up spending over a quarter of a trillion dollars to pay interest on the debt. That does nothing to help anyone.

Meanwhile, we have said we are going to focus money on veterans and education. We are not going to do it on interest payments. If you are fiscally responsible, you can do that.

Mr. DOGGETT. That debt tax is a tax that gets imposed on all Americans, and that is a tax that we are eliminating by moving back to a budget surplus.

Mr. BECERRA. It is $29,000 per person. A child born today is born with a birth tax of $29,000 he or she will owe.

Mr. DOGGETT. Of course, as the gentleman knows, that also jeopardizes our ability to preserve Social Security when you let that much debt and that much debt tax build up; and that is something else that we address in this resolution. We don't think when you talk about entitlements that just cutting grandma's Social Security check or reducing Medicare is the way to do it. We do need to come together on a bipartisan basis on entitlements. We could well have done that had President Bush not been so intent on privatizing Social Security.

But this resolution is well-rounded. That is why groups like the Concord Coalition have spoken out about it. And it is time now for the Republicans, like every child, to give up their imaginary demons and recognize they have done tremendous damage to our country in recent years. But if we work together on a bipartisan basis, it is possible for us to meet legitimate tax concerns, not increase taxes, and still meet the needs of our veterans and protect Social Security.

Mr. RYAN of Wisconsin. Mr. Chairman, for the purpose of rebuttal, I yield myself 1 minute.

I think we may set a record today on the floor on charts.

But, first, let me say, if you really don't want to raise taxes, if you are telling us that you have these words in your budget that says you don't want to raise taxes, you want middle-class tax relief, then why didn't you put it in your budget?

The fact is, Mr. Chairman, we gave the Democrats ample opportunity to put it in their budget to make sure that these taxes wouldn't increase. We had amendments in the Budget Committee to prevent the increase on the marginal tax rates, to prevent the elimination of the $1,000 per child tax credit, to prevent the elimination of marriage penalty, cap gains, dividends, State and local tax, bring back the death tax. We had all these votes to say, let's make it clear in the numbers: Don't raise taxes.

What happened? Party line vote after party line vote after party line votes, Democrats voted on every one of these amendments which put in the numbers the prevention of these tax increases.

Mr. Chairman, I yield 5 minutes to the distinguished gentleman from California, a member of the House Budget Committee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. I thank the gentleman for yielding.

Mr. Chairman, I must disappoint you. I have no charts. I was in this body a number of years before and then left and came back; and, frankly, I have never seen such a war of charts as we have on the Budget Committee. They are instructive. But facts really matter.

Dandy Don Meredith, the famous philosopher on Monday Night Football, once said, "If ifs and buts were candy and nuts, then every day would be Christmas day." And that really describes the Democrats' commitment towards not raising taxes. They say it as a matter of policy, but in terms of actually doing it, they not only wouldn't put it in but they resisted every amendment we brought forward.

And they like to talk about, well, let's go back to the last few years; let's see what happened back here and what has happened with the Republicans.

I came to this House in 1979, one of the last times the Democrats had control of the White House, control of the House, control of the Senate, and they were talking about budgets then and they were coming forward with their proposals. And what did we have then? We had something called stagflation. We had inflation raging at 13.5 percent, the prime lending rate was 15.3 percent, the unemployment rate was 7.1 percent. Of course, the top marginal rate was 70 percent. They were resisting tax cuts.

We came in and said it might make sense, when President Reagan came in, to reduce marginal rates, to reduce the impact of taxes on the American people, not only because it was fair to them but because the real genius of our economy is the production of jobs in the private sector.

And I would like to ask them, what do they think would happen if we go back to their same old days, one of the last times we had, for an extended period of time, the Democrats controlling the Senate, the Democrats controlling the House, and what they want to do in 2 years is control the White House as well.

If we move in that direction, we may very well get back to the times of Jimmy Carter when you did all those things, and the worst impact was not on tax rates, was not on inflation, it was on jobs. Jobs. Economists were telling us at that time, following your prescription, that we couldn't have a sustainable rate of unemployment below 6.5 percent. We now have it at 4.5 percent, 4.6 percent. That is the greatest social welfare program we have ever had in this country, jobs to American citizens.

And I understand how you have greater faith in the Federal Government, have greater faith in government at all levels to create jobs than do we, but the facts speak for themselves.

Looking at your particular proposal with the tax increases it has, it would not only affect the wealthy, it would affect in my home State of California 12,839,000 people at an average increase of $3,331.

Now, you may not want to admit to it, but your increases in spending, your refusal to do anything about the increases in mandatory discretionary spending that are taking place during the lifetime of this budget that you present, and your claim that somehow you don't raise taxes but you magically come up with a balanced budget, it just doesn't add up. It is like that movie, The Illusionist. It may sound good, it may look good, but, you know, you go behind the curtain, and there is nothing there.

Now, if you can explain to us how economics would allow you to raise spending, refuse any cuts, refuse to even bring down the rate of spending, and you don't increase taxes but you have a balanced budget, God bless you. Bring your charts out. We would love to see it.

Mr. SPRATT. I yield myself 1 minute.

While the gentleman was on his extended sabbatical back in California, he missed the heyday of our experience here under the Clinton administration and seems not to know that during those years the average job creation was 237,000 jobs per month. By comparison or by contrast, for the Bush administration comparable figures are 68,000 jobs per month.

Now, you can fudge that number by starting to count in August of 2004, claiming that it doesn't apply until then. But if you go back to January of 2001, the average per monthly increase for the Bush administration is 68,000 versus the Clinton administration which was 237,000.

Furthermore, the Clinton administration every year had a better bottom line in the budget. Every year, the deficit got smaller and smaller, to the point where, in 1997, we had a surplus for the first time in 1998 in 30 years; and in 2000 we had a surplus of $236 billion.

I now yield 1 minute to Mr. DAVIS of Alabama.

Mr. DAVIS of Alabama. Mr. Chairman, I agree with my good friend from California, Mr. DANIEL E. LUNGREN, that facts do matter. And these are the interesting facts, Mr. SPRATT:

While Mr. DANIEL E. LUNGREN was on his sabbatical in California, the two political sides shifted. The old progressive party decided that it believes in fiscal discipline. That is why we have the PAYGO rules. And the previously conservative party is advocating an AMT tax continuation that would bring 26 million families into its purview. Let me put this in perspective.

There is one budget on the floor that, for the period 2008 to 2012, would raise taxes as much as $2,300 per person on 26 million families. It is not the CBC budget, it is not the Spratt budget, it happens to be the budget of the President of the United States.

So we have switched. The progressives have become the people who want to restrain spending, and our friends on the conservative side no longer care about raising taxes on the middle class.

Mr. DANIEL E. LUNGREN, a number of things have indeed changed.

Mr. SPRATT. I yield 2 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. Mr. Chairman, the gentlemen on the other side are right, we have charts. Because you can see what is going on with a chart.

We have been lectured by those who have created these red lines. The Democratic plan is the blue line, and this is what has happened in the last 6 years: the red line.

We are being lectured by people who have put us in the ditch. In fact, the Republican policies turned a $5.5 trillion surplus into approximately a $3 trillion deficit, deterioration of the budget of about $8.5 trillion.

Now, the $500 billion we have spent on the war is about 0.5; $8.5 trillion deterioration, 0.5 on the war.

Now, they say we have stimulated the economy. This is the change in the Dow Jones Industrial Average: Reagan's first term; Reagan's second term; Bush I's term; Clinton; Clinton, 4 years. In 6 years, the Dow has not increased as much as it had in each of the previous 4 years back through the Reagan administration. So there has been no economic growth.

They brag about job growth. Add them up: Tied for last place since Herbert Hoover.

Now, they keep talking about this 2003 tax cut. You ought to talk about the 2001 tax cut, add up all the jobs through the tax policy: worst since Herbert Hoover.

We can do better than that. We don't want to be lectured by those who put us in the ditch. We need to make sure that we have good economic growth, good tax policy, balance the budget, and go forward.

Mr. RYAN of Wisconsin. At this time I yield myself 20 seconds to say, the gentleman from Virginia who just spoke, Mr. Chairman, according to the numbers in this budget, that State will have an average household tax increase of $3,119; and this will hit another 2,958,000 taxpayers in the State of Virginia.

□ 1800

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Mr. Chairman, I thank the ranking member of the committee for yielding.

This budget resolution we are talking about tonight is a target-rich environment for things that we can disagree about that are in there. I have been tasked to talk about the things that aren't in the budget that we wish we would have been able to get in the budget, such as process reform.

Every year that we have this opportunity to do a budget, we have an opportunity to reform our processes and do this budgeting process in a better way. We spent all day last week in the Budget Committee during the hearing to try to get some of that done; and, quite frankly, we failed miserably on our side to convince our colleagues of the value of some these reforms.

Reforms like strengthening PAYGO to make it really mean PAYGO in the way our folks back home would understand it, to have PAYGO apply to the very first year of this budget. We were unable to get that done.

I offered an amendment that said if you are going to start a new program, a new, great idea in this vast array of programs that we have in our Federal Government, you would have to kill an existing program of equal or greater spending.

Well, in the rarified air of that room that night, I got laughed out of the room. I don't do instant messages, but I think the term "LOL" comes to mind. They were laughing out loud. One Member rolled their eyes the way my 14-year-old daughter used to do about, I guess, how naive I was about this process.

But I can assure you. I can assure you that back in Texas the idea of setting priorities, of trying to decide between good things, what we can afford and what we can't afford, and putting in place a mechanism that helps us with that discipline, does not get laughed out of the room. It is only in Washington that would be a laughingstock.

We also attempted to do away with the Gephardt rule. I have heard for the first 2 years of my service here night after night after night people decrying the fact that we had hidden in our arcane way of doing business raising the debt ceiling without taking an up-or-down vote, without standing in here and doing it the way we ought to do.

We offered an amendment that would have eliminated the Gephardt rule. A vote for this resolution is a vote for whatever requisite debt ceiling limits are necessary; a separate vote would have been better on that.

We offered up other process reforms that had been offered in the 109th Congress by the Democrats. We brought these to the committee hearing on a word-for-word basis for what they proposed, brought and voted for just last year. Not one of those passed. Every single one of those went down on a party-line vote.

I am here tonight to express my disappointment with the fact that we were not able to gain some process reforms in this resolution. I am disappointed that it is not in the underlying resolution. I will oppose it for that reason and a lot of others. I am here to express my disappointment, and I urge my colleagues to vote against this resolution.

Mr. SPRATT. Mr. Chairman, I yield 10 minutes to the gentleman from Texas (Mr. EDWARDS).

Mr. EDWARDS. Mr. Chairman, a budget is a statement of priorities. What this budget states clearly is that our Federal Government's first priority must be to defend our Nation from terrorists and foreign enemies. We begin by fully funding the administration's 2008 request for national defense and our military, $5.3 billion, and that is just the first step.

Next, we invest more than the administration had proposed to defend our homeland against terrorism. For example, this budget funds the implementation of the 9/11 Commission recommendations, such as increasing screening of cargo on passenger aircraft. We do more to scan shipping containers destined for the United States while those containers are still in foreign seaports. Why? Because we must stop nuclear terrorists long before their weapons reach U.S. shores.

This resolution says "no" to the administration's ill-advised proposals to cut funding for first responders. Why? Because our police, firefighters and EMS personnel must be well trained to respond to terrorist attacks and natural disasters.

On national defense, this budget states loudly and clearly that a strong national defense begins with supporting our troops and our veterans and their families. This bill includes the largest increase in funding for veterans' health care in the 77-year history of the Veterans Administration, and our service men and women, Mr. Chairman, and our veterans have earned every dollar of this funding with their service and sacrifice.

This means better health care for those with traumatic brain injury and post traumatic stress disorder, and better health care for over 5 million of America's veterans. It means shorter waiting lines for those who have earned their benefits through service-connected combat injuries. And in the aftermath of the Walter Reed Annex 18 tragedy, we say in this resolution that no soldier, no veteran should ever again have to endure the indignity of living in moldy, rat-infested housing. Never.

A vote against this budget is a vote against the largest increase ever in veterans' health care funding.

We also reject the administration's proposal to put in effect a $1,400 annual tax on our military retirees by raising their TRICARE health care premiums. It is interesting, the administration didn't ask members of the President's cabinet or Members of Congress to raise our health care premiums by $1,400 this year, and yet it would do so to men and women who served in the military for 20 to 30 years. That's wrong, and this budget resolution rights that wrong.

This budget provides for a strong national defense. It improves our homeland security against terrorism, and it supports our military forces and veterans with our deeds, not just our words. Our troops, our veterans, and our Nation's defense deserve a "yes" vote on this bill.

Mr. Chairman, I yield to the gentleman from Missouri (Mr. SKELTON), the chairman of the Committee on Armed Services.

Mr. SKELTON. Mr. Chairman, I thank my friend from Texas for giving me this opportunity to speak so I can applaud my friend, John Spratt, the gentleman from South Carolina, for bringing to this House floor a fiscally responsible budget, particularly as it relates to defense. It is an excellent budget.

The fiscal year 2008 budget resolution provides the same level of funding for national defense as was requested by the President. It provides for $507 billion for national defense and another $145 billion for overseas deployments, numbers consistent with the CBO's reestimates of the President's budget.

The budget resolution includes proposals that would reorient the national defense priorities, including more funding for CTR and nonproliferation programs, which I think are very important, and greater assistance for wounded veterans, including fixing the problems at Walter Reed. This is serious.

Earlier today we passed legislation that was the first step in fixing the challenges at Walter Reed Hospital, and this budget resolution gives us greater assistance in doing just that, and we will be able to do that in the Armed Services Committee.

The budget resolution also calls for a significant increase in funding for veterans' health, and I fully support this proposal which falls within the jurisdiction of the Veterans' Affairs Committee. I urge my colleagues to support this bill.

Budget resolutions are difficult at best. But if you look at it through the eyes of the Committee on Armed Services and if you look at it through the eyes of national security, this is an excellent approach. It gives us the opportunity to work our will within the committee, to make things even better, particularly for the young men and women in uniform. They are our national treasures, and this budget resolution gives us the opportunity to do something positive about that.

Again, I thank my friend from Texas.

Mr. EDWARDS. I thank the chairman for his remarks.

Mr. Chairman, at this time, I yield to the gentlewoman from Oregon (Ms. HOOLEY) who has been a strong advocate and a national leader on veterans' affairs issues.

Ms. HOOLEY. I thank my friend from Texas for yielding, and I thank the chairman of the Budget Committee for the fabulous job he did.

I rise today to speak on the budget, a budget I am very proud of. This budget keeps our promise to our veterans, gives us the tools to defend our country, grows our economy, provides American children health care, and much more. All of it is done in a fiscally responsible way, ensuring a balanced budget by 2012, and all the while not raising taxes.

This budget before us sets priorities and ensures that a promise made to our brave veterans will truly be a promise kept. Too often over the last 6 years we failed to meet our basic obligation to our veterans. American veterans who served with honor and distinction deserve better. This budget is a step towards making sure our veterans get what they have earned.

We also have to remember that today's soldiers are tomorrow's veterans. At a time when we are asking our men and women in uniform to sacrifice so much, it is inexcusable not to honor their service by providing the benefits and health care our veterans were promised.

This budget, Mr. Chairman, puts us back on track. I am proud to say that the $5.4 billion increase in funding for veterans is a record 18 percent increase.

We are sending a strong statement to our veterans and service men and women of today that we as a Nation will not forget their sacrifices. I have three letters that I would like to submit for the RECORD, and I would like to quote from them.

First of all, Veterans of Foreign Wars, Gary Kurpius, Commander-in-Chief, says: "We have long argued that the price of health care and benefits for this Nation's veterans are the ongoing costs of war. The $3.5 billion increase above the President's request is a strong acknowledgment that you agree and that this Nation must do more to live up to its sacred obligation to those who have defended her. The costs of war are not just about buying bombs or tanks, but about providing for our sick and disabled when they return and helping those heroes care for families and independents. The members of the VFW stand firmly behind you."

From the Disabled American Veterans, National Commander Bradley Barton says: "The budget recommendations that came out of the House and Senate Budget Committee will make a real difference in the lives of America's sick and disabled veterans. This is especially important as our Nation is at war."

And finally, from Steve Robertson, director, National Legislative Commission of the American Legion says: "The American Legion and its 2.8 million members applaud the Budget Committee. As a Nation at war, this funding will help cover the ongoing cost of war to care for the men and women of the United States Armed Forces and their families."

I support this budget. I support our veterans. This is a good budget. Again, I want to remind people, it does not raise taxes. But if you want to support our veterans, you should vote for this budget.

MARCH 21, 2007.

Hon. JOHN SPRATT,
Chairman, Committee on the Budget, House of Representatives, Washington, DC.

DEAR CHAIRMAN SPRATT: On behalf of the 2.4 million men and women of the Veterans of Foreign Wars of the U.S. (VFW), and our Auxiliaries, I would like to offer our gratitude for the leadership you have demonstrated on veterans' issues through your dramatic increase above and beyond the President's request for fiscal year 2008 funding for the Department of Veterans Affairs (VA).

We have long argued at the price of health care and benefits for this Nation's veterans are the ongoing costs of war. The $3.5 billion increase above the President's request is a strong acknowledgement that you agree and that this Nation must do more to live up to its sacred obligations to those who have defended her. The costs of war are not just about buying bombs or tanks, but about providing for our sick and disabled when they return, and helping these heroes care for their families and dependents.

The dramatic increase in this budget recommendation will help to ensure that all veterans—those from Operations Enduring and Iraqi Freedom and those from all our previous conflicts—have access to the high-quality health care VA provides, and quicker resolution to their veterans' disability compensation decisions.

The members of the VFW stand firmly behind you, in support of your strong advocacy for this Nation's veterans. We thank you for your strong leadership on veterans' health care and benefits, and we look forward to working with you to ensure the success of this budget.

Sincerely,

GARY KURPIUS,
Commander-in-Chief.

HOUSE, SENATE BUDGET PLANS KEEP FAITH WITH VETERANS

WASHINGTON.—The Disabled American Veterans (DAV) is urging lawmakers to support a recommended $6.6 billion increase in funding for veterans health care and other programs as called for in 2008 budget blueprints being debated in the House and Senate.

"The budget recommendations that came out of the House and Senate Budget Committees will make a real difference in the lives of America's sick and disabled veterans," said DAV National Commander Bradley S. Barton. "This is especially important as our nation is at war."

Both budget resolutions reported out of committee call for $43.1 billion in discretionary spending for the Department of Veterans Affairs, the bulk of which is for veterans health care. That is $6.6 billion above the fiscal 2007 enacted level and $3.5 billion above the President's request. The congressional budget blueprints do not include user fees and higher prescription co-payments contained in the President's plan.

Commander Barton praised Senate Budget Committee Chairman Kent Conrad (D–N.D.) and House Budget Committee Chairman John Spratt (D–N.C.) for their support of discretionary funding levels in line with recommendations in The Independent Budget authored by the DAV and other veterans service organizations. "This much-needed funding increase will allow the Department of Veterans Affairs to better meet the needs of the men and women returning from Iraq and Afghanistan, as well as all veterans who have served in the past," he said.

While the draft budget resolutions call for significant increases in spending for veterans programs in fiscal year 2008, the DAV is concerned about future projected funding levels. "Funding must keep pace with rising health care costs and an expected increase in veterans seeking services from the VA," Barton said. "The DAV will continue working with Congress to ensure that future budgets meet the needs of our nation's sick and disabled veterans."

The 1.3 million-member Disabled American Veterans, a non-profit organization founded in 1920 and chartered by the U.S. Congress in 1932, represents this nation's disabled veterans. It is dedicated to a single purpose: building better lives for our nation's disabled veterans and their families. For more information, visit the organization's Web site www.dav.org.

MARCH 21, 2007.

Hon. JOHN M. SPRATT, Jr.,
Chairman, Committee on Budget, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The American Legion and its 2.8 million members applaud the Budget Committee for the Budget Resolution recommendation for $43.1 billion in discretionary funding for Veterans (Function 700). This represents an increase of $3.5 billion above the President's budget request for FY 2008 and $6.6 billion above current funding level for the Department of Veterans Affairs.

As a nation at war, this funding will help cover the ongoing cost of war to care for the men and women of the United States Armed Forces and their families. Your recommendations closely parallel the views and estimates submitted by The American Legion earlier this year.

The American Legion urges the Congress to provide the Department of Veterans Affairs with sufficient funding to meet the needs of taking care of America's service members—past, present, and future. We look forward to working with you and your congressional colleagues in ensuring the Department of Veterans Affairs remains a solid agency that meets this nation's obligation to those men and women sent into harm's way.

Sincerely,

STEVE ROBERTSON,
Director,
National Legislative Commission.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute.

The gentlewoman from Oregon who just spoke, the tax increase in this budget would hit the average Oregon household with an annual tax increase of $2,751 which would affect 1,336,000 taxpayers in that State alone.

I would like to take a moment to compliment my colleagues on the other side on the veterans' portion of the budget. They do add more resources for veterans, to veterans' health care. They do meet the President's numbers on defense. This is a part of their budget that I would like to compliment them on. We, too, in our substitute, will add additional resources to veterans and veterans' health care. This is an area where I think they have made some improvements over the President's budget in their budget.

Mr. Chairman, I yield 3½ minutes to the gentleman from Alabama (Mr. BONNER).

Mr. BONNER. Mr. Chairman, I thank the distinguished gentleman from Wisconsin, our ranking member.

Either our friends on the other side of the aisle have a bad case of amnesia, or their selective memory is such that they need to check themselves into the House physician's office.

The Democratic majority likes to claim that when President Bush came into office, we had a budget surplus, which we did. But because of those evil tax cuts, which let the record also show that many of our Democratic colleagues actually voted for, and some even still profess to support, that because of these dastardly tax cuts, all of the problems we are facing now are because of George Bush and the Republican Congress.

□ 1815

Mr. Chairman, our Democratic colleagues either have forgotten or they fail to acknowledge the fact that when President Bush came into office in January of 2001, he was walking into a recession left courtesy of the outgoing Clinton administration. A few months later, the dot-com bust and the corporate scandal made matters worse. And then remember September 11, 2001, and the ensuing costs associated with responding to the worst terrorist attack in American history and the additional costs associated with fighting the global war on terror.

I mention this, Mr. Chairman, because this budget is step one in the Democratic majority's plan to dismantle the tax policies that Republicans have put in place these past few years, policies that have actually worked, and replace it with the single largest tax increase in American history.

Do not take my word for it, Mr. Chairman. Consider the following: During the past 45 months the tax relief was enacted, 7.6 million new jobs have been created, an average of 168,000 per month; contrast that with the 27 months prior to the tax relief, where we lost 2.7 million jobs.

During the past 15 quarters since the tax relief was enacted, real GDP growth has averaged a robust 3.5 percent, faster than the averages of the 1970s, 1980s and 1990s. In the nine quarters prior to the tax relief, actual GDP growth was just 1.1 percent.

Since the enactment of the tax relief, unemployment has fallen from 6.1 percent in June of 2003 to a near 5-year low of 4.5 percent. This is below the averages of the 1970s, 1980s and 1990s.

My friends in Alabama know a good economy when they see one. Our unemployment rate under the leadership of Republican Governor Bob Riley is just 3.3 percent, the lowest since we became a State in 1819.

Mr. Chairman, no one on our side is saying that we can continue the great economy or that everyone who has a job has the job they hope to retire from.

One thing is for certain. The Democratic majority had 32 opportunities last week in committee to vote on amendments that would have made these tax cuts permanent, 32 opportunities where they had an opportunity to vote for it, put it in writing, make it acceptable to the American people; and all 32 times they voted it down on a party-line vote.

Mr. Chairman, I do not have a chart. I have a picture of America's children. These tax increases are going to result in Alabama alone of an increase of $2,500 for the average working, tax-paying family. That means no braces, no college education fund, no family vacation. That is what this budget is about, our children.

And I thank the gentleman.

Mr. RYAN of Wisconsin. Mr. Chairman, I will take a little time on our side to try and catch up. I yield 2 minutes to the gentlewoman from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Mr. Chairman, I thank the gentleman from Wisconsin for yielding the time.

I find this such an interesting debate every year, Mr. Chairman. You know, as we come down here and debate the budget every year, we do talk about the budget, and it should be a reflection of the priorities of the people of this Nation. And what we see in the budget document that is before us is the priorities of the bureaucracy reflected. Because what we see is a budget document that is going to make spending permanent and tax reductions temporary.

Now, one of the things that we all know is that is not what the American people voted for. That is not what they wanted. They did not want to grow spending. They did not want to increase what the Federal Government spent. They did not want to increase the Federal Government's reach into their lives. What they wanted to do was to see that size reduced. But we do have a budget before us that is going to raise taxes $392.5 billion over 5 years.

Now, the last time the Democrats were in control in 1993, 1994, they passed what was then the largest tax increase in history, about $240 billion over 5 years; and this year it did not take them but about 3 months to come back and decide they were going to get it while they could.

You know, it is baseball season. They were going for a home run. They have earned the moniker of the hold-on-to-your-wallet Congress because America, yes, indeed, can be sure they are coming to a pocket near them as quick as they can get there for a wallet; and they are going to take $2,600 out of every wallet of every one of my constituents in Tennessee, $2,600.

And to add insult to injury, our sales tax deductibility, which was restored in 2003 because we do not have an income tax in Tennessee, thank goodness, we just have a sales tax, that is being taken away in this bill, $1,100 per family, $2,600 total. It is a tax increase.

Mr. SPRATT. Mr. Chairman, I yield 20 minutes to the gentleman from Kansas (Mr. MOORE) with the request that he be allowed to yield part of the time that is allotted to him to other Members.

Mr. RYAN of Wisconsin. Mr. Chairman, if I may just interject, may I just inquire as to how much time is on each side remaining?

The Acting CHAIRMAN (Mr. LYNCH). The gentleman from Wisconsin (Mr. RYAN) has 63 minutes remaining, and the gentleman from South Carolina (Mr. SPRATT) has 56½ minutes remaining before yielding to the gentleman from Kansas.

Mr. RYAN of Wisconsin. I thank the Chair.

The Acting CHAIRMAN. On the question of yielding control of time, the Chair would advise that the Committee of the Whole may not, even by unanimous consent, alter the scheme for control of time for general debate that was established by the House in House Resolution 275. The gentleman from South Carolina controls the time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Kansas (Mr. MOORE).

Mr. MOORE of Kansas. Mr. Chairman, today with this budget resolution the majority party, the Democratic Party, takes an important step towards restoring fiscal discipline as a priority of our government, something the Blue Dogs in Congress have advocated for years.

When the administration took office in 2001, it inherited a projected surplus of $5.6 trillion. Within 2 years, the surplus was gone; and, since 2001, $3 trillion in new debt, to my friends here, $3 trillion in new debt was added to our country's bottom line.

Because of the previous majority's lack of fiscal discipline, our gross national debt now stands at over $8.8 trillion. They talk about tax cuts, and they are just not providing accurate information at all. It is not true information.

They say that our budget proposes tax increases, which simply is not true. They wrote the tax cuts back in 2001 that were implemented in 2001, and they were to last for 10 years, and they still will be going until 2010. The Democrats are not doing a thing in their budget to raise taxes, not one single thing, to the contrary of what our friends across the aisle are saying.

In fact, our friends across the aisle have added $3 trillion of debt to our country, to our children and grandchildren. That is the way you paid for the tax cuts, was by adding $3 trillion of debt.

Mr. SPRATT. Mr. Chairman, on behalf of Mr. MOORE, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY).

Mr. POMEROY. Mr. Chairman, I thank the gentleman for yielding.

This is a very healthy debate taking place. I so appreciate the budget that has been brought out of the Budget Committee, and I appreciate the ranking member for offering a budget. Because, in offering a budget, now the contrast is clear.

Pay-as-you-go is the fundamental foundation of fiscally disciplined budgeting, because it means you have made a decision the deficit goes no deeper. We have heard about the soaring deficits, the astonishing turnaround from a surplus to nearly $3 trillion of deficit spending during the years of Republican control, now yielding us a national debt approaching $9 trillion.

I was pleased to see a picture of children raised by a Member of the other side, because I think that is exactly what it is about. We cannot continue to raise this debt on the children, and that is why pay-as-you-go budgeting was passed in the first 100 hours of this new Congress included in this budget.

Now, the alternative budget, they take a little different view. They say pay-as-you-go does not apply if you are going to cut taxes; you do not have to pay for cutting taxes. In fact, they cut taxes $470 billion without any pay-fors, just cut taxes.

Can you imagine a family sitting down saying, man, we have got to tighten our budget, we have got to cut this, we have got to cut that, we have got to this, we have got to cut that. This is so depressing that I am going to quit working full time. I am going to work half time.

It would not make any sense. You have got to count the revenue side; you have got to cut the spending side. That is our plan.

But that is not the end of the Ryan budget and what it means in terms of overall budget picture, because they do have cuts. This is an important final point to make. It reminds me a little bit of the budget policies we debated in the 1990s, where they wanted to cut the heck out of Medicare in order to fund tax cuts disproportionately flowing to the wealthiest people of this country.

In this budget you have a directive to the Ways and Means and the Energy and Commerce Committees to cut $250 billion. We know where those cuts are coming from. I am on the Ways and Means Committee. That is the Medicare committee. They are coming right back after Medicare again, taking dollars from the seniors' health care in this country in order to fund these tax cuts for the wealthiest people, to the extent they are funded at all.

Here is a chart illustrating the distribution on their tax cuts. This is for those over $1 million. This has been the most regressive series of tax cuts ever enacted in this country. We know the benefit has gone all to the rich, predominantly to the rich, disproportionately to the rich.

To think that they fund it out of cutting Medicare, while driving the debt deeper, shows the budget choice. Fiscal discipline, balanced budget by 2012; cutting Medicare, deeper deficits. Go for the Spratt budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, thank you very much.

The Republicans are plain wrong; and, worse than that, they are not telling the truth when they stand over there and say that our budget raises taxes. Nothing could be further from the truth.

This Democratic budget does not raise taxes one single penny. In fact, section 203 of the Democratic budget explicitly provides for tax cuts.

One, middle-income tax cuts, including the marriage penalty. That is in this budget. That is a tax cut. Including child tax credits. That is in this budget. That is a tax cut. And the 10 percent tax bracket. And on top of that, you talk about the President's tax cuts, the President's tax cuts in 2001—

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman will suspend. The gentleman must direct his remarks to the Chair and not directly to other Members. The gentleman may proceed.

Mr. SCOTT of Georgia. Well, Mr. Chairman, my point was simply to try to respond to the accusations that were made to our side. I will respect that.

But my point, if I may continue, is that it really gets on your nerves a bit when the other side makes these accusations which are totally bald-faced wrong. When it says, for example, the previous speaker said, for example, that we did not support the President's tax cuts. Not only did we, as they said, on the Democratic side, some of us did, but we have very seriously kept, the tax cuts of the President from 2001 and 2003 are secured in this budget. That is a fact. And they are consistent with our House pay-as-you-go rule.

The alternative minimum tax, which otherwise would hit tens of millions of families, these families are protected in this.

And the area where it presses us so and in previous budgets, the President's previous budgets have cut veterans. We increase the funding for veterans by over $2 billion in this budget.

It is a good budget.

□ 1830

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1⅔ minutes.

I would simply say the gentleman from North Dakota represents a State that pays a lot of capital gains tax and farm income, death taxes. Under this bill, the average household of North Dakota will see a tax increase annually of $2,613, which had 244,000 taxpayers. In the State of Georgia, the gentleman just spoke, that State will see an average household tax increase per year of $2,743, which will hit 3,132,000 taxpayers.

If this budget doesn't raise taxes, then why is it that the Democrats shot down every single amendment that was offered to prevent all of these tax increases?

If you really believe it doesn't raise taxes, then why would you prevent us from adjusting the numbers to make sure it didn't raise taxes? You can read any word you want.

You can read any word you want of these so-called reserve funds. At the end of each of these reserve funds, it says, well, we got to come up with offsets to pay for these priorities. We don't want to raise these taxes. We want to extend the child tax credit, but they are not paid for. Actions are louder than words.

More importantly, numbers are louder than words.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LYNCH). The gentleman will suspend. The gentleman would please direct his remarks to the Chair.

Mr. RYAN of Wisconsin. Mr. Chairman, the numbers are very, very clear. The numbers, equivocally, have the largest tax increase in the American history.

Mr. Chairman, I yield 2½ minutes to the gentleman from Florida (Mr. MARIO DIAZ-BALART).

Mr. MARIO DIAZ-BALART of Florida. Mr. Chairman, this budget does include $392 million in increased taxes. Unfortunately, this Democrat tax increase plan affects all Americans. Those increases would hit middle income families, low-income earners families with small children, business, just to name a few.

Now, we have heard here tonight from our friends on the other side of the aisle that they don't want to raise taxes in this budget and that this budget doesn't raise taxes. Mr. Chairman, there is a problem, that the votes here in this body are recorded, they are actually recorded, just last week, not last year, not last century, just last week.

I know memory sometimes fails, but last week, when we marked up this budget, the Republicans offered several amendments making sure that the taxes did not go up. Not a single Democrat in that committee voted for those amendments.

So here they come, on this floor tonight, and say that they do not raise taxes, but last week they voted against an amendment extending the $1,000 per child tax credit. They say, tonight, on this floor, that this budget does not raise taxes, but voted against an amendment last week on this budget that would have extended the marriage penalty tax relief. They say tonight on this floor that they do not want to raise taxes and this budget does not raise taxes, but just a few days ago, they voted against extending the elimination of death tax and even voted against extending the State and local tax deduction.

That is on the record. You see, you can say a lot of things, but votes are recorded.

Ladies and gentlemen, don't take my word for it, don't take theirs. Go on the Internet. Look at the votes. They voted to extend, they voted against those amendments which would have kept the taxes low.

What does that mean for every American family? For example, a middle income family of four earning $60,000 will see an increase of 61 percent to their tax bill in 2011.

But wait, there is a lot more. But wait, like the TV commercial says, but, wait, there is more, 150 million taxpayers would see their taxes increase, on average, of $1,795 by 2011. In the State of Florida alone, there are over 7.6 million taxpayers. I hate to break the news, there aren't 7.6 million rich people in Florida. Over 7.6 million taxpayers in my home State of Florida will see their taxes increase by an average of $3,036.

Mr. Chairman, this is the largest tax increase in the history of this country.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time I yield myself 1 minute just to read some clarifying language, which is in the Democrats' budget.

At the end of these reserve funds, so called, for middle income taxpayers, it says we want to provide this tax relief, but only to the extent that such bills or joint resolutions in the form placed before the House in the Committee on Rules would not increase the deficit or decrease the surplus for fiscal years 2007 through 2012.

Then, in section 401, where they talk about these tax extensions as a statement of their policy preferences, they assume that the cost of such a policy is offset. What does that mean? That means they are not covering the tax cuts. That means if you want to extend these tax cuts, they would have to pay for them on top of raising these taxes.

What this budget resolution also does, if you simply merely want to extend this tax relief, that is past 2010, you would have to come up with more tax increases to do so. This prohibits the ability of Congress to simply extend this tax relief, thereby bringing these tax increases to a curve.

Mr. Chairman, I yield 3 minutes to the gentleman from South Carolina (Mr. BARRETT).

Mr. BARRETT of South Carolina. I thank the gentleman for yielding.

Mr. Chairman, our friends on the other side have complained that I guess we Republicans don't know what fiscal mismanagement is. What does it mean? I guess our Democrats, by their actions this year, especially looking at this budget, I think that fiscal mismanagement means that we are not spending enough. Apparently, if the Republicans had spent more money on everything, including everything in this budget, everything would be perfect, but we certainly know that is not the case. The Democrats seem to think that the IRS tax collectors just need to bring in more money.

But let me tell you exactly what has happened. Collections over the past year are up $2.5 trillion. That figure keeps going up every year. We are collecting more tax revenue, as a share of the economy, more than the average over the past 40 years.

So I guess they are telling me it is not enough. According to the Democrats, there is still too much uncollected tax revenue out there. So their budget, like the budget in the Senate that was produced last week, calls for the IRS to make up the difference trying to close this magical tax gap. I am sure somebody will tell me exactly what this magical tax gap is some time tonight.

In short, this Democrat budget has found that the Federal Government budget is almost perfect. I guess all we need to do is spend more money. Clearly, my colleagues and I have a different approach. Number 1, we think prosperity and economic growth mainly comes from economic investors and workers, not the Federal Government. We think creative ideas, the ones that lead to progress and higher standards of living come from thinking outside the box, not inside the box, because that is government.

I guess last of all, we believe, as President Reagan said in his first inaugural address, we are a Nation that has a government, not the other way around. We believe these things, because we believe the government should limit its taxing and spending, ease the burden on the economy, and let it grow.

Judging by this budget, the Democrats, they don't see that. They think government should call the shots and keep widening its control.

For that reason, this budget trusts the government more than the people that are paying the tax bills. We believe this budget is fundamentally a failure.

If you want to bring it home, in South Carolina terms, so I can let the folks in South Carolina know, this is about a $2,500 tax increase for my average South Carolinan home, $2,500. We believe in freedom. With freedom comes less government, and that is a good thing.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to a distinguished member of the Budget Committee, a member who has great financial expertise, the gentleman from California (Mr. CAMPBELL).

Mr. CAMPBELL of California. Mr. Chairman, you know, I am a little stunned by this debate tonight, by what's being said by the other side. I am hearing a lot of stuff about how this budget balances the budget, but also about how it doesn't raise taxes. The gentleman from Georgia said, and I believe I wrote it down correctly, that it "does not raise taxes one single penny."

Well, this budget either doesn't raise taxes, or it doesn't balance the budget. But it absolutely mathematically cannot do both. It will not and cannot mathematically do both.

This budget includes every penny of tax increases, in the dollars, in the revenue dollars, every penny, which will tax my constituents and the people of California $3,331 each per taxpayer per year. Now, your numbers, the numbers of their budget, includes every bit of cutting the child care tax credit, eliminating the marriage penalty deduction, raising rates at every income bracket, raising the capital gains tax, raising the dividends tax, raising the death tax, raising all of those taxes. Every penny of that is included.

That is how their budget balances. Without it, it doesn't balance. Without it, it has a deficit in the fifth year of somewhere close to $100 billion, which is just a little less than the deficit that we have now.

Now, we didn't write this budget. This is their budget. I will give them the benefit of the doubt, and, presume, that perhaps they would like to have a budget that doesn't raise taxes, or perhaps they would like to have a budget that balances.

But they have increased spending in this budget, which is the reason we have the deficit today. It is not because taxes are too low, it is because spending is too high.

So, I would say to my friends on the other side of the aisle, choose. You are either raising taxes, or you are not balancing the budget, but you mathematically cannot do both. It is your budget, it is your decision. You tell us which one you are going to do.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The gentleman will suspend. The gentleman will direct his remarks to the Chair, please.

Mr. CAMPBELL of California. Mr. Chairman, they should tell the American people which one they are going to do, because they either are increasing taxes or not balancing the budget. They mathematically cannot do both.

Mr. Chairman, the budget, the way it is written, is, absolutely is, and assumes every penny of the largest tax increase in American history, and that is something the people of this country cannot afford.

Mr. SPRATT. Mr. Chairman, before yielding to the gentleman from New Jersey (Mr. ANDREWS) let me just say once again that this budget resolution leaves in place all of the tax cuts implemented in 2001 and 2003. Had we wished, we could have repealed those tax cuts. It leaves them in place in 2007, 2008, 2009 and 2010. The year 2010, December 31, those tax cuts expire their provisions, because they were written and designed to expire by the other side, by the Republicans. That is what happened to them.

This present resolution does not trigger their re-elimination, it doesn't trigger their determination. It doesn't decide either way. By its open volition, by its own terms, these tax cuts will expire on that very day unless they are renewed.

For the purpose of renewal at that point in time, 2010, 2011 and 2012, we will have a surplus of $450 billion, and those surpluses, over time, according to our projection, according to this budget resolution, will build to $1 trillion. If we so choose then, depending on the situation, we can so choose, then, to apply these to all or some of the renewable tax cuts. But that decision can be reached and made then better than it can be now. In the meantime, the tax cuts stand for the next 4 years.

Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey (Mr. ANDREWS).

Mr. ANDREWS. Mr. Chairman, just to save my good friend from Wisconsin the time, I represent a State where 7.5 million people will not see the repeal to their marriage penalty relief, a State where 7.5 million people will not see capital gains rates go back up under this budget, where 7.5 million people will not lose their child care tax credit, et cetera. Here is what these budgets say about taxes.

In 2007, 2008, 2009, 2010, the present law remains in effect. There is no tax cut that was enacted that is modified, limited or repealed.

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On December 31 of 2010, whomever is in control of this Congress will have a choice to make, and that choice will be which, if any or all, of the tax cuts should be extended beyond their expiration date.

Here is the difference between our budget and the President's Republican approach. We say that we should think first, analyze first, and then make the right choice. We say that when we get to December 31 of 2010, let's look at what surplus may exist. If Mr. SPRATT's budget is adopted, the budget will be in surplus of $154 billion by fiscal year 2012.

We say, let's look at the revenues that come in. Our budget, of course, is based upon the CBO's more pragmatic and conservative revenue estimates.

The President's budget, Mr. Chairman, is based upon more optimistic revenue assumptions. We hope that he is right. We hope that the optimistic revenue assumptions are correct, and there will be an even greater surplus at that point in time.

Our budget contains significant investments in closing the tax gap, in going after the tens of billions, if not hundreds of billions, of dollars that are owed under present law but not collected. And we say, let's see how we do in collecting some of those funds. Let's look at the Nation's priorities, and then let's make an intelligent choice about what to do.

The President and the Republican Party have fallen back into the same old rut of saying, when we get to December 31 of 2010, let's do what we have done throughout our period of primacy and majority. Let's borrow more money. That is how we got into the mess that we inherited when we took this majority in January.

We believe that this budget should not borrow money from the Social Security trust fund and from foreign governments like the People's Republic of China to meet our obligations. We believe we should pay as we go, whether it is adding a dollar for the Children's Health Insurance Program, or reducing a dollar in taxes paid by the people of the country.

We believe that the right choice and the first choice and the dominant choice is to stop running this country on borrowed money from the Social Security trust fund, from the Chinese and from others.

So when my friend from Wisconsin read from our resolution, I thank and commend him, because that is exactly what we stand for. When we get to December 31 of 2010 and the question about which tax cuts to renew should be taken up by this Congress, if we are the majority at that time, we will make a wise choice based upon what the surplus is, what the economy looks like and what our options are. But we will not borrow the money from the Social Security trust fund and from other creditors around the world.

We have tried that under them for the last 6 years. It is a recipe for disaster. It is a recipe for a cataclysm in the next decade when Social Security and Medicare come due in a very, very large way. So our principle is not to increase this deficit and to build a surplus, and we stand by it.

Mr. SPRATT. Mr. Chairman, I now yield 3 minutes to the gentlelady from Ohio (Ms. KAPTUR).

Ms. KAPTUR. I would like to deeply thank, Mr. Chairman, the chairman of our Budget Committee, the very able and distinguished gentleman from South Carolina, JOHN SPRATT, who has led our committee to produce a budget that will balance in the next 5 years with no tax increase. It is going to take pay-as-you-go and it is going to take a real regimen to correct America's net negative savings rate.

Certainly, the Bush administration has done much damage in the last 6 years by making a mess of fiscal policy, just as it has made a mess of foreign policy; and now we have got these overhanging budget deficits and trade deficits. For, in fact, in 2001, the administration inherited a projected 10-year surplus of nearly $6 trillion; and within 2 years alone the surplus had been eliminated and we began piling up debt, adding $2.8 trillion over 6 years, much of it purchased by foreign investors, which I will talk about here in just a second.

I want to thank Chairman SPRATT for doing what is right for America. Many organizations, like the Concord Coalition, states, "Thus, to be clear, the Democratic budget resolution does not call for nor require a tax increase."

The Center on Budget and Policy Priorities said this month as well, "The House Democratic plan does not include a tax increase."

And the Hamilton Project at the Brookings Institution of this month also says, "The Democratic budget would not raise taxes."

I think that those on the other side of the aisle doth protest too much, because, in fact, you didn't produce this kind of budget. Now, you might be well intentioned. I used to think Republicans balanced budgets. I have since learned differently after serving here in this Congress.

I want to talk about what is so dangerous about the debt that the Republicans and the Bush administration have accrued. If you look at who is footing the bill, it is foreign countries, Japan, the oil-producing and exporting nations, China. In fact, China now holds over $1 trillion in U.S. dollar reserves, and they are looking to diversify away from the Dow. And if you look at what is happening to the price of gold, it is skyrocketing as the U.S. dollar's worth is dropping.

Our accounts are badly out of order. This budget maintains in the reserve account all of the tax breaks that were given to the American people, the extension of the child tax credit, the marriage penalty relief, extension of the research and air experimentation tax credit, extension of the deduction for State and local sales taxes, school construction bonds and so forth.

So even with the incredible drag of the Iraq war on our Federal budget and our Nation's economy, this Democratic budget that Chairman SPRATT and members of our committee have produced does achieve balance within 5 years. It is rigorous, it will make the Nation more healthy, and I just want to commend him for taking a most difficult challenge and doing what is right for the American people, for our children and grandchildren.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, I appreciate the gentleman's courtesy.

I was just taken aback when I heard one of our colleagues on the other side of the aisle, I think from South Carolina, talk about the concern they have about being, that they weren't big spenders enough. Well, what we have seen under Republican control, where they had the executive and both branches, the spending has skyrocketed. In fact, we saw essays from Republican conservative pundits saying that probably they should have lost in the last election because they have lost control of the budget process. The greatest increase since the Great Society.

I think it is important to go back and look at their record. When they had complete control, spending was out of control, and the most conservative pundits said so. The facts reveal it. They may try and run away from their record at this point by attacking a balanced budget, pay-as-you-go, and focus on priorities that the American public supports, but their record does not support the assertion.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Speaker, we have just heard from the other side about what we are doing. And based upon what they are doing, it is very important for us to set the record straight, that they have had control of this place; and for the last 5 years, since 2001, under this Congress and this administration, they have borrowed more money just from foreign governments alone, from foreign nations, more money than all of the previous 42 Presidents and administrations.

And I know that is shocking to the American people. But it is important. That alone is a glaring example of the outright mismanagement and the lack of fiscal responsibility that they put us in debt to that tune.

Again, since 1789, the foundation of this country, all the way up to 2001, they borrowed more money in the last 5 years, $1.6 trillion. We only borrowed $1.3 trillion from 1789 from foreign countries to 2001. That is why we have to move with a responsible measure like this.

On top of that, Mr. Chairman, finally, I want to say that, in addition to borrowing that money, they inherited a surplus of $5.6 trillion that was squandered in addition to the debt that was acquired.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 3½ minutes to the chairman of the RSC, a distinguished member of House Budget Committee, Mr. HENSARLING from Texas.

Mr. HENSARLING. I hope that the American people, Mr. Chairman, are paying very careful attention to this budget debate. The budget is really about priorities. We have heard about the priorities of the Democratic budget, and that is, let's increase the Federal budget at the expense of the family budget. I can hardly believe what I am hearing with respect to taxes. We know that, having been in power fewer than 90 days, the Democrats have now proposed the single largest tax increase in American history, almost $400 billion of new taxes on the American people.

Well, guess what? Last time they were in the majority, Mr. Chairman, they proposed the single biggest tax increase in American history. I suppose there is something to be said for consistency.

Now, I have heard from our distinguished chairman, and I have the utmost respect for him, and others that there is really not a tax increase. We just have expiring tax provisions.

Well, Mr. Chairman, when people all over America all of a sudden look at their tax bill and see how much they are going to have to pay, I think that is going to be a distinction that is lost on them. Either you are paying more in taxes or you are not.

And I might point out, Mr. Chairman, that all the members, all the Democratic members of the Budget Committee had the opportunity to make sure that the tax relief for American families was permanent, that we extended it. But, instead, they voted against it. They will have another opportunity tomorrow. So there is the old saying that your actions are so loud that I can hardly hear your words.

And so what are we left with? Again, the Democrats are proposing the single largest tax increase in American history.

Now, I have the honor and privilege of representing a lot of good people in the Fifth Congressional District of Texas. And in my home State, the single largest tax increase in American history that Democrats are trying to impose is going to mean an extra $2,700 burden on a family of four in my State.

And I asked people, I asked people from the Fifth District, what is this going to mean to you? And I heard from a lady, and I will use first names here, Diana from Mesquite, Texas, a suburb of Dallas. She said, Congressman, I wanted to let you know that I am a single mom that does not receive any type of child support, and an increase of this amount would break me. I would be at risk of losing my home with this type of increase. I am writing to ask your help to keep this from happening. This would be devastating to middle-income families in my situation.

Mr. Chairman, what the Democrats don't seem to realize again is when they spend more money on the Federal budget, they are taking money away from the family budget with their single largest tax increase in American history.

Let's hear from Brian from Dallas. Dear Congressman HENSARLING, the tax increase would most likely affect our ability to pay tuition and books for our daughter to go to college. She is a junior this year, and we are trying to save money for her education. The loss of these funds due to an increase in taxes will have a negative impact on our plans for her education.

They are taking money away from the family budget. They are putting Diana's home in jeopardy. They are putting the education of Brian's daughter in jeopardy.

Vote down this single largest tax increase in American history.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 3 minutes to the gentleman from the House Budget Committee, Mr. SMITH from Nebraska.

Mr. SMITH of Nebraska. Mr. Chairman, I rise with great concern about the proposed budget and how sustainable it is or it is not.

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I would express it concerns me a great deal when I see the fact that 115 million taxpayers would see their taxes increase on average by almost $1,800 in 2011. I think this discussion can be healthy, and I appreciate the fact that the majority does want to keep some of the tax relief, but it needs a budget that comports with that intent.

It concerns me a great deal when I look at the long term when we see absolutely no change in direction from prior spending. We hear that there has been borrowing that has taken place. It has. There is no denying that. But now it seem that the option is to take more tax dollars from the taxpayers, and that is what I think will be damaging to the economy as a whole and certainly the economy of households all across America. When I look at what I see as very damaging to seniors with the dividends tax relief plan that would be cut off, that concerns me a great deal, and when I look at the impact to my State of Nebraska in the increases in taxes, I just don't see where this new budget sets a new direction.

We were told in the Budget Committee several times that we need fundamental reforms in entitlements, and yet this budget presents absolutely no reforms in entitlements.

Mr. Chairman, those are my concerns and they are concerns about the future.

Mr. SPRATT. Mr. Chairman, I yield 5 minutes to the gentleman from North Carolina (Mr. ETHERIDGE), the former superintendent of education in the State of North Carolina.

Mr. ETHERIDGE. Mr. Chairman, on behalf of North Carolina's children and our working families and the people of America, I rise this evening in support of this budget resolution and congratulate my good friend the chairman of the committee, JOHN SPRATT, for his visionary leadership in crafting this important document.

With this budget resolution, the new Democratic majority will succeed where our Republican predecessors have failed. To budget is to govern, and this resolution will produce a balanced budget with balanced priorities, and that is important.

As the chairman has indicated, I am proud to be the only chief State schools officer serving in Congress, and I am particularly pleased about the measures providing for education and innovation in this budget. And I thank you, Mr. Chairman, for your leadership.

Specifically, rather than continuing the Republicans' record of passing a crushing debt burden on the future generations, the Spratt resolution contains tough budget discipline for a new direction for the Federal budget. The Spratt resolution rejects the President's proposed education cuts and instead provides greater investment in our Nation's schools, including the school construction bonds that Chairman RANGEL and I have been working on for nearly a decade. It provides $50 billion for children's health insurance, and it protects millions of middle-income families from the onslaught of the alternative minimum tax.

There are many reasons to support this resolution, but in my brief allotted time, I want to say that I support this resolution on behalf of my grandson, William, and my granddaughter, Virginia, and all the children of America and their families who deserve a budget that puts their needs first.

My friends, this is what the Republican leadership has done for the last 6 years. They used a credit card. No one in America could get away with paying nothing but the interest on a credit card. They have run up the debt for my grandchildren and every child in America, and that is wrong. The definition of a good budget is when you do what is right for the next generation. That is the definition of this budget, and it is a budget that is truly balanced. And I thank you, Mr. Chairman, for your hard work.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentlewoman from Wisconsin (Ms. MOORE).

Ms. MOORE of Wisconsin. Mr. Chairman, if a Nation is judged by how it treats its weak, its vulnerable, and its children, then American families can be proud of the fiscal year 2008 Democratic budget.

For the past 6 years, this administration and its allies in Congress have pit ordinary people and their struggles against the interests of the wealthiest in our society.

The Democratic budget represents a dramatic change of course, putting children and families first by investing in health care and education, accommodating tax relief to middle-class families, and providing assistance for hurricane-ravaged communities and supporting the poorest of the poor, those who have no tax liability. We budget for expansion of the State children's health insurance program.

We often hear folks say that education is the key, but, of course, money is what unlocks the door. The chairman's mark increases funding for education and social services, job training by almost $8 billion over the 2008 program level in the President's budget for vital services such as Head Start, IDEA, and programs under No Child Left Behind.

We reject the President's cuts to critical social services programs by helping struggling families make ends meet, and in doing so, we recognize that the number of Americans living in poverty has increased by 5.4 million since 2000. We provide the resources to help support energy assistance, food stamps, and child care for low-income families. The Democratic budget rejects the President's proposal to eliminate the Commodity Supplemental Food Program, serving nearly 5,000 seniors each month in my district.

This evening's budget debate is about our priorities as a Nation as well as our morality. In short, the Democratic budget represents a downpayment to fulfill the commitment we have made to our Nation's children and families.

Mr. SPRATT. Mr. Chairman, I yield 4½ minutes to the gentlewoman from Pennsylvania (Ms. SCHWARTZ).

Ms. SCHWARTZ. Mr. Chairman, I rise as a member of the Budget Committee. I am now in my second term. There is a great contrast between what went on in the last 2 years when I was in the Budget Committee and this budget that is being presented.

I want to compliment, first of all, on behalf of the people in my district, the 13th Congressional District in Pennsylvania, and as a proud American, to be able to do the right things fiscally, to be responsible, to compliment and congratulate Mr. SPRATT for putting forward a budget that is fiscally disciplined and fiscally responsible. And it is very different than the budgets we saw presented by the President or that I have seen passed in my last 2 years in Congress.

This budget is fiscally responsible, and it is a budget that is committed to new priorities for Americans, priorities that recognize the needs of the American families. This budget ends the Republicans unsustainable borrow-and-spend policies.

One of the most irresponsible things we could do we have watched them do for the last 6 years, and that is, spend money we simply do not do not have, with no real expectation about how we are going to repay the debt that we have incurred. In the last 6 years, we have reached a point where we have, because of their borrow-and-spend priorities, an almost $9 trillion national debt.

This budget will put our Nation on sounder financial footing. It won't correct everything because the fact is that you can't deal with an $8 trillion debt in 1 year, and we won't. But this budget does put us on sound fiscal footing, and that is something we should all be proud of and we should all support, both sides of the aisle, because what this budget does is it says that we are going to finally take responsibility to pay for what we spend and we are going to reach a balanced budget in 5 years.

We are going to have some surplus at the end of that 5 years. We are going to be able to start paying down our debt that we would otherwise be leaving to our children and our grandchildren. And at the same time, we are going to do everything we possibly can to make sure that we spend a few extra dollars, take money other places, pay as you go, as we have talked about, to actually be able to put some more spending into education and health care and veterans' health.

You have heard about some of that already this evening, Mr. Chairman, but we want to be absolutely clear that this budget requires any new Federal spending, including what we do this year, to be fully paid for, rather than left to future generations. It balances the Federal Government's checkbook within 5 years without raising taxes. It sets us on a course to pay down that debt and to pay for Social Security. It is committed to tax relief for hard-working Americans, particularly the middle class, and we are committed to do so in a way that is fiscally responsible by saying we will do it and we will pay for it.

And we have asked our committees to take that seriously. I am on the Ways and Means Committee. We fully expect to deal with what would be an enormous tax increase on middle-class Americans, the alternative minimum tax, by not just patching it for 1 year, as the Republicans suggest and have been doing for 6 years, but by, in fact, fixing it permanently.

This budget also, Mr. Chairman, and I want to emphasize this, recognizes the priorities of American families as they seek to meet their obligations, just as we should as the Federal Government.

Fifteen years ago, a long time ago now, in 1992, I worked successfully as a Pennsylvania State Senator to start one of the Nation's first children's health insurance programs. We call it CHIP; the Federal Government calls it SCHIP. But as a result after 1992 to now, we have 150,000 children in Pennsylvania who have health insurance they wouldn't have had otherwise, private health insurance, and 4 percent of Pennsylvania children still don't have coverage. And nationwide, there are 7 million children across America who are uninsured. This is unacceptable.

So let me just say, Mr. Chairman, this budget responds by dedicating resources to insure those children. So let me just say this budget is a win for America's children, and it is a win for America's family. It is a budget that values our Nation's future economic outlook. It balances the budget. It lays the future groundwork for prosperity for the future of this country. It gets us to a point where we can pay down our debt. This budget is a proposal that presents a new direction for America. We should all be for it. It is fiscally sound and makes that investment.

I am proud to support this budget. We all should be.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time, I would like to yield 3 minutes to the gentleman from New Jersey (Mr. GARRETT).

Mr. GARRETT of New Jersey. Mr. Chairman, I have heard someone say, appropriately so, once they saw the Democrats' budget plan, "Be afraid. Be very much afraid." And the reason they said that was because they were looking at one of the points that have already been raised here, and that is the Democrats' largest tax increase in U.S. history. As people have already noted, a $392 billion increase in taxes on American families. That certainly is reason alone to be afraid of this budget and what it will mean to the American taxpayer.

But mind you, the Democrats don't stop there. After they raise your taxes once, they are going to be coming after you a second time. And they do that in the form of trying to fill the so-called "tax gap."

What is the tax gap? The tax gap is their position of how they fill up any shortage in their funding by going after people who are not adequately paying their current tax amount.

I think the average American would say that we are already paying far too much in taxes. I think if you ask the average American, they would tell you that they are already paying their fair share. But the Democrats are saying that in addition to the $392 billion in additional taxes that American families are going to pay, they are going to go after you one more time.

Right now, 86 percent of Americans, according to the IRS, are paying their fair share and paying at the respective time. The Democrats are saying that they are going to go for another around $300 billion from Americans. Now, in committee, what they said they were going to do is go after those egregious loopholes in corporations and the like. I think Members on both sides of the aisle would agree that we should try to close those loopholes and go after corporations who are not paying their taxes.

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But do you know what? In the testimony before our committee, the IRS Commissioner told us that when he goes after corporations, that is only about 10 percent of all the outstanding taxes that are out there. That means one thin dime on the dollar is maybe available.

I pointed out to you already that they want to get another $300 billion from you and I from this so-called tax gap. What does the IRS say about that? They say the most realistic figure they could come up with is around $20 billion. And not just in one year. It would take about 5 years in order to achieve that $20 billion.

So what does it come down to? It comes down to that the Democrats are raising your taxes on one hand and going with the other hand one more time at you to try to fill that tax gap. What does that mean to the average family, you and I?

Well, yes, they will tell you they are going to go after the bad guy out there who is not paying his taxes, but, in order to do it, they are going to have to change the Tax Code, strengthen the IRS, put more agents out there.

As a matter of fact, again, the IRS Commissioner came and testified before the committee. He said, in order to achieve even a part of what the Democrats want to do, they are going to have to impose draconian changes to the Tax Code. That means you put in a 1099 to pay your niece when she babysits or pay your neighbor when he mows the law. Draconian effects, added to this tax increase is what the Democrats would cost the American family.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the gentleman from North Carolina (Mr. McHENRY).

Mr. McHENRY. I thank my colleague from Wisconsin.

Mr. Chairman, this is a landmark day in the House of Representatives; and records are being broken. In fact, they are being shattered here on the House floor.

Democrats are poised to pass a $392.5 billion tax increase to this Federal budget and a spending increase to match it. And, you guessed it, it sets the record for our Nation's history, the record of the largest tax increase in American history.

Now, they should be proud, because they have outdone themselves from their budget in 1993, which was then the largest tax increase in American history. One hundred and fifteen million taxpayers will see their taxes increase by $1,795; 48 million married couples will see their taxes increase by $2,899; 17 million elderly individuals will see their taxes increases by $2,270. This isn't chump change for the American people. It is real money. It is real money the Democrats believe the American people owe them.

And why do Democrats feel entitled to this money? Because it is what they do. It is what they do. They tax and they spend. They spend and they tax. It is what the Democrat Party here in Washington does. And why is that? Well, I think it is because they haven't had a new idea in 70 years with the advent of the New Deal.

But as a side note, for the American people listening today, Mr. Chairman, I think it is very interesting, very striking, the level of hypocrisy in this budget. Because it also does something very interesting with this budget today. It accepts the President's funding levels for the troops in Iraq through 2009.

Well, this is pretty interesting, because just last week the liberal majority voted to cut off funds in 2008, right before the general election, didn't they? I think this is a high level of hypocrisy out of this budget. And what they said last week is "we are standing against the war in Iraq. Get our troops out in 2008." What they are saying with this budget here today is, "we will fund it a little longer." It is a level of hypocrisy here in Washington, D.C., Mr. Chairman, that the American people need to know about. They say, forget about last week.

This Democrat party is the party of consistent inconsistencies.

Another glaring error is, in their first majority budget in 13 years, they don't tackle the entitlement programs. They don't tackle reforming entitlement programs to make sure Medicare and Medicaid and Social Security can last for generations. We need entitlement reform.

Republicans, when we were in the majority, we had $280 billion worth of entitlement savings and reform to preserve Social Security, Medicare and Medicaid and all the entitlement programs. But the Democrats ignore the looming entitlement crisis.

I think what we have to go back to is this is the tax-and-spend party, and we must oppose them. I urge my colleagues to vote against this budget.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3½ minutes to the gentleman from Michigan (Mr. McCOTTER), a member of the Budget Committee and the distinguished chairman of the Republican Policy Committee.

Mr. McCOTTER. Mr. Chairman, in addressing my issues with this budget, I prepared some elaborate charts. I know that you are pretty worn out of charts by now, but I think these will try to encapsulate some of the problems that I believe my party and myself in particular have with this budget.

Some of the problems I think have to be dealt with right off the top. We have a budget that promises to balance by 2012. It does so with many promises for future spending, and it promises to hit American taxpayers with the largest tax increase in American history.

Now, we are told not to be concerned about that. As someone with young children who would like to be out of the poorhouse when I retire, I worry about that greatly. I worry about that greatly, the economic opportunities that they will have in the future.

So when I see that it is being defended, the largest tax increase in human history is being defended because there are promises contained within the budget that, no, we do not mean this, we will only raise certain of your taxes, that still provides me very cold comfort indeed.

When I hear there are promises for billions upon billions in future spending in things called reserve funds, which means there is no money in it, it constitutes an IOU account, which to its name you have signed the American taxpayer, I also take very cold comfort in that.

When I hear that we talk about trying to find tax gap money to pay for new spending, I am reminded of the fact that tax gap funding is the difference between taxes levied and taxes collected. In short, tax gap money has to go for deficit reduction or debt reduction, because you are going to collect money for which services have already been purchased. If you allow new spending based upon that money, you will continue to perpetuate a deficit.

Now, I have come to this also as a father with young children and as a member of Generation X. I know I don't look it, because I am bald, but I am far younger than my service here has rendered me to look.

In the final analysis, there is no true entitlement reform here. My generation is the one that thinks it is never going to see Social Security, that the babyboomers will break the social safety net. We are concerned about Medicare, we are concerned about Medicaid, and yet we are told that we will deal with that later.

We are told by the Democratic majority that, when they were in the minority, somehow we impaired their ability to think and devise plans to save the social safety net of the United States, and let us wait. I tell you, I am not getting any younger, and I prefer not to wait.

Now, one of my particular concerns I have to address. I have much respect for the Blue Dogs in the Democratic Party. My father was a Blue Dog Democrat. He wound up being a Reagan Democrat, which I think is pretty good.

The Blue Dog Democrats looked like this before in the past when they were in the minority, trying to show that they were fiscally conservative. Now, I don't know that I would let this dog watch my wallet, but I wouldn't think he would bite me. So I might take a chance on him or not.

But today's budget, for the Blue Dogs who support it, I want you to see what America is going to think of you. There you are. There you are, with a fine new hairdo. There are you are with silk and threads, purchased with the largest tax increase in American history.

Now, that dog might not bite you, but I certainly wouldn't trust it to guard my wallet either.

Mr. SPRATT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I thought I had seen it all, until I just saw the cartoon. What we have seen tonight is a sort of unrelenting attack for 3 hours on a straw man, a demonized version of this particular budget resolution. Because if you read it, you read it in vain in search of any particular language or place where these tax cuts are terminated or extended. That decision, as we have said, has been left open until a better time when we know better where we stand.

If we had wanted, if we had wished, we could have repealed all of the deductions, credits and exemptions passed in 2001 and 2003. We did not do that. They remain in effect this year, next year, 2009, 2010. Then they expire on December 31, 2010, because that is the way they wrote them to expire, in order to diminish the size of the tax cuts somewhat and shoehorn them into the budget situation, which would only provide for so much tax expenditure reduction.

I have also heard it said out here something about defense spending. Let me mention to you one little anomaly we haven't brought up tonight. But in order for the other side to say they are spending more than us on defense, I guess, I surmise, they have added $38 billion to budget authority, BA, for national defense. But, at the same time, they have taken $60 billion out of the outlay stream. That is the real money that is outlaid, that is spent by the Pentagon.

So they have taken $60 billion away from our troops in the field by their assumption about outlays, if it were efficacious; and, in fact, it is not efficacious. You can't control outlays. So they have an anomaly like that in the middle of the budget.

So I don't think it behooves them to criticize our budget resolution or to make it something that it isn't, because they have got things there in their own budget resolution that won't bear scrutiny and require explanation.

But the tax cut, let's get down to the bottom line, this budget resolution does not raise taxes. It allows all of the tax cuts passed in 2001 and 2003 to remain in place until they expire December 31, 2010, and leaves for then the decision as to what to do about their renewal.

Mr. Chairman, I yield 3½ minutes to the gentleman from Florida (Mr. MAHONEY).

Mr. MAHONEY of Florida. Mr. Chairman, I rise tonight on behalf of Florida's 16th Congressional District in support of the House budget resolution for fiscal year 2008.

I decided to run for Congress 18 months ago because I wanted to protect my daughter Bailey's American Dream. I was appalled by how Republican leadership had turned a budget surplus into a $3 trillion deficit. I was appalled by out-of-control earmarks that put political payoffs over good government. Tonight, my daughter's legacy of this Republican mismanagement is her personal debt tax of $29,000.

I am proud to stand here tonight with Chairman SPRATT and my fellow Blue Dogs in support of a fiscally responsible budget that reflects the priorities and values of the American people. I am proud that the Democratic Party is taking yet another step in bringing fiscal responsibility back to our Nation.

Our first step happened within hours of our swearing in, when we began to clean up the Republicans' culture of corruption by passing earmark reform. Next, we passed the pay-as-you-go, PAYGO, rule that forces this Congress to live within its means, just as American families do. I am proud that this budget follows the PAYGO rule, as it demonstrates a Democratic commitment to walk the walk of fiscal responsibility and not just talk the talk.

Instead of a fiscal policy that gives tax breaks today and funding them by going into debt and mortgaging our children's future, this budget begins the process of bringing spending under control and lays the foundation to return to a budget surplus so that we can legitimately lower taxes.

While the President's budget imposes nearly $81 billion in new taxes over the next 5 years through user fees for veterans, seniors and other taxpayers, our budget reduces taxes on middle-income families.

While the President's budget increases taxes by more than $300 billion by cutting employer-provided health care, our budget lowers taxes by extending the child tax credit, the marriage penalty tax relief, the 10 percent individual income tax bracket, the research and development tax credit and the deduction for State and local sales tax, something that is critical to my constituents in Florida.

And while the President's budget increases the deficit by over $1.4 trillion over the next 10 years, our budget would create a budget surplus within 5 years.

This budget resolution provides for a strong national defense, giving the President what he requested, while increasing homeland security funding for port security and our first responders. It takes care of those who have served our country by increasing funding for veterans service programs by a record $6.6 billion. It stands up for Florida's 1.8 million small business owners by rejecting the President's plan to slash the Small Business Administration's budget by 26 percent.

Mr. Chairman, this budget puts children and families first by investing in health care and education. It helps 733,000 of Florida's most vulnerable children who do not have health insurance.

☐ 1930

This budget helps 733,000 of Florida's most vulnerable children who do not have health insurance by increasing funding for the State Children's Health Insurance Program, and invests in our children and our economy's future by honoring the President's broken promises by funding No Child Left Behind and special education and Head Start.

This budget resolution funds our priorities and reflects the priorities of our districts, the States and Nation; it lowers taxes, not raises taxes.

Mr. Chairman, I encourage my colleagues to support the House budget resolution.

Mr. RYAN of Wisconsin. I yield myself 30 seconds, Mr. Chairman, only to say that I can't understand how you can say that their budget lowers taxes, let alone doesn't raise taxes.

You can't have it both ways. Either you are raising taxes and balancing the budget or you are not raising taxes and not balancing the budget. It is mathematically impossible for the other side to say they are balancing the budget and not raising taxes.

With that, I yield 6 minutes to the distinguished ranking member of the Veterans' Affairs Committee, Mr. BUYER of Indiana.

Mr. BUYER. I compliment Mr. RYAN for his budget. I speak in support of the Republican alternative for fiscal year 2008 budget resolution.

In particular, I would like to address the veterans discretionary health care and programs which would provide $42.4 billion, most of it for health care. This budget is $2.9 billion above the administration's overall request.

Mr. Chairman, the Republican alternative would provide our Nation's veterans with an increase of $8 billion more than the Democrats over the next 5 years, without any tax increases on the very same veterans. That is a budget of $8 billion more for our veterans versus a tax increase of $392.5 billion on America's veterans.

Now think about that. They want to stand up and say, oh, we are going to be against enrollment fees and copays, but what are they really doing? They are increasing taxes on veterans to do what? Increase funding for veterans programs. Think about it. Over 25 million veterans they want to increase taxes on.

The assumptions behind the numbers of Mr. RYAN's budget here, within the $28.5 billion for medical services for FY08. House Republicans would provide $1.3 billion more than the President's request, including $463 more in increasing demands on VA health care system, $200 million for mental health over and above the President. These numbers are over and above the administration. $100 million more on OIF, OEF, $100 million for chiropractic care. $100 million for dental care, $80.2 million on long-term care, $50 million more than the administration on polytrauma care, $65 million for prosthetic and sensory aids, $25 million for blind rehabilitation. Republicans would also provide nearly $100 million more than the administration's request for the medical and prosthetic research.

We also fund $1.4 billion above the administration's budget for construction and facilities. This includes $585 million to the O&M accounts for improving our current medical facilities, an additional $691.7 million to support a substantial investment in the construction, renovation, planning and design of major medical VA facility projects, and $120 million for the gravesite expansion in the National Cemetery Administration.

When you look at the chart, the zeros on the chart, the dots here are the National Cemetery expansions. Those would include Calverton, New York; Indiantown Gap, Pennsylvania; Canton, Georgia; Abraham Lincoln, Illinois; Dayton Ohio; Houston, Texas; Phoenix, Arizona and Riverside, California.

When you look at the diamonds, what this would include would be advanced planning for construction projects in Tampa, Florida; in Bay Pines, Florida; Seattle, Washington; American Lake, Washington; Seattle, Washington; Roseburg, Oregon; Palo Alto, California; San Francisco, Loma Linda, Los Angeles; Dallas, Texas; Louisville, Kentucky; Butler, Pennsylvania; Washington, D.C.

In North Carolina it would be in Salisbury, Ashville and Fayetteville; Wichita, Kansas; Omaha, Nebraska. And in South Carolina, it would be in Columbia and in Charleston. In Alabama, it would be Birmingham. Perry Point, Maryland; Bronx, New York; West Haven, Connecticut.

With regard to major construction projects and full funding, that is depicted by the stars on this map, you would have in Los Angeles, California would be seismic corrections of $103.8 million; Fayetteville, Arkansas, clinical addition $59 million; Pittsburgh, Pennsylvania, a campus consolidation of $105.5 million; Lee County, Florida outpatient clinic of $89 million. St. Louis, Missouri, is medical center improvements of $25.8 million. Columbia, Missouri operating suite replacement of $32.5 million. And in Milwaukee, Wisconsin, a spinal cord center of $30 million.

With regard to how we get to the $8 billion differential, it is this: The Democrats assume an assumption over the 5 years of an increase of 5.8 percent. The Republican proposal over 5 years is an increase of 7.2 percent. What I did is I looked at the medical inflation plus utilization rate, and when you work those numbers, we actually come up with a differential of $8 billion. The Republican alternative is an $8 billion increase in veterans funding over and above the Democrat proposal. And we do that without increasing taxes on America's veterans. I think that is pretty important.

When I think about the taxes on America's veterans and families, let's see, those are tax increases on middle-income veterans and their families, tax increases on low-income earners, tax increases on veterans with children, those who own small businesses. Think about it. It is going to be an increase in marginal rates potential, the child tax credit reduction could be wiped out. You've got the increase in the marriage penalty, increase in death taxes, increase in capital gains and other tax increases. That is going to be upon America's veterans, and I think that is pretty disturbing.

So a $392.5 billion Democrat tax increase, who does it hurt? It hurts America's veterans. It hurts our wounded warriors. It hurts our low-income veterans. It hurts veterans with children. It hurts our veterans who are business owners.

Now think about this for a second. I want to go back to it. I support the copays, I support enrollment fees for proper utilization. But what is happening here? You see, my Democrat colleagues will stand up and say to the veterans community, oh, I don't want to increase any copays, I don't want to do enrollment fees, but what are they doing instead? They are taxing America's veterans, who in turn will then take those dollars and roll them back into veterans programs. But they are going to champion that we are not going to increase copays, I am not going to increase enrollment fees, but what I am going to do to 25 million veterans is I am going to tax them, not only during your life, but I am going to tax you when you die.

Thank you, for the time Mr. RYAN and I thank you and your staff for your hard work on this budget. It is a budget of which we can be proud.

Mr. Chairman, the Republican Alternative for Fiscal Year 2008 Budget Resolution for veterans discretionary healthcare and programs would provide $42.356 billion, most of it for health care. This budget is $2.939 billion above the administration's request.

Mr. Chairman, the Republican alternative would provide our Nation's veterans with an increase of $8 billion more than the Democrats over the next 5 years without any tax hikes on those same veterans.

Within our $28.5 billion for medical services for FY08, House Republicans would provide $1.3 billion more than the President's request, including: $463 million more for increasing demands on the VA health care system; $200 million for mental health care; $100 million more for Operations Enduring Freedom and Iraqi Freedom; $100 million for chiropractic care; $100 million for dental care; $80.2 million for long-term care; $50 million more than the administration for polytrauma care; $65 million for prosthetic and sensory aids; and $25 million for blind rehabilitation.

Republicans also would provide nearly $100 million more than the administration's request for medical and prosthetic research.

We fund $1.4 billion above the administration's budget for construction and facilities. Included in this is $585 million for improving our current medical facilities and an additional $691.7 million to support a substantial investment for the construction, renovation and planning and design of major medical facility projects. The Republican Alternative also includes $120 million for the National Shrine Commitment of the National Cemetery Administration and expands gravesites in the following locations: Annville, PA; Canton, GA; Elwood, IL; Riverside, CA; Calverton, NY; Houston, TX; Elwood, IL; Dayton, OH; and Phoenix, AZ.

This is why the Republican alternative also funds an additional $691.6 million above the administration's request to support a substantial investment for the construction, renovation and planning and design of major medical facility projects.

$105.5 million for the consolidation of campuses in Mr. DOYLE's district in Pittsburgh, PA. Constituents in Mr. ALTMIRE's, Mr. MURPHY's, and Mr. MURTHA's district will benefit as well.

$103.8 million for seismic corrections in Mr. WAXMAN's district in Los Angeles, CA. Constituents all over the Los Angeles area would also benefit including constituents in Ms. HARMAN's and Ms. WATSON's district.

$32 million for a Spinal Cord Center in Ms. MOORE's district in Milwaukee, WI. Constituents in Ms. BALDWIN's, Mr. SENSENBRENNER's, and Mr. RYAN's district will benefit.

$89 million for outpatient improvements in Mr. MACK's district in Lee County, FL. Constituents in Mr. MAHONEY's, Mr. DIAZ-BALART's, and Mr. BUCHANAN's district will benefit as well.

$59.9 million for a clinical addition in Mr. BOOZMAN's district in Fayetteville, AR. Constituents in Mr. SNYDER's, Mr. BLUNT's, and Mr. ROSS' district will also benefit.

$92 million for medical center improvements in Mr. CARNAHAN's district in St. Louis, MO. Constituents in Mr. LACY CLAY's and Mr. AKIN's district will benefit.

$25.8 million for operating suite replacement in Mr. HULSHOF's district in Columbia, MO. Constituents in Mr. GRAVES', Mr. SKELTON's, and Mr. AKIN's district will benefit.

Mr. Chairman, the Republican Members also fund advanced planning for medical facilities. The funding represents about 5 percent of the estimated cost of the project and is an important first step in the construction of these new facilities.

$36.8 million for a co-located joint use medical facility with the Medical University of South Carolina in Charleston, SC. This project is in Mr. BROWN's district but constituents in Mr. CLYBURN's district will benefit as well.

$8 million for Poly-trauma center expansion and a bed tower in Tampa, FL. The project is in Ms. CASTOR's district, but it will also help constituents in the districts of Mr. BILIRAKIS, Mr. PUTNAM, and Mr. YOUNG.

$1.9 million for seismic improvements in Seattle, WA. The project is in Mr. MCDERMOTT's district but will also help constituents in the districts of Mr. DICKS and Mr. SMITH.

$6.8 million for inpatient and outpatient clinic improvements in Bay Pines, FL. This is in Mr. YOUNG's district and the project will also help constituents in the districts of Mr. BILIRAKIS, Ms. CASTOR, and Mr. PUTNAM.

$26.5 million for land to build a new medical facility in Louisville, KY. This project is in Mr. YARMUTH's district but will also benefit constituents in the districts of Mr. DAVIS and Mr. LEWIS.

$14 million for seismic correction in ambulatory care in Palo Alto, CA. This project is in Ms. ESHOO's district but constituents in the districts of Mr. HONDA, Mr. LANTOS, and Mr. STARK will also benefit.

$2.4 million for seismic corrections in American Lake, WA. This project is in Mr. SMITH's district but constituents in the districts of Mr. DICKS, Mr. MCDERMOTT, and Mr. REICHERT will also benefit

$3.6 million for seismic corrections for the mental health building in Roseburg, OR. This project is in Mr. DeFAZIO's district but constituents in the districts of Ms. HOOLEY and Mr. WALDEN will also benefit.

$2.9 million for a spinal cord injury center in Dallas, TX. This project is in Ms. BERNICE JOHNSON's district but other constituents in the Dallas area will also benefit.

$4.1 million for a spinal cord injury center in Bronx, NY. This is in Mr. SERRANO's district but constituents in the districts of Mr. RANGEL, Mr. CROWLEY, and Mr. ENGEL will also benefit.

$4.3 million for seismic corrections to five buildings in San Francisco, CA. This project is in Speaker PELOSI's district but constituents in the districts of Ms. WOOLSEY, Ms. LEE, and Mr. LANTOS will also benefit.

$7.5 million for seismic corrections to thirteen buildings in Los Angeles, CA. This project is in Mr. WAXMAN's district but all constituents in the greater Los Angles area will benefit especially those in the districts of Ms. HARMAN and Ms. WATSON.

$2.2 million for an outpatient clinic in Butler, PA. This project is in Mr. ENGLISH's district but constituents in the districts of Mr. ALTMIRE and Mr. PETERSON will also benefit.

$6.5 million for seismic corrections for buildings in Seattle, WA. The project is in Mr. McDERMOTT's district but will also help constituents in the districts of Mr. DICKS and Mr. SMITH.

$3 million for an outpatient clinic in Palo Alto, CA. This project is in Ms. ESHOO's district but constituents in the districts of Mr. HONDA, Mr. LANTOS, and Mr. STARK will also benefit.

$8.5 million for outpatient clinic expansion in Washington, DC. This project would affect constituents in ELEANOR HOLMES NORTON's district but also benefits constituents in Mr. DAVIS's and MORAN of Virginia, as well as constituents in Mr. WYNN's and leader HOYER's district.

$2 million for a clinical addition in Salisbury, NC. This project is in MELVIN WATT's district, but constituents in Mrs. BONO's, Mr. BACA's, and Mr. McKEON's districts will also benefit.

$3.75 million for medical and surgical bed, and ambulatory modernization in Wichita, KS. This project is in Mr. TIAHRT's district but will benefit all veterans in Kansas.

$2.6 million for diagnostics and specialty care facility renovation in Columbia, SC. This project is in Mr. WILSON's district but the constituents in the districts of Mr. SPRATT, Chairman of the Budget Committee, and Mr. CLYBURN will also benefit.

$5.9 million for clinical expansion in Dallas, TX. This project is in Ms. BERNICE JOHNSON's district but constituents in the districts of Mr. SESSIONS and Mr. MARCHANT will also benefit.

$1.6 million for an outpatient clinic in Huntsville, AL. This project is in Mr. DAVIS' districts constituents in the districts of Mr. ADERHOLT and Mr. BACHUS will also benefit.

$2.5 million for a nursing home care unit in Perry Point, MD. This is in Mr. GILCHREST's district but constituents in the districts of Mr. MILLER and Mr. SARBANES will also benefit.

$5.2 million for a clinical ward tower in West Haven, CT. This project is in Ms. DeLAURO's district but constituents in the districts of Mr. HALL, Mr. SHAYS, Mr. MURPHY and Mr. COURTNEY will also benefit.

$7.8 million to fix heating and air conditioning and clinical deficiencies in Omaha, NE. This is Mr. TERRY'S district but I am sure all Nebraskan veterans will benefit.

$1.8 million for outpatient expansion in Ashville, NC. This project is in Mr. SHULER's district but constituents in the districts of Mr. DAVIS and Mr. DUNCAN, of Tennessee, will also benefit.

Mr. Chairman, I now turn to my next chart, which shows the Republican alternative budget outlays for the next five years.

As you can see, the President's five-year average budget growth rate for VA discretionary spending is 1.60 percent, the Democrat's is only 5.8 percent and the Republican alternative five-year average growth rate is 7.2 percent.

This number accounts for the cost of medical inflation that is calculated by the consumer price index and annual increased use of VA by all veterans.

What this means Mr. Chairman is that over the next five years Republicans would increase spending by $8 billion more than our friends on the other side of the aisle and we will do this without a tax increase.

Mr. Chairman, at first blush the Democratic budget appears good for veterans, but it is really just smoke and mirrors.

The Democratic budget contains a $392.5 billion tax hike. This includes tax hikes on middle income veterans and their families, veterans who are low-income earners and veterans who own a small business. Democrats also blocked every amendment offered in the Budget Committee that would stop unfair taxes on veterans and their families.

Mr. Chairman, the last time Democrats were in the majority they passed the largest tax hike in history. Now, with only 3 months in office they have already broken their own record. This is the wrong message to send to our veterans and their families.

Mr. Chairman, we are a nation at war, and we will win this war. The best way to maintain morale of our servicemembers is not to micromanage the fight, pretending that's good for the troops; it is to make tough decisions here that will engender their confidence in our capacity to preserve the vitality of this nation while they fight for its freedom.

I believe that the Republican budget helps do exactly that, while honoring the promises we have made our veterans.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time is left on each side?

The Acting CHAIRMAN (Mr. LYNCH). The gentleman from Wisconsin has 31½ minutes and the gentleman from South Carolina has 23½ minutes.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I will yield 3 minutes to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, if America is watching this debate, I'm sure they are getting confused by all this minutia, which is very, very important. So the things that they really need to be listening to tonight is, and I hope America is paying attention to this, this is the largest tax increase in the history of the United States by the people who said they weren't going to do it when they were running for office. They promised a streamlined government. They promised less spending and lower taxes.

Let me tell you what they are going to raise, and I hope everybody in America is listening because this isn't minutia, this is the facts. Marginal tax rates are going up by $192 billion. The reduction in child credit, if you've got a child, the reduction in child credit is $27 billion. That's an increase. The increase in the marriage penalty is $13 billion, you know, the marriage issue that has been around for a long time.

The death tax. If you are going to leave your business to your kids, if you want to reduce that so that you can leave your children your farm or something, they are going to increase that by $91 billion. They are going to increase the capital gains tax. If you are a small businessman trying to make it in this very competitive society in which we live, they are going to increase the cost of capital gains by $32.5 billion, and then other tax increases by $47 billion.

So, America, if you are listening tonight, and I hope you are, it is late in the day, except in California. I guess in California it is only about 5 o'clock or a little before, but if you are listening, remember, the people who promised you a streamlined government, the Democrats, the people who promised you lower taxes and better government, the Democrats, remember, they are giving you, across the board, the largest tax increase in the history of America, $392.5 billion over 5 years.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. Members are reminded that they are to direct their remarks to the Chair, and not to the television audience.

Mr. RYAN of Wisconsin. At this time, Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Arizona (Mr. FLAKE).

Mr. FLAKE. I thank the gentleman for yielding and for putting together such a great alternative budget.

Mr. Chairman, I rise in opposition to the budget resolution being considered today, and I do urge support for the minority substitute budget.

Totaling nearly $3 trillion, the 2008 budget, as introduced, is the largest in history, and it fails on many levels.

First, it fails to provide significant entitlement reform. Second, it fails to provide fiscal restraint on discretionary spending. And finally, it fails in reducing the physical burden on taxpayers.

The 2008 budget, as introduced, also fails to provide a blueprint for reining in our bloated farm programs. I want to talk about that for a minute.

This budget is consistent with CBO's March baseline and provides funding for reauthorization of current farm bill programs. But it also allows for up to $20 billion in so-called "reserve spending" over 5 years. Even with select commodity prices as high as they are, allowing for farm programs to continue at their current funding level is a tough pill to swallow.

Even though an estimated allocation is included in the budget, under the current farm programs, the actual amount of spending will depend on future commodity prices. Should crop prices fall, as they did after the 1996 farm bill, we will see dramatic increases in farm payments, spending that we have not accounted for or that we have otherwise offset for.

According to the CRS, the 1996 farm bill was expected to cost $37 billion over 7 years, but with farm prices falling dramatically, the Federal Government actually spent nearly $90 billion. This could happen again. With the volatility inherent in current farm program spending, taxpayers should not be saddled with an additional $20 billion over 5 years in so-called reserve spending.

While at this point this reserve spending requires offsets, there is no way to ensure that that requirement will actually stick in the outyears.

Mr. Chairman, I urge support for the minority substitute, which includes fiscal restraint and an unprecedented level of transparency. The substitute budget includes about $300 billion worth of savings in entitlement reforms and balances the budget in 5 years without increasing taxes.

With 77 million baby boomers set to retire, pushing the total cost of Social Security, Medicare and Medicaid from today's 8.4 percent of GDP to 18.9 percent of GDP in 2050, we literally cannot afford to do nothing. The substitute budget also does not provide the additional reserve spending for agriculture programs.

Finally, the substitute budget includes a requirement that earmarks be included in the text of appropriation bills. This is a measure that I have championed for a while, and I should point out in the last Congress I had good bipartisan support. Many Democrats supported this legislation. They are not today. I think it should be noted, if it was good last year, it's good this year as well.

I urge support for the substitute budget.

Mr. SPRATT. Before yielding to the gentleman from Virginia (Mr. SCOTT), let me read from three letters we received in our committee. One is from the American Legion with respect to our support for veterans' health care.

"The American Legion and its 2.8 million members applaud the Budget Committee," that's us, Democrats, "for the budget resolution recommendation of $43.1 billion in funding for veterans' health care. That is our recommendation." That is the American Legion speaking.

The DAV says, "The budget recommendation coming out of the House will make a real difference in the lives of America's sick and disabled veterans. This is important if our Nation is at war."

And the Veterans of Foreign War, the VFW says, "The members of the VFW stand firmly behind you in support of your strong advocacy for this Nation's veterans." These letter go on and on and on. We had a press conference yesterday where they endorsed our budget resolution because of what we provide for veterans' health care, the biggest increase in veterans' health care funding in the history of the organization.

Mr. Chairman, I now yield 3 minutes to the gentleman from Virginia (Mr. SCOTT).

Mr. SCOTT of Virginia. I thank the gentleman for yielding.

We have been lectured. And sometimes you just have to be reminded about what's been happening to the deficit. We have been lectured by the people who created this chart. You don't create charts like this by accident. Those that created this chart are the ones that are lecturing us on what to do. Just look at the chart.

Now, one way to improve this mess is to improve the economy. Some economic policies help the economy, some don't. We know that creating jobs is extremely important.

□ 1945

If you look all the way back to Herbert Hoover, the job growth under this administration is tied for last since Herbert Hoover. We know that the job growth during this administration in fact isn't even as good after two major budget-busting tax cuts, isn't even as large as the Congressional Budget Office suggested it would be if we had done nothing. They had a projected job growth if we do nothing. They cut the taxes, and we actually didn't even do as well as that. So, the worst job performance since Herbert Hoover.

And what has it done to the stock market? Every 4 years, since the first Reagan administration, the first 4 years of Reagan, the second 4 years, the first 4 years of the first Bush administration, Clinton, the aggregate 4 years change in the Dow, worst since before 1980. That is what is the result of the economic policy.

Now, we know that we can grow the economy if we reduce the deficit, reduce the vulnerability to foreign countries. Three-fourths of our net debt has been financed by foreign investments, China, Japan, Saudi Arabia being three of the largest. You can't negotiate trade deals if you are borrowing money from somebody. You can't negotiate oil prices if you are borrowing money.

We can also grow the economy with investments in education, job training, and science. The Democratic budget does it. You can help with health care, with help in productivity. You can invest in agricultural, rural communities, and transportation. Our budget does that. And we can grow the economy with fiscal responsibility, and the Democratic budget will help dig us out of the ditch that was formed by the Republican policy starting in 2001.

There will be a number of budgets introduced. I will be introducing the Congressional Black Caucus budget that I frankly think does even a better job and makes tougher decisions. But this budget will dig us out of the ditch because it will make those important investments in the economy.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlelady from California (Mrs. CAPPS).

Mrs. CAPPS. I thank the chairman of the Budget Committee for recognizing me.

Mr. Chairman, I rise in support of this fiscally responsible and morally sound budget resolution. I am especially proud that it prioritizes health care for our neediest children over tax breaks for our wealthiest few.

For the first time in my tenure in Congress, I feel we have a blueprint that invests in our future. I want to commend Chairman SPRATT and my colleagues on the Budget Committee for including the necessary funds to expand the State Children's Health Insurance Program to every child who qualifies. These are children of hardworking families. Low-income children and their families should have access to the same quality health care as everyone else, but the reality is that they don't. Under the President's budget, even more of them would have been cut off from SCHIP and Medicaid.

As a former school nurse, I can tell you that children without health care translates into children who do not receive primary care, who do not receive dental care, who are sent to school sick, who suffer from preventable illnesses.

I applaud the $50 billion investment into SCHIP because it is sure to bring us great returns, returns in the form of healthy, productive children. After all, that is what we have been sent here to do. I urge my colleagues to support this budget and support this bill.

Mr. SPRATT. Mr. Chairman, I yield 4 minutes to the gentleman from Maine (Mr. ALLEN).

Mr. ALLEN. I thank the gentleman for yielding.

Mr. Chairman, given the history of the last few years, there is no reason to take what the Republican minority is saying seriously. And I say that because the history of the last 6 years has been to prove that people who don't believe in government don't run it well.

It is also true that past Republican budgets have never made permanent the President's tax cuts. So there is rank hypocrisy to suggest that there is a tax increase embedded in this one when there was a similar increase embedded in past Republican budgets.

But, beyond that, what we are really talking about is criticism from a party which ran up $3 trillion in the Federal debt over the last few years; and they have done that, frankly, by putting their tax cuts for the richest people in the country on a credit card. Only they don't intend to pay the credit card. They intend our children and grandchildren to pay back the credit card with $3 trillion of additional Federal debt.

Now, we could go on, on that subject, but the bottom line is budgets are about priorities; and the Democratic priorities in this budget are very, very different from what the administration and the Republicans have done before.

For example, clean water. In my home State of Maine, we value the environment. A good environment is absolutely essential to the health of our economy, because so many people come to me precisely because we have clean air and clean water and a beautiful place to visit. So it is important to the economy. People move to Maine because it is a fabulous place to live, and the quality of the environment is important there as well. Our future responsibility for the planet is all tied up in environmental issues.

But the President and the past Republican Congress has reduced the Clean Water State Revolving Fund over the last few years. Clean water is a basic value for all Americans, and they tried to reduce funds for the Clean Water Revolving Fund. Conservation and preservation of important resources, important to all people in this country, they tried to cut it. We are increasing that funding.

The bottom line is this: Our budget priorities are dramatically different. We have rejected the administration's proposed cuts to core environmental programs such as the Land and Water Conservation Fund, the Fish and Wildlife Refuge System, and EPA's own budget. They have been trying to reduce funding for the Environmental Protection Agency. We have a different set of priorities. We increase that funding, and this makes a dramatic difference. This budget funds conservation and environmental protection infrastructure at $31.4 billion, $2.46 billion more than the President requested.

We have provided a deficit neutral reserve fund for the reauthorization of the farm bill, and a significant portion of that increased funding would go toward enhancing the Department of Agriculture's natural resource conservation programs.

I would go on to say that expanded agricultural conservation programs help farmers better comply with environmental regulations, and they certainly provide valuable natural resource benefits for the public.

The bottom line is this: clean water, clean air, protecting public health, improving the environment, fulfilling our responsibility to preserve the planet for our children and grandchildren, to preserve our parks, forests, wildlife refuges, and open space. That is what this Congress should be doing. That is what this Democratic budget does. It is a dramatic change from the past, and I just want to congratulate Chairman SPRATT for the good work he has done in making this budget environmentally sensitive.

Mr. SPRATT. I yield 3 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Mr. Chairman, what we are hearing this evening almost gives hypocrisy a bad name. We have our friends on the other side of the aisle somehow chastising us for not doing enough on entitlement reform when they have had 6 years of being in control. We have a situation, in spite of their collapse of the budget process last year, they couldn't put it together, collapse of the appropriations process and, quoting from the Heritage Foundation, that they presided over one of the largest run-ups in spending in American history. They somehow are looking at our budget and thinking that it is wanting.

Well, through their warped prism, I can understand that. Their top priority is not dealing with the tsunami of the alternative minimum tax, which they have ignored for the last 6 years, but to put $1 trillion in the hands of the top 1 percent over the next 10 years with their tax priorities.

As my friend Mr. ALLEN pointed out, this is about priorities. And, for the first time in 6 years, we are going to reverse their negative priorities dealing with the environment, one of the few areas that they could control spending. Now, bear in mind, these are the folks that gave us the rainforest in Iowa which they are now concerned about, the Bridge to Nowhere.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (Mr. LYNCH). The gentleman must direct his comments to the Chair.

Mr. BLUMENAUER. I appreciate the advice of the Chair.

They cut spending for the environment, the 300 section, 16 percent; and under the leadership of Mr. SPRATT and the Democrats, we are reversing it. We can't deal with all their problems in just one year, but we are making a good start with over $2.5 billion to deal with the Land and Water Conservation Fund, dealing with cleaning up of superfund sites and toxic waste.

But look at the details of what they offer in their alternative later. Mr. RYAN has suggested almost $19 billion of reductions in ag, transportation, and natural resources. These are conservation, these are clean water, these are environmental protection. The contrast could not be more stark.

We are investing in America's environmental future. They, if their alternative were adopted, would continue the deterioration, the disinvestment, the attack on America's priorities. I would respectfully suggest that this alone ought to be a compelling argument to reject their alternative offered later and to adopt the Democratic proposal that is before us this evening.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from the Budget Committee, Mr. HENSARLING from Texas.

Mr. HENSARLING. I thank the gentleman for yielding.

Mr. Chairman, I am not sure that the last speaker is reading the same budget that I am. I mean, it is incredible to be lectured here on the whole question of entitlement spending, and the Democrat budget alternative is stone cold silent on the issue, the number one fiscal issue that is challenging our Nation.

And don't take my word for it, Mr. Chairman. Look at the testimony of the Congressional Budget Office. Look at the testimony of the General Accountability Office. Look at the testimony of our Federal Reserve Chairman, the Secretary of the Treasury, the Director of OMB. Anybody who has any responsibility for fiscal policy in America will tell you that we are on the verge, we are on the verge, and to paraphrase the Comptroller General, we are on the verge of being the first generation in America's history to leave the next generation with a lower standard of living.

So when we get lectured about entitlement spending, why is the Democrat alternative silent on it? Why have all the Democrats refused to join us in doing anything to save Social Security, save Medicare, save Medicaid for the next generation?

Let's look here. They speak about what has happened in the Federal debt, and they should be concerned about it. But when it increases $3 trillion, look at what has happened to the unfunded liability in Social Security and Medicare when they refuse to do anything, anything to reform entitlement spending. If you do not reform Medicare, Medicaid, and Social Security, they will not be there for the next generation. They will not be there. If you do not reform them, you lose them.

So how their budget, Mr. Chairman, can be described as fiscally responsible when they are absolutely silent on the number one fiscal issue that faces our Nation is beyond me.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from Texas (Mr. BURGESS).

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Mr. BURGESS. Mr. Chairman, I thank the ranking member for yielding me this time.

I appreciate Mr. HENSARLING's comments as well. My comments this evening are going to be directed toward the entitlement program known as Medicare. It does seem that the budget, before this evening, the budget we are debating, does lack a lot. It has a significant deficiency.

The gentleman from Texas (Mr. HENSARLING) has already pointed out the lack of any real entitlement reform; but there is a missed opportunity in this budget which is disturbing. Yesterday in the Rules Committee, I offered an amendment which was not made in order. This amendment was relatively simple. It would have provided for reconciliation instructions, require the House Judiciary Committee to take up and report to the full House a bill that would reform our medical justice system, and limit the number of lawsuits of questionable merit in order to achieve an overall savings of $2 billion over 5 years.

By capping noneconomic damages at $250,000 per provider, $500,000 per case for noneconomic damages, the CBO estimates that this amendment would save nearly $2 billion over 5 years, $4.5 billion over 10.

Because the practice of defensive medicine is so pervasive, this amendment would establish a liability safety net for many States. It would also insulate providers from lawsuits of questionable merit while ensuring just compensation for those who have been truly injured.

Defensive medicines increases the cost of medical care. It reduces access for patients, and increases the cost of programs like Medicare and Medicaid for the United States taxpayer. This is doubly important as costs increase in Medicare and Medicaid year after year, and we seek savings to make certain that these programs are solvent and viable for those who depend on them now and well into the future.

Medicare and Medicaid represent a growing expenditure of over $600 billion a year for the Federal Government. As the medical liability crisis grows, a large fraction of these dollars will be spent on inefficient health care services provided more to protect the provider from a lawsuit than to improve the patient's health.

Effective medical liability reform would constrain the growth of vital programs such as Medicare and Medicaid, and ensure their long-term viability.

I am happy that the Republican substitute addresses this issue in a responsible manner. Once again, it is an example of a missed opportunity by the budget before us tonight. I urge my colleagues to vote "no" on the budget and "yes" on the Republican substitute.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from New York (Mr. BISHOP).

Mr. BISHOP of New York. Mr. Chairman, I rise in strong support of this resolution. Our colleagues on the other side of the aisle argue that this budget represents the largest tax increase in history; nothing could be further from the truth. This budget does not increase taxes by a single dime.

Rather, this budget simply extends current law as the President and the then-Republican majority designed with the 2001 and 2003 tax cuts, which expire on December 31, 2010. At that time we will have a decision to make: Whether to renew those tax cuts, and how to pay for them. The era of blank checks for tax cuts is over. Today, we restore fiscal responsibility to the budget process. With respect to entitlement reform, I think many of us would like to hear some acknowledgment from our friends on the other side of the aisle that the $3 trillion in debt that was accumulated on their watch makes dealing with the growing demands on Medicare and Social Security all the more difficult to contend with.

We balance the budget within 5 years and set the table for tax-writing committees to do their job, which first and foremost, should result in repeal of the AMT for middle-income Americans once and for all.

As this budget puts us on the glidepath to fiscal responsibility, it dramatically raises spending levels education, veterans, and health care. These priorities will never be overlooked on our watch.

We reject the President's proposal to cut funding for education by $1.5 billion and eliminate 44 programs. We give college students and their families a chance to succeed by rejecting the President's plan to zero out SEOG, Perkins loans and need-based grants.

Mr. Chairman, I commend the distinguished chairman and his staff for their excellent work, restoring middle-class priorities is accomplished. Fiscal responsibility is achieved. Finally, the fiscal blueprint of America's future reflects our hopes, dreams and the promise of economic prosperity and security in the years ahead.

Mr. SPRATT. Mr. Chairman, I yield 1½ minutes to the gentleman from Georgia (Mr. SCOTT).

Mr. SCOTT of Georgia. Mr. Chairman, I stand here tonight as probably the only Member of this House of Representatives that is a member of the Congressional Black Caucus, the Blue Dogs, as well as the New Dems. That is a broad cross-section of diversity within our party that is not shared by this party, and I make that observation only because the American people are watching this tonight. The truth must come out and be said properly.

That is why all three of these groups, moderate, conservative to the liberal are behind this budget. Let me state very quickly, because there is one fact I want understood tonight, and that is that this budget is not a tax increase, does not raise taxes one penny.

Let me quote, for example, and this is not Democrats who are just saying this, this is what economists from the Concord Coalition, moderate conservative economists say. "Thus to be clear, the Democratic budget resolution does not call for or require a tax increase." That is not just us saying it.

From the Center on Budget and Policy Priorities, this is what they say: "The House plan does not include a tax increase."

The Alexander Hamilton Project of the Brookings Institute says this: "This Democratic budget does not raise taxes."

Now, that is so important for us to get across tonight. They have run the polls. They did their surveys. Stick it to the Democrats, just say they are raising taxes. That will stick with them.

But not tonight, Mr. Chairman, not tonight. These are other people who are speaking and saying that the Democrats' budget does not raise taxes.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself 1 minute to simply say, you can get every left-leaning think tank to say whatever you want, but the Congressional Budget Office is saying: This raises taxes. Plain and simple.

We can reinvent new words and come up with new language. We can put reserve funds that are meaningless into the budget.

Mr. SPRATT. If you are quoting the Congressional Budget Office, can you cite the quote?

Mr. RYAN of Wisconsin. The CBO says that their baseline, which the gentleman is using for his budget, if the tax cuts expire, the baseline goes up, that is what they are using.

Let me put it another way. According to the Congressional Budget Office, their budget does not balance if they don't raise taxes. Their budget does balance, which they are claiming it does, by letting these tax cuts expire and raising taxes across the board.

Mr. Chairman, I yield 3 minutes to the gentleman from Pennsylvania (Mr. ENGLISH).

Mr. ENGLISH of Pennsylvania. Mr. Chairman, whatever the rhetoric, the Democratic budget resolution fails to keep faith with the American people.

Instead of embracing fiscal responsibility, it underwrites a saturnalia of spending propped up by, and listen to my words, the largest tax increase in American history.

Instead of maintaining pro-growth tax policies that grow the economy and reduce the deficit, this budget clobbers the American economy by requiring nearly $400 billion of new revenue.

Instead of protecting middle-class families, it lays the groundwork for tax increases on a whole new level of taxpayers.

Instead of setting new priorities, it throws priority setting to the wind and undercuts the benefits of tax policies that have clearly helped the middle class.

The details are stunning. For starters, the Democratic budget threatens to reduce the child tax credit by half, increase the lowest tax bracket from 10 to 15 percent, reconstitute the marriage penalty and eliminate incentives for higher education savings like the student loan interest deduction.

In my home State of Pennsylvania, the average taxpayer can expect to see an estimated $3,000-plus increase in their annual tax bill. That is an increase in the tax bill for a working family of more than $15,000 over a 5-year period. That is a different standard of living.

So much for their empty rhetoric about children and families. Not only does this budget contain the largest tax increase in American history, it also chooses to employ smoke and mirrors instead of underwriting real financial relief from the AMT for Americans.

For years, the AMT has been a growing monster because while originally intended to close loopholes for the very wealthiest taxpayers, it was never indexed for inflation. It is now hitting more and more middle-class taxpayers. As a result, this year, without relief, 23 million taxpayers will be forced into AMT status and hit with a significant tax increase, ten times the number than if it had been indexed to inflation. The Democrats' budget does nothing, sets aside no resources to address this problem.

Our friends on the other side of the aisle fail to include an AMT repeal in their budget. They don't even include the bare minimum step of a patch to keep it at bay as Republicans have in previous years. Instead, this budget resolution holds millions of middle-class taxpayers hostage to a record tax increase. Don't let the rhetoric on the other side of the aisle fool you. The reserve fund that is folded into this resolution is utterly meaningless. This is a piggybank that doesn't even rattle when you shake it.

America's working families deserve better. I urge every Member who cares about working families, cares about protecting their earnings to vote "no" on this budget today.

Mr. SPRATT. How much time is left on each side, and who has the right to close?

The Acting CHAIRMAN. The gentleman from South Carolina (Mr. SPRATT) has 7½ minutes remaining, and the gentleman from Wisconsin (Mr. RYAN) has 18 minutes remaining.

The gentleman from South Carolina has the right to close.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time for closing.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield to myself 1½ minutes.

I want to go to the point that I mentioned a minute ago about who says what about what this budget does. Let me talk about the Congressional Budget Office. By law, that is what we use.

Here is what the Congressional Budget Office says: The year 2010, all of these tax cuts expire. I think we all agree with that. All of these tax cuts expire in 2010. But we are talking about marriage penalty, per child tax credit, death tax, capital gains dividends, income tax rates across the board, they all go up.

That is the red line. That red line shoots up because all of those taxes are increased. That is the line the Democrats are using to run their budget. That is the line the Democrats are using to finance their new spending. That's the line the Democrats are using to show that they get to a balanced budget.

The green line, the dotted line, that is the CBO line that says here is what revenues will be if you extend the tax cuts. That's the line we are using in our budget. We are balancing the budget by controlling spending.

So reserve fund, shmerve fund, that means nothing. What matters are the numbers. And the numbers, not by the Center For Budget and Policy Priorities, not by the Brookings Institution. The Congressional Budget Office. The Congressional Budget Office shows us very clearly, black and white in the numbers, in the numbers in your budget resolution.

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN. The Chair reminds Members to direct their remarks to the Chair.

Mr. RYAN of Wisconsin. Mr. Chairman, what I am saying, the red line shows all the tax increases kicking in and hitting American taxpayers. That is the line that the Democrats are using to run their budget, to balance their budget, to pay for their new spending.

You can use any word you want, you can't escape the fact that they are imposing, banking on, planning on, assuming, legislating the largest tax increase in American history.

They want to smoke screen it with reserve funds and cute language. The fact is the fact, and the fact is underlined by the Congressional Budget Office.

Mr. Chairman, I yield 3 minutes to the gentleman from Texas (Mr. HENSARLING).

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Mr. HENSARLING. Mr. Chairman, I thank the gentleman, the ranking member, for yielding once again; and I wish to follow up on his insights about this single largest tax increase in American history that the Democrats are trying to impose. Again, Mr. Chairman, it is reminiscent of what they did 12 years ago, the last time they were in the majority. Again, as I said, they at least get an A for consistency.

But, Mr. Chairman, this is very, very serious business; and we need to take a good hard look at the numbers. But beyond the numbers, Mr. Chairman, we need to look at the people.

Earlier this evening, I read some correspondence from some constituents from the Fifth District of Texas that I have the honor of representing in Congress. These are people who will be hurt by the single largest tax increase in American history that the Democrats are attempting to impose upon America today.

I heard from Carrie of Dallas, and she said: "Jeb, you asked us to let you know what we'd be sacrificing if I had to spend another $2,200 in taxes. Well my family's basic needs may not be met, food, shelter, school clothes for the kids. Not to mention not being able to pay my creditors. Please continue to do your best to help the working class and families."

Well, Mr. Chairman, I want to let Carrie in Dallas know that I want her to be able to keep her earnings, and I am going to fight this single largest tax increase in American history that the Democrats are trying to impose.

Mr. Chairman, I heard from Lorri in Palestine, TX: "Dear Congressman, I have a son going to college and my mother is on a fixed income and needs my help more times than less. The tax relief I received gave me the opportunity to help my family with their needs. If my taxes are increased again, my family would suffer tremendously."

Well, Mr. Chairman, I want to let Lorri in Palestine know that I am going to do everything I can to make sure she can keep more of her earnings and fight this single largest tax increase in America's history.

Mr. Chairman, I had a particularly poignant letter from Linda from Rowlett, TX, that I have the honor to represent in Congress. She said: "This tax increase would make the difference whether my daughter and her husband would be able to purchase a car or not. For my husband and I, it helps us continue with his radiation treatments for his prostate cancer. It allows us to continue providing in-home assistance for my elderly parents, one of whom has Parkinson's and one who has dementia. Please allow us to retain this money for our needs. Please do not let our government take additional tax dollars from us. Please allow us to decide how this money will be spent. Please do not allow the government to decide for us."

Well, Mr. Chairman, again, I have a message for Linda of Rowlett. I am going to do everything I can to ensure that she gets to keep her earnings for her family, for her health care needs, for her housing needs, her transportation needs.

Vote against this largest tax increase in American history.

The Acting CHAIRMAN (Mr. POMEROY). Who seeks time?

Mr. SPRATT. Mr. Speaker, I am reserving my time to close.

Mr. RYAN of Wisconsin. Mr. Speaker, I yield myself 30 seconds.

As a representative from the State of Wisconsin, each of us represents about 670,000 people in our congressional districts, and in my home State of Wisconsin, the average tax increase on the average household in the State of Wisconsin will be $2,964, and this will hit 2,164,000 taxpayers. Numbers do not lie. The CBO certifies it. If we pass this budget and it comes into being, that is what will happen. Mr. Chairman, I think that is wrong.

Mr. Chairman, I yield 2 minutes to the gentleman from Texas (Mr. BRADY).

Mr. BRADY of Texas. Mr. Chairman, I look at our families in Texas, everything seems more expensive these days, whether it is getting your kids through school or paying medical bills or insurance or paying light bills; and it is tough enough for family budgets to stretch as it is. I just cannot imagine why we in Washington would hand our families another tax bill for $2,700 for Texas families and expect them to like it, especially since we can balance this budget without that tax increase.

When I talk to our Texas seniors, the first thing they tell me is, please stop spending our Social Security money, quit spending the trust fund; that is our money. Yet, the Democrat budget spends that Social Security trust fund. The Republican budget for the first time in 40 years stops spending it, preserves it for Social Security.

When I look at small businesses, who are the backbone of our country and really struggle to make payroll, I used to be a Chamber of Commerce manager. I know how hard it is to meet that payroll. And 26 million small business owners, we are going to hand them another tax bill of about $4,000 on top of what they struggle today? That is just asking too much, especially when we can balance the budget without those tax increases, without taking senior's Social Security, and do it the right way.

That is why I respectfully disagree, strongly disagree with this bill and why we need to pass the Republican alternative. It makes much more sense for our families.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, this is a very important debate. It is an important debate about our priorities as a country. It is an important debate about how we run the fiscal ship of state, but it is more important than that. It is an important debate about our future.

I related a story the other day in committee that I want to share again with my colleagues.

When I first ran for Congress in 1998, I was a 28-year-old young guy, single, no children. I remember at a Kiwanis Pancake Day, we have a lot of pancake days in Wisconsin. It is how we raise money for charities. I remember going up to a woman in line, not much older than me, and she had three little children. I asked her for her vote. I asked her to support me in my race for Congress.

She said something to me. She said, I do not think I am going to vote for you. I said, well, why not? She said, because I do not think you can relate to me. I said, well, why can I not relate to you? She said, because you do not have children and you do not know what it is like to have children; you do not know what it is like to think about their futures. I said, well, I was in a family. I know what it is like to be in a family. And you know, I did not understand what she was saying to me at the time.

You know what? Now that I have a 5-year-old daughter, a 3-year-old son and a 2-year-old son, I understand exactly what that woman was telling me. I understand exactly what it feels like to really, really, really care about the next generation. It is like your heart is walking around in someone else's body. I can only imagine what grandparents feel like.

So this debate is about numbers. It is about priorities, how much for the Pentagon and how much for veterans and how much for this program and that program. But it is also about what is that horizon we are looking for, what is that vision on the horizon and what are we doing for our kids and our grandkids? What legacy are we putting in place for our country?

The great, beautiful thing about America, the American Dream is that one generation leaves a better standard of living for the next generation. That was drilled into me by my parents, that they were working and thriving so that we would have a better life than they had. That is what our job in Congress is to do.

We have big challenges and our country has faced big ones before, the Great Depression, World War I, World War II, the Cold War. We have got three challenges right now hitting us simultaneously, the global war on terror, globalization, and this entitlement explosion, the retirement of the baby boomer generation which we are not prepared for. This budget is about all of those things, but let me talk about two of them.

Globalization: We have got new kinds of competitive pressures against us unlike that which we have ever seen before. No longer do the oceans separate us from competitive pressures. We have broadband and digital technology. We have competition from countries like China and India unlike any we have ever seen before, and it is something we have to respond to so that our kids and our grandkids can have that higher standard of living.

At the same time, we have got entitlement programs that are exploding before us. We have an enormous debt on our horizon that we have to address.

Now, you heard this talk about taxes, tax increases. This budget does unequivocally raise taxes. I will not belabor that point.

Let me show you three lines. The lower line here, the blue line, shows you what revenues would look like if we kept those tax cuts permanent. That is what our budget will propose to do. Do not raise taxes, keep the marriage penalty down, keep the kid credit where it is, keep income tax rates where they are, get rid of the death tax, do not raise taxes. That is the blue line.

The red line right here shows you what happens if we let the tax cuts expire as this budget proposes to do if you increase taxes. It shows you a $400 billion tax increase.

What really matters here is not the red and the blue line at the end of the day for our children and grandchildren, matters a lot, but at the end of the day what matters is the green line, the spending line. This is the line that is occurring right now under our watch. This is the spending trajectory of the Federal Government because of Republicans and Democrats, both of us. We are all in this thing together. This is the line that happens.

So if you do not address the spending, you are not addressing the real problem. That is why I really have a big problem with this budget. Not only does it have the largest tax increase in history, not only does it raise taxes about $400 billion, it does nothing to control spending. It does not reform our entitlement programs. If you want these entitlement programs to succeed, to exist, to continue, you have to reform them.

Let me show you one more chart. This is the Government Accountability Office. This shows you the trajectory we are on when you take a look at Medicare and Medicaid, Social Security, interest on the debt, when you take a look at all the discretionary spending. It shows you this: By the year 2040, that is when my kids will be exactly my age, by the year 2040, our Federal Government will be doubled in size.

Let me put it another way. If we want to have no new programs whatsoever, keep today's government in place, no fewer programs, no more programs, just today's Federal Government, the cost of that Federal Government when my kids are my age will be double what it costs today.

Let us put it another way. We have historically run our government, the Federal Government, by taxing about 18 percent of GDP to fund the Federal

Government. Since about 1960, the Federal Government has had to tax the American people at about 18 percent of the economy and its output to fund the Federal Government. When my kids are my age, to fund today's Federal Government at that time it will require us to tax 40 percent of GDP. We will literally have to tax our kids at twice the rate we are taxing ourselves today if we do nothing to reform spending and reform these entitlements.

You cannot survive globalization if you are going to double the tax rates on every man, woman and child in America at that time. We cannot win when we are competing against the likes of China and India if we are going to crank taxes up like that.

So the real problem with this budget is not what it contains, the largest tax increase in American history. The even larger problem with this budget is that it contains no reforms. It contains no spending control. It includes immense new spending.

You have 12 of these reserve funds which are worth less than this piece of paper. They do not pay for anything, but the one thing they do say is we want to spend $115 billion in more money. We do not have the money for it, but if we can have the money for it, we would do it. The other reserve funds say we do not want these taxes to go up, but we are planning on having them go up. We would stop them going up if we had money to do it, but we really are not stopping these tax increases.

You cannot have it both ways. You cannot say you are going to balance the budget and not control spending without raising taxes. In order for your budget to balance, in order for the Democrat budget to balance, Mr. Chairman, they have to raise taxes, especially since they are not only not controlling spending, they are increasing spending. That is the way mathematics works.

But more important than all of this, Mr. Chairman, is the fact that we have to get our kids and our country ready to compete in the global economy. We are not prepared for that. We have got to do more to help them compete, and we do not do it by doubling their taxes.

☐ 2030

We tax our country, our businesses and our capital more than any other country in the industrialized world except for Japan, and they just finished two decades of recession. We can't tax our way out of this problem. We will tax ourselves out of being the leading economic superpower. We will tax ourselves out of a good standard of living.

If we don't tackle this problem, we will have severed that American Dream, that American legacy, that legacy that says each generation should leave on to the next a better country, a better standard of living. That is what is really wrong with this budget. We can't keep spending or taxing our way out of these problems. If this budget achieves balance on paper, which I will clearly, freely admit that it does, it will only do so for a short period of time.

Because if you don't fix these entitlement programs, it will drive us that much deeper into debt, that much more in the deficit, just around the corner. Social Security, Medicare and Medicaid are the big three entitlements. They are very important programs. Health care for low income, health care for people in old age, retirement security. We all agree with that. We think that is the right thing.

But you have got to reform these programs if you are going to save these programs. You have got to reform these programs if people are truly going to be able to count on these benefits. Because if you don't reform these programs, you are driving the debt even higher. You are driving taxes up on our kids and grandkids even more. Not only will we not have programs to depend on for our livelihood when we reach the age of 65, not only will we not be prepared for the baby boomers, we will hit our kids with the biggest tax burden this country has ever seen.

We will lose our greatness, and we will not pass on this legacy of a better country and a higher standard of living to our children. I urge a "no" vote on this budget.

The Acting CHAIRMAN. The gentleman's time has expired.

Mr. SPRATT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have been treated to a show tonight featuring a one-trick pony. Every Republican who has come to the well of this Chamber has come with the same mantra, the same slogan, alleging wrongfully that our budget resolution would raise taxes. We have repeatedly explained why, only to have them keep coming to the floor basically on the belief if they say it often enough, maybe somebody will believe it.

Here is one thing you can believe. There is no conjecture in this. These are matter of fact. As Casey used to say, you can look it up. You can look it up. There is the debt of the United States, $5.7 trillion before President Bush came to office. Here is the debt of the United States today, $8.8 trillion. That arithmetic is very simple and very straightforward. It's a $3.1 trillion increase of debt of United States on their watch. This isn't conjecture, this is a matter of record.

I will just show you this chart one more time, because it shows that the revenue flows that we are projecting, based upon CBO's base-line certification of projection of revenues is essentially the same as the President is assuming in his budget from OMB, there is a 1.2 percent difference. This is the so-called biggest tax increase in American history. The President is right where we are, 1.2 percent difference between us.

Now, why all of these shenanigans? Partly it is because this is a red herring. They don't want to talk about really what is in their budget resolution. It's their resolution they will have to pass tomorrow. They bear the burden of truth and persuasion. You would think they would be talking about it.

But deep down in that resolution, you have to dig hard. You will find the same thing in the Agriculture Committee. This year they are to renew and reauthorize the farm bill. We want you to reconcile $9.85 billion in cost reduction in the agriculture bill. It will be awfully hard to get that farm bill out if that reconciliation is implemented.

They say to Labor, which has student loans, Pell Grants under its jurisdiction, you can cut $4.9 billion. Where from, student loans? No where else to go.

They say to Energy and Commerce, with Medicare and Medicaid in its jurisdiction cut $97.539 billion over the next 9 years. Judiciary and our law enforcement programs, cut $3.5 billion dollars; Natural Resources, already strained, huge backlog for our national parks, cut $4.7 billion; Transportation and Infrastructure, about to run short of funds for our highways, cut $4.2 billion; Ways and Means, with all kinds of safety net programs, this is an instruction to Ways and Means, to cut $153 billion.

Now, this is done under the name and guise of balancing the budget. But what's the bottom line? They also tell Ways and Means to cut taxes by $447 billion.

When you net the $447 billion tax cut against the $278 billion in reconciled spending cuts, the result is $168 billion more to be added to the deficit. That is why they are talking about this other subject. That is why they wouldn't talk about their own resolution. Our resolution will stand on all fours. Our resolution is a good resolution. It's not the best, but it is doggone good.

It brings us to balance by 2012. It fully funds defense. By the way we don't have any shenanigans with the outlays. We don't short up guys in the field $67 billion in outlays. When we get through paying and providing for defense, which is a big item there, is not a lot left over. We husband our resources. We say to our veterans, by golly, you deserve what you are talking about. We give the biggest increase in history, $5.4 billion over current services for veterans health care.

Education, we think it's critically important. We genuinely believe in it on this side. We provide $9 billion more than the President for education next year, over the next 5 years, we provide

$46 billion more for education than does theirs.

Children's health insurance, it's going to expire this year. What they propose will not even allow us to insure the children now on the program. We want to not only renew it, but expand it. We also want to pay for it. So we say to those who advocate SCHIP, its expansion, if you pay for it, you can go up to $50 billion in expanding the program. That is in our budget resolution.

Why do they want to put this red herring out there? To keep us from talking about these things that the American people really care about, the health of their children. They should.

We don't have any Medicaid cuts, and we don't have any Medicare cuts. I will tell you, because I have been at this business of the budget for a long time, in 1990 and 1991 Democrats voted for budget measures that truly reduced the deficit and had some restraints on Medicare and Medicaid in them; 1997, the same thing; 1993, with Mr. Clinton, the same thing. When we knew that it was going to improve the bottom line and not be used simply to offset another of their tax cuts, we were willing to pay for Medicare and Medicaid reduction. They have not been able to or willing to.

Finally, as to taxes, we have no tax increase anywhere in this resolution, none whatsoever. For that matter, the 2001 and 2003 tax cuts, particularly those middle-income tax cuts, which we list and enumerate, not once but twice in our resolution, we fully protect them and leave them in place, full force and effect, this year, next year, 2008, 2009 and 2010.

They only expire then, not because of anything in this budget resolution, but because when the Republicans first wrote those tax cuts and passed them, they put that sunset date in there in order to diminish the size and shoehorn these tax cuts under what was allowed under that budget resolution.

We have got a good budget resolution. It will stand on all fours. It brings the budget to balance in 2012, encourages less in deficits and depth than the President does. Furthermore, we have got a track record to talk about.

When President Clinton came to office in 1993, there was a deficit of $290 billion. Every year thereafter, every year thereafter, the bottom line of the budget got better, to the point where in 2000, there was a surplus of $236 billion. That is what happened on his watch.

President Bush came to office with an advantage few preceding Presidents have enjoyed, a surplus of $5.6 trillion projected by his own economists. He has run that into a deficit of $8.2 trillion. We haven't seen a reversal like that since the Great Depression. That was not the President's fault in the 1930s.

This is the record they have to rely on. The record we have to rely on is the record of the Clinton administration, which balanced the budget in the year 1998 for the first time in 30 years, and built up a surplus of $236 billion, which we turned over to Mr. Bush.

We will discuss this further tomorrow. But what we offer is a responsible budget resolution that reaches responsible results but is balanced well in its priorities.

The Acting CHAIRMAN. The gentleman's time has expired.

The gentlewoman from New York (Mrs. MALONEY) and the gentleman from Texas (Mr. BRADY) each will control 30 minutes on the subject of economic goals and policies.

The Chair recognizes the gentlewoman from New York.

Mrs. MALONEY of New York. Mr. Chairman, as Vice Chair of the Joint Economic Committee, I am pleased to speak in the time reserved by the Budget Act for a discussion of economic goals and policies that is traditionally led by members of this committee.

Mr. Chairman, we have a responsibility to chart a more sensible course for economic policy than has been pursued over the past 6 years, and this budget starts us down that path.

The President says his policies are working to make the economy strong, and that all Americans are benefiting. But evidence of a slowing economy is building, and an anxiety over the state of the economy remains high. The meltdown in the subprime mortgage market is also adding to worries about the overall health of the economy.

American families are optimistic by nature, but they are understandably worried about the future, because the economy is weakening, even before many have shared in the gains from the economic growth we have seen so far.

Despite 5 years of economic expansion, most American families have struggled just to hold their economic ground on President Bush's watch. Job growth has been modest. Wages are barely keeping pace with inflation. Real incomes have fallen, household debt is rising, employer-provided health insurance coverage is declining, and private pensions are in jeopardy.

These are the economic barometers that matter most to America's families. Having a job is the key indicator of economic well-being for the vast majority of Americans. The President likes to talk about these 7.5 million jobs created since August of 2003, but he neglects to mention the fact that more than a third of those jobs were necessary just to replace the ones that were destroyed between 2001 and 2003.

Most Americans depend on their earnings to support themselves and their families. But unfortunately, workers' pay has lagged far beyond productivity, and wage growth has been weaker and more unequal than in the late 1990s. Strong productivity growth has translated into higher profits for businesses. Corporate profits are at an all-time high as a share of GDP, but not more take-home pay for the average worker.

Focusing on usual weekly earnings of full-time workers, we see only modest gains concentrated in the upper half of the distribution from 2000 to 2006. As we see in this chart, the red bars show the unequal gains during the Bush administration, and the blue bars show the Clinton years when earnings grew for everyone across our country.

The divergence between the haves and the have-nots in the Bush administration economy stands in marked contrast to the last 4 or 5 years of the Clinton administration when real wage gains were strong up and down the wage ladder as productivity growth first accelerated.

These earnings figures do not reflect bonuses of highly paid executives or capital gains and other nonwage income earned at the very top of the income distribution. This picture likely understates the disparities. The people experiencing the largest income gains are executives and highly compensated individuals, while ordinary American workers are only just beginning to see some gains in their paychecks after inflation.

Workers' pay and benefits, the red line, have grown only half as much as productivity; the blue line over the last 6 years. Typically, real compensation of workers, their wages and benefits, tend to track productivity growth as they did in the late 1990s. But that has not happened since the 2001 recession. Productivity growth has been strong, but real inflation-adjusted compensation growth has been weak.

The compensation growth we have seen came much more from benefits than from wages, but not because employers suddenly became more generous. Benefit costs have been increasing because health insurance costs are rising and employers have had to make contributions to restore the solvency of their pension plans.

☐ 2045

Higher benefit costs have squeezed take-home pay, but workers have not been getting more generous benefits in return. Slow job growth and stagnant wages during much of the Bush administration have depressed families' incomes. Median household income in 2005 was nearly $1,300 lower than in 2000, a loss of 2.7 percent during the President's first 5 years in office. Clearly, many American families have a lot of lost ground to make up.

Those who are already well-to-do are doing very well in this Bush economy, but the typical American family is struggling to make ends meet in the face of high costs for energy, health care and a college education for their children.

College tuition is up 44 percent, health insurance premiums are up 87 percent, and the price of gasoline was only a $1.45 per gallon when the President took office.

Somehow, the President's tax cuts were supposed to make up for all of this. But the lion's share of the tax cuts went to the people at the very top, especially the top 1 percent of earners.

The legacy of the President's tax cuts has been to run up massive deficits and debt that leave us unprepared to deal with the budget challenges posed by the retirement of the baby boom generation, and that weakens the future standard of living of our children and grandchildren.

This administration has presided over a stunning reversal of fortune. The $5.6 trillion, 10-year budget surplus that they inherited turned into a deficit over those same 10 years of at least $2.3 trillion.

The administration has incurred the three largest budget deficits on record, including a $413 billion deficit in 2004. The deficit may be retreating, as it usually does in a business cycle recovery, but each year's deficit still stands in marked contrast to the projected surpluses when the President took office.

The gross Federal debt is now almost $9 trillion, or more than $29,000 per person. That is how much every man, woman and child in America owes to this debt. This is the fiscal mess that we have to clean up. Thanks to the President's policies, we are now a Nation of debtors, relying on the rest of the world to finance our budget deficits and excessive spending.

Our current account deficit, which is the broadest measure of our trade deficit with the rest of the world, rose to a record-smashing $856 billion in 2006, from $791 billion in 2005.

This administration keeps giving us records, but they are the wrong kind of records. Record deficits, record debts, and record amounts of money owed by each American citizen. The amount of Federal debt owed by foreigners has more than doubled under President Bush, rising to $2.2 trillion, with Japan and China alone holding $1 trillion of our debt.

Recent stock market volatility underscores just how vulnerable the U.S. economy has become to the decisions being made in other countries. When China sneezes, a half a world away, the U.S. economy catches a cold.

Our future prosperity depends on increasing our normal saving and making wise investments. It depends on being ready for the retirement of the baby boom generation and the pressure we know that that will put on our budget.

The challenge for this Congress is to return to the fiscal discipline that has been squandered by the President and Congress over the past 6 years, and that is what this Democratic budget proposal does.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, on behalf of the ranking member of the Joint Economic Committee, Mr. SAXTON, I yield myself as much time as I may consume.

A couple of corrections here. Let me make the point that the American economy is still one of the strongest in the Nation, in the world, the largest economy in the world. We have had 42 straight months of job growth. We have created 7.6 million new jobs under President Bush. We have low unemployment. And this was all done as President Bush inherited a recession as he took office.

I should make note that President Clinton inherited an expanding economy. President Bush inherited one that was slipping into recession. And you don't need to take my word for it. Joseph Stiglitz, the Nobel Laureate and President's Clinton's own chairman of the Council of Economic Advisers, observed the economy was slipping into recession even before President Bush took office.

So let's talk about the facts. Let's talk about this budget. I actually think it is a healthy thing that we are arguing over how to balance the Federal budget. That is something that ought to be a goal of both parties.

And, frankly, as a Republican, I am convinced one of the reasons we got fired from management of Congress is that we forgot to pursue a balanced budget. We forgot to limit spending. We forgot to try to look out for the American taxpayer.

I oppose this Democratic budget because it increases the Federal deficit by billions of dollars next year. It continues to raid the Social Security trust fund, and it does include the largest tax increase in American history. And that is not only fiscally irresponsible, it means a staggering $2,700 tax increase for our average Texas family of four.

Now, this budget will spend nearly $3 trillion next year, and we will impose almost $400 billion of tax increases to finance new Federal spending. If you look at what it does, it allows President Bush's tax relief to expire, bringing back the marriage penalty, bringing back the death tax, cutting the child tax credit in half, and raising the income capital gains and dividend tax rates.

And their budget, closer to home, next year it also kills the State and local sales tax deduction, which I and others on both sides of the aisle worked so hard to restore. That State sales tax deduction saves Texas families $1 billion annually, and they will see a new tax increase shortly after this holiday season.

And what is, I think, most absurd, I was listening to the chairman of the Budget Committee's discussion on shenanigans and I thought, I have not seen a bigger shenanigan in any budget in history than what is called the reserve account in the Democrat budget. What they say is, we will do tax relief for middle-class families, but we will pay for it with the reserve account. You ask, what is in the reserve account? And not a single dime, not a single dollar. It is as if someone said, here is a check for what I promise you, but the bank account is empty. I don't know if there will be money in it ever. I don't know how to put money in it. But, trust me, here is a check. Those reserve accounts are the biggest shenanigan.

And after years of criticizing President Bush for not eliminating or at least reforming the alternative minimum tax, the Democrat budget doesn't allow for even 1 year of it, which means an additional 20 million Americans will be hit by this growing tax next year.

I am backing an alternative budget, the Republican budget, that balances the budget in 5 years without a tax increase and ends the raid on the Social Security trust fund.

It seems to me tonight we have probably as clear a choice as we have had in many years between the Democrat philosophy of balancing the budget and the Republican.

The Democrat philosophy in this budget is, we will balance it, which is good for them. We balance it by increasing spending and increasing taxes on hardworking families.

The Republicans approach is, we will balance it a different way, by limiting the spending and by keeping the tax relief that families need. And there has never been a clearer choice.

And I think, too, I look at the promises that were made last campaign by our new majority. We are going to reduce the deficit. Yet, under this budget, the deficit will actually increase $36 billion in 1 year, $36 billion. That compass is headed the wrong direction.

They said, we will stop spending the Social Security trust fund, but they spend all of it this year and in every year. And they say, we promise middle-class tax relief, but, instead, they provide tax increases on families and small businesses and single moms with children.

In a moment I am going to go through some of those tax increases which, frankly, as expensive as life is these days for most families. I know our families in Texas can't quite handle that big a hit.

Mr. Chairman, I reserve the balance of my time.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

First of all, Mr. Chairman, I just want to remind my dear friend on the other side of the aisle that the Bush administration has given this country several records, only they are the wrong kind of records: $9 trillion in debt, the largest debt this country has ever carried; $859 billion trade deficit, the current account deficit, the largest trade deficit in the history of this country. And out of that $9 trillion, each of us in this room and each person across America owes $29,000. That is their portion of the debt that we owe.

Once again, we have heard about job creation. As I have said earlier, a third of the jobs created since 2003 were necessary just to make up for earlier job losses. Under President Clinton, the economy created 237,000 jobs per month, and this administration has created well less than 100,000 jobs per month.

Mr. Chairman, I reserve the balance of my time.

Mr. BRADY of Texas. Mr. Chairman, I yield myself 1 minute to make the point that under President Clinton's watch we did have a strong economy. It turned out that much of it was false, based on the supposed paper accounts of Enron and WorldCom and others. Too many families woke up after the Clinton administration and realized that retirement fund they had counted on their whole life wasn't worth the paper it was written on.

And I will make the point, too, that after the attacks of 9/11, after this recession, after this administration handled the fallout of this recession, that we bounced back with tax relief that created 7.6 million new jobs in America. We are going in the right direction.

Mr. Chairman, I yield 5 minutes to the gentleman from Indiana (Mr. PENCE), former head of the Republican Study Committee and one of our leaders on fiscal discipline.

Mr. PENCE. Mr. Chairman, I thank the gentleman for yielding; and I express strong support for his leadership and remarks concerning the Joint Economic Committee.

I also would echo the sentiments of the chairman who expressed on this floor, moments ago, the importance for pursuing a "more sensible course for economic policy." And, as she did, I will reflect on the fact that that begins with the Federal budget.

We are in the midst, Mr. Chairman, of considering the Federal budget; and I rise this evening to reflect on that, however briefly. But I must tell you, I have a strong sense of deja vu as I come to this floor. It seems like it is the 1970s all over again.

I mean, seriously, if you think about it, there are hostages in Iran; Congress is making plans to withdraw from another unpopular war; the Equal Rights Amendment is about to be considered in the Congress, once again; and the tax-and-spend policies of a liberal Democrat majority are about to beset Washington, D.C.

□ 2100

The contrast between the Democrat plan for tax and spend and the Republican plan to balance the budget by 2012 could not be more startling, and I would like to speak about that this evening.

On taxes, under the Democrat budget that will be considered tomorrow, we find the largest tax increase in American history. Despite hollow promises, the tax hikes are in the numbers, and in a budget resolution the numbers don't lie.

The Republican budget, no tax increases, period.

On the spending side, the Democrat budget includes a $22 billion increase in nondefense spending above the President's request on top of $22 billion of unrequested spending in the supplemental and $6 billion in the omnibus. More taxes and more spending.

Under the Republican budget, we see a courageous effort to freeze nondefense, nonsecurity spending, while providing additional funds for veterans, the war on terror, CDBG, the National Institutes of Health and Science and Technology.

And perhaps most grievous and most startling a contrast, Mr. Chairman, is under the Democrat budget that will be considered tomorrow, we see a majority party in Congress that is prepared to ignore the trillions of dollars in unfunded obligations in entitlements altogether. The Democrat budget ignores the Nation's looming entitlement crises and allows unfunded liabilities in Medicare and Social Security to actually grow by an additional $25 trillion.

Again, the Republican alternative includes $279 billion in savings and commonsense reforms to entitlement programs to preserve our social safety net for future generations. And on budget process reform, believing, as I always have, that we must change the way we spend the people's money, the Democrat budget relies on gimmickry and hollow promises of reserve funds and PAYGO strategies that will only chase higher spending and higher taxes.

Under the Republican plan, we see legislative line item veto and PAYGO for all congressional spending.

So the contrasts have been startling, and it does seem like deja vu. But who will pay the price? Well, under the Democrat plan, working families in Indiana will pay an additional $2,700 per year. The Democrat budget resolution will increase marginal tax rates for all Americans, eliminate the new 10 percent tax bracket, increase taxes paid on capital gains and dividends, reimpose the death tax, cut the child tax credit. And that is just a start.

The GOP budget alternative will preserve tax cuts, will protect Social Security, and will balance the Federal budget by the year 2012. It is truly an historic recommitment by this Republican minority to the principles of fiscal discipline and reform.

It is, in fact, the 1970s all over again. But I would say very humbly, Mr. Chairman, let's not, as a Nation, relearn those lessons. Let's rather say "no" to bell bottoms, to disco, and to the tax and spend policies of the 1970s; and say "yes" to the fiscal discipline and reform reflected in the Republican budget resolution.

Mrs. MALONEY of New York. First of all, Mr. Chairman, I find it rather ironic that my good friends on the other side of the aisle are lecturing us on fiscal responsibility. After all, let us remember that the $5.6 trillion 10-year budget surplus that Mr. Bush and the Republican majority at that time inherited turned into a deficit over those same 10 years of at least $2.3 trillion. Numbers do not lie, Mr. Chairman. They turned a $5.6 trillion surplus into a $2.3 trillion deficit. And they are preaching fiscal responsibility.

The administration has incurred the three largest budget deficits on record, including a $413 billion deficit in 2004. And let's remember that the Bush administration not only lost 3 million manufacturing jobs since they took office, but we now have almost a $9 trillion debt, and that breaks down to all of us in America owing, our own individual share, $29,000. Now, that is what they have given the American people.

On top of that they gave us another record, another horrible record. The highest trade deficit in the history of our country, $857 billion. So they give us the record debt, the record trade deficit, and the record budget deficit in the history of this country, and they are talking fiscal responsibility. And then on top of it they turn the surplus into a $2.3 trillion deficit.

Believe me, I am so glad that for the future of America we have a Democratic budget before us today.

Mr. Chairman, I yield 5 minutes to my colleague from the great State of Washington, Congressman MCDERMOTT.

Mr. McDERMOTT. Mr. Chairman, I appreciate the opportunity to respond to what I heard out here.

I was sitting in my office listening, and it is interesting to imagine yourself being like the people at home listening on television to the Republicans talk about fiscal responsibility. Now, you have just heard the figures, but I want to bring back some images to your mind because a budget is a statement of your principles and what you care about in society.

I remember when Katrina hit and we were sitting watching television looking at the absolute chaos and failure of the Republicans to deal with a national crisis. Those pictures looked like the Third World. In fact, we were quicker to go out to Indonesia to deal with the effects of tsunami than we were to deal with the problems of people in our own country, in New Orleans.

In large measure, I believe, the election of 2006 was a rejection by the American people of the Republican we-don't-want-government-to-work philosophy. Anybody who appoints a guy who runs cattle shows or horse shows to run the emergency management organization in this country does not care about the security of the American people. Meanwhile, giving tax breaks. Unbelievable. Spending us into a deficit.

I mean, when I came to Congress, all I heard for the first 6 years were Republicans coming out and saying, We have to pass a balanced budget amendment. By God, we have got to balance the budget.

So we did in 1994. We did it, and lo and behold, here comes all this money in and soon we have a balanced budget with a potential surplus. The Republicans win, and I don't know whether they had amnesia or they didn't really mean it in the first place when they talked about a balanced budget. You can choose which of those you want.

Either they were deceiving the people or they just lost their minds when they got in control and spent us into this hole. Now for them to come out and say we are going to balance the budget in 2012, why don't you say you are going to balance the budget in 2049? That is as good a date as any. You don't mean it. You never meant it because when you came in, you made decision after decision after decision that dug the hole deeper. The old aphorism everybody knows in this country: If you are in a hole, the first thing you should do is stop digging. But the Republicans, session after session, came out here and dug the hole deeper. I don't know what they were looking for. Maybe they were looking for china or gold. I don't know where they were going. But, clearly, the budgeting that has come out of the Republicans was phony from the outset and the people said we don't want any more of that.

The people want a government that works. There is a reason why we have government. We have government to do those things for people that they cannot do for themselves. All of us over here believe in individual responsibility. We think people should be responsible. They should save money. They should get an education. They should raise their children. None of us over here disagree with that individual responsibility.

But there are some things that people cannot do for themselves. They cannot prevent the effects of a hurricane. They look to the government to deal with that. But the Republicans said, No problem. Leave the jobs open. And you could find the same kind of things all through this budget, whether you are looking at the national parks or you are looking at what they have done to the environment.

The President bragged about what a great education Governor he was, and he came in here and told us we are going to have this No Child Left Behind bill. Then he proceeded to underfund it by $17 billion. Now, if you are serious about schools, you put the money in schools. You don't give tax breaks to people making a half million dollars a year. They have got enough to get by. Most all of them can pretty much get by on half a million. But there are schools in this country which are failing for the lack of money to do the things that are necessary for the school system.

And the choice the President made was let's give the tax break. Never mind that silly bill I had about No Child Left Behind. He didn't mean it. You didn't mean it. And that is why we had the election of 2006. And the budget you see out here is the priorities of the Democrats trying to bring some sense back to a government that we want to actually function when the people look to it and need it.

Mr. BRADY of Texas. Mr. Chairman, I yield myself such time as I may consume.

The gentleman does make many relevant points, just not relevant accuracies.

The truth of the matter is he claimed that the Democrats balanced the budget in 1994, but there was a $200 billion deficit in 1994. In fact, it was the Republican Congress that balanced the Federal budget for the first time after 40 years of Democrat leadership in Washington, D.C.

The gentlewoman from New York claims that manufacturing jobs were lost under President Bush, but manufacturing losses began in 1998, 1999, and 2000 under President Clinton's administration.

And while I agree with the gentlewoman that the $9 trillion debt is unconscionable, I will point out that in every budget that we passed in the 10 years that I have been here, Democrats voted against it because it was not spending enough. And the gentleman in front of me just said we haven't spent enough on Katrina, we haven't spent enough on education, we haven't spent enough on health care; yet they say we shouldn't be spending this much. And that $9 trillion debt, when I go onto their Web sites, when I look at the press releases on all the pork barrel projects, I brought home this highway fund, this university research, I brought home this special program, now, either they didn't support that spending or they are just claiming credit for that spending.

You can't have it both ways. You can't be fiscally responsible. You are spending too much. No, you are spending too little, and I am taking credit for what you did.

The fact of the matter is when we look at the Democratic budget, what we see is a massive tax rate, massive new spending, all in an effort, I think, to reclaim the title of the biggest government possible.

□ 2115

I try to explain this to my taxpayers back home and my families, what does this budget mean to you?

You look at an elderly couple in Texas with $40,000 income. That is where the husband and the wife is still working. Under the Democrat bill, this elderly couple in Texas, their tax bill would rise by $1,000 a year. That is a lot of money for a senior citizen and his wife.

A family of four with $60,000 in earnings, that is maybe a firefighter and a secretary, this bill would increase their taxes by $1,800. A family of four, which probably is struggling already to make ends meet.

For a single parent with two children and $30,000 in income, that is a single mom working in the local school district, under Republicans, at the end of the year she would get back almost $2,500. Under the Democrat tax increase bill, she would get $1,600 less.

I know in Washington $1,600 doesn't seem like a lot, but when you are a single mom working at the local school district with two kids, that is a lot of clothes, that is a lot of car insurance, that is a lot of medical bills for young people. This budget hands these families a tax hit that, frankly, they can't afford.

Taxes will rise, on the average, for 26 million small business owners by almost $4,000. That is a lot of payroll. That may be the only profit they make all year.

Then, by eliminating the lowest tax bracket, you are going to take 5 million taxpayers in America who didn't have to pay taxes, we are going to hand them a tax bill and say we want to do this so we can spend more in Washington. So that we can try to balance the budget on the backs of hard-working families in America, we are going to spend more.

What my Democrat friends have never figured out is, Washington has all the money it needs. It just doesn't have all the money it wants. It is time we know the difference.

I am supporting the Republican alternative, which balances the budget without this massive tax increase. In fact, there is no tax increase at all. For the first time in many, many years, it does not spend the Social Security trust fund, which is just critical.

Mr. Chairman, I yield back the balance of my time.

The Acting CHAIRMAN (Mr. POMEROY). The gentlelady from New York is recognized to close.

Mrs. MALONEY of New York. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the American people voted for change, and this Democratic leadership has given them change, not only in the direction in Iraq but the direction in our budget.

I repeat, it is unbelievable. I am mystified that the Republican colleagues on the other side of the aisle are talking fiscal discipline. Let us remember, they are the ones that gave us the largest debt in history, $9 trillion, the largest trade deficit, over $859 billion, and they turned the $5.6 trillion 10-year budget surplus into a $2.3 trillion deficit. That is what they gave this country.

Within the first 100 hours of this Congress, the new Democratic leadership instituted pay-as-you-go budgeting requiring that new spending be offset. In other words, we are not spending money we don't have. We are not going to grow that deficit. Adhering to this policy helped turn deficits into surpluses in the 1990s during the Clinton administration but was abandoned by the Bush administration and the Republican-controlled Congress. That is what led us to these huge debts and deficits.

Today, Democrats in Congress present a realistic budget plan that adheres to PAYGO principles for controlling the deficit and bringing revenues into line with the amount we need to spend to defend the country and take care of the needs of our citizens.

Our budget provides health care for millions of additional uninsured children. We make investments in veterans health care and benefits. We restore critical funding for first responders and State and local law enforcement.

In order to spur innovation that will keep America number one in the world, we provide increased funding for the National Science Foundation, increase investments in math and science and education, and make college more affordable for our young people, investing in the future of our country.

We also expand renewable energy and energy efficiency to reduce global warming and dependence on foreign oil.

Democrats target tax relief to those who need it most. Our plan protects 19 million middle-American families from a tax increase by setting up a reserve fund for a long-term fix for the alternative minimum tax, which is snagging millions more families each year in its widening net. We pay for these tax cuts in part by eliminating tax loopholes and closing the tax gap to make sure that middle-class families don't have to pay the tab for tax cheats.

Mr. Chairman, this budget resolution is an important step toward putting our fiscal house back in order and creating greater economic opportunities and prosperity for all American families.

Mr. OBERSTAR. Mr. Chairman, I rise in support of House Concurrent Resolution 99, the Congressional Budget Resolution for fiscal year 2008.

I am extremely pleased that the budget proposed by Chairman SPRATT recognizes the critical importance of meeting our nation's infrastructure investment needs, even while achieving a balanced budget by the year 2012.

Increased investment in our transportation infrastructure has far-reaching effects on our nation's economy, our competitiveness in the world marketplace, and the quality of life in our communities.

Yet, too often, capital investments are shortchanged due to a more immediate need to finance day-to-day operations.

This budget does not make that mistake. Rather, it assumes full funding for programs financed by the Highway and Aviation Trust Funds. These programs are funded by highway and aviation system users and do not contribute to the deficit.

Specifically, the proposed budget fully funds highway, transit, and highway safety programs at the levels guaranteed by the surface transportation reauthorization act, commonly known as SAFETEA–LU. It rejects the Administration's proposal to cut highway and transit funding below the guaranteed levels by $631 million and $309 million, respectively.

The Administration's proposal to cut transit funding was particularly ill-advised. The Administration proposed that Capital Investment Grants receive $1.4 billion, compared to $1.7 billion authorized by SAFETEA–LU. Of the $1.4 billion requested for Capital Investment Grants, the Administration proposed to fund 11 existing Full Funding Grant Agreements, seven projects that are currently in final design, and three other projects currently in preliminary engineering. However, the Administration's request ignores the significant pipeline of new start projects seeking funding, including 11 projects that are currently in preliminary engineering, as well as another eight projects that are very close to approval to enter preliminary engineering.

Furthermore, within the $300 million reduction in Capital Investment Grants proposed by the Administration, $100 million was to have come from the small starts program. The small starts program is authorized in SAFETEA–LU to receive $200 million in fiscal year 2008. The Administration proposed to provide just $100 million, to fund four small start projects. There are, however, at least 11 other small start projects around the country which may be ready for project development approval in fiscal year 2007.

Given that traffic congestion has become a major national problem costing motorists more than $63 billion in wasted time and fuel each year, the Administration's proposal to cut funding for transit investments is just plain wrong, and I am pleased it is not included in the Concurrent Resolution before us today.

Beyond highways and transit, the Concurrent Resolution lays the groundwork for reauthorization of Federal Aviation Administration programs by allocating the full amounts recommended by the Transportation and Infrastructure Committee for the Airport Improvement Program (AIP). As requested in the Committee's Views and Estimates, the proposed budget provides an allocation for AIP of $3.8 billion in FY 2008, $3.9 billion in FY 2009, $4.0 billion in FY 2010, and $4.1 billion in FY 2011. In contrast to the Administration's proposal to cut AIP funding to $2.75 billion in FY 2008, the increased funding levels provided by this Resolution will allow the AIP program to keep pace with inflationary cost increases, and begin to address the investment gap in airport safety and capacity needs.

I commend Chairman SPRATT for bringing this Resolution to the Floor, and look forward to working with him on continued improvements to our nation's infrastructure.

I urge my colleagues to support H. Con. Res. 99.

Mrs. BOYDA of Kansas. Mr. Chairman, yesterday I was thrilled to join four distinguished members of the House Armed Services Committee—Ms. DAVIS, Mr. GINGREY, Mr. CONAWAY, and our esteemed chairman, Mr. SKELTON—on a tour of Fort Riley.

I am proud to represent Fort Riley in Congress, and my pride only grew as I saw the professionalism and patriotism of Fort Riley's troops. Fort Riley is charged with training Military Training Teams—small groups of American soldiers who recruit, organize, and train Iraqi forces to take charge of their nation's security.

Fort Riley goes to tremendous lengths to prepare soldiers for their tours in Iraq. The fort runs complex simulations of battle conditions—they engage actors to portray Arab citizens; they encourage soldiers to behave throughout their training as though they are already in Iraq.

For transition teams at Fort Riley, the war begins months before they leave American soil. Their war will continue through twelve months of hazardous, exhausting deployment in Iraq. And even when they return home, their war will continue still. Many will bear the scars of the Iraq war—both physical and mental—for a lifetime.

Just as Fort Riley has recognized that we cannot drop soldiers into a war zone without adequate preparation, this Congress must realize that we cannot abandon soldiers upon their return to America. We owe veterans nothing less than a lifetime of support. Abraham Lincoln understood this concept when he charged America "to care for him who shall have borne the battle and for his widow, and his orphan." It is time that this Congress meet our obligation.

I was proud in January to support a continuing resolution that increased VA funding by $3.4 billion. Last week this House passed a supplemental bill that provided a further $1.7 billion. These increases were meaningful and long-overdue—but our support must not waver now.

The Budget Committee has provided superb leadership toward that end. The Committee proposed a fiscally responsible, comprehensive 2008 budget that includes a $6.6 billion increase for the Department of Veterans Affairs. Their approach has earned praise from AMVETS, the Disabled American Veterans, the Paralyzed Veterans of America, the Veterans of Foreign Wars, and the American Legion.

I urge my colleagues to follow the Budget Committee's lead.

No one can doubt that every Member of this esteemed body supports America's veterans. The only question is whether we will demonstrate our support using the most powerful tool at our disposal: the federal budget.

I urge you to turn words of support for veterans into action, to transform sentiment into financing. Please vote for full funding of the VA.

Mrs. MALONEY of New York. Mr. Chairman, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. McDERMOTT) having assumed the chair, Mr. POMEROY, Acting Chairman of the Committee of the Whole House on the state of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, had come to no resolution thereon.

GENERAL LEAVE

Mrs. MALONEY of New York. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on H. Con. Res. 99 and S. 1002.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New York?

There was no objection.

APPOINTMENT OF MEMBERS TO MEXICO-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276h, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Mexico-United States Interparliamentary Group:

Mr. PASTOR, Arizona, Chairman

Ms. LINDA T. SÁNCHEZ, California, Vice Chairman

Mr. FILNER, California

Mr. REYES, Texas

Ms. SOLIS, California

Mr. RODRIGUEZ, Texas

Ms. GIFFORDS, Arizona

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

(Ms. KILPATRICK addressed the House. Her remarks will appear hereafter in the Extensions of Remarks.)

HEALTH CARE: THE BIGGEST DOMESTIC CRISIS FACING AMERICA

The SPEAKER pro tempore (Mr. POMEROY). Under a previous order of the House, the gentleman from Washington (Mr. McDERMOTT) is recognized for 5 minutes.

Mr. McDERMOTT. Mr. Speaker, the biggest domestic crisis facing America today is health care. Every 30 seconds, an American files for bankruptcy in the aftermath of a serious health problem. So says a recent study from Harvard University. And that is just one of the chilling new statistics that should compel Congress to act.

Every Band-Aid has been tried and has not solved the problem. Instead, the crisis of health care has been allowed to fester like an open wound. We cannot continue to tinker around the edges.

Today, the health care system is increasingly dysfunctional. America is fast becoming a nation of haves and have-nots, those wealthy enough to afford comprehensive health care coverage and the vast majority of American people struggling to maintain coverage.

It is time to provide universal health care for every American, and the only delivery system that works is a single-payer health care system, which is what I propose in H.R. 1200. We don't need to change the way health care is delivered. We do need to change the way we pay for it.

Today's health care system is pockmarked with inequities, overutilization and uncertainty. We don't get the benefit or the cost-savings of a risk pool that includes every American. Instead, we have wildly different programs, costs and outcomes across this country.

The casualties are mounting and spreading. America's health care crisis is fast becoming America's economic crisis, especially for small business, the backbone of the U.S. economy.

Data compiled by credible organizations reveals the depth of the crisis. We are spending over four times as much on health as we are on national defense, yet 47 million Americans are defenseless because they don't have any health care coverage at all. We are spending over $2 trillion a year on health, an average of $6,280 per person, and it is too much.

A Harvard study found that 68 percent of the people filing for bankruptcy had health insurance, and they also had an average of $12,000 in health-related debt. Unpaid medical expenses play a role in half the bankruptcies in this country.

America is better than that. People don't deserve to fall into financial ruin in the richest nation on Earth because of an illness or an injury.

We tried everything else except the only effective solution, a single-payer system that guarantees every American has a minimum set of health care coverage benefits, decisions made locally in their own town, closest to the patient, in a universal system that covers every American.

We do this for essential programs and services across America, from national defense to local police and fire. It is a tried and true system that protects everyone by involving everyone working together for the common good.

We have to take the pragmatic approach contained in H.R. 1200 for the good of the American people and the U.S. economy. Big business confronted an 8 percent increase in health expenses last year. Small businesses saw expenses rise by more than 10 percent. The average premium for an employer to provide health insurance to cover a family of four was $11,500 a year, and employees typically paid $3,000 of that bill.

□ 2130

These costs are only going to go higher in the current dysfunctional system.

Uncontrolled business expenses like these are unsustainable. At least one respected business consulting group projects that health expenses will overtake profits in many American businesses next year, 2008. This is not something 40 years down the road, it's next year. More Band-Aids won't stop the bleeding. America's health care system is failing the American people and business.

Affordable health care coverage should be a right, not a privilege, in America; but that's not the way it really is. Those who profit most by the inefficient, bloated and broken system in place today will spend millions of dollars on ads trying to scare you into believing that paying them more and more is in your best interest.

Remember Harry and Louise, that baloney in '93? You're going to see it again. Every American deserves affordable health care coverage. H.R. 1200 will do just that. We have waited too long, and we can't wait any longer.

It is time to act and pass H.R. 1200, universal health care coverage for all Americans.

RETURN SOVEREIGNTY BACK TO THE STATES, THE SCHOOL BOARD, AND THE PARENTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. GARRETT) is recognized for 5 minutes.

Mr. GARRETT of New Jersey. Mr. Speaker, with the reauthorization of No Child Left Behind before us this year, we all have an obligation to consider reforms that both further education policy, and also maintain consistency with our constitutional duties.

The Federal Government began its interference, if you will, in education through land grants, and over time has transformed into a bureaucracy that we see today. I would like to highlight some of the serious flaws in this tangled web we have weaved and pose a question to my colleagues and our constituents as well. Are we better off today with the Federal Government's involvement in education as it has been over the years?

Since 1965, American taxpayers have invested more than $778 billion on Federal programs for elementary and secondary education. The GAO, the Government Accountability Office, reported in 1994 that 13,400 Federally funded full-time employees in State education agencies work to implement Federal education programs. That is three times the number then working at the Department of Education.

The same report found that state education agencies are forced to reserve a far greater share of Federal and State funds for State-level use by a ratio of 4-1, due to the administrative and regulatory burden of Federal programs. And because it cost so much to allocate a Federal dollar than a State dollar, 41 percent of financial support and staffing of State education agencies was a product of Federal dollars and regulations. In other words, the Federal Government was the cause of 41 percent of the administrative burden at the State level, despite providing just 7 percent of overall education funding.

Again, according to the GAO, the testing requirements alone for No Child Left Behind will cost the States about $1.9 billion between 2002 and 2008. And that is if the State uses only multiple choice questions that can be scored in machines, as opposed to essays and what have you.

According to the Office of Management and Budget, No Child Left Behind increased State and local governments' annual paperwork burden by 6,680,334 hours at an estimated cost of $141 million. So while No Child Left Behind advertises that it helps to attract and maintain highly qualified teachers, some States, in fact, have now responded to it by actually lowering their testing requirements for new teachers.

Since the law enactment, Pennsylvania has dropped its testing after finding that too many middle school teachers had failed the test. In Maryland, New Hampshire and Virginia, they have made their basic skills test for teachers easier to pass now than before we had No Child Left Behind.

In Florida, Georgia, Illinois, Missouri, Nevada and West Virginia, they, too, have lowered their requirements for teachers trained out of state. So what is happening is as State officials become more familiar with the No Child Left Behind statute and with U.S. Department of Education's interpretation of it, more States have rushed to lower their own standards. So by September 2004, 47 States had filed requests with the U.S. Department of Education to approve changes to their No Child Left Behind plans that would, in many cases, make it easier for them to show adequate yearly progress than before.

Now, to address all this, in the near future, I will come back to the floor as I will be introducing legislation that will immediately cut both the financial and the regulatory strings between the Federal Government and the States that choose to opt out and relieve the Federal education system.

How it will work is this: Under my proposal, States that elect to opt out of the Federal education funding system would be eligible to keep their own money, keep it in their own States through a mechanism, a Federal tax credit. It would be a refundable Federal tax credit, and it would be available to all the residents in that State that chose to opt out. Therefore, what we have here is not only would that State free itself up from the education regulations and all the costs I have just laid out here, but by taking this deduction, those residents in those States won't have to be taking money out of their pocket, sending it to Washington, Washington handling it for a while, and some of it coming back to their States. In effect, what will happen is you will not have to send your money to Washington at all.

But the bottom line is this: We should not waste this unique opportunity that we have now, now that No Child Left Behind is coming up for reauthorization. We should use this as an opportunity to return sovereignty back to the States, and most importantly, back to the parents themselves.

So Mr. Speaker, I will close on this to say I look forward to the time when all education decisions are returned back to the States, to the legislatures, to the local school board, and most importantly, to the parents themselves.

SUPPORT THE CONGRESSIONAL BLACK CAUCUS BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Virginia (Mr. SCOTT) is recognized for 5 minutes.

Mr. SCOTT of Georgia. Mr. Speaker, the Congressional Black Caucus is offering a budget to help us get out of the financial mess that we're in. We have seen this chart before, it shows the deficit over the years, how in 1993 we started to eliminate the deficit, ran the budget up to a surplus, creating a 10-year budget of over $5.5 trillion. The policies that have now gotten us into a mess have changed that $5.5 trillion surplus into an almost $3 trillion deficit, a swing of $8.5 trillion.

The first thing the Black Congressional Caucus budget does is to repeal the policies that got us into this mess by rolling back the 2001 and 2003 tax cuts for that portion of a person's household income over $200,000. By rolling back the brackets for the first two brackets and eliminating the tax cuts for capital gains and dividends, primarily for that portion of the household income over $200,000. People will say it is a big tax cut. So what. Those policies got us in the ditch. We are repealing those policies to get out of the ditch.

Now what does that do to the budget? The Congressional Black Caucus deficit is better every year than the President's budget. The President's budget is in red, the Democratic alternative is in blue. The Congressional Black Caucus beats both of them every year, except the last year, we only had a $141 billion surplus in the last year, the Democratic budget has $153 billion, but of course, the President's budget is still in the ditch. We have significantly reduced the deficit $339 billion better bottom line cumulatively than the President.

We also save interest. By reducing the deficit, we save interest. Every year, we have saved more and more interest. $27 billion less interest paid over 5 years than the President's budget. In fact, $18 billion more than the Democratic alternative.

We have also addressed our priorities with the money left over. After we have reduced the deficit and reduced the amount of interest, we have also made important investments. SCHIP, $66 billion more in health care than the Democratic budget, over $100 billion more than the President. We can fund health care for each and every child in America.

No Child Left Behind. We are funding over $158 billion more in education and training than the President. We have honored our veterans by spending $42 billion more than the President's budget. We have attacked fraud, waste and abuse in the Democratic budget. We have made communities more secure with investments in juvenile justice, gang prevention, prison re-entry. We have provided community support through community development block grants in nutrition and housing. We have contributed to diplomacy by fighting global AIDS, child survival. We have spent significantly more in these priorities, Mr. Speaker, than both the Democratic alternative and certainly the President's budget.

The Congressional Black Caucus repeals the policy that put us into a mess. We address important priorities that are so important, and we have a much more fiscally responsible budget.

We would ask the House to adopt the Congressional Black Caucus budget that gets us out of the mess and puts on the right track.

CONGRESSIONAL BLACK CAUCUS ALTERNATIVE FISCAL YEAR 08 BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from the Virgin Islands (Mrs.

CHRISTENSEN) is recognized for 5 minutes.

Mrs. CHRISTENSEN. Mr. Speaker, today I rise as the Health Chair of the Congressional Black Caucus to express my strong support for the Congressional Black Caucus' alternative fiscal year '08 budget and to urge its passage.

I want to begin by applauding our leadership, our chairwoman, CAROLYN KILPATRICK, and the person who headed up our Budget Task Force for his hard work, skill, leadership and commitment to justice it represents, Congressman BOBBY SCOTT.

This is a smart and responsible budget that is as fiscally sound as it is congruent to the needs, hopes and aspirations not only of African Americans, but of all Americans.

This budget uses the Democratic budget, a good budget itself, as a starting point and takes a step further by putting $112 billion more in education, training, employment and social services; $9 billion more in veterans benefits and services; $8 billion more in homeland security. And over a 5-year period, it spends more than $101 billion on health care. It does all of this and more while balancing the budget in 2012 and creating $141 billion surplus, beginning to reduce the burden that the Republican spending spree would have placed on future generations.

Four years ago, the current administration began taking us down the slippery slope of huge deficits and unprecedented debt by giving tax cuts to the wealthiest Americans instead of using that money to strengthen our country by investing in the American people. This budget rescinds some of those tax cuts and incentives, including the tax cuts to the top two tiers of income, tax cuts that this country could not afford then and cannot afford today.

By rescinding those tax cuts, which is where our budget departs from the Democratic base budget, we begin now to correct the wrong that was perpetrated particularly on the poor and middle class, and we put the interests of the majority of this Nation's hardworking families at the forefront of our spending priorities, and Mr. Speaker, it is about time.

While this is true across every line item, it is especially true as it relates to spending on health and health care. As I have previously observed and stated on the RECORD, the President's fiscal year 2008 budget proposes to eliminate, cut or flat fund every single program that is critical to reducing health disparities or to strengthening the health and wellness of African Americans and other people of color across this Nation.

The Democratic budget, for which I applaud Chairman JOHN SPRATT, does much to restore these programs, at least in part. But the health deficit of African Americans and other people of color, of the poor and rural Americans requires a major investment to reverse the severely adverse impact of long-term neglect, neglect which is not only causing excess deaths, but driving up the cost of health care and undermining the quality of care for all Americans.

And so, Mr. Speaker, the CBC alternative budget uses the additional funding stream from the funds we put back into the budget to maintain, create or expand programs that are proven to reduce racial and ethnic health disparities that have left more people of color in poorer health, without access to adequate health care, and more likely to die prematurely from preventable causes often during their most productive years for far too long.

Programs like Healthy Start, nurse education and other health profession programs, the Ryan-White Care Act, Health Careers Opportunity programs, Gulf Coast Health Infrastructure, Maternal and Child Health get the funding they need. And NIH and community health centers get an additional increase as well.

Most importantly, we create a health equity fund to fund prevention programs that pay for themselves and create value, and which make that investment to fill in the gaps in health care in poor and rural communities and communities of color, and to improve the health status of all Americans.

□ 2145

The CBC budget through its investment in education, economic opportunity, housing, and all of the social determinants of health provide that kind of holistic approach to our communities and our Nation's well-being that had been missing and for which we are all, but especially people of color, paying the price.

Mr. Speaker, Dr. Martin Luther King once said that the moral arc of the universe bends at the elbow of justice. The CBC resets the moral compass of our Nation, and the CBC sits at the elbow of justice. And by supporting the CBC budget we not only will be championing justice and equity in health care but in all social, public and economic policies and programs that currently fail far too many of our Nation's citizens and which have thus created two Americas separated by a wide and deep chasm of inequality.

Mr. Speaker, Dr. Martin Luther King also said that the time is always right to do what is right. Well, that time is now, and doing what is right is passing the CBC alternative budget. I urge all of my colleagues on both sides of the aisle to vote for this well-constructed, sound budget that sets a new direction for this country not just for today but for tomorrow.

CBC BUDGET

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WATERS) is recognized for 5 minutes.

Ms. WATERS. I would like to begin by congratulating Congresswoman CAROLYN KILPATRICK, the Chair of the Congressional Black Caucus, and Congressman BOBBY SCOTT, Chair of the CBC Budget Task Force, for their leadership in developing the CBC budget.

I strongly support the CBC budget because it provides sufficient funding for critical domestic priorities such as health care, education, and community development. For example, the CBC budget spends $112 billion more than the Budget Committee's budget and $158 billion more than the President's budget on education, training, employment, and social services. Yet the CBC budget still eliminates the deficit by 2012.

As the Chair of the Subcommittee on Housing and Community Opportunity, I am deeply concerned about the need for affordable housing in America. The CBC budget recognizes that affordable housing is all but out of reach for many Americans. Just imagine, the 2006 average minimum wage required to rent affordable housing is $16.31 an hour, more than three times the Federal minimum wage of $5.15 an hour, putting most housing out of reach for many American families.

Approximately 6 million persons in this country are very needy, paying more than 50 percent of their income for housing. This is a real threat to families trying to educate their children and make ends meet. Affordable rental housing is critical to communities across this Nation. Public housing is still part of the solution, community development programs are part of the solution, and the renewal of the section 8 voucher and many other housing programs is part of the solution.

The President's fiscal year 2008 budget request would cut overall net funding for public housing by $477 million, from $6.4 billion to $5.9 billion, a cut of 7 percent. While the budget increases the operating fund by $136 million, public housing authorities are estimated to receive only 80 percent of their total operating expenses. The budget decreases the capital fund used to repair and modernize public housing units by $415 million, to only $2.0 billion.

Continuing a downward spiral in funding, this is part of the effort to dismantle public housing as we know it. We cannot sit idly by and let this happen. The community development programs would be seriously eroded and undermined if left to this administration. The Brownfields and the section 108 loan guarantee program would also be eliminated. The Community Development Block Grant Program would be cut by 20 percent, losing $735 million. And the list goes on and on.

In addition, Section 202 and 811 housing programs for the elderly and disabled would be cut drastically in the administration budget proposal. Rural housing programs would also suffer serious cutbacks faring no better.

The administration's budget proposes to terminate the major Rural Section 515 rental housing program, which would leave thousands of families living in rural communities, many poor, working families with children, and the disabled and elderly without affordable housing.

There is another issue that I feel strongly about that is addressed in this budget. As a senior member of the Judiciary Committee, I am highly concerned about the origin and proliferation of gangs in communities throughout the United States. Along with full committee chairman JOHN CONYERS and Crime Subcommittee chairman BOBBY SCOTT, I plan to retool existing authorized Federal programs to comprehensively address this problem. This requires full funding of the following programs: the Juvenile Accountability Block Grant, the Gang Resistance Education and Training Program, the Youth Violence Reduction Demonstration Projects that are administered by the Department of Justice, and the Compassion Capital Fund, which is administered by the Department of Health and Human Services.

In the city of Los Angeles, there are approximately 4,000 gangs and 39,000 gang members. For 2006, there were about 470 homicides, and 250 were gang related. Of the shootings in the city last year, 70 percent were gang related. According to a September 1, 2006, report by Los Angeles County Sheriff Lee Baca, it costs about $287 million to treat and hospitalize victims of nonfatal gang assaults countywide in one year.

This is not only in Los Angeles. There are gang problems all over America, and not simply in our cities but in our rural communities, in our suburban communities.

It is about time that we focus some efforts on dealing with the gangs from two perspectives:

Number one, we have got to have prevention. We have got to be able to provide social services. We have got to be able to meet the needs of people in communities that have no hope.

Number two, yes, we must be tough. But the answer is not simply lock them up and throw the key away. The answer is, how do we prevent young people, young children, from connecting and getting involved with gangs in the first place? We need serious funding and smart assembly of existing programs to effectively halt the recruitment of new gang members.

We need serious funding and smart assembly of existing programs to effectively halt the recruitment of new gang members; to reduce the incidence of homicide and violence between gangs; to implement programs that deliver support services and job training; and to enable communities to solve problems that lead to race-related gang tensions.

CONCLUSION

I urge all of my colleagues to support the CBC Budget so that we can begin to tackle important issues like gang violence and the need for affordable housing in our communities.

BUDGETING FOR PEACE AND SECURITY

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, today the House began debate on the budget for the next year. This is the time when each party shows its true priorities. The Democrats have promised to ensure our homeland security while providing for the needs of America's working families: health care, education, safe communities.

This is another chance to tell the people to tell the administration that we are not going to fund this misguided occupation of Iraq. We are quickly approaching one-half trillion dollars for the occupation of Iraq, including billions that have been lost, misallocated, or squandered, while drastically cutting important domestic programs in the United States of America.

Let me say that one more time: one-half trillion dollars. What comes after a trillion? A zillion? This might not mean much to some of the folks in Washington, but to the people scraping to get by this means everything.

We are in the fifth year of this occupation, and if we follow the leadership of the administration we will be there for years to come. In fact, they even say that the exit strategy for Iraq will be decided by future presidents. Presidents. Not one, but many. This is really unacceptable.

The Progressive Caucus budget, the Peace and Security budget, takes a stand against the ridiculous budget request and puts the money where it will do the most good. By ending our military presence in Iraq, we can save at least $202 billion over the next 2 years. Doing that, we can focus on the real needs of Americans.

The Congressional Progressive Caucus budget will fully fund No Child Left Behind and IDEA and improve the Teacher Corps and job training. It will provide affordable, accessible, quality health care for Americans, starting with fully funding the SCHIP program to ensure that every American child is covered for basic health insurance. It will rebuild America's communities by increasing funding for Community Development Block Grants, Hurricane Katrina relief, and reconstruction and community policing. It also guarantees veterans health care and ensures that the Federal funding that is needed will be available to provide health care, including mental health care, for every single American veteran, including but not limited to veterans of the Iraq and Afghanistan wars.

This Peace and Security budget gives a fair shake for working families by increasing funding to protect fundamental worker rights, enforcing credit and lending practices, and promoting liveable wages and safe work places. It also will renew the social contract and 21st century safety net by substantially increasing funding for decent, affordable housing, for anti-hunger programs, and more quality child care for low-income and impoverished Americans, including Hurricane Katrina victims.

Does this mean that we will abandon our obligation throughout the world? Absolutely not. We will support the Smart Security Plan by increasing nonmilitary spending to enhance homeland security and to fight the root causes of terrorism, a real 21st century diplomacy plan that meets basic human needs such as fighting HIV and AIDS and providing for universal basic education.

If we had spent the last 4 years focusing on the real needs of America's working families and not fighting this endless, misguided occupation of Iraq, America would be safer, more prosperous and a leader in peace and security worldwide.

It is time to bring common sense and reason back to our foreign policy. I call on my colleagues to join me in supporting the Progressive Caucus budget, the Peace and Security budget, and to join me in the call to bring our troops home now.

30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to come to the floor. Mr. RYAN and I have spent a long time, Mr. Speaker, when it was just Mr. RYAN and I on the floor. This goes back to the 108th Congress and a little of the 109th Congress, and I am so glad we are having the opportunity to come to the floor to talk about not only the budget but what we were able to do last week, last Friday, moving in a new direction as it relates to the emergency supplemental.

Mr. Speaker, as you know, the 30-Something Working Group comes to the floor to not only share facts but to also do away with the fiction that many of the Members on the other side of the aisle come to the floor many times sharing information that I guess someone gave them some information and said, go on the floor and say this, or what have you.

□ 2200

I can't help but watch some of this debate on the floor and question where some of the information comes from.

The good thing about the 30-something Working Group, we actually have third-party validators for information that we share here on the floor. We want to make sure that every Member is able to make a sound decision and that the American people are able to get great information from what we share here on the floor.

As you know, every time we come to the floor, we talk about a number of issues. But tonight, again we are going to talk about the budget. We are also going to talk about the ongoing issue of Iraq and the courageous step we took just last week, and the Senate has taken a step in that direction also in accountability measures within the emergency supplemental.

Mr. RYAN, I don't know if you had an opportunity to see the President's press conference today, but it was quite interesting. It was like he was trying to sell something to the American people. He was speaking to the Cattlemen's Association, and he took that opportunity not to talk about beef, but to talk about what the Congress is doing in the area of making sure that we bring about accountability.

He was saying he is going to veto what we actually passed. What he is trying to do, and there is a word on the street that is used, flipping the script. He is trying to flip the script and trying to fake the American people out in saying that the Democratic Congress is standing in the schoolhouse door of the funding getting to our troops.

Mr. Speaker, I beg to differ and I think we have prima facie evidence here to show that the emergency supplemental, everything in the emergency supplemental is a true emergency, making sure that we fund our troops beyond what the President has called for, making sure that we stand up on behalf of our veterans, an unprecedented commitment to Veterans Affairs and to the VA in the history of this country.

Because we already had a system that needed work and needed funding, this Congress stepped forth and put forth, the 110th Congress, the Democratic controlled Congress stepped forward and made sure we did what we needed to do for the veterans, and we are just getting started.

At the same time, Mr. RYAN, we have to look at the issue of Hurricane Katrina. The President said there is other funding in there. We are doing things in the emergency supplemental for the people on the gulf coast that have been waiting on the President. They don't want lip service, they want action. If the President wants to veto that, that's on him. But I guarantee you that the American people will see through what our President is saying as it relates to and as he continues to explain how he is going to veto an emergency supplemental.

He is saying if the money runs out, and it is on the back of the U.S. Congress. Well, I can tell you this: The American people are on the side of the U.S. Congress. They have asked us to lead, and we are leading. They didn't ask us to balk at the first threat that the President makes. Or I am going to veto. Well, okay, that is something that you are going to have to live with. That is something you will have to explain. But we are going to continue to do what we need to do here in providing the kind of leadership necessary.

America said in November they want to move in a direction. They said they want accountability. They no longer want a rubber stamp. They want a do-something Congress and not a do-nothing Congress. We will talk about that tonight.

Mr. RYAN, I am so glad you are here as we continue to share this information with the Members so they can make an accurate decision tomorrow when we vote on the budget, on our priorities, making sure that we give every child in the United States health care, and making sure that we move in the direction that the U.S. mayors have asked us to move in, making sure that we move in the direction that governors have asked us to move in, and giving the necessary dollars to homeland security to protect the homeland.

We are going to make sure that the Members know exactly what they are voting on so when we go on a 2-week break, Mr. Speaker, Members can't go home and say, I didn't really understand what was in the budget.

I yield to Mr. RYAN.

Mr. RYAN of Ohio. I appreciate what you are saying, and there are a couple of points I would like to add.

When the President says he is going to veto the supplemental bill, he is going to veto a $1.7 billion understand increase for veterans. We have seen Walter Reed and heard the stories from across the country. We know we have more veterans coming back. He is going to veto a $1.7 billion increase from his recommendation. And then he is going to veto a $1.7 billion increase for defense health care for our troops, not yet veterans but still needing access to care. And $500 million is for post-traumatic stress disorder. And $500 million is for brain injuries.

Those of us who have been to Walter Reed have seen these veterans who are more affected than any of us. They are the ones that are hurt. They are the ones with the brain injuries, and we get in and we try to put in $500 million in addition to what the President wants for brain injuries, and the President threatens to veto it.

That is $500 million for post-traumatic stress disorder, and the President threatens to veto it. We put in this supplemental bill, Mr. Speaker, rules that the Department of Defense and the Pentagon say we need. That if you don't have the proper equipment, you shouldn't go off to war. If you don't have the proper rest, you shouldn't go off to war. If we can't put the proper armor on your Humvees when you are on patrol in Baghdad, you should not go. The President said he is going to veto that.

So the President is saying he is okay with sending our American troops to Baghdad to drive in a Humvee that is not up armored, to send the soldiers out in the field without the proper body armor, and to sending kids back when they have only been home for a few months, sending them right back. That is what the President is saying he is going to veto, Mr. Speaker.

I am not okay with that. And the Democratic Congress is not okay with that. And the Senate is not okay with that. And the American people are not okay with sending our troops to Baghdad to ride in Humvees that don't have the proper armor on them. Period. That is the debate. That is what the President says he is going to veto.

Let's be very, very clear about what the Democratic Congress has passed and put in front of the President and what he is threatening to veto. Now, we have even given him a few months to get done what he wants to get done. Many of us want our troops home now, I'm one of them, but I recognize there are a lot of us here, and we need to have some level of compromise.

All we are saying is if there is not progress by July, we start bringing our troops home. The war has already been longer than World War II. If you haven't done it by now, it can't be done. Bring them home.

But if there is progress, we will give them until October. If they don't meet the benchmarks that the President set out, Mr. MEEK, in January, and these are the President's benchmarks. These aren't the Speaker's benchmarks or Senator REID's benchmarks; they are not Kendrick Meek's benchmark. They are not mine. These are the benchmarks the President of the United States set out in his speech of January 10.

All we are saying, is you have been able to say one thing and not live up to it. You have certain goals, and then not get there, and we just all go on our merry way. What we are saying, is you've got to be accountable for the benchmarks you have set out. If they don't meet those benchmarks, we are coming home. We are bringing our troops home.

So I think it is very important that the American people understand what is going on. You mentioned Katrina. Everybody wants to talk about there is pork in this bill and this and that; the majority of this goes to the troops, and the next biggest chunk goes to Katrina relief. We are trying to free up money to rebuild the gulf coast.

And the hold-up the whole time has been that the President and the Republicans want a 10 percent match from a local community in order to draw down 90 percent of the Federal money. And we wonder why the coast isn't getting rebuilt, it is because the towns have been completely destroyed. They don't have the 10 percent match, Mr. Speaker. They are wiped out. They don't have police, they don't have fire, they don't have roads, sewer, anything.

And the former leadership in our last Congress was so ideological they said no, you have to have your 10 percent match, and then billions of dollars did not get down to the gulf coast. That is what the President is also going to veto. I feel strongly about this.

Mr. MEEK of Florida. Mr. RYAN, they don't say 10 percent match for the special interests. When it comes down to big oil and some other big guys and gals here in this town, Mr. Speaker, they don't say you have to match us halfway. They say just, we will give you what you need. As a matter of fact, we will give you technical assistance to be able to take the U.S. taxpayer dollar and do what you want. And guess what, we will not even look. We will cover our eyes. We won't even have hearings.

Get my hearing chart, Mr. RYAN. I want to get down to the nitty-gritty here.

Mr. Speaker, we come to the floor 10 minutes past 10, 12 minutes past 10, and there are some things that we could be doing, but this is serious business.

We come with the facts. These numbers are from the Clerk of the House of Representatives. It is not from the DNC, and it is not from my cousin back in Miami that said hey, this looks good, maybe you want to take that to the floor and talk about it. This comes from the Clerk's Office. I actually like the Clerk's Office. These are the facts. The 107th Congress, 108th Congress, this is the 109th Congress that many media outlets have called the do-nothing Congress.

At this point in March of 2005, compared to March of 2007, the new Democratic Congress, the new direction Democratic Congress, the Congress only had 90 roll call votes. We have already had 189 roll call votes and counting for this month.

When you look at suspension bills that are coming over from the Senate what have you, kind of agreed upon, 26 votes that took place by this time; 72 we have done here in this new direction Congress, Mr. Speaker.

When you look at bills passed under a rule, 11 votes by this time in the last Republican-controlled Congress; 24 in this Congress.

We are here to do business. Days in session, 26 days in the Republican-controlled Congress; 48 days under this new direction Congress, Democratic-controlled Congress.

We bring these facts to the floor to make sure that not only Members, but the American people understand we are here to carry out the business of the American people. Mr. RYAN has some numbers when it comes down to accountability on Iraq because some Members would lead you to believe, a small number, would lead other Members to believe that there was some backroom decision that was made about accountability in Iraq, and all of the things that we are learning about Iraq, all of the accountability measures that we come up with as it relates to Iraq and policing the U.S. taxpayer dollars and all of the protection measures that we have in for the troops and men and women in uniform, they just think it happens in some backroom here in the capitol.

Mr. RYAN of Ohio. Here is the difference we are starting to see. When Members turn on the television, Mr. Speaker, and they see what is happening with the Attorney General's Office, when they hear about $10–12 billion in Iraq that nobody knows where it is, and now all of this information that is coming out, hearing about the gulf coast, hearing about Halliburton. If a truck blows a tire, Halliburton puts in for another truck instead of putting a new tire on the truck.

Mr. MEEK of Florida. If the gentleman would suspend, is this the company where the CEO is moving to Dubai?

Mr. RYAN of Ohio. Yes, just moved to Dubai. You would think that with all of the taxpayer money they get, they would at least stay in the country.

But all of this is not just coming out by coincidence.

□ 2215

There have been 104 hearings related to the Iraq War. Oversight and accountability. One of the key responsibilities of the United States Congress is to provide oversight to the executive branch agencies, and we did not hear about any of this stuff for 6 years when the Republican House and the Republican Senate sat on their hands while all of this was going on. This is not stuff that is on the news. This is not stuff that just happened. This is stuff that happened when the Republican Congress was in charge.

Now, I understand that we are all loyal to our political parties, but at some point, when it begins to hurt the American people, you need to provide the oversight of their tax money and the kind of inadequacy that has been going on in Iraq.

Now all of the sudden they want to change course. Now all of the sudden the commander in the Middle East is running around saying that we do not have time. You know why they do not have time? Because we are putting the heat on them to get things done. 104 hearings on oversight. That is our responsibility.

Mr. MEEK of Florida. One last point before we recognize Ms. JACKSON-LEE because I know we want to get to our next discussion, get into the budget.

Mr. Speaker, to hear the President say even the word "veto" is something we have never heard since he has been President of the United States. He has never vetoed anything. Spending out of control, foreign debt, record numbers, passing tax cuts for the superwealthy and for the special interests, President never said a mumbling word. Cricket sounds of special interest subsidies and tax breaks, rolling through this floor, Members held hostage here on the floor, voting for special interest legislation for hours upon hours, the board is left open, not a mumbling word out of the President, not a mumbling word.

And now legislation happens to pass that he no longer has his rubber stamp Congress, he no longer has a Speaker who says, hey, this is the way I want it or no longer has President, this is the way we want to do it over in the Senate, so shall it be written, so shall it be done, his original thoughts are not followed through here in the Congress. Since that no longer exists, now all of the sudden, the President wants to get animated when it comes down to I am going to veto what they send and they are blocking money.

We are not blocking money for the troops. Matter of fact, we are giving them more than what he asked for. We are dealing with the issue of the VA. We are dealing with the issue of the crisis that we have here in the United States of America. It is an emergency. The children do not have health care. This is not an emergency for Iraqi children. It is an emergency for kids in Alabama. It is an emergency for the kids in Georgia, and it is an emergency for the kids in the Midwest and in Florida.

This chart here, and I am going to leave it alone and I am going to recognize Ms. JACKSON-LEE, I have over 12 percent of uninsured. This is my State here in Florida. Over 12 percent of the children in the State of Florida, more than 12 percent are uninsured. That is my State. Texas, hello, President of the United States, he has a house there. It is where the West White House is. Over 12 percent of the children in that State do not have health insurance. This is an emergency to the American families. This is an emergency here in this country. It cannot be Iraq, Iraq, Iraq, and that other issue, Iraq.

We have to care about our own country, and if we cannot put that in an emergency supplemental without the President threatening a veto, if he vetoes that bill he is denying U.S. children, need it be Republican, Democrat, Independent, concerned citizen thinking about voting in the next election, yes, your children, too; yes your State, too; yes, your community, too, will be without health insurance because the last Congress decided not to do it. They decided not to do it, and I think it is important when you look at this, as we move into the budget, if we were to follow what the President wants to do as it relates to vetoing this emergency supplemental, $2 billion for what we call the State insurance plan for children. In the budget resolution that we have, $50 billion to make sure that we cover the costs of that as we look in the projection as the years go out.

So I am glad that Mr. RYAN is bringing these issues up, and as we now segue into the budget, the next thing you know, Mr. Speaker, I guess when we pass this budget tomorrow, we will probably end up being a bipartisan vote just like the emergency supplemental was a bipartisan vote in the House and Senate, that the President will probably have a press conference tomorrow and say I am going to veto the budget, too. So, if he now believes in vetoes, after 6 years of being President of these United States, out-of-control spending, record borrowing from foreign Nations, and now there are accountability measures in the budget and in the emergency supplemental, I do not even want to tell the President to have at it because, as an American, I am going to do everything I have to do to stop him from doing it.

I yield to Ms. JACKSON-LEE.

Ms. JACKSON-LEE of Texas. Mr. Speaker, let me first of all thank the distinguished gentleman from Ohio and distinguished gentleman from Florida for allowing me to join you this evening. We do this on occasion, and I thank you for setting the record straight.

I just want to say this brief comment on this question of the Iraq War and the veto. Usually there is a phrase that says if you break it, fix it. Well, this government was broken. Nobody in the last several Congresses wanted to fix it, and it is now our task to fix it. That is why you had a board that showed accountability and oversight, and that is why it is imperative that we took the vote last Friday and the Senate took the vote yesterday to go forward and make a difference with a framework in Iraq that the American people asked us to do.

I frankly thought that when we won the election that this President would do what many Presidents do in a divided government, sit down with the Speaker and the majority leader and work to save lives in Iraq. Unfortunately, that was not the case, and so I applaud you for bringing to the light the idea of accountability.

I just want to quickly move forward with a couple of points about the budget vote and the budget that we have to engage in, and when I look at this particular board that talks about the economy and jobs, I think of places like Texas, Ohio, Florida, the Midwest, New York. I think of the time of the past presidency under President Clinton, a Democratic President, when there were 236,000 jobs created per month. Now, we are at 68,000 jobs per month.

Clearly, the Bush economy job growth is among the slowest of any administration in over 70 years, and this literally shows Presidents Hoover, Roosevelt, Truman, Eisenhower, Kennedy, Johnson, Nixon, Ford. Ford had, of course, inflation. It shows Carter. It shows Reagan. It shows Bush I, Clinton and now this President.

The balancing of the budget that we intend to do with a vote taken tomorrow clearly speaks to energizing the economy.

Now, let me just talk to those who say that we are raising taxes in this budget. That is false. That is not true. This budget does not contain a single penny of tax increases, period, and the Republicans have been misdescribing this budget because they have had the largest tax cut in the history of the United States. But who benefits the most when the tax cuts are fully enacted? As usual, it is those making over $1 million.

That is why Democrats are focusing on middle class taxes. That is why we are cutting middle class income tax. That is why we are focusing on fixing the alternative minimum tax, to shield middle income taxpayers. That is why we have relief for the child tax credit, the marriage penalty relief, and we do something about the estate tax, because any tax cut by this administration, $17,500 would go to those making over $1 million. I would simply say to the gentlemen, who are we representing, the special interests, the rich, or are we trying to represent the working middle class?

Now, there are many budgets that will be on the floor tomorrow, and I just want to comment on one. The Congressional Black Caucus budget improves the deficit by $107 billion even over our Democratic budget and $339 billion over the President's budget. There will be a number of budgets, but I am very proud of this budget which really improves the deficit, and when we improve the deficit, being that when we lower the deficit, we work on the high interest rates. Many of us have been hearing unfortunately about large numbers of foreclosures. Part of that is because of reverse mortgages and poor people being plagued upon, if you will, by predatory lending, which are some challenges that fell into this administration, where there was no oversight and accountability of our financial industry. I am delighted that we have a new chairman of the Financial Services Committee to begin to look at the massive foreclosures, and I would encourage those who are tragically in the jaws of foreclosure, get on the phone and call your Members of Congress to speak out against predatory lending and asking for some relief because you are deserving of it.

My attentiveness on what Mr. RYAN and Mr. MEEK were speaking about drew me to bring to the attention of our listeners and to my colleagues on the floor this whole question of why not only do we need this budget but why it is I think ludicrous for the President to have a veto threat on the emergency supplemental.

Who is going to respond to the emergency conditions at Walter Reed? Who is going to respond to the emergency conditions of large numbers of Iraqi veterans who are returning, along with the veterans from Afghanistan, with brain injury, post-traumatic stress, the need of prosthetics, the need of outpatient clinics and the need of family resources and health resources?

Well, I hate to tell you that I think over the last 8 years, last 6-years, this administration has, in fact, been poor to poor veterans. January 2003, this lays out how the Bush and the Republican budget funding for veterans has been poor and the veterans have been doing poorly. The Bush administration cuts off veterans' health care for 164,000 veterans.

Why do you not walk in your veterans hospitals like many of us have done? I did a couple of Sundays ago, visited with veterans who are paraplegic, paralyzed from the neck down, paralyzed from the legs down, and you ask the question, how can you can cut off veterans' health care for 164,000 vets? Our budget fixes these problems.

In March 2003, Republican budget that cut $14 billion from veterans' health care passed by Congress with 199 Democrats voting against it. We voted against the cut of $14 billion from veterans' health care.

March 2004, Republican budget that shortchanged veterans' health care by $1.5 billion passed by Congress with 201 Democrats voting against it. Our record is very clear.

And in March 2005, President Bush's budget shortchanged veterans' health care by more than $2 billion for 2005 and cut veterans' health care by $14 billion over 5 years but passed with 201 Democrats voting against it.

But what I would also say is that it was Democrats who had to come back on this floor and pressure this Congress to put more money back in the budget and back into the resources for our veterans.

Let me just say this as I wind down on this budget. Tomorrow there will be a number of substitute budgets. If I could write my own Sheila Jackson-Lee budget, I would have all of it for domestic spending, for housing and health care. Though we have done a great job on the SCHIP program, and I thank Mr. MEEK for holding up the embarrassment that we have across America, with States that have as high as 12 percent of our children uninsured, when we could, in fact, have universal health care for all of our children if we were more responsible and we had a more responsible government, I am grateful for the fact, even with a budget that I would have written differently, with more money for health care, as I said more money for housing, and probably more money for the gulf region because we think of Katrina, but the whole gulf region was undermined by this terrible hurricane and it has remained so, so it needs a boost in its economy, but I am grateful that this budget includes a $50 billion reserve fund to expand the State children's health insurance to cover more of the 9 million children without health insurance in this country.

So we tried to fix what was broken. We did not break it, but the fact is it is broken, and therefore, I am very proud to stand with Democrats in this budget to be able to come to a Ohio or to be able to tell you that we are going to stop the bleeding on jobs leaving this country, and stop the bleeding of jobs not being provided for Americans.

Mr. RYAN of Ohio. Mr. Speaker, I am excited and I called my mom on the way over here, and I was just saying, this is really great because we are actually getting things done to help people. That is what is exciting about this is that next year at this time, all of us are going to be able to go back home and campaign about how many thousands of kids in your congressional district now have access to health care because of what we are going to do through the SCHIP program.

□ 2230

All of are going to be back home. We are going to be able to talk about the increase in the Pell Grants, and how many more kids have access to higher education. We are going to be able to go into the VFW and the American Legion and talk about the highest increase in the history of the Veterans Administration, who supports the troops. I am excited about the opportunities that we are going to have over the next year to go out, and as our Speaker said, this is a movement of hope for the American people.

Mr. MEEK of Florida. Mr. RYAN, it is very good, interesting, because I have a lot of veterans in my district. As a matter of fact, I was just talking to a group of veterans yesterday that came to this capital. We had an opportunity to talk. You know, veterans, why are you giving the President a hard time about funding, the President loves us. The President loves veterans. We all do. Who doesn't? Who is running around here saying I don't like veterans? No one.

But it is not what you say, it is what you do.

Mr. RYAN, I think you pointed it out. I just want to share this information and the sources from the House budget committee, and also from the Office of Management and Budget, and the Congressional Budget Office, and this is from the president's budget office and the Congressional Budget Office, and it is from the House Budget Committee. So you have three, third party validators to these numbers.

As we look at the President's budget as he proposed for the United States of America, when you look at the veterans, the Democrat budget is $32 billion above what the President's budget over the next 5 years. You can see the numbers going across. But let's just get all the way over to 2010. The President's budget is $39.7 billion. We have $48.3 billion.

All right, what do these numbers mean? It means shorter waits at VA hospitals. It means better care for our veterans. It means that we will have a system set up for when these men and women come home, and those that are in the system now. Doctors will be able to receive the kind of training they need. Medical professionals will be able to receive the training. VA medical facilities will better. There will be oversight because we have made an investment there. It won't just be the same old thing over and over again. These are the facts.

Politically, you know, if someone just says, I am with the President, that is fine. But have the facts, have the facts.

Ms. JACKSON-LEE of Texas. Let me first of all thank Mr. MEEK and Mr. RYAN for yielding to me and allowing me just to join what I think has been an enormously instructive discussion.

The point that I want to leave on is, and I love what your display is saying, the budget would not raise taxes, but what I do want to just acknowledge, all that you have said, is because we are choosing people over special interests, because I leave you with this large brown bar that shows you that if the taxes that the President wants to keep in his budget, and the Republican budget, were to go forward, all the work that we are trying to do, whether it is the emergency supplemental and SCHIP and Pell Grants and more jobs being created, go down the tube, with the $17,500 tax relief to those making over $1 million. This is what put us in this enormous deficit.

Of course, the Iraq war with no oversight and control, $12 billion lost in Iraq somewhere, contracts not accounted for, but I am glad that we have got one in emergency supplemental that will get us out of Iraq and will help people in this country. We have got a budget that will not focus on special interests, but we will focus on veterans and children and health care.

Mr. MEEK, you know, you were saying about that, hours-long vote, that was Medicare. As you well know, we are still paying for that Medicare prescription drug benefit now.

Let me thank both of you. I am proud to be part of the fix-it Congress after we have been walking through the muck, if you will, of a broken Congress.

Mr. MEEK of Florida. Thank you so much, Ms. JACKSON-LEE. Thank you so much for coming down and sharing information that you shared with us. I think it is also important to note in the budget resolution that we have, it will not change the tax structure that the taxes, the President's tax cuts will sunset 2010. It doesn't change that.

So as we start to move along. But I just want to make this point. I think it is very important. I am just going to ask the question, since we have three Members on the floor, and I know, Ms. JACKSON-LEE, you are about to leave. Here at the Capitol, when we are walking across the street to come over here to vote, and even when we have groups come up to visit with us, and even in my district office, in the 5 years, 5, going on 5 years that I have been in Congress, Mr. RYAN and I have been here 5, you have been here longer than us, that not one millionaire or billionaire came to me and said, please protect my tax cut. Not one billionaire wearing Polo shoes walked up outside of the Chamber and said, Congressman, I am a billionaire, you know, with a pinky with diamonds and everything on it. Please protect my tax cut. Done give my tax cut to kids without health insurance, not one. Not one.

I am just trying to figure out, but I can tell you, people from the State of Florida, that is in government, say please help insure our children. There have been veterans running in here saying, I can't wait 6 months to see the ophthalmologist any more. Can you help us?

Back in the District, Congressman, have you been to the VA hospital recently, or the clinic? Do you have to pin your nose when you walk in because of the conditions there?

I have seen that. I haven't seen a billionaire or millionaire run up and say, please, fall on your knees, Congressman, whatever you do, do not take my tax cut away that I didn't even ask for.

Mr. RYAN of Ohio. You know what I have heard? Do you know what I have heard from folks around the Capitol, people who don't make a lot of between, $100,000, between $50,000 and $100,000. Do you know what I heard them say? I don't mind paying taxes. But if I am going to pay taxes don't give it to the oil companies and corporate welfare. If I am going to pay taxes out of the $50,000 I make a year, living in D.C., very expensive town, don't spend $2 billion of it a week in Iraq. I don't mind paying, but if I am going to pay, give it to the poor kids who need health care. Make college more affordable. Make investments in our economy. You know, I think most people recognize they have got to pay their own fair share. But what they get frustrated about is where it goes.

Now, are you telling me Halliburton is going to get billions and billions and billions of dollars out of a guy or a woman who makes $50,000 a year, who is paying those taxes? And then that same company moves off, out of the country? No respect for anything. But I want to make a point here as we begin the wind down.

Mr. Speaker, many people have made comments on this floor over the past several hours that our budget somehow raises taxes on the American people.

Now, we are big on third-party validators here. I am going to give you three, this is the Hamilton project at the Brookings Institution. "The budget would not raise taxes."

Mr. MEEK of Florida. Just stop right there, Mr. RYAN. Brookings Institute.

Mr. MEEK of Florida. Would not.

Mr. RYAN of Ohio. Would not. Now this is the Center on Budget and Policy, statement, March 28 "This claim about raising taxes is incorrect. The House plan does not include a tax increase." That is a third-party validator.

Mr. MEEK of Florida. Third party validator.

Mr. RYAN of Ohio. We have one more. This is the Concord Coalition. This is the gold standard of the budget hawks. This is bipartisan, this is deficit hawks, Republicans, Democrats. In an issue brief of March 28, quote, "Thus, to be clear, the budget resolution does not call for or require a tax increase." That was three, separate, third-party validators.

I am just going to make this statement, and I am going to kick it to one of my friends. The same people that are saying we are raising taxes are the same people that said we would be greeted as liberators. They are the same people that said, you know, we use the oil money for reconstruction, the same people that said it would only cost us $50 billion to run the war in Iraq, the same people that said we are in our last throes, the same people that said mission was accomplished, those are the same people that are saying that the Democratic budget is going to raise taxes, which three third-party validators have not say. All I am going to say is this. Let's ask the American people to reserve judgment.

Next January and February, when you file your taxes, you compare them to the taxes you filed this year, and you will see that the Democrats have not raised your taxes. Reserve judgment, keep your sheets, keep your forms from this year, and you will see next year that we have not done it, and that will be one more that you could add to the list of inaccuracies that have been levied towards the American people.

Mr. MEEK of Florida. Don't get too far from the rhythm here. Don't go anywhere.

Mr. RYAN of Ohio. I am not going anywhere.

Ms. JACKSON-LEE of Texas. On this potent point, first of all, Mr. MEEK, let me say the people that have come to my office say can you provide for funding for child care so I can be at work. I have not heard, Warren Buffett has not been in my office, but Warren Buffett himself has said he would rather see an investment in the domestic economy as opposed to the enormous tax cuts for the rich.

The reason why I think this is important, let me have you see something else in 12 months besides the filing of your taxes, an economic engine that may see an increase in jobs just because the Democrats had enough courage to stand up to the President's budget and do our own budget that doesn't have tax increases, but invests in the economy.

Maybe we will also see more students going to college. Maybe we will also see more children getting SCHIP money based upon the appropriators and the budget coming together. Maybe we will see, you know what, my country cares for me. They actually care about what I need, because they have brought down the deficit. That is what this President would sign this budget and work with this Congress, maybe we will see what it means to care about Americans as opposed to putting forward special interests.

I thank the gentlemen. I would just like to read that as I go, thus, to be clear, the budget resolution does not call for or require a tax increase. That is the Democratic budget resolution.

Mr. MEEK of Florida. I think it is important that we continue to say this. Mr. RYAN, you said something that I thought was very interesting, very interesting.

Mr. RYAN of Ohio. Thank you.

Mr. MEEK of Florida. You are welcome. Again, third-party validators, and I have here Congressional Budget Office numbers here, there is nothing it is nothing like the truth, and it is nothing like the CONGRESSIONAL RECORD. I can tell you when we look at, these are the same individuals in the White House, and some of the same Members on this floor that were left over from the days of just spend, spend, spend, borrow, borrow, borrow, don't worry about it, we are not going to be here to fix it, but here is the truth, $5.6 trillion surplus was here when the President got here, President Bush.

We have had an $8.4 trillion swing, deficit, from a $5.6 trillion surplus, which means, projection, we had money, and these numbers were based on 2002 to 2011 projections, to now, a $2.8 trillion deficit. Republican policies and this, you know, that got us there, $8.4 trillion.

Let me just share this with you. The amount of foreign debt held more than doubles under the Bush administration. He didn't do it by himself, that is why we have a Democratic Congress, because the American people caught on to what he was doing and what the rubber stamp Congress was doing last Congress. We are talking about accountability. We are talking about being responsible with U.S. tax dollars, foreign-held debt. Look at it skyrocket, going straight up.

Mr. RYAN of Ohio. Those are trillions of dollars.

Mr. MEEK of Florida. Trillions of dollars. Trillions of dollars. We have kids now, growing up, can't even get to the trillion part. Who are we getting the money from? That is interesting, a list of countries. Mr. RYAN has been to a few of these countries.

Japan has $644.3 billion of our debt. They bought that debt because of Republican policies and because of the rubber-stamp Congress. We have to have a paradigm shift here. We want to change.

China, $249.8 billion, I think it is important to also understand that. The UK, $239.1 billion. You can see it goes across, and all of these countries have a part of American apple pie now.

□ 2245

This is the same group, the same folks that are saying that we are going to continue to raise taxes and we don't manage. We are the party and we are the majority, back when we had the majority 12 years ago, that balanced the budget and took us into surpluses. So who has the track record as relates to doing the right thing on behalf of the country?

Budget resolution reaches balance by 2010. The numbers come from the Congressional Budget Office. And this is the House resolution, our bill. The Bush budget is projected to be $31 billion under, still in deficit. We are going to be at a surplus. These are the projections by 2010, $1.53 billion. These are the facts, Mr. RYAN. And I know they hurt for some Members, but they are educational to others, and they give them what they need to be able to come here and make sound decisions.

Mr. RYAN, the bottom line is this. We are not by ourselves. Let's talk about why we are not by ourselves. And I just want to read a couple of the folks that are with us on this issue. And I think it is important, and there are so many, I had a list here, Mr. RYAN, that kind of a little cheat sheet here.

Mr. RYAN of Ohio. I have got it right here, Mr. MEEK.

Mr. MEEK of Florida. Tell you what. You start naming off a few, and then I will name off. Because we need to make sure the Members know that this not just something that came out the back room.

Oh, I have my list here now. There is so much information, Mr. RYAN, that we have to share.

Mr. RYAN of Ohio. I would like to ask to submit this for the RECORD, Mr. Speaker.

So this will be listed and memorialized in the CONGRESSIONAL RECORD, the organizations who have endorsed the 2008 budget.

The following organizations have endorsed the 2008 Budget Resolution:

American Academy of Pediatrics, March 27

American Association of People with Disabilities, March 26

American Association of School Administrators, March 27

American Association of University Women, March 27

American Farmland Trust, March 28

American Federation of State, County, and Municipal Employees, AFL-CIO, March 27

American Hospital Association, March 28

The American Legion, March 21

American Public Transportation Association, March 23

The ARC of the United States, March 26

Association of Child Support Attorneys of Los Angeles County, March 27

Association of Jesuit Colleges and Universities, March 27

Association of Public Television Stations, March 27

Audubon, March 27

Catholic Charities USA, March 27

Child Support Directors Association of California, March 27

Coalition on Human Needs, March 27

Committee for Education Funding, March 27

Computer & Communications Industry Association, March 28

Consortium for Citizens with Disabilities, March 26

Catholic Health Association, March 27

Council on Competitiveness, March 28

Defenders of Wildlife, March 22

Disabled American Veterans, March 21

Electronic Industries Alliance, March 28

Emergency Campaign for American's Priorities, March 27

Environmental Coalition (including American Rivers, Audubon, NRDC, Sierra Club, Wilderness Society and many others), March 26

Families USA, March 26

Food Research and Action Center, March 27

Independent Budget, March 21

Information Technology Association of America, March 27

Information Technology Industry Council, March 27

Institute of Electrical and Electronics Engineers, Inc., March 27

Leadership Conference on Civil Rights, March 28

League of Conservation Voters, March 27

Military Officers Association of America, March 26

National Child Support Enforcement Association, March 27

National Low Income Housing Coalition, March 26

National Women's Law Center, March 27, 2007

Fight Crime: Invest in Kids, March 27

National Association of Counties, March 27

National Association of Federally Impacted Schools, March 27

National Association of Police Organizations, Inc., March 28

National Committee to Preserve Social Security and Medicare, March 27

National Council of La Raza, March 27

National Council of Social Security Management Associations, March 27

National Council of SSA Field Operations Locals, American Federation of Government Employees, AFL-CIO, March 27

National Education Association, March 26

National Head Start Association, March 27

National School Boards Association, March 27

Ohio Child Support Enforcement Agency Directors' Association, March 27

OMB Watch, March 26

Semiconductor Equipment and Materials International North America, March 27

Student Aid Alliance, March 27

Symantec, March 28

Technet, March 28

Transportation Construction Coalition, March 23

Trout Unlimited, March 26

The Trust for Public Land, The Conservation Fund, The Nature Conservancy, and Land Trust Alliance, March 27

United Cerebral Palsy, March 26

United Spinal Association, March 27

US Action, March 27

U.S. Public Interest Research Group, March 27

Veterans of Foreign Wars of the United States, March 21

Wider Opportunities for Women, March 23

Mr. MEEK of Florida. The Members who are in their offices, those that may be on the floor, I don't want them to have to wait to read the CONGRESSIONAL RECORD tomorrow, the next day or what have you. I just wanted to name a few of these folks. I think it is important.

Military Officers Association of America wrote a letter in support of this budget. The National Child Support Enforcement Association, the National Low Income Housing Association, the National Women of Law Centers Association, Fight Crime, Invest in Kids.

The National Association of Counties. Who are they? These are counties throughout the country and parishes that are saying enough is enough.

The National Association of Police Organizations, Inc. Who are they? They are our law enforcement community that is looking for the COPS program to come back.

The National School Board Association, the National Head Start Association, the Ohio Child Support Enforcement Agency Directors Association. I thought I would mention that, Mr. RYAN, since you were here.

Mr. RYAN of Ohio. Appreciate that.

Mr. MEEK of Florida. The Trust for Public Land and Conservation Fund endorse. The Trust Alliance endorse what we are doing here. The U.S. Public Interest Research Group endorse what we are doing here. Veterans of Foreign Wars of the United States endorse what we are doing, because they are seeing the largest increase in commitment that so many Members of Congress have talked about over the years.

The American Federation of State, County and Municipal Employees. These are the folks that work every day. These are the individuals that come in before we get here and leave after us. These are the works folks that know what it means to punch in and punch out.

The Audubon Society, Catholic Charities, the Committee for Education Funding, the Computer and Communications Industry Association, Catholic Health Association, Defenders of Wildlife, Disabled American Veterans.

These are the individuals, Mr. RYAN, and that is just, I can't go through all of the letters. We have the letters right here. I am not just reading from a sheet, just saying, well, I am just going to read. Anybody want to see this, they can stop by 1039 Longworth, and I will give them several copies of this. And, Mr. Speaker, they can run and take a look at them.

My Republican colleagues, some that I believe that will vote with us on this budget resolution, since it is so good and it is doing the right thing and it is not just about Iraq and Iraq and the other issue, Iraq. It is about domestic priorities. It is about making sure that our children have health care. It is about protecting the homeland. It is about all of the things and all of the reasons why we came to Congress. Not just to hear from the President and say, so shall it be written, so shall it be done.

So, Mr. RYAN, for you to get passionate about this, not that I am not passionate about it, but I think it is important that we share this accurate information with the people, with not only Members of Congress but the American people. So I am glad that you entered it into the CONGRESSIONAL RECORD. Those that may be able to get on-line or even get a copy of the CONGRESSIONAL RECORD will be able to see these great American organizations that will endorse.

And I know, Mr. Speaker, as this budget resolution, when we start moving through the process and the Senate product and we go into conference and we send it to the President of the United States, there will be a true momentum of the American spirit that will be rolling over to the White House on Pennsylvania. It will go right down the street here.

If the President wants to veto domestic priorities and things that are going to help Americans every day and be able to make sure that our military is strong and make sure that our veterans get better service that we promised them when they signed up as volunteers to protect this country, then we have to continue, Mr. RYAN and Members, to persuade the President to do otherwise. If he wants to veto it, we have to persuade him not to do it.

I am not going to say have at it. It would be okay if it wasn't the budget of the United States of America. It would be okay if it wasn't an emergency supplemental to make sure that our troops and men and women have what they need and accountability measures are in that emergency supplemental to hold the Iraqi government's feet to the fire, and what the administration has said, and making sure that our troops have what they need when they are sent into harm's way and make sure when they come back home that they are able to even go to their son or daughter's school without coming back in 6 weeks and 2 months being shipped back to Iraq for another 14-month tour. Because the administration, it takes them so long to admit that they have a problem. They just admitted 2 weeks ago, the Defense Department just called the conflict in Iraq a civil war after a year of the media and Members of Congress saying it was a civil war. They just got there, Mr. RYAN.

So the good thing about it is that, and in the last Congress we used to talk about if we had the opportunity to do. Now we have the opportunity, and we are doing, and I would just want the majority of this House to join us in the leadership opportunities that the American people have provided us. And I am not just talking to Democrats, Mr. Speaker, I am talking to my Republican colleagues.

Because, guess what? Maybe not this November but next November is going to be another opportunity for the American people to stand in judgment. And I guarantee you this: People are going to vote their personal priorities over their politics.

The President got out there today. They are going to get us. Terrorists are coming. We have to fight them there so we don't have to fight them over here. Well, guess what? When we passed and fully implemented the 9/11 recommendations, we are ready to protect America. That is what this budget reflects, and that is the way we protect the homeland, not continuing to stay in the middle of civil war.

Mr. RYAN of Ohio. Exactly. Budgets are priorities. They are blueprints for what you stand for and what you believe. And the Democrats and the Democratic budget is something that I think really is going to invigorate the country. It is not going as far as a lot of us want it to go, but the fact of the matter is we are left holding the bag of a Republican-led Congress and President that added almost $3 trillion in debt to this country, and we have got to deal with that. That is the stark reality of the budget situation.

But, again, I would like to say this. This President has threatened to veto the supplemental bill that adds an additional $1.7 billion for veterans, an additional $1.7 billion for defense health care, $500 million for post-traumatic stress, $500 million for brain injuries. That is what the President is going to veto when he says he is going to veto the supplemental.

The American people are way ahead of us on this war, and the national intelligence estimate said that the war in Iraq has created more terrorists and has made the terrorist situation worse, Mr. MEEK. This war has created more enemies for us, has created more terrorists that are gunning for the United States. So to say that by coming home that that somehow is going to make us less safe is inaccurate and inconsistent with the national intelligence estimate and the basic common sense of most Americans.

So as we move forward in a new direction in Iraq and the budget blueprint that we have that is going to move the country in a new direction domestically, without raising taxes, as the Concord Coalition said, the Democratic budget is not raising taxes. And the Center on Budget and Policy is saying the Democratic budget is not raising taxes. I will say, and another third-party validator, the Brookings Institute, says the Democrats are not raising taxes in their new budget.

I want to repeat this. I am asking, Mr. Speaker, for the Members of this House who know the facts, who will vote on this bill, they know we are not raising taxes, and that is why we are going to get broad support on it.

But for the American people to compare this year's tax returns that they get, reserve judgment on the Democratic tax policy, compare this year's to next year's, and you will see that your tax rates are the exact same, the exact same. And you will have one more piece of evidence to put in the column of we will be greeted as liberators, the same thing, the same column as we are in the last throes, the same column as mission accomplished. You will be able to put the Democratic budget and the Democratic tax policy in that same list.

Mr. MEEK of Florida. Very quickly, while you get the chart to give the Web site, Mr. RYAN, I just wanted to say in this letter that Senator REID, the leader in the Senate, and also the Speaker here in the House wrote to the President saying that we will no longer move in the old direction but, rather, a bipartisan majority of the House and Senate believes strongly that the U.S. mission should transition to a counterterrorism force protection and training equipment of the Iraqi forces. Phasing redeployment of U.S. troops should commence.

So this is the stage that we want to move in now. It won't be a total withdrawal but definitely will be making sure that there are accountability measures there, that their troops get trained and that we get our men and women back home more sooner than later.

Mr. RYAN of Ohio. We just want them to meet the benchmarks that the President set on January 10 of this year. We are going to hold the administration's feet to the fire.

30somethingdems@mail.house.gov. For any e-mails you may want to send, www.speaker.dot.gov/30something. All of the charts that Members may want to look at are all available on these Web sites. www.speaker.gov/30something.

THE DEMOCRAT BUDGET

The SPEAKER pro tempore (Mr. CARNEY). Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I always come over here with the intentions of using my prepared remarks, and then I hear things being said by the other side and they usually grab my attention.

I want to talk tonight a little bit about the Democrat budget, but something that one of my colleagues said just a few minutes ago needs to be repeated.

He said, budgets are what you stand for and believe. Well, what the Democrats stand for and believe is greater government spending, taking more of your money and giving to the government.

And he also said, this budget doesn't go as far as some wanted. Well, that is the truth, I am sure. I am sure there were many Democrats who wanted to raise taxes a whole lot more and spend a whole lot more of the American people's money than they are going to do, but they are going to do plenty of damage, even not going as far as some of them want to go.

So the truth is, they told it to you tonight. The budget is what you stand for and believe; and what they stand for and believe is, again, taking more of your money and spending it.

A lot of times I speak to school groups. I spoke to one on Monday.

□ 2300

And they often ask me, What is the difference between Democrats and Republicans? And I tell them that the short answer to that is Democrats believe that government is the answer to everything. Just have more government. Take more money from the American people and put it into government. Republicans think that Americans have survived very well on individual initiative, entrepreneurship, and individual responsibility, and we don't need the government to run our lives completely. So there is a big difference.

Also, the Democrats think the government knows how to spend your money more than you know how to spend your money. Republicans think that you are quite intelligent enough to know how to spend your money and we don't need to take it away from you and give it to some bureaucrat to spend it for you. So that is the big difference. And I think, again, the Democrat budget illustrates that.

It also illustrates how out of touch they are with the citizens of this country. As one of my colleagues said the other night, and I wish it had been my line, they promised change, but what they didn't tell you was it was going to be the change left in your pocket from taking your money away from you for increased taxes.

Now, under the assumptions in the Democrats' proposed budget that is going to be voted on tomorrow, we are going to see a massive tax hike. In fact, you are going to see the largest tax increase in our Nation's history. The Democrat budget increases taxes by $392.5 billion over 5 years, shattering their last record tax increase of $240 billion in 1993, when they were last in control of the Congress. In fact, they would increase taxes by $231 billion in 2012 alone.

Today, almost 100 million Americans from virtually every walk of life have a financial plan for their future that involves saving and investing, and millions more benefit from the countless jobs and opportunities that a capital marketplace creates. In addition, more than half of America's seniors receive dividend income every year and more than 30 percent receive capital gains income.

Under the Democrat budget, these seniors will see a tax increase of an average of $1,100 on dividends and capital gains. Overall, 28 million American families will pay an additional $1,000 a year in new investment taxes as a result of the budget. Many of these people earn annual incomes of $50,000 and less.

This is more than just a reckless policy that endangers the strength of our economy. I see it as a cause for serious concern for the livelihood of the people of North Carolina's Fifth District, whose tax bills would skyrocket under the proposed budget. In North Carolina alone, more than 3.1 million taxpayers would see their tax bill go up. It wouldn't be a little bump either. The average tax increase for those 3.1 million North Carolinians would be $2,671.

This approach is completely backwards. We should be looking first to put money back into taxpayers' pockets, not taking it out.

The current budget proposal is a squandered opportunity to reform spiraling Social Security, Medicare, and Medicaid costs and to give Americans the permanent tax relief they deserve. Instead it allows widespread tax increases that hit middle-income families, low-income earners, families with children, small businesses, and many others.

Some people would see more than a 100 percent increase in their taxes. For example, an elderly couple with $40,000 in income would see a tax increase of 156% in 2011—from $583 to $1,489.

And a family of four with $60,000 in income would have a tax bill that would rise from $3,030 to $4,893 in 2011—an increase of more than $1,850, or 61%.

And these increases are no accident. During the budget markup, Democrats rejected every one of a series of amendments that would have prevented tax increases.

But ultimately, this budget proposal isn't a real surprise. It's business as usual for the Democrats and proves that their promises to be fiscally responsible are just empty rhetoric. If this budget is approved it will signal a return to the Democrats' beloved Tax-and-Spend model for government.

For example, if you take one look at the more than $20 billion in pork that was added to last week's troop emergency funding bill, it becomes crystal clear where the Democrats stand on spending. And worse, they proved they don't mind using our troops as bargaining chips.

Democrats have willfully abandoned their pledge of fiscal responsibility. They pledged to follow pay-as-you-go budget rules and spending restraint to curb the deficit. And then we get this budget, which would give us the largest tax increase in history and ignore the larger consequences for our economy.

These massive tax increases would threaten to reverse the economic gains that have developed since adoption of the 2001 and 2003 tax laws.

Job Growth—A total of 7.6 million new jobs have been created—an average of 168,500 per month.

Unemployment Declines—The unemployment rate has fallen from 6.1 percent to 4.5 percent.

Economic Growth—In the past 15 quarters, real gross domestic product [GDP] has grown an average of 3.5 percent per year. In the nine prior quarters, average GDP growth was an anemic 1.1 percent.

Investment Growth—Business investment has increased for 15 straight quarters, reversing a previous nine-quarter decline.

Stock Market Gains—Despite recent market corrections, the Dow Jones Industrial Average remains 41 percent above its 2003 level.

Ignores Fiscal Benefits—These tax increases also threaten to reverse the substantial deficit reduction that has occurred in the past several years.

Total federal tax revenue has increased from 16.5 percent of GDP in 2003 to 18.5 percent this year—exceeding the average percentage of the past four decades.

Tax revenue grew by 14.6 percent in 2005, 11.5 percent in 2006, and 9.3 percent in the first five months of fiscal year 2007.

Deficit Reduction. This revenue growth was the principal factor in reducing the budget deficit from $412.7 billion in 2004 to an estimated $214 billion this year, according to the Congressional Budget Office.

Raising the 10% Tax Rate Bracket to 15 percent—More than 5 million individuals and families who previously owed no taxes would become subject to the individual income tax in 2011 if Democrats are successful in raising the 10% tax rate bracket to 15%, and reducing or eliminating other low-income tax benefits.

Eliminates Marriage Penalty Relief—23 million taxpayers would see their taxes increase, on average, by $466 in 2011.

Cuts the Child Tax Credit in Half—31 million taxpayers would see their taxes increase, on average, by $859 in 2011.

Every Working American Would be Affected by Democrats' Tax Hike—115 million taxpayers would see their taxes increase, on average, by $1,795 in 2011; 83 million women would see their taxes rise, on average, by $2,068; 48 million married couples would incur average tax increases of $2,899; 12 million single women with children would see their taxes increase, on average, by $1,082; 17 million elderly individuals would incur average tax increases of $2,270; and taxes would rise, on average, by $3,960 for 26 million small business owners.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. MCDERMOTT) to revise and extend their remarks and include extraneous material:)

Ms. KILPATRICK, for 5 minutes, today.

Mr. SCOTT of Virginia, for 5 minutes, today.

Mrs. CHRISTENSEN, for 5 minutes, today.

Mr. ELLISON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Mr. LANGEVIN, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

(The following Members (at the request of Mr. BRADY of Texas) to revise and extend their remarks and include extraneous material:)

Mr. GARRETT of New Jersey, for 5 minutes, today.

Ms. FOXX, for 5 minutes, today.

ENROLLED BILL SIGNED

Ms. Lorraine C. Miller, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

S. 494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 3 minutes p.m.), the House adjourned until tomorrow, Thursday, March 29, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

986. A letter from the Chief Counsel/FEMA, Department of Homeland Security, transmitting the Department's final rule — Withdrawal of Final Flood Elevation Determination for the Listed Communities in Yuma and Coconino Counties, AZ [FEMA Docket No. D-7642] received January 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

987. A letter from the Secretary, Department of Energy, transmitting the Department's annual report on the Economic Dispatch of Electric Generation Capacity, pursuant to Sections 1234 and 1832 of the Energy Policy Act of 2005; to the Committee on Energy and Commerce.

988. A letter from the Deputy Archivist of the United States, National Archives and Records Administration, transmitting the Administration's final rule — National Archives and Records Administration Implementation of OMB Guidance on Nonprocurement Debarment and Suspension [DOCKET NUMBER: NARA-06-0010] (RIN: 3095-AB56) received March 2, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

989. A letter from the Chairman, National Endowment for the Arts, transmitting the Endowment's report for Fiscal Years 2001-2006, in accordance with Title II of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Oversight and Government Reform.

990. A letter from the Secretary to the Board, Railroad Retirement Board, transmitting in accordance with Section 647(b) of Division F of the Consolidated Appropriations Act, FY 2004, Pub. L. 108-199, the Board's report on competitive sourcing efforts for FY 2006; to the Committee on Oversight and Government Reform.

991. A letter from the Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Inflation Adjustment of Civil Money Penalty Amounts [Docket No. FR-5104-F-01] (RIN: 2501-AD30) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

992. A letter from the Secretary, Department of Transportation, transmitting the Department's report entitled, "Buckle Up America: The National Initiative for Increasing Safety Belt Use, Ninth Report To Congress and Seventh Report to the President" June 2004, as required by House Report 105-188 and Executive Order 13043, highlighting activities from January 1, 2005, through December 31, 2005; to the Committee on Transportation and Infrastructure.

993. A letter from the Vice President, Government Affairs and Communications, National Railroad Passenger Corporation, transmitting the National Railroad Passenger Corporation (Amtrak)'s Financial Performance of Routes, pursuant to 49 U.S.C. 24315(a); to the Committee on Transportation and Infrastructure.

994. A letter from the Dir. Regulations Mgt., Department of Veterans Affairs, transmitting the Department's final rule — Home Schooling and Educational Institution (RIN: 2900-AM37) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

995. A letter from the Dir. Regulations Mgt., Department of Veterans Affairs, transmitting the Department's final rule — Priority for Partial Grants to States for Construction or Acquisition of State Home Facilities (RIN 2900-AM42) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

996. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Corporate Reorganizations; Additional guidance on distributions under sections 368(a)(1)(D) and 354(b)(1)(B) [TD 9313] (RIN: 1545-BG29) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

997. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Moore v. Commissioner, T.C. Memo. 2006-171 [T.C. Docket No. 11634-05L) received March 1, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

998. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Depreciation of MACRS Property That is Acquired in a Like-Kind Exchange or As a Result of an Involuntary Conversion [TD 9314] (RIN: 1545-BF37) received February 28, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

999. A letter from the Secretary, Department of Health and Human Services, transmitting the report entitled "Second Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration" in response to the requirements Section 4016(c) of Public Law 105-33, the Balanced Budget Act of 1997; jointly to the Committees on Energy and Commerce and Ways and Means.

1000. A letter from the Chair, Good Neighbor Environmental Board, transmitting the tenth annual report of the Good Neighbor Environmental Board; jointly to the Committees on Transportation and Infrastructure and Energy and Commerce.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BONO (for herself, Mr. LEWIS of California, Mr. ISSA, and Mr. CALVERT):

H.R. 1725. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Rancho California Water District Southern Riverside County Recycled/Non-Potable Distribution Facilities and Demineralization/Desalination Recycled Water Treatment and Reclamation Facility Project; to the Committee on Natural Resources.

By Mr. DEFAZIO (for himself, Mr. SHAYS, Mr. KUCINICH, Ms. SCHAKOWSKY, Mr. FRANK of Massachusetts, and Mr. MORAN of Virginia):

H.R. 1726. A bill to promote more humane treatment of farm animals; to the Committee on Oversight and Government Reform, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. BALDWIN (for herself, Mrs. BONO, Mr. LANGEVIN, and Mr. BILIRAKIS):

H.R. 1727. A bill to enhance and further research into paralysis and to improve rehabilitation and the quality of life for persons living with paralysis and other physical disabilities, and for other purposes; to the Committee on Energy and Commerce.

By Mr. HONDA (for himself, Mr. FARR, Ms. MCCOLLUM of Minnesota, Mr. ELLISON, Mr. DOGGETT, Mr. GRIJALVA, Mr. CARNAHAN, Mr. WAXMAN, Mr. COHEN, and Mr. CLEAVER):

H.R. 1728. A bill to authorize the National Science Foundation to establish a Global Warming Education Program; to the Committee on Science and Technology.

By Mr. HAYES (for himself, Mr. MCINTYRE, Mr. MCHENRY, Mr. COBLE, Mr. PRICE of North Carolina, Mr. ETHERIDGE, Mr. BUTTERFIELD, Mrs. MYRICK, Mr. SHULER, Mr. MILLER of North Carolina, and Mr. WATT):

H.R. 1729. A bill to amend the Trade Act of 1974 with respect to the trade adjustment assistance program, and for other purpose; to the Committee on Ways and Means.

By Mr. WALDEN of Oregon (for himself, Mr. POMEROY, Mr. GRAVES, Mr. ALLEN, Mr. BOYD of Florida, Mr. PAUL, Mr. EDWARDS, Mrs. MCMORRIS RODGERS, Ms. HERSETH, Mr. STUPAK, Mr. OBERSTAR, Mr. SIMPSON, Mrs. EMERSON, Mr. HERGER, Mr. MATHESON, Mr. TERRY, Mr. BOOZMAN, Mr. FORBES, Mr. ETHERIDGE, Mrs. CUBIN, Mr. KIND, Mr. HASTINGS of Washington, Mr. MORAN of Kansas, Mr. BOUCHER, Mr. REHBERG, Mr. LUCAS, Mr. PICKERING, Mr. LOEBSACK, Mr. MICHAUD, Mr. MILLER of Florida, Mr. RENZI, Mr. PETERSON of Pennsylvania, Mr. MCINTYRE, Mrs. BOYDA of Kansas, Mrs. CAPITO, Mr. MANZULLO, Mr. JONES of North Carolina, Mr. WELCH of Vermont, Mr. BERRY, Mr. HARE, Mr. ROSS, Mr. LATHAM, Mr. BOREN, Mr. BOSWELL, and Mr. UDALL of New Mexico):

H.R. 1730. A bill to amend title XVIII of the Social Security Act to ensure proportional representation of rural interests on the Medicare Payment Advisory Commission; to the Committee on Ways and Means, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD (for himself and Mr. SOUDER):

H.R. 1731. A bill to eliminate the annual operating deficit and maintenance backlog in the national parks, and for other purposes; to the Committee on Natural Resources, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BARTLETT of Maryland (for himself, Mr. ENGLISH of Pennsylvania, Mr. GOHMERT, Mr. PITTS, Mr.

SMITH of Texas, Mrs. EMERSON, Mr. PETERSON of Minnesota, Mrs. CHRISTENSEN, and Mr. RENZI):

H.R. 1732. A bill to provide alternative retired pay rates under title 10, United States Code, and alternative disability compensation rates under title 38, United States Code, for members of the Armed Forces with a combat-related disability, with such rates based on the average monthly salary for high school graduates in the United States, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BILBRAY:

H.R. 1733. A bill to prohibit the inclusion of earmarks in conference reports that were not in the House- or Senate-passed bills; to the Committee on Rules.

By Mr. BLUMENAUER (for himself, Ms. HOOLEY, Mr. WU, and Mr. DEFAZIO):

H.R. 1734. A bill to designate the facility of the United States Postal Service located at 630 Northeast Killingsworth Avenue in Portland, Oregon, as the "Dr. Martin Luther King, Jr. Post Office"; to the Committee on Oversight and Government Reform.

By Mr. BUCHANAN:

H.R. 1735. A bill to amend title 18, United States Code, to provide mandatory imprisonment for certain kidnapings by illegal aliens; to the Committee on the Judiciary.

By Mr. CANNON:

H.R. 1736. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for conjunctive use of surface and groundwater in Juab County, Utah; to the Committee on Natural Resources.

By Mrs. CAPPS:

H.R. 1737. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the design, planning, and construction of permanent facilities for the GREAT project to reclaim, reuse, and treat impaired waters in the area of Oxnard, California; to the Committee on Natural Resources.

By Ms. GRANGER (for herself and Mr. WYNN):

H.R. 1738. A bill to amend the Public Health Service Act to establish a national screening program at the Centers for Disease Control and Prevention and to amend title XIX of the Social Security Act to provide States the option to provide medical assistance for men and women screened and found to have colorectal cancer or colorectal polyps; to the Committee on Energy and Commerce.

By Ms. HARMAN:

H.R. 1739. A bill to require the approval of a Foreign Intelligence Surveillance Court judge or designated United States Magistrate Judge for the issuance of a national security letter, to require the Attorney General to submit semiannual reports on national security letters, and for other purposes; to the Committee on the Judiciary, and in addition to the Committees on Intelligence (Permanent Select), and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY (for himself, Mr. LAHOOD, Mr. PALLONE, and Mr. LOBIONDO):

H.R. 1740. A bill to amend the Richard B. Russell National School Lunch Act to permit the simplified summer food programs to be carried out in all States and by all service institutions; to the Committee on Education and Labor.

By Mr. KLEIN of Florida (for himself, Ms. ROS-LEHTINEN, Ms. WASSERMAN SCHULTZ, Mr. CRENSHAW, and Mr. SALAZAR):

H.R. 1741. A bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program; to the Committee on Energy and Commerce.

By Mr. LANGEVIN (for himself, Mr. CANTOR, Mrs. JONES of Ohio, Mr. RAMSTAD, Mr. PASCRELL, Mr. BUTTERFIELD, Ms. SCHWARTZ, Mr. KING of New York, Mr. GERLACH, Mr. MCINTYRE, Mr. COHEN, Mr. BOOZMAN, Ms. ZOE LOFGREN of California, Ms. SUTTON, Mr. THOMPSON of Mississippi, Mr. ETHERIDGE, Mr. EHLERS, Mr. LOBIONDO, Mr. SAXTON, Mr. SHAYS, Mr. SHIMKUS, Mr. BRADY of Pennsylvania, and Mr. GRIJALVA):

H.R. 1742. A bill to amend the Internal Revenue Code of 1986 to classify automatic fire sprinkler systems as 5-year property for purposes of depreciation; to the Committee on Ways and Means.

By Mr. LYNCH (for himself, Mr. KING of New York, Mr. MCCOTTER, Mr. GRIJALVA, Mr. OLVER, and Mr. MCNULTY):

H.R. 1743. A bill to establish the National Center on Liver Disease Research, and for other purposes; to the Committee on Energy and Commerce.

By Mr. OBERSTAR:

H.R. 1744. A bill to provide for a hospital in Cass County, Minnesota; to the Committee on Ways and Means.

By Mr. ORTIZ (for himself, Mr. HINOJOSA, Mr. REYES, Ms. LEE, Mr. ABERCROMBIE, Ms. BORDALLO, and Mr. BRADY of Pennsylvania):

H.R. 1745. A bill to amend the Immigration and Nationality Act to waive inadmissibility based on a misrepresentation in the case of an immediate relative of an active duty or reserve member of the Armed Forces and to extend the V nonimmigrant visa program for spouses and children of such a member; to the Committee on the Judiciary.

By Ms. ROS-LEHTINEN (for herself, Mr. WEXLER, Mr. CANTOR, Mr. PENCE, and Mr. CHABOT):

H.R. 1746. A bill to require disclosure of Holocaust-era policies by insurers and establish a federal cause of action for claims arising out of a covered policy; to the Committee on Financial Services, and in addition to the Committees on Foreign Affairs, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. SOLIS (for herself, Mr. MCNERNEY, Mr. GEORGE MILLER of California, Mr. BLUMENAUER, Mr. PALLONE, Mr. ALLEN, Mr. INSLEE, Mr. WEINER, Mrs. CAPPS, Mr. HINCHEY, Mr. STUPAK, Mr. WYNN, Ms. DEGETTE, and Ms. SCHAKOWSKY):

H.R. 1747. A bill to amend the Safe Drinking Water Act to require a national primary drinking water regulation for perchlorate; to the Committee on Energy and Commerce.

By Mr. WAMP (for himself, Mr. UDALL of Colorado, Mr. KIND, and Mr. RAMSTAD):

H.R. 1748. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Ways and Means.

By Mr. WELCH of Vermont:

H.R. 1749. A bill to establish an Ombudsman in the Department of Defense to assist members of the Armed Forces seeking medical care at military medical treatment facilities; to the Committee on Armed Services.

By Mr. WYNN:

H.R. 1750. A bill to amend the Servicemembers Civil Relief Act to extend from 90 days to one year the period after release of a member of the Armed Forces from active duty during which the member is protected from mortgage foreclosure under that Act; to the Committee on Veterans' Affairs.

By Mr. YOUNG of Alaska (for himself and Mr. UDALL of Colorado):

H.R. 1751. A bill to establish a coordinated avalanche protection program, and for other purposes; to the Committee on Natural Resources, and in addition to the Committees on Agriculture, and Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas (for himself and Mr. MANZULLO):

H. Res. 281. A resolution expressing the support of the House of Representatives for the goals and ideals of National Internet Safety Month; to the Committee on Energy and Commerce.

By Mr. SIRES:

H. Res. 282. A resolution expressing the sense of the House of Representatives that the United States Postal Service should discontinue the practice of contracting out mail delivery services; to the Committee on Oversight and Government Reform.

MEMORIALS

Under clause 3 of rule XII, memorials were presented and referred as follows:

14. The SPEAKER presented a memorial of the Legislature of the State of Florida, relative to House Memorial 11A urging the Congress of the United States to support a National Catastrophe Insurance Program; to the Committee on Financial Services.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 17: Mr. MITCHELL and Mr. HILL.

H.R. 39: Mr. CASTLE.

H.R. 63: Mr. BACHUS.

H.R. 66: Mr. ETHERIDGE.

H.R. 89: Mr. BOREN.

H.R. 171: Ms. SUTTON and Mr. STARK.

H.R. 178: Mr. STARK.

H.R. 241: Mr. HOEKSTRA.

H.R. 303: Mr. LATHAM.

H.R. 321: Mr. PLATTS.

H.R. 339: Mr. BOREN.

H.R. 359: Mr. GONZALEZ, Mr. CROWLEY, and Mr. SCHIFF.

H.R. 394: Mr. MCCOTTER and Mr. BARRETT of South Carolina.

H.R. 464: Mrs. NAPOLITANO.

H.R. 468: Ms. NORTON.

H.R. 471: Mr. SALI and Mrs. BACHMANN.

H.R. 473: Mr. STEARNS and Mr. CASTLE.

H.R. 503: Ms. WATSON, Mr. KENNEDY, Mr. HUNTER, and Mr. WYNN.

H.R. 549: Mr. GONZALEZ.

H.R. 592: Ms. SCHAKOWSKY and Mr. MICHAUD.

H.R. 634: Mr. BONNER, Mr. MARIO DIAZ-BALART of Florida, Mr. GERLACH, Mr. GILCHREST, Mr. HOEKSTRA, Mr. INGLIS of South Carolina, Mr. PETRI, Mr. RADANOVICH, Mr. WESTMORELAND, Mr. PASCRELL, Mr. LANTOS, Mr. KAGEN, Mr. FORTUÑO, Mr. GOODE, Mr. MACK, Mr. TIBERI, Mr. NEUGEBAUER, Mr. SMITH of Texas, Mrs. LOWEY, Mr. PENCE, Mrs. BLACKBURN, Mr. HUNTER, Mr. WYNN, Ms. FOXX, Mr. KUCINICH, Mr. ROGERS of Kentucky, and Ms. GIFFORDS.

H.R. 694: Mr. RUSH.

H.R. 695: Mr. TIM MURPHY of Pennsylvania.

H.R. 697: Mr. LINDER and Mr. TIAHRT.

H.R. 698: Mr. MILLER of Florida, Mr. KAGEN, and Ms. HOOLEY.

H.R. 704: Mr. GONZALEZ.

H.R. 708: Mr. MCHUGH.

H.R. 726: Mr. HASTINGS of Florida.

H.R. 728: Mr. FRANK of Massachusetts and Ms. CARSON.

H.R. 734: Mr. CONAWAY, Mr. ALTMIRE, and Mr. RAHALL.

H.R. 741: Mrs. DRAKE.

H.R. 769: Mr. BARRETT of South Carolina.

H.R. 774: Mr. MORAN of Virginia.

H.R. 784: Mr. BOREN, Mr. OLVER, and Mr. PRICE of North Carolina.

H.R. 853: Mrs. MILLER of Michigan, Mr. WALBERG, and Mr. MCCOTTER.

H.R. 872: Mr. HARE.

H.R. 882: Mr. UDALL of Colorado and Mr. FARR.

H.R. 887: Mr. BERMAN.

H.R. 938: Mr. CARTER and Mr. BAKER.

H.R. 943: Ms. SCHWARTZ, Ms. ZOE LOFGREN of California, Mr. STUPAK, Mr. TOWNS, Mr. PASTOR, Ms. BALDWIN, Mr. BUTTERFIELD, Ms. DEGETTE, Mr. PERLMUTTER, Mrs. EMERSON, Mr. DAVIS of Alabama, Mr. GEORGE MILLER of California, Ms. SOLIS, Ms. WOOLSEY, Mr. CARNEY, Mr. JACKSON of Illinois, Mr. BAIRD, Mr. MEEK of Florida, Mr. ROSS, Mr. DAVID DAVIS of Tennessee, Mr. EDWARDS, Mr. BOUCHER, Mr. TAYLOR, Mr. BERRY, Mr. KIND, and Mr. MICHAUD.

H.R. 957: Mr. KILDEE, Mr. DAVIS of Illinois, Mr. BONNER, Mr. TERRY, Mr. MCCAUL of Texas, Mr. ENGEL, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. MICA, Mr. HIGGINS, Mr. MACK, Mr. BOREN, Mr. CARNAHAN, Mr. WELLER, Mr. CALVERT, and Mr. LINDER.

H.R. 971: Mr. GILLMOR, Mr. PICKERING, and Mrs. DRAKE.

H.R. 989: Mr. CANNON and Mr. SHIMKUS.

H.R. 997: Mr. UPTON, Mr. WILSON of South Carolina, Mr. KLINE of Minnesota, and Mr. WAMP.

H.R. 1026: Mr. BOOZMAN and Mr. THOMPSON of Mississippi.

H.R. 1038: Mr. HOEKSTRA.

H.R. 1055: Ms. LORETTA SANCHEZ of California.

H.R. 1076: Mr. JONES of North Carolina, Mr. BOSWELL, and Mr. GRIJALVA.

H.R. 1082: Mr. GRIJALVA, Mr. COURTNEY, and Mr. COHEN.

H.R. 1084: Mr. HONDA.

H.R. 1091: Mr. STEARNS, Ms. ROS-LEHTINEN, Mr. MICA, Mr. BILIRAKIS, Mrs. BONO, and Ms. WASSERMAN SCHULTZ.

H.R. 1110: Mr. FRELINGHUYSEN.

H.R. 1112: Mrs. BACHMANN.

H.R. 1147: Mr. TANNER.

H.R. 1157: Mr. TIM MURPHY of Pennsylvania, Mr. KING of New York, Mr. FERGUSON, Mrs. BOYDA of Kansas, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. GONZALEZ, Ms. NORTON, Ms. HOOLEY, Mr. HINCHEY, Mr. DENT, Mrs. CUBIN, and Mr. BRALEY of Iowa.

H.R. 1225: Ms. MATSUI.

H.R. 1237: Mrs. MYRICK, Mr. GENE GREEN of Texas, Mr. HOLDEN, and Ms. HOOLEY.

H.R. 1246: Ms. ESHOO.

H.R. 1248: Mr. SAXTON, Mr. ANDREWS, Mr. PAYNE, Mr. ROTHMAN, and Mr. KENNEDY.

H.R. 1280: Mr. HARE.

H.R. 1283: Mr. HALL of New York, Mr. GOODE, Mr. DAVIS of Alabama, and Mrs. MCCARTHY of New York.

H.R. 1291: Ms. SLAUGHTER, Mr. PETERSON of Minnesota, and Mr. MCHUGH.

H.R. 1303: Mr. WALSH of New York.

H.R. 1332: Mr. BISHOP of Utah and Mr. FILNER.

H.R. 1338: Mr. SESTAK and Mr. LEWIS of Georgia.

H.R. 1346: Mr. MEEKS of New York.

H.R. 1357: Ms. HARMAN, Mr. LOBIONDO, Mr. GENE GREEN of Texas, Mr. BONNER, Mr. WILSON of South Carolina, Mr. DAVIS of Kentucky, Mr. MICA, Mr. HIGGINS, Mr. MACK, Mr. MCCOTTER, Mr. BOREN, Mr. FALEOMAVAEGA, Mr. CARNAHAN, Mr. WELLER, Mr. TERRY, Mr. LINDER, Mr. FORTENBERRY, and Ms. BERKLEY.

H.R. 1363: Ms. HERSETH.

H.R. 1366: Mrs. BACHMANN and Mrs. DRAKE.

H.R. 1384: Mr. COSTA, Ms. ESHOO, Mr. FILNER, Mr. GALLEGLY, Mr. MCNERNEY, Mr. GARY G. MILLER of California, Mr. LARSEN of Washington, and Mr. BILBRAY.

H.R. 1391: Ms. ZOE LOFGREN of California and Mr. GRIJALVA.

H.R. 1394: Mr. GERLACH, Mr. GARRETT of New Jersey, Ms. NORTON, and Ms. MCCOLLUM of Minnesota.

H.R. 1400: Mr. CALVERT, Mr. HUNTER, Mr. COSTA, Mr. BILBRAY, Mr. WELCH of Vermont, Mr. SCOTT of Georgia, Mr. CANTOR, Mr. CHABOT, Ms. HERSETH, Mr. SESTAK, Mr. WEINER, Mr. CARNAHAN, Mr. RENZI, Mr. REICHERT, Mr. JACKSON of Illinois, Mr. BURTON of Indiana, Mr. SHADEGG, Mr. WALBERG, Mr. WILSON of South Carolina, Mr. SIRES, Mr. SHIMKUS, Mr. WAMP, Mr. HASTINGS of Florida, Mr. EHLERS, Mrs. CUBIN, Mr. SKELTON, Mr. SESSIONS, Mr. UDALL of Colorado, Mr. DAVIS of Kentucky, Ms. BERKLEY, and Mr. GALLEGLY.

H.R. 1407: Mr. WILSON of South Carolina and Mr. PLATTS.

H.R. 1413: Mr. WEXLER and Ms. ZOE LOFGREN of California.

H.R. 1424: Mr. GILLMOR.

H.R. 1428: Ms. SHEA-PORTER, Mr. BISHOP of Utah, and Mr. JOHNSON of Georgia.

H.R. 1438: Mr. ELLISON and Mr. STARK.

H.R. 1453: Mr. ALLEN.

H.R. 1469: Mr. SNYDER, Mr. MORAN of Virginia, and Mr. GRIJALVA.

H.R. 1476: Mr. SESSIONS, Mr. PRICE of Georgia, and Mr. REICHERT.

H.R. 1506: Mr. COHEN, Mr. FARR, Mrs. MALONEY of New York, Mr. CAPUANO, Mr. MCNERNEY, Mr. KENNEDY, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. ACKERMAN, Mrs. NAPOLITANO, Mr. UDALL of Colorado, Mr. HOLT, and Mr. NEAL of Massachusetts.

H.R. 1514: Mr. ABERCROMBIE, Mrs. JO ANN DAVIS of Virginia, Mr. SOUDER, Mr. LARSEN of Washington, Mr. SHAYS, Mr. FILNER, Mr. TERRY, Mrs. MALONEY of New York, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 1535: Mr. WEXLER and Mr. BRADY of Pennsylvania.

H.R. 1542: Ms. HIRONO and Ms. BALDWIN.

H.R. 1548: Ms. SHEA-PORTER.

H.R. 1560: Mr. BRADY of Pennsylvania.

H.R. 1576: Mr. ALLEN.

H.R. 1589: Mr. PLATTS.

H.R. 1590: Mr. COURTNEY and Mr. HARE.

H.R. 1596: Mr. SMITH of New Jersey, Mr. CALVERT, and Mr. FORTENBERRY.

H.R. 1609: Mr. LAMBORN, Mr. ISRAEL, Mr. HOLT, Mr. COHEN, and Mr. BLUMENAUER.

H.R. 1645: Mr. DAVIS of Illinois, Mr. ELLISON, Mr. HASTINGS of Florida, Mr. MCGOVERN, and Mr. WEINER.

H.R. 1647: Mr. ROSS, Ms. PRYCE of Ohio, Mr. UDALL of Colorado, Mr. MCCOTTER, Mr. BRADY of Pennsylvania, Mr. PETRI, Mrs. BONO, Mr. BISHOP of New York, and Mr. SHAYS.

H.R. 1650: Mr. GRIJALVA.

H.R. 1653: Mr. JEFFERSON.

H.R. 1662: Mr. GRIJALVA, Mrs. CUBIN, and Mr. HERGER.

H.R. 1673: Mr. MILLER of Florida, Mr. SAXTON, Mrs. EMERSON, Mr. HOBSON, and Mrs. CAPPS.

H.R. 1675: Mr. JONES of North Carolina.

H.R. 1676: Ms. HERSETH, Mr. YOUNG of Alaska, Mr. BACA, and Mr. GRIJALVA.

H.R. 1680: Ms. ZOE LOFGREN of California.

H.R. 1681: Mr. JOHNSON of Georgia.

H.R. 1688: Ms. LEE and Mr. ELLISON.

H.R. 1691: Mr. ACKERMAN and Mr. GEORGE MILLER of California.

H.R. 1717: Mr. LINDER.

H.R. 1718: Ms. SHEA-PORTER and Mr. DELAHUNT.

H. Con. Res. 68: Mr. RENZI, Mr. BRADY of Pennsylvania, Ms. WOOLSEY, and Mr. TANCREDO.

H. Con. Res. 100: Ms. EDDIE BERNICE JOHNSON of Texas.

H. Con. Res. 102: Ms. MILLENDER-MCDONALD, Mrs. MALONEY of New York, Ms. BORDALLO, Mr. REICHERT, Mr. PAYNE, Ms. WOOLSEY, Mr. STARK, and Mrs. DRAKE.

H. Res. 101: Mr. SMITH of Washington.

H. RES. 121: MS. CLARKE, Mr. MICHAUD, Mr. HASTINGS of Florida, Mr. VAN HOLLEN, and Mr. ALLEN.

H. Res. 123: Mr. JEFFERSON and Mr. HOLDEN.

H. Res. 125: Mr. LINDER.

H. Res. 128: Mr. MCCOTTER.

H. Res. 186: Mrs. CHRISTENSEN, Mr. SAXTON, Mr. KIND, Mr. KIRK, and Mr. EHLERS.

H. Res. 209: Mr. STARK.

H. Res. 221: Ms. NORTON.

H. Res. 231: Mr. BARRETT of South Carolina.

H. Res. 245: Mr. PALLONE.

H. Res. 248: Mr. UPTON.

H. Res. 259: Mr. REGULA, Mr. WAXMAN, and Mr. CUELLAR.

H. Res. 268: Mr. ADERHOLT, Mr. BOOZMAN, Mr. PENCE, Mr. WAMP, Mr. HALL of Texas, Mr. CROWLEY, Mr. WYNN, Mr. TIERNEY, Mr. CARDOZA, Mr. LUCAS, Mr. LAMBORN, Mr. AKIN, Mr. BARRETT of South Carolina, Mr. FILNER, Mr. LINCOLN DAVIS of Tennessee, Mr. CONAWAY, Mr. MILLER of Florida, Mr. SMITH of Texas, Mr. LANTOS, Mr. GOODLATTE, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. SMITH of Washington, Mr. GORDON, Mr. CRAMER, Mr. ROSS, Mr. BOYD of Florida, Mr. MATHESON, Mr. TAYLOR, Mr. SHULER, Mr. FORBES, Mr. NEUGEBAUER, Mr. RADANOVICH, Mr. KLINE of Minnesota, Mr. JORDAN, and Mr. BACHUS.

H. Res. 272: Ms. NORTON.

H. Res. 273: Mr. PERLMUTTER.

DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 7 of rule XII, sponsors were deleted from public bills and resolutions as follows:

H.R. 695: Mrs. EMERSON.

H.J. Res. 40: Mr. HALL of Texas.

PETITIONS, ETC.

Under clause 3 of rule XII, petitions and papers were laid on the clerk's desk and referred as follows:

6. The SPEAKER presented a petition of the Village of Pomona, New York, relative to a resolution requesting that the Congress of the United States pass legislation requiring the Nuclear Regulatory Commission conduct an Independent Safety Assessment of the Indian Point Nuclear Power Plant; to the Committee on Energy and Commerce.

7. Also, a petition of the New Orleans City Council, Louisiana, relative to Resolution R-07-89 urging the Congress of the United States to fully fund all necessary improvements to the various flood control and drainage projects that have been designated for funding to date, as well as those forthcoming in the immediate future; to the Committee on Transportation and Infrastructure.

8. Also, a petition of the City Council of Honolulu, Hawaii, relative to Resolution 07-044 urging the Congress of the United States to support S. 57 and H.R. 760, the Filipino Veterans Equity Acts of 2007, conferring benefits on Filipino World War II Veterans; to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

HONORING WAR BRIDES

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LANTOS. Madam Speaker, I rise today to honor a group of women who played a profound but under-appreciated role in America's stand against the Axis Powers during the Second World War. Known as War Brides, these women met our soldiers during the war while they were stationed overseas, eventually coming to the United States after the war as their wives. Women such as Sylvia Harris, a constituent of mine, boosted the wartime morale of our bravest men during that dark period in human history.

While we are all familiar with the stories of the Greatest Generation, less often told are the stories of those women who came to this country as War Brides. These extraordinary individuals left their families and cultures behind to follow the men they fell in love with. They adopted the United Sates of America as their home, raising children and supporting their husbands. They embodied the notion and reality of the Greatest Generation by pledging their allegiance to the United States and to the soldiers who bravely fought for freedom around the world.

War Brides overcame not only physical barriers, often traveling months by train and boat to rejoin their husbands, but also xenophobia in many cases, making the transition to their newly-adopted country all the more difficult. They are a testament to the evolution of social and cultural equality in this country, bringing with them the traditions of countless cultures that make America the wonderful melting pot that it is.

Madam Speaker, I am proud that on this, the 61st anniversary of the emigration of thousands of War Brides into the United States of America, Mrs. Harris brought to my attention the invaluable contribution of these remarkable women to our country.

Madam Speaker, love and the union of marriage are extraordinarily powerful; they have been known to save lives, spurring soldiers to persevere with purpose for the sake of loved ones. Just as we remember those who kept the home fires burning here in the United States during the Second World War, we should pay tribute to those women who formed bonds with and inspired our soldiers abroad during that conflict. Whether coming from Europe, Africa, Asia, or Australia, these women hold an important place in the history and free democracy of the United States, and I urge all my colleagues to join me in saluting their bravery and resilience.

HONORING WILLIAM DELMONT, LACKAWANNA CHAMBER OF COMMERCE CITIZEN OF THE YEAR

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. HIGGINS. Madam Speaker, tomorrow, Wednesday, March 28, 2007, the Chamber of Commerce of the great City of Lackawanna, New York will name its annual Citizen of the Year. While many great Western New Yorkers have been so honored by the Chamber over the years, in 2007 the Chamber will bestow this honor upon one of the greats in the city's history—the founder, publisher and editor of the Front Page newspaper, William Delmont.

As publisher of the weekly publications Front Page and South Buffalo News, Bill has been a journalistic icon in Western New York. Long the official publication for numerous local governments and school districts, Bill's newspapers maintain a hometown flavor that is rarely seen in this day and age.

Most of all, however, Bill Delmont is one of Lackawanna's many treasures. A longtime business owner, entrepreneur and civic leader, Bill Delmont's dedication to his hometown is inspirational indeed. Bill has long been a fighter for Lackawanna and for its citizens, and has consistently strived to provide opportunities to those citizens, be it in public service or in the private sector.

Bill has been honored many times over for his commitment to Lackawanna, as an honoree of the Lake Erie Italian Club, the Lackawanna Area Historical Association, the Our Lady of Victory Hospital, and the Matthew Glab Post 1477, and was recently named a Paul Harris Fellow by the Rotary Foundation of Rotary International.

One of Bill's most significant accomplishments has been his decades-long leadership of the Erie County Conservative Party. Bill is perhaps the wisest political sage in Western New York, and I suspect that not one serious candidate for high political office in Western New York failed to call upon Bill for advice and counsel over the years. Since my first run for public office in 1987, Bill Delmont has stood with me as a trusted adviser and friend whose support I have been proud to receive. It would be impossible for me to adequately recount or repay his many kindnesses and courtesies to me, both personally as well as professionally, but it is very fitting, Madam Speaker, that I ask you and all of our colleagues here join me in offering our most sincere congratulations to Lackawanna, New York's favorite son, Bill Delmont, upon his receipt of this prestigious honor.

HONORING MR. JOHN DAU

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in honor of Mr. John Dau of Syracuse, New York.

Mr. Dau has dedicated his life to helping others in his native country of Sudan to get a chance at a better life. He has done amazing humanitarian work for his fellow Sudanese people, including raising money for the building of a clinic in his home village and raising awareness about the plight of the Sudanese in general.

National Geographic has recently named Mr. Dau one of the eight emerging explorers of 2007. Those given this title are adventurers, scientists, photographers, and storytellers that are said to be making a difference in their prospective fields. The National Geographic executive vice president for mission programs has referred to Mr. Dau as a "visionary individual" and asserted that he was precisely the sort of individual National Geographic was looking for when choosing emerging explorers.

With the money from this award, Mr. Dau is going to send other "Lost Boys", or Sudanese who spent their adolescence fleeing war, famine, and slavery, to school in Kenya and Uganda. Mr. Dau is an accomplished humanitarian, and it is for this reason that I rise today to recognize his great work.

HONORING MOUNTAIN FIFES AND DRUMS FOR THEIR LEADERSHIP AND SKILL IN YOUTH MUSIC

HON. JERRY LEWIS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LEWIS of California. Madam Speaker, I am pleased to stand today in recognition of the Mountain Fifes and Drums, a volunteer music program located in Lake Arrowhead, California, that specializes in providing unique instruction, history, and leadership skills to 60 young people.

I am delighted to report that on May 12, members of the Mountain Fifes and Drums will be leading the processional march at the America's 400th anniversary celebration in Jamestown, Virginia. This celebration will be chaired by Supreme Court Justice Sandra Day O'Conner, and is expected to feature guest appearances by Queen Elizabeth II and the Duke of Edinburgh. Is it an honor to be recognized at a historical event of such a high caliber, and I congratulate the Mountain Fifes and Drums for representing California at this national celebration.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Founded in 2001 by Lake Arrowhead residents Cindy Olson and Kevin Garland, the Mountain Fifes and Drums has become one of the premiere living history music groups in my district. The repertoire focuses on 18th and 19th century martial music, and the corps has excelled at presenting their music as accurately and authentically as possible. The group also provides character-building lessons in responsibility and discipline. There is no fee for the program and no prior musical knowledge is required, which encourages students of all levels to join.

Like many privately organized musical groups in my district, the Mountain Fifes and Drums offers instruction in music technique, theory, and history. But the group also fosters character development of each member of the corps. By providing incentives for achieving higher ranks in music, and offering a point system for disciplined behavior, members are encouraged to engage in healthy competition and to consistently perfect their music techniques.

Students are taught lessons in self-sufficiency, by engaging in fundraising activities in order to pay for trips around the United States. These fundraising projects help the performers hone their skills and teach invaluable lessons about hard work and responsibility. At the same time, they create ties to many community groups that encourage youth to stay active in local organizations.

Most of the members of the Mountain Fifes and Drums are home schooled, and their participation provides friendships that extend beyond the rehearsal hall. Group members come from a number of mountain communities, including Lake Arrowhead, Crestline, Running Springs, and Twin Peaks. I am pleased to see that residents in each of these areas have provided generous contributions to the Mountain Fifes and Drums.

Madam Speaker, I look forward with pride to watching these talented and dedicated young people take part in our national Jamestown celebration. I ask my colleagues to join with me in wishing them success and thanking Cindy Olson and Kevin Garland for creating and fostering such a unique group.

IN HONOR OF ANDREW SAAVEDRA

HON. LORETTA SANCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. LORETTA SANCHEZ of California. Madam Speaker, I come to the House floor today in honor of Andrew Saavedra, who was recently named Orange County Catholic Man of the Year.

Andrew Saavedra has tirelessly devoted his life to helping the poor, the homeless, and disadvantaged in Santa Ana and throughout Orange County.

The recent recognition is the culmination of a lifetime of service. Andrew Saavedra was a founding member of Santa Ana's Loaves and Fishes soup kitchen 21 years ago. The soup kitchen now serves meals to 500 homeless men and women each week.

Currently, Andrew Saavedra is president of the Orange County Council of the St. Vincent de Paul Society, a spokesman for the Second Harvest food bank, an active member of the Peace and Justice Committee of St. Joseph's church, and a board member of the Orange County Congregation Community Organization.

After retiring from his job last May as a salesman for a food-service company, Andrew Saavedra decided to dedicate more of his time to volunteer activities.

I do not know many people who choose to pursue a 40-hour workweek upon retiring, but Andrew Saavedra has a calling to help people, and he does just that.

INTRODUCTION OF THE SPECIALTY CROP EXPORT OPPORTUNITIES ACT

HON. DEVIN NUNES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. NUNES. Madam Speaker, I rise today to announce the introduction of the U.S. Specialty Crop Export Opportunities Act. As the Representative of our Nation's most diverse, productive, and highly valued crop base, this legislation is of great importance to my constituents. It is also of great national significance, as the United States seeks to increase competitiveness in the global marketplace.

As many of my colleagues representing rural America know, our farmers are faced with enormous challenges. These challenges not only relate to the production of wholesome food and fiber, but are also a direct result of regulatory burdens, environmental laws, and, increasingly, global trade practices. For this reason, problems associated with foreign market access can be highly destructive to American farmers.

I introduced the U.S. Specialty Crop Export Opportunities Act today because I believe Congress needs to take a fresh look at how we fund and structure our efforts in support of American agriculture. As we examine U.S. farm policies, Congress should support changes that increase our Government's emphasis on foreign market access and development. In addition, we need to be certain that we have the resources in place to meet the heavy demands associated with fighting unfair trade practices. Absent such a commitment, our balance of agriculture trade will continue to erode and our Nation's farmers will suffer.

Madam Speaker, we owe our farmers and rural communities the benefit of aggressive advocacy around the world. Unfortunately, our current governmental organization does not lend itself to this kind of advocacy. By way of example, there is no statutory responsibility on the part of the United States Department of Agriculture, USDA, concerning agricultural exports. Furthermore, current resource allocation suggests we have strayed from the focus needed to effectively promote U.S. agricultural interests around the world. The Foreign Agriculture Service employs 11 full-time equivalent analysts who are solely responsible for trade compliance monitoring. This is of great concern to me, given the number of agreements we have signed and the aggressive nature of our global trade agenda. As part of the U.S. Specialty Crop Export Opportunities Act, we require the USDA to answer tough questions about resource allocation and the Agency's ability to do the job we all expect.

Madam Speaker, unfortunately our World Trade Organization, WTO, agreements and numerous Free Trade Agreements are not guarantees of free and open trade. Each agreement requires a process of implementation and compliance monitoring. Absent these follow-up actions, our Nation fails to witness the full benefit of our trade policy.

Since my election to Congress, I have received many complaints from frustrated exporters of perishable agricultural commodities. They believe that large commodities and other sectors of our economy are receiving the bulk of our national resources when it comes to trade dispute resolution. The U.S. Specialty Crop Export Opportunities Act will help to alleviate this frustration. The bill establishes a statutory obligation on the part of USDA for exports. It also requires the Secretary to take a number of steps to improve the export process, including: coordination of market analysis between the private sector and FAS; Agency explanation of sanitary and phytosanitary issues associated with each pending export petition; and public availability of information concerning the import requirements of foreign countries. These changes will increase process transparency and provide American farmers information they need to fight trade barriers.

In addition, the U.S. Specialty Crop Export Opportunities Act establishes an export credit guarantee program for fruits and vegetables. These perishable commodities would greatly benefit from the cash flow management tool provided by a short-term export credit. The USDA operates export credit guarantee programs today, but their design is not based on the unique circumstances associated with trade in fruits and vegetables. Congress needs to address this shortcoming.

Madam Speaker, in addition to giving our exporters more information and providing them with appropriate cash management tools, we need to examine options that will provide additional security against unfair trade practices. One possibility is the establishment of a perishable commodity export indemnification program. This would allow U.S. agriculture exporters to insure against the possibility of unforeseen trade barriers. The U.S. Specialty Crop Export Opportunities Act takes the first step in the establishment of such a program.

When our exporters experience unfair trade barriers, they need to know that the U.S. Government will provide the technical and diplomatic support necessary to eliminate those barriers. Indeed, for our farmers to enjoy the full benefits of any agreement, our Government must be in a position to provide agriculture exporters the help they need in a timely manner. Perishable commodities cannot wait in ports for an eventual resolution to unfair sanitary or phytosanitary barriers. Such delays make the risk of trade unacceptable and drive U.S. farmers out of the export business.

Madam Speaker, there is clear evidence that we have already paid a significant price for what I believe are poorly coordinated efforts on behalf of American agriculture. Specifically, I am dismayed to report that we have witnessed a trade surplus in fruits and vegetables turn into a significant trade deficit. Over a period of 12 years and following the much heralded World Trade Organization (WTO) General Agreement on Trade and Tariffs, GATT, we have witnessed a transition from $608,442,000 in surplus trade of fruits and vegetables to a $2,295,426,000 deficit. In short, our farmers are not seeing the full benefits of trade liberalization resulting from the GATT.

In closing, I think it is important to point out that many of the farmers facing challenges with trade are conducting their business independent of Government support. Fruit and vegetable farmers are not subsidized. They compete on the global market based on quality and efficiency. For this reason, our Nation's position in WTO trade negotiations should be to eliminate the Peace Clause for Chapters 7 and 8 of the Harmonized Tariff Schedule. This will allow the U.S. to initiate dispute resolution proceedings in the WTO when trading partners use distorting subsidies.

Madam Speaker, when provided a level playing field, U.S. agricultural products are well received by consumers around the world. However, our farmers do not have the resources to fight unfair trade barriers alone. The U.S. Specialty Crop Export Opportunities Act is vital if we are to renew our commitment for free and fair trade on behalf of American agriculture.

TRIBUTE TO ARMY SERGEANT WAYNE CORNELL

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise today to honor and pay tribute to Army SGT Wayne Cornell, a Nebraska native who lost his life last week. Cornell and another soldier were killed when a roadside bomb exploded near their vehicle in Baghdad. They were soldiers with the 1st Battalion, 28th Infantry, 4th Brigade, 1st Infantry Division.

Wayne was on his first tour of duty in Iraq, and during 4 years with the Nebraska Army National Guard, had served twice in Bosnia and once in Afghanistan.

According to his family, Wayne was a strong man—both physically and emotionally. He was a black belt in taekwondo and a loving husband and father.

My thoughts and prayers go out to Wayne's wife, Patricia, who is expecting their third child this July. It is heartbreaking that a man who is often described as someone who "lived for his wife and kids," will not be able to see his children grow and succeed in his footsteps.

We all owe Sergeant Cornell a debt of gratitude we can never repay. His courage, love of family, and strength should set the benchmark for us all.

ON URGING THE ESTABLISHMENT AND OBSERVATION OF A LEGAL PUBLIC HOLIDAY IN HONOR OF CÉSAR E. CHÁVEZ

HON. SILVESTRE REYES

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. REYES. Madam Speaker, I rise in strong support of H. Res. 76, urging the establishment and observation of a legal public holiday in honor of César E. Chávez.

César Chávez is an iconic figure of the Civil Rights Era, a man Robert F. Kennedy noted as "one of the heroic figures of our time." César Chávez was born on March 31, 1927, in Yuma, AZ. He spent most of his youth working on farms throughout the Southwest and California, and it was there that César Chávez came to understand the uniquely arduous conditions agricultural workers face in the U.S.

For more than 3 decades, César Chávez worked as a community organizer, labor leader and civil rights activist. Influenced by figures such as Mahatma Ghandi and Dr. Martin Luther King, Jr., he embraced strategies of nonviolence in working to improve the conditions of America's agricultural working poor. He cofounded the National Farm Workers Association (NFWA), which later became the United Farm Workers (UFW) of America. As a labor leader, César Chávez employed peaceful tactics such as fasts, boycotts, strikes, and pilgrimages toward achieving fair wages, medical coverage, pension benefits and humane living conditions for thousands of workers everywhere. These efforts resulted in the first industry-wide labor contracts in the history of American agriculture, and led to the passage of the 1975 California Agricultural Relations Act, a bill designed to serve California's farm workers.

César Chávez died on April 23, 1993, and in 1994, President Clinton posthumously awarded the Presidential Medal of Freedom to him, the highest civilian honor in the U.S. Now, 5 States, including Arizona, California, Colorado, New Mexico, and Texas, celebrate César Chávez's birthday as a State holiday. I ask my colleagues in Congress to join me in supporting H. Res. 76, urging and establishing César Chávez's birthday, March 31st, as a national holiday, and commemorating the legacy of one of the most heroic figures of our time.

INTRODUCTION OF LENNOX LEGISLATION

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. HARMAN. Madam Speaker, today, Senator FEINSTEIN in the Senate and I are introducing legislation permitting a simple administrative fix that will improve education outcomes for thousands of students in my congressional district.

Imagine, Madam Speaker, sitting at a desk, attempting to memorize a verse or tackle a tough math problem as jet planes roar overhead every few minutes. Every hour. Every day.

That is the situation for the children of Lennox, a mostly working class community that lies just east of LAX, in the airport's flight path. Lennox was added to my district in 2000, and I have worked hard to help the children there get a quality education.

In 1980, Lennox School District and the city of Los Angeles settled a lawsuit concerning aircraft movements over Lennox schools. Lennox gave the city an easement that allowed planes carrying up to 40 million passengers per year to fly overhead, and the city paid Lennox approximately $2.5 million.

In the years since, air traffic over Lennox schools has significantly increased. As a result, many of the schools are now like bunkers, half underground with no windows. Others have all their windows boarded up.

In February of 2005, Lennox and Los Angeles World Airports, LAWA, settled a second lawsuit, to which Inglewood School District was also a party. Under this settlement, LAWA agreed to provide Lennox and Inglewood with more than $110 million in noise mitigation funds over 10 years.

However, the FAA has interpreted the 1980 agreement and Federal law to prevent payment of the funds under the 2005 agreement. A legislative solution is the only way that these funds can be released.

Our bill is narrowly tailored to allow LAWA to release the funds it promised to Lennox and Inglewood in the 2005 agreement. The bill is identical to legislation that I introduced in the last Congress, H.R. 6285, which was drafted with the assistance of the FAA, Lennox School District, and LAWA. Importantly, the funds in question are airport funds, not Federal tax dollars, and our bill would not require new Federal spending.

These children deserve a quality education, and this bill will ensure that they get one. I urge its swift passage.

IN RECOGNITION OF DEPAUW WOMEN'S BASKETBALL TEAM

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the DePauw University Women's Basketball Team for winning its first NCAA Division III National Championship. Not only is this the first championship for Coach Kris Huffman, it's the first national championship, in any sport, in the school's history.

The DePauw Tigers defeated the Washington University, St. Louis, Bears by a score of 55–52. The Tigers built a 15-point lead at one point, but the Bears rallied back to cut the deficit to 3 in the closing moments of the game. The Tigers blocked a last second 3-point shot attempt to earn their first title. The win caps a successful DePauw season with a record of 31–3.

Senior Cassie Pruzin led the way for the Tigers scoring 12 points in the game. Fellow seniors Liz Bondi and Suzy Doughty and junior Kalei Lowes each contributed 9 points.

Bondi, who also had 9 rebounds and 3 assists in the game, was named most valuable player of the tournament and, along with Doughty, was selected for the All-Tournament team.

Congratulations to Coach Huffman and the DePauw Women's Basketball Team for an outstanding season.

Go Tigers.

HONORING MELISSA JONES

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. UDALL of Colorado. Madam Speaker, I rise today to honor Melissa Jones of the Legacy High School girls' basketball team. On March 22, 2007, Melissa was selected as the All-Colorado Player of the Year by the Rocky Mountain News staff with input from coaches statewide.

This was Melissa Jones' senior season playing for the Legacy High School Lightning. During prior seasons Melissa demonstrated her superb abilities and proved to be a standout player. Preceding her senior season, neither major Colorado newspaper ranked the Legacy Lightning in the top ten. Yet that ranking quickly changed as Melissa and her teammates beat, for the first time, their Front Range League rival Horizon High School.

The Lightning, led by Melissa Jones, won a share of the league title and then went on to knock off Regis High School in the Class 5A semifinals. Regis was 21–0 and was the tournament's No. 1 overall seed. Melissa skillfully led the team to the title game clearly showing that the pre-season rankings underestimated her determination. Melissa's skills and abilities, along with her outstanding teammates, carried the Legacy Lightning into the title game. Melissa and the Lightning's success have served as an inspiration and a source of pride for athletes of all stripes in Colorado.

Melissa Jones' statistics for the season included an average of 22.1 points, 8.1 rebounds and 5.1 steals. During the tournament she averaged 29 points and recorded four 30-point performances during the final eight contests.

I ask my colleagues to join me in congratulating Melissa Jones for her storybook season and well-deserved selection as the Rocky Mountain News' All-Colorado Player of the Year. Her talent, vision and leadership are undeniable, and she is a source of pride for women's basketball, for Legacy High School and for all of Colorado. I wish her continued success in the future.

PERSONAL EXPLANATION

HON. TRENT FRANKS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. FRANKS of Arizona. Mr. Speaker, on March 21, 2007, I was unavoidably detained during a vote on H.R. 327, the Joshua Omvig Veterans Suicide Prevention Act. Had I been present, I would have voted "yea."

BICENTENNIAL OF THE BRITISH ABOLITION OF THE TRANS-ATLANTIC SLAVE TRADE

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. RANGEL. Madam Speaker, I rise today to acknowledge the bicentennial of the British abolition of the Trans-Atlantic Slave Trade.

On March 25, 1807, the British Parliament passed the Abolition of the Slave Trade Act. Acknowledging this day 200 years later is extremely important because it represents a key event to the abolishment of slavery in Great Britain and the United States. Great Britain will begin to participate in various commemorative activities. Today, here in the United States, the United Nations is also observing the bicentennial by convening a special General Assembly session where speakers from around the globe will discuss their viewpoints about slavery. Rex Nettleford, a historian, will deliver the keynote. I applaud and thank the United Nations and Great Britain for recognizing the historic importance of the passage of the Abolition of the Slave Trade Act.

There is a need for people in the United States and around the world to remember and be reminded of the institution of slavery and its impact on the world during times other than Black History Month. The immeasurable sacrifices endured by enslaved people are too significant to be forgotten. I appreciate the work done by so many people and organizations that provide education on slavery and events that led to freedom of slaves in the United States and other countries. Educating people about slavery and the struggle for freedom provides an excellent opportunity to improve race relations, cultural understanding, and diversity.

I have introduced a resolution commemorating the British Abolition of the Slave Trade Act. I urge my colleagues to join me in supporting this resolution. One year from now, the United States will participate in activities related to the abolishment of the Trans-Atlantic Slave Trade. I look forward to those activities next year.

YOUTH ACTIVISM ON HUMAN TRAFFICKING

HON. RON KLEIN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. KLEIN of Florida. Madam Speaker, I rise today to recognize a special group of young people in Ft. Lauderdale, FL who are raising awareness about the important and urgent issue of human trafficking.

As you may know, human trafficking and forced labor is one of the most prolific areas of international criminal activity and is of significant concern to the United States and the international community. The overwhelming majority of those trafficked are women and children.

According to the most recent Department of State estimates, between 600,000 and 800,000 people are trafficked across borders each year. If trafficking within countries and forced labor are included in the total world figures, estimates rise to 4 to 27 million people.

Human trafficking is now considered a leading source of profits for organized crime generating billions of dollars. Trafficking in persons affects virtually every country in the world. Traffickers exploit poverty, war, natural or man-made disasters, and ignorance.

The students at the Ft. Lauderdale Prep School are raising money to combat global human trafficking and they have created a large mural to commemorate the 200th Anniversary of the Abolition of the Trans-Atlantic Sale, which occurred on Friday, March 25th. I commend these students on their efforts to raise awareness on this issue. The passion and motivation of these students are worthy of emulation.

IN RECOGNITION OF THE PEACE PROCESS IN NORTHERN IRELAND

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. WALSH of New York. Madam Speaker, I rise today to reiterate support for the Good Friday Agreement of 1998 and the St. Andrews Agreement of 2006, and to commend the tireless efforts of all involved in the peace process.

On April 10, 1998, the Good Friday Agreement was signed in Belfast, ending 3 decades of violence known as The Troubles. However, this landmark agreement was unable to deliver a lasting government to Northern Ireland, and in 2002 the Northern Ireland Assembly and the Executive were suspended.

In October of 2006, the process was restored with the St. Andrew's Agreement, which established timetables for the restoration of the government of Northern Ireland and breathed life back into the process. This timetable required that both sides make some serious concessions to establish a peaceful and lasting government.

Gerry Adams of Sinn Fein and Ian Paisley of the Democratic Unionist Party sat together for the first time ever on Monday, March 26, to announce that they had come to an agreement and that a provincial government will be established on May 8th of this year. I would like to commend them for working to establish this government, and urge the rest of my colleagues to join me in congratulating them for their great diplomatic work.

TRIBUTE TO THE EAST AURORA HIGH SCHOOL GIRLS BASKETBALL TEAM

HON. BRIAN HIGGINS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. HIGGINS. Madam Speaker, East Aurora, New York took center stage last week, as the East Aurora High School Girls varsity basketball team earned the distinction of the New York State Class B championship, following a successful 44–41 overtime victory on Saturday, March 17th in Troy, NY.

The East Aurora Blue Devils' team slogan for the 2006–2007 season was "ONE: One Mission, One Goal, One TEAM" and the mission of this very talented team was to reach their goal of making it to the state tournament. Not only did they reach the tournament, they fought their way to the championship game, and to the title itself.

This game marked the first appearance made by the East Aurora Blue Devils in a state final. Additionally, their victory marked the end of a hard fought, record breaking season for the East Aurora Blue Devils who finished the season with a strong record of 24 wins and only 4 losses.

The Blue Devils consist of 16 talented young women, outstanding student athletes one and all, including: Maggie Croft, Ashley Gallagher, Haley Keller, Kelsi Maciejewski, Brogan McCabe, Julia Murak, Natasha Peterson, Lauren Schwarzenholzer, Brooke Schutrum, Emily Smith, Sarah Soroka, Sam Stanley, Alicia Sweet, Sarah and Jessie Tarantino, and Meghan Wolff.

Throughout the season the players met various challenges and each time they stepped up to contribute their talents both as a team and individually. In addition to the starting lineup, the bench players provided inspiration throughout the entire season and stepped in and responded positively on the court whenever they were called upon.

Also, I would be remiss if I failed to recognize the invaluable leadership demonstrated by Head Coach Chris Koselny and Assistant Coach Matt Brown during practices, games and championship tournaments alike. I also want to acknowledge the support of school administrators, Superintendent James Bodziak, and Principal Dr. James Hoagland and Athletic Director Fred Thornley and for the additional guidance and support they received from parents, teachers and the entire community throughout the year.

Madam Speaker, I ask you to join me in congratulating the great success of the East Aurora High School Lady Blue Devils Basketball team on a hard fought season that led them to victory in the New York State Championship Tournament at Hudson Valley Community College and a record breaking season. It is a pleasure to honor the team and their coaches here today.

HONORING THE LIFE OF JUANITA HAUGEN

HON. JERRY McNERNEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. McNERNEY. Madam Speaker, today I ask my Colleagues to join me in honoring the life of Juanita Haugen, who passed away peacefully at age 69 on March 5, 2007 after a courageous battle against lung cancer.

Juanita Haugen was an extraordinary woman whose passion for education and commitment to students enriched the lives of so many. Her efforts and unwavering dedication to public service leave a legacy that will continue to benefit the students of Pleasanton, the state of California and our great Nation for generations to come.

Juanita Haugen and her family moved to Pleasanton in 1970. Juanita became involved in the Pleasanton school system after leaving her job as a probation officer to care for her children at home. She was elected to the Amador Valley Joint Union High School District Board in 1979 and was among the first trustees elected to the Pleasanton Unified School District (USD) following the 1988 reorganization that led to the District's creation. Juanita Haugen remained a member of the Pleasanton USD until her passing, and was the longest-serving trustee in the history of the local schools.

Juanita Haugen strongly believed that children need not only a quality academic education, but also a solid ethical foundation on which to build strong character. She led the effort in the Pleasanton USD to establish a program that teaches and reinforces positive character traits in all public school students, from kindergarteners to high school seniors. This program continues to benefit students by focusing on the way in which they live and treat one another.

In addition to her involvement with the Pleasanton schools, Juanita Haugen's passion for improving public education for all children inspired her to serve on both state and national school board associations. By sharing ideas about education that she learned from her state and national colleagues, Juanita kept Pleasanton's schools on the cutting edge. She always worked for the common good. In the words on one of her fellow school board members, "You must make decisions for the entire school district, not just for your own child or school. Juanita always (said) it has to be right for everybody."

Although Juanita Haugen's efforts won her many awards, her true measure as a leader is how her passion for education inspired others, including her family, Pleasanton's students and her community. From reading to young students to encouraging others to become involved in public service, Juanita Haugen was a valued and respected leader who touched the lives of many and improved the quality of life in Pleasanton for decades to come. It is for these reasons that I ask my Colleagues to join me in honoring the memory of Juanita Haugen and sending our thoughts and prayers to her beloved family and friends.

TRIBUTE TO JUSTIN DAHMER

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize a young leader in my district, Justin Dahmer, who was recently awarded the rank of Eagle Scout. Justin is the 17-year-old son of Roger and Pam Dahmer of Franklin, West Virginia, where he attends Pendleton County High School.

Justin is truly representative of the Scout Oath; to do duty to God and country, help others, and maintain physical and mental strength. He is a member of Boy Scout Troop 162 and the Boy Scout honor society, Order of the Arrows. Justin's final project to qualify for Eagle Scout Rank was refinishing a portable water tank for the Pendleton County Emergency Services Department. Thanks to Justin's hard work, respondents will now have additional equipment that would otherwise have been unusable.

Justin's contributions are not limited to his scouting activities; the high school junior is a stand out member of the Pendleton County High School football team and last fall was named all conference offensive lineman. In the off season, Justin throws shot put for the Cougars' track team. He is a member of the Fellowship of Christian Athletes and is an usher at Mt. Horeb United Methodist Church.

I am pleased to recognize this young man who truly exhibits service to God and country and thank his parents for raising such a fine citizen. It is an honor to recognize the future community leaders like Justin Dahmer.

IN HONOR OF THE CHAMPION UNIVERSITY OF TEXAS AT DALLAS CHESS TEAM

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. SESSIONS. Madam Speaker, it is my pleasure to congratulate the students of the University of Texas at Dallas for their victory at the 2007 Final Four of Chess held in Dallas/Fort Worth this weekend. With this win, the team earned the title of the top collegiate chess team in the Western Hemisphere.

The University of Texas at Dallas chess team won the President's Cup trophy after defeating the University of Maryland at Baltimore County, Duke University and Miami Dade College. The team's five and a half point margin of victory was the largest in the tournament's seven year history.

Team members Alejandro Ramirez, Magesh Chandran Panchanathan, Marko Zivanic, Drasko Boskovic, Dmitri Shneider and Davorin Kuljasevic were guided by their coach, Rade Milovanic. The team credits their victory to a thoughtful strategy and a rigorous practice regimen before the tournament. Drasko Boskovic, a junior business administration major, was selected as the tournament's Most Valuable Player. He outscored all other competitors and had a perfect 3–0 record.

The University of Texas at Dallas is an outstanding school of high academics; the freshman class typically boasts above average SAT scores. Located at the convergence of Plano, Richardson and Dallas, the school enrolls more than 14,500 well-rounded and ambitious students. The university offers bachelor's degrees, master's degrees and doctoral degree programs. I am proud to represent the University of Texas at Dallas in the 32nd Congressional district of Texas.

I congratulate these students for their success in collegiate chess, a true indicator of intelligence, and wish them the best of luck in their future academic and chess endeavors.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

HON. BRIAN P. BILBRAY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. BILBRAY. Mr. Speaker, as we enter the fourth year of the conflict in Iraq, we have before us today a supplemental appropriations bill that should serve one purpose and one purpose only—to provide funding for the safety, security and well-being of our troops. Time and time again, both Democrats and Republicans have pledged to provide our brave Armed Forces with the resources they need to do the job they have been sent to do. Today represents a moment in time when that rhetoric can be supported with bold and definitive action.

That is why it is all the more disappointing that at a time when we should be voting on legislation to provide the necessary supplies, armor, and technology needed to be successful, the Democrats have decided to politicize this process. Led by Speaker NANCY PELOSI, the majority party has taken this opportunity to add non-military provisions such as $74 million for peanut storage costs, $5 million for tropical fish and billions of dollars worth of special-interest pork projects. I have to ask, why would this extraneous non-emergency material be included in a war spending bill when it has nothing to do with war spending?

At what point are we going to stop playing politics with the safety and well being of our troops? I don't think there is anyone in this Chamber who doesn't believe we need to do all we can to support our brave men and women in uniform. However, I find it sad that the bill before us today is being used to satisfy the whims of lawmakers with an appetite for special interest pork projects. Such an effort amounts to nothing more than institutionalizing bribery.

In addition to the more than $21 billion in pork spending, H.R. 1591 plays politics in a completely different way by setting a timetable for the redeployment of our troops from Iraq.

I believe that the President made a good decision by appointing General Petraeus to command all U.S. Forces in Iraq. The fact that every Democrat in the United States Senate voted to confirm the general reinforces the belief that his new plan and vision for the war on terror is the right one. Implementing a "slow-bleed" strategy will deny the general the opportunity to implement his plan and change the tide in Iraq.

Overseeing the greatest military on Earth while trying to initiate great tactical change is a monumental task, but I feel we owe it to General Petraeus to give him the necessary tools to defeat the terrorists and bring our troops home. In no way can General Petraeus, or any of our military leaders for that matter, be successful in Iraq if a timeline for redeployment becomes law.

The same restrictions should not be placed on our President. My colleagues and I were elected under Article I of the United States Constitution, an article that does not give us the authority to be Commander in Chief. Article II clearly cedes that authority to the President of the United States, whoever he or she is, and from whatever party he or she belongs to. Now, it's no secret that almost every member of the Senate harbors ambitions to one day be President, but until now, I didn't realize that everyone in the House felt the same way. This "slow-bleed" scheme represents an unconstitutional infringement upon the authority of the President as Commander in Chief.

The point is that politicians in Washington should stop trying to micromanage this war and allow the President and his generals to have the troops, equipment, and supplies to complete the goals that have been set. Our troops are not a bargaining chip to be used by congressional Democrats to leverage more excessive and unnecessary pork spending.

Rather than support a bill that provides $25 million for spinach replenishment, I urge my colleagues to oppose H.R. 1591, so that we can get back to work and pass a clean bill free of any extraneous spending and disastrous military timelines.

RESOLUTION IN HONOR OF BISHOP GILBERT EARL PATTERSON—"BE HEALED, BE DELIVERED AND BE SET FREE"

HON. CAROLYN C. KILPATRICK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. KILPATRICK. Madam Speaker, such are the favorite words of proclamation that characterized the ministry thrust of presiding Bishop, Bishop Gilbert Earl Patterson, whom our Heavenly Father has seen fit to release from the cares of this life, and move from labor to reward. We must, in humble submission, yield to the infinite wisdom and divine will of God who does all things well.

Whereas, Bishop G.E. Patterson was born of humble means in Humboldt, Tennessee to Bishop W.A. and Mrs. Mary Patterson on September 22, 1939. He grew up in Memphis, Tennessee before moving to Detroit, Michigan with his family in 1952 and preached his first sermon at age 17 and was ordained an Elder in the Church of God in Christ by Bishop John Seth Bailey in Detroit in 1958. Bishop Patterson moved back to Memphis in 1961 to assist his father at Holy Temple Church of God in Christ and subsequently established a new congregation in 1975 named Temple of Deliverance, the Cathedral of Bountiful Blessings, in Memphis, Tennessee, and . . .

Whereas, Bishop G.E. Patterson led Temple of Deliverance to outgrow its first church location within three years and built a new $1.2 million 1,200-seat sanctuary to become the first church in Memphis, Tennessee to be built by black workers that cost more than a million dollars. Additionally, in 1999 Bishop Patterson's visionary leadership moved Temple of Deliverance to purchase a $13 million campus that featured a 5,000 seat worship center which now houses a membership of 13,000 members, and . . .

Whereas, Bishop G.E. Patterson rose to international prominence as the charismatic leader, Presiding Bishop and Chief Apostle of the Church of God in Christ and was instrumental in increasing the denomination membership ranks to more than 6.5 million members in 58 countries, as well as overseeing a global media empire that included television, radio, internet, recording, and publishing divisions; time will not remove the treasures carried in so many hearts, nor dim the shining thoughts and memories that linger as a result of Bishop G.E. Patterson's humble spirit, sage counsel, visionary leadership, anointed preaching, and spirited worshipper of God, and . . .

Whereas, we the Members of the Congressional Black Caucus extend our deepest expression of sympathy to the entire COGIC Denomination, may God's uplifting power carry each of you through your hour of bereavement.

Therefore, be it resolved, that we Celebrate, Rejoice, Praise and Thank God for the example of Bishop Patterson's devoted and faithful life of ministry to humankind, his unselfish dedication as a world-wide spiritual leader to the saints everywhere, and especially within the Church of God in Christ.

Be it further resolved that the Patterson family will remain in our thoughts and prayers with the reminder that Jesus, the Man of Sorrows, understands all that transpires in our frail, human lives.

Be it finally resolved that a copy of this resolution be presented to the family and a copy be placed in the records of the Church.

HONORING NATIONAL PEACE CORPS WEEK

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. WALSH of New York. Madam Speaker, I rise today in honor of National Peace Corps Week, which took place from February 26th until March 1st, 2007.

The Peace Corps was founded in the early 1960s, and has grown to a force of 7,749 volunteers in 73 overseas countries. The Peace Corps has done great work all over the world in numerous fields, including improving agriculture, business development, improving information technology, bettering education, improving healthcare, and protecting the environment.

The Peace Corps provides those who join with extensive training in language skills as well as skills in numerous other fields that give them the foundation to eventually work in any field they choose, much like how I ended up serving my constituents here in Washington after I had spent time in the Peace Corps serving in Nepal.

Today I would especially like to thank Catherine Bukowski, Terry Callan, Katie Clifford, Laurence Dessein, Patrick Gannon, Kerry Goessling, Lisa Jackson, Chetou Lamare, Ryan McCarthy, Samuel Tassone, and Patrick Wayne; all constituents of mine selflessly serving overseas in the Peace Corps. All of these men and women should be commended for their tireless effort, and that is I why I stand today to recognize them and all those serving in the Peace Corps.

HONORING COACH TERRY BUCKLES

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to publicly congratulate Terry Buckles for achieving his 500th career win as Head Coach of the Central Hardin High School Women's Basketball Team.

Throughout his 22 year career, Coach Buckles has epitomized the qualities that make Kentucky hold its basketball heroes in high regard. His steady leadership and the lifelong lessons imparted on his players have made his teams a model of teamwork and good sportsmanship. His success is evident through his players, 26 who have continued their student-athlete careers at the collegiate level.

In addition to his remarkable record of wins, Coach Buckles has coached his teams to six Kentucky High School Athletic Association Regional Championships. In 1996, he took the Central Hardin Lady Bruins to the state finals and later coached his team to a Kentucky AAU State Championship victory. His success has continued this season, leading the Lady Bruins to a 23–6 record, ranking fourth in the state. With his 500th win, Coach Buckles has joined only seven other coaches who have reached this milestone. He currently stands as the all time leader in wins in the Fifth region and ranks in the top ten for career wins for women's coaches in state history.

Coach Buckles hard work and success at Central Hardin High School has been recognized throughout the Commonwealth. He has received numerous "Coach of the Year" awards; is an inductee of the Fifth Region Hall of Fame; and was honored last year with induction into the Kentucky Association of Basketball Coaches "Court of Honor," the highest tribute a basketball coach in Kentucky can receive.

I would like to recognize Terry Buckles today before the entire U.S. House of Representatives for his recent coaching milestone. His contributions to education and athletics make him a remarkable citizen worthy of our appreciation and respect.

HONORING RON BOONE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay tribute to the memory of Ron Boone, a remarkable public servant and friend from my home state of Kentucky. Mr. Boone, a long-time radio news broadcaster in Elizabethtown, passed away unexpectedly in February, 2004. He will be posthumously inducted into the Kentucky Journalism Hall of Fame early next month.

Ron Boone was a legend in Central Kentucky, broadcasting on radio stations WIEL, WASE, WSAC, WRZI and WKMO throughout his 31 year career. He was affectionately known among his colleagues as "The Dean of Newscasters", and was universally praised by listeners and interview subjects for his unbiased reporting.

I have fond memories of Ron Boone dating back to my first days as a candidate in the spring of 1994. Ron reported extensively on my election that year, subsequent elections, and on countless votes and official events that occurred over the course of my first six terms in Congress. I always enjoyed my conversations with Ron, particularly his thoughtful and well-informed observations on our community and Kentucky politics. Indeed, he was very good at what he did.

In addition to his upcoming induction into the Kentucky Journalism Hall of Fame, Ron has also been recipient to the Kentucky Associated Press Broadcasters Association Distinguished Service Award, the Kentucky Mic Award from the Kentucky Broadcasters Association, and was inducted into the Elizabethtown-Hardin County Chamber of Commerce Hall of Fame.

Despite many deserved professional accolades, Ron Boone's most enduring legacy was his love of family and his unwavering dedication to his friends, neighbors and community. Though the years were too few, his was a life very well lived.

It is my great privilege to honor the memory of Ron Boone today, before the entire U.S. House of Representatives, and to send our collective congratulations to his wife Judy who will accept the Kentucky Journalism Hall of Fame Award on his behalf.

IN HONOR OF PRIVATE CLARENCE SPENCER, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor one of the bravest and most dedicated young heroes of North Texas and of our Nation.

Army Private Clarence Spencer was killed in Blad, Iraq while fighting against enemy forces in one of the most important conflicts our Nation has ever engaged in.

Clarence Spencer gallantly and selflessly gave his life for his country while fighting alongside his fellow soldiers of the First Cavalry Division from Fort Hood, Texas.

Private Spencer is survived by his mother, son and loving wife, Army Private Charlotte Spencer, who has also devoted herself to our Nation's noble military profession.

Clarence Spencer served three tours in Iraq, two of which were as a marine. Wounded in Iraq on a previous tour, he demonstrated tremendous courage by deploying into harm's way once again.

Private Clarence Spencer is gone, but he will never be forgotten. His memory lives on in our hearts and America is eternally grateful for his spirit and dedication.

As Clarence's Dunbar High School football coach said about him, "I've coached faster, stronger and more talented students, but I've never coached anyone that I was more proud of."

That is precisely the way that the Fort Worth community and our Nation feel about soldiers such as Private Clarence Spencer—a true American hero.

TRIBUTE TO DR. KEN GIBSON, PRESIDENT OF DONNELLY COLLEGE

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to Dr. Ken Gibson, who recently announced his retirement, effective June 30th, following nine very successful years as president of Donnelly College of Kansas City, Kansas.

Donnelly College is an important part of the Kansas City, Kansas, community, and offers more than just an education to students. As Dr. Gibson reflected in a recent article in the Kansas City Kansan, "Donnelly College is essentially about hope. If you are not satisfied, you can change it and you can achieve what you are capable of. We have some really good students and I think we give them a great education."

The recipient of a master's degree from the University of Kentucky and a Ph.D. from Southern Illinois University, Dr. Gibson began his career with Kentucky's Henderson Community College, where he later served as dean of instruction. Prior to returning to Henderson Community College, he was affiliated with John A. Logan College, of Illinois. In 1981, Dr. Gibson moved to Kansas, where he served as Hutchinson Community College's dean of instruction; he later took the same position at Johnson County Community College, located in my congressional district, where he worked until becoming president of Donnelly College in 1998.

Under Dr. Gibson's leadership, Donnelly College reversed a significant drop in enrollment and received over $12 million in donations and grants, including awards from the U.S. Department of Housing and Urban Development. Among the programs offered by Donnelly, the Henry W. Bloch Scholarship offers full tuition to students and is transferable to Rockhurst University or the University of Missouri-Kansas City. Donnelly also participates in Kansas Bridges to the Future, a transferable scholarship to Kansas State University.

Additionally, during Dr. Gibson's tenure, Donnelly College introduced a bachelor's degree program, began development of a licensed practical nurse joint program with Johnson County Community College, and implemented a college extension program at the Lansing Correctional Facility, establishing an opportunity for inmates to earn an associate's degree. As Dr. Gibson noted in the Kansas City Kansan, "It makes a difference for inmates' lives. Of 66 students (involved with the program), only one has gone back to prison."

Madam Speaker, Dr. Ken Gibson has been a distinguished educational leader in the Kansas City community, which is a better place due to his enlightened leadership. He has been a trusted advisor to me on matters of education policy and other concerns involving the Third Congressional District of Kansas. I commend him for his successful tenure with Donnelly College and wish him and his family many happy returns upon his well-deserved retirement.

TRIBUTE TO JOHN WALTERSHAUSEN

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the memory of Mr. John Waltershausen of Littleton, CO.

Mr. Waltershausen was born in Chicago, IL, and served in the United States Army Air Corps during World War II from 1944–1946. During his military service, he played a heroic role in an incredibly significant moment in history, what many historians now believe to be the end of World War II. I believe his story is most worthy of being preserved in the CONGRESSIONAL RECORD.

Five days after the bombing of Nagasaki, copilot John Waltershausen and the other nine crew members of the B–29B Super Fortress *Boomerang* flew, along with 142 other bombers, in what is now known as the "Last Mission."

Awaiting word of surrender from Japan, John and his crew were ordered on one last assignment, to bomb an oil refinery in Akita, Japan. The Japanese did not think that the U.S. could reach Akita from Guam and, as such, did not build strong defenses there.

Even though the crew of the *Boomerang* knew they might not have enough fuel to get back, the crew proceeded in the mission to take out 67 percent of Japan's remaining oil refining capacity, as well as causing an air raid blackout alert.

Unbeknownst to them, a group of Japanese officers attempted to prolong the war by staging a coup d'état in seizing Japan's Imperial Palace and with it Emperor Hirohito. Upon the takeover of the Imperial Palace, the rebel leader Hatanaka learned that Emperor Hirohito had left the palace. Knowing that Hirohito had recorded a message of surrender that had not yet been broadcast on Japanese radio, the rebel officers hoped to sway the Japanese military into continuing the war with the U.S. However, because of the blackout caused by the U.S. bombing mission that included John Waltershausen's B–29B *Boomerang*, the rebel officers were unable to find the emperor's recording or to broadcast their own message to the Japanese people and soon lost their control of the situation. The message of surrender from Emperor Hirohito was broadcast the next morning.

The "Last Mission" was 3,800 miles and the longest mission flown up to that time. By a bizarre twist of fate, it also marked the end of World War II.

After the war, John married Sally Erwin and they had two daughters, Karen and Karoline. Today, they have 4 grandsons—Gregory, Benjamin, Jacob, and Samuel. John spent the last 45 years of his life in Colorado, with his happiest days being in the beautiful Colorado mountains.

Madam Speaker, I am grateful for Mr. Waltershausen's selfless service to our Nation. His story should be preserved for posterity. I urge my colleagues to join me in recognizing a man worthy of our honor, Mr. John Waltershausen.

TRIBUTE TO FRED LEE HARRIS

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. GEORGE MILLER of California. Madam Speaker, with a heavy heart, I rise to pay tribute to the life of Richmond icon and youth football coach Fred Lee Harris who died on March 16, 2007. For 27 seasons, Fred Harris dedicated his life to the Richmond Steelers football organization, providing coaching and moral leadership to hundreds of young players who have been a part of this community institution. As Head Coach of the program, Coach Harris was honored as a valuable role model in the community, establishing a consistent winning tradition and a healthy, positive environment for youth both on and off the field.

Freddie Lee Harris, as he was known to his family, was born to the proud parents of Charles and Helen Harris on February 21, 1945, in Monroe, LA. At an early age, Fred moved with his family to Richmond, CA, and soon became the oldest of seven children. He attended school in the Richmond Unified School District and graduated from Harry Ells High School in 1963. Mr. Harris was a successful electrician for over 35 years, and became involved with the Richmond Steelers when his own son went out for the team.

Despite raising four children and having a full-time career, Fred managed to volunteer 25 hours a week from July to December in order to coach the Steelers' most advanced team, the Midgets. Up until 2005, the Midgets won six consecutive league championships. Moreover, he was the coach and equipment coordinator for the entire program and attended as many as four football clinics a year to make sure the Steelers kept current with the latest coaching and equipment innovations. Fred's natural leadership abilities extended beyond his passion for football and coaching, and he envisioned his position as a chance to nurture life lessons and good values in his players.

The Richmond Steelers organization is not just a refuge for the youth in Richmond. The five teams, which consist of players from the ages of 6 to 14, are a valuable resource for parents who disapprove of Richmond's violent street life. Many have said that under Coach Harris' guidance, the Steelers is one of the most effective violence prevention programs in Richmond. As a coach and adviser, Fred instilled the type of pride in his players that comes from discipline, hard work, and team work, the type of pride that lasts for generations.

Fred Harris was not just a coach, but an effective mentor. Fred saw the athletic and individual potential in each child with whom he worked, and he was dedicated to helping his players reach that potential through constructive means. Many sons of Richmond would have been lost without this resource.

To Coach Harris' wife, Etta Harris, and his children: Andre, Fredda, Felicia, and Maryhelen, I extend my heartfelt condolences. His loss is shared not only by those who knew Fred personally but also by all those in Richmond who benefited from his direction and hard work over the years. We will be forever grateful for the integrity, passion and unwavering commitment with which he sought to make the legendary Richmond Steelers a safe place to foster hope.

IN RECOGNITION OF THE 90TH BIRTHDAY OF PEARL RICHTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. KAPTUR. Madam Speaker, it is with great pleasure and honor that I congratulate Mrs. Pearl Marcus Richter of Toledo, Ohio, on the occasion of her forthcoming 90th birthday. Pearl will be celebrating this milestone event with family members, including two grandchildren, who will be gathering this weekend in the Washington, DC area where Pearl's daughter and son have each settled.

Pearl was born on April 6, 1917, in Indianapolis, Indiana, to immigrant parents (like so many other fine Americans) on that momentous day in history during which Congress declared war against Germany and the U.S. entered the conflict in Europe that became World War I. Her mother was ill during most of her childhood and Pearl was always a great help in the home. Pearl graduated from Shortridge High School in Indianapolis in 1934 at the age of 17. In 1936, her mother passed away, leaving Pearl to be the female head of a household that included her father and one older and one younger brother. In 1941, life changed dramatically for Pearl. She met Morris A. Richter in February, it was love at first sight and in May they married and moved to Terre Haute, Indiana, where Morris worked.

For nearly 15 months, December 1944–February 1946, Pearl was at home alone to care for a daughter, born in 1941, and a son, born in 1944, while Morris served in the American Area Campaign of the U.S. Navy. Both children share the same birthday, July 18, and Pearl always jokes that it was because her husband was an accountant. In the summer of 1958, the Richter family moved to Toledo, Ohio, where Morris had taken a job with the federal government, and into a house on Cheltenham Road in the Old Orchard district. Daughter Ceceile Kay graduated from the University of Toledo in 1963 and son Sheldon Jay graduated from Ohio State University in 1967. Pearl was at both graduations but unfortunately Morris was not; he had died of a heart attack in October 1961, just weeks after his 46th birthday. Pearl went to work soon afterwards as a sales clerk with Petrie Stores and had worked her way up to assistant manager before she retired.

Pearl has always been active in her synagogues and taught Sunday School in both

Terre Haute and Toledo. In Toledo, she is a member of B'nai Israel Synagogue and its Sisterhood and its Synagogue Organized Afternoon Program. She is also an active member and was an officer for several years in the Friendship Club, one of many activities she enjoys through the Jewish Family Services Senior Adult Center. Pearl lived in Kenwood Gardens for over 35 years and since late 2001 has enjoyed living at Carriage House East where she is a regular caller at monthly bingo and a semi-regular in an informal poker club in which she is one of the youngest members. Pearl's favorite activity besides working crossword puzzles is Mah Jongg, and she plays as frequently as she can. She is a member of the National Mah Jongg League, having joined soon after its inception in 1937, and she is always the first in her groups to learn the rules' changes each year.

Even more so than any of the above, her family and friends know Pearl as a favorite baker. Pearl used to bake almost every day and most of this she would give away. Now she has cut her baking back to a few times a month. A visitor to her home is always served a cup of steaming hot coffee or, perhaps, fresh-squeezed lemon or lime ade, and a baked dessert. If something fresh is not on the counter, her visitors need not worry. There are always tins of baked goods in her freezer. Her family has been wishing for some time that Pearl would move to the Washington, DC area where one of the pleasures, besides her company, will be the ritual of opening her freezer to see what baked goods are inside. Pearl has always been generous about sharing her recipes. Family members and close friend Bea Goldman have now sent copies of these recipes to Pearl's daughter, who will be combining them with recipes in her collection and from her memory into a recipe book to be provided to guests after the dinner in honor of Pearl's birthday.

I join with Pearl's family and friends in wishing her a most joyous birthday, spent looking back in fond recollection and looking forward to future years. Congratulations and best wishes!

INTRODUCTION OF THE BRIGHT ENERGY SAVINGS ACT

HON. DANIEL LIPINSKI

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LIPINSKI. Madam Speaker, today I am introducing the Bulb Replacement In Government with high-efficiency Technology Energy Savings Act, otherwise known as the BRIGHT energy savings act.

Today Americans are rightly concerned about the impact of foreign energy dependence on our national security and the effect of global climate change on the future of our planet. The BRIGHT Energy Savings Act will help us to address both of these issues by cutting down significantly on energy use by the Federal government, and at the same time it will save millions of taxpayer dollars. It's a win for the environment, a win for national security, and a win for American taxpayers.

This bill directs the GSA to replace commonly used low efficiency light bulbs with high efficiency bulbs whenever a new bulb is installed in a GSA-owned federal building.

The impact of the BRIGHT Energy Savings Act could be significant. The GSA owns approximately 1,800 facilities with about 174 million square feet of space. At least 3 million lights throughout the Federal government could be upgraded to high efficiency bulbs.

One type of high efficiency bulb that could be used is the Energy Star-certified Compact Fluorescent Light bulb, also known as a CFL. CFLs use approximately 75 percent less energy than incandescent bulbs to provide the same amount of light and they last approximately 8–10 times longer. Replacing an ordinary bulb with a comparable CFL saves up to $74 in energy costs over the bulb's lifetime. It's easy to see that hundreds of millions in taxpayer dollars can be saved by implementing this bill.

As an engineer by training, I am fascinated by the promise of new and emerging technologies and what they mean for our future. In addition to CFLs, new halogen technologies are expected to become commercially available later this year. Further down the road, LEDs (light-emitting diodes) will revolutionize the lighting industry, leading to vastly more efficient lighting and the prospect of bulbs that do not burn out. Much of this technology represents American ingenuity and innovation, and provides hope for a brighter future. And with the Federal government purchasing large quantities of these high efficiency bulbs, this next generation of technology will be less costly to put in American homes.

Reduced energy consumption, lower greenhouse gas emissions, and saved taxpayer dollars. It's a common sense, practical measure that is simply the right thing to do. A bipartisan group of more than 35 members have already joined us on the BRIGHT Energy Savings Act; clearly, the future is bright.

INTRODUCING THE AGRICULTURE EDUCATION FREEDOM ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. PAUL. Madam Speaker, I rise to introduce the Agriculture Education Freedom Act. This bill addresses a great injustice being perpetrated by the Federal Government on those youngsters who participate in programs such as 4–H or the Future Farmers of America. Under current tax law, children are forced to pay federal income tax when they sell livestock they have raised as part of an agricultural education program.

Think about this for a moment. These kids are trying to better themselves, earn some money, save some money and what does Congress do? We pick on these kids by taxing them. It is truly amazing that with all the hand-wringing in Congress over the alleged need to further restrict liberty and grow the size of government "for the children" we would continue to tax young people who are trying to lead responsible lives and prepare for the future. Even if the serious social problems today's youth face could be solved by new federal bureaucracies and programs, it is still unfair to pick on those kids who are trying to do the right thing.

These children are not even old enough to vote, yet we are forcing them to pay taxes! What ever happened to no taxation without representation? No wonder young people are so cynical about government!

It is time we stopped taxing youngsters who are trying to earn money to go to college by selling livestock they have raised through their participation in programs such as 4–H or Future Farmers of America. Therefore, I call on my colleagues to join me in supporting the Agriculture Education Freedom Act.

IN HONOR OF SERGEANT FIRST CLASS ALLEN MOSTEIRO, UNITED STATES ARMY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. GRANGER. Madam Speaker, I rise today to honor the courage of one of the bravest and most dedicated heroes of the Fort Worth community and of our Nation.

Sergeant First Class Allen Mosteiro was an 18-year veteran of the Army who was assigned as a scout leader in the first cavalry division based at Fort Hood, Texas.

He gallantly and selflessly gave his life for his Country as a result of wounds he received during a firefight in Taji, Iraq on February 13, 2007.

Sergeant Mosteiro is survived by his wife, son, parents, one brother and three sisters.

As a career soldier and senior non-commissioned officer, Sergeant Mosteiro's leadership was instrumental in developing younger soldiers and he did not take this responsibility lightly.

Sergeant First Class Mosteiro is gone, but he will never be forgotten. His memory lives on through the family he left behind and in the soldiers that he so ably led.

Our community and Nation honor Sergeant First Class Mosteiro's memory and we are grateful for his 18 years of faithful and distinguished service to America.

TRIBUTE TO NASA ASTRONAUT STEVE HAWLEY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. MOORE of Kansas. Madam Speaker, I rise today to pay tribute to a distinguished, courageous Kansan, NASA astronaut Steve Hawley, who will be inducted into the U.S. Astronaut Hall of Fame on May 5th.

Steve Hawley, age 55, flew aboard the space shuttle *Discovery* during its maiden voyage in 1984 and is a veteran of four other shuttle missions. An accomplished astronomer, he helped deploy two of NASA's four

Great Observatories, spacecraft that have shed unprecedented light on the origins and evolution of the universe. He flew aboard *Columbia* on a mission that landed just 10 days before the January 1986 *Challenger* accident. He helped deploy the Hubble Space Telescope during a 1990 *Discovery* mission and then serviced NASA's flagship observatory during a 1997 *Discovery* flight. His final shuttle mission was a 1999 *Columbia* flight during which the Chandra X-Ray Observatory was deployed. He now serves as director of NASA's Astromaterials Research and Exploration Science Directorate at the Johnson Space Center.

Born in Ottawa, Kansas, Dr. Hawley considers Salina, Kansas, to be his home town. He received a B.A. in physics and astronomy (with highest distinction) from the University of Kansas in 1973 and a Ph.D. in astronomy and astrophysics from the University of California in 1977. His research involved spectrophotometry of gaseous nebulae and emission-like galaxies with particular emphasis on chemical abundance determinations for these objects. He was selected as a NASA astronaut in 1978.

A veteran of five space flights, Dr. Hawley has logged a total of 32 days in space. Closer to home, he has visited with student groups and community organizations in the Third Congressional District of Kansas on six occasions: in 2000, 2002, 2003, 2004, 2005 and 2006. I look forward to his return to my congressional district next month, on April 11th. On behalf of the people of Kansas' Third Congressional District, I commend Steve Hawley on his upcoming induction into the U.S. Astronaut Hall of Fame, congratulate him on his five successful space shuttle missions, and thank him for the many hours he has spent making space exploration and space technology come alive for his audiences in my congressional district.

TRIBUTE TO ANNETTE KLANG SMAIL

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor my friend Annette Klang Smail who passed away March 10, 2007, in Marin County, California, after a lifetime of activism. Annette Smail's feisty grassroots approach worked on both the local and national levels, as she advocated nonstop for causes she believed in.

Annette was born in Napa County in 1920 and graduated from the University of California at Berkeley in 1943 with a degree in English. She moved to Chicago where she met famed community organizer Saul Alinsky. She was a council delegate in his "Back of the Yards" neighborhood social movement, worked as a reporter and editor for its journal, and traveled to Washington, D.C., to advocate for meat packers.

In 1949, Annette married Air Force serviceman Donald Smail, and moved to Novato, California, with him in 1966. Upon their divorce in 1971, she discovered that she was no longer eligible for military medical benefits. And thus began a national crusade to secure these rights for former spouses of military personnel.

She felt the regulations left many women vulnerable and, in 1977, persuaded then-Congressman John Burton to introduce a bill to grant medical benefits to ex-spouses who had been married at least 20 years. The bill passed in 1984. Many women have benefited from her effort, especially older women whom she felt were often dependent upon their husbands after years of marriage.

Annette founded the Older Women's Caucus of National Women's Political Caucus, was a delegate to a White House Conference on Aging, and, in Marin County, co-founded the Novato Human Needs Center. In 1991, she was inducted into the Marin Women's Hall of Fame. Her commitment to ordinary people and her boundless energy inspired admiring reactions from her friends and family, and Rep. Burton called her "the grande dame of the women's movement in Marin."

Madam Speaker, we will miss Annette Smail's grassroots activism and her tireless efforts for a good cause. Her example has motivated many others to fight for their rights and not give up. And she paved the way for women like me to become involved and seek leadership positions. I am pleased to honor her today for all she has meant to so many.

TRIBUTE TO DR. KARL CARSON

HON. MARILYN N. MUSGRAVE

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mrs. MUSGRAVE. Madam Speaker, I rise today to honor the memory of Dr. Karl Carson of Fort Collins, Colorado. Dr. Carson was quoted in 2005 saying he lived by a simple pledge: "I hope, when I leave this place, I contributed to making it a better place." His legacy in Fort Collins was indeed a life of community service and devotion to family.

Karl was born on September 27, 1915, in Wichita, Kansas, to Daniel and Clara Helfrick Carson. He was raised on the family dairy farm and every day before he went to school he milked cows and bottled milk. In high school, he met his lifelong sweetheart Wilma Schull and they married August 23, 1936. To this union five children were born: Allen, James, Daniel, Thomas and LuAnn. The Carsons also have eight grandchildren and four great grandchildren.

Karl Carson attended Fort Hays State University in Kansas a music scholarship. He paid his way through college by singing at weddings and parties. He served in the U.S. Navy Reserve during World War II. Mr. Carson was a communications officer on the U.S.S. *Strive*, a mine sweeper.

Following his military service, Mr. Carson attended the University of Nebraska and received his doctor of dental surgery degree in 1951. The Carson family moved to Fort Collins where Dr. Carson started his dental practice in 1954. His practice thrived and continued until his retirement in 1994. For 30 of those 43 years he practiced dentistry with his son, Tom. In 1991, the Colorado Dental Association gave him its Distinguished Service award.

Dr. Carson was a member of the Fort Collins City Council from 1965 to 1973. He held the city's top post, mayor, for five terms from 1968 to 1973 at a time when City Council elected the mayor. He considered his support of adding fluoride to Fort Collins water supply among his greatest achievements. During his tenure, he started a program called Designing Tomorrow Today, which led to the construction of the Lincoln Center, city hall, and the downtown library.

Dr. Carson's community service is legendary. He was the director of downtown Fort Collins development, president of Colorado Municipal League, and the Colorado League of Cities. He was also a member of Kiwanis since 1938. Continuing his love of music and youth, he lent his expertise to participants in the Kiwanis annual Stars of Tomorrow Talent Show.

Madam Speaker, Dr. Karl Carson indeed fulfilled his legacy of leaving this world a better place. The citizens of Fort Collins, Colorado will never forget him. He was a man of love and commitment to his family and community. I urge my colleagues to join me in recognizing Dr. Karl Carson.

PRIORITIZING COLONY COLLAPSE DISORDER RESEARCH

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce the "Pollinator Protection Act." This legislation reflects my deep concern for the future of agriculture in this country by authorizing funding to confront the drastic decline of North American pollinators.

Madam Speaker, an alarming number of honey bee colonies have experienced irregular die offs throughout the United States in recent years. This phenomenon has been recently termed "Colony Collapse Disorder" because of its lack of recognizable underlying cause. This legislation that I introduce today will prioritize addressing Colony Collapse Disorder to protect the viability of American farmers.

This legislation is crucial because the security of food production is in jeopardy when there is a threat to the lives of honey bees. These little pollinators are a keystone species in their responsibility for the pollination of one-third of the crops that we consume. More specifically, pollination by honey bees promotes healthy growth and adds over $15 billion annually to the value of U.S. crops.

Madam Speaker, the number of honey bee colonies throughout North America has gradually declined in recent decades due to parasites, pathogens, toxins and a host of other environmental factors. However, this rate of decline has increased significantly with the emergence of Colony Collapse Disorder. If the current rate of decline continues, the United States will be forced to rely more heavily on imported foods. This destabilization of American food security would have adverse effects on the availability, price, and quality of the many fruits, vegetables, and other products that depend on animal pollination.

I am proud of the vibrant variety of produce and citrus my district contributes to our Nation's food supply. However, this is an issue that not only impacts Floridians, but all citizens throughout this Nation. This is why I am honored that the Florida Department of Agriculture has contributed significantly to addressing Colony Collapse Disorder through the work of Jerry Hayes, Assistant Chief of the Bureau of Plant and Apiary Inspection. Mr. Hayes has contributed significantly to the Colony Collapse Disorder Working Group and I commend his effort along with those of his colleagues at the Pennsylvania State University, the United States Department of Agriculture—Agricultural Research Service, Bee Alert Technology, Inc., North Carolina State University, and the Pennsylvania Department of Agriculture.

Madam Speaker, it is necessary to provide funding to sustain the vital research of the Colony Collapse Disorder Working Group and the United States Department of Agriculture. As a former member of the Committee on Science and a graduate of Fisk University with an undergraduate degree in Zoology, I understand the value of their critical research. More specifically, this legislation will authorize immediate funding for laboratories conducting agricultural research at United States Department of Agriculture facilities as well as a reserve of $10,000,000 for cooperative state research, education, and extension service grants to conduct relevant research to protect American agriculture. This legislation also authorizes $5,250,000 over five years to conduct research specifically on Colony Collapse Disorder in the many affected States.

Madam Speaker, it is vital that this Congress takes on the task of supporting the work of the Colony Collapse Disorder Working Group. I would like to commend my colleague Chairman CARDOZA of the Subcommittee on Horticulture and Organic Agriculture for taking up this charge by calling for a hearing on "Honey Bee Decline" this upcoming Thursday, March 29, 2007. I hope that the Pollinator Protection Act that I introduce today will aid in this cause and urge this Congress to prioritize this effort. I look forward to working with Chairman CARDOZA on this issue and offer my utmost support for restoring stability to honey bee pollinated agriculture in this great Nation.

HONORING THE TUSKEGEE AIRMEN

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today to congratulate the Tuskegee Airmen on receiving the Congressional Gold Medal. "Tuskegee Airmen" refers to all who were involved in the so-called "Tuskegee Experiment," the Army Air Corps program to train African Americans to fly and maintain combat aircraft. The Tuskegee Airmen included pilots, navigators, bombardiers, maintenance and support staff, instructors, and all the personnel who kept the planes in the air and bravely served our Nation during World War II.

In July 1941, 13 men started the first aviation cadet class at Tuskegee Army Field in Tuskegee, Alabama. After 9 months of vigorous flight training, 5 men successfully completed the program and graduated from the Tuskegee Flying School. These 5 airmen included CPT Lemuel R. Custis of my home State of Connecticut, who went on to become one of the first members of the 99th Fighter Squadron. The United States sent the 99th Fighter Squadron to North Africa and later Europe, where the Tuskegee Airmen proved to be valuable to the Allied Forces. In total, the Tuskegee Airmen of the 99th, 100th, 301st, and 302nd Fighter Squadrons distinguished themselves with 1,578 missions. Also, the 332nd earned a Presidential Unit Citation for "outstanding courage, aggressiveness, and combat technique" while escorting heavy bombers over Germany, The next generation of these outstanding individuals featured another constituent of mine, Flight Officer Connie Nappier, Jr., of Hartford, Connecticut. Nappier strived to excel at his work and passed every navigation exercise. Despite his accomplishments, he and others were constantly accused of cheating or denied credit for their outstanding achievements, which went directly to the white instructors. Connie Nappier and 100 other men were even thrown in prison for attempting to use the segregated Officer's Club at Freeman Field in Indiana, only to be released at the order of President Truman. The brave efforts of men like Connie Nappier, Jr., paved the way for African American aviators in the military.

Finally, these outstanding individuals will officially receive the award and credit that they have long deserved. Unfortunately, my constituent, Lemuel Custis passed away in February of 2005 at the age of 89, and will not have the opportunity to receive the honor he long deserved for his brave service to our Nation. Custis himself recognized in his own words that the Tuskegee Airmen "were fighting a war on two fronts. They were fighting the enemy in Europe and Africa and they fought a Jim Crow society at home." Lemuel Custis was a hero and a true patriot, but is widely remembered to be a "humble man who loved his country." Lemuel Custis, Connie Nappier, Jr., and the rest of the Tuskegee Airmen bravely rose above the obstacles set by the rampant discrimination of the period, and courageously defended a democracy that had not yet embraced them as true citizens.

Madam Speaker, I strongly urge my colleagues to join me today in honoring the Tuskegee Airmen for their outstanding service to our Nation. I feel privileged to assist in honoring heroes like Lemuel Custis and Connie Nappier, Jr. who stood up to defend our Nation in the midst of World War II, and helped to break down the racial barriers of the United States military. We all owe them our appreciation and respect for their valiant contribution to this county.

HONORING THE LIFE AND SERVICE OF ENSIGN JESSE L. BROWN, USN

HON. GENE TAYLOR

OF MISSISSIPPI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, March 27, 2007

Mr. TAYLOR. Madam Speaker, I rise today in tribute to the life and service of ENS Jesse LeRoy Brown, United States Navy. Ensign Brown was born in Hattiesburg, Mississippi, on 13 October 1926. He enlisted in the Naval Reserve in 1946 and was appointed a Midshipman, USN, the following year. After attending Navy pre-flight school and flight training, he was designated a Naval Aviator in October 1948, the first African-American to achieve this status. Midshipman Brown was then assigned to Fighter Squadron 32. He received his commission as an Ensign in April 1949.

During the Korean War, he operated from USS *Leyte*, flying F4U–4 Corsair fighter aircraft in support of United Nations forces. On December 4, 1950, while on a close air support mission near the Chosin Reservoir, Ensign Brown's plane was hit by enemy fire and crashed. Despite heroic efforts by other aviators, he could not be rescued and died in his aircraft. ENS Jesse L. Brown was awarded the Distinguished Flying Cross for his Korean War combat service.

In honor of his service, the Secretary of the Navy named the 38th ship in the Knox-class of frigates the USS *Jesse L. Brown*.

Madam Speaker, I know my colleagues will join me in honoring Jesse's memory, and celebrating the addition of a plaque in his memory to the Naval Aviation Monument Park in Virginia Beach, to be presented May 5, 2007. Ensign Brown was both a pioneer and a model of service to country, who gave his life that we might enjoy our freedom.

DR. RABBI PAUL B. SILTON

HON. MICHAEL R. McNULTY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. MCNULTY. Madam Speaker, this morning I had the honor of introducing our guest chaplain for today, my very dear friend and teacher, Dr. Rabbi Paul Silton of Temple Israel in Albany, New York.

In order for House Members to have a greater understanding of Rabbi Silton's extraordinary accomplishments, I submit a more detailed description of his impressive background:

Dr. Rabbi Paul Silton, Rabbi of Temple Israel, the largest conservative synagogue in northeast New York, received his B.A. in Philosophy from Boston University, an M.A. in Hebrew Literature and Rabbinical Ordination from the Jewish Theological Seminary of America in 1970, and a Doctor of Divinity in 1996. At his graduation from the Jewish Theological Seminary, he was awarded the top prize in Pastoral Counseling. While at the Seminary, he studied at the Meir Yeshiva in Brooklyn and taught at religious schools in

Fort Lee, New Jersey; Hartford, Connecticut; and Rumson, New Jersey. He also served as Gabbai of the Seminary Synagogue under the supervision of Dr. Rabbi Saul Lieberman and Dr. Rabbi Louis Finkelstein. Prior to his move to Albany, New York, Rabbi Silton spent 6 years as a teacher and Education Director at Camps Ramah in Glen Spey, New York and in Palmer, Massachusetts. Rabbi Silton arrived in Albany after serving as Rabbi at Congregation Beth Israel in North Adams, Massachusetts. While in North Adams, Rabbi Silton taught at Williams College and served as prison chaplain.

Already in 1974, the pattern of Rabbi Silton's Rabbinate began to diverge from that of his colleagues. Here at Temple Israel, he began his career as Educational Director for students N–12, including the Communal High School, Camp Givah Director and assistant to Rabbi Kieval. In each of those areas, he actively fostered growth and change. Gradually the nursery school expanded into a full Early Childhood Center, servicing day care needs of pre-kindergarten youngsters and their parents. It now includes Baby and Me, Mommy (or Daddy) and Me toddler programs, and morning and afternoon nursery. The Religious School extended to 7 hours a week and featured a school-wide Israeli Dance Program, which eventually grew to present dance performances in Albany, Boston, and New York City. On Shabbatot and High Holidays, preprimary and primary children in addition to "Juniors" could now attend services especially designed for them. As they grew older, students could tour and study in Israel with double the amount of scholarship aid from generous member endowments and community sources. Adults could now attend class 5 days a week and occasionally participate in Hebrew Reading Marathons; Professor Stephen Berk's lecture series became a most successful Adult Education program.

At Camp Givah, Rabbi Silton founded the Kibbutz Program, inspired the building of Yam Sarah (Givah's lake), the arts and crafts center, and the early childhood shelter. He introduced and developed programs in boating, gymnastics, computers, horseback riding, and Red Cross Boating Certification. For younger children who literally could not wait until next summer's Givah excitement, he originated and organized Camp Horef Katan, a winter camp.

As Rabbi Silton's responsibilities increased, so his avid interest in many other areas continued to expand. He founded Holocaust Survivors and Friends in Pursuit of Justice and he hosted the first major 3-day national Holocaust conference for 1500 participants in April 1984 at Temple Israel. Since then he has organized a multitude of services for the community Kristalnacht and Holocaust Memorial commemorations, featuring international figures such as Beate Klarsfeld. He visited Germany several times in support of those testifying at war crimes trials, to officiate at an interfaith service in Passau, Germany, and at other events that united survivors and liberators.

Silton's most passionate efforts, however, have focused on Temple and community. In addition to attending to traditional Rabbinical duties at Temple Israel, he greatly expanded the Bar and Bat Mitzvah roles of boys and girls, initiated full reading of the scrolls by women on various holidays, a women's prayer group, Rosh Chodesh benching, P'Sukei D'Zimra, and regular Torah reading; he introduced Birkat Kohanim on an ongoing basis, a hashkamah (early) minyan and a learners' minyan. He also began a daily study program of Jewish text which takes place every morning. This study program has continued for the past 10 years. In addition, he strengthened the daily minyanim, instituted Yom Kippur dialogues with inspiring international figures, initiated holiday dinners and workshops, organized Hassidic Song Festivals, Cantorial concerts and innumerable Kallot featuring international performers and scholars. Through the efforts of Rabbi Silton, Temple Israel has received numerous awards from United Synagogue of Conservative Judaism including those for: Israel Affairs, Camp Givah, Performing Arts, Community Relations and Israel/Masorti Affairs as well as Education Awards for Programming, High School Education and the Framework for Excellence Synagogue School Program Award. He assisted in the founding of HADAR, the award-winning Judaic Art and Book Center at Temple Israel. Rabbi Silton has also been featured in four books including The Outraged Conscience by Rochelle G. Saidel, 1984; Against the Stream: Growing Up Where Hitler Used to Live by Anna Rosmus, 2002; Out of Passau: Leaving a City Hitler Called Home by Anna Rosmus, 2004; and in a soon to be published book about the Sabbath by Christopher Ringwald.

All of the above mentioned activities attracted the community to Temple Israel but Silton directly involved himself in countless community events as well. For nearly 20 years he directed the Communal High School and taught at the Bet Shraga Capital District Hebrew Academy. When Soviet Jewish immigration was at its height, he supervised the ritual circumcisions of nearly all Soviet immigrants' male children, arranged and officiated at the first Russian Jewish wedding and Bar Mitzvah of these newly settled immigrants in the Capital District. In addition to serving on a host of community boards and committees including the Police Review Board under Mayor Gerald Jennings, he initiated the first Jewish-Latino Seder, hosted the third annual Black-Jewish Seder, assisted the Aviva chapter of B'nai B'rith with the first Seder for the developmentally disabled, discussed Judaism with hundreds of church groups and taught basic Judaism classes and has lectured at area colleges including College of St. Rose, Maria College, Siena College, and SUNY Albany. He also worked with Mayor Jennings on the observance of Yom HaShoah to honor the late Chiune Sugihara, a Japanese "Oskar Schindler". In 1994, Silton built the first mikveh owned by Temple Israel to serve the congregation and the entire Capital district community. The building of the mikveh has been an inspiration to other conservative congregations throughout the country. An article about it will be coming out in the very near future of United Synagogue Review.

On an ongoing basis, Rabbi Silton teaches in the Temple Israel Educational Center: junior high, high school, and adult education departments. Following the Six Day War, Rabbi Silton spent a year of study in Israel with his wife, Faye. While studying at the Hebrew University and the Rav Kook Yeshiva in Jerusalem, he learned to become a Mohel. Ordained in 1968 by the Chief Rabbinate of Israel, he has officiated at thousands of B'ritol Milah from Syracuse to the Catskills to Western Massachusetts. Rabbi Silton and his wife, Faye, are the parents of Elana (Dr. Ari) Moskowitz, Michal (David, Esq.) Kahan, Dr. Akiva (Dr. Sharon) Silton, Tamar, Esq. (Jeremy) Epstein, Aviva (Ami) Robinson, Nava Silton and Shira Silton. They currently have 15 grandchildren.

COMMENDING THE ADELPHI NEW YORK STATEWIDE BREAST CANCER HOTLINE & SUPPORT PROGRAM

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to commend the Adelphi New York Statewide Breast Cancer Hotline & Support Program ("the Program"). The Program, established 27 years ago at the Adelphi University School of Social Work, was one of the first breast cancer programs in the country. This highly respected and valued program has developed important services that have been replicated throughout the U.S., and volunteers have been crucial to the services provided. On April 19, 2007, the Program volunteers who have given women a place to turn when faced with breast cancer will be recognized.

The dedicated volunteers and staff of the Program offer crucial information and emotional support to people throughout New York who are coping with breast cancer. Almost all the 100 volunteers have had breast cancer. They know the fear and confusion that comes with the discovery of a breast lump or the diagnosis of breast cancer. Because they have "been there," they immediately provide hope and much more to callers. These highly trained and well-supervised volunteers direct callers to the latest information, sending pamphlets and other resources when needed. They let them know what services are available in their communities. And they are a "shoulder to lean on" for callers. They are there to listen and to help and get people through difficult times.

My office has used the program many times when constituents have come to me looking for help for themselves or their family members. I have been able to refer them to the Adelphi Program knowing that they will be handled with care and concern and given the best possible assistance. In the Healthy Families and Communities Subcommittee, of which I am the Chairwoman, we have explored the need for volunteers and I understand how critical volunteerism is to this Nation. I thank the Program and its volunteers for their work.

TRIBUTE TO MINNIE BELLE McINTOSH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to recognize one of my constituents, Minnie Belle McIntosh, who celebrates her 100th birthday on March 30, 2007.

Minnie Belle McIntosh has led an extraordinary life. When she was only 4 years old, her mother died of tuberculosis, leaving her and her sister Anne as orphans to be shuttled between relatives in Mississippi and Texas. Despite this early hardship, the bright and lively Minnie Belle graduated from the Blue Mountain College boarding school and attended college at the Mississippi State College for Women, where she majored in math and physics. Her senior thesis on "The Talking Machines" included correspondence with Thomas Edison.

After college, Minnie Belle took up the only occupation available to an educated woman in that region and became a schoolteacher. The drop in crop prices following World War I hit Mississippi particularly hard, but Roosevelt's New Deal legislation opened up new opportunities for its residents. Minnie Belle became an extension officer; her job was to inform rural families of the best ways to provide their children with good nutrition. Because of her gender, her employment was never stable, and she traveled from Minneapolis to California to Texas to Mississippi to perform her job, but her "people skills" made her an excellent social worker.

During World War II Minnie Belle, like many other women, went to work in Washington, DC. She was employed by the Department of Agriculture, from which she retired in 1972.

Her volunteer work in Maryland in recent years has been exemplary. The Shepherd's Table and The Clothes Closet were founded to feed and clothe the homeless, and Minnie Belle marshaled the efforts of some 50 volunteers. Confronted with a mountain of donated clothes, she used the size measurements from a Sears catalogue to mark trousers and dresses, and she guided the clients with good humor and common sense. The success of The Shepherd's Table in Maryland and Montgomery County owes much to Minnie Belle McIntosh's involvement.

At 85, Minnie Belle moved into a retirement community, Bedford Court in Silver Spring, Maryland, where she turned her attention to recycling. She quickly whipped the residents into shape, creating an army of recyclers, who dutifully washed out bottles and cans, separated paper trash from garbage, and happily signed up to be floor recycling monitors. She and Bedford Court are recipients of more than a half dozen awards recognizing their efforts.

Her greatest asset, however, besides her persistence, is her interest in people and kindness to all. Even now, as she reaches 100 years, she knows everyone's name and story.

On this special occasion, I urge my colleagues to join me in honoring Minnie Belle McIntosh on her 100th birthday and in recognizing her as a woman of great perseverance, kindness, and accomplishment. I am delighted to wish her a year of good health and happiness and to thank her for her wonderful contributions to our community.

HONORING JOHN HEIBEL

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor John Heibel, who serves as a Storekeeper Second Class Petty Officer in the United States Coast Guard. Recently, Mr. Heibel was awarded Baltimore Area Coast Guard Enlisted Person of the Year.

The Coast Guard requires the recipient of this award to demonstrate pride, professionalism, dedication, and to represent the Coast Guard's core values. Mr. Heibel has excelled in all of these categories, over-qualifying him for this prestigious award.

Mr. Heibel possesses a solid set of leadership skills and he has utilized them in the noblest way possible: serving this country. Throughout his career, Mr. Heibel's leadership skills have propelled him forward. He began as a Seaman Recruit, then moved up to Storekeeper Third Class, and currently serves as Storekeeper Second Class. In all of these positions, Heibel demonstrated a commitment to customer service, setting a respectable example for his colleagues to follow. He continues to challenge himself as a leader by enrolling in Officer Candidate School.

Mr. Heibel has also committed himself to community service, volunteering for several causes and organizations. He has volunteered for the Fort Meade Turkey Donation, helping to prepare turkey dinners for low-income families in the Baltimore area. Heibel also served as a unit Morale representative and organized a series of Morale events. He planned a picnic at a Baltimore Orioles game which featured the ELC color guard in the opening ceremony. Heibel coordinated a private viewing of the movie "The Guardian," an event which produced a significant turn-out. He also helps to fundraise by selling raffle tickets and concessions at Coast Guard softball games.

Mr. Heibel's accomplishments extend into the classroom as well. After earning a bachelor's degree in Business Administration, Heibel has decided to continue his education by pursuing a master's degree. He has enrolled in and completed a series of challenging courses such as Business Calculus and Intermediate Accounting.

Madam Speaker, I ask that you join with me today in honoring John Heibel. This outstanding individual will never stop challenging himself and his record of success demonstrates that there is no limit to all he can achieve. Mr. Heibel's aspiration for knowledge, strides as a leader, and service to his country all prove that he is worthy of recognition. Let his outstanding accomplishments serve as an example to us all as we work to improve our communities and our country.

A TRIBUTE TO THE REVEREND DR. M. JWAHIR BRATHWAITE

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to the Reverend Dr. M. Jwahir Brathwaite. Dr. Brathwaite is a graduate of the Howard University School of Business and Public Administration, the Howard University Graduate School of Divinity, and the United Theological Seminary. She has also received educational certification from the University of Dayton.

Dr. Brathwaite serves the community as an associate pastor at the Stuyvesant-Heights Christian Church in Brooklyn, New York. Ordained at the Concord Baptist Church of Christ in 1997, Dr. Brathwaite is a Professor of Religious Studies and Holistic Health and Wellness at the College of New Rochelle's School of New Resources at both the Brooklyn and Harlem Campuses.

Dr. Brathwaite has been a fitness-professional for more than 25 years. She has worked with the YMCA in Brooklyn, New York, Washington, DC, and Memphis, Tennessee. She presently serves her community through the YMCA Bedford-Stuyvesant Branch.

In addition to teaching for the College of New Rochelle, Dr. Brathwaite has taught fitness health and wellness for Catholic University of America in Washington, DC, Shelby State Community College, and the University of Memphis in Tennessee. Dr. Brathwaite has trained International Dance and Exercise Association instructors and several others who have gone on to teach at places such as: the New York State Conservatory Police, colleges and universities, family fitness ministries, and numerous other fitness facilities.

Dr. Brathwaite is the president and founder of Family Fitness Ministries, a ministry focusing on fitness and wellness for churches and their communities. Dr. Brathwaite's training roster includes: Author Zora Neal Hurston; the internationally acclaimed singing group Sweet Honey in the Rock; late film, stage, and television actress Rosland Cash; and a host of Fortune 500 Company professionals.

A Christian broadcaster for more than 20 years, Dr. Brathwaite has carried the healing message of God throughout the community through public speaking and outreach. The world of Christian Broadcasting afforded her the opportunity to work with the National Association of Broadcasters' number one religious radio organization in the country, Salem Communications Corp. She also worked with A&M Records where she represented such gospel recording artists as: Richard Smallwood; Al Green; the Clark Sisters; Reverend Shirley Caesar; Rosie Grier; and Sweet Honey in the Rock.

Dr. Brathwaite has been recognized numerous times for her community involvement and leadership. She has received awards from the National Council of Negro Women, Inc., the Ford Foundation, Outstanding Women of America, John Burroughs Elementary School, and the International Who's Who of Professional Business Women just to name a few.

Madam Speaker, I would like to recognize this pillar of our community the Reverend Dr. M. Jwahir Brathwaite for all that she has accomplished.

Madam Speaker, I urge my colleagues to join me in paying tribute to the Reverend Dr. M. Jwahir Brathwaite.

COMMENDING JACOB WEST

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Jacob West of Marcus High School for his recognition as a 2007 Presidential Scholar.

The Presidential Scholar Commission honors up to 121 graduating seniors each year for outstanding academic achievement. This award is one of our Nation's highest for high school students. Jacob is being honored as a Presidential Scholar for his exceptional performance on the SAT.

At Marcus High School, Jacob is a member and leader within the Marcus band, who won a State championship this year. He is also involved in the Junior Classical League, the National Honor Society, and other organizations. He has received a plethora of academic awards at Marcus and was a National Merit finalist.

Jacob is a notable example of how the education system in Texas is committed to fostering growth in students and giving them the skills they need to achieve. Congratulations to Jacob, his family, and Marcus High School for this outstanding achievement.

IN RECOGNITION OF MARTIN VIRSIS

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today in honor of Martin Virsis for his unwavering dedication and service to the veterans' community of northeast Ohio.

Martin began his path to success by earning a bachelor's degree at Kent State University and later by receiving his master's degree at Ohio University. As a licensed nursing home administrator, Martin used his talents and implemented his knowledge to manage several nursing facilities in Ohio. His devotion to help others in need continued as he began to offer transportation for those in the community who encountered challenges with mobility due to their disabilities.

As an Army veteran, Martin is no stranger to the sacrifices and the hardships that face those who have courageously served our country, only to come home as unrecognized heroes. Because of Martin's desire to help those who have fought to protect us, it was no surprise when he, Joe Paul and Patricia Cicowicz established Mobil Martin.

Since 1996, Mobil Martin has provided northeast Ohio veterans with quality service and the recognition they deserve. Each year Mobil Martin makes donations to various charities that benefit the veterans' community and local businesses.

Every June, Mobil Martin provides transportation to Founder's Day, a celebration of the Founder's Path Organization, which gives opportunities to disabled and less fortunate veterans without homes. He also ensures that the transportation needs for the VA Per Diem at 2100 Lakeside Avenue are met. In addition to the multitude of services Mobil Martin provides, Mobil Martin also employs a large percentage of U.S. veterans.

Madam Speaker and colleagues, please join me in honoring Martin Virsis for his commitment to helping those less fortunate. His integrity and selflessness brings great pride to our community.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. CARSON. Madam Speaker, I was unable to record my rollcall votes No. 187, No. 188, and No. 189. Had I been present, I would have voted "yea" on all three.

A TRIBUTE TO IRVING FEINARMAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BERMAN. Madam Speaker, today I am proud to honor my valiant constituent, Tec. Sgt. Irving Feinarman, as he receives the Jubilee of Liberty Medal for his courageous acts during the Normandy Invasion, and his illustrious legacy of courage throughout World War II.

Mr. Feinarman was drafted at the age of 22 into the army. He trained at Fort Meade, Camp Picket, and Fort Dix before he was sent into combat in North Africa and Sicily. After operations ended in Sicily, he was sent to train in England for the 8 months leading to a great invasion and then, as he put it, "Before I knew it, I was on Omaha Beach on D Day!"

Tec. Sgt. Feinarman was supposed to be part of the second wave on the beach, landing at 6 a.m., but the beach was so overrun, it was difficult to tell the first from the second wave of soldiers. He and his fellow soldiers just kept fighting, cut off from their leadership, and pushing onward until they found themselves fighting in the hedgerows of Normandy.

As the Battle of the Bulge began, Feinarman had been given leave in Paris for a few days. Suddenly, however, all American soldiers were rounded up. He and his compatriots did not know that they were being put back into combat as the Germans were about to start "their big push, trying to get us all out of Europe, period. Giving us everything they had."

Mr. Feinarman was awarded the Bronze Star for his valor in Aachen, Germany. Surrounded by enemy tanks and cut off from the commander of his unit, he volunteered to cross the field and get help. He was shot at, but got through unharmed, and returned with the assistance his company needed.

At the end of the war, Irving Feinarman was the only man from his entire original company—over 200 soldiers—who survived and remained unwounded, an amazing victory itself.

To his family and his lifelong friend Bill Etros, Mr. Feinarman's warmth and laughter are part of every fond memory. With great humility and humor, he insists that he is no hero for his brave actions, that he was only doing his duty. Would that there were some recognition beyond a medal that this country could award Mr. Feinarman who came through the hell of war with a laugh in his heart and a smile on his lips.

I ask my colleagues here in the House of Representatives to join me today in expressing the Nation's gratitude to a brave soldier, Irving Feinarman.

HONORING DAVID K. ISRAEL

HON. CAROLYN McCARTHY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mrs. McCARTHY of New York. Madam Speaker, I rise today to recognize David Israel on the occasion of his retirement from teaching. For over 40 years Mr. Israel has served the East Williston School District with passion and commitment. With a degree in English, Mr. Israel graduated magna cum laude from Harvard College, and later received his masters in education from Harvard Graduate School. In 1965 he went to work as an English teacher at the Wheatley School, part of East Williston Union Free School District.

David Israel has been a brilliant asset to his community, to local teachers, to statewide legislators, and to the students he has taught. He became president of the East Williston Teachers' Association in 1980, a position which he holds to this day. Throughout his tenure, he has co-founded the East Williston Teacher's Association Scholarship Foundation, which awards a 4-year scholarship each year to a worthy Wheatley School graduate who intends to become a schoolteacher. Recently he has been elected to the New York State United Teachers as a representative of District 19, comprising the northwestern portion of Nassau County. Not only has Mr. Israel been a valuable member of his community, but he has been a great friend to myself and my staff with his guidance and advice.

The future of this country depends on the hopes and dreams of its children, and our community and our Nation are enhanced by the contributions of passionate and committed teachers like David Israel.

HONORING ROBERT LYNCH

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to congratulate and honor one of my constituents, Robert P. Lynch, for his 65 years of service and commitment to the Kensington Volunteer Fire Department.

Mr. Lynch joined the Kensington Volunteer Fire Department in May 1942. Since then, he has served in every appointed and elected position in the fire department, including President, member of the Board of Directors, and Fire Chief, with over 15 years as Assistant Chief for Rescue. He has served as a Delegate or Alternate to the Maryland State Fireman's Association for an astonishing 52 years. Mr. Lynch has served his community at the county, state and national levels for scores of years and served as a Delegate to the Montgomery County Volunteer Fire and Rescue Association. He taught emergency care for nearly 20 years and continues to serve on committees and workgroups, playing an active role, attending nearly every function, and participating in every company meeting.

Mr. Lynch retired from the United States Justice Department, where he served since 1941. He earned the American Legion's Citation for Meritorious Service. He was a devoted husband to Margaret, who was also active in the Kensington Volunteer Fire Department, until her recent death.

Thanks to the tireless and dedicated efforts of Robert P. Lynch, our community is a safer place to live and work. Mr. Lynch is an extraordinary and unselfish American and an inspiration to us all.

Madam Speaker, I ask my colleagues to join me in saluting Mr. Lynch for his outstanding contributions to the people of the State of Maryland.

HONORING THE 2007 NCAA DIVISION II WOMEN'S NATIONAL BASKETBALL CHAMPIONS: THE SOUTHERN CONNECTICUT STATE UNIVERSITY OWLS

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. DELAURO. Madam Speaker, it is with the pride and excitement that I rise today to join our community and the State of Connecticut in congratulating this year's NCAA Division II Women's National Basketball Champions, the Southern Connecticut State University Owls. Led by coach Joe Frager and the tournament's Most Outstanding Player, Kate Lynch, the Owls earned the national title after a 61–45 win over previously undefeated Florida Gulf Coast—making the victory that much more thrilling.

Unlike the Division I tournament, where teams are seen from coast to coast throughout the season and information on the strengths and challenges of each team are well documented, the Owls of Southern Connecticut State University began their journey with little knowledge about any of the opposing teams. They did not waiver from the teamwork that brought them to the tournament. Navigating this uncharted territory with the trust they built throughout the season and an indomitable spirit, the Owls steadily moved through the tournament. With four teammates posting double figures in the final game against Florida Gulf Coast, the Owls cruised to a blow-out victory and proudly brought the championship trophy home, where they were greeted with a confetti-strewn welcome.

The people of Connecticut are tremendously proud of the Owls, who have set an example for us all with their teamwork and standard for perfection. This victory was a team effort—because of their hard work, absolute determination and a commitment to teamwork on and off the court, these talented young women have earned the title champions. Their outstanding success and unbridled enthusiasm for the game will certainly be remembered, serving as an inspiration for future players.

It is with my heartfelt congratulations that I stand today to honor the women of the Southern Connecticut State University basketball team on this outstanding victory. They played hard, they played smart, and they have made us all proud. Go Owls!

HONORING DANIEL HAHN

HON. C.A. DUTCH RUPPERSBERGER

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. RUPPERSBERGER. Madam Speaker, I rise before you today to honor Mr. Daniel Hahn, in celebration of his over fifty years of federal service.

Daniel Hahn, a Tool Room Mechanic at the Coast Guard Yard in Baltimore, Maryland, often tells people he feels like he's been at the Coast Guard Yard his whole life. Except for a few years while he served in the United States Marine Corps, he has spent his whole life at the Yard. In 1933, Daniel Hahn was born in a brown shingle house just outside the Coast Guard Yard's main entrance. His father, Louis, a 30-year Coast Guard Yard veteran, met his mother Elizabeth through a co-worker at the shipyard. Five of his uncles in the Hahn family also devoted their federal careers to the Coast Guard Yard. When Daniel was 3 years old, he and his family attended the Yard's Christmas Party, held in the on-base movie theater. That memorable afternoon, Daniel won a handmade wooden rocking horse—a now cherished possession that he keeps to this day. Not only did Daniel enjoy the rocking horse he won at the Coast Guard Yard, but his 3 children, 13 grandchildren and 2 great grandchildren have also enjoyed many hours of play on the Coast Guard Yard holiday prize from 1936.

While attending Glen Burnie High School, Daniel worked the summer of 1951 at the Coast Guard Yard. He graduated the following year and joined the United States Marine Corps. However, within 3 years he returned to the Coast Guard Yard at Curtis Bay and after a brief period of outside employment, has worked at the Coast Guard Yard ever since.

Most of Daniel Hahn's federal career at the Curtis Bay shipyard was as an electrician in the Electric Shop. Since 1990, he has worked in the Yard's Central Tool Room as a Tool Room Mechanic. On April 5, 2007, the United States Coast Guard will extend honors to Mr. Hahn in recognition of his 50 years of dedicated service. He is 1 of only 4 current Coast Guard civilian employees who have attained their Golden Anniversary with the federal government. Mr. Hahn plans to continue his work at the Coast Guard Yard beyond his 50th anniversary. Four months after this unique career achievement, Daniel Hahn will celebrate another milestone in life. He and his wife, Thelma, will celebrate their 52nd wedding anniversary on August 30, 2007.

Madam Speaker, I ask that you join with me today to honor Mr. Daniel Hahn. He is an outstanding and dedicated employee at the Coast Guard's Curtis Bay Shipyard. Through his tireless efforts in over 50 years of public service, he has shown a unique and committed work ethic that few can emulate. He has gone above and beyond the call of duty in his devotion to the United States Coast Guard and the United States of America.

A TRIBUTE TO LT. COLONEL JOHN MULZAC

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to my friend, constituent and all around great guy, Lt. Colonel John Mulzac. Colonel Mulzac, or Daddy John as he is affectionately called, is an original Tuskegee Airman. He is an original member of the very first group of African-American World War II fighter pilots of the "99th Pursuit Squadron," later incorporated into the "332nd Fighter Group" and finally the "477th Bomber Group."

After fighting in World War II, Daddy John went on to fly in the Korean War and later the Vietnam War. He was then a member of the Air Force Reserve and then the New York State Air National Guard. Overall, Daddy John has logged more than 15,000 flying hours for the United States Air Force serving from 1942 to 1983. In addition to his service with the U.S. Air Force, Daddy John worked for 20 years as a New York City firefighter. His son Robert Mulzac is continuing the family legacy and is currently a Lieutenant in New York City's Fire Department.

In 1970, Daddy John left the New York City Fire Department and became a member of the First Group of U.S. Sky Marshals Flying World with several airlines including TWA. He continued his career as a Sky Marshal through 1972 training other Sky Marshals in Washington, DC.

Following 21 years of service as a United States Customs Inspector for New York Kennedy Airport's Area Inspection and Control Division, Daddy John retired.

Born on October 11, 1923 in Baltimore, Maryland, Daddy John spent his childhood in

Bedford-Stuyvesant, where he now resides with his wife of 61 years, Beatrice. They have been blessed with 8 children, 24 grandchildren and 2 great-grandchildren. It was his wife Beatrice who pinned on Daddy John's pilots wings upon his graduation from Tuskegee Institute in 1944.

Daddy John now spends most of his time in real estate and on the computer emailing his 6 grandchildren, who are enrolled in colleges throughout the country.

Madam Speaker, I would like to recognize Lt. Colonel John Mulzac for his years of service and his invaluable contributions to our country. He is a true leader among men.

Madam Speaker, I urge my colleagues to join me in paying tribute to a remarkable man, Lt. Colonel John Mulzac.

COMMENDING CAROLINE HAMILTON

HON. MICHAEL C. BURGESS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BURGESS. Madam Speaker, I rise today to congratulate Caroline Hamilton of Lewisville High School for her recognition as a 2007 Presidential Scholar.

The Presidential Scholar Commission honors up to 121 graduating seniors each year for outstanding academic achievement. This prestigious award is one of our nation's highest for high school students. Caroline is being honored as a Presidential Scholar for exceptional performance on the SAT. She earned a perfect score of 2400.

At Lewisville High School, Caroline is 2nd in her class and a leader in the band, as well as a member of National Honors Society and various other organizations. Outside of school, she is a member of our Congressional Youth Advisory Council and has received many well deserved accolades in Lewisville and Denton County.

Caroline is a notable example of how the education system in Texas is committed to fostering growth in students and giving them the skills they need to achieve. Congratulations to Caroline, her family, and Lewisville High School for this outstanding achievement.

IN RECOGNITION OF PATRICIA CICHOWICZ

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor of Patricia Cichowicz for her unflagging dedication to serving Northeast Ohio veterans.

Born to Emmett and Ann Holleran, Patricia excelled at school and developed a deep consideration for the most vulnerable in our midst. During her undergraduate and graduate studies, Patricia taught elementary school at St. Stanislaus and St. Vincent de Paul. After graduation, her devotion to our community's children continued as she taught special education at St. Thomas More.

Eager to spread her generosity to other members of the community, Patricia sought opportunities to serve other vulnerable populations. Her search brought her to cross paths with Martin Virsis and Joe Paul, two men on similar journeys to serve the community. They began Mobil Martin, an ambulette business that transports disabled veterans around the community. Since 1996, when Mobil Martin comprised three vans and a dining room office, they have been a vital resource for Cleveland's veteran community.

Despite the sacrifices that veterans make in service to their country, once they leave active duty their efforts can go unrecognized. Patricia and everyone at Mobil Martin recognized the injustice inherent in the treatment of veterans, and set to ensure they have the resources to meet their needs. Since Mobil Martin's inception, Patricia's dedication has been evident in everything she has done, from helping the organization in its infancy, to ensuring all the veterans had shoes or lap blankets.

Madam Speaker and colleagues, please join me in honoring Patricia Cichowicz for all her contributions to the Cleveland community. May her commitment to veterans serve as an example for us all, that we may repay their service with our own compassion.

IN HONOR OF THE BIRTHDAY OF CÉSAR CHÁVEZ

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BERMAN. Madam Speaker, I rise today to celebrate the life of César Chávez, not only because he was one of the great leaders of our country, but also because he was my friend. César was a man of courage, faith, and love who shared his strength with thousands and inspired millions of Americans.

To know César was to stand in awe of the enormous task he set for himself and the great moral leadership he gave to the campaign to challenge injustice and achieve peaceful change. His life, his cause, and his commitment have been and remain an inspiration to me.

His struggle for oppressed farmworkers fired our conscience. He insisted that this Nation acknowledge that every human being, regardless of origin, is of worth and is entitled to reach for a better tomorrow.

What made César Chávez stand out was that he lived the principles he preached: truth and courage. He knew what it was like to be treated without respect, and to work all day, everyday, with little to show for it. A lesser man may have burned up with anger, but Chávez burned with a love of justice and hope for a brighter future.

César's struggle for justice is far from over and we must continue to help others help themselves.

In Congress, we hold the power to create change. The Agricultural Jobs, Opportunities, Benefits, and Security Act of 2007 would bring major improvements to the lives of farmworkers in America. This bill would create a path for eligible undocumented farmworkers to apply for temporary immigration status or permanent residency based on their work experience. It would also preserve and enhance key labor protections for guestworkers.

Like Chávez, I believe there's nothing more wasteful than leaving a child with no good choices after graduation, and nothing more un-American than charging children with the offenses of their parents. With César in mind, I introduced the Dream Act, a bill that helps undocumented students realize their dream of going to college and becoming permanent legal members of the communities they've always called home.

César helped us see through the eyes of farmworkers—and what they saw was a dark and hopeless world. But under his leadership, they saw a new world, one of strength and hope, united against poverty and exploitation. Under UFW contracts, they won higher pay and for the first time—health coverage and pension benefits.

We will remember César's fight and never forget what he taught us—that we will succeed—that we will protect the gains that were so hard to win—that we will never give up.

PERSONAL EXPLANATION

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. CARSON. Madam Speaker, I was unable to record my rollcall votes Nos. 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201.

Had I been present, I would have voted "yea" on: roll No. 190, roll No. 191, roll No. 192, roll No. 193, roll No. 194, roll No. 195, roll No. 198, roll No. 199, and roll No. 201.

Had I been present I would have voted "nay" on: roll No. 196, roll No. 197, and roll No. 200.

HONORING DR. CHRISTOPHER COPPOLA AS HE IS HONORED WITH THE SAINT FRANCIS XAVIER AWARD

HON. ROSA L. DeLAURO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. DELAURO. Madam Speaker, it is with great pleasure that I rise today to honor Dr. Christopher Coppola as he is honored by his alma mater, Xavier High School, with their distinguished Saint Francis Xavier Award. This prestigious award recognizes those who have demonstrated outstanding character and leadership—qualities which are at the core of an Xavier education.

Chris has achieved many great accomplishments throughout his life. He is a loving husband and father, dedicated pediatric surgeon, and proud member of the United States Air Force. It was just last year that Chris, a member of the 859th Surgical Operations Squadron, was deployed to Iraq in support of Operation Iraqi Freedom. During his 4 month tour, Chris fought to save the lives of hundreds—American and Iraqi alike. It was from his experiences there that he recently published the book, "Made a Difference for That One: A Surgeon's Letters Home From Iraq."

As a doctor and surgeon, Chris has witnessed a myriad of incidents and battled to save the lives of countless patients. Even with all of his experience, Chris was unsure of what he might find waiting for him in Iraq. He began writing to his wife, Meredith, and family as a way to purge the horrific scenes he saw day in and day out. Chris wrote about every aspect of the war—from what he was eating to descriptions of the patients he was treating. One of the most telling letters described his experience with two young girls whose home had been fire bombed. Both burned badly, Chris and the surgical team fought to save them—unfortunately they lost one. In a twist of fate, Chris also saved the life of a man whom he later discovered was responsible for the bombing of the girls' home.

Meredith saved all of Chris's letters, often sharing them with their three sons and other family members. Chris is one of my cousins and I received a package from his parents containing some of his letters. I was touched, not only by his description of his experience, but by the dedication and commitment he showed to his own mission. I was proud to discover that, upon his return home, Chris and Meredith decided to publish this poignant collection of letters and use the book as a means to further support members of our military and their families.

All of the proceeds from the sales of "Made a Difference" will be donated to the Fisher House Foundation, an organization which supports America's military and their families in times of need. Because members of the military and their families are stationed worldwide and must often travel great distances for specialized medical care, Fisher House Foundation donates "comfort homes," built on the grounds of major military and VA medical centers. These homes enable family members to be close to a loved one at the most stressful times—during the hospitalization for an unexpected illness, disease, or injury.

As a husband, father, doctor, surgeon, and Air Force Major, Chris has touched countless lives—exemplifying the very spirit of Xavier's educational mission and I cannot think of a more fitting recognition than the Saint Francis Xavier Award. It is with great pride that I rise today to join all of those gathered to join his wife, Meredith, his parents, Dr. Paul and Eileen Coppola, family, friends, and Xavier High School in congratulating Dr. Christopher Coppola on this very special occasion.

A TRIBUTE TO OLANIKE T. ALABI

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ms. Olanike T. Alabi, who is the proud daughter of immigrants who came to the United States several decades ago. She is a product of the New York City Public School system, graduating from Midwood High School. She also attended Brooklyn College's prominent Medical Science Institute. She later received her bachelor of arts degree from Temple University, where she carried a double major and a minor. In 1999, she was accepted to the prestigious University of London in Great Britain, where she pursued a master of arts degree.

Olanike Alabi is currently employed by Local 1199 of the SEIU United Healthcare Workers East as an assistant to the president. There, she also participates in a voluntary voter-registration program as well as political campaign events.

Ms. Alabi has received certificates and awards from such organizations as the Family and Support Resources Group; the Training and Employment Council (TEC) Brooklyn; the Access Fund, an organization dedicated to providing scholarships for students attending institutions of higher learning; a Great Force Partner Award from former Congressman Major Owens; a Woman of the Year Award from State Senator John Sampson; and I have presented Ms. Alabi with a Community Service Award for her outstanding work in the community.

Additionally, she has established herself as a fighter for justice. In June of 2003, after being fired from her job as the District Manager for CB No. 2, she filed an Article 78 proceeding at the Kings County Supreme Court and was granted a favorable, unanimous decision from a panel of judges at the Appellate Division, 2nd Department in April of 2005. Her lawsuit resulted in her reinstatement with compensation and the City of New York issuing proper procedures for terminating a community board employee. In June of 2004, she filed a New York State Division of Housing and Community Renewal (DHCR) proceeding against a Brooklyn-based property owner and was successful in the venture in March of 2005.

She continues to be featured as a public speaker at events celebrating women's history, school graduations, chemical dependency programs, and college fairs, and as a moderator for political debates, some of which were most recently aired on Manhattan Neighborhood Network (MNN). She was recently elected as the state committeewomen (district leader) of the 57th A.D.

Finally, her primary interests include public service, international affairs, labor, industrial relations and education. She enjoys reading, writing and traveling. Her church, organizational board and memberships include: Emmanuel Baptist Church in Brooklyn, Board for the Education of People of African Ancestry, the Community Advisory Board of the Cumberland Diagnostic and Treatment Center, League of Women Voters, Schomburg Center for Research in Black Culture, Church Women United, Inc., and a host of other local and civic organizations.

Madam Speaker, I would like to recognize Ms. Alabi and all of her hard work and the precedents she has set.

Madam Speaker, I urge my colleagues to join me in paying tribute to Ms. Olanike T. Alabi.

IN REFERENCE TO THE COOPER RIVER 10K BRIDGE RUN

HON. MIKE FERGUSON

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. FERGUSON. Madam Speaker, I rise today to honor one of my constituents, Michael L. Drozd of Hillsborough, New Jersey. He is dedicating his time and efforts to an important cause. On March 31, Michael will be running in the Cooper River 10K Bridge Run to support the Injured Marine Semper Fi Fund.

This fund provides financial assistance to Marines in combat and training and to their families. Since its inception in May 2004 through the end of last year, the Injured Marine Semper Fi Fund has provided more than $8 million to our wounded heroes.

At 23 years old, Michael has served in the Army, Navy, and the Marines. Michael is a senior First Classman who will be commissioned as Second Lieutenant in the Marine Corps when he graduates from the Citadel in May. He is the only Marine representative Cadet from New Jersey participating in the run and will be running in battle dress uniform, combat boots, and wearing a 50-pound rucksack.

I'd like to commend Michael not only for his selflessness and service to our country but also for his commitment and dedication to such a worthy cause. It is truly inspiring to see a young person like Michael give so much of their time and energy to help others in need.

HONORING GENERAL AND MRS. MICHAEL L. OATES

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mrs. BLACKBURN. Madam Speaker, I would like to take a moment today to honor the service of BG Michael L. Oates as he leaves the 101st Airborne Division, Air Assault, and the Fort Campbell community. He has been selected for promotion to Major General and will soon take on even greater challenges and responsibilities as he assumes command of the 10th Mountain Division, Light Infantry, in Fort Drum, NY. This new assignment is further evidence that General Oates is among the most capable and trusted officers in our Army today.

In early 2005, General Oates was at the forefront as the Screaming Eagles returned to Iraq, taking control of four volatile provinces. The Division would later gain responsibility for training Iraqi forces in two additional provinces and would participate in security operations in Baghdad itself. The 101st was given a series of difficult missions, and performed each of them well.

General Oates was also instrumental to the continuing transformation of Fort Campbell. Soldiers returning from service in Iraq were greeted by new training facilities, new infrastructure, new barracks, and first-class housing for their families.

A deployment leaves behind thousands of family members who must daily confront the stress and hardship of having a loved one at war. Barbara Oates has been a cornerstone of Fort Campbell's efforts to take care of these families. I have great admiration for her leadership and value her friendship.

Madam Speaker, please join me in thanking General and Mrs. Oates for their extraordinary service to the Army, the 101st Airborne Division, Air Assault, and the Clarksville and Montgomery County communities. We will miss them, and we wish them the best of luck in their next assignment.

SUPPORTING H.R. 1132

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. WOOLSEY. Madam Speaker, I rise in support of this legislation. Breast cancer is the second leading cause of cancer death among women and the leading cause of cancer death among women under the age of 40. Early detection and education are key to winning this battle. It is imperative that we reauthorize the National Breast & Cervical Cancer Early Detection Act, H.R. 1132, so that all women are given access to free and low-cost breast and cervical screenings. No woman should be denied these lifesaving screenings simply because she cannot afford them. Further, all women should be made aware of the benefits of each screening and the risks of these cancers through public education programs.

This issue is very important within my District of Marin and Sonoma Counties in California, and especially so in Marin County because it has the highest rate of breast cancer in the country. Among white women, aged 45 to 64, the breast cancer rate in Marin has increased 72 percent in the last decade. Marin County's rates are approximately 40 percent higher than the national average and about 30 percent higher than the rest of the Bay Area. This is why early detection and education in women of all ages is so important.

In addition to this important legislation, we need to do more to prevent breast cancer deaths in women under the age of 40. Approximately 11,000 women under the age of 40 will be diagnosed with breast cancer this year, of which nearly 1,300 will die. That's why I introduced the Annie Fox Act, H.R. 715, named after a young woman in my district who was diagnosed with breast cancer and died at the age of 35. This bill will authorize research into the causes of breast cancer in younger woman and educate them about the risks of breast cancer.

It is important that we not only continue to fund preventative screenings, education and research for women over the ages of 45, but that we also do so for our younger women so that they may live long, healthy lives.

I applaud the passage of this important legislation and look forward to working with my colleagues to pass H.R. 715, the Annie Fox Act.

CELEBRATING THE 125TH ANNIVERSARY OF THE GARFIELD MASONIC LODGE

HON. JOHN E. PETERSON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. PETERSON of Pennsylvania. Madam Speaker, today I rise to acknowledge the 125th anniversary of the Garfield Masonic Lodge in Dubois, Pennsylvania. Established in 1882, the Garfield Lodge has selflessly served the DuBois community with high distinction for 125 years.

I commend the Freemasons for their work and for instilling in its members the virtues of charity, benevolence, brotherly love, and practicing the moral principles of life. Again, I extend my best wishes to the Garfield Lodge and to all of the individuals that continue its good work, as they celebrate 125 years of service in my district on May 4, 2007.

IN TRIBUTE TO MAJOR EUGENE BARLOW ON HIS RETIREMENT FROM THE UNITED STATES AIR FORCE

HON. BOB GOODLATTE

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. GOODLATTE. Madam Speaker, on the occasion of his retirement from the United States Air Force, I want to recognize MAJ Eugene Barlow for his 23 years of dedicated service to our country. In his most recent assignment, he serves as the Chief, Air Force Congressional Fellows Branch, Congressional Inquiry Division, Office of Legislative Liaison with, additional duties as a White House Social Aide.

In June 1984, Major Barlow started his outstanding career as an enlisted Information Manager. He was selected for promotion to senior airman below-the-zone and later selected for promotion to staff sergeant under the Stripes for Exceptional Performers program. After assignments in the Office of the Secretary of Defense and Office of the Secretary of the Air Force, Legislative Liaison Directorate, Major Barlow was selected to attend Officer Training School. He was commissioned in 1996 and assigned to Keesler Air Force Base, Mississippi, as the Chief of Customer Support.

In August 1998, Major Barlow was selected for assignment to Kadena Air Base, Japan, where he served as Squadron Section Commander in the 67th Fighter Squadron. Before being handpicked for his current assignment, Major Barlow was assigned to his alma mater, the University of Maryland, as an Assistant Professor of Aerospace Studies

Madam Speaker, I join my colleagues in expressing our sincere appreciation to MAJ Eugene Barlow for his outstanding service to both the Legislative and Executive Branches and our United States Air Force. We wish him the best as he transitions into a new career. Major Barlow is a true professional and a credit to himself and the United States Air Force.

CELEBRATING THE 136TH ANNIVERSARY OF KERNERSVILLE

HON. VIRGINIA FOXX

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. FOXX. Madam Speaker, I rise to pay tribute to the town of Kernersville, NC, which will celebrate its 136th anniversary this Saturday, March 31.

Kernersville is a town with a rich heritage dating back hundreds of years. Known as Kerner's Crossroads in the mid-1800s, the town of Kernersville was officially incorporated on March 31, 1871. It had a small but respectable population of 147. Today, about 20,000 call Kernersville their home in the heart of North Carolina's Triad region.

The town has experienced dramatic growth in recent years as it transitions from what was once a rural community to a town making its mark in the economically vibrant Triad area. In the midst of this transition, Kernersville has worked to preserve its unique small-town character and historic architecture.

One of the most notable relics of Kernersville's historic flavor is an exceptional home called Korner's Folly. Some people have called it the strangest house ever built. Others have said it looks more like a small castle straight from the heart of Germany than a home built in the heart of North Carolina. But regardless, today it is a historic museum and serves to illustrate the unique place Kernersville holds in the Triad region.

I applaud the vision of Kernersville's citizens to pursue commonsense growth policies without sacrificing the essence of what makes Kernersville Kernersville. Their efforts will ensure that this great town celebrates many more anniversaries, each one a tribute to an attractive community that offers a small town atmosphere with the benefits of a community nestled in the Triad.

TRIBUTE TO THE SMITHSONIAN INSTITUTE'S SAN ANTONIO MUSEO ALAMEDA

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. GONZALEZ. Madam Speaker, on behalf of Texas's 20th Congressional District, it is my honor to welcome the Smithsonian Institution to San Antonio as it officially launches its first formal affiliate, the Museo Alameda, from April 12 to 15, 2007. The National Center for Latino Arts and Culture is the only organization in the country that maintains formal partnerships with the Smithsonian Institution and the John F. Kennedy Center for the Performing Arts—important milestones in the development and appreciation of the diversity of the United States of America. Through its programming, the Museo will showcase stories of the Latino experience through art, history and culture.

The 4 days of opening festivities will begin with Tito Puente, Jr.'s Orchestra, the Latino Giants of Jazz, at the Gala Pachanga in Historic Market Square. It continues with John Quiñones of ABC as master of ceremonies for the opening festivities and concludes with Linda Ronstadt as headliner for Canciones de mi Padre, a concert for the people. I along with the Museo Alameda thank the Ford Motor Company, AT&T, and the Anheuser-Busch Foundation for their commitment and friendship in making the museum a reality.

From its inception as the vision of its founding chairman, Henry R. Muñoz III, to its designation as the first of more than 150 affiliates bridging the Smithsonian Institution across the country, the museum has impacted our country and our historic city. Through the years of planning and development, the unique and vibrant Museo Alameda has captured the imagination and inspired the support of countless admirers. The Nation's families are invited to visit our museum, to be inspired by it, and to appreciate the diversity, contributions and pride which Latinos bring to our Nation's greatness. It is time for these stories to be told.

HONORING JOE HOLLSTEIN

HON. DENNIS A. CARDOZA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. CARDOZA. Mr. Speaker, I rise today to honor Mr. Joe Hollstein, who is retiring after 28 years of service to the city of Ceres.

Joe Hollstein has admirably served Ceres and its residents since 1979. In most cases, Joe has supervised most of the capital projects that have occurred in Ceres for nearly three decades. Joe was instrumental in getting new wells drilled to increase the water supply and he explored the possibility of tapping into surface water. Joe also increased water storage capacity by having ground water reservoirs constructed which added to the city's firefighting capabilities.

Seeing a need to expand the city's wastewater treatment plant, Joe has worked continually on this project with the latest development to develop a sewer line to Turlock from Ceres.

As a traffic engineer, Joe has always been a valued resource to the community and surrounding areas. He has worked from day one with Cal Trans to widen Whitmore Avenue Overpass and to revise the Mitchell Road interchange. In spite of funding delays, Joe has continued to provide technical expertise on these projects and have kept them as a focal point for the local Council of Governments.

Joe has continued to be responsive to the public and its concerns by hosting public hearings and meetings to allow for public input. It is not unusual for Joe to personally respond to the residents on matters of concern to them.

In addition to public works infrastructure projects, Joe has maintained a vision for acquisition of land for parks and city owned buildings, He worked closely on the design of the public safety building and the new fire stations.

Joe continued to find unique ways to fund the community's growth and needs. He was very proactive in establishing special assessment districts to bring additional funds to the city—the establishment of street lighting and landscape maintenance districts. These districts were established in Ceres at a time when few cities had special district fees.

Outside of city hall, Joe has continued his commitment to the community; Joe has diligently volunteered his time to pruning the beautiful roses at Smyrna Park and to the restoration of the Daniel Whitmore Home.

Throughout his career with the city of Ceres, Joe Hollstein has been a consummate public servant. He has utilized his skills and experience for the betterment of the community. Joe has not limited his work to his own department but worked to provide facts and figures for other city projects.

I am honored to rise today to recognize the work of Joe Hollstein and to honor him for his many years of distinguished service to the Ceres community. I wish him the very best in his retirement.

IN SUPPORT OF THE VETERANS' CARE ADVOCATE ACT

HON. PETER WELCH

OF VERMONT

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. WELCH of Vermont. Madam Speaker, today I am introducing legislation that will ensure that recovering veterans returning from Iraq and Afghanistan have access to a strong patient advocate should they encounter bureaucratic road blocks to their recovery.

This legislation is in response to the appalling stories that have recently come to light regarding substandard outpatient care at Walter Reed Army Medical Center. On March 5, I participated in an oversight hearing at Walter Reed of the Subcommittee on National Security and Foreign Affairs where we heard from recovering soldiers coping with filthy outpatient living conditions and a needlessly cumbersome bureaucracy.

One of the conclusions I reached from this hearing is that veterans are, in some cases, on their own once they leave the excellent Department of Defense inpatient health care system. These men and women are being forced to navigate an onerous bureaucracy and manage their own outpatient care—even after traumatic brain injuries. This is an unacceptable betrayal of the men and women who have so bravely answered the call to duty.

The legislation I am introducing today, The Veterans' Care Advocate Act, would create an ombudsman in each military medical facility to assist in the care and overall well-being of recovering service members. The ombudsman will help patients overcome bureaucratic entanglements and ensure they receive the care they need. If the system breaks down, the ombudsman will go to bat on their behalf and cut through the bureaucracy.

Numerous accounts at Walter Reed describe patients not understanding where to obtain services and assistance and not knowing what services are available to them. The ombudsman will provide a forum for service members and their families to formally appeal to or seek review from the Department of Defense, receive information about services, and obtain help with paperwork.

My bill would also require the Secretary of Defense to effectively advertise the services of the ombudsman so that service members and their families know who to turn to for help with the bureaucracy. Finally, this bill would require regular reports to Congress on the status of the ombudsman program, including a description of the number and location of ombudsman positions established, a description of the services being provided by the ombudsman, an analysis of the effectiveness and timeliness of the services provided, and the adequacy of Federal resources for the ombudsman to carry out its entire mission.

Madam Speaker, I strongly believe that the cost of the war must include the care of the warrior. The Veterans' Care Advocate Act is just one step of many that will be required to ensure that recovering soldiers receive the care they were promised and the care they deserve.

Later today, as part of the Wounded Warrior Assistance Act, I will offer an amendment that will improve the medical care case manager and service member advocate provisions in the legislation. The underlying legislation creates two new positions as part of the team of doctors, nurses and staff caring for recovering soldiers: a medical care case manager and a service member advocate.

First, the medical care case manager will assist in understanding the service member's medical status and conduct a review, at a minimum of once a week, of the soldier's medical status to ensure that he or she is receiving the necessary medical care. Second, the service member advocate assists the service member in cutting through the bureaucratic red tape and looking out for the service member's overall welfare and quality of life.

My amendment requires that the Secretary of Defense conduct outreach to all service members and their families, advising them that the medical care case manager and service member advocate positions are there to help. The Secretary must also describe the nature of their services and how they can be contacted. The purpose of my amendment is to help assure that recovering members of our military are made aware of the resources available to them.

Furthermore, the amendment ensures that the medical case manager and service member advocate have the resources they need to expeditiously carry out the responsibilities and duties of their position.

I am pleased that the Wounded Warriors bill takes a number of important steps to improve the management of medical care, personnel actions, and quality of life issues for our soldiers. Combined with the hospital-based ombudsman created by my bill, the creation of these two positions will help ensure that our soldiers get the quality care they deserve.

A TRIBUTE TO PETRUCCI E. HARRIS, MSW, LCSW, DCSW

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Ms. Petrucci E. Harris. Petrucci Harris was born in Baltimore, Maryland, and is the younger of two daughters born to Timothy and Bessie Hardy. Her family moved to Long Island, New York, while she was still a child. After graduating from public school in New York, she attended Morgan State University in her hometown of Baltimore.

Ms. Harris' first professional job was with the Suffolk County Heard Start Program as a teacher, then a center director and later the county program coordinator. It was the experience of working with economically disadvantaged preschool aged children and their families which provided her with the motivation to return to school.

Ms. Harris was granted a fellowship by the National Institutes of Health which assisted her in earning a Masters of Social Work from the State University of New York's School of Social Welfare at Stony Brook. She also studied at the Massachusetts Institute of Technology Department of Urban Health Planning; Ackerman Institute for Family Therapy; New York University Ehrenkranz School of Social Work Post Masters Certificate Program; and the Mind/Body Institute of Harvard Medical School's Continuing Education Program.

Petrucci Harris has been employed in various areas of mental and behavioral health throughout her career. This includes the University of Louisville's Medical School Department of Psychiatry; Bingham Child Guidance Clinic; and the University of Medicine and Dentistry of New Jersey, Newark Department of Psychiatry and Behavioral Medicine where she was an adjunct faculty member as well as Coordinator of Social Work Services for many years. She worked on many projects for the inclusion of cultural content into the curriculum for immigrant psychiatric residents.

Ms. Harris served as a field instructor for graduate students at the New York University Ehrenkranz School of Social Work for several years. She was also an adjunct professor and faculty advisor for students at the NYU Wagner College where she taught the ethno cultural issues in social work practice course. She is currently a field instructor for Rutgers University's School of Social Work.

Ms. Harris is a member of the National Association of Social Workers, Academy of Certified Social Workers, Diplomat in Clinical Social Work, and a Certified Supervisor of Clinical Social Work. Her commitment to improving the general quality of life through service to others is carried out in her pledge to community service as a Golden Life Member of Delta Sigma Theta Sorority, Inc.

Ms. Harris lives in Summit, New Jersey. She is the mother of three adult children, eight grandchildren and three great-grandchildren.

Madam Speaker, I would like to recognize my fellow social worker for all of her hard work and outstanding achievements.

Madam Speaker, I urge my colleagues to join me in paying tribute to Petrucci E. Harris.

TRIBUTE TO OFFICER DOUG BYRNE

HON. THOMAS G. TANCREDO

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TANCREDO. Madam Speaker, I rise today to pay tribute to a fallen policeman from Colorado, Doug Byrne.

Officer Byrne was killed earlier this week when he swerved to avoid a vehicle which stopped directly in front of him. At the time he was rushing to the aid of an individual in a life threatening medical emergency. He was just 37 years old.

Madam Speaker, Officer Byrne has a long and distinguished record of public service. Before becoming a police officer he was a member of the United States Marine Corps and a veteran of the first gulf war. Prior to working for the Aurora Police Department Doug Byrne was an officer for the Glendale Police Department for 6 years. He was awarded the Medal of Valor for rescuing several people from an apartment fire in 2003. After becoming an Aurora policeman, he was entrusted with the important task of training other officers.

Officer Byrne was a graduate of Gateway High School.

Madam Speaker, all Coloradans morn the loss of such a good person and dedicated public servant. The loss of Officer Doug Byrne will be felt not only by those who knew and loved him, but the community as a whole.

RECOGNIZING TRENT HARRISON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Trent Harrison, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 692, and in earning the most prestigious award of Eagle Scout.

Trent has been very active with his troop, participating in many scout activities. Over the many years Trent has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Trent Harrison for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

INTRODUCTION OF THE FIRE SPRINKLER INCENTIVE ACT

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. LANGEVIN. Madam Speaker, I rise today to introduce the Fire Sprinkler Incentive Act, which will create expedited tax incentives for property owners to install automatic fire sprinkler systems.

Four years ago tragedy struck Rhode Island when a fire tore through the Station nightclub in West Warwick. That fire, which killed 100 people and injured 200 more, could have been prevented if fire sprinklers had been installed throughout the building. We all learned a very hard lesson on the importance of installing fire protection equipment—in our homes, our workplaces, our schools and recreational buildings. But with a renewed focus on installing fire sprinklers and other safety devices, we truly can prevent a tragedy like the one in West Warwick from ever occurring again.

The legislation I am introducing today will amend the Internal Revenue Code to provide an incentive to business owners for retrofitting existing buildings with life-saving sprinklers. Specifically, this legislation will reduce the tax depreciation time for retrofitting sprinklers in nonresidential real property from 39 years to only five.

Since January of this year 157 have died nationwide in fires where three or more people were killed, with over 50 percent of the fatalities being children. This is simply an unacceptable reality that could easily be changed with the installation of simple, lifesaving technology. The National Fire Protection Association has no record of a fire killing more than two people in a public assembly, educational, institutional or residential building with a complete and fully operational automatic fire sprinkler system.

Unfortunately, due to the high cost of installing these safety measures, property owners have faced tremendous financial burdens when considering the addition of sprinkler systems. Some states, including my home state of Rhode Island, have passed stricter fire codes requiring the installation of more sprinklers and alarms. While I applaud these efforts, the unfortunate reality is that many business owners simply cannot afford to comply. That is why my legislation is designed to provide a meaningful financial incentive for property owners, reducing any cost burdens they may incur, while significantly improving public safety throughout our country.

The need for enhanced fire safety incentives is certainly not new. In fact, similar legislation was introduced in both the 108th and 109th Congresses, where it garnered over 140 cosponsors each time. Together, we can make a tremendous impact by providing a financial incentive to install sprinklers in every office, restaurant, and nightclub in the country. It is my strong hope that my colleagues will join me in supporting and quickly passing this important measure, before tragedy strikes another community.

TRIBUTE TO DR. GRANVILLE COGGS, MEMBER OF THE UNITED STATES ARMY AIR CORPS

HON. CHARLES A. GONZALEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. GONZALEZ. Madam Speaker, I rise today to honor Dr. Granville Coggs, member of the United States Army Air Corps, also known as the Tuskegee Airmen, on the occasion that the leadership of the United States Congress and the President of the United States presents to him the Congressional Gold Medal.

The prestige and honor exemplified by this medal could not be more appropriate for a man of Dr. Coggs's stature. As a nation, we will forever be grateful for his service to our country from 1943 to 1946 as a member of the segregated Black United States Army Air Corps. It was here that Dr. Coggs was a member of the historic World War II fighter group known as the Tuskegee Airmen and earned military badges for aerial gunner, aerial bombardier and multi-engine pilot.

Upon completion of his service, Dr. Coggs received his bachelor of science degree from the University of Nebraska in June of 1949. In June of 1953, he received his M.D. degree from Harvard Medical School, and has since had a celebrated career in medicine of the highest merit.

Dr. Coggs's accomplishments are worthy of the honor represented by the Congressional Gold Medal and of equal importance, they are worthy of the praise and recognition of the American people. The role he has played in our country's history during one of its most difficult and trying times will never be forgotten. His desire to serve the country that he loves so dearly, and to do so at a time when many in our country doubted the skill, intelligence, and patriotism of our African-American citizens, personifies the words bravery, valor, and courage.

Madam Speaker, I ask my colleagues to join me in honoring Dr. Granville Coggs and his fellow Tuskegee Airmen today as they receive the highly celebrated Congressional Gold Medal. We will forever be grateful to the role they have played in shaping our nation's history and for playing an integral role in the fight for social justice and racial equality in our Nation.

ANNOUNCEMENT OF NEW MIDDLE EAST INITIATIVE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Mr. WOLF. Madam Speaker, I would like to share with our colleagues information on a new initiative for the Middle East that will combine economics and faith. Ambassador Dennis Ross, of the Washington Institute for Near East Policy and former presidential negotiator in the Middle East, and Ambassador Tony Hall, who served in Congress from 1979 to 2002, will be key players in the initiative. The initiative will be coordinated by the Center for the Study of the Presidency and be supported by a grant from the U.S. Agency for International Development.

I submit for the RECORD my remarks, as well as those of Ambassador Tony Hall, at a press conference on March 22 at which this initiative was announced.

FRANK WOLF'S REMARKS BEFORE THE MARCH 22, 2007 PRESS CONFERENCE ON NEW MIDDLE EAST INITIATIVE

Thank you for coming today. I also want to thank and recognize Ambassador David Abshire and Ambassador Tony Hall for joining me today. Both will be speaking in a few minutes. I have known and worked with both David and Tony for a number of years and have great respect for them. And I can honestly say that Tony was my best friend in Congress and remains my best friend today.

Today we are here to announce the launching of a new initiative in the Middle East that will combine economics and faith. It will be coordinated by the Center for the Study of the Presidency and be supported by a grant from USAID. We are deeply concerned that time is running out to find a peaceful solution to the issues that separate the people in the land so many call holy.

In the Middle East, religion plays such an important role in people's lives. If you're Jewish, you have the Western Wall. If you're Christian, you have the Church of the Holy Sepulcher. If you're Muslim, you have the Dome of the Rock. We cannot work toward peace in the Middle East without taking into account the religious roots of its people.

The U.S. government doesn't have the capacity to deal with this reality in the lives of those who live in that region. That is why I have put together an initiative that includes the faith component. The faith component of this initiative will be led by former Congressman Tony Hall. His depth of faith and experience in building bridges between people is critical to this initiative.

The economic development component will be led by Ambassador Dennis Ross. Dennis is a seasoned diplomat who has maintained a significant role in shaping U.S. involvement in the Middle East peace process for many years.

Dr. Bob Cooley, president emeritus of Gordon-Conwell Theological Seminary, recently provided me some insightful observations about the faith dynamics in the Middle East. He has worked with Palestinian Muslims, Palestinian Christians, and Israelis during his 48 years of pursuing Hebrew Studies and Syro-Palestinian Archeology.

He points out that the three major religious groups in the land are "all Sons of Abraham, who share a common understood relationship that serves as a basis for living together in harmony today." It is largely the past 50 years of failed politics that have undermined communal harmony in the region and modified the relationships between these groups. A complete copy of Dr. Cooley's remarks about the relationships between these groups is attached to my statement.

The faith dynamic in the region is critical to forming the most effective approach to the political situation. If you buy a young plant, you can't place it in the ground without tilling the soil first. The purpose of this initiative isn't to deal with boundaries, or questions of status. It is to build relationships; to prepare the soil in preparation for the diplomatic efforts of Secretary Rice and others to find a political solution for the region.

Psalm 122:6 tells us to "pray for the peace of Jerusalem." I do this every day. I believe that this initiative will bring the people of different faiths together and build bridges between them. Now I am going to turn the program over to Dr. Abshire and then Tony. We will take any questions after both of them speak. Thank you.

STATEMENT BY AMBASSADOR TONY HALL AT MIDDLE EAST PRESS CONFERENCE ON MARCH 22, 2007

I am very pleased to be part of this initiative headed by my friend, Frank Wolf, and supported by other members of the Congress and Secretary of State, Condoleezza Rice.

As His Majesty King Abdullah of Jordan so clearly spelled out two weeks ago to the Congress, the unresolved conflict between Israel and Palestine has resulted in tremendous pain in Israel, the Palestinian territories and other nations in the Middle East. This problem has fueled additional fires outside of the region that have brought fear, destruction and extremism to many countries and people, including our own. The situation is at such a point that it is no longer only an isolated regional conflict in which we can choose to be involved, it is a problem that directly affects the security of the United States.

I have traveled a number of times to the Middle East, starting in 1979, and most recently having returned from there this past week. We did a lot of listening; and what I have seen and heard leads me to believe that there has not been a more urgent time for peace. There are a lot of people already working on multiple fronts in waging peace, and my role in the coming months will be to support them by fostering additional relationships, understanding, and cooperation among the various communities in the Holy Land.

I want to clarify that my mission is not to distract from the political side of the peace process, but to lay additional groundwork for an eventual political outcome. However, one cannot speak about peace on the political level without taking into account the religious roots of the people involved—especially in the Holy Land.

Our service is to support and encourage the people of faith who bear influence in the region. We are connecting with people of faith because as leaders of these communities they can either encourage the way of compassion, sacrifice, and grace in this process—which is necessary to support a political outcome—or they can incite their people in the hopeless path of the status quo. We want to help the Jewish, Muslim, and Christian communities who recognize and labor for peace by practicing the commandment to "Love your neighbor."

The Abrahamic faiths have been in conflict for so long, that most of us have forgotten that at the core of each of them lies that universal commandment: "Love your neighbor." By going back to this fundamental starting point ourselves, and encouraging our friends in the region to do likewise, we believe that we can construct some good will that we hope may help support a political settlement.

We are not under any illusion that we alone can solve the conflict. My good friend Cardinal Theodore McCarrick and other community, political, business and religious leaders are coming together to share in the work of preparing the way for peace in the Holy Land. Together we hope that our combined efforts can, in some small way, assist in paving the way for a just and lasting peace.

It's worth a try.

IN RECOGNITION OF THE 90TH BIRTHDAY OF PEARL RICHTER

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. KAPTUR. Madam Speaker, it is with great pleasure and honor that I congratulate Mrs. Pearl Marcus Richter of Toledo, Ohio, on the occasion of her forthcoming 90th birthday. Pearl will be celebrating this milestone event with family members, including two grandchildren, who will be gathering this weekend in the Washington, DC area where Pearl's daughter and son have each settled.

Pearl was born on April 6, 1917, in Indianapolis, Indiana, to immigrant parents (like so many other fine Americans) on that momentous day in history during which Congress declared war against Germany and the United States entered the conflict in Europe that became World War I. Her mother was ill during most of her childhood and Pearl was always a great help in the home. Pearl graduated from Shortridge High School in Indianapolis in 1934 at the age of 17. By then, her mother had passed away, leaving Pearl to be the female head of a household that included her father and one older and one younger brother. In 1940, life changed dramatically for Pearl. She met Morris A. Richter in February, it was love at first sight, and in May they married and moved to Terre Haute, Indiana, where Morris worked.

For nearly 15 months, December 1944–February 1946, Pearl was at home alone to care for a daughter, born in 1940, and a son, born in 1944, while Morris served in the American Area Campaign of the U.S. Navy. Both children share the same birthday, July 18, and Pearl always jokes that it was because her husband was an accountant. In the summer of 1958, the Richter family moved to Toledo, Ohio, where Morris had taken a job with the federal government, and into a house on Cheltenham Road in the Old Orchard district. Daughter Ceceile Kay graduated from the University of Toledo in 1963 and son Sheldon Jay graduated from Ohio State University in 1967. Pearl was at both graduations but unfortunately Morris was not; he had died of a heart attack in October 1961, just weeks after his 46th birthday. Pearl went to work soon afterwards as a sales clerk with Petrie Stores and had worked her way up to assistant manager before she retired.

Pearl has always been active in her synagogues and taught Sunday School in both Terre Haute and Toledo. In Toledo, she is a member of B'nai Israel Synagogue and its Sisterhood and its Synagogue Organized Afternoon Program. She is also an active member and was an officer for several years in the Friendship Club, one of many activities she enjoys through the Jewish Family Services Senior Adult Center. Pearl lived in Kenwood Gardens for over 35 years and since late 2001 has enjoyed living at Carriage House East where she is regular caller at monthly bingo and a semi-regular in an informal poker club in which she is one of the youngest members. Pearl's favorite activity besides working crossword puzzles is mah jongg, and she plays as frequently as she can. She is a member of the National Mah Jongg League, having joined soon after its inception in 1937, and she is always the first in her groups to learn the rules changes each year.

Even more so than any of the above, her family and friends know Pearl as a favorite baker. Pearl used to bake almost every day and most of this she would give away. Now she has cut her baking back to a few times a month. A visitor to her home is always served a cup of steaming hot coffee or, perhaps, fresh-squeezed lemonade or limeade, and a baked dessert. If something fresh is not on the counter, her visitors need not worry. There are always tins of baked goods in her freezer. Her family has been wishing for some time that Pearl would move to the Washington, DC area where one of the pleasures, besides her company, will be the ritual of opening her freezer to see what baked goods are inside. Pearl has always been generous about sharing her recipes. Family members and close friend Bea Goldman have now sent copies of these recipes to Pearl's daughter, who will be combining them with recipes in her collection and from her memory into a recipe book to be provided to guests after the dinner in honor of Pearl's birthday.

I join with Pearl's family and friends in wishing her a most joyous birthday, spent looking back in fond recollection and looking forward to future years. Congratulations and best wishes!

TRIBUTE TO PHILIP DEPOIAN

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BERMAN. Madam Speaker, I rise to recognize and honor an individual whose service to the people of City of Los Angeles is as a model to us all. His dedication, talent, and integrity played a role in building Los Angeles to the cultural and cutting edge city it is today.

Philip Depoian dedicated nearly 34 years to the City of Los Angeles, serving under four Mayors and many city council members. He began his career with the city as Mayor Tom Bradley's first Scheduling Director and thereafter as Special Counsel. Mr. Depoian subsequently became the Intergovernmental Liaison to the Mayor, to the Police Department, and to Los Angeles World Airports (LAWA). During his time with the mayor, Mr. Depoian took a leave of absence to work on the International Presidential Advance Planning for the White House during a portion of the Jimmy Carter Administration.

In 1994, Mr. Depoian was appointed by Mayor Tom Bradley to the position of Deputy Executive Director for the Government and External Affairs of Los Angeles World Airports that includes representation for all four of LAWA's airports: Los Angeles International Airport, Ontario International Airport, Palmdale Regional Airport and Van Nuys Airport. With his extensive knowledge of governmental affairs, legislative analysis, international relations and public policy, he oversaw many divisions at LAWA including Environmental Management, Noise Management, Public Affairs and Rideshare. He also launched the Air Service Marketing Division and developed a multi-faceted approach to market LAWA's regional airports

Through Mr. Depoian's efforts, LAWA was able to expand its market overseas by creating marketing offices in Tokyo and London. He played a key role in re-establishing passenger service in Mexico and reopening U.S. Customs and Immigration there. It was through Mr. Depoian's leadership that LAWA was able to create sister-airport coöperative agreements with airports in Inchon, South Korea, and Beijing and Guangzhou, China.

Mr. Depoian is retiring to spend more time with his wife, Julie Pastor Depoian and their daughter, Katie. His retirement from city service will leave a great void to all who depended on his sage advice, his tenacity, his charm and intelligence with which he approached all tasks. He has served the city at several capacities and his innovation and expertise has helped Los Angeles keep pace with its mission as an economic hub.

It is with great pleasure that I take this opportunity to express my thanks, and that of a grateful city, to Philip Depoian for his years of dedication to public service. I wish him success and happiness in all his future endeavors.

TRIBUTE TO REVEREND SONIA PATRICIA SMITH

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Reverend Sonia Patricia Smith. Reverend Smith is a woman who has always placed her faith and confidence in the Lord.

For the last 15 years, Reverend Smith has been employed with the Visiting Nurse Service of New York where she has spent most of her time working tirelessly on behalf of her patients. Whether it is working with the elderly or providing nursing support to those infected with HIV, she is committed to ensuring that her patients receive the highest level of care and respect. She believes that as a medical professional it is not only her job only to heal her patients physically, but also emotionally and spiritually. Because of her dedication to her patients, she was promoted to the management level at VNS.

In many ways, Reverend Smith sees the fruits of her labor through her family, whether it is her childhood sweetheart whom she married, Anthony, or her three children. Her eldest son Dr. Oronde Smith is a physician and loving husband to his wife Paula and wonderful father to his daughter Oniya. Reverend Smith's middle son Jonathan earned both his bachelors and masters degrees from Harvard University and is currently a third-year law student at New York University. Reverend Smith's youngest son Matthew is a talented musician and a third-year medical student at Downstate Medical School.

Reverend Smith's work with her daughter-in-law Paula demonstrates the compassion she has for others. Several years ago Paula was interested in entering the nursing profession but did not believe she was qualified and decided to terminate her schooling early. Reverend Smith refused to let her quit and tutored Paula helping her through her courses. Today Paula is a registered nurse as well as a nurse practitioner with an M.S. in nursing. Reverend Smith's example with Paula is not the exception, but rather the rule.

Reverend Smith has assisted countless individuals by providing help and often doing everything within her power to ensure that they achieve their goals. She has a special place in her heart for women and children, and being the first lady of Gethsemane Baptist Church where her husband serves as pastor. She has reached out to many members of the congregation giving them advice and lending a listening ear. She has worked extensively with the children's ministry or her "angels" as she likes to call them, leading the children's church and vacation bible school.

Another example of Reverend Smith's commitment is demonstrated when she, along with her husband, organized and led a trip to Disney World for nearly 50 children in the church several years ago. Although neither the children nor their families had the financial means to afford the trip, Reverend Smith raised the funds and the support for this excursion.

Reverend Smith has touched countless lives through the work she does, and there is no doubt that she will continue to do so for many years to come.

Madam Speaker, I would like to recognize all of the good works of Reverend Sonia Smith and her commitment to the most vulnerable in our society, our elderly and our children.

Madam Speaker, I urge my colleagues to join me in paying tribute to this wonderful for her kindness and compassion.

TRIBUTE TO FORMER CONGRESSMAN JOHN BRADEMAS

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. DONNELLY. Madam Speaker, I rise to pay tribute to one of my distinguished predecessors in representing the District I am now privileged to serve in Congress and to wish him a Happy 80th Birthday.

I speak of Dr. John Brademas of South Bend, Indiana, who for 22 years, from 1959 until 1981, served the then Third District of Indiana in the House of Representatives. While in Congress, John Brademas was a member of the Committee on Education and Labor where he played a leading role in writing most of the Federal legislation enacted during that time concerning schools, colleges and universities; services for the elderly and the disabled; libraries and museums; the arts and the humanities.

During his last four years on Capitol Hill, John Brademas was, by appointment of then Speaker Thomas P. "Tip" O'Neill, Jr., House Majority Whip.

PRESIDENT, NEW YORK UNIVERSITY

In 1981 John Brademas was named president of New York University, the largest private university in the United States, a position in which he served from 1981 until 1992, when he became president emeritus, his present position.

During that time Dr. Brademas led the transition of NYU from a regional commuter school to a national and international residential research university. In 1984 he initiated a fundraising campaign that produced a total of $1 billion in ten years. Said the New York Times, "A Decade and a Billion Dollars Put New York University in [the] First Rank." Added Crain's New York Business (August 6, 2001), "John Brademas turned NYU into an Ivy League rival . . ."

In 2005 New York University announced the establishment, in its Robert F. Wagner Graduate School of Public Service, of the John Brademas Center for the Study of Congress. The Center undertakes research, teaching and public outreach activities focused on the role of Congress in making national policy.

In 2006 Dr. Brademas received The John Gardner Spirit Award from Common Cause/New York for "his unparalleled dedication to public service and a stronger democracy through his work in Congress, at New York University and as one of the Nation's leading champions of the arts and education."

In his book, *An Entrepreneurial University* (Tufts University Press), former Tufts Provost Saul Gittleman said, "[T]he trustees at NYU . . . in 1981 found an individual who proved to be nontraditional and transformational. . . . [T]he Brademas presidency became another model for trustees and regents to examine, as he took NYU to a new and competitive eminence in New York City and the Nation. By the time his presidency was over, Columbia University was looking over its shoulder, in no small measure due to John Brademas. He was a potent fundraiser and extraordinary ambassador for the university".

In their book, Shakespeare. Einstein, and the Bottom Line (Harvard University Press, 2003), scholars David L. Kirp and Jonathan Van Antwerpen state, "NYU is the success story in contemporary American higher education".

PRODUCTIVE LEGISLATOR

From 1994 through 2001, Dr. Brademas served, by appointment of President Clinton, as Chairman of the President's Committee on the Arts and the Humanities, which in 1997 released Creative America, a report to the President on ways of strengthening support, private and public, for these two fields.

Former Chairman of the National Endowment for Democracy, Dr. Brademas was also for 11 years Chairman of the American Ditchley Foundation, which helps organize conferences at Ditchley Park, near Oxford, England.

In Congress, a co-sponsor of the 1965 legislation creating the National Endowments for the Arts (NEA) and the Humanities (NEH), Dr. Brademas for ten years chaired the subcommittee of the House of Representatives with jurisdiction over them.

He was chief House sponsor of the Arts, Humanities and Cultural Affairs Act; Arts and Artifacts Indemnity Act; Museum Services Act; Library Services and Construction Act Amendments; National Commission on Libraries and Information Services Act; Education for All Handicapped Children Act; Drug and Alcohol Abuse Education Act; International Education Act; and Environmental Education Act.

He was also a major co-author of the Elementary and Secondary Education Act of 1965; the Higher Education Acts of 1972 and 1976, which focused on student aid; and chief author of the measures creating the National Institute of Education and the National Institute on Disability and Rehabilitation Research.

He was chief House author as well of the Presidential Recordings and Materials Preservation Act of 1974, which assured ownership by the Federal Government of the papers and tapes of the Nixon Presidency.

WIDE-RANGING PRO BONO SERVICE

Dr. Brademas has served on a number of boards and national commissions on subjects ranging from the arts to higher education, foreign policy, jobs and small business, historic documents and records, and science, technology and government.

In 2004 he was elected to the New York State Board of Regents by the New York State Legislature.

He is a founding director of the Center for Democracy and Reconciliation in Southeast Europe, headquartered in Salonika, Greece. He is also a trustee of Anatolia College, the American College of Thessaloniki.

He currently serves on the boards of the Center for National Policy in Washington, D.C., the Queen Sofia Spanish Institute, InsurBanc, Comfidex Corporation and Society for the Preservation of the Greek Heritage.

He is a member of The Century Association, Committee on Economic Development (CED), Council on Foreign Relations, Council on the United States and Spain, U.S.-Japan Foundation, and the National and International Advisory Councils of Transparency International, the organization that combats corruption in international business transactions.

In 2006 the Committee for Economic Development released a report, Education for Global Leadership: The Importance of International Studies and Foreign Language Education for U.S. Economic and National Security. Dr. Brademas was a co-chair of the CED Subcommittee that produced the report.

He is also Vice Chairman of the Advisory Council of Americans for UNESCO and a member of the American Associates of the Saint Catherine Foundation. He is a trustee of the World Conference of Religions for Peace and member of the Mental Illness Prevention Center Advisory Board of the NYU Medical Center.

He is also a member of the Executive Council of the Cyprus International Initiative for the Environment and Public Health—Harvard School of Public Health.

FORMER CHAIRMAN, FEDERAL RESERVE BANK OF NEW YORK

Former Chairman of the Board of the Federal Reserve Bank of New York, Dr. Brademas also served on the boards of Americans for the Arts, The Aspen Institute, Board of Overseers of Harvard, New York Stock Exchange, Rockefeller Foundation and The Trilateral Commission.

He has served as well on the boards of RCA and NBC, Columbia Pictures, Berlitz, Kos Pharmaceuticals, NYNEX, Oxford University Press-USA, Scholastic, Texaco, Loews Corporation and the Alexander S. Onassis Public Benefit Foundation.

In 2004 he was elected to the New York State Board of Regents by the New York State Legislature and served on the Board until 2007.

Dr. Brademas is a Lifetime Trustee of New York University and the University of Notre Dame.

Dr. Brademas is a Fellow of the American Academy of Arts and Sciences and served on the Council of the Academy. He is a Fellow of the National Academy of Education (USA) and a Corresponding Member of The Academy of Athens.

In 1983, as president of New York University, Dr. Brademas awarded an honorary Doctor of Laws degree to His Majesty, King Juan Carlos I of Spain.

In 1997, in the presence of His Majesty and Queen Sofia of Spain and the First Lady of the United States, Hillary Rodham Clinton, Dr. Brademas announced the establishment of the King Juan Carlos I of Spain Center at New York University. He is President of the Foundation established in Spain to support the Center; His Majesty is Honorary President.

In 1985 Dr. Brademas received the Annual Gold Medal of The Spanish Institute; in 1993 was named a "Friend of Barcelona" by then Mayor Pasqual Maragall; and in 1997 was decorated by the Minister of Education and Culture of Spain with the Gran Cruz de la Orden de Alfonso X el Sabio.

Among the other centers established at NYU during Dr. Brademas' presidency are the Casa Italiana Zerilli-Màrimo, Skirball Department of Hebrew and Judaic Studies; The Center for Japan-U.S. Business & Economic Studies and, for the study of Europe, the Remarque Institute.

GRADUATE OF HARVARD, RHODES SCHOLAR AT OXFORD

Born in Mishawaka, Indiana, on March 2, 1927, Dr. Brademas graduated from South Bend Central High School in 1945. After service in the U.S. Navy in 1945–46, in the Naval Officers' Training Program at the University of Mississippi, he was a Veterans National Scholar at Harvard University, from which he graduated with a B.A., magna cum laude, in 1949, and was elected to Phi Beta Kappa.

In 1949 he was an intern, appointed by the U.S. Department of State, to the United Nations, serving at Lake Success.

He was from 1950 to 1953 a Rhodes Scholar at Oxford University, from which he received the degree of Doctor of Philosophy in Social Studies in 1953.

Dr. Brademas has been awarded honorary degrees by 52 colleges and universities, most recently (2003) the degree of Doctor of Civil Law by the University of Oxford. The degree citation described him as "a man of varied talents and extraordinary energy, the most practical of academics, the most scholarly of men of action". He is an Honorary Fellow of Brasenose College, his college at Oxford.

In 1955–56 he was Executive Assistant to Adlai E. Stevenson in charge of research on issues during the 1956 presidential campaign. Prior to his election to Congress, he was (1957–58) Assistant Professor of Political Science at Saint Mary's College, Notre Dame, Indiana.

Dr. Brademas, a former member of the Senate of Phi Beta Kappa, its governing body, is a director of the Phi Beta Kappa Society.

He is a former member of the Central Committee of the World Council of Churches and was a delegate from the United Methodist Church to the Fifth Assembly of the WCC held in Nairobi in 1975.

LEADER IN AMERICAN HIGHER EDUCATION

In a 1975 Change magazine poll of 4,000 college and university presidents, foundation executives, government officials and journalists, John Brademas was named one of "the Top Four" (with Clark Kerr, Theodore M. Hesburgh and Roger W. Heyns) "most important people in American higher education".

In 1977 Dr. Brademas chaired the first Congressional delegation during the Carter Administration to visit the People's Republic of China, and in 1985 took part in the First Chinese-U.S. University Presidents' Seminar, held in Beijing.

In 1979, he led a delegation of Members of the House of Representatives who met in Moscow with Members of the Supreme Soviet of the USSR.

Dr. Brademas led other Congressional delegations on official visits to Europe and Latin America.

During 1981–83 Dr. Brademas served, by appointment of House Speaker Thomas P. O'Neill, Jr., on the National Commission on Student Financial Assistance and chaired its Subcommittee on Graduate Education. In 1983 the Commission approved the Subcommittee's study, Signs of Trouble and Erosion: A Report on Graduate Education in America.

Dr. Brademas is a former member both of the National Commission on Financing Postsecondary Education and the National Historical Publications and Records Commission. In 1982–83 he served on the National Academy of Sciences Committee on Relations between Universities and Government in Support of Science.

In 1984 he served as chairman, by appointment of Governor Mario Cuomo, of the New York State Council on Fiscal and Economic Priorities.

In 1986–87 he served on the American Council on Education's Commission on National Challenges to Higher Education.

In 1986 he served on the National Commission on Jobs and Small Business.

During 1987–89 Dr. Brademas served on the National (Volcker) Commission on the Public Service, which produced Leadership for America, recommendations for attracting able persons to the career Federal civil service. He subsequently served, by appointment of President George H.W. Bush, on the National Advisory Council on the Public Service.

In 1992 he served on the Carnegie International Endowment National Commission on America and the New World. He also served on the Carnegie Commission on Science, Technology and Government and chaired its Committee on Congress.

MEMBER, EUROPEAN ACADEMY OF SCIENCES AND ARTS

In 1998, in Buenos Aires, he was inducted as a Corresponding Member of the National Academy of Education of Argentina and in 1999, in Vienna, a member of the European Academy of Sciences and Arts.

He is an Honorary Patron of the Fundación Residencia de Estudiantes in Madrid.

He is a director of the American Friends of Girona (Spain) Museum and Institute, and member of the Board of Advisors of VSA/arts and the International Advisory Council of the Pharos Trust (Cyprus).

He serves on the National Advisory Board, Institutions of Democracy, Annenberg Public Policy Center, University of Pennsylvania.

He is a member of The Pilgrims Society of Great Britain and The Pilgrims Society of the United States.

He is former chairman of the National Advisory Committee of "Fighting Back," a Robert Wood Johnson Foundation program to help communities reduce demand for illegal drugs and alcohol

He was also chairman of the Advisory Council of the David Rockefeller Fellowships of the New York City Partnership.

In 1990 he served as co-chairman of the Independent Commission created by Congress to review the grant-making procedures of the National Endowment for the Arts.

In 1996 he served on the Twentieth Century Fund Task Force on the Presidential Appointments Process.

In 1975 Dr. Brademas was awarded the Gold Medal of St. Barnabas by President Makarios of Cyprus.

In 1978 Dr. Brademas received the annual Award for Distinguished Service to the Arts of the American Academy and Institute of Arts and Letters.

In 1980 he was, with Leonard Bernstein and Eubie Blake, one of the first three recipients from the Peabody Conservatory of Music, Baltimore, of the George Foster Peabody Award for Outstanding Contribution to Music in America.

In 1981 he received the Town Hall (New York City) Friend of the Arts Award.

Dr. Brademas was named High Knight Commander of Honor (Order of the Phoenix) by President Constantine Karamanlis of Greece in 1981.

In 1982 Patriarch Diodoros of Jerusalem made Dr. Brademas a Grand Commander of the Knights of the Holy Sepulcher.

Dr. Brademas has received other awards, including the Annual Cultural Award, Recording Industry of America; the Distinguished Service Award, American Association of University Presses; the Medal for Distinguished Service, Teachers College, Columbia University; and the award for Distinguished Service in International Education of the Institute of International Education.

Dr. Brademas received the first James Bryant Conant Award for distinguished service to education from the Education Commission of the States, the Gold Key Award of the American Congress of Rehabilitation Medicine, the Distinguished Service Award of the Council of State Administrators of Vocational Rehabilitation, the Caritas Society A ward for outstanding contributions in the field of mental retardation, and the Humanist of the Year Award of the National Association for Humanities Education.

HONORS AND AWARDS

In 1984 Dr. Brademas received the annual Hubert H. Humphrey Award of the American Political Science Association for outstanding public service by a political scientist.

In 1984 Dr. Brademas was named a Chevalier of the Legion of Honor of France.

In 1985 Dr. Brademas received the annual Charles Evans Hughes Gold Medal Award of the National Conference of Christians and Jews "for courageous leadership in governmental, civic and humanitarian affairs."

In 1986 Dr. Brademas, first native-born American of Greek origin elected to Congress, was one of eighty persons to receive the Ellis Island Medal of Honor.

In 1988 he received the National Governors' Association Award for Distinguished Service to State Government.

In 1990 Dr. Brademas received the Athenagoras Award for Human Rights, named for the late Patriarch Athenagoras I of Constantinople, Ecumenical Patriarch of the Eastern Orthodox Church.

GOLD MEDAL OF HONOR, CITY OF ATHENS

In 1991 he was awarded the Gold Medal of Honor of the City of Athens.

In 1992 he received the Annual American Assembly Service to Democracy Award and Dwight D. Eisenhower Medal.

In 1993 he received the Human Dignity Award of the Kessler Institute for Rehabilitation.

In 1996 he received the American Council for the Arts Award for Distinguished Service.

In 1997 he received the Lifetime Achievement Award from the Indiana Council for the Humanities.

"SERVICE TO DEMOCRACY" AWARD

In 1998 he was named a "Distinguished Friend of Oxford University" and received the Lifetime Achievement Award of The Cyprus Federation of America.

In 1999 he received the Benjamin Rush Award for "humanistic values in corporate and government life", Dickinson College, Pa; and the Anderson Ranch Arts Center (Aspen, Colorado), National Service Award.

In 2000 he received the Annual Fulbright Award from Metro International (New York City) for "significant contribution to international understanding".

In 2000 he received the Lifetime Achievement for Leadership in the Arts Award from Americans for the Arts and the United States Conference of Mayors. He also was awarded the Honorific Title of Commendatore in the Order of Merit, conferred by the President of the Republic of Italy.

In 2001 he received the Service to Democracy Award of the National Endowment for Democracy.

In 2001 he was awarded the Albert Gallatin Medal of New York University, presented annually to a member of the NYU family for outstanding contributions to society.

JOHN BRADEMAS POST OFFICE, SOUTH BEND, INDIANA

In 2002 the Post Office in South Bend, Indiana, was named the "John Brademas Post Office".

In 2002 he received the Distinguished Service Award of the National Historical Publications and Records Commission.

In 2004 he received the first Global Education Achievement Award from Fairleigh Dickinson University.

In 2006 he was selected by the American Association of Museums for inclusion on the AAM Centennial Honor Roll as "a pioneer in the museum field" because of his co-sponsorship of the "legislation establishing the National Endowment for the Humanities and his having been "chief House sponsor of the Museum Services Act. . . ."

AUTHOR, "WASHINGTON, DC TO WASHINGTON SQUARE"

Dr. Brademas' study of the anarchist movement in Spain, "Anarcosindicalismo y revolución en España, 1930–37", was published in Barcelona by Ariel in 1974.

Dr. Brademas is, with Lynne P. Brown, author of "The Politics of Education: Conflict and Consensus on Capitol Hill," published in 1987 by the University of Oklahoma Press.

He is also author of Washington, DC to Washington Square (New York: Weidenfeld & Nicolson, 1986), a collection of essays, speeches and book reviews on Federal policy toward higher education, the arts, humanities, libraries and museums, and the education of handicapped children; as well as on foreign and economic policy; Greek studies in the United States; the place of religion in public life; and other subjects.

He is married to Mary Ellen Brademas, of Bloomfield Hills, Michigan. A physician in private practice in New York City, Dr. Brademas is a graduate of the Georgetown University School of Medicine. A member of the Department of Dermatology of the NYU Medical Center, she is former director of the venereal disease clinic at Bellevue Hospital and former chief of dermatology at St. Vincent's Hospital.

JOHN BRADEMAS HAS LIVED SEVERAL LIVES

Madam Speaker, Our distinguished former colleague, John Brademas, has lived several lives. He has been a dedicated and highly productive Member of the House of Representatives, an effective legislator and maker of national policy; he has been president of the Nation's largest private university in which position he brought NYU to new heights; he has served in a wide range of pro bono positions, both as a Member of Congress and since his having gone to New York University.

There will still be some members of the House of Representatives and the Senate who served with John Brademas, and they will, I believe, share my sentiments, on both sides of the aisle, in expressing our admiration for his outstanding public service.

HONORING MICHAEL HOWE

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. LEE. Madam Speaker, I rise today to honor the extraordinary career of Michael Howe. Mike served as the president of the East Bay Community Foundation (EBCF) in Oakland from 1993 until 2006. Throughout his career, Mike has been known for his tireless work on behalf of the East Bay community. This year Mike, who currently serves as the EBCF president emeritus, celebrates his retirement after more than a decade of unparalleled service to that organization, and many more to the 9th Congressional District.

Mike holds a B.A. in sociology from the University of San Francisco, as well as an M.A. and an ABD in sociology from the University of California, Davis. Before joining the EBCF, Mike was the senior planning and evaluation officer for the Marin Community Foundation from 1986 until 1993. Prior to that, he was a professor of sociology and founding dean of the College of Professional Studies at the University of San Francisco, where he was also tenured as an associate professor.

Mike came to the East Bay Community Foundation in 1993. Under his leadership, the EBCF evolved from a small grant-making organization into one of the top 50 community foundations in the country. Mike's work was central to the EBCF's transformation into an organization that is known for leading changemaking initiatives that successfully solve community problems. Working with government agencies, non-profit organizations, business leaders and civic groups, Mike has sought to improve afterschool programs for youth; prevent street crime and violence; provide arts education; enhance land-use planning to incorporate features for sustainable communities; and expand community philanthropy. Mike has attracted new expertise and funding to the EBCF, which now makes grants to more than 1,000 non-profit organizations, primarily in the East Bay. His efforts have made the EBCF a world-class institution for community leadership and social change, and have touched countless lives here in the 9th Congressional District and beyond.

In addition to his stellar work leading the EBCF, Mike has been and continues to be heavily involved in a number of other boards and organizations here in the Bay Area. He serves on the boards of organizations such as the Institute for Community Peace; Northern California Grantmakers; the John Gardener Center at Stanford University, the Coalition of Community Foundations for Youth; and the Richmond Children's Foundation.

Today the friends, family and colleagues of Mike Howe have come together to celebrate not only his retirement, but also his legacy of service, and his permanent and positive impact on our community. On this very special day, I join all of them in thanking and saluting Mike for his profound contributions to California's 9th Congressional District, our country and our world.

HONORING CHARLES W. DAVIDSON FOR HIS PHILANTHROPIC WORK IN SAN JOSE, CALIFORNIA

HON. ZOE LOFGREN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. ZOE LOFGREN of California. Madam Speaker, I rise to honor Mr. Charles W. Davidson, one of San Jose, California's most successful home builders and a dedicated patron of San Jose State University.

Mr. Davidson is an alumnus of San Jose State University. Born and raised in Oklahoma cattle country, Davidson served 3 years in the Air Force before working as an engineer for the state highway department.

In 1954, Davidson met and married Anita Wien, also a graduate of San Jose State University and they settled in Willow Glen.

Davidson opened a consulting engineering company in 1960 and then in 1961 began his business in homebuilding. He founded five companies and by the 1980s he had become the biggest independent builder of subsidized housing in Northern California.

While his businesses are a vital part of the area economy, Davidson is also a role model in giving back to the community. In 1992 he created a foundation that supports the arts, higher education and human services organizations.

Mr. Davidson's foundation was a major contributor to San Jose State University's new athletic training facility. He chaired the fundraising efforts which resulted in a $1 million gift from the Koret Foundation. Although Davidson did not play competitive sports at SJSU, he has been a devoted fan of Spartan athletics, attending nearly every football game since 1952.

For the College of Engineering at San Jose State University, Davidson has recently endowed a $2 million professorship for construction management in his field of civil engineering.

Davidson is also strongly loyal to the several hundred people who work for him, providing the maximum retirement plan the government allows and overseeing the companies' pension funds himself.

I am pleased to honor Mr. Charles W. Davidson for his philanthropic and business contributions to the San Jose area that I have the honor of representing.

A TRIBUTE TO SHERINE BROWN JENNELS, PH.D.

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. TOWNS. Madam Speaker, I rise today to pay tribute to Dr. Sherine Brown Jennels. Dr. Jennels is a native New Yorker and the daughter of James and Delva E. Brown, sister of Jayson S. Brown. She is an Interdisciplinary Scientist at the Food and Drug Administration's Center for Food Safety and Applied Nutrition. She is developing science policies and enforcement strategies to promote the public's health and protect the Nation's food supply.

In May 2002, Dr. Jennels became the first African-American of Panamanian heritage to obtain a Ph.D. from Harvard University in Biological Sciences in Public Health. Her doctoral research focused on biochemistry of nutrition in the area of cholesterol metabolism, genetic epidemiology, and coronary heart disease risk. Dr. Jennels did her postdoctoral training at the Brigham and Women's Hospital, in Boston, Massachusetts, where she worked on protocol and laboratory development of the OMNI-Heart Clinical Trial (Optimal Macronutrient Intake and Heart-Disease). She was the featured scientist on the website's educational recruitment video.

Dr. Jennels presented her graduate research in Florence, Italy, at the sixth International Symposium on Global Risk of Coronary Heart Disease and Stroke. She also presented her research at Scientific Sessions of the American Heart Association, which published those findings.

In 2004, Dr. Jennels was accepted as a science fellow to the United States Department of Health and Human Service's Emerging Leaders Program. This fellowship has given her the unique opportunity to work with leading government officials and scientists at the FDA's Center for Food Safety and Applied Nutrition; Office of the Secretary; Office of Disease Prevention and Health Promotion; Office of Minority Health; and the National Institutes of Health.

Dr. Jennels is driven to improve the health and wellness for all Americans as a way to address the social conditions affecting the underserved. As a scientist, she considers herself an ambassador of health, nutrition and fitness, especially advocating for minorities experiencing health disparities.

Attending Oakwood College crystallized her commitment for service and community. Appreciating the value of her B.S. degree in biochemistry from the historically Black Seventh-day Adventist institution, she also recognized the importance of her college's motto, "Enter to Learn, Depart to Serve." Taking this to heart, she has served as a youth ministry leader, short-term missionary volunteer, and a keynote speaker for several health, youth, and women's events.

In 2005, Dr. Jennels developed Operation Love Thy Neighbor, an organization designed to provide resources and support to families displaced by Hurricane Katrina in the Maryland area. This collaborative ministry of the Emmanuel-Brinklow SDA church assisted families and individuals in securing permanent housing, health care, transportation, emotional support, and/or household needs.

Dr. Jennels is married to Ernest Leland Jennels, and they reside in Bowie, Maryland. She enjoys traveling, sightseeing, the outdoors, sports, the arts, music, photography, and inspirational reading.

Madam Speaker, I would like to recognize Dr. Jennels for her endless list of accomplishments.

Madam Speaker, I urge my colleagues to join me in paying tribute to Dr. Sherine Brown Jennels.

CELEBRATION OF REGISTER BAPTIST CHURCH

HON. JACK KINGSTON

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. KINGSTON. Madam Speaker, today I rise in celebration of the 100th anniversary of Register Baptist Church. Originally organized in 1906 as the Missionary Baptist Church of Register, Register Baptist Church was officially constituted and accepted into the Bullock County Baptist Association in 1907. Although the first church building was destroyed by fire in 1956, the church rebuilt and dedicated the new building on June 21, 1959. Later expansions included a social hall and education building. Register Baptist Church has brought joy, laughter, support, and glory to the town of Register for 100 years—may God bless the future years for Register Baptist Church.

HONORING IOTA LADY BULLDOGS

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BOUSTANY. Mr. Speaker, I rise today to congratulate the Iota Lady Bulldogs basketball team, who ended a perfect season this year by claiming the Class AA Louisiana Girl's Basketball Championship with a 95–72 win over Many High School.

The Lady Bulldogs sealed their victory in the second half, outscoring their opponents 56–30 to claim the school's first girl's State championship victory in 15 years. Previously, many had eliminated the Iota girl's team from the 2005 and 2006 State tournaments, but the third time was a charm for this year's Iota Lady Bulldogs squad. The win caps off a remarkable season for the team, which compiled a 43–0 overall record.

Madam Speaker, these student athletes will always cherish the memory of this season. The players, their families, and their classmates who cheered them on will always look back to this season as a source of pride, accomplishment and satisfaction.

Madam Speaker, I ask that my colleagues join me in congratulating the Iota Lady Bulldogs for their achievement.

IN HONOR OF COMMANDER JOHN A. HAYES

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. KIRK. Madam Speaker, Commander John A. Hayes relinquishes command of Electronic Attack Squadron Two Zero Nine on April 14, 2007 and leaves behind a legacy of honor, courage, and personal contributions to his shipmates and our Nation.

Commander Hayes was raised in Avon, New York, and entered military service in 1986 from the University of Notre Dame Reserve Officer Training Corps. He was detailed to flight training and received his designation as a Naval Aviator in November 1988.

He reported to Attack Squadron Forty Two (VA–42) for fleet replacement training in the A–6E Intruder, and upon completion was ordered to Attack Squadron Thirty Five (VA–35) assigned to Carrier Air Wing Seventeen onboard USS Saratoga (CV–60). Commander Hayes deployed to the Red Sea in August of 1990 in support of Operations Desert Shield and Desert Storm, completing an 8-month deployment and flying 30 combat sorties.

In 1996, Commander Hayes was selected for affiliation with Electronic Attack Squadron Two Zero Nine (VAQ–209) assigned to Carrier Air Wing Reserve Twenty. While assigned to VAQ–209, he has deployed three times to Incirlik Air Base, Turkey, in support of Operation Northern Watch, to Prince Sultan Air Base, Saudi Arabia in support of Operation Southern Watch, to Aviano Air Base, Italy for Operation Allied Force, and has completed numerous other land and sea-based detachments.

Commander Hayes assumed command of VAQ–209 in October 2005. During his command tour, he led the Star Warriors on a 3-month combat deployment to Al Asad Air Base, Iraq for operations in support of Operation Iraqi Freedom. Under his leadership, the squadron also earned the 2005 Department of Defense Family Readiness Award and the 2006 Noel Davis Battle Efficiency Award, and received the 2006 Commander, Naval Air Force Reserve nomination for the Secretary of Defense Maintenance Excellence Phoenix Award.

Commander Hayes received numerous military decorations and awards. They include the Air Medal with Combat "V," the Strike/Flight Air Medal (8), the Navy and Marine Corps Commendation Medal with Combat "V" (2), the Navy and Marine Corps Achievement Medal (4), and various campaign medals and unit awards.

On a personal note, it is my honor to have served with "Woody"—his call sign. I have deployed with him many times, including to Operation Allied Force, which ended the nightmare in Kosovo, to Operation Northern Watch which enforced U.N. mandated No Fly Zones over Saddam Hussein's Iraq, and many other smaller detachments. I have flown with him. Professionalism and consummate skill are the hallmarks of this Naval Aviator in combat. Courage and inspired leadership are those of this naval officer in command.

TRIBUTE TO THE CEDARVILLE TROJANS

HON. BART STUPAK

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. STUPAK. Madam Speaker, I rise today to pay tribute to the only undefeated high school basketball team this season in the State of Michigan, the Cedarville Trojans. The journey for the Trojans to the State Championship at Michigan State University in East Lansing to win the Class D State Championship was a long road, but one that these young men navigated with heart and dignity, making all of Michigan's Upper Peninsula proud.

Last season, the Cedarville Trojans traveled to the State championship semi-finals, but their path stopped there. This year, when the team returned to Michigan State for the finals, they were determined not to be stopped. Equally dramatic, in this year's championship game, the Trojans faced the Tri-Unity Defenders, the same team that defeated the Trojans in last year's semi-final game.

The 2006–2007 Cedarville Trojans are not, by any means, the tallest team in Michigan High School Class D Basketball. The Trojans' tallest player, Justin Baker, stands at six feet and one inch. However, what the Cedarville Trojans lacked in height, they made up in hard work, practice and natural ability.

Throughout the season, the Cedarville Trojans distinguished themselves as effective scorers. In particular, the team honed their three-point shooting ability, making their outside game a dangerous weapon. Thanks to the team's remarkable shooting ability, the Cedarville Trojans broke the 100-point ceiling during four different games throughout the season, including scoring 106 points against Posen High School in the regional final. Cedarville's scoring ability would prove critical during the State championship game.

Early in the championship game, the Cedarville Trojans put their opponents on notice that the Trojans planned to win. By halftime, thanks to their avalanche of three-point shots, the Trojans led 45–32. In the second half, while the Defenders used their superior height to creep back into the game, the Trojans continued their three-pointer scoring onslaught. Ultimately, Cedarville would score 11 three-point shots, breaking the previous record of 10 three-point shots in a single State championship game. This shooting lead Cedarville to a 77–74 victory and capped a perfect, 26–0 season.

Madam Speaker, I ask that you and the entire U.S. House of Representatives join me in congratulating the 2006–2007 Cedarville Trojans: Jordan Sweeney, Sheldon Tassier, Jim Eberts, Matt Hansen, Kevin Thompson, Jason Duncan, Jordan Duncan, C.J. Paquin, Taylor Smith, Luke Murray, Justin Baker, Cody Thompson, Scott McGreevey, James Mitchell, and Keith Foster.

It is with great pleasure that I single out their head coach, David Duncan, who has built a solid coaching record over the last year 17 years, winning 248 games and losing only 147 games. Mr. Duncan's assistant coaches, Scott Barr and Kurt Duncan, are also to be commended for leading this year's Cedarville Trojans through this historic season. I also salute the team's managers, Adam Dingman and Joe Duncan, for their hard work. These adults deserve our collective commendation for spending so much personal time preparing these young men for the challenges of the season and the challenges they will face later in life.

As Coach Duncan has noted, the unofficial theme for the Cedarville Trojans basketball team this year has been, "Dream Big." Clearly, the young men of this team dared to dream big by battling their way to a perfect season, defeating taller teams, and bringing home Cedarville's first State championship. For dreaming big and for making their families and community proud, I salute this fine basketball team and ask that you, Madam Speaker, and the entire U.S. House of Representatives join me in saluting their efforts. Congratulations to the Class D, State of Michigan Basketball Champions, the Cedarville Trojans.

THE GLOBAL WARMING EDUCATION ACT

HON. MICHAEL M. HONDA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. HONDA. Madam Speaker, I rise today to announce the legislation I am introducing, the Global Warming Education Act.

Scientific concepts, whether simple or complex, can take a significant amount of time to become widely known and understood. Hundreds of years ago, Galileo and Sir Isaac Newton made remarkable discoveries about gravity and the behavior of falling objects, but to this day, most people cannot explain the Law of Gravity, what determines the speed of a falling object, or why an astronaut in orbit appears to be weightless. Many adults have difficulty explaining the cause of the seasons, the phases of the Moon, or the composition of the atmosphere.

People can go on with their everyday lives without most scientific knowledge, suffering no ill effects. You don't need to understand gravity for things to keep falling. You don't need to understand how your lungs work in order to breathe.

Global warming, however, presents a new kind of problem. The widespread understanding of global warming will play a significant role in our ability to actually address the problem. If we do nothing, carbon dioxide and other greenhouse gas emissions will continue to rise, and global warming will continue. We don't have much time.

It is well established that global warming may cause significant negative impacts, including drought, rising sea levels, retreating glaciers, changes to wildlife migration patterns, and increased storm strength. These threats are real. They are the natural consequences of a worldwide over-reliance on fossil fuels, an insatiable appetite for energy, and inefficient use of resources.

There are things that people can do, right now, to help fight global warming. People need to be armed with the knowledge that will help them in this fight. I believe that by expanding knowledge, we can maximize the impact of carbon-reducing measures.

My new legislation, the Global Warming Education Act, will create a Global Warming Education Program in the National Science Foundation, to broaden the understanding of human-induced global warming, possible long and short-term consequences, and potential solutions. This program will provide formal and informal learning opportunities to people of all ages, including those of diverse cultural and linguistic backgrounds. The program will provide actionable information to enhance the implementation of new technologies, programs, and incentives related to energy conservation, renewable energy, and greenhouse gas reduction. Maximum understanding will ensure maximum impact.

The activities in the Global Warming Education Program will include a public information campaign to help people understand global warming, and grants for innovative projects to expand climate science education. These grants can be used to develop new climate science education materials including print, electronic, and audiovisual materials.

With the increased knowledge provided by this act, people will be able to make choices in their lives and in their communities to fight global warming. People will learn about home improvements, tax incentives, and other measures that can benefit the environment. They will learn about alternative energy sources and new technologies. They will learn about transportation and consumer choices that can also benefit their pocketbooks. They will learn how their own actions and their own informed choices can make a difference.

The Global Warming Education Act is one part of the solution to global warming. In addition to improvements in climate science education, this Congress will need to pass measures to reduce carbon dioxide emissions, promote clean, renewable energy, and increase energy efficiency.

I thank the cosponsors of this bill for their support, and I urge the rest of my colleagues in the House to support the Global Warming Education Act.

TRIBUTE TO MAN MINH PHAN

HON. LYNN C. WOOLSEY

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. WOOLSEY. Madam Speaker, I rise today to honor a man whose life has touched many people in San Rafael, California. Man Minh Phan, known as Mr. Man, is receiving the 2007 Citizen of the Year award from the city for his outstanding community activism in the Canal neighborhood. This area has a large immigrant population, including 500 Vietnamese-Americans, endeavoring to assimilate into our country's culture.

Now 73-years-old, Mr. Man is a former South Vietnamese army officer who immigrated with his wife to the United States in 1990 after 6 years of imprisonment in a communist re-education camp and another 8 years waiting for relocation. They joined his son, a graduate of the University of California at Berkeley, who had arrived in San Rafael a year earlier after escaping Vietnam by boat. Mr. Man also has two daughters who live in Vietnam.

During his 16 years in the Canal area, Mr. Man has been active in organizing and teaching classes in citizenship as well as Vietnamese (for the children) and English as a Second Language (to help adults). He founded the Vietnamese-American Friendship Group, serves on the Advisory Board of the local Pickleweed Park Community Center, leads the Canal Beautification Project, served on the Marin County Sheriff Advisory Board, and helps organize the annual Tet New Year festival.

But these descriptors do not do justice to the man who is the very heart of his neighborhood, a man who works tirelessly and enthusiastically for his community. Often referred to as the "Angel of the Canal," Mr. Man is everywhere, offering a helping hand to anyone who needs it. His neighbors in the Canal understand that his classes are a place to bring people together, not just to learn languages. He is not paid for his teaching and lives simply, relishing the opportunity to give back for the freedom he enjoys here.

Mr. Man also gives to his homeland. He is known for his habit of picking up recycling on the streets, with the proceeds sent to the needy in Vietnam, from wartime amputees to orphans—"whoever wrote me a letter," he says. Others have been inspired to join him in the collection to add to the amounts he can provide.

Madam Speaker, Man Minh Phan's activism and spirit inspire all of us. His own words sum up what our country is about: "I was asked what we need, and I said the most important need is freedom. Freedom is the top of my life."

REMEMBERING SERGEANT NICHOLAS J. LIGHTNER

HON. DARLENE HOOLEY

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. HOOLEY. Madam Speaker, I ask this chamber to pause today and reflect upon the life of Sergeant Nicholas J. Lightner, United States Army.

Nicholas served proudly with the 2nd Brigade Combat Team of the famed 1st Cavalry Division.

Sergeant Lightner was known by his peers as a tough soldier; to his men he was known as the kind of leader that people followed. He set an example of courage and valor that will stand the strains of memory and time.

For much of his twenty-nine years, Nicholas Lightner wore the uniform of our country because he believed there was no higher calling.

He took his profession seriously, and Sergeant Lightner reflected great credit upon himself, the Army, and the State of Oregon.

Sadly, Sergeant Lightner died just a few days ago, just a few miles from the Capitol at Walter Reed Army Medical Center.

Most of his patrol perished in the attack on March 15, 2007. Nicholas Lightner survived Baghdad, and fought for his life with the same bravery he showed in the field. But the wounds were too severe; his devotion to duty ultimately was paid in full with his last measure.

I am here today to ask us all to remember. Remember the sacrifice of those we send onto foreign soil for our benefit; to pledge to ourselves and to the families forever altered by this sacrifice that they will not have perished in vain.

America is a great nation: great, because it is defended by volunteers that answer the call of service and stand in our stead; great, because our values are important enough to the men and women of our Armed Forces that they willingly sacrifice their sweat, their labor, and sometimes their lives.

Nicholas Lightner died because he took upon himself the burden of protecting the Nation, State, and community he loved. Newport, Toledo, in fact all of Oregon, are now forever less than we would have been had Nicholas survived.

Let us begin anew to dedicate ourselves to a cause that Nicholas Lightner believed in; let us begin today.

INTRODUCING A BILL TO DESIGNATE THE "DR. MARTIN LUTHER KING, JR. POST OFFICE" IN PORTLAND, OREGON

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BLUMENAUER. Madam Speaker, today, I am introducing a bill to designate the facility of the United States Postal Service located as 630 Northeast Killingsworth Avenue in Portland, Oregon as the "Dr. Martin Luther King, Jr. Post Office." This post office, located near Martin Luther King Boulevard, shall serve to remind us of the civil rights leader who inspired a nation and served as a catalyst for change. Dr. Martin Luther King Jr.'s dream of equality and brotherhood between people of all creeds and colors remains a vital and relevant vision. While our nation has come a long way since the days of the civil rights movement, it will always benefit us to be reminded of the ideals and inspiration of Dr. King. I am honored to introduce this bill as another tribute to and reminder of this remarkable leader.

HONORING CÉSAR CHÁVEZ ON THE OCCASION OF THE 80TH ANNIVERSARY OF HIS BIRTH

HON. JOHN D. DINGELL

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. DINGELL. Madam Speaker, I rise today to pay tribute and to honor the legacy of one of our nation's most important advocates of civil rights and labor organization. César Chávez answered one of the highest callings of human life—to lead others in the struggle for social justice. It is for this reason that we proudly observe the 80th anniversary of his birth by voicing our support for House Resolution 76, to establish a national César Chávez Holiday.

Born near Yuma, Arizona, on March 31, 1927, César Estrada Chávez endured a difficult adolescence as a migrant farm worker when his formal education ended after the 7th grade. Migrant workers of this era suffered very harsh working conditions, and were routinely refused pay by farm owners. Chávez was able to escape this life by joining the United States Navy in 1944, at the age of 17.

In 1946, after 2 years of service, Chávez returned to California where he married Helen Fabela and resumed life as a farm worker. Before long, he joined the Community Services Organization, CSO, as a community organizer. Chávez traveled up and down the coast of his State urging Mexican-Americans to register to vote and become legal U.S. citizens, and frequently speaking on the topic of workers' rights.

By the late 1950s, Chávez was convinced that farm workers would be treated fairly only if they were able to form unions to represent their rights. After leaving his post as CSO president in 1962, he used his meager life savings to co-found the National Farm Workers Association, NWFA, the precursor to the United Farm Workers. Though past attempts to organize migrant workers had failed, Chávez traveled to dozens of camps in California and Arizona, teaching workers the fundamentals of union organization and inspiring many to become organizers themselves.

In 1965, Chávez and the NFWA led a strike on behalf of California grape-pickers that culminated in a 250-mile march from Delano, California, to the state capital in Sacramento. Senator Robert F. Kennedy, investigating the strike with the Senate Subcommittee on Agriculture, fully endorsed Chávez and his organization, and pronounced Chávez, "one of the heroic figures of our time." The Delano strike was the first major step in the battle for farm worker rights in the U.S., setting the stage for the 1975 Agriculture Labor Relations Act, the only law in the United States that protects farm workers' rights to unionize. This landmark legislation increased pension benefits, heath insurance coverage and pay for thousands of workers.

Chávez continued to demonstrate his devotion to nonviolent advocacy of workers' rights until his death in 1993, at the age of 66. In 1994, President Clinton posthumously awarded him the Presidential Medal of Freedom, saying that Chávez had faced "formidable, often violent opposition with dignity and nonviolence". The legacy of Chávez's life's pursuit—his tireless fight for the basic civil rights of millions of workers—remains one that we must not let slip from the collective consciousness of this body. My home State of Michigan has been celebrating César Chávez Day since 2003, and it is time for the Federal Government to follow our example.

Madam Speaker, I urge my colleagues to pay tribute to César Chávez on this day, and to commemorate his legacy by supporting H. Res. 76 to honor a true hero of our Nation.

IN HONOR OF ROBERT POWERS

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. LYNCH. Madam Speaker, I rise today to honor a man who has dedicated his entire life to the betterment of his community and the success of his family.

It is my great pleasure to inform the House of Representatives that Mr. Robert "Elliott" Powers of Savin Hill, in the Dorchester neighborhood of Massachusetts, is celebrating his 75th birthday at a surprise celebration with friends and family this Saturday, March 31st, 2007.

Bob Powers is a lifelong resident of Boston who attended Boston public schools, including the Edward Everett and Christopher Columbus High School. Then, at the age of 17, Bob volunteered to serve his country by enlisting in the U.S. Navy during the Korean War. The Navy instilled in Bob a lifelong work ethic as well as personal pride and integrity.

As a letter carrier, Bob was a familiar face in the South End, Back Bay, and the Prudential Center where for many years he worked to ensure postal customers received their mail in a timely and professional manner. For 38 years, as a member of the National Association of Letter Carriers, Branch No. 43, Bob Powers put on his uniform every day to ensure that the men, women, families, and businesses on his route received their mail. Bob set an example of hard work and dedication to his friends and family that nobly illustrates the best of the American work ethic.

Madam Speaker, Bob Powers has also been a man committed to his community and has dedicated many hours and much energy to various activities within his home parish of St. William, including coaching basketball and managing the band. For many years Bob led St. William's Band, helping countless numbers of young people to find a purpose and direction in their lives. Through his thousands of volunteer hours Bob made sure that each young person had an opportunity to grow and learn in a safe, enriching, and fun environment.

And most importantly, Bob has had the enormous pleasure and tremendous good fortune to be married to his wife Pat for over 47 years. Additionally, Bob has been blessed with five children: Rosemary, Trish, Kevin, Robert, and Caroline, and is the proud and, from what I hear, doting grandfather to Tierney, Colm, Brendan, Kelli, Erin, and Tara.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with Bob's family and friends to thank him for his service to his community and to wish him a happy and healthy 75th birthday. I hope my colleagues will join me in celebrating the birthday of Bob Powers and wishing him well in all his future endeavors.

HONORING THE BICENTENNIAL ANNIVERSARY OF THE TOWN OF ONTARIO

HON. JAMES T. WALSH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. WALSH of New York. Madam Speaker, I rise today recognition of the bicentennial anniversary of the Town of Ontario. Ontario is located in the northwest corner of Wayne County, with Lake Ontario forming its northern border.

Led by Freeman Hopkins, the town separated from the town of Williamson 200 years ago, on March 27, 1807. After its separation, the town came to be known as Freetown. On February 12, 1808, the town officially became known as Ontario, in honor of the Great Lake on its border.

Ontario was a major location of the iron industry in Wayne County. In 1811, iron was first discovered in Ontario by a Mr. Knickerbocker. A few years later, Samuel Smith built a forge and began the making of iron. The real boom in iron industry came in 1880 when the Furnaceville Iron Company constructed a $200,000 furnace. For the next 17 years, Ontario became a mining town, and the product was sold for mill and foundry iron. As competition from the other parts of the country grew, the iron beds in Wayne County became idle and the people of the town of Ontario turned to another attribute of the region for sustainability.

Sitting on the shores of Lake Ontario the area proved to be the perfect climate for apple growing. From the initial apple farms roughly a hundred years ago, the apple industry in Wayne County has grown to one of the top producing apple regions in the country.

During the Civil War, the people of Ontario lived up to their town motto of "A Community of Good Neighbors." No other town in Wayne County had as many fearless and brave citizens who served in the Union Army.

Today, the town of Ontario is home to many high-tech industries and alternative energies. Ginna Nuclear Power Plant provides clean energy for the town and the surrounding region while wind power investment at Harbec Industries has spurred economic development. Other small businesses in the town boost accolades that include the manufacturing of parts for the Hubble telescope and equipment for our American troops.

This once farming community has seen many changes from once booming iron production. Today Ontario grows and expands its industrial base while continuing to be a community of good, and proud, neighbors.

On behalf of the people of the 25th Congressional District of New York State, I proudly honor the 200 years of existence of the town of Ontario.

CONGRATULATING ROBERT L. DOMINICK

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to applaud the devoted service of Robert L. Dominick, a resident of Crowley, Louisiana who recently retired after concluding 42 years of service to the United States government.

Throughout his career, Robert devoted himself to public service. After graduating from Southern University in 1966 with a degree in Vocational Agriculture, Robert was employed by the U.S. Department of Agriculture (USDA) as an Assistant County Supervisor. In addition to his new career with USDA, Robert also enlisted in the United States Naval Reserve in 1966, where he dutifully served for 22 years.

Having a desire to continue his education, Robert enrolled at Louisiana State University at Eunice (LSUE), where he received over 30 hours in Administration and Supervision.

Robert held various positions with USDA, including Assistant County Supervisor, County Supervisor, Rural-Economic and Community Development Loan Specialist, Lead Single Family Housing Specialist, and Guaranteed Rural Housing Specialist.

In addition to his distinguished service to our country, Robert also is a devoted member of many organizations in his state and local community. He is a life member of the Southern University Alumni Association, the Peoples Investment Company, the County Supervisors Association, and the Israelite Baptist Church.

Madam Speaker, I ask my colleagues to join me and the people of Southwest Louisiana in wishing Robert Dominick a happy retirement, and congratulating him for his invaluable service to his state and his country.

THOMASVILLE HIGH SCHOOL—THE HOME OF CHAMPIONS

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. COBLE. Madam Speaker, many towns, states, schools, conferences, or leagues try to lay claim to be the "home of champions." But really, can anyone make a better case than Thomasville High School in Thomasville, North Carolina? The fact that the mighty Bulldogs reside in the Sixth District of North Carolina does nothing to dissuade me that Thomasville High School truly deserves to be called the home of champions, or perhaps, be renamed Title Town High! Allow me the opportunity to make the case for Thomasville High School.

On March 10, 2007, the Thomasville Bulldogs captured the North Carolina High School Athletic Association (NCHSAA) 1–A men's basketball championship with an 86–76 win over North Edgecombe High School. This win was the fifth state basketball championship in the last 10 years. On December 9, 2006, Thomasville won its seventh state football title with a 13–7 victory over James Kenan High School in the NCHSSA 1–AA championship contest. This was the seventh football crown in the school's history, the third consecutive state championship, and the 37th straight win dating back to the 2004 season. So, that is 12 state titles from just two sports, football and men's basketball. Space and time do not permit us to list all of the titles—such as the men's soccer team in 2005 and the women's basketball team in 2004—we could go on and on, but for argument's sake, let's stipulate that Thomasville High School is truly the home of champions. Permit me a moment to detail the two most recent titles in men's basketball and football.

In the middle of March Madness, the Thomasville men's basketball team won the NCHSSA 1–A championship. Thomasville defeated North Edgecombe 86–76 in a game that saw nine lead changes and seven ties. The win capped a remarkable season for the Bulldogs in which they finished 24–2 and were perfect following back-to-back losses at a tournament in December. Head Coach Woody Huneycutt told the Thomasville Times that the title win came against a strong opponent. "I am really proud of this group," Coach Huneycutt told his hometown newspaper. "They did a heck of a job today. North Edgecombe was an extremely quick, physical, hustling team. They put everything I thought they had on the floor, and I thought our guys did the same. Of course, we had to, to be successful." And successful they were thanks to a complete team effort.

Congratulations are in order for Coach Huneycutt and his assistant Lacardo Means. In fact, Coach Huneycutt told the Thomasville Times, "One of the main reasons we are here and we do as well as we do year after year is Lacardo Means. He is very instrumental to us being successful." Both men will be the first to tell you that most of the credit goes to the players on the court. Those who contributed to the title run included Donald Sims, Justin Moore, Bud Ray, Jeremy McKiver, Alex Perry, Zach Perry, E.J. Abrams-Ward, Evander Davis, Dominique Pickett, Trey Ray, Chris Woods, Michael Byrd, and Ari Foust. The team was ably assisted by scorekeeper Connie McLendon, statisticians Willie Green, Quan Warley and Demajio Lawson, and videographers Quiana Mock and Felicia McFadden. Several seniors on the basketball squad also play football for Thomasville and they are leaving high school with five championship rings.

On December 9, 2006, the Bulldogs completed a perfect 16–0 season with a third consecutive NCHSSA 1–AA football championship. Thomasville defeated James Kenan High School 13–7 at aptly-named Kenan Stadium in Chapel Hill to cap an incredible run to the crown. Head Coach Benjie Brown, who has led the Bulldogs to the three straight titles, told the High Point Enterprise at the end of the game that meeting everyone's high expectations does take a toll. "When you get to this point," he told the newspaper, "it's so taxing and so tiring, it won't set in for a day or two. The emotions and effort that goes into it, the length of the season, it's wearing on players and coaches. It'll take a little while to really sit back and enjoy it, but I am happy for those kids out there."

Now that some time has passed, I am sure that Coach Brown is very happy and proud of the hard work that went into completing the quest for the Bulldogs third straight state football championship. The perfect season was thanks in no small part in Coach Brown and his assistant coaches Stan Baranowski, Allen Brown, Roger Bryant, Sam Captain, Danny Medlin, Matt Pugh, Brandon Staton, Nick Sweitzer, Jaz Tate, and Tyler Tobin, along with community coaches Vince Brown, Ed Courtney, Kemp Harvey, and Don Osborne.

The entire roster contributed to Thomasville's latest football triumph. Members of the team included: Najee Brown, Jeremy McKiver, T.J. Steele, Willie Green, Bradley Watkins, E.J. Abrams-Ward, Justin Moore, Chris Woods, Quinton Lindsey, Scott Hines, Quan Warley, Mose Jones, Rashad Whitaker, Chris Webber, Brad Wilkes, Bud Ray, Arsenio Hudson, Dujuan Ingram, Lawrence Jackson, Heath Stroud, Kirk Yarborough, Martez Wilson, Demagio Lawson, Brandon Moss, Jaquane Mouzone, Mark Green, Lorenzo Cannon, Logan Barnes, Jerrell Wilson, Marcus Bratton, Courtney Henry, Avery Hudson, Ari Foust, Akeim Rainey, Quentin Long, Preston Atwood, Tommy Green, Cornelius Davis, Trey Ray, Evander Davis, Jameson Donnell, Willie Cannon, and Michael Byrd.

Those who didn't wear a uniform, but contributed in so many other ways can equally share the accolades coming to Thomasville's champions. We congratulate trainers Kenny Coker and Byron Lattimore, team doctors David Williams and Rob Williams, statistician Barry Tucker, film crew members Travis Leanord, Wade Loftin, Casey Medlin, and Adam Oakley, middle school head coach Eric Rader, gym maintenance staffer Bill Moore, and team managers Ryan Hanner, Luke Williams and Antwon Simon.

Congratulations to Principal Dick Gurley, Athletic Director Woody Huneycutt, the faculty, staff, students, and families of Thomasville High School on another outstanding athletic season.

Madam Speaker, I feel I have made a compelling argument to christen Thomasville High School as the "home of champions." Even if others disagree with our assessment, I am sure that everyone in the Sixth District of North Carolina does agree that the Bulldogs' collection of state championships is mighty impressive.

PERSONAL EXPLANATION

HON. ROBERT E. ANDREWS

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. ANDREWS. Madam Speaker, I was unavoidably detained on matters affecting my family from voting on Tuesday, March 27, 2007. Had I been present I would have voted "yea" on the following rollcall votes:

Rollcall No. 190—Providing for the consideration of H.R. 1401, Rail and Public Transportation Security Act of 2007.

Rollcall No. 191—H. Res. 269—Rule providing for consideration H.R. 835—Hawaiian Homeownership Opportunity Act of 2007.

Rollcall No. 192—H.Res. 270—Rule providing for consideration of H.R. 1401, Rail and Public Transportation Security Act of 2007.

Rollcall No. 193—H. Res. 299—Supporting the goals and ideals of Professional Social Work Month and the World Social Work Day.

Rollcall No. 194—On agreeing to the Thompson (MS) amendment to H.R. 1401.

Rollcall No. 195—On agreeing to the Cohen amendment to H.R. 1401.

Rollcall No. 198—On agreeing to the Thompson (MS) amendment to H.R. 1401.

Rollcall No. 199—On agreeing to the Cohen amendment to H.R. 1401.

Rollcall No. 201—On passage—H.R. 1401.

Had I been present I would have voted "nay" on the following rollcall votes:

Rollcall No. 196—On agreeing to the Sessions amendment to H.R. 1401.

Rollcall No. 197—On agreeing to the Flake amendment to H.R. 1401.

Rollcall No. 200—On motion to recommit with instructions—H.R. 1401.

HONORING THE 80TH BIRTHDAY OF CÉSAR CHÁVEZ

HON. RUBÉN HINOJOSA

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. HINOJOSA. Madam Speaker, on the 80th anniversary of his birth, many across our Nation will celebrate the life of a pioneer and advocate, César Chávez.

It is my honor to commemorate the man who inspired many and offered hope not only to his fellow farm workers, but to our entire Nation.

César Chávez was a migrant worker who knew firsthand the hardships faced by migrant farm workers and their families. Working the fields he saw the injustice, the poverty, and the poor health conditions that faced these families who were working to make America the breadbasket of the world.

César Chávez represented farm workers. But the issues he fought for are relevant to all Americans: Equal pay and better benefits. Improved education for all of our children. Expanded civil rights for minorities. All working Americans today owe a debt of gratitude to this outstanding individual.

His work is far from finished—we should continue to fight to see that every child receives a quality education so they can obtain a good job. American workers should have health care and safe working conditions and the opportunity to make a better life for themselves and their families.

César Chávez served as an example to all of us who live in this great country of how important it is to serve and work for the betterment of all. We should be honoring this man by commemorating his achievements with a César Chávez Day.

May his legacy continue and live on. Let us always remember César Chávez—si se puede!"

CÉSAR CHÁVEZ

HON. ADAM B. SCHIFF

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. SCHIFF. Madam Speaker, on the eightieth anniversary of César Chávez' birth, it is appropriate to reflect on the impact his life and work has had on our Nation. As the founder of the United Farm Workers, Chávez was able to bring about great and positive change for many of the Nation's most vulnerable workers, notwithstanding the seemingly insurmountable obstacles confronting him. He was a remarkable man, who not only fought for the basic human rights of a too often neglected segment of our country, but he went on to inspire a whole new generation of activists who would later carry on his path-breaking work.

César Chávez understood the poverty and disenfranchisement of his fellow farm workers, having grown up working in the fields to support his own family. He fought for fair wages, medical coverage, pension benefits and humane living conditions for farm laborers around the country. And this legacy carries us forward today.

During my time in the California State Senate I supported legislation to designate a State holiday in honor of this remarkable leader. California is currently one of only eight States in the Nation that officially celebrate César Chávez' accomplishments with a holiday, and it has proven an excellent opportunity to educate adults and children about his important effect on social justice and civil rights. That is why I support the effort to create a national holiday to honor César Chávez and share his achievements with the entire Nation.

César Chávez had a motto, sí se puede (it can be done). This message continues to embody Chávez's legacy by inspiring Americans to demand social justice and civil rights. I call upon our community and our country to join me in honoring the contributions and services of a true American hero.

INTRODUCTION OF BILL ON NATIONAL SECURITY LETTERS

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Ms. HARMAN. Madam Speaker, we now know that the FBI may have violated the law or government policies as many as 3,000 times in the use of National Security Letters.

This body has been deeply deficient in its oversight of how NSLs are used, and legislative changes to current law are clearly needed in light of these stunning abuses. That is why the bill I am reintroducing today is even more important now than when I and others first introduced it in December 2005.

I doubt anyone disagrees that law enforcement must be armed with the necessary tools to catch terrorists, spies and others who threaten U.S. national security, but we must do so in a manner that protects the cherished liberty and privacy expectations of all Americans.

This legislation will strengthen accountability and oversight of NSLs, which, to remind my colleagues, are requests for personal data and records issued directly by government agencies without the approval of a judge.

We knew 16 months ago about the lack of checks and balances on both the front and back end of the NSL process—and we knew of the almost non-existent congressional oversight of their use.

Currently, Congress receives a one-page summary listing aggregate numbers of NSLs employed over the course of 6 months. These broad summaries are often delivered as much as a year late or longer. This was grossly inadequate in 2005, and is a bone-rattling embarrassment in 2007.

This bill would make the following changes to the use of NSLs. On the front-end, the bill would: Require the government to show a specific connection to a terrorist or foreign power before an NSL could be issued—a return to the pre-Patriot Act standard; require NSLs to be approved by a FISA court or designated Federal magistrate judge; and require the FISA court to set up an electronic system for filing NSL applications, so that requests are expedited and will not slow down investigations.

On the back-end, this legislation would: Provide a Sense of Congress that, in cases where an NSL recipient challenges the "gag"/non-disclosure requirement, the government's certification that harm to national security will occur shall be treated as a 'rebuttable' presumption, not as "conclusive" evidence that harm would occur; require minimization procedures to ensure destruction of information obtained through NSL requests that is no longer needed; and require detailed semi-annual reports to the Congressional Intelligence and Judiciary Committees on all NSLs issued, minimization procedures, court challenges, and how NSLs aided investigations and prosecutions.

Now, more than ever, Congress must reassert its oversight prerogatives not only to regain control of a program that the Executive Branch allowed to morph into an out-of-control beast, but to reassure the American people that their interests and most fundamental rights are being protected.

In the 109th Congress, the bill was coauthored by the present Chairman of the House Judiciary Committee and all Democrats then on the Intelligence Committee. It was also endorsed by key civil liberties groups. I urge its broad support again.

HONORING LT. ADAM A. DYER

HON. CHARLES W. BOUSTANY, JR.

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, March 28, 2007

Mr. BOUSTANY. Madam Speaker, I rise today to honor the life and service of Lieutenant Adam A. Dyer of Lafayette, Louisiana. A U.S. Naval Aviator, Lieutenant Dyer's life was tragically cut short on January 26, 2007 when a Navy Knighthawk helicopter carrying him and three other crew members crashed into the Pacific Ocean while conducting a routine training mission near San Clemente Island, California.

Madam Speaker, Adam Dyer was an American patriot from day one. A native of Lafayette, Louisiana, he attended Lafayette High School and graduated from the Louisiana School for Math, Science, and the Arts in Natchitoches, Louisiana. He went on to receive a bachelor of arts degree in psychology from Louisiana State University in 2002. While attending college Adam held several jobs, and at the time of his graduation worked for the State of Louisiana as an interpreter in the Department of Tourism.

As a young Boy Scout, Adam attained the distinct honor of Eagle Scout and, following a tradition of that honor, always felt a natural calling to serve his Nation. For a Boy Scout project, Adam once wrote that his goal was to become a Navy pilot. In December 2002, his goal was accomplished when he was commissioned as a United States Naval Officer.

After being commissioned, Lt. Dyer completed primary and advanced flight training in Pensacola, Florida. During training, Lt. Dyer's instructors often challenged his knowledge, but they soon came to realize he had a gifted intellect as well as a photographic memory. This allowed him to recite correct procedures back to his instructors verbatim, including the page numbers.

On November 5, 2004 Lt. Dyer was designated a Naval Aviator. He was then assigned to Helicopter Sea Combat Squadron 3 in San Diego, California for training in the MH–60S, and upon completion reassigned to Helicopter Sea Combat Squadron 21. Lt. Dyer was also instrumental in the formation of Helicopter Sea Combat Squadron 23. In 2005, he participated in hurricane relief operations in Louisiana following Hurricane Katrina, for which he was awarded the Joint Service Achievement Medal and the Humanitarian Service Medal.

Lt. Dyer was deployed to the Middle East twice. During these missions, he and his team were credited with rescuing numerous people. His awards include the National Defense Service Medal and the Global War on Terrorism Service and Expeditionary Medals.

Before his tragic and untimely death on January 26, 2007, he was in training to return to the Middle East for a third tour of duty.

Lt. Dyer realized his lifelong dream of being a Navy pilot, and in his final moments, he sacrificed his life as unselfishly as he lived it, trying to save those around him. Whatever the circumstances surrounding his all too sudden death, there is no doubt that to the point of his last breath, Lt. Dyer's efforts were focused more on saving his crew than on saving himself.

Lt. Dyer came from a military-oriented family, with his father and both grandfathers having served in the military. In addition to flying helicopters, Lt. Dyer loved golf and running. His family and friends remember him as a strong person who would never quit anything, no matter how hard things were. He always saw things through from start to finish. As a Naval Aviator, Lt. Dyer was the consummate professional. He knew his aircraft and his procedures backwards and forwards. Though certainly possessing natural talent, Lt. Dyer's best attributes were his never-ending desire to learn, the great responsibility he felt for his crew, and the fact that he was a loyal friend.

Lt. Dyer was buried in Arlington National Cemetery on March 9, 2007. He is survived by his parents, David and Stephanie Dyer, and a sister, Lindsay Dyer, of Lafayette, Louisiana.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, March 29, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

MARCH 30

10 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Office of the Senate Sergeant at Arms and Doorkeeper, and the United States Capitol police.
SD–138

APRIL 10

10 a.m.
Commerce, Science, and Transportation
To hold an oversight hearing to examine the Federal Trade Commission (FTC).
SR–253

APRIL 11

9:30 a.m.
Veterans' Affairs
To hold hearings to examine issues relative to Filipino veterans.
SR–418

10 a.m.
Banking, Housing, and Urban Affairs
To hold hearings to examine the availability and affordability of property and casualty insurance in the Gulf Coast and other coastal regions.
SD–538

Rules and Administration
To hold an oversight hearing to examine the Smithsonian Institution.
SR–301

APRIL 17

10 a.m.
Judiciary
To hold an oversight hearing to examine the Department of Justice.
SD–106

APRIL 25

2 p.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

APRIL 26

10 a.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine clean coal technology.
SR–253

SENATE—*Thursday, March 29, 2007*

The Senate met at 9 a.m. and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, send Your peace into our world. Hasten the day when nations will live in friendship with each other, united by their allegiance to You.

May the Members of this body build with You a world without dividing walls and partisan strife. Empower our Senators to set country above party and place Your will above all else. Keep them faithful in their efforts to unite our world. Strengthen them to work together for the common good as You place Your peace that passes all understanding in their hearts. Bless them abundantly beyond all that they can imagine.

We pray in the Name of the Prince of Peace. Amen.

PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr., led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The bill clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, March 29, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the State of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, we will immediately resume consideration of H.R. 1591, the supplemental appropriations bill, and begin the process of voting on amendments which remain in order. There are only five amendments which remain in order to the bill. I encourage all Members to remain in the Chamber for these votes so committees and other meetings that are taking place throughout the Capitol can go forward on schedule.

There is a lot of business to be conducted today. I extend my appreciation to all Senators, especially Senator MCCONNELL, for helping us work through the morass we had yesterday. It was very difficult, but we worked through it, and I think it will allow us to get the bill to the President more quickly.

We all acknowledge that the bill is imperfect. That is what conferences are all about. Let's see what we can do to improve it in conference.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SUPPLEMENTAL APPROPRIATIONS

ORDER OF PROCEDURE

Mr. MCCONNELL. Parliamentary inquiry: Are the subsequent votes after the first one 10-minute votes?

The ACTING PRESIDENT pro tempore. That has not been established.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that all votes after the first vote in the stack which is coming up be 10-minute votes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, let me add while my friend the majority leader is here that I hope he joins my view that having finished this supplemental appropriations bill today, we hope the staffs of the two Appropriations Committees in the House and Senate will work expeditiously to finish the conference so it can be approved, hopefully, on the first day we are back, after the House comes back, and we can get it down to the President for the inevitable veto so we can get through this process again and get the much needed money to the troops.

Mr. REID. Mr. President, I say to my distinguished friend, we hope we can have the conference start tomorrow. Tomorrow is Friday, and the fact that we will be out of session a week and the House 2 weeks does not mean Members of Congress cannot be here working on this bill. We all acknowledge, in the first several days—this is a big bill, and staff will do a lot of work, as it has always done. The managers of the bill, both in the House and Senate, majority and minority, will be heavily involved in this conference, and other members of the subcommittees—the chairs and ranking members—as necessary will be involved.

This is an important piece of legislation. No matter the time of year we do these supplemental appropriations bills, they are important. It is an emergency. That is why we are here. While people may not agree as to what is in the bill, we all agree something needs to be done very quickly. We will move this just as quickly as we can.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

U.S. TROOP READINESS, VETERANS' HEALTH, AND IRAQ ACCOUNTABILITY ACT, 2007

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 1591, which the clerk will report.

The bill clerk read as follows:

> A bill (H.R. 1591) making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

Pending:

Cochran (for Lugar) amendment No. 690, to provide that, of the funds appropriated by this act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50 million may be made available to support and maintain a civilian reserve corps.

Obama amendment No. 664, to appropriate an additional $58 million for Defense Health Program for additional mental health and related personnel, an additional $10 million for operation and maintenance for each of the military departments for improved physical disability evaluations of members of the Armed Forces, and an additional $15 million for Defense Health Program for women's mental health services.

Webb amendment No. 692, to prohibit the use of funds for military operations in Iran.

Coburn amendment No. 649, to remove a $2 million earmark for the University of Vermont.

Coburn amendment No. 656, to require timely public disclosure of Government reports submitted to Congress.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Coburn amendment No. 717, to make certain provisions inapplicable.

Coburn amendment No. 718, to make certain provisions inapplicable.

Reid amendment No. 823 (to amendment No. 690), to establish the enactment date.

The ACTING PRESIDENT pro tempore. Under the previous order, all time postcloture has expired.

AMENDMENT NO. 823 WITHDRAWN

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 823, offered by the Senator from Nevada, Mr. REID, is withdrawn.

AMENDMENT NO. 690

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 690, offered by the Senator from Indiana, Mr. LUGAR, is agreed to.

The amendment (No. 690) was agreed to.

The ACTING PRESIDENT pro tempore. Under the previous order, all pending amendments, other than amendment No. 649, offered by the Senator from Oklahoma, Mr. COBURN, are withdrawn.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I understand under the order that there will be 4 minutes equally divided before each amendment. The first amendment we are considering is the Ensign amendment; is that correct?

The ACTING PRESIDENT pro tempore. That is correct.

Mrs. MURRAY. I see the Senator from Nevada is on the floor, so I yield the floor.

AMENDMENT NO. 752, AS MODIFIED

Mr. ENSIGN. Mr. President, I understand a modification of my amendment is at the desk. I call it up.

The ACTING PRESIDENT pro tempore. That is correct. The clerk will report.

The legislative clerk read as follows:

The Senator from Nevada [Mr. ENSIGN] proposes an amendment numbered 752, as modified.

Mr. ENSIGN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

On page 3, strike lines 13 through 22 and insert the following:

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $32,500,000, to remain available until September 30, 2008: *Provided*, That of the amounts made available in this Act for "Educational and Cultural Exchange Programs", $15,000,000 is rescinded.

Mr. ENSIGN. Mr. President, very simply, this amendment reduces spending for the Educational and Cultural Exchange Program fund in order to provide spending for implementation of the Adam Walsh Act. My amendment provides funding for the United States Attorneys to prosecute sexual predators who target children and also for the United States Marshals to track down the nearly 100,000 sex offenders in the United States who have failed to register as a sex offender as required by law.

The bill before the Senate is an emergency spending bill. I strongly believe that funding the critical programs contained in the Adam Walsh Act is an emergency: 100,000 predators on our streets who are unregistered as sex offenders. They need to be registered. So that parents know where they are so that they can protect their children. That is an emergency.

I know some people hold the sincere belief that the Educational and Cultural Exchange program is very worthwhile. I don't question their opinion, but I question whether funding it is truly an emergency. I want to give a few examples of the kind of projects that the Educational and Cultural Exchange program funds. Last year, according to the State Department Web site, this program funded the following: We sent a bluegrass band to China. We taught weaving and dyeing techniques with Uzbek women. We sent jazz musicians to Madagascar. We paid for breakdancers to tour Denmark, Argentina, Croatia, and Kiev. Those may be worthy cross-cultural activities to pursue, but I cannot stand here and suggest they are emergencies that are of greater need to fund than providing law enforcement with the resources need to protect our children, especially at a time of war.

Let's use emergency funding for real emergencies in this country. If you are a parent today and you have children out there, knowing where those sex offenders are so you can keep your children safe I would say does constitute an emergency. I recommend and urge my colleagues to support this important amendment.

Mr. LEAHY. Mr. President, as a former prosecutor I am a strong supporter of the Marshals Service.

We have the Commerce, Justice, Science appropriations bill to fund the U.S. Marshals Service, and there is already $25 million in this bill to support their important work, which is $11 million more than was requested by the President.

The amendment offered by the Senator from Nevada has a lot of appeal. Who would not want to support additional funding for the U.S. Marshals Service, or for a whole lot of other programs, for that matter. Police, fire departments, hospitals, schools—the list is limitless.

It is unfortunate that the Senator's amendment would be paid for by cutting $15 million in this supplemental bill, requested by the President, to fund international educational and cultural exchange programs. In other words, he reaches across subcommittees to a completely different budget from that which funds the Marshals Service. That is a mistake. It is a road we should not go down.

Should we also take money to train teachers in Afghanistan and use it instead to refurbish public schools in the United States? What about cutting funding for reconstruction in Lebanon to pay for new vehicles and equipment for our police and fire departments? Or we could cut the funding in this bill to combat the spread of avian flu and use it instead for victims of crime programs or drug treatment programs here at home.

Any of those amendments would pass overwhelmingly in the Senate.

But is that really how we want to do our business? The reputation of the United States today has taken a beating unparalleled in our history. We are reviled in the Muslim world. Even our traditional allies have lost faith in our leadership. During his recent trip to Latin America, President Bush encountered this hostility at every stop.

Our image has been tarnished, our influence badly eroded. This is an emergency bill to combat terrorism, and these educational exchange programs, which provide Muslim students and professionals the opportunity to come to the United States for education and training, are among the most effective ways we have of combating extremism.

Exchanges have been shown to reverse negative perceptions and the spread of hatred. There are far too few tools at our fingertips that are this effective.

These funds would support, for example, a first-ever Islamic dialogue two-way exchange program to foster interfaith dialogue, sports exchanges to engage youth and provide the opportunity to visit the United States and summer programs for Muslim students to learn English. This amendment would cut $15 million in this bill for these programs, leaving only $10 million for educational and cultural exchanges for the whole world.

I share the Senator's concerns about the Adam Walsh Child Safety and Protection Act. We should increase funding for the Marshals Service. But this bill is not the place to do that. This bill is about combating terrorism and responding to humanitarian emergencies overseas. It would be a serious mistake to reduce funding for exchange programs that have strong bipartisan support. The President requested these funds, and he was right to do so. We cannot only look inward. We must look outward as well. No programs are more effective in countering the negative attitudes about America than the exchanges that bring people here from countries such as Egypt, Indonesia, Lebanon, and Pakistan to meet Americans and experience what life is like in the world's oldest democracy.

I support the intent of the amendment of the Senator from Nevada and will reluctantly vote for it, but if he had been willing, I would have been happy to have worked with him to obtain additional funds for the Marshals Service in the appropriate funding bill. Unfortunately he was not.

Mr. FEINGOLD. Mr. President, I supported that Ensign amendment today because it is vitally important that we protect our children against sexual predators. I did so despite my serious concern about the offset used to pay for the program. We should not be cutting funding from the State Department's Bureau of Education and Cultural Exchange, ECA. I strongly believe that people-to-people exchange is one of the most effective public diplomacy tools we have, and I hope that funding for the ECA will be restored in conference.

I yield the remainder of my time.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the Ensign amendment, as modified, is an amendment that is acceptable to this side. I ask my colleague from Nevada if he is willing to take a voice vote.

Mr. ENSIGN. I ask for the yeas and nays.

Mrs. MURRAY. Mr. President, I understand the Senator wants a rollcall vote on this amendment. We will move to that vote. We support the amendment on this side and yield back our time.

I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There appears to be a sufficient second.

The question is on agreeing to the amendment.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH), the Senator from New York (Mrs. CLINTON), the Senator from Hawaii (Mr. INOUYE), the Senator from South Dakota (Mr. JOHNSON), the Senator from Connecticut (Mr. LIEBERMAN), and the Senator from Florida (Mr. NELSON) are necessarily absent.

I further announce that, if present and voting, the Senator from New York (Mrs. CLINTON) and the Senator from Florida (Mr. NELSON) would each vote "yea."

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 93, nays 0, as follows:

[Rollcall Vote No. 122 Leg.]

YEAS—93

Akaka
Alexander
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—7

Bayh
Clinton
Enzi
Inouye
Johnson
Lieberman
Nelson (FL)

The amendment (No. 752), as modified, was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, we are moving quickly to finish this bill. It will take the cooperation of all Senators. I ask everyone to make sure you are in the Senate Chamber because rollcall votes will be 10 minutes from here on.

We now turn to the Senator from South Carolina.

The ACTING PRESIDENT pro tempore. The Senator from South Carolina is recognized.

AMENDMENT NO. 704

Mr. DEMINT. I ask unanimous consent to call up amendment No. 704 and ask for its immediate consideration.

The ACTING PRESIDENT pro tempore. The clerk will report the amendment.

The bill clerk read as follows:

The Senator from South Carolina [Mr. DEMINT] proposes an amendment numbered 704.

Mr. DEMINT. I ask unanimous consent the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To prohibit the use of funds to make payments to certain spinach growers and first handlers)

At the end of chapter 1 of title III, insert the following:

SEC. 3104. SPINACH.

No funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006.

Mr. DEMINT. Mr. President, my amendment simply states that no funds in this act shall be used to make payments to spinach producers.

The House version of this bill includes $25 million for spinach growers, which all of us know has no place in this bill. Last week, the Senate spoke unanimously and we voted to block this spending from our budget process last year. I am asking all my colleagues to support the removal of this wasteful spending in this emergency war supplemental bill.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, the amendment by the Senator from South Carolina is a solution looking for a problem. I sit on the Appropriations Committee. I was there throughout the entire committee markup. There was never any money for spinach in the Senate version of this bill. There is not now any money for spinach in the Senate version of this bill, so adoption of this amendment will not change the substance of this bill one iota. But if the Senator insists, we will go ahead and move forward on his amendment. We are happy to take it by a voice vote if the Senator would consider that.

Mr. DEMINT. I think it is important this body be on record. This will be a matter of conference, and I think we all need to be on record showing we do not want it in the final bill.

I ask for the yeas and nays.

Mrs. MURRAY. How much time do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 1 minute 14 seconds.

Mrs. MURRAY. Mr. President, I tell my colleagues on this side of the aisle, there is no money in the Senate bill for spinach. We do know there are issues out there affecting our agricultural communities across the Nation. The bill that is before us addresses many of those critical issues. This is a supplemental emergency bill, and when there are emergencies, we are responsible for taking care of them. But the amendment of the Senator from South Carolina will make no difference in this bill.

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

Mr. REID. I will use leader time. Mr. President, we are trying to get a lot of things done today to finish this bill. There are important committees wanting to meet. Everyone should understand every Democrat is going to vote for this amendment. This is a waste of time. Everyone who is going to be on conference knows the Senate is voting for this amendment. I think it is an effort to slow things down today. I think it is unnecessary. We are all going to vote for this, but if we want to waste 15 minutes of the people's time, we can do that. The Senator has that right.

Mr. DEMINT. I thank the Senator. I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second? There is a sufficient second. The question is on agreeing to the amendment. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Indiana (Mr. BAYH) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The ACTING PRESIDENT pro tempore. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 97, nays 0, as follows:

[Rollcall Vote No. 123 Leg.]

YEAS—97

Akaka
Alexander
Allard
Baucus
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—3

Bayh
Enzi
Johnson

The amendment (No. 704) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

CHANGE OF VOTE

Mr. BAUCUS. Mr. President, on rollcall vote No. 123, I voted "nay." It was my intention to vote "yea." Therefore, I ask unanimous consent that I be permitted to change my vote as it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The foregoing tally has been changed to reflect the above order.)

AMENDMENT NO. 649

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the next amendment in order is the Coburn amendment, No. 649. We are ready to take this on a voice vote. If there is no one who wants to speak on the other side, we can move to the amendment.

Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 649) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. DURBIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 737, AS MODIFIED

The ACTING PRESIDENT pro tempore. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the next amendment in order is the Sanders amendment, No. 737. This amendment has also been agreed to on both sides. If the Senator from Vermont wishes to, he may speak.

The ACTING PRESIDENT pro tempore. The Senator from Vermont is recognized.

Mr. SANDERS. Mr. President, I will be very brief.

Pursuant to the agreement reached last night, I call up an amendment I have at the desk, Sanders amendment No. 737, as modified by No. 808.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Vermont [Mr. SANDERS], for himself, Mr. REED, Mr. BINGAMAN, Mr. MENENDEZ, Mr. KERRY, and Mr. HARKIN, proposes an amendment numbered 737.

Mr. SANDERS. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To provide funds for the weatherization assistance program)

On page 99, line 4, strike "ties" and insert "ties: *Provided further*, That $229,500,000 of the amount provided shall be used for the weatherization assistance program of the Department of Energy".

Mr. SANDERS. Mr. President, this amendment is a bipartisan amendment cosponsored by Senators SUNUNU, BINGAMAN, MENENDEZ, KERRY, HARKIN, DODD, WYDEN, and CLINTON. It is also strongly supported by the AARP.

This modification, which has the bipartisan support of the Appropriations Committee, would partially restore funding for weatherization programs. The amendment does not use new money. It simply instructs the Department of Energy to use its fiscal year 2007 appropriations to increase the amount it will spend on weatherization by $25 million over its current plan.

I think all of my colleagues know the weatherization program is important for a number of reasons. First, when people have a limited amount of money, it is absurd that their scarce resources simply go up into the air because they do not have the money to adequately insulate their walls or their roofs.

Secondly, if we are serious about global warming, we had better move toward energy efficiency. We are wasting huge amounts of energy by seeing people living in homes with inadequate weatherization.

I would ask strong support from my colleagues for this amendment.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, this amendment has been agreed to on both sides. I believe we can do it on a voice vote.

Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The amendment (No. 737) was agreed to.

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The ACTING PRESIDENT pro tempore. The Senator from Washington.

Mrs. MURRAY. Mr. President, we are moving rapidly to a finish. We have one final amendment that needs to be voted on. Then we will have a manager's package and final passage shortly. I yield to the Senator from Delaware.

AMENDMENT NO. 739

The ACTING PRESIDENT pro tempore. The Senator from Delaware.

Mr. BIDEN. Mr. President, I call up amendment No. 739.

The ACTING PRESIDENT pro tempore. The clerk will report.

The legislative clerk read as follows:

The Senator from Delaware [Mr. BIDEN], for himself, Mr. KENNEDY, Mr. KERRY, and Mr. DURBIN, proposes an amendment numbered 739.

Mr. BIDEN. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To appropriate an additional $1,500,000,000 for Procurement, Marine Corps, to accelerate the procurement of an additional 2,500 Mine Resistant Ambush Protected vehicles for the Armed Forces)

At the end of chapter 3 of title I, add the following:

SEC. 1316. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS, FOR ACCELERATION OF PROCUREMENT OF ADDITIONAL 2,500 MINE RESISTANT AMBUSH PROTECTED VEHICLES FOR THE ARMED FORCES.

(a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading "PROCUREMENT, MARINE CORPS" is hereby increased by $1,500,000,000, with the amount of the increase to be available to the Marine Corps for the procurement of an additional 2,500 Mine Resistant Ambush Protected (MRAP) vehicles for the regular and reserve components of the Armed Forces by not later than December 31, 2007.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the procurement of vehicles described in that subsection is in addition to any other amounts available under this chapter for that purpose.

Mr. BIDEN. This amendment is very straightforward. This amendment moves up $1.5 billion into the supplemental from the 2008 budget. The effect will be, it will add an additional 2,500 MRAP vehicles into the field faster. These are the vehicles with the V-shaped hull. This increases the security of our troops inside these vehicles—who are now riding in humvees—three to four times.

What it will mean is it is an opportunity to provide 10,000 to 30,000 of our troops four times more protection than they now get riding around in the humvees when they are attacked by IEDs. That is tens of thousands of Americans who won't be severely injured or killed.

The Commandant of the Marine Corps and the Chief of Staff of the Army both have said they need this money moved up so they can get these additional vehicles into the field earlier. I cannot think of a better way to explain this amendment than using the words of the Commandant of the Marine Corps when I spoke to him yesterday.

He said: Senator, this is the highest moral imperative I have as a Commandant of the Marine Corps.

I hope we will move this money up. I hope we will pass this amendment. It literally, not figuratively, will save lives.

I yield the floor, and I ask for the yeas and nays.

The ACTING PRESIDENT pro tempore. Is there a sufficient second?

There is a sufficient second.

The yeas and nays are ordered.

Who yields time?

The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield back all time.

The ACTING PRESIDENT pro tempore. Without objection, all time is yielded back.

The question is on agreeing to the amendment.

The clerk will call the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The result was announced—yeas 98, nays 0, as follows:

[Rollcall Vote No. 124 Leg.]

YEAS—98

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Biden
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dodd
Dole
Domenici
Dorgan
Durbin
Ensign
Feingold
Feinstein
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Kyl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NOT VOTING—2

Enzi
Johnson

The amendment (No. 739) was agreed to.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from Arizona.

Mr. KYL. Mr. President, I raise a point of order. Under rule XVI, section 1711 of the bill is legislation on an appropriations bill.

Section 1711 of the substitute amendment makes changes to the immigration code's bars on entry to the United States for individuals tied to terrorist activity or groups. Although I agree with the stated purpose of this provision—to allow the Hmong and other groups that do not pose a threat to the United States to enter this country—I object to the language of this provision and have introduced two amendments to correct that language.

Everyone agrees that groups such as the Hmong and the Montagnards, who fought bravely alongside U.S. forces during the Vietnam war, should not be barred from entering this country. If section 1711 were tailored to aid the Hmong and other groups that do not pose a threat to the United States, I would have no objection to such a legislative proposal.

Unfortunately, the text of section 1711 does much more than simply allow the Hmong to remain in this country. The provision in this bill would extend the waiver authority in current law to groups that are definitely not friends of the United States—including to members of groups that the Secretary of State has designated as Foreign Terrorist Organizations.

Current law bars, without exception, anyone who is a member or a representative of a terrorist organization from gaining admission to the United States. Section 1711 would remove this categorical bar and allow members of even Tier I terrorist organizations to seek a waiver and admission to this country.

Tier I terrorist organizations include groups such as the Al-Aqsa Martyrs Brigade, the group that has been responsible for the majority of suicide bombings in Israel in recent years. Section 1711 would extend waiver authority to the Armed Islamic Group and to the Salafist Group for Call and Combat, the two principal terrorist groups that have carried out a bloodthirsty campaign massacres, abductions, and rapes in Algeria over the last 15 years. The provision in the Senate substitute would extend waiver authority to Hamas, Hezbollah, and Palestinian Islamic Jihad, and the Senate bill would even extend waiver authority to al-Qaida.

I do not think that there is a single Member of this body who believes that any member of al-Qaida, Hamas, or Hezbollah should ever be considered for admission to this country. Yet the Senate bill would allow members or representatives of all of these groups to be considered for entry to the United States.

Another problem posed by section 1711 of the Senate bill is that it would also make it very difficult to bar entry to someone who has given material support to a terrorist organization. The section would effectively require the Department of Homeland Security to prove a negative—to show that an individual did not act under duress—when it seeks to bar someone who has given material support to terrorism from entering this country.

Imagine a situation, for example, where DHS learns that an Iraqi seeking admission to this country had helped plant improvised explosive devices in Iraq. Approximately 1,000 U.S. soldiers have been killed by IEDs since the beginning of the Iraq war. And suppose that this hypothetical individual claimed that he acted under duress—that some unnamed person forced him to plant IEDs. Under the Senate bill, DHS would have to prove that this person did not act under duress in order to bar him from the United States. This makes no sense. If we learn that someone has provided material support to terrorism, and that person seeks a waiver and entry to this country, at the very least, it is that person who should bear the burden of proving that he acted only under duress.

As I mentioned earlier, I have filed two amendments that are designed to address these problems with section 1711. I have concluded, however, that there is no reason at all to enact this provision on the emergency war supplemental. There is no reason that this measure cannot be enacted through regular order. To that end, I will introduce legislation this week that will provide relief from terrorism-related immigration bars to the Hmong and other groups that do not pose a threat to the United States.

Everyone agrees that groups such as the Hmong should not be barred from the United States. Moving such a bill through regular order will also protect the rights of the minority, and allow the full Senate to ensure that this legislation does not include the excesses that appear in section 1711. We all agree that we should help the Hmong. But I would venture that we would also all agree that we should not extend immigration waiver authority to members of Hamas and al-Qaida.

Mr. LEAHY. Mr. President, the supplemental contains a provision, section 1711, which was carefully worked out through discussions between my office, the offices of Senator SPECTER, Senator BROWNBACK, Senator KENNEDY, Senator COLEMAN and Senator FEINGOLD, as well as with representatives of the Department of Homeland Security, the Department of Justice, the Department of State, and the National Security Council.

This provision contains six subsections, (a) through (f).

Subsections (a) and (d) were written by the administration.

Subsections (b) and (f) were written by the Senator from Arizona, Senator KYL.

Subsection (c) provides an exception for cases involving duress, which is consistent with the administration's policy except that this provision would codify it into law.

Section (e) is a reporting requirement.

That is the whole provision. It represents months of discussion and compromise on an issue that has been a focus of concern of faith-based organizations and humanitarian organizations, conservative and liberal, Democratic and Republican.

Here is the background.

Current law, as a result of overbroad amendments in the PATRIOT Act and Real ID Act, has been used to bar refugees and asylum seekers who were either members of groups who fought on the side of the United States, such as the Hmong, the Montagnards, and the Northern Alliance in Afghanistan, or who were the victims of terrorist groups and forced to provide "material support," such as food, shelter, or other services.

Administration officials have acknowledged that they have been inexcusably slow to deal with this problem. Thousands of refugees and hundreds of asylum seekers have been in limbo as a result. We now face the additional problem of Iraqi refugees, 7,000 of whom the President says should be admitted to the United States, being barred from admission unless we fix the law.

After considerable prodding, the administration has moved in the right direction. Two weeks ago, it took another welcome step, although we have not yet seen the results of this reported change of policy.

The number of refugees admitted to the United States would not be increased or decreased by this provision. That is determined by the numerical limit set by the President each year and by the amount we appropriate for refugee admissions.

Numerous editorials have described the horrific consequences for refugees who have been victimized by current law.

Just the titles of these editorials tell the story: "Shutting Out Terrorism's Victims," "Doctors Without Refuge," "Anti-terror laws keeping out old Vietnam allies," "Punishing the Persecuted," "U.S. denies refuge to friends, the abused," "The Refugee Mess," "Excluding Friends," and finally, "Fix This Law."

I will ask that just three of these editorials be printed in the RECORD at the close of my remarks.

This provision is a compromise that would get our law back in sync with our values, but now the Senator from Arizona, Mr. KYL, has raised a rule XVI point of order against this provision and had it stricken from the bill.

It is regrettable that one Senator, for whatever reason, has decided to torpedo this bipartisan effort. We have worked with the administration. We have worked with refugee organizations that know the hardship current law is causing for thousands of innocent people, legitimate refugees and asylum seekers, who have been denied admission. We have worked to find a reasonable middle ground.

But that isn't good enough for the Senator from Arizona, so we are back to square one. Individuals who fought alongside the United States in Vietnam, in Afghanistan, and elsewhere will continue to be barred under current law. Our provision would have fixed this illogical, unfair result, but now that provision has been stricken so those former allies—the Hmong, the Montagnards and others—will remain excluded.

Innocent victims of the material support bar will continue to wait for the Federal bureaucracy to address their cases—a wait that is well into its third year. Victims of terrorist groups like the FARC in Colombia or the Lord's Resistance Army in Uganda get no help from the Congress.

I regret this action by the Senator from Arizona. By striking this provision he ensures the perpetuation of a policy that is contrary to our values, to our morals, and to our national traditions.

I wish to thank all Senators who have joined in this effort but particularly Senator BROWNBACK, Senator SPECTER, Senator KENNEDY, Senator COLEMAN, and Senator FEINGOLD. I also wish to thank representatives of the humanitarian and other groups who have provided helpful information and advice, as well as officials in the administration who have made a sincere effort to work with us.

While the Senator from Arizona has singlehandedly prevented us from moving forward at this time, we will continue to work together to fix the law in a manner that reaffirms our commitment to the words that are carved in the Statue of Liberty.

Mr. President, I ask unanimous consent that the aforementioned editorials be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Oct. 24, 2006]

THE REFUGEE MESS

The Bush administration planned to admit 70,000 refugees this past fiscal year; Congress provided funding for 54,000. In the event, the United States admitted fewer than 42,000—a figure significantly lower than in either of the previous two years. The main reason for the shortfall in this crucial humanitarian program, according to recent State Department testimony before Congress, is the irrationally broad definitions in current law regarding terrorism, terrorist groups and material support for terrorism—definitions that end up excluding as terrorists people who should be protected.

The law bars as refugees people who have been members or supporters of any group with "two or more individuals, whether organized or not, [which] engages in, or has a subgroup which engages in" activities as broad as using an "explosive, firearm or other weapon or dangerous device." The result has kept out the sort of people America's traditionally generous refugee policy was designed to help.

The law gives the administration some waiver flexibility, which it rightly has begun using recently on behalf of many ethnic Karen and Chin victims of the Burmese military junta. But that is only a partial fix, for the administration does not have the power to admit refugees who were members of groups that bore arms—even those allied with this country. So the law continues to keep out what Ellen Sauerbrey, assistant secretary of state in charge of refugees, recently described to a Senate subcommittee as "other meritorious cases, such as Cuban anti-Castro freedom fighters, Vietnamese Montagnards who fought alongside of U.S. forces and Karen who participated in resistance against brutal attacks on their families and friends by the Burmese regime."

The administration seems newly open to the idea of fixing the law to give itself flexibility concerning members of groups that meet the absurdly broad definition of terrorist. That would be a breakthrough. A country's willingness to welcome victims of repressive governments and war zones is a measure of its values, and this country has traditionally led the world in refugee resettlement. Not every armed group is a terrorist organization; American policy should not treat victims of the worst sort of violence like perpetrators of it.

[From the New York Times, Apr. 3, 2006]

TERRORISTS OR VICTIMS?

In Sierra Leone there is a woman who was kept captive in her house for four days by guerrillas. The rebels raped her and her daughter and cut them with machetes. Under America's program to resettle refugees, she would be eligible to come to safety in the United States. But her application for refuge has been put on indefinite hold—because American law says that she provided "material support" to terrorists by giving them shelter.

This law is keeping out of the United States several thousand recognized refugees America had agreed in principle to shelter. By any reasonable definition, they are victims, not terrorists.

A Liberian woman was kidnapped by a guerrilla group and forced to be a sexual slave for several weeks. She also had to cook and do laundry. These services are now considered material support to terrorists. In Colombia, the United Nations will no longer ask the United States to admit dozens of refugees who are clearly victims, since all their predecessors have been rejected on material support grounds. One is a woman who gave a glass of water to an armed guerrilla who approached her house. Another is a young man who was kidnapped by paramilitary members on a killing spree and forced to dig graves alongside others. The men, many of whom were shot when their work was finished, never knew if one of the graves would become their own.

The law makes no exception for duress. It also treats any group of two or more people fighting a government as terrorists no matter how justified the cause, or how long ago the struggle. So the United States has turned away Chin refugees, for supporting an armed group fighting against the Myanmar dictatorship, which has barred them practicing their religion. The United States has acknowledged that the law would also bar Iraqis who helped American marines find Jessica Lynch.

The law does not formally reject these applicants but places them on indefinite hold. No one accused of material support has ever had that hold lifted. The Department of Homeland Security can supposedly waive the material support provision but has never done so.

Clearly, Congress needs to add an exception for duress, allow the secretary of state to designate armed movements as nonterrorist, and allow supporters of legitimate groups to gain refuge. These changes would pose no risk of admitting terrorists to the United States and would keep America from further victimizing those who have already suffered at the hands of terrorist groups.

[From the Minneapolis Star-Tribune, Jan. 10, 2007]

U.S. DENIES REFUGE TO FRIENDS, THE ABUSED

Franz Kafka, Czech writer of the surreal and absurd, could have imagined this, perhaps: A young Hmong man fights with Americans against the Communist Laotian government. Decades later, he is accepted into the United States as a refugee. But he can't get a green card that will allow him to remain permanently and work in the United States. He's run afoul of an anti-terrorism law prohibiting asylum for people who have provided "material support" to terrorists. Incredibly, he's not alone, a situation that requires the remedial action promised by Senate Judiciary Committee Chairman Patrick Leahy, D-Vt.

The issue isn't the law itself but its interpretation by the Department of Homeland Security. The department's definition of "material support" for terrorism is so broad it has caught, among others, a refugee nurse from Colombia who was kidnapped and forced to treat a member of a guerrilla group.

Even strong Bush administration supporters—the conservative Hudson Institute; Gary Bauer, president of American Values; and the Southern Baptist Convention's Ethics and Religious Liberty Commission—are outraged by Homeland Security's inflexibility. In words he probably thought he would never utter, the Hudson Institute's Michael Horowitz says, "The key to ending these policies is in the hands of the new Democratic majority" in Congress.

Leahy, a persistent critic of the "material support" provision, has promised hearings on the issue. He should be pressed to follow through. It's beyond outrageous that a law intended to help protect Americans from terrorists should be used to punish old allies and further terrify victims seeking refuge from the abuse they suffered in their home countries.

The PRESIDING OFFICER. The point of order is well taken.

The Senator from Washington.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the following amendments be agreed to en bloc: amendment No. 661 by Senator KOHL; amendment No. 664, OBAMA, as modified; No. 677, LEAHY; No. 679, COLLINS, as modified; No. 681, LEAHY, as modified; No. 683, Senator DORGAN; No. 722, Senators DOMENICI and BINGAMAN, as modified; No. 726, KERRY, as modified; No. 728, BOND, as modified; No. 754, MIKULSKI and SHELBY, as modified; No. 757, BYRD; No. 759, CLINTON; No. 771, Senator SNOWE; No. 784, Senator DURBIN; No. 799, Senators LUGAR and KENNEDY, as modified; and ask for their immediate consideration. I send the modifications to the desk.

Mr. COCHRAN. Mr. President, reserving the right to object, I will be compelled to object to that request in that there are some items here that have not been cleared on this side of the aisle. That has just been brought to my attention. To give us an opportunity to check each one of these items in the request, I do object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Washington.

Mrs. MURRAY. Having heard the objection, it is unfortunate. We have been trying to work through a number of what we had hoped would be agreed-upon amendments, but since they can't be considered at this time, all debate time has expired, and I understand we will move to third reading.

The PRESIDING OFFICER. The Senator from South Carolina.

CHANGE OF VOTE

Mr. GRAHAM. Mr. President, on rollcall vote 118, I voted "yea." It was my intention to vote "nay." Therefore, I ask unanimous consent that I be permitted to change my vote since it will not affect the outcome.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from South Carolina.

Mr. DEMINT. Mr. President, I make a point of order that section 431, dealing with the tree assistance program, starting on page 150, line 13 and ending on page 151, line 15, violates rule XVI of the Standing Rules of the Senate.

Mr. COCHRAN. Reserving the right to object, would the Senator state what the substance of this matter is in the bill?

Mr. DEMINT. This section of the bill deals with the tree assistance program. It has no business being in a war supplemental. It is clearly legislating on an appropriations bill, and I believe it violates rule XVI.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, I raise the defense of germaneness on this point of order.

The PRESIDING OFFICER. The question is, Is the section germane?

Mr. DEMINT. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

At the moment there is not a sufficient second.

The Senator from Kentucky.

Mr. BUNNING. Mr. President, may we have a clarification of what is going on?

The PRESIDING OFFICER. The question is, Is the section germane to language in the underlying House bill?

Mr. BUNNING. Wait a minute. Would you continue? If this language is germane and a point of order has been lodged against it, is that——

The PRESIDING OFFICER. A point of order has been lodged against the section.

Mr. BUNNING. How does the Parliamentarian rule?

The PRESIDING OFFICER. It is a vote of the Senate as to whether there is sufficient language in the House bill for the defense of germaneness.

The question is, Is the section germane?

Mr. BUNNING. In other words, the Parliamentarian is throwing it back to the Senate to vote whether it is germane?

The PRESIDING OFFICER. As required by the rule.

Mr. BUNNING. OK.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, could we ask for a ruling from the Chair on the germaneness of the underlying section?

The PRESIDING OFFICER. The question is, Is the section germane?

Mr. DEMINT. Mr. President, I ask for the yeas and nays and encourage my colleagues to vote "no."

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 57, nays 41, as follows:

[Rollcall Vote No. 125 Leg.]

YEAS—57

Akaka
Baucus
Bayh
Biden
Bingaman
Bond
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Cochran
Coleman
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Harkin
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Specter
Stabenow
Stevens
Tester
Webb
Whitehouse
Wyden

NAYS—41

Alexander
Allard
Bennett
Brownback
Bunning
Burr
Chambliss
Coburn
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Graham
Grassley
Gregg
Hagel
Hatch
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Enzi
Johnson

The PRESIDING OFFICER. The section is voted germane and the point of order falls.

Mrs. MURRAY. I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Washington.

Mrs. MURRAY. Mr. President, what is the regular order?

The PRESIDING OFFICER. The regular order is that other points of order remain in order.

The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I raise a point of order that section 3001 constitutes general legislation and is not in order to a general appropriations bill under rule XVI.

The PRESIDING OFFICER. The point of order is sustained. The language is stricken.

Mr. ALEXANDER. I thank the Chair.

Mr. STEVENS. I turn now to an issue that should be of concern to us all, and that is the safe transport of our civilian contractors into and out of Iraq and Afghanistan. On occasion, these U.S. citizens are flying on poorly regulated charter aircraft that are ultimately paid for by funds provided by Congress to the Department of Defense and the Department of State.

Mr. INOUYE. I believe that I recently read about this issue in the press. I am concerned as well that the lack of regulation and oversight of these charter aircraft put our citizens at risk.

Mr. STEVENS. I am also informed that the aircraft, air carriers, and air charter providers being used to provide the charters for our contractors in Iraq are, in some cases, using poorly trained crews to fly outdated and poorly maintained aircraft. The Senate Armed Services Committee will most likely address this matter during their consideration of the fiscal year 2008 Defense authorization bill. We should consider requiring that air charter operates in Iraq and Afghanistan, funded either directly or indirectly by congressional appropriations, meet safety and maintenance standards equal to those required by charters in the U.S.and European Union.

Mr. INOUYE. I agree that air transport safety of our citizens in Iraq and in Afghanistan is an important issue and I endorse your comments on this matter. We should work to take the steps needed to ensure the safety of our civilian contractors.

GEOTHERMAL ENERGY RESEARCH FUNDING

Mr. REID. I rise to enter into a brief colloquy with Senator DORGAN, chairman of the Energy and Water Development Appropriations Subcommittee, regarding section 3201 of title III of Senate amendment No. 641 to H.R. 1591, the emergency supplemental appropriations bill for fiscal year 2007. I thank the Senator for including in the committee's substitute amendment the language that I requested to ensure that important geothermal energy research can continue in fiscal year 2007, instead of being closed down pursuant to the administration's ill-advised spending plan.

Mr. DORGAN. I thank the leader for his support and continuing interest in geothermal and renewable energy. The committee's substitute amendment provides $22,762,000 for geothermal energy research at the Department of Energy in fiscal year 2007. This is the same level of funding as provided in fiscal year 2006. After the administration proposed terminating the geothermal research program in its fiscal year 2007 budget request, the Senate Appropriations Committee rejected that proposal last year in its report accompanying the fiscal year 2007 energy and water appropriations bill, S. Rept. 109–274. Section 3201 will ensure continuation of this vital program.

Mr. REID. I thank the Senator from North Dakota for his support for the geothermal energy program and his leadership on national energy policy. As the Senator knows, geothermal energy is a very important resource for Nevada and all Western States to develop to help address our national energy and environmental security problems. There have been several new reports in the past few months from the Geothermal Energy Association, the National Renewable Energy Laboratory, and the Massachusetts Institute of Technology that show the tremendous untapped potential of this renewable resource. Geothermal energy is clearly an important resource that can provide very valuable clean, baseload power. Its advantages are many and obvious, and the Department of Energy should be expanding its efforts in this area not reducing them.

Given the hostility of the Department of Energy, DOE, and the administration toward expanding our Nation's massive geothermal energy potential through research and deployment, can the chairman of the Energy and Water Subcommittee convey any specific intent about how the appropriated funds in this amendment should be used?

Mr. DORGAN. First of all, the department should continue critical efforts to support new technology and deployment, including funding of existing contracts and awards under previous solicitations, but the department should be rapidly implementing and supporting the geothermal provisions of the Energy Policy Act of 2005.

Based upon the studies and reports the Senator from Nevada has mentioned, it should also be a priority for the department to support resource development and exploration technology, including continued both existing and new Geothermal Resource Exploration and Development, GRED, efforts that are underway at the DOE.

Mr. REID. I thank the Senator from North Dakota for his comprehensive answer. I hope that as we consider the fiscal year 2008 energy and water appropriations bill, Congress will provide expanded support for the geothermal energy program, along with more specific guidance as needed by the distinguished chairman.

Mr. DORGAN. I appreciate the Senator's views on the importance of this program and share the Senator's commitment to ensuring an effective DOE geothermal program that works to expand our Nation's use of this important, renewable energy resource.

Mr. SPECTER. Mr. President, I seek recognition to discuss a matter of the utmost importance, a pay raise for judges and justices of the United States.

The salaries of article III judges are inadequate for the stature and duties that are attendant to the job. The low salaries threaten the independence and excellence of the judiciary.

The Framers sought to ensure that the Federal judges would be independent—free from persuasion—to impartially apply the law. Alexander Hamilton wrote in the Federalist No. 79: "Next to permanency in office, nothing can contribute more to the independence of the judges than a fixed provision for their support. . . . In the general course of human nature, a power over a man's subsistence amounts to a power over his will."

For this reason, though Congress was charged with providing for the judiciary's support, judges were given salary protection in the compensation clause in article III, section 1 of the U.S. Constitution. This clause provides that "the Judges, both of the supreme and inferior Courts, shall hold their offices during good Behavior, and shall, at stated Times, receive for their Services a Compensation which shall not be diminished during their Continuance in Office." The Framers gave judges salary protection so that they could be independent, free from the threat of salary diminution by Congress. They recognized that independence was key to the ability of judges to implement the rule of law without fear or favor. Judicial independence is the cornerstone of our legal system, which has been the model for judiciaries throughout the world.

This constitutional protection against salary diminution, so central to judicial independence, is undermined when judicial salaries are allowed to steadily decline through neglect. And the independent judiciary our forefathers envisioned is undermined when Congress fails to attend to the needs of its principals and insists on tying of their salaries to those of elected leaders.

The last time Congress significantly raised the pay of Federal judges was in 1989, when the Ethics Reform Act raised their salaries by 25 percent. At the same time, however, the act curtailed judges' ability to earn outside income. Although the act provided for annual cost-of-living adjustments, these annual increases have not been realized due to congressional inaction in 5 of the last 13 years. Thus, the real pay of judges has continued to decline—12 percent since the Ethics Reform Act was enacted. The decline of judicial salaries since 1969 is even starker—the real pay of district judges has decreased by nearly 25 percent since 1969. During the same time period, the salary for the average American worker increased by about 19 percent.

Obviously, we cannot equate the judges' pay with that of ordinary working Americans. No one would argue that Federal judges' salaries are worse than those of the vast majority of American taxpayers. However, Federal judges' pay has not kept pace with the salary increases of their peers within the legal profession. In 1969, Federal judges' salaries exceeded those of top law school deans by 21 percent. Today, in contrast, Federal district judges earn about half as much as deans at these law schools. In fact, the salary of a district judge today—$165,200—is a mere $20,000 more than what a first year associate at a New York law firm earns. Partners in law firms often earn an excess of $1 million per year.

Nor have judicial salaries kept up with the salaries of other government servants. The Chief Justice of the United States earns $212,100, while the Chief Learning Officer at the Federal Deposit Insurance Corporation earns up to $257,134. Many other government employees can receive in excess of $200,000 per year in compensation, while judges for the courts of appeal earn $175,100 and district court judges earn $165,200.

Chief Justice Roberts and Justice Kennedy have both recently addressed the toll that these comparatively low judicial salaries are taking on his fellow justices and judges. On February 14, 2007, Justice Kennedy addressed the Judiciary Committee and related that in more than 30 years as a judge, he has never seen his "colleagues so dispirited as at the present time." He testified that "if there is a continued neglect of compensation needs," he is concerned that low morale will lead to a judiciary that "will be diminished in its stature and its capacity." Chief Justice Roberts also addressed this problem, devoting his entire 2006 Year End Report on the Federal Judiciary to the topic. He raised concerns that the low salaries of judges threaten the ability of the judiciary to draw the best and the brightest legal minds into service. The Chief Justice raised the alarm that "without fair judicial compensation we cannot preserve the quality and independence of our judiciary, which is the model for the world." Further, he fears that the relative inadequacy of judicial compensation is cause for judges to leave the bench for more lucrative careers elsewhere. He wrote that "[i]f judicial appointment ceases to be the capstone of a distinguished career and instead becomes a stepping stone to a lucrative position in private practice, the Framers' goal of a truly independent judiciary will be placed in serious jeopardy."

On a related note, I would like to address the notion that judicial salaries should be linked to salaries for Senators and Members of the House. Judges should not be held hostage because political winds make it difficult for elected leaders to raise their own salaries. It is high time to dispense with the idea that the two ought to be linked. The judicial branch is separate but equal to the legislative branch, each with its own needs, each of equivalent stature. We cannot continue to humble the judiciary, neglecting our constitutional mandate to provide for its support, ignoring its independence, by tying judges' compensation to our own.

The problems of inadequate judicial compensation and the linking of judicial salaries to those of elected leaders are not new. Chief Justice Rehnquist raised the inadequacy of judicial compensation for nearly 20 years, and the National Commission on the Public Service—the "Volcker Commission"—addressed judicial pay increases and linkage in its 2003 report on revitalizing the Federal Government. The Commission recommended a substantial pay raise for judges, calling the judicial compensation "the most egregious example of the failure of federal compensation policies." The Commission also recommended breaking the link between salaries for Members of Congress and those for judges. The Commission admonished Congress that "judicial salaries must be determined by procedures that tie them to the needs of the government, not the career related political exigencies of members of Congress." The American Bar Association and the Federal Bar Association have also endorsed increasing judicial salaries and delinking judicial salaries from those of elected leaders.

It is imperative that Congress address a judicial salary increase soon and decouple the salaries of judges with those of Members of Congress. I urge my colleagues to join me in this effort to ensure that the salaries for our judicial brethren are commensurate with the duties and stature of their positions and that salary policy respects the independence of this coequal branch of government. Our failure to act prevents us from showing proper respect to a coordinate branch of our constitutional government.

Mr. McCAIN. Mr. President, this emergency supplemental appropriations bill contains $121.7 billion in funding, approximately $19 billion above the President's request, and is replete with earmarks and other nonemergency spending. Additionally, this bill would establish a timeline for the withdrawal of American troops from Iraq, regardless of the conditions there. Such a mandate would have grave consequences for the future of Iraq, the stability of the Middle East and the security of Americans at home and abroad. For these reasons, I do not support this bill.

I support full funding for our troops in this time of war, and I believe that Congress, which authorized the wars in Iraq and Afghanistan, is obligated to give American troops everything they need to prevail in their missions. Unfortunately, the must-pass nature of this bill has proven all too tempting for Senators who could not restrain their profligate impulses to pile on spending unrelated to fighting the global war on terror.

This bill exhibits little evidence that Congress respects the solemn responsibility to be custodians of the taxpayers' dollars. In a time of war, with large Federal budget deficits, at a time when Americans deserve to keep more of their earnings at home, any rational observer would counsel restraint. Yet this emergency supplemental bill is stuffed with scarce dollars for the special interests, just as the measure approved by the House last week.

The Dallas Morning News editorial board wrote last week with respect to the House-passed bill that "turning the President's $100 billion supplemental war spending request into a $124.6 billion, pork-laden mess" is no way to show support for the troops, adding that "support for the troops takes the odd form of $25 million for spinach growers . . . $1.48 billion for livestock farmers . . . and $74 million 'to ensure the proper storage of peanuts.'"

Unfortunately, the Senate has chosen to follow the House's misguided lead by adding a host of nonemergency and unrequested provisions to the measure pending before us—a measure that is desperately needed to fund the ongoing military missions.

Let me mention some of the unrequested items contained in this bill:

There is $3 million for sugar cane growers, of which the entire amount will go to one Hawaiian cooperative. Just last year Congress provided up to $40 million for Florida sugar cane growers in an emergency supplemental bill. I suppose no "emergency supplemental" bill is complete without a sweetener for sugar cane growers.

There is $165.9 million for fisheries disasters. Just last year Congress provided $95 million in another emergency supplemental bill to assist fishermen in recovering from fisheries disasters and to aid oyster bed and shrimp ground rehabilitation. This year, Congress's generous aid moved from the eastern seaboard to the west coast with over $60 million alone to assist salmon fishermen in Oregon and California.

There is $3,500,000 for the Capitol Guide Service and Special Services Office, to be available until September 2008. I was unaware that we had emergency tour guide needs in addition to our emergency troops' funding needs.

There is $13 million for research to develop mine safety technology. Congress provided $35 million in last year's emergency supplemental bill to hire an additional 217 mine safety inspectors, and $10 million for mine safety research, so I must question why this latest funding cannot wait for the regular appropriations process.

There is $22.76 million for geothermal energy research. While I support renewable energy research to reduce our dependency on oil, this funding was not part of the administration's budget request. Does geothermal energy research qualify as an emergency spending need? No, it does not.

There is $7 million for water quality research at pig farms in Missouri. Specifically, the bill directs the EPA to provide a $7 million grant to Water Environment Research Foundation in Alexandria, VA, to research water quality issues related to pig farms in Missouri. As many of us have stated, there is true "pork" in this bill as this earmark illustrates.

There is $2 million for the University of Vermont's Educational Excellence Program. This project is essentially identical to an earmark that was proposed last year. It was rejected in last year's final bill, and should not be included again this year.

There is $40 million for a "Tree Assistance Program," to aid "fruit and nut tree producers" and other producers of a "Christmas tree" or "potted shrub" or "ornamental tree." This bill is not only a big Christmas gift to special interests, but it also comes with a Christmas tree.

There is $95 million to dairy producers.

There is $20 million for reimbursements to Nevada, Idaho and Utah for "insect damage" from grasshoppers, crickets, and others. These pesky insects are now richer than most residents in those States.

There is $24 million to sugar beet producers as compensation for production losses. These producers should be "beet red" over this handout.

There is $13 million for the Ewe Lamb Replacement and Retention Program. Under this program, eligible livestock owners receive $18 for each qualifying ewe lamb. That means this provision would cover up to 722,222 sheep. Perhaps my colleagues think increasing our Nation's sheep stocks is somehow a viable alternative to the President's troop increase in Iraq? I doubt the troops appreciate the priority that we have placed on ewe lambs breeding in this bill. It is a "baad" earmark.

There is $6 million for crops damaged by floods in North Dakota. Yet another repeated attempt for funding that was rejected in last year's emergency supplemental.

There is $5 million for irrigation repairs in Montana. Of the $35 million provided to the USDA Emergency Conservation Programs, which was not requested by the administration, the bill earmarks $5 million for repairs to damaged irrigation ditches and pipelines in the State of Montana.

There is $30 million for the Farm Service Agency. On top of all the aforementioned programs, the bill provides $30 million for administration costs at the Farm Service Agency to ensure the Federal Government has enough employees to actually carry out all the new programs and new spending under this agriculture title. Here we see the underreported runaway effect of porkbarrel politics: more pork translates into bigger government, bigger government means larger administrative overhead, and large administrative overhead means greater costs to American taxpayers.

There is $388.9 million for funding a backlog of old Department of Transportation highway projects. The taxpayers just provided over $24 billion in unauthorized highway projects in 2005, but Congress in its infinite wisdom has seen fit to provide another $388 million in this bill.

This appropriations bill also includes numerous authorizing provisions, such as section 3001, which uses the emergency supplemental to authorize certain outdoor signs that were damaged, abandoned, or discontinued as a result of a hurricane in certain regions to be repaired, replaced, or reconstructed within 24 months of enactment. The bill also restricts authorization to the Department of Transportation to implement a provision authorized by Congress in the North American Free Trade Agreement that would allow Mexican and U.S. trucks to operate across the border, thereby facilitating free trade and benefiting the economy.

Once again, the appropriators have included a massive agriculture disaster assistance package in the emergency supplemental. The language before us today is strikingly similar to language that appeared in the 2006 emergency supplemental and to an amendment that was rejected just last December. As my colleagues surely remember, the 2006 Senate-passed emergency supplemental faced a veto threat because of the unrequested agricultural disaster package it contained. It faces the same threat today.

Most shockingly still, the bill actually underfunds the Army, Navy, Air Force, Marine Corps and Defense-Wide Operation and Maintenance accounts by nearly $1.4 billion, withholding funds from accounts directly related to fulfilling the wartime needs of the military. This is disgraceful.

This spending would be laughable if it weren't so tragic. We are at war—a war that has cost us a great deal in blood and treasure and which inevitably will cost us more still. Our troops, who fight so bravely on our behalf and who so love their country that they are willing to sacrifice everything—everything—in order to defend it, show incredible courage in carrying out their duties in Iraq and Afghanistan. And so it is only right that we, the elected leaders entrusted to preserve the common welfare, show just a modicum of the sacrifice, courage, and restraint that these warriors exhibit every day.

The Baltimore Sun editorialized last Sunday:

> President Bush requested that Congress quickly fund the troops serving in Iraq and

> Afghanistan and debate the war strategy separately. Yet Congress chose to hold troop funding hostage to pork-barrel spending and to provide terrorists with a countdown clock to America's exit from Iraq. Lawmakers must show that [past] promises of fiscal restraint were not meaningless by providing a clean bill for President Bush to sign. The troops deserve no less.

I agree it is time to exercise the fiscal discipline commensurate with the responsibilities entrusted to us by the American people and to provide our troops with the support necessary to win the war in Iraq. This bill, which provides insufficient funding for our Armed Forces and a damaging withdrawal deadline, sends the wrong message to our troops, our enemies, and the American taxpayer. The Dallas Morning News continued in its editorial:

> [S]etting an arbitrary date for withdrawal only handcuffs the troops trying to carry out their mission—and gives hope to their enemies . . . We hope—the supplemental war-spending bill does not prove to be a reminder to Americans why the Constitution invested commander-in-chief responsibilities in one president, instead of 435 members of Congress.

This bill will be vetoed, and I will strongly support sustaining that veto. This bill is a perfect example of why I have long supported a President having line-item veto authority. There is some necessary funding in this bill that is urgently needed to support our troops in Iraq, but, unfortunately, the bill is saddled with too much wasteful spending and a regrettable war strategy to allow me to support it.

Mr. REID. Mr. President, I heard the Senator from Tennessee arguing about a provision in the disaster recovery portion of the supplemental relating to the private property rights of billboard owners. First let me note that the bill we voted on was not simply the Iraq supplemental. From the start, it has always been a supplemental that also included provisions for hurricane and natural disaster recovery efforts. Obviously, the Iraq portion of the supplemental is the most important part of the bill, but the supplemental has always also had a disaster recovery title, which is why we saw a majority of members of both Chambers supporting these disaster-related provisions.

I respect the Senator from Tennessee and appreciate his sincerity on the important issue he spoke on. I was disappointed, though, that there was much in what the Senator said that was just plain wrong.

The Senator claimed that the provision at issue was "amnesty for illegal billboards." I don't know what it is these days with the use of the term "amnesty," but some people don't seem to understand what the word means in any context.

All of the billboards affected by the provision are legal. Some of them have been standing legally for decades. But we are not talking about creaky old billboards; many of the billboards at issue are only a few years old, and in more recent years the state they are in happened to changed density or zoning requirements, but sensibly grandfathered in the existing structures.

Many of the billboards at issue provide advertising for small businesses, important information for U.S. drivers, public service announcements, and fuel local tourism industries throughout America. In short, the types of billboards at issue are very common, are a source of information and revenue for States, and are regulated by states.

Saying they are illegal or that we are providing amnesty is a nice rhetorical flourish but is just plain wrong.

The reality is that for decades, the Federal Government, in compliance with law and regulation, deferred to the States in determining whether billboards could be rebuilt or not after a hurricane or other natural disaster. For decades, this issue was not an issue. Then, in recent years, the Federal Government did an about-face and began dictating terms to the States, threatening to withhold Federal highway funds if the States did not trample on private property rights.

Ironically, Tennessee was one of the States that felt the heavy hand of the Federal Government's purse strings. "Tennessee had a decades-long history of allowing billboards to be rebuilt after natural disasters. There are probably hundreds of letters from Tennessee granting permission to rebuild after natural disasters, including many from within the past year. Recently, however, the Federal Government told Tennessee it needed to change its policies or it would lose millions of dollars in Federal funding. Tennessee felt that it had no choice, so it changed its policy.

The provision at issue is very simple, it returns us to where we were before the Federal Government changed its policy. It respects States rights and private property rights—principles that people in the West understand well. I am surprised that a small group of Members on the other side of the aisle are opposed to States rights and private property rights. This is especially so, since other Members on the other side of the aisle have traditionally supported this provision, including Members from Louisiana and Mississippi, two of the States hit hardest by the new Federal Government stance on this issue.

The proposal ensures that states that want to allow these billboards to be rebuilt will have that option. If the State does not want to allow the billboards, it does not have to. That was the way things worked for decades.

But, under the new approach by the Federal Government, even if a State thinks the billboards provide a valuable source of revenue or public service and wants to allow them to be rebuilt, the Federal Government stands in the way and prohibits the State from allowing the billboard to go back up. It is about states rights.

So the gentlemen from Tennessee, Florida, and Alabama, are all basically taking a position that the Federal Government knows better than their own States.

Further, the proposal is about private property rights. It ensures that companies and small businesses whose billboards have been destroyed by the hurricane will not lose all of the value of their property.

This is just a matter of basic fairness. The Katrina portion of the supplemental included billions of dollars to help people rebuild their houses, to help private schools rebuild their facilities and programs, and to help small businessowners rebuild their businesses. The Katrina portion of the supplemental was all about rebuilding.

But, a small group of my colleagues on the other side of the aisle seems to think that this group of private property owners should be the exception—they should not be able to rebuild and reclaim their property just because their property is disfavored by some. I don't know why these folks are opposed to private property rights and States rights.

Finally, let me note the wide support for this proposal. The Governors of Mississippi and Louisiana support the proposal. The American Hotel Lodging Association supports it. The National Restaurant Association supports it. The Association of National Advertisers supports it. The "America's Most Wanted" TV show endorses the proposal because billboards have been helpful in catching criminals. A variety of America's best known brandnames support the proposal, as well—Accor, Best Western, Bob Evans, Cracker Barrel, Dairy Queen, Ford Motor Company, Wendy's, and White Castle.

Ms. SNOWE. Mr. President, I rise today to discuss the way forward for a recapitalization effort critical to our national security and the safety of America's seafarers. I speak of the effort to modernize the fleet of the U.S. Coast Guard known as the Integrated Deepwater Program. There is no question that the Coast Guard desperately requires new assets with which to carry out its missions, and it is our duty to ensure that they receive those tools at the best value to the American taxpayer.

For over two centuries, the Coast Guard has protected our shores, and the service has come a long way from its beginnings under the auspices of the U.S. Revenue Cutter Service and the U.S. Lifesaving Service. Following the events of September 11, 2001, the Coast Guard was transferred from the Department of Transportation to the Department of Homeland Security, a change that brought with it an increase in missions. Today, its roles include search-and-rescue missions and marine safety enforcement; securing our Nation's ports, waterways, and coasts; carrying out drug and illegal immigrant interdiction operations; protecting our marine environment; and ensuring safety and ease of navigation.

President Bush has called the Coast Guard "the world's premiere lifesaving service," and given the new tasks assigned to the service under the Department of Homeland Security, that label now extends far beyond rescuing mariners in duress or stranded hurricane victims. The Coast Guard is also our first line of defense against waterborne terrorist attacks, from suicide bombers such as those who attacked the USS *Cole* in Yemen, to potential weapons of mass destruction that could be brought to our ports on board container ships.

However, the assets we have provided the world's premiere lifesaving service to carry out their critical missions are anything but the world's premiere equipment. The valiant men and women who protect our shores serve aboard vessels that collectively comprise the third oldest naval fleet in the world. These are the same individuals who rescued over thirty thousand people from the rooftops of the gulf coast after Hurricane Katrina, and who, in a single action just last week, prevented over 4,200 pounds of cocaine from reaching America's streets, and schoolyards—the biggest single drug bust ever recorded. Our service men and women deserve better, and the American people deserve better.

Which is why the Coast Guard has chosen to modernize its fleet using a program of unprecedented scope. This recapitalization effort, called Deepwater, is a single acquisition program designed to completely overhaul the Coast Guard's entire fleet of ships and aircraft, as well as its communications system and interoperability components. In effect, rather than attempting to manage each asset individually, we chose to manage the new system of assets as a whole, allowing the Coast Guard and the taxpayer to reap the benefits of economies of scale and lack of duplicative effort. When the call for proposals was announced, the group Citizens Against Government Waste called Deepwater "an innovative answer to the federal acquisition process' systematic waste."

In June of 2002, the Coast Guard awarded a contract to a joint venture comprised of executives from Lockheed Martin and Northup Grumman and representatives from the Coast Guard itself. This entity is called Integrated Cost Guard Systems, or ICGS. And now, not 5 years later, we have arrived at a crossroads with the Deepwater program that has has found itself in rough seas. High-profile failures of acquisitions, such as the 123-foot patrol boats, and questions about the suitability of the new fleet's flagship, the national security cutter, have led Congress to re-examine the acquisition process. An innovative design for one ship, the fast response cutter, has proven to be a failure, and the Coast Guard, to its credit, has removed that ship from ICGS's control, will soon put forth a request for design proposals, and plans to manage that acquisition independently.

Many of these problems stem from the manner in which the Coast Guard structured its Deepwater contract. Too much control was given to ICGS in the contract's first term, including the authority to override Coast Guard engineering decisions, and the ability to "self-certify" its own designs and work as meeting the Coast Guard's requirements. To make matters worse, these contracts were structured in such a way that if the assets in development failed to meet the required standards, the contractor would be paid an additional fee to fix the very problem it had created in the first place. I am convinced that it is this contract—and not the concept of a system of systems approach to major acquisitions—that has brought us to where we are today with the Deepwater program.

Now the Coast Guard is in negotiations with ICGS for extension of the contract, and there is no question that oversight of the program must change. Several legislative solutions have been proposed, including provisions in both S. 965 and H.R. 1571. While I am pleased to know that the appropriators in both Houses of Congress recognize the importance of Deepwater to the Coast Guard and to the Nation, I strongly disagree with the way in which they have chosen to handle its revision.

Ultimately, oversight of Deepwater falls not to the appropriators, but to the service's authorizing committee the Committee on Commerce, Science, and Transportation's Subcommittee on Oceans, Atmosphere, Fisheries, and the Coast Guard, on which I serve as the ranking member. The Chair of that Subcommittee, Senator CANTWELL, and I have worked together on innumerable Coast Guard issues for years, and we have a detailed understanding of the intricate issues involved both in management of the Coast Guard as a whole and this program in particular. The language in neither the House nor the Senate Appropriations bill provides the best way forward for Deepwater or the Coast Guard. If passed, either version would lead to delays in production and affiliated increases both in the final delivery cost of the assets, and in the size of any patrol gaps the Coast Guard may experience. In simple terms, the appropriators' language will cost the taxpayers money and weaken the security of our maritime domain.

Senator CANTWELL and I have offered an alternative. Last week, we introduced the Integrated Deepwater Program Reform Act, S. 924. This bill places restrictions on the structure of any agreements between the Coast Guard and its contractors; mandates full and open competition for all Deepwater assets not yet under contract; requires the Coast Guard to conduct an analysis of alternatives to ensure that its Deepwater plan remains the best way to recapitalize the service at the lowest possible cost; and increases reporting requirements to Congress so we can be kept abreast of the program's progress as well as any stumbling blocks that may arise. But most importantly, while this analysis is ongoing, our bill will allow work to continue on assets that have been proven capable of meeting the demands of the Coast Guard's mission portfolio, thereby avoiding costly delays and dangerous patrol gaps.

Despite the mistakes of Deepwater's past, I believe we must move forward with this critical modernization of The Coast Guard's fleet. The simple fact is this: The Coast Guard needs new vessels, and a program run as a system of systems, rather than on an asset-by-asset basis will lead to a more efficient and more cost-effective recapitalization.

I respectfully ask that the members of the Appropriations Committees in both the House and the Senate remove the clauses in their bills that contain authorization language for the Deepwater program and allow the authorizing committee to do its job through passage of S. 924. We have the best interests of the American people at heart, and we have the necessary expertise to ensure that the Coast Guard and our maritime security do not suffer unintended consequences of even the best-intentioned efforts.

Mr. FEINGOLD. Mr. President, I am pleased to vote in favor of the fiscal year 2007 supplemental because it contains binding language that effectively ends the current misguided military mission in Iraq and requires the President to begin withdrawing U.S. troops from Iraq. While this action is long overdue, it is a big step in the right direction and it brings us closer to ending our involvement in this disastrous war.

I am also pleased that the supplemental includes necessary funding to address conflicts throughout the world, especially in Sudan, Somalia, and the Democratic Republic of Congo, to assist Iraqi refugees and internally displaced persons fleeing their homes, and to help pay for U.S. arrears to the U.N.

The supplemental also contains a 1-month extension of the Milk Income Loss Contract, MILC, program, which fixes a quirk that could have put family dairy farmers on unequal footing during the upcoming farm bill debate. I was glad this provision was included in the supplemental and will work with my colleagues to retain it during conference.

I am extremely disappointed at the removal of a provision in the supplemental spending bill that would have fixed a glaring problem in immigration law that effectively labeled the Hmong as terrorists. We will forever be indebted to the Hmong who fought alongside and supported the United States during the Vietnam war. I will continue working to make sure that Hmong and other legitimate refugees who are not threats to our national security do not face lengthy and unnecessary delays as the Federal agencies involved determine whether they are eligible for a waiver that would permit them to resettle in the United States or adjust their immigration status.

I remain concerned at the continued practice of funding the war in Iraq through emergency spending bills. We should not be using such bills to bypass the regular appropriations process. That is why I supported efforts to remove certain spending provisions that do not appear to address true emergencies, including an amendment offered by Senator COBURN to remove funding for next year's political conventions.

The PRESIDING OFFICER. The question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mrs. MURRAY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The bill having been read the third time, the question is, Shall the bill pass?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from South Dakota (Mr. JOHNSON) is necessarily absent.

Mr. LOTT. The following Senator is necessarily absent: the Senator from Wyoming (Mr. ENZI).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 51, nays 47, as follows:

[Rollcall Vote No. 126 Leg.]

YEAS—51

Akaka
Baucus
Bayh
Biden
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—47

Alexander
Allard
Bennett
Bond
Brownback
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lieberman
Lott
Lugar
Martinez
McCain
McConnell
Murkowski
Roberts
Sessions
Shelby
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—2

Enzi
Johnson

The bill (H.R. 1591), as amended, was passed, as follows:

H.R. 1591

Resolved, That the bill from the House of Representatives (H.R. 1591) entitled "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.", do pass with the following amendment:

Strike out all after the enacting clause and insert:

That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2007, and for other purposes, namely:

TITLE I

GLOBAL WAR ON TERROR SUPPLEMENTAL APPROPRIATIONS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FOREIGN AGRICULTURAL SERVICE

PUBLIC LAW 480 TITLE II GRANTS

For an additional amount for "Public Law 480 Title II Grants", during the current fiscal year, not otherwise recoverable, and unrecovered prior years' costs, including interest thereon, under the Agricultural Trade Development and Assistance Act of 1954, for commodities supplied in connection with dispositions abroad under title II of said Act, $475,000,000, to remain available until expended.

GENERAL PROVISION—THIS CHAPTER

SEC. 1101. There is hereby appropriated $82,000,000 to reimburse the Commodity Credit Corporation for the release of eligible commodities under section 302(f)(2)(A) of the Bill Emerson Humanitarian Trust Act (7 U.S.C. 1736f–1): Provided, That any such funds made available to reimburse the Commodity Credit Corporation shall only be used to replenish the Bill Emerson Humanitarian Trust.

CHAPTER 2

DEPARTMENT OF JUSTICE

GENERAL ADMINISTRATION

OFFICE OF THE INSPECTOR GENERAL

For an additional amount for "Office of the Inspector General", $500,000, to remain available until September 30, 2008.

LEGAL ACTIVITIES

SALARIES AND EXPENSES, GENERAL LEGAL ACTIVITIES

For an additional amount for "Salaries and Expenses, General Legal Activities", $4,093,000, to remain available until September 30, 2008.

SALARIES AND EXPENSES, UNITED STATES ATTORNEYS

For an additional amount for "Salaries and Expenses, United States Attorneys", $12,500,000, to remain available until September 30, 2008.

UNITED STATES MARSHALS SERVICE

SALARIES AND EXPENSES, UNITED STATES MARSHALS SERVICE

For an additional amount for "Salaries and Expenses, United States Marshals Service", $32,500,000, to remain available until September 30, 2008: Provided, That of the amounts made available in this Act for "Educational and Cultural Exchange Programs", $15,000,000 is rescinded.

NATIONAL SECURITY DIVISION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses," $1,736,000, to remain available until September 30, 2008.

FEDERAL BUREAU OF INVESTIGATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $348,260,000, of which $338,260,000 is to remain available until September 30, 2008 and $10,000,000 is to remain available until expended to implement corrective actions in response to the findings and recommendations in the Department of Justice Office of Inspector General report entitled, "A Review of the Federal Bureau of Investigation's Use of National Security Letters".

DRUG ENFORCEMENT ADMINISTRATION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $25,100,000, to remain available until September 30, 2008.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $4,000,000, to remain available until September 30, 2008.

FEDERAL PRISON SYSTEM

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $17,000,000, to remain available until September 30, 2008.

CHAPTER 3

DEPARTMENT OF DEFENSE—MILITARY

MILITARY PERSONNEL

MILITARY PERSONNEL, ARMY

For an additional amount for "Military Personnel, Army", $8,870,270,000.

MILITARY PERSONNEL, NAVY

For an additional amount for "Military Personnel, Navy", $1,100,410,000.

MILITARY PERSONNEL, MARINE CORPS

For an additional amount for "Military Personnel, Marine Corps", $1,495,827,000.

MILITARY PERSONNEL, AIR FORCE

For an additional amount for "Military Personnel, Air Force", $1,218,587,000.

RESERVE PERSONNEL, ARMY

For an additional amount for "Reserve Personnel, Army", $147,244,000.

RESERVE PERSONNEL, NAVY

For an additional amount for "Reserve Personnel, Navy", $77,523,000.

RESERVE PERSONNEL, AIR FORCE

For an additional amount for "Reserve Personnel, Air Force", $9,073,000.

NATIONAL GUARD PERSONNEL, ARMY

For an additional amount for "National Guard Personnel, Army", $474,978,000.

NATIONAL GUARD PERSONNEL, AIR FORCE

For an additional amount for "National Guard Personnel, Air Force", $41,533,000.

OPERATION AND MAINTENANCE

OPERATION AND MAINTENANCE, ARMY

For an additional amount for "Operation and Maintenance, Army", $20,373,379,000.

OPERATION AND MAINTENANCE, NAVY

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Operation and Maintenance, Navy", $4,865,003,000, of which $120,293,000 shall be transferred to Coast Guard, "Operating Expenses", for reimbursement for activities in support of activities requested by the Navy.

OPERATION AND MAINTENANCE, MARINE CORPS

For an additional amount for "Operation and Maintenance, Marine Corps", $1,101,594,000.

OPERATION AND MAINTENANCE, AIR FORCE

For an additional amount for "Operation and Maintenance, Air Force", $6,685,881,000.

OPERATION AND MAINTENANCE, DEFENSE-WIDE

For an additional amount for "Operation and Maintenance, Defense-Wide", $2,790,669,000, of which—

(1) not to exceed $25,000,000 may be used for the Combatant Commander Initiative Fund, to be used in support of Operation Iraqi Freedom and Operation Enduring Freedom; and

(2) not to exceed $200,000,000, to remain available until expended, may be used for payments to reimburse Pakistan, Jordan, and other key cooperating nations, for logistical, military, and other support provided to United States military operations, notwithstanding any other provision of law: Provided, That such payments may be made in such amounts as the Secretary of Defense, with the concurrence of the Secretary of State, and in consultation with the Director of the Office of Management and Budget, may determine, in his discretion, based on documentation determined by the Secretary of Defense to adequately account for the support provided, and such determination is final and conclusive upon the accounting officers of the United States, and 15 days following notification to the appropriate congressional committees: Provided further, That the Secretary of Defense shall provide quarterly reports to the congressional defense committees on the use of funds provided in this paragraph.

OPERATION AND MAINTENANCE, ARMY RESERVE

For an additional amount for "Operation and Maintenance, Army Reserve", $74,049,000.

OPERATION AND MAINTENANCE, NAVY RESERVE

For an additional amount for "Operation and Maintenance, Navy Reserve", $111,066,000.

OPERATION AND MAINTENANCE, MARINE CORPS RESERVE

For an additional amount for "Operation and Maintenance, Marine Corps Reserve", $13,591,000.

OPERATION AND MAINTENANCE, AIR FORCE RESERVE

For an additional amount for "Operation and Maintenance, Air Force Reserve", $10,160,000.

OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Army National Guard", $83,569,000.

OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

For an additional amount for "Operation and Maintenance, Air National Guard", $38,429,000.

AFGHANISTAN SECURITY FORCES FUND

For an additional amount for "Afghanistan Security Forces Fund", $5,906,400,000, to remain available until September 30, 2008.

IRAQ SECURITY FORCES FUND

For an additional amount for "Iraq Security Forces Fund", $3,842,300,000, to remain available until September 30, 2008.

IRAQ FREEDOM FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Iraq Freedom Fund", $455,600,000, to remain available for transfer until September 30, 2008.

JOINT IMPROVISED EXPLOSIVE DEVICE DEFEAT FUND

For an additional amount for "Joint Improvised Explosive Device Defeat Fund", $2,432,800,000, to remain available until September 30, 2009.

PROCUREMENT

AIRCRAFT PROCUREMENT, ARMY

For an additional amount for "Aircraft Procurement, Army", $619,750,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, ARMY

For an additional amount for "Missile Procurement, Army", $111,473,000, to remain available until September 30, 2009.

PROCUREMENT OF WEAPONS AND TRACKED COMBAT VEHICLES, ARMY

For an additional amount for "Procurement of Weapons and Tracked Combat Vehicles, Army", $3,400,315,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, ARMY

For an additional amount for "Procurement of Ammunition, Army", $681,500,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, ARMY

For an additional amount for "Other Procurement, Army", $10,589,272,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, NAVY

For an additional amount for "Aircraft Procurement, Navy", $963,903,000, to remain available until September 30, 2009.

WEAPONS PROCUREMENT, NAVY

For an additional amount for "Weapons Procurement, Navy", $163,813,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, NAVY AND MARINE CORPS

For an additional amount for "Procurement of Ammunition, Navy and Marine Corps", $159,833,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, NAVY

For an additional amount for "Other Procurement, Navy", $722,506,000, to remain available until September 30, 2009.

PROCUREMENT, MARINE CORPS

For an additional amount for "Procurement, Marine Corps", $1,703,389,000, to remain available until September 30, 2009.

AIRCRAFT PROCUREMENT, AIR FORCE

For an additional amount for "Aircraft Procurement, Air Force", $1,431,756,000, to remain available until September 30, 2009.

MISSILE PROCUREMENT, AIR FORCE

For an additional amount for "Missile Procurement, Air Force", $78,900,000, to remain available until September 30, 2009.

PROCUREMENT OF AMMUNITION, AIR FORCE

For an additional amount for "Procurement of Ammunition, Air Force", $6,000,000, to remain available until September 30, 2009.

OTHER PROCUREMENT, AIR FORCE

For an additional amount for "Other Procurement, Air Force", $1,972,131,000, to remain available until September 30, 2009.

PROCUREMENT, DEFENSE-WIDE

For an additional amount for "Procurement, Defense-Wide", $903,092,000, to remain available until September 30, 2009.

NATIONAL GUARD AND RESERVE EQUIPMENT

For an additional amount for "National Guard and Reserve Equipment", $1,000,000,000, to remain available until September 30, 2009.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, ARMY

For an additional amount for "Research, Development, Test and Evaluation, Army", $125,576,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, NAVY

For an additional amount for "Research, Development, Test and Evaluation, Navy", $308,212,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, AIR FORCE

For an additional amount for "Research, Development, Test and Evaluation, Air Force", $233,869,000, to remain available until September 30, 2008.

RESEARCH, DEVELOPMENT, TEST AND EVALUATION, DEFENSE-WIDE

For an additional amount for "Research, Development, Test and Evaluation, Defense-Wide", $522,804,000, to remain available until September 30, 2008.

REVOLVING AND MANAGEMENT FUNDS

NATIONAL DEFENSE SEALIFT FUND

For an additional amount for "National Defense Sealift Fund", $5,000,000.

DEFENSE WORKING CAPITAL FUNDS

For an additional amount for "Defense Working Capital Funds", $1,315,526,000.

OTHER DEPARTMENT OF DEFENSE PROGRAMS

DEFENSE HEALTH PROGRAM

For an additional amount for "Defense Health Program", $2,466,847,000; of which $2,277,147,000 shall be for operation and maintenance; of which $118,000,000, to remain available for obligation until September 30, 2009, shall be for Procurement; and of which $71,700,000, to remain available for obligation until September 30, 2008, shall be for Research, development, test and evaluation.

DRUG INTERDICTION AND COUNTER-DRUG ACTIVITIES, DEFENSE

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Drug Interdiction and Counter-Drug Activities, Defense", $254,665,000, to remain available until expended: Provided, That these funds may be used only for such activities related to Afghanistan and Central Asia: Provided further, That the Secretary of Defense may transfer such funds only to appropriations for military personnel; operation and maintenance; procurement; and research, development, test and evaluation: Provided further, That the funds transferred shall be merged with and be available for the same purposes and for the same time period as the appropriation to which transferred: Provided further, That the transfer authority provided in this paragraph is in addition to any other transfer authority available to the Department of Defense: Provided further, That upon a determination that all or part of the funds transferred from this appropriation are not necessary for the purposes provided herein, such amounts may be transferred back to this appropriation.

RELATED AGENCY

INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT

For an additional amount for "Intelligence Community Management Account", $71,726,000.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1301. Appropriations provided in this chapter are available for obligation until September 30, 2007, unless otherwise provided in this chapter.

(TRANSFER OF FUNDS)

SEC. 1302. Upon his determination that such action is necessary in the national interest, the Secretary of Defense may transfer between appropriations up to $3,500,000,000 of the funds made available to the Department of Defense in this title: Provided, That the Secretary shall notify the Congress promptly of each transfer made pursuant to the authority in this section: Provided further, That the authority provided in this section is in addition to any other transfer authority available to the Department of Defense and is subject to the same terms and conditions as the authority provided in section 8005 of the Department of Defense Appropriations Act, 2007 (Public Law 109–289; 120 Stat. 1257), except for the fourth proviso: Provided further, That funds previously transferred to the "Joint Improvised Explosive Device Defeat Fund" and the "Iraq Security Forces Fund" under the authority of section 8005 of Public Law 109–289 and transferred back to their source appropriations accounts shall not be taken into account for purposes of the limitation on the amount of funds that may be transferred under section 8005.

SEC. 1303. Funds appropriated in this chapter, or made available by the transfer of funds in or pursuant to this chapter, for intelligence activities are deemed to be specifically authorized by the Congress for purposes of section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

SEC. 1304. None of the funds provided in this chapter may be used to finance programs or activities denied by Congress in fiscal years 2006 or 2007 appropriations to the Department of Defense or to initiate a procurement or research, development, test and evaluation new start program without prior written notification to the congressional defense committees.

SEC. 1305. During fiscal year 2007, the Secretary of Defense may transfer not to exceed $6,300,000 of the amounts in or credited to the Defense Cooperation Account, pursuant to 10 U.S.C. 2608, to such appropriations or funds of the Department of Defense as he shall determine for use consistent with the purposes for which such funds were contributed and accepted: Provided, That such amounts shall be available for the same time period as the appropriation to which transferred: Provided further, That the Secretary shall report to the Congress all transfers made pursuant to this authority.

SEC. 1306. (a) AUTHORITY TO PROVIDE SUPPORT.—Of the amount appropriated by this title under the heading, "Drug Interdiction and Counter-Drug Activities, Defense", not to exceed $60,000,000 may be used for support for counter-drug activities of the Governments of Afghanistan, Kazakhstan, and Pakistan: Provided, That such support shall be in addition to support provided for the counter-drug activities of such Governments under any other provision of the law.

(b) TYPES OF SUPPORT.—

(1) Except as specified in subsection (b)(2) of this section, the support that may be provided under the authority in this section shall be limited to the types of support specified in section 1033(c)(1) of the National Defense Authorization Act for Fiscal Year 1998 (Public Law 105–85, as amended by Public Laws 106–398, 108–136, and 109–364) and conditions on the provision of support as contained in section 1033 shall apply for fiscal year 2007.

(2) The Secretary of Defense may transfer vehicles, aircraft, and detection, interception, monitoring and testing equipment to said Governments for counter-drug activities.

SEC. 1307. (a) From funds made available for operations and maintenance in this title to the Department of Defense, not to exceed $456,400,000 may be used, notwithstanding any other provision of law, to fund the Commander's Emergency Response Program, for the purpose of enabling military commanders in Iraq and Afghanistan to respond to urgent humanitarian relief and reconstruction requirements within their areas of responsibility by carrying out programs that will immediately assist the Iraqi and Afghan people.

(b) QUARTERLY REPORTS.—Not later than 15 days after the end of each fiscal year quarter, the Secretary of Defense shall submit to the congressional defense committees a report regarding the source of funds and the allocation and use of funds during that quarter that were made available pursuant to the authority provided in this section or under any other provision of law for the purposes of the programs under subsection (a).

SEC. 1308. During fiscal year 2007, supervision and administration costs associated with projects carried out with funds appropriated to "Afghanistan Security Forces Fund" or "Iraq Security Forces Fund" in this chapter may be obligated at the time a construction contract is awarded: Provided, That for the purpose of this section, supervision and administration costs include all in-house Government costs.

SEC. 1309. Section 1005(c)(2) of the National Defense Authorization Act, Fiscal Year 2007 (Public Law 109–364) is amended by striking "$310,277,000" and inserting "$376,446,000".

SEC. 1310. None of the funds appropriated or otherwise made available by this or any other Act shall be obligated or expended by the United States Government for a purpose as follows:

(1) To establish any military installation or base for the purpose of providing for the permanent stationing of United States Armed Forces in Iraq.

(2) To exercise United States control over any oil resource of Iraq.

SEC. 1311. None of the funds made available in this Act may be used in contravention of the following laws enacted or regulations promulgated to implement the United Nations Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (done at New York on December 10, 1984):

(1) Section 2340A of title 18, United States Code;

(2) Section 2242 of the Foreign Affairs Reform and Restructuring Act of 1998 (division G of Public Law 105–277; 112 Stat. 2681–822; 8 U.S.C. 1231 note) and regulations prescribed thereto, including regulations under part 208 of title 8, Code of Federal Regulations, and part 95 of title 22, Code of Federal Regulations; and

(3) Sections 1002 and 1003 of the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148).

SEC. 1312. Section 9007 of Public Law 109–289 is amended by striking "20" and inserting "287".

SEC. 1313. INSPECTION OF MILITARY MEDICAL TREATMENT FACILITIES, MILITARY QUARTERS HOUSING MEDICAL HOLD PERSONNEL, AND MILITARY QUARTERS HOUSING MEDICAL HOLDOVER PERSONNEL. (A) PERIODIC INSPECTION REQUIRED.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of Defense shall inspect each facility of the Department of Defense as follows:

(A) Each military medical treatment facility.

(B) Each military quarters housing medical hold personnel.

(C) Each military quarters housing medical holdover personnel.

(2) PURPOSE.—The purpose of an inspection under this subsection is to ensure that the facility or quarters concerned meets acceptable standards for the maintenance and operation of medical facilities, quarters housing medical hold personnel, or quarters housing medical holdover personnel, as applicable.

(b) ACCEPTABLE STANDARDS.—For purposes of this section, acceptable standards for the operation and maintenance of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel are each of the following:

(1) Generally accepted standards for the accreditation of non-military medical facilities, or for facilities used to quarter individuals with medical conditions that may require medical supervision, as applicable, in the United States.

(2) Standards under the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).

(c) ADDITIONAL INSPECTIONS ON IDENTIFIED DEFICIENCIES.—

(1) IN GENERAL.—In the event a deficiency is identified pursuant to subsection (a) at a facility or quarters described in paragraph (1) of that subsection—

(A) the commander of such facility or quarters, as applicable, shall submit to the Secretary a detailed plan to correct the deficiency; and

(B) the Secretary shall reinspect such facility or quarters, as applicable, not less often than once every 180 days until the deficiency is corrected.

(2) CONSTRUCTION WITH OTHER INSPECTIONS.—An inspection of a facility or quarters under this subsection is in addition to any inspection of such facility or quarters under subsection (a).

(d) REPORTS ON INSPECTIONS.—A complete copy of the report on each inspection conducted under subsections (a) and (c) shall be submitted in unclassified form to the applicable military medical command and to the congressional defense committees.

(e) REPORT ON STANDARDS.—In the event no standards for the maintenance and operation of military medical treatment facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel exist as of the date of the enactment of this Act, or such standards as do exist do not meet acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be, the Secretary shall, not later than 30 days after that date, submit to Congress a report setting forth the plan of the Secretary to ensure—

(1) the adoption by the Department of standards for the maintenance and operation of military medical facilities, military quarters housing medical hold personnel, or military quarters housing medical holdover personnel, as applicable, that meet—

(A) acceptable standards for the maintenance and operation of such facilities or quarters, as the case may be; and

(B) standards under the Americans with Disabilities Act of 1990; and

(2) the comprehensive implementation of the standards adopted under paragraph (1) at the earliest date practicable.

SEC. 1314. From funds made available for the "Iraq Security Forces Fund" for fiscal year 2007, up to $155,500,000 may be used, notwithstanding any other provision of law, to provide assistance, with the concurrence of the Secretary of State, to the Government of Iraq to support the disarmament, demobilization, and reintegration of militias and illegal armed groups.

SEC. 1315. REVISION OF UNITED STATES POLICY ON IRAQ. (a) FINDINGS.—Congress makes the following findings:

(1) Congress and the American people will continue to support and protect the members of the United States Armed Forces who are serving or have served bravely and honorably in Iraq.

(2) The circumstances referred to in the Authorization for Use of Military Force Against Iraq Resolution of 2002 (Public Law 107–243) have changed substantially.

(3) United States troops should not be policing a civil war, and the current conflict in Iraq requires principally a political solution.

(4) United States policy on Iraq must change to emphasize the need for a political solution by Iraqi leaders in order to maximize the chances of success and to more effectively fight the war on terror.

(b) PROMPT COMMENCEMENT OF PHASED REDEPLOYMENT OF UNITED STATES FORCES FROM IRAQ.—

(1) TRANSITION OF MISSION.—The President shall promptly transition the mission of United States forces in Iraq to the limited purposes set forth in paragraph (2).

(2) COMMENCEMENT OF PHASED REDEPLOYMENT FROM IRAQ.—The President shall commence the phased redeployment of United States forces from Iraq not later than 120 days after the date of the enactment of this Act, with the goal of redeploying, by March 31, 2008, all United States combat forces from Iraq except for a limited number that are essential for the following purposes:

(A) Protecting United States and coalition personnel and infrastructure.

(B) Training and equipping Iraqi forces.

(C) Conducting targeted counter-terrorism operations.

(3) COMPREHENSIVE STRATEGY.—Paragraph (2) shall be implemented as part of a comprehensive diplomatic, political, and economic strategy that includes sustained engagement with Iraq's neighbors and the international community for the purpose of working collectively to bring stability to Iraq.

(4) REPORTS REQUIRED.—Not later than 60 days after the date of the enactment of this Act, and every 90 days thereafter, the President shall submit to Congress a report on the progress made in transitioning the mission of the United States forces in Iraq and implementing the phased redeployment of United States forces from Iraq as required under this subsection, as well as a classified campaign plan for Iraq, including strategic and operational benchmarks and projected redeployment dates of United States forces from Iraq.

(c) BENCHMARKS FOR THE GOVERNMENT OF IRAQ.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) achieving success in Iraq is dependent on the Government of Iraq meeting specific benchmarks, as reflected in previous commitments made by the Government of Iraq, including—

(i) deploying trained and ready Iraqi security forces in Baghdad;

(ii) strengthening the authority of Iraqi commanders to make tactical and operational decisions without political intervention;

(iii) disarming militias and ensuring that Iraqi security forces are accountable only to the central government and loyal to the constitution of Iraq;

(iv) enacting and implementing legislation to ensure that the energy resources of Iraq benefit all Iraqi citizens in an equitable manner;

(v) enacting and implementing legislation that equitably reforms the de-Ba'athification process in Iraq;

(vi) ensuring a fair process for amending the constitution of Iraq so as to protect minority rights; and

(vii) enacting and implementing rules to equitably protect the rights of minority political parties in the Iraqi Parliament; and

(B) each benchmark set forth in subparagraph (A) should be completed expeditiously and pursuant to a schedule established by the Government of Iraq.

(2) REPORT.—Not later than 30 days after the date of the enactment of this Act, and every 60 days thereafter, the Commander, Multi-National Forces-Iraq and the United States Ambassador to Iraq shall jointly submit to Congress a report describing and assessing in detail the current progress being made by the Government of Iraq in meeting the benchmarks set forth in paragraph (1)(A).

SEC. 1316. INDEPENDENT ASSESSMENT OF CAPABILITIES OF THE IRAQI SECURITY FORCES. (a) FINDINGS.—Congress makes the following findings:

(1) The responsibility for Iraq's internal security and halting sectarian violence must rest primarily with the Government of Iraq, relying on the Iraqi Security Forces (ISF).

(2) In quarterly reports to Congress, and in testimony before a number of congressional committees, the Department of Defense reported progress towards training and equipping Iraqi Security Forces; however, the subsequent performance of the Iraqi Security Forces has been uneven and occasionally appeared inconsistent with those reports.

(3) On November 15, 2005, President Bush said, "The plan [is] that we will train Iraqi troops to be able to take the fight to the enemy. And as I have consistently said, as the Iraqis stand up, we will stand down".

(4) On January 10, 2007, the President announced a new strategy, which consists of three basic elements: diplomatic, economic, and military; the central component of the military element being an augmentation of the present level of the U.S. military forces with more than 20,000 additional U.S. military troops to Iraq to "work alongside Iraqi units and be embedded in their formations. Our troops will have a well-defined mission: to help Iraqis clear and secure neighborhoods, to help them protect the local population, and to help ensure that the Iraqi forces left behind are capable of providing the security that Baghdad needs".

(5) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists.

(6) The latest National Intelligence Estimate (NIE) on Iraq, entitled "Prospects for Iraq's Stability: A Challenging Road Ahead," released in January 2007, found: "If strengthened Iraqi Security Forces (ISF), more loyal to the government and supported by Coalition forces, are able to reduce levels of violence and establish more effective security for Iraq's population, Iraqi leaders could have an opportunity to begin the process of political compromise necessary for longer term stability, political progress, and economic recovery".

(7) The NIE also stated that "[d]espite real improvements, the Iraqi Security Forces (ISF)—particularly the Iraqi police—will be hard pressed in the next 12–18 months to execute significantly increased security responsibilities".

(8) The current and prospective readiness of the ISF is critical to (A) the long term stability of Iraq, (B) the force protection of U.S. forces conducting combined operations with the ISF; and (C) the scale of U.S. forces deployed to Iraq.

(b) INDEPENDENT ASSESSMENT OF CAPABILITIES OF IRAQI SECURITY FORCES.—

(1) IN GENERAL.—Of the amount appropriated or otherwise made available for the Department of Defense, $750,000 is provided to commission an independent, private-sector entity, which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training; equipping; command, control and intelligence capabilities; and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by US forces, the continued support of US troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after passage of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations, and Intelligence.

SEC. 1317. (a)(1) Notwithstanding any other provision of law, the Secretary of Veterans Affairs (referred to in this section as the "Secretary") may convey to the State of Texas, without consideration, all right, title, and interest of the United States in and to the parcel of real property comprising the location of the Marlin, Texas, Department of Veterans Affairs Medical Center.

(2) The property conveyed under paragraph (1) shall be used by the State of Texas for the purposes of a prison.

(b) In carrying out the conveyance under subsection (a), the Secretary—

(1) shall not be required to comply with, and shall not be held liable under, any Federal law (including a regulation) relating to the environment or historic preservation; but

(2) may, at the discretion of the Secretary, conduct environmental cleanup on the parcel to be conveyed, at a cost not to exceed $500,000, using amounts made available for environmental cleanup of sites under the jurisdiction of the Secretary.

SEC. 1318. REDEVELOPMENT OF INDUSTRIAL SECTOR IN IRAQ. Of the amount appropriated or otherwise made available by this chapter under the heading "IRAQ FREEDOM FUND", up to $100,000,000 may be obligated and expended for purposes of the Task Force to Improve Business and Stability Operations in Iraq.

SEC. 1319. ADDITIONAL AMOUNT FOR PROCUREMENT, MARINE CORPS, FOR ACCELERATION OF PROCUREMENT OF ADDITIONAL 2,500 MINE RESISTANT AMBUSH PROTECTED VEHICLES FOR THE ARMED FORCES.—(a) ADDITIONAL AMOUNT.—The amount appropriated by this chapter under the heading "PROCUREMENT, MARINE CORPS" is hereby increased by $1,500,000,000, with the amount of the increase to be available to the Marine Corps for the procurement of an additional 2,500 Mine Resistant Ambush Protected (MRAP) vehicles for the regular and reserve components of the Armed Forces by not later than December 31, 2007.

(b) SUPPLEMENT NOT SUPPLANT.—The amount available under subsection (a) for the procurement of vehicles described in that subsection is in addition to any other amounts available under this chapter for that purpose.

CHAPTER 4

DEPARTMENT OF ENERGY

ATOMIC ENERGY DEFENSE ACTIVITIES

NATIONAL NUCLEAR SECURITY ADMINISTRATION

DEFENSE NUCLEAR NONPROLIFERATION

For an additional amount for "Defense Nuclear Nonproliferation", $63,000,000.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

UNITED STATES CUSTOMS AND BORDER PROTECTION

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $140,000,000, to remain available until September 30, 2008.

AIR AND MARINE INTERDICTION, OPERATIONS, MAINTENANCE, AND PROCUREMENT

For an additional amount for "Air and Marine Interdiction, Operations, Maintenance, and Procurement", for air and marine operations on the Northern Border and the Great Lakes, including the final Northern Border air wing, $75,000,000, to remain available until September 30, 2008.

IMMIGRATION AND CUSTOMS ENFORCEMENT

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses", $20,000,000, to remain available until September 30, 2008.

TRANSPORTATION SECURITY ADMINISTRATION

AVIATION SECURITY

For an additional amount for "Aviation Security", $660,000,000; of which $600,000,000 shall be for procurement and installation of checked baggage explosives detection systems, to remain available until expended; and $60,000,000 shall be for air cargo security, to remain available until September 30, 2008.

FEDERAL AIR MARSHALS

For an additional amount for "Federal Air Marshals", $15,000,000, to remain available until September 30, 2008.

PREPAREDNESS

MANAGEMENT AND ADMINISTRATION

For an additional amount for "Office of the Chief Medical Officer" for nuclear preparedness and other activities, $18,000,000, to remain available until September 30, 2008.

INFRASTRUCTURE PROTECTION AND INFORMATION SECURITY

For an additional amount for "Infrastructure Protection and Information Security" for chemical site security activities, $18,000,000, to remain available until September 30, 2008.

FEDERAL EMERGENCY MANAGEMENT AGENCY

ADMINISTRATIVE AND REGIONAL OPERATIONS

For an additional amount for "Administrative and Regional Operations" for necessary expenses related to title V of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq. (as amended by section 611 of the Post-Katrina Emergency Management Reform Act of 2006 (6 U.S.C. 701 note; Public Law 109–295))), $20,000,000, to remain available until September 30, 2008: Provided, That none of the funds available under this heading may be obligated until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure.

STATE AND LOCAL PROGRAMS

For an additional amount for "State and Local Programs", $850,000,000; of which $190,000,000 shall be for port security pursuant to section 70107(l) of title 46 United States Code; $625,000,000 shall be for intercity rail passenger transportation, freight rail, and transit security grants; and $35,000,000 shall be for regional grants and technical assistance to high risk urban areas for catastrophic event planning and preparedness: Provided, That none of the funds made available under this heading may be obligated for such regional grants and technical assistance until the Committees on Appropriations of the Senate and the House of Representatives receive and approve a plan for expenditure: Provided further, That funds for such regional grants and technical assistance shall remain available until September 30, 2008.

EMERGENCY MANAGEMENT PERFORMANCE GRANTS

For an additional amount for "Emergency Management Performance Grants" for necessary expenses related to the Nationwide Plan Review, $100,000,000.

UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES

For an additional amount for expenses of "United States Citizenship and Immigration Services" to address backlogs of security checks associated with pending applications and petitions, $30,000,000, to remain available until September 30, 2008: Provided, That none of the funds made available under this heading shall be available for obligation until the Secretary of Homeland Security, in consultation with the United States Attorney General, submits to the Committees on Appropriations of the Senate and the House of Representatives a plan to eliminate the backlog of security checks that establishes information sharing protocols to ensure United States Citizenship and Immigration Services has the information it needs to carry out its mission.

SCIENCE AND TECHNOLOGY

RESEARCH, DEVELOPMENT, ACQUISITION, AND OPERATIONS

For an additional amount for "Research, Development, Acquisition, and Operations" for air cargo research, $15,000,000, to remain available until expended.

DOMESTIC NUCLEAR DETECTION OFFICE

RESEARCH, DEVELOPMENT, AND OPERATIONS

For an additional amount for "Research, Development, and Operations" for non-container, rail, aviation and intermodal radiation detection activities, $39,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 1501. None of the funds provided in this Act, or Public Law 109–295, shall be available to carry out section 872 of Public Law 107–296.

SEC. 1502. Section 550 of the Department of Homeland Security Appropriations Act, 2007 (6 U.S.C. 121 note) is amended by adding at the end the following:

"(h) This section shall not preclude or deny any right of any State or political subdivision thereof to adopt or enforce any regulation, requirement, or standard of performance with respect to chemical facility security that is more stringent than a regulation, requirement, or standard of performance issued under this section, or otherwise impair any right or jurisdiction of any State with respect to chemical facilities within that State, unless there is an actual conflict between this section and the law of that State.".

SEC. 1503. LINKING OF AWARD FEES UNDER DEPARTMENT OF HOMELAND SECURITY CONTRACTS TO SUCCESSFUL ACQUISITION OUTCOMES. The Secretary of Homeland Security shall require that all contracts of the Department of Homeland Security that provide award fees link such fees to successful acquisition outcomes (which outcomes shall be specified in terms of cost, schedule, and performance).

SEC. 1504. DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM. (a) ADDITIONAL AMOUNT FOR STATE AND LOCAL PROGRAMS.—The amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS" is hereby increased by $5,000,000.

(b) AVAILABILITY FOR DOMESTIC PREPAREDNESS EQUIPMENT TECHNICAL ASSISTANCE PROGRAM.—Of the amount appropriated or otherwise made available by this chapter under the heading "STATE AND LOCAL PROGRAMS", as increased by subsection (a), $5,000,000 shall be available for the Domestic Preparedness Equipment Technical Assistance Program (DPETAP).

(c) OFFSET.—The amount appropriated or otherwise made available by this chapter under the heading "UNITED STATES CITIZENSHIP AND IMMIGRATION SERVICES" is hereby reduced by $5,000,000.

CHAPTER 6

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, ARMY

For an additional amount for "Military Construction, Army", $1,261,390,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law: Provided further, That of the funds provided under this heading, $280,300,000 shall not be obligated or expended until the Secretary of Defense certifies that none of the funds are to be used for the purpose of providing facilities for the permanent basing of U.S. military personnel in Iraq.

MILITARY CONSTRUCTION, NAVY AND MARINE CORPS

For an additional amount for "Military Construction, Navy and Marine Corps", $347,890,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

MILITARY CONSTRUCTION, AIR FORCE

For an additional amount for "Military Construction, Air Force", $34,700,000, to remain available until September 30, 2008: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

CHAPTER 7

DEPARTMENT OF STATE AND RELATED AGENCY

DEPARTMENT OF STATE

ADMINISTRATION OF FOREIGN AFFAIRS

DIPLOMATIC AND CONSULAR PROGRAMS

For an additional amount for "Diplomatic and Consular Programs", $815,796,000, to remain available until September 30, 2008, of which $70;000,000 for World Wide Security Upgrades is available until expended: Provided, That of the funds appropriated under this heading, not more than $20,000,000 shall be made available for public diplomacy programs: Provided further, That prior to the obligation of funds pursuant to the previous proviso, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive public diplomacy strategy, with goals and expected results, for fiscal years 2007 and 2008: Provided further, That within 15 days of enactment of this Act, the Office of Management and Budget shall apportion $15,000,000 from amounts appropriated or otherwise made available by chapter 8 of title II of division B of Public Law 109–148 under the heading "Emergencies in the Diplomatic and Consular Service" for emergency evacuations: Provided further, That of the amount made available under this heading for Iraq, not to exceed $20,000,000 may be transferred to, and merged with, funds in the "Emergencies in the Diplomatic and Consular Service" appropriations account, to be available only for emergency evacuations and terrorism rewards.

OFFICE OF INSPECTOR GENERAL

For an additional amount for "Office of Inspector General", $36,500,000, to remain available until December 31, 2008: Provided, That of the funds appropriated under this heading, not less than $1,500,000 shall be made available for activities related to oversight of assistance furnished for Iraq and Afghanistan with funds appropriated in this Act and in prior appropriations Acts: Provided further, That $35,000,000 of these funds shall be transferred to the Special

Inspector General for Iraq Reconstruction for reconstruction oversight.

EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS

For an additional amount for "Educational and Cultural Exchange Programs", $25,000,000, to remain available until expended.

INTERNATIONAL ORGANIZATIONS

CONTRIBUTIONS TO INTERNATIONAL ORGANIZATIONS

For an additional amount for "Contributions to International Organizations", $59,000,000, to remain available until September 30, 2008.

CONTRIBUTIONS FOR INTERNATIONAL PEACEKEEPING ACTIVITIES

For an additional amount for "Contributions for International Peacekeeping Activities", $200,000,000, to remain available until September 30, 2008.

RELATED AGENCY

BROADCASTING BOARD OF GOVERNORS

INTERNATIONAL BROADCASTING OPERATIONS

For an additional amount for "International Broadcasting Operations" for activities related to broadcasting to the Middle East, $10,000,000, to remain available until September 30, 2008.

FOREIGN OPERATIONS

BILATERAL ECONOMIC ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

CHILD SURVIVAL AND HEALTH PROGRAMS FUND

For an additional amount for "Child Survival and Health Programs Fund", $161,000,000, to remain available until September 30, 2008: Provided, That notwithstanding any other provision of law, funds made available under the heading "Millennium Challenge Corporation" and "Global HIV/AIDS Initiative" in prior Acts making appropriations for foreign operations, export financing and related programs may be made available to combat the avian influenza, subject to the regular notification procedures of the Committees on Appropriations.

INTERNATIONAL DISASTER AND FAMINE ASSISTANCE

For an additional amount for "International Disaster and Famine Assistance", $187,000,000, to remain available until expended: Provided, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for internally displaced persons in Iraq, not less than $18,000,000 shall be made available for emergency shelter, fuel and other assistance for internally displaced persons in Afghanistan, not less than $10,000,000 shall be made available for assistance for northern Uganda, not less than $10,000,000 shall be made available for assistance for eastern Democratic Republic of the Congo, and not less than $10,000,000 shall be made available for assistance for Chad.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

For an additional amount for "Operating Expenses of the United States Agency for International Development", $5,700,000, to remain available until September 30, 2008.

OPERATING EXPENSES OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT OFFICE OF INSPECTOR GENERAL

For an additional amount for "Operating Expenses of the United States Agency for International Development Office of Inspector General", $4,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $3,000,000 shall be made available for activities related to oversight of assistance furnished for Iraq with funds appropriated in this Act and in prior appropriations Acts, and not less than $1,000,000 shall be made available for activities related to oversight of assistance furnished for Afghanistan with funds appropriated in this Act and in prior appropriations Acts.

OTHER BILATERAL ECONOMIC ASSISTANCE

ECONOMIC SUPPORT FUND

For an additional amount for "Economic Support Fund", $2,602,200,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading that are available for assistance for Iraq, not less than $100,000,000 shall be made available to the United States Agency for International Development for continued support for its Community Action Program in Iraq, of which not less than $5,000,000 shall be made available for the fund established by section 2108 of Public Law 109–13: Provided further, That of the funds appropriated under this heading that are available for assistance for Afghanistan, not less than $10,000,000 shall be made available to the United States Agency for International Development for continued support for its Afghan Civilian Assistance Program: Provided further, That of the funds appropriated under this heading, not less than $6,000,000 shall be made available for assistance for elections, reintegration of ex-combatants, and other assistance to support the peace process in Nepal: Provided further, That of the funds appropriated under this heading, not less than $3,200,000 shall be made available, notwithstanding any other provision of law, for assistance for Vietnam for environmental remediation of dioxin storage sites and to support health programs in communities near those sites: Provided further, That funds made available pursuant to the previous proviso should be matched, to the maximum extent possible, with contributions from other governments, multilateral organizations, and private sources: Provided further, That of the funds made available under this heading, not less than $6,000,000 shall be made available for typhoon reconstruction assistance for the Philippines: Provided further, That of the funds made available under this heading, not less than $110,000,000 shall be made available for assistance for Pakistan, of which not less than $5,000,000 shall be made available for political party development and election monitoring activities: Provided further, That of the funds appropriated under this heading, not less than $2,000,000 shall be made available to support the peace process in northern Uganda: Provided further, That of the funds made available under the heading "Economic Support Fund" in Public Law 109–234 for Iraq to promote democracy, rule of law and reconciliation, $2,000,000 should be made available for the United States Institute of Peace for programs and activities in Afghanistan to remain available until September 30, 2008.

DEPARTMENT OF STATE

ASSISTANCE FOR EASTERN EUROPE AND THE BALTIC STATES

For an additional amount for "Assistance for Eastern Europe and the Baltic States", $214,000,000, to remain available until September 30, 2008, for assistance for Kosovo.

DEMOCRACY FUND

For an additional amount for "Democracy Fund", $465,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $385,000,000 shall be made available for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor, Department of State, for democracy, human rights, and rule of law programs in Iraq: Provided further, That prior to the initial obligation of funds made available under this heading for Iraq for the Political Participation Fund or the National Institutions Fund, the Secretary of State shall submit a report to the Committees on Appropriations describing a comprehensive, long-term strategy, with goals and expected results, for strengthening and advancing democracy in Iraq: Provided further, That of the funds appropriated under this heading, not less than $5,000,000 shall be made available for media and reconciliation programs in Somalia..

INTERNATIONAL NARCOTICS CONTROL AND LAW ENFORCEMENT

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "International Narcotics Control and Law Enforcement", $210,000,000, to remain available until September 30, 2008.

Of the amounts made available for procurement of a maritime patrol aircraft for the Colombian Navy under this heading in Public Law 109–234, $13,000,000 are rescinded.

MIGRATION AND REFUGEE ASSISTANCE

For an additional amount for "Migration and Refugee Assistance", $143,000,000, to remain available until September 30, 2008: Provided, That of the funds appropriated under this heading, not less than $65,000,000 shall be made available for assistance for Iraqi refugees including not less than $5,000,000 to rescue Iraqi scholars, and not less than $18,000,000 shall be made available for assistance for Afghan refugees.

UNITED STATES EMERGENCY REFUGEE AND MIGRATION ASSISTANCE FUND

For an additional amount for "United States Emergency Refugee and Migration Assistance Fund", $55,000,000, to remain available until expended.

NONPROLIFERATION, ANTI-TERRORISM, DEMINING AND RELATED PROGRAMS

For an additional amount for "Nonproliferation, Anti-Terrorism, Demining and Related Programs", $27,500,000, to remain available until September 30, 2008.

DEPARTMENT OF THE TREASURY

INTERNATIONAL AFFAIRS TECHNICAL ASSISTANCE PROGRAM

For an additional amount for "International Affairs Technical Assistance", $2,750,000, to remain available until September 30, 2008.

MILITARY ASSISTANCE

FUNDS APPROPRIATED TO THE PRESIDENT

FOREIGN MILITARY FINANCING PROGRAM

For an additional amount for "Foreign Military Financing Program", $220,000,000, to remain available until September 30, 2008, for assistance for Lebanon.

PEACEKEEPING OPERATIONS

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Peacekeeping Operations", $323,000,000, to remain available until September 30, 2008, of which up to $128,000,000 may be transferred, subject to the regular notification procedures of the Committees on Appropriations, to "Contributions to International Peacekeeping Activities", to be made available, notwithstanding any other provision of law, for assessed costs of United Nations Peacekeeping Missions: Provided, That of the funds appropriated under this heading, not less than $45,000,000 shall be made available, notwithstanding section 660 of the Foreign Assistance Act of 1961, for assistance for Liberia for security sector reform.

GENERAL PROVISIONS—THIS CHAPTER

AUTHORIZATION OF FUNDS

SEC. 1701. Funds appropriated by this title may be obligated and expended notwithstanding section 10 of Public Law 91-672 (22 U.S.C. 2412), section 15 of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2680), section 313 of the Foreign Relations Authorization Act, Fiscal Years 1994 and 1995 (22 U.S.C. 6212), and section 504(a)(1) of the National Security Act of 1947 (50 U.S.C. 414(a)(1)).

EXTENSION OF AVAILABILITY OF FUNDS

SEC. 1702. Section 1302(a) of Public Law 109–234 is amended by striking "one additional year" and inserting in lieu thereof "two additional years".

EXTENSION OF OVERSIGHT AUTHORITY

SEC. 1703. Section 3001(o)(1)(B) of the Emergency Supplemental Appropriations Act for Defense and for the Reconstruction of Iraq and Afghanistan, 2004 (Public Law 108–106; 117 Stat. 1238; 5 U.S.C. App., note to section 8G of Public Law 95–452), as amended by section 1054(b) of the John Warner National Defense Authorization Act for Fiscal Year 2007 (Public Law 109–364; 120 Stat. 2397) and section 2 of the Iraq Reconstruction Accountability Act of 2006 (Public Law 109–440), is amended by inserting "or fiscal year 2007" after "fiscal year 2006".

DEBT RESTRUCTURING

SEC. 1704. Amounts appropriated for fiscal year 2007 for "Bilateral Economic Assistance—Department of the Treasury—Debt Restructuring" may be used to assist Liberia in retiring its debt arrearages to the International Monetary Fund, the International Bank for Reconstruction and Development, and the African Development Bank.

JORDAN

(INCLUDING TRANSFER OF FUNDS)

SEC. 1705. Of the funds appropriated by this Act for assistance for Iraq under the heading "Economic Support Fund" that are available to support Provincial Reconstruction Team activities, up to $100,000,000 may be transferred to, and merged with, funds appropriated by this Act under the headings "Foreign Military Financing Program" and "Nonproliferation, Antiterrorism, Demining and Related Programs" for assistance for Jordan: Provided, That funds transferred pursuant to this section shall be subject to the regular notification procedures of the Committees on Appropriations.

LEBANON

SEC. 1706. Prior to the initial obligation of funds made available in this Act for assistance for Lebanon under the headings "Foreign Military Financing Program" and "Nonproliferation, Anti-terrorism, Demining and Related Programs", the Secretary of State shall certify to the Committees on Appropriations that all practicable efforts have been made to ensure that such assistance is not provided to or through any individual, or private or government entity, that advocates, plans, sponsors, engages in, or has engaged in, terrorist activity: Provided, That this section shall be effective notwithstanding section 534(a) of Public Law 109–102, which is made applicable to funds appropriated for fiscal year 2007 by the Continuing Appropriations Resolution, 2007, as amended.

HUMAN RIGHTS AND DEMOCRACY FUND

SEC. 1707. The Assistant Secretary of State for Democracy, Human Rights and Labor shall be responsible for all policy, funding, and programming decisions regarding funds made available under this Act and prior Acts making appropriations for foreign operations, export financing and related programs for the Human Rights and Democracy Fund of the Bureau of Democracy, Human Rights and Labor.

INSPECTOR GENERAL OVERSIGHT OF IRAQ AND AFGHANISTAN

SEC. 1708. (a) IN GENERAL.—Subject to paragraph (2), the Inspector General of the Department of State and the Broadcasting Board of Governors (referred to in this section as the "Inspector General") may use personal services contracts to engage citizens of the United States to facilitate and support the Office of the Inspector General's oversight of programs and operations related to Iraq and Afghanistan. Individuals engaged by contract to perform such services shall not, by virtue of such contract, be considered to be employees of the United States Government for purposes of any law administered by the Office of Personnel Management. The Secretary of State may determine the applicability to such individuals of any law administered by the Secretary concerning the performance of such services by such individuals.

(b) CONDITIONS.—The authority under paragraph (1) is subject to the following conditions:

(1) The Inspector General determines that existing personnel resources are insufficient.

(2) The contract length for a personal services contractor, including options, may not exceed 1 year, unless the Inspector General makes a finding that exceptional circumstances justify an extension of up to 2 additional years.

(3) Not more than 20 individuals may be employed at any time as personal services contractors under the program.

(c) TERMINATION OF AUTHORITY.—The authority to award personal services contracts under this section shall terminate on December 31, 2008. A contract entered into prior to the termination date under this paragraph may remain in effect until not later than December 31, 2009.

(d) OTHER AUTHORITIES NOT AFFECTED.—The authority under this section is in addition to any other authority of the Inspector General to hire personal services contractors.

FUNDING TABLES

SEC. 1709. (a) Funds provided in this Act for the following accounts shall be made available for programs and countries in the amounts contained in the respective tables included in the report accompanying this Act:

"Diplomatic and Consular Programs".

"Educational and Cultural Exchange Programs".

"International Disaster and Famine Assistance".

"Economic Support Fund".

"Assistance for Eastern Europe and Baltic States".

"Democracy Fund".

"Migration and Refugee Assistance".

"Nonproliferation, Anti-Terrorism, Demining and Related Programs".

"Peacekeeping Operations".

(b) Any proposed increases or decreases to the amounts contained in the tables in the accompanying report shall be subject to the regular notification procedures of the Committees on Appropriations and section 634A of the Foreign Assistance Act of 1961.

BENCHMARKS FOR CERTAIN RECONSTRUCTION ASSISTANCE FOR IRAQ

SEC. 1710. (a) BENCHMARKS.—Notwithstanding any other provision of law, fifty percent of the funds appropriated by this Act for assistance for Iraq under the headings "Economic Support Fund" and "International Narcotics and Law Enforcement" shall be withheld from obligation until the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has—

(1) enacted a broadly accepted hydro-carbon law that equitably shares oil revenues among all Iraqis;

(2) adopted legislation necessary for the conduct of provincial and local elections, taken steps to implement such legislation, and set a schedule to conduct provincial and local elections;

(3) reformed current laws governing the de-Baathification process to allow for more equitable treatment of individuals affected by such laws;

(4) amended the Constitution of Iraq consistent with the principles contained in Article 137 of such constitution; and

(5) allocated and begun expenditure of $10,000,000,000 in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis.

(b) EXEMPTIONS.—The requirement to withhold funds from obligation pursuant to subsection (a) shall not apply with respect to funds made available under the heading "Economic Support Fund" that are administered by the United States Agency for International Development for continued support for the Community Action Program, assistance for civilian victims of the military operations, and the Community Stabilization Program in Iraq, or for programs and activities to promote democracy, governance, human rights, and rule of law.

(c) REPORT.—At the time the President certifies to the Committees on Appropriations and Foreign Relations of the Senate and the Committees on Appropriations and Foreign Affairs of the House of Representatives that the Government of Iraq has met the benchmarks described in subsection (a), the President shall submit to such Committees a report that contains a detailed description of the specific actions that the Government of Iraq has taken to meet each of the benchmarks referenced in the certification.

SPENDING PLAN AND NOTIFICATION PROCEDURES

SEC. 1711. Not later than 45 days after enactment of this Act the Secretary of State shall submit to the Committees on Appropriations a report detailing planned expenditures for funds appropriated under the headings in this chapter, except for funds appropriated under the headings "International Disaster and Famine Assistance", "Office of the United States Agency for International Development Inspector General", and "Office of the Inspector General": Provided, That funds appropriated under the headings in this chapter, except for funds appropriated under the headings named in this section, shall be subject to the regular notification procedures of the Committees on Appropriations.

CIVILIAN RESERVE CORPS

SEC. 1712. Of the funds appropriated by this Act under the headings "DIPLOMATIC AND CONSULAR PROGRAMS" and "ECONOMIC SUPPORT FUND" (except for the Community Action Program), up to $50,000,000 may be made available to support and maintain a civilian reserve corps. Funds made available under this section shall be subject to the regular notification procedures of the Committees on Appropriations.

TITLE II

KATRINA RECOVERY, VETERANS' CARE AND FOR OTHER PURPOSES

CHAPTER 1

GENERAL PROVISION—THIS CHAPTER

EMERGENCY FORESTRY CONSERVATION RESERVE PROGRAM

SEC. 2101. Section 1231(k)(2) of the Food Security Act of 1985 (16 U.S.C. 3831(k)(2)) is amended by striking "During calendar year 2006, the" and inserting "The".

CHAPTER 2

DEPARTMENT OF JUSTICE

OFFICE OF JUSTICE PROGRAMS

STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

For an additional amount for "State and Local Law Enforcement Assistance", for discretionary grants authorized by subpart 2 of part E, of title I of the Omnibus Crime Control and Safe Streets Act of 1968, notwithstanding the provisions of section 511 of said Act,

$170,000,000, to remain available until September 30, 2008: Provided, That of the amount made available under this heading, $70,000,000 shall be for local law enforcement initiatives in the gulf coast region related to the aftermath of Hurricanes Katrina and Rita, of which no less than $55,000,000 shall be for the State of Louisiana: Provided further, That of the amount made available under this heading, $100,000,000 shall be for reimbursing State and local law enforcement entities for security and related costs, including overtime, associated with the 2008 Presidential Candidate Nominating Conventions, of which $50,000,000 shall be for the city of Denver, Colorado and $50,000,000 shall be for the city of St. Paul, Minnesota: Provided further, That the Department of Justice shall report to the Committees on Appropriations of the House and the Senate on a quarterly basis on the expenditure of the funds provided in the previous proviso.

DEPARTMENT OF COMMERCE

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

OPERATIONS, RESEARCH, AND FACILITIES

For an additional amount for "Operations, Research, and Facilities", for necessary expenses related to fisheries disasters, $165,900,000, to remain available until September 30, 2008: Provided, That of the amount provided under this heading, the National Marine Fisheries Service shall cause $60,400,000 to be distributed among eligible recipients of assistance for the commercial fishery failure designated under section 312(a) of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1861a(a)) and declared by the Secretary of Commerce on August 10, 2006: Provided further, That of the amount provided under this heading, $105,500,000 shall be for necessary expenses related to the consequences of Hurricanes Katrina and Rita on shrimp and fishing industries.

PROCUREMENT, ACQUISITION, AND CONSTRUCTION

For an additional amount for "Procurement, Acquisition and Construction", for necessary expenses related to disaster response and preparedness of the Gulf of Mexico coast, $6,000,000, to remain available until September 30, 2008.

FISHERIES DISASTER MITIGATION FUND

For an additional amount for a "Fisheries Disaster Mitigation Fund", $50,000,000, to remain available until expended for use in mitigating the effects of commercial fisheries failures and fishery resource disasters as determined under the Magnuson Stevens Act (16 U.S.C. 1801 et seq.) or the Interjurisdictional Fisheries Act (16 U.S.C. 4101 et seq.): Provided, That the Secretary of Commerce shall obligate funds provided under this heading according to the Magnuson Stevens Conservation Act, as amended, the Interjurisdictional Fisheries Act, as amended, or other Acts as the Secretary determines to be appropriate.

GENERAL PROVISION—THIS CHAPTER

SEC. 2201. Up to $48,000,000 of amounts made available to the National Aeronautics and Space Administration in Public Law 109–148 and Public Law 109–234 for emergency hurricane and other natural disaster-related expenses may be used to reimburse hurricane-related costs incurred by NASA in fiscal year 2005.

CHAPTER 3

DEPARTMENT OF DEFENSE—CIVIL

DEPARTMENT OF THE ARMY

CORPS OF ENGINEERS—CIVIL

CONSTRUCTION

For an additional amount for "Construction" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $150,000,000, to remain available until expended, which may be used to continue construction of projects related to interior drainage for the greater New Orleans metropolitan area.

OPERATION AND MAINTENANCE

For an additional amount for "Operation and Maintenance" to dredge navigation channels related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $3,000,000, to remain available until expended.

FLOOD CONTROL AND COASTAL EMERGENCIES

For an additional amount for "Flood Control and Coastal Emergencies", as authorized by section 5 of the Act of August 18, 1941 (33 U.S.C. 701n), for necessary expenses relating to the consequences of Hurricanes Katrina and Rita and for other purposes, $1,557,700,000, to remain available until expended: Provided, That $1,300,000,000 of the amount provided may be used by the Secretary of the Army to carry out projects and measures to provide the level of protection necessary to achieve the certification required for the 100-year level of flood protection in accordance with the national flood insurance program under the base flood elevations in existence at the time of construction of the enhancements for the West Bank and Vicinity and Lake Ponchartrain and Vicinity, Louisiana, projects, as described under the heading "Flood Control and Coastal Emergencies", in chapter 3 of Public Law 109–148: Provided further, That $150,000,000 of the amount provided may be used to support emergency operations, repairs and other activities in response to flood, drought and earthquake emergencies as authorized by law: Provided further, That $107,700,000 of the amount provided may be used to implement the projects for hurricane storm damage reduction, flood damage reduction, and ecosystem restoration within Hancock, Harrison, and Jackson Counties, Mississippi substantially in accordance with the Report of the Chief of Engineers dated December 31, 2006, and entitled "Mississippi, Coastal Improvements Program Interim Report, Hancock, Harrison, and Jackson Counties, Mississippi": Provided further, That projects authorized for implementation under this Chief's report shall be carried out at full Federal expense, except that the non-Federal interests shall be responsible for providing any lands, easements, rights-of-way, disposal areas, and relocations required for construction of the project and for all costs associated with operation and maintenance of the project: Provided further, That any project using funds appropriated under this heading shall be initiated only after non-Federal interests have entered into binding agreements with the Secretary requiring the non-Federal interests to pay 100 percent of the operation, maintenance, repair, replacement, and rehabilitation costs of the project and to hold and save the United States free from damages due to the construction or operation and maintenance of the project, except for damages due to the fault or negligence of the United States or its contractors.

DEPARTMENT OF INTERIOR

BUREAU OF RECLAMATION

WATER AND RELATED RESOURCES

For an additional amount for "Water and Related Resources", $18,000,000, to remain available until expended for drought assistance: Provided, That drought assistance may be provided under the Reclamation States Drought Emergency Act or other applicable Reclamation authorities to assist drought plagued areas of the West.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2301. The Secretary is authorized and directed to reimburse local governments for expenses they have incurred in storm-proofing pumping stations, constructing safe houses for operators, and other interim flood control measures in and around the New Orleans metropolitan area, provided the Secretary determines those elements of work and related expenses to be integral to the overall plan to ensure operability of the stations during hurricanes, storms and high water events and the flood control plan for the area.

SEC. 2302. The limitation concerning total project costs in section 902 of the Water Resources Development Act of 1986, as amended (33 U.S.C. 2280), shall not apply during fiscal year 2008 to any water resources project for which funds were made available during fiscal year 2007.

SEC. 2303. (a) The Secretary of the Army is authorized and directed to utilize funds remaining available for obligation from the amounts appropriated in chapter 3 of Public Law 109–234 under the heading "Flood Control and Coastal Emergencies" for projects in the greater New Orleans metropolitan area to prosecute these projects in a manner which promotes the goal of continuing work at an optimal pace, while maximizing, to the greatest extent practicable, levels of protection to reduce the risk of storm damage to people and property.

(b) The expenditure of funds as provided in subsection (a) may be made without regard to individual amounts or purposes specified in chapter 3 of Public Law 109–234.

(c) Any reallocation of funds that are necessary to accomplish the goal established in subsection (a) are authorized. Reallocation of funds in excess of $250,000,000 or 50 percent, whichever is less, of the individual amounts specified in chapter 3 of Public Law 109–234 require notifications of the House and Senate Committees on Appropriation.

SEC. 2304. The Chief of Engineers shall investigate the overall technical advantages, disadvantages and operational effectiveness of operating the new pumping stations at the mouths of the 17th Street, Orleans Avenue and London Avenue canals in the New Orleans area directed for construction in Public Law 109–234 concurrently or in series with existing pumping stations serving these canals and the advantages, disadvantages and technical operational effectiveness of removing the existing pumping stations and configuring the new pumping stations and associated canals to handle all needed discharges; and the advantages, disadvantages and technical operational effectiveness of replacing or improving the floodwalls and levees adjacent to the three outfall canals: Provided, That the analysis should be conducted at Federal expense: Provided further, That the analysis shall be completed and furnished to the Congress not later than three months after enactment of this Act.

SEC. 2305. Using funds made available in Chapter 3 under title II of Public Law 109–234 (120 Stat. 453), under the heading "Investigations", the Secretary of the Army, in consultation with other agencies and the State of Louisiana shall accelerate completion as practicable the final report of the Chief of Engineers recommending a comprehensive plan to deauthorize deep draft navigation on the Mississippi River Gulf Outlet: Provided, That the plan shall incorporate and build upon the Interim Mississippi River Gulf Outlet Deep-Draft De-Authorization Report submitted to Congress in December 2006 pursuant to Public Law 109–234.

SEC. 2306. (a) Section 111 of Public Law 108–137 (117 Stat. 1835) is amended by—

(1) adding the following language at the end of subsection (a):

"Such activities also may include the provision of financial assistance to facilitate the buyout of properties located in areas identified by the State of Oklahoma as areas that are or will

be at risk of damage caused by land subsidence and other necessary and closely associated properties otherwise identified by the State of Oklahoma; however, any buyout of such properties shall not be considered to be part of a Federally assisted program or project for purposes of 42 U.S.C. 4601 et. seq., consistent with section 2301 of Public Law 109–234 (120 Stat. 455–456).''; and

(2) striking the first sentence of subsection (d) and inserting the following language in lieu thereof:

''(d) Non-Federal interests shall be responsible for operating and maintaining any restoration alternatives constructed or carried out pursuant to this section.''.

CHAPTER 4

SMALL BUSINESS ADMINISTRATION

DISASTER LOANS PROGRAM ACCOUNT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Disaster Loans Program Account'' for administrative expenses to carry out the disaster loan program, $25,069,000, to remain available until expended, which may be transferred to and merged with ''Small Business Administration, Salaries and Expenses''.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2401. ECONOMIC INJURY DISASTER LOANS. (a) DEFINITIONS.—In this section—

(1) the term ''Administrator'' means the Administrator of the Small Business Administration;

(2) the term ''covered small business concern'' means a small business concern—

(A) that is located in any area in Louisiana or Mississippi for which the President declared a major disaster because of Hurricane Katrina of 2005 or Hurricane Rita of 2005;

(B) that has not more than 50 full-time employees; and

(C) that—

(i)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005, because of a reduction in travel or tourism to the area described in subparagraph (A); and

(II) demonstrates that, during the 1-year period ending on August 28, 2005, not less than 45 percent of the revenue of that small business concern resulted from tourism or travel related sales; or

(ii)(I) suffered a substantial economic injury as a result of Hurricane Katrina of 2005 or Hurricane Rita of 2005; and

(II) operates in a parish or county for which the population on the date of enactment of this Act, as determined by the Administrator, is not greater than 75 percent of the population of that parish or county before August 28, 2005, based on the most recent United States population estimate available before August 28, 2005;

(3) the term ''major disaster'' has the meaning given that term in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122); and

(4) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632).

(b) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated, out of any money in the Treasury not otherwise appropriated, $25,000,000 to the Administrator, which, except as provided in paragraph (2) or (3), shall be used for loans under section 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2)) to covered small business concerns.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts made available under paragraph (1), not more than $8,750,000 may be transferred to and merged with ''Salaries and Expenses'' to carry out the disaster loan program of the Small Business Administration.

(3) OTHER USES OF FUNDS.—The Administrator may use amounts made available under paragraph (1) for other purposes authorized for amounts in the ''Disaster Loans Program Account'' or transfer such amounts to and merge such amounts with ''Salaries and Expenses'', if—

(A) such amounts are—

(i) not obligated on the later of 5 months after the date of enactment of this Act and August 29, 2007; or

(ii) necessary to provide assistance in the event of a major disaster; and

(B) not later than 5 days before any such use or transfer of amounts, the Administrator provides written notification of such use or transfer to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives.

SEC. 2402. OTHER PROGRAMS. (a) HUBZONES.—Section 3(p) of the Small Business Act (15 U.S.C. 632(p)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (D), by striking ''or'';

(B) in subparagraph (E), by striking the period at the end and inserting ''; or''; and

(C) by adding at the end the following:

''(F) an area in which the President has declared a major disaster (as that term is defined in section 102 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122)) as a result of Hurricane Katrina of August 2005 or Hurricane Rita of September 2005, during the time period described in paragraph (8).''; and

(2) by adding at the end the following:

''(8) TIME PERIOD.—The time period for the purposes of paragraph (1)(F)—

''(A) shall be the 2-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007; and

''(B) may, at the discretion of the Administrator, be extended to be the 3-year period beginning on the later of the date of enactment of this paragraph and August 29, 2007.''.

(b) TERMINATION OF PROGRAM.—Section 711(c) of the Small Business Competitive Demonstration Program Act of 1988 (15 U.S.C. 644 note) is amended by inserting after ''January 1, 1989'' the following: '', and shall terminate on the date of enactment of the U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007''.

SEC. 2403. RESERVIST PROGRAMS. (a) DEFINITIONS.—In this section—

(1) the term ''activated'' means receiving an order placing a Reservist on active duty;

(2) the term ''active duty'' has the meaning given that term in section 101 of title 10, United States Code;

(3) the terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively;

(4) the term ''Reservist'' means a member of a reserve component of the Armed Forces, as described in section 10101 of title 10, United States Code;

(5) the term ''Service Corps of Retired Executives'' means the Service Corps of Retired Executives authorized by section 8(b)(1) of the Small Business Act (15 U.S.C. 637(b)(1));

(6) the term ''small business concern'' has the meaning given that term in section 3 of the Small Business Act (15 U.S.C. 632);

(7) the term ''small business development center'' means a small business development center described in section 21 of the Small Business Act (15 U.S.C. 648); and

(8) the term ''women's business center'' means a women's business center described in section 29 of the Small Business Act (15 U.S.C. 656).

(b) APPLICATION PERIOD.—Section 7(b)(3)(C) of the Small Business Act (15 U.S.C. 636(b)(3)(C)) is amended by striking ''90 days'' and inserting ''1 year''.

(c) PRE-CONSIDERATION PROCESS.—

(1) DEFINITION.—In this subsection, the term ''eligible Reservist'' means a Reservist who—

(A) has not been ordered to active duty;

(B) expects to be ordered to active duty during a period of military conflict; and

(C) can reasonably demonstrate that the small business concern for which that Reservist is a key employee will suffer economic injury in the absence of that Reservist.

(2) ESTABLISHMENT.—Not later than 6 months after the date of enactment of this Act, the Administrator shall establish a pre-consideration process, under which the Administrator—

(A) may collect all relevant materials necessary for processing a loan to a small business concern under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) before an eligible Reservist employed by that small business concern is activated; and

(B) shall distribute funds for any loan approved under subparagraph (A) if that eligible Reservist is activated.

(d) OUTREACH AND TECHNICAL ASSISTANCE PROGRAM.—

(1) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, the Administrator, in consultation with the Secretary of Veterans Affairs and the Secretary of Defense, shall develop a comprehensive outreach and technical assistance program (in this subsection referred to as the ''program'') to—

(A) market the loans available under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3)) to Reservists, and family members of Reservists, that are on active duty and that are not on active duty; and

(B) provide technical assistance to a small business concern applying for a loan under that section.

(2) COMPONENTS.—The program shall—

(A) incorporate appropriate websites maintained by the Administration, the Department of Veterans Affairs, and the Department of Defense; and

(B) require that information on the program is made available to small business concerns directly through—

(i) the district offices and resource partners of the Administration, including small business development centers, women's business centers, and the Service Corps of Retired Executives; and

(ii) other Federal agencies, including the Department of Veterans Affairs and the Department of Defense.

(3) REPORT.—

(A) IN GENERAL.—Not later than 6 months after the date of enactment of this Act, and every 6 months thereafter until the date that is 30 months after such date of enactment, the Administrator shall submit to Congress a report on the status of the program.

(B) CONTENTS.—Each report submitted under subparagraph (A) shall include—

(i) for the 6-month period ending on the date of that report—

(I) the number of loans approved under section 7(b)(3) of the Small Business Act (15 U.S.C. 636(b)(3));

(II) the number of loans disbursed under that section; and

(III) the total amount disbursed under that section; and

(ii) recommendations, if any, to make the program more effective in serving small business concerns that employ Reservists.

CHAPTER 5

DEPARTMENT OF HOMELAND SECURITY

FEDERAL EMERGENCY MANAGEMENT AGENCY

DISASTER RELIEF

For an additional amount for ''Disaster Relief'' for necessary expenses under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.), $4,310,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2501. (a) IN GENERAL.—Notwithstanding any other provision of law, including any agreement, the Federal share of assistance, including direct Federal assistance, provided for the States of Louisiana, Mississippi, Alabama, and Texas in connection with Hurricanes Katrina and Rita under sections 403, 406, 407, and 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170b, 5172, 5173, and 5174) shall be 100 percent of the eligible costs under such sections.

(b) APPLICABILITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Federal share provided by subsection (a) shall apply to disaster assistance applied for before the date of enactment of this Act.

(2) LIMITATION.—In the case of disaster assistance provided under sections 403, 406, and 407 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, the Federal share provided by subsection (a) shall be limited to assistance provided for projects for which applications have been prepared for the Federal Emergency Management Agency before the date of enactment of this Act.

SEC. 2502. (a) Section 2(a) of the Community Disaster Loan Act of 2005 (Public Law 109–88; 119 Stat. 2061) is amended by striking ": Provided further, That notwithstanding section 417(c)(1) of the Stafford Act, such loans may not be canceled".

(b) Chapter 4 of title II of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 471) is amended under the heading "Disaster Assistance Direct Loan Program Account" under the heading "Federal Emergency Management Agency" under the heading "Department of Homeland Security", by striking "Provided further, That notwithstanding section 417(c)(1) of such Act, such loans may not be canceled:".

SEC. 2503. Section 2401 of the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 460) is amended by striking "12 months" and inserting "24 months".

CHAPTER 6

DEPARTMENT OF THE INTERIOR

BUREAU OF LAND MANAGEMENT

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $100,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds previously provided for wildland fire suppression will be exhausted imminently and the Secretary of the Interior notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriations accounts from which funds were transferred for wildfire suppression.

UNITED STATES FISH AND WILDLIFE SERVICE

RESOURCE MANAGEMENT

For an additional amount for "Resource Management" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $7,398,000, to remain available until September 30, 2008.

NATIONAL PARK SERVICE

OPERATION OF THE NATIONAL PARK SYSTEM

For an additional amount for "Operation of the National Park System" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, $525,000, to remain available until September 30, 2008.

HISTORIC PRESERVATION FUND

For an additional amount for the "Historic Preservation Fund" for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, $15,000,000, to remain available until September 30, 2008: Provided, That the funds provided under this heading shall be provided to the State Historic Preservation Officer, after consultation with the National Park Service, for grants for disaster relief in areas of Louisiana impacted by Hurricanes Katrina or Rita: Provided further, That grants shall be for the preservation, stabilization, rehabilitation, and repair of historic properties listed in or eligible for the National Register of Historic Places, for planning and technical assistance: Provided further, That grants shall only be available for areas that the President determines to be a major disaster under section 102(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5122(2)) due to Hurricanes Katrina or Rita: Provided further, That individual grants shall not be subject to a non-Federal matching requirement: Provided further, That no more than 5 percent of funds provided under this heading for disaster relief grants may be used for administrative expenses.

UNITED STATES GEOLOGICAL SURVEY

SURVEYS, INVESTIGATIONS, AND RESEARCH

For an additional amount for "Surveys, Investigations, and Research" for the detection of highly pathogenic avian influenza in wild birds, including the investigation of morbidity and mortality events, targeted surveillance in live wild birds, and targeted surveillance in hunter-taken birds, $5,270,000, to remain available until September 30, 2008.

DEPARTMENT OF AGRICULTURE

FOREST SERVICE

NATIONAL FOREST SYSTEM

For an additional amount for "National Forest System" for the implementation of a nationwide initiative to increase protection of national forest lands from foreign drug-trafficking organizations, including funding for additional law enforcement personnel, training, equipment and cooperative agreements, $12,000,000, to remain available until expended.

WILDLAND FIRE MANAGEMENT

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Wildland Fire Management", $400,000,000, to remain available until expended, for urgent wildland fire suppression activities: Provided, That such funds shall only become available if funds provided previously for wildland fire suppression will be exhausted imminently and the Secretary of Agriculture notifies the House and Senate Committees on Appropriations in writing of the need for these additional funds: Provided further, That such funds are also available for repayment to other appropriation accounts from which funds were transferred for wildfire suppression.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2601. SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION PROGRAM. (a) REAUTHORIZATION OF THE SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT OF 2000.—The Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. 500 note; Public Law 106–393) is amended by striking sections 1 through 403 and inserting the following:

"SECTION 1. SHORT TITLE.

"This Act may be cited as the 'Secure Rural Schools and Community Self-Determination Act of 2000'.

"SEC. 2. PURPOSES.

"The purposes of this Act are—

"(1) to stabilize and transition payments to counties to provide funding for schools and roads that supplements other available funds;

"(2) to make additional investments in, and create additional employment opportunities through, projects that—

"(A)(i) improve the maintenance of existing infrastructure;

"(ii) implement stewardship objectives that enhance forest ecosystems; and

"(iii) restore and improve land health and water quality;

"(B) enjoy broad-based support; and

"(C) have objectives that may include—

"(i) road, trail, and infrastructure maintenance or obliteration;

"(ii) soil productivity improvement;

"(iii) improvements in forest ecosystem health;

"(iv) watershed restoration and maintenance;

"(v) the restoration, maintenance, and improvement of wildlife and fish habitat;

"(vi) the control of noxious and exotic weeds; and

"(vii) the reestablishment of native species; and

"(3) to improve cooperative relationships among—

"(A) the people that use and care for Federal land; and

"(B) the agencies that manage the Federal land.

"SEC. 3. DEFINITIONS.

"In this Act:

"(1) ADJUSTED SHARE.—The term 'adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (8)(A) for all eligible counties.

"(2) BASE SHARE.—The term 'base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(A) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 25-percent payments and safety net payments made to each eligible State for each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (9)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(3) COUNTY PAYMENT.—The term 'county payment' means the payment for an eligible county calculated under section 101(b).

"(4) ELIGIBLE COUNTY.—The term 'eligible county' means any county that—

"(A) contains Federal land (as defined in paragraph (7)); and

"(B) elects to receive a share of the State payment or the county payment under section 102(b).

"(5) ELIGIBILITY PERIOD.—The term 'eligibility period' means fiscal year 1986 through fiscal year 1999.

"(6) ELIGIBLE STATE.—The term 'eligible State' means a State or territory of the United States that received a 25-percent payment for 1 or more fiscal years of the eligibility period.

"(7) FEDERAL LAND.—The term 'Federal land' means—

"(A) land within the National Forest System, as defined in section 11(a) of the Forest and

Rangeland Renewable Resources Planning Act of 1974 (16 U.S.C. 1609(a)) exclusive of the National Grasslands and land utilization projects designated as National Grasslands administered pursuant to the Act of July 22, 1937 (7 U.S.C. 1010–1012); and

"(B) such portions of the revested Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant land as are or may hereafter come under the jurisdiction of the Department of the Interior, which have heretofore or may hereafter be classified as timberlands, and power-site land valuable for timber, that shall be managed, except as provided in the former section 3 of the Act of August 28, 1937 (50 Stat. 875; 43 U.S.C. 1181c), for permanent forest production.

"(8) 50-PERCENT ADJUSTED SHARE.—The term '50-percent adjusted share' means the number equal to the quotient obtained by dividing—

"(A) the number equal to the quotient obtained by dividing—

"(i) the 50-percent base share for the eligible county; by

"(ii) the income adjustment for the eligible county; by

"(B) the number equal to the sum of the quotients obtained under subparagraph (A) and paragraph (1)(A) for all eligible counties.

"(9) 50-PERCENT BASE SHARE.—The term '50-percent base share' means the number equal to the average of—

"(A) the quotient obtained by dividing—

"(i) the number of acres of Federal land described in paragraph (7)(B) in each eligible county; by

"(ii) the total number acres of Federal land in all eligible counties in all eligible States; and

"(B) the quotient obtained by dividing—

"(i) the amount equal to the average of the 3 highest 50-percent payments made to each eligible county during the eligibility period; by

"(ii) the amount equal to the sum of the averages calculated under clause (i) and paragraph (2)(B)(i) for all eligible counties in all eligible States during the eligibility period.

"(10) 50-PERCENT PAYMENT.—The term '50-percent payment' means the payment that is the sum of the 50-percent share otherwise paid to a county pursuant to title II of the Act of August 28, 1937 (chapter 876; 50 Stat. 875; 43 U.S.C. 1181f), and the payment made to a county pursuant to the Act of May 24, 1939 (chapter 144; 53 Stat. 753; 43 U.S.C. 1181f–1 et seq.).

"(11) FULL FUNDING AMOUNT.—The term 'full funding amount' means—

"(A) $526,079,656 for fiscal year 2007;

"(B) $520,000,000 for fiscal year 2008; and

"(C) for fiscal year 2009 and each fiscal year thereafter, the amount that is equal to 90 percent of the full funding amount for the preceding fiscal year.

"(12) INCOME ADJUSTMENT.—The term 'income adjustment' means the square of the quotient obtained by dividing—

"(A) the per capita personal income for each eligible county; by

"(B) the median per capita personal income of all eligible counties.

"(13) PER CAPITA PERSONAL INCOME.—The term 'per capita personal income' means the most recent per capita personal income data, as determined by the Bureau of Economic Analysis.

"(14) SAFETY NET PAYMENTS.—The term 'safety net payments' means the special payment amounts paid to States and counties required by section 13982 or 13983 of the Omnibus Budget Reconciliation Act of 1993 (Public Law 103–66; 16 U.S.C. 500 note; 43 U.S.C. 1181f note).

"(15) SECRETARY CONCERNED.—The term 'Secretary concerned' means—

"(A) the Secretary of Agriculture or the designee of the Secretary of Agriculture with respect to the Federal land described in paragraph (7)(A); and

"(B) the Secretary of the Interior or the designee of the Secretary of the Interior with respect to the Federal land described in paragraph (7)(B).

"(16) STATE PAYMENT.—The term 'State payment' means the payment for an eligible State calculated under section 101(a).

"(17) 25-PERCENT PAYMENT.—The term '25-percent payment' means the payment to States required by the sixth paragraph under the heading of 'FOREST SERVICE' in the Act of May 23, 1908 (35 Stat. 260; 16 U.S.C. 500), and section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"TITLE I—SECURE PAYMENTS FOR STATES AND COUNTIES CONTAINING FEDERAL LAND

"SEC. 101. SECURE PAYMENTS FOR STATES CONTAINING FEDERAL LAND.

"(a) STATE PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of Agriculture shall calculate for each eligible State an amount equal to the sum of the products obtained by multiplying—

"(1) the adjusted share for each eligible county within the eligible State; by

"(2) the full funding amount for the fiscal year.

"(b) COUNTY PAYMENT.—For each of fiscal years 2007 through 2011, the Secretary of the Interior shall calculate for each eligible county that received a 50-percent payment during the eligibility period an amount equal to the product obtained by multiplying—

"(1) the 50-percent adjusted share for the eligible county; by

"(2) the full funding amount for the fiscal year.

"SEC. 102. PAYMENTS TO STATES AND COUNTIES.

"(a) PAYMENT AMOUNTS.—Except as provided in section 103, the Secretary of the Treasury shall pay to—

"(1) a State an amount equal to the sum of the amounts elected under subsection (b) by each county within the State for—

"(A) if the county is eligible for the 25-percent payment, the share of the 25-percent payment; or

"(B) the share of the State payment of the eligible county; and

"(2) a county an amount equal to the amount elected under subsection (b) by each county for—

"(A) if the county is eligible for the 50-percent payment, the 50-percent payment; or

"(B) the county payment for the eligible county.

"(b) ELECTION TO RECEIVE PAYMENT AMOUNT.—

"(1) ELECTION; SUBMISSION OF RESULTS.—

"(A) IN GENERAL.—The election to receive a share of the State payment, the county payment, a share of the State payment and the county payment, a share of the 25-percent payment, the 50-percent payment, or a share of the 25-percent payment and the 50-percent payment, as applicable, shall be made at the discretion of each affected county by August 1, 2007, and August 1 of each second fiscal year thereafter, in accordance with paragraph (2), and transmitted to the Secretary concerned by the Governor of each eligible State.

"(B) FAILURE TO TRANSMIT.—If an election for an affected county is not transmitted to the Secretary concerned by the date specified under subparagraph (A), the affected county shall be considered to have elected to receive a share of the State payment, the county payment, or a share of the State payment and the county payment, as applicable.

"(2) DURATION OF ELECTION.—

"(A) IN GENERAL.—A county election to receive a share of the 25-percent payment or 50-percent payment, as applicable shall be effective for 2 fiscal years.

"(B) FULL FUNDING AMOUNT.—If a county elects to receive a share of the State payment or the county payment, the election shall be effective for all subsequent fiscal years through fiscal year 2011.

"(3) SOURCE OF PAYMENT AMOUNTS.—The payment to an eligible State or eligible county under this section for a fiscal year shall be derived from—

"(A) any revenues, fees, penalties, or miscellaneous receipts, exclusive of deposits to any relevant trust fund, special account, or permanent operating funds, received by the Federal Government from activities by the Bureau of Land Management or the Forest Service on the applicable Federal land; and

"(B) to the extent of any shortfall, out of any amounts in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION AND EXPENDITURE OF PAYMENTS.—

"(1) DISTRIBUTION METHOD.—A State that receives a payment under subsection (a) for Federal land described in section 3(7)(A) shall distribute the appropriate payment amount among the appropriate counties in the State in accordance with—

"(A) the Act of May 23, 1908 (16 U.S.C. 500); and

"(B) section 13 of the Act of March 1, 1911 (36 Stat. 963; 16 U.S.C. 500).

"(2) EXPENDITURE PURPOSES.—Subject to subsection (d), payments received by a State under subsection (a) and distributed to counties in accordance with paragraph (1) shall be expended as required by the laws referred to in paragraph (1).

"(d) EXPENDITURE RULES FOR ELIGIBLE COUNTIES.—

"(1) ALLOCATIONS.—

"(A) USE OF PORTION IN SAME MANNER AS 25-PERCENT PAYMENT OR 50-PERCENT PAYMENT, AS APPLICABLE.—Except as provided in paragraph (3)(B), if an eligible county elects to receive its share of the State payment or the county payment, not less than 80 percent, but not more than 85 percent, of the funds shall be expended in the same manner in which the 25-percent payments or 50-percent payment, as applicable, are required to be expended.

"(B) ELECTION AS TO USE OF BALANCE.—Except as provided in subparagraph (C), an eligible county shall elect to do 1 or more of the following with the balance of any funds not expended pursuant to subparagraph (A):

"(i) Reserve any portion of the balance for projects in accordance with title II.

"(ii) Reserve not more than 7 percent of the total share for the eligible county of the State payment or the county payment for projects in accordance with title III.

"(iii) Return the portion of the balance not reserved under clauses (i) and (ii) to the Treasury of the United States.

"(C) COUNTIES WITH MODEST DISTRIBUTIONS.—In the case of each eligible county to which more than $100,000, but less than $350,000, is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county, with respect to the balance of any funds not expended pursuant to subparagraph (A) for that fiscal year, shall—

"(i) reserve any portion of the balance for—

"(I) carrying out projects under title II;

"(II) carrying out projects under title III; or

"(III) a combination of the purposes described in subclauses (I) and (II); or

"(ii) return the portion of the balance not reserved under clause (i) to the Treasury of the United States.

"(2) DISTRIBUTION OF FUNDS.—

"(A) IN GENERAL.—Funds reserved by an eligible county under subparagraph (B)(i) or (C)(i)(I) of paragraph (1) shall be deposited in a special account in the Treasury of the United States.

"(B) AVAILABILITY.—Amounts deposited under subparagraph (A) shall—

"(i) be available for expenditure by the Secretary concerned, without further appropriation; and

"(ii) remain available until expended in accordance with title II.

"(3) ELECTION.—

"(A) NOTIFICATION.—

"(i) IN GENERAL.—An eligible county shall notify the Secretary concerned of an election by the eligible county under this subsection not later than September 30 of each fiscal year.

"(ii) FAILURE TO ELECT.—Except as provided in subparagraph (B), if the eligible county fails to make an election by the date specified in clause (i), the eligible county shall—

"(I) be considered to have elected to expend 85 percent of the funds in accordance with paragraph (1)(A); and

"(II) return the balance to the Treasury of the United States.

"(B) COUNTIES WITH MINOR DISTRIBUTIONS.—In the case of each eligible county to which less than $100,000 is distributed for any fiscal year pursuant to either or both of paragraphs (1)(B) and (2)(B) of subsection (a), the eligible county may elect to expend all the funds in the same manner in which the 25-percent payments or 50-percent payments, as applicable, are required to be expended.

"(e) TIME FOR PAYMENT.—The payments required under this section for a fiscal year shall be made as soon as practicable after the end of that fiscal year.

"SEC. 103. TRANSITION PAYMENTS TO THE STATES OF CALIFORNIA, OREGON, AND WASHINGTON.

"(a) DEFINITIONS.—In this section:

"(1) ADJUSTED AMOUNT.—The term 'adjusted amount' means, with respect to a covered State—

"(A) for fiscal year 2007—

"(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2007; and

"(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2007;

"(B) for fiscal year 2008, 90 percent of—

"(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2008; and

"(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2008;

"(C) for fiscal year 2009, 81 percent of—

"(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2009; and

"(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2009; and

"(D) for fiscal year 2010, 73 percent of—

"(i) the sum of the amounts paid in fiscal year 2006 under section 102(a)(2) (as in effect on September 29, 2006) for the eligible counties in the covered State that have elected under section 102(b) to receive a share of the State payment for fiscal year 2010; and

"(ii) the sum of the amounts paid in fiscal year 2006 under section 103(a)(2) (as in effect on September 29, 2006) for the eligible counties in the State of Oregon that have elected under section 102(b) to receive the county payment for fiscal year 2010.

"(2) COVERED STATE.—The term 'covered State' means each of the States of California, Oregon, and Washington.

"(b) TRANSITION PAYMENTS.—For each of fiscal years 2007 through 2010, in lieu of the payment amounts that otherwise would have been made under paragraphs (1)(B) and (2)(B) of section 102(a), the Secretary of the Treasury shall pay the adjusted amount to each covered State and the eligible counties within the covered State, as applicable, from funds in the Treasury of the United States not otherwise appropriated.

"(c) DISTRIBUTION OF ADJUSTED AMOUNT IN OREGON AND WASHINGTON.—It is the intent of Congress that the method of distributing the payments under subsection (b) among the counties in the States of Oregon and Washington for each of fiscal years 2007 through 2010 be in the same proportion that the payments were distributed to the eligible counties in fiscal year 2006.

"(d) DISTRIBUTION OF PAYMENTS IN CALIFORNIA.—The following payments shall be distributed among the eligible counties in the State of California in the same proportion that payments under section 102(a)(2) (as in effect on September 29, 2006) were distributed to the eligible counties in fiscal year 2006:

"(1) Payments to the State of California under subsection (b).

"(2) The shares of the eligible counties of the State payment for California under section 102 for fiscal year 2011.

"(e) TREATMENT OF PAYMENTS.—For purposes of this Act, any payment made under subsection (b) shall be considered to be a payment made under section 102(a).

"TITLE II—SPECIAL PROJECTS ON FEDERAL LAND

"SEC. 201. DEFINITIONS.

"In this title:

"(1) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"(2) PROJECT FUNDS.—The term 'project funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(3) RESOURCE ADVISORY COMMITTEE.—The term 'resource advisory committee' means—

"(A) an advisory committee established by the Secretary concerned under section 205; or

"(B) an advisory committee determined by the Secretary concerned to meet the requirements of section 205.

"(4) RESOURCE MANAGEMENT PLAN.—The term 'resource management plan' means—

"(A) a land use plan prepared by the Bureau of Land Management for units of the Federal land described in section 3(7)(B) pursuant to section 202 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1712); or

"(B) a land and resource management plan prepared by the Forest Service for units of the National Forest System pursuant to section 6 of the Forest and Rangeland Renewable Resources Planning Act of 1974l (16 U.S.C. 1604).

"SEC. 202. GENERAL LIMITATION ON USE OF PROJECT FUNDS.

"(a) LIMITATION.—Project funds shall be expended solely on projects that meet the requirements of this title.

"(b) AUTHORIZED USES.—Project funds may be used by the Secretary concerned for the purpose of entering into and implementing cooperative agreements with willing Federal agencies, State and local governments, private and nonprofit entities, and landowners for protection, restoration, and enhancement of fish and wildlife habitat, and other resource objectives consistent with the purposes of this Act on Federal land and on non-Federal land where projects would benefit the resources on Federal land.

"SEC. 203. SUBMISSION OF PROJECT PROPOSALS.

"(a) SUBMISSION OF PROJECT PROPOSALS TO SECRETARY CONCERNED.—

"(1) PROJECTS FUNDED USING PROJECT FUNDS.—Not later than September 30 for fiscal year 2007, and each September 30 thereafter for each succeeding fiscal year through fiscal year 2011, each resource advisory committee shall submit to the Secretary concerned a description of any projects that the resource advisory committee proposes the Secretary undertake using any project funds reserved by eligible counties in the area in which the resource advisory committee has geographic jurisdiction.

"(2) PROJECTS FUNDED USING OTHER FUNDS.—A resource advisory committee may submit to the Secretary concerned a description of any projects that the committee proposes the Secretary undertake using funds from State or local governments, or from the private sector, other than project funds and funds appropriated and otherwise available to do similar work.

"(3) JOINT PROJECTS.—Participating counties or other persons may propose to pool project funds or other funds, described in paragraph (2), and jointly propose a project or group of projects to a resource advisory committee established under section 205.

"(b) REQUIRED DESCRIPTION OF PROJECTS.—In submitting proposed projects to the Secretary concerned under subsection (a), a resource advisory committee shall include in the description of each proposed project the following information:

"(1) The purpose of the project and a description of how the project will meet the purposes of this title.

"(2) The anticipated duration of the project.

"(3) The anticipated cost of the project.

"(4) The proposed source of funding for the project, whether project funds or other funds.

"(5)(A) Expected outcomes, including how the project will meet or exceed desired ecological conditions, maintenance objectives, or stewardship objectives.

"(B) An estimate of the amount of any timber, forage, and other commodities and other economic activity, including jobs generated, if any, anticipated as part of the project.

"(6) A detailed monitoring plan, including funding needs and sources, that—

"(A) tracks and identifies the positive or negative impacts of the project, implementation, and provides for validation monitoring; and

"(B) includes an assessment of the following:

"(i) Whether or not the project met or exceeded desired ecological conditions; created local employment or training opportunities, including summer youth jobs programs such as the Youth Conservation Corps where appropriate.

"(ii) Whether the project improved the use of, or added value to, any products removed from land consistent with the purposes of this title.

"(7) An assessment that the project is to be in the public interest.

"(c) AUTHORIZED PROJECTS.—Projects proposed under subsection (a) shall be consistent with section 2.

"SEC. 204. EVALUATION AND APPROVAL OF PROJECTS BY SECRETARY CONCERNED.

"(a) Conditions for Approval of Proposed Project.—The Secretary concerned may make a decision to approve a project submitted by a resource advisory committee under section 203 only if the proposed project satisfies each of the following conditions:

"(1) The project complies with all applicable Federal laws (including regulations).

"(2) The project is consistent with the applicable resource management plan and with any watershed or subsequent plan developed pursuant to the resource management plan and approved by the Secretary concerned.

"(3) The project has been approved by the resource advisory committee in accordance with section 205, including the procedures issued under subsection (e) of that section.

"(4) A project description has been submitted by the resource advisory committee to the Secretary concerned in accordance with section 203.

"(5) The project will improve the maintenance of existing infrastructure, implement stewardship objectives that enhance forest ecosystems, and restore and improve land health and water quality.

"(b) Environmental Reviews.—

"(1) Request for payment by county.—The Secretary concerned may request the resource advisory committee submitting a proposed project to agree to the use of project funds to pay for any environmental review, consultation, or compliance with applicable environmental laws required in connection with the project.

"(2) Conduct of environmental review.—If a payment is requested under paragraph (1) and the resource advisory committee agrees to the expenditure of funds for this purpose, the Secretary concerned shall conduct environmental review, consultation, or other compliance responsibilities in accordance with Federal laws (including regulations).

"(3) Effect of refusal to pay.—

"(A) In general.—If a resource advisory committee does not agree to the expenditure of funds under paragraph (1), the project shall be deemed withdrawn from further consideration by the Secretary concerned pursuant to this title.

"(B) Effect of withdrawal.—A withdrawal under subparagraph (A) shall be deemed to be a rejection of the project for purposes of section 207(c).

"(c) Decisions of Secretary Concerned.—

"(1) Rejection of projects.—

"(A) In general.—A decision by the Secretary concerned to reject a proposed project shall be at the sole discretion of the Secretary concerned.

"(B) No administrative appeal or judicial review.—Notwithstanding any other provision of law, a decision by the Secretary concerned to reject a proposed project shall not be subject to administrative appeal or judicial review.

"(C) Notice of rejection.—Not later than 30 days after the date on which the Secretary concerned makes the rejection decision, the Secretary concerned shall notify in writing the resource advisory committee that submitted the proposed project of the rejection and the reasons for rejection.

"(2) Notice of project approval.—The Secretary concerned shall publish in the Federal Register notice of each project approved under subsection (a) if the notice would be required had the project originated with the Secretary.

"(d) Source and Conduct of Project.—Once the Secretary concerned accepts a project for review under section 203, the acceptance shall be deemed a Federal action for all purposes.

"(e) Implementation of Approved Projects.—

"(1) Cooperation.—Notwithstanding chapter 63 of title 31, United States Code, using project funds the Secretary concerned may enter into contracts, grants, and cooperative agreements with States and local governments, private and nonprofit entities, and landowners and other persons to assist the Secretary in carrying out an approved project.

"(2) Best value contracting.—

"(A) In general.—For any project involving a contract authorized by paragraph (1) the Secretary concerned may elect a source for performance of the contract on a best value basis.

"(B) Factors.—The Secretary concerned shall determine best value based on such factors as—

"(i) the technical demands and complexity of the work to be done;

"(ii)(I) the ecological objectives of the project; and

"(II) the sensitivity of the resources being treated;

"(iii) the past experience by the contractor with the type of work being done, using the type of equipment proposed for the project, and meeting or exceeding desired ecological conditions; and

"(iv) the commitment of the contractor to hiring highly qualified workers and local residents.

"(3) Merchantable timber contracting pilot program.—

"(A) Establishment.—The Secretary concerned shall establish a pilot program to implement a certain percentage of approved projects involving the sale of merchantable timber using separate contracts for—

"(i) the harvesting or collection of merchantable timber; and

"(ii) the sale of the timber.

"(B) Annual percentages.—Under the pilot program, the Secretary concerned shall ensure that, on a nationwide basis, not less than the following percentage of all approved projects involving the sale of merchantable timber are implemented using separate contracts:

"(i) For fiscal year 2007, 25 percent.

"(ii) For fiscal year 2008, 35 percent.

"(iii) For fiscal year 2009, 45 percent.

"(iv) For each of fiscal years 2010 and 2011, 50 percent.

"(C) Inclusion in pilot program.—The decision whether to use separate contracts to implement a project involving the sale of merchantable timber shall be made by the Secretary concerned after the approval of the project under this title.

"(D) Assistance.—

"(i) In general.—The Secretary concerned may use funds from any appropriated account available to the Secretary for the Federal land to assist in the administration of projects conducted under the pilot program.

"(ii) Maximum amount of assistance.—The total amount obligated under this subparagraph may not exceed $1,000,000 for any fiscal year during which the pilot program is in effect.

"(E) Review and report.—

"(i) Initial report.—Not later than September 30, 2009, the Comptroller General shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives a report assessing the pilot program.

"(ii) Annual report.—The Secretary concerned shall submit to the Committees on Agriculture, Nutrition, and Forestry and Energy and Natural Resources of the Senate and the Committees on Agriculture and Natural Resources of the House of Representatives an annual report describing the results of the pilot program.

"(f) Requirements for Project Funds.—The Secretary shall ensure that at least 50 percent of all project funds be used for projects that are primarily dedicated—

"(1) to road maintenance, decommissioning, or obliteration; or

"(2) to restoration of streams and watersheds.

"SEC. 205. RESOURCE ADVISORY COMMITTEES.

"(a) Establishment and Purpose of Resource Advisory Committees.—

"(1) Establishment.—The Secretary concerned shall establish and maintain resource advisory committees to perform the duties in subsection (b), except as provided in paragraph (4).

"(2) Purpose.—The purpose of a resource advisory committee shall be—

"(A) to improve collaborative relationships; and

"(B) to provide advice and recommendations to the land management agencies consistent with the purposes of this title.

"(3) Access to resource advisory committees.—To ensure that each unit of Federal land has access to a resource advisory committee, and that there is sufficient interest in participation on a committee to ensure that membership can be balanced in terms of the points of view represented and the functions to be performed, the Secretary concerned may, establish resource advisory committees for part of, or 1 or more, units of Federal land.

"(4) Existing advisory committees.—

"(A) In general.—An advisory committee that meets the requirements of this section, an advisory committee established before the date of enactment of this Act, or an advisory committee determined by the Secretary concerned to meet the requirements of this section before the date of enactment of this Act may be deemed by the Secretary concerned to be a resource advisory committee for the purposes of this title.

"(B) Charter.—A charter for a committee described in subparagraph (A) that was filed on or before September 29, 2006, shall be considered to be filed for purposes of this Act.

"(C) Bureau of land management advisory committees.—The Secretary of the Interior may deem a resource advisory committee meeting the requirements of subpart 1784 of part 1780 of title 43, Code of Federal Regulations, as a resource advisory committee for the purposes of this title.

"(b) Duties.—A resource advisory committee shall—

"(1) review projects proposed under this title by participating counties and other persons;

"(2) propose projects and funding to the Secretary concerned under section 203;

"(3) provide early and continuous coordination with appropriate land management agency officials in recommending projects consistent with purposes of this Act under this title;

"(4) provide frequent opportunities for citizens, organizations, tribes, land management agencies, and other interested parties to participate openly and meaningfully, beginning at the early stages of the project development process under this title;

"(5)(A) monitor projects that have been approved under section 204; and

"(B) advise the designated Federal official on the progress of the monitoring efforts under subparagraph (A); and

"(6) make recommendations to the Secretary concerned for any appropriate changes or adjustments to the projects being monitored by the resource advisory committee.

"(c) Appointment by the Secretary.—

"(1) Appointment and term.—

"(A) In general.—The Secretary concerned, shall appoint the members of resource advisory committees for a term of 4 years beginning on the date of appointment.

"(B) Reappointment.—The Secretary concerned may reappoint members to subsequent 4-year terms.

"(2) Basic requirements.—The Secretary concerned shall ensure that each resource advisory committee established meets the requirements of subsection (d).

"(3) INITIAL APPOINTMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary concerned shall make initial appointments to the resource advisory committees.

"(4) VACANCIES.—The Secretary concerned shall make appointments to fill vacancies on any resource advisory committee as soon as practicable after the vacancy has occurred.

"(5) COMPENSATION.—Members of the resource advisory committees shall not receive any compensation.

"(d) COMPOSITION OF ADVISORY COMMITTEE.—

"(1) NUMBER.—Each resource advisory committee shall be comprised of 15 members.

"(2) COMMUNITY INTERESTS REPRESENTED.—Committee members shall be representative of the interests of the following 3 categories:

"(A) 5 persons that—

"(i) represent organized labor or non-timber forest product harvester groups;

"(ii) represent developed outdoor recreation, off highway vehicle users, or commercial recreation activities;

"(iii) represent—

"(I) energy and mineral development interests; or

"(II) commercial or recreational fishing interests;

"(iv) represent the commercial timber industry; or

"(v) hold Federal grazing or other land use permits, or represent nonindustrial private forest land owners, within the area for which the committee is organized.

"(B) 5 persons that represent—

"(i) nationally recognized environmental organizations;

"(ii) regionally or locally recognized environmental organizations;

"(iii) dispersed recreational activities;

"(iv) archaeological and historical interests; or

"(v) nationally or regionally recognized wild horse and burro interest groups, wildlife or hunting organizations, or watershed associations.

"(C) 5 persons that—

"(i) hold State elected office (or a designee);

"(ii) hold county or local elected office;

"(iii) represent American Indian tribes within or adjacent to the area for which the committee is organized;

"(iv) are school officials or teachers; or

"(v) represent the affected public at large.

"(3) BALANCED REPRESENTATION.—In appointing committee members from the 3 categories in paragraph (2), the Secretary concerned shall provide for balanced and broad representation from within each category.

"(4) GEOGRAPHIC DISTRIBUTION.—The members of a resource advisory committee shall reside within the State in which the committee has jurisdiction and, to extent practicable, the Secretary concerned shall ensure local representation in each category in paragraph (2).

"(5) CHAIRPERSON.—A majority on each resource advisory committee shall select the chairperson of the committee.

"(e) APPROVAL PROCEDURES.—

"(1) IN GENERAL.—Subject to paragraph (3), each resource advisory committee shall establish procedures for proposing projects to the Secretary concerned under this title.

"(2) QUORUM.—A quorum must be present to constitute an official meeting of the committee.

"(3) APPROVAL BY MAJORITY OF MEMBERS.—A project may be proposed by a resource advisory committee to the Secretary concerned under section 203(a), if the project has been approved by a majority of members of the committee from each of the 3 categories in subsection (d)(2).

"(f) OTHER COMMITTEE AUTHORITIES AND REQUIREMENTS.—

"(1) STAFF ASSISTANCE.—A resource advisory committee may submit to the Secretary concerned a request for periodic staff assistance from Federal employees under the jurisdiction of the Secretary.

"(2) MEETINGS.—All meetings of a resource advisory committee shall be announced at least 1 week in advance in a local newspaper of record and shall be open to the public.

"(3) RECORDS.—A resource advisory committee shall maintain records of the meetings of the committee and make the records available for public inspection.

"SEC. 206. USE OF PROJECT FUNDS.

"(a) AGREEMENT REGARDING SCHEDULE AND COST OF PROJECT.—

"(1) AGREEMENT BETWEEN PARTIES.—The Secretary concerned may carry out a project submitted by a resource advisory committee under section 203(a) using project funds or other funds described in section 203(a)(2), if, as soon as practicable after the issuance of a decision document for the project and the exhaustion of all administrative appeals and judicial review of the project decision, the Secretary concerned and the resource advisory committee enter into an agreement addressing, at a minimum, the following:

"(A) The schedule for completing the project.

"(B) The total cost of the project, including the level of agency overhead to be assessed against the project.

"(C) For a multiyear project, the estimated cost of the project for each of the fiscal years in which it will be carried out.

"(D) The remedies for failure of the Secretary concerned to comply with the terms of the agreement consistent with current Federal law.

"(2) LIMITED USE OF FEDERAL FUNDS.—The Secretary concerned may decide, at the sole discretion of the Secretary concerned, to cover the costs of a portion of an approved project using Federal funds appropriated or otherwise available to the Secretary for the same purposes as the project.

"(b) TRANSFER OF PROJECT FUNDS.—

"(1) INITIAL TRANSFER REQUIRED.—As soon as practicable after the agreement is reached under subsection (a) with regard to a project to be funded in whole or in part using project funds, or other funds described in section 203(a)(2), the Secretary concerned shall transfer to the applicable unit of National Forest System land or Bureau of Land Management District an amount of project funds equal to—

"(A) in the case of a project to be completed in a single fiscal year, the total amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2); or

"(B) in the case of a multiyear project, the amount specified in the agreement to be paid using project funds, or other funds described in section 203(a)(2) for the first fiscal year.

"(2) CONDITION ON PROJECT COMMENCEMENT.—The unit of National Forest System land or Bureau of Land Management District concerned, shall not commence a project until the project funds, or other funds described in section 203(a)(2) required to be transferred under paragraph (1) for the project, have been made available by the Secretary concerned.

"(3) SUBSEQUENT TRANSFERS FOR MULTIYEAR PROJECTS.—

"(A) IN GENERAL.—For the second and subsequent fiscal years of a multiyear project to be funded in whole or in part using project funds, the unit of National Forest System land or Bureau of Land Management District concerned shall use the amount of project funds required to continue the project in that fiscal year according to the agreement entered into under subsection (a).

"(B) SUSPENSION OF WORK.—The Secretary concerned shall suspend work on the project if the project funds required by the agreement in the second and subsequent fiscal years. are not available.

"SEC. 207. AVAILABILITY OF PROJECT FUNDS.

"(a) SUBMISSION OF PROPOSED PROJECTS TO OBLIGATE FUNDS.—By September 30 of each fiscal year through fiscal year 2011, a resource advisory committee shall submit to the Secretary concerned pursuant to section 203(a)(1) a sufficient number of project proposals that, if approved, would result in the obligation of at least the full amount of the project funds reserved by the participating county in the preceding fiscal year.

"(b) USE OR TRANSFER OF UNOBLIGATED FUNDS.—Subject to section 208, if a resource advisory committee fails to comply with subsection (a) for a fiscal year, any project funds reserved by the participating county in the preceding fiscal year and remaining unobligated shall be available for use as part of the project submissions in the next fiscal year.

"(c) EFFECT OF REJECTION OF PROJECTS.—Subject to section 208, any project funds reserved by a participating county in the preceding fiscal year that are unobligated at the end of a fiscal year because the Secretary concerned has rejected one or more proposed projects shall be available for use as part of the project submissions in the next fiscal year.

"(d) EFFECT OF COURT ORDERS.—

"(1) IN GENERAL.—If an approved project under this Act is enjoined or prohibited by a Federal court, the Secretary concerned shall return the unobligated project funds related to the project to the participating county or counties that reserved the funds.

"(2) EXPENDITURE OF FUNDS.—The returned funds shall be available for the county to expend in the same manner as the funds reserved by the county under subparagraph (B) or (C)(i) of section 102(d)(1).

"SEC. 208. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title shall terminate on September 30, 2011.

"(b) DEPOSITS IN TREASURY.—Any project funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE III—COUNTY FUNDS

"SEC. 301. DEFINITIONS.

"In this title:

"(1) COUNTY FUNDS.—The term 'county funds' means all funds an eligible county elects under section 102(d) to reserve for expenditure in accordance with this title.

"(2) PARTICIPATING COUNTY.—The term 'participating county' means an eligible county that elects under section 102(d) to expend a portion of the Federal funds received under section 102 in accordance with this title.

"SEC. 302. USE.

"(a) AUTHORIZED USES.—A participating county, including any applicable agencies of the participating county, shall use county funds, in accordance with this title, only—

"(1) to carry out activities under the Firewise Communities program to provide to homeowners in fire-sensitive ecosystems education on, and assistance with implementing, techniques in home siting, home construction, and home landscaping that can increase the protection of people and property from wildfires;

"(2) to reimburse the participating county for search and rescue and other emergency services, including firefighting, that are—

"(A) performed on Federal land after the date on which the use was approved under subsection (b);

"(B) paid for by the participating county; and

"(3) to develop community wildfire protection plans in coordination with the appropriate Secretary concerned.

"(b) PROPOSALS.—A participating county shall use county funds for a use described in subsection (a) only after a 45-day public comment period, at the beginning of which the participating county shall—

"(1) publish in any publications of local record a proposal that describes the proposed use of the county funds; and

"(2) submit the proposal to any resource advisory committee established under section 205 for the participating county.

"SEC. 303. CERTIFICATION.

"(a) IN GENERAL.—Not later than February 1 of the year after the year in which any county funds were expended by a participating county, the appropriate official of the participating county shall submit to the Secretary concerned a certification that the county funds expended in the applicable year have been used for the uses authorized under section 302(a), including a description of the amounts expended and the uses for which the amounts were expended.

"(b) REVIEW.—The Secretary concerned shall review the certifications submitted under subsection (a) as the Secretary concerned determines to be appropriate.

"SEC. 304. TERMINATION OF AUTHORITY.

"(a) IN GENERAL.—The authority to initiate projects under this title terminates on September 30, 2011.

"(b) AVAILABILITY.—Any county funds not obligated by September 30, 2012, shall be deposited in the Treasury of the United States.

"TITLE IV—MISCELLANEOUS PROVISIONS

"SEC. 401. REGULATIONS.

"The Secretary of Agriculture and the Secretary of the Interior shall jointly issue regulations to carry out the purposes of this Act.

"SEC. 402. AUTHORIZATION OF APPROPRIATIONS.

"(a) IN GENERAL.—There are authorized to be appropriated such sums as are necessary to carry out this Act for each of fiscal years 2007 through 2011.

"(b) EMERGENCY DESIGNATION.—Of the amounts authorized to be appropriated under subsection (a) for fiscal year 2007, $425,000,000 is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

"SEC. 403. TREATMENT OF FUNDS AND REVENUES.

"(a) RELATION TO OTHER APPROPRIATIONS.—Funds made available under section 402 and funds made available to a Secretary concerned under section 206 shall be in addition to any other annual appropriations for the Forest Service and the Bureau of Land Management.

"(b) DEPOSIT OF REVENUES AND OTHER FUNDS.—All revenues generated from projects pursuant to title II, including any interest accrued from the revenues, shall be deposited in the Treasury of the United States.".

(b) FOREST RECEIPT PAYMENTS TO ELIGIBLE STATES AND COUNTIES.—

(1) ACT OF MAY 23, 1908.—The sixth paragraph under the heading "FOREST SERVICE" in the Act of May 23, 1908 (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(2) WEEKS LAW.—Section 13 of the Act of March 1, 1911 (commonly known as the "Weeks Law") (16 U.S.C. 500) is amended in the first sentence by striking "twenty-five percentum" and all that follows through "shall be paid" and inserting the following: "an amount equal to the annual average of 25 percent of all amounts received for the applicable fiscal year and each of the preceding 6 fiscal years from each national forest shall be paid".

(c) PAYMENTS IN LIEU OF TAXES.—

(1) IN GENERAL.—Section 6906 of title 31, United States Code, is amended to read as follows:

"§ 6906. Funding

"For each of fiscal years 2008 through 2012, such sums as are authorized under this chapter shall be made available to the Secretary of the Interior, out of any amounts in the Treasury not otherwise appropriated, for obligation or expenditure in accordance with this chapter.".

(2) CONFORMING AMENDMENT.—The table of sections for chapter 69 of title 31, United States Code, is amended by striking the item relating to section 6906 and inserting the following:

"6906. Funding.".

(d) INCREASE IN INFORMATION RETURN PENALTIES.—

(1) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(A) IN GENERAL.—Section 6721(a)(1) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$250,000" and inserting "$3,000,000".

(B) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(i) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) of such Code is amended—

(I) by striking "$15" and inserting "$50",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$75,000" and inserting "$500,000".

(ii) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) of such Code is amended—

(I) by striking "$30" and inserting "$100",

(II) by striking "$50" and inserting "$250", and

(III) by striking "$150,000" and inserting "$1,500,000".

(C) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) of such Code is amended—

(i) in subparagraph (A)—

(I) by striking "$100,000" and inserting "$1,000,000", and

(II) by striking "$250,000" and inserting "$3,000,000",

(ii) in subparagraph (B)—

(I) by striking "$25,000" and inserting "$175,000", and

(II) by striking "$75,000" and inserting "$500,000", and

(iii) in subparagraph (C)—

(I) by striking "$50,000" and inserting "$500,000", and

(II) by striking "$150,000" and inserting "$1,500,000".

(D) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) of such Code is amended—

(i) by striking "$100" in paragraph (2) and inserting "$500",

(ii) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(2) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(A) IN GENERAL.—Section 6722(a) of the Internal Revenue Code of 1986 is amended—

(i) by striking "$50" and inserting "$250", and

(ii) by striking "$100,000" and inserting "$1,000,000".

(B) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) of such Code is amended—

(i) by striking "$100" in paragraph (1) and inserting "$500", and

(ii) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(3) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 of the Internal Revenue Code of 1986 is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(4) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

(e) REPEAL OF SUSPENSION OF CERTAIN PENALTIES AND INTEREST.—

(1) IN GENERAL.—Section 6404 of the Internal Revenue Code of 1986 is amended by striking subsection (g).

(2) EFFECTIVE DATE.—

(A) IN GENERAL.—Except as provided in paragraph (2), the amendment made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(B) EXCEPTION FOR CERTAIN TAXPAYERS.—The amendment made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

(f) PARTICIPANTS IN GOVERNMENT SECTION 457 PLANS ALLOWED TO TREAT ELECTIVE DEFERRALS AS ROTH CONTRIBUTIONS.—

(1) IN GENERAL.—Section 402A(e)(1) of the Internal Revenue Code of 1986 (defining applicable retirement plan) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting ", and", and by adding at the end the following:

"(C) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(2) ELECTIVE DEFERRALS.—Section 402A(e)(2) of the Internal Revenue Code of 1986 (defining elective deferral) is amended to read as follows:

"(2) ELECTIVE DEFERRAL.—The term 'elective deferral' means—

"(A) any elective deferral described in subparagraph (A) or (C) of section 402(g)(3), and

"(B) any elective deferral of compensation by an individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A).".

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years beginning after December 31, 2007.

SEC. 2602. Disaster relief funds from Public Law 109–234, 120 Stat. 418, 461, (June 30, 2006), chapter 5, "National Park Service—Historic Preservation Fund," for necessary expenses related to the consequences of Hurricane Katrina and other hurricanes of the 2005 season, may be used to reconstruct destroyed properties that at the time of destruction were listed in the National Register of Historic Places and are otherwise qualified to receive these funds: Provided, That the State Historic Preservation Officer certifies that, for the community where that destroyed property was located, that the property is iconic to or essential to illustrating that community's historic identity, that no other property in that community with the same associative historic value has survived, and that sufficient historical documentation exists to ensure an accurate reproduction.

CHAPTER 7

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

DISEASE CONTROL, RESEARCH AND TRAINING

For an additional amount for "Department of Health and Human Services, Centers for Disease Control and Prevention. Disease Control, Research and Training", to carry out section 501 of the Federal Mine Safety and Health Act of 1977 and section 6 of the Mine Improvement and New Emergency Response Act of 2006, $13,000,000 for research to develop mine safety technology, including necessary repairs and improvements to leased laboratories: Provided, That progress reports on technology development shall be submitted to the House and Senate Committees on Appropriations and the Committee on Health, Education, Labor and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on a quarterly basis: Provided further, That the amount provided under this heading shall remain available until September 30, 2008.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW-INCOME HOME ENERGY ASSISTANCE

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(a) through (d) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(a) through (d)), $320,000,000.

For an additional amount for "Low-Income Home Energy Assistance" under section 2604(e) of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8623(e)), $320,000,000.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for "Public Health and Social Services Emergency Fund" to prepare for and respond to an influenza pandemic, $820,000,000, to remain available until expended: Provided, That this amount shall be for activities including the development and purchase of vaccine, antivirals, necessary medical supplies, diagnostics, and other surveillance tools: Provided further, That products purchased with these funds may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile: Provided further, That notwithstanding section 496(b) of the Public Health Service Act, funds may be used for the construction or renovation of privately owned facilities for the production of pandemic vaccine and other biologicals, where the Secretary finds such a contract necessary to secure sufficient supplies of such vaccines or biologicals: Provided further, That funds appropriated herein may be transferred to other appropriation accounts of the Department of Health and Human Services, as determined by the Secretary to be appropriate, to be used for the purposes specified in this sentence.

COVERED COUNTERMEASURE PROCESS FUND

For carrying out section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e) to compensate individuals for injuries caused by H5N1 vaccine, in accordance with the declaration regarding avian influenza viruses issued by the Secretary of Health and Human Services on January 26, 2007, pursuant to section 319F–3(b) of such Act (42 U.S.C. 247d–6d(b)), $50,000,000, to remain available until expended.

DEPARTMENT OF EDUCATION

HIGHER EDUCATION

For an additional amount under part B of title VII of the Higher Education Act of 1965 ("HEA") for institutions of higher education (as defined in section 102 of that Act) that are located in an area in which a major disaster was declared in accordance with section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act related to hurricanes in the Gulf of Mexico in calendar year 2005, $30,000,000: Provided, That such funds shall be available to the Secretary of Education only for payments to help defray the expenses (which may include lost revenue, reimbursement for expenses already incurred, and construction) incurred by such institutions of higher education that were forced to close, relocate or significantly curtail their activities as a result of damage directly caused by such hurricanes and for payments to enable such institutions to provide grants to students who attend such institutions for academic years beginning on or after July 1, 2006: Provided further, That such payments shall be made in accordance with criteria established by the Secretary and made publicly available without regard to section 437 of the General Education Provisions Act, section 553 of title 5, United States Code, or part B of title VII of the HEA.

HURRICANE EDUCATION RECOVERY

For carrying out activities authorized by subpart 1 of part D of title V of the Elementary and Secondary Education Act of 1965, $30,000,000, to remain available until expended, for use by the States of Louisiana, Mississippi, and Alabama primarily for recruiting, retaining, and compensating new and current teachers, principals, school leaders, and other educators for positions in public elementary and secondary schools located in an area with respect to which a major disaster was declared under section 401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170) by reason of Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies, and relocation costs, with priority given to teachers and school leaders who were displaced from, or lost employment in, Louisiana, Mississippi, or Alabama by reason of Hurricane Katrina or Hurricane Rita and who return to and are rehired by such State or local educational agency; Provided, That funds available under this heading to such States may also be used for 1 or more of the following activities: (1) to build the capacity of such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; (2) the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and (3) paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That the Secretary of Education shall allocate amounts available under this heading among such States that submit applications; that such allocation shall be based on the number of public elementary and secondary schools in each State that were closed for 19 days or more during the period beginning on August 29, 2005, and ending on December 31, 2005, due to Hurricane Katrina or Hurricane Rita; and that such States shall in turn allocate funds, on a competitive basis, to local educational agencies, with priority given first to such agencies with the highest percentages of public elementary and secondary schools that are closed as a result of such hurricanes as of the date of enactment of this Act and then to such agencies with the highest percentages of public elementary and secondary schools with a student-teacher ratio of at least 25 to 1, and with any remaining amounts to be distributed to such agencies with demonstrated need, as determined by the State educational agency: Provided further, That, in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system for such performance bonuses based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

HURRICANE EDUCATION RECOVERY

PROGRAMS TO RESTART SCHOOL OPERATIONS

Funds made available under section 102 of the Hurricane Education Recovery Act (title IV of division B of Public Law 109–148) may be used by the States of Louisiana, Mississippi, Alabama, and Texas, in addition to the uses of funds described in section 102(e) for the following costs: (1) recruiting, retaining and compensating new and current teachers, principals, school leaders, other school administrators, and other educators for positions in reopening public elementary and secondary schools impacted by Hurricane Katrina or Hurricane Rita, including through such mechanisms as paying salary premiums, performance bonuses, housing subsidies and relocation costs; and (2) activities to build the capacity of reopening such public elementary and secondary schools to provide an effective education, including the design, adaptation, and implementation of high-quality formative assessments; the establishment of partnerships with nonprofit entities with a demonstrated track record in recruiting and retaining outstanding teachers and other school leaders; and paid release time for teachers and principals to identify and replicate successful practices from the fastest-improving and highest-performing schools: Provided further, That in the case of a State that chooses to use amounts available under this heading for performance bonuses, not later than 60 days after the date of enactment of this Act and after consultation with, as applicable, local educational agencies, teachers' unions, local principals' organizations, local parents' organizations, local business organizations, and local charter schools organizations, such State shall establish and implement a rating system that shall be based on strong learning gains for students and growth in student achievement, based on classroom observation and feedback at least 4 times annually, conducted by multiple sources (including principals and master teachers), and evaluated against research-validated rubrics that use planning, instructional, and learning environment standards to measure teaching performance: Provided further, That the amount provided under this heading is designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2701. Section 105(b) of title IV of division B of Public Law 109–148 is amended by adding at the end the following new sentence: "With respect to the program authorized by section 102 of this Act, the waiver authority in subsection (a) of this section shall be available until the end of fiscal year 2008."

(INCLUDING RESCISSION)

SEC. 2702. (a) From unexpended balances of the amounts made available in the 2001 Emergency Supplemental Appropriations Act for Recovery from and Response to Terrorist Attacks on the United States (Public Law 107–38) for the Employment Training Administration, Training and Employment Services under the Department of Labor, $3,589,000 are rescinded.

(b) For an additional amount for the Centers for Disease Control and Prevention for carrying out activities under section 5011(b) of the Emergency Supplemental Appropriations Act to Address Hurricanes in the Gulf of Mexico and

Pandemic Influenza, 2006 (Public Law 109-148), $3,589,000.

SEC. 2703. Notwithstanding section 2002(c) of the Social Security Act (42 U.S.C. 1397a(c)), funds made available under the heading "Social Services Block Grant" in division B of Public Law 109-148 shall be available for expenditure by the States through the end of fiscal year 2008.

SEC. 2704. ELIMINATION OF REMAINDER OF SCHIP FUNDING SHORTFALLS FOR FISCAL YEAR 2007. (a) ELIMINATION OF REMAINDER OF FUNDING SHORTFALLS, TIERED MATCH, AND OTHER LIMITATION ON EXPENDITURES.—Section 2104(h) of the Social Security Act (42 U.S.C. 1397dd(h)), as added by section 201(a) of the National Institutes of Health Reform Act of 2006 (Public Law 109–482), is amended—

(1) in the heading for paragraph (2), by striking "REMAINDER OF REDUCTION" and inserting "PART"; and

(2) by striking paragraph (4) and inserting the following:

"(4) ADDITIONAL AMOUNTS TO ELIMINATE REMAINDER OF FISCAL YEAR 2007 FUNDING SHORTFALLS.—

"(A) IN GENERAL.—The Secretary shall allot to each remaining shortfall State described in subparagraph (B) such amount as the Secretary determines will eliminate the estimated shortfall described in such subparagraph for the State for fiscal year 2007.

"(B) REMAINING SHORTFALL STATE DESCRIBED.—For purposes of subparagraph (A), a remaining shortfall State is a State with a State child health plan approved under this title for which the Secretary estimates, on the basis of the most recent data available to the Secretary as of the date of the enactment of this paragraph, that the projected federal expenditures under such plan for the State for fiscal year 2007 will exceed the sum of—

"(i) the amount of the State's allotments for each of fiscal years 2005 and 2006 that will not be expended by the end of fiscal year 2006;

"(ii) the amount of the State's allotment for fiscal year 2007; and

"(iii) the amounts, if any, that are to be redistributed to the State during fiscal year 2007 in accordance with paragraphs (1) and (2).

"(C) APPROPRIATION; ALLOTMENT AUTHORITY.—For the purpose of providing additional allotments to remaining shortfall States under this paragraph there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as are necessary for fiscal year 2007.".

(b) CONFORMING AMENDMENTS.—Section 2104(h) of such Act (42 U.S.C. 1397dd(h)) (as so added), is amended—

(1) in paragraph (1)(B), by striking "subject to paragraph (4)(B) and";

(2) in paragraph (2)(B), by striking "subject to paragraph (4)(B) and";

(3) in paragraph (5)(A), by striking "and (3)" and inserting "(3), and (4)"; and

(4) in paragraph (6)—

(A) in the first sentence—

(i) by inserting "or allotted" after "redistributed"; and

(ii) by inserting "or allotments" after "redistributions"; and

(B) by striking "and (3)" and inserting "(3), and (4)".

(c) GENERAL EFFECTIVE DATE; APPLICABILITY.—Except as otherwise provided, the amendments made by this section take effect on the date of enactment of this Act and apply without fiscal year limitation.

SEC. 2705. Notwithstanding any other provision of law, the Secretary of Health and Human Services shall not, prior to the date that is 2 years after the date of enactment of this Act, take any action to finalize, or otherwise implement provisions—

(1) contained in the proposed rule published on January 18, 2007, on pages 2236 through 2258 of volume 72, Federal Register (relating to parts 433, 447, and 457 of title 42, Code of Federal Regulations) or any other rule that would affect the Medicaid program established under title XIX of the Social Security Act or the State Children's Health Insurance Program established under title XXI of such Act in a similar manner; or

(2) restricting payments for graduate medical education under the Medicaid program.

(a) MEDICARE CRITICAL ACCESS HOSPITAL DESIGNATION.—Section 405(h) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Public Law 108-173; 117 Stat. 2269) is amended by adding at the end the following new paragraph:

"(3) EXCEPTION.—

"(A) STATE OF MINNESOTA.—The amendment made by paragraph (1) shall not apply to the certification by the State of Minnesota on or after January 1, 2006, under section 1820(c)(2)(B)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (B) and is located in Cass County, Minnesota, as a necessary provider of health care services to residents in the area of the hospital.

"(B) CRITERIA DESCRIBED FOR HOSPITAL IN MINNESOTA.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) has been granted an exception by the State to an otherwise applicable statutory restriction on hospital construction or licensing prior to the date of enactment of this subparagraph; and

"(ii) is located on property which the State has approved for conveyance to a county within the State prior to such date of enactment.

"(C) STATE OF MISSISSIPPI.—The amendment made by paragraph (1) shall not apply to the certification by the State of Mississippi on or after April 1, 2007, under section 1820(c)(2)(b)(i)(II) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B)(i)(II)) of one hospital that meets the criteria described in subparagraph (D) and is located in Kemper County, Mississippi, as a necessary provider of health care services to residents in the area of the hospital.

"(D) CRITERIA DESCRIBED FOR HOSPITAL IN MISSISSIPPI.—A hospital meets the criteria described in this subparagraph if the hospital—

"(i) meets all other criteria for designation as a critical access hospital under section 1820(c)(2)(b) of the Social Security Act (42 U.S.C. 1395i–4(c)(2)(B));

"(ii) has satisfied the requirement of the certificate of need laws and regulations of the State of Mississippi; and

"(iii) will be constructed on property that will be conveyed by the Kemper County Board of Supervisors within the State of Mississippi.".

(b) INCREASE IN BASIC REBATE FOR SINGLE SOURCE DRUGS AND INNOVATOR MULTIPLE SOURCE DRUGS.—Section 1927(c)(1)(B)(i) of the Social Security Act (42 U.S.C. 1396r–8(c)(1)(B)(i)) is amended—

(1) in subclause (IV), by striking "and" after the semicolon;

(2) in subclause (V)—

(A) by inserting "and before April 1, 2007," after "1995,"; and

(B) by striking the period and inserting "; and"; and

(3) by adding at the end the following:

"(VI) after March 31, 2007, is 20 percent.".

SEC. 2705. (a) For grant years beginning in 2006-2007, the Secretary of Health and Human Services may waive the requirements of, with respect to Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas, the following sections of the Public Health Service Act:

(1) Section 2612(e)(1) of such Act (42 U.S.C. 300ff-21(b)(1)).

(2) Section 2617(b)(7)(E) of such Act (42 U.S.C. 300ff–27(b)(7)(E)).

(3) Section 2617(d) of such Act (42 U.S.C. 300ff–27(d)), except that such waiver shall apply so that the matching requirement is reduced to $1 for each $4 of Federal funds provided under the grant involved.

(b) If the Secretary of Health and Human Services grants a waiver under subsection (b), the Secretary—

(1) may not prevent Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas from receiving or utilizing, or both, funds granted or distributed, or both, pursuant to title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.) because of the failure of Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas to comply with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a);

(2) may not take action due to such noncompliance; and

(3) shall assess, evaluate, and review Louisiana, Mississippi, Alabama, and Texas or any eligible metropolitan area's eligibility for funds under such title XXVI as if Louisiana, Mississippi, Alabama, and Texas or such eligible metropolitan area had fully complied with the requirements of the sections listed in paragraphs (1) through (3) of subsection (a).

(c) For grant years beginning in 2008, Louisiana, Mississippi, Alabama, and Texas and any eligible metropolitan area in Louisiana, Mississippi, Alabama, and Texas shall comply with each of the applicable requirements under title XXVI of the Public Health Service Act (42 U.S.C. 300ff–11 et seq.).

CHAPTER 8

LEGISLATIVE BRANCH

ARCHITECT OF THE CAPITOL

CAPITOL POWER PLANT

For an additional amount for "Capitol Power Plant", $25,000,000, for emergency utility tunnel repairs and asbestos abatement, to remain available until September 30, 2011: Provided, That the Architect of the Capitol may not obligate any of the funds appropriated under this heading without approval of an obligation plan by the Committees on Appropriations of the Senate and House of Representatives.

GOVERNMENT ACCOUNTABILITY OFFICE

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Government Accountability Office, $374,000, to remain available until expended.

CHAPTER 9

DEPARTMENT OF DEFENSE

MILITARY CONSTRUCTION

MILITARY CONSTRUCTION, AIR FORCE RESERVE

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for "Military Construction, Air Force Reserve", $3,096,000, to remain available until September 30, 2011: Provided, That such funds may be obligated and expended to carry out planning and design and military construction projects not otherwise authorized by law.

Of the funds appropriated for "Military Construction, Air Force Reserve" under Public Law 109–114, $3,096,000 are hereby rescinded.

DEPARTMENT OF DEFENSE BASE CLOSURE ACCOUNT, 2005

For deposit into the Department of Defense Base Closure Account 2005, established by section 2906(a)(1) of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note),

$3,136,802,000, to remain available until expended.

DEPARTMENT OF VETERANS AFFAIRS

VETERANS HEALTH ADMINISTRATION

MEDICAL SERVICES

For an additional amount for "Medical Services", $454,131,000, to remain available until expended, of which $50,000,000 shall be for the establishment of new Level I comprehensive polytrauma centers; $9,440,000 shall be for the establishment of polytrauma residential transitional rehabilitation programs; $20,000,000 shall be for additional transition caseworkers; $30,000,000 shall be for substance abuse treatment programs; $20,000,000 for readjustment counseling; $10,000,000 shall be for blind rehabilitation services; $100,000,000 shall be for enhancements to mental health services; $8,000,000 shall be for polytrauma support clinic teams; $5,356,000 for additional polytrauma points of contacts; and $201,335,000 shall be for treatment of Operation Enduring Freedom and Operation Iraqi Freedom veterans.

MEDICAL ADMINISTRATION

For an additional amount for "Medical Administration", $250,000,000, to remain available until expended.

MEDICAL FACILITIES

For an additional amount for "Medical Facilities", $595,000,000, to remain available until expended, of which $45,000,000 shall be used for facility and equipment upgrades at the Department of Veterans Affairs polytrauma rehabilitation centers and the polytrauma network sites; and $550,000,000 shall be for non-recurring maintenance as identified in the Department of Veterans Affairs Facility Condition Assessment report: Provided, That the amount provided under this heading for non-recurring maintenance shall be allocated in a manner outside of the Veterans Equitable Resource Allocation and specific to the needs and geographic distribution of Operation Enduring Freedom and Operation Iraqi Freedom veterans: Provided further, That within 30 days of enactment of this Act the Secretary shall submit to the Committees on Appropriations of both Houses of Congress an expenditure plan for non-recurring maintenance prior to obligation.

MEDICAL AND PROSTHETIC RESEARCH

For an additional amount for "Medical and Prosthetic Research", $30,000,000, to remain available until expended, which shall be used for research related to the unique medical needs of returning Operation Enduring Freedom and Operation Iraqi Freedom veterans.

DEPARTMENTAL ADMINISTRATION

GENERAL OPERATING EXPENSES

For an additional amount for "General Operating Expenses", $46,000,000, to remain available until expended, for the hiring and training of new pension and compensation claims processing personnel.

INFORMATION TECHNOLOGY SYSTEMS

For an additional amount for "Information Technology Systems", $36,100,000, to remain available until expended, of which $20,000,000 shall be for information technology support and improvements for processing of OIF/OEF veterans benefits claims, including making electronic DOD medical records available for claims processing and enabling electronic benefits applications by veterans; $1,000,000 shall be for the digitization of benefits records; and $15,100,000 shall be for electronic data breach and remediation and prevention.

CONSTRUCTION, MINOR PROJECTS

For an additional amount for "Construction, Minor Projects", $355,907,000, to remain available until expended, of which $36,000,000 shall be for construction costs associated with the establishment of polytrauma residential transitional rehabilitation programs.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 2901. (a) Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to downsize staff or to close, realign or phase out essential services at Walter Reed Army Medical Center until equivalent medical facilities at the Walter Reed National Military Medical Center at Naval Medical Center, Bethesda, Maryland, and/or the Fort Belvoir, Virginia, Community Hospital have been constructed and equipped, and until the Secretary of Defense has certified in writing to the Congress that:

(1) the new facilities at Walter Reed National Military Medical Center at Bethesda and/or the Fort Belvoir Community Hospital are complete and fully operational, and

(2) replacement medical facilities at Walter Reed National Military Medical Center at Bethesda have adequate capacity to meet both the existing and projected demand for complex medical care and services, including outpatient and medical hold facilities, for combat veterans and other military personnel.

(b) Not later than 30 days after enactment of this Act, the Secretary of Defense shall provide to the Committees on Appropriations of the Senate and House of Representatives a report and proposed timetable outlining the Department's plan to transition patients, staff and medical services to the new facilities at Bethesda and Fort Belvoir without compromising patient care, staffing requirements or facility maintenance at the Walter Reed Medical Center.

(c) To ensure that the quality of care provided by the Military Health System is not diminished during this transition, the Walter Reed Army Medical Center shall be adequately funded, to include necessary renovation and maintenance of existing facilities, to continue the maximum level of inpatient and outpatient services.

SEC. 2902. Notwithstanding any other provision of law, none of the funds in this or any other Act shall be used to reorganize or relocate the functions of the Armed Forces Institute of Pathology (AFIP) until the Secretary of Defense has submitted, not later than December 31, 2007, a detailed plan and timetable for the proposed reorganization and relocation to the Committees on Appropriations and Armed Services of the Senate and House of Representatives. The plan shall take into consideration the recommendations of a study being prepared by the Government Accountability Office (GAO), provided that such study is available not later than 45 days before the date specified in this section, on the impact of dispersing selected functions of AFIP among several locations, and the possibility of consolidating those functions at one location. The plan shall include an analysis of the options for the location and operation of the Program Management Office for second opinion consults that are consistent with the recommendations of the Base Realignment and Closure Commission, together with the rationale for the option selected by the Secretary.

SEC. 2903. Within existing funds appropriated to Departmental Administration, General Operating Expenses for fiscal year 2007, and within 30 days after enactment of this Act, the Department of Veterans Affairs shall contract with the National Academy of Public Administration for the purpose of conducting an independent study and analysis of the organizational structure, management and coordination processes, including Seamless Transition, utilized by the Department of Veterans affairs to:

(1) provide health care to active duty and veterans of Operation Enduring Freedom and Operation Iraqi Freedom; and

(2) provide benefits to veterans of Operation Enduring Freedom and Operation Iraqi Freedom.

SEC. 2904. The Director of the Congressional Budget Office shall, not later than November 15, 2007, submit to the Committees on Appropriations of the House of Representatives and the Senate a report projecting appropriations necessary for the Departments of Defense and Veterans Affairs to continue providing necessary health care to veterans of the conflicts in Iraq and Afghanistan. The projections should span several scenarios for the duration and number of forces deployed in Iraq and Afghanistan, and more generally, for the long-term health care needs of deployed troops engaged in the global war on terrorism over the next ten years.

CHAPTER 10

DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

FEDERAL-AID HIGHWAYS

EMERGENCY RELIEF PROGRAM

(INCLUDING RESCISSION OF FUNDS)

For an additional amount for the Emergency Relief Program as authorized under section 125 of title 23, United States Code, $388,903,000, to remain available until expended: Provided, That of the unobligated balances of funds apportioned to each State under chapter 1 of title 23, United States Code, $388,903,000 are rescinded: Provided further, That such rescission shall not apply to the funds distributed in accordance with sections 130(f) and 104(b)(5) of title 23, United States Code; sections 133(d)(1) and 163 of such title, as in effect on the day before the date of enactment of Public Law 109–59; and the first sentence of section 133(d)(3)(A) of such title: Provided further, That section 4103 of title III of this Act shall not apply to the first proviso under this paragraph.

FEDERAL TRANSIT ADMINISTRATION

FORMULA GRANTS

For an additional amount to be allocated by the Secretary to recipients of assistance under chapter 53 of title 49, United States Code, directly affected by Hurricanes Katrina and Rita, $75,000,000, for the operating and capital costs of transit services, to remain available until expended: Provided, That the Federal share for any project funded from this amount shall be 100 percent.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF INSPECTOR GENERAL

For an additional amount for the Office of Inspector General, for the necessary costs related to the consequences of Hurricanes Katrina and Rita, $5,000,000, to remain available until expended.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3001. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the third proviso: ": Provided further, That notwithstanding the previous proviso, except for applying the 2007 Annual Adjustment Factor and making any other specified adjustments, public housing agencies that are eligible for assistance under section 901 in Public Law 109–148 (119 Stat. 2781) shall receive funding for calendar year 2007 based on the amount such public housing agencies were eligible to receive in calendar year 2006".

TITLE III

OTHER MATTERS

CHAPTER 1

DEPARTMENT OF AGRICULTURE

FARM SERVICE AGENCY

SALARIES AND EXPENSES

For an additional amount for "Salaries and Expenses" of the Farm Service Agency, $75,000,000, to remain available until expended: Provided, That this amount shall only be available for the modernization and repair of the *computer systems used by the Farm Service Agency (including all software, hardware, and personnel required for modernization and repair): Provided further, That of this amount $27,000,000 shall be made available 60 days after the date on which the Farm Service Agency submits to the Committee on Appropriations of the Senate, the Committee on Appropriations of the House of Representatives, and the Government Accountability Office a spending plan for the funds.*

GENERAL PROVISIONS—THIS CHAPTER

(RESCISSION)

SEC. 3101. Of the unobligated balances of funds made available pursuant to section 298(a) of the Trade Act of 1974 (19 U.S.C. 2401G(a)), $75,000,000 are rescinded.

SEC. 3102. (a) Section 1237A(f) of the Food Security Act of 1985 (16 U.S.C. 3837a(f)) is amended in the first sentence by striking "fair market value of the land less the fair market value of such land encumbered by the easement" and inserting "fair market value of the land as determined in accordance with the method of valuation used by the Secretary as of January 1, 2003".

(b) Section 1238I(c)(1) of the Food Security Act of 1985 (16 U.S.C. 3838i(c)(1)) is amended by inserting at the end the following:

"(C) VALUATION.—The Secretary shall determine fair market value under this paragraph in accordance with the method of valuation used by the Secretary as of January 1, 2003.".

SEC. 3103. Subsection (b)(1) of section 313A of the Rural Electrification Act shall not apply in the case of a cooperative lender that has previously received a guarantee under section 313A and such additional guarantees shall not exceed the amount provided for in Public Law 110–5.

SEC. 3104. SPINACH. No funds made available under this Act shall be used to make payments to growers and first handlers, as defined by the Secretary of Health and Human Services, of fresh spinach that were unable to market spinach crops as a result of the Food and Drug Administration Public Health Advisory issued on September 14, 2006.

CHAPTER 2

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3201. Section 20314 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by striking "Resources." and inserting in lieu thereof: "Resources: Provided, That $22,762,000 of the amount provided be for geothermal research and development activities: Provided further, That $229,500,000 of the amount provided shall be used for the weatherization assistance program of the Department of Energy.".

SEC. 3202. Hereafter, federal employees at the National Energy Technology Laboratory shall be classified as inherently governmental for the purpose of the Federal Activities Inventory Reform Act of 1998 (31 U.S.C. 501 note).

SEC. 3203. PROHIBITION ON CERTAIN USES OF FUNDS BY BPA. None of the funds made available under this or any other Act shall be used during fiscal year 2007 to make, or plan or prepare to make, any payment on bonds issued by the Administrator of the Bonneville Power Administration (referred in this section as the "Administrator") or for an appropriated Federal Columbia River Power System investment, if the payment is both—

(1) greater, during any fiscal year, than the payments calculated in the rate hearing of the Administrator to be made during that fiscal year using the repayment method used to establish the rates of the Administrator as in effect on October 1, 2006; and

(2) based or conditioned on the actual or expected net secondary power sales receipts of the Administrator.

CHAPTER 3

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3301. The structure of any of the offices or components within the Office of National Drug Control Policy shall remain as they were on October 1, 2006. None of the funds appropriated or otherwise made available in the Continuing Appropriations Resolution, 2007 (Public Law 110–5) may be used to implement a reorganization of offices within the Office of National Drug Control Policy without the explicit approval of the Committees on Appropriations of the House of Representatives and the Senate.

SEC. 3302. Funds made available in section 21075 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) shall be made available to a 501(c)(3) entity: (1) with a wide anti-drug coalition network and membership base, and one with a demonstrated track record and specific expertise in providing technical assistance, training, evaluation, research, and capacity building to community anti-drug coalitions; (2) with authorization from Congress, both prior to fiscal year 2007, and in fiscal years 2008 through 2012, to perform the duties described in subsection (1) of this section; and (3) that has previously received funding from Congress, including through a competitive process as well as direct funding, for providing the duties described in subsection (1) of this section: Provided, That funds appropriated in section 21075 shall be obligated within sixty days after enactment of this Act.

SEC. 3303. Funds made available under section 613 of Public Law 109–108 (119 Stat. 2338) for Nevada's Commission on Economic Development shall be made available to the Nevada Center for Entrepreneurship and Technology (CET).

SEC. 3304. From the amount provided by section 21067 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the National Archives and Records Administration may obligate monies necessary to carry out the activities of the Public Interest Declassification Board.

SEC. 3305. None of the funds appropriated or otherwise made available in section 21063 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the "General Services Administration, Real Property Activities, Federal Buildings Fund", may be obligated for design, construction, or acquisition until the House and Senate Committees on Appropriations approve a revised detailed plan, by project, on the use of such funds: Provided, That the new plan shall include funding for completion of courthouse construction projects which received funding in fiscal year 2006 above a level of $5,000,000: Provided further, That such plan shall be provided by the Administrator of the General Services Administration to the House of Representatives and the Senate Committees on Appropriations within seven days of enactment.

SEC. 3306. Notwithstanding the notice requirement of the Transportation, Treasury, Housing and Urban Development, the Judiciary, the District of Columbia, and Independent Agencies Appropriations Act, 2006, 119 Stat. 2509 (Public Law 109–115), as continued in section 104 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5), the District of Columbia Courts may reallocate not more than $1,000,000 of the funds provided for fiscal year 2007 under the Federal Payment to the District of Columbia Courts for facilities among the items and entities funded under that heading for operations.

SEC. 3307. (a) Not later than 90 days after the date of enactment of this Act, the Secretary of the Treasury, in coordination with the Securities and Exchange Commission and in consultation with the Departments of State and Energy, shall prepare and submit to the Senate Committee on Appropriations, the House of Representatives Committee on Appropriations, the Senate Foreign Relations Committee, and the House Foreign Affairs Committee an unclassified report, suitable to be made public, that contains the names of (1) all companies trading in securities that are registered under section 12 of the Securities Exchange Act of 1934 (15 U.S.C. 781) which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals; and (2) the names of all other companies, which either directly or through a parent or subsidiary company, including partly-owned subsidiaries, conduct business operations in Sudan relating to natural resource extraction, including oil-related activities and mining of minerals. The reporting provision shall not apply to companies operating under licenses from the Office of Foreign Assets Control or otherwise expressly exempted under United States law from having to obtain such licenses in order to operate in Sudan.

(b) Not later than 20 days after enactment, the Secretary of the Treasury shall inform the aforementioned committees of Congress of any statutory or other legal impediments to the successful completion of this report.

(c) Not later than 45 days following the submission to Congress of the list of companies conducting business operations in Sudan relating to natural resource extraction required above, the General Services Administration shall determine whether the United States Government has an active contract for the procurement of goods or services with any of the identified companies, and provide notification to the appropriate committees of Congress of the companies, nature of the contract, and dollar amounts involved.

(INCLUDING RESCISSION)

SEC. 3308. (a) Of the funds provided for the General Services Administration, "Office of Inspector General" in section 21061 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), $8,000,000 are rescinded.

(b) For an additional amount for the General Services Administration, "Office of Inspector General", $8,000,000, to remain available until September 30, 2008.

SEC. 3309. Section 21073 of the Continuing Appropriations Resolution, 2007 (Public Law 110–5) is amended by adding a new subsection (j) as follows:

"(j) Notwithstanding section 101, any appropriation or funds made available to the District of Columbia pursuant to this division for 'Federal Payment for Foster Care Improvement in the District of Columbia' shall be available in accordance with an expenditure plan submitted by the Mayor of the District of Columbia not later than 60 days after the enactment of this section which details the activities to be carried out with such Federal Payment.".

SEC. 3310. Pursuant to section 140 of Public Law 97–92, justices and judges of the United States are authorized during fiscal year 2007 to receive a salary adjustment in accordance with section 461 of title 28, United States Code.

CHAPTER 4

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3401. Any unobligated balances remaining from prior appropriations for United States Coast Guard, "Retired Pay" shall remain available until expended in the account and for the purposes for which the appropriations were provided, including the payment of obligations otherwise chargeable to lapsed or current appropriations for this purpose.

SEC. 3402. INTEGRATED DEEPWATER SYSTEM. (a) COMPETITION FOR ACQUISITION AND MODIFICATION OF ASSETS.—

(1) IN GENERAL.—The Commandant of the Coast Guard shall utilize full and open competition for any contract entered into after the date

of enactment of this Act that provides for the acquisition or modification of assets under, or in support of, the Integrated Deepwater System Program of the Coast Guard.

(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following:

(A) The acquisition or modification of the following asset classes for which assets of the class and related systems and components under the Integrated Deepwater System are under a contract for production:

(i) National Security Cutter;

(ii) Maritime Patrol Aircraft;

(iii) Deepwater Command, Control, Communications, Computer, Intelligence, Surveillance, and Reconnaissance (C4ISR) System; and

(iv) HC–130J Fleet Introduction.

(B) The modification of any legacy asset class under the Integrated Deepwater System Program being performed by a Coast Guard entity.

(b) CHAIR OF PRODUCT AND OVERSIGHT TEAMS.—The Commandant of the Coast Guard shall assign an appropriate officer or employee of the Coast Guard to act as chair of each of the following:

(1) Each integrated product team under the Integrated Deepwater System Program.

(2) Each higher-level team assigned to the oversight of a product team referred to in paragraph (1).

(c) LIFE-CYCLE COST ESTIMATE.—The Commandant of the Coast Guard may not enter into a contract for lead asset production under the Integrated Deepwater System Program until the Commandant obtains an independent estimate of life-cycle costs of the asset concerned.

(d) REVIEW OF ACQUISITIONS AND MAJOR DESIGN CHANGES.—

(1) IN GENERAL.—With the exception of assets covered under (a)(2) of this section, the Commandant of the Coast Guard may not carry out an action described in paragraph (2) unless an independent third party with no financial interest in the development, construction, or modification of any component of the Integrated Deepwater System Program, selected by the Commandant for purposes of the subsection, determines that such action is advisable.

(2) COVERED ACTIONS.—The actions described in the paragraph are as follows:

(A) The acquisition or modification of an asset under the Integrated Deepwater System Program.

(B) The implementation of a major design change for an asset under the Integrated Deepwater System Program.

(e) LINKING OF AWARD FEES TO SUCCESSFUL ACQUISITION OUTCOMES.—The Commandant of the Coast Guard shall require that all contracts under the Integrated Deepwater System Program that provide award fees link such fees to successful acquisition outcomes (which shall be defined in terms of cost, schedule, and performance).

(f) CONTRACTUAL AGREEMENTS.—

(1) IN GENERAL.—The Commandant of the Coast Guard may not award or issue any contract, task or delivery order, letter contract modification thereof, or other similar contract, for the acquisition or modification of an asset under the Integrated Deepwater System Program unless the Coast Guard and the contractor concerned have formally agreed to all terms and conditions.

(2) EXCEPTION.—A contract, task or delivery order, letter contract, modification thereof, or other similar contract described in paragraph (1) may be awarded or issued if the head of contracting activity of the Coast Guard determines that a compelling need exists for the award or issue of such instrument.

(g) DESIGNATION OF TECHNICAL AUTHORITY.—The Commandant of the Coast Guard shall designate the Assistant Commandant of the Coast Guard for Engineering and Logistics as the technical authority for all engineering, design, and logistics decisions pertaining to the Integrated Deepwater System Program.

(h) REPORT ON PERSONNEL REQUIRED FOR ACQUISITION MANAGEMENT.—Not later than 30 days after the date of the enactment of this Act, the Commandant of the Coast Guard shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report on the resources (including training, staff, and expertise) required by the Coast Guard to provide appropriate management and oversight of the Integrated Deepwater System Program.

(i) COMPTROLLER GENERAL REPORT ON PROGRESS.—Not later than 60 days after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committees on Appropriations of the Senate and the House of Representatives; the Committee on Commerce, Science and Transportation of the Senate; and the Committee on Transportation and Infrastructure of the House of Representatives a report describing and assessing the progress of the Coast Guard in complying with the requirements of this section.

SEC. 3403. None of the funds provided in this Act or any other Act may be used to alter or reduce operations within the Civil Engineering Program of the Coast Guard nationwide, including the civil engineering units, facilities, design and construction centers, maintenance and logistics command centers, the Coast Guard Academy and the Coast Guard Research and Development Center, except as specifically authorized by a statute enacted after the date of enactment of this Act.

CHAPTER 5

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3501. Section 20515 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting before the period: "; and of which, not to exceed $143,628,000 shall be available for contract support costs under the terms and conditions contained in Public Law 109–54".

SEC. 3502. Section 20512 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after the first dollar amount: ", of which not to exceed $7,300,000 shall be transferred to the 'Indian Health Facilities' account; the amount in the second proviso shall be $18,000,000; the amount in the third proviso shall be $525,099,000; the amount in the ninth proviso shall be $269,730,000; and the $15,000,000 allocation of funding under the eleventh proviso shall not be required".

SEC. 3503. Section 20501 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting after $55,663,000: "of which $13,000,000 shall be for Save America's Treasures".

SEC. 3504. Of the funds made available to the United States Fish and Wildlife Service for fiscal year 2007 under the heading "Land Acquisition", not to exceed $1,980,000 may be used for land conservation partnerships authorized by the Highlands Conservation Act of 2004.

SEC. 3505. The Administrator of the Environmental Protection Agency shall grant to the Water Environment Research Foundation (WERF) such sums as were directed in fiscal year 2005 and fiscal year 2006 for the On-Farm Assessment and Environmental Review program: Provided, That not less than 95 percent of funds made available shall be used by WERF to award competitively a contract to perform the program's environmental assessments: Provided further, That WERF shall not retain more than 5 percent of such sums for administrative expenses.

SEC. 3506. In providing any grants for small and rural community technical and compliance assistance under the Fiscal Year 2007 Operating Plan of the Environmental Protection Agency, the Administrator of the Environmental Protection Agency shall give priority to small systems and qualified (as determined by the Administrator) organizations that have the most need (or a majority of need) from small communities in each State.

CHAPTER 6

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

(TRANSFER OF FUNDS)

Of the amount provided by the Continuing Appropriations Resolution, 2007 for "National Institute of Allergy and Infectious Diseases", $49,500,000 shall be transferred to "Public Health and Social Services Emergency Fund" to carry out activities relating to advanced research and development as provided by section 319L of the Public Health Service Act.

GENERAL PROVISIONS—THIS CHAPTER

(TRANSFER OF FUNDS)

SEC. 3601. Section 20602 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by inserting the following after "$5,000,000": "(together with an additional $7,000,000 which shall be transferred by the Pension Benefit Guaranty Corporation as an authorized administrative cost)".

SEC. 3602. Section 20625(b)(1) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by—

(1) striking "$7,172,994,000" and inserting "$7,176,431,000";

(2) amending subparagraph (A) to read as follows:

"(A) $5,454,824,000 shall be for basic grants under section 1124 of the Elementary and Secondary Education Act of 1965 (ESEA), of which up to $3,437,000 shall be available to the Secretary of Education on October 1, 2006, to obtain annually updated educational-agency-level census poverty data from the Bureau of the Census;"; and

(3) amending subparagraph (C) to read as follows:

"(C) not to exceed $2,352,000 may be available for section 1608 of the ESEA and for a clearinghouse on comprehensive school reform under part D of title V of the ESEA;".

SEC. 3603. (a) From the amounts available for Department of Education, Safe Schools and Citizenship Education as provided by the Continuing Appropriations Resolution, 2007, $321,500,000 shall be available for Safe and Drug-Free Schools State Grants and $247,335,000 shall be available for Safe and Drug-Free Schools National Programs.

(b) Of the amount available for Safe and Drug-Free National Programs, not less than $25,000,000 shall be for competitive grants to local educational agencies to address youth violence and related issues.

(c) The competition under subsection (b) shall be limited to local educational agencies that operate schools currently identified as persistently dangerous under section 9532 of the Elementary and Secondary Education Act of 1965.

SEC. 3604. The provision in the first proviso under the heading "Rehabilitation Services and Disability Research" in the Department of Education Appropriations Act, 2006, relating to alternative financing programs under section

4(b)(2)(D) of the Assistive Technology Act of 1998 shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007.

(TRANSFER OF FUNDS)

SEC. 3605. Notwithstanding sections 20639 and 20640 of the Continuing Appropriations Resolution, 2007, as amended by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5), the Chief Executive Officer of the Corporation for National and Community Service may transfer an amount of not more than $1,360,000 from the account under the heading "National and Community Service Programs, Operating Expenses" under the heading "Corporation for National and Community Service", to the account under the heading "Salaries and Expenses" under the heading "Corporation for National and Community Service".

SEC. 3606. Section 1310.12(a) of title 45 of the Code of Federal Regulations (October 1, 2004) shall be effective 30 days after enactment of this Act except that any vehicles in use to transport Head Start children as of January 1, 2007, shall not be subject to a requirement under that part regarding rear emergency exit doors for two years after the date of enactment.

The Secretary of Health and Human Services shall revise the allowable alternate vehicle standards described in that part 1310 (or any corresponding similar regulation or ruling) to exempt from Federal seat spacing requirements and supporting seating requirements related to compartmentalization any vehicle used to transport children for a Head Start program if the vehicle meets federal motor vehicle safety standards for seating systems, occupant crash protection, seat belt assemblies, and child restraint anchorage systems consistent with that part 1310 (or any corresponding similar regulation or ruling). Such revision shall be made in a manner consistent with the findings of the National Highway Traffic Safety Administration, pursuant to its study on occupant protection on Head Start transit vehicles, related to the Government Accountability Office report GAO–06–767R.

(INCLUDING RESCISSION)

SEC. 3607. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, as amended by the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)) for the Office of the Secretary, General Departmental Management under the Department of Health and Human Services, $1,000,000 are rescinded.

(b) For the activities carried out by the Secretary of Education under section 3(a) of Public Law 108–406 (42 U.S.C. 15001 note), $1,000,000.

(INCLUDING RESCISSION)

SEC. 3608. (a) From the amounts made available by the Continuing Appropriations Resolution, 2007 for "Department of Education, Student Aid Administration", $2,000,000 are rescinded.

(b) For an additional amount for "Department of Education, Higher Education" under part B of title VII of the Higher Education Act of 1965 which shall be used to make a grant to the University of Vermont for the Educational Excellence Program, $2,000,000.

SEC. 3609. Section 1820 of the Social Security Act (42 U.S.C. 1395i–4) is amended—

(1) by redesignating subsection (j) as subsection (k); and

(2) by inserting after subsection (i) the following new subsection:

"(j) DELTA HEALTH INITIATIVE.—

"(1) IN GENERAL.—The Secretary is authorized to award a grant to the Delta Health Alliance, a nonprofit alliance of academic institutions in the Mississippi Delta region, to solicit and fund proposals from local governments, hospitals, health care clinics, academic institutions, and rural public health-related entities and organizations for research development, educational programs, health care services, job training, planning, construction, and the equipment of public health-related facilities in the Mississippi Delta region.

"(2) FEDERAL INTEREST IN PROPERTY.—With respect to funds used under this subsection for construction or alteration of property, the Federal interest in the property shall last for a period of 1 year following completion or until the Federal Government is compensated for its proportionate interest in the property if the property use changes or the property is transferred or sold, whichever time period is less. At the conclusion of such period, the Notice of Federal Interest in such property shall be removed.

"(3) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this subsection in fiscal year 2007 and in each of the five succeeding fiscal years.".

SEC. 3610. Not withstanding any other provision of this Act, section 3608(b) of this Act shall not take effect.

CHAPTER 7

GENERAL PROVISIONS—THIS CHAPTER

SEC. 3701. Section 2(c) of the Legislative Branch Appropriations Act, 1993 (2 U.S.C. 121d(c)) is amended by adding at the end the following:

"(3) The Secretary of the Senate may transfer from the fund to the Senate Employee Child Care Center proceeds from the sale of holiday ornaments by the Senate Gift Shop for the purpose of funding necessary activities and expenses of the Center, including scholarships, educational supplies, and equipment.".

(INCLUDING RESCISSION)

SEC. 3702. (a) Of the funds provided for the "Capitol Guide Service and Special Services Office" in section 20703(a) of the Continuing Appropriations Resolution, 2007 (as added by section 2 of the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5)), $3,500,000 are rescinded.

(b) For an additional amount for "Capitol Guide Service and Special Services Office", $3,500,000, to remain available until September 30, 2008.

CHAPTER 8

GENERAL PROVISION—THIS CHAPTER

SEC. 3801. Notwithstanding any other provision of law, appropriations made by Public Law 110–5, or any other Act, which the Secretary of Veterans Affairs contributes to the Department of Defense/Department of Veterans Affairs Health Care Sharing Incentive Fund under the authority of section 8111(d) of title 38, United States Code, shall remain available until expended for any purpose authorized by section 8111 of title 38, United States Code.

CHAPTER 9

GENERAL PROVISIONS—THIS CHAPTER

CONSULTATION REQUIREMENT

SEC. 3901. Of the funds provided in the Revised Continuing Appropriations Resolution, 2007 (Public Law 110–5) for the United States-China Economic and Security Review Commission, $1,000,000 shall be available for obligation only in accordance with a spending plan submitted to and approved by the Committees on Appropriations which addresses the recommendations of the Government Accountability Office's audit of the Commission.

TECHNICAL AMENDMENT

SEC. 3902. (a) Notwithstanding any other provision of law, subsection (c) under the heading "Assistance for the Independent States of the Former Soviet Union" in Public Law 109–102, shall not apply to funds appropriated by the Continuing Appropriations Resolution, 2007 (Public Law 109–289, division B) as amended by Public Laws 109–369, 109–383, and 110–5.

(b) Section 534(k) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) is amended, in the second proviso, by inserting after "subsection (b) of that section" the following: "and the requirement that a majority of the members of the board of directors be United States citizens provided in subsection (d)(3)(B) of that section".

(c) Subject to section 101(c)(2) of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5), the amount of funds appropriated for "Foreign Military Financing Program" pursuant to such Resolution shall be construed to be the total of the amount appropriated for such program by section 20401 of that Resolution and the amount made available for such program by section 591 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 2006 (Public Law 109–102) which is made applicable to the fiscal year 2007 by the provisions of such Resolution.

CHAPTER 10

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

OFFICE OF FEDERAL HOUSING ENTERPRISE OVERSIGHT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount to carry out the Federal Housing Enterprises Financial Safety and Soundness Act of 1992, $4,800,000, to remain available until expended, to be derived from the Federal Housing Enterprises Oversight Fund and to be subject to the same terms and conditions pertaining to funds provided under this heading in Public Law 109–115: Provided, That not to exceed the total amount provided for these activities for fiscal year 2007 shall be available from the general fund of the Treasury to the extent necessary to incur obligations and make expenditures pending the receipt of collections to the Fund: Provided further, That the general fund amount shall be reduced as collections are received during the fiscal year so as to result in a final appropriation from the general fund estimated at not more than $0.

GENERAL PROVISIONS—THIS CHAPTER

SEC. 4001. Hereafter, funds limited or appropriated for the Department of Transportation may be obligated or expended to grant authority to a Mexican motor carrier to operate beyond United States municipalities and commercial zones on the United States-Mexico border only to the extent that—

(1) granting such authority is first tested as part of a pilot program;

(2) such pilot program complies with the requirements of section 350 of Public Law 107–87 and the requirements of section 31315(c) of title 49, United States Code, related to pilot programs; and

(3) simultaneous and comparable authority to operate within Mexico is made available to motor carriers domiciled in the United States.

SEC. 4002. Section 21033 of the Continuing Appropriations Resolution, 2007 (division B of Public Law 109–289, as amended by Public Law 110–5) is amended by adding after the second proviso: ": Provided further, That paragraph (2) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $149,300,000, but additional section 8 tenant protection rental assistance costs may be funded in 2007 by using unobligated balances, notwithstanding the purposes for which such amounts were appropriated, including recaptures and carryover, remaining from funds appropriated to the Department of Housing and Urban Development under this heading, the heading "Annual Contributions for Assisted Housing", the heading "Housing Certificate Fund", and the heading

"Project-Based Rental Assistance" for fiscal year 2006 and prior fiscal years: Provided further, That paragraph (3) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $47,500,000: Provided further, That paragraph (4) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $5,900,000: Provided further, That paragraph (5) under such heading in Public Law 109–115 (119 Stat. 2441) shall be funded at $1,281,100,000, of which $1,251,100,000 shall be allocated for the calendar year 2007 funding cycle on a pro rata basis to public housing agencies based on the amount public housing agencies were eligible to receive in calendar year 2006, and of which up to $30,000,000 shall be available to the Secretary to allocate to public housing agencies that need additional funds to administer their section 8 programs, with up to $20,000,000 to be for fees associated with section 8 tenant protection rental assistance".

SEC. 4003. The dates for subsidy reductions and demonstrations for discontinuance of reductions in operating subsidy under the new operating fund formula, pursuant to HUD regulations at 24 CFR 990.230, shall be moved forward so that the first demonstration date for asset management compliance shall be September 1, 2007, and reductions in subsidy for calendar year 2007 shall be limited to the 5 percent amount referred to in such regulations. Any public housing agency that has filed information to demonstrate compliance on or prior to April 15, 2007 shall be permitted to re-file the same or different information to demonstrate such compliance on or before September 1, 2007.

CHAPTER 11

GENERAL PROVISIONS—THIS ACT

AVAILABILITY OF FUNDS

SEC. 4101. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

EMERGENCY DESIGNATION FOR TITLE I

SEC. 4102. Amounts provided in title I of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

EMERGENCY DESIGNATION FOR TITLE II

SEC. 4103. Amounts provided in title II of this Act are designated as emergency requirements pursuant to section 402 of H. Con. Res. 95 (109th Congress), the concurrent resolution on the budget for fiscal year 2006.

TITLE IV—EMERGENCY FARM RELIEF

SEC. 401. SHORT TITLE.

This title may be cited as the "Emergency Farm Relief Act of 2007".

SEC. 402. DEFINITIONS.

In this title:

(1) ADDITIONAL COVERAGE.—The term "additional coverage" has the meaning given the term in section 502(b)(1) of the Federal Crop Insurance Act (7 U.S.C. 1502(b)(1)).

(2) APPLICABLE CROP.—The term "applicable crop" means 1 or more crops planted, or prevented from being planted, during, as elected by the producers on a farm, 1 of—

(A) the 2005 crop year;

(B) the 2006 crop year; or

(C) that part of the 2007 crop year that takes place before the end of the applicable period.

(3) APPLICABLE PERIOD.—The term "applicable period" means the period beginning on January 1, 2005 and ending on February 28, 2007.

(4) DISASTER COUNTY.—The term "disaster county" means—

(A) a county included in the geographic area covered by a natural disaster declaration; and

(B) each county contiguous to a county described in subparagraph (A).

(5) HURRICANE-AFFECTED COUNTY.—The term "hurricane-affected county" means—

(A) a county included in the geographic area covered by a natural disaster declaration related to Hurricane Katrina, Hurricane Rita, Hurricane Wilma, or a related condition; and

(B) each county contiguous to a county described in subparagraph (A).

(6) INSURABLE COMMODITY.—The term "insurable commodity" means an agricultural commodity (excluding livestock) for which the producers on a farm are eligible to obtain a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.).

(7) LIVESTOCK.—The term "livestock" includes—

(A) cattle (including dairy cattle);

(B) bison;

(C) poultry;

(D) sheep;

(E) swine; and

(F) other livestock, as determined by the Secretary.

(8) NATURAL DISASTER DECLARATION.—The term "natural disaster declaration" means a natural disaster declared by the Secretary during the applicable period under section 321(a) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1961(a)).

(9) NONINSURABLE COMMODITY.—The term "noninsurable commodity" means a crop for which the producers on a farm are eligible to obtain assistance under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(10) SECRETARY.—The term "Secretary" means the Secretary of Agriculture.

Subtitle A—Agricultural Production Losses

SEC. 411. CROP DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make emergency financial assistance authorized under this section available to producers on a farm that have incurred qualifying losses described in subsection (c).

(b) ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Secretary shall make assistance available under this section in the same manner as provided under section 815 of the Agriculture, Rural Development, Food and Drug Administration and Related Agencies Appropriations Act, 2001 (Public Law 106–387; 114 Stat. 1549A–55), including using the same loss thresholds for quantity and economic losses as were used in administering that section, except that the payment rate shall be 55 percent of the established price, instead of 65 percent.

(2) NONINSURED PRODUCERS.—For producers on a farm that were eligible to acquire crop insurance for the applicable production loss and failed to do so or failed to submit an application for the noninsured assistance program for the loss, the Secretary shall make assistance in accordance with paragraph (1), except that the payment rate shall be 20 percent of the established price, instead of 50 percent.

(c) QUALIFYING LOSSES.—Assistance under this section shall be made available to producers on farms, other than producers of sugar beets, that incurred qualifying quantity or quality losses for the applicable crop due to damaging weather or any related condition (including losses due to crop diseases, insects, and delayed harvest), as determined by the Secretary.

(d) QUALITY LOSSES.—

(1) IN GENERAL.—In addition to any payment received under subsection (b), the Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make payments to producers on a farm described in subsection (a) that incurred a quality loss for the applicable crop of a commodity in an amount equal to the product obtained by multiplying—

(A) the payment quantity determined under paragraph (2);

(B)(i) in the case of an insurable commodity, the coverage level elected by the insured under the policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the applicable coverage level for the payment quantity determined under paragraph (2); by

(C) 55 percent of the payment rate determined under paragraph (3).

(2) PAYMENT QUANTITY.—For the purpose of paragraph (1)(A), the payment quantity for quality losses for a crop of a commodity on a farm shall equal the lesser of—

(A) the actual production of the crop affected by a quality loss of the commodity on the farm; or

(B)(i) in the case of an insurable commodity, the actual production history for the commodity by the producers on the farm under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); or

(ii) in the case of a noninsurable commodity, the established yield for the crop for the producers on the farm under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333).

(3) PAYMENT RATE.—

(A) IN GENERAL.—For the purpose of paragraph (1)(B), the payment rate for quality losses for a crop of a commodity on a farm shall be equal to the difference between (as determined by the applicable State committee of the Farm Service Agency)—

(i) the per unit market value that the units of the crop affected by the quality loss would have had if the crop had not suffered a quality loss; and

(ii) the per unit market value of the units of the crop affected by the quality loss.

(B) FACTORS.—In determining the payment rate for quality losses for a crop of a commodity on a farm, the applicable State committee of the Farm Service Agency shall take into account—

(i) the average local market quality discounts that purchasers applied to the commodity during the first 2 months following the normal harvest period for the commodity;

(ii) the loan rate and repayment rate established for the commodity under the marketing loan program established for the commodity under subtitle B of title I of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7931 et seq.);

(iii) the market value of the commodity if sold into a secondary market; and

(iv) other factors determined appropriate by the committee.

(4) ELIGIBILITY.—

(A) IN GENERAL.—For producers on a farm to be eligible to obtain a payment for a quality loss for a crop under this subsection—

(i) the amount obtained by multiplying the per unit loss determined under paragraph (1) by the number of units affected by the quality loss shall be reduced by the amount of any indemnification received by the producers on the farm for quality loss adjustment for the commodity under a policy or plan of insurance under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.); and

(ii) the remainder shall be at least 25 percent of the value that all affected production of the crop would have had if the crop had not suffered a quality loss.

(B) INELIGIBILITY.—If the amount of a quality loss payment for a commodity for the producers on a farm determined under this paragraph is equal to or less than zero, the producers on the farm shall be ineligible for assistance for the commodity under this subsection.

(5) ELIGIBLE PRODUCTION.—The Secretary shall carry out this subsection in a fair and equitable manner for all eligible production, including the production of fruits and vegetables, other specialty crops, and field crops.

(e) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than 1 of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only 1 of the crop years.

(f) PAYMENT LIMITATION.—

(1) LIMITATION.—Assistance provided under this section to the producers on a farm for losses to a crop, together with the amounts specified in paragraph (2) applicable to the same crop, may not exceed 95 percent of what the value of the crop would have been in the absence of the losses, as estimated by the Secretary.

(2) OTHER PAYMENTS.—In applying the limitation in paragraph (1), the Secretary shall include the following:

(A) Any crop insurance payment made under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.) or payment under section 196 of the Federal Agricultural Improvement and Reform Act of 1996 (7 U.S.C. 7333) that the producers on the farm receive for losses to the same crop.

(B) The value of the crop that was not lost (if any), as estimated by the Secretary.

(g) TIMING.—

(1) IN GENERAL.—Subject to paragraph (2), the Secretary shall make payments to producers on a farm for a crop under this section not later than 60 days after the date the producers on the farm submit to the Secretary a completed application for the payments.

(2) INTEREST.—If the Secretary does not make payments to the producers on a farm by the date described in paragraph (1), the Secretary shall pay to the producers on a farm interest on the payments at a rate equal to the current (as of the sign-up deadline established by the Secretary) market yield on outstanding, marketable obligations of the United States with maturities of 30 years.

SEC. 412. DAIRY ASSISTANCE.

The Secretary shall use $95,000,000 of funds of the Commodity Credit Corporation to make payments to dairy producers for dairy production losses in disaster counties.

SEC. 413. MILK INCOME LOSS CONTRACT PROGRAM.

Section 1502(c)(3) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 7982(c)(3)) is amended—

(1) in subparagraph (A), by adding "and" at the end;

(2) in subparagraph (B), by striking "August" and all that follows through the end and inserting "September 30, 2007, 34 percent."; and

(3) by striking subparagraph (C).

SEC. 414. LIVESTOCK ASSISTANCE.

(a) LIVESTOCK COMPENSATION PROGRAM.—

(1) USE OF COMMODITY CREDIT CORPORATION FUNDS.—Effective beginning on the date of enactment of this Act, the Secretary shall use funds of the Commodity Credit Corporation to carry out the 2002 Livestock Compensation Program announced by the Secretary on October 10, 2002 (67 Fed. Reg. 63070), to provide compensation for livestock losses during the applicable period for losses (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, except that the payment rate shall be 80 percent of the payment rate established for the 2002 Livestock Compensation Program.

(2) ELIGIBLE APPLICANTS.—In carrying out the program described in paragraph (1), the Secretary shall provide assistance to any applicant for livestock losses during the applicable period that—

(A)(i) conducts a livestock operation that is located in a disaster county, including any applicant conducting a livestock operation with eligible livestock (within the meaning of the livestock assistance program under section 101(b) of division B of Public Law 108-324 (118 Stat. 1234)); or

(ii) produces an animal described in section 10806(a)(1) of the Farm Security and Rural Investment Act of 2002 (21 U.S.C. 321d(a)(1));

(B) demonstrates to the Secretary that the applicant suffered a material loss of pasture or hay production, or experienced substantially increased feed costs, due to damaging weather or a related condition during the calendar year, as determined by the Secretary; and

(C) meets all other eligibility requirements established by the Secretary for the program.

(3) MITIGATION.—In determining the eligibility for or amount of payments for which a producer is eligible under the livestock compensation program, the Secretary shall not penalize a producer that takes actions (recognizing disaster conditions) that reduce the average number of livestock the producer owned for grazing during the production year for which assistance is being provided.

(4) PAYMENTS FOR REDUCTION IN GRAZING ON FEDERAL LAND.—

(A) IN GENERAL.—In carrying out this subsection, the Secretary shall make payments to livestock producers that are in proportion to any reduction during calendar year 2007 in grazing on Federal land in a disaster county leased by the producers a result of actions described in subparagraph (B).

(B) FEDERAL ACTIONS.—Actions referred to in subparagraph (A) are actions taken during calendar year 2007 by the Bureau of Land Management or other Federal agency to restrict or prohibit grazing otherwise allowed under the terms of the lease of the producers in order to expedite the recovery of the Federal land from drought, wildfire, or other natural disaster declared by the Secretary during the applicable period.

(5) LIMITATION.—The Secretary shall ensure, to the maximum extent practicable, that producers on a farm do not receive duplicative payments under this subsection and another Federal program with respect to any loss.

(b) LIVESTOCK INDEMNITY PAYMENTS.—

(1) IN GENERAL.—The Secretary shall use such sums as are necessary of funds of the Commodity Credit Corporation to make livestock indemnity payments to producers on farms that have incurred livestock losses during the applicable period (including losses due to blizzards that began in calendar year 2006 and continued in January 2007) due to a disaster, as determined by the Secretary, including losses due to hurricanes, floods, anthrax, wildfires, and extreme heat.

(2) PAYMENT RATES.—Indemnity payments to a producer on a farm under paragraph (1) shall be made at a rate of not less than 30 percent of the market value of the applicable livestock on the day before the date of death of the livestock, as determined by the Secretary.

(c) EWE LAMB REPLACEMENT AND RETENTION.—

(1) IN GENERAL.—The Secretary shall use $13,000,000 of funds of the Commodity Credit Corporation to make payments to producers located in disaster counties under the Ewe Lamb Replacement and Retention Payment Program under part 784 of title 7, Code of Federal Regulations (or a successor regulation) for each qualifying ewe lamb retained or purchased during the period beginning on January 1, 2006, and ending on December 31, 2006, by the producers.

(2) INELIGIBILITY FOR OTHER ASSISTANCE.—A producer that receives assistance under this subsection shall not be eligible to receive assistance under subsection (a).

(d) ELECTION OF PRODUCTION YEAR.—If a producer incurred qualifying production losses in more than one of the production years, the producers on a farm shall elect to receive assistance under this section in only one of the production years.

(e) EXCEPTION.—Notwithstanding any other provision of this section, livestock producers on a farm shall be eligible to receive assistance under subsection (a) or livestock indemnity payments under subsection (b) if the producers on a farm—

(1) have livestock operations in a county included in the geographic area covered by a major disaster or emergency designated by the President under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) due to blizzards, ice storms, or other winter–related causes during the period of December 2006 through January 2007; and

(2) meet all eligibility requirements for the assistance or payments other than the requirements relating to disaster declarations by the Secretary under subsections (a) and (b)(1).

SEC. 415. FLOODED CROP AND GRAZING LAND.

(a) IN GENERAL.—The Secretary shall compensate eligible owners of flooded crop and grazing land in the State of North Dakota.

(b) ELIGIBILITY.—

(1) IN GENERAL.—To be eligible to receive compensation under this section, an owner shall own land described in subsection (a) that, during the 2 crop years preceding receipt of compensation, was rendered incapable of use for the production of an agricultural commodity or for grazing purposes (in a manner consistent with the historical use of the land) as the result of flooding, as determined by the Secretary.

(2) INCLUSIONS.—Land described in paragraph (1) shall include—

(A) land that has been flooded;

(B) land that has been rendered inaccessible due to flooding; and

(C) a reasonable buffer strip adjoining the flooded land, as determined by the Secretary.

(3) ADMINISTRATION.—The Secretary may establish—

(A) reasonable minimum acreage levels for individual parcels of land for which owners may receive compensation under this section; and

(B) the location and area of adjoining flooded land for which owners may receive compensation under this section.

(c) SIGN-UP.—The Secretary shall establish a sign-up program for eligible owners to apply for compensation from the Secretary under this section.

(d) COMPENSATION PAYMENTS.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), the rate of an annual compensation payment under this section shall be equal to 90 percent of the average annual per acre rental payment rate (at the time of entry into the contract) for comparable crop or grazing land that has not been flooded and remains in production in the county where the flooded land is located, as determined by the Secretary.

(2) REDUCTION.—An annual compensation payment under this section shall be reduced by the amount of any conservation program rental payments or Federal agricultural commodity program payments received by the owner for the land during any crop year for which compensation is received under this section.

(3) EXCLUSION.—During any year in which an owner receives compensation for flooded land under this section, the owner shall not be eligible to participate in or receive benefits for the flooded land under—

(A) the Federal crop insurance program established under the Federal Crop Insurance Act (7 U.S.C. 1501 et seq.);

(B) the noninsured crop assistance program established under section 196 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333); or

(C) any Federal agricultural crop disaster assistance program.

(e) RELATIONSHIP TO AGRICULTURAL COMMODITY PROGRAMS.—The Secretary, by regulation, shall provide for the preservation of cropland base, allotment history, and payment yields applicable to land described in subsection (a) that was rendered incapable of use for the production of an agricultural commodity or for grazing purposes as the result of flooding.

(f) USE OF LAND.—

(1) IN GENERAL.—An owner that receives compensation under this section for flooded land shall take such actions as are necessary to not degrade any wildlife habitat on the land that has naturally developed as a result of the flooding.

(2) RECREATIONAL ACTIVITIES.—To encourage owners that receive compensation for flooded land to allow public access to and use of the land for recreational activities, as determined by the Secretary, the Secretary may—

(A) offer an eligible owner additional compensation; and

(B) provide compensation for additional acreage under this section.

(g) FUNDING.—

(1) IN GENERAL.—The Secretary shall use $6,000,000 of funds of the Commodity Credit Corporation to carry out this section.

(2) PRO-RATED PAYMENTS.—In a case in which the amount made available under paragraph (1) for a fiscal year is insufficient to compensate all eligible owners under this section, the Secretary shall pro-rate payments for that fiscal year on a per acre basis.

SEC. 416. SUGAR BEET AND SUGAR CANE DISASTER ASSISTANCE.

(a) IN GENERAL.—The Secretary shall use $24,000,000 of funds of the Commodity Credit Corporation to provide assistance to sugar beet producers that suffered production losses (including quality losses) for the applicable crop.

(b) REQUIREMENT.—The Secretary shall make payments under subsection (a) in the same manner as payments were made under section 208 of the Agricultural Assistance Act of 2003 (Public Law 108–7; 117 Stat. 544), including using the same indemnity benefits as were used in carrying out that section.

(c) HAWAII.—The Secretary shall use $3,000,000 of funds of the Commodity Credit Corporation to assist sugarcane growers in Hawaii by making a payment in that amount to an agricultural transportation cooperative in Hawaii, the members of which are eligible to obtain a loan under section 156(a) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7272(a)).

(d) ELECTION OF CROP YEAR.—If a producer incurred qualifying crop losses in more than one of the crop years during the applicable period, the producers on a farm shall elect to receive assistance under this section for losses incurred in only one of the crop years.

SEC. 417. NONINSURED CROP ASSISTANCE PROGRAM.

Section 196(c) of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C. 7333(c)) is amended by adding at the end the following:

"(5) LOSS ASSESSMENT FOR GRAZING.—The Secretary shall permit the use of 1 claims adjustor certified by the Secretary to assess the quantity of loss on the acreage or allotment of a producer devoted to grazing for livestock under this section.".

SEC. 418. REDUCTION IN PAYMENTS.

The amount of any payment for which a producer is eligible under this subtitle shall be reduced by any amount received by the producer for the same loss or any similar loss under—

(1) the Department of Defense, Emergency Supplemental Appropriations to Address Hurricanes in the Gulf of Mexico, and Pandemic Influenza Act, 2006 (Public Law 109–148; 119 Stat. 2680);

(2) an agricultural disaster assistance provision contained in the announcement of the Secretary on January 26, 2006, or August 29, 2006;

(3) the Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Hurricane Recovery, 2006 (Public Law 109–234; 120 Stat. 418); or

(4) the Livestock Assistance Grant Program announced by the Secretary on August 29, 2006.

Subtitle B—Small Business Economic Loss Grant Program

SEC. 421. SMALL BUSINESS ECONOMIC LOSS GRANT PROGRAM.

(a) DEFINITION OF QUALIFIED STATE.—In this section, the term "qualified State" means a State in which at least 50 percent of the counties of the State were declared to be primary agricultural disaster areas by the Secretary during the applicable period.

(b) GRANTS TO QUALIFIED STATES.—

(1) IN GENERAL.—The Secretary shall use $100,000,000 of funds of the Commodity Credit Corporation to make grants to State departments of agriculture or comparable State agencies in qualified States.

(2) AMOUNT.—

(A) IN GENERAL.—Subject to subparagraph (B), the Secretary shall allocate grants among qualified States described in paragraph (1) based on the average value of agricultural sector production in the qualified State, determined as a percentage of the gross domestic product of the qualified State.

(B) MINIMUM AMOUNT.—The minimum amount of a grant under this subsection shall be $500,000.

(3) REQUIREMENT.—To be eligible to receive a grant under this subsection, a qualified State shall agree to carry out an expedited disaster assistance program to provide direct payments to qualified small businesses in accordance with subsection (c).

(c) DIRECT PAYMENTS TO QUALIFIED SMALL BUSINESSES.—

(1) IN GENERAL.—In carrying out an expedited disaster assistance program described in subsection (b)(3), a qualified State shall provide direct payments to eligible small businesses in the qualified State that suffered material economic losses during the applicable period as a direct result of weather-related agricultural losses to the crop or livestock production sectors of the qualified State, as determined by the Secretary.

(2) ELIGIBILITY.—

(A) IN GENERAL.—To be eligible to receive a direct payment under paragraph (1), a small business shall—

(i) have less than $15,000,000 in average annual gross income from all business activities, at least 75 percent of which shall be directly related to production agriculture or agriculture support industries, as determined by the Secretary;

(ii) verify the amount of economic loss attributable to weather-related agricultural losses using such documentation as the Secretary and the head of the qualified State agency may require;

(iii) have suffered losses attributable to weather-related agricultural disasters that equal at least 50 percent of the total economic loss of the small business for each year a grant is requested; and

(iv) demonstrate that the grant will materially improve the likelihood the business will—

(I) recover from the disaster; and

(II) continue to service and support production agriculture.

(B) EMERGENCY GRANTS TO ASSIST LOW-INCOME MIGRANT AND SEASONAL FARMWORKERS.—

(i) Funds made available by this subtitle may be used to carry out assistance programs in States that are consistent with the purpose and intent of the program authorized at section 2281 of the Food, Agriculture, Conservation and Trade Act of 1990 (42 U.S.C. 5177a).

(ii) In carrying out this subparagraph, a qualified State may waive the gross income requirement at subparagraph (A)(i) of this paragraph.

(3) REQUIREMENTS.—A direct payment to small business under this subsection shall—

(A) be limited to not more than 2 years of documented losses; and

(B) be in an amount of not more than 75 percent of the documented average economic loss attributable to weather-related agriculture disasters for each eligible year in the qualified State.

(4) INSUFFICIENT FUNDING.—If the grant funds received by a qualified State agency under subsection (b) are insufficient to fund the direct payments of the qualified State agency under this subsection, the qualified State agency may apply a proportional reduction to all of the direct payments.

Subtitle C—Forestry

SEC. 431. TREE ASSISTANCE PROGRAM.

(a) DEFINITION OF TREE.—In this section, the term "tree" includes—

(1) a tree (including a Christmas tree, ornamental tree, nursery tree, and potted tree);

(2) a bush (including a shrub, nursery shrub, nursery bush, ornamental bush, ornamental shrub, potted bush, and potted shrub); and

(3) a vine (including a nursery vine and ornamental vine).

(b) PROGRAM.—Except as otherwise provided in this section, the Secretary shall use such sums as are necessary of the funds of the Commodity Credit Corporation to provide assistance under the terms and conditions of the tree assistance program established under subtitle C of title X of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8201 et seq.) to—

(1) producers who suffered tree losses in disaster counties; and

(2) fruit and tree nut producers in disaster counties.

(c) COSTS.—Funds made available under this section shall also be made available to cover costs associated with tree pruning, tree rehabilitation, and other appropriate tree-related activities as determined by the Secretary.

(d) SCOPE OF ASSISTANCE.—Assistance under this section shall compensate for losses resulting from disasters during the applicable period.

Subtitle D—Conservation

SEC. 441. EMERGENCY CONSERVATION PROGRAM.

The Secretary shall use an additional $35,000,000 of funds of the Commodity Credit Corporation to carry out emergency measures, including wildfire recovery efforts in Montana and other States, identified by the Administrator of the Farm Service Agency as of the date of enactment of this Act through the emergency conservation program established under title IV of the Agricultural Credit Act of 1978 (16 U.S.C. 2201 et seq.), of which $3,000,000 shall be to repair broken irrigation pipelines and damaged and collapsed water tanks, $1,000,000 to provide emergency loans for losses of agricultural income, and $2,000,000 to repair ditch irrigation systems in conjunction with the Presidential declaration of a major disaster (FEMA-1664-DR), dated October 17, 2006, and related determinations issued under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5206 (the Stafford Act): Provided, That the Secretary may transfer a portion of these funds to the Natural Resources Conservation Service, to include Resource Conservation and Development councils.

SEC. 442. EMERGENCY WATERSHED PROTECTION PROGRAM.

The Secretary shall use an additional $50,000,000 of funds of the Commodity Credit

Corporation to carry out emergency measures identified by the Chief of the Natural Resources Conservation Service as of the date of enactment of this Act through the emergency watershed protection program established under section 403 of the Agricultural Credit Act of 1978 (16 U.S.C. 2203).

SEC. 443. CONSERVATION SECURITY PROGRAM.

Section 20115 of Public Law 110–5 is amended by striking "section 726" and inserting in lieu thereof "section 726; section 741".

Subtitle E—Farm Service Agency

SEC. 451. FUNDING FOR ADDITIONAL PERSONNEL AND ADMINISTRATIVE SUPPORT.

The Secretary shall use $30,000,000 of funds of the Commodity Credit Corporation—

(1) of which $9,000,000 shall be used to hire additional County Farm Service Agency personnel to expedite the implementation of, and delivery under, the agricultural disaster and economic assistance programs under this title; and

(2) to be used as the Secretary determines to be necessary to carry out this and other agriculture and disaster assistance programs.

Subtitle F—Miscellaneous

SEC. 461. CONTRACT WAIVER.

In carrying out this title and section 101(a)(5) of the Emergency Supplemental Appropriations for Hurricane Disasters Assistance Act, 2005 (Public Law 108–324; 118 Stat. 1233), the Secretary shall not require participation in a crop insurance pilot program relating to forage.

SEC. 462. INSECT INFESTATIONS.

(a) In General.—The Secretary, acting through the Administrator of the Animal and Plant Health Inspection Service, shall use not less than $20,000,000 of funds made available from the Commodity Credit Corporation for the Animal and Plant Health Inspection Service to survey and control insect infestations in the States of Nevada, Idaho, and Utah.

(b) Use of Funds.—Funds described in subsection (a) shall be used in a manner that promotes cooperative efforts between Federal programs (including the plant protection and quarantine program of the Animal and Plant Health Inspection Service) and State and local programs carried out, in whole or in part, with Federal funds to fight insect outbreaks.

SEC. 463. FUNDING.

The Secretary shall use the funds, facilities, and authorities of the Commodity Credit Corporation to carry out this title, to remain available until expended.

SEC. 464. REGULATIONS.

(a) In General.—The Secretary may promulgate such regulations as are necessary to implement this title.

(b) Procedure.—The promulgation of the regulations and administration of this title shall be made without regard to—

(1) the notice and comment provisions of section 553 of title 5, United States Code;

(2) the Statement of Policy of the Secretary of Agriculture effective July 24, 1971 (36 Fed. Reg. 13804), relating to notices of proposed rulemaking and public participation in rulemaking; and

(3) chapter 35 of title 44, United States Code (commonly known as the "Paperwork Reduction Act").

(c) Congressional Review of Agency Rulemaking.—In carrying out this section, the Secretary shall use the authority provided under section 808 of title 5, United States Code.

Subtitle G—Emergency Designation

SEC. 471. EMERGENCY DESIGNATION.

The amounts provided under this title are designated as an emergency requirement pursuant to section 402 of H. Con. Res. 95 (109th Congress).

TITLE V—FAIR MINIMUM WAGE AND TAX RELIEF

Subtitle A—Fair Minimum Wage

SEC. 500. SHORT TITLE.

This subtitle may be cited as the "Fair Minimum Wage Act of 2007".

SEC. 501. MINIMUM WAGE.

(a) In General.—Section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) is amended to read as follows:

"(1) except as otherwise provided in this section, not less than—

"(A) $5.85 an hour, beginning on the 60th day after the date of enactment of the Fair Minimum Wage Act of 2007;

"(B) $6.55 an hour, beginning 12 months after that 60th day; and

"(C) $7.25 an hour, beginning 24 months after that 60th day;".

(b) Effective Date.—The amendment made by subsection (a) shall take effect 60 days after the date of enactment of this Act.

SEC. 502. APPLICABILITY OF MINIMUM WAGE TO THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS.

(a) In General.—Section 6 of the Fair Labor Standards Act of 1938 (29 U.S.C. 206) shall apply to the Commonwealth of the Northern Mariana Islands.

(b) Transition.—Notwithstanding subsection (a), the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) shall be—

(1) $3.55 an hour, beginning on the 60th day after the date of enactment of this Act; and

(2) increased by $0.50 an hour (or such lesser amount as may be necessary to equal the minimum wage under section 6(a)(1) of such Act), beginning 6 months after the date of enactment of this Act and every 6 months thereafter until the minimum wage applicable to the Commonwealth of the Northern Mariana Islands under this subsection is equal to the minimum wage set forth in such section.

Subtitle B—Small Business Tax Incentives

SEC. 510. SHORT TITLE; AMENDMENT OF CODE.

(a) Short Title.—This subtitle may be cited as the "Small Business and Work Opportunity Act of 2007".

(b) Amendment of 1986 Code.—Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

PART I—SMALL BUSINESS TAX RELIEF PROVISIONS

Subpart A—General Provisions

SEC. 511. EXTENSION OF INCREASED EXPENSING FOR SMALL BUSINESSES.

Section 179 (relating to election to expense certain depreciable business assets) is amended by striking "2010" each place it appears and inserting "2011".

SEC. 512. EXTENSION AND MODIFICATION OF 15-YEAR STRAIGHT-LINE COST RECOVERY FOR QUALIFIED LEASEHOLD IMPROVEMENTS AND QUALIFIED RESTAURANT IMPROVEMENTS; 15-YEAR STRAIGHT-LINE COST RECOVERY FOR CERTAIN IMPROVEMENTS TO RETAIL SPACE.

(a) Extension of Leasehold and Restaurant Improvements.—

(1) In general.—Clauses (iv) and (v) of section 168(e)(3)(E) (relating to 15-year property) are each amended by striking "January 1, 2008" and inserting "January 1, 2009".

(2) Effective date.—The amendment made by this subsection shall apply to property placed in service after December 31, 2007.

(b) Modification of Treatment of Qualified Restaurant Property as 15-Year Property for Purposes of Depreciation Deduction.—

(1) Treatment to include new construction.—Paragraph (7) of section 168(e) (relating to classification of property) is amended to read as follows:

"(7) Qualified restaurant property.—The term 'qualified restaurant property' means any section 1250 property which is a building (or its structural components) or an improvement to such building if more than 50 percent of such building's square footage is devoted to preparation of, and seating for on-premises consumption of, prepared meals.".

(2) Effective date.—The amendment made by this subsection shall apply to any property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

(c) Recovery Period for Depreciation of Certain Improvements to Retail Space.—

(1) 15-year recovery period.—Section 168(e)(3)(E) (relating to 15-year property) is amended by striking "and" at the end of clause (vii), by striking the period at the end of clause (viii) and inserting ", and", and by adding at the end the following new clause:

"(ix) any qualified retail improvement property placed in service before January 1, 2009.".

(2) Qualified retail improvement property.—Section 168(e) is amended by adding at the end the following new paragraph:

"(8) Qualified retail improvement property.—

"(A) In general.—The term 'qualified retail improvement property' means any improvement to an interior portion of a building which is nonresidential real property if—

"(i) such portion is open to the general public and is used in the retail trade or business of selling tangible personal property to the general public, and

"(ii) such improvement is placed in service more than 3 years after the date the building was first placed in service.

"(B) Improvements made by owner.—In the case of an improvement made by the owner of such improvement, such improvement shall be qualified retail improvement property (if at all) only so long as such improvement is held by such owner. Rules similar to the rules under paragraph (6)(B) shall apply for purposes of the preceding sentence.

"(C) Certain improvements not included.—Such term shall not include any improvement for which the expenditure is attributable to—

"(i) the enlargement of the building,

"(ii) any elevator or escalator,

"(iii) any structural component benefitting a common area, or

"(iv) the internal structural framework of the building.".

(3) Requirement to use straight line method.—Section 168(b)(3) is amended by adding at the end the following new subparagraph:

"(I) Qualified retail improvement property described in subsection (e)(8).".

(4) Alternative system.—The table contained in section 168(g)(3)(B) is amended by inserting after the item relating to subparagraph (E)(viii) the following new item:

(E)(ix) .... 39".

(5) Effective date.—The amendments made by this subsection shall apply to property placed in service after the date of the enactment of this Act.

SEC. 513. CLARIFICATION OF CASH ACCOUNTING RULES FOR SMALL BUSINESS.

(a) Cash Accounting Permitted.—

(1) In general.—Section 446 (relating to general rule for methods of accounting) is amended by adding at the end the following new subsection:

"(g) CERTAIN SMALL BUSINESS TAXPAYERS PERMITTED TO USE CASH ACCOUNTING METHOD WITHOUT LIMITATION.—

"(1) IN GENERAL.—An eligible taxpayer shall not be required to use an accrual method of accounting for any taxable year.

"(2) ELIGIBLE TAXPAYER.—For purposes of this subsection, a taxpayer is an eligible taxpayer with respect to any taxable year if—

"(A) for each of the prior taxable years ending on or after the date of the enactment of this subsection, the taxpayer (or any predecessor) met the gross receipts test in effect under section 448(c) for such taxable year, and

"(B) the taxpayer is not subject to section 447 or 448.".

(2) EXPANSION OF GROSS RECEIPTS TEST.—

(A) IN GENERAL.—Paragraph (3) of section 448(b) (relating to entities with gross receipts of not more than $5,000,000) is amended to read as follows:

"(3) ENTITIES MEETING GROSS RECEIPTS TEST.—Paragraphs (1) and (2) of subsection (a) shall not apply to any corporation or partnership for any taxable year if, for each of the prior taxable years ending on or after the date of the enactment of the Small Business and Work Opportunity Act of 2007, the entity (or any predecessor) met the gross receipts test in effect under subsection (c) for such prior taxable year.".

(B) CONFORMING AMENDMENTS.—Section 448(c) of such Code is amended—

(i) by striking "$5,000,000" in the heading thereof,

(ii) by striking "$5,000,000" each place it appears in paragraph (1) and inserting "$10,000,000", and

(iii) by adding at the end the following new paragraph:

"(4) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2008, the dollar amount contained in paragraph (1) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, by substituting 'calendar year 2007' for 'calendar year 1992' in subparagraph (B) thereof.

"If any amount as adjusted under this subparagraph is not a multiple of $100,000, such amount shall be rounded to the nearest multiple of $100,000.".

(b) CLARIFICATION OF INVENTORY RULES FOR SMALL BUSINESS.—

(1) IN GENERAL.—Section 471 (relating to general rule for inventories) is amended by redesignating subsection (c) as subsection (d) and by inserting after subsection (b) the following new subsection:

"(c) SMALL BUSINESS TAXPAYERS NOT REQUIRED TO USE INVENTORIES.—

"(1) IN GENERAL.—A qualified taxpayer shall not be required to use inventories under this section for a taxable year.

"(2) TREATMENT OF TAXPAYERS NOT USING INVENTORIES.—If a qualified taxpayer does not use inventories with respect to any property for any taxable year beginning after the date of the enactment of this subsection, such property shall be treated as a material or supply which is not incidental.

"(3) QUALIFIED TAXPAYER.—For purposes of this subsection, the term 'qualified taxpayer' means—

"(A) any eligible taxpayer (as defined in section 446(g)(2)), and

"(B) any taxpayer described in section 448(b)(3).".

(2) CONFORMING AMENDMENTS.—

(A) Subpart D of part II of subchapter E of chapter 1 is amended by striking section 474.

(B) The table of sections for subpart D of part II of subchapter E of chapter 1 is amended by striking the item relating to section 474.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 514. EXTENSION AND MODIFICATION OF COMBINED WORK OPPORTUNITY TAX CREDIT AND WELFARE-TO-WORK CREDIT.

(a) EXTENSION.—Section 51(c)(4)(B) (relating to termination) is amended by striking "2007" and inserting "2012".

(b) INCREASE IN MAXIMUM AGE FOR DESIGNATED COMMUNITY RESIDENTS.—

(1) IN GENERAL.—Paragraph (5) of section 51(d) is amended to read as follows:

"(5) DESIGNATED COMMUNITY RESIDENTS.—

"(A) IN GENERAL.—The term 'designated community resident' means any individual who is certified by the designated local agency—

"(i) as having attained age 18 but not age 40 on the hiring date, and

"(ii) as having his principal place of abode within an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(B) INDIVIDUAL MUST CONTINUE TO RESIDE IN ZONE, COMMUNITY, OR COUNTY.—In the case of a designated community resident, the term 'qualified wages' shall not include wages paid or incurred for services performed while the individual's principal place of abode is outside an empowerment zone, enterprise community, renewal community, or rural renewal county.

"(C) RURAL RENEWAL COUNTY.—For purposes of this paragraph, the term 'rural renewal county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.".

(2) CONFORMING AMENDMENT.—Subparagraph (D) of section 51(d)(1) is amended to read as follows:

"(D) a designated community resident,".

(c) CLARIFICATION OF TREATMENT OF INDIVIDUALS UNDER INDIVIDUAL WORK PLANS.—Subparagraph (B) of section 51(d)(6) (relating to vocational rehabilitation referral) is amended by striking "or" at the end of clause (i), by striking the period at the end of clause (ii) and inserting ", or", and by adding at the end the following new clause:

"(iii) an individual work plan developed and implemented by an employment network pursuant to subsection (g) of section 1148 of the Social Security Act with respect to which the requirements of such subsection are met.".

(d) TREATMENT OF DISABLED VETERANS UNDER THE WORK OPPORTUNITY TAX CREDIT.—

(1) DISABLED VETERANS TREATED AS MEMBERS OF TARGETED GROUP.—

(A) IN GENERAL.—Subparagraph (A) of section 51(d)(3) (relating to qualified veteran) is amended by striking "agency as being a member of a family" and all that follows and inserting "agency as—

"(i) being a member of a family receiving assistance under a food stamp program under the Food Stamp Act of 1977 for at least a 3-month period ending during the 12-month period ending on the hiring date, or

"(ii) entitled to compensation for a service-connected disability incurred after September 10, 2001.".

(B) DEFINITIONS.—Paragraph (3) of section 51(d) is amended by adding at the end the following new subparagraph:

"(C) OTHER DEFINITIONS.—For purposes of subparagraph (A), the terms 'compensation' and 'service-connected' have the meanings given such terms under section 101 of title 38, United States Code.".

(2) INCREASE IN AMOUNT OF WAGES TAKEN INTO ACCOUNT FOR DISABLED VETERANS.—Paragraph (3) of section 51(b) is amended—

(A) by inserting "($12,000 per year in the case of any individual who is a qualified veteran by reason of subsection (d)(3)(A)(ii))" before the period at the end, and

(B) by striking "**ONLY FIRST** $6,000 of" in the heading and inserting "**LIMITATION ON**".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to individuals who begin work for the employer after the date of the enactment of this Act, in taxable years ending after such date.

SEC. 515. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

(a) EMPLOYMENT TAXES.—Chapter 25 (relating to general provisions relating to employment taxes) is amended by adding at the end the following new section:

"SEC. 3511. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.

"(a) GENERAL RULES.—For purposes of the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer (and no other person shall be treated as the employer) of any work site employee performing services for any customer of such organization, but only with respect to remuneration remitted by such organization to such work site employee, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(b) SUCCESSOR EMPLOYER STATUS.—For purposes of sections 3121(a)(1), 3231(e)(2)(C), and 3306(b)(1)—

"(1) a certified professional employer organization entering into a service contract with a customer with respect to a work site employee shall be treated as a successor employer and the customer shall be treated as a predecessor employer during the term of such service contract, and

"(2) a customer whose service contract with a certified professional employer organization is terminated with respect to a work site employee shall be treated as a successor employer and the certified professional employer organization shall be treated as a predecessor employer.

"(c) LIABILITY OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION.—Solely for purposes of its liability for the taxes, and other obligations, imposed by this subtitle—

"(1) a certified professional employer organization shall be treated as the employer of any individual (other than a work site employee or a person described in subsection (f)) who is performing services covered by a contract meeting the requirements of section 7705(e)(2), but only with respect to remuneration remitted by such organization to such individual, and

"(2) exclusions, definitions, and other rules which are based on the type of employer and which would (but for paragraph (1)) apply shall apply with respect to such taxes imposed on such remuneration.

"(d) TREATMENT OF CREDITS.—

"(1) IN GENERAL.—For purposes of any credit specified in paragraph (2)—

"(A) such credit with respect to a work site employee performing services for the customer applies to the customer, not the certified professional employer organization,

"(B) the customer, and not the certified professional employer organization, shall take into account wages and employment taxes—

"(i) paid by the certified professional employer organization with respect to the work site employee, and

"(ii) for which the certified professional employer organization receives payment from the customer, and

"(C) the certified professional employer organization shall furnish the customer with any information necessary for the customer to claim such credit.

"(2) CREDITS SPECIFIED.—A credit is specified in this paragraph if such credit is allowed under—

"(A) section 41 (credit for increasing research activity),

"(B) section 45A (Indian employment credit),

"(C) section 45B (credit for portion of employer social security taxes paid with respect to employee cash tips),

"(D) section 45C (clinical testing expenses for certain drugs for rare diseases or conditions),

"(E) section 51 (work opportunity credit),

"(F) section 51A (temporary incentives for employing long-term family assistance recipients),

"(G) section 1396 (empowerment zone employment credit),

"(H) 1400(d) (DC Zone employment credit),

"(I) Section 1400H (renewal community employment credit), and

"(J) any other section as provided by the Secretary.

"(e) SPECIAL RULE FOR RELATED PARTY.—This section shall not apply in the case of a customer which bears a relationship to a certified professional employer organization described in section 267(b) or 707(b). For purposes of the preceding sentence, such sections shall be applied by substituting '10 percent' for '50 percent'.

"(f) SPECIAL RULE FOR CERTAIN INDIVIDUALS.—For purposes of the taxes imposed under this subtitle, an individual with net earnings from self-employment derived from the customer's trade or business is not a work site employee with respect to remuneration paid by a certified professional employer organization.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATION DEFINED.—Chapter 79 (relating to definitions) is amended by adding at the end the following new section:

"SEC. 7705. CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS DEFINED.

"(a) IN GENERAL.—For purposes of this title, the term 'certified professional employer organization' means a person who has been certified by the Secretary for purposes of section 3511 as meeting the requirements of subsection (b).

"(b) GENERAL REQUIREMENTS.—A person meets the requirements of this subsection if such person—

"(1) demonstrates that such person (and any owner, officer, and such other persons as may be specified in regulations) meets such requirements as the Secretary shall establish with respect to tax status, background, experience, business location, and annual financial audits,

"(2) computes its taxable income using an accrual method of accounting unless the Secretary approves another method,

"(3) agrees that it will satisfy the bond and independent financial review requirements of subsection (c) on an ongoing basis,

"(4) agrees that it will satisfy such reporting obligations as may be imposed by the Secretary,

"(5) agrees to verify on such periodic basis as the Secretary may prescribe that it continues to meet the requirements of this subsection, and

"(6) agrees to notify the Secretary in writing within such time as the Secretary may prescribe of any change that materially affects whether it continues to meet the requirements of this subsection.

"(c) BOND AND INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—

"(1) IN GENERAL.—An organization meets the requirements of this paragraph if such organization—

"(A) meets the bond requirements of paragraph (2), and

"(B) meets the independent financial review requirements of paragraph (3).

"(2) BOND.—

"(A) IN GENERAL.—A certified professional employer organization meets the requirements of this paragraph if the organization has posted a bond for the payment of taxes under subtitle C (in a form acceptable to the Secretary) in an amount at least equal to the amount specified in subparagraph (B).

"(B) AMOUNT OF BOND.—For the period April 1 of any calendar year through March 31 of the following calendar year, the amount of the bond required is equal to the greater of—

"(i) 5 percent of the organization's liability under section 3511 for taxes imposed by subtitle C during the preceding calendar year (but not to exceed $1,000,000), or

"(ii) $50,000.

"(3) INDEPENDENT FINANCIAL REVIEW REQUIREMENTS.—A certified professional employer organization meets the requirements of this paragraph if such organization—

"(A) has, as of the most recent review date, caused to be prepared and provided to the Secretary (in such manner as the Secretary may prescribe) an opinion of an independent certified public accountant that the certified professional employer organization's financial statements are presented fairly in accordance with generally accepted accounting principles, and

"(B) provides, not later than the last day of the second month beginning after the end of each calendar quarter, to the Secretary from an independent certified public accountant an assertion regarding Federal employment tax payments and an examination level attestation on such assertion.

Such assertion shall state that the organization has withheld and made deposits of all taxes imposed by chapters 21, 22, and 24 of the Internal Revenue Code in accordance with regulations imposed by the Secretary for such calendar quarter and such examination level attestation shall state that such assertion is fairly stated, in all material respects.

"(4) CONTROLLED GROUP RULES.—For purposes of the requirements of paragraphs (2) and (3), all professional employer organizations that are members of a controlled group within the meaning of sections 414(b) and (c) shall be treated as a single organization.

"(5) FAILURE TO FILE ASSERTION AND ATTESTATION.—If the certified professional employer organization fails to file the assertion and attestation required by paragraph (3) with respect to any calendar quarter, then the requirements of paragraph (3) with respect to such failure shall be treated as not satisfied for the period beginning on the due date for such attestation.

"(6) REVIEW DATE.—For purposes of paragraph (3)(A), the review date shall be 6 months after the completion of the organization's fiscal year.

"(d) SUSPENSION AND REVOCATION AUTHORITY.—The Secretary may suspend or revoke a certification of any person under subsection (b) for purposes of section 3511 if the Secretary determines that such person is not satisfying the representations or requirements of subsections (b) or (c), or fails to satisfy applicable accounting, reporting, payment, or deposit requirements.

"(e) WORK SITE EMPLOYEE.—For purposes of this title—

"(1) IN GENERAL.—The term 'work site employee' means, with respect to a certified professional employer organization, an individual who—

"(A) performs services for a customer pursuant to a contract which is between such customer and the certified professional employer organization and which meets the requirements of paragraph (2), and

"(B) performs services at a work site meeting the requirements of paragraph (3).

"(2) SERVICE CONTRACT REQUIREMENTS.—A contract meets the requirements of this paragraph with respect to an individual performing services for a customer if such contract is in writing and provides that the certified professional employer organization shall—

"(A) assume responsibility for payment of wages to such individual, without regard to the receipt or adequacy of payment from the customer for such services,

"(B) assume responsibility for reporting, withholding, and paying any applicable taxes under subtitle C, with respect to such individual's wages, without regard to the receipt or adequacy of payment from the customer for such services,

"(C) assume responsibility for any employee benefits which the service contract may require the organization to provide, without regard to the receipt or adequacy of payment from the customer for such services,

"(D) assume responsibility for hiring, firing, and recruiting workers in addition to the customer's responsibility for hiring, firing and recruiting workers,

"(E) maintain employee records relating to such individual, and

"(F) agree to be treated as a certified professional employer organization for purposes of section 3511 with respect to such individual.

"(3) WORK SITE COVERAGE REQUIREMENT.—The requirements of this paragraph are met with respect to an individual if at least 85 percent of the individuals performing services for the customer at the work site where such individual performs services are subject to 1 or more contracts with the certified professional employer organization which meet the requirements of paragraph (2) (but not taking into account those individuals who are excluded employees within the meaning of section 414(q)(5)).

"(f) DETERMINATION OF EMPLOYMENT STATUS.—Except to the extent necessary for purposes of section 3511, nothing in this section shall be construed to affect the determination of who is an employee or employer for purposes of this title.

"(g) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(c) CONFORMING AMENDMENTS.—

(1) Section 3302 is amended by adding at the end the following new subsection:

"(h) TREATMENT OF CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—If a certified professional employer organization (as defined in section 7705), or a customer of such organization, makes a contribution to the State's unemployment fund with respect to a work site employee, such organization shall be eligible for the credits available under this section with respect to such contribution.".

(2) Section 3303(a) is amended—

(A) by striking the period at the end of paragraph (3) and inserting "; and" and by inserting after paragraph (3) the following new paragraph:

"(4) if the taxpayer is a certified professional employer organization (as defined in section 7705) that is treated as the employer under section 3511, such certified professional employer organization is permitted to collect and remit, in accordance with paragraphs (1), (2), and (3), contributions during the taxable year to the State unemployment fund with respect to a work site employee.", and

(B) in the last sentence—

(i) by striking "paragraphs (1), (2), and (3)" and inserting "paragraphs (1), (2), (3), and (4)", and

(ii) by striking "paragraph (1), (2), or (3)" and inserting "paragraph (1), (2), (3), or (4)".

(3) Section 6053(c) (relating to reporting of tips) is amended by adding at the end the following new paragraph:

"(8) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—For purposes of any report required by this subsection, in the case of a certified professional employer organization that is treated under section 3511 as the employer of a work site employee, the customer with respect to whom a work site employee performs services shall be the employer for purposes of reporting under this section and the certified professional employer organization shall furnish to the customer any information necessary to complete such reporting no later than such time as the Secretary shall prescribe.".

(d) CLERICAL AMENDMENTS.—

(1) The table of sections for chapter 25 is amended by adding at the end the following new item:

"Sec. 3511. Certified professional employer organizations".

(2) The table of sections for chapter 79 is amended by inserting after the item relating to section 7704 the following new item:

"Sec. 7705. Certified professional employer organizations defined".

(e) REPORTING REQUIREMENTS AND OBLIGATIONS.—The Secretary of the Treasury shall develop such reporting and recordkeeping rules, regulations, and procedures as the Secretary determines necessary or appropriate to ensure compliance with the amendments made by this section with respect to entities applying for certification as certified professional employer organizations or entities that have been so certified. Such rules shall be designed in a manner which streamlines, to the extent possible, the application of requirements of such amendments, the exchange of information between a certified professional employer organization and its customers, and the reporting and recordkeeping obligations of the certified professional employer organization.

(f) USER FEES.—Subsection (b) of section 7528 (relating to Internal Revenue Service user fees) is amended by adding at the end the following new paragraph:

"(4) CERTIFIED PROFESSIONAL EMPLOYER ORGANIZATIONS.—The fee charged under the program in connection with the certification by the Secretary of a professional employer organization under section 7705 shall not exceed $500.".

(g) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by this section shall apply with respect to wages for services performed on or after January 1 of the first calendar year beginning more than 12 months after the date of the enactment of this Act.

(2) CERTIFICATION PROGRAM.—The Secretary of the Treasury shall establish the certification program described in section 7705(b) of the Internal Revenue Code of 1986, as added by subsection (b), not later than 6 months before the effective date determined under paragraph (1).

(h) NO INFERENCE.—Nothing contained in this section or the amendments made by this section shall be construed to create any inference with respect to the determination of who is an employee or employer—

(1) for Federal tax purposes (other than the purposes set forth in the amendments made by this section), or

(2) for purposes of any other provision of law.

SEC. 516. ACCELERATED DEPRECIATION FOR INVESTMENT IN HIGH OUT-MIGRATION COUNTIES.

(a) IN GENERAL.—Section 168 (relating to accelerated cost recovery system) is amended by adding at the end the following new subsection:

"(m) RURAL INVESTMENT PROPERTY.—

"(1) IN GENERAL.—For purposes of subsection (a), the applicable recovery period for qualified rural investment property shall be determined in accordance with the table contained in paragraph (2) in lieu of the table contained in subsection (c).

"(2) APPLICABLE RECOVERY PERIOD FOR RURAL INVESTMENT PROPERTY.—For purposes of paragraph (1)—

" **"In the case of:**	**The applicable recovery period is:**
3-year property	2 years
5-year property	3 years
7-year property	4 years
10-year property	6 years
15-year property	9 years
20-year property	12 years
Nonresidential real property ..	22 years.

"(3) QUALIFIED RURAL INVESTMENT PROPERTY DEFINED.—For purposes of this subsection—

"(A) IN GENERAL.—The term 'qualified rural investment property' means property which is property described in the table in paragraph (2) and which is—

"(i) used by the taxpayer predominantly in the active conduct of a trade or business within a high out-migration county,

"(ii) not used or located outside such county on a regular basis,

"(iii) not acquired (directly or indirectly) by the taxpayer from a person who is related to the taxpayer (within the meaning of section 465(b)(3)(C)), and

"(iv) not property (or any portion thereof) placed in service for purposes of operating any racetrack or other facility used for gambling.

"(B) HIGH OUT-MIGRATION COUNTY.—The term 'high out-migration county' means any county which—

"(i) is outside a metropolitan statistical area (defined as such by the Office of Management and Budget), and

"(ii) during the 5-year periods 1990 through 1994 and 1995 through 1999 had a net population loss.

"(4) TERMINATION.—This subsection shall not apply to property placed in service after March 31, 2008.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to property placed in service after the date of the enactment of this Act, the original use of which begins with the taxpayer after such date.

SEC. 517. EXTENSION OF INCREASED EXPENSING FOR QUALIFIED SECTION 179 GULF OPPORTUNITY ZONE PROPERTY.

Paragraph (2) of section 1400N(e) (relating to qualified section 179 Gulf Opportunity Zone property) is amended—

(1) by striking "this subsection, the term" and inserting "this subsection—

"(A) IN GENERAL.—The term", and

(2) by adding at the end the following new subparagraph:

"(B) EXTENSION FOR CERTAIN PROPERTY.—In the case of property substantially all of the use of which is in one or more specified portions of the GO Zone (as defined by subsection (d)(6)), such term shall include section 179 property (as so defined) which is described in subsection (d)(2), determined—

"(i) without regard to subsection (d)(6), and

"(ii) by substituting '2008' for '2007' in subparagraph (A)(v) thereof.".

Subpart B—Subchapter S Provisions

SEC. 521. CAPITAL GAIN OF S CORPORATION NOT TREATED AS PASSIVE INVESTMENT INCOME.

(a) IN GENERAL.—Section 1362(d)(3) is amended by striking subparagraphs (B), (C), (D), (E), and (F) and inserting the following new subparagraph:

"(B) PASSIVE INVESTMENT INCOME DEFINED.—

"(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the term 'passive investment income' means gross receipts derived from royalties, rents, dividends, interest, and annuities.

"(ii) EXCEPTION FOR INTEREST ON NOTES FROM SALES OF INVENTORY.—The term 'passive investment income' shall not include interest on any obligation acquired in the ordinary course of the corporation's trade or business from its sale of property described in section 1221(a)(1).

"(iii) TREATMENT OF CERTAIN LENDING OR FINANCE COMPANIES.—If the S corporation meets the requirements of section 542(c)(6) for the taxable year, the term 'passive investment income' shall not include gross receipts for the taxable year which are derived directly from the active and regular conduct of a lending or finance business (as defined in section 542(d)(1)).

"(iv) TREATMENT OF CERTAIN DIVIDENDS.—If an S corporation holds stock in a C corporation meeting the requirements of section 1504(a)(2), the term 'passive investment income' shall not include dividends from such C corporation to the extent such dividends are attributable to the earnings and profits of such C corporation derived from the active conduct of a trade or business.

"(v) EXCEPTION FOR BANKS, ETC.—In the case of a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), the term 'passive investment income' shall not include—

"(I) interest income earned by such bank or company, or

"(II) dividends on assets required to be held by such bank or company, including stock in the Federal Reserve Bank, the Federal Home Loan Bank, or the Federal Agricultural Mortgage Bank or participation certificates issued by a Federal Intermediate Credit Bank.".

(b) CONFORMING AMENDMENT.—Clause (i) of section 1042(c)(4)(A) is amended by striking "section 1362(d)(3)(C)" and inserting "section 1362(d)(3)(B)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 522. TREATMENT OF BANK DIRECTOR SHARES.

(a) IN GENERAL.—Section 1361 (defining S corporation) is amended by adding at the end the following new subsection:

"(f) RESTRICTED BANK DIRECTOR STOCK.—

"(1) IN GENERAL.—Restricted bank director stock shall not be taken into account as outstanding stock of the S corporation in applying this subchapter (other than section 1368(f)).

"(2) RESTRICTED BANK DIRECTOR STOCK.—For purposes of this subsection, the term 'restricted bank director stock' means stock in a bank (as defined in section 581) or a depository institution holding company (as defined in section 3(w)(1) of the Federal Deposit Insurance Act (12 U.S.C. 1813(w)(1)), if such stock—

"(A) is required to be held by an individual under applicable Federal or State law in order to permit such individual to serve as a director, and

"(B) is subject to an agreement with such bank or company (or a corporation which controls (within the meaning of section 368(c)) such bank or company) pursuant to which the holder is required to sell back such stock (at the same price as the individual acquired such stock) upon ceasing to hold the office of director.

"(3) CROSS REFERENCE.—

"For treatment of certain distributions with respect to restricted bank director stock, see section 1368(f)".

(b) DISTRIBUTIONS.—Section 1368 (relating to distributions) is amended by adding at the end the following new subsection:

"(f) Restricted Bank Director Stock.—If a director receives a distribution (not in part or full payment in exchange for stock) from an S corporation with respect to any restricted bank director stock (as defined in section 1361(f)), the amount of such distribution—

"(1) shall be includible in gross income of the director, and

"(2) shall be deductible by the corporation for the taxable year of such corporation in which or with which ends the taxable year in which such amount in included in the gross income of the director.".

(c) Effective Dates.—

(1) In general.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

(2) Special rule for treatment as second class of stock.—In the case of any taxable year beginning after December 31, 1996, restricted bank director stock (as defined in section 1361(f) of the Internal Revenue Code of 1986, as added by this section) shall not be taken into account in determining whether an S corporation has more than 1 class of stock.

SEC. 523. SPECIAL RULE FOR BANK REQUIRED TO CHANGE FROM THE RESERVE METHOD OF ACCOUNTING ON BECOMING S CORPORATION.

(a) In General.—Section 1361, as amended by this Act, is amended by adding at the end the following new subsection:

"(g) Special Rule for Bank Required To Change From the Reserve Method of Accounting on Becoming S Corporation.—In the case of a bank which changes from the reserve method of accounting for bad debts described in section 585 or 593 for its first taxable year for which an election under section 1362(a) is in effect, the bank may elect to take into account any adjustments under section 481 by reason of such change for the taxable year immediately preceding such first taxable year.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 524. TREATMENT OF THE SALE OF INTEREST IN A QUALIFIED SUBCHAPTER S SUBSIDIARY.

(a) In General.—Subparagraph (C) of section 1361(b)(3) (relating to treatment of terminations of qualified subchapter S subsidiary status) is amended—

(1) by striking "For purposes of this title," and inserting the following:

"(i) In general.—For purposes of this title,", and

(2) by inserting at the end the following new clause:

"(ii) Termination by reason of sale of stock.—If the failure to meet the requirements of subparagraph (B) is by reason of the sale of stock of a corporation which is a qualified subchapter S subsidiary, the sale of such stock shall be treated as if—

"(I) the sale were a sale of an undivided interest in the assets of such corporation (based on the percentage of the corporation's stock sold), and

"(II) the sale were followed by an acquisition by such corporation of all of its assets (and the assumption by such corporation of all of its liabilities) in a transaction to which section 351 applies.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006 .

SEC. 525. ELIMINATION OF ALL EARNINGS AND PROFITS ATTRIBUTABLE TO PRE-1983 YEARS FOR CERTAIN CORPORATIONS.

In the case of a corporation which is—

(1) described in section 1311(a)(1) of the Small Business Job Protection Act of 1996, and

(2) not described in section 1311(a)(2) of such Act,

the amount of such corporation's accumulated earnings and profits (for the first taxable year beginning after the date of the enactment of this Act) shall be reduced by an amount equal to the portion (if any) of such accumulated earnings and profits which were accumulated in any taxable year beginning before January 1, 1983, for which such corporation was an electing small business corporation under subchapter S of the Internal Revenue Code of 1986.

SEC. 526. EXPANSION OF QUALIFYING BENEFICIARIES OF AN ELECTING SMALL BUSINESS TRUST.

(a) No Look Through for Eligibility Purposes.—Clause (v) of section 1361(c)(2)(B) is amended by adding at the end the following new sentence: "This clause shall not apply for purposes of subsection (b)(1)(C).".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 527. DEDUCTIBILITY OF INTEREST EXPENSE ON INDEBTEDNESS INCURRED BY AN ELECTING SMALL BUSINESS TRUST TO ACQUIRE S CORPORATION STOCK.

(a) In General.—Subparagraph (C) of section 641(c)(2) (relating to modifications) is amended by inserting after clause (iii) the following new clause:

"(iv) Any interest expense paid or accrued on indebtedness incurred to acquire stock in an S corporation.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

PART II—REVENUE PROVISIONS

SEC. 531. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) Leases to Foreign Entities.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) Leases to foreign entities.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 532. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) In General.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) Inverted Corporations Treated as Domestic Corporations.—

"(1) In general.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) Special rule for certain transactions occurring after March 20, 2002.—

"(A) In general.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) Special rules.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) Regulations.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 533. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "Or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

SEC. 534. DENIAL OF DEDUCTION FOR CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

(a) IN GENERAL.—Subsection (f) of section 162 (relating to trade or business expenses) is amended to read as follows:

"(f) FINES, PENALTIES, AND OTHER AMOUNTS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), no deduction otherwise allowable shall be allowed under this chapter for any amount paid or incurred (whether by suit, agreement, or otherwise) to, or at the direction of, a government or entity described in paragraph (4) in relation to—

"(A) the violation of any law, or

"(B) an investigation or inquiry into the potential violation of any law which is initiated by such government or entity.

"(2) EXCEPTION FOR AMOUNTS CONSTITUTING RESTITUTION OR PAID TO COME INTO COMPLIANCE WITH LAW.—Paragraph (1) shall not apply to any amount which—

"(A) the taxpayer establishes—

"(i) constitutes restitution (or remediation of property) for damage or harm caused by, or which may be caused by, the violation of any law or the potential violation of any law, or

"(ii) is paid to come into compliance with any law which was violated or involved in the investigation or inquiry, and

"(B) is identified as an amount described in clause (i) or (ii) of subparagraph (A), as the case may be, in the court order or settlement agreement, except that the requirement of this subparagraph shall not apply in the case of any settlement agreement which requires the taxpayer to pay or incur an amount not greater than $1,000,000.

A taxpayer shall not meet the requirements of subparagraph (A) solely by reason an identification under subparagraph (B). This paragraph shall not apply to any amount paid or incurred as reimbursement to the government or entity for the costs of any investigation or litigation unless such amount is paid or incurred for a cost or fee regularly charged for any routine audit or other customary review performed by the government or entity.

"(3) EXCEPTION FOR AMOUNTS PAID OR INCURRED AS THE RESULT OF CERTAIN COURT ORDERS.—Paragraph (1) shall not apply to any amount paid or incurred by order of a court in a suit in which no government or entity described in paragraph (4) is a party.

"(4) CERTAIN NONGOVERNMENTAL REGULATORY ENTITIES.—An entity is described in this paragraph if it is—

"(A) a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) in connection with a qualified board or exchange (as defined in section 1256(g)(7)), or

"(B) to the extent provided in regulations, a nongovernmental entity which exercises self-regulatory powers (including imposing sanctions) as part of performing an essential governmental function.

"(5) EXCEPTION FOR TAXES DUE.—Paragraph (1) shall not apply to any amount paid or incurred as taxes due.".

(b) REPORTING OF DEDUCTIBLE AMOUNTS.—

(1) IN GENERAL.—Subpart B of part III of subchapter A of chapter 61 is amended by inserting after section 6050V the following new section:

"SEC. 6050W. INFORMATION WITH RESPECT TO CERTAIN FINES, PENALTIES, AND OTHER AMOUNTS.

"(a) REQUIREMENT OF REPORTING.—

"(1) IN GENERAL.—The appropriate official of any government or entity which is described in section 162(f)(4) which is involved in a suit or agreement described in paragraph (2) shall make a return in such form as determined by the Secretary setting forth—

"(A) the amount required to be paid as a result of the suit or agreement to which paragraph (1) of section 162(f) applies,

"(B) any amount required to be paid as a result of the suit or agreement which constitutes restitution or remediation of property, and

"(C) any amount required to be paid as a result of the suit or agreement for the purpose of coming into compliance with any law which was violated or involved in the investigation or inquiry.

"(2) SUIT OR AGREEMENT DESCRIBED.—

"(A) IN GENERAL.—A suit or agreement is described in this paragraph if—

"(i) it is—

"(I) a suit with respect to a violation of any law over which the government or entity has authority and with respect to which there has been a court order, or

"(II) an agreement which is entered into with respect to a violation of any law over which the government or entity has authority, or with respect to an investigation or inquiry by the government or entity into the potential violation of any law over which such government or entity has authority, and

"(ii) the aggregate amount involved in all court orders and agreements with respect to the violation, investigation, or inquiry is $600 or more.

"(B) ADJUSTMENT OF REPORTING THRESHOLD.—The Secretary may adjust the $600 amount in subparagraph (A)(ii) as necessary in order to ensure the efficient administration of the internal revenue laws.

"(3) TIME OF FILING.—The return required under this subsection shall be filed not later than—

"(A) 30 days after the date on which a court order is issued with respect to the suit or the date the agreement is entered into, as the case may be, or

"(B) the date specified by the Secretary.

"(b) STATEMENTS TO BE FURNISHED TO INDIVIDUALS INVOLVED IN THE SETTLEMENT.—Every person required to make a return under subsection (a) shall furnish to each person who is a party to the suit or agreement a written statement showing—

"(1) the name of the government or entity, and

"(2) the information supplied to the Secretary under subsection (a)(1).

The written statement required under the preceding sentence shall be furnished to the person at the same time the government or entity provides the Secretary with the information required under subsection (a).

"(c) APPROPRIATE OFFICIAL DEFINED.—For purposes of this section, the term 'appropriate official' means the officer or employee having control of the suit, investigation, or inquiry or the person appropriately designated for purposes of this section.".

(2) CONFORMING AMENDMENT.—The table of sections for subpart B of part III of subchapter A of chapter 61 is amended by inserting after the item relating to section 6050V the following new item:

"Sec. 6050W. Information with respect to certain fines, penalties, and other amounts".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred on or after the date of the enactment of this Act, except that such amendments shall not apply to amounts paid or incurred under any binding order or agreement entered into before such date. Such exception shall not apply to an order or agreement requiring court approval unless the approval was obtained before such date.

SEC. 535. REVISION OF TAX RULES ON EXPATRIATION OF INDIVIDUALS.

(a) IN GENERAL.—Subpart A of part II of subchapter N of chapter 1 is amended by inserting after section 877 the following new section:

"SEC. 877A. TAX RESPONSIBILITIES OF EXPATRIATION.

"(a) GENERAL RULES.—For purposes of this subtitle—

"(1) MARK TO MARKET.—Except as provided in subsections (d) and (f), all property of a covered expatriate to whom this section applies shall be treated as sold on the day before the expatriation date for its fair market value.

"(2) RECOGNITION OF GAIN OR LOSS.—In the case of any sale under paragraph (1)—

"(A) notwithstanding any other provision of this title, any gain arising from such sale shall be taken into account for the taxable year of the sale, and

"(B) any loss arising from such sale shall be taken into account for the taxable year of the sale to the extent otherwise provided by this title, except that section 1091 shall not apply to any such loss.

Proper adjustment shall be made in the amount of any gain or loss subsequently realized for gain or loss taken into account under the preceding sentence.

"(3) EXCLUSION FOR CERTAIN GAIN.—

"(A) IN GENERAL.—The amount which, but for this paragraph, would be includible in the gross income of any individual by reason of this section shall be reduced (but not below zero) by $600,000. For purposes of this paragraph, allocable expatriation gain taken into account under subsection (f)(2) shall be treated in the same manner as an amount required to be includible in gross income.

"(B) COST-OF-LIVING ADJUSTMENT.—

"(i) IN GENERAL.—In the case of an expatriation date occurring in any calendar year after 2007, the $600,000 amount under subparagraph (A) shall be increased by an amount equal to—

"(I) such dollar amount, multiplied by

"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2006' for 'calendar year 1992' in subparagraph (B) thereof.

"(ii) ROUNDING RULES.—If any amount after adjustment under clause (i) is not a multiple of $1,000, such amount shall be rounded to the next lower multiple of $1,000.

"(4) ELECTION TO CONTINUE TO BE TAXED AS UNITED STATES CITIZEN.—

"(A) IN GENERAL.—If a covered expatriate elects the application of this paragraph—

"(i) this section (other than this paragraph and subsection (i)) shall not apply to the expatriate, but

"(ii) in the case of property to which this section would apply but for such election, the expatriate shall be subject to tax under this title in the same manner as if the individual were a United States citizen.

"(B) REQUIREMENTS.—Subparagraph (A) shall not apply to an individual unless the individual—

"(i) provides security for payment of tax in such form and manner, and in such amount, as the Secretary may require,

"(ii) consents to the waiver of any right of the individual under any treaty of the United States which would preclude assessment or collection of any tax which may be imposed by reason of this paragraph, and

"(iii) complies with such other requirements as the Secretary may prescribe.

"(C) ELECTION.—An election under subparagraph (A) shall apply to all property to which this section would apply but for the election and, once made, shall be irrevocable. Such election shall also apply to property the basis of *which is determined in whole or in part by reference to the property with respect to which the election was made.*

"(b) ELECTION TO DEFER TAX.—

"(1) IN GENERAL.—If the taxpayer elects the application of this subsection with respect to any property treated as sold by reason of subsection (a), the payment of the additional tax attributable to such property shall be postponed until the due date of the return for the taxable year in which such property is disposed of (or, in the case of property disposed of in a transaction in which gain is not recognized in whole or in part, until such other date as the Secretary may prescribe).

"(2) DETERMINATION OF TAX WITH RESPECT TO PROPERTY.—For purposes of paragraph (1), the additional tax attributable to any property is an amount which bears the same ratio to the additional tax imposed by this chapter for the taxable year solely by reason of subsection (a) as the gain taken into account under subsection (a) with respect to such property bears to the total gain taken into account under subsection (a) with respect to all property to which subsection (a) applies.

"(3) TERMINATION OF POSTPONEMENT.—No tax may be postponed under this subsection later than the due date for the return of tax imposed by this chapter for the taxable year which includes the date of death of the expatriate (or, if earlier, the time that the security provided with respect to the property fails to meet the requirements of paragraph (4), unless the taxpayer corrects such failure within the time specified by the Secretary).

"(4) SECURITY.—

"(A) IN GENERAL.—No election may be made under paragraph (1) with respect to any property unless adequate security is provided to the Secretary with respect to such property.

"(B) ADEQUATE SECURITY.—For purposes of subparagraph (A), security with respect to any property shall be treated as adequate security if—

"(i) it is a bond in an amount equal to the deferred tax amount under paragraph (2) for the property, or

"(ii) the taxpayer otherwise establishes to the satisfaction of the Secretary that the security is adequate.

"(5) WAIVER OF CERTAIN RIGHTS.—No election may be made under paragraph (1) unless the taxpayer consents to the waiver of any right under any treaty of the United States which would preclude assessment or collection of any tax imposed by reason of this section.

"(6) ELECTIONS.—An election under paragraph (1) shall only apply to property described in the election and, once made, is irrevocable. An election may be made under paragraph (1) with respect to an interest in a trust with respect to which gain is required to be recognized under subsection (f)(1).

"(7) INTEREST.—For purposes of section 6601—

"(A) the last date for the payment of tax shall be determined without regard to the election under this subsection, and

"(B) section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(c) COVERED EXPATRIATE.—For purposes of this section—

"(1) IN GENERAL.—Except as provided in paragraph (2), the term 'covered expatriate' means an expatriate.

"(2) EXCEPTIONS.—An individual shall not be treated as a covered expatriate if—

"(A) the individual—

"(i) became at birth a citizen of the United States and a citizen of another country and, as of the expatriation date, continues to be a citizen of, and is taxed as a resident of, such other country, and

"(ii) has not been a resident of the United States (as defined in section 7701(b)(1)(A)(ii)) during the 5 taxable years ending with the taxable year during which the expatriation date occurs, or

"(B)(i) the individual's relinquishment of United States citizenship occurs before such individual attains age 18½, and

"(ii) the individual has been a resident of the United States (as so defined) for not more than 5 taxable years before the date of relinquishment.

"(d) EXEMPT PROPERTY; SPECIAL RULES FOR PENSION PLANS.—

"(1) EXEMPT PROPERTY.—This section shall not apply to the following:

"(A) UNITED STATES REAL PROPERTY INTERESTS.—Any United States real property interest (as defined in section 897(c)(1)), other than stock of a United States real property holding corporation which does not, on the day before the expatriation date, meet the requirements of section 897(c)(2).

"(B) SPECIFIED PROPERTY.—Any property or interest in property not described in subparagraph (A) which the Secretary specifies in regulations.

"(2) SPECIAL RULES FOR CERTAIN RETIREMENT PLANS.—

"(A) IN GENERAL.—If a covered expatriate holds on the day before the expatriation date any interest in a retirement plan to which this paragraph applies—

"(i) such interest shall not be treated as sold for purposes of subsection (a)(1), but

"(ii) an amount equal to the present value of the expatriate's nonforfeitable accrued benefit shall be treated as having been received by such individual on such date as a distribution under the plan.

"(B) TREATMENT OF SUBSEQUENT DISTRIBUTIONS.—In the case of any distribution on or after the expatriation date to or on behalf of the covered expatriate from a plan from which the expatriate was treated as receiving a distribution under subparagraph (A), the amount otherwise includible in gross income by reason of the subsequent distribution shall be reduced by the excess of the amount includible in gross income under subparagraph (A) over any portion of such amount to which this subparagraph previously applied.

"(C) TREATMENT OF SUBSEQUENT DISTRIBUTIONS BY PLAN.—For purposes of this title, a retirement plan to which this paragraph applies, and any person acting on the plan's behalf, shall treat any subsequent distribution described in subparagraph (B) in the same manner as such distribution would be treated without regard to this paragraph.

"(D) APPLICABLE PLANS.—This paragraph shall apply to—

"(i) any qualified retirement plan (as defined in section 4974(c)),

"(ii) an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A), and

"(iii) to the extent provided in regulations, any foreign pension plan or similar retirement arrangements or programs.

"(e) DEFINITIONS.—For purposes of this section—

"(1) EXPATRIATE.—The term 'expatriate' means—

"(A) any United States citizen who relinquishes citizenship, and

"(B) any long-term resident of the United States who—

"(i) ceases to be a lawful permanent resident of the United States (within the meaning of section 7701(b)(6)), or

"(ii) commences to be treated as a resident of a foreign country under the provisions of a tax treaty between the United States and the foreign country and who does not waive the benefits of such treaty applicable to residents of the foreign country.

"(2) EXPATRIATION DATE.—The term 'expatriation date' means—

"(A) the date an individual relinquishes United States citizenship, or

"(B) in the case of a long-term resident of the United States, the date of the event described in clause (i) or (ii) of paragraph (1)(B).

"(3) RELINQUISHMENT OF CITIZENSHIP.—A citizen shall be treated as relinquishing United States citizenship on the earliest of—

"(A) the date the individual renounces such individual's United States nationality before a diplomatic or consular officer of the United States pursuant to paragraph (5) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(5)),

"(B) the date the individual furnishes to the United States Department of State a signed statement of voluntary relinquishment of United States nationality confirming the performance of an act of expatriation specified in paragraph (1), (2), (3), or (4) of section 349(a) of the Immigration and Nationality Act (8 U.S.C. 1481(a)(1)–(4)),

"(C) the date the United States Department of State issues to the individual a certificate of loss of nationality, or

"(D) the date a court of the United States cancels a naturalized citizen's certificate of naturalization.

Subparagraph (A) or (B) shall not apply to any individual unless the renunciation or voluntary relinquishment is subsequently approved by the issuance to the individual of a certificate of loss of nationality by the United States Department of State.

"(4) LONG-TERM RESIDENT.—The term 'long-term resident' has the meaning given to such term by section 877(e)(2).

"(f) SPECIAL RULES APPLICABLE TO BENEFICIARIES' INTERESTS IN TRUST.—

"(1) IN GENERAL.—Except as provided in paragraph (2), if an individual is determined under paragraph (3) to hold an interest in a trust on the day before the expatriation date—

"(A) the individual shall not be treated as having sold such interest,

"(B) such interest shall be treated as a separate share in the trust, and

"(C)(i) such separate share shall be treated as a separate trust consisting of the assets allocable to such share,

"(ii) the separate trust shall be treated as having sold its assets on the day before the expatriation date for their fair market value and as having distributed all of its assets to the individual as of such time, and

"(iii) the individual shall be treated as having recontributed the assets to the separate trust.

Subsection (a)(2) shall apply to any income, gain, or loss of the individual arising from a distribution described in subparagraph (C)(ii). In determining the amount of such distribution, proper adjustments shall be made for liabilities of the trust allocable to an individual's share in the trust.

"(2) SPECIAL RULES FOR INTERESTS IN QUALIFIED TRUSTS.—

"(A) IN GENERAL.—If the trust interest described in paragraph (1) is an interest in a qualified trust—

"(i) paragraph (1) and subsection (a) shall not apply, and

"(ii) in addition to any other tax imposed by this title, there is hereby imposed on each distribution with respect to such interest a tax in the amount determined under subparagraph (B).

"(B) AMOUNT OF TAX.—The amount of tax under subparagraph (A)(ii) shall be equal to the lesser of—

"(i) the highest rate of tax imposed by section 1(e) for the taxable year which includes the day before the expatriation date, multiplied by the amount of the distribution, or

"(ii) the balance in the deferred tax account immediately before the distribution determined without regard to any increases under subparagraph (C)(ii) after the 30th day preceding the distribution.

"(C) DEFERRED TAX ACCOUNT.—For purposes of subparagraph (B)(ii)—

"(i) OPENING BALANCE.—The opening balance in a deferred tax account with respect to any trust interest is an amount equal to the tax which would have been imposed on the allocable expatriation gain with respect to the trust interest if such gain had been included in gross income under subsection (a).

"(ii) INCREASE FOR INTEREST.—The balance in the deferred tax account shall be increased by the amount of interest determined (on the balance in the account at the time the interest accrues), for periods after the 90th day after the expatriation date, by using the rates and method applicable under section 6621 for underpayments of tax for such periods, except that section 6621(a)(2) shall be applied by substituting '5 percentage points' for '3 percentage points' in subparagraph (B) thereof.

"(iii) DECREASE FOR TAXES PREVIOUSLY PAID.—The balance in the tax deferred account shall be reduced—

"(I) by the amount of taxes imposed by subparagraph (A) on any distribution to the person holding the trust interest, and

"(II) in the case of a person holding a nonvested interest, to the extent provided in regulations, by the amount of taxes imposed by subparagraph (A) on distributions from the trust with respect to nonvested interests not held by such person.

"(D) ALLOCABLE EXPATRIATION GAIN.—For purposes of this paragraph, the allocable expatriation gain with respect to any beneficiary's interest in a trust is the amount of gain which would be allocable to such beneficiary's vested and nonvested interests in the trust if the beneficiary held directly all assets allocable to such interests.

"(E) TAX DEDUCTED AND WITHHELD.—

"(i) IN GENERAL.—The tax imposed by subparagraph (A)(ii) shall be deducted and withheld by the trustees from the distribution to which it relates.

"(ii) EXCEPTION WHERE FAILURE TO WAIVE TREATY RIGHTS.—If an amount may not be deducted and withheld under clause (i) by reason of the distributee failing to waive any treaty right with respect to such distribution—

"(I) the tax imposed by subparagraph (A)(ii) shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax, and

"(II) any other beneficiary of the trust shall be entitled to recover from the distributee the amount of such tax imposed on the other beneficiary.

"(F) DISPOSITION.—If a trust ceases to be a qualified trust at any time, a covered expatriate disposes of an interest in a qualified trust, or a covered expatriate holding an interest in a qualified trust dies, then, in lieu of the tax imposed by subparagraph (A)(ii), there is hereby imposed a tax equal to the lesser of—

"(i) the tax determined under paragraph (1) as if the day before the expatriation date were the date of such cessation, disposition, or death, whichever is applicable, or

"(ii) the balance in the tax deferred account immediately before such date.

Such tax shall be imposed on the trust and each trustee shall be personally liable for the amount of such tax and any other beneficiary of the trust shall be entitled to recover from the covered expatriate or the estate the amount of such tax imposed on the other beneficiary.

"(G) DEFINITIONS AND SPECIAL RULES.—For purposes of this paragraph—

"(i) QUALIFIED TRUST.—The term 'qualified trust' means a trust which is described in section 7701(a)(30)(E).

"(ii) VESTED INTEREST.—The term 'vested interest' means any interest which, as of the day before the expatriation date, is vested in the beneficiary.

"(iii) NONVESTED INTEREST.—The term 'nonvested interest' means, with respect to any beneficiary, any interest in a trust which is not a vested interest. Such interest shall be determined by assuming the maximum exercise of discretion in favor of the beneficiary and the occurrence of all contingencies in favor of the beneficiary.

"(iv) ADJUSTMENTS.—The Secretary may provide for such adjustments to the bases of assets in a trust or a deferred tax account, and the timing of such adjustments, in order to ensure that gain is taxed only once.

"(v) COORDINATION WITH RETIREMENT PLAN RULES.—This subsection shall not apply to an interest in a trust which is part of a retirement plan to which subsection (d)(2) applies.

"(3) DETERMINATION OF BENEFICIARIES' INTEREST IN TRUST.—

"(A) DETERMINATIONS UNDER PARAGRAPH (1).—For purposes of paragraph (1), a beneficiary's interest in a trust shall be based upon all relevant facts and circumstances, including the terms of the trust instrument and any letter of wishes or similar document, historical patterns of trust distributions, and the existence of and functions performed by a trust protector or any similar adviser.

"(B) OTHER DETERMINATIONS.—For purposes of this section—

"(i) CONSTRUCTIVE OWNERSHIP.—If a beneficiary of a trust is a corporation, partnership, trust, or estate, the shareholders, partners, or beneficiaries shall be deemed to be the trust beneficiaries for purposes of this section.

"(ii) TAXPAYER RETURN POSITION.—A taxpayer shall clearly indicate on its income tax return—

"(I) the methodology used to determine that taxpayer's trust interest under this section, and

"(II) if the taxpayer knows (or has reason to know) that any other beneficiary of such trust is using a different methodology to determine such beneficiary's trust interest under this section.

"(g) TERMINATION OF DEFERRALS, ETC.—In the case of any covered expatriate, notwithstanding any other provision of this title—

"(1) any period during which recognition of income or gain is deferred shall terminate on the day before the expatriation date, and

"(2) any extension of time for payment of tax shall cease to apply on the day before the expatriation date and the unpaid portion of such tax shall be due and payable at the time and in the manner prescribed by the Secretary.

"(h) IMPOSITION OF TENTATIVE TAX.—

"(1) IN GENERAL.—If an individual is required to include any amount in gross income under subsection (a) for any taxable year, there is hereby imposed, immediately before the expatriation date, a tax in an amount equal to the amount of tax which would be imposed if the taxable year were a short taxable year ending on the expatriation date.

"(2) DUE DATE.—The due date for any tax imposed by paragraph (1) shall be the 90th day after the expatriation date.

"(3) TREATMENT OF TAX.—Any tax paid under paragraph (1) shall be treated as a payment of the tax imposed by this chapter for the taxable year to which subsection (a) applies.

"(4) DEFERRAL OF TAX.—The provisions of subsection (b) shall apply to the tax imposed by this subsection to the extent attributable to gain includible in gross income by reason of this section.

"(i) SPECIAL LIENS FOR DEFERRED TAX AMOUNTS.—

"(1) IMPOSITION OF LIEN.—

"(A) IN GENERAL.—If a covered expatriate makes an election under subsection (a)(4) or (b) which results in the deferral of any tax imposed by reason of subsection (a), the deferred amount (including any interest, additional amount, addition to tax, assessable penalty, and costs attributable to the deferred amount) shall be a lien in favor of the United States on all property of the expatriate located in the United States (without regard to whether this section applies to the property).

"(B) DEFERRED AMOUNT.—For purposes of this subsection, the deferred amount is the amount of the increase in the covered expatriate's income tax which, but for the election under subsection (a)(4) or (b), would have occurred by reason of this section for the taxable year including the expatriation date.

"(2) PERIOD OF LIEN.—The lien imposed by this subsection shall arise on the expatriation date and continue until—

"(A) the liability for tax by reason of this section is satisfied or has become unenforceable by reason of lapse of time, or

"(B) it is established to the satisfaction of the Secretary that no further tax liability may arise by reason of this section.

"(3) CERTAIN RULES APPLY.—The rules set forth in paragraphs (1), (3), and (4) of section 6324A(d) shall apply with respect to the lien imposed by this subsection as if it were a lien imposed by section 6324A.

"(j) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section.".

(b) INCLUSION IN INCOME OF GIFTS AND BEQUESTS RECEIVED BY UNITED STATES CITIZENS AND RESIDENTS FROM EXPATRIATES.—Section 102 (relating to gifts, etc. not included in gross income) is amended by adding at the end the following new subsection:

"(d) GIFTS AND INHERITANCES FROM COVERED EXPATRIATES.—

"(1) TREATMENT OF GIFTS AND INHERITANCES.—

"(A) IN GENERAL.—Subsection (a) shall not exclude from gross income the value of any property acquired by gift, bequest, devise, or inheritance from a covered expatriate after the expatriation date.

"(B) DETERMINATION OF BASIS.—Notwithstanding sections 1015 or 1022, the basis of any property described in subparagraph (A) in the hands of the donee or the person acquiring such property from the decedent shall be equal to the fair market value of the property at the time of the gift, bequest, devise, or inheritance.

"(2) EXCEPTIONS FOR TRANSFERS OTHERWISE SUBJECT TO ESTATE OR GIFT TAX.—Paragraph (1) shall not apply to any property if either—

"(A) the gift, bequest, devise, or inheritance is—

"(i) shown on a timely filed return of tax imposed by chapter 12 as a taxable gift by the covered expatriate, or

"(ii) included in the gross estate of the covered expatriate for purposes of chapter 11 and shown on a timely filed return of tax imposed by chapter 11 of the estate of the covered expatriate, or

"(B) no such return was timely filed but no such return would have been required to be filed even if the covered expatriate were a citizen or long-term resident of the United States.

"(3) DEFINITIONS.—For purposes of this subsection, any term used in this subsection which is also used in section 877A shall have the same meaning as when used in section 877A.".

(c) DEFINITION OF TERMINATION OF UNITED STATES CITIZENSHIP.—Section 7701(a) is amended by adding at the end the following new paragraph:

"(50) TERMINATION OF UNITED STATES CITIZENSHIP.—

"(A) IN GENERAL.—An individual shall not cease to be treated as a United States citizen before the date on which the individual's citizenship is treated as relinquished under section 877A(e)(3).

"(B) DUAL CITIZENS.—Under regulations prescribed by the Secretary, subparagraph (A) shall not apply to an individual who became at birth a citizen of the United States and a citizen of another country.".

(d) INELIGIBILITY FOR VISA OR ADMISSION TO UNITED STATES.—

(1) IN GENERAL.—Section 212(a)(10)(E) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(10)(E)) is amended to read as follows:

"(E) FORMER CITIZENS NOT IN COMPLIANCE WITH EXPATRIATION REVENUE PROVISIONS.—Any alien who is a former citizen of the United States who relinquishes United States citizenship (within the meaning of section 877A(e)(3) of the Internal Revenue Code of 1986) and who is not in compliance with section 877A of such Code (relating to expatriation) is inadmissible.".

(2) AVAILABILITY OF INFORMATION.—

(A) IN GENERAL.—Section 6103(l) (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE TO DENY VISA OR ADMISSION TO CERTAIN EXPATRIATES.—Upon written request of the Attorney General or the Attorney General's delegate, the Secretary shall disclose whether an individual is in compliance with section 877A (and if not in compliance, any items of noncompliance) to officers and employees of the Federal agency responsible for administering section 212(a)(10)(E) of the Immigration and Nationality Act solely for the purpose of, and to the extent necessary in, administering such section 212(a)(10)(E).".

(B) SAFEGUARDS.—Section 6103(p)(4) (relating to safeguards) is amended by striking "or (20)" each place it appears and inserting "(20), or (21)".

(3) EFFECTIVE DATES.—The amendments made by this subsection shall apply to individuals who relinquish United States citizenship on or after the date of the enactment of this Act.

(e) CONFORMING AMENDMENTS.—

(1) Section 877 is amended by adding at the end the following new subsection:

"(h) APPLICATION.—This section shall not apply to an expatriate (as defined in section 877A(e)) whose expatriation date (as so defined) occurs on or after the date of the enactment of this subsection.".

(2) Section 2107 is amended by adding at the end the following new subsection:

"(f) APPLICATION.—This section shall not apply to any expatriate subject to section 877A.".

(3) Section 2501(a)(3) is amended by adding at the end the following new subparagraph:

"(C) APPLICATION.—This paragraph shall not apply to any expatriate subject to section 877A.".

(4) Section 6039G(a) is amended by inserting "or 877A" after "section 877(b)".

(5) The second sentence of section 6039G(d) is amended by inserting "or who relinquishes United States citizenship (within the meaning of section 877A(e)(3))" after "section 877(a))".

(f) CLERICAL AMENDMENT.—The table of sections for subpart A of part II of subchapter N of chapter 1 is amended by inserting after the item relating to section 877 the following new item:

"Sec. 877A. Tax responsibilities of expatriation".

(g) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in this subsection, the amendments made by this section shall apply to expatriates (within the meaning of section 877A(e) of the Internal Revenue Code of 1986, as added by this section) whose expatriation date (as so defined) occurs on or after the date of the enactment of this Act.

(2) GIFTS AND BEQUESTS.—Section 102(d) of the Internal Revenue Code of 1986 (as added by subsection (b)) shall apply to gifts and bequests received on or after the date of the enactment of this Act, from an individual or the estate of an individual whose expatriation date (as so defined) occurs after such date.

(3) DUE DATE FOR TENTATIVE TAX.—The due date under section 877A(h)(2) of the Internal Revenue Code of 1986, as added by this section, shall in no event occur before the 90th day after the date of the enactment of this Act.

SEC. 536. LIMITATION ON ANNUAL AMOUNTS WHICH MAY BE DEFERRED UNDER NONQUALIFIED DEFERRED COMPENSATION ARRANGEMENTS.

(a) IN GENERAL.—Section 409A(a) of the Internal Revenue Code of 1986 (relating to inclusion of gross income under nonqualified deferred compensation plans) is amended—

(1) by striking "and (4)" in subclause (I) of paragraph (1)(A)(i) and inserting "(4), and (5)", and

(2) by adding at the end the following new paragraph:

"(5) ANNUAL LIMITATION ON AGGREGATE DEFERRED AMOUNTS.—

"(A) LIMITATION.—The requirements of this paragraph are met if the plan provides that the aggregate amount of compensation which is deferred for any taxable year with respect to a participant under the plan may not exceed the applicable dollar amount for the taxable year.

"(B) INCLUSION OF FUTURE EARNINGS.—If an amount is includible under paragraph (1) in the gross income of a participant for any taxable year by reason of any failure to meet the requirements of this paragraph, any income (whether actual or notional) for any subsequent taxable year shall be included in gross income under paragraph (1)(A) in such subsequent taxable year to the extent such income—

"(i) is attributable to compensation (or income attributable to such compensation) required to be included in gross income by reason of such failure (including by reason of this subparagraph), and

"(ii) is not subject to a substantial risk of forfeiture and has not been previously included in gross income.

"(C) AGGREGATION RULE.—For purposes of this paragraph, all nonqualified deferred compensation plans maintained by all employers treated as a single employer under subsection (d)(6) shall be treated as 1 plan.

"(D) APPLICABLE DOLLAR AMOUNT.—For purposes of this paragraph—

"(i) IN GENERAL.—The term 'applicable dollar amount' means, with respect to any participant, the lesser of—

"(I) the average annual compensation which was payable during the base period to the participant by the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) and which was includible in the participant's gross income for taxable years in the base period, or

"(II) $1,000,000.

"(ii) BASE PERIOD.—

"(I) IN GENERAL.—The term 'base period' means, with respect to any computation year, the 5-taxable year period ending with the taxable year preceding the computation year.

"(II) ELECTIONS MADE BEFORE COMPUTATION YEAR.—If, before the beginning of the computation year, an election described in paragraph (4)(B) is made by the participant to have compensation for services performed in the computation year deferred under a nonqualified deferred compensation plan, the base period shall be the 5-taxable year period ending with the taxable year preceding the taxable year in which the election is made.

"(III) COMPUTATION YEAR.—For purposes of this clause, the term 'computation year' means any taxable year of the participant for which the limitation under subparagraph (A) is being determined.

"(IV) SPECIAL RULE FOR EMPLOYEES OF LESS THAN 5 YEARS.—If a participant did not perform services for the employer maintaining the nonqualified deferred compensation plan (or any predecessor of the employer) during the entire 5-taxable year period referred to in subparagraph (A) or (B), only the portion of such period during which the participant performed such services shall be taken into account.".

(b) EFFECTIVE DATE.—

(1) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006, except that—

(A) the amendments shall only apply to amounts deferred after December 31, 2006 (and to earnings on such amounts), and

(B) taxable years beginning on or before December 31, 2006, shall be taken into account in determining the average annual compensation of a participant during any base period for purposes of section 409A(a)(5)(D) of the Internal Revenue Code of 1986 (as added by such amendments).

(2) GUIDANCE RELATING TO CERTAIN EXISTING ARRANGEMENTS.—Not later than 60 days after the date of the enactment of this Act, the Secretary of the Treasury shall issue guidance providing a limited period during which a nonqualified deferred compensation plan adopted before December 31, 2006, may, without violating the requirements of section 409A(a) of such Code, be amended—

(A) to provide that a participant may, no later than December 31, 2007, cancel or modify an outstanding deferral election with regard to all or a portion of amounts deferred after December 31, 2006, to the extent necessary for the plan to meet the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section), but only if amounts subject to the cancellation or modification are, to the extent not previously included in gross income, includible in income of the participant when no longer subject to substantial risk of forfeiture, and

(B) to conform to the requirements of section 409A(a)(5) of such Code (as added by the amendments made by this section) with regard to amounts deferred after December 31, 2006.

SEC. 537. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "5 years" and inserting "10 years".

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$250,000 ($500,000' for '$50,000 ($100,000', and

"(C) '5 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is—

"(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

"(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.".

(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking "the penalty provided in section 6674" and inserting "the penalties provided in sections 6674 and 7203(b)".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "3 years" and inserting "5 years".

(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 538. DOUBLING OF CERTAIN PENALTIES, FINES, AND INTEREST ON UNDERPAYMENTS RELATED TO CERTAIN OFFSHORE FINANCIAL ARRANGEMENTS.

(a) DETERMINATION OF PENALTY.—

(1) IN GENERAL.—Notwithstanding any other provision of law, in the case of an applicable taxpayer—

(A) the determination as to whether any interest or applicable penalty is to be imposed with respect to any arrangement described in paragraph (2), or to any underpayment of Federal income tax attributable to items arising in connection with any such arrangement, shall be made without regard to the rules of subsections (b), (c), and (d) of section 6664 of the Internal Revenue Code of 1986, and

(B) if any such interest or applicable penalty is imposed, the amount of such interest or penalty shall be equal to twice that determined without regard to this section.

(2) APPLICABLE TAXPAYER.—For purposes of this subsection—

(A) IN GENERAL.—The term "applicable taxpayer" means a taxpayer which—

(i) has underreported its United States income tax liability with respect to any item which directly or indirectly involves—

(I) any financial arrangement which in any manner relies on the use of offshore payment mechanisms (including credit, debit, or charge cards) issued by banks or other entities in foreign jurisdictions, or

(II) any offshore financial arrangement (including any arrangement with foreign banks, financial institutions, corporations, partnerships, trusts, or other entities), and

(ii) has neither signed a closing agreement pursuant to the Voluntary Offshore Compliance Initiative established by the Department of the Treasury under Revenue Procedure 2003–11 nor voluntarily disclosed its participation in such arrangement by notifying the Internal Revenue Service of such arrangement prior to the issue being raised by the Internal Revenue Service during an examination.

(B) AUTHORITY TO WAIVE.—The Secretary of the Treasury or the Secretary's delegate may waive the application of paragraph (1) to any taxpayer if the Secretary or the Secretary's delegate determines that the use of such offshore payment mechanisms is incidental to the transaction and, in addition, in the case of a trade or business, such use is conducted in the ordinary course of the type of trade or business of the taxpayer.

(C) ISSUES RAISED.—For purposes of subparagraph (A)(ii), an item shall be treated as an issue raised during an examination if the individual examining the return—

(i) communicates to the taxpayer knowledge about the specific item, or

(ii) has made a request to the taxpayer for information and the taxpayer could not make a complete response to that request without giving the examiner knowledge of the specific item.

(b) APPLICABLE PENALTY.—For purposes of this section, the term "applicable penalty" means any penalty, addition to tax, or fine imposed under chapter 68 of the Internal Revenue Code of 1986.

(c) EFFECTIVE DATE.—The provisions of this section shall apply to interest, penalties, additions to tax, and fines with respect to any taxable year if, as of the date of the enactment of this Act, the assessment of any tax, penalty, or interest with respect to such taxable year is not prevented by the operation of any law or rule of law.

SEC. 539. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) IN GENERAL.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) EFFECTIVE DATE.—The amendments made by this section apply to checks or money orders received after the date of the enactment of this Act.

SEC. 540. TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT INSTRUMENTS.

(a) IN GENERAL.—Section 1275(d) (relating to regulation authority) is amended—

(1) by striking "The Secretary" and inserting the following:

"(1) IN GENERAL.—The Secretary", and

(2) by adding at the end the following new paragraph:

"(2) TREATMENT OF CONTINGENT PAYMENT CONVERTIBLE DEBT.—

"(A) IN GENERAL.—In the case of a debt instrument which—

"(i) is convertible into stock of the issuing corporation, into stock or debt of a related party (within the meaning of section 267(b) or 707(b)(1)), or into cash or other property in an amount equal to the approximate value of such stock or debt, and

"(ii) provides for 1 or more contingent payments,

any regulations which require original issue discount to be determined by reference to the comparable yield of a fixed-rate debt instrument shall be applied as if the regulations require that such comparable yield be determined by reference to a fixed-rate debt instrument which is convertible into stock.

"(B) SPECIAL RULE.—For purposes of subparagraph (A), the comparable yield shall be determined without taking into account the yield resulting from the conversion of a debt instrument into stock.".

(b) CROSS REFERENCE.—Section 163(e)(6) (relating to cross references) is amended by adding at the end the following:

"For the treatment of contingent payment convertible debt, see section 1275(d)(2).".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to debt instruments issued on or after the date of the enactment of this Act.

SEC. 541. EXTENSION OF IRS USER FEES.

Subsection (c) of section 7528 (relating to Internal Revenue Service user fees) is amended by striking "September 30, 2014" and inserting "September 30, 2016".

SEC. 542. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a levy in connection with the collection of taxes under chapter 21, 22, 23, or 24,".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to levies issued on or after the date that is 120 days after the date of the enactment of this Act.

SEC. 543. MODIFICATIONS TO WHISTLEBLOWER REFORMS.

(a) MODIFICATION OF TAX THRESHOLD FOR AWARDS.—Subparagraph (B) of section 7623(b)(5), as added by the Tax Relief and Health Care Act of 2006, is amended by striking "$2,000,000" and inserting "$20,000".

(b) WHISTLEBLOWER OFFICE.—

(1) IN GENERAL.—Section 7623 is amended by adding at the end the following new subsections:

"(c) WHISTLEBLOWER OFFICE.—

"(1) IN GENERAL.—There is established in the Internal Revenue Service an office to be known as the 'Whistleblower Office' which—

"(A) shall at all times operate at the direction of the Commissioner and coordinate and consult with other divisions in the Internal Revenue Service as directed by the Commissioner,

"(B) shall analyze information received from any individual described in subsection (b) and either investigate the matter itself or assign it to the appropriate Internal Revenue Service office,

"(C) shall monitor any action taken with respect to such matter,

"(D) shall inform such individual that it has accepted the individual's information for further review,

"(E) may require such individual and any legal representative of such individual to not disclose any information so provided, "(F) in its sole discretion, may ask for additional assistance from such individual or any legal representative of such individual, and

"(G) shall determine the amount to be awarded to such individual under subsection (b).

"(2) FUNDING FOR OFFICE.—There is authorized to be appropriated $10,000,000 for each fiscal year for the Whistleblower Office. These funds shall be used to maintain the Whistleblower Office and also to reimburse other Internal Revenue Service offices for related costs, such as costs of investigation and collection.

"(3) REQUEST FOR ASSISTANCE.—

"(A) IN GENERAL.—Any assistance requested under paragraph (1)(F) shall be under the direction and control of the Whistleblower Office or the office assigned to investigate the matter under subparagraph (A). No individual or legal representative whose assistance is so requested may by reason of such request represent himself or herself as an employee of the Federal Government.

"(B) FUNDING OF ASSISTANCE.—From the amounts available for expenditure under subsection (b), the Whistleblower Office may, with the agreement of the individual described in subsection (b), reimburse the costs incurred by any legal representative of such individual in providing assistance described in subparagraph (A).

"(d) REPORTS.—The Secretary shall each year conduct a study and report to Congress on the use of this section, including—

"(1) an analysis of the use of this section during the preceding year and the results of such use, and

"(2) any legislative or administrative recommendations regarding the provisions of this section and its application.".

(2) CONFORMING AMENDMENT.—Section 406 of division A of the Tax Relief and Health Care Act of 2006 is amended by striking subsections (b) and (c).

(3) REPORT ON IMPLEMENTATION.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall submit to Congress a report on the establishment and operation of the Whistleblower Office under section 7623(c) of the Internal Revenue Code of 1986.

(c) PUBLICITY OF AWARD APPEALS.—Paragraph (4) of section 7623(b), as added by the Tax Relief and Health Care Act of 2006, is amended to read as follows:

"(4) APPEAL OF AWARD DETERMINATION.—

"(A) IN GENERAL.—Any determination regarding an award under paragraph (1), (2), or (3) may, within 30 days of such determination, be appealed to the Tax Court (and the Tax Court shall have jurisdiction with respect to such matter).

"(B) PUBLICITY OF APPEALS.—Notwithstanding sections 7458 and 7461, the Tax Court may, in order to preserve the anonymity, privacy, or confidentiality of any person under this subsection, provide by rules adopted under section 7453 that portions of filings, hearings, testimony, evidence, and reports in connection with proceedings under this subsection may be closed to the public or to inspection by the public.".

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this section shall apply to information provided on or after the date of the enactment of this Act.

(2) PUBLICITY OF AWARD APPEALS.—The amendment made by subsection (c) shall take effect as if included in the amendments made by section 406 of the Tax Relief and Health Care Act of 2006.

SEC. 544. MODIFICATIONS OF DEFINITION OF EMPLOYEES COVERED BY DENIAL OF DEDUCTION FOR EXCESSIVE EMPLOYEE REMUNERATION.

(a) IN GENERAL.—Paragraph (3) of section 162(m) is amended to read as follows:

"(3) COVERED EMPLOYEE.—For purposes of this subsection, the term 'covered employee' means, with respect to any taxpayer for any taxable year, an individual who—

"(A) was the chief executive officer of the taxpayer, or an individual acting in such a capacity, at any time during the taxable year,

"(B) is 1 of the 4 highest compensated officers of the taxpayer for the taxable year (other than the individual described in subparagraph (A)), or

"(C) was a covered employee of the taxpayer (or any predecessor) for any preceding taxable year beginning after December 31, 2006.

"In the case of an individual who was a covered employee for any taxable year beginning after December 31, 2006, the term 'covered employee' shall include a beneficiary of such employee with respect to any remuneration for services performed by such employee as a covered employee (whether or not such services are performed during the taxable year in which the remuneration is paid).".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 545. INCREASE IN AGE OF MINOR CHILDREN WHOSE UNEARNED INCOME IS TAXED AS IF PARENT'S INCOME.

(a) IN GENERAL.—Subparagraph (A) of section 1(g)(2) (relating to child to whom subsection applies) is amended to read as follows:

"(A) such child—

"(i) has not attained age 18 before the close of the taxable year, or

"(ii)(I) has attained age 18 before the close of the taxable year and meets the age requirements of section 152(c)(3) (determined without regard to subparagraph (B) thereof), and

"(II) whose earned income (as defined in section 911(d)(2)) for such taxable year does not exceed one-half of the amount of the individual's support (within the meaning of section 152(c)(1)(D) after the application of section 152(f)(5) (without regard to subparagraph (A) thereof) for such taxable year,".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 546. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 547. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 548. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 549. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

"(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

"(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

"(ii) solely for the purposes described in subparagraph (C).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

"(i) preventing the filing of false or fraudulent returns; and

"(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.".

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking "(14), or (17)" in the matter before subparagraph (A) and inserting "(14), (17), or (22)", and

(B) by striking "(9), or (16)" in subparagraph (F)(i) and inserting "(9), (16), or (22)".

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.".

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 550. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) APPLICATION OF RETURN PREPARER PENALTIES TO ALL TAX RETURNS.—

(1) DEFINITION OF TAX RETURN PREPARER.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) CONFORMING AMENDMENTS.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) MODIFICATION OF PENALTY FOR UNDERSTATEMENT OF TAXPAYER'S LIABILITY BY TAX RETURN PREPARER.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) UNDERSTATEMENT DUE TO UNREASONABLE POSITIONS.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) UNREASONABLE POSITION.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or

"(ii) there was no reasonable basis for the position.

"(3) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) UNDERSTATEMENT DUE TO WILLFUL OR RECKLESS CONDUCT.—

"(1) IN GENERAL.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Willful or reckless conduct.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) Reduction in penalty.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 551. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) In General.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) Civil Penalty.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) Excessive Amount.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) Coordination With Other Penalties.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(b) Conforming Amendment.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) Effective Date.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

SEC. 552. SUSPENSION OF CERTAIN PENALTIES AND INTEREST.

(a) In General.—Paragraphs (1)(A) and (3)(A) of section 6404(g) are each amended by striking "18-month period" and inserting "36-month period".

(b) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to notices provided by the Secretary of the Treasury, or his delegate after the date which is 6 months after the date of the enactment of this Act.

(2) Exception for certain taxpayers.—The amendments made by this section shall not apply to any taxpayer with respect to whom a suspension of any interest, penalty, addition to tax, or other amount is in effect on the date which is 6 months after the date of the enactment of this Act.

SEC. 553. ADDITIONAL REASONS FOR SECRETARY TO TERMINATE INSTALLMENT AGREEMENTS.

(a) In General.—Section 6159(b)(4) (relating to failure to pay an installment or any other tax liability when due or to provide requested financial information) is amended by striking "or" at the end of subparagraph (B), by redesignating subparagraph (C) as subparagraph (E), and by inserting after subparagraph (B) the following new subparagraphs:

"(C) to make a Federal tax deposit under section 6302 at the time such deposit is required to be made,

"(D) to file a return of tax imposed under this title by its due date (including extensions), or".

(b) Conforming Amendment.—The heading for paragraph (4) of section 6159(b) is amended by striking "FAILURE TO PAY AN INSTALLMENT OR ANY OTHER TAX LIABILITY WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION" and inserting "FAILURE TO MAKE PAYMENTS OR DEPOSITS OR FILE RETURNS WHEN DUE OR TO PROVIDE REQUESTED FINANCIAL INFORMATION".

(c) Effective Date.—The amendments made by this section shall apply to failures occurring on or after the date of the enactment of this Act.

SEC. 554. OFFICE OF CHIEF COUNSEL REVIEW OF OFFERS-IN-COMPROMISE.

(a) In General.—Section 7122(b) (relating to record) is amended by striking "Whenever a compromise" and all that follows through "his delegate, with his reasons therefor" and inserting "If the Secretary determines that an opinion of the General Counsel for the Department of the Treasury, or the Counsel's delegate, is required with respect to a compromise, there shall be placed on file in the office of the Secretary such opinion, with the reasons therefor".

(b) Conforming Amendments.—Section 7122(b) is amended by striking the second and third sentences.

(c) Effective Date.—The amendments made by this section shall apply to offers-in-compromise submitted or pending on or after the date of the enactment of this Act.

SEC. 555. AUTHORIZATION FOR FINANCIAL MANAGEMENT SERVICE RETENTION OF TRANSACTION FEES FROM LEVIED AMOUNTS.

(a) In General.—Subsection (h) of section 6331 (relating to continuing levy on certain payments) is amended by adding at the end the following new paragraph:

"(4) Imposition of financial management services transaction fees.—If the Secretary approves a levy under this subsection, the Secretary may impose on the taxpayer a transaction fee sufficient to cover the full cost of implementing the levy under this subsection. Such fee—

"(A) shall be treated as an expense under section 6341,

"(B) may be collected through a levy under this subsection, and

"(C) shall be in addition to the amount of tax liability with respect to which such levy was approved.".

(b) Retention of Fees by Financial Management Service.—The Financial Management Service may retain the amount of any transaction fee imposed under section 6331(h)(4) of the Internal Revenue Code of 1986. Any amount retained by the Financial Management Service under that section shall be deposited into the account of the Department of the Treasury under section 3711(g)(7) of title 31, United States Code.

(c) Effective Date.—The amendment made by this section shall apply to amounts levied after the date of the enactment of this Act.

SEC. 556. AUTHORITY FOR UNDERCOVER OPERATIONS.

Paragraph (6) of section 7608(c) (relating to application of section) is amended by striking "2007" both places it appears and inserting "2008".

SEC. 557. INCREASE IN PENALTY EXCISE TAXES ON THE POLITICAL AND EXCESS LOBBYING ACTIVITIES OF SECTION 501(c)(3) ORGANIZATIONS.

(a) Taxes on Disqualifying Lobbying Expenditures of Certain Organizations.—

(1) In general.—Section 4912(a) (relating to tax on organization) is amended by striking "5 percent" and inserting "10 percent".

(2) Tax on management.—Section 4912(b) is amended by striking "5 percent" and inserting "10 percent".

(b) Taxes on Political Expenditures of Section 501(c)(3) Organizations.—

(1) In general.—Section 4955(a) (relating to initial taxes) is amended—

(A) in paragraph (1), by striking "10 percent" and inserting "20 percent", and

(B) in paragraph (2), by striking "2½ percent" and inserting "5 percent".

(2) Increased limitation for managers.—Section 4955(c)(2) is amended—

(A) by striking "$5,000" and inserting "$10,000", and

(B) by striking "$10,000" and inserting "$20,000".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 558. INCREASED PENALTY FOR FAILURE TO FILE FOR EXEMPT ORGANIZATIONS.

(a) In General.—Subparagraph (A) of section 6652(c)(1) (relating to annual returns under section 6033(a)(1) or 6012(a)(6)) is amended by adding at the end the following new sentence: "In the case of an organization having gross receipts exceeding $25,000,000 for any year, with respect to the return so required, the first sentence of this subparagraph shall be applied by substituting '$250' for '$20' and, in lieu of applying the second sentence of this subparagraph, the maximum penalty under this subparagraph shall not exceed $125,000.".

(b) Conforming Amendment.—The third sentence of section 6652(c)(1)(A) is amended by inserting "but not exceeding $25,000,000" after "$1,000,000".

(c) Effective Date.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 559. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) In General.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) In General.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) INCREASED PENALTIES FOR TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $100,000,000.—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $1,000,000 AND $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

PART III—GENERAL PROVISIONS

SEC. 561. ENHANCED COMPLIANCE ASSISTANCE FOR SMALL BUSINESSES.

(a) IN GENERAL.—Section 212 of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by striking subsection (a) and inserting the following:

"(a) COMPLIANCE GUIDE.—

"(1) IN GENERAL.—For each rule or group of related rules for which an agency is required to prepare a final regulatory flexibility analysis under section 605(b) of title 5, United States Code, the agency shall publish 1 or more guides to assist small entities in complying with the rule and shall entitle such publications 'small entity compliance guides'.

"(2) PUBLICATION OF GUIDES.—The publication of each guide under this subsection shall include—

"(A) the posting of the guide in an easily identified location on the website of the agency; and

"(B) distribution of the guide to known industry contacts, such as small entities, associations, or industry leaders affected by the rule.

"(3) PUBLICATION DATE.—An agency shall publish each guide (including the posting and distribution of the guide as described under paragraph (2))—

"(A) on the same date as the date of publication of the final rule (or as soon as possible after that date); and

"(B) not later than the date on which the requirements of that rule become effective.

"(4) COMPLIANCE ACTIONS.—

"(A) IN GENERAL.—Each guide shall explain the actions a small entity is required to take to comply with a rule.

"(B) EXPLANATION.—The explanation under subparagraph (A)—

"(i) shall include a description of actions needed to meet the requirements of a rule, to enable a small entity to know when such requirements are met; and

"(ii) if determined appropriate by the agency, may include a description of possible procedures, such as conducting tests, that may assist a small entity in meeting such requirements, except that, compliance with any procedures described pursuant to this section does not establish compliance with the rule, or establish a presumption or inference of such compliance.

"(C) PROCEDURES.—Procedures described under subparagraph (B)(ii)—

"(i) shall be suggestions to assist small entities; and

"(ii) shall not be additional requirements, or diminish requirements, relating to the rule.

"(5) AGENCY PREPARATION OF GUIDES.—The agency shall, in its sole discretion, taking into account the subject matter of the rule and the language of relevant statutes, ensure that the guide is written using sufficiently plain language likely to be understood by affected small entities. Agencies may prepare separate guides covering groups or classes of similarly affected small entities and may cooperate with associations of small entities to develop and distribute such guides. An agency may prepare guides and apply this section with respect to a rule or a group of related rules.

"(6) REPORTING.—Not later than 1 year after the date of enactment of the Fair Minimum Wage Act of 2007, and annually thereafter, the head of each agency shall submit a report to the Committee on Small Business and Entrepreneurship of the Senate, the Committee on Small Business of the House of Representatives, and any other committee of relevant jurisdiction describing the status of the agency's compliance with paragraphs (1) through (5).".

(b) TECHNICAL AND CONFORMING AMENDMENT.—Section 211(3) of the Small Business Regulatory Enforcement Fairness Act of 1996 (5 U.S.C. 601 note) is amended by inserting "and entitled" after "designated".

SEC. 562. SMALL BUSINESS CHILD CARE GRANT PROGRAM.

(a) ESTABLISHMENT.—The Secretary of Health and Human Services (referred to in this section as the "Secretary") shall establish a program to award grants to States, on a competitive basis, to assist States in providing funds to encourage the establishment and operation of employer-operated child care programs.

(b) APPLICATION.—To be eligible to receive a grant under this section, a State shall prepare and submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including an assurance that the funds required under subsection (e) will be provided.

(c) AMOUNT AND PERIOD OF GRANT.—The Secretary shall determine the amount of a grant to a State under this section based on the population of the State as compared to the population of all States receiving grants under this section. The Secretary shall make the grant for a period of 3 years.

(d) USE OF FUNDS.—

(1) IN GENERAL.—A State shall use amounts provided under a grant awarded under this section to provide assistance to small businesses (or consortia formed in accordance with paragraph (3)) located in the State to enable the small businesses (or consortia) to establish and operate child care programs. Such assistance may include—

(A) technical assistance in the establishment of a child care program;

(B) assistance for the startup costs related to a child care program;

(C) assistance for the training of child care providers;

(D) scholarships for low-income wage earners;

(E) the provision of services to care for sick children or to provide care to school-aged children;

(F) the entering into of contracts with local resource and referral organizations or local health departments;

(G) assistance for care for children with disabilities;

(H) payment of expenses for renovation or operation of a child care facility; or

(I) assistance for any other activity determined appropriate by the State.

(2) APPLICATION.—In order for a small business or consortium to be eligible to receive assistance from a State under this section, the small business involved shall prepare and submit to the State an application at such time, in such manner, and containing such information as the State may require.

(3) PREFERENCE.—

(A) IN GENERAL.—In providing assistance under this section, a State shall give priority to an applicant that desires to form a consortium to provide child care in a geographic area within the State where such care is not generally available or accessible.

(B) CONSORTIUM.—For purposes of subparagraph (A), a consortium shall be made up of 2 or more entities that shall include small businesses and that may include large businesses, nonprofit agencies or organizations, local governments, or other appropriate entities.

(4) LIMITATIONS.—With respect to grant funds received under this section, a State may not provide in excess of $500,000 in assistance from such funds to any single applicant.

(e) MATCHING REQUIREMENT.—To be eligible to receive a grant under this section, a State shall provide assurances to the Secretary that, with respect to the costs to be incurred by a covered entity receiving assistance in carrying out activities under this section, the covered entity will make available (directly or through donations from public or private entities) non-Federal contributions to such costs in an amount equal to—

(1) for the first fiscal year in which the covered entity receives such assistance, not less than 50 percent of such costs ($1 for each $1 of assistance provided to the covered entity under the grant);

(2) for the second fiscal year in which the covered entity receives such assistance, not less than 66⅔ percent of such costs ($2 for each $1 of assistance provided to the covered entity under the grant); and

(3) for the third fiscal year in which the covered entity receives such assistance, not less

than 75 percent of such costs ($3 for each $1 of assistance provided to the covered entity under the grant).

(f) REQUIREMENTS OF PROVIDERS.—To be eligible to receive assistance under a grant awarded under this section, a child care provider—

(1) who receives assistance from a State shall comply with all applicable State and local licensing and regulatory requirements and all applicable health and safety standards in effect in the State; and

(2) who receives assistance from an Indian tribe or tribal organization shall comply with all applicable regulatory standards.

(g) STATE-LEVEL ACTIVITIES.—A State may not retain more than 3 percent of the amount described in subsection (c) for State administration and other State-level activities.

(h) ADMINISTRATION.—

(1) STATE RESPONSIBILITY.—A State shall have responsibility for administering a grant awarded for the State under this section and for monitoring covered entities that receive assistance under such grant.

(2) AUDITS.—A State shall require each covered entity receiving assistance under the grant awarded under this section to conduct an annual audit with respect to the activities of the covered entity. Such audits shall be submitted to the State.

(3) MISUSE OF FUNDS.—

(A) REPAYMENT.—If the State determines, through an audit or otherwise, that a covered entity receiving assistance under a grant awarded under this section has misused the assistance, the State shall notify the Secretary of the misuse. The Secretary, upon such a notification, may seek from such a covered entity the repayment of an amount equal to the amount of any such misused assistance plus interest.

(B) APPEALS PROCESS.—The Secretary shall by regulation provide for an appeals process with respect to repayments under this paragraph.

(i) REPORTING REQUIREMENTS.—

(1) 2-YEAR STUDY.—

(A) IN GENERAL.—Not later than 2 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine—

(i) the capacity of covered entities to meet the child care needs of communities within States;

(ii) the kinds of consortia that are being formed with respect to child care at the local level to carry out programs funded under this section; and

(iii) who is using the programs funded under this section and the income levels of such individuals.

(B) REPORT.—Not later than 28 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(2) 4-YEAR STUDY.—

(A) IN GENERAL.—Not later than 4 years after the date on which the Secretary first awards grants under this section, the Secretary shall conduct a study to determine the number of child care facilities that are funded through covered entities that received assistance through a grant awarded under this section and that remain in operation, and the extent to which such facilities are meeting the child care needs of the individuals served by such facilities.

(B) REPORT.—Not later than 52 months after the date on which the Secretary first awards grants under this section, the Secretary shall prepare and submit to the appropriate committees of Congress a report on the results of the study conducted in accordance with subparagraph (A).

(j) DEFINITIONS.—In this section:

(1) COVERED ENTITY.—The term "covered entity" means a small business or a consortium formed in accordance with subsection (d)(3).

(2) INDIAN COMMUNITY.—The term "Indian community" means a community served by an Indian tribe or tribal organization.

(3) INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms "Indian tribe" and "tribal organization" have the meanings given the terms in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(4) SMALL BUSINESS.—The term "small business" means an employer who employed an average of at least 2 but not more than 50 employees on the business days during the preceding calendar year.

(5) STATE.—The term "State" has the meaning given the term in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(k) APPLICATION TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—In this section:

(1) IN GENERAL.—Except as provided in subsection (f)(1), and in paragraphs (2) and (3), the term "State" includes an Indian tribe or tribal organization.

(2) GEOGRAPHIC REFERENCES.—The term "State" includes an Indian community in subsections (c) (the second and third place the term appears), (d)(1) (the second place the term appears), (d)(3)(A) (the second place the term appears), and (i)(1)(A)(i).

(3) STATE-LEVEL ACTIVITIES.—The term "State-level activities" includes activities at the tribal level.

(l) AUTHORIZATION OF APPROPRIATIONS.—

(1) IN GENERAL.—There is authorized to be appropriated to carry out this section, $50,000,000 for the period of fiscal years 2008 through 2012.

(2) STUDIES AND ADMINISTRATION.—With respect to the total amount appropriated for such period in accordance with this subsection, not more than $2,500,000 of that amount may be used for expenditures related to conducting studies required under, and the administration of, this section.

(m) TERMINATION OF PROGRAM.—The program established under subsection (a) shall terminate on September 30, 2012.

SEC. 563. STUDY OF UNIVERSAL USE OF ADVANCE PAYMENT OF EARNED INCOME CREDIT.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to Congress on a study of the benefits, costs, risks, and barriers to workers and to businesses (with a special emphasis on small businesses) if the advance earned income tax credit program (under section 3507 of the Internal Revenue Code of 1986) included all recipients of the earned income tax credit (under section 32 of such Code) and what steps would be necessary to implement such inclusion.

SEC. 564. SENSE OF THE SENATE CONCERNING PERSONAL SAVINGS.

(a) FINDINGS.—The Senate finds that—

(1) the personal saving rate in the United States is at its lowest point since the Great Depression, with the rate having fallen into negative territory;

(2) the United States ranks at the bottom of the Group of Twenty (G–20) nations in terms of net national saving rate;

(3) approximately half of all the working people of the United States work for an employer that does not offer any kind of retirement plan;

(4) existing savings policies enacted by Congress provide limited incentives to save for low- and moderate-income families; and

(5) the Social Security program was enacted to serve as the safest component of a retirement system that also includes employer-sponsored retirement plans and personal savings.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that—

(1) Congress should enact policies that promote savings vehicles for retirement that are simple, easily accessible and provide adequate financial security for all the people of the United States;

(2) it is important to begin retirement saving as early as possible to take full advantage of the power of compound interest; and

(3) regularly contributing money to a financially-sound investment account is one important method for helping to achieve one's retirement goals.

SEC. 565. RENEWAL GRANTS FOR WOMEN'S BUSINESS CENTERS.

(a) IN GENERAL.—Section 29 of the Small Business Act (15 U.S.C. 656) is amended by adding at the end the following:

"(m) CONTINUED FUNDING FOR CENTERS.—

"(1) IN GENERAL.—A nonprofit organization described in paragraph (2) shall be eligible to receive, subject to paragraph (3), a 3-year grant under this subsection.

"(2) APPLICABILITY.—A nonprofit organization described in this paragraph is a nonprofit organization that has received funding under subsection (b) or (l).

"(3) APPLICATION AND APPROVAL CRITERIA.—

"(A) CRITERIA.—Subject to subparagraph (B), the Administrator shall develop and publish criteria for the consideration and approval of applications by nonprofit organizations under this subsection.

"(B) CONTENTS.—Except as otherwise provided in this subsection, the conditions for participation in the grant program under this subsection shall be the same as the conditions for participation in the program under subsection (l), as in effect on the date of enactment of this Act.

"(C) NOTIFICATION.—Not later than 60 days after the date of the deadline to submit applications for each fiscal year, the Administrator shall approve or deny any application under this subsection and notify the applicant for each such application.

"(4) AWARD OF GRANTS.—

"(A) IN GENERAL.—Subject to the availability of appropriations, the Administrator shall make a grant for the Federal share of the cost of activities described in the application to each applicant approved under this subsection.

"(B) AMOUNT.—A grant under this subsection shall be for not more than $150,000, for each year of that grant.

"(C) FEDERAL SHARE.—The Federal share under this subsection shall be not more than 50 percent.

"(D) PRIORITY.—In allocating funds made available for grants under this section, the Administrator shall give applications under this subsection or subsection (l) priority over first-time applications under subsection (b).

"(5) RENEWAL.—

"(A) IN GENERAL.—The Administrator may renew a grant under this subsection for additional 3-year periods, if the nonprofit organization submits an application for such renewal at such time, in such manner, and accompanied by such information as the Administrator may establish.

"(B) UNLIMITED RENEWALS.—There shall be no limitation on the number of times a grant may be renewed under subparagraph (A).

"(n) PRIVACY REQUIREMENTS.—

"(1) IN GENERAL.—A women's business center may not disclose the name, address, or telephone number of any individual or small business concern receiving assistance under this section without the consent of such individual or small business concern, unless—

"(A) the Administrator is ordered to make such a disclosure by a court in any civil or criminal enforcement action initiated by a Federal or State agency; or

"(B) the Administrator considers such a disclosure to be necessary for the purpose of conducting a financial audit of a women's business center, but a disclosure under this subparagraph shall be limited to the information necessary for such audit.

"(2) ADMINISTRATION USE OF INFORMATION.—This subsection shall not—

"(A) restrict Administration access to program activity data; or

"(B) prevent the Administration from using client information (other than the information described in subparagraph (A)) to conduct client surveys.

"(3) REGULATIONS.—The Administrator shall issue regulations to establish standards for requiring disclosures during a financial audit under paragraph (1)(B).".

(b) REPEAL.—Section 29(l) of the Small Business Act (15 U.S.C. 656(l)) is repealed effective October 1 of the first full fiscal year after the date of enactment of this Act.

(c) TRANSITIONAL RULE.—Notwithstanding any other provision of law, a grant or cooperative agreement that was awarded under subsection (l) of section 29 of the Small Business Act (15 U.S.C. 656), on or before the day before the date described in subsection (b) of this section, shall remain in full force and effect under the terms, and for the duration, of such grant or agreement.

SEC. 566. REPORTS ON ACQUISITIONS OF ARTICLES, MATERIALS, AND SUPPLIES MANUFACTURED OUTSIDE THE UNITED STATES.

Section 2 of the Buy American Act (41 U.S.C. 10a) is amended—

(1) by striking "Notwithstanding" and inserting the following:

"(a) IN GENERAL.—Notwithstanding"; and

(2) by adding at the end the following:

"(b) REPORTS.—

"(1) IN GENERAL.—Not later than 180 days after the end of each of fiscal years 2007 through 2011, the head of each Federal agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives a report on the amount of the acquisitions made by the agency in that fiscal year of articles, materials, or supplies purchased from entities that manufacture the articles, materials, or supplies outside of the United States.

"(2) CONTENTS OF REPORT.—The report required by paragraph (1) shall separately include, for the fiscal year covered by such report—

"(A) the dollar value of any articles, materials, or supplies that were manufactured outside the United States;

"(B) an itemized list of all waivers granted with respect to such articles, materials, or supplies under this Act, and a citation to the treaty, international agreement, or other law under which each waiver was granted;

"(C) if any articles, materials, or supplies were acquired from entities that manufacture articles, materials, or supplies outside the United States, the specific exception under this section that was used to purchase such articles, materials, or supplies; and

"(D) a summary of—

"(i) the total procurement funds expended on articles, materials, and supplies manufactured inside the United States; and

"(ii) the total procurement funds expended on articles, materials, and supplies manufactured outside the United States.

"(3) PUBLIC AVAILABILITY.—The head of each Federal agency submitting a report under paragraph (1) shall make the report publicly available to the maximum extent practicable.

"(4) EXCEPTION FOR INTELLIGENCE COMMUNITY.—This subsection shall not apply to acquisitions made by an agency, or component thereof, that is an element of the intelligence community as specified in, or designated under, section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 567. SENSE OF THE SENATE REGARDING REPEAL OF 1993 INCOME TAX INCREASE ON SOCIAL SECURITY BENEFITS.

It is the sense of the Senate that Congress should repeal the 1993 tax increase on Social Security benefits and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such repeal and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 568. SENSE OF THE SENATE REGARDING PERMANENT TAX INCENTIVES TO MAKE EDUCATION MORE AFFORDABLE AND MORE ACCESSIBLE FOR AMERICAN FAMILIES.

It is the sense of the Senate that Congress should make permanent the tax incentives to make education more affordable and more accessible for American families and eliminate wasteful spending, such as spending on unnecessary tax loopholes, in order to fully offset the cost of such incentives and avoid forcing taxpayers to pay substantially more interest to foreign creditors.

SEC. 569. RESPONSIBLE GOVERNMENT CONTRACTOR REQUIREMENTS.

Section 274A(e) of the Immigration and Nationality Act (8 U.S.C. 1324a(e)) is amended by adding at the end the following new paragraph:

"(10) PROHIBITION ON AWARD OF GOVERNMENT CONTRACTS, GRANTS, AND AGREEMENTS.—

"(A) EMPLOYERS WITH NO CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subparagraph (C), if an employer who does not hold a Federal contract, grant, or cooperative agreement is determined to have violated this section, the employer shall be debarred from the receipt of a Federal contract, grant, or cooperative agreement for a period of 7 years.

"(ii) PLACEMENT ON EXCLUDED LIST.—The Secretary of Homeland Security or the Attorney General shall advise the Administrator of General Services of the debarment of an employer under clause (i) and the Administrator of General Services shall list the employer on the List of Parties Excluded from Federal Procurement and Nonprocurement Programs for a period of 7 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—The Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of a debarment under clause (i) if such waiver or limitation is necessary to national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternative action under this clause shall not be judicially reviewed.

"(B) EMPLOYERS WITH CONTRACTS, GRANTS, OR AGREEMENTS.—

"(i) IN GENERAL.—Subject to clause (iii) and subclause (C), an employer who holds a Federal contract, grant, or cooperative agreement and is determined to have violated this section shall be debarred from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(ii) NOTICE TO AGENCIES.—Prior to debarring the employer under clause (i), the Secretary of Homeland Security, in cooperation with the Administrator of General Services, shall advise any agency or department holding a contract, grant, or cooperative agreement with the employer of the Government's intention to debar the employer from the receipt of new Federal contracts, grants, or cooperative agreements for a period of 10 years.

"(iii) WAIVER.—

"(I) AUTHORITY.—After consideration of the views of any agency or department that holds a contract, grant, or cooperative agreement with the employer, the Administrator of General Services, in consultation with the Secretary of Homeland Security and the Attorney General, may waive operation of clause (i) or may limit the duration or scope of the debarment under clause (i) if such waiver or limitation is necessary to the national defense or in the interest of national security.

"(II) NOTIFICATION TO CONGRESS.—If the Administrator grants a waiver or limitation described in subclause (I), the Administrator shall submit to each member of the Committee on the Judiciary of the Senate and of the Committee on the Judiciary of the House of Representatives immediate notice of such waiver or limitation.

"(III) PROHIBITION ON JUDICIAL REVIEW.—The decision of whether to debar or take alternate action under this clause shall not be judicially reviewed.

"(C) EXEMPTION FROM PENALTY FOR EMPLOYERS PARTICIPATING IN THE BASIC PILOT PROGRAM.—In the case of imposition on an employer of a debarment from the receipt of a Federal contract, grant, or cooperative agreement under subparagraph (A) or (B), that penalty shall be waived if the employer establishes that the employer was voluntarily participating in the basic pilot program under section 403(a) of the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (8 U.S.C. 1324a note) at the time of the violations of this section that resulted in the debarment.".

SEC. 570. DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.

(a) IN GENERAL.—Section 6306 (relating to qualified tax collection contracts) is amended—

(1) by striking "Nothing" in subsection (a) and inserting "Except as provided in subsection (c), nothing",

(2) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively, and

(3) by inserting after subsection (b) the following new subsection:

"(c) DISABILITY PREFERENCE PROGRAM FOR TAX COLLECTION CONTRACTS.—

"(1) IN GENERAL.—The Secretary shall provide a qualifying disability preference to any program under which any qualified tax collection contract is awarded on or after the effective date of this subsection and shall ensure compliance with the requirements of paragraph (3).

"(2) QUALIFYING DISABILITY PREFERENCE.—

"(A) IN GENERAL.—For purposes of this subsection, the term 'qualifying disability preference' means a preference pursuant to which at least 10 percent (in both number and aggregate dollar amount) of the accounts covered by qualified tax collection contracts are awarded to persons satisfying the following criteria:

"(i) Such person employs within the United States at least 50 severely disabled individuals.

"(ii) Such person shall agree as an enforceable condition of its bid for a qualified tax collection contract that within 90 days after the date such contract is awarded, not less than 35 percent of the employees of such person employed in connection with providing services under such contract shall—

"(I) be hired after the date such contract is awarded, and

"(II) be severely disabled individuals.

"(B) DETERMINATION OF SATISFACTION OF CRITERIA.—Within 60 days after the end of the period specified in subparagraph (A)(ii), the Secretary shall determine whether such person has met the 35 percent requirement specified in such subparagraph, and if such requirement has not been met, shall terminate the contract for nonperformance. For purposes of determining whether such 35 percent requirement has been satisfied, severely disabled individuals providing services under such contract shall not include any severely disabled individuals who were counted toward satisfaction of the 50-employee requirement specified in subparagraph (A)(i), unless such person replaced such individuals by hiring additional severely disabled individuals who do not perform services under such contract.

"(3) PROGRAM-WIDE EMPLOYMENT OF SEVERELY DISABLED INDIVIDUALS.—Not less than 15 percent of all individuals hired by all persons to whom tax collection contracts are issued by the Secretary under this section, to perform work under such tax collection contracts, shall qualify as severely disabled individuals.

"(4) SEVERELY DISABLED INDIVIDUAL.—For purposes of this subsection, the term 'severely disabled individual' means any one of the following:

"(A) Any veteran of the United States Armed Forces with—

"(i) a disability determined by the Secretary of Veterans Affairs to be service-connected, or

"(ii) a disability deemed by statute to be service-connected.

"(B) Any individual who is a disabled beneficiary (as defined in section 1148(k)(2) of the Social Security Act (42 U.S.C. 1320b–19(k)(2)) or who would be considered to be such a disabled beneficiary but for having income or assets in excess of the income or asset eligibility limits established under title II or XVI of the Social Security Act, respectively.".

(b) REPORT BY GOVERNMENT ACCOUNTABILITY OFFICE.—

(1) IN GENERAL.—The Comptroller General of the United States shall conduct a study of the effectiveness and efficiency of the use of private contractors for Internal Revenue Service debt collection. The study required by this paragraph shall be completed in time to be taken into account by Congress before any new contracting is carried out under section 6306 of the Internal Revenue Code of 1986 in years following 2008.

(2) STUDY OF COMPARABLE EFFORTS.—As part of the study required under paragraph (1), the Comptroller General shall—

(A) make every effort to determine the relative effectiveness and efficiency of debt collection contracting by Federal staff compared to private contractors, using a cost calculation for both Federal staff and private contractors which includes all benefits and overhead costs,

(B) compare the cost effectiveness of the contracting approach of the Department of the Treasury to that of the Department of Education's Office of Student Financial Assistance, and

(C) survey State tax debt collection experiences for lessons that may be applicable to the Internal Revenue Service collection efforts.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any tax collection contract awarded on or after the date of the enactment of this Act.

This Act may be cited as the "U.S. Troop Readiness, Veterans' Care, Katrina Recovery, and Iraq Accountability Appropriations Act, 2007".

Mrs. MURRAY. Mr. President, I move to reconsider the vote.

Mr. COCHRAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. REID. Mr. President, there will be no more votes today. I express my appreciation to the managers of the bill. Senator BYRD, because of his other responsibilities, couldn't be here. The Senator from Washington, Mrs. MURRAY, worked hard on this bill. She has done a wonderful job. We are all indebted to her. Senator THAD COCHRAN is always very good, thorough, direct, and to the point. We appreciate very much his being the person he is.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I ask unanimous consent that the Senate insist on its amendments, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees with a ratio of 15 to 14.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Republican leader is recognized.

Mr. McCONNELL. Mr. President, let me also congratulate Senator MURRAY for her work and particularly my good friend, the ranking member of the Appropriations Committee, Senator COCHRAN, for his usual flawless effort in moving legislation across the floor. This was a challenging bill with a lot of interesting issues that divide the Senate in many ways. I express my gratitude and appreciation for the fine work of Senator COCHRAN.

Mr. REID. Mr. President, on behalf of the majority, I know conferees will be all of the Democratic members of the Appropriations Committee.

Mr. McCONNELL. Mr. President, I will also be sending a list of conferees to the Chair.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Alabama is recognized.

SUPPLEMENTAL APPROPRIATIONS

Mr. SHELBY. Mr. President, today, just a few minutes ago, we voted on the emergency supplemental appropriations bill. I voted against the bill.

From the beginning, I have tried to support our troops both morally and materially. It has always been my goal to ensure that our Armed Forces have a clearly defined mission, realistic military objectives, and the best equipment available. Yet, today, I believe we have reached a point where political infighting has led to bartering for bullets. We have tied vital military funding for our troops to an arbitrary date of withdrawal.

The Senate, with this vote today—passing this supplemental spending bill with a date of withdrawal—has named the date for defeat in Iraq, if it were to stand. We have taken a step backward. We have put an arbitrary deadline on our military. It is the wrong message at the wrong time. Surely, this will embolden the enemy and will not help our troops in any way. It is a big mistake.

I hope the President will veto this bill as soon as he gets it to his desk. I did not support this supplemental because I remain committed to our troops, first and foremost.

I yield the floor.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, the Senate has just made a tremendous effort in moving forward to make sure we support our troops in every sense of the word. I thank all of my colleagues who voted "aye" in moving this forward.

It is important to remember that this is an emergency supplemental bill. I have heard others on the other side call it a war supplemental. It is true, indeed, that over the last several years, the President has insisted that we pay for the war in Iraq on an emergency supplemental. But I remind everyone that there are countless emergencies across this country, and we, as Democrats, believe it is critical that we address those concerns—whether it is our agricultural industry, which has faced drought, severe weather, family farms which have been inundated and unable to continue to provide the crops all of us rely on to feed our families; whether it is our veterans who, as the occupant of the chair well knows as a member of the Veterans' Committee, have been left behind time and time again.

We all know of the Walter Reed issue that hit the papers several weeks ago. But this is not a new issue for many of us who have been following this issue for some time. We have men and women serving in Iraq and Afghanistan who are coming home and have severe traumatic brain injuries. They have been lost in the system. We are now starting the fifth year of this war, and to date this President has not planned and supported funding to make sure those men and women—whether it is traumatic brain injury or whether they lost a limb or whether they have post-traumatic stress syndrome or whether it is just coming home and being able to find another job—have been paid attention to.

In this supplemental, we say we are going to pay for all costs of the war and certainly pay for those men and women who paid the ultimate price, along with their families, and taking care of them is part of that cost of war. In this critical bill which the Democrats voted for, we make sure they are a part of this.

So we provide funding to repair the facilities at Walter Reed and also to make sure that across the country the Walter Reed syndrome is paid attention to. Those veterans facilities we have gotten the reports from—the 1,100 sightings of mold on the walls, of bats that have not been gotten rid of in the Oregon VA facility, of peeling paint on the walls—these kinds of conditions are not ones we as Americans should allow to continue.

In the supplemental bill, we say we are going to take care of those issues, and we require specifically that the VA come back to us in 60 days and identify every one of those 1,100 sightings and say whether they have fixed those facilities. If they have not, we want to know the exact cost, because we are not going to let those men and women sit in those deplorable conditions.

Under this bill, we address the issue that has faced many of our soldiers who have returned home with traumatic brain injury. Many of us saw the Bob Woodruff special several weeks ago, a reporter who was in Iraq and who suffered a traumatic brain injury. We saw how he struggled with his recovery and now has presented an amazing news story to let all of us know what is happening not just with him but to men and women across this country as they come home. It is true when a soldier is in a vehicle that is immediately affected by a blast, they often know they have traumatic brain injury. It is also true soldiers who may be 100 or 150 yards away from that blast may also receive an injury but may not know it.

We have all talked to these men and women when we go home, and their wives normally say to us, my husband can't remember where he put a piece of paper I just handed to him, not realizing he had been a victim of a blast and that his injury had caused brain damage. We need to make sure those soldiers are treated and are treated well, and that we have the research and the capability to make sure they are not lost when they come home from service to this country. That funding is in this bill, and that funding was voted on by a majority of Senators in this body. We are going to keep working to make sure it is there.

We also have in this bill money for Katrina. It seems a long time ago now that our country was stunned by the impact of Katrina and other hurricanes in the gulf coast. Americans across the country said, what are we going to do? We know since that time there have been major stumbles. As Democrats, we are not stepping back. We believe that is as much an emergency as what the President has asked for in this emergency supplemental focusing only on Iraq, the war, and the reconstruction efforts there.

We have a reconstruction effort that is absolutely critical here in this country. Democrats are standing up and saying we are going to take responsibility and pay for it. There is $6.7 billion in here for the victims of Hurricane Katrina and Hurricane Rita. I believe that is as much a critical emergency spending item as the reconstruction dollars the President has asked for in the supplemental, and that is why we are supporting this bill.

This bill also addresses the issue of homeland security. We have heard a lot of rhetoric about homeland security and protecting our own. That is an emergency because that funding has not been there. Rhetoric protects no one here at home. We provide $2 billion, critical infrastructure dollars, for port security, mass transit security, and explosive detection equipment at our airports. We are putting it into this bill because it has not yet been funded, and across this country Americans are at risk without that funding.

We have heard a lot of talk on this floor over the last several days about extra porkbarrel spending. Well, I would say to all of my colleagues there is $4.2 billion that is provided for Americans here at home—not for reconstruction efforts out in the world but for right here at home, $4.2 billion.

Senator BOXER from California was out here yesterday showing tremendous pictures of the agricultural disasters that have occurred in California. These are farmers whom we rely on as Americans when we go to our grocery stores to be able to buy food to feed our families. If their farms are lost because they do not have the support after a disaster that has affected them, every one of us suffers. As Democrats, we say that is as much an emergency as what we are putting into this bill for reconstruction in Iraq. We need to reconstruct here at home.

On this side we are playing catchup. For a number of years now we have seen emergency supplementals that were just war supplementals. We are saying that, as Democrats, we know we have to invest in ourselves across the country. We have to invest in our future. We will only be as strong abroad as we are at home. If we abandon our farmers, if we abandon our children because they do not have health care—and there is SCHIP funding in this bill—if we abandon our gulf coast residents, who have not yet been able to rebuild their homes and their infrastructure, if we abandon our veterans when they come home and don't take care of them, if we abandon our military personnel without the proper equipment and supplies, then we are not doing the job we have been sent here to do.

We are proud of this supplemental we are putting forward because, in addition to everything else, we are taking a major step forward and saying we are no longer going to idly stand by without any debate, without any consequences, and move continuously to increase the war in Iraq. We have said it is time for us as a nation to tell the Iraqi people they need to stand up for themselves. That language is critical in this bill.

We have worked with colleagues on all sides to put together what I think is a very important, very critical bill for us here in America—here at home. We are going to work very hard now in conference with our House colleagues to come together with a bill to bring back to the Senate and then to send to the President. I understand the President is saying he is going to veto the bill, but I ask the President to listen to us, to sit down in the way we are supposed to here in Congress, and work with us to find agreement so we can move this bill forward. That is my hope for us here, and it is my hope for Americans across this country.

I am proud of the bill we have put forward in addressing the critical infrastructure investments here at home, and I hope as we move forward in this process in a few weeks we will be able to have a conference committee bill that will be sent to the President and that he will agree to so we can then move on to the other issues facing this Nation.

I also take this opportunity to thank a number of people who worked on this bill, but particularly Chairman BYRD, who led us throughout this debate. I thank Senator COCHRAN, my ranking member, who has been out here on the floor late nights working with us to help keep an orderly process.

I also thank all of our full committee staff, Terry Sauvain and Bruce Evans, all of their staff, who have worked countless hours. I am not sure they even went home last night before they came in this morning to help us get to the point we are today, and I thank all the staff of all the Appropriations subcommittees, who have worked very hard on this bill.

I also thank our floor staff, because without their work and their support, none of us would be able to complete the work we do. They are the silent workers who sit in front of us and who have done such a tremendous job to help us get through this process.

At the end of the day, I want my colleagues and I want America to know we in the majority here in the Senate believe an emergency spending bill should be just that. There are numerous emergencies across this country, investing in Americans who have suffered tremendously, and we are working hard to make sure their issues are finally addressed. Importantly, we are telling the President that our veterans and those who serve us in Iraq and Afghanistan, when they come home, their issues are going to be addressed as part of the cost of the war and as part of this emergency supplemental.

Mr. DODD. Mr. President, the emergency supplemental appropriations legislation which passed the Senate today, the U.S. Troop Readiness, Veterans' Health, and Iraq Accountability Act of 2007, provides $625 million in security funding to better protect the millions of Americans who ride public transportation. I thank Senator SHELBY, who as both the ranking member on the Banking Committee and a member of the Appropriations Committee has been a tireless advocate on behalf of mass transit and specifically on the issue of transit security. I commend Senators BYRD and COCHRAN who serve, respectively, as both chairman and ranking member of the full Appropriations Committee and the Homeland Security Subcommittee. They were instrumental in deciding to increase our investment in securing our public transportation systems. The issue of transit security requires coordination between both homeland security agencies and committees and those transportation agencies and committees. Thus, I also commend Senators MURRAY and BOND who serve as chair and ranking member on the Appropriations Transportation, Housing and Urban Development, and Related Agencies Subcommittee.

Our Nation's public transit systems are inadequately prepared to minimize the threat and impact of potential terrorist attacks. Since the terrorist attacks of September 11, 2001, the Federal Government has invested nearly $24 billion in aviation security—protecting the 1.8 million people who fly on an average day. At the same time, our National Government has invested only $386 million, before the 110th Congress began, in transit security to protect the 14 million people who ride transit on an average workday. Put another way, since 2001, our Nation has spent over $7.50 per passenger on aviation security, but less than one penny per transit rider on transit security. I am not suggesting that we ought to be investing equally, but clearly this is not the appropriate balance.

As chairman of the Senate Banking, Housing and Urban Affairs Committee, I have made improving our national security a top priority. The very first hearing that I held as chairman focused on increasing the security of our Nation's 14 million daily transit passengers. The very first legislation that the committee considered during my Chairmanship was the Public Transit Terrorism Prevention Act of 2007, which was passed by the Banking Committee unanimously on February 8. The legislation authorizes the distribution of $3.5 billion in security funds, over the next 3 fiscal years, on the basis of risk directly to transit agencies.

The Public Transit Terrorism Prevention Act of 2007 was included as title XV of the 9/11 bill, which the Senate passed on March 13. Senator SHELBY and I worked with Senator BYRD and Senator COCHRAN to include language in the legislation to allow for such sums as necessary to be appropriated in this fiscal year to address the critical needs of our Nation's transit systems. The $625 million included in this appropriations act is a significant investment towards our goal of better securing our Nation's rail and transit systems. This investment builds on the $175 million that was included in the fiscal year 2007 continuing resolution. Combined, these investments are greater than all of the investments that were made between the terrorist attacks of September 11 and the beginning of this new Congress.

We must make sure that we use these funds wisely. It is my desire that the Congress quickly reconcile both the transit security legislation and the supplemental funding that has passed each Chamber so that this supplemental funding will be distributed in accordance with the new authorization. I once again thank all of the members of the Banking and Appropriations Committees who have worked so hard to advance us to where we are today.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Georgia is recognized.

UNANIMOUS CONSENT REQUESTS—S. 1022 AND S. 1023

Mr. CHAMBLISS. Mr. President, I rise today to delineate exactly why I voted against this supplemental. We are in some very difficult and complex times in the world today, and certainly the situation in Iraq is right at the forefront.

Americans have always stood tall when someone tries to interrupt our ability to exercise our rights of freedom, and right now we are fighting a global war on terrorism, with Iraq being at the center of it. For individuals in this body to think we can micromanage a military conflict from the floor of the Senate or the House of Representatives is simply wrong.

We have military leadership on the ground in Iraq. That leadership is recommending against imposing timelines. We have civilian leaders who have significant military experience, both from the State Department level as well as the Pentagon level. These leaders have testified before the Senate Armed Services Committee, and every single one of those individuals, whether they were Republican or Democrat, has said imposing timelines is not the way to go. Every military officer who has come to testify before the Senate Armed Services Committee has said imposing timelines for withdrawal from Iraq will simply embolden the enemy. The enemy will lay in wait until we remove ourselves from Iraq and then all genocide will break loose in Iraq.

The Baker-Hamilton commission—which so many people have relied upon—clearly stated that imposing timelines for withdrawal in Iraq is not the way to go. This vote today is simply the wrong signal to send to an enemy. The message needs to be that we are going to take you out: that we are not going to let you impose yourself on freedom and democracy. This vote today simply does not do that.

I very strongly disagree with the provisions in this supplemental relative to the withdrawal of troops from Iraq, and that is the reason I did vote against this supplemental we so desperately need to fund our troops, to fund the operation in Iraq, as well as to take care of some other measures. One of those other measures included in this supplemental is critically important to my State, and it has to do with the SCHIP program, the State Children's Health Insurance Program, which was designed to help uninsured children across America.

Unfortunately, it has gotten into the arena now of not only providing coverage for children but also coverage for some adults. Frankly, I don't agree with that, but I don't have a problem with it in this supplemental. We will deal with that issue in the reauthorization of this program. We do have a provision in the supplemental that would cover the shortfall for the SCHIP program, which in Georgia we refer to as PeachCare. It would have provided the money to fund a shortfall in SCHIP between now and the end of the fiscal year for States such as mine that are going to experience this shortfall. Georgia happens to be the first of 14 States that is going to have this shortfall, and we have had to take measures—and our legislature, thank goodness, has done that—to make up this shortfall. In the interim, between now and the time this bill is going to come back to this body for reconsideration after being vetoed by the President, Georgia's taxpayers are going to have to fund a greater portion of the SCHIP program than they should have to. So I have filed a bill today that is going to take care of that. It is going to provide immediate funding for the shortfall in Georgia, as well as all of the other shortfall States in the country today that, while they may not experience a shortfall as we speak, it is coming within the next 30 to 60 to 90 days to 13 other States.

On behalf of Senator ISAKSON and myself, I would ask unanimous consent that the Senate proceed to the immediate consideration of S. 1022, introduced earlier today; that the bill be read a third time and passed; that the motion to reconsider be laid upon the table; and that any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Mr. MENENDEZ. Mr. President, unfortunately, I must object to the Senator's request. We passed money for the shortfall in the supplemental and we should not extend the program at the expense of the current coverage.

I look forward to working with the Senator from Georgia on reauthorization that preserves the program and the coverage that is needed, and toward that end, I ask unanimous consent that my bill dealing with SCHIP, introduced earlier today, S. 1023, be considered, read a third time, passed, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. First, the Chair notes the objection of the Senator from New Jersey.

Is there objection to the motion of the Senator from New Jersey?

Mr. DEMINT. I object.

The PRESIDING OFFICER. Objection of the Senator from South Carolina is heard.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

UNANIMOUS CONSENT REQUEST—S. RES. 123

Mr. DEMINT. Mr. President, earlier this year the Senate worked together to change the way we appropriate money in Congress. One of the big showdowns that we had earlier in the year with the new majority was the discussion of earmarks and how we would disclose them and be more transparent to the American people. We worked hard. I introduced an amendment that would provide disclosure at the committee level and asked that the committee put any earmarks on the Internet and tell who offered the earmark and what it would go for, to make sure there is no conflict of interest.

Originally, the majority tried to table that motion, but once we worked together on language and worked out every detail, that amendment was agreed to 98 to 0. It was unanimous that we should stop earmarking the way we are today and use commonsense disclosure rules for America to know how we are spending its money.

Unfortunately, that amendment is part of the lobbying reform, ethics reform bill that has gone to conference with the House that apparently is not going to act on it at all. My proposal has been that we take what we passed in the Senate. We are beginning the appropriations process again. Unless we impose these rules on ourselves, rules that we all agreed on, we are going to go through the same thing we did last year where we put all these bills together, with thousands of earmarks, and at the end of the year some of us are going to be forced to try to stop the whole process, which, hopefully, we will not do.

What I would like to do today to fix this problem is take the amendment we have passed unanimously before and bring it up and pass it in the Senate as a Senate rule so we would operate under the rules that we have all agreed to during this appropriations season. The resolution number is 123, so fixing the current appropriations problem and earmark problem is as easy as 1, 2, 3.

Mr. President, I ask unanimous consent the Rules Committee be discharged from further consideration, and the Senate now proceed to S. Res. 123; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection? The Senator from New Jersey is recognized.

Mr. MENENDEZ. I believe there is an appropriate process to consider the Senator's request, but at this time I object.

Mr. DEMINT. Mr. President, I am certainly disappointed. This is something to which we have agreed. We worked out the language with the majority. Certainly, we should be operating under the rules that we have agreed to during this appropriations season.

It is very unfortunate. I am very disappointed. I guess I have no choice, if the majority is going to object.

I yield and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered. The Senator from West Virginia is recognized.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, the fiscal year 2007 Emergency Supplemental Appropriations bill, just approved by the Senate, includes over $96 billion for the troops. It includes increases above the President's request for the Department of Defense, including increases of $1.3 billion for defense health, $1 billion for equipping the National Guard and Reserve, and $1.1 billion for military housing.

The bill includes $6.7 billion for rebuilding the gulf coast region following Hurricanes Katrina, Rita, and Wilma. It includes $4.2 billion for agricultural disaster relief. It includes nearly $1.8 billion for the VA to make sure that we meet our moral obligation to provide first-class health care to our wounded veterans.

Most importantly, with passage of this bill, the Senate sends a clear message to the President that we must take the war in Iraq in a new direction. Setting a goal for getting most of our troops out of Iraq is not cutting and running. The new direction provides incentives to the Iraqi people to settle their differences, to end their civil war, and to pursue reconciliation. One fact is plainly clear: The President wants to run his war his way, without anyone asking any questions or requiring any standards of progress.

That is the kind of attitude that has resulted in the chaos we see in Iraq each day. President Bush does not want anyone to hold him accountable for the failures in Iraq. He does not want anyone to hold him responsible for our troops remaining caught in the escalating Iraqi civil war. The President has his eyes closed to the truth in Iraq.

Let me read excerpts from a letter I recently received from soldiers serving in and around Baghdad:

> We write you this letter. . . , Senator Byrd, because of your prominent role as Chairman of the Appropriations Committee, and because of your documented observation of the alarming lack of debate within the Senate over the Iraq War.
>
> So much of the controversy surrounding the proposed surge strategy has hinged on "support for our troops." Yet, the voice of the individual trooper is not heard. As volunteer members of the military, we waive certain civil rights. We cannot quit. We have a legal and moral responsibility to carry out the orders given. We offer our bodies and minds, but sacrifice our voices. Our voice is in our vote. Last November, we voted for a Congress that would halt the disastrous Iraq War. . . .
>
> Some of us are on our first tour, some our second or third, and for one of us, fifth. We have done our duty, and will continue to do so until our obligation is complete. Upon completion of our obligation, we hope to close this unhappy chapter in our lives and move forward. . . .
>
> Listening to the ongoing debate in the news, and the conflicting views of our lawmakers, we hear again and again accusations by one side of the other side's desire to undercut the troops. We see these accusations as moral blackmail. For it is overwhelmingly clear from all of our experiences that despite the unpopularity of this war, the American people have provided unfaltering moral support to the men and women of the military. We implore lawmakers to abandon these hollow accusations, and to focus on the national interest as a whole. We earnestly hope for the enactment of the recommendations of the Iraq Study Group, particularly those concerning the de-escalation of the war and direct diplomatic engagement of Syria and Iran. We encourage Congress to obstruct the escalation of this war by any means possible.

Continuing to read from the letter, these solders said:

> Since the tragic events of September 11, 2001, we have become painfully aware of our own vulnerability. We have spent vast resources preparing for unknown disaster, fighting an enemy that is ubiquitous, but not clearly defined. We are fighting the specter of fear. This is an internal struggle that we must reconcile. Our vision of the future has grown clouded and ominous. We face a situation in Iraq that leaves us with little hope for a satisfying outcome. As a nation, we must recover from the trauma of 9/11 and abandon the misguided policies we have pursued in its wake. Using the military as our primary foreign policy tool has isolated us

and fueled worldwide resentment of us, and has not increased our sense of security. Halting the Iraq war is America's opportunity to change direction, to reengage the world, and discourage terrorism and extremism by showing the world the ingenuity of our people and our commitment to freedom and democracy.

These are the written words of soldiers now serving in Iraq.

The American people want our troops out of Iraq. The Congress has said very clearly that we want our military to refocus on Osama bin Laden and his terrorist bases in Afghanistan. The President has said he will veto this bill. His administration has asserted that adding funds for caring for our wounded veterans, for rebuilding the gulf coast, for securing the homeland, and for agricultural disaster assistance is playing politics. What nonsense. With approval of this bill, Congress will have appropriated $448 billion for the war in Iraq, including $38 billion for rebuilding Iraq. Certainly if we can spend $38 billion on rebuilding Baghdad, we can spend money on rebuilding the gulf coast, taking care of our veterans and protecting our agricultural economy.

I hope that the President will drop his rhetoric and instead work with Congress to craft a responsible plan to transition our forces from Iraq and refocus on bin Laden and his base of operations.

Instead of demonizing the Congress and engaging in rhetorical fingerpointing, the President ought to work with Congress on legislation that is in the best interests of the country. I want to thank Senator COCHRAN, Senator MURRAY, Senator REID, and Senator MCCONNELL for their efforts this week in moving this bill through the Senate. I also want to thank the Appropriations Committee staff, including Terry Sauvain, Charles Kieffer, Peter Rogoff, B.G. Wright, Kate Fitzpatrick, Bruce Evans, Blake Thompson, and all of the Subcommittee staffs for their hard work on this bill.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I ask unanimous consent to speak in morning business for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. BROWNBACK pertaining to the introduction of S. 1036 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. BROWNBACK. I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. COLEMAN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. MCCASKILL). Without objection, it is so ordered.

REINTEGRATION OF RETURNING TROOPS

Mr. COLEMAN. Madam President, I rise to speak about an issue that is very dear to me and my home State of Minnesota: the reintegration of our returning soldiers into their families and their communities.

I begin my remarks by citing a letter to the editor published in the St. Paul Pioneer Press last Saturday by Army National Guard Chaplain MAJ John Morris. The letter is titled, "It Takes Communities To Bring Soldiers All The Way Home." I ask unanimous consent to have the letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the TwinCities.com-Pioneer Press, Mar. 17, 2007]

IT TAKES COMMUNITIES TO BRING SOLDIERS ALL THE WAY HOME

(By John Morris)

I am watching the growing furor over the shortcomings in the Veterans Administration system and the fallout from Walter Reed Army Hospital with growing alarm. I am concerned that we are going to fix the crisis and forget the problem.

The problem is how to help warriors, and their families, successfully reintegrate back into our communities, and their homes, after combat. A portion of that problem is health care related. For a majority of combat vets, however, only a small part of their reintegration challenge has to do with health care for physical injuries. Behavioral and mental health are bigger issues. And for most, the biggest challenge is relational: rebuilding marriages, reconnecting with children, rejoining friends, rejoining the global economy, getting back to the communities of faith we left, etc.

The problem with focusing on the VA is we may well fix the VA only to convince ourselves that the reintegration of our combat veterans is a government program, not a community process. If we expect the government to take care of everything, we will have failed our combat veterans and their families as well as ourselves.

We have sent our precious men and women to war. The VA can't bring them home. Only we can. We have a moral obligation to insure that all of our combat veterans come all the way home to their families, their jobs, their schools and their communities.

A government program can't do that. A community can.

That means each of us needs to roll up our sleeves and do more than castigate the VA. It means the following:

If you are a health care provider in Minnesota, do the right thing: Become a Tricare provider. Tricare is the insurance the government issues to mobilized reservists and guardsmen.

Two-thirds of Minnesota health care providers are not Tricare providers. The result: We do not have an in-patient chemical dependency treatment center in Minnesota that is a Tricare provider. We have a dire shortage of behavioral mental health providers who are Tricare providers. The VA can't fix this we can.

If you are an educator, sign up for an Operation Military Kids workshop and learn about the daunting challenges our 7,000 Minnesota military kids face when their parent marches off to war, and when they return. Help our children while we are at war. Parent educators, we need you to offer classes in every school district in Minnesota, for military families. We need your help in learning how to parent our children again.

If you are a member of the clergy, learn all you can about the toll combat takes on marriages, families, mothers and fathers of military personnel. You don't have to support the foreign policy to pray for us while we are in harm's way and to visit our parents, our spouses and our children while we are gone. When we come home, we need your help in putting our marriages, families and lives back together.

If you are an employer, please give my spouse some grace. She or he is juggling a job, a family, a home and a huge heartache. There are no laws to protect them while we are at war, as there are to protect my job when I come back. They struggle mightily and may need some special attention and some extra time off. Do the right thing—help them.

If you are a social service provider, learn all you can about combat operational stress, the challenges of reintegration for combat veterans and the impact of war on the family system. You are our "first call for help;" don't fail us because you choose not to invest in your professional development.

If you are a politician, don't politicize the shortfalls in the VA or the military medical system. We aren't pawns in an election cycle; we are your constituents, and we are counting on you to fix the problems. Energize the community on our behalf to do right by us. We're not asking for showy programs. We are asking for tangible signs of support in terms of services offered.

If you are our neighbors, and you are, don't "victimize" us. Most combat veterans come home without PTSD, mental disorders, physical wounds or destroyed lives. We generally readjust well and go on to live productive lives. Expect great contributions to society from us. We won't disappoint you. Challenge us to greatness; we know how to serve.

Watch over our families while we are gone. Extend a warm welcome home when we return. Walk with us through the months of readjustment, and make a place for us in the community.

If we are among the tragic few who come home physically or mentally wounded, help us by connecting us to local, county, state and federal resources.

Certainly, address the problems with the VA, the military medical system and other systemic issues that face us.

But, above all bring us all the way home.

A program can't do that. You can.

Mr. COLEMAN. Major Morris is a member of the Minnesota Army National Guard. There are currently 2,600 members of the Minnesota National Guard serving in Iraq as members of the 134th Brigade Combat Team. They were deployed to Iraq last March after spending 6 months at Camp Shelby, MN. When I visited them in December in Fallujah, Taqqadum, and Tallil, Iraq they were all very excited to return home this month to see their families—some of them returning home for the first time since September of 2005.

But they didn't get to come home this month. On January 10 of this year it was announced the 134th would be extended 125 days, hopefully returning home sometime later this summer. With this additional deployment time, the deployment of the 134th in Iraq will be 35 days longer than that of any other unit that has served in Iraq. That is a long time.

It is interesting to talk to our National Guard folks. They are not complaining. They are doing their duty. But I know it weighs heavily on my fellow Minnesotans, on their families, and those of us who get to represent them in the Congress.

When the extension was announced, I shared the great frustration over the fact that our young men and women would not be coming home as scheduled, and we had deep concerns about the way it was noticed. I think the families heard about it before the folks in Iraq heard about it, and heard about it watching a press conference. The Army apologized. Certainly we have to do better when issues such as this come up. I struggled to find the best way forward as the troops I had visited weeks earlier would not be coming home until much later than they had planned. I struggled to find ways to ease the hurt.

But now the initial shock and frustration of the extension has subsided, and it is time to address the challenges they and their families have faced since their deployment and the challenges they will face when they return home.

In the last few weeks, many of my colleagues have taken to the floor and to the airwaves to speak about the commitment we must make to our returning heroes. There aren't many things we can agree on here in this body, but I think all 100 of us agree we need to support our troops when they come home just as much as we support them when they are defending our Nation and our freedom abroad. We need to support our troops and their families before, during, and after their deployments.

So the question is not if we should maintain this strong commitment to our returning warriors but, rather, how. How do we provide the highest level of medical care to our soldiers, our veterans? How do we assist military families that are readjusting to their loved one returning home—a difficult readjustment. How do we streamline the bureaucratic challenges our soldiers face? How do we sustain our support over the long haul? As these young men and women are returning home, some of them are badly wounded. How do we sustain our support over the long haul? As Chaplain Morris states in his letter:

> If you are a politician, don't politicize the shortfalls in the VA or the military medical system. We aren't pawns in an election cycle; we are your constituents and we are counting on you to fix the problems. Energize the community on our behalf to do right by us. We're not asking for showy programs. We are asking for tangible signs of support in terms of services offered.

The challenges our returning heroes face are not going to be solved simply by throwing more money at the problem. They aren't going to be solved by finger pointing and playing the blame game. They are going to be solved with thoughtful and concentrated efforts aimed at fixing the problems we face one at a time.

I have been seeking answers to these challenges and others by reaching out to leaders in my State on this issue and the leadership of those involved in the VA health care system. I have had long conversations with directors of VA hospitals in Minneapolis, St. Cloud, and Fargo, ND to see if there is anything we can do to help deliver the highest level of care. One of the good things that came out of the horrible stories we heard about what was happening in one of the outpatient buildings at Walter Reed is in my State and the Chair's State, folks went back and they did a room-by-room review to find the failings and the things that needed to be fixed. How can we improve the quality of our care? I can tell you in Minnesota, folks have a high degree of confidence in the care at our VA facilities in Minneapolis and in St. Cloud, and we count Fargo as ours because it services so many Minnesotans.

I met with veterans organizations, including the VFW, the Minnesota American Legion, and the Minnesota Paralyzed Veterans, to hear their questions and concerns. Most importantly, I spent some time over the last few weeks touring my State to meet with military families, to talk to active-duty soldiers, National Guard members, and veterans. Many of them have a loved one stationed overseas, while others have a loved one who has just returned. There are tremendous support groups in our State for those who have a lot of pressures. Many families didn't know each other beforehand and they have united now with a special bond. A lot of them were saying they and their husbands didn't know each other before the deployment, but now we are friends. So they have now a new kind of almost extended family. I wish to say that the good Lord gave us all two ears and one mouth and it is amazing what can happen when we use them in that fashion.

I wish to take some time to talk about some of the many concerns I hear from folks across my State and how we can better address them. More than anything else, one thing has been made clear by our military families: Education benefits for our soldiers continue to be of paramount importance.

Unfortunately, the National Guard and Army Reserve are still operating under an antiquated system of education benefits that does not reflect the additional and critical role they are playing in the global war on terror. Under current policy, our National Guard and Reserve soldiers have to use their education benefits while they are actually in the National Guard and Reserve. I had the mother of a National Guard soldier visit my office in Washington and tell my staff about her son's particular situation. Her son had been in the National Guard for almost 6 years. His 6-year investment ends in September of this year. In 6 years he has been deployed to Bosnia and now Iraq with substantial "uptraining" time spent away from home within the United States.

Because of his extension, he will not be able to finish school before his enlistment ends, and because National Guard troops cannot use their education benefits after separating from the service, we will leave him on his own to find a way to pay for the remainder of his studies and his graduate school, should he choose that path; all this after serving extended time on active duty defending our country.

There is a bill in the Senate to correct this discrepancy. It is my honor to join Senator LINCOLN on her Total Force Education Assistance Enhancement and Integration Act. That is a mouthful, but it is important. This bill would allow National Guard and Reserve troops to use their education benefits up to 10 years from the time they separate from their service. It also increases their benefits commensurate with their time on active duty. This is a good start to adjusting education benefits in a changing environment.

Another concern I heard during this listening session was about the difficulty our troops are having applying for college when they are overseas. Many of our troops want to begin their education, but going through the college application process is hard enough if you are working on your home computer in your living room. It is even harder if you are stationed 7,000 miles away from home with limited access to phone, e-mail, or free time for that matter.

We need to find a way to help our deployed soldiers utilize their education benefits by helping them through the difficult application process. Not only will this improve participation in the program, it will improve our soldiers' morale and their ability to reintegrate when returning home. One of the good things I heard is that some of the colleges are getting this. Some in the State system and now even the private college system in Minnesota are understanding these challenges and are becoming more flexible on the public side, and I applaud this kind of public-private partnership.

A final note on education is the lack of benefit structure or program for spouses—for spouses of those who are now in the Armed Forces.

With over 2,600 Minnesotans currently stationed in Iraq, we have hundreds of military spouses working to keep their families together while their loved one is overseas. Many of them, by the way, were going to school, but now their husband or wife is overseas and they have to take a job and give up their education. They have less income, but they have to take care of their families. One spouse told me at one of our listening sessions she had been both a single mom and a military wife while trying to go to school, and being a single mom was much easier.

We need to look at ways to extend benefits to military spouses who are working at home to keep their families together while they try to continue their education. We all know the importance of investment in education. Why should we deny benefits to military spouses who have sacrificed so much?

Another critical issue I continue to hear about is health care for our returning soldiers and veterans. Again, we were all shocked to see the conditions revealed at Walter Reed Hospital at the end of February, and I am pleased those who are responsible are being held to account. While the conditions at the outpatient facility at Walter Reed are being fixed, it is a good time to revisit the overall structure of health care for our troops and our veterans. I share the concern Chaplain Morris states in his letter to the Pioneer Press that we will: "Fix the crisis and forget the problems" in regard to health care and what I hope can be done to fix them.

I continue to hear about the difficulties associated with Tricare. On my visits around the State, I learned that only 40 percent of healthcare providers in Minnesota are Tricare providers. Though this is an improvement from the past, it is still unacceptable. From our healthcare providers, we hear that the program is painful and cumbersome to work with, and it costs them significant amounts in staff time and energy to navigate the paperwork. For our military families, especially those in rural areas, traveling to a provider that will take Tricare is often a lengthy process that is simply not possible.

We need to look at ways to streamline the Tricare system, and, if necessary, further incentivize providers to accept Trice.

Another problem I heard from my visits around the State is the inability of returning troops to have marriage counseling covered by their benefit plans. Under current regulations, Tricare does not cover the counseling that is often necessary when our warriors return to their homes and families. Many of our troops have been deployed for extended periods of time, and when they return home, it is difficult to readjust into life with their families.

If a returning soldier wanted to receive marriage counseling, for instance, they must go to their family doctor and get a referral for mental health issues caused by marriage. Then, after substantial effort and delay, it becomes possible for a soldier to act on the referral for stress and mental health concerns and see a marriage and family therapist. We have to do better than this for our returning warriors.

Another major issue we confront with Tricare is the lack of Tricare-certified Chemical Dependency Treatment Centers. Because of the burdensome certification process for these centers, we have 257 Chemical Dependency Treatment Centers that are certified by the State of Minnesota but not a single one of them is certified by Tricare. So if any of our returning heroes comes home and develops a problem with substance abuse, there is not a single place in Minnesota they can go for help. This is a critical oversight which needs to be corrected.

Another issue we need to be prepared to handle is post traumatic stress disorder, PTSD. We all know PTSD is going to be an issue we will face for years to come as more of our soldiers return from abroad. And if we are committed to dealing with it, we need to be committed to the facilities and the people who will be working to cure the disorder on a daily basis.

One way we can do this is to incentivize mental health care professionals to join our veterans and military hospital system. I have learned in my outreach across the State that it is difficult to recruit these professionals, especially qualified psychiatrists, to VA and military hospitals in rural areas. I have always said that the quality of your healthcare should not depend on your ZIP Code, and this is especially true for our veterans and military families.

We also need to make sure we have adequate facilities for the influx of participation in veterans' programs for the next few years. While most of the veterans I have spoken with over the past months have told me that the care they receive at the facilities in Minnesota is nothing short of excellent, we need to plan for the strain an increasing number of veterans will have on our facilities that are operating near capacity.

Finally, I would like to address the importance of a comprehensive strategy for reintegrating our returning heroes into society. Quite frankly, this is bigger than any one single issue confronting our veterans and military families, but it encompasses everything I have talked about so far today.

In my home State of Minnesota, the National Guard has developed an innovative program known as Beyond the Yellow Ribbon to conduct reintegration academies for the families and their loved ones who are returning from Iraq. We have watched with great pleasure as this program has helped countless families deal with the everyday challenges that are not touched by Washington rhetoric. Through this program, we have been able to engage our families, our communities, and most importantly, our returning heroes, to ensure that they are comfortably shifting back to life out of the combat zone.

I will continue to work with our Minnesota National Guard and the families, communities, and veterans across our State so that we can continue this program and use the experience we gain from it to benefit our Nation as a whole.

Inscribed on the base of the Korean War Memorial is the following: "Our nation honors her sons and daughters who answered the call to defend a country they never knew and a people they never met." These words ring true today as so many of our service men and women are fighting overseas in the war on terror.

We need to make sure the sacrifice they make is met by a commitment here to do all we can to ease their reentry and take care of their concerns as they return.

We need to provide support for these soldiers. We need to provide support for their families. And we need to do it before, during, and after they return from abroad. It is not about rhetoric, and it is not about politics. It is about a commitment to listen and a commitment to get things done. I look forward to working with my colleagues to this end during the coming months and years.

I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

TRADE AGREEMENTS

Mr. BROWN. Madam President, last month, at a Senate Agriculture Committee hearing, Rhonda Stewart, a single mother from Hamilton, OH, Butler County, testified that despite working full time, caring for her 9-year-old son Wyatt—even serving as president of the PTA—she and her son must rely on food stamps to survive.

At the end of each month, she told us, she must forgo dinner so her son can eat because the food stamps, which is about $6 a day, don't go far enough. She told us that at the beginning of the month, he gets pork chops. He knows he eats better in the beginning of the month than at the end of the month when she is running out of money. At the end of the month, she sits and tells him she is not really hungry, as her son eats, because she wants him to have enough, even when she doesn't.

On the same day that Ms. Steward testified, U.S. Treasury Secretary Paulson told the Senate Banking Committee that the economy was doing well. He said over and over that the GDP was up 3 percent for the quarter. He kept insisting: Senator, you don't understand, things are going very well in this country. GDP is up 3 percent. People are making money and companies are profitable.

When you think about all of that, here is the story: Profits are up. The stock market is doing well. Millionaires are enjoying exorbitant tax breaks. Worker productivity is up, but the workers are not sharing in the increasing profits most corporations are making. Workers across the country too often are losing their jobs, and a single mother working full time cannot afford to eat dinner—even with the $6 a day in food stamps.

A Wall Street Journal article reported this week that since 2001, the economy has grown by 16 percent—16 percent since 2001—while worker pay, after inflation, has grown less than 1 percent—16 percent growth in the economy, profits up, workers gaining less than 1 percent.

Wrongheaded economic policies and job-killing trade agreements have fueled income disparity at home and abroad.

A few years ago, after the North American Free Trade Agreement passed, Congress was considering another one of these job-killing trade agreements. I traveled to McAllen, TX, where I crossed the border into Reynosa, Mexico. I rented a car with some friends and went to visit some families in Mexico just a couple of miles on the other side of the American border. There I met a husband and wife who worked for General Electric, Mexico. They lived in a shack that was about 20-by-20 feet, with no running water, no electricity, dirt floors. When it rained hard, the floors turned to mud. They worked 10 hours a day, 6 days a week, and each made less than a dollar an hour. Behind their shack was a ditch that was about 3 feet wide, perhaps, which was full of who-knows-what—perhaps human and industrial waste. The children played in this ditch. The American Medical Association has said that along that border is one of the most toxic places in the entire Western Hemisphere.

We visited an auto plant nearby, a modern, high-tech auto plant. The plant in Mexico looked just like an auto plant in Lordstown, OH, or Avon Lake or Cincinnati. The workers were working hard, the floors were clean, the technology was up-to-date, and the productivity was very good. But there was one difference between the Mexican auto plant and the one you would see in Ohio. That difference was the Mexican auto plant didn't have a parking lot. The Mexican workers were not making enough to buy the cars they made.

You can go halfway around the world to Malaysia to a Motorola plant, where the workers are not making enough to buy the cell phones they make, or you can go to Costa Rica, where workers at a Disney plant don't make enough to buy the toys they make. In China, workers at a Nike plant are not making enough to buy those shoes they make. These workers are not sharing in the wealth they create for their employers.

That is why these job-killing trade agreements don't work. Only when workers share in the wealth they create will we know our trade policy is working. In fact, when the poor in the developing world—those people who are working hard, working 50 to 60 hours a week, with their hands—only when the poor in those countries are able to buy the products they are making for us will we know our trade policy in the United States is actually working.

During the fight against the Central American Free Trade Agreement 2 years ago, the largest ever bipartisan fair-trade group was formed. Democrats and Republicans, environmental groups, religious groups, labor organizations, and business groups united and we changed forever the debate on trade. That coalition is alive and well, not just in the House of Representatives but also for the first time in the Senate. They are already working to revamp our Nation's trade policy and working to establish a manufacturing policy.

Senators BYRON DORGAN, LINDSEY GRAHAM, and I have introduced legislation that would ban imports from sweatshops. We have called for tougher World Trade Organization action to be taken against China, a country where, at least in 2005, 5,000 political prisoners were executed. The human rights violations continue in China. The oppression of workers continues in China. The kinds of values we hold dear in this country are violated every day by that Government and every day by these companies doing business in China, a country that manipulates its currency and continues to exploit its workers.

Our Government must renegotiate these trade agreements so that they lift up workers here and abroad, reward U.S. businesses that stay here, reward U.S. businesses that produce here, and reward U.S. businesses that create jobs here. That means doing away with current fast-track authority. That means doing away with the fundamentally flawed North American Free Trade Agreement, NAFTA model trade agreements. Make no mistake, we want trade. We want more of it, but we want fair trade. It is not a matter of if we revamp U.S. trade policy; it is when and who benefits from that.

America is a nation of innovation. The future of our manufacturing policy is firmly planted in the research and development of alternative energy. Today, I spoke with several people from Ohio—business owners and plant managers—who are part of a group called the Manufacturing Extension Partnership. It is a relatively small government program that helps small manufacturers, small businesses in Ohio and across the country, learn to compete better, helps them learn to cut their health care costs, helps them to be more energy efficient, and helps them learn how to export some of their products. We have a long way to go.

Oberlin College, not far from where I live, is home to the largest building in the United States on a college campus that is completely powered by solar energy. However, when that college built this building, they had to buy the components of the solar panels from Japan and Germany because we don't make enough of them in this country.

The same is true when you talk about wind turbines. In Ashtabula, OH, they make components for wind-turbine manufacturing. So do some other places around the country. But they do not make enough. More and more wind turbines are being built in this country, and it is a great opportunity, as all of alternative energy production is, for us as a nation to use that, in part, to help rebuild our manufacturing capabilities, to cut energy prices, and to do the right thing for the environment. It works in every way.

That is why as we, in the next couple of months, move toward votes on trade promotion authority, as we move forward, perhaps, on votes on bilateral trade agreements with Colombia, Peru, Korea, Panama, and other countries, perhaps, it is time that we pass trade agreements in this country that lift up workers, help our small manufacturers, that help us continue to preserve and expand our manufacturing base.

It is an American value to reward hard work. This Congress has a real opportunity not just to talk about a different trade regimen but to go in a different direction, to replace trade promotion authority with a trade promotion authority legislation model that will help to lift our workers up, create jobs in this country, help the developing world lift up their living standards so that we can continue to reward work and continue to fight for our values as a nation.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. REED. Madam President, I ask unanimous consent that upon completion of my remarks, Senator ALEXANDER of Tennessee be recognized for 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUPPLEMENTAL APPROPRIATIONS

Mr. REED. Madam President, the emergency appropriations bill passed by the Senate this morning is urgently needed for our troops in Iraq and Afghanistan, for our wounded veterans, and for scores of Americans facing natural disasters on the homefront.

I commend Chairman BYRD and Senator COCHRAN for their hard work and close collaboration. As the acting chairman of the Military Construction, Veterans Affairs, and Related Agencies Subcommittee, I also wish to thank Senator HUTCHISON and her able staff, along with my committee staff, for the help they gave in crafting the portions of the supplemental which dealt with military construction and veterans affairs.

The total for military construction and veterans affairs in this supplemental is $6.548 billion. It includes in title I $1.644 billion for military construction. Also contained in this section is a proviso restricting the obligation of $280 million until the Secretary of Defense certifies that none of the funds will be used for the purpose of establishing permanent U.S. military bases in Iraq. I think that is an important point to clarify.

Title II of the recommendation includes a total of $4.9 billion for military construction and also for activities at the Department of Veterans Affairs. This includes $3.137 billion to restore funding for BRAC, which is very important to reset our forces as they are returned from overseas and to help reconfigure all of the services. This fully funds the request of the Department of Defense for fiscal year 2007 for this account and will keep the BRAC process on track.

Because the costs of the war are not associated strictly with activities on the battlefield, the recommendation includes $1.767 billion for the Department of Veterans Affairs.

In crafting the VA portion of this bill, we targeted the funding specifically for purposes of building capacity to deal with the influx of OEF and OIF veterans, hiring claims adjudicators and leveraging technology to expedite benefit claims, and upgrading existing VA facilities.

The VA health care system is one of the best in the world. It has specialties in a number of areas, including spinal cord injury and blind rehabilitation. Because of these specialties, the VA has become a great resource for the treatment of troops wounded in Iraq and Afghanistan. However, due to the nature of combat in Iraq and Afghanistan, coupled with the advances in battlefield medicine, both the DOD health care system and the VA health care system are treating more military personnel with complex and multiple wounds and particularly traumatic brain injuries.

In response to this, in 2005, the Congress provided funding to the Department of Veterans Affairs to establish polytrauma centers. The funding contained in this bill builds on the success of these centers by providing a total of over $163 million in polytrauma care for services ranging from establishing more level 1 comprehensive polytrauma centers to creating polytrauma residential transition rehabilitation programs, to upgrading the entire polytrauma network system.

The bill also adds $150 million for enhancements to readjustment counseling, substance abuse programs, and mental health treatment capacity. These are specialty areas that the VA will need to continue to expand to deal with readjustment issues facing veterans returning from the war zone. In order to begin making progress toward deficiencies identified by the VA's facilities condition assessment and to prevent a possible Walter Reed Building 18 situation, the recommendation includes $550 million in nonrecurring maintenance and $356 million in minor construction.

In addition to funding provided to the Department, the supplemental also includes a general provision directing the National Academy of Public Administration to conduct an independent analysis of the management, structure, and processes that are in place at the VA with regard to providing health care to active duty and veterans of the wars in Afghanistan and Iraq, as well as providing benefits to veterans of these conflicts. This study will assist the VA and Congress in identifying the cumbersome bureaucratic redtape that far too many of our soldiers go through in their transition to the VA.

The bill also includes a provision requiring the Congressional Budget Office to conduct a budget study of the current and future long-term budget impacts of OEF and OIF on the Department of Veterans Affairs. We know with a number of these young men and women who have been severely injured—many with brain injuries and likely lifespans of 50 or 60 more years—that we will have to provide long-term, consistent, robust funding. We should identify that number now and provide that continuing support for the next several decades.

This supplemental marks the continuing high priority the Senate places on ensuring that yesterday's, today's, and tomorrow's soldiers are cared for in the highest manner once they have done their duty and once they have come home to America.

Let me make one other point. I was somewhat disappointed in this bill because I was attempting to include an amendment to rehabilitate a levee system in Woonsocket, RI, to ensure it is up to Federal standards.

This amendment would have provided $3.25 million for the city of Woonsocket to rehabilitate the levee, including replacing important gate cables. The present cables are about 40 years old. According to the Army Corps of Engineers, failure of a cable during operation could result in an uncontrolled discharge downstream of the dam. Woonsocket is an old industrial city, densely populated, and these levees protect that city.

The Woonsocket project was built between December 1963 and April 1967 by the Army Corps of Engineers. The Corps estimates that cumulative flood control benefits for the Blackstone Valley project are more than $82 million. This project in place protects at least $82 million worth of property.

Given the importance of this flood protection to Woonsocket and communities on the Blackstone River, I believe Federal assistance is warranted to protect life and property.

These deficiencies were discovered as a direct result of Katrina. We learned in Katrina there were projects, levees that were unsatisfactory. They failed and they caused billions of dollars of damages. Being forewarned—I hope we are forewarned—that having studied these problems, I hope we can now come together in Congress to provide the resources and help these local communities, many of which do not have the resources to sustain this kind of immediate and rapid expenditure.

A recent assessment by the Corps found that the Woonsocket levee and dam is in need of repairs. The Corps has given the city until February 2008 to make these repairs, otherwise the project will no longer be eligible for Federal construction funding through the Army Corps of Engineers.

In addition, if these repairs are not made, the Federal Emergency Management Agency could, and likely will, determine the levee no longer offers adequate flood protection and could require residents to buy flood insurance, which is a very expensive proposition. The city of Woonsocket is economically distressed. It needs Federal assistance. There are other communities around the country that might be in a similar situation.

The devastation wrought by Katrina in New Orleans shows us what could happen. Now we have the knowledge—the foreknowledge—and now we have to act. I am disappointed we did not act in this situation to protect this complex of levees.

I will continue to bring this issue to the attention of my colleagues again and again because I believe that with this knowledge, action is required—prompt, appropriate action—to ensure this community is protected.

I wish to make a final point because my colleague has been very patient and very considerate in allowing me to go ahead.

We have included in this supplemental language with respect to our policy in Iraq which I think is important, indeed, perhaps historical. It recognizes that we should begin a phased redeployment of our forces. It recognizes that we also must maintain certain missions in Iraq—counterterrorism operations, training Iraqi security forces, and protecting our forces. But it does emphasize we should begin on a date certain going forward to take out our forces at a pace and a level decided by operational commanders. There is a goal—not a fixed deadline—but a goal that our combat forces—those not performing these residual missions—should be out of Iraq by March 31, 2008.

This is a solution proposed essentially by the Iraq Study Group. It has been recommended, endorsed by the public sentiment of the American people by a wide margin. It allows us to continue missions that are critical to the safety and security of not only ourselves but of the region, but it does, we hope, disengage us from a potential and sometimes very real civil war in Iraq.

I hope that in the deliberations with the House, we can come up with a measure that combines the best elements of both versions of the spending bill. I hope we can bring this to the President and discuss it with him. It does represent, I think, the sentiment of the American people. It does represent not only the sentiment that we change course in Iraq, but, as this budget does, we fully fund our forces in Iraq.

I am hopeful we can make progress and that we can send to the President a bill, after discussing it with him, that could be signed rather than vetoed. That is my hope at this moment.

I yield the floor.

The PRESIDING OFFICER (Mr. TESTER). The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, I believe I am to be recognized for 20 minutes.

The PRESIDING OFFICER. That is correct.

THE GREAT AMERICAN OUTDOORS

Mr. ALEXANDER. Mr. President, I wish to make remarks about three matters of importance to the great American outdoors, all of which have been happening this week and which are important for our country.

First, I wish to comment on a provision the Senate struck from the Iraq supplemental appropriations bill this morning when we were considering it. We struck it in a procedural move based upon a point of order I raised. The provision was a billboard amnesty proposal that was inserted into the middle of legislation that was supposed to be in support of our troops.

I called it a billboard amnesty proposal because it suddenly would have treated as legal billboard sites that have been illegal for 40 years and effectively would have gutted the Highway Beautification Act of 1965, which is one of the legacies of a former First Lady, Lady Bird Johnson.

I think this deserves a little attention and a little explanation before we leave it because it was a full-scale assault on one of the most important pieces of legislation that helps keep our country beautiful at a time when we are growing and struggling to preserve open spaces.

There are three problems with this billboard amnesty proposal, as I saw it. First, the proposal would have done for the billboard industry something the law doesn't allow for churches, doesn't allow for schools, doesn't allow for businesses, doesn't allow for any other structures that since 1965 have been on illegal or nonconforming sites.

This is what was happening. In 1965, at the urging of President Johnson and Mrs. Johnson, the Nation decided it would restrict billboards, both in terms of their location and their size. As we often do with legislation, we looked ahead and said the billboards could not be located in some places and had to be within a certain size. As the interstate system grew across the country, much of it is relatively free of large billboards or has a limited number of billboards.

The question then arose about what do we do about the billboards and signs that were already up prior to 1965. The decision was made by the Congress at that time to say we will leave those signs up, we will grandfather them in. As long as they stay up, they are fine, but when they fall down, they will be gone. In other words, we have been waiting for 40 years for those sites to die a natural death. That was the compromise in 1965. Many of these billboards are large billboards and are in places we don't want—rural areas, scenic areas across the country—but that was the decision we made.

The problem with this legislation, as it came into the supplemental appropriations bill for troops, is it said suddenly all the billboards in 13 States that are on sites where it would be illegal to put a new billboard were suddenly legal. In other words, it was instant amnesty, overnight amnesty for illegal billboards.

There are a lot of billboards like this. For example, in the State of Tennessee, there are nearly 3,000 billboards on sites where they would not be permitted under current law, but when those billboards fall down, they can't ever put them back up. We have known that for 40 years. In North Carolina, there are probably 2,600 illegal sites, in the sense that when the billboards wear out, fall down, act of God knocks them out, they can't be put back up. In South Carolina, there are 2,200; in Florida, 6,000; in Oklahoma, 1,400; and in Alabama, 912. In a moment, I will put in the list of those in each State.

What the provision that we struck from the bill said was, because there were some hurricanes down South, in all these places where billboards on illegal sites were knocked down by a hurricane, they could be put back up. That raises a lot of questions. What is the difference between a billboard being destroyed by a hurricane and being destroyed by lightning, or it becoming water damaged, or it falling down because it is rotting, or some other act of God?

The whole idea in 1965 was when the billboards wore out, or an act of God destroyed them, they were gone. They were gone. We have been waiting for 40 years for that to happen. So in comes the billboard lobby and, suddenly, we have first a proposal to exempt all these billboards across the country—instant billboard amnesty for all the billboards in every State—even though the hurricanes were in the South.

Finally, that original proposal from the billboard industry got narrowed down to 13 States, which included Tennessee—we don't have a lot of hurricanes in Tennessee—and Kentucky. Hurricanes in Kentucky?

I think what is happening here is the billboard lobby is doing its best to reclaim all those billboards that have been illegal for 40 years by saying because of this hurricane or that drought or that lightning strike, suddenly we want them rebuilt in every State. That is a pretty good thing for all the billboard companies, because by and large they have bought them up from all the small farmers. They weren't worth very much because the owners knew when they fell down, the billboards could never be replaced. So what could be better for the big billboard lobby than to suddenly get instant amnesty for all these sites and instant riches overnight for those companies?

I don't blame them for trying, but I think the Senate was exactly right to say, wait a minute, we can't do this. Not only is it an affront to the troops to be cavalierly talking about a wet kiss to the billboard lobby in the middle a debate when we are supposed to be helping the troops in Iraq, I think it is an affront to Lady Bird Johnson and all those across America who, for 40 years, have tried to keep our country, about which we sing, beautiful. One of our greatest values is we sing and believe in America the beautiful.

This motion was put into the legislation by the Democratic leader. I want to make very clear I don't question his motives, and I respect what he does. I appreciate the courteous way in which he treated the discussion he and I had on this. I told him if there were some injustices that have to do with States in the South that have been somehow unevenly treated by the law or impacted by the hurricanes in a way nobody anticipated, I would be glad to work with him and other members of the Environment and Public Works Committee, on which I serve, to correct those injustices. But the Senator from Florida, Mr. MARTINEZ, was a cosponsor of my amendment to get rid of this provision. The Senator from Alabama, Mr. SHELBY, was a cosponsor of my amendment to stop this billboard amnesty. So who is the billboard lobby trying to protect here, when the Senators from those States—Tennessee, Alabama, and Florida—say we don't need that sort of protection? But I am happy and willing to work on that legislation.

I also wish to make it clear to my colleagues this is not a new subject for me. In the 1980s, when I was Governor of Tennessee, the legislature and I—and the legislature was Democratic at the time—made 10,000 of our State roads scenic highways. We put little mockingbirds up, and we said no new billboards and no new junkyards. Tennessee is a beautiful State, and we wanted people to enjoy it as they drove across the country. The only regret I have is we didn't think of cell towers being invented. We all use them, for our cell phones and our BlackBerries. In Tennessee, they seem to be having a contest to see who can invent the biggest and the ugliest cell tower and stick it in the most scenic place. But we created those scenic highways in a bipartisan way.

In the mid-1980s, I was chairman of the President's Commission on Americans Outdoors, with Gilbert Grosvenor, the head of National Geographic, and Pat Noonan, president of The Conservation Fund, and one of our major recommendations was a system of scenic byways, which the Congress has now created across our country.

Our people want to see our beautiful country and they want reasonable limits on what we are doing. They certainly don't want to see us, in the middle of legislation to support our troops, to have suddenly attached to the appropriations bill an instant billboard amnesty proposal. I am glad that is out of the bill, and I congratulate the Senate for doing what we did this morning. It will come up through the regular committee, if we ever need to do that. The proposal was a big wet kiss to the billboard lobby, and a kissing line in which I don't care to stand, and I appreciate the Senate action.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from several organizations—Scenic America, the U.S. Conference of Mayors, the National League of Cities, the American Planning Association, and other groups—expressing their deep concern about the provision we knocked out of the supplemental appropriations bill that would have gutted the Highway Beautification Act.

Following that, I wish to include a chart from Scenic America that has a list of the number of nonconforming billboards in every State. There are 63,000 of those sites where it would be illegal to put up new billboards. The whole thrust of this billboard amnesty proposal would have been to turn those illegal sites into legal sites overnight, beginning with these 13 States and perhaps expanding to other States in the future.

Also, I wish to include two newspaper articles, one from the Washington Post and one from USA Today, which alerted the Senate this week to this provision in the appropriations bill, which slipped in very quietly under the heading of "highway signs."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MARCH 27, 2007.

Hon. LAMAR ALEXANDER,
U.S. Senate,
Washington, DC.

DEAR SENATOR ALEXANDER: We are writing to express our deep concern about a provision related to the Highway Beautification Act's rules governing the destruction of nonconforming signs by hurricanes that was added to the Senate's supplemental appropriation bill. We strongly believe this legislation would do significant harm to the core principles underlying this 42-year-old law and will impair the ability of state and local governments to remove nonconforming billboards from their communities. Moreover, it will also undermine local governments' ability to regulate nonconforming land uses in general by carving out an exception to longstanding legal and regulatory practices not available to any other business entity. Because this is a substantive measure that properly belongs within the jurisdiction of the Environment and Public Works Committee, and because it would be extraordinarily damaging to communities in 13 states, we urge you to seek the removal of this provision from the final bill.

As you know, this is the third attempt within the past year to weaken this important provision of the HBA and, once again, the offending legislation avoided the formal scrutiny of the authorizing committees with jurisdiction. Policy matters of this importance deserve to be dealt with directly through appropriate legislative channels, not through nongermane appropriations measures.

But this legislation is wrong not just procedurally, it is wrong on its merits. This measure permits state legislatures in FEMA Regions IV and VI to opt-out of one of the last remaining effective provisions of the Highway Beautification Act, which is already heavily weighted to the advantage of the outdoor advertising industry. One of the principal compromises made at the time of the HBA's passage was that nonconforming signs would be removed by attrition over time. These signs, often many decades old, are located in places that no longer permit them and are, by definition, undesirable. Like all nonconforming land uses they are subject to permanent removal when they are destroyed by acts of God. They cannot be replaced or rebuilt for the simple reason that it is now illegal to build a new sign at that location.

Each state currently defines what constitutes "destroyed" in its agreement with the federal government implementing the law. Usually, "destruction" is defined as some percentage of the structure or the value of the sign. When a nonconforming sign is harmed in a storm, and crosses the threshold from merely damaged to destroyed, its permit is revoked and it must be permanently removed, just as any nonconforming structure would be under similar circumstances. Case law and common practice have long held that the owner of a nonconforming destroyed structure is not entitled to compensation and certainly cannot rebuild it. Billboards are—and should be—no exception. Congress should not treat billboard companies differently from any other business that owns nonconforming structures destroyed in hurricanes.

We are deeply concerned that the continued weakening of the enforcement provisions of the HBA will render the nonconforming designation meaningless, in effect converting these signs into permanent structures. Incidentally the legislative language permits these signs to be rebuilt with modern materials that will make them virtually indestructible, a notion completely at odds with the original intention of the law. The crippling of the storm-destruction provision effectively removes any hope that the thousands of old, nonconforming billboards littering our highways will ever be removed. Many of these signs are over 30 years old; some, much older. They were purchased with full knowledge that they were subject to destruction by natural causes and ultimate removal, and should not be granted special protection, particularly given their notoriously adverse impact on the quality of community life.

The provision requires state legislative action in order to take effect, and in virtually every instance in recent years state legislation dealing with billboards overrides local authority. Ultimately, local prerogatives will almost certainly be trampled, and, in fact, will need to be in order for the bill to have its intended effect of protecting the interests of billboard companies. This is an instance where a federal standard protects local governments better than a policy crafted in state legislatures.

In addition, you should be aware that the outdoor advertising industry has been embroiled in significant legal and administrative disputes involving the potentially improper rebuilding of nonconforming signs destroyed in recent hurricane seasons. This measure is a transparent effort to short-circuit ongoing court cases as well as administrative disputes between FHWA and state departments of transportation and between state DOT's and the industry. Further, Congress should not be swayed by spurious claims of hardships faced by sign companies or advertisers in the wake of recent storms. Most of the destroyed signs are owned by very large media corporations which purchased the signs from the original owners with full knowledge of their nonconforming status, and affected local businesses face no shortage of alternative signs for their advertising messages.

This provision is an affront to the core principles of well-established federal law and threatens local authority, and represents a violation of congressional procedures and basic democratic principles. A supplemental appropriation bill should not be used to make substantive changes to a policy that is completely nongermane to its purpose. Citizens and stakeholders should not be frozen out of the legislative process in an effort to promote the interests of a powerful industry. We strongly urge you to protect American communities, the prerogatives of local governments, and the long-standing federal interest in the beautification of our national highway system by seeking the removal of this provision from the supplemental appropriations bill.

If you would like further information about this issue and its implications, please don't hesitate to contact Kevin Fry, the president of Scenic America.

Thank you for your consideration of this important matter.

Sincerely,

Scenic America, The United States Conference of Mayors, National League of Cities, The American Planning Association, The American Society of Landscape Architects, The American Institute of Architects, The Surface Transportation Policy Partnership, The National Association of Towns and Townships.

BILLBOARDS IN EVERY STATE

(Source: Scenic America)

STATE	CONFORMING	NONCONFORMING	TOTAL
Alabama	4,697	912	5,609
Alaska	0	0	0
Arizona	1,788	444	2,232
Arkansas			
California	8,081	2,919	11,000
Colorado	1,162	501	2,200 (incl.others)
Connecticut			
Delaware	6,168	11	6,179
Florida	15,455	6,033	21,488
Georgia	7,717	1,545	9,262
Hawaii	0	0	0
Idaho	1,183	96	1,279
Illinois	13,000	2,000	15,000
Indiana	unknown	unknown	unknown
Iowa	unknown	unknown	3,700
Kansas	2,938	2,469	5,407
Kentucky	2,621	563	3,184
Louisiana	3,663	775	4,438
Maine	0	0	0
Maryland	unknown	unknown	4,194
Massachusetts	unknown	unknown	4,104
Michigan	14,240	3,293	17,533
Minnesota			approx. 5,000
Mississippi	unknown	unknown	4,000
Missouri	2,855	8,696	11,551
Montana	unknown	unknown	3,156
Nebraska	4,137	1,365	5,502
Nevada	1,171	17	1,188
New Hampshire	385	172	557
New Jersey	unknown	unknown	unknown
New Mexico	unknown	unknown	unknown
New York	2,744	1,702	4,446
North Carolina	5,892	2,684 (?)	8,576
North Dakota	2,537	691	3,228
Ohio	5,758	5,278	11,036
Oklahoma	3,626	1,401	5,027
Oregon	1,601	149	1,750
Pennsylvania	8,838	3,219	12,057
Rhode Island	64	41	105 (?)
South Carolina	4,234	2,214	6,448
South Dakota	3,500	2,500	6,000
Tennessee	7,512	2,988	10,500 (est.)
Texas	14,529	930	15,459
Utah	818	145	1,144
Vermont	0	0	0
Virginia	4,121	2,247	6,368
Washington	unknown	unknown	1,950
West Virginia	unknown	unknown	unknown
Wisconsin	7,177	4,677	11,854
Wyoming	1,365	1,147	2,512
TOTAL	165,577	63,824	256,223

[From washingtonpost.com, Mar. 27, 2007]

Billboard King Reid Looks To Leave Mark on Senate War Funding Measure

(By Elizabeth Williamson)

In a (quite) large sign that protecting U.S. troops isn't the only thing on Senate Majority Leader Harry Reid's mind these days, the Nevada Democrat inserted an item into the Senate's Iraq war funding bill—safeguarding billboards.

Senate debate began yesterday on the bill, which provides $122 billion for the wars in Iraq and Afghanistan; sets a goal of March 31, 2008, for withdrawing U.S. troops from Iraq; and—if Reid has his way—allows thousands of billboards destroyed by bad weather to be rebuilt.

For the senator, who has referred to himself as the King of Billboards, "it's a constituent issue, but it's a value that he believes in," said Reid spokesman Jon Summers.

The battle over billboards began in 1965, when the Highway Beautification Act set a policy that "nonconforming" billboards—defined by states but usually meaning those packed closely together, or in scenic areas—would be allowed to die of natural causes. As storms and other acts of God destroyed them, their owners would not be permitted to replace them. Recent hurricanes have fueled a fight between the powerful Outdoor Advertising Association of America (OAAA), which wants to roll back the federal law, and opponents led by Washington-based Scenic America, which decry billboards as "visual pollution."

On March 15, Reid wrote Senate Appropriations Committee Chairman Robert Byrd (D-W.Va) asking for a provision that "clarifies" the rules governing rebuilding of "outdoor structures" after natural disasters.

"This is a matter of personal importance to me," the majority leader wrote, a comment that "goes back to the values," Summers said. Meaning that out west, "there's a big sense of independence, and your property is your property," Summers said.

About 40 billboard companies operate in Nevada. Over the past two years, Reid's Searchlight Leadership Fund has received $6,000 in contributions from the OAAA's political action committee.

The OAAA represents a booming industry that earned $7 billion nationwide in revenue last year, but it emphasizes the role of billboards in advertising local businesses. Association spokesman Ken Klein said Reid's amendment aims to reverse "a pattern of overreaching" by the federal government, which threatened to withhold highway funds to Florida when companies rebuilt nonconforming billboards hit by hurricanes in 2004. Reid's bill would have prevented such actions.

Kevin Fry, president of Scenic America, said: "The bill carves out an exception to local land-use rules for a single industry that is not available to any other . . . One might reasonably ask why legislation affecting the South and Southeast was introduced by a senator from Nevada."

Reid's request went to the Appropriations subcommittee on transportation, which pared it back to apply to 13 mostly hurricane-prone states, instead of all 50. The law would come up for renewal in 24 months.

Scenic America is fighting the amendment, which "sets a destructive precedent that will certainly be revisited anytime natural disasters take their toll on nonconforming billboards," Fry said. "The two-year time frame is a joke."

The OAAA sees the measure as a "positive step," Klein said. "Senator Reid is a longtime supporter of mobility, tourism and property rights. We appreciate those principles."

[From USA TODAY, Mar. 27, 2007]

Bill Would Shelter Unsightly Billboards

(By Kathy Kiely)

WASHINGTON.—A bill the Senate takes up today to provide emergency funds for military operations and Katrina victims also would help billboard advertisers that donated tens of thousands of dollars to Democrats and Republicans for the 2006 election.

A provision tucked into the $122 billion measure at the request of Senate Majority Leader Harry Reid, D-Nev., would exempt older billboards in 13 Southern states, stretching from Florida to New Mexico, from regulation under the 1965 Highway Beautification Act.

The provision would let billboard companies rebuild signs damaged by hurricanes even if the new ones violate laws regulating the size and placement of outdoor advertising. Reid says he's trying to protect the rights of businesses hurt by the storms: "Why shouldn't they be able to replace their property like anybody else?"

Kevin Fry of Scenic America, a non-profit group that opposes Reid's move, says there's a good reason: The billboards are eyesores that would be barred today.

Fry says Reid's efforts would be "a grotesque weakening" of the Highway Beautification Act, a legacy of President Lyndon Johnson's wife, Lady Bird. It lets states regulate billboards along federal highways.

Fry says states often prohibit signs that are too large, too close together or located along rural and scenic routes. About 75,000 signs built before the regulations remain, Fry says: "It's the worst kind of blight."

Hurricanes destroyed some in Florida and Gulf Coast states in 2004 and 2005. Hal Kilshaw, vice president of Lamar Advertising of Baton Rouge, one of the advertising firms pushing to rebuild, says, "States should be able to decide," not Washington.

For the 2006 election, the Outdoor Advertising Association's political action committee (PAC) gave $143,000 to Republican and Democratic candidates for Congress, according to PoliticalMoneyLine, a non-partisan group that tracks contributions. Lamar gave $70,000 to congressional candidates, the group says.

Reid's PAC received $16,000 from outdoor advertisers, according to PoliticalMoneyLine. In a letter to senators last week, Reid said the exemption "is a matter of personal importance to me."

Mr. ALEXANDER. Mr. President, I wish to, in the remaining time, mention two other proposals that have to do with the great American outdoors.

Yesterday, a group of 17 Senators and Congressmen from North Carolina and Tennessee took a historic step by writing a letter to Secretary of the Interior Dirk Kempthorne about the so-called "Road to Nowhere" through the Great Smoky Mountains National Park.

The point of the letter was to suggest to the Secretary three things:

No. 1, Mr. Secretary, bring to a conclusion within 90 days the environmental impact statement that has been going on for several years about whether to build this road—the $600 million "road to nowhere" through the park—and recommend, Mr. Secretary, that no road should be built. That is the first step.

The second step is one we can take ourselves in the Congress once the Department of the Interior has said that no proposal for road construction would be appropriate environmentally. The 17 of us believe we should reprogram the remaining money from the environmental impact statement, which we judge to be $5 million, $6 million or $7 million, and give it to the citizens of Swain County, NC, who have waited since 1943 for just compensation for the promise the Government made to them at that time to compensate them for the road that was flooded when Fontana Dam was built.

The third thing we asked the Secretary to do was in the next administration budget for fiscal year 2009, recommend to us what the rest of the cash settlement should be to Swain County, and include the next installment of that settlement in the budget, but without taking the money from the National Park budget.

What is historic about this is it was not just the number of Senators and Congressmen, it was the fact it was Senator DOLE from North Carolina as well as Senator CORKER from Tennessee. It was Congressman SHULER, a Democrat from North Carolina, as well as DAVID DAVIS, a Republican from Tennessee. We also have support from the Governors of both Tennessee and North Carolina for the proposed cash settlement to Swain County in lieu of the road.

The road is a bad idea. It has been a bad idea for a long time. The Great Smoky Mountains National Park is the largest, most visited national park in the United States by a factor of three, with 10 million visitors a year. It is managed as if it were a wilderness area. This road, costing more than $600 million, would go straight through the most pristine part of the largest wilderness area in the eastern United States. And $600 million I believe is an understatement of what it might cost. There would be very difficult places to go through. It is hard to think it could be built without spending a lot more money.

I congratulate the Congressman from North Carolina, Mr. SHULER. He grew up on one side of the Great Smoky Mountains in Swain County, and I grew up on the other side in Blount County. Fifteen years ago, I was president of the University of Tennessee and he was its quarterback. Today, he is now the Democratic Congressman from Swain County and that area, and I am the Republican Senator from east Tennessee. We agree on what to do, and we believe it is time for the Secretary of the Interior to accept our suggestion, say there will be no road, and let us get busy giving the people of Swain County $6 million or $7 million this year, and in future years compensate them properly.

Also Congressman SHULER and I and others say that in this process we must do a better job of helping the descendants of those who once lived in what is today the Great Smoky Mountains National Park to be able to get across Fontana Lake to the gravesites. That may seem a small matter to those who have not heard of this before, but that park was taken, by land condemnation oftentimes, from those people and their families and their ancestors. It was then given to the Federal Government. There is a great sense of ownership of that park by the people of North Carolina and Tennessee, and it is only right that as a part of this settlement we make it easier for Swain County to help descendants of those who once lived within the park to get to their historic gravesites.

Mr. President, I ask unanimous consent to have printed at this point in my remarks a copy of the letter from the 17 Members of Congress from North Carolina and Tennessee to the Secretary of the Interior.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, DC, March 28, 2007.

Hon. DIRK KEMPTHORNE,
Secretary, Department of the Interior,
Washington, DC.

DEAR MR. SECRETARY: Considering the significant environmental and economic costs associated with building the North Shore Road—or the so-called "Road to Nowhere" through the Great Smoky Mountains National Park—we ask that you begin immediately to work with us to provide a cash settlement to the citizens of Swain County, North Carolina, rather than further constructing the road.

We recommend these three steps:

First, within the next 90 days, the National Park Service's Environmental Impact Statement (EIS) should endorse a cash settlement to Swain County instead of any further construction on the North Shore Road.

Second, upon completion of the EIS, the Administration should support legislation that will be introduced in Congress to reprogram the funds remaining from those originally appropriated for the EIS, currently about $6 million, and give those funds to Swain County as the first installment of the settlement.

Third, in January 2008, as a part of its fiscal year 2009 budget request to Congress, the Administration should include in its budget the next installment of the full cash settlement to Swain County. This funding should come from outside the National Park Service budget in the form of a special request.

The United States made a commitment to Swain County in 1943, when it flooded a highway in connection with the creation of the Fontana Dam, to build a new road through what had become the Great Smoky Mountains National Park. The U.S. Supreme Court, however, held in 1946 that there is no legal obligation to satisfy that commitment by building another road. A cash settlement instead of a road is precisely the kind of "common sense adjustment" that the Supreme Court envisioned.

A road through the Park would damage the largest and most pristine wilderness area in the eastern United States. Such a road would cost at least $600 million, more than 75 times the annual roads budget of the Great Smoky Mountains National Park. In addition, a good highway now exists outside the Park between Bryson City and Fontana.

This sort of settlement has been recommended by the elected Swain County Commission and the governors of North Carolina and Tennessee, and is supported by the undersigned members of the North Carolina and Tennessee congressional delegations.

After over 60 years of controversy, it is time to bring this matter to a close. The solution we are endorsing will protect America's most visited national park, save taxpayers hundreds of millions of dollars, and fulfill a promise to the citizens of Swain County, North Carolina.

Sincerely,

Lamar Alexander, Elizabeth Dole, Bob Corker, U.S. Senators; Heath Shuler, David Davis, G.K. Butterfield, Zach Wamp, Bob Etheridge, Lincoln Davis, Walter Jones, Bart Gordon, Mike McIntyre, Jim Cooper, Brad Miller, John Tanner, David Price, Steve Cohen, Members of Congress.

Mr. ALEXANDER. Finally, Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes.

Mr. ALEXANDER. Mr. President, last night I attended the annual meeting of the National Parks Conservation Association, and I spoke to them, and I wish to repeat a suggestion and a proposal I made there.

I said to these leading conservationists from across the country that 22 years ago, in 1985, President Reagan asked me to head up what we called the President's Commission on Americans Outdoors. It was to be a successor to Laurance Rockefeller's Commission on Outdoors a generation earlier. The Rockefeller Commission was one that was remembered for advocating a lot of Federal action, such as the Land and Water Conservation Act and the Wild and Scenic Rivers legislation.

Our commission in the mid-1980s looked around the country and called for a prairie fire of concern and investment community by community to keep our outdoors great. We identified threats to the outdoors at that time: exotic pollutants, loss of space through urban growth, and the disappearance of wetlands. We recommended some strategies for dealing with the future, which have become fixtures in the outdoor movement, such as conservation easements, scenic byways and greenways, and we recommended $1 billion a year from the sale of renewable assets, such as oil, to succeed the Land and Water Conservation Fund.

Mr. President, since I see no one here, may I ask unanimous consent for an additional 5 minutes to complete my remarks?

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALEXANDER. Mr. President, another generation has passed. There are new challenges and new opportunities. My proposal to the conservationists last night was it is now time for a third President's Commission on Americans Outdoors to follow the Rockefeller Commission in the 1960s and our commission in the 1980s. It would be an opportunity to look ahead for another generation and tell our country what we need to do to create places for us to enjoy the outdoors in appropriate ways, an opportunity to create a new conservation agenda.

There is some unfinished business that is obvious. Special Federal support for conservation easements expires this year. The conservation royalty, which we enacted in the last Congress, giving one-eighth of the money we acquire from drilling in the Gulf of Mexico to the Land and Water Conservation Fund, is only a beginning to fully funding land and water conservation. We need to codify the Environmental Protection Agency's new clean air rules about sulfur and nitrogen, which are so important to the Great Smoky Mountains National Park, as an example. Urban growth is still swallowing up open space.

There are new challenges and opportunities that were barely on the agenda 25 years ago: Climate change, the 100th birthday of the National Park System in 2016, invasive species, and new technology which offers both promise and challenge.

For example, in terms of promise, carbon recapture from electricity plants fueled by coal—that could help make us energy independent, clean the air, and deal with global warming all at once; or at the John Smith National Water Trail in Virginia, Verizon has a wireless system so you can learn about 400 years of history as you go along the water trail, using your cell phone.

On the other hand, technology threatens America's landscape, the landscape of which we sing. I mentioned earlier that 25 years ago the Tennessee Legislature and I created 10,000 miles of scenic parkways with no new junkyards or billboards, and I didn't think of cell towers at the time. We now have 190,000 cell tower sites nationwide, many of them in scenic places, many of them ugly. That is unnecessary. If we had thought about it, cell towers could be camouflaged, colocated on a single structure, or located below the ridge tops. We should have thought about it and made more of a policy about it.

At the same time, while it gives many in the conservation movement a stomach ache to think about it, we are about to add to the American landscape tens of thousands of giant wind turbines that are twice as tall as the Neyland Football Stadium at the University of Tennessee, with turbines that stretch from 10-yard line to 10-yard line. Obviously, there is a place for wind power in our energy future, but isn't it right that we should stop and say: Do we want them on our seashores and the foothills of the Great Smokies and along the rim of the Grand Canyon? I don't think we would. It would be a chance for us to have a consensus about the blessings of technology and a consensus about view sheds and landscape conservation; in short, a new strategy and consensus for America, the beautiful.

I think this is our greatest opportunity to get around the table and take advantage of different ideas, put them together, and go ahead. We did that 20 years ago. We had private property advocates and open space enthusiasts and conservationists and outdoor recreation people. We were all around the same table. We had a pretty good rapport. I think we made a difference over the last two decades.

The other day, Tennessee's unusually Democratic newspaper, the Tennessean, in Nashville, praised President Bush's centennial initiative for national parks—$100 million a year, $3 billion over 10 years—to help celebrate the 100th birthday of our park system, which some have called the best idea America ever had. The Tennessean said in its editorial, and cautioned its readers:

> Just because George Bush said it, doesn't mean it's wrong.

Sometimes I think I need to say the same thing to my Republican friends about climate change. Just because Al Gore said it, doesn't mean it is wrong. I think we ought to work together to celebrate the 100th anniversary of the parks, to figure out what we want to do about climate change, scenic byways, open space, protecting private property rights, and providing more outdoor recreation opportunities. We can do that and now is a good time to do it. Why not have a Third President's Commission on Americans Outdoors? I believe the next President should appoint that commission and that we who care about those issues should take time to help him or her be ready with an agenda.

For me, the great American outdoors is not about policy and politics. I grew up hiking on the edge of the Great Smoky Mountains, camping there on a regular basis. I still live there. I breathe the air I try to keep clean and hike in the park I want to maintain. I want to protect the views of the foothills because I look at them when I am home, where I am going tomorrow morning. I enjoy riding on the scenic parkways and walking on the greenways, and every summer for 25 years, our family has gone to the Boundary Waters canoe area in Minnesota because it is quiet and clean and we like to catch and eat walleyes.

I believe there is a huge conservation majority in our country, and I believe the next President can capture that majority and help us create a new conservation agenda. It is time to create a Third President's Commission on Americans Outdoors.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask to address the Senate as if in morning business.

The PRESIDING OFFICER. The Senate is in morning business.

HOME OWNERSHIP

Mr. ISAKSON. Mr. President, I rise to address a very serious subject. A lot of times when we come down here to speak, we are given speeches to make, and a lot of times on topics we don't know very much about.

In my professional career, in my life before I got into politics, I spent 33 years selling houses. I had a company that sold thousands of houses every year in Atlanta, GA. I understand the joy of home ownership, the responsibility of home ownership, and the huge benefit of home ownership, I guess, as well as anybody.

I have always said that the thing which separates the United States of America from every other country in the world is the fact that we are a nation of homeowners, and the rest of the world, substantially, is nations of renters. We all know that when you have an investment in something and you own it versus you are just leasing it, you take a lot better care of it.

The single-family housing industry, the principle of our Constitution for the wide diversity in private ownership of land, is the single most important asset that binds our country together. It is the common interest that every citizen has, and it has become known, as we all know, as the American dream.

Today, the Washington Times, Washington Post, New York Times, all have carried articles regarding predatory lending, subprime mortgage markets. The Federal Reserve Chairman, Ben Bernanke, has made a statement that they will be looking at regulations to deal with the subprime market. I think that is appropriate, but it is very important we understand what the problem really is.

There are a lot of people who will tell you the problem is predatory lending. Well, predatory lending is a horrible thing, but it is like the term "obscenity" was referred to in the Supreme Court, something that is in the eyes of the beholder—you cannot necessarily define it but you know it when you see it.

The subprime market has in some cases been referred to as "predatory lending," and it is not. In fact, it is interesting history, where the subprime market came from.

Fannie Mae, which was headed about 10 years ago by Jim Johnson, who wrote a book, "Showing America a New Way Home," committed itself to widening the ownership of single-family housing. They recognized that in some cases, single-family housing was out of the reach of certain parts of society, so they created mortgage-backed securities to buy mortgages in the subprime market. The subprime market is subprime because the borrower is not necessarily a grade-A credit risk. But as we all know, at one time or another in our lives, none of us have always been a grade-A credit risk. It proliferated. That is why home ownership in the United States of America went from 67 percent of the public live in a home they own to now to 70 percent of the public live in a home they own.

What has happened in recent months, because of some factors I am going to address, is the foreclosure rates have skyrocketed and the vast proportion of those loans that have been foreclosed on are subprime loans.

There are a lot of people rushing to talk about doing away with subprime loans. There are a lot of people talking about calling them predatory loans and regulating whether they can exist, and they are, with all due respect, missing the point. The mortgage industry has made some mistakes, but it is not the mistake of trying to show Americans a new way home; it is a mistake in five areas which I want to delineate for one second.

During the course of the subprime market's evolution and the wider distribution of home ownership, the underwriting of loans became less than what it should have been. Some examples: no documentation, where people could qualify for the loan and have it underwritten on documentation that was based basically on what they said they made and what they said they were worth; no-downpayment loans, where people could make loans with no downpayment, no equity. I want to talk about that subject for just one second.

I entered the business in 1967, and the Congress, in its wisdom—to widen the dispersity of home ownership—created the 235 FHA Program. They would loan you up to $18,500, which doesn't sound like a lot, but that would buy a lot of house in 1967. You could borrow it for $200 down, and the rest of it was a loan. If you did not have the $200, they allowed sweat equity, which meant you and your wife could go in and paint the living room, dining room, and kitchen, and they would give you that credit. The loans proliferated and home ownership expanded, but because they really had no equity in the property, those houses started going into foreclosure, and the next year was one of the roughest—1969—one of the roughest years in the market.

Congress held congressional investigations. What had turned out was that an attempt to originally expand home ownership had become an opportunity to make less than good loans to a lot of people who were not ready to borrow those funds.

There is a third reason—the proliferation of loans like interest-only. Interest-only is a very sophisticated way to borrow. I understand real estate investment, and real estate investment is best when leveraged but only when leveraged right. When you loan someone 100 percent of the value of what they are buying, you have to be very careful in your underwriting criteria or else they really do not feel like they have equity in the proposition.

ARMs and variable-rate mortgages, adjustable and variable rate mortgages—they are sophisticated lending tools and are very effective and very good loans, but they are complicated because after an initial low rate of interest, on alternating years, like every other year or the fifth year or whatever it might be, the loans adjust to the marketplace and the interest rate can go up or it can go down, but generally it is going to go up because it is generally a lower teaser rate going in than the market exists at that time.

Home ownership is a responsibility. Another thing that has happened in the marketplace is that a lot of loans have been made to people with very little regard to whether they were prepared for the responsibility of home ownership.

So my suggestion to the Fed and to all of those looking into this issue—I know Senator SCHUMER, Senator CLINTON, Senator GRASSLEY, Senator BAUCUS, and many Members of this Chamber are talking about: What are we going to do about this subprime dilemma? The first thing I hope they will look at is underwriting standards. The second thing I hope they will look at is a clear understanding through truth and disclosure and Regulation Z of borrower disclosures so that people know what they are getting into and a true look at whether borrowing 100 percent is the ideal thing to do.

I do not think we need to have an overreaction to what is obviously a problem. Instead, what we need to do is try to perfect the process so that we can continue to show Americans a new way home but have a loan that responds to those people's needs. Those needs are better documentation, better appraisals and certifications, making sure there is equity in the investment and, most importantly of all, making sure they understand the responsibilities of that home ownership.

As I said at the outset of my remarks, the wide diversity of the ownership of land and home ownership is what separates America from the rest of the world. We have the largest diversity of ownership of our land, the most homeowners, percentage-wise. In most of the world, all of the people who live there rent from someone else. It separates our country, and it separates us in a very good way.

As we deal with the subprime market, we want to make sure we do not throw the baby out with the bathwater. It is important to correct the documentation and the underwriting but not destroy what has been a tool to expand the ownership of homes to people who never thought they could live the American dream.

Let's make sure, when we underwrite them, we underwrite them right and the people who are borrowing the money understand the responsibility of the mortgage instrument and the value of home ownership.

I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. NELSON of Nebraska. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENT OF CONFEREES—H.R. 1591

The PRESIDING OFFICER. Under the previous order, the Chair appoints Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKIN, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED of Rhode Island, Mr. LAUTENBERG, Mr. NELSON of Nebraska, Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALLARD, Mr. ALEXANDER, and Mr. GRASSLEY conferees on the part of the Senate.

Mr. NELSON of Nebraska. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. STABENOW. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. NELSON of Nebraska). Without objection, it is so ordered.

KOREAN FREE TRADE AGREEMENT

Ms. STABENOW. Mr. President, I rise today to urge the Bush administration to look beyond the next 48 hours. Right now, in Seoul, Korea, U.S. negotiators are meeting nonstop with South Korean officials to finish up the so-called Korean Free Trade Agreement. They are rushing because if they don't finish it by Saturday night at midnight, the trade agreement would not be eligible for fast-track authority. My colleagues understand what that means. They would not be eligible to move it through in a way that would not allow us to change the agreement in any way but puts it on fast-track authority so that if many of us believe there are concerns with it, we would not have the full range of options that we normally do in the Senate to be able to correct it or object to it.

Mr. President, these negotiators are not discussing some minor trade deal. They are debating what could be the largest U.S. trade agreement since NAFTA, the North American Free Trade Agreement. I urge the White House and its negotiators to look beyond the final hours left on the fast-track clock. What happens in the next 48 hours could affect the American economy, American businesses, the American auto industry, and American workers for decades to come. The goal is not to race to the finish line. The goal should be to have the very best possible trade agreement—an agreement that raises the standards of living for everybody by creating a level playing field, an agreement that ensures market access for both countries—not just South Korea.

This cannot be a one-way deal. It has to be an opening of markets for both American businesses, American agriculture, as well as South Korean agriculture and business, and so on, including the industry that has built the middle class of this country, which is the U.S. auto industry.

There seems to be an agreement that upholds the value of what has made this country successful. Fair competition, competition that rewards hard work, deserves our attention, and it is based very simply on what we happen to think in Michigan is just plain common sense, having the rules be the same. It is pretty simple, but even though they are basic, right now there is a question as to whether they will be included in this rush to this final trade agreement, to beat the clock.

We don't need an agreement that sells out American workers or pits American companies against foreign governments that cheat the system. In this rush to the finish line, this administration has failed to remember that there is an alternative. This Congress will pass good trade agreements without fast track. We have done it before. I have supported good trade agreements. I want to vote for good trade agreements. We want to export our products, not our jobs. That is fundamentally what is at stake in this negotiation that is going on right this minute.

I believe we must be a key player in the global economy. We are a key player, and trade agreements are part of that role. In fact, the old argument of protectionism versus free trade doesn't fit anymore. When you Blackberry your phone, the Internet can jump any wall that could be put up. There is a fundamental question for us today: How are we going to compete in a global economy and keep the middle class of this country, keep our way of life in this country? That is what is at stake in the negotiations going on right now.

Unfortunately, fast-track authority has been used in the past to pass bad agreements through Congress. We undermine the integrity of our trade policy if the administration's agreements sell out our workers or export our middle class.

Sadly, this administration makes it even worse by not enforcing our trade laws. We all know about what is happening when other countries, such as China or Japan, manipulate their currency—or, in some cases, even South Korea. We all know what happens when there are counterfeit products brought into this country and our ideas and patents are stolen, when other countries don't follow the rules. We need to make sure the rules are working and they are being enforced right now as we look to expand any agreements.

We are talking about the next 48 hours. Simply put, racing to the finish line right now could very well, and likely will, result in a very bad trade agreement that will not allow our country to continue to have the edge, a bad trade agreement that will allow others to continue to cheat the international system, and a bad agreement for the people who are working hard at this moment, counting on us to get it right, counting on us to fight for a level playing field, so whether they own a business or whether they work for a business or whether they grow crops in the field, they can count on the rules being fair, the playing field level, and that we will enforce those rules on their behalf.

South Korea is really the first test of this administration with the new Congress. Will this administration sell out American workers? Will they ignore the history of bilateral agreements with South Korea? Or will they work with us to get it right? The American people are counting on us to get it right. Eighty-two percent of the trade deficit with South Korea is in the automobile industry. Coming from the great State of Michigan, that matters to me. I hope it matters also to all of my colleagues, since this is the industry on which the middle class of this country has been built.

Eighty-two percent of the trade deficit with South Korea is in the auto industry. That is because we have had two failed agreements with South Korea which have allowed cars to come into the United States while South Korea keeps its markets virtually closed. That doesn't make any sense. In fact, South Korea is the least open market for autos of any industrialized country. Meanwhile, South Korea continues to export 7 out of 10 of their vehicles. So they make 10 and ship 7 outside of the country.

The United States has a 12-year history and two auto-specific bilateral agreements with South Korea in an attempt to open their auto import market so we can sell to them. In 1995 and 1998, the United States attempted to level the playing field by instituting two memoranda of understanding that clearly stated the need to increase "foreign-made vehicle market access." But despite these attempts from the U.S. Government, both Republican and Democratic Presidents, nothing has changed with South Korea as it relates to our automobile industry.

This chart is pretty clear as to what has happened. In 2006, Korea imported to us 749,822 automobiles. That is what came to us. And how many were we allowed to ship to them, built in America? Mr. President, 4,556 vehicles. I don't think it takes a rocket scientist to figure out that is not a level playing field, that is not fair. Who in their right mind would negotiate a continuation of that situation? I can assure my colleagues, if that is what comes back or anything even close to it from this agreement, this Senator from Michigan will do everything I can possibly do to stop it from being enacted.

In addition, South Korea has an 8-percent tariff on U.S. auto imports, three times the U.S. tariff, which is 2.5 percent. We have had two different agreements to fix this situation, and instead, we continue with tariffs that are so different: 8 percent that we pay, 2.5 percent that they pay. Then on top of that, they do things such as make sure that our automobiles, foreign imports, have higher insurance rates or get audited or have other kinds of barriers on them, while we have an open marketplace and they come in unimpeded.

I remind our negotiators, we have plenty of time to develop a good trade agreement. If we fix this situation, if we have something that truly is in the interest of Americans, of American workers, businesses, and farmers, I will be first on the floor to support it. But this is not fair. Something that maybe inches this up from 4,500 to 5,000 or 6,000, while Korean imports continue to go up will not be fair.

We have to have an open process so we have the same kind of access to their market that they have to ours. I thought that is what trade agreements were supposed to be about.

There is no need to rush. There is no need to sell out our auto industry in America or our workers or any other group.

I know there are other concerns as well from rice farmers and beef interests and others. Certainly, I don't think we should be in a situation where any of our American interests are put at risk because of a trade agreement. All we want is a level playing field. All we want is the ability to have the same rules apply no matter where one lives, and to have those rules enforced.

Right now, as I said before, we have a 48-hour time period. We know at this moment there are people negotiating, trying to beat the clock in the next 48 hours. It won't work unless this is an agreement that works for America. And from my standpoint, it won't work unless it works for the American auto industry. These kinds of numbers make no sense whatsoever.

I am very hopeful folks will stop and take a deep breath for a moment and look at what needs to be done, and then have faith in us, in Congress, that we will work with the administration to put together a good deal. If it is a good deal, if it is a good deal for American businesses, if it is a good deal for American workers, then it will sail through. But if it continues the bad deal we have had now for the last 12 years trying to work with South Korea, there are going to be serious objections.

As I said so many times before, American workers and American businesses can compete with anybody, but we have to have a level playing field. We have to require that other countries play by the same rules we do and that we negotiate agreements that make sense, where the tariffs are the same and the rules are the same and the market access is the same. That is all I wish to see happen as a Senator from Michigan, and I know that is what we are all hoping will happen for those we represent.

The next 48 hours are critically important for our working men and women in this country and American businesses, doing business here, that want to remain here, that want to remain in the business of providing good work with good pay and good benefits in the United States. That is what this is about.

Again, we want to export our products, not our jobs. What happens in the next 48 hours will determine whether we are going to be able to work together with the administration to get this right.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCONNELL. Madam President, I assume we are in morning business.

The PRESIDING OFFICER. We are.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. McCONNELL. Madam President, 2 months ago, GEN David Petraeus came to Capitol Hill to explain the situation in Baghdad and to outline his plan for improving it. And then we ratified that plan. A Democratic-controlled Senate sent General Petraeus to Iraq—without dissent.

There were no illusions about what the mission would involve: We would demand greater cooperation from the Iraqi Government, and they would get greater security in return. If they gave us room to help secure the capital city, they would have room to build a civil society.

Now that mission is underway. Security is improving and political reforms have followed.

We were told there would be no political reforms in Iraq without basic security first. But if we could secure the capital, then we could expect to see reforms. That is what General Petraeus told us. That is the story he told us we could hope to see unfold, and if it did, we would have reason to hope for success, we would have a chance to win this.

Right now we have that chance. The question is, will we fan this spark of hope or will we smother it?

The Democratic leadership has a different view. They do not seem to think situations can change. They have made no allowance for improvements in Iraq. They call for a change in course, but the only change in course they seem to approve of is retreat.

The bill they sent the President today says one of two things: It says they are either determined to lose this war or they are convinced it is already lost. There is no other way to look at it.

Nothing good can come from this bill. It all but guarantees a delay in the delivery of supplies and equipment to the troops on the ground. It is loaded with pork that has no relation to our efforts in Iraq or Afghanistan. And it includes a deadline for evacuation that amounts to sending a "save the date" card to al-Qaida—a date that is not tied to circumstances on the ground, a date that is completely arbitrary—pulled out of thin air—a date the terrorists have already marked on their calendars.

This bill is the document of our defeat. That is why the President has said for weeks he would not sign it. Because it has no chance of becoming law, because the Democrats knew it never had a chance of becoming law, it is nothing more than a political statement—a political statement that says the Democrats have traded in the possibility of military victory for the promise of political victory here at home.

They have said as much. Earlier this week, one of the Democratic leaders said this about the emergency supplemental bill. He said:

> It's not one battle. It's a long-term campaign.

So what is the aim of this long-term campaign? To pressure the President to retreat. The Democratic leadership is telling the President to retreat through a spending bill that is meant to deliver emergency equipment and supplies to our troops.

But I ask you: If the war is already lost, if it is already time to declare defeat, then why wait another year to do it? Why not simply vote against funding now? Would anyone disagree that it is wrong to ask American soldiers to stick it out for another year if you think the battle is already over? If Democrats want to end this war, they should vote against funding it. That would clearly end the war. But apparently that is not what is going to happen. They will wait another year. They will supply and equip our soldiers to fight a war they think we have already lost, and they will use the spending bill that funds that extra year of fighting as a vehicle for pork.

There is more than $20 billion of spending in this bill that has nothing whatsoever to do with the war in Iraq or Afghanistan, and most of it simply should not be there.

The senior Senator from Nevada has said repeatedly that this spending bill is serious.

How serious is $2.5 million for tours of the Capitol? Is $3 million for sugarcane serious? Is $22.8 million for geothermal research or $13 million for ewe replacement and retention? Is all of that serious?

This bill was intended to fund and equip American men and women who have left their families to risk their lives overseas. But in some ways, it has become a bit of a joke. It has ballooned into a gravy train for Members. It absurdly broadcasts to our enemies a date certain for the withdrawal of U.S. troops from Iraq. And it is designed to draw a veto, risking that the very supplies it means to deliver would not even get there in time.

The American people are watching this charade. They have reason to be confused. They even have reasons to be angry.

I am pleased my colleagues voted against this bill to show it is right for the President to veto it and to show we will proudly sustain that veto. Then we can get about our real mission to fund the troops. Let's hope the President gets this bill as quickly as possible, so he can do with it what it deserves. No bill has deserved the veto pen more than this one.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

GENOCIDE ACCOUNTABILITY ACT OF 2007

Mr. DURBIN. Madam President, with the beginning of this new Congress, Senator PATRICK LEAHY, chairman of the Judiciary Committee, honored my request to create a new subcommittee, entitled Human Rights and the Law. It is the first time in Senate history we have designated a subcommittee with that jurisdiction. Of course, the Foreign Relations Committee has responsibility for foreign policy, but what we are trying to focus on in this subcommittee I chair are laws that relate to fundamental human rights.

The subcommittee's first hearing, seven weeks ago, was on the law relating to genocide and the situation in Darfur. We had spectacular witnesses: Diane Orentlicher, an American University law school professor; Sigal Mandelker, a representative from the administration; Don Cheadle, the star in "Hotel Rwanda," who has become a strong advocate for ending the genocide in Darfur; Romeo Dallaire, a Senator in Canada, who in 1994 was the head of the U.N. Peacekeeping Force in Rwanda during the onset of the massacre. Their testimony was electrifying. It pointed not only to the experience in Rwanda but to what we face today in Darfur.

I still recall—and it bears repeating every time I come to the floor—that at the time of the Rwanda genocide, there were very few Senators paying attention.

One of my mentors and friends, Paul Simon, my predecessor, was the chairman of the Africa Subcommittee of the Foreign Relations Committee. He knew what was happening. He turned to his friend, Jim Jeffords, then a Republican from Vermont, and said: We have to do something. They called General Dallaire in Kigali, Rwanda, and asked: What can we do? The general said: If you would send me 5,000 armed soldiers, I can stop this massacre right now. So Senators Jeffords and Simon called the Clinton White House and asked for help. Sadly, there was no response.

Later on, President Clinton, after he finished his term in office, said it was the biggest mistake of his administration not to respond to the Rwandan genocide. It was a reminder to me that we do have the power as Senators and Congressmen, and many others, to make a difference, and we should never accept as inevitable things such as the genocide that occurred in this faraway country of Rwanda.

I was reminded of that during testimony just a few weeks ago. We talked about Darfur and the fact that 4 years ago, President Bush declared a genocide in Darfur. It is rare that the United States acknowledges a genocide. I applauded President Bush and his leadership for making this acknowledgment, but I have said to the President and on this floor many times: It is not enough to just declare a genocide. If innocent people are being killed, if they are being displaced from their homes and you have the power to do something about it, how can you stand by and do nothing? Sadly, that is what has happened for 4 straight years. We have done nothing—declaring a genocide and doing nothing.

I am reminded of a personal experience I had many years ago as a student at Georgetown University. I was in the School of Foreign Service and had as a professor Dr. Jan Karski from Poland. He was an inspiring man. He spoke with an accent. He came to his class with a suit and tie on every day, ramrod, military bearing, and told the story of his life in between lessons.

His story was that he was a member of the Polish underground fighting the Nazis in World War II. He saw Polish people swept out of the Warsaw ghetto, taken away. He finally realized that they were taken to concentration camps to be killed.

Determined to do something about it, Jan Karski found his way to Washington in the 1940s, even found his way to the office of President Franklin Roosevelt, and told him about the Holocaust, told him what was happening in the concentration camps.

Unfortunately, just as in Rwanda, the President at that time did nothing. Jan Karski returned to Poland crestfallen that he had finally alerted this great power, the United States of America, and nothing was going to be done.

I sat there as a student at the time and thought: How can that be? How can you hear that thousands of people are being killed and do nothing? It happened then. It happened in Rwanda. It shouldn't happen again.

The purpose of the hearing on Darfur was to try to finally spark some action by this Congress and by this administration to do something. After 4 years of declaring a genocide, it is about time we rolled up our sleeves and did something. And there are things we can do.

Certainly, we can look at our own personal responsibility. Divestment means selling off or not buying investments in a country. In this case, the country of Sudan, with the capital of Khartoum, has a vibrant oil industry. Major companies in Sudan are owned by China, India, and Malaysia. Petro China is the Chinese oil company that is the largest oil company in the Sudan.

I have encouraged everyone, including the universities and colleges in Illinois, to divest themselves of any known holdings in companies doing business in Sudan. Maybe it is a small thing, maybe it is only symbolic, but for goodness' sake, shouldn't we do something on an individual and personal basis?

After I issued a press release, incidentally, calling for divestment, an enterprising reporter took a look at the mutual funds my wife and I own and said: One of your mutual funds owns stock in Petro China. I quickly sold it. It didn't change my net worth much, I can tell you, but it is a symbolic and personal thing. I am glad we did it. Others need to do it as well. Pension funds, governments, major companies—if they divest themselves of these Sudanese investments, maybe those companies will get the message that there is something wrong with Sudan and we shouldn't do business as usual with a country that won't allow peacekeeping forces to come in to save and help victims in Darfur.

There are other actions we can take as well. This subcommittee on human rights and law tried to focus on specific legislation we could enact. As a result of our hearing, 2 weeks ago we introduced the Genocide Accountability Act of 2007. S. 888, the Genocide Accountability Act, would close a legal loophole that prevents the U.S. Justice Department from prosecuting people in our country who have committed genocide. While genocide rages in Darfur, we have to make clear our commitment to hold accountable those who commit the ultimate crime.

The Genocide Accountability Act is the first legislation produced by the Senate Judiciary Committee's new Subcommittee on Human Rights and the Law. S. 888 is a bipartisan bill introduced by myself, as chairman of the subcommittee; Senator TOM COBURN, the ranking Republican member on this same subcommittee; Senator PAT LEAHY, chairman of the Judiciary Committee; and Senator JOHN CORNYN, a Republican from Texas.

The Genocide Accountability Act has been endorsed by numerous organizations, and I thank them for their support and encouragement. They include Africa Action, the American Jewish World Service, Amnesty International USA, the Armenian Assembly of America, the Armenian National Committee of America, the Genocide Intervention Network, Human Rights First, Human Rights Watch, Physicians for Human Rights, Refugees International, and the Save Darfur Coalition.

Why is it necessary to change the law? Because under current law, genocide is only a crime in the eyes of America if it is committed within the United States or by a U.S. national outside the United States.

In contrast, the laws on torture, material support for terrorism, terrorism financing, hostage taking, and many other Federal crimes allow for extraterritorial jurisdiction for crimes committed outside the United States by non-U.S. nationals.

This loophole in the law has real-life consequences. The Justice Department has identified individuals who participated in the Rwandan and Bosnian genocides and who live in the United States under false pretenses. Under current law, these individuals cannot be arrested or prosecuted because they are not U.S. nationals and the genocides in which they were involved didn't take place in the United States.

Now let's go to the Sudan and Darfur. Salah Abdallah Gosh, the head of security in the Sudanese Government, has reportedly played a key role in that nation's genocidal campaign in Darfur. Just 2 years ago, Mr. Gosh came to Washington to meet with senior administration officials. Under current law, the FBI could not even interview him about his involvement in the Darfur genocide, much less charge him with a crime.

The Genocide Accountability Act changes that. It would close this loophole. It amends 18 U.S.C. 1091, the Genocide Convention Implementation Act, to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the United States.

The United States should have this authority and ability to prosecute genocidaires who find safe haven or at least seek safe haven in this country. The Genocide Accountability Act would end this impunity gap in genocide law.

What we are saying to those around the world who are engaged in uncivilized and barbaric conduct is do not even consider coming to the United States as your retirement home. It is never going to be a safe haven. There is no place for you to hide.

The Genocide Accountability Act gives our Government the power to stop those who seek to do that.

Madam President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 89, S. 888.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 888) to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, I am glad that today the Senate is considering the Genocide Accountability Act, which closes a loophole in current law which has until now allowed those who commit or incite genocide to seek refuge in our country without fear of prosecution for their actions. This bill is the first legislation resulting from the work of the Judiciary Committee's new Subcommittee on Human Rights and the Law. I thank Subcommittee Chairman DURBIN for introducing the bill, and I was pleased to join him, along with subcommittee Ranking Member COBURN and Senators FEINGOLD, CORNYN, and KENNEDY in cosponsoring the bill. I have long called for greater U.S. involvement in resolving the crisis in Darfur and worked for greater accountability for those who commit war crimes. This bill is an important next step in working to do all we can to combat genocide throughout the world.

Too often, we in this country, the richest and most powerful Nation on Earth, have done too little to stop human rights atrocities in Sudan and elsewhere around the world. Many more lives could have been saved if we and other nations had shown stronger leadership. During the last 5 years, America's reputation has suffered tremendously. Some of our ability to lead on human rights issues has been needlessly and carelessly squandered. Abu Ghraib and Guantanamo have tarnished that role and that tradition. The secret prisons that the President confirmed last year and this administration's role in sending people to other countries where they would be tortured have led to condemnation by our allies, to legal challenges, and to criminal charges.

I was proud to work with Senator DURBIN to create the Human Rights and the Law Subcommittee, which is helping us to better fulfill our role in a challenging global environment. This subcommittee will continue to closely examine some of the important and difficult legal issues that have increasingly been a focus of the Judiciary Committee and will work to reverse and correct the damaging policies established by this administration over the last 6 years.

The Genocide Accountability Act is a perfect example of the bipartisan, consensus legislation that this subcommittee was created to produce. The bill allows for prosecution of those found in the United States who have participated in horrific acts against humanity in places such as Bosnia, Rwanda, and Darfur, and gives Federal prosecutors the tools they need to bring these people to justice. This bill would amend 18 U.S.C. 1091, the Genocide Convention Implementation Act—the Proxmire Act—to allow prosecution of non-U.S. nationals who are in the United States for genocide committed outside the country. In the past, Federal investigators have identified perpetrators of genocide, including the Rwandan and Bosnian genocides, who have come to the United States under false pretenses and have found safe haven here. Unfortunately, the Justice Department has not been able to prosecute these individuals because the Proxmire Act only criminalizes genocide committed by U.S. nationals or in the United States.

The Genocide Accountability Act would close this loophole, allowing Federal prosecutors to prosecute those who have committed or incited genocide who are in our country. This change would make the genocide statute conform with numerous existing Federal crimes that allow for similar extraterritorial jurisdiction if the offender is found in The United States, including torture, piracy, material support to terrorists, terrorism financing, and hostage taking.

I commend Senators DURBIN and COBURN for holding a hearing on this important issue and for their diligent work to ensure that that this loophole in our law is closed. I urge my colleagues to support this legislation to ensure that the United States takes this significant step in combating genocide worldwide.

Mr. DURBIN. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 888) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 888

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Genocide Accountability Act of 2007".

SEC. 2. GENOCIDE.

Section 1091 of title 18, United States Code, is amended by striking subsection (d) and inserting the following:

"(d) REQUIRED CIRCUMSTANCE FOR OFFENSES.—The circumstance referred to in subsections (a) and (c) is that—

"(1) the offense is committed in whole or in part within the United States;

"(2) the alleged offender is a national of the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(3) the alleged offender is an alien lawfully admitted for permanent residence in the United States (as that term is defined in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101));

"(4) the alleged offender is a stateless person whose habitual residence is in the United States; or

"(5) after the conduct required for the offense occurs, the alleged offender is brought into, or found in, the United States, even if that conduct occurred outside the United States.".

Mr. DURBIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CATASTROPHIC DISASTER RECOVERY FAIRNESS ACT OF 2007

Ms. LANDRIEU. Mr. President, I intend, in a few minutes, to call up a bill for passage, and I think I will be joined on the floor by Senator REID at the appropriate time. The bill I am going to speak about in a minute is the Catastrophic Disaster Recovery Fairness Act of 2007, which I am proud to cosponsor with Senator LOTT and others. We have been working on trying to get this bill cleared, and I will come back to that in a moment, but before I call this bill up for final passage, I would like to speak for a moment about the emergency supplemental bill that we passed.

The Congress must—and usually does—and is required to take care of emergency issues. These are situations that, by the nature of emergencies, we cannot plan for. The war we are prosecuting and trying to win has extended well beyond the boundaries that many of us believed initially, so there are new costs associated with that war. There have been emergencies right here in the country that have taken place that could never have been predicted or anticipated.

We are still recovering, as you know, from two of those very terrible storms, two of the worst to ever hit the United States of America, Hurricanes Katrina and Rita. The aftermath of those storms was the multiple failure of a levee system that has protected this great community for over 300 years. It is not just any city or any region, it is a very special historic city and region, the city of New Orleans. It is also of great economic significance for the Nation.

We could not necessarily predict this in our regular budgets, and so it is appropriate that we provide emergency funding for emergencies, and that is what the supplemental is. It isn't a war spending bill, it is an emergency bill. There are things associated with the ongoing war in Iraq and Afghanistan that are emergencies, but there are things happening in the United States also that are emergencies.

For Senators to come to this floor and argue over the last 2 weeks that there are no emergencies in the United States that we need to take care of and that all we need to do is to focus on the war in Iraq, I would ask them to go home and talk to their constituents because that is not what my constituents are saying, Republicans and Democrats. I don't think that is what anyone is saying, any constituent in anybody's State. I think they are saying, whatever their feelings are about the war and how we should prosecute it, there are most certainly emergencies right here in the United States that need to be dealt with.

I am proud that many of us on the Democratic side, as well as some of our Republican friends, decided to put some money in this emergency supplemental bill to take care of real American emergencies right here on the home soil—right here in America. One of those emergencies is the ongoing attempts to rebuild the gulf coast, primarily in Louisiana and Mississippi, but we also have friends in the southern part of Texas who are still hurting and also in the southern part of Alabama and through some parts of Florida. So I like to always say we are fighting hard for the gulf coast and trying to rebuild the gulf coast.

This Congress has been generous, has been innovative, and has been trying to think outside of the box to respond to an unprecedented disaster. Again, the scope of this disaster is beyond anything we have attempted. You know the long and sorry record: When we went to call on FEMA, it showed up but it was weak, anemic, underled, and underresourced. When we called on the Red Cross, as respectable as that organization and that name is, and they have done remarkable work, they too were overwhelmed. This is a job that was beyond the ability of the tools that we normally have to rebuild, and so we have been scrambling as a Congress to redesign tools. Some we have done a good job on and some we haven't.

There is a lot of redtape we unwittingly created, and not with any ill intent, but that has been the consequences of many of the things we have passed. And so people are caught up in a lot of bureaucracy and a lot of redtape. There has been a lot of money thrown at them, which is very frustrating because they hear about it, they think they are going to get it, but they can't feel it because the bureaucracy has it basically tied up.

So part of what we have done in this supplemental, which is very good, is we have removed some of the redtape and added some additional funding where we thought we were short, so that the hundreds of thousands of people on the gulf coast who have lost their homes, who have lost their businesses, who have seen everything they have worked for, some for 50 years or 60 years, literally washed away by floodwaters or collapsed levees, they could have a chance to rebuild.

I feel very strongly about this. I have been very generous as an appropriator with help to foreign countries. I have helped send money to Afghanistan, to countries in Africa, and to South America. I was one of the first Senators on the ground when Hurricane Mitch hit Honduras. I believe in helping people when they are in their hour of need. But I can tell you people on the gulf coast are starting to ask: Does anybody remember that we are here in the United States and we need help as well?

So that is what this supplemental bill did. Let me say a couple of things we tried to do in it.

We passed in this supplemental emergency spending bill for the United States of America a waiver of a 10-percent match. In every disaster, we require the locals to put up money. It makes sense, and normally it works, and that is appropriate. But in a case where the disaster is so catastrophic, let's say in St. Bernard Parish, which is the parish I represent, there were 67,000 people who lived there before the storm. It was a middle-class, working-class community. Every single home was destroyed. Every fire station was destroyed. Every police station was destroyed.

The sheriff had to swim out of the second floor with his deputies. He is a big, strong sheriff, thank goodness, and a good swimmer. If he wasn't, he would have drowned—Jack Stevens, my good friend. He swam out, literally saving his deputies. His headquarters was destroyed.

Now, I ask you: How is St. Bernard Parish going to come up with a 10-percent match? It sounds reasonable, but in this case it is not.

No. 2, these 10-percent waivers, or matches, have been waived before. In 32 of the last 38 disasters, they have been waived. I asked the administration and others to waive this one. They said "no." So we have done it now, as a matter of fact, in this bill. Congress said yes, it is right that this be waived. It will not only provide several hundred million dollars more in emergency disaster money for Louisiana and Mississippi, but, most importantly, it will completely eliminate the 10-percent match requirement which is required on each individual project worksheet.

Now, somebody may ask how many project worksheets we have, which means how many individual public entities have requested rebuilding, whether it is a library or half a library; a wing of a school or a whole school; a light post or a sewer system. We have 23,000 of those project worksheets pending for Louisiana alone. Because of this 10-percent requirement, there is a NEPA review, a FEMA review, a HUD review—we are being reviewed to death. We can't do this in this fashion. We have to waive this 10 percent.

Not only will $750 million be immediately available, but more than the money, the redtape goes away. Ninety percent of the redtape goes away, and we can actually do what we say we are going to do, which is rebuilding the gulf coast, one fire station, one police station, one library at a time. This is not theory, this is practical. If you want to rebuild a city, you have to rebuild the fire stations, you have to rebuild the police stations, you have to actually rebuild homes, pave streets, et cetera, et cetera. All of this is at a slow crawl because of this 10 percent.

So I am proud of my colleagues who voted for this supplemental, because we waived this big piece of redtape, and I wish to thank them. I hope the President does not veto this bill because of that. I hope to be negotiating with the President and the administration in good faith to perhaps explain some things he is not quite understanding about the difficulty we are facing in the gulf coast and see if he can work with us to keep this waiver in place.

In addition, we put in the supplemental $1.3 billion for levees. One of the most memorable speeches the President made was in Jackson Square, and I was pleased he came down right after the storms and spoke in Jackson Square when there weren't many lights on in the whole region. We put up lights that night for that speech. Generators were brought in to turn the lights on so the President could be seen when he made the speech. The rest of the French Quarter was completely dark. If you were in the city that night he made that speech, you wouldn't have been able to see your hand in front of your face, but the world saw the President because we got generators to turn those lights on so he could be seen. When he stood there in the dark, he said he would do whatever his administration needed to do to rebuild the levees in this metropolitan area.

I am not talking about little rinky-dink levees, I am talking about federally authorized levees that collapsed because they were not funded correctly, they were not maintained correctly, and the Corps of Engineers has admitted it was their fault and they need to fix it. Where I come from, if you break something, you fix it. The Corps of Engineers' levees collapsed, and they need to fix them.

So here comes the supplemental request, and lo and behold there is no new money for levees. We get a request from the administration that it wanted to move $1.3 billion from one set of projects to another, claiming this set of projects isn't ready to go, and they want to move it from the east bank to the west bank. Senator VITTER and I discussed this, and we said "no." The days of moving money from the east bank to the west bank, in hopes that next year we would come back and find some new money for the east bank, are over with. We did that for the last 40 years, and then 18 months ago New Orleans and the surrounding area went underwater.

No more moving the money. No more shell games. This supplemental says "no," and we put in an additional $1.3 billion. We are not moving levee monies from one of our constituent groups to another constituent group in hopes we will come back next year and fill in the pot. It is akin to musical chairs. You keep moving chairs, and when the music stops, somebody is going to be without a chair. I am not doing that anymore.

Every person in south Louisiana and in Mississippi who deserves a federally protected levee is going to get it. Those levees are going to hold, and we are not moving this money around anymore. So that money is in the supplemental, and I thank Senator BYRD and Senator MURRAY and Senator DORGAN particularly for their strong support of that principle.

Two more things, and then I will call up this bill for discussion.

We also got some funding—and I thank Senator KENNEDY particularly for his help in this—for recruiting teachers. I can't tell you how difficult it has been for our teachers, our parents, and our students. We did have a happy success story, though, regarding education. Since I have talked about things that didn't work, let me spend a minute talking about something that did work.

On Monday morning, when the city of New Orleans was 80 percent underwater, and we looked up and millions of people had fled their homes along the gulf coast, we realized there were about 330,000 children who had no school to go to on Monday morning. I want that to sink in for a minute. There were 330,000 children, from kindergarten to 12th grade, who had no school to go to on Monday morning. That was a problem, and we had no solution for it.

There was no tool in the toolbox. FEMA didn't have a plan. There was nothing we could do. So we thought for a minute, and between the work of this Congress, the administration, and the good people down in Louisiana and Mississippi, we came up with a plan that basically said this: If every parent will show up at a school and get your child registered, the Federal Government will send that school a check. Don't worry about it. You don't have to pay for it, we will take care of it.

It was a most extraordinary effort because, you know what, it worked. For the most part, after this major disaster, almost all of those 330,000 children actually attended school somewhere last year and the schools were actually reimbursed. So when people tell me Congress can't do anything well, I like to point this out, to say: Yes, sometimes we actually manage to do something really well. And that worked.

What we failed to realize, though, is it was not just the tuition for the children we had to send—whether they left parochial school and went to public or public school and went to parochial, we covered it, no questions asked. But what we didn't think about is what happens to the thousands of teachers whose schools were ruined, whose homes were flooded, whose churches were destroyed, and they had to move—but they want to come back now and teach—how do we get them to come back and live in a community that is so destroyed? What incentives can we give them to come back?

Many of these teachers are very dedicated, and many of them have come back under harsh conditions. But we think it might be wise, when you are trying to rebuild from a nuclear bomb explosion—and we hope that never happens—or a dirty bomb or Tsunami or major terrorist attack or perhaps just a terrible storm or tornado or hurricane, if you have to rebuild a devastated area, you need to encourage some key people to come back: doctors, nurses, teachers. We have some money in this bill to give the appropriate incentives for teachers to come back.

We are not just going to build the old school system we had which was failing students and disappointing parents and not really a very successful story. We are in the process, with the help of Republicans and Democrats here, of building a new kind of public school system.

So this money in this supplemental will help us to recruit quality teachers, to acknowledge what we are asking of them. Teaching under normal circumstances is difficult. To teach children in a classroom that is a temporary and sometimes wholly inadequate structure, where these children are living in trailers at night, where the teachers themselves have to live in 16-by-8 trailers—the least we could do is give them some financial incentive to just make it through the next year or two until we can stabilize the situation and rebuild the infrastructure of this city. I am excited about that.

I am not going to go into any more detail about the historic preservation funding. Obviously, people in America know that New Orleans and south Louisiana have some of the most historic structures in the Nation and that they are at risk. This additional funding helps us preserve that.

We also have some funding in here for our fisheries. Our fishermen are small businesspeople, many of them. They don't work on the land; they work on the water. They don't work in an office; they work on their boats. Their boats were destroyed. We don't think of them as businesspeople, but they are. Our disaster assistance has to take care of our farmers, our ranchers, our urban and rural—and our fisheries. We have determined we had not done enough for them and for their needs, so we have some money to help them.

People say: Where do we get this funding? It comes off budget. This country is a great country. It is one of the great benefits of belonging to a great and powerful nation—if your region gets devastated, the rest of the country's money will be pooled to help you. If something happens—and it did in New York—we all pool our resources to help out. Now New York is doing magnificently. There was a question, after 9/11, as to what would happen, but because we all helped and they did a great job, that area is being rebuilt. Even though we still mourn the loss of those 3,000 Americans who lost their lives and it is still a very sad thing for us to think about, we are proud of helping to rebuild that great city.

If something were to happen, Mr. President, in your State—and your State is a coastal State as well; you have had your share of disasters—even though your State is tiny and you might not be able to bail yourself out, you are part of a great nation that will step up and help you as well.

I would like to speak for a minute about the Catastrophic Disaster Recovery Fairness Act. I will ask, at the appropriate time, for this bill to be called up and to clear it by unanimous consent. This particular bill was not included in the supplemental. It has not been included in any other major legislation. This bill will eliminate a great barrier to construction of homes in the gulf coast.

People ask me all the time: Senator, how is it possible that we have sent over $100 billion and yet we cannot seem to get massive rebuilding underway? This is one of the answers, and I hope I can explain this simply and clearly because it will help people understand.

The Small Business Administration, in a disaster, will lend money to people if they qualify for a small business disaster loan, and 81,000 people in my State qualified and have received approval for a loan—81,000. That is a huge number of homes. That is not all the homes which were destroyed. We had 250,000 homes destroyed. Of those, 81,000 families qualified for a home loan through the Small Business Administration.

It was painfully slow. It took months for these applications to get out, with us beating them every day and working with them and pushing, pushing, with Senator KERRY and Senator SNOWE, who were, together, terrific to push the SBA. Then we got rid of the SBA Director, we got a new SBA Director, and they pushed those loans out the door. The good news is 81,000 people have gotten loans. The bad news is that as soon as these same people get their Road Home grants, which they are entitled to under another program we created, the SBA is interpreting their law so as to require these homeowners to immediately pay back their loan.

This bill which I am sponsoring with Senator LOTT will release the homeowners, the borrowers, from that obligation. They must repay the loan. This is not a loan-forgiveness program. If you borrowed money, you must repay it under the terms you borrowed it. This is not a charity. This is not loan forgiveness. You must repay it under the terms of your loan. But you don't have to pay it today. You don't have to pay it next week when you get your Road Home money. You can pay it under the terms that it was lent to you, whether it was 5 years or 20 years, whether it was at 2 percent or 4 percent or 6 percent.

Mr. President, 81,000 people in Louisiana and 31,000 people in Mississippi have been told: The good news is you got an SBA loan; the bad news is the minute you get your Road Home Program money from the Federal Government, you have to pay this loan in full.

Believe me, this was not our intention when we passed these community development block grants. I do not believe there is a Senator in this Chamber who would expect that of a homeowner who has lost everything. In some cases, they had insurance. In some cases, they didn't. In most cases, neither their insurance nor the money we are giving them is making them whole. There is no coverage for contents. This is not for contents. Some people might have $100,000 of contents in their home. Some people might have $200,000 of contents. Some people might have only $25,000 of contents. We are not even covering contents.

We are not covering the expedited or accelerated cost of labor and materials. So people are already with no coverage for contents. Unless they had insurance, they have lost that. We are not covering the 30-percent increase in labor costs or the 30-percent increase in cost of supplies. That is not calculated.

This loan is very important for people. It is saving many of them from bankruptcy. If they manage to get their loan, we most certainly do not want them to have to pay their loan back in full when they get their Road Home grant. This is for Louisiana and for Mississippi. If you add up 81,000 people in Louisiana and 31,000, this is over 100,000 families—110,000 families. That is probably affecting more than a quarter of a million people. That is a lot of people.

When this bill passes, which it will—it may not pass today, but I wish it would. I wish no one would object to it. But when this bill passes, 250,000 people are actually going to be able to see the light at the end of the tunnel, and they will be able to say: This is hard. I don't know if I can rebuild. I don't know if I want to rebuild. But at least I have a fighting chance to make that decision. If this bill does not pass, these 200,000-plus people who live in my State and Mississippi—I predict many of them will have to file bankruptcy.

I have said this before and I am going to say it again. The people I represent who lived behind these levees were not sunbathing when these levees broke. They were loading tankers on the river. They were working at the docks. They were drilling and exploring for oil and gas in the gulf. They were going to work at hospitals and nursing homes and teaching and running our libraries. This is not a resort community. These levees were not protecting a beach. These levees were protecting a port, and the levees failed.

In working-class neighborhoods, Black and White, in rich and poor neighborhoods, people's homes were destroyed, homes that had never had an inch of water. Let me repeat that. People's homes were destroyed, homes that had never had an inch of water. They were not in a flood plain.

When you lose everything you have—and for most Americans, their largest asset is their home—it is our obligation to think about ways we can strengthen the insurance system; strengthen our levees so they do not break again and while people are struggling give them a hand.

Again, I am not asking for loan forgiveness. They have to pay back every penny. But let's give them a fighting chance to pay it back, over 10 years or 15 years. Let's not require them to take one grant program we have given them to build their home and the same day take it away because they have to fully pay their small business loan.

I understand Senator REID is going to call up this bill and try to get it passed. I surely hope nobody objects to it. It is a Landrieu-Lott bill, with Senator VITTER as well. Senator REID is going to call it up in a few minutes, and I hope nobody objects to it. But if they do object, I can promise you I am going to spend every day on the floor until this bill is passed, sometime before we go home—not this week but before we go home for the next break.

I do not think this is unreasonable. We are going to ask for everybody's support. Senator LOTT will be happy to explain, when he has an opportunity, about the 31,000 families in Mississippi. But I am going to leave this here, and Senator REID is going to come down and ask it be passed. I hope we can get it done today. If not, we will ask for it tomorrow. If not, we will continue to ask for it until we get it.

We are asking for fairness, not charity, and for justice for the people in the gulf coast.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Ms. CANTWELL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANIMAL FIGHTING PROHIBITION

Ms. CANTWELL. Mr. President, I rise this evening to talk about House bill H.R. 137, which has a companion Senate bill, S. 261, the Animal Fighting Prohibition Enforcement Act. This is legislation that both the House and Senate have had much discussion on in the last several years, and something I hope will make its way to the consent calendar and final action this evening.

I come to the floor tonight as someone who has been a cosponsor of this legislation for several years now, and as someone who has seen the impact of animal fighting in the state of Washington where animal fighting organizations have not only been a source of all sorts of cruel and inhumane treatment of animals, but also other illegal activity. To me this is legislation that is much needed, and we have passed similar legislation in the State of Washington. It is something we should have a strong Federal statute on.

During October of 2004, there was a major raid in Vancouver, WA, where police found 21 pit bulls, as well as training logs and other evidence of animal fighting. It got quite a bit of attention as well because there were very high-profile people involved with the animal fighting ring.

There is a long list of other incidents that have happened in Washington State, other activity in Yakima, WA, where various animal fighting organizations were discovered by law enforcement who have done a terrific job of uprooting these organizations in our State. It is important we take an aggressive stance and pass this legislation.

The House bill we are talking about, H.R. 137, recently passed the House of Representatives, I believe with over 300 cosponsors. I am sure it had quite a few others who actually supported the legislation as it passed. We have over 35 cosponsors here with S. 261.

When I look at the legislative history of this bill, it has had remarkably broad bipartisan support. It was passed by both the House and the Senate in the past. It was passed in both Chambers in 2001 and then struck in the conference report. It passed in 2003 in the Senate. It passed in 2005 again in the Senate, a unanimous measure. As I mentioned, it passed the House of Representatives. I think it is fitting that it should be on our consent calendar and hopefully pass this body this evening.

The bottom line is, there are many organizations across the country that have seen the inhumane treatment of animals and have supported this legislation. The American Veterinary Medical Association supports the bill, obviously. The National Sheriffs Association supports this legislation. Police departments have been working in every part of the country and have endorsed this legislation because they see what kind of criminal activity is associated with animal fighting—gambling, drugs, and in one case in Washington State actual murder. The Federal antianimal fighting legislation is important. While we already have a Federal statute on the books, what we don't have is a Federal statute that effectively helps law enforcement meet this growing challenge. That is, with a simple misdemeanor, which is currently on the Federal books, sometimes it takes law enforcement as many as 7 to 8 months to investigate these kinds of crimes. To investigate and put that kind of energy into fighting this kind of criminal activity in our States, and then to have a maximum penalty of only up to 1 year is not adequate.

In fact, in Washington State, in response to the activities that occurred in Vancouver and other parts of our State, our Governor signed an antianimal fighting bill that has been a great model for what we should be doing at the Federal level. As Washington did, this bill would make sure this crime is a felony and that it has adequate penalties. In fact, when the current Federal animal fighting law was enacted in 1976, only one State made it a felony. Today dogfighting is a felony in 48 States. We need to make sure that it is also a felony at the Federal level for transporting these animals and products associated with animal fighting across State lines. In fact, we are seeing that in many cases.

In Washington State and in Oregon, we have seen this activity, because people in several States are joining together to locate and to make a profit and make investments in these kinds of criminal activities.

We want to make sure we are stamping out this activity. With this legislation, we believe we have a very good chance to say that the Federal Government views this kind of animal fighting as cruel and inhumane, that we consider it a serious criminal activity to drug and force animals to fight and then to enclose them in pits while spectators engage in all sorts of gambling, narcotics trafficking, public corruption, and, in some cases, even violence toward people. That is something we ought to take a tough stance against.

I urge my colleagues to support this legislation. I hope we can consider it in tonight's consent calendar, given how the Judiciary Committee has supported this legislation, and how it has passed both the House and Senate in the past.

EASTER

Mr. BYRD. Mr. President, the poet Alfred Edward Housman, 1859–1936, wrote in his poem, "A Shropshire Lad," the following verse:

Loveliest of trees, the cherry now
Is hung with bloom along the bough,
And stands about the woodland ride
Wearing white for Eastertide.

The trees are in bloom. In Washington, the annual cherry blossom festival begins this Saturday, March 31, and runs through April 15. It is always a beautiful sight, whether viewed under warm and sunny skies or as the blossoms fall like rain on a misty morning. It is a lovely celebration of Spring and a welcome complement to Easter.

This year Easter falls on April 8, when the Senate will not be in session. Each year, of course, Easter falls on a different day, sometimes with many weeks' difference from year to year. Easter is a very moveable feast and has been throughout its long history. The calculation of when to celebrate Easter has varied through the centuries, being settled for just over 1,427 years by the Council of Nicea in 325 A.D. But even today, Easter remains a moveable feast.

The Roman Emperor Constantine convoked the Council of Nicea in 325 A.D. to resolve a number of important differences between the religious practices across his empire. The council decided that the Easter festival should be celebrated on the first Sunday after the full moon following the vernal equinox, thus eternally linking the return of spring with the resurrection of Christ. If the full moon occurred on a Sunday and thereby coincided with the Passover festival, council further decided that Easter would be commemorated on the following Sunday. The council also declared that the calendar date of Easter would be calculated at Alexandria, in Egypt, which was the leading astronomical center of the fourth century world.

This attempt to reconcile Easter celebrations proved difficult, however, as fourth century astronomy lacked the knowledge to resolve a discrepancy between the solar and lunar years. As a result, the differences between the true astronomical year and the Julian calendar then in use continued to grow. By 387 A.D., churches in France and Egypt were celebrating Easter on dates 35 days apart. In 465 A.D., the church adopted a reformed calendar that fixed the date of Easter, but churches in what is now the United Kingdom refused to adopt the changes.

In 1582, Pope Gregory XIII reformed the Julian calendar yet again, resulting in the calendar in use in much of the West today—the Gregorian calendar. This new calendar corrected many of the difficulties in fixing the date of Easter and other important ecclesiastical dates. When Great Britain and Ireland adopted the Gregorian calendar in 1752, Easter was celebrated on the same day in the Western part of the Christian world. However, the Eastern churches did not adopt the Gregorian calendar, and celebrate Easter on different dates. Occasionally, the two churches' calculations coincide, and Easter is celebrated on the same date throughout the world. The last time that happened was in 1963.

All of these details are fascinating, at least to a longtime fan of the study of history. I find it thought-provoking to consider how the study of astronomy and the development of calendars has affected our daily lives today, as they have the daily life of so many who have come before us. But does it matter, Mr. President, when we celebrate Easter? In the long run, I think, the celebration of that momentous moment in history is far more important than precision on the day of the week. Few events in history have had a more profound impact on our lives. You do not have to be a Christian or an adherent of any particular church or faith, to recognize the impact of Christ's life upon world history, regardless of which day of the week or week of the year it took place.

Christ's message, brought home by His sacrifice at Easter time and His subsequent resurrection, changed the lives of billions of people over the years. In Matthew 28:5–6, we are told, "The angel said to the women, 'Do not be afraid, for I know that you are looking for Jesus, who was crucified. He is not here; He has risen, just as He said.'" That much change is bound to have an effect on everyone else.

The rise of a new religion and the power and passion of its churches has changed empires, international boundaries, customs, and lifestyles. The Christian religion has grown and spread across the globe, sweeping old religions away.

On this Sunday, Christians observe Palm Sunday, recalling Christ's triumphant entry into Jerusalem with crosses made of palm leaves like those that were laid across Christ's path to welcome Him. Next Friday, Christians will commemorate Christ's sacrifice on Good Friday, when He took up His crown of thorns and carried His own cross on that long, sad, walk to be crucified. Then on April 8, church bells will ring, and sunrise services will celebrate His resurrection from the dead and His ascension into heaven with the rising sun. It is a deeply moving and uplifting period, Mr. President, and it does not matter when it happens—only that it did happen. Beautiful, blessed Easter, giving hope to us all.

Mr. President, I wish you and yours all the blessings of Easter, with all of its promise of everlasting life spent in the love of the Lord. I close with a poem by Louise Lewin Matthews, called "Easter Morn."

EASTER MORN

(By Louise Lewin Matthews)

Easter morn with lilies fair
Fills the church with perfumes rare,
As their clouds of incense rise,
Sweetest offerings to the skies.
Stately lilies pure and white
Flooding darkness with their light,
Bloom and sorrow drifts away,
On this holy hallow'd day.
Easter lilies bending low
In the golden afterglow,
Bear a message from the sod
To the heavenly towers of God.

TRIBUTE TO MICHAEL A. PARKER

Mr. McCONNELL. Mr. President, I rise today to pay tribute to a dedicated public servant and a true friend to the people of Kentucky, Mr. Michael A. Parker. After years of exemplary work as the program manager for the Assembled Chemical Weapons Alternatives Program at the Department of Defense, Mr. Parker is retiring, and I want to express to him my thanks for his service.

Mr. Parker has held the post of program manager since December 1996. In that role, he consistently worked hard toward the goal of safely and expeditiously disposing of the dangerous chemical agents stored at the Blue Grass Army Depot in Madison County, KY. The people of Madison County are living right next door to over 500 tons of the deadliest material ever conceived by man. Understandably, they would like to see these weapons disposed of as safely and quickly as possible. Mike has been a key player in working toward that goal.

Mike appreciates the unique culture at the Assembled Chemical Weapons Alternatives Program and understands the need to work closely with the local community to reach acceptable solutions. The people of the Madison County area are going to miss Mike, as will I.

Proof of Mike's drive for excellence in his work lies in his numerous honors and awards. He holds the Presidential Rank Award at both the Distinguished and Meritorious levels. He also holds the Defense Department Distinguished Civilian Service Award, the Army Decoration for Exceptional Civilian Service, the Army Research and Development Achievement Award, the Army Commander's Medal, and the Army Meritorious Civilian Service Award.

Mr. President, Kentucky has been lucky to have such a friend in Michael A. Parker, and I speak for many in the Commonwealth when I say he will be missed. I ask my fellow Senators to join me in thanking Mike for his years of dedication and service and in wishing him good luck in his future endeavors.

VOTE EXPLANATION

Mr. SPECTER. Mr. President, I voted against the supplemental appropriations bill because of the provision which specifies a withdrawal date. With President Bush's statement that he will veto the bill, it will be returned to Congress so that we can negotiate with the White House to provide funding to support the troops without a withdrawal date which allows our enemies to wait us out.

I voted against the supplemental appropriations bill for the same reasons that I voted in favor of Senator COCHRAN's amendment to strike a withdrawal date, which amendment failed. The full statement of my reasons appear in the CONGRESSIONAL RECORD in the proceedings on March 28, 2007, in relation to the Cochran amendment.

IRAQI TRANSLATOR LEGISLATION

Mr. KENNEDY. Mr. President, I strongly support legislation that would increase the number of visas available for Iraqi and Afghan translators.

America has a strong obligation to keep faith with the Iraqis and Afghans who have worked so bravely with us—and have often paid a terrible price for it. Translators have been the eyes and ears of our military, and they have saved American lives. They now have a target on their backs because of their service to our country, and we need to protect them by granting them safe refuge in the United States.

Under the current program, only 50 translators a year from Iraq and Afghanistan are eligible for admission to the United States. So far this year, we have already admitted 50, and 450 more are waiting for admission under the program. At the current rate, that is a 9-year backlog.

These men and women are in mortal danger every day and they should be permitted to come to the United States without delay. They have been recommended by the American military. The Department of Homeland Security agreed that they are eligible for admission to the United States. To ensure that these courageous allies are able to come to America this year, the Lugar-Kennedy bill authorizes 500 visas a year for the current fiscal year 2007 and for the next 2 years so that this critical lifeline will continue to be available. Under the bill's provisions, persons who served as translators or interpreters either for our military or for the Department of State can qualify.

The bill is not intended to address the much broader massive refugee crisis unfolding in Iraq. Already more than 2 million Iraqis have fled the country, and nearly 2 million more have been displaced internally.

Each refugee is a personal story of courage, loyalty, heroism, and tragedy. We have a special duty to protect all of them and their loved ones who are being targeted by insurgents and sectarian death squads either because of their faith or because of their association with the United States. Obviously, we cannot take all of these refugees into America, but we have an obligation to lead an international effort to solve this dangerous crisis as well.

Legislation is essential to address this problem, and I am hopeful we can enact it soon. But it is especially urgent that we act now to protect the lives of the translators who have served us so well in Iraq and Afghanistan.

OUR CHILDREN PAY THE PRICE

Mr. LEVIN. Mr. President, the increase in gun violence that affects towns, cities, and rural areas across this Nation takes a particularly heavy toll on our most precious resource, our children and grandchildren. Since 1979, over 101,000 children and teenagers have been killed by firearms. This staggering figure clearly illustrates the inadequacy of Congress's efforts to address the issue of gun violence.

On March 7, 2007, in the small city of Midland, MI, a 17-year-old male shot a 17-year-old female student before turning the gun on himself, committing suicide in the young girl's high school parking lot. Reports indicate the male drove to the school to talk with the female student. After arranging to meet her in the school parking lot, he shot her four times, while her mother watched in horror. He then turned the gun on himself. The very same day, in Greenville, TX, a city of only 26,000 people, a 16-year-old student fatally shot himself inside his high school's hallway.

These are just two examples of the misery gun violence inflicts. According to data collected by the U.S. Centers for Disease Control and Prevention, every day, on average, nearly eight children or teens are killed by gun violence in America. In 2004, 58 preschoolers were killed by firearms. Furthermore, for every child or teen death caused by a gun, there are nearly five nonfatal injuries. According to the Journal of the American Medical Association, the average cost per gunshot victim, excluding rehabilitation and long-term care, is $45,000. A single year's worth of gunshot injuries adds up to approximately $2.3 billion in lifetime medical costs, half of which is paid for by taxpayers.

The Children's Defense Fund, in their 2007 report on gun violence, makes a number of recommendations to protect children from gun violence. Among other things, the CDF recommends parents remove guns from their homes, schools provide nonviolent conflict resolution courses for all students, and communities create positive activities for children and teenagers to reduce the influence of gangs and drugs. Congress must also take an active role. We should pass commonsense gun safety legislation, support law enforcement and community programs, and help focus media and public attention on causes and consequences of gun violence.

I am hopeful the 110th Congress will work to break the cycle of gun violence that plagues so many of our communities and our children and grandchildren.

WHITE SANDS MISSILE RANGE

Mr. DOMENICI. Mr. President, I rise today to commemorate an event that occurred 25 years ago in New Mexico.

Most of my colleagues know White Sands Missile Range, WSMR, NM, is a premier test, evaluation and research site, but WSMR's role in the 1982 landing of the Space Shuttle Columbia is less well known.

WSMR's gypsum landing strips visible from space and the excellent weather in New Mexico have made WSMR a potential Space Shuttle launch and landing site since the beginning of NASA's Space Shuttle Program. However, WSMR has never been NASA's first choice for a landing site. But in March of 1982, the preferred landing site at Edwards Air Force Base was soaked with heavy rains. Because it was unclear when the runway surface would be dry enough to support Columbia's landing, WSMR was chosen as an alternative landing site.

Commander Jack R. Lousma and pilot C. Gordon Fullerton landed the Space Shuttle Columbia on WSMR's Northrup Strip at 9:05 a.m. on Tuesday, March 30, 1982. About 4,000 individuals witnessed the landing, and another 90,000 had the opportunity to see the Space Shuttle Columbia at WSMR before its return to Kennedy Space Center. I remember this event as a day of pride for me and my fellow New Mexicans, as our home State played such a visible role in the U.S. space mission.

Today I wish to commemorate this important part of White Sands Missile Range's history and honor the men and women who were a part of the Space Shuttle Columbia's landing at WSMR. While the Space Shuttle Columbia has been the only shuttle to land at WSMR, New Mexico stands ready to serve NASA again should the need arise. In fact, as recently as December 2006 NASA officials considered landing the Space Shuttle Discovery at WSMR because of poor conditions at Kennedy Space Center and Edwards Air Force Base. WSMR prepared for that situation, and I have full confidence that they will continue to work to support NASA and other Federal entities as needed.

CYPRUS ENERGY EXPLORATION

Mr. BIDEN. Mr. President, the island of Cyprus has a longstanding reputation as a place of natural beauty and rich history. It is now emerging as a potential source of energy as well. Developed responsibly, oil and gas deposits under the island's southern continental shelf could provide an alternative source of hydrocarbons at a time when many European countries are struggling to diversify their energy supplies. If this ambition is realized, Cyprus could play an important role in promoting regional energy security.

The Government of the Republic of Cyprus, ROC, is working to establish partnerships with foreign companies and countries in an effort to bring these energy resources online. This process is being needlessly complicated, however, by individuals in Turkey and the Turkish Cypriot community who are discouraging foreign partners from working with the ROC. In view of this behavior, I believe it is important to affirm the ROC's right to search for and develop resources located under Cyprus' continental shelf.

Under international law, there is no question about the legality of the Cypriot Government's activities. The legal principles at issue are codified in the United Nations Convention on the Law of the Sea, to which Cyprus is a party. The ROC has entered into agreements delineating its Exclusive Economic Zone, EEZ, with Egypt and Lebanon and the areas under consideration for development are well within these boundaries. There is simply no juridical basis to dispute Cyprus' claims or actions.

I hope that both Ankara and leaders of the Turkish Cypriot community will cease their efforts to obstruct the exploration of Cypriot waters. Strong-arm diplomacy aimed at scaring away potential Cypriot business partners will only delay the peaceful reunification of Cyprus—and with it the day when all Cypriots can benefit from the island's energy resources.

I want to reiterate my longstanding call for both Cypriot communities to push forward with the technical talks and negotiations that I believe can reunify the island. However, in doing so, I want to caution that attempts to interfere in Cyprus' legitimate energy exploration activities will only complicate negotiations to end the estrangement of the island's peoples.

The country of Cyprus has long been a key partner for the United States, and our friendship rests on the bedrock of shared democratic values. In a global energy market dominated by authoritarian regimes, I believe it is important for Cyprus to push forward with plans to survey its energy assets. I sincerely hope that other parties will respect Cyprus' right to pursue this undertaking.

Mr. MENENDEZ. Mr. President, in an era of energy insecurity, countries around the world are constantly being challenged to come up with new ways to meet the energy needs of their citizens. The Republic of Cyprus is currently working to develop the oil and gas deposits under the island's southern continental shelf in order to expand and diversify its energy supplies. If successful, Cyprus will also be in a position to aid its neighbors in addressing their energy needs.

Unfortunately, these plans are being hindered by individuals in Turkey and the Turkish Cypriot community who are trying to dissuade foreign partners from working with Cyprus. I believe that the Republic of Cyprus has the right to explore the natural resources located in Cypriot waters, and it is my understanding that international law would support Cyprus's actions. It is my hope that the Turkish government and members of the Turkish Cypriot community will accept Cyprus's legal right to explore these resources and will cease their attempts to sabotage future business partnerships. After years of strained relations between the Cypriot communities, I fear that such provocations will only serve to augment divisions and prevent future reunification of the island.

Cyprus's peaceful energy initiatives will promote economic development for the country and its neighbors, and it is important that such efforts proceed uninhibited. Additionally, I believe these efforts must be taken in an environmentally responsible manner. I hope that those persons currently working to derail this process will come to their senses and realize the positive effects that increased energy supplies will have on the stability and prosperity of the entire region.

25TH ANNIVERSARY OF THE VIETNAM VETERANS MEMORIAL

Mr. AKAKA. Mr. President, last week I was pleased to join Senator HAGEL and 66 other Senators in introducing S. Res. 122, commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial. As the unanimous approval of this resolution suggests, showing respect for the memorial and those it honors is a unifying action.

But I remember that it has not always been so. For a time, it was controversial to speak in support of the memorial that honors and recognizes the more than 58,000 servicemembers who gave their lives in Vietnam and the more than 3 million men and women who served there. In fact, for some time it was even controversial to support the war's veterans themselves. As our troops returned home from Vietnam, far too many returned to face the ridicule and contempt of their fellow Americans. When the Vietnam Veterans Memorial Fund was organized in 1979 for the purpose of establishing a memorial for those who served in the war, both living and dead, it faced an uphill battle. We can all be grateful that supporters persevered.

In the 25 years since the Vietnam Veterans Memorial was dedicated, we have made much progress as a country and can now honor Vietnam veterans and the memorial that honors them without dissension. Known to many as "the Wall," it has become the most popular memorial in our Nation's Capital, attracting an estimated 4.4 million visitors each year. Many of them leave behind offerings to the men and women lost in Vietnam, such as letters, medals, birthday cards and roses. These offerings, which now number more than 100,000, are preserved at the

Vietnam Veterans Memorial Collection.

People visit the Wall for many reasons: to honor, to heal, and to be reminded of the human costs of war. One veteran described the Memorial this way: "It's a quiet place where I can stand and remember my friends. And that's all I would like to do."

Like so many other Americans, I am grateful for the healing power of the Wall. May it continue to honor, heal, and remind us all of the consequences of war.

TRIBUTE TO SUE GLYNN

Ms. STABENOW. Mr. President, I rise today in celebration of my long-time friend and staff member, Sue Glynn. After serving on my staff in the Michigan State Legislature, the U.S. House of Representatives and the U.S. Senate, Sue has decided to join her husband, Dale, in a well-deserved retirement.

Before joining my staff, Sue worked for the Michigan Democratic Party and other members of the Michigan State Legislature. I consider myself very fortunate that she chose to be a part of my staff and stay with me for over 20 years. She has worn many hats while working for me, including scheduler, regional manager and office manager. She has handled each one with professionalism and grace.

Sue is well known for her incredible organizational skills, and I have relied on her in so many ways. She is leaving very big shoes to fill.

Both Sue and her husband have dedicated themselves to public service—Sue in government and Dale with the public school system. As a couple and individually, they are well-respected community leaders. I know their commitment will continue into retirement.

My staff and I will miss her presence in the office and her outstanding work ethic. She is a woman of strong values and integrity. She approaches her work in a serious manner but also is very fun-loving. I know that the many people in Michigan, whose lives she has touched through her work, will miss her as well.

Upon leaving the Senate, Sue has many exciting plans and will probably be busier than she is now. She enjoys golfing, bowling, gardening, spending time with her daughter and son and their families, traveling and being with friends.

Mr. President, I am sad because I am losing a trusted and valued member of my staff, but I am happy to see a dear friend move on to new life experiences after a long and distinguished career. She deserves the best of everything and I will always value our friendship in the years to come.

ADDITIONAL STATEMENTS

DEPUTY SHERIFF MANUEL VILLEGAS

• Mrs. BOXER. Mr. President, today I honor the memory of deputy sheriff Manuel Villegas, a dedicated public servant committed to protecting the safety of his community, the State of California, and the Nation. Just 17 months into his tenure with the Riverside County Sheriff's Department, Deputy Villegas tragically lost his life in an automobile collision while en route to a domestic violence call on March 19, 2007. It is testament to the heroism and commitment to duty of this young deputy sheriff that he died while trying to protect someone in need.

A native of Lindsay, CA, Deputy Villegas served honorably in both the U.S. Marine Corps and the U.S. Army before joining the Riverside County Sheriff's Department. Deputy Villegas's exceptional work ethic and performance in the Army Airborne School earned him the parachutist rating and enabled him to join the selective ranks of the Army's paratroopers. For his service in the Army Special Forces Group, 307th Infantry Battalion and the Special Forces, 2nd Battalion, Deputy Villegas was awarded numerous distinctions including the Bronze Star Medal, the Army Commendation Medal, the Army Good Conduct Medal, and the National Defense Medal. He also earned campaign medals for his service in Afghanistan and Kuwait.

Deputy Villegas' decorated service in the U.S. Armed Forces was followed by an equally distinguished record at the Sheriff's Basic Academy. He proved to be an exemplary recruit upon entering the academy on November 14, 2005. He graduated first in his class and was awarded the California Academy Directors Association Award for serving as a model of excellence to fellow students and encouraging others to strive for success. Athletically talented, Deputy Villegas even set the Basic Academy's record for the mile-and-a-half run.

Deputy Villegas is described by his colleagues as having been an exemplary deputy sheriff who was well respected and highly invested in making a difference in the lives of others through his career in law enforcement. Deputy Villegas demonstrated a commitment to the highest standards of his profession and continually sought to distinguish his service to his community and country through hard work and perseverance. He serves as a shining example of the talent, bravery, and richness of our Nation's law enforcement officials and military personnel.

The impact of Deputy Villegas' loss will have an immeasurable impact on the lives of his loved ones. His wife Xochitl, four children, Stacie Lee, Ezequiel, Xavier and Israel, and his colleagues at the Riverside County Sheriff's Department have lost a beloved husband, devoted father, and cherished friend. I am saddened to lose this exceptional public servant, yet I am grateful for the heroic sacrifice that he made to protect his community.•

CENTENNIAL CELEBRATION AT THE UNIVERSITY OF HAWAII

• Mr. INOUYE. Mr. President, today I wish to recognize the University of Hawaii at Manoa's College of Tropical Agriculture and Human Resources, CTAHR, as they commemorate their upcoming centennial. I am pleased to join them in their celebration of a significant milestone that salutes their illustrious achievements in the past, and serves as an enduring foundation for many more in their future.

CTAHR was established as a land-grant institution in 1907, and at the time, it was known as the College of Agriculture and Mechanical Arts. This nascent institution of higher education was dedicated to research, academic instruction, and community outreach. The first students that enrolled during the college's inaugural academic year received instruction in agriculture, household economics, science, and engineering, all of which are still offered to students by the University of Hawaii. Faculty members and students identified the necessity for a curriculum that focused on subtropical climates in order to assist Hawaii's farmers. Their initiative and perseverance subsequently led to the development of a tropical agriculture curriculum, a legacy that over the last century lent itself to CTAHR's name, and benefited people in Hawaii, the Pacific region, and around the world.

CTAHR's successes are numerous, and those in agriculture range from laying the basis of the macadamia nut industry world-wide, to cultivating Hawaii's robust anthurium cut-flower crop, and developing a seed corn crop export utilizing Hawaii's year-round growing season that was valued at $70 million during the 2005–2006 crop year. In addition, their accomplishments include researching remedies to the environmental problems caused by invasive species such as fruit flies, termites, and the papaya ringspot virus. Originally, these pests were eliminated using toxic pesticides that inflicted damaged Hawaii's precious and beautiful environment. CTAHR's research and development led to nationally honored alternative nontoxic treatments used by farmers and residents.

This dedication to the health and well-being of Hawaii's residents extends beyond the laboratory and is demonstrated in their community outreach. In the 1920's CTAHR's Chair in the Home Economics Department was correct and prescient, when she advocated against the reliance on processed foods, and was essential in the nutritional assessment of readily available tropical and sub-tropical fruits and vegetables. World War II starkly highlighted Hawaii's precarious sustainability situation when ships once used to shuttle goods between the islands were serving our country in a wartime capacity. CTAHR stepped in to increase food production, analyze potable water, and help residents adapt to shortages and blackout conditions. Their outreach continues today, and it is exemplified by the 1991 establishment of "The Center on the Family." This Center bolsters Hawaii's families by gathering information on everything from child development to elder care using an interdisciplinary approach of research, education, and service. All of the information they compile is available to families, public servants, service providers, educators, and students via the award-winning online database maintained by the center.

None of these outstanding distinctions could have been reached if CTAHR did not promote and sustain their tradition of academic excellence. The element fundamental to all of their accolades since their beginning in 1907, and that continues to be at the heart of CTAHR's success is their commitment to meet the highest standards of their federally mandated charge to conduct academic instruction. I would like to thank Dean Andrew G. Hashimoto and his predecessors for their wisdom and leadership over the last 100 years. It is with great hope, and my best wishes for CTAHR to carry on their established legacy of achievement in all their future endeavors.●

● Mr. AKAKA. Mr. President, I also wish to honor the centennial celebration of the University of Hawaii's College of Tropical Agriculture and Human Resources. The College of Tropical Agriculture and Human Resources, CTAHR, is the founding college of the University of Hawaii system and its flagship campus, the University of Hawaii at Manoa.

In 1907, the Hawaii Territorial Legislature established the College of Agriculture and Mechanical Arts under the auspices of the Morrill Act as a land-grant college. The first year that classes were offered, in 1908, the college provided agriculture, household economics, science, and engineering classes, all of which remain part of CTAHR's academic programs to this day.

From its humble beginnings in 1907 to today, CTAHR continues to provide an excellent education and career development opportunities for students. CTAHR has developed a solid foundation in research and educational programs that support tropical agricultural systems and in turn foster viable communities, a diversified economy, and a healthy environment. CTAHR's researchers, instructors, and extension personnel continue to research and develop new crops that will reduce our reliance on imported foods, improve food security, and diversify Hawaii's agriculture to explore alternative markets. In addition, the college has played an integral role in further enhancing our understanding of environmental science and advancing agricultural and resource management approaches that conserve and protect Hawaii's natural resources.

CTAHR offers a diverse curriculum that continues to prepare an educated and experienced workforce to meet the State of Hawaii's environmental, agricultural, animal science, dietetic, engineering, and human resource industry needs. CTAHR empowers both students and the public to learn about and proactively engage in better managing the limited resources of our islands. Research conducted by its faculty and through its undergraduate, master, and doctoral programs contribute not only to our local knowledge but in many cases represent field breakthroughs and establishment of cutting edge technologies. CTAHR will continue to not only enhance the physical landscape of our islands and improve the quality of life for all in Hawaii and across the Nation.

Again, I honor the University of Hawaii's College of Tropical Agriculture and Human Resources for 100 years of service to the people of Hawaii, the Pacific region, and the Nation in its dedication to the development of sustainable agriculture and human resources programs to meet the needs of our changing communities. ●

WILLIAM O. "DOC" FARBER

● Mr. THUNE. Mr. President, today I wish to recognize the passing of William O. "Doc" Farber of Vermillion, SD. Doc Farber passed away this week at the age of 96. He was a selfless educator who dedicated his time and energy to encouraging those around him to strive for success. He will be dearly missed by family, friends, and students, but his legacy will live on for generations to come.

William O. Farber was born in 1910 in Geneseo, IL, and graduated from Geneseo Public High School as valedictorian in 1928. He went on to receive his B.A. and M.A. from Northwestern University in Chicago, where he graduated with honors, was a member of Phi Beta Kappa, and was a Harris Scholar. After earning his Ph.D. from the University of Wisconsin, Farber came to the University of South Dakota, USD, as an assistant professor in 1935. He left USD for a department chairmanship at North Dakota State in 1937, but returned a year later to serve as chair of the Department of Government, a position he held for 38 years. Along with teaching, Farber was heavily involved in state government and national service. He helped create USD's Government Research Bureau, served as the first director of the South Dakota Legislative Research Council, and was a member of South Dakota's Constitutional Revision and Local Government Study Commissions.

Throughout his 70 years at the University of South Dakota, Farber influenced numerous well-known graduates, including many state and national leaders. Six of his former students were Rhodes Scholars and two of his students, Larry Pressler and TIM JOHNSON, became U.S. Senators. NBC anchor Tom Brokaw, USA Today founder Al Neuharth, and media personality Pat O'Brien also took classes from the famed professor. Farber was not just an educator, but served as a friend and mentor to many of his students. According to Brokaw, the advice he received from Farber while in college helped him turn his life around. Always looking out for his students, Doc even drove Brokaw to a job interview in Omaha because the future newsman's car had broken down.

Doc Farber was an amazing teacher, a committed public servant, and an all-around remarkable person. South Dakota has lost a truly outstanding man who inspired countless students to broaden their horizons and to make a difference in the world. While Doc Farber will be greatly missed by all who knew him, he will forever be remembered for the life he led.●

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGES FROM THE HOUSE

At 12:24 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, without amendment:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

The message also announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed

Forces who are receiving medical care in an outpatient status, and for other purposes.

The message further announced that pursuant to 22 U.S.C. 276th, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Mexico-United States Interparliamentary Group: Mr. PASTOR of Arizona, Chairman, Ms. LINDA T. SÁNCHEZ of California, Vice Chairman, Mr. FILNER or California, Mr. REYES of Texas, Ms. SOLIS of California, Mr. RODRIGUEZ of Texas, and Ms. GIFFORDS of Arizona.

At 3:15 p.m., a message from the House of Representatives, delivered by Mr. Hays, one of its reading clerks, announced that the House has agreed to the following concurrent resolution, in which it requests the concurrence of the Senate:

H. Con. Res. 103. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1538. An act to amend title 10, United States Code, to improve the management of medical care, personnel actions, and quality of life issues for members of the Armed Forces who are receiving medical care in an outpatient status, and for other purposes; to the Committee on Armed Services.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, March 29, 2007, she had presented to the President of the United States the following enrolled bill:

S. 494. An act to endorse further enlargement of the North Atlantic Treaty Organization (NATO) and to facilitate the timely admission of new members to NATO, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1221. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Gypsy Moth Generally Infested Areas: Addition of Areas in Virginia" (Docket No. APHIS–2006–0171) received on March 27, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1222. A communication from the Secretary of the Air Force, transmitting, pursuant to law, the report of a breach in Average Procurement Unit Cost for the Joint Primary Aircraft Training System; to the Committee on Armed Services.

EC–1223. A communication from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Transportation Security Administration's Voluntary Provision of Emergency Services Program; to the Committee on Commerce, Science, and Transportation.

EC–1224. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Dry Tortugas National Park—Special Regulations" (RIN1024–AD45) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1225. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Boating and Water Use Activities" (RIN1024–AD07) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1226. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Native American Graves Protection and Repatriation Act Regulations—Future Applicability" (RIN1024–AD84) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1227. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Curecanti National Recreation Area, Personal Watercraft Use" (RIN1024–AC99) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1228. A communication from the Acting Assistant Secretary (Fish and Wildlife and Parks), National Park Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Cape Lookout National Seashore, Personal Watercraft Use" (RIN1024–AD44) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1229. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Missouri Regulatory Program" (MO–039–FOR) received on March 27, 2007; to the Committee on Energy and Natural Resources.

EC–1230. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Indiana" (FRL No. 8284–5) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1231. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Arizona; Motor Vehicle Inspection and Maintenance Programs" (FRL No. 8284–2) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1232. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Designation of Areas for Air Quality Planning Purposes; State of Arizona; Boundary Redesignation; Finding of Attainment for Miami Particulate Matter of 10 Microns or Less Nonattainment Area; Determination Regarding Applicability of Certain Clean Air Act Requirements; Correction" (FRL No. 8292–6) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1233. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Ohio; Volatile Organic Compound Emission Control Measures for Cincinnati and Dayton" (FRL No. 8292–3) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1234. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Fluopicolid; Pesticide Tolerance" (FRL No. 8120–1) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1235. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Significant New Rules on Certain Chemical Substances and Notification on Certain Substances for Which Significant New Use Rules Are Not Being Issued" (FRL No. 7699–5) received on March 27, 2007; to the Committee on Environment and Public Works.

EC–1236. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to an amendment to Part 126 of the International Traffic in Arms Regulations; to the Committee on Foreign Relations.

EC–1237. A communication from the Secretary to the Railroad Retirement Board, transmitting, pursuant to law, the Board's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1238. A communication from the Secretary of Labor, transmitting, pursuant to law, the 2005 Annual Report of the Assistant Secretary for Veterans' Employment and Training of the Department of Labor; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations:

Special Report entitled "Legislative Activities Report of the Committee on Foreign Relations, 109th Congress" (Rept. No. 110–40).

By Mr. BAUCUS, from the Committee on Finance:

Special Report entitled "Report on the Activities of the Committee on Finance of the United States Senate During the 109th Congress" (Rept. No. 110–41).

By Mr. LEAHY, from the Committee on the Judiciary, with an amendment:

S. 378. A bill to amend title 18, United States Code, to protect judges, prosecutors, witnesses, victims, and their family members, and for other purposes (Rept. No. 110–42).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 30. A resolution expressing the sense of the Senate regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments.

By Mr. BIDEN, from the Committee on Foreign Relations, with an amendment and with a preamble:

S. Res. 65. A resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment and with a preamble:

S. Res. 76. A resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, and Central African Republic, and Darfur, Sudan.

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 358. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 521. A bill to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heany Federal Building and United States Courthouse and Customhouse".

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 556. A bill to reauthorize the Head Start Act, and for other purposes.

S. 624. A bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 657. A bill to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

By Mrs. BOXER, from the Committee on Environment and Public Works, without amendment:

S. 801. A bill to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse".

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions, with an amendment in the nature of a substitute:

S. 845. A bill to direct the Secretary of Health and Human Services to expand and intensify programs with respect to research and related activities concerning elder falls.

EXECUTIVE REPORTS OF COMMITTEES

The following executive reports of nominations were submitted:

By Mrs. BOXER for the Committee on Environment and Public Works.

*Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation for a term expiring October 6, 2012.

*Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency.

*Nomination was reported with recommendation that it be confirmed subject to the nominee's commitment to respond to requests to appear and testify before any duly constituted committee of the Senate.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. COLEMAN (for himself and Mr. Isakson):

S. 30. A bill to intensify research to derive human pluripotent stem cell lines; ordered held at the desk.

By Mr. CHAMBLISS (for himself and Mr. Isakson):

S. 1022. A bill to amend title XXI of the Social Security Act to eliminate the remainder of funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ:

S. 1023. A bill to amend title XXI of the Social Security Act to eliminate the remainder of funding shortfalls for the State Children's Health Insurance Program (SCHIP) for fiscal year 2007, and for other purposes; to the Committee on Finance.

By Mr. GREGG (for himself, Mr. Burr, and Mr. Coburn):

S. 1024. A bill to improve the underlying science of drug safety decisionmaking and strengthen the ability of the Food and Drug Administration to assess, manage, and communicate drug safety information to patients and providers; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CHAMBLISS (for himself, Mr. Isakson, Mr. Cornyn, and Mr. Coburn):

S. 1025. A bill to promote freedom, fairness, and economic opportunity by repealing the income tax and other taxes, abolishing the Internal Revenue Service, and enacting a national sales tax to be administered primarily by the States; to the Committee on Finance.

By Mr. CHAMBLISS:

S. 1026. A bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. KOHL (for himself, Mr. Specter, Mr. Leahy, Mr. Kyl, and Mr. Schumer):

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

By Mr. KOHL (for himself and Mrs. Feinstein):

S. 1028. A bill to require the Secretary of Energy to establish a strategic refinery reserve, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KOHL:

S. 1029. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CARDIN (for himself and Ms. Mikulski):

S. 1030. A bill to provide for the disposition of the Federal property located in Anne Arundel County, Maryland, a portion of which is currently used by the District of Columbia as the Oak Hill juvenile detention facility; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. CLINTON:

S. 1031. A bill to amend the Farm Security and Rural Investment Act of 2002 to provide coordination and direction for commodity programs, and to ensure the distribution of fresh fruits and vegetables to schools and service institutions in the United States; to the Committee on Agriculture, Nutrition, and Forestry.

By Mrs. CLINTON (for herself and Mr. Brown):

S. 1032. A bill to amend the Rural Electrification Act of 1936 to establish an Office of Rural Broadband Initiatives in the Department of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. LIEBERMAN (for himself and Mr. Brownback):

S. 1033. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

By Mrs. CLINTON:

S. 1034. A bill to create investment opportunities for rural families and access to credit for rural entrepreneurs and microenterprises, to support rural regional investment, and for other purposes; to the Committee on Finance.

By Mr. DURBIN (for himself and Mr. Grassley):

S. 1035. A bill to amend the Immigration and Nationality Act to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

By Mr. BROWNBACK (for himself, Ms. Landrieu, Mr. Allard, Mr. Bunning, Mr. Burr, Mr. Chambliss, Mr. Coburn, Mr. Corker, Mr. Cornyn, Mr. Crapo, Mr. DeMint, Mrs. Dole, Mr. Domenici, Mr. Ensign, Mr. Enzi, Mr. Graham, Mr. Grassley, Mr. Hagel, Mr. Inhofe, Mr. Kyl, Mr. Lott, Mr. McCain, Mr. Martinez, Mr. Sessions, Mr. Thomas, Mr. Thune, Mr. Vitter, and Mr. Voinovich):

S. 1036. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. Wyden):

S. 1037. A bill to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; to the Committee on Energy and Natural Resources.

By Mr. CORNYN (for himself and Mr. Harkin):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

By Mr. LAUTENBERG (for himself and Mr. Menendez):

S. 1039. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; to the Committee on Energy and Natural Resources.

By Mr. SHELBY:

S. 1040. A bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans; to the Committee on Finance.

By Mr. KENNEDY (for himself, Mr. Dodd, Mr. Harkin, Ms. Mikulski, Mr. Bingaman, Mrs. Murray, Mr. Reed, Mrs. Clinton, Mr. Obama, Mr. Sanders, Mr. Brown, Mr. Byrd, Mr. Inouye, Mr. Biden, Mr. Leahy, Mr. Baucus, Mr. Levin, Mr. Kerry, Mr. Rockefeller, Mr. Reid, Mr. Conrad, Mr. Kohl, Mr. Lieberman, Mr. Akaka, Mrs. Feinstein, Mr. Dorgan, Mrs. Boxer, Mr. Feingold, Mr. Wyden, Mr. Durbin, Mr. Johnson, Ms. Landrieu, Mr. Schumer, Mr. Bayh, Mr. Carper, Ms. Stabenow, Ms. Cantwell, Mr. Nelson of Florida, Mr. Lautenberg, Mr. Menendez, Mr. Cardin, Mr. Webb, Mr. Casey, Mrs. McCaskill, Ms. Klobuchar, Mr. Whitehouse, and Mr. Tester):

S. 1041. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide for mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. McCONNELL (for Mr. ENZI (for himself, Mr. Kennedy, and Mr. Burr)):

S. 1042. A bill to amend the Public Health Service Act to make the provision of technical services for medical imaging examinations and radiation therapy treatments safer, more accurate, and less costly; to the Committee on Health, Education, Labor, and Pensions.

By Mrs. FEINSTEIN:

S. 1043. A bill to require the Secretary of Veterans Affairs to submit a report to Congress on proposed changes to the use of the West Los Angeles Department of Veterans Affairs Medical Center, California; to the Committee on Veterans' Affairs.

By Mr. BIDEN:

S. 1044. A bill to improve the medical care of members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services.

By Mr. VOINOVICH:

S. 1045. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH (for himself, Ms. Collins, and Mr. Akaka):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

By Mr. FEINGOLD (for himself, Mr. Crapo, Mr. Martinez, Mr. Kohl, Mr. Kerry, Mr. Cardin, and Mrs. Boxer):

S. 1048. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

By Mr. INOUYE:

S. 1049. A bill to amend section 512 of the Merchant Marine Act, 1936; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN:

S. 1050. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DODD (for himself, Mr. Grassley, Mr. Obama, and Mrs. Dole):

S. 1051. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself and Mr. Specter):

S. 1052. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 1053. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

By Mrs. FEINSTEIN:

S. 1054. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

By Mr. BIDEN:

S. 1055. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mr. Brownback):

S. 1056. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BURR:

S. 1057. A bill to amend the Wild and Scenic Rivers Act to designate certain segments of the New River in the State of North Carolina and the Commonwealth of Virginia as a component of the National Wild and Scenic Rivers System; to the Committee on Energy and Natural Resources.

By Mr. LEVIN (for himself and Ms. Stabenow):

S. 1058. A bill to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available; to the Committee on Indian Affairs.

By Mrs. CLINTON (for herself and Mr. Kerry):

S. 1059. A bill to amend the Energy Conservation and Production Act to improve Federal building energy efficiency standards, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BIDEN (for himself, Mr. Specter, Mr. Brownback, and Mr. Leahy):

S. 1060. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

By Mr. LOTT:

S. 1061. A bill to require insurance companies to fully disclose insurance coverage and noncoverage of homeowner's insurance policies, to provide for enforcement by the Federal Trade Commission, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. DURBIN (for himself and Mr. Grassley):

S. 1062. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. CLINTON:

S. 1063. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1064. A bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Ms. Collins):

S. 1065. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services.

By Mr. DODD (for himself, Mr. Kerry, Mr. Durbin, and Mr. Feingold):

S. 1066. A bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. Kerry, Mrs. Clinton, and Mr. Durbin):

S. 1067. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. Kerry, and Mrs. Clinton):

S. 1068. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 1069. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

By Ms. LANDRIEU (for herself and Mr. LOTT):

S. 1071. A bill to authorize the Administrator of the Small Business Administration to waive the prohibition on duplication of certain disaster relief assistance; to the Committee on Small Business and Entrepreneurship.

By Mr. STEVENS:

S. 1072. A bill to require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Ms. SNOWE):

S. 1073. A bill to amend the Clean Air Act to promote the use of fuels with low lifecycle greenhouse gas emissions, to establish a greenhouse gas performance standard for motor vehicle fuels, to require a significant decrease in greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1074. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

By Mrs. CLINTON (for herself, Mr. REID, Mr. LAUTENBERG, Mr. CASEY, Mr. KERRY, and Mr. SCHUMER):

S. 1075. A bill to amend title XIX of the Social Security Ad to expand access to contraceptive services for women and men under the Medicaid program, help low income women and couples prevent unintended pregnancies and reduce abortion, and for other purposes; to the Committee on Finance.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S. 1076. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Finance.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. COCHRAN, Mrs. DOLE, Mr. INHOFE, Mr. LOTT, and Mr. ISAKSON):

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself and Mr. COLEMAN):

S. Res. 134. A resolution designating September 2007 as "Adopt a School Library Month"; to the Committee on the Judiciary.

By Mr. LIEBERMAN (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. SMITH):

S. Res. 135. A resolution expressing the sense of the Senate that the Untied States should support independence for Kosovo; to the Committee on Foreign Relations.

By Mr. COLEMAN (for himself, Mrs. FEINSTEIN, Mr. DEMINT, Mr. BIDEN, Mr. BROWNBACK, Ms. MIKULSKI, Mr. KERRY, Mr. LIEBERMAN, Mr. ENSIGN, Mr. GRAHAM, Mr. CARDIN, Mr. ROCKEFELLER, Mr. CASEY, Mr. DODD, Mrs. CLINTON, Mrs. DOLE, Mr. VITTER, Mr. ISAKSON, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. SCHUMER, Mr. VOINOVICH, and Mr. SMITH):

S. Res. 136. A resolution expressing the sense of the Senate condemning the seizure by the Government of Iran of 15 British naval personnel in Iraqi territorial waters, and calling for their immediate, safe, and unconditional release; considered and agreed to.

By Mrs. LINCOLN (for herself and Mr. PRYOR):

S. Res. 137. A resolution recognizing the importance of Hot Springs National Park on the 175th anniversary of the enactment of the Act that authorized the establishment of Hot Springs Reservation; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Ms. STABENOW, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Mr. WEBB, and Mr. KERRY):

S. Res. 138. A resolution honoring the accomplishments and legacy of Cesar Estrada Chavez; to the Committee on the Judiciary.

By Mr. INHOFE (for himself and Mr. AKAKA):

S. Res. 139. A resolution commending General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States; to the Committee on Armed Services.

By Mr. OBAMA (for himself, Mr. BIDEN, Mr. FEINGOLD, Mr. DURBIN, Mr. KERRY, and Mr. DODD):

S. Con. Res. 25. A concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 65

At the request of Mr. INHOFE, the name of the Senator from Louisiana (Mr. VITTER) was added as a cosponsor of S. 65, a bill to modify the age-60 standard for certain pilots and for other purposes.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 119

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 119, a bill to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, and for other purposes.

S. 185

At the request of Mr. SPECTER, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 386

At the request of Mr. CHAMBLISS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 386, a bill to amend the Clean Air Act to require a higher volume of renewable fuel derived from cellulosic biomass, and for other purposes.

S. 446

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 446, a bill to amend the Public Health Service Act to authorize capitation grants to increase the number of nursing faculty and students, and for other purposes.

S. 492

At the request of Mr. FEINGOLD, the names of the Senator from New Hampshire (Mr. SUNUNU), the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. COLLINS), the Senator from Nebraska (Mr. HAGEL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 492, a bill to promote stabilization and reconstruction efforts in Somalia, to establish a Special Envoy for Somalia to strengthen United States support to the people of Somalia in their efforts to establish a lasting peace and form a democratically elected and stable central government, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Virginia (Mr. WARNER) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 561

At the request of Mr. NELSON of Nebraska, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. 561, a bill to repeal the sunset of the Economic Growth and Tax Relief Reconciliation Act of 2001 with respect to the expansion of the adoption credit and adoption assistance programs.

S. 648

At the request of Mr. CHAMBLISS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 648, a bill to amend title 10, United States Code, to reduce the eligibility age for receipt of non-regular military service retired pay for members of the Ready Reserve in active federal status or on active duty for significant periods.

S. 656

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 656, a bill to provide for the adjustment of status of certain nationals of Liberia to that of lawful permanent residence.

S. 667

At the request of Mr. BOND, the name of the Senator from Oregon (Mr. SMITH) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 749

At the request of Mr. NELSON of Florida, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 749, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

S. 761

At the request of Mr. REID, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Nebraska (Mr. HAGEL) were added as cosponsors of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the names of the Senator from Illinois (Mr. DURBIN), the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 793

At the request of Mr. HATCH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 805

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 936

At the request of Mr. DURBIN, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 936, a bill to reform the financing of Senate elections, and for other purposes.

S. 960

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 960, a bill to establish the United States Public Service Academy.

S. 962

At the request of Mr. BINGAMAN, the names of the Senator from North Dakota (Mr. DORGAN) and the Senator from Kansas (Mr. BROWNBACK) were added as cosponsors of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 987

At the request of Mr. BINGAMAN, the name of the Senator from North Dakota (Mr. DORGAN) was added as a cosponsor of S. 987, a bill to enhance the energy security of the United States by promoting biofuels and for other purposes.

S. 999

At the request of Mr. COCHRAN, the name of the Senator from North Carolina (Mr. BURR) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1001

At the request of Mrs. HUTCHISON, the name of the Senator from Virginia (Mr. WEBB) was added as a cosponsor of S. 1001, a bill to restore Second Amendment rights in the District of Columbia.

S.J. RES. 10

At the request of Mr. KENNEDY, the names of the Senator from Illinois (Mr. OBAMA), the Senator from Vermont (Mr. SANDERS) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S.J. Res. 10, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

S. RES. 92

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

AMENDMENT NO. 665

At the request of Mr. REED, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 665 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 669

At the request of Mr. LIEBERMAN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of amendment No. 669 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 737

At the request of Mr. DOMENICI, his name was added as a cosponsor of amendment No. 737 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

At the request of Mr. SANDERS, the names of the Senator from Connecticut (Mr. DODD) and the Senator from Massachusetts (Mr. KENNEDY) were added as cosponsors of amendment No. 737 proposed to H.R. 1591, supra.

AMENDMENT NO. 739

At the request of Mr. BIDEN, the name of the Senator from Florida (Mr.

NELSON) was added as a cosponsor of amendment No. 739 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 790

At the request of Mr. GREGG, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of amendment No. 790 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 793

At the request of Ms. KLOBUCHAR, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of amendment No. 793 proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

AMENDMENT NO. 799

At the request of Mr. LUGAR, the names of the Senator from Massachusetts (Mr. KENNEDY), the Senator from Vermont (Mr. LEAHY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. ISAKSON), the Senator from Oregon (Mr. SMITH), the Senator from Michigan (Mr. LEVIN) and the Senator from New Hampshire (Mr. SUNUNU) were added as cosponsors of amendment No. 799 intended to be proposed to H.R. 1591, a bill making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KOHL (for himself, Mr. SPECTER, Mr. LEAHY, Mr. KYL, and Mr. SCHUMER):

S. 1027. A bill to prevent tobacco smuggling, to ensure the collection of all tobacco taxes, and for other purposes; to the Committee on the Judiciary.

Mr. KOHL. Mr. President, I rise today to introduce the Prevent All Cigarette Trafficking (PACT) Act with Senators SPECTER, LEAHY, KYL, and SCHUMER.

As the problem of cigarette trafficking continues to worsen, we must provide law enforcement officials with the tools they need to crack down on cigarette trafficking. The PACT Act closes loopholes in current tobacco trafficking laws, enhances penalties for violations, and provides law enforcement with new tools to combat the innovative new methods being used by cigarette traffickers to distribute their products. Each day we delay its passage, terrorists and criminals raise more money, States lose significant amounts of tax revenue, and kids have easy access to tobacco products sold over the internet.

The cost to Americans is not merely financial. Tobacco smuggling also poses a significant threat to innocent people around the world. It has developed into a popular, and highly profitable, means of generating revenue for criminal and terrorist organizations. Hezbollah, for example, earned $1.5 million between 1996 and 2000 by engaging in tobacco trafficking in the United States. Al Qaeda and Hamas have also generated significant revenue from the sale of counterfeit cigarettes. That money is often raised right here in the United States, and it is then funneled back to these international terrorist groups. Cutting off financial support to terrorist groups is an integral part of protecting this country against future attacks, and it was an important recommendation of the 9/11 Commission. We can no longer continue to let terrorist organizations exploit weaknesses in our tobacco laws to generate significant amounts of money. The cost of doing nothing is too great.

This is not a minor problem. Cigarette smuggling is a multibillion dollar a year phenomenon and is getting worse. In 1998, the Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) had six active tobacco smuggling investigations. In 2005, that number swelled to 452.

The number of cases alone, however, does not sufficiently put this problem into perspective. The amount of money involved is truly astonishing. Cigarette trafficking, including the illegal sale of tobacco products over the internet, costs States billions of dollars in lost tax revenue each year. It is estimated that $3.8 billion of tax revenue were lost, at the Federal and State level, in 2004 to tobacco smuggling. As lost tobacco tax revenue lines the pockets of criminals and terrorist groups, States are being forced to increase college tuition and restrict access to other public programs because of lost revenues. Tobacco smuggling may provide some with cheap access to cigarettes, but those cheap cigarettes are coming at a significant cost to the rest of us.

According to the Government Accountability Office (GAO), cigarette trafficking investigations are growing more and more complex, and take longer to resolve. More people are selling cigarettes illegally, and they are getting better at it. As these cases become more difficult to crack, we owe it to law enforcement officials to do our part to lend a helping hand. The PACT Act does that by enhancing BATFE's authority to enter premises to investigate and enforce cigarette trafficking laws. It also increases penalties for cigarette trafficking. Unless these existing laws are strengthened, traffickers will continue to operate with near impunity.

Just as important, though, we must enable our country's law enforcement officials to combat the cigarette smugglers of the 21st century. The internet represents a new obstacle to enforcement. Illegal tobacco vendors around the world evade detection by conducting transactions over the internet, and then shipping their illegal products around the country to consumers. Just a few years ago, there were less than 100 vendors selling cigarettes online. Today, approximately 500 vendors sell illegal tobacco products over the internet.

Without new and innovative enforcement methods, law enforcement will not be able to effectively address the growing challenges facing them today. The PACT Act sets out to do just that by empowering States to go after out-of-State sellers who are violating their tax laws and by cutting off their method of delivery. A significant part of this problem involves the shipment of contraband cigarettes through the United States Postal Service (USPS). This bill would cut off online vendors' access to the USPS. We would treat cigarettes just like we treat alcohol, making it illegal to ship them through the U.S. mails and cutting off a large portion of the delivery system.

In addition, it would facilitate cooperation between law enforcement and private carriers, who are sometimes the unwitting delivery arm of these tobacco traffickers. The bill authorizes the Attorney General to compile a list of sellers who are engaging in illegal cigarette sales, and that list would be distributed to private carriers, like UPS and FedEx. Providing this information to these companies, who have already begun to cooperate with law enforcement in this area, would then be empowered to cut off shipments for those of their customers who are engaging in tobacco smuggling.

The PACT Act is a comprehensive bill to put these illegal smugglers out of business. It enjoys the strong support of tobacco companies, law enforcement officials, and the public health community. The bill contains important authorities that will enable our federal, state, and local law enforcement officials to crack down on cigarette trafficking, and thereby close off a very lucrative funding stream for international terrorist groups and other criminal enterprises. I urge my colleagues to support this important legislation.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1027

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; FINDINGS; PURPOSES.

(a) SHORT TITLE.—This Act may be cited as the "Prevent All Cigarette Trafficking Act of 2007" or "PACT Act".

(b) FINDINGS.—Congress finds that—

(1) the sale of illegal cigarettes and smokeless tobacco products significantly reduces Federal, State, and local government revenues, with Internet sales alone accounting for billions of dollars of lost Federal, State, and local tobacco tax revenue each year;

(2) Hezbollah, Hamas, al Qaeda, and other terrorist organizations have profited from trafficking in illegal cigarettes or counterfeit cigarette tax stamps;

(3) terrorist involvement in illicit cigarette trafficking will continue to grow because of the large profits such organizations can earn;

(4) the sale of illegal cigarettes and smokeless tobacco over the Internet, and through mail, fax, or phone orders, make it cheaper and easier for children to obtain tobacco products;

(5) the majority of Internet and other remote sales of cigarettes and smokeless tobacco are being made without adequate precautions to protect against sales to children, without the payment of applicable taxes, and without complying with the nominal registration and reporting requirements in existing Federal law;

(6) unfair competition from illegal sales of cigarettes and smokeless tobacco is taking billions of dollars of sales away from law-abiding retailers throughout the United States;

(7) with rising State and local tobacco tax rates, the incentives for the illegal sale of cigarettes and smokeless tobacco have increased;

(8) the number of active tobacco investigations being conducted by the Bureau of Alcohol, Tobacco, Firearms, and Explosives rose to 452 in 2005;

(9) the number of Internet vendors in the United States and in foreign countries that sell cigarettes and smokeless tobacoo to buyers in the United States has increased from only about 40 in 2000 to more than 500 in 2005; and

(10) the intrastate sale of illegal cigarettes and smokeless tobacco over the Internet has a substantial effect on interstate commerce.

(c) PURPOSES.—It is the purpose of this Act to—

(1) require Internet and other remote sellers of cigarettes and smokeless tobacco to comply with the same laws that apply to law-abiding tobacco retailers;

(2) create strong disincentives to illegal smuggling of tobacco products;

(3) provide government enforcement officials with more effective enforcement tools to combat tobacco smuggling;

(4) make it more difficult for cigarette and smokeless tobacco traffickers to engage in and profit from their illegal activities;

(5) increase collections of Federal, State, and local excise taxes on cigarettes and smokeless tobacco; and

(6) prevent and reduce youth access to inexpensive cigarettes and smokeless tobacco through illegal Internet or contraband sales.

SEC. 2. COLLECTION OF STATE CIGARETTE AND SMOKELESS TOBACCO TAXES.

(a) DEFINITIONS.—The Act of October 19, 1949 (15 U.S.C. 375 et seq.; commonly referred to as the "Jenkins Act") (referred to in this Act as the "Jenkins Act"), is amended by striking the first section and inserting the following:

"SECTION 1. DEFINITIONS.

"As used in this Act, the following definitions apply:

"(1) ATTORNEY GENERAL.—The term 'attorney general', with respect to a State, means the attorney general or other chief law enforcement officer of the State, or the designee of that officer.

"(2) CIGARETTE.—

"(A) IN GENERAL.—For purposes of this Act, the term 'cigarette' shall—

"(i) have the same meaning given that term in section 2341 of title 18, United States Code; and

"(ii) include 'roll-your-own tobacco' (as that term is defined in section 5702 of the Internal Revenue Code of 1986).

"(B) EXCEPTION.—For purposes of this Act, the term 'cigarette' does not include a 'cigar,' as that term is defined in section 5702 of the Internal Revenue Code of 1986.

"(3) COMMON CARRIER.—The term 'common carrier' means any person (other than a local messenger service or the United States Postal Service) that holds itself out to the general public as a provider for hire of the transportation by water, land, or air of merchandise, whether or not the person actually operates the vessel, vehicle, or aircraft by which the transportation is provided, between a port or place and a port or place in the United States.

"(4) CONSUMER.—The term 'consumer' means any person that purchases cigarettes or smokeless tobacco, but does not include any person lawfully operating as a manufacturer, distributor, wholesaler, or retailer of cigarettes or smokeless tobacco.

"(5) DELIVERY SALE.—The term 'delivery sale' means any sale of cigarettes or smokeless tobacco to a consumer if—

"(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

"(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

"(6) DELIVERY SELLER.—The term 'delivery seller' means a person who makes a delivery sale.

"(7) INDIAN COUNTRY.—The term 'Indian country' has the meaning given that term in section 1151 of title 18, United States Code, except that within the State of Alaska that term applies only to the Metlakatla Indian Community, Annette Island Reserve.

"(8) INDIAN TRIBE.—The term 'Indian tribe', 'tribe', or 'tribal' refers to an Indian tribe as defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) or as listed pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a–1).

"(9) INTERSTATE COMMERCE.—The term 'interstate commerce' means commerce between a State and any place outside the State, commerce between a State and any Indian country in the State, or commerce between points in the same State but through any place outside the State or through any Indian country.

"(10) PERSON.—The term 'person' means an individual, corporation, company, association, firm, partnership, society, State government, local government, Indian tribal government, governmental organization of such government, or joint stock company.

"(11) STATE.—The term 'State' means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

"(12) SMOKELESS TOBACCO.—The term 'smokeless tobacco' means any finely cut, ground, powdered, or leaf tobacco, or other product containing tobacco, that is intended to be placed in the oral or nasal cavity or otherwise consumed without being combusted.

"(13) TOBACCO TAX ADMINISTRATOR.—The term 'tobacco tax administrator' means the State, local, or tribal official duly authorized to collect the tobacco tax or administer the tax law of a State, locality, or tribe, respectively.

"(14) USE.—The term 'use', in addition to its ordinary meaning, means the consumption, storage, handling, or disposal of cigarettes or smokeless tobacco.".

(b) REPORTS TO STATE TOBACCO TAX ADMINISTRATORS.—Section 2 of the Jenkins Act (15 U.S.C. 376) is amended—

(1) by striking "cigarettes" each place it appears and inserting "cigarettes or smokeless tobacco";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by inserting "CONTENTS.—"after "(a)"

(ii) by striking "or transfers" and inserting ", transfers, or ships";

(iii) by inserting ", locality, or Indian country of an Indian tribe" after "a State";

(iv) by striking "to other than a distributor licensed by or located in such State,"; and

(v) by striking "or transfer and shipment" and inserting ", transfer, or shipment";

(B) in paragraph (1)—

(i) by striking "with the tobacco tax administrator of the State" and inserting "with the Attorney General of the United States and with the tobacco tax administrators of the State and place"; and

(ii) by striking "; and" and inserting the following: ", as well as telephone numbers for each place of business, a principal electronic mail address, any website addresses, and the name, address, and telephone number of an agent in the State authorized to accept service on behalf of such person;";

(C) in paragraph (2), by striking "and the quantity thereof." and inserting "the quantity thereof, and the name, address, and phone number of the person delivering the shipment to the recipient on behalf of the delivery seller, with all invoice or memoranda information relating to specific customers to be organized by city or town and by zip code; and"; and

(D) by adding at the end the following:

"(3) with respect to each memorandum or invoice filed with a State under paragraph (2), also file copies of such memorandum or invoice with the tobacco tax administrators and chief law enforcement officers of the local governments and Indian tribes operating within the borders of the State that apply their own local or tribal taxes on cigarettes or smokeless tobacco.";

(3) in subsection (b)—

(A) by inserting "PRESUMPTIVE EVIDENCE.—" after "(b)";

(B) by striking "(1) that" and inserting "that"; and

(C) by striking ", and (2)" and all that follows and inserting a period; and

(4) by adding at the end the following:

"(c) USE OF INFORMATION.—A tobacco tax administrator or chief law enforcement officer who receives a memorandum or invoice under paragraph (2) or (3) of subsection (a) shall use such memorandum or invoice solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and shall keep confidential any personal information in such memorandum or invoice not otherwise required for such purposes.".

(c) Requirements for Delivery Sales.—The Jenkins Act is amended by inserting after section 2 the following:

"SEC. 2A. DELIVERY SALES.

"(a) In General.—With respect to delivery sales into a specific State and place, each delivery seller shall comply with—

"(1) the shipping requirements set forth in subsection (b);

"(2) the recordkeeping requirements set forth in subsection (c);

"(3) all State, local, tribal, and other laws generally applicable to sales of cigarettes or smokeless tobacco as if such delivery sales occurred entirely within the specific State and place, including laws imposing—

"(A) excise taxes;

"(B) licensing and tax-stamping requirements;

"(C) restrictions on sales to minors; and

"(D) other payment obligations or legal requirements relating to the sale, distribution, or delivery of cigarettes or smokeless tobacco; and

"(4) the tax collection requirements set forth in subsection (d).

"(b) Shipping and Packaging.—

"(1) Required statement.—For any shipping package containing cigarettes or smokeless tobacco, the delivery seller shall include on the bill of lading, if any, and on the outside of the shipping package, on the same surface as the delivery address, a clear and conspicuous statement providing as follows: 'CIGARETTES/SMOKELESS TOBACCO: FEDERAL LAW REQUIRES THE PAYMENT OF ALL APPLICABLE EXCISE TAXES, AND COMPLIANCE WITH APPLICABLE LICENSING AND TAX-STAMPING OBLIGATIONS'.

"(2) Failure to label.—Any shipping package described in paragraph (1) that is not labeled in accordance with that paragraph shall be treated as nondeliverable matter by a common carrier or other delivery service, if the common carrier or other delivery service knows or should know the package contains cigarettes or smokeless tobacco. If a common carrier or other delivery service believes a package is being submitted for delivery in violation of paragraph (1), it may require the person submitting the package for delivery to establish that it is not being sent in violation of paragraph (1) before accepting the package for delivery. Nothing in this paragraph shall require the common carrier or other delivery service to open any package to determine its contents.

"(3) Weight restriction.—A delivery seller shall not sell, offer for sale, deliver, or cause to be delivered in any single sale or single delivery any cigarettes or smokeless tobacco weighing more than 10 pounds.

"(4) Age verification.—

"(A) In general.—Notwithstanding any other provision of law, a delivery seller who mails or ships tobacco products—

"(i) shall not sell, deliver, or cause to be delivered any tobacco products to a person under the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery;

"(ii) shall use a method of mailing or shipping that requires—

"(I) the purchaser placing the delivery sale order, or an adult who is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery, to sign to accept delivery of the shipping container at the delivery address; and

"(II) the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that the person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery; and

"(iii) shall not accept a delivery sale order from a person without—

"(I) obtaining the full name, birth date, and residential address of that person; and

"(II) verifying the information provided in subclause (I), through the use of a commercially available database or aggregate of databases, consisting primarily of data from government sources, that are regularly used by government and businesses for the purpose of age and identity verification and authentication, to ensure that the purchaser is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by the applicable law at the place of delivery.

"(B) Limitation.—No database being used for age and identity verification under subparagraph (A)(iii) shall be in the possession or under the control of the delivery seller, or be subject to any changes or supplementation by the delivery seller.

"(c) Records.—

"(1) In general.—Each delivery seller shall keep a record of any delivery sale, including all of the information described in section 2(a)(2), organized by the State, and within such State, by the city or town and by zip code, into which such delivery sale is so made.

"(2) Record retention.—Records of a delivery sale shall be kept as described in paragraph (1) in the year in which the delivery sale is made and for the next 4 years.

"(3) Access for officials.—Records kept under paragraph (1) shall be made available to tobacco tax administrators of the States, to local governments and Indian tribes that apply their own local or tribal taxes on cigarettes or smokeless tobacco, to the attorneys general of the States, to the chief law enforcement officers of such local governments and Indian tribes, and to the Attorney General of the United States in order to ensure the compliance of persons making delivery sales with the requirements of this Act.

"(d) Delivery.—

"(1) In general.—Except as provided in paragraph (2), no delivery seller may sell or deliver to any consumer, or tender to any common carrier or other delivery service, any cigarettes or smokeless tobacco pursuant to a delivery sale unless, in advance of the sale, delivery, or tender—

"(A) any cigarette or smokeless tobacco excise tax that is imposed by the State in which the cigarettes or smokeless tobacco are to be delivered has been paid to the State;

"(B) any cigarette or smokeless tobacco excise tax that is imposed by the local government of the place in which the cigarettes or smokeless tobacco are to be delivered has been paid to the local government; and

"(C) any required stamps or other indicia that such excise tax has been paid are properly affixed or applied to the cigarettes or smokeless tobacco.

"(2) Exception.—Paragraph (1) does not apply to a delivery sale of smokeless tobacco if the law of the State or local government of the place where the smokeless tobacco is to be delivered requires or otherwise provides that delivery sellers collect the excise tax from the consumer and remit the excise tax to the State or local government, and the delivery seller complies with the requirement.

"(e) List of Unregistered or Noncompliant Delivery Sellers.—

"(1) In general.—

"(A) Initial list.—Not later than 90 days after this subsection goes into effect under the Prevent All Cigarette Trafficking Act of 2007, the Attorney General of the United States shall compile a list of delivery sellers of cigarettes or smokeless tobacco that have not registered with the Attorney General, pursuant to section 2(a) or that are otherwise not in compliance with this Act, and—

"(i) distribute the list to—

"(I) the attorney general and tax administrator of every State;

"(II) common carriers and other persons that deliver small packages to consumers in interstate commerce, including the United States Postal Service; and

"(III) at the discretion of the Attorney General of the United States, to any other persons; and

"(ii) publicize and make the list available to any other person engaged in the business of interstate deliveries or who delivers cigarettes or smokeless tobacco in or into any State.

"(B) List contents.—To the extent known, the Attorney General of the United States shall include, for each delivery seller on the list described in subparagraph (A)—

"(i) all names the delivery seller uses in the transaction of its business or on packages delivered to customers;

"(ii) all addresses from which the delivery seller does business or ships cigarettes or smokeless tobacco;

"(iii) the website addresses, primary e-mail address, and phone number of the delivery seller; and

"(iv) any other information that the Attorney General determines would facilitate compliance with this subsection by recipients of the list.

"(C) Updating.—The Attorney General of the United States shall update and distribute the list at least once every 4 months, and may distribute the list and any updates by regular mail, electronic mail, or any other reasonable means, or by providing recipients with access to the list through a nonpublic website that the Attorney General of the United States regularly updates.

"(D) State, local, or tribal additions.—The Attorney General of the United States shall include in the list under subparagraph (A) any noncomplying delivery sellers identified by any State, local, or tribal government under paragraph (5), and shall distribute the list to the attorney general or chief law enforcement official and the tax administrator of any government submitting any such information and to any common carriers or other persons who deliver small packages to consumers identified by any government pursuant to paragraph (5).

"(E) Confidentiality.—The list distributed pursuant to subparagraph (A) shall be confidential, and any person receiving the list shall maintain the confidentiality of the list but may deliver the list, for enforcement purposes, to any government official or to any common carrier or other person that delivers tobacco products or small packages to consumers. Nothing in this section shall prohibit a common carrier, the United States Postal Service, or any other person receiving the list from discussing with the listed delivery sellers the delivery sellers' inclusion on the list and the resulting effects on any services requested by such listed delivery seller.

"(2) Prohibition on delivery.—

"(A) In general.—Commencing on the date that is 60 days after the date of the initial distribution or availability of the list under paragraph (1)(A), no person who receives the list under paragraph (1), and no person who delivers cigarettes or smokeless tobacco to consumers, shall knowingly complete, cause to be completed, or complete its portion of a delivery of any package for any person whose name and address are on the list, unless—

"(i) the person making the delivery knows or believes in good faith that the item does not include cigarettes or smokeless tobacco;

"(ii) the delivery is made to a person lawfully engaged in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

"(iii) the package being delivered weighs more than 100 pounds and the person making the delivery does not know or have reasonable cause to believe that the package contains cigarettes or smokeless tobacco.

"(B) IMPLEMENTATION OF UPDATES.—Commencing on the date that is 30 days after the date of the distribution or availability of any updates or corrections to the list under paragraph (1), all recipients and all common carriers or other persons that deliver cigarettes or smokeless tobacco to consumers shall be subject to subparagraph (A) in regard to such corrections or updates.

"(3) SHIPMENTS FROM PERSONS ON LIST.—

"(A) IN GENERAL.—In the event that a common carrier or other delivery service delays or interrupts the delivery of a package it has in its possession because it determines or has reason to believe that the person ordering the delivery is on a list distributed under paragraph (1)—

"(i) the person ordering the delivery shall be obligated to pay—

"(I) the common carrier or other delivery service as if the delivery of the package had been timely completed; and

"(II) if the package is not deliverable, any reasonable additional fee or charge levied by the common carrier or other delivery service to cover its extra costs and inconvenience and to serve as a disincentive against such noncomplying delivery orders; and

"(ii) if the package is determined not to be deliverable, the common carrier or other delivery service shall, in its discretion, either provide the package and its contents to a Federal, State, or local law enforcement agency or destroy the package and its contents.

"(B) RECORDS.—A common carrier or other delivery service shall maintain, for a period of 5 years, any records kept in the ordinary course of business relating to any deliveries interrupted pursuant to this paragraph and provide that information, upon request, to the Attorney General of the United States or to the attorney general or chief law enforcement official or tax administrator of any State, local, or tribal government.

"(C) CONFIDENTIALITY.—Any person receiving records under subparagraph (B) shall use such records solely for the purposes of the enforcement of this Act and the collection of any taxes owed on related sales of cigarettes and smokeless tobacco, and the person receiving records under subparagraph (B) shall keep confidential any personal information in such records not otherwise required for such purposes.

"(4) PREEMPTION.—

"(A) IN GENERAL.—No State, local, or tribal government, nor any political authority of 2 or more State, local, or tribal governments, may enact or enforce any law or regulation relating to delivery sales that restricts deliveries of cigarettes or smokeless tobacco to consumers by common carriers or other delivery services on behalf of delivery sellers by—

"(i) requiring that the common carrier or other delivery service verify the age or identity of the consumer accepting the delivery by requiring the person who signs to accept delivery of the shipping container to provide proof, in the form of a valid, government-issued identification bearing a photograph of the individual, that such person is at least the minimum age required for the legal sale or purchase of tobacco products, as determined by either State or local law at the place of delivery;

"(ii) requiring that the common carrier or other delivery service obtain a signature from the consumer accepting the delivery;

"(iii) requiring that the common carrier or other delivery service verify that all applicable taxes have been paid;

"(iv) requiring that packages delivered by the common carrier or other delivery service contain any particular labels, notice, or markings; or

"(v) prohibiting common carriers or other delivery services from making deliveries on the basis of whether the delivery seller is or is not identified on any list of delivery sellers maintained and distributed by any entity other than the Federal Government.

"(B) RELATIONSHIP TO OTHER LAWS.—Nothing in this paragraph shall be construed to prohibit, expand, restrict, or otherwise amend or modify—

"(i) section 14501(c)(1) or 41713(b)(4) of title 49, United States Code;

"(ii) any other restrictions in Federal law on the ability of State, local, or tribal governments to regulate common carriers; or

"(iii) any provision of State, local, or tribal law regulating common carriers that falls within the provisions of chapter 49 of the United States Code, sections 14501(c)(2) or 41713(b)(4)(B).

"(C) STATE LAWS PROHIBITING DELIVERY SALES.—Nothing in the Prevent All Cigarette Trafficking Act of 2007, or the amendments made by that Act, may be construed to preempt or supersede State laws prohibiting the delivery sale, or the shipment or delivery pursuant to a delivery sale, of cigarettes or smokeless tobacco to individual consumers.

"(5) STATE, LOCAL, AND TRIBAL ADDITIONS.—

"(A) IN GENERAL.—Any State, local, or tribal government shall provide the Attorney General of the United States with—

"(i) all known names, addresses, website addresses, and other primary contact information of any delivery seller that offers for sale or makes sales of cigarettes or smokeless tobacco in or into the State, locality, or tribal land but has failed to register with or make reports to the respective tax administrator, as required by this Act, or that has been found in a legal proceeding to have otherwise failed to comply with this Act; and

"(ii) a list of common carriers and other persons who make deliveries of cigarettes or smokeless tobacco in or into the State, locality, or tribal lands.

"(B) UPDATES.—Any government providing a list to the Attorney General of the United States under subparagraph (A) shall also provide updates and corrections every 4 months until such time as such government notifies the Attorney General of the United States in writing that such government no longer desires to submit such information to supplement the list maintained and distributed by the Attorney General of the United States under paragraph (1).

"(C) REMOVAL AFTER WITHDRAWAL.—Upon receiving written notice that a government no longer desires to submit information under subparagraph (A), the Attorney General of the United States shall remove from the list under paragraph (1) any persons that are on the list solely because of such government's prior submissions of its list of noncomplying delivery sellers of cigarettes or smokeless tobacco or its subsequent updates and corrections.

"(6) DEADLINE TO INCORPORATE ADDITIONS.—The Attorney General of the United States shall—

"(A) include any delivery seller identified and submitted by a State, local, or tribal government under paragraph (5) in any list or update that is distributed or made available under paragraph (1) on or after the date that is 30 days after the date on which the information is received by the Attorney General of the United States; and

"(B) distribute any such list or update to any common carrier or other person who makes deliveries of cigarettes or smokeless tobacco that has been identified and submitted by another government, pursuant to paragraph (5).

"(7) NOTICE TO DELIVERY SELLERS.—Not later than 14 days prior to including any delivery seller on the initial list distributed or made available under paragraph (1), or on any subsequent list or update for the first time, the Attorney General of the United States shall make a reasonable attempt to send notice to the delivery seller by letter, electronic mail, or other means that the delivery seller is being placed on such list or update, with that notice citing the relevant provisions of this Act.

"(8) LIMITATIONS.—

"(A) IN GENERAL.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to—

"(i) determine whether any list distributed or made available under paragraph (1) is complete, accurate, or up-to-date;

"(ii) determine whether a person ordering a delivery is in compliance with this Act; or

"(iii) open or inspect, pursuant to this Act, any package being delivered to determine its contents.

"(B) ALTERNATE NAMES.—Any common carrier or other person making a delivery subject to this subsection shall not be required or otherwise obligated to make any inquiries or otherwise determine whether a person ordering a delivery is a delivery seller on the list under paragraph (1) who is using a different name or address in order to evade the related delivery restrictions, but shall not knowingly deliver any packages to consumers for any such delivery seller who the common carrier or other delivery service knows is a delivery seller who is on the list under paragraph (1) but is using a different name or address to evade the delivery restrictions of paragraph (2).

"(C) PENALTIES.—Any common carrier or person in the business of delivering packages on behalf of other persons shall not be subject to any penalty under section 14101(a) of title 49, United States Code, or any other provision of law for—

"(i) not making any specific delivery, or any deliveries at all, on behalf of any person on the list under paragraph (1);

"(ii) not, as a matter of regular practice and procedure, making any deliveries, or any deliveries in certain States, of any cigarettes or smokeless tobacco for any person or for any person not in the business of manufacturing, distributing, or selling cigarettes or smokeless tobacco; or

"(iii) delaying or not making a delivery for any person because of reasonable efforts to comply with this Act.

"(D) OTHER LIMITS.—Section 2 and subsections (a), (b), (c), and (d) of this section shall not be interpreted to impose any responsibilities, requirements, or liability on common carriers.

"(f) PRESUMPTION.—For purposes of this Act, a delivery sale shall be deemed to have occurred in the State and place where the buyer obtains personal possession of the cigarettes or smokeless tobacco, and a delivery pursuant to a delivery sale is deemed to have been initiated or ordered by the delivery seller.".

(d) PENALTIES.—The Jenkins Act is amended by striking section 3 and inserting the following:

"SEC. 3. PENALTIES.

"(a) CRIMINAL PENALTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), whoever violates any provision of this Act shall be guilty of a felony and shall be imprisoned not more than 3 years, fined under title 18, United States Code, or both.

"(2) EXCEPTIONS.—

"(A) GOVERNMENTS.—Paragraph (1) shall not apply to a State, local, or tribal government.

"(B) DELIVERY VIOLATIONS.—A common carrier or independent delivery service, or employee of a common carrier or independent delivery service, shall be subject to criminal penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

"(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

"(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

"(b) CIVIL PENALTIES.—

"(1) IN GENERAL.—Except as provided in paragraph (3), whoever violates any provision of this Act shall be subject to a civil penalty in an amount not to exceed—

"(A) in the case of a delivery seller, the greater of—

"(i) $5,000 in the case of the first violation, or $10,000 for any other violation; or

"(ii) for any violation, 2 percent of the gross sales of cigarettes or smokeless tobacco of such person during the 1-year period ending on the date of the violation.

"(B) in the case of a common carrier or other delivery service, $2,500 in the case of a first violation, or $5,000 for any violation within 1 year of a prior violation.

"(2) RELATION TO OTHER PENALTIES.—A civil penalty under paragraph (1) for a violation of this Act shall be imposed in addition to any criminal penalty under subsection (a) and any other damages, equitable relief, or injunctive relief awarded by the court, including the payment of any unpaid taxes to the appropriate Federal, State, local, or tribal governments.

"(3) EXCEPTIONS.—

"(A) DELIVERY VIOLATIONS.—An employee of a common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) only if the violation is committed intentionally—

"(i) as consideration for the receipt of, or as consideration for a promise or agreement to pay, anything of pecuniary value; or

"(ii) for the purpose of assisting a delivery seller to violate, or otherwise evading compliance with, section 2A.

"(B) OTHER LIMITATIONS.—No common carrier or independent delivery service shall be subject to civil penalties under paragraph (1) for a violation of section 2A(e) if—

"(i) the common carrier or independent delivery service has implemented and enforces effective policies and practices for complying with that section; or

"(ii) an employee of the common carrier or independent delivery service who physically receives and processes orders, picks up packages, processes packages, or makes deliveries, takes actions that are outside the scope of employment of the employee in the course of the violation, or that violate the implemented and enforced policies of the common carrier or independent delivery service described in clause (i).".

(e) ENFORCEMENT.—The Jenkins Act is amended by striking section 4 and inserting the following:

"SEC. 4. ENFORCEMENT.

"(a) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of this Act and to provide other appropriate injunctive or equitable relief, including money damages, for such violations.

"(b) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States shall administer and enforce the provisions of this Act.

"(c) STATE, LOCAL, AND TRIBAL ENFORCEMENT.—

"(1) IN GENERAL.—

"(A) STANDING.—A State, through its attorney general (or a designee thereof), or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) or to obtain any other appropriate relief from any person (or from any person controlling such person) for violations of this Act, including civil penalties, money damages, and injunctive or other equitable relief.

"(B) SOVEREIGN IMMUNITY.—Nothing in this Act shall be deemed to abrogate or constitute a waiver of any sovereign immunity of a State or local government or Indian tribe against any unconsented lawsuit under this Act, or otherwise to restrict, expand, or modify any sovereign immunity of a State or local government or Indian tribe.

"(2) PROVISION OF INFORMATION.—A State, through its attorney general, or a local government or Indian tribe that levies a tax subject to section 2A(a)(3), through its chief law enforcement officer (or a designee thereof), may provide evidence of a violation of this Act by any person not subject to State, local, or tribal government enforcement actions for violations of this Act to the Attorney General of the United States or a United States attorney, who shall take appropriate actions to enforce the provisions of this Act.

"(3) USE OF PENALTIES COLLECTED.—

"(A) IN GENERAL.—There is established a separate account in the Treasury known as the 'PACT Anti-Trafficking Fund'. Notwithstanding any other provision of law and subject to subparagraph (B), an amount equal to 50 percent of any criminal and civil penalties collected by the United States Government in enforcing the provisions of this Act shall be transferred into the PACT Anti-Trafficking Fund and shall be available to the Attorney General of the United States for purposes of enforcing the provisions of this Act and other laws relating to contraband tobacco products.

"(B) ALLOCATION OF FUNDS.—Of the amount available to the Attorney General under subparagraph (A), not less than 50 percent shall be made available only to the agencies and offices within the Department of Justice that were responsible for the enforcement actions in which the penalties concerned were imposed or for any underlying investigations.

"(4) NONEXCLUSIVITY OF REMEDY.—

"(A) IN GENERAL.—The remedies available under this section and section 3 are in addition to any other remedies available under Federal, State, local, tribal, or other law.

"(B) STATE COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized State official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of State or other law.

"(C) TRIBAL COURT PROCEEDINGS.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized Indian tribal government official to proceed in tribal court, or take other enforcement actions, on the basis of an alleged violation of tribal law.

"(D) LOCAL GOVERNMENT ENFORCEMENT.—Nothing in this Act shall be construed to expand, restrict, or otherwise modify any right of an authorized local government official to proceed in State court, or take other enforcement actions, on the basis of an alleged violation of local or other law.

"(d) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who holds a permit under section 5712 of the Internal Revenue Code of 1986 (regarding permitting of manufacturers and importers of tobacco products and export warehouse proprietors) may bring an action in a United States district court to prevent and restrain violations of this Act by any person (or by any person controlling such person) other than a State, local, or tribal government.

"(e) NOTICE.—

"(1) PERSONS DEALING IN TOBACCO PRODUCTS.—Any person who commences a civil action under subsection (d) shall inform the Attorney General of the United States of the action.

"(2) STATE, LOCAL, AND TRIBAL ACTIONS.—It is the sense of Congress that the attorney general of any State, or chief law enforcement officer of any locality or tribe, that commences a civil action under this section should inform the Attorney General of the United States of the action.

"(f) PUBLIC NOTICE.—

"(1) IN GENERAL.—The Attorney General of the United States shall make available to the public, by posting such information on the Internet and by other appropriate means, information regarding all enforcement actions undertaken by the Attorney General or United States attorneys, or reported to the Attorney General, under this section, including information regarding the resolution of such actions and how the Attorney General and the United States attorney have responded to referrals of evidence of violations pursuant to subsection (c)(2).

"(2) REPORTS TO CONGRESS.—The Attorney General shall submit to Congress each year a report containing the information described in paragraph (1).".

SEC. 3. TREATMENT OF CIGARETTES AND SMOKELESS TOBACCO AS NONMAILABLE MATTER.

Section 1716 of title 18, United States Code, is amended—

(1) by redesignating subsections (j) and (k) as subsections (k) and (l), respectively; and

(2) by inserting after subsection (i) the following:

"(j) TOBACCO PRODUCTS.—

"(1) PROHIBITION.—

"(A) IN GENERAL.—Except as provided in subparagraphs (C) and (D), all cigarettes (as that term is defined in section 1(2) of the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the 'Jenkins Act')) and smokeless tobacco (as that term is defined in section 1(12) of that Act), are nonmailable and shall not be deposited in or carried through the mails. The United States Postal Service shall not accept for delivery or transmit through the mails any package that it knows or has reasonable cause to believe contains any cigarettes or smokeless tobacco made nonmailable by this subsection.

"(B) REASONABLE CAUSE TO BELIEVE.—For purposes of this section, notification to the United States Postal Service by the Attorney General, a United States attorney, or a State Attorney General that an individual or entity is primarily engaged in the business of transmitting cigarettes or smokeless tobacco made nonmailable by this section shall constitute reasonable cause to believe that any packages presented to the United States Postal Service by such individual or entity contain nonmailable cigarettes or smokeless tobacco.

"(C) CIGARS.—Subparagraph (A) shall not apply to cigars (as that term is defined in section 5702(a) of the Internal Revenue Code of 1986).

"(D) GEOGRAPHIC EXCEPTION.—Subparagraph (A) shall not apply to mailings within or into any State that is not contiguous with at least 1 other State of the United States. For purposes of this paragraph, 'State' means any of the 50 States or the District of Columbia.

"(2) PACKAGING EXCEPTIONS INAPPLICABLE.—Subsection (b) shall not apply to any tobacco product made nonmailable by this subsection.

"(3) SEIZURE AND FORFEITURE.—Any cigarettes or smokeless tobacco made nonmailable by this subsection that are deposited in the mails shall be subject to seizure and forfeiture, and any tobacco products so seized and forfeited shall either be destroyed or retained by Government officials for the detection or prosecution of crimes or related investigations and then destroyed.

"(4) ADDITIONAL PENALTIES.—In addition to any other fines and penalties imposed by this chapter for violations of this section, any person violating this subsection shall be subject to an additional penalty in the amount of 10 times the retail value of the nonmailable cigarettes or smokeless tobacco, including all Federal, State, and local taxes.

"(5) USE OF PENALTIES.—There is established a separate account in the Treasury known as the 'PACT Postal Service Fund'. Notwithstanding any other provision of law, an amount equal to 50 percent of any criminal and civil fines or monetary penalties collected by the United States Government in enforcing the provisions of this subsection shall be transferred into the PACT Postal Service Fund and shall be available to the Postmaster General for the purpose of enforcing the provisions of this subsection.".

SEC. 4. COMPLIANCE WITH MODEL STATUTE OR QUALIFYING STATUTE.

(a) IN GENERAL.—A Tobacco Product Manufacturer or importer may not sell in, deliver to, or place for delivery sale, or cause to be sold in, delivered to, or placed for delivery sale in a State that is a party to the Master Settlement Agreement, any cigarette manufactured by a Tobacco Product Manufacturer that is not in full compliance with the terms of the Model Statute or Qualifying Statute enacted by such State requiring funds to be placed into a qualified escrow account under specified conditions, or any regulations promulgated pursuant to such statute.

(b) JURISDICTION TO PREVENT AND RESTRAIN VIOLATIONS.—

(1) IN GENERAL.—The United States district courts shall have jurisdiction to prevent and restrain violations of subsection (a) in accordance with this subsection.

(2) INITIATION OF ACTION.—A State, through its attorney general, may bring an action in the United States district courts to prevent and restrain violations of subsection (a) by any person (or by any person controlling such person).

(3) ATTORNEY FEES.—In any action under paragraph (2), a State, through its attorney general, shall be entitled to reasonable attorney fees from a person found to have willfully and knowingly violated subsection (a).

(4) NONEXCLUSIVITY OF REMEDIES.—The remedy available under paragraph (2) is in addition to any other remedies available under Federal, State, or other law. No provision of this Act or any other Federal law shall be held or construed to prohibit or preempt the Master Settlement Agreement, the Model Statute (as defined in the Master Settlement Agreement), any legislation amending or complementary to the Model Statute in effect as of June 1, 2006, or any legislation substantially similar to such existing, amending, or complementary legislation hereinafter enacted.

(5) OTHER ENFORCEMENT ACTIONS.—Nothing in this subsection shall be construed to prohibit an authorized State official from proceeding in State court or taking other enforcement actions on the basis of an alleged violation of State or other law.

(6) AUTHORITY OF THE ATTORNEY GENERAL.—The Attorney General of the United States may administer and enforce subsection (a).

(c) DEFINITIONS.—In this section the following definitions apply:

(1) DELIVERY SALE.—The term "delivery sale" means any sale of cigarettes or smokeless tobacco to a consumer if—

(A) the consumer submits the order for such sale by means of a telephone or other method of voice transmission, the mails, or the Internet or other online service, or the seller is otherwise not in the physical presence of the buyer when the request for purchase or order is made; or

(B) the cigarettes or smokeless tobacco are delivered by use of a common carrier, private delivery service, or the mails, or the seller is not in the physical presence of the buyer when the buyer obtains possession of the cigarettes or smokeless tobacco.

(2) IMPORTER.—The term "importer" means each of the following:

(A) SHIPPING OR CONSIGNING.—Any person in the United States to whom nontaxpaid tobacco products manufactured in a foreign country, Puerto Rico, the Virgin Islands, or a possession of the United States are shipped or consigned.

(B) MANUFACTURING WAREHOUSES.—Any person who removes cigars or cigarettes for sale or consumption in the United States from a customs-bonded manufacturing warehouse.

(C) UNLAWFUL IMPORTING.—Any person who smuggles or otherwise unlawfully brings tobacco products into the United States.

(3) MASTER SETTLEMENT AGREEMENT.—The term "Master Settlement Agreement" means the agreement executed November 23, 1998, between the attorneys general of 46 States, the District of Columbia, the Commonwealth of Puerto Rico, and 4 territories of the United States and certain tobacco manufacturers.

(4) MODEL STATUTE; QUALIFYING STATUTE.—The terms "Model Statute" and "Qualifying Statute" means a statute as defined in section IX(d)(2)(e) of the Master Settlement Agreement.

(5) TOBACCO PRODUCT MANUFACTURER.—The term "Tobacco Product Manufacturer" has the meaning given that term in section II(uu) of the Master Settlement Agreement.

SEC. 5. INSPECTION BY BUREAU OF ALCOHOL, TOBACCO, FIREARMS, AND EXPLOSIVES OF RECORDS OF CERTAIN CIGARETTE AND SMOKELESS TOBACCO SELLERS.

(a) IN GENERAL.—Any officer of the Bureau of Alcohol, Tobacco, Firearms, and Explosives may, during normal business hours, enter the premises of any person described in subsection (b) for the purposes of inspecting—

(1) any records or information required to be maintained by such person under the provisions of law referred to in subsection (d); or

(2) any cigarettes or smokeless tobacco kept or stored by such person at such premises.

(b) COVERED PERSONS.—Subsection (a) applies to any person who engages in a delivery sale, and who ships, sells, distributes, or receives any quantity in excess of 10,000 cigarettes, or any quantity in excess of 500 single-unit consumer-sized cans or packages of smokeless tobacco, within a single month.

(c) RELIEF.—

(1) IN GENERAL.—The district courts of the United States shall have the authority in a civil action under this subsection to compel inspections authorized by subsection (a).

(2) VIOLATIONS.—Whoever violates subsection (a) or an order issued pursuant to paragraph (1) shall be subject to a civil penalty in an amount not to exceed $10,000 for each violation.

(d) COVERED PROVISIONS OF LAW.—The provisions of law referred to in this subsection are—

(1) the Act of October 19, 1949 (15 U.S.C. 375; commonly referred to as the "Jenkins Act");

(2) chapter 114 of title 18, United States Code; and

(3) this Act.

(e) DELIVERY SALE DEFINED.—In this section, the term "delivery sale" has the meaning given that term in 2343(e) of title 18, United States Code, as amended by this Act.

SEC. 6. EXCLUSIONS REGARDING INDIAN TRIBES AND TRIBAL MATTERS.

(a) IN GENERAL.—Nothing in this Act or the amendments made by this Act is intended nor shall be construed to affect, amend, or modify—

(1) any agreements, compacts, or other intergovernmental arrangements between any State or local government and any government of an Indian tribe (as that term is defined in section 4(e) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(e)) relating to the collection of taxes on cigarettes or smokeless tobacco sold in Indian country (as that term is defined in section 1151 of title 18, United States Code);

(2) any State laws that authorize or otherwise pertain to any such intergovernmental arrangements or create special rules or procedures for the collection of State, local, or tribal taxes on cigarettes or smokeless tobacco sold in Indian country;

(3) any limitations under existing Federal law, including Federal common law and treaties, on State, local, and tribal tax and regulatory authority with respect to the sale, use, or distribution of cigarettes and smokeless tobacco by or to Indian tribes or tribal members or in Indian country;

(4) any existing Federal law, including Federal common law and treaties, regarding

State jurisdiction, or lack thereof, over any tribe, tribal members, or tribal reservations; and

(5) any existing State or local government authority to bring enforcement actions against persons located in Indian country.

(b) COORDINATION OF LAW ENFORCEMENT.—Nothing in this Act or the amendments made by this Act shall be construed to inhibit or otherwise affect any coordinated law enforcement effort by 1 or more States or other jurisdictions, including Indian tribes, through interstate compact or otherwise, that—

(1) provides for the administration of tobacco product laws or laws pertaining to interstate sales or other sales of tobacco products;

(2) provides for the seizure of tobacco products or other property related to a violation of such laws; or

(3) establishes cooperative programs for the administration of such laws.

(c) TREATMENT OF STATE AND LOCAL GOVERNMENTS.—Nothing in this Act or the amendments made by this Act is intended, and shall not be construed to, authorize, deputize, or commission States or local governments as instrumentalities of the United States.

(d) ENFORCEMENT WITHIN INDIAN COUNTRY.—Nothing in this Act or the amendments made by this Act is intended to prohibit, limit, or restrict enforcement by the Attorney General of the United States of the provisions herein within Indian country.

(e) AMBIGUITY.—Any ambiguity between the language of this section or its application and any other provision of this Act shall be resolved in favor of this section.

SEC. 7. EFFECTIVE DATE.

(a) IN GENERAL.—Except as provided in subsection (b), this Act shall take effect on the date that is 90 days after the date of enactment of this Act.

(b) BATFE AUTHORITY.—Section 5 shall take effect on the date of enactment of this Act.

SEC. 8. SEVERABILITY.

If any provision of this, or an amendment made by this Act or the application thereof to any person or circumstance is held invalid, the remainder of the Act and the application of it to any other person or circumstance shall not be affected thereby.

By Mr. KOHL:

S. 1029. A bill to amend the Food Security Act of 1985 to provide incentives to landowners to protect and improve streams and riparian habitat; to the Committee on Agriculture, Nutrition, and Forestry.

Mr. KOHL. Mr. President, I rise today to offer a bill that amends the Food Security Act of 1985 to provide incentives for landowners to protect and improve streams and riparian habitat. This legislation would provide cost-share payments to landowners who protect and repair streamside and instream habitat, improve water flow and quality and initiate watershed management and planning.

The Stream Habitat Improvement Program, funded at $60 million annually, would direct resources to important fish habitat projects. The fisheries community has recognized the loss of habitat as a major threat to the health of sport fish populations. Farmers who participate in the program will make improvements on streams running through their property. Improvements could include repairing shoreline, removing barriers to fish passage, and planting trees to shade the water and strengthen stream banks. Further, existing partnerships, such as the National Fish Habitat Action Plan, could provide invaluable input to guide the program.

Healthy fisheries mean healthy communities. The EPA and the Fish and Wildlife Service have found that 81 percent of all stream fish communities in the U.S. have been adversely affected by either pollution or other disturbances. Rivers and streams provide essential habitat for numerous plant and animal species. Many of these species are threatened, endangered, or at risk for extinction. Degraded and altered habitats are the most frequently cited factors contributing to the decline among threatened or endangered aquatic species and among many native recreational and non-game fish species.

In Wisconsin alone there are almost 950,000 anglers, and almost half a million more come from out of State to fish in Wisconsin. Together these anglers spend $1 billion on fishing-related expenses in our State. This new program would advance efforts to support stream habitat restoration more effectively, which in turn will support a thriving economy and aquatic species populations. Further, healthy stream and river habitats also play an important role in the Nation's economy. Each year, about 34 million anglers spend $17 billion directly on fishing equipment and another $15 billion on trip-related expenses, food and lodging, and other recreational fishing-related expenses.

Successful management of stream and river habitat requires cooperative partnerships among producers, landowners, as well as Federal and State agencies. Offering producers and private landowners incentives and opportunities for restoring stream habitat will prevent the decline and listing of aquatic species. Building strong relationships between farm owners, private landowners and the angler community ensures that healthy fisheries will be maintained for future generations to enjoy.

By Mr. LIEBERMAN (for himself and Mr. BROWNBACK):

S. 1033. A bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations; to the Committee on Environment and Public Works.

Mr. LIEBERMAN. Mr. President, today, along with my friend Senator SAM BROWNBACK, I am introducing the Great Cats and Rare Canids Act, which will protect and foster populations of imperiled great cats and rare canines outside of North America.

These species, including the cheetah and the Asiatic wild dog, are threatened by habitat loss, poaching, disease, and pollution. The conservation fund established by the bill we are introducing today would sustain current conservation efforts and expand strategic measures to restore imperiled populations.

The struggle of the African wild dog is one example of the plight these large carnivores face. The less than 2,500 adults that remain not only have to combat the widespread misconception that they are livestock killers, but are extremely susceptible to those diseases common in domesticated animals. They have lost 89 percent of their habitat and are now found in only 14 of the 39 countries that comprise their historic range.

The snow leopard is another example. Like all great cats, the snow leopard needs a large tract of uninterrupted land in which to live, but the snow leopard's habitat in China has been fragmented due to human encroachment. The cats are also under extreme poaching pressures as their fur is sold on the black market.

The bill we are introducing today would help protect these predators at the top of the food chain. Our legislation is modeled after the highly successful Multinational Species Conservation Funds, which conserve rhinos, great apes, Asian elephants, African elephants, and marine turtles. Our bill would authorize $5 million in annual spending for the conservation of more than a dozen species of great cats and rare canines.

I do not think our children and grandchildren will forgive us if we stand by and let these magnificent animals drift into extinction. With a relatively small investment, we can invigorate ongoing conservation efforts around the world.

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S. 1035. A bill to amend the Immigration and Nationality Act to reduce fraud and abuse in certain visa programs for aliens working temporarily in the United States; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1035

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "H–1B and L–1 Visa Fraud and Abuse Prevention Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. H–1B employer requirements.
Sec. 3. H–1B government authority and requirements.
Sec. 4. L–1 visa fraud and abuse protections.
Sec. 5. Whistleblower protections.
Sec. 6. Additional Department of Labor employees.

SEC. 2. H–1B EMPLOYER REQUIREMENTS.

(a) APPLICATION OF NONDISPLACEMENT AND GOOD FAITH RECRUITMENT REQUIREMENTS TO ALL H–1B EMPLOYERS.—

(1) AMENDMENTS.—Section 212(n) of the Immigration and Nationality Act (8 U.S.C. 1182(n)) is amended—

(A) in paragraph (1)—

(i) in subparagraph (E)

(I) in clause (i), by striking "(E)(i) In the case of an application described in clause (ii), the" and inserting "(E) The"; and

(II) by striking clause (ii);

(ii) in subparagraph (F), by striking "In the case of" and all that follows through "where—" and inserting the following: "The employer will not place the nonimmigrant with another employer if—"; and

(iii) in subparagraph (G), by striking "In the case of an application described in subparagraph (E)(ii), subject" and inserting "Subject";

(B) in paragraph (2)—

(i) in subparagraph (E), by striking "If an H–1B-dependent employer" and inserting "If an employer that employs H–1B nonimmigrants"; and

(ii) in subparagraph (F), by striking "The preceding sentence shall apply to an employer regardless of whether or not the employer is an H–1B-dependent employer."; and

(C) by striking paragraph (3).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(b) NONDISPLACEMENT REQUIREMENT.—

(1) EXTENDING TIME PERIOD FOR NONDISPLACEMENT.—Section 212(n) of such Act, as amended by subsection (a), is further amended—

(A) in paragraph (1)—

(i) in subparagraph (E), by striking "90 days" each place it appears and inserting "180 days";

(ii) in subparagraph (F)(ii), by striking "90 days" each place it appears and inserting "180 days"; and

(B) in paragraph (2)(C)(iii), by striking "90 days" each place it appears and inserting "180 days".

(2) EFFECTIVE DATE.—The amendments made by paragraph (1)—

(A) shall apply to applications filed on or after the date of the enactment of this Act; and

(B) shall not apply to displacements for periods occurring more than 90 days before such date.

(c) PUBLIC LISTING OF AVAILABLE POSITIONS.—

(1) LISTING OF AVAILABLE POSITIONS.—Section 212(n)(1)(C) of such Act is amended—

(A) in clause (i), by striking "(i) has provided" and inserting the following:

"(ii)(I) has provided";

(B) by redesignating clause (ii) as subclause (II); and

(C) by inserting before clause (ii), as redesignated, the following:

"(i) has advertised the job availability on the list described in paragraph (6), for at least 30 calendar days; and".

(2) LIST MAINTAINED BY THE DEPARTMENT OF LABOR.—Section 212(n) of such Act, as amended by this section, is further amended by adding at the end the following:

"(6)(A) Not later than 90 days after the date of the enactment of this paragraph, the Secretary of Labor shall establish a list of available jobs, which shall be publicly accessible without charge—

"(i) on a website maintained by the Department of Labor, which website shall be searchable by—

"(I) the name, city, State, and zip code of the employer;

"(II) the date on which the job is expected to begin;

"(III) the title and description of the job; and

"(IV) the State and city (or county) at which the work will be performed; and

"(ii) at each 1-stop center created under the Workforce Investment Act of 1998 (Public Law 105–220).

"(B) Each available job advertised on the list shall include—

"(i) the employer's full legal name;

"(ii) the address of the employer's principal place of business;

"(iii) the employer's city, State and zip code;

"(iv) the employer's Federal Employer Identification Number;

"(v) the phone number, including area code and extension, as appropriate, of the hiring official or other designated official of the employer;

"(vi) the e-mail address, if available, of the hiring official or other designated official of the employer;

"(vii) the wage rate to be paid for the position and, if the wage rate in the offer is expressed as a range, the bottom of the wage range;

"(viii) whether the rate of pay is expressed on an annual, monthly, biweekly, weekly, or hourly basis;

"(ix) a statement of the expected hours per week that the job will require;

"(x) the date on which the job is expected to begin;

"(xi) the date on which the job is expected to end, if applicable;

"(xii) the number of persons expected to be employed for the job;

"(xiii) the job title;

"(xiv) the job description

"(xv) the city and State of the physical location at which the work will be performed; and

"(xvi) a description of a process by which a United States worker may submit an application to be considered for the job.

"(C) The Secretary of Labor may charge a nominal filing fee to employers who advertise available jobs on the list established under this paragraph to cover expenses for establishing and administering the requirements under this paragraph.

"(D) The Secretary may promulgate rules, after notice and a period for comment—

"(i) to carry out the requirements of this paragraph; and

"(ii) that require employers to provide other information in order to advertise available jobs on the list.".

(3) EFFECTIVE DATE.—Paragraph (1) shall take effect for applications filed at least 30 days after the creation of the list described in paragraph (2).

(d) H–1B NONIMMIGRANTS NOT ADMITTED FOR JOBS ADVERTISED OR OFFERED ONLY TO H–1B NONIMMIGRANTS.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(1) by inserting after subparagraph (G) the following:

"(H)(i) The employer has not advertised the available jobs specified in the application in an advertisement that states or indicates that—

"(I) the job or jobs are only available to persons who are or who may become H–1B nonimmigrants; or

"(II) persons who are or who may become H–1B nonimmigrants shall receive priority or a preference in the hiring process.

"(ii) The employer has not only recruited persons who are, or who may become, H–1B nonimmigrants to fill the job or jobs."; and

(2) in the undesignated paragraph at the end, by striking "The employer" and inserting the following:

"(K) The employer".

(e) PROHIBITION OF OUTPLACEMENT.—

(1) IN GENERAL.—Section 212(n) of such Act, as amended by this section, is further amended—

(A) in paragraph (1), by amending subparagraph (F) to read as follows:

"(F) The employer shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an H–1B nonimmigrant with another employer;" and

(B) in paragraph (2), by striking subparagraph (E).

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall apply to applications filed on or after the date of the enactment of this Act.

(f) LIMIT ON PERCENTAGE OF H–1B EMPLOYEES.—Section 212(n)(1) of such Act, as amended by this section, is further amended by inserting after subparagraph (H), as added by subsection (d)(1), the following:

"(I) If the employer employs not less than 50 employees in the United States, not more than 50 percent of such employees are H–1B nonimmigrants.".

(g) WAGE DETERMINATION.—

(1) CHANGE IN MINIMUM WAGES.—Section 212(n)(1) of such Act, as amended by this section, is further amended—

(A) by amending subparagraph (A) to read as follows:

"(A) The employer—

"(i) is offering and will offer, during the period of authorized employment, to aliens admitted or provided status as an H–1B nonimmigrant, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

"(I) the locally determined prevailing wage level for the occupational classification in the area of employment;

"(II) the median average wage for all workers in the occupational classification in the area of employment; or

"(III) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

"(ii) will provide working conditions for such a nonimmigrant that will not adversely affect the working conditions of workers similarly employed."; and

(B) in subparagraph (D), by inserting "the wage determination methodology used under subparagraph (A)(i)," after "shall contain".

(2) PROVISION OF W–2 FORMS.—Section 212(n)(1) of such Act is amended by inserting after subparagraph (I), as added by subsection (f), the following:

"(J) If the employer, in such previous period as the Secretary shall specify, employed

1 or more H–1B nonimmigrants, the employer shall submit to the Secretary the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.".

(3) Effective Date.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

(h) Immigration Documents.—Section 204 of such Act (8 U.S.C. 1154) is amended by adding at the end the following:

"(l) Employer To Share All Immigration Paperwork Exchanged With Federal Agencies.—Not later than 10 working days after receiving a written request from a former, current, or future employee or beneficiary, an employer shall provide the employee or beneficiary with the original (or a certified copy of the original) of all petitions, notices, and other written communication exchanged between the employer and the Department of Labor, the Department of Homeland Security, or any other Federal agency that is related to an immigrant or nonimmigrant petition filed by the employer for the employee or beneficiary.".

SEC. 3. H–1B GOVERNMENT AUTHORITY AND REQUIREMENTS.

(a) Safeguards Against Fraud and Misrepresentation in Application Review Process.—Section 212(n)(1)(K) of the Immigration and Nationality Act, as redesignated by section 2(d)(2), is amended—

(1) by inserting "and through the Department of Labor's website, without charge." after "D.C.";

(2) by inserting ", clear indicators of fraud, misrepresentation of material fact," after "completeness";

(3) by striking "or obviously inaccurate" and inserting ", presents clear indicators of fraud or misrepresentation of material fact, or is obviously inaccurate";

(4) by striking "within 7 days of" and inserting "not later than 14 days after"; and

(5) by adding at the end the following: "If the Secretary's review of an application identifies clear indicators of fraud or misrepresentation of material fact, the Secretary may conduct an investigation and hearing under paragraph (2).

(b) Investigations by Department of Labor.—Section 212(n)(2) of such Act is amended—

(1) in subparagraph (A)—

(A) by striking "12 months" and inserting "24 months"; and

(B) by striking "The Secretary shall conduct" and all that follows and inserting "Upon the receipt of such a complaint, the Secretary may initiate an investigation to determine if such a failure or misrepresentation has occurred.";

(2) in subparagraph (C)(i)—

(A) by striking "a condition of paragraph (1)(B), (1)(E), or (1)(F)" and inserting "a condition under subparagraph (B), (C)(i), (E), (F), (H), (I), or (J) of paragraph (1)"; and

(B) by striking "(1)(C)" and inserting "(1)(C)(ii)";

(3) in subparagraph (G)—

(A) in clause (i), by striking "if the Secretary" and all that follows and inserting "with regard to the employer's compliance with the requirements of this subsection.";

(B) in clause (ii), by striking "and whose identity" and all that follows through "failure or failures." and inserting "the Secretary of Labor may conduct an investigation into the employer's compliance with the requirements of this subsection.";

(C) in clause (iii), by striking the last sentence;

(D) by striking clauses (iv) and (v);

(E) by redesignating clauses (vi), (vii), and (viii) as clauses (iv), (v), and (vi), respectively;

(F) in clause (iv), as redesignated, by striking "meet a condition described in clause (ii), unless the Secretary of Labor receives the information not later than 12 months" and inserting "comply with the requirements under this subsection, unless the Secretary of Labor receives the information not later than 24 months";

(G) by amending clause (v), as redesignated, to read as follows:

"(v) The Secretary of Labor shall provide notice to an employer of the intent to conduct an investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that such compliance would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. A determination by the Secretary under this clause shall not be subject to judicial review.".

(H) in clause (vi), as redesignated, by striking "An investigation" and all that follows through "the determination." and inserting "If the Secretary of Labor, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination."; and

(I) by adding at the end the following:

"(vii) If the Secretary of Labor, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under subparagraph (C)."; and

(4) by striking subparagraph (H).

(c) Information Sharing Between Department of Labor and Department of Homeland Security.—Section 212(n)(2) of such Act, as amended by this section, is further amended by inserting after subparagraph (G) the following:

"(H) The Director of United States Citizenship and Immigration Services shall provide the Secretary of Labor with any information contained in the materials submitted by H–1B employers as part of the adjudication process that indicates that the employer is not complying with H–1B visa program requirements. The Secretary may initiate and conduct an investigation and hearing under this paragraph after receiving information of noncompliance under this subparagraph.".

(d) Audits.—Section 212(n)(2)(A) of such Act, as amended by this section, is further amended by adding at the end the following: "The Secretary may conduct surveys of the degree to which employers comply with the requirements under this subsection and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ H–1B nonimmigrants during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are H–1B nonimmigrants.".

(e) Penalties.—Section 212(n)(2)(C) of such Act, as amended by this section, is further amended—

(1) in clause (i)(I), by striking "$1,000" and inserting "$2,000";

(2) in clause (ii)(I), by striking "$5,000" and inserting "$10,000"; and

(3) in clause (vi)(III), by striking "$1,000" and inserting "$2,000".

(f) Information Provided to H–1B Nonimmigrants Upon Visa Issuance.—Section 212(n) of such Act, as amended by this section, is further amended by inserting after paragraph (2) the following:

"(3)(A) Upon issuing an H–1B visa to an applicant outside the United States, the issuing office shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.

"(B) Upon the issuance of an H–1B visa to an alien inside the United States, the officer of the Department of Homeland Security shall provide the applicant with—

"(i) a brochure outlining the employer's obligations and the employee's rights under Federal law, including labor and wage protections;

"(ii) the contact information for Federal agencies that can offer more information or assistance in clarifying employer's obligations and workers' rights; and

"(iii) a copy of the employer's H–1B application for the position that the H–1B nonimmigrant has been issued the visa to fill.".

SEC. 4. L–1 VISA FRAUD AND ABUSE PROTECTIONS.

(a) In General.—Section 214(c)(2) of the Immigration and Nationality Act (8 U.S.C. 1184(c)(2)) is amended—

(1) by striking "Attorney General" each place it appears and inserting "Secretary of Homeland Security";

(2) in subparagraph (E), by striking "In the case of an alien spouse admitted under section 101(a)(15)(L), who" and inserting "Except as provided in subparagraph (H), if an alien spouse admitted under section 101(a)(15)(L)"; and

(3) by adding at the end the following:

"(G)(i) If the beneficiary of a petition under this subsection is coming to the United States to open, or be employed in, a new facility, the petition may be approved for up to 12 months only if the employer operating the new facility has—

"(I) a business plan;

"(II) sufficient physical premises to carry out the proposed business activities; and

"(III) the financial ability to commence doing business immediately upon the approval of the petition.

"(ii) An extension of the approval period under clause (i) may not be granted until the importing employer submits an application to the Secretary of Homeland Security that contains—

"(I) evidence that the importing employer meets the requirements of this subsection;

"(II) evidence that the beneficiary meets the requirements under section 101(a)(15)(L);

"(III) a statement summarizing the original petition;

"(IV) evidence that the importing employer has fully complied with the business plan submitted under clause (i)(I);

“(V) evidence of the truthfulness of any representations made in connection with the filing of the original petition;

“(VI) evidence that the importing employer, during the preceding 12 months, has been doing business at the new facility through regular, systematic, and continuous provision of goods or services, or has otherwise been taking commercially reasonable steps to establish the new facility as a commercial enterprise;

“(VII) a statement of the duties the beneficiary has performed at the new facility during the preceding 12 months and the duties the beneficiary will perform at the new facility during the extension period approved under this clause;

“(VIII) a statement describing the staffing at the new facility, including the number of employees and the types of positions held by such employees;

“(IX) evidence of wages paid to employees;

“(X) evidence of the financial status of the new facility; and

“(XI) any other evidence or data prescribed by the Secretary.

“(iii) Notwithstanding subclauses (I) through (VI) of clause (ii), and subject to the maximum period of authorized admission set forth in subparagraph (D), the Secretary of Homeland Security may approve a petition subsequently filed on behalf of the beneficiary to continue employment at the facility described in this subsection for a period beyond the initially granted 12-month period if the importing employer demonstrates that the failure to satisfy any of the requirements described in those subclauses was directly caused by extraordinary circumstances beyond the control of the importing employer.

“(iv) For purposes of determining the eligibility of an alien for classification under section 101(a)(15)(L), the Secretary of Homeland Security shall work cooperatively with the Secretary of State to verify a company or facility's existence in the United States and abroad.”.

(b) Restriction on Blanket Petitions.—Section 214(c)(2)(A) of such Act is amended to read as follows:

“(2)(A) The Secretary of Homeland Security may not permit the use of blanket petitions to import aliens as nonimmigrants under section 101(a)(15)(L).”.

(c) Prohibition on Outplacement.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(H) An employer who imports 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) shall not place, outsource, lease, or otherwise contract for the placement of an alien admitted or provided status as an L–1 nonimmigrant with another employer.”.

(d) Investigations and Audits by Department of Homeland Security.—

(1) Department of homeland security investigations.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(I)(i) The Secretary of Homeland Security may initiate an investigation of any employer that employs nonimmigrants described in section 101(a)(15)(L) with regard to the employer's compliance with the requirements of this subsection.

“(ii) If the Secretary of Homeland Security receives specific credible information from a source who is likely to have knowledge of an employer's practices, employment conditions, or compliance with the requirements under this subsection, the Secretary may conduct an investigation into the employer's compliance with the requirements of this subsection. The Secretary may withhold the identity of the source from the employer, and the source's identity shall not be subject to disclosure under section 552 of title 5.

“(iii) The Secretary of Homeland Security shall establish a procedure for any person desiring to provide to the Secretary of Homeland Security information described in clause (ii) that may be used, in whole or in part, as the basis for the commencement of an investigation described in such clause, to provide the information in writing on a form developed and provided by the Secretary of Homeland Security and completed by or on behalf of the person.

“(iv) No investigation described in clause (ii) (or hearing described in clause (vi) based on such investigation) may be conducted with respect to information about a failure to comply with the requirements under this subsection, unless the Secretary of Homeland Security receives the information not later than 24 months after the date of the alleged failure.

“(v) Before commencing an investigation of an employer under clause (i) or (ii), the Secretary of Homeland Security shall provide notice to the employer of the intent to conduct such investigation. The notice shall be provided in such a manner, and shall contain sufficient detail, to permit the employer to respond to the allegations before an investigation is commenced. The Secretary is not required to comply with this clause if the Secretary determines that to do so would interfere with an effort by the Secretary to investigate or secure compliance by the employer with the requirements of this subsection. There shall be no judicial review of a determination by the Secretary under this clause.

“(vi) If the Secretary of Homeland Security, after an investigation under clause (i) or (ii), determines that a reasonable basis exists to make a finding that the employer has failed to comply with the requirements under this subsection, the Secretary shall provide interested parties with notice of such determination and an opportunity for a hearing in accordance with section 556 of title 5, United States Code, not later than 120 days after the date of such determination. If such a hearing is requested, the Secretary shall make a finding concerning the matter by not later than 120 days after the date of the hearing.

“(vii) If the Secretary of Homeland Security, after a hearing, finds a reasonable basis to believe that the employer has violated the requirements under this subsection, the Secretary may impose a penalty under section 214(c)(2)(J).”.

(2) Audits.—Section 214(c)(2)(I) of such Act, as added by paragraph (1), is amended by adding at the end the following:

“(viii) The Secretary of Homeland Security may conduct surveys of the degree to which employers comply with the requirements under this section and may conduct annual compliance audits of employers that employ H–1B nonimmigrants. The Secretary shall conduct annual compliance audits of not less than 1 percent of the employers that employ nonimmigrants described in section 101(a)(15)(L) during the applicable calendar year. The Secretary shall conduct annual compliance audits of each employer with more than 100 employees who work in the United States if more than 15 percent of such employees are nonimmigrants described in section 101(a)(15)(L).”.

(3) Reporting requirement.—Section 214(c)(8) of such Act is amended by inserting “(L),” after “(H),”.

(e) Penalties.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(J)(i) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $2,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Secretary of Homeland Security may not, during a period of at least 1 year, approve a petition for that employer to employ 1 or more aliens as such nonimmigrants.

“(ii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (F), (G), (H), (I), or (K) or a misrepresentation of material fact in a petition to employ 1 or more aliens as nonimmigrants described in section 101(a)(15)(L)—

“(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

“(II) the Secretary of Homeland Security may not, during a period of at least 2 years, approve a petition filed for that employer to employ 1 or more aliens as such nonimmigrants.

“(iii) If the Secretary of Homeland Security finds, after notice and an opportunity for a hearing, a willful failure by an employer to meet a condition under subparagraph (L)(i)—

“(I) the Secretary of Homeland Security may impose such other administrative remedies (including civil monetary penalties in an amount not to exceed $10,000 per violation) as the Secretary determines to be appropriate; and

“(II) the employer shall be liable to employees harmed for lost wages and benefits.”.

(f) Wage Determination.—

(1) Change in minimum wages.—Section 214(c)(2) of such Act, as amended by this section, is further amended by adding at the end the following:

“(K)(i) An employer that employs a nonimmigrant described in section 101(a)(15)(L) shall—

“(I) offer such nonimmigrant, during the period of authorized employment, wages, based on the best information available at the time the application is filed, which are not less than the highest of—

“(aa) the locally determined prevailing wage level for the occupational classification in the area of employment;

“(bb) the median average wage for all workers in the occupational classification in the area of employment; or

“(cc) the median wage for skill level 2 in the occupational classification found in the most recent Occupational Employment Statistics survey; and

“(II) provide working conditions for such nonimmigrant that will not adversely affect the working conditions of workers similarly employed.

“(ii) If an employer, in such previous period specified by the Secretary of Homeland Security, employed 1 or more L–1 nonimmigrants, the employer shall provide to the Secretary of Homeland Security the Internal Revenue Service Form W–2 Wage and Tax Statement filed by the employer with respect to such nonimmigrants for such period.

"(iii) It is a failure to meet a condition under this subparagraph for an employer, who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L), to—

"(I) require such a nonimmigrant to pay a penalty for ceasing employment with the employer before a date mutually agreed to by the nonimmigrant and the employer; or

"(II) fail to offer to such a nonimmigrant, during the nonimmigrant's period of authorized employment, on the same basis, and in accordance with the same criteria, as the employer offers to United States workers, benefits and eligibility for benefits, including—

"(aa) the opportunity to participate in health, life, disability, and other insurance plans;

"(bb) the opportunity to participate in retirement and savings plans; and

"(cc) cash bonuses and noncash compensation, such as stock options (whether or not based on performance)).

"(iv) The Secretary of Homeland Security shall determine whether a required payment under clause (iii)(I) is a penalty (and not liquidated damages) pursuant to relevant State law.".

(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to applications filed on or after the date of the enactment of this Act.

SEC. 5. WHISTLEBLOWER PROTECTIONS.

(a) H–1B WHISTLEBLOWER PROTECTIONS.—Section 212(n)(2)(C)(iv) of the Immigration and Nationality Act (8 U.S.C. 1182(n)(2)(C)(iv)) is amended—

(1) by inserting "take, fail to take, or threaten to take or fail to take, a personnel action, or" before "to intimidate"; and

(2) by adding at the end the following: "An employer that violates this clause shall be liable to the employees harmed by such violation for lost wages and benefits.".

(b) L–1 WHISTLEBLOWER PROTECTIONS.—Section 214(c)(2) of such Act, as amended by section 4, is further amended by adding at the end the following:

"(L)(i) It is a violation of this subparagraph for an employer who has filed a petition to import 1 or more aliens as nonimmigrants described in section 101(a)(15)(L) to take, fail to take, or threaten to take or fail to take, a personnel action, or to intimidate, threaten, restrain, coerce, blacklist, discharge, or discriminate in any other manner against an employee because the employee—

"(I) has disclosed information that the employee reasonably believes evidences a violation of this subsection, or any rule or regulation pertaining to this subsection; or

"(II) cooperates or seeks to cooperate with the requirements of this subsection, or any rule or regulation pertaining to this subsection.

"(ii) An employer that violates this subparagraph shall be liable to the employees harmed by such violation for lost wages and benefits.

"(iii) In this subparagraph, the term 'employee' includes—

"(I) a current employee;

"(II) a former employee; and

"(III) an applicant for employment.".

SEC. 6. ADDITIONAL DEPARTMENT OF LABOR EMPLOYEES.

(a) IN GENERAL.—The Secretary of Labor is authorized to hire 200 additional employees to administer, oversee, investigate, and enforce programs involving H–1B nonimmigrant workers.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out this section.

By Mr. BROWNBACK (for himself, Ms. LANDRIEU, Mr. ALLARD, Mr. BUNNING, Mr. BURR, Mr. CHAMBLISS, Mr. COBURN, Mr. CORKER, Mr. CORNYN, Mr. CRAPO, Mr. DEMINT, Mrs. DOLE, Mr. DOMENICI, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HAGEL, Mr. INHOFE, Mr. KYL, Mr. LOTT, Mr. MCCAIN, Mr. MARTINEZ, Mr. SESSIONS, Mr. THOMAS, Mr. THUNE, Mr. VITTER, and Mr. VOINOVICH):

S. 1036. A bill to amend the Public Health Service Act to prohibit human cloning; to the Committee on Health, Education, Labor, and Pensions.

Mr. BROWNBACK. Mr. President, I rise to speak on bipartisan legislation that Senator LANDRIEU and myself are introducing, the Human Cloning Prohibition Act. We do this today with 26 other cosponsors. It is important to talk about this matter as we set up for the bioethical debate which will be taking place after Easter and discuss some of the parameters and issues surrounding this topic. We have a continuum of discussion points, as this body and the rest of the country and, indeed, the world is engaged on the subject.

There is an ethical way to move forward on stem cell research that is producing treatments and applications for human maladies, now in over 70 areas. The science continues to grow, and it is promising. I have held press conferences involving people with spinal cord injuries who could not walk and are walking again with the aid of braces. I have hosted people at press conferences who are suffering from congestive heart failure yet are now able to go up flights of stairs they couldn't even imagine previously with treatments utilizing their own adult stem cells. I have visited with cancer patients who have been treated with cord blood stem cells who are cancer-free now.

We have new discoveries taking place. For example, in the amniotic fluid surrounding the child in the womb exists an abundant supply of stem cells that are malleable into many different types of cells. We just learned about this breakthrough less than 6 months ago, and there are no ethical problems with it whatsoever. It is a beautiful science that is developing. In the near future, I believe we are going to see these adult stem cell advances taking root and moving forward in a glorious fashion: so that people can literally walk again who were not able to walk; so that people can literally be cured of heart conditions who had no cure and were only hoping for the possibility of a transplant; so that people, instead of having a mechanical bladder control on their side, are able to have a bladder grown of their own adult stem cells around a matrix and a frame that can be inserted back in the body that would be functioning again. The science is beautiful.

The ethical quagmire is significant as well: if we decide the route to pursue is to clone human beings; if we decide the route to pursue is to treat some humans as property, as a commodity to be researched and to be used. Human cloning and treating some humans as property are not the way to go.

What we are seeing from the clear science that has taken place in the past and the present is that human embryonic stem cells produce tumors. This has occurred in cloning situations and in noncloning embryonic stem cell situations. Embryonic stem cells produce tumors. A tumor in this situation is a growth of tissue that doesn't fit the intended purpose. Scientists are experiencing significant problems in this embryonic area. While we are developing treatments and applications using adult stem cells, cord blood, and, hopefully in the future, amniotic fluid, we are not seeing the same success using human embryonic cells.

The legislation that we put forward today, with 28 sponsors, would affirm that the United States places tremendous value on the dignity of each and every human life at whatever stage that life is in, from the very earliest moments to the very end of life. It would recognize the dignity of human life in this country and around the world. We don't want to see people recruiting women in a foreign country to give eggs on a massive scale for research purposes for the development of human clones. This legislation affirms that we stand for human dignity, from the very young human embryo to vulnerable women who could be coerced into donating eggs at potentially significant health risk to themselves. The legislation would make clear that the cloning of human persons is not something that we as a society will accept.

The Brownback-Landrieu Human Cloning Prohibition Act is endorsed by the President. It will bring the United States into conformity with the United Nations, whose General Assembly called on all member states "to prohibit all forms of human cloning" by a strong 84-to-34 margin. The problem with cloning human beings is that it violates the inherent dignity of a human being on so many levels. Cloning transgresses our heritage's sacred values about what is good and what is true and what is beautiful.

Western civilization is built on the tenet that every human life has immeasurable value at every stage. Human beings are ends in themselves. It is wrong to use any human purpose as a means to an end. Upon this principle are our laws founded. Without this principle, much of our law has little basis. That inherent beauty and dignity of each person at every phase of life, no matter where they are or who they are, no matter what they look like, no matter what their physical condition is, they are beautiful and unique. They are sacred. They are a child of a loving God, period.

Human cloning for whatever purpose is wrong because it turns humans into commodities or spare parts or even research animals. In recent debate, human cloning has been referred to as therapeutic cloning, research cloning, or simply SCNT, somatic cell nuclear transfer. These are presented as contrasts to reproductive cloning. But it should be noted that "therapeutic," "research," and "reproductive" are merely adjectives used to describe what is done with a human clone or with a cloned human. SCNT is just the scientific description of the cloning process. It is like calling a butterfly a lepidoptera—it still is a butterfly.

A CRS report for Congress notes:

> [A] human embryo produced via cloning involves the process called somatic cell nuclear transfer (SCNT). In SCNT the nucleus of an egg is removed and replaced by the nucleus from a mature body cell, such as a skin cell. In cloning, the embryo is created without sexual reproduction.

That is the CRS report definition of a human clone.

Stem cell pioneer Dr. James Thomson has said:

> If you create an embryo by [SCNT cloning] and give it to somebody who didn't know where it came from, there would be no test you could do to that embryo to say where it came from. It is what it is. . . . If you try to define it away, you're being disingenuous.

These quotes note that the SCNT process is cloning.

With reproductive and therapeutic cloning, human beings are turned into commodities or in some cases spare parts to be dissected in the laboratory, with the claim that some day they may be administered to other humans to provide a treatment. Treatments are praiseworthy but not at the expense of the destruction of other members of the human family. We all want to treat people. I want to find a cure for cancer. However, it is wrong to turn humans into a means to an end.

It is also wrong to exploit women for their eggs. That is the other side of the human cloning story. SCNT cloning, as proposed by proponents of the technique, would require millions of human eggs. Poor and disadvantaged women in particular would be vulnerable to exploitation via financial incentives for donation. This is troubling because retrieving such eggs violates the dignity of a woman and may cause serious harm to her health.

The Brownback-Landrieu Human Cloning Prohibition Act is the only effective ban on human cloning. Any other so-called human cloning bans outside of this one are bans in name only and, in fact, most of them provide for human cloning for research purposes. So, under other bans, you can actually create a clone. They won't call it a clone; they will call it a product of SCNT. They will say you may create and do research on the clone; we just won't let you implant it. What is the clone, then, at that point in time? Is it in the human species at that point? Is it genetic material at that point in time? Indeed, it is. Biologically, it is a human.

Others would only regulate what could be done with a human clone, normally requiring its destruction, but they do nothing to prevent the process of human cloning, which inherently violates human dignity. We should take a stand against turning young humans into commodities, research animals, and spare parts. We should not destroy young human lives for research purposes.

That is why I urge my colleagues to support this human cloning prohibition ban.

By Mr. CORNYN (for himself and Mr. HARKIN):

S. 1038. A bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use; to the Committee on Finance.

Mr. CORNYN. Mr. President, I rise to introduce the Workforce Health Improvement Program Act of 2007, otherwise known as the WHIP Act. This bipartisan bill I introduce today is the same legislation I introduced in the 109th Congress. I am very pleased to be joined again by my good friend and colleague, Senator TOM HARKIN, who shares my commitment to helping keep America fit.

Public health experts unanimously agree that people who maintain active and healthy lifestyles dramatically reduce their risk of contracting chronic diseases. And as the government works to reign in the high cost of health care, it is worth talking about what we all can do to help ourselves. As you know, prevention is key, and exercise is a primary component in the prevention of many adverse health conditions that can arise over one's lifetime. A physically fit population helps to decrease health-care costs, reduce governmental spending, reduce illnesses, and improve worker productivity.

According to the Centers for Disease Control and Prevention (CDC), the economic cost alone to businesses in the form of health insurance and absenteeism is more that $15 billion. Additionally, Medicare and Medicaid programs currently spend $84 billion annually on five major chronic diseases: diabetes, heart disease, depression, cancer, and arthritis.

Reports also show that only about 15 percent of adults perform the recommended amount of physical activity, and 40 percent of adults do not participate in any physical activity. With physical inactivity being a key contributing factor to overweight and obesity, and adversely affecting workforce productivity, we quite simply need to do more to help employers encourage exercise.

Given the tremendous benefits exercise provides, I believe Congress has a duty to create as many incentives as possible to get Americans off the couch, up, and moving.

With this in mind, I am introducing the WHIP Act.

Current law already permits businesses to deduct the cost of on-site workout facilities, which are provided for the benefit of employees on a pretax basis. But if a business wants or needs to outsource these health benefits, they and/or their employees are required to bear the full cost. In other words, employees who receive off-site fitness center subsidies are required to pay income tax on the benefits, and their employers bear the associated administrative costs of complying with the IRS rules.

The WHIP Act would correct this inequity in the tax code to the benefit of many smaller businesses and their employees. Specifically, it would provide an employer's right to deduct up to $900 of the cost of providing health club benefits off-site for their employees. In addition, the employer's contribution to the cost of the health club fees would not be taxable income for employees creating an incentive for more employers to contribute to the health and welfare of their employees.

The WHIP Act is an important step in reversing the largely preventable health crisis that our country is facing, through the promotion of physical activity and disease prevention. It is a critical component of America's health care policy: prevention. It will improve our nation's quality of life by promoting physical activity and preventing disease. Additionally, it will help relieve pressure on a strained health care system and correct an inequity in the current tax code.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1038

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Workforce Health Improvement Program Act of 2007".

SEC. 2. EMPLOYER-PROVIDED OFF-PREMISES HEALTH CLUB SERVICES.

(a) TREATMENT AS FRINGE BENEFIT.—Subparagraph (A) of section 132(j)(4) of the Internal Revenue Code of 1986 (relating to on-premises gyms and other athletic facilities) is amended to read as follows:

"(A) IN GENERAL.—Gross income shall not include—

"(i) the value of any on-premises athletic facility provided by an employer to its employees, and

"(ii) so much of the fees, dues, or membership expenses paid by an employer to an athletic or fitness facility described in subparagraph (C) on behalf of its employees as does not exceed $900 per employee per year.".

(b) ATHLETIC FACILITIES DESCRIBED.—Paragraph (4) of section 132(j) of the Internal Revenue Code of 1986 (relating to special rules) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN ATHLETIC OR FITNESS FACILITIES DESCRIBED.—For purposes of subparagraph (A)(ii), an athletic or fitness facility described in this subparagraph is a facility—

"(i) which provides instruction in a program of physical exercise, offers facilities for the preservation, maintenance, encouragement, or development of physical fitness, or is the site of such a program of a State or local government,

"(ii) which is not a private club owned and operated by its members,

"(iii) which does not offer golf, hunting, sailing, or riding facilities,

"(iv) whose health or fitness facility is not incidental to its overall function and purpose, and

"(v) which is fully compliant with the State of jurisdiction and Federal anti-discrimination laws.".

(c) EXCLUSION APPLIES TO HIGHLY COMPENSATED EMPLOYEES ONLY IF NO DISCRIMINATION.—Section 132(j)(1) of the Internal Revenue Code of 1986 is amended—

(1) by striking "Paragraphs (1) and (2) of sub-section (a)" and inserting "Subsections (a)(1), (a)(2), and (j)(4)", and

(2) by striking the heading thereof through "(2) APPLY" AND INSERTING "CERTAIN EXCLUSIONS APPLY".

(d) EMPLOYER DEDUCTION FOR DUES TO CERTAIN ATHLETIC FACILITIES.—

(1) IN GENERAL.—Paragraph (3) of section 274(a) of the Internal Revenue Code of 1986 (relating to denial of deduction for club dues) is amended by adding at the end the following new sentence: "The preceding sentence shall not apply to so much of the fees, dues, or membership expenses paid to athletic or fitness facilities (within the meaning of section 132(j)(4)(C)) as does not exceed $900 per employee per year.".

(2) CONFORMING AMENDMENT.—The last sentence of section 274(e)(4) of such Code is amended by inserting "the first sentence of" before "subsection (a)(3)".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

By Mr. KENNEDY (for himself, Mr. DODD, Mr. HARKIN, Ms. MIKULSKI, Mr. BINGAMAN, Mrs. MURRAY, Mr. REED, Mrs. CLINTON, Mr. OBAMA, Mr. SANDERS, Mr. BROWN, Mr. BYRD, Mr. INOUYE, Mr. BIDEN, Mr. LEAHY, Mr. BAUCUS, Mr. LEVIN, Mr. KERRY, Mr. ROCKEFELLER, Mr. REID, Mr. CONRAD, Mr. KOHL, Mr. LIEBERMAN, Mr. AKAKA, Mrs. FEINSTEIN, Mr. DORGAN, Mrs. BOXER, Mr. FEINGOLD, Mr. WYDEN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. SCHUMER, Mr. BAYH, Mr. CARPER, Ms. STABENOW, Ms. CANTWELL, Mr. NELSON of Florida, Mr. LAUTENBERG, Mr. MENENDEZ, Mr. CARDIN, Mr. WEBB, Mr. CASEY, Mrs. MCCASKILL, Ms. KLOBUCHAR, Mr. WHITEHOUSE, and Mr. TESTER):

S. 1041. A bill to amend the National Labor Relations Act to establish an efficient system to enable employees to form, join, or assist labor organizations, to provide or mandatory injunctions for unfair labor practices during organizing efforts, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. KENNEDY. Mr. President, for far too long, we've acquiesced in a lopsided economy that benefits wealthy individuals and corporations, but not America's working families. Tens of millions of our men and women are working harder than ever, but they aren't receiving their fair share of the economy they helped do so much to create and sustain.

Since President Bush took office, corporate profits have increased 65 percent. Productivity is up 18 percent. But household income has declined; the wages of working Americans are stagnant. Six million have lost their health insurance. Their retirement is uncertain as well—only 1 in 5 workers today has a guaranteed pension. In short, working families are finding that the American dream is beyond their reach. This injustice is worsening each year, and it is time for Congress to deal with it.

The best way to see that employees receive their fair share of America's prosperity is to give them a stronger voice in the workplace. Unions were fundamental in building America's middle class, and they have a vital role today in preserving the American dream for working families.

Unions can make all the difference between an economy that's fair, and an economy where working people are left behind. Union wages are 30 percent higher than non-union wages. 80 percent of union workers have health insurance, compared to only 49 percent of non-union workers. Union members are 4 times more likely to have a secure, guaranteed pension.

No wonder most American workers want union representation. The question is, why don't more of them have it?

The reason is clear. In 2005 alone, more than 30,000 workers were illegally fired or retaliated against for attempting to exercise their right to have a union in their workplace. Every 17 minutes, a worker is fired or punished in some illegal way for supporting a union. Unscrupulous employers routinely break the law to keep unions out—they intimidate employees, harass them, and discriminate against them. They shut down whole departments—or even entire plants—to avoid negotiating a union contract. It's illegal and unacceptable, but it happens every day.

Clearly, the current system is broken. It can't stop these illegal, anti-worker, anti-labor, anti-union tactics that take place every day. The penalties are so minor that employers treat them as just another cost of doing business. Even when workers succeed in forming a union, they often can't obtain a first contract because management stonewalls them and refuses to negotiate. Half of all cases alleging that employers refused to bargain are filed during first-contract negotiations—and in most of those cases, the National Labor Relations Board finds an unfair labor practice.

Year after year, Congress has refused to act against these union-busting tactics that are now all too familiar in the workplace. It's time to listen to the voice of America's working men and women, and give them what they want and deserve—a fair voice in the workplace and a fair chance at the American dream.

That's why I'm reintroducing the Employee Free Choice Act today. This essential legislation will strengthen protections for workers' freedom to choose union representation. It will restore their democratic right to join together for better wages, better benefits, and better working conditions. It will help millions of working men and women to build a better life for themselves and a better future for their children.

I am proud to have 46 of my fellow Senators joining me in sponsoring this important bill, and I hope that all of my colleagues will support it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1041

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Employee Free Choice Act of 2007".

SEC. 2. STREAMLINING UNION CERTIFICATION.

(a) IN GENERAL.—Section 9(c) of the National Labor Relations Act (29 U.S.C. 159(c)) is amended by adding at the end the following:

"(6) Notwithstanding any other provision of this section, whenever a petition shall have been filed by an employee or group of employees or any individual or labor organization acting in their behalf alleging that a majority of employees in a unit appropriate for the purposes of collective bargaining wish to be represented by an individual or labor organization for such purposes, the Board shall investigate the petition. If the Board finds that a majority of the employees in a unit appropriate for bargaining has signed valid authorizations designating the individual or labor organization specified in the petition as their bargaining representative and that no other individual or labor organization is currently certified or recognized as the exclusive representative of any of the employees in the unit, the Board shall not direct an election but shall certify the individual or labor organization as the representative described in subsection (a).

"(7) The Board shall develop guidelines and procedures for the designation by employees of a bargaining representative in the manner described in paragraph (6). Such guidelines and procedures shall include—

"(A) model collective bargaining authorization language that may be used for purposes of making the designations described in paragraph (6); and

"(B) procedures to be used by the Board to establish the validity of signed authorizations designating bargaining representatives.".

(b) CONFORMING AMENDMENTS.—

(1) NATIONAL LABOR RELATIONS BOARD.—Section 3(b) of the National Labor Relations Act (29 U.S.C. 153(b)) is amended, in the second sentence—

(A) by striking "and to" and inserting "to"; and

(B) by striking "and certify the results thereof," and inserting ", and to issue certifications as provided for in that section,".

(2) UNFAIR LABOR PRACTICES.—Section 8(b) of the National Labor Relations Act (29 U.S.C. 158(b)) is amended—

(A) in paragraph (7)(B) by striking ", or" and inserting "or a petition has been filed under section 9(c)(6), or"; and

(B) in paragraph (7)(C) by striking "when such a petition has been filed" and inserting "when such a petition other than a petition under section 9(c)(6) has been filed".

SEC. 3. FACILITATING INITIAL COLLECTIVE BARGAINING AGREEMENTS.

Section 8 of the National Labor Relations Act (29 U.S.C. 158) is amended by adding at the end the following:

"(h) Whenever collective bargaining is for the purpose of establishing an initial agreement following certification or recognition, the provisions of subsection (d) shall be modified as follows:

"(1) Not later than 10 days after receiving a written request for collective bargaining from an individual or labor organization that has been newly organized or certified as a representative as defined in section 9(a), or within such further period as the parties agree upon, the parties shall meet and commence to bargain collectively and shall make every reasonable effort to conclude and sign a collective bargaining agreement.

"(2) If after the expiration of the 90-day period beginning on the date on which bargaining is commenced, or such additional period as the parties may agree upon, the parties have failed to reach an agreement, either party may notify the Federal Mediation and Conciliation Service of the existence of a dispute and request mediation. Whenever such a request is received, it shall be the duty of the Service promptly to put itself in communication with the parties and to use its best efforts, by mediation and conciliation, to bring them to agreement.

"(3) If after the expiration of the 30-day period beginning on the date on which the request for mediation is made under paragraph (2), or such additional period as the parties may agree upon, the Service is not able to bring the parties to agreement by conciliation, the Service shall refer the dispute to an arbitration board established in accordance with such regulations as may be prescribed by the Service. The arbitration panel shall render a decision settling the dispute and such decision shall be binding upon the parties for a period of 2 years, unless amended during such period by written consent of the parties.".

SEC. 4. STRENGTHENING ENFORCEMENT.

(a) INJUNCTIONS AGAINST UNFAIR LABOR PRACTICES DURING ORGANIZING DRIVES.—

(1) IN GENERAL.—Section 10(l) of the National Labor Relations Act (29 U.S.C. 160(l)) is amended—

(A) in the second sentence, by striking "If, after such" and inserting the following:

"(2) If, after such"; and

(B) by striking the first sentence and inserting the following:

"(1) Whenever it is charged—

"(A) that any employer—

"(i) discharged or otherwise discriminated against an employee in violation of subsection (a)(3) of section 8;

"(ii) threatened to discharge or to otherwise discriminate against an employee in violation of subsection (a)(1) of section 8; or

"(iii) engaged in any other unfair labor practice within the meaning of subsection (a)(1) that significantly interferes with, restrains, or coerces employees in the exercise of the rights guaranteed in section 7;

while employees of that employer were seeking representation by a labor organization or during the period after a labor organization was recognized as a representative defined in section 9(a) until the first collective bargaining contract is entered into between the employer and the representative; or

"(B) that any person has engaged in an unfair labor practice within the meaning of subparagraph (A), (B) or (C) of section 8(b)(4), section 8(e), or section 8(b)(7);

the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred.".

(2) CONFORMING AMENDMENT.—Section 10(m) of the National Labor Relations Act (29 U.S.C. 160(m)) is amended by inserting "under circumstances not subject to section 10(l)" after "section 8".

(b) REMEDIES FOR VIOLATIONS.—

(1) BACKPAY.—Section 10(c) of the National Labor Relations Act (29 U.S.C. 160(c)) is amended by striking "*And provided further*," and inserting "*Provided further*, That if the Board finds that an employer has discriminated against an employee in violation of subsection (a)(3) of section 8 while employees of the employer were seeking representation by a labor organization, or during the period after a labor organization was recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract was entered into between the employer and the representative, the Board in such order shall award the employee back pay and, in addition, 2 times that amount as liquidated damages: *Provided further*,".

(2) CIVIL PENALTIES.—Section 12 of the National Labor Relations Act (29 U.S.C. 162) is amended—

(A) by striking "Any" and inserting "(a) Any"; and

(B) by adding at the end the following:

"(b) Any employer who willfully or repeatedly commits any unfair labor practice within the meaning of subsections (a)(1) or (a)(3) of section 8 while employees of the employer are seeking representation by a labor organization or during the period after a labor organization has been recognized as a representative defined in subsection (a) of section 9 until the first collective bargaining contract is entered into between the employer and the representative shall, in addition to any make-whole remedy ordered, be subject to a civil penalty of not to exceed $20,000 for each violation. In determining the amount of any penalty under this section, the Board shall consider the gravity of the unfair labor practice and the impact of the unfair labor practice on the charging party, on other persons, seeking to exercise rights guaranteed by this Act, or on the public interest.".

By Mrs. FEINSTEIN:

S. 1043. A bill to require the Secretary of Veterans Affairs to submit a report to Congress on proposed changes to the use of the West Los Angeles Department of Veterans Affairs Medical Center, California; to the Committee on Veterans' Affairs.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to ensure that the land on the West Los Angeles Veterans Affairs, West LA VA, campus is protected for the use of America's Veterans.

The bill would: require the VA Secretary to provide the Congressional Appropriations and Veterans Committees a comprehensive report regarding the master plan for the West LA VA facility and connected property.

The VA was required under Public Law 105-368 to develop a master plan for the West LA VA property.

If the VA has failed to developed the plan, the legislation requires it to complete a master plan prior to implementing any action based on the Capital Asset Realignment for Enhanced Services (CARES) initiative.

The VA would be prohibited from issuing any enhanced-use lease agreements for the West LA VA property until the master plan is completed and submitted to Congress.

Prevent the VA Secretary from implementing any portion of the master plan until 120 days after the submission of the plan to the Appropriations and Veterans Committees.

In addition, the Secretary would be expressly prohibited from pursuing development initiatives regarding the West LA VA property not relating to direct Veterans services unless explicitly authorized by Congress through legislation.

Direct Veterans services are defined in this legislation as any services "directly related" to maintaining the health, welfare, and support of Veterans.

Last year, the Senate approved similar language in the FY07 MILCON/VA Appropriations bill that required the VA to provide the Appropriations Committees a report on the master plan for the West LA VA Medical Center and connected land.

The fiscal year 2007 MILCON/VA Appropriations Act passed the Senate on November 18, 2006.

Unfortunately, all but 2 of the 11 Appropriations bills—including MILCON/VA—were ultimately packaged together in a Continuing Resolution for fiscal year 2007, and the language was never considered by the full Congress.

The bill I am introducing today is absolutely essential in light of a number of unacceptable actions that have previously been taken by the VA that, in my view, violate the spirit, if not the letter, of the law.

Last month, I joined with my colleagues Senator BARBARA BOXER and Congressman HENRY WAXMAN in writing a letter to VA Secretary James Nicholson strongly objecting to recent decisions by the VA relating to the West LA VA facility and land.

Over the past year alone, the VA has permitted the construction of a facility for the Fox Entertainment Group on the West LA VA property, and has approved a lease agreement with Enterprise Car Rental to operate on the campus.

In addition, the VA has allowed the Westside Shepherd of the Hill Church to rent a building on the property in which to hold its Sunday services and provided additional housing space for the University of California-Los Angeles (UCLA).

The VA reportedly has also considered lease projects such as movie productions, a drive-in theather, a circus event, and a golf course.

This must be put to a stop and the legislation I introduce today would do just that.

For too long, commercial interests have trumped the needs of our Veterans.

These 400 acres of land were donated to the government in 1888 specifically for Veterans and should remain that way—just as then-VA Secretary Anthony Principi promised during a visit to Los Angeles in February 2002.

I ask unanimous consent that the text of this legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1043

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REPORT ON USE OF LANDS AT WEST LOS ANGELES DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER, CALIFORNIA.

(a) FINDING.—Congress finds that section 707 of the Veterans Programs Enhancement Act of 1998 (Public Law 105–368; 112 Stat. 3351) required the Secretary of Veterans Affairs to submit to Congress a report on the master plan of the Department of Veterans Affairs, or a plan for the development of such a master plan, relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(b) REPORT.—The Secretary of Veterans Affairs shall submit to Congress a report on the master plan of the Department of Veterans Affairs relating to the use of Department lands at the West Los Angeles Department of Veterans Affairs Medical Center, California.

(c) REPORT ELEMENTS.—The report under subsection (b) shall set forth the following:

(1) The master plan referred to in that subsection, if such a plan currently exists.

(2) A current assessment of the master plan.

(3) Any proposal of the Department for a veterans park on the lands referred to in subsection (b), and an assessment of each such proposal.

(4) Any proposal to use a portion of the lands referred to in subsection (b) as dedicated green space, and an assessment of each such proposal.

(d) ALTERNATIVE REPORT ELEMENT.—

(1) PLAN FOR DEVELOPMENT OF MASTER PLAN.—If the master plan referred to in subsection (b) does not exist as of the date of the enactment of this Act, the Secretary shall set forth in the report under that subsection, in lieu of the matters specified in paragraphs (1) and (2) of subsection (c), a plan for the development of a master plan for the use of the lands referred to in subsection (b) during each period as follows:

(A) The 25-year period beginning on the date of the enactment of this Act.

(B) The 50-year period beginning on the date of the enactment of this Act.

(2) COMPLETION OF MASTER PLAN.—The master plan referred to in paragraph (1) shall be completed before both of the following:

(A) The adoption of the plan under the Capital Asset Realignment for Enhanced Services (CARES) initiative for the lands referred to in subsection (b).

(B) The issuance of any enhanced use lease with respect to any portion of such lands.

(3) COORDINATION WITH CARES.—The master plan referred to in paragraph (1) and the plan under the Capital Asset Realignment for Enhanced Services initiative for the lands referred to in subsection (b) shall be consistent.

(e) LIMITATIONS ON IMPLEMENTATION.—

(1) IN GENERAL.—The Secretary may not implement any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, until 120 days after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(2) ACTIONS OTHER THAN DIRECT VETERANS SERVICES.—In the case of any portion of the master plan referred to in subsection (b) or the plan referred to in subsection (d), as applicable, that does not relate to direct veterans services, the Secretary may not carry out such portion of such plan except pursuant to provisions of law enacted after the date of the receipt by the appropriate congressional committees of the report referred to in such subsection.

(f) CONSTRUCTION.—Nothing in this section shall be construed to prevent the Secretary from providing, with respect to the lands referred to in subsection (b), routine maintenance, facility upkeep, tasks connected to capital improvements, and activities related to the construction of a State veterans home.

(g) DEFINITIONS.—In this section:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(2) DIRECT VETERANS SERVICES.—The term "direct veterans services" means services directly related to maintaining the health, welfare, and support of veterans.

By Mr. BIDEN:

S. 1044. A bill to improve the medical care of members of the Armed Forces and veterans, and for other purposes; to the Committee on Armed Services.

Mr. BIDEN. Mr. President, I would like to take the opportunity today to introduce an important piece of legislation to improve the ability of the Department of Defense and the Department of Veterans Affairs to provide medical care for our Nation's Armed Forces and veterans. We are currently finishing up a debate in the Senate on additional war time funding for Iraq. As in past years, we are trying to mitigate the damage caused by the failure to properly plan for and manage the aftermath of Saddam Hussein's fall. I have spoken many times about how damaging this lack of planning has been to our efforts in Iraq and to our standing in the world.

For the past two months, the spotlight has shone on another administration failure in this war: the shameful conditions our wounded soldiers face as outpatients navigating the military health system when they return from Iraq or Afghanistan. This is another example of gross mismanagement and a strained system. To alleviate the strain on this system, I am offering legislation today—the Effective Care for the Armed Forces and Veterans Act—to improve the care that members of the Armed Forces and veterans receive at Walter Reed and other military medical facilities.

The purpose of this legislation is to ensure that some of the reasons for concern at Walter Reed do not occur in the future. As the living conditions for outpatients at Walter Reed Army Medical Center indicate, moving to private contracts for maintenance at military medical facilities can cause problems. After a private contract was awarded for maintenance and upkeep of buildings on the campus of Walter Reed Army Medical Center, a maintenance crew of approximately 300 was whittled down to 50 by the time the contract went in to effect. Many of the terrible living conditions in Building 18 that we read about in the Washington Post were a direct result of delays in building repair and maintenance because of a shortage in manpower. To prevent this situation from occurring again, this legislation calls for public-private competitions of maintenance services at military medical complexes to stop while our country is engaged in military conflicts. It also calls for a General Accountability Office review of contracting-out decisions for basic maintenance work at military facilities.

Other problems discovered at Walter Reed are directly attributable to shortages resulting from pressures to cut budgets for military medical services. These cuts cannot be tolerated at a time when military medical services are needed to treat servicemembers who have been wounded in Iraq and Afghanistan. As such, this legislation would require medical command budgets to be equal to or exceed the prior year amount while the nation is involved in a major military conflict or war.

Another issue that the conditions at Walter Reed brought up is whether or not the facility should be closed as the Base Realignment and Closure Commission recommended. The Commission recommended building new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of care and access to care in this region. Military leaders have indicated that the planned closure has limited their ability to attract needed professionals to jobs at Walter Reed and there have been concerns raised whether adequate housing for the families of the wounded has been properly planned. To deal with that, this legislation requires the Department of Defense to submit to Congress within one year a detailed plan that includes an evaluation of the following: the desirability of being able to guarantee professional jobs in the D.C. area for two years or more following the closure in order to foster a stable workforce; detailed construction plans for the new facilities and for new family housing; and the costs and benefits of building all of the needed medical treatment, rehabilitation, and housing before a single unit is moved.

Another major problem and source of frustration for injured soldiers is the length of time it takes to receive a disability determination. In order to hasten the disability determination process, we need to ensure that the Department of Defense has information systems capable of communicating with those in the Department of Veterans Affairs. The VA has been a leader in implementing electronic medical record keeping, but we have to improve the capability of the Department of Defense to send electronic medical records to the VA to speed up the disability determination process. Making the disability determination system more efficient can reduce the stress on the soldiers and their families going through the determination process.

Caseworkers are also critical. They schedule appointments and make sure wounded servicemembers get the rehabilitative and follow-up care they need. As more and more soldiers and marines come home wounded, many military caseworkers are overwhelmed. To improve the care given to servicemembers, this legislation requires a minimum ratio of case managers to patients of 1 to 20, that case managers have contact with recovering servicemembers at least once a week, and that case managers be properly trained on the military's disability and discharge systems so they can better assist patients with their paperwork.

Currently, many combat veterans returning from Iraq and Afghanistan have service-related mental health issues like post-traumatic stress disorder (PTSD) and traumatic brain injury (TBI). Many have labeled TBI the "signature injury" of the Iraq and Afghanistan conflicts. It is estimated that as many as 10 percent of those serving or who have served in Iraq and Afghanistan have brain injuries. That would mean about 150,000 of the 1.5 million soldiers and marines who have served in Operation Enduring Freedom or Operation Iraqi Freedom have suffered a brain injury. In many cases, these injuries are not diagnosed because there is not an external wound. Depending on the severity of these injuries, returning soldiers can require immediate treatment or not have symptoms show up until several years later. This legislation calls for every returning soldier to be screened for TBI. While the VA has announced plans to do this, it needs to happen in active-duty military medical facilities too. In addition, the legislation calls for a study on the advisability of treating TBI as a presumptive condition in every service's disability evaluation system, as well as the VA disability evaluation system.

We often hear about the 25,000 soldiers and marines who have been wounded in these wars—but that figure grossly underestimates the demand that the VA health care system faces. Since our country was attacked on September 11, 2001, more than 1.5 million soldiers have been deployed to Afghanistan, Iraq, and other locations. Of these, 630,000 are now veterans and, according to the Department of Defense, more than 205,000 have already received medical treatment through the Department of Veterans Affairs. A recent Harvard study on the long-term costs of treating these new veterans estimates that by 2012 more than 643,000 veterans from Iraq and Afghanistan will be using the VA system, an almost threefold increase of what the system faces now. With a significant backlog of claims currently existing, the system is in desperate need of an upgrade. To address this concern, my legislation directs the Secretary of Veterans Affairs to submit to Congress a plan for the long-term care needs for veterans for the next 50 years.

It is our highest obligation to heal the hundreds of thousands of brave men and women who will bear the physical and emotional scars of these wars for the rest of their lives. Those of us who have the privilege of serving in Congress must act now to improve the medical care we provide to our Armed Forces and veterans.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1044

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Effective Care for the Armed Forces and Veterans Act of 2007".

SEC. 2. PROHIBITION ON COMPETITIVE SOURCING OF CERTAIN ACTIVITIES AT MEDICAL FACILITIES OF THE DEPARTMENT OF DEFENSE.

(a) FINDINGS.—Congress finds the following:

(1) The health and recovery of wounded members of the Armed Forces may be risked by competitive sourcing of services at military medical facilities.

(2) The provision of medical services to members and former members of the Armed Forces who were injured while serving in Operation Iraqi Freedom or Operation Enduring Freedom is a basic service that is the responsibility of the Government and any disruption is unacceptable when it risks the health of veterans and members of the Armed Forces.

(3) The Department of Defense has attempted to implement competitive sourcing of services at military medical facilities despite the fact that doing so provides no improvement in the efficiency or effectiveness of such services.

(b) PROHIBITION ON INITIATION OF COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE DURING PERIOD OF MAJOR MILITARY CONFLICT.—

(1) IN GENERAL.—Except as provided in paragraph (2), during a period in which the Armed Forces are involved in a major military conflict, the Secretary of Defense shall not take any action under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy—

(A) to subject work performed by an employee of a medical facility of the Department of Defense or employee of a private contractor of such a medical facility to public-private competition; or

(B) to convert such employee or the work performed by such employee to private contractor performance.

(2) EXCEPTION TO PREVENT NEGATIVE IMPACT ON PROVISION OF SERVICES.—Paragraph (1) shall not apply to any action at a medical facility of the Department of Defense if the Secretary of Defense certifies to Congress that not initiating such action during such period would have a negative impact on the provision of services at such military medical facility.

(c) STUDY ON COMPETITIVE SOURCING ACTIVITIES AT MEDICAL FACILITIES OF DEPARTMENT OF DEFENSE.—The Comptroller General of the United States shall assess the efficiency and advisability of subjecting work performed by an employee of a medical facility of the Department of Defense or a private contractor of such a medical facility to public-private competition, or converting such employee or the work performed by such employee to private contractor performance, under the Office of Management and Budget Circular A-76 or any other similar administrative regulation, directive, or policy.

SEC. 3. MINIMUM BUDGET FOR MEDICAL SERVICES OF THE ARMED FORCES DURING PERIOD OF MAJOR MILITARY CONFLICT.

(a) FINDINGS.—Congress finds the following:

(1) Pressure to reduce the budget for the medical services of the Department of Defense has contributed to many of the current

problems at Walter Reed Army Medical Center.

(2) It is inappropriate to reduce the budget for medical services of the Department of Defense or the Department of Veterans Affairs while such services are needed to treat members of the Armed Forces or veterans who were wounded in Iraq and Afghanistan.

(b) MINIMUM BUDGET FOR MEDICAL SERVICES.—

(1) IN GENERAL.—Except as provided in paragraph (2), if the Armed Forces are involved in a major military conflict at the time the President submits the budget for a fiscal year to Congress, the President shall not include in that budget a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than the total aggregate amount allocated for such purposes in the budget submitted by the President to Congress for the previous fiscal year.

(2) EXCEPTION.—Paragraph (1) shall not apply if the President—

(A) certifies to Congress that submitting a total aggregate amount allocated for medical services for the Department of Defense and the Department of Veterans Affairs that is less than that required under paragraph (1) is in the national interest; and

(B) submits to Congress a report on the reasons for the reduction described by subparagraph (A).

SEC. 4. LIMITATION ON IMPLEMENTATION OF RECOMMENDATION TO CLOSE WALTER REED ARMY MEDICAL CENTER.

(a) FINDINGS.—Congress finds the following:

(1) The final recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment include recommendations to close Walter Reed Army Medical Center and to build new, modern facilities at the National Naval Medical Center at Bethesda and at Fort Belvoir to improve the overall quality of and access to health care for members of the Armed Forces.

(2) These recommendations include the transfer of medical services from the Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir, but they do not adequately provide for housing for the families of wounded members of the Armed Forces who will receive treatment at such new facilities.

(3) The recommended closure of the Walter Reed Army Medical Center has impaired the ability of the Secretary of Defense to attract the personnel required to provide proper medical services at such medical center.

(b) LIMITATION ON IMPLEMENTATION OF RECOMMENDATIONS.—The Secretary of Defense shall not take any action to implement the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment relating to the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir during the period beginning on the date of the enactment of this Act and ending on the date that is 60 days after the date on which Congress receives the plan required under subsection (c).

(c) PLAN REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a plan that includes an assessment of the following:

(1) The feasibility and advisability of providing current or prospective employees at Walter Reed Army Medical Center a guarantee that their employment will continue in the Washington, DC, metropolitan area for more than two years after the date on which Walter Reed Army Medical Center is closed.

(2) Detailed construction plans for new medical facilities and family housing at the National Naval Medical Center at Bethesda and at Fort Belvoir to accommodate the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir.

(3) The costs, feasibility, and advisability of completing all of the construction planned for the transfer of medical services from Walter Reed Army Medical Center to the National Naval Medical Center at Bethesda and at Fort Belvoir before any patients are transferred to such new facilities from Walter Reed Army Medical Center as a result of the recommendations of the Defense Base Closure and Realignment Commission under the 2005 round of defense base closure and realignment.

SEC. 5. IMPROVING CASE MANAGEMENT SERVICES FOR MEMBERS OF THE ARMED FORCES.

(a) FINDINGS.—Congress makes the following findings:

(1) Case managers are important for scheduling appointments and making sure recovering servicemembers get the care they need.

(2) Many case managers are overwhelmed by the large number of wounded members of the Armed Forces returning from deployment in Iraq and Afghanistan.

(3) Regular contact between health care providers and members of the Armed Forces returning from deployment is important for the diagnosis of post traumatic stress disorder in such members.

(4) It is inappropriate to require a wounded member of the Armed Forces or a family member of such member to provide a photo or a medal from deployment in Iraq or Afghanistan to prove that such member served in and was injured from such deployment.

(5) Case managers are well qualified to assist recovering servicemembers and their families with the disability evaluation system and discharge procedures of the Department of Defense.

(b) CASE MANAGERS.—

(1) IN GENERAL.—The Secretary of Defense shall assign at least one case manager for every 20 recovering servicemembers to assist in the recovery of such recovering servicemember.

(2) MINIMUM CONTACT.—The Secretary of Defense shall ensure that case managers contact each of their assigned recovering servicemembers not less than once per week.

(3) TRAINING.—The Secretary of Defense shall ensure that case managers of the Department of Defense are familiar with the disability and discharge system of the Department of Defense and that such case managers are able to assist recovering servicemembers complete necessary and related forms.

(c) RECOVERING SERVICEMEMBER.—In this section, the term "recovering servicemember" means a member of the Armed Forces, including a member of the National Guard or a Reserve, who is undergoing medical treatment, recuperation, or therapy, or is otherwise in medical hold or holdover status, for an injury, illness, or disease incurred or aggravated while on active duty in the Armed Forces.

SEC. 6. SCREENING FOR TRAUMATIC BRAIN INJURY.

(a) FINDINGS.—Congress finds the following:

(1) Many of the members of the Armed Forces deployed in Iraq and Afghanistan have brain injuries.

(2) In many cases, such injuries are not diagnosed because there is no external indication of such injury.

(3) The Secretary of Veterans Affairs carries out programs to screen all recent combat veterans for traumatic brain injury; the Secretary of Defense does not do so.

(b) SCREENING REQUIRED.—The Secretary of Defense shall screen every member of the Armed Forces returning from deployment in Operation Iraqi Freedom or Operation Enduring Freedom for traumatic brain injury upon the return of each such member.

(c) STUDIES ON TREATING TRAUMATIC BRAIN INJURY AS PRESUMPTIVE CONDITION FOR DISABILITY COMPENSATION.—

(1) STUDY BY SECRETARY OF DEFENSE.—

(A) IN GENERAL.—The Secretary of Defense shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for members of the Armed Forces who served in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Defense.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the results of the study required by subparagraph (A).

(2) STUDY BY SECRETARY OF VETERANS AFFAIRS.—

(A) IN GENERAL.—The Secretary of Veterans Affairs shall conduct a study on the feasability and advisability of treating traumatic brain injury as a presumptive condition for veterans who served as members of the Armed Forces in Operation Iraqi Freedom or Operation Enduring Freedom for the qualification for disability compensation under laws administered by the Secretary of Veterans Affairs.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the results of the study required by subparagraph (A).

(3) STUDY BY DIRECTOR OF NATIONAL INSTITUTES OF HEALTH.—

(A) IN GENERAL.—The Director of the National Institutes of Health shall conduct a study on traumatic brain injury, including the detection of traumatic brain injury and the measurement and classification of the severity of traumatic brain injury.

(B) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Institutes of Health shall submit to Congress a report on the results of the study required by subparagraph (A).

SEC. 7. REQUIRING MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF DEFENSE TO COMMUNICATE WITH MEDICAL RECORDS MANAGEMENT SYSTEMS OF DEPARTMENT OF VETERANS AFFAIRS.

(a) FINDINGS.—Congress makes the following findings:

(1) The electronic transfer of medical records of members of the Armed Forces from the medical records management systems of the Department of Defense to the medical records management systems of the Department of Veterans Affairs would be prudent.

(2) The Department of Veterans Affairs has been a leader in the implementation of electronic medical records management systems.

(b) ELECTRONIC COMMUNICATION BETWEEN MEDICAL RECORDS MANAGEMENT SYSTEMS REQUIRED.—

(1) IN GENERAL.—Not later than two years after the date of the enactment of this Act, the Secretary of Defense shall ensure that the medical records management systems of the Department of Defense are capable of transmitting medical records to and receiving medical records from the medical records management systems of the Department of Veterans Affairs electronically.

(2) INITIATION OF ACTIVITIES.—Not later than one year after the date of the enactment of this Act, the Secretary of Defense shall begin any activities required to meet the requirements of paragraph (1).

SEC. 8. DEPARTMENT OF VETERANS AFFAIRS ASSESSMENT OF LONG-TERM CARE NEEDS OF VETERANS.

(a) FINDINGS.—Congress makes the following findings:

(1) Multiple studies show that, in the next five years, the Department of Veterans Affairs will add hundreds of thousands of new veterans to the medical records management systems of the Department of Veterans Affairs.

(2) During such period, many veterans will have multiple medical care needs caused by complex medical conditions.

(b) ASSESSMENT OF LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall assess the current ability of the Department of Veterans Affairs to meet long-term care needs of veterans during the 50-year period that begins on the date of the enactment of this Act.

(c) DETERMINATION OF ACTIONS REQUIRED TO MEET LONG-TERM CARE NEEDS.—The Secretary of Veterans Affairs shall determine what actions are required to ensure that the needs described in subsection (b) are satisfied.

(d) REPORT REQUIRED.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to Congress a report on the assessment required in subsection (b) and the determination required in subsection (c).

By Mr. VOINOVICH:

S. 1045. A bill to strengthen performance management in the Federal Government, to make the annual general pay increase for Federal employees contingent on performance, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH:

S. 1046. A bill to modify pay provisions relating to certain senior-level positions in the Federal Government, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mr. VOINOVICH (for himself, Ms. COLLINS, and Mr. AKAKA):

S. 1047. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income amounts paid on behalf of Federal employees and members of the Armed Forces on active duty under Federal student loan repayment programs; to the Committee on Finance.

Mr. VOINOVICH. Mr. President, I rise today to introduce three important pieces of legislation that I believe will improve the ability of the Federal Government to recruit and retain a world class workforce: the Federal Workforce Performance Appraisal and Management Improvement Act, the Senior Professional Performance Act, and the Generating Opportunity by Forgiving Educational Debt for Service Act.

As my colleagues know, my interest in the Federal workforce developed after working with the Federal Government for 18 years, for 10 years as mayor of Cleveland and 8 years as Governor of Ohio. Through my work on the Subcommittee on Oversight of Government Management, the Federal Workforce and the District of Columbia, I continue to observe that investing in personnel and workforce management, and management in general, struggles to be a priority in the Federal Government. My own experience as county auditor, county commissioner, mayor, and Governor has taught me that, of all the things in which government can invest, resources dedicated to human capital bring the greatest return.

Effective performance management is fundamental to building a results-oriented culture. In fact, the Merit Systems Protection Board just published a report entitled, "Accomplishing Our Mission: Results of the Merit Principles Survey 2005." In that report, the MSPB found that, "Non-supervisory employees feel uninformed about performance evaluation, organizational changes, and other issues at times." The Federal Workforce Performance Appraisal and Management Improvement Act that I am introducing today will help address that problem. By requiring supervisors and employees to have regular conversations about expectations and job performance, every employee will understand how their job performance is perceived by their boss and, more importantly, how individual work contributes to the agency's mission. In addition, this legislation would prohibit an employee who receives an unacceptable performance evaluation from receiving an annual salary adjustment. Mr. President, I know that Federal employees are dedicated and talented individuals. I know some may view this as a critique on the contributions of our civil servants; however, that could not be further from the truth. This bill recognizes their daily contributions.

As I said last year when I first introduced this legislation, employees should receive annually a rigorous evaluation. Pay should be determined by an individual's performance. I agree with the observation of Comptroller General David Walker that the passage of time should not be the single most important factor in determining an employee's pay. Instead, it should be determined by the productivity, effectiveness, and the contributions of an employee.

Today I also am pleased to introduce the Senior Professional Performance Act. In 2003, Congress enacted legislation to reform the pay and performance management systems for the Senior Executive Service. The legislation I introduce today would authorize agencies to develop and implement similar pay and performance management systems for senior level and scientific and professional personnel in order to keep these talented and capable employees on equal footing.

Finally, today I am introducing Generating Opportunity by Forgiving Educational Debt for Service Act, or GOFEDS, a bill that will help Federal agencies and the Armed Forces recruit talented individuals to serve in all areas of the Federal Government and the military. Current law—authorizes Federal agencies to pay student loans up to $10,000 a year with a cumulative cap of $60,000, but the incentive is taxed. The Active-Duty Educational Loan Repayment Program allows the Services to repay certain federally guaranteed educational loans for enlistments in military specialties designated by the Service Secretary. GOFEDS would amend the Federal tax code to allow the Federal Government's student loan repayment programs to be offered on a tax-free basis. The potential impact of this bill far outweighs its minimal cost.

I urge my colleagues to support this legislation.

By Mr. FEINGOLD (for himself, Mr. CRAPO, Mr. MARTINEZ, Mr. KOHL, Mr. KERRY, Mr. CARDIN, and Mrs. BOXER):

S. 1048. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resouces for the conservation programs of countries that activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Environment and Public Works.

Mr. FEINGOLD. Mr. President, I am introducing the Crane Conservation Act of 2007. I am very pleased that the Senators from Idaho, Mr. CRAPO, Florida, Mr. MARTINEZ, Wisconsin, Mr. KOHL, Maryland, Mr. CARDIN, and Massachusetts, Mr. KERRY, have joined me as cosponsors of this bill. I propose this legislation in the hope that Congress will do its part to protect the existence of these birds, whose cultural significance and popular appeal can be seen worldwide. This legislation is particularly important to the people of Wisconsin, as our State provides habitat and refuge to several crane species. But this legislation, which authorizes the United States Fish and Wildlife Service to distribute funds and grants to crane conservation efforts both domestically and in developing countries, promises to have a larger environmental and cultural impact that will go far beyond the boundaries of my home state. This bill is similar to legislation that I introduced in the 107th, 108th, and 109th Congresses.

In October of 1994, Congress passed and the President signed the Rhinoceros and Tiger Conservation Act. The passage of this act provided support for multinational rhino and tiger conservation through the creation of the Rhinoceros and Tiger Conservation Fund, or RTCF. Administered by the United States Fish and Wildlife Service, the RTCF distributes up to $10 million in grants every year to conservation groups to support projects in developing countries. Since its establishment in 1994, the RTCF has been expanded by Congress to cover other species, such as elephants and great apes.

Today, with the legislation I am introducing, I am asking Congress to add cranes to this list. Cranes are the most endangered family of birds in the world, with 11 of the world's 15 species at risk of extinction. Specifically, this legislation would authorize up to $5 million of funds per year to be distributed in the form of conservation project grants to protect cranes and their habitat. The financial resources authorized by this bill can be made available to qualifying conservation groups operating in Asia, Africa, and North America. The program is authorized from Fiscal Year 2008 through Fiscal Year 2012.

In keeping with my belief that we should balance the budget, this bill proposes that the $25 million in authorized spending over 5 years for the Crane Conservation Act established in this legislation should be offset through the Secretary of the Interior's administrative budget. The Secretary of the Interior would be required to transfer any funds it does not expend under the Crane Conservation Act back to the Treasury at the end of fiscal year 2012.

I am offering this legislation due to the serious and significant decline that can be expected in crane populations worldwide without further conservation efforts. Those efforts have achieved some success in the case of the North American whooping crane, the rarest crane on earth. In 1941, only 21 whooping cranes existed in the entire world. This stands in contrast to the over 450 birds in existence today. The North American whooping crane's resurgence is attributed to the bird's tenacity for survival and to the efforts of conservationists in the United States and Canada. Today, the only wild flock of North American whooping cranes breeds in northwest Canada, and spends its winters in coastal Texas. A new flock of cranes is currently being reintroduced to the wild in an eastern flyway from Wisconsin to Florida.

The movement of this flock of birds shows how any effort by Congress to regulate crane conservation needs to cross both national and international lines. As this flock of birds makes its journey from Wisconsin to Florida, the birds rely on the ecosystems of a multitude of states in this country. In its journey from the Necedah National Wildlife Refuge in Wisconsin to the Chassahowitzka National Wildlife Refuge in Florida in the fall and eventual return to my home State in the spring, this flock also faces threats from pollution of traditional watering grounds, collision with utility lines, human disturbance, disease, predation, loss of genetic diversity within the population, and vulnerability to catastrophes, both natural and man-made.

The birds also rely on private landowners, the vast majority of whom have enthusiastically welcomed the birds to their rest on their land. Through its extensive outreach and education program, the Whooping Crane Eastern Partnership has obtained the consistent support of farmers and other private landowners to make this important recovery program a success. On every front, this partnership is unique.

Despite the remarkable conservation efforts taken since 1941, however, this species is still very much in danger of extinction. While over the course of the last half-century, North American whooping cranes have begun to make a slow recovery, many species of crane in Africa and Asia have declined, including the sarus crane of Asia and the wattled crane of Africa.

The sarus crane stands four feet tall and can be found in the wetlands of northern India and south Asia. These birds require large, open, well-watered plains or marshes to breed and survive. Due to agricultural expansion, industrial development, river basin development, pollution, warfare, and heavy use of pesticides prevalent in India and southeast Asia, the sarus crane population has been in decline. Furthermore, in many areas, a high human population concentration compounds these factors. On the Mekong River, which runs through Cambodia, Vietnam, Laos, Thailand, and China, human population growth and planned development projects threaten the sarus crane. Reports from India, Cambodia, and Thailand have also cited incidences of the trading of adult birds and chicks, as well as hunting and egg stealing in the drop in population of the sarus crane.

Only three subspecies of the sarus crane exist today. One resides in northern India and Nepal, one resides in southeast Asia, and one resides in northern Australia. Their population is about 8,000 in the main Indian population, with recent numbers showing a rapid decline. In Southeast Asia, only 1,000 birds remain.

The situation of the sarus crane in Asia is mirrored by the situation of the wattled crane in Africa. In Africa, the wattled crane is found in the southern and eastern regions, with an isolated population in the mountains of Ethiopia. Current population estimates range between 6,000 to 8,000 and are declining rapidly, due to loss and degradation of wetland habitats, as well as intensified agriculture, dam construction, and industrialization. In other parts of the range, the creation of dams has changed the dynamics of the flood plains, thus further endangering these cranes and their habitats. Human disturbance at or near breeding sites also continues to be a major threat. Lack of oversight and education over the actions of people, industry, and agriculture is leading to reduced preservation for the lands on which cranes live, thereby threatening the ability of cranes to survive in these regions.

If we do not act now, not only will cranes face extinction, but the ecosystems that depend on their contributions will suffer. With the decline of the crane population, the wetlands and marshes they inhabit can potentially be thrown off balance. I urge my colleagues to join me in supporting legislation that can provide funding to the local farming, education, and enforcement projects that can have the greatest positive effect on the preservation of both cranes and fragile habitats. This modest investment can secure the future of these exemplary birds and the beautiful areas in which they live. Therefore, I ask my colleagues to support the Crane Conservation Act of 2007.

I ask unanimous consent that the text of my bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1048

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Crane Conservation Act of 2007".

SEC. 2. FINDINGS.

Congress finds that—

(1) crane populations in many countries have experienced serious decline in recent decades, a trend that, if continued at the current rate, threatens the long-term survival of the species in the wild in Africa, Asia, and Europe;

(2) 5 species of Asian crane are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533) and appendix I of the Convention, which species are—

(A) the Siberian crane (Grus leucogeranus);

(B) the red crowned crane (Grus japonensis);

(C) the white-naped crane (Grus vipio);

(D) the black-necked crane (Grus nigricollis); and

(E) the hooded crane (Grus monacha);

(3) the Crane Action Plan of the International Union for the Conservation of Nature considers 4 species of cranes from Africa and 1 additional species of crane from Asia to be seriously threatened, which species are—

(A) the wattled crane (Bugeranus carunculatus);

(B) the blue crane (Anthropoides paradisea);

(C) the grey crowned crane (Balearica regulorum);

(D) the black crowned crane (Balearica pavonina); and

(E) the sarus crane (Grus antigone);

(4)(A) the whooping crane (Grus americana) and the Mississippi sandhill crane (Grus canadensis pulla) are listed as endangered species under section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533); and

(B) with approximately 225 whooping cranes in the only self-sustaining flock that migrates between Canada and the United States, and approximately 100 Mississippi sandhill cranes in the wild, both species remain vulnerable to extinction;

(5) conservation resources have not been sufficient to cope with the continued diminution of crane populations from causes that include hunting and the continued loss of habitat;

(6)(A) cranes are flagship species for the conservation of wetland, grassland, and agricultural landscapes that border wetland and grassland; and

(B) the establishment of crane conservation programs would result in the provision of conservation benefits to numerous other species of plants and animals, including many endangered species;

(7) other threats to cranes include—

(A) the collection of eggs and juveniles;

(B) poisoning from pesticides applied to crops;

(C) collisions with power lines;

(D) disturbance from warfare and human settlement; and

(E) the trapping of live birds for sale;

(8) to reduce, remove, and otherwise effectively address those threats to cranes in the wild, the joint commitment and effort of countries in Africa, Asia, and North America, other countries, and the private sector, are required;

(9) cranes are excellent ambassadors to promote goodwill among countries because they are well known and migrate across continents;

(10) because the threats facing cranes and the ecosystems on which cranes depend are similar on all 5 continents on which cranes occur, conservation successes and methods developed in 1 region have wide applicability in other regions; and

(11) conservationists in the United States have much to teach and much to learn from colleagues working in other countries in which, as in the United States, government and private agencies cooperate to conserve threatened cranes.

SEC. 3. PURPOSES.

The purposes of this Act are—

(1) to perpetuate healthy populations of cranes;

(2) to assist in the conservation and protection of cranes by supporting—

(A) conservation programs in countries in which endangered and threatened cranes occur; and

(B) the efforts of private organizations committed to helping cranes; and

(3) to provide financial resources for those programs and efforts.

SEC. 4. DEFINITIONS.

In this Act:

(1) CONSERVATION.—

(A) IN GENERAL.—The term "conservation" means the use of any method or procedure to improve the viability of crane populations and the quality of the ecosystems and habitats on which the crane populations depend to help the species achieve sufficient populations in the wild to ensure the long-term viability of the species.

(B) INCLUSIONS.—The term "conservation" includes the carrying out of any activity associated with scientific resource management, such as—

(i) protection, restoration, acquisition, and management of habitat;

(ii) research and monitoring of known populations;

(iii) the provision of assistance in the development of management plans for managed crane ranges;

(iv) enforcement of the Convention;

(v) law enforcement and habitat protection through community participation;

(vi) reintroduction of cranes to the wild;

(vii) conflict resolution initiatives; and

(viii) community outreach and education.

(2) CONVENTION.—The term "Convention" has the meaning given the term in section 3 of the Endangered Species Act of 1973 (16 U.S.C. 1532).

(3) FUND.—The term "Fund" means the Crane Conservation Fund established by section 6(a).

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

SEC. 5. CRANE CONSERVATION ASSISTANCE.

(a) IN GENERAL.—Subject to the availability of appropriations and in consultation with other appropriate Federal officials, the Secretary shall use amounts in the Fund to provide financial assistance for projects relating to the conservation of cranes for which project proposals are approved by the Secretary in accordance with this section.

(b) PROJECT PROPOSALS.—

(1) APPLICANTS.—

(A) IN GENERAL.—An applicant described in subparagraph (B) that seeks to receive assistance under this section to carry out a project relating to the conservation of cranes shall submit to the Secretary a project proposal that meets the requirements of this section.

(B) ELIGIBLE APPLICANTS.—An applicant described in this subparagraph is—

(i) any relevant wildlife management authority of a country that—

(I) is located within the African, Asian, European, or North American range of a species of crane; and

(II) carries out 1 or more activities that directly or indirectly affect crane populations;

(ii) the Secretariat of the Convention; and

(iii) any person or organization with demonstrated expertise in the conservation of cranes.

(2) REQUIRED ELEMENTS.—A project proposal submitted under paragraph (1)(A) shall include—

(A) a concise statement of the purpose of the project;

(B)(i) the name of each individual responsible for conducting the project; and

(ii) a description of the qualifications of each of those individuals;

(C) a concise description of—

(i) methods to be used to implement and assess the outcome of the project;

(ii) staff and community management for the project; and

(iii) the logistics of the project;

(D) an estimate of the funds and the period of time required to complete the project;

(E) evidence of support for the project by appropriate government entities of countries in which the project will be conducted, if the Secretary determines that such support is required to ensure the success of the project;

(F) information regarding the source and amount of matching funding available for the project; and

(G) any other information that the Secretary considers to be necessary for evaluating the eligibility of the project to receive assistance under this Act.

(c) PROJECT REVIEW AND APPROVAL.—

(1) IN GENERAL.—The Secretary shall—

(A) not later than 30 days after receiving a final project proposal, provide a copy of the proposal to other appropriate Federal officials; and

(B) review each project proposal in a timely manner to determine whether the proposal meets the criteria described in subsection (d).

(2) CONSULTATION; APPROVAL OR DISAPPROVAL.—Not later than 180 days after receiving a project proposal, and subject to the availability of appropriations, the Secretary, after consulting with other appropriate Federal officials, shall—

(A) consult on the proposal with the government of each country in which the project is to be carried out;

(B) after taking into consideration any comments resulting from the consultation, approve or disapprove the proposal; and

(C) provide written notification of the approval or disapproval to—

(i) the applicant that submitted the proposal;

(ii) other appropriate Federal officials; and

(iii) each country described in subparagraph (A).

(d) CRITERIA FOR APPROVAL.—The Secretary may approve a project proposal under this section if the Secretary determines that the proposed project will enhance programs for conservation of cranes by assisting efforts to—

(1) implement conservation programs;

(2) address the conflicts between humans and cranes that arise from competition for the same habitat or resources;

(3) enhance compliance with the Convention and other applicable laws that—

(A) prohibit or regulate the taking or trade of cranes; or

(B) regulate the use and management of crane habitat;

(4) develop sound scientific information on, or methods for monitoring—

(A) the condition of crane habitat;

(B) crane population numbers and trends; or

(C) the current and projected threats to crane habitat and population numbers and trends;

(5) promote cooperative projects on the issues described in paragraph (4) among—

(A) governmental entities;

(B) affected local communities;

(C) nongovernmental organizations; or

(D) other persons in the private sector;

(6) carry out necessary scientific research on cranes;

(7) provide relevant training to, or support technical exchanges involving, staff responsible for managing cranes or habitats of cranes, to enhance capacity for effective conservation; or

(8) reintroduce cranes successfully back into the wild, including propagation of a sufficient number of cranes required for this purpose.

(e) PROJECT SUSTAINABILITY; MATCHING FUNDS.—To the maximum extent practicable, in determining whether to approve a project proposal under this section, the Secretary shall give preference to a proposed project—

(1) that is designed to ensure effective, long-term conservation of cranes and habitats of cranes; or

(2) for which matching funds are available.

(f) PROJECT REPORTING.—

(1) IN GENERAL.—Each person that receives assistance under this section for a project shall submit to the Secretary, at such periodic intervals as are determined by the Secretary, reports that include all information that the Secretary, after consulting with other appropriate government officials, determines to be necessary to evaluate the progress and success of the project for the purposes of—

(A) ensuring positive results;

(B) assessing problems; and

(C) fostering improvements.

(2) AVAILABILITY TO THE PUBLIC.—Each report submitted under paragraph (1), and any other documents relating to a project for which financial assistance is provided under this Act, shall be made available to the public.

SEC. 6. CRANE CONSERVATION FUND.

(a) ESTABLISHMENT.—There is established in the Multinational Species Conservation Fund established by the matter under the heading "MULTINATIONAL SPECIES CONSERVATION FUND" in title I of the Department of the Interior and Related Agencies Appropriations Act, 1999 (112 Stat. 2681–237; 16 U.S.C. 4246) a separate account to be known as the "Crane Conservation Fund", consisting of—

(1) amounts transferred to the Secretary of the Treasury for deposit into the Fund under subsection (e);

(2) amounts appropriated to the Fund under section 8; and

(3) any interest earned on investment of amounts in the Fund under subsection (c).

(b) EXPENDITURES FROM FUND.—

(1) IN GENERAL.—Subject to paragraphs (2) and (3), upon request by the Secretary, the Secretary of the Treasury shall transfer from the Fund to the Secretary, without further appropriation, such amounts as the Secretary determines are necessary to provide assistance under section 5.

(2) ADMINISTRATIVE EXPENSES.—Of the amounts in the Fund available for each fiscal year, the Secretary may expend not more than 3 percent, or $150,000, whichever is greater, to pay the administrative expenses necessary to carry out this Act.

(3) LIMITATION.—Not more than 20 percent of the amounts made available from the Fund for any fiscal year may be used for projects relating to the conservation of North American crane species.

(c) INVESTMENTS OF AMOUNTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall invest such portion of the Fund as is not, in the judgment of the Secretary of the Treasury, required to meet current withdrawals. Investments may be made only in interest-bearing obligations of the United States.

(2) ACQUISITION OF OBLIGATIONS.—For the purpose of investments under paragraph (1), obligations may be acquired—

(A) on original issue at the issue price; or

(B) by purchase of outstanding obligations at the market price.

(3) SALE OF OBLIGATIONS.—Any obligation acquired by the Fund may be sold by the Secretary of the Treasury at the market price.

(4) CREDITS TO FUND.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(d) TRANSFERS OF AMOUNTS.—

(1) IN GENERAL.—The amounts required to be transferred to the Fund under this section shall be transferred at least monthly from the general fund of the Treasury to the Fund on the basis of estimates made by the Secretary of the Treasury.

(2) ADJUSTMENTS.—Proper adjustment shall be made in amounts subsequently transferred to the extent prior estimates were in excess of or less than the amounts required to be transferred.

(e) ACCEPTANCE AND USE OF DONATIONS.—

(1) IN GENERAL.—The Secretary may accept and use donations to provide assistance under section 5.

(2) TRANSFER OF DONATIONS.—Amounts received by the Secretary in the form of donations shall be transferred to the Secretary of the Treasury for deposit in the Fund.

SEC. 7. ADVISORY GROUP.

(a) IN GENERAL.—To assist in carrying out this Act, the Secretary may convene an advisory group consisting of individuals representing public and private organizations actively involved in the conservation of cranes.

(b) PUBLIC PARTICIPATION.—

(1) MEETINGS.—The advisory group shall—

(A) ensure that each meeting of the advisory group is open to the public; and

(B) provide, at each meeting, an opportunity for interested persons to present oral or written statements concerning items on the agenda.

(2) NOTICE.—The Secretary shall provide to the public timely notice of each meeting of the advisory group.

(3) MINUTES.—Minutes of each meeting of the advisory group shall be kept by the Secretary and shall be made available to the public.

SEC. 8. FUNDING.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Fund $5,000,000 for each of fiscal years 2008 through 2012, to remain available until expended.

(b) OFFSET.—Of amounts appropriated to, and available at the discretion of, the Secretary for programmatic and administrative expenditures, a total of $25,000,000 shall be used to establish the Fund.

By Mr. HARKIN:

S. 1050. A bill to amend the Rehabilitation Act of 1973 and the Public Health Service Act to set standards for medical diagnostic equipment and to establish a program for promoting good health, disease prevention, and wellness and for the prevention of secondary conditions for individuals with disabilities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. HARKIN. Mr. President, today I introduce the Promoting Wellness for Individuals with Disabilities Act. This important legislation will help ensure that people with disabilities have the same health and wellness opportunities as everyone else—through increasing access to accessible medical equipment, creating a health and wellness grant program, and improving the competency of medical professionals in providing care to patients with disabilities.

The health and wellness of America's citizens has long been one of my top priorities. Too often, many Americans don't know about or lack access to health screenings and preventive services. As Ben Franklin said, "An ounce of prevention is worth a pound of cure."

However, it is often difficult for many people with disabilities to access this ounce of prevention. Visits to physicians' offices often do not include accessible examination and diagnostic equipment, such as accessible examination tables, weight scales, and mammography machines for people with mobility or balance issues. The presence of these physical barriers can reduce the likelihood that persons with disabilities will receive timely and appropriate medical services.

For example, one woman—a physician herself—told me that she has not had a complete physical examination since her spinal cord injury more than a decade ago because the tables are too high for her to get onto. She has not had a mammogram or colonoscopy because, as she puts it, it seems like such an effort to have to explain to the technicians her needs, to get them to lift her, and so on. These issues, which many of us take for granted, represent significant barriers to people with disabilities.

Further, health and wellness programs on topics such as smoking cessation, weight control, nutrition, or fitness may not focus on the unique challenges faced by individuals with disabilities. And it may be difficult for persons with particular disabilities, such as those with intellectual disabilities, to find physicians or dentists who are willing to take them on as patients. All of these factors can also increase the incidence of secondary conditions for people with disabilities.

I believe that the "Promoting Wellness for Individuals with Disabilities Act" is a good first step toward addressing these problems. The bill would: authorize the U.S. Access Board to establish accessibility standards for medical diagnostic equipment—including examination tables, examination chairs, weight scales, and mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by medical professionals; establish a national wellness grant program that will help fund programs or activities for smoking cessation, weight control, nutrition or fitness that focus on the unique challenges faced by individuals with disabilities; preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and athletic, exercise, or sports programs that provide individuals with disabilities an opportunity to increase their physical activity; and improve education and training of physicians and dentists by requiring that medical schools, dental schools, and their residency programs provide training to improve competency and clinical skills in providing care to patients with disabilities, including those with intellectual disabilities.

I invite my fellow Members to join me in support of this legislation. Together, we can make certain that people with disabilities are not limited in their access to quality medical care, or in their opportunities for health and wellness.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1050

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Promoting Wellness for Individuals with Disabilities Act of 2007".

SEC. 2. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

Title V of the Rehabilitation Act of 1973 (29 U.S.C. 791 et seq.) is amended by adding at the end of the following:

"SEC. 510. ESTABLISHMENT OF STANDARDS FOR ACCESSIBLE MEDICAL DIAGNOSTIC EQUIPMENT.

"(a) STANDARDS.—Not later than 9 months after the date of enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, the Architectural and Transportation Barriers Compliance Board shall issue (including publishing) standards setting forth the minimum technical criteria for medical diagnostic equipment used in (or in conjunction with) physician's offices, clinics, emergency rooms, hospitals, and other medical settings. The standards shall ensure that such equipment is accessible to, and usable by, individuals with disabilities, and shall allow independent entry to, use of, and exit from the equipment by such individuals to the maximum extent possible.

"(b) MEDICAL DIAGNOSTIC EQUIPMENT COVERED.—The standards issued under subsection (a) for medical diagnostic equipment shall apply to equipment that includes examination tables, examination chairs (including chairs used for eye examinations or procedures, and dental examinations or procedures), weight scales, mammography equipment, x-ray machines, and other radiological equipment commonly used for diagnostic purposes by health professionals.

"(c) INTERIM STANDARDS.—Until the date that the standards described under subsection (a) are in effect, purchases of examination tables, weight scales, and mammography equipment made after January 1, 2008, and used in (or in conjunction with) medical settings as described in subsection (a), shall meet the following interim accessibility requirements:

"(1) Examination tables shall be height-adjustable between a range of at least 18 inches to 37 inches.

"(2) Weight scales shall be capable of weighing individuals who remain seated in a wheelchair or other personal mobility aid.

"(3) Mammography machines and equipment shall be capable of being used by individuals in a standing, seated, or recumbent position, including individuals who remain seated in a wheelchair or other personal mobility aid.

"(d) REVIEW AND AMENDMENT.—The Architectural and Transportation Barriers Compliance Board shall periodically review and, as appropriate, amend the standards.".

SEC. 3. WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

Part P of title III of the Public Health Service Act (42 U.S.C. 280g et seq.) is amended by adding at the end the following new section:

"SEC. 399R. ESTABLISHMENT OF WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.

"(a) IN GENERAL.—

"(1) INDIVIDUAL WITH A DISABILITY DEFINED.—For purposes of this section, the term 'individual with a disability' has the meaning given the term in section 7(20) of the Rehabilitation Act of 1973 (29 U.S.C. 705(20)), for purposes of title V of such Act (29 U.S.C. 791 et seq.).

"(2) WELLNESS GRANT PROGRAM FOR INDIVIDUALS WITH DISABILITIES.—The Secretary, in collaboration with the National Advisory Committee on Wellness for Individuals With Disabilities, may make grants on a competitive basis to public and nonprofit private entities for the purpose of carrying out programs for promoting good health, disease prevention, and wellness for individuals with disabilities, and preventing secondary conditions in such individuals.

"(b) REQUIREMENT OF APPLICATION.—To be eligible to receive a grant under subsection (a), a public or nonprofit private entity shall submit to the Secretary an application at such time, in such manner, and containing such agreements, assurances, and information as the Secretary determines to be necessary to carry out this section.

"(c) AUTHORIZED ACTIVITIES.—With respect to promoting good health and wellness for individuals with disabilities described in subsection (a), activities for which the Secretary may make a grant under such subsection include—

"(1) programs or activities for smoking cessation, weight control, nutrition, or fitness that focus on the unique challenges faced by individuals with disabilities regarding these issues;

"(2) preventive health screening programs for individuals with disabilities to reduce the incidence of secondary conditions; and

"(3) athletic, exercise, or sports programs that provide individuals with disabilities (including children with disabilities) an opportunity to increase their physical activity in a dedicated or adaptive recreational environment.

"(d) PRIORITIES.—

"(1) ADVISORY COMMITTEE.—The Secretary shall establish a National Advisory Committee on Wellness for Individuals With Disabilities that shall set priorities to carry out this section, review grant proposals, and make recommendations for funding, and annually evaluate the progress of the program under this section in implementing the priorities.

"(2) REPRESENTATION.—The Advisory Committee established under paragraph (1) shall include representation by the Department of Health and Human Services Office on Disability, the United States Surgeon General or his designee, the Centers for Disease Control and Prevention, private nonprofit organizations that represent the civil rights and interests of individuals with disabilities, and individuals with disabilities or their family members.

"(e) DISSEMINATION OF INFORMATION.—The Secretary shall, in addition to the usual methods of the Secretary, disseminate information about the availability of grants under the Wellness Grant Program for Individuals with Disabilities in a manner designed to reach public entities and nonprofit private organizations that are dedicated to providing outreach, advocacy, or independent living services to individuals with disabilities.

"(f) REPORTS TO CONGRESS.—The Secretary shall, not later than 180 days after the date of the enactment of the Promoting Wellness for Individuals with Disabilities Act of 2007, and annually thereafter, submit to Congress a report summarizing activities, findings, outcomes, and recommendations resulting from the grant projects funded under this section during the preceding fiscal year.

"(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of making grants under this section, there are authorized to be appropriated such sums as may be necessary.".

SEC. 4. IMPROVING EDUCATION AND TRAINING TO PROVIDE MEDICAL SERVICES TO INDIVIDUALS WITH DISABILITIES.

(a) COORDINATED PROGRAM TO IMPROVE PEDIATRIC ORAL HEALTH.—Section 320A(b) of the Public Health Service Act (42 U.S.C. 247d–8(b)) is amended by—

(1) striking ", or to increase" and inserting ", to increase"; and

(2) striking the period and inserting the following ", or to provide training to improve competency and clinical skills in providing oral health services to, and communicating with, patients with disabilities (including those with intellectual disabilities) through training integrated into the core curriculum and patient interaction in community-based settings.".

(b) CHILDREN'S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 340E of the Public Health Service Act (42 U.S.C. 256e) is amended by adding at the end the following:

"(h) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this section, a children's hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved graduate medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.".

(c) CENTERS OF EXCELLENCE.—Section 736(b) of the Public Health Service Act (42 U.S.C. 293(b)) is amended—

(1) in paragraph (6)(B), by striking "; and" and inserting a semicolon;

(2) by redesignating paragraph (7) as paragraph (8); and

(3) by inserting after paragraph (6) the following:

"(7) to carry out a program to improve competency and clinical skills of students in providing health services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and".

(d) FAMILY MEDICINE, GENERAL INTERNAL MEDICINE, GENERAL PEDIATRICS, GENERAL DENTISTRY, PEDIATRIC DENTISTRY, AND PHYSICIAN ASSISTANTS.—Section 747(a) of the Public Health Service Act (42 U.S.C. 293k(a)) is amended—

(1) in paragraph (5), by striking "; and" and inserting a semicolon;

(2) in paragraph (6), by striking "pediatric dentistry." and inserting the following: "pediatric dentistry; and

"(7) to plan, develop, and operate a program for the training of physicians or dentists, or medical or dental residents, to improve competency and clinical skills of physicians and dentists in providing services to, and communicating with, patients with disabilities, including those with intellectual disabilities."; and

(3) by inserting at the end the following: "The training described in paragraph (7) shall include training integrated into the core curriculum, as well as patient interaction with individuals with disabilities in community-based settings, as part of the usual training or residency placement.".

(e) ADVISORY COUNCIL ON GRADUATE MEDICAL EDUCATION.—Section 762(a)(1) of the Public Health Service Act (42 U.S.C. 294o(a)(1)) is amended—

(1) in subparagraph (E), by striking "; and" and inserting a semicolon;

(2) by adding at the end the following:

"(G) appropriate efforts to be carried out by hospitals, schools of medicine, schools of osteopathic medicine, schools of dentistry, and accrediting bodies with respect to changes in undergraduate and graduate medical training to improve competency and clinical skills of physicians in providing health care services to, and communicating with, patients with disabilities, including those with intellectual disabilities; and".

(f) MEDICARE GRADUATE MEDICAL EDUCATION PROGRAMS.—Section 1886(h) of the Social Security Act (42 U.S.C. 1395ww(h)) is amended by adding at the end the following:

"(8) REQUIREMENT TO PROVIDE TRAINING.—To be eligible to receive a payment under this subsection, a hospital shall provide training to improve competency and clinical skills in providing health care to, and communicating with, patients with disabilities, including those with intellectual disabilities, as part of any approved medical residency training program provided by the hospital. Such training shall include treating patients with disabilities in community-based settings, as part of the usual training or residency placement.".

(g) EFFECTIVE DATE.—The amendments made by subsections (b), (c), and (f) shall take effect 180 days after the date of enactment of this Act.

By Mr. DODD (for himself, Mr. GRASSLEY, Mr. OBAMA, and Mrs. DOLE):

S. 1051. A bill to authorize National Mall Liberty Fund D.C. to establish a memorial on Federal land in the District of Columbia at Constitution Gardens previously approved to honor free persons and slaves who fought for independence, liberty, and justice for all during the American Revolution; to the Committee on Energy and Natural Resources.

Mr. DODD. Mr. President, I rise today to introduce the National Liberty Memorial Act along with my colleagues, Senators CHARLES E. GRASSLEY and BARACK OBAMA. Representatives DONALD M. PAYNE, WILLIAM LACY CLAY, STEVE COHEN, SHEILA JACKSON-LEE, HENRY C. "HANK" JOHNSON, Jr., NITA M. LOWEY, ALBIO SIRES, and BETTY SUTTON have introduced companion language in the House.

The depth and breadth of patriotic contributions by African Americans in the Revolutionary War have gone practically unacknowledged. Historians are now beginning to uncover their forgotten heroism, and estimate that 5,000 slaves and free blacks fought in the army, navy, and militia during that harrowing time. They served and struggled in major battles from Lexington and Concord to Yorktown and made significant contributions to the revolutionary effort. More than 400 hailed from my State of Connecticut.

More than twenty years ago, Congress authorized a memorial to black Revolutionary War soldiers and sailors, those who provided civilian assistance, and the many slaves who fled slavery or filed petitions to courts or legislatures for their freedom. A site was selected in Constitution Gardens, fittingly near the 56 Signers of the Declaration of Independence Memorial and the great war memorials. Unfortunately, the group originally authorized to raise funds for and build the memorial was unable to conclude its task, and the site sits empty today.

A group of committed citizens has formed the National Mall Liberty Fund DC, "Liberty Fund D.C.", to carry out the vision of Congress. Last year, the National Capital Memorial Advisory Commission concluded that there are no legal impediments that would preclude the Liberty Fund DC from assuming the prior group's site approvals on the Mall. The legislation that we offer today would amend the 1986 enactment to authorize the Liberty Fund to raise money for and build this valuable memorial.

The time has come to recognize the sacrifice and the impact of the African Americans who fought for the birth of our country. I urge my colleagues to support the National Liberty Memorial Act.

By Mr. SALAZAR (for himself and Mr. SPECTER):

S. 1052. A bill to amend title XIX and XXI of the Social Security Act to provide States with the option to provide nurse home visitation services under Medicaid and the State Children's Health Insurance Program; to the Committee on Finance.

Mr. SALAZAR. Mr. President, I rise today to make the health of American children and families a top priority with the Healthy Children and Families Act of 2007, which I introduced earlier today with Senator SPECTER. I am honored that Senator SPECTER has cosponsored this important legislation, and I thank Senator SPECTER for his leadership and commitment to children's health and to empowering families to lead healthy lives.

The Children's Health Insurance Program has successfully improved the health of over six million low-income children, allowing them to grow, learn and reach their fullest potential. In the coming months, I look forward to working with my colleagues on the Finance Committee to reauthorize the Children's Health Insurance Program so that it continues to fulfill its promise to provide quality health care to all low-income children.

The reauthorization of the Children's Health Insurance Program provides us with an opportunity to strengthen and improve it. The Healthy Children and Families Act does just that by allowing states to offer nurse home visitation services in their Medicaid and State Children's Health Insurance programs. The Healthy Children and Families Act models nurse home visitation services after the Nurse Family Partnership program.

The Nurse Family Partnership program provides low-income pregnant women with trained, registered nurses who counsel their clients in their homes on prenatal care, child health and development, proper nutrition, life-coping strategies and skills, healthy family relationships, educational development and opportunities, employment training, family planning information, family support mechanisms and a variety of other services that children and families need to maintain healthy, economically stable lives.

Nurse home visitation programs empower women and children to transform their lives, families and communities. The nurses provide the education and tools for pregnant women and their families to improve their health by getting early prenatal care, preventative healthcare and proper nutrition. In addition, the nurses provide help for pregnant women and families to change risky behaviors such as substance abuse, and also teach pregnant women parenting skills so that they can welcome their babies into households that are prepared to raise physically and mentally healthy children. Nurses in the program also help mothers continue their own education and obtain employment so that the family is able to be economically stable.

We all recognize that the most critical time for childhood development begins in infancy. Nurse home visitation programs nurture the cognitive development of children during those critical early years so that children are equipped to learn.

The success of nurse home visitation services is nothing short of inspiring. Statistics from multiple, controlled studies prove that mothers and children served by nurse visitation services have a: 79 percent reduction in preterm delivery; 48 percent reduction in child abuse and neglect; 59 percent reduction in child arrests; 61 percent fewer arrests of the mother; 72 percent fewer conviction for the mother; 46 percent increase in father presence in household; 32 percent fewer subsequent pregnancies; 50 percent reduction in language delays of child age 21 months; 67 percent reduction in childhood behavioral problems at age 6.

With these amazing, life-altering results, it is no surprise that nurse visitation programs have been found to save taxpayer dollars. The Rand Corporation conducted a cost-benefit analysis and found that for every dollar spent on Nurse Family Partnership services, a savings of $5.70 is yielded in diminished health care costs and governmental and social costs associated with child abuse and neglect, unwanted pregnancy, childhood developmental delays, and criminal justice costs.

The life transforming impact of nurse home visitation programs led the Brookings Institute to recently publish a report in which it identified nurse home visitation services as one of the most cost-effective returns on investment for children. The Center for the Study and Prevention of Violence has identified nurse home visitation services such as Nurse Family Partnership as a "blueprint" for violence prevention. At a time when youth violence is on the rise, these programs hold the key to reducing violent conduct.

The Healthy Children and Families Act will allow states to offer nurse home visitation services to over half a million pregnant women annually. The Act will empower mothers and children to live healthy and economically stable lives that enrich their communities. Moreover, the Act will save scarce resources by improving prenatal health, birth outcomes, increasing intervals between first and subsequent births, reducing early childhood injuries and hospitalizations, reducing child abuse and neglect, reducing involvement in the criminal justice system, and improving maternal employment and economic self-sufficiency of families.

I encourage my colleagues to support the Healthy Children and Families Act as cost effective, smart legislation that will transform the health and lives of children and families.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1053. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I am pleased to introduce this bill today along with Senator BOXER as cosponsor to direct the Secretary of the Interior to study the suitability and feasibility of expanding the Santa Monica National Recreation Area to include the Rim of the Valley Corridor.

The Rim of the Valley Corridor is an example of a highly threatened habitat area, the Mediterranean chaparral ecosystem. Connecting to the adjacent Los Padres and San Bernardino National Forests, the Corridor encircles the San Fernando Valley, La Crescenta, Simi, Conejo, and Santa Clarita Valleys, consisting of parts of the Santa Monica Mountains, Santa Susanna Mountains, San Gabriel Mountains, Verdugo Mountains, and San Rafael Hills.

There is a great need for expanded parkland in southern California. While the Los Angeles metropolitan region has the second-largest urban concentration in the United States, the area has one of the lowest ratios of park-and-recreation-lands per thousand-population of any urban area in the country.

Since the creation of the Santa Monica Recreation Area in 1978, Federal, State, and local authorities have worked successfully together to create and maintain the highly successful Santa Monica Mountains National Recreation Area, hemmed in on all sides by development.

With the passage of this legislation, Congress will hold true to its original commitment to preserve the scenic, natural, and historic setting of the Santa Monica Mountains Recreation Area.

With the inclusion of the Rim of the Valley Corridor in the Santa Monica Mountains Recreation Area, greater ecological health and diversity will be promoted, particularly for larger animals like mountain lions, bobcats, and the golden eagle. By creating a single contiguous Rim of the Valley Trail, people will enjoy greater access to existing trails in the Recreational Area.

Within a National Recreation Area, the National Park Service is prohibited from exercising the powers of eminent domain, and private property may be purchased from voluntary sellers only.

The bill includes a provision directing the Department of the Interior to analyze any effects that a proposed expansion of the Santa Monica Mountains National Recreation Area will have on private land within or bordering the area. Any such effects will be thoroughly considered as the study moves forward.

After the study called for in this bill is complete, the Secretary of the Interior and Congress will be in a key position to determine whether all or portions of the Rim of the Valley Corridor warrant inclusion in the Santa Monica Mountains National Recreation Area.

This bill enjoys strong support from local and State officials and I hope that it will have as much strong bipartisan support this Congress, as it did last Congress. Congressman ADAM SCHIFF plans to introduce companion legislation for this bill in the House and I applaud his commitment to this issue.

I urge my colleagues to support this legislation and I ask unanimous consent that the text of this proposed legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1053

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Rim of the Valley Corridor Study Act".

SEC. 2. RESOURCE STUDY OF RIM OF THE VALLEY CORRIDOR, CALIFORNIA.

(a) STUDY REQUIRED.—The Secretary of the Interior shall conduct a resource study of the lands, waters, and interests of the area known as the Rim of the Valley Corridor in the State of California to evaluate a range of alternatives for protecting resources of the corridor, including the alternative of establishing all or a portion of the corridor as a unit of the Santa Monica Mountains National Recreation Area. The Rim of the Valley Corridor generally includes the mountains encircling the San Fernando, La Crescenta, Santa Clarita, Simi, and Conejo Valleys in California.

(b) STUDY TOPICS.—In conducting the study, the Secretary shall seek to achieve the following objectives:

(1) Protecting wildlife populations in the Santa Monica Mountains National Recreation Area by preserving habitat linkages and wildlife movement corridors between large blocks of habitat in adjoining regional open space.

(2) Establishing connections along the State-designated Rim of the Valley Trail System, with the aim of creating a single contiguous Rim of the Valley Trail and encompassing major feeder trails connecting adjoining communities and regional transit to the trail system.

(3) Preserving recreational opportunities and facilitating access to open space for a variety of recreational users.

(4) Protecting rare, threatened, or endangered plant and animal species, and rare or unusual plant communities and habitats.

(5) Protecting historically significant landscapes, districts, sites, and structures.

(6) Respecting the needs of communities within, or in the vicinity of, the Rim of the Valley Corridor.

(c) PRIVATE PROPERTY.—As part of the study, the Secretary shall analyze the potential impact that establishment of all or a portion of the Rim of the Valley Corridor as a unit of the Santa Monica Mountains National Recreation Area is likely to have on land within or bordering the area that is privately owned at the time the study is conducted. The report required by subsection (g) shall discuss the concerns of private landowners within the existing boundaries of the Santa Monica Mountains National Recreation Area.

(d) COST EFFECTIVENESS.—As part of evaluating each alternative considered under the study, the Secretary shall estimate the impact of implementing the alternative on staffing and other potential costs to Federal, State, and local agencies and other organizations.

(e) CONSULTATION.—The Secretary shall conduct the study in consultation with appropriate Federal, State, county, and local government entities.

(f) STUDY CRITERIA.—In addition to the special considerations specified in this section, the Secretary shall conduct the study using the criteria prescribed for the study of areas for potential inclusion in the National Park System in section 8(c) of Public Law 91-383 (16 U.S.C. 1a-5(c)).

(g) TRANSMISSION OF STUDY.—Within three years after funds are first made available for the study, the Secretary shall transmit a report containing the results of the study to the Committee on Energy and Natural Resources of the Senate and to the Committee on Natural Resources of the House of Representatives.

By Mrs. FEINSTEIN:

S. 1054. A bill to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Inland Empire regional recycling project and in the Cucamonga Valley Water District recycling project; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce legislation to authorize water recycling and other water supply projects by the Inland Empire Utilities Agency and the Cucamonga Valley Water District. These projects will produce approximately 95,000 acre-feet of new water annually in one of the most rapidly growing regions in the United States, reducing the need for imported water from the Colorado River and northern California through the California Water Project.

The federal investment required is limited to approximately 10 percent of the projects' cost, or about $30 million.

This legislation is intended to be the companion to H.R. 122, sponsored by DAVID DREIER, GRACE NAPOLITANO, KEN CALVERT, JOE BACA, and GARY MILLER.

This legislation has broad support and has already passed the House, and in fact similar legislation to H.R. 122 also passed the House of Representatives in each of the previous two Congresses.

It is time for this legislation to pass the Senate as well and be enacted into law. Environmental groups such as the Mono Lake Committee, Environmental Defense, Clean Water and Natural Resources Defense Council strongly support the water recycling and groundwater remediation projects in this bill. Business leaders such as Southern Cal Edison and Building Industry Association also support these projects.

The Inland Empire Regional Water Recycling Initiative would authorize two project components. The first will be constructed by the Inland Empire Utilities Agency—IEUA—and will produce approximately 90,000 acre feet of new water annually. The second of these projects, to be constructed by the Cucamonga Valley Water District—CVWD—will produce an additional 5,000 acre feet of new water annually.

The Inland Empire Regional Water Recycling Initiative has the support of all member agencies of IEUA, as well as the water agencies downstream in Orange County. IEUA encompasses approximately 242 square miles and serves the cities of Chino, Chino Hills, Fontana—through the Fontana Water Company—Ontario, Upland, Montclair, Rancho Cucamonga—through the Cucamonga Valley Water District—and the Monte Vista Water District.

I want to say a few words about the importance of water recycling projects.

The development of recycled water can bring significant amounts of water "on line" in a relatively short period of time. Recycled water provides our State and region with the ability to "stretch" existing water supplies significantly and in so doing, minimize conflict and address the many needs that exist. According to the State of California's Recycled Water Task Force, water recycling is a critical part of California's water future with an estimated 1.5 million acre-feet of new supplies being developed over the next 25 years.

Water recycling is also a bipartisan initiative in California, as witnessed by the many Republican and Democratic House cosponsors of the House versions of the bill I introduce today.

Water recycling also has significant greenhouse gas reduction benefits. The greenhouse gas emission reductions attributed to local development and use of recycled water within Inland Empire Utilities Agency's service area is roughly 100,000 tons of CO_2 equivalents per year.

With only a small percentage of the total recycled water available being used in Southern California, approximately 10 percent, there is a huge potential for additional energy savings and greenhouse gas reductions from aggressive development of recycled water supplies.

California is not the only State engaged in water recycling. Today, water recycling is an essential water supply element in Albuquerque, Phoenix, Denver, Salt Lake City, Tucson, El Paso, San Antonio, Portland, and other western metropolitan areas.

I urge my colleagues to support this bill to help meet the West's water supply needs and to reduce our dependence on the Colorado River. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1054

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. INLAND EMPIRE AND CUCAMONGA VALLEY RECYCLING PROJECTS.

(a) SHORT TITLE.—This section may be cited as the "Inland Empire Regional Water Recycling Initiative".

(b) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 1639. INLAND EMPIRE REGIONAL WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Inland Empire Utilities Agency, may participate in the design, planning, and construction of the Inland Empire regional water recycling project described in the report submitted under section 1606(c).

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $20,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.

"SEC. 1640. CUCAMONGA VALLEY WATER RECYCLING PROJECT.

"(a) IN GENERAL.—The Secretary, in cooperation with the Cucamonga Valley Water District, may participate in the design, planning, and construction of the Cucamonga Valley Water District satellite recycling plants in Rancho Cucamonga, California, to reclaim and recycle approximately 2 million gallons per day of domestic wastewater.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the capital cost of the project.

"(c) LIMITATION.—Funds provided by the Secretary shall not be used for operation and maintenance of the project described in subsection (a).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section, $10,000,000.

"(e) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(c) CONFORMING AMENDMENTS.—The table of sections in section 2 of the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. prec. 371) is amended by inserting after the item relating to section 1638 the following:

"1639. Inland Empire Regional Water Recycling Program.
"1640. Cucamonga Valley Water Recycling Project.".

By Mr. BIDEN:

S. 1055. A bill to promote the future of the American automobile industry, and for other purposes; to the Committee on Finance.

Mr. BIDEN. Mr. President, today I am introducing The American Automobile Industry Promotion Act of 2007 to jump-start next generation battery technology development in the United States and extend incentives to American-made highly efficient vehicles.

This legislation authorizes $100 million a year for 5 years to advance new battery technology—an amount double the administration's current budget request. On a national and international level, we must do whatever it takes to help our domestic auto manufacturers remain competitive.

Right now, the Japanese dominate the market for lithium ion batteries because they invested hundreds of millions of dollars in developing this technology and in supporting their domestic industry. And, the Koreans and the Chinese are not far behind. American auto manufacturers are playing catch-up and we need to move quickly.

Specifically, I am proposing to support the development of advanced electric components, systems and vehicles, by providing funds for battery research to national laboratories, small businesses, and institutes of higher learning. The bill will also establish, through a competitive selection process, an Industry Alliance of private, U.S. based, for-profit firms whose primary business is battery development. The Industry Alliance would be an advisory resource on short and long term battery technology development.

The new research initiative will have four major areas of focus: (1) Research and Development including battery technology, high-efficiency charging systems, high-powered drive-train systems, control systems and power train development, and nanomaterial technology for battery and fuel cell systems. (2) Demonstration. The initiative also creates a demonstration program which would devote resources toward demonstration, testing and evaluation of hybrid electric vehicles for many different applications including military, mass market passenger and SUV vehicles. (3) Education. The initiative will support curriculum development in secondary, high school, as well as higher education institutions that focus on electric drive systems and component engineering. (4) Testing. Finally, the initiative would work with the EPA to develop testing and certification procedures for criteria pollutants, fuel economy, and petroleum use in vehicles.

In addition to research and development for the lithium ion battery, the American Automobile Industry Promotion Act will also set a national standard for biodiesel, a cleaner-burning fuel made from natural and renewable sources; and expand tax credit eligibility for consumers who purchase more fuel-efficient diesel vehicles. Today's diesels are cleaner than their predecessors, are in compliance with EPA emissions standards, and are 30 percent more fuel efficient than an equivalent gasoline engine. Specifically, the bill expands the emissions requirements to qualify for a tax credit for various weight diesel vehicles, increasing the number of American-manufactured more fuel efficient diesel vehicles that qualify. This provision would expire in four years, at which time all highly efficient vehicles will have to meet higher emissions standards to qualify for the tax credit.

Now is the time to act. It's not too late, but we do not have the luxury of waiting. If we are ever to be truly competitive in the global auto market and free from our dependence on foreign oil, we must move forward on all fronts.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1055

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "American Automobile Industry Promotion Act of 2007".

SEC. 2. ADVANCED ENERGY INITIATIVE FOR VEHICLES.

(a) PURPOSES.—The purposes of this section are—

(1) to enable and promote, in partnership with industry, comprehensive development, demonstration, and commercialization of a wide range of electric drive components, systems, and vehicles using diverse electric drive transportation technologies;

(2) to make critical public investments to help private industry, institutions of higher education, National Laboratories, and research institutions to expand innovation, industrial growth, and jobs in the United States;

(3) to expand the availability of the existing electric infrastructure for fueling light duty transportation and other on-road and nonroad vehicles that are using petroleum and are mobile sources of emissions—

(A) including the more than 3,000,000 reported units (such as electric forklifts, golf carts, and similar nonroad vehicles) in use on the date of enactment of this Act; and

(B) with the goal of enhancing the energy security of the United States, reduce dependence on imported oil, and reduce emissions through the expansion of grid-supported mobility;

(4) to accelerate the widespread commercialization of all types of electric drive vehicle technology into all sizes and applications of vehicles, including commercialization of plug-in hybrid electric vehicles and plug-in hybrid fuel cell vehicles; and

(5) to improve the energy efficiency of and reduce the petroleum use in transportation.

(b) DEFINITIONS.—In this section:

(1) BATTERY.—The term "battery" means an energy storage device used in an on-road or nonroad vehicle powered in whole or in part using an off-board or on-board source of electricity.

(2) ELECTRIC DRIVE TRANSPORTATION TECHNOLOGY.—The term "electric drive transportation technology" means—

(A) a vehicle that—

(i) uses an electric motor for all or part of the motive power of the vehicle; and

(ii) may use off-board electricity, including battery electric vehicles, fuel cell vehicles, engine dominant hybrid electric vehicles, plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and electric rail; or

(B) equipment relating to transportation or mobile sources of air pollution that uses an electric motor to replace an internal combustion engine for all or part of the work of the equipment, including corded electric equipment linked to transportation or mobile sources of air pollution.

(3) ENGINE DOMINANT HYBRID ELECTRIC VEHICLE.—The term "engine dominant hybrid electric vehicle" means an on-road or nonroad vehicle that—

(A) is propelled by an internal combustion engine or heat engine using—

(i) any combustible fuel; and

(ii) an on-board, rechargeable storage device; and

(B) has no means of using an off-board source of electricity.

(4) FUEL CELL VEHICLE.—The term "fuel cell vehicle" means an on-road or nonroad vehicle that uses a fuel cell (as defined in section 803 of the Energy Policy Act of 2005 (42 U.S.C. 16152)).

(5) INITIATIVE.—The term "Initiative" means the Advanced Battery Initiative established by the Secretary under subsection (f)(1).

(6) NONROAD VEHICLE.—The term "nonroad vehicle" has the meaning given the term in section 216 of the Clean Air Act (42 U.S.C. 7550).

(7) PLUG-IN HYBRID ELECTRIC VEHICLE.—The term "plug-in hybrid electric vehicle" means an on-road or nonroad vehicle that is propelled by an internal combustion engine or heat engine using—

(A) any combustible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(8) PLUG-IN HYBRID FUEL CELL VEHICLE.—The term "plug-in hybrid fuel cell vehicle" means an onroad or nonroad vehicle that is propelled by a fuel cell using—

(A) any compatible fuel;

(B) an on-board, rechargeable storage device; and

(C) a means of using an off-board source of electricity.

(9) INDUSTRY ALLIANCE.—The term "Industry Alliance" means the entity selected by the Secretary under subsection (f)(2).

(10) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(11) SECRETARY.—The term "Secretary" means the Secretary of Energy.

(c) GOALS.—The goals of the electric drive transportation technology program established under subsection (e) shall be to develop, in partnership with industry and institutions of higher education, projects that focus on—

(1) innovative electric drive technology developed in the United States;

(2) growth of employment in the United States in electric drive design and manufacturing;

(3) validation of the plug-in hybrid potential through fleet demonstrations; and

(4) acceleration of fuel cell commercialization through comprehensive development and commercialization of battery technology systems independent of fundamental fuel cell vehicle technology development.

(d) ASSESSMENT.—Not later than 120 days after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences—

(1) to conduct an assessment (in cooperation with industry, standards development organizations, and other entities, as appropriate), of state-of-the-art battery technologies with potential application for electric drive transportation;

(2) to identify knowledge gaps in the scientific and technological bases of battery manufacture and use;

(3) to identify fundamental research areas that would likely have a significant impact on the development of superior battery technologies for electric drive vehicle applications; and

(4) to recommend steps to the Secretary to accelerate the development of battery technologies for electric drive transportation.

(e) PROGRAM.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for electric drive transportation technology, including—

(1) high-capacity, high-efficiency batteries;

(2) high-efficiency on-board and off-board charging components;

(3) high-powered drive train systems for passenger and commercial vehicles and for nonroad equipment;

(4) control system development and power train development and integration for plug-in hybrid electric vehicles, plug-in hybrid fuel cell vehicles, and engine dominant hybrid electric vehicles, including—

(A) development of efficient cooling systems;

(B) analysis and development of control systems that minimize the emissions profile when clean diesel engines are part of a plug-in hybrid drive system; and

(C) development of different control systems that optimize for different goals, including—

(i) battery life;

(ii) reduction of petroleum consumption; and

(iii) green house gas reduction;

(5) nanomaterial technology applied to both battery and fuel cell systems;

(6) large-scale demonstrations, testing, and evaluation of plug-in hybrid electric vehicles in different applications with different batteries and control systems, including—

(A) military applications;

(B) mass market passenger and light-duty truck applications;

(C) private fleet applications; and

(D) medium- and heavy-duty applications;

(7) a nationwide education strategy for electric drive transportation technologies providing secondary and high school teaching materials and support for education offered by institutions of higher education that is focused on electric drive system and component engineering;

(8) development, in consultation with the Administrator of the Environmental Protection Agency, of procedures for testing and certification of criteria pollutants, fuel economy, and petroleum use for light-, medium-, and heavy-duty vehicle applications, including consideration of—

(A) the vehicle and fuel as a system, not just an engine; and

(B) nightly off-board charging; and

(9) advancement of battery and corded electric transportation technologies in mobile source applications by—

(A) improvement in battery, drive train, and control system technologies; and

(B) working with industry and the Administrator of the Environmental Protection Agency—

(i) to understand and inventory markets; and

(ii) to identify and implement methods of removing barriers for existing and emerging applications.

(f) ADVANCED BATTERY INITIATIVE.—

(1) IN GENERAL.—The Secretary shall establish and carry out an Advanced Battery Initiative in accordance with this subsection to support research, development, demonstration, and commercial application of battery technologies.

(2) INDUSTRY ALLIANCE.—Not later than 180 days after the date of enactment of this Act, the Secretary shall competitively select an Industry Alliance to represent participants who are private, for-profit firms headquartered in the United States, the primary business of which is the manufacturing of batteries.

(3) RESEARCH.—

(A) GRANTS.—The Secretary shall carry out research activities of the Initiative through competitively-awarded grants to—

(i) researchers, including Industry Alliance participants;

(ii) small businesses;

(iii) National Laboratories; and

(iv) institutions of higher education.

(B) INDUSTRY ALLIANCE.—The Secretary shall annually solicit from the Industry Alliance—

(i) comments to identify advanced battery technology needs relevant to electric drive technology;

(ii) an assessment of the progress of research activities of the Initiative; and

(iii) assistance in annually updating advanced battery technology roadmaps.

(4) AVAILABILITY TO THE PUBLIC.—The information and roadmaps developed under this subsection shall be available to the public.

(5) PREFERENCE.—In making awards under this subsection, the Secretary shall give preference to participants in the Industry Alliance.

(g) COST SHARING.—In carrying out this section, the Secretary shall require cost sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $100,000,000 for each of fiscal years 2008 through 2012.

SEC. 3. AVAILABILITY OF NEW ADVANCED LEAN BURN TECHNOLOGY MOTOR VEHICLE CREDIT FOR HIGH-EFFICIENCY DIESEL MOTOR VEHICLES.

(a) IN GENERAL.—Section 30B(c)(3)(A) of the Internal Revenue Code of 1986 (defining new advanced lean burn technology motor vehicle credit) is amended—

(1) by adding "and" at the end of clause (ii), and

(2) by striking clause (iv).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to property purchased after the date of the enactment of this Act.

SEC. 4. BIODIESEL STANDARDS.

Section 211 of the Clean Air Act (42 U.S.C. 7545) is amended—

(1) by redesignating the first subsection (r) (relating to the definition of the term "manufacturer") as subsection (t) and moving the subsection so as to appear after subsection (s); and

(2) by inserting after subsection (o) the following:

"(p) BIODIESEL STANDARDS.—

"(1) DEFINITIONS.—In this subsection:

"(A) BIODIESEL.—

"(i) IN GENERAL.—The term 'biodiesel' means the monoalkyl esters of long chain fatty acids derived from plant or animal matter that meet—

"(I) the registration requirements for fuels and fuel additives established by the Environmental Protection Agency under section 211 of the Clean Air Act (42 U.S.C. 7545); and

"(II) the requirements of the American Society of Testing and Materials D6751.

"(ii) INCLUSIONS.—The term 'biodiesel' includes esters described in subparagraph (A) derived from—

"(I) animal waste, including poultry fat, poultry waste, and other waste material; and

"(II) municipal solid waste, sludge, and oil derived from wastewater or the treatment of wastewater.

"(B) BIODIESEL BLEND.—

"(i) IN GENERAL.—The term 'biodiesel blend' means a mixture of biodiesel and diesel fuel (as defined in section 4083(a) of the Internal Revenue Code of 1986).

"(ii) INCLUSIONS.—The term 'biodiesel blend' includes—

"(I) a blend of biodiesel and diesel fuel approximately 5 percent of the content of which is biodiesel (commonly known as 'B5'); and

"(II) a blend of biodiesel and diesel fuel approximately 20 percent of the content of which is biodiesel (commonly known as 'B20').

"(2) STANDARDS.—Not later than 180 days after the date of enactment of the American Automobile Industry Promotion Act of 2007, the Administrator shall promulgate regulations to establish standards for each biodiesel blend that is sold or introduced into commerce in the United States.".

By Mrs. FEINSTEIN (for herself and Mr. BROWNBACK):

S. 1056. A bill to provide for a comprehensive Federal effort relating to early detection of, treatments for, and the prevention of cancer, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mrs. FEINSTEIN. Mr. President, I rise, along with my Senate Cancer Coalition cochair, Senator BROWNBACK, to introduce the National Cancer Act of 2007, a bipartisan blueprint for winning the war against cancer.

It includes: grants for targeted drug development; creating "cancer quarterbacks" in Medicare; Medicaid coverage for smoking cessation treatments; pilot projects for expanding colorectal cancer screening in underserved populations; continued research into the possible benefits of early detection for lung cancer; loan repayment assistance for cancer prevention researchers; incentives for research into drugs that prevent cancer from developing and spreading in the first place; provisions to promote the collection and storage of tissue sample, to give researchers the tools they need to use genomic research to create individualized cures; promoting access to clinical trials, as well as investigational therapies for those who are terminally ill; addressing the health needs of the growing number of cancer survivors.

Just over 35 years ago, President Nixon signed into law the original National Cancer Act, creating the National Cancer Institute and making cancer research a priority of the Federal Government. This work has led to tremendous breakthroughs against cancer, including innovative drugs, treatments, and a better understanding of the factors that lead to cancer in the first place. Last year, death rates decreased for 11 of the 15 cancers most common in men, and 10 of the cancers most common in women.

Sixty-five percent of people diagnosed with cancer can now expect to survive at least 5 years. This is good news. But it is not enough. The cost of cancer, in both human and economic terms, remains staggering.

An estimated 1,399,790 Americans were diagnosed with some form of cancer last year.

Approximately 1 of 3 women will develop cancer at some point in her lifetime; for men, the risk is slightly less than 1 in 2.

The National Institutes of Health estimated the overall cost of cancer in 2005 at $209.9 billion.

The price of inaction is too steep. Cancer is, first and foremost, a disease of aging. About 76 percent of cancer cases are diagnosed in patients at age 55 or older. If no fundamental changes are made, the aging of the Baby Boom generation will bring a 20 percent increase in cancer diagnoses.

In the face of these challenges, the National Cancer Institute, NCI, with broad support in the cancer community, set the ambitious goal of ending death and suffering from cancer by 2015. This goal has generated unprecedented excitement and unity, with over 80 Members of the United States Senate signing a letter in support of the effort.

It is time to reexamine and reorient our Nation's cancer policy to meet this ambitious goal. This does not mean that cancer will be eradicated by 2015. As our population ages, cancer will not go away. But we can change the meaning of a cancer diagnosis, and that is what the 2015 goal is about.

Meeting this goal will take a comprehensive approach. It requires detecting cancer earlier, before it spreads and becomes harder to treat. It requires targeted therapies, capable of killing cancer cells while leaving healthy cells intact. We must provide access to high quality cancer care for those who do get sick. We must also understand more about why people get cancer in the first place, and ways it can be prevented.

Our legislation takes a multifaceted approach to changing the very nature of a cancer diagnosis. The National Cancer Act of 2007 will do the following:

Authorize grants for the development of targeted drugs.

New drug therapies continue to lead us closer to the day in which cancer is a treatable, chronic condition controlled with a simple pill or injection. It has now been 5 years since the drug company Novartis won approval for Gleevec, a targeted drug that has saved the lives of countless patients with Chronic Myeloid Leukemia, CML.

Gleevec demonstrates the promise of this new kind of drug therapy. It blocks the enzymes that help cancer cells grow and divide, leaving healthy cells untouched. When this drug was first introduced, CML patients who were near death recovered and left the hospital. Yet it could not be determined if their remission would last, or if long-term use of this revolutionary drug would prove safe.

We now know that Gleevec is fulfilling this early promise. Before the advent of this drug, CML patients would often suffer a relapse after 2 or 3 years. But a recent study of CML patients taking Gleevec has demonstrated a remarkable 89 percent survival rate after 5 years. The cancer progressed to a more serious stage in only 7 percent of patients during this time period, and only 5 percent were forced to discontinue treatment because of side effects.

These results suggest that patients may be able to stay on Gleevec indefinitely, keeping this formerly deadly cancer under control while leading full and productive lives.

Targeted therapies are now offering hope to patients with many different kinds of cancer: Herceptin for some breast cancers, Iressa for those with small cell lung cancer, Avastin for colorectal cancer. Avastin can extend survival by interfering with the growth of blood vessels that feed the tumor, literally starving it.

These drugs are the future of cancer research. We need more drugs like Gleevec, which transform cancer from a killer to a controllable health condition. This legislation would authorize NCI to make grants to further develop these treatments.

To help with the development of targeted drugs, the bill also calls for the establishment of a task force on surrogate endpoints and biomarkers. They are the mechanisms for measuring the efficacy of cancer treatment at the molecular level, allowing doctors to precisely gauge how a patient is reacting to a treatment, or if a cancer is progressing.

Developing biomarkers for different types of cancer is an essential step, and our bill will establish a program to develop the biomarkers with the most immediate clinical promise.

The bill will also create special reimbursements for coordinating physicians, or "cancer quarterbacks" in Medicare. Successful cancer treatment is increasingly complex, reaching across the entire spectrum of the medical profession. It can involve lab tests, CT-scans, surgery, chemotherapy, and a full team of specialists who offer this care. Many patients have no single physician who can guide them through the complicated and sometimes contradictory course of cancer treatment, no professional to advise them what is best.

This bill would require Medicare to pay oncology doctors or nurses to become the overall managers of patients' care, in effect providing every cancer patient with a "cancer quarterback" physician to help them coordinate care and make the necessary decisions.

This cancer quarterback can direct care in the manner that best meets the patient's needs, instead of focusing on only a small segment of his or her care.

This legislation requires that State Medicaid drug programs cover smoking cessation treatments in the same manner as all other approved therapies. I have long believed that we will not truly address the burden of cancer until we address tobacco use. I have asked all kinds of cancer experts about what we can do to stop death from cancer, and their answer is always the same: Stop tobacco use.

Tobacco causes 30 percent of cancer deaths and 1 in 5 of all deaths in the United States. It is the leading cause of preventable death. Smoking related costs total $167 billion annually.

According to the CDC, more than 70 percent of American smokers would like to quit. Studies indicate that tobacco use treatment, including smoking cessation aids, will double their chances of success.

Yet under current law, State Medicaid programs are exempted from providing coverage of smoking cessation agents in the same way as they provide coverage of other drugs. Other exemptions include fertility treatments, drugs to promote hair growth, and drugs for erectile dysfunction.

Simply put, smoking cessation aids, which are FDA approved and proven to be effective, do not belong on this list. Denying people access to treatments to help them break a deadly and expensive addiction is flawed policy.

Our bill will remove tobacco cessation products from this list of exemptions, leveling the playing field with other FDA approved products.

Our bill establishes pilot projects for expanding colorectal cancer screening for low-income, uninsured individuals. The Breast and Cervical Cancer Early Detection Program has proven very successful in providing low income women with access to potentially life saving screenings. It is now time to provide similar access to colorectal cancer screening.

The need is great. A 2006 study conducted by Northwestern University researchers found that only 7 percent of minority patients without regular health care access at risk for developing colon cancer are being screened. A 2005 study of New York City residents found that those least likely to have been recommended colorectal screening are low-income or uninsured.

Early detection allows physicians to identify patients with pre-cancerous polyps, and treat them before cancer even develops. These pilot projects identify the best ways to provide access to this lifesaving care for those who are not currently receiving recommended screenings.

This bill will authorize continued research on the potential of CT scans to detect lung cancer early, before it becomes fatal. Despite all the promising advances against many types of cancer, lung cancer remains the Nation's leading cause of cancer death in both men and women. About 20,000 people who have never smoked are diagnosed with lung cancer each year, and this number is increasing.

We need to learn more about how to screen for lung cancer and detect it early, before it has advanced. There is much we need to learn before scientists can make a definitive recommendation about screening and its potential benefits for both smokers and non-smokers.

To help scientists learn more, this bill will authorize funding to provide CT scans to those with a history of heavy smoking. This further study will help determine whether this promising technology is indeed the method we need to make progress against the leading cancer killer.

This legislation expands the existing NIH loan repayment program to provide assistance to researchers who make a commitment to working on cancer prevention research. This will encourage the best and brightest to pursue work that will help us to better understand what causes cancer and how we can stop it from occurring.

The bill will encourage and support research into new drugs and treatments, called chemopreventatives, which can stop precancerous cells from becoming tumors. Decades of research has enabled physicians to prescribe medications to prevent serious illness, such as statin drugs to lower cholesterol, and drugs to treat high blood pressure before it leads to strokes.

Progress in drug development to stop cancer has been far more limited. The promise of this field was made clear when, last year, the Food and Drug Administration, FDA, licensed Gardasil, a vaccine to stop the spread of cervical cancer. Gardasil protects against the two forms of the human papillomavirus, or HPV, which causes approximately 70 percent of cervical cancer cases. This vaccine could virtually eliminate cervical cancer during the lifetime of our daughters and granddaughters.

We need more chemoprevention techniques like Guardasil to guard against other types of cancer. People at high risk for a specific type of cancer may one day take a daily pill to stop abnormal cells from progressing to full blown cancer. Though it will take a long time for these promises to become reality, this research is the future of cancer care.

In order to encourage this work, our legislation would grant Orphan Drug Act protections to treatments designed to treat high-risk conditions in individuals who have not yet been diagnosed with cancer, but if left untreated, face a high risk of developing cancer.

This research will require new resources in order to have the best chance of success. To build the foundations for success, our bill will encourage biospecimen collection.

Scientists are beginning to understand the significant role that genetics plays in the development of cancer. To encourage further study, scientists need access to a variety of tissue, blood, and other samples from both cancer patients and those who are healthy. Our bill codifies guidelines for the collection of these samples and requires that the Medicare Payment Advisory Commission, MedPAC, draft a report examining potential payment systems for these activities.

We are on the cusp of an age of personalized medicine, in which a cancer patient's tumor can be analyzed to determine what type of treatment will be most effective. Patients will no longer undergo round after round of chemotherapy or radiation in the hopes of finding a treatment regime that works. Collecting and storing blood and tissue samples will provide our researchers with the materials they need to make these important discoveries.

Our bill will promote clinical trial enrollment. Patients willing to try these cutting edge cancer therapies as they emerge face a variety of obstacles. They, or their physicians, might not know what clinical trial opportunities exist. They may need to travel to a far away facility to participate. Our legislation requires the Director of the National Cancer Institute to create a clinical trials program, which includes: an outreach program, to assure that all patients, especially minorities, participate in trials; and a coordination program, to help patients with logistical challenges and the support costs of trial participation.

Our bill creates an oncology compassionate access program. No patient should lose a battle with cancer because bureaucratic hurdles denied him or her access to a potentially lifesaving therapy. Our bill provides for the creation of a new compassionate access program to speed access of investigational therapies for terminally ill patients who have exhausted all other available treatment options.

Our bill will address the needs of a growing number of cancer survivors. As cancer increasingly becomes a manageable, chronic condition, there will be an increasing number of cancer survivors confronting yet-unknown health challenges. Current cancer survivors number almost 10 million, and this number will only grow. This bill will: expand current cancer surveillance systems to track the health status of cancer survivors; implement a national cancer survivorship action plan, including post treatment health programs; require States to consider the needs of cancer survivors, and their families, in addition to current patients, when drafting their comprehensive cancer control plans.

Require the National Cancer Institute and the National Institute of Environmental Health Sciences, NIEHS, to report on their strategies, benchmarks, and progress in meeting the 2015 goal. This will allow Congress to adjust policy as necessary to ensure that the promise of ending death and suffering from cancer is realized.

The state of cancer care has changed drastically since 1971, and it is time that our Federal policies reflect these changes. The 2015 goal is ambitious, and it requires no less than ambitious legislation in response.

I urge you to join me in supporting this legislation.

Mr. BROWNBACK. Mr. President, today, I introduce the National Cancer Act of 2007, along with my colleague DIANNE FEINSTEIN. Thirty-five years ago, President Richard Nixon signed the original National Cancer Act, and today, we are moving forward with a new, comprehensive bill that takes us one step closer to ending death and suffering from cancer within 10 years. This bill addresses impact-oriented issues such as the development of cancer prevention drugs and a screening for the most lethal cancer.

Lung cancer is the number one cancer killer in America. Individuals afflicted with lung cancer historically have had only 15 percent survival rate. Our legislation includes a new demonstration program to continue research on a screening that uses a spiral CT scan. Screenings using this tool and appropriate follow-up procedures have shown very encouraging results in early detection.

We also include accountability mechanisms in this bill. We request a report from the Federal Government regarding the manner in which Federal cancer research funding is being spent by requiring an estimate of the number of individuals who have benefited from such investment and the number of new treatments developed.

Another issue our legislation addresses is the fact that less than 5 percent of adults diagnosed with cancer each year will be treated through enrollment in a clinical trial; this is often due to lack of awareness. Our bill creates an education program about the availability of clinical trials.

Our legislation also includes efforts to ensure the availability of compassionate access options. Making decisions about treatment options for cancer is a decision best made between the cancer patient and their doctor. Compassionate access offers cancer patients, who have exhausted all of their treatment options, access to promising investigational treatments that have not yet received full approval by the Food and Drug Administration.

Finally, our bill includes measures to accelerate the progress of the National Cancer Institute's initiative of mapping the genome of the most lethal cancers in America, which will lead to earlier cancer diagnosis and the use of personalized medicine.

I look forward to working with my colleague DIANNE FEINSTEIN and others in moving forward with this legislation in the Senate.

By Mr. LEVIN (for himself and Ms. STABENOW):

S. 1058. A bill to expedite review of the Grand River Bands of Ottawa Indians of Michigan to secure a timely and just determination of whether the Bands are entitled to recognition as a Federal Indian tribe so that the Bands may receive eligible funds before the funds are no longer available; to the Committee on Indian Affairs.

Mr. LEVIN. Mr. President, the Grand River Bands of Ottawa Indians, commonly referred to as the Grand River Bands, has been in some form indigenous to the State of Michigan for over 200 years. The Grand River Bands consists of the 19 bands of Indians who occupied the territory along the Grand River in what is now southwest Michigan, including the cities of Grand Rapids and Muskegon. The members of the Grand River Bands are the descendants and political successors to signatories of the 1821 Treaty of Chicago and the 1836 Treaty of Washington. They are also one of six tribes which is an original signatory of the 1855 Treaty of Detroit. However, the Grand River Bands is the only one of those tribes which is not recognized by the Federal Government.

In the 109th Congress, I introduced a bill, with my colleague, Senator STABENOW, which would direct the Bureau of Indian Affairs at the Department of the Interior to make a recognition determination, for the Grand River Bands, in a timely manner. I am pleased to re-introduce that bill now. I would also like to affirm that this bill does not federally recognize the tribe nor does it address the issue of gaming. Furthermore, I would like to stress the timely manner in which this determination must be made.

If federally recognized, the Grand River Bands is eligible for funds set aside for them from a Federal consent judgment. These funds are expected to be distributed this year. In order for the Grand River Bands to receive their portion of this fund, they must be federally recognized before this money is distributed. They have completed all of the necessary items for a determination to be made by the Bureau of Indian Affairs, but the Bureau has failed to act on the petition for the past ten years.

I hope that this legislation will help to provide a timely remedy so that the Grand River Bands can receive funds that are currently set aside for them, and enjoy the full benefits and status of Federal recognition.

By Mr. BIDEN (for himself, Mr. SPECTER, Mr. BROWNBACK, and Mr. LEAHY):

S. 1060. A bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes; to the Committee on the Judiciary.

Mr. BIDEN. Mr. President, I introduce today with my colleagues Senators SPECTER, BROWNBACK, and LEAHY the Recidivism Reduction and Second Chance Act of 2007, which takes direct aim at reducing recidivism rates by improving the transition of offenders from prison back into the community. As this bill reflects, preventing recidivism is not only the right thing to do, it makes our communities safer and it saves us money.

Today, we have over two million individuals in our Federal and State prisons and millions more in local jails. Our Federal and State prisons will release nearly 650,000 of these offenders back into our communities this year. A staggering ⅔ of released State prisoners will be rearrested for a felony or serious misdemeanor within 3 years of release.

It's not difficult to see why. These ex-offenders face a number of difficult challenges upon release. The unemployment rate among former inmates is as high as 60 percent; 15–27 percent of prisoners expect to go to homeless shelters upon release; and 57 percent of Federal and 70 percent of State inmates used drugs regularly before prison. This addiction and dependency often continues during incarceration.

Unless we address these problems, these individuals will commit hundreds of thousands of serious crimes after their release, and our communities will bear the human and economic cost. If we are going to reduce recidivism and crime, we simply have to make concerted, common-sense efforts now to help ex-offenders successfully reenter and reintegrate into their communities.

The Recidivism Reduction and Second Chance Act of 2007 confronts head-on the dire situation of prisoners reentering our communities with insufficient monitoring, little or no job skills, inadequate drug treatment, insufficient housing, lack of basic physical and mental health services, and deficient basic life skills. Through commonsense and cost effective measures, it offers a second chance for ex-offenders, and the children and families that depend on them, and it strengthens our communities and ensures safe neighborhoods.

The Second Chance Act provides a competitive grant program to study current approaches to reducing recidivism rates. It also provides grants for the development and implementation of comprehensive substance abuse treatment programs, academic and vocational education programs, housing and job counseling programs, and mentoring for offenders who are approaching release and who have been released. To ensure accountability, the bill requires grantees to establish performance goals and benchmarks and report the results to Congress.

The bill authorizes $192 million per year in competitive grant funding. This represents an investment in our future and an acknowledgement of the problem we face. We must remember that the average cost of incarcerating each prisoner exceeds $20,000 per year, with expenditures on corrections alone having increased from $9 billion in 1982 to $60 billion in 2002. That's more than a six-fold increase, and the costs keep going up.

A relatively modest investment in offender reentry efforts today is far more cost-effective than the alternative—building more prisons for these ex-offenders to return to if they can't reenter their communities and are convicted of further crimes. An ounce of prevention, as the saying goes, is worth a pound of cure.

I'm proud today to join with Senator SPECTER, Senator BROWNBACK, and Senator LEAHY in introducing the Recidivism Reduction and Second Chance Act and ask that our colleagues join with us in this vital effort. The safety of our neighbors, our children, and our communities depends on it.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1060

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Recidivism Reduction and Second Chance Act of 2007" or the "Second Chance Act of 2007".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title.
Sec. 2. Table of contents.
Sec. 3. Findings.
Sec. 4. Submission of reports to Congress.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

Sec. 101. Reauthorization of adult and juvenile offender State and local reentry demonstration projects.
Sec. 102. Improvement of the residential substance abuse treatment for State offenders program.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

Sec. 111. State and local reentry courts.
Sec. 112. Grants for comprehensive and continuous offender reentry task forces.
Sec. 113. Prosecution drug treatment alternative to prison programs.
Sec. 114. Grants for family substance abuse treatment alternatives to incarceration.
Sec. 115. Prison-based family treatment programs for incarcerated parents of minor children.
Sec. 116. Grant programs relating to educational methods at prisons, jails, and juvenile facilities.

Subtitle C—Conforming Amendments

Sec. 121. Use of violent offender truth-in-sentencing grant funding for demonstration project activities.

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

Sec. 201. Grants for demonstration programs to reduce drug use and recidivism in long-term substance abusers.
Sec. 202. Offender drug treatment incentive grants.
Sec. 203. Ensuring availability and delivery of new pharmacological drug treatment services.
Sec. 204. Study of effectiveness of depot naltrexone for heroin addiction.
Sec. 205. Authorization of appropriations.

Subtitle B—Job Training

Sec. 211. Technology careers training demonstration grants.
Sec. 212. Grants to States for improved workplace and community transition training for incarcerated youth offenders.

Subtitle C—Mentoring

Sec. 221. Mentoring grants to nonprofit organizations.
Sec. 222. Bureau of Prisons policy on mentoring contacts.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

Sec. 231. Federal prisoner reentry program.
Sec. 232. Identification and release assistance for Federal prisoners.
Sec. 233. Improved reentry procedures for Federal prisoners.
Sec. 234. Duties of the Bureau of Prisons.
Sec. 235. Authorization of appropriations for Bureau of Prisons.
Sec. 236. Encouragement of employment of former prisoners.
Sec. 237. Elderly nonviolent offender pilot program.

CHAPTER 2—REENTRY RESEARCH

Sec. 241. Offender reentry research.
Sec. 242. Grants to study parole or post-incarceration supervision violations and revocations.
Sec. 243. Addressing the needs of children of incarcerated parents.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

Sec. 251. Clarification of authority to place prisoner in community corrections.
Sec. 252. Residential drug abuse program in Federal prisons.
Sec. 253. Medical care for prisoners.
Sec. 254. Contracting for services for post-conviction supervision offenders.

SEC. 3. FINDINGS.

Congress finds the following:

(1) In 2002, over 7,000,000 people were incarcerated in Federal or State prisons or in local jails. Nearly 650,000 people are released from Federal and State incarceration into communities nationwide each year.

(2) There are over 3,200 jails throughout the United States, the vast majority of which are operated by county governments. Each year, these jails will release more than 10,000,000 people back into the community.

(3) Recent studies indicate that over ⅔ of released State prisoners are expected to be rearrested for a felony or serious misdemeanor within 3 years after release.

(4) According to the Bureau of Justice Statistics, expenditures on corrections alone increased from $9,000,000,000 in 1982, to $59,600,000,000 in 2002. These figures do not include the cost of arrest and prosecution, nor do they take into account the cost to victims.

(5) The Serious and Violent Offender Reentry Initiative provided $139,000,000 in funding for State governments to develop and implement education, job training, mental health treatment, and substance abuse treatment for serious and violent offenders. This Act seeks to build upon the innovative and successful State reentry programs developed under the Serious and Violent Offender Reentry Initiative, which terminated after fiscal year 2005.

(6) Between 1991 and 1999, the number of children with a parent in a Federal or State correctional facility increased by more than 100 percent, from approximately 900,000 to approximately 2,000,000. According to the Bureau of Prisons, there is evidence to suggest that inmates who are connected to their children and families are more likely to avoid negative incidents and have reduced sentences.

(7) Released prisoners cite family support as the most important factor in helping them stay out of prison. Research suggests that families are an often underutilized resource in the reentry process.

(8) Approximately 100,000 juveniles (ages 17 years and under) leave juvenile correctional facilities, State prison, or Federal prison each year. Juveniles released from secure confinement still have their likely prime crime years ahead of them. Juveniles released from secure confinement have a recidivism rate ranging from 55 to 75 percent. The chances that young people will successfully transition into society improve with effective reentry and aftercare programs.

(9) Studies have shown that between 15 percent and 27 percent of prisoners expect to go to homeless shelters upon release from prison.

(10) Fifty-seven percent of Federal and 70 percent of State inmates used drugs regularly before going to prison, and the Bureau of Justice Statistics report titled "Trends in State Parole, 1990–2000" estimates the use of drugs or alcohol around the time of the offense that resulted in the incarceration of the inmate at as high as 84 percent.

(11) Family-based treatment programs have proven results for serving the special populations of female offenders and substance abusers with children. An evaluation by the Substance Abuse and Mental Health Services Administration of family-based treatment for substance-abusing mothers and children found that 6 months after such treatment, 60 percent of the mothers remained alcohol and drug free, and drug-related offenses declined from 28 percent to 7 percent. Additionally, a 2003 evaluation of residential family-based treatment programs revealed that 60 percent of mothers remained clean and sober 6 months after treatment, criminal arrests declined by 43 percent, and 88 percent of the children treated in the program with their mothers remained stabilized.

(12) A Bureau of Justice Statistics analysis indicated that only 33 percent of Federal inmates and 36 percent of State inmates had participated in residential in-patient treatment programs for alcohol and drug abuse 12 months before their release. Further, over ⅓ of all jail inmates have some physical or mental disability and 25 percent of jail inmates have been treated at some time for a mental or emotional problem.

(13) State Substance Abuse Agency Directors, also known as Single State Authorities (in this paragraph referred to as "SSAs"), manage the publicly funded substance abuse prevention and treatment system of the Nation. SSAs are responsible for planning and implementing State-wide systems of care that provide clinically appropriate substance abuse services. Given the high rate of substance use disorders among offenders reentering our communities, successful reentry programs require close interaction and collaboration with each SSA as the program is planned, implemented and evaluated.

(14) According to the National Institute of Literacy, 70 percent of all prisoners function at the lowest literacy levels.

(15) Less than 32 percent of State prison inmates have a high school diploma or a higher level of education, compared to 82 percent of the general population.

(16) Approximately 38 percent of inmates who completed 11 years or less of school were not working before entry into prison.

(17) The percentage of State prisoners participating in educational programs decreased by more than 8 percent between 1991 and 1997, despite growing evidence of how educational programming while incarcerated reduces recidivism.

(18) The National Institute of Justice has found that 1 year after release, up to 60 percent of former inmates are not employed.

(19) Transitional jobs programs have proven to help people with criminal records to successfully return to the workplace and to the community, and therefore can reduce recidivism.

SEC. 4. SUBMISSION OF REPORTS TO CONGRESS.

Not later than January 31 of each year, the Attorney General shall submit each report received under this Act or an amendment made by this Act during the preceding year to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives.

TITLE I—AMENDMENTS RELATED TO THE OMNIBUS CRIME CONTROL AND SAFE STREETS ACT OF 1968

Subtitle A—Improvements to Existing Programs

SEC. 101. REAUTHORIZATION OF ADULT AND JUVENILE OFFENDER STATE AND LOCAL REENTRY DEMONSTRATION PROJECTS.

(a) ADULT AND JUVENILE OFFENDER DEMONSTRATION PROJECTS AUTHORIZED.—Section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)) is amended by striking paragraphs (1) through (4) and inserting the following:

"(1) establishing or improving the system or systems under which—

"(A) correctional agencies and other criminal and juvenile justice agencies of the grant recipient develop and carry out plans to facilitate the reentry into the community of each offender in the custody of the jurisdiction involved;

"(B) the supervision and services provided to offenders in the custody of the jurisdiction involved are coordinated with the supervision and services provided to offenders after reentry into the community, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

"(C) the efforts of various public and private entities to provide supervision and services to offenders after reentry into the community, and to family members of such offenders, are coordinated; and

"(D) offenders awaiting reentry into the community are provided with documents (such as identification papers, referrals to services, medical prescriptions, job training certificates, apprenticeship papers, and information on obtaining public assistance) useful in achieving a successful transition from prison, jail, or a juvenile facility;

"(2) carrying out programs and initiatives by units of local government to strengthen reentry services for individuals released from local jails, including coordination with Comprehensive and Continuous Offender Reentry Task Forces under section 2902 or with similar planning groups;

"(3) assessing the literacy, educational, and vocational needs of offenders in custody and identifying and providing services appropriate to meet those needs, including follow-up assessments and long-term services;

"(4) facilitating collaboration among the corrections (including community corrections), technical school, community college, business, nonprofit, workforce development, and employment service sectors—

"(A) to promote, where appropriate, the employment of people released from prison, jail, or a juvenile facility through efforts such as educating employers about existing financial incentives;

"(B) to facilitate the creation of job opportunities, including transitional jobs and time-limited subsidized work experience (where appropriate);

"(C) to connect offenders to employment (including supportive employment and employment services before their release to the community), provide work supports (including transportation and retention services), as appropriate, and identify labor market needs to ensure that education and training are appropriate; and

"(D) to address obstacles to employment that are not directly connected to the offense committed and the risk that the offender presents to the community and provide case management services as necessary to prepare offenders for jobs that offer the potential for advancement and growth;

"(5) providing offenders with education, job training, responsible parenting and healthy relationship skills training (designed specifically to address the needs of fathers and mothers in or transitioning from prison, jail, or a juvenile facility), English literacy education, work experience programs, self-respect and life skills training, and other skills useful in achieving a successful transition from prison, jail, or a juvenile facility;

"(6) providing structured post-release housing and transitional housing (including group homes for recovering substance abusers (with appropriate safeguards that may include single-gender housing)) through which offenders are provided supervision and services immediately following reentry into the community;

"(7) assisting offenders in securing permanent housing upon release or following a stay in transitional housing;

"(8) providing substance abuse treatment and services (including providing a full continuum of substance abuse treatment services that encompasses outpatient services, comprehensive residential services and recovery, and recovery home services) to offenders reentering the community from prison, jail, or a juvenile facility;

"(9) expanding family-based drug treatment centers that offer family-based comprehensive treatment services for parents and their children as a complete family unit, as appropriate to the safety, security, and well-being of the family;

"(10) encouraging collaboration among juvenile and adult corrections, community corrections, and community health centers to allow access to affordable and quality primary health care for offenders during the period of transition from prison, jail, or a juvenile facility to the community;

"(11) providing or facilitating health care services to offenders (including substance abuse screening, treatment, and aftercare, infectious disease screening and treatment, and screening, assessment, and aftercare for mental health services) to protect the communities in which offenders will live;

"(12) enabling prison, jail, or juvenile facility mentors of offenders to remain in contact with those offenders (including through the use of all available technology) while in prison, jail, or a juvenile facility and after reentry into the community, and encouraging the involvement of prison, jail, or a juvenile facility mentors in the reentry process;

"(13) systems under which family members of offenders are involved in facilitating the successful reentry of those offenders into the community (as appropriate to the safety, security, and well-being of the family), including removing obstacles to the maintenance of family relationships while the offender is in custody, strengthening the family's capacity to function as a stable living situation during reentry, and involving family members in the planning and implementation of the reentry process;

"(14) creating, developing, or enhancing offender and family assessments, curricula, policies, procedures, or programs (including mentoring programs)—

"(A) to help offenders with a history or identified risk of domestic violence, dating violence, sexual assault, or stalking reconnect with their families and communities (as appropriate to the safety, security, and well-being of the family), and become non-abusive parents or partners; and

"(B) under which particular attention is paid to the safety of children affected and the confidentiality concerns of victims, and efforts are coordinated with victim service providers;

"(15) maintaining the parent-child relationship, as appropriate to the safety, security, and well-being of the child as determined by the relevant corrections and child protective services agencies, including—

"(A) implementing programs in correctional agencies to include the collection of information regarding any dependent children of an offender as part of intake procedures, including the number, age, and location or jurisdiction of such children;

"(B) connecting those identified children with services as appropriate and needed;

"(C) carrying out programs (including mentoring) that support children of incarcerated parents, including those in foster care and those cared for by grandparents or other relatives (which is commonly referred to as kinship care);

"(D) developing programs and activities (including mentoring) that support parent-child relationships, as appropriate to the safety, security, and well-being of the family, including technology to promote the parent-child relationship and to facilitate participation in parent-teacher conferences, books on tape programs, family days, and visitation areas for children while visiting an incarcerated parent;

"(E) helping incarcerated parents to learn responsible parenting and healthy relationship skills;

"(F) addressing visitation obstacles to children of an incarcerated parent, such as the location of facilities in remote areas, telephone costs, mail restrictions, and visitation policies; and

"(G) identifying and addressing obstacles to collaborating with child welfare agencies in the provision of services jointly to offenders in custody and to the children of such offenders;

"(16) carrying out programs for the entire family unit, including the coordination of service delivery across agencies;

"(17) facilitating and encouraging timely and complete payment of restitution and fines by offenders to victims and the community;

"(18) providing services as necessary to victims upon release of offenders, including security services and counseling, and facilitating the inclusion of victims, on a voluntary basis, in the reentry process;

"(19) establishing or expanding the use of reentry courts and other programs to—

"(A) monitor offenders returning to the community;

"(B) provide returning offenders with—

"(i) drug and alcohol testing and treatment; and

"(ii) mental and medical health assessment and services;

"(C) facilitate restorative justice practices and convene family or community impact panels, family impact educational classes, victim impact panels, or victim impact educational classes;

"(D) provide and coordinate the delivery of other community services to offenders, including—

"(i) employment training;

"(ii) education;

"(iii) housing assistance;

"(iv) children and family support, including responsible parenting and healthy relationship skill training designed specifically to address the needs of incarcerated and transitioning fathers and mothers;

"(v) conflict resolution skills training;

"(vi) family violence intervention programs; and

"(vii) other appropriate services; and

"(E) establish and implement graduated sanctions and incentives;

"(20) developing a case management reentry program that—

"(A) provides services to eligible veterans, as defined by the Attorney General; and

"(B) provides for a reentry service network solely for such eligible veterans that coordinates community services and veterans services for offenders who qualify for such veterans services; and

"(21) protecting communities against dangerous offenders, including—

"(A) conducting studies in collaboration with Federal research initiatives in effect on the date of enactment of the Second Chance Act of 2007, to determine which offenders are returning to prisons, jails, and juvenile facilities and which of those returning offenders represent the greatest risk to community safety;

"(B) developing and implementing procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(C) using validated assessment tools to assess the risk factors of returning inmates, and developing or adopting procedures to ensure that dangerous felons are not released from prison prematurely; and

"(D) developing and implementing procedures to identify efficiently and effectively those violators of probation, parole, or post-incarceration supervision who represent the greatest risk to community safety.".

(b) JUVENILE OFFENDER DEMONSTRATION PROJECTS REAUTHORIZED.—Section 2976(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(c)) is amended by striking "may be expended for" and all that follows through the period at the end and inserting "may be expended for any activity described in subsection (b).".

(c) APPLICATIONS; REQUIREMENTS; PRIORITIES; PERFORMANCE MEASUREMENTS.—Section 2976 of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w) is amended—

(1) by redesignating subsection (h) as subsection (o); and

(2) by striking subsections (d) through (g) and inserting the following:

"(d) APPLICATIONS.—A State, unit of local government, territory, or Indian tribe, or combination thereof, desiring a grant under this section shall submit an application to the Attorney General that—

"(1) contains a reentry strategic plan, as described in subsection (h), which describes the long-term strategy and incorporates a detailed implementation schedule, including the plans of the applicant to pay for the program after the Federal funding is discontinued;

"(2) identifies the local government role and the role of governmental agencies and nonprofit organizations that will be coordinated by, and that will collaborate on, the offender reentry strategy of the applicant, and certifies the involvement of such agencies and organizations; and

"(3) describes the evidence-based methodology and outcome measures that will be used to evaluate the program funded with a grant under this section, and specifically explains how such measurements will provide valid measures of the impact of that program.

"(e) REQUIREMENTS.—The Attorney General may make a grant to an applicant under this section only if the application—

"(1) reflects explicit support of the chief executive officer of the State, unit of local government, territory, or Indian tribe applying for a grant under this section;

"(2) provides extensive discussion of the role of State corrections departments, community corrections agencies, juvenile justice systems, or local jail systems in ensuring successful reentry of offenders into their communities;

"(3) provides extensive evidence of collaboration with State and local government agencies overseeing health, housing, child welfare, education, substance abuse, victims services, and employment services, and with local law enforcement agencies;

"(4) provides a plan for analysis of the statutory, regulatory, rules-based, and practice-based hurdles to reintegration of offenders into the community; and

"(5) includes the use of a State, local, territorial, or tribal task force, described in subsection (i), to carry out the activities funded under the grant.

"(f) PRIORITY CONSIDERATIONS.—The Attorney General shall give priority to grant applications under this section that best—

"(1) focus initiative on geographic areas with a disproportionate population of offenders released from prisons, jails, and juvenile facilities;

"(2) include—

"(A) input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(B) consultation with crime victims and offenders who are released from prisons, jails, and juvenile facilities; and

"(C) coordination with families of offenders;

"(3) demonstrate effective case assessment and management abilities in order to provide comprehensive and continuous reentry, including—

"(A) planning while offenders are in prison, jail, or a juvenile facility, pre-release transition housing, and community release;

"(B) establishing pre-release planning procedures to ensure that the eligibility of an offender for Federal or State benefits upon release is established prior to release, subject to any limitations in law, and to ensure that offenders obtain all necessary referrals for reentry services; and

"(C) delivery of continuous and appropriate drug treatment, medical care, job training and placement, educational services, or any other service or support needed for reentry;

"(4) review the process by which the applicant adjudicates violations of parole, probation, or supervision following release from prison, jail, or a juvenile facility, taking into account public safety and the use of graduated, community-based sanctions for minor and technical violations of parole, probation, or supervision (specifically those violations that are not otherwise, and independently, a violation of law);

"(5) provide for an independent evaluation of reentry programs that include, to the maximum extent possible, random assignment and controlled studies to determine the effectiveness of such programs; and

"(6) target high-risk offenders for reentry programs through validated assessment tools.

"(g) USES OF GRANT FUNDS.—

"(1) FEDERAL SHARE.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Federal share of a grant received under this section may not exceed 75 percent of the project funded under such grant in fiscal year 2008.

"(B) WAIVER.—Subparagraph (A) shall not apply if the Attorney General—

"(i) waives, in whole or in part, the requirement of this paragraph; and

"(ii) publishes in the Federal Register the rationale for the waiver.

"(2) SUPPLEMENT NOT SUPPLANT.—Federal funds received under this section shall be used to supplement, not supplant, non-Federal funds that would otherwise be available for the activities funded under this section.

"(h) REENTRY STRATEGIC PLAN.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall develop a comprehensive strategic reentry plan that contains measurable annual and 5-year performance outcomes, and that uses, to the maximum extent possible, random assigned and controlled studies to determine the effectiveness of the program funded with a grant under this section. One goal of that plan shall be to reduce the rate of recidivism (as defined by the Attorney General, consistent with the research on offender reentry undertaken by the Bureau of Justice Statistics) for offenders released from prison, jail, or a juvenile facility who are served with funds made available under this section by 50 percent over a period of 5 years.

"(2) COORDINATION.—In developing a reentry plan under this subsection, an applicant shall coordinate with communities and stakeholders, including persons in the fields of public safety, juvenile and adult corrections, housing, health, education, substance abuse, children and families, victims services, employment, and business and members of nonprofit organizations that can provide reentry services.

"(3) MEASUREMENTS OF PROGRESS.—Each reentry plan developed under this subsection shall measure the progress of the applicant toward increasing public safety by reducing rates of recidivism and enabling released offenders to transition successfully back into their communities.

"(i) REENTRY TASK FORCE.—

"(1) IN GENERAL.—As a condition of receiving financial assistance under this section, each applicant shall establish or empower a Reentry Task Force, or other relevant convening authority, to—

"(A) examine ways to pool resources and funding streams to promote lower recidivism rates for returning offenders and minimize the harmful effects of offenders' time in prison, jail, or a juvenile facility on families and communities of offenders by collecting data and best practices in offender reentry from demonstration grantees and other agencies and organizations; and

"(B) provide the analysis described in subsection (e)(4).

"(2) MEMBERSHIP.—The task force or other authority under this subsection shall be comprised of—

"(A) relevant State, tribal, territorial, or local leaders; and

"(B) representatives of relevant—

"(i) agencies;

"(ii) service providers;

"(iii) nonprofit organizations; and

"(iv) stakeholders.

"(j) STRATEGIC PERFORMANCE OUTCOMES.—

"(1) IN GENERAL.—Each applicant shall identify in the reentry strategic plan developed under subsection (h), specific performance outcomes relating to the long-term goals of increasing public safety and reducing recidivism.

"(2) PERFORMANCE OUTCOMES.—The performance outcomes identified under paragraph (1) shall include, with respect to offenders released back into the community—

"(A) reduction in recidivism rates, which shall be reported in accordance with the measure selected by the Director of the Bureau of Justice Statistics under section 234(c)(2) of the Second Chance Act of 2007;

"(B) reduction in crime;

"(C) increased employment and education opportunities;

"(D) reduction in violations of conditions of supervised release;

"(E) increased payment of child support;

"(F) increased housing opportunities;

"(G) reduction in drug and alcohol abuse; and

"(H) increased participation in substance abuse and mental health services.

"(3) OTHER OUTCOMES.—A grantee under this section may include in the reentry strategic plan developed under subsection (h) other performance outcomes that increase the success rates of offenders who transition from prison, jails, or juvenile facilities.

"(4) COORDINATION.—A grantee under this section shall coordinate with communities and stakeholders about the selection of performance outcomes identified by the applicant, and shall consult with the Attorney General for assistance with data collection and measurement activities as provided for in the grant application materials.

"(5) REPORT.—Each grantee under this section shall submit an annual report to the Attorney General that—

"(A) identifies the progress of the grantee toward achieving its strategic performance outcomes; and

"(B) describes other activities conducted by the grantee to increase the success rates of the reentry population, such as programs that foster effective risk management and treatment programming, offender accountability, and community and victim participation.

"(k) PERFORMANCE MEASUREMENT.—

"(1) IN GENERAL.—The Attorney General, in consultation with grantees under this section, shall—

"(A) identify primary and secondary sources of information to support the measurement of the performance indicators identified under this section;

"(B) identify sources and methods of data collection in support of performance measurement required under this section;

"(C) provide to all grantees technical assistance and training on performance measures and data collection for purposes of this section; and

"(D) consult with the Substance Abuse and Mental Health Services Administration and the National Institute on Drug Abuse on strategic performance outcome measures and data collection for purposes of this section relating to substance abuse and mental health.

"(2) COORDINATION.—The Attorney General shall coordinate with other Federal agencies to identify national and other sources of information to support performance measurement of grantees.

"(3) STANDARDS FOR ANALYSIS.—Any statistical analysis of population data conducted pursuant to this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

"(l) FUTURE ELIGIBILITY.—To be eligible to receive a grant under this section in any fiscal year after the fiscal year in which a grantee receives a grant under this section, a grantee shall submit to the Attorney General such information as is necessary to demonstrate that—

"(1) the grantee has adopted a reentry plan that reflects input from nonprofit organizations, in any case where relevant input is available and appropriate to the grant application;

"(2) the reentry plan of the grantee includes performance measures to assess progress of the grantee toward a 10 percent reduction in the rate of recidivism over a 2-year period.

"(3) the grantee will coordinate with the Attorney General, nonprofit organizations (if relevant input from nonprofit organizations is available and appropriate), and other experts regarding the selection and implementation of the performance measures described in subsection (k).

"(m) NATIONAL ADULT AND JUVENILE OFFENDER REENTRY RESOURCE CENTER.—

"(1) AUTHORITY.—The Attorney General may, using amounts made available to carry out this subsection, make a grant to an eligible organization to provide for the establishment of a National Adult and Juvenile Offender Reentry Resource Center.

"(2) ELIGIBLE ORGANIZATION.—An organization eligible for the grant under paragraph (1) is any national nonprofit organization approved by the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, that provides technical assistance and training to, and has special expertise and broad, national-level experience in, offender reentry programs, training, and research.

"(3) USE OF FUNDS.—The organization receiving a grant under paragraph (1) shall establish a National Adult and Juvenile Offender Reentry Resource Center to—

"(A) provide education, training, and technical assistance for States, tribes, territories, local governments, service providers, nonprofit organizations, and corrections institutions;

"(B) collect data and best practices in offender reentry from demonstration grantees and others agencies and organizations;

"(C) develop and disseminate evaluation tools, mechanisms, and measures to better assess and document coalition performance measures and outcomes;

"(D) disseminate information to States and other relevant entities about best practices, policy standards, and research findings;

"(E) develop and implement procedures to assist relevant authorities in determining when release is appropriate and in the use of data to inform the release decision;

"(F) develop and implement procedures to identify efficiently and effectively those violators of probation, parole, or supervision following release from prison, jail, or a juvenile facility who should be returned to prisons, jails, or juvenile facilities and those who should receive other penalties based on defined, graduated sanctions;

"(G) collaborate with the Interagency Task Force on Federal Programs and Activities Relating to the Reentry of Offenders Into the Community, and the Federal Resource Center for Children of Prisoners;

"(H) develop a national reentry research agenda; and

"(I) establish a database to enhance the availability of information that will assist offenders in areas including housing, employment, counseling, mentoring, medical and mental health services, substance abuse treatment, transportation, and daily living skills.

"(4) LIMIT.—Of amounts made available to carry out this section, not more than 4 percent shall be available to carry out this subsection.

"(n) ADMINISTRATION.—Of amounts made available to carry out this section—

"(1) not more than 2 percent shall be available for administrative expenses in carrying out this section; and

"(2) not more than 2 percent shall be made available to the National Institute of Justice to evaluate the effectiveness of the demonstration projects funded under this section, using a methodology that—

"(A) includes, to the maximum extent feasible, random assignment of offenders (or entities working with such persons) to program delivery and control groups; and

"(B) generates evidence on which reentry approaches and strategies are most effective.".

(d) GRANT AUTHORIZATION.—Section 2976(a) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(a)) is amended by striking "States, Territories" and all that follows through the period at the end and inserting the following: "States, local governments, territories, or Indian tribes, or any combination thereof, in partnership with stakeholders, service providers, and nonprofit organizations.".

(e) AUTHORIZATION OF APPROPRIATIONS.—Section 2976(o) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w), as so redesignated by subsection (c) of this section, is amended—

(1) in paragraph (1), by striking "$15,000,000 for fiscal year 2003" and all that follows and inserting "$50,000,000 for each of fiscal years 2008 and 2009."; and

(2) by amending paragraph (2) to read as follows:

"(2) LIMITATION.—Of the amount made available to carry out this section in any fiscal year, not more than 3 percent or less than 2 percent may be used for technical assistance and training.".

SEC. 102. IMPROVEMENT OF THE RESIDENTIAL SUBSTANCE ABUSE TREATMENT FOR STATE OFFENDERS PROGRAM.

(a) REQUIREMENT FOR AFTERCARE COMPONENT.—Section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff-1(c)), is amended—

(1) by striking the subsection heading and inserting "REQUIREMENT FOR AFTERCARE COMPONENT.—"; and

(2) by amending paragraph (1) to read as follows:

"(1) To be eligible for funding under this part, a State shall ensure that individuals who participate in the substance abuse treatment program established or implemented with assistance provided under this part will be provided with aftercare services, which may include case management services and a full continuum of support services that ensure providers furnishing services under that program are approved by the appropriate State or local agency, and licensed, if necessary, to provide medical treatment or other health services.".

(b) DEFINITION.—Section 1904(d) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3796ff–3(d)) is amended to read as follows:

"(d) RESIDENTIAL SUBSTANCE ABUSE TREATMENT PROGRAM DEFINED.—In this part, the term 'residential substance abuse treatment program' means a course of comprehensive individual and group substance abuse treatment services, lasting a period of at least 6 months, in residential treatment facilities set apart from the general population of a prison or jail (which may include the use of pharmacological treatment, where appropriate, that may extend beyond such period).".

(c) REQUIREMENT FOR STUDY AND REPORT ON AFTERCARE SERVICES.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall conduct a study on the use and effectiveness of funds used by the Department of Justice for aftercare services under section 1902(c) of the Omnibus Crime Control and Safe Streets Act of 1968, as amended by subsection (a) of this section, for offenders who reenter the community after completing a substance abuse program in prison or jail.

Subtitle B—New and Innovative Programs to Improve Offender Reentry Services

SEC. 111. STATE AND LOCAL REENTRY COURTS.

(a) IN GENERAL.—Part FF of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w et seq.) is amended by adding at the end the following:

"SEC. 2978. STATE AND LOCAL REENTRY COURTS.

"(a) GRANTS AUTHORIZED.—The Attorney General shall award grants, in accordance with this section, of not more than $500,000 to—

"(1) State and local courts; and

"(2) State agencies, municipalities, public agencies, nonprofit organizations, territories, and Indian tribes that have agreements with courts to take the lead in establishing a reentry court (as described in section 2976(b)(19)).

"(b) USE OF GRANT FUNDS.—Grant funds awarded under this section shall be administered in accordance with such guidelines, regulations, and procedures as promulgated by the Attorney General, and may be used to—

"(1) monitor juvenile and adult offenders returning to the community;

"(2) provide juvenile and adult offenders returning to the community with coordinated and comprehensive reentry services and programs such as—

"(A) drug and alcohol testing and assessment for treatment;

"(B) assessment for substance abuse from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate;

"(C) substance abuse treatment from a provider that is approved by the State, and licensed, if necessary, to provide medical and other health services;

"(D) health (including mental health) services and assessment;

"(E) aftercare and case management services that—

"(i) facilitate access to clinical care and related health services; and

"(ii) coordinate with such clinical care and related health services; and

"(F) any other services needed for reentry;

"(3) convene community impact panels, victim impact panels, or victim impact educational classes;

"(4) provide and coordinate the delivery of community services to juvenile and adult offenders, including—

"(A) housing assistance;

"(B) education;

"(C) employment training;

"(D) conflict resolution skills training;

"(E) batterer intervention programs; and

"(F) other appropriate social services; and

"(5) establish and implement graduated sanctions and incentives.

"(c) Rule of Construction.—Nothing in this section shall be construed as preventing a grantee that operates a drug court under part EE at the time a grant is awarded under this section from using funds from such grant to supplement the drug court under part EE in accordance with paragraphs (1) through (5) of subsection (b).

"(d) Application.—To be eligible for a grant under this section, an entity described in subsection (a) shall, in addition to any other requirements required by the Attorney General, submit to the Attorney General an application that—

"(1) describes the program to be assisted under this section and the need for such program;

"(2) describes a long-term strategy and detailed implementation plan for such program, including how the entity plans to pay for the program after the Federal funding is discontinued;

"(3) identifies the governmental and community agencies that will be coordinated by the project;

"(4) certifies that—

"(A) all agencies affected by the program, including community corrections and parole entities, have been appropriately consulted in the development of the program;

"(B) there will be appropriate coordination with all such agencies in the implementation of the program; and

"(C) there will be appropriate coordination and consultation with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) of the State; and

"(5) describes the methodology and outcome measures that will be used to evaluate the program.

"(e) Matching Requirements.—The Federal share of a grant under this section may not exceed 75 percent of the costs of the project assisted by such grant unless the Attorney General—

"(1) waives, wholly or in part, the matching requirement under this subsection; and

"(2) publicly delineates the rationale for the waiver.

"(f) Annual Report.—Each entity receiving a grant under this section shall submit to the Attorney General, for each fiscal year in which funds from the grant are expended, a report, at such time and in such manner as the Attorney General may reasonably require, that contains—

"(1) a summary of the activities carried out under the program assisted by the grant;

"(2) an assessment of whether the activities are meeting the need for the program identified in the application submitted under subsection (d); and

"(3) such other information as the Attorney General may require.

"(g) Authorization of Appropriations.—

"(1) In general.—There are authorized to be appropriated $10,000,000 for each of fiscal years 2008 and 2009 to carry out this section.

"(2) Limitations.—Of the amount made available to carry out this section in any fiscal year—

"(A) not more than 2 percent may be used by the Attorney General for salaries and administrative expenses; and

"(B) not more than 5 percent nor less than 2 percent may be used for technical assistance and training.".

SEC. 112. GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.) is amended by inserting after part BB the following:

"PART CC—GRANTS FOR COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES

"SEC. 2901. AUTHORIZATION.

"The Attorney General shall carry out a grant program under which the Attorney General makes grants to States, units of local government, territories, Indian tribes, and other public and private entities for the purpose of establishing and administering task forces (to be known as 'Comprehensive and Continuous Offender Reentry Task Forces'), in accordance with this part.

"SEC. 2902. COMPREHENSIVE AND CONTINUOUS OFFENDER REENTRY TASK FORCES.

"(a) In General.—For purposes of this part, a Comprehensive and Continuous Offender Reentry Task Force is a planning group of a State, unit of local government, territory, or Indian tribe that—

"(1) develops a community reentry plan, described in section 2903, for each juvenile and adult offender to be released from a correctional facility in the applicable jurisdiction;

"(2) supervises and assesses the progress of each such offender, with respect to such plan, starting on a date before the offender is released from a correctional facility and ending on the date on which the court supervision of such offender ends;

"(3) conducts a detailed assessment of the needs of each offender to address employment training, medical care, drug treatment, education, and any other identified need of the offender to assist in the offender's reentry;

"(4) demonstrates affirmative steps to implement such a community reentry plan by consulting and coordinating with other public and nonprofit entities, as appropriate;

"(5) establishes appropriate measurements for determining the efficacy of such community reentry plans by monitoring offender performance under such reentry plans;

"(6) complies with applicable State, local, territorial, and tribal rules and regulations regarding the provision of applicable services and treatment in the applicable jurisdiction; and

"(7) consults and coordinates with the Single State Authority for Substance Abuse (as that term is defined in section 201(e) of the Second Chance Act of 2007) and the criminal justice agencies of the State to ensure that offender reentry plans are coordinated and delivered in the most cost-effective manner, as determined by the Attorney General, in consultation with the grantee.

"(b) Consultation Required.—A Comprehensive and Continuous Offender Reentry Task Force for a county or other defined geographic area shall perform the duties described in paragraphs (1) and (2) of subsection (a) in consultation with representatives of—

"(1) the criminal and juvenile justice and correctional facilities within that county or area;

"(2) the community health care services of that county or area;

"(3) the drug treatment programs of that county or area;

"(4) the employment services organizations available in that county or area;

"(5) the housing services organizations available in the county or area; and

"(6) any other appropriate community services available in the county or area.

"SEC. 2903. COMMUNITY REENTRY PLAN DESCRIBED.

"For purposes of section 2902(a)(1), a community reentry plan for an offender is a plan relating to the reentry of the offender into the community and, according to the needs of the offender, shall—

"(1) identify employment opportunities and goals;

"(2) identify housing opportunities;

"(3) provide for any needed drug treatment;

"(4) provide for any needed mental health services;

"(5) provide for any needed health care services;

"(6) provide for any needed family counseling;

"(7) provide for offender case management programs or services; and

"(8) provide for any other service specified by the Comprehensive and Continuous Offender Reentry Task Force as necessary for the offender.

"SEC. 2904. APPLICATION.

"To be eligible for a grant under this part, a State or other relevant entity shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies. Such application shall contain such information as the Attorney General specifies.

"SEC. 2905. RULE OF CONSTRUCTION.

"Nothing in this part shall be construed as supplanting or modifying a sentence imposed by a court, including any terms of supervision.

"SEC. 2906. REPORTS.

"An entity that receives funds under this part for a Comprehensive and Continuous Offender Reentry Task Force during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of such Task Force during such fiscal year.

"SEC. 2907. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.".

SEC. 113. PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS.

(a) AUTHORIZATION.—Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding after part CC the following:

"PART DD—PROSECUTION DRUG TREATMENT ALTERNATIVE TO PRISON PROGRAMS

"SEC. 2911. GRANT AUTHORITY.

"(a) IN GENERAL.—The Attorney General may make grants to State and local prosecutors to develop, implement, or expand qualified drug treatment programs that are alternatives to imprisonment, in accordance with this part.

"(b) QUALIFIED DRUG TREATMENT PROGRAMS DESCRIBED.—For purposes of this part, a qualified drug treatment program is a program—

"(1) that is administered by a State or local prosecutor;

"(2) that requires an eligible offender who is sentenced to participate in the program (instead of incarceration) to participate in a comprehensive substance abuse treatment program that is approved by the State and licensed, if necessary, to provide medical and other health services;

"(3) that requires an eligible offender to receive the consent of the State or local prosecutor involved to participate in such program;

"(4) that, in the case of an eligible offender who is sentenced to participate in the program, requires the offender to serve a sentence of imprisonment with respect to the crime involved if the prosecutor, in conjunction with the treatment provider, determines that the offender has not successfully completed the relevant substance abuse treatment program described in paragraph (2);

"(5) that provides for the dismissal of the criminal charges involved in an eligible offender's participation in the program if the offender is determined to have successfully completed the program;

"(6) that requires each substance abuse provider treating an eligible offender under the program to—

"(A) make periodic reports of the progress of the treatment of that offender to the State or local prosecutor involved and to the appropriate court in which the eligible offender was convicted; and

"(B) notify such prosecutor and such court if the eligible offender absconds from the facility of the treatment provider or otherwise violates the terms and conditions of the program, consistent with Federal and State confidentiality requirements; and

"(7) that has an enforcement unit comprised of law enforcement officers under the supervision of the State or local prosecutor involved, the duties of which shall include verifying an eligible offender's addresses and other contacts, and, if necessary, locating, apprehending, and arresting an eligible offender who has absconded from the facility of a substance abuse treatment provider or otherwise violated the terms and conditions of the program, consistent with Federal and State confidentiality requirements, and returning such eligible offender to court for sentencing for the crime involved.

"SEC. 2912. USE OF GRANT FUNDS.

"(a) IN GENERAL.—A State or local prosecutor that receives a grant under this part shall use such grant for expenses of a qualified drug treatment program, including for the following expenses:

"(1) Salaries, personnel costs, equipment costs, and other costs directly related to the operation of the program, including the enforcement unit.

"(2) Payments for substance abuse treatment providers that are approved by the State and licensed, if necessary, to provide alcohol and drug addiction treatment to eligible offenders participating in the program, including aftercare supervision, vocational training, education, and job placement.

"(3) Payments to public and nonprofit private entities that are approved by the State and licensed, if necessary, to provide alcohol and drug 'addiction treatment to offenders participating in the program.

"(b) SUPPLEMENT AND NOT SUPPLANT.—Grants made under this part shall be used to supplement, and not supplant, non-Federal funds that would otherwise be available for programs described in this part.

"SEC. 2913. APPLICATIONS.

"To request a grant under this part, a State or local prosecutor shall submit an application to the Attorney General in such form and containing such information as the Attorney General may reasonably require. Each such application shall contain the certification by the State or local prosecutor that the program for which the grant is requested is a qualified drug treatment program, in accordance with this part.

"SEC. 2914. FEDERAL SHARE.

"The Federal share of a grant made under this part shall not exceed 75 percent of the total costs of the qualified drug treatment program funded by such grant for the fiscal year for which the program receives assistance under this part.

"SEC. 2915. GEOGRAPHIC DISTRIBUTION.

"The Attorney General shall ensure that, to the extent practicable, the distribution of grants under this part is equitable and includes State or local prosecutors—

"(1) in each State; and

"(2) in rural, suburban, and urban jurisdictions.

"SEC. 2916. REPORTS AND EVALUATIONS.

"For each fiscal year, each recipient of a grant under this part during that fiscal year shall submit to the Attorney General a report with respect to the effectiveness of activities carried out using that grant. Each report shall include an evaluation in such form and containing such information as the Attorney General may reasonably require. The Attorney General shall specify the dates on which such reports shall be submitted.

"SEC. 2917. DEFINITIONS.

"In this part:

"(1) STATE OR LOCAL PROSECUTOR.—The term 'State or local prosecutor' means any district attorney, State attorney general, county attorney, or corporation counsel who has authority to prosecute criminal offenses under State or local law.

"(2) ELIGIBLE OFFENDER.—The term 'eligible offender' means an individual who—

"(A) has been convicted, pled guilty, or admitted guilt with respect to a crime for which a sentence of imprisonment is required and has not completed such sentence;

"(B) has never been charged with or convicted of an offense, during the course of which—

"(i) the individual carried, possessed, or used a firearm or dangerous weapon; or

"(ii) there occurred the use of force against the person of another, without regard to whether any of the behavior described in clause (i) is an element of the offense or for which the person is charged or convicted;

"(C) does not have 1 or more prior convictions for a felony crime of violence involving the use or attempted use of force against a person with the intent to cause death or serious bodily harm; and

"(D)(i) has received an assessment for alcohol or drug addiction from a substance abuse professional who is approved by the State and licensed by the appropriate entity to provide alcohol and drug addiction treatment, as appropriate; and

"(ii) has been found to be in need of substance abuse treatment because that individual has a history of substance abuse that is a significant contributing factor to the criminal conduct of that individual.".

(b) AUTHORIZATION OF APPROPRIATIONS.—Section 1001(a) of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3793(a)) is amended by adding at the end the following new paragraph:

"(26) There are authorized to be appropriated to carry out part DD such sums as may be necessary for each of fiscal years 2008 and 2009.".

SEC. 114. GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.) is amended by inserting after part II the following:

"PART JJ—GRANTS FOR FAMILY SUBSTANCE ABUSE TREATMENT ALTERNATIVES TO INCARCERATION

"SEC. 3001. GRANTS AUTHORIZED.

"The Attorney General may make grants to States, units of local government, territories, and Indian tribes to develop, implement, and expand comprehensive and clinically-appropriate family-based substance abuse treatment programs as alternatives to incarceration for nonviolent parent drug offenders.

"SEC. 3002. USE OF GRANT FUNDS.

"Grants made to an entity under section 3001 for a program described in such section may be used for the following:

"(1) Salaries, personnel costs, facility costs, and other costs directly related to the operation of that program.

"(2) Payments to providers of substance abuse treatment for providing treatment and case management to nonviolent parent drug offenders participating in that program, including comprehensive treatment for mental health disorders, parenting classes, educational classes, vocational training, and job placement.

"(3) Payments to public and nonprofit private entities to provide substance abuse treatment to nonviolent parent drug offenders participating in that program.

"SEC. 3003. PROGRAM REQUIREMENTS.

"A program for which a grant is made under section 3001 shall comply with the following requirements:

"(1) The program shall ensure that all providers of substance abuse treatment are approved by the State and are licensed, if necessary, to provide medical and other health services.

"(2) The program shall ensure appropriate coordination and consultation with the Single State Authority for Substance Abuse of the State (as that term is defined in section 201(e) of the Second Chance Act of 2007).

"(3) The program shall consist of clinically-appropriate, comprehensive, and long-term family treatment, including the treatment of the nonviolent parent drug offender, the child of such offender, and any other appropriate member of the family of the offender.

"(4) The program shall be provided in a residential setting that is not a hospital setting or an intensive outpatient setting.

"(5) The program shall provide that if a nonviolent parent drug offender who participates in that program does not successfully complete the program the offender shall serve an appropriate sentence of imprisonment with respect to the underlying crime involved.

"(6) The program shall ensure that a determination is made as to whether a nonviolent drug offender has completed the substance abuse treatment program.

"(7) The program shall include the implementation of a system of graduated sanctions (including incentives) that are applied based on the accountability of the nonviolent parent drug offender involved throughout the course of that program to encourage compliance with that program.

"(8) The program shall develop and implement a reentry plan for each nonviolent parent drug offender that shall include reinforcement strategies for family involvement as appropriate, relapse strategies, support groups, placement in transitional housing, and continued substance abuse treatment, as needed.

"SEC. 3004. DEFINITIONS.

"In this part:

"(1) NONVIOLENT PARENT DRUG OFFENDERS.—The term 'nonviolent parent drug offender' means an offender who is—

"(A) a parent of an individual under 18 years of age; and

"(B) convicted of a drug (or drug-related) felony that is a nonviolent offense.

"(2) NONVIOLENT OFFENSE.—The term 'nonviolent offense' has the meaning given that term in section 2991(a).

"SEC. 3005. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.".

SEC. 115. PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN.

Title I of the Omnibus Crime Control and Safe Streets Act (42 U.S.C. 3711 et seq.), is amended—

(1) by redesignating part X as part KK; and

(2) by adding at the end the following:

"PART LL—PRISON-BASED FAMILY TREATMENT PROGRAMS FOR INCARCERATED PARENTS OF MINOR CHILDREN

"SEC. 3021. GRANTS AUTHORIZED.

"The Attorney General may make grants to States, units of local government, territories, and Indian tribes to provide prison-based family treatment programs for incarcerated parents of minor children.

"SEC. 3022. USE OF GRANT FUNDS.

"An entity that receives a grant under this part shall use amounts provided under that grant to—

"(1) develop, implement, and expand prison-based family treatment programs in correctional facilities for incarcerated parents with minor children, excluding from the programs those parents with respect to whom there is reasonable evidence of domestic violence or child abuse;

"(2) coordinate the design and implementation of such programs between appropriate correctional facility representatives and the appropriate governmental agencies; and

"(3) develop and implement a pre-release assessment and a reentry plan for each incarcerated parent scheduled to be released to the community, which shall include—

"(A) a treatment program for the incarcerated parent to receive continuous substance abuse treatment services and related support services, as needed;

"(B) a housing plan during transition from incarceration to reentry, as needed;

"(C) a vocational or employment plan, including training and job placement services; and

"(D) any other services necessary to provide successful reentry into the community.

"SEC. 3023. PROGRAM REQUIREMENTS.

"A prison-based family treatment program for incarcerated parents with respect to which a grant is made shall comply with the following requirements:

"(1) The program shall integrate techniques to assess the strengths and needs of immediate and extended family of the incarcerated parent to support a treatment plan of the incarcerated parent.

"(2) The program shall ensure that each participant in that program has access to consistent and uninterrupted care if transferred to a different correctional facility within the State or other relevant entity.

"(3) The program shall be located in an area separate from the general population of the prison.

"SEC. 3024. APPLICATIONS.

"To be eligible for a grant under this part for a prison-based family treatment program, an entity described in section 3021 shall, in addition to any other requirement specified by the Attorney General, submit an application to the Attorney General in such form and manner and at such time as specified by the Attorney General. Such application shall include a description of the methods and measurements the entity will use for purposes of evaluating the program involved and such other information as the Attorney General may reasonably require.

"SEC. 3025. REPORTS.

"An entity that receives a grant under this part for a prison-based family treatment program during a fiscal year shall submit to the Attorney General, not later than a date specified by the Attorney General, a report that describes and evaluates the effectiveness of that program during such fiscal year that—

"(1) is based on evidence-based data; and

"(2) uses the methods and measurements described in the application of that entity for purposes of evaluating that program.

"SEC. 3026. PRISON-BASED FAMILY TREATMENT PROGRAM DEFINED.

"In this part, the term 'prison-based family treatment program' means a program for incarcerated parents in a correctional facility that provides a comprehensive response to offender needs, including substance abuse treatment, child early intervention services, family counseling, legal services, medical care, mental health services, nursery and preschool, parenting skills training, pediatric care, physical therapy, prenatal care, sexual abuse therapy, relapse prevention, transportation, and vocational or GED training.

"SEC. 3027. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated to carry out this part $10,000,000 for each of fiscal years 2008 and 2009.".

SEC. 116. GRANT PROGRAMS RELATING TO EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

Title I of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3711 et seq.), as amended by this Act, is amended by adding at the end the following:

"PART MM—GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES

"SEC. 3031. GRANT PROGRAM TO EVALUATE EDUCATIONAL METHODS AT PRISONS, JAILS, AND JUVENILE FACILITIES.

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and other public and private entities to—

"(1) evaluate methods to improve academic and vocational education for offenders in prisons, jails, and juvenile facilities; and

"(2) identify, and make recommendations to the Attorney General regarding, best practices relating to academic and vocational education for offenders in prisons, jails, and juvenile facilities, based on the evaluation under paragraph (1).

"(b) APPLICATION.—To be eligible for a grant under this section, a State or other entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time and accompanied by such information as the Attorney General specifies.

"(c) REPORT.—Not later than 90 days after the last day of the final fiscal year of a grant under this section, the entity described in subsection (a) receiving that grant shall submit to the Attorney General a detailed report of the aggregate findings and conclusions of the evaluation described in subsection (a)(1), conducted by that entity and the recommendations of that entity to the Attorney General described in subsection (a)(2).

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $5,000,000 to carry out this section for each of fiscal years 2008 and 2009.

"SEC. 3032. GRANTS TO IMPROVE EDUCATIONAL SERVICES IN PRISONS, JAILS, AND JUVENILE FACILITIES.

"(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes for the purpose of improving the academic and vocational education programs available to offenders in prisons, jails, and juvenile facilities.

"(b) APPLICATION.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner, at such time, and accompanied by such information as the Attorney General specifies.

"(c) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.".

Subtitle C—Conforming Amendments

SEC. 121. USE OF VIOLENT OFFENDER TRUTH-IN-SENTENCING GRANT FUNDING FOR DEMONSTRATION PROJECT ACTIVITIES.

Section 20102(a) of the Violent Crime Control and Law Enforcement Act of 1994 (42 U.S.C. 13702(a)) is amended—

(1) in paragraph (2) by striking "and" at the end;

(2) in paragraph (3) by striking the period at the end and inserting "; and"; and

(3) by adding at the end the following:

"(4) to carry out any activity described in section 2976(b) of the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. 3797w(b)).".

TITLE II—ENHANCED DRUG TREATMENT AND MENTORING GRANT PROGRAMS

Subtitle A—Drug Treatment

SEC. 201. GRANTS FOR DEMONSTRATION PROGRAMS TO REDUCE DRUG USE AND RECIDIVISM IN LONG-TERM SUBSTANCE ABUSERS.

(a) AWARDS REQUIRED.—The Attorney General may make competitive grants to eligible partnerships, in accordance with this section, for the purpose of establishing demonstration programs to reduce the use of alcohol and other drugs by supervised long-term substance abusers during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser.

(b) USE OF GRANT FUNDS.—A grant made under subsection (a) to an eligible partnership for a demonstration program, shall be used—

(1) to support the efforts of the agencies, organizations, and researchers included in the eligible partnership, with respect to the program for which a grant is awarded under this section;

(2) to develop and implement a program for supervised long-term substance abusers during the period described in subsection (a), which shall include—

(A) alcohol and drug abuse assessments that—

(i) are provided by a State-approved program; and

(ii) provide adequate incentives for completion of a comprehensive alcohol or drug abuse treatment program, including through the use of graduated sanctions; and

(B) coordinated and continuous delivery of drug treatment and case management services during such period; and

(3) to provide addiction recovery support services (such as job training and placement, peer support, mentoring, education, and other related services) to strengthen rehabilitation efforts for long-term substance abusers.

(c) APPLICATION.—To be eligible for a grant under subsection (a) for a demonstration program, an eligible partnership shall submit to the Attorney General an application that—

(1) identifies the role, and certifies the involvement, of each agency, organization, or researcher involved in such partnership, with respect to the program;

(2) includes a plan for using judicial or other criminal or juvenile justice authority to supervise the long-term substance abusers who would participate in a demonstration program under this section, including for—

(A) administering drug tests for such abusers on a regular basis; and

(B) swiftly and certainly imposing an established set of graduated sanctions for noncompliance with conditions for reentry into the community relating to drug abstinence (whether imposed as a pre-trial, probation, or parole condition, or otherwise);

(3) includes a plan to provide supervised long-term substance abusers with coordinated and continuous services that are based on evidence-based strategies and that assist such abusers by providing such abusers with—

(A) drug treatment while in prison, jail, or a juvenile facility;

(B) continued treatment during the period in which each such long-term substance abuser is in prison, jail, or a juvenile facility, and until the completion of parole or court supervision of such abuser;

(C) addiction recovery support services;

(D) employment training and placement;

(E) family-based therapies;

(F) structured post-release housing and transitional housing, including housing for recovering substance abusers; and

(G) other services coordinated by appropriate case management services;

(4) includes a plan for coordinating the data infrastructures among the entities included in the eligible partnership and between such entities and the providers of services under the demonstration program involved (including providers of technical assistance) to assist in monitoring and measuring the effectiveness of demonstration programs under this section; and

(5) includes a plan to monitor and measure the number of long-term substance abusers—

(A) located in each community involved; and

(B) who improve the status of their employment, housing, health, and family life.

(d) REPORTS TO CONGRESS.—

(1) INTERIM REPORT.—Not later than September 30, 2008, the Attorney General shall submit to Congress a report that identifies the best practices relating to the comprehensive and coordinated treatment of long-term substance abusers, including the best practices identified through the activities funded under this section.

(2) FINAL REPORT.—Not later than September 30, 2009, the Attorney General shall submit to Congress a report on the demonstration programs funded under this section, including on the matters specified in paragraph (1).

(e) DEFINITIONS.—In this section:

(1) ELIGIBLE PARTNERSHIP.—The term "eligible partnership" means a partnership that includes—

(A) the applicable Single State Authority for Substance Abuse;

(B) the State, local, territorial, or tribal criminal or juvenile justice authority involved;

(C) a researcher who has experience in evidence-based studies that measure the effectiveness of treating long-term substance abusers during the period in which such abusers are under the supervision of the criminal or juvenile justice system involved;

(D) community-based organizations that provide drug treatment, related recovery services, job training and placement, educational services, housing assistance, mentoring, or medical services; and

(E) Federal agencies (such as the Drug Enforcement Agency, the Bureau of Alcohol, Tobacco, Firearms, and Explosives, and the office of a United States attorney).

(2) LONG-TERM SUBSTANCE ABUSER.—The term "long-term substance abuser" means an individual who—

(A) is in a prison, jail, or juvenile facility;

(B) has abused illegal drugs or alcohol for a significant number of years; and

(C) is scheduled to be released from prison, jail, or a juvenile facility during the 24-month period beginning on the date the relevant application is submitted under subsection (c).

(3) SINGLE STATE AUTHORITY FOR SUBSTANCE ABUSE.—The term "Single State Authority for Substance Abuse" means an entity designated by the Governor or chief executive officer of a State as the single State administrative authority responsible for the planning, development, implementation, monitoring, regulation, and evaluation of substance abuse services in that State.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 202. OFFENDER DRUG TREATMENT INCENTIVE GRANTS.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, and Indian tribes in an amount described in subsection (c) to improve the provision of drug treatment to offenders in prisons, jails, and juvenile facilities.

(b) REQUIREMENTS FOR APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a grant under subsection (a) for a fiscal year, an entity described in that subsection shall, in addition to any other requirements specified by the Attorney General, submit to the Attorney General an application that demonstrates that, with respect to offenders in prisons, jails, and juvenile facilities who require drug treatment and who are in the custody of the jurisdiction involved, during the previous fiscal year that entity provided drug treatment meeting the standards established by the Single State Authority for Substance Abuse (as that term is defined in section 201) for the relevant State to a number of such offenders that is 2 times the number of such offenders to whom that entity provided drug treatment during the fiscal year that is 2 years before the fiscal year for which that entity seeks a grant.

(2) OTHER REQUIREMENTS.—An application under this section shall be submitted in such form and manner and at such time as specified by the Attorney General.

(c) ALLOCATION OF GRANT AMOUNTS BASED ON DRUG TREATMENT PERCENT DEMONSTRATED.—The Attorney General shall allocate amounts under this section for a fiscal year based on the percent of offenders described in subsection (b)(1) to whom an entity provided drug treatment in the previous fiscal year, as demonstrated by that entity in its application under that subsection.

(d) USES OF GRANTS.—A grant awarded to an entity under subsection (a) shall be used—

(1) for continuing and improving drug treatment programs provided at prisons, jails, and juvenile facilities of that entity; and

(2) to strengthen rehabilitation efforts for offenders by providing addiction recovery support services, such as job training and placement, education, peer support, mentoring, and other similar services.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of such grant.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $10,000,000 to carry out this section for each of fiscal years 2008 and 2009.

SEC. 203. ENSURING AVAILABILITY AND DELIVERY OF NEW PHARMACOLOGICAL DRUG TREATMENT SERVICES.

(a) GRANT PROGRAM AUTHORIZED.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse and the Substance Abuse and Mental Health Services Administration, shall carry out a grant program under which the Attorney General may make grants to States, units of local government, territories, Indian tribes, and public and private organizations to establish pharmacological drug treatment services as part of the available drug treatment programs being offered by such grantees to offenders who are in prison or jail.

(b) Consideration of Pharmacological Treatments.—In awarding grants under this section to eligible entities, the Attorney General shall consider—

(1) the number and availability of pharmacological treatments offered under the program involved; and

(2) the participation of researchers who are familiar with evidence-based studies and are able to measure the effectiveness of such treatments using randomized trials.

(c) Applications.—

(1) In general.—To be eligible for a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application in such form and manner and at such time as the Attorney General specifies.

(2) Information required.—An application submitted under paragraph (1) shall—

(A) provide assurances that grant funds will be used only for a program that is created in coordination with (or approved by) the Single State Authority for Substance Abuse (as that term is defined in section 201) of the State involved to ensure pharmacological drug treatment services provided under that program are clinically appropriate;

(B) demonstrate how pharmacological drug treatment services offered under the program are part of a clinically-appropriate and comprehensive treatment plan; and

(C) contain such other information as the Attorney General specifies.

(d) Reports.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 204. STUDY OF EFFECTIVENESS OF DEPOT NALTREXONE FOR HEROIN ADDICTION.

(a) Grant Program Authorized.—The Attorney General, through the National Institute of Justice, and in consultation with the National Institute on Drug Abuse, shall carry out a grant program under which the Attorney General may make grants to public and private research entities (including consortia, single private research entities, and individual institutions of higher education) to evaluate the effectiveness of depot naltrexone for the treatment of heroin addiction.

(b) Evaluation Program.—To be eligible to receive a grant under this section, an entity described in subsection (a) shall submit to the Attorney General an application that—

(1) contains such information as the Attorney General specifies, including information that demonstrates that—

(A) the applicant conducts research at a private or public institution of higher education, as that term is defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1101);

(B) the applicant has a plan to work with parole officers or probation officers for offenders who are under court supervision; and

(C) the evaluation described in subsection (a) will measure the effectiveness of such treatments using randomized trials; and

(2) is in such form and manner and at such time as the Attorney General specifies.

(c) Reports.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant.

SEC. 205. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated $10,000,000 to carry out sections 203 and 204 for each of fiscal years 2008 and 2009.

Subtitle B—Job Training

SEC. 211. TECHNOLOGY CAREERS TRAINING DEMONSTRATION GRANTS.

(a) Authority To Make Grants.—From amounts made available to carry out this section, the Attorney General shall make grants to States, units of local government, territories, and Indian tribes to provide technology career training to prisoners.

(b) Use of Funds.—A grant awarded under subsection (a) may be used to establish a technology careers training program to train prisoners during the 3-year period before release from prison, jail, or a juvenile facility for technology-based jobs and careers.

(c) Reports.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year.

(d) Authorization of Appropriations.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

SEC. 212. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

Section 821 of the Higher Education Amendments of 1998 (20 U.S.C. 1151) is amended to read as follows:

“SEC. 821. GRANTS TO STATES FOR IMPROVED WORKPLACE AND COMMUNITY TRANSITION TRAINING FOR INCARCERATED YOUTH OFFENDERS.

“(a) Definition.—For purposes of this section, the term ‘youth offender’ means a male or female offender under the age of 35, who is incarcerated in a State prison, including a prerelease facility.

“(b) Grant Program.—The Secretary of Education (in this section referred to as the ‘Secretary’)—

“(1) shall establish a program in accordance with this section to provide grants to the State correctional education agencies in the States, from allocations for the States under subsection (h), to assist and encourage youth offenders to acquire functional literacy, life, and job skills, through—

“(A) the pursuit of a postsecondary education certificate, or an associate or bachelor's degree while in prison; and

“(B) employment counseling and other related services which start during incarceration and end not later than 1 year after release from confinement; and

“(2) may establish such performance objectives and reporting requirements for State correctional education agencies receiving grants under this section as the Secretary determines are necessary to assess the effectiveness of the program under this section.

“(c) Application.—To be eligible for a grant under this section, a State correctional education agency shall submit to the Secretary a proposal for a youth offender program that—

“(1) identifies the scope of the problem, including the number of youth offenders in need of postsecondary education and career and technical education;

“(2) lists the accredited public or private educational institution or institutions that will provide postsecondary educational services;

“(3) lists the cooperating agencies, public and private, or businesses that will provide related services, such as counseling in the areas of career development, substance abuse, health, and parenting skills;

“(4) describes specific performance objectives and evaluation methods (in addition to, and consistent with, any objectives established by the Secretary under subsection (b)(2)) that the State correctional education agency will use in carrying out its proposal, including—

“(A) specific and quantified student outcome measures that are referenced to outcomes for non-program participants with similar demographic characteristics; and

“(B) measures, consistent with the data elements and definitions described in subsection (d)(1)(A), of—

“(i) program completion, including an explicit definition of what constitutes a program completion within the proposal;

“(ii) knowledge and skill attainment, including specification of instruments that will measure knowledge and skill attainment;

“(iii) attainment of employment both prior to and subsequent to release;

“(iv) success in employment indicated by job retention and advancement; and

“(v) recidivism, including such subindicators as time before subsequent offense and severity of offense;

“(5) describes how the proposed programs are to be integrated with existing State correctional education programs (such as adult education, graduate education degree programs, and career and technical education) and State industry programs;

“(6) describes how the proposed programs will have considered or will utilize technology to deliver the services under this section; and

“(7) describes how students will be selected so that only youth offenders eligible under subsection (e) will be enrolled in postsecondary programs.

“(d) Program Requirements.—Each State correctional education agency receiving a grant under this section shall—

“(1) annually report to the Secretary regarding—

“(A) the results of the evaluations conducted using data elements and definitions provided by the Secretary for the use of State correctional education programs;

“(B) any objectives or requirements established by the Secretary pursuant to subsection (b)(2); and

“(C) the additional performance objectives and evaluation methods contained in the proposal described in subsection (c)(4), as necessary to document the attainment of project performance objectives; and

“(2) expend on each participating eligible student for an academic year, not more than the maximum Federal Pell Grant funded under section 401 of the Higher Education Act of 1965 for such academic year, which shall be used for—

“(A) tuition, books, and essential materials; and

“(B) related services such as career development, substance abuse counseling, parenting skills training, and health education.

“(e) Student Eligibility.—A youth offender shall be eligible for participation in a program receiving a grant under this section if the youth offender—

“(1) is eligible to be released within 5 years (including a youth offender who is eligible for parole within such time); and

“(2) is 35 years of age or younger.

“(f) Length of Participation.—A State correctional education agency receiving a grant under this section shall provide educational and related services to each participating youth offender for a period not to exceed 5 years, 1 year of which may be devoted to study in a graduate education degree program or to remedial education services for students who have obtained a secondary school diploma or its recognized equivalent. Educational and related services shall start during the period of incarceration in prison or prerelease, and the related services may continue for not more than 1 year after release from confinement.

"(g) EDUCATION DELIVERY SYSTEMS.—State correctional education agencies and cooperating institutions shall, to the extent practicable, use high-tech applications in developing programs to meet the requirements and goals of this section.

"(h) ALLOCATION OF FUNDS.—From the funds appropriated pursuant to subsection (i) for each fiscal year, the Secretary shall allot to each State an amount that bears the same relationship to such funds as the total number of students eligible under subsection (e) in such State bears to the total number of such students in all States.

"(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $30,000,000 for fiscal years 2008 and 2009.".

Subtitle C—Mentoring

SEC. 221. MENTORING GRANTS TO NONPROFIT ORGANIZATIONS.

(a) AUTHORITY TO MAKE GRANTS.—From amounts made available to carry out this section, the Attorney General shall make grants to nonprofit organizations for the purpose of providing mentoring and other transitional services essential to reintegrating offenders into the community.

(b) USE OF FUNDS.—A grant awarded under subsection (a) may be used for—

(1) mentoring adult and juvenile offenders during incarceration, through transition back to the community, and post-release;

(2) transitional services to assist in the reintegration of offenders into the community; and

(3) training regarding offender and victims issues.

(c) APPLICATION; PRIORITY CONSIDERATION.—

(1) IN GENERAL.—To be eligible to receive a grant under this section, a nonprofit organization shall submit an application to the Attorney General at such time, in such manner, and accompanied by such information as the Attorney General may require.

(2) PRIORITY CONSIDERATION.—Priority consideration shall be given to any application under this section that—

(A) includes a plan to implement activities that have been demonstrated effective in facilitating the successful reentry of offenders; and

(B) provides for an independent evaluation that includes, to the maximum extent feasible, random assignment of offenders to program delivery and control groups.

(d) STRATEGIC PERFORMANCE OUTCOMES.—The Attorney General shall require each applicant under this section to identify specific performance outcomes related to the long-term goal of stabilizing communities by reducing recidivism (using a measure that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6)), and reintegrating offenders into society.

(e) REPORTS.—An entity that receives a grant under subsection (a) during a fiscal year shall, not later than the last day of the following fiscal year, submit to the Attorney General a report that describes and assesses the uses of that grant during that fiscal year and that identifies the progress of the grantee toward achieving its strategic performance outcomes.

(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Attorney General to carry out this section $15,000,000 for each of fiscal years 2008 and 2009.

SEC. 222. BUREAU OF PRISONS POLICY ON MENTORING CONTACTS.

(a) IN GENERAL.—Not later than 90 days after the date of enactment of this Act, the Director of the Bureau of Prisons shall, in order to promote stability and continued assistance to offenders after release from prison, adopt and implement a policy to ensure that any person who provides mentoring services to an incarcerated offender is permitted to continue such services after that offender is released from prison. That policy shall permit the continuation of mentoring services unless the Director demonstrates that such services would be a significant security risk to the offender, incarcerated offenders, persons who provide such services, or any other person.

(b) REPORT.—Not later than September 30, 2008, the Director of the Bureau of Prisons shall submit to Congress a report on the extent to which the policy described in subsection (a) has been implemented and followed.

Subtitle D—Administration of Justice Reforms

CHAPTER 1—IMPROVING FEDERAL OFFENDER REENTRY

SEC. 231. FEDERAL PRISONER REENTRY PROGRAM.

(a) ESTABLISHMENT.—The Director of the Bureau of Prisons (in this chapter referred to as the "Director") shall establish a prisoner reentry strategy to help prepare prisoners for release and successful reintegration into the community, which shall require that the Bureau of Prisons—

(1) assess each prisoner's skill level (including academic, vocational, health, cognitive, interpersonal, daily living, and related reentry skills) at the beginning of the term of imprisonment of that prisoner to identify any areas in need of improvement prior to reentry;

(2) generate a skills development plan for each prisoner to monitor skills enhancement and reentry readiness throughout incarceration;

(3) determine program assignments for prisoners based on the areas of need identified through the assessment described in paragraph (1);

(4) ensure that priority is given to the reentry needs of high-risk populations, such as sex offenders, career criminals, and prisoners with mental health problems;

(5) coordinate and collaborate with other Federal agencies and with State and local criminal justice agencies, community-based organizations, and faith-based organizations to help effectuate a seamless reintegration of prisoners into their communities;

(6) collect information about a prisoner's family relationships, parental responsibilities, and contacts with children to help prisoners maintain important familial relationships and support systems during incarceration and after release from custody; and

(7) provide incentives for prisoner participation in skills development programs.

(b) INCENTIVES FOR PARTICIPATION IN SKILLS DEVELOPMENT PROGRAMS.—A prisoner who participates in reentry and skills development programs may, at the discretion of the Director, receive any of the following incentives:

(1) The maximum allowable period in a community confinement facility.

(2) A reduction in the term of imprisonment of that prisoner, except that such reduction may not be more than 1 year from the term the prisoner must otherwise serve.

(3) Such other incentives as the Director considers appropriate.

SEC. 232. IDENTIFICATION AND RELEASE ASSISTANCE FOR FEDERAL PRISONERS.

(a) OBTAINING IDENTIFICATION.—The Director shall assist prisoners in obtaining identification (including a social security card, driver's license or other official photo identification, or birth certificate) prior to release.

(b) ASSISTANCE DEVELOPING RELEASE PLAN.—At the request of a direct-release prisoner, a representative of the United States Probation System shall, prior to the release of that prisoner, help that prisoner develop a release plan.

(c) DIRECT-RELEASE PRISONER DEFINED.—In this section, the term "direct-release prisoner" means a prisoner who is scheduled for release and will not be placed in pre-release custody.

SEC. 233. IMPROVED REENTRY PROCEDURES FOR FEDERAL PRISONERS.

The Attorney General shall take such steps as are necessary to modify the procedures and policies of the Department of Justice with respect to the transition of offenders from the custody of the Bureau of Prisons to the community—

(1) to enhance case planning and implementation of reentry programs, policies, and guidelines;

(2) to improve such transition to the community, including placement of such individuals in community corrections facilities; and

(3) to foster the development of collaborative partnerships with stakeholders at the national and local levels to facilitate the exchange of information and the development of resources to enhance opportunities for successful offender reentry.

SEC. 234. DUTIES OF THE BUREAU OF PRISONS.

(a) DUTIES OF THE BUREAU OF PRISONS EXPANDED.—Section 4042(a) of title 18, United States Code, is amended—

(1) in paragraph (4), by striking "and" at the end;

(2) in paragraph (5), by striking the period and inserting a semicolon; and

(3) by adding at the end the following:

"(6) establish pre-release planning procedures that help prisoners—

"(A) apply for Federal and State benefits upon release (including Social Security Cards, Social Security benefits, and veterans' benefits); and

"(B) secure such identification and benefits prior to release, subject to any limitations in law; and

"(7) establish reentry planning procedures that include providing Federal prisoners with information in the following areas:

"(A) Health and nutrition.

"(B) Employment.

"(C) Literacy and education.

"(D) Personal finance and consumer skills.

"(E) Community resources.

"(F) Personal growth and development.

"(G) Release requirements and procedures.".

(b) MEASURING THE REMOVAL OF OBSTACLES TO REENTRY.—

(1) PROGRAM REQUIRED.—The Director shall carry out a program under which each institution within the Bureau of Prisons codes the reentry needs and deficits of prisoners, as identified by an assessment tool that is

used to produce an individualized skills development plan for each inmate.

(2) TRACKING.—In carrying out the program under this subsection, the Director shall quantitatively track, by institution and Bureau-wide, the progress in responding to the reentry needs and deficits of individual inmates.

(3) ANNUAL REPORT.—On an annual basis, the Director shall prepare and submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report that documents the progress of each institution within the Bureau of Prisons, and of the Bureau as a whole, in responding to the reentry needs and deficits of inmates. The report shall be prepared in a manner that groups institutions by security level to allow comparisons of similar institutions.

(4) EVALUATION.—The Director shall—

(A) implement a formal standardized process for evaluating the success of each institution within the Bureau of Prisons in enhancing skills and resources to assist in reentry; and

(B) ensure that—

(i) each institution is held accountable for low performance under such an evaluation; and

(ii) plans for corrective action are developed and implemented as necessary.

(c) MEASURING AND IMPROVING RECIDIVISM OUTCOMES.—

(1) ANNUAL REPORT REQUIRED.—

(A) IN GENERAL.—At the end of each fiscal year, the Director shall submit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report containing the statistics demonstrating the relative reduction in recidivism for inmates released by the Bureau of Prisons within that fiscal year and the 2 prior fiscal years, comparing inmates who participated in major inmate programs (including residential drug treatment, vocational training, and prison industries) with inmates who did not participate in such programs. Such statistics shall be compiled separately for each such fiscal year.

(B) SCOPE.—A report under this paragraph is not required to include statistics for a fiscal year that begins before the date of the enactment of this Act.

(C) CONTENTS.—Each report under this paragraph shall provide the recidivism statistics for the Bureau of Prisons as a whole, and separately for each institution of the Bureau.

(2) MEASURE USED.—In preparing the reports required by paragraph (1), the Director shall, in consultation with the Director of the Bureau of Justice Statistics, select a measure for recidivism (such as rearrest, reincarceration, or any other valid, evidence-based measure) that the Director considers appropriate and that is consistent with the research undertaken by the Bureau of Justice Statistics under section 241(b)(6).

(3) GOALS.—

(A) IN GENERAL.—After the Director submits the first report required by paragraph (1), the Director shall establish goals for reductions in recidivism rates and shall work to attain those goals.

(B) CONTENTS.—The goals established under subparagraph (A) shall use the relative reductions in recidivism measured for the fiscal year covered by that first report as a baseline rate, and shall include—

(i) a 5-year goal to increase, at a minimum, the baseline relative reduction rate by 2 percent; and

(ii) a 10-year goal to increase, at a minimum, the baseline relative reduction rate by 5 percent within 10 fiscal years.

(d) FORMAT.—Any written information that the Bureau of Prisons provides to inmates for reentry planning purposes shall use common terminology and language.

(e) MEDICAL CARE.—The Bureau of Prisons shall provide the United States Probation and Pretrial Services System with relevant information on the medical care needs and the mental health treatment needs of inmates scheduled for release from custody. The United States Probation and Pretrial Services System shall take this information into account when developing supervision plans in an effort to address the medical care and mental health care needs of such individuals. The Bureau of Prisons shall provide inmates with a sufficient amount of all necessary medications (which will normally consist of, at a minimum, a 2-week supply of such medications) upon release from custody.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS FOR BUREAU OF PRISONS.

There are authorized to be appropriated to the Director to carry out sections 231, 232, 233, and 234 of this chapter, $5,000,000 for each of the fiscal years 2008 and 2009.

SEC. 236. ENCOURAGEMENT OF EMPLOYMENT OF FORMER PRISONERS.

The Attorney General, in consultation with the Secretary of Labor, shall take such steps as are necessary to implement a program to educate employers and the one-stop partners and one-stop operators (as such terms are defined in section 101 of the Workforce Investment Act of 1998 (29 U.S.C. 2801)) that provide services at any center operated under a one-stop delivery system established under section 134(c) of the Workforce Investment Act of 1998 (29 U.S.C. 2864(c)) regarding incentives (including the Federal bonding program of the Department of Labor and tax credits) for hiring former Federal, State, or local prisoners.

SEC. 237. ELDERLY NONVIOLENT OFFENDER PILOT PROGRAM.

(a) PROGRAM ESTABLISHED.—

(1) IN GENERAL.—Notwithstanding section 3624 of title 18, United States Code, or any other provision of law, the Director shall conduct a pilot program to determine the effectiveness of removing each eligible elderly offender from a Bureau of Prison facility and placing that offender on home detention until the date on which the term of imprisonment to which that offender was sentenced expires.

(2) TIMING OF PLACEMENT IN HOME DETENTION.—

(A) IN GENERAL.—In carrying out the pilot program under paragraph (1), the Director shall—

(i) in the case of an offender who is determined to be an eligible elderly offender on or before the date specified in subparagraph (B), place such offender on home detention not later than 180 days after the date of enactment of this Act; and

(ii) in the case of an offender who is determined to be an eligible elderly offender after the date specified in subparagraph (B) and before the date that is 3 years and 91 days after the date of enactment of this Act, place such offender on home detention not later than 90 days after the date of that determination.

(B) DATE SPECIFIED.—For purposes of subparagraph (A), the date specified in this subparagraph is the date that is 90 days after the date of enactment of this Act.

(3) VIOLATION OF TERMS OF HOME DETENTION.—A violation by an eligible elderly offender of the terms of home detention (including the commission of another Federal, State, or local crime) shall result in the removal of that offender from home detention and the return of that offender to the designated Bureau of Prisons institution in which that offender was imprisoned immediately before placement on home detention under paragraph (1).

(b) SCOPE OF PILOT PROGRAM.—

(1) PARTICIPATING DESIGNATED FACILITIES.—The pilot program under subsection (a) shall be conducted through at least 1 Bureau of Prisons institution designated by the Director as appropriate for the pilot program.

(2) DURATION.—The pilot program shall be conducted during each of fiscal years 2008 and 2009.

(c) PROGRAM EVALUATION.—

(1) IN GENERAL.—The Director shall contract with an independent organization to monitor and evaluate the progress of each eligible elderly offender placed on home detention under subsection (a)(1) for the period that offender is on home detention during the period described in subsection (b)(2).

(2) ANNUAL REPORT.—The organization described in paragraph (1) shall annually submit to the Director and to Congress a report on the pilot program under subsection (a)(1), which shall include—

(A) an evaluation of the effectiveness of the pilot program in providing a successful transition for eligible elderly offenders from incarceration to the community, including data relating to the recidivism rates for such offenders; and

(B) the cost savings to the Federal Government resulting from the early removal of such offenders from incarceration.

(3) PROGRAM ADJUSTMENTS.—Upon review of the report submitted under paragraph (2), the Director shall submit recommendations to Congress for adjustments to the pilot program, including its expansion to additional facilities.

(d) DEFINITIONS.—In this section:

(1) ELIGIBLE ELDERLY OFFENDER.—The term "eligible elderly offender" means an offender in the custody of the Bureau of Prisons who—

(A) is not less than 60 years of age;

(B) is serving a term of imprisonment after conviction for an offense other than a crime of violence (as that term is defined in section 16 of title 18, United States Code) and has served the greater of 10 years or ½ of the term of imprisonment of that offender;

(C) has not been convicted in the past of any Federal or State crime of violence;

(D) has not been determined by the Bureau of Prisons, on the basis of information the Bureau uses to make custody classifications, and in the sole discretion of the Bureau, to have a history of violence; and

(E) has not escaped, or attempted to escape, from a Bureau of Prisons institution.

(2) HOME DETENTION.—The term "home detention" has the same meaning given the term in the Federal Sentencing Guidelines, and includes detention in a nursing home or other residential long-term care facility.

(3) TERM OF IMPRISONMENT.—The term "term of imprisonment" includes multiple terms of imprisonment ordered to run consecutively or concurrently, which shall be treated as a single, aggregate term of imprisonment for purposes of this section.

(e) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 and 2009.

CHAPTER 2—REENTRY RESEARCH

SEC. 241. OFFENDER REENTRY RESEARCH.

(a) NATIONAL INSTITUTE OF JUSTICE.—The National Institute of Justice may conduct research on juvenile and adult offender reentry, including—

(1) a study identifying the number and characteristics of minor children who have had a parent incarcerated, and the likelihood of such minor children becoming involved in the criminal justice system some time in their lifetime;

(2) a study identifying a mechanism to compare rates of recidivism (including rearrest, violations of parole, probation, post-incarceration supervision, and reincarceration) among States; and

(3) a study on the population of offenders released from custody who do not engage in recidivism and the characteristics (housing, employment, treatment, family connection) of that population.

(b) BUREAU OF JUSTICE STATISTICS.—The Bureau of Justice Statistics may conduct research on offender reentry, including—

(1) an analysis of special populations (including prisoners with mental illness or substance abuse disorders, female offenders, juvenile offenders, offenders with limited English proficiency, and the elderly) that present unique reentry challenges;

(2) studies to determine which offenders are returning to prison, jail, or a juvenile facility and which of those returning offenders represent the greatest risk to victims and community safety;

(3) annual reports on the demographic characteristics of the population returning to society from prisons, jails, and juvenile facilities;

(4) a national recidivism study every 3 years;

(5) a study of parole, probation, or post-incarceration supervision violations and revocations; and

(6) a study concerning the most appropriate measure to be used when reporting recidivism rates (whether rearrest, reincarceration, or any other valid, evidence-based measure).

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 242. GRANTS TO STUDY PAROLE OR POST-INCARCERATION SUPERVISION VIOLATIONS AND REVOCATIONS.

(a) GRANTS AUTHORIZED.—From amounts made available to carry out this section, the Attorney General may make grants to States to study and to improve the collection of data with respect to individuals whose parole or post-incarceration supervision is revoked, and which such individuals represent the greatest risk to victims and community safety.

(b) APPLICATION.—As a condition of receiving a grant under this section, a State shall—

(1) certify that the State has, or intends to establish, a program that collects comprehensive and reliable data with respect to individuals described in subsection (a), including data on—

(A) the number and type of parole or post-incarceration supervision violations that occur with the State;

(B) the reasons for parole or post-incarceration supervision revocation;

(C) the underlying behavior that led to the revocation; and

(D) the term of imprisonment or other penalty that is imposed for the violation; and

(2) provide the data described in paragraph (1) to the Bureau of Justice Statistics, in a form prescribed by the Bureau.

(c) ANALYSIS.—Any statistical analysis of population data under this section shall be conducted in accordance with the Federal Register Notice dated October 30, 1997, relating to classification standards.

(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section $1,000,000 for each of fiscal years 2008 and 2009.

SEC. 243. ADDRESSING THE NEEDS OF CHILDREN OF INCARCERATED PARENTS.

(a) BEST PRACTICES.—

(1) IN GENERAL.—The Attorney General shall collect data and develop best practices of State corrections departments and child protection agencies relating to the communication and coordination between such State departments and agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

(2) CONTENTS.—The best practices developed under paragraph (1) shall include information related to policies, procedures, and programs that may be used by States to address—

(A) maintenance of the parent-child bond during incarceration;

(B) parental self-improvement; and

(C) parental involvement in planning for the future and well-being of their children.

(b) DISSEMINATION TO STATES.—Not later than 1 year after the date of enactment of this Act, the Attorney General shall disseminate to States and other relevant entities the best practices described in subsection (a).

(c) SENSE OF CONGRESS.—It is the sense of Congress that States and other relevant entities should use the best practices developed and disseminated in accordance with this section to evaluate and improve the communication and coordination between State corrections departments and child protection agencies to ensure the safety and support of children of incarcerated parents (including those in foster care and kinship care), and the support of parent-child relationships between incarcerated (and formerly incarcerated) parents and their children, as appropriate to the health and well-being of the children.

CHAPTER 3—CORRECTIONAL REFORMS TO EXISTING LAW

SEC. 251. CLARIFICATION OF AUTHORITY TO PLACE PRISONER IN COMMUNITY CORRECTIONS.

(a) PRE-RELEASE CUSTODY.—Section 3624(c) of title 18, United States Code, is amended to read as follows:

"(c) PRE-RELEASE CUSTODY.—

"(1) IN GENERAL.—The Director of the Bureau of Prisons shall, to the extent practicable, ensure that a prisoner serving a term of imprisonment spends a portion of the final months of that term (not to exceed 12 months), under conditions that will afford that prisoner a reasonable opportunity to adjust to and prepare for the reentry of that prisoner into the community. Such conditions may include a community correctional facility.

"(2) HOME CONFINEMENT AUTHORITY.—The authority under this subsection may be used to place a prisoner in home confinement for the shorter of 10 percent of the term of imprisonment of that prisoner or 6 months.

"(3) ASSISTANCE.—The United States Probation System shall, to the extent practicable, offer assistance to a prisoner during pre-release custody under this subsection.

"(4) NO LIMITATIONS.—Nothing in this subsection shall be construed to limit or restrict the authority of the Director of the Bureau of Prisons under section 3621.

"(5) REPORTING.—Not later than 1 year after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007 (and every year thereafter), the Director of the Bureau of Prisons shall transmit to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives a report describing the Bureau's utilization of community corrections facilities. Each report under this paragraph shall set forth the number and percentage of Federal prisoners placed in community corrections facilities during the preceding year, the average length of such placements, trends in such utilization, the reasons some prisoners are not placed in community corrections facilities, and any other information that may be useful to the committees in determining if the Bureau is utilizing community corrections facilities in an effective manner.

"(6) ISSUANCE OF REGULATIONS.—The Director of Bureau of Prisons shall issue regulations pursuant to this subsection not later than 90 days after the date of enactment of the Recidivism Reduction and Second Chance Act of 2007.".

(b) COURTS MAY NOT REQUIRE A SENTENCE OF IMPRISONMENT TO BE SERVED IN A COMMUNITY CORRECTIONS FACILITY.—Section 3621(b) of title 18, United States Code, is amended by adding at the end the following: "Any order, recommendation, or request by a sentencing court that a convicted person serve a term of imprisonment in a community corrections facility shall have no binding effect on the authority of the Bureau under this section to determine or change the place of imprisonment of that person.".

SEC. 252. RESIDENTIAL DRUG ABUSE PROGRAM IN FEDERAL PRISONS.

Section 3621(e)(5)(A) of title 18, United States Code, is amended by striking "means a course of" and all that follows and inserting the following: "means a course of individual and group activities and treatment, lasting at least 6 months, in residential treatment facilities set apart from the general prison population (which may include the use of pharmocotherapies, where appropriate, that may extend beyond the 6-month period);".

SEC. 253. MEDICAL CARE FOR PRISONERS.

Section 3621 of title 18, United States Code, is further amended by adding at the end the following new subsection:

"(g) CONTINUED ACCESS TO MEDICAL CARE.—

"(1) IN GENERAL.—In order to ensure a minimum standard of health and habitability, the Bureau of Prisons shall ensure that each prisoner in a community confinement facility has access to necessary medical care, mental health care, and medicine.

"(2) DEFINITION.—In this subsection, the term 'community confinement' has the meaning given that term in the application notes under section 5F1.1 of the Federal Sentencing Guidelines Manual, as in effect on the date of the enactment of the Second Chance Act of 2007.".

SEC. 254. CONTRACTING FOR SERVICES FOR POST-CONVICTION SUPERVISION OFFENDERS.

Section 3672 of title 18, United States Code, is amended by inserting after the third sentence in the seventh undesignated paragraph the following: "He also shall have the authority to contract with any appropriate public or private agency or person to monitor and provide services to any offender in the community, including treatment, equipment and emergency housing, corrective and preventative guidance and training, and other rehabilitative services designed to protect the public and promote the successful reentry of the offender into the community.".

By Mr. DURBIN (for himself and Mr. GRASSLEY):

S.1062. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Banking, Housing, and Urban Affairs.

Mr. DURBIN. Mr. President, I am proud to be joined today by my colleagues, Senator GRASSLEY from Iowa, and Representative STARK in the House, to introduce the William H. Frist Gift of Life Congressional Medal Act. This important legislation gives long overdue recognition to the courageous act of organ donation and encourages others to become new donors.

This bill establishes a congressional medal to recognize organ donors and their families for their selfless acts of organ donation. The medal is named in honor of Dr. William H. Frist, a former transplant surgeon, later Senate majority leader, who first offered the Gift of Life Congressional Medal Act during his time in the Senate.

Nearly 100,000 people are currently waiting for an organ transplant. Over 2,000 are children under age 18. In my home State of Illinois, nearly 5,000 men, women, and children wait for a life-saving donation. Sadly, the national waiting list continues to grow every year. Since the waiting list began, at least 75,000 donation-eligible Americans have died waiting for an organ to become available; in 2005 alone, over 6,000 people died for lack of a suitable organ, including some 300 Illinois residents. Minorities representing approximately 25 percent of the population comprise over 40 percent of the organ transplant waiting list and half of the patients who die while patiently waiting for their gift of life.

Every 16 minutes, a new name is added to the growing list, while the hope of those who have been waiting for months and years at a time begins to diminish. To narrow the gap between the limited supply and the increasing demand for donated organs, willing donors must make their desire to donate clear to the only people able to make the decision if the occasion should arise—their immediate family members. Although there are up to 15,000 potential donors annually, families consent to donation for less than 6,000 donors.

Congressional medals are awarded to individuals who perform an outstanding deed or act of service to the security, prosperity, and national interest of the United States. Is there a more outstanding deed or act than that of the gift of life? Over 21,000 Americans receive the gift of life each year through transplantation surgery made possible by the generosity of organ and tissue donors. The Gift of Life Congressional Medal Act would allow us to recognize these donors and their families and inspire others to become donors.

This is noncontroversial, nonpartisan legislation to recognize the selfless act of donating one's organ for another's well-being and to hopefully increase the rate of organ donation. I ask my colleagues to help bring an end to transplant waiting lists and give recognition to the faith and courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge all of my colleagues to support the William H. Frist Gift of Life Congressional Medal Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1062

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "William H. Frist Gift of Life Congressional Medal Act".

SEC. 2. CONGRESSIONAL MEDAL.

The Secretary of the Treasury shall design and strike a bronze medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary of the Treasury, to commemorate organ donors and their families.

SEC. 3. ELIGIBILITY REQUIREMENTS.

(a) In General.—Any organ donor, or the family of any organ donor, shall be eligible for a medal described in section 2.

(b) Documentation.—The Secretary of Health and Human Services shall direct the entity holding the Organ Procurement and Transplantation Network (hereafter in this Act referred to as "OPTN") to contract to—

(1) establish an application procedure requiring the relevant organ procurement organization, as described in section 371(b)(1) of the Public Health Service Act (42 U.S.C. 273(b)(1)), through which an individual or their family made an organ donation, to submit to the OPTN contractor documentation supporting the eligibility of that individual or their family to receive a medal described in section 2; and

(2) determine, through the documentation provided, and, if necessary, independent investigation, whether the individual or family is eligible to receive a medal described in section 2.

SEC. 4. PRESENTATION.

(a) Delivery to the Secretary of Health and Human Services.—The Secretary of the Treasury shall deliver medals struck pursuant to this Act to the Secretary of Health and Human Services.

(b) Delivery to Eligible Recipients.—The Secretary of Health and Human Services shall direct the OPTN contractor to arrange for the presentation to the relevant organ procurement organization all medals struck pursuant to this Act to individuals or families that, in accordance with section 3, the OPTN contractor has determined to be eligible to receive medals under this Act.

(c) Limitation.—

(1) In General.—Except as provided in paragraph (2), only 1 medal may be presented to a family under subsection (b). Such medal shall be presented to the donating family member, or in the case of a deceased donor, the family member who signed the consent form authorizing, or who otherwise authorized, the donation of the organ involved.

(2) Exception.—In the case of a family in which more than 1 member is an organ donor, the OPTN contractor may present an additional medal to each such organ donor or their family.

SEC. 5. DUPLICATE MEDALS.

(a) In General.—The Secretary of Health and Human Services or the OPTN contractor may provide duplicates of the medal described in section 2 to any recipient of a medal under section 4(b), under such regulations as the Secretary of Health and Human Services may issue.

(b) Limitation.—The price of a duplicate medal shall be sufficient to cover the cost of such duplicates.

SEC. 6. NATIONAL MEDALS.

The medals struck pursuant to this Act are national medals for purposes of section 5111 of title 31, United States Code.

SEC. 7. GENERAL WAIVER OF PROCUREMENT REGULATIONS.

No provision of law governing procurement or public contracts shall be applicable to the procurement of goods or services necessary for carrying out the provisions of this Act.

SEC. 8. SOLICITATION OF DONATIONS.

(a) In General.—The Secretary of the Treasury may enter into an agreement with the OPTN contractor to collect funds to offset expenditures relating to the issuance of medals authorized under this Act.

(b) Payment of Funds.—

(1) In General.—Except as provided in paragraph (2), all funds received by the Organ Procurement and Transplantation Network under subsection (a) shall be promptly paid by the Organ Procurement and Transplantation Network to the Secretary of the Treasury.

(2) Limitation.—Not more than 5 percent of any funds received under subsection (a) shall be used to pay administrative costs incurred by the OPTN contractor as a result of an agreement established under this section.

(c) Numismatic Public Enterprise Fund.—Notwithstanding any other provision of law—

(1) all amounts received by the Secretary of the Treasury under subsection (b)(1) shall be deposited in the Numismatic Public Enterprise Fund, as described in section 5134 of title 31, United States Code; and

(2) the Secretary of the Treasury shall charge such fund with all expenditures relating to the issuance of medals authorized under this Act.

(d) Start-Up Costs.—A 1-time amount not to exceed $55,000 shall be provided to the OPTN contractor to cover initial start-up costs. The amount will be paid back in full within 3 years of the date of the enactment of this Act from funds received under subsection (a).

(e) No Net Cost to the Government.—The Secretary of the Treasury shall take all actions necessary to ensure that the issuance of medals authorized under section 2 results in no net cost to the Government.

SEC. 9. DEFINITIONS.

For purposes of this Act—

(1) the term "organ" means the human kidney, liver, heart, lung, pancreas, and any other human organ (other than corneas and eyes) specified by regulation of the Secretary of Health and Human Services or the OPTN contractor; and

(2) the term "Organ Procurement and Transplantation Network" means the Organ Procurement and Transplantation Network established under section 372 of the Public Health Service Act (42 U.S.C. 274).

SEC. 10. SUNSET PROVISION.

This Act shall be effective during the 2-year period beginning on the date of the enactment of this Act.

By Mrs. CLINTON:

S. 1063. A bill to amend title 10, United States Code, to improve certain death and survivor benefits with respect to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON:

S. 1064. A bill to provide for the improvement of the physical evaluation processes applicable to members of the Armed Forces, and for other purposes; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Ms. COLLINS):

S. 1065. A bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes; to the Committee on Armed Services.

Mrs. CLINTON. Mr. President, today, I am introducing the Heroes at Home Act of 2007, the Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007, and the Protecting Military Family Financial Benefits Act of 2007 to serve our servicemembers and send a message: you will be treated as heroes before deployment, during deployment, and upon returning home. You didn't offer excuses and do not deserve to be offered excuses by your country.

I want to thank Senator COLLINS for co-sponsoring the Heroes at Home Act of 2007 and for partnering with me on numerous pieces of legislation and initiatives related to these and other important health issues.

This is a moment of profound challenge for our country, for our military, and for our men and women in uniform. And while there are often strong disagreements here in Washington, I hope we can unite around our common values and patriotism when it comes to how we treat our servicemembers and veterans.

If you serve your country your country should serve you. That is the promise our country must keep to the men and women who enlist, who fight, and who return home often bearing the visible and invisible scars of sacrifice. Sadly, too often in the past several years, that promise has been broken: whether it's a lack of up-armored vehicles on the ground in Iraq or a lack of appropriate care in outpatient facilities at Walter Reed.

Last year, I authored and passed into law the Heroes at Home initiative to assist returning servicemembers experiencing the complex, diffuse, and life-altering symptoms of traumatic brain injury and other mental health difficulties.

One out of every 10 returning servicemembers are affected by traumatic brain injury (TBI), which has been widely identified as the "signature wound" of the Global War on Terror. This includes severe injuries as well as invisible wounds that result in trouble remembering appointments, holding down a job, and returning to civilian life. Unfortunately, troops have an increased risk of sustaining more than one mild or moderate TBI because of multiple deployments and the prevalent use of Improved Explosive Devices by enemy combatants in Operation Iraqi Freedom and Operation Enduring Freedom. However, mild and moderate TBI may go undetected, especially if the servicemember has sustained more obvious injuries. Further, it can be difficult to distinguish mild TBI from Post Traumatic Stress Disorder since both conditions have common symptoms, such as irritability, anxiety and depression. Although many wounded servicemembers receive cognitive evaluations upon returning from deployment, the lack of a baseline test conducted prior to the injury leads these servicemembers to question the validity of their post-deployment assessments.

When I visited Walter Reed a few weeks ago, I met a young Army soldier who had lost one arm and lost his ring finger because his wedding band had melted onto it. I asked him how he was doing, and he said, "You know, I'm working hard at my rehabilitation and they're taking great care of me with my prosthetics."

He said, "but what really bothers me is my memory. I don't have the focus that I used to have. I can't really set out tasks and know that I can accomplish them." And he said, "That's the thing that really bothers me I've got to have my brain back."

His story, and the stories of hundreds of other servicemembers like him, demonstrates that we need to do more to help rapid identification of traumatic brain injury in order to facilitate the best care once the servicemembers return home, and expand support systems for members and former members of the Armed Services with traumatic brain injury and their families.

That's why I, along with Senator COLLINS, am introducing the Heroes at Home Act of 2007 today, to build on last year's Heroes at Home initiative. I am grateful to have developed this proposal with the Wounded Warrior Project, the National Military Family Association, the Military Officers Association of America, and the American Academy of Neurology.

We should provide pre-deployment cognitive screening to better diagnose and treat traumatic brain injury when these men and women return home. This legislation will improve detection of mild and moderate TBI by implementing an objective, computer-based assessment protocol to measure cognitive functioning both prior to and after deployment. This baseline test will help detect mild and moderate cases of TBI and distinguish them from PTSD. My legislation will also require that the same assessment tool be used across all branches of the 6yArmed Services and for every member of the Armed Forces who will be deployed to Iraq and Afghanistan.

We should also help families take care of a loved one by providing them with training to become certified caregivers, so that they can receive compensation for care giving they already provide. Family members of returning soldiers with TBI are often ill-equipped to handle the demands of caring for their loved one, which in some bases can become a full-time responsibility. My legislation will establish a Traumatic Brain Injury Family Caregiver Personal Care Attendant Training and Certification Program, which would train and certify family caregivers of TBI patients as personal care attendants, enabling them to provide quality care at home and at the same time qualify for compensation from the VA.

Finally, we should explore new ways to treat TBI in rural settings and outpatient clinics through telemedicine. Servicemembers and veterans continue to face problems in accessing needed medical and mental health care, especially veterans or Guard and Reserve members who live in rural areas. The Heroes at Home Act of 2007 will help increase the reach of needed care for TBI by creating a demonstration project, administered jointly by the Departments of Defense and Veterans Affairs that would use telehealth technology to assess TBI and related mental health conditions and facilitate rehabilitation and dissemination of educational material on techniques, strategies and skills for servicemembers with TBI.

On March 6, 2007 Chief of Staff of the Army General Peter Schoomaker and the then Army Surgeon General Lieutenant General Kevin C. Kiley, testified before the Senate Armed Services Committee that soldiers appearing before the Physical Evaluation Board were "short-changed" and had not received appropriate disability benefits. According to the Congressional Research Service, since the enactment of the Traumatic Servicemembers Group

Life Insurance program at least 45 percent of claims have been denied. In March 2006 the Comptroller General issued GAO Report 06-362: Military Disability System: Improved Oversight Needed to Ensure Consistent and Timely Outcomes for Reserve and Active Duty Service Members—the Department of Defense did not heed the recommendations provided in this report and as a result injured and wounded warriors continue to languish in an inefficient and adversarial disability system.

I am also introducing legislation to fix the disability benefits system for our wounded warriors. When I've visited Walter Reed, one common thread uniting the problems is the disjointed and unfair process for evaluating disabilities. There were only three lawyers and one paralegal assigned to Walter Reed's entire evaluation process. Compare that to 4,000 Army JAG lawyers assigned to active duty, the National Guard, and the Reserves.

The "Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007" will restore disability benefits for wounded and injured members of the Armed Forces. The act will direct reviews of disability claims, traumatic injury claims, and the Physical Evaluation Board process. Additionally, the "Restoring Disability Benefits for Injured and Wounded Warriors Act of 2007" will increase the availability of legal counsel for members appealing their disability cases, and direct the Comptroller General to provide a follow up report on the efforts currently being made by the Department of Defense to address certain deficiencies in the Disability Evaluation Systems; the adequacy of the Department of Veterans Affairs Disability Schedule for Ratings as it relates to the nature of wounds our warriors suffer in combat today; and to report on the standards and procedures of Physical Evaluation Boards.

So I am proposing an up-and-down review of previously-denied cases and failed appeals, an independent review of traumatic injury claims under the Traumatic Servicemembers Group Life Insurance program where up to 45 percent of claims have been denied, and a fix to ensure members have the proper liaison and legal assistance when appearing before the Physical Evaluation Board. We must stop short-changing our wounded warriors.

Finally, I am introducing the Protecting Military Family Financial Benefits Act of 2007 to close gaps in coverage for the Death Gratuity and Survivor Benefits beneficiaries and improve pre-deployment counseling and services for all members of the Armed Forces.

Every day single-parents deploy to distant battlefields and leave their minor children in the care of a financially ill-prepared guardian or caretaker. Unfortunately, when tragedy strikes and a military servicemember makes the ultimate sacrifice, minor dependent children and families are excluded from benefits and entitlements. In too many cases pre-deployment counseling and help are under-funded or unavailable.

These provisions will add an option for members of the Armed Forces to designate guardians or caretakers as a beneficiary for Death Gratuity benefits for care of dependent children and to receive annuities under the Survivor Benefit Plan for care of dependent children. These options do not exist under current law.

The Department of Defense will be required to commission an independent panel to review and assess military pre-deployment counseling and services, and implement recommended changes and best practices within 120 days of receiving the report. This review will include pre-deployment counseling and services available for unmarried members of the Armed Forces with dependent children, unmarried single members without dependent children, and married members with or without dependent children.

Specifically, what level of counseling or services are available for these members to maximize financial protections for the proper care of their surviving dependents under the Servicemembers' Group Life Insurance, Traumatic Servicemembers' Group Life Insurance, Death Gratuity, Dependency and Indemnity Compensation, Survivor Benefits Plan, and benefits payable under the Social Security Act.

The review will include the preparation and maintenance of Family Care Plans for single-parents including elements for such plans relating to death benefits, wills, powers of attorney, trusts, safeguarding of the plan during deployment, and the acknowledgement of specific guardian and caretaker duties relating to use of financial benefits for the care of minor dependent children.

Finally, this review will determine the adequate level of resources available at military pre-deployment centers including: the availability of legal and financial counseling, training level of pre-deployment counselors, Family Support Group involvement, availability of PTSD screening, and availability of suicide prevention counseling.

Let us all join together in accepting our responsibility as a nation to those who serve and resolve to improve their care for traumatic brain injuries, reform their disability benefits, and fix their survivor benefits.

I ask unanimous consent letters of support for this legislation be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MILITARY OFFICERS
ASSOCIATION OF AMERICA,
Alexandria, VA, March 28, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: On behalf of the 362,000 members of the Military Officers Association of America (MOAA), I am writing to express our support for your leadership in sponsoring the "Heroes at Home Act of 2007" that will improve the diagnosis and treatment of traumatic brain injury (TBI) in current and former military members. This is a key step in closing the gap and providing for a more seamless transition between DoD and the VA.

We are proud of the sacrifice our military members and their families are willing to make for our country. For those wounded servicemembers, their sacrifices represent an especially unique population that deserves special attention. Like you, we are particularly concerned about those who bear the burden of what has been diagnosed as TBI, the "signature wound" for this War on Terrorism.

MOAA appreciates your dedication to our military community and for taking the lead in sponsoring this very important measure to help improve the quality of life of our wounded troops and family members. Your legislation will facilitate diagnosing servicemembers with TBI early in the health care and rehabilitation process, it will provide a program that will ensure family caregivers have the resources and training they need to care for their loved ones, and allows for a demonstration project to evaluate existing technology and identify effective telehealth or telemental health resources within the DoD and VA systems.

MOAA thanks you for introducing this legislation. We look forward to working closely with you in seeking timely enactment of this legislation in the 110th Congress.

Sincerely and Thank You,

NORBERT R. RYAN,
President and CEO.

NATIONAL MILITARY
FAMILY ASSOCIATION, INC.,
Alexandria, VA, March 29, 2007.

Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The National Military Family Association (NMFA) is the only national organization whose sole focus is the military family and whose goal is to influence the development and implementation of policies that will improve the lives of the families of the Army, Navy, Air Force, Marine Corps, Coast Guard, and the Commissioned Corps of the Public Health Service and the National Oceanic and Atmospheric Administration. For more than 35 years, its staff and volunteers, comprised mostly of military members, have built a reputation for being the leading experts on military family issues. On behalf of NMFA and the families it serves, we commend your proposal of the Heroes at Home Act of 2007 that builds on previous legislation.

The National Military Family Association supports this legislation addressing several issues affecting military service members, veterans and their families. Traumatic Brain Injury (TBI) has been found to be the signature wound of service members serving in Operation Enduring Freedom and Operation Iraqi Freedom. Establishing a protocol for obtaining a baseline measurement for cognitive functioning of service members would provide a better understanding of TBI. NMFA is concerned with the lack of knowledge regarding mild and moderate TBI incidents, its long term effects on service members and potential long-term impact on the resources required by the DoD and VA health care systems. Also, research on TBI will help to identify better methods for diagnosis and treatment of this condition. Establishing a training and certification program for family caregivers recognizes the important commitment family members make in caring for their loved ones diagnosed with TBI.

Access to health care and counseling is a major challenge facing returning service members and veterans living in rural areas. Telehealth and telemental health services would offer an alternative to long travel time and encourage service members and veterans to make greater use of these needed services. Additionally, partnering with existing resources offers an efficient way to deliver these services.

Thank you for your support of military service members and veterans diagnosed with TBI, and the families who care for them. If you have any questions you may contact Barbara Cohoon in our Government Relations department.

Sincerely,

TANNA K. SCHMIDLI,
Chairman, Board of Governors.

AMERICAN ACADEMY OF NEUROLOGY,
St. Paul, MN, March 28, 2007.
Hon. HILLARY CLINTON,
Russell Senate Office Building,
Washington, DC.

DEAR SENATOR CLINTON: The American Academy of Neurology (AAN), representing over 20,000 neurologists and neuroscience professionals, believes that our veterans deserve the best possible care and treatment for neurological injuries sustained in their service to our country. The conflicts in Iraq and Afghanistan have created an emerging epidemic of traumatic brain injury (TBI) among combat veterans.

For that reason, we are proud to support your Heroes at Home Act of 2007. TBI is associated with cognitive dysfunction, post-traumatic epilepsy, headaches and other motor and sensory neurological complications. It is essential that the federal government provide all veterans with access to the necessary neurological interventions and long-term treatments that their injuries require. The Heroes at Home Act of 2007 makes great steps towards providing that care.

Specifically, the AAN strongly supports the Act's provisions to implement fully pre- and post-deployment cognitive and memory screening of all active duty and reserve personnel.

The AAN also supports the bill's provision to expand telehealth and telemental health services offered by the VA to improve the surveillance and treatment of veterans with TBI and related seizure disorders. Ongoing outreach to veterans suffering TBI is essential, especially those who are discharged and return to rural communities.

Lastly, the AAN supports the Heroes at Home Act's implementation of a national program to train veterans who have experienced a TBI, their family caregivers and personal care attendants in the skills necessary to manage the long-term consequences of TBI.

Sincerely,

THOMAS R. SWIFT,
President.

BRAIN INJURY ASSOCIATION
OF AMERICA,
McLean, VA, March 28, 2007.
Sen. HILLARY RODHAM CLINTON,
Russell Senate Building,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Brain Injury Association of America enthusiastically endorses the "Heroes at Home Act of 2007" as a critical move forward in meeting the rehabilitation and emotional adjustment needs of traumatic-brain injury (TBI) survivors of Operation Iraq Freedom (OIF) and Operation Enduring Freedom (OEF).

The Brain Injury Association of America and its nationwide network of state affiliates commend you for recognizing the critical role played by family caregivers in facilitating recovery from brain injury and for addressing the pressing need to increase support for these caregivers by providing access to education, training and financial compensation.

The Brain Injury Association of America also applauds the steps this bill takes to establish a protocol for the assessment and documentation of cognitive functioning of each member of the Armed Forces both before and after deployment, including appropriate mechanisms to permit the differential diagnosis of TBI and post traumatic stress disorder (PTSD) in returning service members. It is time to make use of the increased availability of superior technology in detecting and treating TBI among all Armed Services personnel.

The Brain Injury Association of America is proud to endorse the "Heroes at Home Act of 2007," and commends your leadership on one of the most important issues related to the War on Terror, the unanticipated high incidence of traumatic brain injuries among America's brave service members.

Sincerely,

SUSAN H. CONNORS,
President/CEO.

WOUNDED WARRIOR PROJECT,
Jacksonville, FL, March 29, 2007.
Hon. HILLARY RODHAM CLINTON,
U.S. Senate,
Washington, DC.

DEAR SENATOR CLINTON: The Wounded Warrior Project (WWP) strongly supports your legislation entitled the "Heroes At Home Act of 2007" that you will soon be introducing. We are especially grateful that, included in your legislation are provisions brought to your attention by our organization. These provisions require the Department of Defense to perform a pre-deployment cognitive assessment on all servicemembers and will require the Department of Veterans Affairs to establish a Personal Care Attendant (PCA) Training and Certification program for family caregivers of severely brain injured servicemembers.

Traumatic Brain Injury (TBI) has been called the "signature wound" of the Global War on Terror. Many wounded servicemembers have received cognitive evaluations upon returning from deployment, but question the value of their assessment as no baseline test was conducted prior to the injury. The adoption of a "Pre-Deployment Cognitive Assessment" would assist both the Departments of Defense and Veterans Affairs in the diagnosis and treatment of brain injured servicemembers and, in some cases, help enhance the ability to distinguish between Post Traumatic Stress Disorder (PTSD) and TBI.

The second provision, the "Traumatic Brain Injury Family Caregiver Personal Care Attendant (PCA) Training and Certification program" would offer family members serving as the primary caregivers for severely traumatically brain injured servicemembers training and certification from the Department of Veterans Affairs (VA) as a personal care attendant. They would also then qualify for VA payment for services rendered to the TBI veteran in their care. In many circumstances, the family caregiver is forced to leave his/her job to provide the necessary care for their loved one, leaving the entire family in an adverse economic situation. In these cases, the family member often develops critical skills to assist in the servicemember's care but have been denied financial compensation for such labor. This program would be offered through the four Tier I VA Polytrauma centers on a rotating and regular basis.

These provisions, as well as the Telehealth and TeleMental Health study, contained in the "Heroes At Home Act" will go far towards insuring the long term health and well-being of service members incurring Traumatic Brain Injury. Again, WWP thanks you for your leadership on these issues and we stand committed to assisting you in seeing this legislation through to passage and enactment.

Sincerely,

JOHN MELIA,
Executive Director.

By Mr. DODD (for himself, Mr. KERRY, Mr. DURBIN, and Mr. FEINGOLD):

S. 1066. A bill to require the Secretary of Education to revise regulations regarding student loan repayment deferment with respect to borrowers who are in postgraduate medical or dental internship, residency, or fellowship programs; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today with Senators KERRY, DURBIN, and FEINGOLD to introduce the Medical Education Affordability Act, MEAA. The purpose of this bill is to make medical and dental education more affordable.

Upon graduation from college, students who can demonstrate economic hardship are eligible to extend their student loan deferment for up to 3 additional years. Using the economic hardship deferment, a formula that takes into account earnings and debt level, the majority of medical and dental residents defer repayment of their student loans until the end of their residency period. Unfortunately, for those specialties that require a residency of more than 3 years—OB/GYN, psychiatry, general surgery, and oral maxillofacial dentistry to name a few—student loan repayment begins before a resident's medical or dental education is completed. This situation creates an enormous financial burden for residents who have, in most cases, incurred significant debt. In 2006, the average indebtedness for graduating medical students was $130,000, for graduating dental students it was $145,465. While lenders are currently required to offer forbearance to medical and dental students, this is an expensive option as interest continues to accrue and may be capitalized more often.

The Medical Education Affordability Act would solve this problem by extending the economic hardship deferment to cover the entire length of a medical or dental residency. By altering the definition we are removing a significant financial obstacle facing students with residency periods longer than 3 years. I want to stress again, residents will still have to demonstrate economic hardship—MEAA only extends the deferment for borrowers that continue to meet the debt-to-income requirements of the economic hardship deferment.

Mr. President, I hope my colleagues will join me in support of medical education by signing onto this bill. By working together, I believe that the Senate as a body can act to ensure that more individuals are able to pursue a full range of medical specialties. I ask unanimous request that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1066

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medical Education Affordability Act".

SEC. 2. REGULATION REVISION REQUIRED.

(a) ACTION REQUIRED.—Not later than 90 days after the date of enactment of this Act, the Secretary of Education shall revise the regulations of the Department of Education that are promulgated to carry out the provisions relating to student loan repayment deferment under the Federal Family Education Loan Program under part B of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.), the William D. Ford Federal Direct Loan Program under part D of title IV of such Act (20 U.S.C. 1087a et seq.), and the Federal Perkins Loan Program under part E of title IV of such Act (20 U.S.C. 1087aa et seq.), which are promulgated under sections 682.210, 685.204, and 674.34 of title 34, Code of Federal Regulations, to comply with the requirements of subsection (b).

(b) REQUIREMENTS.—The student loan repayment deferment regulations shall be revised to provide, with respect to a borrower who is in a postgraduate medical or dental internship, residency, or fellowship program, that if the borrower qualifies for student loan repayment deferment under the economic hardship provision—

(1) the deferment shall be available for the length of the internship, residency, or fellowship program if the program—

(A) must be successfully completed by the borrower before the borrower may begin professional practice or service; or

(B) leads to a degree or certificate awarded by a health professional school, hospital, or health care facility that offers postgraduate training; and

(2) the borrower shall not be required to apply annually for such student loan repayment deferment during the length of the program.

By Mr. OBAMA (for himself, Mr. KERRY, Mrs. CLINTON, and Mr. DURBIN):

S. 1067. A bill to require Federal agencies to support health impact assessments and take other actions to improve health and the environmental quality of communities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. OBAMA (for himself, Mr. KERRY, and Mrs. CLINTON):

S. 1068. A bill to promote healthy communities; to the Committee on Health, Education, Labor, and Pensions.

Mr. OBAMA. Mr. President, next week is National Public Health week—a week to raise awareness about the importance of public health all around this Nation. I applaud the efforts of the American Public Health Association in organizing events across the country to assist in this awareness building.

We all know the alarming statistics demonstrating the worsening health status in both children and adults in this Nation. Without intervention, 1 in 3 children born in 2000 can expect to develop diabetes in their lifetime because of obesity resulting from poor nutrition and sedentary lifestyles. In my home State of Illinois, we have the highest number of lead-poisoned children in the Nation because of the large amount of older housing in places like Chicago. And asthma rates are on the rise in minority populations, reflecting worsening air quality in many areas.

But what many don't know is how, and the degree to which, changes in the environment are contributing to this health decline. Yet, study after study has shown that environmental factors can be just as problematic as poor genes in causing disease.

While working as a community organizer in the mid-1980s on Chicago's south side, I became intimately aware of the impact of the built environment on public health. One of the neighborhoods in which I worked was bordered by the highly polluted Calumet River on one side and railroad tracks on the other side. People didn't just grow up in this neighborhood—generation after generation stayed in a community with pollutants and extremely limited access to physical activity and healthy living. This image stays with me and is a motivating force to improve community design that includes all members of society.

The American Public Health Association and countless other expert organizations have shown us that if we make a real commitment to, and investment in, building healthy communities, we can substantially improve the health of children and adults.

There are many simple ways we can do this. Whenever we build a new highway or a new condo complex, we could also build a park where kids can play. Whenever we plan new communities, we could put grocery stores, restaurants and post offices within easy walking distance. We could take steps to ensure that factories or power plants aren't located near schools. We could ensure that kids are not exposed to lead hazards. And we could encourage the development of "green" homes and buildings that decrease energy consumption.

And that is why I come to the floor today to reintroduce the Healthy Places Act, and the Healthy Communities Act. The Healthy Places Act would help State and local governments assess the health impact of new policies or projects, whether it's a new highway or a shopping center. And once the health impact is determined, the bill gives grant funding and technical assistance to help address the potential health problems. And while we already know a great deal about the relationship between the built environment and the health status of residents, the bill supports additional research so we can look into new environmental health hazards.

The Healthy Communities Act goes hand in hand with the Healthy Places Act, calling for the assessment of the impact of federal policies on environmental health and justice. To make sure our policy decisions are not hurting public health, this legislation requires an Environmental Health Report Card for each state and the Nation at large. Since areas with poor environmental health tend to be disproportionately fiscally poor as well, this legislation establishes health action zones that qualify for grant assistance to address these problems. And since much more remains to be understood in this arena, the bill calls for environmental health research and for environmental health workforce development.

We as a society are moving in the direction of designing communities with healthy living and public health in mind. For example, in Chicago, city leaders recognized the lack of grocery stores in many lower income neighborhoods, forcing families to go without fresh foods. To address this issue, the city's Department of Planning and Development developed a program called Retail Chicago, which used redevelopment funds to attract local developers to build grocery stores in low-income neighborhoods.

While we celebrate the success of such local efforts, we must call upon the Federal Government to provide adequate support. And we must ensure that all segments of society reap the rewards of building and maintaining healthy communities. I thank you for this time, and I urge my colleagues to support the Healthy Places Act and the Healthy Communities Act.

By Ms. SNOWE (for herself and Mr. HARKIN):

S. 1069. A bill to amend the Public Health Service Act regarding early detection, diagnosis, and treatment of hearing loss; to the Committee on Health, Education, Labor, and Pensions.

Ms. SNOWE. Mr. President, I rise today to introduce the Early Hearing Detection and Intervention Act of 2007. This bill is a companion bill to H.R. 1198, introduced in the House by Representative LOIS CAPPS. I am pleased to be joined again this year by my colleague from Iowa, Senator HARKIN, who has long been a champion of the hearing impaired. Together we worked to address hearing impairment in children in 1999, and today we unite again to achieve even greater progress for children.

The number of Americans with a hearing loss has doubled during the past 30 years. Most of us associate hearing problems with the aging process, and it is true that the largest group of Americans suffering from hearing impairment are those in the 65 to 75 year age range. At the same time, each year more than 12,000 babies in the United States are born with permanent hearing loss. With another 2 to 3 of every 1,000 newborns suffering partial hearing loss, this is the number one birth defect in America. Unfortunately, hearing loss can go undiagnosed for years.

In recent years, scientists have stressed how crucial the first years of a child's life are to their future development. Specialists in speech and language development tell us that the crucial period for developing speech and communication in a child's life can begin as early as 6 months of age. Many babies with hearing loss experience delays in speech, language, and cognitive development which compromises the foundation they need for later schooling and success in society. This makes early detection and intervention of hearing loss a necessity if we are to ensure that all our children get the strong start they deserve.

The ability to hear is a major element of one's ability to read and communicate. To the extent that we can help infants and young children overcome disabilities detected early in life, we will improve their ability to function in society, receive an education, obtain meaningful employment, and enjoy a better quality of life. Without early diagnosis and intervention, these children are behind the learning curve, literally, before they have even started. They should not be denied a strong start in life simply for the lack of a simple screening test.

For 50 years, expert commissions and task forces have emphasized the need to detect hearing loss early. In 1989, concerned about the lack of progress in this area, Surgeon General C. Everett Koop set a goal that by the year 2000, all infants—at least 90 percent of all births or admissions—would be screened for hearing loss prior to discharge from hospital. Subsequent Federal initiatives, combined with improved technology and concerted action from hospitals and State agencies, have since led to dramatic advances in procedures for early identification. By the beginning of 1993, about a dozen hospitals had instituted essentially universal screening—defined as testing at least 90 percent of all newborns or infants admitted, prior to discharge. In 1997, an expert panel at the National Institute of Deafness and Other Communication Disorders recommended that the first hearing screening be carried out before an infant is 3 months old in order to ensure that treatment can begin before 6 months of age. The panel also recommended that the most comprehensive and effective way of ensuring screening before an infant is 6 months old is to have newborns screened before they are sent home from the hospital. Yet a 1998 report by the Commission on Education of the Deaf estimated that the average age at which a child with congenital hearing loss was identified in the United States was a 2½ to 3 years old, with many children not being identified until 5 or 6 years old.

Today we have seen substantial progress in screening, 69 percent of babies are now screened for hearing loss before one month of age. This is an increase of 47 percent compared to back in 1998. That improvement is the result of a bipartisan effort I undertook with Senators HARKIN and FRIST in 1999 when we introduced the Newborn and Infant Hearing Screening and Intervention Act of 1999.

That act helped states to establish programs to detect and diagnose hearing loss in all newborn children and to promote appropriate treatment and intervention for newborns with hearing loss. The legislation funded research by the National Institutes of Health to determine the best detection, diagnostic, treatment and intervention techniques and technologies.

The legislation we are introducing today builds on that success. The bill we are introducing today provides the additional assistance necessary to help States in implementing programs to ensure that all our newborns are tested and to ensure that those identified with a hearing impairment get the help they need. Therefore, this legislation assures that reasonable action will be taken to identify hearing loss within the groups of newborns and infants, so we reach each child as early as possible. Furthermore, the bill supports the recruitment, retention, education, and training of qualified personnel and health care providers, which will provide us with the healthcare professionals we need. And finally the legislation sets targets for a long-term follow-up. It requires the development of models that reduce the loss to follow-up of newborns and infants who are identified with a hearing loss through screening.

A baby born today will be part of this country's future. Surely we owe it to that child to give them a strong start on that future by ensuring that if they do have a hearing impairment it is diagnosed and treatment started well before their first year of life is completed. I urge my colleagues to join with Senator HARKIN and myself in supporting the Early Hearing Detection and Intervention Act of 2007.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1069

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Early Hearing Detection and Intervention Act of 2007".

SEC. 2. EARLY DETECTION, DIAGNOSIS, AND TREATMENT OF HEARING LOSS.

Section 399M of the Public Health Service Act (42 U.S.C. 280g-1) is amended—

(1) in the section heading, by striking "**INFANTS**" and inserting "**NEWBORNS AND INFANTS**";

(2) in subsection (a)—

(A) in the matter preceding paragraph (1), by striking "newborn and infant hearing screening, evaluation and intervention programs and systems" and inserting "newborn and infant hearing screening, evaluation, diagnosis, and intervention programs and systems, and to assist in the recruitment, retention, education, and training of qualified personnel and health care providers,"; and

(B) by amending paragraph (1) to read as follows:

"(1) To develop and monitor the efficacy of statewide programs and systems for hearing screening of newborns and infants; prompt evaluation and diagnosis of children referred from screening programs; and appropriate educational, audiological, and medical interventions for children identified with hearing loss. Early intervention includes referral to and delivery of information and services by schools and agencies, including community, consumer, and parent-based agencies and organizations and other programs mandated by part C of the Individuals with Disabilities Education Act, which offer programs specifically designed to meet the unique language and communication needs of deaf and hard of hearing newborns and infants. Programs and systems under this paragraph shall establish and foster family-to-family support mechanisms that are critical in the first months after a child is identified with hearing loss."; and

(C) by adding at the end the following:

"(3) To develop efficient models to ensure that newborns and infants who are identified with a hearing loss through screening are not lost to follow-up by a qualified health care provider. These models shall be evaluated for their effectiveness, and State agencies shall be encouraged to adopt models that effectively reduce loss to follow-up.

"(4) To ensure an adequate supply of qualified personnel to meet the screening, evaluation, and early intervention needs of children.";

(3) in subsection (b)—

(A) in paragraph (1)(A), by striking “hearing loss screening, evaluation, and intervention programs” and inserting “hearing loss screening, evaluation, diagnosis, and intervention programs”;

(B) in paragraph (2)—

(i) by striking “for purposes of this section, continue” and insert the following: “for purposes of this section—

“(A) continue”;

(ii) by striking the period at the end and inserting “; and”; and

(iii) by adding at the end the following:

“(B) establish a postdoctoral fellowship program to foster research and development in the area of early hearing detection and intervention.”;

(4) in paragraphs (2) and (3) of subsection (c), by striking the term “newborn and infant hearing screening, evaluation and intervention programs” each place such term appears and inserting “newborn and infant hearing screening, evaluation, diagnosis, and intervention programs”; and

(5) in subsection (e)—

(A) in paragraph (3), by striking “ensuring that families of the child” and all that follows and inserting “ensuring that families of the child are provided comprehensive, consumer-oriented information about the full range of family support, training, information services, and language and communication options and are given the opportunity to consider and obtain the full range of early intervention services, educational and program placements, and other options for their child from highly qualified providers.”; and

(B) in paragraph (6), by striking “, after rescreening,”; and

(6) in subsection (f)—

(A) in paragraph (1), by striking “fiscal year 2002” and inserting “fiscal years 2008 through 2013”;

(B) in paragraph (2), by striking “fiscal year 2002” and inserting “fiscal years 2008 through 2013”; and

(C) in paragraph (3), by striking “fiscal year 2002” and inserting “fiscal years 2008 through 2013”.

By Mr. HATCH (for himself, Mrs. LINCOLN, Mr. SMITH, and Mr. KOHL):

S. 1070. A bill to amend the Social Security Act to enhance the social security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Finance.

Mr. HATCH. Mr. President, with my colleagues, Senator BLANCHE LINCOLN, Senator GORDON SMITH and Senator HERB KOHL, I rise to introduce the Elder Justice Act of 2007.

Senators LINCOLN, SMITH, KOHL and I introduced similar legislation last Congress and former Senator John Breaux and I were the lead sponsors of the Elder Justice Act in the 107th and 108th Congresses, with the strong support of Senators LINCOLN, SMITH and KOHL. While the legislation has been reported unanimously by the Finance Committee in the 109th and 108th Congresses, it, unfortunately, has not become law. I am here to say that will not be the case this Congress.

I would like to take this opportunity to highlight the provision of the Elder Justice Act. This legislation establishes an Elder Justice Coordinating Council to make recommendations to the Secretary of Health and Human Services on the coordination of activities of the Federal, State, local and private agencies and entities relating to elder abuse, neglect and exploitation. It also provides a first time direct funding stream separate from the Social Services Block Grant for adult protective services. In addition, the Elder Justice Act creates an advisory board to create a short and long-term multidisciplinary strategic plan for the developing field of elder justice.

The legislation creates new forensic centers to promote detection and increase expertise—new programs will train health professionals in both forensic pathology and geriatrics. The bill also authorizes $10 million for national organizations or States that represent or train long-term care ombudsman representatives to provide training, technical assistance, demonstration programs and research to improve ombudsman effectiveness in addressing abuse and neglect in nursing homes and assisted living facilities.

In addition, the Elder Justice Act requires immediate reporting to law enforcement of crimes in a long-term care facility. It also allows the seven State demonstration projects authorized through the Medicare Modernization Act of 2003 to be completed and directs the Secretary of Health and Human Services to report the findings to the appropriate congressional committees no later than six months after the completion of the demonstration projects. The bill also authorizes $500,000 to determine the efficacy of establishing and maintaining a national nurse aide registry. Finally, the legislation authorizes $20 million in grants to enhance long-term care staffing through training and recruitment to establish employee incentives including career and wage benefit ladders and programs to improve management practices.

With more than 77 million baby boomers retiring over the next three decades, we cannot wait any longer for this legislation to pass. One of my top priorities of the 110th Congress is having the Elder Justice Act signed into law. Older Americans deserve nothing less.

In closing, our legislation has been endorsed by the Elder Justice Coalition, a national membership organization dedicated to eliminating elder abuse, neglect, and exploitation in America. This coalition, which has been a strong advocate and supporter of the Elder Justice Act, has over 500 members.

I urge my colleagues to support this legislation so we can provide older Americans the same protections that we provide to our children and victims of domestic violence.

Mr. KOHL. Mr. President, today I am pleased to be a cosponsor of the Elder Justice Act of 2007. As in previous Congresses, I am an original cosponsor and fully support the bill's goals and passage. I want to thank Senators HATCH, LINCOLN and SMITH for their continued leadership to make sure that our Nation finally acts in a comprehensive way to prevent elder abuse.

Our Nation has for far too long turned its back on the shame of elder abuse. Congress has held hearings on the devastating effects of elder abuse for a quarter of a century. With this bill, we are finally saying enough is enough—elder abuse is unacceptable and we are going to act to stop it.

This bill takes several important steps to make improvements to what is now an inadequate system of protection for our vulnerable elders. First, it boosts funding for the long-term care ombudsman program, which serves as an advocate for the elderly and disabled in long-term care. It also establishes an adult protective services grant program and forensics centers that are charged with developing expertise on elder abuse. In addition, it elevates the importance of elder justice issues by creating a coordinating council of Federal agencies that will make policy recommendations and submit reports to Congress every 2 years. And the legislation requires the Departments of Labor and Health and Human Services to take a proactive role in funding initiatives aimed at improving training programs and working conditions for long-term care professionals as a strategy for increasing the number of such workers during the coming years.

As much as I support this bill, however, I am disappointed that it does not include one important policy that can prevent abuse—a common-sense background check system that can screen out potential workers with serious criminal convictions that may put fragile seniors in long-term care at risk.

Almost every day, we read terrible stories about elderly patients who are beaten, sexually assaulted, or robbed by the very people who are charged with their care. Research shows that many instances of elder abuse could be avoided by a simple background check. It is time to put in place a nationwide system that can detect and prevent elder abuse. The seven-State pilot program that began in 2003 is an excellent start. Already, it is showing that States can successfully implement comprehensive, cost-effective programs that consolidate checks from State registries, State criminal records, and FBI records. In the coming weeks, I plan to introduce legislation that will take steps to make these pilot programs a reality for all States. I hope my colleagues will join me in this effort.

Again, I want to thank Senators HATCH, LINCOLN, and SMITH for their commitment to the cause of elder justice. The legislation we are introducing today will go a long way to focusing more attention on solutions for elder abuse, and developing new approaches to improve the quality of long-term care.

By Mr. STEVENS:

S. 1072. A bill to require Federal agencies to conduct their environmental, transportation, and energy-related activities in support of their respective missions in an environmentally, economically, and fiscally sound manner, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

Mr. STEVENS. Mr. President, the bill that I introduce today seeks to codify the initiatives announced by President Bush in January of this year in his Executive order to strengthen Federal environmental, energy, and transportation management. The bill would require the head of agencies to improve their agency's energy efficiency and reduce greenhouse gas emissions through the reduction of energy intensity by 3 percent annually through the end of fiscal year 2014 or by 30 percent by the end of fiscal year 2014.

The bill would require that at least half of an agency's statutorily required renewable energy consumed in a fiscal year come from a new renewable source and allows agencies, to the extent possible, to implement renewable energy generation projects on agency property. The bill would also set energy efficiency goals for water consumption, acquisition of goods and services, operation of Government vehicles, and the acquisition of electronic products.

This bill would put the Federal Government at the forefront of the Nation's efforts to improve our energy efficiency and ultimately reduce our greenhouse gas emissions.

A September 2002 report from the U.S. Department of Energy entitled, U.S. Lighting Market Characterization. Volume I: National Lighting Inventory and Energy Consumption Estimate, states that 38 percent of all energy consumed in the United States is used to generate electricity and that lighting consumes 22 percent of all the electricity produced in the United States.

Lighting consumes a significant percentage of the Nation's energy production. Because of this consumption, the bill would also require the Federal Government to take the lead in the use of energy efficient light bulbs. The bill does not specify any particular technology, but would define energy efficient light bulbs as those with an efficiency rating of not less than 30 lumens per watt. This definition would change from 30 lumens per watt to 45 lumens per watt in the year 2018. The replacement of low energy efficient light bulbs to more energy efficient light bulbs on Federal properties would be required to be completed within the next 5 years.

Many of the new energy efficient bulbs, such as compact fluorescent light bulbs, contain mercury. The bill would require that a disposal plan be developed to support the use of these bulbs and their proper disposal.

As the Nation looks to take advantage of the new energy efficient light bulbs at significant savings to individual households and businesses, the Federal Government should lead the way. The Government should be setting the standard for energy efficiency. This bill would mandate Federal Government leadership in this area with substantial savings in our energy consumption.

I urge my colleagues to support these legislative concepts.

By Mrs. FEINSTEIN (for herself, Ms. COLLINS, and Ms. SNOWE):

S. 1073. A bill to amend the Clean Air Act to promote the use of fuels with low lifecycle greenhouse gas emissions, to establish a greenhouse gas performance standard for motor vehicle fuels, to require a significant decrease in greenhouse gas emissions from motor vehicles, and for other purposes; to the Committee on Environment and Public Works.

Mrs. FEINSTEIN. Mr. President, I rise today with Senators COLLINS and SNOWE to introduce legislation that will significantly reduce the amount of greenhouse gases emitted from our Nation's transportation sector.

This bill would reduce carbon dioxide emissions from passenger vehicles and motor vehicle fuels by 22 percent below projected levels under business as usual by 2030. This reduction is equivalent to the removal of 662 million metric tons of carbon dioxide from the atmosphere or taking over 108 million cars off the road for a year. This would save 3.6 million barrels of oil per day by 2030.

It would achieve these reductions by requiring a: 3 percent reduction in emissions from the motor vehicle fuel pool by 2015, with an additional 3 percent reduction every 5 years, and 30 percent reduction in vehicle tailpipe emissions by 2016, with additional reductions every 5 years.

Highway vehicles are responsible for 32 percent of annual U.S. emissions of carbon dioxide (CO_2), the primary global-warming gas. And, motor vehicle emissions will continue to increase as more and more Americans purchase vehicles and the number of miles driven grows.

With more than 240 million motor vehicles on the road, producing 2 billion metric tons of carbon dioxide emissions per year, increasing our use of low carbon fuels is an essential part of a climate-safe transportation strategy.

So, the signs could not be clearer: It's time to sound the death-knell for the era of gas-guzzling motor vehicles. It is time to utilize improved vehicle technology and to increase access to cleaner, renewable fuels at the pump.

First, this bill will achieve this goal by increasing the availability of low carbon emitting fuels for motor vehicles.

We must start considering fuel emissions not only in terms of emissions produced at the tailpipe, but also in terms of the emissions generated by the production and transportation of fuels. The total emissions of a fuel, from production to end-use, are known as the "lifecycle emissions" of a fuel.

Not all fuels are created equal in terms of emissions; in fact, not all fuels within a give fuel category are created equal.

For example, ethanol produced from corn emits only about 10 to 20 percent less greenhouse gas emissions per unit of energy delivered compared to petroleum-based gasoline. In contrast, ethanol produced from cellulosic biomass achieves an 80 to 90 percent reduction in greenhouse gas emissions per unit of energy.

Electricity would also qualify as an alternative fuel under this bill. The lifecycle emissions of electricity produced by traditional coal-fired power plants will be far greater than that produced by wind or other zero-carbon electricity generation technologies.

By 2009, this bill would require the Environmental Protection Agency (EPA) to quantify the total lifecycle emissions of all motor vehicle fuels. The bill would also require EPA to develop a fuel labeling process to provide this information to consumers at the pump.

Armed with this information about the lifecycle emissions of different fuels, oil refiners and importers would be required to reduce the greenhouse gas emissions of their entire fuel pool by 3 percent below projected levels by 2015. And, every 5 years thereafter, emissions would be cut by an additional 3 percent.

To help fuel providers meet the mandated emissions reductions in a cost-effective manner, the bill would establish a carbon-credit trading market.

This would reduce emissions from motor vehicle fuels by 10 percent below projected levels by 2030 and would increase the supply of low-carbon fuels such as biodiesel, E-85, hydrogen, electricity, and others.

Second, the bill would achieve reductions in transportation sector emissions by federalizing California's landmark tailpipe emissions standard. California passed a landmark law in 2002 that required a reduction in tailpipe emissions and was the first State in the country to do so. This would require automakers to reduce tailpipe emissions, such as carbon dioxide, by 30 percent by 2016. It will also require EPA to tighten the reductions every 5 years.

Combined, these provisions would achieve a 22 percent reduction in transportation sector emissions below projected levels by 2030.

Additional provisions in the bill mandate: auto manufacturers to optimize dual-fueled vehicles to improve their fuel economy when running on alternative fuels, and alternative fuel vehicles, and only alternative fuel vehicles, come with a green fuel cap. This would alert consumers that these vehicles can accept other fuels besides traditional gasoline.

Just as it is necessary to reduce emissions in the electricity and industrial sectors, it is equally necessary to reduce emissions from the transportation sector. This bill makes significant, yet feasible, strides to reduce emissions through upgrades in vehicle technology and the incorporation of lower lifecycle emission fuels into the motor vehicle fuel pool. I urge my colleagues to join me in supporting this bill.

I ask unanimous consent that the text of the legislation be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1073

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Clean Fuels and Vehicles Act of 2007".

SEC. 2. FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS.

Title II of the Clean Air Act (42 U.S.C. 7581 et seq.) is amended by adding at the end the following:

"PART D—FUEL WITH LOW LIFECYCLE GREENHOUSE GAS EMISSIONS; GREENHOUSE GAS EMISSION REDUCTIONS

"SEC. 251. DEFINITIONS.

"In this part:

"(1) GREENHOUSE GAS.—The term 'greenhouse gas' means—

"(A) carbon dioxide;

"(B) methane;

"(C) nitrous oxide;

"(D) hydrofluorocarbons;

"(E) perfluorocarbons; and

"(F) sulfur hexafluoride.

"(2) LIFECYCLE GREENHOUSE GAS EMISSIONS.—The term 'lifecycle greenhouse gas emissions' means the aggregate quantity of greenhouse gases emitted per unit of fuel from production to use (including feedstock production or extraction and distribution).

"(3) MAJOR OIL COMPANY.—The term 'major oil company' has the meaning given the term in section 105(b) of the Energy Policy and Conservation Act (42 U.S.C. 6213(b)).

"(4) MOTOR VEHICLE.—The term 'motor vehicle' has the meaning given the term in section 216.

"SEC. 252. GREENHOUSE GAS EMISSION REDUCTIONS FROM FUELS AVAILABLE FOR MOTOR VEHICLES.

"(a) DETERMINATION PROCESS; FUEL EMISSIONS BASELINE.—

"(1) IN GENERAL.—Not later than January 1, 2010, the Administrator shall, by regulation—

"(A) establish a determination process for use in determining the lifecycle greenhouse gas emissions of a fuel; and

"(B) based on the aggregate quantity and variety of fuels available for motor vehicles used in the United States during calendar year 2007, determine the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle (referred to in this section as the 'fuel emissions baseline').

"(2) CONSIDERATIONS.—For purposes of determining the lifecycle greenhouse gas emissions of a fuel under paragraph (1), the Administrator shall consider—

"(A) greenhouse gas emissions resulting from—

"(i) production, extraction, distribution, transportation, and end use of the fuel;

"(ii) issues relating to the end use efficiency of the fuel;

"(iii) changes in land use and land cover resulting from an activity described in clause (i) with respect to the fuel; and

"(iv) net climate impacts affecting the energy and agricultural sectors resulting from an activity described in clause (i) with respect to the fuel; and

"(B) any other appropriate matters, as determined by the Administrator.

"(3) REQUIREMENTS.—The Administrator shall include in regulations promulgated to carry out paragraph (1) procedures by which the Administrator shall—

"(A) determine the lifecycle greenhouse gas emissions of a fuel and the fuel emissions baseline;

"(B) make each determination described in subparagraph (A), and information used in making the determinations, available to consumers;

"(C) label fuels with low lifecycle greenhouse gas emissions; and

"(D) provide information about adverse impacts of the fuel on—

"(i) land use and land cover;

"(ii) water, soil, and air quality; and

"(iii) public health.

"(b) SUBSEQUENT AVERAGE LIFECYCLE GREENHOUSE GAS EMISSIONS.—Not later than June 1, 2013, and annually thereafter, based on the aggregate quantity and variety of fuel available for motor vehicles used in the United States during the preceding calendar year, the Administrator shall determine, in accordance with the regulations promulgated under subsection (a), the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through the use of a unit of fuel for motor vehicles for the preceding calendar year.

"(c) REQUIRED REDUCTIONS IN LIFECYCLE GREENHOUSE GAS EMISSIONS.—

"(1) REGULATIONS.—The Administrator shall promulgate regulations to establish a credit trading program to address the lifecycle greenhouse gas emissions from fuels available for use in motor vehicles.

"(2) REQUIRED EMISSION REDUCTIONS.—The Administrator shall, by regulation, require each major oil company, refiner, or fuel importer that produces, sells, or introduces gasoline or other fuels available for use in motor vehicles into commerce in the United States to reduce the average lifecycle greenhouse gas emissions per unit of energy delivered to a motor vehicle through fuel to a level that is—

"(A) for calendar year 2015, 3 percent below the fuel emissions baseline; and

"(B) not later than every fifth calendar year thereafter, 3 percent below the average quantity of lifecycle greenhouse gas emissions per unit of energy delivered to a vehicle allowed pursuant to this section during the required fuel emissions level for the preceding calendar year, as determined by the Administrator under subsection (b).

"(3) USE OF CREDITS.—

"(A) IN GENERAL.—For the purpose of complying with the required reductions in lifecycle greenhouse gas emissions under this section, each major oil company, fuel refiner, or fuel importer shall demonstrate, on an annual basis, that the fuel mix provided to the market by the company, refiner, or importer meets the lifecycle greenhouse gas emission level specified in subparagraphs (A) and (B) of paragraph (2), including if necessary, by using credits previously banked or purchased.

"(B) CREDITS FOR ADDITIONAL REDUCTIONS.—The regulations promulgated to carry out this section shall permit a provider of a fuel that achieves a greater reduction in lifecycle greenhouse gas emissions than is required under subparagraph (A) or (B) of paragraph (2) for a particular compliance period to generate credits, based on—

"(i) the quantity of fuel provided; and

"(ii) the difference between—

"(I) the greater reduction in lifecycle greenhouse gas emissions of the fuel under subparagraph (A) or (B) of paragraph (2); and

"(II) the minimum required reduction in lifecycle greenhouse gas emissions of the fuel under that subparagraph.

"(d) STATEMENT OF CONGRESSIONAL INTENT.—It is the intent of Congress that, through implementation of this section—

"(1) an incentive will be created for the use, in lieu of gasoline, of fuels having lower lifecycle greenhouse gas emissions; and

"(2) fuels with the lowest lifecycle greenhouse gas emissions will continue over time—

"(A) to be improved;

"(B) to become widely-available and competitive in the marketplace; and

"(C) to contribute to an overall reduction in greenhouse gas emissions.

"SEC. 253. GREENHOUSE GAS EMISSION REDUCTIONS FROM AUTOMOBILES.

"(a) VEHICLE EMISSIONS BASELINE.—Not later than January 1, 2009, based on the aggregate quantity and variety of new automobiles sold in the United States during model year 2002 and the average greenhouse gas emissions from those new automobiles, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile (referred to in this section as the 'new vehicle emissions baseline').

"(b) SUBSEQUENT AVERAGE EMISSIONS FROM NEW AUTOMOBILES.—Not later than June 1, 2015, and annually thereafter, based on the aggregate quantity and variety of new automobiles sold in the United States during the preceding model year and the average greenhouse gas emissions from those new automobiles during the preceding model year, the Administrator shall determine the average quantity of greenhouse gas emissions per vehicle mile for the model year.

"(c) REQUIRED REDUCTIONS IN GREENHOUSE GAS EMISSIONS FROM AUTOMOBILES.—

"(1) IN GENERAL.—The Administrator shall, by regulation, require each manufacturer of automobiles for sale in the United States to reduce the average quantity of greenhouse gas emissions per vehicle mile of the aggregate quantity and variety of automobiles manufactured by the manufacturer to a level that is—

"(A) for automobiles manufactured in model year 2016, 30 percent less than the new vehicle emissions baseline; and

"(B) not later than every fifth model year thereafter, such percent as shall be specified by the Administrator that is less than the average quantity of greenhouse gas emissions per vehicle mile required for the model year preceding that fifth model year, as determined by the Administrator under subsection (b).".

SEC. 3. OPTIMIZED DUAL FUELED VEHICLES.

(a) OPTIMIZED DUAL FUELED AUTOMOBILES.—Section 32901(a) of title 49, United States Code, is amended—

(1) by striking paragraph (2) and inserting the following:

"(2) 'alternative fueled automobile' means an automobile that is—

"(A) a dedicated automobile;

"(B) a dual fueled automobile; or

"(C) an optimized dual fueled automobile."; and

(2) by adding at the end the following:

"(17) 'optimized dual fueled automobile' means an automobile that—

"(A) is capable of operating on alternative fuel and on gasoline or diesel fuel;

"(B) can satisfactorily operate throughout a Federal testing procedure exclusively on alternative fuel, when fueled with the maximum alternative fuel capacity, as determined by the Administrator of the Environmental Protection Agency; and

"(C) when operated on alternative fuel, achieves an average fuel economy that is not less than 20 percent greater, on a gallon of gasoline-equivalent energy basis, than the fuel economy of the same automobile operated on gasoline or diesel fuel.".

(b) FUEL ECONOMY CALCULATION FOR OPTIMIZED DUAL FUEL AUTOMOBILES.—Section 32905 of title 49, United States Code, is amended—

(1) in subsection (b)—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively, and indenting the subparagraphs appropriately;

(B) by striking "title, for any" and inserting "title—

"(1) for any";

(C) in paragraph (1)(B) (as designated and redesignated by subparagraphs (A) and (B)), by striking "fuel." and inserting "fuel; and"; and

(D) by adding at the end the following:

"(2) for any model of dual fueled automobile manufactured by a manufacturer in any of model years 2011 through 2015, the Administrator of the Environmental Protection Agency shall measure the fuel economy for that model by dividing 1.0 by the sum obtained by adding—

"(A) for optimized dual fueled automobiles, the sum obtained by adding—

"(i) .5 divided by the fuel economy measured under section 32904(c), when operating the model on gasoline and diesel fuel; and

"(ii) .5 divided by the fuel economy measured under subsection (a), when operating the model on alternative fuel; and

"(B) for dual fueled automobiles other than optimized dual fueled automobiles, values that reflect the actual use of gasoline and diesel fuel relative to alternative fuel in the models based on a determination made by the Administrator, taking into account alternative fuel sales and total number of models of dual fueled vehicles other than optimized dual fueled automobiles."; and

(2) by striking subsection (f).

(c) YEAR MODIFICATION.—Section 32906(a) of title 49, United States Code, is amended—

(1) in paragraph (1)—

(A) by striking "(1)(A) For" and inserting "(1) For";

(B) by striking "2010" and inserting "2015"; and

(C) by striking subparagraph (B); and

(2) in paragraph (2), by striking "described—" and all that follows through subparagraph (B) and inserting "described in paragraph (1) is more than 1.2 miles per gallon, the limitation in that paragraph shall apply.".

(d) INCREASING CONSUMER AWARENESS OF ALTERNATIVE FUEL VEHICLES.—Section 32908 of title 49, United States Code, is amended by adding at the end the following:

"(g) INCREASING CONSUMER AWARENESS OF FLEXIBLE FUEL VEHICLES.—The Secretary of Transportation shall promulgate regulations that—

"(1) require each manufacturer that manufactures alternative fuel vehicles that run on fuels with low lifecycle greenhouse gas emissions to install a green-colored fuel cap on each alternative fuel vehicle to distinguish the vehicle from vehicles that do not use low lifecycle greenhouse gas-emitting alternative fuels; and

"(2) prohibit a manufacturer from installing a green-colored fuel cap on an automobile manufactured by the manufacturer that does not run on a low lifecycle greenhouse gas-emitting alternative fuel.".

By Mr. AKAKA (for himself and Mr. BINGAMAN):

S. 1074. A bill to provide for direct access to electronic tax return filing, and for other purposes; to the Committee on Finance.

Mr. AKAKA. Mr. President, I am delighted to reintroduce the Free Internet Filing Act as the tax filing deadline approaches. The bill requires the Internal Revenue Service (IRS) to provide universal access to individual taxpayers filing their tax returns directly through the IRS Web site. I thank Senator BINGAMAN for cosponsoring this bill and working with me on taxpayer rights issues.

It is frustrating that individual taxpayers completing their own returns are still not able to electronically file directly with the IRS. Taxpayers are dependent on commercial preparers to electronically file their taxes. If taxpayers take the time necessary to prepare their returns by themselves, they must be given the option of electronically filing directly with the IRS. My legislation would make this direct filing possible.

The current system, the Free File Alliance, provides only a select group of taxpayers with the ability to file electronically for free using third party intermediaries. The current Free File Alliance agreement is a failure because it leaves out too many taxpayers. Taxpayers that make more than $52,000 are not eligible.

Taxpayers should not have the additional worry associated with sharing their private financial information with a tax preparation company. In an era when there have been so many electronic breaches of financial information, taxpayers should not be forced to hand over their private information if they want to electronically file their return with the IRS. Taxpayers should not lose out on the benefits of electronic filing simply because they are worried about sending their data to third parties.

IRS Commissioner Mark Everson has stated, "E-file is the fastest, safest, and most accurate way to file a tax return. People will get their returns faster through E-file. E-file greatly reduces the chances for making an error compared to filing a paper 1040." I simply want to provide every individual taxpayer the ability to electronically file their taxes at no cost and without having to use a commercial tax preparer.

My legislation will lead to an increase in the number of electronically filed returns. Approximately 45 million returns prepared using software are mailed in rather than electronically filed. With universal access to free e-file, this number could be substantially reduced. Electronic filing helps taxpayers receive their refunds faster than mailing in paper returns.

My legislation would also reduce errors and IRS administrative costs. According to Mr. Bert Dumars, the Director of the IRS Electronic Tax Administration, it costs 55 to 75 cents to process an electronic return while it costs about two dollars to process a paper return. In addition, the error rate for electronic returns is one percent while the error rate for paper returns is 20 percent.

We have an obligation to make free electronic filing available to all individual taxpayers. Electronic filing benefits both taxpayers and the IRS. I have appreciated the attention paid to this issue by Senator BAUCUS and Senator GRASSLEY. I will continue to work with my colleagues to enact the Free Internet Filing Act.

I ask unanimous consent that the text of the bill be printed in the RECORD. I also ask unanimous consent that a letter of support from the Hawaii Alliance for Community-Based Economic Development be included in the RECORD. Finally, I ask unanimous consent that a letter of support from the National Consumer Law Center, Consumer Federation of America, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, Consumer Action, and the Neighborhood Economic Development Advocacy Project, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

S. 1074

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Free Internet Filing Act".

SEC. 2. DIRECT ACCESS TO E-FILE FEDERAL INCOME TAX RETURNS.

(a) IN GENERAL.—The Secretary of the Treasury shall provide individual taxpayers with the ability to electronically file their Federal income tax returns through the Internal Revenue Service website without the use of an intermediary or with the use of an intermediary which is contracted by the Internal Revenue Service to provide free universal access for such filing (hereafter in this section referred to as the "direct e-file program") for taxable years beginning after the date which is not later than 3 years after the date of the enactment of this Act.

(b) DEVELOPMENT AND OPERATION OF PROGRAM.—In providing for the development and operation of the direct e-file program, the Secretary of the Treasury shall—

(1) consult with nonprofit organizations representing the interests of taxpayers as well as other private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary,

(2) promulgate such regulations as necessary to administer such program, and

(3) conduct a public information and consumer education campaign to encourage taxpayers to use the direct e-file program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the direct e-file program. Any sums so appropriated shall remain available until expended.

(d) REPORTS TO CONGRESS.—

(1) REPORT ON IMPLEMENTATION.—The Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives every 6 months regarding the status of the implementation of the direct e-file program.

(2) REPORT ON USAGE.—The Secretary of the Treasury, in consultation with the National Taxpayer Advocate, shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives annually on taxpayer usage of the direct e-file program.

MARCH 28, 2007.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The National Consumer Law Center (on behalf of its low-income clients), Consumer Federation of America, Consumer Action, U.S. Public Interest Research Group, California Reinvestment Coalition, Center for Economic Progress, and the Neighborhood Economic Development Advocacy Project write to support your bill entitled the "Free Internet Filing Act." Consumer groups have long advocated for what the Free Internet Filing Act would provide—the ability of taxpayers to electronically file their returns without the need for a third party intermediary.

Enabling taxpayers to file electronically directly with the Internal Revenue Service will benefit taxpayers tremendously. It will save taxpayers the fees charged by some commercial preparers for electronic filing. Unlike the current Free File program established by the IRS, the Free Internet Filing Act will provide taxpayers with free electronic filing without the potential of being subject to cross-marketing pitches for financial products which may not be in their best interests. While the marketing pitches for refund anticipation loans and other ancillary products were dropped this year from the Free File program, such a limitation is not enshrined in law or regulation.

The Free Internet Filing Act will also help taxpayers to keep their information private. By allowing free direct electronic filing with the IRS, taxpayers will have the ability to bypass commercial preparers that might exploit or share their personal, confidential tax information for non-tax purposes.

We believe the IRS should have been required a long time ago to establish free direct electronic filing. For many years, Americans have been able to apply for federal student financial aid on www.fafsa.ed.gov and Social Security retirement benefits at www.ssa.gov. A free direct electronic filing program at www.irs.gov is long overdue.

If you have any questions about this letter, please contact Chi Chi Wu. Thank you again for all your efforts to protect taxpayer rights.

Sincerely,

Chi Chi Wu, Staff Attorney, National Consumer Law Center; Jean Ann Fox, Director of Consumer Protection, Consumer Federation of America; David Marzahl, Executive Director, Center for Economic Progress; Ed Mierzwinski, Consumer Program Director, U.S. Public Interest Research Group (U.S. PIRG); Linda Sherry, Director, National Priorities, Consumer Action; Rhea L. Serna, Policy Advocate, California Reinvestment Coalition; Chris Keeley, Campaigns Organizer, Neighborhood Economic Development Advocacy Project (NEDAP).

HAWAI'I ALLIANCE FOR COMMUNITY-BASED ECONOMIC DEVELOPMENT,
Honolulu, HI, March 22, 2007.

Hon. DANIEL K. AKAKA,
U.S. Senate,
Washington, DC.

DEAR SENATOR AKAKA: The Hawai'i Alliance for Community Based Economic Development (HACBED) is writing in support of the "Free Internet Filing Act."

HACBED is a statewide 501(c)3 organization established in 1992 to help maximize the impact of community-based economic development organizations (CBEDOs). We pursue our mission by helping CBEDOs to increase community control of their assets and means of production. We accomplish this in many ways—by providing technical support to help CBEDOs deal with organizational issues; by networking on a local and national basis for funding and financing for community-based efforts; and, by advocating for communities to play a more active role in the political process in order to effect systemic change. To this end, HACBED has been facilitating statewide conversations to develop a comprehensive asset policy agenda. Core to this agenda is the recognition of the importance of creating policies that assist individuals, families and the broader community to build wealth.

Tax season is an essential time for low income families to take advantage of their tax related benefits, including the earned income tax credit. Electronic filing of taxes is a quicker, more efficient way to process a tax return. In many cases, working families must pay a professional tax preparer to prepare their return and file electronically. By providing free universal access to electronic filing these low-income working families would be able to keep more of their hard-earned dollars in their pocket.

HACBED fully supports this bill and we look forward to working with you in the future to insure free and low cost tax-related services for low-income families.

Sincerely,

BRENT DILLABAUGH,
Deputy Director.

By Mr. INOUYE (for himself and Mr. STEVENS) (by request):

S1076. A bill to amend title 49, United States Code, to authorize appropriations for the Federal Aviation Administration for fiscal years 2008 through 2010, to improve aviation safety and capacity, to provide stable, cost-based funding for the national aviation system, and for other purposes; to the Committee on Finance.

Mr. INOUYE. Mr. President, I rise today to announce the introduction, by request, of the Next Generation Air Transportation System Financing Reform Act of 2007, the Bush administration's proposal for the Federal Aviation Administration, (FAA), reauthorization.

As chairman of the Commerce Committee, I, along with vice chairman STEVENS, introduce this bill out of courtesy to the Bush administration. They have outlined an aggressive proposal for the FAA reauthorization and while I cannot support all portions of this bill, I believe our colleagues should have an opportunity to consider the ideas outlined.

While I commend the Department of Transportation and the FAA for their work on the proposal, I have great concerns with some of the provisions. Specifically, I am troubled by the proposal to dramatically increase the general aviation fuel tax and substantially cut the Airport Improvement Program, AIP, funding level.

The Commerce Committee has jurisdiction over the FAA and I will work with Senator JAY ROCKEFELLER, the chairman of the Aviation Subcommittee, and Senator TRENT LOTT, the ranking member of the subcommittee, along with other members of the committee, to craft a bipartisan bill that we can bring before the full Senate.

It is important that we act quickly, as the current aviation tax structure expires at the end of the fiscal year. Therefore, we must present our committee and this body with a bill that not only solves funding issues for our Nation's air system, but also puts us on a course to fully modernize our aviation system to safely and efficiently handle the increase in air traffic that is expected.

In the coming weeks, we will be back here with a bill that I believe will gain the support of the majority of the Commerce Committee and the support of the Senate.

Mr. STEVENS. Mr. President, as vice chairman of the Commerce Committee I concur with my good friend and colleague. I applaud the administration for moving the process forward but I echo Senator INOUYE's concerns with the proposal. I look forward to working with him and our colleagues on the Commerce, Science, and Transportation Committee to craft a Committee proposal in the coming weeks.

By Mr. BYRD (for himself, Mr. ROCKEFELLER, Mr. CHAMBLISS, Mr. COCHRAN, Mrs. DOLE, Mr. INHOFE, Mr. LOTT, and Mr. ISAKSON).

S.J. Res. 11. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

Mr. BYRD. Mr. President, West Virginians have always been a deeply spiritual people. Historically, we have stood fast in our devotion to the Creator, even when—or especially when—faced with adversity, deprivation, or misfortune. Just as we recognize that joyful events are best celebrated with prayers of gratitude, we also believe that hardship can be endured and, in fact, diminished through the infinite power of the healing word.

As we leave for Easter recess to celebrate the resurrection, we lift our heads from the darkness to the light. We ask for God's blessings. The Gospel at John 14:13 tells us that God answers prayer, meaning that he hears us whenever we ask for anything according to his will.

The importance of prayer is recognized by people of faith in nearly every denomination. Yet, in America, too many of our citizens belittle, ignore, or denigrate the power of prayer. They believe that the doctrine of separation of powers means that we can pray only within the four walls of a house of worship, and nowhere else. But that viewpoint does not reflect the intent of the Creator.

Prayer, no matter where undertaken, by design, provides both inspiration and solace. It is comforting, particularly during a time of war. No wonder, then, that prayer has always had a place in the lives of our military. In December 1944, General George S. Patton, Jr., ordered Colonel James H. O'Neill, the chaplain of the Third Army, to produce a prayer to the heavens, which requested clear weather. The prayer, written by Chaplain O'Neill, reads as follows:

> Almighty and most merciful Father, we humbly beseech Thee, of Thy great goodness . . . Grant us fair weather for Battle. Graciously hearken to us as soldiers who call upon Thee, that, armed with Thy power, we may advance from victory to victory . . . and establish Thy justice among men and nations. Amen.

Chaplain O'Neill's prayer was provided on behalf of all soldiers, regardless of denomination, when or where they prayed, and with whom. It was a prayer in addition to the silent or outspoken, individual and voluntary prayers of each of the enlisted men and women of the Army.

Although I cannot be sure of it, I would imagine that soldiers in the field responded favorably to the prayer of Chaplain O'Neill. They assuredly did not object to his expression of faith—one in which they were free to participate or not. Undoubtedly, the soldiers drew inspiration from the Chaplain's words.

Now, while our children do not normally face the mortal peril that U.S. troops inevitably face in a time of war, all Americans—whether young or old—in school or in battle, surely from time to time need to draw upon the blessings of a higher power to face whatever tests fate may throw their way on any given day.

Yet, one wonders what would happen if a student in an American classroom today decided, of his or her own volition, to recite a prayer like the one by Chaplain O'Neill. In some jurisdictions, it is probable that the student would be disciplined and his/her teachers punished for potentially violating the First Amendment.

Is today's state of affairs consistent with the intent of the Framers? No. The Founding Fathers believed in a Supreme Being, and they were proud of their faith. On February 22, 1756, John Adams wrote:

> Suppose a nation in some distant region should take the Bible for their only law book and every member should regulate his conduct by the precepts there exhibited! Every member would be obliged in conscience to temperance, frugality, and industry; to justice, kindness, and charity towards his fellow men; and to piety, love, and reverence toward Almighty God . . . what a Utopia, what a paradise would this region be.

As his words reflect, John Adams knew and recognized that we were and are a religious people.

The Religion Clauses of the First Amendment to the U.S. Constitution state: "Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; . . ."

In my opinion, too many have not given equal weight to both of these clauses. Instead, they have focused only on the first clause, which prohibits the establishment of religion, at the expense of the second clause, which protects the right of Americans to worship as they please. This country was founded by men and women of strong faith, whose intent was not to suppress religion, but to ensure that the government favored no single religion over another.

In particular, the Free Exercise Clause of the First Amendment states that Congress cannot make laws that prohibit the free exercise of religion. Consequently, I believe that any prohibition of voluntary prayer in school, either spoken aloud or recounted in silence, violates the right of our schoolchildren to practice freely their religion. And that's not right. Any child should be free to pray to God, of his or her own volition, whether at home, in church, or at school. Period.

I am not a proponent of repeatedly amending the U.S. Constitution. I believe that such amendments should be done only rarely and with great care. However, because I feel as strongly about this today as I have for over four decades, I am going to take this opportunity, once again, as I have at least eight times over the past 45 years, to introduce today a joint resolution to amend the Constitution to clarify the intent of the Framers with respect to voluntary prayer in school.

The language of the resolution that I am introducing today to amend the Constitution simply states: "Nothing in this Constitution, including any amendment to this Constitution, shall be construed to prohibit voluntary prayer or require prayer in a public school, or to prohibit voluntary prayer or require prayer at a public school extracurricular activity."

This resolution is similar to legislation that I introduced or cosponsored starting in 1962, but more recently in 1973, 1979, 1982, 1993, 1995, 1997, and 2006. This resolution is not a radical departure. It simply reiterates what should already be permissible under a correct interpretation of the First Amendment. It does not change the language of the First Amendment, and it would not permit any school to advocate a particular religious message endorsed by the government. The resolution seeks neither to advance nor to inhibit religion. It does not signify government approval of any particular religious sect or creed. It does not compel a "non-believer" to pray. In fact, it does not require an atheist to embrace or adopt any religious action, belief, or expression. It does not coerce or compel anyone to do anything, and it does not foster excessive government entanglement with religion.

This Constitutional Amendment simply allows children to pray, voluntarily, if they wish to do so. The Supreme Court has held that the Establishment Clause is not violated so long as the government treats religious speech and other speech equally. The resolution has a preeminently secular purpose, which is to ensure that religious and non-religious speech are treated equally.

The First Amendment is to secure religious liberty. Justice Stevens has written that, "nothing in the Constitution as interpreted by this Court prohibits any public school student from voluntarily praying at any time before, during or after the school day."

Similarly, Justice Sandra Day O'Connor has written that the Religion Clauses of our Constitution have "kept religion a matter for the individual conscience, not for the prosecutor or bureaucrat."

And we should make certain that religion is a matter for the individual conscience. But keeping religion a matter for the individual conscience should not mean that a schoolchild must stand silent, unable to turn to

God for comfort or guidance in times of need. Not every reference to God represents the impermissible establishment of religion. Instead, let us make certain that every individual, including every schoolchild, can be assured of his/her right to pray voluntarily to God, as he/she pleases, consistent with the intent of the Framers, who wrote the U.S. Constitution and the Bill of Rights.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 134—DESIGNATING SEPTEMBER 2007 AS "ADOPT A SCHOOL LIBRARY MONTH"

Mr. DURBIN (for himself and Mr. COLEMAN) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 134

Whereas extensive research has demonstrated a link between high-quality school libraries and student achievement in the classroom and on standardized tests, regardless of the level of poverty or family instability experienced by the student;

Whereas 37 percent of all fourth grade children in the United States are reading at below-basic reading levels;

Whereas the school libraries of the United States are valuable tools that could be used to inspire and enhance literacy for all children;

Whereas, to become a lifelong reader, a student must be exposed to adults who read regularly and serve as positive reading role models;

Whereas school librarians are—

(1) instrumental in helping teachers educate the students of the United States; and

(2) through the use of books, computer resources, and other resources, a necessary component for expanding the curriculum of the public schools of the United States;

Whereas the school libraries of the United States are used as media centers to provide students with opportunities to interact with computers and other electronic information resources;

Whereas the use of school library computers helps students develop media and technological skills, including—

(1) critical thinking;

(2) communication competency; and

(3) the ethical and appropriate use of technology information access, retrieval, and production;

Whereas the school libraries of the United States serve as a gathering place for students of all ages, backgrounds, and interests to come together to debate ideas;

Whereas only approximately $1,000,000,000 is allocated to school libraries each year, which translates to $0.54 per student; and

Whereas numerous programs, including the READesign program of the Heart of America Foundation, are working to reestablish school libraries as the hearts of the public schools of the United States by—

(1) offering intensive care for school libraries though efforts designed—

(A) to redecorate school libraries;

(B) to revitalize technology available to school libraries; and

(C) to replenish the book shelves of school libraries; and

(2) renewing community support and interest for—

(A) enriching the lives of children; and

(B) helping students regain lost opportunities for learning: Now, therefore, be it

Resolved, That the Senate—

(1) designates September 2007 as "Adopt a School Library Month" to raise public awareness about the important role school libraries play in the academic achievement of children; and

(2) calls on the Federal Government, States, local governments, schools, nonprofit organizations, businesses, and the people of the United States to observe the month with appropriate ceremonies, programs, and other activities.

Mr. DURBIN. Mr. President, When I was growing up in East St. Louis, I spent hours reading about faraway places, exciting adventures, and historic figures and events. I spent countless hours in the library discovering wonderful stories and developed a lifelong love of reading.

Now imagine going to school where the library is dark and uninviting, and where there is no librarian in sight. These conditions are real. I have visited schools in my home State of Illinois and seen libraries that show their years of neglect.

The dire circumstances that face some of these school libraries are not due to lack of concern by school officials. School leaders are working with limited budgets and unforgiving performance standards. School libraries were once one of the central features of our school, but are now one of the first programs to be cut.

In Cairo, IL, there is no money available for new books. The superintendent told me that his school libraries would have no books at all if it were not for the donations from the local community. In Collinsville, school libraries had science books so outdated they were published before man landed on the moon. We cannot expect our students to compete in today's global economy unless we provide them with the tools that they need to succeed.

Many studies have demonstrated the strong link between high-quality school libraries and student achievement, both in the classroom and on standardized tests. School libraries benefit all students, regardless of race, class, or family situation. According to a study by the Illinois School Library Media Association, students average 5 percent to 13 percent higher on their reading and writing test scores when their libraries are well-funded. Students in schools with more current collections in their libraries scored 7 percent to 13 percent higher in reading and writing in lower grades and 3 percent higher on college entrance exams. In Illinois, additional computers in school libraries led to an 8-percent increase in the reading performance of fifth to eighth graders, and to an 11-percent increase in the writing scores for eighth graders. The data is consistent and clear: All of our children are more likely to succeed when their school possesses a high-quality school library.

Many groups recognize the importance of school libraries and are doing something about it. In particular, I commend the Heart of America Foundation, which is focused on improving some of the Nation's most needy school libraries. In impoverished communities where many libraries have one book or less per student, Heart of America tries to bring the collections of these libraries up to at least the national average of 22 books per student. Its READesign program offers intensive care for school libraries through renovation, revitalizing technology, and replenishing book shelves. Heart of America makes READesigns a community effort by bringing together individuals, corporate sponsors, and community groups to provide schools with "library makeovers." The transformation of these school libraries is truly extraordinary. It goes beyond simply painting and restocking the bookshelves. After a READesign, a school library once again becomes a welcoming and vibrant center of learning, books, and technology.

I am confident that others will be as inspired by the READesign program and the potential of our school libraries as I am. In designating September 2007 as "Adopt a School Library Month," it is my hope that individuals will remember the importance of school libraries in facilitating the academic achievement of our children and support needy school libraries in their respective communities.

SENATE RESOLUTION 135—EXPRESSING THE SENSE OF THE SENATE THAT THE UNITED STATES SHOULD SUPPORT INDEPENDENCE FOR KOSOVO

Mr. LIEBERMAN (for himself, Mr. BIDEN, Mr. MCCAIN, and Mr. SMITH) submitted the followoing resolution; which was referred to the Committee on Foreign Relations:

S. RES. 135

Whereas the United States has enduring national interests in the peace and security of southeastern Europe, and in the greater integration of the region into the Euro-Atlantic community of democratic, well-governed states;

Whereas, in March 1999, the United States, along with other members of the North Atlantic Treaty Organisation (NATO), commenced military action aimed at ending Slobodan Milosevic's brutal campaign of ethnic cleansing against the people of Kosovo;

Whereas that military action resulted in the defeat of Serb forces and the creation of the United Nations Mission in Kosovo, an interim United Nations administration that governs Kosovo, and which ended, de facto, the sovereignty that was previously exercised by the Government of the Federal Republic of Yugoslavia over Kosovo;

Whereas the men and women of the Armed Forces of the United States have served bravely in Kosovo since 1999, and their presence and participation in the NATO-led Kosovo Force has been indispensable in protecting the people of Kosovo and stabilizing the region;

Whereas United Nations administration was never intended nor understood as a permanent solution to the political status of Kosovo;

Whereas, in light of NATO's military intervention in Kosovo and the United Nations trusteeship established in Kosovo pursuant to United Nations Security Council Resolution 1244 (1999), the international community has recognized the political circumstances in Kosovo as unique, and the settlement of Kosovo's status therefore does not establish a precedent for the resolution of other conflicts;

Whereas continuing uncertainty about the status of Kosovo is unacceptable to the overwhelming majority of the inhabitants of Kosovo, inhibits economic and political development in Kosovo, and contributes to instability and radicalism in both Kosovo and Serbia;

Whereas, in 2005, the United Nations Secretary-General appointed the former President of Finland, Martti Ahtisaari, as United Nations Special Envoy for Kosovo to develop a comprehensive settlement proposal to resolve the political status of Kosovo;

Whereas, in March 2007, after 14 months of intensive diplomacy, Special Envoy Ahtisaari submitted to the Security Council a comprehensive settlement proposal that would result in supervised independence for Kosovo, with robust protections for the rights of minorities; and

Whereas Special Envoy Ahtisaari has explored every reasonable avenue for compromise in the course of his diplomacy and has stated that further negotiations would be counterproductive: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United States should support the independence of Kosovo in accordance with its currently constituted borders, a resolution that represents the only just, sustainable solution for an economically viable and politically stable Kosovo;

(2) the United States should, in consultation and cooperation with its allies, vigorously and promptly pursue a United Nations Security Council resolution that endorses the recommendations of United Nations Special Envoy for Kosovo Martti Ahtisaari;

(3) in the absence of timely action by the United Nations Security Council, the United States should be prepared to act in conjunction with like-minded democracies to confer diplomatic recognition on, and establish full diplomatic relations with, Kosovo as an independent state, much as the United States worked in cooperation with like-minded democracies to protect the people of Kosovo in 1999;

(4) the United States should oppose any delay in the resolution of the political status of Kosovo as counterproductive, potentially dangerous, and likely to make the achievement of a lasting settlement more difficult;

(5) the United States should work together with the European Union as a full partner in supporting the political and economic development of an independent Kosovo;

(6) the United States should support the integration of Kosovo into international and Euro-Atlantic institutions, including its timely admission to the Partnership for Peace program of the North Atlantic Treaty Organisation (NATO), with the ultimate goal of full membership in NATO;

(7) the United States should reaffirm its commitment to southeastern Europe, including the continuation of the military mission in Kosovo to deter and disrupt any efforts by any party to destabilize the region through violence;

(8) the Government of Kosovo should exercise responsible leadership under supervised independence and thereby accelerate the transition to full independence, taking particular care to reassure, protect, and ensure the full political and economic rights of Serb and other minority communities in Kosovo;

(9) the Government of Kosovo should make every reasonable effort to develop a cooperative relationship with the Government of Serbia, in recognition of its legitimate interests in the safety of the Serb population in Kosovo and in the protection and preservation of the patrimonial sites of the Serbian Orthodox Church in Kosovo; and

(10) the Government of Serbia should exercise responsible leadership and seize the opportunity and the imperative presented by the independence of Kosovo to end the dark chapter of the 1990s and focus its energies toward achieving a prosperous and peaceful future through regional cooperation and integration into Euro-Atlantic institutions, including NATO and the European Union, and toward the establishment of open, constructive relations with the government of Kosovo.

SENATE RESOLUTION 136—EXPRESSING THE SENSE OF THE SENATE CONDEMNING THE SEIZURE BY THE GOVERNMENT OF IRAN OF 15 BRITISH NAVAL PERSONNEL IN IRAQI TERRITORIAL WATERS, AND CALLING FOR THEIR IMMEDIATE, SAFE, AND UNCONDITIONAL RELEASE

Mr. COLEMAN (for himself, Mrs. FEINSTEIN, Mr. DEMINT, Mr. BIDEN, Mr. BROWNBACK, Ms. MIKULSKI, Mr. KERRY, Mr. LIEBERMAN, Mr. ENSIGN, Mr. GRAHAM, Mr. CARDIN, Mr. ROCKEFELLER, Mr. CASEY, Mr. DODD, Mrs. CLINTON, Mrs. DOLE, Mr. VITTER, Mr. ISAKSON, Mr. MARTINEZ, Mr. NELSON of Florida, Mr. SCHUMER, Mr. VOINOVICH, and Mr. SMITH) submitted the following resolution; which was considered and agreed to:

S. RES. 136

Whereas, on March 23, 2007, a naval vessel of the United Kingdom, the HMS Cornwall, was conducting routine operations in Iraqi territorial waters pursuant to United Nations Security Council Resolution 1723 (2006) and in support of the Government of Iraq;

Whereas, on March 23, 2007, a boarding team consisting of 7 Royal Marines and 8 sailors embarked in 2 of the boats of the HMS Cornwall to conduct a routine boarding of an Indian flagged merchant vessel pursuant to the authorization of United Nations Security Council Resolution 1723 (2006);

Whereas, as Vice Admiral Charles Style, Deputy Chief of the British Defense Staff (Commitments), demonstrated in a presentation on March 28, 2007, "the merchant vessel was 7.5 nautical miles south east of the Al Faw Peninsula, . . . 29 degrees 50.36 minutes North 048 degrees 43.08 minutes East. This places her 1.7 nautical miles inside Iraqi territorial waters. This fact has been confirmed by the Iraqi Foreign Ministry.";

Whereas at some point shortly after completion of the successful inspection of the merchant ship, the two United Kingdom vessels were surrounded and escorted by Iranian Islamic Republican Guard Navy vessels toward the Shatt 'Al Arab Waterway and into Iranian territorial waters;

Whereas, as Margaret Beckett, the Foreign Secretary of the United Kingdom, stated to the House of Commons on March 28, 2007, even the coordinates of the seizure event that were given by Iran's Ambassador to the United Kingdom at the Ambassador's first meeting with United Kingdom officials were themselves in Iraqi waters;

Whereas Foreign Secretary Beckett noted in that same statement that authorities of the Government of Iran provided "corrected" coordinates of the incident on March 25, 2007, claiming that the event took place in Iranian waters;

Whereas the merchant vessel that was boarded had remained anchored since the time it was boarded, and on March 25, 2007, its location was verified to be in Iraqi waters;

Whereas Prime Minister of the United Kingdom Tony Blair stated on March 25, 2007, that "there is no doubt at all that these people were taken from a boat in Iraqi waters. It is simply not true that they went into Iranian territorial waters."; and

Whereas the Government of Iran has yet to release the 15 British sailors it has been holding captive since seizing the sailors from Iraqi waters on March 23, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the seizure by the Government of Iran of 15 British naval personnel from Iraqi territorial waters as a provocative and illegal act; and

(2) calls for the immediate, safe, and unconditional release of the personnel from captivity.

SENATE RESOLUTION 137—RECOGNIZING THE IMPORTANCE OF HOT SPRINGS NATIONAL PARK ON THE 175TH ANNIVERSARY OF THE ENACTMENT OF THE ACT THAT AUTHORIZED THE ESTABLISHMENT OF HOT SPRINGS RESERVATION

Mrs. LINCOLN (for herself and Mr. PRYOR) submitted the following resolution; which was referred to the Committee on Energy and Natural Resources:

S. RES. 137

Whereas, with the establishment of the Hot Springs Reservation, the concept in the United States of setting aside a nationally significant place for the future enjoyment of the citizens of the United States was first carried out 175 years ago in Hot Springs, Arkansas;

Whereas the Hot Springs Reservation protected 47 hot springs in the area of Hot Springs, Arkansas;

Whereas, in the first section of the Act of April 20, 1832 (4 Stat. 505, chapter 70), Congress required that "the hot springs in said territory, together with four sections of land, including said springs, as near the centre thereof as may be, shall be reserved for the future disposal of the United States, and shall not be entered, located, or appropriated, for any other purpose whatever";

Whereas the Hot Springs Reservation was the first protected area in the United States;

Whereas the Act that authorized the establishment of the Hot Springs Reservation was enacted before the establishment of the Department of the Interior in 1849, and before the establishment of Yellowstone National Park as the first national park of the United States in 1872;

Whereas, in 1921, the Hot Springs Reservation was renamed "Hot Springs National Park" and became the 18th national park of the United States; and

Whereas the tradition of preservation and conservation that inspired the development of the National Park System, which now includes 390 units, began with the Act that authorized the establishment of the Hot Springs Reservation: Now, therefore, be it

Resolved, That on 175th anniversary of the Act of Congress that authorized the establishment of the Hot Springs Reservation, the Senate recognizes the important contributions of the Hot Springs Reservation and the Hot Springs National Park to the history of conservation in the United States.

SENATE RESOLUTION 138—HONORING THE ACCOMPLISHMENTS AND LEGACY OF CÉSAR ESTRADA CHÁVEZ

Mr. SALAZAR (for himself, Mr. MENENDEZ, Mr. REID, Mr. DURBIN, Ms. STABENOW, Mr. BINGAMAN, Mrs. BOXER, Mrs. CLINTON, Mr. LIEBERMAN, Mr. WEBB, and Mr. KERRY) submitted the following resolution; which was referred to the Judiciary:

S. RES. 138

Whereas César Estrada Chávez was born on March 31, 1927, near Yuma, Arizona, where he spent his early years on his family's farm,

Whereas, at the age of 10, César Estrada Chávez joined the thousands of migrant farm workers laboring in fields and vineyards throughout the Southwest, when his family lost their farm due to a bank foreclosure;

Whereas César Estrada Chávez, after attending more than 30 elementary and middle schools and achieving an eighth-grade education, left to work full-time as a farm worker to help support his family;

Whereas, at the age of 17, César Estrada Chávez entered the United States Navy and served the Nation with distinction for 2 years;

Whereas, in 1948, César Estrada Chávez returned from military service to marry Helen Fabela, whom he met working in the vineyards of central California, and had 8 children;

Whereas, as early as 1949, César Estrada Chávez committed himself to organizing farm workers to campaign for safe and fair working conditions, reasonable wages, decent housing, and the outlawing of child labor;

Whereas, in 1952, César Estrada Chávez joined the Community Service Organization, a prominent Latino civil rights group, and worked to coordinate voter registration drives and conduct campaigns against discrimination in East Los Angeles, and later served as the national director of the organization;

Whereas, in 1962, César Estrada Chávez left the Community Service Organization to found the National Farm Workers Association, which eventually became the United Farm Workers of America;

Whereas César Estrada Chávez was a strong believer in the principles of nonviolence practiced by Mahatma Gandhi and Dr. Martin Luther King, Jr.;

Whereas César Estrada Chávez effectively utilized peaceful tactics, such as fasting in 1968 for 25 days, in 1972 for 25 days, and in 1988 for 38 days, to call attention to the terrible working and living conditions of farm workers in the United States;

Whereas, under the leadership of César Estrada Chávez, the United Farm Workers of America organized thousands of migrant farm workers to fight for fair wages, health care coverage, pension benefits, livable housing, and respect;

Whereas, through his commitment to nonviolence, César Estrada Chávez brought dignity and respect to the farm workers who organized themselves, and became an inspiration and a resource to other people in the United States and people engaged in human rights struggles throughout the world;

Whereas the influence of César Estrada Chávez extends far beyond agriculture and provides inspiration for those working to better human rights, to empower workers, and to advance an American Dream that includes all its inhabitants of the United States;

Whereas César Estrada Chávez died on April 23, 1993, in San Luis, Arizona, only miles from his birthplace of 66 years earlier;

Whereas more than 50,000 people attended the funeral services of César Estrada Chávez in Delano, California, and he was laid to rest at the headquarters of the United Farm Workers of America, known as Nuestra Señora de La Paz, located in the Tehachapi Mountains at Keene, California;

Whereas, since his death, schools, parks, streets, libraries, and other public facilities, and awards and scholarships have been named in honor of César Estrada Chávez;

Whereas, since his death, 8 States and dozens of communities across the Nation honor the life and legacy of César Estrada Chávez on March 31 of each year, the day of his birth;

Whereas César Estrada Chávez was a recipient of the Martin Luther King, Jr. Peace Prize during his lifetime, and after his death was awarded the Presidential Medal of Freedom on August 8, 1994; and

Whereas the United States should not cease its efforts to ensure equality, justice, and dignity for all people in the United States: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the accomplishments and example of a great American hero, César Estrada Chávez;

(2) pledges to promote the legacy of César Estrada Chávez; and

(3) encourages the people of the United States to commemorate the legacy of César Estrada Chávez, and to always remember his great rallying cry, "Sí, se puede!".

Mr. MENENDEZ. Mr. President, this week, our Nation comes together to honor one of our Nation's foremost civil rights and labor leader, César Estrada Chávez. I rise today, along with my colleague Senator KEN SALAZAR, to submit a resolution honoring the accomplishments and legacy of César Chávez.

César Estrada Chávez was born 80 years ago, on March 31, 1927, in Arizona to poor migrant farm workers. He and his family struggled to survive at a time when "Whites only" signs were still on display and when it was necessary to trade in his school books to support his family working full-time in the fields.

"But rather than just survive those times, César Chávez turned his experiences into ammunition to help fight for a better life for all Americans, becoming one of our Nation's most inspirational leaders.

Following the principles of Mahatma Gandhi and Martin Luther King Jr., in 1962 César Chávez co-founded the first successful farm workers union in the United States—the United Farm Workers (UFW). Through the UFW, Chávez brought many farm workers together, including Mexican- and Filipino-Americans, to fight for common goals. He also inspired hope in these workers through his great rallying catchphrase, "Sí Se Puede."

In one of their major victories, after 5 years of boycotting table grapes, the United Farm Workers gained the first-ever collective bargaining agreement between farm workers and growers in the history of our country.

As the son of poor, working-class parents who were not afforded the benefits of a union, I am moved by César Chávez's selfless work on behalf of others. Remembering his legacy reinforces my belief that all hard-working individuals deserve the right to bargain collectively to achieve better wages, better health benefits and suitable working conditions.

I am happy that New Jersey has a proud labor tradition, which would not have been possible without people committed to fairness, social justice and equality. The legacy of César Chávez still resonates today, from the rural agricultural fields to the urban centers all across this Nation, and his achievements are an inspiration to all hard-working Americans who want to achieve a better quality of life.

Senator Robert F. Kennedy rightly said that César Chávez was "one of the heroic figures of our time," and I believe our resolution reinforces that statement. Therefore, I urge my colleagues to support this resolution, and by doing so, acknowledge that César Chávez is truly an American hero.

SENATE RESOLUTION 139—COMMENDING GENERAL PETER J. SCHOOMAKER FOR HIS EXTRAORDINARY DEDICATION TO DUTY AND SERVICE TO THE UNITED STATES

Mr. INHOFE (for himself and Mr. AKAKA) submitted the following resolution; which was referred to the Committee on Armed Services:

S. RES. 139

Whereas General Peter J. Schoomaker, the 35th Chief of Staff of the United States Army, will be released from active duty in April 2007, after over 35 distinguished years of active Federal service;

Whereas General Schoomaker, a native of Wyoming, graduated from the University of Wyoming in 1969, served in a variety of command and staff assignments with both conventional and special operations forces, including participation in numerous combat operations, such as Desert One in Iran, Urgent Fury in Grenada, Just Cause in Panama, Desert Shield/Desert Storm in Southwest Asia, and Uphold Democracy in Haiti, and supported various worldwide joint contingency operations, including those in the Balkans;

Whereas General Schoomaker has been awarded the Defense Distinguished Service Medal, 2 Army Distinguished Service Medals, 4 Defense Superior Service Medals, 3 Legions of Merit, 2 Bronze Star Medals, 2 Defense Meritorious Service Medals, 3 Meritorious Service Medals, the Joint Service Commendation Medal, the Joint Service Achievement Medal, the Combat Infantryman Badge, the Master Parachutist Badge and HALO Wings, the Special Forces Tab, and the Ranger Tab;

Whereas General Schoomaker was recalled from retirement, spent the last 4 years of his career in the highest position attainable in the Army, and has proven himself a tremendous wartime leader who has demonstrated unselfish devotion to the Nation and the soldiers he leads;

Whereas General Schoomaker's efforts to prepare the Army to fight a long war today while transforming it for an uncertain and complex future have been unprecedented;

Whereas General Schoomaker has demonstrated strategic leadership and vision and has had a remarkably positive and lasting impact on the Army by leveraging the momentum of the Global War on Terror to accelerate the transformation of the Army;

Whereas General Schoomaker, through modularization, rebalancing the total Army, development of a force generation model, restationing, and restructuring the Future Combat Systems, kept the Army focused on developing capabilities to meet traditional, irregular, catastrophic, and disruptive challenges threatening the interests of the United States;

Whereas General Schoomaker recognized that technological and organizational change requires intellectual and emotional transformation and tirelessly cultivated a learning and adaptive Army culture, while reaffirming the predominance of the human dimension of war;

Whereas General Schoomaker reflected the spirit of the warrior ethos he sought to instill in the United States Army—always placing the mission first, never accepting defeat, never quitting, and never leaving a fallen comrade;

Whereas General Schoomaker exemplifies the nonnegotiable characteristics exhibited by all great leaders—a strong sense of duty, honor, courage, and a love of country;

Whereas General Schoomaker has been selfless in his service to the Nation through peace and war;

Whereas one of General Schoomaker's predecessors, George C. Marshall, once remarked that "it is not enough to fight, it is the spirit we bring to the fight that decides the issue"; and

Whereas when history looks back at the Army's 35th Chief of Staff, it will be clear that he had the spirit at a critical time in the Nation's history: Now, therefore, be it

Resolved, That the Senate—

(1) commends General Peter J. Schoomaker for his extraordinary dedication to duty and service to the United States throughout his distinguished career in the U.S. Army; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to General Peter J. Schoomaker.

SENATE CONCURRENT RESOLUTION 25—CONDEMNING THE RECENT VIOLENT ACTIONS OF THE GOVERNMENT OF ZIMBABWE AGAINST PEACEFUL OPPOSITION PARTY ACTIVISTS AND MEMBERS OF CIVIL SOCIETY

Mr. OBAMA (for himself, Mr. BIDEN, Mr. FEINGOLD, Mr. DURBIN, Mr. KERRY, and Mr. DODD) submitted the following concurrent resolution; which was referred to the Committee on Foreign Relations:

S. CON. RES. 25

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina ("Operation Throw Out the Trash") against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 1,700 percent and unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008 if nominated;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the ZANU–PF government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year-old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of European Union and Africa, Caribbean, and Pacific Group of States lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU–PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed "great concern" about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that "We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.";

Whereas Zambian President, Levy Mwanawasa, has urged southern Africa to take a new approach to Zimbabwe instead of the failed "quiet diplomacy", which he likened to a "sinking Titanic," and stated that "quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe";

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That—

(1) it is the sense of Congress that

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns the harassment and intimidation of lawyers attempting to carry out their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern Africa Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before Committee on Energy and Natural Resources.

The hearing will be held on Thursday, April 12, 2007, at 10 a.m., in room SD-366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 987, the Biofuels for Energy Security and Transportation Act.

Due to the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Britni—rillera@energy.senate.gov.

For further information, please contact Tara Billingsley at (202) 224-4756 or Britni Rillera at (202) 224-1219.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Thursday, March 29, 2007, AT 9:30 a.m., to receive testimony on the posture of the Department of the Navy in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, March 29, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The hearing is on the nomination of David James Gribbin IV to be the General Counsel for the U.S. Department of Transportation.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Environment and Public Works be authorized to meet for a business meeting on Thursday, March 29, 2007, at 10:00 a.m. in S-211. The Business Meeting will consider the following agenda:

Nominations

Nomination of Bradley Udall to be a member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, reappointment.

Nomination of Roger Romulus Martella, Jr. to be an Assistant Administrator of the Environmental Protection Agency, General Counsel.

Legislation

S. 801, a bill to designate a United States courthouse in Fresno, CA, as the Robert E. Coyle United States Courthouse.

S. 521, a bill to designate the Federal building and courthouse in Duluth, MN, as the Gerald W. Heaney Federal Building and United States Courthouse and Customhouse.

S. 992, The Public Buildings Cost Reduction Act of 2007.

S. _____, The Water Resources Development Act of 2007.

S. 496, The Appalachian Regional Development Act Amendments of 2007 as revised.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, March 29, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "Clean Energy: From the Margins to the Mainstream."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. BYRD. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, March 29, 2007, at 9:30 a.m. to hold a hearing on Iran.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, March 29, 2007, at 9:15 a.m. in room 485 of the Russell Senate Office Building to conduct an oversight hearing on Indian trust fund litigation.

Those wishing additional information may contact the Indian Affairs Committee at 224-2251.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a hearing on "Preserving Prosecutorial Independence: Is the Department of Justice Politicizing the Hiring and Firing of U.S. Attorneys?—Part III" on Thursday, March 29, 2007 at 10 a.m. in Dirksen Senate Office Building Room 226.

Witness:

D. Kyle Sampson, Former Chief of Staff to the Attorney General of the United States.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, March 29, 2007, at 2 p.m. in Dirksen Room 226.

Agenda

I. Committee Authorization: Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills: S. 236. Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Kennedy, Cardin; S. 376. Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Grassley, Kyl, Sessions, Cornyn; S. 849. OPEN Government Act, Leahy, Cornyn, Specter, Feingold; S. 119. War Profiteering Prevention Act of 2007, Leahy, Feinstein, Feingold, Schumer, Durbin; S. 621. Wartime Treatment Study Act of 2007, Feingold, Grassley, Kennedy.

III. Resolutions: S. Res. 108. Designating the first week of April 2007 as "National Asbestos Awareness Week." Baucus, Leahy, Kennedy, Feinstein, Durbin.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Small Business and Entrepreneurship be authorized to meet during the session of the Senate for a markup entitled, "Small Business Disaster Response and Loan Improvements Act of

2007'' on Thursday, March 29, 2007, beginning at 9:30 a.m. in room 428A of the Russell Senate Office Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. BYRD. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, March 29, 2007 at 9:30 a.m. in room 226 of the Dirksen Senate Office Building, to hear the legislative presentation of the AMVETS, American Ex-Prisoners of War, Military Order of the Purple Heart, Gold Star Wives of America, Fleet Reserve Association, The Retired Enlisted Association, Military Officers Association of America, and the National Association of State Directors of Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. BYRD. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on March 29, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON FEDERAL FINANCIAL MANAGEMENT, GOVERNMENT INFORMATION, FEDERAL SERVICES, AND INTERNATIONAL SECURITY

Mr. BYRD. Mr. President, I ask unanimous consent that the Subcommittee on Federal Financial Management, Government Information, Federal Services and International Security be authorized to meet on Thursday, March 29, 2007 at 10 a.m. for a hearing entitled, Eliminating and Recovering Improper Payments.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The majority leader.

Mr. REID. It is my understanding a quorum call is not in progress.

The PRESIDING OFFICER. It is not. The leader is correct.

THREATENED PRESIDENTIAL VETO

Mr. REID. Mr. President, earlier this week the Senate took an important step for our troops and for the security of our Nation. For the first time since this ill-conceived war began more than 4 years ago, a bipartisan majority of the Senate told the President to change course in Iraq. As the American people know, this war has lasted going into 5 years, costing the lives of more than 3,200 Americans and tens of thousands of wounded troops, many of whom I met yesterday at Walter Reed. It has also depleted our Treasury of over $400 billion.

Despite these facts and the brave sacrifice of our troops, the violence continues unabated in Iraq. Our troops are enmeshed in an unquestionable civil war. The people who attacked us on 9/11 have not been brought to justice, and America is less secure today than it was on 9/11.

After all of that, one would think every Member of this body would recognize we are on the wrong path. The more we look at this, it is clear that more of the same will not produce a different result; that success requires a different course. As General Petraeus has said, there is no military solution in Iraq. In fact, he said only 20 percent can be solved militarily; the rest has to be solved diplomatically and economically. That is clear.

Unfortunately, as evidenced by the votes of many of my Republican colleagues and the words of the minority leader on the floor earlier today, this is not the case. There are still too many Members of this body, including the minority leader, who are willing to give this administration a blank check and a green light to proceed down this failed path. It is a long path, with failure every step of the way.

The supplemental spending bill contains an important change of course in the President's Iraq policy, something we, as a separate, independent branch of Government, have the right to do. Our Founding Fathers, when they drafted the Constitution 220 years ago, set forth the few words that have directed this country for more than two centuries: that there would be three separate branches of Government, not any one more powerful than the other—the House and the Senate make up the legislative branch, the judiciary, and executive branches of Government.

We have every right to do what we did. For 6 plus years the President has ignored us. The Republican House and Senate have given him everything he has wanted. But now there is a new Congress. He can't do that anymore. We have constitutional responsibilities. We have to fulfill those responsibilities.

On November 7 the American people spoke very clearly. They said: We want a change of course in Iraq. That is what we legislated this week.

The supplemental spending bill contains important changes in the course of the President's Iraq policy. Given the importance and urgency of this legislation, I am surprised to hear the minority leader discredit this bill and the need to change course in Iraq the way he did earlier today. Senate Democrats believe our troops should get the funding they need without further delay. The only question is whether President Bush and the Senate Republicans will prevent that from happening.

The Senate has now acted and the ball is squarely in the President's court. However, before even being presented with the final version of the legislation, the President has promised a veto. This appears to be nothing more than a strategy designed to score political points, not doing a thing to assist the troops. I am sorry the minority leader has become a facilitator of that strategy.

Senate Democrats will continue to fight to provide the troops the funds they need and a real strategy for success. We have taken an important step in that direction this week, and we will continue to press the President and congressional Republicans to join us in this effort.

This is our constitutional responsibility. I am disappointed and somewhat in a state of disbelief that our President would threaten a veto without even seeing the final legislation. We have obligations, and we are going to fulfill those obligations.

Does the Senator from Pennsylvania wish to speak?

Mr. SPECTER. Mr. President, I came to hear the majority leader's concluding comments and to put a statement in the RECORD.

Mr. REID. I do have to say to Senator SPECTER, I haven't had a chance to compliment him lately, but I have done it in the past. Even though it has been 25 years since I practiced law, I look back with great, fond memories of my practice of law. I did a lot of trial work. From the first day I arrived in Washington, I recognized the intellectual, legal brilliance of the Senator from Pennsylvania. I say that without any question. He is someone who has made Washington a better place because of his probative questions always. I appreciate having the opportunity to congratulate the Senator once again on his skill as a lawyer. He has used it well in the Senate.

Mr. SPECTER. Mr. President, I am grateful to the distinguished majority leader for those comments. I am going to drop in on his speeches more often. Now that I know what to expect, I will show up on all occasions.

Senator REID is a distinguished lawyer and a trial lawyer. He exhibits those skills on this floor with frequency and fluency and erudition. Every now and then our legal training comes through.

We have just finished a lengthy proceeding in the Judiciary Committee on the issue of the resignation of the U.S. attorneys. The distinguished Senator from Rhode Island, former U.S. attorney, was there and participated. We are determined to find out all the facts before coming to judgment.

In the course of those proceedings, there were a lot of questions, and some of the legal skills of a number of the people were present. We have a great many lawyers on the Judiciary Committee. We have some who are not lawyers. All performed well today.

Again, I thank the Senator.

Mr. REID. Mr. President, if I could, through the Chair, say to my friend from Pennsylvania, one of the things we learn as lawyers, which is certainly important, and I wish it would rub off on all Members of this body—I have been in trials with people, and these have been tough cases, but we would walk out of there, shake hands, and become better friends as a result of our adversarial positions.

I wish that would happen on the Senate floor more often. We can disagree on issues, but it should not make us disagreeable. I know the distinguished Senator from Pennsylvania and I, on rare occasions, have disagreed on issues, but instead of weakening our bonding, it strengthens it because it reminds us—I am confident for him as it does me—of our days in the courtroom, where you would have someone whom you would oppose on an issue, but it did not mean you opposed them as a person. We would have a responsibility. We were simply doing as a lawyer what that person we represented would have done if they had our education and training.

So as we finish this very difficult week, I again say I look back with such——

Mr. SPECTER. Mr. President, one addendum to what the majority leader has said; that is, the interaction among Members is not understood unless you either are a keen observer of the Senate or have been here for a while. But the relationships are very important. It is the development of skills on accommodation.

One of the facets about the Senate that has always intrigued me is what happens between the votes when we are all captive here, so to speak. You have to wait a while for late Senators to show up—though not as long with the new majority leader—and there are conversations that go on. A tremendous amount of business is transacted. In a sense, it is like there is a certain aspect of a social event—not quite a cocktail party without cocktails—but a lot of business is transacted. There are a lot of accommodations and a lot of learning about personalities and how to come together on issues.

We have too much partisanship in this body. This aisle that separates the Democrats and the Republicans is too wide much of the time. But there are also occasions where we come together and work together. I am pleased to say in the last few days I think we are going to meet the majority leader's timetable on an immigration bill, where we have to come together.

It is experience and relationships and skills which lead us to many conclusions, notwithstanding all of our problems. Nobody said it better than Churchill, that the system has lots of failings, but it is the best compared to any other system. Sometimes we muddle through, but at least we get through.

Well, I see the real Republican leader on the floor, so I am going to give him his podium.

Mr. REID. Finally, I would say, in closing here, one of the things I have found in this legislative body that is so unique is, if a Member of the Senate gives their word to a Democrat or Republican, or whatever combination thereof, that is it; there need be nothing in writing. The agreements that are made in this body last for years and years. Once you tell a Member of this body: "This is the deal we have," that is the way it is, and I have never had anyone change that. On one occasion, I am sure it happened. I am sure it was from a misunderstanding. But in all the 25 years I have been here, all you need is somebody to tell you what they are going to do, and that is the way it is. That speaks well of everyone serving here.

UNANIMOUS-CONSENT REQUEST—S. 1071

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1071, which was introduced earlier today by Senators LANDRIEU and LOTT; that the bill be read three times, passed, and the motion to reconsider be laid upon the table; without any intervening action or debate.

The PRESIDING OFFICER. Is there objection?

The Republican leader.

Mr. McCONNELL. Mr. President, there are objections on this side. I, therefore, have to object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, I would say, very briefly, Senator LANDRIEU has spoken at great length on this issue. Senator LOTT has talked to me several times about this issue. I hope we can get this cleared in the near future.

UNANIMOUS-CONSENT REQUEST—H.R. 137

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 91, H.R. 137, that the bill be read three times, passed, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, let me say to the majority leader, we are close to being able to get this measure cleared, but, regretfully, we are not there yet. So, therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REID. Mr. President, on this I am very disappointed. There are 3 million members of the Humane Society in America. For every one of them, this is their No. 1 issue; that is, to stop the viciousness, the barbarity of having animals fight each other. People bet on this, as we all know. It is done in several States, and it should be stopped.

That is what this is all about. I am not going to belabor the point, but this is something a number of people on both sides of the aisle feel strongly about. I would think in the next go-around whoever is objecting to this should step forward and state their objection.

We are going to have to—on one of these days when there is not a lot to do; I don't know when that will be, but we will find some time—we are going to have to file cloture on this because it is unfair we are being stopped from moving on a bill that is entitled "Animal Fighting Prohibition Enforcement Act." I think that says it all.

UNANIMOUS-CONSENT AGREEMENT—S. 5 AND S. 30

Mr. REID. Mr. President, I ask unanimous consent that on Tuesday, April 10, following morning business, the Senate proceed en bloc to the consideration of S. 5 and S. 30; that the bills be debated concurrently for a time limitation of 20 hours, with the time divided as follows: 5 hours each under the control of the majority and Republican leaders or their designees; 5 hours each under the control of Senators HARKIN and BROWNBACK or their designees; that no amendments or motions be in order to either bill; that upon the completion of debate, the bills be read for a third time en bloc, and that each bill be required to receive 60 affirmative votes to pass; and that if neither achieves 60 votes, then S. 5 be returned to the Senate Calendar, and S. 30 be placed on the Senate Calendar; that S. 5 be the first vote in the sequence; and that there be 2 minutes of debate between the two votes, with the time equally divided between the majority and Republican leaders or their designees; that upon the use or yielding back of all time, the Senate proceed to vote on passage of the bills covered under this agreement; if either or both of the bills pass under the provisions provided in this agreement, then the motions to reconsider be considered laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that S. 30 be held at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, again, I do this often because it is necessary often, and that is we do a lot together. This is a unanimous consent on one of the most contentious issues in the country today: stem cell research. The distinguished Republican leader and I were able to work this out. I expressed appreciation to him and the others who felt so strongly about this on the other side of the aisle. This will be good. We can move on after this matter is determined one way or the other when we return from our work period.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations: Calendar Nos. 49 through 52; Calendar Nos. 56, 57, and 58; Calendar No. 60; Calendar Nos. 62 through 70; Calendar No. 71, with the exception of BG John F. Kelly, and all nominations on the Secretary's desk; that the nominations be confirmed, the motions to reconsider be laid upon the table, and any statements be printed at the appropriate place in the RECORD; that the President be immediately notified of the Senate's action, and that the Senate resume legislative session. I would also note that these have all been cleared on this side of the aisle.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

DEPARTMENT OF JUSTICE

John Wood, of Missouri, to be United States Attorney for the Western District of Missouri for the term of four years.

DEPARTMENT OF STATE

Ford M. Fraker, of Massachusetts, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Kingdom of Saudi Arabia.

Zalmay Khalilzad, of Maryand, to be the Representative of the United States of America to the United Nations, with the rank and status of Ambassador Extraordinary and Plenipotentiary; and the Representative of the United States of America in the Security Council of the United Nations.

Zalmay Khalilzad, of Maryland, to be Representative of the United States of America to the Sessions of the General Assembly of the United Nations during his tenure of service as Representative of the United States of America to the United Nations.

ASIAN DEVELOPMENT BANK

Curtis S. Chin, of New York, to be United States Director of the Asian Development Bank, with the rank of Ambassador.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

Eli Whitney Debevoise II, of Maryland, to be United States Executive Director of the International Bank for Reconstruction and Development for a term of two years.

INTERNATIONAL MONETARY FUND

Margrethe Lundsager, of Virginia, to be United States Executive Director of the International Monetary Fund for a term of two years.

DEPARTMENT OF DEFENSE

S. Ward Casscells, of Texas, to be an Assistant Secretary of Defense.

DEPARTMENT OF ENERGY

William Charles Ostendorff, of Virginia, to be Principal Deputy Administrator, National Nuclear Security Administration.

IN THE NAVY

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Gary Roughead, 6126

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be admiral

Adm. Robert F. Willard, 1564

The following named officer for appointment in the United States Navy to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be vice admiral

Rear Adm. Samuel J. Locklear, III, 1250

IN THE ARMY

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. Jeffrey A. Sorenson, 3510

The following named officer for appointment in the United States Army to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Maj. Gen. William B. Caldwell, IV, 8600

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps Reserve to the grade indicated under title 10, U.S.C., section 12203:

To be major general

Brig. Gen. James L. Williams, 0353

IN THE ARMY

The following named officer for appointment in the Reserve of the Army to the grade indicated under title 10, U.S.C., section 12203:

To be brigadier general

Col. James T. Cook, 4390

IN THE MARINE CORPS

The following named officer for appointment in the United States Marine Corps to the grade indicated while assigned to a position of importance and responsibility under title 10, U.S.C., section 601:

To be lieutenant general

Lt. Gen. Richard S. Kramlich, 9829

The following named officers for appointment in the United States Marine Corps to the grade indicated under title 10, U.S.C., section 624:

To be major general

Brig. Gen. John R. Allen, 5762
Brig. Gen. Thomas L. Conant, 7621
Brig. Gen. Frank A. Panter, Jr., 2226
Brig. Gen. Mastin M. Robeson, 1984

NOMINATIONS PLACED ON THE SECRETARY'S DESK

IN THE AIR FORCE

PN166 AIR FORCE nominations (144) beginning KATHERINE J. ALGUIRE, and ending KRISTEN M. ZEBROWSKI, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN169 AIR FORCE nominations (2245) beginning ROBERT J. AALSETH, and ending MARIO F. ZUNIGA, which nominations were received by the Senate and appeared in the Congressional Record of January 11, 2007.

PN326 AIR FORCE nomination of Mark A. Yuspa, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN365 AIR FORCE nomination of Cheryl A. Udensi, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN366 AIR FORCE nominations (8) beginning KEITH A. DARLINGTON, and ending FRANK A. YERKES JR., which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN367 AIR FORCE nominations (25) beginning KENNETH A. ARNOLD, and ending THOMAS F. ZIMMERMAN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN370 AIR FORCE nominations (9) beginning GLENN M. FREDERICK, and ending JULIE L. STEELE, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN371 AIR FORCE nominations (6) beginning PIO VAZQUEZDIAZ, and ending DREW D. SCHNYDER, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN372 AIR FORCE nominations (18) beginning KAREN D. DOHERTY, and ending MAUREEN G. TOOMEY, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

IN THE ARMY

PN327 ARMY nomination of Gerald J. Lukowski Jr., which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN328 ARMY nomination of Charles W. Whittington, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN329 ARMY nomination of Vasilios Lazos, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN330 ARMY nomination of Thomas G. McFarland, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN331 ARMY nominations (2) beginning JEFFREY R. BAVIS, and ending SORREL B. COOPER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN375 ARMY nomination of Kathleen S. Loper, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN376 ARMY nomination of Michael A. White, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN377 ARMY nomination of Anthony T. Roper, which was received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN378 ARMY nominations (3) beginning ERIC A. HANSEN, and ending PETER J. VARLJEN, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

PN379 ARMY nominations (2) beginning STEVEN S. GELBERT, and ending PATRICK R. MCBREARTY, which nominations were received by the Senate and appeared in the Congressional Record of March 19, 2007.

FOREIGN SERVICE

PN115-1 FOREIGN SERVICE nominations (210) beginning Natalie J. Freeman, and ending Deborah Ann McCarthy, which nominations were received by the Senate and appeared in the Congressional Record of January 10, 2007.

IN THE MARINE CORPS

PN267 MARINE CORPS nominations (102) beginning PETER W. AHERN, and ending KEVIN T. WOOLEY, which nominations were received by the Senate and appeared in the Congressional Record of February 15, 2007.

IN THE NAVY

PN332 NAVY nomination of Arthur W. Stauff, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN333 NAVY nomination of Charles A. McLenithan, which was received by the Senate and appeared in the Congressional Record of March 12, 2007.

PN334 NAVY nominations (8) beginning JEFFREY P. BEJMA, and ending JORDAN I. ZIEGLER, which nominations were received by the Senate and appeared in the Congressional Record of March 12, 2007.

Mr. REID. Mr. President, we also are ready on this side to clear three USAID nominations and the Under Secretary for Defense for Intelligence, but it is my understanding these have not been cleared by the Republicans.

Mr. McCONNELL. Yes. That is my understanding, Mr. President.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ADJOURNMENT OR RECESS OF THE HOUSE AND SENATE

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H. Con. Res. 103, the adjournment resolution.

The PRESIDING OFFICER. The clerk will report the concurrent resolution by title.

The legislative clerk read as follows:

A concurrent resolution (H. Con. Res. 103) providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

There being no objection, the Senate proceeded to consider the concurrent resolution.

Mr. REID. Mr. President, I ask unanimous consent that the concurrent resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution (H. Con. Res. 103) was agreed to, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring), That when the House adjourns on the legislative day of Thursday, March 29, 2007, or Friday, March 30, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, April 16, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 10, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

STAR PRINT—S. 5

Mr. REID. Mr. President, I ask unanimous consent that S. 5 be star printed with the changes at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONDEMNING THE SEIZURE OF 15 BRITISH NAVAL PERSONNEL BY IRAN

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 136.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 136) expressing the sense of the Senate condemning the seizure by the government of Iran of 15 British naval personnel in Iraqi territorial waters, and calling for their immediate safe and unconditional release.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 136) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 136

Whereas, on March 23, 2007, a naval vessel of the United Kingdom, the HMS Cornwall, was conducting routine operations in Iraqi territorial waters pursuant to United Nations Security Council Resolution 1723 (2006) and in support of the Government of Iraq;

Whereas, on March 23, 2007, a boarding team consisting of 7 Royal Marines and 8 sailors embarked in 2 of the boats of the HMS Cornwall to conduct a routine boarding of an Indian flagged merchant vessel pursuant to the authorization of United Nations Security Council Resolution 1723 (2006);

Whereas, as Vice Admiral Charles Style, Deputy Chief of the British Defense Staff (Commitments), demonstrated in a presentation on March 28, 2007, "the merchant vessel was 7.5 nautical miles south east of the Al Faw Peninsula, . . . 29 degrees 50.36 minutes North 048 degrees 43.08 minutes East. This places her 1.7 nautical miles inside Iraqi territorial waters. This fact has been confirmed by the Iraqi Foreign Ministry.";

Whereas at some point shortly after completion of the successful inspection of the merchant ship, the two United Kingdom vessels were surrounded and escorted by Iranian Islamic Republican Guard Navy vessels toward the Shatt 'Al Arab Waterway and into Iranian territorial waters;

Whereas, as Margaret Beckett, the Foreign Secretary of the United Kingdom, stated to the House of Commons on March 28, 2007, even the coordinates of the seizure event that were given by Iran's Ambassador to the United Kingdom at the Ambassador's first meeting with United Kingdom officials were themselves in Iraqi waters;

Whereas Foreign Secretary Beckett noted in that same statement that authorities of the Government of Iran provided "corrected" coordinates of the incident on March 25, 2007, claiming that the event took place in Iranian waters;

Whereas the merchant vessel that was boarded had remained anchored since the time it was boarded, and on March 25, 2007, its location was verified to be in Iraqi waters;

Whereas Prime Minister of the United Kingdom Tony Blair stated on March 25, 2007, that "there is no doubt at all that these people were taken from a boat in Iraqi waters. It is simply not true that they went into Iranian territorial waters."; and

Whereas the Government of Iran has yet to release the 15 British sailors it has been holding captive since seizing the sailors from Iraqi waters on March 23, 2007: Now, therefore, be it

Resolved, That the Senate—

(1) condemns in the strongest possible terms the seizure by the Government of Iran of 15 British naval personnel from Iraqi territorial waters as a provocative and illegal act; and

(2) calls for the immediate, safe, and unconditional release of the personnel from captivity.

DESIGNATING THE FIRST WEEK OF APRIL 2007 AS "NATIONAL ASBESTOS AWARENESS WEEK"

Mr. REID. Mr. President, I ask unanimous consent that the Judiciary Committee be discharged from further consideration of S. Res. 131 and the Senate then proceed to its consideration.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 131) designating the first week of April 2007 as "National Asbestos Awareness Week."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BAUCUS. Mr. President, I rise to talk to you about an important resolution that the Senate adopted today: the Asbestos Awareness Week resolution. This resolution recognizes the first week in April as National Asbestos Awareness Week.

This resolution acknowledges the dangerous nature of asbestos. Importantly, it gives tribute to hundreds of thousands of people who have died from exposure.

To me, this resolution is very personal Deaths from exposure to asbestos are common in my home State of Montana—all too common. Libby, MT is a small community in the western part of Montana. Libby is a very unique place.

It is surrounded by the beauty and splendor of the Cabinet Mountains. But it is also plagued with sickness and disease. The extent of asbestos contamination in Libby, the number of people who are sick, the amount of people who have died from asbestos exposures just staggering.

The community of Libby suffers from asbestos related diseases at 40 to 60 times higher than the rest of the country. Folks in Libby are diagnosed with mesothelioma, the deadly form of cancer from asbestos, at 100 times higher than the average rate.

Mesothelioma recently took the life of a very dear friend of mine from Libby—Les Skramstad. Just a few weeks ago, I came to the floor to talk about Les and how he was an outspoken advocate for Libby.

Until the day he died, Les worked tirelessly to share his story and the story of Libby's quiet emergency.

The first night I met Les in January of 2000, he challenged me to help all those in Libby suffering from asbestos-related diseases. Les challenged me "to do something."

He said: Max, please, as a man like me—as someone's father too, as someone's husband, as someone's son, help me. Help us. Help us make this town safe for Libby's sons and daughters not even born yet. They should not suffer my fate too. I was a miner and breathed that dust in. Everyday I carried that deadly dust home on my clothes. I took it into our house and I contaminated my own wife and each of my babies with it too. I just don't know how to live with the pain of what I have done to them.

If we can make something good come of this, maybe I'll stick around to see that, maybe that could make this worthwhile.

I told him I would do all that I could, that I wouldn't back down, and that I wouldn't give up. Les accepted my offer and then pointed his finger and said to me: I'll be watching, Senator.

I have kept my promise to Les and I have worked hard to help people in Libby. I will continue to do all I can to help Libby.

I know that now even though Les is not with us today he is still watching. Les is my inspiration.

Because of Les's work and other advocates in Libby, we launched the Center for Asbestos Related Diseases in Libby—called the CARD clinic. CARD has screened and provided health care to hundreds of Libby residents.

Screening is an essential part of making sure people get the help they need. Spreading the word about asbestos exposure is also vital to ensure that people who are sick get the treatment they deserve.

The Asbestos Disease Awareness Organization is a leader in this fight. They work tirelessly to advocate on behalf of asbestos victims so that thousands more in the future should not suffer the same fate.

Along with the Asbestos Disease Awareness Organization, others in the Libby community such as Gayla Benefield and Dr. Brad Black have worked to educate people about the dangers of asbestos exposure.

Then there are also those who have left Libby, but continue to advocate on behalf of asbestos victims such as Margy Urnberg and Kenny and Karen Moss, all former residents of Libby and remarkable volunteers.

An asbestos awareness week will help spread the word about the deadliness of these fibers and bring relief to those who suffer from asbestos-related diseases. I will continue to fight for those like Les, whose lives have been taken by asbestos. I made a promise to Les and I won't stop until I have fulfilled that promise.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the Record as if given, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 131) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. Res. 131

Whereas dangerous asbestos fibers are invisible and cannot be smelled or tasted;

Whereas the inhalation of airborne asbestos fibers can cause significant damage;

Whereas these fibers can cause mesothelioma, asbestosis, and other health problems;

Whereas asbestos-related diseases can take 10 to 50 years to present themselves;

Whereas the expected survival time for those diagnosed with mesothelioma is between 6 and 24 months;

Whereas generally little is known about late stage treatment and there is no cure for asbestos-related diseases;

Whereas early detection of asbestos-related diseases may give some patients increased treatment options and might improve their prognosis;

Whereas the United States has substantially reduced its consumption of asbestos yet continues to consume almost 7,000 metric tons of the fibrous mineral for use in certain products throughout the Nation;

Whereas asbestos-related diseases have killed thousands of people in the United States;

Whereas asbestos exposures continue and safety and prevention will reduce and has reduced significantly asbestos exposure and asbestos-related diseases;

Whereas asbestos has been a cause of occupational cancer;

Whereas thousands of workers in the United States face significant asbestos exposure;

Whereas thousands of people in the United States die from asbestos-related diseases every year;

Whereas a significant percentage of all asbestos-related disease victims were exposed to asbestos on naval ships and in shipyards;

Whereas asbestos was used in the construction of a significant number of office buildings and public facilities built before 1975;

Whereas people in the small community of Libby, Montana have asbestos-related diseases at a significantly higher rate than the national average and suffer from mesothelioma at a significantly higher rate than the national average; and

Whereas the establishment of a "National Asbestos Awareness Week" would raise public awareness about the prevalence of asbestos-related diseases and the dangers of asbestos exposure: Now, therefore, be it

Resolved, That the Senate—

(1) designates the first week of April 2007 as "National Asbestos Awareness Week";

(2) urges the Surgeon General, as a public health issue, to warn and educate people that asbestos exposure may be hazardous to their health; and

(3) respectfully requests the Secretary of the Senate to transmit a copy of this resolution to the Surgeon General.

TRAUMA CARE SYSTEMS PLANNING AND DEVELOPMENT ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of H.R. 727.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 727) to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read the third time, and passed, the motion to reconsider be laid upon the table, that any statements relating thereto be printed in the Record as if read, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 727) was ordered to a third reading, was read the third time, and passed.

NATIONAL BREAST AND CERVICAL CANCER EARLY DETECTION PROGRAM REAUTHORIZATION ACT OF 2007

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to H.R. 1132.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 1132) to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

There being no objection, the Senate proceeded to consider the bill.

Ms. MIKULSKI. Mr. President, I rise today to applaud the passage of H.R. 1132, the Breast and Cervical Cancer Reauthorization Act of 2007, a program that the Senator from Texas, MRS. HUTCHISON, and I have worked closely to reauthorize. H.R. 1132, like our companion bill S. 624, reauthorizes the successful Breast and Cervical Cancer Early Detection Program. The legislation authorizes increased funding for this program to $275 million over 5 years and provides States with greater flexibility to reach priority, hard to reach populations including women living in rural areas and racial and ethnic minorities.

Senator HUTCHISON and I would like to clarify with the chairman and ranking member the intent of the new waiver demonstration project. The legislation authorizes the establishment of a waiver demonstration project that will allow States to leverage nonFederal funds for breast and cervical cancer screening and follow-up services, reduce barriers to screening, and increase the number of women served. Non-Federal funds for breast and cervical cancer services/activities are available in some States through State or local government sources and private sources. Leveraging these non-Federal funds will augment limited available Federal funding and thus enable the efficient and effective utilization of resources to provide education and outreach to screen more women. It is Congress's intent that the Secretary, acting through the Director of the Center for Disease Control and Prevention, will administer the described demonstration project as part of its overall management of the National Breast and Cervical Cancer Program.

Mrs. HUTCHISON. Mr. President, I thank my good friend from Maryland for her support and partnership in reauthorizing this very important piece of legislation, and I appreciate the assistance we received from Chairman KENNEDY and Ranking Member ENZI, as well as the administration and our House colleagues. Early detection of breast and cervical cancers saves lives and is essential to our fight against these devastating diseases. The national early detection program has given millions of disadvantaged women access to vitally important cancer screenings, and I am proud of our commitment to continuing the Federal investment in these services. I hope that the new waiver demonstration project will provide the small number of States seeking to fully leverage private contributions the ability to capitalize on those fund expand access and services to even more women. I also look forward to the information CDC gathers in its report to help guide us in ensuring we provide the most screenings for our Federal investment. I thank my colleagues for working with us to expand this important program in our fight to reduce the number of cancer deaths in the United States.

Mr. KENNEDY. I commend Senators MIKULSKI and HUTCHISON for their leadership on this issue and thank Senator ENZI for his hard work to get this bill through the Senate. I agree with Senator MIKULSKI that it is the intent of Congress that the Secretary, acting through the Director, Center for Disease Control and Prevention, will administer the described demonstration project as part of its overall management of the National Breast and Cervical Cancer Program.

Mr. ENZI. I want to thank all of the key members—Senator HUTCHISON, Senator MIKULSKI, Senator KENNEDY and others for their ongoing work and dedication to this program. I am glad that we have been able to complete our work today and send this bill to the President. I also agree that it is our intent that the Centers for Disease Control and Prevention administer the new waiver authority which is added to the National Breast and Cervical Cancer Program as part of this reauthorization process. The waiver authority is integral to the overall program implementation. As such, it should remain within the purview of the CDC.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read three times, passed, the motion to reconsider be laid upon the table, and that any statements relating to the bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 1132) was ordered to a third reading, was read the third time, and passed.

EDWARD WILLIAM BROOKE III CONGRESSIONAL GOLD MEDAL ACT

Mr. REID. Mr. President, I ask unanimous consent that the Banking, Housing, and Urban Affairs Committee be discharged from further consideration of S. 682 and the Senate proceed to the consideration of this matter.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 682) to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

There being no objection, the Senate proceeded to consider the bill.

Mr. KENNEDY. Mr. President, the award of a Congressional Gold Medal to our former colleague, Senator Ed Brooke, is eminently well-deserved, and I urge the Senate to approve this legislation.

To all of us who know Ed Brooke, he was an outstanding Senator, a true statesman, a champion of equal justice and opportunity for all, and a man of great conscience and compassion.

Senator Brooke was born in Washington, DC, not far from these Chambers on Capitol Hill, and he graduated from Howard University. He had studied medicine, intending to become a physician, but realized that he was more at home in the fields of literature, political science, and history.

After finishing his degree at Howard, he served our country in World War II as a captain in the Army's segregated 366th Infantry Regiment, which fought with great courage in the Italian theater. During his service, he distinguished himself not only as a gifted leader, but as a skilled defense counsel in court martial proceedings.

Returning from the war, he enrolled in Boston University Law School and became editor of the Law Review. After graduating, he began a successful law practice in Massachusetts and continued his commitment to public service as well. He chaired the Finance Commission of Boston, and specialized in rooting out public corruption. His ability, energy, and dedication won him renown, and he was elected attorney general of Massachusetts, becoming the first African American in the Nation to hold such a position.

In his two terms as attorney general, he became a leader in the battle against organized crime

In 1966, he was elected to the Senate from Massachusetts, the first African-American Senator since Reconstruction. I vividly remember escorting him down the center aisle of this Chamber for his swearing in. At that time, the Senate was deeply involved in enacting the historic civil rights legislation of the 1960s, and I was touched by the magnitude and immense symbolism of that moment for Ed and his family, for African Americans, for the Commonwealth of Massachusetts, and for the Nation as a whole.

When people question Ed about his significant place in history, his response is always spirited and unchanging. He didn't want to be remembered only as the Senate's African-American Member. During his campaign for attorney general, he had said, "I'm not running as a Negro. I never have. I'm trying to show that people can be elected on the basis of their qualifications and not their race."

Ed always saw himself in this light. Despite his other "firsts," he was first and foremost an American and a son of Massachusetts, and it was important to him that his accomplishments and talents speak louder than the color of his skin.

Needless to say, his heritage uniquely qualified him to combat social injustice and stand as an eloquent voice for

America's oppressed. He served on President Johnson's Commission on Civil Disorders, which investigated the causes of the race riots in American cities at the time, and the committee's recommendations became a central part of the Civil Rights Act of 1968.

When he spoke on the Senate floor in support of the extending the Voting Rights Act in 1975, he addressed this body with inspiring candor and sincerity. In a time of great turmoil and division, he was a symbol of hope for Americans of color throughout our Nation—hope that our country was changing, hope that the American dream was still alive.

Those who were intent on defeating the Voting Rights Act could not avoid pangs of conscience as Ed declared, "I cannot believe that in 1975, on the floor of the U.S. Senate, we are ready to say to the American people, black and white, red and brown, that they cannot be assured of the basic right to vote!" His point was irresistible, and the very next day, the Senate passed the bill.

Ed was passionate about opportunity for all. In his two terms with us, he set a high standard for public service and was a model of senatorial independence, supporting measures on both sides of the aisle that he felt strengthened our country, and improved the lives of all Americans. He was a champion of the minimum wage, a strong voice for Medicare and Social Security, and an effective defender of women's rights. The title of his autobiography, "Bridging the Divide," published earlier this year, says it all. He bridged race, he bridged parties, and defied any conventional categorization.

I remember Ed discussing the difficulty of providing a home for his family after his return from World War II, at a time when race disqualified him from considering certain properties. His plight was characteristic of the struggle experienced by millions of Americans at that time. The Fair Housing Act of 1968 is a tribute to his leadership as a Senator, and long after he left the Senate, he continued the battle for fair housing and opportunity as leader of the National Low Income Housing Coalition.

As Martin Luther King, Jr. once said, "We must come to see that the end we seek is a society of peace. That will be the day not of the white man, not the black man. That will be the day of man as man." Edward Brooke is the embodiment of Dr. King's vision. He was a great Senator among us, he is still a caring public servant. He is a great American, and he certainly deserves this very special tribute from Congress. I urge my colleagues to approve this award of the Congressional Gold Medal to our former colleague, Ed Brooke.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 682) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 682

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Edward William Brooke III Congressional Gold Medal Act".

SEC. 2. FINDINGS.

The Congress finds as follows:

(1) Edward William Brooke III was the first African American elected by popular vote to the United States Senate and served with distinction for 2 terms from January 3, 1967, to January 3, 1979.

(2) In 1960, Senator Brooke began his public career when Governor John Volpe appointed him chairman of the Boston Finance Commission, where the young lawyer established an outstanding record of confronting and eliminating graft and corruption and proposed groundbreaking legislation for consumer protection and against housing discrimination and air pollution.

(3) At a time when few African Americans held State or Federal office, Senator Brooke became an exceptional pioneer, beginning in 1962, when he made national and State history by being elected Attorney General of Massachusetts, the first African American in the Nation to serve as a State Attorney General, the second highest office in the State, and the only Republican to win statewide in the election that year, at a time when there were fewer than 1,000 African American officials in our nation.

(4) He won office as a Republican in a state that was strongly Democratic.

(5) As Massachusetts Attorney General, Senator Brooke became known for his fearless and honest execution of the laws of his State and for his vigorous prosecution of organized crime.

(6) The pioneering accomplishments of Edward William Brooke III in public service were achieved although he was raised in Washington, DC at a time when the Nation's capital was a city where schools, public accommodations, and other institutions were segregated, and when the District of Columbia did not have its own self-governing institutions or elected officials.

(7) Senator Brooke graduated from Paul Laurence Dunbar High School and went on to graduate from Howard University in 1941.

(8) Senator Brooke's enduring advocacy for self-government and congressional voting rights for the citizens of Washington, DC has roots in his life and personal experience as a native Washingtonian.

(9) Senator Brooke served for 5 years in the United States Army in the segregated 366th Infantry Regiment during World War II in the European theater of operations, attaining the rank of captain and receiving a Bronze Star Medal for "heroic or meritorious achievement or service" and the Distinguished Service Award.

(10) After the war, Senator Brooke attended Boston University School of Law, where he served as editor of the school's Law Review, graduating with an LL.B. in 1948 and an LL.M. in 1949, and made Massachusetts his home.

(11) During his career in Congress, Senator Brooke was a leader on some of the most critical issues of his time, including the war in Vietnam, the struggle for civil rights, the shameful system of apartheid in South Africa, the Cold War, and United States' relations with the People's Republic of China.

(12) President Lyndon B. Johnson appointed Senator Brooke to the President's Commission on Civil Disorders in 1967, where his work on discrimination in housing would serve as the basis for the 1968 Civil Rights Act.

(13) Senator Brooke continued to champion open housing when he left the Senate and became the head of the National Low-Income Housing Coalition.

(14) Senator Brooke has been recognized with many high honors, among them the Presidential Medal of Freedom in 2004, an honor that recognizes "an especially meritorious contribution to the security or national interests of the United States, world peace, cultural or other significant public or private endeavors"; the Grand Cross of the Order of Merit from the Government of Italy; a State courthouse dedicated in his honor by the Commonwealth of Massachusetts, making him the first African American to have a State courthouse named in his honor; the NAACP Spingarn Medal; and the Charles Evans Hughes award from the National Conference of Christians and Jews.

(15) Senator Brooke's biography, Bridging The Divide: My Life, was published in 2006, and he is the author of The Challenge of Change: Crisis in Our Two-Party System, published in 1966.

(16) Senator Brooke became a racial pioneer, but race was never at the center of his political campaigns.

(17) He demonstrated to all that with commitment, determination, and strength of character, even the barriers once thought insurmountable can be overcome.

(18) He has devoted his life to the service of others, and made enormous contributions to our society today.

(19) The life and accomplishments of Senator Brooke is inspiring proof, as he says, that "people can be elected on the basis of their qualifications and not their race".

SEC. 3. CONGRESSIONAL GOLD MEDAL.

(a) PRESENTATION AUTHORIZED.—The Speaker of the House of Representatives and the President pro tempore of the Senate shall make appropriate arrangements for the presentation, on behalf of the Congress, of a gold medal of appropriate design to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

(b) DESIGN AND STRIKING.—For purposes of the presentation referred to in subsection (a), the Secretary of the Treasury (hereafter in this Act referred to as the "Secretary") shall strike a gold medal with suitable emblems, devices, and inscriptions, to be determined by the Secretary.

SEC. 4. DUPLICATE MEDALS.

The Secretary may strike and sell duplicates in bronze of the gold medal struck pursuant to section 3 under such regulations as the Secretary may prescribe, at a price sufficient to cover the cost thereof, including labor, materials, dies, use of machinery, and overhead expenses, and the cost of the gold medal.

SEC. 5. STATUS OF MEDALS.

(a) NATIONAL MEDALS.—The medals struck pursuant to this Act are national medals for purposes of chapter 51 of title 31, United States Code.

(b) NUMISMATIC ITEMS.—For purposes of section 5134 of title 31, United States Code, all medals struck under this Act shall be considered to be numismatic items.

SEC. 6. AUTHORITY TO USE FUND AMOUNTS; PROCEEDS OF SALE.

(a) AUTHORITY TO USE FUND AMOUNTS.—There is authorized to be charged against the United States Mint Public Enterprise Fund, such amounts as may be necessary to pay for the costs of the medals struck pursuant to this Act.

(b) PROCEEDS OF SALE.—Amounts received from the sale of duplicate bronze medals authorized under section 4 shall be deposited into the United States Mint Public Enterprise Fund.

AUTHORITY TO MAKE APPOINTMENTS

Mr. REID. Mr. President, I ask unanimous consent that notwithstanding the recess or adjournment of the Senate, the President of the Senate, the President pro tempore of the Senate, and the majority and minority leaders be authorized to make appointments to commissions, committees, boards, conferences or interparliamentary conferences authorized by law, by concurrent action of the two Houses, or by order of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS CONSENT REQUEST—HONORING CÉSAR ESTRADA CHÁVEZ

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of a resolution submitted earlier today honoring the accomplishments and legacy of César Estrada Chávez; that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Mr. McCONNELL. Mr. President, reserving the right to object, and I will have to object, we have been working on some modifications and have not been able to reach agreement yet, so therefore I must object.

The PRESIDING OFFICER. Objection is heard.

REMEMBERING CÉSAR CHÁVEZ

Mr. DURBIN. A great man once said, "We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

Those are the words of César Chávez.

His friend, Robert Kennedy, once called César Chávez "one of the heroic figures of our time."

He was a man of uncommon moral courage, a disciple of nonviolence who believed deeply in the promise of American democracy. He sacrificed much to extend that promise to some of the poorest people in America: farm workers.

"Yes, we can." That was César Chávez's message to people who had felt powerless against the crushing hand of fate. Yes, we can make a better life for ourselves and our children. Yes, we can overcome injustice, without resorting to violence.

His words and his work inspired not only the Latino farmworkers with whom he lived but all Americans.

This coming Saturday, March 31, would have been César Chávez's 80th birthday. In California, where his birthday is a legal holiday, and in homes and communities throughout our Nation, Americans will pause over the next few days to remember and celebrate the life and legacy of this great man.

César Chávez was the founder of the United Farm Workers Union, a labor and civil rights leader. He established the first collective bargaining agreement between farmworkers and growers in the United States. That agreement allowed farmworkers to negotiate for safer and better working conditions—for such simple, basic human needs such as the right to a drink of clean water after hours working in a hot field.

In 1993, at the age of 66, César Chávez died—his great heart weakened by the many fasts he had conducted to call attention to the plight of farmworkers. But his legacy lives on.

In a time when our Nation is at war and the income and equality gaps are again widening in America, we would do well to remember the lessons of peace and social justice from the life of César Chávez.

There is no better way to promote his legacy than to continue these teachings in our communities and especially among our young people.

In my State of Illinois, schools set aside 1 day in the month of March as "César Chávez Day of Service and Learning." It is an idea that was introduced by our Lieutenant Governor, Pat Quinn, in 2004. Students in kindergarten through high school learn about César Chávez's life and beliefs in the classroom, and they also learn about his ethic of service and social responsibility by participating in community service projects.

Here in Congress, as we debate the war, the Federal budget, and other matters that affect the lives of so many people so profoundly, perhaps we should have our own César Chávez Day of Service and Learning.

We would do well to remember his challenge: "We cannot seek achievement for ourselves and forget about progress and prosperity for our community . . . Our ambitions must be broad enough to include the aspirations and needs of others, for their sakes and for our own."

Can we make America better, more just—a more perfect union? In the words of César Chávez, "Yes, we can." It is not easy, but it can be done. And it is up to each of us to try.

Mr. REID. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

NOMINATION OF BRADLEY UDALL TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP FOUNDATION

NOMINATION OF ROGER ROMULUS MARTELLA, JR. TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the nominations reported out earlier today by the Environment and Public Works Committee: PN 110, Bradley Udall to be a member of the Board of Trustees of the Morris K. Udall Scholarship Foundation; PN 53, Roger Romulus Martella, Jr. to be assistant administrator of the Environmental Protection Agency; that the nominations be confirmed, the motions to reconsider be laid upon the table, the President be immediately notified of the Senate's action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations considered and confirmed are as follows:

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL POLICY FOUNDATION

Bradley Udall, of Colorado, to be a Member of the Board of Trustees of the Morris K. Udall Scholarship and Excellence In National Environmental Policy Foundation for a term expiring October 6, 2012.

ENVIRONMENTAL PROTECTION AGENCY

Roger Romulus Martella, Jr., of Virginia, to be Assistant Administrator of the Environmental Protection Agency.

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

ORDERS FOR TUESDAY, APRIL 10, 2007

Mr. REID. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, April 10; that on Tuesday, following the prayer and pledge, the Journal of proceedings be approved to date; the morning hour be deemed expired; and the time of the two leaders be reserved for use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each; with the first 30 minutes under the control of the Republicans, and the final 30 minutes under the control of the majority; that following morning business, the Senate proceed to consider the two stem cell bills, as provided for under a previous order entered by the President earlier today.

The PRESIDING OFFICER. Without objection, it so ordered.

PROGRAM

Mr. REID. I would also say, Mr. President, that I have conferred with the Republican leader, and there is no reason that we will have any votes scheduled for Tuesday, the day we return. Monday is a legal holiday, and Tuesday we are going to start the stem cell debate. The debate on that will last for at least 2 days, so there is no reason we will need to come back for a vote on Tuesday. People will have plenty to do here, and the vote would just interrupt that.

I have told the Republican leader, and he acknowledges that is probably the right thing to do. So we will have no votes on Tuesday. The first vote will be sometime on Wednesday.

If there is no further business today, I would turn to the Republican leader.

Mr. McCONNELL. Mr. President, I would just say to the majority leader that I agree there is no necessity to have a vote on Tuesday, the week after next, and I think we will proceed with the debate on the stem cell proposals and be ready to vote on Wednesday.

Mr. REID. Mr. President, I failed to announce, but it was very important, those numbers that we read off were two very important ambassadorships: Ford M. Fraker, to be the Ambassador to the Kingdom of Saudi Arabia; Zalmay Khalilzad, who, of course, has served so well in Iraq and is now going to be the Ambassador to the United Nations. That is very important, and I am glad we did that.

One thing I did not mention is, for all Senators and staff, our Democratic caucus, which is normally held on Tuesday, we are going to have that on Wednesday. It is obvious now, with no votes on Tuesday, that is probably the right thing to do. So, for all Democrats, we will have our caucus on Wednesday.

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, likewise on this side of the aisle, we will be having our policy luncheon, which normally happens on Tuesday, on Wednesday. We have already notified our members of that, but it bears repeating here today.

ADJOURNMENT UNTIL TUESDAY, APRIL 10, 2007, AT 10 A.M.

Mr. REID. I now ask unanimous consent that the Senate stand adjourned under the provisions of H. Con. Res. 103.

There being no objection, the Senate, at 6:22 p.m., adjourned until Tuesday, April 10, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate March 29, 2007:

THE JUDICIARY

JENNIFER WALKER ELROD, OF TEXAS, TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIFTH CIRCUIT, VICE PATRICK E. HIGGINBOTHAM, RETIRED.

IN THE COAST GUARD

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES COAST GUARD TO THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 271:

To be rear admiral

REAR ADM. (LH) CRAIG E. BONE, 3199
REAR ADM. (LH) ROBERT S. BRANHAM, 0852
REAR ADM. (LH) JOHN S. BURHOE, 4205
REAR ADM. (LH) RONALD T. HEWITT, 6030
REAR ADM. (LH) WAYNE E. JUSTICE, 8632
REAR ADM. (LH) DANIEL B. LLOYD, 2035
REAR ADM. (LH) JOSEPH L. NIMMICH, 9821
REAR ADM. (LH) ROBERT C. PARKER, 1236
REAR ADM. (LH) BRIAN M. SALERNO, 5789

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM G. WEBSTER, JR., 9468

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. MARK J. MACCARLEY, 2185

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be colonel

DAVID J. CARRELL, 8142

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

JAMES G. WOLF, 6912

THE FOLLOWING NAMED OFFICER TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

CRAIG L. ALLEN, 9804

THE FOLLOWING NAMED OFFICERS TO THE GRADE INDICATED IN THE UNITED STATES AIR FORCE UNDER TITLE 10, U.S.C., SECTION 624:

To be lieutenant colonel

BRIAN L. EVANS, 5121
WAYNE C. GOULET, 5588
MARY E. HANSON, 5007
JEFFREY J. HEILMAN, 1341
DUNCAN D. SMITH, 2602

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT IN THE GRADES INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be lieutenant colonel

ROBERT W. BEADLE, 2269
STEVEN D. BROHM, 8508

To be major

DAVID E. ANDRUS, 3464
ERNESTINE R. HARRIS, 8168
RONALD L. HEALY, 3424
BRENT S. MILLER, 5573

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 531:

To be captain

STANLEY R. RICHARDSON, 8043

CONFIRMATIONS

Executive nominations confirmed by the Senate Thursday, March 29, 2007:

DEPARTMENT OF STATE

FORD M. FRAKER, OF MASSACHUSETTS, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF SAUDI ARABIA.

ZALMAY KHALILZAD, OF MARYLAND, TO BE THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY, AND THE REPRESENTATIVE OF THE UNITED STATES OF AMERICA IN THE SECURITY COUNCIL OF THE UNITED NATIONS.

ZALMAY KHALILZAD, OF MARYLAND, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE UNITED NATIONS.

ASIAN DEVELOPMENT BANK

CURTIS S. CHIN, OF NEW YORK, TO BE UNITED STATES DIRECTOR OF THE ASIAN DEVELOPMENT BANK, WITH THE RANK OF AMBASSADOR.

INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT

ELI WHITNEY DEBEVOISE II, OF MARYLAND, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT FOR A TERM OF TWO YEARS.

INTERNATIONAL MONETARY FUND

MARGRETHE LUNDSAGER, OF VIRGINIA, TO BE UNITED STATES EXECUTIVE DIRECTOR OF THE INTERNATIONAL MONETARY FUND FOR A TERM OF TWO YEARS.

DEPARTMENT OF DEFENSE

S. WARD CASSCELLS, OF TEXAS, TO BE AN ASSISTANT SECRETARY OF DEFENSE.

DEPARTMENT OF ENERGY

WILLIAM CHARLES OSTENDORFF, OF VIRGINIA, TO BE PRINCIPAL DEPUTY ADMINISTRATOR, NATIONAL NUCLEAR SECURITY ADMINISTRATION.

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

BRADLEY UDALL, OF COLORADO, TO BE A MEMBER OF THE BOARD OF TRUSTEES OF THE MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION FOR A TERM EXPIRING OCTOBER 6, 2012.

ENVIRONMENTAL PROTECTION AGENCY

ROGER ROMULUS MARTELLA, JR., OF VIRGINIA, TO BE ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY.

THE ABOVE NOMINATIONS WERE APPROVED SUBJECT TO THE NOMINEES' COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

DEPARTMENT OF JUSTICE

JOHN WOOD, OF MISSOURI, TO BE UNITED STATES ATTORNEY FOR THE WESTERN DISTRICT OF MISSOURI FOR THE TERM OF FOUR YEARS.

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. GARY ROUGHEAD, 6126

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be admiral

ADM. ROBERT F. WILLARD, 1564

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be vice admiral

REAR ADM. SAMUEL J. LOCKLEAR III, 1250

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. JEFFREY A. SORENSON, 3510

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. WILLIAM B. CALDWELL IV, 8600

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS RESERVE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be major general

BRIG. GEN. JAMES L. WILLIAMS, 0353

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. JAMES T. COOK, 4390

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

LT. GEN. RICHARD S. KRAMLICH, 9829

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES MARINE CORPS TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. JOHN R. ALLEN, 5762
BRIG. GEN. THOMAS L. CONANT, 7621
BRIG. GEN. FRANK A. PANTER, JR., 2226
BRIG. GEN. MASTIN M. ROBESON, 1984
BRIG. GEN. TERRY G. ROBLING, 1530
BRIG. GEN. ROBERT E. SCHMIDLE, JR., 7820
BRIG. GEN. RICHARD T. TRYON, 7313
BRIG. GEN. THOMAS D. WALDHAUSER, 4358

IN THE AIR FORCE

AIR FORCE NOMINATIONS BEGINNING WITH KATHERINE J. ALGUIRE AND ENDING WITH KRISTEN M. ZEBROWSKI, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH ROBERT J. AALSETH AND ENDING WITH MARIO F. ZUNIGA, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 11, 2007.

AIR FORCE NOMINATION OF MARK A. YUSPA, 2284, TO BE MAJOR.

AIR FORCE NOMINATION OF CHERYL A. UDENSI, 9460, TO BE MAJOR.

AIR FORCE NOMINATIONS BEGINNING WITH KEITH A. DARLINGTON AND ENDING WITH FRANK A. YERKES, JR., WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KENNETH A. ARNOLD AND ENDING WITH THOMAS F. ZIMMERMAN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH GLENN M. FREDERICK AND ENDING WITH JULIE L. STEELE, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH PIO VAZQUEZDIAZ AND ENDING WITH DREW D. SCHNYDER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

AIR FORCE NOMINATIONS BEGINNING WITH KAREN D. DOHERTY AND ENDING WITH MAUREEN G. TOOMEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

IN THE ARMY

ARMY NOMINATION OF GERALD J. LUKOWSKI, JR., 9096, TO BE COLONEL.

ARMY NOMINATION OF CHARLES W. WHITTINGTON, 7455, TO BE COLONEL.

ARMY NOMINATION OF VASILIOS LAZOS, 7832, TO BE MAJOR.

ARMY NOMINATION OF THOMAS G. MCFARLAND, 4368, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH JEFFREY R. BAVIS AND ENDING WITH SORREL B. COOPER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2007.

ARMY NOMINATION OF KATHLEEN S. LOPER, 3463, TO BE COLONEL.

ARMY NOMINATION OF MICHAEL A. WHITE, 6264, TO BE COLONEL.

ARMY NOMINATION OF ANTHONY T. ROPER, 0533, TO BE LIEUTENANT COLONEL.

ARMY NOMINATIONS BEGINNING WITH ERIC A. HANSEN AND ENDING WITH PETER J. VARLJEN, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

ARMY NOMINATIONS BEGINNING WITH STEVEN S. GELBERT AND ENDING WITH PATRICK R. MCBREARTY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 19, 2007.

IN THE FOREIGN SERVICE

FOREIGN SERVICE NOMINATIONS BEGINNING WITH NATALIE J. FREEMAN AND ENDING WITH DEBORAH ANN MCCARTHY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON JANUARY 10, 2007.

IN THE MARINE CORPS

MARINE CORPS NOMINATIONS BEGINNING WITH PETER W. AHERN AND ENDING WITH KEVIN T. WOOLEY, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON FEBRUARY 15, 2007.

IN THE NAVY

NAVY NOMINATION OF ARTHUR W. STAUFF, 3198, TO BE CAPTAIN.

NAVY NOMINATION OF CHARLES A. MCLENITHAN, 2873, TO BE LIEUTENANT COMMANDER.

NAVY NOMINATIONS BEGINNING WITH JEFFREY P. BEJMA AND ENDING WITH JORDAN I. ZIEGLER, WHICH NOMINATIONS WERE RECEIVED BY THE SENATE AND APPEARED IN THE CONGRESSIONAL RECORD ON MARCH 12, 2007.

HOUSE OF REPRESENTATIVES—*Thursday, March 29, 2007*

The House met at 10 a.m.

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

God of gentle beauty and filled with mercy, we praise You for the seasonal blossoms which color this capital city. Hear the prayers of Your grateful yet repentant people, that we may truly rejoice in our spring feasts and see in our day the way of Your salvation revealed in the course of this Nation.

By Your spirit, enlighten the minds of the Members of Congress and transform their hearts, that they may think creatively and decide, be moved and act in accord with Your revealed truth and be guided by Your ever-present love.

May their self-restraint and disciplined priorities unite the people across this Nation in the ways of law-abiding justice and pave the road to peace.

Then, dying to self-centered lives, let Your people become a blessing to others and give You glory, honor and thanksgiving now and forever. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. KLEIN of Florida. Madam Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Speaker's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. KLEIN of Florida. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 8, rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will entertain five 1-minute speeches on each side.

WHEN WILL CONGRESS STOP FUNDING WAR?

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Madam Speaker, today the House will pass a budget which will fund the war in Iraq far into 2009. The budget includes an extra $195 billion mostly for military operations in Iraq. Anyone who thinks this Congress is trying to end the war had better think again, because this budget signals we will be in Iraq for another 2 years or more, even though Congress has led the American people and the media to believe otherwise.

Congress recently engaged in a dubious debate about a nonbinding surge resolution. Even though Congress had and still has the authority to end the war now, we instead give it new life with last week's vote.

Now, $195 billion on top of last week's supplemental means close to $300 billion in a week approved to continue the war.

This war has sacrificed the lives of our troops and innocent civilians. It has advanced the interests of oil companies and contractors in the manner of a criminal enterprise. It has besmirched our national honor and alienated America from friends around the world.

When will Congress stand for truth and for peace and stop funding this war?

COMMENDING MEDIA WATCHDOGS

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Madam Speaker, 20 years ago Brent Bozell, armed with a handful of employees, a black and white TV and a rented computer, set up shop for what is now the acclaimed Media Research Center.

Believing that an overwhelming percentage of news media exhibit a distinct liberal slant, Bozell intended to document and prove the bias existed. Bozell created a news-tracking system that provides comprehensive analysis based on scientific research.

From its humble beginnings, the Media Research Center has grown to be the Nation's largest news monitoring operation, employing 60 staffers with a $6 million annual budget.

Bozell, his employees, and their compatriots will celebrate 20 years of success tonight at the company's annual gala. As a former reporter, I congratulate them for their success; and while I remain hopeful liberal bias in the media will dissipate, I am proud the Media Research Center will be on watch until it happens.

In conclusion, God bless our troops, and we will never forget September 11.

JUVENILE DIABETES

(Mr. KLEIN of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KLEIN of Florida. Madam Speaker, last weekend, I participated in the Juvenile Diabetes Research Foundation Walk to Cure Diabetes in my hometown of Boca Raton, Florida. I participated in this walk to help bring attention to the urgent need for finding a cure for juvenile diabetes.

I also walked in honor of two children in my district, Sydney Lubetkin and Nicky Pollack. Nicky was diagnosed with juvenile diabetes as an infant, and Sydney was diagnosed with the illness just this past year.

Juvenile diabetes is a serious disease that inflicts tens of thousands of children across the United States. Not only does this illness cost us $100 billion in health care costs alone, but living with juvenile diabetes requires 24–7 care. Children must constantly take insulin shots and have their blood checked numerous times a day, and their diet and exercise regimen must always be under strict surveillance. In severe cases, juvenile diabetes can cause blindness, heart failure, stroke and, worst case, death.

This is why I signed on as a sponsor of House Resolution 4 that urges Congress to appropriate $1.6 billion annually. I thank Members for their support.

DEMOCRATS WANT TO RAISE TAXES

(Mrs. MILLER of Michigan asked and was given permission to address the

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

House for 1 minute and to revise and extend her remarks.)

Mrs. MILLER of Michigan. Madam Speaker, the Democrats in the campaign last fall said they only wanted to raise taxes on the rich. But I think it is interesting how they define the rich. Take, for instance, the fact that they call for the lowest tax bracket of 10 percent to rise to 15 percent. Madam Speaker, the rich are not a part of the 10 percent bracket.

They are going to resurrect the marriage penalty tax, costing the average married couple $466 a year more in taxes. They are going to cut the child tax credit in half, costing 31 million American families more in taxes. And if the Democrats are only raising taxes on the rich, it does seem that their definition of "rich" is anyone who is married or has children. In fact, anyone who gets a paycheck.

They said they only wanted to raise taxes as a last resort. But with the budget we will be voting on today, they have just made reservations for a long stay, with the American taxpayers footing the nearly $400 billion bill, the largest tax increase in American history.

That didn't take long.

REPUBLICAN RHETORIC ABOUT BUDGET ASTOUNDING

(Mr. BLUMENAUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BLUMENAUER. Madam Speaker, the Republican rhetoric about the Democratic budget still echoes in the Chamber, and the misrepresentation is astounding.

Why, just last night, jaws dropped across America as the author of the Republican alternative referred to the Concord Coalition, a respected centrist organization, as a "left-wing think tank".

Well, the Republicans have zero credibility when it comes to the budget. Last year, when they were in complete control, they couldn't even pass a budget resolution. They couldn't even pass the appropriations process, leaving town with 11 of the 13 budgets unfinished. The wheels completely fell off. These are the folks who gave us the rainforest in Iowa, the Bridge to Nowhere.

This is why 77 prominent national organizations have endorsed the Democratic budget, from the American Legion to Ducks Unlimited, the Environmental Coalition, the Military Officers Association to Veterans of Foreign Wars and the National Education Association.

I am proud of this Democratic alternative. I hope people read it to see through the Republican rhetoric.

DEMOCRAT BUDGET RAISES TAXES

(Mr. RYAN of Wisconsin asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RYAN of Wisconsin. Madam Speaker, the Democrat budget raises taxes, plain and simple. You can cite all of these other groups that say one thing or another, but the group that counts is the Congressional Budget Office. That is the official scorekeeping agency that measures our budgets.

And according to the Congressional Budget Office, the Democrat budget provides for the largest tax increase in American history. Either that, or they don't balance the budget. They can't have it both ways. They are saying they balance the budget, and the only way they balance the budget is by raising taxes, cutting the child tax credit in half, bringing back the marriage tax penalty, bringing back the death tax, raising tax rates across the board on all income tax payers, repealing the 10 percent for low-income Americans, bringing back higher tax rates on capital gains and dividends which create jobs and help seniors save.

In fact, if their tax plan comes to fruition, if they actually accomplish what they are seeking to accomplish, they will tax the small businesses of America at higher tax rates than the largest corporations in America.

Madam Speaker, these tax cuts created jobs. They created 7.6 million jobs. Don't raise taxes.

COMING TOGETHER IN UNITY

(Mr. COHEN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COHEN. Madam Speaker, Monday evening begins the Jewish celebration of Passover. Passover is when the Jews remember when they were enslaved in Egypt and Moses led the Jewish people out of bondage and to freedom.

It is an important holiday, and one in which we remember where we came from and about how good God has been to us and about being enslaved and being in bondage. During this holiday, Jews remember others who have been enslaved and call on Jews to remember and never forget and to try to see that others are not enslaved.

Partly for that reason, I introduced some time ago H.R. 194 to have our country make an apology for the history of slavery and Jim Crow laws we had in this country. That was an error, that was wrong, and it needs to be apologized for, and a dialogue needs to begin to understand about slavery and its effects.

I wish everybody a happy holiday season and hope we all come together in unity to apologize for slavery.

EQUIPPING OUR NATIONAL GUARD

(Ms. SHEA-PORTER asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. SHEA-PORTER. Madam Speaker, from its birth before the Revolutionary War, the National Guard has served as our first defense against catastrophic disaster. We all remember the scenes during Hurricane Katrina. The National Guard came to the rescue. They were the ones in the helicopters, along with the Coast Guard, rescuing people after FEMA had collapsed and had not fulfilled its responsibilities.

After we invaded Iraq, it was our brave soldiers in the National Guard that once again answered the call to duty. They have served side by side with the regular forces doing an incredible job. They also have a job to do in our country, though. But multiple deployments and use of equipment has degraded the equipment they have at home to protect us in our own States.

The National Guard currently has about 40 percent of the equipment that it needs at home. The American people deserve to know this, that we do not have the equipment that we need, and the National Guard has a right to have the equipment so they can fulfill their duty in case of a national domestic disaster.

I thank the National Guard and their families who stand by day after day, serving us during any kind of catastrophe. I urge the American public to ask Congress and ask the executive branch to make sure that our National Guard has the equipment at home they need.

CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008

The SPEAKER pro tempore (Mr. COHEN). Pursuant to House Resolution 275 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution, H. Con. Res. 99.

☐ 1015

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, with Mrs. TAUSCHER (Acting Chairman) in the chair.

The Clerk read the title of the concurrent resolution.

The Acting CHAIRMAN. When the Committee of the Whole rose on

Wednesday, March 28, 2007, all time for general debate had expired.

Pursuant to the rule, the concurrent resolution is considered read for amendment under the 5-minute rule.

The text of the concurrent resolution is as follows:

H. CON. RES. 99

Resolved by the House of Representatives (the Senate concurring),

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress determines and declares that the concurrent resolution on the budget for fiscal year 2007 is revised and replaced and that this is the concurrent resolution on the budget for fiscal year 2008, including appropriate budgetary levels for fiscal years 2009 through 2012.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RESERVE FUNDS

Sec. 201. Reserve fund for the State Children's Health Insurance Program.
Sec. 202. Reserve fund for reform of the alternative minimum tax.
Sec. 203. Reserve fund to provide for middle-income tax relief and economic equity.
Sec. 204. Reserve fund for agriculture.
Sec. 205. Reserve fund for higher education.
Sec. 206. Reserve fund for improvements in medicare.
Sec. 207. Reserve fund for creating long-term energy alternatives.
Sec. 208. Reserve fund for affordable housing.
Sec. 209. Reserve fund for equitable benefits for Filipino veterans of World War II.
Sec. 210. Reserve fund for Secure Rural Schools and Community Self-Determination Act reauthorization.
Sec. 211. Reserve fund for receipts from the Bonneville Power Administration.
Sec. 212. Reserve fund for Transitional Medical Assistance.

TITLE III—BUDGET ENFORCEMENT

Sec. 301. Program integrity initiatives.
Sec. 302. Advance appropriations.
Sec. 303. Overseas deployments and emergency needs.
Sec. 304. Application and effect of changes in allocations and aggregates.
Sec. 305. Adjustments to reflect changes in concepts and definitions.
Sec. 306. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 307. Exercise of rulemaking powers.

TITLE IV—POLICY

Sec. 401. Policy on middle-income tax relief.
Sec. 402. Policy on defense priorities.
Sec. 403. Policy on college affordability.

TITLE V—SENSE OF THE HOUSE

Sec. 501. Sense of the House on servicemembers' and veterans' health care and other priorities.
Sec. 502. Sense of the House on the Innovation Agenda: A commitment to competitiveness to keep America #1.
Sec. 503. Sense of the House on homeland security.
Sec. 504. Sense of the House regarding the ongoing need to respond to Hurricanes Katrina and Rita.
Sec. 505. Sense of the House regarding long-term sustainability of entitlements.
Sec. 506. Sense of the House regarding the need to maintain and build upon efforts to fight hunger.
Sec. 507. Sense of the House regarding affordable health coverage.
Sec. 508. Sense of the House regarding extension of the statutory pay-as-you-go rule.
Sec. 509. Sense of the House on long-term budgeting.
Sec. 510. Sense of the House regarding pay parity.
Sec. 511. Sense of the House regarding waste, fraud, and abuse.
Sec. 512. Sense of the House regarding the importance of child support enforcement.
Sec. 513. Sense of the House on State veterans cemeteries.

TITLE VI—RECONCILIATION

Sec. 601. Reconciliation.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2007 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2007: $1,904,706,000,000.
Fiscal year 2008: $2,050,797,000,000.
Fiscal year 2009: $2,106,926,000,000.
Fiscal year 2010: $2,163,721,000,000.
Fiscal year 2011: $2,394,551,000,000.
Fiscal year 2012: $2,597,096,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be adjusted are as follows:

Fiscal year 2007: $0.
Fiscal year 2008: $0.
Fiscal year 2009: $0.
Fiscal year 2010: $0.
Fiscal year 2011: $0.
Fiscal year 2012: $0.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2007: $2,380,614,000,000.
Fiscal year 2008: $2,495,291,000,000.
Fiscal year 2009: $2,516,301,000,000.
Fiscal year 2010: $2,569,952,000,000.
Fiscal year 2011: $2,684,936,000,000.
Fiscal year 2012: $2,716,188,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2007: $2,300,065,000,000.
Fiscal year 2008: $2,465,888,000,000.
Fiscal year 2009: $2,565,305,000,000.
Fiscal year 2010: $2,600,718,000,000.
Fiscal year 2011: $2,691,358,000,000.
Fiscal year 2012: $2,700,809,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2007: –$395,359,000,000.
Fiscal year 2008: –$415,091,000,000.
Fiscal year 2009: –$458,379,000,000.
Fiscal year 2010: –$436,997,000,000.
Fiscal year 2011: –$296,807,000,000.
Fiscal year 2012: –$103,713,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the debt subject to limit are as follows:

Fiscal year 2007: $8,927,000,000,000.
Fiscal year 2008: $9,461,000,000,000.
Fiscal year 2009: $10,036,000,000,000.
Fiscal year 2010: $10,591,000,000,000.
Fiscal year 2011: $11,001,000,000,000.
Fiscal year 2012: $11,231,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2007: $5,042,000,000,000.
Fiscal year 2008: $5,269,000,000,000.
Fiscal year 2009: $5,524,000,000,000.
Fiscal year 2010: $5,743,000,000,000.
Fiscal year 2011: $5,805,000,000,000.
Fiscal year 2012: $5,663,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2007 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2007:
(A) New budget authority, $525,797,000,000.
(B) Outlays, $534,270,000,000.
Fiscal year 2008:
(A) New budget authority, $506,995,000,000.
(B) Outlays, $514,401,000,000.
Fiscal year 2009:
(A) New budget authority, $534,705,000,000.
(B) Outlays, $524,384,000,000.
Fiscal year 2010:
(A) New budget authority, $545,171,000,000.
(B) Outlays, $536,433,000,000.
Fiscal year 2011:
(A) New budget authority, $550,944,000,000.
(B) Outlays, $547,624,000,000.
Fiscal year 2012:
(A) New budget authority, $559,799,000,000.
(B) Outlays, $548,169,000,000.

(2) International Affairs (150):

Fiscal year 2007:
(A) New budget authority, $28,795,000,000.
(B) Outlays, $31,308,000,000.
Fiscal year 2008:
(A) New budget authority, $34,675,000,000.
(B) Outlays, $33,096,000,000.
Fiscal year 2009:
(A) New budget authority, $35,428,000,000.
(B) Outlays, $32,557,000,000.
Fiscal year 2010:
(A) New budget authority, $35,623,000,000.
(B) Outlays, $32,687,000,000.
Fiscal year 2011:
(A) New budget authority, $36,083,000,000.
(B) Outlays, $33,006,000,000.
Fiscal year 2012:
(A) New budget authority, $36,530,000,000.
(B) Outlays, $33,613,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2007:
(A) New budget authority, $25,079,000,000.
(B) Outlays, $24,516,000,000.
Fiscal year 2008:
(A) New budget authority, $27,611,000,000.
(B) Outlays, $26,472,000,000.
Fiscal year 2009:
(A) New budget authority, $28,641,000,000.
(B) Outlays, $28,411,000,000.
Fiscal year 2010:
(A) New budget authority, $29,844,000,000.
(B) Outlays, $29,485,000,000.
Fiscal year 2011:
(A) New budget authority, $31,103,00,000.
(B) Outlays, $30,089,000,000.
Fiscal year 2012:
(A) New budget authority, $32,438,000,000.
(B) Outlays, $31,367,000,000.

(4) Energy (270):

Fiscal year 2007:

(A) New budget authority, $2,943,000,000.

(B) Outlays, $1,369,000,000.

Fiscal year 2008:

(A) New budget authority, $3,240,000,000.

(B) Outlays, $1,092,000,000.

Fiscal year 2009:

(A) New budget authority, $3,051,000,000.

(B) Outlays, $1,454,000,000.

Fiscal year 2010:

(A) New budget authority, $3,136,000,000.

(B) Outlays, $1,641,000,000.

Fiscal year 2011:

(A) New budget authority, $3,228,000,000.

(B) Outlays, $1,697,000,000.

Fiscal year 2012:

(A) New budget authority, $3,307,000,000.

(B) Outlays, $1,997,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2007:

(A) New budget authority, $31,332,000,000.

(B) Outlays, $32,919,000,000.

Fiscal year 2008:

(A) New budget authority, $32,813,000,000.

(B) Outlays, $34,864,000,000.

Fiscal year 2009:

(A) New budget authority, $33,529,000,000.

(B) Outlays, $35,332,000,000.

Fiscal year 2010:

(A) New budget authority, $34,483,000,000.

(B) Outlays, $35,574,000,000.

Fiscal year 2011:

(A) New budget authority, $35,152,000,000.

(B) Outlays, $35,952,000,000.

Fiscal year 2012:

(A) New budget authority, $36,194,000,000.

(B) Outlays, $36,543,000,000.

(6) Agriculture (350):

Fiscal year 2007:

(A) New budget authority, $21,471,000,000.

(B) Outlays, $19,738,000,000.

Fiscal year 2008:

(A) New budget authority, $20,381,000,000.

(B) Outlays, $19,549,000,000.

Fiscal year 2009:

(A) New budget authority, $20,933,000,000.

(B) Outlays, $20,059,000,000.

Fiscal year 2010:

(A) New budget authority, $21,138,000,000.

(B) Outlays, $20,112,000,000.

Fiscal year 2011:

(A) New budget authority, $21,156,000,000.

(B) Outlays, $20,436,000,000.

Fiscal year 2012:

(A) New budget authority, $21,402,000,000.

(B) Outlays, $20,863,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2007:

(A) New budget authority, $5,515,000,000.

(B) Outlays, –$3,522,000,000.

Fiscal year 2008:

(A) New budget authority, $9,158,000,000.

(B) Outlays, $1,985,000,000.

Fiscal year 2009:

(A) New budget authority, $9,973,000,000.

(B) Outlays, $996,000,000.

Fiscal year 2010:

(A) New budget authority, $13,775,000,000.

(B) Outlays, $3,460,000,000.

Fiscal year 2011:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $1,931,000,000.

Fiscal year 2012:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $1,097,000,000.

(8) Transportation (400):

Fiscal year 2007:

(A) New budget authority, $81,282,000,000.

(B) Outlays, $74,739,000,000.

Fiscal year 2008:

(A) New budget authority, $82,657,000,000.

(B) Outlays, $80,802,000,000.

Fiscal year 2009:

(A) New budget authority, $76,343,000,000.

(B) Outlays, $83,948,000,000.

Fiscal year 2010:

(A) New budget authority, $77,261,000,000.

(B) Outlays, $86,127,000,000.

Fiscal year 2011:

(A) New budget authority, $78,289,000,000.

(B) Outlays, $87,018,000,000.

Fiscal year 2012:

(A) New budget authority, $79,169,000,000.

(B) Outlays, $88,761,000,000.

(9) Community and Regional Development (450):

Fiscal year 2007:

(A) New budget authority, $15,717,000,000.

(B) Outlays, $28,281,000,000.

Fiscal year 2008:

(A) New budget authority, $15,032,000,000.

(B) Outlays, $22,017,000,000.

Fiscal year 2009:

(A) New budget authority, $13,928,000,000.

(B) Outlays, $20,474,000,000.

Fiscal year 2010:

(A) New budget authority, $14,129,000,000.

(B) Outlays, $19,220,000,000.

Fiscal year 2011:

(A) New budget authority, $14,328,000,000.

(B) Outlays, $17,649,000,000.

Fiscal year 2012:

(A) New budget authority, $14,528,000,000.

(B) Outlays, $15,131,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2007:

(A) New budget authority, $92,780,000,000.

(B) Outlays, $92,224,000,000.

Fiscal year 2008:

(A) New budget authority, $92,461,000,000.

(B) Outlays, $91,119,000,000.

Fiscal year 2009:

(A) New budget authority, $96,810,000,000.

(B) Outlays, $93,978,000,000.

Fiscal year 2010:

(A) New budget authority, $98,333,000,000.

(B) Outlays, $96,041,000,000.

Fiscal year 2011:

(A) New budget authority, $98,409,000,000.

(B) Outlays, $97,276,000,000.

Fiscal year 2012:

(A) New budget authority, $98,654,000,000.

(B) Outlays, $96,909,000,000.

(11) Health (550):

Fiscal year 2007:

(A) New budget authority, $267,892,000,000.

(B) Outlays, $268,197,000,000.

Fiscal year 2008:

(A) New budget authority, $286,767,000,000.

(B) Outlays, $286,261,000,000.

Fiscal year 2009:

(A) New budget authority, $307,842,000,000.

(B) Outlays, $305,984,000,000.

Fiscal year 2010:

(A) New budget authority, $325,885,000,000.

(B) Outlays, $325,716,000,000.

Fiscal year 2011:

(A) New budget authority, $347,621,000,000.

(B) Outlays, $346,553,000,000.

Fiscal year 2012:

(A) New budget authority, $370,780,000,000.

(B) Outlays, $369,739,000,000.

(12) Medicare (570):

Fiscal year 2007:

(A) New budget authority, $365,152,000,000.

(B) Outlays, $370,180,000,000.

Fiscal year 2008:

(A) New budget authority, $389,586,000,000.

(B) Outlays, $389,696,000,000.

Fiscal year 2009:

(A) New budget authority, $416,731,000,000.

(B) Outlays, $416,382,000,000.

Fiscal year 2010:

(A) New budget authority, $442,369,000,000.

(B) Outlays, $442,589,000,000.

Fiscal year 2011:

(A) New budget authority, $489,100,000,000.

(B) Outlays, $489,109,000,000.

Fiscal year 2012:

(A) New budget authority, $468,828,000,000.

(B) Outlays, $486,440,000,000.

(13) Income Security (600):

Fiscal year 2007:

(A) New budget authority, $360,365,000,000.

(B) Outlays, $364,204,000,000.

Fiscal year 2008:

(A) New budget authority, $379,927,000,000.

(B) Outlays, $383,546,000,000.

Fiscal year 2009:

(A) New budget authority, $391,073,000,000.

(B) Outlays, $393,458,000,000.

Fiscal year 2010:

(A) New budget authority, $401,429,000,000.

(B) Outlays, $402,422,000,000.

Fiscal year 2011:

(A) New budget authority, $417,016,000,000.

(B) Outlays, $416,907,000,000.

Fiscal year 2012:

(A) New budget authority, $402,874,000,000.

(B) Outlays, $402,130,000,000.

(14) Social Security (650):

Fiscal year 2007:

(A) New budget authority, $19,089,000,000.

(B) Outlays, $19,089,000,000.

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2007:

(A) New budget authority, $73,896,000,000.

(B) Outlays, $72,342,000,000.

Fiscal year 2008:

(A) New budget authority, $85,192,000,000.

(B) Outlays, $82,772,000,000.

Fiscal year 2009:

(A) New budget authority, $87,787,000,000.

(B) Outlays, $87,681,000,000.

Fiscal year 2010:

(A) New budget authority, $90,414,000,000.

(B) Outlays, $89,710,000,000.

Fiscal year 2011:

(A) New budget authority, $96,033,000,000.

(B) Outlays, $95,410,000,000.

Fiscal year 2012:

(A) New budget authority, $93,325,000,000.

(B) Outlays, $92,599,000,000.

(16) Administration of Justice (750):

Fiscal year 2007:

(A) New budget authority, $45,504,000,000.

(B) Outlays, $44,659,000,000.

Fiscal year 2008:

(A) New budget authority, $46,940,000,000.

(B) Outlays, $46,155,000,000.

Fiscal year 2009:

(A) New budget authority, $46,111,000,000.

(B) Outlays, $47,311,000,000.

Fiscal year 2010:

(A) New budget authority, $47,168,000,000.

(B) Outlays, $47,504,000,000.

Fiscal year 2011:

(A) New budget authority, $48,379,000,000.

(B) Outlays, $48,164,000,000.

Fiscal year 2012:

(A) New budget authority, $49,610,000,000.

(B) Outlays, $49,207,000,000.

(17) General Government (800):

Fiscal year 2007:

(A) New budget authority, $18,193,000,000.
(B) Outlays, $18,574,000,000.
Fiscal year 2008:
(A) New budget authority, $18,614,000,000.
(B) Outlays, $18,998,000,000.
Fiscal year 2009:
(A) New budget authority, $19,264,000,000.
(B) Outlays, $19,328,000,000.
Fiscal year 2010:
(A) New budget authority, $19,886,000,000.
(B) Outlays, $19,765,000,000.
Fiscal year 2011:
(A) New budget authority, $20,647,000,000.
(B) Outlays, $20,370,000,000.
Fiscal year 2012:
(A) New budget authority, $21,359,000,000.
(B) Outlays, $21,193,000,000.
(18) Net Interest (900):
Fiscal year 2007:
(A) New budget authority, $344,431,000,000.
(B) Outlays, $344,431,000,000.
Fiscal year 2008:
(A) New budget authority, $369,454,000,000.
(B) Outlays, $369,454,000,000.
Fiscal year 2009:
(A) New budget authority, $389,194,000,000.
(B) Outlays, $389,194,000,000.
Fiscal year 2010:
(A) New budget authority, $413,140,000,000.
(B) Outlays, $413,140,000,000.
Fiscal year 2011:
(A) New budget authority, $431,192,000,000.
(B) Outlays, $431,192,000,000.
Fiscal year 2012:
(A) New budget authority, $442,528,000,000.
(B) Outlays, $442,528,000,000.
(19) Allowances (920):
Fiscal year 2007:
(A) New budget authority, $785,000,000.
(B) Outlays, $755,000,000.
Fiscal year 2008:
(A) New budget authority, $0.
(B) Outlays, $30,000,000.
Fiscal year 2009:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $0.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $0.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2007:
(A) New budget authority, –$69,714,000,000.
(B) Outlays, -$69,714,000,000.
Fiscal year 2008:
(A) New budget authority, -$70,979,000,000.
(B) Outlays, -$70,979,000,000.
Fiscal year 2009:
(A) New budget authority, -$66,560,000,000.
(B) Outlays, –$66,569,000,000.
Fiscal year 2010:
(A) New budget authority, –$66,933,000,000.
(B) Outlays, -$66,933,000,000.
Fiscal year 2011:
(A) New budget authority, –$69,575,000,000.
(B) Outlays, -$69,595,000,000.
Fiscal year 2012:
(A) New budget authority, -$71,857,000,000.
(B) Outlays, –$71,860,000,000.
(21) Overseas Deployments and Other Activities (970):
Fiscal year 2007:
(A) New budget authority, $124,310,000,000.
(B) Outlays, $31,506,000,000.
Fiscal year 2008:
(A) New budget authority, $145,163,000,000.
(B) Outlays, $114,914,000,000.
Fiscal year 2009:
(A) New budget authority, $50,000,000,000.
(B) Outlays, $109,425,000,000.
Fiscal year 2010:
(A) New budget authority, $0.
(B) Outlays, $42,324,000,000.
Fiscal year 2011:
(A) New budget authority, $0.
(B) Outlays, $13,561,000,000.
Fiscal year 2012:
(A) New budget authority, $0.
(B) Outlays, $4,485,000,000.

TITLE II—RESERVE FUNDS

SEC. 201. RESERVE FUND FOR THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM.

In the House, with respect to a bill or a joint resolution (or an amendment to or a conference report submitted on such a bill or joint resolution) reported from the Committee on Energy and Commerce that increases new budget authority that would result in no more than $50,000,000,000 in outlays for fiscal years 2008 through 2012 for expanding coverage and improving children's health through the State Children's Health Insurance Program (SCHIP) under title XXI of the Social Security Act and the program under title XIX of such Act (commonly known as medicaid), the chairman of the Committee on Budget may make the appropriate adjustments in allocations of the Committee on Energy and Commerce, and in budget authority and outlays of other committees as may be necessary pursuant to such adjustment for the Committee on Energy andCommerce, and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 202. RESERVE FUND FOR REFORM OF THE ALTERNATIVE MINIMUM TAX.

In the House, with respect to any bill or joint resolution (or an amendment thereto or conference report thereon) that provides for reform of the Internal Revenue Code of 1986 by reducing the tax burden of the alternative minimum tax on middle-income families, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bills or joint resolutions (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such bills or joint resolutions is filed, such bills or joint resolutions are placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such bills or joint resolutions.

SEC. 203. RESERVE FUND TO PROVIDE FOR MIDDLE-INCOME TAX RELIEF AND ECONOMIC EQUITY.

In the House, with respect to any bill or joint resolution (or an amendment thereto or conference report thereon) that provides for tax relief for middle-income families and taxpayers and enhanced economic equity, such as extension of the child tax credit, extension of marriage penalty relief, extension of the 10 percent individual income tax bracket, modification of the Alternative Minimum Tax, elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified credit, extension of the research and experimentation tax credit, extension of the deduction for State and local sales taxes, and a tax credit for school construction bonds, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bills or joint resolutions (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such bills or joint resolutions are filed, such bills or joint resolutions are placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such bills or joint resolutions.

SEC. 204. RESERVE FUND FOR AGRICULTURE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for the reauthorization of the programs of the Food Security and Rural Investment Act of 2002 or prior Acts, authorizes similar programs, or both, that increases new budget authority by no more than $20,000,000,000 for the period of fiscal years 2007 through 2012, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 205. RESERVE FUND FOR HIGHER EDUCATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that makes college more affordable through reforms to the Higher Education Act of 1965, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 206. RESERVE FUND FOR IMPROVEMENTS IN MEDICARE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that improves the medicare program for beneficiaries and protects access to care, through measures such as increasing the reimbursement rate for physicians while protecting beneficiaries from associated premium increases and making improvements to the prescription drug program under part D, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 207. RESERVE FUND FOR CREATING LONG-TERM ENERGY ALTERNATIVES.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that fulfills the purposes of section 301(a) of H.R. 6, the Clean Energy Act of 2007:

(1) The chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments made under this paragraph may be made whenever a rule is filed for a bill or joint resolution that attributes the offsets included in H.R. 6 to the bill or joint resolution.

(2) The chairman of the Committee on the Budget may make appropriate adjustments to the allocations provided for under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations to the extent a bill or joint resolution in the form placed before the House by the Committee on Rules provides budget authority for purposes set forth in section 301(a) of H.R. 6 in excess of the amounts provided for those purposes in fiscal year 2007. Any adjustments made under this paragraph shall not include revenues attributable to changes in the Internal Revenue Code of 1986 and shall not exceed the receipts estimated by the Congressional Budget Office that are attributable to H.R. 6 for the year in which the adjustments are made.

SEC. 208. RESERVE FUND FOR AFFORDABLE HOUSING.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for an affordable housing fund, offset by reforming the regulation of certain government-sponsored enterprises, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 209. RESERVE FUND FOR EQUITABLE BENEFITS FOR FILIPINO VETERANS OF WORLD WAR II.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that would provide for or increase benefits to Filipino veterans of World War II, their survivors and dependents, the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 210. RESERVE FUND FOR SECURE RURAL SCHOOLS AND COMMUNITY SELF-DETERMINATION ACT REAUTHORIZATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that provides for the reauthorization of the Secure Rural Schools and Community Self-Determination Act (Public Law 106-393), the chairman of the Committee on the Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 211. RESERVE FUND FOR RECEIPTS FROM THE BONNEVILLE POWER ADMINISTRATION.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that prohibits the Bonneville Power Administration from making early payments on its Federal Bond Debt to the Department of the Treasury, the chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

SEC. 212. RESERVE FUND FOR TRANSITIONAL MEDICAL ASSISTANCE.

In the House, with respect to a bill or a joint resolution (or an amendment thereto or conference report thereon) that extends the Transitional Medical Assistance program, included in title 19 of the Social Security Act, through fiscal year 2008, the chairman of the Committee on Budget may make the appropriate adjustments in allocations of a committee or committees and budgetary aggregates, but only to the extent that such bill or joint resolution (as amended, in the case of an amendment) in the form placed before the House by the Committee on Rules would not increase the deficit or decrease the surplus for the period of fiscal years 2007 through 2012 and the period of fiscal years 2007 through 2017. The adjustments may be made whenever a rule providing for consideration of such a bill or joint resolution is filed, such a bill or joint resolution is placed on any calendar, or an amendment is offered or considered as adopted or a conference report is submitted on such a bill or joint resolution.

TITLE III—BUDGET ENFORCEMENT

SEC. 301. PROGRAM INTEGRITY INITIATIVES.

(a) ADJUSTMENTS TO DISCRETIONARY SPENDING LIMITS.—

(1) CONTINUING DISABILITY REVIEWS AND SUPPLEMENTAL SECURITY INCOME REDETERMINATIONS.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates $264,000,000 for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, and provides an additional appropriation of up to $213,000,000 and the amount is designated for continuing disability reviews and Supplemental Security Income redeterminations for the Social Security Administration, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(2) INTERNAL REVENUE SERVICE TAX COMPLIANCE.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $6,822,000,000 to the Internal Revenue Service and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986 and provides an additional appropriation of up to $406,000,000, and the amount is designated to improve compliance with the provisions of the Internal Revenue Code of 1986, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(3) HEALTHCARE FRAUD AND ABUSE CONTROL PROGRAM.—If a bill or joint resolution is reported making appropriations for fiscal year 2008 that appropriates up to $183,000,000 and the amount is designated to the healthcare fraud and abuse control program at the Department of Health and Human Services, then the allocation to the House Committee on Appropriations shall be increased by the amount of additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(4) UNEMPLOYMENT INSURANCE IMPROPER PAYMENTS.—If a bill or joint resolution is reported making appropriations for fiscal year

2008 that appropriates $10,000,000 for unemployment insurance improper payment reviews for the Department of Labor, and provides an additional appropriation of up to $40,000,000 and the amount is designated for unemployment insurance improper payment reviews for the Department of Labor, then the allocation to the House Committee on Appropriations shall be increased by the amount of the additional budget authority and outlays flowing from that budget authority for fiscal year 2008.

(b) Procedure for Adjustments.—

(1) In general.—

(A) Chairman.—After the reporting of a bill or joint resolution, or the offering of an amendment thereto or the submission of a conference report thereon, the chairman of the Committee on the Budget shall make the adjustments set forth in subparagraph (B) for the incremental new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority.

(B) Matters to be adjusted.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(ii) the budgetary aggregates as set forth in this resolution.

(c) Oversight of Government Performance.—In the House, all committees are directed to review programs within their jurisdiction to root out waste, fraud, and abuse in program spending, giving particular scrutiny to issues raised by Government Accountability Office reports. Based on these oversight efforts and committee performance reviews of programs within their jurisdiction, committees are directed to include recommendations for improved governmental performance in their annual views and estimates reports required under section 301(d) of the Congressional Budget Act of 1974 to the Committee on the Budget.

SEC. 302. ADVANCE APPROPRIATIONS.

(a) In General.—In the House, except as provided in subsection (b), a bill or joint resolution making a general appropriation or continuing appropriation, or an amendment thereto may not provide for advance appropriations.

(b) Advance Appropriation.—In the House, an advance appropriation may be provided for fiscal year 2009 or 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $25,558,000,000 in new budget authority.

(c) Definition.—In this section, the term "advance appropriation" means any new discretionary budget authority provided in a bill or joint resolution making general appropriations or any new discretionary budget authority provided in a bill or joint resolution continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008.

SEC. 303. OVERSEAS DEPLOYMENTS AND EMERGENCY NEEDS.

(a) Overseas Deployments and Related Activities.—In the House, any bill or joint resolution or amendment offered or considered as adopted or a conference report thereon, that makes appropriations for fiscal year 2008 or fiscal year 2009 for overseas deployments and related activities, and such amounts are so designated pursuant to this subsection, then new budget authority, outlays or receipts resulting therefrom shall not count for the purposes of titles III and IV of the Congressional Budget Act of 1974.

(b) Emergency Needs.—In the House, any bill or joint resolution, or amendment offered or considered as adopted or conference report thereon, that makes appropriations for nondefense discretionary amounts, and such amounts are designated as necessary to meet emergency needs, then the new budget authority,, outlays, or receipts resulting therefrom shall not be counted for the purposes of titles III and IV of the Congressional Budget Act of 1974.

SEC. 304. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) Application.—Any adjustments of allocations and aggregates made pursuant to this resolution shall—

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) Effect of Changed Allocations and Aggregates.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) Committee on the Budget Determinations.—For purposes of this resolution, the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the Committee on the Budget.

SEC. 305. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect on September 30, 2002).

SEC. 306. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) In General.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) Special Rule.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 307. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the House and as such they shall be considered as part of the rules of the House, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of the House to change those rules at any time, in the same manner, and to the same extent as in the case of any other rule of the House.

TITLE IV—POLICY

SEC. 401. POLICY ON MIDDLE-INCOME TAX RELIEF.

It is the policy of this resolution to minimize fiscal burdens on middle-income families and their children and grandchildren. It is the policy of this resolution to provide immediate relief for the tens of millions of middle-income households who would otherwise be subject to the Alternative Minimum Tax (AMT) under current law in the context of permanent, revenue-neutral AMT reform. Furthermore, it is the policy of this resolution to support extension of middle-income tax relief and enhanced economic equity through policies such as—

(1) extension of the child tax credit;

(2) extension of marriage penalty relief;

(3) extension of the 10 percent individual income tax bracket;

(4) elimination of estate taxes on all but a minute fraction of estates by reforming and substantially increasing the unified tax credit;

(5) extension of the research and experimentation tax credit;

(6) extension of the deduction for State and local sales taxes;

(7) extension of the deduction for small business expensing; and

(8) enactment of a tax credit for school construction bonds.

This resolution assumes the cost of enacting such policies is offset by reforms within the Internal Revenue Code of 1986 that promote a fairer distribution of taxes across families and generations, economic efficiency, higher rates of tax compliance to close the "tax gap", and reduced taxpayer burdens through tax simplification.

SEC. 402. POLICY ON DEFENSE PRIORITIES.

It is the policy of this resolution that—

(1) recommendations of the National Commission on Terrorist Attacks Upon the United States (commonly referred to as the 9/11 Commission) to fund cooperative threat reduction and nuclear nonproliferation programs at a level commensurate with the risk is a high priority, and the President's budget should have requested sufficient funding for these programs;

(2) ensuring that the TRICARE fees for military retirees under the age of 65 remain at current levels;

(3) funds be provided for increasing pay to ensure retention of experienced personnel and for improving military benefits in general;

(4) the Missile Defense Agency should be funded at an adequate but lower level and the elimination of space-based interceptor development will ensure a more prudent acquisition strategy, yet still support a robust ballistic missile defense program;

(5) satellite research, development, and procurement be funded at a level below the amount requested for fiscal year 2008, which amounts to a 26 percent increase above the current level, but at a level sufficient to develop new satellite technologies while ensuring a more prudent acquisition strategy;

(6) sufficient resources be provided to implement Government Accountability Office (GAO) recommendations, such as improving financial management and contracting practices at the Department of Defense (DOD), and that substantial savings should result from the identification of billions of dollars

of obligations and disbursements and Government overcharges for which the Department of Defense cannot account;

(7) that the Department of Defense should do a more careful job of addressing the 1,378 Government Accountability Office recommendations made to the Department of Defense and its components over the last six years that have yet to be implemented, which could produce billions of dollars in savings; and

(8) accruing all savings from the actions recommended in paragraphs (4) through (7) should be used to fund higher priorities within Function 050 (Defense), and especially those high priorities identified in paragraphs (1) through (3) and to help fund recommendations of the bipartisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military healthcare facilities and services.

SEC. 403. POLICY ON COLLEGE AFFORDABILITY.

It is the policy of this resolution that the reconciliation directive to the Committee on Education and Labor shall not be construed to reduce any assistance that makes college more affordable for students, including but not limited to assistance to student aid programs run by nonprofit state agencies.

TITLE V—SENSE OF THE HOUSE

SEC. 501. SENSE OF THE HOUSE ON SERVICEMEMBERS' AND VETERANS' HEALTH CARE AND OTHER PRIORITIES.

It is the sense of the House that—

(1) the House supports excellent health care for current and former members of the United States Armed Services, who have served well and honorably and have made significant sacrifices for this Nation;

(2) this resolution provides $43,055,000,000 in discretionary budget authority for 2008 for Function 700 (Veterans Benefits and Services), including veterans' health care, which is $6,598,000,000 more than the 2007 level, $5,404,000,000 more than the Congressional Budget Office's baseline level for 2008, and $3,506,000,000 more than the President's budget for 2008;

(3) this resolution provides funding to implement, in part, recommendations of the bipartisan "Walter Reed Commission" (the President's Commission on Care for America's Returning Wounded Warriors) and other United States Government investigations into military and veterans health care facilities and services;

(4) this resolution assumes the rejection of the enrollment fees and co-payment increases in the President's budget;

(5) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to research and treat veterans' mental health, post-traumatic stress disorder, and traumatic brain and spinal cord injuries; and

(6) this resolution provides additional funding above the President's inadequate budget levels for the Department of Veterans Affairs to improve the speed and accuracy of its processing of disability compensation claims, including funding to hire additional personnel above the President's requested level.

SEC. 502. SENSE OF THE HOUSE ON THE INNOVATION AGENDA: A COMMITMENT TO COMPETITIVENESS TO KEEP AMERICA #1.

(a) It is the sense of the House to provide sufficient funding that our Nation may continue to be the world leader in education, innovation and economic growth. This resolution provides $450,000,000 above the President's requested level for 2008, and additional amounts in subsequent years in Function 250 (General Science, Space and Technology) and Function 270 (Energy). Additional increases for scientific research and education are included in Function 500 (Education, Employment, Training, and Social Services), Function 550 (Health), Function 300 (Environment and Natural Resources), Function 350 (Agriculture), Function 400 (Transportation), and Function 370 (Commerce and Housing Credit), all of which receive more funding than the President requested.

(b) America's greatest resource for innovation resides within classrooms across the country. The increased funding provided in this resolution will support important initiatives to educate 100,000 new scientists, engineers, and mathematicians, and place highly qualified teachers in math and science K–12 classrooms.

(c) Independent scientific research provides the foundation for innovation and future technologies. This resolution will put us on the path toward doubling funding for the National Science Foundation, basic research in the physical sciences across all agencies, and collaborative research partnerships; and toward achieving energy independence through the development of clean and sustainable alternative energy technologies.

SEC. 503. SENSE OF THE HOUSE ON HOMELAND SECURITY.

It is the sense of the House that—

(1) this resolution assumes additional homeland security funding above the President's requested level for 2008 and every subsequent year;

(2) this resolution assumes funding above the President's requested level for 2008, and additional amounts in subsequent years, in the four budget functions: Function 400 (Transportation), Function 450 (Community and Regional Development), Function 550 (Health), and Function 750 (Administration of Justice) that fund most nondefense homeland security activities; and

(3) the homeland security funding provided in this resolution will help to strengthen the security of our Nation's transportation system, particularly our ports where significant security shortfalls still exist and foreign ports, by expanding efforts to identify and scan all high-risk United States-bound cargo, equip first responders, strengthen border patrol, and increase the preparedness of the public health system.

SEC. 504. SENSE OF THE HOUSE REGARDING THE ONGOING NEED TO RESPOND TO HURRICANES KATRINA AND RITA.

It is the sense of the House that:

(1) Critical needs in the Gulf Coast region should be addressed without further delay. The budget resolution creates a reserve fund that would allow for affordable housing that may be used to focus on areas devastated by Hurricanes Katrina and Rita, as well as new funding for additional recovery priorities.

(2) Additional oversight and investigation is needed to ensure that recovery efforts are on track, develop legislation to reform the contracting process, and better prepare for future disasters. Those efforts should be made in close consultation with residents of affected areas. The budget resolution provides additional 2007 funding for the Federal Emergency Management Agency, some of which may be used for this purpose.

SEC. 505. SENSE OF THE HOUSE REGARDING LONG-TERM SUSTAINABILITY OF ENTITLEMENTS.

(a) FINDINGS.—The House finds the following:

(1) The aging of the United States population is going to put unprecedented pressure on the Nation's retirement and health care systems.

(2) The long-term strength of social security would be improved through a fiscally responsible policy of reducing the deficit and paying down the debt that has accumulated since 2001, thus reducing debt service payments and freeing up billions of dollars that can be dedicated to meeting social security's obligations.

(3) A policy of reducing and eventually eliminating the deficit and paying down the debt is a key factor in improving the long-term strength of the economy as a whole, because a lower debt burden frees up resources for productive investments that will result in higher economic growth, provide a higher standard of living for future generations, and enhance the Nation's ability to meet its commitments to its senior citizens.

(4) The most significant factor affecting the Nation's entitlement programs is the rapid increase in health care costs. The projected increasing costs of medicare and medicaid are not unique to these programs but rather are part of a pattern of rising costs for the health sector as a whole.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the growing cost of entitlements should be addressed in a way that is fiscally responsible and promotes economic growth, that addresses the causes of cost growth in the broader health care system, and that protects beneficiaries without leaving a legacy of debt to future generations.

SEC. 506. SENSE OF THE HOUSE REGARDING THE NEED TO MAINTAIN AND BUILD UPON EFFORTS TO FIGHT HUNGER.

(a) FINDINGS.—The House finds the following:

(1) More than 35 million individuals (12.4 million of them children) are food insecure, uncertain of having, or unable to acquire enough food. 10.8 million Americans are hungry because of lack of food.

(2) Despite the critical contributions of the Department of Agriculture nutrition programs and particularly the food stamp program that significantly reduced payment error rates while increasing enrollment to partially mitigate the impact of recent increases in the poverty rate, significant need remains.

(3) Nearly 25 million people, including nine million children and three million seniors, sought emergency food assistance from food pantries, soup kitchens, shelters, and local charities last year.

(b) SENSE OF THE HOUSE.—It is the sense of the House that the Department of Agriculture programs that help fight hunger should be maintained and that the House should seize opportunities to enhance those programs to reach people in need and to fight hunger.

SEC. 507. SENSE OF THE HOUSE REGARDING AFFORDABLE HEALTH COVERAGE.

(a) FINDINGS.—The House finds the following:

(1) More than 46 million Americans, including nine million children, lack health insurance. People without health insurance are more likely to experience problems getting medical care and to be hospitalized for avoidable health problems.

(2) Most Americans receive health coverage through their employers. A major issue facing all employers is the rising cost of health insurance. Small businesses, which have generated most of the new jobs annually over the last decade, have an especially difficult time affording health coverage, due

to higher administrative costs and fewer people over whom to spread the risk of catastrophic costs. Because it is especially costly for small businesses to provide health coverage, their employees make up a large proportion of the nation's uninsured individuals.

(b) SENSE OF THE HOUSE.—It is the sense of the House that legislation consistent with the pay-as-you-go principle should be adopted that makes health insurance more affordable and accessible, with attention to the special needs of small businesses, and that lowers costs and improves the quality of health care by encouraging integration of health information technology tools into the practice of medicine, and promoting improvements in disease management and disease prevention.

SEC. 508. SENSE OF THE HOUSE REGARDING EXTENSION OF THE STATUTORY PAY-AS-YOU-GO RULE.

It is the sense of the House that in order to reduce the deficit Congress should extend PAYGO in its original form in the Budget Enforcement Act of 1990.

SEC. 509. SENSE OF THE HOUSE ON LONG-TERM BUDGETING.

It is the sense of Congress that the determination of the congressional budget for the United States Government and the President's budget request should include consideration of the Financial Report of the United States Government, especially its information regarding the Government's net operating cost, financial position, and long-term liabilities.

SEC. 510. SENSE OF THE HOUSE REGARDING PAY PARITY.

It is the sense of the House that rates of compensation for civilian employees of the United States should be adjusted at the same time, and in the same proportion, as are rates of compensation for members of the uniformed services.

SEC. 511. SENSE OF THE HOUSE REGARDING WASTE, FRAUD, AND ABUSE.

It is the sense of the House that all committees should examine programs within their jurisdiction to identify wasteful and fraudulent spending. To this end, section 301 of this resolution includes cap adjustments to provide appropriations for three programs that accounted for a significant share of improper payments reported by Federal agencies in 2006: Social Security Administration Continuing Disability Reviews, the Medicare/Medicaid Health Care Fraud and Abuse Control Program, and Unemployment Insurance. Section 301 also includes a cap adjustment for the Internal Revenue Services for tax compliance efforts to close the $300,000,000,000 tax gap. In addition, the resolution's deficit-neutral reserve funds require authorizing committees to cut lower priority and wasteful spending to accommodate new high-priority entitlement benefits. Finally, section 301 of the resolution directs all committees to review the performance of programs within their jurisdiction and report recommendations annually to the Committee on the Budget as part of the views and estimates process required by section 301(d) of the Congressional Budget Act.

SEC. 512. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the sense of the House that—

(1) additional legislative action is needed to ensure that States have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty; and

(2) when 100 percent of child support payments are passed to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 513. SENSE OF THE HOUSE ON STATE VETERANS CEMETERIES.

It is the sense of the House that the Federal Government should pay the plot allowance for the interment in a State veterans cemetery of any spouse or eligible child of a veteran, consistent with the pay-as-you-go principle.

TITLE VI—RECONCILIATION

SEC. 601. RECONCILIATION.

(a) INSTRUCTIONS.—The House Committee on Education and Labor shall report changes in laws to reduce the deficit by $75,000,000 for the period of fiscal years 2007 through 2012.

(b) MANDATORY SAVINGS.—Not later than September 10, 2007, the House Committee on Education and Labor shall submit its recommendations to the House of Representatives.

(c) SUBMISSION OF REVISED ALLOCATIONS.—Upon the submission to the House of a reconciliation bill or conference report thereon, that complies with this reconciliation instruction, the chairman of the Committee on the Budget may file with the House appropriately revised allocations and budgetary aggregates. Such revisions shall be considered to be the allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of the Congressional Budget Act of 1974.

The Acting CHAIRMAN. No amendment to the concurrent resolution is in order except the amendments printed in House Report 110–79. Each amendment may be offered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered read, shall be debatable for the time specified in the report, and shall not be subject to a demand for division of the question.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 1 OFFERED BY MS. KILPATRICK

The Acting CHAIRMAN. It is now in order to consider amendment No. 1 printed in House Report 110–79, which is debatable for 40 minutes.

Ms. KILPATRICK. Madam Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 1 offered by Ms. KILPATRICK:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

The Congress declares that the concurrent resolution on the budget for fiscal year 2008 is hereby established and that the appropriate budgetary levels for fiscal years 2009 through 2012 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $2,125,897,000,000.00.
Fiscal year 2009: $2,195,626,000,000.00.
Fiscal year 2010: $2,257,721,000,000.00.
Fiscal year 2011: $2,434,651,000,000.00.
Fiscal year 2012: $2,618,596,000,000.00.

(B) The amounts by which the aggregate levels of Federal revenues should be reduced are as follows:

Fiscal year 2008: $75,100,000,000.00.
Fiscal year 2009: $88,700,000,000.00.
Fiscal year 2010: $94,000,000,000.00.
Fiscal year 2011: $40,100,000,000.00.
Fiscal year 2012: $21,500,000,000.00.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,563,074,000,000.00.
Fiscal year 2009: $2,569,841,000,000.00.
Fiscal year 2010: $2,612,809,000,000.00.
Fiscal year 2011: $2,719,483,000,000.00.
Fiscal year 2012: $2,746,964,000,000.00.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,503,314,000,000.00.
Fiscal year 2009: $2,620,443,000,000.00.
Fiscal year 2010: $2,647,959,000,000.00.
Fiscal year 2011: $2,730,582,000,000.00.
Fiscal year 2012: $2,734,344,000,000.00.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $ – 377,417,000,000.00.
Fiscal year 2009: $ – 424,817,000,000.00.
Fiscal year 2010: $ – 390,237,000,000.00.
Fiscal year 2011: $ – 295,931,000,000.00.
Fiscal year 2012: $ – 115,749,000,000.00.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,423,000,000,000.00.
Fiscal year 2009: $9,965,000,000,000.00.
Fiscal year 2010: $10,473,000,000,000.00.
Fiscal year 2011: $10,882,000,000,000.00.
Fiscal year 2012: $11,124,000,000,000.00.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,231,000,000,000.00.
Fiscal year 2009: $5,452,000,000,000.00.
Fiscal year 2010: $5,625,000,000,000.00.
Fiscal year 2011: $5,686,000,000,000.00.
Fiscal year 2012: $5,556,000,000,000.00.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:
(A) New budget authority, $506,955,000,000.00.
(B) Outlays, $514,401,000,000.00.

Fiscal year 2009:
(A) New budget authority, $534,705,000,000.00.
(B) Outlays, $524,384,000,000.00.

Fiscal year 2010:
(A) New budget authority, $545,171,000,000.00.
(B) Outlays, $536,433,000,000.00.

Fiscal year 2011:
(A) New budget authority, $550,944,000,000.00.
(B) Outlays, $547,624,000,000.00.

Fiscal year 2012:
(A) New budget authority, $559,799,000,000.00.
(B) Outlays, $548,169,000,000.00.

(2) International Affairs (150):

Fiscal year 2008:

(A) New budget authority, $37,745,000,000.00.

(B) Outlays, $34,785,000,000.00.

Fiscal year 2009:

(A) New budget authority, $37,577,000,000.00.

(B) Outlays, $34,660,000,000.00.

Fiscal year 2010:

(A) New budget authority, $37,127,000,000.00.

(B) Outlays, $34,466,000,000.00.

Fiscal year 2011:

(A) New budget authority, $37,136,000,000.00.

(B) Outlays, $34,405,000,000.00.

Fiscal year 2012:

(A) New budget authority, $37,267,000,000.00.

(B) Outlays, $34,592,000,000.00.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:

(A) New budget authority, $27,772,000,000.00.

(B) Outlays, $26,561,000,000.00.

Fiscal year 2009:

(A) New budget authority, $28,754,000,000.00.

(B) Outlays, $28,521,000,000.00.

Fiscal year 2010:

(A) New budget authority, $29,923,000,000.00.

(B) Outlays, $29,578,000,000.00.

Fiscal year 2011:

(A) New budget authority, $31,158,000,000.00.

(B) Outlays, $30,162,000,000.00.

Fiscal year 2012:

(A) New budget authority, $32,477,000,000.00.

(B) Outlays, $31,418,000,000.00.

(4) Energy (270):

Fiscal year 2008:

(A) New budget authority, $3,494,000,000.00.

(B) Outlays, $1,194,000,000.00.

Fiscal year 2009:

(A) New budget authority, $3,229,000,000.00.

(B) Outlays, $1,627,000,000.00.

Fiscal year 2010:

(A) New budget authority, $3,260,000,000.00.

(B) Outlays, $1,800,000,000.00.

Fiscal year 2011:

(A) New budget authority, $3,315,000,000.00.

(B) Outlays, $1,821,000,000.00.

Fiscal year 2012:

(A) New budget authority, $3,368,000,000.00.

(B) Outlays, $2,084,000,000.00.

(5) Natural Resources and Environment (300):

Fiscal year 2008:

(A) New budget authority, $33,895,000,000.00.

(B) Outlays, $35,459,000,000.00.

Fiscal year 2009:

(A) New budget authority, $34,286,000,000.00.

(B) Outlays, $36,073,000,000.00.

Fiscal year 2010:

(A) New budget authority, $35,013,000,000.00.

(B) Outlays, $36,201,000,000.00.

Fiscal year 2011:

(A) New budget authority, $35,180,000,000.00.

(B) Outlays, $36,256,000,000.00.

Fiscal year 2012:

(A) New budget authority, $36,214,000,000.00.

(B) Outlays, $36,653,000,000.00.

(6) Agriculture (350):

Fiscal year 2008:

(A) New budget authority, $20,945,000,000.00.

(B) Outlays, $19,972,000,000.00.

Fiscal year 2009:

(A) New budget authority, $21,328,000,000.00.

(B) Outlays, $20,496,000,000.00.

Fiscal year 2010:

(A) New budget authority, $21,414,000,000.00.

(B) Outlays, $20,418,000,000.00.

Fiscal year 2011:

(A) New budget authority, $21,349,000,000.00.

(B) Outlays, $20,650,000,000.00.

Fiscal year 2012:

(A) New budget authority, $21,537,000,000.00.

(B) Outlays, $21,013,000,000.00.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $10,610,000,000.00.

(B) Outlays, $3,074,000,000.00.

Fiscal year 2009:

(A) New budget authority, $10,989,000,000.00.

(B) Outlays, $2,121,000,000.00.

Fiscal year 2010:

(A) New budget authority, $14,486,000,000.00.

(B) Outlays, $4,248,000,000.00.

Fiscal year 2011:

(A) New budget authority, $9,320,000,000.00.

(B) Outlays, $2,482,000,000.00.

Fiscal year 2012:

(A) New budget authority, $9,171,000,000.00.

(B) Outlays, $1,483,000,000.00.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $83,657,000,000.00.

(B) Outlays, $81,202,000,000.00.

Fiscal year 2009:

(A) New budget authority, $77,043,000,000.00.

(B) Outlays, $84,628,000,000.00.

Fiscal year 2010:

(A) New budget authority, $77,751,000,000.00.

(B) Outlays, $86,753,000,000.00.

Fiscal year 2011:

(A) New budget authority, $78,632,000,000.00.

(B) Outlays, $87,506,000,000.00.

Fiscal year 2012:

(A) New budget authority, $79,409,000,000.00.

(B) Outlays, $89,103,000,000.00.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $17,166,000,000.00.

(B) Outlays, $22,551,000,000.00.

Fiscal year 2009:

(A) New budget authority, $15,422,000,000.00.

(B) Outlays, $21,488,000,000.00.

Fiscal year 2010:

(A) New budget authority, $15,175,000,000.00.

(B) Outlays, $20,463,000,000.00.

Fiscal year 2011:

(A) New budget authority, $15,060,000,000.00.

(B) Outlays, $18,946,000,000.00.

Fiscal year 2012:

(A) New budget authority, $15,040,000,000.00.

(B) Outlays, $16,039,000,000.00.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $121,203,000,000.00.

(B) Outlays, $101,179,000,000.00.

Fiscal year 2009:

(A) New budget authority, $121,552,000,000.00.

(B) Outlays, $119,883,000,000.00.

Fiscal year 2010:

(A) New budget authority, $120,276,000,000.00.

(B) Outlays, $120,003,000,000.00.

Fiscal year 2011:

(A) New budget authority, $117,706,000,000.00.

(B) Outlays, $118,433,000,000.00.

Fiscal year 2012:

(A) New budget authority, $116,785,000,000.00.

(B) Outlays, $115,930,000,000.00.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $302,810,000,000.00.

(B) Outlays, $298,678,000,000.00.

Fiscal year 2009:

(A) New budget authority, $322,072,000,000.00.

(B) Outlays, $320,093,000,000.00.

Fiscal year 2010:

(A) New budget authority, $338,846,000,000.00.

(B) Outlays, $339,499,000,000.00.

Fiscal year 2011:

(A) New budget authority, $359,694,000,000.00.

(B) Outlays, $359,503,000,000.00.

Fiscal year 2012:

(A) New budget authority, $382,231,000,000.00.

(B) Outlays, $381,804,000,000.00.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $389,886,000,000.00.

(B) Outlays, $389,996,000,000.00.

Fiscal year 2009:

(A) New budget authority, $417,031,000,000.00.

(B) Outlays, $416,682,000,000.00.

Fiscal year 2010:

(A) New budget authority, $442,669,000,000.00.

(B) Outlays, $442,889,000,000.00.

Fiscal year 2011:

(A) New budget authority, $489,400,000,000.00.

(B) Outlays, $489,409,000,000.00.

Fiscal year 2012:

(A) New budget authority, $487,128,000,000.00.

(B) Outlays, $486,740,000,000.00.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $384,558,000,000.00.

(B) Outlays, $387,232,000,000.00.

Fiscal year 2009:

(A) New budget authority, $394,570,000,000.00.

(B) Outlays, $397,238,000,000.00.

Fiscal year 2010:

(A) New budget authority, $404,132,000,000.00.

(B) Outlays, $405,323,000,000.00.

Fiscal year 2011:

(A) New budget authority, $419,163,000,000.00.

(B) Outlays, $419,193,000,000.00.

Fiscal year 2012:

(A) New budget authority, $404,632,000,000.00.

(B) Outlays, $403,985,000,000.00.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.00.

(B) Outlays, $19,644,000,000.00.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.00.

(B) Outlays, $21,518,000,000.00.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.00.

(B) Outlays, $23,701,000,000.00.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.00.

(B) Outlays, $27,009,000,000.00.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.00.

(B) Outlays, $29,898,000,000.00.

(15) Veterans Benefits and Services (700):

Fiscal year 2008:

(A) New budget authority, $88,602,000,000.00.

(B) Outlays, $85,330,000,000.00.

Fiscal year 2009:

(A) New budget authority, $90,174,000,000.00.

(B) Outlays, $90,324,000,000.00.

Fiscal year 2010:

(A) New budget authority, $92,085,000,000.00.

(B) Outlays, $91,560,000,000.00.

Fiscal year 2011:

(A) New budget authority, $97,203,000,000.00.

(B) Outlays, $96,705,000,000.00.

Fiscal year 2012:

(A) New budget authority, $94,144,000,000.00.

(B) Outlays, $93,505,000,000.00.

(16) Administration of Justice (750):

Fiscal year 2008:

(A) New budget authority, $49,267,000,000.00.

(B) Outlays, $47,900,000,000.00.

Fiscal year 2009:

(A) New budget authority, $47,740,000,000.00.
(B) Outlays, $49,114,000,000.00.
Fiscal year 2010:
(A) New budget authority, $48,308,000,000.00.
(B) Outlays, $48,766,000,000.00.
Fiscal year 2011:
(A) New budget authority, $49,177,000,000.00.
(B) Outlays, $49,048,000,000.00.
Fiscal year 2012:
(A) New budget authority, $50,169,000,000.00.
(B) Outlays, $49,826,000,000.00.

(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $19,114,000,000.00.
(B) Outlays, $19,373,000,000.00.
Fiscal year 2009:
(A) New budget authority, $19,614,000,000.00.
(B) Outlays, $19,716,000,000.00.
Fiscal year 2010:
(A) New budget authority, $20,131,000,000.00.
(B) Outlays, $20,036,000,000.00.
Fiscal year 2011:
(A) New budget authority, $20,819,000,000.00.
(B) Outlays, $20,560,000,000.00.
Fiscal year 2012:
(A) New budget authority, $21,479,000,000.00.
(B) Outlays, $21,326,000,000.00.

(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $368,582,000,000.00.
(B) Outlays, $368,582,000,000.00.
Fiscal year 2009:
(A) New budget authority, $386,707,000,000.00.
(B) Outlays, $386,707,000,000.00.
Fiscal year 2010:
(A) New budget authority, $408,810,000,000.00.
(B) Outlays, $408,810,000,000.00.
Fiscal year 2011:
(A) New budget authority, $425,770,000,000.00.
(B) Outlays, $425,770,000,000.00.
Fiscal year 2012:
(A) New budget authority, $437,358,000,000.00.
(B) Outlays, $437,358,000,000.00.

(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $2,985,000,000.00.
(B) Outlays, $2,269,000,000.00.
Fiscal year 2009:
(A) New budget authority, $2,090,000,000.00.
(B) Outlays, $2,313,000,000.00.
Fiscal year 2010:
(A) New budget authority, $1,463,000,000.00.
(B) Outlays, $1,619,000,000.00.
Fiscal year 2011:
(A) New budget authority, $1,024,000,000.00.
(B) Outlays, $1,134,000,000.00.
Fiscal year 2012:
(A) New budget authority, $717,000,000.00.
(B) Outlays, $793,000,000.00.

(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, $ - 70,979,000,000.00.
(B) Outlays, $ - 70,979,000,000.00.
Fiscal year 2009:
(A) New budget authority, $ - 66,560,000,000.00.
(B) Outlays, $ - 66,569,000,000.00.
Fiscal year 2010:
(A) New budget authority, $ - 66,933,000,000.00.
(B) Outlays, $ - 66,933,000,000.00.
Fiscal year 2011:
(A) New budget authority, $ - 69,575,000,000.00.
(B) Outlays, $ - 69,595,000,000.00.
Fiscal year 2012:
(A) New budget authority, $ - 71,857,000,000.00.
(B) Outlays, $ - 71,860,000,000.00.

(21) Overseas Deployments and Other Activities (970):
Fiscal year 2008:
(A) New budget authority, $145,163,000,000.00.
(B) Outlays, $114,914,000,000.00.
Fiscal year 2009:
(A) New budget authority, $50,000,000,000.00.
(B) Outlays, $109,425,000,000.00.
Fiscal year 2010:
(A) New budget authority, $00.00.
(B) Outlays, $42,324,000,000.00.
Fiscal year 2011:
(A) New budget authority, $00.00.
(B) Outlays, $13,561,000,000.00.
Fiscal year 2012:
(A) New budget authority, $00.00.
(B) Outlays, $4,485,000,000.00.

TITLE II—MISCELLANEOUS PROVISIONS

SEC. 201. DEPARTMENT OF DEFENSE REPORT TO CONGRESS.

(a) FINDINGS.—The Congress finds that—

(1) between 2001 and 2006, GAO provided the Department of Defense with 2544 recommendations, many related to improving their business practices and, to date, the Department of Defense has implemented 1014 recommendations and closed 152 recommendations without implementation; and

(2) the GAO estimates that the 1014 implemented recommendations have yielded the Department of Defense a savings of $52.7 billion between fiscal years 2001 and 2006.

(b) ASSUMPTION; REPORT.—

(1) ASSUMPTION.—This resolution assumes $300,000,000 to be used by the Department of Defense to implement the remaining 1378 recommendations of the Government Accountability Office.

(2) REPORT.—The Secretary of Defense should submit a report to Congress within 90 days that demonstrates how each such recommendation will be implemented, and, in the case of any such recommendation that cannot be implemented, a detailed reason for such inability to implement such recommendation.

The Acting CHAIRMAN. The gentlewoman from Michigan (Ms. KILPATRICK) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

Ms. KILPATRICK. Madam Chairman, I yield myself 2 minutes.

Madam Chairman, at this time we are very happy to present our Congressional Black Caucus budget for 2008. Our budget is balanced. It takes us to surplus in 5 years. It reduces the deficit, and it invests in America's families.

We are happy today to present to you a budget. The full budget is $2.9 trillion. That would be $3 trillion if it were rounded off.

The Ways and Means Committee that handles the entitlements will handle Medicare for over 44 million seniors' health insurance; Medicaid for over 45 million disabled, low-income seniors' programs; and our veterans programs. Our Appropriations Committee will handle $930 billion of those dollars in our 2008 discussions on this budget.

I am happy to present to you a balanced budget from the Congressional Black Caucus that takes care of our veterans, that invests in the war, that makes sure that our seniors are taken care of, and that our children and their SCHIP program for children's health care is fully funded so that all children in America can have an adequate health care system.

Madam Chairman, the Congressional Black Caucus budget is a good budget. I would urge our colleagues to accept it, to vote for the CBC budget.

Madam Chairman, I am proud that Congress is considering an amendment that I, along with my colleague ROBERT SCOTT from Virginia, am introducing that will change course, confront crises, and continue the legacy of not only the Congressional Black Caucus, but of America. This budget changes our fiscal course from a sea of debt, deficit and despair to financial stability and responsibility. The Kilpatrick/Scott amendment confronts the crises faced by our senior citizens who will not have enough money to heat their homes in the winter or cool them in the summer; it will confront the crises faced by our veterans and those wounded warriors who do not have adequate health care, mental health treatment, or physical therapy; the Kilpatrick/Scott amendment to the budget continues the legacy of this Nation's historic mission of caring for the least of our sisters and brothers.

As the chair of the Congressional Black Caucus, and as an appropriator, I know that the American people demanded a change last year. Rounding out for even numbers, we have a $2.9 trillion dollar budget. Six hundred billion of that spending will go to defense. A little more than 300 hundred billion will go to the people. We can do better. The Kilpatrick/Scott amendment will do just that. It ensures that our Nation is safe; it takes care of all Americans; and it gets America on the path to fiscal stability.

The Kilpatrick/Scott amendment is fiscally responsible.

The Kilpatrick/Scott amendment eliminates tax cuts for the top two income brackets. Studies show that 99.7 percent of the benefits of the tax cuts go to those households with incomes over $200,000, 86 percent go to households with incomes above $500,000, and 65 percent go to households with incomes above $1 million. The CBC budget would rescind those tax cuts and restore the more fiscally responsible tax rates that were in place in 2001 and throughout much of the economic boom of the 1990s. This results in $90.6 billion over 5 years for the American people.

The Kilpatrick/Scott amendment eliminates the capital gains and dividend tax cuts. Again, 70 percent of the benefits of these tax cuts go to households with more than $200,000 in income. This results in $98 billion over 5 years for the American people. The bill applies more than $6 billion to reduce the deficit created by these unfair tax cuts and the war.

The Kilpatrick/Scott amendment, for fiscal years 2008–2012, has a total deficit that is $339 billion less than the President's budget and $107 billion less than that of the House Committee on the Budget. These are savings that not only reduce our debt to foreign nations, but allows more money to be used to the needs of the American people.

The Kilpatrick/Scott amendment protects Social Security.

The Congressional Black Caucus strongly opposes private accounts. Privatizing what is arguably the most successful social insurance program in the world would only divert resources from the Social Security Trust Fund and generate trillions of dollars in new debt over the next few decades. Furthermore, the Congressional Black Caucus is strongly opposed to the use of the Social Security surplus to finance the deficit in the rest of the budget. The Kilpatrick/Scott amendment protects Social Security by opposing the use of the Social Security surplus to finance the deficit in the budget.

The Kilpatrick/Scott amendment fights for our warriors at home and abroad.

The amendment also reallocates $300 million in savings in the Department of Defense, using recommendations from the General Accounting Office. These savings will be used to implement the GAO's recommendations for: health facility renovation upgrades at bases; mental health services for post traumatic stress disease; public school Initiatives, aka the Troops to Teachers initiative; cancer research; tuberous sclerosis research; and Parkinson's disease research.

The Kilpatrick/Scott amendment will take care of our veterans, by fully funding the construction of new and improved VA hospitals, providing more funds for more VA workers, and the local clinic initiative for non-urban areas. It is simply shameful that those who have volunteered or were drafted to fight for this country cannot have the best in health care our country has to offer.

The Kilpatrick/Scott amendment improves the international stature of America.

Our reputation as an international savior has taken a significant hit over the past 6 years. The Kilpatrick/Scott amendment addresses our stature and improves our relationship with our global partners. As you know, the Congressional Black Caucus has focused on issues of interest on the continent of Africa. The fact that we have not addressed the issues of Darfur, global AIDS, tuberculosis and malaria is a shame on America and the Congress. The Kilpatrick/Scott amendment addresses these challenges with more than $3 billion going to the Darfur Initiative; the Global Fund to Fight AIDS, Tuberculosis and Malaria; Child Survival and Health, and International Family Planning Programs.

Darfur Initiative	+$50,000,000
Global Fund to Fight AIDS, Tuberculosis and Malaria	+1,000,000,000
HIV/AIDS—Latin America and the Caribbean	+50,000,000
Child survival and health	+1,040,000,000
Migration and refugee assistance	+80,000,000
Contributions to international peacekeeping	+600,000,000
International family planning programs	+100,000,000
UNFPA	+50,000,000

The Kilpatrick/Scott amendment helps all Americans.

Social needs have taken a back seat to tax cuts and this war for far too long. Among other things, the CBC amendment will fully fund the Community Development Block Grant at $1.5 billion; provide $1 billion for the construction of new and technologically advanced elementary and secondary schools; fully fund the No Child Left Behind Act, the first time in that program's history that it will be fully funded. This full level of funding will include the complete funding of the science and math program, a program that trains teachers in math and science, and emphasizes math and science in our Nation's elementary, secondary and high schools. The amendment fully funds the Pell grant program, the SCHIP health care program for poor and low income children, the Women's, Infants and Children's—WIC—program, Head Start and the Food Stamp program.

For a balanced budget; for funds that will address the needs of our Nation's wounded warriors from wars in the past, present and future; for fiscal responsibility and accountability; for the protection of our Nation's children, safety and seniors, a responsible vote is a vote for the Kilpatrick/Scott amendment on the budget.

Madam Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Wisconsin is recognized for 20 minutes.

Mr. RYAN of Wisconsin. Madam Chairman, at this time I would like to address why we are here today. We are here to balance the budget, and what is very good about this debate we are having here today is we are talking about not if we should balance the budget; we are talking about how to balance the budget.

So for that point we have come to a good part of this debate, where I believe, based on the numbers I have seen, all of these amendments we are going to experience today and the base Democrat budget balances by 2012. That is a good start. So now we here in Congress are agreeing, let us balance the budget. That is good.

The question then becomes how do we balance the budget. This is where there are enormous differences between the two parties.

The three budgets on the other side of the aisle, the Progressive budget, the Congressional Black Caucus budget and the base Democrat budget, all have one big thing in common: they raise taxes. They raise a lot of taxes, anywhere from $400 billion to $1 trillion just over the next 5 years.

What kind of taxes are we talking about? Well, let's look at the tax relief that occurred. In 2003, if you take a look at what happened to our country in 2001 with 9/11, with the Enron scandals, with the dot-com bubble bursting, the fact that we went to war and we went into a recession, we lost a lot of jobs. We were losing over 100,000 jobs a month at that time. We went into a recession. Three years of revenues declined. We had a big deficit. So while revenues went down because people lost jobs, we went into deficit and spending went up.

Why? Because we had unemployment. We had programs to help people who lost their jobs. We had war costs, and so what ended up happening was we needed to get people back to work. We needed to get this economy growing again.

So what did we do? At that time, we were in the majority. We decided we needed a package of reforms, of tax cuts to get the economy growing again, to get people working again. So we cut taxes on families, cut taxes on small businesses, cut taxes on business investment.

What happened? 7.6 million new jobs were created since those tax cuts in 2003. We went from growing our economy at an anemic 1.1 percent prior to the tax cuts to growing our economy at an average of 3.5 percent. We went to creating about 160,000 jobs per month since those tax cuts.

What also happened? Revenues went up. Revenues went up for double digits the 2 years following. This year so far the revenues are up about 10 percent. So revenues came in, why? Because we actually cut taxes. We have lower tax rates, but we have higher revenues because people went back to work. People went to work, to jobs and paid more taxes.

What happened? The deficit went as high as $412 billion. Now it is as low as $176 billion. I would like to say that it is because we did a great job on controlling spending. No, that is not the case. The reason the deficit for the most part went down is because revenues went up, because the economy grew, people went back to work, paid their taxes.

So, Madam Chairman, we do not have a revenue problem in Washington. Revenues are coming in fast. We have a spending problem in Washington, and this is the difference between our philosophies, our budgets.

We believe that the money people make really is their money, not the government's money. We believe that when someone starts a business, when someone goes to work, that is the fruit of their own labor and they ought to keep more of their hard-earned money, because at the end of the day, if government takes more money out of the person's paycheck, you are taking more freedom out of their lives. If you take more money out of a family budget, you are taking more freedom away from that family. That is the difference.

We believe that people ought to keep more of what they earn. We believe that small businesses, which are the engine of economic growth in this society, which create all these jobs, should not be taxed at tax rates higher than large corporations, but that is what will happen if any of these three budgets pass, if the Progressive budget, the Congressional Black Caucus budget, or the Democrat budget passes.

We believe that we need to focus on spending and not on raising taxes, because more important than that, I want to show you one chart, Madam Chairman. If you take a look at these revenue lines, even if we take the low line, the blue line, that is the line of revenues coming in if we don't raise taxes. That is the line the Republicans are using for our budget, and we balance our budget by controlling spending instead of raising taxes, and we control spending to the point where we stop the raid on the Social Security trust fund and we pay down $100 billion in debt in the fifth year alone.

The red line, not much higher, but the red line says, let's raise taxes by $400 billion. That is the smallest of the tax increases we are looking at of these budgets today. That still shows, but it is a lot lower than the green line, the spending line.

Spending is the problem. If we do nothing to control spending, by the time my children are my age, the Federal Government will double in size simply by growing on the current path that it is on.

This has to be dealt with, Madam Chairman. This has to be dealt with, and no matter how much you propose to raise taxes, no matter how much you want to raise taxes on small businesses, take away the per-child tax credit, bring back the marriage penalty, reinstate the death tax, raise taxes on businesses and capital investment and seniors and dividends and capital gains, no matter how much you want to raise taxes here, if you pass one of these other three budgets, we still will not have enough to meet the spending line, the spending appetite, the spending trajectory of this Federal Government. That has to be dealt with.

Why does that have to be dealt with? Because we do not want to pass onto our children and our grandchildren a mountain of debt. The debt has increased. Sadly, over the last 8 years, it went up $3 trillion. I think you are going to hear that from other people. I have got news for you, Madam Chairman, just Social Security alone by doing nothing to address this program over the next 5 years, that debt will go up by $3 trillion.

Medicare, if we do not address Medicare's growth, if we do not reform and maintain and save Medicare, the debt to just Medicare will go up almost $20 trillion over the next 5 years by doing nothing.

So, Madam Chairman, let's not raise taxes. Let's work on spending, and let's reform these programs.

I want to reserve the balance of my time, but I want to say one thing before I do, and that is these three programs which we commonly refer to as our entitlements are the most important domestic programs in the Federal Government. Medicare helps people who are an older age get health care. Medicaid helps people who are low income get health care. Really, really important missions, Madam Chairman. And Social Security helps provide people with retirement security.

These programs are too important to let slip into bankruptcy. These programs are too important to go for five more years without any reforms designed to extend their solvency and make them work better and be more responsive to the needs of the American people.

I think that is where we should place our efforts.

Madam Chairman, I reserve the balance of my time.

Ms. KILPATRICK. Madam Chairman, the Congressional Black Caucus does not raise taxes, the budget does not, and it protects Social Security and will not privatize it.

I would like to yield 5 minutes to the gentleman from Virginia (Mr. SCOTT), the chairperson of our Congressional Black Caucus.

Mr. SCOTT of Virginia. I want to thank the gentlewoman from Michigan for her leadership in the Congressional Black Caucus.

We first need to start off with the Congressional Black Caucus of where we are. We were in a ditch in 1993 and Democratic policies dug us out of the ditch, and Republican policies put us right back into the ditch. This is where we are, and this is what we are trying to dig ourselves out of.

Now, we have gotten in this ditch. We just need to respond a little bit. We heard that we created all these jobs. Go back, this administration, count them up, add them, subtract them, add them up, tied for worst job performance since Herbert Hoover. This is what they are bragging about.

They talk about economic growth. The Dow Jones Industrial Average for the last 4-year increments, this administration's 6 years has not done what anybody since 1980 has been able to do in 4 years.

They talk about increased revenues: you cut taxes, you increase revenues. Since 1960, only 2 years did we not set a brand-new revenue record, and then we set a new record the following year until we get to this policy. We have gone 6 consecutive years without new record revenues, three consecutive years in decline. That has never happened since they started keeping records in 1934.

What we do is we repeal part of what got us in the mess. This is one of the tax cuts we repeal, and you want to look and see, we call it tax cuts for the wealthy. They get mad, but this is who gets $20 billion in tax cuts that we repeal: over $1 million, $200,000 to $1 million, $100,000 to $200,000, under that zero. This is what you get. This is one of those that we repeal. We are able, after we repeal that, we use part of it for fiscal responsibility.

The Congressional Black Caucus deficit is better than the President's deficit every year. We balance and go into surplus in the fifth year. In the fifth year, we save $14 billion in interest alone compared to the President.

Now, we use the rest of that money to address our priorities: health care that we hear about, education, veterans, justice, making our communities safer, diplomacy.

Madam Chairman, just to close, let's see what we would have to do to go from the Congressional Black Caucus' responsible budget to the President's budget. We would have to cut $150 billion out of education. We would have to cut $100 billion out of child care, eliminating the promised health care for all children, putting 9 million children out in the street without any health care. We would have to whack $42 million out of the veterans' budget and many other priorities that we are going to describe in a few minutes.

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Then we would have to borrow $339 billion, mostly from foreign countries, in order to fund tax cuts that primarily benefit that portion of a family's income over $200,000, that portion of the income under $200,000 virtually unaffected. To fund the tax cuts that put us in the mess that we are in, we would have to cut education, health care, veterans, other things, and then borrow $339 billion from foreign countries. That is a bad choice.

Fiscally responsible and address our priorities, that is the Congressional Black Caucus budget. We are proud of it and would hope that you would support it.

Mr. RYAN of Wisconsin. Madam Chairman, I reserve the balance of my time.

May I inquire about the time allotment remaining between the two parties.

The Acting CHAIRMAN. The gentleman from Wisconsin has 12 minutes remaining. The gentlewoman from Michigan has 15½ minutes.

Ms. KILPATRICK. Madam Chairman, at this time, I would like to yield 2 minutes to the medical doctor in our caucus, the gentlewoman from the Virgin Islands (Mrs. CHRISTENSEN).

Mrs. CHRISTENSEN. Madam Chairman, unlike the Ryan budget, which cuts just about every important health program and would hurt working families, we have a good budget in the Democratic base budget. But because it does not restore funding drained from this country's needs to provide tax cuts to the wealthiest Americans, it can't go far enough to meet the needs of the poor, rural families, African Americans and other people of color which have been neglected for far too long.

After the war and tax cuts have created huge deficits and unprecedented debt, after corporations and the rich have gotten theirs, the neediest in this country are being told to wait. We are not willing to wait any more for a decent education for our children, for quality health care, for adequate housing, for communities with clean air and housing, or for jobs.

That is why the CBC budget is so important. With the additional funding, it creates the environment for healthier families, for healthier communities and for a healthier nation. We invest significantly more in health care for children and pregnant women, for mental care and substance abuse, for the training of minority and other professionals, to end the AIDS epidemic in our own country and abroad and for research and community health centers. We help our sickest communities to help themselves with health empowerment zones and provide a health equity fund that would close the deficits that would allow over 100,000 people of color to die, who should not, every year in this, the richest country in the world. It still balances the budget by 2012 and creates a $141 billion surplus.

Vote for a stronger, a better America. Vote for the CBC budget.

Mr. RYAN of Wisconsin.. Madam Chair, this is an important moment for our time of fiscal responsibility in America. I would like to read from a few quotes. We have had great hearings in the Budget Committee. I want to compliment the gentleman from South Carolina (Mr. SPRATT) for holding great hearings. In all of these hearings, we had fiscal experts coming to testify from both parties, from nonpartisan organizations like the Congressional Budget Office, the Government Accountability Office, from the Federal Reserve.

I would like to read a few quotes about the fiscal condition that is staring us in the face that this budget should be addressing today.

On the urgency of entitlement reform, we had Ben Bernanke, the chairman of the Federal Reserve, come in and say, "Without early and meaningful action to address entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Then we had the Comptroller General, Mr. Walker, on 60 Minutes say, "Health care is the number one fiscal challenge for the Federal and State governments. If there is one thing that can bankrupt America, it is health care. We need dramatic and fundamental health care reforms." That's at a hearing.

On 60 Minutes, he said, "The rising cost of government entitlements is a fiscal cancer that threatens catastrophic consequences for our country and could bankrupt America."

Here is what Mr. Walker is talking about. If you take a look at this chart, it shows you that, consistently, our government has been taxing the American economy at about 18 percent of our gross domestic product. What that means is, basically, since about 1960, to finance our Federal Government, we have had to tax the American economy, families, businesses, all those things, at about 18 percent of our economic output. It has been remarkably consistent.

Because of the unsustainable growth of government spending programs, of our entitlement programs, they are growing at such a quick pace that by the time my 5-, 3-, and 2-year-olds are in my age bracket, they will have to tax the American economy at 40 percent just to pay the bills.

Let me put it another way around. We have very important programs. We call them our entitlement programs. They meet critical missions of the Federal Government. When they were set up, they made sense at the time the way they were financed. They were called pay-as-you-go. Current workers pay taxes, particularly payroll taxes, to pay the benefits for current retirees, for current beneficiaries. It worked fine for many years.

Not now, though. Because as the baby boomers begin to retire, which begins next year, we will double the amount of retirees in this country; and we will only increase the amount of workers coming to this country by 17 percent. For all of those who had kids during that baby boom generation, they had a lot of kids; and it was wonderful. Our birth rates went up. But, since then, we haven't had as many kids.

Heck, in my own hometown of Janesville, Wisconsin, where I come from an Irish Catholic family, I had 65 cousins in just Janesville, Wisconsin. But I am a Generation Xer; and at my family level, we didn't have as many kids. That is what is happening across the world and across the country.

Why am I saying all of this? What did it mean? It means that these programs are going to double the amount of consumers to the programs and not double the amount of payers into the programs.

We have to reform these programs. We have to make them work better, and we have got to prevent our kids from having their taxes doubled. That is what this is about at the end of the day, Madam Chair. It is about our children and our grandchildren.

Now, this seems to be a cliche thing that everybody says when they get up to a microphone. But, quite honestly, if we don't get a handle on our fiscal situation, if we don't recognize the fact that if all you do is raise taxes to balance the budget in 2012, you are going to go right back into deficit soon thereafter if we don't control spending, if we don't reform government, if we don't fix our entitlement perhaps. If we don't do this, the debt we have today will pale, pale in comparison to the debt we are going to be passing on to our children and our grandchildren.

We have new economic challenges and threats unlike any we have ever seen before in this country. We don't have oceans that separate us anymore. We have broadband, Internet, digital technology. We have to compete with workers on a daily basis from countries like China and India overnight.

We have real economic challenges facing us, and we can't survive and thrive in this era of globalization. We can't continue to be America's economic superpower, the world's economic superpower, if we are going to double the taxes on future generations.

You can't tax your way into prosperity. We already today tax our businesses, our capital, more than any other country in the industrialized world except for one, Japan. They just finished two decades of recession.

We have got to wise up to the fact that we have to be lean and mean and compete with China and India and these other countries. We have got to make sure that the way we run our health care system works for patients, that the way we have our entitlement benefits gives us income security, retirement security, health security. We have got to make sure that it doesn't do it in such a way that it literally doubles the entire tax burden on the American economy, on the American family. If we do that, we will push more jobs overseas. We will lose our standard of living, the great gift of America of a generation to the next.

The legacy of the American Dream is that each generation bequeaths unto the next a higher and better standard of living. That is exactly what my parents and grandparents told me. We are at risk of severing that tie. We are at risk of discontinuing that legacy of giving our kids and our grandkids a better standard of living, a better economy, things better off than when we found them.

Budgets matter, and the budget that we have before us today, whether it's the CBC budget, the Progressive budget or the Democrat budget, raises taxes by anywhere from $400 billion to $1 trillion over the next 4 years and does absolutely nothing, nothing, nothing to control spending, to reform government, to prevent this mountain of debt going onto our children's backs.

Madam Chair, I reserve the balance of my time.

Ms. KILPATRICK. Madam Chair, I yield myself 20 seconds.

The Congressional Black Caucus does not raise taxes. I would like to remind the gentleman that if it were not for the permanent tax cuts for 1 percent of the wealthiest and the cost of this ill-advised war, we could fund all the major programs like Medicare and Medicaid.

Madam Chairman, I yield 2 minutes to the Congresswoman from Dallas, Texas (Ms. EDDIE BERNICE JOHNSON).

Ms. EDDIE BERNICE JOHNSON of Texas. Let me thank our chairwoman of the Congressional Black Caucus, Ms.

KILPATRICK, and Mr. SCOTT, our colleagues, for their unwavering support for the development of the CBC alternative budget that encompasses progressive and visionary funding motivated by principle and compassion.

I also would like to thank all of the members of the CBC and their staffs for helping to complete this very important task. I appreciate and applaud their efforts on issues important to all of us.

Madam Chairman, the CBC alternative budget understands that our Nation's transportation system is the backbone of our economy and our way of life. We could not afford to shortchange our transportation system, nor ignore the need for greater competitiveness in science and technology.

As a senior member of the Science Committee, I feel the CBC budget supports these initiatives to invest in our children's future, our future, our Nation's future. Federal entitlements such as NASA and the National Science Foundation need funding to inspire today's youth so that we can have a future in research and competitiveness. The science budget funds our scientific and engineering workforce, supports teacher enrichment programs and helps inspire future generations of researchers.

Our Nation's future depends more and more on the quality of our innovative ideas. The fruits of these investments meet vital national needs and improve the quality of life for all Americans. The CBC alternative budget also provides funding for the minority health initiatives, health insurance for the uninsured, child nutrition programs, job creation programs, the SBA, and the extension of unemployment insurance benefits and the elimination of the disabled veterans tax.

I urge my colleagues to support this budget, and don't listen to the rhetoric of taxes being raised. We have different priorities.

Mr. RYAN of Wisconsin. Madam Chair, how much time do I have remaining?

The Acting CHAIRMAN. The gentleman has 5½ minutes remaining. The gentlewoman from Michigan has 11¾ minutes.

Mr. RYAN of Wisconsin. Madam Chair, I reserve the balance of my time.

Ms. KILPATRICK. Madam Chair, I yield 2½ minutes at this time to the Congresswoman from Texas (Ms. JACKSON-LEE).

Ms. JACKSON-LEE of Texas. Madam Chairwoman, let me thank the chairwoman of the Congressional Black Caucus, CAROLYN KILPATRICK, and Mr. BOBBY SCOTT for joining with us as the Congressional Black Caucus so that we could really emphasize what compassion and the American dream is all about and equate it to the Congressional Black Caucus budget that really responds to the tragedy that has occurred under this administration.

The surplus, as you can see, that we had in 2000 under the Bush administration declines $8.4 trillion. That is what we attack.

In fact, the Congressional Black Caucus budget reduces the deficit $107 billion less of a deficit than even the Democratic budget and $339 billion less cumulative deficit than the President's budget. In fact, we saved some $18.3 billion less in interest than the Democratic budget and $27.7 billion in interest than the President's budget. We take this deficit and turn it around. We save the country this enormous burden that they have with respect to the deficit and the interest.

In addition, as you can see, interest payments on the debt weren't the priority under this President's budget and under this administration. They have gotten completely out of control. That is why we are feeling the pinch, and the Congressional Black Caucus budget responds to that immediately.

Now, let me talk specifically about what we do, why we represent the American dream, why we focus on real compassion, and we do it in a fiscally secure and responsible manner.

We look at this map, we will see the numbers of children that are uninsured in America. Some of the States that we would think are prosperous States, such as Florida and Texas, the President's own State, my State, has over 12 percent and going as high as 40 percent of the children are uninsured; California, 12 percent or more are uninsured. Vote for the Compassionate Budget and for the CBC budget and vote for the Democratic Budget that strongly represents the needs of Americans.

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Numbers of us in these different colors here, 8 to 12 percent are uninsured.

The Congressional Black Caucus budget is compassionate. Why? Because we provide resources for housing. We provide resources for transportation. We don't leave any firefighter or law enforcement officers behind. And we ensure homeland security.

But we are the compassionate budget. We are the American Dream. We ensure that children, who are our precious resources, have the ability to get complete children's health insurance.

I ask my colleagues to support a budget that ensures compassion and the American Dream and believes in eliminating the deficit. Vote for the Congressional Black Caucus Budget.

Madam Chairwoman, I rise to support H. Con. Res. 99, the Congressional Budget Resolution for Fiscal Year 2008. But more than that, I rise to welcome a new day. For the past six years, the federal budgets put forward by the Bush Administration and the Republican Congress have cut funds for critical American priorities and, incredibly, turned a $5.4 trillion surplus into a $8.8 trillion deficit over the same period. Starting today, the new Democratic majority in the House leads America in a new fiscal direction. And we do it without raising taxes. In fact, Madam Chairwoman, thanks to the treatment and applicability of the alternative minimum tax (AMT) called for in the budget resolution, 19 million Americans will pay less in taxes that they otherwise would. This week we will pass a fiscally responsible budget with the right priorities for the American people, present and future.

For that, I wish to thank the Chairman of the Budget Committee, Mr. SPRATT, a man of uncommon grace and mastery of budgetary arcane. I wish to thank our great Speaker, Ms. PELOSI, for never letting us forget that we are here for one reason only, and that is to address the real needs and priorities of real Americans confronting the real problems of their real lives in the real world. Finally, let me thank the remarkable leadership team which has worked long, hard, and tireless to keep us informed, cooperative, and united in our resolve to do the necessary work to America better.

Madam Chairwoman, H. Con. Res. 99, better reflects the priorities and values of the American people. After all, a budget is much more than a balance sheet, an income statement, a financial scorecard. Rather, it the expression in fiscal terms of who we are and what we believe. In short, a budget is a financial reflection of our national character. And as it is by a person's character that you know her, so too it is with a nation. Look at a nation's budget and you will see how it treats its children in the dawn of life; its elderly in the twilight of life; its poor and disabled and helpless in the shadows of life; and the earth, the sustainer of life. Look closely at the choices it makes regarding the neediest and most vulnerable of its people, and you will know the true character of a nation.

Madam Chairwoman, America and the world can be proud of the choices we make in this budget resolution. Unlike the budgets of the last six years, the budget brought to the floor by the new House majority reflects the best angels of our nature. As I discuss in more detail, H. Con. Res. 99 expands health care for our children. It provides our soldiers and veterans with the care worthy of their sacrifice; it is faithful to President Lincoln's injunction "to care for him who has borne the battle and for his widow and his orphan." This budget resolution supports education for a 21st century workforce and a growing economy. It invests in renewable energy for an energy independent America that faces up to the challenge of global warming.

Equally important, Madam Chairwoman, the majority's budget resolution represents a return to fiscal responsibility and budgetary accountability. I am proud to support a budget that reflects the care and fidelity of a wise steward of the taxpayers' hard-earned money. The American people can be assured that the new majority in Congress will not be profligate with the public treasury.

The new Democratic-led Congress has instituted "pay as you go" or "PAYGO" budgeting, requiring that new spending be offset, which in the 1990s helped turn deficits to surpluses. We have also reformed the earmark process, cutting in half the number of budget "earmarks" for specific Member projects, requiring transparency in the process, and exposing such earmarks as the infamous "Bridge to Nowhere."

Madam Chairwoman, nothing engenders more public cynicism than the shameful conduct of some to avoid paying taxes legitimately owed. The overwhelming majority of Americans obey the law, play by the rules, pay their taxes, and work to improve their communities. There is, however, a small but significant percentage of Americans and corporations that do not. That is going to end. In this budget, we invest in an increased effort to make sure that taxpayers pay the taxes they owe. The Internal Revenue Service has estimated that the tax gap—the amount of taxes owed under current law but not collected—has ballooned to $345 billion since 2001. This has left middle-class families picking up the tab for those who refuse to obey the law. It is shocking to think, Madam Chairwoman, that amount of taxes owed by these scofflaws approximates the costs Americans have paid to date to finance the Iraq War.

The new Democratic-led Congress also will save millions by investing in efforts to identify and eliminate wasteful spending and improve government efficiency in Social Security, Medicare, and unemployment insurance. Every dollar invested in conducting Social Security ongoing disability reviews results in $10 of savings. The savings could total $3 billion.

Madam Chairwowan, this budget resolution correctly assumes that substantial savings can be realized from more vigorous efforts by the Defense Department (with increased Congressional oversight) to root out fraud, abuse, and wasteful spending. It is totally unacceptable that unlike the typical taxpayer, small business, or large corporation, the Defense Department still cannot pass a standard audit. The Pentagon cannot adequately track what it owns or spends. We just know that it's a lot. Defense auditors estimate that more than one of six dollars they have audited for Iraq is suspect, including $2.7 billion in sole-source, single-bidder contracts.

The American people can have confidence that lax financial controls and fiscal mismanagement are a thing of the past now that Democrats are the majority party in Congress. Under this budget resolution, House Committees will conduct performance reviews to make sure that government programs are working as intended. We will work to eliminate unnecessary and wasteful spending. We know that oversight and financial controls work. Similar efforts produced 385 recommendations for smarter ways to improve government services, saving billions during the Clinton Administration.

Madam Chairwoman, the new House majority pledged that we would work together to restore our economic health, reclaim our leadership position in the world, advance our national security, and invest in the future. We promised to restore fiscal responsibility and began by instituting tough pay-as-you-go rules. And we have been delivering.

For example, in the first 100 hours of the 110th Congress, we passed with bipartisan support procedures imposing discipline and transparency in congressional spending. With bipartisan support, we also passed legislation to implement recommendations of the 9/11 Commission, increased the minimum wage, paved the way for lower prescription drug costs, cut student loan costs, and redirected oil subsidies towards investments in renewable energy. We did all of this while maintaining our commitment to fiscal discipline.

The 2008 budget resolution advances these priorities. The budget balances in 2012 while accommodating additional tax relief for millions of middle-income families. It allocates funding for national priorities like children's health care and education. It begins to reverse six years of disinvestment in education, infrastructure, and innovation. The budget resolution is the crucial next step to realizing the initiatives we have developed to move the country forward and to set us on a course to build the future we want for our children and grandchildren.

And, as I have stated, it does all this without raising taxes.

Madam Chairwoman, discretionary spending, or the amount available to be allocated through the annual appropriations process, accounts for about one-third of all federal spending. The budget resolution provides the Appropriations Committee with $954.9 billion in discretionary budget authority in FY 2008, $22.1 billion more than the administration's request as re-estimated by the Congressional Budget Office (CBO). The Appropriations Committee will subdivide this amount (known as a 302(a) allocation) among the various appropriations bills.

In addition to the $954.9 billion in regular FY 2008 appropriations, the resolution assumes $145.2 billion in emergency appropriations for the wars in Iraq and Afghanistan for FY 2008, as requested by the administration. When this emergency funding is added to the $954.9 billion in regular appropriations, a total of $1.1 trillion in discretionary spending could be available in FY 2008 under the resolution. I think it important that the American people know where and how their money will be spent.

DEFENSE APPROPRIATIONS

The resolution calls for defense discretionary budget authority or appropriations at the levels recommended by the Administration for fiscal years 2008 through 2012. Thus, the resolution calls for defense appropriations of $503.8 billion in FY 2008, $531.6 billion in FY 2009, $542.0 billion in FY 2010, $548.0 billion in FY 2011, and $566.9 billion in FY 2012. The totals include funding for the Defense Department as well as nuclear-weapons-related activity in the Energy Department.

The resolution also assumes $145.2 billion in emergency funds in FY 2008—that would not count against the cap on discretionary spending—for the wars in Iraq and Afghanistan, as recommended by the administration. When added to the $503.8 billion in regular defense appropriations, total defense spending under the resolution would be $649 billion in FY 2008. Like the Administration, the resolution assumes $50 billion for these wars in FY 2009.

While the resolution assumes the same total amount of spending for defense as the Administration recommends, it does not propose to spend the funds the same way. Specifically, the resolution assumes that nuclear non-proliferation programs will be given a greater priority and higher funding than the administration proposes.

Madam Chairwoman, in our resolution health care for active duty forces is a very high priority, as will be caring for those who return wounded from combat. Specifically, the resolution rejects the administration's proposals for increased fees for Tricare, the military health program, and calls for a substantial increase in the veterans' health care system.

The resolution assumes continued funding of missile defense and satellite procurement programs, but at a lower level than proposed by the administration. The budget resolution recognizes the need for the Defense Department to root out wasteful spending with far more diligence, noting that the Defense Department has awarded contracts for its foreign deployments that have been grossly more wasteful than domestic contracts, especially in Iraq.

NON-DEFENSE DISCRETIONARY SPENDING

The resolution calls for a non-defense discretionary budget authority of $451.1 billion in FY 2008, which is $22 billion (5 percent) more than the Administration's request. This includes an additional $2 billion in advance FY 2009 appropriations that would be available for appropriation in FY 2008, resulting in a total non-defense discretionary total of $453.1 billion, $24 billion more than the administration's request. This non-defense discretionary total includes funding for international affairs programs as well as for domestic.

The resolution's FY 2008 level for non-defense discretionary spending is about $10 billion more than the FY 2007 level, adjusted for inflation. For fiscal years 2009 through 2012, the level of non-defense discretionary spending generally increases at the rate of inflation.

EDUCATION, TRAINING, EMPLOYMENT & SOCIAL SERVICES

Funding for education, training, employment and social services programs has lagged during the past six years, so the resolution attempts to compensate by increasing such funding by 11 percent ($82.3 billion in FY 2008) over the president's budget.

Madam Chairwoman, we reject the president's proposed cuts to education programs, including rejection of his proposals to eliminate many education programs. We also reject the president's proposed steep cuts in job training and social service programs, including the Community Services Block Grant and the Social Services Block Grant.

The increased spending can and should be used for several purposes, including Head Start, Title I Compensatory Education program, and job training and national service programs. It could also be used to increase the federal share of the cost for educating handicapped children, and to help improve access to colleges, and broadening access to Hispanic Serving and Historically Black Colleges and Universities.

HEALTH

The resolution proposes $54.2 billion in budget authority in FY 2008 for discretionary health programs, and higher levels of spending for these programs in each of the four succeeding years. By FY 2012, funding for these programs under the measure would increase to $58.9 billion. The FY 2008 discretionary level for this function is $2 billion (4 percent) more than recommended by the president.

Discretionary health spending does not include the federal government's main health care spending programs, such as Medicaid and Medicare, both of which are mandatory spending programs.

VETERANS' BENEFITS AND SERVICES

The resolution calls for the budget authority of $43.1 billion in FY 2008 for discretionary veterans' programs, which consist mainly of veterans' health programs—$3.5 billion (9 percent) more than the president's request. The resolution calls for increased funding for these veterans' programs in each of the succeeding four years. By FY 2012, funding for these veterans' programs would reach $48.3 billion.

The resolution rejects the president's proposals to increase enrollment fees in veterans health care programs and rejects his proposals to increase co-payments. The resolution assumes funding to implement the recommendations of the bipartisan "Walter Reed Commission" as well as the recommendations of other investigations into military and veterans' health care facilities and services.

The increases above the president's proposed level would address veterans' mental health, post-traumatic stress disorder, traumatic brain injury, and spinal cord injury. Additional funding could also be used to reduce the backlog of disability claims.

LOW-INCOME PROGRAMS

Madam Chairwoman, other reason I support this resolution is that it provides $52 billion, nearly $3 billion (6 percent) more than the president recommends, for low-income programs, including unemployment compensation, low-income housing assistance (including Section 8 housing), food and nutrition assistance (including food stamps and school lunch subsidies), and other income-security programs.

TRANSPORTATION

The resolution provides $25.4 billion, an increase of $2.1 billion over the president's budget, for transportation funding, which includes non-homeland-security funds for the Federal Highway Administration; the Federal Transit Administration; Amtrak; highway, motor-carrier and rail-safety programs; the Federal Aviation Administration; the aeronautical activities of the National Aeronautics and Space Administration (NASA); the Coast Guard; and the Maritime Administration.

The resolution provides full funding of the highway, safety, and transit programs authorized by the 2005 surface transportation law Safe, Accountable, Flexible, Efficient Transportation Equity Act: A legacy for Users. We also maintain Amtrak, provide for additional funding for grants to airports and reject the president's proposed cuts to aviation programs in NASA.

COMMUNITY AND REGIONAL DEVELOPMENT

The community and regional development function includes programs that provide federal funding for economic and community development in both urban and rural areas, including Community Development Block Grants (CDBG) and the non-power-related activities of the Tennessee Valley Authority (TVA).

The measure proposes to spend $13.7 billion in budget authority in FY 2008 on community and regional development programs, with increases of $200 million in each succeeding year, reaching $14.5 billion in FY 2012.

The FY 2008 funding level for discretionary programs in this function is $2.7 billion (24 percent) more than the president's request. The measure rejects the president's proposed cuts to the CDBG program. It assumes additional funding for this program as well as for rural development and disaster preparedness programs.

NATURAL RESOURCES AND ENVIRONMENT

The resolution calls for $31.4 billion in discretionary budget authority in FY 2008 for natural resources and environmental programs, $2.6 billion (9 percent) more than the president's request. The resolution rejects the president's proposed cuts to the Land and Water Conservation Fund, Fish and Wildlife Service's wildlife refuge system, the Environmental Protection Agency's (EPA) grants to state sand tribe for water and aid quality and other EPA programs. The resolution accommodates the president's proposed increases in funding to National Park operations and maintenance.

ENERGY

The budget resolution provides for funding civilian energy and environmental programs of the Energy Department, the Rural Utilities Service of the Agriculture Department, the TVA, the U.S. Enrichment Corporation, the Federal Energy Regulatory Commission, and the Nuclear Regulatory Commission. It does not include the Energy Department's national security (nuclear weapons) activities of the National Nuclear Security Administration or its basic research and science activities.

The resolution provides $4.6 billion in funding for discretionary energy programs in FY 2008, about $300 million (7 percent) more than the president's request. The resolution generally calls for spending between $4.6 billion and $4.8 billion in each year covered by the resolution.

INTERNATIONAL AFFAIRS

The international affairs function includes international development and humanitarian assistance, international security assistance, the conduct of foreign affairs, foreign information and exchange activities, and international financial programs. Major agencies in this function include the State and Treasury departments, the U.S. Agency for International Development, and the Millennium Challenge Corporation which administers special assistance to developing countries that meet certain political and economic standards set by the U.S. government.

For international affairs, the resolution calls for $35.3 billion in discretionary budget authority in FY 2008, $2 billion more than the amount needed to maintain purchasing power at the FY 2007 level. Compared to the president's request, the resolution provides $1.2 billion less than the request. The resolution assumes the president's request for overseas military deployments and the Emergency Plan for AIDS Relief, which includes the Global HIV/AIDS Initiative. The committee report also notes the importance of adequate funding for U.S. development assistance.

The resolution assumes full funding to continue the U.S. agreements with Israel and Egypt made in 1998 on military financing and economic support. The measure also assumes additional funding for the McGovern-Dole International Food for Education and Child Nutrition Program.

SCIENCE, SPACE AND TECHNOLOGY

The function contains general science funding, including the budgets for the National Science Foundation and the fundamental science programs of the Energy Department, and programs at NASA, except for aviation programs.

The resolution calls for $27.5 billion in budget authority in FY 2008 for discretionary science, space and technology programs, about $200 million more than the president's request. The resolution projects gradually increasing levels of discretionary funding for these programs, reaching $32.3 billion in FY 2012.

For all 5 years covered by the resolution, the space funding is higher than the president's recommendations and the levels required to maintain purchasing power at the previous year's level.

ADMINISTRATION OF JUSTICE

For federal judicial and law enforcement activities, the measure calls for $44.7 billion in discretionary budget authority in FY 2008—$1 billion (2 percent) more than the president's request. The resolution calls for increases in each of the succeeding 4 years, reaching $49.3 billion in FY 2012.

The resolution rejects the president's proposals to cut local law enforcement and first responders programs, including his proposed cuts to the Byrne Memorial Justice Assistance Grants program. Increases above the president's requested level could also be used to fund recommendations of the Sept. 11 commission.

CONCLUSION

Madam Chairwoman, correcting the fiscal course of the country cannot be achieved overnight. The fiscal outlook we are confronting has deteriorated dramatically over the past 6 years. In 2001, the Administration inherited a projected 10-year (2002–2011) budget surplus of $5.6 trillion. Within 2 years, that surplus was gone and the United States began accumulating a mountain of national debt, adding $2.8 trillion to our federal debt burden since 2001. Most of this debt has been purchased by foreign investors, making the U.S. economy more susceptible to economic and political pressure from abroad.

Madam Chairwoman, we have a responsibility to clean up the fiscal mess that we have inherited. The choice to live beyond our means comes at the expense of our children and grandchildren who will have to pay off that debt. Deficits also hurt economic growth by depressing national saving, generating less capital for investment for the future. This leads to lower productivity and wages.

The President's budget continues the fiscal approach that has brought us large deficits and growing debt. By contrast, our budget resolution takes the necessary steps toward eliminating our long-term budget deficit by adhering to the pay-as-you-go principle.

But a balanced budget must be accompanied by balanced priorities. While regaining control over our economic future is critical, we must do so within the context of honoring our obligations. This budget is a critical first step toward fulfilling our commitments to the American people. We will balance the budget. We will be fiscally responsible. We will defend our country. We will put children and families first. We will grow the economy. We will cherish and protect our environment. We will conduct the Nation's affairs in an accountable and efficient manner.

Madam Chairwoman, last November the American people entrusted us with the responsibility of leading our country in a new direction. The part we have charted in this budget resolution will lead to a brighter future for children and better America for generations to come. It reflects very well on our national character. For all these reasons, I stand in strong support of H. Con. Res. 99. I urge all members to support the resolution.

Ms. KILPATRICK. Madam Chairman, I would now like to yield 2½ minutes to our first Vice Chair of the Congressional Black Caucus, the gentlewoman from Oakland, California, Congresswoman LEE.

Ms. LEE. Madam Chairman, first let me thank our chairwoman of the Congressional Black Caucus for her tremendous leadership on this issue and so many other issues. And I want to salute you, Congresswoman KILPATRICK and Congressman BOBBY SCOTT, for your hard work, your diligent work in putting forth a budget that we can all be proud of. And also I want to thank our staffs for their dedication and their expertise in putting this together.

A budget is a road map that identifies and invests in the critical priorities of a Nation, and I am pleased to say that this budget does exactly that.

For example, this budget takes the very important step, and this is important, to address the waste, fraud and abuse at the Department of Defense by urging the implementation of GAO's recommendations to the Department of Defense. By incorporating just a fraction of GAO's suggestions, DOD, for example, has saved over $52 billion over the last few years. Imagine how much more could be saved by fully implementing these recommendations which are included in the Congressional Black Caucus budget.

While addressing critical reforms at the Defense Department, this will go a long way also in shoring up our national security. I am pleased to say that this budget shows an understanding that really the Republicans have never shown during their years in power, namely, that domestic security is national security.

This budget invests in our communities. It invests in our health care. It invests in our future. It helps to lift the 37 million people living in poverty into a standard of living which each and every American deserves, living in the wealthiest and most powerful country in the world.

It puts $1.5 billion into HOPE VI, into public housing and homeless assistance programs. It allocates another $1.5 billion to the Community Development Block Grants and brownfields redevelopment. These are all critical plus-ups that strengthen and add value to our communities and provide that national security and economic security of our people.

This balanced budget also adds over $1.3 billion to the Ryan White CARE Act and the Minority AIDS initiative, and $10 billion into children's health to ensure that no child is without health care in this country.

Madam Chairman, this takes a good budget, our Democratic budget, and makes it simply much better. This budget is balanced. It is fair, it truly is a moral document, which budgets should be.

So, Madam Chair and Mr. SCOTT, I want to thank you for giving our country really a moral document.

Ms. KILPATRICK. Madam Chairman, I would like to yield myself 2 minutes.

This bill does not raise taxes. This bill does rescind the permanent tax cut for the 1 percent of the wealthiest Americans and then reinvests that money into American families.

This bill balances the budget. We reduce the deficit that the other party got us in over the last decade, the highest budget deficit in the history of our country.

This budget takes care of our troops, protects Americans. This budget is fiscally responsible. We make sure, in our budget, that we invest in health care for all the children of America. We also take care of those seniors who find themselves in need of adequate health care. Yes, and we fund and make sure Medicare, the health insurance for 44 million seniors, and Medicaid, programs for low-income and disabled Americans, are taken care of.

Have we spent too much? No, we haven't. Is the budget in balance? Yes, it is. We want to make sure in our Congressional Black Caucus budget that we are leaders. We come here as 43 Members of Congress representing 26 States and 40 million Americans. Ten of our Members have districts that are not majority African Americans. We represent Asian Americans, Latino Americans, European Americans, Indian Americans.

We are the conscience of the Congress. We bring to you a budget that, we believe, is balanced. It is the best budget, and we ask for your support.

Madam Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Madam Chair, I reserve the right to close, and I think that they still have more speakers, so I will just reserve my time.

Ms. KILPATRICK. Madam Chairman, I would like to yield the balance of our time to the gentleman from Virginia, Congressman BOBBY SCOTT, the chairperson of the Congressional Black Caucus budget, the gentleman who has worked tirelessly with our staff, with the Members, is a member of the House Budget Committee, and knows the needs of our country.

Mr. SCOTT of Virginia. Madam Chairman, we need to review, again, where we are, because we have heard lectures about fiscal responsibility, and this chart shows where we are in fiscal responsibility, way down in the ditch.

In fact, in 2001, we were on a trajectory to pay off the entire national debt by 2013.

The gentleman from Wisconsin had a chart that showed that by 2040 we would almost have enough money to pay interest on the national debt and a little bit of Social Security, and that was it. Well, the main change in that was interest on the national debt. There would be zero interest on the national debt if we hadn't gotten into this mess.

In fact, at this point, the gentleman talked about what he called entitlement reform. For those that aren't aware what entitlement reform means, that means cutting Social Security.

Well, in 2001, we had a 10-year surplus of $5.5 trillion. We needed $4 trillion at that point to make sure that we had enough money to pay Social Security for the next 75 years without cutting benefits. So we had entitlement reform covered.

The gentleman mentioned jobs that have been created: remind him, worst job performance since Herbert Hoover. The gentleman mentioned economic development: worst Dow performance in a quarter of a century. The gentleman mentioned all these revenues we have gotten: worst revenue performance in the history of recordkeeping back to 1934.

We repeal some of the policies, some of the policies that got us in the mess to begin with. This is one of the tax cuts that got us in the problem, and you can see who gets the benefits. But not only do we eliminate some of the tax cuts that put us in the mess, we are fiscally responsible. We use that to improve the deficit. Our deficit has improved, over the Democratic budget, $100 billion, over the President's budget, $300 billion.

And, finally, we saved so much that we saved interest on the national debt, $14 billion in the last year of the budget. And we are able to fund children's health care, enough money in our budget to fund health care for all children in America, enough in our budget to fund $158 billion more on education than the President's budget.

$158 billion. If you have a city, 300,000, $158 billion is enough for $158 million in additional funding for education over 5 years. Imagine what your city could do with $158 million.

We have enough for veterans, $42 billion more than the President's budget. We make sure that our cities and communities are secure with investments in gang prevention, juvenile justice, COPS and other programs in the justice area. We help our communities with community development grants, billions of dollars. Diplomacy.

That is a compassionate budget. It is compassionate, but it is also fiscally responsible.

Madam Chairman, we have a budget that gets us out of the mess that we got into. It compassionately invests in our priorities. It is a proud budget.

On behalf of the Congressional Black Caucus, I ask for your support for the Congressional Black Caucus budget. I thank the gentlelady from Michigan for her leadership on this budget and particularly her leadership in the Congressional Black Caucus.

Mr. RYAN of Wisconsin. Madam Chair, I will address the House for the remainder of my time from the well.

The Acting CHAIRMAN. The gentleman is recognized for 5½ minutes.

Mr. RYAN of Wisconsin. Madam Chair, I wish to compliment the Congressional Black Caucus with their budget today because they are bringing a serious budget to the floor. They are bringing a budget that does achieve balance. They are bringing a budget that reflects their philosophies and their policies, and that is important. I commend the Black Caucus under the leadership of Ms. KILPATRICK for that.

This is what we do. We come to the floor with our budgets to encapsulate our priorities and what are the visions we have for the future of our country.

This budget does raise taxes. You simply can't get around the fact that it calls for $711.9 billion in additional tax revenues over the next 5 years to make the budget balance. But that is fine.

I wish to talk, at this time, about the underlying Democrat budget. And let me just quote from The Washington Post this morning. The article in The Washington Post this morning, in talking about the Democrat budget says: "And while the House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of these tax cuts expire on schedule in 2010."

Now, we understand that people say, on the other side of the aisle, they don't want to raise taxes. I hear those words. I even hear that they say they have these sort of mythical reserve funds, which is really nothing more than a wish list.

So we had all these votes in the Budget Committee. We said, okay, if you really don't want to raise these taxes, then let's put it into the budget. Let's make it clear. Let's put it into the numbers of the budget so that we clearly can tell the American people we are not going to raise your taxes.

So we had a whole series of votes in the Budget Committee to amend the budget to make sure taxes weren't being raised. We had an amendment to make sure that we didn't increase marginal tax rates. We had an amendment to make sure we didn't eliminate the $1,000 per-child tax credit. We had an amendment to make sure we didn't eliminate marriage tax penalty relief. We had an amendment to make sure we didn't eliminate the capital gains and dividends tax relief. We had an amendment to make sure we didn't eliminate the State and local sales tax relief which applies to States like Texas and Tennessee and Florida. We had an amendment to make sure we didn't bring back the death tax. Amendment after amendment after amendment, which would have made this clear and simple that we weren't going to raise taxes was defeated, every single one of them, by party-line votes. The Democrats defeated every single amendment in attempts to stop these tax increases from coming into this budget.

Now, let's take a look at what kind of tax increases we are talking about. The Democrat budget only reaches balance because of this. This is how their budget achieves balance.

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They have $32.5 billion in higher taxes coming from higher tax rates on dividends and capital gains. They have $40 billion in higher revenues because they cut in half the per child tax credit. They bring back the marriage tax penalty, which makes people pay taxes simply because they are married. They get $91 billion in extra tax revenues by bringing the death tax back in full force, and they gain another $78 billion by taking away the lower 10 percent bracket for low-income Americans. They bring into the government an extra $104 billion by raising all other marginal tax rates, and that is also the tax rate that small businesses pay.

So small businesses, which are the engine of economic growth of America, and most jobs come from small businesses, under their plan small businesses will pay a tax rate at about 40 percent, when we are going to actually be giving a tax rate to the largest companies in America, IBM, Exxon, Microsoft, at 35 percent.

This is how their budget balances: Raise taxes on businesses, raise taxes on small businesses, raise taxes on investment in seniors' pension funds, raise taxes on people with children, raise taxes on people who get married, raise taxes on people who die, and raise taxes on low-income Americans. That is the only way, the only reason, the only ability that the Democrat budgets actually achieve balance.

We can do better, Madam Chairman, and the reason we can do better is because we have to attack out-of-control spending.

Washington does not have a revenue problem, Madam Chairman. Money is coming in as fast as it ever has. Money is going out too fast. Both parties are to blame for this. I am not going to be here and sanctimoniously say that our party has been wonderful on spending. No, we have not. What I am saying is we have to agree spending is out of control. That is the problem. Let's control spending.

The budget we are bringing to the floor later on does just that. We give the tools to get rid of pork. We give the tools to let the American people see exactly how their tax dollars are being spent. We bring more accountability and transparency to the Federal budget process. We reform our entitlement programs so we can extend their solvency, so we can make sure that people can better count on Medicare and Medicaid. These are the things that we have got to do so we don't crank up our debt, raise our taxes, and put a huge burden on our children and grandchildren.

Ms. GORRINE BROWN of Florida. Madam Chairman, I rise in support of the Congressional Black Caucus Alternative Budget offered today. The CBC budget will change a 6 year Republican policy that I call Reverse Robin Hood, stealing from the poor to give to the rich.

You might ask why the Democratic Budget, which I support, needs improvement. The Democratic Budget needs improvement because when America has a cold, African-Americans have pneumonia. The CBC budget reverses the deep cuts that have been made in the programs that serve the neediest Americans.

Over a 5 year period, compared to the President's budget the CBC spends: $158 billion more on education, training, employment and social services; $101 billion more on healthcare; $19 billion more on community and regional development; $42 billion more on veterans benefits and services; $12 billion more on administration of justice; $21 billion more on homeland security; and $5.8 billion more on international affairs.

Even after funding these priorities, the CBC alternative budget still manages to balance the budget in Fiscal Year 2012 and in fact, creates a surplus of $141 billion.

As an African American woman who represents one of the poorest districts in the state of Florida, I am proud to say that the Congressional Black Caucus's Budget demonstrates that fiscal responsibility and spending on programs that are important to the African-American people are not mutually exclusive. I encourage all my colleagues to support the CBC Budget.

Mr. DAVIS of Illinois. Madam Speaker, I rise in strong support of the CBC budget and feel extremely proud to do so. This budget raises revenue by rescinding the tax cuts for the top two income tax rates. It rescinds the capital gains and divided tax cuts, eliminates the phase out and repeal of PEP (personal exemption phase out) and PEASE, (which makes more wealthy income subject to taxation). It eliminates corporate tax incentives for offshoring jobs, closes corporate tax loopholes, abusive tax shelters and methods of tax avoidance and closes the tax gap. The CBC budget is balanced in FY12 and in fact creates a surplus of $141 billion dollars.

The CBC Budget provides adequate resources to deal with the shortage of nurses in this country by providing training resources, it protects Hospital Graduate Medical Education and increases funding for the National Family Caregivers Support Services Program by $8 million dollars. The CBC budget shifts some of the resource allocation from the military industrial complex, to domestic spending to deal more appropriately and realistically with domestic needs. It is a rational, logical commonsense budget which prioritizes peace and economic development rather than war and military action.

The Acting CHAIRMAN (Mrs. TAUSCHER). All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from Michigan (Ms. KILPATRICK).

The question was taken; and the Acting Chairman announced that the ayes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Madam Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 115, noes 312, not voting 11, as follows:

[Roll No. 209]

AYES—115

Andrews
Baca
Baldwin
Becerra
Berman
Bishop (GA)
Blumenauer
Brady (PA)
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Castor
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Crowley
Cummings
Davis (AL)
Davis (IL)
DeFazio
Delahunt
Dingell
Doyle
Ellison
Engel
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Harman
Hastings (FL)
Higgins
Hinchey
Hirono
Holt
Honda
Hoyer
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kaptur
Kennedy
Kildee
Kilpatrick
Langevin
Lee
Lewis (GA)
Loebsack
Lofgren, Zoe
Lowey
Lynch
Markey
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meek (FL)
Meeks (NY)
Miller (NC)
Moore (WI)
Moran (VA)
Napolitano
Neal (MA)
Norton
Oberstar
Obey
Olver
Pallone
Pascrell
Pastor
Payne
Price (NC)
Rangel
Rodriguez
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Sánchez, Linda T.
Sarbanes
Schakowsky
Scott (GA)
Scott (VA)
Serrano
Sherman
Sires
Solis
Stark
Thompson (MS)
Tierney
Towns
Udall (CO)
Van Hollen
Velázquez
Wasserman Schultz
Waters
Watson
Wexler
Woolsey
Wu
Wynn

NOES—312

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Arcuri
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berry
Biggert
Bilbray
Bilirakis
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Cardoza
Carnahan
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Cubin
Cuellar
Culberson
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Hill
Hinojosa
Hodes
Hoekstra
Holden
Hooley
Hulshof
Hunter
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (CA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Neugebauer
Nunes
Ortiz
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Royce
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Saxton
Schiff
Schmidt
Schwartz
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Shimkus
Shuler
Shuster
Simpson
Skelton
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (NM)
Upton
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—11

Davis, Jo Ann
Faleomavaega
Hobson
Kanjorski
Lampson
McCrery
Millender-McDonald
Murtha
Slaughter
Visclosky
Watt

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised 2 minutes remain in this vote.

☐ 1129

Messrs. ALTMIRE, PETRI, YOUNG of Alaska, STUPAK and CUELLAR and Mrs. GILLIBRAND changed their vote from "aye" to "no."

Messrs. RODRIGUEZ, BECERRA, RUSH, SERRANO, HINCHEY, CROWLEY and ROTHMAN changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated for:

Ms. SLAUGHTER. Madam Chairman, on rollcall No. 209, had I been present, I would have voted "aye."

☐ 1130

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIRMAN. It is now in order to consider amendment No. 2 printed in House Report 110–79, which is debatable for 40 minutes.

Ms. WOOLSEY. Madam Chairman, I have an amendment made in order by the rule.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 2 offered by Ms. WOOLSEY:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

The Congress declares that the concurrent resolution on the budget for fiscal year 2008 is hereby established and that the appropriate budgetary levels for fiscal years 2009 through 2017 are set forth.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2017:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $2,150,937,000,000.
Fiscal year 2009: $2,222,766,000,000.
Fiscal year 2010: $2,310,761,000,000.
Fiscal year 2011: $2,540,991,000,000.
Fiscal year 2012: $2,644,436,000,000.
Fiscal year 2013: $2,734,699,000,000.
Fiscal year 2014: $2,865,665,000,000.
Fiscal year 2015: $3,006,549,000,000.
Fiscal year 2016: $3,156,674,000,000.
Fiscal year 2017: $3,317,482,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be increased are as follows:

Fiscal year 2008: $100,140,000,000.
Fiscal year 2009: $115,840,000,000.
Fiscal year 2010: $147,040,000,000.
Fiscal year 2011: $146,440,000,000.
Fiscal year 2012: $47,340,000,000.
Fiscal year 2013: $27,640,000,000.
Fiscal year 2014: $27,440,000,000.
Fiscal year 2015: $27,140,000,000.

Fiscal year 2016: $27,140,000,000
Fiscal year 2017: $27,140,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,353,935,000,000.
Fiscal year 2009: $2,442,610,000,000.
Fiscal year 2010: $2,535,026,000,000.
Fiscal year 2011: $2,652,452,000,000.
Fiscal year 2012: $2,717,674,000,000.
Fiscal year 2013: $2,828,667,000,000.
Fiscal year 2014: $2,937,865,000,000.
Fiscal year 2015: $3,055,071,000,000.
Fiscal year 2016: $3,217,325,000,000.
Fiscal year 2017: $3,322,445,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,402,616,000,000.
Fiscal year 2009: $2,465,058,000,000.
Fiscal year 2010: $2,538,061,000,000.
Fiscal year 2011: $2,646,858,000,000.
Fiscal year 2012: $2,697,966,000,000.
Fiscal year 2013: $2,810,051,000,000.
Fiscal year 2014: $2,918,322,000,000.
Fiscal year 2015: $3,034,657,000,000.
Fiscal year 2016: $3,202,993,000,000.
Fiscal year 2017: $3,303,257,000,000.

(4) DEFICITS OR SURPLUSES (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $ – 251,678,000,000.
Fiscal year 2009: $ – 242,291,000,000.
Fiscal year 2010: $ – 227,299,000,000.
Fiscal year 2011: $ – 105,868,000,000.
Fiscal year 2012: $ – 53,530,000,000.
Fiscal year 2013: $ – 75,352,000,000.
Fiscal year 2014: $ – 52,656,000,000.
Fiscal year 2015: $ – 28,107,000,000.
Fiscal year 2016: $ – 46,320,000,000.
Fiscal year 2017: $14,224,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,295,000,000,000.
Fiscal year 2009: $9,654,000,000,000.
Fiscal year 2010: $10,000,000,000,000.
Fiscal year 2011: $10,219,000,000,000.
Fiscal year 2012: $10,399,000,000,000.
Fiscal year 2013: $10,599,000,000,000.
Fiscal year 2014: $10,778,000,000,000.
Fiscal year 2015: $10,934,000,000,000.
Fiscal year 2016: $11,102,000,000,000.
Fiscal year 2017: $11,209,000,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,104,000,000,000.
Fiscal year 2009: $5,142,000,000,000.
Fiscal year 2010: $5,152,000,000,000.
Fiscal year 2011: $5,023,000,000,000.
Fiscal year 2012: $4,831,000,000,000.
Fiscal year 2013: $4,653,000,000,000.
Fiscal year 2014: $4,448,000,000,000.
Fiscal year 2015: $4,215,000,000,000.
Fiscal year 2016: $4,000,000,000,000.
Fiscal year 2017: $3,727,000,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2017 for each major functional category are:

(1) National Defense (050):
Fiscal year 2008:
(A) New budget authority, $398,744,000,000.
(B) Outlays, $493,286,000,000.
Fiscal year 2009:
(A) New budget authority, $409,871,000,000.
(B) Outlays, $446,218,000,000.
Fiscal year 2010:
(A) New budget authority, $421,524,000,000.
(B) Outlays, $430,322,000,000.
Fiscal year 2011:
(A) New budget authority, $433,189,000,000.
(B) Outlays, $435,605,000,000.
Fiscal year 2012:
(A) New budget authority, $445,237,000,000.
(B) Outlays, $435,975,000,000.
Fiscal year 2013:
(A) New budget authority, $457,936,000,000.
(B) Outlays, $451,495,000,000.
Fiscal year 2014:
(A) New budget authority, $470,915,000,000.
(B) Outlays, $464,070,000,000.
Fiscal year 2015:
(A) New budget authority, $484,527,000,000.
(B) Outlays, $477,291,000,000.
Fiscal year 2016:
(A) New budget authority, $497,989,000,000.
(B) Outlays, $495,508,000,000.
Fiscal year 2017:
(A) New budget authority, $512,131,000,000.
(B) Outlays, $504,943,000,000.

(2) International Affairs (150):
Fiscal year 2008:
(A) New budget authority, $53,558,000,000.
(B) Outlays, $45,562,000,000.
Fiscal year 2009:
(A) New budget authority, $54,617,000,000.
(B) Outlays, $49,046,000,000.
Fiscal year 2010:
(A) New budget authority, $55,138,000,000.
(B) Outlays, $50,298,000,000.
Fiscal year 2011:
(A) New budget authority, $55,936,000,000.
(B) Outlays, $51,663,000,000.
Fiscal year 2012:
(A) New budget authority, $56,714,000,000.
(B) Outlays, $53,721,000,000.
Fiscal year 2013:
(A) New budget authority, $57,548,000,000.
(B) Outlays, $54,368,000,000.
Fiscal year 2014:
(A) New budget authority, $58,435,000,000.
(B) Outlays, $55,018,000,000.
Fiscal year 2015:
(A) New budget authority, $59,261,000,000.
(B) Outlays, $55,822,000,000.
Fiscal year 2016:
(A) New budget authority, $60,033,000,000.
(B) Outlays, $56,603,000,000.
Fiscal year 2017:
(A) New budget authority, $60,898,000,000.
(B) Outlays, $57,403,000,000.

(3) General Science, Space, and Technology (250):
Fiscal year 2008:
(A) New budget authority, $25,619,000,000.
(B) Outlays, $25,449,000,000.
Fiscal year 2009:
(A) New budget authority, $26,126,000,000.
(B) Outlays, $26,764,000,000.
Fiscal year 2010:
(A) New budget authority, $26,656,000,000.
(B) Outlays, $26,764,000,000.
Fiscal year 2011:
(A) New budget authority, $27,192,000,000.
(B) Outlays, $26,669,000,000.
Fiscal year 2012:
(A) New budget authority, $27,732,000,000.
(B) Outlays, $27,182,000,000.
Fiscal year 2013:
(A) New budget authority, $28,298,000,000.
(B) Outlays, $27,731,000,000.
Fiscal year 2014:
(A) New budget authority, $28,868,000,000.
(B) Outlays, $28,291,000,000.
Fiscal year 2015:
(A) New budget authority, $29,468,000,000.
(B) Outlays, $28,871,000,000.
Fiscal year 2016:
(A) New budget authority, $30,047,000,000.
(B) Outlays, $29,453,000,000.
Fiscal year 2017:
(A) New budget authority, $30,654,000,000.
(B) Outlays, $30,045,000,000.

(4) Energy (270):
Fiscal year 2008:
(A) New budget authority, $32,126,000,000.
(B) Outlays, $12,764,000,000.
Fiscal year 2009:
(A) New budget authority, $31,937,000,000.
(B) Outlays, $24,691,000,000.
Fiscal year 2010:
(A) New budget authority, $32,022,000,000.
(B) Outlays, $29,250,000,000.
Fiscal year 2011:
(A) New budget authority, $32,114,000,000.
(B) Outlays, $30,583,000,000.
Fiscal year 2012:
(A) New budget authority, $32,193,000,000.
(B) Outlays, $30,883,000,000.
Fiscal year 2013:
(A) New budget authority, $32,288,000,000.
(B) Outlays, $30,858,000,000.
Fiscal year 2014:
(A) New budget authority, $32,381,000,000.
(B) Outlays, $31,182,000,000.
Fiscal year 2015:
(A) New budget authority, $32,479,000,000.
(B) Outlays, $31,417,000,000.
Fiscal year 2016:
(A) New budget authority, $32,573,000,000.
(B) Outlays, $31,532,000,000.
Fiscal year 2017:
(A) New budget authority, $32,679,000,000.
(B) Outlays, $31,649,000,000.

(5) Natural Resources and Environment (300):
Fiscal year 2008:
(A) New budget authority, $32,713,000,000.
(B) Outlays, $35,681,000,000.
Fiscal year 2009:
(A) New budget authority, $33,429,000,000.
(B) Outlays, $35,798,000,000.
Fiscal year 2010:
(A) New budget authority, $34,383,000,000.
(B) Outlays, $35,769,000,000.
Fiscal year 2011:
(A) New budget authority, $35,052,000,000.
(B) Outlays, $35,963,000,000.
Fiscal year 2012:
(A) New budget authority, $36,094,000,000.
(B) Outlays, $36,443,000,000.
Fiscal year 2013:
(A) New budget authority, $37,066,000,000.
(B) Outlays, $37,441,000,000.
Fiscal year 2014:
(A) New budget authority, $38,147,000,000.
(B) Outlays, $38,536,000,000.
Fiscal year 2015:
(A) New budget authority, $38,843,000,000.
(B) Outlays, $39,189,000,000.
Fiscal year 2016:
(A) New budget authority, $41,159,000,000.
(B) Outlays, $41,481,000,000.
Fiscal year 2017:
(A) New budget authority, $43,384,000,000.
(B) Outlays, $43,664,000,000.

(6) Agriculture (350):
Fiscal year 2008:
(A) New budget authority, $20,481,000,000.
(B) Outlays, $22,047,000,000.
Fiscal year 2009:
(A) New budget authority, $21,033,000,000.
(B) Outlays, $20,146,000,000.
Fiscal year 2010:
(A) New budget authority, $21,238,000,000.
(B) Outlays, $20,207,000.
Fiscal year 2011:
(A) New budget authority, $21,256,000,000.
(B) Outlays, $20,534,000,000.
Fiscal year 2012:
(A) New budget authority, $21,502,000,000.
(B) Outlays, $20,963,000,000.
Fiscal year 2013:
(A) New budget authority, $21,843,000,000.
(B) Outlays, $21,341,000,000.

Fiscal year 2014:

(A) New budget authority, $22,323,000,000.

(B) Outlays, $21,813,000,000.

Fiscal year 2015:

(A) New budget authority, $21,855,000,000.

(B) Outlays, $21,376,000,000.

Fiscal year 2016:

(A) New budget authority, $22,478,000,000.

(B) Outlays, $21,959,000,000.

Fiscal year 2017:

(A) New budget authority, $23,072,000,000.

(B) Outlays, $22,478,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $8,847,000,000.

(B) Outlays, $1,836,000,000.

Fiscal year 2009:

(A) New budget authority, $8,652,000,000.

(B) Outlays, $189,000,000.

Fiscal year 2010:

(A) New budget authority, $8,616,000,000.

(B) Outlays, $222,000,000.

Fiscal year 2011:

(A) New budget authority, $8,641,000,000.

(B) Outlays, $22,000,000.

Fiscal year 2012:

(A) New budget authority, $8,822,000,000.

(B) Outlays, $557,000,000.

Fiscal year 2013:

(A) New budget authority, $8,952,000,000.

(B) Outlays, $563,000,000.

Fiscal year 2014:

(A) New budget authority, $9,002,000,000.

(B) Outlays, $358,000,000.

Fiscal year 2015:

(A) New budget authority, $9,226,000,000.

(B) Outlays, $264,000,000.

Fiscal year 2016:

(A) New budget authority, $9,271,000,000.

(B) Outlays, $26,000,000.

Fiscal year 2017:

(A) New budget authority, $14,397,000,000.

(B) Outlays, $5,090,000,000.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $92,701,000,000.

(B) Outlays, $85,871,000,000.

Fiscal year 2009:

(A) New budget authority, $84,918,000,000.

(B) Outlays, $91,260,000,000.

Fiscal year 2010:

(A) New budget authority, $85,736,000,000.

(B) Outlays, $93,558,000,000.

Fiscal year 2011:

(A) New budget authority, $86,664,000,000.

(B) Outlays, $94,170,000,000.

Fiscal year 2012:

(A) New budget authority, $87,544,000,000.

(B) Outlays, $95,773,000,000.

Fiscal year 2013:

(A) New budget authority, $88,465,000,000.

(B) Outlays, $97,245,000,000.

Fiscal year 2014:

(A) New budget authority, $89,401,000,000.

(B) Outlays, $99,052,000,000.

Fiscal year 2015:

(A) New budget authority, $90,400,000,000.

(B) Outlays, $101,080,000,000.

Fiscal year 2016:

(A) New budget authority, $91,406,000,000.

(B) Outlays, $103,132,000,000.

Fiscal year 2017:

(A) New budget authority, $92,440,000,000.

(B) Outlays, $105,218,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $18,792,000,000.

(B) Outlays, $23,590,000,000.

Fiscal year 2009:

(A) New budget authority, $17,755,000,000.

(B) Outlays, $23,471,000,000.

Fiscal year 2010:

(A) New budget authority, $18,028,000,000.

(B) Outlays, $23,599,000,000.

Fiscal year 2011:

(A) New budget authority, $18,300,000,000.

(B) Outlays, $22,218,000,000.

Fiscal year 2012:

(A) New budget authority, $18,571,000,000.

(B) Outlays, $19,455,000,000.

Fiscal year 2013:

(A) New budget authority, $18,854,000,000.

(B) Outlays, $18,519,000,000.

Fiscal year 2014:

(A) New budget authority, $19,141,000,000.

(B) Outlays, $18,344,000,000.

Fiscal year 2015:

(A) New budget authority, $19,441,000,000.

(B) Outlays, $18,626,000,000.

Fiscal year 2016:

(A) New budget authority, $19,730,000,000.

(B) Outlays, $18,927,000,000.

Fiscal year 2017:

(A) New budget authority, $20,029,000,000.

(B) Outlays, $19,230,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $114,824,000,000.

(B) Outlays, $102,279,000,000.

Fiscal year 2009:

(A) New budget authority, $118,436,000,000.

(B) Outlays, $112,310,000,000.

Fiscal year 2010:

(A) New budget authority, $122,096,000,000.

(B) Outlays, $117,654,000,000.

Fiscal year 2011:

(A) New budget authority, $124,407,000,000.

(B) Outlays, $121,544,000,000.

Fiscal year 2012:

(A) New budget authority, $127,025,000,000.

(B) Outlays, $123,668,000,000.

Fiscal year 2013:

(A) New budget authority, $129,926,000,000.

(B) Outlays, $126,517,000,000.

Fiscal year 2014:

(A) New budget authority, $133,423,000,000.

(B) Outlays, $129,974,000,000.

Fiscal year 2015:

(A) New budget authority, $137,070,000,000.

(B) Outlays, $133,574,000,000.

Fiscal year 2016:

(A) New budget authority, $140,884,000,000.

(B) Outlays, $137,381,000,000.

Fiscal year 2017:

(A) New budget authority, $144,874,000,000.

(B) Outlays, $141,298,000,000.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $310,767,000,000.

(B) Outlays, $305,039,000,000.

Fiscal year 2009:

(A) New budget authority, $331,814,000,000.

(B) Outlays, $328,766,000,000.

Fiscal year 2010:

(A) New budget authority, $349,838,000,000.

(B) Outlays, $349,457,000,000.

Fiscal year 2011:

(A) New budget authority, $311,549,000,000.

(B) Outlays, $370,401,000,000.

Fiscal year 2012:

(A) New budget authority, $394,682,000,000.

(B) Outlays, $393,687,000,000.

Fiscal year 2013:

(A) New budget authority, $405,069,000,000.

(B) Outlays, $403,648,000,000.

Fiscal year 2014:

(A) New budget authority, $432,515,000,000.

(B) Outlays, $430,676,000,000.

Fiscal year 2015:

(A) New budget authority, $462,190,000,000.

(B) Outlays, $459,904,000,000.

Fiscal year 2016:

(A) New budget authority, $494,433,000,000.

(B) Outlays, $491,703,000,000.

Fiscal year 2017:

(A) New budget authority, $534,065,000,000.

(B) Outlays, $531,073,000,000.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $389,566,000,000.

(B) Outlays, $389,685,000,000.

Fiscal year 2009:

(A) New budget authority, $416,710,000,000.

(B) Outlays, $416,364,000,000.

Fiscal year 2010:

(A) New budget authority, $442,347,000,000.

(B) Outlays, $442,569,000,000.

Fiscal year 2011:

(A) New budget authority, $489,077,000,000.

(B) Outlays, $489,087,000,000.

Fiscal year 2012:

(A) New budget authority, $486,804,000,000.

(B) Outlays, $486,417,000,000.

Fiscal year 2013:

(A) New budget authority, $540,509,000,000.

(B) Outlays, $540,743,000,000.

Fiscal year 2014:

(A) New budget authority, $578,438,000,000.

(B) Outlays, $578,437,000,000.

Fiscal year 2015:

(A) New budget authority, $621,256,000,000.

(B) Outlays, $620,761,000,000.

Fiscal year 2016:

(A) New budget authority, $697,785,000,000.

(B) Outlays, $698,014,000,000.

Fiscal year 2017:

(A) New budget authority, $729,187,000,000.

(B) Outlays, $729,166,000,000.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $384,578,000,000.

(B) Outlays, $388,437,000,000.

Fiscal year 2009:

(A) New budget authority, $397,573,000,000.

(B) Outlays, $399,481,000,000.

Fiscal year 2010:

(A) New budget authority, $408,429,000,000.

(B) Outlays, $409,273,000,000.

Fiscal year 2011:

(A) New budget authority, $424,216,000,000.

(B) Outlays, $424,074,000,000.

Fiscal year 2012:

(A) New budget authority, $410,474,000,000.

(B) Outlays, $409,717,000,000.

Fiscal year 2013:

(A) New budget authority, $426,369,000,000.

(B) Outlays, $425,129,000,000.

Fiscal year 2014:

(A) New budget authority, $438,065,000,000.

(B) Outlays, $436,839,000,000.

Fiscal year 2015:

(A) New budget authority, $449,761,000,000.

(B) Outlays, $448,287,000,000.

Fiscal year 2016:

(A) New budget authority, $466,647,000,000.

(B) Outlays, $465,168,000,000.

Fiscal year 2017:

(A) New budget authority, $473,677,000,000.

(B) Outlays, $471,998,000,000.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

Fiscal year 2013:

(A) New budget authority, $32,656,000,000.

(B) Outlays, $32,656,000,000.

Fiscal year 2014:

(A) New budget authority, $35,652,000,000.

(B) Outlays, $35,652,000,000.
Fiscal year 2015:
(A) New budget authority, $38,900,000,000.
(B) Outlays, $38,900,000,000.
Fiscal year 2016:
(A) New budget authority, $42,535,000,000.
(B) Outlays, $42,535,000,000.
Fiscal year 2017:
(A) New budget authority, $46,483,000,000.
(B) Outlays, $46,483,000,000.
(15) Veterans Benefits and Services (700):
Fiscal year 2008:
(A) New budget authority, $90,207,000,000.
(B) Outlays, $90,887,000,000.
Fiscal year 2009:
(A) New budget authority, $91,641,000,000.
(B) Outlays, $91,619,000,000.
Fiscal year 2010:
(A) New budget authority, $93,063,000,000.
(B) Outlays, $93,024,000,000.
Fiscal year 2011:
(A) New budget authority, $97,416,000,000.
(B) Outlays, $97,409,000,000.
Fiscal year 2012:
(A) New budget authority, $128,472,000,000.
(B) Outlays, $128,297,000,000.
Fiscal year 2013:
(A) New budget authority, $132,946,000,000.
(B) Outlays, $132,770,000,000.
Fiscal year 2014:
(A) New budget authority, $134,557,000,000.
(B) Outlays, $134,405,000,000.
Fiscal year 2015:
(A) New budget authority, $136,261,000,000.
(B) Outlays, $136,087,000,000.
Fiscal year 2016:
(A) New budget authority, $141,593,000,000.
(B) Outlays, $141,562,000,000.
Fiscal year 2017:
(A) New budget authority, $140,005,000,000.
(B) Outlays, $140,030,000,000.
(16) Administration of Justice (750):
Fiscal year 2008:
(A) New budget authority, $46,220,000,000.
(B) Outlays, $46,091,000,000.
Fiscal year 2009:
(A) New budget authority, $45,797,000,000.
(B) Outlays, $47,024,000,000.
Fiscal year 2010:
(A) New budget authority, $46,968,000,000.
(B) Outlays, $47,258,000,000.
Fiscal year 2011:
(A) New budget authority, $48,179,000,000.
(B) Outlays, $47,941,000,000.
Fiscal year 2012:
(A) New budget authority, $49,410,000,000.
(B) Outlays, $48,998,000,000.
Fiscal year 2013:
(A) New budget authority, $50,659,000,000.
(B) Outlays, $50,142,000,000.
Fiscal year 2014:
(A) New budget authority, $51,959,000,000.
(B) Outlays, $51,440,000,000.
Fiscal year 2015:
(A) New budget authority, $56,434,000,000.
(B) Outlays, $55,893,000,000.
Fiscal year 2016:
(A) New budget authority, $58,153,000,000.
(B) Outlays, $57,619,000,000.
Fiscal year 2017:
(A) New budget authority, $59,826,000,000.
(B) Outlays, $59,276,000,000.
(17) General Government (800):
Fiscal year 2008:
(A) New budget authority, $19,126,000,000.
(B) Outlays, $19,058,000,000.
Fiscal year 2009:
(A) New budget authority, $19,776,000,000.
(B) Outlays, $19,752,000,000.
Fiscal year 2010:
(A) New budget authority, $20,398,000,000.
(B) Outlays, $20,292,000,000.
Fiscal year 2011:
(A) New budget authority, $21,159,000,000.
(B) Outlays, $20,890,000,000.
Fiscal year 2012:
(A) New budget authority, $21,871,000,000.
(B) Outlays, $21,706,000,000.
Fiscal year 2013:
(A) New budget authority, $22,578,000,000.
(B) Outlays, $22,177,000,000.
Fiscal year 2014:
(A) New budget authority, $23,299,000,000.
(B) Outlays, $22,888,000,000.
Fiscal year 2015:
(A) New budget authority, $23,885,000,000.
(B) Outlays, $23,498,000,000.
Fiscal year 2016:
(A) New budget authority, $24,638,000,000.
(B) Outlays, $24,418,000,000.
Fiscal year 2017:
(A) New budget authority, $25,415,000,000.
(B) Outlays, $24,984,000,000.
(18) Net Interest (900):
Fiscal year 2008:
(A) New budget authority, $365,581,000,000.
(B) Outlays, $365,581,000,000.
Fiscal year 2009:
(A) New budget authority, $376,713,000,000.
(B) Outlays, $376,713,000,000.
Fiscal year 2010:
(A) New budget authority, $390,894,000,000.
(B) Outlays, $390,894,000,000.
Fiscal year 2011:
(A) New budget authority, $399,750,000,000.
(B) Outlays, $399,750,000,000.
Fiscal year 2012:
(A) New budget authority, $405,529,000,000.
(B) Outlays, $405,529,000,000.
Fiscal year 2013:
(A) New budget authority, $411,266,000,000.
(B) Outlays, $411,266,000,000.
Fiscal year 2014:
(A) New budget authority, $418,293,000,000.
(B) Outlays, $418,293,000,000.
Fiscal year 2015:
(A) New budget authority, $424,021,000,000.
(B) Outlays, $424,021,000,000.
Fiscal year 2016:
(A) New budget authority, $429,637,000,000.
(B) Outlays, $429,637,000,000.
Fiscal year 2017:
(A) New budget authority, $432,297,000,000.
(B) Outlays, $432,297,000,000.
(19) Allowances (920):
Fiscal year 2008:
(A) New budget authority, $820,000,000.
(B) Outlays, $808,000,000.
Fiscal year 2009:
(A) New budget authority, $854,000,000.
(B) Outlays, $852,000,000.
Fiscal year 2010:
(A) New budget authority, $884,000,000.
(B) Outlays, $883,000,000.
Fiscal year 2011:
(A) New budget authority, $921,000,000.
(B) Outlays, $921,000,000.
Fiscal year 2012:
(A) New budget authority, $957,000,000.
(B) Outlays, $957,000,000.
Fiscal year 2013:
(A) New budget authority, $996,000,000.
(B) Outlays, $996,000,000.
Fiscal year 2014:
(A) New budget authority, $1,033,000,000.
(B) Outlays, $1,033,000,000.
Fiscal year 2015:
(A) New budget authority, $1,075,000,000.
(B) Outlays, $1,075,000,000.
Fiscal year 2016:
(A) New budget authority, $1,115,000,000.
(B) Outlays, $1,115,000,000.
Fiscal year 2017:
(A) New budget authority, $1,160,000,000.
(B) Outlays, $1,160,000,000.
(20) Undistributed Offsetting Receipts (950):
Fiscal year 2008:
(A) New budget authority, $-70,979,000,000.
(B) Outlays, $-70,979,000,000.
Fiscal year 2009:
(A) New budget authority, $-66,560,000,000.
(B) Outlays, $-66,569,000,000.
Fiscal year 2010:
(A) New budget authority, $-66,933,000,000.
(B) Outlays, $-66,933,000,000.
Fiscal year 2011:
(A) New budget authority, $-69,575,000,000.
(B) Outlays, $-69,595,000,000.
Fiscal year 2012:
(A) New budget authority, $71,857,000,000.
(B) Outlays, $-71,860,000,000.
Fiscal year 2013:
(A) New budget authority, $-75,557,000,000.
(B) Outlays, $-75,555,000,000.
Fiscal year 2014:
(A) New budget authority, $-77,982,000,000.
(B) Outlays, $-77,979,000,000.
Fiscal year 2015:
(A) New budget authority, $-81,282,000,000.
(B) Outlays, $-81,279,000,000.
Fiscal year 2016:
(A) New budget authority, $-84,781,000,000.
(B) Outlays, $-84,780,000,000.
Fiscal year 2017:
(A) New budget authority, $-94,228,000,000.
(B) Outlays, $-94,228,000,000.

The Acting CHAIRMAN. The gentlewoman from California (Ms. WOOLSEY) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

Ms. WOOLSEY. Madam Chairman, I yield myself such time as I may consume.

It is really important that Americans hear every side of the budget argument. That is why I am proud to rise today to bring before the House the Congressional Progressive peace and security budget alternative.

The peace and security budget balances by the year 2010, which is 2 years ahead of the Democratic budget, 2 years ahead of the Republican substitute, and light years ahead of the administration's budget, a budget that doesn't balance anywhere in a 10-year horizon.

This chart, Madam Chairman, shows the Progressive budget, it shows the Congressional House budget, and it shows the President's budget. Very clear, indeed. This is about domestic spending, and we will get to that later.

Now, let's look at exactly what happens when we meet our deficit and when we go into balance.

This is the Progressive budget. This is the President's budget. Here we are. Here he is. We are light years ahead of the President's budget, and 2 years ahead of the Democratic budget.

The peace and security budget cuts defense spending by $108 billion below the President's budget, all the while keeping America safe. Actually, the Congressional Progressive Caucus budget spends $395 billion on defense. That is a lot of money. At the same time, the CPC alternative increases domestic discretionary spending to $483 billion, and this is this chart. Our spending is $89 billion over the President, $58 billion over the Democrats.

and if you can believe this, it is $33 billion more than the social justice groups have been asking for.

So here you are. We have the President's budget spending on domestic funding, we have the Democrats, and we have the Progressive Caucus.

How do we get there? It's not as hard as you may think. You can vest in domestic programs if you aren't spending precious tax dollars on a misguided occupation of another nation. Because of this, we assume an end to the occupation of Iraq by the end of 2007. This will save us hundreds of billions of dollars in the next year alone.

We also roll back the Bush tax cuts for the top 1 percent of income earners. That's people who make over $1 million a year. And we target waste, fraud and abuse at the Department of Defense, including savings of $60 billion a year by eliminating and reducing Cold War era relics that are still being produced in this country. With these savings, we are able to put money where it is most needed.

The peace and security budget keeps its promise to a strong public education by fully funding No Child Left Behind, title I, which would expand services about $30 billion a year, and it also fully funds our commitment to special education, to IDEA.

Our substitute moves us closer to the promise of a universal health care system by putting $75 billion over 5 years into SCHIP to cover all eligible children.

We support a leaner, smarter and more effective national security program by investing in emphasizing greater diplomacy and less combat. Our budget makes the veterans health care an entitlement, including mental health services.

The progressive budget invests $30 billion a year over 10 years to completely transform our energy policy to ensure that our children and our grandchildren will have clean and renewable energy sources.

And, finally, we increase spending for domestic priorities like HIV/AIDS, section 8 housing, and Community Development Block Grants.

Madam Chairman, it is time we stand up and challenge what is possible in a Federal budget. The alternative prepared and brought here today by the Congressional Progressive Caucus does that and does it boldly. It puts money where we need it, it cuts programs that have for so long been sacred cows, and it says to our country, we want to take your tax dollars and invest them in the people of this Nation.

Madam Chairman, I reserve the balance of my time.

Mr. HENSARLING. Madam Chairman, I rise in opposition to the amendment.

The Acting CHAIRMAN. The gentleman from Texas is recognized for 20 minutes.

Mr. HENSARLING. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, we have three different versions of essentially the same Democrat budget that is being presented today. They are all fiscally irresponsible. They all promote the Federal budget over the family budget. They all compromise the future of our children and grandchildren.

Let me tell you, Madam Chair, what they have in common. Each one would represent the single largest tax increase in the history of the United States of America.

Now this particular chart, Madam Chairman, because I didn't have the numbers available in the Progressive budget, shows what the Democrat Conference budget would do: Almost $400 billion of new taxes on working families; single largest tax increase in America's history. What did the Democrats do last time they were in power, Madam Chair? Well, that was back in 1993. And guess what? They gave us the single largest tax increase in America's history. This particular version of the Democrat budget, see that red there? I would have to have another chart to represent that tax increase because I believe they actually double what the Democrat Conference budget is doing.

And, Madam Chairman, people need to know that every time you are increasing the Federal budget, you are decreasing some family budget. Some hardworking family in America is trying to make ends meet. Many of those families are in my district, the Fifth Congressional District of Texas.

I heard from one of those families recently. I heard from Linda, I will use her first name, in Roulette, Texas. And she writes:

"Dear Congressman, that tax increase would mean the difference of whether my daughter and her husband would be able to purchase a car or not. For my husband and I, it helps us to continue for his radiation treatments for his prostate cancer. It allows us to continue to provide in-home assistance for my elderly parents, one who has Parkinson's and one who has dementia. Please allow us to retain this money for our needs. Please don't allow our government to take additional tax dollars from us. Please allow us to decide how this money will be spent."

Madam Chairman, again, when they take money to fuel the Federal budget, to fuel the Federal bureaucracy, they are taking money away from hardworking families. They need that money for their educational needs, for their health care needs, for their housing needs.

When is it that you ever have enough of the taxpayers' money? Already in Washington we are spending over $23,000 per American household for the first time in American history since World War II. We must protect the family budget from the Federal budget and prevent this single largest tax increase in American history from being imposed on hardworking American families.

Madam Chairman, I reserve the balance of my time.

Ms. WOOLSEY. Madam Chairman, I yield 3½ minutes to the gentlewoman from California, BARBARA LEE, the co-Chair of the Progressive Caucus.

Ms. LEE. Madam Chairman, first, I would like to thank my friend and colleague, our co-Chair of the Progressive Caucus, Congresswoman WOOLSEY, for her leadership on this issue and so many issues that relate to peace and security.

Also to our executive director, Mr. Goold, for all of your hard work and all of our staff. You all have done a phenomenal job in putting this together.

As I said with regard to the Congressional Black Caucus budget, a budget is a moral document. It defines what we as a community, as a Nation, as a society hold as sacred. That is why I am pleased that this Progressive Caucus budget also is a reflection of our values and our priorities.

There are several key elements in this budget I would like to focus on, especially five main items.

First, this budget will save up to $623 billion over the next 10 years by ending the occupation of Iraq and bringing our troops home starting at the end of the year. The costs are simply untenable. CRS estimates that we will have spent over a half trillion dollars by the end of fiscal 08 on this unnecessary occupation of Iraq. This rate of expenditure, not to mention the cost in lives and cost to our international stability and credibility, is simply untenable.

Next, this budget takes steps at reducing our bloated military budget without compromising, actually, in fact, it enhances our national security. It accounts for eliminating obsolete Cold War era weapon systems and saves $600 billion over the next 10 years.

Additionally, this budget would save tens of billions of dollars over the next 10 years by implementing recommendations by the Government Accountability Office, which they have actually made, to eliminate waste, fraud and abuse at the Department of Defense, which our taxpayers should not allow to occur any longer.

This budget increases funding for critical components to help rebuild our communities, including those ravaged by Hurricane Katrina. For example, our budget increases funding to the Community Development Block Grants to $4.1 billion in 2008, whereas the President has repeatedly targeted this program for cuts.

This budget also invests an additional $1.6 billion per year in section 8 housing vouchers to ensure decent and affordable housing for all of those who need housing assistance.

Fourth, this budget contributes to our national security interests by doing more to meet the growing humanitarian needs throughout the world, especially with regard to increasing our contribution to the Global Fund to Fight HIV/AIDS, Tuberculosis and Malaria. We increased this by $100 billion.

Also, let's just say our Nation's security is predicated on a strong and healthy domestic population. It is critically important to adequately fund prevention and treatment of HIV/AIDS in the United States.

The statistics, as it relates to HIV/AIDS here in America, are staggering. According to the Center for Disease Control and Prevention, racial and ethnic minorities represent 71 percent of new AIDS cases and 64 percent of Americans living with HIV/AIDS. African Americans represent 50 percent of new AIDS cases, although only 12 percent of our population. Latinos account for 19 percent of new AIDS cases, although 14 percent of the population.

I urge our colleagues to support this budget. It clearly is a budget that is fiscally responsible and is a moral document.

Mr. HENSARLING. Madam Chairman, at this time, I would like to yield 1 minute to the gentleman from California (Mr. HERGER).

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Mr. HERGER. Madam Chair, I rise in strong opposition to the alternative budget before us now and the Democrat budget. The Democrat majority party seems intent on raising taxes and increasing spending. American families, seniors, and small businesses would all experience major tax hikes. Virtually no American would be spared.

The budget before us ignores the benefits of the tax relief passed since 2001. This tax relief has spurred economic growth and created literally millions of new jobs. Meanwhile, tax revenue to the Federal Treasury is surging, helping to reduce the deficit. Their budget also ignores the out-of-control growth in entitlement spending. This is deeply irresponsible. The tax-tax/spend-spend philosophy supported by my friends across the aisle is bad economics and bad for the American people. Vote "no."

Ms. WOOLSEY. Madam Chair, I yield 2½ minutes to the gentleman from California, the Chair of the Veterans' Committee, BOB FILNER.

Mr. FILNER. I thank the gentlelady, and I thank the leadership of Ms. WOOLSEY and Ms. LEE of the Progressive Caucus.

Madam Chair, I rise this morning as the Chair of the House Veterans' Affairs Committee in proud support of the Progressive Caucus budget.

Other budgets fund the war; this budget funds the warrior. I am going to repeat that: Other budgets fund the war; this budget funds the warrior.

Most of us in the Progressive Caucus are against the war in Iraq, but we are united in our view that when these young men and women come home and all the other young men and women who came home in the past, that they get all the care, the support, the honor, the dignity, the love that a grateful Nation can bestow.

We are united in saying we will honor those who come home. They have done everything we have asked, they have been brave and courageous, they have had incredible wounds both physically and mentally, and we are going to give them the care, love, respect, and honor that they deserve.

This is the only budget before us today that says we will have what is called "mandatory funding" of veterans health care. Mandatory funding means we don't have to wait 5 months like the Republicans did last year when they didn't fund the Veterans Administration for the first 5 months of the fiscal year. Assured funding, mandatory funding, means that they will be funded on the first day of the fiscal year, and they will get automatic funding that doesn't have to go through a political fight.

We have a President that says support the troops, support the troops, support the troops. The speakers on the other side say support the troops, support the troops, support the troops. But when they get home, who is supporting them? Who is supporting these brave young men and women when they come back? We saw what happened at Walter Reed. We saw what happened to Bob Woodruff when he had traumatic brain injury—and those who were less fortunate than he didn't get the treatment they needed. We heard about the young marine who went to a Minnesota hospital saying he had PTSD and was thinking about committing suicide, and they said he was number 28 on the waiting list, come back in a month. He went home and he committed suicide. That is not a Veterans Administration, that is not a country that is welcoming its troops home. It is time that we fund the warrior and not just the war. Vote for the Progressive Caucus budget.

Mr. HENSARLING. Madam Chair, the Republican budget allocates more to veterans than the Democrat Conference budget.

I yield 2 minutes to the gentleman from Florida (Mr. WELDON).

Mr. WELDON of Florida. I thank the gentleman for yielding, and I rise today in opposition to the Progressive Caucus budget.

This debate today could be described as a debate about the good, the bad, and the ugly. A kinder way you could describe it is the responsible, the irresponsible, and the reckless.

We are going to have the House Republican budget brought forward on this floor today, brought forward by our chairman, Mr. RYAN, a responsible budget, a good budget, a budget that comes to balance in 5 years without raising taxes and tries to address the challenge that we face in the category of entitlements.

We have the Democrat leadership budget that is going to be brought forward, a budget that has the biggest tax increase in our Nation's history, and a budget, I might add, that not only includes significant increases in spending, but as well makes no effort to deal with the challenge of entitlements. I will just quote from the chairman of the Federal Reserve, Chairman Bernanke, who said, "Without early and meaningful action to address entitlements, the U.S. economy could be seriously weakened, with future generations bearing much of the cost."

Now, the budget alternative that we have right now in front of us I would describe as the ugly or the reckless or the completely irresponsible, because not only does it include the biggest tax increase in our Nation's history and significant increases in spending; it runs up entitlement spending even further. And the part that I think is the most egregious, it actually calls the effort of our brave women and men fighting in Afghanistan, fighting in Iraq to establish a beacon of liberty in that dark area of the world, it calls that effort the single largest waste of taxpayers' money and the biggest current drain on the U.S. Treasury today.

I urge my colleagues to vote "no" on this alternative budget and vote "yes" on the Republican budget.

Ms. WOOLSEY. Madam Chair, I yield myself such time as I may consume.

I would like to bring to the gentleman from Florida's attention that his budget actually cuts Medicare and Medicaid by $250 billion, taking almost $98 billion out of Energy and Commerce and $154 billion out of Ways and Means.

And then when he speaks about veterans and what our budget does or does not do in supporting veterans, I would like to remind him that the Progressive Caucus budget makes veterans' health care, including mental health, an entitlement. It no longer throws veterans out there to be debated every year, whether they deserve what we know we have promised them and they more than deserve.

At this time I yield 2 minutes to the gentlewoman from California, HILDA SOLIS, a member of the Energy and Commerce Committee and the Environmental and Hazmat Subcommittee.

Ms. SOLIS. I thank the gentlewoman from California and my colleagues of the Progressive Caucus.

Madam Chair, I rise today in support of this budget resolution. And as you know, Members, this budget marks a new direction for our country. It reflects the values of millions of hardworking people across the country. And I am proud that this budget rejects the President's cuts to core public health and environmental programs. These core programs include Superfund programs, land and water conservation funds, drinking water State revolving funds, State and tribal assistance grants, Leaking Underground Storage Tank programs, environmental justice programs, and brownfield programs.

Under the misguided priorities of the Bush administration, funding for these programs at the EPA, if you didn't know this, have been dramatically cut back by 22 percent, and our communities continue to suffer. Under the President's fiscal year 2008 budget, States will have lost over $1 billion in Federal funds since 2004 and may be forced to lay off numerous staff, leave vacancies unfilled, shut down existing air monitors, or otherwise curtail monitoring programs. Regional or contract personnel are making judgments about water safety systems despite not even being qualified. And environmental justice, those programs are on the chopping block right now. Two-thirds of already overburdened cities that are working to create economic opportunities by revitalizing formerly blighted communities in our country known as the brownfields programs have not received sufficient funding.

Our budget, this budget, rejects these cuts by appropriating $31.4 billion for these programs, $2.6 billion over the President's budget. This is a down payment so that we can begin to reinvest in our neighborhoods and communities, and we are doing it without raising taxes for the middle class. I am proud that this budget will help improve health care for all our families, secure education, address global warming issues, and keep our promise to our Nation's veterans. I strongly urge my colleagues to support the health, wellbeing, and economic security of all working families in our country, and I support this budget.

Mr. HENSARLING. Madam Chair, I yield 2 minutes to a coauthor of the American Taxpayer Bill of Rights, the gentlelady from Tennessee (Mrs. BLACKBURN).

Mrs. BLACKBURN. Madam Chair, I thank the gentleman from Texas for yielding.

You know, it is so interesting as we always debate these budgets. It seems that the liberal elites always think they are smarter than everybody else in America, and that they need to have the authority to come down here and decide how our communities are going to spend their money, how families are going to spend their money, because government never gets enough of your money. That is one thing you can count on. They want government to have it all.

Well, let me tell you, I have got a little box in my office on my desk; it is a tax box. And if you don't think you are paying enough, come to 509 Cannon, write out how much you want to give the government, and stick it in there. There is nothing that is stopping you. But the Democrat budget increases taxes on Tennesseans $2,611 a year. The Progressive budget is going to increase it about $6,000 a year. They just can't get enough of the taxpayers' money.

And the fact that they would cut military spending and call it the single largest waste, you know what, Madam Chair, if it were not for the brave men and women in the U.S. military, there would be no need for us because we would not be a free, secure Nation. We are free. We remain free because we are ever vigilant. That is the cost of freedom. And to deny what they need and to say it is a waste, I am very sorry to see that. And at the same time, to increase domestic spending with new programs when our friends across the aisle have repeatedly said they were going to cut it out, they were going to cut programs, they were going to cut spending, that is unfortunate.

Ms. WOOLSEY. Madam Chair, I yield 2 minutes to the gentlewoman from Illinois, JAN SCHAKOWSKY, who is a valued progressive voice in this Congress and a member of the Energy and Commerce Committee and the Global Warming Select Committee.

Ms. SCHAKOWSKY. Madam Chair, budget resolutions give us the opportunity to debate national priorities, the vision that we have not just for the next 5 years, but for our future. And nothing is more important for that future than providing opportunities for our children.

Over the past weeks, many of my constituents have called and written to ask that we reject the President's budget priorities, particularly in the area of children's health. Nine million children are uninsured. Every 46 seconds, a baby is born without health coverage. In the richest country in the history of the world, every day children are forced to go without the medical care that they need. The President's budget doesn't solve this crisis. It doesn't even come close.

The President wants to cut Medicaid, and his budget provides $7 billion less than what is needed just to maintain current caseloads in the State Children's Health Insurance Program. Shortfalls would continue. States would have to put more children on waiting lists. Benefits would be reduced.

The Progressive Caucus believes that no child should be forced to stand in a long line when it comes to health care. Our budget provides enough funding for the Children's Health Insurance Program to cover every eligible child. Our budget truly puts children first. Like the Spratt budget, which provides an additional $50 billion in SCHIP money, we are setting the priorities that will keep American children healthy and make our country strong.

The Republicans care about families all right, rich families. And they care about children. It just doesn't happen to be the children of ordinary working families in this country. The Progressive Caucus budget does take care of those families.

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Mr. HENSARLING. Madam Chairman, I yield 2 minutes to the gentleman from California (Mr. CAMPBELL), the chairman of the Budget and Spending Task Force of the Republican Study Committee and the coauthor of the American Taxpayer Bill of Rights.

Mr. CAMPBELL of California. Madam Chairman, I thank the gentleman from Texas for yielding.

You know, I would like to give some credit to my colleague from California, the author of this particular budget. It raises taxes; it raises taxes a whole, whole bunch.

But the lady from California, my colleague, stood up here and admitted that. She said, yeah, we're raising taxes in this budget. That's what we're doing.

Raising taxes is a legitimate policy decision. It is something, Madam Chair, that people can make a decision to do. And in all three Democratic budgets, the authors have made the decision to raise taxes. They have made the decision to raise taxes. But in this budget, the people behind this are standing up here and are proud about it. We admit it, we're proud of it, and that's what we're doing. They are standing behind that policy decision to raise taxes. They are raising taxes on almost everyone, and they are proud to do that.

I think it is not a particularly good policy decision, but it is a legitimate one. They are raising taxes in all three of these budgets anywhere from $3,000 per taxpayer to $7,500 per taxpayer per year. It is a legitimate policy decision. I think it happens to be not a particularly good one, but at least they are standing up and saying, that's what we want to do, and that's what we're going to do, and that's how we're going to raise the budget.

Democrats have put together these three budgets that are raising taxes. Be proud that you are raising taxes if that's what you want to do, because that's what you're doing. Be proud of it. Stand behind it. Don't pretend like you're not doing it.

Ms. WOOLSEY. Madam Chair, I would like first to yield for a unanimous consent request to the gentleman from Texas (Mr. GENE GREEN).

Mr. GENE GREEN of Texas. Madam Chair, I rise in support of the Democratic budget resolution.

The best word to describe this budget is "balanced."

First, it balances our Nation's books by bringing our country back to surplus by 2012, thanks in large part to the PAYGO rules this Chamber passed as part of our fiscal responsibility package.

This budget also balances our Nation's many priorities by providing adequate funding for our defense and homeland security, while also paying much-needed attention to our deserving domestic priorities and social programs.

This budget proves that Democrats pay more than lip service to our Nation's veterans by providing $6.6 billion over last year's funding for veterans' services.

As a member of Energy and Commerce, I would like to thank the Budget Committee for including a $50 billion reserve fund for the expansion of the S–CHIP program.

Of course, we understand that our reauthorization bill will be subject to PAYGO rules, but this reserve fund is an important first step in increasing access to health care for the nearly 6 million children who are eligible for S–CHIP but not enrolled.

I applaud the Budget Committee for rejecting the administration's cuts to Medicare and Medicaid.

I also appreciate the budget's refusal to incorporate the administration's cuts to LIHEAP, which should be further expanded to ensure that millions of low-income folks in southern States receive the assistance they need to cool their homes during the oppressive summer months.

What a difference a year makes, Madam Chair, and I am proud to support Chairman SPRATT and this budget, which strikes the right balance between investing in the American people and their future and keeping our fiscal houses in order.

I urge my colleagues to support this budget.

Ms. WOOLSEY. Madam Chair, I yield 2 minutes to Mr. RUSH from Illinois, a leader on the Energy and Commerce Committee.

Mr. RUSH. Madam Chair, I want to thank the gentlewoman from California and the other gentlewoman from California for their stellar and steadfast leadership on these and other matters that the American people are facing.

Madam Chair, as a member of the Energy and Commerce Committee and both the Congressional Black Caucus and the Progressive Caucus, I am pleased to come to the floor in support of three budget alternatives that reflect the Democratic priorities and values.

Today, I want to highlight the value added to the Democratic budget by the two alternatives and thank my colleagues who supported the CBC budget alternative. The CBC and Progressive budget alternatives offer to the American people and to this Congress rational budgets that are fiscally sound and morally responsible.

The Congressional Black Caucus and Progressive Caucus alternative budgets invest Federal resources in programs that benefit the constituencies of all the Members of this House: education, health care, economic opportunity, retirement security, and homeland security.

The CBC and Progressive alternative budgets make these investments while reducing the Federal deficit, which has spiraled out of control and out of sight over the last 6 years of Republican rule.

The CBC and Progressive Caucus alternatives make necessary investments in minority health care and for community health centers that provide critical health services to urban-based congressional districts like mine, and rural-based congressional districts as well, and investment in the care and treatment of victims of HIV and AIDS.

The CBC and Progressive Caucus alternatives invests in our Nation's veterans by restoring the cuts the President's budget proposed in the veterans health care and veterans benefits.

Madam Chair, I urge my colleagues to join me in support of the American people and in support of the CBC and Progressive Caucus alternative budgets.

As a member of the Energy and Commerce Committee and both the Congressional Black Caucus and the Progressive Caucus, I am pleased to come to the floor in support of three budget alternatives that reflect the Democratic priorities and values.

For the first time in more than 13 years, the Budget Committee's resolution fulfills many of the critical commitments that Democrats made to the American people in the last election: that we would reduce the Federal deficit and make investments in the key domestic programs that are so important to our constituents, and I will be proud to support it. Today, I want to highlight the value added to the Democratic budget by the two alternatives.

The CBC and Progressive Caucus alternatives offer to the American people and to this Congress rational budgets that are fiscally sound and morally responsible. The CBC and Progressive Caucus alternative budgets invest Federal resources in the programs that benefit the constituencies of all of the Members of this House: education, health care, economic opportunity, retirement security and homeland security. The CBC and Progressive Caucus alternative budgets makes these investments while reducing the Federal deficit—which has spiraled out of control and out of sight over the last 6 years.

The Congressional Black Caucus and Progressive budget alternatives focus on addressing the disparities that exist in America's communities and invest in the future of this Nation by fully funding the No Child Left Behind Act, expanding the Head Start programs, and funding the SCHIP program so that every uninsured child can have access to medical care. The CBC alternative also provides needed funds to rebuild schools and colleges damaged by Hurricane Katrina.

The CBC and Progressive Caucus alternatives make necessary investments in minority health and for Community Health Centers that provide critical health services to urban-based congressional districts like mine and rural-based congressional districts as well, and investments in the care and treatment of the victims of HIV and AIDS.

The CBC and Progressive Caucus alternatives invest in our Nation's veterans by restoring the cuts the President's budget proposed in veterans' health care and benefits. To meet these critical needs of America and its citizens, the CBC and Progressive alternatives repeal some of the tax cuts to the two top income brackets. Even after funding our domestic priorities, both of these alternatives achieve significant deficit reduction.

Madam Chair, I urge my colleagues to join me in support of the American people and in support of the CBC and Progressive Caucus alternatives.

Mr. HENSARLING. Madam Chair, I yield 2 minutes to the gentleman from Texas (Mr. CONAWAY).

Mr. CONAWAY. Madam Chair, I want to speak against this Progressive Caucus budget in the strongest terms available.

Over the last couple of weeks, I have somewhat tongue in cheek talked about when the Defeat in Iraq Caucus and when the Defeat in Afghanistan Caucus get their way that it won't be long before they declare a defeat dividend.

As you recall in the 1990s when the Soviet Union failed, this Chamber and others declared a peace dividend. They took money that would have otherwise supported our troops in the fight and spent it somewhere else.

I thought it would take until the defeat actually occurred, but I come today and find that the Progressive Caucus has already declared a $781 billion defeat dividend.

We have men and women in harm's way right now giving their lives for this country. Whether you agree with it or not, that is what they are doing. Where was this group last week when they said let's keep them in the fight for 17 more months? Why did you stand up and say that was okay and yet call what they are doing the single largest waste of taxpayer money in American history? You cannot have it both ways.

Vote your convictions. Get them out of Iraq now. That is a legitimate position to defend. But to say we are going to keep them there for 17 more months, strip them of $781 billion in flak jackets and up-armored Humvees and all of the things you would take away from them is simply unfair and unconscionable.

I encourage my fellow colleagues to vote against this Progressive Caucus budget over and over. This is wrongheaded. It is not the way to lead this country. It sends a terrible message to our soldiers in the Armed Forces who are fighting this fight on our behalf.

Ms. WOOLSEY. Madam Chair, how much time do we have on both sides?

The Acting CHAIRMAN. The gentlewoman from California has 2 minutes remaining. The gentleman from Texas has 8 minutes.

Mr. HENSARLING. Madam Chair, I yield 2 minutes to the gentleman from North Carolina (Mr. MCHENRY).

Mr. MCHENRY. Madam Chair, of all of the budgets before Congress, this one hits the taxpayers the hardest.

Over 5 years, the Progressive Caucus budget will raise taxes by $949.3 billion. Over 10 years, the Progressive Caucus budget will raise taxes by $2.4 trillion. Over the next 10 years, they will essentially double the budget.

There is nothing progressive about Democrats raising taxes. That has been their only fiscal strategy over the last 70 years. This budget spends $643 billion over 5 years and new entitlement spending over and above what the President has asked.

It also spends far less when it comes to military spending on our national defense. It drastically cuts military spending by $781 billion over 5 years. This is unconscionable.

Beyond that, it says that Iraq and Afghanistan and our global war against Islamic extremists is the largest single waste of U.S. taxpayer money. That is coming from their budget. Their budget assumes a dream world where we are not fighting a global war on terror. It is the ostrich approach, where you stick your head in the sand and hope everything goes away. It is ridiculous, and it is not safe for the American people.

Alternatively, the Republican budget that we propose here today takes Social Security off-budget, stops the raid on Social Security, and achieves balance while not raising taxes. It is a huge difference between what Republicans are proposing and the liberal left of the Democrat Caucus is proposing here on the House floor.

Beyond that, what the Democrats are saying with their full budget on the floor, as well as this Progressive Caucus budget, that they are going to punt on entitlement reform. Every known economist says we must reform entitlements. I oppose this budget.

Ms. WOOLSEY. Madam Chair, I reserve the balance of my time.

Mr. HENSARLING. Madam Chair, who has the right to close?

The Acting CHAIRMAN. The gentleman from Texas has the right to close.

Mr. HENSARLING. Madam Chair, in that case, I am very honored at this time to yield 4 minutes to the author of the Republican budget that will balance the budget, preserve the Social Security surplus without raising taxes, the ranking member on the Budget Committee, the gentleman from Wisconsin (Mr. RYAN).

Mr. RYAN of Wisconsin. I thank the gentleman for yielding, and I want to thank the gentleman from Texas for his wonderful expertise on budget issues. He has been a leader on this issue.

I also want to compliment the Progressive Caucus for coming to the floor with an earnest budget and for putting a budget together. These are not easy things to do. The Progressives have put together a budget that embodies their philosophies, their opinions, and I think that is good.

I completely disagree with the direction of the budget, deep cuts to defense, incredible increases in spending across the board, and a $949 billion tax increase. I think it is the wrong recipe for our economy, but I compliment the Progressives for bringing a budget to the floor that actually achieves balance, albeit by raising taxes.

Madam Chair, I want to give a little foreshadowing of our next budget. You are going to hear the word "cut" and the words "drastic cuts" and things like that. I think we are going to hear that from the other side of the aisle because they propose to control no spending. Those chose to cut nothing, not even controlling the growth of spending. Rather, they choose to raise taxes.

On Medicaid, our budget will propose, yes, to increase spending, albeit not as fast as it is going right now. This will extend the solvency of Medicaid. We propose to increase spending even faster than medical inflation.

What about Medicare? Again, our red line below the blue line, we propose to increase Medicare spending and reform the program.

What will our budget achieve? It will achieve savings that will extend the life and solvency of Medicare.

What does the Democrat budget achieve? An exacerbation of the problem.

Here is what our budget proposes to do on all entitlements. I don't even know if the viewer can see the difference between the blue line, which is the current trajectory of entitlement spending, and the red line.

We propose to increase entitlement spending each year at 4.1 percent a year, instead of 4.7 percent a year. Is that a drastic cut? Is that a terrible, awful cut to programs? Let me repeat it one more time. We are increasing entitlement spending 4.1 percent a year, instead of 4.7 percent. That is above inflation.

Here is the legacy of the Democrat budget. Right now, today, according to the Government Accountability Office, the current unfunded liability of Medicare and Social Security is $37 trillion. That will go to $62 trillion of money that we would have to set aside today to make these programs work for the next two generations, my generation and my children's generation, by 2012. By doing nothing to save Medicare, Medicaid and Social Security, the Democratic budget is actually increasing the liability of these programs. The Democrat budget is making matters worse by postponing the necessary reforms that must occur.

But there is one thing the Democrat budget does, and it was very well described in the Washington Post this morning. Let me quote: "While the House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of these tax cuts expire on schedule in 2010." That means cap gains, dividends, income tax rates, per child tax credit, marriage tax penalty, all of those tax cuts go away.

Let me make it very clear. We use the Congressional Budget Office by law to develop our budgets, and this red line shows you that, in 2010, tax cuts go away, taxes increase, and revenues go up. That is the line that the Democrats are writing their budget based on. Their budget requires, assumes, legislates, needs these tax increases for them to balance the budget.

The green line is the line we use to write our budget. We balance the budget without raising taxes, and they raise taxes.

Ms. WOOLSEY. Madam Chair, I would like to know how many more speakers they have on the Republican side?

Mr. HENSARLING. Madam Chair, I will close for our side as I understand I have the right to close.

Ms. WOOLSEY. Madam Chair, I yield 1 minute to the gentlewoman from California (Ms. LEE), the co-Chair of the Progressive Caucus.

Ms. LEE. I thank the gentlelady for yielding.

I want to reiterate the point that this Progressive Caucus makes, and that is that our domestic security here in our own country is an integral part of our national security.

We have added $4.8 billion to our COPS program for local law enforcement efforts. We have provided additional funds for gang violence prevention efforts; and, also, we have provided additional funding for job training and after-school programs. In many of our communities, our young African American boys and Latino young boys are dropping out of schools in unbelievable numbers.

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We need a strong, robust after-school program with tutoring, and our Progressive Caucus provides for that.

The American taxpayers are compassionate people. They want to see their tax dollars spent to eliminate poverty, to provide health care, for energy independence, to educate our children. The Progressive Caucus budget does just that. It is a document that reflects the morality of this country, the ethics of this country, and I am proud to support it.

Ms. WOOLSEY. Madam Chairman, I yield myself the balance of the time.

Madam Chairman, this budget, the Progressive Caucus budget, proves without a doubt you can keep our Nation safe while investing needed necessary funds for domestic programs and you can do it and balance the budget at the same time. Our budget balances before the Democratic budget, before the Republican budget, and the President's budget does not ever balance, it appears.

We can do that, and at the same time we fully fund title I of No Child Left Behind, our investment and our promise to IDEA. We make veterans health care an entitlement.

Madam Chairman, it is time we stand up to the challenge that is possible in a Federal budget. This alternative provides that challenge to the Democrats and Republicans of the House of Representatives.

Please vote for this Congressional Progressive budget.

Madam Chairman, I yield back the balance of my time.

Mr. HENSARLING. Madam Chair, may I inquire how much time is remaining on our side.

The Acting CHAIRMAN. There are 2 minutes remaining.

Mr. HENSARLING. Madam Chair, I yield myself the balance of the time.

Madam Chair, all of the Democrats' budgets are breathtakingly bad and fiscally irresponsible for what they do. They impose the single largest tax increase in American history on hard-working American families. They each represent the highest level of spending in the history of our Nation at a time when we are taking $23,000 away, spending $23,000 per family for only the first time since World War II.

But as breathtakingly bad as they are for what they do, they are even worse for what they do not do because, Madam Chair, they are absolutely stone cold silent on the number one fiscal issue facing this Nation, facing the next generation, and that is, reforming entitlement spending, which will plunge the next generation into trillions and trillions of dollars of debt.

Don't take my word for it. Take the word of the Comptroller General, the chief fiduciary officer of the United States of America, who has said that we are on the verge of being the first generation to leave the next generation with a lower standard of living. I mean, think about that, Madam Chair, because we are spending so much of the people's money that these programs that have been vital to people for generations will go away. If you do not reform Medicare and Social Security and Medicaid, they will not be here for the next generation.

Madam Chair, as the father of a 5-year-old daughter and a 3-year-old son, I cannot sit idly by and let that happen. We must keep faith with prior generations by keeping faith with future generations.

Let's reform entitlement spending. Let's give the next generation more opportunity and more freedoms. Vote down this Democrat budget.

Ms. JACKSON-LEE of Texas. Madam Chairman, I rise in strong support of The Congressional Progressive Caucus Fiscal Year 2008–17 "Peace & Security" Budget Alternative. The American people spoke loud and clear last November. They wanted change, accountability, and a new course of action. This budget is a direct answer to the demands of the American people and steers us in a new direction. With this budget we can usher in a new era of fiscal responsibility that this current administration has failed to adhere to. The budget is morally sound, as it redirects funding to domestic spending programs that benefit the American middle class, the backbone of our great Nation. Most importantly this budget meets our moral obligation to all of our veterans. This budget ends the war and brings our troops home and moves this country toward an agenda of peace and security.

The news of the horrible living conditions at Walter Reed Army Medical Center raised our national consciousness regarding the need to do more—much more—for wounded and injured service members and to upgrade the administrative systems that support them. Simply put, this budget treats the heroic young men and women who sacrifice life and limb with the respect and dignity they deserve. This budget guarantees full funding for health care (including mental health care) for all veterans. The Progressive Caucus budget makes veterans' health care a new federal entitlement. It will require the U.S. Secretary of the Treasury to make mandatory appropriations for VA health care based upon the following formula: the amount of funds available for VA medical care in FY2008 would equal 130 percent of the total obligations made by the VA for medical care programs in FY2005.

Let us send the right message to our young men and women returning home from Iraq and Afghanistan. They deserve better, we owe it to them, and we have a duty to answer the will of the American people.

Mr. DAVIS of Illinois. Madam Chairman, I rise in strong support of the Progressive Caucus budget and I do so for a number of good reasons.

First off, all budgets are a way of assessing need and determining priorities and when one takes a serious look at the Progressive Caucus budget it:

(1) Projects complete U.S. military redeployment out of Iraq during 2007, saving at least $187 billion dollars over the next 2 years.

(2) You should not spend money if you do not have it, therefore the Progressive Caucus budget repeals the Bush tax cuts for the wealthiest 1 percent of taxpayers due to expire in 2010 saving at least $348 billion dollars.

(3) It fully funds NCLB and IDEA and improves teacher corp and job training.

(4) It adequately funds Medicare and Medicaid so that more Americans can have access to affordable quality healthcare.

(5) This budget helps to rebuild America's communities by substantially increasing funding for community development block grants, community policing, and clean up of underground storage tanks.

Madam Chairman, this is a budget I can take home to any constituent and they will say, right on.

Mr. PUTNAM. Madam Chairman, looking beyond all the rhetoric for a moment, we have a responsibility here as the elected stewards of the people's treasury to deliver a budget that honors our values and keeps our promises—and the proposal put together by my good friend from Wisconsin, Mr. RYAN, does exactly that.

Sadly, the Democrat majority has squandered its first opportunity in over a decade to set our fiscal priorities.

Despite the pledges of fiscal responsibility that echoed through this chamber at the start of this Congress, it did not take long for the heirs of tax-and-spend liberalism to return to their roots.

Just a few weeks into the new Congress, the majority took a victory lap for passing an omnibus spending bill that contained about $500 million in hidden earmarks.

And then last week, they patted themselves on the back for loading up an emergency troop funding bill with enough pork barrel projects to make Donald Trump blush.

And if it was not enough to use our young men and women in combat as oxen to carry that wagon load of pork across the President's desk, this budget will saddle their generation with a greater tax burden to bear and unbearable choices to make.

The Democrat budget takes the tax hammer to 115 million Americans—from married couples and families with children to senior citizens and small business owners.

We have got millions of Floridians filing their 2006 tax returns right now—these are folks still in need of significant property tax relief. And I am going to head down there soon and let them know that they better start getting their ducks in a row because not too long from now, the new Democrat Congress will slam them with an average tax increase of $3,039.

The proposal put together by Mr. RYAN protects caps gains and dividend tax relief, maintains the new, low 10-percent tax bracket, takes any marriage penalty rollback off the table, and keeps the death tax in the ground—where it belongs.

In addition, Mr. RYAN's proposal exerts discipline on the government spending machine—so we can have a balanced budget and a smaller, smarter, more efficient government that can deliver much-needed reforms on the fly.

And look, you can support the Democrat budget and spend all the taxpayer money you want on new programs, but if the generational crisis of runaway entitlement spending that looms over the horizon is not sufficiently addressed, we will not be able to have any of them—not a one.

The Congressional Budget Office has told us that if we do not implement significant entitlement reforms, then our shared goal of balancing the budget in the next 5 years is nothing more than a pipe dream.

If we wish to continue keeping the promises our government has made, but do not act soon, then we will have a choice to make: either raise taxes every year until they are nearly 60 percent higher than they are today or eliminate every single government program except Medicare, Medicaid, and Social Security by 2045.

This is a coming crisis, and appallingly, it is one born of our indecision.

That's why I applaud Mr. RYAN for putting together a proposal that reforms our largest and least sustainable entitlement programs, achieving $279 billion in savings over 5 years.

That is a far cry from the budget resolution Democrats are putting forward today, which does not make a single courageous choice—

it is an incubator of gimmicks and schemes designed to pass the buck to future Congresses and the bucket to tomorrow's taxpayers.

There is no fiscal responsibility to be found in a budget that makes our children foot the bill for our inability to make tough choices.

The sound fiscal blueprint laid out by Mr. Ryan shows that we can have a budget that holds us accountable for the choices that need to be made to ensure lasting prosperity for future generations.

Mr. SIMPSON. Madam Chairman, I rise today to express my concern with certain provisions of the Republican Budget Substitute Amendment offered by Representative Ryan. I strongly support the tax provisions included in the Ryan Amendment. Republican tax relief has led to unprecedented economic growth and dropped the unemployment rate. More importantly, tax relief gives back to Americans their own money. The robust economic growth in this Nation over the past few years is proof that individual Americans use and invest their dollars much more wisely than the Federal Government does. I am pleased that the Ryan Amendment makes the tax cuts passed in 2001 and 2003 permanent and recognizes the reality of our Nation's fiscal situation by addressing the out-of-control growth of entitlement spending.

However, I want to make clear my views regarding certain budget process reforms included in the Ryan amendment. I am strongly opposed to giving any U.S. President the power to use a line item veto. Our Founding Fathers wisely attempted to curtail the power of each branch of the Federal Government by instituting a system of checks and balances. Granting the President additional power to veto specific portions of a bill instead of the bill as a whole cedes too much authority to the executive branch and could lead to unfair and unilateral power. I am very disappointed that the Ryan Amendment includes a provision granting the President this unconstitutional power.

While I strongly oppose the line-item veto provision and other attempts to reduce Congress's constitutional power of the purse included in the Ryan Amendment, it is clear to me that this proposal is preferable to an alternative that raises taxes by an average of $2,597 for each of my constituents.

Mr. WELDON of Florida. Madam Chairman, I rise to express my objections to the budget put forward by the new majority in the Congress. Their budget proposes the largest tax increase in American history and it presses the accelerator on government spending.

What Washington has is not a revenue problem, but a spending problem. Revenues from taxes flowing into the U.S. Treasury have been flowing at record levels. Even when you factor in the $1 trillion dollar tax relief that was enacted by President Bush and a Republican Congress, the taxes that came into the Treasury in 2006 were exactly what the Congressional Budget Office projected they would be back in March 2000—nearly 9 months before President Bush proposed such tax relief. Clearly, Washington's problem is not a revenue problem. Washington has a spending problem.

Yet the Democrat budget plan fails to recognize this and instead they choose more taxes and more spending. They fail to extend important tax relief that has given Americans more control over their lives and businesses. It will put the breaks on the economic expansion that has put the United States in the enviable position of having the most vibrant and growing economy over the last 4 years. We have led the developed world in the creation of new jobs over the past 4 years—creating 7.6 million new jobs for Americans.

Not only does the Democrat budget impose the largest tax increase in our Nation's history, but it also puts spending on an upward trajectory that will further imperil our children's future, saddling them with even more debt. Not only does the Democrat budget fail to address the growth of entitlement spending that is imperiling our children's future, but also it makes the problem worse by putting off needed changes and by increasing domestic discretionary spending at a rate that exceeds the rate of inflation.

With regard to tax increases, Democrats had a time during the House Budget Committee meeting to adopt amendments protecting the tax relief that Americans are enjoying today. The Democrats voted lock step against each and every amendment that would have protected the tax relief that Americans are currently enjoying and that is spurring our economy.

Don't take my word for it, just look at the Washington Post. They sum it up in today's paper:

> "Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus in 2012 only by assuming that all of the cuts expire on schedule in 2010."
>
> "But the [Democrat budget] proposal, set for a vote today, requires either that millions of middle-class families be hit with higher taxes next spring or that somebody else pay an extra $50 billion. . . . That stark choice is the result of the inexorable expansion of the alternative minimum tax, a parallel tax structure that adds $6,800, on average, to a family's tax bill. Next month, an estimated 4.2 million Americans will pay the tax. Next spring, that number will balloon to 23 million unless Congress takes action.

Sadly, the Democrat's budget has no plan for addressing the Alternative Minimum Tax (AMT). Someone will face a $50 billion tax increase under the Democrats budget—we will have to see who is next on their hit list as they have already taken aim to repeal most all of the tax relief provided to Americans since 2001. Just what tax increases are already in store for Americans?

The Florida sales tax deduction is repealed in this budget. Floridians will be hit harder than most Americans by the Democrats tax plan, as Floridians will no longer be afforded the opportunity to deduct sales taxes. While resident's of states that have a state income tax can deduct those costs from their taxes, Floridians have no such deduction, so I was pleased when we were finally able to give Floridians equal treatment by allowing a sales tax deduction—about $650 dollars for a family of 5 earning $40,000 per year. The Democrat bill repeals this tax deduction.

Taxes on dividends will increase. This will hit senior citizens the hardest as they often rely on safe and secure investments to supplement their Social Security benefits in their golden years.

The child tax credit is cut in half falling from $1,000 per child to $500 per child as if the cost of raising and caring for children is going down.

Democrats resurrect the marriage tax penalty forcing married couples to pay more in taxes that those living together out of wedlock.

The death tax will be resurrected making it difficult for mom and pop businesses to be handed down to their children.

Marginal tax rates will increase for all Americans. The lowest wage income tax payers will see their tax bill increase by 50 percent, paying a 15 percent tax rate rather than a 10 percent tax rate.

Capital gains tax rates will be raised significantly. For any student of the recent economic growth in our Nation knows that the capital gains tax cuts have been a significant driver of economic growth in the U.S. over the past 4 years. And, the stimulative effect that the cut in capitals gains has had on our economy has actually resulted in more revenue flowing into the U.S. Treasury than would have flowed with out the cut in capital gains taxes. Raising these taxes, as the Democrats are doing will put the breaks on our economy and slow economic growth.

If there is any doubt about where the heart of the Democrat party in Congress lies on taxes and spending, only consider the votes that we just held. Over half of the Democrats in the House of Representatives just voted for the substitute budget offered by Representative Kilpatrick. That budget proposal raised taxes by more than $919 billion—more than 2 times the amount in the underlying Democrat budget. This is not really surprising given that the underlying Democrat budget is still $200 billion below the amount of increased taxes they will need to carry out their spending plans in their budget. So, Americans should be prepared, this proposed $400 billion budget that the Democrats are poised to approve today is just the opening shot. More tax hikes are in store.

I would like to briefly address the spending side of the Democrat budget. Their budget favors higher spending. They put both entitlement spending and spending through annual appropriations bills (known as discretionary spending) on a path to receive automatic increases each and every year.

Earlier this year, the Medicare Board of Trustees issued their report on the financial status of Medicare. They stated that Medicare will go bankrupt in a couple of years. Yet, rather that seeking to address this issue, the Democrats simply ignore the realities and pretend that this problem does not exist. It is irresponsible for the Democrats to simply stick their head in the sand and pretend that Medicare will not run out of money, but that is the path they have chosen—their budget does nothing to address this looming bankruptcy. I believe our seniors deserve better. If we simply allowed entitlement programs to grow at 4.1 percent a year rather than the 4.7 percent a year proposed in the Democrats budget, we could save Medicare and Social Security for future generations.

Their PAYGO rules continue not only to favor automatic increases in spending and higher taxes, but they also allow them to spend now and pay for the spending later. By spending now, they also increase the baseline budget so that it is easier to continue increased spending in future years.

The Democrat budget also eliminates the domestic emergency reserve fund contained in the current law, and provides no criteria for domestic emergency spending—which is exempt from budget disciplines. Absent a reserve fund, Democrats are destined to repeat in 2008, what they just did this month—designate another $28 billion in "emergency spending" bypassing all of the budgetary discipline rules. If there is any doubt about the Democrats' lack of budgetary discipline the fact that the majority of their caucus just voted for substitute budgets that increase taxes by between $950 and $717 billion. That is more than twice the tax increase in their base bill. And on the spending side, these alternative budgets would have increased spending by hundreds of billions of dollars more.

Another unrealistic assumption in the Democrat budget plan is their assumption that they will receive over $392.5 billion in new tax revenue that they will be able to use for spending and reducing the deficit by closing the mystical tax gap. Yet The Commissioner of the Internal Revenue Service has testified the IRS could collect, at best, about $20 billion of these taxes 5 years after implementing specific policies recommended in the President's budget.

The Democrats remove the firewall between defense and non-defense spending enabling them to cut the defense spending further and spend the money on other programs.

If there was ever any doubt about that Congressional Democrats are the party of "Tax and Spend" those doubts are put to bed today, as they have come out in spades for both.

Mr. KING of Iowa. Madam Chairman, I rise to express my support for Mr. RYAN's budget alternative. While I maintain that we could have done a better job balancing the budget in a shorter timeframe, it is a good first step in tackling runaway entitlement spending.

This debate is more that just a debate about numbers. It is a debate about who we are as Americans, what we believe and hold sacred, and what we want the future to hold for our children. It is also about how Congress spends hard working taxpayer's dollars.

Democrats and Republicans differ philosophically on these issues. John Locke, who inspired our Founding Fathers, wrote that one of the ends of political society is the preservation of one's property.

The Democrat budget violates this principle by redistributing your hard earned tax dollars to their favorite projects. They spend at a deficit rate, running up your national credit card, and the taxpayers end up getting the bill.

The big spending Pelosi budget maintains that more government is better government. In fact, if the Pelosi budget were a McDonald's combo meal, the Democrats would be saying—Super size me! And they are sticking you with the bill for their lunch. To protect taxpayers we need self-control and moderation. The Pelosi budget does nothing to curb the appetite for bigger government or trim Federal spending. True courage is taking a tough stand and choosing to cut spending.

I believe in limited government, not a government without limits on runaway spending and high taxes. I believe increased taxation chips away at our freedom to spend or save our own money.

As a small businessman who built his business from the ground up, I know that it is individuals who put their hard work and innovation to the test—not government.

I believe that the best way to balance the budget is to control spending—not to raise taxes. This Pelosi budget marks the largest tax increase in American history—raising taxes on the hard working American taxpayer by $400 billion. Each of my constituents in Iowa will have to pay an additional $2,777.00 annually in taxes.

One in five Americans has little to no personal property or savings. Additional taxation hurts American families who are trying to save for their retirement and children's education, to purchase a home, or to purchase a car. The Pelosi budget eliminates the 10 percent bracket that helps millions of low-income workers. Raising taxes on capital gains and dividends discourages investment and savings. Families will suffer from the Pelosi budget slashing the child tax credit in half and reinstating the marriage penalty.

We are told that when we die that "you can't take it with you." This is true, but we all hope that we can pass on our nest eggs to our children without penalty. The Pelosi budget allows the elimination of the death tax in 2010 to expire.

We must keep American business competitive in the face of economic pressure from countries like China and India. Democrats, especially the gentlelady from Northwestern Ohio, like to keep a corporate casualty list of jobs lost, in the United States. They mention Hershey, Hoover, Stanley, Champion, Ford, Chrysler, Huffy, Zebco, Levis and Maytag, as companies who have shipped thousands of U.S. jobs to other countries. Some of these companies could no longer compete globally and were eventually bought out or shut down.

The Pelosi budget will accelerate this process and will burden American businesses, which employ and create new jobs for American workers. It will usher in the largest tax hike in history. It will raise taxes on our small businesses and the manufacturers making it that much harder for them to compete in the world economy. Our businesses already pay the second highest tax rates in the entire world.

Madam Chairman, I implore my colleagues to stop this runaway spending, financed by a massive tax hike on American taxpayers. Let us turn around the ship and head for dry land. This Pelosi budget is a sinking ship, full of spending loopholes and budget gimmicks. I have no problem with Captain PELOSI going down with the ship—just do not take America down in the process.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentlewoman from California (Ms. WOOLSEY).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

Ms. WOOLSEY. Madam Chairman, I demand a recorded vote.

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, further proceedings on the amendment offered by the gentlewoman from California will be postponed.

Ms. PELOSI. Madam Chairman, I ask unanimous consent to strike the last word.

The Acting CHAIRMAN. Without objection, the gentlewoman is recognized.

There was no objection.

Ms. PELOSI. Madam Chairman, today this new Congress will put America's fiscal house in order. It will do so by presenting and voting on the Democratic budget as designed by Mr. SPRATT, the chairman of the Budget Committee, and the House Democrats. I wish that it were coming to the floor with bipartisan support in the Congress. I know it has bipartisan support in the country.

I commend Mr. SPRATT for his exceptional leadership in bringing to the floor a budget for the future, a budget that will initiate an era of accountability in government spending and in government accountability on our priorities. It is a budget that will come to balance in both the spending and also in terms of its priorities.

This putting our house in order is necessary because for the last 6 years the Bush administration and the Republicans in Congress have increased spending while giving tax cuts to the wealthiest few in our country, leaving our country awash in red ink, mortgaging our children's future. It is just not right.

When President Bush took office, he inherited a budget situation because of the PAYGO principles adopted by the Clinton administration with the Democrats in the Congress. Because of those principles, the last four Clinton budgets were budgets in surplus. Because of those PAYGO principles, coming out of the Clinton years, we were on a trajectory of $5.6 trillion in surplus, $5.6 trillion in surplus on our way to ridding ourselves of the national debt.

Because of the irresponsible budgeting of the Republicans in Congress and in the White House, we are now on a trajectory of $3 trillion in deficit, a swing of approximately $9 trillion. This is historic, and, again, it is wrong. It is wrong for our children. It mortgages their future. It is wrong for our economy.

The fiscal unaccountability will be corrected today with the passage of this budget, and I commend Chairman SPRATT and the Democrats on the committee for taking us to this place. Just imagine, we were on our way to ridding ourselves of the national debt. We are now on our way to increasing it.

The budget put forth by the chairman is one that honors our responsibilities to the American people. A budget should be a statement of our national values. Our Federal budget should reflect what is important to us as a Nation. That is how we should allocate our resources. We should do it in an ethical way and a fiscally sound way and the most honest and open way. And we must do it always with an eye to the future, and that is what this budget does.

It honors our responsibility first and foremost to protect the American people, and that is why it has the endorsement of almost every veterans group, and they are actively supporting this legislation and advocating a "yes" vote.

It honors our commitment to grow our economy, to create good paying jobs for the future by investing in innovation, and that is why it has the support of the Council of Competitiveness and almost any entity that is geared to the future, to innovation and to make keeping America number one.

It honors our commitment to our children, how they are cared for, with their health care, with their education and the economic strengths of their families. That is why it has the support of so many organizations, religious organizations, who see a budget as a moral document.

It honors our commitment to preserve our planet for the future, and that is why it has the support right to left, Democratic and Republican, nonpartisan, nonconflict, any entity that you can name involved in preserving our planet, in energy independence and respecting God's creation, which nature is, honoring our commitment to nature and to the future, preserving the planet. This budget does that.

Again, it does it all in a fiscally sound way. No new deficit spending; pay-as-you-go.

Think about what was inherited by this Congress. Think about what was inherited by this Congress 6 years ago and the President, $5.6 trillion in surplus, now we are $3 trillion in a trajectory of deficit. It is just not right. We can reverse it today.

Again, the support outside this Congress indicates that the American people are so far ahead of the Congress of the United States when they think about our values and how our budget should reflect those values, about accountability and how responsible we should be for the taxpayers' dollars and about the future.

So I urge my colleagues to support the Spratt House Democratic budget. To vote "aye" on that is a vote for the future. It is a vote for a new era of accountability. It is a vote for a moral statement, a statement of our national values. I thank Mr. SPRATT for his leadership.

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 2 OFFERED BY MS. WOOLSEY

The Acting CHAIRMAN. Pursuant to clause 6 of rule XVIII, the unfinished business is the demand for a recorded vote on the amendment offered by the gentlewoman from California (Ms. WOOLSEY) on which further proceedings were postponed and on which the noes prevailed by voice vote.

The Clerk will redesignate the amendment.

The Clerk redesignated the amendment.

RECORDED VOTE

The Acting CHAIRMAN. A recorded vote has been demanded.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 81, noes 340, answered "present" 1, not voting 16, as follows:

[Roll No. 210]

AYES—81

Abercrombie
Baldwin
Becerra
Blumenauer
Brown, Corrine
Butterfield
Capps
Capuano
Carson
Christensen
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cummings
Davis (IL)
Delahunt
Doyle
Ellison
Farr
Fattah
Filner
Frank (MA)
Green, Al
Grijalva
Gutierrez
Hastings (FL)
Hinchey
Hirono
Holt
Honda
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kaptur
Kilpatrick
Lee
Lewis (GA)
Lofgren, Zoe
Lynch
Markey
McCollum (MN)
McDermott
McGovern
McNulty
Meehan
Meeks (NY)
Miller, George
Moore (WI)
Nadler
Napolitano
Neal (MA)
Norton
Olver
Pallone
Pastor
Payne
Price (NC)
Rush
Sánchez, Linda T.
Schakowsky
Serrano
Slaughter
Solis
Stark
Thompson (MS)
Tierney
Towns
Velázquez
Waters
Watson
Waxman
Welch (VT)
Wexler
Woolsey
Wynn

NOES—340

Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Bordallo
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Brady (PA)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Davis (AL)
Davis (CA)
Davis (KY)
Davis, David
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fortuño
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Gene
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth
Higgins
Hill
Hinojosa
Hobson
Hodes
Hoekstra
Holden
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Kagen
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Levin
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
Meek (FL)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Mitchell
Mollohan
Moore (KS)
Moran (KS)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Neugebauer
Nunes
Obey
Ortiz
Pascrell
Paul
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sanchez, Loretta
Sarbanes
Saxton
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Smith (NE)
Smith (NJ)
Smith (WA)
Snyder
Souder
Space
Spratt
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thornberry
Tiahrt
Tiberi
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Visclosky
Walberg
Walden (OR)
Walsh (NY)
Walz (MN)
Wamp
Wasserman Schultz
Weiner
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Wu
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—1

Kucinich

NOT VOTING—16

Boyda (KS)
Cardoza
Davis, Jo Ann
Faleomavaega
Hooley
Hunter
Kanjorski
Lampson
Lewis (CA)
Millender-McDonald
Moran (VA)
Oberstar
Pomeroy
Rangel
Smith (TX)
Watt

ANNOUNCEMENT BY THE ACTING CHAIRMAN

The Acting CHAIRMAN (during the vote). Members are advised there are 2 minutes remaining in this vote.

☐ 1249

Ms. WASSERMAN SCHULTZ, Mr. BOOZMAN and Mr. BRADY of Pennsylvania changed their vote from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Stated against:

Mr. POMEROY. Madam Chairman, on rollcall No. 210, I was unavoidably detained on an important constituent matter and arrived at the House floor after the time for voting had expired. Had I been present, I would have voted "no."

Mrs. BOYDA of Kansas. Madam Chairman, on rollcall No. 210, I missed this vote because I was meeting with constituents from Kansas. I arrived moments after the vote was closed. Had I been present, I would have voted "no."

Ms. HOOLEY. Madam Chairman, on rollcall 210, on House Concurrent Resolution 99, on the budget for the fiscal year 2008, had I been present I would have voted "no."

AMENDMENT IN THE NATURE OF A SUBSTITUTE NO. 3 OFFERED BY MR. RYAN OF WISCONSIN

The Acting CHAIRMAN (Mr. THOMPSON of California). It is now in order to consider amendment No. 3 printed in House Report 110–79, which is debatable for 40 minutes.

Mr. RYAN of Wisconsin. Mr. Chairman, I offer an amendment.

The Acting CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment in the nature of a substitute No. 3 offered by Mr. RYAN of Wisconsin:

Strike all after the resolving clause and insert the following:

SECTION 1. CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2008.

(a) DECLARATION.—The Congress declares that the concurrent resolution on the budget for fiscal year 2008 is hereby established and that the appropriate budgetary levels for fiscal years 2009 through 2012 are set forth.

(b) TABLE OF CONTENTS.—

Sec. 1. Concurrent resolution on the budget for fiscal year 2008.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

Sec. 101. Recommended levels and amounts.
Sec. 102. Major functional categories.

TITLE II—RECONCILIATION

Sec. 201. Reconciliation in the House of Representatives.

TITLE III—POLICY STATEMENTS

Sec. 301. Policy of the United States Congress on taxation.
Sec. 302. Policy of the United States Congress on entitlement spending.

TITLE IV—GENERAL BUDGET ENFORCEMENT

Sec. 401. Restrictions on advance appropriations.
Sec. 402. Contingency operations related to the global war on terrorism and for unanticipated defense needs.
Sec. 403. Application and effect of changes in allocations and aggregates.
Sec. 404. Adjustments to reflect changes in concepts and definitions.
Sec. 405. Compliance with section 13301 of the Budget Enforcement Act of 1990.
Sec. 406. Exercise of rulemaking powers.
Sec. 407. Adjustments for tax legislation.
Sec. 408. Repeal of the Gephardt rule.
Sec. 409. Budget compliance statements.
Sec. 410. Cost estimates for conference reports and unreported measures.
Sec. 411. Roll call votes for new spending.
Sec. 412. Budget process reform.
Sec. 413. Treasury Department study and report.
Sec. 414. Assistance by Federal agencies to standing committees of the Senate and the House of Representatives.
Sec. 415. Budgetary treatment of the National Flood Insurance Program.

TITLE V—EMERGENCY RESERVE FUND

Sec. 501. Nondefense reserve fund for emergencies.
Sec. 502. Emergency criteria.
Sec. 503. Development of guidelines for application of emergency definition.
Sec. 504. Committee notification of emergency legislation.
Sec. 505. Up-to-date tabulations.

TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY

Sec. 601. Presidential recommendations.
Sec. 602. Procedures in United States Congress.
Sec. 603. Identification of targeted tax benefits.
Sec. 604. Additional matters.
Sec. 605. Expiration.
Sec. 606. Sense of Congress on deferral authority.
Sec. 607. Sense of Congress on abuse of proposed cancellations.

TITLE VII—EARMARK TRANSPARENCY

Sec. 701. Prohibition on obligation of funds for earmarks included only in congressional reports.
Sec. 702. Definitions.

TITLE VIII—PAY-AS-YOU-GO.

Sec. 801. Pay-as-you-go point of order.

TITLE IX—DISCRETIONARY SPENDING LIMITS.

Sec. 901. Discretionary spending limits in the House.

TITLE X—SENSES OF CONGRESS

Sec. 1001. Sense of the House regarding the importance of child support enforcement.
Sec. 1002. Sense of the House on State veterans cemetaries.
Sec. 1003. Sense of Congress on health insurance reform.
Sec. 1004. Sense of the House on the Internal Revenue Code of 1986.

TITLE I—RECOMMENDED LEVELS AND AMOUNTS

SEC. 101. RECOMMENDED LEVELS AND AMOUNTS.

The following budgetary levels are appropriate for each of fiscal years 2008 through 2012:

(1) FEDERAL REVENUES.—For purposes of the enforcement of this resolution:

(A) The recommended levels of Federal revenues are as follows:

Fiscal year 2008: $2,002,088,000,000.
Fiscal year 2009: $2,097,634,000,000.
Fiscal year 2010: $2,148,718,000,000.
Fiscal year 2011: $2,244,002,000,000.
Fiscal year 2012: $2,374,337,000,000.

(B) The amounts by which the aggregate levels of Federal revenues should be decreased are as follows:

Fiscal year 2008: $48,912,000,000.
Fiscal year 2009: $9,366,000,000.
Fiscal year 2010: $15,282,000,000.
Fiscal year 2011: $150,998,000,000.
Fiscal year 2012: $222,663,000,000.

(2) NEW BUDGET AUTHORITY.—For purposes of the enforcement of this resolution, the appropriate levels of total new budget authority are as follows:

Fiscal year 2008: $2,452,253,000,000.
Fiscal year 2009: $2,432,323,000,000.
Fiscal year 2010: $2,464,843,000,000.
Fiscal year 2011: $2,575,993,000,000.
Fiscal year 2012: $2,613,919,000,000.

(3) BUDGET OUTLAYS.—For purposes of the enforcement of this resolution, the appropriate levels of total budget outlays are as follows:

Fiscal year 2008: $2,427,922,000,000.
Fiscal year 2009: $2,484,251,000,000.
Fiscal year 2010: $2,468,400,000,000.
Fiscal year 2011: $2,529,608,000,000.
Fiscal year 2012: $2,530,737,000,000.

(4) DEFICITS (ON-BUDGET).—For purposes of the enforcement of this resolution, the amounts of the deficits (on-budget) are as follows:

Fiscal year 2008: $425,834,000,000.
Fiscal year 2009: $386,617,000,000.
Fiscal year 2010: $319,682,000,000.
Fiscal year 2011: $285,609,000,000.
Fiscal year 2012: $156,400,000,000.

(5) DEBT SUBJECT TO LIMIT.—Pursuant to section 301(a)(5) of the Congressional Budget Act of 1974, the appropriate levels of the public debt are as follows:

Fiscal year 2008: $9,476,349,000,000.
Fiscal year 2009: $9,979,952,000,000.
Fiscal year 2010: $10,418,522,000,000.
Fiscal year 2011: $10,820,002,000,000.
Fiscal year 2012: $11,105,786,000,000.

(6) DEBT HELD BY THE PUBLIC.—The appropriate levels of debt held by the public are as follows:

Fiscal year 2008: $5,284,759,000,000.
Fiscal year 2009: $5,467,610,000,000.
Fiscal year 2010: $5,570,986,000,000.
Fiscal year 2011: $5,624,371,000,000.
Fiscal year 2012: $5,537,610,000,000.

SEC. 102. MAJOR FUNCTIONAL CATEGORIES.

The Congress determines and declares that the appropriate levels of new budget authority and outlays for fiscal years 2008 through 2012 for each major functional category are:

(1) National Defense (050):

Fiscal year 2008:
(A) New budget authority, $648,770,000,000.
(B) Outlays, $617,792,000,000.

Fiscal year 2009:
(A) New budget authority, $584,705,000,000.
(B) Outlays, $626,892,000,000.

Fiscal year 2010:
(A) New budget authority, $550,790,000,000.
(B) Outlays, $561,384,000,000.

Fiscal year 2011:
(A) New budget authority, $564,117,000,000.
(B) Outlays, $536,057,000,000.

Fiscal year 2012:
(A) New budget authority, $579,375,000,000.
(B) Outlays, $525,407,000,000.

(2) International Affairs (150):

Fiscal year 2008:
(A) New budget authority, $31,989,000,000.
(B) Outlays, $31,637,000,000.

Fiscal year 2009:
(A) New budget authority, $32,387,000,000.
(B) Outlays, $30,263,000,000.

Fiscal year 2010:
(A) New budget authority, $32,199,000,000.
(B) Outlays, $29,873,000,000.

Fiscal year 2011:
(A) New budget authority, $32,268,000,000.
(B) Outlays, $29,679,000,000.

Fiscal year 2012:
(A) New budget authority, $32,336,000,000.
(B) Outlays, $29,774,000,000.

(3) General Science, Space, and Technology (250):

Fiscal year 2008:
(A) New budget authority, $27,461,000,000.
(B) Outlays, $26,413,000,000.

Fiscal year 2009:

(A) New budget authority, $25,083,000,000.

(B) Outlays, $25,674,000,000.

Fiscal year 2010:

(A) New budget authority, $25,083,000,000.

(B) Outlays, $25,531,000,000.

Fiscal year 2011:

(A) New budget authority, $25,083,000,000.

(B) Outlays, $24,915,000,000.

Fiscal year 2012:

(A) New budget authority, $25,083,000,000.

(B) Outlays, $24,894,000,000.

(4) Energy (270):

Fiscal year 2008:

(A) New budget authority, $1,513,000,000.

(B) Outlays, $488,000,000.

Fiscal year 2009:

(A) New budget authority, $2,751,000,000.

(B) Outlays, $1,258,000,000.

Fiscal year 2010:

(A) New budget authority, $2,754,000,000.

(B) Outlays, $1,340,000,000.

Fiscal year 2011:

(A) New budget authority, $2,748,000,000.

(B) Outlays, $1,294,000,000.

Fiscal year 2012:

(A) New budget authority, $2,726,000,000.

(B) Outlays, $1,499,000,000.

(5) Natural Resources and Environment (300):

Fiscal year 2008:

(A) New budget authority, $30,564,000,000.

(B) Outlays, $33,700,000,000.

Fiscal year 2009:

(A) New budget authority, $30,425,000,000.

(B) Outlays, $32,411,000,000.

Fiscal year 2010:

(A) New budget authority, $29,958,000,000.

(B) Outlays, $30,754,000,000.

Fiscal year 2011:

(A) New budget authority, $29,365,000,000.

(B) Outlays, $30,129,000,000.

Fiscal year 2012:

(A) New budget authority, $29,250,000,000.

(B) Outlays, $29,890,000,000.

(6) Agriculture (350):

Fiscal year 2008:

(A) New budget authority, $20,330,000,000.

(B) Outlays, $19,401,000,000.

Fiscal year 2009:

(A) New budget authority, $20,183,000,000.

(B) Outlays, $19,412,000,000.

Fiscal year 2010:

(A) New budget authority, $19,988,000,000.

(B) Outlays, $19,120,000,000.

Fiscal year 2011:

(A) New budget authority, $19,502,000,000.

(B) Outlays, $18,876,000,000.

Fiscal year 2012:

(A) New budget authority, $19,099,000,000.

(B) Outlays, $18,645,000,000.

(7) Commerce and Housing Credit (370):

Fiscal year 2008:

(A) New budget authority, $8,127,000,000.

(B) Outlays, $1,237,000,000.

Fiscal year 2009:

(A) New budget authority, $8,020,000,000.

(B) Outlays, $ - 413,000,000.

Fiscal year 2010:

(A) New budget authority, $7,731,000,000.

(B) Outlays, $ - 638,000,000.

Fiscal year 2011:

(A) New budget authority, $7,486,000,000.

(B) Outlays, $ - 1,105,000,000.

Fiscal year 2012:

(A) New budget authority, $7,384,000,000.

(B) Outlays, $ - 845,000,000.

(8) Transportation (400):

Fiscal year 2008:

(A) New budget authority, $79,363,000,000.

(B) Outlays, $79,252,000,000.

Fiscal year 2009:

(A) New budget authority, $73,326,000,000.

(B) Outlays, $80,458,000,000.

Fiscal year 2010:

(A) New budget authority, $73,419,000,000.

(B) Outlays, $80,553,000,000.

Fiscal year 2011:

(A) New budget authority, $73,445,000,000.

(B) Outlays, $79,371,000,000.

Fiscal year 2012:

(A) New budget authority, $73,441,000,000.

(B) Outlays, $79,041,000,000.

(9) Community and Regional Development (450):

Fiscal year 2008:

(A) New budget authority, $13,376,000,000.

(B) Outlays, $22,123,000,000.

Fiscal year 2009:

(A) New budget authority, $11,020,000,000.

(B) Outlays, $20,179,000,000.

Fiscal year 2010:

(A) New budget authority, $10,930,000,000.

(B) Outlays, $18,106,000,000.

Fiscal year 2011:

(A) New budget authority, $10,968,000,000.

(B) Outlays, $15,695,000,000.

Fiscal year 2012:

(A) New budget authority, $11,052,000,000.

(B) Outlays, $12,306,000,000.

(10) Education, Training, Employment, and Social Services (500):

Fiscal year 2008:

(A) New budget authority, $84,465,000,000.

(B) Outlays, $84,263,000,000.

Fiscal year 2009:

(A) New budget authority, $87,802,000,000.

(B) Outlays, $86,146,000,000.

Fiscal year 2010:

(A) New budget authority, $88,652,000,000.

(B) Outlays, $86,697,000,000.

Fiscal year 2011:

(A) New budget authority, $87,541,000,000.

(B) Outlays, $86,709,000,000.

Fiscal year 2012:

(A) New budget authority, $87,560,000,000.

(B) Outlays, $85,480,000,000.

(11) Health (550):

Fiscal year 2008:

(A) New budget authority, $276,635,000,000.

(B) Outlays, $277,551,000,000.

Fiscal year 2009:

(A) New budget authority, $289,549,000,000.

(B) Outlays, $289,960,000,000.

Fiscal year 2010:

(A) New budget authority, $301,940,000,000.

(B) Outlays, $302,472,000,000.

Fiscal year 2011:

(A) New budget authority, $316,550,000,000.

(B) Outlays, $317,366,000,000.

Fiscal year 2012:

(A) New budget authority, $332,483,000,000.

(B) Outlays, $334,000,000,000.

(12) Medicare (570):

Fiscal year 2008:

(A) New budget authority, $379,676,000,000.

(B) Outlays, $379,821,000,000.

Fiscal year 2009:

(A) New budget authority, $398,904,000,000.

(B) Outlays, $398,592,000,000.

Fiscal year 2010:

(A) New budget authority, $414,261,000,000.

(B) Outlays, $414,518,000,000.

Fiscal year 2011:

(A) New budget authority, $450,100,000,000.

(B) Outlays, $450,147,000,000.

Fiscal year 2012:

(A) New budget authority, $436,189,000,000.

(B) Outlays, $435,845,000,000.

(13) Income Security (600):

Fiscal year 2008:

(A) New budget authority, $376,258,000,000.

(B) Outlays, $381,323,000,000.

Fiscal year 2009:

(A) New budget authority, $383,853,000,000.

(B) Outlays, $383,617,000,000.

Fiscal year 2010:

(A) New budget authority, $392,348,000,000.

(B) Outlays, $391,046,000,000.

Fiscal year 2011:

(A) New budget authority, $406,091,000,000.

(B) Outlays, $403,954,000,000.

Fiscal year 2012:

(A) New budget authority, $405,114,000,000.

(B) Outlays, $402,614,000,000.

(14) Social Security (650):

Fiscal year 2008:

(A) New budget authority, $19,644,000,000.

(B) Outlays, $19,644,000,000.

Fiscal year 2009:

(A) New budget authority, $21,518,000,000.

(B) Outlays, $21,518,000,000.

Fiscal year 2010:

(A) New budget authority, $23,701,000,000.

(B) Outlays, $23,701,000,000.

Fiscal year 2011:

(A) New budget authority, $27,009,000,000.

(B) Outlays, $27,009,000,000.

Fiscal year 2012:

(A) New budget authority, $29,898,000,000.

(B) Outlays, $29,898,000,000.

(15) Veterans Benefits and Services (700):

Fiscal year 2008:

(A) New budget authority, $84,493,000,000.

(B) Outlays, $84,512,000,000.

Fiscal year 2009:

(A) New budget authority, $89,019,000,000.

(B) Outlays, $89,033,000,000.

Fiscal year 2010:

(A) New budget authority, $92,397,000,000.

(B) Outlays, $90.798,000,000.

Fiscal year 2011:

(A) New budget authority, $98,286,000,000.

(B) Outlays, $96,779,000,000.

Fiscal year 2012:

(A) New budget authority, $96,528,000,000.

(B) Outlays, $94,838,000,000.

(16) Administration of Justice (750):

Fiscal year 2008:

(A) New budget authority, $45,765,000,000.

(B) Outlays, $46,432,000,000.

Fiscal year 2009:

(A) New budget authority, $45,471,000,000.

(B) Outlays, $46,631,000,000.

Fiscal year 2010:

(A) New budget authority, $45,742,000,000.

(B) Outlays, $46,466,000,000.

Fiscal year 2011:

(A) New budget authority, $45,995,000,000.

(B) Outlays, $46,323,000,000.

Fiscal year 2012:

(A) New budget authority, $46,198,000,000.

(B) Outlays, $46,166,000,000.

(17) General Government (800):

Fiscal year 2008:

(A) New budget authority, $17,873,000,000.

(B) Outlays, $18,353,000,000.

Fiscal year 2009:

(A) New budget authority, $17,844,000,000.

(B) Outlays, $18,013,000,000.

Fiscal year 2010:

(A) New budget authority, $20,270,000,000.

(B) Outlays, $20,262,000,000.

Fiscal year 2011:

(A) New budget authority, $17,801,000,000.

(B) Outlays, $17,649,000,000.

Fiscal year 2012:

(A) New budget authority, $18,264,000,000.

(B) Outlays, $18,230,000,000.

(18) Net Interest (900):

Fiscal year 2008:

(A) New budget authority, $370,521,000,000.

(B) Outlays, $370,421,000,000.

Fiscal year 2009:

(A) New budget authority, $388,836,000,000.

(B) Outlays, $387,436,000,000.

Fiscal year 2010:

(A) New budget authority, $410,258,000,000.

(B) Outlays, $405,258,000,000.

Fiscal year 2011:

(A) New budget authority, $431,411,000,000.

(B) Outlays, $421,411,000,000.

Fiscal year 2012:

(A) New budget authority, $450,561,000,000.

(B) Outlays, $434,561,000,000.

(19) Allowances (920):

Fiscal year 2008:

(A) New budget authority, $6,439,000,000.

(B) Outlays, $5,544,000,000.

Fiscal year 2009:

(A) New budget authority, $–11,795,000,000.

(B) Outlays, $–6,242,000,000.

Fiscal year 2010:

(A) New budget authority, $–5,709,000,000.

(B) Outlays, $–6,972,000,000.

Fiscal year 2011:

(A) New budget authority, $–150,000,000.

(B) Outlays, $–3,007,000,000.

Fiscal year 2012:

(A) New budget authority, $4,167,000,000.

(B) Outlays, $1,286,000,000.

(20) Undistributed Offsetting Receipts (950):

Fiscal year 2008:

(A) New budget authority, $–71,009,000,000.

(B) Outlays, $–71,009,000,000.

Fiscal year 2009:

(A) New budget authority, $–66,578,000,000.

(B) Outlays, $–66,587,000,000.

Fiscal year 2010:

(A) New budget authority, $–71,869,000,000.

(B) Outlays, $–71,869,000,000.

Fiscal year 2011:

(A) New budget authority, $–69,623,000,000.

(B) Outlays, $–69,643,000,000.

Fiscal year 2012:

(A) New budget authority, $–72,789,000,000.

(B) Outlays, $–72,792,000,000.

TITLE II—RECONCILIATION

SEC. 201. RECONCILIATION IN THE HOUSE OF REPRESENTATIVES.

(a) Submission To Provide for the Reform of Mandatory Spending.—(1) Not later than June 8, 2007, the House committees named in paragraph (2) shall submit their recommendations to the House Committee on the Budget. After receiving those recommendations, the House Committee on the Budget shall report to the House a reconciliation bill carrying out all such recommendations without substantive revision.

(2) Instructions.—

(A) Committee on Agriculture.—The House Committee on Agriculture shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $452,000,000 for fiscal year 2008, $3,277,000,000 for fiscal year 2012, and $9,849,000,000 for the period of fiscal years 2008 through 2012.

(B) Committee on Armed Services.—The House Committee on Armed Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $50,000,000 for fiscal year 2008, $100,000,000 for fiscal year 2012, and $410,000,000 for the period of fiscal years 2008 through 2012.

(C) Committee on Education and Labor.—The House Committee on Education and Labor shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $3,456,000,000 for fiscal year 2008, $400,000,000 for fiscal year 2012, and $4,906,000,000 for the period of fiscal years 2008 through 2012.

(D) Committee on Energy and Commerce.—The House Committee on Energy and Commerce shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $8,344,000,000 for fiscal year 2008, $30,602,000,000 for fiscal year 2012, and $97,359,000,000 for the period of fiscal years 2008 through 2012.

(E) Committee on Financial Services.—The House Committee on Financial Services shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $00,000,000 for fiscal year 2008, $140,000,000 for fiscal year 2012, and $400,000,000 for the period of fiscal years 2008 through 2012.

(F) Committee on Foreign Relations.—The House Committee on Foreign Relations shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $20,000,000 for fiscal year 2008, $90,000,000 for fiscal year 2012, and $250,000,000 for the period of fiscal years 2008 through 2012.

(G) Committee on the Judiciary.—The House Committee on the Judiciary shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $265,000,000 for fiscal year 2008, $1,010,000,000 for fiscal year 2012, and $3,515,000,000 for the period of fiscal years 2008 through 2012.

(H) Committee on Natural Resources.—The House Committee on Natural Resources shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $1,507,000,000 for fiscal year 2008, $535,000,000 for fiscal year 2012, and $4,647,000,000 for the period of fiscal years 2008 through 2012.

(I) Committee on Transportation and Infrastructure.—The House Committee on Transportation and Infrastructure shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $460,000,000 for fiscal year 2008, $1,063,000,000 for fiscal year 2012, and $4,272,000,000 for the period of fiscal years 2008 through 2012.

(J) Committee on Ways and Means.—The House Committee on Ways and Means shall report changes in laws within its jurisdiction sufficient to reduce direct spending by $10,109,000,000 for fiscal year 2008, $41,543,000,000 for fiscal year 2012, and $153,122,000,000 for the period of fiscal years 2008 through 2012, sufficient to reduce revenues by not more than $48,912,000,000 for fiscal year 2008 and by not more than $447,221,000,000 for the period of fiscal years 2008 through 2012.

(b) Submission of Revised Allocations.—(1) Upon the submission to the Committee on the Budget of the House of a recommendation that has complied with its reconciliation instructions solely by virtue of section 310(c) of the Congressional Budget Act of 1974, the chairman of that committee may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(2) Upon the submission to the House of a conference report recommending a reconciliation bill or resolution in which a committee has complied with its reconciliation instructions solely by virtue of this section, the chairman of the Committee on the Budget of the House may file with the House appropriately revised allocations under section 302(a) of such Act and revised functional levels and aggregates.

(3) Allocations and aggregates revised pursuant to this subsection shall be considered to be allocations and aggregates established by the concurrent resolution on the budget pursuant to section 301 of such Act.

TITLE III—POLICY STATEMENTS

SEC. 301. POLICY OF THE UNITED STATES CONGRESS ON TAXATION.

The United States Congress reaffirms the statement of principle that the Federal Government should not raise taxes on American families or reverse the policies that have led to strong growth in the United States economy, and instead should move towards balancing the budget by reigning in the Federal Government's spending; it is further the policy assumption underlying this resolution that the tax relief enacted in 2001 and 2003 should be continued.

SEC. 302. POLICY OF THE UNITED STATES CONGRESS ON ENTITLEMENT SPENDING.

(a) Findings.—

(1) Entitlement growth is unsustainable. Entitlements are currently growing at 6 percent per yearsignificantly faster than our entire economy, and more than twice the rate of inflation.

(2) Entitlements currently consume more than half of the entire Federal budget. If simply left on "auto-pilot" (assuming no new entitlement spending or benefits):

(A) By 2015 in less than a decade

(B) By 2040 social security, medicare, and medicaid alone will consume 20 percent of our economy

(C) By 2040 Americans will have to pay twice the current rate of taxes

(3) Entitlements must be reformed to survive with the retirement of the baby boomers, the situation will only get worse, making the necessary reforms more sudden and severe.

(4) Entitlements aren't all that's at risk. If left unreformed, these programs will also impose a crushing burden on both the budget and the economy. Our now strong economy, which has created millions of jobs and been the key factor in reducing the deficit. Entitlements will eventually crowd out all other priorities such as education, veterans, science, agriculture, environment, even defense and homeland security.

(5) The rising costs of government entitlements are a "fiscal cancer" that threaten "catastrophic consequences for our country" and could "bankrupt America" said America's chief accountant, U.S. Comptroller General David Walker.

(6) Without "early and meaningful action" to address the rapid growth of entitlements, "the U.S. economy could be seriously weakened, with future generations bearing much of the cost" warned Fed Chairman Ben Bernanke.

(7) Spending is the problem. Massive Tax Hikes are Not the Solution. Even if taxes are raised to balance the budget in the short term, entitlements would quickly drive the Federal Government back into deficit.

(8) The U.S. Comptroller General testified that the United States Government "cannot grow [its] way out of this problem; eliminating earmarks will not solve the problem; wiping out fraud, waste, and abuse will not solve the problem; ending the war or cutting way back on defense will not solve the problem".

(9) The budget must drive entitlement reform. Entitlement programs are well-intended, and provide a critical safety net for millions of Americans, but their costs are out of control, and growing worse every yeartypically without regular reform or congressional oversight. Congress must use the budget process to promote reforms that will make these programs better, more efficient, and more sustainable for the long term.

(b) Policy on Entitlements.—It is the policy of this resolution that Congress must immediately address the out-of-control growth of entitlement spending that may do substantial harm to the United States economy and hurt the standard of living of future generations. Furthermore, Congress must also commit itself to consider during this fiscal year fundamental reform packages to secure the long-term solvency of medicare, medicaid and social security.

SEC. 303. BONNEVILLE POWER MARKETING ADMINISTRATION.

It is the policy of this resolution that it does not specifically assume any savings from the President's proposal related to the

Bonneville Power Marketing Administrations and the Energy and Commerce Committee will determine its own policies subject to the applicable numerical allocation limits and reconciliation directives.

TITLE IV—GENERAL BUDGET ENFORCEMENT

SEC. 401. RESTRICTIONS ON ADVANCE APPROPRIATIONS.

(a) IN GENERAL.—(1) In the House, except as provided in subsection (b), an advance appropriation may not be reported in a bill or joint resolution making a general appropriation or continuing appropriation, and may not be in order as an amendment thereto.

(2) Managers on the part of the House may not agree to a Senate amendment that would violate paragraph (1) unless specific authority to agree to the amendment first is given by the House by a separate vote with respect thereto.

(b) ADVANCE APPROPRIATION.—In the House, an advance appropriation may be provided for the fiscal years 2009 and 2010 for programs, projects, activities, or accounts identified in the joint explanatory statement of managers accompanying this resolution under the heading "Accounts Identified for Advance Appropriations" in an aggregate amount not to exceed $23,565,000,000 in new budget authority in each year.

(c) DEFINITION.—In this section, the term "advance appropriation" means any new budget authority provided in a bill or joint resolution making general appropriations or any new budget authority provided in a bill or joint resolution making continuing appropriations for fiscal year 2008 that first becomes available for any fiscal year after 2008.

SEC. 402. CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.

(a) EXEMPTION OF CONTINGENCY OPERATIONS RELATED TO THE GLOBAL WAR ON TERRORISM AND FOR UNANTICIPATED DEFENSE NEEDS.—In the House, if any bill or joint resolution is reported, or an amendment is offered thereto or a conference report is filed thereon, that makes appropriations for fiscal year 2008 for contingency operations directly related to the global war on terrorism, and other unanticipated defense-related operations, then the new budget authority, new entitlement authority, outlays, or receipts resulting therefrom shall not count for purposes of titles III or IV of the Congressional Budget Act of 1974.

(b) CURRENT LEVEL.—Amounts included in this resolution for the purpose set forth in this section shall be considered to be current law for purposes of the preparation of the current level of budget authority and outlays and the appropriate levels shall be adjusted upon the enactment of such bill.

SEC. 403. APPLICATION AND EFFECT OF CHANGES IN ALLOCATIONS AND AGGREGATES.

(a) APPLICATION.—Any adjustments of allocations and aggregates made pursuant to this resolution shall

(1) apply while that measure is under consideration;

(2) take effect upon the enactment of that measure; and

(3) be published in the Congressional Record as soon as practicable.

(b) EFFECT OF CHANGED ALLOCATIONS AND AGGREGATES.—Revised allocations and aggregates resulting from these adjustments shall be considered for the purposes of the Congressional Budget Act of 1974 as allocations and aggregates contained in this resolution.

(c) BUDGET COMMITTEE DETERMINATIONS.—For purposes of this resolution__

(1) the levels of new budget authority, outlays, direct spending, new entitlement authority, revenues, deficits, and surpluses for a fiscal year or period of fiscal years shall be determined on the basis of estimates made by the appropriate Committee on the Budget; and

(2) such chairman may make any other necessary adjustments to such levels to reflect the timing of responses to reconciliation directives pursuant to section 201 of this resolution.

SEC. 404. ADJUSTMENTS TO REFLECT CHANGES IN CONCEPTS AND DEFINITIONS.

Upon the enactment of a bill or joint resolution providing for a change in concepts or definitions, the appropriate chairman of the Committee on the Budget shall make adjustments to the levels and allocations in this resolution in accordance with section 251(b) of the Balanced Budget and Emergency Deficit Control Act of 1985 (as in effect prior to September 30, 2002).

SEC. 405. COMPLIANCE WITH SECTION 13301 OF THE BUDGET ENFORCEMENT ACT OF 1990.

(a) IN GENERAL.—In the House and the Senate, notwithstanding section 302(a)(1) of the Congressional Budget Act of 1974 and section 13301 of the Budget Enforcement Act of 1990, the joint explanatory statement accompanying the conference report on any concurrent resolution on the budget shall include in its allocation under section 302(a) of the Congressional Budget Act of 1974 to the Committee on Appropriations amounts for the discretionary administrative expenses of the Social Security Administration.

(b) SPECIAL RULE.—In the House, for purposes of applying section 302(f) of the Congressional Budget Act of 1974, estimates of the level of total new budget authority and total outlays provided by a measure shall include any discretionary amounts provided for the Social Security Administration.

SEC. 406. EXERCISE OF RULEMAKING POWERS.

Congress adopts the provisions of this title—

(1) as an exercise of the rulemaking power of the Senate and the House, respectively, and as such they shall be considered as part of the rules of each House, or of that House to which they specifically apply, and such rules shall supersede other rules only to the extent that they are inconsistent therewith; and

(2) with full recognition of the constitutional right of either House to change those rules (so far as they relate to that House) at any time, in the same manner, and to the same extent as in the case of any other rule of that House.

SEC. 407. ADJUSTMENTS FOR TAX LEGISLATION.

In the House, if the Committee on Ways and Means reports a bill or joint resolution, or an amendment is offered thereto or a conference report is submitted thereon, that amends the Internal Revenue Code of 1986 by extending the expiration dates for Federal tax policies that expired during fiscal year 2008 or that expire during the period of fiscal years 2008 through 2012, then the chairman of the Committee on the Budget may make appropriate adjustments in the allocations and aggregates of budget authority, outlays, and revenue set forth in this resolution to reflect the budgetary effects of such legislation, but only to the extent the adjustments would not cause the level of revenue to be less than the level of revenue provided for in this resolution for the period of fiscal years 2008 through 2012 and would not cause the deficit to exceed the appropriate level of deficits provided for in this resolution for the period of fiscal years 2008 through 2012.

SEC. 408. REPEAL OF THE GEPHARDT RULE.

With respect to the adoption by the Congress of a concurrent resolution on the budget for fiscal year 2008, the clerk of the House shall not prepare an engrossment of a joint resolution increasing or decreasing, as the case may be, the statutory limit on the public debt.

SEC. 409. BUDGET COMPLIANCE STATEMENTS.

Each report of a committee on a public bill or public joint resolution shall contain a budget compliance statement prepared by the chairman of the Committee on the Budget, if timely submitted prior to the filing of the report, which shall include assessment by such chairman as to whether the bill or joint resolution complies with the requirements of sections 302, 303, 306, 311, and 401 of the Congressional Budget Act of 1974.

SEC. 410. COST ESTIMATES FOR CONFERENCE REPORTS AND UNREPORTED MEASURES.

It shall not be in order to consider a conference report or an unreported bill or joint resolution unless an estimate of costs as described in clause 3(d)(2) of Rule XIII has been printed in the Congressional Record at least one day before its consideration.

SEC. 411. ROLL CALL VOTES FOR NEW SPENDING.

The yeas and nays shall be considered as ordered when the Speaker puts the question on passage of a bill or joint resolution, or on adoption of a conference report, for which the chairman of the Budget Committee has advised the Speaker that such bill, joint resolution or conference report authorizes or provides new budget authority of not less than $50,000,000. The Speaker may not entertain a unanimous consent request or motion to suspend this section.

SEC. 412. BUDGET PROCESS REFORM.

Before September 30, 2007, the chairman or ranking minority member of the Committee on the Budget of the House of Representatives shall introduce, and the committee shall conduct hearings on, budget reform legislation that includes the following provisions:

(1) Statutory discretionary spending limits.

(2) Provisions to slow the growth of entitlement spending by requiring offsets for new benefits, and examining programs with annual increases higher than the rate of inflation.

(3) Presidential legislative line item veto authority that preserves Congress' constitutional power of the purse by requiring an expedited up or down vote on the President's proposals.

(4) Enforcement tools that restrict the definition of "emergency" so that emergency supplemental appropriation bills include only needs that are sudden, urgent, unforeseen, unpredictable, unanticipated, and temporary in nature.

(5) Accrual accounting of the Government's long-term obligations.

(6) Periodic reporting from the Government Accountability Office that examine the causes of long-term deficits and present options to reduce these deficits.

(7) Annual audit summaries from the Federal Accounting Standards Advisory Board for all departments of the Government that represent more than 20 percent of discretionary spending, with recommendations on how to improve the quality of financial information available to Congress.

SEC. 413. TREASURY DEPARTMENT STUDY AND REPORT.

(a) REQUEST.—Not later than June 1, 2007, the chairman or ranking member of the Committee on the Budget of the House of Representatives shall submit a request to the Secretary of the Treasury for a study of the impact of the current United States tort system on global competition and gross domestic product (GDP) growth.

(b) SUBMISSION OF STUDY.—The results of the study described in subsection (a) shall be submitted by the Secretary of the Treasury to the Committee on the Budget of the House of Representatives not later than September 30, 2007.

SEC. 414. ASSISTANCE BY FEDERAL AGENCIES TO STANDING COMMITTEES OF THE SENATE AND THE HOUSE OF REPRESENTATIVES.

(a) INFORMATION REGARDING AGENCY APPROPRIATIONS REQUESTS.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the chairman of each authorizing committee of the House and Senate shall request the head of each Federal agency which administers the laws or parts of laws under the jurisdiction of such committee, to provide to such committee such studies, information, analyses, reports, and assistance.

(b) INFORMATION REGARDING AGENCY PROGRAM ADMINISTRATION.—To assist each standing committee of the House of Representatives and the Senate in carrying out its responsibilities, the chairman of each authorizing committee of the House and Senate shall request of the head of any agency under his committee's jurisdiction, to furnish to such committee documentation, containing information received, compiled, or maintained by the agency as part of the operation or administration of a program, or specifically compiled pursuant to a request in support of a review of a program, as may be requested by the chairman and ranking minority member of such committee.

(c) SUMMARIES BY COMPTROLLER GENERAL.—Within thirty days after the receipt of a request from a chairman and ranking minority member of a standing committee having jurisdiction over a program being reviewed and studied by such committee under this section, the Comptroller General of the United States shall furnish to such committee summaries of any audits or reviews of such program which the Comptroller General has completed during the preceding six years.

(d) CONGRESSIONAL ASSISTANCE.—Consistent with their duties and functions under law, the Comptroller General of the United States, the Director of the Congressional Budget Office, and the Director of the Congressional Research Service shall continue to furnish (consistent with established protocols) to each standing committee of the House of Representatives or the Senate such information, studies, analyses, and reports as the chairman and ranking minority member may request to assist the committee in conducting reviews and studies of programs under this section.

SEC. 415. BUDGETARY TREATMENT OF THE NATIONAL FLOOD INSURANCE PROGRAM.

(a) TREATMENT.—For purposes of the allocations and aggregates in this resolution, the reconciliation directives established by this resolution, and for any other purpose under titles III and IV of the Congressional Budget Act of 1974, the budgetary effects of any bill or joint resolution, amendment thereto, or conference report thereon, or any recommendations submitted pursuant to section 201 that includes the reforms set forth in subsection (b) shall be scored without regard to the obligations resulting from the enactment of Public Law 109–208. Such estimate shall assume the liquidating of the National Flood Insurance Fund's remaining contractual obligations resulting from claims made as a result of floods that occurred in 2005.

(b) LEGISLATION.—The legislation referred to in subsection (a) shall—

(1) establish more actuarially sound rates on policies issued by the National Flood Insurance Program; and

(2) end flood insurance subsidies on pre-FIRM structures not used as primary residences.

TITLE V—EMERGENCY RESERVE FUND

SEC. 501. NONDEFENSE RESERVE FUND FOR EMERGENCIES.

(a) NONDEFENSE SET ASIDE.—

(1) DISCRETIONARY SET ASIDE FUND.—In the House and except as provided by subsection (b), if a bill or joint resolution is reported, or an amendment is offered thereto (or considered as adopted) or a conference report is filed thereon, that provides new discretionary budget authority (and outlays flowing therefrom), and such provision is designated as an emergency pursuant to this section, the chairman of the Committee on the Budget shall make adjustments to the allocations and aggregates set forth in this resolution up to the amount of such provisions if the requirements set forth in section 504 are met, but the sum of all adjustments made under this paragraph shall not exceed $6,450,000,000 for fiscal year 2008.

(2) OTHER ADJUSTMENTS.—In the House, if a bill or joint resolution is reported or a conference report is filed thereon, and a direct spending or receipt provision included therein is designated as an emergency pursuant to this paragraph, the chairman of the Committee on the Budget may make adjustments to the allocations and aggregates set forth in this resolution.

(b) ADDITIONAL ADJUSTMENT PROCEDURES.—In the House, before any adjustment is made pursuant to this section for any bill, joint resolution, or conference report that designates a provision an emergency, the enactment of which would cause the total amount of the set aside fund set forth in subsection (a)(1) for fiscal year 2008 to be exceeded:

(1) The chairman of the Committee on the Budget shall convene a meeting of that committee, where it shall be in order, subject to the terms set forth in this section, for one motion described in paragraph (2) to be made to authorize the chairman to make adjustments above the maximum amount of adjustments set forth in subsection (a). If the Chairman does not call such a meeting within 24 hours of a committee reporting such a measure, any member of the Committee may call such a meeting.

(2) The motion referred to in paragraph (1) shall be in the following form: "I move that the chairman of the Committee on the Budget be authorized to adjust the allocations and aggregates set forth in the concurrent resolution on the budget for fiscal year 2008 by the following amount: $ for fiscal year 2008.", with the blank being filled in with amount determined by the chairman of the Committee on the Budget. For any measure referred to in subsection (a)(1), such amount shall not exceed the total amount for fiscal year 2008 designated as an emergency in excess of the applicable amount remaining in the set aside fund.

(3) The motion set forth in paragraph (2) shall be open for debate and amendment, but any amendment offered thereto is only in order if limited to changing an amount in the motion.

(4) Except as provided by paragraph (5), the chairman of the Committee on the Budget may not make any adjustments under subsection (a) or subsection (b) unless or until the committee filing a report or joint statement of managers on a conference report on a measure including an emergency designation fulfills the terms set forth in section 504.

(5) The chairman of the Committee on the Budget shall make any adjustments he deems necessary under this section if he determines the enactment of the provision or provisions designated as an emergency is essential to respond to an urgent and imminent need, the chairman determines the exceptional circumstances referred to in rule 3 of the rules of the committee are met and the committee cannot convene to consider the motion referred to in this section in a timely fashion.

(c) APPLICATION OF ADJUSTMENTS.—The adjustments made pursuant to subsection (a) or (b) shall

(1) apply while that bill, joint resolution, conference report or amendment is under consideration;

(2) take effect upon the enactment of that legislation; and

(3) be published in the Congressional Record as soon as practicable.

SEC. 502. EMERGENCY CRITERIA.

As used in this title:

(1) The term "emergency" means a situation that—

(A) requires new budget authority and outlays (or new budget authority and the outlays flowing therefrom) for the prevention or mitigation of, or response to, loss of life or property, or a threat to national security; and

(B) is unanticipated.

(2) The term "unanticipated" means that the underlying situation is—

(A) Sudden, which means quickly coming into being or not building up over time;

(B) Urgent, which means a pressing and compelling need requiring immediate action;

(C) Unforeseen, which means not predicted or anticipated as an emerging need; and

(D) Temporary, which means not of a permanent duration.

SEC. 503. DEVELOPMENT OF GUIDELINES FOR APPLICATION OF EMERGENCY DEFINITION.

In the House, as soon as practicable after the adoption of this resolution, the chairman of the Committee on the Budget shall, after consultation with the chairmen of the applicable committees, the Ranking Member of the Committee on the Budget, and the Director of the Congressional Budget Office, prepare additional guidelines for application of the definition of an emergency and shall issue a committee print from the Committee on the Budget for this purpose.

SEC. 504. COMMITTEE NOTIFICATION OF EMERGENCY LEGISLATION.

(a) COMMITTEE NOTIFICATION.—Whenever a committee of the House (including a committee of conference) reports any bill or joint resolution that includes a provision designated as an emergency pursuant to this title, the report accompanying that bill or joint resolution (or the joint explanatory statement of managers in the case of a conference report on any such bill or joint resolution) shall identify all provisions that provide amounts designated as an emergency and shall provide an explanation of the manner in which the provision meets the criteria set forth in section 502.

(b) CONGRESSIONAL RECORD.—If such a measure is to be considered by the House without being reported by the committee of jurisdiction, then the committee shall cause the explanation to be published in the Congressional Record as soon as practicable.

SEC. 505. UP-TO-DATE TABULATIONS.

The Committee on the Budget of the House shall publish in the Congressional Record up-to-date tabulations of amounts remaining in the set aside fund set forth in section 501, or authorized in excess thereof, as soon as practicable after the enactment of such amounts designated as emergencies.

TITLE VI—LEGISLATIVE LINE ITEM VETO AUTHORITY

SEC. 601. PRESIDENTIAL RECOMMENDATIONS.

(a) PROPOSED CANCELLATIONS.—If, within 45 calendar days after the enactment of any bill or joint resolution providing any discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit, the President proposes, in the manner provided in subsection (b), the cancellation of any dollar amount of such discretionary budget authority, item of direct spending, or targeted tax benefit, such recommendation shall be introduced as a freestanding measure consistent with the terms of this title and shall be eligible for the expedited procedures set forth herein. If the 45 calendar-day period expires during a period where either House of Congress stands adjourned sine die at the end of a Congress or for a period greater than 45 calendar days, the President may propose a cancellation under this section and transmit a special message under subsection (b) on the first calendar day of session following such a period of adjournment.

(b) TRANSMITTAL OF SPECIAL MESSAGE.—

(1) SPECIAL MESSAGE.—

(A) CONTENTS OF SPECIAL MESSAGE.—Each special message shall specify, with respect to the discretionary budget authority, items of direct spending proposed, limited tariff benefits, or targeted tax benefits to be canceled—

(i) the dollar amount of discretionary budget authority, the specific item of direct spending (that OMB, after consultation with CBO, estimates to increase budget authority or outlays as required by section 1017(9)), the limited tariff benefit, or the targeted tax benefit that the President proposes be canceled;

(ii) any account, department, or establishment of the Government to which such discretionary budget authority is available for obligation, and the specific project or governmental functions involved;

(iii) the reasons why such discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit should be canceled;

(iv) to the maximum extent practicable, the estimated fiscal, economic, and budgetary effect (including the effect on outlays and receipts in each fiscal year) of the proposed cancellation;

(v) to the maximum extent practicable, all facts, circumstances, and considerations relating to or bearing upon the proposed cancellation and the decision to propose the cancellation, and the estimated effect of the proposed cancellation upon the objects, purposes, or programs for which the discretionary budget authority, item of direct spending, limited tariff benefit, or the targeted tax benefit is provided;

(vi) a numbered list of cancellations to be included in an approval bill that, if enacted, would cancel discretionary budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits proposed in that special message; and

(vii) if the special message is transmitted subsequent to or at the same time as another special message, a detailed explanation why the proposed cancellations are not substantially similar to any other proposed cancellation in such other message.

(C) DUPLICATIVE PROPOSALS PROHIBITED.—The President may not propose to cancel the same or substantially similar discretionary budget authority, item of direct spending, limited tariff benefit, or targeted tax benefit more than one time under this Act.

(D) MAXIMUM NUMBER OF SPECIAL MESSAGES.—The President may not transmit to the Congress more than 5 special messages under this subsection related to any bill or joint resolution described in subsection (a), but may transmit not more than 10 special messages for any omnibus budget reconciliation or appropriation measure.

(2) ENACTMENT OF APPROVAL BILL.—

(A) DEFICIT REDUCTION.—Amounts of budget authority, items of direct spending, limited tariff benefit, or targeted tax benefits which are canceled pursuant to enactment of a bill as provided under this section shall be dedicated only to reducing the deficit or increasing the surplus.

(B) ADJUSTMENT OF LEVELS IN THE CONCURRENT RESOLUTION ON THE BUDGET.—Not later than 5 days after the date of enactment of an approval bill as provided under this section, the chairs of the Committees on the Budget of the Senate and the House of Representatives shall revise allocations and aggregates and other appropriate levels under the appropriate concurrent resolution on the budget to reflect the cancellation, and the applicable committees shall report revised suballocations pursuant to section 302(b), as appropriate.

(C) TRUST FUNDS AND SPECIAL FUNDS.—Notwithstanding subparagraph (A), nothing in this title shall be construed to require or allow the deposit of amounts derived from a trust fund or special fund which are canceled pursuant to enactment of a bill as provided under this section to any other fund.

SEC. 602. PROCEDURES IN UNITED STATES CONGRESS.

(a) EXPEDITED CONSIDERATION.—

(1) IN GENERAL.—The majority leader or minority leader of each House or his designee shall (by request) introduce an approval bill as defined in section 1017 not later than the third day of session of that House after the date of receipt of a special message transmitted to the Congress under section 1011(b). If the bill is not introduced as provided in the preceding sentence in either House, then, on the fourth day of session of that House after the date of receipt of the special message, any Member of that House may introduce the bill.

(2) CONSIDERATION IN THE HOUSE OF REPRESENTATIVES.—

(A) REFERRAL AND REPORTING.—Any committee of the House of Representatives to which an approval bill is referred shall report it to the House without amendment not later than the seventh legislative day after the date of its introduction. If a committee fails to report the bill within that period or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, such committee shall be automatically discharged from further consideration of the bill and it shall be placed on the appropriate calendar.

(B) PROCEEDING TO CONSIDERATION.—After an approval bill is reported by or discharged from committee or the House has adopted a concurrent resolution providing for adjournment sine die at the end of a Congress, it shall be in order to move to proceed to consider the approval bill in the House. Such a motion shall be in order only at a time designated by the Speaker in the legislative schedule within two legislative days after the day on which the proponent announces his intention to offer the motion. Such a motion shall not be in order after the House has disposed of a motion to proceed with respect to that special message. The previous question shall be considered as ordered on the motion to its adoption without intervening motion. A motion to reconsider the vote by which the motion is disposed of shall not be in order.

(C) CONSIDERATION.—The approval bill shall be considered as read. All points of order against an approval bill and against its consideration are waived. The previous question shall be considered as ordered on an approval bill to its passage without intervening motion except five hours of debate equally divided and controlled by the proponent and an opponent and one motion to limit debate on the bill. A motion to reconsider the vote on passage of the bill shall not be in order.

(D) SENATE BILL.—An approval bill received from the Senate shall not be referred to committee.

(3) CONSIDERATION IN THE SENATE.—

(A) MOTION TO PROCEED TO CONSIDERATION.—A motion to proceed to the consideration of a bill under this subsection in the Senate shall not be debatable. It shall not be in order to move to reconsider the vote by which the motion to proceed is agreed to or disagreed to.

(B) LIMITS ON DEBATE.—Debate in the Senate on a bill under this subsection, and all debatable motions and appeals in connection therewith (including debate pursuant to subparagraph (D)), shall not exceed 10 hours, equally divided and controlled in the usual form.

(C) APPEALS.—Debate in the Senate on any debatable motion or appeal in connection with a bill under this subsection shall be limited to not more than 1 hour, to be equally divided and controlled in the usual form.

(D) MOTION TO LIMIT DEBATE.—A motion in the Senate to further limit debate on a bill under this subsection is not debatable.

(E) MOTION TO RECOMMIT.—A motion to recommit a bill under this subsection is not in order.

(F) CONSIDERATION OF THE HOUSE BILL.—

(i) IN GENERAL.—If the Senate has received the House companion bill to the bill introduced in the Senate prior to the vote required under paragraph (1)(C), then the Senate may consider, and the vote under paragraph (1)(C) may occur on, the House companion bill.

(ii) PROCEDURES AFTER VOTE ON SENATE BILL.—If the Senate votes, pursuant to paragraph (1)(C), on the bill introduced in the Senate, then immediately following that vote, or upon receipt of the House companion bill, the House bill shall be deemed to be considered, read the third time, and the vote on passage of the Senate bill shall be considered to be the vote on the bill received from the House.

(b) AMENDMENTS PROHIBITED.—No amendment to, or motion to strike a provision from, a bill considered under this section shall be in order in either the Senate or the House of Representatives.

SEC. 603. IDENTIFICATION OF TARGETED TAX BENEFITS.

(a) STATEMENT.—The chairman of the Committee on Ways and Means of the House of Representatives and the chairman of the Committee on Finance of the Senate acting jointly (hereafter in this subsection referred to as "the chairmen" shall review any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 that is being prepared for filing by a committee of conference of the two Houses, and shall identify whether such bill or joint resolution contains any targeted tax benefits. The chairmen shall provide to the committee of conference a statement identifying any such targeted tax benefits or declaring that the bill or joint resolution does not contain any targeted tax benefits. Any such statement shall be made available to any Member of Congress by the chairmen immediately upon request.

(b) Statement Included in Legislation.—

(1) In general.—Notwithstanding any other rule of the House of Representatives or any rule or precedent of the Senate, any revenue or reconciliation bill or joint resolution which includes any amendment to the Internal Revenue Code of 1986 reported by a committee of conference of the two Houses may include, as a separate section of such bill or joint resolution, the information contained in the statement of the chairmen, but only in the manner set forth in paragraph (2).

(2) Applicability.—The separate section permitted under subparagraph (A) shall read as follows: "Section 1021 of the Congressional Budget and Impoundment Control Act of 1974 shall apply to , ,000,000", with the blank spaces being filled in with—

(A) in any case in which the chairmen identify targeted tax benefits in the statement required under subsection (a), the word "only" in the first blank space and a list of all of the specific provisions of the bill or joint resolution in the second blank space; or

(B) in any case in which the chairmen declare that there are no targeted tax benefits in the statement required under subsection (a), the word "not" in the first blank space and the phrase "any provision of this Act" in the second blank space.

(c) Identification in Revenue Estimate.—With respect to any revenue or reconciliation bill or joint resolution with respect to which the chairmen provide a statement under subsection (a), the Joint Committee on Taxation shall—

(1) in the case of a statement described in subsection (b)(2)(A), list the targeted tax benefits in any revenue estimate prepared by the Joint Committee on Taxation for any conference report which accompanies such bill or joint resolution, or

(2) in the case of a statement described in section 13(b)(2)(B), indicate in such revenue estimate that no provision in such bill or joint resolution has been identified as a targeted tax benefit.

(d) President's Authority.—If any revenue or reconciliation bill or joint resolution is signed into law—

(1) with a separate section described in subsection (b)(2), then the President may use the authority granted in this section only with respect to any targeted tax benefit in that law, if any, identified in such separate section; or

(2) without a separate section described in subsection (b)(2), then the President may use the authority granted in this section with respect to any targeted tax benefit in that law.

SEC. 604. ADDITIONAL MATTERS.

(a) Definitions.—

(1) Appropriation law.—The term "appropriation law" means an Act referred to in section 105 of title I, United States Code, including any general or special appropriation Act, or any Act making supplemental, deficiency, or continuing appropriations, that has been signed into law pursuant to Article I, section 7, of the Constitution of the United States.

(2) Approval bill.—The term "approval bill" means a bill or joint resolution which only approves proposed cancellations of dollar amounts of discretionary budget authority, items of new direct spending, limited tariff benefits, or targeted tax benefits in a special message transmitted by the President under this part and—

(A) the title of which is as follows: "A bill approving the proposed cancellations transmitted by the President on ", the blank space being filled in with the date of transmission of the relevant special message and the public law number to which the message relates;

(B) which does not have a preamble; and

(C) which provides only the following after the enacting clause: That the Congress approves of proposed cancellations , the blank space being filled in with a list of the cancellations contained in the President's special message, as transmitted by the President in a special message on , the blank space being filled in with the appropriate date, regarding , the blank space being filled in with the Public Law number to which the special message relates;

(D) which only includes proposed cancellations that are estimated by CBO to meet the definition of discretionary budgetary authority or items of direct spending, or limited tariff benefits, or that are identified as targeted tax benefits pursuant to section 1014;

(E) if any proposed cancellation other than discretionary budget authority or targeted tax benefits is estimated by CBO to not meet the definition of item of direct spending, then the approval bill shall include at the end: The President shall cease the suspension of the implementation of the following under section 1013 of the Legislative Line Item Veto Act of 2006: , the blank space being filled in with the list of such proposed cancellations; and

(F) if no CBO estimate is available, then the entire list of legislative provisions proposed by the President is inserted in the second blank space in subparagraph (C).

(3) Calendar day.—The term "calendar day" means a standard 24-hour period beginning at midnight.

(4) Cancel or cancellation.—The terms "cancel" or "cancellation" means to prevent—

(A) budget authority from having legal force or effect;

(B) in the case of entitlement authority, to prevent the specific legal obligation of the United States from having legal force or effect;

(C) in the case of the food stamp program, to prevent the specific provision of law that provides such benefit from having legal force or effect; or

(D) a limited tariff benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such limited tariff benefit is not implemented; or

(E) a targeted tax benefit from having legal force or effect, and to make any necessary, conforming statutory change to ensure that such targeted tax benefit is not implemented and that any budgetary resources are appropriately canceled.

(5) CBO.—The term "CBO" means the Director of the Congressional Budget Office.

(6) Direct spending.—The term "direct spending" means—

(A) budget authority provided by law (other than an appropriation law);

(B) entitlement authority; and

(C) the food stamp program.

(7) Dollar amount of discretionary budget authority.—(A) Except as provided in subparagraph (B), the term "dollar amount of discretionary budget authority" means the entire dollar amount of budget authority—

(i) specified in an appropriation law, or the entire dollar amount of budget authority or obligation limitation required to be allocated by a specific proviso in an appropriation law for which a specific dollar figure was not included;

(ii) represented separately in any table, chart, or explanatory text included in the statement of managers or the governing committee report accompanying such law;

(iii) required to be allocated for a specific program, project, or activity in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law;

(iv) represented by the product of the estimated procurement cost and the total quantity of items specified in an appropriation law or included in the statement of managers or the governing committee report accompanying such law; or

(v) represented by the product of the estimated procurement cost and the total quantity of items required to be provided in a law (other than an appropriation law) that mandates the expenditure of budget authority from accounts, programs, projects, or activities for which budget authority is provided in an appropriation law.

(B) The term "dollar amount of discretionary budget authority" does not include—

(i) direct spending;

(ii) budget authority in an appropriation law which funds direct spending provided for in other law;

(iii) any existing budget authority canceled in an appropriation law; or

(iv) any restriction, condition, or limitation in an appropriation law or the accompanying statement of managers or committee reports on the expenditure of budget authority for an account, program, project, or activity, or on activities involving such expenditure.

(8) Item of direct spending.—The term "item of direct spending" means any provision of law that results in an increase in budget authority or outlays for direct spending relative to the most recent levels calculated consistent with the methodology used to calculate a baseline under section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 and included with a budget submission under section 1105(a) of title 31, United States Code, in the first year or the 5-year period for which the item is effective. However, such item does not include an extension or reauthorization of existing direct spending, but instead only refers to provisions of law that increase such direct spending.

(9) Limited tariff benefit.—The term "limited tariff benefit" means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

(10) OMB.—The term "OMB" means the Director of the Office of Management and Budget.

(11) OMNIBUS RECONCILIATION OR APPROPRIATION MEASURE.—The term "omnibus reconciliation" or "appropriation measure" means—

(A) in the case of a reconciliation bill, any such bill that is reported to its House by the Committee on the Budget; or

(B) in the case of an appropriation measure, any such measure that provides appropriations for programs, projects, or activities falling within 2 or more section 302(b) suballocations.

(12) TARGETED TAX BENEFIT.—

(A) The "term targeted tax benefit" means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to ten or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(B) FOR PURPOSES OF SUBPARAGRAPH (A).—

(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(iii) all employees of an employer shall be treated as a single beneficiary;

(iv) all qualified plans of an employer shall be treated as a single beneficiary;

(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(C) For the purpose of this paragraph, the term "revenue-losing provision" means any provision that is estimated to result in a reduction in federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(i) the first fiscal year for which the provision is effective; or

(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

(D) the "term targeted tax benefit" does not include any provision which applies uniformly to an entire industry; and

(E) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

SEC. 605. EXPIRATION.

This title shall have no force or effect on or after October 1, 2012.

SEC. 606. SENSE OF CONGRESS ON DEFERRAL AUTHORITY.

It is the sense of Congress that legislation providing the authority to temporarily defer spending on proposed rescissions should be enacted.

SEC. 607. SENSE OF CONGRESS ON ABUSE OF PROPOSED CANCELLATIONS.

It is the sense of Congress that no President or any executive branch official should condition the inclusion or exclusion or threaten to condition the inclusion or exclusion of any proposed cancellation in any special message under this title upon any vote cast or to be cast by any Member of either House of Congress.

TITLE VII—EARMARK TRANSPARENCY

SEC. 701. PROHIBITION ON OBLIGATION OF FUNDS FOR EARMARKS INCLUDED ONLY IN CONGRESSIONAL REPORTS.

(a) REQUIREMENT THAT EARMARKS MUST BE IN LEGISLATIVE TEXT.—Notwithstanding any other rule of the House, in addition to the requirements set forth in clause 9 of rule XXI of the Rules of the House of Representatives, it shall not be in order to consider any bill, joint resolution, amendment thereto, or conference report thereon, unless the list of congressional earmarks, limited tax benefits, and limited tariff benefits, required by clause 9(a)of rule XXI are also set forth in the text of such measure.

(b) AVAILABILITY ON THE INTERNET.—Notwithstanding any other rule of the House, in addition to the requirements set forth in clause 9 of rule XXI of the Rules of the House of Representatives, it shall not be in order to consider any bill, joint resolution, or conference report thereon, unless the lists required by paragraphs (1), (2), and (4) of clause 9 of rule XXI are made available on the Internet in a searchable format to the general public for at least 48 hours before consideration.

SEC. 702. DEFINITIONS.

(a) CONGRESSIONAL EARMARK.—The term "congressional earmark" means a provision or report language included primarily at the request of a Member, Delegate, Resident Commissioner, or Senator providing, authorizing or recommending a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality or Congressional district, other than through a statutory or administrative formula-driven or competitive award process.

(b) LIMITED BENEFITS.—

(1) LIMITED TARIFF BENEFIT.—The term "limited tariff benefit" means any provision of law that modifies the Harmonized Tariff Schedule of the United States in a manner that benefits 10 or fewer entities (as defined in paragraph (12)(B)).

(2) LIMITED TAX BENEFIT.—(A) The term "limited tax benefit" means any revenue-losing provision that provides a Federal tax deduction, credit, exclusion, or preference to ten or fewer beneficiaries (determined with respect to either present law or any provision of which the provision is a part) under the Internal Revenue Code of 1986 in any year for which the provision is in effect;

(B) For purposes of subparagraph (A)—

(i) all businesses and associations that are members of the same controlled group of corporations (as defined in section 1563(a) of the Internal Revenue Code of 1986) shall be treated as a single beneficiary;

(ii) all shareholders, partners, members, or beneficiaries of a corporation, partnership, association, or trust or estate, respectively, shall be treated as a single beneficiary;

(iii) all employees of an employer shall be treated as a single beneficiary;

(iv) all qualified plans of an employer shall be treated as a single beneficiary;

(v) all beneficiaries of a qualified plan shall be treated as a single beneficiary;

(vi) all contributors to a charitable organization shall be treated as a single beneficiary;

(vii) all holders of the same bond issue shall be treated as a single beneficiary; and

(viii) if a corporation, partnership, association, trust or estate is the beneficiary of a provision, the shareholders of the corporation, the partners of the partnership, the members of the association, or the beneficiaries of the trust or estate shall not also be treated as beneficiaries of such provision;

(C) For the purpose of this paragraph, the term "revenue-losing provision" means any provision that is estimated to result in a reduction in federal tax revenues (determined with respect to either present law or any provision of which the provision is a part) for any one of the two following periods—

(i) the first fiscal year for which the provision is effective; or

(ii) the period of the 5 fiscal years beginning with the first fiscal year for which the provision is effective;

(D) the term "limited tax benefit" does not include any provision which applies uniformly to an entire industry; and

(E) the terms used in this paragraph shall have the same meaning as those terms have generally in the Internal Revenue Code of 1986, unless otherwise expressly provided.

(c) SPECIAL RULE.—Notwithstanding any other provision of the Rules of the House, the definitions set forth in this section shall apply for congressional earmarks, limited tariff benefits, and limited tax benefits.

TITLE VIII—PAY-AS-YOU-GO.

SEC. 801. PAY-AS-YOU-GO POINT OF ORDER.

(a) POINT OF ORDER.—

(1) IN GENERAL.—It shall not be in order in the House or the Senate to consider any direct spending legislation, excluding the impact of any revenue provisions, that would increase the on-budget deficit or cause an on-budget deficit for any 1 of 4 applicable time periods as measured in paragraphs (5) and (6).

(2) APPLICABLE TIME PERIODS.—For purposes of this subsection, the term "applicable time period" means any 1 of the 4 following periods:

(A) The current fiscal year.

(B) The budget year.

(C) The period of the 5 fiscal years following the current fiscal year.

(D) The period of the 5 fiscal years following the 5 fiscal years referred to in subparagraph (C).

(3) DIRECT SPENDING LEGISLATION.—For purposes of this subsection and except as provided in paragraph (4), the term "direct spending legislation" means any bill, joint resolution, amendment, motion, or conference report that affects direct spending as that term is defined by, and interpreted for purposes of, the Balanced Budget and Emergency Deficit Control Act of 1985.

(4) BASELINE.—Estimates prepared pursuant to this subsection shall—

(A) use the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985 used in considering a concurrent resolution on the budget; or

(B) after the beginning of a new calendar year and before consideration of a concurrent resolution on the budget, the most recent baseline estimates supplied by the Congressional Budget Office consistent with section 257 of the Balanced Budget and Emergency Deficit Control Act of 1985.

(5) PRIOR SURPLUS.—If direct spending or revenue legislation increases the on-budget deficit or causes an on-budget deficit when taken individually, it must also increase the on-budget deficit or cause an on-budget deficit when taken together with all direct spending and revenue legislation enacted

since the beginning of the calendar year not accounted for in the baseline under paragraph (5)(A), except that direct spending or revenue effects resulting in net deficit reduction enacted in any bill pursuant to a reconciliation instruction since the beginning of that same calendar year shall never be made available on the pay-as-you-go ledger and shall be dedicated only for deficit reduction.

(b) Determination of Budget Levels.—For purposes of this section, the levels of new budget authority, outlays, and revenues for a fiscal year shall be determined on the basis of estimates made by the Committees on the Budget.

(c) Point of Order Protection in the House.—In the House, it shall not be in order to consider a rule or order that waives the application of subsection (a). As disposition of a point of order under this paragraph, the Chair shall put the question of consideration with respect to the rule or order that waives the application of subsection (a). The question of consideration shall be debatable for 10 minutes by the Member initiating the point of order and for 10 minutes by an opponent, but shall otherwise be decided without intervening motion except one that the House adjourn.

TITLE IX—DISCRETIONARY SPENDING LIMITS.

SEC. 901. DISCRETIONARY SPENDING LIMITS IN THE HOUSE.

(a) Point of Order.—It shall not be in order in the House to consider any bill or joint resolution, or amendment thereto, that provides new budget authority that would cause the discretionary spending limits to be exceeded for any fiscal year.

(b) Discretionary Spending Limits.—In the House and as used in this section, the term "discretionary spending limit" means—

(1) with respect to fiscal year 2008, for the discretionary category: $1,079,593,000,000 in new budget authority and $1,127,623,000,000 in outlays;

(2) with respect to fiscal year 2009, for the discretionary category: $1,004,865,000,000 in new budget authority and $1,121,730,000,000 in outlays;

(3) with respect to fiscal year 2010, for the discretionary category: $977,058,000,000 in new budget authority and $1,050,106,000,000 in outlays;

as adjusted in conformance with subsection (c).

(c) Adjustments.—

(1) In general.—

(A) Chairman.—After the reporting of a bill or joint resolution, the offering of an amendment thereto, or the submission of a conference report thereon, the chairman of the Committee on the Budget may make the adjustments set forth in subparagraph (B) for the amount of new budget authority in that measure (if that measure meets the requirements set forth in paragraph (2)) and the outlays flowing from that budget authority. The chairman of the Committee on the Budget may also make appropriate adjustments for the reserve funds set forth in this resolution.

(B) Matters to be adjusted.—The adjustments referred to in subparagraph (A) are to be made to—

(i) the discretionary spending limits, if any, set forth in the appropriate concurrent resolution on the budget;

(ii) the allocations made pursuant to the appropriate concurrent resolution on the budget pursuant to section 302(a) of the Congressional Budget Act of 1974; and

(iii) the budgetary aggregates as set forth in the appropriate concurrent resolution on the budget.

(2) Amounts of adjustments.—The adjustment referred to in paragraph (1) shall be an amount provided and designated as an emergency requirement;

(3) Application of adjustments.—The adjustments made for legislation pursuant to paragraph (1) shall—

(A) apply while that legislation is under consideration;

(B) take effect upon the enactment of that legislation; and

(C) be published in the Congressional Record as soon as practicable.

(4) Application of this section.—The provisions of this section shall apply to legislation providing new budget authority for fiscal years 2008 through 2010.

(d) Enforcement in the House of Representatives.—

(1) Waiver protection.—It shall not be in order in the House of Representatives to consider a rule or order that waives the application of this section.

(2) Consideration in the house.—

(A) This subsection shall apply only to the House of Representatives.

(B) In order to be cognizable by the Chair, a point of order under this section must specify the precise language on which it is premised.

(C) As disposition of points of order under this section, the Chair shall put the question of consideration with respect to the proposition that is the subject of the points of order.

(D) A question of consideration under this section shall be debatable for 10 minutes by each Member initiating a point of order and for 10 minutes by an opponent on each point of order, but shall otherwise be decided without intervening motion except one that the House adjourn or that the Committee of the Whole rise, as the case may be.

(E) The disposition of the question of consideration under this subsection with respect to a bill or joint resolution shall be considered also to determine the question of consideration under this subsection with respect to an amendment made in order as original text.

(3) Extension of spending limits.—It shall not be in order in the House of Representatives to consider a concurrent resolution on the budget as described in section 301 of the Congressional Budget Act of 1974 unless such resolution incudes discretionary spending limits that are in the same amounts or less than those included in this section.

TITLE X—SENSES OF CONGRESS

SEC. 1001. SENSE OF THE HOUSE REGARDING THE IMPORTANCE OF CHILD SUPPORT ENFORCEMENT.

It is the Sense of the House that additional legislative action is needed to ensure that states have the necessary resources to collect all child support that is owed to families and to allow them to pass 100 percent of support on to families without financial penalty. It is further the Sense of the House that when 100 percent of child support payments are passed on to the child, rather than administrative expenses, program integrity is improved and child support participation increases.

SEC. 1002. SENSE OF THE HOUSE ON STATE VETERANS CEMETARIES.

It is the sense of the House that the Federal Government should pay the plot allowance for the internment in a State veterans cemetery of any spouse or eligible child of a veteran, consistent with the pay-as-you-go principle.

SEC. 1003. SENSE OF CONGRESS ON HEALTH INSURANCE REFORM.

It is the sense of the Congress that legislation should be considered that does the following:

(1) Amends the Internal Revenue Code to allow individual taxpayers a refundable tax credit for health insurance costs paid for the benefit of the taxpayer, the taxpayer's spouse, and dependents.

(2) Requires business taxpayers who receive payments for certain employee health insurance coverage to file informational returns.

(3) Directs the Secretary of the Treasury to make advance payments of health insurance tax credit amounts to health insurance providers.

(4) Limits the tax exclusion for employer-provided health care coverage.

SEC. 1004. SENSE OF THE HOUSE ON THE INTERNAL REVENUE CODE OF 1986.

(a) Sense of Congress on the Termination of the Internal Revenue Code of 1986.—No tax shall be imposed by the Internal Revenue Code of 1986—

(1) for any taxable year beginning after December 31, 2010; and

(2) in the case of any tax not imposed on the basis of a taxable year, on any taxable event or for any period after December 31, 2010.

(b) Exception.—It is further the sense of the House of Representatives that legislation enacted pursuant to subsection (a) shall not apply to taxes imposed by—

(1) chapter 2 of such Code (relating to tax on self-employment income);

(2) chapter 21 of such Code (relating to Federal Insurance Contributions Act); and

(3) chapter 22 of such Code (relating to Railroad Retirement Tax Act).

(c) Structure of a New Federal Tax System.—Congress declares that any new Federal tax system should be a simple and fair system that—

(1) applies a low rate to all Americans;

(2) provides tax relief for working Americans;

(3) protects the rights of taxpayers and reduces tax collection abuses;

(4) eliminates the bias against savings and investment;

(5) promotes economic growth and job creation; and

(6) does not penalize marriage or families.

(d) Timing of Implementation.—In order to ensure an easy transition and effective implementation, the Congress hereby declares that any new Federal tax system should be approved by Congress in its final form no later than July 4, 2010.

The Acting CHAIRMAN. The gentleman from Wisconsin (Mr. Ryan) and a Member opposed each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin.

Mr. RYAN of Wisconsin. Mr. Chairman, we are coming to the end of 2 days of debate on how to organize our Nation's finances; how do we want to prepare the budget for the next 5 years for our country.

This is a big debate. It is a debate that really underscores the different philosophies between our two parties.

The Democrats have chosen the path of higher spending and a lot higher taxes. The three Democrat budgets we had before us here on the floor today, one raised taxes by $400 billion, another raised taxes by $711 billion and a third one raised taxes by $949 billion.

The last tax increase we had was the last time the Democrats had the majority, and that was a $241 billion tax increase. Now, 3 months into their new majority, they are proposing anywhere from a $400 billion to a $1 trillion tax increase.

We don't believe that we should take more money out of the pockets of hard-working Americans. We don't believe we should tax, tax, tax and then tax more the American economy and the American family and the American workers.

We believe Washington has a spending problem, and that is why we are proposing to control spending, and that is how we achieve the balanced budget. Not only do we achieve a balanced budget, but we stop the raid of the Social Security trust fund and pay down $100 billion in debt in the fifth year of our budget.

Now, here is the difference. The blue line is our line, the revenue line, where we keep the tax cuts intact. The red line is the line where the Democrats raise the taxes. The green line is the current trajectory of spending.

We have to control spending if we are going to ever fully balance the budget. Even if we accept the Democrats' tax increases, the balance they achieve in 5 years will only last for a couple of short years because we will go right back into deficits if we do nothing to control spending.

Now, you are going to hear a lot of words about our budget in the next few minutes. Cut this, cut that, we are savaging this, we are taking a chain saw to that. We are pitting Medicare and Medicaid.

Let's be really clear. Medicare, spending goes up every year from here to the next to the next. Medicaid spending under our budget will go up faster than health care inflation. But we are going to reform the program so that it works better, doesn't cost as much, and extends its solvency so that it is there for people.

Medicare. Are we cutting Medicare? No, we are not cutting Medicare. We are growing Medicare. We are growing Medicare, not as fast as it is currently scheduled to grow because we are reforming Medicare. And what do we do? We extend the solvency of Medicare.

Overall, if you take a look at the difference in spending we propose over the next 5 years, on entitlement spending we propose growing, increasing, adding entitlement spending at 4.1 percent a year for the next 5 years, instead of 4.7 percent a year.

Now, at the end of the day, it is about how we get our fiscal house in order. Here is the devastation of the Democrat budget. And I am just going to pick one program.

Medicare, the unfunded liability of Medicare is $32 trillion. $32 trillion is how much money we would have to set aside today in current dollars to make sure that Medicare is there for my children when they receive Medicare.

Under the Democrat budget, the Medicare unfunded liability will go to $52 trillion. That means doing nothing to reform Medicare. Doing nothing to reform Medicare at all will actually lead to adding a huge debt onto the problem. It will mean that our children and grandchildren will have another $22 trillion in debt thrown onto them if we decide not to do a thing for the next 5 years to reform our entitlement programs. But that, in fact, is what the Democrat budget does.

The actual household burden today on Medicare is $282,400. That is what we would have to set aside today, per household, to make sure Medicare is there for my children when they retire. If we do nothing for the next 5 years, as the Democrats propose, that goes up to almost $476,000 a household.

We have got to fix these programs. We have got to reform these programs. We have got to reform them so that they work better. They were written in the 1960s. We are now in the 21st century. We can make these programs work better. We can better meet the mission of Medicare, Medicaid and Social Security, income security, health security; and we can do it without bankrupting our children.

The problem is, we can't put our heads in the sand for 5 years and do nothing. That is what the Democrat budget proposes to do. Absolutely no savings, no spending control, no reform.

We have to reform these programs, Mr. Chairman, because if we don't, our debt gets higher. We go back into deficits, and there isn't another tax you can raise to get out of that hole.

Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I claim the time in opposition.

The Acting CHAIRMAN. The gentleman from South Carolina is recognized for 20 minutes.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from South Carolina (Mr. CLYBURN).

Mr. CLYBURN. Thank you very much, Mr. SPRATT, for yielding me the time. And I want to thank you for putting together one of the most responsible documents that I have seen in my almost 15 years here in the House of Representatives.

This Democrat budget is a giant step in the right direction. This budget lowers taxes on middle-class families. It does not contain one penny of new taxes. Instead, our budget explicitly provides middle-income tax credits, including the marriage penalty, child tax credit, the 10 percent bracket, and the deduction for State and local taxes.

This House budget provides immediate relief for 23 million middle-income families who would otherwise be subjected to the alternative minimum tax and provides for a permanent fix.

I will tell you what I am particularly appreciative of in this budget. This budget responds to the ongoing recovery for the people of the gulf coast region here in our country. It creates a reserve fund of $3.4 billion and provides an additional $1 billion that could be used to meet urgent recovery needs.

This budget maintains the President's tax cuts for 2008, for 2009 and for 2010; and it says, explicitly, that we can extend tax cuts beyond the sunset that the Republicans put in for 2010. But if we extend these tax cuts, we must subject these tax cuts to the same PAYGO rules that we subject new programs to. So there is no cut here. There is responsibility here. And I thank JOHN SPRATT for meeting that responsibility.

Mr. RYAN of Wisconsin. At this time, Mr. Chair, I would like to yield 2 minutes to the distinguished gentleman from California, a member of the Budget Committee, Mr. LUNGREN.

Mr. DANIEL E. LUNGREN of California. Mr. Chairman, I rise in strong support of the Republican substitute. There is a clear difference between the two proposals on the table.

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The Democratic plan, despite the protestations of its proponents, does, in fact, contain the largest tax increase in American history. We have heard time and again their referring to the language that is in their bill which talks about tax cuts. But I would suggest their tax cut promises are written with invisible ink. They talk about how they want to do it, but there is no means by the way they will do it. And they also promise to have a balanced budget and yet, without the tax increases inherent in their proposal, they cannot reach it. We have no tax increases, period. None in this budget.

In the Democratic budget, they include a $22 billion increase in nondefense spending above the President's request, on top of the $22 billion of unrequested spending in the supplemental and $6 billion in the omnibus.

Our budget includes a freeze on nondefense, nonsecurity spending, while providing additional funds for veterans, for the war on terrorism, for Community Development Block Grants, for NIH, and Science and Technology.

In entitlements, they criticize us for attempting to look at entitlements and to bring across savings. We admit we attempt to do that, because we recognize the obligation we have as stewards of the people's money and stewards of the future of our children and grandchildren.

So come out here and criticize us for attempting to look at these entitlement programs to begin, just to begin, to get the courage to deal with what we know we have to deal with.

Now, our budgets can either be made so flimsy that they will fly away in the wind, or they can actually have some weight to them so that we begin the tough process, and it is a tough process, of dealing with reform of entitlements so that we do the job that is expected of us by our constituents and, more importantly, by our children and our grandchildren.

I rise in strong support of this substitute by the Republicans.

Mr. SPRATT. Mr. Chairman, to talk just a bit about what is truly contained in this budget resolution, the devastating cuts it imposes on sensitive areas, I yield 2 minutes to Mr. DICKS, the chairman of the Interior Subcommittee of Appropriations.

Mr. DICKS. Mr. Chairman, I rise in strong support of this legislation, which, thankfully, reverses years of decline in Federal Government spending on environmental programs. JOHN SPRATT has made wise decisions on Function 300.

Last month, I testified before the Budget Committee, urging increased spending on these important programs. The chairman said he would consider my request, and he is a man of his word. I am pleased to say that the programs included in Function 300 will be funded at a level $2.6 billion, or 9 percent above what the President requested in his budget, and $15.7 billion between 2008 and 2012.

This budget resolution rejects the President's proposal to further cut the Land and Water Conservation Fund, the Fish and Wildlife Service Refuge Program, and EPA's Clean Water Assistance Program. In addition, the budget resolution accepts the best idea in the President's budget, and that is to increase funding for the national parks. The Ryan amendment in 2008 would cut $1.5 billion below current services and $4.6 billion between 2008 and 2012.

Many of the numbers contained in the President's budget were bleak. The President proposed a budget for these programs which was $2.8 billion less than what is required to maintain current levels of service. For example, funding for EPA faced a reduction of $508 million, the Forest Service down $343 million. The funding for the Park Service would have been reduced by $237 million. And, worse, the President's proposed cuts after 7 years of steady decline are severe. The Interior Department has been cut by 16 percent, EPA by 29 percent, the Forest Service by a whopping 35 percent. These cuts have evidently led to declines in services for visitors to our parks, refuges, and forests and to dramatic reductions in assistance to State and local communities for environmental and conservation activities.

I urge you to vote against the Ryan amendment and vote for the Spratt budget if you care about the environment of our country.

Mr. RYAN of Wisconsin. Mr. Chairman, at this time, I would like to yield 2 minutes to the ranking member of the Ways and Means Committee, Mr. MCCRERY of Louisiana.

Mr. MCCRERY. Mr. Chairman, unlike the budget put forward by the Democratic majority, the Republican alternative offered by Mr. RYAN avoids the largest tax increase in our Nation's history and begins to deal with the long-term problem of growing entitlements.

This chart here gives us an idea of the difference in the scenarios between the Republican budget, this line for tax revenues; and the Democratic budget, this top line for revenues. If you look at it in terms of the percentage of GDP consumed by Federal revenues, you should know that this year Federal revenues constitute about 18.6 percent of GDP. Under the Republican budget alternative, the bottom line, that stays about the same. About 10 years from now, it is approximately the same percent of GDP. But the Democratic budget, this top line, that figure is going to go up to over 20 percent of GDP, over 20 percent. Only once since 1962 has Federal revenues constituted that high a percentage of our GDP. Our economy is certain to drag under the weight of those kinds of tax increases.

And the worst will be yet to come, because the Democrats' budget ignores demographic reality and offers no reform of entitlements, no savings from entitlements. In 2009, the Social Security surplus will begin to decline. In 2017, we will have to pay out more money in Social Security benefits than we take in in taxes. The problem gets worse after that with more baby boomers in retirement, fewer workers to support them; and the difficulties facing Social Security are relatively manageable compared to those facing Medicare and Medicaid.

I shouldn't need to reiterate these facts. Everyone in this House should be familiar with them, but somehow the Democrats, budget ignores those facts completely.

The Republican budget would freeze nondefense discretionary and reform entitlements. Please reject the Democratic budget and support the Ryan budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Florida (Mr. BOYD).

Mr. BOYD of Florida. I thank my friend Mr. SPRATT for yielding.

I rise today, Mr. Chairman, in strong support for the Democratic budget resolution.

Mr. Chairman, the Blue Dogs didn't submit our own budget this year because the Democratic budget under Chairman SPRATT's leadership includes many of the priorities that we advocate for and Mr. SPRATT put into the bill.

First, it adheres strictly to PAYGO rules, and this is the biggest difference between this budget and the failed budgets of the past 6 years. Our budgets put an end to new deficit spending. PAYGO has a proven record of success. It was instrumental in the return of budget surpluses during the 1990s. It has worked in the past, and it will work again. And this Congress let PAYGO expire in 2002.

Secondly, the Democratic budget will reach a glide path to balance by 2012, and it does so without using budgeting gimmickry or tricks.

You have heard a lot from the other side criticizing our budget and talking about debt, but let me tell you something. The Republicans in the past have refused to adopt PAYGO rules, and spending has skyrocketed under their leadership. They financed their plan by borrowing $3 trillion over the last 6 years from countries like China, and many times in the past the appropriations bills have not been enacted and we have had to do omnibus bills. Eighty percent of those were not enacted last year.

In short, Mr. Chairman, we have to return to fiscal sanity. We have created a mess in the last 6 years, and it is going to take this Congress working hard together in a bipartisan way to come up with a plan that will put us back on a glide path to balance. Mr. SPRATT's bill, the budget resolution, which we have a chance to vote on today, is the best start for us to return to that path; and I want to applaud him for his resolution and ask for your support for that resolution.

Mr. RYAN of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentlewoman from Ohio (Ms. SUTTON).

Ms. SUTTON. Mr. Chairman, I thank Chairman SPRATT for his leadership and for yielding me this time.

As the only freshman Democrat on the Budget Committee, I rise to urge my fellow freshmen and all of my colleagues to support the Democratic budget.

Mr. Chairman, last November, the American people made it clear that they are ready for a government that will be fiscally responsible. This Nation spoke loud and clear when they elected us and put a new party in power in Congress. They are asking for responsibility and a new direction in our fiscal priorities. Education, health care, the care of our children and our seniors and our veterans, these are issues that Americans care about.

Our budget restores common sense to our national spending and sanity to our national priorities. It restores the President's attempt to cut children's health care programs and community block grants. It puts forth the single largest increase in veteran spending in our Nation's history and not a moment too soon. It funds math and science programs for our kids, programs like

Head Start and Pell grants that provide access to education that so many of our children need. And this budget concerns itself with the need to create jobs and build a bright economic future. It restores funding for job training programs, and it does so while adhering to the PAYGO rules.

It has been a long 6 years for this Nation. Just 6 years ago, we were looking at a projected $5.6 trillion surplus. That has collapsed into a $9 trillion deficit. Every American in this country owes $29,000 worth of debt.

Under Republican leadership, the budget became woefully out of balance fiscally and out of balance with the priorities of the American people. The people elected us to take this country in a new direction. This budget will do so, and it will do so in a fiscally responsible manner.

Mr. Chairman, it is time for Congress to be accountable to the American people again.

Mr. RYAN of Wisconsin. Mr. Chairman, I reserve the balance of my time.

Mr. SPRATT. Mr. Chairman, I yield myself 3½ minutes.

Mr. Chairman, budgets are about values and vision. Where your treasure is, the Bible says, there also is your heart. But if you cut through all of the arcane detail, all the numbers, it is hard to find the heart in the Ryan resolution.

Buried in this budget resolution, if you dig deep enough, are some enormous cuts exceeding anything that has ever been proposed, much less passed, in the past, particularly with respect to health care, in which people are totally dependent. These cuts are so extreme, so deep that they go to the reality of this whole resolution. It turns on these cuts, and the real question is whether or not they are politically or practically possible.

These cuts are dictated by an extraordinary process called reconciliation. Here is what the cuts amount to: Our committee, the Budget Committee, if this resolution were adopted, would be dictating to the Energy and Commerce Committee, with jurisdiction over Medicare and Medicaid, cuts of $97 billion over the next 5 years.

With respect to Medicare, this committee, if this resolution were adopted, would direct that the Ways and Means Committee go back to Medicare and cut another $153 billion out of Medicare or, if they couldn't get that much out of Medicare, cut it out of the safety net programs that are in the province of the Ways and Means Committee, shredding the safety net for SSI, for TANF, and other programs.

Altogether, the cuts in the health care entitlements in this resolution come to $266 billion. And not just the health care entitlements are in jeopardy.

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Education and labor, $4.9 billion. Where does that come from? Student loans, Pell Grants.

Natural resources. You heard Mr. DICKS a moment ago. Where does that come from? Clean water, Environmental Protection Agency, conservation. $22 billion less than we provide over 5 years.

Education, $46 million over 5 years for Function 500 less than we provide. There is a huge difference.

But it also goes to the veracity, the practical reality of this resolution, and begs the question: If cuts of this enormity have never been proposed before, why do we believe that they would be enacted now?

Instead, we have a sneaking suspicion that when all of these cuts are put together, we are going to be right back where we have been for the last 6 years, that is, deeper in deficit. That is because in addition to making spending cuts that total $278 billion, the same reconciliation instructions call for tax cuts, tax decreases, of $447 billion; and when you net the spending cuts against the tax cuts, you get an impact of $168.5 billion on the deficit. It makes it worse.

If this budget resolution would come back to the House as a concurrent budget resolution with these provisions, we would invoke the rule we passed on the House floor to the effect that you cannot abuse the process of reconciliation and use it for the purpose of worsening the deficit. It can only be used to improve the deficit, to use these extraordinary powers to improve the deficit.

That is why we say the Ryan resolution should be defeated. We think it is a sham. We don't think it will achieve its stated purposes. We think it will put us right back on this track of debt accumulation in which we have seen $3.1 trillion added to the national debt over the last 6 years.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Indiana (Mr. PENCE).

Mr. PENCE. I thank the gentleman for yielding.

Mr. Chairman, I have always believed that government should live within its means. No one was a harsher critic of runaway Federal spending under Republican control than me. When our majority faltered, I said we didn't just lose our majority, we lost our way. But thanks to the leadership of the gentleman from Wisconsin, this Republican substitute budget alternative should be entitled "Lessons Learned."

The contrast between the Democrat plan and the Republican plan is startling. Under the Republican budget alternatives, no tax increases, period; a courageous freeze on non-defense/non-security spending; $279 billion in savings through commonsense reform of entitlements; and real budget process reform.

The contrast? The Democrat budget allows for the largest tax increase in American history. It includes $22 billion in increases in non-defense spending and completely ignores budget process reform or the looming entitlement crisis that our Nation faces.

Mr. Chairman, the voters spoke last fall. Democrats promised voters a return to fiscal discipline and reform. But this budget proves only one party got the message.

I urge my colleagues to reject the Democrat majority's effort to return us to the tax-and-spend policies of the past and vote "yes" on the Republican substitute budget.

Mr. SPRATT. Mr. Chairman, I reserve the balance of my time.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield 2 minutes to a member of our leadership, the gentleman from Virginia (Mr. CANTOR).

Mr. CANTOR. I thank the gentleman.

Mr. Chairman, in listening to the debate, I can't help but think about 5½ years ago and the 9/11 attacks and the simultaneous bursting of the technology bubble here in this country. It was the Bush tax cuts of 2001 and 2003 that provided a desperately needed shot in the arm, lifting us from our malaise and dispelling fears that the economy was sliding irrevocably into recession. But, today, after years of steady economic growth marked by a surging stock market, low inflation and low unemployment, a deflated housing market has shaken confidence in this economy.

With the tax cuts set to expire in 2010, the last thing investors and the American people need right now is the largest tax hike in the history of our country, and that is the reality they are smart enough to see, despite claims on the other side of the aisle otherwise.

The real difference between the Ryan budget and that of the majority is whether you believe that tax cuts expiring is a tax hike. I do, and I think the American families who will bear the brunt of a $400 billion tax increase will likewise.

In my State of Virginia, the effects are particularly acute, with taxpayers on average facing $3,120 in additional taxes each year. Around the country, 45 million families with children will be hit by an average tax increase of $2,864. Again, this is because the majority does not agree that expiring tax cuts are a tax hike. I do.

Instead of choking our economy, we need to make the tax cuts permanent. If we let the Democratic tax hike genie out of the bottle, it is going to be awfully hard to put it back in.

Mr. SPRATT. Mr. Chairman, I yield 1 minute to the gentleman from Maryland (Mr. HOYER), the distinguished majority leader.

Mr. HOYER. I thank the chairman of the Budget Committee for yielding.

Mr. Chairman, I speak on every one of these budgets; and because I have been here a long time, I know the history of these budgets going back a quarter of a century. I sometimes believe the talking points on the other side of the aisle are written by Lewis Carroll, the author, of course, of that famous book which had as its theme saying one thing and meaning another: "black was white," "up was down," et cetera, et cetera.

I have listened since 1981 to the economic observations of such people like Phil Gramm, such people like Dick Armey, an economist, the majority leader of your party, and I think to myself how confused the American public must be when the assertions are made, an article by Dave Stockman in today's paper, you may have seen. David Broder wrote an article about that. Mr. Stockman is in a little bit of trouble with assertions that things that he said were true were in fact not true. In fact, David Stockman admitted that in 1983 what he said was true was not true; what he said they thought, they did not think.

The American public needs to place it in that context.

I have heard a lot, I say to my friend from Missouri, over the last few hours about debates about we are going to make these tax cuts permanent, and we are not.

Now, I am sure the American public knows that the President for the last 6 years has been a Republican. I am sure they know that the leadership in the House for the past 6 years has been Republican, and I am sure they know that the leadership in the Senate has been Republican. And guess what? Never did you make those tax cuts permanent. Why not? Because you wanted to play fiscal games. That is why not.

You wanted to count your out-years as looking better than they did. Why are you having a $274 billion tax increase in this bill? How do I say that? Because you are not fixing the AMT. Why aren't you fixing it? Because it is STI, your "stealth tax increase." You liked SDI. This is STI, a stealth tax increase, where you say one year we are going to fix it, but, guess what, for the next 4 years we will get that additional tax revenue. A stealth tax increase.

There are no tax increases in this bill. In fact, it provides for tax cuts for the middle class. But they have to be paid for.

George Bush I and Dick Gephardt, the leader of this House, came together and said, ladies and gentlemen, we have to have fiscal responsibility, and we are going to do it. And the way we are going to do it is we are going to have PAYGO. We are going to pay for what we buy. George Bush signed that. And guess what? The Republican side of the aisle excoriated the President of the United States, George Bush, for entering into an agreement that ultimately would bring us surpluses.

I have also listened to these debates and have seen some very earnest, very intelligent, very articulate young men. Mr. RYAN is the third in a series of those earnest, intelligent, energetic, articulate young men, who talk about their vision for America, talk about where they want to take America.

Mr. RYAN puts up the children. Now, unlike Mr. RYAN, who I think has children, I have children, I have got grandchildren, and, as some people know, I have a great-granddaughter. And I am very concerned about all of those children whose taxes you have raised almost every year you have been in charge that I have been here, starting in 1981. And you raised their taxes by not paying for what you buy.

You talk about cutting spending, I tell my friend.

Mr. RYAN of Wisconsin. Mr. Chairman, isn't the gentleman supposed to address the Chair, not specific Members?

The Acting CHAIRMAN. The Chair would ask the Members to address remarks to the Chair, rather than to others in the second person.

Mr. HOYER. Mr. Chairman, I would like to tell my friend that there are more ways to skin a cat than one.

I tell the Chair that I have heard the argument of these earnest young men who have all stood on this floor. David Stockman at the age of 34 telling the country as director of OMB how we were going to balance the budget, how Ronald Reagan said we are going to balance the budget. Ronald Reagan ran over $1 trillion in deficits over his 8 years. Over $1 trillion in deficits.

There is one person in America who can stop spending in its tracks, only one, and that is the President of the United States. Ronald Reagan ran $1 trillion in deficits, actually $1.4 trillion. George Bush I in just 4 years ran $1 trillion in deficits. And this President in the 6 years he has been President has run over $1.6 trillion in deficits. $4.1 trillion of deficits during the Reagan administration, the Bush I administration and the Bush II administration.

Now, I tell the Chairman that my friend does not seem to be paying attention to these dramatic figures. But ladies and gentlemen of this House, I hope you are, and I hope all of our constituents are listening as well, because the rhetoric on this floor is cheap, but the performance is not.

During those 18 years of Republican leadership of this country, we ran $4.2 trillion in deficits. During the 8 years that Bill Clinton was President, we had a $62.9 billion surplus. The only President in the lifetime, I tell the Chairman, of my young friend from Wisconsin that that has been accomplished, notwithstanding Mr. Stockman or Mr. Kasich or Mr. Nussle, who all said they wanted to balance the budget, and none, none, none of them did it. None of them did it.

Now, we adopted a program in 1993, and I heard the same rhetoric, I tell my friends on this side of the aisle, that I am hearing today, the same rhetoric. Dick Armey not only was the majority leader of the Republican House, it wasn't a Republican House then, but he was also an economist, and an economist still. And Mr. Armey told the President of the United States, if we adopt this program, we are going to have deep debt, high unemployment and annual deficits.

□ 1330

That was the representation I tell my friends on this floor. Those representations were all wrong. That's why when we listen to debate on this floor today we see a balanced budget, a responsible budget that invests in our future.

Mr. Chairman, if I were speaking directly to him, I would tell my young friend, I have heard about these cuts that you talk about, for a quarter of a century I have heard about these cuts. Why is it that you spent more money as a party with the President with control of the Senate, control of the House by a factor of two, twice as much spending rise under the Bush Administration than under the Clinton administration. Why is that?

Why do you come here and crow about cutting spending when you doubled the rate of growth when you controlled everything? That's what the American public needs to judge.

Now, I had some prepared comments here, and I apologize to my good friend who spent so much time doing this. But, ladies and gentlemen, Lewis Carroll is not writing this budget. Alice is not going to have to live under this budget. My children, my grandchildren, my great grandchildren and, more importantly, my country, are going to have to live under this budget.

We didn't adopt a budget last year. We didn't adopt appropriation bills last year. We didn't do any of the fiscal business that we should have done last year. Why? Because your party could not agree with one another. So you had no fiscal program. Your fiscal program was spending more money.

I hope that this House, for the first time in 6 years, adopts a responsible budget that will move us towards balance. It won't get there overnight. And when I say that, it is not empty rhetoric, because when we, in 1993, passed that program, we took this country for 4 straight years out of deficit.

Now, I know you will say, "Well, we Republicans took over in 1995." And my response to that, of course, is, you didn't have the presidency. When you had it all, why couldn't you do it? When you had the presidency, when you had the Senate, when you had the House, tell me why you couldn't do it.

I will tell you why. Because it was the President of the United States who said this is the way we are going to do it or I am going to veto it. This President can veto it, and we won't be able to override his veto. I understand that. He is in charge. That's why we have these deficits, because he has not vetoed one spending bill. He vetoed one bill, embryonic stem cell research. Not one spending bill. Every nickel that has been spent in this country has been spent under the signature of George Bush, the President of the United States, every nickel.

So I ask my friends, vote for a responsible budget. Move us, as we did during the 1990s, 4 years out of debt, 4 years into surplus, the first time that had happened, and left you folks that took over with a $5.6 trillion surplus that you have squandered into a $3 trillion deficit. And, yes, 9/11 had an impact on that. And your tax cut, we had a very shallow recovery. You know that. Every economist says that. And a relatively shallow downturn in the economy.

This budget offered by Mr. SPRATT is a responsible budget that provides for tax cuts for the middle class, provides for investment in education and competitiveness of our country, provides for investment in our veterans, provides for investment in defense, using the same number that the President gave us so that we can keep America strong.

Mr. SPRATT, I thank you. I thank the members of your committee for having the courage and the wisdom and the fiscal soundness to come forth with this budget. It is worthy of support of every Member of this Congress.

I urge this House to adopt this budget this day.

Mr. Chairman, with all due respect to our Republican colleagues, let me say that to hear them talk about fiscal responsibility is nothing less than surreal.

In this debate on the fiscal 2008 budget, many numbers have been used.

But only two are really relevant on the issue of fiscal responsibility, and the Republican Party's lack thereof—$5.6 trillion and more than $3 trillion.

When President Bush took office, he and the then-Republican majorities in Congress inherited a projected 10-year budget surplus of $5.6 trillion.

The President proclaimed: "we can proceed with tax relief without fear of budget deficits, even if the economy softens."

He promised that he would pay down the national debt, and some in the administration even worried publicly about paying down the debt too fast.

Well, as we have learned, the President's projections were unequivocally wrong and worries about paying down the debt were completely misplaced.

Over the last 6 years, the President and Republicans in Congress—after enacting the most reckless fiscal policies in American history—have turned a projected surplus of $5.6 trillion into record budget deficits and additional debt of more than $3 trillion.

In fact, the amount of foreign-held debt has more than doubled under the Bush administration—from about $1 trillion in 2001 to $2.1 trillion today.

And, interest payments on the national debt have increased from $206 billion in 2001 to a projected $256 billion under the President's budget for fiscal 2008—consuming more than 20 percent of all individual income taxes.

Let me say, too, that until the American people spoke last November and elected Democratic majorities in Congress, the President never—not once—budgeted the costs of the on-going war in Iraq, which today stand at more than $400 billion, with another $100 billion being considered.

Thus today, Mr. Chairman, with this budget written and offered by Chairman SPRATT, House Democrats will take our Nation in a new direction and begin to clean up the fiscal train wreck left by Republicans.

Our budget is a statement of our values and priorities, demonstrating our unwavering commitment to defend our Nation, grow our economy, protect our children and strengthen families, preserve our plant, and ensure that the Federal Government is accountable and efficient.

First, this fiscally responsible Democratic budget will bring the Federal budget back to balance by 2012. Over the next 5 years, the cumulative deficit in our budget is $234 billion lower than the President's budget.

Our budget strictly adheres to the pay-as-you-go budget rules that were reinstated in January by the new majority, and which Republicans allowed to expire in 2002. The Concord Coalition even says this budget is "a successful first test of how seriously they [House Democrats] plan to abide by [the PAYGO] rule."

Furthermore, this Democratic budget invests in our priorities without increasing the deficit. It provides for a robust defense, boosting Homeland Security funding and providing $3.5 billion more for veterans' services than the President's request for 2008.

It also makes critical investments in education, children's health care, transportation infrastructure, and alternative energy research and development—while rejecting the President's request to cut Head Start, LIHEAP, COPS and First-Responder programs, and community development block grants.

And, our budget accommodates immediate relief for the tens of millions of middle-income households which would otherwise be subject to the alternative minimum tax—while calling for the extension of middle-class tax cuts that are not due to expire until December 31, 2010.

This is a budget that we can be proud of. And, it stands in stark contrast to the extraordinarily irresponsible policies of the last six years.

I urge all of my colleagues: vote for fiscal responsibility and a bright future for our children. Vote for the budget that reflects our values and meets the needs of the American people. Vote for this Democratic budget.

Mr. RYAN of Wisconsin. Mr. Chairman, may I inquire as to how much time is remaining on each side.

The Acting CHAIRMAN. Both sides have 7½ minutes.

Mr. RYAN of Wisconsin. Mr. Chair, I yield myself 10 seconds, as I yield to our minority leader, simply to say the gentleman from Maryland comes from a State which under their budget will see an average household tax increase of $3,238 per household. This will affect 2,259,000 Maryland taxpayers.

At this time, Mr. Chairman, I would like to yield 3 minutes to the distinguished gentleman from Missouri, the minority whip (Mr. BLUNT).

Mr. BLUNT. I thank the gentleman for yielding.

Mr. Chairman, I'm confident that my 3 minutes will go quicker than my good friend's 1 minute just did.

I don't hardly know how to respond to what I just heard on the floor from my good friend from Maryland. Whenever we had budget chairmen in those years when we balanced the budget, apparently there is no credit given for that. Mr. Kasich did draft a budget that balanced; certainly Mr. Nussle did; certainly there was a precedent.

And I agree with my friend when he said 9/11 did have an impact. 9/11 did have an impact. The defense cost after 9/11 had an impact. The cost after 9/11 of homeland security had an impact. The flat economy coming out of 2000 had an impact and our tax policies had an impact. In fact, in 2005, the largest increase in revenue in the history of the Federal Government, 14.5 percent in 2005, because our tax policies worked and produced more than a shallow recovery.

Permanent tax cuts? We would like to see permanent tax cuts, but, as my good friend and others know, unless you have 60 people on the other side of the building in the 100-Member Senate, you can't have permanent tax cuts.

We have extended these tax cuts in a way that has extended our economy, extended our growth, increased our global competition in the marketplace. Mr. RYAN's alternative continues to do those things. The overall budget that we are talking about today as the underlying budget doesn't do that.

Our friends on the other side, in fact, my very good friend from Maryland just said that they aren't increasing taxes, they are just letting current tax policies expire. When you make the same income and your taxes go up, that explanation rings pretty hollow. Your taxes increase as this budget anticipates they would.

And then they say that many of these tax increases don't occur until the third year of this budget, so you're not going to see an immediate tax increase. But of course you're going to see an immediate increase in the spending of the money that those new tax revenues provide. Those tax increases do happen to start for some American families as early as the 1st of January, next year.

Take, for example, the line in the Tax Code allowing many of our Nation's veterans and warfighters to collect the earned income tax credit. This budget anticipates that when that expires on December 31, 2007, it does not come back as part of the Tax Code, and the money that is produced by that tax increase is part of what this budget spends.

The majority's budget renews the death tax. The majority's budget renews the marriage penalty that we have eliminated, and 48 million couples in 2011 would pay $2,900 more every year in Washington taxes than they did the year before.

For that and many other reasons, Mr. Chairman, I urge that we stick with the policies that have grown our economy, that let us compete, that appreciate families and support this alternative.

Mr. SPRATT. Mr. Chairman, I yield 3 minutes to the gentleman from Illinois (Mr. EMANUEL).

Mr. EMANUEL. Mr. Chairman, I would like to thank the minority whip for his comments.

And, yes, in the nineties we did balance the budget. I would just remind him, and I don't want to start my speech this way, but the first budget you proposed led to a government shutdown. It was President Clinton that led the way to a balanced budget and a surplus.

Now I want to thank you. Some of my colleagues have criticized you. I want to thank you. I want to thank you because to govern is to choose. We have two clear choices here, and there is no doubt about it. President Kennedy once said, "to govern is to choose."

We're offering a new direction. You are offering the status quo. There is no doubt about it. Because you have given us, and nobody has really quite said thank you enough to your $4 trillion of new debt, and you need to be appreciated for it. Because, as I've always said, if there is one thing you can say about George Bush and the Republicans when it comes to the economy, we will forever be in your debt. And that is the one thing that is absolutely clear about your stewardship with this economy.

Four trillion dollars, the largest accumulation of debt in the shortest period of time in American history. Don't look at your shoes when I'm saying it now, because you know that is your legacy.

Now, what are the priorities and the differences?

In Medicaid and Medicare, let's just take a look at health care, number one economic issue for the American people. You cut $250 billion for Medicare and Medicaid. Democrats double the size of the children's health care program in this country. Two choices: Status quo, a new direction.

You cut $5 billion from college assistance for people who are trying to achieve the American dream. We expand college assistance by $3.5 billion.

You have made a decision to make cuts in other areas like agriculture. We make sure that our farmers have a future where their children can inherit the farm and have a future in rural America.

The choices are clear. We have a balanced budget that is balanced with our priorities. You maintain an economic strategy that adds to the Nation's debt as you have in past years.

Every year of our budget, the deficit declines. Every year under our budget, 5 years in a row, the budget deficit declines until it reaches balance and eventually a surplus. Every year. You achieve your goals by cutting $250 billion from health care assistance, Medicare and Medicaid.

POINT OF ORDER

Mr. GOHMERT. Point of order, Mr. Chairman.

The Acting CHAIRMAN. The gentleman will state his point of order.

Mr. GOHMERT. We would ask for the regular order that the rules be followed and comments be directed to the Chairman instead of directed to individual Members and people in the body.

The Acting CHAIRMAN. The Chair would ask Members to address their remarks to the Chair rather than to others in the second person.

The gentleman from Illinois may proceed.

Mr. EMANUEL. Mr. Chairman, may I inquire how much time I have left?

The Acting CHAIRMAN. The gentleman from Illinois has 10 seconds remaining.

Mr. EMANUEL. Roosevelt once said, "We have nothing to fear but fear itself," and you have taken that and turned it on its head and said, "all we have to offer is fear."

This is a new direction versus a status quo budget. There are clear choices, and I am glad that we balance the budget.

Mr. RYAN of Wisconsin. Mr. Chairman, as I yield to my friend from Michigan, I will note that Illinois taxpayers will pay $3,282 higher every year. That hits 4,731,000 Illinois taxpayers budgets under their budget.

I yield 1 minute to the gentleman from Michigan.

Mr. McCOTTER. Very quickly. Through the Chairman, I would like to remind my friends that all spending bills originate in the House, not in the executive branch of Congress; and that a lot of those appropriation bills looked certainly bipartisan at the time.

What we have here in front of us is a clear choice, a choice to move America forward, as we have tried to do, or a choice to move America in a new direction, backwards.

We are going back to the 1970s. As a child of the 1970s in the Carter administration, I remember how we gutted defense, I remember how our Nation had no intelligence worth anything. And I look back to the Clinton era and I see how the budget deficit that we now have accumulated in a time of war was necessitated by the reduction in our military, the gutting of our intelligence network, the inability to defend America's basic needs. The rush to free trade, which was signed by the Clinton administration, and now the bill came home to roost on the watch of George Bush and the American people on September 11, 2001. It is a history lesson that I hope was not lost upon the America people.

Finally, to quote Lewis Carroll, as one of his admirers, "Living is easy with eyes closed, misunderstanding all you see."

It is time for America to be wide awake to the choice in front of them, and let us come back and move America forward.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Texas, a member of the Ways and Means Committee (Mr. DOGGETT).

Mr. DOGGETT. This debate underscores the genuine change, the new direction that we are charting here in Washington. We are beginning to rein in these endless Republican deficits. The old Republican way of budgeting doesn't just crunch numbers, it crunches people. We are concerned not only about the fiscal deficit but the "opportunity deficit" that occurs in communities across this country when all the members of the community are unable to contribute their full God-given potential, when young people are unable to pursue higher education, when families are denied health care, when veterans are denied the services that they have earned.

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There are two fundamental ways in which the Democratic approach to tax relief differs from our Republican colleagues. First, we believe it is possible to target tax relief to working, middle-class families without letting the super-rich piggyback along and claim most of the benefits.

Second, we say if tax relief is worth having, then pay for it. Instead of going to our grandchildren and borrowing from our grandchildren, we say go to the Grand Caymens. How about going to all those giant corporations that have dodged their fair share of taxes by going offshore and asking them to bear a little of the burden of our national security? So we provide the tax relief that our middle-class families need, but we do it in a fiscally responsible way.

Some people have imaginary friends. These Republicans have imaginary demons about what might eventually happen with taxes. This budget is a welcome return to reality, fiscal reality, and responsibility.

To those who are at home and are trying to determine who is right about these Republican claims of the demon of tax relief, I think we need only turn to a bipartisan group like the Concord Coalition, which looked at the budget, having no axe to grind except an axe used for cutting to achieve fiscal responsibility, and it said no tax increase will result from this budget.

Mr. SPRATT. Mr. Chairman, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. Our Republican friends have no credibility on fiscal affairs. They had three times to take a bite at the tax cut apple in 2001, 2002, 2003, and 2004. They ducked solving the looming AMT crisis, instead implementing a grab bag of tax benefits for the most well off. Now this budget puts at the top of their list more tax cuts, $1 trillion for the top 1 percent, financed by cuts in Medicare, Medicaid, the environment, and education. When they had their hands on all the levers of power, they couldn't even pass a budget. They left unpassed 11 of the 13 appropriations bills.

I strongly suggest rejection of their misguided fanciful approach and support for the majority resolution.

Mr. RYAN of Wisconsin. Mr. Chairman, I yield myself the remainder of the time.

Here it comes, Mr. Chairman, the closing of this debate. We have heard it all. We have heard the quotes: these cuts are so deep, so extreme about the Republican budget.

Well, let's just see how deep and extreme these cuts are. Instead of spending over the next 5 years $14.976 trillion, our budget proposes $14.928 trillion over the next 5 years. Instead of growing entitlement spending at 4.7 percent a year, we will grow it at 4.1 percent a year.

What do we accomplish with this? What do we do with that? We balance the budget without raising taxes. We stop the raid on the Social Security trust fund and we pay down debt. That is what we accomplish with our budget.

What do the Democrats accomplish? No matter how they spin it, no matter how they duck it, no matter how they hide, they are raising taxes. Don't ask me. Just look at The Washington Post that said: "And while the House Democrats say they want to preserve key parts of Bush's signature tax cuts, they project a surplus by 2012 only by assuming that all of these tax cuts go away."

Meet the new Democrat majority, Mr. Chairman, the same as the old Democrat majority. And the last time they had the majority in 1993, what did they do? They passed the largest tax increase in American history, $241 billion. Now, 3½ months into the new majority, what are they planning to do? Passing the largest tax increase in American history, about $400 billion. Is that to control spending or something like that? No. They are engaging on a gorge of new spending. $50 billion is already being thrown out the door just this year, and it is not even April into their new majority.

Mr. Chairman, this is a direction. This is a choice between two visions. Do we or do we not let people keep more of their own hard-earned money? Or do we just keep taxing them more and more and more and spending more and more and more? That is the choice.

We believe in the people. We believe people should keep more of their own money. We believe people should keep their child tax credit. We don't want to tax people for being married. We believe small businesses should be taxed no more than large corporations. We believe seniors ought to be able to enjoy their retirement savings. We believe in preserving, saving, and enhancing our entitlement programs by extending their solvency.

What are they going to do? They are hastening the demise of our entitlements, they are accelerating the bankruptcy of these programs, and they are giving us the largest tax increase in American history.

Like it or not, the numbers are clear. You can reserve fund everything you want, you can put any wish list you want in a piece of legislation, but numbers don't lie. And the numbers are crystal clear and they tell the truth: this budget, the Democrat budget, gives us the largest tax increase in American history, and the Republican budget keeps taxes low, and it balances the budget by controlling spending and it stops the raid on the Social Security trust fund and it pays down debt.

Pass the Republican budget. Defeat the Democrat budget.

Mr. SPRATT. Mr. Chairman, here is the Ryan resolution on the back of an envelope: look at what it does for reconciliation, because it does it elsewhere within the budget proposal.

Mr. RYAN proposes crippling, emasculating Medicare and Medicaid totaling over $250 billion, $278 billion altogether in hypothetical, wholly impractical, and unlikely cuts. But what is the net effect? Because at the same time and in the same bill he lowers taxes, has a tax cut of $447 billion. The net effect is an increase to the deficit of $168 billion. That is why we have with this kind of arithmetic, why they have added $3.1 trillion to the debt of the United States.

Alternatively, we offer the base budget, the Spratt resolution, the Democratic resolution. It moves to balance by 2012, it leaves in place all of the tax cuts passed in 2001 and 2003. They will be in place in 2006, 2007, 2008, 2009 and 2010; and it leaves until the future the decisions as to whether or not and to what extent to renew these tax cuts when they expire, not because of this resolution but because of the way you wrote them, in the year 2010.

We fully fund defense. We don't have a lot of left over, but we husband our resources to do more for education, more for science and innovation, more for veterans health care, and more for SCHIP which barely ranks an honorable mention in their budget. It is the centerpiece of our effort this year to see that more American children will be covered by the program known as the Children's Health Insurance Program.

Otherwise, we restrain spending, and throughout our budget resolution, we apply religiously the rule we adopted this January, the rule of pay-as-you-go. So that for every mandatory spending increase we make possible, we provide that it has to be offset by mandatory spending cuts elsewhere.

We protect the tax cuts, as I say. We present a good budget resolution. I say vote for the Spratt resolution. Vote for the Democratic resolution, and vote resoundingly "no" on the Ryan resolution.

The Acting CHAIRMAN. All time for debate on the amendment has expired.

The question is on the amendment offered by the gentleman from Wisconsin (Mr. RYAN).

The question was taken; and the Acting Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. RYAN of Wisconsin. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 160, noes 268, not voting 10, as follows:

[Roll No. 211]

AYES—160

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
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Cole (OK)
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Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
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Everett
Fallin
Feeney
Flake
Forbes
Fortenberry
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Foxx
Franks (AZ)
Gallegly
Garrett (NJ)
Gilchrest
Gingrey
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Hall (TX)
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Johnson, Sam
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Miller (FL)
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Miller, Gary
Murphy, Tim
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Rohrabacher

Ros-Lehtinen
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Westmoreland
Whitfield
Wicker
Wilson (SC)
Young (AK)
Young (FL)

NOES—268

Abercrombie
Ackerman
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Andrews
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Brown-Waite, Ginny
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Green, Al
Green, Gene
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Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jindal
Johnson (GA)
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Johnson, E. B.
Jones (NC)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
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Langevin
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Larsen (WA)
Larson (CT)
LaTourette
Lee
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Lewis (GA)
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Mahoney (FL)
Maloney (NY)
Markey
Marshall
Matheson
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McHugh
McIntyre
McNerney
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Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
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Murphy (CT)
Murphy, Patrick
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Olver
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Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
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Price (NC)
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Rangel
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Reichert
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Rodriguez
Rogers (AL)
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
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Scott (GA)
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Shea-Porter
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Welch (VT)
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Wilson (NM)
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Wolf
Woolsey
Wu
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NOT VOTING—10

Davis, Jo Ann
Duncan
Faleomavaega
Jefferson
Kanjorski
Lampson
Lewis (CA)
Lynch
Millender-McDonald
Watt

□ 1416

Ms. MOORE of Wisconsin and Mr. PORTER changed their vote from "aye" to "no."

Mr. NEUGEBAUER changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. WEXLER. Mr. Chairman, I rise in strong support for the Fiscal Year 2008 Budget Resolution, H. Con. Res. 99. For far too long, the former Republican leadership in Congress and the Bush Administration were complacent in allowing poor public policy and misguided spending priorities to become a driving force behind mounting Federal deficits and an ever increasing national debt. Additionally, trillions of dollars in tax cuts for the wealthy and billions of dollars for a deteriorating war in Iraq have resulted in the President proposing repeated cuts to vital domestic priorities such as healthcare, education, and the environment.

Today, the House of Representatives is finally considering a budget that meets the social and economic needs of the American people, while taking the necessary steps toward addressing the mounting fiscal hurdles facing the Federal Government.

Our Nation has been in a budgetary crisis for too long. According to the Congressional Budget Office, CBO, estimates, President Bush inherited an estimated 10-year budget surplus of $5.6 trillion when he arrived in office. Today, that same 10-year period (2002–2011) is projected to show a budget deficit of $3 trillion under the President's policies. The Democratic Budget Resolution will set the country's finances back on track by balancing the budget by 2012, and it does this without sacrificing programs vital to our national security, our economy, and most importantly to the social welfare of the American people.

This budget will provide the largest veterans' healthcare spending increase in our Nation's history, ensuring that the 1,788,496 veterans in Florida receive care worthy of their sacrifice. It will facilitate significant increases in healthcare funding to expand access to Florida's 733,000 uninsured children, and makes a firm commitment to support education and affordable housing programs. It also promotes environmental protection and conservation, and accommodates important energy legislation aimed at investment in renewable resources that will move our country toward energy independence.

This budget resolution restores the fiscal responsibility and accountability that the American people deserve and reflects the values and priorities that the American people expect. It is time to put this country's finances back on track and truly invest in America's prosperity. I urge my colleague to support passage of this important resolution.

Mr. DINGELL. Mr. Chairman, today the House will consider H. Con. Res. 99, the House Budget Resolution. I rise in support of this budget resolution because it fulfills the pledge Democrats made when we regained the majority. I am pleased to say that the Democrats have delivered on their word—the proposed Democratic plan will balance the budget in 5 years, while ensuring that critical programs are fully funded and that the programs dearest to our families are fully funded. The Democratic budget will expand health care for our children; provide our soldiers and veterans with care worthy of their sacrifice; support education for a 21st century workforce and a growing economy; invest in renewable energy; and restore fiscal responsibility to the budget process.

When President Bush was elected, he inherited a budget surplus of $5.6 trillion. Yet by the end of his first term, the Bush administration turned this surplus into a deficit of nearly $3 trillion. Instead of addressing this deficit, the President's budget increases our deficit by $507 billion over the next 5 years. In comparison, the Democratic budget will lower the deficit by $234 billion over the next 5 years using the newly resurrected pay-as-you-go rules.

We will also work to lower the deficit by putting an end to wasteful government spending through increased oversight over our government agencies, starting with the Defense Department. To date the Defense Department continues to fail a standard audit that tracks what it spends or owns in the annual budget. It is estimated by Defense auditors that one of every six dollars spent for Iraq is suspect—including $2.7 billion Halliburton has received in contracts. This budget resolution proposes to restore government program performance reviews instituted under the Clinton administration, which produced 285 recommendations to improve government services.

I know that many back home are skeptical about whether this will help the working families in Michigan. Michigan has a troubled economy; its unemployment rate is 6.9 percent and family incomes have dropped $7,989 since 2000, while health care and energy costs continue to rise. Yet the President's budget proposes to eliminate $205 million in funding for job training and employment services in our state. This is funding that Michigan desperately needs to keep our workforce competitive.

One of the first steps we can take to repair our economy is to invest in our future workforce. Our budget meets the goals of the Democratic Innovation Agenda by providing an additional $2 billion for federal science and technology programs, putting us on the road to doubling funding for the National Science Foundation. These investments are necessary to maintain America's global competitiveness, particularly in the areas of technology, energy and innovation.

We are going to make sure that our children receive the best education possible; our budget provides $8 billion more in 2008 and over 11 percent more over the next 5 years for education and training programs. Under the President's budget, more than 120,000 children in Michigan would go without promised help in reading and math. Head Start—a vital program for more than 35,000 Michigan children—would be cut by the President by 1.5 percent. These programs provide critical services for nearly 1.8 million children enrolled in Michigan public schools.

The Democratic budget also supports middle-class tax cuts, which will put money back in the wallets of our families where it belongs. It will also protect middle-income families from a tax increase by setting up a reserve fund for a long-term fix for the alternative minimum tax, AMT. In 2004, 69,000 Michigan families were subject to the AMT and if this system is not adjusted for inflation, an estimated 507,000 families in Michigan will have to pay it in 2007. Without this fix, the President's budget would increase middle-income taxes by $230 billion. I know many are wondering how we will actually pay for the middle-class tax cut. We will pay for this by eliminating tax loopholes and closing the tax gap to make sure that those who are cheating the system pay up and those who are honest are rewarded.

In recent months, energy costs have skyrocketed, literally leaving many Michigan families in the cold. Gasoline prices in Michigan have increased 79 percent, up $1.12 a gallon since 2001. While the President travels the country promoting his renewable energy programs, his budget proposes holding funding for renewable energy and energy efficiency programs at the 2001 funding level, and cutting the Low-Income Home Energy Assistance Program, LIHEAP, by 18 percent. It is obvious that we need to end America's addiction to foreign oil and begin to invest in renewable energy sources here at home. The Democratic budget rejects the proposed cut to LIHEAP and will create a reserve fund that will redirect oil subsidies to invest $14 billion over the next 10 years in clean, renewable alternative energy and energy efficiency programs. This investment will promote new technologies to lower energy costs and relieve families of this immense burden.

The Democratic budget rejects the President's proposal to cut the Community Development Block Grant program, and actually provides the first increase in funding for the Community Development Block Grant program. This program provides crucial funding to assist nearly 1,200 States and local governments with job creation, economic development and affordable housing efforts.

Not only does this budget recognize the needs of working families, it will also recognize the needs of our veterans. It is clear from the recent events at Walter Reed Army Medical Center that Congress needs to closely examine the health care that veterans are receiving. Veterans have sacrificed too much to come home to run-down health care facilities. We will make sure that our veterans will always have the best care available by providing the largest increase ever to the veterans' health care budget—$3.5 billion this year and $32 billion over the next 5 years. These resources are critical to help repair VA health care facilities, to increase and improve disability claims processing and to invest in mental health care and treatment for traumatic brain injury. Michigan is home to 836,948 veterans, 42,451 of whom recently returned from Afghanistan and Iraq. We need to let our soldiers know that they will not be forgotten after their service is completed.

The Democratic budget will ensure that our soldiers have the resources they need in Iraq and Afghanistan, and that our first responders and law enforcement officers here at home are equipped with what they need to protect our country. Under the administration's proposed budget, Michigan would be hit with a 52-percent cut in the State Homeland Security Grant Program and the Law Enforcement Terrorist Prevention Program would be eliminated completely. The President needs to heed his own advice and fully fund these programs to ensure the safety and security of our communities. The Democratic budget will increase homeland security funding by six percent, ensuring that our first responder and terrorism prevention programs have the resources they need.

After 6 years of irresponsible fiscal budgets and empty promises, today's resolution will take the first step to finally balancing our budget and delivering critical funding to programs that need it the most. I support this resolution and I urge my colleagues to vote yes on H. Con. Res. 99.

Mr. HASTINGS of Florida. Mr. Chairman, I rise today in strong support of H. Con. Res. 99, the Fiscal Year 2008 Congressional Budget proposed by my esteemed colleague from South Carolina, the Chairman of the House Budget Committee JOHN SPRATT. I would specifically like to commend the hard work and expertise of my colleagues of the House Committee on the Budget that has brought forward this budget that prioritizes education, the environment, agriculture, health care, and positive international relations for the future of our Nation.

I never forget in my work within the walls of this House that I am my brother's keeper. To this end, I am willing to contribute financially what is necessary to complete that task. All citizens of America must take ownership of the vital services, which require Federal funding to maintain.

Mr. Chairman, every day in the House Rules Committee, Members of Congress on both sides of the aisle propose legislation that has financial implications. I hear about necessary programs for veterans affairs, education, alternative energy development, health care, and every other possible issue, all of which cost money to implement. Interestingly, though not surprisingly, no one ever comes to Committee talking about giving money back to pay for their requests. You see, it costs money to provide the necessary services and infrastructure to our constituents. But it is clear that Republican opponents of Chairman SPRATT's budget are not willing to pay.

The Fiscal Year 2008 Democratic budget is fiscally responsible in its projections for revenue generation and ability to pay for necessary services for our constituents. While we may have inherited an economic mess from the former Republican majority, this budget will repair the damage inflicted to our economy and provide for a budget surplus by 2012. It is fiscally sound and domestically and internationally responsible.

Mr. Chairman, the House today has an opportunity to consider an alternative budget offered by the Congressional Black Caucus. While I wholeheartedly support the budget prepared by Chairman SPRATT, I would also like to express strong support for the Congressional Black Caucus Alternative Budget brought forth by my friend Congressman BOBBY SCOTT of Virginia. I commend Congressman SCOTT and my colleagues of the Congressional Black Caucus for their work on this budget.

The Congressional Black Caucus Alternative Budget meets a stringent test of fiscal responsibility by providing for a budget surplus of $141 billion in Fiscal Year 2012 while funding even more national priorities. More specifically, under Function 300: Natural Resources and the Environment, this budget allocates over $1 billion more than Chairman SPRATT's budget for Hurricane Katrina recovery, environmental justice, and national parks. Another key feature of this budget is that it funds the State Children's Health Insurance Program at a level that will provide insurance for every uninsured child in America.

Mr. Chairman, I could speak for quite some time about the phenomenal features of the Congressional Black Caucus Alternative Budget. I hope that all of my colleagues in this Congress recognize its innovation and merit as another possible means to overcome the budgetary challenges that were exacerbated by the former Republican majority. Both the Democratic and Congressional Black Caucus budgets are common sense solutions to the difficult financial situation with which we have been forced to deal. I urge my colleagues to support both plans.

Mr. ENGEL. Mr. Chairman, I rise today in support of H. Con. Res. 99, a budget resolution providing a number of common sense solutions to the budget crisis created by 12 years of Republican fiscal mismanagement.

I was here in 1993 when President Clinton and Congressional Democrats passed our budget resolution. And this year reminds me of 1993. We are hearing exactly the same complaints about this budget as we did that year. And we all know what happened when we passed our budget back then.

The Democrats helped create the longest economic expansion in our Nation's history. We balanced the budget after years of Republican Presidents had pushed us deeper and deeper into debt. We helped create more wealth than had ever been created in America. We created the largest surpluses in history. And we did this without a single Republican supporting our budget.

In fact, the minute the Republicans got back into power, they wiped out the surpluses we gave them, and began drowning us in debt. They took the economic expansion we gave them, and drove us into recession.

Mr. Chairman, once again we are faced with red ink as far as the eye can see. We have a debt of almost $9 trillion, and the Republicans have abdicated any attempt to solve this.

The budget resolution we have introduced incorporates the pay-as-you-go rule that was one of the first acts of the new Democratic Congress. We are also increasing funding for veterans in order to fulfill the promises we made to them long ago. Our budget provides $3.5 billion more than the President's budget for veterans' health care, and $6.6 billion more than was provided in the 2007 budget. This is the largest funding increase for veterans in our Nation's history. We are also providing $50 over the next five years to cover millions of uninsured children.

I strongly support the Democratic budget resolution. It will help put our fiscal house back in order, without relying on the massive middle class tax increase that the President's budget includes. I would encourage my colleagues to support this budget as well.

Mr. KENNEDY. Mr. Chairman, I rise today in support of the Fiscal Year 2008 Budget resolution.

I rise in support of this budget because I believe that it truly addresses the needs of all Americans, while restoring fiscal responsibility and accountability. Last year, Democrats pledged to move the country in a new direction and this budget is one more step in fulfilling that commitment. Republicans' irresponsible economic policies of the past six years have left a debt burden of $29,099 for a typical middle-income family of four in Rhode Island. This budget begins to reverse harmful cuts, restores critical domestic programs, and better reflects the priorities of all Americans by strengthening our national defense and investing in future generations.

This budget provides for the largest veterans' budget increase in American history, which will directly bolster healthcare services for 91,160 veterans in Rhode Island. It is also critical for the 4,082 brave Rhode Islanders, who have served their country in Afghanistan and Iraq since September 2001, many of whom will need VA health care services.

In 2004, 13,000 Rhode Island families were subject to the alternative minimum tax—and if nothing is done to fix the system, an estimated 98,000 families here in Rhode Island will be subject to the AMT in 2007. This budget supports middle-class tax cuts and protects middle-income families from a tax increase by setting up a reserve fund for a long-term fix for the alternative minimum tax.

In Rhode Island, there are 100,000 small businesses that serve as the engine of the economy. This budget rejects the President's proposal to cut the Small Business Administration by 26 percent from last year's request and 56 percent from 2001. It also rejects the President's cuts that eliminate $11,429,000 in funding for job training and employment services in Rhode Island. These investments to a growing economy for America's families are needed as family income in Rhode Island has only increased $574 since 2000 and health care and energy prices continue to climb.

In Rhode Island, 20,260 of our children do not have health insurance. This budget helps these children by increasing funding for State Children's Health Insurance Program (SCHIP)—reducing the number of uninsured kids across America by millions. This budget also rejects the Administration's proposal to cut Medicare funding by $170,154,922 for Rhode Island hospitals, skilled nursing facilities and home health care providers—because those proposals would make health care less accessible and less affordable for many Rhode Islanders.

The House budget provides substantially more funding for Rhode Island's 159,600 children enrolled in public elementary, middle and high schools—providing nearly $8 billion more in 2008 and 11 percent more over the next five years for education and training programs than requested by the President. This will increase resources for No Child Left Behind, special education and Head Start—rejecting harsh cuts and under funding for these critical education programs included in the President's budget.

Gas prices have increased by $1.11 in Rhode Island since January 2001, an increase of approximately 73 percent. The Democratic House budget invests in renewable energy and energy efficiency to reduce our dependence on foreign oil, reduce global warming, and promote new technologies that can create American jobs. It will also restore funding for Rhode Island environmental programs cut by the President's budget—including $2,654,000 in Clean Water revolving loan funds that help Rhode Island improve wastewater treatment. Mr. Chairman, this budget is a critical step in a new direction. Today, for the first time in many years, this House will pass a budget that truly represents the priorities of the American people.

Mr. HALL of New York. Mr. Chairman, today it was with great reluctance that I cast my vote against the Woolsey substitute budget amendment. I say it was with great reluctance because the progressive budget put forth by the amendment contained a great many individual provisions that I strongly support.

I strongly applaud the inclusion of full funding for No Child Left Behind in the amendment, and believe that we as a Congress must continue to work toward that goal. For too long, the Republican majority and President Bush have forced local communities to bear the brunt of No Child Left Behind's mandates without sufficient Federal support. For the sake of our children, our schools, and our communities we need to rectify this.

Likewise, I admire, respect, and support the amendment's commitment to full, guaranteed funding for veterans' healthcare. As the ongoing wars in Iraq and Afghanistan create a new generation of veterans with critical new healthcare needs, we must make sure that the VA healthcare system will be able to accommodate them while caring for veterans from previous generations. As a member of the Committee on Veterans' Affairs, I remain committed to making sure that the VA can honor the sacred pact we make with our soldiers; that if they fight to defend our Nation, our Nation will make sure they have the care they need.

There are other highly commendable provisions in the amendment, including the repeal of the Bush tax cuts for the wealthiest 1 percent of Americans, tax cuts which I believe have helped to put us on the path to fiscal ruin without providing one bit of support for working families. The proposal also includes much-needed provisions to crack down on corporate welfare and a commitment to expand health coverage to all Americans.

I support these provisions, and it is my deep and abiding hope that they will be brought to the floor of this Chamber individually to be considered and adopted by the House. However, the option to consider them as such was not available today.

The previous majority left this House, and this Nation, with an astounding fiscal train wreck, and in order to restore budgetary balance we must make difficult decisions. I am also concerned that although there are many laudable goals included in the substitute amendment, it failed to reform the Alternative Minimum Tax, which unintentionally and unnecessarily burdens a tremendous number of the residents of the Hudson Valley.

The underlying budget resolution, for which I cast my vote, contains strong funding increases for many of the programs I have discussed, balances the budget, and provides vital AMT relief. In light of the fiscal challenges created by previous Congresses, I believe that the underlying budget represents a strong, responsible step forward and is deserving of support.

Mr. BLUMENAUER. Mr. Chairman, today I voted for both the Congressional Black Caucus and the Progressive Caucus alternatives to the budget resolution, in addition to voting for the House Democratic Budget resolution. I believe all three of these proposals have a great deal of merit.

The Congressional Black Caucus's alternative provides high levels of funding for important national health initiatives, including increasing funding for the State Children's Health Insurance Program by $10 billion and increasing funding for veteran's benefits and services by $3.4 billion over the amounts provided by the House Democratic resolution. Importantly, the Congressional Black Caucus's alternative provides an increase over the House Democratic resolution in foreign aid spending by an additional $3.1 billion—providing much needed funds to fight AIDS, tuberculosis, and malaria. The Progressive Caucus's alternative also showcased wise policy choices; it also would have provided increased funding for the State Children's Health Insurance Program and would have invested in America's future by funding educational opportunities, job training programs, and the Individuals with Disabilities Education Act. In addition, the Progressive Caucus's alternative reflected one of my highest priorities, which was to strip funding from obsolete Cold War era weapons programs that divert precious resources away from America's actual security interests, and its budget projections assumed a complete withdrawal from the Iraqi Civil War.

I was also proud to help craft and vote for the House Democratic Budget resolution, however, because it provides for increased veterans benefits and services, increased educational benefits, increased environmental initiatives, and leads to a budget surplus by 2012. In sum, it represents a reasonable balance of opportunities and it does so within our means—unlike the Republican proposals. A critical aspect of the House Democratic Budget resolution is its provisioning of reserve funds that enable this Congress to begin repairing the damage done by the Republicans to our Nation's fiscal stability by fixing the alternative minimum tax—a "stealth tax" on millions of middle class taxpayers—and preserving tax cuts for the middle class. I voted to express my support for the ideas contained in Congressional Black Caucus's and the Progressive Caucus's budgets, but I also voted to support the House Democratic Budget resolution because it provides a reasoned blueprint for the fiscal decisions facing this country.

Mr. PAUL. Mr. Chairman, the FY 2008 budget is a monument to irresponsibility and profligacy. It shows that Congress remains oblivious to the economic troubles facing the Nation, and that political expediency trumps all common sense in Washington. To the extent that proponents and supporters of these unsustainable budget increases continue to win reelection, it also shows that many Americans unfortunately continue to believe government can provide them with a free lunch.

To summarize, Congress proposes spending roughly $3 trillion in 2008. When I first came to Congress in 1976, the Federal Government spent only about $300 billion. So spending has increased tenfold in 30 years, and tripled just since 1990.

About one-third of this $3 trillion is so-called discretionary spending; the remaining two-thirds is deemed "mandatory" entitlement spending, which means mostly Social Security and Medicare. I am sure many American voters would be shocked to know their elected representatives essentially have no say over two-thirds of the Federal budget, but that is indeed the case.

The most disturbing problem with the budget is the utter lack of concern for the coming entitlement meltdown. The official national debt figure, now approaching $9 trillion, reflects only what the Federal Government owes in current debts on money already borrowed. It does not reflect what the Federal Government has promised to pay millions of Americans in entitlement benefits down the road. Those future obligations put our real debt figure at roughly 50 trillion dollars—a staggering sum that is about as large as the total household net worth of the entire United States. Your share of this 50 trillion amounts to about $175,000.

For those who thought a Democratic Congress would end the war in Iraq, think again: their new budget proposes supplemental funds totaling about $150 billion in 2008 and $50 billion in 2009 for Iraq. This is in addition to the ordinary Department of Defense budget of more than $500 billion, which the Democrats propose increasing each year just like the Republicans.

The substitute Republican budget is not much better: while it does call for freezing some discretionary spending next year, it increases military spending to make up the difference. The bottom line is that both the Democratic and Republican budget proposals call for more total spending in 2008 than 2007.

My message to my colleagues is simple: If you claim to support smaller government, don't introduce budgets that increase spending over the previous year. Can any fiscal conservative in Congress honestly believe that overall federal spending cannot be cut 25 percent? We could cut spending by two-thirds and still have a Federal Government as large as it was in 1990.

Congressional budgets essentially are meaningless documents, with no force of law beyond the coming fiscal year. Thus budget projections are nothing more than political posturing, designed to justify deficit spending in the near term by promising fiscal restraint in the future. But the time for thrift never seems to arrive: there is always some new domestic or foreign emergency that requires more spending than projected.

Nobody in Washington will look back 5 years from now and exclaim, "Gee whiz, back in 2007 we promised to balance the budget by 2012, so I guess we better stick to that pledge and stop spending so much this year." The only certainty when it comes to Federal budgets is that Congress will spend every penny budgeted and more during the fiscal year in question. All projections about revenues, tax rates, and spending in the future are nothing more than empty promises. Congress will pay no attention whatsoever to the 2008 budget in coming years.

We should not let the debate over numbers distract us from the fundamental yet unspoken issues inherent in any budget proposal: What is the proper role for government in our society? Are the programs, agencies, and departments funded in the budget proposal constitutional? Are they effective? Could they operate with a smaller budget? Would the public even notice if certain items were eliminated altogether? These are the kinds of questions the American people should ask, even if Congress lacks the courage to apply any principles whatsoever to the budget process.

Mr. CARDOZA. Mr. Chairman, I rise today in opposition to the Republican budget alternative and in strong support of the Democratic budget.

I applaud my colleagues on the other side of the aisle for bringing forward a budget alternative, which is no small feat, so we can have a thorough debate about our Nation's priorities.

I would also like to add that I support their commitment to reforming mandatory spending programs. It is a significant problem on the horizon that Federal Reserve Chairman Bernanke, former Fed Chairman Greenspan, the Comptroller General, and others have forewarned us about. While I support their concept of reigning in mandatory spending, I suspect we differ in how to go about that.

What bothers me more about this process is not that we have disagreements, because we are going to have disagreements on where we spend the money and who pays for it. Those are legitimate arguments that should be vigorously debated. But the rhetoric that we use that surrounds it I think is unfair on both sides of the aisle.

I was not here in 2001, but I voted for about half of the 2003 tax cuts because I thought it was the right policy for this country. However, I did not agree with other budget policies. I don't believe that Republican budgets addressed critical health care and education priorities, or met the needs of our veterans. And the policies added staggering amounts to our Nation's debt. Regardless of how we got here, I think we ought to not fool ourselves about where we actually are. This is a train wreck that we find ourselves in, that the former Republican majority could not right. It was such a train wreck that Republicans could not pass a budget and could not finish the appropriations process last year. Democrats had to do a continuing resolution when we assumed the majority this year to clean up the mess that was left behind.

According to the Bush Administration's own numbers, the policies of President Bush and the Republican Congress put us on pace to increase the federal debt by well over $4 trillion by 2008. By comparison, it took the first 41 presidents combined to accumulate a total of $4 trillion in debt.

The debt and deficits we have racked up are not sustainable over time. They undermine America's economic strength by driving up interest rates and reducing investment. They force us to become increasingly beholden to foreign nations, as three-fourths of all new federal borrowing has come from foreign investors such as China and Japan. And they mortgage our children's future, forcing them to pay back the mountains of debt we are incurring today. We should be investing in our children's future, not borrowing from it.

We have a responsibility to begin cleaning up the fiscal mess that we inherited. The Democratic budget does just that and promises a new direction for our country. What we are trying to do with the Democratic budget is to take tow trucks to this train wreck and pull those cars off the track. Then, somehow, we have got to straighten out the track. It is going to be a lot of tough work and a lot of hammering on those tracks to get them back in line. And then we have got to set those railcars back up on the railroad track and somehow get this train moving again.

Correcting the fiscal course of our country cannot be achieved overnight, but I believe that this budget is a good first step. It addresses our Nation's priorities. It institutes tough spending control measures and fiscal discipline. It provides for responsible tax relief. And it brings our budget back to balance within five years.

The gentleman from South Carolina, Mr. SPRATT, should be commended for helping to right this train. The budget may not be perfect, but he deserves a tremendous amount of credit for what he has done and the Blue Dog Coalition certainly appreciates his efforts. We think we are headed in the right direction and are on the right track.

Ms. ESHOO. Mr. Chairman, today we are living up to the promise we made at the beginning of the new Congress to bring discipline to the federal budget.

By passing this Resolution, we will take an important step toward balancing our nation's budget, begin generating a budget surplus by 2012, and provide resources for critical undertakings in our country.

It's been a long time since we've talked about budget surpluses. Back in 2001, a $5.6 trillion surplus was projected by 2011. In two short years, that surplus disappeared and instead $2.8 trillion was added to the national debt. It now stands today at more than $8.8 trillion.

Today we're turning the corner by upholding the principle of pay-as-you-go. Any new spending has to be offset by cuts to other parts of the budget and new tax cuts must be paid for.

This budget addresses several important national priorities: It provides relief to the middle-class from the Alternative Minimum Tax (AMT) which is causing an increasing number of Americans to absorb a higher tax burden, as well as imposing an enormous paperwork burden on taxpayers who must determine whether or not they have to pay this tax. In my Congressional District, 11 percent of taxpayers are subject to the AMT. On average, they pay

$8,000 in additional taxes each year because of it. This budget allows for the extension of expiring middle-class tax provisions, including the child tax credit, marriage penalty relief, the 10-percent bracket, and the deduction for state and local sales taxes; it provides up to $50 billion to expand the State Children's Health Insurance Program (SCHIP) to cover a million more uninsured children in our country.

Because we're committed to fiscal responsibility, each of these priorities will be paid for.

The budget also provides funding for priorities that have been neglected for too long: it provides $3 billion in additional funding for education, including the No Child Left Behind Act and the Individuals with Disabilities Education Act; it provides funding for the victims and communities devastated by Hurricane Katrina; it provides $5.4 billion for health care for veterans.

This Budget Resolution provides funding to carry forward the Innovation Agenda that House Democrats under Speaker PELOSI developed last year, a commitment to keep America #1 competitively by making major investments in education and research, and the Resolution delivers on this commitment: it puts us on the path toward doubling the funding for the National Science Foundation and basic research in the physical sciences; it supports important initiatives to educate 100,000 new scientists, engineers, and mathematicians and to ensure that highly qualified teachers are instructing elementary and secondary school students in science and math.

This budget is supported by a wide-array of scientists and innovators, including:

American Electronics Association (AeA)
American Chemical Society (ACS)
American Society of Mechanical Engineers (ASME)
Association of American Universities (AAU)
Computer & Communications Industry Association (CCIA).
Council on Competitiveness
Electronics Industry Association (EIA)
Information Technology Industry Council (ITI)
Information Technology Association of America (ITAA)
Institute of Electrical and Electronics Engineers (IEEE)
National Venture Capital Association (NVCA)
National Association of State Universities and Land-Grant Colleges (NASULGC)
Science Coalition
Semiconductor Equipment and Materials International (SEMI)
TechNet.
Technology CEO Council

Mr. Chairman, I know it is not easy to create a budget that satisfies every need, but for the first time in years we have a budget that acknowledges fiscal realities and addresses our national priorities in a balanced and responsible manner. It is a worthy statement of our national values, and I urge my colleagues to vote for this legislation.

Mr. LARSON of Connecticut. Mr. Chairman, I am proud to rise in strong support of H. Con. Res. 99, the House Budget Resolution for fiscal year 2008. This bill proves that a responsible budget can both reflect the values of our country and ensure the growth of our economy.

For all too long the voice of the American people has not been heard in this Congress. Today, I am proud to say that the new Democratic-led Congress is listening and we are delivering. We have brought a budget to the floor that begins to reverse six years of harmful cuts and reckless fiscal policy, and invests in the Nation's future. This budget supports programs that help more working families help themselves. It keeps our promises to our children, seniors, and veterans.

Unlike the Administration's budget, this carefully crafted budget brings down the deficit by $234 billion over the next 5 years and balances it by 2012. It supports middle-class tax cuts and sets up a reserve fund for a long-term fix for the AMT—a tax that will effect over 580,000 Connecticut families in 2007. The bill also creates a reserve fund of up to $14 billion over 10 years for investments in clean, renewable alternative energy that is paid for by redirecting oil company subsidies.

This budget refuses to leave children behind—it provides $7.9 billion more in funding for education, which means more funding for No Child Left Behind, special education, and aid to help students afford college. The bill also includes a $50 billion reserve fund to expand the State Children's Health Insurance Program, SCHIP, to cover the more than 9 million children without health insurance, including the nearly 73,000 uninsured children in Connecticut. In addition, this budget ensures veterans receive the care that is worthy of their sacrifice. It provides $3.5 billion more this year to provide quality health care for veterans, repair VA health care facilities, and improve the accuracy and time of processing disability claims.

Our budget rejects the President's proposed cuts to Medicare and homeland security grants. Our budget refuses to increase the deficit. Our budget refuses to "stay the course" of the Bush Administration.

Mr. Chairman, I urge all of my colleagues to join me in supporting the underlying bill, a budget that reflects the values and priorities of the American people.

Mr. MITCHELL. Mr. Chairman, while I agree with many of the priorities in H. Con. Res. 99, the concurrent budget resolution for FY–08, unfortunately, I cannot support it.

I have serious concerns about increasing government spending and cannot support a budget that allows key tax cuts to expire.

I am also concerned about the partisanship that I have seen leading up to this vote.

Last fall, voters in my district told me they wanted to change the tone in Washington. They wanted Congress to ratchet down the rhetoric, and start working together to find sensible solutions to our common problems.

That included our nation's financial mess.

The current mess affects us all. Not just Democrats, and not just Republicans.

Sadly, listening to this week's budget debate, you would never know it.

I refuse to believe we cannot find a third way, a bipartisan way, to incorporate good ideas from both sides of the aisle.

It seems to me tax cuts should be a good place to start. Most of us support tax cuts for middle income families.

In my view, this should include reduced estate taxes and reduced capital gains.

It is true that, once upon a time, stock ownership was the province of the rich. But today, with the proliferation of 401(k)s and mutual funds, nearly half of all Americans own stock.

As stock ownership has grown mainstream, it has become increasingly important to keep capital gains low.

This and other tax cuts are scheduled to expire in 2010, and despite what some are saying, today's budget does, in fact, maintain them until that time.

What today's budget does not do, and what I hope future budgets will do, is find a way to extend these cuts beyond 2010.

Obviously, this is easier said than done, especially if we are serious about reducing the deficit. But I believe that, unless we make this a priority now, it will become that much harder to accomplish in the future.

I applaud today's budget for its commitment to education, transportation, and veterans. These are critical priorities, which have been short-changed in the recent past, and they deserve our utmost attention. In the rush to make improvements, however, we need to make sure we are getting the most out of what we are already spending. Voters have a right to expect accountability. I encourage all my colleagues, on both sides of the aisle, to ask tough questions as they review current Federal programs.

Working together, I know we can support our Nation's priorities and get our fiscal house in order.

Ms. DEGETTE. Mr. Chairman, I rise in strong support of H. Con. Res. 99.

For the last 6 years we have been swimming in serious red ink. Deep red ink. Thanks to President Bush and the Republicans in Congress we have added almost three trillion dollars to our Nation's debt. This red ink also seemed to be without end. In the past the other side of the aisle put forward budgets that did not reflect a serious commitment to responsible fiscal policy. Those budgets also failed to reflect the priorities of the American people.

Well, Mr. Chairman, Congress is under new management. That new management has produced a budget for the House to consider about which the American people can be proud.

The Democratic budget is fiscally responsible. It reimposes pay-as-you-go (PAYGO) budgeting principles and achieves balance in 2012. At the same time, this budget puts our priorities in the proper order.

For example, it provides tax relief to those who it needs it most—the middle-class. This tax relief includes the extension of certain tax breaks, such as the child tax credit, and reform of the Alternative Minimum Tax (AMT).

This budget also increases spending on the things that matter most to the American people, such as our children, education, health care, and veterans. Today we will be providing for a $50 billion increase in funds to provide health insurance to millions of more uninsured kids. Education, training, and related programs will receive three billion more than current levels and almost eight billion more than requested by the President. Funding for veterans' health care services is increased by 14.4 percent.

I am proud to support this budget. It reflects a responsible fiscal position and puts our limited resources towards programs and policies that are important to this Nation. I encourage all of my colleagues to vote in favor of H. Con. Res. 99.

Mr. SALI. Mr. Chairman, today Members of Congress faced two budget resolutions. The choice is a clear one between bigger, more expensive and more intrusive government versus fiscal discipline based on key priorities.

Now, fiscal discipline is hard, which is why it is not always popular. It is easy for some to vote to increase government spending, but ultimately someone must pay for it. It is common to hear about the "government" doing this project or that project. We hear a lot about the "government" spending money, but we must not allow the idea of "government" doing something to lead us to forget that, ultimately, "We the People" are the ones who have to pay for what government does. The nineteenth century economist Frederic Bastiat once said that "government is the great fiction through which everybody endeavors to live at the expense of everybody else."

Although the Federal Government is not known for its fiscal discipline, we are now facing a budget that exceeds even the most fevered imaginings of history's biggest spenders. It would enact the largest tax increase in history—an almost $400 billion increase.

This is one path, and it is the one down which the new Majority proposes to take us. We also had the opportunity to take another path, a roadway to a balanced budget without raising taxes on working Americans.

The choice is clear. The Democratic budget would do serious harm to Idahoans, their families and their businesses. The Democratic budget would: Raise taxes on 436,000 Idahoans who benefit from the current 10 percent tax bracket; force 176,000 married couples in Idaho to pay for an increase in the marriage tax penalty; force 133,000 Idahoans with children to pay higher taxes because of the expiration of the current child tax credit; and raise tax rates on capital gains and dividends for 74,000 Idaho investors, including Idaho senior citizens.

The Democrats are demanding that hard-working Idahoans further subsidize the already bulging government coffers. More than that, the reckless increases in entitlement spending included in their bill would require that generations to come pay for our present unwillingness to make tough decisions.

As many know but few heed, the explosive rate of entitlement spending is simply not sustainable. If the current rate of federal entitlement spending remains unabated, Social Security, Medicare, and Medicaid will consume 20 percent of the Nation's economy annually by 2040. If trends continue, entitlements will take up over 60 percent of the entire Federal budget in less than a decade. Our Nation is one of great prosperity, but no nation can expect to maintain economic and political greatness by feeding government programs at the expense of working families.

Few will be untouched by this vicious money-grab. Seniors, married couples, parents, small business owners, lower-income earners—all will be forced to turn over more of their earnings to the Federal Government.

In contrast, I support the Republican-offered substitute budget. The Republican budget reaches a balanced budget by 2012, but retains the important tax cuts adopted in 2001 and 2003. The Republican budget does not arbitrarily raise the 10 percent bracket to 15 percent; it preserves the current 10 percent rate. Lower-income earners need that money more than the government does. The Republican budget: Stops raiding the Social Security surplus; reins-in unsustainable, runaway entitlement spending by slowing the rate of annual entitlement spending growth, thereby saving money for the taxpayers; prepares for the future by budgeting in advance for national emergencies and crises; refines and strengthens the so-called "pay as you go" (PAYGO) rules to require that spending increases be offset with spending reductions instead of increasing taxes; caps discretionary spending through 2010 so Congress cannot simply throw more money at problems that require real solutions.

In short, we in Congress are accountable to our constituents. We must remember that real people and their livelihoods are at stake back home. If we wish to help those back in our districts, we must bear in mind that we do not have all the answers here in Washington. Congress did not earn the money that we took in taxes. It was hard-working Americans that earned it. If we fail to make the direly-needed tough choices about runaway spending, we are merely fostering a tax-and-spend culture that demands our constituents make pay a greater sacrifice in their earnings.

This is an unacceptable demand to make. Thankfully, the President has said he would veto the Democratic bill. Yet unless Congress begins to take seriously the need for economic growth, tax reduction for families and balancing the Federal budget, relying on the nation's Chief Executive to exercise his veto pen is like depending on a child to put his finger in the leak of a dyke. It will only work for a short time. We've got to do better, soon.

Mr. ORTIZ. Mr. Chairman, Federal budgets reflect our values as a nation. This Nation has rejected passing the monumental debt run up by this administration and past congresses on to their children. We are bringing a new fiscal direction to our budgeting process.

Correcting the fiscal course of the country will not be easy, or fast. We did it before, but success only comes with the hard work of passing budget and appropriations bills every year . . . unlike the way past Congresses did it: not paying the bills, running up huge waves of debt in the form of higher taxes on our children. We're about to start doing this right.

Our fiscal outlook deteriorated dramatically over the past 6 years. In 2001, the administration inherited a projected 10-year (2002–2011) budget surplus of $5.6 trillion. After paying for tax cuts for the richest among us, that surplus was gone. Between that and the 9–11 attacks, the United States accumulated a mountain of debt, adding $2.8 trillion to our Federal debt burden since 2001. Most of this debt has been purchased by foreign investors, making the U.S. economy more vulnerable to economic and political instability and political pressure from abroad.

Deficits matter. It is our moral responsibility to start cleaning up the fiscal chaos wrought by the last Congresses and the President. Living beyond our means comes at a cost to our children and grandchildren who will have to pay off that debt. The irresponsible economic policies of the past 6 years have left a debt burden of $29,075 for a typical middle-income family of four in Texas.

Deficits also hurt economic growth by slowing down national savings, which leaves us less to invest in our future. That means lower productivity and wages for future workers. The President's budget continued the fiscal approach that has brought us large deficits and growing debt.

This budget is in sharp contrast to the trend of spending our children's money like mad. Today's budget takes the necessary steps to eliminate our long-term budget deficit by adhering to the pay-as-you-go principle, just as families at kitchen tables do every day across the country.

A balanced budget must include balanced priorities. For the first time in 6 years, the congressional budget resolution will balance the Federal budget—in 2012—while also defending our country, delivering critical services to children and families, caring for our veterans, educating our children, and growing the U.S. economy.

The 2008 budget is the blueprint for the new direction we are taking the American people. It provides greater deficit reduction than the administration in the first 5 years, leading to a budget surplus in 2012 . . . we pay for the budget as we go, not as we hope we'll have a windfall of money . . .

I am particularly pleased at the matters affecting South Texas, including:

The largest veterans' budget increase in American history—$3.5 billion more this year ($32 billion over the next 5 years) for veterans' health care than the President's budget.

Greater investment in areas that deal with homeland security, rejecting the cuts to vital first responder and terrorism prevention programs included in the President's FY 2008 budget. Under the President's budget, the State Homeland Security Grant Program—which awarded $277,028,279 to Texas from 2003 to 2006—would be slashed by 52 percent. The Law Enforcement Terrorist Prevention Program (LETPP)—which awarded $70,936,283 to Texas from 2004 to 2006—would be eliminated.

Funds to begin implementing the 9/11 Commission recommendations to make Texas and our nation more secure.

Investments in a 21st Century Workforce for a growing economy and protects middle-class taxpayers.

Increasing funding for State Children's Health Insurance Program (SCHIP)—in Texas, where previous budget cuts left 1,366,710 children without health insurance.

Rejecting the administration's proposal to cut Medicare funding by $1,586,784,434 for Texas hospitals, skilled nursing facilities and home health care providers.

Providing substantially more funding for Texas' 4,365,200 children enrolled in public elementary, middle and high schools—providing nearly $8 billion more in 2008 and 11 percent more over the next 5 years for education and training programs than requested by the President.

Increasing resources for No Child Left Behind, special education and Head Start—rejecting the harsh cuts and underfunding for these critical education programs in the President's budget.

I urge my colleagues to adopt this budget, and begin a new era of fiscal sanity and investment in our greatest resource—Americans.

Mr. LANGEVIN. Mr. Chairman, I rise today in strong support of H. Con. Res. 99, the Budget Resolution for FY 2008. This measure will provide robust funding for some of the most important programs to the American people, while simultaneously maintaining our commitment to fiscal discipline.

Last year, the Democrats promised to move the country in a new and better direction. The budget before us today restores many of the programs that the President proposed to cut, while allowing us to not only balance our budget but return to surplus by 2012. I am pleased that the Democratic budget meets our commitment to national defense and supports those who have served our country by providing significant increases for military and veterans' health care. We must not leave behind those who have risked their lives in defense of our Nation, and this budget includes $3.5 billion more than the President's to improve care in the areas of mental health, post-traumatic stress disorder, traumatic brain injury and spinal cord injury—areas of great concern for our veterans returning from Iraq and Afghanistan.

As the Chairman of the Homeland Security Subcommittee on Emerging Threats, Cybersecurity and Science and Technology, I am proud to support a budget that properly invests in our homeland security initiatives. Unlike the President's proposal, we provide considerable funding for programs important to state and local law enforcement in Rhode Island, including the State Homeland Security Grant Program, which awarded approximately $50 million to Rhode Island from 2003 to 2006, and the Law Enforcement Terrorism Prevention Program, from which Rhode Island received $11.5 million from 2004 to 2006. By passing the Democratic budget, we can give first responders in Rhode Island the tools they need to keep our citizens safe.

In addition, the new Democratic leadership has made implementing the 9/11 Commission recommendations a top priority for the 110th Congress. This task was completed in the first 100 hours, and today we underscore our commitment to those recommendations by providing sufficient funding to carry them out.

The Democratic budget also meets our Nation's domestic priorities, notably in the area of health care. While the President proposed to cut children from the State Children's Health Insurance Program, SCHIP, our budget includes a $50 billion reserve fund to expand SCHIP to cover more of the nine million children without health insurance in this country. In Rhode Island's RIte Care program, federal SCHIP funds are leveraged to provide health insurance to many children living in families with at least one working parent or an income below 250 percent of the poverty level. RIte Care also covers certain pregnant women and parents, providing peace of mind for families who would otherwise face uncertainty about health care. Still, despite these relatively generous eligibility policies, there are still 18,680 uninsured children in the state, or 6.6 percent of all Rhode Island children, which is why additional support is needed to protect our most vulnerable. The Democratic budget provides that support.

This budget will also increase funding for education, social services, and job training programs by almost $8 billion over the 2008 program level in the President's budget, important steps that we must take to reverse 6 years of harmful cuts. Pell Grants, which offer so many American students the opportunity to access higher education, have seen a significant decline in purchasing power in recent years. Under this budget, we will raise the maximum Pell Grant to at least $4,600 and take significant steps toward making college a possibility for all of our Nation's young people.

The budget we are considering today also restores critical community development and social services programs that the President proposed to cut. Community and regional development programs like the Community Development Block Grant (CDBG) provide vital funding for economic and community development in both urban and rural areas nationwide. This proposal will also restore funding to the Low Income Home Energy Assistance Program (LIHEAP) which helps lower-income families cope with rising heating and cooling costs.

In another effort to lower energy costs and provide a new vision for America's energy policy, the Democratic budget makes a major investment in alternative and renewable energy research, which will move us closer to energy independence and improve our environment. It includes an additional $300 million this year for the Department of Energy, which could be invested in renewable and alternative energy development and energy efficiency initiatives. It also establishes a reserve fund that could provide as much as $14 billion over 10 years to invest in clean and renewable energy resources. Just as our Nation rallied around President Kennedy's call to put a man on the moon, we must similarly harness the creativity and expertise of our citizens and private industry to develop new technologies and work toward energy independence.

The Democratic budget also recognizes the importance of preserving our environment and public lands for future generations by providing an additional $2.6 billion for environmental programs—9 percent more than the President's request. It also blocks the President's proposed cuts to vital environmental programs such as the Land and Water Conservation Fund, EPA clean water grants and our National Wildlife Refuge system. Rhode Islanders have a long history of protecting our natural resources, and I am pleased that this budget reflects those values.

Finally, this budget includes several greatly needed extensions of tax provisions that will continue to help middle class families and small businesses to prosper. The Democratic budget establishes a reserve fund that will continue to provide tax cuts to millions of working families nationwide, and it will reduce the burden of the alternative minimum tax (AMT) that adversely affects thousands of Rhode Islanders each year. Democrats are committed to reducing the increasing tax burdens on middle-class Americans in a way that adheres to the fiscally responsible pay-as-you-go rules adopted by this Congress.

For too long the American people have been forced to choose between losing funding for vital domestic programs and running record deficits that will ultimately be passed along for our children and grandchildren to pay. Today, we finally have the opportunity to support a budget that will fund programs thousands of Rhode Islanders rely upon, while maintaining our commitment to fiscal responsibility. I urge my colleagues to join me in voting yes on the Democratic budget resolution.

Mr. KIND. Mr. Chairman, over the last 6 years, under one party control we had the largest and fastest accumulation of national debt in our Nation's history. The national debt skyrocketed to $8.8 trillion. Today we have a budget that changes the failed policies of the past and is, instead, a new direction to get the U.S. government back in the black with surpluses like those the country enjoyed at the beginning of this decade.

At the start of the 110th Congress, our party promised that when we took over as the majority party we would get the fiscal books back in order. This budget fulfills that promise by bringing the budget back to surplus by 2012. It gets us there by strictly adhering to the pay-as-you-go rules that was implemented at the beginning of this year. Additionally, this budget contains tough program integrity measures to crack down on wasteful spending, and it directs all committees to review their programs to promote efficiency and eliminate unnecessary spending.

This budget stands in stark contrast to the President's budget on many fronts. As I previously stated, this budget reaches balance in 2012 and starts paying down our debt. The President's budget does neither.

Budgets are all about priorities. This budget makes it clear that the priorities of this Congress are the priorities of the American people. Our budget provides for our national security, our veterans, our children, and working families across America.

The budget framework contains the necessary resources to meet critical threats to the Nation and to deliver excellent health care to those who have served in the armed forces. Funding for veterans' services is increased by $6.6 billion over the 2007 level, and by $3.5 billion above the President's request for 2008. This will cover the Veterans Administration's (VA) increasing patient load and the cost of forthcoming recommendations to improve health care facilities and treatment for service members and veterans. It is the largest expansion of veterans' healthcare funding since the creation of our VA system.

Most importantly, this budget reduces the deficit, which will decrease our reliance on foreign investors to buy our debt. Since 2001, foreign ownership of Treasury securities has more than doubled to $2.2 trillion, leaving our economy more vulnerable to foreign investment decisions and instability. The more we rely on our global competitors like China and India to finance our debt, the more vulnerable America's economic well-being—now and in the future—becomes. As the father of two little boys, I did not come to this Congress to leave a legacy of debt for them or future generations to climb out of. Let us pass this sensible, fiscally responsible budget that protects important American values so that years from now, we can look back and say, yes, we had to make some tough decisions, but they were the right decisions under the right circumstances, and American families are the primary beneficiaries as a result.

The Budget Resolution before us today makes the tough decisions to get us back to surpluses, while offering an economic stimulus plan now which is fair, quick, and responsible. It supports our troops, but it also supports our Nation's veterans, our seniors, and our children's education programs. I urge my colleagues to vote yes on this common sense fiscally responsible Budget Resolution.

Mr. JORDAN of Ohio. Mr. Chairman, my opposition to this proposal is clear and fundamental. It raises taxes. It is not fiscally responsible. It does not protect Social Security, and it does not protect the interests of families, who as the cornerstone of our society, deserve to be the very first consideration in each of our legislative decisions.

I am pleased to support Mr. RYAN, ranking member of the Budget Committee, and my colleagues on the Republican Study Committee on the conservative alternative to the budget blueprint before us today. I was pleased to offer a tax cut amendment to this legislation that would have extended the tax cuts of 2001 and 2003 at least until 2012. Unfortunately, the amendment was not accepted, but I rise today to say that my opposition to H. Con. Res. 99 does not end with runaway taxes and spending.

True, the proposal has excessive spending that mortgages our children's future on government programs.

True, the proposal raises taxes on families and businesses, reinstates the "marriage penalty", reincarnates the death tax, and cuts the child tax credit in half.

True, these tax increases, the biggest in American history, will cost the average Ohio family thousands of dollars in higher taxes.

But what is most troubling is that the entire budget is based on a premise that is antithetical to what makes America great.

This budget postulates that economic security . . . a "Great Society" if you will . . . is just another government program away.

It says that the tax cuts currently in place, which have led to private sector growth with 7.6 million new jobs, 42 straight months of uninterrupted economic growth, the Dow Jones Industrial Average above 12,000, record levels of investment, and record low unemployment . . . tax cuts that have helped every American family regardless of income, are better left to expire.

It says that the $392.5 billion of additional tax dollars Democrats expect spend over the next 5 years are better spent on government programs than in the pockets of American families. It says that what we need is more government, not more jobs, not more economic growth, not more money working its way through our private sector economy.

Just 3 months into this new majority, the tax man has come twice, and he is coming again.

Mr. Chairman, April 15, the day American taxpayers love to hate, is still 18 days away. But today, March 29th, is the day the American taxpayer will come to fear.

I urge my colleagues to join me in voting "no" on record tax hikes.

Mr. UDALL of Colorado. Mr. Chairman, I support this budget resolution because it will begin the process of changing our budgetary course.

For 6 years, the Administration and the Republican leadership insisted on speeding ahead with misguided fiscal and economic policies. Ignoring all warning lights, they plowed ahead, taking us from projections of surpluses to the reality budgets deep in deficit and heaping higher the mountain of debt that our children will have to repay.

Many of us said it was urgent to stop persisting in that error and voted for alternatives, including those proposed by the Blue Dog Caucus.

But year after year our Republican colleagues insisted on taking their marching orders from the White House, moving in lockstep to endorse the Bush Administration's insistence that its economic and fiscal policies must continue without change.

I admired their discipline, but I could not support their insistence on driving us deeper into the swamp of fiscal irresponsibility that has left a debt burden of $30,951 for a typical middle-income family of four in Colorado.

And now, in this new Congress under new management, by passing this budget resolution we can begin to undo the damage they have done.

The resolution is better in its fiscal responsibility and in its priorities.

It follows the tough "pay as you go" budget rules to begin to reverse the budget deficits and to put us onto the path to a balanced budget. And under this plan, by 2012, domestic discretionary funding would fall to the lowest level, as a share of the economy, in at least a half century while spending as a percentage of GDP will be lower in 2012 than it has been in any budget adopted under President Bush—1 percent lower than it will be this year and lower than it has been in any year since 2001.

At the same time it provides for continuing middle-class tax cuts and reform of the Alternative Minimum Tax (AMT) to protect middle-income families from a tax increase by default. This is important because while in 2004 only 32,000 Colorado families were subject to the AMT, if nothing is done, this year that number will rise to 234,000 families in Colorado and hundreds of thousands more in other States.

As a member of the Armed Services Committee, I am particularly glad to note that the budget resolution is also realistic and responsible about the need to maintain our national defense and honor our promises to our troops and veterans.

It provides for investing $507 billion for national defense and another $145 billion for overseas deployment and other activities while reordering defense priorities in order to make sufficient funds available for nuclear non-proliferation programs, military health care, and military pay raises and benefits.

I think ensuring the people who protect our country are provided for is a significant part of meeting our national defense requirements. So, I'm pleased that the resolution rejects increases in TRICARE fees for military personnel under age 65.

And the budget committee worked with the chairman of our committee, Representative SKELTON, to assure that the resolution will allow Congress to support the implementation of recommendations of the Commission appointed to review conditions at Walter Reed and other military health facilities—a provision that is so important for our wounded warriors.

The resolution provides for a much-needed increase in veterans' programs—for veterans health care, no less than $3.5 billion more this year (and $32 billion over the next 5 years) than the President's budget—to provide health care for new veterans, repair VA health care facilities, make needed investments in veterans' mental health care and traumatic brain injury, and speed up and improve the accuracy of disability claims processing.

This is a priority for me, because it will help ensure that the 427,957 veterans in Colorado receive care worthy of their sacrifice. It is also critical for the 17,419 Coloradans, who have served their country in Afghanistan and Iraq since September 2001, many of whom will need VA health care services.

The resolution also provides for increases homeland security and rejects the cuts to vital first responder and terrorism prevention programs that would happen if we adopted the President's budget for fiscal 2008. I support that because following the President's budget would mean reducing the State Homeland Security Grant Program—which awarded $88,508,658 to Colorado from 2003 to 2006—would be slashed by 52 percent and the Law Enforcement Terrorist Prevention Program (LETPP)—which awarded $22,392,512 to Colorado from 2004 to 2006—would be eliminated.

And the resolution provides for beginning to implement the 9/11 Commission recommendations to make Colorado and our Nation more secure.

Similarly, the resolution recognizes the importance of research, development, and education in keeping our economy strong and our country secure.

It recognizes that scientific research provides the foundation for innovation and our ability to compete with other countries by setting us on a path toward doubling funding for the National Science Foundation and research by other agencies while increasing collaborative research-purpose partnerships.

As a member of the Science and Technology Committee and Chairman of its Subcommittee on Space and Aeronautics, I am particularly supportive of the resolution because it rejects the President's proposed cuts to aviation programs within NASA in order to help ensure that such vital programs as development of the next-generation management system for air traffic can go forward.

Similarly, as one of the Chairs of the Renewable Energy and Energy Efficiency Caucus, I welcome the resolution's declaration that increased research and development of renewable and alternative energy technologies "needs to come soon and be substantial." I think that sets exactly the right priority.

And I similarly welcome the resolution's allowing for additional emphasis on science, technology, and mathematics ("STEM") education by increasing funding for National Science Foundation programs that support training qualified teachers in these important areas.

The resolution recognizes the importance of investing in renewable energy and energy efficiency to improve our security by lessening our dependence on foreign oil as well as to reduce global warming and promote new technologies that can create American jobs. So, it creates a reserve fund that could target up to $14 billion over 10 years to invest in clean, renewable alternative energy and energy efficiency paid for by redirecting oil subsidies.

And it restores funding for environmental programs cut by the President's budget—including $3,162,000 in Clean Water revolving loan funds that help Colorado communities improve their wastewater treatment facilities.

As for education, the resolution allows for substantially more funding for helping Colorado's public elementary, middle and high schools educate the 768,600 children now enrolled—nearly $8 billion more in 2008 and 11 percent more over the next 5 years for education and training programs than requested by the President.

This means more resources to implement the No Child Left Behind Act, special education and Head Start. By contrast, if we followed the President's budget, 31,296 Colorado children would not receive promised help in reading and math and the Head Start program—which serves 9,820 Colorado children—would be cut by 1.5 percent below the 2007 level.

Small businesses are essential for Colorado's economy—and the resolution rejects the President's proposal to cut the Small Business Administration by 26 percent from last year's request and 56 percent from 2000. It also recognizes the importance of job training for the kind of high-skilled workforce we need to keep America competitive—which is why it rejects the President's proposal to eliminate $54,403,000 in funding for job training and employment services in Colorado.

These investments to a growing economy for America's families are needed because, according to the Census Bureau, family income in Colorado has dropped by $4,041 since 2000, while health care and energy prices are climbing. But still more is needed.

So, I am glad that the resolution provides for increasing funding for State Children's Health Insurance Program (SCHIP)—to help cover the 176,230 of Colorado's children do not have health insurance. And I am pleased that it also rejects the Administration's proposal to cut Medicare funding by $261,719,066 for Colorado hospitals, skilled nursing facilities and home health care providers—another misguided proposal that would make health care less accessible and affordable for many Coloradans.

Mr. Chairman, I can understand why the Bush Administration does not like this resolution. After all, it rejects the Administration's misguided priorities. But it's disappointing that so many of our Republican colleagues still are so willing to unquestioningly follow the president's lead. And, while I suppose it's to be expected, it's particularly unfortunate that they have decided to attack this budget resolution by resorting to recycling the old, tired—and false—claim that it is "the largest tax increase in history."

The fact is that this is no tax increase in the resolution. It assumes the same level of revenues between now and 2012 period as projected by the Congressional Budget Office under its current-policy baseline, which essentially assumes no change in current laws governing taxes.

In other words, this resolution does not affect the top-heavy tax cuts the Bush Administration and the Republican leadership pushed through since 2001—they remain in place as they stand, which means they will not expire for 4 years.

I did not vote for all of those tax cuts, but I did support some that are most important for middle-income Coloradans. So, I am glad that the resolution provides for extensions of those in 2011, including an extension of the child tax credit, marriage penalty relief, and the 10 percent individual income tax bracket.

And when the rest of the tax cuts come up for reconsideration, Congress can and should consider whether to extend them, as they are now or in modified form.

I support that approach, which is quite different from the alternative approach taken by the Republican alternative, which insists on locking in all of the Bush tax cuts—the ones I did not support as well as those I did—and would put top priority on making them all permanent.

There are some things in the Republican alternative that I do support—including a constitutionally-sound line-item veto similar to my Stimulating Leadership in Cutting Expenditures ("SLICE") legislation—but overall I think it is not a responsible approach and I cannot support it, just as I cannot support the other alternatives that go too far in the other direction by calling for large tax increases.

Unlike all those alternatives, the resolution developed by the Budget Committee is the best balanced in its combination of fiscal responsibility and refocusing priorities. I will support it and I urge its approval by the House.

Ms. CORRINE BROWN of Florida. Mr. Chairman, I rise in support of the Democratic budget offered today. This budget is a stark contrast to the President's budget which proves to be entirely insufficient in meeting the needs of our Nation, and those of my constituents in the third district of Florida. A budget is about priorities, and the President's priorities are to ask our seniors, our students, our children, the middle class, and the working poor, to make fiscal sacrifices, while the rich count their money.

As an African-American woman who represents one of the poorest districts in the state of Florida, I am proud to say that Democrats are fighting for a budget that reflects the values of America's working families. For the first time in 6 years, the congressional budget resolution will deliver fiscal responsibility, economic prosperity, a strong national defense, affordable health care and energy prices, and strong public schools.

Let me give you some examples of the differences between the President's budget and the Democratic budget:

The President's budget has deficits as far as the eye can see with an increase of $507 billion over the next 5 years. The House Democratic budget lowers the deficit in 2008 and balances the budget in 5 years.

The President's budget cuts vital health care programs even when there are over 3 million Floridians without health insurance. The House Democratic budget puts children and families first by providing $50 billion to expand children's health insurance and creates a reserve fund that would allow Medicare improvements—such as increasing the reimbursement rate for physicians and improving the Medicare prescription drug program.

The President's budget fails to protect Americans here at home by slashing funding for the COPS program by 94 percent. COPS is regarded as an overwhelming success and has funded more than 118,400 police officers and sheriffs deputies. The House Democratic budget provides more homeland security dollars to fund the 9/11 Commission's recommendations, reject the President's cuts to first responders, and adequately address port security needs.

The President's budget forgets about the over 1.7 million veterans in Florida by cutting funds for their healthcare in 2009 and 2010 and imposing new health care fees on 1.3 million veterans. The House Democratic budget meets previously unmet needs for veterans by increasing funding for veterans' health care by $5.4 billion above current services.

The President's budget gives no relief to Americans struggling with high energy costs. Florida low-income energy assistance was slashed by $6.5 million and gas prices have increased approximately 69 percent since 2001. The House Democratic Budget expands renewable energy and energy efficiency by stimulating the economy with investments in the farm economy and in research to develop clean, sustainable energy alternatives to help America achieve energy independence in 10 years.

The President's budget betrays Florida's children by underfunding the No Child Left Behind Act for the 6th year. Nearly 160,000 children in Florida will go without promised help in reading and math. The House Democratic Budget has a $3 billion increase in funding for programs like No Child Left Behind, special education and aid to help students afford college.

In closing, I would like to reiterate that Democrats are committed to a new direction for America in which the interests of hard-working Florida families take priority over the special interests. This budget delivers fiscal responsibility, economic prosperity, a strong national defense, access to healthcare and high-quality public schools for the people in my district and for Americans overall.

Mr. GOODLATTE. Mr. Chairman, I am opposed to H. Con. Res. 99, which has been called the single biggest tax increase in American history.

However, I rise today to express my extreme disappointment that the majority decided to oppose debate on an amendment I offered to express the sense of Congress that the money the Federal Government spends is not the Government's, but rather the hard-earned dollars of the American taxpayer. My amendment also declares that Congress has a duty to guard against waste and excessive spending, that Congress should balance the Federal budget, and that Congress should expeditiously pass a constitutional amendment requiring a balanced budget.

It is common sense to American families that they cannot spend more than they have—

yet far too frequently, this fundamental principle has been lost on a Federal Government that is too busy spending to pay attention to the bottom line. Unless Congress is forced to balance the Federal budget, it will always have the all-too-tempting option of shirking this responsibility.

On the first day of this Congress, I introduced H.J. Res. 1, a constitutional amendment requiring Congress to balance the budget, which has garnered 159 bipartisan cosponsors. I hereby renew my call on Congress to pass this crucial legislation, which also makes it harder to raise taxes.

However, in the meantime, my simple amendment to the budget resolution would have been the least we could do to show the American people that Congress is committed to the same fiscal principles that America's families face each day. It is very telling that the majority thought it best to sweep this debate under the rug.

Regarding the merits of the underlying Democrat resolution, it assumes the expiration of all the 2001 and 2003 tax cuts, and adds those revenues, some $392 billion, into the budget over time. At the same time, they have chosen to increase discretionary spending. In fact, under the Democrat budget, appropriated spending is projected to increase faster than the rate of projected inflation. By increasing taxes on the American people in order to fund their own priorities, the Democrats assume that they know how to better spend the taxpayers' hard-earned dollars.

For America's farmers and ranchers already facing increased input costs, increased taxes would further add insult to injury. For many farmers and ranchers, this budget appears to hold the key to bolstering the budget for American agriculture. This bill purports to provide the Agriculture Committee with an extra $20 billion, seemingly tucked away in a "reserve fund" to be released at the discretion of the Budget Committee chairman. Although they've made it sound like there's an extra $20 billion just lying around waiting to be spent; this could not be further from the truth.

The $20 billon is only available if it can be offset by cuts in other spending or increased taxes. The Agriculture Committee, as well as every other Congressional committee, already has the authority to spend dollars created by offsets under existing rules.

This is either a poorly constructed hoax designed to create an illusion of increased funding, or it is part of a broader plan to continue to raise taxes to pay for increased program spending. In either case, there is nothing about the Democrat budget that does anything to relieve the budget crunch that farmers face in this farm bill.

I urge my colleagues to see this budget for what it is and vote "no."

Mr. McKEON. Mr. Chairman, I rise in opposition to the Democrat budget resolution. A majority of my colleagues on this side of the aisle have rightly spoken against this budget because it includes the largest tax increase in American history. And let there be no doubt: This tax increase would destroy jobs, take more money from working families, and bring our economic growth to a screeching halt.

However, I'd like to speak for a moment about a little-discussed provision in this resolution that could have significant negative consequences of its own. This resolution includes a reconciliation instruction for the Education and Labor Committee to find $75 million in savings from our mandatory programs. On its face, that seems harmless, although I think we can all agree that $75 million is hardly a serious effort at deficit reduction. After all, our committee is no stranger to this effort, having saved taxpayers some $12 billion through reconciliation in the last Congress while significantly improving the student aid programs for all our students.

However, make no mistake, this instruction is not as innocent as it looks. In fact, the chairman of the Senate Budget Committee recently called it a "stalking horse for a significant expansion of spending." And he's absolutely correct. This small reconciliation instruction may serve to have the largest impact on the Federal student loan program in history.

Simply put, the majority is trying to take advantage of the reconciliation process to jam through an expansion of the federally-run Direct Loan program—knowing that strong opposition to the expansion of this program would prohibit it from being successfully added to the Higher Education Act if its reauthorization was proceeding through regular order. The laundry list of reasons why giving the Direct Loan program a leg-up on the traditional, private-run student loan program would harm students and taxpayers alike is another discussion for another day. But let there be no mistake: This budget would allow for just that.

Mr. Chairman, I'd like to amend the Senate Budget Committee chairman's words slightly and call this reconciliation instruction a "Trojan horse"—because if this largely unnoticed instruction remained in place, the negative consequences on our student lending system would be almost unimaginable. The Federal Government is not meant to be a clearinghouse for college loans, and the Department of Education's ability to manage the scant 20 percent of all loans currently administered through the Direct Loan program is shaky, at best.

Just think of what adding even more bureaucracy would do for the students counting on good customer service and taxpayers counting on a well-managed program. Once again, it's almost unimaginable. I urge my colleagues to oppose the Democrat budget resolution and support the Republican substitute.

Mr. DUNCAN. Mr. Chairman, I rise to express my regret for missing several recorded votes during consideration of the budget resolution for fiscal year 2008. Unfortunately, I was called out of Washington to deliver the eulogy for a close friend of mine and my father's, Ed Bailey. Ed served the House of Representatives for 16 years as an aide to my late father, and I am honored to be making these remarks. This duty required that I leave for Knoxville prior to the final votes of Thursday, March 29, 2007.

I would like the RECORD to reflect that had I been in Washington, I would have supported the Republican Budget Substitute and opposed the underlying text of H. Con. Res. 99.

The reason for these votes is simple. I am fiscally conservative. The Democrat budget provides for tax hikes on Americans and America's businesses in order to pay for more Government spending. Also, this budget ignores the problems with our entitlement spending and defers these burdens to later generations.

I support the Republican budget because it continues to give American workers real tax benefits. It curbs out of control and inefficient discretionary spending.

The Ryan substitute also tackles the massive problem of entitlement spending and seeks to reform the Medicare and Medicaid systems. These reforms are absolutely necessary to ensure that these valuable programs are around for our children and their children.

Mr. GINGREY. Mr. Chairman, I rise today in support of the Republican budget substitute, which is the most fiscally responsible budget before us today. It may not a perfect budget, but no real budget can be, because we live in a world of unlimited wants and needs but of limited resources.

I also want to take this opportunity to thank Ranking Member PAUL RYAN, my good friend and a fiscal conservative stalwart from Wisconsin, who has truly helped lead the way not only on the Republican budget but also on revealing the true effects of the Democrat budget and substitutes.

Mr. Chairman, the Republican budget, unlike those offered by the Democrats, does not, I'll repeat, the Republican budget does not raise taxes.

I know these numbers have been cited many times over in this budget debate, but it is important for the American people to fully understand the impact of the new majority's budget policy on their pocketbooks.

Mr. Chairman, the Democrat committee-passed budget raises taxes by almost $400 billion. The Congressional Black Caucus budget raises taxes by $711 billion. The Progressive Caucus Budget raises taxes by almost $950 billion.

Three Democrat budgets, three giant tax increases—and, since baseball season is upon us, I'll say these three budgets sound like strike one, strike two, and strike three—and you know how the rest goes.

However, Mr. Chairman, my Democrat colleagues don't have to strike out because they can vote for a budget that will balance in 5 years without raising taxes; they can vote for the Republican alternative.

Mr. HOLT. Mr. Chairman, a budget is a moral document that demonstrates our values and priorities. I believe this budget by Chairman JOHN SPRATT repesents values I can be proud of. This budget funds education, healthcare, housing and development while brinnging the budget back to surplus by 2012.

At a time when more than 10 percent of students drop out of high school before graduating and only 4 out of 10 children eligible for Head Start are able to participate, the budget reverses the administration's policy of underinvesting in education for our children. The budget rejects the President's proposal to cut funding for the Department of Education by $1.5 billion below the 2007 enacted level and to eliminate 44 different programs, and provides for substantial new investments to increase funding for vital programs such as Head Start, special education—IDEA, Title I and other programs under the No Child Left Behind Act. The bill also provides for funding the increase in Pell Grants so that high school students know that if they work hard, they can go to college.

The budget rejects the President's proposal to cut funding for the Community Development Block Grant by $1.1 billion below last year's level, and instead provides for the first CDBG increase since 2005. The cut advocated by the President would endanger job creation, economic development, and affordable housing efforts cutting CDBGs for nearly 1,200 State and local governments.

This budget rejects the President's proposal to cut the Child Care Development Block Grant and the Social Services Block Grant by a total of $520 million below the 2007 level. The President's budget would lead to a decline in children receiving assistance so their parents can work. Our budget would allow for the first increase in child care funding since 2002.

Further, knowing that we now have more uninsured Americans than 6 years ago, this budget blocks the President's proposed cuts to Medicare and Medicaid. These cuts would have made healthcare less affordable and accessible for millions of Americans. Additionally, this budget ensures that up to $50 billion over the next 5 years will be devoted to the State Children's Health Insurance Program—SCHIP—to help cover millions of uninsured children. New Jersey is a national leader in covering children through the SCHIP program and this additional funding is desperately needed to ensure our States' good work can continue.

This budget rejects the President's dangerous cuts to our Nation's first responders. What sense would it make to cut the Local Law Enforcement Terrorism Prevention program, firefighter assistance grants, Byrne Justice Assistance grants, or the Community Oriented Policing Services—COPS—program? Our budget stands up for first responders and ensures that each of the programs receives appropriate levels of funding.

Mr. Chairman, I commend Mr. SPRATT for demonstrating that we can provide for our Nation's defense in a responsible way—both fiscally and from a policy standpoint. This budget will provide $507 billion in base DOD budget authority, an $18 billion increase over the President's request. This budget also emphasizes the right priorities for meeting our security needs.

For example, this resolution opposes TRICARE fee increases and calls for a substantial increase in the veterans' health care system. The budget resolution notes the upcoming recommendations of the President's Commission on Care for America's Returning Wounded Warriors and other Government investigations in connection with the substandard care at Walter Reed Army Medical Center, and allows funds for action when those recommendations are received. To help protect our Nation from a terrorist-sponsored nuclear attack, non-proliferation programs, such as the Cooperative Threat Reduction program, are given greater priority and higher funding.

Mr. Chairman, this budget will also help us keep our promises to our Nation's veterans. I'm pleased the committee has recommended raising increased discretionary funding for the Department of Veterans Affairs, from $36.5 billion to $43.1 billion—a $6.6 billion, 18.1 percent, increase over fiscal year 2007, and a $3.5 billion increase, 8.9 percent, over the administration request for fiscal year 2008. This budget provides a far more realistic spending plan than the President's proposal. Our proposed increase in this area will help meet some critical needs, including ensuring that medical inflation does not erode VA's ability to deliver quality health care to our veterans.

In order to maintain American competitiveness, we must make substantial investments in scientific research and education. The budget provides funding for initiatives to educate new scientists, engineers, and mathematicians in the next 4 years, and places more highly-qualified teachers in math and science K–12 classrooms. It makes critical investments in basic research, putting us on the path to doubling funding for the National Science Foundation, and bolstering investments in research and development throughout the budget. The reestablishment of the Office of Technology Assessment is made possible by Function 800, as is explicitly stated in the report language. The Office of Technology Assessment, an important tool for Congress's roles in fiscal planning, disaster mitigation, and oversight.

America's dependence on oil endangers our environment, our national security, and our economy. A sustained investment in research and development is crucial to creating cutting-edge technologies that allow us to develop clean, sustainable energy alternatives and capitalize on America's vast renewable natural resources. The budget provides increased funding for basic and applied energy research, to help America achieve energy independence in 10 years.

For the first time in 6 years, the budget resolution reflects a real commitment to protecting our most valuable natural resources by providing needed funding for our National Parks, the Land and Water Conservation Fund, and the national wildlife refuge system. H. Con. Res. 99 provides a total of $31.4 billion for environmental programs, which is $2.6 billion more than the President's request. I have been an advocate for the Land and Water Conservation Fund since I came to Congress 8 years ago and I am pleased that we are finally at a place where the budget includes adequate funding for both the Stateside grant program and the Federal program. LWCF and the Forest Legacy program have done tremendous work in States across the country, including New Jersey, to protect open space, restore wetlands, and conserve forest lands. Why President Bush continues to turn a blind eye to our growing environmental needs is beyond me. Finally, we have a budget that realizes how important this investment is.

This budget achieves this without an increase in taxes. The budget would accommodate immediate relief for the tens of millions of middle income households who would otherwise be subject to the alternative minimum tax (AMT) while supporting the efforts of the Committee on Ways and Means to achieve permanent, revenue-neutral AMT reform. Unless the AMT is reformed, 19 million additional families will have to pay higher taxes in 2007. The budget would also accommodate extension of other middle-income tax relief, consistent with the Pay-As-You-Go principle. These tax cuts include: the child tax credit, marriage penalty relief, the 10 percent bracket, and the deduction for State and local sales taxes.

The past 6 years of fiscal irresponsibility have caused America's national debt to increase 50 percent, to nearly $9 trillion, or $29,000 for evety American. Our ability to invest in the Nation's shared priorities is constrained by the cost of the debt run up over the last 6 years, when the administration and its partners in previous Congresses turned the largest surplus in American history into a record debt. About 75 percent of America's new debt has been borrowed from foreign creditors such as China, making our fiscal integrity a matter of national security. Over the last 6 years, President Bush has borrowed more money from foreign nations than the previous 42 U.S. Presidents combined.

Mr. Chairman, this budget restores the budget as a moral document that I can support. It funds the House Democratic innovation initiative, including commencing a doubling path for the National Science Foundation and providing significant increases for elementary and secondary math and science education. It accommodates a significant increase to expand children's health insurance to cover millions of uninsured children. It increases funding for veterans' health care and services so that returning soldiers will receive the care to which they are entitled. It accomplishes each of these goals without raising taxes on American citizens. I ask my colleagues to vote for the Spratt budget.

Mr. BACA. Mr. Chairman, I ask for unanimous consent to revise and extend my remarks.

Today, the House will consider a fiscally responsible budget which I proudly support because it contains the right priorities for America's families.

This budget strengthens our national defense and honors our promises to California's brave troops and veterans. It provides the largest increase for veterans' health care in the history of our country—providing $3.5 billion more than the President's budget. This will help to ensure that the 2,310,967 veterans in California receive care worthy of their sacrifice.

This budget also puts children and families first. For example, in California, 1,380,800 children do not have health insurance. It helps these children by increasing funding for the State Children's Health Insurance Program—SCHIP—reducing the number of uninsured children across the county.

In addition, this budget also provides substantially more funding for California's 6,518,000 children enrolled in public elementary, middle and high schools—providing nearly $8 billion more in 2008 and 11 percent more over the next 5 years for education and training programs than requested by the President. This will increase resources for No Child Left Behind, special education and Head Start—rejecting harsh cuts and underfunding for these critical education programs included in the President's budget. Under the President's budget, 421,277 California children will go without promised help in reading and math and Head Start—a vital program for 98,432

California children—is cut by 1.5 percent below the 2007 level.

It also recognizes that the 3,575,200 small businesses in California are the engine of the economy. To spur economic growth and support small businesses, the budget rejects the President's proposal to cut the Small Business Administration by 26 percent from last year's request.

And it restores funding for environmental programs cut by the President's budget—including restoring $28,270,000 in clean water revolving loan funds in California that help improve wastewater treatment.

Finally, this budget supports middle-class tax cuts and protects middle-income families from a tax increase by setting up a reserve fund for a long-term fix for the alternative minimum tax, AMT. In 2004, 606,000 California families were subject to the AMT—and if nothing is done to fix the system, an estimated 4,434,000 families here in California will be subject to the AMT in 2007.

In sum, this budget will restore fiscal responsibility and accountability to Washington; strengthen our national defense; and invest in the next generation and America's prosperity; and I urge my colleagues to support it.

Mr. TIAHRT. Mr. Chairman, I rise in strong opposition to the Budget Resolution for Fiscal Year 2008. At a time when we need to be fiscally responsible, the Democrats unveiled a budget plan that would increase taxes and increase spending.

Cutting taxes, not increasing taxes, is the solution to spurring economic growth. Our economic recovery after the $2 trillion of the terrorist attacks of September 11, 2001 was directly related to these creative tax cuts. We have witnessed more money being kept in the taxpayers' pocketbooks and more small businesses being established due to the 2001 and 2003 tax cuts. In fact, my district, which was hardest hit community after September 11, 2001, is now recovering due to accelerated depreciation and other tax incentives.

Instead of recognizing this truism, the Democrat budget will impose the largest tax increase in American history. The tax relief Americans have been enjoying would cease to exist under this legislation. The Marriage Penalty Relief would be eliminated and 23 million taxpayers would see their taxes increase by an average of $466 in 2011. As we continue on down the list of tax hikes, 31 million taxpayers would be affected by the Child Tax Credit being cut in half. Their taxes would increase by an average of $859 in 2011.

These tax increases are not for a greater good of reducing the deficit but to allow Democrats the freedom to spend more and expand the government. My colleagues seem to be living up to their moniker "Tax and Spend" Democrats. This budget is above and beyond the President's request and would amount to some $22.5 billion in spending in 2008 alone for nondefense and nonemergency appropriations. The bill also does not include any meaningful entitlement reform—the most problematic detriment to our deficit.

This is not a plan for fiscal responsibility. This is a plan to spend the taxpayers' money flippantly. We need to be conscious of how the American taxpayers' money is spent. As Members of Congress we were sent here to look out for the best interests of our constituents and this budget resolution in not proving to do that.

Mr. FARR. Mr. Chairman, I rise in strong support of the Democratic House budget resolution H. Con. Res. 99) that adopts and implements funding priorities that reflect the core values of our Nation and provides a responsible fiscal blueprint to lead our nation out of deficit spending. Medicare, Medicaid and education funding like Pell Grants.

H. Con. Res. 99 puts the Federal Government's fiscal house in order by committing to a PAYGO budget rule. Enforcing PAYGO means that all new federal spending must be offset so that we are not adding to the red ink that endangers our nation's fiscal security.

The budget resolution does not increase taxes. In fact, it extends beyond 2010 of important tax cuts for the middle class—including the child tax credit, marriage penalty relief, estate tax reform, and the deduction for state and local sales taxes—an important credit for California taxpayers. It also extends the Research and Development tax credit to spur innovation.

H. Con. Res. 99 allocates over $85 billion for veterans programs and exceeds the President's request by $3.5 billion. This long overdue increase for our veterans will help provide the immediate care our new veterans require and address the long-term care issues facing many of our older wounded warriors. In addition to covering the basic issues of care and rehabilitation, the FY2008 Budget Resolution includes additional funds for post-traumatic stress disorder research, identification, and treatment, and funds for the elimination of the nearly 400,000 cases currently residing in the claims backlog. As Vice-Chairman of the House Appropriations Committee Subcommittee on Military Construction, Veterans' Affairs and Related Agencies, I am pleased we are able to be generous to our nation's veterans who have earned these benefits.

The Democratic budget rejects the President's cuts in environmental programs and instead supports valuable research and natural resource conservation programs, such as NOAA's Education Program and the Ocean and Coastal Management program.

Despite the President's past assertions of making education one of his legacy programs, his FY2008 budget request to cut much needed funding for core education programs including No Child Left Behind. The Democratic House budget continues a long tradition of putting children first by adding over $3 billion to core programs under No Child Left Behind as well as special education (IDEA), Head Start, child care and funding to help students afford the ever-increasing cost of college.

Affordable housing on the Central Coast is one of the most pressing issues for families in our community. I am very pleased that the Democratic budget helps address this crisis by including a reserve fund to finance efforts to reverse the decline in affordable housing without increasing the deficit. I am proud to vote in support of H. Con. Res 99 and strongly urge my colleagues to support this budget that prioritizes America's important needs.

Ms. MCCOLLUM of Minnesota. Mr. Chairman, I rise in strong support of H. Con. Res. 99, the 2008 House Budget Resolution, and I congratulate Chairman SPRATT for advancing the priorities of American families.

This budget moves our country in a new direction. First, it is fiscally responsible. In contrast to the 6 years of high budget deficits under the former majority, this proposal provides for a surplus in 2012 by strictly adhering to the pay-as-you-go principle adopted in the first days of the 110th Congress. It also protects the integrity of taxpayer dollars by instituting initiatives to crack down on wasteful or fraudulent spending. It is critical that we do not burden our children and grandchildren with crippling debt which threatens the competitiveness of this Nation.

H. Con. Res. 99 provides for the top priority of the Federal Government—which is to keep our Nation safe and to keep our promises to the brave men and women that serve in the Armed Forces. This bill increases funding for veterans' health care and services by 14 percent, provides more homeland security funding than the Bush administration requested, and funds the 9/11 Commission recommendations.

The Democratic budget resolution also makes critical investments in our future by doubling funding for the National Science Foundation and making significant increases in math and science education. This budget recognizes that one of the most efficient and effective investments we can make is in our children's education. It increases funding for No Child Left Behind, special education, Head Start, and student aid programs—all of which have been neglected or reduced over the past 6 years. Studies have shown that by recognizing the needs of children today, we both save taxpayer dollars in the long run, and ensure the availability of highly skilled workers in the future.

Last November Americans made clear that access to health care is a top priority for families and should be for the Congress. This budget rejects the draconian cuts to Medicare and Medicaid proposed by the Bush administration and provides for an expansion of the State Children's Health Insurance Program to insure millions more children.

This budget recognizes that those who need tax relief in this country are not corporations and the very wealthiest. This proposal includes relief from the Alternative Minimum Tax for millions of middle-income taxpayers and extends other middle-income tax cuts like the child tax credit, marriage penalty relief and State and local deductions.

The budget resolution is a statement of priorities. Chairman SPRATT has proposed a common-sense, fiscally responsible budget that puts families first and grows our economy. I am proud to support H. Con. Res. 99 and urge all my colleagues to join me.

I also congratulate the Progressive Caucus and the Congressional Black Caucus for the budget ideas they put forward. I have supported both of these amendments today largely because of the increased attention to diplomacy, peace, and investment in the global community. These issues must continue to be a part of the appropriations debate.

Ms. ROYBAL-ALLARD. Mr. Chairman, I rise today in support of the Democratic Budget Resolution.

In the face of a burgeoning national debt, I want to commend Chairman JOHN SPRATT for drafting a budget that reflects the commitment of our new Democratic majority to restore fiscal integrity, and shift Federal budget priorities to reflect key American values.

This Budget Resolution will balance the Federal budget in 5 years by requiring that any new expenditure be offset. This is a fiscally responsible policy that turned deficits into surpluses in the 1990s.

The Democratic Budget Resolution also stands in contrast to Administration policies that have undermined long-term investments in areas that help to improve the quality of life of Americans. This Resolution addresses the shortfalls of past budgets, and reflects key American values by increasing funding levels to enhance health care for our Nation's children, and for our men and women returning from combat.

The budget resolution helps enhance and expand educational opportunities for millions of American students who have been left behind by the misguided policies of the Administration. The No Child Left Behind Act was enacted to ensure that every child, regardless of race, income, or background, receives a high quality education. Unfortunately, over the past 6 years, the Administration has never fully funded the program, forcing schools to comply with the Act's high standards without the resources needed to succeed. This budget resolution puts the education of our children first, by increasing funding for the implementation of No Child Left Behind. In addition, it increases funding for special education, the Head Start program, and student aid for higher education.

Mr. Chairman, there are millions of children without health insurance, including over one million in my home state of California. This Democratic budget resolution also makes investments in the health of our Nation's children by increasing funding for the State Children's Health Insurance Program (SCHIP) by $50 billion. This increase will help parents who worry every day about their ability to care for their children in time of illness and injury.

Equally as important, this budget resolution upholds our Nation's sacred commitment to our servicemen and women by providing for the largest veterans funding increase in the history of our Nation. The $32 billion increase in veterans health care and services over the next 5 years is critically needed to improve existing VA healthcare facilities, and to ensure that disability claims for our returning servicemembers are quickly and accurately processed. This Democratic budget helps ensure that our veterans receive high quality and accessible care that is worthy of their sacrifice.

This fiscally responsible Democratic budget reflects the beginning of an important shift in which government truly works on behalf of the American people. I urge my colleagues to support America's future by voting for this fair and responsible Democratic Budget Resolution.

The Acting CHAIRMAN. There being no further amendments, under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. WEINER) having assumed the chair, Mr. THOMPSON, Acting Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the concurrent resolution (H. Con. Res. 99) revising the congressional budget for the United States Government for fiscal year 2007, establishing the congressional budget for the United States Government for fiscal year 2008, and setting forth appropriate budgetary levels for fiscal years 2009 through 2012, pursuant to House Resolution 275, he reported the concurrent resolution back to the House.

The SPEAKER pro tempore. Under the rule, the previous question is ordered.

The question is on the concurrent resolution.

Under clause 10 of rule XX, the yeas and nays are ordered.

The vote was taken by electronic device, and there were—yeas 216, nays 210, not voting 7, as follows:

[Roll No. 212]

YEAS—216

Abercrombie
Ackerman
Allen
Altmire
Andrews
Arcuri
Baca
Baird
Baldwin
Becerra
Berkley
Berman
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carney
Carson
Castor
Chandler
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
DeGette
Delahunt
DeLauro
Dicks
Dingell
Doggett
Doyle
Edwards
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hinchey
Hinojosa
Hirono
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson, E. B.
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Mahoney (FL)
Maloney (NY)
Markey
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Perlmutter
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Rangel
Reyes
Rodriguez
Ross
Rothman
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—210

Aderholt
Akin
Alexander
Bachmann
Bachus
Baker
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carter
Castle
Chabot
Coble
Cole (OK)
Conaway
Crenshaw
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Donnelly
Doolittle
Drake
Dreier
Ehlers
Ellsworth
Emerson
English (PA)
Everett
Fallin
Feeney
Ferguson
Flake
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hill
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson (IL)
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
Linder
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Manzullo
Marchant
Marshall
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Mitchell
Moran (KS)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Paul
Pearce
Pence
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Ryan (WI)
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Souder
Stearns
Sullivan
Tancredo
Terry
Thornberry
Tiahrt
Tiberi
Turner
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Wolf
Young (AK)
Young (FL)

NOT VOTING—7

Davis, Jo Ann
Duncan
Kanjorski
Lampson
Lewis (CA)
Millender-McDonald
Watt

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes remaining.

□ 1435

Mr. BOEHNER and Mr. HILL changed their vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

PROVIDING FOR AN ADJOURNMENT OR RECESS OF THE TWO HOUSES

Ms. SCHAKOWSKY. Mr. Speaker, I send to the desk a privileged concurrent resolution (H. Con. Res. 103) and ask for its immediate consideration.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 103

Resolved by the House of Representatives (the Senate concurring),

That when the House adjourns on the legislative day of Thursday, March 29, 2007, or Friday, March 30, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand adjourned until 2 p.m. on Monday, April 16, 2007, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first; and that when the Senate recesses or adjourns on Thursday, March 29, 2007, on a motion offered pursuant to this concurrent resolution by its Majority Leader or his designee, it stand recessed or adjourned until noon on Tuesday, April 10, 2007, or such other time on that day as may be specified by its Majority Leader or his designee in the motion to recess or adjourn, or until the time of any reassembly pursuant to section 2 of this concurrent resolution, whichever occurs first.

SEC. 2. The Speaker of the House and the Majority Leader of the Senate, or their respective designees, acting jointly after consultation with the Minority Leader of the House and the Minority Leader of the Senate, shall notify the Members of the House and the Senate, respectively, to reassemble at such place and time as they may designate if, in their opinion, the public interest shall warrant it.

The SPEAKER pro tempore. The question is on the concurrent resolution.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. BOEHNER. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 214, nays 192, not voting 27, as follows:

[Roll No. 213]

YEAS—214

Abercrombie
Allen
Andrews
Arcuri
Baca
Baird
Baldwin
Barrow
Bean
Becerra
Berkley
Berry
Bishop (GA)
Bishop (NY)
Blumenauer
Boren
Boswell
Boucher
Boyd (FL)
Boyda (KS)
Brady (PA)
Braley (IA)
Brown, Corrine
Butterfield
Capps
Capuano
Cardoza
Carnahan
Carson
Clarke
Clay
Cleaver
Clyburn
Cohen
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crowley
Cuellar
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis, Lincoln
DeFazio
Delahunt
DeLauro
Dicks
Dingell
Doggett
Donnelly
Doyle
Edwards
Ehlers
Ellison
Emanuel
Engel
Eshoo
Etheridge
Farr
Fattah
Filner
Frank (MA)
Giffords
Gillibrand
Gonzalez
Gordon
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hare
Harman
Hastings (FL)
Herseth
Higgins
Hill
Hinchey
Hinojosa
Hirono
Hodes
Holt
Honda
Hooley
Hoyer
Inslee
Israel
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (OH)
Kagen
Kaptur
Kennedy
Kildee
Kilpatrick
Kind
Klein (FL)
Kucinich
Langevin
Lantos
Larsen (WA)
Larson (CT)
Lee
Levin
Lewis (GA)
Lipinski
Loebsack
Lofgren, Zoe
Lowey
Lynch
Maloney (NY)
Markey
Marshall
Matsui
McCarthy (NY)
McCollum (MN)
McDermott
McGovern
McIntyre
Meehan
Meek (FL)
Meeks (NY)
Melancon
Michaud
Miller (NC)
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murtha
Nadler
Napolitano
Neal (MA)
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Peterson (MN)
Pomeroy
Price (NC)
Rahall
Reyes
Rodriguez
Ross
Roybal-Allard
Ruppersberger
Rush
Ryan (OH)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Schakowsky
Schiff
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sestak
Shea-Porter
Sherman
Sires
Skelton
Slaughter
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stupak
Sutton
Tanner
Tauscher
Taylor
Thompson (CA)
Thompson (MS)
Tierney
Towns
Udall (CO)
Udall (NM)
Van Hollen
Velázquez
Visclosky
Walz (MN)
Wasserman Schultz
Waters
Watson
Waxman
Weiner
Welch (VT)
Wexler
Wilson (OH)
Woolsey
Wu
Wynn
Yarmuth

NAYS—192

Akin
Alexander
Altmire
Bachmann
Bachus
Baker
Barrett (SC)
Bartlett (MD)
Barton (TX)
Biggert
Bilbray
Bilirakis
Bishop (UT)
Blackburn
Blunt
Boehner
Bonner
Bono
Boozman
Boustany
Brady (TX)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Carney
Carter
Castle
Chabot
Chandler
Coble
Cole (OK)
Conaway
Cubin
Culberson
Davis (KY)
Davis, David
Davis, Tom
Deal (GA)
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Doolittle
Drake
Dreier
Ellsworth
Everett
Fallin
Feeney
Ferguson
Forbes
Fortenberry
Fossella
Foxx
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Gilchrest
Gillmor
Gingrey
Gohmert
Goode
Goodlatte
Granger
Graves
Hall (TX)
Hastert
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Hobson
Hoekstra
Hulshof
Hunter
Inglis (SC)
Issa
Jindal
Johnson, Sam
Jones (NC)
Jordan
Keller
King (IA)
King (NY)
Kingston
Kirk
Kline (MN)
Knollenberg
Kuhl (NY)
LaHood
Lamborn
Latham
LaTourette
Lewis (KY)
LoBiondo
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Matheson
McCarthy (CA)
McCaul (TX)
McCotter
McCrery
McHenry
McHugh
McKeon
McMorris Rodgers
McNerney
Mica
Miller (FL)
Miller (MI)
Miller, Gary
Moran (KS)
Murphy, Tim
Musgrave
Myrick
Neugebauer
Nunes
Pearce
Pence
Perlmutter
Peterson (PA)
Petri
Pickering
Platts
Poe
Porter
Price (GA)
Pryce (OH)
Putnam
Radanovich
Ramstad
Regula
Rehberg
Reichert
Renzi
Reynolds
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Royce
Sali
Saxton
Schmidt
Sensenbrenner
Sessions
Shadegg
Shays
Shimkus
Shuler
Shuster
Simpson
Smith (NE)
Smith (NJ)
Smith (TX)
Stearns
Sullivan
Tancredo
Thornberry
Tiahrt
Tiberi
Upton
Walberg
Walden (OR)
Walsh (NY)
Wamp
Weldon (FL)
Weller
Westmoreland
Whitfield
Wicker
Wilson (NM)
Wilson (SC)
Young (AK)
Young (FL)

NOT VOTING—27

Ackerman
Aderholt
Berman
Castor
Crenshaw
Davis, Jo Ann
DeGette
Duncan
Emerson
English (PA)
Flake
Holden
Johnson, E. B.
Kanjorski
Lampson
Lewis (CA)
Linder
McNulty
Millender-McDonald
Pitts
Rangel
Rothman
Ryan (WI)
Terry
Turner
Watt
Wolf

□ 1455

Mrs. CUBIN changed her vote from "yea" to "nay."

So the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated against:

Mr. TURNER. Mr. Speaker, on rollcall No. 213, on H. Con. Res. 103, I am not recorded. Had I been present, I would have voted "nay."

Mr. ENGLISH of Pennsylvania. Mr. Speaker, I was unavoidably detained by a meeting in my office during rollcall vote 213 providing for a conditional adjournment of the two Houses. If I had been present, I would have voted "nay."

THE JOURNAL

The SPEAKER pro tempore (Mr. DOYLE). Pursuant to clause 8 of rule XX, the unfinished business is the question on agreeing to the Speaker's approval of the Journal.

The question is on agreeing to the Speaker's approval of the Journal.

Pursuant to clause 1, rule I, the Journal stands approved.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY, APRIL 18, 2007

Ms. HOOLEY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 18, 2007.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

Mr. PRICE of Georgia. Mr. Speaker, reserving the right to object, would the gentlelady further clarify the unanimous consent request?

Ms. HOOLEY. Calendar Wednesday. Unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday, April 18.

Mr. PRICE of Georgia. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

CONDITIONAL ADJOURNMENT OF THE HOUSE

Ms. HOOLEY. Mr. Speaker, I ask unanimous consent that when the House adjourns on the legislative day of Thursday, March 29, 2007, or Friday, March 30, 2007, on a motion offered pursuant to this order, it adjourn to meet at 12:30 p.m. on the third constitutional day thereafter, unless it sooner has received a message from the Senate transmitting its concurrence in House Concurrent Resolution 103, in which case the House shall stand adjourned pursuant to that concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Oregon?

Mr. PRICE of Georgia. I object, Mr. Speaker.

The SPEAKER pro tempore. Objection is heard.

BISHOP GUILFOYLE LADY MARAUDERS CHAMPIONSHIP

(Mr. SHUSTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SHUSTER. Mr. Speaker, I rise today to honor and celebrate the Bishop Guilfoyle High School girls basketball team from Altoona, Pennsylvania, for their record-breaking season which ended with the Pennsylvania Interscholastic Athletic Association (PIAA) Class A State Championship.

The Lady Marauders, who finished this season with an impressive 31–1 record, went 14–0 in league play and defeated Pittsburgh's North Catholic High School 43–38 for the 2007 championship title on March 24.

The season high of 31 wins set a school record and accompanied their first State title in 14 years.

Coached by Coach Mark Moschella, the team is graduating six seniors, led by senior forward Mary Forr, a 1,000-point scorer.

Also playing their last game were Courtney Carroll, Heather Craig, Ashley Helsel, Rachel Sullivan, and Dani Williams.

And special note, Alli Williams, a freshman on the Lady Marauders, scored 13 points and finished with 10 rebounds in the championship game.

I am extremely proud of the hard work and dedication of these young women from Bishop Guilfoyle and congratulate the team, the coaching staff, and their fans on a story-book year and a deserved championship.

I rise today to honor and celebrate the Bishop Guilfoyle High School Girls basketball team for their record-breaking season which ended with the Pennsylvania Interscholastic Athletic Association (PIAA) Class A State Championship title.

The Lady Marauders, who finished their season with an impressive 31–1 record, defeated Pittsburgh North Catholic 43–38 for the 2007 championship title on March 24, 2007. Their season high of 31 wins set a school record to accompany their first state title in 14 years.

Coached by Mark Moschella, the team is graduating 6 seniors, led by senior forward Mary Forr, a 1,000 point scorer. Also playing their last game in the purple and gold were Courtney Carroll, Heather Craig, Ashley Helsel, Rachel Sullivan and Dani Williams, who finished the championship game with 11 rebounds.

Rounding out the championship team were; Danielle Filer, Teresa Mull, Ashley Fulare, Nicole Ciambotti, Christine Conrad, Shannon Hite, Tiffany Seasoltz, Chelsey Neugebauer, Kaylee Keagy, Brooke Stayer, Rachel Rea, Erin Brennen and freshman sensation Alli Williams, who shared the winning season on the court with her sister Dani. Alli, the only freshman on the squad, led the Lady Marauders with 13 points and finished the championship game with 10 rebounds.

The Mountain Athletic Conference Champion Lady Marauders finished undefeated in league play with a record of 14–0. During the regular season they defeated District VI champions Altoona (AAAA) and Lewistown (AAA) and District VI runner-up Bishop McCort (AA). Their only loss was to Delone Catholic in December; however, since that game, they won 23 straight including the District VI Championship and the PIAA Class A State Title.

The Lady Marauders proved their dominance on their way to the championship, defeating Rockwood in the first round of the PIAA playoffs 58–20; beating Lancaster Country Day 66–16 in the second round; following with a 57–46 win over Nativity BVM in the State Quarter-Final match-up; a 46–34 Semi-Final victory over Bishop O'Reilly and culminating with the State Championship win against North Catholic 43–38.

The team, known for its prolific defense and extraordinary teamwork, will cherish these accomplishments long after they have graduated from Bishop Guilfoyle. I am extremely proud of the hard work and dedication of these young women from Bishop Guilfoyle and congratulate the team, the coaching staff and their fans on a storybook year and a deserved championship.

HONORING THE LIFE OF JUANITA HAUGEN

(Mr. McNERNEY asked and was given permission to address the House for 1 minute.)

Mr. McNERNEY. Mr. Speaker, today I ask my colleagues to join me in honoring the life of Juanita Haugen, who passed away earlier this month after a courageous battle with lung cancer.

Juanita's passion for education and her commitment to students enriched the lives of many people in our congressional district. Her efforts and dedication to public service leave a legacy that will continue to benefit my hometown and the Nation.

Juanita joined the Pleasanton school system after leaving her job as a probation officer to care for her children at home. She was elected to the Amador District Board in 1979 and was among the first trustees elected to the Pleasanton Unified School District, a position which she held for the rest of her career.

Although Juanita's efforts won her many awards, it was her ability to inspire others with her passion for learning that separated her from her peers. I ask my colleagues to join me in honoring the memory of Juanita Haugen and sending our thoughts and prayers out to her family and friends.

□ 1500

THE BUDGET MYTH

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, the days of tax and spend are back. The new reform budget passed by the House just a few minutes ago actually is for more taxes, more spending. So Americans need to get out their checkbooks because they are going to be paying more because here is the deal:

This budget will increase tax rates on all Americans who pay taxes because the tax cuts will expire. It will cut the tax credit for children by half, and it will punish married people by taxing them more because they choose to be married. And it will also tax Americans when they die, literally tax them to death. This bill is the largest tax increase in American history. Furthermore, this fat and sassy bill increases wasteful spending.

We ought to be cutting taxes, cutting wasteful spending because that is the American way, that is the right way. Because Americans pay, they always pay, and they are going to pay a lot more.

And that's just the way it is.

HONORING THE TUSKEGEE AIRMEN

(Ms. JACKSON-LEE of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. JACKSON-LEE of Texas. Mr. Speaker, I had an honor today that will be forever embedded in my heart; and that was to watch the Tuskegee Airmen, of which my father-in-law, Phillip Ferguson Lee, was an active and proud member, be honored with the Congressional Gold Medal.

I thank with all of my heart Representative CHARLIE RANGEL, Senator LEVIN, and all of the participants who commemorated and celebrated brave men who sacrificed their life in World War II but yet were treated worse than the Nazi soldiers who were captured and held here in the United States. In spite of color and racism, they rose to the highest occasion.

That is why I am so proud to be part of this majority that supported an emergency supplemental that would dignify our troops and bring them home with success and a budget today that was voted with the largest amount for dollars for veterans in the history of the United States.

Thank you to my father-in-law, Phillip Ferguson Lee, and all the Tuskegee Airmen who now are so proud to receive the Congressional Gold Medal. But, more importantly, they are proud to be Americans, World War II veterans who never, never denied their leadership in the United States of America. God bless them and God bless the United States of America.

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. CARNEY). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

STAFF SERGEANT TERRANCE DUNN, TEXAS WARRIOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. "We shall not flinch or fail. We shall go on to the end. . . . We shall fight on the seas and oceans. We shall fight with growing strength in the air. We shall defend . . . whatever the cost may be. We shall fight on the beaches. We shall fight on the landing grounds. We shall fight in the fields and in the streets. We shall fight everywhere. We shall never surrender."

These are the words of Sir Winston Churchill showing the dedication and determination of military warriors who fight for liberty. They never give up; and, of course, they never give in. Army Staff Sergeant Terrance Dunn was one of those soldiers.

Calling Atascocita, Texas, home, Staff Sergeant Dunn graduated from Pascagoula High School in Mississippi in 1987. In high school, he was known as the student always helping others.

In 1991, Staff Sergeant Dunn enlisted in the United States Army. He volunteered to serve this country and to become a part of an organization that accomplished great things. For him, the Army was his life.

For 16 years, Staff Sergeant Dunn devoted his life to protecting United States and its citizens from those who wanted to destroy us, freedom and liberty. He was always taking time to make sure that his Army uniform was in perfect shape, and he was proud of his service.

In one of the first letters he sent to his mother after enlisting into the United States Army, he told her that he was a real soldier now and he loved it.

Staff Sergeant Dunn was routinely away from the comforts and luxuries of home in Texas. He served tours of duty in Germany, Bosnia, Africa, South Korea, and, of course, two tours of duty in Iraq. He was committed to the service, he was committed to the American people, he was committed to his family, and he was committed to his duty.

As most military soldiers, Staff Sergeant Dunn was a very humble person about his service. He considered it an honor.

Family was one of the most important things to Staff Sergeant Dunn. He was the youngest of six children. He was close to all of his brothers and sisters and his numerous nieces and nephews. Even while amid the cannons of battle, he would call home to his family and check on them to see how they were doing, making sure they were okay.

Staff Sergeant Dunn was coming home to Texas in April, next month, after finishing that second tour of duty in that land far, far away that we call Iraq. He was assigned to the 210th Brigade Support Battalion, 2nd Brigade Combat Team, 10th Mountain Division. He was a mechanic for the United States Army and responsible for servicing vehicles and Army tanks. He was also tasked with fixing any broken equipment because he was a technological whiz. He could fix anything.

To his fellow soldiers, they called him the "Dunnaman." If something needed done, Dunnaman did it, and it was given to him to do because they could always count on Staff Sergeant Dunn.

On February 2 of this year, Staff Sergeant Dunn called home to one of his sisters, checking on the status of the folks back home. With all the dangers of the Iraqi desert, his mind was always on his family. His sister had no way of knowing that that would be the last time that she spoke to her brother.

This is a photograph of Staff Sergeant Dunn taken shortly before his life was stolen from him. Because, several hours later, on patrol in Baghdad, an IED, an improvised explosive devise, hidden by faceless enemies that will not come out and fight, detonated near Staff Sergeant Dunn's patrol vehicle, killing this American warrior. He was 38 years of age.

Sergeant Dunn is the 18th American warrior associated with my southeast congressional district to be killed in this war in the deserts of Iraq and Afghanistan.

For his bravery and service to his people, Staff Sergeant Dunn was awarded the Purple Heart and the Bronze Star. He was brought home to Louisiana, his birthplace. Staff Sergeant Dunn was carried by his fellow soldiers in the Army Honor Guard, and he was laid to rest with full military honors.

Staff Sergeant Dunn was an American patriot. That is a word sometimes we don't like to use, but he was, and he was proud to be a patriot. He was a hero to his family, his fellow soldiers, and to us. He served his country for 16 years, and he accomplished great things in the United States Army.

And remember, Mr. Speaker, he, like all the people in Iraq and Afghanistan fighting for this Nation and for the Iraqi people, are volunteers. They asked to join the fight.

So God bless the Dunn family and God bless Staff Sergeant Dunn. He fought for our Nation. He defended liberty in lands far, far away. And he never surrendered.

In the words of George Orwell, "We sleep safe in our beds because rough men stand ready in the night to visit violence on those who would try to do us harm." The American soldier.

And that's just the way it is.

ETHICS IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. HILL) is recognized for 5 minutes.

Mr. HILL. Mr. Speaker, today, I had the opportunity to introduce, I think, a very important bill. And for those who are listening in your offices, I hope other Members of Congress who have not gone home yet will take the opportunity to review this bill and join me as a co-author of the bill.

During the campaign last year, there were many issues that we talked about: energy independence, health care, the Nation's budget. But one that emerged as a very, very important issue was the issue of ethics in the House of Representatives.

People were very disturbed at all the scandals that were going on in this great body, and they told me over and over and over again that Congress needed to clean up its act. And they are right. We did. And we do.

It pains me that the American public does not have a whole lot of faith in this institution because I love the House of Representatives. It is indeed an honor and privilege for me to serve in this great Chamber. In spite of all the arguments that we have here, democracy works.

I remember, Mr. Speaker, that Dick Gephardt once told me that the arguments that we have here in this great body is a replacement for war. And that, in fact, is the case. This system, even while it gets ugly at times, is a great system that we have in this great country. We love our country and we love our government because the government is here to serve the people. And when it doesn't act right, we need to do something about it. We need to restore the confidence of the House of Representatives back to the people of the United States. And in that I introduced a bill to try to restore that confidence again by the American people.

This bill that I have introduced will replace the present Ethics Committee as we know it today. Right now, the Ethics Committee consists of sitting Members of Congress, and it is very difficult for colleagues to investigate fellow colleagues. It is just naturally very difficult. This bill will replace that committee system with former Members of Congress who are not lobbyists, giving people like, let's say, Lee Hamilton an opportunity to serve in this capacity, who can kind of take a step away from the Members and do the investigations that have to be done so that we can restore honor and integrity to this great body.

I think it is a good idea. I have talked to several Members and already have several Members who have become co-authors with me on this important piece of legislation.

There will be six members appointed by the Speaker on the Democratic side and six members appointed by the Republicans, by the majority leader, on their side. They will serve for no longer than three terms. But they will have the opportunity to do the job that sitting Members cannot do. So I think it is a very important piece of legislation.

We need to make sure that the people who are on this committee have institutional knowledge of this great body. And as former Members who are not lobbyists, they have that institutional knowledge to do the work that has to be done, which is so difficult to be done now.

☐ 1515

So I hope those who are listening on their television sets and their offices here in Washington, DC will take the opportunity to call my office to get on this bill and start the process of restoring confidence and integrity to the House of Representatives.

HONORING CLAIRE MITCHEL AND RECOGNIZING WOMEN'S HISTORY MONTH

The SPEAKER pro tempore (Mr. CARNEY). Under a previous order of the House, the gentlewoman from Florida (Ms. WASSERMAN SCHULTZ) is recognized for 5 minutes.

HONORING CLAIRE MITCHEL

Ms. WASSERMAN SCHULTZ. Mr. Speaker, this Sunday, the Miami Herald's Broward County edition will publish the 1,130th column by writer Claire Mitchel. Claire's column, entitled "The Third Third," is believed to be the longest-running, uninterrupted features column on aging in any major newspaper in America. Nothing in the last 22 years, not illness, surgery, births, deaths, computer foul-ups, vacations, hurricanes, nothing stopped Claire Mitchel from offering her unique weekly perspective on the aging of America.

Week after week, Claire's column has offered us wisdom, guidance, insight and gentle chuckles. Her book, a collection of her columns, was entitled "Seeing the World Through Rose-Colored Bifocals." Tony-winning playwright Vinnette Carroll conceived a musical based on Claire's line, "At our age, we don't buy green bananas."

But Claire Mitchel has been far more than a columnist. She has been a public relations person who represented everyone from Ann Landers to Eleanor Roosevelt. She marched with Dr. Martin Luther King, Jr.; she had her own radio show; and she was an ardent feminist before mainstream America understood what that meant.

Claire was Coordinator of Women's Concerns for Broward County's Human Relations Division for 10 years and a co-founder of the Older Women's League. She was chosen Feminist of the Year by the Broward Commission on the Status of Women and was inducted into the Broward County Women's Hall of Fame. And through it all, she has been a devoted wife and mother.

In her column, marking her 85th birthday recently, Claire offered this observation: "Today I am a woman of 85, asking the same question everyone asks following such a statement, where did the years go? My answer is, with a lot of living.

"Each day, on each occasion, when there was a question of whether to do something, I chose yes. No regrets for what I did, just what I didn't do. When others hesitated, I volunteered. Mostly it was the right decision, leading me to an activity that I enjoyed."

This has been the underlying message, Mr. Speaker, of each of Claire Mitchel's weekly writings for the last 22 years: keep living every day to its fullest, no matter what age you are.

With that, Mr. Speaker, I pay tribute to Claire Mitchel, whose shoulders are strong enough to have supported thousands of women by sharing with them her pearls of wisdom.

RECOGNIZING NATIONAL WOMEN'S HISTORY MONTH

Ms. WASSERMAN SCHULTZ. Mr. Speaker, I also rise today in recognition of National Women's History Month as we wind down to the last day of this month on Saturday, March 31. First let me start off by saying how honored I am to be a part of the 110th Congress, which boasts 90 women Members serving in both the House and Senate.

With this year's theme of "Generations of Women Moving History Forward," it is my honor to recognize some very special women in my district, the 20th Congressional District of Florida, who have done and continue to do their part to advance the women's movement.

Today I call specific attention to a particular group of women who volunteer their time at the Jack and Jill Children's Center in Fort Lauderdale, Florida. The Jack and Jill Children's Center is a nonprofit organization that provides family-oriented, early childhood education and support to strengthen working families.

The center has a volunteer Grandparent Program, whose mission is to engage older adults in volunteer services to meet critical community needs and to enrich the lives of volunteers. Jack and Jill's grandparents have the important job of interacting with little children. Whether it is tying shoes, serving meals, patting backs at nap time, or sitting with a child and practicing writing their name, these grandparents provide each child with a special relationship that he or she may not otherwise receive.

The success of the Grandparent Program, Mr. Speaker, is attributed to its mutually beneficial nature, to both the participants and children who receive the care. Many of the programs' grandparents are working with their own grandchildren, who will grow up in a loving educational environment, fostering a stronger sense of community, work ethic and successful life.

These amazing women, Mr. Speaker, are Martha Myrick, Pearline Scott, Annie Welch, Merceline Victor, Barbara Osgood, Elizabeth Dorsey, Johnnie Daniels, Maria Morency, Margaret Lewis, and Albertha Brown. They collectively average 75 years of age and have been an active part of our south Florida community all of their lives, some of whom even attended grade school together.

By providing a better life for our Nation's working, single and low-income mothers, Jack and Jill's Grandparent Program is moving women's history forward.

Mr. Speaker, our Speaker, NANCY PELOSI, exemplifies that a woman can do a job that any man can. I thank her for her service to our Nation, and thank you for giving me the opportunity to tell America about some of the women in my district who make positive changes in the lives of others.

A SALUTE TO WOMEN DURING NATIONAL WOMEN'S HISTORY MONTH

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise this afternoon to comment on what has been an important journey that this House has taken. As I do that, might I also mention that we celebrate National Women's History Month and salute the women Members of the United States Congress, and particularly salute and offer my admiration for our new Speaker of the House, NANCY PELOSI.

At the same time, I want to pay tribute to my mother, Ivalita Jackson, and my late aunt and all of the women in my family. Also might I especially pay tribute to the women of the 18th Congressional District. They are certainly strong, and they certainly have invested, not only in Houston, Texas, but in this Nation. Dominique de Menil, Christy Adair, the businesswomen of our community, Ninfa Lorenzo, and so many others that symbolize the kind of strength that women have exhibited as strong Americans.

I am also quite enthusiastic about the fact that we will soon have the bust of an early suffragette in legislation that just passed and was signed by the President that I authored, along with Senator CLINTON in the other body, and that is the bust of Sojourner Truth, an abolitionist and a woman suffragette.

We have come a long way, but we have a long way to go. So I simply wanted to capture very briefly the journey that we took.

Last week, this body voted 218 votes for the emergency supplemental that would set a timeline to bring our troops home, men and women who have been on the front lines in Iraq, who will come home now with dignity and success because the military benchmarks have been met. Saddam Hussein has been deposed, there have been no findings of weapons of mass destruction, and, frankly, it is time now, as the President has said often, for Iraq to stand up and for us to stand down. It was a courageous vote, and I am delighted that we unified the Nation and were successful.

Mr. Speaker, we traveled through the week. We passed hurricane recovery legislation that was never passed in the last Congress. And now we have a budget that defends America. It lifts up firefighters and law enforcement officers. It provides middle-class tax credits, like the child tax credit and marriage penalty relief. It looks forward to fixing the alternative minimum tax. It protects the middle class. It engages working America by providing health care for all of America's children. $50 billion is in this budget.

What concerns me, Mr. Speaker, is although I believe in democracy, what concerns me is when my friends on the other side of the aisle continue to play procedural games. You just saw a few minutes ago the objection to setting the time for us to come back after the work recess, the repeating and the revoting of votes over and over again, dilatory tactics so that this body cannot move forward and pass legislation. Albeit over the last 10 or 12 years that I have been here under the Republican majority, they couldn't get after the tragedy of 9/11, a real 9/11 bill passed. We did it in the first 20 days. They couldn't pass a Medicare prescription drug bill that wouldn't hurt the senior citizens who are still trying to find out how can I pay and leap over the donut hole. They couldn't do it, and we are doing it.

Over and over again, moneys would come back into the Federal Government because of the poor structure of SCHIP, the State Children's Health Insurance Program. They weren't prepared to fully fund it, and we are. The collapse and debacle of Leave No Child Behind that disrespects teachers and takes learning away from children, they could not fix it; but we are going to fix it.

So my instructions to my friends as we go home for Passover and Easter and other religious holidays that we will commemorate, a season of peace, come back with the attitude of working for America and not for yourselves. Come back with the attitude of being respectful to the process of democracy. The majority represents the American people now, and the American people want change, not bickering. They want bipartisanship, not divisiveness.

When you have a budget that fully funds defense, but yet allows us to be able to be compassionate with the heart and support the American Dream, then this side of the aisle should stop with the dilatory tactics.

Mr. Speaker, I hope when we return, we will be a bipartisan Congress and move America forward. The Democrats have taken the leadership. We are doing the right thing, and I want to thank them for all their work.

THIRTY-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Florida (Mr. MEEK) is recognized for 60 minutes as the designee of the majority leader.

Mr. MEEK of Florida. Mr. Speaker, it is an honor to address the House. As you know, the working group, we come to the floor to share good information with the Members and make sure that we are all informed on what is happening in this new-direction Congress. Also, for us to understand our future, we have to go into our past. We try not to dwell on that too much, but when there are examples of leadership and courage, we want to identify and illuminate the leadership that many, that the majority of the Members of the House have already taken.

Today's vote with passing this budget resolution by the House is a perfect example of our priorities as we move through the process. As you know, there will come a time when the Senate and the House will get together in conference and we will send our budget to the President, and hopefully we can all come to common ground on behalf of not only domestic priorities, but also international priorities and how we are seen in the world.

This is a Friday for us here in Congress because this is now the close of legislative business, and we are going to be off for the next 2 weeks from Washington, DC. But we will be back in our districts working very hard, talking with our constituents.

Many Members will take this opportunity to share with the members of their community and their district the accomplishments that they have been able to make in the last 2 weeks, and they have been quite historical. I think with the emergency supplemental, even going back to that, since that is a week old and something we have already voted in the affirmative in a bipartisan way, I think that is a testimonial to what this 110th Congress is going to be about and what we continue to work very hard in making sure that the American people have a chance to see exactly how hard we have been working.

I think I am going to have to get my chart that talks about the days we have worked, the resolutions we have passed, the suspension bills we passed compared to previous Congresses. I think it is important when people look at their Members of Congress and they say, well, are you actually working on my behalf. I am hearing from the 109th Congress that there were times that you spent more time out of Washington than you spent in Washington. And many of our Members are hungry to see their constituents because we have been here the majority of the weeks working on a 5-day workweek.

□ 1530

Out of that 5-day work week, there has been a lot that has been accomplished.

So I am going to talk about not only the resolution, but I am going to also talk about the effort of bipartisan votes that have taken place here on the floor and on the accomplishments of being here in Washington, DC, and having hearings. I think that is important, and I think that the American people need to be fully aware.

We talk about Iraq in the same light that we talk about the work. On the

29th, which is today, the total deaths in Iraq, 3,243. That's as of 10 a.m. That's 10 a.m. numbers. Wounded, returned back to duty, 13,473. That number continues to change, Mr. Speaker. And wounded not returning back to duty is 10,841.

Why do I give those numbers out? I give those numbers out to make sure that all of the Members understand that this work is very, very serious.

This number is changing because just today in the Armed Services Committee we had a hearing on Guantanamo that has a connection to the efforts against terrorism throughout the world. But oversight accountability hearings on Iraq are at 104. That is the last documented number I know. When we get back from the break, this calendar will be updated.

Also, we had issues of cleaning up Washington, DC, and making sure that America is safer; hearings that we've had making sure the American dream is possible for everyone. We have had a number, Mr. Speaker, of bipartisan votes here on this floor that really meant a lot to Americans.

When we started looking at the issue of minimum wage, when you have 82 Republicans voting under the "New Direction Congress", under a Democratic-controlled Congress voting for an increase in minimum wage, that means that there has been a will and a desire to do so over the years, but they haven't had the opportunity to do it, and it took leadership to move in that direction. Also, making college more affordable. When you look at votes that have taken place, 124 Republicans have joined Democrats in voting in the affirmative as a unit, and I think that is very, very important.

When we start looking at the Iraq resolution, we have to look at the courage and the insight and the vision of this "New Direction Congress" in allowing Members of this Congress to vote on something that will be beneficial to their constituents but also meets emergency needs of the country and Iraq and Afghanistan.

I think it is very, very important that we understand that when we go on break there is going to be a lot said because we won't be here in Washington, we won't have the opportunity to come to the floor. Of course, the administration will have 2 weeks of an opportunity to speak from a podium without a response, an official response, outside of Members sending press releases out. But when you look at this resolution, it makes sure that, in dealing with the veterans issues, we have in place making our commitment as it relates to defending the homeland.

I used to be on the Homeland Security Committee, and we started talking about making sure that the levees are in place and that we never see another Katrina in our lifetime, not under our watch; and holding our commitment to the men and women in the gulf coast. I think that is very, very important, and something that we have to continue to work on.

Another piece of legislation we passed within the last 2 weeks is the Wounded Warrior Assistance Act, a response not only to the scandal at Walter Reed but also to make sure we can ensure the troops and veterans that they will receive quality care. This is a bipartisan piece of legislation, something that we should be very proud of and the American people should be proud of. We will continue to move in that direction of being aggressive on these issues.

When you deal with the issue of U.S. troop readiness, I met with the command sergeant major of the Army Reserves just today, Mr. Speaker, in my office. He talked about the number of issues that are still not being addressed on behalf of reservists. But I can tell you that the refreshing part of that conversation was that I could go to the Wounded Warriors Assistance Act of 2007 to say that help is on the way. I was able to point to the concurrent resolution that we passed, our first action in January, that we put $3.6 billion into veterans health care so that when he goes out in the field to speak to the soldiers, he can say a new day is coming.

I talked about the budget resolution prior to this budget resolution passing here on the floor, the largest increase and investment in veterans assistance, health care assistance in the history of the VA. I was able to talk to him under those terms and under that flag of accountability, oversight and making sure that we are accountable to the men and women that serve our country. I can tell you that it was received with great appreciation from him.

I think it is important that as we start looking at the action of growing the economy that is in this budget that it is going to be very, very helpful to us all, making sure that our economy is moving in the right direction and will be here for all levels of economic classes.

We start looking at children that are being assisted through this budget. As we continue to march through this process, as you know, there will be a House and Senate conference, there will be Members pulling in different directions to make sure that the priorities are met, but when it is all said and done, children are being protected. I know the Speaker will be having a summit on children that is coming up pretty soon that will allow us to even further look into the needs of children in the United States of America.

What does this mean to the economy, Mr. Speaker? It means an awful lot. It means if you have healthy children you have fewer days of parents having to take off work and take them to the doctor, or to stay home to try to, what I call, drugstore medication, going to see what they can buy over the counter to help their children rebound from whatever health ailment that they may have.

With this budget that we passed, we are making sure that every child in the United States of America has an opportunity at universal health care, something that is very, very important. I come from a State where over 12 percent of the kids are without health care. I think it is very, very important that we focus and stand behind our commitment to America's children in making sure that we provide the funding to make sure they all have universal health care. It is going to be good for our economy, it is going to be more days that children will be in school. We will have healthier children, we will have healthier families, and we will have a healthier economy in our society. I think it is important that we move in that direction.

When we look at the State Child Health Insurance Plan that we have here, we call SCHIP, you look at the investment of what we have just made on this vote here on the floor. In 2008 to 2012, you will see in the billions of dollars that the President's budget is a $2 billion increase up until 2012. But then, if you look over a little further, you look at the budget resolution we just passed, and that is with a $50 billion increase as we move into 2012.

So we have already laid out that we have the will and the desire to do so and that we are ready to do it; and we will be finding the necessary resources to do it without going into deficit spending. That is something that we have passed in the pay-as-you-go. If you are going to propose it and you are going to pass it, you are going to definitely have to show how we are going to pay for it.

I think it is also important, as we look at the agenda, and we have a number of third-party validators that have endorsed this budget. We even have committees outside of the budget. But we have a Select Committee on Energy Independence and Global Warming, a panel created to inform Congress and the public on energy independence, climate change as well as developing policies and initiatives to assure progress made to reduce dependency on foreign oil. This is so very, very important, Mr. Speaker. Not only do we have this select committee out there, in this budget it reflects our values in investing in the Midwest versus the Middle East. It is a lot cheaper, believe me.

And those numbers that I read out at the beginning of how many men and women will never come home to their loved ones, how many of our men and women that won't be able to return back to battle, I think it's important for us to understand that we not only have to conserve but at the same time make sure that we put our money where our mouths are when it comes down to protecting our Earth, because we only have one.

I think it is also important, Mr. Speaker, just for us to step back for a moment and just reflect on what not only happened just a few minutes ago but what happened last Friday. I continue to come back to that since the President is saying that he wants to veto the emergency supplemental. I think it's important that we just look at that just a moment.

I was on the floor last night, and Mr. RYAN was here. We had an opportunity to talk about what the President really meant when he said that he wanted to veto the emergency supplemental for our men and women in uniform. I couldn't help but reflect on the President's history on vetoes, and I started looking. I would ask my staff, and then I started just kind of doing a personal evaluation. Have I ever heard the President say he is going to veto something?

In 6 years of him being President, since I have been in Congress, now going on 5 years, I have never heard the President say I am going to veto something. I wonder why.

Well, we just left the 109th and the 108th Congress, which was better known as the "rubber stamp Congress." The President sends it to the Hill, it will be followed to the T, and that it will be "so shall it be written, so shall it be done." Members will make other Members vote for the President's priorities. The majority was on the Republican side. And in November, the American people said, I no longer want that kind of democracy. I no longer want the President's original thoughts to be carried out by the Congress without review.

We have another chart, and I want to make sure that we get that chart, the one that talks about how many bills we've passed. I had it here last night. It may be in the back or something, if staff can grab it for me. It was from the Clerk's office. It talked about the days that we've worked to this point and the bills that we've passed until this point, because I think it will be very, very revealing.

The Congress last session did very little. And when I say very little, they had very few hearings on many of the issues that are before the Congress. We are taking a lot of time, not only Members of Congress but also the staff here in the House of Representatives on both sides of the aisle, because the days have been accelerated and the fact that we are actually having two or three committee meetings in a given day, leave alone subcommittees. And I think it is important, if we are going to have an active and functional and informed government, that we have to go through the steps and making sure that we are making sound decisions. That's okay when you are looking for others to tell you what you should be doing.

This is my new favorite chart, Mr. Speaker, because, as you know, in the Working Group, we love third-party validators; and we love to give accurate information out. I personally love to give accurate information out. I don't ever come to the floor and share with staff or a friend, "How can I go to the floor and give inaccurate information? Please help me do that."

Some of the debate that took place here on the budget, I was really shocked by the fact that some Members would come to the floor and say something that we all know is not true. But this is true. This comes from the Clerk of the House. This is the RECORD. Bipartisan office, it's the RECORD. I love everyone in the office, and I appreciate the work that they do.

But this is the 107th Congress, the 108th Congress, the 109th Congress, and this is the 110th Congress. This was known as the "do-nothing Congress." That was what the media called it. And the "New Direction Democratic Congress", that's what we call it. It has nothing to do with the third-party validator.

When you look at rollcall votes to this date, March, 2005, during this month, as we close out this month, there were only 90 roll call votes that were taken. As we close out this month, there will be 189 roll call votes that were taken under this Congress, under this working, very functional, very informed Congress. Because the fact is, Mr. Speaker, that we have taken the time to go to a committee, to have staff research and to have witnesses come to us and share with us where we're going wrong and what we're doing right, and that is important.

□ 1545

We look at suspension bills, another form of bills that we vote on, 26 in the 109th Republican-controlled Congress, 72 that we voted on Democratic-controlled Congress. And then it goes on and on and on. And I think it is important even days in session, 26 compared to last year under the Republican-controlled Congress, 48 under the Democratic-controlled Congress.

Why is this important? We have two wars going on. We have children without health care. We have veterans that are waiting 6, 7 months to be able to see a specialist at a VA. We have VA clinics that are open only once or twice a month.

Why is this important? This is important because we have small businessmen and women in America trying to find a Congress that is going to stand on their behalf as it relates to free trade. And I believe that trade is good, but not when it is at the cost of U.S. jobs and the outcome measures of building our economy are based on hypotheticals.

It is important for us to be here, Members, to understand these issues. So as I speak on the importance of what we have done and what the President is talking about in vetoing the emergency supplemental bill and saying that, oh, well, it is those folks in Congress that are holding it up, no, we have done our work. You will have the bill on your desk, and I urge you not to veto it on behalf of the people that are counting on us to stand for them.

It is not us and them; it is all of us. We are all Americans. And if there are some things in the emergency supplemental that the President disagrees with, then that is fine. State those disagreements, but don't hold up the necessary resources from the men and women that are in the forward area, especially in Afghanistan.

If this was a political conversation, I would say, Mr. President, veto it. You have to lie in that bed; and those that voted against the emergency supplemental would have to lie in that bed, too. But I would be speaking as some sort of hard-core partisan, which I am not. I am a Member of the U.S. Congress, and I think it is important that we look at it, Americans look at it the same way. It is not an issue of if you are a Republican or an Independent saying, well, the Democrats. No, no. The people that will suffer the most by the President saying that he is going to veto are going to be the men and women in uniform, the veterans that have been waiting on accountability out of this Congress and it is at an emergency level.

Those Americans that have been waiting because of natural disaster, they are an emergency state. They are ready for their economy to kick in so that they can start providing for their families. It is going to be those individuals that are going to suffer. So let's take the personalities out of it. You have to be for the emergencies that are facing this country.

Emergency supplemental is very, very important to this country and should not be allowed to be used as a political football. So I would ask for the President to reconsider his original thoughts vetoing the emergency supplemental.

I think soon that there is going to be a discussion, Mr. Speaker, as it relates to the budget resolution we just passed. There will be threats and rumors of threats about what the President won't stand for. But there has to be a paradigm shift, because the American people have made a paradigm shift in November. You had Republicans and Independents voting for Democrats because they wanted accountability, they wanted oversight, they wanted to move in a new direction, and they wanted to make sure that they had a government that was going to balance with the present administration. But apparently that message has not gotten to the White House yet.

And I am so glad that the leader of the Senate and also the Speaker of the House sent the President a letter saying, you know, it is not personal, let's just calm down and let's work together in making sure that the men and women of our Armed Forces and the veterans, I have the letter right here. This letter is from Senator REID and also Speaker PELOSI. And it talks about both House and Senate bills contain important provisions rejecting the present policy that has been pursued for more than 4 years.

Now, let's just say this very quick. And this is the closing of this letter because we can go on from the beginning. But we entered this into the RECORD last night and there is no need to do it today, but I think it is important that everyone understand where we are headed and where we have been.

We know the past 4 years that there has been, not one, two escalation levels of U.S. troops in Iraq, and we know a third one just took place recently, an escalation in troops. And every last escalation has shown the same, very little as it relates to making sure that Iraq is a safer place to be. And it is still a very dangerous place. The President is asking for more time. But usually when you have three strikes, you are usually out.

But as we start looking at this, it is important that the Members pay very close attention to this and the American people. And it goes furthermore to say that the provisions are based on statements by General Petraeus and other senior military leaders that there is no military solution in Iraq. No military solution in Iraq. So to say that 140-plus thousand troops, 200,000 troops, we are going to get to the bottom of this; the more, the more the better, that is not necessarily what the military commanders have said.

What did the Iraq Study Group say? They said that we have to find a diplomatic solution and that we have to find some sort of redeployment plan of U.S. troops. Great Britain has already said that they are pulling out. Others of the coalition of the willing, that I must add you would assume that Great Britain would be the second largest coalition in Iraq right now.

No, it is actually U.S. contractors that is almost being led by Halliburton who said that they are going to move their headquarters overseas to Dubai. The U.S. taxpayer dollars are all intertwined in the Halliburton Corporation, and there are several investigations on Halliburton as it relates to their accountability of making sure that they billed the American taxpayers appropriately.

This goes on to say that their collective judgment leads to the conclusion that U.S. forces should not try to contain a civil war, but rather a bipartisan majority in the House and Senate believe strongly that the U.S. mission should be transitioned to a counterterrorism force protection, and training and equipping the Iraqi security forces and phased redeployment of U.S. troops should commence.

That is what this letter is saying, and that is what we must do.

And I think it is very, very important that this message is loud and clear. And I don't think that the will or the desire of the majority of the Members of the House and the will and the desire of the majority in the Senate will change on this issue, because polls have indicated, not only the poll that was taken in January because that was all about Iraq and some other issues and accountability and ethics, but the poll that was just taken over the weekend of how the American people felt about the action of this Congress, they are with us. They are saying, what took you so long? Well, the thing that took us so long was not necessarily this Congress. It was the rubber-stamp Congress.

So someone, please, I implore you and beg you, call the White House and tell the President, just because you say it, doesn't necessarily mean the American people are going to follow you.

I was watching the President on the television just the other day, the press conference after the Senate took its action, and you would have assumed that something really bad happened. The President was saying, You know, I am going to veto it. He kept saying this, And they are holding money. Do you think the American people are going to believe for one minute when you have an emergency supplemental with accountability measures in it, of following what? The Department of Defense deployment rules and regs of men and women when they circulate out of theater. You have bureaucrats right now in the Pentagon that as soon as enlisted Reservists and in some instances National Guard return back home, they are returned back home within 150 days and going back into theater for another 12 or 15 months if they are a soldier, 7 to 10 months if they are a marine. If they are in the Air Force, it may go from 3 to 4 to 5, or maybe up to a year, not because someone believes that that is the case. And here is the President on the front page trying to play the blame game and point fingers. That is not what this is about.

And the reason why I am speaking in a very firm voice on this issue is that this is not politics. This is saying, let's work together, let's make sure that this is not about a stare-down, who is going to flinch first. It is not about flinching, it is not about who tucked their tail under their legs and who won. Because we all win when we give the men and women what they have to do.

So this has accountability measures in it saying that troops will not be deployed outside of the Department of Defense's own rules and regulations. Obviously they have been bending those rules. How do you say to a soldier or a marine, an airman or a sailor that we are going to bend the rules when it works to the benefit of the Pentagon or the administration, but when it comes down to what you are supposed to do we are not bending anything? We are going to hold you to the nine of what you are supposed to do. That is not American. That is not fair.

So this Congress has stood up on behalf of those individuals and said that we are going to hold not only the Department of Defense's feet to the fire, but also the administration's feet to the fire on this issue in law in this emergency supplemental. If you are going to spend the money, these are the rules you are going to live by.

It also goes on and talks about the whole issue of readiness, making sure that our men and women have what they need when they go into theater. Well, some may say, well, Congressman, why are you talking about readiness? We are not sending anyone over there unprepared. The real issue is there is training that is involved that needs to happen.

Again, I told you that I met with the sergeant major, the highest enlisted man or woman in the Army Reserve just this morning, and he was sharing with me the level of training that his men and women in the Reserve units have not received because of the fast rotation and the lack of emphasis on training and readiness. This is fresh information. This is not fresh. We already knew this, but he just validated it even more by just coming and saying this is an issue.

We just passed this budget. So if the President doesn't want to move in a new direction in making sure that our men and women have what they need and they are trained, that is something that we need to talk to him about. We need to talk to him about it. We don't need to say you are wrong or do it, we want to watch, we want to see you do it; because if you do it, it is going to cost you politically. We are far beyond politics right now.

It goes further into increasing the VA and assisting those men and women that are coming back. And it also looks at, states, that kids, the children, we reflect in our budget what we want to do. But with children, the money will run out for children's health care in certain States here in this country if this emergency supplemental doesn't go through. And I think it will happen prior to the next budget act when the bill is up.

I know Mr. RYAN came down and he was getting ready to join me, and I don't want to move into the segment that he shared with me that he wanted to share with you. But as we start continuing to look at the present and hopefully moving into the future, I want to make sure that the Members know exactly why this budget was very, very important. The budget that we passed doesn't raise any taxes whatsoever, and I know Mr. RYAN is going to talk about that and I am not going to take his thunder.

But as we start to look at the interest payments on the debt, of what has happened in the past and where we have to have the paradigm shift and where this budget resolution starts to move the numbers and the reality of what has happened in the past, what was the reality in the 109th and 108th Congress.

Here is the interest that is paid on the debt right here, in the billions. And this is what Congress invested in education. Interest, education.

□ 1600

Next to that investment in veterans in the billions, the very low billion, under a hundred billion versus the debt.

Homeland security. You have a lot of chest beating going on down here on the floor about homeland security, protecting the homeland. That is one of those things that comes in behind "I love the troops." Protect the homeland. Previous Congresses and previous budget chairmen and committees did not set their priorities there, but they made good speeches.

Look down here, homeland security, that is the investment that is made in homeland security versus paying down the debt. Why is this chart important? It is important because our priorities are now changing to no deficit spending, pay as we go. That is going to be painful.

Mr. Speaker, I already feel the pain. It is going to be painful. But if we are going to make sure that we do what we are supposed to do as Members of Congress and we hold to our word as Members of Congress, I am talking about all Members of Congress, we will pay. Because the foreign debt that this administration and the Republican rubber-stamp Congress previous to this Congress put on the backs of this country will have other countries looking at us in a different light.

Mr. RYAN, I probably borrowed $20 from you every now and then.

Mr. RYAN of Ohio. I wish it was just $20, Mr. MEEK.

Mr. MEEK of Florida. Let's say I was to say hypothetically, Mr. RYAN, can I borrow $100?

Sure, Kendrick.

And I will pay you on Friday, payday, at the end of the month. And I see you 2 weeks after that payday and I come up to you. You are thinking, hold it, you owe me money when you see me next. You're not thinking about what I want to talk about.

Where is my chart on foreign debt held? We love charts here. I can tell you, on the foreign debt held, there are countries like Japan, China, OPEC countries, Mr. Speaker, that we borrow money from. Iran is in that number. So how are we going to be viewed on the world stage and how do we rebound from that?

Here is my chart. We keep the chart people in business.

China, Japan, leading the pack there. The U.K., the Caribbean, OPEC countries that include Iraq, Iran, Venezuela. You look at Korea, Hong Kong and Germany.

Again, Mr. RYAN, how do we look these countries in the eyes and say we want you to do this a certain way when we owe them money? How do we get out of that? We get out of it by passing this budget resolution that we passed today.

Mr. RYAN of Ohio. I am trying to pay attention to you, but I'm thinking to myself, you do owe me money.

I'm kidding.

For the record, Mr. Speaker, that was a joke.

As we listened to the debate over the past couple of days, we heard a lot from our Republican side, this is about the kids and you have to do this for the kids. I am thinking to myself as I am listening to the debate that it was the Republican Congress since 1994, post-Bill Clinton, when it got out of control in the last 6 years with President Bush, Republican House, Republican Senate and Republican White House, that garnered almost $3 trillion more of debt for our country, as you just pointed out.

Now, if you are concerned about the kids, the first thing you don't want to do is leave them in a worse position than even you were in. Quite frankly, if we keep going down the same road that the Republican-led Congress and President steered us down, that is a road of debt and deficits and borrowing money from China and Japan and OPEC countries and some of our best competitors.

Mr. MEEK of Florida. You are making a point, and I just want to slingshot that point in.

Mr. RYAN of Ohio. Slingshot it in.

Mr. MEEK of Florida. Here's the issue. The President is now saying, I am going to veto the emergency supplemental bill for Iraq and Afghanistan and for our veterans. I'm going to veto it.

That is something he has never said before, Mr. Speaker. All the while all of this debt was being built up on the future generations of Americans and our children and grandchildren that are children of Republicans and Democrats and Independents and those who are thinking about voting, the President never once said I am going to veto it.

As a matter of fact, every bill that was passed in the rubber-stamp Congress, the President was saying, I'll sign it. I am going to sign that bill. Record spending, I am going to sign that one.

Mr. President, that bill will run the debt up. We will have to borrow money from foreign nations, some that we have issues with. I'm going to sign it.

As a matter of fact, he signed so many bills, can I have another pen? I ran out of ink.

Now to say I am going to veto something that has accountability measures in it, the problem is not additional dollars for the emergency needs of Americans, the problem is the fact that the Congress has said, after 4, now 5 years in Iraq, that we are no longer going to be the say-nothing, hear-nothing, do-nothing Congress, that we are going to have a say in it, and we are sitting here and federalized by the people of the United States of America to make sure that they have a voice and we have accountability.

Mr. RYAN of Ohio. One of the other critiques we heard last night and today about the Democratic budget is: More government spending. They want the government to spend the money instead of the individual.

Well, I'm sorry, I don't know how you expect to fund veterans' health care if the government is not going to do it. Who do they want to do it? Wal-Mart? Home Depot?

Mr. MEEK of Florida. Did you say the Congress or did you say The Tonight Show?

Mr. RYAN of Ohio. Congress.

Mr. MEEK of Florida. Okay. I thought you were joking.

I yield back.

Mr. RYAN of Ohio. I appreciate that.

And $3.6 billion from the resolution, continuation resolution from last year, for veterans' spending. That increase is government spending. Because we have to fund health care for veterans because it was the government that sent the veterans out.

Now, I am not saying that every dollar the government spends is good, but I remember last year under the Republican budget and the year before under the Republican budget passed by a Republican House and passed by a Republican Senate, signed by a Republican White House, that gave $14–15 billion in subsidies to the oil subsidies, that was government spending; and our friends on the other side of the aisle weren't very critical when public tax dollars were going to corporate welfare for the oil companies when they were making the greatest profits they have ever made. That is government spending.

What we are doing, not raising taxes, the same revenues as the President's budget had, we are going to reprioritize that money and we are going to take that money and spend it on our veterans and invest it in education and increase the Pell Grant almost $4.600. We are going to take that money and cover thousands and thousands and thousands more kids under the SCHIP program, the State Children Health Insurance Program. That is the difference between these two budgets.

When the President says he is going to veto this supplemental bill that is going to get us out of Iraq, you know what else he is vetoing, $1.7 billion increased over the President's recommendation for veterans' health care. That is in the supplemental bill that he says he is going to veto.

Also, $1.7 billion above the President's request for defense health care for our soldiers. The President says he is going to veto that.

There is $500 million for post-traumatic stress disorder for soldiers coming back. The President says he is going to veto that.

There is $500 million in there for brain injuries; and we have both been to Walter Reed visiting the soldiers with the level of brain injuries that we have never seen in combat. So $500 million, the President says he is going to veto that.

Almost a billion dollars in the supplemental for children's health insurance, and the President says he is going to veto that. That is what the President is saying he is going to veto.

We hear a lot about government spending, and we hear a lot about the kids. You can't send these kids off to war and, in many instances, adults off to war, and then when they come back your argument is we don't want government to spend money. That doesn't cut it.

Mr. MEEK of Florida. Mr. RYAN, I am glad you are here to make that point, because we talked about it earlier.

Mr. Speaker, I think it is important for us to understand exactly, and I can see if it was a different President, Mr. RYAN. I can see if the administration has changed from the last Congress to this one. But it is the same President that celebrated a Congress that was willing to follow through his original thoughts.

During our watch on the 109th Congress and the 108th Congress, the President signed bills with billions of dollars in special interest tax breaks and subsidies to big oil, to a number of other high-level, connected, plugged-in, I-know-them kind of folks, and direct access to the Capitol and direct access to the White House, signed a bill and didn't even blink an eye.

And in this emergency supplemental which is a true emergency, our men and women need what they need now in the field, not in 2 or 3 weeks, now.

The real issue is we are helping and correcting the lack of oversight, the lack of will and the desire to correct the issues at Walter Reed Hospital which, when our troops are injured in the field, some of them, and Mr. RYAN and I have been through the whole track of what happens to our men and women that are injured in the field. They are dealt with in the field hospital, then shipped over to Germany. They spend some time over there, and then they are medevaced over here to Walter Reed Hospital. The last thing they need to see is a broken-down, lights-out, insect-infested Walter Reed Hospital. We responded.

As a matter of fact, it makes me feel so good with this new Democratic Congress that we have here now, prior to the Walter Reed story coming out, and I need to get my chart on Walter Reed, prior to the Walter Reed story coming out, this Congress, through the continuing resolution that we passed at the end of January, because the rubber stamp worked on some days, the 109th Congress did not finish the appropriations bills, we reprioritized their priorities and put $3.6 billion in into VA health care.

Here is a specialist here. She lost her legs. She lost her legs because this country asked her to go and fight in a foreign land, in Iraq.

This whole story here, the Newsweek cover, and Newsweek comes out every week, but I actually saved this. I save a number of Newsweek, Time and other periodicals and dailies so we can archive what has happened in the past so we can have a better future.

Right now what we are doing in the emergency supplemental is a better future for the very people we are trying to help. For the President to say, well, I am concerned about other things that are in the bill.

Well, he wasn't concerned when it was okay for big oil. He wasn't concerned about that. I am so glad we live in a democracy, and I am able to say this. I am very concerned. You know why I am concerned? Because there are some American people who woke up early one Tuesday and stood in line and voted for some representation.

Mr. Speaker, as sure as my name is KENDRICK MEEK, they are going to get it from this Congress. They are going to get representation from this Congress. We are going to make sure that their values are turned into not only law but to action.

Mr. RYAN, when you talk about this issue of what is in the bill, what is actually in the emergency supplemental, when we talk about the accountability measures, you can't help but get passionate about it.

Mr. Speaker, if I was an intern working in a congressman's office and if he or she voted against the emergency supplemental, my American spirit would have to come out. I would say I love the congressman or congresswoman, but it is the right thing to do.

So what is the problem? Maybe they need to send an e-mail. Maybe they need to send out an e-mail under the name John Doe or something saying, Mr. President, I love you and all of this, but please don't veto this bill. That is where we are now.

Mr. RYAN of Ohio. Let's look not only at the supplemental but with the budget the President presented. We, the Democratic budget, increases the Pell Grant to at least $4,600 from a little over $4,000 now. As you said, we are constrained by the $3 trillion of debt that was created over the past 6 years by our friends in the Republican party.

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But this Democratic budget rejects all of the things that the President recommended. Here is what the President wanted to do for higher education. He wanted to eliminate the Perkins loan program. He wanted to eliminate the Federal supplemental opportunity grants, and he wanted to eliminate leveraging education assistance partnerships. He wanted to completely eliminate them.

Now, we are competing with 1.3 billion people in China and over 1 billion people in India. The key component to economic growth in America in the next decade or two or three or four or probably for the existence of this country is to invest in education, and when you look at what the Democrats have done in the first 100 hours, we cut student loan interest rates in half for both parent loans and student loans, and here we are in our budget and we raised the Pell Grant in the CR as well, and here we are raising again the limit for the Pell Grant to $4,600. That is investing in education.

When you look at the billions of dollars we are going to put into children's health care to make sure that every kid in the United States of America has access to health care, those are investments that are going to pay off in the long term, and that is going to lead to a strong America, a strong economic growth.

Now, our friends on the other side, and I do not want to talk too much about this, but it has been levied against us that the Democratic budget is somehow going to raise taxes. We have the Brookings Institute, we have the Center for Economic Policy, and we have the Concorde Coalition, three independent folks who have said we are not raising taxes; and I am going to tell you why we are not raising taxes right now.

We are going to fix the alternative minimum tax. It has been creeping into the middle class, and we are going to provide 23 million Americans with a tax cut because we are not going to allow the AMT to go in and creep into their tax levels.

Not only does the budget not raise taxes; we include tax relief where the child tax credit stays on, marriage penalty relief stays on, 10 percent bracket tax deduction stays on, and a deduction for State and local taxes all in this bill.

I want to say one further thing on the tax issue, that the same people claiming that the Democrats are raising taxes are the same people that said that there were weapons of mass destruction in Iraq. They were the same people that said that it would only cost us $50 billion in Iraq, and we are already to the $500 billion mark. They were the same people that said we would be greeted as liberators. They were the same people that said they would be handing roses out to the Americans. Same people, same President that said mission accomplished, you know, same person that said we are in the last throes, the Vice President's comments on the war.

So they are the same people saying that we are raising taxes, and all I want to say to the Members is this, the American people can reserve judgment on whether or not this budget does it. We know it does it, but they can reserve judgment. Keep your 2006 tax returns, keep your 2007 tax returns, make a copy of them, and next January and February, March, April, when you get your taxes back, you compare your 2008 tax returns to your 2006 and your 2007, and you will see that there is absolutely no difference.

Then you can add those comments that we have been getting here over the past couple of days, you can add that to the column of weapons of mass destruction, and last throes and mission accomplished. Just take that comment on its axis and put it in the column with the list of all the other issues that have been in some ways misrepresented here on the House floor and across the country.

So I am proud of this budget. I am proud that the Democratic budget invests $50 billion to cover children. I am glad we are investing in veterans health care, and those are things that need to be done. Those are not things that individual families can do. Those are the things we can only do collectively as a society, as a community.

I am so proud that you have had the opportunity to come down here and lead this debate, as we are beginning to wrap up. I think it is important to say that the Democrats have heard the call from the American people in the November election. The country wanted to go in another direction, and that is really what we have done.

Mr. MEEK of Florida. It is very interesting, my grandmother used to say sometimes, I am so glad that I lived long enough. She used to say sometimes, even as I go from day to day, you know they say thank God for life. That is what she used to say, I am glad God allowed me to live long.

I am so glad that God allowed me to live long enough to see the paradigm shift that is now taking place here in Washington, DC; see accountability; see a new direction; see oversight and see us sharing in that accountability, us sharing and making sure that we are making cuts and having reform ourselves so that America can be better.

We used to say, Mr. Speaker, all the time in the 109th Congress, we have the will and the desire to lead; give us the opportunity to lead. And now that leadership is happening. So, Mr. RYAN, keep pointing it out. Let us keep sharing good and accurate information. Let us continue to go to the CONGRESSIONAL RECORD. Let us continue with our third-party validators because we love third-party validators, and the credibility and the integrity of the 110th Congress will live on in a bipartisan way.

Mr. RYAN of Ohio. Well, I think the American people will be very glad when they see this budget. They are going to be very glad over the past couple of weeks and really over the past 100 days of all of the accomplishments led by Speaker PELOSI and STENY HOYER and JIM CLYBURN and RAHM EMANUEL and JOHN LARSON, and really the amazing leadership we are getting from our leadership in our caucus and the real teamwork on behalf of our freshmen Members and the different aspects of our caucus.

I have never been prouder to be a Democrat than in the last couple of weeks on this floor and to pass that resolution last week that is going to get us out of Iraq responsibly, invest in our veterans, make sure they get the kind of health care they need, the first 100 hours, where we began to bring some fiscal discipline to the House, cut student loan interest rates in half, repairing student loans, invested in alternative energies, invested in the stem cell research and some great advances, creating new sectors, raising the minimum wage, all of this was done in the first 100 hours.

When you add to that the supplemental and the $1.7 billion and the billion dollars for vets and the additional $1.7 billion above the President's request for health care for our soldiers, and you add this budget of $50 billion that is going to go to poor kids to make sure that they get health care so they can go out and get up on their feet and go to school healthy, ready to learn and move forward and get a good job and pay taxes and advance their families forward, break the cycle of poverty, these are the kind of investments that we are making, increasing the Pell Grant to $4,600. Key investments.

So I am proud of what has been going on here, and it has been a pleasure to rekindle this kind of debate that we have, and I really appreciate your friendship.

With that, do you have any closing comments? I am going to wrap it up here.

30somethingdems@mail.house.gov. If anybody wants to e-mail or see any of the charts we have had, you can go to www.speaker.gov/30something.

Mr. MEEK of Florida. Mr. RYAN, it is always a pleasure coming to the floor.

Mr. RYAN of Ohio. I am sorry to interrupt you, but we are leaving tomorrow, and I will not see you till after the Final Four where the Florida Gators and the Ohio State Buckeyes may have a rematch, and I just want you to know everybody in Ohio is looking for some revenge.

Mr. MEEK of Florida. Well, I just want to say that the past will speak to the future, and I want to leave you with this closing comment: remember the field mouse is fast, but the owl can see at night. It is a pleasure being on the floor with you.

Mr. Speaker, it is always an honor to address the House.

CAMPAIGN FINANCE REFORM AND PEAK OIL

The SPEAKER pro tempore (Mr. HILL). Under the Speaker's announced policy of January 18, 2007, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes as the designee of the minority leader.

Mr. BARTLETT of Maryland. Mr. Speaker, I come to the floor today to address two very timely items. One is a just-released report by the General Accountability Office entitled: "Crude Oil: Uncertainty about future oil supply make it important to develop a strategy for addressing a peak and decline in oil production." This report was released at a news conference at two o'clock today, and so we want to spend some time discussing this report.

But there is also the fifth anniversary of the adoption of the Bipartisan Campaign Reform Act, and so I wanted to take a few minutes to talk about this Bipartisan Campaign Reform Act.

This is the fifth anniversary. In 2002 when we debated this law, there were those who looked upon our deliberations as inconsequential because they thought that either the President would veto the bill or the Supreme Court would overturn the law. Indeed, the President did not veto it because he said that the Supreme Court would probably overturn at least a very important part of that law. Except the President signed the bill and the Supreme Court upheld it.

As it turned out, the Bipartisan Campaign Reform Act has great consequences, the erosion of Americans' first amendment rights to freedom of speech. With regard to speech, the first amendment to the Constitution simply States Congress shall make no law abridging the freedom of speech or the press or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

I think it is worth just a moment, Mr. Speaker, to reflect on how we got here in this country and the milieu in which our Founding Fathers wrote this first amendment to the Constitution.

Our Founding Fathers came here primarily from the British Isles and the

European continent, and they came here to seek relief from two tyrannies. One was the tyranny of the church and the other was the tyranny of the Crown, and they address both of these two tyrannies in the first two amendments.

Indeed, in the first amendment, they address their concerns both for the tyranny of the church, shall make no law respecting an establishment of religion, do not make a State religion, and furthermore, let people free to worship however they wish. And the tyranny of the Crown. They wanted to make sure that the people could say whatever they wished about governing. It was political speech that they most wanted to protect.

And to understand that, you have to go to the second amendment. The second amendment again was to assure that our people would never ever be persecuted, oppressed by a central government, because they said that every citizen had the right to be a member of the militia and to carry a gun. They said that was in order to secure freedom in our country, that every person should have the right to carry a gun.

So this was the milieu in which this amendment was written, and the speech that our Founding Fathers found most precious was political speech, and it is just this speech that this unfortunate legislation denies our people of all rights derived constitutionally. The Framers dedicated little formal debate to freedom of speech. It was not until the 20th century that Supreme Court actions began to address the definition of free speech. Until that time, the only limitation placed on the press involved slander or libel. They felt they did not have to talk about it because it was generally understood how important that right was to the people.

Freedom of speech did not generate great debate amongst the Founders, who believed that this freedom was so basic that no lengthy debate or independent editorials were needed.

□ 1630

One can only surmise that by its prominent location in the Bill of Rights that the Founders agreed that freedom of speech was an obvious right of any citizen. The Bill of Rights was designed to protect rights so important that it was necessary to explicitly restrict the government usurping these rights from the people. Our government serves the people, not the other way around. You might wonder about that from some of the laws we pass here.

The concept of freedom of speech depends on truth and opinions expressed openly and honestly by an individual or an association with others by groups. It is a right of our Founders reserved for us. Here in America we cherish being allowed to question our government, to criticize our government and advise our government, those individuals who are elected or appointed leaders of our government.

Freedom of speech does have limitations. You can't falsely shout "fire, fire" in a crowded movie theater to falsely cause panic. You can't threaten violence or use fighting words to invoke violence. You can't knowingly lie or libel, although here there is a higher standard for proving libel against a public official.

Until BCRA, this Bipartisan Campaign Reform Act, a 1976 Supreme Court decision, Buckley v. Vallejo, helped define the framework of public discourse regarding political speech. In part, the decision states, "Discussion of public issues and the debates on the qualifications of candidates are integral to the operation of a system the government established by our Constitution. The first amendment affords the broadest protection to such political expression in order to assure the unfettered interchange of ideas for the bringing about of political and social changes desired by the people."

Not my statements, the statements of the Court.

The Bipartisan Campaign Reform Act of 2002 chips away at the unfettered interchanges of ideas the Buckley decision strove to ensure. Of all the provisions in the Campaign Reform Act, I am most concerned with the chilling effect it inflicts on labor unions, trade associations and nonprofit organizations.

These are associations that individuals choose to join. The restrictions of these organizations on behalf of Members to engage in issue advocacy under this law must be addressed and reversed.

The authors of this legislation were so unsure of the Campaign Reform Act's constitutionality that a severability clause was inserted which provided that if any provision of this Act is held unconstitutional, the remainder of the Act would not be affected.

This is hardly the language of a steadfast law, but, rather, language used when treading on shaky constitutional grounds when forging a new dimension or direction of law. This change in the wrong direction limits freedom. I believe it needs to be reversed before more laws limiting freedom of speech are adopted.

In particular, the Bipartisan Campaign Reform Act limits a citizen's freedom of speech and freedom of association by banning specific groups of issue advocacy before elections at precisely the time when that advocacy is most advantageous to affect change in government. This is the time when voters are most focused on government and whether they are satisfied with their elected representatives.

Specifically, this law bans unions, grassroots organizations and trade organizations from using their general Treasury funds to broadcast, issue advocacy and advertisements 30 days before a primary and 60 days before a general.

Last year, in my home State of Maryland, due to a September primary date, these groups were banned 90 days from advertising before the general election. Few people were thinking about the general election 90 days before that date.

Fortunately, there are two courses of action which are currently being taken. As in past Congresses, I am offering the First Amendment Restoration Act, H.R. 71. This Act simply repeals the most onerous sections of the Bipartisan Campaign Reform Act of 2002, which contorts citizens free speech by lifting the current ban on electioneering communications 30 days before primary and 60 days before a general election.

This legislation hopefully may not be necessary. On April 25, the Supreme Court will hear the arguments in the case of Wisconsin Right to Life, Inc. v. FEC. Wisconsin Right to Life has prevailed in a lower Federal court. The facts of the case are these, and I am paraphrasing from the James Madison Center for Free Speech, which is closely watching the case:

In 2004, WRTL, Wisconsin Right to Life, challenged a 2002 provision of campaign finance law that prohibits citizens groups from broadcasting communications that mention a Federal candidate during blackout periods before elections. Now, listen to this, because this is very interesting. WRTL had been running grassroots lobbying ads about the filibusters of President Bush's judicial nominees. The ads informed citizens they could call Wisconsin Senator KOHL and Senator FEINGOLD and ask them to oppose the filibusters. This ad did not state the position of either Senator or on the filibuster. Since Senator FEINGOLD was then a candidate, WRTL had to stop its ad many days before the election because of the Campaign Finance Reform Act, which banned electioneering communications.

In December, 2006, a Federal district court in D.C. held that the ads were constitutionally protected. I hope so. The case was appealed to the Supreme Court.

Members of Congress have intervened in the case so that they could argue that the government has every right to restrict WRTL's ads because they criticize a candidate on the issue. The ad, in fact, did not criticize Senator FEINGOLD. Even if it had, WRTL's brief argues that criticizing official actions by public officials is a bedrock foundation of our government and exactly what our Founding Fathers tried to protect in this first amendment. The people are sovereign, and the government may not silence their criticism. That is what led to the first amendment mandate that Congress should not restrict the people's expression, association and petition.

I understand the goals of my colleagues who supported the Campaign Reform Act, disclosure and transparency. I support these goals. Disclosure of how much money was being spent by whom; transparency in identifying the citizens' groups which were sponsoring any electioneering communication. But I maintain that this disclosure is not for the government to demand from the people, but, rather, for the people to demand from the government.

Disclosure and transparency are better served when it is the government official who should disclose his votes both on the floor and in committee, his earmarks and direct campaign contributions over which he exercises complete control. It is up to the public to decide motives of elected individuals. Motives of citizens should not be suspect. We cannot be afraid of honest debate. Citizens have the right to express themselves individually or by association. The rights of the citizen must be paramount.

That is why on rise I the fifth anniversary of BCRA and to urge support of H.R. 71 to repeal its electioneering communication provisions. I hope the Supreme Court will rule these provisions as unconstitutional.

Mr. Speaker, there is another very important thing that happened today, as I mentioned as I began. That is the GAO, the report is dated February 2007, but it was embargoed until today until our press conference, which released it.

I have several charts here from that report. I think that might be a good way to begin this discussion. Let's look at the first chart.

Now, I have been to the floor a number of times before, and I have shown other versions of this same phenomenon, and that is the reality that our country a number of years ago reached its maximum oil production, and it has been downhill since then. This was predicted in 1956 by a Shell Oil Company scientist to a group of oil engineers and executives in San Antonio, Texas, on the 8th day of March, just a little over 51 years ago.

In 1956, he predicted that the United States would reach its maximum oil production in 1970. Now, in 1956, we were perhaps the largest producer of oil in the world. We were a large exporter of oil, and oil was king.

The industrial revolution was in full swing, and Shell Oil company told M. King Hubbert that he should not give that speech because he would certainly embarrass himself and them because he was employed by them. He gave the speech anyhow. For 14 years, he was a pariah.

On schedule, as he predicted, in 1970, we reached our maximum oil production. He had indicated that at that point about half of all the oil that we would ever produce would have been produced, and the second half, which is reasonable, would be harder to get and, therefore, would be produced more slowly. It would be downhill after that.

Yes, you know, advertise a little bump on the downhill. That little bump is that huge supply of oil that we found in Prudhoe Bay, up in Alaska. M. King Hubbert's predictions were for the lower 48. He didn't include the Gulf of Mexico. There is a little wiggle in the curve, hardly discernible by those discoveries in the Gulf of Mexico. But there was a little blip in the downhill slope, when we lowered the top of Hubbert's peak. So, right on schedule, we peaked in 1979. M. King Hubbert indicated, I think, it was in 1969, he predicted that the world would be peaking about now.

The question I always asked myself, if M. King Hubbert was right about the United States, and he gave us the basis of his analysis, which was very logical, if he was right about the United States, and since the United States is obviously a microcosm of the world, why shouldn't he be right about the world? If he was right about the world, shouldn't we have been doing something in anticipation of reaching a maximum oil production beyond which additional oil production would be impossible, prices would rise, oil, $65 a barrel today, and production would inexorably decline.

There is nothing that we have done in the United States to stop that. We have drilled more oil wells in the United States than all the rest of the world. Still we have not stopped that downward slope, just that blip from Prudhoe Bay; and now we are down to a bit over half of the oil that we produced in 1970, in spite of a vastly improved technique for enhanced oil recovery, for discovery of oil, 3-D seismic computer modeling and so forth.

The next chart that they showed is an interesting contrast, and this is a chart from our Energy Information Agency. In spite of the fact that they know that M. King Hubbert was right about the United States, that we did peak in 1970, and in spite of the fact that they know that he predicted that the world should be peaking about now, and there is every indication that he may have been right, they still are forecasting that the total production of oil, which is now they have it about 80, I think it's now about 85 million barrels a day, will do nothing but go up and up. They have this clear through 2030.

Now, they do show that the non-APEC nations are peaking and will fall off. That is true. Most of them have peaked, and they are falling off. But they believe their oil production will simply go up and up.

The chances that that is true, by the way, Dr. Lahere, who has written a couple of books on this subject, says it is absolutely impossible, considering the vastly improved techniques we have for finding oil. They are predicting that we will have as much more oil as all of the reserves we now know to exist in this country, that we are going to find at least that much more oil.

The next chart is a compilation of a number of authorities and their predictions of when peaking will occur. Some of them have very, narrow projections. A number of people think that peaking has already occurred. Others have gross uncertainty in their predictions. It could be any time between now and the next century. But if you look at the preponderance of these, most of these authorities believe that peaking will occur or could occur before 2020.

Now, of course, this kind of a consensus by the world's leaders is grossly inconsistent with the chart that we just saw where our Energy Information Agency is projecting an ever upward and upward projection production of oil.

The next chart is an interesting one which they showed us, and this is worldwide proven oil reserves by political risk. This is a very good report, and they are a very credible organization, which is why I asked them to do this report a bit more than a year ago. I am pleased it is out now, because they do have a lot of credibility. When the GAO speaks, people tend to listen.

They note that there are a lot of uncertainties about when the peak will occur, and probably the biggest uncertainties have less to do with how much oil is under the ground rather than risks above ground. One of these risks is a political risk. A lot of oil comes from places like Saudi Arabia and Venezuela and Iraq and Iran and Kuwait and so forth. So they list here the high political risk, the medium political risk, and the low political risk.

You see here that about two-thirds of all the oil in the world is in countries where, by their judgment and the judgment of experts which they quote, either high risk or medium risk. Indeed, the night before last, when England and Iran were kind of yelling at each other over the sailors that Iran has taken, oil jumped up $4. Now, it quieted down by yesterday morning, so oil was only up a bit more than $1 yesterday. But this shows the volatility of the market relative to the political uncertainty in these areas.

The next chart is a really interesting chart, and it shows another risk, and that is investment risk. A venture capitalist is unwilling to invest in places where they may lose their capital or a country, for instance, which now will permit venture capital but tomorrow may decide they are going to nationalize all the oil fields. Then you have lost all of your investment. So they are listing this by high and medium and low.

By the way, for about a third of all the places that oil comes from, there is no foreign investment, also no foreign visibility. We just have to go by faith on how much oil is in their reserves, because they won't let our people in. You can't make any investments there.

□ 1645

But I think here about 95 percent of all the oil in the world represents, in their view, high and medium risk. So when you add the political risk and the investment risk, you have a lot of uncertainty as to how much oil we are going to produce in the future, and this is added to the uncertainty of how much is there and when we will, in fact, reach that maximum capacity for producing oil.

The next chart is an interesting one. And I should have brought another one that shows it in a very poignant way by showing what the world would look like if the nations' size was determined by how much oil they have. And of course we are dwarfed in that because Saudi Arabia has many, many times as much oil as we. We represent a fourth of the world's economy and we have two percent of the world's oil. We use a fourth of the world's oil and import almost two-thirds of what we use.

Here they have the oil in the non-OPEC nations and the oil in Saudi Arabia. Look how big Saudi Arabia is. And then the rest of the OPEC nations, and then they have blown this up over here so you can see who else is involved in the OPEC nations. Notice that, what, over three-fourths of all of the oil is controlled by OPEC nations, and about a fourth of all of that oil comes from Saudi Arabia alone.

The next chart is a really interesting one and this shows, the two bars here, and one, these are the top 10 companies on the basis of oil production and reserve holdings. Now, these reserve holdings are sort of iffy, because for most of these countries there is little or no transparency, and they really won't let us look at their data. But we do know who is producing oil.

And here we see that big guys like ExxonMobil and Royal Dutch Shell and BP and so forth are producing 22 percent of the oil. And Saudi Arabia, a bunch of national companies are producing 78 percent of the oil.

But look at the next bar over there, and that shows you who owns the oil. Ninety-eight percent of all that oil is owned, our big guys here that are pumping it, they don't own any of it. They have leases. They don't own the oil. The oil is owned by mostly OPEC Middle East countries and there they have up top, and that ought to be shaded gray because LUK Oil, I don't know if LUK oil is private or whether it is national. It is a huge oil company in Russia.

Well, this points to the problems that we have, and these problems encouraged 30 of our prominent citizens, Boyden Gray and Jim Woolsey and McFarland and 27 others, a couple of years ago to write a letter to the President with these facts in mind saying, Mr. President, the fact that we have only 2 percent of the known reserves of oil and we use 25 percent of the world's oil, and import two-thirds of what we use, and as the President says, much of that from countries that don't even like us, read down that list, this represents a totally unacceptable national security risk. And, Mr. President, we really need to do something about that.

Well, the next chart is the one that I stopped with a couple of weeks ago when I was on the floor here, and I want to spend the rest of the time that we have today in talking about this chart. And, indeed, we could spend a couple of weeks talking about the chart, because what this looks at is the potential alternatives to these fossil fuels.

I would like to mention that there are several groups that have common cause in that area. Al Gore came to the Congress last week, I believe it was, and testified before obviously a packed committee room. He believes that we have global warming. Indeed, I think, a majority of our citizens and a majority of scientists now believe that we have global warming. You may or may not agree with whether our Earth is warming or not, but if you believe that we have a national security risk because we get too much of our oil from overseas, or if you believe that it simply may not be there because the world will peak out and there won't be enough oil because the demand keeps going up at about 2 percent, exponential growth, then you would want to do pretty much exactly the same things that those people who believed we have global warming want to do.

They want to get away from the fossil fuels because what we are doing in using these fossil fuels is releasing carbon dioxide that has been locked up by nature for a very long number of years. And we are now releasing that over a very short time period. We have about 8,000 years of recorded history in the world, and the age of oil, from pumping that first barrel of oil to pumping the last economically feasible barrel of oil, will probably be about 300 years. We are about 150 years into the age of oil, and in another 150 years we will probably have transitioned out of the age of oil and gas and coal. This is a relatively short time in the history of the world.

As I mentioned before, with the knowledge that M. King Hubbert was right about the United States, and we knew that of a certainty by 1980, because when we were already 10 years down the other side of Hubbert's peak. And the Reagan administration, my second most favorite President, decided that the thing to do, which by the way was totally the wrong thing to do, the thing to do was to encourage, to give our oil people a profit motive to go out and find oil. Now, you can't find oil that is not there. And you can't pump oil you haven't found.

But they were encouraged to drill, and drill they did. We now have 530,000 operating oil wells in our country. That is more oil wells than drilled in all of the rest of the world. They drilled and drilled. And if you have a pot that compares drilling with production, you will see that there was little or no increase in production as a result of this drilling, because this was 1980. We are already 10 years down the other side of Hubbert's peak and you can't pump what is not there. And M. King Hubbert was right, and we couldn't reverse that by drilling more wells. So now we are faced or will be faced very shortly in the future with the reality that we can't pump more oil; that we will have reached peak oil. And as you saw, a majority of all the experts in the world believe that that is either present or imminent. So we began to look for alternatives for this.

Now, I know that for the last several years we have had some programs in Congress where we have been sponsoring green things like corn, ethanol and so forth; and this is supposed to free us from our large dependence on fossil fuels. There are some finite resources. These are fossil fuels, but they are not the oil that we ordinarily, or gas or coal we ordinarily exploit. And they are exploitable. And we will get some energy from them. How much is yet to be determined.

Let me mention some of those. There are the tar sands in Alberta, Canada. These are huge reserves. They represent as much potential oil as all the known reserves of oil in the world, perhaps more than that. So why should we worry since there is that much there? They are now aggressively exploiting those fields. They have a shovel that lifts 100 tons at a time. They dump it into a truck that hauls 400 tons, and they haul it to a big cooker where they cook it and this oil, which is too stiff to flow, now is heated up so it will flow and some short chain volatiles are added to it so it will continue to flow when it is cooled.

And they are now producing about a million barrels a day. Boy, a million barrels a day. I can hardly count to a million. That sounds like a lot. And it is a lot. But it is just barely over 1 percent of the 84 or 85 million barrels a day that our world produces and our world consumes. And they are using enormous amounts of energy, from what we call stranded natural gas. Now, natural gas is stranded when it is in a place where there aren't very many people. And since natural gas is hard to transport, it is very cheap there and so we say it is stranded. So they have some cheap gas there and they are using this gas, and I am told, everything you are told is not true, but I am told that they may be using more energy from the natural gas than they are getting out of the oil.

But from a dollar and cents perspective, it makes good sense because it takes them somewhere between 18 and $25 a barrel to make the oil, and it is selling today I think for about $65 a barrel, so that is a pretty good markup.

But the profit ratio you really should be looking at is the energy profit ratio. How much energy do you get out per unit of energy that you put in. And they may be getting out less than they put in. They know that what they are doing now is not sustainable for two reasons. One is the natural gas there will not last forever. Indeed, talking about natural gas, we have peaked in natural gas in our country. That stunned us. It was a couple of years ago we reached our maximum production of natural gas. We thought that was way off in the future. We reached that a couple of years ago. They know the natural gas will run out so they are talking about building maybe a nuclear power plant there to get energy to cook this oil. But another problem looms.

This vein, if you can think of it as a vein, is now near the surface or on the surface and so they are in effect mining it with huge pits. And they have a huge lake they call a detailing lake. It is really pretty noxious stuff there. And environmentalists are very concerned about it. But, soon, this vein will duck under an overlay and economically, they won't be able to take off that overlay. So what they are going to have to did is develop it in situ. And they yet don't know, economically, whether that is doable or not. So although there are potentially enormous amounts of energy available there, how much can we really get out, net energy?

Now, we may be getting out less than nothing net energy. We may be putting in more energy from natural gas than we are getting out of the oil. But the natural gas is stranded. It is hard to ship and the oil is in high demand and so it makes dollar and cents sense to do this.

Then we have the oil shales and they are a little different. They are not just a very heavy oil. It is bound in a rock, and it can be released with heat and pressure. And these reserves, primarily in Colorado or Utah, are enormous, perhaps as large as the tar sands in Alberta, Canada. So why aren't we sanguine about our future since we have a lot of this in our country?

None of this has really been economically exploited so far. In the last few years, Shell has conducted an interesting experiment there. They have gone in and drilled a number of holes and frozen those so as to kind of make a frozen vessel because they don't want this oil they are producing to leak out to contaminate aquifers. And then they cook it for a year, drill some other holes in the middle and cook it for a year. And they have gotten meaningful amounts after some processing because it doesn't start out as an oil. They get some meaningful amounts of oil from it. But, you know, how much can we surge that? How much will it cost to build? What is really the energy profit ratio from that?

The news accounts of this have been much more optimistic than the Shell Oil scientist who gave a report in Denver, Colorado, a couple of years ago that I attended. And he said, I think, that it would be 2012 or 2013 before they even knew whether it would be economically feasible to develop those oil shales the way they were developing them. Potentially, there is an enormous amount of energy there.

Let me note also that there is an incredible amount of energy in the tides. The moon lifts the whole ocean, what, 2 or 3 feet. I carry two 5-gallon buckets of water, and they are heavy. This is a lot of energy. So why should we worry about the future? We have got all that energy from the tides. The reason to worry is that the energy is out there, but it is frightfully difficult to harness it. There is an old adage that says energy, to be useful, must be concentrated; and it is certainly not concentrated in the tides. And we have huge engineering problems in getting energy out of these oil shales. It may be there, but it is not something you would want to bet the ranch on.

The third one is coal. And there will be people who tell you don't worry about our future; we have 250 years of coal at current use rates. That is true. But be very careful when people say at current use rates because if we increase our use of coal only 2 percent, and I submit we will have to ramp up its use more than that as we run down the other side of Hubbert's peak and more and more energy is needed, but if we increase our use of coal only 2 percent, that 250 years shrinks to 85 years. You have to understand that at 2 percent increase, it doubles, that it is compounded, exponentially compounded, it doubles in 35 years. It is four times bigger in 70 years. It is eight times bigger in 105 years. This phenomenon, Albert Einstein said, was the most powerful force in the universe. He was asked, after the discovery of atomic energy, Dr. Einstein, what will be next? And he said, well, the most powerful force in the universe is the power of compound interest, and that is what we have here in this exponential compound growth.

□ 1700

But for most of our uses, we can't use coal. You can use electricity with it, but you can't run your car with it. So if we are now going to gasify or liquefy the coal, which, by the way, is very easy to do. Hitler ran his whole country on it, and South Africa did a lot of that, too. So we know how to do that, but it takes energy to do that. And if the energy to do that comes from coal, now you have reduced the supply of coal to about 50 years.

But we live in a world economy, and we share our oil with the world. It really doesn't matter today who owns the resource. He who has the dollars can buy it. It is bid up, which is why it is different prices different days, and he who has the dollars buys it.

So if we have to share our oil with the world, there is not much of a way to do that. Since if we keep all our coal, we won't be buying oil from someplace else, and they will therefore have the oil, and to a very large degree energy is fungible. So our 50-year supply of oil, if we share it with the world, shrinks to 12½ years. Big deal. With only a 2 percent increase and the use of coal, if we convert it to a gas or a liquid and share it with the world, our 250 years shrinks to 12½ years. There is a lot of energy there.

And, by the way, when you use coal, you have reduced more greenhouse gasses than using either gas or oil. So those who are concerned about climate change will have some big concerns about using coal. If your only concerns are national security and peak oil, you have less concerns about using coal.

But, in any event, it is not our savior. You can't sleep well tonight because we have 250 years of coal at the current use rate. Because with an increased demand of only 2 percent, converting it to a gas or a liquid and sharing it with the world, that shrinks to 12½ years.

The next two subjects we are going to talk about briefly are sources of energy from nuclear. We get 8 percent of our total energy from nuclear. We get 20 percent of our electricity from nuclear. When you drive home tonight, note every fifth business and every fifth house would be dark if it weren't for nuclear energy.

I have some friends who were strong opponents of nuclear energy. They are very bright people. And now they are looking at a future where the trade-off may be between having more nuclear and shivering in the dark without enough energy for light and heat. And when they look at those two alternatives, they are taking a new look at nuclear.

There are problems with nuclear. There are three fundamentally different ways you can produce nuclear energy. One is from the light water reactor. That is the only energy source we use. It uses fission nuclear uranium, and there is a finite supply of fission nuclear uranium in the world. We need an honest broker to tell us how much is there at current use rates and how much will be there if we ramp up the use, and we will ramp up the use.

China is now aggressively designing new nuclear power plants. They are building a coal-fired power plant, two a week. They have got to. They have got 1.3 billion people who want to abandon their bicycle and buy a car, and they are faced with kind of a mass revolt if they don't permit their people to enjoy the benefits of an industrialized society like the rest of the world does.

By the way, China has a bit less coal than we. They are mining more of it, so their coal will end before ours. So they are building a lot of coal-fired power plants, but they are also, I understand, planning to build 50 nuclear power plants. We haven't built one in about 30 years in our country. There has never been an accident or a death. There are accidents in coal mines, a lot more in China than here. We do a pretty good job, but still we have accidents and people die. They die from black lung disease from breathing polluted air. They die at the railroad crossing being hit by the train. We never seem to have a concern about the people who die as a result of using coal.

No one has ever died, there has not been any serious accident with nuclear, and a large number of people are concerned about nuclear. And there are problems with the waste product of nuclear because the second choice is a breeder reactor. If, in fact, we run out of fission nuclear uranium, then we will have to go to a breeder reactor. Our only experience with that in this country is building nuclear weapons. We have no commercial breeder reactors. They do, as the name implies, produce fuel; and they produce more fuel than they use. So you are kind of home free, except you have a huge problem with moving this stuff around and enriching it, and it is weapons grade kinds of stuff, so there are a lot of concerns.

I just have a notion, Mr. Speaker, that anything that is so hot that I can't get close to it for a quarter of a million years ought to have enough energy left in it to do something useful in it, wouldn't you think? You see, we call this spent fuel, and we have taken out only a relatively few percent of the energy of this fuel.

I would like to challenge our engineering and scientific people, and we have the most creative and innovative society in the world, to figure out what we can do with this thing which is now a huge liability and we are fighting over where to put it. We have put billions of dollars into Yucca Mountain out in Nevada, and we may not put it there. It is now stored in the back 40 or underwater in our roughly 800 nuclear power plants in this country. So there are problems with nuclear.

But there are also problems with not having energy and not going to be able to make nitrogen fertilizer for corn and not having heat for your house, and we need to rethink those.

The type of nuclear that gets us home free is fusion. By the way, we do have a huge fusion reactor. It is called the sun. That is what it is doing up there, and we have lots of energy from the sun. I understand that more energy from the sun falls on the Earth on any one sunny day than we use in a whole year if we could only capture that.

By the way, we are using sun energy, of course. Almost every energy source we use comes from or came from the sun. It was the sun that caused the plants to grow from which coal was made. Boy, do I know that. As a little kid in Western Pennsylvania, we had a coal furnace and we bought coal, which went from dust to big blocks of coal, some so big I couldn't put them in the furnace. There was a sledgehammer there leaning against the wall, and I would break the lump of coal to put it in the furnace, and sometimes it would break open and there was a fern leaf. Boy, I remember the feelings that went through me, and they still kind of do, when I looked at that fern leaf. And I said to myself how long ago did that grow and fall into the bog and with time and pressure and Earth being washed over, it became whole.

Most people believe that all of the oil and gas that we have is the result of subtropical lakes from a very long time ago. We see it now in algae that grows and it falls to the bottom. It has a cycle. It matures and falls to the bottom. Dirt washes in from the surrounding hills, more the next year. More dirt washes in. So most of our oil and gas is not in big lakes down there. It is trapped between grains of sand and rock and so forth. All of this, of course, is secondhand sun energy.

We get some direct sun energy. You can warm your house if your window faces south. It can produce electricity for you if you put solar panels on your roof. If you put a wind machine up, by the way, that is secondhand sun energy because the wind blows because of differential heating of the Earth.

It is no wonder, Mr. Speaker, when you look at what the sun does for us why many of our ancients worshipped the sun. As a matter of fact, the first Sunday after the first full moon after the vernal equinox was an ancient pagan holiday because a new spring had come. The day and night were of equal length. So the first Sunday after the first full moon, and I have no idea why after the first full moon, it was a celebration to the goddess of fertility. Let's have lots of animals and let our crops grow well, and they were appealing to the goddess of fertility to make that happen.

I wondered as a little kid what relationship chickens and eggs and bunnies had to the Resurrection, because we call it Easter; and I was a big boy before I learned that, of course, it didn't have any relationship. But as a little kid I lived on a farm, and I knew rabbits didn't lay eggs, but in my Easter basket were rabbits and eggs, and that confused me. And then I went to church and we talked about the Crucifixion. What in the heck do rabbits and eggs have to do with the Crucifixion? The answer, of course, is nothing.

But very early in Christianity we wanted to make it attractive to the pagans, so we attached pagan significance to Christian holidays, and these are symbols of fertility. I once had a few rabbits, and pretty soon I had a whole lot of rabbits. And we now have bantam chickens, and if you let them do what they would like to do, they steal a nest out and they hatch and you would have a lot of bantam chickens by fall. So these were examples of fertility, and that is why we had them there.

If you are counting on nuclear fusion to solve our problems, you are probably counting on the lottery to solve your personal economic problems. I would have plan B, and I support all the money, about $250 million a year, we spend in nuclear fusion. But, boy, I want to have a plan B. We are really home free if we have nuclear fusion, because it is producing the same kind of energy that is produced from the sun. We have essentially an infinite supply of the raw materials here to make it, and it is nonpolluting except for the heat that it produces. But that is my personal conviction. Others think that they are better; some think they are worse. I think the odds are about the same as the odds of your winning the lottery. So if you are comfortable with solving your personal financial problems winning the lottery, you are probably comfortable believing we are going to solve our energy problems with nuclear fusion.

Well, once we are through those and whatever we can get from nuclear for the long term and are willing to live with, then we come to the true renewables: solar and wind and geothermal and ocean energy, agricultural resources. There are a whole host of those. Let's just look at those one by one.

The solar industry, that is, the solar panels, quite miraculously just a little bit of silicon there, and it is converting sun rays into electricity, and I have them and they produce electricity and charge some big batteries, and we get lights and run power tools and so forth from the energy stored in the battery. That industry in 2000 represented .07 percent of our total energy. That has really grown since 2000. Today, it still represents far less than 1 percent. It is growing 30 percent a year, more than 30 percent a year.

They had some recent problems with silicon, because they are competing with the semiconductor industry, and they are growing so rapidly, and there weren't enough silicon plants. The silicon people were very edgy because they built some plants in the 1970s when oil was way up and then it dropped down to $10 a barrel and nobody wanted solar panels anymore, and they got stuck with factories for which they had no market for their product, and so the investors were unwilling. I think they are kind of getting by that because most people think that oil is not going down to anything near $10 a barrel in the future.

Solar electricity today is produced at about 25, 26 cents a kilowatt hour. That is high. But the cost of electricity is going up. And, by the way, the more we learn about these solar panels, the more we make and the cost comes down. But, unfortunately, the price of lead is going up; and still the cheapest, most cost-efficient battery for storing energy is the lead acid battery. So as the cost of the solar panels comes down, the cost of batteries goes up. So if you want a self-sufficient system, the cost of that total system is not declining. If you simply want a grid tie, produce enough electricity, you can run your meter backwards.

We are trying to get legislation through to encourage our States, and I think that is all we ought to do, because I am an advocate of States' rights, to enact what is called net metering, that if you produce more electricity to use, they will buy it from you. This distributed production, by the way, is enormously important from a national security perspective.

Unlike electricity, if you put a gallon of oil in a pipe and it goes a thousand miles, you get a gallon of oil out. You put electricity in a wire and if you run it far enough, you don't get anything out the other end, what is called line losses. So having distributed production has a lot of advantages. Not everything is down when the power plant is down. And, furthermore, you have less line loss because you are producing it closer to where it is used. So we ought to be using that a whole lot more than we are.

There are thin films and there are still some technical problems in developing those economically, but these thin films, and some of the silicon things, too, can be put in things like the shingles on your roof. They look just like any other shingle, but they produce electricity. The siding on your house. Indeed, there is glass that you can get. It will look like the glass with a dark filter on it, but there is glass that you can put in your windows that will let light in and produce electricity at the same time. So there are some exciting things that are being developed in this area.

I spent New Year's Eve in Shanghai, and we met in China and had lunch with the young man who about 5 years ago started what is now the second largest solar panel manufacturer in the world.

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Suntec, I think he calls his industry, and they now have a subsidiary in this country.

By the way, the top five producers of solar cells are in China and Japan. Number one is Sharp, and that is Japan. We used to have Solarex out in my district, now BP Solar, used to be number two in the world. Now they are not even among the top ten in the world.

This is the most creative, innovative society in the world that invented the solar cell. I worked at Johns Hopkins Applied Physics Lab. We put the first solar powered satellite in space. The United States invented that. Like so much of the technology we invent, somebody else is benefiting from it.

I want the United States to be a leader in these areas. Indeed, I believe that we have such a creative, innovative society, that if we really challenge our people, we can become a world leader again; not just a world leader in how much oil we use, but a world leader in moving to these alternative ways of producing energy.

So I think there is a great future for solar, and I would like legislation out there that encourages people to put it on their roofs and encourages companies to build the plants. It is a national security issue.

Wind. Wind is now producing electricity in our country at about 2.5 cents per kilowatt hour. By the way, the leader in this in the world is little Denmark. Again, shame on us. The largest industrial country in the world, the leader technologically in the world, and Denmark is leading the world in building wind machines. They are really efficient.

The little ones we used to produce, the blades turned very fast and they might kill birds and baths. Now they have huge blades. A single blade may be 60, 70 feet long. You may have seen them being moved down the highway. They move very slowly. It would have to be a really debilitated bat or bird that got caught by one of those.

Indeed, if you are really concerned about bats and birds, then don't have picture windows. I am sure, not so many for the bats, but the bird, you are are going to lose more birds on your picture window than you will ever lose from that wind machine that you put up to produce electricity.

We have wind farms out in the West. In the East here there are some Senators that are big proponents of wind, but not in my backyard. The NIMBY factor is very prominent. They would like that, but not in their view shed, thank you.

You know, pretty is as pretty does, and I think these wind machines are beautiful. Knowing what they do, I think they are very stylish just on their own. But knowing what they are doing they become even handsomer.

Geothermal. Now, this is true geothermal. If you go to Iceland, there is not a chimney in Iceland because all of their heating, all of their energy like that in Iceland comes from geothermal. They are close enough to the molten core of the Earth that they can get hot water. That is how they heat their houses and produce their energy there.

We call geothermal something which is a really good idea, but it is not geothermal. We call geothermal those heat pumps that we tie to ground or groundwater, rather than rather stupidly to the air.

If you think about your air conditioner in the summer, what you are trying to do is heat up the outside air. That may be 90 degrees. If you are trying to heat up groundwater in Maryland here, it is 56 degrees. That is really cool compared to 90 degrees, isn't it? And what you are trying to do in the wintertime is to cool the outside air with your heat pump.

It is a whole lot easier to cool 56 degree air. That looks really warm compared to 10 degree air. That 60 degree water is very warm compared to 10 degree air. So you get a lot more efficiency out of your heat pump. People will call that geothermal. That is okay. Please put it in quotes, because it is not true geothermal. True geothermal ties you to the Earth.

We are going to have to come back another day to talk about the rest of this, because I just wanted to skip down here to ethanol. Because there was this week, and we have only about 5 minutes remaining, there was this week in the Washington Post on Sunday, the Outlook Section, a really interesting article. "Corn Can't Solve Our Problem," it says.

The first paragraph is really interesting. "The world has gone full circle. A century ago our first transportation, biofuels, the hay and oats fed to our horses, were replaced by gasoline. Today, ethanol from corn and biodiesel from soybeans have begun edging out gasoline and diesel. Lost in the ethanol induced euphoria, however, is the fact that three of our most fundamental needs, food, energy and a livable and sustainable environment, are now in direct conflict."

Interesting. I have here an article, and again we will come back again to talk about this, a really interesting talk given by Hyman Rickover 50 years ago the 14th of this May to a group of physicians in St. Paul, Minnesota, and he talks about this. He cautioned that if we try to get energy from our agriculture, we are going to be in competition with food.

Let me read from the jump page here what they say about this. It is really interesting.

"But because of how corn ethanol currently is made, only about 20 percent of each gallon is new energy." Eighty percent of all the energy you get out of a gallon of ethanol simply comes from the fossil fuels that are kind of recycled. The natural gas which made the nitrogen fertilizer, almost half the energy producing corn comes from that. The oil that made the tractor and the tires and the diesel fuel that pulled it through the fields and the energy used to mine the phosphate and potash rock and so forth, only 20 percent of every gallon represents new energy.

So they say this: If every one of our 70 million acres on which corn was grown in 2006, if we use all of that corn to produce ethanol, we would displace only 12 percent of our gasoline. And if you discount that for the fossil fuel simply recycled by growing the corn and processing the corn to produce ethanol, you now get just 2.4 percent of our gasoline displaced by ethanol. If we use all of our corn to produce ethanol, they very wisely note that you could have reached that same objective by getting your car tuned up and putting air in your tires.

Now, we are making a lot of corn ethanol. But compared to the 21 million barrels of oil that we use a day, 70 percent of that in transportation, we have produced relatively negligible amounts of ethanol. But it was enough to drive the price of corn from $2.11 a bushel in September to $4.08 a bushel in November, and up from that. And the poor Mexicans now are hungry because their tortillas have doubled in price, and my dairy farmers are going bankrupt because the cost of the food they feed their cows is up.

Just a caution, that one needs to be realistic rather than euphorically optimistic about how much energy we are going to get out of these alternatives.

I would like to say in closing, Mr. Speaker, that I am exhilarated by this. There is no exhilaration like meeting and overcoming a big problem. And we have a huge challenge. I believe with proper leadership, we may not have much energy, we have even less real leadership in this area, with proper leadership, I think that Americans could be exhilarated by the challenge. I think we would again become a major exporter with all of the technologies for producing energy from these alternatives.

Mr. Speaker, this is not a bad news story. This is a really good news story. America can lead the way. They can again be a real leader in the world. And I can imagine Americans going to bed at night saying, today I used less energy than I did yesterday and I am just fine. Tomorrow I am going to do even better. I think there would be fewer people on alcohol and watching bad movies and so forth if they had some real direction.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-MCDONALD (at the request of Mr. HOYER) for today.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. HILL) to revise and extend their remarks and include extraneous material:)

Mr. CUMMINGS, for 5 minutes, today.

Mr. HILL, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. SCHIFF, for 5 minutes, today.

Mr. SARBANES, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. WASSERMAN SCHULTZ, for 5 minutes, today.

ADJOURNMENT

Mr. BARTLETT of Maryland. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 24 minutes p.m.), the House adjourned until tomorrow, Friday, March 30, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1001. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Supplement; Radio Frequency Identification (DFARS Case 2006-D002) (RIN: 0750-AF31) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1002. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Protests, Disputes, and Appeals (DFARS Case 2003-D010) (RIN: 0750-AE01) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1003. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Aviation Into-Plane Reimbursement Card (DFARS Case 2006-D017) (RIN: 0750-AF42) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1004. A letter from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting the Department's final rule — Defense Federal Acquisition Regulation Supplement; Berry Amendment Exceptions — Acquisition of Perishable Food, and Fish, Shellfish, or Seafood (DFARS Case 2006-D005) (RIN: 0750-AF32) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Armed Services.

1005. A letter from the Chief Counsel, FEMA, Department of Homeland Security, transmitting the Department's final rule — Changes in Flood Elevation Determinations — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1006. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1007. A letter from the Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Magnet Schools Assistance Program — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1008. A letter from the Assistant General Counsel for Regulations, Office of General Coun sel, Department of Education, transmitting the Department's final rule — National Institute on Disability and Rehabilitation Research-Disability and Rehabilitation Research Projects and Centers Program-Disability Rehabilitation Research Projects (DRRPS) and Rehabilitation Engineering Research Centers (RERCs) — received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and Labor.

1009. A letter from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting the Agency's RCRA Section 3013 Guidance Manual; to the Committee on Energy and Commerce.

1010. A letter from the Office Director, Office of Congressional Affairs, Nuclear Regulatory Commission, transmitting the Commission's final rule — Design Basis Threat (RIN: 3150-AH60) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1011. A letter from the Assistant Secretary, Land and Minerals Management, Department of Interior, transmitting the Department's final rule — Oil and Gas and Sulphur Operations in the Outer Continental Shelf — Update of New and Reaffirmed Documents Incorporated by Reference (RIN: 1010-AD24)received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1012. A letter from the Acting Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for the Contiguous United States District Population Segment of the Canada Lynx (RIN: 1018-AU52) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1013. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical

Habitat for the Laguna Mountains Skipper (Pyrgus ruralis lagunae) (RIN: 1018-AU50) received February 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1014. A letter from the Assistant Secretary for Fish, Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Astragalus ampullariodes (Skivwits milk-vetch) and Astragalus holmgreniorum (Holmgren milk-vetch) (RIN: 1018-AU45) received Febuary 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1015. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Central Regulatory Area of the Gulf of Alaska [Docket No. 070213032-7032-01; I.D. 022607C] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1016. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Rock Sole, Flathead Sole, and "Other Flatfish" by Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D.021607B] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1017. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Chiniak Gully Research Area for Vessels Using Trawl Gear [Docket No. 060216044-6044-01; I.D. 021207C] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1018. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Processor Vessels Using Pot Gear in the Bering Sea and Aleutian Islands Management Area [Docket No. 060216045-6045-01; I.D. 021607K] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1019. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska [Docket No. 060216044-6044-01; I.D. 022007A] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1020. A letter from the Acting Director, Office of Sustainable Fisheries, NMFS, National Oceanic and Atmospheric Administration, transmitting the Administration's final rule — Fisheries in the Western Pacific; Western Pacific Crustacean Fisheries; 2007 Harvest [Docket No. 060824225-6225-01; I.D. 021207A] received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1021. A letter from the OGE Director, Office of Government Ethics, transmitting the Office's final rule — Post-Employment Conflict of Interest Restrictions; Exemption of Positions and Revision of Departmental Component Designations (RIN: 3209-AA14) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on the Judiciary.

1022. A letter from the Dir, Regulations Mgt, Department of Veterans Affairs, transmitting the Department's final rule — Cost Estimate 06-26 Schedule for Rating Disabilities; Appendices A, B, C (RIN: 2900-AM60) received March 18, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1023. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — 26 CFR 1.61-21: Taxation of fringe benefits — received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar as follows:

Mr. DINGELL. Committee on Energy and Commerce. H.R. 493. A bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment; with an amendment (Rept. 110–28 Pt. 3). Referred to the Committee of the Whole House on the State of the Union.

Mr. OBERSTAR. Committee on Transportation and Infrastructure. H.R. 1495. A bill to provide for conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes; with an amendment (Rept. 110–80). Referred to the Committee of the Whole House on the State of the Union.

Mr. DINGELL. Committee on Energy and Commerce. H.R. 518. A bill to amend the Solid Waste Disposal Act to authorize States to restrict receipt of foreign municipal solid waste and implement the Agreement concerning the Transboundary Movement of Hazardous Waste between the United States and Canada, and for other purposes; (Rept. 110–81). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mrs. BIGGERT (for herself, Mr. Bachus, Ms. Ginny Brown-Waite of Florida, Mr. Campbell of California, Mrs. Capito, Mr. Davis of Kentucky, Mr. Feeney, Mr. Gillmor, Mr. LaTourette, Mr. Lucas, Mr. Gary G. Miller of California, Mr. Neugebauer, Mr. Pearce, Ms. Pryce of Ohio, Mr. Renzi, Mr. Shays, and Mr. Marchant):

H.R. 1752. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Financial Services.

By Mr. WELLER (for himself and Mr. Becerra):

H.R. 1753. A bill to amend the Internal Revenue Code of 1986 to make the expensing of environmental remediation costs permanent law and to repeal the recapture of such expenses under section 1245 of such Code; to the Committee on Ways and Means.

By Mr. HILL (for himself, Mr. Patrick Murphy of Pennsylvania, Mr. Moore of Kansas, Mr. Mahoney of Florida, Mr. McNerney, Mr. Cohen, Mr. Visclosky, Mr. Ellsworth, Ms. Castor, Mr. Braley of Iowa, and Mr. Walz of Minnesota):

H.R. 1754. A bill to establish the House Ethics Commission, and for other purposes; to the Committee on House Administration, and in addition to the Committee on Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. McGOVERN (for himself, Ms. McCollum of Minnesota, and Mr. Issa):

H.R. 1755. A bill to limit the use, sale, and transfer of cluster munitions; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HUNTER (for himself, Ms. Kaptur, Mr. LaTourette, Mr. Lipinski, Mr. Duncan, Mr. Poe, Mr. Jones of North Carolina, Mr. Boozman, Mr. Gary G. Miller of California, Mr. Berry, Mr. Boyd of Florida, and Mr. Hayes):

H.R. 1756. A bill to prohibit Mexico-domiciled motor carriers from operating beyond United States municipalities and commercial zones on the United States-Mexico border until certain conditions are met to ensure the safety of such operations; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Homeland Security, the Judiciary, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BOREN (for himself and Ms. Fallin):

H.R. 1757. A bill to adjust the weight limits of commercial motor vehicles; to the Committee on Transportation and Infrastructure.

By Mr. WU (for himself, Mr. Tom Davis of Virginia, and Mr. Stark):

H.R. 1758. A bill to amend the Immigration and Nationality Act to provide status in each of fiscal years 2008 through 2012 for 65,000 H-1B nonimmigrants who have a master's or Ph.D. degree and meet the requirements for such status and whose employers make scholarship payments to institutions of higher education for undergraduate and postgraduate education; to the Committee on the Judiciary.

By Mrs. BONO (for herself and Mr. Schiff):

H.R. 1759. A bill to establish guidelines and incentives for States to establish arsonist registries and to require the Attorney General to establish a national arsonist registry and notification program, and for other purposes; to the Committee on the Judiciary.

By Mr. KIND (for himself, Mr. Obey, Mrs. Boyda of Kansas, Ms. Moore of Wisconsin, Mr. Marshall, and Ms. Baldwin):

H.R. 1760. A bill to amend the Federal Meat Inspection Act and the Poultry Products Inspection Act to authorize the interstate distribution of State inspected meat and poultry if the Secretary of Agriculture determines that the State inspection requirements are at least equal to Federal inspection requirements and to require the Secretary to reimburse State agencies for part of the costs of such inspections; to the Committee on Agriculture.

By Mr. PRICE of Georgia (for himself, Mr. McKeon, Mr. Boehner, Mr. Castle, Mr. Souder, Mr. Wilson of South Carolina, Mr. Kline of Minnesota, Mr. Marchant, Mr. Boustany, Mr. David Davis of Tennessee, Mr. Regula, Ms. Norton, and Mr. Davis of Illinois):

H.R. 1761. A bill to amend the Elementary and Secondary Education Act of 1965 to establish the Teacher Incentive Fund Program, and for other purposes; to the Committee on Education and Labor.

By Mr. DAVIS of Alabama (for himself, Mr. Davis of Kentucky, Mr. Lewis of Kentucky, Mr. Rogers of Kentucky, and Mr. English of Pennsylvania):

H.R. 1762. A bill to facilitate and expedite direct refunds to coal producers and exporters of the excise tax unconstitutionally imposed on coal exported from the United States; to the Committee on Ways and Means.

By Mr. GEORGE MILLER of California:

H.R. 1763. A bill to provide for labor recruiter accountability, and for other purposes; to the Committee on Education and Labor.

By Mr. STARK (for himself, Mr. Camp of Michigan, Mr. Van Hollen, Mr. McNulty, Mrs. McCarthy of New York, Mr. English of Pennsylvania, Mr. Kirk, Mr. Pascrell, Mr. McDermott, Mr. Wilson of South Carolina, Mr. Hinchey, Mr. Crenshaw, Mr. Cooper, Mrs. Blackburn, Mr. Kind, Ms. Norton, and Mr. Upton):

H.R. 1764. A bill to establish a congressional commemorative medal for organ donors and their families; to the Committee on Financial Services, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BAIRD:

H.R. 1765. A bill to provide for the establishment of two nationally distributed video programming channels providing language instruction; to the Committee on Energy and Commerce.

By Mr. VAN HOLLEN (for himself, Mr. Scott of Virginia, Mr. Gilchrest, Mr. Tom Davis of Virginia, Mr. Hoyer, Mr. Wynn, Mrs. Jo Ann Davis of Virginia, Mr. Ruppersberger, Ms. Norton, Mr. Sarbanes, Mr. Wolf, Mr. Moran of Virginia, Mrs. Drake, Mr. Cummings, Mr. Hinchey, Mr. Platts, Mr. Carney, and Mr. Hall of New York):

H.R. 1766. A bill to amend conservation and biofuels programs of the Department of Agriculture to promote the compatible goals of economically viable agricultural production and reducing nutrient loads in the Chesapeake Bay and its tributaries by assisting agricultural producers to make beneficial, cost-effective changes to cropping systems, grazing management, and nutrient management associated with livestock and poultry production, crop production, bioenergy production, and other agricultural practices on agricultural land within the Chesapeake Bay watershed, and for other purposes; to the Committee on Agriculture.

By Mr. CLAY (for himself, Mr. Jones of North Carolina, Mrs. Emerson, Mr. Meeks of New York, and Mr. Ross):

H.R. 1767. A bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes; to the Committee on Financial Services.

By Mr. GORDON:

H.R. 1768. A bill to provide for the demonstration and commercial application of innovative energy technologies derived from federally-sponsored research and development programs, by incorporating those technologies into Federal buildings and associated facilities, and for other purposes; to the Committee on Science and Technology.

By Mr. BAIRD (for himself, Mr. Hastings of Washington, Mr. Dicks, and Mr. Walden of Oregon):

H.R. 1769. A bill to amend the Marine Mammal Protection Act of 1972 to reduce predation on endangered Columbia River salmon, and for other purposes; to the Committee on Natural Resources.

By Mr. CONAWAY (for himself, Mrs. Jones of Ohio, Mr. Culberson, Mr. Rogers of Michigan, and Mr. Bartlett of Maryland):

H.R. 1770. A bill to amend the Internal Revenue Code of 1986 to encourage the use of corrosion prevention and mitigation measures in the construction and maintenance of business property; to the Committee on Ways and Means.

By Ms. BALDWIN (for herself, Ms. McCollum of Minnesota, Mr. Kind, Mr. Oberstar, Mr. Snyder, and Mr. Cohen):

H.R. 1771. A bill to assist in the conservation of cranes by supporting and providing, through projects of persons and organizations with expertise in crane conservation, financial resources for the conservation programs of countries the activities of which directly or indirectly affect cranes and the ecosystems of cranes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself, Mr. Cole of Oklahoma, Mr. Renzi, Mr. Hall of New York, Mr. Udall of Colorado, Mr. McCotter, Mr. Conaway, Mrs. McMorris Rodgers, Mr. Waxman, Mr. Lucas, Mr. McDermott, and Mr. Gillmor):

H.R. 1772. A bill to amend the Internal Revenue Code of 1986 to provide credits for the installation of wind energy property, including by rural homeowners, farmers, ranchers, and small businesses, and for other purposes; to the Committee on Ways and Means.

By Mrs. BOYDA of Kansas (for herself, Mr. DeFazio, and Mr. Oberstar):

H.R. 1773. A bill to limit the authority of the Secretary of Transportation to grant authority to motor carriers domiciled in Mexico to operate beyond United States municipalities and commercial zones on the United States-Mexico border; to the Committee on Transportation and Infrastructure.

By Mr. BUTTERFIELD (for himself, Mr. Inslee, Mrs. Capps, Mr. Ferguson, and Ms. Schwartz):

H.R. 1774. A bill to amend title XVIII of the Social Security Act to establish a separate definition of outpatient speech-language pathology services under the Medicare Program in order that direct payment to speech-language pathologists may be made under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CARDOZA:

H.R. 1775. A bill to amend section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) to require the disclosure of certain information related to Federal contractors, and for other purposes; to the Committee on Oversight and Government Reform.

By Mr. ALTMIRE:

H.R. 1776. A bill to require employees at a call center who either initiate or receive telephone calls to disclose the physical location of such employees; to the Committee on Energy and Commerce.

By Mr. DELAHUNT (for himself and Mr. Smith of Texas):

H.R. 1777. A bill to amend the Improving America's Schools Act of 1994 to make permanent the favorable treatment of need-based educational aid under the antitrust laws; to the Committee on the Judiciary.

By Mr. DELAHUNT (for himself, Mr. Duncan, and Mr. Meehan):

H.R. 1778. A bill to amend title 35, United States Code, to allow the Director of the United States Patent and Trademark Office to accept late filings in certain cases of unintentional delay; to the Committee on the Judiciary.

By Ms. DeLAURO (for herself, Mr. Doggett, Ms. Lee, Mr. Lantos, Mr. Wynn, Mr. Gene Green of Texas, Ms. Loretta Sanchez of California, Ms. Sutton, Ms. Shea-Porter, Mr. Kennedy, Ms. Woolsey, and Ms. Hirono):

H.R. 1779. A bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers; to the Committee on Education and Labor.

By Mr. KIRK (for himself, Mr. Israel, Mr. Sensenbrenner, and Mr. Regula):

H.R. 1780. A bill to improve the implementation of section 404 of the Sarbanes-Oxley Act of 2002; to the Committee on Financial Services.

By Mr. DINGELL (for himself, Mr. Simpson, Mr. Hoyer, Mr. Pallone, Mr. Waxman, Mr. Cummings, Mr. Wynn, Mrs. Capps, Mr. Towns, Mr. Ross, Mr. Engel, Ms. Eshoo, Mr. Allen, Ms. DeGette, and Ms. Schakowsky):

H.R. 1781. A bill to provide disadvantaged children with access to primary dental care services; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. DRAKE:

H.R. 1782. A bill to direct the Secretary of Transportation to waive the repayment of any Federal-aid highway funds expended on the construction of any high occupancy lanes on the Dwight D. Eisenhower National System of Interstate and Defense Highways in the Hampton Roads area of the Commonwealth of Virginia; to the Committee on Transportation and Infrastructure.

By Mr. EMANUEL (for himself and Mr. King of New York):

H.R. 1783. A bill to amend the Social Security Act to enhance the Social Security of the Nation by ensuring adequate public-private infrastructure and to resolve to prevent, detect, treat, intervene in, and prosecute elder abuse, neglect, and exploitation, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on the Judiciary, Energy and Commerce, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. ENGEL (for himself, Mrs. McCARTHY of New York, Mr. KENNEDY, Mr. FARR, Ms. WATSON, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. PALLONE, Mr. SHERMAN, Mrs. LOWEY, Ms. WOOLSEY, and Mr. MORAN of Virginia):

H.R. 1784. A bill to protect the Nation's law enforcement officers by banning the FiveseveN Pistol and 5.7 x 28mm SS190 and SS192 cartridges, testing handguns and ammunition for capability to penetrate body armor, and prohibiting the manufacture, importation, sale, or purchase of such handguns or ammunition by civilians; to the Committee on the Judiciary.

By Mr. FALEOMAVAEGA:

H.R. 1785. A bill to direct the Secretary of the Interior to ensure that certain questions are placed on the ballot of the 2008 general election in American Samoa; to the Committee on Natural Resources.

By Mr. FALEOMAVAEGA:

H.R. 1786. A bill to amend title 5, United States Code, to provide that Federal employees stationed in American Samoa shall be paid the same nonforeign area cost-of-living allowance as if stationed in Guam or the Commonwealth of the Northern Mariana Islands; to the Committee on Oversight and Government Reform.

By Mr. FEENEY (for himself, Ms. WASSERMAN SCHULTZ, Mr. MARIO DIAZ-BALART of Florida, Mr. KELLER, Mr. MILLER of Florida, Ms. GINNY BROWN-WAITE of Florida, Mr. MACK, Mr. PAUL, Ms. ROS-LEHTINEN, and Mr. JONES of North Carolina):

H.R. 1787. A bill to amend the Internal Revenue Code of 1986 to create Catastrophe Savings Accounts; to the Committee on Ways and Means.

By Mr. FERGUSON:

H.R. 1788. A bill to rechannelize spectrum in the 700 megahertz band to promote the deployment of commercial broadband technologies to facilitate interoperable communications for public safety; to the Committee on Energy and Commerce.

By Mr. FLAKE (for himself, Mr. ADERHOLT, Mr. AKIN, Mr. BARTLETT of Maryland, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mr. CAMPBELL of California, Mr. CHABOT, Mr. CONAWAY, Mrs. CUBIN, Mr. CULBERSON, Mr. DREIER, Mr. ENGLISH of Pennsylvania, Mr. FEENEY, Mr. FORTENBERRY, Mr. FORTUÑO, Mr. FOSSELLA, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. HENSARLING, Mr. INGLIS of South Carolina, Mr. ISSA, Mr. KIRK, Mr. MACK, Mr. MARCHANT, Mr. McHENRY, Mr. MILLER of Florida, Mr. TIM MURPHY of Pennsylvania, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PEARCE, Mr. PENCE, Mr. PITTS, Mr. PRICE of Georgia, Mr. PUTNAM, Mr. RADANOVICH, Mr. SALI, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SOUDER, Mr. TIAHRT, Mr. WALBERG, and Mr. WELDON of Florida):

H.R. 1789. A bill to require the Congressional Budget Office and the Joint Committee on Taxation to use dynamic economic modeling in addition to static economic modeling in the preparation of budgetary estimates of proposed changes in Federal revenue law; to the Committee on the Budget, and in addition to the Committees on Rules, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FORTENBERRY (for himself and Mr. BERMAN):

H.R. 1790. A bill to amend the National Defense Authorization Act for Fiscal Year 2006 to expand the provision of special immigrant status for certain aliens, including translators or interpreters, serving with Federal agencies in Iraq and Afghanistan; to the Committee on the Judiciary.

By Mr. GINGREY (for himself, Mr. PAUL, Mr. McCOTTER, Mrs. MUSGRAVE, Mr. SESSIONS, Mr. ROGERS of Alabama, Mr. BOOZMAN, Mr. JONES of North Carolina, and Mr. GOODE):

H.R. 1791. A bill to require the Bureau of Alcohol, Tobacco, Firearms, and Explosives to make video recordings of the examination and testing of firearms and ammunition, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GOODLATTE (for himself, Mr. BISHOP of Georgia, Mr. KINGSTON, Mrs. JO ANN DAVIS of Virginia, and Ms. FOXX):

H.R. 1792. A bill to simplify the process for admitting temporary alien agricultural workers under section 101(a)(15)(H)(ii)(a) of the Immigration and Nationality Act, to increase access to such workers, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. GENE GREEN of Texas:

H.R. 1793. A bill to direct the head of a Federal department or agency that is carrying out a project involving the construction of a culvert or other enclosed flood or drainage system to ensure that certain child safety measures are included in the project; to the Committee on Oversight and Government Reform.

By Mr. GRIJALVA:

H.R. 1794. A bill to improve the literacy and English skills of limited English proficient individuals, and for other purposes; to the Committee on Education and Labor.

By Mr. GRIJALVA:

H.R. 1795. A bill to amend the Morris K. Udall Scholarship and Excellence in National Environmental and Native American Public Policy Act of 1992, and for other purposes; to the Committee on Education and Labor, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HASTINGS of Florida:

H.R. 1796. A bill to direct the Secretary of Homeland Security to establish national emergency centers on military installations; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HERGER (for himself, Mr. BRADY of Texas, Mr. ENGLISH of Pennsylvania, and Mrs. MUSGRAVE):

H.R. 1797. A bill to amend the Internal Revenue Code of 1986 to expand expensing for small business; to the Committee on Ways and Means.

By Ms. HIRONO (for herself and Mr. ABERCROMBIE):

H.R. 1798. A bill to direct the Secretary of the Interior to study the suitability and feasibility of designating the Ka'u Coast on the island of Hawaii as a unit of the National Park System; to the Committee on Natural Resources.

By Mr. HOBSON:

H.R. 1799. A bill to authorize and request the President to award the Medal of Honor posthumously to Private George D. Wilson of Company B, 2nd Ohio Volunteer Infantry Regiment for his acts of valor as one of Andrews Raiders during the Civil War on April 12, 1862; to the Committee on Armed Services.

By Mr. HOBSON:

H.R. 1800. A bill to authorize and request the President to award the Medal of Honor posthumously to Private Philip G. Shadrach of Company K, 2nd Ohio Volunteer Infantry Regiment for his acts of valor as one of Andrews Raiders during the Civil War on April 12, 1862; to the Committee on Armed Services.

By Mr. HOLT (for himself and Mr. CARTER):

H.R. 1801. A bill to award a Congressional Gold Medal to Dr. Muhammad Yunus, in recognition of his contributions to the fight against global poverty; to the Committee on Financial Services.

By Ms. HOOLEY:

H.R. 1802. A bill to amend the Internal Revenue Code of 1986 to provide a refundable tax credit to small businesses for the costs of qualified health insurance; to the Committee on Ways and Means.

By Mr. HUNTER (for himself and Mrs. DAVIS of California):

H.R. 1803. A bill to direct the Secretary of the Interior to conduct a feasibility study to design and construct a four reservoir intertie system for the purposes of improving the water storage opportunities, water supply reliability, and water yield of San Vicente, El Capitan, Murray, and Loveland Reservoirs in San Diego County, California in consultation and cooperation with the City of San Diego and the Sweetwater Authority, and for other purposes; to the Committee on Natural Resources.

By Mr. JEFFERSON:

H.R. 1804. A bill to provide for the certification of certain rehabilitation units of general acute care hospitals for purposes of payments under the Medicare prospective payment system for rehabilitation hospitals; to the Committee on Ways and Means.

By Mr. JEFFERSON:

H.R. 1805. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to provide for the health and safety of certain volunteers and workers in disaster areas, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Energy and Commerce, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. EDDIE BERNICE JOHNSON of Texas (for herself, Mrs. CHRISTENSEN, and Mr. RODRIGUEZ):

H.R. 1806. A bill to amend the Juvenile Justice and Delinquency Prevention Act of 1974 to provide quality prevention programs and accountability programs relating to juvenile delinquency, and for other purposes; to the Committee on Education and Labor.

By Ms. EDDIE BERNICE JOHNSON of Texas:

H.R. 1807. A bill to amend the Internal Revenue Code of 1986 to provide more help to Alzheimer's disease caregivers; to the Committee on Ways and Means.

By Mr. KINGSTON (for himself, Mr. DEAL of Georgia, Mr. WESTMORELAND, Mr. LEWIS of Georgia, Mr. SCOTT of Georgia, Mr. BISHOP of Georgia, Mr. PRICE of Georgia, Mr. LINDER, Mr. JOHNSON of Georgia, Mr. GINGREY, Mr. BARROW, Mr. BARTON of Texas, Mr. YOUNG of Alaska, Mr. CONAWAY, Mr. BONNER, Mr. DOOLITTLE, Mr. TIM MURPHY of Pennsylvania, Mr. FRANKS of Arizona, Mr. LATHAM, Mr. BOSWELL, Mrs. MUSGRAVE, Mr. HAYES, Mr. WILSON of South Carolina, Mr. REHBERG, Mr. FOSSELLA, Mr. SESSIONS, Mr. LINCOLN DIAZ-BALART of Florida, Mr. DELAHUNT, Ms. FALLIN, Mr. MARIO DIAZ-BALART of Florida, Ms. FOXX, Mr. HALL of Texas, Mr. DAVID DAVIS of Tennessee, Mr. DINGELL, Mrs. MCMORRIS RODGERS, Mr. GARY G. MILLER of California, Mr. GOHMERT, Mr. WHITFIELD, Mr. BROWN of South Carolina, Mr. HASTINGS of Washington, Mrs. EMERSON, Mr. SMITH of Texas, Mr. WAMP, Mr. BUYER, Mr. GALLEGLY, Mr. HASTERT, Mr. GILLMOR, Mr. UPTON, Mr. ADERHOLT, Mr. ENGEL, Mr. WOLF, Mr. SHUSTER, Mr. WICKER, Mr. ENGLISH of Pennsylvania, Mr. LAHOOD, Mrs. DRAKE, Mr. GOODE, Mr. PITTS, Ms. GINNY BROWN-WAITE of Florida, Mr. COBLE, Mr. HOBSON, Mr. BURGESS, Ms. CARSON, Mr. PETRI, Mr. MCGOVERN, Mr. BACA, Mr. HENSARLING, Mr. BOOZMAN, Mr. REYNOLDS, Mr. DUNCAN, Mrs. WILSON of New Mexico, Mr. LAMBORN, Mr. WELDON of Florida, Mr. KING of Iowa, and Mr. BOUSTANY):

H.R. 1808. A bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

By Mr. LANGEVIN (for himself, Mr. RAMSTAD, Mr. TERRY, Mr. WELLER, Mr. VISCLOSKY, Mr. MCNULTY, Mrs. EMERSON, Mr. KENNEDY, Mr. FARR, Mr. MARKEY, Mr. GRIJALVA, and Mr. LEWIS of Kentucky):

H.R. 1809. A bill to amend title XVIII of the Social Security Act to eliminate the in the home restriction for Medicare coverage of mobility devices for individuals with expected long-term needs; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LARSON of Connecticut (for himself, Mr. RAMSTAD, Mr. MCNULTY, Mr. LEWIS of Georgia, Mrs. JONES of Ohio, Mr. DAVIS of Alabama, Mr. POMEROY, Ms. SCHWARTZ, Mr. SAM JOHNSON of Texas, Mr. HULSHOF, Mr. ENGLISH of Pennsylvania, Mr. WELLER, Mr. LEWIS of Kentucky, Mr. HERGER, and Mr. BRADY of Texas):

H.R. 1810. A bill to amend the Internal Revenue Code of 1986 to permit the consolidation of life insurance companies with other companies; to the Committee on Ways and Means.

By Mr. LATOURETTE (for himself, Mr. LOBIONDO, and Mr. POE):

H.R. 1811. A bill to amend title 46, United States Code, to improve maritime law enforcement; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LEE (for herself, Mr. PAYNE, Mr. RUSH, Ms. WOOLSEY, Mr. COHEN, Mr. GRIJALVA, and Mr. JEFFERSON):

H.R. 1812. A bill to provide for coverage of hormone replacement therapy for treatment of menopausal symptoms, and for coverage of an alternative therapy for hormone replacement therapy for such symptoms, under the Medicare and Medicaid Programs, group health plans and individual health insurance coverage, and other Federal health insurance programs; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, Education and Labor, Oversight and Government Reform, and Veterans' Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LEVIN (for himself, Mr. RYAN of Wisconsin, Mr. LEWIS of Georgia, Mr. HERGER, Mr. TANNER, Mr. CAMP of Michigan, Mr. EMANUEL, Mr. ENGLISH of Pennsylvania, Ms. BERKLEY, Mr. WELLER, Mr. CROWLEY, Mr. LEWIS of Kentucky, Ms. SCHWARTZ, and Mr. CANTOR):

H.R. 1813. A bill to amend the Internal Revenue Code of 1986 to make permanent the deduction for mortgage insurance premiums; to the Committee on Ways and Means.

By Mr. LEWIS of Kentucky (for himself, Mr. PAUL, Mr. DAVIS of Kentucky, Mr. ROGERS of Kentucky, Mr. GINGREY, Mr. SKELTON, Mrs. MCMORRIS RODGERS, Mr. MCCAUL of Texas, Mr. WHITFIELD, Mr. REHBERG, Mrs. CUBIN, Mr. MARSHALL, Mr. LATHAM, Mr. MCINTYRE, and Mr. SCOTT of Georgia):

H.R. 1814. A bill to amend the Internal Revenue Code of 1986 to provide a credit to certain agriculture-related businesses for the cost of protecting certain chemicals; to the Committee on Ways and Means.

By Mr. LOBIONDO (for himself, Mr. SAXTON, Mr. FRELINGHUYSEN, Mr. FERGUSON, Mr. PASCRELL, Mr. SMITH of New Jersey, Mr. GARRETT of New Jersey, Mr. ROTHMAN, Mr. PALLONE, Mr. PAYNE, Mr. HOLT, Mr. ANDREWS, and Mr. SIRES):

H.R. 1815. A bill to extend the authorization for the Coastal Heritage Trail in the State of New Jersey; to the Committee on Natural Resources.

By Mr. MACK (for himself, Mr. MARIO DIAZ-BALART of Florida, Mr. BUCHANAN, and Mr. MAHONEY of Florida):

H.R. 1816. A bill to amend the Water Resources Development Act of 2000; to the Committee on Transportation and Infrastructure.

By Mrs. MALONEY of New York (for herself, Mr. SHERMAN, and Mr. ROTHMAN):

H.R. 1817. A bill to amend the Internal Revenue Code of 1986 to deny all deductions for business expenses associated with the use of a club that discriminates on the basis of sex, race, or color; to the Committee on Ways and Means.

By Ms. MATSUI (for herself, Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of California, Mr. KUHL of New York, Mr. BOUCHER, Mr. MCINTYRE, Mr. CROWLEY, Mr. GILLMOR, Mr. KIND, Mr. SCHIFF, and Mrs. CUBIN):

H.R. 1818. A bill to amend the Internal Revenue Code of 1986 to provide for the expensing of broadband Internet access expenditures, and for other purposes; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself, Mr. SHAYS, Mr. FARR, Mr. WALSH of New York, Mr. KENNEDY, and Mr. VAN HOLLEN):

H.R. 1819. A bill to establish the Congressional Commission on Civic Service to study methods of improving and promoting volunteerism and national service, and for other purposes; to the Committee on Education and Labor.

By Mr. MCDERMOTT:

H.R. 1820. A bill to amend the Internal Revenue Code of 1986 to extend the exclusion from gross income for employer-provided health coverage for employees' spouses and dependent children to coverage provided to other eligible designated beneficiaries of employees; to the Committee on Ways and Means.

By Mr. MCDERMOTT (for himself and Mr. RAMSTAD):

H.R. 1821. A bill to amend the Internal Revenue Code of 1986 to modify the rules relating to clean energy renewable bonds; to the Committee on Ways and Means.

By Mr. MCKEON:

H.R. 1822. A bill to amend the National Labor Relations Act to require attestation and proof of citizenship or lawful residency from employees seeking labor representation by way of a process other than through a secret ballot election; to the Committee on Education and Labor.

By Mr. MEEK of Florida (for himself, Mr. HERGER, Mr. BISHOP of Georgia, Mr. HALL of Texas, Mr. SAM JOHNSON of Texas, Mr. MILLER of Florida, Mr. ORTIZ, Mr. PAUL, Mr. REYES, Mr. SESSIONS, Mr. SOUDER, Mr. MICHAUD, Mr. LATHAM, Mr. MARCHANT, Mr. LEWIS of Kentucky, and Ms. CORRINE BROWN of Florida):

H.R. 1823. A bill to amend title XVIII of the Social Security Act to modernize payments for ambulatory surgical centers under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. MICHAUD (for himself, Mr. MILLER of Florida, and Ms. HERSETH):

H.R. 1824. A bill to amend title 38, United States Code, to expand the scope of programs of education for which accelerated payments of educational assistance under the Montgomery GI Bill may be used, and for other purposes; to the Committee on Veterans' Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. NEUGEBAUER:

H.R. 1825. A bill to amend the Federal Crop Insurance Act to require the Federal Crop Insurance Corporation to offer farmers supplemental crop insurance based on an area yield and loss plan of insurance or an area revenue plan of insurance, and for other purposes; to the Committee on Agriculture.

By Ms. NORTON:

H.R. 1826. A bill to provide for nuclear disarmament and economic conversion in accordance with District of Columbia Initiative Measure Number 37 of 1992; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. PETRI:

H.R. 1827. A bill to amend the Internal Revenue Code of 1986 to provide that reimbursements for costs of using passenger automobiles for charitable and other organizations are excluded from gross income; to the Committee on Ways and Means.

By Mr. PRICE of North Carolina (for himself, Mr. Etheridge, Ms. Corrine Brown of Florida, Mr. Hinojosa, Mr. Miller of North Carolina, Mr. McIntyre, Mr. Klein of Florida, Mr. Butterfield, Mr. Nadler, Mr. Walz of Minnesota, Mr. Cohen, Mr. Watt, Mr. Gutierrez, Mr. Scott of Georgia, and Mr. Shuler):

H.R. 1828. A bill to establish a national teaching fellowship program to encourage individuals to enter and remain in the field of teaching at public schools; to the Committee on Education and Labor.

By Mr. PUTNAM:

H.R. 1829. A bill to develop a national system of oversight of States for sexual misconduct in the elementary and secondary school system; to the Committee on Education and Labor.

By Mr. RANGEL (for himself, Mr. Levin, Mr. Burton of Indiana, and Mr. Engel):

H.R. 1830. A bill to extend the authorities of the Andean Trade Preference Act until September 30, 2009; to the Committee on Ways and Means.

By Mr. RENZI (for himself, Mr. Kennedy, and Mr. Ramstad):

H.R. 1831. A bill to remove the frequency limitation on Medicare coverage for intermittent catheterization; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. ROS-LEHTINEN (for herself, Mr. Boyd of Florida, Mr. Bilirakis, Mr. Mack, Mr. Buchanan, Mr. Keller, and Mr. Lincoln Diaz-Balart of Florida):

H.R. 1832. A bill to establish the National Hurricane Research Initiative to improve hurricane preparedness, and for other purposes; to the Committee on Science and Technology.

By Mr. SALAZAR:

H.R. 1833. A bill to authorize the Secretary of the Interior to engage in a feasibility study relating to long term water needs for the area served by the Fryingpan-Arkansas Project, Colorado, and for other purposes; to the Committee on Natural Resources.

By Mr. SAXTON (for himself, Mr. Young of Alaska, Mr. McIntyre, Mr. Pallone, Mr. Farr, Mr. Wicker, and Mr. Abercrombie):

H.R. 1834. A bill to authorize the national ocean exploration program and the national undersea research program within the National Oceanic and Atmospheric Administration; to the Committee on Science and Technology, and in addition to the Committees on Natural Resources, and Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHIFF (for himself and Mr. Sherman):

H.R. 1835. A bill to provide for a resource study of the area known as the Rim of the Valley Corridor in the State of California to evaluate alternatives for protecting resources of the corridor, and for other purposes; to the Committee on Natural Resources.

By Mr. SHAYS:

H.R. 1836. A bill to amend the acquisition authority for land for the development of visitor and administrative facilities at Weir Farm National Historic Site in the State of Connecticut; to the Committee on Natural Resources.

By Mr. SHAYS:

H.R. 1837. A bill to require the President to develop a plan containing dates certain for the commencement and completion of a phased redeployment of United States Armed Forces from Iraq, and for other purposes; to the Committee on Armed Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SHERMAN (for himself, Mr. Shadegg, Mr. Engel, Mr. Ackerman, Mr. Waxman, Mr. Renzi, Ms. Berkley, Ms. Schakowsky, Mr. Pallone, Mr. Crowley, Mr. McNulty, Mr. Berman, Mr. Bishop of Georgia, Mr. Blumenauer, Mrs. Bono, Mr. Boswell, Ms. Corrine Brown of Florida, Mr. Brown of South Carolina, Mr. Carnahan, Mr. Chandler, Mr. Cohen, Mr. Courtney, Mr. Davis of Alabama, Mrs. Davis of California, Ms. DeLauro, Mr. Dent, Mr. Doyle, Mr. Ferguson, Mr. Franks of Arizona, Mr. Gerlach, Mr. Gene Green of Texas, Mr. Grijalva, Mr. Hastings of Florida, Mr. Higgins, Mr. Holt, Mr. Honda, Mr. Israel, Mr. Kirk, Mr. Klein of Florida, Mr. Langevin, Mr. Linder, Mr. Marshall, Ms. Matsui, Mrs. McCarthy of New York, Mr. McCaul of Texas, Mr. Patrick Murphy of Pennsylvania, Mr. Nadler, Mr. Pence, Mr. Rogers of Michigan, Mr. Rothman, Mr. Schiff, Ms. Schwartz, Mrs. Tauscher, Ms. Wasserman Schultz, Ms. Watson, Mr. Weiner, Mr. Wexler, Mr. Wynn, and Mr. Lantos):

H.R. 1838. A bill to authorize funding for eligible joint ventures between United States and Israeli businesses and academic persons, to establish the International Energy Advisory Board, and for other purposes; to the Committee on Energy and Commerce.

By Mr. SMITH of Nebraska (for himself, Mr. Weldon of Florida, Mr. Roskam, Mr. Franks of Arizona, Mr. Feeney, Mrs. Musgrave, Mr. Bartlett of Maryland, Mr. Marchant, Mr. Kuhl of New York, and Mr. Cantor):

H.R. 1839. A bill to amend the Internal Revenue Code of 1986 to provide a 15-year recovery period for nonresidential real property in rural areas; to the Committee on Ways and Means.

By Mr. STARK (for himself, Mr. Camp of Michigan, Mr. Rangel, Mr. Levin, Mr. Neal of Massachusetts, Mr. McNulty, Mr. Doggett, Mr. Ryan of Wisconsin, Mr. Clay, Mr. Gordon, Mr. Conyers, Ms. Jackson-Lee of Texas, Mr. Kildee, and Mr. Rogers of Michigan):

H.R. 1840. A bill to restore and make permanent the exclusion from gross income for amounts received under qualified group legal services plans and to increase the maximum amount of the exclusion; to the Committee on Ways and Means.

By Mr. STARK (for himself, Ms. Schakowsky, Mr. Becerra, Ms. Corrine Brown of Florida, Ms. Carson, Mrs. Christensen, Mr. Cohen, Mr. Conyers, Mr. Filner, Mr. Grijalva, Mr. Hinchey, Ms. Norton, Mr. Jackson of Illinois, Ms. Kilpatrick, Ms. Lee, Mr. Lewis of Georgia, Mr. McNulty, Mr. George Miller of California, Mr. Nadler, Mr. Pastor, Mr. Rangel, Mr. Thompson of Mississippi, Mr. Towns, Mr. Waxman, and Ms. Woolsey):

H.R. 1841. A bill to amend the Social Security Act and the Internal Revenue Code of 1986 to provide for an AmeriCare that assures the provision of health insurance coverage to all residents, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committees on Ways and Means, and Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STUPAK:

H.R. 1842. A bill to amend the Safe Drinking Water Act to prevent acid mine drainage into the Great Lakes; to the Committee on Energy and Commerce.

By Mr. STUPAK (for himself, Mr. Gilchrest, Mrs. Musgrave, Mr. Kind, Mr. Ryan of Wisconsin, Mr. Delahunt, Mr. Moore of Kansas, Mr. Olver, Mr. Flake, Mr. Wilson of South Carolina, Mr. Pomeroy, Mr. Boustany, and Mr. Ortiz):

H.R. 1843. A bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers; to the Committee on the Judiciary.

By Mr. STUPAK:

H.R. 1844. A bill to amend the Federal Water Pollution Control Act to prevent acid mine drainage into the Great Lakes; to the Committee on Transportation and Infrastructure.

By Mr. TANNER (for himself, Mr. Hobson, and Mr. Ross):

H.R. 1845. A bill to amend part B of title XVIII of the Social Security Act to assure access to durable medical equipment under the Medicare Program; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1846. A bill to amend title XVIII of the Social Security Act to provide improved access to physical medicine and rehabilitation services under part B of the Medicare Program, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. UDALL of Colorado (for himself, Mr. EHLERS, Mr. KILDEE, Mr. KIND, Ms. BALDWIN, Mr. LEVIN, and Mr. PETRI):

H.R. 1847. A bill to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System, and for other purposes; to the Committee on Natural Resources.

By Mr. VAN HOLLEN:

H.R. 1848. A bill to amend title 5, United States Code, to exempt certain individuals under the Civil Service Retirement System from the requirement to pay interest on the repayment of amounts received as refunds of retirement contributions as a condition of receiving credit under such System for the service covered by the refund; to the Committee on Oversight and Government Reform, and in addition to the Committee on House Administration, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ:

H.R. 1849. A bill to amend the Federal Credit Union Act and the Small Business Act to improve small business lending, improve cooperation between the National Credit Union Administration and the Small Business Administration, and for other purposes; to the Committee on Financial Services, and in addition to the Committee on Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. VELÁZQUEZ (for herself, Mr. RAMSTAD, Mr. GONZALEZ, Mr. BACA, Ms. MOORE of Wisconsin, Mr. REYES, Ms. LORETTA SANCHEZ of California, and Mr. TOWNS):

H.R. 1850. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. WATERS (for herself, Mr. FRANK of Massachusetts, Mrs. BIGGERT, and Mr. SHAYS):

H.R. 1851. A bill to reform the housing choice voucher program under section 8 of the United States Housing Act of 1937; to the Committee on Financial Services.

By Ms. WATERS (for herself and Mr. FRANK of Massachusetts):

H.R. 1852. A bill to modernize and update the National Housing Act and enable the Federal Housing Administration to use risk-based pricing to more effectively reach underserved borrowers, and for other purposes; to the Committee on Financial Services.

By Ms. WATSON:

H.R. 1853. A bill to direct the Secretary of Veterans Affairs to ensure that Department of Veterans Affairs police officers receive training to interact with visitors and patients at Department medical facilities who are suffering from mental illness; to the Committee on Veterans' Affairs.

By Mr. RAHALL:

H.J. Res. 41. A joint resolution proposing an amendment to the Constitution of the United States to clarify that the Constitution neither prohibits voluntary prayer nor requires prayer in schools; to the Committee on the Judiciary.

By Ms. SCHAKOWSKY:

H. Con. Res. 103. Concurrent resolution providing for an adjournment or recess of the two Houses; considered and agreed to.

By Mr. CARNAHAN (for himself and Mr. KIRK):

H. Con. Res. 104. Concurrent resolution expressing the sense of Congress regarding the need for the United States to address global climate change through the negotiation of fair and effective international commitments; to the Committee on Foreign Affairs.

By Ms. BERKLEY (for herself, Mr. ARCURI, Mr. BACA, Ms. BORDALLO, Mrs. CHRISTENSEN, Mr. CONYERS, Ms. DELAURO, Mr. ELLISON, Ms. HARMAN, Ms. HERSETH SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MALONEY of New York, Mrs. MCCARTHY of New York, Ms. MCCOLLUM of Minnesota, Mr. MCDERMOTT, Mr. MOORE of Kansas, Ms. NORTON, Mrs. NAPOLITANO, Ms. ROYBAL-ALLARD, Ms. SLAUGHTER, Ms. WOOLSEY, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. JACKSON-LEE of Texas, Ms. KAPTUR, Mr. HASTINGS of Florida, Mr. ISRAEL, Mr. GEORGE MILLER of California, Mr. SERRANO, Mr. BLUMENAUER, Mr. BERMAN, Ms. LINDA T. SÁNCHEZ of California, Ms. HIRONO, Ms. SOLIS, Mr. WAXMAN, Ms. CLARKE, Ms. BALDWIN, Mrs. DAVIS of California, Ms. WATSON, Ms. MATSUI, Ms. HOOLEY, Ms. BEAN, Ms. SHEA-PORTER, Mrs. TAUSCHER, Ms. SUTTON, Ms. LORETTA SANCHEZ of California, Ms. MILLENDER-MCDONALD, Ms. SCHWARTZ, Ms. DEGETTE, Ms. VELÁZQUEZ, Ms. CASTOR, Ms. SCHAKOWSKY, Ms. ESHOO, Mr. FARR, Ms. WASSERMAN SCHULTZ, Mr. LEWIS of Georgia, Mr. GRIJALVA, Mrs. JONES of Ohio, Mr. KLEIN of Florida, Mr. PASTOR, Mr. COSTELLO, Mr. HARE, Mr. HOYER, Mr. MCNULTY, Mr. CARNEY, Mr. ACKERMAN, Mr. HILL, Mr. KENNEDY, Mr. CLEAVER, Mr. LOEBSACK, Mr. KAGEN, Mr. PRICE of North Carolina, Mr. ALLEN, Mr. KILDEE, Mr. WALZ of Minnesota, Mr. DELAHUNT, Mr. TOWNS, Mr. PERLMUTTER, Mr. LYNCH, Mr. NEAL of Massachusetts, Mr. MCGOVERN, Mr. BISHOP of Georgia, Mr. PAYNE, Mr. KUCINICH, Mr. OBEY, Mr. MICHAUD, Mr. DAVIS of Alabama, Mr. DOGGETT, Mr. CLYBURN, Mr. BUTTERFIELD, Mr. SCHIFF, Mr. LANGEVIN, Mr. SPRATT, Mr. FRANK of Massachusetts, Mr. COHEN, Mr. OBERSTAR, Mr. MEEKS of New York, Mr. UDALL of Colorado, Mr. AL GREEN of Texas, Mr. ETHERIDGE, Mr. CUELLAR, Mr. BRALEY of Iowa, Mr. MORAN of Virginia, Ms. GIFFORDS, and Mr. OLVER):

H. Con. Res. 105. Concurrent resolution supporting the goals and ideals of a National Suffragists Day to promote awareness of the importance of the women suffragists who worked for the right of women to vote in the United States; to the Committee on Oversight and Government Reform.

By Mrs. CAPITO (for herself, Mr. NEAL of Massachusetts, Mr. BAKER, Mr. VAN HOLLEN, Mr. DOYLE, Mr. PEARCE, Mr. SPRATT, and Mr. WELLER):

H. Con. Res. 106. Concurrent resolution expressing the sense of Congress that a site in Arlington National Cemetery should be provided for a memorial marker to honor the memory of the 40 members of the Armed Forces who lost their lives in the air crash at Bakers Creek, Australia, on June 14, 1943; to the Committee on Veterans' Affairs.

By Mrs. MALONEY of New York (for herself, Mr. SHERMAN, and Mr. ROTHMAN):

H. Con. Res. 107. Concurrent resolution expressing the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race; to the Committee on Oversight and Government Reform, and in addition to the Committees on House Administration, and the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. RUSH (for himself, Mr. BRALEY of Iowa, Mr. MEEK of Florida, Mr. HOLDEN, Mr. FATTAH, Ms. BERKLEY, Mr. BISHOP of Georgia, Mr. DINGELL, Mr. DOYLE, Mr. GRIJALVA, Mr. CARDOZA, Mrs. MALONEY of New York, Mr. GONZALEZ, Mr. BRADY of Pennsylvania, Mr. CUMMINGS, Mr. BERMAN, Mr. AL GREEN of Texas, Ms. CARSON, Mr. BOYD of Florida, Mr. GUTIERREZ, Ms. WOOLSEY, Mr. ORTIZ, Mr. BARTON of Texas, Mr. REYES, Mr. WYNN, Ms. MOORE of Wisconsin, Mr. RYAN of Ohio, Mr. JACKSON of Illinois, Mr. HASTINGS of Florida, Mr. SHAYS, Mr. RANGEL, Ms. ROS-LEHTINEN, Mr. SHIMKUS, Mr. LANTOS, Ms. KILPATRICK, Mr. WOLF, Mr. LEWIS of Georgia, Mr. ABERCROMBIE, Mrs. CHRISTENSEN, Ms. CORRINE BROWN of Florida, Mr. TOWNS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. COHEN, Mr. MCGOVERN, Ms. NORTON, Mr. SCOTT of Virginia, Mrs. LOWEY, Ms. LINDA T. SÁNCHEZ of California, Mr. SOUDER, Mr. WEXLER, Mr. SERRANO, Mr. MARIO DIAZ-BALART of Florida, Ms. SOLIS, Mr. UPTON, Mrs. MILLER of Michigan, Ms. BEAN, and Mr. KUHL of New York):

H. Con. Res. 108. Concurrent resolution expressing the sense of the Congress that a commemorative postage stamp should be issued honoring Rosa Louise McCauley Parks; to the Committee on Oversight and Government Reform.

By Mr. RYAN of Wisconsin:

H. Con. Res. 109. Concurrent resolution establishing the congressional budget for the United States Government for fiscal year 2008 and setting forth appropriate budgetary levels for fiscal years 2009 through 2012; to the Committee on the Budget.

By Mr. SHAYS:

H. Con. Res. 110. Concurrent resolution expressing the sense of Congress that Iraq should vote to approve or disapprove the continued deployment of United States Armed Forces to Iraq and, unless Iraq votes to approve such continued deployment, the President of the United States should commence the phased redeployment of United States Armed Forces from Iraq within 60 days of the Iraqi vote; to the Committee on Foreign Affairs, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CHABOT (for himself, Mr. UDALL of Colorado, Mr. ISSA, Mr. SHADEGG, Mr. PENCE, Mr. SENSENBRENNER, Mr. MILLER of Florida, Mr. BARRETT of South Carolina, Mr. WALBERG, Mr. BURTON of Indiana, Mr. BRADY of Texas, Mrs. MUSGRAVE, Mr. BARTLETT of Maryland, Mr. PITTS, Mr. FRANKS of Arizona, and Mr. TERRY):

H. Res. 283. A resolution amending the Rules of the House of Representatives to prohibit the consideration of conference reports on omnibus appropriation bills; to the Committee on Rules.

By Mr. FLAKE (for himself, Mr. BILBRAY, Mr. LAMBORN, and Mr. PITTS):

H. Res. 284. A resolution amending the Rules of the House of Representatives to strengthen the point of order against the consideration of legislation that contains congressional earmarks; to the Committee on Rules.

By Mr. DENT:

H. Res. 285. A resolution condemning, in the strongest possible terms, the Iranian Government's seizure of 15 British sailors and marines in the Shatt al Arab waterway on March 23, 2007, and asking for the immediate repatriation of these sailors and marines to the United Kingdom; to the Committee on Foreign Affairs.

By Mr. CULBERSON (for himself and Mr. LAMPSON):

H. Res. 286. A resolution expressing that the House of Representatives supports the goals and ideals of the 1940 Air Terminal Museum and requests the President issue a proclamation recognizing the 1940 Air Terminal Museum as the "National Museum of Civil Aviation"; to the Committee on Transportation and Infrastructure.

By Mr. HASTINGS of Florida (for himself, Mrs. MALONEY of New York, Mr. HOYER, and Mr. WILSON of South Carolina):

H. Res. 287. A resolution to celebrate the 500th anniversary of the first use of the name "America", and for other purposes; to the Committee on Foreign Affairs.

By Mr. MEEKS of New York (for himself, Mr. BUTTERFIELD, Mr. PAYNE, Mr. CUMMINGS, Ms. WATERS, Mr. RUSH, Mr. AL GREEN of Texas, Mr. THOMPSON of Mississippi, Mr. CLAY, Ms. CLARKE, Mr. BISHOP of Georgia, Mr. WYNN, Mr. DAVIS of Illinois, Mr. ROTHMAN, Ms. BALDWIN, Mr. PASTOR, Mrs. JONES of Ohio, Mr. LEWIS of Georgia, Mr. MEEK of Florida, Mr. HONDA, Mr. RUPPERSBERGER, Mr. ENGEL, Mr. WU, Mr. SCOTT of Georgia, Ms. HOOLEY, Ms. WATSON, Mr. CLYBURN, Mr. LARSON of Connecticut, Ms. LINDA T. SÁNCHEZ of California, Mr. PASCRELL, Mr. DOYLE, Mr. MCNULTY, Mr. HASTINGS of Florida, Mr. ROSS, Ms. VELÁZQUEZ, Mr. DAVIS of Alabama, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. ACKERMAN, Mr. BISHOP of New York, Mr. BACA, Mr. EMANUEL, Ms. SCHAKOWSKY, Mr. DOGGETT, Ms. LEE, Ms. KILPATRICK, Ms. MOORE of Wisconsin, Mr. WEINER, Mr. CROWLEY, Mr. CAPUANO, Mr. HINOJOSA, Mrs. MALONEY of New York, Mr. SCOTT of Virginia, Mr. ISRAEL, Mr. SERRANO, Mr. JEFFERSON, Mr. TOWNS, Mr. DELAHUNT, Mr. LYNCH, Mrs. MCCARTHY of New York, Mr. JOHNSON of Georgia, Mr. JACKSON of Illinois, Mr. CUELLAR, Mr. CONYERS, Mr. RANGEL, Mr. GONZALEZ, Mr. HOLT, Ms. BERKLEY, Ms. CORRINE BROWN of Florida, Mr. BECERRA, Mr. ELLISON, Mr. MORAN of Virginia, Mr. NADLER, Mr. CLEAVER, Mrs. CHRISTENSEN, Mr. FALEOMAVAEGA, Ms. BORDALLO, Ms. NORTON, Mr. BAIRD, Ms. SLAUGHTER, Mr. HIGGINS, Mrs. LOWEY, Mr. ORTIZ, Mr. GENE GREEN of Texas, Ms. MCCOLLUM of Minnesota, Mr. FATTAH, Mr. KUCINICH, Mr. WATT, Ms. KAPTUR, Mr. KENNEDY, Mr. MOORE of Kansas, Ms. LORETTA SANCHEZ of California, Mr. BARROW, Mr. HALL of New York, Mr. CARNAHAN, Mr. SIRES, Mr. SNYDER, Mr. VAN HOLLEN, Ms. JACKSON-LEE of Texas, Mr. WEXLER, Mr. FRANK of Massachusetts, and Mr. ALLEN):

H. Res. 288. A resolution recognizing that the occurrence of prostate cancer in African-American men has reached epidemic proportions and urging Federal agencies to address that health crisis by designating additional funds for research, education, awareness outreach, and early detection; to the Committee on Energy and Commerce.

By Mr. MORAN of Virginia (for himself, Mr. FRANK of Massachusetts, Mrs. CAPPS, Ms. DELAURO, and Mr. MICHAUD):

H. Res. 289. A resolution expressing the sense of the House of Representatives with respect to raising awareness and encouraging prevention of sexual assault in the United States and supporting the goals and ideals of National Sexual Assault Awareness and Prevention Month; to the Committee on the Judiciary.

By Mrs. MUSGRAVE (for herself, Mr. PERLMUTTER, Mr. SALAZAR, Mr. TANCREDO, Mr. UDALL of Colorado, Mr. LAMBORN, and Ms. DEGETTE):

H. Res. 290. A resolution honoring the contributions of the Rocky Mountain Senior Games on its 30th anniversary for significantly improving the health and well-being of older Americans; to the Committee on Education and Labor.

By Mr. POE (for himself, Mr. HOLDEN, Mr. RUPPERSBERGER, Ms. GINNY BROWN-WAITE of Florida, Mr. LARSEN of Washington, Mr. KIND, Mr. ORTIZ, Mr. REICHERT, Mr. HOLT, Mr. RAMSTAD, Mr. GORDON, Mr. KING of New York, Mrs. MCCARTHY of New York, Mr. PASCRELL, Mr. WALZ of Minnesota, Mr. HINOJOSA, Ms. KILPATRICK, Mr. INSLEE, Mr. MORAN of Virginia, and Ms. KAPTUR):

H. Res. 291. A resolution supporting the goals and ideals of Peace Officers Memorial Day; to the Committee on Oversight and Government Reform.

By Ms. PRYCE of Ohio (for herself, Mrs. MCCARTHY of New York, Ms. FOXX, and Mr. PRICE of Georgia):

H. Res. 292. A resolution expressing the sense of the House of Representatives that schools should celebrate National Garden Month through a curriculum that includes outdoor learning; to the Committee on Education and Labor.

By Ms. SHEA-PORTER:

H. Res. 293. A resolution supporting the goals and ideals highlighted through National Volunteer Week; to the Committee on Education and Labor.

By Ms. WATSON (for herself, Ms. MCCOLLUM of Minnesota, and Ms. CLARKE):

H. Res. 294. A resolution commending the Kingdom of Lesotho, on the occasion of International Women's Day, for the enactment of a law to improve the status of married women and ensure the access of married women to property rights; to the Committee on Foreign Affairs.

PRIVATE BILLS AND RESOLUTIONS

Under clause 3 of rule XII,

Mr. LANTOS introduced a bill (H.R. 1854) for the relief of Maria Del Refugio Plascencia and Alfredo Plascencia-Lopez; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 23: Ms. LEE, Mr. MICA, Ms. DEGETTE, Mr. BOREN, Mr. UDALL of Colorado, Mr. BOYD of Florida, Ms. Velázquez, Ms. WATSON, Ms. MCCOLLUM of Minnesota, Mr. GENE GREEN of Texas, Ms. MATSUI, Mr. NADLER, and Mr. KLEIN of Florida.

H.R. 35: Mr. RUPPERSBERGER.

H.R. 82: Mr. BARROW, Mr. BILIRAKIS, Mr. BOOZMAN, Mr. CROWLEY, Mr. DEAL of Georgia, Mr. ELLSWORTH, Mr. GINGREY, Mr. HIGGINS, Mr. JACKSON of Illinois, Ms. KILPATRICK, Mr. LUCAS, Mr. MCCARTHY of California, Mr. MITCHELL, Mr. NEAL of Massachusetts, Mr. ROYCE, Mr. RYAN of Ohio, Mr. SARBANES, Mr. SHULER, Ms. WASSERMAN SCHULTZ, Mr. WU, Mr. WYNN, and Mr. CARNEY.

H.R. 87: Mr. TIM MURPHY of Pennsylvania and Ms. ROS-LEHTINEN.

H.R. 171: Ms. WOOLSEY.

H.R. 178: Ms. NORTON and Mr. MEEKS of New York.

H.R. 180: Mr. SHAYS.

H.R. 281: Mr. WYNN, Mr. ANDREWS, Mr. MCGOVERN, Mr. SMITH of Washington, Mr. HARE, Mr. BLUMENAUER, Mr. FRANK of Massachusetts, Mr. JACKSON of Illinois, Mr. FARR, and Mr. GEORGE MILLER of California.

H.R. 295: Ms. DEGETTE, Mr. SALAZAR, and Mr. PORTER.

H.R. 303: Mr. PETRI.

H.R. 333: Mr. PRICE of North Carolina, Ms. MCCOLLUM of Minnesota, Ms. SHEA-PORTER, and Mr. BOREN.

H.R. 346: Mr. BOREN.

H.R. 359: Mr. SARBANES, Mr. MCDERMOTT, Mr. HASTINGS of Florida, Mr. DEFAZIO, and Mr. HOLT.

H.R. 362: Mr. LAMPSON, Mr. EHLERS, Ms. HOOLEY, Mr. WU, Mr. ROSS, and Mr. CARNAHAN.

H.R. 364: Mr. ISRAEL, Mr. LIPINSKI, Mr. VAN HOLLEN, Ms. MATSUI, Mr. COHEN, Mr. REYES, Mr. LEVIN, Ms. SCHAKOWSKY, Mr. MCNERNEY, Mr. BARTLETT of Maryland, Ms. GIFFORDS, Ms. ESHOO, and Mr. SENSENBRENNER.

H.R. 380: Mr. ABERCROMBIE, Mr. BARTLETT of Maryland, and Mr. CARNEY.

H.R. 397: Mr. HERGER.

H.R. 405: Mr. UDALL of New Mexico and Ms. NORTON.

H.R. 418: Mrs. JO ANN DAVIS of Virginia.

H.R. 436: Mr. FERGUSON.

H.R. 468: Mr. CONYERS.

H.R. 503: Ms. LORETTA SANCHEZ of California and Mr. HALL of New York.

H.R. 507: Ms. PRYCE of Ohio.

H.R. 510: Mr. CHABOT.

H.R. 524: Mr. PRICE of North Carolina.

H.R. 543: Mr. HILL.

H.R. 550: Mr. FERGUSON, Mr. UDALL of Colorado, Mr. HERGER, Mr. MCGOVERN, Mr. BARTLETT of Maryland, Mr. GORDON, Mr. JINDAL, and Mr. BLUMENAUER.

H.R. 551: Mrs. Capps.

H.R. 552: Mr. Forbes.

H.R. 554: Mr. Moran of Virginia and Mr. Hinchey.

H.R. 562: Mr. Terry.

H.R. 579: Mr. Carter, Mrs. Emerson, and Mrs. Musgrave.

H.R. 583: Mr. Scott of Georgia, Mr. Lincoln Davis of Tennessee, Mr. Butterfield, Mr. McGovern, and Mr. Brady of Pennsylvania.

H.R. 592: Mr. Reyes and Ms. Watson.

H.R. 601: Mr. Blumenauer, Mr. Al Green of Texas, Mr. Stark, Mr. Cohen, Mr. Rush, Mr. Young of Alaska, Mrs. Christensen, Mr. McDermott, Mr. Grijalva, and Mr. Ackerman.

H.R. 608: Mr. Pickering and Mrs. Blackburn.

H.R. 620: Mrs. Christensen.

H.R. 621: Mr. Frelinghuysen, Mr. Berry, Mr. Issa, Mr. Jindal, and Mr. Latham.

H.R. 628: Mrs. Musgrave, Mr. Feeney, Mr. Gilchrest, and Mr. Gohmert.

H.R. 631: Mr. Inglis of South Carolina.

H.R. 632: Mr. Goodlatte.

H.R. 636: Mr. Goode.

H.R. 657: Mr. McCotter and Mr. Bishop of Utah.

H.R. 677: Mr. Walz of Minnesota, Mr. Jindal, and Ms. Norton.

H.R. 690: Mr. Paul.

H.R. 695: Mr. Frank of Massachusetts, Mr. Wolf, and Ms. Corrine Brown of Florida.

H.R. 715: Ms. Norton.

H.R. 718: Mrs. Miller of Michigan, Mr. Rahall, Mr. Pence, and Mr. Space.

H.R. 721: Ms. Fallin.

H.R. 743: Mr. Ferguson and Ms. Norton.

H.R. 757: Mr. Stark, Mr. Grijalva, Mrs. Cubin, Ms. DeLauro, Mr. Saxton, Mr. McNulty, Mr. Farr, Mr. Capuano, Mr. Payne, and Mr. Cohen.

H.R. 760: Mr. Van Hollen, Mr. Smith of Washington, Mr. Al Green of Texas, Mr. Schiff, and Ms. Carson.

H.R. 769: Mr. Rogers of Alabama.

H.R. 784: Mr. Weldon of Florida.

H.R. 790: Mr. McDermott.

H.R. 813: Mr. Campbell of California.

H.R. 861: Mr. Blunt and Mr. Shuster.

H.R. 872: Ms. Sutton.

H.R. 881: Mr. Rothman and Mr. Chandler.

H.R. 885: Mr. Hobson.

H.R. 890: Mr. Farr, Ms. Schakowsky, and Mr. Nadler.

H.R. 891: Mr. Gilchrest, Mr. Burton of Indiana, and Mr. McNerney.

H.R. 898: Mr. Tim Murphy of Pennsylvania and Mrs. Emerson.

H.R. 916: Mr. Kind.

H.R. 938: Mrs. Musgrave.

H.R. 943: Mr. McGovern, Mr. Udall of Colorado, Mr. Inslee, Mr. Clay, and Ms. Eshoo.

H.R. 969: Mr. Stark, Ms. Bean, Mr. Israel, Ms. Loretta Sanchez of California, Mr. Cohen, and Mr. Welch of Vermont.

H.R. 971: Mr. Gerlach, Mr. Boozman, Mr. Hoekstra, Mr. Butterfield, Mr. Carney, and Mr. Bartlett of Maryland.

H.R. 980: Mr. Bonner, Ms. Bean, Mr. Carnahan, Mrs. Emerson, Ms. Wasserman Schultz, Mr. Larsen of Washington, Mr. Davis of Kentucky, Mrs. Biggert, Mr. McGovern, Mr. Terry, Mr. Michaud, Ms. Giffords, Mr. Higgins, Mr. Dicks, Mr. Rogers of Michigan, Mr. Smith of New Jersey, Mr. Arcuri, Mr. McNerney, Mr. Reichert, and Mr. McCotter.

H.R. 996: Ms. Schakowsky.

H.R. 998: Mr. Brady of Pennsylvania, Mr. Gonzalez, and Ms. Watson.

H.R. 1010: Mr. Gonzalez, Ms. Zoe Lofgren of California, and Mr. DeFazio.

H.R. 1014: Mr. Lampson, Mr. Allen, Mrs. Napolitano, and Mr. Wexler.

H.R. 1023: Mr. Sensenbrenner, Mr. Porter, Mr. Wilson of South Carolina, and Mr. Camp of Michigan.

H.R. 1026: Mr. Everett.

H.R. 1030: Ms. Norton.

H.R. 1031: Mr. Wexler and Ms. Norton.

H.R. 1032: Mr. Walz of Minnesota and Mr. Filner.

H.R. 1038: Ms. Woolsey.

H.R. 1072: Mr. Hastings of Florida and Mr. Frank of Massachusetts.

H.R. 1073: Mr. Hare, Mr. Doyle, Mr. Barrow, Mr. Smith of New Jersey, and Mr. Saxton.

H.R. 1076: Mr. Latham and Mr. Sensenbrenner.

H.R. 1078: Mr. Forbes and Mr. Jindal.

H.R. 1082: Ms. Woolsey.

H.R. 1091: Mr. Hastings of Florida and Ms. Ginny Brown-Waite of Florida.

H.R. 1093: Mr. Bilirakis.

H.R. 1097: Mr. Kagen.

H.R. 1102: Ms. Linda T. Sánchez of California, Mr. Cohen, and Mr. Langevin.

H.R. 1103: Mr. Gonzalez and Ms. Moore of Wisconsin.

H.R. 1105: Mr. Ross.

H.R. 1110: Mr. Renzi, Mr. Andrews, Mr. Bishop of Georgia, Mr. Boustany, Mr. Ferguson, Mr. Chandler, Mr. Smith of New Jersey, Mr. Holden, Mr. Barrow, Mrs. Maloney of New York, Mr. Gingrey, Mr. Farr, Mr. Jackson of Illinois, Mrs. Blackburn, Mr. McNerney, and Mr. Snyder.

H.R. 1125: Mr. Bishop of New York.

H.R. 1142: Mr. Poe, Mrs. Davis of California, Mr. Goodlatte, Ms. Herseth, Mrs. Miller of Michigan, Mr. Sarbanes, Mr. Larsen of Washington, Mr. McHugh, Mr. Arcuri, Ms. Carson, Mr. Saxton, Mr. Holt, and Mr. Higgins.

H.R. 1154: Mr. Rohrabacher, Mr. Pearce, Mr. Cantor, Mr. Upton, Mr. Hoekstra, Mrs. Blackburn, Mr. Nunes, Mr. Hayes, Mr. Putnam, Mr. Goodlatte, Mr. Delahunt, Mrs. Cubin, Mr. Saxton, Mr. Baker, Mr. Jindal, Mr. Rehberg, Mr. Alexander, Mr. Shimkus, Mr. Linder, Mr. Hastert, Mr. Perlmutter, Mr. Pomeroy, Mr. Ryan of Ohio, Mr. Poe, Mr. Butterfield, Mr. Michaud, Mr. Meeks of New York, Mr. Serrano, and Mrs. Jones of Ohio.

H.R. 1157: Mr. Langevin, Mr. Pastor, Ms. Berkley, Mr. Berman, Mr. McIntyre, Mr. Doyle, Ms. DeGette, Mr. Carney, and Mrs. McMorris Rodgers.

H.R. 1188: Mr. Allen and Mr. Price of North Carolina.

H.R. 1193: Mr. Gillmor, Mr. Castle, and Mr. Latham.

H.R. 1194: Mr. Grijalva, Mr. Conaway, Mr. Miller of Florida, Mr. Culberson, Mrs. Musgrave, Mr. Chabot, Mrs. McMorris Rodgers, Mr. Pearce, Mr. Wilson of South Carolina, Mr. Rohrabacher, Mr. Shuster, Mr. Royce, Mr. Radanovich, Mr. Lewis of Kentucky, Mrs. Biggert, Mr. Sessions, Mr. Terry, Mr. Mack, Mr. Garrett of New Jersey, Mr. Sensenbrenner, Mr. McHugh, Mr. Rehberg, Mr. Gordon, Mr. Bishop of New York, Mr. Hensarling, Mr. Issa, Mr. Gene Green of Texas, Mr. Saxton, Mr. Calvert, Mr. Towns, Mr. Costello, Mr. Butterfield, Mr. Flake, Mr. Hunter, Mr. Kline of Minnesota, Mrs. Cubin, Mr. Pallone, Mr. Bishop of Georgia, Mr. Buchanan, Mr. Goodlatte, Mr. Boswell, Mr. Hastert, Mr. Conyers, Mr. Upton, Mrs. Myrick, Mr. Holden, Mr. Duncan, Mr. Brady of Pennsylvania, Mr. Hill, Mr. Pascrell, Mr. Costa, Ms. Carson, Mr. Herger, Ms. DeGette, Mrs. Jo Ann Davis of Virginia, Mr. Ellsworth, Mr. Holt, Mr. Clay, Mr. Pence, Mr. Crowley, and Mr. Braley of Iowa.

H.R. 1199: Mrs. Christensen, Mr. Walz of Minnesota, and Ms. Shea-Porter.

H.R. 1229: Mr. Costello, Mr. Oberstar, Mr. Larson of Connecticut, Mr. Altmire, and Mr. Hare.

H.R. 1236: Mr. Brady of Pennsylvania, Ms. Eddie Bernice Johnson of Texas, Ms. Zoe Lofgren of California, Mr. Hinojosa, Ms. Loretta Sanchez of California, Mr. McGovern, Ms. Kaptur, Mr. Bishop of Georgia, Mrs. Christensen, Mr. Meeks of New York, Mr. Reyes, and Ms. Berkley.

H.R. 1238: Mr. Grijalva.

H.R. 1245: Mr. Gordon and Mr. Porter.

H.R. 1252: Mr. Israel and Mr. Donnelly.

H.R. 1261: Mrs. JoAnn Davis of Virginia, Mr. Issa, Mr. Brown of South Carolina, Mr. Campbell of California, Mr. Bartlett of Maryland, Mr. Kuhl of New York, Mr. Brady of Texas, Mrs. Bachmann, Mr. Barrett of South Carolina, Mr. Kline of Minnesota, Mr. Fortuño, Mr. Lamborn, Mr. Weldon of Florida, Mr. Roskam, Mr. Burton of Indiana, Mr. Feeney, Mr. Jindal, and Mr. Shadegg.

H.R. 1264: Mr. Gillmor, Mr. Wilson of South Carolina, Mr. Ehlers, and Mr. Latham.

H.R. 1266: Mr. Carnahan and Mr. Cleaver.

H.R. 1275: Mr. Mario Diaz-Balart of Florida, Mr. Wu, Mr. Cleaver, Mr. Farr, Ms. Zoe Lofgren of California, Mr. Filner, Ms. Lee, Mr. Grijalva, Mr. Pastor, Mr. Crowley, Mr. Reyes, Mrs. Napolitano, Ms. DeGette, Mr. Udall of Colorado, Mrs. Lowey, and Ms. Berkley.

H.R. 1278: Mr. Stupak and Mrs. Miller of Michigan.

H.R. 1279: Mr. Fortenberry, Mr. Allen, Mr. Gordon, Mr. Ramstad, Mr. Boswell, and Mr. Platts.

H.R. 1281: Mr. Watt.

H.R. 1282: Mr. Holden, Ms. McCollum of Minnesota, and Mr. Gordon.

H.R. 1283: Mr. Scott of Georgia, Mr. Rogers of Alabama, Mr. Walden of Oregon, Mr. Cramer, and Mr. Filner.

H.R. 1287: Mr. Murtha, Mrs. McCarthy of New York, and Mrs. Maloney of New York.

H.R. 1293: Mr. Boswell, Mr. Ferguson, Ms. McCollum of Minnesota, Mr. Goode, and Mr. Pickering.

H.R. 1302: Mr. Pastor, Mr. Larsen of Washington, Mr. Honda, Mr. Schiff, and Ms. Woolsey.

H.R. 1325: Mr. Hinojosa, Mr. Altmire, Mrs. Tauscher, Mr. Cardoza, and Mr. Yarmuth.

H.R. 1338: Mr. Meeks of New York, Mr. Pastor, Ms. Baldwin, Mr. Davis of Illinois, Mr. Farr, Ms. Jackson-Lee of Texas, Mrs. Lowey, Ms. Matsui, Mr. McDermott, Mr. McNulty, Mr. Nadler, Mr. Stark, Ms. Eddie Bernice Johnson of Texas, and Mr. Wexler.

H.R. 1343: Mr. Kagen, Mr. Nunes, Mr. Cooper, Mr. McNerney, Mr. Olver, and Mr. Cohen.

H.R. 1352: Mr. Stark.

H.R. 1353: Mr. Boren.

H.R. 1355: Mr. McKeon, Mr. Sessions, Mr. Gingrey, Mr. Rehberg, Mr. Coble, Mr. Gallegly, and Mr. McCaul of Texas.

H.R. 1366: Mr. Porter.

H.R. 1368: Mr. Moran of Virginia.

H.R. 1372: Mr. Nadler and Ms. Watson.

H.R. 1380: Mr. Brady of Pennsylvania.

H.R. 1384: Mr. Cardoza, Mr. Doolittle, Ms. Zoe Lofgren of California, and Mrs. Napolitano.

H.R. 1385: Mr. Shays, Mr. Kind, Mr. Blumenauer, Mr. English of Pennsylvania, and Mr. Thompson of California.

H.R. 1391: Ms. Corrine Brown of Florida.

H.R. 1398: Mr. PLATTS, Mr. KUHL of New York, Mrs. BLACKBURN, Mr. BOEHNER, Mr. TIAHRT, Mr. HINOJOSA, Mr. DAVID DAVIS of Tennessee, Mr. MCHENRY, Mr. LAHOOD, Mr. JOHNSON of Illinois, Mr. BONNER, Mr. AKIN, Mr. BOYD of Florida, and Mr. MCCOTTER.

H.R. 1399: Mr. LAMPSON, Mrs. CAPITO, Mr. PETERSON of Minnesota, Mrs. DRAKE, Mr. FEENEY, Mrs. CUBIN, and Mr. DEFAZIO.

H.R. 1414: Mrs. MCCARTHY of New York and Mr. SHAYS.

H.R. 1415: Ms. DELAURO, Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, Ms. BALDWIN, Mr. ALLEN, Mr. TIERNEY, and Mr. OLVER.

H.R. 1416: Ms. DELAURO, Mr. PRICE of North Carolina, Ms. BALDWIN, Mr. ALLEN, and Mr. OLVER.

H.R. 1419: Mr. SCHIFF, Mrs. MUSGRAVE, Mr. BOOZMAN, Mr. CANTOR, and Mr. PRICE of North Carolina.

H.R. 1420: Ms. ZOE LOFGREN of California, Mr. MEEKS of New York, and Mr. CROWLEY.

H.R. 1430: Mr. MILLER of Florida and Ms. GRANGER.

H.R. 1434: Mr. HINCHEY, Mr. COHEN, Mr. STARK, Ms. LEE, Mr. NADLER, Mr. BARTLETT of Maryland, Ms. ZOE LOFGREN of California, and Mr. ALLEN.

H.R. 1438: Mr. ALLEN.

H.R. 1439: Mr. WOLF.

H.R. 1440: Mr. MCNULTY.

H.R. 1441: Mr. KLEIN of Florida, Mr. MANZULLO, and Mr. SPRATT.

H.R. 1459: Mr. BOOZMAN, Mr. BRADY of Texas, Mr. CLEAVER, Mr. GILCHREST, Mr. WALBERG, Mr. CONAWAY, Mr. WELCH of Vermont, Mr. MARSHALL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DELAHUNT, Mr. KANJORSKI, and Mr. ROSS.

H.R. 1461: Mr. FILNER and Mrs. JONES of Ohio.

H.R. 1464: Mr. HINCHEY, Mr. GRIJALVA, Mr. GEORGE MILLER of California, Ms. MOORE of Wisconsin, and Mrs. TAUSCHER.

H.R. 1474: Mr. BAIRD, Mr. TAYLOR, Mr. PAUL, Mr. STUPAK, Mr. HOLDEN, Mr. TIERNEY, Mrs. NAPOLITANO, Mr. SKELTON, Mr. GOODE, Mr. EDWARDS, Mr. GILLMOR, Mr. BOUCHER, Mr. PICKERING, Mrs. MCMORRIS RODGERS, and Mrs. DRAKE.

H.R. 1475: Ms. BALDWIN and Mr. GRIJALVA.

H.R. 1491: Mr. MICHAUD.

H.R. 1495: Mr. MICA and Mr. BAKER.

H.R. 1499: Ms. JACKSON-LEE of Texas and Mr. BISHOP of New York.

H.R. 1501: Mr. BURGESS and Ms. BORDALLO.

H.R. 1506: Mr. JOHNSON of Illinois, Mr. MICHAUD, Ms. HIRONO, Mr. THOMPSON of California, Mr. MCGOVERN, Mr. ALLEN, Mr. SHERMAN, Ms. NORTON, Ms. MATSUI, and Mr. DEFAZIO.

H.R. 1512: Mr. WAXMAN, Mr. REYES, Mr. DOGGETT, Mr. CALVERT, Mr. HOLDEN, Mr. GENE GREEN of Texas, Ms. HOOLEY, and Mr. MCCAUL of Texas.

H.R. 1518: Mrs. EMERSON, Mr. MCNULTY, Ms. GINNY BROWN-WAITE of Florida, Mr. MCHUGH, and Mr. GILLMOR.

H.R. 1521: Mrs. CAPPS, Mr. WALZ of Minnesota, and Mr. BRADY of Pennsylvania.

H.R. 1524: Mr. ENGLISH of Pennsylvania, Mr. THOMPSON of California, and Mr. MICHAUD.

H.R. 1533: Mr. MICHAUD.

H.R. 1539: Mr. DUNCAN.

H.R. 1542: Mr. LEWIS of Georgia.

H.R. 1543: Mr. ENGLISH of Pennsylvania.

H.R. 1551: Mr. FRANK of Massachusetts and Mr. ARCURI.

H.R. 1552: Mr. WEXLER, Mr. OBERSTAR, Mr. ROGERS of Kentucky, Mr. PUTNAM, Mr. WYNN, Mr. ROSS, Mr. OLVER, and Mr. LATHAM.

H.R. 1560: Mr. KIND and Mr. PLATTS.

H.R. 1566: Mrs. MILLER of Michigan.

H.R. 1567: Mr. REICHERT.

H.R. 1584: Mr. MOORE of Kansas and Mr. EHLERS.

H.R. 1586: Ms. FALLIN, Mr. LAMBORN, Mr. RENZI, Mr. BOUSTANY, Mr. WALBERG, Mr. FORBES, Mr. SIMPSON, Mr. WELDON of Florida, Mr. TERRY, Mr. BARTON of Texas, Mr. BARRETT of South Carolina, Mrs. JO ANN DAVIS of Virginia, Mr. BROWN of South Carolina, and Mr. ROGERS of Kentucky.

H.R. 1588: Mr. FARR and Mr. MORAN of Virginia.

H.R. 1590: Mr. KAGEN and Mrs. CHRISTENSEN.

H.R. 1594: Mr. CALVERT.

H.R. 1597: Mr. TOWNS and Mr. HILL.

H.R. 1605: Mr. MCCOTTER.

H.R. 1608: Ms. SCHAKOWSKY, Mr. ISRAEL, Mr. MEEKS of New York, and Mr. CLEAVER.

H.R. 1609: Mr. CARNAHAN and Mr. MCCOTTER.

H.R. 1613: Mr. MCCAUL of Texas.

H.R. 1616: Mr. CARNAHAN, Mr. RUPPERSBERGER, Mr. PASTOR, Mr. GONZALEZ, Mr. MARKEY, Mr. FRANK of Massachusetts, Mr. TIERNEY, Mr. CAPUANO, Mr. ARCURI, Mr. LOEBSACK, Mr. PERLMUTTER, Mr. BRADY of Pennsylvania, Mr. ABERCROMBIE, Mr. NEAL of Massachusetts, Mr. HASTINGS of Washington, Mr. BLUMENAUER, Mr. KENNEDY, Mr. LEVIN, Mr. MEEHAN, and Mr. LANGEVIN.

H.R. 1618: Mr. NUNES.

H.R. 1621: Mr. VISCLOSKY and Ms. DEGETTE.

H.R. 1640: Mr. MCCAUL of Texas and Mr. SAXTON.

H.R. 1645: Ms. HARMAN, Mr. LANGEVIN, and Ms. LEE.

H.R. 1646: Mr. GRIJALVA and Mr. FRANK of Massachusetts.

H.R. 1647: Mr. BRALEY of Iowa.

H.R. 1655: Ms. SLAUGHTER, Mr. FOSSELLA, Mr. WEXLER, Mr. NADLER, Mr. GRIJALVA, and Mr. RUSH.

H.R. 1660: Ms. DEGETTE.

H.R. 1665: Mrs. BOYDA of Kansas.

H.R. 1667: Mr. FRANK of Massachusetts.

H.R. 1680: Mr. AL GREEN of Texas.

H.R. 1684: Ms. JACKSON-LEE of Texas and Mr. PERLMUTTER.

H.R. 1688: Mr. BUTTERFIELD.

H.R. 1705: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. JACKSON of Illinois, Mrs. BOYDA of Kansas, and Ms. NORTON.

H.R. 1707: Mr. PALLONE.

H.R. 1716: Mrs. BIGGERT.

H.R. 1730: Mr. LINCOLN DAVIS of Tennessee, Mr. WELLER, and Mr. LEWIS of Kentucky.

H.R. 1741: Mrs. WILSON of New Mexico.

H.R. 1742: Mr. TOWNS and Mr. PALLONE.

H.R. 1747: Ms. ESHOO and Mrs. BONO.

H.J. Res. 40: Mr. LARSEN of Washington and Mr. YARMUTH.

H. Con. Res. 7: Mr. ISRAEL, Mr. MICHAUD, Mr. JACKSON of Illinois, Mr. FATTAH, Mr. HONDA, Mr. OLVER, Mr. HASTINGS of Florida, Ms. CARSON, Ms. MOORE of Wisconsin, Mr. CAPUANO, Mr. DAVIS of Alabama, Mr. ENGEL, Mr. HOLT, Ms. JACKSON-LEE of Texas, Mr. LEWIS of Georgia, Mr. PAYNE, Mr. SHERMAN, Ms. WATSON, Mr. SHAYS, Mr. ROTHMAN, Ms. Norton, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. TOWNS, Mr. WYNN, Mr. SIRES, Ms. WOOLSEY, Mr. SCOTT of Georgia, Mr. THOMPSON of Mississippi, Mr. RUPPERSBERGER, Mr. CUMMINGS, Mr. SERRANO, Ms. LORETTA SANCHEZ of California, Mr. CLEAVER, Mr. HOYER, Mr. MOORE of Kansas, Ms. MATSUI, Ms. SOLIS, Mr. ELLISON, Mr. SCOTT of Virginia, Ms. BERKLEY, Ms. WATERS, Mr. MCDERMOTT, Mr. DEFAZIO, Mr. RUSH, Mr. DAVIS of Illinois, Mr. CARDOZA, Mr. MEEKS of New York, Mr. PASCRELL, Mr. MEEK of Florida, Mr. EMANUEL, Mrs. NAPOLITANO, Ms. HARMAN, Mr. LOEBSACK, Mr. BRALEY of Iowa, Mr. BECERRA, Ms. CLARKE, and Mr. BARROW.

H. Con. Res. 25: Mr. SOUDER, Mr. SHUSTER, and Mr. BONNER.

H. Con. Res. 28: Ms. Norton.

H. Con. Res. 49: Mr. CARNEY.

H. Con. Res. 70: Mr. KUHL of New York.

H. Con. Res. 72: Mr. HOLT, Mr. MEEKS of New York, Mr. ALLEN, Mr. COHEN, Ms. ZOE LOFGREN of California, Mrs. CAPPS, Mr. HASTINGS of Florida, Mr. LEWIS of Georgia, Mr. LAMPSON, and Mr. LEVIN.

H. Con. Res. 76: Mr. MELANCON, Ms. MATSUI, Mr. MCDERMOTT, and Mr. LAMPSON.

H. Con. Res. 81: Ms. Norton.

H. Con. Res. 102: Mr. HASTINGS of Florida, Ms. LORETTA SANCHEZ of California, Ms. NORTON, Mr. HONDA, Mr. MORAN of Virginia, Mr. ENGEL, Ms. ESHOO, Mr. LEWIS of Georgia, and Mr. SHAYS.

H. Res. 14: Mr. FEENEY, Mr. GOODE, Mrs. BLACKBURN, Mr. BARTLETT of Maryland, Mr. CARTER, Mr. CANTOR, Mr. BARRETT of South Carolina, Mr. FLAKE, Mr. FORTUÑO, Mr. PENCE, Mr. LAMBORN, Mr. WELDON of Florida, Mr. ROSKAM, Mr. WALBERG, Mr. ISSA, Mr. BURTON of Indiana, Mr. HENSARLING, and Mr. FRANKS of Arizona.

H. Res. 53: Mr. HARE, Mr. HENSARLING, Mr. WILSON of Ohio, Mr. MAHONEY of Florida, Mr. KLEIN of Florida, Mr. SIRES, Mr. LINCOLN DAVIS of Tennessee, and Ms. BEAN.

H. Res. 100: Mr. MANZULLO and Mr. CARNEY.

H. Res. 101: Mr. HOLT and Mr. WU.

H. Res. 106: Mr. PERLMUTTER, Ms. SUTTON, and Mr. GARY G. MILLER of California.

H. Res. 111: Mr. MILLER of Florida and Ms. MCCOLLUM of Minnesota.

H. Res. 118: Mr. ACKERMAN.

H. Res. 121: Ms. EDDIE BERNICE JOHNSON of Texas, Ms. LEE, Ms. ROYBAL-ALLARD, Mr. FRANK of Massachusetts, Mr. DEFAZIO, Ms. BERKLEY, Ms. KILPATRICK, Ms. NORTON, Mr. FILNER, Ms. KAPTUR, and Mr. MCCAUL of Texas.

H. Res. 137: Mr. LINDER.

H. Res. 143: Mr. MORAN of Virginia and Ms. BALDWIN.

H. Res. 146: Ms. DEGETTE.

H. Res. 189: Mr. RODRIGUEZ, Mr. BACA, Mr. KILDEE, Mrs. JONES of Ohio, and Mr. GRIJALVA.

H. Res. 227: Mr. FATTAH, Mr. GEORGE MILLER of California, and Mr. MORAN of Virginia.

H. Res. 234: Mr. WATT.

H. Res. 241: Mr. WYNN.

H. Res. 245: Mr. ROYCE.

H. Res. 255: Mr. SCOTT of Georgia.

H. Res. 257: Mr. SMITH of Washington, Mr. MCDERMOTT, Mr. WILSON of South Carolina, and Mr. KENNEDY.

H. Res. 258: Mr. MCDERMOTT.

H. Res. 264: Mrs. MCCARTHY of New York, Mr. REYES, Mr. MORAN of Virginia, Mr. MOORE of Kansas, Mr. GOODE, and Mr. FOSSELLA.

H. Res. 268: Mrs. MUSGRAVE, Mr. BROWN of South Carolina, Mr. BARTLETT of Maryland, Mr. CARTER, Mr. MARCHANT, Mr. KUHL of New York, Mrs. BACHMANN, Mr. WELDON of Florida, Mr. ROSKAM, Mr. DOOLITTLE, Mr. WALBERG, Mr. BURTON of Indiana, Mr. FEENEY, Mr. ISSA, Mr. BRADY of Texas, and Mr. WILSON of South Carolina.

H. Res. 272: Ms. WOOLSEY, Mr. HONDA, Mrs. CHRISTENSEN, and Ms. MOORE of Wisconsin.

H. Res. 273: Mr. COLE of Oklahoma.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. OBERSTAR

Pursuant to clause 9(a)(3) of rule XXI of the Rules of the House of Representatives, the Committee on Transportation and Infrastructure is required to include a list of congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI of the Rules of the House of Representatives that are included in the manager's amendment to H.R. 1495, the "Water Resources Development Act of 2007".

The amendment No. 1 to be offered by Mr. Oberstar, or a designee, to H.R. 1495, does not contain any limited tax benefits or limited tariff benefits as defined in clause 9(e) or 9(f), respectively, of Rule XXI of the Rules of the House of Representatives. The amendment No. 1 contains the following congressional earmarks as defined in clause 9(d) of Rule XXI of the Rules of the House of Representatives:

1001(42)—Riverside Oxbow, Texas—Michael Burgess

1002(b)(5)—Wildwood Creek, Yucaipa, California—Jerry Lewis

1003(1)—Aliso Creek, California—John Campbell

1006(a)(3)—Aliso Creek, California—John Campbell

1006(a)(16)—Kalamazoo River Watershed, Battle Creek, Michigan—Timothy Walberg

2041(a)(1)—University of Tennessee, Knoxville, Tennessee—John J. Duncan, Jr.

2041(a)(2)—Lewis and Clark Community College, Illinois—Jerry F. Costello

2041(a)(3)—University of Texas at Dallas—Eddie Bernice Johnson

3088—Western Sarpy and Clear Creek, Nebraska—Jeff Fortenberry

3114—Bluestone Lake, Ohio River Basin, West Virginia—Nick J. Rahall

3119(a)(3)—Baltimore Harbor and Channels—Elijah E. Cummings

3121(a)(4)—Rockland Harbor, Maine—Thomas H. Allen

3123(b)—Lake Texoma, Oklahoma—Mary Fallin

4011—Aliso Creek, California—John Campbell

5001(a)(2)—Canaveral Harbor, Florida—Dave Weldon

5002(d)(1)—Charlotte Harbor watershed, Florida—Vern Buchanan

5002(d)(15)—Tuscarawas River Basin, Ohio—Betty Sutton

5007(1)—Daytona Beach Shore Protection Project, Florida—John L. Mica

5007(2)—Flagler Beach Shore Protection Project, Florida—John L. Mica

5007(3)—St. Johns County Shore Protection Project, Florida—John L. Mica

5016—Great Lakes Pilot Project—James L. Oberstar

5017—St. Lawrence Seaway—James L. Oberstar

5024—Washington Aqueduct—Eleanor Holmes Norton

5047—Lancaster, California—Kevin McCarthy

5057—East Central and Northeast Florida—John L. Mica

5057—Lake Lanier, Georgia—Nathan Deal

5063—Southwest Illinois—Jerry F. Costello

5065—Floodplain Mapping, Missouri River, Iowa—Steve King

5071—East Achafalaya Basin and Amite River Basin Region, Louisiana—Richard H. Baker

5099—Clinton County, Pennsylvania—John Peterson

5105—East Tennessee—John J. Duncan, Jr.

5111—Dallas County Region, Texas—Eddie Bernice Johnson

5121—Central West Virginia—Shelley Moore Capito

5125(72)—Charleston, South Carolina—Henry Brown, Jr.

5125(77)—St. Clair County, Alabama—Spencer Bachus

5125(78)—Crawford County, Arkansas—John Boozman

5125(79)—Alameda and Contra Costa Counties, California—George Miller

5125(79)—Alameda and Contra Costa Counties, California—Ellen O. Tauscher

5125(80)—Arcadia, Sierra Madre, and Upland, California—David Dreier

5125(81)—Big Bear Area Regional Wastewater Agency, California—Jerry Lewis

5125(82)—Brawley Colonia, Imperial County, California—Bob Filner

5125(83)—Contra Costa Water District, California—Ellen Tauscher

5125(83)—Contra Costa Water District, California—George Miller

5125(83)—Contra Costa Water District, California—Jerry McNerney

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—Mike Honda

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—Ellen O. Tauscher

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—George Miller

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—Zoe Lofgren

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—Anna G. Eshoo

5125(84)—East Bay, San Francisco, and Santa Clara Areas, California—Jerry McNerney

5125(85)—Imperial County, California—Bob Filner

5125(86)—Los Angeles County, California—Gary Miller

5125(87)—New River, California—Duncan Hunter

5125(88)—Orange County, California—Gary Miller

5125(89)—San Bernardino County, California—Gary Miller

5125(90)—Santa Clara County, California—Mike Honda

5125(90)—Santa Clara County, California—Zoe Lofgren

5125(90)—Santa Clara County, California—Anna G. Eshoo

5125(90)—Santa Clara County, California—Jerry McNerney

5125(91)—Southern Los Angeles County, California—Juanita Millender-McDonald

5125(92)—Stockton, California—Jerry McNerney

5125(92)—Stockton, California—Dennis A. Cardoza

5125(93)—Sweetwater Reservoir, San Diego County, California—Bob Filner

5125(94)—Whittier, California—Gary Miller

5125(95)—Montezuma and La Plata Counties, Colorado—John Salazar

5125(96)—Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado—Marilyn Musgrave

5125(97)—Pueblo and Otero Counties, Colorado—John Salazar

5125(98)—Ledyard and Montville, Connecticut—Joe Courtney

5125(99)—Anacostia River, District of Columbia and Maryland—Eleanor Holmes Norton

5125(100)—Washington, District of Columbia—Eleanor Holmes Norton

5125(101)—Charlotte County, Florida—Connie Mack

5125(102)—Charlotte, Lee, and Collier Counties, Florida—Connie Mack

5125(102)—Charlotte, Lee, and Collier Counties, Florida—Vern Buchanan

5125(103)—Collier County, Florida—Connie Mack

5125(104)—Jacksonville, Florida—Corrine Brown

5125(105)—Sarasota County, Florida—Vern Buchanan

5125(106)—South Seminole and North Orange County, Florida—John L. Mica

5125(107)—Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia—Lynn A. Westmoreland

5125(108)—Meriwether and Spalding Counties, Georgia—Lynn A. Westmoreland

5125(109)—North Vernon and Buderville, Indiana—Baron Hill

5125(110)—Salem, Washington County, Indiana—Baron Hill

5125(111)—Central Kentucky—Ben Chandler

5125(112)—Plaquemine, Louisiana—Richard Baker

5125(113)—Shreveport, Louisiana—Jim McCrery

5125(114)—Central Iron Range Sanitary Sewer District, Minnesota—James L. Oberstar

5125(115)—Grand Rapid, Minnesota—James L. Oberstar

5125(116)—City of Biloxi, City of Gulfport, and Harrison County, Mississippi—Gene Taylor

5125(117)—Jackson, Mississippi—Bennie Thompson

5125(118)—Clark County, Nevada—Jon C. Porter

5125(119)—Henderson, Nevada—Jon C. Porter

5125(120)—Paterson, New Jersey—Bill Pascrell, Jr.

5125(121)—Ellicottville, New York—John R. "Randy" Kuhl, Jr.

5125(122)—Sennett, New York—Michael Arcuri

5125(123)—Wellsville, New York—John R. "Randy" Kuhl, Jr.

5125(124)—Springport and Fleming, New York—Michael Arcuri

5125(125)—Cabarrus County, North Carolina—Robin Hayes

5125(126)—Charlotte, North Carolina—Robin Hayes

5125(127)—Richmond County, North Carolina—Robin Hayes

5125(128)—Union County, North Carolina—Robin Hayes

5125(129)—Saipan, Northern Mariana Islands—Don Young

5125(130)—Lake County, Ohio—Steven C. LaTourette

5125(131)—Mentor-on-Lake, Ohio—Steven C. LaTourette

5125(132)—Willowick, Ohio—Steven C. LaTourette

5125(133)—Albany, Oregon—Peter A. DeFazio

5125(134)—Borough of Stockerton, Borough of Tatamy, and Palmer Township, Pennsylvania—Charles W. Dent

5125(135)—Hatfield Borough, Pennsylvania—Allyson Schwartz

5125(136)—Lehigh County, Pennsylvania—Charles W. Dent

5125(137)—North Wales Borough, Pennsylvania—Allyson Schwartz

5125(138)—Pen Argyl, Pennsylvania—Charles W. Dent

5125(139)—Philadelphia, Pennsylvania—Allyson Schwartz

5125(140)—Vera Cruz, Pennsylvania—Charles W. Dent

5125(141)—Commonwealth of Puerto Rico—Luis Fortuño

5125(142)—Charleston, South Carolina—Henry Brown, Jr.

5125(142)—Charleston, South Carolina—James E. Clyburn

5125(143)—Crooked Creek, Marlboro County, South Carolina—John Spratt

5125(144)—Myrtle Beach, South Carolina—Henry Brown, Jr.

5125(145)—North Myrtle Beach, South Carolina—Henry Brown, Jr.

25125(146)—Surfside, South Carolina—Henry Brown, Jr.

5125(147)—Athens, Tennessee—John J. Duncan

5125(148)—Central Texas—Chet Edwards

5125(149)—El Paso County, Texas—Silvestre Reyes

5125(150)—Ft. Bend County, Texas—Nick Lampson

5125(151)—Duchesne, Iron, and Uintah Counties, Utah—Jim Matheson

5125(152)—Northern West Virginia—Alan B. Mollohan

5125(153)—United States Virgin Islands—Donna M. Christensen

5125(154)—Cheyenne River Sioux Reservation—Stephanie Herseth

6003—Initial Projects.—Alcee Hastings

6003—Initial Projects.—Mario Diaz-Balart

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1495

OFFERED BY: MR. OBERSTAR

AMENDMENT NO. 1: In section 1001(21) of the bill, add at the end the following:

(C) OPERATION AND MAINTENANCE.—The operation, maintenance, repair, rehabilitation, and replacement of the Houma Navigation Canal lock complex and the Gulf Intracoastal Waterway floodgate features that provide for inland waterway transportation shall be a Federal responsibility in accordance with section 102 of the Water Resources Development Act of 1986 (33 U.S.C. 2212).

In section 1001 of the bill, after paragraph (41) insert the following (and redesignate subsequent paragraphs accordingly):

(42) RIVERSIDE OXBOW, TEXAS.—The project for environmental restoration, Riverside Oxbow, Texas: Report of the Chief of Engineers, dated May 29, 2003, at a total cost of $27,110,000, with an estimated Federal cost of $11,210,000 and an estimated non-Federal cost of $15,900,000.

In section 1002(b) of the bill, after paragraph (4) insert the following (and redesignate subsequent paragraphs accordingly):

(5) WILDWOOD CREEK, YUCAIPA, CALIFORNIA.—The Secretary shall review the locally prepared plan for the project for flood damage, Wildwood Creek, California, referred to in subsection (a) and, if the Secretary determines that the plan meets the evaluation and design standards of the Corps of Engineers and that the plan is feasible, the Secretary may use the plan to carry out the project and shall provide credit toward the non-Federal share of the cost of the project for the cost of work carried out by the non-Federal interest before the date of the partnership agreement for the project if the Secretary determines that the work is integral to the project.

In section 1003 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) ALISO CREEK, CALIFORNIA.—Projects for emergency streambank protection, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (2) insert the following (and redesignate subsequent paragraphs accordingly):

(3) ALISO CREEK, CALIFORNIA.—Project for aquatic ecosystem restoration, Aliso Creek, California.

In section 1006(a) of the bill, after paragraph (15) insert the following (and redesignate subsequent paragraphs accordingly):

(16) KALAMAZOO RIVER WATERSHED, BATTLE CREEK, MICHIGAN.—Project for aquatic ecosystem restoration, Kalamazoo River watershed, Battle Creek, Michigan.

In section 1006 of the bill, strike subsection (b) (and strike the subsection designation and heading for subsection (a)).

In section 2015(a)(1)(B) of the bill, after "Guam," insert "the State of Hawaii,".

In section 2039(a) of the bill, insert before "the Secretary shall include" the following: "and for the project for navigation, Houma Navigation Canal, Louisiana, being conducted pursuant to the Energy and Water Development Appropriations Act, 1995 (Public Law 103–316),".

At the end of title II of the bill, add the following (and conform the table of contents accordingly):

SEC. 2041. SUPPORT OF ARMY CIVIL WORKS PROGRAM.

(a) IN GENERAL.—Notwithstanding section 2361 of title 10, United States Code, the Secretary is authorized to provide assistance through contracts, cooperative agreements, and grants to—

(1) the University of Tennessee, Knoxville, Tennessee, for establishment and operation of the Southeastern Water Resources Institute to study sustainable development and utilization of water resources in the southeastern United States;

(2) Lewis and Clark Community College, Illinois, for the Great Rivers National Research and Education Center (including facilities that have been or will be constructed at one or more locations in the vicinity of the confluence of the Illinois River, the Missouri River, and the Mississippi River), a collaborative effort of Lewis and Clark Community College, the University of Illinois, the Illinois Department of Natural Resources and Environmental Sciences, and other entities, for the study of river ecology, developing watershed and river management strategies, and educating students and the public on river issues; and

(3) the University of Texas at Dallas for support and operation of the International Center for Decision and Risk Analysis to study risk analysis and control methods for transboundary water resources management in the southwestern United States and other international water resources management problems.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary to carry out subsection (a)(1) $5,000,000, to carry out subsection (a)(2) $5,000,000, and to carry out subsection (a)(3) $5,000,000. Such sums shall remain available until expended.

SEC. 2042. FEDERAL HOPPER DREDGES.

Section 3(c) of the Act of August 11, 1888 (33 U.S.C. 622; 25 Stat. 423), is amended—

(1) in paragraph (7)(B) by adding at the end the following: "This subparagraph shall not apply to the Federal hopper dredges Essayons and Yaquina of the Corps of Engineers."; and

(2) by adding at the end the following:

"(9) READY RESERVE FOR THE HOPPER DREDGE MCFARLAND.—The Secretary shall place the Federal hopper dredge McFarland of the Corps of Engineers in ready reserve status not later than October 1, 2008.".

Strike section 3020 of the bill and insert the following:

SEC. 3020. SACRAMENTO AND AMERICAN RIVERS FLOOD CONTROL, CALIFORNIA.

(a) IN GENERAL.—The Secretary shall provide credit to the Sacramento Area Flood Control Agency, in the amount of $20,503,000, for the non-reimbursed Federal share of costs incurred by the Agency in connection the project for flood control and recreation, Sacramento and American Rivers, California (Natomas Levee features), authorized by section 9159 of the Department of Defense Appropriations Act, 1993 (106 Stat. 1944).

(b) ALLOCATION OF CREDIT.—The Secretary shall allocate the amount to be credited under subsection (a) toward the non-Federal share of such projects as are requested by the Sacramento Area Flood Control Agency.

In section 3023 of the bill, strike "a study for the reallocation of water storage" and insert "a study of water conservation and water quality".

In section 3079(c) of the bill, strike "$5,000,000" and insert "$7,000,000".

After section 3087 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3088. WESTERN SARPY AND CLEAR CREEK, NEBRASKA.

The project for ecosystem restoration and flood damage reduction, authorized by section 101(b)(21) of the Water Resources Development Act of 2000 (114 Stat. 2578), is modified to authorize the Secretary to construct the project at a total cost of $21,664,000, with an estimated Federal cost of $14,082,000 and an estimated non-Federal cost of $7,582,000.

Strike section 3110 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 3113 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 3114. BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.

Section 102(ff) of the Water Resources Development Act of 1992 (106 Stat. 4810, 110 Stat. 3726, 113 Stat. 312) is amended to read as follows:

"(ff) BLUESTONE LAKE, OHIO RIVER BASIN, WEST VIRGINIA.—

"(1) IN GENERAL.—The project for flood control, Bluestone Lake, Ohio River Basin, West Virginia, authorized by section 4 of the Flood Control Act of 1938 (52 Stat. 1217) is modified to direct the Secretary to implement Plan C/G, as defined in the Evaluation Report of the District Engineer dated December 1996, to prohibit the release of drift and debris into waters downstream of the project, except for that organic matter necessary to maintain and enhance the biological resources of such waters and such nonobtrusive items of debris as may not be economically feasible to prevent being released through such project, including measures to prevent the accumulation of drift and debris at the project, the collection and removal of drift and debris on the segment of the New River upstream of the project, and the removal (through use of temporary or permanent systems) and disposal of accumulated drift and debris at Bluestone Dam.

"(2) COOPERATIVE AGREEMENT.—In carrying out the downstream cleanup under the plan referred to in paragraph (1), the Secretary may enter into a cooperative agreement with the West Virginia Department of Environmental Protection for the department to carry out the cleanup, including contracting and procurement services, contract administration and management, transportation and disposal of collected materials, and disposal fees.

"(3) INITIAL CLEANUP.—The Secretary may provide the department up to $150,000 from funds previously appropriated for this purpose for the Federal share of the costs of the initial cleanup under the plan.".

In section 3119(a) of the bill, redesignate paragraph (3) as paragraph (4) and insert after paragraph (2) the following:

(3) The project for navigation, Baltimore Harbor and Channels, Maryland and Virginia, authorized by section 101 of the River and Harbor Act of 1970 (84 Stat. 1818).

In section 3121(a) of the bill, after paragraph (3) insert the following (and redesignate subsequent paragraphs accordingly):

(4) ROCKLAND HARBOR, MAINE.—The portion of the project for navigation, Rockland Harbor, Maine, authorized by the Act of June 3, 1896 (29 Stat. 202), consisting of a 14-foot channel located in Lermond Cove and beginning at a point with coordinates N9977.37, E340290.02, thence running easterly about 200.00 feet to a point with coordinates N99978.49, E340490.02, thence running northerly about 138.00 feet to a point with coordinates N100116.49, E340289.25, thence running westerly about 200.00 feet to a point with coordinates N100115.37, E340289.25, thence running southerly about 138.00 feet to the point of origin.

In section 3123 of the bill, after subsection (a) insert the following (and redesignate subsequent subsections accordingly):

(b) LAKE TEXOMA, OKLAHOMA.—

(1) RELEASE OF REVERSIONARY INTEREST.—Any reversionary interest relating to public parks and recreation on the land conveyed by the Secretary to the State of Oklahoma at Lake Texoma pursuant to the Act entitled "An Act to authorize the sale of certain lands to the State of Oklahoma", approved June 16, 1953 (67 Stat. 63), is terminated as of the date of enactment of this Act.

(2) INSTRUMENT OF RELEASE.—As soon as practicable after the date of enactment of this Act, the Secretary shall execute and file in the appropriate office a deed of release, an amended deed, or another appropriate instrument to release each reversionary interest described in subsection (a).

(3) PRESERVATION OF RESERVED RIGHTS.—Release of a reversionary interest in accordance with this section shall not be construed to affect any other right excepted or reserved for the United States in a deed of conveyance made pursuant to such Act of June 16, 1953.

After section 4010 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 4011. ALISO CREEK, CALIFORNIA.

The Secretary shall conduct a study to determine the feasibility of carrying out a project for streambank protection and environmental restoration along Aliso Creek, California.

Strike section 4038 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

Strike section 4079 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

In section 5001(a) of the bill, after paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(2) West turning basin, Canaveral Harbor, Florida.

In section 5002(d) of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Charlotte Harbor watershed, Florida.

In section 5002(d) of the bill, after paragraph (14) insert the following (and redesignate subsequent paragraphs accordingly):

(15) Tuscarawas River basin, Ohio.

In section 5003(a)(2) of the bill, strike "Saginaw" and insert "Flint".

In section 5007 of the bill, before paragraph (1) insert the following (and redesignate subsequent paragraphs accordingly):

(1) Daytona Beach shore protection project, Florida.

(2) Flagler Beach shore protection project, Florida.

(3) St. Johns County shore protection project, Florida.

After section 5015 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly)

SEC. 5016. GREAT LAKES PILOT PROJECT.

Using available funds, the Secretary, in coordination with the Administrator of the Environmental Protection Agency, the Commandant of the Coast Guard, the Director of the United States Fish and Wildlife Service, and the Director of the Animal and Plant Health Inspection Service, shall carry out a pilot project, on an emergency basis, to control and prevent further spreading of viral hemorrhagic septicemia in the Great Lakes and their connecting channels.

SEC. 5017. SAINT LAWRENCE SEAWAY.

(a) IN GENERAL.—The Secretary is authorized, using amounts contributed by the Saint Lawrence Seaway Development Corporation under subsection (b), to carry out projects for operations, maintenance, repair, and rehabilitation, including associated maintenance dredging, of the Eisenhower and Snell lock facilities and related navigational infrastructure for the Saint Lawrence Seaway, at a total cost of $134,650,000.

(b) SOURCE OF FUNDS.—The Secretary is authorized to accept funds from the Saint Lawrence Seaway Development Corporation to carry out projects under this section. Such funds may include amounts made available to the Corporation from the Harbor Maintenance Trust Fund and the general fund of the Treasury of the United States pursuant to section 210 of the Water Resources Development Act of 1986 (33 U.S.C. 2238).

After section 5023 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5024. WASHINGTON AQUEDUCT.

(a) CAPITAL IMPROVEMENTS.—Using funds provided in advance by wholesale customers of the Aqueduct and deposited in accordance with subsection (b), the Secretary may make such capital improvements at the Washington Aqueduct as are necessary to comply with the permit for the Aqueduct issued under section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342).

(b) DEPOSIT OF FUNDS IN SEPARATE ACCOUNT.—Funds provided by each wholesale customer of the Aqueduct for capital improvements described in subsection (a) shall be deposited into a separate account in the United States Treasury and shall remain available without further appropriation until expended.

(c) INVESTMENT OF FUNDS.—

(1) IN GENERAL.—At the request of the Secretary, the Secretary of the Treasury shall invest such portions of the accounts referred to in subsection (b) as are not, in the judgment of the Secretary, immediately needed to make required disbursements on any obligations made in accordance with subsection (a).

(2) INVESTMENT IN PUBLIC DEBT SECURITIES.—The Secretary of the Treasury shall invest funds deposited under subsection (b) in public debt securities suitable to the needs of the accounts referred to in subsection (b), as determined by the Secretary, and bearing interest at a rate determined by the Secretary of the Treasury, taking into consideration current market yields on outstanding marketable obligations of the United States of comparable maturity.

(3) INTEREST.—Interest earned on investments of each account referred to in subsection (b) shall be credited to that account and shall be available, without further appropriation, for disbursement by the Secretary to the wholesale customer that provided the funds, at such times and in a manner that is agreed upon by the Secretary and the wholesale customer.

Strike section 5029 of the bill and insert the following:

SEC. 5029. FIRE ISLAND, ALASKA.

(a) IN GENERAL.—The Secretary is authorized to provide planning, design, and construction assistance to the non-Federal interest for the construction of a barge landing facility on Fire Island, Alaska.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated $5,000,000 to carry out this section.

After section 5046 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5047. LANCASTER, CALIFORNIA.

Section 219(f)(50) of the Water Resources Development Act of 1992 (114 Stat. 2763A-220) is amended—

(1) by inserting after "water" the following: "and wastewater"; and

(2) by striking "$14,500,000" and inserting "$24,500,000".

After section 5056 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5057. EAST CENTRAL AND NORTHEAST FLORIDA.

(a) EAST CENTRAL AND NORTHEAST FLORIDA REGION DEFINED.—In this section, the term "East Central and Northeast Florida Region" means Flagler County, St. Johns County, Putman County (east of the St. Johns River), Seminole County, Volusia County, the towns of Winter Park, Maitland, and Palatka, Florida.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Central and Northeast Florida Region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East

Central and Northeast Florida Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement for a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(G) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(H) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

SEC. 5058. LAKE LANIER, GEORGIA.

The Secretary may assist local interests with planning, design, and construction of facilities at the Lake Lanier Olympic Center, Georgia, at a total cost of $5,300,000.

After section 5062 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5063. SOUTHWEST ILLINOIS.

(a) SOUTHWEST ILLINOIS DEFINED.—In this section, the term "Southwest Illinois" means the counties of Madison, St. Clair, Monroe, Randolph, Perry, Franklin, Jackson, Union, Alexander, Pulaski, and Williamson, Illinois.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in Southwest Illinois.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in Southwest Illinois, including projects for wastewater treatment and related facilities, water supply and related facilities, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(G) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(H) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5064 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5065. FLOODPLAIN MAPPING, MISSOURI RIVER, IOWA.

(a) IN GENERAL.—The Secretary shall provide assistance for a project to develop maps identifying 100- and 500-year flood inundation areas in the State of Iowa, along the Missouri River.

(b) REQUIREMENTS.—Maps developed under the project shall include hydrologic and hydraulic information and shall accurately portray the flood hazard areas in the floodplain. The maps shall be produced in a high resolution format and shall be made available to the State of Iowa in an electronic format.

(c) PARTICIPATION OF FEMA.—The Secretary and the non-Federal interests for the project shall work with the Director of the Federal Emergency Management Agency to ensure the validity of the maps developed under the project for flood insurance purposes.

(d) FORMS OF ASSISTANCE.—In carrying out the project, the Secretary may enter into contracts or cooperative agreements with the non-Federal interests or provide reimbursements of project costs.

(e) FEDERAL SHARE.—The Federal share of the cost of the project shall be 50 percent.

(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,000,000.

In section 5065 of the bill, before "and, if" insert the following: "authorized by section 4 of the Flood Control Act of June 28, 1938 (52 Stat. 1217)".

Strike section 5070 of the bill (and redesignate subsequent sections, and conform the table of contents, accordingly).

After section 5070 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5071. EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION, LOUISIANA.

(a) EAST ATCHAFALAYA BASIN AND AMITE RIVER BASIN REGION DEFINED.—In this section, the term "East Atchafalaya Basin and Amite River Basin Region" means the following parishes and municipalities in the State of Louisiana: Ascension, East Baton Rouge, East Feliciana, Iberville, Livingston, Pointe Coupee, St. Helena, West Baton Rouge, and West Feliciana.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the East Atchafalaya Basin and Amite River Basin Region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the East Atchafalaya Basin and Amite River Basin Region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement of a project entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be provided in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(G) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(H) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5098 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5099. CLINTON COUNTY, PENNSYLVANIA.

Section 219(f)(13) of the Water Resources Development Act of 1992 (113 Stat. 335) is amended by striking "$1,000,000" and inserting "$2,000,000".

After section 5104 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5105. EAST TENNESSEE.

(a) EAST TENNESSEE DEFINED.—In this section, the term "East Tennessee" means the counties of Blount, Knox, Loudon, McMinn, Monroe, and Sevier, Tennessee.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in East Tennessee.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in East Tennessee, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) PARTNERSHIP AGREEMENTS.—

(1) IN GENERAL.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) REQUIREMENTS.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) PLAN.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) LEGAL AND INSTITUTIONAL STRUCTURES.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) COST SHARING.—

(A) IN GENERAL.—The Federal share of the project cost under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) CREDIT FOR WORK.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) CREDIT FOR INTEREST.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project cost.

(D) LAND, EASEMENTS, AND RIGHTS-OF-WAY CREDIT.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project cost (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but not to exceed 25 percent of total project cost.

(E) OPERATION AND MAINTENANCE.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) APPLICABILITY OF OTHER FEDERAL AND STATE LAWS.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(G) NONPROFIT ENTITIES.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity with the consent of the affected local government.

(H) CORPS OF ENGINEERS EXPENSES.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(I) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5110 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5111. DALLAS COUNTY REGION, TEXAS.

(a) DALLAS COUNTY REGION DEFINED.—In this section, the term "Dallas County region" means the city of Dallas, and the municipalities of DeSoto, Duncanville, Lancaster, Wilmer, Hutchins, Balch Springs, Cedar Hill, Glenn Heights, and Ferris, Texas.

(b) ESTABLISHMENT OF PROGRAM.—The Secretary may establish a program to provide environmental assistance to non-Federal interests in the Dallas County region.

(c) FORM OF ASSISTANCE.—Assistance under this section may be in the form of design and construction assistance for water-related environmental infrastructure and resource protection and development projects in the Dallas County region, including projects for wastewater treatment and related facilities, water supply and related facilities, environmental restoration, and surface water resource protection and development.

(d) OWNERSHIP REQUIREMENT.—The Secretary may provide assistance for a project under this section only if the project is publicly owned.

(e) Partnership Agreements.—

(1) In general.—Before providing assistance under this section, the Secretary shall enter into a partnership agreement with a non-Federal interest to provide for design and construction of the project to be carried out with the assistance.

(2) Requirements.—Each partnership agreement entered into under this subsection shall provide for the following:

(A) Plan.—Development by the Secretary, in consultation with appropriate Federal and State officials, of a facilities or resource protection and development plan, including appropriate engineering plans and specifications.

(B) Legal and institutional structures.—Establishment of such legal and institutional structures as are necessary to ensure the effective long-term operation of the project by the non-Federal interest.

(3) Cost sharing.—

(A) In general.—The Federal share of the project costs under each partnership agreement entered into under this subsection shall be 75 percent. The Federal share may be in the form of grants or reimbursements of project costs.

(B) Credit for work.—The non-Federal interests shall receive credit for the reasonable cost of design work on a project completed by the non-Federal interest before entering into a partnership agreement with the Secretary for such project.

(C) Credit for interest.—In case of a delay in the funding of the non-Federal share of a project that is the subject of an agreement under this section, the non-Federal interest shall receive credit for reasonable interest incurred in providing the non-Federal share of the project's costs.

(D) Land, easements, and rights-of-way credit.—The non-Federal interest shall receive credit for land, easements, rights-of-way, and relocations toward the non-Federal share of project costs (including all reasonable costs associated with obtaining permits necessary for the construction, operation, and maintenance of the project on publicly owned or controlled land), but such credit may not exceed 25 percent of total project costs.

(E) Operation and maintenance.—The non-Federal share of operation and maintenance costs for projects constructed with assistance provided under this section shall be 100 percent.

(F) Applicability of Other Federal and State Laws.—Nothing in this section waives, limits, or otherwise affects the applicability of any provision of Federal or State law that would otherwise apply to a project to be carried out with assistance provided under this section.

(G) Nonprofit Entities.—Notwithstanding section 221(b) of the Flood Control Act of 1970 (42 U.S.C. 1962d-5b(b)), for any project undertaken under this section, a non-Federal interest may include a nonprofit entity.

(H) Corps of Engineers Expenses.—Ten percent of the amounts appropriated to carry out this section may be used by the Corps of Engineers district offices to administer projects under this section at Federal expense.

(I) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $40,000,000. Such sums shall remain available until expended.

After section 5112 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 5113. JOHNSON CREEK, ARLINGTON, TEXAS.

(a) In General.—The project for flood damage reduction, environmental restoration, and recreation, Johnson Creek, Arlington, Texas, authorized by section 101(b)(14) of the Water Resources Development Act of 1999 (113 Stat 280), is modified to authorize the Secretary to construct the project substantially in accordance with the report entitled "Johnson Creek: A Vision of Conservation", dated March 30, 2006, at a total cost of $80,000,000, with an estimated Federal cost of $52,000,000 and an estimated non-Federal cost of $28,000,000, if the Secretary determines that the project is feasible.

(b) Non-Federal Share.—

(1) In general.—The non-Federal share of the cost of the project may be provided in cash or in the form of in-kind services or materials.

(2) Credit.—The Secretary shall credit toward the non-Federal share of the cost of the project the cost of planning, design, and construction work carried out by the non-Federal interest for implementation of the project, if the Secretary determines that the work is integral to the project.

(c) Special Rule.—In evaluating and implementing the project, the Secretary shall allow the non-Federal interest to participate in the financing of the project in accordance with section 903(c) of the Water Resources Development Act of 1986 (100 Stat. 4184).

(d) Conforming Amendment.—Section 134 of the Energy and Water Development Appropriations Act, 2006 (119 Stat. 2263) is repealed.

In section 5121 of the bill, strike "and" at the end of paragraph (1)(B), redesignate paragraph (2) as paragraph (3), and insert after paragraph (1) the following:

(2) in subsection (h) by striking "$10,000,000" and inserting "$20,000,000"; and

After section 5123 of the bill, insert the following (and conform the table of contents accordingly):

SEC. 5124. WAGE SURVEYS.

Employees of the United States Army Corps of Engineers who are paid wages determined under the last undesignated paragraph under the heading "Administrative Provisions" of chapter V of the Supplemental Appropriations Act, 1982 (5 U.S.C. 5343 note; 96 Stat. 832) shall be allowed, through appropriate employee organization representatives, to participate in wage surveys under such paragraph to the same extent as are prevailing rate employees under subsection (c)(2) of section 5343 of title 5, United States Code. Nothing in such section 5343 shall be considered to affect which agencies are to be surveyed under such paragraph.

SEC. 5125. ADDITIONAL ASSISTANCE FOR CRITICAL PROJECTS.

Section 219(f) of the Water Resources Development Act of 1992 (106 Stat. 4835; 113 Stat. 335-337; 114 Stat. 2763A-220-221) is amended—

(1) by striking the undesignated paragraph relating to Charleston, South Carolina, and inserting the following:

"(72) Charleston, South Carolina.—$10,000,000 for wastewater infrastructure, including wastewater collection systems, and stormwater system improvements, Charleston, South Carolina.";

(2) by redesignating the paragraph (71) relating to Placer and El Dorado Counties, California, as paragraph (73);

(3) by redesignating the paragraph (72) relating to Lassen, Plumas, Butte, Sierra, and Nevada Counties, California, as paragraph (74);

(4) by striking the paragraph (71) relating to Indianapolis, Indiana, and inserting the following:

"(75) Indianapolis, Indiana.—$6,430,000 for environmental infrastructure for Indianapolis, Indiana.";

(5) by redesignating the paragraph (73) relating to St. Croix Falls, Wisconsin, as paragraph (76); and

(6) by adding at the end the following:

"(77) St. Clair County, Alabama.—$5,000,000 for water related infrastructure, St. Clair County, Alabama.

"(78) Crawford County, Arkansas.—$35,000,000 for water supply infrastructure, Crawford County, Arkansas.

"(79) Alameda and Contra Costa Counties, California.—$25,000,000 for recycled water treatment facilities within the East Bay Municipal Utility District service area, Alameda and Contra Costa Counties, California.

"(80) Arcadia, Sierra Madre, and Upland, California.—$33,000,000 for water and wastewater infrastructure, Arcadia, Sierra Madre, and Upland, California, including $13,000,000 for stormwater infrastructure for Upland, California.

"(81) Big Bear Area Regional Wastewater Agency, California.—$15,000,000 for water reclamation and distribution, Big Bear Area Regional Wastewater Agency, California.

"(82) Brawley Colonia, Imperial County, California.—$1,400,000 for water infrastructure to improve water quality in the Brawley Colonia Water District, Imperial County, California.

"(83) Contra Costa Water District, California.—$23,000,000 for water and wastewater infrastructure for the Contra Costa Water District, California.

"(84) East Bay, San Francisco, and Santa Clara Areas, California.—$4,000,000 for a desalination project to serve the East Bay, San Francisco, and Santa Clara areas, California.

"(85) Imperial County, California.—$10,000,000 for wastewater infrastructure, including a wastewater disinfection facility and polishing system, to improve water quality in the vicinity of Calexico, California, on the southern New River, Imperial County, California.

"(86) Los Angeles County, California.—$3,000,000 for wastewater and water related infrastructure, Diamond Bar, La Habra Heights, and Rowland Heights, Los Angeles County, California.

"(87) New River, California.—$10,000,000 for wastewater infrastructure to improve water quality in the New River, California.

"(88) Orange County, California.—$15,000,000 for wastewater and water related infrastructure, Anaheim, Brea, La Habra, Mission Viejo, Rancho Santa Margarita, and Yorba Linda, Orange County, California.

"(89) San Bernardino County, California.—$9,000,000 for wastewater and water related infrastructure, Chino and Chino Hills, San Bernardino County, California.

"(90) Santa Clara County, California.—$5,500,000 for an advanced recycling water treatment plant in Santa Clara County, California.

"(91) Southern Los Angeles County, California.—$15,000,000 for environmental infrastructure for the groundwater basin optimization pipeline, Southern Los Angeles County, California.

"(92) Stockton, California.—$33,000,000 for water treatment and distribution infrastructure, Stockton, California.

"(93) Sweetwater Reservoir, San Diego County, California.—$375,000 to improve water quality, and remove nonnative aquatic species from the Sweetwater Reservoir, San Diego County, California.

"(94) WHITTIER, CALIFORNIA.—$8,000,000 for water, wastewater, and water related infrastructure, Whittier, California.

"(95) MONTEZUMA AND LA PLATA COUNTIES, COLORADO.—$1,000,000 for water and wastewater related infrastructure for the Ute Mountain project, Montezuma and La Plata Counties, Colorado.

"(96) OTERO, BENT, CROWLEY, KIOWA, AND PROWERS COUNTIES, COLORADO.—$35,000,000 for water transmission infrastructure, Otero, Bent, Crowley, Kiowa, and Prowers Counties, Colorado.

"(97) PUEBLO AND OTERO COUNTIES, COLORADO.—$34,000,000 for water transmission infrastructure, Pueblo and Otero Counties, Colorado.

"(98) LEDYARD AND MONTVILLE, CONNECTICUT.—$7,113,000 for water infrastructure, Ledyard and Montville, Connecticut.

"(99) ANACOSTIA RIVER, DISTRICT OF COLUMBIA AND MARYLAND.—$20,000,000 for environmental infrastructure and resource protection and development to enhance water quality and living resources in the Anacostia River watershed, District of Columbia and Maryland.

"(100) WASHINGTON, DISTRICT OF COLUMBIA.—$35,000,000 for implementation of a combined sewer overflow long-term control plan, Washington, District of Columbia.

"(101) CHARLOTTE COUNTY, FLORIDA.—$3,000,000 for water supply infrastructure, Charlotte County, Florida.

"(102) CHARLOTTE, LEE, AND COLLIER COUNTIES, FLORIDA.—$20,000,000 for water supply interconnectivity infrastructure, Charlotte, Lee, and Collier Counties, Florida.

"(103) COLLIER COUNTY, FLORIDA.—$5,000,000 for water infrastructure to improve water quality in the vicinity of the Gordon River, Collier County, Florida.

"(104) JACKSONVILLE, FLORIDA.—$25,000,000 for wastewater related infrastructure, including septic tank replacements, Jacksonville, Florida.

"(105) SARASOTA COUNTY, FLORIDA.—$10,000,000 for water and wastewater infrastructure in Sarasota County, Florida.

"(106) SOUTH SEMINOLE AND NORTH ORANGE COUNTY, FLORIDA.—$30,000,000 for wastewater infrastructure for the South Seminole and North Orange Wastewater Transmission Authority, Florida.

"(107) FAYETTEVILLE, GRANTVILLE, LAGRANGE, PINE MOUNTAIN (HARRIS COUNTY), DOUGLASVILLE, AND CARROLLTON, GEORGIA.—$24,500,000 for water and wastewater infrastructure, Fayetteville, Grantville, LaGrange, Pine Mountain (Harris County), Douglasville, and Carrollton, Georgia.

"(108) MERIWETHER AND SPALDING COUNTIES, GEORGIA.—$7,000,000 for water and wastewater infrastructure, Meriwether and Spalding Counties, Georgia.

"(109) NORTH VERNON AND BUTLERVILLE, INDIANA.—$1,700,000 for wastewater infrastructure, North Vernon and Butlerville, Indiana.

"(110) SALEM, WASHINGTON COUNTY, INDIANA.—$3,200,000 for water supply infrastructure, Salem, Washington County, Indiana.

"(111) CENTRAL KENTUCKY.—$10,000,000 for water related infrastructure and resource protection and development, Scott, Franklin, Woodford, Anderson, Fayette, Mercer, Jessamine, Boyle, Lincoln, Garrard, Madison, Estill, Powell, Clark, Montgomery, and Bourbon Counties, Kentucky.

"(112) PLAQUEMINE, LOUISIANA.—$7,000,000 for sanitary sewer and wastewater infrastructure, Plaquemine, Louisiana.

"(113) SHREVEPORT, LOUISIANA.—$20,000,000 for water supply infrastructure in Shreveport, Louisiana.

"(114) CENTRAL IRON RANGE SANITARY SEWER DISTRICT, MINNESOTA.—$12,000,000 for wastewater infrastructure for the Central Iron Range Sanitary Sewer District to serve the cities of Hibbing, Chisholm, Buhl, and Kinney, and Balkan and Great Scott Townships, Minnesota.

"(115) GRAND RAPIDS, MINNESOTA.—$5,000,000 for wastewater infrastructure, Grand Rapids, Minnesota.

"(116) CITY OF BILOXI, CITY OF GULFPORT, AND HARRISON COUNTY, MISSISSIPPI.—$15,000,000 for water and wastewater related infrastructure, city of Biloxi, city of Gulfport, and Harrison County, Mississippi.

"(117) JACKSON, MISSISSIPPI.—$25,000,000 for water and wastewater infrastructure, Jackson, Mississippi.

"(118) CLARK COUNTY, NEVADA.—$30,000,000 for wastewater infrastructure, Clark County, Nevada.

"(119) HENDERSON, NEVADA.—$5,000,000 for wastewater infrastructure, Henderson, Nevada.

"(120) PATERSON, NEW JERSEY.—$35,000,000 for wastewater infrastructure, Paterson, New Jersey.

"(121) ELLICOTTVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Ellicottville, New York.

"(122) SENNETT, NEW YORK.—$1,500,000 for water infrastructure, Town of Sennett, New York.

"(123) WELLSVILLE, NEW YORK.—$2,000,000 for water supply, water, and wastewater infrastructure in Wellsville, New York.

"(124) SPRINGPORT AND FLEMING, NEW YORK.—$10,000,000 for water related infrastructure, including water mains, pump stations, and water storage tanks, Springport and Fleming, New York.

"(125) CABARRUS COUNTY, NORTH CAROLINA.—$4,500,000 for water related infrastructure, Cabarrus County, North Carolina.

"(126) CHARLOTTE, NORTH CAROLINA.—$11,000,000 for phase II of the Briar Creek wastewater project, Charlotte, North Carolina.

"(127) RICHMOND COUNTY, NORTH CAROLINA.—$13,500,000 for water related infrastructure, Richmond County, North Carolina.

"(128) UNION COUNTY, NORTH CAROLINA.—$6,000,000 for wastewater infrastructure, Union County, North Carolina.

"(129) SAIPAN, NORTHERN MARIANA ISLANDS.—$20,000,000 for water related infrastructure, Saipan, Northern Mariana Islands.

"(130) LAKE COUNTY, OHIO.—$1,500,000 for wastewater infrastructure, Lake County, Ohio.

"(131) MENTOR-ON-LAKE, OHIO.—$625,000 for water and wastewater infrastructure, Mentor-on-Lake, Ohio.

"(132) WILLOWICK, OHIO.—$665,000 for water and wastewater infrastructure, Willowick, Ohio.

"(133) ALBANY, OREGON.—$35,000,000 for wastewater infrastructure to improve habitat restoration, Albany, Oregon.

"(134) BOROUGH OF STOCKERTON, BOROUGH OF TATAMY, AND PALMER TOWNSHIP, PENNSYLVANIA.—$10,000,000 for stormwater control measures, particularly to address sinkholes, in the vicinity of the Borough of Stockerton, the Borough of Tatamy, and Palmer Township, Pennsylvania.

"(135) HATFIELD BOROUGH, PENNSYLVANIA.—$310,000 for wastewater related infrastructure for Hatfield Borough, Pennsylvania.

"(136) LEHIGH COUNTY, PENNSYLVANIA.—$5,000,000 for stormwater control measures and storm sewer improvements, Lehigh County, Pennsylvania.

"(137) NORTH WALES BOROUGH, PENNSYLVANIA.—$1,516,584 for wastewater related infrastructure for North Wales Borough, Pennsylvania.

"(138) PEN ARGYL, PENNSYLVANIA.—$5,250,000 for wastewater infrastructure, Pen Argyl, Pennsylvania.

"(139) PHILADELPHIA, PENNSYLVANIA.—$1,600,000 for wastewater related infrastructure for Philadelphia, Pennsylvania.

"(140) VERA CRUZ, PENNSYLVANIA.—$5,500,000 for wastewater infrastructure, Vera Cruz, Pennsylvania.

"(141) COMMONWEALTH OF PUERTO RICO.—$35,000,000 for water and wastewater infrastructure in the Commonwealth of Puerto Rico.

"(142) CHARLESTON, SOUTH CAROLINA.—$1,000,000 for stormwater control measures and storm sewer improvements, Spring Street/Fishburne Street drainage project, Charleston, South Carolina.

"(143) CROOKED CREEK, MARLBORO COUNTY, SOUTH CAROLINA.—$25,000,000 for a project for water storage and water supply infrastructure on Crooked Creek, Marlboro County, South Carolina.

"(144) MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, Myrtle Beach, South Carolina.

"(145) NORTH MYRTLE BEACH, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including ocean outfalls, North Myrtle Beach, South Carolina.

"(146) SURFSIDE, SOUTH CAROLINA.—$8,000,000 for environmental infrastructure, including stormwater system improvements and ocean outfalls, Surfside, South Carolina.

"(147) ATHENS, TENNESSEE.—$16,000,000 for wastewater infrastructure, Athens, Tennessee.

"(148) CENTRAL TEXAS.—$20,000,000 for water and wastewater infrastructure in Bosque, Brazos, Burleson, Grimes, Hill, Hood, Johnson, Madison, McLennan, Limestone, Robertson, and Somervell Counties, Texas.

"(149) EL PASO COUNTY, TEXAS.—$25,000,000 for water related infrastructure and resource protection, including stormwater management, and development, El Paso County, Texas.

"(150) FT. BEND COUNTY, TEXAS.—$20,000,000 for water and wastewater infrastructure, Ft. Bend County, Texas.

"(151) DUCHESNE, IRON, AND UINTAH COUNTIES, UTAH.—$10,800,000 for water related infrastructure, Duchesne, Iron, and Uintah Counties, Utah.

"(152) NORTHERN WEST VIRGINIA.—$20,000,000 for water and wastewater infrastructure in Hancock, Ohio, Marshall, Wetzel, Tyler, Pleasants, Wood, Doddridge, Monongalia, Marion, Harrison, Taylor, Barbour, Preston, Tucker, Mineral, Grant, Gilmer, Brooke, Ritchie Counties, West Virginia.

"(153) UNITED STATES VIRGIN ISLANDS.—$25,000,000 for wastewater infrastructure for the St. Croix Anguilla wastewater treatment plant and the St. Thomas Charlotte Amalie wastewater treatment plant, United States Virgin Islands.

"(154) CHEYENNE RIVER SIOUX RESERVATION (DEWEY AND ZIEBACH COUNTIES) AND PERKINS AND MEADE COUNTIES, SOUTH DAKOTA.—$25,000,000 for water supply infrastructure for the Cheyenne River Sioux Reservation in Dewey and Ziebach Counties, and for communities in Perkins and Meade Counties, South Dakota.".

After section 6002 of the bill, insert the following (and redesignate subsequent sections, and conform the table of contents, accordingly):

SEC. 6003. INITIAL PROJECTS.

Section 601(b)(2)(C) of the Water Resources Development Act of 2000 (114 Stat. 2682) is amended—

(1) in the matter preceding clause (i) by striking "at a total cost of $1,100,918,000" and all that follows before the colon;

(2) in clause (iv)—

(A) by striking "$100,335,000" and inserting "$162,630,000"; and

(B) by striking "$50,167,500" each place it appears and inserting "$81,315,000";

(3) in clause (v)—

(A) by striking "$124,837,000" and inserting "$385,010,000"; and

(B) by striking "$62,418,500" each place it appears and inserting "$192,505,000"; and

(4) in clause (vi)—

(A) by striking "$89,146,000" and inserting "$199,340,000"; and

(B) by striking "$44,573,000" each place it appears and inserting "$99,670,000".

In section 7002(e)(3) of the bill, strike subparagraph (D) and insert the following:

(D) the plan of the State of Louisiana entitled "Integrated Ecosystem Restoration and Hurricane Protection—Louisiana's Comprehensive Master Plan for a Sustainable Coast".

At the end of section 7006(a) of the bill, insert the following:

(5) APPLICABILITY OF THE FEDERAL ADVISORY COMMITTEE ACT.—A working group established under this subsection shall not be considered to be an advisory committee under the Federal Advisory Committee Act (5 U.S.C. App.).

In section 7007(b) of the bill, strike "this section" and insert "this title".

In section 7013 of the bill, strike subsection (a) and insert the following:

(a) DEAUTHORIZATION.—

(1) IN GENERAL.—The navigation channel portion of the project for navigation, Mississippi River-Gulf outlet, authorized by the Act entitled, "An Act to authorize construction of the Mississippi River-Gulf outlet", approved March 29, 1956 (70 Stat. 65), as modified by section 844 of the Water Resources Development Act of 1986 (100 Stat. 4177), and further modified by section 326 of the Water Resources Development Act of 1996 (110 Stat. 3717), which extends from the Gulf of Mexico to mile 60 at the southern bank of the Gulf Intracoastal Waterway is not authorized.

(2) SCOPE.—Paragraph (1) shall not be construed to modify or deauthorize the Inner Harbor Navigation Canal Replacement Project, authorized by the Act referred to in paragraph (1).

In section 8004(c) of the bill, strike "build upon" and insert "adopt and continue".

EXTENSIONS OF REMARKS

STATEMENT ON THE RETIREMENT OF FATHER ROBERT F. LEAVITT

HON. NANCY PELOSI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. PELOSI. Madam Speaker, I rise today to pay tribute to Father Robert F. Leavitt, S.S., commend him for his 27 years of service as President-Rector of St. Mary's Seminary and University in Baltimore, Maryland, and wish him well in his retirement.

In 1962, Father Leavitt began his philosophical and theological studies at St. Mary's and has since remained fully dedicated to the spirit of the seminary. In 1968, he was ordained a priest of the Archdiocese of Hartford, Connecticut and appointed to the faculty of St. Mary's.

His ability to articulate a compelling vision for the seminary led to his being elected the fourteenth President and first President-Rector of St. Mary's, a position he has held longer than anyone in the seminary's proud 215-year history.

Saint Francis of Assisi, the patron saint of San Francisco, was once asked what a person had to do to lead a good life, to which he replied, "Preach the Gospel. Sometimes use words." Father Leavitt has done just that, preaching by example to generations of students.

As President-Rector, Father Leavitt has presided over construction and rebeautification efforts of the seminary as well as successfully enlarged the endowment to ensure the long-term viability of the institution. He has worked to expand the spiritual, intellectual, and pastoral resources necessary to prepare students for the priesthood.

As a philosopher, theologian, teacher, and preacher, he has re-energized the St. Mary's community and instilled a sense of principle and potential to our nation's first Catholic seminary.

It is an honor for me to congratulate Father Leavitt for his tireless commitment to education, faith, and leadership and recognize the truly exemplary impact he has made within our greater faith community. I wish him well in his retirement.

IN RECOGNITION OF BRIGADIER GENERAL WILLIAM J. SHARROW

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. YOUNG of Alaska. Madam Speaker, today I wish to honor Brigadier General William J. Sharrow—a truly great American. Bill has tirelessly served this country for many years, managing some of our country's important military programs. Most recently, Bill served as my State Director, where he dedicated himself to tirelessly working for the people of Alaska.

Born in Witherbee, New York on August 19, 1932, Bill entered the Army in 1952. He served with the 867th AAA Battalion at Fort Richardson, Alaska until his discharge in November 1954. He returned home to New York and joined an Army Reserve Unit. However, he realized his heart was back in Alaska and returned a short time later to make Alaska his permanent home. Bill joined the Alaskan Army National Guard where he served as First Sergeant of Company D, 207th Infantry Battalion until he was commissioned in November 1956.

Some of Bill's many roles in the National Guard include: radio repairman, supply officer, administrative assistant, personnel officer and Command Administrative Assistant to the Adjutant General. His military assignments range from platoon leader to battalion commander. He served as Chief of Staff for the Alaska Army National Guard from 1972 to 1974 and was appointed as Assistant Adjutant General on February 7, 1974. Bill's dedication to our Nation was federally recognized on June 25, 1974 when he was promoted to Brigadier General.

During his 20 plus years of service to Alaska and to his country, Bill remained a strong leader who set an example of achievement that was unmatched. He represented the United States with honor and dignity and continuously strove for excellence. The loss to the United States the day Bill left his post, was a great gain to me and to all Alaskans.

Bill worked for me for 24 years as my State Director. When I was unable to attend an important function or meeting, it was Bill that I always be trusted to represent me. We share a common love of Alaska and its people and it was comforting for me to know that when work forced me to remain in Washington, Bill would always be there to listen to the Alaskan people and keep them informed of our work.

Bill has been happily married to Margaret for 52 years and is the father of 3 sons: David who lives in Anchorage, AK; Phillip who lives in Auckland, New Zealand; and Steven who lives in Fairbanks, AK. He is also the grandfather to 6 grandchildren. I know that Bill is looking forward to spending more time with his family and traveling around the world with the love of his life, Marg.

Bill has always provided sage advice to colleagues and staff and done so with quick wit and much humor. Bill was an invaluable employee and he will be sorely missed but he continues to be a dear friend and confidant. I will miss his daily leadership and guidance but know that our friendship will endure. My wife Lu and I wish him and Marg all the best as they embark on this new chapter of their lives.

IN RECOGNITION OF THURMAN R. PAYNE

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor Thurman R. Payne, a man who worked tirelessly at Brookpark Ford for 50 years and served diligently as the President of Local 1250 for two terms, as the Building Chairman of the Cleveland Casting Plant, and as President of the Foundry Council.

Thurman R. Payne is an advocate of worker's rights, supporting equality for all of his fellow brothers and sisters. Thurman's advocacy garnered enough national attention that the great civil rights leader Rosa Parks visited the Union Hall.

During Thurman's first term as President of Local 1250, challenging economic conditions caused layoffs and a decrease in morale. During these tough times, Thurman rallied his co-workers to take a stance against layoffs and to advocate for quality products in order to assure job security in the future.

Thurman R. Payne was an innovator in many ways. As President of Local 1250, Thurman began a program to help further the education of all of his brothers and sisters. He made educational opportunities accessible to these men and women of Local 1250 by placing a trailer on the Union's lot, where any member could go for various educational opportunities.

Thurman R. Payne retired on September 1, 2006 after 50 years of advocating for labor rights. Thurman is currently battling cancer. Though this is a different sort of challenge, we know that he will battle this disease with the same amount of energy and optimism as he had during his years at Ford.

Madam Speaker and colleagues, please join me in honoring Thurman R. Payne, a man that dedicated 50 years of his life to ensure that his fellow brothers and sisters were treated with equality, had opportunities to further their education, and had job security.

IN HONOR OF THE BRAVE AND COMMENDABLE PUBLIC SERVICE OF MARY CODY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise to share the story of a phenomenal public servant, Mary Cody of Blairstown, New Jersey. Mary has spent much of the last decade dedicated to saving the lives of unwanted canines and helping loving families find their perfect pets.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mary starts from the principle that no animal is an unwanted animal and that every homeless dog is merely awaiting an introduction to their perfect family. She and the volunteers and staff who work with her give the dogs that come to their home, medical care, food and shelter, and, most importantly, love and comfort. They seek out the right family for each pet, and help new pet-owners adjust to their new lives with their pets. In fact, they are a one-stop clearinghouse of information for new and seasoned pet-owners alike, with answers to frequently asked questions about pet care, recommendations for veterinarians and grooming, and more.

The testimonials on her website, www.auntmarysdoghouse.com demonstrate her unparalleled talent to match families with pets that meet their needs and schedules and familial temperament. For instance, from a rescued dog named Dina: "Thank you Mary for my rescue and letting me get adopted by Sandy. For a large breed black dog with an unknown past I know I'm a very lucky girl that there are people like Sandy to love and care for me."

Earlier this month, Mary's extraordinary public service was recognized by the American Red Cross of Northwest New Jersey with the Red Cross Medal for Bravery. And, it is my honor to commend her spirit of service to my colleagues here in Congress.

PROSPECTS FOR PEACE IN GUINEA

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SMITH of New Jersey. Madam Speaker, with so many important and often vexing challenges competing for our attention throughout the world, it seems that the tendency in Congress is to focus our attention on a crisis only after it has evolved into an unmitigated disaster. Fortunately, that was not the case last week, when the Subcommittee on Africa and Global Health held a hearing on prospects for peace in Guinea.

This hearing presented us with an opportunity to discuss not only our strategic, humanitarian, human rights, and economic interests in Guinea—particularly as speculation about President Lansana Conté's political future and the potential for even greater conflict mounts—but also to consider how the United States Government has positioned itself to respond to threats and mitigate crises before they have spun out of control.

The stakes are high. Western Africa historically has been beset by political instability and violence, where conflict in one country spills across borders and threatens the region as a whole. This has led to massive displacements, refugee flows, the proliferation of small arms and light weapons, and the perpetration of some of the most heinous human rights atrocities known to man. If we fail to capitalize on the opportunity to address transformative, stabilization and reconstruction needs in support of a democratic transition in Guinea today, I fear that we may be headed for a much wider regional crisis down the road.

Experts have been warning for years that the "ground was quaking" in Guinea. Widespread dissatisfaction with the autocratic rule of an aged and ailing Conté, coupled with economic decline, high inflation, political cronyism and corruption, has led to periodic episodes of unrest in Conakry. However, the union-led strikes of December 2006 through February 2007 took on a new dimension. For the first time since the country obtained independence in 1958, Guineans across the nation have taken to the streets en mass, demanding change and refusing to accept half measures.

Through solidarity, the unions, opposition parties and civil society gained strength, and in the end, they succeeded in exacting critical concessions from the government. But while this symbolizes a significant victory, the hardest part is yet to come.

While the naming of the new consensus prime minister, Lansana Kouyaté on February 27th is a significant step forward, the office of the Prime Minster is not constitutionally protected and Conté has a record of breaking agreements. In addition, substantial resources are urgently needed for economic and social programs that will address the root causes of social unrest and shore-up popular support for the Prime Minster. History has shown that Conté is unlikely to share power in a meaningful way, and the longer he keeps his hand on the tiller in his authoritarian style, the more likely a renewed and destructive political crisis will emerge.

That said, it is widely speculated that—one way or another—Conté will not finish his term in office. His health is extremely poor and his power appears to be waning. Even the African Union and the Economic Community of West African States, which typically shy away from criticizing one of their own in public, have condemned Conté's violent response to protests and have suggested that this may be the appropriate time for him to step down. Experts are no longer talking about *IF* Conté will leave office, but WHEN and under what conditions he will leave.

Still, Conté has not designated a successor and, in fact, has sidelined a number of individuals who appeared poised to succeed him. The President of the National Assembly, who would be the successor to the President under the terms of the Constitution, is widely unpopular. It has been widely suggested that a military takeover may be the only option for a "soft landing" should Conté die in office or retire to his farm.

However, I would strongly contend that a military takeover in Guinea, no matter how "temporary" it is intended to be, should NOT be considered an appealing option. The military is divided along generational and ethnic lines. Neither Guineans nor the international community should assume that the military is a cohesive group capable or willing to deliver a smooth transition to a democratic, civilian-led government.

While the responsibility for fostering an environment of peace and security in Guinea rests with Guineans, the United States is in a unique position to help facilitate a non-violent, democratic resolution to this crisis. Guineans remember the fact that it was the United States who came to their aid when Guinea was attacked by the Revolutionary United Front rebels from Sierra Leone, with the support of former Liberian President Charles Taylor. We also have invested heavily in peace in Liberia, and have credibility in the region. Guinea is a predominantly Muslim country which is favorably disposed to the United States. The time to help is now . . . before the crisis spirals out of control.

HONORING SGT MICHAEL A. MARZANO

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. ALTMIRE. Madam Speaker, I rise today to pay tribute to an American hero, Marine SGT Michael A. Marzano. Last Tuesday, March 20, I joined my colleague, Congressman Phil English, in introducing H.R. 1594, legislation to name the Department of Veterans Affairs Outpatient Clinic in Hermitage, Pennsylvania in Sergeant Marzano's honor.

In December 2004, Sergeant Marzano volunteered for a tour of duty in Iraq and joined Ohio's 3rd Battalion, 25th Regiment of the 4th Marine Division. He served honorably as a member of a Mobile Assault Platoon. On May 8, 2005, Sergeant Marzano was killed by a suicide bomber while taking part in an offensive against insurgents in the city of Haditha, Al-Anbar Province, Iraq.

Sergeant Marzano was the first soldier from Mercer County to die in either Operation Enduring Freedom or Operation Iraqi Freedom. He exemplified the core values of honor, courage and commitment to a grateful nation and community. This designation will honor his memory and recognize his bravery and sacrifice. He is representative of all of Mercer County's veterans who have worn the uniform proudly, upheld the military's traditions of courage and faithful service, and stood ready, if duty required it, to make the ultimate sacrifice.

HONORING TIBOR HOLLO

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. ROS-LEHTINEN. Madam Speaker, it gives me great pleasure to recognize someone who has contributed significantly to the growth of Miami for more than 30 years. Tibor Hollo is a wonderful man whose impact on South Florida can be seen from its skyline. Over the years, Florida East Coast Realty, which Mr. Hollo founded in 1952, has become an integral part of South Florida's development.

Today's skyline surrounding Brickell Avenue and Miami's financial district can be attributed to Mr. Hollo's vision. In 1972, he constructed Brickell Avenue's first high-rise building, which today is surrounded by countless others. In the years since, downtown Miami has changed drastically, many of its improvements a result of Mr. Hollo's entrepreneurship. It came as no surprise when Mr. Hollo received the Miami Visionary Award; he took chances, seized opportunity, and was rewarded for his determination.

Today, Mr. Hollo continues to be involved with many projects in South Florida. His company, Florida East Coast Realty, is celebrating its 55th anniversary and continues to play a major role in South Florida's real estate market. Included among many noteworthy projects over the years has been the construction of two United States Treasury buildings and a United States Justice building. It was fitting that he constructed the first high-rise apartment building of this millennium, opening the Bay Parc Plaza in January of 2000.

Miami is a city that will continue to grow and inspire us. I am grateful and proud of Mr. Hollo's accomplishments over the years. He has left a legacy others have pursued and will continue to follow for years to come. Miami's high-rise architecture is truly unique and sets it apart from so many other large metropolitan cities across this country. Once again, as a fellow South Floridian, I would like to recognize Mr. Hollo for his outstanding achievements.

THE "CHESAPEAKE'S HEALTHY AND ENVIRONMENTALLY SOUND STEWARDSHIP OF ENERGY AND AGRICULTURE" ACT OF 2007

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. VAN HOLLEN. Madam Speaker, I rise today to introduce the "Chesapeake's Healthy and Environmentally Sound Stewardship of Energy and Agriculture Act of 2007"—CHESSEA. This bill will have a major beneficial impact on the water quality of the Chesapeake Bay and many of its 150 tributary streams and rivers. We invite and encourage you to join us as original cosponsors.

Like many of America's natural resources, the Chesapeake Bay and its rivers continue to be plagued by pollution. Unfortunately, agriculture accounts for a significant part of the nitrogen, phosphorus and sediment running to the Bay. The House will soon take up the 2007 farm bill which will provide billions of dollars a year for farm conservation programs and therefore, provides an unparalleled opportunity for our region to address its critical conservation needs

CHESSEA would bring significant new federal technical and financial assistance to farmers and landowners in the Bay watershed states to help them in their efforts to reduce nitrogen, phosphorus, and sediment runoff into the streams and rivers that run to the Chesapeake Bay. It would also provide additional incentives for the region's farmers to produce new sources of renewable energy that will simultaneously improve water quality and reduce the impact of fossil fuel consumption on the atmosphere.

Over the past five years, several Chesapeake Bay states have committed significant new funding to try to reach the goals of the federal-state Chesapeake 2000 agreement, which set specific pollution reduction goals for 2010. In spite of those commitments, we are far from meeting the 2010 goals. The experts have estimated that in order to meet our clean up pledge, the Federal Government will have to provide $200 million a year. This legislation would help to fulfill the Federal Government's Chesapeake 2000 commitment to reduce nitrogen, phosphorus, and sediment pollution to the Bay while at the same time helping the region's agriculture and rural areas.

The Chesapeake Bay and several of the major rivers that feed it, including the Susquehanna, the Potomac, and the James, are among America's most stunning natural features. Approximately 400 years ago, Captain John Smith and the Jamestown settlers sailed into a Chesapeake Bay that was healthy, balanced, and among the world's most biologically productive places. Today, the Bay and its rivers are sadly diminished. The CHESSEA Act of 2007 would make significant progress toward restoring the Bay's balance and biological productivity to support generations to come.

RECOGNIZING THE MORELLI HOUSE PRESERVATION PROJECT

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. BERKLEY. Madam Speaker, the Junior League of Las Vegas (JLLV), in commumty partnership with the Las Vegas Chapter of the Architects Institute of America (AIA Las Vegas), will debut the Junior League's Morelli House Preservation Project on Monday, April 9, 2007. After years of hard work and fundraising, the Junior League's Morelli House Preservation Project will open for public viewing as a pristine, accurate and beautiful example of Las Vegas mid-century residential architecture.

The Morelli House was built in 1959 by Antonio Morelli, longtime orchestra leader at the Sands Hotel, and was originally located on the Desert Inn Golf Course Estates, now the Wynn Resort. In 2001, the League saved the house from demolition and relocated it to the corner of 9th and Bridger Streets on the outskirts of the historical district in downtown Las Vegas. Because the Morelli House is an excellent example of Las Vegas Mid Century modern architecture and displays a high degree of integrity of design, materials, workmanship and even association, it was placed on the Nevada State Register of Historic Places in 2002 and on the City of Las Vegas Historical Register March 7, 2007.

The opening of the Morelli House to the public and the lecture will be the premier event of Architecture Week, a nationwide celebration that marks the 150th anniversary of the National American Institute of Architects. In addition, the 2007 edition "Architecture: Las Vegas", the official publication of the AIA Las Vegas Chapter, will also premier at the event and will feature an article on the Junior League's restoration of the Morelli House. The Morelli House restoration was made possible by funding from the Nevada Commission on Cultural Affairs and by generous donations by Junior League members and the community. The debut will be highlighted by a lecture on Mid Century architecture by foremost architectural historian, Alan Hess. The Junior League will be completing restoration and rehabilitation efforts to meet the U.S. Secretary of the Interior's Standards for Rehabilitation for Historical Structures by the end of 2008.

With the help of the Las Vegas Design Center at the World Market Center, JLLV secured participation by Vladimir Kagan, world famous Mid Century furniture designer, to serve as the Morelli House's lead interior designer. Mr. Kagan's historical furniture will be permanently showcased at the Morelli House with donations which he personally solicited from his manufacturers including American Leather and Weiman Preview and from pieces he donated from his personal furniture collection.

Because of the project's prominence, the AIA will be presenting the Junior League one of its esteemed "Livable Community Awards". These awards, established in 2006, were designed to recognize organizations and individuals outside the architectural profession, whose dedication, commitment, hard work and contributions to the security, arts, culture, beauty and livability of our communities have made Nevada a better place to live.

The Las Vegas Junior League deserves recognition for its Morelli House project and for sharing this beautiful example of Las Vegas Mid Century architecture with the local community and our visitors for many years to come. I urge my colleagues to join me in recognizing this outstanding collaborative effort to preserve historical architecture for future generations to enjoy.

A BILL TO DIRECT THE SECRETARY OF THE INTERIOR TO ENSURE THAT CERTAIN QUESTIONS ARE PLACED ON THE BALLOT OF THE 2008 GENERAL ELECTION IN AMERICAN SAMOA

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. FALEOMAVAEGA. Madam Speaker, I am honored today to introduce legislation directing the Secretary of the Interior to ensure that certain questions related to American Samoa's political status, democratic process, and Federal relationship are to be placed on the ballot of our 2008 general election.

Specifically, this legislation mandates that the following three questions are to be addressed on the ballot in American Samoa:

1. Whether individuals who are born in American Samoa should become citizens of the United States.

2. Whether the Senators of the American Samoa Fono should be elected by the qualified electors from the respective counties that the Senators are to represent.

3. Whether American Samoa should have its own Federal district court with limited jurisdiction.

I believe that placing these questions on the ballot would provide our people an opportunity to have a voice in the shaping of American

Samoa's political future. Moreover, the answers to these questions will assist our local political leaders in the shaping of our territory's policies and legislation.

I firmly believe that the people of American Samoa deserve the right to be heard on these fundamental issues. I urge my colleagues to support this legislation that would give American Samoa's voting public this right.

HONORING THE LIFE OF MRS. REBECCA DOLORES JARAMILLO

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. CLEAVER. Madam Speaker, I rise today to pay tribute to Mrs. Rebecca Dolores Jaramillo, a remarkable and compassionate leader of the Hispanic community in Kansas City, Missouri, in my District. Born on October 23, 1939, Mrs. Jaramillo, also more affectionately known as "Becky", set forth on the long journey of advocacy of equal rights and equal opportunities for minorities and women before passing on May 13, 2005. Her passing has created a deep loss felt by her family, the greater Kansas City area, and most assuredly, the thousands of lives she touched throughout our great Nation.

Rebecca Jaramillo, as the fifth of twelve children, entered the world curious for knowledge and eager to stir up excitement. She lived a joyous life until the rigors of racism and discrimination entered her life and inspired her to proactively work for equality. After marrying her husband, Joe, and settling down in Kansas City, they soon encountered discrimination when they were repeatedly denied the privilege of restaurant service. The couple became active in fighting the issue when they joined the NAACP and Kansas City, Missouri's People for Public Accommodations drive, which sought the passage of a bill requiring public businesses to provide service to all persons regardless of race, national or ethnic origin, and skin color.

In 1981, Becky received community service awards from the HUD Kansas City Area Office, the Hispanic Chamber of Greater Kansas City and the Guadalupe Centers, for her role as the HUD office coordinator in the application process for Posada del Sol: a senior citizen's high-rise apartment complex in Kansas City's West Side. That same year, Becky, together with her fellow HUD employee Jose Gonzalez, and Ninfa Garza, program coordinator for the Guadalupe Centers Senior Citizens program, founded the Greater Kansas City National Hispanic Heritage Committee and created the Fiesta Hispana, to annually commemorate National Hispanic Heritage Month.

For many years Becky actively continued her advocacy by serving on boards of local and national community agencies such as: Model Cities; the U.S. Office of Economic Opportunity; the American G.I. Forum, the League of United Latin American Women; the Panel of American Women; the Incorporated Mexican American Government Employees (IMAGE)—1979 to 1982 as national chairwoman of the IMAGE Women's Action Committee with headquarters in Washington, DC; the Federally Employed Women; the United Nations Women's Commission; the Women's Political Caucus; the Guadalupe Centers, Inc.; the Mexican American Women's National Association (MANA); the Heart of American United Way; the Salvation Army and several others.

While serving as national secretary for the Panel of American Women, Becky was part of a select group of panelists invited to the White House on April 27, 1979, for a special reception hosted by President Jimmy Carter in their honor for their many years of work in the area of human relations.

Becky also received distinguished awards from the Federal Executive Board of Greater Kansas City, the U.S. Department of Defense, the Panel of American Women, the Mexican American Women's National Association, and the Salvation Army. In 1981, The Central Exchange of Kansas City honored Becky by naming her its second Woman of the Year.

In 2002, the Guadalupe Centers awarded Becky its coveted I. Pat Rios Award for outstanding contributions to the Community, recognizing her for her role in the historical completion of Posada del Sol and the first West Side neighborhood fountain. The fountain was formally dedicated on September 15, 2000 by the Kansas City, Missouri Parks and Recreation Department.

On March 4, 2005, Becky received the YWCA Hearts of Gold Award for Economic Empowerment for her service 30 years before as a United Nations delegate on a commission studying the status of women in the world.

Madam Speaker, please join me in honoring the life of Mrs. Rebecca Dolores Jaramillo and expressing our heartfelt sympathy to her husband, Joe Jaramillo, her children, Romulo Joseph, Cynthia and James, and her many relatives and friends. I urge my colleagues to please join me in conveying our gratitude to her family for sharing this great woman with us, and to accept our condolences for their tremendous loss. She was an inspiration to us all.

TRIBUTE TO THE 90TH BIRTHDAY OF MILDRED LAVERGNE BOUTIN PROTHROW

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. AL GREEN of Texas. Madam Speaker, today I would like to honor the 90th birthday of Mildred LaVergne Boutin Prothrow.

Fourscore and 10 years ago on April 7, 1917, Mildred LaVergne Boutin was born in Point-a-LaHache, Louisiana. At the age of three, she remembers wearing a navy sailor suit, hand and gloves to the train station as her family prepared her to move to Jackson, Mississippi.

A true daughter of the South, Mildred's loving parents, Ruby Anita and Hamilton Henry Boutin, along with her Aunt Nea Learner, instilled all the qualities of a perfect southern lady, refined and generous.

Once more, her journey continued with a train ride to Marshall, Texas in the fall of 1937 to attend Wiley College. There she trained for her future profession as a teacher, joined the Alpha Kappa Alpha sorority, and met her life partner, Percy W. Prothrow, Jr. With marriage came a home in Marshall and the births of her daughters, Lady Percy Prothrow and Deborah Boutin Prothrow-Stith.

The family moved to Atlanta as Percy ascended the ranks of Atlanta Life Insurance Company and Mildred became an entrepreneur, opening a very popular childcare center. The family moved to Houston in 1968 where Mildred received a master's degree in elementary education from Texas Southern University and taught in the public schools until retirement in 1983.

As a widow, Mildred decided to retire and move to Boston to help her daughter and son-in-law raise their nephews, son and daughter. Known as Memama and Bibi to her grandchildren (Trey, Tony, Percy, and Mary Mildred), Mildred is a wonderful cook, a loving friend and confidant, and a dedicated mother and grandmother.

A TRIBUTE TO GRANT AINSWORTH THOMPSON

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. YOUNG of Alaska. Madam Speaker, today I wish to honor Grant Ainsworth Thompson who has recently left the world of politics to follow his calling in the Church. Grant served as my Communications Director for the last 5 years. Prior to that, he worked as a Legislative Assistant in my office focusing on Veterans Affairs and Postal issues.

Grant Ainsworth Thompson was born June 9, 1962 here in Washington, DC and was educated in the DC public school system. After graduating from Cardozo High School in 1981, he spent a number of years working in the private sector as both a substance abuse counselor and for United Airlines. He then chose to pursue a higher education and attended the University of the District of Columbia from 1991 to 1995, majoring in Mass Media and Television Production. Grant has been happily married to Margaret for 22 years and is the father of 2 sons: Justin, 21 and Jeremy, 17.

Grant used his skills in communications and management to help me better serve the people of Alaska. He was a driving force behind my office's expansion into cutting edge media and always seemed to know what the "next big thing" would be. His positive personality and confidential counsel were invaluable to me and my staff; he will be sorely missed.

Grant was an integral part of my office for many years and it deeply saddens me to see him leave. We often joked that he was my "brother," as we share the same birthday. I wish him all the best as he begins a new chapter in his life. Grant is now going to continue the work he started as Pastor and Founder of the Church of the Rock Praise Factory, located in Washington, DC. He will continue to be involved in many community outreach programs over the coming years, spreading the word of the Lord, and helping those in need. Grant Ainsworth Thompson is a truly great American, with a heart the size of Alaska.

GRUNDY COUNTY HIGH SCHOOL BIO-DIESEL PROJECT A RESOUNDING SUCCESS

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. DAVIS of Tennessee. Madam Speaker, when it came to my attention that a group of students in a Future Farmers of America class and educators at Grundy County High School were developing bio-diesel to use in tractors and school buses, I could not have been more proud.

The fuel, which is made from vegetable oil, methanol, and lye, will be used to make tractors and buses run cleaner, more efficiently, and in a cost effective manner. Additionally, everything in the process is 100 percent biodegradable.

The idea for the project began after a seminar at Middle Tennessee State University in Murfreesboro, Tennessee that called upon area schools to research alternative fuels.

Not only did these inventive students and educators take it upon themselves to develop their own bio-diesel, the Family and Consumer Science class is looking at ways to make soap from the glycerin that settles to the bottom of the mixture as it develops. There are plans to market the soap as a fundraiser for the school if efforts to make it are successful.

I applaud the actions of these students and the encouragement they are getting from their teachers. These students are receiving life lessons and skills they will be able to keep with them forever. They will not only be passing along these lessons to family and mends, these students are poised to go on to great things in the field of alternative/renewable energies.

There is no quick solution to the rising cost of fuel due to current demands and the lack of infrastructure to support renewable and alternative fuels. The long term solution will be in our ability to commit and invest in the development of these fuels. These young adults have taken this to heart and are to be commended for promoting this practice.

PAYING TRIBUTE TO WILLIAM "BILL" WRIGHT

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and legacy of William V. "Bill" Wright, who for over 57 years contributed immensely to the people of Southern Nevada in a variety of roles both civically and professionally. As a result of his commitment to his fellow Nevadans, the Clark County School District Board of Trustees named a new elementary school in his memory and honor.

Bill was born in Corsicana, Texas in 1917 and he was raised in Illinois. He attended the University of Missouri where he earned a degree in journalism. Prior to his move to Las Vegas with his wife, Annelle, he began his professional journalism career as an advertising salesman at The Peoria Star in Peoria, Illinois.

After his move to Las Vegas, Bill joined the Las Vegas Review-Journal as a member of the staff. He was promoted to advertising director in 1945 and served in this capacity until 1966 when he was appointed to the position of general manager. During his tenure as general manager of the Las Vegas Review-Journal, Bill was responsible for many of the important milestones in the development and growth of the newspaper. He oversaw the newspaper's circulation increase from 48,273 to 89,079 subscribers, which allowed it to claim the title of being the largest daily newspaper in the state of Nevada. He was also responsible for the construction of the newspaper's facilities on Bonanza Road and the modernization of the newspaper printing process from molten lead-typography to computerized typesetting.

As general manager of the Las Vegas Review-Journal. Bill was committed to the idea that its readers should understand how the news stories impacted their lives and insisted that the articles included information on how it would impact the Las Vegas community.

In addition to his many successes and achievements with his professional career, Bill was also passionate about history and was an adamant collector. As a result of his interests in history and his pride for Nevada, Bill became involved with many civic organizations such as the Nevada Historical Society and the Nevada State Museum. He served in several leadership positions and was both a member of the board of trustees and also chairman of the board for 14 years. In 1980, the University of Nevada Las Vegas honored him with the Distinguished Nevadan Award for his many years of service to his state. He was also honored by the Nevada State Press Association with the Silver Makeup Rule Award and inducted into the Nevada Newspaper Hall of Fame.

Unfortunately, Annelle, his wife passed away in 1977 but Bill remained general manager of the newspaper until 1981. Bill was active with his civic organizations and projects until his passing in 1998 at the age of 80 years old. Bill and his wife were survived by 4 children, 6 grandchildren and 11 great grandchildren with many of them residing in Southern Nevada.

Madam Speaker, William V. "Bill" Wright was an outstanding Nevadan whose commitment to civic and community organizations has made a profound difference in our state. I thank the Clark County School District for honoring Bill Wright's memory by naming a school after him and I congratulate his family on this special occasion.

HONORING MATTHEW W. PLUMMER

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. AL GREEN of Texas. Madam Speaker, below is a narrative for the RECORD by Mr. Matthew W. Plummer, an original Tuskegee Airman.

In September 1937 when I arrived at Tuskegee the Nation was busily engaged in attaining the Nation's goal in building a fleet of 50,000 airplanes to counter the Axis's warlike threats to our European Allies. I was from San Antonio, Texas where there was located several air fields; in fact I was born adjacent to one of them. The earliest I can remember was making my own airplanes imagining flying myself. It was not long after arriving in Tuskegee I met other boys who were similarly interested. We decided on our own to form a flying club where we could get together and talk about flying.

The next year we were contacted by the school officials seeking the club's help locating an airfield where two visitors could land. They were C. Alfred Anderson, the pilot, and Dr. Forsyth, who were returning from a visit to the Caribbean islands. I informed them of an airport owned by the Sheltons where they could land. The Sheltons owned an ice house in downtown Tuskegee and were in the process of building an airplane I sometimes visited after school.

The information I provided the school officials was helpful and they appointed me as the flying guests' host during their stay in Tuskegee. The height of my enthusiasm was when "Chief' Anderson took me up for a ride over campus. I will always remember that short flight; it was a WacoUP47 4 place cabin craft.

It was not long after the Anderson-Forsyth visit the discontent by a growing voice of citizens demanding inclusion of blacks in programs involving government expenditures was heard by Washington officials. In response to this demand Tuskegee was invited to the hearings along with other black schools offering higher education. It has been reported along with other testimony Tuskegee officials proudly announced there already existed on its campus students anxious to learn aviation citing the existence of an aviation club. It is reasonable to assume that the existence of the flying club constituted one of the factors that inspired the faculty to obtain CPT programs which were the predecessor to the military training facility.

I was in the second class of students enrolled in the civilian pilot training program. After completion of that program I was hired as an instructor for U.S. Army cadets training at Tuskegee. I volunteered for the Armed services, but deferred from active duty due to my position as an instructor.

One of the rewards of being an instructor was the feeling of modesty upon meeting an old student who expresses his admiration for the initial days of teaching lessons on the skill of flying! Consistently they are gracious in thanking us for the assistance in learning the skill of handling an airplane.

A TRIBUTE TO ROYCE O. CHAPMAN

HON. DON YOUNG

OF ALASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. YOUNG of Alaska. Madam Speaker, today I rise to honor Mr. Royce O. Chapman. Mr. Chapman has been an integral part of my operations for more than a decade. He managed my Fairbanks campaign office during the 1992 election and since then Royce has run my Fairbanks District Office. He has been a truly tireless public servant, helping me, the people of Fairbanks and the whole of Alaska.

Royce was born March 4, 1951 in Glenwood Springs, Colorado. He spent his early years in the small farming community of Johnstown, Colorado and graduated from Roosevelt High School in 1969. He attended Western State College of Colorado in Gunnison, Colorado in 1969–1970. After leaving college, Royce started work for Great Western Sugar Company in Johnstown until entering the United States Air Force in April of 1971.

Royce has two brothers: Rodney who lives in Wisconsin, and David in Colorado; and a sister Jana who lives in Oregon. Royce has been married to the former Carolyn Warman since September 2, 1971. They have two adult daughters, Shannon and Stacie, and four grandchildren: Justin, age 10 and Shane, age 7 who live in Seattle, Washington; and Meghan, age 7 and Ryan, age 4 who live in Tok, Alaska,

Royce's public service started in the Air Force. He spent the majority of his time in the Air Force as a Public Affairs Specialist and Technician working in the community relations, internal information, and public information sections. He was also the editor of several base newspapers; along with this he wrote many articles for publication in civilian newspapers and magazines.

Royce served for 20 years with assignments in Ellsworth AFB, South Dakota; Davis-Monthan AFB, Arizona; Zaragoza Air Base in Zaragoza, Spain; Vance Air Force Base, Oklahoma; and Williams Air Force Base, Arizona. His final assignment was Eielson Air Force Base, Alaska were he served from 1984 until retirement in 1991.

Royce is also a key figure in the community. He is a member of the Optimist Club of Fairbanks, has served on the Fairbanks North Star Borough School Board for 9 years (1997–2006) and is currently sitting on the Fairbanks "Kids Voting" Board of Directors.

Royce has been an integral part of my "Alaska team" for many years and it saddens me to see him leave. He has used his skills in communication and management to help me better serve the people of Alaska. His outgoing personality, confidential counsel and comprehensive evaluation of situations, have allowed him to do his job to the fullest and for the benefit of all Alaskans.

Royce is a Great Alaskan. I wish him and Carolyn all the best and continued good health as they embark on the next chapter of their lives.

IN RECOGNITION OF PRESIDENT EMERITUS DANIEL RUPP

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KUCINICH. Madam Speaker, I rise today in recognition of President Emeritus Daniel Rupp, for his 28 years of service as an officer of the National Association of Letter Carriers (NALC) Branch 40, where he devoted himself to the concerns and needs of the American worker.

For 15 years, Mr. Rupp was the Administrative Vice President of the NALC. His continuous work and never-ending desire to support the labor community earned him the respect of his peers. Mr. Rupp served his position with dignity and honor. It was no surprise when he became the Executive Vice President, and then the President of the Cleveland Postal Employees Credit Union (CPECU).

During the time Mr. Rupp was the President of the CPECU, he remained dedicated to addressing the concerns of the union while preserving the rights of the members. In addition to his tireless work with the CPECU he was a National Trustee delegate, and Branch 40 was well served by his leadership.

Committed not only to the union, Mr. Rupp devoted himself to his family with the same intensity he had when representing the members of the NALC. He and Barb have been married for 45 years, and together they have raised four sons and a daughter. Now, they have the unending joy of doting upon their nine beautiful grandchildren.

Madam Speaker and colleagues, please join me in honoring President Emeritus Daniel Rupp for his enthusiasm and devotion to the American worker. His integrity, commitment to his brothers and sisters, and tireless work with the community have made an indelible mark on northeast Ohio, and we are grateful for his dedication.

IN HONOR OF THE 120 YEARS OF COMBINED PUBLIC SERVICE OF NORTHVALE FIREMEN ARTHUR BODRATO AND FRANK BUONOCORE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise in honor of the extraordinary public service of two firemen who have each served the community of Northvale, New Jersey for 60 years. Arthur Bodrato and Frank Buonocore joined the company in 1947, a mere 41 years after the company was even founded. Their lives stand as a testament to how just a single life of volunteerism can make a profound difference in the lives of so many.

Not content to merely serve their neighbors in this brave role, both men took on extra responsibilities in the Northvale Fire Department and Northvale Fire Association to help their fellow firefighters. Frank Buonocore served as the Fire Association Treasurer for 18 years and as a Relief Association Officer. He also served as Lieutenant, Captain, and Chief of the Department. Arthur Bodrato served as Financial Secretary for the Fire Association and is the current President of the Northvale Fire Department Exempt Fireman's Association. He also served as a Lieutenant in the Fire Department.

As if to demonstrate the example these men have provided to their community, they have inspired a legacy of service. Arthur Bodrato's son, Briant is the current Chief of the Northvale Fire Department, and I look forward to returning to the floor some day to honor him for his service to Northvale as well.

THE GLOBAL THREAT OF DRUG-RESISTANT TB

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SMITH of New Jersey. Madam Speaker, last week the Subcommittee on Africa and Global Health held a hearing on the important and timely global health issue of drug-resistant tuberculosis. It is shocking that this disease which is curable continues to kill about 2 million people each year. Perhaps the reason for this apparent contradiction is that the vast majority of those who die from TB—98 percent—live in the developing world, and are from the poorest and most marginalized sectors of society. TB is particularly pernicious in that it targets young adults who are just starting to form their families and who are the producers and sustainers of their societies. The emergence in recent years of drug-resistant TB has raised the specter of higher death rates, more children who will lose their parents, and communities that will fall deeper into poverty and despair.

Combined with the fact that TB is the leading cause of death of persons with HIV/AIDS, this disease is having a particularly devastating impact on Africa. However, it is important to note that no region—indeed no country, including our own—is immune from the effects of tuberculosis. We should all be alarmed that strains that are resistant to a single drug have been documented in every country surveyed by the World Health Organization. Given the ease with which TB can be spread, TB is truly a disease without borders, and it is in our national as well as humanitarian interest to seek its eradication.

Therefore, it was highly appropriate that the subcommittee on global health commemorated World TB Day 2007 with the rest of the world, and raised our voices with that of others for an emergency response to this increasingly dangerous threat to global health. I agree with my colleagues here in Congress who are advocating for significantly more resources to be directed towards TB prevention, detection and treatment, and research for new drugs. In addition, the hearing provided us with the opportunity to examine the best means for directing our resources.

The World Health Organization recently came out with an interesting study entitled:

"Appreciating Assets: The Contribution of Religion to Universal Access in Africa." The study was focused on the treatment of HIV/AIDS, and utilized Zambia and Lesotho as the two study sites, but the findings provide useful indications for addressing other health issues, including tuberculosis, throughout Africa. The study found that approximately 30–40 percent of national health services were provided by faith-based organizations. In some areas, those percentages went as high as 65–70 percent.

The benefits of a faith-based infrastructure for addressing HIV/AIDS would seem to apply also to tuberculosis. For example, assisting and monitoring adherence to the drug regimen could be overseen by the volunteer community, as well as education of the general public. Since churches, mosques and synagogues are being encouraged to undertake HIV/AIDS initiatives, TB can readily be included.

It is well-known that the Global Fund is a major contributor to TB detection and treatment programs around the world. The United States has given over $2 billion to the Global Fund, or just over 30 percent of the Fund's revenues. I was disturbed to read reports earlier this month that the Global Fund has permanently terminated two grants to Uganda for malaria and tuberculosis. When I visited Uganda in January 2006, a suspension of 5 Global Fund grants due to gross mismanagement had just been lifted and I was informed that the problems appeared to have been resolved. The fact that this now turns out not to have been the case, and that several other countries have also had Global Fund grants terminated, raises serious questions about how the Global Fund is operating.

I know from my visits to Africa and from the numerous reports we receive in Congress how well our bilaterally-funded PEPFAR programs are performing. The information and accountability that Congress has come to take for granted through these bilateral programs are not available through the Global Fund. And yet many of the primary recipients of Global Fund grants are governments with a history of corruption and fraud, and/or limited capacity to properly manage large sums of money in their health sectors. One could argue that the absence in the Global Fund of a robust reporting and monitoring mechanism at both the primary and sub-recipient levels is an open invitation for waste in these countries, and a tragic loss of opportunity to save lives. The implementation of a system that provides accountability and transparency would seem vital to continued and expanded donor support of the Global Fund in the future.

HONORING COMMUNITY SMILES FOR 60 YEARS OF SERVICE

HON. ILEANA ROS-LEHTINEN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. ROS-LEHTINEN. Madam Speaker, I would like to take this opportunity to recognize a wonderful volunteer organization in my congressional district, Community Smiles/Dade County Dental Research Clinic. Community Smiles was established by a group of dedicated dentists in 1946 as the Dade County Dental Research Clinic. Their guiding principles are: to provide quality dental care, provide professional improvements and postgraduate education of dentists, and provide training to dental assistants for certification.

Community Smiles is a non-profit, community center that treats indigent populations in need of care. This clinic is celebrating 60 years of committed volunteer service to Miami-Dade County, during which thousands of patients have been treated pro bono. A remarkable record! The service this prestigious organization provides is invaluable to our community.

In 2006, more than 2,400 disadvantaged patients received services from 138 dentists, including major reconstructive treatment. As they begin this new year, they are ready and prepared to continue to provide an increasing number of patients with the best healthcare service possible.

I would like especially to recognize the current president, Dr. Robert Perdomo, III, for his leadership and dedication, and the immediate past two Presidents, Dr. Armando Paz & Dr. Shari Witkoff. Their unwavering pursuit of excellence has been an inspiration to the entire organization. It is their passion, talent, and service to the community of South Florida that makes our lives richer and Florida stronger.

Once again, I would like to thank Community Smiles/Dade County Dental Research Clinic for their continued commitment to the promotion of dental care. I congratulate Community Smiles on its achievement and service to the community.

THE INTRODUCTION OF THE CSRS RETIREMENT REPAYMENT TECHNICAL CORRECTION ACT OF 2007

HON. CHRIS VAN HOLLEN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. VAN HOLLEN. Madam Speaker, today I am introducing the CSRS Retirement Repayment Technical Correction Act of 2007. This bill would correct an unintended consequence that followed the enactment of the Omnibus Reconciliation Act of 1990 (Public Law 101–508) on November 5, 1990, and provide relief for Federal employees who were adversely affected by that enactment.

The Omnibus Reconciliation Act of 1990 made retroactive changes to the rules related to separating Federal employees. While the rules were made retroactive to October 1, 1990, the implementing regulations were not promulgated until February 1991. This four month period between the enactment of the law and the promulgation of the implementing regulations has adversely affected any Federal employee who withdrew their retirement contributions during this period.

This matter was brought to my attention by Sandra Schatz Landis, my constituent who was on maternity leave from the Immigration and Naturalization Service (INS), a former bureau of the Department of Justice at the time in question. On November 5, 1990, Ms. Landis withdrew $24,439.00 in retirement contributions and was advised that if she later re-entered federal service, she could re-deposit the withdrawal without paying interest and not suffer any adverse consequences.

Unbeknownst to Ms. Landis and the personnel specialists at INS who were advising her, because of the enactment of the Omnibus Budget Reconciliation Act of 1990 that occurred on that very same day, November 5, 1990, employees who withdrew their retirement contributions as far back as October 1, 1990 were suddenly required to repay their withdrawn contributions with interest in order to have the prior service included in their annuity calculation. What is unfair about this is that employees had no warning that the rules under which they were making major financial decisions were changing. If Ms. Landis were to make this repayment today, she would have to refund over $58,000 of which $34,000 is interest. This is just one example of an unintended injustice that must be corrected.

The CSRS Retirement Repayment Technical Correction Act of 2007 will provide relief to those who withdrew their retirement contributions between Oct 1, 1990, when the Omnibus Reconciliation Act was enacted, and February 1991, when implementing regulations were promulgated. It is fair and reasonable legislation that needs to be enacted into law.

RECOGNITION OF THE INAUGURAL VEGAS GRAND PRIX RACE

HON. SHELLEY BERKLEY

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. BERKLEY. Madam Speaker, I rise today to recognize the Inaugural Vegas Grand Prix Race that will take place April 6–8, 2007, in Las Vegas, and as such is scheduled to be the first of the 2007 Champ Car World Series. The inaugural Champ Car race in downtown Las Vegas marks the rebirth of world-class open-course auto racing within the city, in the great tradition of the legendary Mint 400 and the Caesars Palace Grand Prix.

The internationally televised Vegas Grand Prix will cap an action-packed, three-day festival of concerts and public events and a free street party downtown at Fremont Street. It is expected to be one of the largest events in the history of downtown Las Vegas and will be held on a 2.44-mile temporary street circuit through the heart of "Glitter Gulch" in downtown. The course includes 12 turns winding through Main Street, Carson Avenue, Casino Center Boulevard, Ogden Avenue and Grand Central Parkway.

Besides attracting racing fans and visitors from around the world to Las Vegas, the Las Vegas Grand Prix joins the distinguished list of 2007 Champ Car World Series events currently scheduled throughout North America including: Long Beach, California, Portland, Oregon, Cleveland, Ohio, San Jose, California, Denver, Colorado, Houston, Texas, Phoenix, Arizona, Mexico City, Mexico, and the Canadian cities of Edmonton, Toronto and Montreal. A race will even take place on the Gold Coast of Australia.

Madam Speaker, may my colleagues join me in recognizing this momentous occasion for Las Vegas, my constituents and race fans around the world.

HOUSE OF REPRESENTATIVES—*Friday, March 30, 2007*

The House met at 10 a.m. and was called to order by the Speaker pro tempore (Mr. RYAN of Ohio).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 30, 2007.

I hereby appoint the Honorable TIM RYAN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, now that spring is upon us, teach us the deepest meanings of spring break.

We know that these holidays throughout the ages spoke to people in mystical and religious terms. Even in modern society, days are set aside for religious observance.

Members of the House of Representatives, even though they are not assembled here in this Chamber this next week, still need our prayers. While working back home across this Nation in their districts, they work at relationships. In listening to people back home, they obtain reaction to the acts of Congress. They have the opportunity to teach and explain the work of legislation and learn of even deeper needs and concerns of citizens. Some Members will be focused on government's relationship to industry or educational concerns, and some will travel to strengthen foreign relations. We pray for them and their families.

Lord, spring break has come to mean different things to different people in our day. For some it means travel to Washington or other historical or beautiful places. Perhaps to be with relatives or visit old friends. For some it means spring cleaning, or spring planting.

For all it would seem the time of renewal in relationships, whether in family, friends, the home, or the earth. But most of all a renewed and deeper relationship with You, Almighty God, in whom and through whom all else holds together. Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from California (Mr. COSTA) come forward and lead the House in the Pledge of Allegiance.

Mr. COSTA led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

MESSAGE FROM THE SENATE

A message from the Senate by Ms. Curtis, one of its clerks, announced that the Senate has passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 727. An act to amend the Public Health Service Act to add requirements regarding trauma care, and for other purposes.

H.R. 1132. An act to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

H. Con. Res. 103. Concurrent resolution providing for a conditional adjournment of the House of Representatives and a conditional recess or adjournment of the Senate.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 1591. An act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes.

The message also announced that the Senate has passed bills of the following titles in which the concurrence of the House is requested.

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation.

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances.

The message also announced that the Senate insists upon its amendment to the bill (H.R. 1591) "An Act making emergency supplemental appropriations for the fiscal year ending September 30, 2007, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. BYRD, Mr. INOUYE, Mr. LEAHY, Mr. HARKINS, Ms. MIKULSKI, Mr. KOHL, Mrs. MURRAY, Mr. DORGAN, Mrs. FEINSTEIN, Mr. DURBIN, Mr. JOHNSON, Ms. LANDRIEU, Mr. REED, Mr. LAUTENBERG, Mr. NELSON (NE), Mr. COCHRAN, Mr. STEVENS, Mr. SPECTER, Mr. DOMENICI, Mr. BOND, Mr. SHELBY, Mr. GREGG, Mr. BENNETT, Mr. CRAIG, Mrs. HUTCHISON, Mr. BROWNBACK, Mr. ALLARD, Mr. ALEXANDER, and Mr. GRASSLEY, be the conferees on the part of the Senate.

APPOINTMENT OF MEMBER TO BRITISH-AMERICAN INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 2761, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Member of the House to the British-American Interparliamentary Group:

Mr. CHANDLER, Kentucky, Chairman

APPOINTMENT OF MEMBERS TO CANADA-UNITED STATES INTERPARLIAMENTARY GROUP

The SPEAKER pro tempore. Pursuant to 22 U.S.C. 276d, and the order of the House of January 4, 2007, the Chair announces the Speaker's appointment of the following Members of the House to the Canada-United States Interparliamentary Group:

Mr. OBERSTAR, Minnesota, Chairman
Mr. SMITH, Washington, Vice Chairman
Ms. SLAUGHTER, New York
Mr. STUPAK, Michigan
Ms. KILPATRICK, Michigan
Mr. HODES, New Hampshire
Mr. WELCH, Vermont

APPOINTMENT OF HON. STENY H. HOYER AND HON. CHRIS VAN HOLLEN TO ACT AS SPEAKER PRO TEMPORE TO SIGN ENROLLED BILLS AND JOINT RESOLUTIONS THROUGH APRIL 16, 2007

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
March 29, 2007.

I hereby appoint the Honorable STENY H. HOYER and the Honorable CHRIS VAN HOLLEN to act as Speaker pro tempore to sign enrolled bills and joint resolutions through April 16, 2007.

NANCY PELOSI,
Speaker of the House of Representatives.

The SPEAKER pro tempore. Without objection, the appointments are approved.

☐This symbol represents the time of day during the House proceedings, e.g., ☐1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

There was no objection.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 682. An act to award a congressional gold medal to Edward William Brooke III in recognition of his unprecedented and enduring service to our Nation; to the Committee on Financial Services.

S. 888. An act to amend section 1091 of title 18, United States Code, to allow the prosecution of genocide in appropriate circumstances; to the Committee on the Judiciary.

ADJOURNMENT

Mr. COSTA. Mr. Speaker, pursuant to House Concurrent Resolution 103, 110th Congress, I move that the House do now adjourn.

The motion was agreed to.

The SPEAKER pro tempore. Accordingly, pursuant to House Concurrent Resolution 103, 110th Congress, the House stands adjourned until 2 p.m. on Monday, April 16, 2007.

Thereupon (at 10 o'clock and 8 minutes a.m.), pursuant to House Concurrent Resolution 103, the House adjourned until Monday, April 16, 2007, at 2 p.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1024. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Substances Approved for Use in the Preparation of Meat and Poultry Products; Announcement of Effective Date [Docket No. 1995N-0220 (formerly 95N-0220)] received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Agriculture.

1025. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule—Energy Efficiency Program for Certain Commercial and Industrial Equipment: Efficiency Standards for Commercial Heating, Air-Conditioning, and Water-Heating Equipment [Docket Nos. EE-RM/STD-03-100, EE-RM/STD-03-200, and EE-RM/STD-03-300] (RIN Nos. 1904-AB16, 1904-AB17, and 1904-AB44) received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1026. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Medical Devices; Hematology and Pathology Devices; Classification of Cord Blood Processing System and Storage Container [Docket No. 2007N-0024] received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1027. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Current Good Manufacturing Practice Regulation and Investigational New Drugs [Docket No. 2005N-0285] received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1028. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule—Organ Procurement and Transplantation Network (RIN: 0906AA62) received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1029. A letter from the Director, Regulations Policy and Mgmt. Staff, Department of Health and Human Services, transmitting the Department's final rule—Current Good Manufacturing Practice Regulation and Investigational New Drugs; Withdrawal [Docket No. 2005N-0285] received March 14, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1030. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—LMSB Tier II Issue—Field Directive on the Examination of IRC Section 172(f) Specified Liability Losses #1—received March 8, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1031. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Computer Software Under Section 199(c)(5)(B) [TD 9317] (RIN: 1545-BF56) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1032. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Method of Assessment (Rev. Rul. 2007-21) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1033. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Examination of returns and claims for refund, credit, or abatement; determination of correct tax liability (Rev. Proc. 2007-25) received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1034. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule—Certain Deduction Limits under the Pension Protection Act of 2006 [Notice 2007-28] received March 22, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Ms. VELÁZQUEZ: Committee on Small Business. H.R. 1361. A bill to improve the disaster relief programs of the Small Business Administration, and for other purposes; with an amendment (Rept. 110-82). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

Mr. WAXMAN: Committee on Oversight and Government Reform. Report on Oversight Plans for All House Committees (Rept. 110-83). Referred to the Committee of the Whole House on the State of the Union and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. RADANOVICH:

H.R. 1855. A bill to authorize the Secretary of the Interior, acting through the Bureau of Reclamation to enter into a cooperative agreement with the Madera Irrigation District for purposes of supporting the Madera Water Supply Enhancement Project; to the Committee on Natural Resources.

By Ms. ROS-LEHTINEN (for herself, Mr. CANTOR, Mr. CHABOT, Mr. PENCE, Mr. MCCAUL of Texas, and Mr. BURTON of Indiana):

H.R. 1856. A bill to amend the Foreign Assistance Act of 1961 and the Palestinian Anti-Terrorism Act of 2006 to further promote the development of democratic institutions in areas under the administrative control of the Palestinian Authority, and for other purposes; to the Committee on Foreign Affairs, and in addition to the Committees on the Judiciary, and Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. KING of New York (for himself, Mr. ACKERMAN, Mr. FOSSELLA, Mr. GILLMOR, Mr. MCCOTTER, Mr. MARIO DIAZ-BALART of Florida, Mr. TOWNS, and Mr. BISHOP of New York):

H. Res. 295. A resolution recognizing the strong alliance between the Republic of Korea and the United States and expressing appreciation to the Republic of Korea for its efforts in the global war against terrorism; to the Committee on Foreign Affairs.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 900: Mr. CANNON, Mr. FOSSELLA, and Mr. STARK.

H.R. 989: Mr. HERGER.

H.R. 1176: Mr. FILNER, Mr. REYES, Mrs. NAPOLITANO, Mr. BACA, Ms. ROYBAL-ALLARD, Mr. BECERRA, Mr. CUELLAR, Mr. GONZALEZ, Mr. HINOJOSA, Mr. PASTOR, Mr. RODRIGUEZ, Mr. SALAZAR, Ms. CLARKE, and Ms. VELÁZQUEZ.

H.R. 1270: Mr. SHUSTER.

H.R. 1459: Mr. CARNEY.

H.R. 1469: Mr. KLEIN of Florida, Mr. MCGOVERN, and Mr. BOOZMAN.

H.R. 1595: Mr. SKELTON.

H.R. 1681: Mr. GORDON.

H. Con. Res. 94: Mr. GILCHREST, Mr. FARR, Mr. PALLONE, and Mr. ALLEN.

DISCHARGE PETITIONS—ADDITIONS OR DELETIONS

The following Member added his name to the following discharge petition:

Petition 1. March 20, 2007, by Mr. SAM JOHNSON of Texas on House Resolution 220: Don Young, Frank A. LoBiondo, John Linder, Thomas G. Tancredo, Dave Weldon, C.W. Bill Young, Tim Murphy, Jerry Moran, and Vito Fosella.

EXTENSIONS OF REMARKS

A BILL TO PROVIDE THAT FEDERAL EMPLOYEES IN AMERICAN SAMOA SHALL BE PAID THE SAME NON-FOREIGN AREA COST-OF-LIVING ALLOWANCE AS IF STATIONED IN GUAM OR THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

HON. ENI F.H. FALEOMAVAEGA

OF AMERICAN SAMOA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. FALEOMAVAEGA. Madam Speaker, I am pleased today to introduce legislation to provide that Federal employees stationed in American Samoa be paid the same non-foreign area cost-of-living allowance as stationed in Guam or the Commonwealth of the Northern Mariana Islands.

To date, American Samoa is the only non-foreign area in which Federal employees do not receive a cost-of-living allowance. Given that American Samoa faces many of the same issues driving higher prices for goods, services, and travel that face other territories in similar situations, it seems discriminatory that the Office of Personnel Management (OPM) has chosen not to provide COLA to Federal employees in American Samoa. Further exacerbating this problem is the fact that "post differential" compensation is paid to Federal employees who are working here who have come in from other areas of the country. As a result, the only non-foreign area Federal employees who do not receive any additional compensation are those Federal employees from American Samoa, working in American Samoa.

This legislation would remedy that inequity by providing COLA for our Federal employees at the same rate as has been determined by OPM to apply in Guam and CNMI. I urge my colleagues to join me in resolving this issue by supporting this legislation that would provide fair compensation to American Samoa's Federal employees.

RECOGNIZING THE GIRL SCOUTS OF THE UNITED STATES OF AMERICA ON ITS 95TH ANNIVERSARY

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the Girl Scouts of the United States of America for helping millions of young women become role models and community leaders for the past 95 years.

It was in 1912 that Juliette Gordon Low founded the Girls Scouts of the USA. Based on her lifelong desire to serve and assist others, she brought girls of all backgrounds together and helped them develop important skills to serve their communities, help the needy and make the world a better place to live. Going against the traditional norms of the time, she encouraged young women to not only prepare for a role as a homemaker, but also to learn skills to succeed as a professional woman.

Starting 95 years ago with a single troop of 18 girls, Juliette Gordon Low's mission has grown exponentially. More than 50 million girls have since experienced the benefits of Girl Scouting and research shows that Girl Scout alumnae now represent 70 percent of women serving in Congress, 64 percent of women listed in "Who's Who in America," and 53 percent of women business owners.

In my District, the Girl Scouts of Downingtown will celebrate this anniversary with a day of service at Chester County's Springton Manor Farm Park. The girls and their parents will spend the day volunteering their time on everything from planting trees and gardening to cleaning the trails and building a new orienteering course.

So I ask, Madam Speaker, that my colleagues join me today in congratulating the Girl Scouts of the USA as they celebrate this historic milestone and encouraging this exemplary organization to provide another 95 years of service and assistance to the young women of this country in developing important skills to better their communities and succeed in careers of their choosing.

HONORING THE AMERICAN STROKE FOUNDATION AND SHOWING SUPPORT FOR H.R. 477, THE STROKE TREATMENT AND ONGOING PREVENTION ACT

HON. EMANUEL CLEAVER

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. CLEAVER. Madam Speaker, I rise today in support of H.R. 477, the Stroke Treatment and Ongoing Prevention Act and to honor the American Stroke Foundation (ASF). Founded in 1997 in the Kansas City Metropolitan Area, the ASF supports stroke survivors, their families, caregivers and friends by providing resources, services, education and information that improves their quality of life.

Every forty-five seconds, someone suffers from a stroke. Blood supply to the brain is interrupted, causing a loss of brain function and possibly brain damage. Every three minutes, someone dies from a stroke.

Stroke is the number one cause of adult disability and the third leading cause of death in the United States. About 700,000 Americans suffer a stroke each year. Four out of five people in the U.S. either have had a stroke or know someone who has. My family, like the vast majority of American families, has been touched by stroke. I am proud to come before you today not only to express my commitment to doing all that is necessary to stop strokes, but to vote for an important step to ending this tragic disease.

House Resolution 477, the Stroke Treatment and Ongoing Prevention Act, establishes a national grant program and public awareness program to help each state ensure that patients have access to quality stroke prevention, treatment and rehabilitation services. I was proud to cosponsor and vote for this legislation in previous Congresses, and I am proud do so again this week.

I would like America to know about a hometown hero, who has devoted her time, energy and amazing spirit to helping those disabled by stroke. After her husband Stan's stroke, Shirley Rose realized, as I did when stroke struck my family, that resources for recovering stroke survivors and their caregivers were painfully inadequate. Shirley did not dwell on the need and simply retreat in dismay. No, instead, Shirley founded the American Stroke Foundation and from their two locations in Kansas and Missouri, ASF has worked to improve the lives of stroke survivors by providing extended rehabilitation efforts, creating community programs, and educating the public about strokes. Shirley turned her desire for the best care for her husband and her personal need for a support network into an organization that helps thousands of Americans each year cope and recover from this often-debilitating disease.

In 2002, thanks to efforts like those of the ASF, the United States had one of the lowest death rates for stroke. My home state of Missouri is fortunate to have one of the lowest fatality rates in the country. Regardless, I hope to see both of these numbers decrease as these essential programs are supported.

Madam Speaker, I am proud to honor the American Stroke Foundation and vote for this life-saving legislation, and I ask my colleagues to join me today in paying tribute to this life-saving and life-improving organization.

AMBASSADOR MANSOUR VISITS SEWANEE FOR LECTURE SERIES

HON. LINCOLN DAVIS

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LINCOLN DAVIS of Tennessee. Madam Speaker, known for its unique and comprehensive educational experience, Sewanee: The University of the South, is holding a two part lecture series focusing on the Middle East. Ambassador Reda Mansour, Consul General of Israel to the Southeastern United States, has been invited and will lead the first lecture.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Ambassador Reda Mansour was appointed to his current post in August 2006. Previously he served as the Ambassador of Israel to Ecuador, Deputy Ambassador in the Israeli Embassy to Portugal, and Deputy Consul General of Israel to the U.S. Pacific Northwest based in San Francisco.

Prior to his diplomatic career, Ambassador Mansour served in the Israeli Defense Forces Corps of Engineers in the Northern Command Demolition Unit. Ambassador Mansour holds a masters degree from Harvard University's Kennedy School of Government and is a Ph.D. candidate in Haifa University's Middle Eastern History department.

In addition to his position as a diplomat, Ambassador Mansour is an accomplished author. He has published three books of poetry, as well as a number of short stories and poems published in literary articles and poetry reviews. Ambassador Mansour has received the Ha'retz Annual Short Story Award, as well as the Haifa University Miller Award.

I join Sewanee, The University of the South, in thanking Ambassador Mansour for taking part in this important lecture series intended to foster a greater understanding of the Middle East.

PAYING TRIBUTE TO DR. RUTH JOHNSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Dr. Ruth Johnson, president of the Clark County School District Board of School Trustees, and congratulate her on behalf of the Clark County School District for receiving the Distinguished Support of Music Education Award.

The VH1 Save the Music Foundation has selected the Clark County School District Board of School Trustees as this year's recipient of their Third Annual School Board Award for Distinguished Support of Music Education. Clark County is an exemplary school district to which others can look as model for music education. The Board of School Trustees, presided over by Ruth Johnson, is the only school board in the United States to receive this award by VH1 Save the Music Foundation. The Clark County School District Board of Trustees are dedicated to providing a certified, qualified music teacher for each school, as well as funding after school music programs, text books, and music supplies.

For the past 10 years, Ruth has served on the Clark County School District Board of Trustees, where her leadership has greatly contributed to the development of music education in the Clark County School District. Furthermore, Ruth Johnson has committed the efforts of the Board of School Trustees to go above and beyond to achieve excellence in music education.

Madam Speaker, I am proud to honor my friend Dr. Johnson and the Clark County School District Board of Trustees. Her dedication in enriching the educational experience of the Clark County students is commendable and I congratulate her for being honored by VHI Save the Music. I wish Dr. Johnson continued success as she serves as president of the Clark County School Board of Trustees.

HONORING THE TUSKEGEE AIRMEN

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. AL GREEN of Texas. Madam Speaker, I wish to honor the Tuskegee Airmen, the group of African-American pilots who flew with distinction during World War II as the 332d Fighter Group of the U.S. Army Air Corps. Additionally, I am compelled to honor an excellent servant to our Nation, Mr. Matthew W. Plummer, an original Tuskegee Airman who served as an instructor for U.S. Army cadets training at Tuskegee. His tireless work, like that of so many other Tuskegee Airmen, helped to make our country a more perfect union.

Prior to the Tuskegee Airmen, not a single U.S. military pilot had been African-American. However, due to the work of the African-American civil rights community, the United States Congress in 1941 forced the Army Air Corps to form an all-black combat unit. In June 1941, the Tuskegee program officially began with formation of the 99th Fighter Squadron at the Tuskegee Institute, a highly regarded university founded by Booker T. Washington in Tuskegee, Alabama. The Airmen were placed under the command of Capt. Benjamin O. Davis, Jr., one of the few African-American West Point graduates.

During World War II the Tuskegee Airmen fought with amazing gallantry and uncompromismg determination. They flew escort for heavy bombers, established an impressive combat record, and often entered combat against greater numbers of superior German aircraft, while emerging victorious. These brave fighters fought for their country at a time when their country would not fight for them. They were forced to suffer from the daily disease of racism even while in uniform. However, the Tuskegee Airmen chose to fight for their country as hard as they fought against racism, and they would eventually prove that they were the greatest of the "Greatest Generation".

By the end of the war, the Tuskegee Airmen were credited with shooting down 109 Luftwaffe aircraft and destroying numerous fuel dumps, trucks and trains. The squadrons of the 332nd Fighter Group flew more than 15,000 sorties on 1,500 missions. The unit was awarded a Distinguished Unit Citation for a mission flown on March 24, 1945, escorting B–17s to bomb the Daimler-Benz tank factory at Berlin, Germany, an action in which its pilots destroyed three Me–262 jets in aerial combat.

The Tuskegee Airmen were awarded several Silver Stars, 150 Distinguished Flying Crosses, 14 Bronze Stars, and 744 Air Medals. In all, 992 pilots were trained in Tuskegee from 1940 to 1946. Of the airmen 445 deployed overseas and 150 Airmen lost their lives in training or combat.

Madam Speaker, I urge my colleagues to honor the Tuskegee Airmen for their service to our country, their work to end segregation in the U.S. military, and their courage which has empowered millions of African-Americans and other minorities across our great country.

INTRODUCTION OF A RESOLUTION CELEBRATING THE 500TH ANNIVERSARY OF THE FIRST USE OF THE NAME "AMERICA"

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mrs. MALONEY of New York. Madam Speaker, I rise today with my colleagues Representatives ALCEE HASTINGS, JOE WILSON, and HOYER, to honor the upcoming 500th anniversary of the coining of the name "America." On April 25, 1507 cartographer Martin Waldseemüller of the research group Gymnasium Vosagense in Saint-Die', France changed the way Europeans perceived the world by first depicting the Western Hemisphere in his 1507 world map. Waldseemüller honored Amerigo Vespucci by labeling this land with the Italian navigator's Christian name. Although explorers like Christopher Columbus already discovered this land, Amerigo Vespucci was the first to realize that it was not India but an entirely new continent. I invite my fellow Americans to join me and the House of Representatives in celebrating the historic 500th anniversary of the coining of this great name. Lastly, I also want to welcome Representative HASTINGS as a new member of the Americans Abroad Caucus, which I along with Representative WILSON have co-founded.

2007 EXCELLENCE AWARDS FOR EMPLOYEES OF THE CHIEF ADMINISTRATIVE OFFICER

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. EHLERS. Madam Speaker, I'm pleased to announce the recipients of the 2007 Achieving Excellence Awards (ACE) for the Office of the Chief Administrative Officer.

This year's award winners are Darrell Norman, Liz McBride-Chambers, Scott Hood, Wanda Jackson, Cari Knowles, Traci Beaubian, Patricia Nuzzo, Jim Caskey, Dave Woodburn and Christine Stewart. Their ACE Awards acknowledge the exceptional efforts made by these employees to provide quality service to the Members, Committees and offices of the House of Representatives.

The recipients of the 2007 CAO ACE Awards represent many areas of the CAO organization, perform a variety of jobs, and provide a wide range of services to the House community. Whether working directly with Members or staff, supporting CAO internal operations, or ensuring the technical infrastructure is operational, each serves as an exemplary role model for the entire CAO community. Collectively and individually they deliver solutions that fulfill our goal of providing a quality customer experience.

Employees nominated for an award must be in a full-time status and have a current excellent performance rating. Nominations for the awards are submitted by managers or supervisors within the organization. The nominations are then reviewed by a committee comprised of the CAO's leadership team with final award recommendations submitted to the Chief Administrative Officer for approval.

Darrell Norman, a CAO employee who died this past January, is being honored posthumously as one of the recipients of the "CAO Excellence" award. As a long-time employee of the CAO Technical Support team, Darrell exemplified the customer service standards of the CAO organization, the consultative approach to working with Members and staff to identify practical solutions, and a great attitude that resonated with all whom he worked with and served.

Starting this year, the CAO Excellence award will be formally re-named the "Darrell Norman Excellence Award" as an ongoing tribute to Darrell's many years of exemplary service to the House, in recognition of the tremendous role model he was for his CAO colleagues, and to acknowledge his "can-do" attitude and his infectious spirit.

Liz McBride-Chambers and Edward (Scott) Hood were selected as additional recipients of the "Darrell Norman Excellence Award." In her role as a member of the Office of Employee Assistance and the Human Capital Solutions team, Liz is a critical member of the CAO team. She embodies the mission, vision and values of the organization and provides her exceptional consultative skills and excellent customer service to the entire House community. She brings passion, integrity and an unwavering commitment to the "people" of the CAO organization and the House in everything that she does, whether providing employee assistance services to an individual House employee, consulting with a Member's Chief of Staff to identify a team development solution, or conducting a training program for a specific work group.

Scott Hood, as a supervisor in the Joint Capitol Service Center, inspires and motivates his staff and others to deliver quality services and solutions to many problems for the offices located in the Capitol. Scott has also been a key contributor to our efforts to enhance customer satisfaction and to work across the organization and with a variety of service partners to deliver solutions that exceed the expectations and needs of their customers. He has been particularly effective in bringing his change management and leadership skills to bear in developing an effective partnership with the Architect of the Capitol to deliver seamless solutions to House Leadership Offices.

Wanda Jackson is the 2007 recipient of the "Simplify the Day" award. As a Telephone Systems Consultant, Wanda is committed to going the extra mile for her customers and her colleagues. This past year, she stepped in to fill the void left by the departure of a senior telecommunications administrator in the midst of the Congressional transition, and she took on the support of sixty Member offices throughout the transition, including the coordination of the installation of voice and data services in the District offices of several freshman Members. Wanda worked tirelessly on behalf of one particular District office to troubleshoot their problem with the local telephone company and to manage the set-up process to the point of resolution and the complete satisfaction of the office.

Cari Knowles is being recognized with the "Personalized Solutions" award. In her role of providing graphics-related support services to Members, Committees, and House support offices, Cari has contributed significantly to raising customer expectations for the Graphics office through the excellence of her work, her ability to build relationships of trust with her customers, and her commitment to personalize a variety of graphics solutions for each customer. By carefully listening to her customers, she brings them a particular value through her ability to take ownership for their project by helping them define their requirements and identify the most appropriate solution to their unique graphics production needs.

Traci Beaubian and Patricia Nuzzo have been selected to share the 2007 "Dedicated" award. Traci Beaubian's persistence in getting the new payroll system stabilized after a challenging conversion process is reflective of her dedication to the House, to her colleagues, and to the House workforce. She looks beyond the surface to identify existing and potential challenges, works with her team to develop practical and innovative solutions, and accepts responsibility for the work of her team in carrying the solution forward. This past year she developed a successful audit technique to identify unusual variances in salary amounts which produced measurable results that were recorded on the CAO's financial statements. Patricia (Trish) Nuzzo, as a senior member of the CAO Advanced Business Solutions team, has responsibility for support of the payroll system covering day-to-day operations, audit management and long-term project support. Her ability to balance short-term and long-term objectives, her positive attitude, and her collaborative approach to resolving problems helps diffuse difficult situations. Trish has been particularly effective as a facilitator in bringing diverse teams together to develop and arrive at workable solutions by matching the right people to the situation, issue or challenge. Her dedication to her work and her ability to recognize and harness the talents of multiple team members has earned her the respect of her colleagues and her customers.

James (Jim) Caskey and Charles (Dave) Woodburn are each being recognized with the "Knowledge" award. In his role as a Senior Procurement Specialist, Jim Caskey's knowledge and skills in negotiation have saved the House tens of thousands of dollars annually through the effective procurement of professional services and software licenses and maintenance agreements. Jim consistently provides the House community, his procurement colleagues, and the program offices he supports with his expert advice, his extensive experience and his service-minded attitude. His knowledge is particularly evident in the mentoring relationships he has with other procurement personnel and in his creativity in finding innovative and effective solutions to procurement and purchasing issues.

Dave Woodburn's knowledge and contribution to the CAO organization and the House far exceeds his immediate responsibilities in the Central Receiving and Warehousing Department, and makes him a "go-to" resource for his co-workers, vendors and contractors alike. In addition to having a firm understanding of the needs of the Members, Committees and staffs that he serves, Dave has brought added value to the organization by applying his knowledge of services and processes to meet challenges enthusiastically, while using his excellent people skills to build solid relationships with House offices and vendors and to resolve issues with staff and internal customers in an amenable fashion.

Christine Stewart is the 2007 recipient of the "One Team" award. Her dedication, professionalism, outstanding customer service skills, and knowledge of procurement management and the House environment have made Christine a valuable team member to the CAO Procurement team and the offices she supports throughout the procurement and purchasing processes. There is never a task that she is not willing to take on, regardless of the level of effort required or the urgency of the procurement need. This was particularly evident this past year during the Congressional transition when, in response to an urgent procurement requirement, she secured inventory services within 6 days while saving the House over $70,000.

On behalf of the entire House community, I extend congratulations to the family and colleagues of Darrell Norman, and to Liz McBride-Chambers, Scott Hood, Wanda Jackson, Cari Knowles, Traci Beaubian, Trish Nuzzo, Jim Caskey, Dave Woodburn, and Christine Stewart for their tireless efforts and outstanding contributions to the U.S. House of Representatives. I extend my condolences to Darrell's family, and I wish his CAO colleagues and this year's CAO ACE Award recipients continued success in their endeavors and contributions to the House community.

INTRODUCING THE NATIONAL EMERGENCY CENTERS ESTABLISHMENT ACT

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to reintroduce the National Emergency Centers Establishment Act, a bill I first introduced in the 109th Congress.

Many of us share the belief that the Federal Government's response to Hurricane Katrina was disorganized and inadequate; the Federal Emergency Management Agency—FEMA—was far too slow to arrive and evacuees were left stranded in massive shelters with egregious standard of living violations.

Sixteen months following the devastation wreaked by Hurricane Katrina, more than 13,000 residents who were displaced by the storm were still living in trailers provided by FEMA. Eighteen months after Katrina, half the homes in New Orleans still did not have electricity. FEMA had informed Congress that

60,000 families in Louisiana still live in 240-square-foot trailers—usually at least 3 to a trailer.

Even President Bush realizes the shortcomings of our Federal Government to respond to the immediate and long-term needs of these disaster victims.

As recently as March 1, 2007, President Bush acknowledged that many gulf coast residents remained frustrated with the slowness of rebuilding after Hurricanes Katrina and Rita and pledged to continue to help hurricane victims and their communities rebuild.

The sluggish and derisory reaction of our Federal Government to disaster victims affects me personally. In 2004, four hurricanes ravaged my home State of Florida, all of which literally destroyed parts of the counties in my district. In the immediate and long-term aftermath, our communities saw FEMA's shortcomings. Eighteen months after Hurricane Wilma struck in 2005, citizens are still residing in trailers labeled on the outside "FEMA."

The lack of natural disaster preparedness efforts and temporary housing options for disaster stricken citizens has only exacerbated an unbearable situation. Deficient recovery responses have led to elongated recovery rates in my district and across this Nation.

Two main problems—increasing the availability of temporary housing in times of national emergencies and improving training and preparedness for national emergencies—must be resolved to ensure that the humanitarian catastrophe that occurred in the gulf coast and continues to happen today will never occur again.

We have an obligation to better prepare and more adequately respond to the needs of communities hit by natural disasters. We have a responsibility to ensure that the most basic needs of disaster victims are met immediately following the devastation.

It is for this reason that I come to the floor today to introduce the National Emergency Centers Establishment Act. My bill establishes no fewer than six National Emergency Centers spread throughout the United States. The centers would be used, first and foremost, to provide temporary housing, medical and humanitarian assistance, including education, for individuals and families displaced due to an emergency. The centers would also serve as a centralized location for the training and coordination of first responders in the instance of an emergency. In addition, the centers will improve the coordination of preparedness, response and recovery efforts between governments, private, not-for-profit entities and faith-based organizations.

The National Emergency Centers would be located on military bases, with a preference wherever possible for those installations closed during the most recent Base Realignment and Closures—BRAC—round. I am proposing these sites because the necessary infrastructure to house, feed, educate and care for evacuees over an extended period of time is already in place, thus limiting the cost and time needed to construct these facilities.

Madam Speaker, our Nation was not prepared for the disastrous hurricanes that struck Florida and the gulf coast in 2004 or in 2005. The establishment of National Emergency Centers will go a long way to ensuring that our response to national emergencies are not as disastrous as the disasters that created the emergencies in the first place.

I ask for my colleagues' support and urge the House leadership to bring this legislation to the floor for its swift consideration.

IN MEMORY OF GENE McKAY

HON. JOE WILSON

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. WILSON of South Carolina. Madam Speaker, South Carolina early today lost a giant in broadcasting with the death of Eugene Klemick, who we all knew as the legendary Gene McKay.

Gene began his service in Columbia at WIS Radio. He and fellow radio pioneers, Dave Wright, Bill Benton/and Dennis Waldrop, purchased WSCQ–FM in 1976, where Gene, along with co-hosts Dave Wright and Bill Benton, began to cheerfully wake up the Midlands with "Good Morning Columbia." Following the sale of WSCQ–FM in 1997, Gene continued his early morning "Good Morning Columbia" radio show at WISW–AM with co-hosts Bill Benton and Doug Enlow.

Gene had a keen insight which produced an instant humorous wit with profound political beliefs and a great love of America. He was a devoted family man and patriot who helped Midlands residents begin each day with cheer. He was a proud Polish-American from Chicago who became beloved in South Carolina.

As an admirer and friend, our family extends our sympathy to Roni, Katherine, his extraordinary co-workers, and countless friends.

CONGRATULATING FLORIDA GULF COAST UNIVERSITY WOMEN'S BASKETBALL TEAM

HON. CONNIE MACK

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. MACK. Madam Speaker, I rise today to offer my congratulations to Florida Gulf Coast University Women's Basketball team on their remarkable season. As the national runner-up in Division II women's basketball, the team has become an inspiration to Southwest Florida, and everyone in our community is incredibly proud of their accomplishments.

The Eagles success is made even more amazing because Florida Gulf Coast University is Florida's newest University, having opened its doors just 10 short years ago.

This year, the Eagles set a remarkable school record with 34 wins and only one loss, making them an elite group of NCAA student athletes. Head Coach Karl Smesko and his team deserve our congratulations. They not only won on the court, but with their passion and dedication they have also won Southwest Florida's admiration and respect.

Florida Gulf Coast University is an integral part of our community, and their success in academics and athletics is second to none.

Congratulations to all the coaches and players that worked so hard and achieved so much: Karl Smesko, head coach; LeAnn Freeland, assistant coach; Ebonie Halliburton, assistant coach; Bryan Crislip, assistant coach; Kim Balduzzi, Candace Carreras, Jen Conely, Delia De LaTorre, Chelsea Dermyer, Ashley Haegele, Adrianne McNally, Alex Nelson, Amanda Pierce, Kate Schrader, Steffi Sorensen, Princess Stewart and Angel Woods.

INTRODUCTON OF LEGISLATION TO MAKE PERMANENT THE DEDUCTION FOR MORTGAGE INSURANCE PREMIUMS

HON. SANDER M. LEVIN

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LEVIN. Madam Speaker, today I am pleased to introduce legislation to make permanent the deduction for mortgage insurance premiums. I want to thank my colleague Mr. RYAN, who sponsored this bill in the last Congress, for working with me in this matter. I would also like to thank Representatives JOHN LEWIS, WALLY HERGER, JOHN TANNER, DAVE CAMP, RAHM EMANUEL, PHIL ENGLISH, SHELLEY BERKLEY, JERRY WELLER, JOE CROWLEY, RON LEWIS, ALLYSON SCHWARTZ and ERIC CANTOR who are joining Mr. RYAN and myself in introducing this legislation.

Last year, a version of Mr. RYAN's legislation, H.R. 3098, was incorporated into the Tax Relief and Health Care Act. As a result, homeowners who purchase mortgage insurance will be able to deduct the premiums they pay beginning January 1st of this year. Unfortunately, the provision is temporary and expires December 31, 2007. The legislation we are introducing today will make this deduction permanent.

Government and private mortgage insurance programs help first-time, low- and middle-income, minority and veteran borrowers afford to purchase a home. The Federal Housing Administration, Department of Veterans Affairs, Rural Housing Service and private mortgage insurance programs allow these homebuyers to obtain a mortgage with a significantly reduced down payment of 3 percent or less of the appraised value, addressing one of the key barriers to homeownership.

As a result of our legislation, mortgage insurance will be a more affordable option for families that want to purchase a home. Particularly given the ongoing problems associated with subprime lending, it is important that we continue to make premiums on new mortgage insurance contracts deductible beyond the end of this year.

According to the most recent data, more than 388,000 families in my home state of Michigan held mortgages with either FHA or private mortgage insurance, and insured mortgages comprised 36 percent of home purchase loans originated in Michigan from 2000–2005. Mortgage insurance covered 40 percent of the mortgage loans made to African American or Hispanic borrowers. Borrowers earning less than 120 percent of area median income comprised 80 percent of the insured home purchase loans originated in the state.

Nationwide, 11.5 million families presently use mortgage insurance. The people who use mortgage insurance are our neighbors. They are policemen, firemen, teachers, and veterans who live in every community in everyone of our districts. This House has a longstanding commitment to expanding homeownership and to achieve that goal, we must expand the circle of people that are able to participate in the housing market.

Making the tax deduction for mortgage insurance premium payments permanent will help make the American dream of owning a home come true for many more of our citizens. Madam Speaker, I urge my colleagues to support this important legislation and join us in working towards its enactment at the earliest opportunity this year.

NORTHEAST TARRANT CHAMBER OF COMMERCE ON ITS 50TH ANNIVERSARY

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. GRANGER. Madam Speaker, I rise today to celebrate the 50th Anniversary of the Northeast Tarrant Chamber of Commerce.

The Northeast Tarrant Chamber of Commerce was chartered on December 23, 1957 as "The Greater Richland Area Chamber of Commerce." The initial meeting to establish the chamber was the dream of Gertrude Tarpley and Jack Bean. Tarpley was Northeast Tarrant County's unofficial matriarch and Bean was its first president. At the time, the Richland Industrial Park was in the planning stages and many people were concerned about how it would affect their homes. Seventy five local civic leaders signed up to participate in the new chamber, coming from as far away as Grapevine and paying an annual fee of $25.

The organization quickly gained momentum. In the 1960s, the chamber worked to balance commercial, industrial and residential zoning. It also helped expedite the Airport Freeway construction and helped form the Tarrant County Junior College District. The organization's membership also increased, with the group's regular dinners averaging 500 to 600 attendees.

In the late 80s and early 90s, the chamber hit a rough patch as questions arose about the organization's effectiveness.

In 1992, Doug Terry, president of Frost National Bank in Hurst, took over as president and the organization agreed to make changes to promote economic development, retain its membership and offer programs to help member businesses. As a result, the chamber became more visible to city councils and became more effective overall.

In 2001, Robert Hamilton was named president and CEO and was responsible for implementing innovative ideas and new programs to enhance the chamber's position in the North Texas region. A new economic development foundation called Quad Cities DFW was founded in early 2003 with marketing of the four cities and chamber membership as the main priority. Throughout the next few years, the chamber, its programs and materials earned top honors from chamber peers throughout the state.

Today, the chamber has 925 members. As a current member of the Board of Directors, I can attest to the hard work and commitment the Northeast Tarrant Chamber has to its members and community. The chamber has been a key player in helping bring economic development and leadership to local businesses and the Tarrant County community.

I commend the Northeast Tarrant Chamber for its hard work and dedication. Your involvement in the economic development of our region is very crucial and greatly appreciated.

TRIBUTE TO GEORGETOWN HIGH SCHOOL MEN'S BASKETBALL TEAM

HON. JEAN SCHMIDT

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mrs. SCHMIDT. Madam Speaker, I rise today to offer congratulations to Georgetown High School in Brown County on winning the Division IV Ohio High School Athletic Association's Men's Basketball Title.

The city of Georgetown has always been attached to the catchphrase "the home of our 18th President, Ulysses S. Grant". Now President Grant will need to share that catchphrase with the 2007 Men's Basketball Champions.

Georgetown, Ohio, home of Ulysses S. Grant and the 2007 State Champion G-Men.

With the win the Georgetown G-Men became the only basketball team in Ohio this year to complete an undefeated season. Though unranked the G-Men never gave up their dream of a perfect season and a state championship.

As Georgetown High School marched their way through the state tournament all of Brown County caught G-Men fever. It seemed when Georgetown took to the basketball court in Columbus Brown County's population crashed to near zero.

Madam Speaker, I salute the school, Coach Underwood and the entire community on their perfect season. Brown County is very proud tonight. Go G-men!

SMALL BUSINESS PROTECTION ACT

HON. MARK STEVEN KIRK

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KIRK. Madam Speaker, today I introduced the bipartisan Small Business Securities Protection Act with my colleague, Representative STEVE ISRAEL. This bill follows the recommendations of the SEC's own advisory committee to help small businesses with the costs of implementing just one section of Sarbanes-Oxley—Section 404.

Section 404 requires publicly traded companies to document all of their internal controls, While this is helpful with 90 percent of the companies offering stock in America, it has cost the average small company half of its profit margin. America has lost 90 percent of its foreign securities business as markets in Hong Kong and London advertise themselves as "Sarbanes-Oxley-free." SEC Chairman Cox warned that Section 404's implementation on small businesses has led to an instinct to "go for the capillary," focusing millions of dollars on micro-accounting issues rather than expanding employment. The Chief Finance Officer of Whole Foods recently said ". . . we spent even more time drilling into insignificant details . . . spending millions on accounting research—not on new stores, new products, and new jobs."

Our bill follows the recommendations of the SEC's Advisory Committee to clearly define key accounting terms like "material," "reasonable," "significant," and "sufficient"—terms that if left undefined lead to millions spent in pointless litigation. The bill would allow consultants advising on Sarbanes-Oxley compliance to actually talk to accountants so differences could be resolved. Finally, the bill provides relief to small enterprises and companies less than one year old to revive the business sector hit hardest by Section 404.

Much of the new foreign securities work has already left our country. Many publicly-traded companies are going private to eliminate millions in Sarbanes-Oxley costs. Our reforms would keep 95 percent of companies under full Section 404 rules. It would relieve the burden on only the newest and smallest companies—who are the most dynamic and innovative parts of our economy.

While other bills offer more far reaching proposals, this one is soundly grounded in the work of the SEC's own Advisory Committee.

SMALL BUSINESS EXPENSING EXPANSION AND PERMANENCY ACT OF 2007

HON. WALLY HERGER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HERGER. Madam Speaker, in 2003 Congress and the President enacted the Jobs and Growth Tax Relief Reconciliation Act of 2003. This bill strengthened and expanded the existing ability of small businesses to immediately expense new investment under Section 179 of the tax code. The objective of this law was to further encourage small businesses to make new capital investments, helping to spur economic growth and create jobs in our economy. Like many, I believe we should permanently extend and expand this provision, which is why I am introducing the Small Business Expensing Expansion and Permanency Act of 2007.

The Jobs and Growth Act increased from $25,000 to $100,000 the amount of new investment a business can expense—or deduct from income—in a given year. The law also increased—from $200,000 to $400,000—the amount of total investment a business can make in a year and still qualify for expensing under Section 179. The original sunset date for expensing was slated for 2007, however we successfully extended the current law expensing limits under the Tax Increase Prevention and Reconciliation Act in 2006. They will now expire in 2009.

If the higher expensing limits are good for our nation's small businesses over the next two years, they should be good for small businesses indefinitely. This legislation will repeal the 2009 sunset and expand the current expensing limits to $200,000, indexed for inflation. The current phase out level would also increase, and would begin at $800,000 of annual investment. Further, the legislation would allow more small businesses to use this powerful expensing ability by reducing the phase out to only 50 cents on every next dollar of investment. Effectively, firms investing up to $1.2 million per year would be able to use some level of expensing.

Small businesses truly are the backbone of our economy, representing more than half of all jobs and economic output. We should not take small business vitality for granted, however. Rather, our tax laws should support small businesses in their role as the engines of innovation, growth, and job creation.

Madam Speaker, in difficult economic times, we must do all we can to encourage new investment and job creation by creating certainty and predictability for America's small business owners. The Small Business Expensing Expansion and Permanency Act of 2007 will help accomplish this worthy goal. I applaud the Administration for its consistent leadership on this issue, and I look forward to working with others in Congress to enact this much-needed legislation.

CÉSAR CHÁVEZ'S BIRTHDAY

HON. AL GREEN

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. AL GREEN of Texas. Madam Speaker, this Saturday, millions of Americans will honor a great American hero—César Chávez—on what would have been his 80th birthday.

César Chávez was a civil rights and human rights leader who learned about the importance of justice early in his life. He would often say: "The love for justice that is in us is not only the best part of our being but it is also the most true to our nature."

After graduating from the eighth grade, a young César Chávez went to work in the fields as a migrant farm worker to support his family. In 1962, Chávez and Dolores Huerta founded the National Farm Workers Association, later to become the United Farm Workers. Chávez had the foresight to train his union workers and then to send many of them into the cities where they were to use the boycott and picket as their weapon.

Chávez was able to successfully organize farm workers because of his tireless leadership and nonviolent tactics that helped pass laws which would permit farm workers to organize into unions and allow collective bargaining agreements. He also helped make people aware of the struggles of farm workers for fair wages and safer working conditions. His movement was the beginning of La Causa ("The Cause"), a cause that was supported by organized labor, religious groups, minorities, and students.

César Chávez, the founder and president of the United Farm Workers of America, AFL–CIO, died peacefully in his sleep on April 23, 1993. On August 8, 1994, César Chávez was posthumously awarded the Medal of Freedom, our country's highest civilian honor, by President Clinton. In the words of President Clinton: "He was for his own people a Moses figure . . . who, with faith and discipline, soft spoken humility and amazing inner strength, led a very courageous life."

César Chávez left our world better than he found it, and his legacy inspires not just the 43 million Latinos in this country, but every person on this earth who believes in non-violence as a means to achieve social change. He truly was, in the words of Senator Robert Kennedy, "one of the heroic figures of our time."

IN REMEMBRANCE OF CORNEL "CONNIE" TERECK

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the life and accomplishments of Cornel "Connie" Tereck, whose fierce dedication to family, friends and country serves as a model for all who have been blessed by his presence.

As a member of the Greatest Generation, Connie served in the United States Navy during World War II, where he protected our country with great pride and courage. After retiring from the service, Connie carried this commitment to the security of our country into his professional life, as he went to work for the Department of Defense. He proudly worked at the Defense Contract Administration Service Region until his retirement in 1987.

Connie was known as a man of honesty, intelligence and wit, not only to friends and family but to the whole community. He took interest in and care of the people surrounding him, and his deep devotion to, and commitment for his family and friends stands as a shining example to us all. He was a beloved husband of 57 years to his wife, Laura, and his legacy will continue through three children and five grandchildren.

Madam Speaker and colleagues, please join me in honoring Cornel "Connie" Tereck as a true example of the spirit upon which this great Nation is built. We have lost a loving father, a faithful husband, a courageous serviceman and a wonderful neighbor, but his caring personality and loving devotion continue to inspire everyone that has crossed paths with him.

THE 2006 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES AND THE PROMOTION OF HUMAN RIGHTS IN U.S. FOREIGN POLICY

HON. CHRISTOPHER H. SMITH

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SMITH of New Jersey. Madam Speaker, this morning the Committee on Foreign Affairs held a hearing on the recently-released 2006 Country Reports on Human Rights Practices prepared by the Department of State. Over the past three decades, we have seen a steady increase in the quality, candor, and scope of the annual Country Reports on Human Rights Practices. In fighting the plague of human rights abuse, sunlight is often the best disinfectant. On the whole, the Country Reports shine brightly into some very dark corners. We owe a debt of gratitude to the men and women of the Department of State who work so hard to compile them.

Although we do not claim to be perfect and are ourselves subject to the universal ideals we espouse, the United States continues to be the world's most prominent champion of fundamental human rights.

This Congress, I have re-introduced the Global Online Freedom Act of 2007 which seeks to promote and defend human rights related to this increasingly influential communication medium. I am pleased to note that the State Department has already implemented one of the action items of this proposed legislation by including important additional information in the Country Reports, such as the domestic legal authority for internet restrictions and penalties imposed for the exercise of free speech via the Internet. This information is critical to efforts to address Internet repression in countries like Vietnam, China, Tunisia, and Belarus, and to convince governments that free speech restrictions are contrary to their national interests.

It is worth noting that most of the major human rights efforts undertaken by the United States Government in recent decades—including the Country Reports themselves—have been the result of Congressional mandates: The Jackson-Vanik Amendment; The International Religious Freedom Act; the Torture Victims Relief Act; the Lautenberg Amendment; the Trafficking Victims Protection Act; the North Korean Human Rights Act. These were Congressional initiatives undertaken in the face of skepticism—and sometimes outright opposition—by the Executive branch.

For example, I recall when then-Assistant Secretary Shattuck appeared before my subcommittee 10 years ago to oppose the International Religious Freedom Act. He argued that he was "particularly concerned" that the bill would "harm the very people it seeks to help" because it would "legislate a hierarchy of human rights into our laws" that could "severely damage our efforts to ensure that all aspects of basic civil and political rights . . . are protected." Not surprisingly, this doomsday prophecy did not come to pass.

To the contrary, once such issues have been forced by legislation, the Executive branch eventually internalizes, and sometimes embraces, those human rights priorities. For example, religious freedom and trafficking are now mainstream policy priorities that receive far more international attention and action than they did before the laws were on the books. Other mandates are embraced more slowly, such as the refugee title of the North Korean Human Rights Act, which has not yet been adequately implemented.

There are many countries where the seriousness of human rights violations deserves condemnation, including Zimbabwe with its recent horrific crackdown on the political opposition, North Korea, Eritrea, Belarus, Burma, Saudi Arabia, Cuba, Ethiopia and Iran. The Report provides disturbing details about how these countries in particular—though not exclusively—continue to thwart universal principles of respect for fundamental human rights. However, I will limit myself to focusing the spotlight on three human rights violators in particular—China, Sudan, and Vietnam.

This year's report repeats the assessment of prior years that the Chinese Government's human rights record "remained poor," but even when many of us thought the situation could not get much worse, it adds that the Chinese record "in certain areas deteriorated." One of those areas often ignored or downplayed by the international community is the appalling lengths to which the government will go to enforce its one-child per couple limit.

The Chinese government has a long record of oppressing its people, especially women, through its population control program. Beijing does not deny levying huge fines against people who have children the State deems illegal. In fact, at a hearing that I chaired several years ago, Secretary Dewey testified that "couples who give birth to an unapproved child are likely to be assessed a social compensation fee, which can range from one-half the local average annual household income to as much as ten times that level." Indeed this is a horrific government that decides which children are legal and which are illegal—that is, which children will be allowed to live and which will not.

These acts are truly a crime against humanity executed in conjunction with the UNFPA. The UNFPA has funded, provided crucial technical support and, most importantly, provided cover for massive crimes against humanity of forced abortion and involuntary sterilization. Tens of millions of children have been slaughtered—their mothers robbed of their children by the State. This barbaric policy makes brothers and sisters illegal, and makes women the pawns of the population control cadres.

This barbaric policy has now given rise to a new problem for China. An article published in the Guardian several years ago, stated that China could find itself dealing with as many as 40 million single men by the year 2020 because of the one child policy. According to the article Li Weixiong, a population advisor to the Chinese government, said a cultural preference for boys was creating an artificial disparity between the number of boys and girls representing "a serious threat to building a well-off society." He also said that the lack of women in China will lead to a dramatic rise in prostitution and the trafficking of women. "This is by no means a sensational prediction," he stated.

On that point Mr. Li is right. In fact, the combined effect of the birth limitation policies and the traditional preference for male children resulted in the disproportionate abortion of female unborn children at a rate of 116.9 to 100 overall, and a shocking 151.9 to 100 for second pregnancies. As a direct result of these ongoing crimes against humanity, China today is missing millions of girls—girls who were murdered in the womb simply because they are girls. A couple of years ago, the State Department suggested that as many as 100 million girls of all ages are missing—that is to say, they should be alive and well and are not, a direct consequence of the government's one-child policy. This gendercide constitutes one of humanity's worst blights, and a far greater peril to peace and security than is being credited at this time.

The world is all too aware of the continuing genocide in Sudan, appropriately identified as such in the Country Reports. Current reports estimate that the conflicts in Darfur and in Southern Sudan have resulted in the deaths of close to 2.4 million people and left over 4 million others either internally displaced or as refugees. When confronted with such numbers, one must also take into account the attending human rights violations, including the abuse of children, extensive trafficking in persons, and the acts of torture and violence against women.

Just two weeks ago, on March 14th, I introduced a House resolution calling on the Government of the Socialist Republic of Vietnam to immediately and unconditionally release several political prisoners and prisoners of conscience who have been arrested in a recent wave of government oppression. One of those individuals specifically mentioned in the resolution is Father Nguyen Van Ly, who has already spent over 13 years in prison since 1983 for his advocacy of religious freedom and democracy in Vietnam. Tomorrow, Fr. Ly will be given a kangaroo trial for exercising his fundamental human rights, and he faces 20 years in prison in the likely event that he is convicted.

This is a case worthy of our particular attention as the Vietnamese Government audaciously resumed its past oppression of human rights after Congress agreed to Vietnam becoming an official member of the World Trade Organization in December 2006. A focus of today's hearing was the promotion of human rights in U.S. foreign policy, and it is important to keep in mind that those of us in Congress play an important role in our country's foreign policy. While substantial criticism was leveled during the hearing at the Administration for its shortcomings in promoting and defending human rights, those of us in Congress should also look in the mirror and ask what priority we give to human rights, both individually and as an institution.

PAYING TRIBUTE TO DELORES TERRANO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Delores "Dee Dee" Terrano and congratulate her for her well-deserved recognition of her work with the United States Postal Service.

Dee Dee began her career with the United States Postal Service in 1984 as a distribution clerk. After showing extraordinary capability and exemplary leadership skills, she was promoted to Manager of Consumer Affairs/Claims for the Nevada-Sierra District. Under Dee Dee's leadership the Nevada-Sierra district was the top-ranked office in the country for processing customer claims. Dee Dee worked tirelessly with the Nevada Congressional Delegation for the Nevada-Sierra District as a representative of postal issues. In this post, she was knowledgeable and very capable at her job. However, what distinguishes Dee Dee is the care and sensitivity she showed towards the needs of my constituent and my staff. Moreover, Dee Dee was also selected to work on the inaugural team that developed the first national call center for the Postal Service.

Dee Dee currently serves as Emergency Preparedness Manager, the job which Dee Dee sees as extremely important to Nevada and she is excited to have the opportunity to gain knowledge. In this role she has distinguished herself by developing and executing evacuation drills in Las Vegas and Reno.

Over the course of her long and distinguished career, Dee Dee has received numerous accolades; including, a Postmaster General Award for Automation Readability Leadership, two national communication awards, a national best practice award, and an outstanding merit award for media and communication.

Madam Speaker, I am proud to honor Dee Dee Terrano. Her dedication to the USPS is commendable and I wish her continued success with her future endeavors.

RETIREMENT COMMENDATION FOR MRS. M. JEAN BUTLER

HON. CORRINE BROWN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. CORRINE BROWN of Florida. Madam Speaker, I rise to extend my most sincere "Congratulations" to Mrs. M. Jean Butler on her retirement from JCB Construction, Incorporated. I wish to join with her many friends, family members and admirers in recognizing Mrs. Butler on this special occasion.

The years of dedicated and productive service she has demonstrated have set a standard in the construction industry that will not soon be surpassed. In an industry dominated by men, Mrs. Butler established ICB Construction, Inc. to be the largest African American female owned firm in Central Florida. Expanding on a family legacy of entrepreneurship in the construction industry, Mrs. Butler has developed a reputation as a savvy businesswoman who's professional and quality work within the last 20 years have been modeled by other organizations. I commend her for her setting an example and remaining true to her vision.

Mrs. Butler is the recipient of many honors and awards of which she is most deserving. She is a leader in this community who takes pride in giving back. Her wisdom and words of encouragement to everyone she encounters has endeared her to us all. It has been said, "To whom much is given, much is required." I extend my best wishes for continued happiness and abundant blessings during her retirement. It is my tremendous honor to recognize Mrs. Butler for her years of service and for being a productive citizen in this community. Her valuable time, efforts and accomplishments are greatly appreciated and will never go unnoticed.

HONORING THE NORTHWOOD HIGH SCHOOL RED REGIMENT

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SOUDER. Madam Speaker, today I am delighted to honor the NorthWood High School Red Regiment for being the only Indiana high school invited to march in the Washington, D.C., Memorial Day parade on Monday, May 28, 2007.

The NorthWood High School Bands, under the expert direction of Mr. Barry Houser, have enjoyed unparalleled success over the last six years. Their accomplishments have gained regional and national prominence, and include the following: Chosen to represent the State of Indiana in the National Memorial Day Parade in Washington, D.C., May '07; Chosen as one of Indiana's bands to partner with the great Purdue University Bands in 2007; 74th Annual Hollywood Christmas Parade, Hollywood, CA, 2006; Disneyland Main Street Parade, CA, November 2006; Hollywood Bands at the Bowl, Hollywood, CA, November 2006; Indiana Music Educator's Association State Convention Wind Ensemble Performance, January 2004; Outback Bowl Halftime Show, 2500 students nationwide, Tampa, Florida '04; Outback Bowl Parade, 2nd Place, Tampa, Florida '03; Walt Disney World's Mickey's Very Merry Christmas Parade '03; Indianapolis 500 Opening Ceremonies Spectacle of Bands '03; Chicago's Target Thanksgiving Day Parade '02; Indianapolis 500 Opening Ceremonies Spectacle of Bands '02; Indianapolis 500 Festival Parade '02.

The Red Regiment continues to achieve the very highest awards everywhere they perform and have been an ISSMA State Finalist in 1991, 1998, 1999, and 2003. In addition, the bands have earned consistent gold ratings in all marching, concert, and jazz ISSMA contests.

The NorthWood Bands have had the opportunity to perform with the internationally famous Dallas Brass, open for Maynard Ferguson and His Big Bop Noveau Band, and also appear on the front cover of the JW Pepper's Sheet Music Magazine, which was distributed nationwide.

I congratulate the following staff and members of the NorthWood High School Red Regiment on all of their achievements and am proud to have them representing Indiana in the Washington, D.C. Memorial Day parade:

Barry L. Houser, Director of Bands; Jeanne Focht, Performing Arts Secretary; Tom Schiefer, Staff; Cristal Osbourn, Guard Director.

Abel, Stephen; Ammerman, Carter; Beachy, Staria; Bechtold, Amanda; Brovont, Natasha; Campbell, Tyler; Capre, Laure; Carney, Samantha; Christianson, Taylor; Clark, Felisha; Clark, Rebecca; Dougherty, Sarah; Douwsma, Seth; Eagan, Harlan; Figueroa, Lissette.

Ford, Alicia; Ghigliotto, Bianca; Ghigliotto, Brenna; Grabill, Jacob; Hall, Samantha; Hapner, Edith; Henke, Corrie; Hochstetter, Chandra; Huber, Danielle; Hurst, Colton; Hurst, Trenna; Johnson, Brett; Johnson, Taryn; Kaufman, Michael; Koch, Stacie.

Korsmo, Amanda; Korsmo, Ashley; Kronk, Shawn; Kurtz, Hannah; Leavitt, Benjamin; Lengacher, Katelyn; Lentz, Kendra; Loutzenhiser, Samantha; Lucas, Ann; Maltos, Marisella; Marsh, Andrew; Martin, Andrea; McDonald, Jennifer; McFerren, Amanda; McFerren, Molly.

McWilliams, Hannah; Messick, Patrick; Metzler, Alisha; Miller, Drew; Minnich, Kimberly; Minnich, Kristen; Moorhead, Ian; Nelson, Stephanie; Nisley, Garret; Nissley, Bradlynn; Palmer, Tiffany; Peterson, Ben; Phillips, Tyler; Reed, Adam.

Reid, Tabitha; Reid, Thomas; Rensberger, Heather; Reynolds, Britney; Riege, Kyle; Riege, Matthew; Schaffer, Lucas; Schieber, Brett; Schloke, Kirsten; Schmitt, Ashley; Schmitt, Christina; Schmitt, Katelyn; Schmitt, Michael; Schmitt, Rochelle; Smith, Kayla.

Smith, Kyle; Smith, Lindsay; Sonner, Jaclyn; Stahl, Amanda; Stahl, Jeremy; Stephens, Stewart; Stevens, Derrick; Stutzman, Shelby; Stutzman, Trenton; Taylor, Qwatecia; Teske, Bradley.

Truex, Corey; Wakefield, Karen; Wegmiller, Jillian; Weldy, Kory; Wenger, Rachel; Wilson, Breanna; Yoder, Andrew; Yoder, Emily; Yoder, Sarah; Zimmerman, Krystal.

RAIL AND PUBLIC TRANSPORTATION SECURITY ACT OF 2007

HON. KAY GRANGER

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 1401) to improve the security of railroads, public transportation, and over-the-road buses in the United States, and for other purposes:

Ms. GRANGER. Mr. Chairman, I rise today to express my strong opposition to section three of amendment No. 18 offered to H.R. 1401, the Rail and Public Transportation Security Act of 2007, which would undermine a long standing principle of Federal uniformity in the area of railroad safety law. The railroads have long had Federal preemption from a variety of State-level laws because railroads, as a national system, could not function effectively under a patchwork of laws from 50 different States.

Regulation of rail safety must be uniform nationwide. The Federal Rail Safety Act was not intended to create minimum standards for rail safety; it was intended to create uniform standards governing railroad safety because Congress recognized that given the interstate and interdependent nature of the industry, uniformity was essential to effective safety regulation.

It would be counterproductive for States and localities to impose widely disparate safety requirements that could hinder a railroad's ability to operate efficiently across State and local boundaries. In 1970, Congress found that the railroad industry: ". . . has a truly interstate character calling for a uniform body of regulation and enforcement. . . . The integral operating parts of these companies cross many State lines. In addition to the obvious areas of rolling stock and employees, such elements as operating rules, signal systems, power supply systems, and communication systems of a single company normally cross numerous State lines. To subject a carrier to enforcement before a number of different State administrative and judicial systems in several areas of operation could well result in an undue burden on interstate commerce." (H.R. Report No. 91–1194 (1970))

Congress' reasoning was sound then, and that reasoning remains sound today,

In conclusion, I am concerned by the fact that this sweeping provision was labeled "technical" in nature. In addition, there have been no hearings on this topic and no analysis of its effects on the railroad industry and interstate commerce. Federal preemption is vital to fluid daily operations of the railroads which we all rely on to move goods efficiently across the country. In fact, we should not forget that, this is precisely why the founding fathers included important interstate commerce protections in the Constitution.

TRIBUTE TO WOMEN'S HISTORY MONTH

HON. JOHN P. SARBANES

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SARBANES. Madam Speaker, I rise today to recognize Women's History Month. Though we have designated March as the particular month for this celebration, we must pause everyday to salute the spirit, courage, and contributions of women in our own country and around the world.

With the election of the new Speaker of the House, our own Baltimore native NANCY PELOSI, we brought down another barrier and took another step towards equal and enfranchised participation of women in government. On her swearing-in day, Speaker PELOSI said "It says to women everywhere that not only a glass ceiling but a marble ceiling can be broken and that anything is possible." Out of the 180 countries that directly elect representatives to national legislatures, the United States ranks 60th in terms of female representation. Of the nearly 600 persons who have served in a President's Cabinet since George Washington's presidency, only 29 have been women. We have come a long way in giving a voice to the many disenfranchised and under-represented communities in our nation but the fight for social advancement is not over.

Maryland has been called home by many of America's trailblazing women. This month, Rachel Carson, who spent many years in Maryland and later died in Silver Spring, would have celebrated her 100th birthday. Ms. Carson received her masters degree in Zoology from John's Hopkins University and penned many feature articles on Natural History for the Baltimore Sun. But she was best known as the author of Silent Spring—the book that pulled back the curtain on the human and environmental impacts of chemical pesticides such as DDT. Facing a rash of criticism and in some cases harassment, Ms. Carson persevered and became known as the mother of the environmental movement. In 1964, her life was cut short by a disease that today has a grip on far too many lives, breast cancer.

Madam Speaker, the first female President of Ireland and former United Nations High Commissioner of Human Rights, Mary Robinson, once said, "In a society where the rights and potential of women are constrained, no man can be truly free. He may have power, but he will not have freedom." Celebrating women's history gives girls and women the courage to dream bigger and gives us all the opportunity to redouble our efforts in helping them realize these dreams. I salute the great women of our nation and encourage the next generation to further the cause of equality and freedom.

5-YEAR ANNIVERSARY OF RADIO FREE AFGHANISTAN

HON. EDWARD R. ROYCE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. ROYCE. Madam Speaker, January 30, 2007, marked the 5-year anniversary of Radio Free Afghanistan's first broadcast. Five years ago, this service of Radio Free Europe began broadcasting 12 hours a day in Dari and Pashto, to millions of Afghans who had been thirsting for legitimate news and information.

Radio Free Afghanistan had operated during the Soviet invasion, but was then unwisely stopped. The Taliban's Radio Shariat filled the vacuum—broadcasting a steady stream of hate. After the Taliban's fall, Radio Free Afghanistan was restarted and has established itself as the leading broadcaster, with nearly 60 percent of Afghan adults listening.

Madam Speaker, it was Congress who took the lead in creating this essential service. A bipartisan group of Members passed my Radio Free Afghanistan Act of 2001 quickly after September 11th.

As Afghans have confronted many challenges over the past 5 years, Radio Free Afghanistan has been there—and will continue to be in the years to come, offering a voice of freedom and moderation.

TRIBUTE TO BOB BECKWITH

HON. PETER T. KING

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KING of New York. Madam Speaker, I rise today to congratulate Bob Beckwith on the upcoming celebration of his 75th Birthday on April 16th. Bob personifies the very best of the FDNY and has been a source of strength for so many grieving Americans, whether he was standing with President Bush at Ground Zero just days after September 11th or traveling across the country to raise funds for the New York Firefighters Burn Center Foundation. I wish him all the best and I am proud to call him my friend!

CONGRATULATING BENJAMIN CLINE FOR EARNING HIS EAGLE SCOUT AWARD

HON. STEVAN PEARCE

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PEARCE. Madam Speaker, I rise today to congratulate Benjamin Cline for recently earning his Eagle Scout Award, the highest award in Scouting. His keen interest, work ethic and drive in the pursuit of excellence have led Ben to complete all the ranks along the trail to Eagle, including 29 merit badges. Benjamin's Eagle Scout Service Project was completed by installing two flag poles at Belen's Alexander Airport. He has enjoyed Boy Scouts through many camping trips, building his own raft and river rafting, canoeing 50 miles down the Rio Grande and bicycling over 100 miles.

Ben is the son of Doug and Ann Marie Cline of Los Lunas and a junior at Belen High School. At BHS he holds the rank of Lt. JG in Naval ROTC and is the Color Guard commander. He is involved in the new Sea Scouts Ship recently formed at Belen High School as well as with MESA. He is a member of the First United Methodist Church Handbell Choir. Ben also holds a second degree Black Belt at Belen Goju Ryu Karate School. He attended Dennis Chavez Elementary then was homeschooled for several years before entering Belen High School. He has two sisters who are currently attending UNM in Albuquerque. After graduation in 2008, Ben plans to attend San Juan Community College and earn two associate degrees—Aviation and Law Enforcement. He then plans to attend the University of Minnesota to complete a BS degree in Aviation Law Enforcement and begin a related career.

Ben encourages all young men to explore the Scouting experience—"It has helped me grow in outdoor and leadership skills and helped to mold my character and make me a better person. The Scouting program teaches valuable life skills."

I am proud to recognize Benjamin Cline for his accomplishments. It is my honor as a Member of Congress to have the chance to congratulate this outstanding young man on an achievement he will celebrate the rest of his life. Congratulations Ben Cline, your family, your congressman, and your country are all proud of your achievement.

HONORING THE ACCOMPLISHMENTS OF GEORGE DAVID

HON. JOHN B. LARSON

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LARSON of Connecticut. Madam Speaker, I rise today in honor of Mr. George David, Chairman and Chief Executive Officer of United Technologies Corporation, who received the Leadership in Human Capital Practices award at the Third Annual CNBC Executive Leadership Award ceremony on January 31, 2007. While this prestigious award seeks to honor executives "who best exemplifies leadership in human capital practices within their organization by cultivating highly productive and satisfied workforces," no award can fully appreciate the impact that his leadership has had on the lives of thousands of American citizens across the country.

The Employee Scholar Program he created has allowed UTC employees to obtain more than 20,000 academic degrees free of charge. Since 1996, Mr. David's advocacy of the $600,000,000 investment by United Technologies Corporation in this program has not only enriched the lives of his fellow employees, but has benefited every corner of our great country. The United States of America is more vibrant, dynamic, and competitive because of the Employee Scholar Program he created more than 10 years ago. Madam Speaker, I ask that my colleagues join me today in congratulating George David for receiving this prestigious award.

HONORING THE RETIREMENT OF DAVID MABIE

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor Mr. David Mabie on the occasion of his retirement after 40 years of dedicated public service to the Commonwealth of Virginia.

Mr. Mabie began his career at the Waynesboro Police Department, as one of the original officers of the newly formed Prince William County division. He served there as a detective until moving to the Commonwealth Attorney's Office in 1980. Throughout his time there, Mr. Mabie investigated major cases involving capital charges, and was successful in bringing convictions in all but one case.

In 1991, Mr. Mabie was elected as Clerk of the Circuit Court in Prince William County, where he has tirelessly worked for the citizens of Northern Virginia. As Circuit Court Clerk, Mr. Mabie has been responsible for organizing regular staff meetings, assisting in the automation of land records, and instituting a dispute resolution program which strives to resolve family conflicts outside the courtroom.

Mr. Mabie has been involved with numerous civic organizations such as the United Way, Regional Jail Board, and the Chamber of Commerce. He will retire on April 1, 2007, and join his wife, Copper, managing the Red Door Art Center in Louisa, Virginia. He also plans to work part-time with the Prince William County Sheriff's Office two days a week.

Madam Speaker, in closing, I would like to extend my heartfelt thanks to Dave Mabie for his years of service and dedication to the Northern Virginia community. I ask my colleagues to join me in congratulating Mr. Mabie on his retirement and wishing him the best of luck in all future endeavors.

THE "SAFE AMERICAN ROADS ACT OF 2007"

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. OBERSTAR. Madam Speaker, I am proud to be an original co-sponsor of the "Safe American Roads Act of 2007," introduced today by the gentlewoman from Kansas (Mrs. BOYDA). This legislation ensures the safety of the traveling public on America's roads as our Nation seeks to honor its commitments under the North American Free Trade Agreement (NAFTA).

Since 1995, the opening of the border between the United States and Mexico to cross-border motor vehicle traffic has been delayed due to concerns over whether opening the border would adversely impact safety on U.S. roads. While the U.S. Department of Transportation (DOT) has made considerable progress over the last decade, several unanswered questions remain about whether the necessary systems are in place today to hold Mexico-domiciled motor carriers to the same strict Federal standards that govern U.S. commercial truck operations.

It is because of these unanswered questions that we must introduce this bill. In 2001, Congress passed the FY 2002 Department of Transportation and Related Agencies Appropriations Act (Public Law 107–87), which prohibited DOT from using funds to grant long-haul operating authority to Mexico-domiciled motor carriers until 22 safety requirements had been met. Section 350 of this Act set forth a comprehensive list of vehicle, driver, and safety management requirements, including drug and alcohol testing, hours of service, driver qualifications, vehicle specifications and maintenance, and safety management practices.

The DOT Inspector General (IG) was required to review whether the Department was prepared to comply with several of these provisions. This audit was completed, as well as several follow-up audits. However, independent certification of actual compliance with all of the conditions set forth in Section 350 was not required, and has not occurred.

It is well established that Mexican law does not require many fundamental elements of highway safety that are required for U.S. drivers. Mexican drivers are not subject to hours-of-service restrictions comparable to those governing U.S. drivers. Anecdotal evidence suggests that working hours for truck drivers in Mexico go far beyond anyone's estimate of a safe, reasonable limit. Drug and alcohol testing is also an area of concern, because Mexico does not have certified drug testing labs. To comply with U.S. regulations, drug test collection facilities in Mexico send specimens to labs in the United States for processing. Chain-of-custody issues make compliance with U.S. drug and alcohol requirements very difficult to gauge. Further, many challenges remain in implementing the requirement established in the Safe, Accountable, Flexible, Efficient Transportation Act: A Legacy for Users (SAFETEA–LU)(Public Law 109–59), that all Mexican drivers be subjected to the same rigorous criminal and security background checks that U.S. drivers undergo in order to be permitted to transport hazardous materials.

Despite these concerns, DOT has announced plans for a pilot program to grant 100 Mexico-domiciled trucking companies the authority to conduct long-haul operations in the United States. If foreign carriers do not comply fully with all U.S. motor carrier safety laws, the safety of the American traveling public is placed in jeopardy. This pilot program is the first test of whether the provisions of Section 350, as well as other safety measures, exist in the real world, and are not just satisfied on paper.

H.R. ____, the Safe American Roads Act of 2007, will restore accountability and fairness to the process of opening the border, and ensure that the U.S. proceeds with caution while outstanding safety issues are verified. The Act prohibits DOT from granting authority to Mexico-domiciled motor carriers to operate beyond the commercial zones on the U.S.-Mexico border, except under a pilot program that meets the requirements set out in the bill. The bill also requires the following: The pilot program must meet all 22 requirements of Section 350 (Public Law 107–87) and all requirements set forth under Transportation Equity Act for the 21st Century (TEA 21)(Public Law 105–85) relating to pilot programs; DOT must provide, prior to initiation of the pilot program, an opportunity for public comment on the details of a pilot program, including the measures in place to protect the health and safety of the public, enforcement measures, penalties for non-compliance, and safety metrics to evaluate the pilot; a pilot program to grant long-haul operating authority to Mexico-domiciled motor carriers must be terminated after one year of enactment of this Act; the IG must review the pilot program to determine whether Mexico-domiciled motor carriers participating in the pilot program are in full compliance with U.S. motor carrier safety laws, including the provisions detailed in Section 350, and report his findings to Congress within 90 days of completion of the pilot program; and DOT must report to Congress on the results of the pilot program within 60 days of completion of the pilot program.

This bill also prohibits the Secretary from initiating a pilot program until U.S. motor carriers are allowed to begin comparable operations in Mexico. DOT has received nearly 900 applications from Mexican carriers seeking operating authority in the U.S. Under the pilot program, 100 U.S. companies are to receive reciprocal authority to operate in Mexico, yet to date DOT has received very few applications from U.S. firms. DOT estimates that the Mexican government will not be ready to process the applications of U.S. carriers for at least six months. This bill will ensure that the United States is not placed at a competitive disadvantage with Mexico under a cross-border pilot program.

In 1999, Congress passed the Motor Carrier Safety Improvement Act (Public Law 106–159). In this Act, Congress mandated that in carrying out its duties, the Administration "shall consider the assignment and maintenance of safety as the highest priority." We must continue to use this as our guiding principle in the oversight of motor carrier transportation. Each year, more than 5,000 people are killed in large truck crashes on our Nation's roads, and more than 100,000 are seriously injured. These statistics are already far too high. We cannot afford to take a step backward in terms of safety.

DAVID GUERRA GALVAN

HON. JOE BACA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BACA. Madam Speaker, I stand here today to honor and remember a soldier, civil servant, loving husband, father, and grandfather, David Guerra Galvan.

David passed away on Friday, March 23, 2007 at Kaiser Hospital in Fontana, California.

He was born in San Bernardino, California, and was a resident of Rialto, my hometown, for 50 years.

David served his country in the Army during WWII as a Paratrooper in the 101st Airborne Division. He was honorably discharged with Distinguished Service from July 1944 to June 1946 and Good Conduct medals during the European Occupation. During his European service, he was transferred to the 82nd Airborne Division and assigned to a special detachment for the personal protection of General Dwight Eisenhower.

After his military service, David attended Skadron College of Business in Los Angeles. He began working for the Federal Government at Norton Air Force Base in the Defense Communications Agency as a Data Communications Operator, subsequently becoming Supervisor of the AUTODIN Switch Center. He retired after 40 years of highly commended and outstanding performance for the Air Force in November 1990.

David was an active member of the community and a close personal friend. I would often see him and his family at the 9 o'clock mass at St. Catherine of Siena Catholic Church in Rialto.

David loved to hear our daughter Jennifer singing Mariachi Music, and to dance with his beloved wife, Carmen.

After a tough day, I could always count on David to call and ask me, "Hey Trooper, how you doing?" I will always appreciate all of the support and friendship he has given me over the years.

David is survived by his wife of 54 years, Carmen; daughter Debby Galvan; sons Jeff and Randy; grandchildren Leanne, Jason, Erick, Joshua, Lauren, and Jack; sister Mary Valdez; and brother Joseph.

Let us take the time to pay tribute to a wonderful man. Let us celebrate the life he lived and the example he led.

Although he is no longer with us, David's legacy and spirit will continue to live on through the lives of everyone he has touched.

The thoughts and prayers of my wife Barbara, my family and I are with his family at this time.

INTRODUCTION OF NUCLEAR DISARMAMENT AND ECONOMIC CONVERSION ACT OF 2007

HON. ELEANOR HOLMES NORTON

OF THE DISTRICT OF COLUMBIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. NORTON. Madam Speaker, today I am again introducing the Nuclear Disarmament and Economic Conversion Act (NDECA), as I have done since 1994, after working with the residents who were responsible for a ballot initiative passed by D.C. voters in 1993. NDECA will require the United States to disable and dismantle its nuclear weapons when all other nations possessing nuclear weapons enact laws to do the same. NDECA further provides that when U.S. nuclear weapons are dismantled, the resources for supporting nuclear weapon programs would be used for our growing human and infrastructure needs, such as housing, health care, Social Security and the environment.

Tragically, instead of nuclear disarmament, nations around the world have increased in efforts to seek or acquire nuclear capability. Last week, the Security Council unanimously adopted resolution 1737 (2006) under Article 41 of the Charter's Chapter VII, imposing sanctions on Iran for failure to halt uranium enrichment and mandating that Iran cease all sensitive nuclear activities. China's acquisition of nuclear weapons particularly underscores the dangerous spread of these weapons as a potent destabilizing force in world affairs. North Korea, at least in part in response to early aggressive talk by this administration responded in a dangerously paranoid fashion by announcing that it is expanding its nuclear capabilities, and today few doubt that North Korea has acquired a nuclear device. The North Korean threat has become so serious that the Administration recently reversed course and agreed to freeze North Korea's nuclear program in exchange for 50,000 tons of heavy fuel oil. India and Pakistan have moved back from the precipice of several years ago but each remains poised with nuclear weapons.

The invasion of Iraq and the resistance of the Administration to end the war have cost the United States much of its leadership on the nuclear proliferation and other urgent international issues. This country would be noncredible in dissuading other nations who aspire to become or remain nuclear powers if we ourselves took greater initiative in dismantling our own nuclear weapons program. We moved in the right direction when the Senate ratified the Moscow Treaty in 2003, which provides that by 2012 both the U.S. and Russia will reduce their long-range warheads two-thirds from approximately 6,000 warheads each to 2,200. However, the Administration has failed to build on this effort. According to a recent study, Securing The Bomb: An Agenda for Action (May, 2004; prepared by the Belfer Center, Harvard University Kennedy School of Government): Total nuclear-threat-reduction spending remains less than one quarter of one percent of the U.S. military budget. Indeed, on average, the Bush administration requests for nuclear-threat-reduction spending over FY 2002–2005 have been less, in real terms, than the last Clinton administration request, made long before the 9/11 attacks ever occurred. Instead, the Administration has moved to increase the country's nuclear capacity.

However, the problem today even more complicated than nuclear disarmament by nation states. The greatest threat today is from inadequately defended and guarded sites in many countries where there is enough material to make nuclear weapons and many opportunities for terrorists or nations without weapons to secure nuclear materials. Astonishingly, because of the absence of presidential leadership, less nuclear material was seized in the two years following the 9/11 attacks than in the 2 years immediately preceding the attacks (Securing The Bomb: An Agenda for Action, May 2004).

In my work on the Homeland Security Committee, I know that threats from nuclear proliferation and available nuclear material are more dangerous in the post 9/11 era than in 1994, when I first introduced the Nuclear Disarmament and Economic Conversion Act. It is more urgent than ever to begin closing down nuclear capability here and around the world.

Today our country has 45 million people still without health insurance, a long list of other urgent domestic needs put on the back burner following the invasion of Iraq and large tax cuts to wealthy people and corporations, an economy burdened with a dangerous deficit, and millions of Americans pushed back into poverty during the last four years. As the only nation that has used nuclear weapons in war and still possesses the largest arsenal, the U.S. has an obligation to begin the arduous process of leading the world in the transfer of nuclear weapons funds to urgent domestic needs.

RECOGNIZING THE COATESVILLE VARSITY MEN'S CROSS-COUNTRY TEAM FOR ITS UNDEFEATED 2006 SEASON

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GERLACH. Madam Speaker, I rise today to congratulate the coaching staff and talented members of the varsity men's cross-country team at Coatesville High School in Coatesville, PA, on their highly successful and championship 2006 season.

The 7 varsity members of the Coatesville cross-country team won the Ches-Mont League, the Steel City Invitational, and the Pennsylvania Division I championships. The team then went on to earn an invitation to the prestigious Nike Team Nationals in Portland, OR, where they outraced more than 39 other teams from around the country on their way to an undefeated season and a national title.

Led by Head Coach Keith Andrew and Assistant Coach Dave Lapp, the team has made the Coatesville Area School District and its communities very proud of their dedication, hard work and determination to win. The 7 members of the team deserving of recognition are: seniors Kyle Dawson, Owen Dawson, Tom Pannulla, Jason Leonard, and Sean Ward; junior Andrew Mahoney; and sophomore Chris Rosato. These terrific young men have brought great honor, respect and distinction to their school, communities and families and are most deserving of this body's recognition.

So I ask, Madam Speaker, that my colleagues join me in congratulating the Coatesville varsity men's cross-country team for their outstanding season. They worked extremely hard and deserve all that they have achieved.

IN REMEMBRANCE OF SERGEANT ALESSANDRO CARBONARO

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor and remember Marine Sergeant Alessandro Carbonaro. He served his country tirelessly until his death on May 10, 2006. The loss of this young, dedicated hero is felt by not only those who knew him, but also those who have been touched by the life that he led.

Sgt. Carbonaro was raised in Bethesda, Maryland, the only child of Fulvio and Gilda Carbonaro. He was a private, headstrong, and independent child who held his family dear. Over the years, Sgt. Carbonaro developed a passion for music, history, and writing. After graduating from Sandy Spring Friends School, Sgt. Carbonaro shocked his family and friends by volunteering to join the United States Marine Corps. He told his parents that he felt a strong sense of duty to his country and wanted to live the life that he envisioned.

Sgt. Carbonaro enlisted in the Marine Corps during the summer of 1998. He initially committed himself to five years of active duty. After September 11, 2001, however, his resolve strengthened and he felt an obligation to reenlist. Sgt. Carbonaro set his sights on the elite Marines Reconnaissance Unit, a status obtained by fewer than one in five who attempts it. By September 2004, he had been deployed to Iraq with the 2nd Reconnaissance Battalion. Sgt. Carbonaro was eventually awarded the Purple Heart.

Upon completion of his first deployment, Sgt. Carbonaro returned to Maryland and married Gilda Maria Arroyo on May 28, 2005. In March 2006, he returned to Iraq and was chosen to lead a unit of younger Marines. Sgt. Carbonaro did not regard these men as soldiers, but as brothers. His moral and physical strength made him the backbone of the unit. On May 1, 2006, when his unit's vehicles hit an explosive device, his first concerns were for his fellow Marines.

Madam Speaker and colleagues, please join me in honoring and remembering Marine Sergeant Alessandro Carbonaro, who exemplified the ideals put forth by the Reconnaissance Creed—Honor, Perseverance, Spirit, and Heart. Please also join me in expressing my deepest condolences to his parents, his young wife, Gilda, and his extended family and friends. Although Sgt. Carbonaro will be profoundly missed, his unwavering devotion to his family and country will live on in the hearts of those who were touched by the life of this fallen hero.

PAYING TRIBUTE TO JEFF HENDERSON

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Jeff Henderson for his extraordinary accomplishments in the culinary field and for his success with his new book.

Jeff Henderson's life is an inspirational story of overcoming great odds and achieving one's dreams. Growing up in South Central Los Angeles and San Diego, Jeff had a run in with the law where he served almost a decade in federal prison. He did not discover his passion for cooking until doing kitchen duty. Jeff began his new found passion as a dishwasher and worked his way to the top as a Chef for restaurants such as L'Escale and the Dining Room at the Ritz-Carlton Hotel in Marina Del Rey, California. He later became the Sous-Chef at the Hotel Bel-Air and at L'Ermitage Hotel.

In 2000, Jeff made history as the first African American to be named Chef de Cuisine at the Caesars Palace in Las Vegas. The American Food and Wine Tasting Federation honored him in 2001 as the "Las Vegas Chef of the Year". Black Enterprise magazine has also honored him as one of the top African-American chefs. While he is currently employed at Café Bellagio as Executive Chef, he also serves as a public speaker and motivator to provide inspiration for troubled youths.

Jeff's greatest accomplishment has come from his book entitled, "Cooked: From the Streets to the Stove, From Cocaine to Foie Gras". Since its March 2007 release, his book is now a New York Times Best Seller after just three weeks. His story has gained national attention with appearances on the Today Show and Oprah. There are even talks to star in his own reality show and to produce his life story in a motion picture starring Will Smith.

Madam Speaker, I am proud to honor the hard work and accomplishments of Chef Jeff Henderson. He has set a fine example for everyone to achieve their dreams with dedication. I wish him luck in all his future endeavors.

PERSONAL EXPLANATION

HON. RAHM EMANUEL

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. EMANUEL. Madam Speaker, I was absent from the Chamber for rollcall No. 205 on March 28, 2007. Had I been present, I would have voted "yea."

REINTRODUCTION OF ENDING TAX BREAKS FOR DISCRIMINATION ACT OF 2007 AND THE FAIR PLAY-EQUAL ACCESS IN MEMBERSHIP RESOLUTION

HON. CAROLYN B. MALONEY

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mrs. MALONEY of New York. Madam Speaker, today I am reintroducing a bill to end government subsidies for private clubs that discriminate against women. Ending Tax Breaks for Discrimination Act of 2007 makes it illegal to take income tax deductions for expenses at clubs with "No Women Allowed" membership policies. It is wrong for corporations to write-off big expenditures for entertainment, meetings and advertising at clubs that keep women out while they target women consumers' pocketbooks. This bill will put an end to that. With the Masters Golf Tournament coming up this Monday, April 2nd, now is the time to address these discriminatory practices.

Right now, conventions and meetings come right off corporate income tax as legitimate business deductions, including those held at private clubs that discriminate. Half the price of a business lunch is deductible. But if you're a woman, you subsidize ½ a guy's lunch with your taxes, even though you can't join the club. The whole point is that members of these clubs get financial gains—either indirectly through career opportunities and board appointments, or directly through tax deductions. Women can't get these same financial gains—just because they're women. Golf is so ingrained as a part of business success that business schools teach juniors and seniors how to make the most of country club memberships. If you can't play golf, join the "guys" after a round, and get the same elite club bonus package from your employer that your male counterparts can, you're clearly missing out.

This bill ends deductions for advertising, travel, accommodation and meals associated with these clubs. And it requires discriminatory clubs to print right on their receipts "not tax deductible".

Let me be clear, I like big business, but women must be equal players. Legitimate tax deductions should continue, but when these deductions support clubs that bar women as equal partners, equal players, equal earners—they are not legitimate. This bill is past due. The time for discrimination is over.

I am also reintroducing a resolution, the Fair Play-Equal Access in Membership Resolution, which expresses the sense of the Congress that neither the President, the Vice President, nor any Member of Congress, justice or judge of the United States, or political appointee in the executive branch of the Government should belong to a club that discriminates on the basis of sex or race. It's common sense that our leaders and lawmakers should not belong to clubs that discriminate . . . period.

CONCERN ABOUT FARHAD ALIYEV AND HUMAN RIGHTS IN AZERBAIJAN

HON. GARY L. ACKERMAN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. ACKERMAN. Madam Speaker, I would like to call the House's attention to an important human rights case in Azerbaijan. Mr. Farhad Aliyev, the former minister of economic development and a leading pro-West reformer, has been arrested and charged with planning a coup, though I think his true crime was speaking truth to power in Azerbaijan. Too often, the United States has allowed immediate interests to blind us to the long-term risks associated with ignoring or downplaying significant human rights violations abroad. There is enormous potential in U.S.-Azeri relations, and I want to see this relationship continue to blossom. But we risk implanting a fatal flaw in this development if we are not frank about our concerns about human rights and the rule of law.

I submit a March 17, 2007, article from the Washington Times, "Ex-Azeri official held for 17 months", by Jason Motlagh, detailing Mr. Aliyev's case for the CONGRESSIONAL RECORD with my remarks.

[From the Washington Times, Mar. 17, 2007]

EX-AZERI OFFICIAL HELD FOR 17 MONTHS

(By Jason Motlagh)

BAKU, AZERBAIJAN.—The view from Sabina Aliyeva's balcony commands the skyline of this reborn boomtown and the Caspian Sea beyond, but for the past 17 months one stark gray building off to the right has loomed large.

Inside, her husband, Farhad Aliyev, the former minister of economic development and a leading pro-West reformer, remains locked in solitary confinement, charged with planning a coup—though no evidence of it has been put before a court of law.

International human rights groups and U.S. lawmakers say Mr. Aliyev is a political prisoner whose rights have been violated as he awaits due process. According to Azeri law, a judge must hear his case by April or release him from pretrial detention.

The high-profile case comes amid efforts by the Bush administration to secure closer ties with the oil-rich nation, considered to be of increasing importance in a sensitive region. Critics counter that better bilateral relations must be in step with U.S. demands for democratic reform, and not allow a convenient foreign policy to obscure a grim human rights record.

Azerbaijan is a secular Muslim country on the western shore of the Caspian Sea, wedged among Iran, Armenia, Russia and Georgia. U.S. officials have stressed its value as a reliable energy supplier, citing continued Azeri oil and natural-gas deliveries to Europe as a counterweight to Russia's state-owned energy giant Gazprom.

President Ilham Aliyev—no relation to the accused—has also been a willing partner on security issues. One of the first foreign leaders to contribute troops to missions in Iraq and Afghanistan, he granted U.S. pilots overflight rights in Azeri airspace, and the Pentagon is sponsoring an upgrade of a former Soviet airfield for potential use by American forces.

Some observers also point to the sizable and at times restive Azeri minority in Iran as a potential tool if a conflict with the United States or its allies broke out. Azerbaijan insists it will have no part in any military action against the Islamic republic.

Azerbaijan has a reputation of being heavy-handed toward its citizens. Before its November 2005 parliamentary elections, condemned by international observers as flawed, riot police reportedly beat up protesters in the streets and arrested hundreds.

Farhad Aliyev, his younger brother Rafig, former head of the leading Azeri oil refiner, Azpetrol, and a handful of other officials were summarily arrested on charges of plotting a coup.

The vote itself was marred by irregularities, ballot stuffing and intimidation, according to the Organization for Security and Cooperation in Europe.

Still, President Aliyev was invited to the White House last April. Washington justified his first meeting with President Bush on the basis that his regime is in a different class than autocracies like those in Belarus and Uzbekistan, thus should be engaged rather than left to gravitate toward Moscow or Tehran.

Opponents say corruption and ongoing crackdowns on civil freedoms could have a destabilizing effect in Azerbaijan. They say Farhad Aliyev challenged the political establishment to make free-market reforms, to better integrate with the West, and is now being denied U.S. support.

"We're defending Farhad Aliyev because we defend the ideas he represents," said Murad Saddadinov, an Azeri human rights activist and former political prisoner. "If we do not support him, we will soon lose everybody like him in Azerbaijan."

Mr. Saddadinov said he fears the emergence of a more radical brand of Islam if democratization does not take hold, noting the growing attendance at Wahhabi mosques in the capital. One Western official said he saw "the potential," but doubted such an outcome in the foreseeable future.

Appointed by President Ilham Aliyev's father, post-Soviet strongman Heydar Aliyev, who died in 2003 at a U.S. hospital, Farhad Aliyev led a broad campaign to open the economy and reduce the power of state-affiliated monopolists that had long controlled the flow of imports and exports in Azerbaijan.

One of Farhad Aliyev's top priorities was an overhaul of the state customs committee, considered by the Azeri public and business community as a corruption machine. Azerbaijan ranked 130th among 163 countries in Transparency International's latest corruption index.

"Corruption is endemic in this country . . . [and the customs] department has been at the top of the list," said a European official working in Azerbaijan who deals directly with the government on reform matters.

Farhad Aliyev "was generally regarded as a fair and good businessman, even among a disillusioned Azeri public. The West rightfully saw him as someone to work with—someone with a promising political future."

An intense rivalry soon developed between Farhad Aliyev and customs chief Kamaleddin Heydarov, whom Mr. Aliyev accused of stifling economic growth by making it hard for new business—foreign or domestic—to enter Azerbaijan's markets.

Both men used the press to try to win over the public and President Aliyev. Azeri news reports agree that state interference was reduced in entrepreneurial activities and certain meddlesome agencies were abolished.

Ali, 23, a university student who asked that his full name not be made public, said Farhad Aliyev was well liked at a time most Azeris had tuned out politics.

"He came across as someone who actually cared about people and change, not his bank account," said Ali. "His popularity was definitely growing . . . and is probably why he was removed."

Farhad Aliyev went out on a limb when he said that as far as Azerbaijan's social and economic development are concerned, "Russia is Azerbaijan's past, the West is its future."

On Oct. 19, 2005, weeks after he had told the prosecutor general's office that unspecified criminal groups had threatened to kill him, he was arrested for conspiring to overthrow the government. A corruption charge was later added.

Officials accused Farhad Aliyev of paying supporters of Rasul Guliyev, the exiled chairman of a major opposition party, to stir unrest upon his return from the United States to run in the elections. The charge was based on the confession of ousted Finance Minister Fikrat Yusifov, a reputed coconspirator, who was released two months later.

Mr. Guliyev has categorically denied the claim or that he ever met Farhad Aliyev. Analysts queried in the capital agreed that such an association was highly unlikely, given their opposing party affiliations.

Charles Both, an American lawyer who represents Farhad Aliyev and his brother, says that since their arrest, the original charges have not been declared in court; no evidence in support of the charges has been offered; no public hearing has been held; and no trial date set.

Azerbaijan's law stipulates that pretrial detention can last a maximum of 18 months, meaning the government has until next month to hear the case.

Farhad Aliyev suffers from heart problems, including hypertension and hypertrophy, but has been denied sufficient medical attention, according to the International League for Human Rights.

To date, his wife and two children have had no contact with him. They say they have been subject to harassment and surveillance by authorities—notably on the day of his arrest when their home was stormed by armed men and valuables were stolen. The family has since moved to a guarded apartment in view of the National Security Ministry, where the brothers are being held.

Meanwhile, the business interests of the Aliyev brothers have been confiscated and sold off to "pro-Russian business enterprises favored by the Azeri authorities," according to a study by Mr. Both, the American lawyer.

He said the charges against the pair are "the direct result of Farhad Aliyev's position in open favor of [Azerbaijan's] integration into the international community, closer ties with the United States, [the] European Union . . . and successful implementation of economic reforms and anti-monopoly policy, all of which run counter the interests of many powerful domestic players."

HONORING DR. LINDA BURNES BOLTON FOR HER DISTINCTION IN THE FIELD OF NURSING

HON. MAXINE WATERS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. WATERS. Madam Speaker, I rise proudly to extend my congratulations to an extraordinary individual—a resident of Los Angeles, California, who in mid-April will become the first African American in the United States to receive the American Organization of Nurse Executive's lifetime achievement award.

Linda Burnes Bolton, DrPH, RN, FAAN, is Vice President and Chief Nursing Officer at Cedars Sinai Medical Center in Los Angeles. Dr. Burnes Bolton is a trailblazing nurse leader who has spent her career championing and implementing high quality healthcare for all patients. Dr. Bolton's energy level and commitment to transforming healthcare through nursing solutions are legendary. Not only has Dr. Burnes Bolton studied and written about disparities in care but through her many decades of visionary work on behalf of patients, Dr. Burnes Bolton has contributed to a multitude of improvement initiatives, including health literacy, reductions in medication errors, as well as studying the healthcare system to overcome nursing workforce challenges.

A past president of the National Black Nurses Association, Dr. Burnes Bolton currently serves as the President of the American Academy of Nursing. Through the academy, Dr. Burnes Bolton and her board, along with their distinguished advisory council have just launched their "Raise The Voice" campaign to recognize the contributions nurses have made and continue to make in transforming health care.

Today I stand before you to recognize the contributions made by Dr. Linda Burnes Bolton, an extraordinary leader in the field of nursing.

TUSKEGEE AIRMEN

HON. JULIA CARSON

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. CARSON. Madam Speaker, the Tuskegee Airmen were dedicated, determined young men who volunteered to become America's first Black military airmen.

Those who possessed the physical and mental qualifications and were accepted for aviation cadet training were trained initially to be pilots, and later to be either pilots, navigators, or bombardiers.

Tuskegee University was awarded the U.S. Army Air Corps contract to help train America's first Black military aviators because it had already invested in the development of an airfield, had a proven civilian pilot training program and its graduates had performed highest on flight aptitude exams. Of the 994 aviators who trained at Tuskegee Institute, beginning in 1942, only about 385 are still alive. I am proud that one of those living heroes is my constituent, Walter Palmer.

Walter Palmer volunteered for the unit because he yearned to fly and because—"we knew the country was at war, and we felt that we had to put in our time, just like everybody else." Mr. Palmer went on to fly 158 missions during World War II throughout Europe.

Today, Walter Palmer—85 years old—will come to our Nation's Capitol to receive the highest civilian honor given by Congress, the Congressional Gold Medal. He and his Tuskegee colleagues not only volunteered to fight a war, they were the best at what they did and they helped win a war.

Collectively, the Tuskegee Airmen flew more than 15,000 missions over North Africa and Europe during World War II, destroying more than 250 enemy aircraft on the ground and 150 in the air. By historic accounts, the aviators never lost a bomber to enemy aircraft fire during their escort missions. Proudly, Walter Palmer personally helped to set that very high standard of excellence.

INTRODUCTION OF THE KA'U COAST PRESERVATION ACT

HON. MAZIE K. HIRONO

OF HAWAII

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. HIRONO. Madam Speaker, I rise today to introduce the Ka'u Coast Preservation Act, a bill directing the National Park Service to assess the feasibility of designating coastal lands on the Ka'u Coast of the island of Hawaii between Kapao'o Point and Kahuku Point as a unit of the National Park System.

Late last year, the National Park Service issued a reconnaissance report that made a preliminary assessment of whether the Ka'u Coast would meet the National Park Service's demanding criteria as a resource of national significance.

The reconnaissance survey concluded that "based upon the significance of the resources in the study area, and the current integrity and intact condition of these resources, a preliminary finding of national significance and suitability can be concluded." The report goes on to recommend that Congress proceed with a full resource study of the area.

Although under significant development pressure, the coastline of Ka'u is still largely unspoiled. The study area contains significant natural, geological, and archaeological features. The northern part of the study area is adjacent to Hawaii Volcanoes National Park and contains a number of noteworthy geological features, including an ancient lava tube known as the Great Crack, which the National Park Service has expressed interest in acquiring in the past.

The study area includes both black and green sand beaches as well as a significant number of endangered and threatened species, most notably the endangered hawksbill turtle (at least half of the Hawaiian population of this rare sea turtle nests within the study area), the threatened green sea turtle, the highly endangered Hawaiian monk seal, the endangered Hawaiian hawk, native bees, the endangered and very rare Hawaiian orangeblack damselfly (the largest population in the state), and a number of native endemic birds. Humpback whales and spinner dolphins also frequent the area. The Ka'u Coast also boasts some of the best remaining examples of native coastal vegetation in Hawaii.

The archaeological resources related to ancient Hawaiian settlements within the study area are also very impressive. These include dwelling complexes, heiau (religious shrines), walls, fishing and canoe houses or sheds, burial sites, petroglyphs, water and salt collection sites, caves, and trails. The Ala Kahakai National Historic Trail runs through the study area.

The Ka'u Coast is a truly remarkable area: its combination of natural, archaeological, cultural, and recreational resources, as well as its spectacular viewscapes, are an important part of Hawaii's and our Nation's natural and cultural heritage. I believe a full feasibility study, which was recommended in the reconnaissance survey, will confirm that the area meets the National Park Services high standards as an area of national significance.

I urge my colleagues to join me in supporting this bill.

STEWART VINCENT WOLFE MEMORIAL PLAYGROUND

HON. RAÚL M. GRIJALVA

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GRIJALVA. Madam Speaker, I rise today to recognize the efforts of my constituents in Yuma to revitalize and beautify their surroundings.

The community came together to create the Stewart Vincent Wolfe Memorial Playground located in the Yuma West Wetlands Regional Park. This is a true community project as it was created from the input of over 5,000 local schoolchildren. This project united all generations to create it and was fully assembled by dedicated volunteers throughout two weekends in February.

I have heard from many parents, grandparents, aunts, uncles, and educators that the children have approved thoroughly of the park. And today I rise to thank the community for the park and provide my heartfelt approval and gratitude as well.

This park has an important role in Yuma, as it is a culmination of work from all aspects of the community. It also served as an educational tool. Bringing in the children to have input was an opportunity for the children to learn about planning in our community, in addition to preservation of open and friendly spaces.

There was much sweat and hard work that was put into the park, and I guarantee there will be many squeals of joy and happy families for years to come.

This important achievement will long be remembered in Yuma, and it is with pride that I celebrate with my constituents in the realization of this important park.

INTRODUCING A RESOLUTION CELEBRATING THE 500TH ANNIVERSARY OF THE FIRST USE OF THE NAME "AMERICA"

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution celebrating the 500th anniversary of the first use of the name "America." I am pleased to be introducing this resolution with my good friend from New York, Representative CAROLYN MALONEY.

Italian navigator Amerigo Vespucci was born in 1454 and traveled across the Atlantic Ocean 4 times between 1497 and 1504. During his second voyage to the Western Hemisphere in 1499, he realized the land initially discovered by Christopher Columbus was not India, but in fact a whole new continent.

Eight years later, on April 25, 1507, cartographer Martin Waldseemüller, a member of the research group Gymnasium Vosagense in Saint-Die', France, published the book Cosmographiae Introductio. The book was accompanied by a map he designed naming the new continent "America" after Amerigo Vespucci. Incidentally, the only remaining copy of this map is housed in the Library of Congress.

Naming the new continent after Vespucci was a unique and high honor, especially since he was still alive at the time. But Waldseemüller described this decision in the book by writing: "I see no reason why anyone should justly object to calling this part . . . America, after Amerigo [Vespucci], its discoverer, a man of great ability."

On April 25, 2007, we will mark the 500th anniversary of the first appearance of the word "America" on a map on a continent bordered by the Atlantic and Pacific Oceans. As such, it is fitting that the House take time to honor Amerigio Vespucci, Martin Waldseemüller, and the contributions of so many others who have made us who we are.

In the 21st century, the term "America" means much more than just a continent or a country. It is an ideal, a system of values which dedicates itself to ingenuity and greatness. The ability of which Waldseemüller wrote of Vespucci embodies the American spirit and the role which we play in the world. Indeed, we have the ability to make this world a better place for all.

It is my sincere hope that my colleagues will support this effort and join me and Representative MALONEY in honoring these two great individuals, the history of our great country and the continent on which it is located. I ask for the support of my colleagues and the swift consideration of this resolution to ensure that the House marks this celebration before the 500th anniversary.

INDENTURED SERVITUDE ABOLITION ACT OF 2007

HON. GEORGE MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GEORGE MILLER of California. Madam Speaker, thousands of foreign workers in this country are being systematically exploited and abused every day. I am introducing the Indentured Servitude Abolition Act of 2007 to ensure that these workers have basic human rights protections and safeguards against recruitment abuses.

The Indentured Servitude Abolition Act of 2007 requires that employers provide in writing and in advance of employment, specific information relating to an individual's working terms and conditions so that workers know the length of their employment, where they will be working and living, how much they will be paid, and what benefits will be made available to them. Under the Act employers will be prohibited from charging the worker a recruitment fee, and obligated to pay the worker's transportation costs. Finally, if an employer or recruiter violates the Act, they will be subject to criminal sanctions, civil penalties and injunctive relief.

Unscrupulous employers in this country are luring unskilled foreign workers with the promise of riches—that they can earn 10 times as much or more if they come to work in America. The foreign workers, most of whom come from impoverished backgrounds, are charged fees—sometimes thousands of dollars—to secure these jobs. To cover the upfront expenses many sell their land, their homes, or take out high interest loans. They risk everything with the dream of earning enough money to provide for a better life for themselves and their families.

The reality for these workers stands in stark contrast to the riches and opportunity that was promised. Employers often refuse to pay the workers overtime or alternatively refuse to schedule them for full-time work. They work in unsafe conditions, and are forced to live in squalor. Living in fear and with no ability to speak out about the abuses, workers are trapped in virtual involuntary servitude under sweatshop working conditions, indebted by usurious recruitment fees, paid inadequate wages and too often cheated out of what little they are owed.

The Indentured Servitude Abolition Act of 2007 simply demands that these foreign workers be treated with the respect and dignity that they deserve. The Act requires that the working conditions promised are in fact the working conditions that will exist. We can no longer allow employers to treat foreign workers as commodities—we have a responsibility to ensure that every individual working and living in this country is afforded labor protections and adequate legal safeguards.

NEED-BASED EDUCATIONAL AID ACT OF 2007

HON. LAMAR SMITH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SMITH of Texas. Madam Speaker, today I am pleased to join the gentleman from Massachusetts, Mr. DELAHUNT in introducing the "Need-Based Educational Aid Act of 2007."

Beginning in the mid-1950s, a number of private colleges and universities agreed to award financial aid solely on the basis of demonstrated need. These schools also agreed to use common criteria to assess each student's financial need and to give the same financial aid award to students admitted to more than one member of that group of schools. From the 1950s to the late 1980s, the practice continued uncontested.

In 1989, the Antitrust Division of the Department of Justice brought suit against 9 of the colleges that engaged in this practice. After extensive litigation, the parties entered into a consent decree in 1991 that all but ended the practice. In 1992, Congress passed the first exemption to the antitrust laws for these colleges as part of the Higher Education Amendments of 1992. That temporary exemption codified the settlement and allowed agreements to provide aid on the basis of need only, to use common criteria, to use a common financial aid application form, and to allow the exchange of students' financial information through a third party. It also prohibited agreements on awards to specific students.

In 1994, Congress extended this exemption as part of the Improving America's Schools Act. Congress has extended the exemption twice since 1994—in 1997 and 2001. As of May 2006, twenty-eight schools utilized this antitrust exemption. This exemption expires on September 30, 2008.

I believe the current exemption makes sense, and to my knowledge there have been no complaints about it. A recent GAO study of the exemption found there has been no abuse of the exemption and stated that there has not been an increase in the price of college as a result of the exemption. The Antitrust Modernization Commission, which is due to release its final report next week, studied this exemption and found that it provides "limited immunity for limited conduct," that is, it is narrowly tailored to meet its goals of promoting access to need-based financial aid.

This bill would make the exemption passed in 1992, 1994, 1997, and 2001 permanent. It would not make any change to the substance of the exemption.

The need-based financial aid system serves worthy goals that the antitrust laws do not adequately address, namely, making financial aid available to the broadest number of students solely on the basis of demonstrated need. No student who is otherwise qualified should be denied the opportunity to go to one of these schools because of the limited financial means of his or her family. This bill helps protect need-based aid and need-blind admissions.

The last time a permanent extension of this antitrust exemption was considered by the House it passed by a vote of 414 to 0. I urge my colleagues to support this bill as well.

INTRODUCTION OF A BILL TO REAUTHORIZE THE NEW JERSEY COASTAL HERITAGE TRAIL ROUTE

HON. FRANK A. LoBIONDO

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LOBIONDO. Madam Speaker, the New Jersey Coastal Heritage Trail incorporates the very best of what the great State of New Jersey has to offer the rest of the Nation. Established by Congress in 1988, the Trail unifies New Jersey's many scenic points of interest. These points of interest include a wealth of environmental, historic, maritime and recreational sights found along New Jersey's coastline, stretching 300 miles from Perth Amboy in the north, Cape May in the extreme southern tip of the State and Deepwater to the west.

The Trail's area includes three National Wildlife Refuges, four tributaries of a Wild and Scenic River system, a Civil War fort and National cemetery, several lighthouses, historic homes, and other sites tied to southern New Jersey's maritime history. Through a network of themes and destinations, the New Jersey Coastal Heritage Trail connects people with places of historic, recreational, environmental and maritime interest.

One exciting aspect of the New Jersey Coastal Heritage Trail Route is its focus on maritime history. There is a rich story to be told about the industries once sustained by the Delaware Bay, such as whaling, shipbuilding, oystering and crabbing. While we often define our Nation's history through military or political milestones, the Trail will serve to remind visitors that maritime-dependent commerce was a major factor in the growth of the United States.

"Eco-tourism" along the Coastal Heritage Trail has proven to be a huge success. There is an abundant variety of natural habitats and species to be found on the Trail. Whale and dolphin watching have become extremely popular, and bird lovers from throughout the country, and in fact around the world, are realizing what Southern New Jersey residents have known all along: our region is unmatched for observing migratory birds, ospreys and bald eagles.

Today, with the support of the entire New Jersey delegation, I am introducing legislation to reauthorize the New Jersey Coastal Heritage Trail Route. This legislation would extend the authorization of the Trail to provide additional funding over 4 years to continue the work began in 1988.

The New Jersey Coastal Heritage Trail has helped New Jersey residents develop pride, awareness, experience with, and understanding of our coastal resources and its history. This reauthorization will allow the Trail to continue and flourish.

I urge my colleagues in the House to support this legislation.

RECOGNIZING THE SERVICE AND ACHIEVEMENTS OF MAYOR GEORGE H. WHITEHURST

HON. JEFF MILLER

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. MILLER of Florida. Madam Speaker, on behalf of the United States Congress, it is an honor for me to rise today to recognize the public service and outstanding achievements of George H. Whitehurst upon his retirement as Mayor of the city of Crestview, Florida.

George Whitehurst moved to Crestview in 1954, where shortly after, he opened the Whitehurst Funeral Home. In 1961, he entered the political arena as Mayor for 12 years. His passion for leadership and continuing love for the community led Mr. Whitehurst to resume his political career as Mayor in 1995.

During his tenure as Mayor, George Whitehurst advocated for increased public safety and economic development. To promote safety and deter crime, Mr. Whitehurst was at the forefront of instituting 2 police substations and a police/fire sub-station. He lobbied for the acceleration of a high rise security lighting installation at Interstate 10 and State Road 85 and the development of an emergency transportation corridor, consisting of a three-mile segment of roadway to provide an alternate emergency evacuation route in times of natural disaster. Under his leadership, a cemetery was restored, a Veterans Memorial Park constructed, and the foundation for the Crestview Library and Community Center established. Mayor Whitehurst launched a downtown revitalization effort, including: new sidewalks, pedestrian crosswalks, shade trees, increased parking, period street lighting, and park benches. There is no doubt in my mind that Crestview is better off because of this man.

For 24 years, Mayor Whitehurst has proudly served Northwest Florida as Mayor of the Hub City with passion and determination. He is a dedicated and loving husband, father, and grandfather. With his wife Annelle by his side, he has earned the respect and support of those around him. This weekend we celebrate his retirement and tireless efforts of giving back to the community. The impact Mayor Whitehurst has made on the city will leave a lasting impression, and Crestview will be forever grateful for his service and truly honored to call him one of her own.

Madam Speaker, on behalf of the United States Congress, I am proud to recognize the achievements of Mayor George H. Whitehurst and his exemplary service to the city of Crestview, Florida—"the gateway to the Emerald Coast."

IN HONOR OF CAPTAIN ANGELA M. CARSTEN

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. FARR. Madam Speaker, I rise today to pay tribute to Captain Angela M. Carsten, an officer in the United States Air Force, who is retiring after 20 years of distinguished service.

I have had the personal pleasure of knowing Angie since she came to DLI in 2004 and I know I speak for the greater DLI community in expressing our best wishes for her continued success.

Throughout her career, both as an enlisted Air Force Airman and as an officer, Captain Carsten has personified the Air Force values of duty, honor, integrity and selfless service. As Project Manager and Associate Dean of the Defense Language Institute's Emerging Languages Task Force, many of us on Capitol Hill have been the beneficiaries of her communication talents as well as her broad depth of knowledge concerning Low-Density High-Demand languages that are critical to our nation's security in the Global War on Terrorism.

Captain Carsten's military service began in 1987, with tours of duty at Andrews Air Force Base, Maryland, Maxwell AFB, Alabama, and Ramstein Air Base in Germany. Captain Carsten provided communications and computer support for the local airbases. In 1999, Captain Carsten was commissioned as a Lieutenant in the Unites States Air Force through Officer Training School at Maxwell AFB in Alabama. From 1999 to 2003, Captain Carsten served in a variety of assignments at Hill AFB, Utah.

Since 2004, she has been an outstanding advocate for the Defense Language Institute Foreign Language Center, located in Monterey, California, the Congressional district I am proud to represent. As Associate Dean of the Defense Language Institute's Emerging Languages Task Force, she has briefed the BRAC Committee, the House Defense Appropriations Committee, HPSCI and HASC Members, numerous Professional Staff of the National Security committees, as well as Service Secretaries, foreign dignitaries, and Department of Defense VIPs.

Most recently, as the Associate Dean, Captain Carsten authored a Concept of Operations to build a surge capability for over nineteen Immediate Investment and Stronghold languages to augment the current DLI curriculum.

Madam Speaker, on behalf of my colleagues, I thank Captain Carsten for her commitment, sacrifice, and contribution to our National Security throughout these 20 years.

HONORING OMEGA ENVIRONMENTAL TECHNOLOGIES

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. MARCHANT. Madam Speaker, I rise today to extend my congratulations to the Omega Environmental Technologies company. In today's corporate world, they have distinguished themselves as a thriving business that is passionate about helping others.

An eighteen year old company, Omega Environmental Technologies was built from the ground up to become a multi-million dollar corporation. Founded in 1989 in Texas, the company has grown to include a worldwide customer base for their distribution of automobile air conditioner parts. Although they routinely export A/C components to 75 countries, around 75 percent of their products come from the U.S. This helps to support the American economy and has provided a welcome boost to the Dallas/Fort Worth area marketplace. Using a 65,000 square foot warehouse, the business has grown 50 percent in the last 3 years. It is no surprise that Omega Environmental Technologies has been recognized twice as one of the 100 fastest growing companies in D/FW.

Although Omega Environment Technologies serves as a model to those in the business community, the life story and achievement of the company's founder and President, Grace Davis, is an example that all of us would do well to study. Born and educated in Panama, Ms. Davis strived for excellence early on, graduating from college after studying business. After time spent in the finance industry, she looked for a new challenge and attempted to get a job in the banking world. No matter her success or qualifications, Ms. Davis found only disappointment as employer after employer offered her only secretary jobs. In need of a paycheck, she eventually accepted a secretary position only to discover the grim truth of her circumstances later on. After hearing the commercial needs of clients who called the office, she approached her supervisor with a plan to improve their international sales. Regardless of her initiative, she was ignored and told to remember her place as a secretary. Grace Davis went on to leave that company and start her own international sales company. As one of her employees put it, she proved so trustworthy and talented a saleswoman that a company grew up around her.

Today, she serves as a proud role model for minority women who are looking to succeed in life and the business world. For her part, she has made it a point never to discriminate against potential employees because of their nationality or primary language. Omega Environmental Technologies currently employees 14 nationalities with several of them political refugees. They also rely on Catholic Charities as a primary source for employee recruitment and last year received the accomplishment of being a certified Minority Company.

I could not be more proud that Omega Environmental Technologies chooses to call the Dallas/Fort Worth area home, and I congratulate them on receiving this prestigious award.

IN RECOGNITION OF THE AMERICAN HUNGARIAN FEDERATION OF CLEVELAND

HON. DENNIS J. KUCINICH

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. KUCINICH. Madam Speaker, I rise today to honor the American Hungarian Federation of Cleveland, and Mr. John Juhasz, for their many years of service to the Hungarian-American community.

The Federation, since its founding in 1906, has been a symbol of the strong relationship between America and Hungary, a relationship that has existed since the birth of the American nation. Before former Hussar Officer Colonel Commandant Mihaly Kovats died fighting for a free America in the Battle of Charleston, South Carolina in 1779, he sent a letter to Benjamin Franklin with the words: "Fidelissimus ad Mortem", which means Faithful Unto Death. This expression has become the motto of this great organization.

For more than one hundred years the American Hungarian Federation has worked to unite and to support Americans of Hungarian origin in the United States, regardless of political, religious, or other affiliation. It has also been a strong supporter of freedom both at home and abroad. They played an integral role in providing aid for a Hungarian people in need after World War II, as well as efforts to aid refugees of The Revolution of 1956.

Under the faithful stewardship of President John Juhasz, The American Hungarian Federation continues to fulfill their mission by advocating for Hungarian causes and providing information to second and third generation Hungarian Americans. Additionally, the Federation sets an example for all Americans, who have a love for their heritage and a desire to help their people.

Madam Speaker and colleagues, please join me in honoring John Juhasz and the American Hungarian Federation of Cleveland for their contribution to the rich cultural heritage of Northeast Ohio. May the Hungarian community continue to thrive under their leadership.

PAYING TRIBUTE TO JUDI D. STEELE

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Judi Steele, a dedicated educator, consultant, and advisor whose outstanding work in the classroom and throughout the community has motivated the Clark County School District to name an elementary school in her honor.

Judi began her distinguished career as an educator in 1965 when she taught 5th and 6th grade at P.S. 171 in East Harlem, New York. In 1969, Ms. Steele began her long career with the Clark County School District as a teacher at C.V.T. Gilbert Prestige School. Throughout her career with the Clark County School District, Judi's work proved vital as she was integral to the implementation and the success of several educational programs designed to improve academic achievements and opportunities for students of all abilities.

During her time with the Clark County School District, Judi served as an integration consultant with the Intergroup Education Department, team leader for Teacher Corps, the first teacher of CCSD's Academically Talented Program and coordinator of the district's first Child Find. Judi was also the director of the Special Education Programs and Services for the Clark County School District. Among her achievements in this capacity, Ms. Steele created and executed district-wide procedures and staff development activities for principals, teachers, parents, and special student services staff to allow these educators to better serve students. She also devised district-wide programs to cater to the specific needs and requirements of the visually, orally and emotionally handicapped, learning disabled and academically talented students.

Judi also worked as the manager of the Officer of Development and Education Improvement for the Clark County School District while serving as the executive director of the Clark County Public Education Foundation, which is a non-profit corporation dedicated to improving the quality of Clark County's public schools. In 2001, Judi retired from the Clark County School District to become the president and chief professional officer of the Public Education Foundation. Under her guidance, the Foundation has raised approximately $40 million and has instituted numerous vital programs including: Clark County READS, the Interact Online Learning Community, and the Teacher Exchange.

Judi's excellence in the field of education has gained widespread recognition as she has served on the board of the American Federation of Teachers and the National Education Association. She was also a member of the Association for Supervision and Curriculum Development, the Council of Exceptional Children, the National Association of Elementary School Principals, the National Conference of Christians and Jews, the National Council of Administrative Women in Education, the Committee to Eliminate Racism in the Public Schools, and the National Association for the Advancement of Colored People. In Nevada, Judi has served on the board of directors of the Allied Arts Council, the National Alliance for Arts Education, the Nevada Association for the Handicapped, the Nevada Institute for Contemporary Arts, the New Horizon Academy, the Southern Nevada Administrative Women in Education, and the Summerlin Children's Forum.

Today, Judi continues to actively serve the community as the founder and president of the Arts Council of Henderson. She also sits on the advisory councils of the Nevada Ballet Theatre, the Nevada Public Education Foundation, CLASS! Publications, and the Clark County School District's School Community Partnership Program. Judi's distinguished career has earned her numerous awards and honors including the James Stuart McPhee Memorial Intellectual Freedom Award, the Governor's Arts Recognition Award, the Community Leaders of America Award, and the City of Henderson Community Achievement Award.

Madam Speaker, I am proud to honor my friend Judi Steele and her many achievements. Her dedication to the community is commendable and I wish Judi continued success in her future endeavors.

COMMENTARY FROM DAVE DURENBERGER

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. STARK. Madam Speaker, I encourage my colleagues on both sides of the aisle to read the column below from our former Senate colleague Dave Durenberger from Minnesota. Dave continues to be a leader in health policy, having founded the National Institute of Health Policy which promotes health policy dialogue in the Upper Midwest. He also serves as a member of the Medicare Payment Advisory Commission (MEDPAC).

We can all learn from Dave who looks at our health system from a policy perspective, not a purely party perspective.

He is an example for us all.

[From the National Institute of Health Policy, Mar. 22, 2007]

NATIONAL HEALTH POLICY

(By Dave Durenberger)

MEDICARE "UNFAIR" ADVANTAGE

House Ways and Means Health Committee Chair, Pete Stark, accused AHIP of "lying, using false information" last week when the organization stated the impact that reductions in Medicare Advantage (MA) reimbursements would have on minorities.

When the GOP and AHIP cut a deal to privatize Medicare and set up a formula (benchmarks), AHIP members were positioned to set the annual "defined contribution" Congress must make to private health insurance plans to keep them in the Medicare market. That subsidy today averages 112 percent above what Congress pays for traditional fee-for-service Medicare.

Unfortunately, Republicans asked nothing in return for the subsidy. No cost containment, quality or outcome improvement, no care coordination or service integration, no equity across practices or counties or regions; no value for money. So the plans continue to employ marketing strategies to compete on increasing "benefits" (services access) and reducing beneficiary cost-sharing in "competitive" insurance markets. Both are antithetical to improving "consumer-driven" healthcare cost containment and to improving value for money paid.

When Democrats cry "foul," the AHIP rallies all those folks who now get "more for less," to preserve their unfair advantage over traditional Medicare as well as their insurance companies' profit margins. All of this at the expense of Medicare trust funds, the next generations of tax payers, doctors and hospitals whose payments will be reduced or frozen, and the road to value in medicine on which the AHIP talks a good game but has shown no good-faith effort to "walk their talk."

My suggestion to Pete Stark is that he and his colleagues focus not their anger, but their hearings on the issue of value for money from Medicare Advantage, Private, Fee-for-service Plans, Special Needs Plans, and all the other hybrid models the financial services industry is putting into the Medicare program.

GOP PREPARES ANOTHER SERIOUS FIGHT

Democrats—and a lot of health economists—have always questioned the value of public subsidies for high-deductible health insurance financed with tax-sheltered Health Savings Accounts (HSAs). Bad tax policy, bad health policy, and bad economics. A December 2006 amendment even expanded the amount of money that can be contributed to HSAs, costing the government $1 billion in lost tax revenue over the next 10 years.

The new majority in the House is talking about repeal or serious changes, and Republican health policy leader Senator Orrin Hatch of Utah through an aide has declared "there will be a serious fight from Senate

Republicans if there is any effort to roll back these provisions." He goes on to claim proof that HSA-driven health insurance plans have reduced health care costs and made American businesses more competitive.

No doubt about it. Bigger deductibles mean cheaper health insurance, but not economies in the big-ticket medical services. HSAs are a totally tax-free wealth-enhancement vehicle and Democrats are serious about finding money to cover all kids, not just the well-born. The bank and financial services industry loves this new product and will help Republicans make a real "serious" fight out of this one.

MEDICARE'S FUTURE

The Medicare Payment Advisory Commission (MedPAC) chair, Glenn Hackbarth, found varying Congressional reception of MedPAC recommendations for change in physician payment and on-going payment reform initiatives. Because four congressional hearings followed quickly on release of a 300-page summary of nearly two years of work, members of Congress had difficulty finding a path through a forest of recommendations. They eventually will, of course, because they have little other choice given the huge financial consequences of living with the current SGR reimbursement-reduction formula.

MedPAC staff recommendations for changes in the physician payment formula relative to practice expense (54 percent of payment base) ran into fairly stiff resistance from physician members. The Commission is seeking ways to more accurately reflect direct and indirect costs since current formula seems to drive the growing disparity between cognitive and procedural. In another effort to more accurately reflect Medicare policy goals, the staff and commission members were uniformly critical of the MMA policy which drives growing subsidies for Medicare Advantage (MA) insurance plans beyond the payments for traditional Medicare provider expense reimbursement.

COMMUNITY BENEFIT

The Board of Trustees of the American Hospital Association (AHA) has restated its position on what qualifies as community benefit for purposes of preserving tax exempt status for not-for-profit hospitals. "Charity care, bad debt, unpaid cost of Medicare, Medicaid, SCHIP, indigent care and other safety net programs," which make up 90 percent of most non-profit hospital reports, continues to be a qualifier. The Catholic Health Association (CHA) of the United States will report to the public by April 1 on a different kind of measure—all audited data. These were developed with the VHA over the past couple years and reflect FY 2006 performance data on 95 percent of CHA hospitals.

Everyone knows that for-profit hospitals—large and small, urban and rural—operate in much the same markets as not-for-profits and have the very same under-pay and no-pay problems. Hospital Corporation of America (CHA) claims 20 percent of unpaid charges for its hospitals, I believe. Everyone knows that it's the rare hospital that doesn't market itself to Medicare patients. It is to the credit of serious mission-driven hospitals like those in CRA and VHA who have chosen not to play the game, but to get serious about accountability to the communities that provide them the opportunity to serve. It is also to the credit of AHA members who have decided to go far beyond the AHA criteria and establish their own improved benefit criteria and accountability processes.

On a policy note: Todd Sloane at Modern Healthcare suggests this week that Senate Finance Chair Max Baucus and Ways and Means Chair Charley Rangel have gone soft on non-profit accountability, so hospitals are breathing easy. He also suggests that Senator Chuck Grassley and the IRS ought to start shining their lights on not-for-profit health insurance plans and include reserves accumulation, executive compensation and other contributions to "rising medical costs." Just when we thought only the for-profit AHIPs were big in compensation and profit. Go Dean Zerbe!

COMPARATIVE EFFECTIVENESS

How can we assure beneficiaries that they receive value for their money from medical technology, clinical procedures and services? It's basically a scientific analysis of varying alternatives to diagnostics and therapy, practiced in many ways by multi-specialty groups, HMOs, and some large health plans like the Blues and the VA healthcare system. The MedPAC staff analysis recommends consideration of one national entity to perform the service for all practices ala the National Institute for Health and Clinical Excellence (NICE) in the U.K. Commission members are split on the recommendation with a majority inclined to accept the idea with refinement and a vocal minority (including this member) suggesting that AHRQ be charged and funded by Congress with developing a policy pathway toward comparative and cost effectiveness. All of this would eventually be tied to payment systems as well as practices, and utilizing and encouraging existing practice-based research efforts around the country.

THE FEDERAL GOVERNMENT'S ROLE IN UNIVERSAL COVERAGE

The President and his administration once again made clear their position on consumer choice for America's healthcare. In reaction to the Citizens' Health Care Working Group's Report from September, 2006, the administration agreed with the group's overall goal of providing quality health care for all Americans, but disagreed on the strategy to get there.

According to HHS Secretary Mike Leavitt, the administration supports "an approach emphasizing consumer choice and options" rather than an approach "based on mandates and government intervention." The administration also rejected the idea of creating a single-benefit—defined by a federally appointed committee—for all Americans.

The Bush Administration believes in two principles: (1) Each state legislature can reflect the "insurance benefit" that people believe is best to secure the blessings of universal coverage: and (2) The federal spending role should be confined to supporting consumer choice in the form of tax credits/deductions rather than any direct spending.

The problem with (1) is that we are talking here about the income security of all Americans, not health benefit mandates which are often the work of the medical establishment. The challenge with (2) is that reliance on tax policy alone requires a transition from regressive subsidies to income-related subsidies especially when tied to a mandate. I would assert an additional (3) in that I don't believe "universal insurance plan access" is the same as the promise of universal access to health and related services every American could enjoy if we ran a more efficient health care system.

WRONG WAY CALIFORNIA

Just as the rest of the country is looking to pay physicians to improve the value of health care delivery, California employers are moving their employees away from the recognized higher-performing health care systems towards PPOs. Independent consultant, Allan Baumgarten, in his recent California Health Care Market Report tells us that large employers are moving some of the 12+ million Californians in HMOs out to fee-for-service medical care. "All of this has physicians scrambling to retool themselves . . . faced with the need to change a culture that encouraged physicians to be conservative providing care and to be 'modest' in reporting the amount of care provided, into a culture focused on maximizing fee for service payments."

Meanwhile, in the business world, a new survey by Watson Wyatt Worldwide and the National Business Group on Health shows a tendency of employees to opt for more comprehensive coverage. Despite ever-increasing healthcare costs, most employers still offer a choice in health insurance to their employees, while a small percentage (5 percent) are forcing the health insurance decision by only offering a CDHP option.

COMMUNITY FORUMS PROVIDE OPPORTUNITY TO SHARE CONCERNS ON IMMIGRATION

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. GIFFORDS. Madam Speaker, I rise today to call on all Members of the House to listen to each other's concerns so that we can reach an agreement on comprehensive immigration reform.

I am proud to be a cosponsor of the bipartisan legislation authored by Congressman GUTIERREZ and Congressman FLAKE, H.R. 1645.

Recently, I held a teleconference forum with District business leaders, law enforcement officers, I.C.E. and Border Patrol agents, and representatives from the Arizona Department of Corrections and Governor Napolitano's office.

Their concerns included needing more help with the burden of incarcerating illegal immigrants, having trouble finding workers, and requiring assistance with a quick, easy-to-use employee verification system, among other issues.

Over the next two weeks in the district, I will be holding additional community forums, so people can tell me what they think needs to be done about our Nation's immigration crisis.

I look forward to hearing from members of my community on every side of the issue—immigrant rights activists, business leaders, the Minutemen, law enforcement, ranchers, and local residents.

Border Patrol Chief David Aguilar will also be joining me in the District to hear from folks on the front lines of this issue.

After listening to a range of experts and local residents, I will recommend possible improvements before we vote on any legislation.

What is clear to me is that the illegal immigration crisis is complex and impacts almost every aspect of our lives in Arizona. Therefore, a piecemeal approach will not work.

If we truly want to secure the border and end illegal immigration, we must pass a common-sense bill that will address every part of the problem.

HONORING MARY PAT ROBERTSON

HON. RUSH D. HOLT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HOLT. Madam Speaker, I rise today to recognize Mary Pat Robertson from Princeton. Ms. Robertson is celebrating her twentieth anniversary as Director of the American Repertory Ballet's Princeton Ballet School.

Under her leadership the Princeton Ballet School has evolved into one of the most acclaimed in the country, supporting over 1200 students annually at three locations. Ms. Robertson leads a faculty of forty supremely accomplished professionals, and works with them to mentor young dancers and to pass along techniques and artistry of classical ballet.

Audree Estey founded the Princeton Ballet School on the belief that dance is an empowering activity that will benefit students all their lives. Throughout the past twenty years, Ms. Robertson has built upon this premise and has expanded students' self-esteem, self-discipline, and fitness.

Mary Pat Robertson is also a choreographer. She has choreographed 25 years of work for her modern dance company, Teamwork Dance, along with many operas for the Opera Festival of New Jersey. For this work she received a Choreographic Fellowship from the New Jersey State Council of Arts, and has been honored by the Arts Council of Princeton as one of Princeton's most esteemed artists.

The arts are a vital contribution to a child's development and learning. Through dance, children have an opportunity not only to learn, but to participate in the culture of their community. These children whom Ms. Robertson has taught the arts will continue to thrive in society.

After 20 years as Director, Ms. Robertson still finds inspiration and satisfaction in a classroom of eager young dancers. I am proud to recognize Ms. Robertson on the occasion of her twentieth anniversary with the Princeton Ballet School.

RECOGNIZING NATIONAL SOCIAL WORK MONTH

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise to recognize March as National Social Work Month. National Social Work Month affords the perfect opportunity to highlight the essential role that social workers play in working with all vulnerable populations. Social workers help all people at every stage of life, while promoting dignity for everyone, especially the most vulnerable among us.

Social workers play an essential role in alleviating some of America's most difficult problems. Through education, training, and dedication, social workers provide assistance in many different practice areas including health, mental health, child welfare, end of life, adolescent health, HIV/AIDS and family violence. Social workers have the specialized knowledge and expertise to address issues facing older Americans, including providing individual and family counseling, psychosocial assessment and coordinating care.

Madam Speaker, more than 77 million Americans are considered part of the baby boom generation. Adults born between 1946 and 1964 have the distinction of being the largest generation, representing 27 percent of the population. With the aging of baby boomers and the lengthening of life spans, both the number and proportion of older people is rapidly increasing.

Social workers understand that the best elder care requires a broad view of social, environmental, psychological, economic, and health care options. It is the ability to see the intersection of these elements that allow social workers to connect clients with the best resources for them—the best resources to help them along life's journeys. Social workers strive to promote independence, autonomy and dignity for all of their clients. They offer families ways to deal effectively with long-term care responsibilities and work through hospitals nursing homes, hospices, independent and assisted living facilities, public agencies and even in client homes.

National Social Work Month is the ideal time to highlight the immediate and ongoing need for an investment in the social work labor force. As a former psychologist, educator and healthcare professional, I have had the privilege of working with many social workers. I can personally attest that social workers have the specialized knowledge and expertise to address issues facing Americans.

HONORING DR. CHARLES DARLAND

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Dr. Charles Darland, an exemplary individual and friend from my Congressional District, on the occasion of his 20-year anniversary as pastor of the Immanuel Baptist Church in Elizabethtown, Kentucky.

Raised in West Palm Beach, Florida, Dr. Darland first came to Kentucky in the mid 1970's to complete a Masters Degree of Divinity at the Southern Baptist Theological Seminary in Louisville. He later earned a Doctorate in Philosophy from the same institution. Dr. Darland's Christian mission first brought him to Grace Baptist Church in Independence, Kentucky. In 1987, he was called to the Immanuel Baptist Church in Elizabethtown.

Dr. Darland's wife, Suzanne, continues to play an important role in his ministry, sharing his passion for the Lord and dedication to his congregation. The couple has also been blessed with three fine sons: Jesse, Daniel, and Joel.

It is my great privilege to honor Dr. Charles Darland today before the entire U.S. House of Representatives for his dedicated service to the spiritual needs of members of the Baptist faith and the community at large. He is an outstanding citizen worthy of our collective honor and appreciation.

IN MEMORY OF LIEUTENANT COLONEL WILLIAM BENJAMIN DIXON, SR., UNITED STATES ARMY

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SESSIONS of Texas. Madam Speaker, I rise today in memory of Lieutenant Colonel William Benjamin Dixon, Sr. and in honor of his patriotism and a life dedicated to service.

After spending his life dedicated to serving this great Nation, Bill passed away on March 23, 2007. He began as an Air Observation Pilot flying an L–4 and served in the War in Rhineland and Central Europe with the 2nd Infantry Division. He received multiple honors including the EAME Campaign Medal with two Bronze Stars, American Campaign Medal, WWII Victory Medal, a Purple Heart, and two Air Force Commendation Medals for meritorious service.

He is survived by his wife of 59 years, Purna Lee Dixon; five children, Laura Elizabeth Hansbrough of Kansas City, MO; William B. Dixon, Jr. of Bryan, TX; John Robert Dixon of Hingham, MA; Carol Ann Erwin of Sanger, TX; and Milly Ann Vickery of Frost, TX; and 12 grandchildren.

He will be remembered as a devoted family man, a decorated Army Air Corps veteran, and a proud graduate of Texas A&M University. May God bless all those he loved, and may I convey to them my sincerest condolences and the gratitude of the American people.

WILDCATS WIN IT ALL

HON. HOWARD COBLE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. COBLE. Madam Speaker, a high school football team in the Sixth District of North Carolina recently confirmed and put a new spin the old adage that "If at first you don't succeed, try, try and try again." On December 9, 2006, Eastern Randolph High School defeated two-time defending state champion Charlotte Catholic 15–7 to capture the North Carolina High School Athletic Association (NCHSAA) 3–AA football title. The Wildcats, determined to overcome two past losses in the title game, used a tenacious defense to smother the Cougars' high-powered offense that averaged more than 31 points and 300 yards a game during the regular season and held Charlotte Catholic to its lowest point total of the year.

Senior linebacker Seth Clapp told the Asheboro Courier-Tribune that Eastern Randolph's previous attempts to win it all fueled the Wildcats all season long. "It hasn't sunk in yet," Clapp told his hometown newspaper. "We came out here with a great opportunity.

We came down here to win and nothing else. My freshman year, we got beat and I said if we ever made it back, we're coming down here to win and nothing else." Win it all the Cougars did at Carter-Finley Stadium in Raleigh to capture the Randolph County school's first football championship since 1983.

An assistant coach when the Wildcats last won the state title, Eastern Randolph Head Coach Burton Cates told the Asheboro Courier-Tribune that he did not have to do a lot of convincing to motivate his squad this season. "They set their goals very high," he told the newspaper. "They didn't start talking about this last August, they started talking about it last January. They were very disappointed in the way the year ended last season (a 41–14 loss to Williams in the state semifinals) and they knew they could be successful and make history at ER like the 1983 team did." As a former assistant coach, Head Coach Burton Cates knows the value that a strong coaching staff brings to a championship quest. Joining him in guiding the Wildcats to the state crown were assistant coaches Greg Hardin (the offensive coordinator), Carl Anker, Lou Peters, Eric Hall, Jose Espaillat, and Adam Smith on the offensive side of the ball and Ed Tysinger, Charles Arrington, Cecil Mock, Mark Heilig, Rick Larrick, and John Plimpton handling Eastern Randolph's stellar defense.

Every member of the Eastern Randolph football team played an important role in securing the school's first state championship since 1983. Among the winning Wildcats were Jerrell Milliner, Tyler Hasty, Jake Millikan, Kentrell Bartell, Ethan Rotenberry, Jarod Bowman, Patrick Wright, Kevin York, Josh Hardin, Manny Troxler, Zed Wampler, Michael Blackmon, Jeffrey Fisher, Scott Riddle, Dexter Brooks, Jordan Smith, Tyler Tuttle, Lee Spinks, Matt Simmons, Dominique Grier, Seth Clapp, John Hancox, Atiq Chaudhry, Dennis Bowden, Ryan Hammond, Michael Cheek, Ethen Bailey, Malcolm Greene, Joel Brown, Bill Stanley, Derek Spinks, Ethan Haithcock, Dennis Jones, Scottie Shears, John Scotton, Scott Staley, Trent Hughes, Zach Webster, Andrew Chilco, Preston Jones, Jakob Chilco, Daniel Ritter, Keith Walker, Lloyd Newman, Brantley Fox, Jacob Deaton, A.J. Cannon, Justin Stanley, D.J. Mabry, Nick Picard, Adam Hicks, Josh Wishon, Travis Clapp, Miguel Uribe, Kenny Lassiter, Billy Jaynes, Brent Gallimore, Justin Allred, and Heath Muller.

All of the coaches and players will tell you that the support staff—those you don't see on the field—also play a vital role in completing a championship run. Congratulations are in order for team physician Dr. Robert James, statisticians Larry Ellison, Roger Whitehead and Rick Freeman, coaches assistants Bonika Terry, Dewain Baldwin and Kateira McClain, video director Mo Mower, hospitality director Sandy Hardin, voice of the Wildcats Ron Berbaum, radio play-by-play announcer Tony Wright and color analyst Neill Kivett.

All can take pride in helping Eastern Randolph become the NCHSAA 3–AA state champions this past football season. From Principal R. Parks Allen, the faculty, staff, students, families and fans of the Wildcats will confirm that if at first you don't succeed, look to Eastern Randolph to prove that if you try, try and try again, you can achieve your ultimate dreams.

INTRODUCTION OF THE CHARITABLE DRIVING TAX RELIEF ACT OF 2007

HON. THOMAS E. PETRI

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PETRI. Madam Speaker, today I am introducing the Charitable Driving Tax Relief Act of 2007 to remove a serious disincentive that limits the participation of many in charitable activities. Charitable organizations play an important role in our society, and it is important that Congress not stand in the way by penalizing those who wish to offer their services to these groups.

Under current law, individuals that volunteer their time and energy by driving their personal vehicles on behalf of a charitable group can end up with an unpleasant surprise in the form of an unanticipated tax bill. Specifically, volunteer drivers receiving reimbursement for the use of their vehicle are taxed on these payments to the extent that they exceed 14 cents per mile, This treatment stands in stark contract to the 48½ cent allowance for reimbursement for the business use of that same vehicle.

The Charitable Driving Tax Relief Act will equalize the tax treatment of charitable reimbursements with those received for business driving because the point of the payment is essentially the same, that is, to cover the cost of operating a personal vehicle while performing an important service in the pursuit of a greater good.

To achieve this end, my legislation would exclude from gross income any reimbursement received for the use of a volunteer's car while assisting a charitable group, limited only by the cap the Internal Revenue Service sets each year regarding business driving. This treatment would be available only for services provided without compensation and drivers would be required to maintain sufficient records to substantiate the charitable use of their vehicles. Finally, this bill drops the requirement that charitable groups report these reimbursements to the IRS, removing an administrative and paperwork burden that detracts resources from their larger purpose.

Each day, thousands of Americans lend a hand in providing transportation services to a multitude of organizations engaged in good works. These activities include assisting individuals with their routine grocery shopping, providing the use of a four-wheel drive vehicle to transport home-visit nurses during inclement weather, delivering meals as part of a holiday food drive, helping individuals to keep their medical appointments, and many more similar activities.

These volunteer drivers are donating their time and their talents, not their vehicles, and accepting reimbursement for the use of that car, incidental to their time and talent donation, is a reasonable act, which should not result in an additional tax liability. Today, when it comes to driving a personal vehicle, our tax code makes a distinction between business and charitable uses. This distinction is a mistake; it serves as a serious disincentive to charitable activities, and it should be corrected. I encourage my colleagues to support the continued efforts of our charity-minded constituents by cosponsoring the Charitable Driving Tax Relief Act of 2007.

TRIBUTE TO THE CRUSADERS OF MOELLER HIGH SCHOOL

HON. JOHN A. BOEHNER

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BOEHNER. Madam Speaker, on March 24, 2007, the Crusaders of Moeller High School in Cincinnati, Ohio, won the state basketball title, defeating Cincinnati's St. Xavier High School by the score of 43–40 in the state title match. This is Moeller High School's third state basketball title in the past decade.

Under the guidance of Coach Carl Kremer, the Moeller Crusaders have won three state basketball championships—in 1999, 2003, and now in 2007. The 2007 Crusader basketball team ends its season with a record of 25–2, which the school's longtime athletic director, Barry Borman, notes is the best record in the history of the Moeller High School basketball program.

As a proud graduate of Moeller High School and a member of the class of 1968, I congratulate Coach Kremer, Athletic Director Borman, Principal Blaine Collison, and all the faculty, students, and alumni of the Moeller Family on this tremendous achievement. I know the gentlewoman from Ohio, Representative Schmidt, who represents Moeller High School in Ohio's 2nd Congressional District, joins me enthusiastically in offering these sentiments.

Moeller High School has provided a center of learning in the finest Marianist tradition for generations of young men from my congressional district and the Greater Cincinnati area. A Catholic school, Moeller has established a reputation for excellence in academics, athletics, faith, and community service, a reputation that is renewed and reinforced by this latest achievement.

On behalf of the United States Congress, I proudly salute Coach Kremer, the 2007 Crusader basketball team, and the entire Moeller Family for this memorable victory.

ANNOUNCEMENT OF NEW MIDDLE EAST INITIATIVE

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. WOLF. Madam Speaker, I would like to share with our colleagues additional information on the new initiative for the Middle East that I announced at a press conference on March 22. I submit for the Record the remarks of former Ambassador David Abshire, who in his capacity at the Center for the Study of the Presidency will be administering this initiative. I also submit observations on the Middle East from Dr. Robert Cooley, President Emeritus of Gordon-Conwell Theological Seminary.

Remarks From Dr. David Abshire Before the March 22, 2007 Press Conference on New Middle East Initiative

We are grateful to Congressman Wolf for his leadership, and encouragement of this initiative facilitated by the non-partisan Center for the Study of the Presidency. This initiative on Israel and Palestine is based on recommendations of the Iraq Study Group, which Congressman Wolf also helped launch: "The United States will not be able to achieve its goals in the Middle East unless the United States deals directly with the Arab-Israeli conflict." The Secretary of State, when in Ramallah, said "I have heard a clear call for deeper American engagement, and we are absolutely committed."

The current effort that we are announcing today, which Secretary Rice supports, observes this recommendation, and we are honored that our Center, which examines the American Presidency, has been asked to contribute to such an important initiative. Eleven U.S. Presidents have had to deal with this challenge. We are therefore delighted that Ambassador Dennis Ross of the Washington Institute for Near East Policy will serve as a Senior Advisor at the Center, and bring his extensive experience to this endeavor.

In terms of exchanges, health is essential to the economy, well-being, national security, and future of the Middle East region. The goal of this part of the initiative is to foster collaboration and facilitate interactions between medical and scientific experts in Israel and Palestine to improve health. Our Center has the advantage of the leadership and experience of Senior Advisor, Rear Admiral Susan Blumenthal, M.D., who is an expert on a broad range of public health and medical issues. She served as Assistant Surgeon General in the US Department of Health and Human Services, where her work in global health included fostering a Middle East health initiative with Israel, Palestine, Egypt and Jordan.

We also will encourage more academic and scientific exchange and cooperative efforts in the model of the Israeli-Palestinian Science Organization—a non-political, nonprofit organization which is dedicated to nurturing and supporting cooperation between Israeli and Palestinian scientists and scholars in joint research ventures. In doing so, IPSO brings about dialogue between the two sides, even in these highly explosive times.

On a separate track, we enthusiastically welcome the leadership of former Democratic Congressman Tony Hall, also former Ambassador to the UN Agencies for Food and Agriculture. Tony has written a truly remarkable book on his experiences here—Changing the Face of Hunger. Ambassador Hall and his team of diverse lay and religious leaders will seek to build better understanding between religious leaders. The Holy Land is common to the three religions that find their beginning in Abraham, and this initiative is indeed appropriate at the time when we seek peace and understanding throughout the Middle East.

Remarks on the Middle East From Dr. Robert Cooley, President Emeritus, Gordon-Conwell Theological Seminary

First, a little background on my experience in the Land and at home, as well. My doctoral studies were in the fields of the Ancient and Modern Near East with special interest in Hebrew Studies and Syro-Palestinian Archaeology. I have excavated at five buried sites in the three countries of Jordan, Egypt and Israel. During these past 48 years, I have had the privilege of working with Palestinian Moslems, Palestinian Christians and Israelis in a variety of roles, most notably as the director of 75 study tours and as an archaeologist. Further, I have served as the Annual Professor, William Foxwell Albright Institute of Archaeology and Visiting Professor at the Jerusalem University College. Many of the citizens of the Land have become personal friends over these many years and we continue to communicate and visit with each other. In all of these associations, I have sustained an apolitical stance, having personal values and feelings for all of the people based upon my own faith commitment and understanding of their own aspirations and vision.

In the USA, I have been a professor at Wheaton College, Evangel University, Dropsie University, Missouri State University where I served as the Director of the Center for Archaeological Research. Most recently, I served as president of Gordon-Conwell Theological Seminary until my retirement in 1997.

I join Congressman Wolf in underscoring the strategic role that people of faith have in creating the mood for meaningful dialog toward a lasting peace. It is time that such persons have a voice in framing the peace conversation and the solution that will allow all to have lives of dignity, freedom and tranquility. The roots of religion run very deep into the region's antiquity and cannot be separated from matters that we in the West would call secular or merely political. After all, the three major groups in the Land are Sons of Abraham and share a common understood relationship that serves as a basis for living together in harmony today. The past 50 years of failed politics have undermined communal harmony and allowed outside forces to enter and to modify relationships. Now, differences in a culture of hatred are about to fragment the greater society and turn the region into a quagmire of despair. An approach that takes seriously the Abrahamic factor can bring the parties back to his tent for conversation and where participants can look each in the eye and see each other's humanity and aspirations. The God of Abraham unifies through His promises and mercy.

It is true that religion can divide a society. This is no more true than in the Holy Land and the Middle East. Religious differences are sharp and numerous. The majority of the people are Muslims. But, within Islam, there are at least 72 sects with the Sunni and the Shi'a being the most populated. Christians tend to be identified along four lines: Eastern Orthodox Churches, Oriental Churches, Roman Catholics, and Protestants. Judaism has its own deep divides—Orthodox, Conservative and Reformed, along with other lesser groups. Of course, there are several other religious groups, due to the history of the region and they represent a variety of mixtures, such as, The Druzes, The Yazidis, The Sabeans and The Bahais. Superimposed over these religious groups are the interests of politics and geo-economics.

One cannot speak about peace on the political level without taking into account the religious roots of the people. The veneration of holy sites and places is fundamental to identities, and they are multiple. The only solution is an open and free society that must be the goal of peace.

TRIBUTE TO KAY DINWIDDIE AND THE FIRST NATIONAL BANK AND TRUST REGENCY CLUB

HON. KENNY C. HULSHOF

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HULSHOF. Madam Speaker, I rise today in recognition of Kay Dinwiddie and the First National Bank and Trust Regency Club, which is celebrating its 20th anniversary. Kay has been the director of the club since its inception. The Regency Club is open to bank customers who are at least 50 years old, and has grown from a relatively small group to its present size of more than 3,700 members.

Although club members do receive special bank services and discounts, the primary focus of the club is on its group travel programs, which has taken them to numerous international locales. The club has traveled extensively throughout the state of Missouri, sampling the rich culture of the greatest state in the union. From Hannibal, the land of the great Mark Twain, through our fertile farm lands and national parks, the Lake of the Ozarks, to music of Branson, and the metropolises of St. Louis and Kansas City that bookend the state, Kay has shepherded her group to better know and love our great state.

But Kay has also led her fellow Missourians abroad, and has traveled to such far locales as Australia and Africa. Kay has personally visited six continents, about 40 countries and crossed the equator 12 times. I have been informed that her travels when all tabulated account for more than 600 days and over 100,000 miles. You would think all that travel would have tired her out; however, she remains steadfast in her dedication to the Regency Club.

I would like to commend and thank Kay for her commitment to the Regency Club and its extensive membership, my constituents. She has been a tireless advocate for club members and has worked for the greater benefit of the Columbia community. I hope to be voicing her praises in another twenty years.

INTRODUCTION OF THE AMERICARE HEALTH INSURANCE ACT OF 2007

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. STARK. Madam Speaker, it gives me great pleasure to introduce the American Health Insurance Act of 2007. I am joined by various cosponsors in supporting this common sense solution for the U.S. to finally achieve guaranteed, affordable, quality health insurance coverage for all.

I have often spoken before this body about the great need to reform our health care system. For too long, we have been plagued with an inadequate patchwork that today leaves 45 million Americans uninsured. Our complex system requires us to spend more than any other nation on health care—30 percent on administration alone. Health care costs continue to rise, yet year after year hardworking families are faced with less access, more paperwork, and declining quality.

Our broken health system is a tremendous financial burden on our Nation's families and businesses alike. Half of all bankruptcies can be traced to medical bills. Eighty percent of people who file for bankruptcy because of medical bills have health insurance, but their benefits do not meet their needs. General Motors spends more on health care than on steel; Starbucks spends more on health insurance than on coffee.

These problems have only worsened over time. In years past, special interests have defeated attempts to reform the health system. Today, however, calls for health reform are being heard from unlikely voices and through strange partnerships. Wal-Mart joined SEIU, which has in turn joined AARP and the Business Roundtable, to call for government action. On March 6, the AFL–CIO abandoned its support of employer-based health care and began to push universal coverage through the expansion of Medicare. Even the for-profit hospitals have put forward a proposal.

This month, the New York Times reported that a majority of Americans would like the federal government to guarantee health insurance to every American—especially children. Nearly 80 percent think it is more important to provide universal access to health insurance than it is to extend the tax breaks of recent years. Sixty percent of Americans, including 62 percent of independents and 46 percent of Republicans, said they would be willing to pay more in taxes to guarantee access to all.

These various stakeholders may not agree on exactly which road we should travel. But they do finally all agree on our destination: guaranteed, affordable quality health coverage. The bill I am introducing today is the best way to get us there.

The AmeriCare Health Care Act of 2007 is a practical proposal to ensure that everyone has health coverage in our country. It builds on what works in today's health care system to provide simple, affordable, reliable health insurance. Under AmeriCare, people would continue to obtain health coverage through their employer—as most of us currently do—or they would be covered under the new AmeriCare system.

AmeriCare creates a new Title XXII in the Social Security Act. It uses Medicare's existing administrative infrastructure, but improves upon Medicare's benefits to address some of the current gaps in coverage, such as mental health parity, coverage for children, and family planning and pregnancy-related services for women. State Medicaid programs would remain responsible for long-term care, but AmeriCare would cover low-income children, women, and others who currently receive health care services under Medicaid.

AmeriCare is financed through premiums, paid 20 percent by individuals and families and 80 percent by employers. People with incomes under 200 percent of poverty would be fully subsidized, and premiums and cost-sharing would be phased in for those with incomes between 200 and 300 percent of poverty. General revenues and state funds would help to offset these costs.

AmeriCare limits out-of-pocket spending to ensure that no one spends a disproportionate share of their income on health care. Employers could continue to offer their own coverage, so long as it is at least as good as AmeriCare. Payment of premiums would be reconciled on our annual income tax forms.

Enacting AmeriCare would provide tremendous benefits to our Nation. A recent report by the Commonwealth Fund comparing several proposals by Members of Congress and the Bush Administration concluded that AmeriCare is the only health reform proposal that would provide for truly universal care, covering all of the nearly 45 million currently uninsured Americans.

Expanding insurance coverage to all will end the cost shifting that results from the high number of uninsured we have today. This could reduce premiums for job-based insurance by as much as $1,000 for family coverage, according to the Institute of Medicine.

Because AmeriCare builds on the highly efficient Medicare program, the Commonwealth Fund concluded that it would result in the greatest overall savings to the health system of all health reform plans they modeled. Medicare's per capita costs have grown at a slower rate than private health insurance or the Federal Employees Health Benefits Program. Using Medicare as a model will reduce costs for households, employers, state and local governments.

Our Nation is at a crossroads. Our legacy should be a future where our children are not saddled with debt, where they do not fear financial ruin due to an illness. Whether we build a healthy future for our children or not depends upon the decisions we make today. True compassion means offering real solutions, not empty promises.

Working together, applying common sense approaches that build on what works, we can ensure that no-one risks the loss of insurance coverage. All we need is the will to do it.

As we edge closer to our next discussion on health reform, we need to ask, is medical care a civic and social right like police and fire services, education, and environmental protection?

Or is health care "you're on your own?"

I hope I can count on my colleagues and our endorsing organizations to advance a shared vision of higher quality, lower costs, and universal coverage through the adoption of AmeriCare.

Attached is a short summary of AmeriCare. More can be found on my website at http://www.house.gov/stark.

AMERICARE HEALTH CARE ACT OF 2007

Overview: The AmeriCare Health Care Act ("AmeriCare") is a practical proposal to ensure that everyone has health coverage in our country. It builds on what works in today's health care system to provide simple, affordable, reliable health insurance. People would be covered under the new AmeriCare system, modeled on Medicare, or they would continue to obtain health coverage through their employer.

Using the administrative efficiencies within Medicare and building on the existing coverage people receive through their jobs today, we can create an affordable, efficient, and stable universal health care system in America—and guarantee access to medical innovation and the world's most advanced providers and facilities.

Structure and Administration: Creates a new title in the Social Security Act, "AmeriCare." Provides universal health care for all U.S. residents, with special eligibility for children (under 24), pregnant women, and individuals with limited incomes (<300% FPL). Sets out standards for supplemental plans with a focus on consumer protection. Requires the Secretary to negotiate discounts for prescription drugs.

Benefits: Adults receive Medicare Part A and B benefits; preventive services, substance abuse treatment, mental health parity; and prescription drug coverage equivalent to the BC/BS Standard Option in 2005. Children receive comprehensive benefits and Early and Periodic Screening, Diagnostic, and Treatment (EPSDT) coverage with no cost-sharing.

Cost Sharing: There is a $350 deductible for individuals, $500 for families, and 20% coinsurance. Total spending (premiums, deductibles, and co-insurance) is capped at out-of-pocket maximum of $2,500 individual/$4,000 family, or 5 percent of income for beneficiaries with income between 200 percent–300 percent FPL and 7.5 percent of income for beneficiaries with income between 300 percent–500 percent FPL. There is no cost sharing for children, pregnant women, low-income (below 200 percent FPL). Sliding scale subsidies are in place for cost-sharing for individuals between 200 percent and 300 percent FPL.

Financing: At April 15 tax filing each year, individuals either demonstrate equivalent coverage through their employer or pay the AmeriCare premium based on cost of coverage and class of enrollment (individual, couple, unmarried individual with children, or married couple with children). Employers may either pay 80 percent of the AmeriCare premium or provide equivalent benefits through a group health plan (the contribution for part-time workers is pro-rated). AmeriCare does not affect contracts or collective bargaining agreements in effect as of the date of enactment, and employers may choose to provide additional benefits. Employers with fewer than 100 employees have until January 1, 2012 to comply (employees of small businesses would still only pay 20 percent of the premium).

SALUTE TO HAROLD GAULDEN

HON. MARK E. SOUDER

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SOUDER. Madam Speaker, I rise today to salute my constituent, Harold Gaulden, a former military police officer of the Tuskegee Airmen's fire and rescue squad. Mr. Gaulden has come to Washington, DC today as one of six Tuskegee Airmen receiving the Congressional Gold Medal on behalf of the corps' surviving pilots and support personnel. The reward recognizes their heroism during World War II in facing the twin battles of the onslaught of the enemy abroad and the blight of racism at home.

The Tuskegee Airmen were created by the Army in 1941 as part of an Army Air Corps program to train Black Americans as military pilots, and comprised nearly 1,000 pilots and 10,000 support staff. These men were the first Black pilots in the American military, and Harold Gaulden, originally from Louisiana but now a Hoosier in my district, spent a year at the Tuskegee airbase in Alabama valiantly and diligently helping defend our Nation. Mr. Gaulden remembers such indignities as being able to buy a Coke at the base's PX but being forced to drink it outside. Mr. Gaulden saw segregated mess hall lines at the base—one for White soldiers and German prisoners of war, and another for the Black soldiers. Harold has been an energetic airmen activist for 20 years, speaking to colleges, elementary schools, and community groups about what he and his airmen brethren endured for our country.

The Congressional Gold Medal is the highest civilian award that Congress can bestow upon its recipients, and I was proud to cosponsor the legislation in the 109th Congress that authorizes this award. I am pleased to see Harold being honored today for his service to our country. Although Harold has said he would gladly fight for his country, medal or not, bravery such as this should not go unrecognized—it is what has made, and continues to make, the United States of America the best nation on earth.

RURAL WIND ENERGY DEVELOPMENT ACT

HON. EARL BLUMENAUER

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BLUMENAUER. Madam Speaker, today I am proud join with my colleague, Representative TOM COLE, to introduce the "Rural Wind Energy Development Act," which would provide an investment tax credit to individuals—homeowners, farmers, and small businesses—to offset the up-front costs of owning a small wind turbine.

Small wind systems are electric generators that produce 100 kilowatts or less of clean and renewable energy to power homes, farms, and small businesses. With these small turbines, individuals can generate their own power, independent from the electric grid. These wind turbines will allow consumers to cut their energy bills and, at times, put power back into the grid. According to the American Wind Energy Association, a single wind turbine can provide $2,000–$4,000/year per megawatt or more in additional farm income.

This legislation is necessary because there is no Federal support for small wind systems. The Federal Production Tax Credit (PTC) applies mainly to large utility-scale wind projects, not to individuals who want to install their own wind systems for on-site power. An investment tax credit for small wind systems will help provide stability and certainty for the industry to make the necessary investments to grow. It will also help consumers afford this pollution-free energy. In the 2005 Energy Policy Act, residential solar systems received a similar investment tax credit and saw an increase of more than 20 percent in installations over the last year.

Specifically, this bill would provide a tax credit of $1500 per ½ kilowatt of capacity for small wind systems, which could be carried over for a customer unable to take advantage of the entire credit within a 1 year period. The bill also calls for a 3-year accelerated depreciation for wind property.

I hope all of my colleagues will join me in supporting this important policy to promote wind power, which produces no harmful greenhouse gas emissions, involves no environmentally damaging natural resource extraction such as mining or drilling, and does not need fuel imported from foreign governments to run.

WORKPLACE REPRESENTATION INTEGRITY ACT

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. MCKEON. Madam Speaker, the purpose of this legislation is simple: only those legally permitted to work in the United States should be able to make a determination on union representation in their workplace.

It defies logic that anyone who lives in this nation illegally—and works here illegally—is able to decide whether legal workers must join a union. But under current law, unions can obtain signatures during card check campaigns without differentiating between whether they were signed by legal or illegal workers.

The Workplace Representation Integrity Act simply requires a union conducting a card check to demonstrate that any card presented for recognition be signed by a U.S. citizen or legal alien. In other words, this legislation would ensure the wishes of American citizens are not trumped by the desires of those here illegally.

This measure is particularly critical because under the recently-passed, cleverly-worded Employee Free Choice Act—which I strongly oppose, I might add—the mandatory card check would become the law of the land. And, literally, it would allow union bosses to pick and choose which workers they believe they can most easily pressure into joining the union. At the front of that line may very well be those who work here illegally. These men and women are particularly prone to union intimidation and would be more likely than most to sign the authorization card out of fear.

Indeed, Madam Speaker, those illegally working in this country should not be pressured into making major decisions—such as those involving unionization—that will only serve to further erode the free choice of workers who are lawfully here. Rather than eviscerate the fundamental rights of workers as the so-called Employee Free Choice Act does, the Workplace Representation Integrity Act strengthens American workers' rights. I urge my colleagues to support it.

TRIBUTE TO NELSON W. POLSBY

HON. HOWARD L. BERMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BERMAN. Madam Speaker, for more than 40 years, Nelson W. Polsby was a leading figure in American political science years he served as editor of the subject's premier journal, the American Political Science Review, and his friendships and books and articles on the U.S. Congress, the presidency, political parties, elections, and the media made him a mentor to generations of graduate students.

Naturally warm' and gregarious—with the comic timing of a master improviser—Nelson helped to build strong communities at his beloved University of California, Berkeley, at its Institute of Government Studies (IGS), which he headed for 10 years, and in the wider political science profession.

Born in 1934, Nelson Woolf Polsby came from Yankee Jewish farming stock, based in Connecticut. His family encouraged his precocious interest in current affairs. In the early 1900s a great-uncle ran for the mayoralty in New Haven as a socialist.

His father, a successful businessman, died after a surgical mishap when Nelson was 11. At prep school (there were not many Jewish farm boys, and even fewer at prep school) he was a brilliant student, turning down offers from Yale and Harvard universities to attend Johns Hopkins. This enabled him to sit in the House and Senate galleries and observe Congress at work.

His academic breakthrough came from his association with Robert Dahl's pathbreaking study of political power in New Haven in the 1950s, Who Governs? (1961). His doctorate was published as Community Power and Political Theory in 1963 and was quickly regarded as a masterpiece. He argued that rather than a single dominant elite running things, there were different elites in different areas and that this pluralism was compatible with democracy.

Polsby spent 6 years at Wesleyan University, becoming a full professor in 1967. That year he moved to Berkeley, where he remained for the rest of his career, in spite of offers from other universities, including Yale and Harvard. At an early stage, therefore, he had developed his two chief interests; the theory of democracy and how it operates in practice.

He also developed his lifelong interest in Congress, particularly the House of Representatives, in the 1960s. He showed how it had become institutionalized and how the seniority system for allocating key roles developed. He also analyzed how the large contingent of Democrats ("Dixiecrats") from the segregationist and more conservative South, in contrast to the more liberal Democrats from the North, prevented that party from using its nominal majority to give effective leadership to Congress. Later, in How Congress Evolves (2004), he explored the decline of the South in the House and the emergence of sharper partisanship in its operations.

In 1964 he and his dynamic Berkeley colleague, Aaron Wildavsky, published Presidential Elections. Revised and published quadrennially—its 12th edition is scheduled for publication in the summer of 2007—it remains the standard text on the topic. After Wildavsky died in 1993, Polsby was the sole author and claimed that: "The only difference since Aaron's death is that I win the arguments." His prose was highly readable and marked by wide reading and incisive analysis. Polsby confessed that his insomnia was caused by noticing light in the rooms of colleagues in the early hours of the morning—they were still at work! He quipped: “While Polsby sleeps, Wildavsky publishes.”

He also wrote witty pieces on politics under an assumed name, Arthur Clun (borrowed from Angus Wilson's Anglo-Saxon Attitudes). They prompted a publisher to offer a book contract to the mystery author. A keen observer of the British political scene, he collaborated with Geoffrey Smith, a political commentator for The Times, to publish British Government and Its Discontents in 1981.

At 37 he received the accolade of the editorship of the APSR. For 6 years he successfully managed, in a relaxed style, the journal's staff and coped with pressures from authors and reviewers.

Polsby was a popular choice to become director of the IGS in 1988. He seemed to know everybody and to have read almost everything. He invited visiting scholars and politicians to talk about their work and their experiences—his good friend, Chris Patten was a regular visitor. He did much to create a friendly atmosphere, and a high point was the afternoon tea at which he presided.

Having basked in the acclamation for his work he was desolate when his term expired in 1999, a consequence of the university's 10-year rule for tenure. The Institute had meant so much to him.

His Consequences of Party Reform (1983) was sharply critical of some of the effects of the reforms the Democratic Party made to the presidential nominating process in the late 1960s. These gave increased representation to some minorities (race and gender) but not others, and increased the influence of single-issue groups in the party's deliberations. But they also weakened the party's ability to nominate presidential candidates representative of the broad American public and to win elections. Polsby was always concerned about good government and citizenship.

If Polsby argued with someone it was a mark of his approbation. Speakers who assumed that Polsby, eyes shut and snoring in the audience, was asleep could quickly be confounded when the “sleeper” made a pertinent, or ferocious, intervention.

He received many honors, including an honorary degree from the University of Liverpool. He had the respect of political reporters, and many politicians, for his understanding of the constraints under which they worked, and he drew readily on his encyclopedic knowledge of U.S. politics to provide wise counsel. He regarded his frequent contributions to “round tables” and op-ed pages as part of a professional obligation to inform the public, entertaining “the delusion that too few of my opinions were available to the world at large”.

At home, Polsby and his wife Linda provided rich hospitality for their many Berkeley and overseas friends. For a time they jointly wrote a column on restaurants for California magazine. He was a keen follower of the local Oakland Athletics baseball team. But most of all he loved passionate argument with friends.

I personally benefited from a number of personal contacts with Professor Polsby over the years. He always had both astute insights into what was going on in politics and a great sense of humor. But the first time I met him was perhaps the most valuable. Two or three days after I was elected to Congress, I was invited to take part in a retreat for new members from California—of which there were eight—at UC San Diego. Professor Polsby was the scholar in charge and his views on how to be effective and what to look for as a new Member of Congress have been of great value to me throughout my entire tenure in the House of Representatives.

Polsby is survived by his wife Linda, their two daughters Lisa and Emily, their son Daniel, and their grandsons Benjamin and Edward.

IN SUPPORT OF THE GREEN AMENDMENT TO H.R. 1227

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. LEE. Madam Speaker, I rise in strong support of the Green amendment that would extend FEMA housing assistance to Hurricane Katrina victims through December 31, 2007.

A year and a half after the terrible disaster, Gulf Coast residents still face unfulfilled promises, bureaucratic red tape, public neglect, environmental squalor and private exploitation.

This is outrageous and should be condemned. Yet again, the administration's failure to provide for the residents of the region has left it to Congress to make things right. That we are still making the same arguments over and over again to ensure that Gulf Coast residents get what's only fair is unacceptable.

The unnecessary Iraq war has diverted precious resources away from domestic emergencies. Our brothers and sisters here at home are waiting to re-build their lives and homes.

That is why the Green Amendment is so important.

Specifically, the Green Amendment would extend the safety-net of FEMA housing assistance until December 31, 2007 and thereafter transfer eligible households to HUD's tenant-based rental assistance program. Through this amendment, Section 8 vouchers would also be available to households in trailers and mobile homes.

If we do not adopt this amendment, over 120,000 families housed in FEMA-funded trailers, mobile homes and who barely cope in other rental assistance situations could be thrown into further chaos and homelessness when current assistance ends in August. This would further compound the dire affordable housing situation relating to low-income, elderly, and disabled evacuees across the country.

The region is still not back to normal. Consider the fact that there are 51 percent fewer hospital beds in New Orleans than were available pre-Hurricane Katrina according to data released by the NAACP.

Public infrastructure and public institutions are operating below capacity. In New Orleans, only about one-third of the public schools have re-opened. These statistics are staggering.

It is not only a responsibility but a moral duty to do all in our power to restore the dignity and quality of life to all citizens of the Gulf Coast region regardless of their socio-economic, cultural and political status. They are counting on us. I urge my colleagues to support the Green Amendment.

HONORING LOUISIANA EMPLOYER BASF-SHREVEPORT

HON. JIM McCRERY

OF LOUISIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. MCCRERY. Madam Speaker, I rise today to honor the hard work and dedication of a local Louisiana manufacturer. The manufacturer that I am recognizing has demonstrated innovation in manufacturing operations and business growth, as well as, a commitment to community involvement.

BASF-Shreveport, located within my district in Louisiana, was established in 1985 to manufacture and package prescription and over-the-counter pharmaceutical products, liquids, tablets, and creams. Some of their well-known products include ibuprofen, acetaminophen, and silver sulfadiazine burn cream. The economic impact that BASF brings to North Louisiana is significant. The facility employs more than 167 people with an annual payroll of 13.4 million. This local manufacturer has made noteworthy advances in productivity throughout their organization resulting in substantial growth. Because of these accomplishments, BASF-Shreveport will be honored by the Manufacturing Extension Partnership of Louisiana (MEPOL), with the third annual Platinum Award for Continued Excellence, PACE Award.

MEPOL, a non-profit business resource based at the University of Louisiana at Lafayette, serves to provide business and technical assistance to emerging and established manufacturing firms throughout the State of Louisiana. Since 1997, MEPOL, based on a philosophy of education, encouragement, and empowerment, has worked with manufacturers such as BASF-Shreveport to increase their productivity and profitability.

Working with MEPOL, BASF-Shreveport identified an area of their production that could benefit from the principles of lean manufacturing. Production volume, due to increased demand from their customers, was creating a significant bottleneck in the printing department, where the name of the medication is printed on the tablets. Three days after the printing department completed the quick changeover/set-up reduction training and implementation suggested by MEPOL, the site was able to cut the changeover time required for batches from 2 hours to 17 minutes. This modernization resulted in BASF's increased throughput in the printing areas by 57 percent, allowing it to meet the customer's needs more efficiently. Their dedication to excellence is the reason that they are the recipients of ME POL's second annual PACE award.

BASF also participates in numerous charity organizations throughout the community including the United Way, March of Dimes and the Salvation Army. I congratulate BASF-Shreveport on being a respected leader in manufacturing whose commitment to advancement and continued success has led to this outstanding achievement.

TRIBUTE TO DR. LEONARD K. PETERS

HON. DOC HASTINGS

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HASTINGS of Washington. Madam Speaker, I would like to take this opportunity to recognize one of the true leaders of the national science community, Dr. Leonard K. Peters. Dr. Peters came to Washington state in 2003 to assume the role of Director of the Pacific Northwest National Laboratory. During his tenure, the Lab oversaw an impressive growth in business and Len led the world-class PNNL staff to enhance relationships with research universities in the Pacific Northwest. Len has a long history of establishing successful public-private relationships in the science and education sectors.

Dr. Peters came to PNNL from Virginia Polytechnic Institute and State University where he served as Vice Provost for Research and managed Virginia Tech's ambitious research portfolio with diverse projects ranging from biotechnology to transportation materials. Prior to his time at Virginia Tech, Dr. Peters spent almost twenty years at the University of Kentucky where he served as a professor and eventually as acting Vice President for Research and Graduate Studies. Dr. Peters is a distinguished manager and educator and an accomplished researcher in atmospheric chemistry.

As Dr. Peters assumes a new role at Battelle, he will continue to lead and serve in the Tri-Cities area through community outreach programs. He is already actively involved in the region's educational community through his service on the Advisory Board for Washington State University's College of Engineering and Architecture, and the Board of Directors for Heritage University. Locally Dr. Peters chairs the Tri-City Industrial Development Council and serves on the boards of Kadlec Medical Center, the United Way of Benton and Franklin Counties, and Junior Achievement of the Greater Tri-Cities. Dr. Peters is a committed leader who shares his tremendous experience and talent with the Washington state community.

I want to recognize Dr. Len Peters for his leadership and vision during the past 3½ years at PNNL. On behalf of the people of Washington, I wish him all the best in his new position and say thank you for his continued service to our State.

WILLING-SELLER LEGISLATION FOR CERTAIN NATIONAL TRAILS SYSTEM UNITS

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. UDALL of Colorado. Madam Speaker, I am today introducing legislation to allow people who want to do so to sell lands for inclusion in certain units of the National Trails System.

The bill is identical to ones introduced in previous Congresses by my former Republican colleagues from Colorado, Representatives Beauprez and McInnis. It is cosponsored by Representatives EHLERS, KILDEE, KIND, BALDWIN, LEVIN, and PETRI. I greatly appreciate their assistance and support.

Current law prohibits people who own land associated with several units of the Trails System from selling those lands to the federal government for inclusion in those units.

The bill would revise that to allow such sales from willing sellers.

The Trail System units covered by the bill are the Oregon National Historic Trail, the Mormon Pioneer National Historic Trail, the Continental Divide National Scenic Trail, the Lewis and Clark National Historic Trail, the Iditarod National Historic Trail, the North County National Scenic Trail, the Ice Age National Scenic Trail, the Potomac Heritage National Scenic Trail, and the Nez Perce National Historic Trail.

Madam Speaker, this bill would make a small but important adjustment to current law. I think it deserves the support of all Members of the House.

INTRODUCING THE LEGAL SERVICES BENEFIT ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. STARK. Madam Speaker, I am pleased to join my Subcommittee Ranking Member Mr. CAMP in reintroducing the Legal Services Benefit Act.

Many employees and retirees lost access to affordable preventive legal services when the tax-preferred status of qualified group legal plans sunsetted in 1991. This bill corrects that historic wrong and ensures that millions of workers and retirees have access to employer provided group legal service plans.

Group legal service plans provide employees with low cost, basic legal services, including assistance with the purchase of a home, the preparation of a will, probate services and the resolution of domestic conflicts, such as child support collection. With evictions and mortgage foreclosures on the rise, legal plans can also help keep employees in their homes and focused on their jobs.

The Legal Services Benefit Act will restore the historic pre-tax treatment of group legal services under Section 120 of the Internal Revenue Code. This change to the tax code will again make legal service plans affordable for both employers and employees, and will provide access to legal services for millions of middle-income Americans who might otherwise let legal troubles get out of hand.

I thank many of my colleagues on the Ways and Means Committee who have already joined us as original cosponsors of this bill, and I urge all members to support this important legislation that will help workers and businesses across the Nation.

RECOGNIZING THE CORNERSTONE CLUBHOUSE IN PHOENIXVILLE FOR THEIR "BEYOND THE LABEL" CAMPAIGN

HON. JIM GERLACH

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. GERLACH. Madam Speaker, I rise today to recognize and commend the Cornerstone Clubhouse in Phoenixville, PA for their ongoing "Beyond the Label" campaign to raise awareness of the many illnesses and challenges people with mental health disabilities face.

The Cornerstone Clubhouse is an important resource for the people struggling with mental health problems in Phoenixville and the surrounding communities of Chester County. The organization's purpose is to promote early intervention and recovery from mental illnesses by offering a support system that helps them find employment and residential living opportunities and deal with daily life issues.

Individuals with mental health disabilities join the Clubhouse and then visit the facility on a voluntary basis to raise awareness of these disabilities by passing out informational materials and writing newsletters. On any given day, up to 40 people can be found at the Clubhouse and this interaction with others helps these individuals develop the valuable social, work and life skills needed to be successful.

So, Madam Speaker, I would urge my colleagues to join me in acknowledging the dedication and hard work of the Cornerstone Clubhouse in Phoenixville and its successful "Beyond the Label" campaign, which has been an important tool in the community to raise awareness and shine a light on the struggles people with mental illnesses face everyday.

COMMISSION ON SLAVERY ESTABLISHED IN ROMANIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HASTINGS of Florida. Madam Speaker, 200 years ago, the movement for the abolition of slavery achieved a major victory with the passage of a British law banning the trade in slaves—an anniversary that is getting heightened attention with the release of a new movie chronicling those events. Ending the trade in slaves was not the same as actually ending slavery, but it was a critical beginning to the end.

Other developments have also caused us to revisit the legacy of slavery in our own country. This includes the decision by the legislature of the Commonwealth of Virginia to apologize for that state's role in the slave trade, and reports that Maryland and Missouri are considering similar steps.

With a view to our own country's painful and complicated history of slavery, and as the first African-American Chairman of the Helsinki Commission, I was particularly interested to learn about commemorations held on February 20th in Romania, marking the beginning of the end of slavery in that country. In the case of Romania, however, slaves were not kidnapped and transported from a faraway land. Instead, those enslaved were Roma, a people that had settled in Romania by the 14th century.

This ethnic group—somewhere around 1,000 years ago—migrated to Europe from what is now India. Today, Roma make up the largest ethnic minority in the European Union, conservatively estimated at 10 million people.

Romania, with an estimated 2 million Roma, has the largest Romani minority on the continent. And in that country, beginning in the 14th century and ending with the establishment of the modern Romanian state in 1864, slavery to the crown, to nobility, and to the monasteries was the exclusive status of Roma.

To be clear, Roma were not serfs; they were slaves, bought and sold like chattel. In 1837, the great Romanian historian and statesman Mihail Kogalniceanu described their situation as follows:

> On the streets of the Iasi of my youth, I saw human beings wearing chains on their arms and legs, others with iron clamps around their foreheads, and still others with metal collars about their necks. Cruel beatings, and other punishments such as starvation, being hung over smoking fires, solitary imprisonment and being thrown naked into the snow or the frozen rivers, such was the fate of the wretched Tsigan [Rom]. The sacred institution of the family was likewise made a mockery: women were wrested from their men, and daughters from their parents. Children were torn from the breasts of those who brought them into this world, separated from their mothers and fathers and from each other, and sold to different buyers from the four corners of Romania, like cattle. Neither humanity nor religious sentiment, nor even civil law, offered protection for these beings. It was a terrible sight, and one which cried out to Heaven.

Unfortunately, it appears that the history of slavery in Romania—and the impact of slavery on the lives of Roma—has received little scholarly attention. As a corollary, little is taught in Romanian schools about this important chapter in the nation's history.

I was very heartened, therefore, to learn that Romanian Prime Minister Calin Popescu-Tariceanu announced on February 20 that the Romanian Government will establish a commission to study the enslavement of Roma. The National Agency for Roma will play a central role in setting up this commission, and the commission will produce recommendations for the teaching of Romani history and promoting Romani culture.

Madam Speaker, there is an awful lot of hand wringing about the deplorable situation of Roma today. Across the OSCE region, they face profound discrimination, sometimes manifested in the worst forms of racially motivated violence. Moreover, in 2003, the United Nations Development Program issued a report on the situation in five Central European countries, concluding that, "by measures ranging from literacy to infant mortality to basic nutrition, most of the region's Roma endure living conditions closer to those of Sub-Saharan Africa than to Europe. "

But if you want to know where you're going, you have to know where you came from; if we want to change this status quo, we have to understand the past, which makes this new commission vital for Roma.

With respect to Roma, that means three things. First, it means understanding the history of Roma before World War II, and in the case of Romania and Moldova, that requires teaching, studying, and acknowledging the enslavement of Roma. Second, the genocide of Roma during World War II must also be remembered, and more must be done to study and understand the diverse experiences of Roma during the war in different European countries. Finally, we must put an end to the pernicious, dangerous myth that communism was "good" for Roma.

With all this in mind, Prime Minister Tariceanu's initiative is really an extremely important step in addressing so many of the problems that Roma face today. I commend him for his leadership and I look forward to following closely the work of this body.

HONORING INTERNATIONAL WOMEN'S MONTH

HON. ADRIAN SMITH

OF NEBRASKA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SMITH of Nebraska. Madam Speaker, I rise today in honor of International Women's Month, which this year we celebrated during the month of March.

Throughout the month, we have passed legislation recognizing the impact women have had on our Nation and the world itself. We have heard speeches honoring these individuals who have made life richer and better.

As March comes to a close, I want to individually honor several women from my home state of Nebraska who have made a difference.

I also want to encourage all Members of Congress to help celebrate International Women's Month all year long, through education, support, and service.

Throughout Nebraska's history, we have been fortunate to have had a number of exceptional women call our State home. It is in their name and the names of the exceptional women yet to come that we celebrate this month—and all year long.

Names such as Louise Pound, Willa Cather, and Mari Sandoz spring readily to mind when discussing Nebraska women who have opened minds and imaginations.

But during times of change, women such as children's crusader Grace Abbott and journalist Rheta Childe Dorr—the first woman to cover World War I from the front lines—have served as inspirations.

The first American Indian woman doctor was Dr. Susan LaFlesche Picotte. The hospital she built in Walthill is now called the Picotte Center.

Nebraska women have also shouldered leadership for our State. Senator JoAnn Maxey was the first African American to serve as State Senator. Senators Fern Orme and Florence Reynolds also deserve mention.

I would be remiss if I didn't mention Governor Kay Orr, who was elected the first Republican woman Governor in the United States, or Rep. Virginia Smith, who set the standard for all House Members, not just from the Third District of Nebraska.

Finally, we should also honor the women who served in our armed forces and who put their lives at risk for our freedom. In particular, let us remember Sgt. 1st Class Linda Ann Tarango-Griess and Staff Sgt. Tricia Jameson, who lost their lives in Operation Iraqi Freedom and who called Nebraska home.

Our country is blessed to have freedoms so many areas of the world unfortunately do not. We have the freedom to succeed, and many women through our history have done just that. Now is the time to encourage the next generation to follow in their footsteps.

IN HONOR OF JAIME HERNANDEZ IN RECOGNITION OF HIS EXEMPLARY SERVICE

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BECERRA. Madam Speaker, it is my privilege to rise today and acknowledge Jaime Hernandez, a friend and outstanding leader for working men and women in America. On March 31, 2007, community members and leaders throughout Los Angeles will gather to commend Jaime for his 38 years of dedication to the Laborers' International Union of North America, Local 300.

Jaime was born to Antonio and Amalia Hernandez in Jalisco, Mexico in 1942. Like so many people, his parents moved the family to the United States in search of the American dream. He learned the value of union work early on from his father, who was a committed and passionate Laborer for 14 years. In this respect, Jaime and I are much alike. Just as Jaime's father spent many years as a proud Laborer, so did my father. Like Jaime, when I worked alongside my father as a young man, I learned from him the dignity and pride that comes from hard work. Whether digging ditches, laying cement, or raising manholes, I learned that if you work hard you deserve the American dream. I know Jaime and I both draw upon these lessons to this day.

Since first joining the Laborers in 1969, Jaime has fought for greater opportunities for workers, better wages, expanded benefits, and safer work sites across California. Rising from the role of a rank-and-file member, he was appointed as a Laborers' Field Representative in 1987. Then in 1994, his peers acted on their recognition of his talents and commitment and elected him President and Executive Board Member of Laborers' Local 300. His subsequent re-elections in leadership roles resulted from Jaime having distinguished himself in the labor community as a true leader and advocate for working men and women. Jaime is now retiring as Secretary-Treasurer—a position he has held since 2000.

A. Philip Randolph, a prominent civil rights and union leader, once said, "The essence of trade unionism is social uplift. The labor movement has been the haven for the dispossessed, the despised, the neglected, the downtrodden, and the poor." Just as his parents sought a better life for their children through hard work, Jaime has worked to keep that opportunity available to people from all walks of life. Jaime has been an integral part of the Laborers' mission by bringing justice, honor, and a voice to hard working people across America.

Jaime has been married to his high school sweetheart, Anita, for 44 years. Together, they have four children and nine grandchildren, all of whom have been raised with Jaime's understanding and reverence for social and economic justice. They have all seen Jaime work on behalf of non-profit organizations, charities, law enforcement agencies, and children's groups with the assistance of the union.

Madam Speaker, it is with pride as a friend, a former member of the Laborers' Union (Local 187 in Sacramento), and an admirer of hard work that I ask my colleagues to join me today in recognizing Jaime Hernandez for his lifetime devotion to bringing dignity to the lives of every day Americans, and his loyal service to Local 300 of the Laborers' International Union of North America. On behalf of the countless Laborers, including me, to whom Jaime Hernandez has dedicated his career, and the entire labor community which has benefited immensely from his lifelong contributions, I say thank you and may you enjoy many more years of fruitful endeavors.

TRIBUTE TO MANATEE COUNTY SHERIFF CHARLIE WELLS

HON. VERN BUCHANAN

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. BUCHANAN. Madam Speaker, I rise today to pay tribute to Manatee County Sheriff Charlie Wells who will retire on April 2nd after 41 years in law enforcement. Sheriff Wells is an honorable public servant whose selfless dedication, vision, and leadership has helped to protect the more than 300,000 residents of Manatee County and earned him the respect of the community as well as his colleagues in law enforcement.

Charlie Wells was first elected sheriff in 1984 and took office in January of 1985. He was reelected five times, serving a total of 22 years, which makes him the longest serving sheriff in the history of Manatee County.

Among his greatest achievements is the enactment of the Stop Turning Our Prisoners Act, which he helped pass to require inmates to serve at least 85 percent of their prison sentence. He is also credited with pioneering and implementing several other innovative programs designed to help keep kids in school and out of trouble. They include the establishment of:

A Police Athletic League recreation complex which was expanded from a recreational program to one of Florida's first charter schools;

The first boot camp program in Florida for juvenile offenders to promote discipline, education, physical fitness, and respect for self and others;

A school resource officer to promote positive relationships with youth;

Child Protection Services to consolidate services and ensure the safety of children with family related problems; and

Victims First, which is a charity organization that provides scholarships to children whose parents have been murdered or sent to prison as a result of murdering the other parent.

Also, under this leadership, a new jail complex was built and the agency of 1,100 employees became nationally accredited in both corrections and law enforcement.

The six-term Sheriff also served in various capacities with the Florida Sheriffs Association including president and chairman of the Legislative Committee.

He began his law enforcement career with the Florida Highway Patrol where he worked for 15 years as a state trooper. He also worked for one year as an investigator with the State Attorney's office and served for two years as the Chief of Police for the City of Bradenton.

He ends his career with the successful arrest of kidnapping suspect Vicente Beltran-Moreno who is charged with kidnapping a 13 year-old boy.

Charlie Wells has prevented, investigated, and solved countless crimes. I thank him for his tireless efforts to protect the people of Manatee County and wish him the very best in retirement.

TRIBUTE TO ELKS USA

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. SKELTON. Madam Speaker, let me take this means to pay tribute to the Elks USA for their continued dedication to communities across the nation and their contributions to the veterans of this country.

Founded after the Civil War with a goal of promoting friendship and charity, the Elks are the nation's oldest and largest fraternal organization, with 1.1 million members and lodges in all fifty states. Last year, they donated 9.7 million hours and contributed almost $263 million to a variety of charitable and philanthropic causes.

One of the major tenets of the Elks is a commitment to the military and its veterans. In 1918, the Elks built a 700-bed hospital in Boston to rehabilitate World War I wounded and gave it to the nation. Elks made a solemn pledge that "so long as there are veterans, the Benevolent and Protective Order of Elks will never forget them." This commitment still stands through an extensive visitation program in VA hospitals and nursing homes. As the VA's only source of leather, the men and women of the Elks gather animal hides, pay for the tanning, and provide wheelchair gloves and leather used for therapy programs at VA medical centers nationwide. In 2005, they logged 1,037,932 hours visiting hospitalized veterans and taking many of the patients to baseball games, fishing trips, and other outings.

The Elks were among the first groups to endorse the World War II Memorial, donating $1.2 million towards its construction. In addition, the Elks raised a similar amount to aid the victims of the World Trade Center and Pentagon attacks.

During World War II and the Korean War, the Elks operated canteens for the troops. A decade ago, they gave $100,000 to service chaplains to support the families of the Gulf War wounded at Walter Reed and other military hospitals. A current project, dubbed the Army of Hope, provides support for the families of reservists and National Guard personnel who have been called to active duty in Iraq and Afghanistan. For the citizen soldiers whose lives have been disrupted, Elks are helping with the kids, making minor home repairs, writing wills, and providing other assistance for their families.

The Elks were founders of Flag Day, a concept President Harry Truman (himself an Elk) signed into law. They promote the flying of the Flag, promote the observance of Veterans Day and Memorial Day, and sponsor parades along with other patriotic events.

Madam Speaker, I know the Members of the House will join me in commending Elks USA for their commitment to bettering our country and we thank them for their dedication to our military families.

INTRODUCTION OF MAKING BROWNFIELDS TAX INCENTIVE PERMANENT LEGISLATION

HON. JERRY WELLER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. WELLER of Illinois. Madam Speaker, thank you for the opportunity to offer an introductory statement regarding legislation Congressman BECERRA and I are introducing today making existing brownfields tax incentives permanent.

As you may know, the U.S. Conference of Mayors and the Government Accountability Office estimate that there are more than 400,000 brownfield sites across the country. They exist in every state and in many of our districts, rural and urban. We have all seen them . . . they are abandoned gas stations and warehouses and manufacturing facilities that have been closed down. These sites once housed vibrant and productive businesses, but today are in desperate need of revitalization and redevelopment. Before they can be redeveloped, however, existing environmental contamination must be cleaned up.

The cost of cleanup can be significant and, when this is the case, often stand in the way of re-development projects. In some cases, the clean up costs can exceed $1 million. The legislation we are introducing today helps make these clean ups more affordable by removing obstacles in the federal tax code that create obstacles to clean up.

Specifically, this legislation does two things:

Make the Internal Revenue Code Section 198 expensing provision permanent. This provision allows for the expensing of brownfield clean up costs. Currently, this provision expires at the end of 2007;

Repeal the provision in the law that recaptures the expense deduction as taxable income when the property is sold.

A recent survey by the U.S. Conference of Mayors of 187 large and small cities found that if their existing brownfields were redeveloped, it could bring additional tax revenues to their cities of approximately $2 billion and create up to $500,000 jobs.

The issue of brownfield cleanups has been important to me since I joined the Ways and Means Committee in 1996. This new legislation represents more than a decade of work on this issue. These final steps involve making the tax incentive permanent and repealing the recapture requirement. I look forward to working with Mr. BECERRA to getting these final steps made into a permanent part of our tax code.

TRIBUTE TO FRANK COMFORT

HON. DAVID E. PRICE

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PRICE of North Carolina. Madam Speaker, I rise to recognize the extraordinary accomplishments of a distinguished educator, coach Frank Comfort. It is fitting that we recognize this exceptional gentleman for his remarkable contributions to higher education, his manifold successes and abiding dedication to college athletics, and his enduring influence on generations of college students.

Frank Comfort has the distinction of being the winningest dual-meet swimming coach in NCAA history. He has amassed an unparalleled record of leadership and has devoted his time, skills, and energy to cultivating the very best in student-athletes. His career has been defined not only by athletic achievement, but by a dedication to the development of young men and women who are student-athletes in the finest sense: those who successfully combine athletic prowess with academic achievement.

Frank Comfort is a 1967 alumnus of Syracuse University, graduating with a Bachelor of Arts in history and physical education. He went on to earn a Master of Arts in physical education from the University of North Carolina, UNC, and in 1968, became the head swimming coach for men and women at Johns Hopkins University. At Hopkins, his swimmers won 12 NCAA individual titles and one NCAA relay title. In 1977, Frank Comfort returned to UNC, where his consistent leadership and dedication to excellence for 30 years as Head Coach have made him one of the most respected college swimming coaches in history.

Many people have made notable contributions to collegiate athletics. Few leave the legacy of Frank Comfort. He has developed swimming teams that have thrilled the collegiate athletic world with their courage, skill and achievement. Frank Comfort's swimmers and divers have won often and won big. Of his 578 dual meet wins, 308 have come while coaching men's teams and 270 while coaching women's teams. More than a decade ago, Frank Comfort became the winningest swimming coach in the history of the Atlantic Coast Conference in terms of league championships won. Overall, he has led Tar Heel teams to 25 Atlantic Coast Conference championships during his tenure—the most in conference history by a single coach. In his 30 years at UNC, his women's teams have been a consistent national force, finishing in the top 25 an astounding 25 times, including nine seasons in the top ten. During his long tenure at UNC, he has taught many National Collegiate Athletic Association, Association for Intercollegiate Athletics for Women and U.S. Swimming national champion swimmers. Several of his swimmers were chosen to represent the United States in the Olympics as well. Because of these accomplishments, Frank Comfort's stature as a coach has solidified in the amateur and international ranks. Among his many additional coaching positions, he served on the coaching staff at the U.S. Olympic Festival on six occasions and as the head coach of the U.S. Women's Team which competed in the Goodwill Games in St. Petersburg, Russia, in 1994.

It comes as no surprise that Frank Comfort's name has been on the U.S. Swimming International Coaches List consistently since 1976, an honor going only to the most elite coaches in the United States. He was named the youngest recipient ever of the Master Coach Award from the College Swimming Coaches Association and was inducted into the Johns Hopkins Athletic Hall of Fame.

Frank Comfort is a living testament to the positive role that collegiate athletics plays in our national experience. His guidance has empowered both teams and individuals to fulfill their promise and to extend their purpose and passion, to step out of their comfort zone and excel. Athletic achievement is not an endeavor that runs itself. It requires the constant leadership, foresight, encouragement, and discipline that can be afforded only by dedicated coaches. Coaches are one of the best examples of what is great about our country. They inspire students and athletes to become better people; to give their best in every endeavor and to make the most of their God-given abilities. Frank Comfort's leadership is about cultivating the promise of the human spirit and encouraging those who work daily to make that promise a reality.

Frank Comfort's career will soon come to a close. After almost 40 years as a coach and educator, he has left an indelible mark on college athletics and on countless students whom he has coached, mentored, advised, and inspired. Please join me in commending Frank Comfort, distinguished coach and educator, and an exemplar of strong character and leadership.

HONORING CESAR CHAVEZ

HON. PHIL HARE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. HARE. Madam Speaker, this Saturday, March 31, marks the 80th birthday of Cesar Chavez. I am honored to rise before you today to pay tribute to Mr. Chavez's dedicated advocacy for workers.

As a young child, Cesar Chavez experienced the long hours, horrible wages and other deplorable conditions and discrimination faced by migrant farm workers, which emboldened him to fight for justice and fairness for all working people of this country.

In 1962, Mr. Chavez founded the National Farm Workers Association (now known as the United Farm Workers of America), through which he organized migrant workers in campaigns for safe and fair working conditions, reasonable wages, decent housing, and the elimination of child labor.

His tireless leadership and use of nonviolent tactics, such as fasts, boycotts, strikes and pilgrimages, brought awareness to the conditions of farm workers and their struggle for better pay and safer working conditions.

Mr. Chavez is credited for the passage of the groundbreaking 1975 California Agriculture Labor Relations Act, which remains the only law in the Nation that protects farm and migrant workers' rights to unionize.

Madam Speaker, I came out of the labor movement as a lining cutter at Seaford Clothing factory in Rock Island, IL. I owe Cesar Chavez a great deal of gratitude for his diligent efforts to achieve dignity, respect, fair wages, medical coverage, pension benefits, and humane living conditions for all workers, which laid the ground work for the additional labor protections I was able to fight for while President of UNITE Here local 617. Mr. Chavez has and always will be an inspiration to me, as well as a reminder of what can be achieved by the will and conviction of one person.

I am happy to see that several states have acknowledged the contributions of Cesar Chavez by dedicating a state holiday in his honor, including my home state of Illinois. For four consecutive Congresses, Congressman JOE BACA has led a movement to recognize the contributions of Cesar Chavez with a national holiday. I am honored to join the distinguished gentlemen from California and 51 of my colleagues as a cosponsor of H. Res. 76, the Cesar Chavez Holiday Act.

Not only does this legislation recognize the contributions Cesar Chavez made to the labor movement but it also aims to educate students on the life and work of this courageous man.

Madam Speaker, I urge my colleagues to honor Cesar Chavez by supporting the Cesar Chavez Holiday Act.

REINTRODUCTION OF THE PLEA ACT

HON. ELIOT L. ENGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. ENGEL. Madam Speaker, today I rise to reintroduce the PLEA Act to protect our citizens and to protect our law enforcement officers.

The PLEA Act would ban the Five Seven handgun, a weapon that has been designed by FN Herstal of Belgium to have the power necessary to pierce a bulletproof vest while still being small enough to conceal. In other words, it is the perfect weapon for criminals to use against police officers.

It is not useful as a hunting weapon and there are certainly other reasonable options for self-defense. So why do we need such a dangerous gun on our streets? The answer is that we do not.

Some in the gun lobby have said the claims about the gun's power have been exaggerated. But I have seen a demonstration of the handgun myself. It is so powerful it can penetrate a bulletproof vest from as far as two football fields away. It is every bit as deadly as an assault rifle, but the Five-Seven can easily be concealed, putting law enforcement officials even more at risk.

Bulletproof vests are unfortunately sometimes the only protection that our law enforcement officials possess. If vests are no longer able to protect them, we are putting all of our police officers in great peril.

In fact, earlier this month there was a report in the press that a Mexican police officer was shot and killed by a Five Seven handgun despite the fact he was wearing a bulletproof vest.

Do not let this tragedy repeat itself here in the United States.

This is the type of gun that one would expect only to be available to the military, not citizens on the street. But I have heard from law enforcement officials in my district, in New York, that these guns have been confiscated all across the country. And not long ago, the Brady Campaign was able to purchase one just a few miles from here in Woodbridge, Virginia.

Now is the time for Congress and the Bush administration to ban this weapon.

That is why today I am reintroducing the PLEA Act to ban the sale, importation and possession of this gun.

I ask my colleagues to join me and the Brady Campaign to Prevent Gun Violence in supporting this important legislation. If you support law enforcement officers, then you should support banning this weapon.

INTRODUCING THE WILLIAM H. FRIST GIFT OF LIFE CONGRESSIONAL MEDAL ACT

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. STARK. Madam Speaker, I rise today to introduce the William H. Frist Gift of Life Congressional Medal Act with my colleague, Mr. CAMP of Michigan. This legislation creates a congressional commemorative medal for organ donors and their families, recognizing the brave and selfless act of organ donation. It is an important piece of legislation that I hope will continue to receive bipartisan support. I also want to thank Senator DURBIN and Senator GRASSLEY for introducing the companion bill in the Senate.

Former Senate majority leader and transplant surgeon Dr. William H. Frist was a tireless advocate of organ donors and their families during his time in the Senate. Dr. Frist worked on behalf of the Gift of Life Congressional Medal Act for years, and I'm pleased to name the bill in his honor.

There is a serious shortage of available and suitable organs for donation. Nearly 100,000 people are currently waiting for organ transplants—over 2,000 of these are children under age 18. The national waiting list has grown substantially every year. Since the waiting list began, at least 75,000 donation-eligible Americans have died waiting for an organ to become available—in 2005 alone, over 6,000 people died for lack of a suitable organ. Donating an organ to someone whose life depends on it is laudable, and should be recognized and encouraged. The Gift of Life Congressional Medal Act is an important bill which would do just that.

Health and Human Services—HHS—has already implemented initiatives to raise the public awareness of this vital act of giving life. The Gift of Life Congressional Medal Act is a great opportunity for us to work with HHS to draw attention to this life-saving issue. It sends a clear message that donating one's organs is an act that should receive the profound respect of our Nation.

The Gift of Life Congressional Medal Act establishes a nonprofit fund to be used to design, produce, and distribute a congressional commemorative medal to organ donors or to a surviving family member. Enactment of this legislation would have no cost to the Federal Government. Startup costs are provided by the Treasury Department in the form of a loan, which would be fully repaid. Subsequently, the program would be self-sufficient through charitable donations.

This is noncontroversial, nonpartisan legislation to increase the rate of organ donation. I ask my colleagues to help bring an end to transplant waiting lists and recognize the enormous courage displayed by organ donors and their families. This bill honors these brave acts, while publicizing the critical need for increased organ donation. I urge swift passage of the William H. Frist Gift of Life Congressional Medal Act.

IN RECOGNITION OF THE 20TH ANNIVERSARY OF THE BOSTON HIGASHI SCHOOL

HON. STEPHEN F. LYNCH

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. LYNCH. Madam Speaker, I rise today in recognition of the Boston Higashi School's 20th anniversary. Since 1987, the Boston Higashi School has been treating children with autism and pervasive developmental disorders. Their dedicated work helps students benefit from and contribute to society while bringing hope and joy to their families.

Autism, a lifelong, nonprogressive developmental disability, results from still unspecified impairments to normal brain development. Impairments in social interaction, communication and in the capacity for imaginative and symbolic thinking characterize this syndrome. Autism varies in severity from person to person. Therefore, individuals are often described as having autism spectrum disorder.

The Boston Higashi School bases its philosophy in the world-renowned tenets of Daily Life Therapy developed by the late Dr. Kiyo Kitahara of Tokyo, Japan. Dr. Kiyo Kitahara's method provides children with systematic education through the intermingling of academics and technology, as well as art, music and physical education. This educational approach is intended to help individuals achieve social independence and dignity.

Madam Speaker, it is my distinct honor to take the floor of the House today to join with the faculty, students and families of this fine institution in celebrating the school's 20 years of dedicated service. I would like to commend their perseverance and patience in coping with the day-to-day realities of this disorder and wish them well. I hope my colleagues will join me in recognizing the mission and accomplishments of the Boston Higashi School and its dedication to helping students and their families.

INTRODUCTION OF THE BROADBAND DEPLOYMENT ACCELERATION ACT OF 2007

HON. DORIS O. MATSUI

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Ms. MATSUI. Madam Speaker, it is with great pleasure that I introduce, along with Representatives PHIL ENGLISH and MIKE THOMPSON, the Broadband Deployment Acceleration Act of 2007. This legislation will allow immediate depreciation of the costs of new broadband infrastructure investments, speeding the deployment of broadband communications technology. The U.S. currently lags far behind many other industrialized nations in broadband deployment. At a time when America's global economic leadership is facing rising challenges from abroad, this bill will promote innovation and keep America competitive.

By increasing the reach and capability of America's broadband network, the Broadband Deployment Acceleration Act is a strategic investment that will benefit the education of our children, the delivery of health care and the overall economy. In the classroom, broadband will provide children and teachers with access to new information and learning tools, and allow for remote learning opportunities. At hospitals and doctors' offices, broadband will facilitate the application of information technology to health care, reducing costs and improving the quality of care that patients receive. Broadband will also increase productivity and efficiency in homes and at businesses, while giving our constituents access to information and communications capabilities as never before. The need for the Broadband Deployment Acceleration Act is clear and now is the time for Congress to act.

Similar legislation received broad bipartisan support in the past, with as many as 225 House cosponsors and 65 Senate cosponsors. This bill was an important priority for my late husband, who worked along with Mr. ENGLISH, Senator ROCKEFELLER, Senator BAUCUS, and the late Senator Moynihan to craft it in 2000. It passed the Senate three times, only to be stripped out in conference by the House. I wish that our constituents were already benefiting from the effects of this legislation, and we should not delay enactment any longer.

The Broadband Deployment Acceleration Act will provide a temporary, two-tiered tax incentive to stimulate new investment in this crucial infrastructure: 50 percent expensing for investment in "current-generation" broadband infrastructure in rural and underserved areas, and full expensing for "next generation" broadband investments in those same areas, as well as residential areas generally. The purpose of this mechanism is to push broadband providers to roll out services in areas and at speeds that would not be economically feasible in the absence of this legislation. Therefore, this bill will not reward action that is already occurring.

To facilitate that goal, the Broadband Deployment Acceleration Act it is designed to be technology neutral, making delivery of service, not the delivery medium, the factor for eligibility. This will ensure that this tax incentive does not inhibit competition among broadband providers, thereby maximizing choice for consumers. Any broadband provider meeting the required speeds, measured in megabits of data delivered to and from the consumer per second, is eligible, whether such service is provided over telephone wire, cable modem, optical fiber, wireless, satellite, or other forms of technology.

It is past time that Congress took action to ensure that all Americans have access to broadband communications technology. The Broadband Deployment Acceleration Act is a practical and effective mechanism that will help provide our constituents access to this important technology. I hope that my colleagues will support this legislation to bolster the innovation and competitiveness of this Nation.

REMEMBERING THE 1947 TEXAS CITY DISASTER

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. PAUL. Madam Speaker, in recognition of the sixtieth anniversary of the explosion of the *Grand Camp* ship in the Texas City harbor on April 16, residents of Texas City, in my congressional district, will come together to honor those who lost their lives in the 1947 explosions. I am honored to join my constituents in commemorating those who lost their lives in this tragedy.

Early in the morning of April 16, 1947 the *Grand Camp* caught fire. As the fire combined with the ammonium nitrate on the *Grand Camp*, a bright orange flame lit up the sky and smoke soared an estimated 2,000 feet into the air. Within seconds of the explosion, the Monsanto Chemical Plant was in flames. The fire spread quickly to the refineries that made up the Texas City industrial complex, causing entire buildings to collapse.

The destruction was not limited to Texas City. Windows rattled in Baytown, while a mist of black oil reigned in the city of Galveston. The tragedy and destruction did not end there. A miniature tidal wave resulted when the water from the bay, which had been driven out by the explosion, rushed in over the docks and rushed 150 feet inland, subsuming everything within its path. By nightfall, rescue workers were still searching for those trapped in the wreckage. But the devastation would continue.

At 1:10 a.m., another ship, the *High Flyer*, which was loaded with ammonium nitrate and sulfur, exploded. This explosion destroyed another ship, the *Wilson B. Keene*, as well as a concrete warehouse and a grain elevator.

A week passed before all of the fires were extinguished, and a month passed before the last body was pulled from the rubble—although some bodies were never recovered. Approximately 600 people lost their lives because of this tragedy. Almost every member of the Texas City fire department gave his life fighting the first explosion. Plant workers, dock workers, and bystanders were among the other victims. Perhaps most tragic of all, the flames claimed the lives of several children.

A memorial cemetery now sits near Loop 197 in Texas City as a silent reminder of the 63 unidentified dead who are buried in numbered graves. In 1980, a memorial park was created to honor the others who died in the tragedy.

In conclusion, Madam Speaker, I take this opportunity to join my constituents in paying my respects to those who lost their lives in the 1947 explosion of the *Grand Camp* in Texas City.

HONORING KEN HOUSE

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 29, 2007

Mr. OBERSTAR. Madam Speaker, there have been many giants in the transportation history of this Nation.

During his time as a Postmaster General, which included service both before and after American independence, Ben Franklin surveyed, rerouted, and marked post roads in the 18th century. In the 19th century, great companies with names like Baltimore and Ohio, Union Pacific, and Burlington Northern networked a growing industrial America from coast-to-coast with railroads. DeWitt Clinton helped bring the Erie Canal into existence. In the 20th century, new transportation visionaries like the Wright brothers led the Nation to unprecedented mobility and economic growth.

Many transportation experts have toiled quietly behind the scenes in the 230 years of the United States to maintain and build on these legacies and utter necessities of American prosperity.

Kenneth House, of the Committee on Transportation and Infrastructure staff, has been one of those individuals for more than a quarter century. Madam Speaker, I rise today in tribute to and gratitude for Ken House's service to this great institution and the American people.

Ironically, Ken House is indeed a giant physically. At 6 feet 5 inches tall, Ken's first success was not on the roads but on the courts. His high school basketball prowess in Baltimore led to a scholarship and distinction at New Jersey's Seton Hall University. How good was Ken back then? Decades later, Ken remains Seton Hall's third-highest rebounder and its ninth-highest basketball player in points scored.

While in graduate school, Ken worked as assistant basketball coach at Seton Hall. He continued coaching and mentoring young people even after he completed his master's degree. Had he chosen to turn pro, NBA history might have been changed as transportation history certainly was transformed—and for the better—with Ken's help.

In 1977, Ken worked on the National Transportation Policy Study Commission to examine the transportation needs in the United States. The Commission had been created in the Federal-Aid Highway Act of 1976. After the Commission's report was submitted to Congress in 1979, Ken went to work in the Carter Administration. Ken was a congressional relations officer for the Department of Transportation, DOT, advocating the President's transportation policies and responding to congressional inquires—such as mine—about those policies and other DOT programs.

In 1981, Ken came to the House of Representatives and began his long professional career in what was the Subcommittee on Surface Transportation of the Committee on Public Works and Transportation. He is now recognized by his colleagues in the transportation field as an encyclopedia of knowledge on transportation issues.

Ken is warmly regarded by all as a professional in every sense. Soft-spoken and always approachable, Ken is a walking storehouse of transportation history, programs, principles, and impacts. It is virtually impossible to ask him a question on any highway or transit issue to which he will fail to provide an objective, well-reasoned, and insightful answer. His only agenda: public service.

After three decades of public service in both the executive and legislative branches of the Federal Government, Ken has retired. Many tried to change his mind, but his decision was as all others: well-reasoned. As was true on the basketball court for Seton Hall, for Ken, it was simply time to pass the ball to a colleague.

Thus, Madam Speaker, it is with a heavy heart that I rise today, but I do so gladly. I do so to recognize a rare individual among us. The long, selfless, dedicated, and faithful service of Ken House to the Committee on Transportation and Infrastructure, to the House of Representatives, and to the United States, has been replete with countless sacrifices during his distinguished career. It is now our turn for the sacrifice as we miss his counsel and friendship. All of us in the transportation community wish Ken and his family all the best in the years ahead.

PAYING TRIBUTE TO CLARK HIGH SCHOOL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Clark High School for being recognized as one of the nation's premier high schools for its Advanced Placement courses.

Clark High School was recently honored as a recipient of the 2006–2007 Siemens Foundation Award for Advanced Placement, making Clark High School one of only 50 high schools nationwide to receive this recognition. The Siemens Awards were established in 1998 to strengthen the quality of math, science and technology aptitude within our nation's schools and to identify the partnership between the Siemens Foundation and the College Board. Clark High School was chosen as one of this year's recipients for its commitment to their students and the school's leadership in Advanced Placement participation and performance.

Edward W. Clark High School opened its doors to Las Vegas students in the fall of 1965 with the Space Age student in mind. The Clark County School Board designed and constructed the building to provide each student with the right type of atmosphere for learning. The school's mission statement focuses on the preparation of each student to pursue lifelong learning. In the Curriculum and Professional Development Division of the Clark County School District, Clark High School is one of nine high schools in the district to offer magnet programs to its students which include The Academy for Mathematics, Science, Applied Technology; The Academy of Finance; and The Teacher Education Academy at Clark High.

The school's highly deserved recognition is for the admirable job the faculty of Clark High School, specifically those involved in the Academy of Mathematics, Science and Applied Technology Magnet Program, for their hard work in strengthening the math, science and technology education in their Advanced Placement classes. The faculty at Clark High School has truly done an exemplary job in preparing its students for the high tech workplace in today's global economy. For the incredible commitment they have made to the success of Academy of Mathematics, Science and Applied Technology Magnet Program, I would like to commend the following individuals: Shirley McLees, Sidney Lupu, Erin Buchner, Gabriele Ward, Nicholas Bean, Aaron Dehne, Brian Blank, Rosa Leathers, Cynthia McCoy, Nadine Gary, Donna Gonzalez, Manami Mata, Phil Bombino, Ron Jederberg, Jeff Lacoff, Brian Kahre, Leslie McNamara, and Roger West.

Madam Speaker, I am proud to honor the Academy of Mathematics, Science and Applied Technology Magnet Program and the Advanced Placement teachers at Clark High School. Their recognition by the Siemens Foundation is truly honorable and is a direct result of the dedicated and expert faculty of the Program. I applaud their success and wish them the best in their future endeavors.

HONORING THOMAS BOGGS

HON. STEVE COHEN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. COHEN. Madam Speaker, I rise today to honor Thomas Boggs, the CEO of Huey's, Inc. of Memphis, Tennessee. Huey's Restaurant is a Memphis fixture, which has been serving blues, brews and burgers to its regulars for over 35 years with great service and better people. Since 1970, Huey's has grown from a favorite local hangout in Midtown Memphis to become a highly successful family-run restaurant and bar, with locations across Greater Memphis.

Mr. Boggs began his career in music, yet another example of the rich culture of Memphis, first playing for Tommy Burk and the Counts and Flash and the Board of Directors, before joining the blue-eyed, soul group the Box Tops as drummer. The Box Tops were best known for their hits "The Letter," "Cry Like a Baby" and "Soul Deep," songs which are permanent parts of the rock and soul landscape.

Later, married with children, Thomas finished his history degree while waiting tables at T.G.I. Friday's. A business "natural", Thomas Boggs quickly moved up to Friday's corporate offices in Dallas. But the pull of his beloved Memphis was strong. Not long after returning, he moved into management at Huey's bar and, using his restaurant expertise, expanded the enterprise into a restaurant and, eventually, to seven locations.

Since Mr. Boggs came on board in 1975, Huey's has flourished. It is currently in its 22nd year as the "Best Burger" in Memphis, according to an annual ranking by Memphis Magazine. Mr. Boggs has won the highest award given by the 400 members of the Memphis Restaurant Association and the Newt Hardin Award, given for outstanding service to the restaurant industry. He also received the Jefferson Award in 2002, which is given by the American Institute for Public Service in recognition for outstanding community and public service.

Thomas Boggs has been a true public servant in Memphis, continually giving of himself to the community. He has served on the Memphis Zoo Board, the Aloysius Home board, and as chairman of the Memphis Convention and Visitors Bureau. He served as Food and Beverage co-chair of the Blues Ball, and has served as both Vice-President and President of Memphis in May. He was president of the Memphis Restaurant Association as well as the President of the Advisory Board of the Food Bank and has been an active participant of Leadership Memphis. 2007 marks the 18th Earthquake Open, Huey's annual golf tournament which was created and is hosted by Thomas Boggs and which benefits the Memphis Zoo.

Thomas Boggs is the kind of citizen who makes us all proud. He gives his time, his energy and his heart to make his community a better place to live. He is a credit both to his profession and his city. I'm proud to call Thomas Boggs my friend and pleased to honor him today on the floor of the U.S. House of Representatives.

PAYING TRIBUTE TO DOTTIE WHITAKER

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my friend Dottie Whitaker for her remarkable dedication to ending prescription narcotic abuse.

Dottie began her activism as a result of the tragic and untimely death of her beloved daughter, Tammie Armato. Tammie passed away on September 14, 2005, from an accidental prescription drug overdose. Tammie became addicted to prescription pain medication while being treated by a doctor for injuries she sustained in a car accident in 1995. The doctor she had been seeing at the time of her death was unfamiliar with Tammie's health history and gave her a large prescription of two different pain medications.

After Tammie's death, Dottie learned that prescription drug overdose is a nationwide epidemic. Three out of every five individuals who attend drug rehabilitation do so for prescription drug abuse. Additionally, more people die each year as a result of prescription drug overdoses than as a result of illegal drug overdoses. Inspired to do all she could to prevent others from experiencing the terrible loss that she has suffered, Dottie created Project Tammie. Project Tammie is an organization dedicated to combating accidental prescription narcotic overdose.

In an effort to save lives and prevent other individuals and families from suffering the effects of prescription drug addiction, Dottie has become a passionate advocate for a nationwide Prescription Monitoring Program. This program will allow doctors and practitioners to become familiar with a patient's prescription drug history, other prescribing physicians, pharmacies and pertinent information before prescribing narcotics. A number of states have already established statewide Prescription Monitoring Programs, but Dottie believes the only way to truly prevent prescription drug abuse and overdoses is to establish a nationwide program. Through Project Tammie, Dottie has worked tirelessly to create awareness and gain support for legislation that would require all states to set up Prescription Monitoring Programs. Dottie's hope is that this program would not only prevent patients from "doctor shopping," but would also help practitioners recognize addiction and help patients seek treatment.

Madam Speaker, I am proud to honor Dottie Whitaker for her efforts in organizing Project Tammie. In the face of a heartbreaking loss, she has chosen to make a difference and find a solution that will help others. She is an inspiring example of strength, courage and selflessness. Her dedication and tireless activism is truly commendable. I applaud her outstanding commitment to this important issue and wish her the best in her future endeavors.

MADERA WATER SUPPLY ENHANCEMENT ACT

HON. GEORGE RADANOVICH

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. RADANOVICH. Madam Speaker, today I am introducing the Madera Water Supply Enhancement Act, which authorizes the Bureau of Reclamation to participate in the design and construction of the Madera Water Supply and Enhancement Project. This important water bank project will help improve water supply in California's San Joaquin Valley.

The Bureau has completed its final appraisal study and has concluded that the Madera water bank will increase water supply, provide groundwater resource protection, mitigate the water supply impacts of the San Joaquin River restoration project, contribute to habitat conservation and have other positive impacts on the severe water supply and reliability problem in the area.

The Project will be located on the over 13,000-acre Madera Ranch, where the soils on and underneath the land are ideal for percolating water from the surface to the aquifer for storage. The land is also a valuable habitat for numerous species and contains large sections of the region's native grasslands.

In the 109th Congress, the Resources Committee held hearings on this legislation and the House unanimously passed H.R. 3897, the predecessor legislation. There are two changes in this legislation from the bill that passed in the last Congress. First, we are immediately authorizing construction of the Project without further study. Second, the legislation caps the total cost of the Project, limiting the Federal government's contribution to 25 percent of total cost, which cannot exceed $90 million. We have made these changes for the following reasons.

First, the water supply and reliability problems in the area are, as the Bureau has acknowledged, severe. The Bureau's Friant Division is falling almost 1 million acre-feet of water per year short in meeting its contractual commitments, and groundwater pumping is exceeding groundwater recharge by approximately 100,000 acre-feet per year, causing severe groundwater level declines. The proposed San Joaquin River restoration could reduce Madera's water allocation, already insufficient, by an additional 10–20 percent or more. The water bank, by storing excess water in wet years, will provide a much needed source of water in dry years, facilitate the restoration of groundwater levels over time and mitigate the adverse impact on water supply as a result of the San Joaquin River restoration project.

The Madera Irrigation District has already invested over $40 million to acquire the land and plan this Project. The region's economic well-being depends on having a secure, sufficient and reliable water supply. We simply cannot continue to delay making the Madera water bank a reality.

Second, the Madera water bank represents a very unique situation. As the Bureau stated in the Final Appraisal Report, "[t]he Madera Ranch Groundwater Bank is a project that has been investigated for approximately 10 years for its potential to improve water supply reliability and reduce groundwater overdraft conditions." Over a decade ago, the Bureau of Reclamation tried to buy the Madera Ranch and build its own water bank. As part of this effort, the Bureau conducted extensive studies regarding the feasibility of this Project and concluded that the Project was feasible. After the Bureau decided not to go forward with the Project because of local opposition, private entities conducted further studies with the same positive results. Most recently, the Madera Irrigation District has undertaken additional costs studies conducted by the same engineering firm that worked for the Bureau, further technical studies regarding the Project's feasibility and a completed and certified environmental impact study.

To date, over $8 million has been spent on studies related to the Project, not counting the Bureau's own substantial efforts to study the feasibility of a water bank at the site. All of this work, including four successful pilot tests, has verified that the Project is not only feasible, but with a certified Environmental Impact Report in place, ready to move immediately to the construction phase, most especially in light of the area's water supply problems.

The legislation lists no fewer than 18 studies and reports regarding this Project that have been undertaken over the past 10 years, many of which done by the Bureau or with the Bureau's knowledge and involvement. Clearly, no further study is required given the urgent need and unique history of the Project.

Third, we recognize that when committing to support a project, the Federal government requires assurances regarding the extent of its financial commitment. The Madera Irrigation District has already evidenced its commitment to the Project by investing to date over $40 million. The legislation establishes a ceiling of $90 million for the total cost of the Project. With the prevailing 25 percent federal cost share for such projects, the Federal government's financial commitment is limited to $22.5 million or 25 percent of total cost, whichever is less.

I urge my colleagues to support this legislation to expand water supply opportunities in California's San Joaquin Valley.

THE AGRICULTURE BUSINESS SECURITY TAX CREDIT ACT

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise to inform my colleagues of legislation I have introduced today to strengthen security at facilities where agricultural chemicals and fertilizers are manufactured, transported and stored.

The legislation that I have proposed, The Agricultural Business Security Tax Credit Act, extends tax initiatives to help defray the high costs agricultural businesses now face enhancing on-site security. I have introduced similar legislation in the past two Congresses.

Farm-use chemical production is unique in its use, distribution and security needs. Pesticides and fertilizers, while important to farmers and agricultural businesses, can also be used as agents for manufacturing illegal drugs such as methamphetamine. Some chemicals can even be used to develop explosive devises, making these sites a potential target for foreign and domestic terrorists.

I believe the incentives offered in The Agricultural Business Security Tax Credit Act will promote improved security at agricultural facilities that handle chemicals and fertilizers, helping them take the necessary steps to better protect U.S. agriculture and the American public from potential threats and other illegal activity.

I urge my colleagues to consider supporting this bill.

PAYING TRIBUTE TO ESTES McDONIEL

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and memory of my friend Estes McDoniel, a former Mayor of Henderson, Nevada and a Basic High School Principal.

Estes earned his Bachelor of Science degree in Education from the University of Arizona. After college, Mr. McDoniel moved to Henderson where he began his long and distinguished career in the Clark County School District as a teacher at Basic High School. Estes' teaching career was interrupted when he enlisted in the Navy and served in the Pacific theater off the coast of Okinawa, Japan during World War II.

Following his service, Estes returned to Basic High School where he continued his exemplary teaching service. Estes was a science teacher, vocational carpentry and industrial studies educator, head coach of the football, basketball, and track teams, Athletic Director, Assistant Principal, and Principal. Estes' dedication to the community expanded beyond the walls of the classroom where in 1969 he was elected Mayor of Henderson, Nevada. In 1988, Estes' great service to the Clark County community was recognized when an elementary school was named in his honor.

Madam Speaker, I am proud to honor the life and memory of my friend Estes McDoniel. His dedication to the Clark County community and the City of Henderson was commendable and should serve as an example to us all.

HONORING THE OUTSTANDING COMMUNITY SERVICE OF THE KRAECK FAMILY

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. MURPHY of Pennsylvania. Madam Speaker, I rise today to commend the Kraeck family for their dedication to American soldiers. They coordinated a project to donate care packages to the troops at Fort Dix before deployment and they also shipped packages to troops overseas. The packages contained valentines, supplies and snacks, as well as encouraging words from nursery, elementary and middle school students.

The Kraeck family undertook this remarkable project as a way to remind all of us, especially those deployed in a war zone, that our admiration and gratitude for our military is limitless. The broad reach of the donations prove this point.

This impressive project united hundreds of people toward a common cause: supporting our troops. With the help of students, parents, teachers and principals, as well as area librarians, businesses, newspapers and Girl Scout troops, the Kraecks tirelessly organized the collection and distribution of Girl Scout cookies, toiletries, and snacks to the soldiers. Additionally, more than 1,000 valentines, handmade by local children, were sent expressing their gratitude, esteem, and compassion for the troops.

The Kraeck family has already shipped more than 620 boxes of Girl Scout cookies and delivered supplies to Fort Dix to be distributed before deployment. They plan to continue sending even more shipments overseas in coming months and I encourage their efforts.

Madam Speaker, I am proud to congratulate and thank Kathy, Emily and Alison Kraeck and all those involved in these noble efforts. On a personal note, as an Iraq war veteran, I especially appreciate the Kraeck family's work on this worthy project.

PAYING TRIBUTE TO LOIS AND JERRY TARKANIAN

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor Lois and Jerry Tarkanian for their commitment and dedication to the Clark County community and congratulate them on being selected by the Clark County School Board to have a new middle school named in their honor.

Lois Tarkanian has been actively involved in a number of organizations dedicated to improving the lives of Nevadans. After receiving her Bachelors of Arts in education, a Master of Arts in Speech Pathology as well as a Doctorate in leadership and human behavior, a certificate in speech pathology, language, and audiology, Lois began a long and distinguished teaching career. She wanted to give more to her community and expand her knowledge as she worked as a speech pathologist, principal, central office administrator and as a college instructor both in Nevada and California. Lois has also served as a member of the Clark County Board of School Trustees for 12 years. In addition to her commitment to enriching the lives of her students, Lois has also conducted clinical work with autistic, deaf and aphasic children. Presently, Lois serves as the Las Vegas City Councilwoman in the 1st Ward, a position she has held since 2005, she also serves on the City of Las Vegas Real Estate Committee and Yucca Mountain Nuclear Repository Committee.

In addition to her professional success, Lois also has a number of philanthropic pursuits. She serves as a board member for the Catholic Charities, the Clark County Public Education Foundation, Family and Child Treatment Center for Abused Children and the Oralingua School for the Hearing Impaired. Lois has received a number of accolades as a result of her dedicated services, such as the Humanitarian of the Year by the Catholic Community Services, and the Distinguished Woman of Nevada and Citizen of the Year by the Nevada Family and Child Treatment Center.

Jerry Tarkanian played basketball for Fresno State and later earned his master's degree with honors in Educational Management. Along with his wife, they understand the importance of education and donated $100,000 to the University of Fresno State's Madden Library and initiated the "Baskets for Books Program". In addition to his dedicated service of enriching the lives and educational experiences of students, Jerry is known for his exceptional coaching abilities. He started coaching in 1956 at San Joaquin Memorial High School. On the collegiate level, he has coached Long Beach State, Fresno State and UNLV. Jerry has spent over 38 seasons as a head coach in collegiate basketball. Not only has he taken Fresno State to NCAA Tournament appearances in 2000 and 2001, 2001 WAC title and 2002 WAC Tournament Championship, but he has lead UNLV to four NCAA Final Four appearances and a national championship in 1989–1990. In 1999, Jerry was inducted into the California Community College Sports Hall of Fame. Jerry has an exemplary coaching record, having never had a losing season. Furthermore, Jerry has had 42 of his players drafted to the NBA's with 12 first round picks.

The Tarkanian's continue to support their love of education through a number of avenues, such as speaking engagements at hospitals and school rallies.

Madam Speaker, I am proud to honor Lois and Jerry Tarkanian. Their dedication to education and the community are truly commendable and have enriched countless lives. I congratulate them on their much deserved recognition by the Clark County School District in having a school named after them. I am certain that this educational establishment will embody the education excellence that the Tarkanian's have long advocated.

IN SUPPORT OF THE GULF COAST HURRICANE HOUSING RECOVERY ACT

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Ms. LEE. Madam Speaker, I rise in strong support of the Gulf Coast Hurricane Housing Recovery Act (H.R. 1227). This bill is critical in providing affordable housing to low-income families affected by Hurricanes Katrina, Rita and Wilma.

It is the responsibility of all national governments to prepare, plan and defend its citizens against all known and potential natural and man-made disasters. Such was the case that confronted the Bush administration in August 2005. But because of the Bush administration's lack of preparation, misplaced priorities and ineptitude, the combination of Hurricanes Katrina, Rita and Wilma severely devastated the Gulf Coast to such a degree that many lives and property were lost and the effects of disrupted lives and businesses are still being felt nearly 2 years later. Frankly, the response of the administration has been unacceptably slow in the aftermath of the hurricanes and the needs of displaced residents of the Gulf Coast have been left unmet.

The Gulf Coast Hurricane Housing Recovery Act offers significant relief to the displaced families of the Gulf Coast. Specifically, the bill directs FEMA to be flexible in the application of its funds for the Louisiana Road Home program that provides financial incentives for people to come back and live in the State.

The bill further directs HUD and the New Orleans Public Housing Authority to engage its human and material resources to preserve the supply of affordable rental housing.

The bill incorporates an important fair housing enforcement component that makes funds available as may be necessary to qualified private fair housing enforcement organizations to carry out the mandate of section 561 of the Housing and Community Development Act of 1987. That provision authorizes the Secretary of HUD to make grants to these organizations to formulate or carry-out programs to prevent or eliminate discriminatory housing practices, enforce the rights granted under the Civil Rights Act of 1968 or State and local laws that provide rights and remedies for alleged discriminatory housing practices. Education and outreach programs designed to inform the public concerning rights and obligations under the laws referred to by the Civil Rights Act are also allowable expenditures. We are all too familiar, sadly, with the historical exploitation of low-income populations many of whom are members of minority groups in this country. That is why this provision is so important.

This bill also recognizes the many individuals, groups and communities that offered a helping hand by assisting evacuees in the immediate aftermath of the hurricanes. It is gratifying to know that through this bill we would be fulfilling the nation's promise to crucial partners that stepped-up in times of need. This bill replenishes the CDBG funds of localities that were used to provide rental housing assistance to evacuees. It authorizes reimbursements to landlords who participated in the FEMA Section 403 program to provide emergency shelter in response to Hurricane Katrina, Rita or Wilma in spite of FEMA's subsequent reneging on its promise to provide reimbursements under this program.

This is an important piece of legislation that will help put the Gulf Coast back on a path to full recovery. I urge my colleagues to support this bill.

ACCOMPLISHMENTS OF THE COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE JANUARY–MARCH, 2007

HON. JAMES L. OBERSTAR

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. OBERSTAR. Madam Speaker, when you accepted the gavel, you pledged that the House under your Leadership would waste no time in addressing the pressing needs facing our nation. Your legislative initiative for the first 100 hours of the new Congress proved that you meant what you said.

In those first 100 hours, the House passed six major bills, including legislation to implement the recommendations of the 9/11 Commission, raise the minimum wage, and help older Americans afford prescription drugs, and help their grandchildren obtain student loans. It also adopted Rules to help restore the people's trust in this Chamber.

In those hours, Madam Speaker, you showed America that you were going to waste no time in getting important things done for this country. I thank you and the Majority Leader, Mr. HOYER, for your tireless efforts.

In that spirit, I would like to call your attention the accomplishments of the House Committee on Transportation and Infrastructure, which I am honored to chair.

Since the Committee held its organizational meeting January 17, our Committee has met 34 times in full or Subcommittee session. We have held 28 hearings, including two field hearings. In the first three months of 2007, we have met for nearly 80 hours, and gathered testimony from 165 witnesses. The Committee has initiated a series of hearings on reauthorizing the Federal Aviation Administration, which must be completed this year, and begun the hard work of considering the myriad issues of reauthorizing the highway, transit, and highway safety programs in 2009. We have begun to restore vigorous oversight to the programs, policies, and agencies in the jurisdiction of our Committee that is critical to ensuring that our transportation and infrastructure laws implemented effectively and efficiently.

The Committee has held seven markups, including three Subcommittee markups and four Full Committee markups. The Committee has acted on 29 bills, including 24 bills that have passed the House—each with an overwhelming bipartisan majority. Among the many Committee on Transportation and Infrastructure bills, the House has passed:

H.R. 720, a bill to authorize $14 billion for the Clean Water State Revolving Funds and provide the necessary resources to help States address their critical wastewater infrastructure needs;

H.R. 569, a bill to authorize $1.7 billion for States and communities to control combined sewer overflows and sanitary sewer overflows to address public health and safety and environmental concerns with such overflows;

H.R. 802, a bill to reduce air emissions from maritime vessels and implement Annex VI of the International Convention for the Prevention of Pollution from Ships;

H.R. 1195, a bill to make technical corrections to the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users; and

H.R. 798, a bill to direct the Administrator of General Services to install a photovoltaic system on the headquarters of the U.S. Department of Energy.

The Senate has passed four of the 24 House-passed Committee bills and the President has signed each one.

Madam Speaker, such success cannot be accomplished without incredible effort and I thank each of our Committee Members, particularly Ranking Member MICA and the Subcommittee Chairs and Ranking Members, for their enormous bipartisan efforts to carry out the agenda of the Committee on Transportation and Infrastructure.

It also cannot be accomplished without a talented, dedicated staff, and I would like to recognize each one by name:

Staff Director David Heymsfeld, Chief Counsel Ward McCarragher, and Administrator Dara Schlieker. Also in the front office: Jimmy Miller, Sharon Barkeloo, Helena Zyblikewycz, Jennifer Walsh, Erik Hansen, Keelin Haddix, Elisa Yi, and Mike Obrock.

Our Communications staff: Jim Berard, Mary Kerr, and Julie Carpenter Lotz.

On the staff of our Subcommittee on Aviation: Stacie Soumbeniotis, Giles Giovinazzi, Jana Denning, Christa Fornarotto, and Pam Keller.

The Subcommittee on Coast Guard and Maritime Transportation: John Cullather, Richard Hiscock, Lucinda Lessley, and Ianta Summers.

The Subcommittee on Economic Development, Public Buildings, and Emergency Management: Susan Brita, Mike Herman, Elliot Doomes, and Alexis Barrios.

The Subcommittee on Highways and Transit: Jim Kolb, Art Chan, Amy Scarton, Jackie Schmitz, Kathy Dedrick, and Peter Gould.

The Oversight and Investigations staff: Trinita Brown, Clay Foushee, Leila Kahn, and Laurie Bertenthal.

The Subcommittee on Railroads, Pipelines, and Hazardous Materials: Jennifer Esposito, John Drake, Niels Knutson, Nick Martinelli, and Rose Hamlin.

The Subcommittee on Water Resources and Environment: Ryan Seiger, Ted Illston, Ben Webster, Beth Goldstein, Rod Hall, and Mike Brain.

The Editorial staff: Tracy Mosebey and Gilda Shirley; and our Information Systems team: Keven Sard and Scott Putz.

Madam Speaker, the Committee on Transportation and Infrastructure has a history of bipartisan cooperation, and our Committee staff on the other side of the aisle share in our success this year. I thank Chief of Staff Jim Coon, Counsel Charles Ziegler, Policy Director Fraser Verrusio, and the rest of the Minority staff for their hard work and cooperation.

The Committee has no plans to slow down. We are hopeful that the House will consider H.R. 1495, the "Water Resources Development Act of 2007", in the coming weeks. We have scheduled 11 hearings and 2 markups for late April and early May. We are just hitting stride.

Madam Speaker, in the words of Vaudeville entertainer Al Jolson, "You ain't seen nothin' yet!"

PAYING TRIBUTE TO OCIE PIGFORD

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor the life and memory of Ocie Pigford, a true legend in law enforcement, who passed away Sunday, March 11, 2007.

Ocie Pigford resided in LaVerkin, Utah, and left a lasting impression on the Las Vegas community. After serving his country in the United States Air Force, Ocie joined the Las Vegas Metropolitan Police Department. Of his many accomplishments as a member of the Metropolitan Police Department, Ocie was most famous for bringing two of the most notorious criminals to justice. In December 1959, he along with his partner, stopped and arrested Richard Eugene Hickock and Perry Edward Smith. They ended a six week nationwide manhunt which started in Holcomb, Kansas. After their arrest these two men were subsequently tried and convicted of killing the Clutter family. Ocie was instrumental in bringing these criminals to justice while protecting the people of Las Vegas.

Madam Speaker, I am proud to honor the life and memory of Ocie Pigford. His service to his Nation and to the people of Las Vegas was commendable. He was truly a dedicated public servant who enriched countless lives in Southern Nevada. He will be profoundly missed.

PERSONAL EXPLANATION

HON. TOM UDALL

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. UDALL of New Mexico. Madam Speaker, on March 26 and 27 I was in my district visiting an area severely damaged by tornadoes that struck over the weekend. Had I been present, I would have voted "aye" on rollcall vote No. 187, "aye" on rollcall vote No. 188, "aye" on rollcall vote No. 189, "aye" on rollcall vote No. 190, "aye" on rollcall vote No. 191, "aye" on rollcall vote No. 192, "aye" on rollcall vote No. 193, "aye" on rollcall vote No. 194, "aye" on rollcall vote No. 195, "nay" on rollcall vote No. 196, "nay" on rollcall vote No. 197, "aye" on rollcall vote No. 198, "aye" on rollcall vote No. 199, "nay" on rollcall vote No. 200, and "aye" on rollcall vote No. 201.

PAYING TRIBUTE TO ROBERT FERRARO

HON. JON C. PORTER

OF NEVADA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 30, 2007

Mr. PORTER. Madam Speaker, I rise today to honor my good friend Robert "Bob" Ferraro for his many years of service to both the state of Nevada and to the residents of Boulder

City, Nevada, where he has served with great distinction and honor.

Bob is a native Nevadan. He attended the University of Nevada, Reno and earned both a Bachelor of Science degree and Master of Science degree. After completing his education, Bob worked at his alma mater for 10 years before moving to Las Vegas to begin working in an engineering firm.

Bob moved to Boulder City in 1970. He began his career in public service in 1976, when he was appointed to a vacancy on the Boulder City Council. This appointment was the beginning of over 30 years of distinguished service to the citizens of Boulder City. Since 1976, Bob has served continuously, either as a council member or as mayor. Bob's service on the Boulder City Council has led to involvement in a number of other organizations. He has served on the Executive Board of the Civilian Military Council, the Nevada Development Authority and the Southern Nevada Regional Planning Coalition/Clark County Debt Management.

Bob has served in his current position as Mayor of Boulder City since 1999. In June of 2003, he was elected to a second 4-year term. During his tenure as Mayor, Bob has committed himself to leading with integrity, vision, and dedication. His leadership philosophy is based upon the notion that the citizens of Boulder City should have access to their elected officials and city government. Additionally, during his tenure as Mayor of Boulder City, Bob has overseen a variety of civic and public works projects that have enhanced the overall quality of life in Boulder City.

Madam Speaker, I am proud to honor my good friend Robert "Bob" Ferraro. Over the past 30 years, he has demonstrated exceptional commitment to improving life for the residents of Boulder City. I commend him for his leadership, his dedication and his distinguished record of service to the Boulder City community. I applaud his service as Mayor of Boulder City and I wish him the best in his future endeavors.

SENATE—*Tuesday, April 10, 2007*

The Senate met at 10 a.m., and was called to order by the Honorable MARY LANDRIEU, a Senator from the State of Louisiana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of life, rescue us from the faults to which we are prone. Keep us from saying one thing and doing another; from criticizing others for what we allow in ourselves. Keep us from demanding standards from others which we ourselves make no effort to fulfill.

Lord, keep us from the indecision that cannot say yes or no. Keep us from the reluctance to break habits which we know are wrong. Keep our Senators today from trying to please both others and You. Keep them from anything that prevents them from giving all their loyalty, allegiance, and heart to You.

Lord, give them Your grace, mercy, and peace. We pray in Your powerful Name.

Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARY LANDRIEU led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 10, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARY LANDRIEU, a Senator from the State of Louisiana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. LANDRIEU thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. First, Madam President, I would like to welcome everyone back here in the Chamber. We have had a week break, and we are king of the hill because the House is out this week, so we don't have to compete with them.

This morning there will be a 60-minute period of morning business, with Republicans controlling the first 30 minutes and the majority controlling the final 30 minutes.

Following morning business, the Senate will debate concurrently the two stem cell bills. Under an order entered prior to the Easter recess, debate on the two bills is for a period up to 20 hours. I anticipate we will enter an order to provide for designated segments of time to be utilized for those who support and oppose the measures. As previously announced, there will be no rollcall votes today. Both the distinguished Republican leader and I have scheduled our work caucuses for tomorrow rather than today, when they normally take place.

Madam President, I have a speech that I am going to give today. I didn't alert the distinguished Republican leader that I was going to give that, so I yield to him, if he has anything he would like to say.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

IRAQ FUNDING AND STEM CELL LEGISLATION

Mr. MCCONNELL. Madam President, I too wish to welcome everyone back.

It had been my hope that the House of Representatives would have appointed conferees on the supplemental appropriations bill for the troops before their departure. I think it is extremely important we finish that bill and get it down to the President for the veto we believe is forthcoming over the language with regard to the troops, the language which, in effect, dictates a withdrawal date and also the excessive spending that is also a part of that bill. So the sooner we can get through this process, the better.

The Joint Chiefs of Staff sent a letter to me, week before last, indicating that if we push this into late April, it creates a lot of problems for the troops. So we hope we can get through this process, resolve our differences, and get the money for the troops at the earliest possible time.

As the majority leader has indicated, we will be going forward with the stem cell issue. There is an alternative proposal by Senator COLEMAN and Senator ISAKSON that we think solves some of the ethical concerns and which will be considered by the Senate. Both will be subjected to the 60-vote threshold, and it is my hope the Coleman-Isakson bill, which could be signed by the President and will actually make a difference, will make it through the legislative process and down to the President for his signature.

Madam President, I yield the floor.

Mr. REID. Madam President, before I go to my formal remarks I have prepared, as I indicated, I have had extensive conversations during the past week with Chairman OBEY, chairman of the Appropriations Committee, and I think we have made progress as to where we need to go in order to do this as soon as possible. There is some controversy over the time limit. We know the President has indicated he needs the money right away, but even last year, when the Republicans were in charge, we finished the supplemental bill in June and there were no complaints at that time.

We have had a statement from the Congressional Research Service that the money will last until sometime in July. Even the Pentagon itself has indicated the money will last until around the first part of June. So we are going to do the very best we can to complete this as quickly as possible. We know it is important, and we will move forward as expeditiously as possible.

During this week, since the House is not here, I intend to continue my dialog with Chairman OBEY. I have not spoken to the Speaker today, but I have a meeting with her later, at 5 o'clock, and so we will move forward, and I appreciate the remarks of the Republican leader.

OPENING OF THE THIRD WORK PERIOD

Mr. REID. Madam President, throughout the world, Easter has been celebrated. This was done on Sunday. On that joyous day, Pope Benedict spoke of the human condition with a very heavy heart, and I quote:

> How many wounds—how much suffering there is in the world. Nothing positive comes from Iraq, torn apart by continual slaughter as the civilian population flees.

As we open the third work period this year, Pope Benedict's words weigh on my mind. I hope we will honor them as we continue to work in a bipartisan manner to address that suffering by moving America in a new direction at home and abroad.

That was the promise we made to the American people when the 110th Congress opened 3 months ago; not a promise made only by Democrats but by Democrats and Republicans. Although we have only completed the first two work periods of the session, we have made considerable progress.

When we began in January, we knew all our goals depended on changing the way Washington works. So our first order of business was passing the toughest lobbying ethics reform legislation in our Nation's history. We were guided through that by the chairman of our Rules Committee, Senator FEINSTEIN.

Next, with the skill of Senators KENNEDY and BAUCUS, we voted to give working Americans a much deserved and long overdue raise by finally increasing the minimum wage.

After the minimum wage, we addressed the fiscal mess left by the last Congress and passed a continuing resolution on a bipartisan basis, then enacted tough spending limits and limited earmarks for this fiscal year.

We then set our sights on keeping our country safe by finally passing the recommendations set forth by the 9/11 Commission, recommendations that came many years ago. This legislation was led by Senator LIEBERMAN, as he skillfully led us on this long overdue legislation.

Next, we passed, under the guidance of our brilliant chairman, KENT CONRAD, a balanced budget that put American families first by cutting taxes for working people, increasing investment for education, veterans, health care, and implementing the same pay-as-you-go rules that every American family must follow.

While addressing these crucial priorities here at home—ethics reform, minimum wage, homeland security, a return to fiscal responsibility, and a balanced budget for working families—we have also continued to seek a new direction for the war in Iraq at every opportunity, as the American people called for us to do last November. That is why we passed—with Senator BYRD and Senator MURRAY—last week an emergency supplemental appropriations bill that fully funded our troops while also setting forth a new course in Iraq.

The President has put our troops in the middle of a civil war. That was never supposed to be their mission. Every day the price we pay grows worse—soon to be 3,300 American lives lost, tens of thousands more wounded, and according to the Massachusetts Institute of Technology, 600,000 Iraqis have been killed. Our American Treasury has been depleted by about a $½ trillion because of this war. Yet there is still no end in sight for our troops or our taxpayers.

Let me be clear. Democrats are committed to giving our troops the funds they need. The supplemental appropriations bill that we are trying to send to President Bush will provide every dollar the commander has requested and it will go further by providing funding to address the unconscionable conditions at Walter Reed and the other military health care facilities the President's budget left out.

Democrats are united in our commitment to fully funding our troops on the ground in Iraq and here at home, but we are also committed to providing our troops a strategy for success in Iraq, which President Bush has failed to do from the very start of this war more than 4 years ago.

Virtually all experts, military and civilian, agree the war cannot be won militarily. Success can only come when all the political leaders in Iraq reach a settlement. Even General Petraeus, who is our commander on the ground there, said that only 20 percent of the war can be won militarily. It can only be won politically, diplomatically, and economically. Eighty percent of the war must be conducted through economics, through politics, and through diplomacy.

Pope Benedict, the spiritual leader of more than a billion people, said on Easter Sunday, and again I quote:

> Nothing positive comes from Iraq, torn apart by continual slaughter as the civilian population flees.

That is why we are telling the President he needs to make good on his promise to get the Iraqi people to meet the benchmarks they set for themselves but have never followed through on. After 4 years, it is long past time for Iraq to take responsibility for its own failures and its own future.

American troops are putting their lives at risk every single day, but Iraqi leaders are not willing to take the political risk of governing their own country. That must change. That is what Congress is demanding, that is what the American people, by a large majority, demand. The President should be leading us in that direction, not threatening to veto funding for our troops unless we rubberstamp his flawed plan.

Over the next 2 weeks, the President has an opportunity to work with Congress to let his views be heard on how to improve this bill. Speaker PELOSI and I invited him last month to sit down and work with us to develop a strategy together. We remain ready to do that. But this will require a commitment by the President to move beyond the political theater and take a seat at the table of negotiation, of compromise, of direction change.

Recall the Pope's Easter message: "Nothing positive comes from Iraq."

While we continue to press the President and his supporters in Congress to chart a new course in Iraq, we will move to the next set of issues crucial to the American people: expanding Federal funding for stem cell research, lowering Medicare prescription drug costs, delivering a new national energy policy, and implementing tough, fair immigration reform.

This week, we will focus the Senate's attention on S. 5, the Stem Cell Research Enhancement Act. We will be led by Senators HARKIN, KENNEDY, and FEINSTEIN. Democrats and Republicans joined together last year to pass legislation that would have made stem cell lines more available to scientists, while at the same time strictly regulating how they could be used. This legislation gives hope to millions of Americans.

The actions of the Senate and House gave hope to as many as 100 million Americans and tens of thousands of Nevadans who suffer from cancer, diabetes, Alzheimer's, Parkinson's, spinal cord injuries, heart disease, and Lou Gehrig's disease. Sadly, President Bush vetoed that bipartisan bill, and as a result we must take on this urgent cause again. This week, we will debate the Stem Cell Research Enhance Act and will fight to see that it becomes law.

Following debate on the stem cell bill, we will turn our attention to reducing drug costs for senior citizens. The flaws in the Medicare drug program are well documented, but many of them can be traced back to one simple fact: The current law puts drug companies and insurance companies ahead of seniors. Regardless of whether we supported or opposed the law that created the Medicare drug benefit, all of us want to make the program work better for seniors and people with disabilities, and right now they are paying too much because the Federal Government is unable to negotiate lower priced drugs. S. 3, the Medicare Prescription Drug Price Negotiation Act of 1967, will fix that injustice by making it easier for the most vulnerable in our society to afford the medicine they need.

We are being told by the minority that they are not going to allow a provision to be changed in the law which says Medicare can negotiate for lower price drugs. Why? I guess they and the President believe that HMOs and insurance companies and all these managed care entities deserve to have an advantage over Medicare. It is unfair. Medicare should be able to negotiate for lower prices and, in effect, compete with these money-hungry HMOs and insurance companies.

Next, we will move to energy legislation that will improve our national security and protect our environment. For the past several weeks, gas prices have risen dramatically. Last week, they rose 11 cents—in 1 week. The average price I heard in this morning's news is about $2.90 a gallon. In places in California, it is approaching $4 a gallon for gasoline. One reason for this spike is the fear premium caused partially by the administration's inept foreign policy. Another reason is the empty words and unfunded promises of the administration's shortsighted energy policy. President Bush's budget choices have robbed the Treasury of the funds we need to invest in a better, more sustainable energy policy, and his friends in the oil and energy industry have failed to fill the void by investing in alternatives to oil.

I am hopeful in the coming weeks the Senate will consider legislation that will put us on the right track toward increased production and use of renewable fuels, renewable electricity, and energy-efficient products, buildings, and vehicles. This will improve our energy security and reduce the risk of global warming.

After energy policy, we will focus on the challenge of comprehensive immigration reform. We all agree America's immigration system is broken; our borders remain unsecured. Our laws remain underenforced. Eleven or twelve million undocumented immigrants continue to live in the shadows. Last year, the Senate passed bipartisan immigration reform that would have fixed our broken borders. Unfortunately, the legislation fell victim to partisan politics in the House and to inaction by the President, so we must readdress the issue—again. We will start with a bill that takes a tough and smart approach to fixing the borders, cracking down on enforcement, and laying out a path to earned legal status for undocumented immigrants already here and contributing to our society.

In January, we promised the American people a new era of open, honest Government. We promised a new direction that will put families and working people, college students and senior citizens first. We also promised a new course in Iraq that honors the service of our men and women in uniform. Heaven knows we have tried, but the President is charging forward with the same mindless strategy in Iraq that the Pope calls a continual slaughter. Defined in the dictionary, slaughter is to kill in a bloody and violent manner and in large numbers. This slaughter must end. For the sake of humanity and our country, it should be no more.

In these first few months, we have made progress. As we begin our third work period, there is much left to be done, but I am confident that with a continued commitment to bipartisanship, we will rise to the challenges ahead and answer the call for renewal of the American dream.

It would be wrong for me not to end by saying we have had the cooperation, most of the time, from the minority. It has been most helpful. We could not have passed these bills without the help of the Republicans. I have a warm, cordial relationship with my counterpart, Senator MCCONNELL. He is easy to work with. We have had some procedural bumps in the road, but we have worked through those, and as a result of this we have been able to accomplish some good things for our country.

I apologize to my colleagues for taking the time I did, but I ask that there will be a full hour for morning business—is that true?

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I thank the Chair.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business, not to exceed 60 minutes, with Senators permitted to speak for up to 10 minutes each, the first 30 minutes under the control of the Republicans and the second 30 minutes under the control of the majority.

The Senator from Wyoming.

IRAQ

Mr. THOMAS. Madam President, I will take my 10 minutes this morning. I wanted to speak a little bit about the Iraq supplemental bill which is really the issue that is pending. We are not going to be able to get to it today, but nevertheless it is the pending unfinished business.

Despite what the majority leader has indicated, it is too bad we have not been able to move this forward. The Senate went on Easter recess, of course. The majority stressed the importance of completing the bill before the end of March and getting it to the President without delay. Democrats in the Senate, of course, have blocked votes on the amendment to supplement the part that we could have—where they indicated they wanted to speed up the process. Regrettably, we are now on the 64th day since the President submitted his request to Congress, and we have still not sent up a bill.

To make matters worse, we don't even have a conference committee in place to work out the differences between the bill that has been passed in the Senate and the bill that has been passed in the House. The Senate is ready for a conference for this bill. The committee of the conferees has been announced, and they are prepared to get this work done. On the other hand, the House of Representatives is on recess and no House conferees. So we are still held up, and will be, on the bill that is really important and needs to be moved. While our troops at home and overseas are facing funding uncertainties, the Democratic House leadership is taking a couple of weeks off. This makes it very difficult.

We talked about what we are going to accomplish. It is interesting to accomplish it in the Senate, but it has to go through the House and the Senate and then to the President to have the impact the bill is supposed to have. The Speaker of the House should call the Members back to Washington to complete the supplemental bill and get it to the President by the end of the week. I would like to associate myself with the letter that was sent to the Speaker of the House asking her to call the body back to Washington.

It is important to remind people that our troops did not take the week off. Our military leaders are in the best position to know the needs of our troops. They have left no doubt that the funding is urgent and needed without strings and pork.

Last week, my staff met with General Mattis and General Lehnert of the U.S. Marine Corps at Camp Pendleton. For those of you who do not know General Mattis, he is a straight-shooter, my kind of marine. He offered a grim assessment of the barracks the marines will be returning home to. His report concluded that conditions are unacceptable for the marines and sailors who have just returned from the combat environment. Repairs and maintenance are needed. The service is ready to act. Unfortunately, the first items that will be cut when funding begins to dry up will be this maintenance. So, even though certainly we will have to get money to the troops, this delay will have an impact on the troops who are returning. More and more marines and their families will be seeking counseling, and there will be cuts in the counseling programs that are available for our returning service people. These programs may not be available if we do not move forward. Of course, as I said, it has been 64 days since the start of this issue. Certainly we need to take care of our marines' mental health and see to it that they are not living in dilapidated barracks and we are going to have to work hard to get this done. It is very simple. We can do that.

Over the Easter break, I joined with others welcoming home the Wyoming Army National Guard's 2nd Battalion, 300th Field Artillery Unit. Let me tell you, to get these troops back home was one of the great events I have seen in a very long time. Like those who came home before them, I am so proud of their service and their sacrifices. Given the lack of passage of the supplemental that was submitted to Congress 64 days ago, I am not sure their return would have happened if it had been scheduled for a few months from now.

Our first and only priority should be the funding to our troops in the field. Unfortunately, the emergency legislation is larded up with pork and extraneous measures. Not only does the legislation attempt to tie the President's hands by micromanaging, but the majority is trying to push through pet projects at the expense of funding our troops.

When the House does return and finally appoints conferees, I hope this Congress does the responsible thing and sends the President a clean bill. Our troops deserve that the Congress give them the funding they need to succeed.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Utah.

THE ECONOMY AND SYRIA

Mr. BENNETT. Madam President, during the week we were back in our home States getting acquainted with our constituents, there was more good news on the economy. I had expected to spend my 10 minutes here talking about the economy. I will do that briefly, but I intend to move to another issue which came out during the week of recess which I think deserves comment.

The news came out about the number of new jobs created in the month of March and a revision upward of the number of new jobs created in February. Without going through the details, I will summarize what this news really means with respect to the recovery as a whole.

Ever since the economy started its recovery after the recession that began in mid-2000, we have created, now, more than 150,000 new jobs every month; every month, 150,000 new jobs over a period of more than 40 months. That sounds impressive, but let's go behind the figures and look at what is really happening in the economy to understand how impressive it should be.

Oversimplifying but taking a number that describes what is happening, every month approximately 900,000 Americans lose their jobs. Their company goes out of business, the company cuts back, things change, they retire and the job is not replaced—whatever it may be, every month roughly 900,000 jobs disappear.

In order for us to be able to say accurately that we have created more than 150,000 new jobs every month, that means the number of new jobs created every month is not 150,000, it is 1,050,000, to produce a net of 150,000. To produce 1,050,000 new jobs every month for over 41 months—which is the record of this economy and this recovery—is pretty extraordinary. Frankly, it is unusual. We take it for granted in America because it happens in our dynamic economy almost automatically. If you go to other economies in the world, you find that this does not happen. Unemployment is high, is stagnant, is continual.

I was in Europe a month or so ago, and picking up an international paper, it said: The German economy is coming back. Unemployment is now down. And then there was another headline that said: The American economy is fairly stagnant; unemployment is stable.

We found, during the break, unemployment hit 4.4 percent. It is as low as it was at the end of the last economic boom. The Germans were excited that their unemployment record was now out of double digits, getting down into the 9, maybe even 8 percent level. That is exciting for them.

The American economy is doing well and does not get the credit it deserves. Perhaps it is the political atmosphere in which we operate, but we keep hearing this described as the Rodney Dangerfield recovery.

It is strong. It is powerful. It is creating new jobs. But if you listen to some, it is in a state of constant disaster. The figures that came out during the break made it clear: The economy is not in a state of constant disaster; the economy is still strong.

However, there was something else that came out during the break which I think deserves some comment. I turn for my text in this matter to a source that is not usually thought of as being particularly friendly to Republicans. I am talking about the Washington Post editorial page.

I was a little stunned, out in Utah dealing with my constituents and getting reacquainted with some real people who have different kinds of priorities than those we normally have here in Washington, to read about Speaker PELOSI's venture into the Middle East. I picked up, via the Internet, an e-mail, a copy of the editorial that ran in the Washington Post.

I think it deserves some review. It is entitled: "Pratfall in Damascus," and the subhead is: "NANCY PELOSI's foolish shuttle diplomacy." The opening paragraph begins this way: House Speaker NANCY PELOSI offered an excellent demonstration yesterday of why Members of Congress should not attempt to supplant the Secretary of State when traveling abroad.

I have traveled abroad, Madam President, as have you. I went abroad when Bill Clinton was the President of the United States, and I traveled with Phil Gramm of Texas. I do not think anybody has ever accused Phil Gramm of Texas of being particularly fond of Bill Clinton. Every country we went to where Senator Gramm was leading the delegation, the first place we went was to the Embassy. Senator Gramm said over and over again to these ambassadors, every one of whom had been appointed by President Clinton: We are here to help you, Mr. Ambassador, or Madam Ambassador. Tell us what we can do in this country where you are representing the United States that can be of value to you. How can a congressional delegation of varying sizes—usually fairly large—be supportive of the work you are doing in this country?

Then when we met with leaders of the country, whether it would be the chief of government or the chief of state, sometimes both, or lower level officials, we always had in mind what we could say and do to support the Clinton State Department's position as represented by the Clinton Ambassador.

I have traveled with the majority leader, Senator HARRY REID. We have gone to various places in Europe and in South America. In every instance, Senator REID went out of his way to make contact with the U.S. Ambassador appointed by President Bush, and to make sure our delegation was properly briefed by that ambassador to make sure we did not do something stupid out of our ignorance while we were in that particular country.

I contrast that behavior by Republicans traveling abroad, behavior by Democrats traveling abroad, with the kind of behavior we saw from Speaker PELOSI. I go back to the Washington Post editorial. I must read in its entirety the final paragraph, because it lays it out far better than I can.

The paragraph refers to a statement by NANCY PELOSI:

> We came in friendship, hope and determined that the road to Damascus is a road to peace.

Then the editorial says, and I quote:

> Never mind that that statement is ludicrous: As any diplomat with knowledge of the region could have told Ms. Pelosi, Mr. Assad is a corrupt thug whose overriding priority at the moment is not peace with Israel but heading off U.N. charges that he orchestrated the murder of the former Lebanese prime minister. The really striking development here is the attempt by a Democratic Congressional leader to substitute her own foreign policy for that of the sitting Republican President. Two weeks ago Ms. Pelosi rammed legislation through the House of Representatives that would strip Mr. Bush of his authority as commander-in-chief to manage troop movements in Iraq. Now she is attempting to introduce a new Middle East policy that directly conflicts with that of the President.
>
> We have found much to criticize in Mr. Bush's military strategy and regional diplomacy, but Ms. Pelosi's attempt to establish a shadow Presidency is not only counterproductive, it is foolish.

That happened while we were on break. There are some who hope it disappears in memory, and in the words of George Orwell, that it goes down the memory hole and never gets called up again.

I was going to talk entirely about the economy, but I think this is something, now that we are back in session, that we should take time to talk about. I hope with this kind of scolding from the Washington Post—I understand there were other newspapers also that took the same position, newspapers that are not favorable to Republicans generally—I would hope the Speaker would realize she has made a rookie mistake and that she will not do it again.

Madam President, I yield the floor.

SUPPLEMENTAL APPROPRIATIONS

The ACTING PRESIDENT pro tempore. The Senator from Texas is recognized.

Mr. CORNYN. Madam President, listening to the distinguished Senator from Utah, I could not help but agree with him that it is refreshing to go back to our States to talk to people whose priorities are different from those in Washington, DC, and to sort of decompress a little bit and get in touch with reality once again.

Washington, DC is a fascinating place, but it is kind of like coming to Disneyland in some ways. It is not real in many respects, although as we all know, important decisions are made here that affect the lives of all 300 million people in the United States and people all across the world.

It is one of those decisions, or should I say nondecisions, that I will rise to speak on briefly this morning. It is more in sorrow than in anger, but I am speaking specifically of the fact that it has been more than 60 days since the President sent up an emergency war spending bill to Congress. Now 60 days, more than 60 days, have passed, and the troops still do not have the money and the House of Representatives has yet to appoint conferees so we can move forward on getting that money to our troops. In fact, the House is in recess for an additional week. Our men and women in Iraq and Afghanistan, of course, do not have the liberty of taking a recess in the middle of the battle they have so nobly and valiantly committed themselves to fight. While they are living up to their responsibilities, I think it is important for Congress to live up to its responsibilities too. Of course, the message they are seeing is more than a little bit confusing, and I regret that, honestly, because while the Senate majority leader, Senator REID, at one point has said we are not going to do anything to limit funding or to cut off funds—he made that comment on November 30, 2006—on April 2, 2007, he made the announcement that, in fact, he was going to cosponsor Senator FEINGOLD's legislation that would do exactly what he said he wouldn't do a few short months before; that is, cut off funds to support the troops.

Notwithstanding that position, we did, in fact, pass the funding bill, but, unfortunately, it contained unnecessary spending and in effect a surrender date for our enemy to see. I cannot bring myself to understand how someone can say they support the troops with the surrender date or porkbarrel spending necessary to secure the votes to pass it, because it could not pass on its own merits.

I have, in fact, joined the rest of the Senate and House Republican leadership in sending a letter to Speaker PELOSI, urging her to call the House back into session immediately so Congress can finish its work on this important emergency spending bill.

Keep in mind, funding for these troops has been pending since February 5, and because of the unnecessary strictures on the President's authority as Commander in Chief, where Congress has, in effect, deemed to act like an armchair general, all 535 of us, to dictate the tactics of the battle 6,000 miles away, the President said he is likely to veto the bill unless it is changed substantially through a conference committee. The Senate, of course, appointed conferees on March 29, but the House never did, despite passing the bill a week earlier.

Senator HARRY REID, the Senate majority leader, said he hoped the conference committee would begin on March 30, but, unfortunately, that hasn't happened, and again our troops still do not have the resources they need.

Lest there be any doubt, this is what the Army Chief of Staff, General Schoomaker, has said: Without approval of the supplemental funds in April, we will be forced to take increasingly Draconian measures which will impact Army readiness and impose hardships on our soldiers and their families.

Secretary of Defense Gates also emphasized the danger of delay. He said: This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families.

Some have suggested this is all a bluff, and that our military can wait until July to get the funding from this emergency supplemental. That is simply not correct. As a matter of fact, Secretary Gates listed the specific cuts the Army would be forced to consider in the upcoming months. He said: If the supplemental is not passed by April 15, the Army—which has the majority of all forces in Iraq—could have to curtail and suspend home station training for National Guard units, slow the training of units headed to the wars, stop paying for facilities upgrades at home bases, and stop repairing gear needed for predeployment training.

He said: If May 15 comes and goes without passage and seeing the funds go to the troops, even more devastating cuts would result, including a slowdown in depot repair work, slowing brigade combat team training, which would force the extension of units in theater—in other words, the troops could not rotate back on a timely basis as they and their families expect they will—and it would cause the implementation of a hiring freeze, among other moves.

I cannot understand how we can claim to support our troops and yet put them in increased jeopardy as a result of our failure to act. That is why I believe it is so important that we get these funds to the troops as soon as we can, stripped of these extraneous strictures on our troops, artificial deadlines sending a white flag of surrender, letting our enemy know when we are going to quit. It needs to be stripped of those provisions as well as the porkbarrel spending our troops ought not to have to bear, in addition to the other burden they and their families bear on our behalf.

Madam President, I yield the floor and I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Ms. LANDRIEU. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. AKAKA). Without objection, it is so ordered.

IN MEMORY OF COACH EDDIE ROBINSON

Ms. LANDRIEU. Mr. President, I rise today in morning business to speak about the passing of an extraordinary man. Today, in Baton Rouge, in the capital, the son of a sharecropper will lie in state. It is a fitting tribute to Coach Eddie Robinson, the winningest coach in the history of football, but a man who excelled beyond the playing field, a man whose life touched hundreds and thousands of athletes, on the field and off, and millions of lives in a positive way around the world.

I rise to pay him tribute today. He is a true American hero. He began coaching in 1941 at Grambling State University. During his 57-year coaching tenure, he won more than 400 football games—more than any other coach before him—and 17 championships in the Southwestern Athletic Conference.

Coach Robinson shattered the glass ceiling that had always held back the true potential of African-American players and coaches. He did it with a strong and indomitable spirit and with determination and love of country.

In a time before the civil rights movement, when overt and state-sponsored racism was the order of the day and permeated both college and professional sports, Coach Robinson proved that all athletes deserve to compete on the same playing field.

Through the years, more than 200 of his players have played in the NFL, including Paul "Tank" Younger, the first NFL player from a predominantly African-American college.

Coach Robinson was personally responsible for paving the way for hundreds of African-American players to have the opportunity to play in the NFL and, as well, to play in majority White colleges and universities throughout the country.

His legacy includes one of the most exciting annual matchups in college sports held every year: the Thanksgiving Bayou Classic football game, held usually in New Orleans, LA, between Grambling State, his beloved university, and Southern University of Baton Rouge.

But his achievements are not limited to his athletic victories. He taught the players the meaning of teamwork and patriotism, self-respect and hard work. He provided them with real lessons of life that extended far beyond the playing field.

After their experience at Grambling, I know how proud he was to see his young athletes excel and move all over the world, impacting the wider community in business and in athletics, as well as in general community service in multiple ways.

He leaves behind a vibrant legacy. He leaves behind a legacy of mentorship that is truly unmatched. He leaves behind a loving and wonderful family, a faith that permeated his entire life and had impact throughout the community. He leaves behind a life well lived and a model for all.

One of his former players said it best when he said: "Everyone wanted to be like Eddie."

Mr. President, I close these remarks today by saying that I, like most everyone in Louisiana, knew Coach Robinson. We had been in his presence. We had watched him coach. We had heard him laugh. I had the great privilege of spending some time with him recently at his home in Grambling, with his wife Doris and some of the family members. I could not help to be, even at his late age of 88, impressed with his strong and wonderful spirit. When he was just a few years younger, as he walked into the room, you could feel that spirit immediately.

So it is with great sadness that we say good-bye to Coach Eddie Robinson. But it is with great joy we share with the world this man, the son of a sharecropper, a man who refused to let the limits of even the laws of those times and the limits of the culture in which he lived to stop him or to stop his belief in the young men and women he coached and served.

So we say good-bye today. But he is getting a proper tribute lying in state at our State capital in Baton Rouge, and we are confident his legacy will live on.

In my last visit with his family, I hoped and suggested we could build a museum in his honor. I am hoping it is something in which Members of this Congress will join with our leaders at home—not just any museum but a museum that will honor his life and legacy; a place where athletes, professional and amateur, could receive ongoing training and support both scholastically as well as in terms of general leadership, so his legacy could live on. Perhaps this place or the center of learning and leadership should be located either on or somewhere very near the Grambling campus where he served for so many years.

So, again, it is with great sadness we say good-bye, but with great pride in a true American hero, Eddie Robinson.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Chair recognizes the Senator from Iowa.

Mr. HARKIN. Mr. President, I ask unanimous consent to yield back the remaining time in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZING LEGAL COUNSEL REPRESENTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 140, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 140) to authorize legal representation in In the Matter of the Application of Committee on Finance.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, this resolution concerns a request for representation of the Committee on Finance in a proceeding in the U.S. District Court for the District of Columbia. The Finance Committee has obtained from that court, in connection with a hearing the committee is holding this Thursday, a writ compelling the production of a Federal prisoner, whom the committee has scheduled to appear as a witness before it.

Notwithstanding the long history of congressional committee seeking, and the court's approving, such writs to authorize the production of Federal prisoners to provide needed testimony before Congress, the U.S. Department of Justice has moved to quash the writ in response to objections made by the Bureau of Prisons to decisions the committee made about the organization of its hearing and presentation of its witnesses. The Justice Department's motion to quash challenges the authority of the court to issue a writ compelling a federal prisoner to be produced to appear in a congressional as opposed to a judicial proceeding.

This resolution will authorize the Senate legal counsel to represent the Finance Committee in connection with this proceeding in order to protect the committee's interests in obtaining testimony it needs.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution and the preamble be agreed to en bloc, the motion to reconsider be laid upon the table, and that any statements related thereto be printed in the RECORD, with no intervening action.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 140) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 140

Whereas, in a proceeding styled In the Matter of the Application of Committee on Finance for a Writ of Habeas Corpus Ad Testificandum, Misc. No. 07–134, in the United States District Court for the District of Columbia, the Senate Committee on Finance filed an application for a writ of habeas corpus ad testificandum;

Whereas, on April 4, 2007, the Chief Judge of the United States District Court for the District of Columbia issued the writ sought by the Committee;

Whereas, the United States Department of Justice has raised questions about the Committee's application for the writ and the writ that was issued;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. §288g(c), the Senate may direct the Senate Legal Counsel to perform such duties consistent with the purposes and limitations of title VII of the Ethics in Government Act as the Senate may direct: Now, therefore, be it

Resolved That the Senate Legal Counsel is authorized to represent the Committee on Finance in the proceeding styled In the Matter of the Application of Committee on Finance for a Writ of Habeas Corpus Ad Testificandum, Misc. No. 07–134 (D.D.C.).

ORDER OF PROCEDURE

Mr. HARKIN. Mr. President, I ask unanimous consent that on Tuesday, or today, the debate with respect to the stem cell bills be in alternating segments of 60 minutes as follows:

Sixty minutes under the control of Senator HARKIN or his designee; the next 60 minutes under the control of the Republican leader's designee, Senator COLEMAN; the next 60 minutes under the control of the majority leader or his designee; and then the next 60 minutes under the control of Senator BROWNBACK; and continuing in that alternating fashion until 9 p.m. on Tuesday.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

HOPE OFFERED THROUGH PRINCIPLED AND ETHICAL STEM CELL RESEARCH ACT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to the consideration en bloc of S. 5 and S. 30, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research.

A bill (S. 30) to intensify research to derive human pluripotent stem cell lines.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I noted as the clerk reported the bill, S. 5, she reported it as an amendment to the Public Health Service Act, and that is what this debate is all about and that is what this vote is going to be about. It is going to be about public health of people in this country and around the world and whether they are going to have hope that they will see a future in which modern medical science can actually overcome and cure things such as Parkinson's disease, Alzheimer's, heart disease, spinal cord injuries, and a host of other illnesses. That is what this debate is about. It is about hope. It is about health. So today begins 20 hours of Senate debate on a bill to lift the administration's restrictions on stem cell research and bring hope to millions of people in this country who are suffering from illnesses such as ALS, juvenile diabetes, Parkinson's, spinal cord injuries, and so many other devastating diseases and conditions.

Most Americans probably find it hard to believe we are still arguing about this issue. They want more stem cell research. They have listened to the scientists. They have watched the House and Senate vote overwhelmingly during the last Congress to expand the administration's policy. Then they went to the polls in November and more often than not elected candidates who support stem cell research. So why are we still debating this? The answer, unfortunately, is simple: President Bush used his first—and so far only—veto of his administration to reject last year's stem cell bill and dash the hopes of millions of Americans. So we are back once again.

I thank my colleagues in the Senate who have worked together on this issue, starting, of course, with my colleague Senator ARLEN SPECTER of Pennsylvania. He chaired the very first hearing in Congress on embryonic stem cells in December of 1998. In all, our Labor, Health, and Human Services and Education Appropriations Subcommittee has held 20 hearings on this research since then under the chairmanship of Senator SPECTER. I also thank the other Senate leaders on stem cell research, including Senator HATCH, Senator KENNEDY, Senator SMITH, and Senator FEINSTEIN. So counting Senator SPECTER and me, there are three Republicans and three Democrats on that list, and this has truly been a bipartisan effort all the way. I thank our majority leader Senator REID for scheduling this debate and making sure it is one of the first issues we vote on in the 110th Congress. I also thank our Republican leader Senator MCCONNELL for working with us to schedule this debate and this vote tomorrow.

Most of all, I thank the hundreds of thousands of families and patients who never gave up, who kept up the pressure to bring this bill to the floor and who were so eager to see S. 5 sent to the President's desk. They have kept the faith and now it is our job to see that they are not disappointed.

There is probably one other entity I should thank and that is the House of Representatives, under the able leadership of Speaker PELOSI, which passed this bill earlier this year and sent it over to the Senate. I will talk a little bit later about how our bill differs from theirs, but nonetheless, the bill they passed is a bill that mirrors the same thing we are doing here, and that is to lift the restrictions on embryonic stem cell research.

Under this unanimous consent agreement we have, for information, we will debate and vote on two bills. Make no mistake, however: The only one that matters is S. 5, the Stem Cell Research Enhancement Act. The other bill is S. 30. This is the one bill that at long last will unleash some of the most exciting and promising research of modern times. Think of it this way: S. 5, the bill we will be debating and voting on, will take the handcuffs off of our scientists. It will take the handcuffs off so they can now begin to do the research that will lead to miraculous cures and interventions.

It is a good time to step back and ask: Why is there so much support for S. 5? Well, I have a letter signed by 525 groups endorsing this bill, including patient advocacy groups, health organizations, research universities, scientific societies, religious groups. There are 525 groups in all. They all agree Congress should pass S. 5. Why is that? Because it offers hope. I have a series of charts here which I will point to. S. 5 offers hope. I think this chart illustrates many—not all but many—of the ailments which scientists tell us embryonic stem cells could lead to interventions and cures for, including Lou Gehrig's disease, Alzheimer's, Parkinson's disease, muscular dystrophy, anemias, severe burns, leukemia, lymphoma, bone marrow disorders, diabetes, immune deficiencies, heart disease, and spinal cord injuries. That is just to name a few. There are many more, but my colleagues get the idea of how all encompassing the approach would be if we were to get into embryonic stem cell research. It is not just focused on one thing; it is broader than that. It encompasses so many illnesses and afflictions. All told, more than 100 million Americans have diseases that one day could be treated or cured with embryonic stem cell research.

But it is not just Members of Congress saying that. No one should take our word alone. Three weeks ago Dr. Elias Zerhouni, who is the Director of the National Institutes of Health, appeared before our Appropriations subcommittee. I asked him whether scientists would have a better chance of finding new cures and treatments if the administration's current restrictions on embryonic stem cell research were lifted. Dr. Zerhouni said unequivocally: Yes. Now, Dr. Zerhouni is the Federal Government's top scientist in the area of medical research. President Bush appointed him to be the Director of the National Institutes of Health. So it took great courage on his part to say in public we need to change direction on stem cell research, but he did so because it is the truth.

This is his quote. This is what the Director of the National Institutes of Health said before the subcommittee:

> It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more cell lines.

It is not only NIH scientists who believe this way. Dr. J. Michael Bishop, who won the Nobel Prize in medicine, wrote recently:

> The vast majority of the biomedical research community believes that human embryonic stem cells are likely to be the source of key discoveries related to many debilitating diseases.

Dr. Harold Varmus, the former Director of the National Institutes of Health, who just preceded Dr. Zerhouni and who himself is a Nobel Prize winner, wrote in a letter dated yesterday:

> S. 5 represents an important step forward for human embryonic stem cell research, a new field that offers great promise for the replacement of damaged cells, the understanding of the mechanics of disease, and the development and testing of new drugs. Unfortunately, current Federal policy has not kept pace with the speed of scientific discovery and is today of limited value to the scientific community.

I could go on and on. We have a lot of scientists all over this country and the world who agree we should be pursuing embryonic stem cell research because it offers enormous hope for easing human suffering. Some may ask: I thought the Federal Government already supports embryonic stem cell research. Well, here we have an interesting situation in terms of Federal funding for embryonic stem cell research.

I have to take my colleagues back in time to August 9 of 2001. In an evening address starting at 9 p.m. on August 9 of 2001, the President, in an address to the Nation, said we were going to permit Federal funding for embryonic stem cells only if they were derived prior to 9 p.m. on August 9 of 2001. Any that were derived after that we could not fund research on. Well, at this time it was said there were 78 lines, 78 stem cell lines we could use. We know that is less than 21 now and many of these are in bad shape, and every single one of them contaminated on mouse feeder cells, which I will talk about in a moment. I always thought it was kind of interesting and very curious that we had this hypocrisy—I call it stem cell hypocrisy—that before 9 p.m. on August 9 of 2001, it is morally acceptable to use taxpayers' dollars to fund embryonic stem cell research. So if the stem cells were derived before 9 p.m., it is morally acceptable, but if they were derived after 9 p.m. on August 9, it is morally unacceptable. Well, I ask, what is so significant about 9 p.m. on August 9? Why couldn't it have been 8:30 p.m., 9:15 p.m., midnight, or 10 p.m? Well, I think my colleagues get the point. It is totally arbitrary—totally arbitrary. We have to ask ourselves: Why is it that Federal tax dollars can be used on embryonic stem cells derived before 9 p.m.—that is OK—but after 9 p.m., it is not OK? Please, someone tell me why 9 p.m., August 9 is the moral dividing line. It is totally arbitrary.

Even with that, we had hoped the President's policy would work, but it hasn't. Here is why. As I said earlier, on that date, the President said there were 78 stem cell lines available. We now know only 21 are eligible. It is not nearly enough to reflect the genetic diversity scientists need to develop treatments for everyone in the country. What is more, every single one—every single one of these approved lines—is contaminated by mouse feeder cells. What that means is when you take the stem cells and you propagate them, you get them to grow, you do them in a medium. You grow them in a medium. They were grown on mouse cells, mouse feeder cells, so they are all contaminated. Ask yourself: Would you want to take the possibility that somehow mouse cells are getting into your body because of stem cells? No. Many of the 21 lines are too unhealthy. They have degenerated. They are unhealthy. As a matter of fact, I have been told we are down to about right now only four.

Dr. Elizabeth Nabel, the Director of the NIH Heart, Lung and Blood Institute, said only 4 of the 21 federally approved lines are in common use by NIH-funded scientists. Only four. Dr. Jeremy Berg, another NIH Director, was a little more generous. He said there are six lines in common use. Well, four or six, you get the picture. It is not 78, it is only 4 or 6. Again, they are contaminated with mouse feeder cells. So some stem cell research is taking place, but our top scientists are working with one arm tied behind their backs because of these restrictions. It is having a chilling impact on the scientists who are thinking about entering the field.

According to Dr. Nora Volkow, Director of the NIH Drug Abuse Institute, the administration's policy is discouraging scientists from applying for NIH funding to conduct stem cell research. In a letter to me last year, she wrote:

> Despite general interest and enthusiasm in the scientific community for embryonic stem cell research, the limited number of available lines has translated into a general lack of research proposals.

So the President's policy, which we have had in effect since August 9, 2001, is not a way forward; it is an absolute dead end for research. It only offers false hope to the millions of people across America and the world who are suffering from diseases that could be cured or treated through embryonic stem cell research. Meanwhile, hundreds of new stem cell lines have been derived since the President's arbitrary time of August 9, 2001. The NIH estimates there are about 400 different stem cell lines worldwide. Many of those lines are uncontaminated and healthy, but they are totally off limits to federally funded scientists.

Scientists in many other countries around the world don't face these kinds of arbitrary restrictions. We have talked to researchers in England, for example. Our policy makes no sense to them. They cannot understand why stem cell lines derived on one date are fine to use, but if they are derived on another date, they are off limits. I don't understand that, either. I have wrestled with that since August 9, 2001.

If you are going to take the position that this is totally morally unacceptable and there should be no Federal funding, then we should have no Federal funding, and there are four or five lines that are now being examined and studied that should not be allowed, either. But I have not seen any amendment from anyone here that would even overturn that policy. It is a shame that we don't open these stem cell lines. Think about it this way. We don't require astronomers to explore the skies with 19th century telescopes. We don't tell our geologists to study the earth with tape measures. If we are serious about realizing the promise of stem cell research, our scientists need access to the best stem cell lines available.

Again, don't take my word for it. Dr. Story Landis runs the Stem Cell Task Force at NIH. In January, she appeared before a joint hearing of the HELP Committee, chaired by Senator KENNEDY, and my subcommittee. Senator KENNEDY asked her whether scientists are missing out on possible breakthroughs under the administration's current policy, and this was her answer:

> Yes, we are missing out on possible breakthroughs. From a purely scientific perspective, Federal funding of additional cell lines is necessary to advance the field.

This is Dr. Landis, head of the Stem Cell Task Force at NIH.

So we need a stem cell policy in this country that offers true, meaningful hope to patients and their loved ones. That is what this bill, S. 5, would do. Under our bill, federally funded researchers could study any stem cell line, regardless of the date a stem cell is derived, as long as strict ethical guidelines are met.

I believe it is important to emphasize this: We have very strict ethical guidelines. First, stem cells must come from embryos that would otherwise be discarded. There are more than 400,000 embryos right now in the United States left over from fertility treatments that are currently sitting frozen in liquid nitrogen. If the contributors of those embryos—the parents, the moms and dads—have had all the children they want and they no longer need the embryos, what happens to them? Under the policy we have now, there are only two things: You can keep them frozen for the next 10,000 or 20,000 or 50,000 years, or however long, or you can discard them. That is what is happening every day at in vitro fertilization clinics across the country. Embryos are being discarded as hospital waste.

Now, you might be a couple who says: We have had all our children, and we don't want any more. We don't want to keep paying forever and ever to have the embryos frozen. We would like to donate them to stem cell research to maybe help a young person with juvenile diabetes or someone with a spinal cord injury. We would like to contribute those embryos for that research. They cannot do it. It seems to me that at least we ought to be able to allow the couples to donate them if they wish. So the real question is, Do we throw them away or use them to ease suffering? Do we throw them away or allow them to be used with these strict ethical guidelines? I think it is the second choice that is truly moral and respectful of human life.

You might even think about it this way. Embryos will be destroyed, people say. The embryo itself—about which, by the way, I will point out there is a lot of misconception. I didn't listen to it, but I read the debate in the House last year. One of the speakers—I think the former minority leader, Mr. Delay, talked about fetuses and about the protection of fetuses. A lot of people think we are talking about fetuses. We are not. We are talking about embryos. I often put a dot on a piece of paper and I say: Can anybody see what I put there? That is just how big an embryo is, which is a few dozen cells.

Well, you have to get over this idea that somehow it is a fully formed fetus existing in a womb. That is not it at all. You might say it is alive, it has life—yes, it does—and you should not destroy that life. Well, you might destroy the embryo itself, but in taking the stem cells from it—the cells in the embryo give the embryo life. If you take the cells out and you propagate them and examine them and then maybe use those lines for curing diseases in the future, it seems to me that you are really propagating life, saving lives, and enhancing life by doing that. That is why giving people the choice of voluntarily contributing the cells is truly moral and respectful of human life.

The second ethical requirement is that couples must provide written, informed consent. Now, I might point out that some of the 21 federally approved lines that are now in existence—especially the ones from other countries—don't meet that requirement. So we need to pass S. 5 to tighten the ethical guidelines of stem cell research, so there is no question that the embryos were donated properly. Think of it this way. We have Federal money right now that could be going—and probably is—for research on some stem cells that were provided without written informed consent. So we need to tighten down on that. S. 5 does that.

I read the debates of last year on the floor of the Senate and in the House. There was a lot of talk about setting up "embryo farms," that there is going to be embryo farming so that women will take their eggs, or create embryos, and there will be embryo farms. I heard that a number of times. Well, S. 5 prohibits women from being paid to donate their embryos. There is no chance under this bill that women could be exploited to go through the donation process against their will. Under our bill, couples cannot receive money or other inducements to donate embryos. Under the present guidelines that now exist from the White House, it just says you cannot receive money. Well, there might be other inducements that may be provided to you to get you to donate. We want to cut that off and say it has to be purely voluntary. So you cannot receive money or any other inducements; you must have written, informed consent; it can only come from embryos that would otherwise be discarded; and there are very strict ethical guidelines.

So, again, this year's bill, S. 5, has one significant change from last year's bill that we passed. We passed that overwhelmingly, with 63 votes. But this bill has one difference. It includes the text of last year's Specter-Santorum bill, which passed the Senate unanimously but got tied up in the House and died at the end of the 109th Congress. That bill, which President Bush strongly endorsed, encouraged NIH to pursue alternative ways of deriving stem cells, in addition to our current method.

As I have made clear, going back to December of 1998, I support any ethical means to improve the lives of human beings who are suffering. I believe we should open every door we can in the pursuit of cures. So what we have done in the new version of S. 5 is combine the two bills the Senate passed overwhelmingly last year but did not become law. That was H.R. 810 and the Specter-Santorum bill. By voting for S. 5, the bill before us now, Senators can show they support all forms of stem cell research. Again, the Specter-Santorum bill says open it up and find out all other forms of stem cell research. That was amniotic, placental stem cells, adult stem cells, whatever. I have no problem with that. I think we ought to pursue all of them. But that is the key difference between S. 5 and S. 30—that is the other bill we will vote on tomorrow night, S. 30. That bill puts all its hopes in theories, alternative ways of deriving stem cells that might or might not work. At this point, nobody knows. We do know how to derive embryonic stem cells and how to propagate them. Some research in other countries and private research has already led to stem cells developing into nerve cells and things like that.

We don't know about what S. 30 does. S. 30 says to scientists—that is the other bill before us—don't use any of the 400 existing stem cell lines already derived. Instead, put all of your effort into figuring out some new way of deriving stem cells that might take 10 or more years to pan out, or maybe not at all. For example, the proponents of S. 30 will talk a lot over today and tomorrow about stem cells that could allegedly be derived from "dead embryos"—embryos that are not healthy and have stopped growing. I have to tell you, the idea that we can cure juvenile diabetes, ALS, and Parkinson's with something called "dead embryos" doesn't exactly inspire me with a lot of confidence. Think about it. If you were treating somebody with embryonic stem cells, would you rather use stem cells that came from an embryo that is healthy, vibrant, and growing or would you rather have them coming from a dead embryo? Ask yourself that simple question. The dead embryo died for a reason: there was something wrong with it. Chances are that the stem cells which come from that embryo are not so great, either. So why does anyone think a dead embryo holds the secret to curing ALS or juvenile diabetes? S. 5, our bill, by contrast, would immediately make those hundreds of new lines eligible for Federal research, again, as long as they were derived under the strict ethical guidelines we have in our bill. So S. 30, the other bill, might not do any harm, but I don't think it does any good, either. Again, that is why we ought to keep our focus on S. 5.

If this year's debate goes like last year's, then we will expect opponents of S. 5 to make a lot of unfounded claims about adult stem cells. I will listen closely and try to correct those mistakes people might make. There is a lot of stuff out there. Our committee looked at this, and we have had a lot of testimony from scientists at NIH. So there will be a lot of unfounded claims about adult stem cells.

As I have said for the last several years, I am all for adult stem cell research and use. Adult stem cells are already being used successfully in treating several blood-related diseases, and that is great. I am all for it. Let's continue this area of research. But as we now know, and as scientists tell us, adult stem cells have limits. They can't do everything that embryonic stem cells can do. Again, don't take my word for it. Listen to what Dr. Zerhouni, the Nation's highest ranking medical researcher, has to say about adult stem cells. This is what he said before our committee:

> The presentations about adult stem cells having as much or more potential than embryonic stem cells, in my view, do not hold scientific water. . . . I think they are overstated. . . . My point of view is that all angles in stem cell research should be pursued.

That is what S. 5 will allow us to do. Most people could care less what cells are used to develop a cure. They just want a cure. So I say let's examine them all.

By the way, S. 30, the other bill we will be debating that focuses on deriving stem cells from naturally dead embryos, can be done under S. 5 also or under the Specter-Santorum bill. There are no restrictions on that issue. It is just that S. 30 says that is all we will do. S. 5, our bill, says we will open the 400 lines as long as they meet the ethical guidelines we have established. We will open those 400 lines to federally funded research and everything else, too. They can look at stem cells from naturally dead embryos. They can look at them from adult stem cells, placental, amniotic fluid, umbilical cord—whatever. They can look at them all as long as they meet ethical guidelines.

Lastly, we talk all about research, about science, about stem cells, using all the quotes from scientists and others. What it is really about is giving hope to people. It is about helping people who have devastating—devastating—illnesses.

This is a picture of Karli Borcherding of Ankeny, IA. Karli is one of the millions of Americans whose hopes depend on stem cell research. I met Karli for the first time last fall with her mother and her sisters. She just celebrated her 12th birthday. She has type 1 diabetes, also called juvenile diabetes. When people have this disease, their body stops making insulin, so they have to inject it either through needles or a pump.

Here is a picture of Karli Borcherding, age 12, from Ankeny, IA, with 1 month's worth of needles. Look at that picture. There are 120 needles, 1 month. Ask yourself: How would you like to give yourself four shots a day at age 12? Imagine that, four times a day. As Karli says, she never gets a vacation from juvenile diabetes. It is with her wherever she goes—at school, at home, on field trips, on holidays. She told me:

> My dream is that one day we will find a cure for juvenile diabetes, and I can just go back to being just a normal kid.

If adult stem cells could bring Karli a cure, she would gladly take it. But scientists have known about adult stem cells for 40 years, and they still haven't provided the answer for juvenile diabetes. We can't keep telling people such as Karli that embryonic stem cells might bring them a cure but, sorry, the Federal Government is not interested. Our premier institution of NIH can't be involved.

We can't keep telling the millions of Americans who have Parkinson's, ALS, cancer, or spinal cord injuries: Sorry, we know that embryonic stem cell research might ease your suffering, but we would rather do nothing about it.

Now is our chance to change that situation. I urge Senators to think about Karli Borcherding and all the people in their lives who could benefit from stem cell research and vote yes emphatically on S. 5 tomorrow.

Mr. President, I yield the floor to my good friend, and I say again, the person who started all of our hearings on this issue in December of 1998. Under the chairmanship of Senator SPECTER, our subcommittee had the first hearing on stem cell research 1 month after they were derived. Under his chairmanship, we have had 20 hearings. I mentioned that earlier. There hasn't been a more stalwart, informed person in either body, or on the Hill, about embryonic stem cell research than Senator SPECTER.

The PRESIDING OFFICER. The Chair recognizes the Senator from Pennsylvania, Mr. SPECTER.

Mr. SPECTER. Mr. President, parliamentary inquiry: Is it correct that I have 20 minutes allocated at this time?

Mr. HARKIN. Yes.

Mr. SPECTER. Mr. President, I thank my distinguished colleague, Senator HARKIN, for his leadership on this very important issue. I thank him for his very generous comments. It is true that he and I have worked together on the Subcommittee on Labor, Health, and Human Services, Education, and Related Agencies for more than 20 years. He now chairs the subcommittee, and I am the ranking member.

In the past, I have chaired the committee, and he has been the ranking member. We have had very close bipartisan cooperation. As we frequently say, there has been a seamless transfer of the gavel, looking out for the interests of the American people.

Senator HARKIN accurately notes that when stem cells first burst upon the American scene in November of 1998, our subcommittee moved immediately. It was actually December 2 of 1998. We have since had a total of 20 hearings on this important subject.

Today I am speaking for 110 million Americans who suffer directly or indirectly, personally or through their families and loved ones, from debilitating diseases such as Parkinson's, Alzheimer's, heart disease, cancer, diabetes, and I also speak for myself.

In 1970, President Nixon declared war on cancer. Had that war been prosecuted with the same diligence as other wars, my former chief of staff, Carey Lackman, a beautiful young lady of 48, would not have died of breast cancer. One of my very best friends, a very distinguished Federal judge, Chief Judge Edward R. Becker, would not have died of prostate cancer. All of us know people who have been stricken by cancer, who have been incapacitated with Parkinson's or Alzheimer's, who have been victims of heart disease, or many other maladies.

We now have an opportunity, with the breakthrough on stem cell research, to have the potential of curing these maladies.

I sustained an episode with Hodgkin's lymphoma cancer 2 years ago. That trauma, that illness, I think, could have been prevented had that war on cancer declared by the President of the United States in 1970 been prosecuted with sufficient intensity.

We now know about stem cells. We now know from the leading scientists of the United States and the leading scientists of the world the potential of stem cells to deal with these dreaded maladies. The leader of the National Institutes of Health, Dr. Zerhouni, has said:

> Embryonic stem cell research holds great promise for treating, curing, and improving our understanding of disease, as well as revealing important basic mechanisms involved in stem cell differentiation and development.

I ask unanimous consent, Mr. President, to print in the RECORD at the conclusion of my remarks the testimonials from the Directors of the National Institutes of Health who have spoken out vigorously in support of embryonic stem cell research.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, there are some 400,000 of those embryos which have been frozen and which will either be used potentially to cure disease or will be discarded. Embryos are created for in vitro fertilization. A few of them are used and the others are frozen. If any of these embryos could be used to produce life, none of us would advocate the research. But they will not be used to produce life.

Our subcommittee took the lead in providing $2 million for embryonic stem cell adoption. As of April 5 of this year, the Night Life Christian Adoption Service reports that embryo adoption resulted in the birth of some 135 so-called snowflake children, and 20 babies are currently due. It is obvious by these statistics that we have enormous wasted resources available for scientific research.

I have in my hand an hourglass. This hourglass was referenced by one of my constituents, a man named Jim Cordy, from Pittsburgh, PA, who suffers from Parkinson's. When I was in Pittsburgh years ago, Jim Cordy approached me with an hourglass. He said: Senator, the sands are slipping through this hourglass like my life is slipping away. There is the potential for curing Parkinson's, and you ought to be doing something about it.

We have tried mightily. Senator HARKIN, Senator KENNEDY, Senator HATCH, Senator SMITH, Senator FEINSTEIN—many of us have tried mightily. Last year we passed a bill for stem cell research which would allow the use of Federal funds for research. But I think it is important to note that the Federal funds would not be used to kill embryos but would be used to conduct research on 400 existing lines. That bill, as we all know, was vetoed. The Senate passed the bill by 63 votes. I believe it is accurate to say that there are more than 63 affirmative votes in the Senate today. Whether there are 67 remains to be seen.

I think it is also accurate to say that in the House of Representatives, we are not close to a veto override based on the votes in the House of Representatives last year. But we are not too far away either.

It is my view that if we had sufficient mobilization of public opinion, that public opinion and political pressure, which is the appropriate process in a democracy, could provide enough votes for an override.

As I see it, it is not a matter of whether there will be Federal funding for embryonic stem cell research but when that Federal funding will be present. The longer it is delayed, the more people will suffer and die from these maladies.

I have encouraged the groups which come to Washington in large numbers to stage a massive march on the Mall. If we put a million people on the Mall, they would be within hearing distance of the living quarters of the White House, and with 110 million people who are affected personally or indirectly through their families, there is the potential for sufficient political pressure to provide enough votes to override a veto if, in fact, the President were to veto the bill.

It is my hope the President will relent in light of the reconstructed statute which we are providing.

Mr. President, I ask unanimous consent that the history of the 20 hearings which the subcommittee has held on stem cells, the endorsements of the embryonic stem cell research by the Directors of the National Institutes of Heath, and my full statement on the stem cell bills be printed in the RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

STEM CELL HISTORY

Hearings: 20 Labor-HHS Subcommittee hearings have been convened on stem cell issues. 17 hearings have dealt specifically with stem cells and 3 with cloning. Several additional hearings have focused on diseases.

such as Parkinson's and Alzheimer's, that relate to stem cells.

The first hearing, on December 2, 1998, focused on the mechanics of this research and its potential medical benefits.

The second hearing, on January 12, 1999, focused on key intellectual property issues surrounding stem cell research.

The third hearing, on January 26, 1999, discussed the HHS General Counsel's opinion.

The fourth hearing was held on November 4, 1999, to explore the findings of the National Bioethics Advisory Commission and ethical issues surrounding Federal funding for human stem cell research.

The fifth hearing, on April 26, 2000, explored stem cell research and its implications for medical treatment.

The sixth hearing, on September 7, 2000, focused on the final NIH human embryonic guidelines.

The seventh hearing, on September 14, 2000 focused on the promise and potential benefits of research using human embryonic stem cells to treat and cure diseases, and provided a forum about the ethical and right-to-life issues.

At the eighth hearing, on July 18, 2001, Senators Frist, Hatch, and G. Smith testified in favor of embryonic stem cell research, and a second panel compared adult and embryonic stem cell potential.

The ninth hearing, on August 1, 2001, focused on intellectual property and the ethical dilemmas associated with private embryonic stem cell research.

The tenth hearing, on October 31, 2001, focused on NIH's report outlining the status of the stem cell lines.

The eleventh hearing, on Dec. 4, 2001 was the first hearing on cloning, initiated after the announcement by Advanced Cell Technologies (ACT) that it had cloned a human embryo.

The twelfth hearing, on January 24, 2002, focused on the National Academy of Sciences' Panel on Human Cloning.

The thirteenth hearing on March 12, 2002 focused on prohibiting human cloning and the implications for medical research.

The fourteenth on September 25, 2002 focused on the implementation of the President's stem cell policy.

The fifteenth hearing on May 22, 2003 investigated the recent acknowledgment that 16 stem cell lines in Sweden had not been developed enough to have been exposed to mouse feeder cells.

The sixteenth hearing on July 12, 2005 was the first hearing to investigate alternative methods for obtaining pluripotent stem cells.

The seventeenth hearing on October 18, 2005 explored the potential of embryonic stem cell research and nuclear transplantation in treating several specific diseases and featured Mr. Anthony Herrera.

The eighteenth hearing on June 27, 2006 was the second hearing investigating alternative methods for obtaining pluripotent stem cells and it featured testimony by Senator Rick Santorum.

The nineteenth hearing on September 6, 2006 investigated the claim by Advanced Cell Technology Inc. that it had succeeded in deriving stem cell lines without destroying embryos. This was the third hearing specifically discussing alternative methods for deriving stem cells.

The twentieth hearing on January 19, 2007 is a joint hearing with the HELP Committee that is reviewing the science of stem cell research and asking the question "Can Congress Help Fulfill the Promise of Stem Cell Research?"

FLOOR STATEMENT OF SENATOR ARLEN SPECTER

Mr. President, I rise to speak in support of the stem cell bills that are being debated today: S. 5—the "Stem Cell Research Enhancement Act" of which I am an original co-sponsor, along with Senators Harkin, Hatch, Kennedy, Feinstein, Smith and Reid and S. 30, the HOPE Act introduced by Senators Coleman and Isakson. S. 5 is a combination of two bills that I introduced in the previous Congress and of which I have been a strong proponent for eight years.

SUPPORT OF BIOMEDICAL RESEARCH

I believe medical research should be pursued with all possible haste to cure the diseases and maladies affecting Americans. In my capacity as Ranking Member and at times—Chairman—of the Labor, Health and Human Services, and Education Appropriations Subcommittee, I have backed up this belief by supporting increases in funding for the National Institutes of Health. I have said many times that the NIH is the crown jewel of the Federal Government—perhaps the only jewel of the Federal government. When I came to the Senate in 1981, NIH spending totaled $3.6 billion. In FY2007, NIH will receive approximately $29 billion to fund its pursuit of life-saving research. The successes realized by this investment in NIH have spawned revolutionary advances in our knowledge and treatment for diseases such as cancer, Alzheimer's disease, Parkinson's disease, mental illnesses, diabetes, osteoporosis, heart disease, ALS and many others. It is clear to me that Congress' commitment to the NIH is paying off. This is the time to seize the scientific opportunities that lie before us, and to ensure that all avenues of research toward cures—including stem cell research—are open for investigation.

STEM CELLS

I first learned of the potential of human embryonic stem cells in November of 1998 upon the announcement of the work by Dr. Jamie Thomson at the University of Wisconsin and Dr. John Gearhart at Johns Hopkins University. I took an immediate interest and held the first Congressional hearing on the subject of stem cells on December 2, 1998. These cells have the ability to become any type of cell in the human body. Another way of saying this is that the cells are pluripotent. The consequences of this unique property of stem cells are far reaching and are key to their potential use in therapies. Scientists and doctors with whom I have spoken—and that have since testified before the Labor-HHS Appropriations Subcommittee at 20 stem cell-related hearings—were excited by this discovery. They believed that these cells could be used to replace damaged or malfunctioning cells in patients with a wide range of diseases. This could lead to cures and treatments for maladies such as Juvenile Diabetes, Parkinson's disease, Alzheimer's disease, cardiovascular diseases, and spinal cord injury. In all, well over 100 million Americans could benefit from stem cell research.

Embryonic stem cells are derived from embryos that would otherwise have been discarded. During the course of in vitro fertilization (IVF) therapies, sperm and several eggs are combined in a laboratory to create 4 to 16 embryos for a couple having difficulty becoming pregnant. The embryos grow in an incubator for 5 to 7 days until they contain approximately 100 cells. To maximize the chances of success, several embryos are implanted into the woman. The remaining embryos are frozen for future use. If the woman becomes pregnant after the first implantation, and does not want to have more pregnancies, the remaining frozen embryos are in excess of clinical need and can be donated for research. Embryonic stem cells are derived from these embryos. The stem cells form what are called "lines" and continue to divide indefinitely in a laboratory dish. In this way, the 21 lines currently available for federal researchers were obtained from 21 embryos. The stem cells contained in these lines can then be made into almost any type of cell in the body—with the potential to replace cells damaged by disease or accident. At no point in the derivation process are the embryos or the derived cells implanted in a woman, which would be required for them to develop further. The process of deriving stem cell lines results in the disruption of the embryo and I know that this raises some concerns.

EMBRYO ADOPTIONS

During the course of our hearings in this subject, we have learned that over 400,000 embryos are stored in fertility clinics around the country. If these frozen embryos were going to be used for in vitro fertilization, I would be the first to support it. In fact, I have included $2,000,000 in the HHS budget each year since 2002 to create and continue an embryo adoption awareness campaign. But the truth is that most of these embryos will be discarded. I believe that instead of just throwing these embryos away, they hold the key to curing and treating diseases that cause suffering for millions of people.

THE CURRENT STEM CELL POLICY

The President opened the door to stem cell research on August 9, 2001. His policy statement allowed limited federal funding of human embryonic stem cell research for the first time. There is a real question as to whether the door is open sufficiently.

A key statement by the President related to the existence of approximately 60 eligible stem cell lines—then expanded to 78. In the intervening 5 years, it has become apparent that many of the lines cited are not really viable, robust, or available to federally funded researchers. The fact is there are only 21 lines now available for research. Perhaps, most fundamental is the issue of therapy. It was not addressed in the President's statement, but it came to light in the first weeks after the President's announcement that all of the stem cell lines have had nutrients from mouse feeder cells and bovine serum. Under FDA regulations, these lines will face intense regulatory hurdles before being useful in human therapies. In the intervening years, new technology has been developed so that mouse feeder cells are no longer necessary for the growth of stem cells. It only makes sense that our nation's scientists should have access to the latest technology.

Since August 9, 2001, new facts have come to light and the technology has moved forward to the extent that the policy is holding back our scientists and physicians in their search for cures. I have a friend and constituent in Pittsburgh named Jim Cordy who suffers from Parkinson's. Whenever I see Jim, he carries an hourglass, to remind me that the sands of time are passing and that the days of his life are slipping away. That is a pretty emphatic message from the hourglass. So it seems to me that this is the kind of sense of urgency which ought to motivate Congress and the biomedical research community.

TESTIMONY OF NIH DIRECTOR, DR. ELIAS ZERHOUNI

On March 19, 2007, Dr. Elias Zerhouni, President Bush's appointee to lead the National Institutes of Health, testified before the Senate Labor-HHS-Education Appropriations Subcommittee regarding the NIH budget and stem cells. At that time he stated, "it is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines . . . To sideline NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the nation well in the long run." His testimony clearly shows that the time has come to move forward.

S. 5—THE STEM CELL RESEARCH ENHANCEMENT ACT

S. 5, the Stem Cell Research Enhancement Act, lifts the August 9, 2001 date restriction, thus making stem cell lines eligible for federally funded research regardless of the date on which they were derived. Expanding the number of stem cell lines would accelerate scientific progress towards cures and treatments for a wide range of diseases and debilitating health conditions. The bill puts in place strong ethical requirements on stem cell lines that are funded with Federal dollars. In fact, several stem cell lines currently funded with Federal dollars would not be eligible under the policies put in place by this bill. The requirements include:

(1) embryos used to derive stem cells were originally created for fertility treatment purposes and are in excess of clinical need;

(2) the individuals seeking fertility treatments for whom the embryos were created have determined that the embryos will not be implanted in a woman and will otherwise be discarded;

(3) the individuals for whom the embryos were created have provided written consent for embryo donation; and

(4) the donors can not receive any financial or other inducements to make the donation.

Importantly, the bill does not allow federal funds to be used for the derivation of stem cell lines—the step in the process where the embryo is destroyed.

ALTERNATIVE METHODS FOR DERIVING STEM CELLS

S. 5 further includes authorization for NIH to pursue research toward alternative methods for deriving stem cells that do not result in the destruction of embryos. The approach is identical to that promoted by former Senator Santorum and myself in the last Congress, which passed this body by a vote of 100 to 0. Unfortunately, that legislation did not clear the House of Representatives.

When the President's Council on Bioethics reported on several theoretical methods for deriving stem cells without destroying embryos, I immediately scheduled a hearing to investigate these ideas. On July 12, 2005, the Labor-HHS Subcommittee heard testimony from five witnesses describing several theoretical techniques for deriving stem cells without destroying embryos. The stem cells would theoretically have the key ability to become any type of cell. We discussed these techniques at a second hearing on June 27, 2006. I must emphasize that none of these techniques is a proven technology, and in some cases they are only being pursued because of the restrictions in place.

The legislation, which former Senator Santorum and I introduced, was meant to encourage these alternative methods for deriving stem cells without harming human embryos. That language has now been incorporated into S. 5 making it a stronger bill. Those provisions in S. 5 amend the Public Health Service Act by inserting a section that:

(1) Mandates that the Secretary of Health & Human Services shall support meritorious peer-reviewed research to develop techniques for the derivation of stem cells without creating or destroying human embryos.

(2) Requires the Secretary to issue guidelines within 90 days to implement this research and to identify and prioritize the next research steps.

(3) Includes a 'Rule of Construction' stating: Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

THE TWO SECTIONS OF S. 5 ARE COMPLEMENTARY

Understanding that scientists never know exactly which research will lead to the next great cure; I have always supported opening as many avenues of research as possible. Based on that line of reasoning, I have always supported human embryonic, adult, and cord blood stem cell research. My goal is to see cures for the various afflictions that lower the quality of life—or end the lives—of Americans. S. 5 is the only bill under consideration that supports the funding of ALL types of stem cell research.

THE COLEMAN/ISAKSON "HOPE" ACT

The Coleman/Isakson HOPE Act focuses attention on only alternative avenues of research. This bill promotes research on alternative ways of deriving stem cells—as does S. 5. It emphasizes a particular alternative using so-called "dead embryos" that is unproven and highly speculative. It does not lift the President's restrictions on stem cell research. Unfortunately, it also attempts to codify scientific terms that would be better left to definition by the scientific and medical community. Despite these shortcomings, this bill deserves support because it highlights the need for further research.

I must emphasize that this bill is not a substitute for support of human embryonic stem cell research or support for S. 5. A vote in favor of the HOPE Act and against S. 5 will not advance the search for cures. The two bills are compatible in their scope and together will advance our understanding of biomedical science and bring us another step closer to the cures and treatment that we all desire.

CONCLUSION

The two bills before us are both worthy of passage. S. 5 stands out as it will allow real progress towards cures. I strongly believe that the funding provided by Congress should be invested in the best research to address diseases based on medical need and scientific opportunity. Politics has no place in the equation. Throughout history there are numerous examples of politics stifling science in the name of ideology. Galileo was imprisoned for his theory that the planets revolve around the sun. The Institute of Genetics of the Soviet Academy of Sciences opposed the use of hybrid varieties of wheat because it was based on the science of the West. Instead, they supported a doctrine called "acquired characteristics," which was made the official Soviet position. This resulted in lower yields for Soviet wheat throughout the former Soviet Union in the first half of the twentieth century. These historical examples teach us that we must make these decisions based on sound science, not politics. I urge you to vote in favor of S. 5, so that this Congress does not look as foolish in hindsight as these examples.

EXHIBIT 1

LETTERS TO NIH DIRECTORS

On July 10, 2006, you and Senator Harkin wrote to Dr. Zerhouni and 18 other NIH institute directors asking that they answer questions in preparation for the upcoming stem cell debate. We asked that the responses "be submitted directly to us without editing, revision, or comment by the Department of Health and Human Services as required by" the fiscal year 2006 appropriations bill. The questions and a summary of their answers are listed below:

Question 1. Do you believe that embryonic stem cell research holds promise for treating, curing and improving our understanding of diseases? If so, please describe some of the most promising potential applications of this research. Would access to additional and newer stem cell lines hasten progress towards these basic and clinical applications?

Dr. Zerhouni (Director, NIH): "Yes, embryonic stem cell research holds great promise for treating, curing, and improving our understanding of disease, as well as revealing important basic mechanisms involved in cell differentiation and development."

". . . from a purely scientific standpoint, it is clear that more cell lines would be helpful in ensuring expeditious progress in this important field of science."

Dr. Fauci (Director, Allergy Institute): "The National Institute of Allergy and Infectious Diseases (NIAID) believes that research on embryonic stem cells could potentially increase scientific understanding of the biology of human diseases and also lead to improvements in the treatment of many human diseases."

"NIAID believes that embryonic stem cell research could be advanced by the availability of additional cell lines. Individual stem cell lines have unique properties. Thus, we may be limiting our ability to achieve the full range of potential therapeutic applications of embryonic stem cells by restricting research to the relatively small number of lines currently available."

Dr. Battey (Director, Deafness Institute): The National Institute on Deafness and Other Communications Disorders believes embryonic stem cell research holds promise for increased understanding of an possible treatments for diseases and conditions especially within the research mission areas of the Institute."

"The more cell lines available for study, the more likely a cell line will be maximally useful for a given research, and potentially clinical, application. . . . the scientific community would be best served by having a greater number of human embryonic stem cell lines available for study."

Dr. Nabel (Director, Heart, Lung and Blood Institute): "Embryonic stem cell research has vast potential for addressing critical health needs in a number of areas relevant to the mission of the National Heart, Lung and Blood Institute."

". . . we recognize that the limitations of existing cell lines are hindering scientific progress among a community that is very eager to move forward in this promising area. We support the creation and dissemination of newer stem cell lines in the expectation that it will advance this field and hasten progress in basic and clinical research."

Jeremy Berg (Director, General Medical Sciences Institute (NIGMS): "The National Institute of General Medical Sciences firmly believes that embryonic stem cell research holds enormous promise for treating, curing and improving our understanding of many diseases."

"Access to additional and newer cell lines could be beneficial to this basic research endeavor in several ways. . . . a limited number of embryos may restrict the ability to compare fundamental processes that differ as a function of genetic variability."

Dr. Alexander (Director, Child Health Institute—NICHD): "The NICHD believes that human embryonic stem cell research holds exceptional promise for treating, curing and improving our understanding of diseases."

"Access to more and newer stem cell lines would benefit basic and clinical research applications . . . it is necessary to be able to derive new embryonic stem cell lines (ESC) from embryos of high quality in order to know whether those embryonic stem cell lines would possess any capabilities or behave differently than the ESC from the discarded embryos."

Dr. Sieving (Director, Eye Institute): "Yes, it is my professional opinion that human embryonic stem cell research holds considerable promise for treating, curing, and improving our understanding of ocular diseases. . . . better access could hasten progress by increasing the number of investigators willing to work in this area."

Dr. Schwartz (Director, Environmental Health Institute): "I believe that human stem cell research represents one of the most exciting opportunities in biomedical research. Embryonic stem cell research holds great promise for improving our understanding of disease etiology, prevention, and therapy."

Dr. Hodes (Director, Aging Institute): "Embryonic stem cell research holds promise for helping us find more effective ways to prevent or treat a number of age-related conditions in which cell loss plays a critical role . . . Alzheimer's and Parkinson's diseases, and the damage and cell death related to heart diseases and diabetes."

Dr. Li (Director, Alcohol Abuse Institute): "As with other stem cell types, embryonic stem cells may hold great promise for the treatment of certain diseases."

"It is possible that the ability of researches to access newer human embryonic stem cell lines might serve to enhance our goal to understand cellular processes that govern regeneration which has the long-term potential to clinically translate our research findings."

Dr. Alving (Acting Director, Center for Research Resources): "Embryonic stem cell research holds promise for treating, curing, and improving our understanding of diseases . . . From a scientific standpoint, access to additional and new stem cell lines has the potential to advance the field of medical research . . . newer lines can be derived in the absence of animal products . . . genetic background of the current lines is very limited."

". . . additional and newer stem cell lines would enable the research enterprise to overcome . . . major limitations . . . spontaneous mutations that can arise after any cell line is maintained long-term . . . the human embryonic stem cell lines in the NIH Registry were derived using animal cell feeder layers . . . and the limited genetic diversity of the current NIH Registry lines."

Dr. Tabak (Director, Dental Institute): "The currently available stem cell lines have provided the first step in our understanding of their basic biology. However, due to limitations . . . newer and improved stem cell lines could unleash the full potential of stem cells for clinical utility."

". . . unless conditions are determined to better maintain them, the current lines will become exhausted. This instability also leads one to think that the ways in which the currently available human embryonic stem cell lines were derived may not have been optimal."

Dr. Volkow (Director, National Institute of Drug Abuse): "Yes, embryonic stem cells are promising research tools that can be used to identify and investigate a variety of therapeutic approaches."

"Access to a wider array of embryonic stem cell lines would definitely increase scientific opportunity and the chances of breakthrough discoveries, as well as their eventual application in the form of novel therapies for many diseases . . . the translation of any discovery into clinical research and practice can be expected to be severely hindered by the fact that the cells now available for research are likely to be rejected by a patient's immune system."

Dr. Collins (Director of the Human Genome Institute): "Stem cell research has tremendous potential for therapeutic advances in diseases affecting many Americans."

"Access to newer and more varied stem cell lines would benefit researchers not only because modern cultural techniques have increased the utility of stem cell lines, but also because newer lines would provide greater genetic and cellular diversity."

Dr. Neiderhuber (Director, Cancer Institute): "Embryonic stem cells are important research tools that may provide important knowledge about key processes in cancer metastasis, new blood vessel development, and the regulation of cell replication and programmed death."

Dr. Rodgers (Acting Director, Diabetes and Digestive Disease Institute): "Access to additional and newer stem cell lines is likely to hasten progress towards basic and clinical applications."

Dr. Landis (Director, Neurology Institute): "For neurological disorders, embryonic stem cells present considerable promise as an agent of therapy, in the development of therapeutics, and for advancing our understanding of disease."

"Access to newer lines, however, would hasten progress, particularly as therapies move toward human testing."

Question 2. Have researchers reported difficulties in obtaining any of the 21 lines currently available to NIH-funded researchers? If so, please provide examples. In practice, how many of the 21 lines are in common use by NIH-funded researchers?

Dr. Zerhouni (Director, NIH): ". . . all of the human embryonic stem cell (hESC) lines listed on the NIH Human Embryonic Stem Cell Registry are privately owned and many are from foreign sources. The private owners are under no obligation to make their hESC lines widely available for research in other laboratories. Many scientists expressed concern that access to these cell lines was a major obstacle hindering hESC research eligible for Federal funding."

Dr. Nabel (Director, Heart, Lung and Blood Institute): ". . . only four cell lines were in common use . . . we believe that the availability of additional cell lines would be of great service to NHLBI-funded researchers."

Dr. Landis (Director, Neurology Institute): "The NIH unit that is systematically characterizing the approved lines and making that information available now has 18 of the 21 lines, and the others are on order."

Jeremy Berg (Director, General Medical Sciences Institute (NIGMS): "Although NIGMS grantees have purchased 13 of the 21 approved human embryonic stem cell lines, only 6 lines are in common use."

Dr. Hodes (Director, Aging Institute): ". . . one National Institute on Aging intramural investigator involved with human embryonic stem cell researching using approved cell lines identified genetic abnormalities and contaminations from mouse feeder cells in the embryonic stem cells that made them unusable for his research. In part because of his inability to continue his research with approved cell lines. he has left the Institute."

Mr. Volkow (Director, National Institute of Drug Abuse (NIDA): ". . . obtaining these lines has been procedurally complex and expensive. Despite general interest and enthusiasm in the scientific community for embryonic stem cell research. the limited number of available lines has, the NIDA's case. translated into a general lack of research proposals."

Mr. SPECTER. Mr. President, how much of my 20 minutes remains?

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator has about 11 minutes remaining.

Mr. SPECTER. I thank the Chair.

(The further remarks of Mr. SPECTER are printed in the RECORD under "Morning Business.")

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, how much time do we have remaining on our side?

The PRESIDING OFFICER. The Senator controls 9 minutes.

Mr. HARKIN. Mr. President, we started a little late, so I will yield back the remainder of my time on this segment.

The PRESIDING OFFICER. Under the previous order, the next 60 minutes is under the control of the Senator from Minnesota, Mr. COLEMAN.

Who yields time?

Mr. ISAKSON. Mr. President, we are going to reverse the order for a second.

Mr. President, I wish to commend the distinguished Senators from Iowa and Pennsylvania on their passion for stem cell research, which is shared by virtually all the people whom I know.

I also wish to ask unanimous consent that Senators CHAMBLISS, CORNYN, and BURR be added as cosponsors of S. 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, at the outset of my remarks I thank Tyler Thompson and Brittany Espy for the 2 years she devoted to this issue prior to Tyler taking over and Joan Kirchner and Chris Carr of my staff for their invaluable work and an intern and distinguished scholar from the University of Georgia named Nick Chammoun who introduced me to a man for whom I have the greatest admiration, Dr. Steven Stice, an eminent scholar and eminent stem cell researcher at the University of Georgia.

I have introduced, in concert with Senator COLEMAN, S. 30, which has been referred to by the Senator from Ohio as containing theories—and I know he is getting ready to leave, but I want him to hear one part before he leaves.

Mr. HARKIN. Iowa.

Mr. ISAKSON. The Senator from Iowa, I sincerely apologize. His man just won the Masters in Augusta. I should remember that.

This bill is not about a theory when it comes to naturally dead embryos. Five of the existing 21 lines funded by NIH, grandfathered under the President's directive in August 2001, were derived, and are active today, from naturally dead embryos. So we are not talking about a theory, we are not talking about hope, and we are not talking about speculation. We are talking about a way to address the concern of the ethics of destruction of viable embryos with the promises and the hope of embryonic stem cell research.

Now, I was a real estate broker before I was elected to Congress, and since I have been in Congress, I have been anything but a scientist or anyone knowledgeable of medicine, but I care deeply and compassionately about those who suffer, and I share the concerns of not the question of "when" but the question of "if" that was expressed by Senator SPECTER. So I began researching this entire issue to see if there wasn't a way, and that is when I stumbled onto the fact that there were already ways that embryonic stem cells were being derived without the destruction of viable embryos.

I went to the University of Georgia and I met Dr. Stice for the first time and he walked me through that process. For the edification of all those here, as well as those who are concerned about that issue, I wish to talk about it for a second because it is clear and it is precise and it threads the ethical needle and addresses the concern for the furtherance of scientific research.

In the process of in vitro fertilization, there are three principles, known as the Gardner principles, by which physicians and doctors grade embryonic byproducts of the fertilization to determine the embryos that are implantable, the embryos that are freezable, and the embryos that are clinically or naturally dead.

Level I embryos, after in vitro fertilization, are created within the first 3 days. They are viable embryos with a cluster of eight cells ready for implantation and can develop into a human being. After 4 additional days, additional embryos develop that contain the essential eight cells, and they are viable for freezing or for implantation. But after 7 days, the natural process of the cells dividing no longer takes place, and there are level III Gardner principle materials that are left that contain embryonic stem cells but cannot be implanted and cannot become a human being. Five of those lines were in existence in 2001 and were invested in by NIH and are active today.

So it is absolutely possible for further embryonic stem cell research to take place today without destroying a viable embryo and to have a plethora of available stem cells for researchers and for scientists. That, by the way, has been certified by any number of learned doctors and physicians and researchers and I wish to share some of those quotes at this time.

There was an article written, "A Comparison of National Institute of Health-Approved Human Embryonic Stem Cell Lines," by Carol Ware, Angelique Nelson, and Anthony Blau. In that, they compared 15 of the 22 lines that at the time were active under the August 2001 Presidential executive directive, and I quote:

> They compare stem cell markers, and growth characteristics of and ease of genetic manipulation of all lines. Only 10 of the lines were easily tested and our 3 lines again were one of those 10 lines derived from naturally dead embryos. None of the 10 lines were statistically different in any way when 7 different growth and characteristics experiments were conducted. The take home message is that there is no difference between our 3 lines, the 3 lines derived from naturally dead embryos, and the other 7 lines which were derived from donated embryos.

So there you have it clearly and precisely stated that we have active embryonic stem cell lines under research and funded by the NIH derived from a naturally dead embryo that did not involve the destruction of a viable embryo.

With the passage of S. 30, you immediately have the opportunity, and NIH is directed, to develop those guidelines for the furtherance of additional embryonic stem cell research on stem cells derived from those lines.

Now, there are a number of other distinguished and learned people who have written extensively about these lines and their viability, among them Sandii Brimble and Yongquan Luo. Mr. Luo is at the Laboratory of Neuroscience, National Institute of Aging, Department of Health and Human Services, in Baltimore, MD, who wrote:

> Lines BG01, BG02, and BG03, which are the three lines NIH currently is investing in that were derived from naturally dead embryos, are therefore independent, undifferentiated, and pluripotent lines that can be maintained without accumulation of karyotypic abnormalities.

It took me a long time to practice saying those last two words, but I finally got through it. The point being that they are equally as viable as pluripotent and as rich for scientific research as those cells that would have been derived from a destroyed embryo.

In addition, I wish to quote from an article called Embryonic Death and the Creation of Human Embryonic Stem Cells, written by Dr. Donald W. Landry and Howard A. Zucker of Columbia University. I read as follows:

> We propose herein a paradigm for research involving embryos that protects human life, is consistent with Federal policy, and yet advances the interests of biomedical science and therapeutic innovation.

That is precisely quoting the definition of natural death for embryos as the threshold for which that should go forward.

In terms of making "naturally dead" a term that is understandable, this bill defines "natural death" in regard to embryos as the same acceptable way that death is defined in all 50 States of the United States of America. In my 30 years of public life, I have been through a number of ethical debates—the "living will" debates of the 1970s and the "durable power of attorney," where we tried to legislate how you, Mr. President, or I could give an advanced directive of what a doctor could or could not do to me when I came to be in an incapacitated state, and we finally decided that an irreversible cessation of brain waves would be a clinical definition upon which that threshold can take place.

A "naturally dead" embryo is an embryo that, after the seventh day, has a cessation of the division of cells. It no longer can be implanted and become an embryo, but the cells that remain are viable, just as my heart, liver, kidneys, or lungs remain alive while I have an irreversible cessation of brain waves. It is that precedent which established all the organ transplants we do in America today—the gift of life that is given after the loss of life and the irreversible cessation of brain waves. This is, clinically, as Dr. Landry and Dr. Zucker have said, precisely the exact way to deal with the ethics and the morality of embryonic stem cell research because it is the same thing for that embryo that cannot become a human being to donate cells to become pluripotent embryonic stem cells as it is for a predirective to determine that organs can be transplanted from someone who has suffered an irreversible cessation of brain waves. It is scientific. It is ethical. And it is precise.

I submit the President of the United States has said he would—actually did last year—veto a bill similar to the one introduced by Senator HARKIN. The President said he will veto it again. Senator SPECTER, in his compassionate remarks and passionate remarks, acknowledged that the number of votes necessary to override a veto did not exist in the U.S. House of Representatives.

If, in fact, it is a matter of not if but when, with the adoption of S. 30, we can make the when now. We can see to it that the promise of embryonic stem cell research goes forward and the ethical lines that cause the dilemma that exists today in the United States of America are not crossed.

There is a human face on the desire to further that research. It is the face like that of a friend of mine, like former Senator Kip Klein, who suffers from Parkinson's and who has been an inspiration to me to find methods like this; and Cindy Donald, a beautiful lady who tragically was injured in an automobile accident and lost her ability to walk. There is hope and promise in centers such as the Shepherd Spinal Center in Atlanta which deals with those terrible injuries to the spinal cord. There is the hope to see to it that those who suffer from diabetes and juvenile diabetes can, in fact, find a cure that is possible and within our reach.

To that end, at the University of Georgia today, which I have already referred to a number of times, that research on embryonic stem cell research for the curing of diabetes is taking place. It is taking place in a laboratory and under the direction of eminent scholars, one of whom is Dr. Steven Stice, one of America's leading scholars today and one of the embryonic researchers who himself introduced to me this method, given his recognition of the ethical considerations and his desire and hope to bring promise and hope to the future of those who suffer.

I submit that the Coleman-Isakson bill, S. 30, is a road for us to walk proudly down, that enhances and advances, immediately, research into embryonic stem cell cures while at the same time respecting the ethical, scientific, and moral concerns that exist in the medical community today. It is not always possible in the body politic for solutions to be win-win, but I submit that S. 30, the Coleman-Isakson bill, is a win-win. It is a win for hope, it is a win for research, and it is a win for promise.

I am pleased to yield to the distinguished Senator from Minnesota, Mr. NORM COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I thank my colleague from Georgia, who shares the passion of the Senator from Iowa, shares the passion of the Senator from Pennsylvania. We want to see scientific breakthroughs. We want to see cures for those kids who suffer from juvenile diabetes and friends who have ALS. I have a brother-in-law who suffers from Parkinson's.

How do we get there? Senator SPECTER noted that, as he filled an hourglass and said: The clock is ticking—and it is. The question becomes how do we move forward, not just in the debate but action. I am a former mayor. If it snowed in St. Paul and the streets weren't plowed, I heard about it. That is what you do—take action.

If we look at the amount of research going on in stem cell research, human embryonic stem cell research—they are pluripotent. What we are talking about is an ability of stem cells to—they have apparently an incredible elastic ability to be perhaps transformed to a heart or a liver, an incredible capacity—in theory. But clearly, scientists, I think uniformly, believe there is great hope and great opportunity there.

The reality today is that there is a certain amount of Federal dollars. What we are talking about is Federal dollars. We are not talking about the sum of all research but simply, What does the Federal Government do? What do we do with taxpayer dollars? Where do we put them?

In terms of human embryonic, pluripotent, the President said—I think it was in 2001—he talked about a series of lines that would be available, just that. He was drawing the line there in terms of embryonic stem cells. Of those lines, originally there were 60 or 70, and there are now about 20 lines.

There is about $132 million being spent in Federal money in human embryonic stem cell research and over $1 billion in human nonembryonic cord blood stem cell, bone marrow, other kinds of research—all of which is promising. In some areas, there are actually therapies going on.

It is fascinating. Scientists are also very passionate. I am not a scientist, but I have been listening to them. There are those scientists who are advocates of embryonic stem cell, and they are passionate that this is the way. Clearly, in theory, in terms of pluripotency, embryonic stem cells have more pluripotency than adult stem cells, but the critics say you have the process of embryonic stem cells, that they have the rejection because when you have organ transplants, you put another genetic material into somebody, and there are problems of rejection. You have the problem of tumors growing from them. They say we have to support adult stem cell because that is where the work is being done, that is where the breakthroughs are happening. Of course, other scientists come back and say, rightfully so, that adult stem cells do not have the elasticity, the pluripotency of embryonic, and so that is not the way. The question is, Is there a third way? Is there a way to get past the culture wars, to get past the great divide we have?

There are many in this country who believe passionately that Federal dollars should not be used for research which involves the destruction of a human embryo, who believe very passionately about that. There are others who say the cause of science is so great, the size of this embryo is so small, the hope we have to offer is so great, we need to move forward. There is a divide.

The reality today is, with policy as it is, if the Harkin-Specter bill passes—which I presume it will, probably overwhelmingly it will pass—and a similar bill is passed in the House and ultimately we work out the language and the President then vetoes it and, as my colleague from Pennsylvania recognizes, there are not enough votes to override the veto, at the end of the day of January 1, 2008, there will still not be more than $132 million spent on human embryonic pluripotency research.

The question is, Is there another way? Senator ISAKSON has talked about another way. He talked about dead embryos. My colleague from Iowa dismissed it: Dead embryos, what does that mean?

My colleague explained it well, that embryonic stem cells produced by that method have the same pluripotency, the same capacity as other embryonic stem cells, but they do not cross the moral line.

Within S. 30, there is the point of doing other kinds of research that does not cross the moral line. One is called altered nuclear transfer. Later I will, perhaps, put up some charts to show how it works, but very simply, if you think about it, science 101, take an egg and sperm, they come together, create an embryo, become a person—one of the pages here or a Senator or mom and dad sitting somewhere. Then what we do with altered nuclear transfer—actually, by the way, if you relate it to cloning, it is not cloning, but if you think of the concept of cloning, you take an egg, put some genetic material from an adult in there, and it becomes a person. Practically, we had Dolly the sheep, so we know that works. Altered nuclear transfer basically says take that egg, take some genetic material, and before you put it in there, you program the egg so it doesn't create an embryo but creates a tissue mass which has the same pluripotency, the ability to do all the other things any other embryonic stem cell would do.

I have a series of letters from scientists who say this should work. I will quote:

> Research results suggest that Altered Nuclear Transfer may be able to produce human pluripotent stem cells—the functional equivalent of embryonic stem cells—in a manner that is simpler and more efficient than current methods.

That is by Hans Schoeler, chairman of the Department of Cell and Developmental Biology at the Max Planck Institute in Germany.

> Recently, multiple labs in the United States and around the world have published or reported experiments in which adult cells were converted, not to embryos, but directly to pluripotent "embryonic-like" cells. The resulting cells were virtually indistinguishable from embryonic stem cells derived from embryos. The techniques used have included altered nuclear transfer, cell fusion and chemical reprogramming. The results were obtained from the top scientists in the field and published in the best journals.

That is by Markus Grompe, M.D., Oregon Stem Cell Center.

One last quote:

> I think that current scientific evidence and reasonable expectations make it likely that altering a donor nucleus to preclude normal organization of any subsequent blastocyst is technically feasible and consistent with the scientific and medical goals of embryonic stem cell research.

That is by Lawrence S.B. Goldstein, Ph.D., Department of Cellular and Molecular Medicine at the University of California, San Diego.

Much of the work is from a doctor, Dr. William B. Hurlbut, over at Stanford, the Neuroscience Institute at Stanford. I worked with him. He has published a lot on this issue. I ask unanimous consent to have printed in the RECORD a presentation by Dr. Hurlbut entitled "Stem Cells, Embryos and Ethics: Is There a Way Forward?"

There being no objection, the material was ordered to be printed in the RECORD, as follows:

STEM CELLS, EMBRYOS AND ETHICS: IS THERE A WAY FORWARD?

(By William B. Hurlbut, M.D.,University of Notre Dame, Neuroscience Institute at Stanford, Apr. 18, 2006)

We are at a crucial moment in the process of scientific discovery. The dramatic advances in molecular biology throughout the 20th century have culminated in the sequencing of the human genome and increasing knowledge of cell physiology and cytology. These studies were accomplished by breaking down organic systems into their component parts. Now, however, as we move on from genomics and proteomics to discoveries in developmental biology, we have returned to the study of living beings. When applied to human biology, this inquiry reopens the most fundamental questions concerning the relationship between the material form and the moral meaning of developing life.

The current conflict over ES cell research is just the first in a series of difficult controversies that will require us to define with clarity and precision the moral boundaries we seek to defend. Human-animal Chimeras, parthenogenesis, projects involving the laboratory production of organs—and a wide range of other emerging technologies will continue to challenge our definitions of human life. These are not questions for science alone, but for the full breadth of human wisdom and experience.

The scientific arguments for going forward with this research are strong.

—The convergence of these advancing technologies is delivering unprecedented powers for research into the most basic questions in early human development.

—Beyond the obvious benefit of understanding the biological factors behind the estimated 150,000 births with serious congenital defects per year, it is becoming increasingly evident that certain pathologies that are only manifest later in life are influenced or have their origins in early development.

—Furthermore, fundamental developmental processes (including the formation and functioning of stem cells), and their disordered dynamics, seem to be at work in a range of adult pathologies including some forms of cancer.

Yet from the moral and social perspective there are serious concerns. (This is an eight-cell embryo on the sharp tip of a pin.)

It is important to acknowledge the many scientific projects for which human embryos could be used. Beyond their destruction for the procurement of embryonic cells, some fear the industrial scale production of living human embryos for a wide range of research in natural development, toxicology and drug testing.

Lord Alton, a member of the House of Lords in the UK told me that they estimate over 100,000 human embryos have already been used in scientific experimentation in Britain.

Beyond that, there is concern about the commodification and commercialization of eggs and embryos, and worry about the implications of ongoing research to create an artificial endometrium (a kind of artificial womb) that would allow the extracorporeal gestation of cloned embryos to later stages for the production of more advanced cells, tissues and organs.

Furthermore, from a social perspective, do we really want to have red state medicine/blue state medicine? The emerging patchwork of policies on the state level threatens to create a situation in which a large percentage of patients will enter the hospital with moral qualms about the foundations on which their treatments have been developed. What was traditionally the sanctuary of compassionate care at the most vulnerable and sensitive moments of human life is becoming an arena of controversy and conflict.

Clearly, both sides of this difficult debate are defending important human goods—and both of these goods are important for all of us. A purely political solution will leave our country bitterly divided, eroding the social support and sense of noble purpose that is essential for the public funding of biomedical science. While there are currently no federally legislated constraints on the use of private funds for this research, there is a consensus opinion in the scientific community that without NIH support for newly created embryonic stem cell lines, progress in this important realm of research will be severely constrained.

The current conflict in the political arena is damaging to science, to religion and to our larger sense of national unity. The way this debate is proceeding is, in my opinion, completely contrary to the positive pluralism that is the strength of our democracy.

What is needed is to draw back from the polarized positions of political rhetoric and to respectfully reflect on the meaning of the moment we are in.

In the spirit of such a dialogue, and in the hope that it might lead us toward a resolution of our difficult national impasse over embryonic stem cell research, I offer the perspective that follows.

MORAL MEANING OF EMERGING LIFE

Any evaluation of the moral significance of human life must take into account the full procession of continuity and change that is essential for its development. With the act of conception, a new life is initiated with a distinct genetic endowment that organizes and guides the growth of a unique and unrepeatable human being.

The gametes (the sperm and egg), although alive as cells, are not living beings: they are instrumental organic agents of the parents. The joining of the gametes brings into existence an entirely different kind of entity, a living human organism. With regard to fundamental biological meaning (and moral significance), the act of fertilization is a leap from zero to everything.

In both structure and function, the zygote (the one cells embryo) and subsequent embryonic stages differ from all other cells or tissues of the body; they contain within themselves the organizing principle for the full development of a human being. The very word organism implies organization, an overarching principle that binds the parts and processes of life into a harmonious whole. As a living being, an organism is an integrated, self-developing and self-maintaining unity under the governance of an immanent plan.

For an embryonic organism, this implies an inherent potency, an engaged and effective potential with a drive in the direction of the mature form. By its very nature, an embryo is a developing being. Its wholeness is defined by both its manifest expression and its latent potential; it is the phase of human life in which the 'whole' (as the unified organismal principle of growth) precedes and produces its organic parts. The philosopher Robert Joyce explains: "Living beings come into existence all at once and then gradually unfold to themselves and to the world what they already but only incipiently are." To be a human organism is to be a whole living member of the species Homo sapiens, with a human present and a human future evident in the intrinsic potential for the manifestation of the species typical form. Joyce continues: "No living being can become anything other than what it already essentially is."

It is this implicit whole, with its inherent potency, that endows the embryo with continuity of human identity from the moment of conception and therefore, from this perspective, inviolable moral status. To interfere in its development is to transgress upon a life in process. The principle of this analysis applies to any entity that has the same potency as a human embryo produced by natural fertilization, regardless of whether it is the product of IVF, cloning, or other processes.

Accrued moral status

The major alternative to the view that an embryo has an inherent moral status is the assertion that moral status is an accrued or accumulated quality related to some dimension of morphology or function.

The three arguments currently given in support of a 14 day limit on embryo research—lack of differentiation, lack of individuation and pre-implantation status—are based on a kind of 'received tradition' that dates back to the 1986 Warnock Commission in the UK. But this commission explicitly acknowledged the continuous nature of embryonic development, stating: "There is no particular part of the developmental process that is more important than any other." In a recent memoir, Mary Warnock discussed the utilitarian grounding of her commission's analysis acknowledging that her committee's task was "to recommend a policy which might allow the sort of medical and scientific progress which was in the public interest." Indeed, recent advances in embryology do not support this commission's conclusions.

The argument on differentiation is based on the idea that before gastrulation (which begins around the 12th to 14th day with the formation of the primitive streak), the embryo is an inchoate clump of cells with no actuated drive in the direction of distinct development.

It is argued that the undifferentiated quality of the blastocyst (the 4–5 day embryo) justifies its disaggregation for the procurement of stem cells, while the evident organization at gastrulation reveals an organismal integrity that endows inviolable moral status to all subsequent stages of embryological development.

Scientific evidence, however, supports the opposing argument—that from conception there is an unbroken continuity in the differentiation and organization of the emerging individual life, the anterior-posterior axis appears to be already established within the zygote (the one-cell stage); the earliest embryonic cell divisions (at least at by the 4 cell stage) exhibit differential gene expression; the unequal cytoplasmic concentrations of cell constituents in the early embryo suggest distinct cellular fates.

All this implies that the changes at gastrulation do not represent a discontinuity of ontological significance (a change in the nature of being), but merely the visibly evident culmination of more subtle developmental processes at the cellular level that are driving in the direction of organismal maturity.

These new scientific perspetives were documented in a July 2002 article in Nature: "The mammalian body plan starts being laid down from the moment of conception . . . a suprising shift in embryological thinking."

Twinning

Another argument for accrued moral status is that as long as an embryo is capable of giving rise to a twin it cannot be considered to have the moral standing of an individual.

Yet monozygotic twinning, which occurs in just one in 240 births, does not appear to be either an intrinsic drive or a random process within embryogenesis. Rather, it results from a disruption of normal development by a mechanical or biochemical disturbance of fragile cell relationships. This provokes a compensatory repair, but with the restitution of integrity within two distinct trajectories of embryological development.

In considering the implications of twinning for individuation, one might better ask the question from the opposite perspective. What keeps each of the cells of the early embryo from becoming a full embryo? Clearly, crucial relational dynamics of position and intercellular communication are already at work establishing the unified pattern of the emerging individual.

From this perspective twinning is not evidence of the absence of an individual, but of an extraordinary power of compensatory repair that reflects more fully the potency of the individual drive to fullness of form even in the earliest stages of embryonic human life.

Implantation

Some have argued that the implantation of the embryo within the uterine lining of the mother constitutes a moment of altered moral status.

Fertilization occurs in the fallopian tubes. The embryo floats down into the uterus and begins to implant in the uterine wall around the 6th–7th day. All along this journey the diffusion of essential nutrients and growth factors sustains the life and nourishes the growth of the developing embryo. Implantation and the development of the placenta simply extend this relationship between mother and embryo with an internal circulation as the embryo gets too large to be nourished by direct diffusion.

Implantation, then, must be viewed as just another step in a continuum of ongoing intimate dependence, all occuring along the trajectory of natural development that begins with conception and continues into infancy. This continuity implies no meaningful moral marker at implantation.

Function

Most other arguments relate in some way to the onset of a specific function or capacity. Arguments for a change in moral status based on function are at once the most difficult to refute and to defend.

The first and most obvious problem is that the essential functions (and even their minimal criteria and age of onset) are diverse and arbitrarily assigned. Generally they relate to the onset of sentience, awareness of pain, or some apparently unique human cognitive capability such as consciousness.

This approach raises a number of disturbing ethical questions.

—If human moral worth is based on actual manifest functions, then does more of that function give an individual life a higher moral value?

—And what are we to make of the parallel functional capacities in animals that we routinely sacrifice for food and medical research?

—Furthermore, what becomes of human moral status with the degeneration or disappearance of such functions? While we might argue that our relational obligations change along with changes in function, such as occur with senile dementia, we would not sanction a utilitarian calculus and the purely instrumental use of such persons no matter how promising the medical benefits might be.

More fundamentally, from a scientific perspective, there is no meaningful moment when one can definitively designate the biological origins of a human characteristic such as consciousness. The human being is an inseparable psycho-physical unity. Our thinking is in and through our bodily being, and thus the roots of our consciousness reach deep into our development. The earliest stages of human development serve as the indispensable and enduring foundations for the powers of freedom and self-awareness that reach their fullest expression in the adult form.

With respect to fundamental moral status therefore, the human being is an embodied being whose intrinsic dignity is inseparable from its full procession of life and always present in its varied stages of emergence.

This conclusion is consistent with 2,500 years of medical science—as recently as 1948, the Physicians Oath in the Declaration of Geneva, echoing the enduring traditions of Hippocratic medicine, proclaimed: "I will maintain the utmost respect for human life from the time of conception."

As we descend into an instrumental use of human life we destroy the very reason for which we were undertaking our new therapies; we degrade the humanity we were trying to heal.

IN VITRO FERTILIZATION EMBRYOS

This brings us to the dilemma of the moral status of an estimated one million embryos left over from in vitro fertalization (IVF). Created to give life, they are now suspended in time and space and the uncertainty of a conflicted fate.

In this canister in the Assisted Reproduction Technologies clinic at Stanford are 300 embryos. The water in their cells has been replaced with glycerol and they are immersed in liquid nitrogen at a temprature of minus 200 degrees Celsius. (I joke with my friend, the director of the lab, that this must be the densest population in human history.)

But the future of these embryos is a poignant problem. In some cases, such embryos have been implanted as long as twelve and a half years after freezing, including one born seven and a half years after its twin. In other cases, there have been custody battles over the frozen embryos after divorces and even a dispute over inheritance when a wealthy couple died in an airplane crash and left several embryonic hiers with numerous couples stepping forward and offering to adopt them. But most of these one million frozen embryos do not have such privileged prospects. They are castoffs, destined to be discarded or disaggregated in the service of medical science.

And this is a warning to us of how even the best intentions of our science, unconstrained by the forethought of moral consideration, slips slowly along the gradient of utility. Each of these embryos, once the precious promise of a happy baby, is now relegated to the category of mere matter, raw material in a larger program of scientific progress.

However much we may agree or disagree with the process that put them there, we should acknowledge that this is a difficult dilemma. Produced with a healing purpose, the good intentions of overcoming the sorrow of infertility, they are now abandoned to a project of a completely different character. Some say that if there is a moral problem it is upstream, in the process that put them there and that now, since they are destined to die, what further harm can be done? As a pragmatic people, many Americans feel the weight of this argument. And, if we fail to develop a morally acceptable alternative source of embryonic stem cells, I suspect that is where our national policy may settle.

Yet even if use of these embryos becomes accepted policy and practice, we should be aware of something more complicated that is below the surface: there has been a slow but steady shift in our underlying attitude toward human life. As we gain the powers of comprehension and control over our most basic biology, there is a transformation, not just in our physical being, but in our whole sense of who we are, and of our place and purpose within the natural order.

As we take increasing instrumental control over natural life processes our attitude changes and we lose the sense of cautionary reverence and respect. With each step, however benevolent the initial intention, there is a moral danger, a fracturing of matter and meaning that breaks the coherence and natural connections of life. With each step, the original radiance and vitality of the cosmos, its order, beauty and coherent moral meaning, are obscured by the conviction that all of living nature is mere matter and information, to be reshuffled and reassigned for the projects of the human will.

This instrumental use of life reaches its most ominous extension as we relegate the human embryo to the status of a resource, as raw material in the service of our project in the mastery over nature. Such an instrumental use of early human life opens a doorway down a long corridor indeed.

For one thing, many of these embryos are not at the developmental state for harvesting embryonic stem cells and would have to undergo further laboratory culture to the blastocyst stage. Will we not want to use some for experiments to perfect the culture medium? And while we are at it, there are many other studies that could be done on early embryos to help perfect IVF.

Thirty years ago, when IVF first came on the scene there was a difficult debate in congress over support of research that involves the destruction of human life. This debate culminated in 1996 with the passage of the Dickey Amendment that forbids federal funding for projects that endanger or destroy human embryos. As with abortion, IVF, involving the creation and implantation or disposal of embryos, would be a matter of personal choice done with private funds.

Will we now retreat and override this decision—or is only embryonic stem cell research urgent enough to justify an exception to this long-standing federal policy? Furthermore, even if we endorse this course of action, the 14-day limit on the use of human embryos will not hold since it does not stand up to logical argument. As discussed above, the designation of fourteen days as the moral boundary for embryo experimentation is in the category of a 'received tradition,' almost a superstition in the sense that it is a belief in a change of state without a discernible cause. As a moral marker, fourteen days makes no sense, it is arbitrarily set and therefore vulnerable to transgression through the persuasive promise of further scientific benefit.

BEYOND CELLS

And it is becoming increasingly apparent that the promise of stem cells lies beyond simple cell cultures and cell replacement. The technological goal is to produce more advanced cell types and even tissues, organs, and possibly limb primordia. Producing such complex tissues and organs may require the intricate cell interactions and microenvironments now available only through natural gestation.

During embryogenesis, differentiation and organ formation unfold within the fragile spatio-temporal induction of a highly specific sequence of cell signaling—different signals coming from different sides and in a perfect synchrony of process.

Consider the formation of the human hand. It begins as a small bud induced off the trunk of the embryo, then through an extraordinary orchestration of cell interactions it progressively unfolds toward its functional form. But once initiated (after about the 5–6th week of embryogenesis), the limb bud can actually be severed from the embryo and, given the right environment, will continue its momentum of development as an independent unit.

I have seen just such a hand in the bottom of a test tube. The tiny limb bud, snipped from the fetal remains of a 5 week old aborted fetus, was implanted into the abdominal cavity of a SCID mouse (a special kind of mouse that won't reject the tissue), and grown till it was about ¼ inch wide. I looked down on that little hand and I thought to myself—this is fantastic, one day we may grow limbs for people with congenital malformations or injuries and amputations. But at the same time I thought—this was going to be someone's little hand, that tender little newborn hand that lays across his mother's breast while nursing.

But if we might one day grow human limbs, we might even more easily grow other organs—kidneys, livers and hearts. Scientists in Isreal have already established that human kidney primordia taken from 7–8 week old aborted fetuses can be successfully grown in mice—a feat proclaimed as "a breakthrough that might one day help save thousands of patients waiting for transplants." (There are 50,000 people in the U.S. alone on dialysis, waiting for kidney transplants—an estimated 17 deaths a day are due to the inadequate organ supply.) Furthermore, several years ago it was announced that a scientist in China successfully sustained *in vitro* a human heart severed from its source in a 7 week old aborted fetus.

The benefits of implanting embryos in order to employ the developmental dynamics of natural embryogenesis for the production of limb and organ primordia seem self-evident.

The implantation of cloned embryos (either into the natural womb or possibly an artificial endometrium) for the production of patient specific tissue types to bypass problems of immune rejection would further extend the logic of the instrumental use of developing life.

The public pressure that has already been brought to bear on the politics of stem cells and cloning by patient advocacy groups has provoked such a sense of promise that it may propel the argument for allowing such gestation of cloned human embryos.

Over the past four years, I have talked with hundreds of people, including many scientists, who say that they would find such a practice, (that is, the implantation of a cloned embryo) acceptable to save the life of a dying child.

Different people have different limits to the duration of gestation they find morally acceptable, but in light of the current sanction of abortion up to and beyond the end of the second trimester, it is difficult to argue that creation, gestation and sacrifice of a clone to save an existing life is a large leap in the logic of justification. The argument is made that if abortion is legal, that is, if a developing life can be terminated with no reason given, then why not for a good reason? One must admit there is a certain perverse logic to this argument.

WHITE PAPER

In light of the arguments given above that human moral worth is based on a continuity of embodied form from fertilization to natural death, it would seem that we are at an irresolvable impasse. If embryonic stem cells can be obtained only by the destruction of human embryos this may, in fact, be the case. But last May a White Paper by the President's Council on Bioethics suggested otherwise. This report describes four proposals put forward as possible means of obtaining embryonic stem cells without the creation and destruction of human embryos.

As the author of one of the proposals, Altered Nuclear Transfer, I would like to draw on this to discuss the scientific advances and moral reasoning that may lead us to a technological solution to our national conflict.

ALTERED NUCLEAR TRANSFER

As described above, natural conception signals the activation of the organizing principle for the self-development and self-maintenance of the full human organism. In the language of stem cell biology, this capability is termed "totipotency," the capacity to form the complete organism. A naturally fertilized egg, the one cell embryo, is totipotent.

In contrast, the term "pluripotency," designates the capacity to produce all the cell types of the human body but not the coherent and integrated unity of a living being. Embryonic stem cells are merely pluripotent. This is a difference between the material parts and the living whole.

Altered Nuclear Transfer would draw on the basic technique of SCNT (popularly known as "therapeutic cloning") but with an alteration such that pluripotent stem cells are produced without the creation and destruction of totipotent human embryos.

In standard nuclear transfer the cell nucleus is removed from an adult body cell and transferred into an egg cell that first has its own nucleus removed. The egg then has a full set of DNA and, after it is electrically stimulated, starts to divide like a naturally fertilized egg. This is how Dolly the sheep was produced.

Altered Nuclear Transfer uses the technology of nuclear transfer but with a preemptive alteration that assures that no embryo is created. The adult body cell nucleus or the enucleated egg's contents (or both) are first altered before the adult body cell nucleus is transferred into the egg. The alterations cause the adult body cell DNA to function in such a way that no embryo is generated, but pluripotent stem cells are produced.

There is natural precedent for such a project. In normal conception, fertilization signals the activation of the organizing principle for the self-development of the full human organism.

But without all of the essential elements—the necessary complement of chromosomes, proper epigenetic configuration and the cytoplasmic factors for gene expression—there can be no living whole, no organism, and no human embryo. Recent scientific evidence suggests incomplete combinations of the necessary elements—'failures of fertilization'—are the fate of many, perhaps most, of early natural initiations in reproduction.

FAILURES OF FERTILIZATION

It is important to realize that many of these naturally occurring failures of fertilization may still proceed along partial trajectories of organic growth without being actual organisms. For example, certain grossly abnormal karyotypes (including haploid genomes, with only half the natural number of chromosomes) will form blastocyst-like structures but will not implant.

Even an egg without a nucleus, when artificially activated has the developmental power to divide to the eight-cell stage, yet clearly is not an embryo—or an organism at all. The mRNA for the protein synthesis that drives these early cell divisions is generated during the maturation of the egg and then activated after fertilization. Like a spinning top, the cells contain a certain biological momentum that propels a partial trajectory of development, but unlike a normal embryo they are unable to bootstrap themselves into becoming an integrated and self-regulating organism.

Some of these aberrant products of fertilization that lack the qualities and characteristics of an organism, appear to be capable of generating ES cells or their functional equivalent. Mature teratomas are benign tumors that generate all three primary embryonic cell types as well as more advanced cells and tissues, including partial limb and organ primordia—and sometimes hair, fingernails and even fully formed teeth. (The white opacities in this x-ray are adult-size molars.) Yet these chaotic, disorganized, and nonfunctional masses are like a bag of jumbled puzzle parts, lacking entirely the structural and dynamic character of organisms. Neither medical science nor the major religious traditions have ever considered these growths to be 'moral beings' worthy of protection, yet they produce embryonic stem cells.

These benign ovarian tumors, appear to be derived by spontaneous development of activated eggs. The disorganized character of teratomas appears to arise, not from changes in the DNA sequence, but from genetic imprinting, an epigenetic modification that affects the pattern of gene expression (keeping some genes turned off and others on). In natural reproduction the sperm and egg have different, but complementary, patterns of imprinting, allowing a coordinated control of embryological development. When an egg is activated without a sperm, the trophectoderm (the outer layer in a natural embryo—sometimes called the trophoblast) and its lineages fail to develop properly. In the absence of the complementary genetic contribution of the male, the activated egg is simply inadequately constituted to direct the integrated development characteristic of human embryogenesis.

SYSTEMS BIOLOGY

This example points to another new dimension of our advancing knowledge. Through systems biology, we are beginning to recognize how even a small change of one gene can affect the entire balance of an enormous network of biochemical processes necessary to initiate and sustain the existence of a living being.

Systems biology offers us the view of an organism as a dynamic whole, an interactive web of interdependent processes that express emergent properties not apparent in the biochemical parts. Within this dynamic self-sustaining system is the very principle of life, the organizing information and coordinated coherence of a living being. With the full complement of coordinated parts, an organismal system subsumes and sustains the parts; it exerts a downward causation that binds and balances the parts into a patterned program of integrated growth and development. Partial organic subsystems (cells, tissues and organs) that are components of this larger whole, if separated or separately produced, may temporarily proceed forward in development. But without the coherent coordination and robust self-regulation of the full organism, they will ultimately become merely disorganized cellular growth.

ANT proposes that small, but precisely selected alterations will allow the harnessing of partial developmental trajectories apart from their full natural context in order to produce ES cells.

CDX2

Altered nuclear transfer is a broad concept with a range of possible approaches; there may be many ways this technique can be used to accomplish the same end.

One variation involves the deletion or silencing of a gene essential at the most primary level of coordinated organization. As described in a January 2006 paper in the journal Nature, stem cell biologist Rudolf Jaenisch has established the scientific feasibility of this approach in a series of dramatic mouse model experiments in which he procured fully functional embryonic stem cells from a laboratory construct that is radically different in developmental potential than a normal embryo.

Using the technique of RNA interference, he was able to reversibly silence the gene Cdx2 in the donor nucleus before nuclear transfer to the enucleated egg. And a study just two months ago in the journal Science suggests that it may be possible to achieve the goals of ANT through the preemptive silencing of Cdx2 in the egg even before the act of nuclear transfer, thereby producing the biological (and moral) equivalent of an inner cell mass tissue culture. This article showed that in mice, m-RNA for Cdx2 is present in the egg and asymmetrically distributed in the first cell division after fertilization. This asymmetric distribution of Cdx2 directs the cells at the two-cell stage to form two distinct cell lineages. One of the cells at the two-cell stage goes on to become the trophectoderm and forms the outer layer of the embryo (and later the extra-embryonic membranes, including the placenta). The other cell forms the 'inner cell mass' which is the source of embryonic stem cells. By selective silencing of Cdx2, the authors were able to produce an unorganized mass composed exclusively of cells with the character of inner cell mass.

This is the organic equivalent of a model airplane kit without the glue, you have parts but no capacity to form a coherent whole. The gene Cdx2 has been shown in mouse models to be essential for the early integration of organismal function. In the absence of expression of this gene, as with a teratoma, the trophectoderm fails to grow and there is only partial and unorganized cellular process. Lacking one of the two essential cell types, it is the equivalent of trying to sing a duet with only one voice. The coordinated interactions that are essential for embryonic development are simply not possible. Nonetheless, an inner cell mass is produced from which functional embryonic stem cells can be extracted.

It is important to recognize that the improper development of the trophectoderm is not reasonably considered a defect within a part but rather a failure in the formation of the whole. An early embryo does not have parts in quite the same sense as an adult organism or even as a later-stage embryo just a few days or weeks later. Natural embryogenesis is, by definition, the period during which the whole, as the unified principle of growth, produces the parts. The differentiation of parts during early embryogenesis lays down the fundamental axes, body plan, and pattern of integrated organogenesis. An embryo does not have a central integrating part like the brain; rather, the essential being is the whole being. At this stage, a critical "deficiency" is more rightly considered an "insufficiency," not a defect in a being, but an inadequacy at such a fundamental level that it precludes the coordinated coherence and developmental potential that are the defining characteristics of an embryonic organism. In testimony to a U.S. Senate subcommittee on stem cell research, Dr. Jaenisch stated: "Because the ANT product lacks essential properties of the fertilized embryo, it is not justified to call it an 'embryo.'

Many scientists, moral philosophers and religious authorities (including some of the most conservative evangelical and Catholic leaders) have expressed strong encouragement for further exploration of this project. Of course additional animal studies, including some with non-human primates must precede any translation of these findings into practice with human cells.

ADVANTAGES OF ANT

ANT, in its many variations, could provide a uniquely flexible tool and has many positive advantages that would help advance stem cell research.

—Unlike the use of embryos from IVF clinics, ANT would produce an unlimited range of genetic types for the study of disease, drug testing and possibly generation of therapeutically useful cells.

—By allowing controlled and reproducible experiments, ANT would provide a valuable research tool for a wide range of studies of gene expression, imprinting, and intercellular communication.

—Furthermore, the basic research essential to establishing the ANT technique would advance our understanding of developmental biology and might serve as a bridge to transcendent technologies such as direct reprogramming of adult cells.

—Moreover, as a direct laboratory technique, ANT would unburden embryonic stem cell research from the additional ethical concerns of the "left over" IVF embryos, including the attendant clinical and legal complexities in this realm of great personal and social sensitivity.

The one remaining link with IVF, the procurement of oocytes, is a subject of intense scientific research and there appear to be several prospects for obtaining eggs without the morally dubious and expensive hormonally induced super-ovulation of female patients. These include the use of eggs left over from IVF, the laboratory maturation of eggs cultured from ovaries obtained after surgical removal or from cadavers, and possibly the direct production of eggs from embryonic stem cells (a feat already accomplished with mouse cells).

CONCLUSION

We are at a crucial moment in the progress of science and civilization. Advances in biology have delivered new powers with extraordinary potential for positive application in both basic research and clinical medicine. Yet, at the same time, these new possibilities challenge the most fundamental moral principles on which our society is based. Clearly, both sides of this difficult debate over embryonic stem cell research are defending something important to all of us. Without a resolution that sustains social consensus, there will be a series of continuing conflicts as our science challenges us with further dilemmas at the boundaries of human life.

The English author G.K. Chesterton had a metaphor that may inform our current situation. Little boys are playing soccer on an island, but at the very edges of the field cliffs go down hundreds of feet to the waves crashing against the rocky shore. The boys are playing, but only in the middle twenty yards—no one wants to do a corner kick. Then someone comes and builds a sturdy fence right at the edges of the field: now they can play within the full field without fear of falling off the cliff.

Our current conflict is like this: science is stalled across a broad front. If we can define with clarity and precision the moral boundaries we are trying to defend, we might open a wider arena of legitimate study without fear of the grave dangers posed by breach of the basic moral principles that sustain our civilization. In provoking just such reflection and clarity of definition, the proposal for Altered Nuclear Transfer sets the foundation for a positive future of scientific advance.

Yet, some will say, "how can such a tiny clump of cells hold such significance?"

But size is not a measure of moral meaning. It is true, from here these cells are barely visible.

But from here one cannot see the people.

And from here one cannot see the earth.

And from here one cannot even see our galaxy.

Three hundred years ago the French philosopher-mathematician Blaise Pascal noted that human existence is located between infinities—between the infinitely large and the infinitely small. He went on to say "By size the universe surrounds and swallows me up like a dot: by thought I encompass the universe."

But what kind of thought could encompass the universe? That thought must be a moral thought—that thought must be love.

C.S. Lewis once said that we should answer all of our problems with more love, not less love.

That precious love that nourished and sustained each one of us in the early dawn of our unfolding form.

Now, as we prepare to enter the future with the new powers of our scientific understanding, we should remember the words of St. John of the Cross: "In the evening of life, we will be judged by love."

Mr. COLEMAN. We are all aware of how divisive this issue has been. I believe that there are areas of common ground where people can come together and reconcile what appear to be two opposing opinions. This is the ground on which I have built my legislation.

The HOPE Act is the only bill up for debate which would not be in danger of a Presidential veto. This means that my bill is the only way we can actually move the science forward for at least the next two years.

What this debate is really about is what the American public gets at the end of the day. When all the votes are cast, what can we say to the patients who visit us who want cures for terrible diseases? Some members would focus on adult stem cells and some would leave all the promise with embryonic stem cells. But a balanced and measured approach would give the Federal Government the opportunity to support both.

At the end of the day, one bill is destined for the garbage bin. It sounds harsh, but it's a fact that the President will veto it. Maybe it can be dusted off in 2009 with a new administration, but in the meanwhile, we're wasting time. The HOPE Act actually has a chance of becoming law and putting the force of Federal support into pluripotent stem cell research that can benefit patients in the very near future.

My bill incorporates all of the most promising current scientific advancements which adhere to ethical principles, induding methods using adult stem cells and some using embryonic stem cells.

Since 2001, the Federal Government has funded human embryonic stem cell research using only lines created before August 9, 2001. No embryonic stem cell lines created after 2001 were eligible for funding. Although the White House could change their policy at any time, they haven't. Currently, only 20–21 lines are eligible, down from an original 60.

There are already several methods proposed for deriving pluripotent cells without harming human embryos.

Research involving ANT, naturally dead embryos or single cell biopsy has never before received Federal funding. Our bill would allow these methods to be considered for Federal funding and specifically direct the NIH to establish guidelines to carry out this research. Similiar guidelines or requests for research proposals, RFPs, do not currently exist.

Additionally, my bill provides funding to start the process of developing a stem cell bank. By opening banks to store amniotic and placental cells, this bill will make available a greater variety of stem cells. Different types of stem cells are used in different types of treatments. Anthony Atala has told us that "So far, we've been successful with every cell type we've attempted to produce from these stem cells. The AFS cells can also produce mature cells that meet tests of function, which suggests their therapeutic value."

Bottom line—This bill moves the United States one step further towards widespread use of stem cells for treatments for a variety of diseases.

Opponents tell us that this bill doesn't do anything new. This is just not true. In addition to what I've mentioned above, there is scientific proof that these alternatives can create quality, new embryonic stem cell lines.

In fact, one of these methods, using naturally dead embryos, has already produced at least one new embryonic stem cell line which is currently available in a stem cell bank and under your bill would now be eligible for Federal funding. Donald Landry, Chief of the Division of Experimental Therapeutics at Columbia University, says that increasing the number of stem cell lines created this way would be just a matter of effort.

According to this well-respected researcher, there could be a continuous supply of new embryonic stem cell lines using stem cells derived from naturally dead embryos. The same could be said for other methods:

When the dust clears, The HOPE Act is the only bill up for consideration which will give the American public new research for their tax dollars. Under The HOPE Act, a continuous supply of pluripotent stem cell lines would be available for Federal funding.

We are at a point where there is this great debate in this country over, not the issue of stem cell research but, simply, the source of the stem cells and then the Federal funding of the stem cells. That is the reality. That is where we are today. What Senator ISAKSON and myself and other colleagues are offering is what we believe is a way forward, a way to move the science forward, a way to avoid the culture wars. It is not everything my colleagues who support S. 5, if that would have passed and become law, would have, but S. 5 for many crosses that line, so we can't support it, but we want the research to move forward.

The reality is the science is moving so much faster than the politics here. The science is putting us in a position where we could and should explore the benefits of embryonic research and pluripotent stem cell research without having to cross the moral line. So if S. 30 is passed, the President has said he will not veto S. 30. If S. 30 becomes the law, then, in fact, the amount of Federal dollars available for human embryonic pluripotency research will be far greater than what we have today.

For those out there who are looking for hope—and that is what we call our bill, HOPE—it is hope offered through principled ethical stem cell research. For those who are looking for hope, we are offering some hope. It is not everything. It is not everything that all desire in the area of stem cell research. But the reality of so much of what we are dealing with in stem cell research is about theory. It is about hope.

Let's offer the hope. There is hope of what embryonic stem cells can do. My colleague from Iowa, when he was discounting dead embryo research, said it may take 10 year for that to pan out. Stem cell research of any kind, I have to tell the folks out there, may take 10 year or more. I am not hearing scientists telling me that within the next couple of years we are going to have those therapies which will cure juvenile diabetes or cure ALS or change the situation. We are talking about looking down the road. We are talking about looking at research opportunities in which we want to provide hope. We believe that is the right thing to do.

So my message to my colleagues who support S. 5—my colleague from Arkansas and from Iowa, who talked about he wants to open every door we can—I think we need to push all of them. Well, S. 30 opens a door. It opens a door without crossing the cultural line. It opens the door without being involved in the midst of the battle between those who support embryonic stem cell research and those who support only adult stem cell research. It offers a third way: It offers real dollars and real hope and real opportunity to see if we can make progress. That is our goal.

To my colleagues who support S. 5, at the end of the day if all you do is vote for S. 5, you will cast a vote I am sure in your heart you will feel will be principled, the right message, the right thing to do. But the reality is at the end of the day, there are going to be no more dollars going into Federal research, you are not going to be offering real hope, you will have offered a political statement, but we need to do more.

What Senator ISAKSON and I have tried to do is offer the opportunity to do more, to say, yes, we will move the science forward. There are going to be critics who say it can't be done. Science is fascinating. Oftentimes it is "my way or the highway." Embryonic stem cells, that is the way; adult stem cells, that is the way; autonuclear transfer, that is the way.

I am not a scientist; I just want to move it forward. I understand we are operating in a world where it is about hope. Let's open this door. Let's put aside the cultural battles and the cultural wars.

One last observation, if I may. The Senator from Iowa talked about trying to put this in context, and said, you know, look at the size, what we are dealing with. This embryo—this is a pin. That is small. What is the value of that? I take this, by the way, from Dr. Hurlbett's work. I can show you the next picture here. You know, if you are on the Moon and you are looking at this from there, this would be kind of small. Then if you are standing—by the way, from here, these people would be about the size of a pin.

Now we are kind of looking at the Earth from far away. If you are looking at that, by the way, from the galaxy, boy, that would be very small. If you are looking at the galaxy from the universe, this would be very small. It is not about size. We are dealing with the human embryo, and there is a moral question some of us want to ask and say that there is a line, but in doing that we want the research to go forward, we want to offer hope, we want to offer opportunity, we want to use science as best we can.

S. 30 offers that opportunity. I would hope all of my colleagues on all sides of this issue would come forward. Some would say, it is not all we want, but we are moving the science forward. Let's do that. And in the end, hopefully real hope will be given and real cures ultimately will be found, and we will have done it in a way that does not engage the cultural ways, does not cross the line that some do not want to cross, but in the end makes real progress with real science.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I wish to explain to my colleagues why I will vote against S. 5 in its present form, and I believe it will probably be in its present form as we vote on it.

We in Congress are petitioned every day by individuals, by families, by companies, by interest groups, and other entities that have a stake in what the Federal Government does. We were elected to this great body to represent people back home, and to provide reasonable solutions to everyday problems that we confront here in the Congress.

I meet people in Iowa every week who seek cures for different diseases and different disorders. They seek results, and we fight to provide them results so that life is better, life expectancy is longer. Americans want Congress to fund medical research, and we do it in a big way. That is why we provided nearly $30 billion annually for the National Institutes of Health, which is the leading organization on health-related research.

We all know and love someone who has suffered from a devastating disease or disorder. My wife is a breast cancer survivor; my brother died of a stroke; my sister died of an aortic aneurysm. I have friends with diabetes, Parkinson's, and Lou Gehrig's disease. I have known many who have lost a battle to cancer, and others who face a long struggle with Alzheimer's disease.

I want cures as well as everybody else wanting cures. I want to believe that the pain and suffering will end as much as anyone wants it to end. But I cannot in good conscience support a bill that forces American taxpayers to fund research that requires the destruction of innocent human life. This is a slippery slope.

I wish to address six key points that have been put forward by Robert George and by Thomas Berg. They were made in an op-ed piece from the Wall Street Journal on March 13, this year.

These authors state that responsible and productive debate is often lost amidst confusion and misperceptions surrounding the issue of embryonic stem cell research. Both sides of this debate have reasonable arguments. But these authors, including this Senator, believe embryonic-destructive research cannot be morally justified.

First, Professor George and Reverend Berg rightly point out there is not a ban on human embryonic stem cell research in the United States. Yet I believe people in this body leave that impression. More importantly, it has left the impression—whether from Members of Congress or other people in our society—there is a Federal ban on human embryonic stem cell research. They leave out the fact we are already doing some through the Federal Government. They leave out the fact that the private sector and State governments are doing a lot of embryonic stem cell research as well. So there is embryonic stem cell research going on. The issue is whether the Federal taxpayers ought to be paying for something that would destroy life at the beginning.

What people have forgotten in this debate, then, is George W. Bush was, in fact, the first President to provide Federal dollars for embryonic stem cell research. Throughout the Clinton administration, not one penny of taxpayer dollars was allowed for this sort of research. So there is no Federal ban. In fact, companies and researchers can and are doing it now. There is no legal barrier to prohibit the private financing of it. In fact, we will continue to fund the lines President Bush authorized in 2001. Since the President announced his decision in August 2001, the Federal Government has provided almost $130 million for embryonic stem cell research. Eighty-five percent of the embryonic stem cell research studies in the world use these lines that President Bush's decision in August 2001 allowed.

Because of this funding and the investment in the National Institutes of Health, America, our country, remains one of the global leaders in medical research. Why then do some generate the false impression that the Federal Government is not involved in stem cell research?

Well, that brings me to the second point. The authors say we are a long way away from seeing the therapies the other side promises. Embryonic stem cell research may not be the magic potion many make it out to be. Even the most ardent pro-embryonic stem cell research experts have stated its benefits are years, if not generations, away. George and Berg quote a prominent British expert who is not entirely convinced that embryonic stem cells will, in his life and possibly anyone's lifetime, be holding quite the promise that some desperately hope they will.

One expert from the University of Wisconsin fears a backlash because the cures the public expects could be decades away. I know many of my colleagues and many of my constituents believe embryonic stem cell research holds potential. They believe the hope and the promise of this research will save their lives and the lives of their loved ones. But I cannot support the expanded use of taxpayer dollars to invest in something that is generations away—even if possible—when proven therapies through adult stem cell research, with no moral strings being attached, no lives being taken, are right in front of us.

Third, the authors explain that a human embryo is deserving of at least some degree of special moral status. Most people would agree the embryo being destroyed has the potential to be developed into human life. It is a fact. Therefore, it is only right that a heightened degree of sensitivity and consideration be paid to this life at this stage of development, the embryo.

This bill then plays with human life. The other side's promise of cures disregards the fact that this bill will allow researchers to kill embryos, and pay for that killing, with American taxpayer dollars.

The bill before us says we should fund research using embryos that were on the brink of being thrown away anyway. Thrown away? What about the many children who have been adopted through this process? They were not thrown away or they obviously would not have been here to be adopted.

What about making sure that couples are not exploited and forced to create extra embryos so that industry can make a profit? Think how China makes a profit from harvesting organs from prisoners that they execute, or who knows how they die? Tourist medicine is what it is called. Do we want that sort of ethic in our research? I do not think so.

What about ensuring those so-called leftover embryos are not being created through cloning? How do we ensure human cloning is not made more attractive, and that researchers are limited to how they create and destroy life? Where do we draw the line?

Point number four: There are noncontroversial methods that are worth exploring if you want to do something for curing maladies with stem cells. Other noncontroversial methods of cutting-edge research, those which do not destroy human embryos, offer near equal promise for future medical benefit. Those methods are treating people this very day. Stem cells derived from bone marrow, umbilical cord blood, amniotic fluid, have opened the doors to many therapies. Adult stem cells have already proven effective in treating over 70 diseases and disorders, not something anybody interested in embryonic stem cells can point to. This alternative research has proven effective. We are investing taxpayers' money in research that people are reaping benefits in today.

Last year, I talked about an acquaintance of mine by the name of David Foege whom I happen to know from the years when he was a page in the Iowa Legislature in the 1960s. He grew up in Iowa and now resides in Florida. Four years ago, David Foege was told that he had little chance of survival. His heart was losing all function, and there was little that doctors could do. David turned to stem cell therapy. He found doctors in Bangkok who would harvest his own stem cells and inject them back into his own heart. This year, 25 million of his own stem cells were taken from his blood and injected into his heart. He went from a life-threatening situation to a nearly normal heart function. He went from a life expectancy of 90 days to 10 or 15 more years. He is fighting that death warrant that he received years ago. David Foege is evidence that adult stem cells work, that the investment we have made in adult stem cells is paying off, and it is evidence that we ought to put our money where product is received as opposed to the quandary of when will we get therapies or when will we get maladies fixed by the research in adult stem cells.

I wish I could list the advances with embryonic stem cell research, but I cannot. There aren't any. There are no treatments for human patients derived from embryonic stem cells. So there is no evidence on which to argue that this research should be expanded with public resources; in other words, tax dollars being used. We in Congress have to realize that there is a difference between hope and hype.

The fifth point these authors make, moral concerns are not exclusively religious in nature. Everybody thinks that anyone who is fighting this research is some religious fanatic.

Nobody says it better than Charles Krauthammer, a highly regarded columnist and former member of the President's Council on Bioethics. Mr. Krauthammer doesn't believe that life begins at conception, as many who have a feeling about embryonic stem cells and the destruction of life at that stage. But Mr. Krauthammer says that "many secularly"—I emphasize secularly; I didn't say religious—"inclined people have great trepidation about the inherent dangers of wanton and unrestricted manipulation"—to the point of dismemberment—"of human embryos." Mr. Krauthammer says that we don't need religion to simply "have a healthy respect for the human capacity for doing evil in the pursuit of doing good."

Mr. Krauthammer knows firsthand what it is like to live with a debilitating disease. He suffers from spinal cord injury. He spends every day of his life in a wheelchair. Even he knows that it is cruel to play on the hearts of those who suffer by saying that a cure is within reach. He said:

> There's nothing less compassionate than to construct a political constituency of sufferers by falsely and cruelly intimating that their disease is on the very cusp of cure if only the President would stop playing politics with the issue.

We aren't playing politics. Reasonable people can disagree on the moral or fiscal consequences of this bill without being labeled religiously minded obstructionists.

The sixth and final point that Berg and George make is that medical advancements are not the only interest of stem cell researchers. Because the benefit of embryonic stem cell research is only speculative and many years from producing results, most scientists have acknowledged that the primary interest of this type of research is to enhance the basic knowledge of early human development. S. 5 does not ban human cloning, and it doesn't help draw the line on what researchers should or should not do with so-called leftover embryos. This puts us on a very slippery slope. I urge my colleagues to think long and hard about this issue before casting their vote.

S. 5 disregards respect for human life at the expense of prolonging the pain of those who seek a cure. We in Congress and across the country need to think rationally and to make tough choices. The right choice is to invest in what works. I have spent a great deal of time explaining that I thought that was adult stem cell research. I urge my colleagues to join in defeating S. 5 and supporting the proven and noncontroversial field of adult stem cell research.

I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I thank my colleagues for this bill. Senator COLEMAN and Senator ISAKSON have put a great deal of time into this bill, and I am pleased to work with them in bringing about this formulation. If I am not already a cosponsor, I ask unanimous consent to be added as a cosponsor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COBURN. Unlike many in the Chamber, I am a scientist. I am a physician. I have delivered, at last count, somewhere over 4,000 babies. I understand embryology. I understand the science of molecular biology. This debate is going to come down to a couple of moral questions. There are really two moral questions that this country has to answer. I will talk about those, and then I will talk about a few other things that most people don't want to admit to or discuss, issues surrounding this topic.

The first moral issue is, do we have the capability to destroy life in the name of saving life? That is what we are talking about with embryonic stem cells. We selectively snuff out a life so that we can potentially have a treatment in the future. That is the first great moral question. I have seen the various early stages and then every other stage through pregnancy what that life potential is. It is not to be taken lightly, this step of ignoring life or neutralizing life under the proxy of saying we are going to benefit someone.

We have heard many people talk about the promise of embryonic stem cells. They do yield promise for us. However, it is a long way off. But we need to be careful with this step in the direction of destroying life in the name of saving life.

I thought Senator ISAKSON did a very good job of explaining embryos that no longer grow. They have quit dividing. They won't be frozen. They won't be implanted. They, in fact, will be discarded. But they still have tremendous value for us for research. As he noted, 5 of the 21 lines presently being researched, and 3 of the 10 lines that presently have no problems whatsoever came from dead embryos, embryos that still have live cells but won't divide again unless induced to do so, and then won't divide into an embryo.

This is a big question for us because how we answer this question today is going to say a lot about the decisions we make in the future. One of the things we are going to hear about is the tremendous amount of excess embryos around. Here is a RAND study report that disputes that. Here is a scientific research organization that looked at the availability of excess embryos and in fact says the claims are not supported by the facts.

I ask unanimous consent to print this in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HOW MANY FROZEN HUMAN EMBRYOS ARE AVAILABLE FOR RESEARCH?

Frozen human embryos have recently become the focus of considerable media attention. Frozen embryos are a potential source of embryonic stem cells, which can replicate themselves and develop into specialized cells (e.g., blood cells or nerve cells). Researchers believe that such cells might be capable of growing replacement tissues that could be used to treat people suffering from a number of diseases, including cancer, Alzheimer's disease, and diabetes. Among the most contentious issues in the stem cell debate are whether frozen embryos should be used to produce stem cells for research purposes and whether it is appropriate to use federal funds for research involving human embryos.

Many of the proposed resolutions to the embryonic stem cell debate are based on assumptions about the total number of frozen human embryos in the United States and the percentage of that total that is available for research. Accurate data on these issues, however, have not been available. Guesses on the total number of embryos have ranged wildly from tens of thousands to several hundred thousand.

RAND researchers Gail L. Zellman and C. Christine Fair, together with the Society of Assisted Reproductive Technology (SART) Working Group led by David Hoffman, MD, have completed a project designed to inform the policy debate by providing accurate data on the number of frozen embryos in the United States and how many of those embryos are available for research purposes. Their findings include the following:

Nearly 400,000 embryos (fertilized eggs that have developed for six or fewer days) have been frozen and stored since the late 1970s.

Patients have designated only 2.8 percent (about 11,000 embryos) for research. The vast majority of frozen embryos are designated for future attempts at pregnancy.

From those embryos designated for research, perhaps as many as 275 stem cell lines (cell cultures suitable for further development) could be created. The actual number is likely to be much lower.

VAST MAJORITY OF FROZEN EMBRYOS ARE HELD FOR FAMILY BUILDING

The practice of freezing embryos dates back to the first infertility treatments in the mid-1980s. The process of in vitro fertilization often produces more embryos than can be used at one time. In the United States, the decision about what to do with the extra embryos rests with the patients who produced them.

The RAND-SART team designed and implemented a survey to determine the number and current disposition of embryos frozen and stored since the mid-1980s at fertility clinics in the United States and the number of those embryos designated for research. The survey was sent to all 430 assisted reproductive technology facilities in the United States, 340 of which responded. Estimates for nonresponding clinics were developed using a statistical formula based on a clinic's size and other characteristics. The results show that as of April 1, 2002, a total of 396,526 embryos have been placed in storage in the United States. This number is higher than expected; previous estimates have ranged from 30,000 to 200,000.

Alhough the total number of frozen embryos is large, the RAND-SART survey found that only a small percentage of these embryos have been designated for research use. As the figure illustrates, the vast majority of stored embryos (88.2 percent) are being held for family building, with just 2.8 percent of the total (11,000) designated for research. Of the remaining embryos, 2.3 percent are awaiting donation to another patient, 2.2 percent are designated to be discarded, and 4.5 percent are held in storage for other reasons, including lost contact with a patient, patient death, abandonment, and divorce.

EMBRYOS AVAILABLE FOR RESEARCH DO NOT HAVE HIGH DEVELOPMENT POTENTIAL

Although the 11,000 embryos designated for research might seem like a large number, the actual number of embryos that might be converted into stem cell lines is likely to be substantially lower. Because assisted reproductive technology clinics generally transfer the best-quality embryos to the patient during treatment cycles, the remaining embryos available to be frozen are not always of the highest quality. (High-quality embryos are those that grow at normal rates.) In addition, some of the frozen embryos have been in storage for many years, and at the time that some of those embryos were created, laboratory cultures were not as conducive to preserving embryos as they are today. Some embryos would also be lost in the freeze-and-thaw process itself.

To illustrate how such laboratory conditions might limit the number of embryos available for research, the RAND-SART team performed a series of calculations. Drawing upon the few published studies in this area, they estimated that only about 65 percent of the approximately 11,000 embryos would survive the freeze-and-thaw process, resulting in 7,334 embryos. Of those, about 25 percent (1,834 embryos) would likely be able to survive the initial stages of development to the blastocyst stage (a blastocyst is an embryo that has developed for at least five days). Even fewer could be successfully converted into embryonic stem cell lines. For example, researchers at the University of Wisconsin needed 18 blastocysts to create five embryonic stem cell lines, while researchers at The Jones Institute used 40 blastocysts to create three lines.

Using a conservative estimate between the two conversion rates from blastocyst to stem cells noted above (27 percent and 7.5 percent), the research team calculated that about 275 embryonic stem cell lines could be created from the total number of embryos available for research. Even this number is probably an overestimate because it assumes that all the embryos designated for research in the United States would be used to create stem cell lines, which is highly unlikely.

CONCLUSION

The RAND-SART survey found that almost twice as many frozen embryos exist in the United States as the highest previous estimate. Only a small percentage of these embryos are available for research because the vast majority are reserved for family building. Among those that are in principle available for research, some have been in storage for more than a decade and were frozen using techniques that are less effective than those that are currently available.

Mr. COBURN. The second question we have to ask ourselves is, if you are a mother of a juvenile diabetic, a 2- or 3-year-old, or you are the wife of a Parkinson's patient or the caregiver of somebody with a spinal cord injury, if we told you that in fact we can do everything to produce a cure, to give you the exact same opportunity for a cure without ever destroying the first embryo, which would your choice be? Would your choice be to destroy that embryo or to do it in a nondestructive way getting exactly the same results?

That is where the science is today. That is going to be disputed. But the false hopes that have been created that that is the only way that we can find these cures is nothing but hogwash, scientifically proven hogwash.

The fact is, we don't know what is going to come from embryonic stem cells. We know a lot that will come from other treatments. I just shared with Senator COLEMAN, we will have a treatment for juvenile diabetes within 5 years, but it won't come from stem cells. It is going to come from the tobacco plant. That is very new research. It has been repeated in mice. It is working. We will have that cure. That is going to get funded, and it will be produced long before anything else that comes to an actual cure.

By the way, autologous stem cells, cells taken from yourself, have already cured five juvenile diabetics by taking the cells from a tube inside the pancreas and growing those cells, regenerating beta cells, and reimplanting those into children who have juvenile diabetes, who are off insulin today. So there are lots of opportunities.

The second moral question that Americans need to ask themselves, as do Members of this body, is if we can do everything without destroying the first embryo, why do we want to destroy embryos? Because it is easy? Because it is convenient? Because we are locked in a mantra that says this is the only way. Think for a minute about what else is going on. We now produce almost every cell type that man has from germ cells, research done in this country, proven in Germany, in Japan, another source of stem cells. Didn't destroy the first embryo, but we have it. Altered nuclear transfer, assisted reprogramming, which you heard Senator COLEMAN talk about, has not been done in humans yet because it hasn't been funded. The fact is, it has been done in mice. You sit and think, what can happen.

When we heard that these were theories by the Senator from Iowa, going to the Moon was a theory, but we did it. The fact is, there are lots of other theories on how to treat disease out there that we are going to be accomplishing that aren't going to have anything to do with stem cells.

It is important that we don't take our eye off the ball. This is a very key moral question that has to be answered. It has to be answered by all the disease groups out there. If, in fact, we can supply the same product in the same timeline with the same results, why would we want to destroy an embryo? If we could do it in an ethically, morally correct way, why would we do it in an ethically less correct way?

Then there is the little problem that you never hear talked about with stem cells. The only way a stem cell therapy is ever going to work without antirejection drugs, the only way it is ever going to work is if you clone yourself. They don't want to talk about that right now. But for a treatment to happen that will keep you free from rejecting that stem cell, that treatment, that set of cells that is not purely yours will mean anybody who gets a treatment from an embryonically derived stem cell will be on antirejection drugs the rest of their life, which has multiple complications. The solution to that—they don't want to talk about it—is you have to clone yourself. So now we are into cloning ourselves and then destroying ourselves so we can have a treatment for ourselves? That is the dirty little secret that nobody with embryonic stem cells wants to talk about.

The interesting answer to that is altered nuclear transfer, oocyte-assisted reprogramming, which has none of those problems because you use one of your cells into an egg, reprogram it to produce pluripotent cells that never produce an embryo. Nobody wants to talk about the real scientific issue of the problems of a treatment for a disease that we have no treatments for yet, that is well down the road, and the big kicker that will come is, what if we get a treatment and then we try to give it and everybody is going to have to be on an antirejection drug. Everybody knows somebody who has had a transplant. Ask them how they like taking their drugs. They like taking them because they have a new liver or heart or kidney, but if they could not take those drugs and have it, they would much rather have that.

So we set up a false choice. The false choice is, embryonic stem cells or nothing. That is not a real choice for this country.

I believe America is a great land, made up of good people. If we answer this second moral question, if we can do this, and we can, through multiple ways, why would we destroy the first embryo? We do not have to destroy the first embryo.

I think we ought to be considering the moral questions, but also the facts that are going to come about as a result of this fascination and hope for a cure. I have had mothers of juvenile diabetics in my office. I have had family members of Alzheimer's patients. I have had a Parkinson's patient plead with me to do this. When I explain to them what is on the horizon, when I explain to them what the potentials are, all of a sudden this hope that has no substance to it yet whatsoever does not have near the meaning as all the other things that are going on that do have meaning.

So we need to refocus on the real search, the real potential that is in front of our country and answer this best, most important moral question: Do we steal life from the innocent to potentially give life to the maimed or the injured or diseased, or do we, in fact, do it in a way that never steals life and accomplishes the same goal?

That is the real question before the Senate. S. 30 does that. S. 5 does not. That is the division. One says: To heck with the ethics, to heck with the problems associated with it, to heck with the rejection, to heck with the antirejection drugs, to heck with the idea we cannot clone ourselves, we want to go this way only.

S. 30 allows all the options, all the accomplishments, all the potential without violating the first ethical clause. That is the question America needs to ask itself in this debate. We can give to all those who are desirous of all these needed benefits of cure and treatment, and we can do it in an ethically responsible manner that will send us down the right road for this country, not the wrong road.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Five minutes remains under the control of the Republican leader.

Mr. ISAKSON. Mr. President, I am going to yield to Senator COLEMAN. But, first, I ask unanimous consent that Senator MCCONNELL be added as a cosponsor to S. 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I want to briefly touch on one other aspect of the bill we have not talked about. I do want to thank my colleague from Oklahoma for articulating what is the basic issue: if we can move science forward without crossing a moral line, if we can avoid the great division in America. Scientific research should be something that as a society we embrace. S. 30 gives us the opportunity to do that. I hope my colleagues from all perspectives on this issue decide they will support S. 30.

One other aspect of S. 30 that is important is there is a provision in the bill that calls for the Secretary of Health and Human Services to look into setting up a national amniotic and placental stem cell bank.

There are three banks of stem cells in this country. I believe Wisconsin has the 21 embryonic stem cell lines of the 78 the President originally authorized. In Minnesota, there is a cord blood cell bank, and there is a bone marrow bank.

What we hope to do, based on research that has recently come to light—Wake Forest has done some of it—is have the use of amniotic and placental stem cells. These are stem cells, by the way, that can be grown in large quantities. They do not produce tumors, which occur in other types of stem cells. The Wake Forest scientists have noted the specialized cells generated from amniotic cells really, in effect, may have—again, this is all potential—but there is the potential to have the kind of elasticity and pluripotency we see in embryonic stem cells—high-flexibility growth potential in many ways resembling human embryonic stem cells.

The hope is to put together a tissue sampling of 100,000 tissues which would then give you the kind of ability to cut across a diversity we do not have today with the research that is going on.

Again, if S. 5 is passed, it will be vetoed, and the science will not be moved forward. But if S. 30 is passed, with the provisions that provide for stem cell research, that will provide for pluripotent research, that will provide for dead embryo research, which would give you, again, the same kind of stem cells you get from any other kind of embryonic stem cells—these are some of the new techniques out there.

In addition, S. 30 contains a provision for moving forward with a national amniotic and placental stem cell bank, which is another opportunity to move the research forward and to move from hope to reality, which is certainly the hope of the authors of this bill.

With that, I yield the floor.

Mr. President, we yield back the remainder of our time.

The PRESIDING OFFICER. Under the previous order, the next 60 minutes is under the control of the majority leader or his designee.

The Senator from California.

Mrs. FEINSTEIN. Mr. President, it is my understanding I have 20 minutes. Is that correct?

The PRESIDING OFFICER. There is 60 minutes under the control of the majority leader. The Chair is not aware of any designation within that 60 minutes.

Mrs. FEINSTEIN. I see. I thank the Presiding Officer.

Mr. President, I rise in support of the Stem Cell Research Enhancement Act of 2007 that is known as S. 5. It is really the only bill of the two that will allow scientists to fully pursue the promise of stem cell research.

I want to particularly thank Senators HARKIN and SPECTER, KENNEDY and HATCH, who have been in the leadership of this issue for the past several Congresses. I also want to point out, in the case of the distinguished Senator from Utah, he is very pro-life. I have listened to him over these many years. I have listened to the real wisdom he has espoused on this issue. I hope more people will pay attention to him because I think he is right with respect to this issue.

On August 9, 2001—that is 6 years ago—President Bush limited Federal research funding to 78 stem cell lines already in existence. Nearly 6 years have passed, and in that time two things have happened. First, most of these 78 stem cell lines are no longer available for scientific work. Many lines developed abnormalities and mutations as they aged. Only 21 lines are available today. These lines are all contaminated with mouse feeder cells and therefore are useless for research in humans. They do not have the diverse genetic makeup that is necessary to find cures that benefit all Americans, and researchers cannot use them to examine rare and deadly genetic diseases.

This was, in fact, the President's policy. It is now clearly established that policy does not work, that policy is moribund. Yet the President will not relent and Federal research on stem cells cannot go forward.

Secondly, public support for stem cell research—full-blown stem cell research—has grown. Sixty-one percent of Americans responding to a poll in January of this year support embryonic stem cell research. This is also a bipartisan issue. Fifty-four percent of Republicans in an ABC News poll also support embryonic stem cell research.

The majority of the American public support this bill. We know the current policy is handcuffing our scientists and is not allowing this research to move forward. So the solution is obvious. We should pass this bill.

I think the time has come for the President to come to this realization, and it is my hope he will see he has been mistaken.

The bill we are debating today offers a compromise. This bill will not destroy any embryo that would not otherwise be destroyed or discarded. It will allow promising research to move forward. It would end the impasse. It would take off the handcuffs.

President Bush had the opportunity to take a step forward 9 months ago when the House and Senate sent him the Castle-DeGette bill, on which this bill is based. He made it the first and, so far, only veto of his Presidency. My colleagues and I made a commitment that we would raise this issue again and again—as long as it takes. Today we are fulfilling that promise. We know this bill will one day become law—if not this year, then next year; if not next year, then the following year.

The majority of the American people, the majority of the scientific community, other nations, many of our States have embraced the promise of stem cell research. The President can stand in the way of such an overwhelming consensus for only so long.

With every passing week, the inevitability of this legislation grows clearer. Just since the President's veto, officials from his own administration have acknowledged the shortcomings of the current policy. More research has demonstrated the unique promise of pluripotent, multipurpose stem cells. States and private institutions are forging ahead without Federal support.

Finally, and importantly, more Americans are waiting for cures and treatments for catastrophic diseases. This is a very large lobby indeed.

So today we have another opportunity to move hope forward. The two bills before us today present a very stark choice. Only one bill, S. 5, the Stem Cell Research Enhancement Act, embraces all forms of stem cell research. This legislation provides a simple and straightforward way to provide American scientists and researchers with immediate access to the most promising stem cell lines.

It states that embryos to be discarded from in vitro fertilization clinics may be used in federally funded stem cell research, no matter when they were created.

While opponents have suggested this bill will lead us down a slippery slope, the parameters created by the bill are numerous and, in fact, strict. Let me give you some examples.

The embryos must be left over following fertility treatment. The people donating the embryos must provide written consent. The donors may not be compensated for their donation. Finally, it must be clear that the embryos would otherwise be discarded.

This legislation will not allow Federal funding to be used to destroy embryos. With restrictions in place, over 400,000 embryos could become available while ensuring that researchers meet the highest of ethical standards.

Let's be clear. We are talking about embryos that will be destroyed whether or not this bill becomes law. It is an indisputable fact, and everyone would agree these embryos have no future. When President Bush adopted his ill-fated policy in 2001, he allowed lines already in existence to be used for federally funded research because "the life-or-death decision" had already been made.

The same is true here. In terms of the basic ideology of the President's earlier policy, this bill is no different than the earlier policy because the life-or-death decision has already been made with respect to these particular embryos. These will never be implanted. They will never be adopted. They will never be used.

This bill has not been held up because it is flawed. There is nothing wrong with this bill. The bill has been held up because of ideology, not policy.

There is a clear scientific consensus on this issue. Embryonic stem cell research has been endorsed by 525 organizations and 80 Nobel prize laureates. These groups and these experts represent the entire panoply of American health care, the young and the old: the American Association of Retired Persons, which we know as AARP; the Society of Pediatric Research; the American Geriatrics Society. They represent a wide range of medical experts. The American Medical Association supports this bill. The American Academy of Nursing supports this bill.

They are from varying regions in the country: the University of California system, the University of Kansas, the University of Arizona, the University of Chicago, and the Wisconsin Alumni Research Foundation.

They represent patients struggling with a wide variety of afflictions: the Christopher Reeve Foundation, the Lung Cancer Alliance, the Arthritis Association, the ALS Association, the Juvenile Diabetes Research Foundation.

They represent a variety of religious faiths, including the Episcopal Church and the National Council of Jewish Women.

These groups represent a variety of patients, medical disciplines, and religious faiths. They are from all over this country, and they all support expanding stem cell research. This consensus now even includes Bush administration officials. Last month, NIH Director Dr. Elias Zerhouni testified this:

> From my standpoint as NIH director, it is in the best interest of our scientists, our science, and our country that we find ways and the Nation finds a way to go full-speed across adult and embryonic stem cells equally.

That is a pretty unambiguous statement from the man who heads the Institutes of Health.

The Senate and the President should listen to the scientists who best understand this issue and give them access to the stem cell lines that successful research demands.

Jennifer McCormick of Stanford University's Center for Biomedical Ethics has said:

> The United States is falling behind in the international race to make fundamental discoveries in related fields.

It is time to address and reverse that sentiment.

In a letter to President Bush, Nobel laureates called the discoveries made thus far by stem cell researchers a significant milestone in medical research.

They go on to say that:

> Federal support for the enormous creativity of the United States biomedical community is essential to translate this discovery into novel therapies for a range of serious and currently intractable diseases.

They are not alone. Paul Berg of Stanford, George Daley of Harvard, and Laurence S.B. Goldstein of the University of California at San Diego recognize the promise and the need for embryonic stem cell research. These esteemed researchers have said:

> We want to be very clear. The most successful demonstrated method for creating the most versatile type of stem cells capable of becoming many types of mature human cells is to derive them from human embryos.

This is the science.

You can quote a scientist here or a scientist there who will differ with that, but the bulk of people in this field worldwide believe as this statement reflects.

As Lucian V. Del Priore of Columbia University said:

> This is important and exciting work.

It is time we use the wisdom of these respected scientists and embrace the promise of biomedical research using embryonic stem cells.

Scientists have learned more about stem cells—how they work, how they may one day be used for cures—since we last considered this issue, I guess some 10 months ago. This past August, scientists from the University of Edinburgh used embryonic stem cells from an African clawed frog to identify a protein that is critical to the development of liver cells and insulin-producing beta cells. This could lead to a better understanding of diabetes and liver disease as well as new treatments.

Then during the next month or two, in October, scientists at Novocell, a San Diego biotech company, announced the development of a process to turn human embryonic stem cells into pancreatic cells that produce insulin. This could be another significant step toward using stem cells to treat diabetes.

In September last, researchers used human embryonic stem cells to slow vision loss in rats suffering from a genetic eye disease that is similar to macular degeneration in humans. Macular degeneration is the leading cause of blindness in people aged 55 and over in the world. It affects more than 15 million Americans. This research means stem cells could one day be used to restore vision in many of these patients. Just think of that: fifteen million people who are surely going to go blind, and that blindness might be stopped.

In March, a team at the Burnham Institute in La Jolla, CA used embryonic stem cells in mice to treat a rare degenerative disorder called Sandhoff's disease. This condition, which is similar to Tay-Sachs disease, destroys brain cells. The mice treated with stem cells enjoyed a 70-percent longer lifespan, and the onset of their symptoms was delayed. The stem cells migrated throughout the brains of the mice and they replaced damaged nerve cells. No one ever thought that could be done before. This suggests that embryonic stem cells may effectively treat this disease as well as other genetic neurological conditions, including Tay-Sachs.

So all of this work is just beginning. Scientists will now work to translate these promising advances into cures for humans, and such a feat will almost certainly require access to viable lines of human stem cells. Unless the President's policy is overturned, these lines will not be available, and without access to additional stem cell lines, the cures and treatments will never move from mice to humans.

Many States, frustrated with Federal gridlock and the loss of their best scientific minds, are moving forward. I am particularly proud of my State of California. In 2004, California voters, by a whopping margin, approved Proposition 71 and created the California Institute of Regenerative Medicine. That institute is spending $3 billion over 10 years supporting promising research conducted in California. This work will be done with careful ethical oversight. It also bans human reproductive cloning, something we can all agree is immoral and unethical. Over $158 million in research grants has now been approved, making California the largest source of funding for embryonic stem cell research in America.

Promising projects include creating liver cells for transplantation at the University of California at Davis, developing cellular models for Parkinson's disease and Lou Gehrig's disease, ALS, at the Salk Institute. This will give a better understanding of how these diseases work and yield possible treatments, as will work at Stanford to more effectively isolate heart and blood cells from embryonic stem cells. These are only some of the more than 100 labs in California now working.

One might say: All right, why not let the private sector and the State address this problem? Why do we need Federal research? I want to concentrate a few moments on that. The actions of California and the actions of other private and public institutions do not substitute for Federal funding and a standardized national policy. Much of this debate focuses on stem cell lines themselves, but scientists need much more to succeed. They need expensive equipment and lab space in which to work and collaborate, and there is the rub. For scientists working on embryonic stem cells, this means taking great care not to intermingle their work on approved stem cell lines with those that are not approved. If Federal funds, for example, built a lab or bought a freezer, a petri dish, or a test tube, these resources cannot be used on research involving lines not included in the President's policy. As I said, there are no lines left in the President's policy. Therefore, they can't be used. This has created a logistical nightmare.

The duplication and careful recordkeeping required is an enormous disadvantage faced by the U.S. stem cell scientists. Many have gone to extreme lengths to ensure they follow these regulations. The stakes are high: Any mistake could result in the loss of Federal grants for a researcher's lab.

Let me give a few examples. University of Minnesota researcher Meri Firpo buys one brand of pens for her lab that receives Government money and another brand of pens for use in her privately funded lab. This helps her ensure that a ballpoint pen purchased with Federal grant money is not used to record results in her lab that works with stem cell lines not covered by the President's policy.

UCLA is using a complex accounting system to allocate Federal and private dollars in careful proportion to the amount of time a researcher spends working on either approved or unapproved stem cell lines. A stem cell researcher, Jeanne Loring at the Burnham Institute in La Jolla, CA, designed labels for all her equipment: Stem cells in a green circle denote equipment that can be used with all stem cell lines, while equipment bought with Federal funds is marked with a red circle with a slash through it.

At the University of California in San Francisco, biologist Susan Fisher worked for 2 years to cultivate stem cell lines in a privately funded makeshift lab. Unfortunately, the power—the electricity—in her lab failed. She couldn't move her lines into the industrial-strength freezers in the other lab because they were federally funded. The stem cell lines on which she had worked for 2 years melted and were gone. So 2 years of work was out the window because of this ridiculous situation.

Money that could otherwise be devoted to research is instead used to build labs and purchase duplicate equipment, and the cost is significant. Scientists at the Whitehead Institute for Biomedical Research in Cambridge, MA, didn't want to fall behind international stem cell leaders, so they established a second lab. They had to buy a $52,000 microscope, two incubators which cost $7,500, and a $6,500 centrifuge. They already owned this equipment. They had the equipment, but they couldn't use it because that equipment was published with Federal dollars. To me, this makes no sense. I don't think we can afford this kind of wasteful duplication with what are very precious research dollars. Our scientists should be focused on investigating disease, not worrying about who pays for their pens or their test tubes. So bottom line: We need a reasonable Federal policy that includes funding for viable stem cell lines.

I don't need to tell my colleagues about the famous faces and the average people who are behind this legislation. It is nearly 70 percent of the population. I don't have to tell my colleagues about Michael J. Fox, who showed the Nation the true face of Parkinson's disease. I don't have to tell my colleagues about First Lady Nancy Reagan, who has spoken out in support of this and other legislation, or Christopher Reeve, who lived his life refusing to accept that his spinal cord injury would never be healed, or Dana Reeve, who stood by her husband and then tragically lost her own battle with cancer. Just as important are the millions of Americans who may not have a famous face, but put everything they have in us in the hope that we will do the right thing. The right thing is pretty simple. It is to give them a chance to live—to live.

That is what we are talking about. I don't think there is any other piece of legislation that more involves the right to life than this piece of legislation.

These are people who are going to die. They live with catastrophic, often terminal diseases; they suffer immeasurably. Suddenly, there might well one day be a cure, or their disease might be put in remission. The kind of research might be done that can mend a broken spinal cord. How can we not support this? How can we look at the facts? Life or death is not involved for the embryo that is used. That is exactly what this legislation is. These are embryos that have no chance at life. All we ask is that they be put to work to protect human life. It seems to me that is not too much.

I hope this bill not only will pass here by a substantial margin but that some way, somehow, the 67 votes we need in this body to overturn a Presidential veto will be present. I think the American people demand no less.

I yield the floor.

Mr. HARKIN. Mr. President, I thank the Senator from California for the eloquent statement and for her many years of working on this issue and for her support on so many issues dealing with the health of the American people. I thank Senator FEINSTEIN for being a stalwart in trying to break down the barriers we have to embryonic stem cell research.

I now yield 10 minutes to the Senator from Delaware, Mr. CARPER.

Mr. CARPER. I thank the Senator.

Mr. President, we have made some truly amazing strides in medical research with the creation of new medicine and mapping the human genome. I think we all agree more can be done and more should be done.

We know stem cells hold promise, and we have an opportunity tomorrow to pass critical legislation that enables us to take some of those next steps in finding treatments and cures for diseases such as Parkinson's, juvenile diabetes, heart disease, and even cancer.

Like, I suspect, every Member of this body, I have my own personal experiences in my family and reasons for supporting stem cell research. My mother passed away about a year and a half ago—almost 2 years ago now. She had, in the last decade or so, been stricken by Alzheimer's disease, dementia. Her mother had lived and died with the same disease. Her grandmother lived and died with the same disease. Her sister may be showing early symptoms of the same disease. My mother's father was a butcher. He worked 5, 6 days a week until he was 81 years old in a little mom-and-pop supermarket in Beckley, WV. His hands would shake. Some would probably think, how many fingers would he lose today while trying to cut up the meat. He never did lose any. He was a great hero to me. I remember watching as Parkinson's took its toll on him, as it has others of our colleagues here and in the House, such as Mo Udall, whom we thought the world of, and still do—but to see what happened to them because of that disease. We lost my uncle in Huntington, WV, last year to a form of cancer which is almost always deadly, pancreatic cancer. Those are only a couple of people in my own life, people who were close to me and people in my family whom we have lost or have seen a serious degradation in the quality of their lives. Some day, I would like to be able to say to my sons, who are 17 and 18, you will never have to worry about Alzheimer's disease because of the research and the kind of work that is made possible in this legislation and what it will do for you. I would like to tell them you will never have to worry about Parkinson's or pancreatic cancer.

Today is about much more than curing diseases. It is also about keeping America's research centers competitive and relevant. The United States has always been a key leader in the prevention and treatment of illnesses. We have developed vaccines and antibiotics that have literally saved millions of lives, and still do. We have made tremendous advances in biotechnology and pharmaceutical research as well. Now we have the opportunity to make a national commitment to expand the frontiers of medical research. Stem cell research is a key part of doing that. I know a lot of us agree. The nation that is able to take stem cell research to the next step and use it to truly understand how our DNA works and then to use that information to help find treatments and cure diseases will be in the driver's seat of medical research worldwide for some time to come.

My friend and fellow Delawarean, Congressman MIKE CASTLE, led the way to expand stem cell research. Last year, he introduced legislation that would allow the NIH to support embryonic stem cell research. Congress passed this bill, thanks to the leadership in no small part of Senator HARKIN and others in this body. It was vetoed by the President. I disagree with the President's policy on stem cell research. On this front, I think he is wrong.

This year, several of my colleagues, including my friend Senator HARKIN, have introduced legislation very similar to the Castle bill that we passed last year. S. 5, the Stem Cell Research Enhancement Act of 2007, would advance stem cell research by expanding the number of stem cell lines that are eligible for Federal funding. It would also strengthen the ethical rules that govern stem cell research—a concern that I know is on many people's minds, including my own.

Under the administration's current policy, the number of stem cell lines available for federally funded research has continued to shrink. There are only 21 cells now available, I am told. What is more, many of the current lines are contaminated or have reached the end of their usefulness.

A gentleman named Dr. Elias Zerhouni, the Director of the National Institutes of Health, recently testified before a Senate panel and made a similar claim that these 21 cell lines the National Institutes of Health has will not be sufficient for the research they need to do at NIH.

S. 5 would allow new lines to be derived from excess in vitro fertilization embryos that would otherwise be discarded. To me, the choice seems clear: Rather than allowing these embryos to be discarded, destroyed, we can use them to further lifesaving research. They may contribute to saving the lives of our spouses, our brothers and sisters, our parents, our children, or our nieces and nephews. S. 5 would allow new lines to be derived from excess in vitro fertilization embryos that would otherwise be discarded. I know people are concerned about that and they have an ethical dilemma they face. I say to people who have those concerns and may have deeply held beliefs, does it make sense to you that these embryos that have been created in fertility clinics are going to be destroyed at the discretion of whoever was the person who donated the eggs and the sperm that fertilized the egg? Does it make more sense to allow the fertilized eggs to be destroyed or to allow that embryo to be—at the discretion of that husband and wife—used to help preserve and enhance and improve life?

These new stem cell lines would dramatically expand our ability to study and find treatments for a wide range of illnesses. The benefits will come not only from having more lines but from having better lines. By expanding our research policy, we can create stem cell lines that help us study specific diseases or create specific treatments.

I close by urging all of our colleagues to join us—a majority of us—in supporting S. 5. It has been made better because the sponsors of the bill have also introduced legislation that, I think, was offered last year by Senators SPECTER and SANTORUM. It is now part of this legislation. It made it better.

We should not wait any longer. If we focus our resources and attention today to find cures, we can save lives—and also save money in the long run. I will close by saying for those who believe this legislation is somehow diverting us from pursuing the use of adult stem cells, or stem cells that may come from umbilical cords, it doesn't do that. We should pursue those paths as well. But we should not close the door on this path; we should pursue this path, too.

To those who brought us to this day, Congressman CASTLE from Delaware, the sponsors of this bill today, all who have joined in supporting it, and the people in the country who joined us as well, thank you for doing a good thing for a lot of people who need our help.

Mr. HARKIN. Mr. President, I thank my good friend, the Senator from Delaware, for his very eloquent and personal statement. That is what this is all about, helping people who are suffering bad problems and need help with their health care.

I yield to a leader on all our health care issues for so many years, and I think he is recognized as such by the entire country. He is a great leader in all health care issues, especially on this issue of stem cell research. I yield to the Senator from Massachusetts, Mr. KENNEDY.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I thank my friends, Senators HARKIN and SPECTER, for the extraordinary leadership they have provided on the extraordinary leadership they have provided on this issue, which is so important to families in our country. We deal with a lot of issues around this body. But this particular legislation probably offers more hope to more people than perhaps anything else we will do here in the Senate this year.

When we think of all of the various kinds of illnesses and diseases and accidents that have affected so many families here in the Senate—and, most importantly, the American families—we know we have the best in terms of treatment for these illnesses and sicknesses in the United States for those who are able to receive it. Still, all of these illnesses and sicknesses have defied the ablest and most gifted minds until very recently, and that is with the discovery that started about 10 years ago with the opportunity for using stem cells, which can play a very indispensable role in providing a cure for these individuals.

That is what this is basically all about—an extraordinary opportunity that is out there, and whether we in the United States are going to permit the great institution—the greatest institution for research—the National Institutes of Health to be able to unleash the vastness of the creativity, brilliance, and ability of those researchers and scientists to try to unlock the cures for so many of these diseases, and do it in a way that is ethically sound, and for so many of the reasons that have been spelled out.

This is an enormously timely bill. I thank Senator HARKIN for his persistence and for ensuring we were going to be able to have this on the floor of the Senate in a timely way. I thank Senator REID for scheduling this. I thank the broad bipartisan coalition that has come together on our side and on the other side of the aisle which has given strong support for this legislation.

It is pretty popular at this time in Washington to talk about the differences that exist in our Nation's Capital. There are some very important ones. We have come together, Republicans and Democrats, House and Senate—those who have over a long period of time advocated the pro-life position and those who have felt there should be an ability for individuals to make judgments about their own future—in support of this legislation. So this is a very special time, and this vote we are going to have tomorrow is enormously important.

Again, I thank my colleagues and friends for bringing us to the point where we are today. Nearly a decade ago, American scientists made the revolutionary discovery that tiny cells, called stem cells, held the extraordinary potential to offer new hope and new help in the fight against diabetes and Parkinson's disease, spinal injury, and many other illnesses.

Six years ago, many of us in the Senate joined millions of patients and their families in calling on President Bush to support this lifesaving research. Sadly, he rejected those calls and instead imposed severe restrictions on the search for the cures.

Since those severe limitations were imposed, we have struggled to free American scientists from these unwarranted restrictions. Last year, we scored a great victory when the House and Senate, with broad bipartisan majorities, voted to end those restrictions. But those efforts came to naught with a veto, and we are back at the battle again.

I share that view of my colleagues and friends in saying if we are not successful—although we are hopeful we will be—we are going to continue this battle day in and day out until we are successful.

Today we renew our hope that the President will start anew and consider the merits of this new legislation instead of automatically picking up the veto pen. When Congress passed the bipartisan stem cell bill last year, we voted for hope, for progress, and for life. But President Bush chose to dash those hopes by vetoing the legislation.

Now we are taking up the cause once again. Our legislation again brings together conservatives and progressives, Members of Congress on both sides of the debate over a woman's right to choose. Representatives from big cities, small towns, rural communities—we all agree stem cell research must go forward.

This legislation before us is only six pages long. It is a short, simple bill with enormous goals and vast potential. It overturns the unrealistic and unreasonable restrictions on the embryonic stem cell research imposed by the President's Executive order 5 years ago. His unilateral action bypassed Congress and froze progress in its tracks by barring the NIH from funding research using any stem cells derived after August 9, 2001, an arbitrary date chosen solely to coincide with the President's speech.

Many of us warned at that time that this policy would delay the search for new cures and put needless barriers in the way of medical progress. At a HELP Committee hearing days after the Executive order was issued, many of us raised concerns about the new policy and urged the President to reconsider.

Our concerns were dismissed by the administration, but time has shown that each of the drawbacks we feared then has become a real barrier to progress today.

At the time of the Executive order, the administration claimed that over 60 independent stem lines would be available to NIH researchers. We found, as our friend from California, Senator FEINSTEIN, and Senator HARKIN pointed out earlier, that 21 of those stem lines are available to NIH researchers and all those were obtained using out-of-date methods and outmoded techniques.

We listened carefully to the words of Dr. Landis, who is chair of the NIH stem cell task force, in testimony before the Senate in January of this year.

"We are missing out on possible breakthroughs."

"Federally funded research has monitoring oversight and transparency that privately funded research will not necessarily have."

"The cell lines that are eligible for the NIH funding now have been shown to have genetic instabilities," effectively pointing out the missed opportunities that are in place now because of the restrictions put on by the administration and that even the research that is being done in the private sector, as limited as it is, is lacking in the kind of monitoring and oversight and, in many instances, the enormously important ethical considerations that have been included in this legislation.

It has been mentioned earlier in this discussion but needs to be mentioned again, the excellent statement by the Director of the National Institutes of Health before the Senate on March 19, where he points out:

> To sideline the NIH in such an issue of importance, in my view, is shortsighted. I think it wouldn't serve the Nation well in the long run. We need to find a way to move forward.

These are two of the most distinguished researchers, scientists. Dr. Zerhouni has had a brilliant record at the NIH. Dr. Landis has had a brilliant record. Anyone who has the opportunity to listen to them respond to questions can't help but leave that meeting recognizing and supporting their position.

Those are the issues. That is what this legislation is about. Our legislation makes the basic change needed to reverse our current policy. As has been pointed out, science without ethics is akin to a ship without a rudder. For that reason, the legislation establishes essential ethical safeguards for stem cell research—enormously important—and has been reviewed earlier during this debate.

Our legislation authorizes new initiatives for obtaining the stem cells from sources other than embryos. We strongly support ongoing research for alternatives to embryonic stem cell research, but it is fundamentally wrong to shut down the promise of new cures while that search is underway.

In the end, this debate is not about abstract principles or complex aspects of science but the people who look with hope to stem cell research to help them with the challenges they face.

It is important to SGT Jason Wittling. Let me read about SGT Jason Wittling. He was injured in Kabala, Iraq. He is in the U.S. Marine Corps:

> I was in Charlie Company, 1st Combat Engineering Battalion, 1st Marine Division. I spent 10 years, 1 month, 28 days in the Marine Corps, but who's counting. On May 9, 2003, on the outskirts of Kabala, Iraq, my squad was disposing of Iraqi ordinances.

The fuse went off prematurely, and as a result of the accident, his vehicle overturned on him.

> I had burst fractures of my C6 vertebrae in my neck, broke my right wrist, and a number of other injuries. He is in a wheelchair now, a brave and courageous marine.

Sergeant Wittling now looks to stem cell research for new hope for his injuries. He has had multiple surgeries.

Here is LCpl James Crosby of Winthrop, MA. He enlisted in the Marine Corps at age 17. He is married to Angela. He was living in California before his service and injury. On March 18, James was wounded by enemy fire while riding in the back of a U.S. military vehicle in Iraq. A rocket was fired and killed the driver and injured two marines, including James. Shrapnel pierced James's side and penetrated his intestine and spine. James was immediately flown to a hospital in Kuwait. He had his first operation there and was stabilized. He was finally flown to a U.S. military hospital in Germany.

In Germany, James underwent several surgeries to remove shrapnel and repair wounds. James's wife Angela was flown to Germany to be with him. He is now in a wheelchair. He has had multiple additional operations. He has lost 50 pounds, requires a colostomy bag at all times. He has undergone 14 surgeries. He remains paralyzed from the waste down.

He is now in a wheelchair and has high hopes that stem cell research can be of help, permitting him to recover from his wounds.

There are countless others who have similar injuries and recognize the importance of this research.

I am going to conclude with a letter I received from 15-year-old Lauren Stanford, who is from Plymouth, MA, who has juvenile diabetes. In her letter, she wrote of her hope of what stem cell research means to her and her family. She wrote me again this year. While she is still full of hope, you can also hear her frustration. These are her words:

> I'm now wearing what is called a continuous glucose monitoring system. It has a wire probe that I insert under my skin every few days on my own. When I first held the wire probe to my thigh, I was scared to death. The needle was huge, and I was going to be plunging it into my body. Would it hurt? What if it didn't work? Was it worth the risk? After about 20 minutes of sweating and shaking, I stopped chickening out and found the guts to do it. And then, as soon as I did it, I knew almost immediately it was the right thing to do. It went in fine. It didn't hurt that much. And it is helping me.

Those were her words. She goes on to write to each of us about our decisions on how to vote on this legislation. Here is what she writes:

> Some of you might be scared to vote yes. You know it's the right thing to do; after all, if embryos are being discarded, how can it not be right to use them to help people like me?
>
> Your hand is lingering over the yes lever, just like mine was over the insertion device. You can see it might do some good . . . but you're afraid. Someone might get mad. It might hurt a little. But follow my lead. Be brave.
>
> Do something that might hurt a little or scare you for a second, but after will make so many things so much better. Vote yes to allow scientists to do this valuable research to free kids like me from horrible diseases. Vote yes and take another step along with me to finding cures.
>
> No one ever said doing the right thing, the brave thing, and the thing to make the world better would be easy. I've learned that the hard way. Vote yes. Free me from the machines that keep me alive. Clear away my future of kidney damage, blindness and fear of a shortened life.

Those are Lauren Stanford's words, and they compel us to act. Tomorrow we can cast a vote of conscience and courage. By approving the Stem Cell Research Enhancement Act, we call upon the President of the United States to think anew and decide not to veto hope.

Mr. President, I yield back the remainder of my time.

Mr. HARKIN. How much time remains, Mr. President?

The PRESIDING OFFICER (Mr. WEBB). There is 8 minutes 24 seconds remaining.

Mr. HARKIN. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I rise to start the discussion on this side regarding stem cells, regarding the major hope and promise of stem cells, stem cell research and adult stem cells, cord blood, amniotic fluid.

I wish to start off with a story of a patient, David Foege. I have a picture of him here. David Foege lives in Florida and has suffered from end-stage heart disease. He experienced shortness of breath, tiredness, and an inability to concentrate and function in a normal fashion. Over 2 years ago, his cardiologist indicated that he should go to hospice, saying he had no other options. "I would be provided plenty of morphine to ease my way into a 'transitional state,'" was the statement of his treating physician. Hospice does provide great service, but David learned about adult stem cell treatments through a company called TheraVitae.

When I saw David last year, he had just returned from his first stem cell treatment. He has just returned from his second one a matter of weeks ago—just this week, as a matter of fact. We have a progress report from him about this amazing work which has taken place, this therapy which has occurred with adult stem cells. Listen to David's letter. It is really impressive and very interesting.

> I am one of 7 people in the world who have experienced 2 stem cell therapies!
>
> Susan and I have just returned from Bangkok, Thailand, after 45 days of adult stem cell cardiac treatment and rehabilitation. [One has to wonder why he is in Thailand for that.] The absolute cutting edge of technology, the utilization of my own stem cells reinjected into my heart, allowed the reshaping and a re-functioning of my heart from a life-threatening situation to a nearly normal heart function today.
>
> Following my stem cell [treatment] last year I went from a life expectancy of one day to 90 days to at least one year. The second stem cell treatment has jumpstarted me into the range of normal function. I reasonably can expect a normal life expectancy, which is approximately 10 to 15 more years. I can't tell you how great it is to be back in the greatest country in the world, the United States of America. The weather is fabulous here in Florida, and it is wonderful to sleep on my own soft bed.
>
> I am in awe of the Creator, who amazingly engineered us to have our own warranty in our body's toolbox with us at all times . . . our own stem cells! It does not check our politics, race, religion, or sex.
>
> Some of the diseases in addition to heart diseases which can be treated in 2008–2009 are the following [projected into the future]:
>
> Blindness macular degeneration, diabetes, stroke and Parkinson's disease, paralysis of any part of the body including back and/or legs, renal failure.
>
> Being one of the world's longest living renal transplant recipients of 23 years, I can't tell you how thrilled I am for others that they may not have to endure the hellish torture of a renal failure. This reasonable treatment is in the immediate future.
>
> It is an absolutely wonderful time to be alive. The only letters, or designation, I would like to have behind my name is David Foege, Alive!
>
> TheraVitae has the technology to soup-up our cells and differentiate them for maximum effectiveness. I would support embryonic cells, but they have a 100% certain side effect of growing cancer tumors. Our own adult stem cells do not.
>
> Best wishes and great health be with you.
>
> This opens a revolutionary door of opportunity to improve the quality of life like it has for me and cut the spiraling cost of health care in the USA.
>
> On my way to Costco without cane or wheel chair for 30 minute shopping walk, I remain
>
> Sincerely yours,
> David Foege, Ph.D. And alive

That is a good way to start this discussion of these miraculous stem cells. They are beautiful, and they are working in at least 72 different human maladies. David Foege had treatments using two. The problem is, he has had to go to Bangkok, Thailand, for both of them instead of the United States.

Adult stem cell therapy has no ethical problems, no ethical questions. They are his own stem cells. Yet he has had to travel to Bangkok because we don't seem to have enough research funding to be able to support this sort of research into areas that are giving cures—treatments, I want to say, emphasize treatments, not cures—to people to give them an enthusiastic life, to give them a chance to live and to sign off "David Foege, Ph.D., and alive."

We have now found these amazing stem cells in many places, not only in cord blood. Thanks to my colleague from Iowa, who worked with me and many others, we established a cord blood bank, and we are now—I just checked these numbers before we came over here—at the end of 2006, there have been 10,000 cord blood transplants to unrelated donors. I got those from the New York Blood Center, which was responsible for 2,500 of these units. That is 10,000 people probably alive who wouldn't be—maybe some would, in other ways or shapes. But still it is taking place.

We now need to bank amniotic fluid. We just found in recent research—I want to show this chart as well. Some of my colleagues may have missed this. This came out in JAMA, February 28, 2007: "Stem cells obtained from amniotic fluid." This is the fluid, of course, surrounding the child in the womb.

> Amniotic fluid-derived stem cells—AFS cells—can be coaxed to become muscle, bone, fat, blood, vessel, nerve and live cells.
>
> AFS, stem cells, might be capable of repairing damaged tissues resulting from conditions such as spinal cord injuries, diabetes, Alzheimer's disease and stroke.

I hope one of the efforts we can take on banking, that I could possibly do with my colleague from Iowa and many others, is banking amniotic fluid. This has been traditionally thrown away. It may hold the promise of incredible cures. It is a great source of stem cells. They are very malleable, the pluripotent stem cells that are taking place that are in this as well. That may be another one on which we can join together. There is much news to celebrate on the stem cell front, this being one.

In the placenta, I believe, they are finding a rich source of these pluripotent malleable stem cells as well—here another throwaway, if you will. That is an area we are going to be able to find and probably use more and more into the future for these very malleable, pluripotent stem cells from which we can create—not create but use for additional amazing cures.

I want to recognize the work of my colleagues who are on the other side of this debate, Senator SPECTER from Pennsylvania, Senator HARKIN from Iowa—many others who have pushed for a long time in these areas, and much good has happened. In the cord blood banking, that has gone very well. In the adult stem cell research, that work has gone fabulously, as I just read in this opening story of a gentleman just back from Bangkok—although he wished his treatments were taking place in the United States rather than in Thailand. Much good has happened.

We have two major barriers. The first one I believe to be an insurmountable barrier, that first one being, What is the human embryo? If it is a person, as we have discussed many times, then it is entitled to human dignity and should be treated in a dignified fashion and not researched or taxpayer dollars used to research and destroy it. If it is property, it can be done with as its master chooses.

We have discussed and debated this many times. Obviously, here the effort would be to treat the youngest of human beings as property to be researched on, to be destroyed with the use of Federal taxpayer dollars. Yet, if you follow that debate on forward, at what point in time does a human embryo become a person? We know that if you allow it to grow, at some point in time, under everybody's definition, it becomes a person entitled to protection and human dignity. Yet we are saying here: No, at the earliest phases, we are going to treat it as property, and with Federal taxpayer dollars we are going to pay to destroy it and to research on it.

That is the obstacle which cannot be overcome because we believe in human dignity. We believe as a society in human dignity. So our debate, which we have had multiple sets of times, sets of different debates on this here, continues today.

The central question will be, Will we sanction the destruction of nascent human life with Federal taxpayer dollars? That is the central issue. Will we divert taxpayer dollars from adult stem cell research, which is working? See the case of Dr. David Foege—and send these dollars to fund speculative research that likely will never produce any patient treatments? That is the second question with it.

I mentioned the first to be an insurmountable one. I think the second is one of wisdom: Should we be funding something that is working or should we be speculating on something that is not and is producing, indeed, tumors? I will back that up with a number of research papers.

These are the two central questions. These are the two questions we will be debating throughout this period of time.

I doubt there is much surprise left on the vote, on how the votes will take place. It is an important debate. It does frame much of what we move forward with in this country and in places around the world. But these are the two central questions: Will we sanction the destruction of nascent human life with Federal taxpayer dollars? Will we divert taxpayer dollars from adult stem cell research which is working and send these dollars to fund speculative research that likely will never produce any patient treatments?

Central to this debate is the issue of how we treat our fellow man. We would all agree, I hope, that individuals should be treated with respect. We would agree that we should avoid prejudices. We would agree that each individual has an inalienable right to life—my colleagues, my colleague from Iowa, myself, the Presiding Officer, those around, those watching would all agree that we each have an inalienable right to life—to live. We would all hold this for the newborn through the eldest members of our society. But when does that life begin? The question that has vexed this body for some period of time. Does it begin at birth? Does it begin before birth? When? Biology tells us that life begins much earlier than birth. Here I want to read from the "Human Embryology" textbook. It says this:

> Although life is a continuous process, fertilization is a critical landmark because under ordinary circumstances, a new genetically distinct human organism is thereby formed.

Such definitions are helpful in clarifying that human life does begin at the embryonic phase. Indeed, myself, my colleague from Iowa, the Presiding Officer all began at that embryonic phase, whether the embryo comes the old-fashioned way, via IVF or a product of various scientific methods such as SCNT human cloning.

With the scientific fact in hand, we evaluate the facts in light of our ethical framework. For instance, we know that the human embryo is a human life. Then the question is, How should we treat it? Human life has immeasurable value, from the youngest to the oldest. Human beings are ends in themselves. It is wrong to use any human as a means to an end. Any time throughout human history when we have done otherwise we have regretted it.

Our value as people is intrinsic. I would say here, I am pro-life, whole life. I believe that all life is sacred, it is beautiful, it is unique, it is the child of a loving God, from beginning to end, it is true here, it is true in the womb, it is true of a child in Darfur, it is true of a lady in poverty, it simply is true.

Yes, we want to treat people and help people who have medical conditions. But we must not trample upon any human to achieve such an end. This is because human beings are distinct and unique amongst all creation. I would note that Ronald Reagan had, I thought, a very folksy way of defining whether this was human life and whether it should be protected. In his 1983 essay on "Abortion and the Conscience of a Nation," he put this in a very commonsense way.

> Anyone who doesn't feel sure whether we are talking about a second human life, should clearly give life the benefit of the doubt. If you don't know whether a body is alive or dead, you would never bury it.

I think this consideration itself should be enough for all of us to insist on protecting the unborn. Very commonsense, folksy way, but he does hit the point. Will we do what is ethical with respect to our fellow man? This is one of the central questions of this debate.

Now during this debate some will argue that we should proceed with ethical embryonic stem cell research. Here I would distinguish between embryonic and some of the unquestionably ethical alternatives which we can talk about. With respect to embryonic stem cell research, though, as embodied in the guidelines of the Stem Cell Research Enhancement Act, S. 5, how is it possible to ethically do something that is completely unethical—destroy another human life, innocent human life—for research purposes?

Arguments that the bill provides ethical guidelines, though well intended, I believed are misplaced. The ethics of S. 5 have nothing to do with protecting innocent life from destruction. They will fund, with taxpayer dollars, the destruction of innocent human life.

The ethics of S. 5 have to do with the process of how you donate young human embryos for destruction. Mr. President, we have had this debate before. We have had it on the floor on this issue, and we have had it before regarding other issues. We had it with the fetal tissue research from abortions.

I wish to take the body back to 1991, the Coalition for Research Freedom, in a letter signed by many prominent patient advocacy groups who are advocating embryonic stem cell research today, were advocating fetal tissue research in 1991. They wrote this: Fetal tissue transplantation research is widely recognized as one of the most promising research avenues for such disease and disabilities as Parkinson's, Alzheimer's, diabetes, Huntington's, leukemia, epilepsy, spinal cord injuries, and many other chronic health conditions.

Doesn't that sound familiar, Congress responding to the emotional outcry with legislation to provide for funding for unethical research, research that can only take place with the trampling of the rights of a fellow human.

That was 1991. Those were the promises. That was the move forward by this body. That is what was pushed on forward. We know what happened. It was on the front page of the New York Times in 2001. The news story began like this:

> A carefully controlled study that tried to treat Parkinson's disease by implanting cells from aborted fetuses into patient's brains not only failed to show an overall benefit but also revealed a disastrous side effect, scientists report.
>
> In about 15 percent of patients, the cells apparently grew too well, churning out so much of a chemical that controls movement that the patients writhed and jerked uncontrollably.

The story continues:

> "They chew constantly, their fingers go up and down, their wrists flex and distend," Dr. Greene said. And the patients writhe and twist, jerk their heads, fling their arms about.
>
> "It was tragic, catastrophic," he said. "It's a real nightmare. And we cannot selectively turn it off."
>
> One man was so badly affected that—

We will see what happens. Hopefully, the sound will come back in a little while.

> One man was so badly affected that he could no longer eat and had to use a feeding tube, Dr. Greene said. In another, the condition came and went unpredictably throughout the day, and when it occurred, the man's speech was unintelligible.
>
> For now, Dr. Greene said, his position is clear: "No more fetal transplants. We are absolutely and adamantly convinced that this should be considered for research only." The pattern repeats itself. It is a double tragedy. First, the young human life is destroyed. Second, it is patients who will likely be harmed. There are no embryonic human treatments or applications, despite 25 years of embryonic work in animal models and a decade of work with human embryonic stem cells.

I repeat that. Twenty-five years of embryonic work in animal models, there are no human treatments, and a decade of work with human embryonic stem cells, no treatments.

But what we have learned about embryonic stem cells is that these cells are very good at forming tumors, in particular. The literature abounds with such stories. One example is in an area published last year in Stem Cells. You read the article and find: The expression of the insulin gene could be demonstrated only when the cell is differentiated in vivo into teratomas, those are tumors.

This is one example and there are many others. I wish to point this out because this was the same result we saw taking place with fetal tissue research, was that tumors were formed. That is what took place.

I wish to go to several of the articles now that are published articles on the formation of tumors by embryonic stem cells. Note this one on the insulin gene, this was in the publication Stem Cells, published August 2 of 2006—have another one published April 6, 2006.

They noted there as well the potential for teratoma development in embryonic stem cell lines, even after prolonged differentiation. I have a series of articles. Here is one in Neurochem, 2006, June. They were noting there frequent tumor-related deaths in transplanted animals taking place in that one.

Here is one in Stem Cells in June of 2006. There they note that rats grafted with human embryonic stem cells predifferentiated in vitro for 16 days developed severe teratomas—again, tumors.

The literature is full of that work. These are developing tumors. We note in Stem Cells publication, June of 2006, more than 70 percent of mice that received embryonic stem cells neural precursor cells developed teratomas, developed tumors.

I have a series of those publications, all noting the stem cell therapy in animals produced tumors. Strange. That is what we found took place in fetal tissue research when we were dealing with an older set of cells that had been developed, and now when we back it up to a younger set of stem cells or cells we are using, we are seeing this same feature, forming teratomas or tumors throughout each of the research animals and in some cases in almost every circumstance.

That is what we found then, and we are finding the same thing now, consistent on the research. I have, for those who are interested, if any of the offices are interested, 17 different examples of the formation of teratomas by embryonic stem cell work in lab animals.

Let's not go down this road of unethical, speculative research. I am sure the research is interesting to some. But the Government needs to pursue what is best for Americans suffering from diseases and injuries. That is what our standard should be in this.

We have an enormous ethical hurdle of killing young human life for this research purpose, and we have an area that needs more funding in the adult stem cell, cord blood, amniotic fluid, and that money is being diverted to other places.

Now let us move from that ethical to the practical question: Should we put millions or billions of dollars into interesting, speculative research on tumor-forming embryonic stem cells or should we put our money where we are already getting strong results with adult stem cell work, cord blood, amniotic fluid, other areas where there is no ethical problem?

Adult stem cells have no ethical strings attached. You can get them from an adult patient without causing the patient harm, you can harvest them from the rich cord blood, and as noted in the Journal of the American Medical Association on March 7 of this year, they can be obtained from amniotic fluid, which I previously cited, without causing harm to the unborn child.

Defying the naysayers, who said this could not work or would not work, there are so many confirmed adult pluripotent stem cells, pluripotent cells, that means they can form a number of different types of cell types, previously thought to only exist in the embryos, can turn into virtually any cell in the body.

And here I want to show—first, let us go to the chart of the areas that were having treatments taking place by adult stem cell therapy. I wish to hold this up. I do not think this is a complete set of areas but 72 current human—this is in humans—clinical applications using adult stem cells: blood conditions, autoimmune, bladder disease, cancer, cardiovascular, liver disease, ocular, wounds and injuries, metabolic disorders.

You can see the list of 72 different areas that are being treated with adult stem cells in humans, in human trials. I wish to hold up to my colleagues—I will be happy to provide this to any offices that would like it—it is about an inch-thick binder of "New Reasons for Hope." These are recent developments published since Congress's stem cell debate and vote of 2006 and the adult stem cell research and other alternative to embryonic stem cell work and research.

This is from June 2006 to March of 2007. Here are the number of additional areas that we have gotten successful work taking place in each of those. I wish to show this as a folder—I have shown it before to my colleagues—if anybody would like to see this. These are the recent advances in adult stem cell research and other alternatives. This is a binder about 4 inches thick, full of the front pages, just the first pages of the research in these fields of what is taking place. There needs to be more taking place in this field to get more of the treatments for more people like David Foege.

If people want to go to the Web site of ClinicalTrials.gov and pull up the latest number of trials and studies of places that are recruiting patients or are filled and no longer recruiting, it pulls up 1,422 studies currently ongoing. This is the first of 50 pages from ClinicalTrials.gov of the various areas and uses of adult stem cells that are going on right now.

Let's look at the money chart. Presently, there is no prohibition against anybody developing new embryonic stem cell lines legally. If a private group or a state wants to develop a new embryonic stem cell line, they can. The limitation is on the use of Federal taxpayer dollars in research areas on newly established embryonic stem cell lines. But if a private group wants to develop an embryonic stem cell line or a State, they can do that now.

Let's look at the funding that has gone into embryonic stem cell research, both human and nonhuman. In fiscal year 2006, the last year that we have full data for, human embryonic stem cell research, $37.8 million, nonhuman embryonic stem cell research, $110.4 million; for 2002 to 2006, human embryonic stem cell research, $132.1 million, nonhuman embryonic stem cell research, $481.7 million; for a total of $613.9 million in embryonic stem cell research. We are putting a lot of money into embryonic stem cell research. Still the scoreboard of where we are getting humans treated after $613.9 million, stem cell research human applications, adult, we have two treatment areas with binders full of information, with 1,422 study trials. We have zero on the embryonic, after 25 years of knowing about this, 10 years of knowing about it in humans, and after $613 million in funding.

After some period of time, should we not think, wouldn't it be better if Dr. David Foege were being treated in the United States instead of Thailand and we had more of that work that is getting him treated taking place here rather than in other places around the world? Wouldn't it be better to take the $613 million that could yield more treatments, if that is what we are after, wouldn't it be better to take that $613 million and say: Let's put more in adult stem cell research where it is yielding results? Doesn't that make sense? Isn't that the right thing to do?

Where we have all of this that is producing results, after 25 years we don't have anything here. That is not fair to say. I am sure we have interesting research information that has come up through that research of that $613 million. I am sure there has been useful research, but it involves the destruction of young human life.

Before people who are watching this think: You have a cure for me in the adult stem cell area, I want to make sure to put forward that many of these are in clinical trials today. Not all of these are widely available yet. However, there has been success in all of these areas using adult stem cells. For some of these treatments adult stem cells were the main component. In others adult stem cells were the part that helped the main component to work. All of these are real and legitimate.

On the eve of last summer's biological debate, some scientists took it upon themselves to criticize this list by publishing a letter in the Journal of Science. In January this year, Science published a response to this initial letter. It is important that we put forward here the context of the adult stem cell treatment that has yielded so many human treatments to date. I want to put this in context.

> In their letter "Adult Stem Cell Treatments for Diseases?" S. Smith et al. claim that we misrepresent a list of adult stem cell treatments benefiting patients.
>
> But it is the Letter's authors who misrepresent our statements and the published literature, dismissing as irrelevant the many scientists and patients who have shown the benefits of adult stem cells.
>
> We have stated that adult stem cell applications have "helped," "benefited," and "improved" patient conditions. Smith et al.'s Supporting Online Material repeatedly notes patient improvement from these cells. We have never stated that these treatments are "generally available," "cures," or "fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration (FDA)." Some studies do not require prior FDA approval, and even the nine supposedly "fully approved" treatments acknowledged by Smith et al. would not be considered "cures" or "generally available" to the public at this stage of research.
>
> The insistence that no benefit is real until after FDA approval is misplaced. Such approval is not a medical standard to evaluate patient benefit, but an agency determination that benefits outweigh risks in a broad class of patients.
>
> Physicians and patients use an evidentiary standard. Our list of 72 applications, [is] compiled from peer-reviewed articles, documents observable and measurable benefit to patients, a necessary step toward formal FDA approval and what is expected of new, cutting-edge medical applications.

As this debate moves forward, I look forward to sharing the stories of some of the real patients who have benefited from ethical adult stem cell research. We need more patients treated. We have more patients who need treatment. We have an area of high-yield Federal dollar investment where it should go, and we don't have the ethical barriers. We should be putting that money there; 72 to 0, that is the score. There are at least 72 human treatments and applications using adult stem cells. There are no human treatments with embryonic stem cells. With the rate of tumor formation which I previously noted, none seemed to be on the horizon soon.

This is acknowledged by some scientists. Notably, Science carried a piece in 2005 in which the authors note:

> . . . the clinical benefits of the research are years or maybe decades away. This is a message that desperate families and patients will not want to hear.

Yet we do have a message that desperate families and patients do want to hear; that is that we have treatments on the horizon, and we do in the adult and cord blood and amniotic fluid. We need the research money.

Harvard stem cell researcher David Shaywitz wrote in a 2005 Washington Post op-ed:

> While stem cell advocates have helped voters connect embryonic stem cell research with compelling images of patients who might one day benefit from treatment, such therapies are unlikely to emerge soon enough to benefit most current proponents.
>
> . . .
>
> . . . scientists must do a better job of articulating the limitations of our existing acknowledge, taking care to emphasize not only the ultimate therapeutic potential of these cells, but also how far we are from achieving such therapies.

Which road will we choose? Will we choose the ethical adult stem cell road that holds great promise and is currently producing treatments, or will we choose the unethical embryonic stem cell road that tramples on human dignity and has produced tumors to date? That is the point of the discussion.

This is not just an academic discussion, nor is it just a policy discussion. It involves real people. I showed you one person who was a real person. I started off with talking about David Foege who is excited about being alive. Let me show you Jacki Rabon, a paraplegic. I met Jacki last year. She has continued to improve. I want to share her story with you.

She lives in central Illinois. She had come to DC last year with her mother and sister because she wanted to tout her successful adult stem cell treatment. The courage of Jacki and many others like her is truly amazing. Years earlier, as an active 16-year-old, she was paralyzed in an automobile accident. As the car was flipping multiple times, Jacki was thrown from the vehicle and landed on her back on a country road. Her dreams of earning a volleyball scholarship for college were shattered.

In a letter sent to me last year, Jacki wrote this:

> That day changed my outlook, my future aspirations and my complete life. Before the accident I was a very active 16-year-old. I played volleyball in school and was very good. I had hopes of going to college on a volleyball scholarship. I truly was living a nightmare after this tragedy. I really thought my life was over. I couldn't imagine not playing volleyball anymore, jumping on my trampoline with my young nephew, chasing after my niece or just taking a walk around my small community. Not only does something like this change the victim but it also disrupts and seriously affects your family.
>
> I spent a little over a month in the hospital. I had back surgery to stabilize my back. I had a fracture at the T12 area, which made me a paraplegic. I had no feeling below the belly button. I had to learn to become independent again. I had to learn to dress, bathe, transfer from place to place, and take care of my personal hygiene and toiletry issues. It was so difficult and I struggled with these once simple tasks. After I accomplished these I was released and allowed to come home. I was simply told, "You'll never walk again." That was my prognosis!
>
> I got back to school a few months later and that was another adjustment. Everything looks and works differently when you are sitting in a wheelchair. I had to deal with a lot of depression and sadness. But I tried to continue with my life the best way that I could. I truly believe that my faith got me through. If it wasn't for this amazing love of God and my strong will and determination I don't know if I could have proceeded with what my life had become. But I have great determination along with the comforting faith and I didn't intend on giving up that easily. I wanted to give life another opportunity with my new "lifestyle."

Can you imagine the anguish of being a 16-year-old, your whole life in front of you, and then being confronted with this sort of tragedy?

Jacki was very fortunate, however, to have so many people who were looking out for her. Her pastor saw a PBS show called "The Miracle Cell," about a procedure called olfactory mucosa transplantation being done in Portugal by Dr. Carlos Lima. The work involved transplanting adult stem cells from spinal cord patients' own sinus area into their spinal cord at the initial injury site.

This gave Jacki real hope. Continuing her letter, she wrote:

> I listened to amazing recovery of returned sensation and even the ability to walk again with continued rehab from others after having this surgery. I remember thinking, "There's my chance!" I knew I wanted to pursue this possibility for me.
>
> My mom and I started researching this procedure on the Internet and collected as much information that we could. We discovered a Spinal Cord Injury Institute getting ready to open in Detroit, Michigan, that summer. This institute was closely associated with Dr. Lima. We called to see if we could get an appointment to go and meet Dr. Steve Hinderer and asked about the procedure in depth and inquire about my chances of getting it done.
>
> I did go to Detroit and was told that I could well be a good candidate. I was given the guidelines and criteria for having this done. After many months of additional testing, x-rays, etc., I was accepted.
>
> This was very exhilarating for me. I had read about the success stories of the individuals that have gone before me. Their various success stories gave me so much hope!
>
> I had so much support from my family, friends, church, community and surrounding areas to raise the $50.000.000 needed to have this surgery. Without this overwhelming support I could not have gone forward with this incredible opportunity.
>
> I went to Portugal in October 2005. I had the procedure done on October 29th. My experience in Portugal was not all pleasant. My mom and I had to deal with the language barrier and the unfamiliar culture. I returned to the states on November 5th. I rested at home for a few weeks then went to Detroit to the Institute for aggressive rehab. Rehab was very tiring and indeed very aggressive. It was an exhausting experience but a very rewarding one. It was there that I took my first steps on the parallel bars. I was up!
>
> My progress since undergoing this surgery has been amazing! I have a lot of hip movement, some tingling and heaviness in my legs. I have continued with my rehab regimen at home. I have leg braces that were fitted to me. I can walk on parallel bars and have begun walking with a walker. I am up on my feet again! That's the most satisfying feeling. Unless you have been confined in a wheelchair for an extended amount of time you can't really know how rewarding it is to be standing again.
>
> This brings me to the ongoing debate over adult stem cell research. I did not think a lot about this issue before the accident but now it has sparked a great interest within me. First, I am very much against embryonic stem cell research and advancement. I do not support this aspect at all. The killing of human life is appalling to me. But with adult stem cell and non-embryonic stem cell research I have become an advocate. My personal experience with adult stem cell transplantation should awaken the United States to the unlimited possibilities. This technique is simply, "your body healing itself." Medical research in the United States has always been respected and admired for the advances toward cure for cancer, arthritis treatments and medication, heart disease and other well-known diseases and ailments. But when it comes to spinal cord injuries the U.S. is very much in the negative category. We as taxpayers pay more money in the daily care of a spinal cord injury victim than we do on a cure. Now why is that? The medical society treats the injury at the onset then teaches the individual to live in a wheelchair and function accordingly. Then they are sent home and told, "You will never walk again." I experienced that first hand.
>
> But I am walking again. I have goals of walking by the end of the year with my braces and crutches. This was made possible by the procedure in Portugal—Portugal, not the United States—and aggressive rehab. But I had to leave the comfort of my home and country and travel to a foreign area to get this done. Now that is sad, isn't it?
>
> This tragedy that happened to me can happen to anyone. It could be your wife, husband, son, daughter or friend. What would you want for them? Simply a statement, "You'll never walk again" or "Never give up hope there is a better option for you."

Jacki Rabon writes:

> Wake up United States! We are missing out. Let's look at the issue in a more personal level—I can walk again.
>
> Sincerely,
>
> JACKI RABON,
> *Waverly, IL.*

These are the moving words this courageous young lady wrote last summer.

Jacki's progress does continue. We received an e-mail from Jacki's mom, Becki, in the last few weeks. Becki Rabon writes:

> Jacki is doing wonderfully. She did have a slight hip problem a few weeks ago. She was experiencing a lot of pain. We had x-rays, Ultrasounds and lab work done.
>
> Thank God, it was only tightness in her hip muscles. The pain of course was not good . . . but it was in a way that is good since Jacki is getting more feeling in her hips.
>
> Otherwise, she is still walking with her braces and a walker at our church. She walks independently now. All I do is help her with getting the braces on and stabilizing the walker while she stands up. Then she can walk by herself. The distance has increased considerably. The next step for her is to start walking outside and at home. She needs to be on more normal terrain.

This is an amazing story, and the science that has gone into Jacki's treatment is truly revolutionary, miraculous. Adult stem cell therapy—what could it do with another $600 million? How far along could we be?

A June 2006 study in the Journal of Spinal Cord Medicine reported on Dr. Lima having transplanted nasal stem cells into seven patients with spinal cord injury. The patients regained some motor function and sensation, and two patients showed bladder control improvement.

Most of the adult stem cell work in this area is still being done in lab animals, but it is already starting to have human applications. You have to ask yourself, why would we want to go down the unethical embryonic stem cell road when the doors are already being opened by adult stem cells and you already have these types of human stories taking place? Why, when we have something that is working?

Shown in this picture is Jacki Rabon.

I am going to tell an amazing story about Dr. Dennis Turner. He came in to testify in the Senate Commerce Committee Subcommittee on Science and Technology. He testified in 2004. He suffered from Parkinson's disease. I want to read portions of his testimony. I show you a picture of Dr. Dennis Turner. He stated:

> For 14 years I've had Parkinson's Disease. This irreversible disease involves the slow destruction of specialized cells in the brain, called Dopamine Neurons. By early 1991 I suffered extreme shaking of the right side of my body, stiffness in my gait and movements. After some years of medication, I developed fluctuation and poor response to Sinemet. This made daily activities needing the coordinated use of both hands hard or impossible, such as putting in contact lenses. My disability prevented me from using my right arm.
>
> Other than my Parkinson's symptoms I was physically very active and fit. Because of this Dr. Levesque felt that I'd be a good candidate for an experimental treatment. He explained that he would take a very small tissue sample from my brain, removing its adult neural stem cells. He would then multiply and mature these cells into Dopamine Neurons, then inject these cells back into the left side of my brain. He proposed treating only the left side because it controls the right side of the body, the side with the most severe Parkinson's symptoms.
>
> Dr. Levesque did not tell me that this treatment would permanently cure my condition. Science has yet to learn what causes Parkinson's Disease, much less how to remove it. However, since this cell-replacement approach had never been tried in a human patient we hoped for the best. And since my only other realistic alternative was to continue growing worse until I eventually died, I decided to have the surgical procedures in 1999, one to remove the tissue and another to inject the cells. I was awake for both procedures, under local anesthesia.
>
> Soon after having the cells injected my Parkinson's symptoms began to improve. My trembling grew less and less, until to all appearances it was gone, only slightly reappearing if I became upset. Dr. Levesque had me tested by a Neurologist, who said he wouldn't have known I had Parkinson's if he had met me on the street. I was once again able to use my right hand and arm normally, enjoying activities that I had given up hope of ever doing.
>
> Since being diagnosed with Parkinson's Disease my condition had slowly, but continuously worsened. I can't say with certainty what my condition would have become if Dr. Levesque had not used my own adult stem cells to treat me. But I have no doubt that because of this treatment I've enjoyed five years of quality life that I feared had passed me by.
>
> Last year, after 4 years of being virtually symptom free, my Parkinson's symptoms began reappearing in my body's left side. Today I have various degrees of trembling in both hands, although I feel that the left is slightly worse. Nevertheless, I wouldn't hesitate for a second to have Dr. Levesque use my adult stem cells to treat me a second time, since in my case they were safe, effective, and involved no risk of rejection.
>
> Because of my improvements through Dr. Levesque's treatment I've been able to indulge in my passion for big game photography these past 5 years.

This man suffering severe Parkinson's for 5 years being able to indulge in his passion for big game photography.

> While on safari in 2001 I scrambled up a tree to avoid being run over by a Rhino. I swam in the South Atlantic with Great White Sharks. Two weeks ago I returned from Africa after photographing Cheetahs and Leopards in the wild.

This is a man with severe Parkinson's.

> Here are a few examples of the pictures I took. They represent memories and experiences I feel I have Dr. Levesque to thank for. I came here to offer him my sincere gratitude, and to offer others with Parkinson's a concrete reason for hope.
>
> This summarizes my history with Parkinson's and the positive effects I experienced through a treatment that used my own adult stem cells. I'm very happy with its results and would dearly love to have a second treatment.

Mr. President, I cite this example because here is a route forward for us. We want to treat people with Parkinson's. Here is a route forward that has been shown in a human clinical trial setting, with positive results for a period of time. Why would we want to waste that? Why wouldn't we want to fund that and to use it aggressively?

The PRESIDING OFFICER (Mr. CASEY). The Senator's time has expired.

Mr. BROWNBACK. Thank you very much, Mr. President. I yield the floor and will continue to use more of my time later.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Mr. President, I rise today to urge my colleagues to vote yes on S. 5. This is a bill that will bring hope to millions of Americans and their families. This is the bill, this is the opportunity for us to move forward on critically needed research. By passing the Stem Cell Research Enhancement Act, we can make a major step forward in scientific research and bring hope and help to millions of Americans fighting a debilitating disease every day.

I think we all have members of our own families who can speak to those issues—Parkinson's, Alzheimer's, juvenile diabetes, other kinds of diseases—where we know with a little bit of help and focus, both in terms of stem cell research but also in terms of funding research, we can see huge changes, huge opportunities for treatment and for possible cures. That is what this bill is all about. It is so important we move forward in a positive way and pass this bill as quickly as possible.

It is very sad we have this issue up before us again. In the last Congress, we passed legislation by wide bipartisan margins to lift the President's restriction on Federal funding for embryonic stem cell research. By wide margins, the majority of Americans supported this legislation, and still support this legislation. Unfortunately, the President issued his first and, so far, only veto to strike down our legislation. So we are back here again.

I see Mr. HARKIN, a great Senator from Iowa, on the floor. I commend him for his leadership, and so many of my other colleagues. Earlier today, Senator FEINSTEIN was on the floor, and I thank her, certainly, for her leadership, as well as Senator KENNEDY. So many people have worked so hard in bringing us to this point. I thank our leader, our Senate majority leader, Senator HARRY REID, for making this a priority as an agenda item for us in the Senate.

I know how deeply personal this issue is for many people. I respect that many of my colleagues have different views on stem cell research. I have also studied this issue very extensively. Over the past several years, I have met with people from all different faiths, all different backgrounds, from religious figures to medical researchers on the cutting edge of breakthrough technology. I have met with mothers who have to give multiple daily injections to their children to help them make it through the day.

They argue that many diseases and chronic conditions—as I have mentioned before, diabetes, and also ALS, Parkinson's, spinal cord injuries, many types of cancers—will be treated or even possibly cured with stem cell research. Too many families are struggling to care for children with diabetes or watching elderly parents succumb to Alzheimer's disease, like my husband did, or like my grandmother, who died of Parkinson's disease.

Too many Americans suffer from illnesses that make ordinary things such as daily household chores nearly impossible. As cochair of the Senate bipartisan Parkinson's Caucus, I receive letters and calls from people all across our great Nation on how important stem cell research is to them, how important this legislation, this opportunity at this time is to them and their families.

I have met many Michigan families dealing with chronic health issues every single day. For example, a wonderful advocate and friend, Bob Kullgren, from Grand Rapids, shared with me his daughter Kate's story. When she was 12 years old, she was diagnosed with juvenile diabetes. Her family took her for multiple visits to the hospital and injected her with insulin three to four times every single day. These routines only helped to manage Kate's disease, not cure it.

As a teenager, Kate worked as a counselor at a camp for children with diabetes. She watched as some of her fellow counselors began experiencing the early stages of blindness caused by their juvenile diabetes. I cannot imagine how terrifying it must be to begin to go blind when you should be thinking about going to the prom or graduating from high school. None of us wants that for our children.

Another bright young woman who has visited my office several times is Julielyn Gibbons. For over 12 years, Julielyn has lived with Crohn's disease. It is a disease that causes intense abdominal pain. For her, stem cell research offers the promise of not only curing this lifelong debilitating disease but also the hope of being able to live a normal life. She e-mailed me:

> I want to be able to bring children into the world knowing that they will never have to suffer as I have, and that possibility best exists through stem cell research.

S. 5, a strong bipartisan bill, is an important and, in fact, a critical step forward toward giving Julielyn and Kate that hopeful future we all want for our children. S. 5 expands Federal financing of research on additional stem cell lines created from embryos freely donated from in vitro fertilization clinics under strict ethical guidelines. These embryos are frozen and will likely be destroyed. Think about that. These are frozen embryos that will likely be thrown in the garbage can. They are being thrown away. Which is better: To have the opportunity to use those cells, those precious cells to be able to create life, to create cures, or to see them thrown away? That is what is happening right now.

This bill also would authorize the National Institutes of Health to look at other ways of creating new stem cell lines. This does not preclude other opportunities for research. In fact, this is a bill to make it clear we want to use every possibility to save life, to be able to cure diseases, and that we will continue to see that is done with the highest ethical standards, which is what is guaranteed under this legislation.

The current administration's policy, frankly, is tying the hands of scientists and impeding their progress on treatments and cures for diseases that families every day are waiting for. Sean Morrison, the director for the University of Michigan's Center for Stem Cell Biology, told me the federally approved lines are of limited use because they are not genetically diverse enough to realize the full potential of this research—so many more are needed. In other words, we don't have enough right now. We can't do what needs to be done, what families are asking for across this country.

While we look toward the future, we should remember those who have passed while we have had this debate as well. Every day the clock is ticking on somebody who is ill. Every day the clock is ticking on somebody with a fatal disease who could be helped in some way or cured if we were doing everything we could to provide the research and the cures and the treatments. What pains me the most is that some of the brave advocates I have had the privilege to meet during my congressional career are no longer here today. They are no longer here this week to see this vote. Hopefully we will not have many more people who will be seeing their lives deteriorate or lose their lives before we are able to actually begin to do what needs to be done with this research.

It is for them and for all the families I have met that I will cast my vote this week, a vote for life, for hope, for a bright future. I know the cures won't come tomorrow, but they may never come if we do not act now. I urge all of my colleagues to vote yes on S. 5, and I urge the President of the United States to do what is right, to do what the overwhelming majority of the American people are asking him to do and asking us to do, which is to say yes to lifesaving research, to say yes to that which will provide hope for a cure. I hope we will say yes in a very large margin to S. 5.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, how much time is remaining on our side in this round?

The PRESIDING OFFICER. There is 42 minutes.

Mr. HARKIN. Mr. President, I yield 10 minutes to the distinguished Senator from Rhode Island.

The PRESIDING OFFICER. The Senator from Rhode Island is recognized.

Mr. WHITEHOUSE. Mr. President, I thank the distinguished Senator from Iowa.

I speak today in support of S. 5, the Stem Cell Research Enhancement Act, offered by the majority leader, to whom we all owe a debt of gratitude for bringing this important bill to the floor. As a new Member of this body, as is the Presiding Officer, it also gives me great pride to express my appreciation for the leadership of Senator HARKIN, Senator SPECTER, Senator KENNEDY, and Senator HATCH, whose voices over the years have placed us in the position to pass this legislation, as I hope we will tomorrow.

I also wish to recognize the exceptional work and extraordinary leadership of my colleague and friend from Rhode Island, Congressman JIM LANGEVIN. Congressman LANGEVIN has been both a State and national leader on this issue, championing the passage of H.R. 810 in last year's Congress and of H.R. 3 in January, as well as playing an integral role in Rhode Island's stem cell dialogue. Just today he was with our Lieutenant Governor Elizabeth Roberts, as she issued her report, "Discovering Rhode Island's Stem Cell Future: Charting the Course Toward Health and Prosperity." This report is an important step toward developing a comprehensive statewide plan for stem cell research initiatives in Rhode Island.

Congressman LANGEVIN did not arrive at his position on stem cell research easily. He grappled, as we all do, with the ethical and scientific issues involved, meeting with a host of individuals and groups spanning the ideological spectrum. After serious and heartfelt consideration, he concluded, as have many of our Senate colleagues, that a central part of his deeply held beliefs about life is a commitment to those who are challenged by diabetes, by heart disease, by Alzheimer's, by Parkinson's, by spinal cord injury, by stroke, and by the myriad of diseases and conditions that stem cell research might help or even cure. I share this deep commitment to stem cell research and a sincere optimism about the hope it offers for so many lives.

I want to share the story of one of those lives. It is the story of Lila Barber, a 12-year-old girl from Westerly, RI, who came to visit me here in Washington 2 weeks ago. In 2005, Lila started experiencing pain in her leg. The pain got progressively worse over a 5-month period, until it was keeping her, and her parents, up all night. The Barbers began a medical journey, from doctor to doctor and test to test, only to be told that Lila had bursitis. As it turned out, Lila did not have bursitis; she had osteosarcoma, a cancerous bone tumor on her tibia below her knee.

Years ago, doctors would have had no option but to amputate Lila's leg. But reconstructive techniques have improved, and most limbs can now be replaced with a metal and plastic artificial joint or a cadaver bone transplant. Fortunately, Dr. Richard Terek, an orthopedic surgeon specializing in musculoskeletal oncology at Brown University, was able to save her leg using such a cadaver bone transplant, which preserves as much normal tissue as possible. In the year following Lila's surgery, she was home-schooled as she underwent 16 rounds of chemotherapy. Lila's chances of long-term survival are now good—75 percent.

But even if Lila remains cancer free, she will face a painful and ongoing medical struggle. Since the donor bone and cartilage are not living, Lila's transplanted tibia will not grow as she does. Even worse, it will break down over time. This is a place where stem cell research could vastly improve care for cancers like Lila's. In the short-term, stem cell research could allow surgeons to develop techniques to use

Lila's own cells to biologically and mechanically enhance bone tissue transfer. That is, Lila's own stem cells could be used to repopulate the lost bone and cartilage. In the longer term, stem cell research might allow scientists to grow entirely new replacement bones and joints. One day, children with osteosarcoma and other bone tumors might receive new bones that actually grow with their bodies into adulthood. Such bone tissue enhancements would also be beneficial to individuals with injuries from accidents, sports injuries, or just the wear and stress of age. This is just one area of promise in the broad landscape of hope stem cell research opens to Americans.

As for Lila, with frequent monitoring from Dr. Terek, and sporting a bright bandanna on her first days back to school in the seventh grade, she is getting back to her old ways. She even attended the Nickelodeon Kids' Choice Awards last weekend, a trip made possible by A Wish Come True, an organization in Rhode Island that grants wishes to children with life-threatening and dangerous illnesses.

For the Barber family, their greatest wish is for Lila's good health. Stem cell research holds the promise of making that wish, and millions of wishes like the Barbers', come true. Let us throw off the ideological shackles constraining our progress imposed by the bleak and benighted policies of the Bush administration. Let us all support S. 5 and embrace the promise for life and health and hope and cure that these discoveries present to mankind.

I thank the majority leader for sponsoring this vital legislation. I thank the Senator from Iowa for his leadership on the floor.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. HARKIN. Mr. President, I am glad to yield 10 minutes to the distinguished Senator from Maine.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, first, let me thank the Senator from Iowa for yielding time to me.

As a longtime supporter of stem cell research, I am pleased the Senate is once again taking up the Stem Cell Research Enhancement Act. I am very proud to be a cosponsor of this bipartisan bill. It will expand the number of stem cell lines that are eligible for federally funded research, enabling scientists to take full advantage of the scientific and medical opportunities provided by stem cells. At the same time, the bill establishes clear standards to ensure this research is conducted ethically.

The promise of embryonic stem cell lines lies in their potential to develop into virtually any cell, tissue, or organ in the body. As a consequence, this research holds tremendous potential to treat, and perhaps even cure, a vast array of diseases and conditions. Researchers could, for example, potentially generate insulin-producing islet cells for patients with juvenile diabetes; neurons to treat Parkinson's disease, ALS, and Alzheimer's, as well as bone marrow cells to treat cancer. It is estimated that more than 100 million Americans are afflicted by diseases or disabilities that have the potential to be treated through this promising research.

I have heard some of our colleagues today, in arguing against this bill, say that the promise won't be fulfilled, that it is overblown, and that it is raising false hopes. We cannot say for certain what avenue of scientific research is necessarily going to produce the results all of us hope for, but surely it makes no sense to cut off a promising source of research that could benefit from Federal funds. I, for one, am very optimistic about the potential. There are no guarantees. There are no guarantees with any scientific research, but certainly the promise is there. It would be foolhardy for us to continue to restrict this research, to place artificial barriers in the way of research that offers such hope and such promise to so many American families.

In August of 2001, President Bush announced that Federal funds could, for the first time, be used to support research on embryonic stem cells. But that research, under the President's Executive order, was limited to existing stem cell lines that were created prior to 9 p.m. on that day.

In the 5½ years since the President made that announcement, this stem cell policy has fallen far short of its original goals. While the Human Embryonic Stem Cell Registry at the NIH lists 78 stem cell lines, at best, no more than 22 lines will ever be available for research under the current policy. Moreover, as Dr. John Gearhart of Johns Hopkins University told the Special Committee on Aging last year, existing lines are "contaminated with animal cells, lack genetic diversity, are not disease-specific, and are not adequate for researchers to apply to a wide variety of diseases." Limiting researchers to these lines, therefore, places huge and unnecessary roadblocks in the way of possible treatments and cures for a wide range of devastating diseases.

We have learned a lot about stem cells since 2001. For example, scientists have now created methods for growing stem cell lines that are free of animal cells, thus greatly improving their potential for treating and curing disease. They have also created disease-specific stem cell lines. Under the current Federal policy, however, these new and improved stem cell lines are not available to federally funded researchers in the United States. It is time for us to update our stem cell policy to reflect what we have learned so that we can accelerate this important research.

The legislation before us lifts the current restriction so that stem cell lines are eligible for federally funded research, regardless of the date on which they are created. Federal funding, however, would continue to be restricted to stem cells derived from embryos originally created for fertility treatments that are in excess of the clinical need and that otherwise would be discarded. That is the issue before us. Are we going to use these stem cells—these cell clusters which otherwise would be thrown away—for what could be lifesaving and life-enhancing research? That is the issue.

The legislation has other important safeguards that require informed consent of the donors, and it prohibits any financial inducement to donate. Finally, the bill calls upon the NIH to develop strict guidelines to ensure that researchers adhere to clear ethical and moral standards.

As the founder and the cochair of the Senate Diabetes Caucus, I am particularly excited about the promise stem cell research holds for an ultimate cure for diabetes. Early research has shown that stem cells have the potential to develop into insulin-producing cells to replace those which have been destroyed in individuals suffering from type 1 diabetes.

During the last Congress, I chaired a hearing in conjunction with the Juvenile Diabetes Research Foundation Children's Congress to examine the devastating impact juvenile diabetes has had on too many American children and their families. We heard heartbreaking testimony from children who traveled here to tell us what it is like to live with juvenile diabetes, just how serious it is, and how important it is that we fund the research necessary to find a cure.

One of those was a constituent of mine from Falmouth, ME, Steffi Rothweiler. She told the committee that she could not remember having a normal life without diabetes. She described her parents, who have given up a full night's sleep and their weekends, on guard every hour of every day to make sure Steffi's diabetes is controlled as tightly as possible so that she can stay as healthy as possible. Steffi asks that we do all we can to find a cure for diabetes as quickly as possible. We simply cannot ignore the potential embryonic stem cell research holds for children like Steffi.

I am sensitive to the ethical concerns raised by opponents of this research. But I wish to emphasize once again that the cell clusters which will be used for this research would otherwise be discarded. In my view, the ethical choice is to use them for research that may benefit millions of Americans rather than just discard them as medical waste.

Moreover, what is often ignored in this debate is that embryonic stem cell research is now occurring in the private sector and in other countries outside the purview of the NIH. Therefore, if we could extend these ethical guidelines that routinely accompany federally funded research, all of us should be for that as a goal.

I wish to quote testimony from Dr. Allen Spiegel, who was, at the time, Director of the National Institute of Diabetes and Digestive and Kidney Diseases. He made that very point at our 2005 hearing on juvenile diabetes. He testified that, while NIH routinely worked very closely with the private sector, in the area of stem cell research, "there is a wall." By expanding our current stem cell policy, we can tear down that wall, allowing for more research but ensuring that it is conducted with clear ethical standards.

Now, the other argument we always hear is that we don't need to have this kind of stem cell research because adult stem cells derived from tissue, such as bone marrow, are a sufficient replacement for embryonic stem cells in forwarding this important research.

The fact is, both are promising. But, again, as Dr. Spiegel testified at the hearing that I chaired with regard to diabetes research:

> We need to do embryonic stem cell first because it can give us a better understanding of what causes type 1 diabetes . . . because it will actually inform our ability to work with adult stem cells . . . and finally, because, and one cannot guarantee or promise this, the embryonic stem cells themselves, if successfully turned into insulin-secreting beta cells, could be the source of cell therapy.

That is the testimony from the experts.

It would be tragic not to take advantage of this opportunity to accelerate research that can potentially help millions of people suffering from devastating illnesses. I urge our colleagues to join in voting for this important legislation.

Again, I thank the chairman for yielding me time. This is legislation that truly can make a difference to the lives and well-being of so many American families.

Thank you, Mr. President.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Maine for her very eloquent statement regarding this bill. The Senator is right on the mark in talking about the ethical—if I can get her attention for a second—part of this issue.

As the Senator knows, in S. 5, we have very strict ethical guidelines. One, the only embryos that can be used are those slated to be discarded anyway from our IVF clinics. Secondly, there has to be written informed consent by the donors. And, third, there cannot be any monetary or other kinds of inducements at all to the donors of these embryos. Those guidelines are actually stricter than what is in law right now. As the Senator knows, we have these strict guidelines.

The other point the Senator brought up, if she has a minute for me to explore this point with her a bit, is that we have in vitro fertilization clinics. My information is that last year about 50,000 babies were born by IVF. I have friends of mine who had children thanks to IVF; otherwise, they would never have had children. Obviously, there are some embryos left over. They would like to be able to donate those for embryonic stem cell research because they are not going to have any more children.

So it seems to me the ethics question is, are we just going to discard them as hospital waste, which is done every day, or would it be more ethical to say let's use those with the strict guidelines we have to save lives, to make life better, to ease suffering and pain?

The Senator from Maine put her finger on it. That, to me, is the ethical way, I would think. What our bill is trying to do is to let those donors of those embryos say, yes, do this. You can do that, and use that for research. I thank the Senator from Maine for her contribution.

The PRESIDING OFFICER. The Senator from Maine.

Ms. COLLINS. Mr. President, if the Senator will yield for just a moment so I can respond to the excellent points that he made, first, I commend Senator HARKIN, Senator SPECTER, and others who have worked on this bill for including those clear safeguards. This isn't a case where anyone is going to be selling the left over, unused embryos from in vitro fertilization. In fact, the bill appropriately prohibits any financial inducement, any sort of money changing hands. So that is an important safeguard.

But the Senator put his finger on what I think is the primary ethical choice. The left over cell clusters are going to be discarded. They are going to be discarded. They are discarded every day, every month, every year as medical waste. How much more enhancing it would be to use them for research that could save lives, that could prolong lives, that could improve the quality of life for someone suffering from juvenile diabetes or Parkinson's or Alzheimer's or other devastating diseases.

I believe this bill is a very ethical bill that will help move us forward in the search for better treatments, for better diagnoses, and someday a cure. I cannot believe that we would cut off such promising research when we know it can be done in an ethical way.

I applaud the Senator for his leadership in this area. I hope we will proceed to a very strong bipartisan vote in support of legislation that means so much to the American family.

We do a lot of debate on this Senate floor, but it is rare that we have a debate on an issue that touches so many Americans personally. All of us have family members who have suffered from these devastating diseases, and this offers—does not promise—but offers the potential for research that could really make a difference.

I thank the Senator. I am very happy to join him in this effort.

Mr. HARKIN. Mr. President, I thank the Senator from Maine. How much time does our side have remaining?

The PRESIDING OFFICER. There is 17 minutes remaining.

Mr. HARKIN. Mr. President, I will take a couple more minutes to expand on this point.

I mentioned this morning, if you are faced with a situation where embryos are going to be discarded and destroyed totally or these embryos could be donated for embryonic stem cell research and propagated and given life and then proceed to give life to others, is that not the better ethical choice? In other words, what I am saying is, when you discard an embryo from an IVF clinic now as hospital waste, that is destroyed. But if you take an embryo and take out of the embryo the 100 or 200 cells in it, extract them, the embryo itself is not an embryo any longer, but the cells are still alive. They are still alive. They propagate, they grow, they become stem cells that we already know—we have already done that—develop into nerve cells, bone cells, heart muscle tissue, motor neurons. They already know that.

On the one hand, you are really destroying the embryos, and on the other hand, you are taking the embryos, you are changing them into something else that propagates life and that actually could be—we don't know, as the Senator said, we don't know the end result but could actually enhance and make life better for many people. It seems to me this is the more ethical way to go.

Mr. President, I yield the remainder of the time to the Senator from Maryland.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, first, I thank Senator HARKIN for his leadership on this issue and Senator COLLINS and those who have been responsible in bringing forward S. 5 for us to have an opportunity to vote for the Stem Cell Research Enhancement Act.

I join my colleagues. Rarely do we have an opportunity in this body to cast a vote that literally offers hope to over 100 million people in this country. We all have constituents who are suffering from Parkinson's or Alzheimer's disease or juvenile diabetes or ALS or spinal cord injury and other illnesses and injuries that very much the stem cell research offers hope that we will be able to make advancements to improve quality of life.

But there is more involved here than just the health and lives of Americans. We also are talking about the United States and its preeminence internationally in medical research. We have led the world in medical research in this country. People from all over the world come to America to get their health care needs met and to train their health care professionals.

We have been on the cutting edge. In my own State of Maryland, we have the NIH, we have the Naval Medical Center at Bethesda, we have Johns Hopkins University, the University of Maryland Medical Center—all on the leading edge of research technology.

S. 5 will help us maintain our preeminence in medical research, as well as help millions of people as we make advancements in medical research.

Let's review quickly the current status of embryonic stem cell research.

It offers tremendous promise, we all know that. We all know embryonic stem cells hold the greatest promise for being able to regenerate parts of our organs and bodies that will allow us to deal with horrible diseases and injuries.

On August 9, 2001, the President's Executive order restricted embryonic stem cell research. If we could go back to 2001 and look at the situation in 2001, there were many who thought maybe that would be adequate at that time. We didn't know a lot about embryonic stem cell research back in 2001. NIH at that time had predicted, I remind my colleagues, that there were 60 to 78 stem cell lines that would be available under the President's Executive order, when in reality there were only 22, and some have been contaminated with mouse feeder cells.

We lack the genetic diversity necessary to perform research today on embryonic stem cells, and the most vulnerable groups are minorities because they are disproportionately affected by the lack of diversity in the stem cells that are available.

What is affected? Research dollars are not being made available. Money is not coming forward to deal with the most promising forms of research in our Nation. The role of the United States in medical research is being jeopardized. We are actually losing our best researchers to other countries which don't have these unreasonable restrictions.

I think the argument can best be made not by researchers, not by legislators, but by listening to some of our constituents.

I had the opportunity to have Josh Basile as an intern in my office. Three years before he was an intern in my office, he was a healthy young person leading a very healthy, very active life—a tennis player and doing all those things that a person his age would do. But then he was on the beaches off the Atlantic, and a wave caught him and he became a quadriplegic overnight. He is determined he is going to walk again. He is determined he is going to make progress. In fact, he is making progress. He is rehabilitating himself the best he possibly can. He has brought back motion where people thought it was impossible for motion to come back because he is determined. He is keeping his body ready, but he is asking us to do our share to allow the medical researchers to have the tools necessary to help him so one day he can walk.

One of my closest friends—my closest friend in law school—Larry Katz, when he was a very active attorney in Baltimore, was diagnosed with ALS. I watched him as his body left him and he died a very difficult death.

Any of us who have experienced these types of life circumstances know that we have a responsibility to do everything we can to make sure that our scientists have the appropriate tools to do the research to bring about the answers to provide the resources, the money, and the appropriate scientific methods in order to unlock the mysteries of so many diseases.

Stem cell research offers tremendous promise. The work being done at the University of Maryland Medical Center and the work being done at Johns Hopkins in my community—Dr. John Gearhart and Dr. Douglas Kerr, I met with these scientists frequently to try to get a better understanding about this. I am not a scientist. I don't know all the technicalities, but I have had a chance to meet with these scientists and see what they are doing and learn firsthand the promise that embryonic stem cell research holds out to all of us. They have been able to implant embryonic stem cell growth in mice and see movement where there was no movement before. It holds out such great promise.

We can do better and we have to allow our scientists the ability to do that. Let me quote from one other Marylander, Dr. Elias Zerhouni, who is the Director of the National Institutes of Health and a resident of Baltimore. Last month, he reiterated his support for lifting the current ban, stating that:

> From my standpoint, it is clear today that American science will be better served and the Nation will be better served if we let our scientists have access to more stem cell lines.

There is a lot of fact and a lot of fiction out there as to what this means and what this bill does, what exactly the restrictions are under current law. There are some who argue that this legislation will encourage the creation of in vitro fertilization for research. Nothing could be further from the truth. The only lines that are available are those that are currently in existence. As my colleagues have repeated over and over on this floor, those who claim that this will divert the cell from its original purpose for implantation are wrong. The facts are that these embryos would be otherwise discarded.

Those who say we have to protect against abuse, read the language of the bill. The bill requires the donor's consent, and it can't be with compensation. It provides guidelines for the ethically sound use of embryonic stem cell research.

In June of 2001, 2 months before President Bush issued his stem cell policy, Sue Stamos and her daughter Faith came to visit me in my House office. At the time, Faith was 3 years old, a very brave little girl who had been diagnosed with juvenile diabetes. She asked me for my support for Federal research to help find a cure for Faith, and I promised back then I would do everything I could to help the Stamos family.

Back in 2001, our knowledge of stem cell research was nowhere near what it is today. We didn't know what promise it held at that time. Today, 6 years later, we have a much broader and deeper knowledge about the scientific possibilities of stem cells but much less capacity to research stem cell lines than we had anticipated.

Last year, I voted to keep my promise to Sue and Faith Stamos and to the thousands of other Marylanders who are waiting for cures. Today, again for Faith and Josh and thousands of other Marylanders, I will vote to expand the stem cell lines available for federally funded research. I hope my colleagues will join in sending a message to Americans that this Congress will not stand in the way of medical progress through the proper use of embryonic stem cell research.

I urge my colleagues to support this legislation, and with that, Mr. President, I yield the floor.

Mr. ISAKSON. Mr. President, I wish to associate myself with the remarks of many of the speeches that have been made this afternoon, particularly when Senator COLLINS of Maine a little while ago talked about whether we should decide—"we" meaning Members of the Senate—what the promise of embryonic stem cell research is. We can't. We are not scientists. Mr. COBURN certainly would qualify as a medical doctor, but there are no scientists here of the eminence of people doing this critical work.

Ms. COLLINS made a very good point, and the point I would like to reiterate from the presentation I made this morning is that there is nobody here arguing against furthering science and furthering embryonic stem cell research. The question is which route we take.

The proposal in S. 30, which Senator COLEMAN and myself have brought forward, is an affirmation of the need to expand embryonic stem cell research.

It is an affirmation that there is a way to do it. In the course of the last couple of years, we have discovered a lot of new, interesting, and dynamic things, most important of which is that 5 of the 21 lines that exist right now, under the grandfather clause the President issued in August of 2001, are lines derived not from the destruction of a live embryo or an implantable embryo but from a naturally dead embryo.

Let me briefly but succinctly go back to that definition. It is very much the same as a clinically dead person with an irreversible cessation of brain waves but the rest of their body still lives on life support so that they are able to donate, through a medical power of attorney, their organs to be transplanted and which can then save a human life. It is the same medical principle, where with that determination of death, although there is still life in the body, that individual is able, through their grant, to donate their organs in order to save another life.

This is the same principle in terms of naturally dead embryos. Embryos developed for in vitro fertilization, after 3 days, are implantable viable embryos. In 4 additional days, additional embryos are created with the cell mass necessary to become a viable fetus and ultimately a human being. But after the seventh day, which is called level III, or the Gardner III principle, the embryonic stem cell embryos are clinically dead, although cells within the embryo are alive. That is the same principle as an organ donation from an individual who suffers from an irreversible cessation of brain waves.

S. 30, which I stand on the floor today to promote and commend to the Members of the Senate, does exactly and precisely what most of the Members of this body want to do, and that is further the NIH investment in embryonic stem cell research. As I said this morning, three of those lines happen to exist in the State of Georgia. Three lines currently under the grandfather clause issued by the President's Executive order in August of 2001, three lines that currently are continuing to be funded by the National Institutes of Health, three lines that are contributing to the breakthrough or hopefully the steps of the breakthroughs, in terms of any number of cures, but in particular those of diabetes and those of spinal column injury.

By adopting S. 30, sending it to the House and the House adopting it, and the President having said he will sign it, then we know we can break through this logjam and we can create additional lines for embryonic stem cell research and exponentially bring forward the public information that is so necessary in the research and medical community. Because the critical benefit the National Institutes of Health investment makes is it makes the discoveries come into the public domain because the NIH is a public entity and it is the taxpayers' money.

So I would submit that S. 30 is the right way to enhance what most, if not all, here want to do and that is to enhance the cure of dread diseases, the breakthroughs necessary to solve any number of problems, and do so in a way that clearly respects the viability of an embryo by selecting those lines only from embryos that are clinically dead. You are then not destroying what could become a viable human being, but you are adding to and furthering embryonic stem cell research in the same way that 5 of the existing 21 lines currently being researched are being brought forward.

I wish to read one paragraph from Dr. Edward Ferdin, who wrote on the Landry and Zucker report on this very subject, and I quote:

> Dr. Landry points out a similar standard is invoked at the end of life—meaning this dead embryo standard—in the use of neurological criteria for the determination of death. When the integrative unit of the body ceases because of the loss of brain wave, a patient is declared dead even though the individual cells and tissues of the body may continue to function for some period of time. In the absence of the brain, there is no longer a person presently within the body. The fact that individual cells, tissues, and organs in the brain-dead body continue to live is what enables transplant surgeons to save thousands of lives each year through organ donation.

The same could be true if we were to make the same use of cells of deceased embryos in pursuit of the cures for degenerative diseases and further the advancement of embryonic stem cell research.

I see my colleague from Texas, Senator CORNYN, has come to the floor to speak, so I yield the floor.

The PRESIDING OFFICER (Mr. CARDIN). The Senator from Texas.

Mr. CORNYN. Mr. President, let me begin by expressing my heartfelt appreciation to the Senator from Georgia, Mr. ISAKSON, and the Senator from Minnesota, Mr. COLEMAN, for working diligently, creatively, and in a very determined way to try to solve a problem that has previously existed in this area that has made it difficult, if not impossible, for some of us to support the expansion of embryonic stem cell research because we were concerned that a very important moral line would be crossed.

I, for one, strongly support medical research, development, and innovation to combat disease and develop effective treatments to improve the quality of health for all Americans, and I am sure we all feel the same way. During the 109th Congress, I was proud to support legislation that promoted expansion of stem cell research without harming or destroying human embryos, and today I am proud to join Senators COLEMAN and ISAKSON in cosponsoring the HOPE Act, the Hope Offered Through Principled and Ethical Stem Cell Research bill.

This HOPE Act advances stem cell research, while respecting life and focusing on cures by allowing the Secretary of the Department of Health and Human Services to establish guidelines for research on embryos that have died from natural causes. The bill directs HHS, Health and Human Services, to prioritize research likely to produce the greatest results in the near term, and authorizes Federal funding for research only if such lines have been derived in such a manner that it does not harm or kill a living human embryo. Finally, it directs the Institute of Medicine to conduct a study to delve further into the possibilities of amniotic and placental cell bank programs, areas which I understand from my reading have a lot of promise.

I am also encouraged by the scientific advances made in the roughly $3 billion of Federal money put into stem cell research since about 2001 that have created real advances in adult and cord blood stem cell research, and I strongly support efforts to build upon these promising therapies which are already being used in medical treatments for a variety of reasons. Current Federal stem cell policy funds research using established embryonic stem cell lines, thus taxpayers are not forced to support research that would require the use and destruction of human embryos at the earliest stage of development.

It is essential to note that there is no law that prohibits embryonic stem cell research in this country. I think, unfortunately, this has been misportrayed and misunderstood in many quarters. In fact, this administration is the first one to support federally funded embryonic stem cell research within parameters. But the issue before us is solely an issue of whether American taxpayers will be forced to fund research that many of them oppose on fundamental moral grounds. It creates a slippery slope when human life is sacrificed for medical experimentation.

The current Federal policy does not forbid others from conducting such research on lines other than those approved by the President, provided it is funded from sources other than the Federal taxpayer. There are States, I think notably California and others, that have voted to spend their own taxpayers' money for that purpose but not the Federal taxpayers' money.

Adult stem cells—and this is again one of those areas where, when you mix science and politics, I fear always the science suffers—and this is part of the good news of this research, this $3 billion invested in stem cell research since 2001—the good news is that adult stem cells are treating real patients who suffer from more than 70 different diseases and disorders right now.

I think many people would be surprised to learn that embryonic stem cells have had few modest successes in animal trials and so far have produced zero treatments for human beings. I think many people would be surprised because of the overhyped and oversold story about embryonic stem cell research. I think our job ought to be to try to come up with a reasoned piece of legislation based on the facts, not based on hype. I think that is what Senator ISAKSON and Senator COLEMAN have done.

All of us have deep sympathy for parents, for children, for families who continue to struggle with painful, serious diseases. I continue to study this issue with great care. I remember every year the parents of children who suffer juvenile diabetes coming to my office along with their children. It really tugs at your heartstrings to see these parents wanting their children to be cured from this terrible disease. We all hope and pray that someday they will be.

I have been encouraged by recent reports from America's scientific community which revealed that great potential exists for obtaining embryonic-like stem cells without creating and then harming human life. At the beginning of this month there were 1,373 publicly available clinical trials related to adult stem cells—1,373 publicly available clinical trials related to adult stem cells—including 671 that are currently recruiting patients.

In my State of Texas, for example, 93 adult stem cell clinical trials are currently being conducted on everything from brain injuries to different forms of cancer to heart disease.

I am proud to say that medical research in my State has been at the forefront of the adult stem cell research field. For example, the Texas Heart Institute reported evidence of the effectiveness of treating congestive heart disease with the patient's own stem cells. Heart disease, as we all know, is the No. 1 killer in the United States. Yet the researchers at the Texas Heart Institute are finding that adult stem cells injected directly into the heart are not only improving blood flow and blood vessel formation, but they are even growing new heart tissue.

Another clinical trial in Texas, started this last year at the University of Texas Medical School at Houston and Memorial Hermann Children's Hospital, is among the first to apply adult stem cells to treat traumatic brain injury. The researchers in this trial are using children's own bone marrow stem cells to treat brain trauma. This is an especially important area to see adult stem cell research branching out into because of the devastating effect that brain injuries have had on survivors' lives.

These trials and others like them are bringing us new treatments all the time for real patients right now. I will continue to support the expansion of research that may lead to the improved treatment of disease without compelling taxpayers to fund destruction of human embryos, a procedure that many find morally objectionable.

Let me say in conclusion, again, how much I appreciate the creativity and determination of my two colleagues who have led the effort on this important legislation. I am proud to cosponsor it, proud to support it. I think generations yet unknown will continue to benefit from the kind of medical research that we will approve if we pass this bill and when it is signed by the President.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I ask unanimous consent that a letter from the American Medical Association dated April 10, 2007, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMERICAN MEDICAL ASSOCIATION,
Chicago, IL, April 10, 2007.

Hon. MITCH MCCONNELL,
Minority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR MCCONNELL: As Congress considers stem cell legislation, the American Medical Association (AMA) believes that it is important that any such legislation follow certain research and medical practice guidelines.

In general, the AMA supports federal funding of biomedical research which promises significant and scientific benefits. More specifically, we—

support biomedical research on multipotent stem cells (including adult and cord blood stem cells);

encourage strong public support of federal funding for research involving human pluripotent stem cells (embryonic); and

encourage continued research into the scientific issues surrounding the use of umbilical cord blood-derived hematopoietic stem cells for transplantation.

Further, AMA research policy supports certain ethical considerations, including donor anonymity, non-coercion of donors, absence of financial inducement and written informed consent of the donor regarding the nature and scope of the research involved. The AMA advocates these guidelines to ensure appropriate and ethical stem cell research, with the hope that continued stem cell research may lead to potential cures and therapies for those suffering from many devastating diseases.

Sincerely,
MICHAEL D. MAVES, MD, MBA,
Executive Vice President, CEO.

Mr. ISAKSON. I would like to address that for a second. This is a letter that does not endorse a particular bill, but it lays out the AMA's support for embryonic stem cell research. I want to make a couple of affirmations quickly, if I can.

It says:

> In general, the AMA supports Federal funding of biomedical research which promises significant scientific benefits. More specifically we, support biomedical research on multipotent stem cells, (including adult and cord blood stem cells); encourage strong public support of federal funding for research involving human pluripotent stem cells (embryonic); and, encourage continued research into scientific issues surrounding the use of umbilical cord blood-derived hematopoietic stem cells for transplantation.
>
> Further, AMA research policy supports certain ethical considerations, including donor anonymity, non-coercion of donors, absence of financial inducement and written informed consent of the donor regarding the nature and the scope of the research involved.

S. 30, the Coleman-Isakson bill, contains exactly each and every one of those items laid out by the American Medical Association.

I might further add, unlike any other legislation, it does not pick a favorite, but it encourages NIE to make investments in all research that has the most imminent promise in terms of benefiting the lives of individuals.

So you heard people talking about embryonic, you heard people talking about adult, you heard people talking about cord blood. The Coleman-Isakson bill recognizes the value of all and leaves to the scientists at NIH the prioritization of those investments but ensures those investments are made in the furtherance of the research, just exactly as indicated in the letter from the AMA.

I see my colleague from Minnesota, Mr. COLEMAN, is on the Senate floor.

I yield to Senator COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague from Georgia for his leadership and the opportunity to work together on something that I hope is a unifying force for this body. Let's agree where we can agree. I think that is what S. 30 offers.

I listened to the debate on S. 5. I see my colleague, the Senator from Iowa. I do not know if there is a greater champion in the Senate than the Senator from Iowa when it comes to supporting the rights of individuals with disabilities. I worked on disability discrimination when I graduated law school 30 years ago. One of my heroes in this regard has always been the Senator from Iowa.

Coauthor of S. 5 is my colleague from Utah, Senator HATCH. I don't know if there is a man of greater moral integrity in this body than ORRIN HATCH. He is an extraordinary man. He and I have had long conversations about this bill. Good people disagree.

For some of us there is that moral line that says we cannot support Federal funding for the destruction of a human embryo. It is a line that a number of people cannot cross. So what happens is, if we have a concern of just having S. 5—and there is a battle that is being waged there. Again, it will pass. It will pass in this body and pass in the House. Then the reality is it will be vetoed. There will not be enough votes to override the veto. So in the end, those with good intentions who want to move science forward are not going to be able to do that.

This message to those who are suffering from ALS and suffering from juvenile diabetes—the research is not going to be moved forward at all.

A number of my colleagues have put forth S. 30 as an opportunity. Dr. Hurlbut said: We offer one small island of unity in a sea of controversy, a place we can come together and promote the opportunity and support pluripotent stem cell research, research that has the ability to provide the kind of flexible cell material that offers great hope. Again, hope; it offers great hope.

The good news is research is going forward in this area. This research offers an opportunity, not just in the area of stem cell research, but if you talk to some of the scientists, science itself is going to be opened, perhaps, to other advancements. We are going to learn more about stem cells just from doing this research.

I have a chart that lays out what ANT is. This is just one of the options under S. 30. S. 30 would provide Federal funding for research that does not involve the destruction of an embryo. Some of it is dead embryo research. This is ANT. Under the natural process you have a fertilized egg, the egg and sperm, the fertilized egg that becomes an embryo.

SCNT, as I understand it, is the way we got Dolly the sheep. We have a somatic cell from an adult. It was an animal—or it could be from a human. You put that cellular material, which has all the DNA, all that program in the enucleated egg, the egg gets fertilized, and you get an embryo.

What ANT does, and the type of research, among a number of options—there are some thoughts you could reprogram these cells. You could do a range of things, but what you are doing is altering the cell nucleus. It is kind of a key in there, something that unlocks the cell. If you take it out—I think it is CDX2, but I am not a scientist. But what you essentially do if you take that out before you transfer into this enucleated egg, before you put this genetic material with all the DNA and everything in there, in the end what you are going to get is an inner cell mass with all the ability to produce the pluripotent cells that you would get, but there is no embryo, and it doesn't cross the moral line.

The opportunity for this Congress, in a bipartisan way, to support this kind of research is a positive thing.

I see my colleague from Missouri. I have some other comments, but I believe we have some time, and I will use that time later.

I want to reiterate that I hope my colleagues who support S. 5—we simply have disagreement over crossing that line—I hope they can come with us and support S. 30.

My concern is about the House. Last year this body passed a bill similar to S. 5. It also passed the Specter-Santorum bill, which provided, by the way, a number of alternative means of producing cells. Some of those, by the way, are included in S. 5. But, again, S. 5 will not become law.

If you want alternative ways to go forward, you have to support S. 30. The House killed the Specter-Santorum bill. Their approach was, they wanted to have 100 percent of nothing—no alternative ways if they didn't get exactly what they wanted in their bill that was similar to S. 5.

I hope my colleagues who are looking to provide hope will understand there is a path to move the science forward. There is a path for funding. There is a path to set up, as we have in S. 30, a stem cell bank, a bank of amniotic and placental stem cells. I hope our colleagues in the House do not do a repeat of what happened last year in which an effort to support alternative means was destroyed because they did not get their way in their version of S. 5.

This is an opportunity to come together. It is not a whole package. It is not everything. It is not all the research that will come forward in S. 5 because for some of us, there is a line that we should not cross. But I think all of us can agree we want to support alternative means. We want to support dead embryo research, ANT, reprogramming, and create the opportunity to have more research being done next year than is being done this year.

That is the promise. That is the hope that S. 30 offers.

With that, I see my colleague from Missouri. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

IRAQ FUNDING

Mr. BOND. Mr. President, this is a very important debate, but I have another very important subject that I need to bring to the attention of this body. First and foremost, as I address this body, Congress has yet to take the necessary steps to approve emergency funding for our troops serving in a war zone. While I applaud the steps taken by the leadership of the Senate to appoint conferees moments after passing the supplemental appropriations bill, Speaker PELOSI and the House leadership have been too busy conducting foreign policy to appoint conferees.

I am here. We are ready—I, along with a number of my colleagues—to get to work and get the funds where they are needed. As I said time and time again on the Senate floor, our generals and military commanders are in the best position and are best suited to know the needs of our forces. When they tell us they need the funds urgently, I do not believe they are leaving much room for interpretation.

General Schoomaker, Army Chief of Staff—a no-nonsense operator—said:

> Without approval of the supplemental funds in April, we will be forced to take increasingly draconian measures which will impact Army readiness and impose hardships on our soldiers and their families.

Secretary Gates, whom war critics and opponents alike embraced this straight-talking, candid Secretary of Defense, said:

> This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and families.

In addition, this, too, would degrade the already perilous State of the National Guard's home front mission to support civil authorities. We are told that 88 percent of the Guard units at home are not equipped to respond to natural disasters or a potential terrorist attack.

That is why I was proud to support, with my friend and National Guard Caucus cochairman, Senator LEAHY, inclusion of a billion dollars in the supplemental for Guard equipment.

The most significant and important constitutional role this Congress is supposed to be undertaking is exercising its power over the purse. Yet, ironically and most detrimentally to our troops, that one paramount duty seems to be the last one on the to-do list of some in Congress. Instead, the retreat-and-defeat crowd has sought to micromanage the war from 8,000 miles away, setting timetables and prescribing troop movements. This same message will discourage our allies, who are beginning to help, obviously, our troops, and only encourage our enemies.

The recent action taken by the retreat-and-defeat crowd would suggest they are vested in defeat in order to achieve the goals of the far left wing of the Democratic Party where Michael Moore, George Soros, and others who support their party with tens of millions of dollars for 527s will do anything to undermine President Bush, even if it means losing the war that radical Islam and al-Qaida have declared on us.

As we have seen in recent weeks since the implementation of General Petraeus' plan, there is movement in the right direction. It cannot be changed overnight and nobody should expect an immediate turnaround, but it is the best hope we have. Senator MCCAIN, who just returned from Iraq, reports that Sunni sheiks in Anbar are now fighting al-Qaida, more than 50 joint United States-Iraqi stations have been established in Baghdad, Muqtada al-Sadr has felt the heat, and his followers overall are not contesting them. Finally, Senator MCCAIN observed that Iraqi Army and police forces are increasingly fighting on their own, with their size and capability growing.

While Senator MCCAIN and I would agree that there are no guarantees for victory and we have a long way to go, we certainly need to make every effort to achieve it. Yet some Members of this body and the other body say the real war on terror is in Afghanistan, not Iraq. If that is so, why are our marines fighting in Al Anbar against al-Qaida?

Charles Krauthammer, on March 30 in the Washington Post, wrote on this very topic:

> Thought experiment: Bring in a completely neutral observer—a Martian—and point out to him that the U.S. is involved in two hot wars against radical Islam insurgents. One is in Afghanistan, a geographically marginal backwater with no resources and no industrial or technical infrastructure. The other is in Iraq, one of the three principal Arab states, with untold oil wealth, an educated population, an advanced military and technological infrastructure that, though suffering decay in the later years of Saddam Hussein's rule, could easily be revived if it falls into the wrong hands. Add to that the fact that its strategic location would give its rulers inordinate influence over the entire Persian Gulf region, including Saudi Arabia, Kuwait, and the Gulf States. Then ask your Martian: Which is the more important battle? He would not even understand why you are asking the question.

The war in Iraq is a very important front on the larger global battlefield. If anyone doubts this, then all we need to do is to listen to what Osama bin Laden had to say back in December 2004 in a message to Muslims in Iraq.

Bin Ladin said: I now address my speech to the whole of the Islamic Nation. Listen and understand. The issue is big, and the misfortune is momentous. The most important and serious issue today for the whole world is this Third World War which the crusader Zionist coalition began against the Islamic Nation. It is raging in the land of the Two Rivers. The world's millstone and pillar is in Baghdad, the capital of the caliphate.

That is what Osama bin Laden said. He has gone on to say: The whole world is watching this war and the two adversaries—the Islamic Nation, on the one hand, and the United States and its allies on the other. It is either victory and glory or misery and humiliation.

Now, obviously we did not declare war on radical Islam; it declared war on us.

In addition, some in the House have sought to strike the term "global war on terror," pandering again to the likes of the George Soros wing of the party, undercutting U.S. efforts.

The global war on terror is a real mission that 9/11 showed us has no geographical boundaries and one that so many of our brave men and women have died for since the attacks of 9/11.

The terrorists have been targeting the United States throughout the 1980s and 1990s. The United States never responded to those attacks, and the message sent was one of weakness, not strength. We would be repeating the same mistake today by communicating a weakness of our will by our political leaders. We withdrew from Vietnam, we withdrew from Beirut, we withdrew from Mogadishu. These repeated withdrawals signal to our enemies all over the world that if they inflict enough damage on our most heroic citizens, the marines will never surrender, but Washington will.

A precipitous withdrawal, such as that being prescribed by the wannabe generals here in the Congress, would be disastrous. The Iraq Study Group's recommendations reached the same conclusion. James Baker, the group's co-chairman, just wrote:

> The report does not set timetables or deadlines for the removal of troops as contemplated by the supplemental spending bills the House and Senate passed. In fact, the report specifically opposes that approach. As many military and political leaders told us, an arbitrary deadline would allow the enemy to wait us out and would strengthen the positions of extremists over moderates. A premature American departure from Iraq, we unanimously concluded, would almost certainly produce even greater sectarian violence and further deterioration of conditions in Iraq and possibly other countries.

The intelligence community, in open hearing, said precipitous withdrawal on a political timetable would lead to heightened killings of Shias and Sunnis, offer a safe haven for al-Qaida to reestablish itself, and likely a region-wide war between Sunni and Shia countries.

To ignore these questions and considerations simply because they are unpalatable is shortsighted at best and dangerous at the worst. Those who want to end the war precipitously because they want to embarrass the President do not want to talk about the fact that the war in Iraq will do anything but end—in fact, would only grow even more dangerous. If we leave, radical Islamists will follow us home.

What I say to those who want to get out either immediately or on a political timetable, not based on the conditions on the ground, is if you want to run the war on terror from this body, you will own it. Even if some would-be generals in this body think they are smarter than General Petraeus and can devise a better plan in legislation—and I doubt that they can—how can they adjust their legislation conditions on the battlefield? To micromanage a war is to ensure defeat.

When a newly revitalized al-Qaida carries out renewed 9/11-scale attacks, you will own those attacks as well. There are hundreds of thousands of soldiers, marines, guardsmen, and reservists and their families who will remember, and I will help remind everyone.

As you may know, I proudly hail from the Show Me State. If all of the rhetoric in Washington about supporting the troops is true, and I believe people mean it, then I suggest that the Congress show our troops we do support them by getting them the funds and giving them a chance to succeed and not taking away management from the hands of our capable generals in the field and bringing to it this body where, in our great military wisdom, we know better than the troops, the officers, and the commanders on the ground what the conditions are in Iraq and the other battlefields.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, how much of our time remains?

The PRESIDING OFFICER. Twenty-five minutes.

Mr. ISAKSON. Mr. President, I yield 10 minutes to the Senator from Georgia, Mr. CHAMBLISS.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I rise today in support of the Isakson-Coleman stem cell research bill. For me, this issue is personal on many levels, and it weighs heavily on my heart, my mind, and my conscience. I have given great care in coming to my decision to be a cosponsor of this bill and have spent much time reflecting, thinking, and praying about making the right decision on this issue of stem cell research because it is a very controversial but yet a very forward-leaning issue.

Today we are debating the various types of research and what many view as the potential to cure diseases. There is no question that everyone here is supportive of medical research and, in particular, of stem cell research. However, there is still so much to be learned from science, so many discoveries yet to be made, and so much that we still do not know.

I am aware that there are very promising alternatives to embryonic stem cell research, such as deriving stem cells from umbilical cord blood and bone marrow. Those cells have demonstrated the capability of turning into most tissue types, thus helping to provide the basis for advanced research to find cures for diseases such as juvenile diabetes, Parkinson's disease, sickle cell anemia, and heart disease. Research from adult stem cells has saved thousands of lives, and funding for this research certainly should continue.

While I am familiar with the advancements made in the adult stem cell research, there is still a lack of scientific evidence to show that embryonic stem cell research yields the strong results we have from the adult stem cell lines. There is also the issue of whether taxpayer dollars should be used for research that many believe is morally wrong.

While the morality of embryonic stem cell research is an issue for many Americans, including myself, I also believe there is a constant need to continue working to advance science and medical research. As a country, it is important that we stay on the cutting edge of medical research and remain globally competitive, because the United States offers the best health care in the world.

This legislation, introduced by Senators ISAKSON and COLEMAN, will not only advance science, it will allow for embryonic research to take place using non-viable embryos. The cells in those embryos have naturally quit dividing and therefore would not be used for fertilization. Even if these embryos were frozen or saved, no practicing physician would ever attempt to implant them because the developmental stages have naturally stopped.

This legislation will allow the Department of Health and Human Services to extend Federal funding for research on embryonic stem cell lines only if the lines were derived without harming a viable embryo. I believe this approach is an effective way to provide for advancements in science and give them to those who are waiting for cures without compromising the value of life.

Many of us have personally benefitted or had family members who benefitted from the advancements made in modern medicine over the past 5, 10, or 20 years. I think we are all grateful for the progress that has been made. It is my most sincere hope that we continue to see monumental steps made in medical research—stem cell and otherwise—and that we find cures for those suffering from diseases such as Alzheimer's, cancer, multiple sclerosis, and spinal cord injuries.

Make no mistake about it, if you sincerely, as a Member of this body, want to see an advancement in the area of medical stem cell research, this is the alternative you must vote for because this is a bill, if it gets the required number of votes, which will go to the President's desk, and it is the bill which the President will sign, and we can move forward on the issue of embryonic stem cell research. I am proud to be a cosponsor and intend to vote for this legislation. I urge my colleagues to do the same.

I yield my unused time back to the manager of the bill.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty minutes.

Mr. ISAKSON. Mr. President, I yield 10 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I have been listening to the debate on this bill from my office. I have written down some of the miraculous statements that have been made on the floor of the Senate, and I thought I would resubmit some of them with some constructive criticism.

Seventy-eight stem cell lines are no longer useful. That is not accurate. All stem cell lines are contaminated with mouse feeder cells. Not true, either. The policy does not work. Not true. Research on stem cells under the present cannot go forward. I would remind the body that stem cells, embryonic stem cells are being researched every day in this country with private money. This is about using Federal dollars to destroy embryos; it is not about blocking embryonic stem cell research.

The statement was made by the Senator from California that these are embryos that would already be destroyed. Now that is not accurate at all. Only S. 5 embraces all forms of stem cell research. S. 30 embraces every form of stem cell research, including embryonic stem cells, but it makes the correct distinction of taking a nonviable embryo that is still viable for embryonic stem cells but not viable to create a human and uses those instead of the true potential-for-life embryos. There would be no limitation on the numbers of these.

If we go to a fertility clinic today where embryos are created, what we see is a range of embryos in terms of their quality. Then they are graded. Some are implantable. Some are frozen. Some have quit dividing. Those that quit dividing but are not dead but don't have the potential are the ones S. 30 will allow to be used for embryonic stem cells. It bypasses the ethical dilemma we have and still gives us embryonic stem cell research.

It was just released by the Journal of the American Medical Association and was on CNN, 13 young people from the ages of 14 to 31, now living in Brazil, who had type 1 diabetes were treated with their own immune cells given back to them, and they now live without insulin. That was released today. It didn't have anything to do with an embryonic stem cell.

Someone during the debate said: We all know embryonic stem cells hold the most potential. I believe the Presiding Officer now in the chair said that. That is not true. They don't hold the most potential. They hold great research potential, but what we ought to be interested in is therapeutics. How do we treat diseases? How do we accomplish therapies to do the most good for the most people?

What we are going to find out is, there will be some potential from embryonic stem cells. But if I had a child with diabetes, I would want it fixed as soon as I could, not 10 or 15 years from now. The fact is, we have all these treatments that are coming about. I am convinced, as much as I am alive and standing here today, that within 10 years new onset type 1 diabetics will be cured within 2 months of the onset of their disease. That is going to happen. We are going to see that. We will see tremendous treatments for that, whether from germ cell lines, embryonic stem cell lines that are harvested correctly and ethically, and other treatments, including autologous or their own stem cells used to treat the body.

I introduced into the RECORD the RAND study on the available embryos. We had it quoted today, there are 400,000 of them out there. That is not true. It is more like 13,000 available. So when we have this exaggerated claim that 400,000 embryos are waiting to be destroyed for embryonic stem cell research, that is not true.

Mr. COLEMAN. Will the Senator from Oklahoma yield?

Mr. COBURN. I am happy to yield.

Mr. COLEMAN. I believe the Senator from Oklahoma earlier introduced a RAND study that talked about the number of embryos. I believe there are nearly 400,000 that may be in IVF clinics. Apparently, only 2.8 percent have the potential to be discarded. Is that correct?

Mr. COBURN. That is correct.

Mr. COLEMAN. Is there a sense that the Senator from Oklahoma has in terms of decisions that parents and others are making about the kind of life potential of those 97 percent that are not being discarded, that are being frozen for future attempts at pregnancy?

Mr. COBURN. There is no question it happens every day. One of the things we have seen in our State is, we sometimes overfertilize eggs and create too many. But when it comes down to the individual couple who says: We are going to try this implantation, we are going to save these, then if they have a child, they may want to have another child, so that many of these are saved in reserve for that family. To say there are 400,000 when, in fact, there are probably less than 13,000 that could be available, if you look at the other side of that, how many nongrowing, nonviable embryos are available today? Fifty to seventy to one hundred thousand of the stage 3 embryos that can be used for embryonic stem cell that doesn't violate the ethical dilemma we face today. So the reason I put the RAND study in there is so the RECORD will show the facts, not the desire of a Member of the Senate to overstate the case. The fact is, there are less than 13,000 available. The fact is, level 3 embryos, there are 100,000 available. Nobody talks about that. In fact, 3 of the 10 that are the best lines right now running came from exactly that source. So we know that is the potential.

Let me continue. We had the statement: Science without ethics is like a ship without a rudder. That is true. Therefore, when we start destroying life, where is our rudder? When we start marginalizing the weakest and the most vulnerable in our society to say we are going to do something good somewhere when, in fact, the science doesn't show that yet, where is our rudder? That is what S. 30 does. S. 30 gives an ethical option for every need we have in the scientific community to accomplish everything the scientific community wants to accomplish. There are no limitations in S. 30.

The Senator from Minnesota has made the point, President Bush is going to veto S. 5. He has already said he is going to veto it. So a year from now, where do we want to be in terms of stem cell research? Do we want to have more embryonic stem cell lines and do we want to have more embryonic stem cell lines the NIH can use money to research on? The answer is, yes, we do. There is one way to do that. That is S. 30. S. 30 allows that. I am convinced, as an obstetrician and as a scientist, that 10 years from now we won't use embryos whatsoever to produce stem cells. We will use embryonic stem cells to help us research genetics and drug treatments for difficult diseases that we already have, and we will use other methods to produce cell lines that will give us cures to disease.

I ask unanimous consent to print in the RECORD the recent announcement of the article in JAMA on CNN, "Type 1 diabetics live without insulin in stem cell experiment."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From CNN.com]

TYPE 1 DIABETICS LIVE WITHOUT INSULIN IN STEM CELL EXPERIMENT

Chicago, IL (AP).—Thirteen young diabetics in Brazil have ditched their insulin shots and need no other medication thanks to a risky, but promising treatment with their own stem cells—apparently the first time such a feat has been accomplished.

Though too early to call it a cure, the procedure has enabled the young people, who have Type 1 diabetes, to live insulin free so far, some as long as three years. The treatment involves stem cell transplants from the patients' own blood.

"It's the first time in the history of Type 1 diabetes where people have gone with no treatment whatsoever . . . no medications at all, with normal blood sugars," said study co-author Dr. Richard Burt of Northwestern University's medical school in Chicago, Illinois.

While the procedure can be potentially life-threatening, none of the 15 patients in the study died or suffered lasting side effects. But it didn't work for two of them.

Larger, more rigorous studies are needed to determine whether stem cell transplants could become standard treatment for people with the disease once called juvenile diabetes. It is less common than Type 2 diabetes, which is associated with obesity.

The hazards of stem cell transplantation also raise questions about whether the study should have included children. One patient was as young as 14.

Dr. Lainie Ross, a medical ethicist at the University of Chicago, said the researchers should have studied adults first before exposing young teens to the potential harms of stem cell transplant, which include infertility and late-onset cancers.

In addition, Ross said that the study should have had a comparison group to make sure the treatment was indeed better than standard diabetes care.

Burt, who wrote the study protocol, said the research was done in Brazil because U.S. doctors were not interested in the approach. The study was approved by ethics committees in Brazil, he said, adding that he personally believes it was appropriate to do the research in children as well as adults, as long as the Brazilian ethics panels approved.

Burt and other diabetes experts called the results an important step forward.

'VERY PROMISING TIME'

"It's the threshold of a very promising time for the field," said Dr. Jay Skyler of the Diabetes Research Institute at the University of Miami.

Skyler wrote an editorial in the Journal of the American Medical Association, which published the study, saying the results are likely to stimulate research that may lead to methods of preventing or reversing Type 1 diabetes.

"These are exciting results. They look impressive," said Dr. Gordon Weir of Joslin Diabetes Center in Boston, Massachusetts.

Still, Weir cautioned that more studies are needed to make sure the treatment works and is safe. "It's really too early to suggest to people that this is a cure," he said.

The patients involved were ages 14 to 31 and had newly diagnosed Type 1 diabetes. An estimated 12 million to 24 million people worldwide—including 1 to 2 million in the United States—have this form of diabetes, which is typically diagnosed in children or young adults. An autoimmune disease, it occurs when the body attacks insulin-producing cells in the pancreas.

Insulin is needed to regulate blood sugar levels, which when too high, can lead to heart disease, blindness, nerve problems and kidney damage.

Burt said the stem cell transplant is designed to stop the body's immune attack on the pancreas.

A study published last year described a different kind of experimental transplant, using pancreas cells from donated cadavers, that enabled a few diabetics to give up insulin shots. But that requires lifelong use of anti-rejection medicine, which isn't needed by the Brazil patients since the stem cells were their own.

The 15 diabetics were treated at a bone marrow center at the University of Sao Paulo.

All had newly diagnosed diabetes, and their insulin-producing cells had not been destroyed.

That timing is key, Burt said. "If you wait too long," he said, "you've exceeded the body's ability to repair itself."

The procedure involves stimulating the body to produce new stem cells and harvesting them from the patient's blood. Next comes several days of high-dose chemotherapy, which virtually shuts down the patient's immune system and stops destruction of the few remaining insulin-producing cells in the body. This requires hospitalization and potent drugs to fend off infection. The harvested stem cells, when injected back into the body, build a new healthier immune system that does not attack the insulin-producing cells.

Patients were hospitalized for about three weeks. Many had side effects including nausea, vomiting and hair loss. One developed pneumonia, the only severe complication.

Doctors changed the drug regimen after the treatment failed in the first patient, who ended up needing more insulin than before the study. Another patient also relapsed.

The remaining 13 "live a normal life without taking insulin," said study co-author Dr. Julio Voltarelli of the University of Sao Paulo. "They all went back to their lives."

The patients enrolled in the study at different times so the length of time they've been insulin-free also differs.

Burt has had some success using the same procedure in 170 patients with other autoimmune diseases, including lupus and multiple sclerosis; one patient with an autoimmune form of blindness can now see, Burt said.

"The body has tremendous potential to repair," he said.

The study was partly funded by the Brazilian Ministry of Health, Genzyme Corp. and a maker of blood sugar monitoring products.

Mr. COLEMAN. I yield 2 additional minutes to the Senator from Oklahoma.

Mr. COBURN. There are two ethical questions America has to answer. One is, is it OK to destroy life with the potential of helping cure maladies—we haven't seen it yet—with the potential, the hope to cure maladies? In the midst of that ethical question, is it OK to destroy that life when you could do the same thing without destroying life by using class 3 embryos? That is the first ethical dilemma. The second ethical dilemma we face as a nation and as citizens of this country and as Members of this body is, if in fact it is true there are other ways to get to the exact same goal of treatments—we all want to fulfill the hopes and the desires, whether they are paraplegics, quadriplegics, diabetics, Parkinson's or others, all these tremendous diseases that we know we are going to be able to eventually find a cure for—if we can do that without ever having to destroy the first embryo, wouldn't we all rather go that way? That is what S. 30 offers. S. 30 offers an opportunity to accomplish exactly the same thing without destroying the first life. How we answer that question is going to say a lot about our country.

My hope is a year from now we are standing on this floor and seeing all this promise come true, whether it be altered nuclear transfer, whether it be germ cell, which I happen to believe is going to be another great option in terms of multipotent and pluripotent stem cells, that we will see the fruits and the wisdom of the Senate that passes a bill, S. 30, which actually makes a difference. S. 5 isn't going to make any difference. It is going to get vetoed. It is not going to do anything to help us except create a political posture that the President has said he will not bow to. He is not going to sign it. He is going to veto it, and the House will not override it. So the question is, if you want to give hope, if you want to promote a potential for treatment and cures for all these strong and tough diseases families are facing and individual patients are facing, the way to do that is to make sure S. 30 becomes law. It will, in fact, be the thing that makes the difference. S. 5 won't. S. 5 is going to get vetoed, and we will be back here doing the same thing next year and the next year and the next year.

The point is, let's do what we can today, and S. 30 accomplishes that.

I thank the Senator and yield the floor.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. I thank the Senator from Oklahoma for both his passion and his expertise. I think he said this morning—how many babies has the Senator delivered?

Mr. COBURN. A shade over 4,000.

Mr. COLEMAN. This is one Senator who understands the value of life and has a hands-on approach.

It is interesting. President Clinton's bioethics commission concluded, if we have some other alternatives, why wouldn't we use them? They concluded the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research. I believe what is happening is the science is moving faster than the politics, that we have today the opportunity through a number of processes to move forward with pluripotent stem cell research in ways that are less morally problematic, that don't cross a line, that don't cross the line that says we should not have Federal funding for the destruction of a human embryo.

I know my colleagues and friends who support S. 5 quite often have talked about excess embryos that we have and that may not be used for any other purpose. I would ask them to ask these questions. I believe their intent is this narrow intent, but as you look at S. 5, the question raised is, is this the beginning of the production of embryos? If in fact this is the acceptable path to go, why wouldn't we produce embryos that would then get Federal funding to do the research? Is the use of these embryos only for the purpose of stem cell research? Where would we draw the line? Who draws that line? Why wouldn't we use this to study embryonic growth, cell patterns, a whole range of other things? Once we have crossed the line, where does it end? If it is difficult to coax embryonic stem cells into the desired kinds of differentiated type cell types, would we want to allow the embryos to develop longer so we could kind of coax them into later development so we can see that later stage embryos may be a better source of more advanced cells and tissues and organs? Even if we don't do that, if we move down this path, are there other nations or other countries that don't have the kind of moral concerns we have? Why would they not want to go that route?

We have already begun the process. What we offer in S. 30 is a possibility to bring this country together to provide Federal funding for stem cell research that provides the hope of what pluripotent stem cells may be able to do. It sets up a tissue bank for amniotic and placental stem cells which offer great promise without the moral dilemma. At a time when clearly the Nation is divided, we offer a time to come together.

My concern is, last year we passed a bill in this Senate that provided for alternatives, Specter-Santorum. It was rejected in the House. I hope my colleagues don't take an all-or-nothing approach. I hope they don't look to get 100 percent of nothing—nothing meaning that S. 5 is going to be vetoed—and then stop us from at least moving forward with the opportunity to put Federal dollars in research and production doing stem cell research that doesn't cross a moral line.

I see my colleague from Oklahoma.

Mr. COBURN. I wanted to add one other thing. When the American people think about stem cells and potential treatments, the thing that is never talked to them about is the idea of tissue rejection. There isn't going to be an embryonic stem cell that produces a cell that can be used in any human without the use of antirejection drugs. The only way you can get around that is to clone yourself. The only way you can get around it totally, without any rejection whatsoever, is to be a female and clone yourself, because cells have these wonderful little engines in them called mitochondria. They have separate DNA. That DNA of the cloned egg will be accomplished as a part of that.

So this idea we think we are going to have this great answer, even once we get to treatments—treatments that use embryonic stem cells rather than altered nuclear transfer, or oocyte-assisted reprogramming—those cells will all have to have accompanying with them, all those treatments, anti-rejection drugs.

If you know anybody who has had any type of organ transplant, ask them how it is to take those drugs. The only way you do that is, we come to the next ethical dilemma: Is it OK for you to clone yourself, then destroy that life you have cloned so you can take part of that for you? All those ethical dilemmas are gone in altered nuclear transfer because now you are inserting stem cells from your own body. They are your own cells. There is no rejection.

In this study in Brazil I just put in the RECORD, there is no rejection because they are using their own cells. They have eliminated the ability of their body to destroy their islet cells in their pancreas and have done that with their own cells. There is no rejection so they are not on any medicines. They are not on insulin anymore because they are now producing insulin.

So the fact is, we should make sure we understand if and when—and there is no guarantee the "when" is going to come—we have embryonic stem cell treatments, those are going to be accompanied by antirejection treatments as well. However, if you use your own cells for the same treatment—we heard Senator BROWNBACK talk about the numerous studies that are ongoing now with autologous or self-giving reparations from your own body—there is no rejection issue.

So it is easy for us to talk, and it is easy for us to offer hope, but we need to make sure when we talk about that hope, when we talk about embryonic stem cells, we are balancing it with a realism that we are not off treatment, even though we offer a cure, because now we have a treatment to make sure the cure works. So it is a step that is positive, but it is not the panacea that has been described on this floor today.

Mr. COLEMAN. Mr. President, how much time do I have left?

The PRESIDING OFFICER. Two minutes.

Mr. COLEMAN. Mr. President, I ask unanimous consent to have printed in the RECORD a letter from Markus Grompe, MD, from the Oregon Health & Science University.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

OREGON STEM CELL CENTER, OREGON HEALTH & SCIENCE UNIVERSITY,
Portland, OR, April 10, 2007.

Embryonic stem cells have many potential uses in biomedical research, including cell transplantation therapy, in vitro studies of developmental and disease processes as well as drug testing. To date, the establishment of human pluripotent stem cell lines that can be used for these applications always involves the destruction of nascent life, the embryo. Human embryos can be generated by fertilization or by cloning (somatic cell nuclear transfer).

However several recent studies, pioneered in animals, have firmly established that it is also possible to generate pluripotent cells equivalent to embryonic stem cells without destroying embryos (the alternative methods). While these approaches have been only tested in animals to date, it is highly likely that similar approaches will work for human cells as well. Additional research is needed to realize the potential of the alternative methods and make them practical on a large scale. For this reason I strongly support Senate Bill 30. This bill will provide the necessary support to establish and validate methods for producing pluripotent cells without destroying human life.

Several of the proposed methods have scientific as well as ethical advantages. The third and fourth techniques described in the President's Council on Bioethics May 2005 White paper will produce cells that are immunologically matched to the patient from who they were derived. These cells could then be used for transplantation without being rejected by the immune system. It is also expected that these approaches will make the production of pluripotent cell lines technically easier and more efficient that methods that rely on embryos.

> In my own laboratory we would use the alternative methods to produce liver and pancreas cells for the treatment of liver diseases and diabetes.
>
> Sincerely,
>
> MARKUS GROMPE, M.D.,
> *Director.*

Mr. COLEMAN. In that letter Dr. Grompe talks about what my colleague from Oklahoma just talked about. He talks about producing cells that are immunologically matched to the patient from whom they were derived. He says:

> These cells could then be used for transplantation without being rejected by the immune system. It is also expected that these approaches will make the production of pluripotent cell lines technically easier and more efficient than methods that rely on embryos.

Then he goes on to say:

> In my own laboratory we would use the alternative methods to produce liver and pancreas cells for the treatment of liver diseases and diabetes.

We have an opportunity under S. 30 to move the research forward, to move it forward in a unified way, a way that avoids the culture wars, avoids the great divide, that has the opportunity for moving forward without dealing with the issues of immune reactions that opens up a vision of hope. This is about hope. S. 30 is hope offered through principled and ethical stem cell research—the HOPE Act.

I hope my colleagues on both sides of the aisle—whatever their position is on S. 5—understand if they want to move the ball forward, if they want to look into the eyes of their constituents and say we are going to give you something, some sense of hope, we are going to move research forward, the only way to do that today is through supporting S. 30. I urge my colleagues to support S. 30.

Mr. President, I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER (Mr. SALAZAR). Who yields time?

The Senator from Iowa.

Mr. HARKIN. Mr. President, do I understand the situation is that now our side has 60 minutes?

The PRESIDING OFFICER. The Senator is correct.

Mr. HARKIN. Mr. President, I yield 10 minutes to the Senator from Florida.

The PRESIDING OFFICER. The distinguished senior Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, this, to me, is an issue where we ought to be using some common sense. We have all of these enormously plaguing diseases that are upon us, and we have the first rays of hope we can cure these diseases.

Who among Americans has not been touched by diseases such as ALS and Parkinson's and spinal cord injury and diabetes and Alzheimer's and cardiovascular disease and cancer? Who among us, one way or another, has not been touched by it? Now we have this ray of hope that the scientists tell us, by growing these stem cells, we have this opportunity for enormous medical breakthroughs.

At the National Prayer Breakfast this year, the speaker was Dr. Francis Collins. He is the fellow who headed the project of mapping the entire human genome. I have heard Dr. Collins speak on other occasions in which he has talked about the promise of all of the stem cell research.

Dr. Collins—and I say this for a specific reason—was the speaker at the National Prayer Breakfast because he is this eminent scientist who successfully mapped the human genome, but he is also a man of a deep and abiding faith who happens to support not only the stem cell research that we address here today—which is in this bill to open the coffers of the Federal Government so we can finance beyond the limited number of lines in embryonic stem cell research—but Dr. Collins would make the case for going beyond in something known as somatic cell nuclear transfer, which is taking an egg, scooping out the nucleus, taking a donor's skin cell, taking the nucleus from that, and implanting it in the egg, stimulating the process to grow, and growing a specific line of stem cells that are exactly tailored to the donor's cells, and growing whatever the stem cells are.

But that is another advance. That is not even what we are addressing today. We are addressing Federal funding for the first kind of growing stem cells. Why we would not use the resources of the Federal Government to attack these diseases that the scientists and the medical profession feel have enormous progress, why we would not do that is beyond me.

With regard to the second kind—somatic cell nuclear transfer—you are not even dealing with a fertilized egg, so you do not have that question. The question there is, are you going to where you do cloning? Well, we have the capability of passing the laws that say cloning for a human, where it would be implanted into the womb—we can say that is not only unlawful, that is criminal. That does not mean we do not proceed with the research and the development on stem cell research—in that case, somatic cell nuclear transfer.

So this is a matter that can bring hope to millions. As I said, there is simply not an American who has not been touched one way or another through friends or family by this list of horrible diseases. If that gives us promise, that is enough for this Senator, and I hope it is enough for a two-thirds majority of this Senate so when the President vetoes it, we can override it.

This is a bipartisan bill that is going to expand the number of stem cell lines that would be eligible for federally funded dollars for research. It clearly would accelerate the progress toward the cures and treatments for these dread diseases.

Every other Senator and I have heard from thousands of people back in our States who suffer—suffer daily—from these dread diseases. With this ray of hope—like a sunburst coming through the clouds—we cannot turn our face from it. We have to face it. We have to give hope to these people who are suffering. That is the task before this Senate.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I am waiting for the arrival of another Senator to speak.

I listened to some of the debate that was just concluded, and I thought I heard—I am almost certain I heard—the distinguished Senator from Oklahoma say S. 5 would provide money for the destruction of human embryos.

Well, I am sorry, I hate to disagree with my friend from Oklahoma, but that is not so. As a matter of fact, we do not provide that kind of Federal money now with the stem cell lines that are being researched—the few that are being researched now—and we do not under our bill. We still operate under what is called the Dickey-Wicker amendment which prohibits the use of Federal funds being used to destroy embryos. So we do not do that anyway. I think the Senator from Oklahoma ought to read the bill a little bit more carefully and understand we do not provide for the destruction of embryos.

I always find curious, every time someone speaks for the President—a spokesperson for the President—they always say the one line the President will not cross is he will not provide taxpayer money for the destruction of embryos. Well, if that is the case, then he should have no problem with S. 5, the bill we have before us, because it does not provide Federal funding for the destruction of embryos. It provides Federal funding for the research on stem cell lines that are derived by others—private entities, State entities, or whatever. But we do not provide any funding for the destruction of embryos whatsoever. I wanted to clear that up to make certain that did not sit out there.

I also listened earlier to my good friend—and he is a good friend—Senator BROWNBACK talking about the 72 diseases being treated with adult stem cells. Well, if all of these diseases are being treated so well with adult stem cells, then why do all the patient advocacy groups that are affiliated with those diseases support our bill, S. 5? We have 525 different patient advocacy groups supporting our bill.

I wish to ask the Senator from Kansas, how many does he have supporting

S. 30? Senator BROWNBACK's list includes several types of leukemia and lymphoma, but I have a letter from the Leukemia & Lymphoma Society, by Mr. George Dahlman, the vice president for public policy. He wrote a letter dated April 4 of this year. He says:

> On behalf of The Leukemia & Lymphoma Society, I am writing in response to assertions that adult stem cells have treated or cured several blood cancers, including several leukemias, lymphomas and multiple myeloma.
>
> As a representative of more than 700,000 patients and their caregivers in this country who battle blood cancers on a daily basis, our organizations would like to emphasize, as the Senate debates S. 5, the Stem Cell Research and Enhancement Act, that we exist today because we have not found cures for these devastating diseases.

He says:

> Furthermore, the claim that treatment of blood cancers with cord blood, blood, or marrow stem cells demonstrates the potential of "adult stem cell" research or is a substitute for embryonic stem cell research is misleading and disingenuous.

So again, Senator BROWNBACK's list included leukemia and lymphoma, but the various organizations that represent all these people support S. 5. I ask unanimous consent that a copy of that letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE LEUKEMIA & LYMPHOMA SOCIETY,
April 4, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: On behalf of The Leukemia & Lymphoma Society, I am writing in response to assertions that adult stem cells have treated or cured several blood cancers, including several leukemias, lymphomas and multiple myeloma.

As a representative of more than 700,000 patients and their caregivers in this country that battle blood cancers on a daily basis, our organization would like to emphasize as the Senate debates S. 5, the Stem Cell Research and Enhancement Act, that we exist today because we have not found cures for these devastating diseases.

Furthermore, the claim that treatment of blood cancers with cord blood, blood or marrow stem cells—known as hematopoietic stem cells—demonstrates the potential of "adult stem cell" research or is a substitute for embryonic stem cell research is misleading and disingenuous. While these hematopoietic treatments can rejuvenate similar cell lines, they have not demonstrated robust "plasticity" or the ability to give rise to more varied lineages. That ability is the characteristic that gives hope to researchers and patients and should be clearly understood in this debate. The concept that "adult stem cells" can differentiate into more diverse tissue types is highly controversial and evidence to date has been inconclusive. While deserving of further scientific study, there is no clear evidence that the use of adult stem cells can substitute for pluripotent stem cells that have the capability of making diverse tissue types.

We support exploring every avenue of research, including embryonic stem cell research, until a cure is found. The most respected scientists in our field view embryonic stem cells as an area of research that must be explored, and one that our government must make a commitment to support. The Leukemia & Lymphoma Society asks that you and your colleagues pass S. 5, and not accept any substitutes.

Sincerely,
GEORGE DAHLMAN,
Vice President, Public Policy,
The Leukemia & Lymphoma Society.

Mr. HARKIN. Mr. President, I see my colleague, Senator BROWN from Ohio, is here. I yield to him 10 minutes. If he needs more time, I can yield him more.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

Mr. BROWN. Mr. President, I thank the Senator from Iowa, who, frankly, more than anybody in this institution and almost anybody in the country, has led the charge on embryonic stem cell research and the work he has done will save lives, which is what this issue is all about.

The Senate is about to vote on legislation that ends the ban on Federal funding for embryonic stem cell research. President Bush, as we hear—although I still hope he changes his mind—does not support lifting the ban on stem cell research, but do we know who does? The American Medical Association thinks we should lift the ban. So does the American Society for Microbiology, the Association of American Medical Colleges, the Cancer Research Foundation of America, the Juvenile Diabetes Research Foundation, the Parkinson's Action Network, Project ALS, and the Society for Pediatric Research. The list goes on and on and on.

We in this body should ask ourselves: Why do these groups support Federal funding? Because the research offers victims of these diseases hope. Not a magic bullet, not a miracle cure, not certainty but, quite simply, hope: hope that a child with a spinal injury will recover the ability to walk; Hope that a parent with Alzheimer's will be able to step back from the abyss of dementia. Hope.

Recently the Director of the National Institutes of Health stated in a Senate hearing that he supports expanded stem cell research. Dr. Zerhouni, who basically is one of the President's chief medical advisers and an appointment of President Bush, said:

> It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more cell lines.

That would give them the opportunity to expand their research, to open one more door, provide one more opportunity for research; in a word, to provide hope.

If we don't listen to the leader of one of our Nation's most prestigious scientific institutions, whom will we listen to? Because of embryonic stem cell research, medical science may one day be able to dispense with the use of terms such as "incurable" or "irreversible" or "unremitting," words that spell disaster to loved ones, words that spell no hope so often for patients. If we can do what we have the opportunity to do today, to open another door, to give another window of opportunity to our medical scientists, to our researchers, we can provide that hope to so many patients and so many loved ones of those patients. That is amazing. Getting anywhere near that goal would be amazing.

More than 200,000 people in my State, more than 200,000 Ohioans have Alzheimer's disease. More than 40,000 Ohioans have Parkinson's disease. Almost 700,000 Ohioans have diabetes. That is about 1 in 14 Ohioans who have diabetes. I have a family member suffering from diabetes. My best friend, John Kleshinski, is someone who provided hope for so many. He lived in Boston for many years. He grew up in Ohio with me. John Kleshinski provided hope to so many children in inner-city Boston because of his philanthropy, because he gave young children in Boston a chance to learn music, to play the piano, to sing, to learn other musical instruments. John Kleshinski always provided hope. John was diagnosed with juvenile diabetes when he was 13. Last November, at the age of 55, he died of a heart attack. Throughout his life, he did everything possible, everything within the limits of modern medicine to prolong his life and to live the healthiest life he could. If we had done the advancements in embryonic stem cell research, it could have made a difference in John Kleshinski's life. If we are going to choose life, if we are going to value life, this issue is so very important to give people hope.

Looking at these conditions alone, at Parkinson's, diabetes, especially juvenile diabetes, and Alzheimer's, it is clear there are huge stakes involved when Federal actions delay the moment when embryonic stem cell research produces its first human treatment. We can act tomorrow and pass this legislation. We can continue to try to persuade the President, as his own medical adviser did, to change his mind. His own medical adviser changed his mind over the last couple of years about stem cell research. If we can pass this bill tomorrow and hopefully convince the President to change his mind, it will provide hope for so many Americans.

This bill, Senate bill 5, will advance stem cell research, and most legislators are in support of S. 5, which passed the HELP Committee, and it has passed in the other body. But President Bush has threatened to veto this bill. He vetoed similar legislation last year as his first and only veto since he has been President. I hope he takes a step back. I hope he considers the people he is hurting by stifling embryonic stem cell research. I hope he listens to his own medical adviser, Dr. Zerhouni. I hope he listens to the millions of Americans whose lives will be shattered by disabling and terminal illnesses, the families whose hearts will be broken by the loss of a loved one, the children who will not grow up, the parents who will not meet their grandchildren, the grandparents who will no longer recognize their friends and their family members. Parkinson's disease, Lou Gehrig's disease, Alzheimer's disease, cancer, arthritis, diabetes, paralysis, the advancement of embryonic stem cell research can provide hope for cures of all these diseases.

Investing in embryonic stem cell research is an expression of empathy and compassion. We have an opportunity to turn potential cures into real ones. We must not squander it. Hope, Mr. President, hope.

Mr. HARKIN. Mr. President, I wish to thank the Senator from Ohio for his eloquent statement. This is what it is all about. He got it right when he said this is about hope. It is not hope based upon any kind of false foundation. All the leading scientists, Nobel Prize winners, heads and former heads of NIH, and 525 different advocacy groups, all relying upon good scientific expertise, have said the foundation here is solid, that we can build hope because we know embryonic stem cells develop into all the cells of the human body. We know. We have had embryonic stem cells that have differentiated into nerve tissue, more neurons, heart and muscle tissue, and bones. So we know the possibility is there because it has already been done.

Again, we have a long way to go. No one is saying that absolutely we will do this, this, and this, but that is what scientific research is about. It is about looking and studying and examining and trying to develop these ideas. We know the foundation is there. So the hope we hold out to people with Parkinson's, Alzheimer's, ALS, and spinal cord injury is one that is real, but it will not happen unless we get about embryonic stem cell research and lift the handcuffs, the shackles off our scientists.

So the Senator from Ohio is right. It is about hope. That is what this bill is all about. It is about hope. Not the false hope of saying: Oh, adult stem cells will take care of it. Adult stem cells have their place, and some of them have proven adequate to do different things but not everything. There is hope with amniotic fluid stem cells, cord blood stem cells. Now, the bill S. 30 talks about that, which is taking it from naturally dead embryos. That raises ethical questions in and of itself. Who decides when something is naturally dead? I would ask my colleagues who are promoting S. 30—and they are my good friends; I know they mean well and they are trying to advance a certain point of view, but are they saying you can take something that is dead and bring it back to life? If so, that is—I have only known where that has happened once in the history of humankind, and we just celebrated Easter Sunday. So they can't be saying they are taking something dead and bringing it back to life. So if it is not dead, what is it? Is it a sick embryo? Is it an embryo that isn't quite propagating as fast? What is it and who decides? Who gets to decide? S. 30 doesn't say that. S. 30 has no ethical guidelines to decide, or who decides what is naturally dead. So that raises all kinds of ethical questions in and of itself. So that is why, even if S. 30 were to become law—I don't think it will be—I don't mind supporting S. 30. The fact is our bill, S. 5, does everything S. 30 wants to do. If they want to do research to take embryonic stem cells from blastocysts that are not developing correctly, that can happen under our bill. Our bill opens the door to all kinds of research.

Here is the difference between S. 5 and S. 30. S. 5, the bill we are supporting, does both things. It opens the door for embryonic stem cell research from leftover embryos from in vitro fertilization clinics, under strict ethical guidelines which I talked about today and laid out. It also would provide for research into naturally dead embryos. Now, S. 30, their bill, the Isakson-Coleman bill, it does one of those. It does research only into stem cells from naturally dead embryos. That is the difference. Our bill allows that to go ahead. Their bill does not allow the more promising embryonic stem cell research to go ahead, and that is from leftover embryos at in vitro fertilization clinics. That is what this is all about. That is what this is all about.

Again, I repeat: It is about what the Senator from Ohio said. It is about hope. Listen, we are not fooling anybody around here, the people watching, the medical community out there, the research scientists, the families of loved ones who are suffering from these illnesses, the kids with juvenile diabetes, they get it. They get it. They know what that is all about. They know there is only one bill on the floor of the Senate now that gives them hope, and that is S. 5. They know it. All this mumbo jumbo we hear, it doesn't mean anything. Only one thing means anything, and that is to pass the bill that takes the shackles off our scientists, that provides for strict ethical guidelines for people who have leftover embryos at an in vitro fertilization clinic who say: I don't want them discarded as hospital waste. I want them to be donated to science to cure diseases and illnesses and to help suffering people.

That is what S. 5 is about. S. 30 does not do that. It simply keeps the handcuffs on our scientists, and we want to remove those handcuffs.

Mr. President, I see my good friend from New Jersey is on the floor, so I yield 10 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized.

Mr. MENENDEZ. Mr. President, I appreciate the Senator from Iowa yielding time, and I appreciate his leadership on this issue.

Mr. President we are back again—almost a year after Congress passed breakthrough legislation—discussing embryonic stem cell research and, again, I rise in strong support of this lifesaving, life-enhancing legislation.

I am a proud cosponsor of S. 5, the Stem Cell Research Enhancement Act, because I believe the bill has the potential to make a profound and positive impact on the health of millions of Americans. I believe that it can do so in an ethical manner.

We know embryonic stem cells have the unique ability to develop into virtually every cell and tissue in the body. We know numerous frozen embryos in fertility clinics remain unused by couples at the completion of their fertility treatments. Why should they not be allowed to donate those embryos to Federal research to save lives? We allow people to donate organs to save lives. Why couldn't a couple, if they so choose, donate their frozen embryos instead of simply discarding them, throwing them away, throwing away hope?

We can do this ethically and still cure illnesses, enhance lives and, hopefully, even save lives. But the truth is, we should not even be having this debate right now because if the President had done his duty last year and not vetoed H.R. 810, this bill would already be law, and this country's dedicated medical researchers would be well on their way to discovering treatments and cures for many of the most savage diseases afflicting us. But when given the opportunity to carry out the will of the people, he stood for ideology and ignorance over science and research.

Mr. President, enough is enough. It is time for a change. I have no doubt that the Senate will pass this important legislation and thus seek to advance federally funded research on embryonic stem cells. I have no doubt that if it becomes law, the bill would save and improve lives all over America. I have no doubt that the majority of Americans want us to pass this bill into law. My only doubt is whether our President will do his duty and sign it into law.

During the last Congress, President Bush vetoed H.R. 810, crushing the hopes of millions of Americans. This year, I fear and suspect that he will follow the same misguided path. But before he takes us down that route, one that leads to more heartbreak and suffering, I have one question. Why? Why is he standing in the way of research that will save lives? Why is he keeping our parents, our children, and our friends locked in wheelchairs and hospital beds? Why is he letting conservative ideology rob the lives of so many suffering Americans?

The simple fact is, whatever the claims of those who ignore science in favor of ideology, embryonic stem cell research offers one of the most promising leaps forward in the history of medicine. Speak to those who are eager to do the research and you hear potential cures for juvenile diabetes, Alzheimer's, Parkinson's disease, and spinal cord injuries. If we unlock the door to this research, we can find treatments and cures for these debilitating and painful diseases. We owe it to our parents, our children, and our grandchildren to unlock that door.

But President Bush prefers ignorance and pain over mercy and miracles. Where is the compassion he often speaks of? His own scientists are trying to explain the power of this research, but he continues to turn a deaf ear, refusing to listen to common sense and reason. Mr. President, it is time to start listening.

The preamble of our Constitution says all Americans have the right to "life, liberty, and the pursuit of happiness." I believe this implies the freedom to be physically able. By not allowing embryonic stem cell research, we are prohibiting individuals from pursuing their rights. We are blocking them from a possible cure or treatment. And we are standing in the way of their freedom.

Last Congress, the interim chair of the National Institutes of Health stem cell task force, bravely and bluntly spoke of the importance of embryonic stem cell research and the drawbacks of the current policy prohibiting research.

He said:

> Science works best when scientists can pursue all avenues of research. If the cure for Parkinson's disease or juvenile diabetes lay behind one of four doors, wouldn't you want the option to open all four doors at once instead of one door?

How can we tell our loved ones that their cure could be waiting behind a laboratory door, but that door is locked? We must pursue all avenues of research and unlock the potential that embryonic stem cell research holds.

But if that isn't enough, recently, before the Health Education, Labor, and Pensions Committee, the Director of the NIH, Elias Zerhouni, said the great promise of human embryonic stem cell research is being impeded by President Bush's policy. He said:

> It is in the best interest of our scientists, our science, and our country that we find ways and the nation finds a way to go full speed across adult and embryonic stem cells equally.

So if President Bush won't listen to his own scientists, who will he listen to? Perhaps he will listen to the American people who are crying out in virtual unison for change. More than 70 percent of Americans support embryonic stem cell research. Three out of four Americans understand the hope and promise this research provides.

This bill means all the prayers for cures and therapies for Alzheimer's disease, muscular dystrophy, heart disease, and other illnesses could be answered. This bill provides a promise that families might no longer have to see a loved one suffering. This bill means hope for individuals challenged and fighting to live a life with dignity. I have met with children and families all over New Jersey who have shared their daily struggle with diseases and conditions that could be cured or treated if we were to pursue embryonic stem cell research.

Young children have come to my office and told me how they have to prick themselves with a needle, administer insulin shots, or use an internal pump on the side of their body in order to keep their juvenile diabetes under control. These children might be freed of this grave responsibility if we support embryonic stem cell research. Don't we owe them the opportunity of a better life? Don't we owe it to the husband whose wife shakes uncontrollably from Parkinson's disease to help find a cure that will restore her body? Don't we owe it to the athletes who told me about their life-altering spinal cord injuries, to give them the freedom to walk again?

None of these individuals chose their current situations. But we can choose to help get them out of those situations. We owe it to the American people, to the millions of Americans and their families suffering from life-altering disabilities and diseases, to demonstrate our Nation's full commitment to finding a cure and doing all we can to help their dreams and hopes come true. Stem cell research has vast potential for curing diseases, alleviating suffering, and saving lives. I know my colleagues recognize the enormous potential of this research, too. It is time for the President to start listening.

The question is, Why does President Bush continually ignore the American people? He ignores what the American people are saying about Iraq, and now he ignores what they are saying about embryonic stem cell research. Both decisions result in lost lives, and both decisions cause pain and suffering. This is unacceptable to me and the overwhelming majority of Americans. It should be unacceptable to the President as well.

I am very passionate and dedicated to this cause because the promise of stem cell research has personally captivated my family, like it has so many other American families. My mother suffers from severe Alzheimer's disease. When I look at her empty gaze and her shriveled body, I cannot help but wonder if we had started embryonic stem cell research years ago, would she still be suffering today, would she be cured, would she at least be able to recognize her children and her grandchildren, would she have been with me on the day I took the oath of office in this Chamber.

I don't want my children to be asking the same types of questions. We cannot wait any longer.

The Stem Cell Research Enhancement Act is an ethical life-enhancing, lifesaving piece of legislation. I believe it is the moral obligation of the United States Government and the President of the United States to allow this process—these potential cures—to be fully explored.

Embryonic stem cell research holds the promise of hope and the possible restoration of life.

We owe it to current and future generations to ensure that their lives remain as bright and prosperous as today's science allows.

It is time for the President to start listening to the American people and to the scientists, not just special interests. It is time for him to sign this important piece of legislation into law and open the door to the hope and promise of embryonic stem cell research.

It is time for hope and cures—not despair and disease.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank the Senator from New Jersey for a very eloquent and poignant presentation of his position on embryonic stem cell research. I think what the Senator reflected is, again, the hopes of so many families in America who have a loved one suffering from Alzheimer's or juvenile diabetes, or a young person who has had an accident and is a paraplegic for life with a spinal cord injury. You say: What can we do to help? How can we help? Well, it is one thing to be sympathetic—and we are sympathetic to those who suffer from illnesses or injuries—but if we have it within our grasp, as the Senator from New Jersey said, to open some doors and see what is behind those doors, it seems to me we are compelled to do that.

We don't know where the scientific research may lead. But we do know if we don't do it, it is not going to lead anywhere. We know that. As I said earlier, the foundations are there to give hope to people that embryonic stem cell research will lead to great discoveries and treatments and interventions. I can only say to my friend from New Jersey that, in all of my meetings with scientists over the last dozen years or more—and especially since Gerhardt and Thompson isolated stem cells in 1998—the scientific community's enthusiasm for this is almost boundless because they realize that harnessing the power of embryonic stem cells that can develop into any form of a cell in the body could lead to interventions and cures that are now beyond our grasp.

I listened to the Senator from New Jersey, especially when he talked about opening doors. I have often likened biomedical research, scientific research, to saying if there are 10 doors, and you don't know what is behind any of those doors, if you are only going to open one door, what are your odds of finding the right answer? Well, if you open two doors, the odds get better. If you open five doors, you know it is 50-50. So the more doors we open, the better our chances are of finding these discoveries.

The Senator is right. If we open one door at a time, the odds are always going to be 10 to 1—or I guess it would be 9 to 1. It would be 9 to 1 that you are not going to find the right answer.

If we start opening all these doors and get the scientists talking with one another and looking at things, well, that means the span of time that it would take to find these cures is collapsed.

Scientists don't work in a vacuum. They collaborate. They talk with one another. They read one another's papers. They find out what other scientists are doing. They find out if a scientist has opened a different door and collaborate on that. That is why it is necessary to begin to open these doors.

I thank the Senator from New Jersey for talking about that point.

Earlier I was responding to the comments of my friend from Kansas, Senator BROWNBACK. He was talking about 72 diseases being treated with adult stem cells. I pointed out his list included several types of leukemia and lymphomas, but I had printed in the RECORD earlier a letter from George Dahlman of the Leukemia and Lymphoma Society saying they support S. 5.

Senator BROWNBACK's list also included testicular cancer. I have a letter from Craig Nichols, M.D., board member of the Lance Armstrong Foundation. Here is what he says:

> As a member of the Lance Armstrong Foundation Board of Directors, I am writing in response to assertions that adult stem cells have treated or cured the disease of testicular cancer. . . . I feel it is important to set the record straight on this issue. . . .
>
> There is not an FDA-approved adult stem cell treatment generally available to treat testicular cancer. Rather, adult stem cells enable testicular cancer patients to withstand a higher dose of chemotherapy during treatment for the disease.
>
> We support exploring every avenue of research, including embryonic stem cell research within specified ethical limits, until a cure is found.
>
> The Lance Armstrong Foundation asks that you and your colleagues pass S. 5, and not accept any substitutes.

I ask unanimous consent that a copy of this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

LIVESTRONG,
LANCE ARMSTRONG FOUNDATION,
APRIL 6, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: As a member of the Lance Armstrong Foundation's (LAF) Board of Directors, I am writing in response to assertions that adult stem cells have treated or cured the disease of testicular cancer. While the mission of the LAF is to inspire and empower people affected by all types of cancer, I feel that it is important to set the record straight on this issue.

Testicular cancer is the most common cancer among men ages 15-35 and approximately 8,000 men will be diagnosed with testicular cancer in the United States this year. While testicular cancer is one of the most curable forms of cancer, our organization would like to emphasize as the Senate debates S. 5, the Stem Cell Research and Enhancement Act, that we have not completely eradicated the disease.

There is not an FDA-approved adult stem cell treatment generally available to treat testicular cancer. Rather, adult stem cells enable testicular cancer patients to withstand a higher dose of chemotherapy during treatment for the disease.

We support exploring every avenue of research, including embryonic stem cell research within specified ethical limits, until a cure is found. The most respected scientists in our field view embryonic stem cells as an area of research that must be explored, and one that our government must make a commitment to support. The Lance Armstrong Foundation asks that you and your colleagues pass S. 5, and not accept any substitutes.

Sincerely,

CRAIG NICHOLS, M.D.,
Member of the Board,
Lance Armstrong Foundation.

Mr. HARKIN. Mr. President, Senator BROWNBACK's list of 72 diseases includes Parkinson's disease. I have a letter from six Parkinson's groups: The American Parkinson's Disease Association, the Parkinson's Action Network, the Michael J. Fox Parkinson's Research Foundation, the National Parkinson Foundation, the Parkinson's Disease Foundation, and the Parkinson's Alliance & Unity Walk.

Here is what they say:

> Opponents of S. 5 are using as ammunition the assertion that embryonic stem cell research is not needed in this country because many diseases, 72 of them, including Parkinson's, have been treated or cured with adult stem cells. This assertion is an absolute falsehood. If there were a therapy to adequately treat the symptoms or halt the progression of this unrelenting disease, the millions of Parkinson's patients, caregivers and their physicians would be pursuing that treatment right now. . . .
>
> The Parkinson's community asks that you and your colleagues pass S. 5 and not accept any substitutes.

I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

PARKINSON'S ACTION NETWORK,
Washington, DC, April 6, 2007.

Hon. HARRY REID,
Majority Leader, U.S. Senate,
Washington, DC.

DEAR SENATOR REID: We recognize that you are hearing from many patient advocacy and research organizations refuting a belief that adult stem cells have been used in treating or curing a long list of ailments, conditions and diseases. As representatives of more than one million people with Parkinson's disease and their families, our organizations would like to emphasize as the Senate debates S. 5, the Stem Cell Research and Enhancement Act, that we exist today because we have NOT found a cure or adequate treatments for Parkinson's using adult stem cells or otherwise. Furthermore, Dr. Elias Zerhouni, Director of the National Institutes of Health and President Bush's top scientist, when recently testifying before the Senate declared that the idea that adult stem cells hold as much promise as embryonic stem cells "doesn't hold scientific water."

Because the unique promise of embryonic stem cell research is critical to advancing understanding of and treatments for Parkinson's disease, the Parkinson's community is dedicated to expanding federal funding for embryonic stem cell research. As you may know, Parkinson's occurs when dopamine producing neurons in the brain die. To this date, scientists have had more success in generating dopamine cells from human embryonic stem cells than any other type of stem cell, including adult, umbilical, or amniotic.

While replacement of these neurons may be one therapy resulting from additional embryonic stem cell research, other avenues of Parkinson's research will benefit from this legislation and expansion of the current policy. Researchers will be aided in studying the causes of Parkinson's, developing more accurate models to improve our understanding of the disease, and, ultimately, halting the unrelenting neurological degeneration and loss of quality of life for Parkinson' s patients.

Opponents of S. 5 are using as ammunition the assertion that embryonic stem cell research is not needed in this country because many diseases, 72 of them , including Parkinson's, have been treated or cured with adult stem cells. This assertion is an absolute falsehood. If there were a therapy to adequately treat the symptoms or halt the progression of this unrelenting disease, the millions of Parkinson's patients, caregivers and their physicians would be pursuing that treatment right now.

The most respected scientists in our field view embryonic stem cells as an area of research that must be explored and one that our government must make a commitment to support. The Parkinson's community asks that you and your colleagues pass S. 5 and not accept any substitutes.

Sincerely,

JOEL GERSTEL,
American Parkinson Disease Association.
AMY COMSTOCK RICK,
Parkinson's Action Network.
DEBI BROOKS,
The Michael J. Fox Parkinson's Research Foundation.
JOSE GARCIA-PEDROSA,
National Parkinson Foundation.
ROBIN ELLIOTT,

Parkinson's Disease Foundation.
Carol Walton,
The Parkinson Alliance & Unity Walk.

Mr. HARKIN. Mr. President, Senator Brownback's list includes multiple sclerosis. Here is a letter from the National Multiple Sclerosis Society:

> S. 5 is the only bill that is pro-patient, pro-cure, and pro-research. Please work to pass S. 5 immediately. Thank you for bringing this important vote to the Senate floor.

Joyce Nelson, President and CEO of the National Multiple Sclerosis Society.

I ask unanimous consent that this letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

National Multiple Sclerosis Society,
Washington, DC, April 5, 2007.

Hon. Harry Reid,
Senate Majority Leader,
Washington, DC.

Dear Senator Reid: The National Multiple Sclerosis (MS) Society strongly supports the Stem Cell Research Enhancement Act (S. 5). We ask that as Majority Leader, you help champion S. 5 through the Senate without any amendments and with the widest possible majority of support.

The National MS Society believes all promising avenues of research that could lead to the cure or prevention of MS or relieve its symptoms must be explored. The Society supports the conduct of scientifically meritorious medical research, including research using human cells, in accordance with Federal, State, and local laws and with adherence to the strictest ethical and procedural guidelines. Research on all types of stem cells is critical because we have no way of knowing which type of stem cell will be of the most value in MS research. Stem cells—adult or embryonic—could have the potential to be used to protect and rebuild tissues that are damaged by MS, and to deliver molecules that foster repair or protect vulnerable tissues from further injury.

Until there is a cure for MS, we hold that every ethical avenue of research, which may have the potential to prevent or repair the consequences of this disease, must proceed and be supported. Please communicate to your colleagues that only a vote in favor of S. 5 is a vote in favor of moving stem cell research forward in our county. A vote against S. 5 is a vote against the 400,000 individuals living with the devastating effects of MS and against progress for research.

S. 5 is the only bill that is pro-patient, pro-cure, and pro-research. Please work to pass S. 5 immediately. Thank you for bringing this important vote to the Senate floor.

Sincerely,

Joyce Nelson,
President and CEO.

Mr. HARKIN. Mr. President, Senator Brownback's list also included spinal cord injury. Here is a letter from the Christopher and Dana Reeve Foundation:

> While there are indeed a number of promising avenues now being investigated that address paralysis and spinal cord injuries through rehabilitation, cellular therapies and pharmaceuticals, there simply is no merit to any claim that adult stem cells have successfully treated or cured spinal cord injuries. . . .
>
> The Christopher and Dana Reeve Foundation strongly endorses the Stem Cell Research Enhancement Act, S. 5, and thanks you for your leadership in bringing this vital legislation to the Senate floor.

Signed by Peter Wilderotter, President.

I ask unanimous consent that this letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

Christopher and Dana Reeve Foundation,
April 5, 2007.

Hon. Harry Reid,
Majority Leader, U.S. Senate,
Washington, DC.

Majority Leader Reid: On behalf of the Christopher and Dana Reeve Foundation (CDRF), I am writing to chronicle our support of the Stem Cell Research Enhancement Act, S. 5. The CDRF advocates for millions of Americans afflicted by paralysis from injury or disease for expanded federal support for embryonic stem cell research to ensure that science is enabled to move forward as vigorously as possible. The Stem Cell Research Enhancement Act is an ethical and responsible means for science to do so, and I urge all of our Senators to please vote "Yes."

We believe that absolute candor should rule in the stem cell research debate and that the time has come to overthrow the misguided tenets of its opponents. Research is not performed in a vacuum. The CDRF funds a number of research initiatives through our individual grants program, research consortia, and translational fund and examines various methods of research that can complement and ideally expedite discoveries and treatments. While there are indeed a number of promising avenues now being investigated that address paralysis and spinal cord injuries through rehabilitation, cellular therapies and pharmaceuticals, there simply is no merit to any claim that adult stem cells have successfully treated or cured spinal cord injuries.

The CDRF believes that embryonic stem cell research must receive federal funding in order to advance this area of scientific endeavor and which will potentially lead to treatments and possibly cures for many truly devastating diseases and disorders.

The Christopher and Dana Reeve Foundation strongly endorses the Stem Cell Research Enhancement Act, S. 5 and thanks you for your leadership in bringing this vital legislation to the Senate floor.

Sincerely,

Peter T. Wilderotter,
President.

Mr. HARKIN. Mr. President, again, Senator Brownback's list includes several blood conditions. Here is a letter from the American Society of Hematology:

> ASH supports S. 5 because our members are interested in expanding the current federal policy on embryonic stem cell research to allow scientists to explore the full promise of this field. The other bill that will be considered by the Senate will not change current policy in any meaningful way. . . .
>
> Again, our Society urges your support of S. 5. . . .

I ask unanimous consent that this letter be printed in the Record.

There being no objection, the material was ordered to be printed in the Record, as follows:

The American Society of Hematology,
Washington, DC, April 4, 2007.

Hon. Harry Reid,
Majority Leader, U.S. Senate,
Washington, DC.

Dear Senator Reid: On behalf of the American Society of Hematology (ASH), I urge you to vote "yes" on the Stem Cell Research Enhancement Act (S. 5). This legislation expands current policy by providing for federal funding of embryonic stem cell research on lines derived after August 9, 2001 while still requiring strong ethical guidelines for research.

Stem cell research is an issue that has been gaining import with the general public over the past year and it is clearly a high priority for our country. S. 5 is scheduled for floor consideration in the Senate on April 10. Although at least one additional bill will also be considered by the Senate, a vote in favor of S. 5 is most critical. A vote against S. 5 is unacceptable.

ASH represents more than 10,000 hematologists in the United States who are committed to the study and treatment of blood and blood-related diseases. ASH supports S. 5 because our members are interested in expanding the current federal policy on embryonic stem cell research to allow scientists to explore the full promise of this field. The other bill that will be considered by the Senate will not change current policy in any meaningful way.

Hematologists have pioneered the field of stem cell research for over 40 years with innovative discoveries about adult bone marrow stem cells and how they could be used to cure human diseases. Today, ASH members are poised to contribute to research on embryonic stem cells that has the potential to lead to the next generation of important therapies for a broad range of intractable diseases.

Embryonic stem cell research could make a major difference in the fight against many blood and blood-related diseases, in addition to cancer, Parkinson's, Alzheimer's, diabetes, and spinal cord injuries. After nearly six years under President Bush's restrictive federal policy, there are only 21 embryonic stem cell lines available for federal funding. Research in this area has slowed to pace that is unacceptable; S. 5 will reinvigorate embryonic stem cell research in this country for the benefit of patients who are suffering.

Again, our Society urges your support of S. 5. The current federal embryonic stem cell research policy needs to expand to help researchers find treatments and cures for over 100 million Americans who suffer from many deadly and debilitating diseases.

Thank you,

Andrew I. Schafer, MD,
President

Mr. HARKIN. Mr. President, a report in Science magazine analyzes the list to which Senator Brownback referred. The authors found there are FDA-approved treatments for only nine diseases on Senator Brownback's list and all of those are blood-related diseases such as leukemia.

I ask unanimous consent that this article in Science be printed in the Record.

There being no objection, the material was ordered to be printed in the Record as follows:

SCIENCEXPRESS

ADULT STEM CELL TREATMENTS FOR DISEASES?

Opponents of research with embryonic stem (ES) cells often claim that adult stem cells provide treatments for 65 human illnesses. The apparent origin of those claims is a list created by David A. Prentice, an employee of the Family Research Council who advises U.S. Senator Sam Brownback (R-KS) and other opponents of ES cell research.

Prentice has said, "Adult stem cells have now helped patients with at least 65 different human diseases. It's real help for real patients". On 4 May, Senator Brownback stated, "I ask unanimous consent to have printed in the Record the listing of 69 different human illnesses being treated by adult and cord blood stem cells".

In fact, adult stem cell treatments fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration are available to treat only nine of the conditions on the Prentice list, not 65 [or 72]. In particular, allogeneic stem cell therapy has proven useful in treating hematological malignancies and in ameliorating the side effects of chemotherapy and radiation. Contrary to what Prentice implies, however, most of his cited treatments remain unproven and await clinical validation. Other claims, such as those for Parkinson's or spinal cord injury, are simply untenable.

The references Prentice cites as the basis for his list include various case reports, a meeting abstract, a newspaper article, and anecdotal testimony before a Congressional committee. A review of those references reveals that Prentice not only misrepresents existing adult stem cell treatments but also frequently distorts the nature and content of the references he cites.

For example, to support the inclusion of Parkinson's disease on his list, Prentice cites Congressional testimony by a patient and a physician, a meeting abstract by the same physician, and two publications that have nothing to do with stem cell therapy for Parkinson's. In fact, there is currently no FDA-approved adult stem cell treatment—and no cure of any kind—for Parkinson's disease.

For spinal cord injury, Prentice cites personal opinions expressed in Congressional testimony by one physician and two patients. There is currently no FDA-approved adult stem cell treatment or cure for spinal cord injury.

The reference Prentice cites for testicular cancer on his list does not report patient response to adult stem cell therapy; it simply evaluates different methods of adult stem cell isolation.

The reference Prentice cites on non-Hodgkin's lymphoma does not assess the treatment value of adult stem cell transplantation; rather, it describes culture conditions for the laboratory growth of stem cells from lymphoma patients.

Prentice's listing of Sandhoff disease, a rare disease that affects the central nervous system, is based on a layperson's statement in a newspaper article. There is currently no cure of any kind for Sandhoff disease.

By promoting the falsehood that adult stem cell treatments are already in general use for 65 diseases and injuries, Prentice and those who repeat his claims mislead laypeople and cruelly deceive patients.

Mr. HARKIN. Mr. President, I see that my friend from New Jersey is also in the Chamber. He has been a strong supporter of medical research through all his lifetime. I yield 10 minutes to the Senator from New Jersey. I assure him that if he needs more time, we will yield him some more time. I yield to the distinguished Senator, my good friend, Mr. LAUTENBERG.

The PRESIDING OFFICER. The senior Senator from New Jersey is recognized.

Mr. LAUTENBERG. Mr. President, I thank my friend and colleague for his leadership on this issue. I hope we can find out there are lots of leaders around here who just have not shown their intention to lead. I congratulate Senator HARKIN for his hard work.

People ask me why stem cell research isn't available. The people who ask me that question most frequently are the families who come to see me. I love seeing their children. I am a grandfather of 10 kids. The oldest is 13, the youngest is 3. When I look at what my responsibilities as a Senator are, I think of my children and grandchildren, and I think about everybody else's children and grandchildren at the same time. I couldn't make it good enough for my grandchildren when it comes to helping them rid themselves of a condition, or permitting them to live an easy, normal life in many cases.

My oldest grandson is 13, and he is asthmatic. Whenever my daughter takes him to play sports, she always checks to see where the nearest emergency clinic is because if he starts to wheeze or he needs some help, she wants to know where to go.

I see it with lots of visitors I have, like families with a diabetic child. I had one boy who was 10 years old come to my office in New Jersey. I sat around a long table with families who have a child who is diabetic. I asked the kids their responses to their disease, what is the worst part of it. They all said: Sticking your finger, and not feeling good when everybody else looks as if they are having fun.

People ask me: Why can't we do something about this? We are spending billions on a war that brings us gloom and despair, and we spend billions on tax cuts for people who don't need them—but we need help.

This 10-year-old boy I referred to, when I asked him what the worst part of having diabetes was, he said: I can't go to sleep-overs anymore.

I said: What do you mean?

He said: One time I slept over at my friend's house and during the night I got sick and he called his mother and she got mad. So my parents won't let me go to sleep-overs anymore. I am sad about that because I like my friend, but we can't do anything about that.

Then he said: But I'm only going to live to 31 anyway.

With that his father sat right up and said: No, no, that's not true at all. We are going to take care of you.

I wish President Bush was in that office when I had some of those kids in there or when I have families with an autistic child come to meet with me. It affects everything that the family does. It would means the world to them if their child could be treated to become healthy.

We have an epidemic across our country with autism. We see that 1 in every 150 families in America are affected by autism and the fact that they must go to public agencies or hire teachers or send children to particular schools.

When we look at the situation, we see that stem cells have the potential to save lives and alleviate the suffering of millions of Americans. Of course we should fully fund research for embryonic stem cells regardless of when they were developed. That is common sense. But we have a President who is held captive by ideologues who are at war with science.

Over 5 years ago, President Bush enacted a policy that made no scientific sense, only political sense for his base. He put a stop to the development of new stem cell lines for research. Once again, that is a devastating blow to people who have a diabetic in their family, or cancer, Parkinson's, autism, or other diseases.

In New Jersey, the number of those affected by autism is staggering. In 1991, there were 234 cases of autism diagnosed. In 2005, less than 15 years later, we saw 7,400 cases of autism.

We say we want to help these people, but the President says he doesn't believe in it and threatens another veto when this bill is presented to him.

There is no good answer I can give these families and children. But I do assure them that I will do all I can to reverse the President's policy so we can work hard for a cure for their diseases.

Tomorrow we will have the opportunity to vote to help these kids. The science is clear: Stem cell research, particularly embryonic stem cell research, has tremendous potential to help us better understand treatments and cure a number of diseases. That is why Americans overwhelmingly support stem cell research. Studies show that 7 out of 10 Americans—70 percent—favor embryonic stem cell research. Virtually every major medical scientific and patient group supports embryonic stem cell research. Organizations such as the American Medical Association, the American Diabetes Association, the Christopher Reeve Foundation, the Elizabeth Glazer Pediatric AIDs Foundation, and the list goes on and on. In my home State of New Jersey, support for stem cell research is overwhelming. In fact, Rutgers University, our State university, is one of the leading advocates of stem cell research.

Our country has always been about hope, about the chance for a better life. So when President Bush talks about vetoing a stem cell research bill, it denies hope to millions of Americans.

Last year, Congress passed similar legislation that would have reversed the President's policy on stem cells, but the President vetoed that bill based on what he calls ethics and morality. What is ethical about denying a cure to children suffering from diabetes? Is there anything moral about denying people who have paralysis the chance to perhaps walk again?

Any real ethical issues are addressed by this bill. New stem lines will come from embryos donated by fertility patients under strict guidelines. They will not be embryos created for research. What we are talking about in this bill are embryos that would otherwise be disposed of, discarded, thrown away.

We stand at a crossroads in America. We can either take the position that cells in a petri dish are a gift for healing or we can throw away the opportunity to alleviate human suffering. The men, women, and children who suffer from diabetes and other life-threatening conditions are racing against time. Recent statistics show that one out of three children born today will suffer diabetes in their lifetime.

We have wasted so much time and opportunity already, between the President's policy and his veto last year. Those who would benefit from the potential of embryonic stem cell research need the President to put aside politics and deal with the facts. I would love to see President Bush meet some of these families or see the children who come to meet with me who are diabetic. We have had 300 children in one of the meeting rooms in the Senate. To see those children, how beautiful they are, and how desperately they want help. Yet for some reason, our Government wont' help out. We see the President again threatening a veto and saying he will not permit funding for this research. It is a terrible thing.

I salute the bipartisan leadership of Senators HARKIN and SPECTER on this issue. Everybody in Congress and in this country has had contact with someone who is suffering from a condition who desperately needs help. It is hard to understand why we wouldn't have 100 votes in this body to say, yes, we want to do whatever we can for children who are sick or children who are likely to encounter these problems in the future. Yet the President has insisted on turning his back on these opportunities. It is a pity.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. MENENDEZ). The Senator from Iowa.

Mr. HARKIN. How much time remains on our side, Mr. President?

The PRESIDING OFFICER. The Senator's time on this side has expired.

Mr. HARKIN. Mr. President, I obviously yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWNBACK. Mr. President, I wish to resume the discussion on embryonic stem cell research. I wish to resume the discussion on adult stem cell successes and why we should not move forward on destroying more human life for the purposes of research.

I wish to start out with a simple picture, a picture of one child, Hannah. She was a frozen embryo. I wish to just go through this briefly because we talk about frozen embryos as though this is something you can discard and there is really no significance here, or if there is, it is minimal, it is not really human, it is just something that is sitting there in a frozen state and we should just research on this person. I note this because Hannah was a frozen embryo. She was adopted. She was implanted. Then here we are looking at her in April of 2001 at age 28 months.

I met Hannah. She has been in my office. She is a bright, young, vivacious girl. I point out that she starts out as what we are talking about researching on here—she starts out being frozen, alive, adopted as an embryo, arrives in a clinic, is thawed, implantated, and develops a heartbeat. Here is a picture of her at 21 weeks. We can see her, and we can see the development.

The reason I point this out, and I guess it should be obvious to everybody, but what we are talking about is something in embryology books that is defined as human. It is defined as a person with a 46-chromosomes. It is defined as a unique person who will never be recreated. We are defining and talking about somebody. If these frozen embryos are adopted, they can be implanted and grow into human beings.

Hannah as she was in April of 2001, Hannah who was in my office.

I urge more people to look at this as a possible option. A number of people have embryos at IVF clinics, frozen embryos at IVF clinics. This is a viable option if people don't want to have them implanted in themselves. If they are extra, they could consider that there are a number of people who cannot conceive who want to adopt. I urge people to look at this as a possible and viable option and a beautiful option that people would look at. This is happening quite a few times in places across the United States. It is important. It is a great option.

My wife and I have adopted two children—not at the frozen embryo stage but at a later stage. I can say with all candor, it is a wonderful thing. It has been a great gift to our family to have two of our children who are adopted. With the rest of our family, it has just been fabulous for all of us.

I hope people will look at this as a viable option. It is a viable option technologically. This is something people can do. You can do this today. This can take place. It does take place. It is a regular event that takes place. It is something you can feel good about in doing and having a beautiful child who is here and functioning and in the world and bringing joy to people's eyes.

Our two adopted children are both 9, and they bring great joy to everybody they are around. Even when they are bugging their older sister, they bring her joy. It is just a great thing to do, and I really hope we can do a lot more of this if people would consider this as a real option rather than just saying these are extra embryos or these are throwaways or they are going to be disposed of anyway. Why not look for the best option? Why not look for this beautiful option which is out there instead of saying: Well, we can't do anything with them anyway; let's just discard them.

There is another option here. There is a different chance. There is another hope. That child, then, can bring into the world so much joy and possibilities that are endless. Why not that one? What is wrong with that option? I hope people will really look at this as a real chance and something they can do.

In my earlier remarks, I read a definition from an embryology textbook which affirmed that each individual life begins as a 46-chromosome embryo. The Presiding Officer did. I did. Senator HARKIN from Iowa did. Textbook definitions are good, but living examples are often even better, and that is what I am showing in this chart. Of course, each one of us alive today is an example that life begins at an embryonic stage because we were all once embryos. Another clear example of this truth is those children today—137, I am told, with 16 currently in utero—who used to be numbered among the so-called spare or leftover embryos. That is not as many as I hope it will be, and I hope in the future we can have a lot more.

Last year, I had the privilege of meeting one of these young children, a young girl named Hannah. We can see her life growth along this continuum in this chart. Of course, if she is terminated in any phase along this way, she is not out here. Life is that continuum. I would like to draw the attention of my colleagues to this and in particular ask, how can we just wantonly destroy these embryos for research purposes with taxpayer funding because they are allegedly spare, left over, or just going to be destroyed anyway? It is wrong to turn living human persons into research objects to be exploited. I believe those embryos which have been adopted make this point very well.

I also wish to note that currently in the United States, it is not illegal anywhere in the country for a person to donate an embryo to develop a stem cell, an embryonic stem cell line. It is not illegal anywhere. What we are talking about in the Senate today is expanding the Federal taxpayer funding for human embryonic stem cell research. We are talking about taxpayer funding of this research that is considered highly unethical to a number of our fellow Americans. It is something we do not need to do.

On the point of not needing to do fund this research with taxpayer dollars, I ask unanimous consent that an article be printed in the RECORD at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. This was an article posted at CNN at 4:05 eastern daylight time that "Type I diabetics live without insulin in stem cell experiment." This is just out on CNN this afternoon. "Thirteen young diabetics in Brazil . . . " That is a point I have been making. This research should be done in the United States. Instead, it is going other places:

> Thirteen young diabetics in Brazil have ditched their insulin shots and need no other medication, thanks to a risky but promising treatment with their own stem cells—apparently the first time such a feat has been accomplished.

This is just a highlighting of this particular article. Again, the research is being done in Brazil. You will see some consistency on points. If you followed my earlier comments, I was talking about a gentleman who was getting a heart treatment with his own stem cells in Bangkok, Thailand; a young lady in Illinois who received treatment for her spinal cord injury, a paraplegic, in Portugal. Now this diabetic work is being done in Brazil. All of this adult stem cell work that is taking place is outside of the country rather than being done here and us funding and doing it in America. If we are losing the battle in the research anywhere, it seems to be in the adult stem cell field that is producing these types of treatments.

Let me proceed. This is an AP story. It was on CNN. I am reading:

> Thirteen young diabetics in Brazil have ditched their insulin shots and need no other medication thanks to a risky but promising treatment with their own stem cells—apparently the first time such a feat has been accomplished. Though too early to call it a cure, the procedure has enabled the young people, who have Type 1 diabetes, to live insulin-free so far, some as long as three years. The treatment involves stem cell transplants from the patients' own blood.
>
> "It's the first time in the history of Type I diabetes where people have gone with no treatment whatsoever . . . no medications at all, with normal blood sugars," said study co-author Dr. Richard Burt of Northwestern University's medical school in Chicago, Illinois.
>
> While the procedure can be potentially life-threatening, none of the 15 patients in the study died or suffered lasting side effects. But it didn't work for two of them. Larger, more rigorous studies are needed to determine whether stem cell transplants could become standard treatment for people with the disease once called juvenile diabetes. It is less common than Type 2 diabetes, which is associated with obesity.
>
> The hazards of stem cell transplantation also raise questions about whether the study should have included children. One patient was as young as 14. Dr. Lainie Ross, a medical ethicist at the University of Chicago, said the researchers should have studied adults first before exposing young teens to the potential harms of stem cell transplant, which include infertility and late-onset cancers. In addition, Ross said that the study should have had a comparison group to make sure the treatment was indeed better than standard diabetes care.
>
> Burt, who wrote the study protocol, said the research was done in Brazil because U.S. doctors were not interested in the approach. The study was approved by ethics committees in Brazil, he said, adding that he personally believes it was appropriate to do the research in children as well as adults, as long as the Brazilian ethics panels approved. Burt and other diabetes experts called the results an important step forward.
>
> "It's the threshold of a very promising time for the field," said Dr. Jay Skyler of the Diabetes Research Institute at the University of Miami. Skyler wrote an editorial in the Journal of the American Medical Association, which published the study, saying the results are likely to stimulate research that may lead to methods of preventing or reversing Type 1 diabetes.
>
> "These are exciting results. They look impressive," said Dr. Gordon Weir of Joslin Diabetes Center in Boston, Massachusetts. Still, Weir cautioned that more studies are needed to make sure the treatment works and is safe. "It's really too early to suggest to people that this is a cure," he said.
>
> The patients involved were ages 14 to 31 and had newly diagnosed Type 1 diabetes. An estimated 12 million to 24 million people worldwide—including 1 to 2 million in the United States—have this form of diabetes, which is typically diagnosed in children or young adults. An autoimmune disease, it occurs when the body attacks insulin-producing cells in the pancreas. Insulin is needed to regulate blood sugar levels, which, when too high, can lead to heart disease, blindness, nerve problems and kidney damage.
>
> Burt said the stem cell transplant is designed to stop the body's immune attack on the pancreas.
>
> A study published last year described a different kind of experimental transplant, using pancreas cells from donated cadavers, that enabled a few diabetics to give up insulin shots. But that requires lifelong use of antirejection medicine, which isn't needed by the Brazil patients since the stem cells were their own.
>
> The 15 diabetics were treated at a bone marrow center at the University of Sao Paulo. All had newly diagnosed diabetes, and their insulin-producing cells had not been destroyed. That timing is key, Burt said. "If you wait too long," he said, "you've exceeded the body's ability to repair itself."

And he talks about repairing itself later in this article. I wish to hit that point. The procedure involves stimulating the body into producing new stem cells and harvesting them from the patient's blood. Next comes several days of high-dose chemotherapy, which virtually shuts down the patient's immune system and stops destruction of the few remaining insulin-producing cells in the body. This requires hospitalization and potent drugs to fend off infection. The harvested stem cells, when injected back into the body, build a new healthier immune system that does not attack the insulin-producing cells.

Patients were hospitalized for about 3 weeks. Many had side effects. One developed pneumonia, the only severe complication. The doctors changed the drug regime after treatments failed in the first patient who ended up needing more insulin than before the study, and another patient also relapsed. The remaining 13 live "a normal life without taking insulin," said the study coauthor, Dr. Julio Voltareli of the University of Sao Paulo. "They all went back to their lives."

The patients enrolled in the study at different times so the length of time they have been insulin-free also differs. Dr. Burgess had some success using the same procedure in 170 patients with other autoimmune diseases, including lupus and multiple sclerosis; one patient with an autoimmune form of blindness can now see, Dr. Burgess said, and then he had this quote: The body has a tremendous potential to repair.

The study was partly funded by the Brazilian Ministry of Health and Genzyme Corporation, a maker of blood sugar monitoring products.

Now, why are we not doing these treatments in America? Why would we not be funding this sort of work? We do not have unlimited amounts of funds to go around. We are putting $613 million into speculative embryonic stem cell research that has produced no cures. Yet we are having people from the United States go to Bangkok and to Portugal and to Brazil to get these treatments that are financed by the Brazilian Ministry of Health, along with a private corporation that is the maker of blood sugar monitoring products. Why is it not being done here? There are now 13 young diabetics who ditched their insulin shots. That is beautiful news. It should be done here.

Yet we are starving this field that is producing so many results, putting in $613 million into embryonic stem cell research that is highly speculative, that is considered unethical by many of our fellow citizenry in the United States, and is producing no treatments or cures, while people are going to Brazil to be able to deal with diabetes or to Portugal to deal with spinal cord injuries or to Thailand to deal with congestive heart failure and heart disease.

Now is something wrong with this? I think it clearly is wrong when we are not seeing these treatments here, the treatments are going to other places, and we are not funding them. We need to do more in the adult stem cell field, in the cord blood field, we need to do more in amniotic fluid, we need to do more in the placenta stem cell field. American citizens should not have to go to Brazil and other places to get this cutting-edge technology.

Yet we will spend a lot of time debating on the floor over embryonic stem cells, or the need to do research on both adult and embryonic, but the problem is we do not have infinite amounts of money. We do have a limited research budget. The money we are putting into the embryonic field, destroying human life at taxpayer expense, does not go into adult stem cell work. It does not go into other areas where we could do more research, to get the results that would treat people so that diabetics do not need their insulin shots. It is cutting-edge work being done somewhere else. We are not funding it.

I want to talk, too, about another aspect of this that I have not brought up previously, and that is private-sector funding. I note on this diabetes story that was out on the AP wire that there was a private corporation, Genzyme Corporation, a maker of blood sugar monitoring products.

It is not illegal anywhere to do embryonic stem cell research in this country, and if it is so promising in the health care field, one would think there would be heavy private-sector investment taking place in embryonic stem cell research. If this is producing and holds the key to curing Alzheimer's and Parkinson's and diabetes, then one would think there would be a flood of private-sector money coming into this field to develop and to get the early patents on some of the work.

Let's see what is happening in the investor community on this. How many private investors are going into it? We can talk about following the money into the field. This is a July 17, 2006, edition of the New York Sun, an article written by Harold Furchtgott-Roth, former FCC Commissioner. I wish to quote some from this article. I will put this in. He says this:

> For investors, the debate over Federal funding of embryonic stem cell research is an indication that profits are remote. In many, if not most, areas of technology—including electronics, chemistry, and computing—the frontiers of research and development are spearheaded by private business. Where profits are a powerful inducement, innovation needs little federal funding.
>
> From pharmaceuticals to electronic monitoring equipment, much of medical research advances to the drumbeat of capitalism. Innovative ideas are rewarded. Tens of billions of private dollars in America and around the world finance new research because it offers visible roads to rewards.

What does he say about stem cell research? We knew this to be true, that there is heavy investment in the commercial sector in pharmaceutical supplies and electronics and computing.

One of the big driving areas is the private sector or the investors going into these fields and investing heavily. So what are they doing in stem cell research, in embryonic stem cell research today?

> To date, private investment in stem cell research has been relatively small and unrewarding. Several publicly traded but relatively small American companies

He lists a couple—

> . . . conduct research and development on stem cells. Many privately held companies also pursue stem cell research, but venture capital backing for stem cell research is waning.

It is not growing, it is waning.

> Nor is there substantial private research and development migrating abroad. American financial institutions raise enormous funds to invest in businesses engaged in medical research both in America and abroad—

We certainly know that to be true—

> but little if any of that money targets foreign investment in stem cell research companies.
>
> The current policy does not appear to have left America backward in the basic science of stem cell research. According to a recent study in "Nature Biotechnology," American scientists account for the dominant share of research publications on embryonic stem cell research, and the number of publications is growing rapidly. Perhaps American science will be even more dominant with greater Federal funding, but the stimulus for that funding should not be that we are falling hopelessly behind the rest of the world.

Mr. President, I ask that the rest of this article in its entirety be inserted at the conclusion of my comments.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2).

Mr. BROWNBACK. Mr. President, my point in saying this is that we know this is true. We know that in the medical health field, if there are some great results that are coming that could be patentable or provide treatments—that the medical sector of our economy is growing as a percentage of the gross national product, that I think is somewhere around 15 percent now, growing faster, that there is a heavy investment in medical research taking place, we know that in the pharmaceutical industry, we know that in the medical treatment areas that is taking place.

So why is that not happening in embryonic stem cells? The reason is because it is not producing any results. Instead, we have health ministries and corporations going abroad to make these investments in the adult field when they feel like there is not sufficient interest here taking place.

That should tell us something; that is, the private sector is not putting money in. Indeed, the private-sector research is waning. These are all indicators that we ought to be looking at and asking ourselves: What is taking place?

Now earlier I covered some of the advances in stem cell research that has happened, and I note I wish to build on the statement put forward by today's AP story on Type 1 Diabetes being treated in Brazil with adult stem cells and my comments about the lack of private-sector investment.

I wish to hit another point as to why the private sector is not investing in embryonic stem cell research. I made it part of this presentation earlier, but I wish to make it stronger now; that is, that embryonic stem cells produce tumors.

This is continuing to come out in all the data, and I think it is part of the reason why you do not see private investors going into this field. If this is the pharmaceutical field and the drugs you are treating people with are producing tumors, it is unlikely that that drug is going to get approved by the FDA, it is unlikely it is going to move forward in any sort of drug delivery system or it is going to be accepted by the public if there is a high likelihood that you are going to get tumors.

Mr. President, I ask unanimous consent to put this set of documents in at the end of my statement.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 3).

Mr. BROWNBACK. This is a series of front pages of articles of the various scientific publications where we have had, to date, tumors being developed by embryonic stem cells. These are in animal models because, of course, we do not have any human clinical trials that are taking place yet with embryonic stem cells. These are all in the animal field. But we are seeing continuously in the research results, as I stated earlier, that the embryonic stem cells injected into animal models are creating teratomas, creating tumors.

This, as I quoted earlier, happened in the fetal tissue debate of 15 years ago, when they were creating teratomas or tumors, and we are now seeing the tumors come up again consistently in the research data on embryonic stem cell work. And here—this gets quite technical. But I wish to read some of the quotations in these various articles, that if any of my colleagues would like to look it up, this will be in the RECORD.

Here is a research article from 2004, when cultures were transplanted in diabetic mice—we were just talking about a successful diabetic treatment in humans—this is in diabetic mice. They formed teratomas—again those are tumors—and did not reverse the hyperglycemic state. This is the first page of a 2004 scientific publication. Here is an embryonic stem cell publication, and this is the front page of this article, that is out in a 2006 article: Embryonic stem cells derived neuroprogeny, more than 70 percent of mice that received these types of embryonic stem cells developed teratomas, thus posing a major safety problem is what this article noted, that

70 percent of mice developed tumors. It does not sound like that one is going very well.

We have another one in the Stem Cell publication, again 2006 publication, developed severe teratomas, in this particular publication, using human embryonic stem cells again in lab rats, grafted into lab rats. That one is not going very well.

Here is a 2005 article from a publication: Four weeks postimplantation, cells implanted in high numbers formed teratomas in the majority of the animals implanted. That one is not going very well.

Here is a Brazilian publication involving brain tissue: Unlimited self-renewal in high differentiation poses the risk of tumor induction after engraftment. This is December of 2004. That one is taking place, and it is not going very well.

Here is another publication. This one is from 2003. Conclusions: Transplanted ES cells can be grafted. The cells will, however, form a tumor if they leak into an improper space such as the thoracic cavity. Now we have a bigger problem. If the stem cells leak into another area, they form tumors in other parts of the body. That is not going very well.

Here is another publication. This is a 2005 publication. When the cultured cells were transplanted into diabetic mice, they reversed the hyperglycemic case for 3 weeks, but the rescue failed due to immature teratoma formation and then formed cancer cells. So they did something for 3 weeks, and that didn't work out very well.

Here is another publication. This is out of Washington University, 2004. Results suggest transplanting ES cells into the injured spinal cord does not improve locomotive recovery and can lead to tumor-like growth of cells, accompanied by increased debilitation, morbidity, and mortality. That one is not going well.

That is a set of publications. This is just the front pages of these that I am entering into the RECORD. My point is not to belittle embryonic stem cells. My point is this is highly consistent with the fetal tissue work earlier and what is working. We have a route that is moving. Why would we move on forward, putting $620 million of Federal money into an area that has not worked for 25 years.

I recognize my colleague from Alabama.

Mr. SESSIONS. I wanted to ask my colleague if he will yield for a question?

Mr. BROWNBACK. I am happy to yield for a question.

Mr. SESSIONS. I thank my colleague for the many hours of effort he has put into this to analyze the data that is out there about this important issue. It has been helpful to us. I know some people think it is an easy question for them. Senator BROWNBACK has taken the road less traveled. He has been willing to dig into the issue because it does touch on real moral and ethical questions. It is not a light matter.

Let me ask the Senator a question. Is it true that the embryonic stem cells we are talking about here, if allowed to grow and mature, would be a human being, and that human being's height, hair, eye color, and all, would have been determined at that very moment when it was at that embryonic stem cell stage, how they would grow and mature?

Mr. BROWNBACK. Yes. My colleague states the obvious. It is when you get that first set of chromosomes from your mother and father that your hair color, so many of your features are determined. It doesn't change. That is your genetic material, and you get it from the very earliest instance.

Mr. SESSIONS. So the life that is being proposed here, it is life, I think no one can dispute that. It is a living organism. This life, if allowed to develop, will be developed into a distinct human person?

Mr. BROWNBACK. Yes.

Mr. SESSIONS. So I think that implicates some questions to all of us. It is not a thing outside the realm of reason. Good people question whether we should experiment on that life. You had a number of children who were brought here, snowflake babies. I didn't get to be with you on that occasion, but it was reported to me. Would you tell us about those children you saw?

Mr. BROWNBACK. I have a picture of one here. This is Hannah, one of the first snowflake babies. It is a pretty simple and direct story. Just like you and me, they started out as embryos. They went into a frozen state for a period of time. Then they were allowed to be adopted by other individuals and implanted into a mother's womb and then grew in a normal process that takes place. The point you made earlier that I think should be so obvious to all of our colleagues is this is Hannah here and this is Hannah at an earlier stage when she is an embryo, just as we were at one point in time.

Mr. SESSIONS. This very type embryo is what we are talking about experimenting with under the legislation that is before us.

Mr. BROWNBACK. With Federal taxpayer dollars; that is what we are talking about.

Mr. SESSIONS. With regard to this, we know good people can differ. I certainly believe good people can differ. I don't count myself morally superior to anybody on these questions. I am not a scientist. I certainly haven't studied it to the extent that you or other Members of this body have. Senator COBURN and Senator HATCH and others have studied it. Some have different opinions about it. I don't think it is an insignificant matter that this is a piece of life, a small embryonic life that would grow into a distinct human being. That is what we are talking about providing Federal funds to experiment with.

It is not a crime today for a private person or a university to experiment on this, even if it causes people moral and ethical problems, is it?

Mr. BROWNBACK. That is correct. It is not a crime today.

Mr. SESSIONS. Private people are doing that today?

Mr. BROWNBACK. That is correct.

Mr. SESSIONS. I guess in 2001, President Bush acknowledged there were embryonic lines available at that time and that any action we took at that moment against those lines did not implicate human life. He said those lines would be available for embryonic stem cells for any university that would apply; is that correct?

Mr. BROWNBACK. That is correct, and that Federal taxpayer funds could be used to experiment on those human embryonic stem cell lines where the life-and-death decision had already been made.

Mr. SESSIONS. I had heard at some point that those lines may not be continuing, but I am informed that in fact those lines do continue, at least some of them, and that there is a substantial number of embryonic cells available for research if they were asked for, but they haven't been all utilized; is that correct?

Mr. BROWNBACK. That is correct as well.

Mr. SESSIONS. So when we get up to this line of experimenting with human life, one of the things I would ask myself is, is this medically necessary? Is this a matter about which we are debating that would prevent some sort of research? The way I see it, there are federally funded stem cells available for research today, as you have explained. Then there is no limit whatsoever on the number of stem cells that are available in the private sector, at our universities and our great research centers in the world and in the United States; is that correct?

Mr. BROWNBACK. That is correct. Any sort of private sector investment can take place, any sort of State or local investment can take place, although, as I noted in the article, the private sector does not seem to be putting much money into the field. I believe that is clearly because of a lack of results.

Mr. SESSIONS. I think that is important for you to share with us. Because decisions become easier when there is not a crisis. We deal with self-defense issues and moral issues a lot of times, but doesn't seem to me we are at that critical juncture in our scientific activity that would require the American people, through the expenditures of their dollars, to affirm this procedure. Would the Senator not agree if the American people fund this procedure, then it represents a national blessing of the procedure, in effect, an approval of this procedure as moral and legitimate?

Mr. BROWNBACK. Well, it clearly does. It says you treat the youngest of human life as property, not as a person. You noted this is alive. Yet some would say it is not a life. It is alive, but it has not yet risen to the level of being a human life. This would say we can treat humans at the youngest age of their life continuum as property and that we will use Federal taxpayer dollars to destroy them and to do research on them at that point in time. If you can do that at earlier stages, why not later? What is the differentiation? At what point in time does this become removed from property to becoming a person as it somehow does magically in this process? My point is, the place to start is at the beginning, when the life begins. Otherwise, there is no significant place you can draw any line along the way saying at this point in time it becomes a person entitled to the protection of the law and society. Right now we are treating the youngest of humans as property.

Mr. SESSIONS. I am uneasy about it. I don't claim to know all of it. I haven't studied it to the extent you have. I know entities of great augustness such as the Catholic Church have serious theologians and scientists. They are uneasy with it. I am not Catholic, but I understand that. People have invested a lot of time and effort and feel this is crossing a line that is dangerous for us to cross. From what I am hearing from your remarks, you don't think it is necessary to cross that line to do the kind of research that could actually save lives and that we all hope will save lives one day?

Mr. BROWNBACK. If our objective is healing people, if that is our objective, we have a far more likely route, a route that is already producing substantial success that is lying right in front of us, without ethical concerns or dilemmas—adult stem cells, cord blood. Increasingly, in the future, in amniotic fluid we will find abundant supplies of stem cells with no moral problems whatsoever. That is what doesn't make any sense to me either. We are going to take away all human dignity from the youngest humans. We are going to do so in an arbitrary fashion because we are not saying where you develop the status of human dignity at some point in time, but we are going to take it away from you here. We are going to use Federal taxpayer dollars to destroy you. Yet we have another way that is producing good results in the adult stem cells, stem cells in your body and in mine, and this route is producing tumors. It doesn't seem to make a whole lot of sense why we would invest $613 million more into the future as we have in the past since 2002. Why would you put more into this area that has all these problems? I respect my colleagues who are on the other side of this debate. They want to produce results and they want to cure people. But it seems as if all the evidence is leading us the other way without ethical dilemma. So why would we then do that, if all the evidence is pointing another way and we don't have unlimited resources, we can't put this to better, higher use, and not having hopefully people in the future have to leave our country to get adult stem cell therapies from out of country?

Mr. SESSIONS. I will say this, I thank you for utilizing the free speech this great Senate allows us to raise questions that some perhaps just as soon would not talk about. I do think a decent respect for those millions of Americans who strongly believe this is not a good thing to do, that this is crossing boundaries we ought not to cross, and saying we are going to take your money in disrespect of your views and spend it on a procedure you strongly feel is not the right thing, committing our Nation officially as approving this procedure is not a bridge we have to cross. That is where I come down at this point. I do not claim to be all knowing, but that is what I would say.

I say to Senator BROWNBACK, I would share with you a letter I received in March, just about a month ago, from a constituent in my State who e-mailed me in support of S. 5, and I sent back some of the thoughts my staff and I had put together on it. I got this letter. It is addressed to me, but it could probably be better addressed to you based on the work you and others have done. He had a child who had a recent four-wheeler accident and was a quadriplegic. This is his quote:

> In our desire to see our son again have use of his limbs, we allowed our opinions to be influenced by the media. You were so kind to respond to our e-mail with a letter stating your opinions and thoughts. After doing more research, listening to the opinions of a long-time quadriplegic, and praying about this issue, we are pleased with the position you have taken against this legislation. We felt we owed you an apology—

They certainly did not—

> and thank you for your adherence to Christian moral boundaries when voting on public policy.

I know a lot of people have different views on this issue, and some think everybody in the country has a certain view on it. But I think if more people understood the remarks you made, the great research that is ongoing that could actually cure or heal spinal cord injuries, could help with diabetes and Parkinson's and other diseases—if this were critical to the passage of this legislation, I think we would have a more difficult choice to make.

But I think, as you have explained it, at this point in history and in science, we are at a point where that research can continue. It is not stopped, and it is not necessary for us to make that final step to cross this barrier and begin to officially, as a nation, experiment with human life.

So I say to the Senator, thank you for your work. You have led me around to this position. I think I will not be supporting S. 30 and will be supporting S. 5. I think it is a better way—excuse me, which one is it, I ask Senator BROWNBACK?

Mr. BROWNBACK. S. 30.

Mr. SESSIONS. Yes, I think you are correct. I will be supporting S. 30 and voting against S. 5. And this has been an important debate. The American people have had the opportunity to hear some good arguments and a great deal of science and research. We are heading in the right direction, I believe, with the President saying he will not accept S. 5. I respect him for it. He stood up, absolutely. He has studied the issue, and he has firm views about it. Whereas the legislation may pass here, I am hopeful it will not finally become law.

Thank you very much.

Mr. BROWNBACK. I thank my colleague from Alabama. I note for his constituent, who sent such a kind letter, one of our lead examples is this woman shown in this picture, Jacki Rabon, who is a paraplegic, not a quadriplegic, from a car accident and was treated with adult stem cells—her own—in Portugal instead of the United States and is now walking with the aid of braces. There is tingling and feeling now throughout her legs, and hopefully that will continue. In all of these cases, it is important we get early treatments and people get treated—and I want to see that increasingly in the United States.

Mr. SESSIONS. Let me just interrupt you there because people miss this, perhaps. You are saying she was treated with adult stem cells?

Mr. BROWNBACK. She was treated with her own stem cells.

Mr. SESSIONS. So it was not necessary for her treatment to have embryonic stem cells?

Mr. BROWNBACK. It was not necessary. The only thing that was necessary is she had to travel to Portugal.

The PRESIDING OFFICER. The time controlled by the Senator has now expired.

Mr. BROWNBACK. Thank you, Mr. President.

EXHIBIT 1

TYPE 1 DIABETICS LIVE WITHOUT INSULIN IN STEM CELL EXPERIMENT

CHICAGO, IL (AP).—Thirteen young diabetics in Brazil have ditched their insulin shots and need no other medication thanks to a risky, but promising treatment with their own stem cells—apparently the first time such a feat has been accomplished. '

Though too early to call it a cure, the procedure has enabled the young people, who have Type I diabetes, to live insulin-free so far, some as long as three years. The treatment involves stem cell transplants from the patients' own blood.

"It's the first time in the history of Type I diabetes where people have gone with no treatment whatsoever . . . no medications at all, with normal blood sugars," said study co-author Dr. Richard Burt of Northwestern University's medical school in Chicago, Illinois.

While the procedure can be potentially life-threatening, none of the 15 patients in the study died or suffered lasting side effects. But it didn't work for two of them.

Larger, more rigorous studies are needed to determine whether stem cell transplants could become standard treatment for people with the disease once called juvenile diabetes. It is less common than Type II diabetes, which is associated with obesity.

The hazards of stem cell transplantation also raise questions about whether the study should have included children. One patient was as young as 14.

Dr. Lainie Ross, a medical ethicist at the University of Chicago, said the researchers should have studied adults first before exposing young teens to the potential harms of stem cell transplant, which include infertility and late-onset cancers.

In addition, Ross said that the study should have had a comparison group to make sure the treatment was indeed better than standard diabetes care.

Burt, who wrote the study protocol, said the research was done in Brazil because U.S. doctors were not interested in the approach. The study was approved by ethics committees in Brazil, he said, adding that he personally believes it was appropriate to do the research in children as well as adults, as long as the Brazilian ethics panels approved.

Burt and other diabetes experts called the results an important step forward.

VERY PROMISING TIME

"It's the threshold of a very promising time for the field," said Dr. Jay Skyler of the Diabetes Research Institute at the University of Miami.

Skyler wrote an editorial in the Journal of the American Medical Association, which published the study, saying the results are likely to stimulate research that may lead to methods of preventing or reversing Type I diabetes.

"These are exciting results. They look impressive," said Dr. Gordon Weir of Joslin Diabetes Center in Boston, Massachusetts.

Still, Weir cautioned that more studies are needed to make sure the treatment works and is safe. "It's really too early to suggest to people that this is a cure," he said.

The patients involved were ages 14 to 31 and had newly diagnosed Type I diabetes. An estimated 12 million to 24 million people worldwide—including 1 to 2 million in the United States—have this form of diabetes, which is typically diagnosed in children or young adults. An autoimmune disease, it occurs when the body attacks insulin-producing cells in the pancreas.

Insulin is needed to regulate blood sugar levels, which when too high, can lead to heart disease, blindness, nerve problems and kidney damage.

Burt said the stem cell transplant is designed to stop the body's immune attack on the pancreas.

A study published last year described a different kind of experimental transplant, using pancreas cells from donated cadavers, that enabled a few diabetics to give up insulin shots. But that requires lifelong use of anti-rejection medicine, which isn't needed by the Brazil patients since the stem cells were their own.

The 15 diabetics were treated at a bone marrow center at the University of Sao Paulo.

All had newly diagnosed diabetes, and their insulin-producing cells had not been destroyed.

That timing is key, Burt said. "If you wait too long," he said, "you've exceeded the body's ability to repair itself."

The procedure involves stimulating the body to produce new stem cells and harvesting them from the patient's blood. Next comes several days of high-dose chemotherapy, which virtually shuts down the patient's immune system and stops destruction of the few remaining insulin-producing cells in the body. This requires hospitalization and potent drugs to fend off infection. The harvested stem cells, when injected back into the body, build a new healthier immune system that does not attack the insulin-producing cells.

Patients were hospitalized for about three weeks. Many had side effects including nausea, vomiting and hair loss. One developed pneumonia, the only severe complication.

Doctors changed the drug regimen after the treatment failed in the first patient, who ended up needing more insulin than before the study. Another patient also relapsed.

The remaining 13 "live a normal life without taking insulin," said study co-author Dr. Julio Voltarelli of the University of Sao Paulo. "They all went back to their lives."

The patients enrolled in the study at different times so the length of time they've been insulin-free also differs.

Burt has had some success using the same procedure in 170 patients with other autoimmune diseases, including lupus and multiple sclerosis; one patient with an autoimmune form of blindness can now see, Burt said.

"The body has tremendous potential to repair," he said.

The study was partly funded by the Brazilian Ministry of Health, Genzyme Corp. and a maker of blood sugar monitoring products.

EXHIBIT 2

[From the New York Sun, July 17, 2007]

IN THE STEM CELL DEBATE, COUNT INVESTORS OUT

(By Harold Furchtgott-Roth)

The Senate this week will consider legislation to expand federal funding for scientific and medical research of human embryonic stem cells. It promises to be an emotional debate, largely uninfluenced by the sober calculus of the investment community. Whatever the outcome, investment opportunities are not immediate.

Large parts of the academic and scientific community insist on the medical benefits of expanded federal funding for such research, a view shared by Majority Leader Frist and many Senate Democrats. But the commercial benefits are not there yet.

For investors, the debate over federal funding of embryonic stem cell research is an indication that profits are remote. In many, if not most, areas of technology—including electronics, chemistry, and computing—the frontiers of research and development are spearheaded by private business. Where profits are a powerful inducement, innovation needs little federal funding.

From pharmaceuticals to electronic monitoring equipment, much of medical research advances to the drumbeat of capitalism. Innovative ideas are rewarded. Tens of billions of private dollars in America and around the world finance new research because it offers visible roads to rewards.

Other areas of research have enormous merit and advance scientific knowledge, but promise little if any profit. Sponsors of such research request federal and other noncommercial funding because private investment would be profoundly risky, if not pointless.

Thus, in this week's Senate debate, the primary issue is not whether stem cell research is lawful, but which forms the federal government will fund. Some day, perhaps, profit incentives for stem cell research will make federal funding unnecessary, but we are far from that outcome.

To date, private investment in stem cell research has been relatively small and unrewarding. Several publicly traded but relatively small American companies, including Aastrom, Geron, StemCells, and ViaCell, conduct research and development on stem cells. Many privately held companies also pursue stem cell research, but venture capital backing for stem cell research is waning.

Nor is there evidence of substantial private research and development migrating abroad. American financial institutions raise enormous funds to invest in businesses engaged in medical research both in America and abroad, but little if any of that money targets foreign investments in stem cell research companies.

Many leading medical research areas such as Germany have far greater restrictions on stem cell research than America. A few, such as Britain, Japan, Korea, and China, have relatively few restrictions on stem cell research, but most research is conducted by the government.

The current policy does not appear to have left America backward in the basic science of stem cell research. According to a recent study in "Nature Biotechnology," American scientists account for the dominant share of research publications on embryonic stem cell research, and the number of publications is growing rapidly. Perhaps American science will be even more dominant with greater federal funding, but the stimulus for that funding should not be that we are falling hopelessly behind the rest of the world.

The Senate debate will not be strongly influenced by the investment community. Because investment opportunities are small, American financial institutions are not waiting to pour hundreds of billions of dollars in private companies if the federal government were to expand funding for stem cell research.

Most of the debate is about the ethics of stem cell research. Most Senate Republicans worry about the ethics of embryonic research, particularly about possible incentives for creating embryos for harvesting. Senate Democrats focus more on potential benefits from research.

Federally funded scientific research often takes years or decades to yield commercial applications, if ever. Embryonic stem cell research, despite all of its enormous promise and political cache, is no different. If it were different, it would not need federal funding. This week's debate, while having enormous political stakes for the Senate, will simply confirm to investors that widespread commercial applications of stem cell research remain distant.

Almost five years ago, President Bush unveiled a policy that for the first time permitted limited federally funded research of stem cells. It was attacked from both sides at the time and will certainly be attacked again this week in the Senate. Despite the rhetoric, the policy has not put American scientists or investors at an international disadvantage.

EXHIBIT 3

Insulin Expressing Cells From Differentiated Embryonic Stem Cells Are Not Beta Cells

[By S. Sipione, A. Eshpeter, J. G. Lyon G., S. Korbutt, and R.C. Bleackley]

ABSTRACT

Aim/hypothesis. Embryonic stem (ES) cells have been proposed as a potential source of tissue for transplantation for the treatment of Type 1 diabetes. However, studies showing differentiation of beta cells from ES cells are controversial. The aim of this study was to characterise the insulin-expressing cells differentiated in vitro from ES cells and to assess their suitability for the treatment of diabetes.

Methods. ES cell-derived insulin-expressing cells were characterised by means of immunocytochemistry, RT–PCR and functional analyses. Activation of the Insulin I promoter during ES-cell differentiation was assessed in ES-cell lines transfected with a reporter gene. ES cell-derived cultures were transplanted into STZ-treated SCID-beige mice and blood glucose concentrations of diabetic mice were monitored for 3 weeks.

Results. Insulin-stained cells differentiated from ES cells were devoid of typical beta-cell granules, rarely showed immunoreactivity for C-peptide and were mostly apoptotic. The main producers of proinsulin/insulin in these cultures were neurons and neuronal precursors and a reporter gene under the control of the insulin I promoter was activated in cells with a neuronal phenotype. Insulin was released into the incubation medium but the secretion was not glucose-dependent. When the cultures were transplanted in diabetic mice they formed teratomas and did not reverse the hyperglycaemic state.

Conclusions/Interpretation. Our studies show that insulin-positive cells in vitro-differentiated from ES cells are not beta cells and suggest that alternative protocols, based on enrichment of ES cell-derived cultures with cells of the endodermal lineage, should be developed to generate true beta cells for the treatment of diabetes. [Diabetologia (2004) 47:499–508]

Embryonic Stem Cell-Derived Neuronally Committed Precursor Cells With Reduced Teratoma Formation After Transplantation Into the Lesioned Adult Mouse Brain

[By Marcel Dihne, Christian Bernreuther, Christian Hagel, Kai O. Wesche, and Melitta Schachner]

ABSTRACT

The therapeutic potential of embryonic stem (ES) cells in neurodegenerative disorders has been widely recognized and methods are being developed to optimize culture conditions for enriching the cells of interest and to improve graft stability and safety after transplantation. Whereas teratoma formation rarely occurs in xenogeneic transplantation paradigms of ES cell-derived neural progeny, more than 70% of mice that receive murine ES cell-derived neural precursor cells develop teratomas, thus posing a major safety problem for allogeneic and syngeneic transplantion paradigms. Here we introduced a new differentiation protocol based on the generation of substrate-adherent ES cell-derived neural aggrgates (SENAs) that consist predominantly of neuronally committed precursor cells. Purified SENAs that were differentiated into immature but postmitotic neurons did not form tumors up to four months after syngeneic transplantation into the acutely degenerated striatum and showed robust survival. Stem Cells 2006:24: 1458–1466.

Transplantation of Human Embryonic Stem Cell-Derived Cells to a Rat Model of Parkinson's Disease: Effect of In Vitro Differentiation on Graft Survival and Teratoma Formation

[By Anke Brederlau, Ana Sofia Correia, Sergey V. Anisimov, Muna Elmi, Gesine Paul, Laurent Roybon, Asuka Morizane, Filip Bergquist, Ilse Riebe, Ulf Nannmark, Manolo Carta, Erik Hanse, Jun Takahashi, Yoshiki Sasai, Keiko Funa, Patrick Brundin, Peter S. Eriksson, and Jen-Yi Li]

ABSTRACT

Human embryonic stem cells (hESCs) have been proposed as a source of dopamine (DA) neurons for transplantation in Parkinson's disease (PD). We have investigated the effect of in vitro predifferentiation on in vivo survival and differentiation of hESCs implanted into the 6-OHDA (6-hydroxydopamine)-lesion rat model of PD. The hESCs were cocultured with PA6 cells for 16, 20, or 23 days, lending to the in vitro differentiation into DA neurons. Grafted hESC-derived cells survived well and expressed neuronal markers. However, very few exhibited a DA neuron phenotype. Reversal of lesion-induced motor deficts was not observed. Rats grafted with hESCs predifferentiated in vitro for 16 days developed severe teratomas, with hESCs predifferentiated for 20 and 23 days remained healthy until the end of the experiment. This indicates that prolonged in vitro differentiation of hESCs is essential for preventing formation of teratomas. Stem Cells 2006:24:1433–1440.

Survival and Engraftment of Mouse Embryonic Stem Cell-Derived Implants in the Guinea Pig Brain

[By A.J. Robinson, A.C. Meedeniya, K.M. Hemsley, D. Auclair, A.C. Crawley, and J.J. Hopwood]

ABSTRACT

α-Mannosidosis is a lysosomal storage disease resulting from a deficiency of the enzyme α-D-mannosidase. A major feature of α-mannosidosis is progressive neurological decline, for which there is no safe and effective treatment available. We have a guinea pig model of α-mannosidosis that models the human condition. This study investigates the feasibility of implanting differentiated mouse embryonic stem cells in the neonatal guinea pig brain in order to provide a source of α-mannosidase to the affected central nervous system.

Cells implanted at a low dose ($1.5\ 10^3$ cells per hemisphere) at 1 week of age were found to survive in very low numbers in some immunosuppressed animals out to 8 weeks. Four weeks post-implantation, cells implanted in high numbers (10^5 cells per hemisphere) formed teratomas in the majority of the animals implanted. Although implanted cells were found to migrate extensively within the brain and differentiate into mature cells of neural (and other) lineages, the safety issue related to uncontrolled cell proliferation precluded the use of this cell type for longer-term implantation studies. We conclude that the pluripotent cell type used in this study is unsuitable for achieving safe engraftment in the guinea pig brain.

Neurally Selected Embryonic Stem Cells Induce Tumor Formation After Long-Term Survival Following Engraftment Into the Subretinal Space

[By Stefan Arnhold, Helmut Klein, Irina Semkova, Klaus Addicks, and Ulrich Schraermeyer]

Purpose. To determine whether transplantation of embryonic stem (ES) cells into the subretinal space of rhodopsin-knockout mice has a tumorigenic effect.

Methods. Mouse ES-cell–derived neural precursor cells carrying the sequence for the green fluorescent protein (GFP) gene were grafted subretinally into the eyes of rhodopsin$^{-/-}$ mice, whereas control animals underwent sham surgery. Eyes were retrieved after 2, 4, and 8 weeks after cell injection or sham surgery for histologic analysis.

Results. Gross morphologic, histologic, and immunohistochemical analysis of eyes at 2 and 4 weeks after engraftment exhibited no morphologic alterations, whereas neoplasia formation was detected in 50% of the eyes evaluated at 8 weeks after engraftment. Because the neoplasias expressed differentiation characteristics of the different germ layers, they were considered to be teratomas. The resultant tumor formation affected almost all layers of the eye, including the retina, the vitreous, and the choroid.

Conclusions. Although ES cells may provide treatment for degenerative disease in the future, their unlimited self-renewal and high differentiation potential poses the risk of tumor induction after engraftment. Thus, more care must be taken before using ES cell transplantation as a therapeutic option for patients with degenerative disease. Invest. Ophthalmol. Vis. Sci. 2004;45:1251–1255)

Advances in stem cell research and associated technologies over the past decade have increased hopes for the development of cellular therapies for age-related degenerative diseases. These diseases arise due to progressive cell loss; thus, replacing these cells would be an ideal therapy.

With respect to degenerative diseases of the mammalian visual system, the death of specific cell populations within the retina is associated with blinding diseases of the eye, such as age-related macular degeneration (AMD) and retinitis pigmentosa (for review see Ref. 1). Transplantation of stem cells into the retina to replace lost cells or to act as supporting cells to prevent further degenerative cell loss is also discussed increasingly as a practical approach for treating blindness. Unfortunately, the application of cellular therapies is limited because of a scarcity of donors for suitable cell populations, such as neural stem or progenitor cells, that can be transplanted either into the subretinal space or into the vitreous chamber. However, these cell populations can be obtained in huge quantities by differentiating embryonic stem cells into the respective cell types, thus making cell replacement therapies more plausible.

The isolation of human embryonic stem cells from preimplantation blastocysts has made cell replacement therapy an even more realistic option as human ES cells share similarities with their counterparts in the mouse. Many attempts have been made to induce in vitro differentiation of ES cells into many cell types, including hematopoietic precursor, heart and skeletal muscle, endothelial, and neural cells. Interesting data from an in vitro study in which ES cells were exposed to defined extracellular factors demonstrated the differentiation potential of ES cells into retinal neural progenitor cells.

Herein, we describe the transplantation of GFP-labeled, ES-cell–derived neural precursor cells into the subretinal space of the rhodopsin knockout mouse to determine the integrative capacity of these cells and to evaluate their potential to differentiate into retinal cells. Furthermore, any rescue effects or associated complications exerted by the transplanted cells were evaluated.

MATERIALS AND METHODS—ES CELL CULTIVATION AND NEURAL PRECURSOR SELECTION

ES cells of the cell line D3 of the mouse strain 129 were purchased from ATCC (Manassas, VA). To keep ES cells in an undifferentiated state, we cultivated them feeder cell independent, with the supplementation of leukemia inhibitory factor (LIF: 100 nM; Invitrogen-Life Technologies, Gaithersburg, MD) in DMEM (Invitrogen-Life Technologies) plus 15% fetal calf serum (FCS) and the established supplements as previously described. The cells were allowed to aggregate in hanging drops to form embryoid bodies (EBs). Hanging drops containing the EBs were rinsed off after 2 days and subsequently cultivated in suspension (DMEM, 10% FCS) for another day. Finally, at day 3, EBs were transferred to tissue culture dishes (DMEM with 10% FCS) and allowed to adhere for 12 hours. Selection of neural precursor cells was achieved by cultivation in an astrocyte-conditioned, serum-free medium containing insulin, transferrin, selene chloride, and fibronectin, as previously described. Selection was performed for up to 18 days. The efficiency of the selection procedure was continuously investigated immunocytochemically with an antibody against the intermediary filament nestin, which is specifically expressed in neural precursor cells. To study the further differentiation of selected neural precursor cells, we transferred them to a medium (DMEM/Ham's F12) with a serum content of 10% FCS.

For an alternative way to induce neurogenesis, ES cells were cultured in hanging drops as spheroidal aggregates (EBs) in DMEM supplemented with 20% FCS for 3 days. Afterward, EBs were cultured in suspension in the presence of 0.1 μM retinoic acid for another 4 days.

ENGRAFTMENT AND TUMOR FORMATION AFTER ALLOGENEIC IN UTERO TRANSPLANTATION OF PRIMATE EMBRYONIC STEM CELLS

[By Takayuki Asano, Naohide Ageyama, Koichi Takeuchi, Mikio Momoeda, Yoshihiro Kitano, Kyoko Sasaki, Yasuji Ueda, Yutaka Suzuki, Yasushi Kondo, Ryuzo Torii, Mamoru Hasegawa, Shigeo Ookawara, Kiyonori Harii, Keiji Terao, Keiya Ozawa, and Yutaka Hanazono]

Background. To achieve human embryonic stem (ES) cell-based transplantation therapies, allogeneic transplantation models of nonhuman primates would be useful. We have prepared cynomolgus ES cells genetically marked with the green fluorescent protein (GFP). The cells were transplanted into the allogeneic fetus, taking advantage of the fact that the fetus is so immunologically immature as not to induce immune responses to transplanted cells and that fetal tissue compartments are rapidly expanding and thus providing space for the engraftment.

Methods. Cynomolgus ES cells were genetically modified to express the GFP gene using a simian immunodeficiency viral vector or electroporation. These cells were transplanted in utero with ultrasound guidance into the cynomolgus fetus in the abdominal cavity (n=2) or liver (n=2) at the end of the first trimester. Three fetuses were delivered 1 month after transplantation, and the other, 3 months after transplantation. Fetal tissues were examined for transplanted cell progeny by quantitative polymerase chain reaction and in situ polymerase chain reaction of the GFP sequence.

Results. A fluorescent tumor, obviously derived from transplanted ES cells, was found in the thoracic cavity at 3 months after transplantation in one fetus. However, transplanted cell progeny were also detected (~17) without teratomas in multiple fetal tissues. The cells were solitary and indistinguishable from surrounding host cells.

Conclusions. Transplanted cynomolgus ES cells can be engrafted in allogeneic fetuses. The cells will, however, form a tumor if they "leak" into an improper space such as the thoracic cavity.

TERATOMA FORMATION LEADS TO FAILURE OF TREATMENT FOR TYPE 1 DIABETES USING EMBRYONIC STEM CELL-DERIVED INSULIN-PRODUCING CELLS

[By Takahisa Fujikawa, Seh-Hoon Oh, Liya Pi, Heather M. Hatch, Tom Shupe, and Bryon E. Petersen]

Embryonic stem (ES) cells have been proposed to be a powerful tool in the study of pancreatic disease, as well as a potential source for cell replacement therapy in the treatment of diabetes. However, data demonstrating the feasibility of using pancreatic islet-like cells differentiated from ES cells remain controversial. In this study we characterized ES cell-derived insulin-expressing cells and assessed their suitability for the treatment of type I diabetes. ES cell-derived insulin-stained cell clusters expressed insulin mRNA and transcription factors associated with pancreatic development. The majority of insulin-positive cells in the clusters also showed immunoreactivity for C-peptide. Insulin was stored in the cytoplasm and released into the culture medium in a glucose-dependent manner. When the cultured cells were transplanted into diabetic mice, they reversed the hyperglycemic state for 3 weeks, but the rescue failed due to immature teratoma formation. Our studies demonstrate that reversal of hyperglycemia by transplantation of ES cell-derived insulin-producing cells is possible, However, the risk of teratoma formation would need to be eliminated before ES cell-based therapies for the treatment of diabetes are considered. (Am J Pathol 2005, 166:1781–1791)

Diabetes mellitus is one of the major causes of death in advanced countries, and has been shown to adversely affect health and quality of life, It is associated with various severe or fatal complications, including blindness, kidney failure, heart disease, stroke, neuropathy, and amputations. Type I diabetes, or insulin-dependent diabetes, results from the cellular-mediated autoimmune destruction of pancreatic islet cells that are known to produce insulin. Type I diabetic patients experience high blood glucose levels as a result of insulin deficiency. There is no cure for this form of diabetes to date. Several approaches have been used in attempts to reverse the disease process for type I diabetes, including whole organ pancreas transplant and islet transplants. In addition, options such as the potential use of pancreatic stem and progenitor cells are being investigated. Currently, the only clinically approved treatment for type I diabetes, with the exception of insulin injection, is islet cell transplantation in combination with immunosuppresive therapy. Unfortunately, this option is only available to a very limited number of patients because of a severe shortage of donor tissue sources. This shortage has focused interest in developing renewable sources of insulin-producing cells appropriate for transplant.

Embryonic stem (ES) cells have been proposed as a potential source of pancreatic B cells because they are self-renewing elements that can generate the many cell types of the body. Recent studies suggest that mouse ES cells can be manipulated to express and secrete insulin. However, insulin-producing grafts derived from ES cells in these initial reports have a high degree of cellular heterogeneity and proliferation, uncharacterized growth and tumor-forming potential, as well as low insulin levels compared to pancreatic islets. Additionally, some researchers claim that the insulin-positive cells derived from ES cells may not be real insulin-producing B-like cells. In one study, contrary to previous reports, no message for insulin was detectable in culture, which suggested that the cells may be concentrating the hormone from the medium rather than producing. Another study showed that the main producers of insulin in culture were neurons and neuronal precursors.

TRANSPLANTATION OF APOPTOSIS-RESISTANT EMBRYONIC STEM CELLS INTO THE INJURED RAT SPINAL CORD

[Michael J. Howard, Su Liu, Frank Schottler, B. Joy Snider, and Mark F. Jacquin]

ABSTRACT

Murine embryonic stem cells were induced to differentiate into neural lineage cells by exposure to retinoic acid. Approximately one million cells were transplanted into the lesion site in the spinal cords of adult rats which had received moderate contusion injuries 9 days previously. One group received transplants of cells genetically modified to over-express bcl-2, which codes for an anti-apoptotic protein. A second group received transplants of the wild-type ES cells from which the bel-2 line was developed. In the untransplanted control group, only medium was injected. Locomotor abilities were assessed using the Basso, Beattie and Bresnahan (BBB) rating scale for 6 weeks. There was no incremental locomotor improvement in either transplant group when compared to control over the survival period. Morbidity and mortality were significantly more prevalent in the transplant groups than in controls. At the conclusion of the 6-week survival period, the spinal cords were examined. Two of six cords from the bcl-2 group and one of 12 cords from the wild-type group showed gross evidence of abnormal growths at the site of transplantation. No similar growth was seen in the control. Pathological examination of the abnormal cords showed very large numbers of undifferentiated cells proliferating at the injection site and extending up to 1.5 cm rostrally and caudally. These results suggest that transplanting KD3 ES cells, or apoptosis-resistant cells derived from the KD3 line, into the injured spinal corddo does not improve locomotor recovery and can lead to tumor-like growth of cells, accompanied by increased debilitation, morbidity and mortality.

INSULIN EXPRESSING CELLS FROM DIFFERENTIATED EMBRYONIC STEM CELLS ARE NOT BETA CELLS

[By S. Sipione, A. Eshpeter, J.G. Lyon, G.S. Korbutt, R.C. Bleackley]

ABSTRACT

Aim/hypothesis. Embryonic stem (ES) cells have been proposed as a potential source of tissue for transplantation for the treatment of Type I diabetes. However, studies showing differentiation of beta cells from ES cells are

> controversial. The aim of this study was to characterize the insulin-expressing cells differentiated in vitro from ES cells and to assess their suitability for the treatment of diabetes.
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> Methods. ES cell-derived insulin-expressing cells were characterized by means of immunocytochemistry, RT-PCR and functional analyses. Activation of the Insulin I promoter during ES-cell differentiation was assessed in ES-cell lines transfected with a reporter gene. ES cell-derived cultures were transplanted into STZ-treated SCID-beige mice and blood glucose concentrations of diabetic mice were monitored for 3 weeks.
>
> Results. Insulin-stained cells differentiated from ES cells were devoid of typical beta-cell granules, rarely showed immunoreactivity for C-peptide and were mostly apoptotic. The main producers of proinsulin/insulin in these cultures were neurons and neuronal precursors and a reporter gene under the control of the insulin I promoter was activated in cells with a neuronal phenotype. Insulin was released into the incubation medium but the secretion was not glucose-dependent. When the cultures were transplanted in diabetic mice they formed teratomas and did not reverse the byperglycaemic state.
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> Conclusions/Interpretation. Our studies show that insulin-positive cells in vitro-differentiated from ES cells are not beta cells and suggest that alternative protocols, based on enrichment of ES cell-derived cultures with cells of the endodermal lineage, should be developed to generate true beta cells for the treatment of diabetes. [Diabetologia (2004) 47:499–508]

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, how much time do we have on our side?

The PRESIDING OFFICER. Fifty-five and a half minutes.

Mr. HARKIN. Mr. President, I will take about 10 minutes or so, I suppose—maybe 15 at the most. Then I will yield back the remainder of my time for anyone who is interested in what is happening on the floor. I think Senator ISAKSON will follow up and close off the debate for the remainder of today.

But I want to respond to a couple things that have been said that I was listening to both on the floor and off the floor so people understand that sometimes things are not as clear cut as perhaps they are presented. There are always two sides to every story, as we know.

But I heard my good friend from Kansas talking about the type 1 diabetes research that was conducted in Brazil. Indeed, the JAMA, the Journal of the American Medical Association, reported today they had some success with this. I just want to read, though, from the Juvenile Diabetes Research Foundation that obviously has been following this issue very closely. They said that today's report underscores the need for continued work across a range of important scientific areas. They said:

> For that reason, we continue to strongly support passage of S. 5, the Stem Cell Research Enhancement Act, which will allow scientists to more fully explore this critical area of research.

I will not go into all of the things they are saying about the procedure. It is a risky procedure that happened in Brazil. They do not know at this point whether the people are really cured. Will their symptoms—diabetes symptoms—come back after a few months? No one really knows. But it is promising. Again, I am hopeful that research pans out. But I want to point out, the Juvenile Diabetes Research Foundation says that is fine, but still, let's get S. 5 passed so we can continue on with this needed research in embryonic stem cells.

I also want to talk for a little bit about two or three issues. One is just the broader issue of why embryonic stem cell research has not yet led to human treatments. Well, scientists have been doing research on adult stem cells for over 30 years. There are no—I repeat, no—arbitrary restrictions on research with adult stem cells. Scientists and private companies do not have to be skittish about doing this research. They do not have to worry about that all of a sudden the Federal Government is going to ban it or limit it.

Now, compare that situation with embryonic stem cells. First of all, scientists did not even know how to extract them until November of 1998. The first Federal grant for these stem cells was not awarded until 2002, and again on a limited number of lines that are available. Even now only a tiny fraction of the total Federal budget for stem cell research is used for embryonic stem cells. The vast majority still goes for adult stem cells.

Here is a chart I have in the Chamber that shows that. Embryonic research lags far behind adult stem cells. For fiscal year 2006, the National Institutes of Health funding for embryonic stem cells, $38.3 million; for adult stem cells, $200.3 million. So, again, people say: Well, why isn't embryonic stem cells doing more? You can see it is being totally underfunded as compared with adult stem cells.

Again, we have not had the 30 years of research. There has been more than five times as much funding for adult stem cell research as for embryonic stem cells. So, again, scientists are studying embryonic stem cells with one arm tied behind their back.

The fact is, it does not matter what many of the Senators think about the potential of embryonic stem cell research. What matters is what scientists think. What is their view, those who know this area, who are studying it, Nobel prize laureates, the head of NIH? Let's look at what the head of NIH—this is a man appointed by President Bush. He heads, as Senator SPECTER has often said, the crown jewel of the Federal Government; that is, the National Institute of Health. Here is what he said:

> The presentations about adult stem cells having as much or more potential than embryonic stem cells, in my view, do not hold scientific water. . . .I think they are overstated. . . .My point of view is that all angles in stem cell research should be pursued.

That was Dr. Elias Zerhouni, the head of NIH.

Breakthroughs are coming, but they take time. To clamp down on embryonic stem cell research before it even has a chance shows a total lack of understanding about how science works. More importantly, it denies hope to the millions of Americans who suffer from Parkinson's, ALS, juvenile diabetes, spinal cord injuries, and other treatable diseases and conditions.

Secondly, I want to respond to an issue that is presented in the Isakson-Coleman bill, S. 30—this whole idea of the promise of extracting embryonic stem cells from dead embryos. I must say—and I say to my good friend from Georgia—this still kind of mystifies me. As I said earlier, when something is dead, it is dead. I do not know anybody who can extract and bring back to life something that is dead. So we have to get over the idea we are talking about dead embryos. They are not dead; they are alive. They are living. They are living organisms. They are not dead. So again, an embryo dies or gets sick or ill for a reason. There is something wrong with it. Chances are the stem cells that come from that "dead embryo" aren't so great either. So why does anyone think a dead embryo holds the secret to, say, curing juvenile diabetes?

Here is what three top scientists wrote about dead embryos:

> There is no proof that dead embryos will work. Beyond the fact that scientists haven't developed a reliable method for determining an embryo's "death," there is no scientific evidence that stem cells derived from these embryos would have the required properties or be safe for human therapies.

Paul Berg of Stanford, George Daley of Harvard, and Lawrence S. B. Goldstein of the University of California at San Diego, these three people have been involved in embryonic stem cell extraction research. They say there is no evidence this will have the required properties or be safe for human therapies.

I want to read from the bill, S. 30. This is the definition of naturally dead:

> The term "naturally dead" means having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state.

Well, I have a hard time understanding that, but then this is not a scientific definition. I submit there is no scientific test to determine when an embryo reaches this state where they can say it won't differentiate or grow. It is an eyeball test. I have been told when people get in vitro fertilization and they produce embryos, the embryologist, if I can use that term, will look at them and some exhibit better signs than others. Some look healthier than others, have more activity than others. These are the ones they will implant. The other ones that look healthy, they freeze. If there are some that don't look very healthy, they are discarded.

I assume these are the ones we are talking about in S. 30; is that right?

Mr. ISAKSON. Mr. President, if the Senator will yield, I am very grateful for the opportunity. The Senator from Iowa is exactly right, because he is describing in layman's terms what is known as the Gardner principles of in vitro fertilization. After an in vitro fertilization, at the end of 72 hours, clearly transplantable or implantable embryos are formed. Within the next 4 days, up to 7 days, additional viable embryos can actually be developed. At the end of the seventh day, the cellular division process stops. That is called Level III Gardner principles.

To try and use layman's terms to answer the question, because the Senator from Iowa is a great Iowan and I am a Georgian, but I am not a scientist and he isn't either, and we are down here talking about some pretty complicated stuff, the best analogy to make in terms of a naturally dead embryo is the same description you have of death when someone donates their organs after a traumatic brain injury that causes an irreversible cessation of brain waves. By definition in all 50 States, the individual is clinically dead and a living will or a durable power of attorney can direct what is done with the rest of their life in terms of transplanting organs or whatever. The same thing is true in the Gardner principles. After that seventh day, the cellular division stops. The embryo is not sick. The embryo is not handicapped. It is not transplantable and it can't become a fetus, but you can derive stem cells.

I won't take any more of the Senator's time except to say one other thing. There are 21 lines grandfathered in the August 2001 order of the President that still have NIH money being invested. Five of those 21 lines are lines which were derived from naturally dead embryos. For 5½ years, the NIH has invested money in those lines that were derived from embryos that were destroyed and invested money in those that were derived from embryos that were naturally dead.

I don't have the paper in front of me so I can't read it verbatim, but to go back to my opening remarks today, in each case they have found, in comparing those studies, of those lines over the last 5½ years, since August of 2001, that they are pluripotent, undifferentiated cells in lines BG01, 02, and 03, which are three of the five lines derived that way. So we have the NIH for 5 years investing in it. We have a clear scientific definition of what an embryo is, which is not a sick embryo, but it is a natural process in Gardner Level III principles of in vitro fertilization. What it does do is it allows you to address the ability to expand stem cell research without crossing the line or destroying a viable embryo.

I yield back.

Mr. HARKIN. No, no. I would ask my friend as we engage in this—and I have obviously been talking to scientists and others about this—we get into another problem, and I will read something from a scientist who wrote me a letter on this. Who decides? Who decides when that embryo is not implantable? How is that decided? I am told there is no scientific dividing line on that. It is sort of an eyeball test. One scientist might say no, another scientist may say yes. Your bill, with all due respect, does not give any clear delineation.

Mr. ISAKSON. Again, if the Senator will yield.

Mr. HARKIN. Yes.

Mr. ISAKSON. In the Gardner principles, all the doctors who perform the great science of in vitro fertilization, which has touched my family and many others—it is great research. It has allowed families to have children who couldn't. After the fertilization you have 3 stages: 72 hours where you have clearly implantable embryos, at 7 days where you still can develop those embryos, and then the remainder which are embryos but do not have under the microscope the cellular collection and cluster of the 8 critical cells to make up an implantable embryo that becomes a fetus. That is made through a scientist, not a politician, looking into a microscope and making those decisions. Again, making the analogy to the irreversible cessation of brain waves, how do we scientifically today, when someone has a traumatic brain injury, determine if they are legally dead? It is done by measuring the brain waves, the same way an in vitro fertilization doctor would measure the cellular division and collection in the remaining embryos after the seventh day.

Mr. HARKIN. Mr. President, I ask my friend for further clarification. Is it not true that some of these after 7 days could be implantable?

Mr. ISAKSON. The only thing I can tell the Senator is the only doctor in the house, Senator COBURN, when asked that question in committee when we had the hearing—and I was at the hearing and so were you—said: Any doctor who did that would be out of his mind because they would know the implantation could not result in a viable fetus and ultimately a child. That is my only—I am not a scientist, but that is the quote.

Mr. HARKIN. Let me read, though, from a letter from George Daley, who is one of the foremost researchers on embryonic stem cell research at the Dana Farber Cancer Institute at the Harvard Medical School. Mr. Daley has testified, and I think he testified that day we were there. I wrote him a letter asking him about his views on using embryonic stem cells that have been called "naturally dead." He said:

> Though some Senators might be persuaded to vote for expanded funding for human embryonic stem cells derived from "naturally dead" stem cells, this would be a step backwards for embryonic stem cell research. The definition of a "naturally dead" embryo as required in the alternative bill is highly problematic. S. 5 remains the greatest hope for advancing embryonic stem cell research in this country. The concept that human embryonic stem cells might be derived from a "naturally dead" embryo originated in an article authored by Landry and Zucker in the Journal of Clinical Investigation 2004. The article contained the following passage:
>
> "For a developed human organism, brain death marks the irreversible loss of the capacity for all ongoing and integrated organic function . . ."

As we just mentioned.

> We propose—

Get this:

> We propose that the defining capacity of a 4 or 8 cell human embryo is continued and integrated cellular division, growth, and differentiation. We further propose that an embryo that has irreversibly lost its capacity, even as its individual cells are alive, is properly considered organismically dead. Even at its earliest stages, the life of the developing organism is more than the sum of the lives of its constituent cells.

So again, they propose this. It is not an accepted scientific principle. The cessation of brain waves is, on the living organism, an accepted scientific fact, but this is only a proposal.

Mr. ISAKSON. Will the Senator yield?

Mr. HARKIN. Yes.

Mr. ISAKSON. Mr. President, I quoted from that very study today. Those are two distinguished scientists at Columbia University in New York. That paper proposes a principle in terms of future development and decisions. However, I want to repeat for the Senator, in 2001, in August, when the President signed his directive, 5 of the 21 lines that are currently invested in by NIH are those that were developed from naturally dead embryos.

Dr. Steven Stice, the eminent scholar of the Georgia Research Alliance and at the Institute at the University of Georgia operates those three lines today under NIH supervision. They were all derived from naturally dead embryos, and the research they are quite famous for already in terms of addressing diabetes is taking place on those lines.

So I agree 100 percent with everything the Senator read. I read that paper and I have quoted from that paper. It was just put in front of me and I don't have my glasses on, so I will not get into the big words either. But you are absolutely correct. That was a proposal made on the premise of for the future, but that does not mean the practice did not already exist.

Lastly, the Gardner principles are an accepted principle for in vitro fertilization which have been in existence for decades that clearly delineate the decision between 72 hours, 7 days, and naturally dead embryos.

I yield back to the Senator.

Mr. HARKIN. Mr. President, this is a good discussion.

I ask unanimous consent that this letter from Dr. George Daley be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CHILDREN'S HOSPITAL BOSTON,
DEPARTMENT OF MEDICINE,
Boston, MA, April 2, 2007.

DEAR SENATOR HARKIN: I am responding to your request to provide my views on the feasibility of deriving human embryonic stem cells from embryos that have been called "naturally dead." This concept is articulated in bill S. 30 pending before the U.S. Senate that states: "It is the purpose of this act . . . to promote the derivation of pluripotent stem cell lines without the creation of human embryos for research purposes and without the destruction or discarding of, or risk of injury to, a human embryo or embryos other than those that are naturally dead." An embryo that is "naturally dead" is later defined as "having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state."

Some senators might be persuaded to vote for expanded funding for human embryonic stem cells derived from "naturally dead" embryos at the expense of voting for expanded research support under S. 5. This would be a step backwards for embryonic stem cell research. The definition of a "naturally dead" embryo, as required in the alternative bill, is highly problematic, and S. 5 remains the greatest hope for advancing human embryonic stem cell research in this country.

The concept that human embryonic stem cells might be derived from a "naturally dead" embryo originated in an article by Landry and Zucker (Journal of Clinical Investigation, 2004). The article contained the following passage: "For a developed human organism, brain death marks the irreversible loss of the capacity for all ongoing and integrated organic functioning. We propose that the defining capacity of a 4- or 8-cell human embryo is continued and integrated cellular division, growth, and differentiation. We further propose that an embryo that has irreversibly lost this capacity, even as its individual cells are alive, is properly considered organismically dead. Even at its earliest stages, the life of the developing organism is more than the sum of the lives of its constituent cells."

IVF clinics grade embryos based on morphologic criteria that have been shown in limited studies to correlate with successful births (see Gardner et al., Fertil Sterility 2000). Embryos of highest morphologic quality are transferred to the uterus or frozen for possible future use, and embryos of poor morphologic quality are discarded because they have little possibility of surviving freezing and thawing. Some have argued that these poor quality embryos might be considered "dead", and therefore provide a more acceptable source for ES cells.

In actual clinical practice, even poor quality embryos that might be considered "naturally dead" by in vitro criteria can give rise to successful pregnancies. Landry and Zucker propose studies that would correlate failure of an embryo to divide in vitro with certain biomarkers that could serve as surrogate criteria for embryo death. However, any such definition of embryo death that depends on in vitro criteria only is scientifically problematic, as embryo incubation in vitro is not as conducive to embryo development as the native in uterine environment. I also cannot envision an ethically acceptable clinical study that would correlate the pregnancy outcomes of enough poor quality embryos to ensure the reliability of criteria for "embryo death."

Using poor quality embryos for ES cell derivation will inevitably mean destroying some embryos that might have resulted in a successful pregnancy. I am skeptical that we can devise any highly reliable criteria to define embryo death that will appease the critics of ES cell derivation.

My laboratory has accumulated significant experience with attempts to derive human embryonic stem cells from poor quality embryos—those that are deemed by clinical embryologists to be unsuitable for clinical use and are destined to be discarded as medical waste. We are preparing our data for publication in the scientific literature and thus I offer the following summary for informational purposes only. I will provide you with the final version of our paper once it has been subject to peer-review.

Our experience shows that the poorest quality embryos have the lowest probability of yielding ES cells. Out of approximately 100 embryos that would most likely be considered "naturally dead," we isolated only a single human ES line. Although the chromosomes in this cell line appear normal, I worry that this line might harbor occult genetic defects. Out of approximately 100 embryos that developed slightly better in vitro (yet were still deemed clinically unacceptable and discarded) we derived 5 ES lines. This efficiency is within the expected success rates for human ES cell derivation from healthy embryos; however, I suspect that these lines may have arisen from those embryos that are not truly "naturally dead." Again, I am highly skeptical that any clinical study can be designed that will reliably exclude embryo viability and yet maintain feasibility for deriving human ES cells.

I am left to wonder why we would choose to allow only poor quality embryos for medical research when many thousands of normal embryos are otherwise destined to be discarded as medical waste. I believe we should respect the preference of many couples to donate such excess embryos to medical science, and believe that such embryos are preferable as objects for medical research and possible sources for cell replacement therapies. Human embryonic stem cell research is vitally important for the future of medicine and should be vigorously supported by our federal government. Senate passage of S. 5 is the most sure-fired means of achieving this end.

I am available to answer more detailed questions about this complex issue.

Sincerely,
GEORGE Q. DALEY, MD, PHD,
Associate Professor, Biological Chemistry and Molecular Pharmacology.

Mr. HARKIN. Mr. President, he pointed out in this letter that sometimes in actual clinical practice even poor quality embryos that might be considered naturally dead can, by in vitro fertilization, give rise to successful pregnancies. He says he also "cannot envision an ethically acceptable clinical study that would correlate the pregnancy outcomes of enough poor quality embryos to ensure the reliability of criteria for 'embryo death.'"

He is saying that the quality for in vitro may be different for in utero. Therefore, it might be a poor quality in vitro, but that doesn't necessarily mean it would be poor quality for implantation in utero. He raises this ethical question.

He says:

> I am skeptical that we can devise any highly reliable criteria to define embryo death that will appease the critics of embryonic stem cell derivation.

What you are talking about is the Gardner principle, which has to do with what embryos they implant. That is what that really has to do with. So therefore, sure, you are going to take the healthiest, most vibrant embryo that you are going to implant, first of all, with the hope that it will develop. I still say to my friend that while you can take the ones that don't develop after a week or so and say we will take the stem cells from them—and some happen that way. That is fine. But it just sort of begs the question, if you really want to derive the best stem cells, why wouldn't you use the healthiest embryos rather than the sickest embryos? I am not a scientist, but to me it seems that if you want the best, most vibrant and healthy stem cells, you go after the most vibrant and healthy embryos that have been frozen in vitro fertilization, as our bill says, that otherwise will be discarded. That is my point.

I will soon yield. But I am not opposed to the Senator's bill. I am not opposed to looking at this kind of stem cell derivation. I don't have a problem. I think there are problems defining exactly when it dies and that kind of stuff. But if you pass S. 5, that takes care of all that, and it covers that whole issue. It would seem to me, again, that you would want to go after the healthiest and use the healthiest ones.

Mr. ISAKSON. The Senator is a distinguished member of the Senate and a great debater. I want to make one point. Both the Senator's bill and the bill we have introduced and the added ethical criteria you placed in this year's bill prohibit the fertilization of eggs for the purpose of research.

Mr. HARKIN. That is true.

Mr. ISAKSON. If that is the case, when the Senator made the statement that I was only talking about those used in in vitro, which is different from in utero, which I guess meant implantation, both bills do exactly the same thing. You would never create fertilization farms for research purposes under your legislation, nor under S. 30.

Mr. HARKIN. That is true.

Mr. ISAKSON. Those embryos developed in in vitro fertilization would in all cases be eggs fertilized for the purpose of creating a viable embryo.

Mr. HARKIN. Right.

Mr. ISAKSON. The difference, with all due respect—and I have great respect for the Senator and the character and the quantity and the content of this debate—if you ultimately want to further embryonic stem cell research in the environment that we have, the Gardner principle division in in vitro fertilization for level 3 for the natural death of the embryo, that bridges the ethical question on the destruction of an embryo that was otherwise viable and would be something the White House would sign. So it would further embryonic stem cell research under a proven method which exists today, and NIH, in five different cases, is invested in in terms of BG01, 02 and 03, which happen to be the lines with which I am familiar. With all due respect, since we both prohibit the fertilization of eggs for the purpose of deriving cells for scientific research, it is a matter of how you draw that line.

I appreciate the Senator giving me the time to make that explanation.

Mr. HARKIN. Again, it is a good debate. We should have more of these kinds of exchanges on the Senate floor. I respect my friend, and I respect his approach. Again, we have our differences in the way we approach things. I picked up on one word my friend just said—the "environment" in which we are operating. I assume he means the environment being the Presidential declaration of August 9, 2001, that only Federal funding could be used for stem cells derived prior to 9 p.m. but none after that. I assume that is the environment we are talking about.

Mr. ISAKSON. If the Senator will let me respond, that is precisely what I am talking about. As we have had 5½ years since the Presidential directive, and since we—fortunately, and unbeknownst to me certainly, and probably the Senator from Iowa, none of us knew you would have these five lines in those original lines that were grandfathered. So we have had 5½ years of experience at NIH, with lines derived without destroying physically a viable embryo, but it would, rather, be a natural death. So since you have that, and since it doesn't cross that ethical line, that is what I was referring to. And you would have the opportunity to further the science in a bill that can be passed and not vetoed. So, with all due respect, that is what I was referring to.

Mr. HARKIN. That is what I thought. My proposal is to change the environment. That is what we have to do. I say we have to change the environment. The American people want it changed, the scientific community wants it changed, the head of NIH—former head of NIH and 525 different advocacy groups out there want it changed. Why should one person—the President of the United States—have the say-so of what is moral and what is not moral, depending upon a time?

Mr. ISAKSON. May I respond?

Mr. HARKIN. Sure, but why is 9 p.m. of August 9 the moral dividing line that Federal funds can be used on stem cell lines? Before that it is moral, but after that it is immoral. I cannot understand that.

Mr. ISAKSON. I will never, hopefully, debate or question any individual's judgment and morality. I admire it in everybody, and I admire the Senator from Iowa and his principles. The President has made his statement and has said what he would do. My reference was that if science, in the last 5½ years, has shown us this is a way to further that science without crossing that line, then with respect for his principles and morals, I am looking to find ways that fit rather than ways to argue. That is my point.

Mr. HARKIN. I appreciate that. We have to do what we can do sometimes here. Certainly, we have been funding adult stem cell research. Senator SPECTER and I have made certain of that in our Appropriations Committee.

Mr. ISAKSON. And also $132 million for embryonic—those 21 lines.

Mr. HARKIN. Don't get me started on that because those have all been contaminated on mouse feeder cells. My friend from Oklahoma said that was not true the other day, but it is true. They have been growing on mouse feeder cells, every one of them. Again, we don't know if they will ever be able to be used for any kind of human therapies. Maybe yes, maybe no. We do know that the 400-some stem cell lines derived since then privately, or by State involvement, or whatever, have not been used on mouse feeder cells. We know those, more than likely, will have the capacity of being used in human therapy.

I respect people's morality, but I just don't know that I like it when somebody imposes their self-imposed morality on all of the American people. I respect the President's moral views, I really do. But I have a hard time understanding how the President can say Federal funding should not be used for embryonic stem cell research if they were derived after 9 p.m., August 9, 2001, and before that it is morally OK. For the life of me, I have never been able to understand that.

If it is morally unacceptable to use Federal dollars for embryonic stem cell research, then it ought not to be used for these 21 lines either.

Mr. ISAKSON. The Senator makes the point, but if the Senator will yield, I will simply respond.

The President issued that directive in August of 2001. He established that date of August 9. The White House has now said that in the case of S. 30, had the stem cells survived from the naturally dead prohibition, they would live.

That is not everything the Senator from Iowa would like. I understand and respect that. Acknowledging the nice things you said about the legislation, it is a ray of sunshine in the furtherance of that research. I am grateful to the Senator for the time he has allotted me.

Mr. HARKIN. Quite frankly, that is why I don't have any problems with this line of research. All I can say to my friend is that all of the scientists who write me letters and who have weighed in on this issue, and the groups that rely upon scientists and Nobel laureates, they all say that this might be an area of interest, but it doesn't substitute for lifting the ban. I am hopeful. I guess I am a hopeful person.

I am hopeful that the President will understand that we are not asking him to cross his moral line. He said repeatedly through his spokespeople, very recently, that the one bright line the President will not cross is using Federal funds to destroy embryos. I wish they would read the bill. S. 5 doesn't provide money for the destruction of embryos. We don't do that now. We have not done it in the past. So, therefore, this bill should be able to be signed because it doesn't provide one single cent of taxpayer dollars for the destruction of embryos. Of course, neither does the bill of the Senator from Georgia; of course not. So that is why I am a hopeful person, thinking that the President or his people will read this and say: You are right. We have stricter ethical guidelines in this bill than exist right now.

So I am hopeful. I am hopeful that we can get this job done.

Anyway, I just wanted to make one other point tonight before I yield the floor.

Mr. ISAKSON. Before the Senator does that, I appreciate the Senator asking the questions and allowing me the opportunity to respond and, hopefully, in some way clear up, if not totally at least say where we are coming from based on the scientists I have talked to. I respect him very much.

Mr. HARKIN. I wish we could do more of this on the Senate floor. By having respect for one another's opinions and thought processes and sources of information, I think we can get a clearer understanding of where people are coming from. Lots of times we give our speech and leave and nobody is around discussing anything.

Some of the best times I have had on the Senate floor were debating Phil Gramm of Texas. We used to get into some good debates. He was always willing to give and take and talk back and forth in a congenial manner. We need more of that on the floor of the Senate. That is just my opinion.

Mr. President, I want to say one other thing that came up. Again, it has to do with understanding these kinds of moral lines, so to speak. It is true that we all started out as an embryo. I want to remind people what an embryo is. It is a blastocyst that has between 100 and 200 cells. The embryos we are talking about in S. 5 are sitting in in vitro fertilization clinics and are frozen in liquid nitrogen. They are smaller than a period at the end of a sentence, and they are stored in tiny straws like this.

What I am holding up here is one of the devices used to store embryonic stem cells in liquid nitrogen. They take this top off here, if I can get it off. They have a little tube like this. In this tube, the opening of which is about as big as the end of a period at the end of a sentence, they would put in that little tube an embryo. Then they would put it in this enclosure and put it in liquid nitrogen in a tank and freeze it. Then if the couple who donated the embryos were unsuccessful in having children—I have a couple friends of mine who are now doing that, and their first pregnancy wasn't successful. They were going back for a second. They get one of these frozen embryos, thaw it out, and it is implanted in utero. So that is what these tiny little straws are.

An embryo will never become a human being unless and until it is implanted into a uterus, takes hold, and develops. Sometimes they are implanted and they don't take hold; they are discharged.

So an embryo is what I think we can rightfully call potential life—potential in that if it is implanted and takes hold, it could become a human being. Therefore, it is potential.

Let's look at another chart.

This is Karli Borcherding of Ankeny, IA. She is 12 years old and has type 1 diabetes. These are all the needles she uses in 1 month, 120. Think: How would you like to give yourself four shots every day? Look at all those needles she goes through every month at 12 years of age. Karli has juvenile diabetes, as I said. She knows what will happen if she is not cured. At some point in her life, she will probably become blind. She will probably lose a foot, a leg, or one or more of her limbs. At some point in her life, diabetes will take her.

This is not potential life. This is real life—a human being living right now.

That embryo stored in liquid nitrogen, is it alive? Of course. It is not dead, it is alive. Is it a human being? No. It is a potential human being. Karli Borcherding is a real human being.

So read S. 5. Under the ethical guidelines of this bill, NIH can fund research only on those embryos which are left over from in vitro fertilization and which would otherwise be discarded. Every day, fertility clinics discard unwanted embryos. Last year, 50,000 babies were born to couples who wanted to have a baby, couldn't, and wanted in vitro fertilization. Out of those 50,000, a lot of embryos are left over. When a couple has had one child, two, three—however many they decide—and they have leftover embryos, what happens to them? The clinic calls them up and says: If you want to keep them, you have to pay us every month. Parents may say: We don't want them anymore, we have had all our children. And if you are not willing to pay to keep them frozen for the next 200, 300, 400, 500, 1,000 years or however long, they are discarded. It happens every day of every week of every year.

What we are saying and what the real question is, as long as we have leftover embryos, is it better to have them discarded and flushed down the drain or used for the kind of scientific research that would one day cure Karli Borcherding?

What we are talking about is potential life, potential life frozen in nitrogen, or we are talking about real life. That is really the difference—potential life that would otherwise be flushed down the drain versus Karli Borcherding and her real life. That is why I think Senator HATCH had it correct. He said the real pro-life position is S. 5. That is the real pro-life position.

As I have said before, once an embryo is discarded in an in vitro fertilization clinic, it is discarded. It is dead. But if that embryo was taken and the stem cells are taken out and those stem cells are propagated, they are alive. They don't die; they are alive. They continue to be alive. They are developed into nerve tissue, bone tissue, heart muscle tissue that some day—or they could be developed into the kinds of cells that would help Karli Borcherding become insulin free. That is what this debate is about.

It seems to me, if this is a moral problem for the President or anybody else, we ought to have legislation that would shut down every IVF clinic in this country. Shut them down and ban the procedure in the United States because there are leftover embryos. If it is immoral to take those embryos, even with the written, informed consent of the donors, with no money changing hands, and if they are going to be discarded anyway, if that is immoral, wouldn't it be immoral to just discard them? But you have to do one or the other.

Senator BROWNBACK talked about adoption. I am all for that. That is fine. If couples want to adopt babies from in vitro fertilization clinics, that is fine. But as I said, we have 400,000 frozen embryos right now; 50,000 babies born every year from IVF. I think we have had, what, 135 adoptions. That is fine. They can be adopted, and there may be a lot of donors who have donated embryos. They have had their children, but they really don't want to have other people having their children. That raises other kinds of ethical questions. They might want to say: We would rather donate that for stem cell research to save Karli Borcherding's life.

We have to come to grips with this issue. Is it OK to have IVF clinics, is it OK to have in vitro fertilization? If that is the case, then we have to take it step by step and confront reality. The reality is in vitro fertilization is legal, it is acceptable. It provides couples with children they otherwise could not have, and the reality is that there are leftover embryos. We have to confront that reality. What do you do with them? They are not all going to be adopted. We have to agree that is an impossibility. So are they going to be discarded or with the consent of the donors be used for embryonic stem cell research? That is really the question.

I think there is really only one answer, and that is what all the scientists—I say all, the vast majority of scientists, Nobel laureates, the head of NIH, the former head of NIH, 525 advocacy groups representing all diseases and injuries in the United States that you can imagine, why they all say that S. 5 is the bill we have to pass, that we have to enact into law to take the handcuffs off our scientists. That is why it is so important we have a good solid vote for this bill tomorrow.

With that, I thank my colleague from Georgia for his patience and his kindness.

I yield back whatever time we have remaining on our side for today's purpose.

The PRESIDING OFFICER (Mr. BROWN). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I wish to respond to the distinguished Senator from Iowa. I have also enjoyed today and appreciate the questions, and hopefully we can do it throughout the rest of the debate so when people cast their votes they are informed.

By way of interest, when we talked about the embryonic stem cell lines derived from naturally dead embryos, I thought it would be appropriate to end my remarks today by just acknowledging that lines BG01 and 02, which are under NIH funding now, which were grandfathered in the President's directive, and which were derived from naturally dead embryos, were the lines upon which the research was applied that has developed the first product to be marketed from embryonic stem cell research, pending patent, to deliver neural progenitor cells which will be the cells that deliver pharmaceutical and other therapy for spinal column and brain injuries.

So it is very important to understand that not only is the process, A, an accepted process, B, currently under funding at NIH, C, covered under the

President's directive of 2001, but in that 5½ years since, research on two of those lines derived from naturally dead embryos is, in fact, producing a remarkable potential product for better health in all of America.

With that said, I, too, yield back all of our time and again thank the Senator from Iowa.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate resumes consideration of the stem cell bills on Wednesday following the opening of the Senate, there be 6½ hours remaining for debate, with the time controlled 1½ hours each: majority and Republican leaders or their designees, Senators HARKIN and BROWNBACK; with the time until 12:30 divided as follows: 90 minutes under the control of Senator HARKIN or his designee and 45 minutes each for Senators COLEMAN, ISAKSON, and BROWNBACK; that at 12:30 p.m., the Senate stand in recess until 2:15 p.m. for the weekly party conference work periods; that at 2:15 p.m., the time until 5:15 p.m. be allocated in the same manner, with the final 30 minutes equally divided and controlled between the two leaders or their designees, with the majority leader controlling the final 15 minutes; that at 5:45 p.m., without further intervening action or debate, the Senate proceed to vote on passage of S. 5, to be followed by a vote on the passage of S. 30; that there be 2 minutes of debate prior to the second vote with the time equally divided and controlled between the two leaders or their designees; that the other provisions of the order governing the consideration of these bills remain in effect.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. HARKIN. Mr. President, I ask unanimous consent that there now be a period for the transaction of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—MOTION TO PROCEED

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 20, S. 372, the intelligence authorization bill on Thursday, April 12, following morning business.

The PRESIDING OFFICER. Is there objection?

Mr. ISAKSON. I object.

The PRESIDING OFFICER. Objection is heard.

CLOTURE MOTION

Mr. REID. Mr. President, in view of the objection, I now move to proceed to Calendar No. 20, S. 372, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

> We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 20, S. 372, Intelligence Authorization.
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> Harry Reid, Sherrod Brown, Claire McCaskill, Jack Reed, Jon Tester, Patty Murray, Jeff Bingaman, Amy Klobuchar, Blanche L. Lincoln, Evan Bayh, Benjamin L. Cardin, Max Baucus, Pat Leahy, Chuck Schumer, Byron L. Dorgan, Ken Salazar, Dick Durbin.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory quorum required under rule XXII be waived.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

UNITED STATES TAX CODE

Mr. SPECTER. Mr. President, in the remaining time that I have allocated, I wish to talk about another subject, and that is the United States Tax Code. I believe that as I speak there are thousands of Americans, perhaps hundreds of thousands of Americans, now calculating their income tax for the year 2006.

Today is April the 10th. Tax returns have to be filed during the course of the next week to comply with the Federal tax laws, and this is a matter which is very much on the minds of thousands of Americans, perhaps even some watching the Senate on C–SPAN are in the process of compiling their tax returns. I will use this occasion to again introduce legislation for the flat tax.

The flat tax is a new structure of taxation of income in the United States under a model proposed by Professors Hall and Rabushka, from Stanford University, which would enable taxpayers to file their returns on a simple postcard, which I hold in my hand, where the tax return can be filled out in the course of 15 minutes. It has some 10 lines to fill out: Wages, personal allowance, number of dependents, mortgage interest deduction, charitable contributions, total for deductions, total taxable compensation, tax of 20 percent, tax withheld by employer, and the tax or refund due.

We have a system in the United States today where the statistics are astounding. There are some 582 tax forms to be filled out by Americans who file their tax returns. There are some 6.4 billion hours and $265 billion each year spent in complying with the tax laws. The IRS Code and regulations fill more than 17,000 pages and have grown from some 744,000 words in 1955 to over 7 million words 50 years later in the year 2005.

Albert Einstein, genius that he was, is quoted as saying:

> The hardest thing in the world to understand is the income tax.

For a man who developed the theory of relativity, that is quite an indictment of the American tax system.

This change in the tax laws would be a godsend for the U.S. economy. Economists estimate that in the course of 7 years, the gross national product would increase by $2 trillion, attributable solely to the efficiencies which would come about by relieving this enormous regulatory burden.

We talk frequently about the burden of regulation in the Federal Government, but the most onerous regulatory form is the tax form, or the tax regulations, which are a burden on all Americans. When you take a look at the cost of compliance, at $265 billion a year, and take a look at the loopholes of some $390 billion a year, which would be eliminated by the flat tax, and $120 billion a year in tax fraud, with the $10 billion a year it costs to run the Internal Revenue Service, it is obvious what an enormous savings there would be in the economy. Most importantly, there would be the savings to individual citizens who, on the average, require about 14 hours to fill out a tax return. Many citizens now hire specialists because the tax forms have become so complicated.

Mr. President, I ask unanimous consent that a copy of the flat tax return, plus the legislation itself, and my full statement on this subject be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. SPECTER. Mr. President, there is one additional comment on the flat tax return. I have incorporated in the statement an analysis of taxes which would be made by people at various levels of the income spectrum, and for a married couple with two children, with an annual income of $40,000, an analysis of the comparison shows a decrease in taxes of $1,217. For middle-class taxpayers, with comparable taxes, a slight increase but relatively little compared to the enormous savings that are involved.

I thank the Chair, and I thank my colleague from Iowa for yielding me the time, and I yield the floor.

EXHIBIT 1

TAX DAY 2007 FLOOR STATEMENT

Mr. SPECTER. Mr. President, this week, American taxpayers face another Federal income tax deadline. The date of April 15 (or April 16 this year) stabs fear, anxiety, and unease into the hearts of millions of Americans. Every year during "tax season," millions of Americans spend their evenings poring over page after page of IRS instructions, going through their records looking for information and struggling to find and fill out all the appropriate forms on their federal tax returns. Americans are intimidated by the sheer number of different tax forms and their instructions, many of which they may be unsure whether they need to file. Given the approximately 582 possible forms, not to mention the instructions that accompany them, simply trying to determine which form to file can in itself be a daunting and overwhelming task. In 2006, studies conducted by the Office of Management and Budget and the Tax Foundation found that American taxpayers, including businesses, spend more than 6.4 billion hours and $265 billion each year complying with tax laws. That works out to more than $2,500 per U.S. household. Much of this time is spent burrowing through IRS laws and regulations which fill over 17,000 pages and have grown from 744,000 words in 1955 to 7.1 million words in 2005. By contrast, the Pledge of Allegiance has only 31 words, the Gettysburg Address has 267 words, the Declaration of Independence has about 1,300 words, and the Bible has only about 1,773,000 words.

The majority of taxpayers face filing tax forms that are far too complicated and take far too long to complete. According to the estimated preparation time listed on the forms by the IRS, the 2006 Form 1040 is estimated to take 13 hours and 15 minutes to complete. Moreover this does not include the estimated time to complete the accompanying schedules, such as Schedule A, for itemized deductions, which carries an estimated preparation time of 5 hours, 37 minutes, or Schedule D, for reporting capital gains and losses, which shows an estimated preparation time of 6 hours, 10 minutes. Moreover, this complexity is getting worse each year. Just from 2000 to 2004 the estimated time to prepare Form 1040 jumped 34 minutes.

It is no wonder that well over half of all taxpayers, 61 percent according to a recent survey, now hire an outside professional to prepare their tax returns for them. However, the fact that only about 35 percent of individuals itemize their deductions shows that a significant percentage of our taxpaying population believes that the tax system is too complex for them to deal with. We all understand that paying taxes will never be something we enjoy, but neither should it be cruel and unusual punishment. Further, the pace of change to the Internal Revenue Code is brisk—Congress made over 9,500 tax code changes in the past fifteen years. And we are far from being finished. Year after year, we continue to ask the same question—isn't there a better way?

My flat tax legislation would make filing a tax return a manageable chore, not a seemingly endless nightmare, for most taxpayers. My flat tax legislation will fundamentally revise the present tax code, with its myriad rates, deductions, and instructions. This legislation would institute a simple, flat 20 percent tax rate for all individuals and businesses. This proposal is not cast in stone, but is intended to move the debate forward by focusing attention on three key principles which are critical to an effective and equitable taxation system: simplicity, fairness and economic growth.

My flat tax plan would eliminate the kinds of frustrations I have outlined above for millions of taxpayers. This flat tax would enable us to scrap the great majority of the IRS rules, regulations and instructions and delete most of the 7.1 million words in the Internal Revenue Code. Instead of billions of hours of non-productive time spent in compliance with, or avoidance of, the tax code, taxpayers would spend only the small amount of time necessary to fill out a postcard-sized form. Both business and individual taxpayers would thus find valuable hours freed up to engage in productive business activity, or for more time with their families, instead of poring over tax tables, schedules and regulations.

My flat tax proposal is dramatic, but so are its advantages: a taxation system that is simple, fair and designed to maximize prosperity for all Americans. A summary of the key advantages are:

Simplicity: A 10-line postcard filing would replace the myriad forms and attachments currently required, thus saving Americans the 6.4 billion hours they currently spend every year in tax compliance.

Cuts government: The flat tax would eliminate the lion's share of IRS rules, regulations and requirements, which have grown from 744,000 words in 1955 to 7.1 approximately 94,000 employees, creating opportunities to put their expertise to use elsewhere in the government or in private industry.

Promotes economic growth: Economists estimate a growth due to a flat tax of over $2 trillion in national wealth over seven years, representing an increase of approximately $7,500 in personal wealth for every man, woman and child in America. This growth would also lead to the creation of 6 million new jobs.

Increases efficiency: Investment decisions would be made on the basis of productivity rather than simply for tax avoidance, thus leading to even greater economic expansion.

Reduces interest rates: Economic forecasts indicate that interest rates would fall substantially, by as much as two points, as the flat tax removes many of the current disincentives to savings.

Lowers compliance costs: Americans would be able to save or invest the $265 billion they currently spend every year in tax compliance.

Decreases fraud: As tax loopholes are eliminated and the tax code is simplified, there will be far less opportunity for tax avoidance and fraud. Currently, the IRS is estimating a tax gap of $300 billion a year.

Reduces IRA costs: Simplification of the tax code will allow us to save significantly on the $10 billion annual budget currently allocated to the Internal Revenue Service.

The most dramatic way to illustrate the flat tax is to consider that the income tax form for the flat tax is printed on a postcard—it will allow all taxpayers to file their April 15 tax returns on a simple 10-line postcard. This postcard will take 15 minutes to fill out.

At my town hall meetings across Pennsylvania, the public support for fundamental tax reform is overwhelming. I would point out in those speeches that I never leave home without two key documents: (1) my copy of the Constitution; and (2) a copy of my 10-line flat tax postcard. I soon realized that I needed more than just one copy of my flat tax postcard—many people wanted their own postcard so that they could see what life in a flat tax world would be like, where tax returns only take 15 minutes to fill out and individual taxpayers are no longer burdened with double taxation on their dividends, interest, capital gains and estates.

This is a win-win situation for America because it lowers the tax burden on the taxpayers in the lower brackets. For example in the 2006 tax year, the standard deduction is $5,150 for a single taxpayer, $7,550 for a head of household and $10,300 for a married couple filing jointly, while the personal exemption for individuals and dependents is $3,300. Thus, under the current tax code, a family of four which does not itemize deductions would pay taxes on all income over $23,500—that is personal exemptions of $13,200 and a standard deduction of $10,300. By contrast, under my flat tax bill, that same family would receive a personal exemption of $37,500, and would pay tax on income over that amount.

The tax loopholes enable write-offs of some $390 billion a year. What is eliminated under the flat tax are the loopholes, the deductions in this complicated code which can be deciphered, interpreted, and found really only by the $500-an-hour lawyers. That money is lost to the taxpayers. $120 billion would be saved by the elimination of fraud because of the simplicity of the Tax Code, the taxpayer being able to find out exactly what they owe.

This bill is modeled after a proposal organized and written by two very distinguished professors of law from Stanford University, Professor Hall and Professor Rabushka. Their model was first introduced in the Congress in the fall of 1994 by Majority Leader Richard Armey. I introduced the flat tax bill—the first one in the Senate—on March 2, 1995, Senate bill 488. On October 27, 1995, I introduced a Sense of the Senate Resolution calling on my colleagues to expedite Congressional adoption of a flat tax. The Resolution, which was introduced as an amendment to pending legislation, was not adopted. I reintroduced my legislation in the 105th Congress with slight modifications to reflect inflation-adjusted increases in the personal allowances and dependent allowances. I reintroduced the bill on April 15, 1999 income tax day—in a bill denominated as S. 822. I then introduced my flat tax legislation as an amendment to S. 1429, the Tax Reconciliation bill; the amendment was not adopted. During the 108th Congress, I introduced my flat tax legislation once again on April 11, 2003. On May 14, 2003, I offered an amendment to the Tax Reconciliation legislation urging the Senate to hold hearings and consider legislation providing for a flat tax; this amendment passed by a vote of 70 to 30 on May 15, 2003. I then testified on this issue at a subsequent hearing held by the Joint Economic Committee on November 5, 2003. On April 15, 2005, I reintroduced my flat tax legislation in a bill denominated as S. 812. Today, I again put forward this legislation with two minor changes.

The first is that the numbers for personal exemptions and deductions have been adjusted for inflation. The second is a newly inserted provision that will allow these numbers to continue to be adjusted for inflation in the years to come. This change will prevent these exemptions and deductions from losing value over time.

Over the years and prior to my legislative efforts on behalf of flat tax reform, I have devoted considerable time and attention to analyzing our nation's tax code and the policies which underlie it. I began the study of the complexities of the tax code over 40 years ago as a law student at Yale University. I included some tax law as part of my practice in my early years as an attorney in Philadelphia. In the spring of 1962, I published a law review article in the Villanova Law Review, "Pension and Profit Sharing Plans: Coverage and Operation for Closely Held Corporations and Professional Associations," 7 Villanova L. Rev. 335, which in part focused on the inequity in making tax-exempt retirement benefits available to some kinds of businesses but not others. It was apparent then, as it is now, that the very complexities of the Internal Revenue Code could be used to give unfair advantage to some. Einstein himself is quoted as saying "the hardest thing in the world to understand is the income tax."

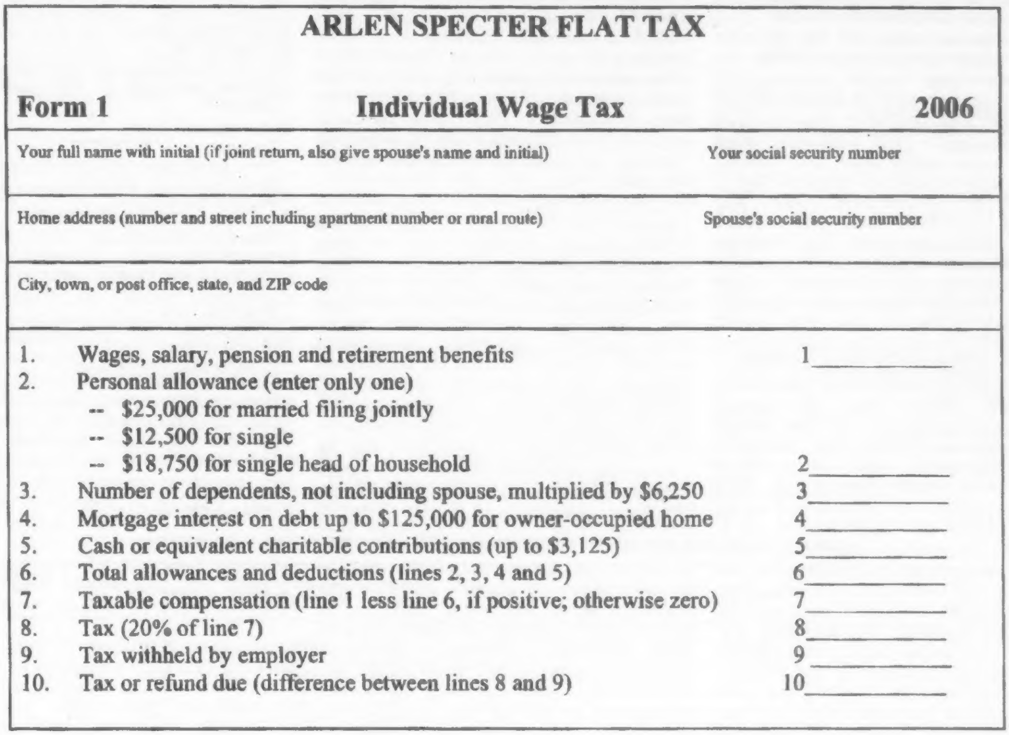
The Hall-Rabushka model envisioned a flat tax with no deductions whatsoever. After considerable reflection, I decided to include in the legislation limited deductions for home mortgage interest for up to $125,000 in borrowing and charitable contributions up to $3,125. While these modifications undercut the pure principle of the flat tax by continuing the use of tax policy to promote home buying and charitable contributions, I believe that those two deductions are so deeply ingrained in the financial planning of American families that they should be retained as a matter of fairness and public policy—and also political practicality. With those two deductions maintained, passage of a modified flat tax will be difficult, but without them, probably impossible.

In my judgment, an indispensable prerequisite to enactment of a modified flat tax is revenue neutrality. Professor Hall advised that the revenue neutrality of the Hall-Rabushka proposal, which uses a 19 percent rate, is based on a well-documented model founded on reliable governmental statistics. My legislation raises that rate from 19 percent to 20 percent to accommodate retaining limited home mortgage interest and charitable deductions.

This proposal taxes business revenues fully at their source, so that there is no personal taxation on interest, dividends, capital gains, gifts or estates. Restructured in this way, the tax code can become a powerful incentive for savings and investment—which translates into economic growth and expansion, more and better jobs, and raising the standard of living for all Americans.

The key advantages of this flat tax plan are threefold: First, it will dramatically simplify the payment of taxes. Second, it will remove much of the IRS regulatory morass now imposed on individual and corporate taxpayers, and allow those taxpayers to devote more of their energies to productive pursuits. Third, since it is a plan which rewards savings and investment, the flat tax will spur economic growth in all sectors of the economy as more money flows into investments and savings accounts.

Professors Hall and Rabushka have projected that within seven years of enactment, this type of a flat tax would produce a 6 percent increase in output from increased total work in the U.S. economy and increased capital formation. The economic growth would mean a $7,500 increase in the personal income of all Americans. No one likes to pay taxes. But Americans will be much more willing to pay their taxes under a system that they believe is fair, a system that they can understand, and a system that they recognize promotes rather than prevents growth, and prosperity. My flat tax legislation will afford Americans such a tax system.



ARLEN SPECTER FLAT TAX

Form 1 **Individual Wage Tax** **2006**

Your full name with initial (if joint return, also give spouse's name and initial)	Your social security number
Home address (number and street including apartment number or rural route)	Spouse's social security number
City, town, or post office, state, and ZIP code	

1. Wages, salary, pension and retirement benefits 1____________
2. Personal allowance (enter only one)
    -- $25,000 for married filing jointly
    -- $12,500 for single
    -- $18,750 for single head of household 2____________
3. Number of dependents, not including spouse, multiplied by $6,250 3____________
4. Mortgage interest on debt up to $125,000 for owner-occupied home 4____________
5. Cash or equivalent charitable contributions (up to $3,125) 5____________
6. Total allowances and deductions (lines 2, 3, 4 and 5) 6____________
7. Taxable compensation (line 1 less line 6, if positive; otherwise zero) 7____________
8. Tax (20% of line 7) 8____________
9. Tax withheld by employer 9____________
10. Tax or refund due (difference between lines 8 and 9) 10____________

A variety of specific cases illustrate the fairness and simplicity of this flat tax:

Case #1—Married couple with two children, rents home, yearly income $40,000

Under Current Law:	
Income	$40,000
Four personal exemptions	13,200
Standard deduction	10,300
Taxable income	16,500
Tax due under current rates	$1,717
Marginal rate	10.4%
Effective tax rate	4.3%
Under Flat Tax:	
Personal allowance	$25,000
Two dependents	12,500
Taxable income	2,500
Tax due under flat tax	$500
Effective tax rate	1.3%

Decrease of $1,217

Case #2—Single individual, rents home, yearly income $50,000

Under Current Law:	
Income	$50,000
One personal exemption	3,300
Standard deduction	5,150
Taxable income	41,550
Tax due under current rates	$6,939
Marginal rate	16.7%
Effective rate	13.9%
Under Flat Tax:	
Personal allowance	$12,500
Taxable income	37,500
Tax due under flat tax	$7,500
Effective rate	15.0%

Increase of $561

Case #3—Married couple with no children, $150,000 mortgage at 9%, yearly income $75,000

Under Current Law:	
Income	$75,000
Two personal exemptions	$6,600
Home mortgage deduction	13,500
State & local taxes	3,000
Charitable deduction	1,500
Taxable income	50,400
Tax due under current rates	$6,809
Marginal rate	13.5%
Effective tax rate	9.1%
Under Flat Tax:	
Personal allowance	$25 ,000
Home mortgage deduction	11,250
Charitable deduction	1,500
Taxable income	37,250
Tax due under flat tax	$7,450
Effective tax rate	9.9%

Increase of $641

Case #4—Married couple with three children, $250,000 mortgage at 9%, yearly income $125,000

Under Current Law:	
Income	$125,000
Five personal exemptions	16,500
Home mortgage deduction	22,500
State & local taxes	5,000
Retirement fund deductions	6,000
Charitable deductions	2,500
Taxable income	72,500
Tax due under current rates	$11,234
Marginal rate	15.5%
Effective tax rate	9.0%
Under Flat Tax:	
Personal allowance	$25,000
Three dependents	18,750
Home mortgage deduction	11,250
Charitable deduction	2,500
Taxable income	67,500
Tax due under flat tax	$13,500
Effective tax rate	10.8%

Increase of $2,266

ANNUAL TAXES UNDER 20 PERCENT FLAT TAX FOR MARRIED COUPLE WITH TWO CHILDREN FILING JOINTLY

Income	Home mortgage*	Deductible mtg interest	Charitable contribution *	Personal allowance (w/children)	Taxable income	Effective tax rate (percent)	Taxes owed
<37,500					0	0	—
37,500	75,000	6,750	750	37,500	0	0	—
40,000	80,000	7,200	800	37,500	0	0	—
50,000	100,000	9,000	1,000	37,500	2,500	1	500
60,000	120,000	10,800	1,200	37,500	10,500	3.5	2,100
70,000	140,000	11,250	1,400	37,500	19,850	5.7	3970
80,000	160,000	11,250	1,600	37,500	29,650	7.4	5,930
90,000	180,000	11,250	1,800	37,500	39,450	8.8	7,890
100,000	200,000	11,250	2,000	37,500	49,250	9.9	9,850
125,000	250,000	11,250	2,500	37,500	73,750	11.8	14,750
150,000	300,000	11,250	3,000	37,500	98,250	13.1	19,650
200,000	400,000	11,250	3,125	37,500	148,125	14.8	29,625
250,000	500,000	11,250	3,125	30,000	198,125	15.9	39,625
500,000	1,000,000	11,250	3,125	37,500	448,125	17.9	89,625
1,000,000	2,000,000	11,250	3,125	37,500	948,125	19.0	189,625

* Assumes home mortgage of twice annual income at a rate of 9 percent and charitable contributions up to 2 percent of annual income.

HOMEOWNERS' INSURANCE NONDISCLOSURE ACT

Mr. LOTT. Mr. President, I have introduced a bill requiring insurance companies to provide a written "plain English" explanation on the front page of each new homeowner's policy. It is a commonsense, customer-friendly service that could benefit insurers, consumers, and taxpayers,

I cosponsored a similar measure during the last Congress. The changes from last Congress are minimal. The new bill, called the Homeowners' Insurance Nondisclosure Act, deals exclusively with homeowners' policies, the area where most insurance coverage disputes arose following Hurricane Katrina.

Homeowners' policies are notoriously long, complicated, and written in legalese. Even for homeowners who are familiar with legal documents like mortgages and deeds, insurance policies are hard to understand.

That is because these policies are a contract between two parties, defined in precise legal terms. In the case of homeowners' policies, most consumers depend heavily on their agents for a good-faith explanation.

Yet, unlike a mortgage or deed, insurance policies are a competitive product purchased by consumers. While we can't erase complex legalese from an insurance document, I do think it is reasonable for insurers to provide their paying customers with a simple, concise explanation of their policy.

If passed, this bill would require insurers to place a basic description of what the policy will not cover in a "noncoverage box," stating in bold letters, twice the size of the body of the policy text, all conditions, exclusions, and limitations pertaining to the individual policy's coverage.

Consumer groups like this proposal, and insurers should, too. It requires nothing of insurance companies except a little extra ink, but it could save insurers, their customers, and taxpayers much more.

One consumer group contends that had there been a plain English explanation of homeowners' policies before Katrina, American homeowners could have saved up to $65 billion in lost claims. Insurers and taxpayers could save an untold amount of time and money in averted negotiations and court costs associated with disputes.

Using existing laws that govern unfair or deceptive practices, my bill would require the Federal Trade Commission, FTC, to enforce penalties against insurers who fail to comply with the noncoverage disclosure.

Predictably, some big insurance companies are already criticizing this bill, so expect some in the insurance industry to show resistance even in the face of this commonsense, cost-effective, consumer-friendly requirement. Their reaction is typical of some in the insurance industry's overall response since Hurricane Katrina—to delay, distract, and distort, saying "no" even to the most simple, sincere solutions.

That is what prompted lawmakers like U.S. Representative GENE TAYLOR and me to initiate this legislation and other major insurance reforms aimed at making insurance more dependable for the consumers who must buy it.

I hope insurance companies will play by significantly different rules when the next Katrina-like disaster hits America—rules which better protect consumers. And for homeowners, some of those rules will be clearly displayed on the first page of every new homeowner's policy, written in plain English.

ELECTIONS IN NIGERIA

Mr. FEINGOLD. Mr. President, this month's elections in Nigeria mark an important moment for Africa's most populous country. Free, fair, and peaceful elections would allow Nigeria to consolidate its young democracy and to set an example for other developing countries in the region and around the world. Last November, the Senate unanimously passed a resolution I introduced that called upon the Government of Nigeria and the Independent National Electoral Commission to demonstrate a commitment to successful democratic elections and promised continued U.S. and international support for this effort. With the first set of votes just days away, I am disheartened by the poor performance of these individuals and institutions in the leadup to these historic polls.

Since GEN Olusegun Obasanjo took the helm of Nigeria's first civilian government in 15 years in 1999, the United States and the wider international community have made significant investments in assisting Nigeria's democratic transition in recognition of the country's strategic and symbolic importance. If this month's polls do not produce a legitimate, fairly elected government, however, the United States and our allies will need to reconsider our political and material support to Nigeria.

Following a violently contested election in 2003, President Obasanjo declared that his "initial assignment as President is trying to heal the wounds from the elections." Instead, in the runup to this month's polls, he has sparked fresh outrage by using the Independent National Electoral Commission, INEC, to limit competition, not promote it; by repressing dissent rather than encouraging free speech; by harassing domestic observers and obstructing the free and fair participation of opposition candidates. These abuses reveal the need for substantial electoral reform if Nigeria is to continue becoming a role model of democracy in Africa and around the world.

By almost all accounts, Nigeria is simply not ready to conduct this election, and the President and the Chairman of INEC should be held accountable for that failure. There is still time, however, to demonstrate a commitment to the democratic process by accrediting and facilitating the work of domestic and foreign election observers, approving and publicizing election procedures and polling places, and posting voter lists at each polling location. Transparent conduct of the polls to be held on April 14 and 21, including unrestricted access to polling places for election monitors, will bolster the credibility of President Obasanjo's government and INEC, which have been damaged by slow and incomplete preparations in past months.

Disrespect for the principles and processes of democracy threaten the gains that President Obasanjo's government has overseen in the past 8 years. Nigeria's recent economic growth, domestic security, and international reputation are all at stake because development, stability, and credibility cannot be sustained in a dysfunctional political system. Regardless of the outcome of this month's elections, I urge all political leaders and their supporters to respect the rule of law, preserve the democratic process, and renounce violence.

This is a critical moment for Nigeria and for Africa. If problems related to this month's elections lead to unrest and instability in Nigeria, the impact could unsettle the region, indirectly by example and directly by weakening one of the most important forces for peace and progress on the continent. Under President Obasanjo's leadership, Nigeria has defended democracy throughout Africa by working with allies to reverse coups and efforts to undermine constitutional processes. Now the President has put his own democracy at risk, and the world is watching. Corruption, violence, repression, and obstruction of transparent, legitimate elections will not be tolerated by the international community, and Nigeria and its leaders will be judged accordingly.

RETIREMENT OF ROBERT D. EVANS

Mr. KENNEDY. Mr. President, I welcome this opportunity to pay tribute to Robert D. Evans, who retired on February 28, after 35 years of distinguished service with the American Bar Association, including services as director of the ABA's Governmental Affairs Office.

Born in Vermont, Bob received his B.A. from Yale University in 1966 and his law degree from the University of Michigan in 1969. He began his legal career at the Chicago firm known today as Sachnoff & Weaver, practicing corporate and commercial law. When an opportunity to work on public policy issues arose, he joined the ABA Chicago staff in 1972, and soon found himself working in the ABA's Washington, DC, office. Since 1982, Bob has served as director of the Governmental Affairs Office, providing strong leadership on many issues, including judicial independence, tax reform, the PATRIOT Act, and numerous anticrime and antiterrorism bills. Perhaps what people will remember most is Bob's careerlong effort to guarantee access to justice for all through the development and preservation of the Legal Services Corporation, which funds local legal aid programs to help low-income individuals and families deal with basic legal problems that affect day-to-day living.

Bob is listed in "Who's Who in America" and "Who's Who in American Law." He has received numerous awards and commendations for his dedicated and tireless work in seeking equal justice for America's poor, including recognition from the National Legal Aid and Defender Association and the National Clients Council.

Bob has also made outstanding contributions to Washington-area communities. He has served Washington Grove, MD, as mayor and town council member, and currently sits on the Washington Grove Planning Commission. Bob has also chaired the Associations Division of the National Capital Area United Way Campaign, and has helped to raise millions of dollars for DC area charities to support those in need. He also was president of Project Northstar, a homeless children's tutoring program for homeless children in the District of Columbia.

With his dedication to the rule of law, his professionalism, his expertise and his unfailing good humor, Bob has fulfilled the highest ideals and goals of the legal profession. He has improved the administration of justice, and brought greater access to legal representation and American justice for all persons, regardless of their economic or social condition. Bob will be greatly missed. I join his many colleagues and friends in wishing Bob, his wife Kathie, and their daughter Sarah much happiness in the years to come.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS STEPHEN K. RICHARDSON

Mr. DODD. Mr. President, I rise today to humbly honor a Bridgeport, CT, soldier who lost his life in the service of our country: Private First Class Stephen K. Richardson.

On Tuesday, March 20, the 22-year-old Private First Class Richardson and another soldier were killed when a roadside bomb exploded near their vehicle in Baghdad. Now Stephen is being remembered for his spirit of service, for his devotion to his country, and for his love of his family.

Stephen served with the 1st Battalion, 28th Infantry, 4th Brigade, 1st Infantry Division, which has been charged with securing Baghdad. Private First Class Richardson took on that mission willingly: "He wanted to be part of America's protection," said his grandmother, Ina Jackson. "He wanted to help resolve the problems in Iraq." Like nearly every other soldier who has enlisted since the start of the

Iraq war. Private First Class Richardson knew exactly where he was going and exactly what risks he'd be facing which makes his sacrifice all the more admirable.

Those who were close to Stephen know just what a fine young life has been cut off. Edward Geist, a professor at the University of Bridgeport, remembers teaching him. "He was older than my other students he took the work more seriously," said Professor Geist. He still remembers an essay Private First Class Richardson wrote about his future plans returning to his family's home in Jamaica and starting a business to help improve living conditions. "It was much more reflective and serious than what we normally get," Stephen's professor said. I think that seriousness of purpose was exactly what drove Private First Class Richardson to serve his country and a glimpse of the bright future he might have had in store.

Instead, his death leaves a father and mother to bury their son; a fatherless daughter, Iyanna; and a widowed and pregnant wife, Katana. Their memories of Stephen are bright and indelible: Stephen planting tomatoes, spinach, and string beans in the backyard garden with his grandmother; Stephen giving a pony ride to his 7-year-old cousin; Stephen watching "Bugs Bunny" with infant Iyanna. Today, I imagine that each of those memories comes back with a stab of grief to those who loved Stephen; but I pray that time will turn them into a wellspring of comfort.

This war leaves behind more anguish than we can easily bear. At 4 a.m. on Tuesday morning, Stephen's mother, Jacqueline Hamilton-Carby, started out of bed in Jamaica and sat down to write him a letter: "It has been 43 days, that is 1,032 hours or 61,920 minutes, better yet 3,715,200 seconds, since I heard your voice. That is a long, l-o-n-g time but whereas I was worried before, I have placed you in the hand of God." On the same day, her son was killed.

But she has no doubt that he is in that hand still. "I'm not angry with anyone," said Ms. Hamilton-Carby. "I just view it as the work of God."

May she find comfort, and all who loved Stephen, and all who are bereaved. I add my voice to their prayers, and I pledge my highest respect to an American soldier who died in our service, Private First Class Stephen K. Richardson.

STRATEGIC REFINERY RESERVE ACT

Mr. KOHL. Mr. President, I rise today to speak on a bill I introduced, the Strategic Refinery Reserve Act of 2007. This bill would authorize the Department of Energy to build enough refining capacity to meet the energy needs of the Federal Government—primarily the Department of Defense—and to supply the private market in times of shortages and price spikes.

Hurricanes Katrina and Rita, which severely damaged oil refineries in the Gulf Coast, illustrated the Nation's vulnerability to a disruption in supply of refined petroleum and exposed shortcomings in our current Strategic Petroleum Reserve system. The Strategic Refinery Reserve Act would address these issues by having a refining capacity of 5 percent of total U.S. consumption of gasoline, diesel, and jet fuel. Three percent of capacity would be held in reserve, ready to increase supply in the private market in times of energy emergencies. The remaining 2 percent of that would go to the Federal Government to support the day-to-day needs of the military, saving taxpayers from paying the oil industry's inflated prices.

The U.S. Energy Information Administration reported Monday that drivers paid an average of $2.80 a gallon for regular gasoline last week, up from $2.70 the week prior. According to the report, prices are now 11.7 cents per gallon higher than April of 2006. The price per barrel of oil, set by the Middle East cartel Organization of Petroleum Exporting Countries, OPEC, is only one factor that pushes up the price of gas and oil in our country. Refining capacity, the infrastructure that takes crude oil and turns it into gas, is down dramatically, which pushes the price of gas up for everyone.

U.S. refineries today are running at full, or near full, capacity. In 1981, there were 324 refineries in the United States; today there are 149. Big Oil has made it clear that they are unwilling to reinvest their record profits in new refineries because the less they sell, the more they make per gallon. That may be good for oil company shareholders, but it is bad for consumers. The Strategic Refinery Reserve Act will ensure the availability of emergency refinery capacity and protect consumers from sharp increases in the price of petroleum products. Our economy, our military, our communities and our families are struggling under the burden of high energy prices. They expect us to work to bring energy prices down. This bill would do that.

ADDITIONAL STATEMENTS

IN HONOR OF JOSEPH W. COTCHETT

• Mrs. BOXER. Mr. President, today I recognize Joseph W. Cotchett of Burlingame, CA, on the occasion of his being honored by Santa Clara University School of Law as their 2007 Distinguished Advocate. Joe is a partner in the law firm of Cotchett, Pitre & McCarthy and is widely considered to be one of the leading trial lawyers in the United States by plaintiffs and defense attorneys.

The renowned Santa Clara University, SCU, School of Law is honoring Joe for his exceptional lifetime of advocacy. For more than 15 years, SCU has carefully selected Distinguished Advocates and brought them to campus to expose students to outstanding trial lawyers. This month, Joe Cotchett joins an impressive list of Santa Clara University's Distinguished Advocates.

For the past 10 years, the National Law Journal has named Joe Cotchett one of the 100 Most Influential Lawyers in America. In 2003, the San Francisco Chronicle named him one of the Top Ten Lawyers in the San Francisco Bay Area, saying:

> The Burlingame attorney has had a star career that's not only talked about in legal circles but has made headlines around the country. Known mostly as a plaintiff lawyer, many of his cases are filed on behalf of fraud victims, and have a widows-and-orphan flavor to them.

The San Francisco/Los Angeles Daily Journal has said that Joe is "considered one of the best trial strategists in the state" who built a career out of representing the underdog against powerful interests.

One of the Nation's best trial lawyers, Joe fights for what he believes is right. Joe has won settlements for investors in white-collar fraud cases and represented numerous California public agencies, including the California State Teachers' Retirement System. He took on corrupt energy giant Enron during California's energy crisis.

Joe was the lead trial lawyer for 23,000 elderly customers in the Lincoln Savings & Loan Association debacle. After a 4-month trial, he won one of the largest jury verdicts then recorded. For his work in defense of the watchdog group Consumers Union, Trial Lawyers for Public Justice honored Joe for his "outstanding contribution to the public interest" as "Trial of the Year Finalist" in 2000.

In the 1970s, Joe was involved in early environment lawsuits to save the California coast and numerous consumer actions which laid the groundwork for many of our present consumer laws in California. In recent years, Joe has focused on financial fraud on behalf of shareholders and public pension funds.

Joe is also my appointment to the Federal Judicial Advisory Committee, which President George W. Bush, Senator DIANNE FEINSTEIN, and I authorized.

It is clear that Joe is one of the top trial lawyers in the country. What is equally impressive is that while some people would have stopped there, satisfied with this outstanding accomplishment, Joe continues to give of his time and resources. And not just with worthy pro bono work.

Throughout his lifetime, Joe has been committed to fighting the good fight. From his days as a college student in the South, challenging segregation by drinking from segregated water fountains, to his work as one of nine members and chair of the California State Parks Commission; from his involvement with the Boys and Girls Club to his work with Disability Rights Advocates, which honored him in 2003 for his nearly 40 years of civil rights work, Joe's dedication to others has had an enormous reach.

Joe is deeply committed to giving back to his local community. He preserved the Debenedetti building, a Mission Revival Style building which is very special to residents of Half Moon Bay in California. He wrote "The Lost Coast," the historical guide to the California coast between Santa Cruz and San Francisco. Joe is involved in numerous bay area charitable organizations involving animals, children, women, and minorities. He established the Cotchett Family Foundation to aid those in need.

Born in Brooklyn, Joe received his B.S. in engineering from California Polytechnic College in San Luis Obispo in 1960. He earned his J.D. from Hastings College of Law at the University of California in 1964. Joe served in the U.S. Army Intelligence Corps and was a Special Forces paratrooper and JAG Corps officer. As a veteran, he has continued to assist veterans.

In 2000, UC Hastings opened the Cotchett Center for Advocacy recognizing Joe as one of its outstanding graduates. In 2004, Cotchett endowed a $7 million fund to support science and mathematics teacher education at California State Polytechnic University to serve inner-city and rural minority children. To honor Joe, Cal Poly renamed its landmark Clock Tower the Cotchett Education Building. In 2006, the Joseph W. Cotchett Business Studio for students was dedicated at Notre Dame de Namur University.

Congratulations to Joe Cotchett for being named Santa Clara University's Distinguished Advocate for 2007. This is a worthy addition to a very long list of accomplishments.•

TRIBUTE TO CAPTAIN RAYMOND GERALD MURPHY

• Mr. DOMENICI. Mr. President, it is with a sad heart that I come to the floor today and honor my good friend Raymond Gerald Murphy. Jerry Murphy died last Friday at the age of 77. A burial with full military honors is planned for Santa Fe National Cemetery this week.

CPT Jerry Murphy was the 39th U.S. marine to be awarded the Medal of Honor for heroism in the Korean war. He was decorated by President Dwight Eisenhower in a White House ceremony in 1953. In addition to the Medal of Honor, Captain Murphy was also awarded the Silver Star, the Purple Heart, the Korean Service Medal with two bronze stars, the United Nations Service Medal, and the National Defense Service Medal. Jerry Murphy was a hero in every sense of the word.

What really made Jerry special though was his service to others. When he returned from Korea, he dedicated his entire life to taking care of other veterans. He spent 23 years working in the Albuquerque VA Regional Office. Upon his retirement, he continued to serve veterans as a volunteer until he became too sick to do so. Earlier this year, Senator BINGAMAN and I introduced a bill to rename the Veterans Affairs Medical Center in Albuquerque, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center." I am very sad this was not completed before Jerry died, but I hope it will be completed soon.

In addition to all of Jerry's military honors, he was also a family man. Jerry is survived by his wife Maryann, his sons John, Michael, and Tim, his daughter Eleanor, as well as eight grandchildren. My thoughts and prayers are with the Murphy family this week; I know they are proud of what Jerry accomplished in his lifetime.

Jerry Murphy was a close friend, and I will miss him greatly. I always valued his friendship and advice. Godspeed, amigo. You touched many lives and helped many people. Your legacy will not soon be forgotten.•

• Mr. ALLARD. Mr. President, I wish today to commemorate the life of retired Marine Captain Raymond Gerald Murphy. Captain Murphy passed away on April 6, 2007, but left behind a legacy that will not soon be forgotten. His legacy of courage, valor, and commitment to his country will forever remain a part of the history and heart of the United States.

Captain Murphy was born and raised in Pueblo, CO. After graduating from Adams State College, he selflessly volunteered for the U.S. Marine Corps and was sent to officer training school. At only 23 years old, 2nd Lieutenant Murphy led a Marine platoon to perform an evacuation mission in the hills of South Korea after U.S. troops had sustained months of heavy mortar attack from enemy forces. Lieutenant Murphy bravely commanded a small group of men up the hill to survey the situation. Met by intense enemy fire, Lieutenant Murphy pressed on to rescue wounded and killed marines, while continuing to support combat platoons. Realizing that all platoon commanders had been either killed or severely wounded, Murphy found himself in charge of the attack and began reorganizing his men. Murphy ordered his men to carry the wounded back down the hill for medical attention, and carried many men on his own back.

Having sustained a wound to his left side, and shot through his right hand, Murphy refused medical help until all of his men were brought to safety. Wounded, he continued to go back up the hill, facing continued enemy fire, until every injured and fallen marine was carried back down. As the last man down the hill, Lieutenant Murphy left not a single man on that shattered hillside in South Korea.

On October 27, 1953, President Dwight D. Eisenhower bestowed upon Lieutenant Murphy the Medal of Honor, the highest award for his courage and heroic action during the Korean War. Lieutenant Murphy's Medal of Honor citation reads, "His resolute and inspiring leadership, exceptional fortitude and great personal valor reflect the highest credit upon Second Lieutenant Murphy and enhance the finest traditions of the United States Naval Service." I believe this encapsulates the essence of his service and patriotism as a U.S. marine.

I am honored to stand before the Senate today to pay tribute to the life and service of CPT Raymond Murphy. I would like to offer my condolences to his wife Marry Ann and his four children. His family has lost a husband and a father, and this Nation has lost a truly noble man, but may his gallantry and heroism be memorialized forever in the freedoms of this great country.•

100-YEAR ANNIVERSARY OF RUNNING N CATTLE COMPANY

• Mr. DOMENICI. Mr. President, today I recognize the Running N Cattle Company of Kenna, NM, that is currently celebrating its centennial year of operation. The Running N Cattle Company's 100th anniversary date was in May of 2006.

The Running N Cattle Company is a family owned partnership that began in 1906. William H. Cooper and his wife Elizabeth left Hopkins County in east Texas, with their five grown children, to acquire free land through the Homestead Act in New Mexico. The act promised 160 acres of land for each adult and an abundant supply of water. All seven members of the Cooper family made their claim on 160 acres, just north and east of what is now the small village of Kenna, NM. William and Elizabeth settled, making Kenna their home. Out of their five children, Joseph "Joe" Cooper was the only child who remained at the original homestead.

In 1909 Joe moved back to East Texas to marry his high school sweetheart, Gertrude Jackson. Shortly after, they traveled by train back to the homestead at Kenna where they continued ranching and began raising a family. Joe eventually purchased the pieces of land his brothers and sisters had claimed in 1906. Although Joe ran both sheep and cattle on his land, he eventually made the decision that he wanted to concentrate all his efforts on raising cattle. Joe and Gertrude had four children; Lewis Cranford Cooper born in

1915 was their only child who decided to join his father in the ranching business.

In 1937 Lewis Cooper married Lucille Martin in Clovis, NM. In 1940 they moved to the headquarters of the ranch near his parents' home. Lewis was a sharp cattle tender and bought and sold cattle from California to Kansas. Lewis enjoyed the ranching business and had a keen eye for good horses. Lewis grew up in Kenna and Elida where he stayed actively involved in his community, working to make it a pleasant place to live. Lewis and Lucille had two daughters Virginia Ann, Jenny, and Jacqulin, Jackie. Lewis and Lucille continued ranching until Lewis died, in 1971. Lucille now makes her home in Portales where she stays involved with her church, grandchildren, and two great-grandsons.

Jenny Cooper, older daughter of Lewis and Lucille, married Dr. John Clemmons in 1968 at the ranch home in Kenna. John has been active in the stocker yearling business at this location since Lewis's death in 1971. John has served as the general manager since 1971, along with that title, he also embraces ownership duties. The Running N Cattle Company has been continuously owned and operated by the same family. For the past 36 years John and Jenny, along with Jackie are the fourth generation to own the partnership and continue the business. Throughout the years the family has been able to purchase additional pieces of land allowing the ranch to expand. The headquarters is kept in the same location as the original homestead between Kenna and Elida, NM. The Running N Brand appears on cattle in the counties of Roosevelt, Chavez, Lea, DeBaca, and Guadalupe.

I am proud of the success of this hard-working family. This family carries on all the traditions of the ranching lifestyle, in New Mexico and in the West. They take great pride in the land in which they have worked for many years. I would like to take this opportunity to thank them for their continued contributions to the State of New Mexico. I congratulate them on their success and wish them many successful years in the future.●

TRIBUTE TO LEWIS ENTZ

● Mr. ALLARD. Mr. President, today I wish to speak about an upstanding citizen of Colorado—Lewis Entz.

Former State Senator Entz will be receiving an honorary degree from Adams State College at their spring commencement on May 5, 2007. This honor will be bestowed upon him in recognition of the work he has done for the college and, more importantly, the San Luis Valley.

Lew Entz is the owner and operator of Entz Farms. He is a licensed pilot, a husband and father of four, and a Marine Corps veteran of the Korean war. Before spending nearly 20 years serving the people of region in the Colorado General Assembly, he was an Alamosa County commissioner for 14 years.

I served in the Colorado Legislature with then-Representative Entz for 8 years. We worked together on small airports, agriculture, and water. During all my time dealing with him, I learned enough to heartily agree with the board of trustees of Adams State College in their assessment of his value to his community, region, and State.

Lew's vast knowledge of Colorado's complex water laws was incredibly important to his district. Water is the most important aspect of existence in the San Luis Valley. Lew, as a farmer, has a full appreciation of this. Lew tirelessly worked for years to protect this resource for his constituents.

There is no one who has served the people of the San Luis Valley more vigorously or better than Lew Entz. I congratulate him on this honor from Adams State College, and want to thank him for his four decades of service to the people of the San Luis Valley and the State of Colorado.●

HONORING BOB AND JAN FRAUMANN

● Mr. ISAKSON. Mr. President, today I wish to acknowledge a very special occasion that only comes around once in a lifetime. This year Bob and Jan Fraumann will celebrate 50 years of marriage.

Bob and Jan are very special members of my church, Mt. Zion United Methodist Church, in Marietta, GA. Bob has been our Director of Music for as long as I can remember. Every Sunday is a musical experience, but Easter, Christmas, and Independence Day are always exceptional. Bob works extremely hard for months to arrange remarkable music programs for those very special celebrations.

Bob and Jan are blessed with two sons, Rick and Greg, and four grandchildren. Rick and his wife Laura have two children, Bobbie and Brittany. Greg and his wife Terri have two children, Victoria and Sofia.

I am pleased today to join with my pastors, Steve Lyle and Laura Parker, and our entire congregation in congratulating Bob and Jan Fraumann on this truly momentous occasion. It is a privilege to stand here in this Senate and honor this tremendous milestone that embodies the profound love and commitment they have for one another. Their marriage is an inspiration to us all.●

TRIBUTE TO JOHN GILLIS

● Mr. KYL. Mr. President, National Crime Victims Rights Week will soon be celebrated. I would like to compliment John Gillis, the director of the Office of Victims of Crime at the Department of Justice, for his outstanding work on behalf of crime victims. I ask to have printed in the RECORD a column I wrote about Mr. Gillis.

The material follows.

HONORING DIRECTOR JOHN GILLIS

(By U.S. Senator Jon Kyl)

Each April for the past 26 years, the Nation has observed National Crime Victims Rights Week. This is a time when the country recognizes the harm suffered by millions of Americans at the hands of criminals and calls for additional ways to support victims in their struggle for justice.

This year I'd like to use this week to praise the leadership of John W. Gillis, the Director of the Justice Department's Office for Victims of Crime (OVC). During his long and distinguished law-enforcement career—including two decades with the Los Angeles Police Department and a stint as chair of the California Board of Prison Terms—Mr. Gillis has fought tirelessly on behalf of crime victims.

Mr. Gillis experienced personal tragedy in 1979 when gang members murdered his daughter Louarna as part of a targeted killing of children of police officers.

This horrific tragedy compelled him to help found the Justice for Homicide Victims and the Coalition of Victims Equal Rights, an organization that works for the rights of victims and their families. He also founded Victims and Friends United and has been an active member of Memory of Victims Everywhere and Parents of Murdered Children, a support group for families of homicide victims.

The President nominated Mr. Gillis to become Director of OVC in 2001, and I was honored to lead his nomination through the Senate. Since the beginning of his tenure, he has transformed the OVC into an organization that truly puts victims first.

Through his "victims first" focus, he helped provide the inspiration for the Scott Campbell, Stephanie Roper, Wendy Preston, Louarna Gillis, Nila Lynn Crime Victims Rights Act of 2004, named in part after his daughter, which Senator Dianne Feinstein and I cosponsored, and which extends meaningful and enforceable rights to federal crime victims for the first time in our Nation's history.

To ensure that these new rights will be enforced through our courts, Mr. Gillis has supported the National Crime Victim Law Institute and new clinics across the country; such as the one here in Arizona, established by Arizona Voice for Crime Victims, which provided the first model in the Nation. These clinics provide free legal and social services to victims of crime who seek to be treated with the respect and dignity that they deserve. Congress has followed the example Mr. Gillis set by providing critically needed resources to support these efforts beginning in 2006, and we are committed to continue expanding them.

Under his leadership, OVC created the Helping Outreach Programs to Expand (HOPE) grant program to help fund grassroots victim service organizations that have had difficulty in obtaining public funding through other sources. In 2002, 376 programs received over $1.8 million to support its development efforts, and, in 2007, the HOPE program will continue to develop and expand the use of grassroots service providers to help expand outreach to victims.

OVC has reached out to the Native American communities where the highest rates of violent crime occur. It increased funding for services to victims and expanded eligibility for this funding to include tribes not under federal jurisdiction. In 2005, OVC funded approximately $8.5 million for projects serving Native American crime victims, and, in 2006, it increased discretionary funding to $3.5 million for the Tribal Victim Assistance Program, allowing 30 tribes to develop direct services to victims of violent crime.

OVC also recently announced the availability of an online application for the International Terrorism Victim Expense Reimbursement Program, which is intended to reimburse victims for allowable expenses incurred as a result of acts of terrorism occurring outside the United States. Additionally, under OVC's Antiterrorism and Emergency Assistance Program, OVC provided assistance to jurisdictions to support the response to incidents of mass violence on school campuses.

This Crime Victims Rights Week, we should not only honor crime victims and those affected by crime, but think about new ways to help and support victims in their struggle for justice. The examples that I've cited are only a few of Mr. Gillis's accomplishments as OVC director that will help those seeking justice. And, I am proud to have someone like Mr. Gillis guiding these efforts. His service to the President and to crime victims is a credit to our country.•

GIRL SCOUTS OF THE OUACHITA COUNCIL

• Mrs. LINCOLN. Mr. President, honest and fair. Friendly and helpful. Considerate and caring. Courageous and strong. For 80 years, the Girl Scouts of Ouachita Council have worked to instill these values into the girls of central and southeast Arkansas. On April 14, 2007, they will gather together to celebrate this impressive anniversary, and I want to take this time to celebrate with them. Their tireless commitment to the young women of our State has helped bring out the best in the daughters of Arkansas, and we owe them a great deal of thanks for this important work.

With the stated mission of building girls of courage, confidence and character, the Girl Scouts of America started as a group of just 18 in Savannah, GA, in 1915. And as the Scouts have grown up along with the country, their cause has lost none of its relevance or necessity. They have brought those simple, yet noble ideals to all parts of the Nation and now proudly claim a membership of more than 3.6 million.

Through the Girl Scouts, young women develop a sense of civic responsibility and self-esteem that helps them realize the critical role they have to play in their communities and their country. Similar ideals were taught to me at an early age by my family and have helped to motivate and inspire me throughout my career.

Years ago, my mother told me, "It's a fact, not a fault, that we haven't had more women in elected office. It's just the way history turned out. But it's our fault if we don't do something to change that and to bring more women into government and the future."

Today, I am proud to be one of 16 women serving in the Senate—the largest class of women Senators in American history. Across the country, we see women taking more active leadership roles not only politics, but business, education and science. We have built on the great foundation that was laid for us by generations past, and it is our responsibility to these courageous leaders to continue momentum forward. This is especially true in Arkansas as we carry on legacy of Hattie Caraway, the first woman ever elected to the Senate and a trailblazer for women in politics.

There is still much left to do, and the unyielding commitment of groups like the Girl Scouts will prepare the next wave of great American women to the benefit of their communities and country. Once again, I would like to extend my heartfelt congratulations and most sincere thanks to the Ouachita Council for 80 years of service to the girls of Arkansas.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1239. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (3) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1240. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Vice Admiral James D. McArthur, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

EC–1241. A communication from the Under Secretary of Defense (Acquisition, Technology, and Logistics), transmitting, pursuant to law, a report relative to the Defense Environmental Programs of fiscal year 2006; to the Committee on Armed Services.

EC–1242. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Joseph R. Inge, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1243. A communication from the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report on the approved retirement of Lieutenant General Steven W. Boutelle, United States Army, and his advancement to the grade of lieutenant general on the retired list; to the Committee on Armed Services.

EC–1244. A communication from the Senior Attorney Advisor, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Limitation on Issuance of Excess Stock" (RIN3069–AB30) received on March 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1245. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a six-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism; to the Committee on Banking, Housing, and Urban Affairs.

EC–1246. A communication from the Secretary, Securities and Exchange Commission, transmitting, pursuant to law, the report of a rule entitled "Termination of a Foreign Private Issuer's Registration of a Class of Securities Under Section 12(g) and Duty to File Reports Under Section 13(a) or 15(d) of the Securities Exchange Act of 1934" (RIN3235–AJ38) received on March 28, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1247. A communication from the Chairman, Board of Governors of the Federal Reserve System, transmitting, pursuant to law, a report relative to foreign supplies purchased during fiscal year 2006; to the Committee on Banking, Housing, and Urban Affairs.

EC–1248. A communication from the Acting Associate Director, Office of Foreign Assets Control, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Sudanese Sanctions Regulations" (31 CFR part 538) received on March 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1249. A communication from the Senior Attorney Advisor, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Federal Home Loan Bank Appointive Directors" (RIN3069–AB33) received on March 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1250. A communication from the Senior Attorney Advisor, Office of General Counsel, Federal Housing Finance Board, transmitting, pursuant to law, the report of a rule entitled "Privacy Act and Freedom of Information Act; Implementation" (RIN3069–AB32) received on March 29, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1251. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Special Local Regulations (including 2 regulations beginning with CGD05–07–004)" (RIN1625–AA08) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1252. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zones (including 2 regulations beginning with CGD05–07–

011)" (RIN1625-AA00) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1253. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Operations (including 2 regulations beginning with CGD13–06–048)" (RIN1625–AA09) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1254. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Safety Zone; South Portland, Maine, Gulf Blasting Project (CGD01–07–012)" (RIN1625–AA00) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1255. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Drawbridge Regulations (including 4 regulations beginning with CGD01–07–027)" (RIN1625–AA09) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1256. A communication from the Chief of Regulations and Administrative Law, U.S. Coast Guard, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Security Zone; Chesapeake Bay, between Sandy Point and Kent Island, MD (CGD05–06–104)" (RIN1625–AA87) received on March 29, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1257. A communication from the President of the United States, transmitting, pursuant to law, a notification relative to his intent to enter into a free trade agreement with the Republic of Panama; to the Committee on Finance.

EC–1258. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Hospital Conditions of Participation: Requirements for Approval and Re-approval of Transplant Centers to Perform Organ Transplants" (RIN0938–AH17) received on March 29, 2007; to the Committee on Finance.

EC–1259. A communication from the Secretary of the Treasury, transmitting, pursuant to law, a report relative to payments made to Cuba for telecommunications services; to the Committee on Foreign Relations.

EC–1260. A communication from the Director, Office of General Counsel and Legal Policy, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Post-Employment Conflict of Interest Restrictions; Exemption of Positions and Revision of Departmental Component Designations" (RIN3209–AA14) received on March 30, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1261. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, pursuant to law, a report relative to the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002; to the Committee on Homeland Security and Governmental Affairs.

EC–1262. A communication from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Green Valley of Russian River Valley Viticultural Area" (RIN1513–AB18) received on March 28, 2007; to the Committee on the Judiciary.

EC–1263. A communication from the Acting Associate Attorney General, Department of Justice, transmitting, pursuant to law, an annual report relative to Freedom of Information Act litigation cases; to the Committee on the Judiciary.

EC–1264. A communication from the Acting Associate Attorney General, Department of Justice, transmitting, pursuant to law, the Department's annual report on certain activities pertaining to the Freedom of Information Act; to the Committee on the Judiciary.

EC–1265. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cranberries Grown in the States of Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York; Increased Assessment Rate" (Docket No. AMS–FV–06–0174) received on April 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1266. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tart Cherries Grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington and Wisconsin; Final Free and Restricted Percentages for the 2006–2007 Crop Year for Tart Cherries" (Docket No. AMS–FV–06–0187) received on April 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1267. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Marketing Order Regulating the Handling of Spearmint Oil Produced in the Far West; Salable Quantities and Allotment Percentages for the 2007–2008 Marketing Year" (Docket No. FV07–985–1 FR) received on April 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1268. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Mushroom Promotion, Research, and Information Order; Reallocation of Mushroom Council Membership" (Docket No. AMS–FV–07–0019) received on April 1, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1269. A communication from the Congressional Review Coordinator, Animal and Plant Health Inspection Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Cut Flowers from Countries with Chrysanthemum White Rust" (Docket No. 03–016–3) received on April 3, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1270. A communication from the President of the United States, transmitting, pursuant to law, a notification of the President's intent to enter into a free trade agreement with the Republic of Korea; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. DORGAN, from the Committee on Indian Affairs, with an amendment:

S. 322. A bill to establish an Indian youth telemental health demonstration project (Rept. No. 110–43).

By Mr. DORGAN, from the Committee on Indian Affairs, without amendment:

S. 375. A bill to waive application of the Indian Self-Determination and Education Assistance Act to a specific parcel of real property transferred by the United States to 2 Indian tribes in the State of Oregon, and for other purposes (Rept. No. 110–44).

S. 398. A bill to amend the Indian Child Protection and Family Violence Prevention Act to identify and remove barriers to reducing child abuse, to provide for examinations of certain children, and for other purposes (Rept. No. 110–45).

S. 481. A bill to recruit and retain more qualified individuals to teach in Tribal Colleges or Universities (Rept. No. 110–46).

By Mr. BINGAMAN, from the Committee on Energy and Natural Resources:

Special Report entitled "History, Jurisdiction, and a Summary of Activities of the Committee on Energy and Natural Resources during the 109th Congress" (Rept. No. 110–47).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment (Rept. No. 110–48).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 556, a bill to reauthorize the Head Start Act, and for other purposes (Rept. No. 110–49).

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 613. A bill to enhance the overseas stabilization and reconstruction capabilities of the United States Government, and for other purposes (Rept. No. 110–50).

By Mr. LEAHY, from the Committee on the Judiciary, with amendments:

S. 442. A bill to provide for loan repayment for prosecutors and public defenders (Rept. No. 110–51).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. KERRY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, and Mr. SANDERS):

S. 1077. A bill to safely redeploy United States troops from Iraq; to the Committee on Foreign Relations.

By Mrs. CLINTON (for herself, Mr. MARTINEZ, Mr. KENNEDY, Mr. DURBIN, Mr. LIEBERMAN, Mr. REED, and Mr. SMITH):

S. 1078. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

By Mr. CARDIN (for himself, Mr. WARNER, Mr. WEBB, Mrs. CLINTON, Ms. MIKULSKI, Mr. KENNEDY, Ms. LANDRIEU, Mr. LEVIN, and Mr. BROWN):

S. 1079. A bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes; to the Committee on the Judiciary.

By Mr. BAUCUS (for himself and Mr. TESTER):

S. 1080. A bill to develop a program to acquire interests in land from eligible individuals within the Crow Reservation in the State of Montana, and for other purposes; to the Committee on Indian Affairs.

By Mr. SPECTER:

S. 1081. A bill to amend the Internal Revenue Code of 1986 to impose a flat tax only on individual taxable earned income and business taxable income, and for other purposes; to the Committee on Finance.

By Mr. KENNEDY:

S. 1082. A bill to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. CORNYN (for himself, Mr. BENNETT, Mr. LOTT, Mr. ALLARD, and Mrs. HUTCHISON):

S. 1083. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

By Mr. REID (for Mr. OBAMA (for himself, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, and Ms. CANTWELL)):

S. 1084. A bill to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. REID (for himself and Mr. MCCONNELL):

S. Res. 140. A resolution to authorize legal representation in In the Matter of the Application of Committee on Finance; considered and agreed to.

By Mrs. CLINTON (for herself, Mr. BROWN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. KERRY, Mr. SCHUMER, and Mr. DODD):

S. Res. 141. A resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany; to the Committee on Foreign Relations.

By Mr. BIDEN (for himself, Mr. WARNER, Mr. SCHUMER, Mr. LEVIN, Mr. KOHL, Mr. KERRY, Mr. SALAZAR, Mr. CASEY, Mr. LIEBERMAN, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. BAUCUS, Ms. MIKULSKI, Mr. OBAMA, and Mr. WYDEN):

S. Res. 142. A resolution observing Yom Hashoah, Holocaust Memorial Day, and calling on the remaining member countries of the International Commission of the International Tracing Service to ratify the May 2006 amendments to the 1955 Bonn Accords immediately to allow open access to the Bad Arolsen archives; to the Committee on Foreign Relations.

By Ms. LANDRIEU (for herself and Mr. VITTER):

S. Res. 143. A resolution honoring Coach Eddie G. Robinson; considered and agreed to.

By Ms. STABENOW (for herself and Mr. LEVIN):

S. Res. 144. A resolution honoring the Michigan State University Spartans on winning the 2007 Men's National Collegiate Hockey Championship; considered and agreed to.

By Mr. GRASSLEY (for himself and Mr. HARKIN):

S. Res. 145. A resolution congratulating Zach Johnson on his victory in the 2007 Masters golf tournament; considered and agreed to.

ADDITIONAL COSPONSORS

S. 5

At the request of Mrs. MCCASKILL, her name was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 21

At the request of Mr. REID, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 30

At the request of Mr. COLEMAN, the names of the Senator from North Carolina (Mr. BURR), the Senator from Texas (Mr. CORNYN), the Senator from Georgia (Mr. CHAMBLISS) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 30, a bill to intensify research to derive human pluripotent stem cell lines.

At the request of Mr. ISAKSON, the name of the Senator from Kentucky (Mr. MCCONNELL) was added as a cosponsor of S. 30, supra.

S. 43

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 43, a bill to amend title II of the Social Security Act to preserve and protect Social Security benefits of American workers and to help ensure greater congressional oversight of the Social Security system by requiring that both Houses of Congress approve a totalization agreement before the agreement, giving foreign workers Social Security benefits, can go into effect.

S. 57

At the request of Mr. INOUYE, the names of the Senator from Ohio (Mr. BROWN) and the Senator from Washington (Mrs. MURRAY) were added as cosponsors of S. 57, a bill to amend title 38, United States Code, to deem certain service in the organized military forces of the Government of the Commonwealth of the Philippines and the Philippine Scouts to have been active service for purposes of benefits under programs administered by the Secretary of Veterans Affairs.

S. 122

At the request of Mr. BAUCUS, the name of the Senator from Indiana (Mr. BAYH) was added as a cosponsor of S. 122, a bill to amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

S. 206

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from Missouri (Mrs. MCCASKILL) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 254

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 294

At the request of Mr. LAUTENBERG, the names of the Senator from Montana (Mr. BAUCUS), the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 329

At the request of Mr. CRAPO, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Arkansas (Mr. PRYOR) were added as cosponsors of S. 329, a bill to amend title XVIII of the Social Security Act to provide coverage for cardiac rehabilitation and pulmonary rehabilitation services.

S. 348

At the request of Mr. CRAPO, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 348, a bill to improve the amendments made by the No Child Left Behind Act of 2001.

S. 380

At the request of Mr. WYDEN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 381

At the request of Mr. INOUYE, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 381, a bill to establish a fact-finding Commission to extend the study of a prior Commission to investigate and determine facts and circumstances surrounding the relocation, internment, and deportation to Axis countries of Latin Americans of Japanese descent from December 1941 through February 1948, and the impact of those actions by the United States, and to recommend appropriate remedies, and for other purposes.

S. 382

At the request of Ms. COLLINS, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 382, a bill to amend the Public Health Service Act to establish a State family support grant program to end the practice of parents giving legal custody of their seriously emotionally disturbed children to State agencies for the purpose of obtaining mental health services for those children.

S. 383

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 383, a bill to amend title 38, United States Code, to extend the period of eligibility for health care for combat service in the Persian Gulf War or future hostilities from two years to five years after discharge or release.

S. 399

At the request of Mr. BUNNING, the names of the Senator from North Carolina (Mr. BURR), the Senator from Utah (Mr. HATCH) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physician's services under the Medicaid program.

S. 415

At the request of Mr. BROWNBACK, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 415, a bill to amend the Revised Statutes of the United States to prevent the use of the legal system in a manner that extorts money from State and local governments, and the Federal Government, and inhibits such governments' constitutional actions under the first, tenth, and fourteenth amendments.

S. 430

At the request of Mr. LEAHY, the names of the Senator from Florida (Mr. NELSON) and the Senator from Delaware (Mr. BIDEN) were added as cosponsors of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 479

At the request of Mr. BAUCUS, his name was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 502

At the request of Mr. CRAPO, the names of the Senator from Texas (Mr. CORNYN) and the Senator from Mississippi (Mr. COCHRAN) were added as cosponsors of S. 502, a bill to repeal the sunset on the reduction of capital gains rates for individuals and on the taxation of dividends of individuals at capital gains rates.

S. 519

At the request of Mr. MCCAIN, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 519, a bill to modernize and expand the reporting requirements relating to child pornography, to expand cooperation in combating child pornography, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

S. 530

At the request of Mr. FEINGOLD, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 530, a bill to prohibit products that contain dry ultra-filtered milk products, milk protein concentrate, or casein from being labeled as domestic natural cheese, and for other purposes.

S. 543

At the request of Mr. NELSON of Nebraska, the names of the Senator from West Virginia (Mr. ROCKEFELLER), the Senator from Ohio (Mr. BROWN) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 548

At the request of Mr. LEAHY, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 548, a bill to amend the Internal Revenue Code of 1986 to provide that a deduction equal to fair market value shall be allowed for charitable contributions of literary, musical, artistic, or scholarly compositions created by the donor.

S. 558

At the request of Mr. DOMENICI, the names of the Senator from Arkansas (Mr. PRYOR), the Senator from Pennsylvania (Mr. SPECTER) and the Senator from Montana (Mr. TESTER) were added as cosponsors of S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services.

S. 573

At the request of Ms. STABENOW, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 573, a bill to amend the Federal Food, Drug, and Cosmetic Act and the Public Health Service Act to improve the prevention, diagnosis, and treatment of heart disease, stroke, and other cardiovascular diseases in women.

S. 576

At the request of Mr. DODD, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 576, a bill to provide for the effective prosecution of terrorists and guarantee due process rights.

S. 579

At the request of Mr. REID, the names of the Senator from Michigan (Ms. STABENOW), the Senator from Iowa (Mr. GRASSLEY), the Senator from South Dakota (Mr. JOHNSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 594

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 594, a bill to limit the use, sale, and transfer of cluster munitions.

S. 595

At the request of Mr. LAUTENBERG, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 595, a bill to amend the Emergency Planning and Community Right-to-Know Act of 1986 to strike a provision relating to modifications in reporting frequency.

S. 597

At the request of Mrs. FEINSTEIN, the names of the Senator from Indiana (Mr. BAYH), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Louisiana (Ms. LANDRIEU) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 597, a bill to extend the special postage stamp for breast cancer research for 2 years.

S. 600

At the request of Mr. SMITH, the names of the Senator from West Virginia (Mr. ROCKEFELLER) and the Senator from Massachusetts (Mr. KERRY) were added as cosponsors of S. 600, a bill to amend the Public Health Service Act to establish the School-Based Health Clinic program, and for other purposes.

S. 604

At the request of Mr. LAUTENBERG, the names of the Senator from Washington (Ms. CANTWELL) and the Senator from Maryland (Ms. MIKULSKI) were added as cosponsors of S. 604, a bill to amend title 10, United States Code, to limit increases in the certain costs of health care services under the health care programs of the Department of Defense, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Wyoming (Mr. ENZI) were added as cosponsors of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 615

At the request of Mr. LAUTENBERG, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 615, a bill to provide the nonimmigrant spouses and children of nonimmigrant aliens who perished in the September 11, 2001, terrorist attacks an opportunity to adjust their status to that of an alien lawfully admitted for permanent residence, and for other purposes.

S. 620

At the request of Mr. FEINGOLD, the name of the Senator from Delaware (Mr. BIDEN) was added as a cosponsor of S. 620, a bill to establish a demonstration project to train unemployed workers for employment as health care professionals, and for other purposes.

S. 624

At the request of Ms. MIKULSKI, the names of the Senator from South Dakota (Mr. JOHNSON), the Senator from Delaware (Mr. CARPER) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 624, a bill to amend the Public Health Service Act to provide waivers relating to grants for preventive health measures with respect to breast and cervical cancers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 661

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 661, a bill to establish kinship navigator programs, to establish guardianship assistance payments for children, and for other purposes.

S. 667

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. LAUTENBERG) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 677

At the request of Mrs. BOXER, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Illinois (Mr. DURBIN) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 677, a bill to improve the grant program for secure schools under the Omnibus Crime Control and Safe Streets Act of 1968.

S. 691

At the request of Mr. CONRAD, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 714

At the request of Mr. AKAKA, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 714, a bill to amend the Animal Welfare Act to ensure that all dogs and cats used by research facilities are obtained legally.

S. 727

At the request of Mr. COCHRAN, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 727, a bill to improve and expand geographic literacy among kindergarten through grade 12 students in the United States by improving professional development programs for kindergarten through grade 12 teachers offered through institutions of higher education.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 787

At the request of Mr. MARTINEZ, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 787, a bill to impose a 2-year moratorium on implementation of a proposed rule relating to the Federal-State financial partnerships under Medicaid and the State Children's Health Insurance Program.

S. 794

At the request of Mrs. LINCOLN, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 794, a bill to amend titles XIX and XXI of the Social Security Act to provide States with the option to expand or add coverage of pregnant women under the Medicaid and State children's health insurance programs, and for other purposes.

S. 798

At the request of Mr. CARDIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 798, a bill to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, and for other purposes.

S. 819

At the request of Mr. DORGAN, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 819, a bill to amend the Internal Revenue Code of 1986 to expand tax-free distributions from individual retirement accounts for charitable purposes.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Massachusetts (Mr. KERRY), the Senator from Michigan (Ms. STABENOW) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 849

At the request of Mr. LEAHY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 849, a bill to promote accessibility, accountability, and openness in Government by strengthening section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act), and for other purposes.

S. 858

At the request of Mr. WYDEN, the names of the Senator from North Carolina (Mr. BURR) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 866

At the request of Mr. LUGAR, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 866, a bill to provide for increased planning and funding for health promotion programs of the Department of Health and Human Services.

S. 881

At the request of Mrs. LINCOLN, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 883

At the request of Mrs. FEINSTEIN, the names of the Senator from Hawaii (Mr.

AKAKA), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Michigan (Mr. LEVIN), the Senator from Illinois (Mr. DURBIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 884

At the request of Mr. DURBIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 884, a bill to amend the Public Health Service Act regarding residential treatment programs for pregnant and parenting women, a program to reduce substance abuse among nonviolent offenders, and for other purposes.

S. 898

At the request of Ms. MIKULSKI, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to fund breakthroughs in Alzheimer's disease research while providing more help to caregivers and increasing public education about prevention.

S. 901

At the request of Mr. KENNEDY, the names of the Senator from New York (Mr. SCHUMER) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 919

At the request of Mr. MENENDEZ, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 919, a bill to reauthorize Department of Agriculture conservation and energy programs and certain other programs of the Department, to modify the operation and administration of these programs, and for other purposes.

S. 923

At the request of Mr. KERRY, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 923, a bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the names of the Senator from Virginia (Mr. WEBB) and the Senator from South Dakota (Mr. JOHNSON) were added as cosponsors of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 946

At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 946, a bill to amend the Farm Security and Rural Investment Act of 2002 to reauthorize the McGovern-Dole International Food for Education and Child Nutrition Program, and for other purposes.

S. 958

At the request of Mr. SESSIONS, the names of the Senator from Georgia (Mr. ISAKSON) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 958, a bill to establish an adolescent literacy program.

S. 969

At the request of Mr. DODD, the names of the Senator from Wisconsin (Mr. FEINGOLD) and the Senator from Iowa (Mr. HARKIN) were added as cosponsors of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the names of the Senator from Idaho (Mr. CRAIG) and the Senator from Louisiana (Mr. VITTER) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 972

At the request of Mr. LAUTENBERG, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 972, a bill to provide for the reduction of adolescent pregnancy, HIV rates, and other sexually transmitted diseases, and for other purposes.

S. 986

At the request of Mr. REID, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 986, a bill to expand eligibility for Combat-Related Special Compensation paid by the uniformed services in order to permit certain additional retired members who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for that disability and Combat-Related Special Compensation by reason of that disability.

S. 988

At the request of Ms. MIKULSKI, the name of the Senator from Massachusetts (Mr. KERRY) was added as a cosponsor of S. 988, a bill to extend the termination date for the exemption of returning workers from the numerical limitations for temporary workers.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Nevada (Mr. REID) and the Senator from Georgia (Mr. ISAKSON) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1003

At the request of Ms. STABENOW, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 1003, a bill to amend title XVIII of the Social Security Act to improve access to emergency medical services and the quality and efficiency of care furnished in emergency departments of hospitals and critical access hospitals by establishing a bipartisan commission to examine factors that affect the effective delivery of such services, by providing for additional payments for certain physician services furnished in such emergency departments, and by establishing a Centers for Medicare & Medicaid Services Working Group, and for other purposes.

S. 1017

At the request of Mr. ENZI, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 1017, a bill to amend the Packers and Stockyards Act, 1921, to prohibit the use of certain anti-competitive forward contracts.

S. 1026

At the request of Mr. CHAMBLISS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from North Carolina (Mr. BURR) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1033

At the request of Mr. LIEBERMAN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 1033, a bill to assist in the conservation of rare felids and rare canids by supporting and providing financial resources for the conservation programs of nations within the range of rare felid and rare canid populations and projects of persons with demonstrated expertise in the conservation of rare felid and rare canid populations.

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S.J. RES. 4

At the request of Mr. BROWNBACK, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S.J. Res. 4, a joint resolution to acknowledge a long history of official depredations and ill-conceived policies by the United States Government regarding Indian tribes and offer an apology to all Native Peoples on behalf of the United States.

S. RES. 112

At the request of Mr. SCHUMER, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. Res. 112, a resolution designating April 6, 2007, as "National Missing Persons Day".

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. FEINGOLD (for himself, Mr. REID, Mr. LEAHY, Mr. DODD, Mr. KERRY, Mrs. BOXER, Mr. WHITEHOUSE, Mr. KENNEDY, Mr. HARKIN, and Mr. SANDERS):

S. 1077. A bill to safely redeploy United States troops from Iraq; to the Committee on Foreign Relations.

Mr. FEINGOLD. Mr. President, it is just over 4 years since our brave troops marched into Baghdad, bringing an end to the dictatorship of Saddam Hussein. Four long years later, however, over 141,000 U.S. troops remain in Iraq and more are on the way, while that country continues its tragic descent into widespread violence and civil war. Four years later, the President continues to insist that he has no intention of bringing this war to an end—or even acknowledging when it might end. And, 4 years later, the American people are calling out in greater and greater numbers for an end to a misguided and open-ended military mission.

That is why, today, along with Senate Majority Leader HARRY REID, I am introducing legislation that would require the President to begin safely redeploying U.S. troops from Iraq within 120 days, and that would require redeployment to be completed by March 31, 2008, by ending funding for the war on that date. While I would personally prefer an even stronger approach, with a shorter time-frame, for ending the war, I am pleased to be working with the Majority Leader on this legislation. Senator REID understands the terrible costs of this war, and he understands the solemn obligation we have in this body to bring it to a close. As he put it just a few days ago, "It is not worth another drop of American blood in Iraq. It is not worth another damaged brain." I thank Senator REID for his support and for agreeing to bring the bill up for a vote before Memorial Day. I am also pleased to have the cosponsorship of Senators LEAHY, DODD, KERRY, BOXER, WHITEHOUSE and KENNEDY.

There is no U.S. military solution to Iraq's civil war, which the recently declassified National Intelligence Estimate (NIE) called a "self-sustaining inter-sectarian struggle between Shia and Sunnis." And even if there were a military solution, civil war is only one of the problems causing violence and instability in Iraq. Again, let me quote the NIE: "the term 'civil war' does not adequately capture the complexity of the conflict in Iraq, which includes extensive Shia-on-Shia violence, al-Qa'ida and Sunni insurgent attacks on Coalition forces, and widespread criminally motivated violence."

Most Americans recognize that it makes no sense to ask our troops to police an ongoing civil war. Nor does it make any sense to ask our troops to put down a Sunni insurgency, or to place them in the middle of "Shia-on-Shia violence" or "criminally motivated violence" in Iraq.

It does, however, make sense to address the ongoing threat posed by al Qaeda. For that reason, the Feingold-Reid legislation would allow "targeted operations, limited in duration and scope, against members of al Qaeda and other international terrorist organizations" to continue in Iraq after March 2008. The bill also has narrow exceptions for U.S. troops to train and equip Iraqis and provide security for other U.S. troops and civilian personnel, but neither of these exceptions authorizes U.S. troops to engage in combat operations.

The Feingold-Reid bill allows targeted operations to take out terrorists who pose a threat to the United States, but it recognizes that maintaining a huge U.S. troop presence in Iraq doesn't help—in fact, it hurts—our global anti-terrorism efforts. By redeploying the vast majority of U.S. troops from Iraq, this legislation will allow us to re-focus on the broader fight against al Qaeda. Al Qaeda is not a one country franchise, and the President's strategy of devoting so much of our resources and attention to one country is short-sighted and counterproductive.

Some of my colleagues argue that cutting off funds for the war is the same as cutting off funds for the troops. They raise the specter of troops being left on the battlefield without the training, equipment and resources they need.

Those arguments are false. Every member of Congress agrees that we must continue to support our troops and give them the resources and support they need. Not a single member would ever vote for any proposal that would jeopardize the safety of our troops. The Feingold-Reid bill would end our involvement in the war without in any way impairing the safety of our brave servicemembers. By setting a March 31, 2008, deadline after which funding for the war will be terminated, Congress can provide ample time for the President to safely redeploy our troops.

Former Solicitor General Walter Dellinger made this point at a Judiciary Committee hearing I chaired entitled "Exercising Congress's Constitutional Power to End a War." Speaking of my proposal to end funding for the war, he said: "There would not be one penny less for salary of the troops. There would not be one penny less for benefits of the troops. There would not be one penny less for weapons or ammunition. There would not be one penny less for supplies or support. Those troops would simply be redeployed to other areas where the armed forces are utilized."

This has been done before, in fact not that long ago. In October 1993, Congress enacted an amendment cutting off funding for military operations in Somalia effective March 31, 1994, with limited exceptions. Seventy-six Senators voted for that amendment. Many of them are still in this body, such as Senator COCHRAN, Senator DOMENICI, Senator HUTCHISON, Senator LUGAR, Senator MCCONNELL, Senator SPECTER, Senator STEVENS and Senator WARNER. Did those 8 Senators, and the many Democratic Senators who joined them, act to jeopardize the safety and security of U.S. troops in Somalia? By cutting off funds for a military mission, were they indifferent to the well-being of our brave men and women in uniform?

Of course not. All of these members recognized that Congress had the power and the responsibility to bring our military operations in Somalia to a close, by establishing a date after which funds would be terminated.

That same day, October 15, 1993, several Senators—myself included—supported an even stronger effort to end funding for Somalia operations. The amendment offered by Senator MCCAIN would have eliminated Somalia funding right away except for funds for withdrawal or in case of American POWs or MIAs not being accounted for. Thirty-eight Senators, most of them Republicans, opposed a measure to table that amendment. We did so because we understood that Senator MCCAIN was proposing an appropriate, safe, responsible way to use our power of the purse to bring an ill-conceived military mission to a close without in any way harming our troops. As Senator HATCH said at the time, "The McCain amendment provides the President with the flexibility needed to bring our forces home with honor and without endangering the safety of American troops."

Feingold-Reid also allows the President to bring our brave forces home with honor and without endangering them in any way. It is safe, it is responsible, and it is long overdue.

The President will not listen to the American people. It is up to this Congress—newly elected by Americans fed up with the President's mishandling of

Iraq—to let the people's voices be heard. And it is up to this Congress to end a war that is undermining our national security and draining precious resources from the global fight against al Qaeda and its allies. Last November, the American people voted to end the war. Now it is up to Congress to do the same.

I yield the floor.

By Mrs. CLINTON (for herself, Mr. MARTINEZ, Mr. KENNEDY, Mr. DURBIN, Mr. LIEBERMAN, Mr. REED, and Mr. SMITH):

S. 1078. A bill to amend the Internal Revenue Code of 1986 to provide incentives for employer-provided employee housing assistance, and for other purposes; to the Committee on Finance.

Mrs. CLINTON. Mr. President, I rise today to reintroduce the Housing America's Workforce Act. My legislation will address the need to ensure safe, decent, and affordable housing as well as creating and sustaining healthy communities for our Nation's workforce. I would also like to thank Congresswoman NYDIA VELÁZQUEZ for her leadership in introducing the companion bill in the House of Representatives.

The sad truth is that across the Nation, working full-time no longer guarantees the security and comfort of a home. The shortage of workforce housing has emerged as a national crisis as housing costs have far outgrown the rate of inflation in many markets. As the gap between wages and housing costs widens, affordable housing is pushed beyond the reach of an increasing number of working families.

As a result, people who provide the bulk of vital community services—teachers, firefighters, police officers, and laundry and restaurant workers—often cannot themselves afford to live in the high-priced communities in which they serve. That is why I am reintroducing the Housing America's Workforce Act.

This bill creates incentives to expand employer assisted housing initiatives across the Nation. This legislation offers a tax credit of 50 cents for every dollar that an employer provides to eligible employees, up to $10,000 or six percent of the employee's home purchase price, whichever is less, or up to $2,000 for rental assistance.

In addition, this act defines housing assistance as a nontaxable benefit to ensure that employees receive the full value of employers' contributions. Finally, the act establishes a competitive grant program available to nonprofit housing organizations that provide technical assistance, program administration, and outreach support to employers undertaking housing assistance initiatives.

The benefits of this legislation are far reaching. Employees receive financial support to buy or rent a home closer to work, while their employer enjoys the benefits of a more stable workforce, including improved morale, and reduced turnover and recruitment resulting in bottom line savings. Furthermore, the surrounding community receives a new investment in the form of property taxes, as former commuters buy homes near the jobsite.

Research has shown that this legislation is needed. Recent data shows that the number of working families with critical housing problems, defined as those paying more than half of their income for housing and/or living in dilapidated conditions, has increased 67 percent from 1997 to approximately 5 million families. In addition, a recent workforce housing study released by the National Association of Home Builders found that workers who provide vital services to the community can only find affordable housing in less than half of the Nation's top 25 metropolitan areas.

The Housing America's Workforce Act addresses our Nation's housing challenge from a new perspective by allowing the private sector to play a direct role in promoting housing affordability. This legislation will create opportunities for us as a Nation to expand these public-private partnerships and will make a profound impact in the lives of our workforce.

I hope my colleagues will join me in support of this legislation and move it to the floor without delay.

By Mr. REID (for Mr. OBAMA (for himself, Mr. SCHUMER, Mr. MENENDEZ, Mr. BROWN, and Ms. CANTWELL)):

S. 1084. A bill to provide housing assistance for very low-income veterans; to the Committee on Banking, Housing, and Urban Affairs.

Mr. OBAMA. Mr. President, I rise today to introduce the Homes for Heroes Act of 2007. I am pleased to be joined by Senators SCHUMER, MENENDEZ, BROWN and CANTWELL in offering this legislation.

As we respond to the moral question of how we honor our sacred trust to care for our returning servicemembers and veterans, I am reminded of my grandfather, who signed up for duty in World War II the day after Pearl Harbor. He marched across Europe in Patton's army, and when he came home to Kansas, he could have very easily faced some tough times.

He could've had trouble paying for college, or finding a job, or even finding a home. But at the time, he lived in a country that recognized the value of his service—a country that kept its promise to defend those who have defended freedom. And so he was able to afford college through the GI Bill, and he was able to buy a house through the Federal Housing Administration, and he was able to work hard and raise a family and build his own American Dream.

And after I think about my grandfather, and the opportunities he had as a veteran, I then think about a veteran I met named Bill Allen, who told me that on a trip he took to Chicago, he actually saw homeless veterans fighting over access to the dumpsters. Think about that. Fighting over access to the dumpsters.

Each and every night in this country, more than 200,000 of our Nation's veterans are homeless. And nearly twice as many will experience homelessness over the course of a year. There is no single cause for this.

Homeless vets are men and women, single and married. Many suffer from Post-Traumatic Stress Disorder; others were physically and mentally battered in combat. A large number left the military without job skills that could be easily used in the private sector.

All have risked their lives for their country. All deserve—at the very least—the basic dignity of going to sleep at night with a roof over their head. And every day we allow them to go without, it brings shame to every single one of us.

This is wrong. It's wrong because we're quick to offer words of praise for our troops when they're abroad, but quick to forget about their needs when they come home. It's wrong because we have the resources and the programs in place to help solve this problem. And it's wrong on a fundamentally moral level—the idea that we would allow such brave and selfless citizens to suffer in such biting poverty. And so it is now our responsibility—it is now our duty—to make this right.

These heroes often have not connected to vital housing and supportive services that could make all of the difference. Many more low income veterans and veteran families live at the margins and are at risk of becoming homeless in the absence of permanent housing solutions and supportive services. While it's one thing to get veterans off the streets temporarily, it's another to keep them off—to place veterans in real, permanent homes. In fact, the VA has consistently identified permanent housing as one of the top three unmet needs in the fight against veteran homelessness. And despite the tremendous demand for homeless services, the federal government serves only a tiny fraction of those who are in need.

That's why I'm introducing a bill today called the Homes for Heroes Act. This is a bill that would help expand access to long-term, affordable housing by creating a fund so that the community and nonprofit organizations could purchase, build, or rehabilitate homes and apartments for veterans.

So that we don't just leave them to face their personal challenges on their own, the organizations would also provide services like counseling, employment training, and child care to the veterans who live in this housing. And the Homes for Heroes Act would expand the number of permanent housing vouchers for veterans from the current number of less than 2,000 to 20,000, and make this authorization permanent. These are vouchers that have been highly successful in giving veterans the chance to afford a place to live.

Every day in America, there are men and women on street corners with handwritten signs that say "Homeless Veteran—Will Work For Food." Sometimes we give a dollar, sometimes we just keep walking. These are soldiers who fought in World War II, Korea, Vietnam, and Iraq. They made a commitment to their country when they chose to serve and now we must keep our commitment to them. Because when we make the decision to send our troops to war, we also make the decision to care for them, to speak for them, and to think of them—always—when they come home.

This kind of America—an America of opportunity, of collective responsibility for each other—is the kind that so many of our parents and grandparents came home to after the Second World War. Now it's time for us to build this America for those sons and daughters who come home today.

By Mr. CORNYN (for himself, Mr. BENNETT, Mr. LOTT, Mr. ALLARD, and Mrs. HUTCHISON):

S. 1083. A bill to amend the Immigration and Nationality Act to increase competitiveness in the United States, and for other purposes; to the Committee on the Judiciary.

Mr. CORNYN. Mr. President, today I am reintroducing legislation from last Congress—the Securing Knowledge, Innovation, and Leadership Act of 2007 or the "SKIL Act of 2007". In the past two years, there has been so much focus by this Congress and this Administration on restoring America's competitive advantage. The President has proposed the America's Competitiveness Initiative. Last Congress, I was proud to cosponsor the Protecting America's Competitive Edge bills and the American Innovation and Competitiveness Act of 2006. In the 110th Congress, I have cosponsored along with 44 other Senators the America COMPETES Act. This is a bipartisan legislative response to recommendations contained in the National Academies' "Rising Above the Gathering Storm" report and the Council on Competitiveness' "Innovate America" report.

The one thing we have learned through the process of retaining America's competitiveness is that everyone has to do their part to keep our country's economy strong and viable. Currently, we are working very hard on comprehensive immigration reform and I am pleased to be a part of that process. However, our country, right now, is losing its competitive edge in the global market. Why? Because our immigration policies prohibit us from retaining some of the "best and brightest" students currently graduating from U.S. colleges and universities—especially those with advanced degrees in science and technology. We also continue to lose highly qualified and highly skilled workers to foreign competitors because of our failed immigration system.

Recently Microsoft Chairman Bill Gates made it clear the dire situation we are faced with today in terms of high-skilled labor shortages:

"For generations, America has prospered largely by attracting the world's best and brightest to study, live, and work in the United States. Our success at attracting the greatest talent has helped us become a global innovation leader, enriched our culture, and created economic opportunities for all Americans.

Unfortunately, America's immigration policies are driving away the world's best and brightest precisely when we need them most . . . Moreover, the terrible shortfall in our visa supply for the highly skilled stems not from security concerns, but from visa policies that have not been updated in over a decade and a half. We live in a different economy now. Simply put: It makes no sense to tell well-trained, highly skilled individuals—many of whom are educated at our top colleges and universities—that the United States does not welcome or value them. For too many foreign students and professionals, however, our immigration policies send precisely this message.

This should be deeply troubling to us, both in human terms and in terms of our own economic self-interest. America will find it infinitely more difficult to maintain its technological leadership if it shuts out the very people who are most able to help us compete. Other nations are recognizing and benefiting from this situation. They are crafting their immigration policies to attract highly talented students and professionals who would otherwise study, live, and work here. Our lost opportunities are their gains."

The U.S. Department of Labor projects that between 2002 and 2012 there will be 2 million U.S. job openings in the fields of computer science, mathematics, engineering and the physical sciences. The SKIL bill would retain foreign students educated in the U.S. to ensure continued competition in the global market.

As I have stated before, a critical part of America's economy is our ability to innovate but our current immigration policies are threatening future growth. U.S. Citizenship and Immigration Service's recent announcement that the 2008 cap for H–1B workers was met in one day makes clear that we urgently need to reform our policies for highly-skilled workers in the scientific and technology fields. Because the U.S. has already met the cap for H–1B visas, foreign students graduating from our universities this spring are virtually shut out of the U.S. job market. This situation is unprecedented. If we don't act, America's technology companies will be harmed and our economy will suffer. The SKIL bill will allow the U.S. to remain competitive in this global economy.

The SKIL bill promotes competitiveness and allows the U.S. to remain competitive in this global economy. While I encourage and intend to be a part of the continued dialogue on overall immigration reform, I urge my colleagues to act quickly on this issue.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 140—TO AUTHORIZE LEGAL REPRESENTATION IN THE MATTER OF THE APPLICATION OF COMMITTEE ON FINANCE

Mr. REID (for himself and Mr. MCCONNELL) submitted the following resolution; which was considered and agreed to:

S. RES. 140

Whereas, in a proceeding styled In the Matter of the Application of Committee on Finance for a Writ of Habeas Corpus Ad Testificandum, Misc. No. 07–134, in the United States District Court for the District of Columbia, the Senate Committee on Finance filed an application for a writ of habeas corpus ad testificandum;

Whereas, on April 4, 2007, the Chief Judge of the United States District Court for the District of Columbia issued the writ sought by the Committee;

Whereas, the United States Department of Justice has raised questions about the Committee's application for the writ and the writ that was issued;

Whereas, pursuant to section 708(c) of the Ethics in Government Act of 1978, 2 U.S.C. 288g(c), the Senate may direct the Senate Legal Counsel to perform such duties consistent with the purposes and limitations of title VII of the Ethics in Government Act as the Senate may direct: Now, therefore, be it

Resolved, That the Senate Legal Counsel is authorized to represent the Committee on Finance in the proceeding styled In the Matter of the Application of Committee on Finance for a Writ of Habeas Corpus Ad Testificandum, Misc. No. 07–134 (D.D.C.).

SENATE RESOLUTION 141—URGING ALL MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE WHO HAVE YET TO RATIFY THE MAY 2006 AMENDMENTS TO THE 1955 BONN ACCORDS TO EXPEDITE THE RATIFICATION PROCESS TO ALLOW FOR OPEN ACCESS TO THE HOLOCAUST ARCHIVES LOCATED AT BAD AROLSEN, GERMANY

Mrs. CLINTON (for herself, Mr. BROWN, Mr. LIEBERMAN, Mr. KENNEDY, Mr. LAUTENBERG, Mr. KERRY, Mr. SCHUMER, and Mr. DODD) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 141

Whereas the International Tracing Service (ITS) archives located in Bad Arolsen, Germany, which are administered by the International Committee of the Red Cross, contain an estimated 50,000,000 records on the fates of some 17,500,000 individual victims of Nazi war crimes;

Whereas the ITS archives at Bad Arolsen remain the largest closed Holocaust-era archives in the world;

Whereas, although access to individual records can be requested by Holocaust survivors and their descendants, many who have requested information from the ITS archives have reported facing significant delays and even unresponsiveness;

Whereas the ITS archives remain inaccessible to researchers and research institutions;

Whereas the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords") established an international commission of 11 member countries (Belgium, France, Germany, Greece, Israel, Italy, Luxembourg, the Netherlands, Poland, the United Kingdom, and the United States) charged with overseeing the administration of the ITS Holocaust archives;

Whereas, following years of delay, in May 2006 in Luxembourg, the International Commission of the ITS agreed upon amendments to the Bonn Accords that would allow researchers to use the archives and would allow each member country of the International Commission to receive digitized copies of archive materials and make the records available to researchers under the respective national laws relating to archives and privacy;

Whereas the May 2006 amendments to the Bonn Accords require each of the 11 member countries of the International Commission to ratify the amendments before open access to the Holocaust archives is permitted;

Whereas, although the final signature was affixed to the amendments in October 2006, only 5 out of the 11 member countries of the International Commission, the United States, Israel, Poland, the Netherlands, and the United Kingdom, have ratified the amendments;

Whereas the United States Holocaust Memorial Museum has for years been working tirelessly to provide public access to the materials in the Bad Arolsen archives;

Whereas, on March 8, 2007, representatives from the 11 member countries of the International Commission of the ITS met in the Netherlands and reviewed the current ratification status of each country and the ratification process in its entirety;

Whereas it is a moral and humanitarian imperative to permit public access to the millions of Holocaust records housed at Bad Arolsen;

Whereas it is essential that researchers obtain access while Holocaust survivors are living, so that the researchers can benefit in their scholarly work from the insights of eyewitnesses;

Whereas, in the aftermath of the Holocaust, there have been far too many instances of survivors and heirs of Holocaust victims being refused their moral and legal right to information, for restitution purposes, slave labor compensation, and personal closure;

Whereas opening the historic records is a vital contribution to the world's collective memory and understanding of the Holocaust and efforts to ensure that the anti-Semitism that made such horrors possible is never again permitted to take hold;

Whereas anti-Semitism has seen a resurgence in recent years, and as recently as December 2006, the President of Iran, Mahmoud Ahmadinejad, held the second Holocaust denial conference in Tehran in one year; and

Whereas in light of this conference, the anti-Semitic rhetoric of President Ahmadinejad, and a resurgence of anti-Semitism in part of the world, the opening of the archives at Bad Arolsen could not be more urgent: Now, therefore, be it

Resolved, That the Senate—

(1) commends in the strongest terms all countries that have to date ratified the amendments to the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords") to allow for open access to the Holocaust archives of the International Tracing Service (ITS) located at Bad Arolsen, Germany;

(2) commends the countries that have committed to expedite the process of releasing the archives and expects those countries to abide by their commitments;

(3) strongly urges all countries that have to yet to ratify the amendments to abide by the treaty obligations made in May 2006 and to expedite the ratification of the amendments;

(4) strongly urges all member countries of the International Commission of the ITS to consider the short time left to Holocaust survivors and unanimously consent to open the ITS archives should all countries not ratify the amendments by May 2007;

(5) expresses the hope that bureaucratic and diplomatic processes will not further delay this process; and

(6) refuses to forget the murder of 6,000,000 Jews and more than 5,000,000 other victims during the Holocaust by Nazi perpetrators and their collaborators.

SENATE RESOLUTION 142—OBSERVING YOM HASHOAH, HOLOCAUST MEMORIAL DAY, AND CALLING ON THE REMAINING MEMBER COUNTRIES OF THE INTERNATIONAL COMMISSION OF THE INTERNATIONAL TRACING SERVICE TO RATIFY THE MAY 2006 AMENDMENTS TO THE 1955 BONN ACCORDS IMMEDIATELY TO ALLOW OPEN ACCESS TO THE BAD AROLSEN ARCHIVES

Mr. BIDEN (for himself, Mr. WARNER, Mr. SCHUMER, Mr. LEVIN, Mr. KOHL, Mr. KERRY, Mr. SALAZAR, Mr. CASEY, Mr. LIEBERMAN, Mr. KENNEDY, Ms. KLOBUCHAR, Mr. BAUCUS, Ms. MIKULSKI, Mr. OBAMA, and Mr. WYDEN) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 142

Whereas April 15, 2007, marks the international observance of Yom Hashoah, Holocaust Memorial Day, a day to remember and mourn the millions who died during the Holocaust of World War II;

Whereas thousands of Holocaust survivors, historians, and researchers are being denied access to files, located at Bad Arolsen, Germany, that tell the story of unspeakable crimes committed by the Nazis;

Whereas the Bad Arolsen archives contain 30,000,000 to 50,000,000 pages of documents that record the individual fates of over 17,000,000 victims of Nazi persecution;

Whereas the Bad Arolsen archives are administered by the International Tracing Service, which in turn is supervised by an international commission composed of 11 member countries established by the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords");

Whereas the member countries of the International Commission are the United States, Israel, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom;

Whereas, in May 2006, after years of delay, the member countries of the International Commission commendably agreed to amend the Bonn Accords to make the Bad Arolsen archives public for the first time and agreed to place digitized copies of the documents in the archives at Holocaust research centers in other countries, including the United States Holocaust Memorial Museum;

Whereas the May 2006 amendments will become effective only after each of the 11 member countries completes the ratification process;

Whereas the United States, the United Kingdom, Israel, Poland, and the Netherlands have completed the ratification process; and

Whereas opening the Bad Arolsen archives is an urgent matter: Now, therefore, be it

Resolved, That the Senate—

(1) joins people around the world in observing Yom Hashoah, Holocaust Memorial Day, and mourning the millions who were lost during the Holocaust;

(2) commends the United States, the United Kingdom, Israel, Poland, and the Netherlands, as the member countries of the International Commission of the International Tracing Service that have completed the ratification of the May 2006 amendments to the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords");

(3) calls on Belgium, France, Germany, Greece, Italy, and Luxembourg, the member countries of the International Commission that have not yet ratified the May 2006 amendments to the Bonn Accords, to do so immediately;

(4) calls on the International Commission to approve the immediate distribution of copies of the documents from the Bad Arolsen archives that have already been digitized when the International Commission meets in Amsterdam in May 2007; and

(5) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the Secretary of State and to the ambassadors representing each of the member countries of the International Commission in the United States.

Mr. BIDEN. Mr. President, this Sunday communities across the globe will mark Yom Hashoah, Holocaust Memorial Day. As we mourn the millions who were lost at the hands of the Nazis, how can anyone justify denying victims and historians access to files documenting the Nazis' atrocious acts?

Yet, that is exactly what is happening. Last December, I wrote to the ambassadors of nine countries about an issue of utmost importance—the opening of the Bad Arolsen Holocaust archives.

Unfortunately, the response from many of these countries has been disappointing. Thousands of Holocaust survivors, historians, and researchers are still being denied access to files that tell the story of unspeakable crimes committed by the Nazis. Many of the files are about the survivors themselves; still, they cannot view them.

The story of how this unacceptable state of events came about goes back 60 years. After the Allies won the Second World War, they took possession of millions of files and documents, penned by the Nazis themselves, which chronicled every aspect of their horrific Final Solution. To maintain this catalogue of atrocities, the Allies established an archive called the International Tracing Service, in the town of Bad Arolsen, Germany. Today, Bad Arolsen contains some 30 to 50 million pages that record the individual fates of over 17 million victims of Nazi persecution.

The Tracing Service was established to unify families and help survivors learn the ultimate fate of their lost loved ones. Yet, access to the records remains severely limited and very few survivors have ever been allowed direct, much less prompt access. The justification for this delay was supposedly privacy concerns, logistical problems associated with making the records widely accessible, and fears of new legal claims. None of these can justify the tragic result—thousands of elderly survivors have passed away in recent years, never knowing what happened to their families, even though the answer may be sitting on a shelf in Germany. This is simply tragic.

Eleven countries serve on the International Commission that supervises the Tracing Service. Last May, after years of delay, they commendably agreed to make these archives public for the first time. They also agreed to place digitized copies at Holocaust research centers in other countries, but only after each of the 11 countries—the United States, Israel, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom—completed their own ratification procedure. In light of the advanced age of the remaining survivors, all committed to make ratification an urgent priority, with the goal of concluding the process by the end of 2006.

But as of December, when I wrote my letters, only the United States and Israel had ratified the agreement. Since then, the United Kingdom, Poland, and the Netherlands have joined the United States and Israel in completing ratification. However, Belgium, France, Germany, Greece, Italy and Luxembourg have not done so.

Today, I am submitting a Senate Resolution calling on the Senate to join people around the world in observing Yom Hashoah, Holocaust Memorial Day, commending the countries that have completed ratification of the agreement to make the Bad Arolsen archives public, calling on those countries yet to complete ratification to do so immediately, and calling on the International Commission to approve immediate distribution of electronic copies of the documents from Bad Arolsen to research centers around the world, including the United States Holocaust Memorial Museum, so that survivors will be able to document their experience, and learn the fates of their lost loved ones.

Last fall, the Government of Iran hosted a conference; its absurd and outrageous premise was that the Holocaust did not occur. At a time when dangerously deluded efforts to deny the Holocaust are on the rise, how can we keep the Nazis' own records from proving their horrors to the world? And how can we deny the Nazis' victims—who have suffered enough for a thousand lifetimes—the truth they so clearly deserve?

Yom Hashoah reminds us of one of the greatest evils that has ever befallen the human race, and it mourns the millions who were lost as a result of that evil. The countries of the International Commission have an opportunity to do a little good by shedding light on that evil. That is the best way they could observe Yom Hashoah this year.

SENATE RESOLUTION 143—HONORING COACH EDDIE G. ROBINSON

Ms. LANDRIEU (for herself and Mr. VITTER) submitted the following resolution; which was considered and agreed to:

S. RES. 143

Whereas Eddie G. Robinson, the former coach of the Grambling State University Tigers, was born on February 13, 1919, in Jackson, Louisiana;

Whereas after graduating from high school, Eddie G. Robinson attended Leland College in Baker, Louisiana, where he played quarterback on the college's football team and graduated with a baccalaureate of arts degree;

Whereas in 1941, Eddie G. Robinson accepted a football coaching position at Grambling State University, which, at the time, was known as the Louisiana Negro Normal and Industrial Institute;

Whereas during his 57-year tenure as the Grambling State University football coach, Eddie G. Robinson established himself as a legend in the world of sports and a Louisiana hero;

Whereas Eddie G. Robinson broke through the glass ceiling that had always undermined the true potential of African-American players and coaches;

Whereas Eddie G. Robinson won 408 games, which was more games won than any coach before him;

Whereas Eddie G. Robinson won 17 championships in the Southwestern Athletic Conference;

Whereas Eddie G. Robinson held the championship title 9 times for Historically Black Colleges and Universities;

Whereas Eddie G. Robinson sent more than 200 players into the National Football League (NFL), including Paul "Tank" Younger, who was the first NFL player from a predominantly African-American college and, from then on, Coach Robinson was personally responsible for paving the way for all African-American players to have opportunities in the NFL and others to play at majority White schools;

Whereas Eddie G. Robinson's achievements are not limited to his athletic victories;

Whereas Eddie G. Robinson taught his players the meaning of teamwork and patriotism, providing them lessons that extended far beyond the football field;

Whereas his contributions have also provided for one of the most exciting match-ups in college sports—the Bayou Classic football game, which Eddie G. Robinson and his sports information director, the late Collie J. Nicholson, created; and

Whereas Eddie G. Robinson was able to serve Grambling State University with such great distinction in large part because of the continuing support of his wife Doris, his two children, Eddie Jr. and Lillian Rose Watkins, his grandchildren, and his great-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Coach Eddie G. Robinson, a Louisiana hero and a great American;

(2) extends its heartfelt sympathy to Mrs. Doris Robinson and the family of Eddie G. Robinson; and

(3) honors and, on behalf of the Nation, expresses deep appreciation for Coach Eddie G. Robinson's outstanding service to Grambling State University, to Louisiana, and to his country.

SENATE RESOLUTION 144—HONORING THE MICHIGAN STATE UNIVERSITY SPARTANS ON WINNING THE 2007 MEN'S NATIONAL COLLEGIATE HOCKEY CHAMPIONSHIP

Ms. STABENOW (for herself and Mr. LEVIN) submitted the following resolution; which was considered and agreed to:

S. RES. 144

Whereas, on Saturday, April 7, 2007, the Michigan State University (MSU) Men's Hockey Team won the 2007 Men's Hockey National Collegiate Athletic Association (NCAA) Championship by defeating Boston College by a score of 3 to 1;

Whereas entering the final period with a one-goal deficit, the Spartans rallied to tie the game at 1 to 1, and with 18.9 seconds remaining in regulation, scored the go-ahead goal to secure MSU Hockey's third national championship, and first since 1986;

Whereas the MSU Spartans won the NCAA Midwest Regional in Grand Rapids, Michigan, to qualify for the Frozen Four finals, making them the first Central Collegiate Hockey Association team to reach the tournament finals since 1998;

Whereas each member of the MSU Hockey organization made essential contributions to the team's success, including players Justin Abdelkader, Tim Crowder, Jeff Dunne, Tyler Howells, Brandon Gentile, Ethan Graham, Bobby Jarosz, Justin Johnston, Tim Kennedy, Kurt Kivisto, Chris Lawrence, Bryan Lerg, Jeff Lerg, Zak McClellan, Jim McKenzie, Steve Mnich, Chris Mueller, Michael Ratchuk, Matt Schepke, Chris Snavely, Jay Sprague, Daniel Sturges, Nick Sucharski, Ryan Turek, Daniel Vukovic, and Brandon Warner, Head Coach Rick Comley, Assistant Coaches Tom Newton and Brian Renfrew, and Athletic Trainer Dave Carrier;

Whereas MSU Spartans' Head Coach Rick Comley, who was named a 2007 National Coach of the Year finalist, became the third coach in college hockey history to win national titles at two institutions, the first with Northern Michigan University, and has recorded over 700 career victories, making him the third winningest coach amongst active coaches, and fifth winningest in NCAA history;

Whereas at the Frozen Four Championship game in St. Louis, a record 19,432 people attended and the enthusiasm shown by the people of Michigan and the student body of Michigan State University clearly demonstrates Michigan's strong support for the MSU Hockey organization and the determined effort of all the team's players;

Whereas MSU Hockey's third NCAA title will be celebrated in East Lansing, Michigan on Tuesday, April 10, 2007, and its members honored with a parade followed by a rally at Munn Ice Arena;

Whereas the families and friends of the team have provided unwavering support and have tirelessly cheered on their Spartans;

Whereas after many trials and tribulations in the later part of the season, the Spartans rallied together with unrivaled team character and focus to clinch the NCAA title;

Whereas Michigan State University has always stood as a center for excellence in both athletics and scholarship, under the current leadership of University President Lou Anna K. Simon, and Athletic Director and renowned former MSU Hockey coach Ron Mason;

Whereas the MSU Spartans displayed unparalleled team camaraderie and have shown their ability to unite both on and off the ice, which led to hard-fought victories throughout the season; and

Whereas the Spartan Men's Hockey Team demonstrated superior strength, skill, perseverance, and determination during the 2006-2007 season and has made Michigan State University and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Michigan State University Men's Hockey Team on winning the 2007 National Collegiate Athletic Association Championship and recognizes all the players, coaches, staff, fans, families, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Michigan State University and to the MSU Spartans Men's Hockey Team for appropriate display.

SENATE RESOLUTION 145—CONGRATULATING ZACH JOHNSON ON HIS VICTORY IN THE 2007 MASTERS GOLF TOURNAMENT

Mr. GRASSLEY (for himself and Mr. HARKIN) submitted the following resolution; which was considered and agreed to:

S. RES. 145

Whereas, on April 8, 2007, Zach Johnson, a native Iowan, won the Masters Tournament at the Augusta National Golf Club in Augusta, Georgia;

Whereas, the Masters has been won by some of golf's greatest champions, including Byron Nelson, Sam Snead, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tiger Woods, Phil Mickelson, and many others;

Whereas, Zach Johnson's final round of three-under-par 69 for a total score of 289 was two strokes better than that of any other competitor;

Whereas, in a final day on which six different players led, Zach Johnson showed great skill, patience and will to withstand the challenge of the weather and the course;

Whereas, Zach Johnson is the first Iowan to win the Masters, and the first Iowan to win a major championship in golf since Jack Fleck's playoff victory over Ben Hogan in the 1955 U.S. Open; and

Whereas, Zach Johnson has brought great pride and honor to his family, friends, and the citizens of Iowa with his victory: Now, therefore, be it

Resolved, That the Senate congratulates Zach Johnson on his outstanding accomplishment in winning the 2007 Masters golf tournament.

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON INDIAN AFFAIRS

Mr. DORGAN. Mr. President, I would like to announce that the Committee on Indian Affairs will meet on Thursday, April 12, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending legislation, to be followed immediately by an oversight hearing on Tribal Colleges and Universities.

Those wishing additional information may contact the Indian Affairs Committee at 224–2251.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on Monday, April 16, 2007, at 2:30 p.m., in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 731, the National Carbon Dioxide Storage Capacity Assessment Act of 2007 and S. 962, the Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007.

Due to the limited available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, U.S. Senate, Washington, DC 20510–6150, or by e-mail to *Gina_weinstock@energy.senate.gov.*

For further information, please contact Allyson Anderson or Gina Weinstock.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 10, 2007, at 2:30 p.m., in Room 253 of the Russell Senate Office Building.

The hearing entitled "Voice over Internet Protocol (VoIP) and the Future of 911 Services," will examine current issues and future challenges related to the provision of enhanced 911 (E911) services, and S. 428, the "IP-Enabled Voice Communications and Public Safety Act of 2007."

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 10, 2007, at 11 a.m., in Room 253 of the Russell Senate Office Building. The purpose of the hearing is to review the Federal Trade Commission Reauthorization Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Readiness and Management Support be authorized to meet during the session of the Senate on Tuesday, April 10, 2007, at 3 p.m., in both closed and open sessions, to receive testimony on overseas basing plans, military installation, environmental and base closure programs in review of the Defense authorization request for fiscal year 2008 and the future years Defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Nicole Knoll and Grant Gustafson of my staff be granted floor privileges for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President, I ask unanimous consent that Tyler Thompson, of my staff, be granted the privileges of the floor for the remainder of the debate on S. 5 and S. 30.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Guy Clifton, a fellow in Senator HATCH's office, be granted floor privileges during the stem cell debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING COACH EDDIE G. ROBINSON

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 143, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 143) honoring Coach Eddie G. Robinson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 143) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 143

Whereas Eddie G. Robinson, the former coach of the Grambling State University Tigers, was born on February 13, 1919, in Jackson, Louisiana;

Whereas after graduating from high school, Eddie G. Robinson attended Leland College in Baker, Louisiana, where he played quarterback on the college's football team and graduated with a baccalaureate of arts degree;

Whereas in 1941, Eddie G. Robinson accepted a football coaching position at Grambling State University, which, at the time, was known as the Louisiana Negro Normal and Industrial Institute;

Whereas during his 57-year tenure as the Grambling State University football coach, Eddie G. Robinson established himself as a legend in the world of sports and a Louisiana hero;

Whereas Eddie G. Robinson broke through the glass ceiling that had always undermined the true potential of African-American players and coaches;

Whereas Eddie G. Robinson won 408 games, which was more games won than any coach before him;

Whereas Eddie G. Robinson won 17 championships in the Southwestern Athletic Conference;

Whereas Eddie G. Robinson held the championship title 9 times for Historically Black Colleges and Universities;

Whereas Eddie G. Robinson sent more than 200 players into the National Football League (NFL), including Paul "Tank" Younger, who was the first NFL player from a predominantly African-American college and, from then on, Coach Robinson was personally responsible for paving the way for all African-American players to have opportunities in the NFL and others to play at majority White schools;

Whereas Eddie G. Robinson's achievements are not limited to his athletic victories;

Whereas Eddie G. Robinson taught his players the meaning of teamwork and patriotism, providing them lessons that extended far beyond the football field;

Whereas his contributions have also provided for one of the most exciting match-ups in college sports—the Bayou Classic football game, which Eddie G. Robinson and his sports information director, the late Collie J. Nicholson, created; and

Whereas Eddie G. Robinson was able to serve Grambling State University with such great distinction in large part because of the continuing support of his wife Doris, his two children, Eddie Jr. and Lillian Rose Watkins, his grandchildren, and his great-grandchildren: Now, therefore, be it

Resolved, That the Senate—

(1) notes with deep sorrow and solemn mourning the death of Coach Eddie G. Robinson, a Louisiana hero and a great American;

(2) extends its heartfelt sympathy to Mrs. Doris Robinson and the family of Eddie G. Robinson; and

(3) honors and, on behalf of the Nation, expresses deep appreciation for Coach Eddie G. Robinson's outstanding service to Grambling State University, to Louisiana, and to his country.

HONORING THE MICHIGAN STATE UNIVERSITY SPARTANS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to the immediate consideration of S. Res. 144 submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 144) honoring the Michigan State University Spartans on winning the 2007 Men's National Collegiate Hockey Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. LEVIN. Mr. President, I am happy to join with my colleague from Michigan, Senator DEBBIE STABENOW, in supporting this resolution, which recognizes the Spartans hard work, grit and determination in winning Michigan State University's third NCAA Men's Hockey championship. The Spartans secured the 2007 National Title in dramatic fashion by overcoming a 1 to 0 deficit to defeat Boston College 3 to 1 in the NCAA Men's Championship Final. This victory is a great source of pride for all those affiliated with Michigan State University and for the entire state of Michigan.

Championships are won by doing all the little things right, by not giving up, and by trusting one another regardless of the obstacles. All of these traits were on display Saturday night when, in the waning moments of the championship game, the Spartans mounted a final charge to capture the 2007 NCAA Title. The Spartans scored 3 goals in the final 10 minutes of play. The game was tied until the last minute of regulation, when Justin Abdelkader' scored the go-ahead goal with 18.9 seconds remaining. The Spartans solidified this hard-fought victory by scoring an empty netter set up by an Eagle team that desperately fought to tie the game.

The Spartans upset victory before a record setting crowd of 19,432 at the Scottrade Center in St. Louis completed a highly entertaining and rewarding season. MSU Hockey's third NCAA title is being celebrated today in East Lansing, Michigan. The members of the championship team are being honored with a parade followed by a rally at Munn Ice Arena. This is a victory for the Spartan team and MSU community, as well as for the many fans, friends, and family whose strong and unwavering support was exhibited throughout the Spartans' memorable championship season.

Each member of the MSU team made important contributions to the Spartans' success, including players Justin Abdelkader, Tim Crowder, Jeff Dunne, Tyler Howells, Brandon Gentile, Ethan Graham, Bobby Jarosz, Justin Johnston, Tim Kennedy, Kurt Kivisto, Chris Lawrence, Bryan Lerg, Jeff Lerg, Zak McClellan, Jim McKenzie, Steve Mnich, Chris Mueller, Michael Ratchuk, Matt Schepke, Chris Snavely, Jay Sprague, Daniel Sturges, Nick Sucharski, Ryan Turek, Daniel Vukovic, Brandon Warner, Head Coach Rick Comley, Assistant Coaches Tom Newton and Brian Renfrew, and Athletic Trainer Dave Carrier.

MSU Spartans' Head Coach Rick Comley, who was named a 2007 National Coach of the Year finalist, became the third coach in college hockey history to win national titles at two institutions, the first with Northern Michigan University. Coach Comley recorded his 714th career victory on Saturday. He currently holds the distinction of being the third winningest coach amongst active hockey coaches and fifth winningest in NCAA Hockey history. He has continued the successful Spartan Hockey tradition established by Ron Mason, the Spartans' former head coach, current athletic director, and the all-time winningest NCAA Hockey coach.

Throughout the 2007 championship season, the MSU men's hockey team has demonstrated a commitment to unselfish play, always placing team success ahead of individual accomplishments. However, I would be remiss if I did not acknowledge the outstanding individual effort displayed by sophomore goal tender Jeff Lerg, whose instrumental play throughout the season helped to secure the title and earned him both NCAA Midwest Regional MVP honors and a place on the Frozen Four All Tournament team.

I know my colleagues in the Senate join me in congratulating Coach

Comley and the 2007 Michigan State University Spartans on their NCAA Men's Hockey National Championship.

Ms. STABENOW. Mr. President, I rise today to commend the Michigan State University Spartans on winning the 2007 Men's National Collegiate Hockey Championship.

On Saturday, April 7, 2007, the Michigan State University Men's Hockey Team won the 2007 Men's Hockey National Collegiate Athletic Association Championship by defeating Boston College by a score of 3 to 1.

In a hard-fought game, and going into the final period with a one-goal deficit, the Spartans charged ahead to tie the game, and then triumphantly scored a game-winning goal with only 18.9 seconds remaining of play.

This victory constituted MSU Hockey's third national championship, and the first since 1986. Each member of the MSU Hockey organization made essential contributions to the team's success.

MSU Spartans' Head Coach Rick Comley has become only the third coach in college hockey history to win national titles at two institutions, and has earned over 700 career wins.

A record crowd of over 19,000 people attended the Frozen Four Championship game in St. Louis, and the enthusiasm shown by the people of Michigan and the students of MSU demonstrate Michigan's strong support for the MSU Hockey organization.

I know how important the families and friends of the team have been in providing unwavering support and always cheering on their Spartans.

In the final weeks of the season, with an uncertain forecast of their playoff position, the Spartans rallied together with unrivaled team character and focus, and starting with the 1st round playoffs in Grand Rapids, MI, they went on undefeated to clinch the championship.

Michigan State University has always stood as a center for excellence in both athletics and scholarship, especially with the guidance of University President Lou Anna K. Simon, and athletic director and renowned former MSU Hockey coach, Ron Mason.

I am a proud MSU alumnus myself, and was beyond delighted to see this great team win the national championship.

The MSU Spartans displayed unparalleled team camaraderie, and have shown their ability to unite both on and off the ice has led them to well-fought victories.

The Spartan Hockey Team demonstrated superior strength, skill, perseverance and determination and has made Michigan State University and the entire State of Michigan proud.

I congratulate the MSU Spartan Hockey Team on winning the 2007 NCAA Championship and recognize all the players, coaches, staff, fans, and others who were instrumental in this great achievement.

Again, this is a wonderful day for Michigan State University. We are very proud of our hockey members and particularly proud of a member of my staff, Jeff Muich, whose brother Steve is a member of that team. So with pride we congratulate Michigan State University on this wonderful achievement.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 144) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 144

Whereas, on Saturday, April 7, 2007, the Michigan State University (MSU) Men's Hockey Team won the 2007 Men's Hockey National Collegiate Athletic Association (NCAA) Championship by defeating Boston College by a score of 3 to 1;

Whereas entering the final period with a one-goal deficit, the Spartans rallied to tie the game at 1 to 1, and with 18.9 seconds remaining in regulation, scored the go-ahead goal to secure MSU Hockey's third national championship, and first since 1986;

Whereas the MSU Spartans won the NCAA Midwest Regional in Grand Rapids, Michigan, to qualify for the Frozen Four finals, making them the first Central Collegiate Hockey Association team to reach the tournament finals since 1998;

Whereas each member of the MSU Hockey organization made essential contributions to the team's success, including players Justin Abdelkader, Tim Crowder, Jeff Dunne, Tyler Howells, Brandon Gentile, Ethan Graham, Bobby Jarosz, Justin Johnston, Tim Kennedy, Kurt Kivisto, Chris Lawrence, Bryan Lerg, Jeff Lerg, Zak McClellan, Jim McKenzie, Steve Mnich, Chris Mueller, Michael Ratchuk, Matt Schepke, Chris Snavely, Jay Sprague, Daniel Sturges, Nick Sucharski, Ryan Turek, Daniel Vukovic, and Brandon Warner, Head Coach Rick Comley, Assistant Coaches Tom Newton and Brian Renfrew, and Athletic Trainer Dave Carrier;

Whereas MSU Spartans' Head Coach Rick Comley, who was named a 2007 National Coach of the Year finalist, became the third coach in college hockey history to win national titles at two institutions, the first with Northern Michigan University, and has recorded over 700 career victories, making him the third winningest coach amongst active coaches, and fifth winningest in NCAA history;

Whereas at the Frozen Four Championship game in St. Louis, a record 19,432 people attended and the enthusiasm shown by the people of Michigan and the student body of Michigan State University clearly demonstrates Michigan's strong support for the MSU Hockey organization and the determined effort of all the team's players;

Whereas MSU Hockey's third NCAA title will be celebrated in East Lansing, Michigan on Tuesday, April 10, 2007, and its members honored with a parade followed by a rally at Munn Ice Arena;

Whereas the families and friends of the team have provided unwavering support and have tirelessly cheered on their Spartans;

Whereas after many trials and tribulations in the later part of the season, the Spartans rallied together with unrivaled team character and focus to clinch the NCAA title;

Whereas Michigan State University has always stood as a center for excellence in both athletics and scholarship, under the current leadership of University President Lou Anna K. Simon, and Athletic Director and renowned former MSU Hockey coach Ron Mason;

Whereas the MSU Spartans displayed unparalleled team camaraderie and have shown their ability to unite both on and off the ice, which led to hard-fought victories throughout the season; and

Whereas the Spartan Men's Hockey Team demonstrated superior strength, skill, perseverance, and determination during the 2006-2007 season and has made Michigan State University and the entire State of Michigan proud: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the Michigan State University Men's Hockey Team on winning the 2007 National Collegiate Athletic Association Championship and recognizes all the players, coaches, staff, fans, families, and others who were instrumental in this great achievement; and

(2) directs the Secretary of the Senate to transmit an enrolled copy of this resolution to Michigan State University and to the MSU Spartans Men's Hockey Team for appropriate display.

CONGRATULATING ZACH JOHNSON ON HIS VICTORY IN THE 2007 MASTERS GOLF TOURNAMENT

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now proceed to consideration of S. Res. 145, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

The resolution (S. Res. 145) congratulating Zach Johnson on his victory in the 2007 Masters golf tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. GRASSLEY. Mr. President, I am pleased today to have the fortunate opportunity to recognize and congratulate a fellow Iowan on a magnificent achievement. On Sunday, 31-year-old Zach Johnson won the prestigious Masters golf tournament at the famed Augusta National Golf Club in Augusta, GA. I am joined by my colleague, Senator HARKIN, in submitting a Senate resolution congratulating Zach for his victory.

Zach not only won one of the most difficult golf tournaments in the world, he also won quite possibly one of the most difficult of all the Masters' tournaments in history. Gusting winds and bitterly cold weather combined with the traditional challenges of the golf course to create one of the toughest tournaments. His winning score of one-over-par 289 tied the highest winning score in Masters history. In the process, he beat fellow golf champions

Tiger Woods and Retief Goosen by two-strokes.

Zach was born in Iowa City and grew up in Cedar Rapids, playing golf at Elmcrest Country Club in Cedar Rapids. He went on to play golf at Drake University in Des Moines, graduating in 1998. To continue his pursuits as a professional golfer, Zach counted on the support of family and friends in Cedar Rapids who believed in him. His success didn't happen overnight; his dedication to the game and his hard work ethic helped him earn the prized green jacket.

Even in the aftermath of winning one of golf's highest achievements, he remained humble in his acceptance. He attributed much of his success to his perseverance and patience. He recognized his family and friends who believed in him even when he wasn't so sure himself, and as a man of faith he knew there was another power guiding him.

Through it all, he continued to insist that he's just a normal guy from Cedar Rapids, IA. I am proud of Zach Johnson for his brilliant win, and I am proud of him as an Iowan. I know Iowans are honored and blessed to have a person like Zach Johnson representing us in the world of professional golf. So I congratulate him on his outstanding victory, and I wish him and his family all the best.

Mr. HARKIN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 145) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 145

Whereas, on April 8, 2007, Zach Johnson, a native Iowan, won the Masters Tournament at the Augusta National Golf Club in Augusta, Georgia;

Whereas, the Masters has been won by some of golf's greatest champions, including Byron Nelson, Sam Snead, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tiger Woods, Phil Mickelson, and many others;

Whereas, Zach Johnson's final round of three-under-par 69 for a total score of 289 was two strokes better than that of any other competitor;

Whereas, in a final day on which six different players led, Zach Johnson showed great skill, patience and will to withstand the challenge of the weather and the course;

Whereas, Zach Johnson is the first Iowan to win the Masters, and the first Iowan to win a major championship in golf since Jack Fleck's playoff victory over Ben Hogan in the 1955 U.S. Open; and

Whereas, Zach Johnson has brought great pride and honor to his family, friends, and the citizens of Iowa with his victory: Now, therefore, be it

Resolved, That the Senate congratulates Zach Johnson on his outstanding accomplishment in winning the 2007 Masters golf tournament.

Mr. HARKIN. Mr. President, as long as I do have the floor, I thought I might at least talk about the resolution we just considered, S. Res. 145. Senator GRASSLEY and I cosponsored it. It is congratulating Zach Johnson on his victory in the 2007 Masters tournament. Basically, I might as well read it. It is not that long:

S. RES. 145

Whereas, on April 8, 2007, Zach Johnson, a native Iowan, won the Masters Tournament at the Augusta National Golf Club in Augusta, Georgia;

Whereas, the Masters has been won by some of golf's greatest champions, including Byron Nelson, Sam Snead, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tiger Woods, Phil Mickelson, and many others;

Whereas, Zach Johnson's final round of three-under-par 69 for a total score of 289 was two strokes better than that of any other competitor;

Whereas, in a final day on which six different players led, Zach Johnson showed great skill, patience and will to withstand the challenge of the weather and the course;

Whereas, Zach Johnson is the first Iowan to win the Masters, and the first Iowan to win a major championship in golf since Jack Fleck's playoff victory over Ben Hogan in the 1955 U.S. Open; and

Whereas, Zach Johnson has brought great pride and honor to his family, friends, and the citizens of Iowa with his victory: Now, therefore, be it

Resolved, That the Senate congratulates Zach Johnson on his outstanding accomplishment in winning the 2007 Masters golf tournament.

THE CALENDAR

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed en bloc to the consideration of Calendar No. 105, S. 521, Calendar No. 106, S. 801, and H.R. 753, which is at the desk.

The PRESIDING OFFICER. The clerk will report the bills by title.

The legislative clerk read as follows:

A bill (S. 521) to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heany Federal Building and United States Courthouse and Customhouse"

A bill (S. 801) to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"

A bill (H.R. 753) to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building."

There being no objection, the Senate proceeded to consider the bills en bloc.

Mr. HARKIN. I ask unanimous consent that the bills be read three times, passed, the motions to reconsider be laid on the table en bloc, the consideration of these items appear separately in the RECORD, and any statements be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

GERALD W. HEANEY FEDERAL BUILDING AND UNITED STATES COURTHOUSE

The bill (S. 521), to designate the Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse", was ordered to be engrossed for a third reading, read the third time, and passed; as follows:

S. 521

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The Federal building and United States courthouse and customhouse located at 515 West First Street in Duluth, Minnesota, shall be known and designated as the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building and United States courthouse and customhouse referred to in section 1 shall be deemed to be a reference to the "Gerald W. Heaney Federal Building and United States Courthouse and Customhouse".

ROBERT E. COYLE UNITED STATES COURTHOUSE

The bill (S. 801), to designate a United States courthouse located in Fresco, California, as the "Robert E. Coyle United States Courthouse", was order to be engrossed for a third reading, read the third time, and passed; as follows:

S. 801

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DESIGNATION.

The United States courthouse bordered by O Street, P Street, Tulare Street, and Capitol Street in Fresno, California, shall be known and designated as the "Robert E. Coyle United States Courthouse".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the United States courthouse referred to in section 1 shall be deemed to be a reference to the "Robert E. Coyle United States Courthouse".

CLIFFORD DAVIS AND ODELL HORTON FEDERAL BUILDING

The bill (H.R. 753) to redesignate the Federal building located at 167 North Main Street in Memphis, Tennessee, as the "Clifford Davis and Odell Horton Federal Building" was ordered to a third reading, read the third time, and passed.

ANIMAL FIGHTING PROHIBITION ENFORCEMENT ACT OF 2007

Mr. HARKIN. Mr. President, I ask unanimous consent the Senate now proceed to Calendar No. 91, H.R. 137.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (H.R. 137) to amend Title 18 United States Code to strengthen prohibitions against animal fighting, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

Mr. LEAHY. Mr. President, this bill has broad bipartisan support with more than 300 co-sponsors in the House. The companion Senate bill is S. 261. The lead Senate sponsor is Senator CANTWELL. There are 30 Senate cosponsors. The Senate Judiciary Committee considered and voted to report the bill favorably on March 8, 2007, and the Senate bill is on the Senate Business Calendar. The legislation in similar forms has passed one or both Houses of Congress several times. The bill also has strong endorsements ranging from the American Veterinary Medical Association to the poultry industry to hundreds of law enforcement groups nationwide. The bill has been endorsed by the United States Department of Agriculture, the Humane Society of the United States, and numerous other animal rights and law enforcement groups, including more than 400 police departments.

This bill contains a clarifying amendment like the one we adopted in the Senate Judiciary Committee to ensure that it does not affect legitimate hunting activities.

Animal fighting is cruel. In this spectacle, dogs and roosters are often drugged to make them hyper-aggressive and forced to keep fighting even after suffering severe injuries. The animals are enclosed in a pit that they cannot escape, and often are killed during the fights.

Animal fighting also spawns other criminal conduct, and endangers public safety. Animal fighting is often associated with illegal gambling, narcotics trafficking, public corruption, and gang activity. Cockfighting has been identified as a pathway for the spread of bird flu, and banning animal fighting is an important step to protect against this pandemic.

Federal anti-animal fighting legislation is already on the books, but this new law brings penalties for animal fighting more in line with other penalties for animal cruelty and creates new tools for law enforcement to enforce these laws nationwide. Those engaged in animal fighting ventures must know that this crime is serious and will be punished as a felony.

Mr. HARKIN. Mr. President, I ask unanimous consent that the bill be read three times and passed, the motion to reconsider be laid on the table, and any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (H.R. 137) was ordered to a third reading, read the third time, and passed.

ORDERS FOR WEDNESDAY, APRIL 11, 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 9:30 a.m., Wednesday, April 11; that on Wednesday, following the prayer and pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that the Senate then resume debate concurrently on S. 5 and S. 30, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. HARKIN. If there is no further business today, and if the Republican leader has nothing further, I now ask unanimous consent the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 8:02 p.m., adjourned until Wednesday, April 11, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 10, 2007:

DEPARTMENT OF DEFENSE

MICHAEL G. VICKERS, OF CALIFORNIA, TO BE AN ASSISTANT SECRETARY OF DEFENSE, VICE THOMAS W. O'CONNNELL.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

ROBERT M. COUCH, OF ALABAMA, TO BE GENERAL COUNSEL OF THE DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT, VICE KEITH E. GOTTFRIED, RESIGNED.

DEPARTMENT OF THE TREASURY

PETER B. MCCARTHY, OF WISCONSIN, TO BE AN ASSISTANT SECRETARY OF THE TREASURY, VICE SANDRA L. PACK.

DEPARTMENT OF STATE

JOHN L. WITHERS II, OF MARYLAND, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF ALBANIA.

CHARLES LEWIS ENGLISH, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO BOSNIA AND HERZEGOVINA.

ROBERT B. NOLAN, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE KINGDOM OF LESOTHO.

MIRIAM K. HUGHES, OF FLORIDA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE FEDERATED STATES OF MICRONESIA.

CAMERON MUNTER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF SERBIA.

DEPARTMENT OF VETERANS AFFAIRS

MICHAEL K. KUSSMAN, OF MASSACHUSETTS, TO BE UNDER SECRETARY FOR HEALTH OF THE DEPARTMENT OF VETERANS AFFAIRS, VICE JONATHAN BRIAN PERLIN, RESIGNED.

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED WHILE ASSIGNED TO A POSITION OF IMPORTANCE AND RESPONSIBILITY UNDER TITLE 10, U.S.C., SECTION 601:

To be lieutenant general

MAJ. GEN. CHARLES H. JACOBY, JR., 3627

THE FOLLOWING ARMY NATIONAL GUARD OF THE UNITED STATES OFFICER FOR APPOINTMENT IN THE RESERVE OF THE ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 12203:

To be brigadier general

COL. DANIEL J. NELAN, 2853

IN THE COAST GUARD

THE FOLLOWING NAMED INDIVIDUALS FOR APPOINTMENT AS PERMANENT COMMISSIONED REGULAR OFFICERS IN THE UNITED STATES COAST GUARD IN THE GRADE INDICATED UNDER TITLE 14, U.S.C., SECTION 211:

To be lieutenant

BROOKE E. GRANT, 6625
TODD C. MOE, 4566
MARIA A. RUTTIG, 8780

SENATE—*Wednesday, April 11, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

God of all life, we seek You in a world filled with challenges and problems. Prepare the Members of this body for the rigors of solving life's riddles today. Give them the wisdom to seek common opportunities, to accomplish Your divine will in our world. Make them instruments of Your love in the midst of hatred and strife. Teach them to spend and be spent for the good of others.

Lord, we intercede for them. Give them the spiritual tools for strength of thought, lightness of heart, sincerity of conviction, and clarity of purpose. Renew their commitment to You as their inspiration, their strength, their courage, their guide, and their Lord.

We pray in Your omniscient Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

> U.S. SENATE,
> PRESIDENT PRO TEMPORE,
> *Washington, DC, April 11, 2007.*
>
> *To the Senate:*
>
> Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.
>
> ROBERT C. BYRD,
> *President pro tempore.*

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

RECOGNITION OF THE REPUBLICAN LEADER

The ACTING PRESIDENT pro tempore. The Republican leader is recognized.

SCHEDULE

Mr. MCCONNELL. Mr. President, I am told the majority leader will be out shortly. Let me just mention that the vote is likely to be moved from 5:45 to 5:55, for the information of all Senators. We have a structured order for debate for the balance of the morning and afternoon that has already been agreed to.

I yield the floor.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

HOPE OFFERED THROUGH PRINCIPLED AND ETHICAL STEM CELL RESEARCH ACT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall resume consideration of the following measures en bloc, which the clerk will report.

The legislative clerk read as follows:

> A bill (S. 5) to amend the Public Health Service Act to provide for human embryonic stem cell research.
>
> A bill (S. 30) to intensify research to derive human pluripotent stem cell lines.

The ACTING PRESIDENT pro tempore. Under the previous order, there is now 90 minutes of debate under the control of the Senator from Iowa, Mr. HARKIN, or his designee; 45 minutes under the control of the Senator from Minnesota, Mr. COLEMAN, and the Senator from Georgia, Mr. ISAKSON, and 45 minutes under the control of the Senator from Kansas, Mr. BROWNBACK.

Who yields time? The Senator from Iowa.

Mr. HARKIN. Mr. President, before I yield the floor to my colleague from Massachusetts, I just want to again bring people up to speed as to where we are in this debate. We will debate the two bills again today, S. 5 and S. 30, all day. We will have two votes later today at a time to be determined by the leaders but I think right prior to 6 p.m, the first vote occurring on S. 5, an up-or-down vote without amendments, and after that would be an up-or-down vote on S. 30, without amendments.

I intend to take some time this morning, after the Senator from Massachusetts speaks, again to outline the differences in the two bills, why S. 5 is a preferable bill and why that should be the bill we pass and send to the President for his signature and to point out that S. 5 is truly the compromise bill.

I want everyone to know that. There was some talk that S. 30 should be the compromise. Let me point out for clarity that last year we passed the stem cell research bill. There was another bill offered on the floor at the same time called the Specter-Santorum bill. That bill was supported by the Bush administration. Both bills passed, but the Specter-Santorum bill never made it through the House, and therefore the President was given the stem cell research bill. He vetoed it. He exercised the only veto of his administration to veto the stem cell bill.

In order to reach out a hand of compromise to the White House, we then incorporated in our bill, S. 5, today, the Specter-Santorum bill of last year, which is part of S. 5. So it seems to me we have gone halfway at least in reaching out to the White House to provide a compromise situation. Now the White House says they want to compromise further. They want something else. You can keep this up until there is nothing left of the stem cell bill.

I wish to make it very clear that we have compromised. We have come halfway. We incorporated the bill the President supported last year, so S. 5 really is the compromise measure we are sending to the President.

Mr. President, I yield 10 minutes or whatever time he requires to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KENNEDY. Mr. President, I again thank my friend and colleague from Iowa, Senator HARKIN, for his steadfast leadership in this extraordinarily important issue. We are full of hope this afternoon about the votes here in the Senate. I welcome just a few moments to express my own views about where I think we are and what I think the issues really are before the Senate.

For years, many of us have fought the same battle, the battle to give those suffering or injured every ethical option for new cures. For those speaking on the Senate floor, perhaps little changes from one year's debate to the next. We still speak of hope. We still speak of dreams denied when those hopes are dashed. We still speak of our belief that medical research should be valued.

But for those who listen to our debate, a year can make all the difference in the world. For a young man

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

or woman bravely serving their country, a year can make the difference between vigorous active service and life in a wheelchair or a brain injury from a war wound. For someone fighting the long and lonely battle against Alzheimer's disease, a year can make the memory of a beloved spouse or child a little fainter, a little more distant. For a patient battling against the tremors of Parkinson's disease, a year can mean more and more life activities fade out of reach.

If overturning the administration's unwarranted restrictions on stem cell research brings just one breakthrough, just one of the many that our best scientists believe are possible, that breakthrough can mean all the difference in the world for the patients who benefit. They cannot wait another year, or another day, for the help stem cell research can bring, and we should not wait in aiding them. We must take action here and now to end these unnecessary and harmful restrictions on lifesaving research.

Continuing the administration's restrictions means the gap between what scientists could do and what they are allowed to do grows even wider.

Continuing the restrictions means our Nation's best scientists will go on having to waste precious time on pointless redtape and bureaucratic obstacles, time that should be spent on the search for new cures.

Continuing the restrictions means having to tell the patients who are counting on the promise of stem cell research: Wait just a little longer, dream just a little less, hope just a little more faintly.

The Senate must act, just as the House has already, to unlock the potential of stem cell research.

When the Congress has approved this needed legislation, we must turn our attention to 1600 Pennsylvania Avenue and urge the President of the United States not to veto the legislation that gives so much hope to so many.

Mr. President, just an extraordinary statement and comment from the Nation's leading scientist, Dr. Zerhouni, who is the head of the National Institutes of Health:

> From my standpoint as NIH director, it is in the best interest of our scientists, our science, and our country that we find ways and the nation finds a way to allow the science to go full speed across adult and embryonic stem cells equally.

This is the statement of the head of the National Institutes of Health, an extraordinary scientist and researcher himself. It couldn't be said more clearly and more compellingly.

Finally, to remind ourselves what this really is all about—because it is basically about individuals—here are two extraordinary soldiers who served in Iraq. James Crossby, Winthrop, MA, is now in a wheelchair because of a damaged spinal column—others could have similar situations from their own States—and Sgt Jason Wittling, Marine Corps, injured in Karbala, again with spinal cord injuries. And that is one of the areas where there is such great hope.

Finally, one of the most moving letters I have received in the time I have been in the Senate was on this issue, from Lauren Stanford, from Plymouth, MA—15 years old. She wrote just after watching the President of the United States speak on this issue when he set up the regime on which we have all commented, which limits the great possibilities we have talked about during the course of this debate. This is what she said:

> That night—

Referring to the night the President talked—

> President Bush talked about protecting the innocent. I wondered then: what about me? I am truly innocent in this situation. I did nothing to bring my diabetes on; there is nothing I can do to make it any better. All I can do is hope for a research breakthrough and keep living the difficult, demanding life of a child with diabetes until that breakthrough comes. How, I asked my parents, is it more important to throw discarded embryos into the trash than it is to let them be used to hopefully save my life—and to give me back a life where I don't have to accept a constant, almost insane level of hourly medical intervention as "normal"? How could my nation do this to me?

That is the issue which Lauren Stanford has put before the Senate. Hopefully she will get an overwhelming, bipartisan answer this afternoon when the roll is called.

I yield the remainder of my time..

Mr. HARKIN. Mr. President, I yield 20 minutes to the Senator from North Dakota. How much time do we have remaining on our side?

The ACTING PRESIDENT pro tempore. Eighty minutes.

The Senator from North Dakota is recognized.

Mr. DORGAN. Mr. President, let me thank my colleague from Iowa for his leadership. I know he and many others in this Chamber have spent a great deal of time putting together a piece of legislation that is very important. I commend all of them.

There are times on the floor of the Senate where we are engaged in certain kinds of debates that cause folks to exhibit some temper and some concern and anxiety and impatience. This is one of those issues, however, that people feel very differently about. We will have people come to the floor on this issue of stem cell research who feel very strongly on both sides.

I respect all of those views. I respect everyone who comes to this floor with a position on this issue. But let me say, the position, as I see it, is a position that deals with life and death. This is very important. We deal with some issues on the floor of the Senate that are not so important, some that are very important. This ranks way up there in importance.

This is about life or death. It is about science, and it is about inquiry. It is about the search for unlocking the mysteries of what causes some of the dreaded diseases here on Earth and how we find cures for these dreaded diseases.

I chair a subcommittee that funds the science programs in our country, especially the science programs that have to do with, for example, energy and other related matters. I think science is fascinating. In my subcommittee, we had testimony a while ago about studying termites. We are studying the digestive system of termites because we are trying to understand why it is when a termite eats wood, the termite's digestive system produces hydrogen. How is it that a termite eats wood and produces hydrogen? Again, what an interesting scientific inquiry.

Well, we are engaged in scientific research in a whole range of issues. Especially important are the areas of scientific inquiry in this area of health. What is it that causes these terrible diseases? What kinds of approaches might give us a chance to cure some of these dreaded diseases?

Well, one of those issues is the issue of stem cell research. The language almost sounds like a foreign language in some of these discussions: somatic cell nuclear transfer, in vitro fertilization clinic, stem cell research. Those are not terms people use every day in their discussions, and yet the method of using those terms in this discussion is about life or death. It is about continuing scientific inquiry to try to unlock the mysteries of some of the most terrible diseases suffered by mankind.

We passed a piece of legislation last July that moved in this direction, and the President decided to veto it. Legislation that we hoped would perhaps give us an opportunity for treatment for things such as diabetes, cardiovascular disease, Parkinson's disease, ALS, Alzheimer's, birth defects, and spinal cord injuries.

We do not know, we cannot come to the floor of the Senate, we are not scientists to describe: Here is exactly what will happen as a result of this scientific inquiry. But we do know there are at least indications of great hope through this scientific inquiry. So the Stem Cell Research Enhancement Act, S. 5, which we now have on the floor of the Senate, would allow researchers to pursue all kinds of promising stem cell research, including embryonic stem cell research that is federally funded.

This legislation is controversial. The legislation deals, however, only with embryos that were created for fertility purposes in in vitro fertilization clinics that would otherwise be thrown away.

Now, in vitro is a relatively new term. It has been around for about 25 years. There are more than 1 million children walking this planet of ours who were born as a result of in vitro fertilization. We had testimony before one of my committees, the Commerce Committee, in which a witness said: None of them should have been born. None of these human beings are worthy. They should not have been born. He disagrees with in vitro fertilization. It is his right to do that. I do not support that.

I think the wonder of life of having 1 million people, 1 million people who once were babies born to people, to couples who were not able to have children, is a wonderful gift. What a wonderful gift.

In vitro has been around for a quarter of a century. Because of the nature of the treatment, the infertility treatment in this process, more embryos are created than will ever be used. Rather than throwing these embryos in the waste, as hospital waste, or just waste from an in vitro clinic, it is much more life affirming, I think, to use them to better understand how we might treat devastating diseases such as diabetes, heart disease, Alzheimer's, and more.

I think Senator Jack Danforth, former Senator Jack Danforth, said it best. He is a colleague who served here with us in the Senate. He said this: It is not evident to many of us that cells in a petri dish are equivalent to identifiable people suffering from terrible diseases. I am and have always been pro-life. But the only explanation for legislators comparing cells in a petri dish to babies in the womb is the extension of religious doctrine into statutory law.

That is from former Senator Jack Danforth. What a profound statement. Do you equate the cells in a petri dish with someone suffering the ravages of Parkinson's disease or ALS? I do not think so. But that suggests somehow that those who oppose this legislation make that equation.

This legislation is not suggesting that anyone create an embryo for the purpose of research. It is saying those embryos that are about to be discarded, thrown away, thousands of them, because many more are produced than are to be used in in vitro clinics, rather than simply throwing them away, how about—with the consent of those from whom the embryos came—how about using them for a life-affirming purpose, for the needed research into unlocking the mysteries of these devastating diseases?

There are about 400,000 embryos frozen in these clinics. It is estimated 8,000 to 11,000 are scheduled to be discarded. It is interesting to me that no one has come to the floor of the Senate—that I am aware of—saying: Shut down these in vitro clinics. Shut them down. And, by the way, if someone tries to throw away an embryo, as they do every day, if they try to throw one away, have someone arrest them because you are throwing away a human being. It is, of course, not a human being. It has the potential to become a human being if it is implanted in a woman's uterus and grown to term. But it will not be implanted in a uterus. In fact, it will be discarded in a wastebasket.

The question my colleagues asks with S. 5 is: With consent, should that embryo, rather than simply be discarded, not be able to be used for this critically important research?

There are not enough stem cell lines available. We know that. My colleagues have made that case. The President authorized some stem cell lines, but the authorized lines were never enough, and, in fact, they were contaminated, and it is just a plain fact that we are, at this point, interrupting the scientific inquiry. We are interrupting the opportunity to search for a cure for these diseases.

The embryos we are discussing on the floor of the Senate are going to be destroyed. That is certain. These embryos are going to be destroyed. Could they, should they be used to search for the cure for these dread diseases? I believe the answer is yes.

In my last campaign for the Senate, a curious commercial was run against me by my opponent. He ran a commercial which is a description of some who feel very strongly in opposition to this kind of legislation. Because I support stem cell research very strongly, my opponent ran a commercial of a man sitting around the fire, a kind of a campfire with about six or eight young children around him.

The commercial, I suppose, was meant to be humorous but about a serious subject. A young child, with eyes very big reflected in the glow of the fire, around that fireplace, said to the camp leader: Tell us a story. Tell us a scary story.

The man said: Well, there is a man named Byron—referring to me, I guess—a man named Byron. He has a plan. His plan is to implant into a mommy's uterus an egg that is fertilized, to become a fetus, so that they can harvest it during that pregnancy to use it for body parts later.

Little children around that campfire had eyes the size of dinner plates, from that scary story. Of course, that was a complete perversion of anything that remotely related to the truth, had no relationship to any of these issues.

No one is talking about implanting something in a uterus for the purpose of growing a fetus, for the purpose of harvesting body parts. That kind of unbelievable lie permeates all too often this discussion. That is not what this discussion is about.

Those of us in this Chamber—and there are many of us who have sat in the front row of a funeral—in my case of a daughter—and asked ourselves: Was there anything, was there anything more we could have done?'

Is there anything that could have been done to prevent this disease? The answer, if we prevent this kind of research, the answer for everyone will be, yes, there is something we could have done. We could have continued the scientific inquiry and research, with carefully constructed guidelines, to see if we could unlock the mysteries of these diseases.

Let me show a picture of a young girl named Camille. In fact, I just saw Camille last month. This young girl has been very near death. She suffers from juvenile diabetes, the particularly acute condition of juvenile diabetes. That is Camille in the middle. I saw her mother last week in North Dakota. Camille was in Washington, DC, about a month ago with her mother. I have known Camille for a long time, this young girl holding the clarinet in her middle school band. She has had a tough life and has lived on the edge, suffering a very significant disease, one that has cost too many, too many Americans, and especially too many young Americans, their lives.

But there are so many opportunities for research and for potential treatment. Let me give you a couple of examples. I was on an airplane one day with one of the researchers at NIH. The researchers at NIH do unbelievable work. He told me of the use of stem cells among a group of mice that had induced heart attacks, severe, debilitating heart attacks. They used stem cells to inject back into the heart muscle of those mice, and in a matter of a couple of weeks, a substantial percentage of those mice showed no evidence of having had a heart attack. A substantial portion had complete recovery.

Let me give you a couple of other examples. Researchers at Johns Hopkins report paralyzed rats have partially regained the use of previously immobile hind legs in studies in which scientists injected the rodents with stem cells from mice embryos.

As to potential to treat ALS, University of Wisconsin-Madison scientists have turned stem cells into nerve cells carrying messages between the body to the brain, offering possibilities for repairing damage caused by ALS.

Embryonic stem cell researchers at UCLA, AIDS Institute, were able to coax human embryonic stem cells into becoming mature immune T cells. I am not a scientist. All I can tell you is this: When we look, when we search, when we inquire, when we use America's best minds and research using good ethical guidelines, important guidelines, valuable guidelines, for scientific inquiry, we then find ways to unlock these mysteries. It is pretty unbelievable what we have done in a relatively short period of time.

We have a polio vaccine. We have cured smallpox. If you go to the hospital these days and take a look at the wondrous machines and the wonderful treatments and all of the things that we are doing, all of that is a matter of experimentation and developing experience from that experimentation.

The fact is, embryonic stem cell research has very broad and very strong bipartisan support. That bipartisan support is evident in the Senate. We have had Senators on both sides of the political aisle stand up in strong support of this legislation.

Now, let me use a chart that my colleague, Senator KENNEDY, just used because I believe it is so important.

Dr. Zerhouni, the Director of the National Institutes of Health, says—this is President Bush's own NIH Director: From my standpoint, it is clear today that American science will be better served, and the Nation will be better served, if we let our scientists have access to more stem cell lines.

That is from the President's own appointee to head the National Institutes of Health.

I know in political life, there are a lot of labels, pro-life, pro-choice, pro-this, pro-that, anti-that. Let me observe, it is not, as some have suggested, a pro-life position to diminish or shut off critically needed research that will give people who have Parkinson's disease, diabetes, Lou Gehrig's disease, cardiovascular disease, cancer, any number of the things that kill so many Americans, it is not pro-life to diminish, restrict, or shut down research that gives people an opportunity for hope that there might be a cure for these diseases through this scientific inquiry and research. I recognize this is controversial. I respect someone who comes to the floor and says: Senator DORGAN, you are wrong about this. I respect that. This is not an easy issue. It is difficult for a lot of Members. I have not found it particularly difficult for me, because I believe those of us who have seen the ravages—and that should be most everybody in this Chamber—of these diseases to our loved ones, to friends, to so many Americans, this country would want us to do everything possible to give the tools to the best scientific minds and the best people in the medical field possible to unlock the mysteries of these diseases and find the cures. That is what this debate has been long about.

This debate, however, is even narrower than many we have had on this subject. This is about a single issue—can we use embryos that are otherwise going to be discarded from in vitro fertilization clinics, that are otherwise simply going to become waste and destroyed, today, tomorrow, next week, next month, all year long, can we use, with the permission of the donors, those embryos for the scientific inquiry necessary for the extension of life and the curing of these dread diseases? Can we do that? The answer clearly ought to be yes, a loud, resounding yes coming from this Chamber.

My colleague Senator HARKIN has been at this a long time. I have spoken on this a good number of times on the floor of the Senate myself. But it is not only Senator HARKIN; he is joined in a piece of legislation on a bipartisan basis by some very significant voices in the Senate, saying: Let's do this. Let's do this for this country. All of those who are suffering from these dread diseases deserve our help. They certainly don't deserve a Government that says: By the way, we understand your suffering, but we would prefer to choose to destroy and discard embryos from an in vitro fertilization clinic rather than extend the scientific research that might find a cure for what is killing you. That is not an acceptable answer from this Senate.

I thank Senator HARKIN for the time. I thank the many colleagues who have spoken in favor of this legislation and offer the fervent hope—and I believe it exists—that we can pass this legislation with a very substantial margin within the next 24 hours.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank my colleague from North Dakota for a very eloquent statement about what this is all about. I thank him for that. I thank him for his strong support of S. 5, our legislation to basically do what he encapsulated by saying this is about saving lives. That is what it is all about.

I ask unanimous consent that the previous order be modified to provide that the vote on passage of S. 5 occur at 5:55 p.m., that the Republican leader be recognized at 5:25 p.m., with the other provisions remaining in order; provided further, that the additional 10 minutes be equally divided between Senators HARKIN and COLEMAN, ISAKSON, and Senator BROWNBACK, or their designees.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senator from Georgia.

Mr. ISAKSON. Mr. President, I yield 10 minutes to the distinguished Senator from Minnesota, Mr. COLEMAN, who has worked countless hours on this very important subject.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, as I listened to my distinguished colleague from North Dakota, there is so much we agree on. What we agree on is we want to move science forward. We want to provide hope to those who are suffering from diseases and conditions with the possibility of stem cell research. The issue is a matter of Federal funding. What do we put Federal dollars into? Should there be any moral questions that are raised before we make that decision to put Federal dollars into something? That is a legitimate issue to discuss in the Senate. It is a reflection of the reality that in this country there is substantial disagreement about what is appropriate use of Federal dollars. This is not about shutting off research. It is not about stopping research. It is not about a lack of research going on. We still lead the world in embryonic stem cell research. With forty percent of all the publications that are offered in this country, 85 percent of the dollars from what we have provided, both embryonic and adult stem cell research, we are leading the world. That includes both Federal dollars and substantial private dollars.

When this issue arose early on, President Clinton had his own bioethics commission. They concluded the derivation of stem cells from embryos remaining following infertility treatments is justifiable only if no less morally problematic alternatives are available for advancing the research.

The reality is, we have reached a point where there are available alternatives, and we have an opportunity to pursue them. There is a political reality as well; that is, that S. 5 will pass. The President has said he is going to veto it because of his concern on Federal funding for the destruction of human embryos. As a result, from January 1 of this year, there is going to be no more research going into embryonic stem cell research tomorrow than there is today, unless we pass S. 30.

S. 5 is going to be vetoed. If you care about making more than a political statement but actually talking to the parents of kids with juvenile diabetes or adults with Parkinson's, whatever, the reality is, if you care about more than $132 million going into human embryonic stem cell research, you have to support S. 30. That is the political reality.

What S. 30 offers, in addition, is the opportunity to have a greater sense of national unity on this issue, to get beyond the culture wars, to get beyond the political division. That is what the research should be about.

Senator ISAKSON has talked about dead embryo research. I hope the description was clear enough. There was some confusion from some of my colleagues on the other side of this issue. Let me explain a little biology 101. The issue here is, can we produce pluripotent cells—embryonic cells are pluripotent—the capacity for the cell to give rise to many other different types of cells. There are adult stem cells out of bone marrow, out of blood type. Now we are looking at placental and embryonic. But there appears to be, and science will tell you, the ability of embryonic pluripotent cells.

The difference here is between pluripotent and totipotent, the ability to form an embryo, the beginning of life. Senator ISAKSON has talked about dead embryo research where the embryos have the ability to form pluripotent cells, those cells that have the capacity to differentiate into other types of cells. That is an opportunity without crossing a moral line. All of America can come together and say: This is a good thing, putting money into stem cell research and not dividing the Nation.

There is the process called alternate nuclear transfer. This is a process that if you look at natural fertilization, you get the sperm and the fertilized egg. You get an embryo. Under SCNT—that is the way Dolly the sheep was produced, a type of cloning—you get the egg cell. You take some adult genetic material with all the DNA, and you put that in an enucleated egg where the center is cut out. You get that fertilized egg and, boom, you get an embryo. Science is telling us today that you can, with all the natural nuclear transfer, with a range of things, what you can do is, you can take that egg, you can enucleate it, cut out the center, put in adult material. But before you transfer it, you turn off a little code. In the end, you don't get an embryo but you get this intercell mass then that has the capacity of pluripotency, not an embryo but the ability to differentiate cell types and all of the elasticity and the hope and possibility you get from embryonic stem cell research without crossing a moral line.

Is that what we should be doing? This is not shutting off science. Some have said this is a diversion. Certainly it is not a diversion in the practical sense, because right now there will be, if S. 5 passes, no additional funding for embryonic stem cell research. But if S. 30 passes, we can open the world to these possibilities and additional Federal dollars. The reality is, with S. 5 there are questions that are unanswered. I was just talking about those lines that are in vitro fertilization that some say could be thrown away. What is to stop people from simply producing more, knowing the research money is going to be there? The reality is, those cells that are in those IVF clinics have limited genetic lines. If you are of a certain minority or other groups, you are not as represented in those as you are in the population. But if we look at things such as alternate nuclear transfer, you can have an unending supply of genetic material so you can deal with specific gene types and deal with specific illnesses.

S. 30 also includes a provision to set up a stem cell bank for amniotic and placental stem cells, the idea that we could have 100,000 tissue samples and, by virtue of that, cover all the genetic types there are, which you do not get with what we have now under S. 5.

The bottom line in all of this is, there is a debate in this country, but it is not over moving the science forward. The debate is not over whether there should be hope. There is hope. It is important to understand some of the realities, the reality of what we are talking about today. Yesterday one of my colleagues, the Senator from Iowa, was talking about some of the work being done with dead embryos, perhaps some of the work being done with alternate nuclear transfer, and saying this could take a decade. The reality is the work being done today in embryonic stem cell research at best may take decades. So the question then ultimately is, can we as a nation decide on a process that does respect a moral line, that does say: We are not going to provide Federal funding for the destruction of a human embryo, but because we have the possibility, we should explore the possibility of doing research that provides for pluripotency without totipotency, without the creation of an embryo.

We are going to have more difficult questions as we move forward. As we look at the issue of stem cell research, one of the realities we are looking at is, if they haven't developed enough, what about the idea of developing limbs and other things. Should we let the embryo grow longer? Where do you draw that line? There is a whole range of other issues we are going to have to be debating as we kind of move along this process with the great advances of scientists. For those of us who support S. 30, what we are saying is we have a path, we have an opportunity to do it with a sense of unity, with a sense of where we provide a moral line, a line, by the way, that has been part of our statutes for a long time. We don't provide Federal funding for the destruction of human embryos. That is what this is about. It is not about size. The reality about size is that you could fit some of these on the head of a pin. But it is about that basic moral line which has been part of our law for a long time.

So this approach we have in S. 5 is an approach that is pro-science and pro-research and pro-hope. It is the only practical one that in the end, if it passes, will result in more funding for embryonic stem cell research tomorrow than we have today.

My fear is what happened last year will happen this year. This body passed both a version of S. 5 as well as a version that provided for some alternatives. It was the Specter-Santorum bill. S. 30 provides for more than that bill. It will provide for, in fact, new dollars going to research that isn't funded today.

What the House chose to say is it is all or nothing. If you don't pass the S. 5 version, the Castle bill, then we are not going to even put in any funding. We are not going to do anything. We are not going to allow any alternatives to be pursued. That would be a shame. As I used to tell our kids, it is akin to cutting off your nose to spite your face. That would be a shame.

I hope my colleagues on both sides of the aisle—wherever they stand on this issue they can be comfortable supporting S. 30; they can be comfortable supporting a bill that provides for the moral line but at the same time opens up the opportunity for additional research. I urge its support.

I yield the floor.

Mr. ISAKSON. Mr. President, I yield myself 3 minutes. I wish to commend Senator COLEMAN and Senator DORGAN for the two speeches that have preceded my remarks because both of them eloquently expressed what is, in fact, the case; that is, that everybody in this Chamber, including the distinguished Senator from Iowa and myself, wants more hope for Americans who suffer. Both bills offer a path to do that. We may have our differences on those paths but no difference in the hope that it offers. I commend Senator COLEMAN for his very articulate explanation of that.

I join with the Senator from Iowa, I think, in encouraging our colleagues who may be listening, we have some time this morning that can be filled. If we have Members who want to come to the floor and speak, they should contact the cloakroom and let us know, from both parties and from both sides of every issue, because we want to fill every minute.

With that, I reserve the remainder of my time.

Mr. HARKIN. Mr. President, I concur with my friend from Georgia in that if people want to speak, they should come over now. We have a list of speakers, and I think Senator ISAKSON does, too, for later on in the day. I can only say to Senators, as the clock ticks, your time is going to get squeezed more and more. So that if you are scheduled to speak for, say, 10 minutes this afternoon, you may get squeezed to 3 minutes or 2 minutes or 1 minute. So if you would like to have your say about this embryonic stem cell bill, I would say now would be the time to come over. I say to all the Senators who may be in their offices right now, call the cloakrooms, and we will make the time available right now.

Mr. President, what is the situation, might I ask, right now with the time existing?

The ACTING PRESIDENT pro tempore. The Senator from Iowa has 58 minutes, the Senator from Georgia has 33 minutes, and the Senator from Kansas has 45 minutes.

Mr. ISAKSON. It is my understanding, if the Senator from Iowa will yield, that the Senator from Kansas is in the cloakroom and about to take a significant portion of that. That is my understanding. That would be a significant portion of his time, not yours and mine.

The ACTING PRESIDENT pro tempore. The Senator from Kansas is recognized.

Mr. BROWNBACK. Mr. President, I thank my colleagues for the debate, and a good one, we are having on a very important topic. The differences in this debate remind me, though, of a proverb that says there is a way that seems right to a man, but its end is the way of death. Unfortunately, if we research on young human life, it puts that young human life to death and at the same time does not produce the results for cures that we had hoped would be taking place.

I respect my colleagues who are on another side of this issue who feel as though we should research on young human life. I do not feel that is right or ethical. I will discuss that aspect here today with some of the time I have, and I also wish to discuss the exciting breaking developments that are taking place even today on the adult stem cell area that continues to produce treatments for humans.

I ask unanimous consent to enter into the RECORD after my statement an article from the Chicago Tribune online edition.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BROWNBACK. It is dated today. It is about the latest diabetes treatments that have been taking place. A report came out from Northwestern University in the Chicago area about a new diabetes treatment developed at Northwestern University which has allowed some patients to stop taking insulin for more than 2 years. They have raised questions about this process. It was done in Brazil rather than in the United States. Thirteen of the fifteen patients in this adult stem cell study went off insulin for at least 6 months, as they note, prompting cautious excitement from some researchers who have seen the results. Dr. Gordon C. Weir, a diabetes researcher and head of a transplantation program at Harvard's Medical School, Joslin Diabetes Center, said this:

> Their results look better than anything I have seen so far.

What an exciting development in the adult stem cell research area and field.

Questions have been raised about this trial and some of it taking place in Brazil. I have raised questions such as why is it we are seeing these breakthroughs taking place and we are having patients from the United States go to Bangkok, go to Portugal, and these treatments are being developed in Brazil rather than in the United States. I believe if we would put our funding here that we are using in the embryonic field, the $613 million that has produced no human treatments to date but has produced a lot of tumors in live animals, if we would put that in the adult field where we are getting results—we have invested in the adult field, but what if that $613 million were in the adult field today? Would these breakthroughs be happening here instead of Brazil, or by U.S. researchers in Brazil? Why aren't they being done in the United States? I hope my colleagues will look at that issue.

There is another point I wish to raise with my colleagues at this point in time. Let's presume they are successful in embryonic stem cell research. Let's presume, in a decade or 20 years, they are successful with embryonic stem cell research. That is going to lead to the necessity of us moving forward with human cloning because in the development of this technology, embryonic stem cell technology, if you are using an embryo and the genetic material doesn't match up, there is going to be rejection by my body or by some body. That is going to happen. That is going to take place. So we are going to have to move into human cloning. We are going to have to harvest women's eggs, develop human clones to develop the correct type of embryonic stem cells to use in an individual so that there will be a genetic match. I think we ought to talk about that, if we continue in the progression we are on.

I acknowledge that human cloning is not specifically addressed in S. 5, the embryonic stem cell bill. However, if embryonic stem cells can ever overcome their tumor-forming tendency—and that is a huge if—and they are used in humans, human cloning will be used in order to avoid immune rejection problems. Therefore, as is hopefully evident, the issue of human cloning needs to be raised.

To this end, I recently introduced the bipartisan Brownback-Landrieu Human Cloning Prohibition Act, which we introduced before the break with 26 other Senators who are cosponsoring this legislation.

This legislation would reaffirm that the United States places tremendous value on the dignity of each and every human person: from the young human embryo to vulnerable women who would be coerced into donating their eggs, at potentially great risk to their health. The legislation would make clear that the cloning of human persons is not something we as a society will accept.

The Brownback-Landrieu Human Cloning Prohibition Act has been endorsed by the President of the United States. It will bring the United States into conformity with the United Nations, whose General Assembly called on all member states "to prohibit all forms of human cloning." It did not say we can do therapeutic but not reproductive. It said "all forms of human cloning" by a strong 84-to-34 margin vote in the U.N.

The problem with cloning human beings is that it violates human dignity on all sorts of levels. Cloning transgresses our heritage's most sacred values about what is good and true and beautiful. Western civilization indeed is built on the tenet that every human life has a measurable value. Human beings are ends in themselves. It is wrong to use any person as a means to an end. Upon this principle our laws are founded, and without it, laws have little basis. Human cloning—for whatever purpose—is wrong because it turns humans into commodities or spare parts.

In recent debate, human cloning has been referred to as "therapeutic cloning," "research cloning" or simply SCNT. These are presented as contrasts to "reproductive cloning." It should be noted that "therapeutic," "research," and "reproductive" are merely adjectives to describe what is done with the cloned human. SCNT, or somatic cell nuclear transfer, is the scientific description of the cloning process.

A CRS report for Congress notes:

> A human embryo produced via cloning involves the process called somatic cell nuclear transfer (SCNT). In SCNT, the nucleus of an egg is removed and replaced by the nucleus from a mature body cell, such as a skin cell. In cloning, the embryo is created without sexual reproduction: There is no joining of egg and sperm.

Stem cell pioneer James Thomson has said:

> If you create an embryo by SCNT cloning and you give it to somebody who didn't know where it came from, there would be no test you would do on that embryo to say where it came from. It is what it is. If you try to define it away, you are being disingenuous.

With "reproductive" and "therapeutic" cloning, human beings are turned into commodities or spare parts to be dissected in the laboratory, with the claim that someday they may be administered to other humans to provide a treatment. Treatments are certainly praiseworthy but not at the expense of the destruction of other members of the human family. We all want to treat people as people, and people should be treated as people. I want to find a cure for cancer. However, it is wrong to turn humans into a means to an end.

It is also wrong to exploit women for their eggs. Here I want to develop this thought about what will take place if human embryonic stem cell research is developed, is successful. We have to develop clones that meet the genetic type of the individual seeking the treatment. You are going to have to get eggs from somewhere and you are going to have to get these from people—from women. Also, it is wrong to exploit women for their eggs, and that is the other side of the human cloning story. SCNT cloning, as proposed by proponents of the technique, would require millions of human eggs. In all likelihood, poor and disadvantaged women would be particularly vulnerable to exploitation via financial incentives for donation. This is troubling because retrieving such eggs violates the dignity of a woman and may cause serious harm to her health.

The Brownback-Landrieu Human Cloning Prohibition Act is the only effective ban on human cloning. Any other ban is one that is allowing therapeutic cloning and even encouraging it but certainly not banning human cloning. Others would regulate what could be done with the human clones, normally requiring its destruction, but they do nothing to prevent the process of human cloning, which violates human dignity on many levels. We should take a stand against turning young human beings into commodities. We should not destroy human life for research purposes.

I will not be voting for cloning today, and I will continue to look for an opportunity to bring this legislation forward as an amendment to other bills. Again, I point out to my colleagues that is the route we are on with this—to promote human cloning so there will be genetic matches in the human embryonic stem cell procedures. I do not believe that is the path we should follow.

I want to address some of the thoughts several colleagues have brought up about what it is we are doing. Human embryos are being destroyed for research purposes and for stem cells. Some have referred to this as "potential life," which strikes me as a bit like the debate we had on the issue of slavery, where we deemed a person three-fifths of a person at one point in time. That is a complete legal fiction. You are either a person or you are not. You are either life or you are not life. It is not potential life. Nowhere in the scientific literature is there a description of potential life. The embryo is a species at that stage of development in the life cycle. That is the scientific definition and information—the embryo is a species at that stage of development in the life cycle. We all have a life cycle. The embryo is the species at that stage. That is common sense. The embryo stage is a development stage, but it remains human life, not potential human life. It is alive and it is a life.

The embryo would continue along the life cycle continuum if we were not interfering in its normal development by keeping it in a freezer and destroying it for experiments. I think it is important that we not engage in wishful thinking or trying to define this away. A human embryo is a human life. We should not say it is a potential life. That is not a definition for what human life is. I noted in the debate earlier—I want to make this point at this time—that it appears as if at the current research rate it would take 100 or more human eggs per cloned embryo—100 you are going to have to harvest from young women to get this process to move forward with human cloning.

Mr. President, I will reserve the remainder of my time at this point. I yield the floor.

EXHIBIT 1

[From the Chicago Tribune, Apr. 11, 2007]

HOPE, RISK IN DIABETES TRIAL

(By Jeremy Manier)

A new diabetes treatment developed at Northwestern University has allowed some patients to stop taking insulin for more than two years, but it also has spurred ethical objections from researchers who say the trial put Brazilian children at unnecessary risk.

Thirteen of the 15 patients in a stem-cell study went off insulin for at least six months, prompting cautious excitement from some researchers who have seen the results, to be published Wednesday in the Journal of the American Medical Association. All of the patients had the less common form of diabetes called early-onset, or Type 1 diabetes, which normally requires close blood-glucose monitoring and long-term use of insulin injections.

The new approach, designed by Dr. Richard Burt of Northwestern, enlists a patient's own stem cells in an effort to halt the immune system's destruction of insulin-producing "beta" cells in the pancreas—the root cause of Type 1 diabetes.

Burt drafted the protocol, and doctors at the University of Sao Paulo in Brazil carried it out. The patients, some as young as 14, got intense drug treatment that wiped out their immune systems. They then received injections of their own blood stem cells in hopes of renewing the immune system without the trait that makes it target beta cells.

"Their results look better than anything I've seen so far," said Dr. Gordon C. Weir, a diabetes researcher and head of a transplantation program at Harvard Medical School's Joslin Diabetes Center.

Though small in scale, the study is significant as the first attempt to treat diabetes using a "cell-based" therapy, researchers said. Such treatments may become more common as scientists look beyond insulin and try approaches using adult stem cells or embryonic stem cells, which could directly replace the tissue damaged in diabetes. Type 1 diabetes accounts for 5 to 10 percent of the 21 million diabetes cases in the U.S.; the rest suffer from Type 2 diabetes, which is linked with obesity.

"These are promising results that suggest we should go further," said Burt, a specialist in immunesuppression therapy.

Yet some experts doubted the protocol could have been approved in this country. Weir, like several other scientists reached for this report, said the risks of Burt's technique are high enough that he probably would not have approved the experiment if he had been responsible for reviewing it.

The problem is this: Although early-onset diabetes can have dire long-term effects such as blindness and heart disease, many patients succeed in managing their condition with insulin and lead normal lives for decades. That makes it harder to justify the risks of stem cell transplantation, which Burt has used before on diseases with few other treatment options, such as lupus or multiple sclerosis.

The immune suppression used in stem-cell transplants can cause infections and even death. None of the patients in the Brazilian study died, though one had severe pneumonia that required supplementary oxygen.

Several experts said the risks could have made it difficult to get the study past American institutional review boards—groups responsible for ensuring that research is safe and ethical.

"This is an incredibly invasive therapy to be tried on children without knowing if anyone will benefit from it," said Dr. Lainie Ross, associate director of the University of Chicago's MacLean Center for Clinical Medical Ethics.

Ross said she would not have authorized such a study unless it enrolled only adults. She said research ethics guidelines state that risky experimental therapies should not be used on children unless it's impossible to test them on adult subjects—and in this case, adult diabetes patients were available.

In fact, Burt said his original protocol included a cutoff age of 18, but a Brazilian review board changed it to allow younger patients in the study. Ages of the subjects ranged from 14 to 31, with eight participants younger than 18.

Burt said the study was done in Brazil not to avoid the need for an American review board, but because he couldn't find an American diabetes expert interested in pursuing his idea. He said Northwestern review board officials told him his collaboration with the Brazilian team was fine so long as he was not directly involved in patient care. The Juvenile Diabetes Research Foundation cautiously embraced the technique while pointing out the need for further study. A statement from the group said that in the trial, "the immune system was apparently reset or retrained, and after the procedure, the symptoms of diabetes were reversed."

But the statement also noted that because of the risks, "it is not clear whether this trial would be approved in the U.S."

One weakness of the study was its lack of a control group, said Dr. Mark Anderson of the University of California at San Francisco's Diabetes Center. Without that, it's impossible to quantify how much improvement the therapy offered. One scientist interested in taking the next step is Dr. Jay Skyler of the University of Miami, who wrote an accompanying editorial in JAMA.

"I don't think [this study] would have gotten approval at our institution out of the box." Skyler said. "But now that it's worked I would be championing it. I want to be one of the sites that's doing it."

The ACTING PRESIDENT pro tempore. Who yields time?

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. HARKIN. Mr. President, I yield 10 minutes to the Senator from Massachusetts.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I thank the Chair and the distinguished manager. I thank him also for his leadership on this issue, which has been long and steady.

Last summer, I had the privilege of coming to the floor to speak on this issue, accompanied by a summer intern from my office, a college student from Massachusetts named Beth Colby. Beth was paralyzed from the chest down in a car accident when she was 14 years old. She came to Washington, like so many women, and so many young folks, period, to learn about Government. She also came here with a determination to try to fight for the scientific research that holds untold promise for her and for tens of millions of Americans. She wanted to be, as she put it to me in asking to come to the floor during the debate on stem cell research, a face Senators can see so they can see what they are voting for.

The truth is there are people like that in every single community in our country. They are all hoping to benefit one day from lifesaving stem cell therapy. Grandparents with Parkinson's disease have that hope. Soldiers coming back from Iraq who are crippled by a roadside bomb have that hope. Children who, decades from now, will suffer from a disease we are not aware of yet, or that we know well, hope stem cell research might be able to cure them.

Since we first heard about stem cell research several years ago, the country has been on a journey together. We have discussed it. A lot of folks have sat around their kitchen tables and in their living rooms and have talked about stem cell research. Everybody has debated it. We have learned a lot more about the promise and the peril of stem cell research. At first, our natural reaction was to temper our excitement with a well-founded fear that this technology perhaps posed insurmountable ethical hurdles. The President himself deliberated. He appointed a task force. He studied and debated the fine points with teams of bioethicists. He reached what he felt was a reasonable compromise. In August of 2001, he announced to the American people that Federal funds would be used only for research on a few lines of stem cells that were already harvested. Back then, he said stem cells "offer both great promise and great peril. I have decided we must proceed with great care."

That was the President speaking. Since then, America's understanding of this issue has evolved. We have learned that the lines available for research are far less useful than we had initially hoped. We learned the technology is as promising as we dreamed it might be. We have come to understand that embracing stem cell research does not condemn us to the slippery slope of human cloning.

Since the President's decision, stem cell research funded by the private sector and by the States has gone ahead across the country. But it has gone ahead slower than many of us might like in the absence of crucial Federal funding—fast enough to fill the pages of major medical journals with exciting new discoveries. But this research has taken place on a large enough scale at our most important educational research institutions to be able to tell us it addresses our major fears. What in the summer of 2001 might have seemed a well-founded suspicion has completely proven to be unfounded. As Newt Gingrich told me yesterday, after reversing himself and acknowledging the threat posed by global warming is both urgent and real, serious legislators change their stances over time. That is permissible. That is the product of thinking, the product of additional information and additional input.

Look at the Senate. Republicans such as JOHN MCCAIN, former majority leader BILL FRIST, the Senator from Utah, ORRIN HATCH, who is on the floor now, have looked carefully at the scientific facts and have searched their own consciousness. They have all reached the same conclusion: Opposing stem cell research is the opposite of a pro-life policy.

Last summer, 63 Senators, Republicans and Democrats alike, and 235 House Members voted in favor of stem cell research. That was a responsible bill, a consensus bill. It was designed specifically to address the concerns of lawmakers who are worried about the bioethics—and appropriately worried, I might add. It is difficult to get 63 Senators to agree on anything more controversial than the sort of standard fare of America, and it is especially difficult on a polarizing, emotionally charged issue. But we came together as a Senate. We hammered out our differences and they came together in the House, and we arrived at a smart, thoughtful, sensitive piece of legislation that reflected a consensus and respected our collective conscience. When we did so, we were confronted by a President who promised to proceed with great care, whose commitment to deliberation has calcified into a stubborn refusal to confront reality or reengage in a changing debate.

America has evolved on this issue, but the President has stood still. That is why over an overwhelming bipartisan Senate majority, the President finally dusted off the veto pen and offered up the first and, to date, the only veto of his entire Presidency. The President has signed good and bad legislation—torture bills, pork, giveaways to oil companies, and tax cuts for millionaires. But when it came to a strong emerging national consensus on an issue that brings hope to families across the country, the President chose to shut down the debate and block Federal funding for scientific research.

Make no mistake, this is a personal issue—deeply personal for each of us in this Chamber, and for the President. I understand that. I am confident when the President made his decision about stem cell research over 6 years ago, he searched his mind and his heart, as all of us who care passionately about this issue have done. If he vetoes stem cell research again, that will send a message that this country no longer intends to be the global leader in scientific knowledge and discovery. It would send a message to Americans suffering from Parkinson's, spinal injuries, and countless ailments that their well-being is not important to us. We are telling these people we could do more to cure you, but we choose not to. We are telling them help is not on the way.

The current policy is eroding our national advantage on stem cell research. It is undermining the hopes and dreams of millions of Americans. We are tying our scientists' hands behind their backs and holding them back from the possibilities of the future.

We need a Federal policy that builds on the advances being made in our States and our universities, in our private foundations, and in our research centers, all of which have proceeded in a thoughtful and commonsense way to the ethics concerned in this issue. The research now is already showing tremendous promise. In my State of Massachusetts, some of the best scientists in the world are working at the Whitehead Institute for Biomedical Research at MIT and the Harvard Stem Cell Institute. We are still in the early stages of this line of research, but there is here the kind of discovery that we are already making.

Let me explain. The Harvard Stem Cell Institute identified cells that they call "master cardiac" stem cells, which is a single cell type that gives rise to the major cellular building blocks of the mammalian heart. That discovery rewrote the story of cardiac development and contributed a significant building block toward what could become revolutionary new treatments for heart disease. We are already seeing cures for diseases in our labs.

At the Whitehead Institute, a leading stem cell researcher and his team used stem cell therapy to cure a mouse suffering from an immune deficiency disease. As you can see, the research is still in the early stages, so we cannot say what the immediate results are going to be for humans. But, rest assured, today's breakthroughs in mice have often become tomorrow's cures for humans.

Now we can all hope that alternatives to embryonic stem cell research hold similar promise. But you cannot wish away what our scientists are telling us. Research on embryonic stem cells is incredibly promising, pivotal to this new field, and not easily sidestepped. Nobel Prize winners past and present, and most likely future, believe this is the future biology of medical science.

People of good will and good sense can resolve these complicated ethical issues without stopping lifesaving research. The country has led the world in revolutionary discoveries, with our breakthroughs and our beliefs moving ahead together, symbiotically. Senate passage of this bill with a veto-proof majority can put us, again, on that path.

We are giving this administration yet another chance to consider a misjudgment with profound consequences. We are working to create a framework for ethical, federally funded research. Like the bill passed last summer, this legislation provides important ethical safeguards by extending federally funded research only to embryos that are, one, donated by in vitro fertilization clinics; two, created specifically for fertility treatment, not for research; three, in excess of treatment needs and would otherwise be discarded; and four, donated by treatment-seeking individuals who provided written, informed consent and were not offered financial inducements. I cannot think of any way to more effectively and thoughtfully address the ethical issues that are concerned here.

Mr. President, I ask unanimous consent for 2 more minutes. Is that possible?

The PRESIDING OFFICER (Mr. BROWN). Without objection, it is so ordered.

Mr. KERRY. Mr. President, what may not have been clear to us initially—and it should be clear now—it just doesn't make sense to allow in vitro fertilization to create millions of embryos that will never become human beings and then prohibit science from using them to cure sick people and relieve human suffering but to simply discard those embryos.

Valuing the mysteries and sacredness of human life is something all of us should do. It underlies every religion on this planet. Stem cell advocates are no different. Here in the Senate and across this country, Americans are approaching an ethical consensus which bans human cloning, which is thoughtful about the use of embryos that would be discarded, and which respects life and also respects that life by protecting stem cell research.

We don't have the luxury of patience, not when 100 million Americans suffer from illnesses that might one day be cured with stem cell therapy, not when more than 3,000 Americans die from diseases every day that one day may be made treatable by stem cell research.

If we can get 67 votes out of 100 Senators—4 more than we had last summer—then we can send the President a veto-proof message. Last summer, the Senate sent the administration a strong message by passing a bill that would responsibly fund this research, and the American people showed their agreement last November when they sent an even larger majority back to Washington to vote in greater numbers to support lifesaving scientific research. Sixty-three votes are not enough. We hope we receive more today so that we can open the doors to this promising future.

I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. ISAKSON. Mr. President, I yield 10 minutes to the distinguished Senator from Tennessee, Mr. CORKER.

The PRESIDING OFFICER. The Senator from Tennessee is recognized

Mr. CORKER. Mr. President, I will probably take more like 5 minutes, if the Senator from Georgia wants to allocate the time elsewhere.

Mr. President, I thank you for the opportunity to speak today. As you can tell by my location in the Senate, I am new to the Senate. I spent a great deal of time, as many people did, over the course of the last 2 years visiting with citizens in our State. I think there is nothing that touches us in the public arena more than seeing people who have needs and trying to address those needs. That is the reason many of us are in the public arena—I hope all of us are in the public arena.

Few of us are untouched by the many illnesses that plague Americans. I know all of us have people who have diseases, such as diabetes, various forms of cancers, heart disease, Alzheimer's. I know my own family has been touched by Alzheimer's disease. My father has it. All of us are aware of issues that are affecting human beings. We also want to see breakthroughs take place.

It is amazing, the breakthroughs that are taking place today with stem cell research—research from adult stem cells, research that is taking place from matter from amniotic fluids, research that is taking place from cord blood matter. So there are amazing cures taking place in America today with this research, and I doubt there is a Senator in this body—not a Senator in this body—who doesn't support stem cell research. The issue really comes down to embryonic stem cell research.

Mr. President, I want you to know that over the course of the last 2 years, I spent a tremendous amount of time looking into this issue, reading white papers, talking to researchers all across America, visiting embryonic adoption centers where embryos were actually being adopted and creating human beings. Because of this issue, because of the ethical divide this issue seems to create for so many Americans, a tremendous amount of time was put forth by myself and my staff, but myself firsthand, to reach a conclusion about this issue and to be able to communicate that to Tennesseans and Americans.

There are four points I have learned about this issue. The Senator from Massachusetts just spoke. He and I have a very different view on this issue. What I have learned about this issue is that honorable people can disagree. Honorable people who truly want to see cures take place for Americans and for people all across the world can disagree as to their viewpoint as it relates to embryonic stem cell research. Again, all of us support adult stem cell research.

The second point I have learned is that there are tremendous breakthroughs, as I have already mentioned, regarding research that is taking place with adult stem cells, cord blood stem cells, and amniotic fluids have matter that is creating stem cells. Tremendous cures are being created with these stem cells.

The third point is that science is going to absolutely outpace our ability to deal with this issue. There is no question that even if we pass legislation today, science is going to continue to outpace us as it relates to our ability to deal with this fascinating area of science. But I also believe science and these breakthroughs are going to allow us to continue to achieve these cures for Americans and for people all across this world without creating this ethical divide of destroying human embryos.

So I am here to strongly support and applaud the Senator from Georgia and the Senator from Minnesota who have put forth the HOPE Act. I am here to strongly support S. 30, which allows additional research to take place on stem cells without breaking that divide. I am also here to voice opposition to S. 5, which actually uses Federal dollars to destroy human embryos.

Mr. President, I yield back my time.

The PRESIDING OFFICER. Who yields time? The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, first, I say to my friend from Tennessee, there is not one dime in S. 5 that would be permitted to be used for the destruction of embryos—not one dime. That is prohibited by the Dickey-Wicker amendment. This bill does not override that amendment. Not one dime in this bill can ever be used for the destruction of any embryos. I just want to make that very clear.

Mr. President, I yield 20 minutes to my colleague, someone with whom I have worked on health issues now going back—let me think about this—almost 13 years, I guess, back to 1993, someone with whom I have worked very closely on a number of health issues and for whom I have a great deal of respect for his approach on this issue and so many others. I yield 20 minutes to the distinguished Senator from Utah, Mr. HATCH.

The PRESIDING OFFICER. The Senator from Utah is recognized.

Mr. HATCH. Mr. President, I thank my colleague from Iowa. I appreciate the arguments he has been making about this issue.

Mr. President, I rise to speak in support of embryonic stem cell research.

First, I plan to vote in favor of both bills that will be considered today, S. 5, the Stem Cell Research Enhancement Act of 2007, and S. 30, the Hope Offered through Principled and Ethical Stem Cell Research Act.

I call upon my colleagues to vote in favor of and pass these bills.

And I call upon the President to sign both bills into law.

However, let me make one point perfectly clear while I will be voting for both S. 5 and S. 30, I believe that S. 5 is clearly preferable to S. 30. S. 5 permits Federal funding for embryonic stem cell research; S. 30 does not.

I want everyone to understand that the votes we cast today could tomorrow mean the difference between a healthy life and one of misery for many, many Americans.

I commend my good friends and colleagues for their hard work on S. 5—first, Senator ARLEN SPECTER and Senator TOM HARKIN, who held over 15 bipartisan hearings on embryonic stem cell research over the last several years.

Next, I recognize Senators KENNEDY, SMITH and FEINSTEIN for their courageous leadership and commitment to this important issue.

And, in the House of Representatives, Representatives MIKE CASTLE and DIANA DEGETTE must be singled out for their principled leadership on the companion embryonic stem cell research measure, which was approved by a strong bipartisan vote.

Each day, the Congress must address consequential events—and even momentous threats to our Nation—but it is not often that we have the opportunity to cast a vote that is filled with as much hope and promise for the future as the embryonic stem cell research bill we are considering today.

It reminds me of our country's quest for space many years ago, which was no more than a dream when the effort began. Yet what was only a vision when it was conceived, yielded wonders beyond anything we could have imagined.

The American space program has spawned many important new advances. When I think of space exploration, I ponder the gift of global positioning technology. I consider the weather mapping that we depend upon to warn us of impending natural disasters. I marvel at the revolution of instantaneous worldwide communication.

As a science, embryonic stem cell research today is where the space program was when we first dreamed of it. When I think of embryonic stem cell research, I imagine diabetics without insulin pumps. I dream of patients with Parkinson's Disease who sprint rather than shuffle. I conceive of patients with spinal cord injury who stand up and walk again.

I think of 16-year-old Tori Schmanski of Orem, UT, who sustained a severe brain injury. I imagine Tori going back to the snowboarding and dancing that she loved. Tori Schmanski's parents flew her to China for stem-cell therapy. Her father said something that struck me. He said, "Our hope is that next time we do this, we won't have to go to China." America has long been the world leader in ethical biomedical research, and we should not lightly cede this ground.

When I consider the potential of stem cell research, I think of people like 17-year-old Travis Ashton of Highland, UT, whose brain was injured in a car accident. Today, he is struggling to dribble a basketball. I hope tomorrow he will be able not only to dribble a basketball but dunk a couple of baskets as well.

And I think of my great friend, President Ronald Reagan, whose genius and energy were sapped away in what were to have been his golden years by the ravages of Alzheimer's disease. I imagine him finishing his days with his characteristic humor and vitality.

Last year when Congress voted on the Stem Cell Research Enhancement Act of 2005, Former First Lady Nancy Reagan sent me a letter urging the Senate to support the bill. Let me remind you what it so poignantly said:

> Dear Orrin:
>
> Thank you for your continued commitment to helping the millions of Americans who suffer from devastating and disabling diseases. Your support has given so much hope to so many.
>
> It has been nearly a year since the United States House of Representatives first approved the stem cell legislation that would open the research so we could fully unleash its promise. For those who are waiting every day for scientific progress to help their loved ones, the wait for United States Senate action has been very difficult and hard to comprehend.
>
> I understand that the United States Senate is now considering voting on H.R. 810, the Stem Cell Research Enhancement Act, sometime this month. Orrin, I know I can count on friends like you to help make sure this happens. There is just no more time to wait.
>
> Sincerely,
> Nancy

As we all know, last year, the Senate did approve this legislation, but President Bush vetoed it.

And while I think we all know how this vote will come out today, it remains my fervent hope and prayer that President Bush—a person whom I greatly respect and with whom I share strong belief in the right to life—will sign this bill into law.

I have received many letters from constituents who ask me, "Senator HATCH, how can you support embryonic stem cell research when adult cell research is so promising?" They ask, "Why don't you realize that cord blood research makes embryonic stem cell research unnecessary?"

My answer is simple. Who among us can know which will yield the greatest breakthroughs? Who among us dares to predetermine the outcome by limiting the possibilities of ethical scientific research at the outset of this new field of research?

The stories I have just related compel me to advocate for all types of ethical stem cell research—adult, cord blood, amniotic, and embryonic.

Indeed, it must be recognized that in August, 2001, President Bush became the first President to support Federal funding for embryonic stem cell research. The President has my respect and admiration for his decision. At that time, he announced that 78 embryonic stem cell lines would be eligible for Federal support. It was a good start.

It was also a decision that recognized discarded embryos can, and should, be used to advance our Nation's scientific inquiry. That is fundamentally still the issue before us today.

The President's policy has not lived up to its promise.

In the past 6 years, much has changed. What was once thought to be over 70 stem cell lines has dwindled. A number of scientists have told me that in reality the number of usable cell lines has shriveled to merely a dozen or fewer.

Scientists have told me that these lines are not enough to represent the general population anyway—they have been genetically distorted by years of replication. Furthermore, they are contaminated with so-called animal feeder cells and, therefore, can never be approved for use in human therapy.

Existing Federal policy has created what I have characterized as handcuffed science. By this I mean that scientists are forced to go to extreme lengths to comply with Federal law. When they are able to scrounge up private funding for fresh embryonic stem cell lines, the scientists find their hands bound.

They are afraid of violating Federal law by mixing research between the limited, contaminated, federally sanctioned stem cells and cells with the new cell lines lawfully developed with non-Federal funds. No equipment purchased with NIH funds touches the new, lawful cell lines and the result is that equipment purchased with Federal money lays underused while limited precious money is used to purchase duplicate equipment and supplies.

Dr. Linda Kelley is an Associate Professor of Medicine at the University of Utah. Dr. Kelley told me that the limited number of currently federally sanctioned cell lines is so unstable that, in her words, "You are lucky if you can recover 10 percent of the cells they send you." She said the cells have been reused for so long that they have degraded and no longer represent the comprehensive human population.

I do not want Utah's scientists moving to California or America's scientists moving overseas so they can do their research.

Just as we are a nation that would never want to allow a situation to exist where American citizens must go abroad for best medical treatment, we should neither allow nor accept an atmosphere where our best doctors and scientists must go abroad to develop and provide the best medicine.

I do not want U.S. scientists walking away from embryonic stem cell research because there are too many impediments to pursuing it in our country for our citizens.

Dr. Marie Cseta is a cell biologist from Emory University and is one of the many scientists who firmly believe that embryonic stem cells hold unusual promise. She is unable to send her NIH-funded, post doctoral fellows to qualified laboratories to learn new procedures because those laboratories work with the new cell lines. She told me that the restrictions that current Federal policy places upon her and her colleagues are, in her words " . . . so odious that many scientists just do not try."

I want scientists to try.

I think we will see after today's vote that most Senators want scientists to try.

I am sure my friends, neighbors, and constituents in Utah want our best scientists to try.

In forming my opinions and views on this topic, I met with many leading experts in the field of science, ethics, law and, yes, religion. I met with a number of Nobel Laureates including Dr. Harold Varmus, former Director of the National Institutes of Health; Dr. Thomas Cech of the Howard Hughes Institute of Medical Research and Dr. Paul Berg of Stanford University.

I met with other leading experts including: Dr. Curt Civin and Dr. John Gearhart both of Johns Hopkins University; Dr. Irv Weissman of Stanford University; and the University of Utah's own Dr. Mario Capecchi.

Let me tell my colleagues that we have some great scientists in the State of Utah. In fact, Dr. Capecchi, a leading research professor at the University of Utah, is widely recognized as one of the true pioneers of embryonic stem cell research. He has been working on embryonic stem cell research throughout his 40-year career. He has been the recipient of the prestigious Lasker Award which is considered the most prestigious American award in the biomedical sciences. It is often the case that Lasker Award winners go on to receive Nobel prizes.

When I was home in Utah last week, I spent a lot of time talking to Dr. Capecchi. I asked him if he could provide me with what he believed are the top reasons why our government should fund embryonic stem cell research. He shared the following with me:

1. Potential source of cures. Embryonic stem cell research provides the potential to cure or ameliorate some of the most devastating and costly diseases faced by our Nation including diabetes, Parkinson's disease, and Alzheimer's disease.

2. Embryonic stem cells grow quickly and are versatile. Two inherent properties of embryonic stem cells, not shared with adult stem cells, make them especially attractive cells for cell transplantation-based therapies: i) rapid cell division and ii) versatility.

Rapid cell division is critical if we want to use any stem cells for transplantation therapy, as we must quickly expand a limited number of cells to the large mass required for therapeutic effect. Embryonic stem cells are almost unique in their capacity for rapid growth without loss of developmental function.

The versatility of embryonic stem cells is truly remarkable. In the mouse, embryonic stem cells have been unequivocally demonstrated to be pluripotent, capable of generating every cell type present in the adult body. Studies in cell culture indicate that human embryonic stem cells also possess this remarkable pluripotency.

3. Adult stem cells grow slowly. In contrast, adult stem cells divide slowly and normally require a very specialized and undefined cellular environment—called a niche—for their survival and growth. For example, removal of adult intestinal stem cells from their biological niche leads to their automatic, programmed cell death. Blood stem cells, obtained from the bone marrow, are among the few adult stem cells currently in clinical use, but they cannot yet be expanded in culture without losing their developmental function, and hence their limited therapeutic utility.

4. Adult stem cells are very restricted in what cell types they can produce. Whereas embryonic stem cells are extremely versatile in their capacity to generate different cell types, adult stem cells appear to range in versatility from quite restricted—for example, blood stem cells that can generate multiple types of blood cells, but nothing else—to completely restricted, for example, muscle stem cells that generate only muscle cells.

5. Many important organs do not have adult stem cells. Many tissues such as liver, pancreas, and blood vessels do not appear to have a corresponding adult stem cell population. Therapies of diseases involving these tissues would therefore not be readily approachable by adult stem cell-based therapy, but could be approached using embryonic stem cell-based therapies.

6. The usefulness of existing embryonic stem cell lines is extremely limited. The approved set of human embryonic stem cell lines, authorized nearly 6 years ago for federally funded research, is woefully inadequate. Some of them apparently do not exist at all, others are embroiled in extensive proprietary agreements and all of them though suitable for some research purposes, will never be suitable, due to problems with contamination, for therapeutic purposes.

More importantly, ongoing research—funded by private foundations and industry, or performed abroad—has brought about improvements in how laboratories isolate and grow embryonic stem cells. Mouse embryonic stem cells were first characterized over 25 years ago, yet the cell lines that researchers use today are far superior to the ones available 5 or 10 years ago. With the hope of further improvements, we continue to isolate new mouse embryonic stem cell lines.

So long as the Federal funding ban remains in place, the majority of American researchers cannot make similar progress with human embryonic stem cells, nor exploit the advances made by others. With the limits currently in place, American human embryonic stem cell researchers are in the unfortunate and unique position of being frozen in time, trapped by the technical limitations of mid-2001, while other disciplines continue to advance. This makes no sense from a medical or scientific perspective.

Although today's debate focuses on the use of spare embryos to develop embryonic stem cell lines, the next two points that Dr. Capecchi makes center on a different method of producing embryonic stem cell lines.

For the last three Congresses, Senator FEINSTEIN and I have introduced legislation that addresses this form of embryonic stem cell research. Although this issue is not squarely before us today, I hope that the majority leader will allow us to take up this important matter sometime this Congress.

7. Somatic cell nuclear transfer as a research tool. A limitation of IVF embryo-derived stem cells is their potential of rejection by the patient because of immunological incompatibility. A potential solution is the generation of "customized" embryonic stem cells by somatic cell nuclear transfer, SCNT, which has been demonstrated in proof of concept experiments in mice.

While, at present, nuclear transfer using human eggs to generate customized embryonic stem cells for therapy would be too complex and too controversial to be applicable for routine transplantation medicine, it represents an important tool for investigating the mechanism of converting a somatic cell such as skin cell into an embryonic stem cell.

We need to learn the "reprogramming rules" the egg uses to convert the adult nucleus into an embryonic state following nuclear transplantation. One goal of research in this field is to convert a somatic cell to a pluripotent embryonic stem-cell-like state in culture without SCNT.

We need to use eggs temporarily to learn how to reprogram the adult nucleus without the need for human eggs. Progress toward this goal can only be assured if Federal funding would be able to support research in this field in the best academic institutions of our country.

8. Embryonic stem cells to study human disease. Because SCNT allows production of patient-specific embryonic stem cells, this approach would allow establishing research tools for the investigation of complex human diseases such as Alzheimer's, Parkinson's, ALS, or diabetes in cell culture. An embryonic stem cell line derived from such patients would carry in its genome all genetic alterations that caused the disease. Thus, differentiating these patient-specific embryonic stem cells in culture to a cell type that is defective in the patients may provide crucial insights into the pathology of the disease and may provide a critical platform to identify drugs that help prevent, ameliorate, or cure the disease.

9. Lack of government commitment means lack of future researchers. The brightest young researchers in our country are currently not engaging in human embryonic stem research because they are aware of its uncertain future, the low level of commitment by our government to its support and of the cumbersome restrictions faced by scientists participating in this research. We are losing the scientists that will carry this critical research into the future.

10. Health and economic implications. The health and economic implications of human stem cell research are enormous and other countries have recognized this potential. They are heavily investing in embryonic stem cell research. Our country is in grave danger of falling behind in one of the most promising fields of biomedical research.

Dr. Capecchi gives very compelling reasons for funding embryonic stem cell research. I believe that all ethically responsible avenues of stem cell research should be pursued and that is the Congress's obligation to the American public to see that they all are pursued.

But let me caution that no one should imagine that one bill is a substitute for the other.

S. 30, introduced by Senator NORM COLEMAN, directs the Secretary of Health and Human Services to conduct and support research on pluripotent stem cells that do not damage a human embryo. It also specifies work on naturally dead embryos.

But, the concept of alive-but-naturally-dead embryos is based upon limited research that has not yet been duplicated widely.

It is promising research, but it is no more than that at this stage. In fact, some scientists are worried that these arrested embryos are defective and would, therefore, produce defective stem cells. And it is by no means certain that an arrested embryo can be differentiated from one that could develop further.

In short, this idea may not pan out.

Recently, there was another flurry of activity around the possibility that certain cells in amniotic fluid behave similarly to stem cells. But even Dr. Anthony Atala who characterized these cells has said that it is a mistake to assume that they are a substitute for embryonic stem cells.

The vote that counts in the minds of our best and brightest scientists—and should count for my colleagues in the Senate and the American public—is your vote for S. 5, the Specter-Harkin bill that has already passed the House by a broad bipartisan vote. Our leading scientists, including more than 40 Nobel Laureates, tell us at this time there is no known scientific substitute for embryonic stem cells.

Yet I understand that the vote I ask you to cast is ethically troubling for some of my colleagues.

I have a long, proud and strong record as a right-to-life Senator.

I stand against abortion on demand, and I think that Roe v. Wade should never have been decided the way it was.

As a member and former chairman of the Senate Judiciary Committee, I worked toward a constitutional amendment banning abortion.

In the 108th Congress, I was at the President's side when he signed the bill banning the barbaric practice of partial birth abortion. I was chairman of the House-Senate conference committee that finalized the bill.

So why does a pro-life Senator support embryonic stem cell research? Because I do not consider a frozen embryo to be a human life until it is implanted in a woman's uterus. S. 5 allocates Federal research funding to embryonic stem cells derived from frozen embryos that are to be discarded. In fact, thousands of such embryos are routinely discarded each year.

I should explain why frozen embryos exist and why they are discarded.

As part of the fertility treatment process, multiple embryos are created and only one or a few of those that are created are ultimately used. The rest can be stored for years in liquid nitrogen. About 11,000 embryos per year are discarded by their donors and could be used for research.

I see ethics as being on the side of creating human life through fertility treatments. I see it as trying to cure human misery through ethical stem cell research as is provided through S. 5.

When I first took this position in 2001, it was over the objection of some of my constituents in Utah. Utah is a very conservative State. Since that time, however, the majority of Utahns and the majority of Americans have come to support the use of Federal funds for embryonic stem cell research conducted under ethical guidelines.

This year, as in past years, I have had a steady stream of Utahns with chronic diseases visiting my office urging me to continue to push for stem cell research. One young man who has been afflicted with diabetes since youth now has a son with the disease. He urged me to continue with this fight so that maybe his son might be spared the ravages of the disease. A woman disabled with multiple sclerosis earnestly told me to persist. A constituent with Parkinson's disease told me to do whatever it takes. They all want hope.

NIH support is the bedrock of scientific research in the United States and really around the world. And without NIH support, embryonic stem cell research will never reach its full potential.

While constrained by his position in the administration about what he can and cannot say about the legislation before the Senate, in testimony before the Congress, NIH Director Dr. Elias Zerhouni recently made it abundantly clear that—based on consideration of science alone—embryonic stem cell research presents great opportunities for scientific advancement. And Dr. Zerhouni is not alone.

As I emphasized, one reason is that the limited and continually shrinking number of federally sanctioned contaminated cell lines are so tired that they no longer adequately represent the genetic code of the larger human family.

A second is that the logistics of investigation are burdensome and impractical because of the need to separate funding sources for research with the limited, deficient federally sanctioned stem cell lines and the newer cell lines lawfully developed within Federal support.

A third reason is that scientists cannot now use Federal funds for research on any embryonic stem cell line that they could implant in humans—these federally sanctioned lines are contaminated with animal cells.

A fourth reason is the need to be able to bring the fruits of basic research to the patient. It is one thing to find several hundred thousand dollars of private money to complete an early stage research project on stem cell lines in the laboratory. However, when it comes time for clinical testing, the costs of research are in the millions of dollars, not the hundreds of thousands of dollars per experiment. Typically, this kind of private money is not available unless it is from industry. Clinical research with stem cells will hit the wall without NIH funding when that time comes.

The private sector will not want to invest millions of dollars into stem cell lines that we already know will never yield ethical human treatments. Nor should Congress and the public allow the status quo to continue.

If we unlock the shackles on our scientists, I believe we can materially shorten the time between basic and applied research—the time between the test tube and the patient's bedside. Let me give you just a few examples of what has been accomplished since the Senate last debated this issue.

In last October's Nature, biotechnology investigators reported that they could convert human embryonic stem cells into cells capable of synthesizing insulin, the missing hormone in diabetics. This work was conducted on privately funded stem cell lines.

At the University of California, Los Angeles researchers demonstrated that they could coax embryonic stem cells into becoming T-cells of the immune system, the missing cell line in AIDS patients.

And in my own State of Utah, Dr. Raymond D. Lund, a professor of the Moran Eye Center at the University of Utah, reported that human embryonic stem cells injected into the eyes of blind rats improved their vision. This important work was conducted with private funding.

An Israeli team partially funded by the Israel Science Foundation reported engineering a small piece of heart tissue derived from human embryonic stem cells that contracted rhythmically, carrying promise for future cardiac replacement therapies.

Last month, Dr. Dachun Wang and Dr. Rick A. Wetsel at the University of Texas reported a procedure that differentiates human embryonic stem cells into the lung cells that are missing from many lung diseases. The work was funded with a grant from a private donor.

Finally, in a recent Nature Medicine Journal, human embryonic stem cells delayed the onset of the mouse equivalent of a degenerative brain disease by 70 percent. The approach described in the article holds exciting potential for treating dreadful diseases such as ALS and Alzheimer's disease.

As you can see, there is a lot of promising work being done in the field of embryonic stem cell research. Unfortunately, due to the limitations and restrictions placed on the few cell lines eligible for Federal research assistance, much of most promising work is being done outside the normal channel of the NIH research network.

Yet with all this progress, is science progressing as fast as it should? I recently asked this question of an eminent neuroscientist who directs the National Institute of Neurological Diseases and Stroke, Dr. Story Landis.

At the Health, Education, Labor and Pension Committee's hearing entitled "Can Congress Help Fulfill the Promise of Stem Cell Research," committee members heard from scientists, from a young patient who suffered from diabetes, and from Dr. Landis. I asked Dr. Landis if NIH funds were made available for research on all ethically obtained embryos from in vitro fertilization, would the probability of finding cures for human diseases increase?

Her response was as follows:

> Absolutely it would increase. There is no question about it. We would have a real opportunity. I can give you one specific example. Huntington's disease is an inherited disease. It caused a particular kind of nerve cell in the brain to die . . . If we had embryonic stem cells derived from discarded embryos that were not implanted, we would be able to make extraordinary inroads into therapeutics for that disease.

Much is weighing in the balance on today's vote.

I ask my colleagues to consider carefully the positions they take today.

In the interests of all those who suffer from debilitating diseases and hope for deliverance, I urge my colleagues to vote for S. 5.

Let me close by making a point I made to President Bush back in 2001.

> In the opening days of your term in office, scientists have completed the task of sequencing the human genome. While this accomplishment—the work of many in the public and private sectors—is of historical significance, it is only the end of the beginning in a new era of our understanding of the biological sciences. Over your next eight years in office, you have an unprecedented opportunity to provide the personal leadership required to see to it that your Administration will be remembered by future historians as the beginning of the end for such deadly and debilitating diseases as cancer, Alzheimer's and diabetes.

That is what S. 5 is all about—providing a potential new avenue of research that may lead to treatments and cures for many diseases that afflict many families across our Nation and the world.

Mr. President, while I have no objections to S. 30, let us not delude ourselves into thinking it is the best solution to this. Again, while I will be voting for both S. 5 and S. 30, I believe that S. 5 is clearly preferable to S. 30. S. 5 permits Federal funding for embryonic stem cell research, S. 30 does not. S. 5 is the bill that will clearly make a significant difference in the future of medical research.

I urge all of my colleagues to vote in favor of S. 5.

Mr. HARKIN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Eighteen and a half minutes.

Mr. HARKIN. Mr. President, I yield 13 minutes to the distinguished Senator from Oregon, Mr. SMITH.

Mr. SMITH. Mr. President, I am very grateful the Senate is considering the issue of stem cell research today. This debate marks the culmination of years of work by many of my colleagues and certainly by myself and a host of dedicated advocates.

I thank Senators HARKIN and SPECTER for their leadership on this issue, as well as Senators HATCH, FEINSTEIN, and KENNEDY. Working together for almost a decade, the six of us have over the years laid the groundwork for the Senate to overwhelmingly approve Federal funding for embryonic stem cell research.

We did this last July but, as we all know, unfortunately, that bill was ultimately vetoed by the President. That is behind us now, and with a new Congress comes a new opportunity to revisit this important issue, the issue of embryonic stem cell research.

I hope the experiences of the past have helped my colleagues to gain a fresh perspective on this issue. I know they certainly have for me. Some may view the vote we will take later today on S. 5 and S. 30 as a one-or-the-other option. In my opinion, that is simply shortsighted.

I intend to vote for both measures. At the end of the day, they both accomplish the goal of advancing stem cell science in the hopes of finding cures for debilitating illnesses such as Parkinson's, Alzheimer's, and diabetes, to name but a few.

S. 5, the Stem Cell Research Enhancement Act of 2007, would allow Federal dollars to support research on stem cells derived from human embryos created through in vitro fertilization.

S. 30, the so-called alternative bill, would provide the support for other means of deriving pluripotent stem cells. In that regard, both measures deserve the Senate's support. I find it troubling that these measures should be pitted against one another. Many argue that S. 5 is a must-pass legislation, and I would tend to agree with them.

But that should not detract from the importance of alternative forms of stem cell research sanctioned in S. 30. As research on embryonic and other forms of stem cells like amniotic or the placental therapies is still in its infancy, we need to support them all to fully realize the potential they might hold.

Since the Senate last considered stem cell research, we have all had additional time to reflect on the sensitive issues underlying this debate. As a pro-life Republican, I initially had some uneasiness with endorsing this type of research that so heavily relies on human embryos.

Drawing from my deeply held religious beliefs, scientific evidence, and countless stories of individuals living with terrible illnesses, I fashioned my position on the basis that I truly believe it supports the sanctity of human life.

The real tension surrounding this issue, I believe, pits the potential medical benefits stem cells hold against the ethical uncertainties or the religious convictions some of my colleagues might have with what this kind of research entails. Based upon my personal struggle with this issue, I now believe any reservations with embryonic stem cell research are misplaced, especially when one truly considers the question of when life begins.

For me, it begins with the mother, with the implantation of the embryo.

I believe the Scriptures provide ample support showing that flesh and spirit become one within a mother. This is one of womankind's supernal gifts. I find verses in the Old and the New Testament, in Genesis, Jeremiah, the Psalms, Job, as well as in the Gospels.

All of these things lead me to feel comfortable with an ethical conclusion that life begins when flesh and spirit are united in a mother's womb and not before.

Embryos created as part of the in vitro fertilization process were intended to provide infertile couples the gift of life, the chance to become parents. Those that go unused in infertility treatments should still have the opportunity to give the gift of life either by later implantation or to those living with debilitating diseases through stem cell research.

Without being implanted in a mother's womb, an IVF embryo is a group of cells growing in a petri dish. If those cells are stored in a lab for 1,000 years, they have no possibility of developing into anything more than a group of cells. They remain the dust of the Earth, one of the building blocks leading to life.

It is the act of implantation within a mother that gives them life. It is the act of implantation that is the essential missing ingredient in this debate. So instead of destroying or discarding unused embryos, we have the opportunity to use them to derive much needed stem cell lines for the advancement of stem cell science.

It is not more moral to simply throw them away. While many of my pro-life colleagues may not agree with my position, I know they do support the intent of embryonic stem cell research; that of finding cures for a number of chronic diseases and debilitating health conditions. That is why I still struggle with describing S. 30 as an alternative to S. 5. It is not an alternative or a substitute, it is a perfect complement.

To fully realize the benefits that all types of stem cell research offer, I urge my colleagues to vote affirmatively for both measures we are considering today.

The promise of embryonic stem cell research is very real. Those suffering from Parkinson's, Alzheimer's, diabetes, cardiovascular disease, and many cancers believe in that promise, and so do I.

But we have yet to unleash the potential behind this science because of the restrictions we have placed upon stem cell research. While I appreciate the President allowing the research to move forward on a limited number of stem cell lines, we all know that over time those lines have been degraded, and scientists are in desperate need of new, uncontaminated lines.

We cannot expect scientists to make progress in developing today's treatments if we limit them to yesterday's science.

I believe the Federal Government has a vital, moral role to play in the development of stem cell science to ensure that appropriate ethical guidelines are followed. It is uncertain where we will end up if embryonic stem cell research becomes an entirely private sector venture.

With lack of sufficient funding and ethical boundaries, who knows where we will wind up? The Federal Government can guide research in the right direction. I fear if we fail to show up to work on this issue, we will run into very serious problems in the long run.

Over the last 7 years it has become increasingly clear to me that being pro-life requires protecting both the sanctity of human life and the quality of human life. By allowing research on stem cell lines derived from unused IVF embryos, we could forge a path that would one day lead to cures for some of mankind's most dreadful medical maladies.

If only one life-improving application of stem cell science comes from my vote in favor of S. 5, then I believe I have done my job, and done it correctly; for I have chosen to err on the side of hope, healing, and health.

I encourage all of my colleagues, even those who have some ethical reservations or contrary religious feelings on this issue, to do the same. I have heard some refer to embryonic stem cell research as a conflict between science and religion. I do not believe that is the case. One of the greatest qualities and aspects of life in the United States is our religious pluralism. It is something we see an absence of, tragically, in too many places around the world.

We do not serve the public well by taking the narrowest theological position and trying to impose it on public policy. The American tradition is open enough to include other considerations of ethical ideas, Scriptural interpretations, and scientific hope.

I am not a scientist, and I am not a theologian. But as I use my agency to interpret what I know in the Scriptures, and the complexities of medicine, I have come to the conclusion that we are all made of dust. Dust thou art and unto dust thou shall return, as the Lord said to Job.

In that regard, pluripotent stem cells are one of the building blocks of life, the dust of the Earth. I believe we miss the understanding of the importance of the spirit, the breath of life, the spirit within mankind, as the essential ingredient which causes life to begin.

I do not find that religion and science are in conflict in the Senate today. I believe they are in harmony. I believe we should have a broad enough view to include the many views that comprise American pluralism.

To that point, Mr. President, I turn to the Scriptures even to find wisdom that I do not have of myself. In the earliest pages of the Old Testament, I find this statement:

> And the Lord God formed man of the dust of the ground and breathed into him, his nostril the breath of life, and man became a living soul.

Mr. President, there are two conjunctions. The dust of the ground "and" the breath of life "and" then man becomes a living soul. Until you have both, you do not have life.

I cannot end my comments today without mentioning also my own family's history. It has played a role in shaping my views on embryonic stem cell research. My mother's name was Jessica Udall. I watched my grandmother Lela Lee Udall die of Parkinson's. I watched my uncle Addison Udall die of Parkinson's. I watched my cousin, former Democratic Presidential candidate and Arizona Congressman, Morris K. Udall, die of Parkinson's. To watch people die of such a malady is to instill in one's heart a desire to err on the side of health, hope, and healing. We will all die, but no one should have to die as they died.

I yield the floor and urge my colleagues to vote for both of these measures. They are complementary. They are headed in the same direction. They are not putting science and faith at odds with one another.

The PRESIDING OFFICER (Mr. CASEY). Who yields time?

Mr. ISAKSON. Mr. President, I yield 15 minutes to the distinguished Senator from Florida, Mr. MARTINEZ.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. MARTINEZ. Mr. President, this is indeed a difficult issue and debate. I respect so much my colleague from Oregon. I know he speaks with passion and heart as he deals with these contentious but important issues. I must express some disagreement with him, while I agree with most of what he said.

The issue of stem cells is a vital and emotional one, and we need to deal with it carefully as we move forward in the Senate.

The embryonic stem cell debate stimulates some of us to defend the inherent human desire to make discoveries and to build on them; likewise, this debate galvanizes others of us who defend human life and believe it should be valued in all its forms. The engineered creation or destruction of a human embryo for the sake of scientific advancement cannot be the answer to any of our ever-growing challenges.

In this great country of ours, and around the world, there are many suffering from debilitating conditions and ravaging diseases such as multiple sclerosis, diabetes, and Alzheimer's. These people are in need of medical treatment. Thanks to the brilliant minds and innovative ways of doctors and scientists across the globe, many medical treatments are now available. We can credit advances in stem cell research with this expanding treatment.

Stem cell research holds tremendous opportunities for our society to help treat and cure people's diseases and illnesses; and some would like to extend the success found through federally funded adult stem cell research to embryonic research. They have proposed that we harvest these human embryos—which were created with the knowledge that many of them would be destroyed—to be used for research.

While I, and others, understand the great need, we also know that there has to be a better way. In fact, I know there is. That is what I want to discuss today.

The legislation currently being considered will direct Federal taxpayer dollars specifically for the destruction of human embryos to develop cells that might lead to treatments for various health problems. This raises moral objections with me because of my deeply held religious beliefs.

We are currently funding research on nonembryonic stem cells derived from adult stem cells, amniotic cord blood or placenta sources. These have proven their ability to target many, if not eventually all, of the conditions expected to be addressed through embryonic stem cell research.

The University of Florida has one of the top five adult stem cell research centers in the world and their findings are already making a difference.

At the University of Florida, researchers are making great headway with stem cell research. They have in the works treatments for heart disease, a cure for diabetes, and preventions for diabetic eye diseases. Additionally, researchers at the University of Florida are making significant strides on the path toward reversing adult blindness, treating neurological conditions, and rebuilding human brain cells. Researchers in Gainesville are also leading the world in identifying cancer stem cells a primary step toward identifying therapies to cure various forms of cancer.

It is worth noting that all of these advances have a vital common thread; each of the aforementioned breakthroughs came about thanks to nonembryonic stem cells.

At the end of 2005, President Bush signed a bill that aims to further develop our Nation's cord blood inventory to allow for increased availability of existing and future stem cell treatments; and I was very proud to have supported this legislation.

As my colleagues know, this legislation made its way through Congress with tremendous success. The House of Representatives passed it with only one dissenting vote, and in the Senate it passed it unanimously.

The Stem Cell Therapeutic and Research Act of 2005 created a new Federal program to collect and store cord blood. In addition, the law expands the existing bone marrow registry to include cord blood.

New programs utilizing cord blood, such as the recently created CORD:USE Center at the Winnie Palmer Hospital in my own home State of Florida, are building on this valuable and expanding foundation. These programs are advancing science without compromising morality.

Winnie Palmer Hospital for Women and Babies in Orlando is now able to contribute a diverse and increased supply of cord blood. This is reassuring news for the thousands of people who would otherwise die unnecessarily each and every year were it not for the large, genetically-diversified stem cell bank that is now available. The uses of cord blood are fascinating and they speak of breakthroughs.

Stephen Sprague, one of the first adults to receive a stem cell transplant from umbilical cord blood, recently visited Winnie Palmer Hospital and its cord blood bank to express his gratitude for what they are doing. Stephen was diagnosed with chronic myelogenous leukemia in 1995, and when chemotherapy and other treatments did not work, and a match for a bone marrow transplant could not be found, he was informed that essentially nothing more could be done. Luckily, Stephen's oncologist was able to enroll him in one of the first clinical trials using umbilical cord blood.

A wonderful mother agreed to donate her placenta; from that, the lifesaving cord blood was collected. Ten years after receiving the stem cell transplant, Stephen remains completely cancer-free. Not only this, but before his cord blood transplant, Stephen was an insulin-dependent diabetic. Following the transplant, Stephen has not needed to use insulin; through taking only oral diabetic medications, his sugar levels have remained normal.

So, not only was Stephen's life saved by the transplant, his quality of life was improved. It is no wonder that Stephen has now dedicated his life to telling his cord blood story of hope to patients and mothers who can also give the gift of life through the donation of their cord blood.

Umbilical cord blood stems cells have now been used in thousands of patients requiring a potentially lifesaving stem cell transplant and with good results.

The collection of these cells from the delivery of a healthy newborn baby can result in a stem cell transplant desperately needed to save someone else's life. Essentially, new life is helping to stimulate more life.

This allows us to help countless people in need without the moral dilemma presented by the embryonic alternative which, from my perspective, is no true alternative.

Cord blood is currently being used to treat nearly 80 diseases.

Adult stem cells have made, and will continue to make, a recognizable contribution to helping those with leukemia, sickle cell disease, and other potentially fatal illnesses and conditions.

Proponents of embryonic stem cell research say they want to make available for research only those embryos that are, in their words, "unwanted." One of my colleagues recently asserted, "If these embryos were going to create life, we wouldn't be supporting research on them.

Yet, there is proof that these embryos are living things and that they are wanted. Yes, these embryos can, and are, growing into fully formed babies. Known as "snowflake babies," these babies are born from adopted embryos—excess embryos from successful in vitro fertilization parents that are donated and adopted by a couple where fertilization techniques were forgone or unsuccessful.

To date, 133 snowflake babies have been born, with nearly another two dozen on the way.

Had these—in the words of the critics, "unwanted" embryos—been tossed aside, human life would have literally been discarded.

Many Americans agree that we need to move forward on this issue with prudence, and in a way that respects and values human life. As we stand to balance our interests in helping those in need without destroying human life, there is a good piece of legislation being considered that I want my colleagues to consider.

Under the HOPE Act, no living embryo would be damaged or harmed for the sake of research. What the HOPE Act would do is allow scientists for the first time to apply for Federal funds to perform research on embryos that have died naturally during the in vitro process. For those hoping to find a cure through embryonic stem cell research, this would be a modest and principled step toward achieving that goal.

It would also be the right step to take, because it is the only option that opens up new frontiers without damaging human life; a move in this direction would not detract from the real results we have seen through federally-sponsored adult stem cell research. I encourage my colleagues to strongly consider voting in favor of the HOPE Act.

We must be dedicated only to research which preserves and protects lives. Adult stem cells hold great promise, have had more proven success in lab trials and actual applications, and they do not require the destruction of human life. This is where our Federal funding should remain focused.

At this time, efforts to federally fund a different area would siphon money from proven research.

If it is possible to simultaneously defend human life and help others in need, why on earth would we not do it? Why wouldn't that be the better option? We know it is possible to do both at the same time. It seems to me to be the reasonable thing to do. That is why I urge my colleagues today to support the HOPE Act, to support a way of continuing to advance the frontiers of research while at the same time avoiding the troublesome and meddlesome moral dilemmas that funding for embryonic stem cells would present.

There is an option. There is an alternative. There is an opportunity to advance stem cell research of the embryonic type, knowing we have already had great success with adult stem cells, with cord blood, and all of the other usages, but at the same time not tampering with the moral dilemma we would have to cross if we are destroying embryonic life in order to have stem cell research in that direction.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Mr. President, I thank my colleague from Florida and my colleague from Oregon as well. I want to address a couple of issues in response to some of the statements that have been made and also get us back to what we are discussing.

On S. 5, the central issue is, will we sanction the destruction of nascent human life with Federal taxpayer dollars? There is currently no prohibition against embryonic stem cell research in this country. Any private group in Illinois or Kansas or Pennsylvania that wants to develop an embryonic stem cell line can do so. There is no prohibition. The question is, will we use Federal taxpayer dollars to destroy human life to develop additional stem cell lines? That is what S. 5 is about.

The second point is, if we want to talk about cures, which I believe that is what the debate should be centered on, is it appropriate to divert taxpayer dollars from adult stem cell research, from cord blood research, from placental research, from amniotic fluid research into these areas of highly speculative embryonic stem cell research that has not produced results to date and is unlikely to produce results in the near future, if at all. If it does produce results, it is going to lead us toward human cloning, because we are not going to have a genetic match on the embryonic stem cell line. You are going to need a genetic match so you will have to develop human cloning to get a genetic match to produce the cure you want.

Cloning is not on the table today, but that is what this moves us toward, because that is what is going to have to happen, if this will ever work. But it doesn't need to go that route. I want to get us back on those central questions.

Let's talk about the facts on these questions. We have invested heavily as a country in embryonic stem cell research. We have invested in adult stem cell research. We have invested nearly $613 million on embryonic stem cell research. In total, since 2002, $613 million invested in embryonic stem cell research. So to say that we are not funding, we are not doing work in this area, is false. We have invested a considerable amount of work and effort in this field.

Now, individuals are saying: OK, yes, you have put money into this field, but the lines on which you allow research are contaminated. I wish to draw attention to this article from Nature magazine—excuse me. I want to get this one up. This article: "Bush Stem Cell Line Contamination is Exaggerated." This is from a CEO of a stem cell company:

> So the stuff you hear published—

I am reading the quotation—

> —that all of these lines are irrevocably contaminated with mouse materials that could never be used in people—hogwash. If you know how to grow them, they're fine.

That is in an article where one of the key individuals, the CEO of a stem cell company, is saying that. So we have $613 million that is in human and nonhuman embryonic stem cell research. The idea that the lines are contaminated is hogwash. They are not contaminated. They are useful. They are being used. The research is taking place. So we have this. We have $613 million going into this area since 2002. One would reasonably expect we ought to have some results after over half a million dollars going into the field in this period of time and a lot of efforts from the scientific community. We have known about embryonic stem cells for 25 years.

Indeed, the magazine Nature in 2006 marked the 25th anniversary of the two papers reporting the first isolation of mouse embryonic stem cells—a 25-year celebration. So we have known about embryonic stem cells for 25 years and in humans for the last 10 years. We have been able to research on them in lab animals for the last 25 years. That is an exciting development which took place a quarter of a century ago. We have invested heavily—$613 million since 2002. We have put a lot of money into this. We put a lot of scientific effort into this.

What do we have? That should be a reasonable question all my colleagues would ask. All my colleagues would say: Well, OK. We have talked about this, we have put money in it, we have discovered it, and we have put a lot of our best scientific minds into this field. What do we have? The results for adult versus embryonic: We have invested more in adult than we have in embryonic, but it is not an inconsequential amount that we have put into embryonic—$613 million. This chart shows the current human applications in the two fields of adult versus the embryonic. For allergy and infectious disease, embryonic stem cell research and human applications: zero. We have 15 in the adult field. Cancer Institute: zero in ESCR, 26 in adult. Child Health Institute: zero here for embryonic, 8 in adult. Diabetes and Digestive: zero for embryonic, three in the adult field. Eye Institute: one adult, zero embryonic. Zero embryonic, zero embryonic, zero embryonic in each of those fields. You can see what we have been able to do in the adult field by the investment we have there.

So from just a sheer practicality standpoint—we have known about this for 25 years, and we have put $613 million into it. We have zero human clinical applications today taking place. We have over—and here I want to show an adjusted chart. I am sorry this is one we have had to paper over, but just yesterday we had juvenile diabetes on our board for adult stem cell application—one of the big ones. This affects a lot of people. It is one that a number of people in this body are strongly interested in, deeply interested in.

I just read to my colleagues this morning from the Chicago Tribune about this adult stem cell work treating juvenile diabetes where an individual with their own—this is type 1 diabetes—treating an individual with their own stem cells at Northwestern University. Here is a quote from a researcher who was reviewing it from Harvard Medical School:

> Their results look better than anything I have seen so far.

Type 1 diabetes. We added it, gladly, to the board today. Seventy-three different human applications we have in adult stem cells. Cord blood. We don't have amniotic fluid yet developing, which I think we should start banking the amniotic fluid from the placenta because of the rich stores of stem cells, but we haven't quite started that yet today. So we have put in money in adult and we have put money in embryonic. We have a lot of results in adult.

I held this up for my colleagues yesterday, but I hope they get a chance to look at it again. This is the front page of the research findings in the adult fields we have. It is about a 4-inch binder. That was accumulated as of April 2006—last year. We did an addendum from June 2006 to March 2007.

These are the findings. These are the successful results in the adult cord blood field that we have. I don't have my empty binder to show what we have on embryonic stem cell. It is a legitimate question, just a legitimate question about what we should be investing in that is yielding results in the adult versus embryonic field that is taking place.

There is the tumor problem. My colleague from Utah was saying we can get over this tumor problem which is taking place. Unfortunately, I have a stack—and I put it into the RECORD yesterday—of 10 research papers, and that was really just a sampling of the papers where the embryonic stem cells are producing tumors. This is real. It is significant. It is not going away, these tumor-formation problems with embryonic stem cells.

This is in a publication called "Stem Cells": "The presentation of the insulin gene could be demonstrated only when the cells differentiated in vivo into teratomas"—into tumors. These are tumors which are taking place. This is just one of a stack of research papers saying this is a problem. It is a difficulty we have.

Let's talk about patients again because, to me, that is what we really have to get to—the bottom line. We have to bring this back to the patients.

We now have this exciting development which is taking place with type 1 juvenile diabetes. Unfortunately, it is taking place in Brazil instead of the United States. I wish we were having the researchers doing this in the United States. I guess they—whether they are being attracted overseas to do adult stem cell work and not in the United States—but this was Northwestern University which was doing this in Brazil.

I want to look at Parkinson's. One of my colleagues raised the issue of Parkinson's, which is a very difficult, terrible disease that confronts and confounds us as a society and as individuals. I wish to point out to my colleagues an individual who came to testify in 2004 who was a Parkinson's patient and testified about his treatment with his own stem cells that was taking place, a Parkinson's patient, Dr. Dennis Turner, and he was Parkinson's free for a period of 5 years. We tried to get him in to testify a number of different times. We had trouble. He was out doing African safaris after his stem cell treatment as he was doing so well from it.

My point is that we have tried this. We have tried it aggressively. We have tried it ethically to say: OK, let's try embryonic stem cell work on lines where a life-and-death decision has already been made. That was the President's determination in 2001. He was saying: We don't know at this point in time where this science will lead us. Let's try it on these ethical lines because somebody has already made the life-and-death decision. Let's put money into it. Let's start in the nonhuman area first because we want to develop this in the animal models, which is clearly the right way to go. Let's invest heavily in it, which I noted in the earlier chart where I pointed this out, the amount of animal trials, the money that has been put into animal trials on embryonic stem cell work—in 2006 alone, $110 million; $481 million for 2002 through 2006—trying to find out: Is there a place? Is there a way? Can we make this work? We continue to have this tumor problem which keeps coming up in almost all of the studies. Yet we are saying: Let's try it on human embryonic and these lines that have already been developed, and we still are not getting the results. So why would we continue to fund in this area?

Now we want to expand the funding in this area and we want to expand the lines and we want to—not only go there, we want to cross the big moral divide that many of us have different opinions on but all of us have to say is a profound question: the use of taxpayer dollars to fund the destruction of young human life. We are all troubled about that. One way or the other, we are all troubled about that. That is the question on this particular bill and why it is so divisive. We all want cures. I think people are troubled about the lack of scientific results in one area and the fact that we are now at, in clinicaltrials.gov., 1,422 human clinical trials now going on, being recruited for or no longer recruiting for using adult stem cell work right now. So this is going on. It is going on well. We are not seeing any of it in the embryonic.

Now we want to take another step. We want to use taxpayer dollars. We want to destroy young human life. We want to create more embryonic stem cell lines. Never mind that it hasn't worked to date. Never mind that we are getting a lot of results in this other field. Never mind that a good portion of our electorate finds this ethically very troubling. We are going to do it. We are going to go with it. We think we ought to do it.

I don't think this is a wise move. I don't think it is wise practically. I don't think it is wise ethically in spite of the thoughts others might have. Ronald Reagan said: If you didn't know if somebody was alive or dead, you wouldn't bury them. If you weren't sure, you wouldn't bury them, just as a commonsense thought.

My colleague from Oregon did a very good discussion of the ethical issues here, yet I could even detect in his thoughts that this is a troubling question. It is a tough one. So if we are not sure if it is alive or dead, would you bury them? No, you wouldn't. And if we have a moral question about this and we have a route where we can use this $613 million to get treatments for people like Dennis Turner, whom I put up here, and where we have had some successes, if we can get treatments for diabetes that are being developed by Northwestern University—but for some reason, we are not having enough interest here to do them here, we are having to do them in Brazil. I want people to get treatments. I want Parkinson's treatment to take place. We have a route to do this. We are not unlimited on money resources in the health care field. I think we should invest more in the health care field. We have a route to go here. We have a route that can use the resources. If we are at 1,422 clinical trials now, my guess is there would be a lot more we could try.

I put up pictures of people here yesterday who are having to go to Portugal for spinal cord injury treatment. I want to put a picture back up here again. She wonders why we couldn't do this here.

I might also note to my colleagues that it is critical that this is done quickly. They are finding in these early research results that the sooner you can get the treatment for a spinal cord injury, the more likelihood of success. So how many people here can afford to fly to Portugal for the treatment, and how much better would it be if this were done in Chicago or in Kansas City where people could go in this country? This lady from central Illinois was having to go to Portugal.

We are finding this in the diabetes area. They are saying the sooner the treatment is taking place—and this is common sense to most of us as well—we know that the sooner you catch something, the more likelihood you have success if you get quick treatment. Should we be forcing people, then, to go to Brazil and Portugal and Thailand to get these adult stem cell treatments, many of which were developed in the United States, being done by U.S. researchers, and now are being conducted abroad? Why? I understand we are all after this goal of treatments, and I would hope—and I give that to my opponents, that is what they are after as well—they see this hope and promise.

I can't cross the ethical boundary they have been able to cross. I find that each of these lives—and here, I am not quoting from a religious source; I am quoting from a biology textbook, an embryology textbook, 1996 human embryology textbook that says this about when life begins, not talking about the theology but the biology. It says:

> Although life is a continuous process, fertilization is a critical landmark, because under ordinary circumstances, a new genetically distinct human organism is thereby formed.

The Presiding Officer wouldn't be here if he was destroyed as an embryo.

If we have somebody in the future who in this body—I want to show Hannah—who was in this body who was created—or, excuse me, was started in an IVF clinic, was a frozen embryo at some point in time, she is destroyed as a frozen embryo, she isn't going to be here as a U.S. Senator. This life is a continuum. We all know this. This is not something which is new to anybody. Here is man who is a snowflake baby, a frozen embryo, who was adopted. We have another route to go on these frozen embryos. We could really push an adoption technique. If she is destroyed at this early phase, she obviously isn't here at a later phase. We know that. We know what the embryology textbook says, and we know each of us started out as an embryo, so why would we do this? I understand people are saying: Well, because we want cures. And I do, too. We have an ethical route to go on the cures. We have a route which is producing enormous successful results and one which is producing no results.

Now, maybe it will, in a decade or two, over large U.S. expenditure, over a great ethical divide that we all are troubled about, and then we will expand into human cloning to be able to get a genetic match, because it will have to. Otherwise, if you do this with embryonic stem cells and implant them and the genetic type doesn't match up with that of the body, you are going to have to have immunosuppressants being used all your life. Is it likely we are going to continue that route? No. We are obviously going to have to do human cloning, develop young human clones that genetically match the individual being treated. You are going to have to harvest thousands, if not millions, or hundreds of thousands of women's eggs to get the human eggs to develop the clones.

Do we want to go there with women? You are probably going to have to incentivize and pay women in poorer countries to get the human eggs to develop the clones that genetically match so you can implant them. This leads down several paths we don't want to go. So why would we start down there if we don't want to go there and we have an ethical route in which to go?

I plead with my colleagues that we don't need to do this. We don't need to jump over this ethical divide, and we don't need to ignore this definition. We don't need to create a legal fiction that, yes, it is alive but it is not a life, which we are doing now with this discussion. We don't need to go back to the old debate of treating human life as property and that you can patent it and own it and manipulate it, and treat it for your own purposes. We have been there before. We have always regretted it. Why would we do that now? We don't need to go there. I say to my colleagues, let's not go there. Let's go this route we can all agree on. Let's do amniotic fluid banking. Let's do banking of those stem cells and create more treatments. Let's invest more heavily in the adult stem cell field so we can create and find those cures. Let's have treatments done in the United States and not force people to travel overseas to get these treatments. We don't need to go there.

We don't need to get women into a position to pay them to harvest their eggs. We don't need to go down the route of human cloning, creating life for our own purposes. We have done that before and have deeply regretted it.

This is a turning point for us. I have no doubt how the vote will come out today. It will be in favor of S. 5. I think that is regrettable. I believe the President when he says he is going to veto it. I hope he does. I will be strongly in support of him doing that. Instead of having a culture that looks at using life, let's have a culture that values life, that sees every life as dignified, beautiful, sacred, a child of a loving God, not to be used for other purposes but has dignity because of who it is, because of the beauty of who it is. What is wrong with that? Let's find cures, and we can do it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Georgia is recognized.

Mr. ISAKSON. Will the Chair advise us of how much time remains.

The PRESIDING OFFICER. The Senator from Georgia controls 14 minutes. The Senator from Iowa controls 6½ minutes.

Mr. ISAKSON. Mr. President, the Senator from Illinois will speak next and he told me he needed extra time. In the spirit of cooperation, I will be glad to yield 5 of our minutes to the Senator from Illinois so he will have 11 minutes, and then I will conclude. Is that fair?

Mr. HARKIN. Yes. We will yield 5 minutes to the Senator.

Mr. ISAKSON. You have 6 minutes left. I am giving him 5 and I will take a closing. Is that fair?

Mr. HARKIN. That sounds good to me.

Mr. DURBIN. Mr. President, I thank my colleague from Georgia for his gracious gesture. I also thank my colleague from Iowa, Senator HARKIN, along with Senator SPECTER, for introducing this bill on stem cell research.

Some important things have been said on the Senate floor today. Senator SMITH of Oregon made an exceptionally moving statement on this issue. I thank him for sharing his views. This is a tough issue. It is not easy. I totally respect those who see it differently than I do, including the Senator from Kansas. They are trying to apply to this important political debate their own conscience. That is an important thing in this business, that we bring our conscience to the Senate Chamber. I know, as most people do, that as we meet and debate this issue on the floor of the Senate, the lives of Americans continue. All across America, in sterile laboratories, there are doctors and scientists at work today trying to help loving couples create human life. These are men and women, husbands and wives, who want a child and, because of some physical problem, they cannot conceive. So they spend enormous sums of money—thousands of dollars—on the chance that in a little glass dish in a laboratory life can be created that will end up being the child they will love for the rest of their lives. It is a beautiful story of love that is repeated every day in America in these laboratories. I have a friend who recently had a baby girl—2 weeks ago. Eight days after she was born, I was giving her a bottle. I thought I had lost all those talents, but they came back to me. My wife was admiring her and telling the mom how proud we were. She talked about going through this process and how when they went into this laboratory and looked at all of the possible embryos that could lead to the birth of the child, they picked the healthiest and strongest ones, naturally.

But other embryos were not chosen. What happens to those? At the end of the day, what happens to those that are not chosen to end up becoming a baby? They are thrown away, discarded. Now, Senator BROWNBACK has referred to these as "nascent" human life, young human beings. I see this a little differently. I cannot understand how we can condone legally a process that will end up at the end of the day with these embryonic stem cells being thrown away and discarded, when we know if those same stem cells that are about to be thrown away are given, under appropriate guidelines, with strong ethical standards, to laboratories, they could lead to cures for serious illnesses. Is it better morally to throw them away or is it better morally to use them in a positive way to enrich and save human life? That is what this debate comes down to, as far as I am concerned.

I have many friends and there isn't a family in America that hasn't been touched by Alzheimer's, Parkinson's, spinal cord injuries, ALS, or diabetes. We all know the stories. That is part of American family life today. When you are a parent of a child who suffers from one of these illnesses or diseases, the first thing you want to know is: Doctor, what can be done? Is there a cure? Is there a place I can take my daughter to where they are going do surgery or a procedure—something—to save her from this disease? That is the first question a parent asks.

Because President Bush decided over 4 years ago to close down Federal funding in this area of research, it limits the opportunity to find those cures. The President has said he is asserting his moral belief, his ethical position on this issue. Well, everybody brings their moral and ethical positions to these issues, but you have to ask the larger question: Is it right for the President to impose on all of the families in America who are afflicted with diseases his moral and ethical views?

I think what Senator HARKIN has done is more reasonable. He has said we will have strong ethical guidelines for this kind of research. No one is going to make a dollar off this. You cannot direct this research toward any person. This is strictly scientific, closely guarded, with strong ethical guidelines. Senator ISAKSON has come up with an approach, too, to use a different form of these cells. I also applaud his approach. Let us try everything we can ethically find that moves us forward toward finding cures. That is what this should be about. If you believe the embryos not used in in vitro fertilization are human life, as described here, I think you have a moral obligation to outlaw in vitro fertilization because, frankly, at the end of the day these "nascent" human lives will be destroyed. We know that. But you have not heard that suggestion. Those opposing stem cell research are not opposing in vitro fertilization; they say go forward with that, knowing the choice would be made to discard the stem cells rather than use them for medical research. I don't follow that logic. I think it is morally consistent for them to oppose embryonic stem cell research and prohibit in vitro fertilization. But they have not gone that far.

We have tough choices ahead of us in this bill. I think they are obvious choices. We understand what Senators HARKIN and SPECTER have done. They open the door for funding Federal research in this area. I am glad the Governor of Illinois found money to initiate this research in Illinois. California and many other States are also doing this. Why are we doing it State by State, not as a national Government, as we do all medical research? The President doesn't view this the same as other people. He used his veto pen once as President and that was to veto stem cell research. I think that is inappropriate.

As I get into this debate, I think about a lot of people I have met who are victims of multiple sclerosis, Parkinson's, ALS, cancer, and spinal cord injuries. I think about visiting the Heinz VA Hospital yesterday and seeing a quadriplegic who has been bedridden since the Korean war. Imagine that, if you will. I think about those who have suffered spinal cord injuries who want the chance, the possibility, that this research will allow them to lead a more complete and full life. I also think of my colleague from the House of Representatives, Lane Evans. He came to Congress in 1982 as a wonderful, great young man, a Marine Corps veteran of the Vietnam era. He had to give up his congressional career last year because of Parkinson's. It got to the point where he could not continue his official duties. He used to come to the floor and beg for this bill to pass so others suffering from Parkinson's would have a chance.

I dedicate my vote in support of this bill in support of Lane Evans, the veterans, and so many others who are counting on us to move this research forward. Dr. Elias Zerhouni, the Director of the NIH, stated our Nation would be better served if federally funded scientists had access to embryonic stem cells for research. He separated himself from the Bush administration's official position. He said:

> It is not possible for me to know how we can continue the momentum of science and research with the stem cell lines we have at NIH that can't be funded. From my standpoint as director of the NIH, it is in the best interest of our scientists, our science, and our country that we find ways and the nation finds a way to go full speed across adult and embryonic stem cells equally.

I am not going to argue against research using cord blood, adult stem cells, the type of stem cells described by Senator ISAKSON in his bill. But I think we have a moral obligation to the men and women who are counting on us to open this research to find cures. This is our chance, with passage of this bill.

I will vote in favor of both S. 5, the Harkin bill, and S. 30, the Isakson bill, to support all ways of deriving stem cells in a positive way to save lives. If you are in favor of human life and making it better, this is your chance. What matters most in this debate is that we aim to make good on the promises we vowed to keep. Let's support the research that can lessen so much pain for so many and support S. 5.

I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I will be brief. I will take a portion of the remainder of our time and yield back the rest. I compliment Senator DURBIN on his excellent remarks. Referring back to Senator DORGAN's and Senator SMITH's speeches and so many other speeches, I think this has been a terrific debate.

I compliment the Senator from Iowa tremendously. We all gained a great deal of education. I think, with rare exception, we have seen exhibited a passion to further embryonic stem cell research. The questions are not if that is what we should do but how we go about doing it.

What I have tried to do, and Senator HARKIN and I had a great exchange last night when we educated one another on our positions, but what I tried to do is open a door that already existed, a door that brought about 5 of the 21 embryonic stem cell lines that are currently under NIH approval. But as Senator HARKIN and others have stated, those lines have now been experimented on for 5½ years, using mice, they have developed pollution or less-than-quality lines. It is time for us to find a way to further the science, to reach out for those discoveries and do so. S. 30, which I am here to advocate for, affords that opportunity because it allows the NIH to invest future funds in embryonic stem cell research on embryos derived from Level III Gardner principle remainders and in vitro fertilization, arrested embryos, as they are referred to in some cases, dead embryos as referred to in other cases, but in all cases embryos that are no longer going to become a life but do generate and contain pluripotent embryonic stem cells.

In the end, I feel that approach satisfies the questions raised at the White House and affords us an opportunity of a bill that will be signed by the President and does what everybody on this floor supports, with rare exception, I believe, or maybe no exception once done, and that is the expansion and the extension of the research.

I end where I began with my remarks a minute ago. I compliment Senator HARKIN and others who have spoken and the advocacy that has been here today and the level and quality of this debate on this subject. I look forward to this afternoon and the remaining 3 hours as we lead up to the votes.

I guess I would say the same thing the Senator from Iowa would say. If any Members want to speak this afternoon, it is time to let us know now rather than later because we will have 3 hours equally divided between four different groups.

With that said, I yield back the remainder of my time.

Mr. HARKIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

RECESS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate now stand in recess until the hour of 2:15 p.m.

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until the hour of 2:15 p.m.

Thereupon, the Senate, at 12:23 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

HOPE OFFERED THROUGH PRINCIPLED AND ETHICAL STEM CELL RESEARCH ACT—Continued

Mr. ISAKSON. Mr. President, I suggest the absence of a quorum and ask that the time that runs count equally against both sides for the remainder of the debate.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARKIN. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Senator STEVENS be added as a cosponsor of S. 5.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. HARKIN. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROWNBACK. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROWNBACK. I believe under the previous agreement I have 30 minutes at this time, may I inquire of the Chair?

The ACTING PRESIDENT pro tempore. Approximately 30 minutes—44 minutes, the Senator has.

Mr. BROWNBACK. I want to introduce to the body, into the discussion, a gentleman I had a chance to meet who came in front of a Senate Commerce, Science and Transportation Subcommittee—Keone Penn. I have a picture of this young man here. I want to share his story. He was cured of sickle cell anemia. We use that term advisedly, but clearly, cured of sickle cell anemia through cord blood adult stem cell treatment—cured.

I want to do part of this to encourage other people out there who might by chance be listening or know somebody else who has sickle cell anemia who has not yet been able to get treated; to talk about cures using cord blood. We have cord blood banking. That is taking place. Cord blood is the blood between the mother and the child when the child is in the womb, and the use of it, which we have now banked—10,000 units roughly have been banked and used throughout the country for many types of illnesses and sicknesses. I want to talk about curing sickle cell anemia in some cases using cord blood.

Sickle cell anemia is a disease that afflicts more than 70,000 Americans and a disproportionate number of African Americans. Keone tells the story the best so I will just highlight what he stated in front of a Senate science subcommittee hearing that I chaired. He said:

> My name is Keone Penn. Two days ago I turned 17 years old. Five years ago they said I wouldn't live to be 17. They said I'd be dead within 5 years.
>
> I was born with sickle cell anemia. Sickle cell is a very bad disease. I had a stroke when I was 5 years old. Things got even worse after that. My life has been full of pain, crises, blood transfusions every 2 weeks, and more times in the hospital than I can count.
>
> The year before I had my stem cell transplant I was in the hospital 13 times. I never was able to have a normal life. My stem cell transplant was not easy, but I thank God that I'm still here. I will graduate from high school and I want to become a chef because I love to cook. I think I'm pretty good at it.
>
> Sickle cell is now a part of my past. One year after my transplant I was pronounced cured. Stem cells saved my life.

Many have heard of Keone's amazing story on previous occasions, and the effectiveness of cord blood stem cell research for such diseases rightly gives hope to millions.

Keone's story is yet another of a great litany of adult stem cell successes.

I want to focus now on the cord blood stem cell successes and why we should not be directing research dollars down other paths, such as embryonic stem cell and human cloning that have not produced these sorts of cures or these sorts of treatments, when we could do a lot more with treatments in the cord blood field.

As I noted, we started a cord blood banking program. We now have cord blood banking taking place in several places. I hope people are doing more of this across the country. As I stated, we have distributed nearly 10,000 units of this to get to matches in various places, in various individuals across the country. We need more cord blood donated because you have to match a series of six factors and at least four of those factors must match to be able to use the cord blood in a particular individual such as Keone. Therefore, you need to have a broad cross-section of cord blood in the banking supply so people can possibly find a match.

In many places it has been used as a substitute for bone marrow and the difficult collection process that takes place sometimes with marrow. We need more in the cord blood field so we can get more people treated like Keone Penn. I think that is a key avenue for us, in stem cell work, in producing the results.

Next step, the next field we need to go to is amniotic fluid. I want to show this to my colleagues. Some of them would have seen this issue. We started a cord blood banking program to get this, so we could get more matches across the country and could get a broader cross-section of individuals who have contributed from various types of blood so we could get matches.

The next area we need to bank in, I believe, is amniotic fluid. The fluid that surrounds the child as the child is in the womb is also a rich source of stem cells. It would be my hope that in this year's appropriations bill we would not only study, I hope we will begin the collection and funding of collecting amniotic fluid.

Now I urge my colleagues on all sides of this issue to say: Here is another one we can agree upon in moving forward in the stem cell field. I wanted to cite to this, because it is an exciting breakthrough of news.

This article appeared in JAMA, Journal of American Medical Association, February 28 of this year, on amniotic fluid. Amniotic fluid-derived stem cells can be coaxed to become muscle, bone, fat, blood vessels, nerves, and liver cells. It might be capable of repairing damaged tissue resulting from conditions such as spinal cord injuries, diabetes, Alzheimer's disease, and stroke.

My reason for pointing this out is this is one we can agree upon. This is one we can move forward with. The amniotic fluid is discarded after the pregnancy, is not collected. It can be collected. It could be collected. We should see about collecting this and move forward on these treatments, and some of the $613 million we spent on embryonic stem cell research could go into this field, and likely you are going to be producing results very quickly. If the amniotic fluid some people are talking about, as well as the placenta, being able to collect stem cells from the placenta and other rich sources of stem cells—if we can take some of this $613 million that has produced zero human clinical trials to date and put it into fields that are producing or have a high potential here in a near-term basis to be able to produce treatments or possibly even cures—no ethical problem, no ethical issues; this would be clearly a key one to go forward with.

I also want to further develop the thought about embryonic stem cells leading inevitably to human cloning. I want to put out some numbers on this, follow with the discussion on this. People certainly will understand it. If we are to collect and develop additional embryonic stem cell lines, we get these embryos from IVF clinics around the country, and you start these lines, the genetic match will not take place. That genetic material will not match anybody, because it is unique genetic material, so as soon as it is implanted into somebody else, there is going to be a rejection by the body taking place. That individual is going to have to be on immunosuppressive drugs for the remainder of their life, because the body is rejecting this foreign material.

Therefore, the answer is to move forward, saying, well, okay, we have developed this science, we can do human embryonic stem cell work, it works, but we are getting the rejection taking place. Therefore, we are going to need to do human cloning, but it is not going to be real human cloning, it is going to be SCNT—somatic cell nuclear transfer, that is the scientific name for human cloning—and we are not going to clone, because we will create the clone, we will harvest women's eggs, we will then create the clone, and we are not going to allow the implementation of it. Therefore, we can say it is not cloning because it is not going to result in a full-scale child, by all definitions. We are going to clone a person, we are going to start human life, then we are going to purposefully kill it for its stem cells, that genetic match.

That is the process this will inevitably lead to if we are successful in this science that I believe highly doubtful, given the tumor formation. But let's say we are successful in the next couple of decades, we can develop the science, the tumor issues somehow we are able to deal with, over that period of time, we get over that hurdle, we can develop it.

We have an immunosuppressant problem, so therefore now we have got to move into human cloning. Where do we get those human clones? We get them from people. We have to have an egg we get from women. We will get the genetic material from the person who needs the embryonic stem cells; that is not a problem. But we are going to have to harvest a lot of eggs.

I want to go through some of those numbers from different individuals who have looked and thought about this. I would hope my colleagues, even if they are on the other side of this, would think about where does this take us, which is a real question about the idea of doing massive amounts of human cloning, massive amounts of harvesting of women's eggs to do human cloning that is going to take place. Because you do not get a one-for-one match, you get the one human egg, you are not going to get it to necessarily take as a human clone, it is going to take a number of attempts to take place—I believe the numbers I have heard are somewhere around 200 eggs are necessary to get one clone to take.

Now, maybe we are able to develop that technology better into the future. But if we develop this line, you are probably going to look at the need for hundreds of thousands, if not millions, of embryos needed to pursue this speculative embryonic stem cell research. And for this application, you are going to need millions of eggs and millions of human clones—excuse me, I cannot call them clones—SCNT products, that is the scientific name for human clones, SCNT clones. These embryos are going to have to be developed that way to obtain sufficient embryos for this speculative research science, that will turn to human cloning, which will exploit women for their eggs, because where are we going to get hundreds of thousands of eggs? Are we going to have women in this country be willing to voluntarily go through the process, a difficult process? It can be damaging to their bodies.

Maybe we will get some to do that. Probably more likely we will be going abroad to recruit people to give eggs. It is unlikely they will give them, it is more likely they will be paid for those eggs to take place, and to go through this difficult, painful, and potentially harmful problem.

Is that the route we want to go, or would we be wiser to work with amniotic fluid, the cord blood, the placenta collection that is taking place, and take some of this money and develop that field? I think the route forward is pretty clear.

I also want to discuss the idea we were talking about, a disposable medical infrastructure, the frozen embryos. I want to put back up a chart of one of those embryos we have here, and talk about this from a standpoint. I ask my colleagues to think about this for a second.

I believe everybody is wrestling with the notion that the human embryo is alive. We all agree it is alive. Some of us will give it the status of a life; others would not. Others would call it a potential for human life. I do not believe that is the scientific term, but some would call it a potential for human life.

It is a human embryo. Here is a picture of a human embryo. That is actually a child who was adopted as a frozen embryo and implanted and grew. This is, of course, what we are looking at as a physical entity. It is human. It is in the human species. We know that. All of us are having some level of difficulty with using taxpayer funding to destroy that young human life. Well, why are we having that level of difficulty with destroying something that looks like this? I think it is because in our own being, and the natural law that resides in each of us, we believe in dignity for every human being, period. We believe everybody who is here, who is listening or watching this, is a dignified person and worthy of respect and worthy of recognition as a person. That is why when we have people on death row and facing execution, we do not say, let's go and harvest their organs. When we hear that term, we are appalled by it, because we are saying: That is wrong.

Well, why? Because the person is going to die. They were convicted of a heinous crime. Why not harvest their body parts and save some lives? Because we certainly could. That way we could save a number of lives by harvesting the organs of a person who committed a terrible crime. They are guilty. Despite the number of people having difficulty with the death penalty—and I have difficulty with the death penalty—why wouldn't we go ahead and harvest the organs? We are going to throw them away, right? We are going to dispose of them, right?

Well, but something within us says, that doesn't feel right; that seems as if that is the wrong thing to do. And it doesn't seem as if it is right because it is not the right thing to do. It violates their human dignity, that individual, even though they have committed that crime, is a dignified human being and worthy still, even though they have committed the heinous crime, is worthy of us treating them with some level of respect, and not harvesting their organs. If they decide to voluntarily give them up, that is their choice, but they are worthy of that respect. So why, when we are looking at human life here, that all of us agree is human, alive, would we say: Well, callously, we can throw them away because they do not look like us.

Well, the child at this stage starts to look like us, but it is pretty small. You can say it doesn't look much like us. Can we do it at that stage too? Then if we are uncomfortable with doing it in the early phase, or we are comfortable with doing it in an earlier phase, or when Hannah is born, can we research on her then? She cannot do a whole lot at that point in time for herself. If we leave her by herself, she will die. She can't care for herself at that point in time. So why not research on her at that point? Well, no, because she is a dignified human. So, okay, she is here. At what point? Here? Probably so. At that point? Here?

Well, I don't think so. I agree she is human. I agree she is alive, but I am not willing to give her any dignity status as a human.

What divides those? Some would say place, placement. If it is placed in a womb, it is. If it is not in the womb, it is not. Location has not determined personhood in our past. I would suggest it doesn't determine it in our future or presently. There is a natural revulsion toward this idea that we would take life from somebody for their body parts for somebody else, and here we are having difficulty saying, well, yes, but the possibilities are so promising we are going to go ahead and do it anyway.

I quarrel with the possibilities being that promising, and I have gone through this at length with my colleagues and discussed that. Even if it were, what about the human dignity of each of us? When we have an alternative that is working, and when we have more possibilities we can fund in the amniotic fluid developing, and the placenta research, why not go those avenues, where we are actually getting some possibilities, we are actually getting people treated, and we have no ethical questions, and we can go forward aggressively and happily about it?

I am pro-life and whole life. I believe life is sacred. I believe life is sacred in the womb and I believe life is sacred wherever it is. I believe a child in Darfur is sacred, I believe that person even on death row is sacred, and should be treated with dignity. I believe the youngest phase that people are is sacred and should be treated with dignity. I do not think we have to go there. And if we do go there, it leads down a path we do not want to follow in human cloning, and that we should agree with as a society.

Mr. President, I want to also note to my colleagues we can spend a lot of time on this bill. I do not believe it is going to become law because of the divide in this country, because the President is going to veto it. We will see if there are votes to sustain that veto or to override that veto. I do not think this is going to become law. So why would not we then look at this as a chance for us to work together on areas that we know have high potential for cures and treatment and that unite us? There are plenty of things that divide us. There are clearly things in areas that unite us, there are clearly future areas of things that we can work on to unite us and to provide cures. Why would that not be a better approach? Are we so locked into a division here that we cannot find a way forward? I would submit we can find a way forward, and that we can work on these topics and provide cures so none of us is the poorer for it. We are moving forward. Unfortunately, too much of the work is happening overseas in the adult stem cell work and our people are not getting good access to it. I have cited several examples—that should not be happening overseas; it should be readily available here—of treatments that are developed here but are actually being practiced in places overseas because of either lack of interest or support that we would have here. I urge my colleagues to vote against S. 5. I urge my colleagues to work with me and others on developing this promising field in amniotic fluid. I urge others to work with me as we work in the areas of adult stem cell and cord blood that are currently treating and curing people and that we can do more of that and we can do that together and happily together and unite our country on an important topic instead of constantly dividing.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Michigan.

Mr. LEVIN. Mr. President, are we operating under a UC at the moment?

The ACTING PRESIDENT pro tempore. We are operating under consented time. The Senator from Iowa controls 90 minutes.

Mr. LEVIN. I have been authorized to yield myself 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator is recognized.

Mr. LEVIN. Mr. President, in the previous Congress, the Senate and the House of Representatives voted resoundingly to lift the President's burdensome restrictions on embryonic stem cell research. The President, however, used the first—and so far only—veto of his administration to reject this potentially life-giving research which is supported by a clear majority of the American people. We are here today to try again to give our scientists the tools they need as they work to cure some of the most debilitating and dreaded diseases. We will not—and we should not—yield until we remove the obstacles the President has put in their way.

This fight is critical, because embryonic stem cell research could hold the key to curing diseases that no other research could cure. As best we know now, an embryonic stem cell is unique in nature. It alone can develop into any other type of cell in the body. Embryonic stem cells—and embryonic stem cells alone—can become a nerve cell, a muscle cell, or any of the more than 200 types of cells in the body. The promise of this unique ability is clear: If scientists could replace diseased cells with healthy cells created from embryonic stem cells, it could save an untold number of lives.

For example, Parkinson's disease is a motor system disorder that results from a loss of brain cells that produce dopamine. Individuals with Parkinson's disease often experience a trembling in the hands, arms, or face, and impaired balance and coordination. As the disease develops, it can become difficult to walk, talk, and complete other basic tasks. With research, scientists may be able to coax embryonic stem cells into becoming healthy neurons that produce the desperately-needed dopamine. If those neurons can be successfully transplanted into a patient with Parkinson's disease, that person could be cured.

The list of diseases that could benefit from stem cell research is long—Alzheimer's disease, Lou Gehrig's disease, juvenile diabetes, spinal cord injuries, and many others. Stem cell research could offer the millions of Americans suffering from these diseases not just hope but cures.

Supporters of stem cell research understand that these breakthroughs will not be easy or inevitable. But the President's policy makes them far less likely. On August 21, 2001, President Bush issued an executive order that the Federal Government would only fund embryonic stem cell research on stem cell lines created before that date. "Stem cell line" is the name given to constantly-dividing cells that continue to be derived from a single embryo.

Most independent experts estimated at the time of the President's executive order that about 80 stem cell lines—a woefully inadequate amount—would be available for Federal research. Most of those lines were later determined to be polluted and unusable, leaving only about 20 stem cell lines available.

Last month, the Director of the National Institutes of Health, Dr. Elias Zerhouni was asked during testimony before the Senate Appropriations Subcommittee on Labor, Health and Human Services, and Education whether "scientists have a better chance of finding new cures [and] new interventions for diseases if the current restriction on embryonic stem cell research were lifted." Dr. Zerhouni responded: "these cell lines will not be sufficient to do all the research we need to do . . . these cell lines have exhibited instability from the genetic standpoint and it's not possible for me to see how we can continue the momentum of science in stem cell research with the cell lines that we have currently at NIH that can be funded. It is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines."

In issuing his executive order and in vetoing the bill we passed last year, the President did not question the scientific possibilities of stem cell research. In fact, he said the opposite. He stated in 2001:

> Scientists believe further research using stem cells offers great promise that could help improve the lives of those who suffer from many terrible diseases.

The President's objection is to using embryos for research. But the key fact—and one that opponents refuse to deal with—is that any embryo not used for stem cell research is going to be destroyed anyway. The embryos created by fertilization clinics that are not going to be used for implantation will be destroyed. Why not give them a life-giving use then? No answer has been forthcoming from the President.

RAND Health conducted a study in 2003 that found there were approximately 400,000 embryos in storage in the United States and some of these embryos will never be used because parents either had a successful pregnancy and no longer need them or because treatments were unsuccessful. In addition, the study found that only 2 percent of these embryos will be used to create pregnancies in unrelated mothers. Many will be discarded.

Last year, the Detroit News editorialized against a Michigan law restricting embryonic stem cell research and used words that apply equally well to the President's policy. The News wrote:

> The justification for this law is to protect human embryos, but the fact that fertility clinics can simply discard them means that the research ban is pointless.

Sean Morrison, director of the University of Michigan's Center for Stem

Cell Biology and one of the country's leading stem cell researchers, agrees. In an article in the Ann Arbor News last month, Dr. Morrison stated:

> The thing about that that's crazy is human embryos are discarded all the time by fertility clinics . . .So it's legal to throw them away, but it's not legal to use them to try to help somebody.

Embryonic stem cell research is truly a life-giving process because of the extraordinary potential for healing living, breathing human beings, human beings with names and faces and families.

Members of the House of Representatives have now passed the bipartisan Stem Cell Research and Enhancement Act, H.R. 3. After we debate the companion bill, S. 5, I hope we too will again adopt it and remove the President's arbitrary prohibition against funding stem cell research on embryos. It will pave the way for hundreds or thousands of additional stem cell lines to be made available.

This bill has the strong support of the American Medical Association, the Coalition for the Advancement of Medical Research, the Association of American Universities, the Christopher Reeve Foundation, the Juvenile Diabetes Research Foundation, the Leukemia and Lymphoma Society, the Parkinson's Action Network, and more than 500 additional organizations. More importantly, it has the overwhelming support of the American people. If the President again vetoes this bill, I hope Congress will override that veto.

As part of the unanimous consent agreement to consider this legislation, we are considering an additional bill as well. Senators COLEMAN and ISAKSON introduced a bill that promotes stem cell research limited to those stem cells obtained from "naturally dead" embryos. These embryos are called "naturally dead" because they are unable to divide and reproduce like other embryos. While we should pursue all types of research, I do not believe we should limit stem cell research to stem cells that may be flawed, as indicated by their inability to reproduce and divide.

Embryonic stem cell research holds enormous promise for healing and saving individuals who suffer from debilitating diseases and injuries. It is our responsibility to pursue those cures and treatments in an ethical manner. In order for our scientists to do quality research and make advances in medicine, they must have access to embryonic stem cells that are uncontaminated and viable for research, especially since they will otherwise be destroyed. S. 5 will allow our scientists to move forward to a new generation of potentially life-saving cures. It deserves the support of this body.

I yield the floor.

Mr. BINGAMAN. Mr. President, I yield myself 5 minutes from the time reserved on Senator HARKIN's side.

The ACTING PRESIDENT pro tempore. Without objection, the Senator is recognized for 5 minutes.

Mr. BINGAMAN. Mr. President, I rise in favor of S. 5, the stem cell enhancement bill of 2007. Many of my colleagues have eloquently stated reasons for supporting this bill over the past 2 days. The passage of this bill would be an important step forward for research into treatments of devastating diseases. In addition, passing S. 5 will help the United States as a leader in biomedical research, a leader in transparent and ethical research practices, and a leader in developing safe, effective treatments for diseases. I wish to see stem cell therapies developed in this country so we can ensure the safety and availability of these treatments for American families and at the same time create jobs for highly skilled workers to do the necessary research and to develop these new treatments.

Our current policy puts us at a severe disadvantage to other countries. As the Director of the NIH said at a recent hearing, our current stem cell policy is akin to working with one hand tied behind our backs. Scientists in most other countries are at an advantage to U.S. scientists because they are allowed to study the best stem cell lines and do so with government funding.

Let me explain this world stem cell policies map I have put up. It is color coded to show the different stem cell policies that exist in different parts of the world. We have essentially chosen four colors or four categories of policies I am trying to focus on. First, we have the countries in yellow which have not adopted stem cell policies. You can see those countries are fairly extensive. Next to those are those that have adopted stem cell policies. The United States is part of that group. Those are the countries in gray on this world map. The United States is among the most restrictive of those countries that are in gray, but we do have other countries that have policies that are in that category as well.

Third are the countries in light brown which allow the creation of stem cell lines from leftover embryos in IVF clinics. We can see those light-brown countries. Passing S. 5 would move the United States into that group of countries, such as France and Canada and Brazil.

The final group depicted on this world map is those that are shaded in dark brown. These countries allow other laboratory techniques to be used to create embryonic stem cell lines. You will notice that many of these countries have very strong scientific research programs. I particularly mention the United Kingdom, India, and China as part of that. Scientists in these countries, other than the United States, are free to use the type of stem cells best suited to their research, whether they are adult stem cells or embryonic stem cells created before 2001 or embryonic stem cells created after 2001. In fact, many countries have been promoting stem cell research because they see this as an opportunity to get ahead in this field during a time when U.S. scientists are restricted to less useful stem cell lines.

For example, the United Kingdom has established a world stem cell bank to collect, characterize, and distribute embryonic stem cell lines to researchers around the world. The United Kingdom has also developed a comprehensive national regulatory system that requires researchers to follow strict ethical guidelines. While these regulations may slow research to some extent, embryonic research is an area that merits extra care and transparency and oversight. We should not relinquish our duty to uphold high ethical research standards to other countries or to individual States within this country or to the market more generally.

I ask unanimous consent for an additional 2 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The Senator is recognized.

Mr. BINGAMAN. Many other countries, including Singapore, Korea, and Australia, also have federally funded centers for embryonic stem cells. However, it will be difficult for the United States to capitalize on the research advances that are made in these other countries since federally funded scientists in the United States are restricted from collaborating with foreign scientists who use the stem cell lines that were generated after 2001.

Furthermore, we can't leave this important field of science to the private sector alone. We have a long history of bipartisan support for basic science research in this country precisely because it does not make financial sense for industries to invest substantially in early-stage research. Any scientist will tell you that human embryonic stem cell research is still in its early stages, and that it has gone more slowly than it would have otherwise gone because of the restrictions currently in place in our own policy. Furthermore, most cell-based therapies, including bone marrow stem cell transplants, were first developed in academic research hospitals and have never been widely utilized. This means Federal funding is even more important for cell-based therapies such as stem cell transplants than it is for other types of treatments.

Mr. President, I urge my colleagues to support S. 5. It is an important step to keep the United States a world leader in the field of biomedical research, and it will give hope to many of our citizens for the treatments they desperately need.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. SANDERS). The Senator from Maryland.

Ms. MIKULSKI. Mr. President, I rise today to speak with some great urgency on the need to pass the Stem Cell Research Enhancement Act of 2007, S. 5.

We must pass this bill because if we do not, the American people will continue to suffer, our brilliant researchers will be discouraged and think about leaving the field of scientific research and, No. 3, we are also outsourcing our intellectual capital because other research is going overseas.

We have to have a sense of urgency because stem cell research takes a long time. We cannot have science on demand or scientists on demand. If we do not act now, we are going to be discouraging very important research and wonderful young people from going into this field.

Every year we wait, we fall 3 years behind in our research—another time where a patient might have been saved, a family might not have had to watch a loved one suffer, and also where we would not have to watch our great ideas going somewhere else.

Stem cell research is very important to the American people. It is very important to Maryland. It is very important to me. I am a firm, clear, unabashed supporter of expanded stem cell research and, at the same time, that this research be conducted under the strictest bioethical standards. That is why I like S. 5. This legislation is based on sound cellular biology science and also good, sound ethical principles.

This legislation is so important not because legislation is important but because it opens more opportunity to do stem cell research. What does that mean? It means that currently the existing law under President Bush restricts stem cell research to adult cells, to some vague 21 lines that are becoming tired and toxic. But under our legislation, it would open it up to embryonic stem cell research where embryos are garnered that are discarded in in vitro processes in which the donors themselves have to make that informed choice.

What does this do, though? Well, I will tell you, stem cell research is the kind of research that could find a cure for Parkinson's disease, diabetes, diseases of the brain and the immune system, multiple sclerosis, and spinal cord injury. Imagine if scientists could find a cure for Alzheimer's or Parkinson's, or if they cannot find a cure, to be able to regenerate new kinds of brain cells to give people a cognitive or functioning stretchout. Think about the impact on families, but also think about the impact on our nursing home budget.

Think about research in juvenile diabetes, type 1 diabetes, where little children, every day—whether they are 5 or 9 or 11—have to be testing their blood sugar. They cannot eat the way other kids do. They have to watch how they pace themselves when they play ball or do other things so they do not induce hypoglycemia. As they get older and their cells get even more tired, they fear they could lose a kidney or lose their eyesight.

If we could find more breakthroughs in juvenile diabetes, we would give them their childhood back. We would give them a life that has a future full of promise. That is why we are fighting here. It is not about ideology. It is not about party. It is about our American people. And what we invent here could help save lives everywhere.

Yesterday, I went to Johns Hopkins University to discuss this stem cell research. I wanted to be sure I was on the right track: sound science, good, solid ethical frameworks. I said to the scientists: Tell me what you are doing and tell me what impedes you now working under the Bush framework?

Well, they gave me an earful. First, it is inspirational—inspirational—in what they are doing in pediatric leukemia, in juvenile diabetes, in multiple sclerosis. Also, to give an example, in talking to Dr. Doug Kerr, he is working now through stem cells—yes, it is with paralyzed rats—to not only regenerate the spinal cord but to have those cells connect to muscle so not only for whether you are regenerating spinal cords that have been injured or severed, but also to connect the muscle so you could walk again. That was the dream of Christopher Reeve. But that is the dream of every paraplegic right now—whether it has come from a diving accident, if you are an athlete, or whether you have been injured in Iraq or Afghanistan.

Don't we want Dr. Kerr to do what he is doing now and to be able to extend that? But they do not get the clinical trials because they are restricted in the types of cells they can use.

So we saw a cornucopia, again, of opportunity there. But I said to the docs at Hopkins: Why can't we do this with private or State funds? They said: Senator MIKULSKI, you have to have a national framework. First, that is where you get your bioethical guidelines. It is done not while there is one set of guidelines for States that can afford research and that there is another set of guidelines for those States that can't. Also, there is not enough in private philanthropic funds to be able to do this.

Private funds function like venture capital. But at the same time, what happens with States? Maryland is now in a bidding war with our $25 million against California. We have scientists who are leaving Maryland to go to California. Hats off to them. But also, then, we have scientists in Maryland and California who are leaving the country because they can do work in Sweden or Singapore that they cannot do in their own country. These are American scientists who want to do their own work in their own country. But we are driving them out with our narrow-minded ideological sense of politicizing science.

So we cannot do this with State funds, and we cannot do it with private funds. As I said, right now we are outsourcing this to China, to Singapore, to Australia, to Germany. I am not saying there are good countries or not good countries, but what are we doing? We are losing our intellectual capital. We are also losing our young scientists.

Yesterday, I talked to a young doctor. I knew him as a resident. His wife was a friend of a friend of mine. I knew him through his residency. Now he is a young doctor, married, with three children. His whole field is diabetes. He is so eager to do this juvenile diabetic research. He has already started it. He is already good at it. Gosh, maybe he could win the Nobel prize one day. But guess what. There is not the money for the young scientist. Also, with the very shackling of what goes on now in these so-called Bush lines, with these ideological guidelines, they cannot do the research. He has to think hard about whether he wants to continue his life dream of finding a cure for juvenile diabetes.

You see, this man has devoted his life to getting ready to do this, and now his own Government is stopping him—not because he is not smart, not because we do not have the will, but because we have too much ideology and too little money in the wallet.

We have a President who has given us a framework where research has one hand behind its back. Scientists have been prohibited from doing new stem cell research.

Six years ago, the President restricted Federal funds for embryonic stem cell research. What did it do? It created an unregulated atmosphere. The result was federally funded stem cell research was halted almost entirely. Stem cell research was done by private entities. A private entity has no Federal bioethical standards.

Mr. President, like you, I am a sunshine person. I believe you should have research conducted in the sunshine. That is where you have compliance with bioethical standards. That is why we need to have the kind of national framework where everybody goes by the same rules, at the same time, in the same way. Without national standards, research will be done by the well-heeled, outside of the public eye, with no national scrutiny. This is where I fear dark and ghoulish things can occur.

I acknowledge the validity of some of the concerns raised by colleagues. But as long as you shove it underground, as long as you shove it behind closed doors, then you are going to get either faulty research or very bad ethics.

I believe the legislation pending will remove the restrictions imposed by the

President. It will provide the ethical and medical framework we need for federally funded stem cell research. It will create strong ethical guidelines. Most of all, it will ensure that we now open the opportunity for even greater and more expanded stem cell research so scientists will now have access to new, fresh stem cell lines which they now do not.

What does it mean? Well, I can tell you what it means. It means for the United States of America we have heard what the voters said in November. They said: Change the direction of the country. Change the priorities. Come back home, America. Remember what America is. We are the land of the free, the home of the brave, and of discovery. Let's go for it.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Mr. President, I thank the Senator from Maryland for her very eloquent statement and for her strong support of hope and health and healing, as encompassed in S. 5.

Mr. President, while I wait the arrival of our next speaker, I want to point out that time and time again I hear those who are opposed to S. 5 use the phrase that they are opposed to funds being used for the destruction of embryos. Earlier today I had corrected one Senator who said that. I said: Show me in the bill where it is. Well, then other Senators—the Senator from Kansas and others—have gotten up and talked about not using money for the destruction of embryos.

I challenge anyone, any Senator to come and take S. 5 and show me anywhere in there where there is one dime used for the destruction of embryos. It is not there. I get the feeling that a misrepresentation repeated and repeated somehow seems to take hold so that people say: Well, there must be money for the destruction of embryos in this bill. There is not. That is covered by the Dickey-Wicker amendment which pertains to appropriations bills, and I am an appropriator, and that is covered there. So none of this money is used for the destruction of an embryo. All it is used for is for the research on stem cells that have been derived, which is what is being done today, by the way—which are derived. Now, those derivations can come from private entities or State sponsored or wherever, maybe some international, maybe foreign countries—wherever. But none of the money here in our bill, S. 5, can be used for the destruction of an embryo, period. If anyone says so, please come and show us where it is in the bill that says that.

Mr. President, I see the distinguished Senator from Missouri is here. I yield 15 minutes to the Senator from Missouri.

Mrs. MCCASKILL. Mr. President, I rise to speak today on a matter of significant medical, scientific, and personal importance. Today, my colleagues and I have the opportunity to support research which will result in lifesaving cures, research which alleviates pain and suffering, and research which improves the quality of life of millions of Americans. I am speaking about research which will provide some of the most significant medical advances we have ever seen in the history of mankind.

Of course, I am speaking in the strongest support of S. 5, the Stem Cell Research Enhancement Act. I thank my distinguished colleagues, Senators HARKIN, HATCH, KENNEDY, and SPECTER, for the leadership they have offered on embryonic stem cell research legislation over the last several years.

In my short time in the Senate, I have had the occasion to speak and vote on numerous matters of significant national importance, but not every day do we have the opportunity to vote to heal the sick. Today, we have a chance to set aside partisan politics and support legislation that aims to improve the quality of life for tens of millions of Americans. It is a noble cause and one that reminds me of how proud I am to represent Missouri in the Senate.

Who would oppose such a cause, and what would their reasons be for such opposition? The opponents of embryonic stem cell research attack it on multiple fronts—public opinion, scientific fact, and moral grounds—and the war against embryonic stem cell research is fought in our communities, in the media, and today in this Congress. Unfortunately, the casualties are the medical researchers and doctors who want nothing more than to cure diseases. That is all they want. They have no grand scheme. There is no big money here. We are talking about curing diseases. Ultimately, the casualties are the patients who would benefit from those cures.

My greatest disappointment in this debate has been the numerous inaccurate statements made in this Chamber by opponents of embryonic stem cell research. Because this issue was on the ballot in Missouri last year, I had the opportunity to learn a great deal about this field during the months we campaigned for the U.S. Senate, as this issue was debated in great detail across my State. Let me talk about a few of the misrepresentations that have been made in this debate.

Claim: Adult stem cell research and stem cells derived from umbilical cord blood and amniotic fluid are adequate and we don't need embryonic stem cell research and there are 72 adult stem cell treatments for human diseases. The truth: In the medical journal Science, July of 2006, Dr. William Neaves of the Stowers Institute for Medical Research in Kansas City and Dr. Steven Teitelbaum of Washington University Medical School in St. Louis detail that this false claim originates from David Prentice of the Family Research Council. Mr. Prentice asserts that there were over 1,000 ongoing clinical trials of adult stem cell therapies. A review of the record at the NIH Web site that tracks clinical trials, however, showed that Mr. Prentice grossly misinterpreted the data. He searched the database for any entry containing the word "stem" and counted items such as "brain stem," "system," and "stem from," which is a verb. There were numerous other errors and omissions that served as the basis for this claim. In fact, there are only a handful of clinical trials with adult stem cells, and only nine conditions have adult stem cell treatments that are approved by the FDA.

In addition, as the Senator from Iowa so eloquently outlined yesterday, most scientists and patient advocacy groups agree that adult stem cell research is not a substitute for embryonic stem cell research. All research is good, but we cannot substitute an inferior form of research for the type of research that holds the most promise for these elusive cures.

Many organs do not have adult stem cells, and adult stem cells and cord stem cells are not pluripotent. That means they don't have the ability embryonic stem cells do to develop into any type of cell, and therefore their use is limited.

Claim: Tumors are a necessary product of implanting embryonic stem cells. The truth: Tumors will only develop if undifferentiated stem cells are injected into mice. Undifferentiated cells are those which have not developed into their final state. For example, a cell that has not developed into its final state is a blood cell or a bone cell or a nerve cell. In fact, tumor formation is exactly how scientists determine that a cell is pluripotent—in other words, able to develop into a multitude of different types of cells. However, nobody is suggesting that undifferentiated stem cells be injected into humans. The FDA has monitored this question, and there is no evidence that cells differentiated from embryonic stem cells cause tumors.

Claim: The 21 viable embryonic stem cell lines we have currently funded are plenty. It is sufficient. The truth: As Dr. John Gearhart told the Committee on Aging, the federally approved lines are not genetically diverse, meaning we don't have the cell lines needed that will allow us to fully utilize this vital research. Importantly, minorities are the greatest affected group due to the lack of genetic diversity in these cell lines. In addition, many of the federally approved lines are contaminated with mouse feeder cells. Finally, some of these cell lines are involved in proprietary arguments and are not available for research purposes. Asking

America's scientists to work with only 21 viable embryonic stem cell lines is hamstringing them and impeding this important progress.

Claim: This legislation will use tax dollars to fund destruction of human embryos. The truth: Each year, Congress attaches the Dickey-Wicker amendment to the Labor-HHS appropriations bill stating that no Federal funds can be used to destroy human embryos. That has not changed. This bill simply allows Federal funds to be used to study stem cell lines that are derived from human embryos that otherwise would have been discarded. How many times do we need to say it: "that otherwise would have been discarded." Not a dime of Federal money will fund the destruction of human embryos.

Claim: If embryonic stem cell research was such a promising field, it should have produced hundreds of cures by now. Over 30 years of research into embryonic stem cells has proved fruitless. The truth: The first of human embryonic stem cells were not isolated until 1998, and research with embryonic stem cells was not awarded Federal funding until 2002. That was only 5 years ago. To put this in context, from the first research into a vaccine for polio, over 20 years passed before doctors first developed the first effective polio vaccine. Hundreds of Nobel laureates agree that embryonic stem cell research has great potential for developing cures, but this will take both funding and time. The NIH has provided over half a billion dollars each year in Federal funding for stem cell research since fiscal year 2003, but only a small fraction of those funds has gone to embryonic stem cell research.

Claim: There are inadequate ethical guidelines in S. 5. In fact, this proposed legislation has tougher ethical guidelines than those which currently exist. This legislation provides the ethical framework we need for this legislation. This proposed legislation makes sure that, first, the only embryos that can be used are those which are created for fertility treatments and which are in excess of the clinical need and would be discarded; second, there must be written, informed consent from the donors; third, donors can receive no financial reward for their donations.

These two facts are important to me as I listened to the misinformation about the way we are going to subject women to egg-harvesting and this rampant practice of selling eggs on the open market. Both of those things are prohibited in this legislation. Donors cannot receive financial reward for their donations, and it has to be only eggs that would otherwise be discarded.

Fourth, the Director of the National Institutes of Health must issue guidelines 60 days after the enactment of this legislation.

Finally, it is interesting to note that some of the 21 stem cell lines that are currently being used for embryonic stem cell research might not even meet the strict guidelines that are contained in this legislation.

Families all across America are using medical research to participate in the miracle of birth.

Fact: The process of using medical research to enhance the likelihood of pregnancy produces an excess of eggs. I have heard no claims to the contrary because that is the fact.

Fact: Thousands of these eggs are going to be destroyed. I have heard a lot of claims in this Chamber, but no one is arguing with a straight face that the process of producing eggs for in vitro fertilization does not produce thousands of excess eggs.

Fact: Thousands of these eggs are going to be destroyed. It is just that simple.

Here is the question. This is the question of the day: Is it better to use these eggs to save lives as opposed to throwing them away? It really boils down to that. Ultimately, if some of our colleagues say it is wrong to use these eggs to save lives, then surely these same colleagues must believe it is wrong to throw them away. Where is their legislation outlawing their destruction? In other words, where is their legislation outlawing in vitro fertilization? Because inherent in that process is the destruction of human embryos.

I come from Missouri, where we say what we think and we mean what we say. Two of Missouri's finest and most respected leaders have spoken quite eloquently on the subject of embryonic stem cell research.

Senator John Danforth, a former Republican Member of this body, strongly supported the stem cell initiative that was put successfully before voters in Missouri in 2006. An Episcopalian minister, Senator Danforth voted many times in this Chamber as a Senator who believed that abortion should not be legal in this country. An Episcopalian minister, Senator Danforth has also worked through the moral and ethical issues he had with embryonic stem cell research. When asked about the equality of a multicelled embryo in a petri dish and the life of a human child suffering from a debilitating disease, he put it in context by asking simply: If a house were on fire and you had to make the choice, would you rescue a petri dish or a 3-year-old child?

Doctor William Neaves is the president of the Stowers Institute for Medical Research in Kansas City, one of the finest research institutions in the Nation. One of the most spiritual and thoughtful men I have known, Dr. Neaves has studied the moral and ethical implications of in vitro fertilization and stem cell research over the last 25 years with his wife, who is also a bioethicist and an ordained Methodist minister. He struggled with his position on these issues due to his faith and upbringing, but in the end, upon reflection and studying the Bible, he concluded that embryonic stem cell research is morally and ethically acceptable.

I will close with Dr. Neaves' words:

> Two elements have been pivotal in forming my belief. The first is the biological fact that in normal human reproduction, most blastocysts, or embryos, perish rather than implant in the uterus. The second is Ecclesiastes 11:5 in the English Standard Bible:
>
> > As you do not know the way the spirit comes to the bones in the womb of a woman with child, so you do not know the work of God who makes everything.
>
> Many people of faith believe that research with embryonic stem cells represents a perfectly moral means of fulfilling the biblical mandate to heal the sick. Other people of faith disagree. Should Federal policy disqualify a field of research from competing for Federal funds because some Christians object to it? As a Christian who supports this research, I certainly hope not.

I yield the floor.

Mr. HARKIN. I thank the Senator from Missouri for a very eloquent and poignant statement. I know the Senator mentioned that recently she came off a campaign in Missouri. I know that, in listening to her statement, she is reflecting the wishes and hopes of so many people in her own State who want to make sure we move ahead and find cures and treatments. I thank her for her eloquence and for her forthright statement on behalf of embryonic stem cell research.

Mr. President, I now yield 10 minutes to the distinguished Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. SALAZAR. Mr. President, I rise today to discuss the question currently before the Senate regarding whether to allow Federal funding for embryonic stem cell research. Let me start out my remarks, first, by acknowledging Senator HARKIN and the great work he has done in this field. It is beyond a doubt that he is an expert on embryonic stem cell research, one of our national leading experts in terms of health care, and having been an advocate in that area, he is recognized across this country. I admire his work on this legislation, as well as the work that has been put into this legislation by a number of colleagues, including many on the Republican side of the aisle who have joined this bipartisan coalition to make stem cell research a reality for the people of America.

At the end of the day, S. 5 is about hope—about hope for over 1 million Americans who today suffer from the trembling caused by Parkinson's disease. It is about hope for the over 1 million people in America who suffer from Alzheimer's disease. It is about hope for the 17 million Americans who suffer from diabetes, including the hope that we should be giving to those young people who are suffering from juvenile diabetes and have to look at a life of dealing with the difficulties of that illness. It is about hope for the more than 64 million Americans who today suffer from one or more forms of heart disease. So the debate on the floor today is, in fact, about the hope and aspirations of all Americans, including people, many of whom are related to Members in this Chamber today.

Scientists in America agree that, without a doubt, embryonic stem cell research holds great potential for curing these and other diseases. It is remarkable that against the conclusive determination of the scientific community, we have the Federal Government in a position where it is actively withholding the financial support that is needed to carry on this very important research for America. That is not the American way. The American way is to open new doors of hope. We ought to be opening new doors of hope as well with the passage of this legislation later today.

The reason that scientists are so excited about the potential of embryonic stem cell research—and the reason that this kind of research may hold the cure for a whole host of diseases—is that embryonic stem cells have the potential to become virtually any kind of cell in the human body, such as brain cells, heart cells, or cells that produce insulin.

The difficult part of embryonic stem cell research for scientists is controlling the process by which embryonic stem cells become other, more specialized kinds of cells. Much more research into that process is needed. To quote a document prepared by the National Institutes of Health, "the promise of stem cell therapies is an exciting one, but significant technical hurdles remain that will only be overcome through years of intensive research."

The Federal funding this legislation authorizes will provide a critical boost to that effort.

Mr. President, like millions of other American families, my family has been touched by the ache of loss brought about by Alzheimer's disease. My father died of complications related to the disease only a few years ago. At the end of his life, I wanted nothing more than to be able to help ease his suffering. Now, as I reflect on that difficult time, I think of the families that are currently enduring the same pain mine did, and I want to help them.

I trust the vast majority of the scientific community that believes embryonic stem cell research may hold the key to the cures these families are seeking. I also believe that our Government can work to promote this science responsibly by paving the way for treatments that will save millions of lives without destroying others.

Toward that end, I believe the legislation passed by Congress last year and before the Senate today represents a measured, responsible step toward tapping into the vast potential that embryonic stem cell research has with respect to finding cures for Alzheimer's, Parkinson's, diabetes and a wide range of other devastating diseases.

In millions of cases, this legislation could mean the difference between a normal life and one of pain and suffering. In millions of other cases, it could mean the difference between life and death. And by authorizing Federal funding only for research on embryonic stem cells that will never become human life and that are donated willingly, it achieves its objectives without destroying the potential for life.

To be sure, support from private funds for this research has been welcome. But it is simply not enough. I have heard from scores of scientists in my home State of Colorado—working in university labs as we speak, trying to find cures for our most devastating diseases—who tell me that the Federal funding this legislation would authorize would boost their capabilities exponentially.

In addition to the practical impact on American laboratories, however, there is something else to consider. I can think of no other Nation that should lead this research with strict guidelines than the United States.

Throughout our Nation's history, America has been the leader in making monumental scientific strides that have made life easier and better for people in our country and all over the world. In a field with such great promise, and at a time where American competitiveness is at the forefront of the Congressional agenda, I believe we must once again be the global leader.

Mr. President, I want to be clear that I also believe we should promote alternative methods of creating embryonic stem cells. For that reason, I strongly support the other proposal that is currently before the Senate, S. 30, which would intensify research into these alternative methods.

I yield the floor.

Mr. HARKIN. Mr. President, how much time do we have remaining?

The PRESIDING OFFICER. The Senator from Iowa has 37 minutes.

Mr. HARKIN. I yield until 3:45 to the Senator from New York, Senator SCHUMER.

Mr. SCHUMER. Mr. President, first, I rise in strong and profound praise of my colleague from Iowa. He has led this fight dauntlessly, always being both dogged and smart. That is why we are where we are today.

I rise in support of S. 5, the Stem Cell Research Enhancement Act. Today, as we stand on the brink of scientific breakthroughs, we cannot let politics pull us backward. A modern nation loses its greatness, its preeminence, when it turns its back on science. That is what history has shown.

Stem cell research is the key to hope for 100 million Americans and their families who suffer from debilitating diseases. Talk about it any way you want, spin it any way you want, talk about all these alternatives; the bottom line is very simple: A "no" vote is a vote against science, a vote against the millions who are anxiously awaiting a cure for diabetes, Alzheimer's, Parkinson's, spinal cord injuries and other diseases and injuries.

Unfortunately, we all know someone with a disease such as diabetes, heart disease, Parkinson's, ALS or cancer who could benefit from embryonic stem cell research. Every one of us has looked into the eyes of somebody who needs help—in my case, a young mother with a little girl about 5 years old who had juvenile diabetes who said: Senator, the doctors tell me the odds are high that my child could be blind at age 20 if we don't do embryonic stem cell research. How can we say no to that mother and to that child? Scientists are on the cusp of making incredible progress through stem cell research, a process that has the potential to cure diseases that have been with us for centuries, such as diabetes and heart disease.

When their progress was stalled in 2001 when President Bush limited federally funded stem cell research to only 19 sources that are truly viable, every family who had hope was set back. With that Executive order, the President shut the door on hope for all those families.

With that one action, the President not only stopped current research in its tracks, he sent a message to future scientists that they should not pursue this line of work.

As they see a limited funding stream for the work they do, fewer and fewer graduates are specializing in this type of research, and those who are deeply committed to it tend to go overseas. That is not a great America—an America that turns its back on science and puts politics in its place. We want all the best minds in the country to be working together to find a cure for these debilitating diseases.

S. 5 would answer the prayers of millions of families. It would increase the number of stem cell lines that can be used by researchers who are funded by Federal grants.

These stem cell lines are not made from new embryos that would be created for the purpose of research. They would not be harvested from women, like some people think. These lines would be made from leftover embryos created by couples who were trying to conceive through in vitro fertilization but are not used and are going to be destroyed. With passage of this bill, those embryos could contribute to critical research instead of being thrown away.

Let's think about the good that having these new stem cells could do by looking at juvenile diabetes. As many as 3 million Americans have Type I diabetes, with over 13,000 children newly diagnosed each year. These children must be injected with insulin multiple times each day and prick their fingers to test their blood sugar as many as six times a day.

That doesn't have to be the reality forever. Researchers have already demonstrated they can produce insulin-producing cells from undifferentiated embryonic stem cells. This has the real potential to develop a cure for juvenile diabetes, providing relief to the 3 million Americans and their families who are burdened with the implications of the disease every day.

Without being able to use Federal funding for their research, innovative stem cell research is being relegated more and more to only those individuals and institutions that can afford it.

Because NIH-funded research activities have to be housed in different buildings from stem cell research labs, which has created enormous headaches and financial barriers for researchers in my State of New York and has hampered both research on stem cells and research using other methods, unless we vote yes on S. 5, we are not going to make progress.

This bill would provide enormous hope to growing numbers of Americans. It would accelerate the movement toward a cure for devastating diseases, while strengthening the rules on ethics that must be involved in this research. This is one of those issues that hits home more than anything else. Everyone knows a mother with Alzheimer's or a neighbor with diabetes. They are gut-wrenching situations.

What is most heartbreaking is to think the President's first veto was to stop us from alleviating all this terrible pain. I urge my colleagues to look into the eyes of a young child with juvenile diabetes, look into the eyes of a middle-aged couple who has a parent suffering from Alzheimer's. Don't say no to them.

I yield the floor, and I yield the remainder of my time back to the Senator from Iowa.

Mr. ENZI. Mr. President, throughout the history of our Nation, generations of American scientists have looked for ways to improve the human condition and address the problem of disease and the afflictions of old age. Working in labs either spartan or spacious, they have toiled together over the years to find cures for the health conditions that continue to plague mankind.

As they conducted their research, each scientist's work built on the discoveries that preceded it, and the results they achieved over the years have enabled us to live longer, healthier, more productive lives. The list of medical miracles and marvels that have come from their work has made the phrase "American ingenuity" known around the world for the creativity it represents and the results it has so often provided.

From time to time, however, there is a breakthrough—or possible breakthrough—in medical science that has the potential to revolutionize not only our ability to diagnose or treat an affliction but our basic understanding of how the human body operates. When that occurs, a debate ensues as society attempts to evaluate the new procedure's potential to address the diseases that threaten our health as well as the ethics of putting the new procedures into practice.

Such a possible breakthrough is stem cell research. At present, its promise and potential for changing the way we view health and disease seems limitless. In theory, stem cells may be capable of doing everything we can possibly imagine—and more. Unfortunately, there is often a wide gap between what is possible in theory and what is practical and possible in the real world. What the future of stem cells will be no one knows for certain. Still, the possibilities are more than intriguing and certainly worth an in-depth look.

The research that has been conducted into stem cells so far has been so exciting because of the very nature of these cells. Stem cells have the capacity to renew themselves and then become specialized cells. Most of the cells that are in the body are created and committed to performing a specific function. A stem cell remains "on the fence," however, uncommitted until it is given a signal by the body to develop into a specialized cell.

That ability to change and become a cell that can be used almost anywhere in the body has fascinated scientists who are studying the ability of the body to repair itself through the use of using these "uncommitted" cells.

We have all heard the saying—you don't have to be a weatherman to know which way the wind is blowing. In this case, however, you really do need a strong background in science to understand fully the specifics of stem cell research and its implications for the future. Fortunately, we are not here to predict the impact stem cells will have on our health care system in the years to come. We are here to make a determination as to the wisdom of using taxpayer dollars to finance additional work in this area—and then pick the best vehicle to support it. There is a big difference.

In debating and voting on the two bills before us today, we are not making a judgment about the science itself, as others have stated. Rather, we are making a judgment about whether that science should be supported by taxpayer dollars. We are deciding the appropriate moral construct for the work of those key scientists in manipulating and possibly even destroying the basic building blocks of human life. We are reaffirming how we as a society view the embryo and its function.

Every year, within our appropriations bills, we make a judgment about how we want to treat embryos—the very beginning of human life. The Dickey-Wicker amendment is clear. Federal dollars cannot be used for creating human embryos for research purposes or for research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to the risk of injury or death greater than that allowed for research on fetuses in utero. Therefore, every year, as part of the appropriations process, we reaffirm that science must be guided by moral values, and our values as a society compel us to place certain limits on the pursuit of science. Today's debate will consider whether our values as a society compel us to maintain certain limits on taxpayer funding of embryonic stem cell research.

Without question, science must be guided by morality. There have been too many instances over the course of human history in which terrible things have been done in the name of science. Scientific exploration is important and we should do everything we can to further our knowledge of ourselves and our world, but not at the expense of disregarding the moral viewpoints of millions of Americans who don't believe their taxes should pay for something they find abhorrent.

In determining how to proceed, we of course must consider the promise of stem cell research. But in considering that promise, we must make it clear that while stem cells may someday lead to therapeutic advancements for devastating diseases like Alzheimer's, diabetes, Parkinson's, leukemia, and spinal cord injuries, that day has not come yet. That is why we must be careful not to oversell the promise of this research to the American people because this field of research has not yet resulted in human clinical trials. Every reputable scientist will admit that any possible cure or advanced treatment using embryonic stem cells are many years away. There are currently no cures waiting to be plucked off laboratory shelves after our votes on these bills.

So, while the research provides great hope for millions of Americans, at this point, the full benefits have not yet been realized. They fire our imagination as we consider the possibilities that may or may not come to pass. Whether embryonic stem cells will fulfill their promise someday is still very much in question, and much work is already ongoing to see whether we can get an answer.

In this context, I want to further discuss S. 5, the Stem Cell Research Enhancement Act of 2007. A similar bill was passed the House on January 11, 2007, by a vote of 253 to 174. S. 5 would allow additional research on embryos from in vitro fertilization procedures, under some limited circumstances.

However, even in these rather limited circumstances, I must oppose S. 5, because the limits it imposes on taxpayer-funded science do not respect the moral value of a human embryo. It does not fully recognize our decision within Dickey-Wicker and other contexts to treat the human embryo as more than simply material for scientific research.

The supporters of this bill will acknowledge that it does not limit research to human embryos that are currently frozen but extends the window for that research well into the future. By doing so, the bill creates an incentive for the creation of embryos solely for research purposes. This is contrary to what Congress reaffirms within the Dickey-Wicker language each year.

And, although the bill prohibits financial and other inducements for the parents of the embryo, it does not eliminate financial or other inducements for the clinics and doctors that create the embryos. Thus, it does not eliminate the financial incentives for in vitro fertilization clinics to create more embryos than are absolutely necessary to help parents conceive a child. This loophole will further erode the congressional prohibition through Dickey-Wicker against the creation of human embryos solely for research purposes.

I am not opposed to embryonic stem cell research, but I am opposed to the provisions of S. 5. I would welcome the opportunity to debate amendments to the bill, but the agreement that governs our debate does not permit amendments. And, without an opportunity to amend S. 5, I have no choice but to vote against it.

However, I will support alternatives, such as the Isakson-Coleman bill, so that we can allow greater Federal support for embryonic stem cell research. I believe we can and should unite behind a bill that respects the diversity of our views on human embryos, but still pushes the science forward. The Isakson-Coleman legislation is such a bill.

A vote for or against S. 5 is not a vote for or against scientific advances. After all, if we truly trust science, we ought to give science a chance to solve this dilemma over embryonic stem cell research. As outlined by the report from the President's Council on Bioethics, researchers are exploring at least five different ways by which we can create stem cell lines without harming or destroying embryos. If these researchers are successful, then the arguments against Federal funding of embryonic stem cell research will fall away.

Further, States and private research organizations are already plowing billions of dollars into human embryonic stem cell research that goes beyond the parameters of President Bush's policy. Let those efforts continue, while we continue working in Congress to support stem cell research that doesn't involve harming or destroying an embryo, which is something that the vast majority of Americans could support.

Mr. BUNNING. Mr. President, I would like to take a few minutes to talk about the two bills before us today dealing with stem cell research.

One of these bills is wrong, while the other offers us a chance to advance scientific research using stem cells while still protecting the sanctity of life.

Stem cell research remains a controversial issue in the medical, scientific and religious communities as well as in Congress. In fact, just last July, we were debating this very topic, and here we are again today.

I am not opposed to stem cell research. I believe that many forms of stem cell research offer great hope to millions of Americans suffering from various diseases, including research using adult and umbilical cord stem cells. We are already seeing medical advances in this type of research. In fact, adult stem cells have proven effective in combating several serious conditions, such as diabetes and spinal cord injury.

Also, just recently in the papers, scientists announced that amniotic fluid may be a promising source of stem cells. This shows we have a lot to learn about stem cells.

I am 100 percent opposed to embryonic stem cell research, however. This is why I will be voting against S. 5, the Stem Cell Research Enhancement Act of 2007.

This bill would remove all current protections against the destructive use of embryos for harvesting embryos for stem cells. I believe it is morally wrong to take embryos in the early stages of life and destroy them, even for research purposes. We should protect human life—not destroy it.

Back in 2001, the Bush administration began allowing Federal funding for embryonic stem cell research on a limited number of stem cell lines that were already in existence. As an opponent of the destruction of human embryos, I opposed the Bush administration decision to allow some embryonic stem cell lines to be used for Federal research.

However, S. 5 goes even further than the current policy by removing the current limitations set by the President on federally funded embryonic stem cell research. The bill allows Federal funds to be used for this type of research on embryos created for fertility treatments.

This is the wrong direction for us to go. It is immoral for us to conduct medical research on these budding lives, and American taxpayers should not be forced to pay for this type of research. Some people have argued that these embryos are "excess" and will be destroyed anyway. I firmly believe that we cannot create a human life and then destroy it in order to save a life. Ethically, it is unjustifiable.

In fact, it is important to remember that embryonic stem cell research is not illegal. There are just limitations on the Federal funding for it. Anyone can conduct embryonic stem cell research. They just have to live by the federal regulations or rely on other sources of money.

The other bill we are considering today, S. 30, the Hope Offered Through Principled and Ethical Stem Cell Research Act, offers us an opportunity to further stem cell research in an morally defensible manner. The bill would allow stem cells to be derived from embryos that die naturally, and reinforces the current policy that federally funded research should not involve destroying or discarding embryos.

This bill provides access to embryonic stem cells, but protects human life and avoids the ethical pitfalls of S. 5. It seems to me that we should all be able to support this bill. It places reasonable restrictions on additional embryonic stem cell research, while also protecting human life. I urge my colleagues to support this bill.

No one likes to see people with medical conditions suffer, and like many Americans my family and friends have certainly been stricken with terrible diseases over the years. However, we are at an ethical crossroads with this issue, and we must stay true to our values of respecting life.

It seems foolish to barrel ahead with Federal funding for embryonic stem cell research as S. 5 does, when other alternatives are available that offer real hope to patients and promise in research.

In closing, I firmly believe that we cannot create life and then destroy it, even if to save another life. I urge my colleagues to vote against S. 5, and vote for S. 30.

Mr. DOMENICI. Mr. President, I rise today in opposition to S. 5, the Stem Cell Research Enhancement Act of 2007. Although I am not opposed to stem cell research and in fact enthusiastically support some types of stem cell research, I cannot support this bill.

This is a very difficult vote for me to cast. I have spent a considerable amount of time thinking about the issue of Federal funding for stem cell research involving the destruction of embryos. Over the last several years, scientific developments in human genetics have been proceeding at a rapid pace. This kind of research has the potential to be very helpful in the understanding of human development and the treatment of human diseases. However, this type of research also raises serious ethical and public policy questions that must be confronted. What limits do we place on research with human embryos?

Experimentation with embryonic stem cells is considered by some to be a revolution in medical research. Many in the medical, public and scientific communities believe that embryonic stem cell research could lead to the cure for such sicknesses as Parkinson's disease, Alzheimer's and diabetes. However, human embryos must be destroyed in order to derive embryonic stem cells and this is where my ethical dilemma arises.

It is my deeply held and personal belief that an embryo is an actual living being; it is not merely a potential living human being. The possibility of helping those who are sick may be a very powerful motivation, but I strongly believe that human embryos deserve the same respect as any other human being and it is never morally or ethically justified to kill one human being in order to help benefit another. It is for this reason that I cannot support the use of human embryonic material for research even if it has the potential to save others. I cannot accept the diminished status of the human embryo in order to justify their destruction in the course of research solely because they may theoretically provide potential benefits for another human being sometime in the future.

I want to make it clear that my ethical problem is not with the research itself but rather with the destruction of embryos. I believe there is potential for advances in stem cell research that does not involve the moral dilemma of destroying an embryo in the process. It is for this reason that I support S. 30, The Hope Offered through Principled and Ethical Stem Cell Research, HOPE, Act.

The HOPE Act will advance alternate forms of stem cell research by intensifying research on methods that do not involve the destruction of human embryos. This bill instructs the Secretary of Health and Human Services to develop techniques for the isolation, derivation, production, and testing of stem cells, provided that such techniques do not involve the creation of human embryos for research purposes; or the destruction or discarding of, or risk of injury to, a human embryo. Research that can benefit others without the destruction of human life is in my opinion the best path forward.

Scientists have shown they have the skill and ability to pursue the potential benefits of stem cell research without endangering human life in the process. I support these alternative approaches because I truly believe that they have the potential to help people while still maintaining ethical guidelines. This is the best way to allow Federal science-research on stem cells without offending the beliefs of millions of Americans.

Mr. ALLARD. Mr. President, I rise today to clarify my position on stem cell research. As a veterinarian I understand the need for research and scientific advancement. Current law does not prohibit any sort of stem cell research. In fact, all forms of stem cell research have flourished under current law.

I can not and will not support legislation that would drive abortion. Therefore I cannot support S. 5. This legislation would allow for Federal dollars to be used to incentivize the further destruction of human embryos for research purposes. I do not support this use of Federal funds. I will not oppose private industry from doing embryonic stem cell research, but it would be very irresponsible to use Federal taxpayer dollars to fund such a contentious issue.

Science is advancing. Over the past weeks and months research using adult stem cells has had many breakthroughs. The use of amniotic fluid and placental stem cells has much of the same potential that embryonic stem cells have, but they are not as controversial. S. 30 provides resources to further research in the area of adult stem cell research. Because of the emphasis on adult stem cell research, I support S. 30 and will vote in favor of S. 30 later today.

I not only understand the need for scientific advancement, but also for ethical boundaries. We should not be using Federal dollars to drive abortion, when there are alternative opportunities for scientific advancement that are not as contentious.

Mr. KYL. Mr. President, we live in an age when medical miracles are occurring every day, many in my home State of Arizona. Breakthroughs are treating and curing children and adults who could have died from their diseases just a few years ago. And some of these cures and treatments are the result of stem cell research.

For example, thanks to the Cord Blood Registry located in Tucson, children and adults are being treated, and often cured, of once terminal diseases such as leukemia, aplastic anemia, cerebral palsy, and sickle-cell anemia. And these are just a handful of the 72 diseases that have undergone clinical trials or been treated using stem cells obtained from bone marrow and umbilical cord blood.

I favor the broadest possible effort to pursue promising medical technologies within appropriate ethical limits. Scientists have derived stem cells from two principal sources: the tissues, fluids, and organs of adults, and cells from human embryos. Human embryonic stem cells have only been obtained through a process that destroys the embryo.

In the last Congress, we passed, and the President signed into law, the Stem Cell Therapeutic and Research Act of 2005. This legislation was intended to spur additional advances by establishing an infrastructure to facilitate the collection and dissemination of two of the most promising categories of adult stem cells: those derived from bone marrow and those derived from umbilical cord blood. Based on reports in the media over the past 2 weeks, I would say this bill has been a success.

For example, the New York Times reported on a coming revolution to sports medicine from adult stem cells that could be able to heal and rehabilitate tendons, ligaments, muscle and cartilage.

More significantly, ABC News reported that adult stem cells are being shown to be useful in repairing damaged heart muscle. While this has been known for some time in other countries, U.S. doctors and scientists are now embarking on the first human clinical trials. This may turn out to be one of the most significant breakthroughs in recent history for treating the most deadly disease in the United States—heart disease—which last year claimed the lives of almost 500,000 Americans.

What's more, a recent study conducted by the Wake Forest University School of Medicine promisingly resulted in scientists harvesting stem cells from amniotic fluid, which is the fluid that surrounds a baby before it is born. These amniotic stem cells offer many of the benefits found in embryonic stem cells, and without its ethical complications, demonstrating just how much faster science is moving than politics. Those researchers at Wake Forest found that amniotic-fluid stem cells proved successful in producing bone, heart muscles, fat, nerve, and liver tissues. All of this was possible without destroying the nascent life in an embryo.

By contrast, embryonic stem cell experiments have not yielded any treatments for human patients. Nevertheless, researchers believe there is much potential there, so a great deal of private and public money has been raised to pursue it.

In 2001, the President issued an Executive order that made available for the first time Federal funding for embryonic stem cell research using embryos that had already been destroyed. In the subsequent 6 years, the Federal Government has spent more than $130 million on this type of stem cell research and has spent more than $2.5 billion on all stem cell-related research.

In 2006, the Senate considered legislation that would have overturned a key element of the current policy: the stipulation that Federal taxpayers' money cannot provide an incentive for the further destruction of human embryos. While this bill was approved by Congress, it was later vetoed by the President.

I voted against this legislation because I believe that taxpayers should not have to subsidize the destruction of nascent human life, especially when a number of State governments and large universities have directed significant resources to embryonic stem cell research. Since there are already billions of dollars available for embryonic stem cell research on lines from newly destroyed embryos, increases in Federal funding and a change in the Federal policy are not necessary.

S. 5, which we are debating today, and which is similar to legislation already passed by the House, is essentially the same legislation as that the President vetoed last year. There is one difference: added to S. 5 is legislation that was passed unanimously by this body last year—the Alternative Pluripotent Stem Cell Therapies Enhancement Act. I supported that legislation, which was not passed by the other body. However, that very positive legislation is attached to legislation I cannot support because it would force taxpayers to subsidize the destruction of nascent life.

Thankfully, S. 30 is also being considered today. I fully support this legislation offered by Senators COLEMAN and ISAKSON. Their leadership has brought to the floor a bill that would build on the research that is treating patients now. This legislation would direct the Department of Health and Human Services to seek out alternative sources of stem cells and to study the possibility of establishing an amniotic and placental stem cell bank, similar to the bone marrow and cord blood stem cell bank, while reaffirming a policy that prohibits research that destroys human life.

We can all agree: stem cell research holds promise and has already provided life-saving treatments and cures. And we should continue to support that research within appropriate ethical restrictions. I urge my colleagues to oppose S. 5 and support S. 30.

Ms. SNOWE. Mr. President, I rise today to speak to an issue of tremendous significance to countless Americans and to generations to come—the matter of stem cell research. I thank the majority leader for his efforts to ensure consideration of stem cell legislation. The bottom line is, there is research we should be conducting today that could help us treat—and in some cases cure—some of our most serious diseases. That is why two-thirds of Americans favor embryonic stem cell research and why I am an original cosponsor of the Stem Cell Research Enhancement Act.

The promise of stem cell research lies in the simple fact that embryonic stem cells have the unique potential to develop into any of the cells which could be needed to treat the multitude of diseases from which Americans suffer. The vast potential of stem cell therapy is key to future therapies because in so many diseases, cells in the body are damaged or destroyed, and their role is often irreplaceable. Stem cells offer an opportunity to actually replace the function which was lost.

Consider today that 20 million Americans live with diabetes. Despite treatment with drugs and insulin, many diabetics experience vision loss, injury to extremities, heart disease and other complications. For years, scientists have sought to find a cure. And today stem cells offer that potential to end dependence on insulin—freeing millions from diabetes.

In many diseases, there simply is not an effective therapy to replace the function which individuals lost or damaged cells can no longer provide. Today there are limited treatment options for brain disorders such as Parkinson's disease and ALS or Lou Gehrig's disease. For such diseases, stem cell therapies offer promise that we could alleviate the suffering that millions now experience.

This week the Senate is considering two bills. The first of these promotes stem cell research. It encourages research which is already underway—which is eligible today for both private and public funding. And while that research should be encouraged, it is not facing impediments, save for the fact most of us would like to see greater progress in biomedical research funding—and stop the erosion of the budgets of the National Institutes of Health.

Yet since no impediment exists to the work described this first bill describes, this legislation is—despite its positive aspects—a distraction from a crucial question. That is, whether we will continue to impede progress in human embryonic stem cell research.

The problem is, that while scientists are tackling stem cell research on multiple fronts, to ensure success they try to predict the path most likely to be successful. In that regard, we know that embryonic stem cells have the potential to develop into any cell type of the body. That is why scientists have sought to use them in their race to create cures.

Today, Federal funding for research is restricted to a small number of embryonic stem cell "lines" that were established prior to August 9, 2001. Unfortunately, only 19 of those 78 stem cell lines in existence are available to researchers, as many were found to be contaminated or otherwise unusable. We recognize today that even when a stem cell line is created, it simply cannot reproduce indefinitely.

So, many scientists are frustrated, are perplexed that a Federal funding restriction would essentially block their efforts to develop cures. Some have proposed they should use adult stem cells. Yet those involve a detour in the journey to a cure.

We know that in order to use embryonic stem cells to make cells which can be used to treat a disease—like diabetes—scientists must learn how to make the cell become the right type. But an adult stem cell is actually already somewhat specialized, so one cannot directly use them to produce many of the types of cells we need to produce new therapies. Some advocates of adult stem cell research say we could try to take such a stem cell and reverse its development—back to an embryonic stage—and then begin the task to develop it into the specialized cell required. It is as if you were driving down an interstate on a trip, took an exit, made a few turns, and then decided to back up—in reverse—all the way to the interstate in an attempt to try another destination. This is not an efficient way to get where you are going. And any scientist will tell you, the more steps you must take, the more chance there is that something simply won't work.

Recently some have proposed that scientists could use other types of cells. We have learned recently about stem cells which are found in amniotic fluid—"amniotic stem cells"—which also appear to have potential to develop into different types of tissues. This is an encouraging development, yet much remains to be learned about those cells. The leader of the research group which has just described these cells—Anthony Atala—was recently asked whether his research ends the argument over whether embryonic stem cells are needed. He answered that question simply:

> It does not, mainly because it's another stem cell choice. And I think you really can't tell which cell is going to be best for which indication, and all cells have advantages and disadvantages.

That is truly the statement of a scientist. Because we do not yet know about the full potential of these alternatives to embryonic stem cells. But we do know that embryonic stem cells can develop into any type of cell. That is why losing years in which we could have made progress is so tragic. There is so much that scientists have yet to learn, and while we always hope for quick cures, experience shows that medical breakthroughs typically result from years of concentrated effort—and we cannot wait any longer to embark on that journey.

That is why I am a cosponsor of the second bill which we are considering—the Stem Cell Research Enhancement Act. This legislation addresses the critical issue which has inhibited research here in the U.S.—the restriction of Federal funding to only those few stem cell lines which were in existence back in 2001. Our legislation would ensure that Federal research would only use stem cells from embryos which would otherwise be destroyed and would require full consent from the donor before coming into use. I thank Senators SPECTER and HARKIN for their leadership on embryonic stem cell research.

The legislation which they have championed sets a very constrained set of circumstances under which embryonic stems cells may be obtained in order to assure we can move this vital research forward within an ethical framework. Never will an embryo be created for research purposes, nor does this legislation facilitate such studies. This legislation assures that an embryo may be used only when it would not ever be used for infertility treatment. Donation must be voluntary, under full informed consent and no financial or other inducement may be given.

The fact is that fertility treatment has allowed many to have families whom otherwise could not. A consequence of this remarkable therapy is that some embryos are created which will not be used. I must note that under the Stem Cell Research Enhancement Act, it will be the couple who will—under no bias—decide whether they will be used. This legislation facilitates that donation.

Today Americans who have faced fertility problems are facing the question of what to do with unused embryos. Indefinite storage is not truly an option—we know that we cannot maintain the viability of these embryos indefinitely. So given the choices available, some couples see the potential to help those suffering from serious disease. It assures that this gift can be given and used to help medical progress.

I believe many Americans who have undergone fertility treatment and realized a gift of life in their families will opt to save lives through a donation which promises to save many lives. But it must always be individual conscience that is the determinative factor—and I respect the views and conscience of each and every individual on this matter.

There can be no doubt that stem cell research will move forward. The real question is whether our Nation will be engaged—whether our scientists will realize the breakthroughs—whether we will produce the treatments or whether those developments will draw our best minds and new medical investment abroad, where American vision and oversight will not influence the future of medicine.

I believe in stem cell research. I believe in it because I cannot look at a person suffering from a debilitating, and even fatal disease and support prohibitions which impede ethical research aimed at alleviating of that suffering. That is why I joined with my colleagues in the Senate in urging President Bush to ease the current restrictions on the use of stem cells so that research can move forward and lives could be saved. That is why I am a sponsor of this legislation. It is why I urge my colleagues to give that bill their support. This is the bill which will make a difference. I urge the President to reconsider this issue, and urge his support.

I think back to President Reagan's passing nearly 3 years ago, and remember the outpouring of concern we all had for our former President, and the First Lady and their entire family. We spoke much of the tragedy of Alzheimer's disease and how we must do more to alleviate the suffering. Nancy Reagan inspired us all with her courage—and inspires us no less in her call for research which could alleviate the suffering from so many diseases. Her recent words call out to us, "A lot of time is being wasted . . . A lot of people who could be helped are not being helped."

I cannot think of a more significant living memorial to our former President than to allow more research to be done in order to find new cures for diseases affecting millions of people.

Today I ask my colleagues to consider allowing individuals—who have through modern medical science, enjoyed a gift of life, to contribute to saving other lives. That is exactly what this legislation does, and that is why we must send this bill to the President and he must sign it.

Mr. OBAMA. Mr. President, I stand in full support of the Stem Cell Research Enhancement Act as I did when this bill was introduced and sent to the President's desk in the 109th Congress. I am proud to be an original cosponsor of this bill.

I am frustrated by the opposition this bill has generated and saddened that we are preventing the advancement of important science that could potentially impact millions of suffering Americans. The study of stem cells holds enormous promise for the treatment of debilitating and life-threatening diseases. However, in order to reach this level of medical achievement, much more research is necessary to understand, and eventually harness, the amazing potential of stem cells. Instead of creating roadblocks, we must all work together to expand Federal funding of stem cell research and continue moving forward in our fight against disease by advancing our knowledge through science and medicine.

Each year, 100,000 Americans will develop Alzheimer's disease, with impaired memory, ability to understand, and judgment. Over 1 million adults will be diagnosed with diabetes this year, and risk complications that include blindness, damaged nerves, and loss of kidney function. We all know or have met individuals with spinal cord injuries, including national celebrities, local war heroes, and loved ones from our own families and circles of friends, who are struggling to maintain mobility and independence.

For most of our history, medicine has offered little hope of recovery to the 100 million individuals affected by these and other devastating illnesses and injuries.

Until now.

Recent developments in stem cell research may hold the key to improved treatments, if not cures, for those affected by Alzheimer's disease, diabetes, spinal cord injury, and countless other conditions.

Many men, women, and children who are cancer survivors are already familiar with the lifesaving applications of adult stem cell research. Patients with leukemia or lymphoma often undergo bone marrow transplants, a type of stem cell transplant, which can significantly prolong life or permanently get rid of the cancer. This therapy has been used successfully for decades, and is saving lives every day.

Yet this breakthrough has its serious limitations. Adult stem cells, such as those used in bone marrow transplants, can only be collected in small quantities, may not be a match for the patient, which can lead to rejection, and have limited ability to differentiate or transform into specialized cells.

Similarly, the promising advances of stem cell use from a patient's own cord blood, as illustrated by the success stories of Dr. Joanne Kurtzberg from Duke University, also have their limitations. If, for example, a young cord blood recipient's condition should deteriorate after his or her initial treatment or should develop another illness, there simply are not enough cord blood cells left for a second use. The few remaining cells would have to be cloned to get enough cells for future treatment, or stem cells would have to be obtained from another source.

Two of my constituents, Mary Schneider and her son Ryan, are well aware of the potential of cord blood treatments. Her son, diagnosed with cerebral palsy at 2 years of age, has made what appears to be a full recovery after treatment with his own cord blood. Despite the compelling results witnessed by the Schneider family, they also firmly believe and support expanded research of embryonic stem cells to combat disease.

A recent scientific paper about stem cells derived from amniotic fluid has drawn much attention. While this offers an exciting alternative to regenerative medicine therapies, the author of that report, Dr. Anthony Atala, has himself urged that his work on amniotic stem cells will not replace the continued need for investigation into treatments with stem cells derived from embryos.

All of these alternative treatments are just that, alternatives, and are not substitutes for embryonic stem cell research.

Embryonic stem cells can be obtained from a number of sources, including in vitro fertilization. At this very moment, there are over 400,000 embryos being stored in over 400 facilities throughout the United States. The majority of these are reserved for infertile couples. However, many of these embryos will go unused, destined for permanent storage in a freezer or disposal. We should expand and accelerate research using these embryos, just as we should continue to explore the viability of adult stem cell use, cord blood use, and amniotic fluid use.

The promise of embryonic stem cells has come to light in a recent achievement by researchers at Johns Hopkins. They were able to repair damaged nerves and restore mobility in paralyzed rats through embryonic stem cells. One can't help but wonder when, not if, this research will be translated into techniques that will help human patients who have lost the ability to walk.

Of course, any work in this area must have appropriate oversight. Embryonic stem cell research demands comprehensive, thoughtful, and carefully crafted ethical and scientific guidelines. We must not only look to guidance from the National Institutes of Health and the Food and Drug Administration but also to our reason, our morals, and our compassion.

The President's veto of the stem cell bill proposed in the last Congress prevents Government funding beyond 78 previously established stem cell lines. However, recent estimates on the number of viable cell lines bring the numbers down closer to 20. Clearly, we are moving backward in our efforts with these current restrictions. Stymieing embryonic stem cell research is a step in the wrong direction. It closes the door on many Americans awaiting new treatments that could potentially provide a better quality of life or, perhaps, even save their life.

My hope, and the hope of so many in this country, is to provide our researchers with the means to explore the uses of embryonic stem cells so that we can begin to turn the tide on the devastating diseases affecting our Nation and the world.

Mr. VOINOVICH. Mr. President, I rise today to speak about the emotional, divisive, and often confusing issue of stem cell research. Let me start by expressing why I believe we should focus our scarce resources on adult and umbilical cord stem cells rather than on embryonic stem cells.

Given the tremendous results that have come from adult and umbilical cord stem cell therapy in the areas of oncology and orthopedics—and, more recently, in cardiology and neurology—I am further encouraged by the possibilities these noncontroversial, adult stem cells have to offer. In this tight budgetary environment, in which there is a choke hold on our domestic discretionary spending, we must be vigilant in the way we appropriate taxpayer dollars and concentrate our resources on those lines of medical research that hold the greatest potential.

Furthermore, in recent years, scientists have made tremendous strides in designing methods to obtain fully pluripotent stem cells that have the flexibility of embryonic stem cells, while avoiding the destruction of human embryos. The potential to extract these versatile stem cells in an ethically sound manner, coupled with my interest in seeing further research in the area of adult and umbilical cord stem cells, is why I rise to support S. 30, the HOPE Act.

Before I delve into a discussion of the two bills this body is considering, let me clarify that there are two different categories of stem cells—and, thus, of stem cell research. The first, embryonic stem cells—as their name suggests—are derived from human embryos developed from eggs that have been fertilized at an in vitro fertilization clinic. Alternatively, adult stem cells are undifferentiated cells found among differentiated cells in tissues or organs. These cells can renew themselves and eventually develop into a specific cell in the body. What is notable, however, is that these undifferentiated adult stem cells can be gathered by scientists without any harm to the individual donor.

Umbilical cord blood derived from a mother's placenta following the birth of a newborn baby is now also included in this category of adult stem cells. In fact, with the arrival of my seventh grandchild, I learned a great deal about the benefits of preserving cord blood stem cells. What at one time was considered medical waste and discarded after birth is now recognized as a rich supply of stem cells and has been used to treat a number of blood and immune-system diseases, cancers, and other physical disorders.

I was introduced to the promise of adult and umbilical stem cell research by experts at the National Center for Regenerative Medicine in my hometown of Cleveland, OH. Several institutions make up the center, including Case Western Reserve University, the Cleveland Clinic, University Hospitals Case Medical Center, Athersys, Inc., and the Ohio State University. Together they have created an outstanding medical facility that is leading the Nation in the use of nonembryonic stem cells to regenerate new tissues in diseased organs rather than using drugs or devices to improve the function of the organs.

Since 1976, researchers at the center have been studying nonembryonic stem cells, and they performed their first stem cell transplant as early as 1980. Today, the center is capable of conducting clinical trials with cord blood stem cells for gene therapy and for heart and blood vessel repair. Investigators at the center are now able to cure leukemia and lymphomas with nonembryonic stem cell transplantation, as well as repair unstable bone fractures and treat genetic disorders.

I have had the chance to meet several patients whose lives have been transformed by this new medicine. Elisabeth, who was a patient at the National Center, was in a motorcycle accident and had compound fractures in her right femur and right tibia. Even though she was rushed into emergency surgery after the accident, her bones did not heal properly, and she was told she would never walk again. Elisabeth sought out a second opinion from a doctor at the National Center who operated a second time, using some of his adult stem cell gel. This gel takes on the characteristics of the surrounding bone cells and helps with the healing of broken bones. I am happy to report, Elisabeth is now walking, living a healthy life, and pursuing a future in physical therapy at the Ohio State University.

Elisabeth is not alone.

I recently visited the National Center for Regenerative Medicine, and I had the chance to meet Ashley. Ashley is 8 years old and was successfully treated for her leukemia at Rainbow Babies and Children's Hospital of University Hospitals Case Medical Center. She was first diagnosed with acute lymphatic leukemia, ALL, in January 2006, and she underwent a stem cell transplant from an unrelated donor in June 2006. But since her transplant, Ashley has done wonderfully.

Even more encouraging is the potential for scientists to leverage all this great medicine into new fields, including cardiology and neuroscience. Researchers at the National Center for Regenerative Medicine are hopeful that in the not so distant future they will make inroads in the treatment of degenerative arthritis, will decrease the severity of graft versus host disease after stem cell transplantation, and will allow physicians to use a patient's own stem cells to repair heart damage following congestive heart failure, as well as use their own neural stem cells to improve function after spinal cord damage.

I am concerned, however, that not enough Americans are aware that some of the most advanced medicine today can be attributed to adult—and not embryonic—stem cells. What I find even more disturbing is that many supporters of embryonic stem cell research have been kept in the dark about the advances of umbilical and adult stem cell treatments and have been over-sold on embryonic stem cell research, which is still in its infancy.

I want to remind my colleagues who support the Stem Cell Research Enhancement Act that embryonic cells have not been successfully used to treat even one disease yet I have had the opportunity to meet numerous people whose lives have been saved by adult stem cell therapy. In fact, adult stem cells have been used to treat 72 diseases, including breast cancer, multiple sclerosis, rheumatoid arthritis, sickle cell anemia, spinal cord injuries, and others. That is why I continue to be encouraged by the possibilities adult stem cells have to offer.

In recent years, medical research has made tremendous strides, and it is now widely believed that new technology can lead to methods of obtaining fully pluripotent stem cells that have the flexibility of embryonic stem cells without destroying potential life. That is why I rise today to support S. 30, the HOPE Act.

Despite all this progress, scientists around the world agree that there is still a great deal that remains unknown about the potential for stem cell therapy. That is why I support this legislation introduced by my colleagues from Minnesota and Georgia that can help us tap even more potential cures and therapies.

The HOPE Act would continue to encourage Federal research on adult and umbilical cord stem cell therapies that are already proving successful, while requiring the Secretary of Health and Human Services to develop techniques to identify and derive pluripotent stem cells that have the flexibility of embryonic stem cells without destroying a human embryo. There is evidence that these alternative methods may make it easier for scientists to genetically match patients with therapies and could reduce the complications, like tumor formation, that have been seen with embryonic stem cells.

The HOPE Act would also require the Secretary to prioritize stem cell research that will reap near-term clinical benefit and take into account the findings of the President's Council on Bioethics along with other appropriate techniques and research. It is my hope that this type of progress will help eliminate the controversy surrounding embryonic stem cell research without any compromise of scientific advancement. This legislation paves a path forward for Federal scientists, while respecting the principles and morals of millions of taxpayers.

I believe it is my moral responsibility to direct the Federal Government's dollars toward research that has the greatest near-term potential to help the largest number of Americans.

Over the past several years, Congress has increased total NIH funding for medical research—including increasing the amount of money available for stem cell research—from $15.1 billion in fiscal year 1999 to $28.9 billion in 2007. However, in recent years the cost of fighting the war in Iraq, defending our homeland, and protecting against natural disasters like Hurricane Katrina has left very few resources for domestic discretionary spending. In fact, today, the Federal Government spends only one-sixth of its annual budget on nondefense discretionary spending, and I am afraid that exploding entitlement spending threatens to soak up every Federal dollar, leaving no revenue for things like scientific research. There is a tremendous need to pursue treatments for many diseases, but we face a reality of limited funding.

We have to be smart about spending our money. In the current budget environment, I have concerns that increasing funding for research on embryonic stem cells will take away opportunities for research in areas like adult and umbilical research that has proven its ability to save human lives—or even for new techniques to help us remove pluripotent stem cells without destroying human embryos.

I have the greatest sympathy for patients and their families who continue to struggle with a wide range of fatal diseases. I understand what it is like to watch a loved one suffer and the tragedy of losing a member of your family—especially a young child. I lost my father to diabetes and my young nephew C.T.—who was only 14—to bone cancer. Like many here today, I have been a witness to the devastating effects of Alzheimer's, arthritis, and many other debilitating diseases. That is why I am sympathetic with my colleagues' efforts to seek out a panacea. But I fear that too often proponents of embryonic stem cell research make exaggerated claims about this line of research and offer false promises when the evidence is just not there.

I read a great op-ed in The Washington Post by Charles Krauthammer—who has long supported legal abortions and doesn't believe that life begins at conception—in which he issued a stern warning against pursuing embryonic stem cell research. As he said, he has a very healthy respect for "the human capacity for doing evil in pursuit of good." And, that is exactly what I see happening in this Chamber today. Too many of my colleagues are focused exclusively on embryonic stem cell research, and they are missing potential that is right under their noses.

I am reminded of Aesop's fable, "The Stag at the Pool," in which a stag stops at a spring to drink some water. He looks down at his shadow reflected in the water and greatly admires the size and shape of his beautiful horns, all the while thinking that his feet are too slender and too weak. Just as he is looking at his reflection, a lion appears at the pond. The stag sees the lion in the water and runs as fast as he can to safety. As he enters the woods, though, his horns get tangled in the tree branches, and the lion catches up to him. Finally, at that moment, the stag realizes that it was his feet that could have saved him and his antlers that led to his demise.

The moral of the story is: What is most truly valuable is often underrated. I think the same is true on the subject of stem cell research. We have been so focused on what we perceive to be the future of medical research that we have been willing to overlook successful treatments and therapies that are already taking place right under our noses.

In light of all the advances and results science has provided with adult and umbilical cord stem cells, I urge my colleagues to direct Federal funding toward research that will have the greatest near-term impact on human life.

Mr. KOHL. Mr. President, I rise today in support of S. 5, the Stem Cell Research Enhancement Act of 2007, a bill that will expand the number of stem cell lines eligible for federally funded research, ensuring scientists at NIH and laboratories around the country have access to new, uncontaminated stem cell lines.

Many families in America have experienced the tragedy of watching a loved one suffer through a deadly or debilitating illness. Diseases like Parkinson's and Alzheimer's take a terrible toll on families' lives and livelihoods. While we have made great strides in biomedical research in recent years, we still don't have all the keys to unlock the secrets of disease.

That is why the potential of embryonic stem cells is so exciting. Embryonic stem cells have the ability to develop into virtually any cell type in the human body. Scientists tell us that harnessing the power of these cells could one day lead to new treatments, and maybe even cures, for a number of diseases that afflict American families. Important research is being done every day on stem cells. I am proud that some of this research is being done at the University of Wisconsin in Madison, which was the first to isolate human embryonic stem cells.

We all understand that this research is not without controversy. I respect the concerns that some people have about the use of embryonic stem cells in research, and I agree that we must closely monitor this research to ensure that it is done ethically. However, scientists and disease advocates are warning us that the current limits on Federal funding for stem cell research are seriously inhibiting our potential to find new cures. Without expanded Federal support, we risk slowing down the tremendous progress that could be made to alleviate human suffering.

It would be unconscionable for the Federal Government to turn its back on the discoveries that expanding stem cell research promises. Now more than ever, it is important to grasp this opportunity in an ethical manner by making sure that potentially lifesaving research keeps moving forward.

Mr. AKAKA. Mr. President, I am proud to be a cosponsor of S. 5, the Stem Cell Research Enhancement Act.

We must enact this legislation so that researchers are able to move forward on ethical, federally funded research projects that develop better treatments for those suffering from diseases. Human embryonic stem cells have such great potential because they have the unique ability in developing into almost any type of cell or tissue in the body. Stem cell research holds great promise to develop possible cures or improved treatments for a wide range of diseases and injuries, such as diabetes, cancer, Parkinson's disease, Alzheimer's, autism, heart disease, spinal cord injuries, and many other afflictions. We must not limit research that could improve the lives of so many suffering from diseases that we have limited ability to prevent, treat, or cure.

In August 2001, the President implemented an unworkable, flawed policy that made a small number of human embryonic stem cell lines eligible. The President's restrictions on stem cell research prevent Federal funds from being used for research on newer, more promising stem cell lines. In addition, embryonic stem cell lines now eligible for Federal funding are not genetically diverse enough to realize the full therapeutic potential of this research. The President's stem cell policy prevents researchers from moving ahead in an area of research that is very promising. We must enact this legislation to help move research forward that could alleviate the pain and suffering of individuals.

If we fail to enact S. 5, our researchers are likely to fall further behind the work being done in other countries. Australia, Canada, Finland, France, Japan, Singapore, Sweden, and the United Kingdom have provided substantial governmental support for stem cell research.

Too many of my constituents suffer from Alzheimer's, Parkinson's, diabetes, and other diseases. S. 5 provides some hope for the development of improved treatments that could improve the lives of so many people.

Mr. McCAIN. Mr. President, I will vote in support of the two bills under consideration today, S. 5 and S. 30, which would provide a framework for Federal support of stem cell research under strict guidelines and ethical criteria. I supported similar legislative proposals during the last Congress.

Stem cell research has the potential to give us a better understanding of deadly diseases and spinal cord injuries affecting millions of Americans. One day, these efforts may lead to cures and treatments for these devastating diseases and conditions. At the same time, it is important and right to recognize the ethical and moral concerns that have been raised by individuals inside and outside of the medical research community regarding one particular type of stem cell research that involves embryonic stem cells. I believe that these two bills will provide an appropriate framework for moving stem cell research forward in a responsible way.

We must create a framework for Federal support of stem cell research now, since research involving embryonic stem cells is also proceeding outside the United States. While we have had a robust and needed debate on the ethical and moral concerns of embryonic stem cell research, as reflected by the President's Commission on Bioethics, the same cannot always be said of private industry and scientific research communities in other parts of the world. I am deeply concerned where unregulated research may lead us if researchers are left without ethical and moral guidance and stringent regulations and oversight.

It does not have to be that way. One bill before us today, S. 5, is similar to H.R. 810, a bill that I supported and that passed the Senate on July 18, 2006. S. 5 will provide the same strict ethical guidelines for stem cell research that the Senate supported last year. This bill would authorize Federal support for embryonic stem cell research, but limits appropriately that support to scientists who use embryos originally created for reproductive purposes, and now frozen or slated for destruction by in vitro fertilization clinics. Before there is even consideration of whether to donate unused embryos for research, the legislation would require that the patient who is the source of the embryos be consulted and a determination be made that these embryos would otherwise be discarded, and would never have been implanted in the patient or another woman.

S. 5 also provides support for alternative stem cell research methods by offering increased Federal funding and support for research that does not involve the use of human embryos. Such alternative research was unanimously supported in the Senate last July and deserves our full support again today. Researchers believe that this type of stem cell research holds tremendous potential and I strongly support their efforts. Millions of Americans affected by many diseases and conditions stand to benefit from the future cures provided by this type of research.

I am also supportive of the other measure that is before us today, S. 30. This bill will also offer increase Federal funding and support for adult stem cell research and other research that does not involve the use of human embryos. Additionally, S. 30 would allow research to be performed on embryonic stem cells taken from naturally dead embryos. This research shows some promise but only additional research will tell whether it can lead to cures and treatments, and we should embrace the opportunity that would be afforded under this legislation to determine the research potential that might exist.

The United States offers an ideal climate for scientific and medical research because of the quality of our educational institutions, the strength of our economy, and the scope of our comprehensive legal and regulatory system for protection of intellectual property rights. The guidelines and requirements contained in S. 5 do not exist currently, and this sort of embryonic stem cell research remains largely unregulated in the private sector and in many scientific communities overseas. Enacting S. 5 would provide the Federal oversight necessary to ensure that embryonic stem cell research does not expand into ethically objectionable ground in balancing the promise on the foreseeable horizon of stem cell research with the protection of human life.

It should be clearly recognized that embryonic stem cell research will occur with or without Federal approval and guidance. Keeping that in mind, I believe embryonic stem cell research is best carried out under strict Federal guidelines and oversight. With the limited Federal support and stringent guidelines afforded under this legislation, we can promote the benefits of stem cell research while maintaining clearly our ethical and moral values and obligations, which we must never sacrifice at any price.

Mr. LEAHY. Mr. President, I wish to express my support for the bill before the Senate this week, S. 5, the Stem Cell Research Enhancement Act of 2007. This legislation will put us on the path of progress by reversing the President's policy a policy that is holding back the promise of stem cell research.

It is unfortunate that the Congress must even spend time debating this measure. The majority of Americans support stem cell research, as does the Director of the National Institutes of Health, Dr. Elias Zerhouni. It has been 6 years since the President announced his administration's restrictive policy on stem cell research, which limited the number of stem cell lines available for use with Federal funding. Now we know that all of these lines are contaminated by the use of mouse feeder cells, and they will probably never meet the standards required for human treatment.

It is clear that, because of the President's policy, we are now years behind in developing therapies and cures for diseases such as diabetes, Alzheimer's and cancer. That is time that millions of Americans simply do not have to waste. For millions of others, this wasted time has dampened hope.

Some families who hold out hope for the potential of stem cell research are from Vermont. Many are either afflicted by, or know someone one who is suffering from, multiple sclerosis, Parkinson's or Lou Gehrig's disease. I have met these Vermonters, many of whom are advocating not for themselves, but for future generations who they hope will not endure the debilitating nature of these diseases.

There are others in Vermont who know firsthand the good this research could bring. These are the scientific researchers at the University of Vermont and Dartmouth College who are doing groundbreaking work that needs the support of our federal government to be truly successful. These scientists know that the most viable method for progress in research is to expand the number of embryonic stem cell lines that are available.

I would like to take a moment to also address some of the myths perpetrated about what S. 5 will and will not do. Let us be clear: This bill will not allow Federal funds to be used for the destruction of human embryos. While Federal dollars can be used for research on stem cell lines that are derived from human embryos, the creation of these lines cannot be funded with Federal moneys. S. 5 will do nothing to change this policy.

This legislation will also ensure that Federal funding will be used only for researching stem cells lines that are derived from human embryos that have been donated from in vitro fertilization clinics. The in vitro fertilization process creates more embryos than are needed, and the remaining embryos will simply never be used. There are more than 400,000 of these embryos that are frozen in fertility clinics, the majority of which will ultimately be destroyed.

This week the Senate will vote on two stem cell bills. While I support both, only one of these bills will take us solidly forward. The time for passage of this legislation is now, and I urge the President not to veto this critical bill.

I hope that the President will heed the advice of his own chief medical researcher in the United States, NIH Director Dr. Zerhouni who, when he testified before the Labor, Health and Human Services Appropriations Subcommittee, said that American science would be better served, and the Nation would be better served, if we let our scientists have access to more cell lines.

As Congress is poised to send this legislation to the White House, I hope the President will take note of Dr. Zerhouni's remarks. I hope that he will also listen to Congress and the millions of Americans who believe that we should support all angles in stem cell research, and sign this bill.

• Mr. DODD. Mr. President, I rise today in support of the Stem Cell Research Enhancement Act. In the coming hours, the Senate will vote to pass this bill like it did last year and unlock the door for researchers across the country to use embryonic stem cells to better understand diseases like Parkinson's and juvenile diabetes so that we may one day find a cure. With each day that has passed since the President vetoed this legislation, nearly 4,100 Americans were diagnosed with diabetes, 3,800 were diagnosed with cancer, and 160 were diagnosed with Parkinson's. What we are talking about here is research that may one day provide relief to the more than 100 million Americans suffering from Parkinson's, diabetes, spinal cord injury, ALS, cancer, and many other devastating conditions for which there is still no cure.

The legislation we are about to vote on would expand the number of embryonic stem cell lines available for federally funded research by allowing the use of stem cells derived through embryos from in vitro fertilization clinics that would otherwise be discarded. Strict ethical requirements apply to the use of these stem cell lines. In fact, I believe these ethical requirements are one of the most essential provisions of the bill. Since the HELP Committee first began consideration of the President's policy toward embryonic stem cell research in 2001, I have maintained that the pursuit of scientific research that may benefit millions of Americans and their families was as important as ensuring that science did not outpace ethics.

Under this legislation, the only embryonic stem cells that can be used for federally funded research are those that were derived through embryos from in vitro fertilization clinics that were created for fertility treatment purposes and were donated for research with the written, informed consent of the individuals seeking that treatment. Any financial or other inducements to make this donation are prohibited. These embryos will never be implanted in a woman and would otherwise have been discarded. The ethical requirements contained in this bill are stronger than current law. In fact, it is possible that some of the 21 stem cell lines approved for Federal funding, the so-called "NIH-approved lines," may not meet the strict ethical criteria contained in this bill.

I have heard some of my colleagues who oppose this legislation argue that this legislation allows, even encourages, taxpayer-funded destruction of human embryos. That is totally false. There is a provision called the Dickey amendment which is attached to every annual Labor-HHS appropriations bill prohibiting any Federal funds from being used to destroy human embryos. This provision is not affected by the embryonic stem cell legislation before the Senate today. Federal funds can be used to study stem cell lines that were derived from human embryos that meet the ethical requirements I just laid out, but the derivation process itself cannot be paid for with Federal money.

I have also heard some of my colleagues who oppose this legislation argue that embryonic stem cell research is unnecessary given the advances in adult stem cell research. There is no question that adult stem cells such as those found in bone marrow and cord blood have led to great advances in patients suffering from leukemia, Hodgkin's disease, sickle cell anemia, among others. I was a coauthor, along with Senator HATCH and others, of a bill that is now law to advance bone marrow and cord blood stem cell collection for use in adult stem cell transplantation, and I believe it is essential that we arm researchers and physicians with every possible therapeutic weapon in their medical arsenal. I urge my colleagues to join me in supporting full funding for this important law, which passed unanimously in the Senate, in the upcoming Labor-HHS-Education appropriations bill.

The fact remains that there will always be limits to the use of adult stem cells when compared with embryonic stem cells, and that is why the legislation before us is so important. Our Nation's best scientists, including many Nobel laureates, believe that embryonic stem cell research has a unique potential to ease human suffering and that is because embryonic stem cells, unlike adult stem cells, can become any cell in the body. Embryonic stem cells can become heart cells, lung cells, brain tissue, and that property—called pluripotency—is unique to their embryonic state.

The expansion of embryonic stem cell research may one day unlock the mysteries behind so many deadly and debilitating diseases that afflict millions of Americans and their families. I urge the President to reconsider his position on this legislation and not stand in the way of our Nation's scientists who simply want to find the key that will ease the burden of suffering.•

Mrs. CLINTON. Mr. President, I welcome the vote on this important piece of legislation, the Stem Cell Research Enhancement Act of 2007.

Stem cell research holds great hope of providing cures for chronic, incurable conditions from which millions of Americans suffer. But unless we act, the Bush administration will continue to meet this unparalleled moment of scientific discovery with unbridled ideology—and the American people and scientific community will pay the price.

The President's stem cell ban amounts to a ban on hope for millions of Americans. It's time this Congress put an end to the Bush administration policy which is holding science back and holding our Nation back in the race to new medical treatments and discoveries.

We all expect that this bipartisan legislation will pass both the Senate and the House. There is a broad consensus in the Congress, among medical experts, scientists, and patient advocacy organizations, and among the American people, demanding that we open the doors to scientific innovation—instead of barring those doors shut.

Even within the Bush administration, there is a desire to pursue stem cell research. The Director of the National Institutes of Health, Doctor Elias Zerhouni, has gone on record supporting expanded access to new lines of embryonic stem cells.

I am deeply concerned, however, that we have been down this road before a road that begins with the promise of new cures and ends, not with discovery, but with ideology and a veto by the President.

The promise of stem-cell science is crystal clear—and already being demonstrated. Embryonic stem cells develop into a variety of more specialized types of cells—like nerve cells or muscle tissue that could be used to replace or repair tissue lost or damaged from illness.

In New York, researchers at Memorial Sloan-Kettering Cancer Center have been using embryonic stem cells to develop bone, cartilage or muscle replacement therapies. And in 2006, a team of researchers from Columbia University and another team from Cornell published research on new ways of turning embryonic stem cells into treatments for Parkinson's disease.

These are just several examples, but the work of these scientists and scientists around the world is inspiring hope for millions in New York and the country living with chronic diseases, or caring for a loved one with these conditions.

In fact, New York is leading the way—letting science, not politics, guide research. My State will soon invest $600 million in stem-cell and regenerative medicine research over the next decade. Thanks to this stem cell funding plan, New York researchers will benefit from expanded resources for all types of stem cell research, including embryonic stem cells, adult stem cells, and somatic cell nuclear transfer. And our economy will benefit as well, as we draw great American scientists and innovators pursuing the next great American scientific innovations.

This is encouraging news for New York, but as a Nation, the leadership vacuum under the Bush administration has left the scientific community holding its breath. The Bush administration has put a ban on certain kinds of research, prohibiting Federal funding for any research on stem cell lines created after August 9, 2001.

Federally-funded scientists are limited to less than 20 stem cell lines, instead of the 78 lines advertised. And not all of these lines are even suitable for research. Some may be contaminated with mouse cells, which can increase the risk of creating strains of diseases which can more easily pass to people. Other problems because of the ban include genetic instability, which is associated with formation of tumors, and practical issues associated with using so few lines—preventing scientists from collecting evidence they need.

While American scientists are being held back, other countries are racing ahead, putting billions of dollars into stem cell science—creating research institutions, clinical centers, and investments of all kinds to attract scientists from the United States and elsewhere who will come to pursue this research.

We are losing ground instead doing what Americans do best: leading the world in innovation, ingenuity, and new ideas. The Bush administration's stem cell policy is impeding science and compromising America's ability to remain at the forefront of biomedical research.

At the same time, the Bush ban is a ban that affects more than 100 million Americans who suffer from Alzheimer's disease, Parkinson's disease, diabetes, muscular dystrophy, cancers as well as for their friends, families, and caregivers.

These are real people I meet every day in New York and across the country. It's an adult with type I diabetes—or a mom whose son or daughter has the disease. It's a senior citizen struggling with Parkinson's disease or a son or daughter with a parent struggling with Alzheimer's.

These are Americans crossing every divide imaginable—hopeful if not for themselves or their children, then for their grandchildren and great grandchildren. My dear friends Christopher and Dana Reeve, whom we lost in the past several years, were eloquent, passionate advocates for this research. Christopher, from his wheelchair, performed his greatest role after his accident, to try and bring the best of American ingenuity to bear on the worst kinds of illnesses and diseases.

I respect my friends on the other side of the aisle who come to the floor with grave doubts and heartfelt concerns. This is a balancing act and we must never lose sight of our ethics and values. But we can strike that balance—and I believe we have in this bill.

When the promise of embryonic stem cell research became apparent in the 1990s, the Clinton administration, working through the National Bioethics Advisory Commission and the NIH, examined the ethical and medical issues involved with such research.

In September 1999, the National Bioethics Advisory Commission released its report, "Ethical Issues in Human Stem Cells Research." In this report, it recommended that research using cells from embryos created, but not used for, infertility treatment, should be eligible to receive Federal funding.

By August of 2000, the NIH had released guidelines for research using stem cells. These guidelines would have allowed funding for research from lines derived from embryos voluntarily donated which would have otherwise been discarded. These recommendations are followed in this bill, which also includes funding for non-embryonic stem cell research, such as work with stem cells derived from amniotic fluid.

As we wade into these new scientific waters, we must always be steered by our values and morals, which is why I have stood against, and voted to ban, human cloning. We must make a strong legal and ethical stand, but we cannot simply stand still as scientific opportunity passes us by and new cures remain just out of reach.

I applaud the leadership of Senators HARKIN, SPECTER, and KENNEDY on this bill. I am hopeful that we can send the Stem Cell Research Enhancement Act to the President, and end the ban on research and hope for Americans looking to us to fund the next great medical discoveries.

Mr. FEINGOLD. Mr. President, as we debate this important legislation regarding stem cell research, we are reminded of the millions of patients and families across America who await treatment and cures for our most deadly and tragic diseases. Scientists believe that over half of Americans over 85 may suffer from Alzheimer's disease, and at least half a million Americans currently have Parkinson's disease. People of all ages suffer from spinal cord injuries, diabetes and other chronic conditions. As we all know, these kinds of serious diagnoses affect not only the patient, but that patient's family, friends, and community.

I am a strong supporter and proud cosponsor of the Stem Cell Research Enhancement Act. I have heard from many of my constituents in Wisconsin in support of this legislation, and I am glad that the Senate is again addressing this issue and responding to the requests of millions across the country. It is important that we approve this legislation as expeditiously as possible, and provide the resources that scientists need to develop treatments and cures for these diseases. Millions of patients and their families across the Nation cannot afford to wait any longer for enactment of this urgently needed legislation.

Researchers believe that they can unlock enormous potential in stem cell research if Congress and the President will only give them the keys. At the University of Wisconsin in 1998, Dr. James Thomson became the first scientist to break into this new frontier by isolating human embryonic stem cells. Since then, researchers at the University have continued to be leaders in this science. But despite the incredible promise this research holds, it has been limited by the President since 2001. As others have noted, even Story Landis, director of the NIH's National Institute of Neurological Disorders and Stroke and interim chair of the agency's stem cell task force, acknowledges that the President's stem cell policy is holding back potential breakthroughs. Congress must act to provide more stem cell lines to scientists so that this research can go forward, without the Federal Government standing in the way.

The Stem Cell Research Enhancement Act would allow federally funded research to be conducted on stem cell lines derived from excess embryos originally created for in vitro fertilization—IVF—that are no longer needed and are donated by couples for research. It is estimated that there are hundreds of thousands of embryos created for fertility treatments that could be used for research and will otherwise be destroyed. This bill does not interfere with alternative stem cell research, but it supports all avenues of research within the ethical limits Congress has already established. This bill will open doors for scientists to access new, healthy, uncontaminated stem cell lines that are currently off-limits to federally funded research under President Bush's restrictions.

The embryos that could potentially be used for research are those that will never be implanted. Thanks to this legislation, embryos that would otherwise be discarded could be used for research that could save pain and suffering for millions of people, and the lives of millions more.

While I support the Stem Cell Research Enhancement Act, I have concerns about the other bill we are considering today, S. 30. The language in that bill has not been properly vetted through the scientific community, and it is unclear what effect it might have. S. 30 could potentially limit the scope of current research, even further restricting the availability of stem cells for federally funded research. For these reasons, I oppose this legislation.

There is much work that needs to be done to further understand the role that embryonic stem cells can play in providing answers to some of the most troubling medical diseases and conditions that affect so many Americans. The Stem Cell Research Enhancement Act will help our Nation's researchers get closer to unlocking what this research holds by increasing the quantity and quality of stem cells lines available for research.

Embryonic stem cell research is very important to me and to Wisconsin. I am proud that the University of Wisconsin has played a prominent role in stem cell research in this country. I know that my constituents, and Americans across the country, are eagerly awaiting the benefits that this research will provide.

I hope my colleagues will join me in supporting this incredibly important science which would expand our research horizons, and bring hope to so many people.

Mrs. FEINSTEIN. Mr. President, I rise in opposition to the Hope Offered through Principled and Ethical Stem Cell Research Act, S. 30.

My objection to this bill is simple. This legislation will do nothing to overturn President Bush's failed policy that is restricting access to viable stem cell lines.

The United States Senate must be very careful when incorporating scientific concepts, and scientific definitions, into legislation. This bill relies on the notion of so-called "naturally dead" embryos to provide viable stem cells. It defines these embryos as:

> having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state.

We do not know what the implications of this definition may ultimately be. And the fact is, neither do many scientists. As the leadership of The American Society for Cell Biology wrote yesterday,

> Naturally dead is a scientifically meaningless idea. To our knowledge, there is no scientifically credible way to determine this.

They continue:

> It is critically important that the Senate proceed with caution as it continues its work in the area of scientific policy. Legislation based on inaccurate science could have a detrimental impact on the course of the American biomedical research enterprise.

I ask unanimous consent that this letter be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.).

Mrs. FEINSTEIN. I could not agree more. This debate should be about providing Federal funding, and a consistent policy, for embryonic stem cell research. It is not the place of the U.S. Senate to rely on concepts and definitions that are "scientifically meaningless."

The truly important vote will occur on the passage of S. 5, the only legislation that will reverse what the majority of Americans, and the majority of the medical and scientific community believe to be a flawed policy.

S. 30 will very clearly leave in place President Bush's August 9, 2001 Executive Order, which limits Federal funding to stem lines derived before that date. We need to overturn this policy, not affirm it.

I urge my colleagues to join me in opposing S. 30.

EXHIBIT 1

THE AMERICAN SOCIETY FOR
CELL BIOLOGY,
Bethesda, MD, April 10, 2007.

Hon. HARRY REID,
Senate Majority Leader, U.S. Senate,
Washington, DC

DEAR SENATOR REID: We would like to express our views about the upcoming Senate debate on stem cell research, as the President and Public Policy Committee Chair respectively for the American Society for Cell Biology. Our nonprofit, professional society of more than 11,000 members includes many of the leading scientists working in this area.

As you know, it is critically important that science policy be carefully crafted to allow ethically sound scientific research to proceed. This is particularly difficult to do when the science behind the policy is as complicated as in the current policy debate on stem cell research.

We are particularly concerned about a major provision of S.30, the "Hope Offered through Principled and Ethical Stem Cell Research Act." The expressed purpose of S.30 is to "promote the derivation of pluripotent stem cell lines without the creation of human embryos for research purposes and without the destruction, discarding of, or risk of injury to a human embryo or embryos other than those that are naturally dead."

S.30 relies on the false premise that scientists can determine whether a human embryo is "naturally dead." However, naturally dead is a scientifically meaningless idea. To our knowledge, there is no scientifically credible way to determine this. In fact, we think that to establish sufficiently precise scientific or clinical standards about the quality of embryos at the very early stages of development would require experiments that the bill itself would not permit.

It is critically important that the Senate proceed with caution as it continues its work in the area of science policy. Legislation based on inaccurate science could have a detrimental impact on the course of the American biomedical research enterprise. Not only do we risk driving research and researchers to other countries more interested in cutting edge research but we also delay the day when our fellow Americans who suffer from some of the most debilitating diseases finally realize the benefits of scientific research.

Sincerely,
BRUCE ALBERTS,
President.
LARRY GOLDSTEIN,
Chair, Public Policy Committee.

Mr. DURBIN. Mr. President, today we made an important step forward for the hope of millions of patients and their families.

Unfortunately, with this important step forward, there was also a small step backward.

I had initially stated that I would vote in favor of S. 30, but after carefully reviewing the language, I decided to vote against it.

I will ask to have printed in the RECORD a letter from the Joint Steering Committee on Public Policy that supports S. 5 and opposes S. 30.

The Joint Committee is a group made up of the American Society for Cell Biology, the American Society for Clinical Investigation, the Genetics Society of America, Science Service, and the Society for Neuroscience.

Many of us here believed that S. 30 was a harmless bill.

After all, it is an initiative that would show we are supportive of all forms of embryonic stem cell research.

And I believe that some still feel that way.

But after hearing from a variety of research organizations and scientists, I have serious reservations.

After carefully reviewing the legislation, it is now clear that S. 30 sends the wrong message to the scientific community.

S. 30 puts forth a number of scientific issues that negatively position the scientific debate around what constitutes life and death and raises concepts that may not even be scientifically defined.

As elected officials discussing complex science issues, we are already in somewhat unfamiliar territory.

If we are to delve deeper into this discussion and the details of it, we need the scientific community on our side.

I stand for the advancement of medical research and I hope that this vote has made it clear.

Mr. President, I ask unanimous consent to have the aforementioned letter printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

JOINT STEERING COMMITTEE
FOR PUBLIC POLICY,
Bethesda, MD, April 9, 2007.

Hon. HARRY REID,
Senate Majority Leader,
U.S. Senate, Washington, DC.

DEAR SENATOR REID: On behalf of the Joint Steering Committee for Public Policy (JSCPP), I would like to express our support for S. 5, the "Stem Cell Research Enhancement Act of 2007." S. 5 would expand the current federal policy regarding federally funded embryonic stem cell research to allow the use of cells derived since August, 2001, from embryos originally generated for reproductive purposes that would otherwise be destroyed.

I would also like to express the JSCPP's opposition to S. 30, the "Hope Offered through Principled and Ethical Stem Cell Research Act." The purpose of S. 30 is to "promote the derivation of pluripotent stem cell lines without the creation of human embryos for research purposes and without the destruction, discarding of, or risk of injury to a human embryo or embryos other than those that are naturally dead."

S. 5 represents an important step forward for human embryonic stem cell research, a new field that offers great promise for the replacement of damaged cells, the understanding of the mechanics of disease, and the development and testing of new drugs. Unfortunately, current federal policy, in place since 2001, has not kept pace with the speed of scientific discovery and is today of limited value to the scientific community, a position endorsed by the Director of the National Institutes of Health, Elias Zerhouni, at a recent Senate appropriations hearing.

While the JSCPP is supportive of S. 5, we strongly oppose S. 30. S. 30 is proposed as an alternative to S. 5, but contains no substantial measure to reverse current limitations on embryonic stem cell research and simply endorses research avenues that are already open under current law. We oppose the bill because it contains unnecessary provisions and places confusing and short-sighted restrictions on biomedical research.

The prohibitions in S. 30 against the use of government funds to derive stem cells with methods that generate embryos for research purposes or that involve the destruction of embryos are unnecessary, because the annual Departments of Labor, Health & Human Services and Education Appropriations bill has, for many years, included the same prohibitions.

Furthermore, the central provision of S. 30 appears to allow research on embryos considered to be "naturally dead." We are particularly concerned about this requirement because the term "naturally dead" is not a scientific term, and there are no scientific or clinical standards for determining the quality of embryos at the early stages of embryonic development.

We are also concerned about the provision in S. 30 that requires a priority to be placed on research "with the greatest potential for near-term clinical benefit." Not only is it impossible to know the benefits of research in advance, but limiting the scope of research in this way places a muzzle on the scientific process, placing short-term incremental advances ahead of the more challenging goals of preventing or curing diseases such as diabetes.

For these reasons, we believe that passage of S. 30 would be a significant step backwards for human embryonic stem cell research and for biomedical research in America. Therefore, we urge a "yea" vote on S. 5 and a "no" vote on S. 30.

Sincerely,
HAROLD VARMUS, MD,
Chair, Joint Steering Committee
for Public Policy.

Mr. ISAKSON. Will the Presiding Officer give us the allocation of time remaining?

The PRESIDING OFFICER. The Senator from Iowa has 31 minutes remaining.

Mr. ISAKSON. Thirty-one minutes?

The PRESIDING OFFICER. Thirty-one. The Senator from Kansas has 25 minutes. The Senators from Minnesota and Georgia have 45 minutes.

Mr. ISAKSON. With all due respect, Mr. President, we reached an agreement at the end of the previous time that we would equally divide 2 hours 30 minutes between Senator HARKIN, Senator BROWNBACK, Senator COLEMAN, and Senator REID. We are in the fourth of those 30-minute blocks now, which would be ours, and then we go to four 10-minute blocks equally divided; is that correct?

I believe I am correct. How much of our time do we have left of the 30-minute block?

The PRESIDING OFFICER. Forty-five minutes for the Senator from Georgia.

Mr. ISAKSON. Mr. President, I am pleased to yield 10 minutes to the distinguished Senator from Oklahoma, Mr. COBURN.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. Mr. President, I listened with interest to the Senator from New York. As a practicing physician and somebody who has delivered over 4,000 children, I cared for both toddlers and young adults with type 1 diabetes. There is nobody who doesn't want to see that disease fixed. The problem is, we shouldn't promise things we don't know are accurate.

What we do know is that yesterday on CNN, an article was released from JAMA showing the treatment of 13 young Brazilians who had type 1 diabetes who are now free from using exogenous insulin. They are on no medicine whatsoever and their sugar is totally controlled. That is one step going forward in all the areas of medicine.

The other comment I will make before I make my final points is, if you talk to anybody in the area of research on Alzheimer's—Alzheimer's, and we heard it time and time again, is a devastating disease for individuals who have it, and it is a devastating disease for families who care for their loved ones with it—I don't know of anybody in embryonic stem cell research or in research in medicine by themselves who has great hopes for a cure of Alzheimer's with embryonic stem cells. We have heard that claim time and time again. It is not a great hope for Alzheimer's. There is hope. There is beta secretase, which is an enzyme that causes Alzheimer's to be laid down. There are great medicines coming forward. Some are in trials in primates right now that tend to stop Alzheimer's in its tracks.

We ought not to be promising things we don't know or are not realistic in terms of Alzheimer's. That is the case.

I want to sum up where we are, the differences between the two bills. One bill, S. 5, has lots of positives in it. We hear it is not going to destroy any other embryos, there is going to be a grandfather of the embryos that have been created since. We heard the Senator from New York say something different. We heard the Senator from California yesterday talk about the 400,000 embryos that are frozen today, of which only 2.8 percent are available and less than that number—so less than 250 lines—could totally be created out of all the embryos that are available in this country today.

The answers are kind of sleight of hand. To have an effective embryonic stem cell program, other than what is provided in S. 30, means we are going to use Federal taxpayer dollars, indirectly or directly, to destroy embryos. You can say you are not, but the fact is that will happen.

What are the positives of S. 30? The positives of S. 30 are that it looks at everything. It looks at all the new and upcoming methods. One is altered nuclear transfer. No. 1, you don't destroy any embryo, you don't create an embryo, but yet you get identical cells to what an embryonic stem cell would be, totally pluripotent, totally capable of doing everything an embryonic stem cell can do.

Why is there resistance to that? Why would there be any resistance to that? There shouldn't be.

The second point is what we call germ cell pluripotent stem cells. Those are made from the testes and ovaries of us, each of us, and we can have treatments designed for ourselves. Every tissue type in the body has now been produced from germ cell pluripotent stem cells, either ovarian or testicular, again, applying the same pluripotent stem cells you get from an embryo, but you never destroy a life.

My friend from Minnesota, one of the coauthors of this bill, makes a great point. Whatever happens at the end of the day—right now this glass of water represents what is happening on embryonic stem cell research with Government funds in this country. There is a whole lot of other research going on with embryonic stem cells outside the Government. It has not dead stopped. As a matter of fact, it is advancing forcefully without Government money. But this represents what is there. If S. 5 is passed out of this body and the House, this is what we will see next year: the same amount, because this bill is going to be vetoed.

However, if S. 30 is passed, what we will see is this much research, a doubling of the research next year. So one says help people play the political game when we know it is going to be vetoed. S. 30 says let's do something real. Let's give an answer to the hope. Let's double it up and let's do it in a way that is an ethically good way.

The final point I wish to make is to anybody who wants us to do embryonic stem cell research, anybody who has a family member with a chronic disease, anybody who has a child with diabetes, anybody who has any need that has hope coming from "embryonic stem cell research," the question I put forward to them is this: If we can show you the science is going to give us exactly the same results with never destroying an embryo, what would your choice be—destroy an embryo and get the results or do not destroy an embryo and go one of the multitude other ways to accomplish exactly the same purpose?

That is the real question that is facing this body. That is the question the American people ask. The science is 2 to 3 years ahead of the debate in this body today.

A lot of times my colleagues accuse me of not making much sense on the floor when I talk about these issues because it is a medical issue, it is a scientific issue. I am a doctor. I understand the science, so I tend to not use the words as plainly as I should. But the ethical question still arises: Do you want a doubling of the research to go forward and answer the very human need that is out there or do you want to play the political game and have exactly what we have today?

I say to Senator HARKIN, that is what will happen if S. 5 goes through. It is going to be vetoed. It will not be overridden in the House. Or we can have S. 30 that does as much or more than S. 5 and we will see a difference for the American people.

The hope my colleagues talk about will be realized when S. 30 gets passed, when S. 30 gets signed. The President has said he will sign it. It makes available everything we will need and still accomplishes the same goals but does it twice as fast. That is the real question: Do we want to play politics with this issue? Do we want to say somebody's legitimate position of valuing life, that they have an illegitimate position because they value life at the expense of somebody with chronic disease, or can they value life, come with an answer that actually accomplishes the same purpose in a better timeframe with better results with S. 30? That is the real question for us.

I understand the political game we are playing. I understand the diseases. But when you read the basic raw research that is going forward today, we are not even close to what is happening, we are not even talking about what is happening out there.

Final point. Make sure you understand that if you believe in embryonic stem cell research as a viable ethical alternative, you also have to believe in cloning because the only way you will get a treatment that is good for you without rejection, without rejecting the very treatment that is being given to you, is for you to clone yourself. That is the dirty little secret nobody wants to talk about in this debate because once we accomplish with true embryonic stem cells versus altered nuclear transfer, any treatment will require antirejection drugs or you having to clone yourself.

The language is very specific. There is no cloning as far as implanting into a uterus, but it doesn't mean you don't clone yourself and destroy yourself to meet a need for you.

It is a very complicated ethical issue about which we ought to be very clear. It is not just destroying embryos. It is going the next step now to have an effect from that treatment.

I believe there will be good treatments come out of embryonic stem cell research. I don't have any doubt about that. I believe exactly those same treatments will come and be better from altered nuclear transfer, from dedifferentiation, which is a term that says you take a cell that is more mature and dedifferentiate it back to a pluripotent cell, or from germ cells, either ovarian or testicular.

We can accomplish the desires of everybody who is hurting in our country today who has a hope and do it in a realistic way with S. 30 that will deliver the goods, deliver taxpayers' dollars to make a difference. S. 5 will deliver nothing, nothing for at least 2 years, because this President won't sign it.

So the consequence and the question that comes back to us is: Are we going to do something that is meaningful or are we going to play the political game that in the long term has no meaning, at least for the next 2 years?

I yield back my time to the Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the Senator from Oklahoma.

I yield up to 15 minutes of our time to the distinguished Senator from Minnesota, Mr. COLEMAN.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague from Oklahoma, who brings a physician's perspective. We hear so often on the floor of the Senate that we need to look in the eyes of young kids with juvenile diabetes and say: Are we doing all we can do? My colleague from Oklahoma has dealt with that on a regular basis. He stands with me, and I thank him for his support.

In the end, there is a practical conclusion, as he demonstrated with the glasses of water. If you want an answer, if you want to look those kids in the eyes, talk to the families of folks with ALS or heart disease, if you support S. 30, you can look them in the eye and say: Today I have done what I can do to move the science forward, to have additional Federal support for embryonic stem cell research but research which, in the end, is unifying research.

Dr. William Hurlbut, who is one of the authors of a technique known as altered nuclear transfer, used a phrase that I borrowed. It is an island of unity and a sea of controversy. That is what S. 30 offers, an island of unity and a sea of controversy. There is disagreement in this country about the use of Federal dollars for the destruction of a human embryo. That is a reality. In the end, scientific advancement should be something that is unifying. It shouldn't be tearing this country apart. You shouldn't worry, if you are going into a hospital for some kind of treatment, whether there is some moral line that has been crossed for you as an individual. You shouldn't have to do that. We shouldn't put people in that position.

The good news is we don't have to. It is fascinating. I think the science has gotten ahead of the politics. I have no doubt, as I listened to this debate, these are people of good will on both sides of this debate, supporting both proposals, but I believe the same ultimate kind of vision to improve quality of life, to enhance scientific research, to put an end to debilitating and threatening disease and illness, is the kind of common bond we have, people of good will.

I suppose a number of years ago, individuals of good will, good moral background, religious background, may have come to a conclusion that they would support the destruction of a human embryo for the opportunity to do good today for someone who is here. It is a line some of us can't cross. We bring deeply held moral perspectives to this issue. I understand others of good faith and strong character, solid religious background and belief, say this is the line, this is the right thing to do.

I heard my colleagues on the other side quote scriptures and pastors and others—my friends, of good will, and good heart. In the past, that may have been the only path to where we wanted to go.

The Clinton administration looked at this. In fact, this is the language they used. In 1999, President Clinton's National Bioethics Advisory Commission issued a report entitled "Ethical Issues in Human Stem Cell Research" acknowledging that a week-old human embryo is a form of human life that deserves respect. The Commission stated:

> In our judgment, the derivation of stem cells from embryos remaining following infertility treatments—

These are the embryos we are talking about here, IVF—

> is justifiable only if no less morally problematic alternatives are available for advancing the research.

Science has moved ahead of where we were in 1999. I was on the phone a little while ago with a Dr. Landry from, I believe, Columbia University. Dr. Landry talked about a stem cell line coming from dead embryos that has all the capacity, pluripotency of the stem cell lines from fertility clinics. So a "less morally problematic alternative" is available.

My friend and colleague from Georgia, the coauthor of this legislation, knows from Georgia experience that scientists worked on dead embryos. I thought about it, and I believe it is part of the 21 lines the President authorized for embryo research. The work is being done. The reality is there are cell lines available today that are not eligible for Federal funding. That is because we have a policy that says no Federal funding for embryo stem cell research. But if we pass S. 30, and S. 30 gets signed into law, then we have available Federal funding for embryonic stem cell research that would not be available today.

That is then "morally less problematic" because it does not involve the destruction of a human embryo.

When we talk about a dead embryo, my colleague from Georgia has done a very good job. My colleagues may have said: It is a dead embryo. What can you get out of a dead embryo? Let me explain two concepts. They are at the heart of this debate. I am not a scientist, but I have learned a lot about pluripotency, the capacity of a cell to give rise to many different cell types. Embryonic stem cells, those that have come from in vitro fertilization clinics, they have pluripotency. They have this elastic capacity to recreate any kind of cell. So maybe sometime in the future you can create stronger heart muscles. Today, in fact, with some types of stem cell research, that is being done. Maybe you can grow limbs. Maybe you can cure ALS. There is an incredible capacity, pluripotency.

There is also this concept of totipotency. Totipotency is the capability of a zygote or other cell to develop into a complete, integrated human being. The line we are talking about today between S. 5 and S. 30 is the line between pluripotency and totipotency. We all support research that will provide for pluripotent stem cells, pluripotent cells that have the capacity to be almost anything.

The dividing line, though, is whether you have totipotency, so with a human embryo, cells that are involved in a fertility clinic—I am going to switch charts and talk about a couple of other techniques that involve pluripotency but not totipotency. What we look at with dead embryos are cells that are pluripotent. I don't know if it is a great analogy, but even after death we can harvest organs that have the ability to serve the function you want them to serve. So dead embryos are embryos that have no totipotency but have pluripotency. You get pluripotent cells.

The other approach is an approach known as altered nuclear transfer. That, by the way—I say "the approach." There are a number of other approaches out there. My colleague from Oklahoma talked about that. I think he talked about dedifferentiation, talked about germs—there are a number of different procedures and techniques that have strong scientific support that allow us to produce pluripotent cells without totipotency. They allow us to produce embryonic stem cells that have all the capacity for research that gives the hope we are talking about without creating a human embryo that does not involve, then, the taking of human life; that does not involve the moral line that many Americans feel is there.

Not all. There is a difference in this. That is why I am saying, what S. 30 does is it gives us this island of unity in the sea of controversy. What it does is allow all of us—and I do hope all my colleagues, wherever you are on this issue—support for S. 30. Why would you be opposed to Federal funding for embryonic stem cell research that advances us?

My colleague from Oklahoma used the two glasses of water. If you support S. 5, all you are going to get tomorrow—in January 2008, S. 5 passes. It passes in the Senate, passes in the House, it is vetoed. We have this much right now—I believe it is about $130 million. That is what this glass represents in research, embryonic stem cell research. Those are the 20-something lines left the President authorized.

In January of 2008 you are going to get $132 million of federally funded stem cell research. But if we pass S. 30, what we have then is the opportunity for research in a range of other areas, perhaps doubling and maybe more—I would hope much more—of stem cell research, or pluripotent stem cells, to get the capacity to do all the treatments and provide the hope.

We are, by the way, a long way away in reality from human treatments, but it is hope. That is what this bill is, this is the HOPE bill.

One of the other mechanisms we talked about is altered nuclear transfer. Just to explain, in the natural fertilization process, biology 101, you have the sperm, you have the egg, you get the fertilized egg, and you get the embryo.

In the clone what you have is the egg cell, you enucleate it—you take out the center. This may come from a fingernail or skin, whatever, a cell with all the DNA, and you insert it into this enucleated egg. You activate it and then you get an embryo. I think that is the way Dolly the sheep came about.

By the way, my colleague from Oklahoma talked about this. If we are going to do stem cell research from here, and we are going to take this embryo and we are going to create stem cells and we put that into you or me, you are going to have an immune reaction, and your whole life—if you put this in you, you are, for your whole life, going to have to deal with immune reaction suppression and the drugs. The only way around that is the Dolly approach. If you create stem cells from your own cells there is no immune reaction.

We are not talking about that, although there are those of us who raise the concern: How do you get ultimately where you want to go without that possibility?

Another way is the altered nuclear transfer. You take the genetic material, the somatic cell, fingernail or something, and what you do before you insert it into this enucleated egg is touch off a trigger mechanism that shuts off the ability to create the embryo, but it still creates an inner cell mass with pluripotent cells—the capacity of a cell to give rise to many different types of cells. Do all the research you want.

So S. 5 provides funding for new stem cell research. It provides the opportunity to do all that one wants to do without crossing the moral line. Why wouldn't we get there?

My great fear is that what will happen this year is what happened last year. In the Senate there was a bill, the Specter-Santorum bill, which, by the way, did not provide for all that we have in S. 30. It did not provide for the dead embryo research. I think it may have provided for some sort of ANT. The good news is that is included in S. 5, but S. 5 is going to be vetoed so that doesn't go anywhere.

Last year that passed, 100 to 0, a bill with some alternative measures. But, again, we have gone way beyond last year, this year, in terms of the science.

The House refused to hear it. They took an all-or-nothing approach: If you don't support the destruction of a human embryo to do stem cell research we are not passing anything. Where is the hope in that? As you look at this I challenge my colleagues on the other side of the aisle to tell their colleagues in the House: Give hope, the hope we have talked about on this floor, the hope we all agree on, the hope that there is just consensus on that we want to move the research forward. Do not let some kind of politics that I cannot understand stop us from moving forward with the opportunity to move research that can produce hope.

There are many scientists who have kind of said: Yes, we looked at ANT and we know it can work and we need to put our efforts into that. I will read a couple of quotes:

> Research results suggest that altered nuclear transfer may be able to produce human pluripotent stem cells—in a manner that is simpler and more efficient than current methods.

That is by Hans Scholer, chair of the Department of Cell and Developmental Biology at the Max Planck Institute in Germany.

> Recently, multiple labs in the United States and from around the world have published or reported experiments in which adult cells were converted not to embryos but directly to pluripotent embryonic-like cells. The resulting cells were virtually indistinguishable from embryonic stem cells derived from embryos. The techniques used included altered nuclear transfer, cell fusion and chemical reprogramming. The results were obtained from top scientists in the field and published in the best journals.

That was by Markus Grompe, M.D., Oregon Stem Cell Center.

It is fascinating, those scientists that support just embryonic stem cell research without anything, they will tell you nothing else works: this is the whole ball of wax; my way or the highway. Then you have scientists who support these alternatives who say: Yes, this is the best way to go.

Maybe it is about Federal funding. Maybe if you don't believe your way is the only way you are not going to get Federal dollars. We have to get past the politics. We have to get past the petty scientific divisions and simply look at what we have out there and embrace and seize the opportunity to move forward in a way that is cohesive, that gets this Nation outside of the culture wars, outside of the battles over Federal funding for the destruction of human life. Put it aside. We don't have to go there today. Science is offering us a better path.

The PRESIDING OFFICER (Mr. BROWN). The time of the Senator has expired.

Mr. COLEMAN. I urge my colleagues to take a look at S. 30, regardless of where you are on S. 5. This is a bill that deserves unanimous support. In the end, let's work on our friends and colleagues in the House to pass the law so that we have, in the end, one the President will sign, one which offers and delivers true hope.

I yield the floor.

Mr. ISAKSON. How much of our time remains?

The PRESIDING OFFICER. The Senator from Georgia has 17 minutes.

Mr. ISAKSON. I will acknowledge, given the agreement we previously made, I think I will only take 5 of those. I recognize myself for 5 minutes.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. I acknowledge the patience of the Presiding Officer. I know the Presiding Officer was in the chair last night when the Senator from Iowa and I had an exchange. I want to repeat some of what was said, so I apologize to the distinguished Presiding Officer, but in the end I want to try to synthesize what got me to the point of being a part of S. 30.

In August 2001, when the directive came down, I started learning about stem cells. When the veto took place last year, I wondered what more I needed to know to try to find a way to deal with the concerns of some but the compassion of everyone. I stumbled upon a professor at the University of Georgia, Dr. Steven Stice. I really didn't stumble upon him; one of my interns, an honor student, directed me to him. He said he was doing research in this area.

As it turned out, he was operating three stem cell lines, lines BGO1, BGO2, and BGO3. So I went to the university and spent 2 days going through what their research team was doing and the way in which they were derived. I came to learn that Dr. Stice and his team, like teams in California, Wisconsin, and other States that have since derived embryonic stem cells this way, derived them from what is known as naturally dead or arrested embryos. Those are embryos that after 7 days following in vitro fertilization stopped cellular division. The embryo itself is clinically dead, as is a human being who is brain dead, although all their other organs are working. But contained within that embryo are stem cells. So it has gone through a natural death, not one at the hands of a doctor or anyone else, and it produces these stem cells.

After reading everything I could on it, I want to read one sentence from just one study which verified the pluripotency, the undifferentiation, and the independence of those lines:

> Lines BGO1, BGO2, and BGO3, human embryonic stem cells are, therefore, independent, undifferentiated and pluripotent lines that can be maintained without an accumulation of karyotypic abnormalities.

It took a long time to practice those last two words and say them right, but what that practically means is exactly what we all seek.

That is, embryonic stem cells that have the full potential for research, to answer the hope all of us in this room have expressed today, can, in fact, be derived from embryos that are not destroyed by the human hand but through the natural process of the life cycle.

So I asked myself this question: Well, if this is a legitimate debate—which it is a legitimate debate—if science has found there is a way to derive these stem cells without the destruction of the embryo, and if—which is true—5 of the 21 lines currently exempted by the Presidential order of 2001, are, in fact, 5½ years of study side by side with stem cells derived by destroying the embryo, and if we have clear evidence they are undifferentiated, they are pluripotent, and they do not have abnormalities, then this is the answer to thread the needle to solve the problem.

The White House has acknowledged they will sign the bill. So with respect for every Member of this Senate who has eloquently spoken on behalf of the hope of furthering research, I do not know what the results of the research are going to be, but I know this: If we do not do it, we will never know, and if there is a way to do it and accelerate it and thread the needle, which this does, then I submit we should do it.

I would encourage all of my colleagues to support S. 30.

I acknowledge the tremendous work of the Senator from Minnesota and others who have helped. I appreciate the time allotted to us in this debate. In the end, I think the most used word in the last 2 days has been "hope." There is now a hope that we actually bring about the reality of scientific development for the cure of deadly and terrible diseases and do so in a way that recognizes the natural process of the life cycle and the advancement of the science.

With that, I yield back our time in this cycle.

Mr. President, my understanding is—I am going to repeat this—it is my understanding that we now have a period of 30 minutes that is open, at which time, following that, each of the four designees will have a closing 10 minutes.

I see the distinguished Senator from Kansas is on the Senate floor. My understanding of that 30-minute division, Senator BROWNBACK, is you would have up to 7½ minutes of that 30, and if—I would ask—I am going to try this. I ask unanimous consent that the next 30 minutes be divided, with 15 minutes under the control of Senator HARKIN, 7½ under the control of Senator

BROWNBACK, 7½ under the control of myself and Senator COLEMAN, and then the remaining 40 minutes would be equally divided between the four designees: Senator HARKIN from Iowa, myself and Senator COLEMAN, Senator BROWNBACK, and Senator REID, and then lastly, the leaders will have 30 minutes equally divided.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. From what I understood of that agreement, I think the Senator from Kansas would have 7½ minutes, then the Senator from Iowa would have 15, then I would have 7½. Is that fair?

The PRESIDING OFFICER. The Senator from Kansas is recognized for 7½ minutes.

Mr. BROWNBACK. Mr. President, if the Chair would please remind me when I have a minute left of my time.

The PRESIDING OFFICER. The Chair will do that.

Mr. BROWNBACK. I wish to start by entering into the RECORD four documents and briefly covering them as much as possible. I ask unanimous consent that all four of these documents appear directly after my testimony.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibits 1 through 4.)

Mr. BROWNBACK. This first one is the list of 72 current clinical applications using adult stem cell therapy. No ethical problems on these. Actually, the list now is 73. I will cover that in just a minute, but I want to get that in.

I want to back this letter up, or this statement up, with a letter that appeared in the magazine Science, January 19, 2007, that was refuting the article—that was a letter put forward by other individuals questioning this level of adult stem cell therapy and treatment.

Then this letter which was in the Journal of Science was backed up by the third document we have here, which is a list of 14 pages of the peer-reviewed scientific articles on adult stem cell therapies and the benefits those have produced.

Then the final document we have here in this stack that I will be putting forward is the article that just appeared out even today from JAMA, the Journal of American Medical Association, on Type 1 juvenile diabetes being treated with the use of adult stem cells. The results—I am just going to read these, because they are just so phenomenal, from this JAMA article: During a 7- to 36-month followup, 14 patients became insulin free; one for up to 35 months with this treatment.

This was an adult human stem cell treatment. One patient was not able to become insulin-independent.

The reason I cite that is it is such an exciting set of results. People have been talking on the floor a great deal about curing diabetes. Here we have a JAMA article, as I have noted to my colleagues earlier. The unfortunate thing is the actual test took place in Brazil instead of the United States even though it was designed and much of it was done by U.S. scientists at Northwestern University and other places. The work should be being done in the United States.

Point one being, we don't have to go there with the taxpayer funding destroying this young human life. I would hope my colleagues would say that in and of itself is enough information for me to say we do not need to cross this ethical boundary. The ethical boundary we are talking about yet again is using taxpayer dollars to fund the destruction of human life so we can research on these entities. Some would refer to it as potential for human life; that is human life, so we can research on it.

Do we want to cross that ethical boundary that has everybody in somewhat of a question of whether they want to do this or not? I would submit, No. 1, we do not need to; we have routes to go that work. No. 2, we should not do that in researching on human life because of the respect we have and the dignity afforded to each and every human life at all stages, at all places, for the human existence this individuals has.

Proverbs tell us this: There is a way that seems right to a man, but its end is the way of death. There is a way that seems right to a man, but its end is the way of death.

That would seem to really highlight this debate—the way that seems right to a man. Let's just research on these embryos; they are going to be disposed of anyway. Why not do it instead of throwing them away? Why not do it instead of having them being adopted? Why not do it? Why not research on someone who is on death row? Why not?

There is a way that seems right to a man, but its end is the way of death. Well, we shouldn't because it does continue that continuation of us breaching human dignity—at a very early stage, granted, but nonetheless human by all definition of what a human species and an individual is. It does breach that, and we should not go there with taxpayer dollars.

As I have noted to my colleagues, it is legal to do in the United States. States can fund it, private individuals can fund it. I have noted to my colleagues that private individuals are not funding it. They are not funding it because it is speculative, it is not producing results, and it is producing tumors.

I have entered into the RECORD previously a large set of different studies in various areas done by various groups. These embryonic stem cells are producing tumors. That is what is taking place. There is a way that seems right to a man, but its end is death. Do we want to put tumors in individuals? Is that the route we are going forward with? I don't think so. I don't think we should.

I emphasize as well to my colleagues that we have another route to go on this that we can work on together. I would hope we could work on the amniotic fluid and banking of amniotic fluid. I think that would be an important key route for us to work together.

I am disturbed that at this point in time in the legislative session, the first half of the year after an election, we are spending this amount of time on a topic that is going to be vetoed—S. 5 is going to be vetoed; unlikely that the veto override is going to occur; maybe it is going to be able to happen but unlikely—when we have other routes we can work on that will work and will produce results. Are we going to continue this effort for division? It is all about dividing. It is all about causing a fight and somebody scoring some political points, when we have a hopeful route that is producing results that we can work on together, that we can get more funding for, and everybody wants cures and we can get more funding for this route which is working, and we can start a new area in amniotic fluid and placenta or we can go along with my colleagues from Georgia and Minnesota on a route upon which we can agree.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. BROWNBACK. I think we can do those things. Yet we continue down this route of division. Why would we do that when in the balance sit patients in this country and around the world who seek our help? I have shown you many pictures of those who have gotten help but need more and are having to travel overseas for these treatments. Let's not force them to do that.

Let's stop the politics of division. Let's start working together and have a culture that respects human dignity. We can do that. Reject S. 5.

EXHIBIT 1

72 CURRENT HUMAN CLINICAL APPLICATIONS USING ADULT STEM CELLS

(LIST UPDATED MARCH 2007)

ANEMIAS & OTHER BLOOD CONDITIONS

Sickle cell anemia

Sideroblastic anemia

Aplastic anemia

Red cell aplasia (failure of red blood cell development)

Amegakaryocytic thrombocytopenia

Thalassemia (genetic [inherited] disorders all of which involve underproduction of hemoglogin)

Primary amyloidosis (A disorder of plasma cells)

Diamond blackfan anemia

Fanconi's anemia

Chronic Epstein-Barr infection (similar to Mono)

AUTO-IMMUNE DISEASES

Systemic lupus (auto-immune condition that can affect skin, heart, lungs, kidneys, joints, and nervous system)

Sjogren's syndrome (autoimmune disease w/symptoms similar to arthritis)
Myasthenia (An autoimmune neuromuscular disorder)
Autoimmune cytopenia
Scleromyxedema (skin condition)
Scleroderma (skin disorder)
Crohn's disease (chronic inflammatory disease of the intestines)
Behcet's disease
Rheumatoid arthritis
Juvenile arthritis
Multiple sclerosis
Polychondritis (chronic disorder of the cartilage)
Systemic vasculitis (inflammation of the blood vessels)
Alopecia universalis
Buerger's disease (limb vessel constriction, inflammation)

BLADDER DISEASE

End-stage bladder disease

CANCERS

Brain tumors—medulloblastoma and glioma
Retinoblastoma (cancer)
Ovarian cancer
Skin cancer: Merkel cell carcinoma
Testicular cancer
Lymphoma
Non-Hodgkin's lymphoma
Hodgkin's lymphoma
Acute lymphoblastic leukemia
Acute myelogenous leukemia
Chronic myelogenous leukemia
Chronic myelomonocytic leukemia
Juvenile myelomonocytic leukemia
Cancer of the lymph nodes: Angioimmunoblastic lymphadenopathy Multiple myeloma (cancer affecting white blood cells of the immune system)
Myelodysplasia (bone marrow disorder)
Breast cancer
Neuroblastoma (childhood cancer of the nervous system)
Renal cell carcinoma (cancer of the kidney)
Soft tissue sarcoma (malignant tumor that begins in the muscle, fat, fibrous tissue, blood vessels)
Ewing's sarcoma
Various solid tumors
Waldenstrom's macroglobulinemia (type of lymphoma)
Hemophagocytic lymphohistiocytosis
POEMS syndrome (osteosclerotic myeloma)
Myelofibrosis

CARDIOVASCULAR

Acute Heart damage
Chronic coronary artery disease

IMMUNODEFICIENCIES

Severe combined immunodeficiency syndrome
X-linked lymphoproliferative syndrome
X-linked hyper immunoglobulin M syndrome

LIVER DISEASE

Chronic liver failure
Liver cirrhosis

NEURAL DEGENERATIVE DISEASES & INJURIES:

Parkinson's disease
Spinal cord injury
Stroke damage

OCULAR

Corneal regeneration

WOUNDS & INJURIES

Limb gangrene
Surface wound healing
Jawbone replacement
Skull bone repair

OTHER METABOLIC DISORDERS

Hurler's syndrome (hereditary genetic disorder)
Osteogenesis imperfecta (bone/cartilage disorder)
Krabbe Leukodystrophy (hereditary genetic disorder)
Osteopetrosis (genetic bone disorder)
Cerebral X-linked adrenoleukodystroph

"It is nearly certain that the [human] clinical benefits of the [embryonic stem cell] research are years or decades away. This is a message that desperate families and patients will not want to hear."—Science, June 17, 2005

Exhibit 2

Treating Diseases With Adult Stem Cells

In their letter "Adult Stem Cell Treatments for Diseases?" (28 July 2006, p.439), S. Smith et al. claim that we misrepresent a list of adult stem cell treatments benefiting patients. But it is the Letter's authors who misrepresent our statements and the published literature, dismissing as irrelevant the many scientists and patients who have shown the benefits of adult stem cells.

We have stated that adult stem cell applications have "helped," "benefited," and "improved" patient conditions. Smith et al.'s Supporting Online Material repeatedly notes patient improvement from these cells. We have never stated that these treatments are "generally available, "cures," or "fully tested in all required phases of clinical trials and approved by the U.S. Food and Drug Administration (FDA)." Some studies do not require prior FDA approval, and even the nine supposedly "fully approved" treatments aclmowledged by Smith et al. would not be considered "cures" or "generally available" to the public at this stage of research.

The insistence that no benefit is real until after FDA approval is misplaced. Such approval is not a medical standard to evaluate patient benefit, but an agency determination that benefits outweigh risks in a broad class of patients. Physicians and patients use an evidentiary standard. Our list of 72 applications, compiled from peer-reviewed articles, documents observable and measurable benefit to patients, a necessary step toward formal FDA approval and what is expected of new, cutting-edge medical applications.

Smith et al. also mislead regarding citations for testicular cancer and non-Hodgkin's lymphoma, referring to "[t]he reference Prentice cites . . ." as though only one reference existed in each case, and not mentioning four other references that, according to their own SOM, show "improved long-term survival" of patients receiving adult stem cells. There are currently 1238 FDA-approved clinical trials related to adult stem cells, including at least 5 trials regarding testicular cancer and over 24 trials with non-Hodgkin's lymphoma. They also disregard studies showing successful stimulation of endogenous cells for Parkinson's.

The ethical and political controversy surrounding embryonic stem cell research makes scientific claims especially prone to exaggeration or distortion. All such claims should receive careful scrutiny, as recently acknowledged by the editors of this journal after two articles claiming human "therapeutic cloning" success were revealed to be fraudulent. This scrutiny should be directed equally to all sides. We note that two of our critics, Neaves and Teitelbaum, are founding members of a political group whose Web site lists over 70 conditions that "could someday be treated or cured" using embryonic stem cells. High on this list is Alzheimer's disease, acknowledged by experts as a "very unlikely" candidate for stem cell treatments, with one NIH expert describing such a scenario as a "fairy tale". The entire list, in fact, is based on no evidence of benefit in any human patient from embryonic stem cells and little evidence for its claims in animal models. No one should promote the falsehood that embryonic stem cell cures are imminent, for this cruelly deceives patients and the public.

CSC Exhibit 3

PEER-REVIEWED REFERENCES SHOWING APPLICATIONS OF ADULT STEM CELLS THAT PRODUCE THERAPEUTIC BENEFIT FOR HUMAN PATIENTS

Adult Stem Cells—Hematopoietic Replacement

CANCERS

Brain Tumors—medulloblastoma and glioma

Dunkel, IJ; "High-dose chemotherapy with autologous stem cell rescue for malignant brain tumors"; Cancer Invest. 18, 492–493; 2000.

Abrey, LE et al.; "High dose chemotherapy with autologous stem cell rescue in adults with malignant primary brain tumors"; J. Neurooncol. 44, 147–153; Sept., 1999.

Finlay, JL; "The role of high-dose chemotherapy and stem cell rescue in the treatment of malignant brain tumors: a reappraisal"; Pediatr. Transplant 3 Suppl. 1, 87–95; 1999.

Retinoblastoma

Hertzberg H et al.; "Recurrent disseminated retinoblastoma in a 7-year-old girl treated successfully by high-dose chemotherapy and CD34-selected autologous peripheral blood stem cell transplantation"; Bone Marrow Transplant 27(6), 653–655; March 2001.

Dunkel IJ et al.; "Successful treatment of metastatic retinoblastoma"; Cancer 89, 2117-2121; Nov 15, 2000.

Ovarian Cancer

Stiff PJ et al.; "High-dose chemotherapy and autologous stem-cell transplantation for ovarian cancer: An autologous blood and marrow transplant registry report"; Ann. Intern. Med. 133, 504–515; Oct. 3, 2000.

Schilder, RJ and Shea, TC; "Multiple cycles of high-dose chemotherapy for ovarian cancer"; Semin. Oncol. 25, 349–355; June 1998.

Merkel Cell Carcinoma

Waldmann V et al.; "Transient complete remission of metastasized merkel cell carcinoma by high-dose polychemotherapy and autologous peripheral blood stem cell transplantation"; Br. J. Dermatol. 143, 837–839; Oct 2000.

Testicular Cancer

Bhatia S et al.; "High-dose chemotherapy as initial salvage chemotherapy in patients with relapsed testicular cancer"; J. Clin. Oncol. 18, 3346–3351; ct. 19, 2000.

Lymphoma

Tabata M et al.; "Peripheral blood stem cell transplantation in patients over 65 years old with malignant lymphoma—possibility of early completion of chemotherapy and improvement of performance status"; Intern Med 40, 471–474; June 2001.

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000.

Koizumi M et al.: "Successful treatment of intravascular malignant lymphomatosis with high-dose chemotherapy and autologous peripheral blood stem cell transplantation"; Bone Marrow Transplant 27, 1101–1103; May 2001.

Non-Hodgkin's Lymphoma

Buadi FK et al., Autologous hematopoietic stem cell transplantation for older patients with relapsed non-Hodgkin's lymphoma, Bone Marrow Transplant 37, 1017–1022, June 2006.

Tabata M et al.; "Peripheral blood stem cell transplantation in patients over 65 years old with malignant lymphoma—possibility of early completion of chemotherapy and improvement of performance status"; Intern Med 40, 471–474; June 2001.

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000.

Kirita T et al.; "Primary non-Hodgkin's lymphoma of the mandible treated with radiotherapy, chemotherapy, and autologous peripheral blood stem cell transplantation"; Oral Surg Oral Med Oral Pathol Oral Radiol Endod. 90, 450–455; Oct. 2000.

Hodgkin's Lymphoma

Peggs KS et al., "Clinical evidence of a graft-versus-Hodgkin's-lymphoma effect after reduced-intensity allogeneic transplantation", Lancet 365, 1934–1941, 4 June 2005.

Josting, A; "Treatment of Primary Progressive Hodgkin's and Aggressive Non-Hodgkin's Lymphoma: Is There a Chance for Cure?"; J Clin Oncol 18, 332–339; 2000.

Acute Lymphoblastic Leukemia

Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001.

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001.

Marco F et al.; "High Survival Rate in Infant Acute Leukemia Treated With Early High-Dose Chemotherapy and Stem-Cell Support"; J Clin Oncol 18, 3256–3261; Sept. 15 2000.

Acute Myelogenous Leukemia

Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001.

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001.

Gorin NC et al.; "Feasibility and recent improvement of autologous stem cell transplantation for acute myelocytic leukaemia in patients over 60 years of age: importance of the source of stem cells"; Br. J. Haematol. 110, 887–893; Sept 2000.

Bruserud O et al.; "New strategies in the treatment of acute myelogenous leukemia: mobilization and transplantation of autologous peripheral blood stem cells in adult patients"; Stem Cells 18, 343–351; 2000.

Chronic Myelogenous Leukemia

Laughlin MJ et al.; "Hematopoietic engraftment and survival in adult recipients of umbilical-cord blood from unrelated donors", New England Journal of Medicine 344, 1815–1822; June 14, 2001.

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001.

Juvenile Myelomonocytic Leukemia

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001.

Chronic Myelomonocytic Leukemia

Elliott MA et al., Allogeneic stem cell transplantation and donor lymphocyte infusions for chronic myelomonocytic leukemia, Bone Marrow Transplantation 37, 1003–1008, 2006.

Angioimmunoblastic Lymphadenopathy with Dysproteinemia

Lindahl J et al.; "High-dose chemotherapy and APSCT as a potential cure for relapsing hemolysing AILD"; Leuk Res 25(3), 267–270; March 2001.

Multiple Myeloma

Aviles A et al., Biological modifiers as cytoreductive therapy before stem cell transplant in previously untreated patients with multiple myeloma, Annals of Oncology 16, 219–221, 2005.

Vesole, DH et al.; "High-Dose Melphalan With Autotransplantation for Refractory Multiple Myeloma: Results of a Southwest Oncology Group Phase II Trial"; J Clin Oncol 17, 2173–2179; July 1999.

Myelodysplasia

Ohnuma K et al.; "Cord blood transplantation from HLA-mismatched unrelated donors as a treatment for children with haematological malignancies"; Br J Haematol 112(4), 981–987; March 2001.

Bensinger WI et al.; "Transplantation of bone marrow as compared with peripheral-blood cells from HLA-identical relatives in patients with hematologic cancers"; New England Journal of Medicine 344, 175–181; Jan 18 2001.

Breast Cancer

Damon LE et al.; "High-dose chemotherapy and hematopoietic stem cell rescue for breast cancer: experience in California"; Biol. Blood Marrow Transplant 6, 496–505; 2000.

Paquette, RL et al., "Ex vivo expanded unselected peripheral blood: progenitor cells reduce posttransplantation neutropenia, thrombocytopenia, and anemia in patients with breast cancer", Blood 96, 2385–2390; October, 2000.

Stiff P et al.; "Autologous transplantation of ex vivo expanded bone marrow cells grown from small aliquots after high-dose chemotherapy for breast cancer"; Blood 95, 2169–2174; March 15, 2000.

Koc, ON et al.; "Rapid Hematopoietic Recovery After Coinfusion of Autologous-Blood Stem Cells and Culture-Expanded Marrow Mesenchymal Stem Cells in Advanced Breast Cancer Patients Receiving High-Dose Chemotherapy"; J Clin Oncol 18, 307–316; January 2000.

Neuroblastoma

Kawa, K et al.; "Long-Term Survivors of Advanced Neuroblastoma With MYCN Amplification: A Report of 19 Patients Surviving Disease-Free for More Than 66 Months"; J Clin Oncol 17:3216–3220; October 1999.

Renal Cell Carcinoma

Barkholt L et al., Allogeneic haematopoietic stem cell transplantation for metastatic renal carcinoma in Europe, Annals of Oncology published online 28 April 2006.

Arya M et al., Allogeneic hematopoietic stem-cell transplantation: the next generation of therapy for metastatic renal cell cancer, Nat Clin Pract Oncol. 1, 32–38, Nov 2004.

Childs R et al., "Regression of Metastatic Renal-Cell Carcinoma after Nonmyeloablative Allogeneic Peripheral-Blood Stem-Cell Transplantation", New England Journal of Medicine 343,750–758; Sept. 14, 2000.

Childs, RW; "Successful Treatment of Metastatic Renal Cell Carcinoma With a Nonmyeloablative Allogeneic Peripheral-Blood Progenitor-Cell Transplant: Evidence for a Graft-Versus-Tumor Effect:; J Clin Oncol 17, 2044–2049; July 1999.

Soft Tissue Sarcoma

Blay JY et al.; "High-dose chemotherapy with autologous hematopoietic stem-cell transplantation for advanced soft tissue sarcoma in adults"; J. Clin. Oncol. 18, 3643–3650; Nov 1, 2000.

Ewing's Sarcoma

Drabko K et al., Megachemotherapy followed by autologous stem cell transplantation in children with Ewing's sarcoma, Pediatric Transplantation 9, 618–621, 2005.

Various Solid Tumors

Pedrazolli P et al., High dose chemotherapy with autologous hematopoietic stem cell support for solid tumors other than breast cancer in adults, Annals of Oncology published online 17 March 2006.

Nieboer P et al.; "Long-term haematological recovery following high-dose chemotherapy with autologous bone marrow transplantation or peripheral stem cell transplantation in patients with solid tumours"; Bone Marrow Transplant 27, 959–966; May 2001.

Lafay-Cousin L et al.; "High-dose thiotepa and hematopoietic stem cell transplantation in pediatric malignant mesenchymal tumors: a phase II study"; Bone Marrow Transplant 26, 627–632; Sept. 2000.

Michon, J and Schleiermacher, G. "Autologous haematopoietic stem cell transplantation for paediatric solid tumors", Baillieres Best Practice Research in Clinical Haematology 12, 247–259, March–June, 1999.

Schilder, RJ et al.; "Phase I trial of multiple cycles of high-dose chemotherapy supported by autologous peripheral-blood stem cells"; J. Clin. Oncol. 17, 2198–2207; July 1999.

Waldenstrom's Macroglobulinemia

Anagnostopoulos A et al.; "High-dose chemotherapy followed by stem cell transplantation in patients with resistant Waldenstrom's macroglobulinemia"; Bone Marrow Transplant 27, 1027–1029; May 2001.

Hemophagocytic Lymphohistiocytosis

Matthes-Martin S et al.; "Successful stem cell transplantation following orthotopic liver transplantation from the same haploidentical family donor in a girl with hemophagocytic lymphohistiocytosis"; Blood 96, 3997–3999; Dec 1, 2000.

POEMS Syndrome (Osteosclerotic Myeloma)

Dispenzieri A et al., Peripheral blood stem cell transplantation in 16 patients with POEMS syndrome, and a review of the literature, Blood 104, 3400–3407, 15 November 2004.

Myelofibrosis

Cometta K et al., Umbilical cord blood transplantation in adults: results of the prospective Cord Blood Transplantation (COBLT), Biol Blood Marrow Transplant 11, 149–160, February 2005.

Cervantes F, Modern management of myelofibrosis, Br J Haematol 128, 583–592, March 2005.

Kroger N et al., Pilot study of reduced-intensity conditioning followed by allogeneic stem cell transplantation from related and unrelated donors in patients with myelofibrosis, Br J Haematol 128, 690–697, March 2005.

Thiele J et al., Dynamics of bone marrow changes in patients with chronic idiopathic myelofibrosis following allogeneic stem cell transplantation, Histol Histopathol 20, 87–89, July 2005.

Rondelli D et al., Allogeneic hematopoietic stem-cell transplantation with reduced-intensity conditioning in intermediate- or high-risk patients with myelofibrosis with myeloid metaplasia, Blood 105, 4115–4119, 15 May 2005.

Benesova Pet al., [Complete regression of bone marrow fibrosis following allogeneic peripheral blood stem cell transplantation in a patient with idiopathic myelofibrosis] [Article in Czech], Cesk Patol 40, 167–171, October 2004.

ADULT STEM CELLS—IMMUNE SYSTEM REPLACEMENT

AUTOIMMUNE DISEASES

Systemic Lupus

Burt RK et al., Nonmyeloablative hematopoietic stem cell transplantation for systemic lupus erythematosus, Journal of the American Medical Association 295, 527–535, February 1, 2006.

Burt RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002.

Wulffraat NM et al.; "Prolonged remission without treatment after autologous stem cell transplantation for refractory childhood systemic lupus erythematosus"; Arthritis Rheum 44(3), 728–731; March 2001.

Rosen O et al.; "Autologous stem-cell transplantation in refractory autoimmune diseases after in vivo immunoablation and ex vivo depletion of mononuclear cells"; Arthritis Res. 2, 327–336; 2000.

Traynor AE et al.; "Treatment of severe systemic lupus erythematosus with high-dose chemotherapy and haemopoietic stem-cell transplantation: a phase I study"; Lancet 356, 701–707; August 26, 2000.

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999.

Burt RK et al.; "Hematopoietic stem cell transplantation of multiple sclerosis, rheumatoid arthritis, and systemic lupus erythematosus"; Cancer Treat. Res. 101, 157–184; 1999.

Traynor A and Burt RK; "Haematopoietic stem cell transplantation for active systemic lupus erythematosus"; Rheumatology 38, 767–772; August 1999.

Martini A et al.; "Marked and sustained improvement 2 years after autologous stem cell transplant in a girl with system sclerosis"; Rheumatology 38, 773; August 1999.

Sjogren's Syndrome

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000.

Myasthenia

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000.

Autoimmune Cytopenia

Passweg, JR et al., Haematopoetic stem cell transplantation for refractory autoimmune cytopenia, British Journal of Haematology 125, 749–755, June 2004.

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000.

Scleromyxedema

A.M. Feasel et al., "Complete remission of scleromyxedema following autologous stem cell transplantation," Archives of Dermatology 137, 1071–1072; Aug. 2001.

Scleroderma

Burt RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002.

Burt, RK and Traynor, AE; "Hematopoietic Stem Cell Transplantation: A New Therapy for Autoimmune Disease"; Stem Cells 17, 366–372; 1999.

Crohn's Disease

Kreisel W et al., Complete remission of Crohn's disease after high-dose cyclophosphamide and autologous stem cell transplantation, Bone Marrow Transplantation 32, 337–340, 2003.

Burt RK et al., "High-dose immune suppression and autologous hematopoietic stem cell transplantation in refractory Crohn disease", Blood 101, 2064–2066, March 2003.

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000.

Hawkey CJ et al.; "Stem cell transplantation for inflammatory bowel disease: practical and ethical issues"; Gut 46, 869–872; June 2000.

Behcet's Disease

Rabusin M et al.; "Immunoablation followed by autologous hematopoietic stem cell infusion for the treatment of severe autoimmune disease"; Haematologica 85 (11 Suppl), 81–85; Nov. 2000.

Rheumatoid Arthritis

Burt RK et al., "Induction of tolerance in autoimmune diseases by hematopoietic stem cell transplantation: getting closer to a cure?", Blood 99, 768–784, 1 February 2002.

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EXHIBIT 4

[From the Journal of the American Medical Association, Apr. 11, 2007]

AUTOLOGOUS NONMYELOABLATIVE HEMATOPOIETIC STEM CELL TRANSPLANTATION IN NEWLY DIAGNOSED TYPE 1 DIABETES MELLITUS

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Context: Type 1 diabetes mellitus (DM) results from a cell-mediated autoimmune attack against pancreatic beta cells. Previous animal and clinical studies suggest that moderate immunosuppression in newly diagnosed type 1 DM can prevent further loss of insulin production and can reduce insulin needs.

Objective: To determine the safety and metabolic effects of high-dose immunosuppression followed by autologous nonmyeloablative hematopoietic stem cell transplantation (AHST) in newly diagnosed type 1 DM.

Design, Setting, and Participants: A prospective phase 1/2 study of 15 patients with type 1 DM (aged 14–31 years) diagnosed within the previous 6 weeks by clinical findings and hyperglycemia and confirmed with positive antibodies against glutamic acid decarboxylase. Enrollment was November 2003–July 2006 with observation until February 2007 at the Bone Marrow Transplantation Unit of the School of Medicine of Ribeirão Preto, Ribeirão Preto, Brazil. Patients with previous diabetic ketoacidosis were excluded after the first patient with diabetic ketoacidosis failed to benefit from AHST. Hematopoietic stem cells were mobilized with cyclophosphamide (2.0 g/m^2) and granulocyte colony-stimulating factor (10 μg/kg per day) and then collected from peripheral blood by leukapheresis and cryopreserved. The cells were injected intravenously after conditioning with cyclophosphamide (200 mg/kg) and rabbit antithymocyte globulin (4.5 mg/kg).

Main Outcome Measures: Morbidity and mortality from transplantation and temporal changes in exogenous insulin requirements (daily dose and duration of usage). Secondary end points: serum levels of hemoglobin A_{1C}, C-peptide levels during the mixed-meal tolerance test, and anti-glutamic acid decarboxylase antibody titers measured before and at different times following AHST.

Results: During a 7- to 36-month follow-up (mean 18.8),14 patients became insulin-free (1 for 35 months, 4 for at least 21 months, 7 for at least 6 months; and 2 with late response were insulin-free for 1 and 5 months, respectively). Among those, 1 patient resumed insulin use 1 year after AHST. At 6 months after AHST, mean total area under the C-peptide response curve was significantly greater than the pretreatment values, and at 12 and 24 months it did not change. Anti-glutamic acid decarboxylase antibody levels decreased after 6 months and stabilized at 12 and 24 months. Serum levels of hemoglobin A_{1C} were maintained at less than 7% in 13 of 14 patients. The only acute severe adverse effect was culture-negative bilateral pneumonia in 1 patient and late endocrine dysfunction (hypothyroidism or hypogonadism) in 2 others. There was no mortality.

> Conclusions: High-dose immunosuppression and AHST were performed with acceptable toxicity in a small number of patients with newly diagnosed type 1 DM. With AHST, beta cell function was increased in all but 1 patient and induced prolonged insulin independence in the majority of the patients.
>
> Trial Registration: clinicaltrials.gov Identifier: NCT00315133.

The PRESIDING OFFICER. The Senator from Washington is recognized.

Mrs. MURRAY. Mr. President, I yield myself 10 minutes from this side.

Mr. President, I come to the floor today to speak out in strong support of the promising research that can save lives and bring hope to millions of Americans. I will vote for the Stem Cell Enhancement Act of 2007, and I urge all of our colleagues to do so.

More importantly, I urge President Bush to finally hear the voices of scientists, medical leaders, patients, and more than 500 organizations that have said loudly and clearly that it is time for promising research to move forward in this country. It is time to take the handcuffs off of our scientists, those who say they will then be able to pursue what all Americans are hoping for and promising research for so many diseases that impact so many of our families. For too long, this President has allowed politics and ideology to trump lifesaving research. We have to correct that mistake. The bill, S. 5, we are considering today shows us how.

Throughout this country, Americans are suffering from diseases such as Parkinson's, Alzheimer's, diabetes, multiple sclerosis, and they and their families are looking to us for help. We have scientists and researchers who are so eager to provide that help, but today, as we all know, their hands are tied by the arbitrary restrictions President Bush imposed back in 2001.

I believe we can allow research on embryonic stem cells, and we can do so with strong ethical guidelines that are required under this legislation.

Back in August of 2001, President Bush greatly limited the number of embryonic stem cells that were available for federally funded research. Those limits were based on inaccurate science and ideology, and they have restricted our ability to make progress. At the time, the White House said there were 78 stem cell lines available for federally funded research, but now we know there are only 21 such lines. Researchers, those men and woman whom we count on to find cures to the diseases that impact so many, believe it is imperative to have access to newer, more promising stem cell lines that do not pose the risk of contamination.

The first consequence of the President's restriction has been to limit hope and to limit progress for families who suffer from these diseases. The second impact has been to push embryonic stem cell research overseas. That means that our country is falling behind other countries in a cutting-edge field.

Because of the President's imposed arbitrary limits, we are now in this country surrendering our scientific leadership to other countries. That can have far-reaching consequences for our economy and for our future.

My State of Washington is home to world-class research institutions such as the University of Washington. I want our country and institutions such as that to be the leading edge of scientific frontiers so our country and all of us can benefit from the new advances.

The bill we are considering today and will vote on this evening will lift the President's arbitrary restrictions and put in place expanded research under strict ethical guidelines. It would direct the Department of Health and Human Services to conduct and support research on stem cells that are derived from frozen embryos that are now stored in fertility clinics that would otherwise be destroyed. This bill also promotes research into finding alternative ways to derive stem cells that do not involve the destruction of an embryo. This bill imposes strong ethical guidelines. In fact, the guidelines in this bill are even stricter than the President's policy.

Embryonic stem cell research is a relatively young field. These cells were not even isolated in humans until 1998. Scientists believe that embryonic stem cells are more valuable than adult stem cells because they can develop into any type of cell or tissue in the body. Think of all the veterans who are coming home from the war in Iraq who have spinal cord injuries. Think of all the veterans of the first gulf war who are now being diagnosed with multiple sclerosis and who could be helped by this promising research.

In my own family, I have seen up close and personally the impact a disease such as multiple sclerosis can have. When I was 15 years old, my dad was diagnosed with multiple sclerosis. I saw him in just a few years going from working to being someone who was home in a wheelchair every single day every single minute. For the rest of his life, my father was confined to a wheelchair. I can't tell you what a profound impact that had on my family. My mom had to stay home and raise myself and my six brothers and sisters. She had to go back to work and get a job and she had to stay home and take care of him, all at the same time. It was a very difficult time for my family. The medical bills were amazing. The challenges my family went through because of my dad's illness were incredible. I can only imagine what it might have been like had there been a cure for MS for my family and for thousands of others. When I was growing up, the promise of this type of research was not even on the horizon. Today that potential is in our hands. We need to do everything we can to make sure that that research is done so families such as mine have hope and opportunity in the future.

I hope we don't see it continually blocked by an ideological policy that puts politics over science. It is time to change course and put our Government on the side of the patients and their families and to give them hope again.

Last month the Director of the National Institutes of Health told us:

> [I]t is clear today that American science would be better served and the nation would be better served if we let our scientists have access to more cell lines . . .

The NIH Director said that existing lines will not be sufficient for the research that needs to be done, and he said that adult stem cells do not have the same potential as embryonic stem cells. That is the scientific view of the Director of the National Institutes of Health. The Senate and the President would be very wise to heed his counsel.

I know what it is like to grow up with someone who has a serious illness. I can only imagine what it would have been like to know there was hope and a chance for a cure. I know of many families out there who have been waiting for this day in the Senate, for us to vote and pass this important stem cell research bill. I commend Senator HARKIN for his perseverance in coming back and again pushing at this as one of the first pieces of legislation we consider in this Congress. We all know it has a ways to go. We know the President has said he might veto it. I hope he doesn't. I hope he sends a message to some young girl out there whose dad has just been diagnosed with multiple sclerosis that we are a country of hope once again.

I urge my colleagues to vote for S. 5. I look forward to its passage today, moving through conference. I hope it will be signed by the President.

I yield the floor.

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Iowa has 7 minutes remaining.

Mr. HARKIN. Mr. President, we are getting close to the end of the debate, we have some floor time in the next hour or so to go back and forth. I thought I might take a few moments now to talk about why it is so necessary to have NIH do this kind of research, to oversee this research. The Senator from Oklahoma said that a lot of research is going on now on embryonic stem cells. To be sure, it is. It is going on in different States, in private institutions, in England and Australia and France and Japan and Singapore and a few other countries. Why do we want to get the Federal Government involved? First, there is no other area of medical research in which we say the Federal Government should step aside and let the States do it. I know of no other area of medical research.

I always look at the human genome project. What if we had said to the States: We are not going to do it. You do it. They might have sequenced one gene or another or let the private sector do it. They would have been getting patents on it or everything like. Now we have the mapping and sequencing of the entire human gene, and you can go online and get it, free to everybody. Any researcher anywhere can get it. Now they may take that and develop it into drugs and therapies. That is fine. That is that sort of symbiotic relationship we have developed very well between the private pharmaceutical industry and the basic research industry, which is NIH.

Again, our National Institutes of Health should be involved in overseeing this, because if we don't have a coherent Federal policy on stem cells, each State writes its own rules. That means that different States may have different ethical guidelines. One State would be different from another. You would wind up with a patchwork quilt of laws. Then you would wind up with States competing against each other. So California gets to doing stem cell research, and what it does is, it hires researchers away from Missouri. Then Missouri is hiring people away from Iowa and then Ohio. Then New York is trying to bid people away from Ohio. You get this terrible State-versus-State kind of competition in stem cell research.

We don't want that. We ought to be doing it on a national basis, a national effort, and we should not lose the international leadership we have always had in biomedical research. Should we give it up to Singapore or to Korea or England? No. We have always been the leader in the world in biomedical research, and we should continue.

Secondly, the issue of why we have to expand our stem cell policy. Again, I repeat, for the sake of emphasis, of those 78 cell lines that were supposedly available on August 9, 2001, only 21 have been available. A lot of them are sick. They are not propagating properly. They are unhealthy. Right now NIH is only using between four and six of these lines and even they, I have been told, are not very healthy. So the restrictions we have had by the Bush administration, since August 9, 2001, have resulted in a situation where fewer and fewer viable good stem cell lines are available for NIH researchers. However, during that same period of time in other sectors, we have derived over 400 different cell lines. Yet no one who gets NIH funding is able to do any research on these healthy embryonic stem cell lines. That is why we need to develop these. We need to expand it.

That is what S. 5 does. S. 5 takes off the handcuffs. It lets us use, under strict ethical guidelines, those embryos that are slated to be discarded at IVF clinics. With all due respect to my friend from Georgia, S. 30 does not do that. S. 5, if passed, will do everything that S. 30 wants to do. If S. 5 passes, what they want to do in S. 30 can be done by NIH. The problem with S. 30 is, if S. 30 passes and S. 5 doesn't, then S. 30 is very limited. It says you can only use these few embryos that are naturally dead which, by the way, I don't think there is such a scientific term, but it has been bandied about here and it is in the bill. There is no such scientific delineation of what is naturally dead.

So that is the situation we are in. S. 5 will do both. It will open new stem cell lines with ethical guidelines. It will allow them to extract stem cells from these nonviable embryos. S. 30 will not. S. 30 still will not permit us to get the healthy stem cell lines our researchers need. That is why we need to pass S. 5.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2½ minutes remaining.

Mr. HARKIN. I will conclude my 2½ minutes then by referring to the other chart. Again, we have to keep in mind that the policy now in effect, the policy in effect right now says we could use Federal money to examine and do research on embryonic stem cells that were derived prior to 9 p.m., August 9, 2001. But we can't use Federal money to examine or to do research on stem cells derived after 9 p.m., August 9, 2001. Those are morally unacceptable. Before 9 p.m., August 9, 2001, that is morally OK. After 9 p.m., it is not morally OK. Who decided that 9 p.m. on August 9, 2001, was some kind of moral dividing line, that stem cells derived before that, that is OK, but stem cells derived after that, that is not OK? Only one person decided that, and that was President Bush.

The people of this country didn't decide that. Ethicists didn't decide that. Theologians didn't decide that. Scientists didn't decide that. President Bush decided that. It is sheer hypocrisy to say we can fund those before, but we can't fund those after. That is the situation we find ourselves in today.

Let's take off the handcuffs. Let's get rid of that fake moral dividing line that has no substance in reality and let's get on with finding the cures for people with Parkinson's and Alzheimer's and spinal cord injuries. That is what S. 5 is all about.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from Minnesota.

Mr. COLEMAN. Mr. President, I thank my colleague, the Senator from Georgia, for his leadership on this issue, his passion, his knowledge. He is not a biologist, but I have learned more about God and principle and stem cell lines from that former real estate guy than the many doctors I have talked to.

I also thank my colleague from Iowa. I went to law school at the University of Iowa. I think I have some Iowa roots. The Senator from Iowa has been a champion of those with disabilities, of disability rights, a champion of hope for a long time. In this debate there is so much we agree on. Where we disagree, though, is that S. 30 is not about a few small lines. S. 30 is about opening up embryonic stem cell research, research on pluripotent embryonic stem cells, in part, one technique being dead embryos; another technique being alternate nuclear transfer, all of which have numerous scientists who say there is hope for moving the science forward, and we could do it in a way that doesn't involve the destruction of the human embryo so we don't cross a moral line but we have all the research we want.

You may ask: How can something so small be so important? To my right is a chart showing a pinhead. These are the embryonic stem cells right there. They are the size of a pinhead. That is how big they are. How could something so small be so important? Size is not the measure of moral meaning. If you look at it, this point of view from outer space, and look at the people, that is small, but that crowd has meaning. If you look at it from a universe perspective to the Earth, boy, that is really small. You can't even see it. It is not even the size of a pinhead. Or our galaxy, if I had a picture of the universe, our galaxy would be the size of a pinhead. What we are talking about today has meaning. We have an opportunity in this country to come together and put the politics aside, the ideological divisions aside. The debate over Federal funding, which has been longstanding Federal policy, we do not provide Federal funding for the destruction of a human embryo, and we don't have to. We come together with the same intention. We come together with the same perspective, with the same hope.

There are two paths to follow. One is S. 5, which will be vetoed and, in the end, what we will have tomorrow in terms of research is what we have today, well intentioned, but again, unfortunately, because the moral line is crossed and the division that will create, it will be vetoed. There will be no movement forward.

But if we pass S. 30, we have the opportunity to move the science forward, to create a full range of pluripotent embryonic stem cells. By the way, if you are just using IVF stem cells, it is a narrow universe. But with the dead embryo and the altered nuclear transfer, you can cover every race and ethnic group in America.

The science has gotten way ahead of the politics. We can put ideology aside.

We can put political division aside. We can offer real hope and real advancement without crossing a moral line. Why wouldn't we do that? I hope my colleagues see the wisdom in offering hope, in moving the science forward, and not falling victim to a Presidential veto, but that, in the end, by next year saying we have more Federal dollars going into embryonic stem cell research, research on pluripotent stem cells, stem cells that have the capacity to be perhaps anything. We don't know, but there is still hope.

There is a lot of research that has to go into it, but we can open the doors with the passage of S. 30. I urge my colleagues to vote for S. 30.

With that, I yield the floor and yield back the remainder of our time.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, it is my understanding, according to the unanimous consent agreement, we have four 10-minute periods.

The PRESIDING OFFICER. The Senator is correct.

Mr. ISAKSON. Mr. President, it is further my understanding the first of those four periods is controlled by me; is that correct?

The PRESIDING OFFICER. Each Senator controls 10 minutes in no particular order.

Mr. ISAKSON. Mr. President, I will take that time as allocated.

The PRESIDING OFFICER. The Senator from Georgia is recognized for 10 minutes.

Mr. ISAKSON. Mr. President, I thank the Senator from Iowa and the Senator from Minnesota for their diligent work over the last 2 days on the floor of the Senate dealing with this issue. I admire the passion of both. I am so pleased their passion is rooted in their belief, which I share, that we can move science forward, that we can enhance research for what are currently incurable diseases, and that we can do so in the public domain.

Senator HARKIN made a very good statement—he has made a number of good statements, but he made a good statement a little bit ago about why NIH is important. NIH is important because the research gets in the public domain, not in the proprietary domain of an investor or someone who is hoping to find something but does not want to share that with anybody else. So it is important to find a way to get the NIH investment in the embryonic stem cell research. S. 5 and S. 30 approach it from a different direction, but the goal in the end is the same; that is, to further the science and to find cures.

I grew up in the 1950s and 1960s. In the 1960s, I am reminded of a statement I heard—often repeated—by then Senator and previously Attorney General Robert Kennedy. I remember a particular speech he made, when, having returned from Biafra, where there was a terrible famine at that time, he said: Some people see things as they are, and ask, why?—referring to famine. I—meaning him—see things as they never were and ask, why not?

That is what this is all about. Why not find cures? And why not find ways to seek those cures that pass the test we desire to pass that S. 30 portends? I have stated on more than one occasion the methodology and the derivation of these stem cells. It has been questioned a couple of times, but facts are stubborn. BGO1, BG02, and BG03, currently under the investment domain of the National Institutes of Health—lines for which diabetes research, neurological progenitor cell research, and other research takes place at this very day—were all derived from embryos that had passed the seventh day following in vitro fertilization, were naturally dead or arrested but contained pluripotent embryonic stem cells.

I might add, in vitro fertilization takes place every day in the United States of America. My family has been touched by it. Many families have been touched by it. In each of those processes, the development of those embryos goes through the three stages I have referred to: Gardner principle I, the first 72 hours; Gardner principle II, the next 4 days; and then those thereafter where the cells stop dividing, where the pluripotent stem cells exist but the embryo is not implanted.

Now, there have been some who have talked about: Well, there is no evidence of success yet in stem cells. I join Senator HARKIN in his statement that the only way you find out about evidence of success is by doing the research. But I want to read something I think is important and I am proud to share because research that has been done on BGO1 and 03—two of those three lines derived in this methodology—have had significant research conducted on them in a number of areas. This has a little bit of technical language, but it expresses the promise and the hope the Senator from Iowa and I and the Senator from Minnesota have all talked about. I quote:

> The directed differentiation of BGO1 and BG03 cells to neuroepithelia and multiple differentiated neuronal lineages, including cells expressing multiple markers of the midbrain dopaminergic lineage, has previously been demonstrated.

"Previously been demonstrated." That statement was confirming the research on BG01 and 03, designed to see if there was a way to develop neurological cells that could carry the hope for cures to spinal cord injury and, in fact, to neurological cell or brain cell injury.

From the research on those three lines, a patent is now pending on a neurological progenitor cell process, which is a real advancement from embryonic stem cell research, from embryonic stem cells derived from level III Gardner principle derivation or those derived from an arrested or a dead embryo.

So I would submit my passion for S. 30 is in the hope of finding cures, in the hope of avoiding a veto, and, instead, having an investment in the furtherance of science that can grow exponentially because of the unlimited moral and ethical access that would exist toward these stem cells.

I conclude by encouraging all the Members of the Senate to thoughtfully consider S. 30 and encourage them to vote for it as a step in the right direction, the opening of a door that has, in fact, not been shut but stuck, and an opportunity to do what everybody in this Chamber has stated affirmatively they want to do; that is, provide hope for those who do not have it, expand research in the public domain at the National Institutes of Health, and invest tax dollars ethically in a process that brings a promise of hope to every single American.

Mr. President, I yield back my time.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, again, let me ask, we have, I guess, 20 minutes; is that right?

The PRESIDING OFFICER. The Senator from Iowa controls 10 minutes. The designee of the majority leader controls 10 minutes.

Mr. HARKIN. Yes. I yield 5 minutes to the Senator from Utah.

Mr. HATCH. I thank my colleague.

The PRESIDING OFFICER. The Senator from Utah is recognized for 5 minutes.

Mr. HATCH. Mr. President, I am going to vote for S. 30. I do not think it does anything more than the current law is but, nevertheless, I appreciate the intentions of the two Senators, my dear friends, who have done this.

Mr. President, as this debate draws to a close, I want to take one last opportunity to give my strong endorsement to the need for our country to provide a better level of support for a very promising line of scientific inquiry: embryonic stem cell research.

While I will vote in favor of both bills, it is S. 5, the Stem Cell Research Enhancement Act of 2007, that provides the promise of making a dramatic, yet ethical, difference in the lives of so many. S. 5 offers people hope who have no hope today. S. 5 has the potential to save lives. S. 5 opens up a door to medical research that offers much promise to both the scientific community and the patient community. And why is that? Because S. 5 allows the Federal Government to fund the most promising line of stem cell research—embryonic stem cell research—and S. 30 does not.

Make no mistake about it. Under the current policy, the President's policy, our Government does support embryonic stem cell research. All S. 5 would do is expand that policy.

To those who raise questions about the ethicality of this bill, I answer this way: If it was ethical to implement such a policy in 2001—and I have heard little criticism about that—then it should be ethical to adopt S. 5 as well.

Let me underscore the need for this bill with what one of the leading embryonic stem cell researchers in our country has had to say. I am speaking about the University of Utah's eminent researcher, Dr. Mario Cappecchi.

For the benefit of each Senator, the doctor has boiled down the arguments in favor of the Government funding embryonic stem cell research. I think it bears repeating, as this is knowledge crucial to each Member's understanding of what is one of the most critical issues facing this body today.

Indeed, I believe history will judge us very harshly if we allow this great opportunity to pass us by. We have to support this research which to date holds forth more promise than other types of stem cell inquiry. In the interest of all those who suffer from debilitating diseases and hope for deliverance, I implore my colleagues to vote for S. 5 and send a clear message to the American people that we want this research to be expanded for the good of mankind—of all mankind.

There should be Federal funding for embryonic stem cell research because: No. 1, it is a potential source of cures; No. 2, embryonic stem cells grow quickly and are versatile; No. 3, in contrast, adult stem cells grow slowly; No. 4, adult stem cells are very restricted in what cell types they can produce; No. 5, the tissue in many important organs does not have adult stem cells so therapies for diseases involving those tissues would not be readily approachable by adult stem cell-based therapy; No. 6, the usefulness of existing embryonic stem cell lines is extremely limited; No. 7, somatic cell nuclear transfer is an important research tool; No. 8, SCNT allows production of patient-specific stem cells to treat complex human diseases like Alzheimer's and Parkinson's; No. 9, lack of Government commitment means lack of future researchers; and No. 10, the health and economic implications of human stem cell research are enormous. Other countries have realized this; we are in grave danger of falling behind.

I read Dr. Cappecchi's points again for one reason—I want all of my colleagues to recognize that much is weighing in the balance on today's vote.

Therefore, I ask my colleagues to consider carefully the positions they take today.

In the interests of all those who suffer from debilitating diseases and hope for deliverance, I urge my colleagues to vote for S. 5.

Let me close by making a point I made to President Bush back in 2001:

> In the opening days of your term in office, scientists have completed the task of sequencing the human genome. While this accomplishment—the work of many in the public and private sectors—is of historical significance, it is only the end of the beginning in a new era of our understanding of the biological sciences. Over your next eight years in office, you have an unprecedented opportunity to provide the personal leadership required to see to it that your Administration will be remembered by future historians as the beginning of the end for such deadly and debilitating diseases as cancer, Alzheimer's and diabetes.

That is what S. 5 is all about—providing a potential new avenue of research that may lead to treatments and cures for many diseases that afflict many families across our Nation and the world.

While I have no objections to S. 30, let us not delude ourselves into thinking it is the best solution. S. 5 is the bill that will clearly make a significant difference in the future of medical research for all of the reasons I have outlined today.

For those who oppose any type of embryonic stem cell research, let me say this: For the life of me, I cannot understand how we can destroy 7,000 to 20,000 live in vitro fertilized eggs every year—just destroy them, kill them—without using those for the benefit of—let's just choose one malady—kids with diabetes, virulent diabetes, who might lose their eyes, their hands, their feet. Why wouldn't we do everything in our power to utilize those rather than cast them aside as hospital waste? I cannot understand that. That is not pro-life; that is prodeath. Frankly, being pro-life is not just caring for the unborn, it is caring for the living as well.

While I will be voting for both S. 5 and S. 30, I believe that S. 5 is clearly preferable to S. 30. S. 5 permits Federal funding for embryonic stem cell research, S. 30 does not. S. 5 is the bill that will clearly make a significant difference in the future of medical research for all of the reasons I have outlined today.

I urge all of my colleagues to vote in favor of S. 5.

The PRESIDING OFFICER. The Senator has used 5 minutes.

Mr. HATCH. I thank my dear colleague for allowing me to make those remarks on the floor. This is an important debate. I hope we can get the 67 votes that are essential because we are going to get them someday. It is just, why put it off another 2 years?

I thank my colleague.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, I thank my colleague, my friend from Utah, for a very strong, very powerful, poignant statement. There has been no stronger leader in this Senate on health, life issues than Senator HATCH. I thank him for his support of S. 5.

Mr. President, I yield 5 minutes to Senator SMITH of Oregon.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. SMITH. Mr. President, I thank Senator HATCH and Senator HARKIN for their leadership on this vital issue.

The Senate today has conducted a very dignified debate on an issue that brings us right to the edge of science and faith. I have argued for several years now that science and faith need not be in conflict on this issue. I have always supported in vitro fertilization, believing that is a noble way to help infertile couples to be parents.

Today in America there are probably a million children who are now Americans because of this process. The inevitable consequence, however, of in vitro fertilization is that excess embryos are created. The question we are debating is, frankly, whether they constitute human life, when does life begin.

My colleague, Senator HATCH, has argued nobly and long for the proposition that life begins not with a scientist, it begins with a mother. It begins when cells and spirit are joined to create a living soul. If you have an embryo in a petri dish and you leave it there for 1,000 years, at the end of that time, you will have an embryo in a petri dish for the simple, logical reason that life begins with mom. Life begins with the joining of flesh and the spirit. Then the question becomes: Is it more moral to throw all these embryos away or is it more moral to allow them to be utilized for medical miracles? I have reached the conclusion that we cannot have tomorrow's miracles if we tie scientists' hands with yesterday's rules.

I believe we can, consistent with religion, faith, science, and logic, allow embryonic stem cell research to proceed. We should do this because it is morally right. We should do this because the U.S. Government needs to show up to work on this vital issue. We should do this because the resources we can provide and the ethical boundaries we can create are essential for this new area of science to go forward, giving us a chance to cure some of the most horrible maladies that afflict humankind, whether it is Lou Gehrig's, whether it is Parkinson's, childhood diabetes, cancer, and more. We can't overpromise, but the people afflicted with this that I see all the time in the State of Oregon need our best effort, and they need us to keep hope alive.

So I urge my colleagues to vote for both the bills before us today because it is a morally right thing to do. It is a pro-life thing to do. It is important that an ethic of life care for the unborn as well as for those who are living, both the sanctity of life and the quality of life.

I believe life begins with mom, not in a science lab. Because of that, I am voting for this, and I do so with respect for the feelings of my colleagues who have a different theological conclusion. I believe that scripture and science are not in conflict on this issue and that life begins with mother.

With that I yield the floor, and I urge and affirm the vote on both these important pieces of legislation.

The PRESIDING OFFICER (Mr. OBAMA). Who yields time?

Mr. HARKIN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator has 10 minutes of time as designee of the majority leader.

Mr. HARKIN. I thought I had 12 minutes left, until 5:15. Well, anyway, in closing, first let me thank my colleagues, Senator ISAKSON, Senator COLEMAN, Senator BROWNBACK, and others who have participated in this debate. It has been a very informed and a very good debate over the last 2 days. I thank my colleague, Senator ISAKSON, for his many courtesies. There were a lot of things we agree on and obviously there are things we disagree on, but that is the march of legislation in the Senate. I wish to thank Senator ISAKSON and others for their speeches and for their insight into this very important issue. I particularly wish to thank Senator HATCH and Senator SMITH for their great leadership on this and so many other health issues in the Senate and for their very poignant, very powerful statements they made on the Senate floor.

I started this whole debate yesterday morning by talking about hope, hope for cures for Parkinson's, to repair spinal cord injuries, to end the scourge of juvenile diabetes, to lift the death sentence of those afflicted with Lou Gehrig's disease, or ALS, hope for families with someone lost to Alzheimer's disease. S. 5, the bill before us that will be our first vote, is a bill that provides this hope, not a hope based on dreams or fiction but based on solid scientific foundation. It is why 525 disease-related groups and research institutions and universities all support S. 5, because it has solid scientific foundation. It is why the Director of NIH, Dr. Zerhouni, recently said more embryonic stem cell lines needed to be investigated:

> It is clear today that American science would be better served and the Nation would be better served if we let our scientists have access to more cell lines.

That is what S. 5 does: provides more cell lines.

It is why the former Director of NIH, Dr. Varmus, a Nobel laureate, supports S. 5, to take the handcuffs off our scientists. I wish to make it again abundantly clear, as there has been a lot of misinformation in the last couple of days on the floor, that S. 5 somehow contains money for the destruction of embryos. That is not true. I challenge anyone to show me in the bill anywhere where it contains any money for the destruction of embryos. It is simply not true. Anyone who says otherwise is simply not being accurate.

There are those who say: Well, the Federal Government shouldn't get involved. We can leave it up to the States and private entities. Well, we can't do that. We need coherence. We need to have the crown jewel of the Federal Government, the National Institutes of Health, to oversee this so we have good, strong ethical guidelines, so we have compatibility, so we have the kind of interplay between scientists that is necessary to advance scientific research. To leave it up to the States means we will have a patchwork quilt of laws all over this country when it should be a national effort—a national effort. Then we will have States bidding against one another for scientists to come to their States to do this research. We don't want that to happen.

Lastly, we cannot afford to lose our global leadership in biomedical research. We, the United States of America, have always been the world's leader in biomedical research. All the great scientific discoveries, whether it is the polio vaccine, smallpox, all these things that have made our lives better; all the new drugs we have for fighting AIDS around the world came from the United States. All the cancer interventions, the reason cancer is now on the decline is because of biomedical research in this country. We can't afford to lose that to other countries. We need to keep it in America.

So what it comes down to in the final analysis is simply this: If you want to promote good science, vote for S. 5. If you want strong ethical standards, S. 5 has the strongest ethical guidelines, stronger than what the Bush administration has right now and stronger than any other bill that has come before the floor of the Senate. If you want to move ahead with more cell lines, as Dr. Zerhouni wants, S. 5 is the bill that will provide those cell lines. If you want to put embryonic stem cell research into overdrive, to make it a national priority to do this research, S. 5 will put it into overdrive. If you want to say to Karli Borcherding right here, age 12, using 120 needles a month to give herself insulin shots because she has juvenile diabetes; if you want to say to Karli Borcherding and all the other kids with juvenile diabetes, if you want to say to them that we are going to give you hope, we are going to give you hope that your diabetes will be cured, hope that you can live a full and normal life; if you want to say to those families who have a loved one suffering from Alzheimer's, we are going to give you hope; if you want to say to those who have a family member suffering from Parkinson's disease or under the death sentence of ALS, we are going to give you hope—hope not based upon fiction, not based upon some will-of-the-wisp thoughts that somebody might have but hope based on solid science that scientists know we can use.

We have already taken embryonic stem cells and made nerve cells, motor neurons, bone cells, heart muscle cells. We know that it can be done. Yet our scientists are handcuffed today because of the policy laid down by President Bush on August 9 of 2001. It is time to lift those restrictions.

Some say the President will veto this bill. We can't decide what we do around here because a President—any President—threatens to veto something. We have to do what is right. We have to do what the people of America want us to do. We have to do what is in the best interests of this country as we see our duty to do it. I hope the President will sign this bill. I hope he will see we have made our compromises, that we have strong ethical guidelines, that this is the way to give hope to Karli Borcherding.

So I hope we don't fall prey to: Well, we can't pass this because the President will veto it. We have to do what we think is right. The right thing to do is to support S. 5. As Senator HATCH so eloquently said, let those thousands of embryos that are being discarded every year in in vitro fertilization clinics, let them be used to provide life to other people, hope to Karli Borcherding, hope for people suffering from multiple sclerosis, spinal cord injuries. To me, that is the true ethical course to take. That is the guideline I think we must follow. Let those embryos be used to provide hope to these people.

Mr. President, I see my colleague and a cosponsor of our bill who has been a leader on this issue for so many years, and I yield the remainder of our time to Senator SPECTER of Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, on so many merits, the support has been overwhelming to allow Federal funds to be used for embryonic stem cell research. There are 400,000 of these embryos which will be discarded. If they can produce life, no one would want to have research done. The fact is we appropriated $2 million and only about 135,000 of those 400,000 embryos have been used. So it is a matter of use them or lose them, pure and simple.

The only reason not to advance this research is on the life issue, and that is gone. We have had some of the staunchest pro-life supporters in this Chamber endorsing this bill and this concept. The potential for medical research to cure or ameliorate the worst maladies of our era will be present with the use of embryonic stem cell research. What is involved here is when the people of the United States will demonstrate sufficient political will to insist that the Congress and the White House adopt legislation to use Federal funding for embryonic stem cell research. That is the only question.

We started this on December 2, 1998, with the first hearing, and we have made a fair amount of progress. It is my hope the President will sign the bill and not veto it, but he has already said he will veto the bill. So with 110 million Americans directly, personally, or indirectly, through families with a stake on their health and on their family's health, it is a question of when America will move to insist the Congress act and, if necessary, override a Presidential veto. It is not a question of if it will be done, it is a question of when. I hope this discussion and the proceedings now will motivate the American people to say to Washington: Get it done.

The PRESIDING OFFICER. The Senator's time has expired.

The Senator from Kansas, under the previous agreement, is now controlling time and has 10 minutes.

Mr. BROWNBACK. Mr. President, I want to give two numbers to my colleagues: 613 and zero—$613 million spent on embryonic stem cell research since 2002 and the number of human treatments we have to show for it, which is zero, 613 to zero. I think those are two important numbers to remember when what we are after is cures, and we have cures to show. We have cures that are working, and we can take the next $613 million and invest it in places that are getting cures, such as adult stem cells, cord blood, and amniotic fluid.

Do we want to spend another $613 million and use Federal taxpayer dollars to destroy young human life in the process—an ethical boundary we have not thought wise to cross before? Do we want to cross that boundary and spend more money and still not get results, when we have a proven route we can take?

I urge my colleagues to reject and vote against S. 5 on two grounds. No. 1, ethical grounds. Embryonic stem cell research, even if presented in supposedly ethical terms, remains unethical, with the destruction of human life. No. 2, practical grounds. We don't have an infinite budget, and in the stem cell field, we need to put our money into areas where we are getting real results—the adult field—and not divert them to the speculative embryonic stem cell field. Let the private sector or the States do it. If they want to go into these areas, they can do so.

Let me discuss ethics. Will we sanction the destruction of nascent human life with Federal taxpayer dollars? That is the central question surrounding S. 5. Those voting for it would say yes. I say no. I respect my colleagues who look at this differently, but those are the facts.

No. 2, individuals should be treated with respect, whoever they are, wherever they are located, at whatever age or stage of life they are in. We should avoid prejudices. Each individual has an inalienable right to life.

Claims that embryos are merely "potential life" are not supported by the science. From biology textbooks, we learn:

> Although life is a continuous process, fertilization is a critical landmark because, under ordinary circumstances, a new, genetically distinct human organism is thereby formed. . . .

It takes place in the beginning. The embryo is not "potential life," it is human life at that particular stage of development in the life cycle continuum. That is not SAM BROWNBACK; that is biology. The embryo would continue along the life cycle continuum if we were not interfering in its normal development by keeping it in a freezer or destroying it for experiments.

With the scientific fact in hand, we evaluate the facts in light of our ethical framework. For instance, we know the human embryo is a human life, so how should we treat it?

Human life has immeasurable value—we can all agree on that—from the youngest to the oldest. Human beings are ends in themselves. It is wrong to use any human as a means to an end, period. That has happened in human history before. It has always been regretted. Our value is intrinsic. Yes, we want to help and treat people with medical conditions, but we must not trample upon any human to achieve such a good end.

Treatments. There remain no embryonic human treatments or applications despite 25 years of embryonic work in animal models and a decade of work with human embryonic stem cells, and $613 million has been invested since 2002 at the Federal level. That doesn't include States, private, and other governments.

What we have learned about embryonic stem cells is that these cells form tumors when implanted. The scientific literature abounds with such stories. If you read this article from "Stem Cells," you will find this:

> The expression of the insulin gene could be demonstrated only when the cells differentiated in vivo into teratomas.

Those are tumors.

Moving from the ethical to the practical, should we put millions or billions of dollars into speculative research on these tumor-forming embryonic stem cells or should we put our money where we are already getting strong results with adult stem cells?

I have this. It is the front page of the research journals on adult and cord blood stem cell research and the successes since 2002. Are there similar files for embryonic stem cells? No, there are none. Adult stem cells have no ethical strings attached. You can get them from an adult without causing the patient harm; you can harvest them from rich cord blood, and, as noted in the Journal of the American Medical Association on March 7 of this year, they can be obtained from amniotic fluid without causing harm to the unborn child.

When we started this debate yesterday, we were aware of at least 72 peer-reviewed, real human treatments and applications using adult stem cells. Now, with the breaking news yesterday on juvenile diabetes from Northwestern University in Chicago, worked on in Brazil, we are at 73. Again, there remain no embryonic stem cell applications.

I say to my colleagues, remember Jacki Rabon, a lady from Illinois, a constituent of the Senators from Illinois, who has spinal cord injuries. She had to go to Portugal to be treated. Do not divert funds away from successful adult stem cell treatments and force your constituents to go to Portugal at great personal expense. Vote against S. 5 and put the money into adult stem cell research.

Remember David Foege. For your constituents who have heart disease, do not divert funds away from successful adult stem cell treatments. Do not force your constituents to go to Bangkok at great personal expense. Vote against S. 5.

Remember Dennis Turner. For your constituents with Parkinson's, don't divert funds away from successful adult stem cell treatments. Let us provide these treatments here in America. Vote against S. 5.

Remember the 13 diabetes patients whom we learned about yesterday who have gone 3 years insulin-free using a treatment with their own adult stem cells. Don't divert these funds away from this area. Vote against S. 5.

Mr. President, the Proverbs tell us that there is a way that seems right to man, but its end is the way of death. That seems right to some people. I respect their opinion and I respect them, but its end is the way of death. Killing young human life harms us as a culture, when we treat human life as property. We have done that, and we don't like the history associated with it.

These embryonic stem cells form tumors. Tumors remind me of death. Do we want to go that way, even though it may seem right? These embryos are going to be destroyed, so why not? Somebody on death row is going to be destroyed, so why not? Because they have dignity, and they remain dignified. We should treat them with dignity, as we should here. Vote against S. 5.

I yield the floor.

HONORING OUR ARMED FORCES

STAFF SERGEANT BRADLEY D. KING

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Gas City. Bradley King, 28 years old, was killed on April 2 while deployed in Al Amiriyah, Iraq, when a roadside bomb exploded near his humvee. With his entire life before him, Bradley risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Bradley attended Mississinewa High School, enlisting in the National Guard in 1997, a year before his graduation in 1998. Bradley enjoyed the military and felt a sense of duty to serve his community and country. The day before he was deployed, Bradley told his mother that he felt "called to serve in the military for his country." His aunt described Bradley as "a responsible young man determined to do his best for the people he loved."

Bradley was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 152nd Infantry Regiment, 76th Infantry Brigade, Marion, IN. MSG Bill Wallen, King's supervisor, told local media, "he was a heck of a human being, he's what everybody else needs to be in this world." Staff Sergeant King leaves behind his wife Adrian and 15-month-old son Daethan.

Today, I join Bradley's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Bradley, a memory that will burn brightly during these continuing days of conflict and grief.

Bradley was known for his dedication to his family and his love of country. Today and always, Bradley will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Bradley's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Bradley's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Bradley D. King in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Bradley's can find comfort in the words of the prophet Isaiah, who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Bradley.

1ST LIEUTENANT NEALE SHANK

Mr. President, I also rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Fort Wayne. Neale Shank, 25 years old, died on March 30 while deployed in Baghdad on Operation Iraqi Freedom. With his entire life before him, Neale risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Neale has been a lifelong Hoosier, graduating from Concordia Lutheran High School in Fort Wayne in 1999. First Lieutenant Shank graduated from the U.S. Military Academy at West Point in 2005. His valor over the course of his service in Iraq exemplifies Hoosier values and courage. He decided to attend West Point because, as he put it, "it is not a job and it is not a way of life, the Army is my life." Neale enjoyed the military, and he believed that throughout all the hardships they faced he and his company were helping the Iraqi people. His grandfather described his grandson to local media outlets as an adventurous, active person saying, "He was all boy, he wasn't no inside kid."

Neale died while serving his country in Operation Iraqi Freedom. He was a member of the Headquarters and Headquarters Troop, 1st Squadron, 89th Cavalry Regiment, 10th Mountain Division based in Fort Drum, NY.

Today, I join Neale's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Neale, a memory that will burn brightly during these continuing days of conflict and grief.

Neale was known for his dedication to his community and his love of country. Today and always, Neale will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Neale's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neale's actions will live on far longer than any record of these words.

It is my sad duty to enter the name of Neale M. Shank in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy, and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Neale's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Neale.

PRIVATE FIRST CLASS ORLANDO E. GONZALEZ

• Mr. DODD. Mr. President, I rise today to pay my respects to Private First Class Orlando E. Gonzalez, who last month lost his life in the service of our country.

On the morning of Sunday, March 25, Private First Class Gonzalez was handing out candy to Iraqi children in the province of Diyala when a suicide bomber killed him and three other soldiers. Private First Class Gonzalez was only 21 years old.

Born in Bridgeport, CT, Orlando is being remembered today for his dedication to the U.S. Army, and for his warm and giving nature. "He always had a smile on his face," said his high school principal, Brian Cashman. "He was kind of a handful, but you couldn't help but like him."

Private First Class Gonzalez rose above what his principal described as a "rough" background to find purpose and discipline: first at a faith-based camp for students, and then as an American soldier.

"We just loved him around here," said Patrick LeBlanc, director of Summit Grove Camp. The first thing that came to LeBlanc's mind on hearing of Orlando's death was his infectious playfulness. LeBlanc recalled seeing a wild rabbit on the camp grounds, and telling Orlando he was fast enough to catch it. Orlando only nodded—and a few hours later, knocked on LeBlanc's door, petting the rabbit and beaming.

But it was in the Army that Private First Class Gonzalez found, as so many have found before him, meaning and a second home. "I think the Army is what he needed," said Principal Cashman. Patrick LeBlanc agreed: "It was the second happiest place I'd seen him, other than camp here. . . . He was doing what he wanted to do."

As a scout javelin gunner for the 82nd Airborne Division, 3rd Brigade Combat Team, 5th Squadron, 73rd Cavalry Regiment, Private First Class Gonzalez immediately distinguished himself. "On a daily basis, Private First Class Gonzalez displayed courage, honor, and selfless service in the struggle to keep America safe and improve the nation of Iraq," said Captain John Carson of the 73rd Cavalry. Private First Class Gonzalez was already highly decorated at the time of his death, and we can only wonder what an outstanding career might have been waiting for him.

Instead, Private First Class Gonzalez leaves behind two grieving parents, Orlando G. Gonzalez of Bridgeport, and Carmen Diaz of New Freedom, PA. But he leaves behind, as well, an example of dedication that won't soon be dimmed.

"This hero will be sorely missed and will forever live in our memories," said Captain Carson.

Orlando, though, might have used other words. "Call him a hero and he would get mad," Orlando's friend and pastor, the Reverend Paul Juchniewich, said in a funeral sermon. "He would just say he was doing his duty to rescue those who are in peril. He did not die in a conventional battle, but rather a battle for the hearts and minds of the future generation."

The struggle's outcome is still uncertain. But we will keep fresh the memory of one man who advanced it with all his strength, Private First Class Orlando E. Gonzalez, whose last act on this Earth was to give.●

LOCAL LAW ENFORCEMENT ENHANCEMENT ACT OF 2005

Mr. SMITH. Mr. President, I rise today to speak about the need for hate crimes legislation. Each Congress, Senator KENNEDY and I introduce hate crimes legislation that would add new categories to current hate crimes law, sending a signal that violence of any kind is unacceptable in our society. Likewise, each Congress I have come to the floor to highlight a separate hate crime that has occurred in our country.

On April 7, 2007, in New York City, NY, Akino George pleaded guilty for his part in the beating of a gay man. George and three other men attacked Kevin Aviance, a popular entertainer, after he left a gay bar. The four men threw bags of garbage and a can of paint at Aviance before knocking him to the ground, punching and kicking him. Aviance suffered several injuries including a broken jaw. George testified in his plea that Aviance was targeted for being gay.

I believe that the government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act is a symbol that can become substance. I believe that by passing this legislation and changing current law, we can change hearts and minds as well.

TRIBUTE TO THE PEACE CORPS

Mr. CONRAD. Mr. President, today I wish to congratulate the Peace Corps on its 46th anniversary and to pay tribute to the many volunteers both at home and abroad for their dedicated service to our country.

Since its inception in 1961, the Peace Corps has helped change the lives of millions of people all over the world. There is no organization that better demonstrates America's commitment to developing nations than the Peace Corps.

I recently had the opportunity to travel to South America and was able to meet with Peace Corps volunteers in the Andean region. The numerous projects they have been working on to help the local communities are truly impressive. I have known several individuals—members of my staff, former interns and my own family members—who have volunteered their service to the Peace Corps. The stories of their experiences are remarkable.

The gift of service is driven by a passion for something greater than one's self. The men and women of the Peace Corps possess this passion and have shown what a difference one person can make. By helping individuals in developing countries who seek a better life for themselves, their children, and their communities, the Peace Corps shows the world that Americans do truly care. It is vital that the organization and its volunteers continue this important work. Their service is greatly appreciated, and I commend the Peace Corps and its volunteers on 46 years of successful service.

SECOND CHANCE ACT

Mr. OBAMA. Mr. President, I rise today to speak in favor of the Recidivism Reduction and Second Chance Act, a bill to strengthen community safety and reduce poverty by improving the reintegration of people returning from prison. I am pleased to work with Senators BIDEN, SPECTER, BROWNBACK, and LEAHY as a cosponsor of this very important bill.

It is estimated that approximately 650,000 prisoners are released into communities across America every year. They have paid their debt to society and now return to their homes and neighborhoods, to their families, and back to their lives.

The problem is that for most of these returning prisoners, their families, neighborhoods, and prior lives often lack what it takes to ensure successful reintegration.

In the best of cases, incarcerated individuals maintain contact with their families and receive rehabilitation services while in prison; they are released to a network of law-abiding peers and quickly find a rewarding job that provides the skills and career development for long-term opportunity. Released prisoners can help support their families, become active in their churches and other community organizations, stay off drugs, away from trouble, on track, and out of jail.

Unfortunately, that rarely happens. Up to two-thirds of all released prisoners nationwide end up back in prison within just 3 years. They don't manage to find and keep effective jobs and to care for themselves and their families. Many become a drain on their families and a drain on the system. They are more likely to resort to criminal activity and to perpetuate poverty and family dysfunction.

Their failure is our failure since we all share the high cost, lost opportunities, and other burdens of unemployment, crime, community failure, and cycles of recidivism.

Fortunately, people have been hard at work in hundreds of communities and community organizations all across the country to improve the process of reintegrating prisoners. As one example, the Safer Foundation in Illinois has managed to cut the State's recidivism rate by almost 50 percent for the people who receive Safer's supportive employment services. And Safer has further demonstrated that ex-prisoners who are still employed after 12 months of supportive services have a recidivism rate of lower than 10 percent. One of Safer's program models, funded by the U.S. Department of Labor, provides participants with job placement and support services, and matches them with mentors from the neighborhoods where the participants reside. Only 2 percent of the participants in this community and faith-based program recidivated over a 2-year period.

One of the most effective reentry strategies that Safer, the Heartland Alliance for Human Needs and Human Rights, and other nonprofit organizations have devised is transitional jobs, a strategy that worked for welfare to work, and is now working for prison returnees. In a transitional jobs program, former prisoners with employment challenges are hired and paid a wage for legitimate employment in a time-limited, subsidized job. The program not only offers real work, income, skill development, and a letter of reference and experience to add to their resume, it also offers coaching and support services to help participants overcome substantial barriers to employment, such as substance abuse or mental health issues. The program focuses heavily on placement into unsubsidized work at the earliest possible time and job retention services after placement.

The participants in transitional jobs programs gain an immediate source of legitimate income upon release. They also gain paid work experience, access to professional counseling and training services, and a clear path to unsubsidized employment in the community. Employers gain access to a pipeline of supported workers who have demonstrated an ability to do the job and remain employable. Most of all, our communities gain by helping ex-prisoners to contribute positively to family, neighborhood, and the larger environment.

Too many people are caught up in the criminal justice system. Especially within the African-American community where nearly a third of Black males will enter State or Federal prison sometime during their lifetime. Communities are protected and strengthened when people who break the law are punished appropriately. But communities—all communities, including yours and mine—are weakened if we neglect the challenges of rehabilitation and reentry.

To improve the integration of former prisoners and to reduce recidivism is in all of our best interests. A well-designed reentry system can enhance public safety, reduce recidivism, reduce costs, and help prisoners achieve long-term integration. The Second Chance Act is an important effort to strengthen America's communities. The bill is supported by a wide range of organizations, and I urge my colleagues to join us in passing this important legislation.

ADDITIONAL STATEMENTS

RECOGNIZING STELLA WILDRICK

• Mr. STEVENS. Mr. President, today I want to recognize the devoted service of Stella Wildrick, who will retire on April 27, 2007, after 15 years as Postmistress for Lake Minchumina, AK.

Lake Minchumina is situated near the geographical center of Alaska, 65 miles north-northwest of our great Denali National Park. A remote and rural community accessible only by air, Lake Minchumina depends upon mail service for the delivery of food, clothing, and supplies, as well as correspondence.

As Postmistress, Stella has been a very important person in this community where everything that cannot be harvested or made from the land must be flown in.

Throughout the past 15 years, Stella has also been an asset to the U.S. Postal Service as a professional, friendly, dependable and always helpful representative. With advances in technology, Postmistress Wildrick has overseen many changes to the mail service in Lake Minchumina.

The people of Lake Minchumina and Alaska are deeply grateful for her sacrifice and willingness to go above and beyond the usual to ensure quality mail service.

I commend Postmistress Wildrick for her dedication to the Lake Minchumina community and wish her all the best in her well-deserved retirement.•

COMMENDING THE WORK OF STUDENT EMPLOYEES

• Mr. COLEMAN. Mr. President, today I recognize and celebrate students who work while attending college as part of the University of Minnesota Duluth's, UMD, National Student Employment Week.

During the week of April 9–13, 2007, UMD will honor the approximately 1,500 student employees during their National Student Employment Week. I applaud these students for going above and beyond their studies to give back to UMD, and I encourage employers to thank them for their contributions.

I would like to give special congratulations to UMD's 2007 National Student Employment Week Awardees: Derric Johnson, Student Employee of the Year; Carly Moritz, First Runner Up; and Meghan Keil and Phong Yang, Second Runners Up.

I also commend the work of Marinda Batzlaff, Josh Baumann, Ann Beacom, Samuel Bradley, Ruta Embaye, Courtney Grandahl, Kelly Gunelson, Christine Hirsch, Brittany Jurek, Krista Kniffin, Bryan LaCore, Cal Larson, Christina Lashyro, Abigail Linder, Emily Lubbert, Jessica Lutgen, Aaron Miller, Calley O'Neil, Ashton Portner, Hilary Ramsey, Thomas Rieck, Jessica Robey, Bud Rodecker, Anthony Rostvold, Taryn Runck, Michael Schumacher, Clay Sharkey, and Sheena Stueber.

Again, I thank all of these students for their hard work and wish them the best of luck at UMD and in their future careers.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations and two withdrawals which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

At 5:18 p.m., a message from the House of Representatives, delivered by one of its clerks, announced that the Speaker has signed the following enrolled bill:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1271. A communication from the Administrator, Fruit and Vegetable Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Fee for Inspecting Fruits and Vegetables, Processed" (RIN0581–AC56) received on April 4, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1272. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Tomatoes Grown in Florida; Change in Handling Requirements" (Docket No. AMS–FV–06–0208) received on April 4, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1273. A communication from the Administrator, Agricultural Marketing Service, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Hazelnuts Grown in Oregon and Washington; Establishment of Final Free and Restricted Percentages for the 2006–2007 Marketing Year" (Docket No. AMS–FV–06–0175) received on April 4, 2007; to the Committee on Agriculture, Nutrition, and Forestry .

EC–1274. A communication from the Administrator, Risk Management Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Common Crop Insurance Regulations; Almond and Walnut Crop Insurance Provisions" (RIN0563–AC08) received on April 10, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1275. A communication from the Chairman, Defense Nuclear Facilities Safety Board, transmitting, pursuant to law, its annual report relative to the Board's health and safety activities relating to defense nuclear facilities; to the Committee on Armed Services.

EC–1276. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Electronic Submission and Processing of Payment Requests" (DFARS Case 2005–D009) received on April 10, 2007; to the Committee on Armed Services.

EC–1277. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Prohibition on Acquisition from Communist Chinese Military Companies" (DFARS Case 2006–D007) received on April 10, 2007; to the Committee on Armed Services.

EC–1278. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "New Designated Countries" (DFARS Case 2006–D062) received on April 10, 2007; to the Committee on Armed Services.

EC–1279. A communication from the Director, Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Free Trade Agreements—Guatemala and Bahrain" (DFARS Case 2006–D028) received on April 10, 2007; to the Committee on Armed Services.

EC–1280. A communication from the Director, Pentagon Renovation and Construction Program Office, Department of Defense, transmitting, pursuant to law, an annual report on the Office's work in progress, completed and planned before March 1, 2007; to the Committee on Armed Services.

EC–1281. A communication from the Deputy Chief of Legislative Affairs, Department of the Navy, transmitting, pursuant to law, a report relative to the Department's performance decision to transfer certain functions to contract workers; to the Committee on Armed Services.

EC–1282. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the critical skills retention bonus program; to the Committee on Armed Services.

EC–1283. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, the report of (10) officers authorized to wear the insignia of the grade of brigadier general in accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

EC–1284. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, the annual Selected Acquisition Reports for the quarter ending December 31, 2006; to the Committee on Armed Services.

EC–1285. A communication from the Deputy Secretary of Defense, transmitting, pursuant to law, a report relative to the threat posed by improvised explosive devices; to the Committee on Armed Services.

EC–1286. A communication from the Paralegal, Federal Transit Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Clean Fuels Grant Program" (RIN2132–AA91) received on April 3, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1287. A communication from the Counsel for Legislation and Regulations, Office of the Secretary, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Revisions to the Public Access to HUD Records Under the Freedom of Information Act Regulations" (RIN2501–AD22) received on April 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1288. A communication from the Counsel for Legislation and Regulations, Office of Community Planning and Development, Department of Housing and Urban Development, transmitting, pursuant to law, the report of a rule entitled "Timeliness Expenditure Standards for the Insular Areas Program" (RIN2501–AD15) received on April 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1289. A communication from the Assistant to the Board, Federal Reserve System, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (Docket No. R–1279) received on April 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1290. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving U.S. exports to Singapore; to the Committee on Banking, Housing, and Urban Affairs.

EC–1291. A communication from the Acting General Counsel, Department of Housing and Urban Development, transmitting, pursuant to law, the report of the designation of an acting officer for the position of General Counsel, received on April 10, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1292. A communication from the Acting Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report relative to the Department's activities during calendar year 2006 under the Equal Credit Opportunity Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1293. A communication from the Chairman, Securities and Exchange Commission, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1294. A communication from the Chairman and President of the Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to transactions involving U.S. exports to the United Arab Emirates; to the Committee on Banking, Housing, and Urban Affairs.

EC–1295. A communication from the Executive Director, National Credit Union Administration, transmitting, pursuant to law, a report on the use of category rating; to the Committee on Banking, Housing, and Urban Affairs.

EC–1296. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Revision of Methods for Renewing and Replacing Permits Issued Under the West Coast Highly Migratory Species Fishery Management Plan" (RIN0648–AU91) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1297. A communication from the Attorney Advisor, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a nomination for the position of General Counsel, received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1298. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, the Commission's annual report relative to the implementation of the Do Not Call Registry; to the Committee on Commerce, Science, and Transportation.

EC–1299. A communication from the Assistant Secretary, Office of Legislative and Intergovernmental Affairs, Department of Homeland Security, transmitting, pursuant to law, a report relative to the Critical Skills Retention Bonus program; to the Committee on Commerce, Science, and Transportation.

EC–1300. A communication from the Assistant Administrator for Fisheries, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries off West Coast States; Pacific Coast Groundfish Fishery; Biennial Specification and Management Measures; Correction" (RIN0648–AU57) received on April 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1301. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule; Inseason Summer Flounder Quota Transfer from NC to VA" (ID No. 031207A) received on April 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1302. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Elephant Trunk Scallop Access Area Closure for General Category Scallop Vessels" (ID No. 031307A) received on April 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1303. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Catcher Vessels Using Trawl Gear in the Bering Sea and Aleutian Islands Management Area" (ID No. 030907A) received on April 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1304. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 032007A) received on April 10, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1305. A communication from the Honors Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Procedures for Reimbursement of General Aviation Operators and Service Providers in the Washington, D.C. Area" (RIN2105–AD61) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1306. A communication from the Senior Attorney, Office of General Counsel, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Time Zone Boundaries in the State of Indiana" (RIN2105–AD53) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1307. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class D Airspace; Griffiss Airfield, Rome, NY" ((RIN2120–AA66)(Docket No. 06–AEA–014)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1308. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Newton Field, ME" ((RIN2120–AA66)(Docket No. 06–ANE–01)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1309. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Bethel Regional Airport, ME" ((RIN2120–AA66)(Docket No. 06–ANE–02)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1310. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E Airspace; Santa Cruz, CA" ((RIN2120–AA66)(Docket No. 06–AWP–17)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1311. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Change to Controlling Agency of Restricted Area 2312; Fort Hauchuca, AZ" ((RIN2120–AA66)(Docket No. 06–ASW–11)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1312. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revocation of Low Altitude Reporting Point; AK” ((RIN2120-AA66)(Docket No. 06-AAL-30)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1313. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class D and E Airspace; Big Delta, Allen Army Airfield, Fort Greely, AK” ((RIN2120-AA66)(Docket No. 06-AAL-31)) received on April 1, 2007; to the Committee on Commerce , Science, and Transportation.

EC-1314. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment, Modification and Revocation of VOR Federal Airways; East Central United States” ((RIN2120-AA66)(Docket No. 06-ASW-1)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1315. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment, Modification and Revocation of VOR Federal Airways; East Central United States” ((RIN2120-AA66)(Docket No. 06-ASW-1)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1316. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Revision of Class D Airspace, Mesa, AZ” ((RIN2120-AA66)(Docket No. 06-AWP-016)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1317. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Change to Time of Designation of Restricted Area 6320; Matagorda, TX” ((RIN2120-AA66)(Docket No. 06-ASW-12)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1318. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Modification of VOR Federal Airway V-2; East Central United States” ((RIN2120-AA66)(Docket No. 06-ASW-13)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1319. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300 and A300-600 Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-288)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1320. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; McDonnell Douglas Model DC-8-55, DC-8F-54, and DC-8F-55 Airplanes; and Model DC-8-60, DC-8-70, DC-8-60F, and DC-8-70F Series Airplanes” ((RIN2120-AA64)(Docket No. 2001-NM-183)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1321. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A310-300 Airplanes” ((RIN2120-AA64)(Docket No. NM-065)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1322. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Dassault Model Mystere-Falcon 50 and 900, and Falcon 900EX Airplanes; and Model Falcon 2000 and Falcon 2000EX Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-113)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1323. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-209)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1324. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A330-200, A330-300, A340-200, A340-300, A340-500, and A340-600 Series Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-274)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1325. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Gulfstream Aerospace LP Model Gulfstream 100 Airplanes, and Model Astra SPX and 1125 Westwind Astra Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-286)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1326. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A310 Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-247)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1327. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Turbomeca Arriel 2B1 Turboshaft Engines” ((RIN2120-AA64)(Docket No. 2007-NE-02)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1328. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments” ((RIN2120-AA65)(Amdt. No. 3204)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1329. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Standard Instrument Approach Procedures (62)” ((RIN2120-AA65)(Amdt. No. 3206)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1330. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300 B4-605R Airplanes and Model A310-308, -324, and -325 Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-146)) received on April 3 , 2007; to the Committee on Commerce, Science, and Transportation.

EC-1331. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 757 Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-121)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1332. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 747 Airplanes” ((RIN2120-AA64)(Docket No. 2005-NM-261)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1333. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Bombardier Model CL-600-2B19 Airplanes” ((RIN2120-AA64)(Docket No. 2006-NM-172)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1334. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Boeing Model 737-100, -200, -200C, -300, -400, and -500 Series Airplanes” ((RIN2120-AA64)(Docket No. 2005-NM-141)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1335. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Airworthiness Directives; Airbus Model A300 Airplanes; Model A300 B4-601, B4-603, B4-620, B4-622, B4-605R, B4-622R, F4-605R, F4-622R, and C4-605R Variant F Airplanes; and Model A310 Airplanes” ((RIN2120-AA64)(Docket No. 2003-NM-123)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1336. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class E Airspace; Ridgway, PA” ((RIN2120-AA66)(Docket No. 06-ANE-03)) received on April 1 , 2007; to the Committee on Commerce, Science, and Transportation.

EC-1337. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled “Establishment of Class D Airspace; Griffiss Airfield, Rome, NY” ((RIN2120-AA66)(Docket No. 06-ANE-014)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC-1338. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E-2 Airspace; Griffiss Airfield, Rome, NY" ((RIN2120–AA66)(Docket No. 06–AEA–015)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1339. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Establishment of Class E–2 Airspace; Griffiss Airfield, Rome, NY" ((RIN2120–AA66)(Docket No. 06–ANE–015)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1340. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Standard Instrument Approach Procedures (34)" ((RIN2120–AA65) (Amdt. No. 3202)) received on April 1, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1341. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–004)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1342. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–62)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1343. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Rolls-Royce Deutschland Ltd. and Co. KG Tay 611–8, Tay 620–15, and Tay 651–54 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–19)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1344. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; DORNIER LUFTFAHRT GmbH Model 228–212 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–86)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1345. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Dassault Model Mystere-Falcon 900 and Falcon 900EX Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–244)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1346. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pratt and Whitney PW2000 Series Turbofan Engines" ((RIN2120–AA64)(Docket No. 2006–NE–11)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1347. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Reims Aviation S.A. F406 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–91)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1348. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–078)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1349. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–100, –200, and –300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–077)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1350. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–130)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1351. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–053)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1352. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–100B SUD, 747–200B, 747–300, 747–400, 747–400D, and 747SP Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–092)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1353. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca Arriel 1 Series Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2006–NE–28)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1354. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–43)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1355. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 747–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–090)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1356. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Short Brothers and Harland Ltd. Models SC–7 Series 2 and SC–7 Series 3 Airplanes" ((RIN2120–AA64)(Docket No. 2000–CE–17)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1357. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Sicma Aero Seat, Passenger Seat Assemblies" ((RIN2120–AA64)(Docket No. 2006–NE–04)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1358. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–65)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1359. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–150)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1360. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Gippsland Aeronautics Pty. Ltd. Model GA8 Airplanes" ((RIN2120–AA64)(Docket No. 2007–CE–006)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1361. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Makila 1A and 1A1 Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2006–NE–39)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1362. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd., PC–6 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–54)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1363. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model A300 C4–605R Variant F Airplanes; and A310 Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–18)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1364. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Superior Air Parts, Inc., Cast Cylinder Assemblies Part Numbers Series: SA47000L , SA47000S, SA52000, SA55000, SL32000W, SL32000WH, SL32006W, SL36000TW, SL36000W, and SL36006W" ((RIN2120–AA64)(Docket No. 2006–NE–32)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1365. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–102, –103, and –106 Airplanes; and Model DHC–8–200 and DHC–8–300 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–206)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1366. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model CL–600–2B19 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–194)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1367. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA Model TBM 700 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–60)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1368. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CFM International CFM56–5 and –5B Series Turbofan Engines" ((RIN2120–AA64) (Docket No. 2001–NE–49)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1369. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Raytheon Aircraft Company 65, 90, 99, 100, 200, and 1900 Series Airplanes, and Models 70 and 300 Airplanes" ((RIN2120–AA64) (Docket No. 2003–CE–51)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1370. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EADS SOCATA TBM 700 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–64)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1371. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170–100 LR, –100 STD, –100 SE, –100 SU, –200 LR, –200 STD, and –200 SU Airplanes and Model ERJ 190 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–221)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1372. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; EXTRA Flugzeugproduktions- und Vertriebs- GmbH Models EA–300, EA–300S, EA–300L, and EA–300/200 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–56)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1373. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Alpha Aviation Design Limited R2160 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–81)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1374. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–097)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1375. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–198)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1376. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Construcciones Aeronauticas, S.A., Model C–212 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–291)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1377. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–115)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1378. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767–200 and –300 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–071)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1379. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Limited PC–12 and PC–12/45 Airplanes" ((RIN2120–AA64) (Docket No. 2006–CE–70)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1380. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes; and Model A300 B4–600, B4–600R, and F4–600R Series Airplanes, and Model C4–605R Variant F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–186)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1381. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 777–200, –300, and –300ER Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–080)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1382. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Fokker Model F27 Mark 050 and F.28 Mark 0070 and 0100 Airplanes" ((RIN2120–AA64) (Docket No. 2005–NM–259)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1383. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A310 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–149)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1384. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–168)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1385. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 737–600, –700, –700C, –800, and –900 Series Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–051)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1386. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Saab Model SAAB-Fairchild SF340A and SAAB 340B Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–067)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1387. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Boeing Model 767 Airplanes" ((RIN2120–AA64) (Docket No. 2003–NM–269)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1388. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–10–10, DC–10–10F, DC–10–15, DC–10–30, and DC–10–30F Airplanes; Model DC–10–40 and DC–10–40F Airplanes Equipped with Pratt and Whitney JT9–20 or JT9–20J Engines; and Model MD–10–10F and MD–10–30F Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–177)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1389. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Learjet Model 23, 24, 24A, 24B, 24B–A, 24C, 24D, 24D–A, 24E, 24F, 24F–A, 25, 25A, 25B, 25C, 25D, 25F, 28, 29, 31, 31A, 35, 35A, 36, 36A, 55, 55B, and 55C Airplanes" ((RIN2120–AA64) (Docket No. 2006–NM–083)) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1390. A communication from the Honors Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Participation by Disadvantaged Business Enterprises in Airport Concessions" (RIN2105–AD51) received on April 3, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1391. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Cod by Vessels Catching Pacific Cod for Processing by the Inshore Component in the Western Regulatory Area of the Gulf of Alaska" (ID No. 030607D) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1392. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Temporary Rule: Inseason Bluefish Quota Transfer from VA to NY" (ID No. 030607B) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1393. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 022807A) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1394. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Atlantic Herring Fishery; Amendment 1 to the Fishery Management Plan" (RIN0648–AQ87) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1395. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Delayed Effective Date for Vessel Monitoring Systems under Amendment 18A" (RIN0648–AN09) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1396. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Reallocation of Pacific Cod in the Bering Sea and Aleutian Islands Management Area" (ID No. 030207A) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1397. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Decrease the Commercial Trip Limit for Gulf Group King Mackerel in the Southern Florida West Coast Subzone" (ID No. 022207A) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1398. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 610 of the Gulf of Alaska" (ID No. 030707B) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1399. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Fisheries of the Exclusive Economic Zone Off Alaska; Pollock in Statistical Area 630 of the Gulf of Alaska" (ID No. 030707A) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1400. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Removal of Haddock Separator Trawl Requirement and Establishment of a 5,000-lb Georges Bank Yellowtail Flounder Trip Limit for the Eastern U.S./Canada Management Area" (ID No . 030107A) received on April 4, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1401. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to state and regional policies that promote energy efficiency programs carried out by electric and gas utilities; to the Committee on Energy and Natural Resources.

EC–1402. A communication from the Acting Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the Department's Operating Plan for fiscal year 2007; to the Committee on Energy and Natural Resources.

EC–1403. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled "Mandatory Reliability Standards for the Bulk-Power System" (FERC Docket No. RM06–16–000) received on April 8, 2007; to the Committee on Energy and Natural Resources.

EC–1404. A communication from the Electric Energy Market Competition Task Force, transmitting, pursuant to law, a report relative to competition within the wholesale and retail markets for electric energy in the United States; to the Committee on Energy and Natural Resources.

EC–1405. A communication from the Assistant Secretary (Policy, Management and Budget), Department of the Interior, transmitting, the report of draft legislation entitled "Range Improvement Fund Amendment Act of 2007"; to the Committee on Energy and Natural Resources.

EC–1406. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the construction of a repository at Yucca Mountain; to the Committee on Energy and Natural Resources.

EC–1407. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Corrections and Updates to Technical Guidelines for Voluntary Greenhouse Gas Reporting" (RIN1901–AB23) received on April 3, 2007; to the Committee on Environment and Public Works.

EC–1408. A communication from the Administrator, General Services Administration, transmitting, pursuant to law, a report relative to the Administration's intent to adjust the dollar thresholds for submission of construction, alteration, lease, and lease alteration prospectuses; to the Committee on Environment and Public Works.

EC–1409. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Wisconsin; Prevention of Significant Deterioration" (FRL No. 8296–3) received on April 10, 2007; to the Committee on Environment and Public Works.

EC–1410. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Implementation Plans; Tennessee; Approval of Revisions to the Knox County Portion of the Tennessee State Implementation Plan" (FRL No. 8297–4) received on April 10, 2007; to the Committee on Environment and Public Works.

EC–1411. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Tetraconazole; Pesticide Tolerance" (FRL No. 8121–3) received on April 10, 2007; to the Committee on Environment and Public Works.

EC–1412. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Arkansas; Prevention of Significant Deterioration and New Source Review; Economic Development Zone for Crittenden County, Arkansas; and Stage I Vapor Recovery" (FRL No. 8297–6) received on April 10, 2007; to the Committee on Environment and Public Works.

EC–1413. A communication from the Assistant Administrator, Office of Administration and Resources Management, Environmental Protection Agency, transmitting, pursuant to law, a report relative to the Buy American Act; to the Committee on Environment and Public Works.

EC–1414. A communication from the Chairman, U.S. Nuclear Regulatory Commission, transmitting, the Commission's latest quarterly report relative to the status of its licensing and regulatory duties; to the Committee on Environment and Public Works.

EC–1415. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of State Plans for Designated Pollutants and Facilities; Rhode Island; Negative Declaration" (FRL No. 8295–6) received on April 3, 2007; to the Committee on Environment and Public Works.

EC–1416. A communication from the Secretary of Transportation, transmitting, pursuant to law, a report relative to the States and Indian tribes that have entered into maintenance agreements; to the Committee on Environment and Public Works.

EC–1417. A communication from the Principal Deputy Associate Administrator, Office of the Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Delaware; Update to Materials Incorporated by Reference" (FRL No. 8291–7) received on April 3, 2007; to the Committee on Environment and Public Works.

EC–1418. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled

"Second Report to Congress on the Evaluation of the Medicare Coordinated Care Demonstration"; to the Committee on Finance.

EC–1419. A communication from the Secretary of Labor, transmitting, the report of draft legislation entitled "Black Lung Disability Trust Fund Debt Restructuring Act"; to the Committee on Finance.

EC–1420. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I—Transfer of Intangibles Offshore and Section 482 Cost Sharing Buy-in Payment Issue Directive No. 1" (LMSB–04–0307–027) received on April 6, 2007; to the Committee on Finance.

EC–1421. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Section 45K Inflation Adjustment Factor (for Calendar Year 2006)" (Notice 2007–38) received on April 6, 2007; to the Committee on Finance .

EC–1422. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Tier I Issue Research and Experimentation Credit Claims Directive No. 1" (LMSB-04–0307–025) received on April 6, 2007; to the Committee on Finance.

EC–1423. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Updated List of Areas Included in the 'North American Area' Under I.R .C. Section 274(h)" (Rev. Rul. 2007–28) received on April 6, 2007; to the Committee on Finance.

EC–1424. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Limitations on Benefits and Contributions Under Qualified Plans" ((RIN1545–BD52)(TD 9319)) received on April 6, 2007; to the Committee on Finance.

EC–1425. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Simplified Service Cost Method and the Simplified Production Method" ((RIN1545–BE57)(TD 9318)) received on April 6, 2007; to the Committee on Finance.

EC–1426. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law. the report of a rule entitled "ICE Futures Section 1265(g)(7)(C) Qualified Board or Exchange Revenue Ruling" (Rev. Rul. 2007–26, 2007–16) received on April 6, 2007; to the Committee on Finance.

EC–1427. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "GO Zone Bonus Depreciation Additional Guidance" (Notice 2007–36) received on April 6, 2007; to the Committee on Finance.

EC–1428. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "United States Dollar Approximate Separate Transactions Method" ((RIN1545–BF67)(TD 9320)) received on April 6, 2007; to the Committee on Finance.

EC–1429. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Renewable Diesel" (Notice 2007–37) received on April 6, 2007; to the Committee on Finance.

EC–1430. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Coordinated Issue: Like-Kind Exchanges Involving Federal Communications Commission Licenses Guide" (UIL No. 1031.02–00) received on April 6, 2007; to the Committee on Finance.

EC–1431. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Statute of Limitations and Exchange of Information Concerning Certain Individuals Filing Income Tax Returns with the USVI" (Notice 2007–31) received on April 6, 2007; to the Committee on Finance.

EC–1432. A communication from the Acting Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Bureau of Labor Statistics Price Indexes for Department Stores—February 2007" (Rev. Rul. 2007–27) received on April 6, 2007; to the Committee on Finance.

EC–1433. A communication from the Commissioner of the Social Security Administration, transmitting, pursuant to law, a report entitled "Report on Acquisitions Made from Foreign Manufacturers for Fiscal Year 2006"; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. LIEBERMAN, from the Committee on Homeland Security and Governmental Affairs, without amendment:

S. 343. A bill to extend the District of Columbia College Access Act of 1999 (Rept. No. 110–52).

By Mr. KENNEDY, from the Committee on Health, Education, Labor, and Pensions:

Report to accompany S. 558, a bill to provide parity between health insurance coverage of mental health benefits and benefits for medical and surgical services (Rept. No. 110–53).

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. THUNE:

S. 1085. A bill to require air carriers to publish customer service data and flight delay history; to the Committee on Commerce, Science, and Transportation.

By Mr. BAUCUS (for himself and Mr. PRYOR):

S. 1086. A bill to provide stronger protections to parents regarding their children's access to sexually explicit material over the Internet; to the Committee on Commerce, Science, and Transportation.

By Mr. HARKIN (for himself, Mr. KENNEDY, Mrs. MURRAY, Ms. MIKULSKI, Mr. BROWN, Mr. AKAKA, Mr. FEINGOLD, Mrs. BOXER, Mr. LEAHY, Mr. KERRY, Mr. SANDERS, and Mr. DURBIN):

S. 1087. A bill to amend the Fair Labor Standards Act of 1938 to prohibit discrimination in the payment of wages on account of sex, race, or national origin, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. STABENOW (for herself and Mr. LOTT):

S. 1088. A bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1089. A bill to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. STABENOW (for herself and Mr. DOMENICI):

S. 1090. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. CORKER (for himself and Mr. BENNETT):

S. 1091. A bill to amend the Federal Election Campaign Act of 1971 to repeal the limitation on party expenditures on behalf of candidates in general elections; to the Committee on Rules and Administration.

By Mr. HAGEL:

S. 1092. A bill to temporarily increase the number of visas which may be issued to certain highly skilled workers; to the Committee on the Judiciary.

ADDITIONAL COSPONSORS

S. 5

At the request of Mr. HARKIN, the name of the Senator from Alaska (Mr. STEVENS) was added as a cosponsor of S. 5, a bill to amend the Public Health Service Act to provide for human embryonic stem cell research.

S. 316

At the request of Mr. KOHL, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. 316, a bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market.

S. 327

At the request of Mr. MCCAIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 327, a bill to authorize the Secretary of the Interior to conduct a special resource study of sites associated with the life of Cesar Estrada Chavez and the farm labor movement.

S. 358

At the request of Ms. SNOWE, the name of the Senator from Arkansas

(Mr. PRYOR) was added as a cosponsor of S. 358, a bill to prohibit discrimination on the basis of genetic information with respect to health insurance and employment.

S. 394

At the request of Mr. AKAKA, the names of the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Maryland (Mr. CARDIN) were added as cosponsors of S. 394, a bill to amend the Humane Methods of Livestock Slaughter Act of 1958 to ensure the humane slaughter of nonambulatory livestock, and for other purposes.

S. 460

At the request of Ms. SNOWE, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 460, a bill to make determinations by the United States Trade Representative under title III of the Trade Act of 1974 reviewable by the Court of International Trade and to ensure that the United States Trade Representative considers petitions to enforce United States Trade rights, and for other purposes.

S. 465

At the request of Mr. NELSON of Florida, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 465, a bill to amend titles XVIII and XIX of the Social Security Act and title III of the Public Health Service Act to improve access to information about individuals' health care options and legal rights for care near the end of life, to promote advance care planning and decisionmaking so that individuals' wishes are known should they become unable to speak for themselves, to engage health care providers in disseminating information about and assisting in the preparation of advance directives, which include living wills and durable powers of attorney for health care, and for other purposes.

S. 590

At the request of Mr. SALAZAR, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 626

At the request of Mr. KENNEDY, the names of the Senator from Indiana (Mr. LUGAR), the Senator from Rhode Island (Mr. WHITEHOUSE) and the Senator from Indiana (Mr. BAYH) were added as cosponsors of S. 626, a bill to amend the Public Health Service Act to provide for arthritis research and public health, and for other purposes.

S. 628

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 628, a bill to provide grants for rural health information technology development activities.

S. 645

At the request of Mr. THOMAS, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 645, a bill to amend the Energy Policy Act of 2005 to provide an alternate sulfur dioxide removal measurement for certain coal gasification project goals.

S. 691

At the request of Mr. CONRAD, the names of the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Michigan (Ms. STABENOW) were added as cosponsors of S. 691, a bill to amend title XVIII of the Social Security Act to improve the benefits under the Medicare program for beneficiaries with kidney disease, and for other purposes.

S. 700

At the request of Mr. CRAPO, the names of the Senator from Michigan (Ms. STABENOW) and the Senator from Alabama (Mr. SESSIONS) were added as cosponsors of S. 700, a bill to amend the Internal Revenue Code to provide a tax credit to individuals who enter into agreements to protect the habitats of endangered and threatened species, and for other purposes.

S. 718

At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 718, a bill to optimize the delivery of critical care medicine and expand the critical care workforce.

S. 721

At the request of Mr. ENZI, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 721, a bill to allow travel between the United States and Cuba.

S. 731

At the request of Mr. SALAZAR, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 731, a bill to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and for other purposes.

S. 746

At the request of Mr. ALLARD, the names of the Senator from Colorado (Mr. SALAZAR), the Senator from California (Mrs. BOXER), the Senator from Maine (Ms. COLLINS) and the Senator from Illinois (Mr. OBAMA) were added as cosponsors of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 766

At the request of Mrs. CLINTON, the name of the Senator from Vermont (Mr. SANDERS) was added as a cosponsor of S. 766, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies of victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 769

At the request of Mr. SALAZAR, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 769, a bill to amend the Elementary and Secondary Education Act of 1965 to ensure that participants in the Troops to Teachers program may teach at a range of eligible schools.

S. 770

At the request of Mr. HARKIN, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 770, a bill to amend the Food Stamp Act of 1977 to permit participating households to use food stamp benefits to purchase nutritional supplements providing vitamins or minerals, and for other purposes.

S. 795

At the request of Mr. OBAMA, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 795, a bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes.

S. 796

At the request of Mr. BUNNING, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 796, a bill to amend title VII of the Tariff Act of 1930 to provide that exchange-rate misalignment by any foreign nation is a countervailable export subsidy, to amend the Exchange Rates and International Economic Policy Coordination Act of 1988 to clarify the definition of manipulation with respect to currency, and for other purposes.

S. 812

At the request of Mr. HATCH, the name of the Senator from West Virginia (Mr. ROCKEFELLER) was added as a cosponsor of S. 812, a bill to prohibit human cloning and protect stem cell research.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Iowa (Mr. HARKIN) and the Senator from California (Mrs. BOXER) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 839

At the request of Mr. ROBERTS, the name of the Senator from Nebraska (Mr. HAGEL) was added as a cosponsor of S. 839, a bill to amend the Internal Revenue Code of 1986 to exclude amounts received as a military basic housing allowance from consideration as income for purposes of the low-income housing credit and qualified residential rental projects.

S. 844

At the request of Mrs. FEINSTEIN, the name of the Senator from Ohio (Mr.

BROWN) was added as a cosponsor of S. 844, a bill to provide for the protection of unaccompanied alien children, and for other purposes.

S. 858

At the request of Mr. WYDEN, the name of the Senator from Minnesota (Mr. COLEMAN) was added as a cosponsor of S. 858, a bill to amend the Internal Revenue Code of 1986 to extend the transportation fringe benefit to bicycle commuters.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 911

At the request of Mr. COLEMAN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 969

At the request of Mr. DODD, the names of the Senator from Montana (Mr. TESTER) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 969, a bill to amend the National Labor Relations Act to modify the definition of supervisor.

S. 970

At the request of Mr. SMITH, the names of the Senator from Kansas (Mr. ROBERTS), the Senator from Idaho (Mr. CRAPO), the Senator from North Dakota (Mr. CONRAD) and the Senator from North Carolina (Mrs. DOLE) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 974

At the request of Ms. COLLINS, the names of the Senator from Ohio (Mr. VOINOVICH), the Senator from Connecticut (Mr. LIEBERMAN) and the Senator from Mississippi (Mr. LOTT) were added as cosponsors of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 991

At the request of Mr. DURBIN, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 999

At the request of Mr. KENNEDY, the name of the Senator from Hawaii (Mr. AKAKA) was added as a cosponsor of S. 999, a bill to amend the Public Health Service Act to improve stroke prevention, diagnosis, treatment, and rehabilitation.

S. 1012

At the request of Ms. LANDRIEU, the names of the Senator from South Dakota (Mr. JOHNSON) and the Senator from North Dakota (Mr. DORGAN) were added as cosponsors of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1020

At the request of Mrs. HUTCHISON, the name of the Senator from Missouri (Mr. BOND) was added as a cosponsor of S. 1020, a bill to move toward energy independence through a coordinated development of renewable energy sources, including wave, solar, wind, geothermal, and biofuels production.

S. 1026

At the request of Mr. CHAMBLISS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1026, a bill to designate the Department of Veterans Affairs Medical Center in Augusta, Georgia, as the "Charlie Norwood Department of Veterans Affairs Medical Center".

S. 1060

At the request of Mr. BIDEN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 1060, a bill to reauthorize the grant program for reentry of offenders into the community in the Omnibus Crime Control and Safe Streets Act of 1968, to improve reentry planning and implementation, and for other purposes.

S. CON. RES. 3

At the request of Mr. SALAZAR, the name of the Senator from Ohio (Mr. VOINOVICH) was added as a cosponsor of S. Con. Res. 3, a concurrent resolution expressing the sense of Congress that it is the goal of the United States that, not later than January 1, 2025, the agricultural, forestry, and working land of the United States should provide from renewable resources not less than 25 percent of the total energy consumed in the United States and continue to produce safe, abundant, and affordable food, feed, and fiber.

S. CON. RES. 25

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. Con. Res. 25, a concurrent resolution condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society.

S. RES. 65

At the request of Mr. BIDEN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. Res. 65, a resolution condemning the murder of Turkish-Armenian journalist and human rights advocate Hrant Dink and urging the people of Turkey to honor his legacy of tolerance.

S. RES. 76

At the request of Mr. FEINGOLD, the name of the Senator from Connecticut (Mr. DODD) was added as a cosponsor of S. Res. 76, a resolution calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan.

S. RES. 106

At the request of Mr. DURBIN, the name of the Senator from South Dakota (Mr. JOHNSON) was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 141

At the request of Mrs. CLINTON, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. Res. 141, a resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

S. RES. 142

At the request of Mr. BIDEN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Illinois (Mr. DURBIN), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Maryland (Mr. CARDIN), the Senator from Florida (Mr. NELSON), the Senator from California (Mrs. FEINSTEIN) and the Senator from New Jersey (Mr. MENENDEZ) were added as cosponsors of S. Res. 142, a resolution observing Yom Hashoah, Holocaust Memorial Day, and calling on the remaining member countries of the International Commission of the International Tracing Service to ratify the May 2006 amendments to the 1955 Bonn

Accords immediately to allow open access to the Bad Arolsen archives.

At the request of Mr. COLEMAN, his name was added as a cosponsor of S. Res. 142, supra.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. MURKOWSKI (for herself and Mr. STEVENS):

S. 1089. A bill to amend the Alaska Natural Gas Pipeline Act to allow the Federal Coordinator for Alaska Natural Gas Transportation Projects to hire employees more efficiently, and for other purposes; to the Committee on Energy and Natural Resources.

Ms. MURKOWSKI. Mr. President, I rise today to introduce legislation that should allow the entity we created just 2½ years ago to oversee and expedite construction of a gas line to bring Alaska's huge reserves of natural gas to markets in the lower 48 States to work better and function more smoothly and quickly.

I, and Senator TED STEVENS who is co-sponsoring this legislation, are introducing this bill in an effort to help speed the full functioning of the Office of Pipeline Coordinator, the entity that we created in fall 2004 to oversee the permitting, design and then construction of an Alaska Natural Gas Pipeline project, intended to bring Alaska's reserves of gas to a Nation in need of additional natural gas supplies.

In 2004 we passed two sets of provisions. The first in that year's Military Construction Appropriations Act, H.R. 4837, P.L. 108-324/15 U.S.C. 720, set up an Office of Federal Pipeline Coordinator to oversee the 15 Federal agencies that will have a role to play in construction and financing of a pipeline system. The bill also set up a streamlined permitting and expedited court review process to limit unnecessary delays in the project—and hopefully prevent costly delays from driving up the project's price. That bill also included an $18 billion Federal loan guarantee. The second of that year's pipeline related bills, the FSC-ETI Act (H.R. 4520/P.L. 108-357) provided the Federal financial incentives expected to be needed to aid financing of the project. They included a tax credit for the cost of the pipe in Alaska and a tax credit for the cost of construction of an Alaskan North Slope gas conditioning plant. The two credits were believed to produce about three-quarters of a billion dollars of benefit to the project.

The project itself involves building a system, either an overland pipeline through Canada or a pipeline through Alaska leading to a natural gas liquefication facility at tidewater in Alaska, to move gas to markets in the lower 48 States. Alaska has 35 trillion cubic feet of known gas in the Prudhoe Bay oil field and likely holds another 150 to 200 trillion cubic feet of gas both on and offshore in northern Alaska. Getting that gas to market would help to meet a likely gas shortage in the lower 48 States within a decade, helping to keep the United States from becoming even more dependent on imported LNG from foreign suppliers.

Currently Alaska's new Governor is in the process of calling for proposals from gas producers, pipeline companies and others interested in building the project, one currently estimated to cost between $30 billion and about half that amount—depending on whether the line through Canada or an LNG project is deemed most economic.

Congress last year funded the creation of the Federal Coordinator's office to begin the process of bringing Federal and State agencies together to oversee the permitting, design, and construction of a pipeline. The Office of the Federal Coordinator was funded for fiscal year 2007 initially with a $403,000 transfer of funds from the Department of Energy, with perhaps another $450,000 to $500,000 soon to be transferred. A coordinator, Alaskan former State Senate President Drue Pearce, was also named, confirmed and is now at work, and the office has reached an agreement with all of the 15 Federal agencies it will oversee on how a pipeline is to be permitted.

The Bush administration has proposed $2.3 million in its fiscal year 2008 budget request to better fund the Coordinator's Office. But development of the office has shown three problems that need corrective action by Congress, the first immediately.

First, the 2004 act made the Coordinator follow Federal personnel law, specifically Title 5 that is a slow and cumbersome personnel process. This bill grants a waiver to Title 5 hiring procedures so that the Federal Coordinator can hire and fire her staff, based on their competence. That should cut the time needed to staff the office with experts in pipeline construction by 6 to 9 months. Given how important it is that the agency has specialists quickly to assist the State of Alaska in its efforts to select a pipeline builder, passing legislation to speed the hiring of Office staff is vital.

The waiver, also is common practice for smaller Federal agencies as a host of agencies, from the Election Assistance Commission to the Vietnam Education Foundation, enjoy the hiring waiver.

Second, the bill gives the coordinator the ability to establish reasonable permit filing and service fees and charges to defray the cost of regulating and the oversight of any pipeline project. While the proposed budget may pay for a half dozen to a dozen employees, nearly 400 were employed in oversight of construction of the Trans-Alaska Oil Pipeline, some 30 years ago. The bill copies the structure that is currently employed by the Bureau of Land Management's oil and gas leasing division, FLP&MA Section 304, so that it follows a known process in allowing the Federal Coordinator to set and collect fees.

Third, the bill in its Section 2 clarifies part of the original 2004 act's Section 107. That section set up an expedited review process so that any suit concerning the pipeline under its enabling legislation or concerning its compliance with the National Environmental Policy Act would go first to the U.S. Circuit Court of Appeals, D.C. Circuit. All cases would have to be filed within 60 days of an action and the court would have to "expedite" decisions on all such cases. This action simply also adds that suits stemming from the pipeline's permitting or construction that relates to the Administrative Procedures Act, the Endangered Species Act, and the National Historic Preservation Act, besides NEPA, would also go to the D.C. Circuit for expedited review. It clearly follows the original intent of the 2004 act, but does not limit litigation unfairly.

The goal of this legislation, if it can be approved quickly by this Congress, would be to help the Pipeline Coordinator staff her office more quickly and then to provide the office the possibility of a more readily available source of funding, should a pipeline applicant move to proceed: The bill also will clarify the legal process for review of a pipeline, helping to speed the project and reduce the chances for cost overruns in construction of potentially the largest private capital construction project in the world's history.

This is a vital project. It has the ability to move from 4.5 to 6 billion cubic feet of gas a day, about 5 percent of the Nation's total gas needs in 2018—the first year the pipeline could go into service, if a final overland project was selected and proposed within the next year. It would likely produce about a third of that initially, if an LNG project was selected to be built.

This should not be a controversial measure. It should have no non-appropriated costs involved in carrying out its provisions. Section 2 of the bill will save the Nation untold millions of dollars in overseeing permitting and construction of a pipeline, once a firm project is selected. Some will say that the bill is not needed since the State of Alaska has yet to reach final agreement with Alaska North Slope gas producers on a firm agreement to build a line. I would argue, however, that this bill needs to pass now to provide additional assistance to help the State hammer out such an agreement and so the regulatory process is clearly in place, once such an agreement is reached. The Coordinator's Office is already involved in a host of discussions and actions relating to a pipeline and the pace is likely to quicken in coming months, provided the office has the expertise it needs to provide technical information to further a project.

I hope the Senate and the Congress will review and approve this bill quickly.

The Alaska gas line project is too important for this Nation's energy future, for our energy security, for our national security and for our balance of payments deficit for it to be delayed needlessly. These changes will likely speed the process of proceeding with a pipeline.

By Ms. STABENOW (for herself and Mr. DOMENICI):

S. 1090. A bill to amend the Agriculture and Consumer Protection Act of 1973 to assist the neediest of senior citizens by modifying the eligibility criteria for supplemental foods provided under the commodity supplemental food program to take into account the extraordinarily high out-of-pocket medical expenses that senior citizens pay, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. STABENOW. Mr. President, I rise today to introduce the Senior Nutrition Act, which will make needed improvements to the Commodity Supplemental Food Program to prevent our seniors from having to make the terrible choice between food and medicine as they try to balance their budgets.

I am pleased to have the support of my friend, Senator DOMENICI of New Mexico, who has been one of the Senate's strongest supporters of CSFP.

Nationally, 32 States and the District of Columbia participate in CSFP, which works to improve the health of both women with children and seniors by supplementing their diets with nutritious USDA commodity foods. According to USDA, nearly half a million people each month participated in CSFP during fiscal year 2006, with the overwhelming majority being seniors.

My State of Michigan has one of the largest and oldest CSFP network in the Nation. Last year, over 80,000 people in Michigan benefited from this important program.

The bill I am introducing today will make the following important changes to CSFP.

First, categorical eligibility is granted for seniors for CSFP if the individual participates or is eligible to participate in the Food Stamp Program. No further verification of income would be necessary in such cases. The Food Stamp Program provides a medical expense deduction, which seniors may use to account for their high prescription drug costs.

Second, this bill says that the same income standard that is currently used to determine eligibility for women, infants and children in CSFP 185 percent of the Poverty Income Guidelines—would be applied to seniors as well. The current income eligibility standard for seniors has been capped at just 130 percent. Under the current Federal poverty guidelines, a single senior cannot earn more than $13,273 per year to qualify. By raising the standard to 185 percent of poverty, the same senior can earn as much as $18,888 to qualify for food. This will make a major difference in the lives of so many seniors who are struggling with the high cost of prescription drugs.

This bill has been endorsed by the National CSFP Association and America's Second Harvest. I ask unanimous consent that a copy of these support letters be printed in the RECORD following my remarks.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

NATIONAL CSFP ASSOCIATION,
March 19, 2007.

Hon. DEBBIE STABENOW
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: Thank you for your continuing support of the Commodity Supplemental Food Program (CSFP) which provides an important buffer for our vulnerable children and seniors each month. Your support has made a tremendous difference and we appreciate your tireless efforts.

The National CSFP Association strongly supports your efforts to re-introduce and pass the Senior Nutrition Act and will work diligently to see that it happens this year. As you know, 91% of our recipients are now seniors living below 130% of Federal Poverty Level. For a household of one, this is only a maximum of $1,062 per month. While some changes have been made in Medicare to help seniors buy prescriptions, the rising medical and fuel costs are still of great concern to those on fixed incomes and many of those seniors qualifying for food stamps due to medical cost deductions will lose the deductions to income and subsequently their food stamps.

By amending the eligibility criteria for seniors served by CSFP through the Senior Nutrition Act, the neediest of seniors will continue to receive nutrition assistance, which is crucial if they are to remain in good health.

Again, thank you for championing the causes of our nation's elderly.

Sincerely,

FRANK KUBIK,
President.

AMERICA'S SECOND HARVEST,
THE NATION'S FOOD BANK NETWORK,
March 27, 2007.

Hon. DEBBIE STABENOW,
U.S. Senate,
Washington, DC.

DEAR SENATOR STABENOW: I am writing on behalf of the more than 200 food banks and approximately 50,000 emergency feeding organizations that are part of America's Second Harvest—The Nation's Food Bank Network, to thank you for your continuing support for the Commodity Supplemental Food Program (CSFP) and your persistent efforts to improve the nutrition and health of millions of this nation's elderly.

With approximately 27 percent of our food bank members distributing nutritious food boxes through the CSFP, we know how very necessary it is to expand this program so that it can reach more of the nation's needy seniors. Strengthening the nutrition safety net for older Americans is a matter of paramount importance as this population grows and ages.

We strongly endorse the Senior Nutrition Act and support your and Senator Domenici's effort to expand the number of elderly eligible for the program by broadening the income eligibility standards and permitting categorical eligibility for seniors who participate in or are eligible to participate in the Food Stamp Program.

As you know, the CSFP provides critical nutrients to supplement the diets of thousands of low-income elderly who could not replace this food at the same low price as that provided by the CSFP food package. Moreover, as you are aware, this program also helps to support our nation's farmers who grow the food that feeds this needy population, along with millions of others who depend on our country's food and nutrition programs.

We are very grateful for your efforts to expand eligibility for this important program and for the contribution you have always made in waging the war against hunger in America. Thank you very much.

Sincerely,

VICKI ESCARRA,
President and CEO.

AMENDMENTS SUBMITTED AND PROPOSED

SA 840. Mr. HARKIN (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 76, calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan.

SA 841. Mr. HARKIN (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 76, supra.

TEXT OF AMENDMENTS

SA 840. Mr. HARKIN (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 76, calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan; as follows:

On page 5, after line 25, insert the following:

(6) urges the Government of the Central African Republic—

(A) to engage in constructive and inclusive dialogue with rebels in the northwestern region of the country;

(B) to hold accountable security forces engaging in human rights violations; and

(C) to strengthen government services in order to meet the needs of affected populations;

On page 6, line 1 strike "(6)" and insert "(7)".

On page 6, lines 1 and 2, strike "advocate for the appointment of" and insert "urge the United Nations Security Council to appoint".

On page 6, line 8, strike "(7)" and insert "(8)".

On page 6, line 10, insert "United Nations" after "advance".

On page 6, line 11, insert "and northern Central African Republic" after "Chad".

On page 6, line 13, strike "(8)" and insert "(9)".

On page 6, line 15, insert "and northern Central African Republic" after "Chad".

On page 7, line 24, strike "(9)" and insert "(10)".

SA 841. Mr. HARKIN (for Mr. LUGAR) proposed an amendment to the resolution S. Res. 76, calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan; as follows:

Amend the title so as to read: "Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan."

NOTICES OF HEARINGS/MEETINGS

SUBCOMMITTEE ON NATIONAL PARKS

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on National Parks.

The hearing will be held on April 26, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on the following bills: S. 169, to amend the National Trails System Act to clarify Federal authority relating to land acquisition from willing sellers for the majority of the trails in the System; S. 312/H.R. 497, to authorize the Marion Park Project and Committee of the Palmetto Conservation Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor Brigadier General Francis Marion; S. 580, to amend the National Trails System Act to require the Secretary of the Interior to update the feasibility and suitability studies of four national historic trails; S. 686, to amend the National Trails System Act to designate the Washington-Rochambeau Revolutionary Route National Historic Trail; S. 722, to direct the Secretary of the Interior and the Secretary of Agriculture to jointly conduct a study of certain land adjacent to the Walnut Canyon National Monument in the State of Arizona; S. 783, to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana; S. 890, to provide for certain administrative and support services for the Dwight D. Eisenhower Memorial Commission; and H.R. 1047, to authorize the Secretary of the Interior to conduct a study to determine the suitability and feasibility of designating the Soldiers' Memorial Military Museum located in St. Louis, Missouri, as a unit of the National Park System.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150, or by email to rachel_pasternack@energy.senate.gov.

For further information, please contact David Brooks at (202) 224–9863 or Rachel Pasternack at (202) 224–0883.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on April 11, 2007, at 9:30 a.m., to conduct a hearing on "An Examination of the Availability and Affordability of Property and Casualty Insurance in Gulf Coast and Other Coastal Regions."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 11, 2007 at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine the property and casualty insurance industry.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Wednesday, April 11, 2007, at 2:30 p.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine efforts to improve airline passenger service.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FOREIGN RELATIONS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Wednesday, April 11, 2007 at 9:30 a.m. to hold a hearing on genocide in Sudan.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Wednesday, April 11, 2007, at 10 a.m., in 215 Dirksen Senate Office Building, to hear testimony on "An Examination of the Medicare Advantage Program."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. HARKIN. Mr. President, I ask unanimous consent that the committee on the Judiciary be authorized to meet to conduct a hearing on "Judicial Nominations" on Wednesday, April 11, 2007, at 10 a.m., in Dirksen Senate Office Building room 226.

Witness List

Panel I: The Honorable Richard Lugar, United States Senator, R–IN.

Panel II: Debra Ann Livingston to be U.S. Circuit Judge for the Second Circuit; Roslynn Renee Mauskopf to be U.S. District Judge for the Eastern District of New York; Richard Joseph Sullivan to be U.S. District Judge for the Southern District of New York; Joseph S. Van Bokkelen to be U.S. District Judge for the Northern District of Indiana.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON RULES AND ADMINISTRATION

Mr. HARKIN. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be authorized to meet during the session of the Senate on Wednesday, April 11, 2007, at 10 a.m., to conduct an oversight meeting on the Smithsonian Institution.

THE PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON VETERANS' AFFAIRS

Mr. HARKIN. Mr. President, I ask unanimous consent for the Committee on Veterans' Affairs be authorized to meet during the session of the Senate on Wednesday, April 11, 2007, to hold a hearing on the Filipino Veterans Equity Act of 2007.

The hearing will take place in room 418 of the Russell Senate Office Building beginning at 9:30 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS AND PROPERTY RIGHTS

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on The Constitution be authorized to meet on Wednesday, April 11, 2007 at 3:00 p.m. to conduct a hearing on "Responding to The Inspector

General's Findings of Improper Use of National Security Letters by the FBI" in Room 226 of the Dirksen Senate Office Building.

Witness List: The Honorable Bob Barr, Former Member of Congress, Chairman, Patriots to Restore Checks and Balances Atlanta, GA; George Christian, Executive Director, Library Connection, Inc., Windsor, CT; Suzanne E. Spaulding, Principal, Bingham Consulting Group of Counsel, Bingham McCutchen LLP, Washington, DC; and Peter Swire, C. William O'Neil, Professor of Law at the Ohio State University, Senior Fellow, Center for American Progress, Washington, DC.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMERGING THREATS AND CAPABILITIES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Emerging Threats and Capabilities be authorized to meet in open session during the session of the Senate on Wednesday, April 11, 2007, at 9:30 a.m., to receive testimony on nuclear nonproliferation programs at the National Nuclear Security Administration and the Cooperative Threat Reduction Program and the Proliferation Security Initiative at the Department of Defense in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON STRATEGIC FORCES

Mr. HARKIN. Mr. President, I ask unanimous consent that the Subcommittee on Strategic Forces be authorized to meet in open and closed session during the session of the Senate on Wednesday, April 11, 2007, at 3 p.m. to receive testimony on Ballistic Missile Defense Programs in review of the defense authorization request for fiscal year 2008 and the future years defense program.

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. HARKIN. Mr. President, I ask unanimous consent that Matt Castillo and Patrick Fields of my staff be granted the privilege of the floor for the duration of today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SMITH. Mr. President, I ask unanimous consent that Lindy Hawkins, an intern in my office, and Clarita Mrena, a detailee with the Aging Committee, be accorded the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. I ask unanimous consent the privilege of the floor be granted to Eleanore Edson, a fellow in the office of Senator CLINTON, during today's session.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEVIN. Mr. President, I ask unanimous consent that Melanie Roberts, a fellow in Senator BINGAMAN's office, be granted the privileges of the floor for the pendency of S. 5 and S. 30.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. HARKIN. Mr. President, there is an appointment at the desk.

APPOINTMENT

The PRESIDING OFFICER. The Chair, on behalf of the President pro tempore, upon the recommendation of the Democratic leader, pursuant to Public Law 105–292, as amended by Public Law 106–55, and as further amended by Public Law 107–228, appoints the following individual to the United States Commission on International Religious Freedom: Dr. Don H. Argue, of Washington, (for a term of May 15, 2007–May 14, 2009).

COMPREHENSIVE REGIONAL STRATEGY TO IMPROVE CONDITIONS IN AFRICA

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 103, S. Res. 76.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 76) calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, the Central African Republic, and Darfur, Sudan.

There being no objection, the Senate proceeded to consider the resolution.

Mr. HARKIN. Mr. President, I ask unanimous consent that the amendment at the desk be agreed to; the title amendment be agreed to; the resolution, as amended, be agreed to; the preamble be agreed to; and the motions to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 840) was agreed to, as follows:

(Purpose: To urge the Government of the Central African Republic to address human rights abuses in the northwestern region of that country)

On page 5, after line 25, insert the following:

(6) urges the Government of the Central African Republic—

(A) to engage in constructive and inclusive dialogue with rebels in the northwestern region of the country;

(B) to hold accountable security forces engaging in human rights violations; and

(C) to strengthen government services in order to meet the needs of affected populations;

On page 6, line 1, strike "(6)" and insert "(7)".

On page 6, lines 1 and 2, strike "advocate for the appointment of" and insert "urge the United Nations Security Council to appoint".

On page 6, line 8, strike "(7)'" and insert "(8)".

On page 6, line 10, insert "United Nations" after "advance".

On page 6, line 11, insert "and northern Central African Republic" after "Chad".

On page 6, line 13, strike "(8)" and insert "(9)".

On page 6, line 15, insert "and northern Central African Republic" after "Chad".

On page 7, line 24 strike "(9)" and insert "(10)".

The amendment (No. 841) was agreed to, as follows:

(Purpose: To amend the title)

Amend the title so as to read: "Calling on the United States Government and the international community to promptly develop, fund, and implement a comprehensive regional strategy in Africa to protect civilians, facilitate humanitarian operations, contain and reduce violence, and contribute to conditions for sustainable peace in eastern Chad, northern Central African Republic, and Darfur, Sudan."

The resolution (S. Res. 76), as amended, was agreed to.

The preamble was agreed to.

The title amendment was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 76

Whereas armed groups have been moving freely between Sudan, Chad, and the Central African Republic, committing murder and engaging in banditry, forced recruitment of soldiers, and gender-based violence;

Whereas these and other crimes are contributing to insecurity and instability throughout the region, exacerbating the humanitarian crises in these countries and obstructing efforts to end violence in the Darfur region of Sudan and adjacent areas;

Whereas on January 5, 2007, the United Nations High Commissioner for Refugees (UNHCR) reported that crossborder attacks by alleged Arab militias from Sudan and related intercommunal ethnic hostilities in eastern Chad had resulted in the displacement of an estimated 20,000 people from Chad during the previous 2 weeks and posed a direct threat to camps housing refugees from Sudan;

Whereas these new internally displaced Chadians have strained the resources of 12 UNHCR-run camps in eastern Chad that are already serving more than 100,000 internally displaced Chadians and 230,000 refugees from Darfur and providing humanitarian support and protection to more than 46,000 refugees from the Central African Republic in southern Chad;

Whereas Chadian gendarmes responsible for providing security in and around the 12 UNHCR-run camps in eastern Chad are too few in number, too poorly equipped, and too besieged by Chadian rebel actions to carry out critical protection efforts sufficiently;

Whereas on January 16, 2007, the United Nations' Humanitarian Coordinator for the Central African Republic reported that waves of violence across the north have left more than 1,000,000 people in need of humanitarian assistance, including 150,000 who are internally displaced, while some 80,000 have fled to neighboring Chad or Cameroon;

Whereas in a Presidential Statement issued on January 16, 2007 (S/PRST/2007/2), the United Nations Security Council reiterated its "concern about the continuing instability along the borders between the Sudan, Chad and the Central African Republic and about the threat which this poses to the safety of the civilian population and the conduct of humanitarian operations" and requested "that the Secretary-General deploy as soon as possible an advance mission to Chad and the Central African Republic, in consultation with their Governments";

Whereas the Presidential Statement acknowledged "the position taken by the Central African and Chadian authorities in favor in principle of such a presence and looks forward to their continued engagement in preparing for it";

Whereas a December 22, 2006, report of the United Nations Secretary-General (S/2006/1019) expressed a need to address the rapidly deteriorating security situation of Sudan, Chad, and the Central African Republic and to protect civilians in the border areas of Sudan, Chad, and the Central African Republic and recommended a robust mission that "would, among other tasks: facilitate the political process; protect civilians; monitor the human rights situation; and strengthen the local judicial, police and correctional system";

Whereas the December 22, 2006, report went on to recommend that the force also be mandated and equipped to deter attacks by armed groups and react preemptively to protect civilians, including refugees and internally displaced persons, with rapid reaction capabilities;

Whereas on August 30, 2006, the United Nations Security Council passed Security Council Resolution 1706 (2006), authorizing a multidimensional presence consisting of political, humanitarian, military and civilian police liaison officers in key locations in Chad, including in the internally displaced persons and refugee camps and, if necessary, in the Central African Republic;

Whereas continuing hostilities will undermine efforts to bring security to the Darfur region of Sudan, dangerously destabilize volatile political and humanitarian situations in Chad and the Central African Republic, and potentially disrupt progress towards peace in southern Sudan;

Whereas a December 2006 United Nations assessment mission report outlined possibilities for a mission in Chad, including a force large enough to monitor the border, deter attacks, and provide civilian protection;

Whereas the United Nations Security Council has requested proposals for a United Nations force in Chad and the Central African Republic to help protect and provide humanitarian assistance to tens of thousands of civilians affected by the conflict that began in Darfur; and

Whereas a technical assessment mission was dispatched in January 2007 toward that end: Now, therefore, be it

Resolved, That the Senate—

(1) expresses concern for the more than 1,000,000 citizens of Sudan, Chad, and the Central African Republic who have been adversely affected by this interrelated violence and instability;

(2) calls upon the Governments of Chad and Sudan—

(A) to reaffirm their commitment to the Tripoli Declaration of February 8, 2006, and the N'Djamena Agreement of July 26, 2006;

(B) to refrain from any actions that violate these agreements; and

(C) to cease all logistical, financial, and military support to each others' insurgent groups;

(3) urges the Government of Chad to improve accountability and transparency as well as the provision of basic services to redeem the legitimacy of the Government in the eyes of its citizens;

(4) urges the Government of Chad to take action to increase political participation and to strengthen democratic institutions to ensure that all segments of society in Chad can participate in and benefit from a transparent, open, and capable government;

(5) urges the Government of Chad, the Government of Sudan, and other key regional and international stakeholders to commit to another round of inclusive political negotiations that can bring lasting peace and stability to the region;

(6) urges the Government of the Central African Republic—

(A) to engage in constructive and inclusive dialogue with rebels in the northwestern region of the country;

(B) to hold accountable security forces engaging in human rights violations; and

(C) to strengthen government services in order to meet the needs of affected populations;

(7) calls upon the President to urge the United Nations Security Council to appoint a senior United Nations official to direct and coordinate all international humanitarian activities on both sides of Sudan's western border and expand the response to emergency needs related to the political and humanitarian situation in the Central African Republic;

(8) urges the President to utilize the resources and leverage at the President's disposal to press for the immediate deployment of an advance United Nations mission to eastern Chad and northern Central African Republic to lay the groundwork for a robust multilateral and multidimensional presence;

(9) urges the United Nations Security Council to authorize a multilateral and multidimensional peacekeeping force to eastern Chad and northern Central African Republic with the mandate and means—

(A) to ensure effective protection of civilians, particularly refugees. and internally displaced persons, including by preempting, preventing, and deterring attacks on civilians;

(B) to organize regular patrols along the western border of Sudan and implement practical protection measures for asylum seekers;

(C) to maintain the civilian and humanitarian nature of the internally displaced persons and refugee camps in Chad and facilitate the efforts of aid workers;

(D) to deter, monitor, investigate, and report attacks on humanitarian personnel and assets;

(E) to provide around the clock physical security in the camps and surrounding areas, including organized patrols to guarantee freedom of movement to all civilians and humanitarian workers;

(F) to coordinate and share information with humanitarian organizations, actively preserve unhindered humanitarian access to all displaced persons, and ensure the safety of all humanitarian workers in accordance with international humanitarian law;

(G) to collect and report evidence of human rights violations and perpetrators to the United Nations on a timely and regular basis; and

(H) to support domestic and multilateral initiatives to strengthen local judicial, police, and correctional systems in Chad; and

(10) urges the President and the international community to coordinate efforts to make available sufficient resources in support of this multilateral and multidimensional mission, as well as adequate assistance to meet the continuing humanitarian and security needs of the individuals and areas most affected by this conflict.

EXECUTIVE SESSION

NOMINATION DISCHARGED

Mr. HARKIN. Mr. President, I ask unanimous consent that the Senate proceed to executive session; that the Homeland Security Committee be discharged from further consideration of PN-288, the nomination of Claude M. Kicklighter to be Inspector General for the Department of Defense, and that the nomination be placed on the calendar.

The PRESIDING OFFICER. Without objection, the nomination will be placed on the calendar.

NOMINATION OF JAMES CLAPPER TO BE UNDER SECRETARY OF DEFENSE

Mr. HARKIN. Finally, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 59, James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence, that the nomination be confirmed, the motion to reconsider be laid on the table, the President be immediately notified of the Senate's action, and the Senate then return to legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination, considered and confirmed, is as follows:

DEPARTMENT OF DEFENSE

James R. Clapper, Jr., of Virginia, to be Under Secretary of Defense for Intelligence.

LEGISLATIVE SESSION

The PRESIDING OFFICER. The Senate will now return to legislative session.

ORDERS FOR THURSDAY, APRIL 12, 2007

Mr. HARKIN. Mr. President, I ask unanimous consent that upon conclusion of the vote on passage of S. 30 today and the clearance of any items by unanimous consent, the Senate stand adjourned until 9:30 a.m.. Thursday, April 12; that on Thursday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the majority leader or his designee and the last 30 minutes controlled by the Republican leader or his designee; that at the close of morning business, the Senate resume the motion to proceed to S. 372 and vote on the motion to invoke cloture on the motion to proceed.

The PRESIDING OFFICER. Without objection, it is so ordered.

STEM CELL RESEARCH ENHANCEMENT ACT OF 2007

HOPE OFFERED THROUGH PRINCIPLED AND ETHICAL STEM CELL RESEARCH ACT—Continued

The PRESIDING OFFICER. The Republican leader.

Mr. McCONNELL. Mr. President, the issue of stem cell research, when those stem cells are derived from human embryos, is one of the most profound of our time. Confronting this issue means confronting a dilemma, one I am sure every one of my colleagues has grappled with as much as I have.

On the one hand, many scientists believe that research using stem cells holds the promise of one day curing diseases. But we must also remember that the embryos from which these stem cells are derived are human life. Extracting the stem cells destroys the embryo and ends that life's possibility. The moral boundaries this research crosses is greatly troubling to me, and to many others.

But what is too often missing from this important debate is a simple fact of modern science: Encouraging medical research and protecting the sanctity of life are not mutually exclusive goals.

I have always believed that biomedical research must be conducted in an ethical manner that respects human life. Now I am pleased to report that new scientific research tells us that view is more possible than ever.

This promising new research points the way out of the moral dilemma that embryonic stem cell research has always thrust us in.

Alternative methods for research and the potential for cures are often simpler and more efficient and don't require the destruction of life.

They have scientific advantages over the older method as well. That means that everybody who wants to find a cure for any of man's most devastating diseases, and find it fast, should support this form of research wholeheartedly and enthusiastically.

With our votes, this Senate can advance this promising research through the power of Federal funds, and we can happily provide those funds without fear of offending the principles of millions of Americans.

I thank my good friend from Minnesota, Senator COLEMAN, and my good friend from Georgia, Senator ISAKSON, for sponsoring this bill and giving the Senate this opportunity. I also commend Senator SPECTER and Senator BROWNBACK who have led the debate on the competing measure upon which we will also be voting shortly.

The Coleman-Isakson bill, S. 30, the HOPE Act, is a solution Senators from both parties can embrace and a solution that the President will sign into law.

We should leave behind the heated debates of the past, pitting the hope for a cure to end human suffering against the need to protect life at all its stages, including its earliest.

Last year, a minority of Members in the other body voted to block legislation promoting newer methods of research, such as the methods this bill will support. I don't understand that. The only explanation would be that they value the political clash and debate more than finding common ground—and more than the hope this research can bring.

But this Senate can and should move forward united on the HOPE Act, and I urge my colleagues to support it.

I want to stress to everyone just how much the possibility of finding cures for these life-altering diseases means to me personally. I have known what it is like to feel the shadow of a debilitating disease draped over one's life. As a child, I suffered from polio.

When I was 2 years old, I came down with an infection that felt a lot like the flu. But after the fever passed, my left leg had gone lame.

The only reason I am able to stand here today unaided is because of the heroic efforts of my mother. She was not a doctor or a nurse, but she fought as hard as she knew how to save her only son from being trapped forever in a leg brace.

For 2 years, my mother put me through a physical therapy regimen taught to her by the doctors at Roosevelt Warm Springs Institute for Rehabilitation, which was, of course, founded by President Roosevelt. That was over in Warm Springs, GA. From age 2 to 4, I was not allowed to walk or to run.

But after 2 years of my mother's care, I was able to have a normal life. A lot of kids at that time in the 1940s were not so lucky. Some were paralyzed for life. Some were sentenced to an iron lung. Many died.

So believe me, Mr. President, when I say I understand the urgency to find cures for the afflictions that are today's polio. I remember when the prayers of my mother and mothers across the country were answered when Dr. Jonas Salk developed his polio vaccine in 1955. To prove the new vaccine was safe, Dr. Salk administered it to himself, his wife, and their three children. As he did so, he was asked how he could dare his and his family's lives on his new treatment. He replied:

> It is courage based on confidence, not daring—and it is confidence based on experience.

Dr. Salk's wisdom ought to guide us today. The daring path is the one that asks us to destroy a life for the possibility that we might save another. If we go down that route, we are daring to ruin America's long and proud record of upholding the highest moral and ethical standards as we seek out new solutions, new cures, and new hopes.

Then there is the path of confidence—the confidence that, thanks to new technologies and new methods of research, scientists can explore the promise of embryonic stem cell research without destroying the human embryo.

> Like Dr. Salk's, this confidence is based on experience—the experience of America's best scientists who are pursuing these new methods of research.

The next Dr. Jonas Salk is out there. Providing the money for these methods of research through this bill is how this Senate can help.

I am a believer in the power of science and technology to improve people's lives. I saw it firsthand as a young boy.

Like all of my colleagues, I have great hope for the cures that we will one day find. The Coleman-Isakson bill is something Senators of both parties can support. I hope that they will. Millions of Americans with loved ones in need hope that they will. And I look forward to the successful passage of this bill so America's dominance in medicine and medical technology can continue to move forward.

Mr. President, I yield the floor.

How much time is remaining on this side?

The PRESIDING OFFICER. There is 7 minutes 35 seconds remaining.

Mr. McCONNELL. Mr. President, I yield the remaining time on this side to the Senator from Georgia.

The PRESIDING OFFICER. The Senator from Georgia.

Mr. ISAKSON. Mr. President, I thank the leader for his support and particularly Meg Hauck who has been of immense value to us throughout the entire process of this deliberation.

I thank majority leader HARRY REID and his staff on the floor for the equitable and fair way in which they allocated time in support of this debate.

I thank Tyler Thompson on my staff, Chris Carr, Joan Kirchner, and a former member of my staff who retired but started this journey with me some time ago, Brittany Espy; also, Dr. Steven Stice at the University of Georgia, whom I have quoted many times on this floor in the course of the last 20 hours of debate, but a scientist like many in America who seeks to find cures for diseases not yet cured, who understands the potential, the vibrance, and the hope of embryonic stem cell research and found ways to develop those embryonic stem cells that are compatible with the directive of the President of 5 years ago but offer new, expanded hope and reality for research in the future.

I particularly pay a compliment to Senator HARKIN who has been the floor manager on S. 5 throughout this debate. He has been very cooperative in every way in allowing us to share our thoughts on two distinct bills, S. 5 and S. 30.

I want to quote Senator GORDON SMITH. Senator SMITH, in his speech, said these bills should not be looked at as competitors but as companions. I agree with that statement because they seek to accomplish the same thing, although they travel down a highway that differs slightly.

The minority leader has accurately expressed the hopes and dreams and aspirations of all Americans, and that is for us to be a catalyst at the Federal level, to ensure that breakthroughs in health, in medicine, and in science take place, and that we are never a hindrance or obstacle to that taking place, while at the same time respecting concerns of all Americans as we go down that path.

Senator COLEMAN of Minnesota has been a tremendous leader in this effort and has brought many of the portions of S. 30 to reality through his research, through his dedication, and through his compassion. As he said so often, he and Senator HARKIN and myself understand we can do better, we can do more, we can reach out, and we can do so without crossing those lines that cause us trouble or may become an obstacle to further research.

So I conclude my remarks by thanking my colleagues in the Senate for their patience and their listening over the last 20 hours. My sincere appreciation to Senator HARKIN for his cooperation, my praise for Senator COLEMAN and his contribution, and my hope and belief that Members of the Senate will look favorably on S. 30 so we can move science forward in the research of embryonic stem cells and the hope and promise they bring to all Americans.

I yield back the remainder of the time.

The PRESIDING OFFICER. The majority leader.

Mr. REID. Mr. President, I have risen many times over the past years in support of the legislation that is now before this body, legislation that will unlock the hope of stem cell research for millions of Americans and tens of thousands of Nevadans who suffer from cancer, Alzheimer's, diabetes, Parkinson's, spinal cord injuries, heart disease, Lou Gehrig's disease, and many other diseases.

Initially, I extend my appreciation to Senator HARKIN. Others worked hard on this legislation. Senator KENNEDY and Senator FEINSTEIN have done a wonderful job, but Senator HARKIN, from his position as the chair and/or ranking member of the labor subcommittee on appropriations, has worked with Senator SPECTER—back and forth, the two of them have worked to come up with stem cell legislation.

Senator HARKIN has been a pioneer and a leader in this cause. I admire and respect him for a lot of what he has done as a longtime Member of the Senate, but I know I have more respect for him for what he has done on this legislation.

He has a tremendously good staff: Erik Fatemi, Ellen Murray, and Adrian Hatlett. They have done good work.

I have to throw a bouquet to my longtime, very important legislative advocate whom I have working for me, Carolyn Gluck. She has worked very hard on this issue. I appreciate her hard work.

I have spoken in the past about a man I met who is in a wheelchair in Boulder City, NE. This man suffers from Parkinson's. I asked him why he was in his wheelchair. He told me. After this legislation was vetoed by President Bush, he felt so bad because he believes with this legislation he will be able to walk again and not be confined to that wheelchair.

I have spoken of an 18-year-old twin from Las Vegas. She came to Washington for the first time when she was a little girl. She has suffered from juvenile diabetes for most of her life. She has had tens of thousands of needle pricks over these years—tens of thousands. But this 18-year-old girl still remains optimistic because of this legislation—optimistic for a healthy adulthood. Not only does she feel that way but her twin sister feels the same way.

I have spoken of a 23-year-old man from Henderson who just weeks after his high school graduation was in a car accident which left him a quadriplegic and whose mother wrote to me a plaintive letter hoping, praying because of this legislation her son one day will lead a more normal life.

The plight and suffering of these friends and neighbors pains my heart. But sadly, their stories are far from unique. Mr. President, 100 million Americans suffer just like them. Those who suffer are parents, are children, are friends, are our neighbors. They know that stem cell research is not a guarantee or imaginable, but they know it holds promise, they know it holds hope, real hope, yes, scientific hope. They know it because the world's leading experts tell us so.

In a letter to President Bush, 80 Nobel laureates wrote:

> . . . for disorders that prove not to be treatable with adult stem cells, impeding human pluripotent stem cell research risks unnecessary delay for millions of patients who may die or endure needless suffering while the effectiveness of adult stem cells is evaluated.

This is a statement from 80 Nobel Prize winners.

According to the National Academies of Science, research on both embryonic and adult stem cells is needed "to most effectively advance the scientific and therapeutic potential of regenerative medicine."

In a letter dated a few days ago, April 9, Dr. Harold Varmus, former Director of the National Institutes of Health and now the President of Memorial Sloan-Kettering Cancer Center and also a Nobel laureate wrote:

> S. 5 represents an important step forward for human embryonic stem cell research, a new field that offers great promise for the replacement of damaged cells, the understanding of the mechanics of disease, and the development of the testing of new drugs. Unfortunately, current Federal policy, in place since 2001, has not kept pace with the speed of scientific discovery and is today of limited value to the scientific community.

A man whom I have met, Dr. Jeffery Bluestone, a leading diabetes researcher and director of the Diabetes Center at the University of California, San Francisco, said:

> We have made great strides in understanding the role of the immune system in diabetes, but fully pursuing both embryonic and adult stem cell research will build on our current successes and could be critical in the ultimate treatment and cure of patients who suffer from this disease.

I have spoken to him personally, and he has said we are going to cure, in the next few years, diabetes. They need this ability to go forward.

The other day I received a letter signed by more than 500 leading organizations from all around the country. It crossed the political spectrum. It includes the AARP, the American Medical Association, Novartis Pharmaceuticals, the Mayo Clinic, the Episcopal Church, Iraq Veterans for a Cure, the American Diabetes Association, Memorial Sloan-Kettering Cancer Center, Harvard University, and the Parkinson's Action Network—to name 11 of 500 organizations.

They spoke with one voice in support of S. 5, writing:

> The Stem Cell Research Enhancement Act will move stem cell research forward in our country. The bill holds promise for expanding medical breakthroughs and hope for millions of patients and their loved ones.

Even President Bush's own Director of the National Institutes of Health, Dr. Elias Zerhouni, endorsed the need to pursue embryonic stem cell research in addition to alternative forms of research. At a Senate hearing a few weeks ago he said:

> It's not possible for me to see how we can continue the momentum of science and research with the stem cell lines we have at NIH. . . . [F]rom my standpoint as NIH director, it is in the best interests of our scientists, our science, and our country that we

find ways and the nation finds a way to go full-speed across adult and embryonic stem cells equally.

Americans, by a huge majority, favor stem cell research because they see the suffering of their own friends and relatives and neighbors, similar to those described in my introduction today. They hear the opinions of experts similar to those I just mentioned and they put their faith in science.

Californians, by ballot, voted, they agreed to spend billions of their own State Treasury on stem cell research, thus challenging the obstinacy of President Bush.

Congress has supported this important cause already. Two years ago the House of Representatives passed something called H.R. 810, the Stem Cell Research Enhancement Act, with bipartisan support. Last year the Senate followed suit, as Republicans and Democrats united to pass a bill that will expand the number of stem cell lines available to federally funded researchers, while ensuring that strict ethical guidelines are followed.

Yet when we sent this bipartisan bill to President Bush's desk, he responded with a veto—his only veto in 6 years, taking away the hope for millions.

Today, as hundreds of millions of Americans wait for progress, our scientists, our innovators are marking time, waiting for President Bush to keep hope alive. The wishes of the American people and the overwhelming weight of evidence, scientific evidence, should trump the narrow ideology of President George Bush.

Yesterday and today we debated S. 5, the Stem Cell Research Enhancement Act, a bill that is similar to the one both the House and Senate passed last year with strong bipartisan support. The House passed it again this year. S. 5 authorizes federally funded research on stem cell lines derived from excess embryos from fertility clinics, embryos that would otherwise be discarded—discarded, thrown away, trashed. These potentially discarded embryos could and should be used to advance life-saving research.

At the same time, our bill acknowledges the important ethical issues at stake and enacts stronger research guidelines than exist in the President's current policy. Because we believe that all forms of promising research should move forward, S. 5 includes a provision that supports the advancement of alternative forms of stem cell research based on the Santorum-Specter bill that passed the Senate unanimously last year.

Tonight the Senate will also consider another measure sponsored by Senators Coleman and Isakson. Similar to our bill, theirs would promote research in alternative methods for deriving stem cells, some say. However, unlike our bill, this bill would retain the President's restrictions on stem cell research. The legislation is, in my opinion, more political than substantive, more political than scientific. The Coleman-Isakson bill is not a substitute for S. 5.

I know some of my colleagues will disagree. I am not going to vote for it. I think S. 30 is a cover vote, and I am not going to provide any cover. S. 5 is the only bill being discussed that will lift the restrictions that are impeding scientific research and can lead to new treatments and cures of many dread conditions and diseases. For the 100 million Americans who suffer from diseases that could be treated as a result of stem cell research, there is simply no alternative to S. 5.

By supporting the Stem Cell Research Enhancement Act, we are renewing our faith in society's steady march forward. Whether expanding our frontiers, putting a man on the Moon, or mapping the human genome, America has always embraced great scientific challenges that hold even greater promise. It is who we are and it is a commitment to the American people that we must honor.

Jonas Salk, a great American scientist who moved science forward regarding the dread polio or, as they called it, infantile paralysis, when he invented the vaccine, once said, "Our greatest responsibility is to be good ancestors."

If we give our scientists the tools to succeed and give hope to the millions who suffer, we will be doing just that, good ancestors.

I yield any time I have.

Have the yeas and nays been ordered?

The PRESIDING OFFICER. They have not.

Mr. REID. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

Mr. REID. Also, before the Chair enters an order, I ask for the yeas and nays on the second vote that we have this evening.

The PRESIDING OFFICER. Is there a sufficient second? There is a sufficient second.

The yeas and nays were ordered.

The PRESIDING OFFICER. Under the previous order, the two bills will be read for the third time, en bloc.

The bills (S. 5 and S. 30) were ordered to be engrossed for a third reading and were read the third time, en bloc.

The PRESIDING OFFICER. The bill (S. 5) having been read the third time, the question is, Shall the bill pass?

The yeas and nays have been ordered. The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Louisana (Ms. LANDRIEU) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisana (Ms. LANDRIEU) would vote "yea."

The PRESIDING OFFICER (Ms. CANTWELL). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 63, nays 34, as follows:

[Rollcall Vote No. 127 Leg.]

YEAS—63

Akaka
Alexander
Baucus
Bayh
Bennett
Biden
Bingaman
Boxer
Brown
Burr
Byrd
Cantwell
Cardin
Carper
Clinton
Cochran
Collins
Conrad
Dorgan
Durbin
Feingold
Feinstein
Gregg
Harkin
Hatch
Hutchison
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
McCain
McCaskill
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Obama
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Smith
Snowe
Specter
Stabenow
Stevens
Tester
Warner
Webb
Whitehouse
Wyden

NAYS—34

Allard
Bond
Brownback
Bunning
Casey
Chambliss
Coburn
Coleman
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Hagel
Inhofe
Isakson
Kyl
Martinez
McConnell
Nelson (NE)
Roberts
Sessions
Shelby
Sununu
Thomas
Thune
Vitter
Voinovich

NOT VOTING—3

Dodd
Johnson
Landrieu

The PRESIDING OFFICER. The yeas are 63; the nays are 34. Under the previous order of March 29, 2007, requiring 60 votes for passage of this bill, the bill is passed.

The bill (S. 5) was passed, as follows:

S. 5

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Stem Cell Research Enhancement Act of 2007".

SEC. 2. HUMAN EMBRYONIC STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

"SEC. 498D. HUMAN EMBRYONIC STEM CELL RESEARCH.

"(a) IN GENERAL.—Notwithstanding any other provision of law (including any regulation or guidance), the Secretary shall conduct and support research that utilizes human embryonic stem cells in accordance with this section (regardless of the date on which the stem cells were derived from a human embryo) .

"(b) ETHICAL REQUIREMENTS.—Human embryonic stem cells shall be eligible for use in any research conducted or supported by the Secretary if the cells meet each of the following:

"(1) The stem cells were derived from human embryos that have been donated from in vitro fertilization clinics, were created for the purposes of fertility treatment, and were in excess of the clinical need of the individuals seeking such treatment.

"(2) Prior to the consideration of embryo donation and through consultation with the individuals seeking fertility treatment, it was determined that the embryos would never be implanted in a woman and would otherwise be discarded.

"(3) The individuals seeking fertility treatment donated the embryos with written informed consent and without receiving any financial or other inducements to make the donation.

"(c) GUIDELINES.—Not later than 60 days after the date of the enactment of this section, the Secretary, in consultation with the Director of NIH, shall issue final guidelines to carry out this section.

"(d) REPORTING REQUIREMENTS.—The Secretary shall annually prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the preceding fiscal year, and including a description of whether and to what extent research under subsection (a) has been conducted in accordance with this section.".

SEC. 3. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 284 et seq.), as amended by section 2, is further amended by inserting after section 498D the following:

"SEC. 498E. ALTERNATIVE HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—In accordance with section 492, the Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells that, like embryonic stem cells, are capable of producing all or almost all of the cell types of the developing body and may result in improved understanding of or treatments for diseases and other adverse health conditions, but are not derived from a human embryo.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director, shall issue final guidelines to implement subsection (a), that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional basic or animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under this section;

"(2) prioritize research with the greatest potential for near-term clinical benefit; and

"(3) consistent with subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to affect any policy, guideline, or regulation regarding embryonic stem cell research, human cloning by somatic cell nuclear transfer, or any other research not specifically authorized by this section.

"(e) DEFINITION.—

"(1) IN GENERAL.—In this section, the term 'human embryo' shall have the meaning given such term in the applicable appropriations Act.

"(2) APPLICABLE ACT.—For purposes of paragraph (1), the term 'applicable appropriations Act' means, with respect to the fiscal year in which research is to be conducted or supported under this section, the Act making appropriations for the Department of Health and Human Services for such fiscal year, except that if the Act for such fiscal year does not contain the term referred to in paragraph (1), the Act for the previous fiscal year shall be deemed to be the applicable appropriations Act.

"(f) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2010, to carry out this section.".

Mr. MCCONNELL. I move to reconsider the vote and to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The question is on the passage of S. 30. Under the previous order, there will be two minutes evenly divided before the vote. Who yields time?

The Senator from Minnesota is recognized.

Mr. COLEMAN. Madam President, I rise in favor of S. 30. Last year the Senate passed a similar measure, Specter-Santorum, 100 to nothing. The reality is that S. 30 goes beyond what Specter-Santorum did. When the dust settles and S. 5 is vetoed, the only real opportunity to expand pluripotent embryonic stem cell research is through S. 30. I ask my colleagues to please put politics aside and to do the right thing.

I plead with my colleagues, on behalf of all of those who have looked to us and asked for hope to move the science of stem cell research forward in a way that does not divide but unifies, do what we did last year, 100 to nothing, keep hope alive, vote in favor of S. 30.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. HARKIN. Madam President, the bill we just passed, S. 5, does everything that S. 30 does. That was already said in the debate the other day. S. 5 has already passed by an overwhelming vote. Everything that S. 5 does is in S. 30. So the next vote really doesn't make any difference one way or the other, because by passing S. 5, we allow to be done what is done in S. 30.

Secondly, I have always taken the position that we should not tell scientists what to do and what not to do within the ethical guidelines we have established. What S. 30 says is: Go ahead and investigate. I don't know if using so-called dead embryos and extracting stem cells will work. I am not a scientist. But I don't want to handcuff the scientists and tell them they can't research it. As far as I am concerned, a vote for S. 30 is saying again what we committed to do in S. 5.

The PRESIDING OFFICER. All time has expired. The question is now on the passage of S. 30. The yeas and nays have been ordered. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Connecticut (Mr. DODD) and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 70, nays 28, as follows:

[Rollcall Vote No. 128 Leg.]

YEAS—70

Akaka
Alexander
Allard
Bennett
Biden
Bond
Brown
Brownback
Bunning
Burr
Byrd
Carper
Casey
Chambliss
Coburn
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Ensign
Enzi
Graham
Grassley
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Isakson
Kennedy
Kerry
Klobuchar
Kyl
Landrieu
Leahy
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Murkowski
Nelson (NE)
Pryor
Reed
Roberts
Salazar
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse

NAYS—28

Baucus
Bayh
Bingaman
Boxer
Cantwell
Cardin
Clinton
Durbin
Feingold
Feinstein
Inouye
Kohl
Lautenberg
Levin
Lieberman
Lincoln
Menendez
Mikulski
Murray
Nelson (FL)
Obama
Reid
Rockefeller
Sanders
Schumer
Stabenow
Tester
Wyden

NOT VOTING—2

Dodd
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 70; the nays are 28. Under the order of March 29, 2007, requiring 60 votes for the passage of this bill, the bill is passed.

The bill (S. 30) was passed, as follows:

S. 30

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Hope Offered through Principled and Ethical Stem Cell Research Act" or the "HOPE Act".

SEC. 2. PURPOSES.

It is the purpose of this Act to—

(1) intensify research that may result in improved understanding of or treatments for diseases and other adverse health conditions; and

(2) promote the derivation of pluripotent stem cell lines without the creation of human embryos for research purposes and without the destruction or discarding of, or risk of injury to, a human embryo or embryos other than those that are naturally dead.

SEC. 3. HUMAN PLURIPOTENT STEM CELL RESEARCH.

Part H of title IV of the Public Health Service Act (42 U.S.C. 289 et seq.) is amended by inserting after section 498C the following:

"SEC. 498D. HUMAN PLURIPOTENT STEM CELL RESEARCH.

"(a) IN GENERAL.—The Secretary shall conduct and support basic and applied research to develop techniques for the isolation, derivation, production, or testing of stem cells, including pluripotent stem cells that have the flexibility of embryonic stem cells (whether or not they have an embryonic source), that may result in improved understanding of or treatments for diseases and other adverse health conditions, provided that the isolation, derivation, production, or testing of such cells will not involve—

"(1) the creation of a human embryo or embryos for research purposes; or

"(2) the destruction or discarding of, or risk of injury to, a human embryo or embryos other than those that are naturally dead.

"(b) GUIDELINES.—Not later than 90 days after the date of the enactment of this section, the Secretary, after consultation with the Director of NIH, shall issue final guidelines that—

"(1) provide guidance concerning the next steps required for additional research, which shall include a determination of the extent to which specific techniques may require additional animal research to ensure that any research involving human cells using these techniques would clearly be consistent with the standards established under subsection (a);

"(2) prioritize research with the greatest potential for near-term clinical benefit;

"(3) consistent with standards established under subsection (a), take into account techniques outlined by the President's Council on Bioethics and any other appropriate techniques and research; and

"(4) in the case of research involving stem cells from a naturally dead embryo, require assurances from grant applicants that no alteration of the timing, methods, or procedures used to create, maintain, or intervene in the development of a human embryo was made solely for the purpose of deriving the stem cells.

"(c) REPORTING REQUIREMENTS.—Not later than January 1 of each year, the Secretary shall prepare and submit to the appropriate committees of the Congress a report describing the activities carried out under this section during the fiscal year, including a description of the research conducted under this section.

"(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as altering the policy in effect on the date of enactment of this section regarding the eligibility of stem cell lines for funding by the National Institutes of Health.

"(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out this section.

"(f) DEFINITIONS.—In this section:

"(1) NATURALLY DEAD.—The term 'naturally dead' means having naturally and irreversibly lost the capacity for integrated cellular division, growth, and differentiation that is characteristic of an organism, even if some cells of the former organism may be alive in a disorganized state.

"(2) HUMAN EMBRYO OR EMBRYOS.—The term 'human embryo or embryos' includes any organism, not protected as a human subject under part 46 of title 45, Code of Federal Regulations, as of the date of enactment of this section, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

"(3) RISK OF INJURY.—The term 'risk of injury' means subjecting a human embryo or embryos to risk of injury or death greater than that allowed for research on fetuses in utero under section 46.204(b) of title 45, Code of Federal Regulations, and section 498(b) of this Act.".

SEC. 4. NATIONAL AMNIOTIC AND PLACENTAL STEM CELL BANK.

(a) IN GENERAL.—The Secretary of Health and Human Services shall enter into a contract with the Institute of Medicine for the conduct of a study to recommend an optimal structure for an amniotic and placental stem cell bank program and to address pertinent issues to maximize the potential of such technology, including collection, storage, standards setting, information sharing, distribution, reimbursement, research, and outcome measures. In conducting such study, the Institute should receive input from relevant experts including the existing operators of federal tissue bank programs and the biomedical research programs within the Department of Defense.

(b) REPORT.—Not later than 180 days after the date of enactment of this Act, the Institute of Medicine shall complete the study under subsection (a) and submit to the Secretary of Health and Human Services and the appropriate committees of Congress a report on the results of such study.

Mr. COLEMAN. I move to reconsider the vote.

Mr. BROWNBACK. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana.

VOTE EXPLANATION

Ms. LANDRIEU. Madam President, I want the record to reflect that I would have voted "aye" on the previous vote on S. 5 had I been able to be here. I was traveling today for a funeral and was unable to get back. Subsequently, I voted "aye" on the bill that just passed. But I would like the record to reflect that had I been able to make the first vote, I would have voted "aye."

OBSERVING YOM HASHOAH, HOLOCAUST MEMORIAL DAY

Ms. LANDRIEU. Madam President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of S. Res. 142, and that the Senate then proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 142) observing Yom Hashoah, Holocaust Memorial Day, and calling on the remaining member countries of the International Commission of the International Tracing Service to ratify the May 2006 amendments to the 1955 Bonn Accords immediately to allow open access to the Bad Arolsen archives.

There being no objection, the Senate proceeded to consider the resolution.

Ms. LANDRIEU. Madam President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motions to reconsider be laid upon the table, and that any statements relating thereto be printed in the RECORD, without further intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 142) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 142

Whereas April 15, 2007, marks the international observance of Yom Hashoah, Holocaust Memorial Day, a day to remember and mourn the millions who died during the Holocaust of World War II;

Whereas thousands of Holocaust survivors, historians, and researchers are being denied access to files, located at Bad Arolsen, Germany, that tell the story of unspeakable crimes committed by the Nazis;

Whereas the Bad Arolsen archives contain 30,000,000 to 50,000,000 pages of documents that record the individual fates of over 17,000,000 victims of Nazi persecution;

Whereas the Bad Arolsen archives are administered by the International Tracing Service, which in turn is supervised by an international commission composed of 11 member countries established by the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords");

Whereas the member countries of the International Commission are the United States, Israel, Belgium, France, Germany, Greece, Italy, Luxembourg, the Netherlands, Poland, and the United Kingdom;

Whereas, in May 2006, after years of delay, the member countries of the International Commission commendably agreed to amend the Bonn Accords to make the Bad Arolsen archives public for the first time and agreed to place digitized copies of the documents in the archives at Holocaust research centers in other countries, including the United States Holocaust Memorial Museum;

Whereas the May 2006 amendments will become effective only after each of the 11 member countries completes the ratification process;

Whereas the United States, the United Kingdom, Israel, Poland, and the Netherlands have completed the ratification process; and

Whereas opening the Bad Arolsen archives is an urgent matter: Now, therefore, be it

Resolved, That the Senate—

(1) joins people around the world in observing Yom Hashoah, Holocaust Memorial Day, and mourning the millions who were lost during the Holocaust;

(2) commends the United States, the United Kingdom, Israel, Poland, and the Netherlands, as the member countries of the International Commission of the International Tracing Service that have completed the ratification of the May 2006 amendments to the Agreement Constituting an International Commission for the International Tracing Service, signed at Bonn June 6, 1955 (6 UST 6186) (commonly known as the "Bonn Accords");

(3) calls on Belgium, France, Germany, Greece, Italy, and Luxembourg, the member countries of the International Commission that have not yet ratified the May 2006 amendments to the Bonn Accords, to do so immediately;

(4) calls on the International Commission to approve the immediate distribution of copies of the documents from the Bad Arolsen archives that have already been digitized when the International Commission meets in Amsterdam in May 2007; and

(5) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the Secretary of State and to the ambassadors representing each of the member countries of the International Commission in the United States.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until tomorrow at 9:30 a.m.

Thereupon, the Senate, at 6:42 p.m., adjourned until Thursday, April 12, 2007, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate April 11, 2007:

DEPARTMENT OF STATE

PETER MICHAEL MCKINLEY, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF PERU.

DEPARTMENT OF VETERANS AFFAIRS

CHARLES L. HOPKINS, OF MASSACHUSETTS, TO BE AN ASSISTANT SECRETARY OF VETERANS AFFAIRS (OPERATIONS, PREPAREDNESS, SECURITY AND LAW ENFORCEMENT). (NEW POSITION)

PUBLIC HEALTH SERVICE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

ARTURO H. CASTRO
ROBERT F. CHESBRO, JR.
ISABELLA A. DANEL
AURELIO GALATI
EVE M. LACKRITZ
MARY L. LINDEGREN
BORIS D. LUSHNIAK
FRANK J. MAHONEY
BOYD W. MANGES
ELAINE MILLER
JOHN S. MORAN
MANETTE T. MALACANE NIU
STEPHEN J. RITH-NAJARIAN
LAURENCE M. SLUTSKER
DAVID L. SWERDLOW
ROBERT P. WISE

To be surgeon

SCOTT F. DOWELL
KIMBERLEY K. FOX
BROCKTON J. HEFFLIN
HUMBERTO HERNANDEZ-APONTE
DANIEL B. JERNIGAN
RONALD W. JOHNSON
PETER H. KILMARX
SHARON L. LUDWIG
MARK A. MILLER
ABRAHAM G. MIRANDA
ABELARDO MONTALVO
CYNTHIA G. WHITNEY
STEVEN S. WOLF
STEPHANIE ZAZA

To be senior assistant surgeon

JENNIFER L. BETTS
MATTHEW A. CLARK
FELICIA L. COLLINS
SRIPARNA D. DATTA
AL-KARIM A. DHANJI
PHILIP T. FARABAUGH
DANIEL R. FEIKIN
COY B. FULLEN
BRUCE W. FURNESS
MELISSA A. GREENWALD
SHANNON L. HADER
RICHARD S. HARRIS
NARAYAN NAIR
MICHALE D. RATZLAFF
REBECCA L. WERNER
MITCHELL I. WOLFE

To be assistant surgeon

ANTHONY M. DUNNIGAN
TOBE M. PROPST

To be dental director

RONALD E. BAJUSCAK
ROBERT A. CABANAS
MICHAEL L. CAMPSMITH
TIMOTHY L. LOZON
NICHOLAS S. MAKRIDES
DEAN A. MALLOY
DAVID M. MCCOLLOUGH
HIROFUMI NAKATSUCHI
WILLIAM V. STENBERG

To be dental surgeon

THOMAS B. BREWER
DAVID L. BRIZZEE
LISA W. CAYOUS
MARK S. ELLIOTT
MARK R. FREESE
PAUL H. JOHNSON
MICHAEL J. MINDIOLA
DEBORAH PHILO-COSTELLO
MARION E. ROOTS
DONALD L. ROSS
JAMES M. SCHAEFFER
WILNETTA A. SWEETING

To be senior assistant dental surgeon

KENNETH S. CHO
CIELO C. DOHERTY
ROBERT T. DVORAK
DAVID C. FEIST
RONALD L. FULLER
STEVEN K. RAYES
KRISTIN SHAHAN SAREAULT
ROBIN G. SCHEPER
JOHN R. SMITH
ANTHONY VITALI
VALARIE D. WILSON
BENJAMIN C. WOOTEN

To be nurse director

FAY E. BAIER
JANICE M. CARICO
CLARA HENDERSON COBB
KIRK L. HOPINKA
KITTY R. MACFARLANE
RUSS P. METLER
CATHY J. WASEM

To be nurse officer

GRACIE L. BUMPASS
LAURA M. CHISHOLM
DANIEL W. CLINE
JEFFREY L. DERRY
VERNA GADDY
JACINTO J. GARRIDO
JOAN M. HARDING
COLLEEN A. HAYES
RICHARD G. HILLS
PATRICIA M. JACOBS
ROLDIE C. JONES
EVANGELINA A. MONTOYA
PAUL J. MURTER III
JOYCE A. PRINCE
CLIFFORNIA J. ROLLE
LESLIE L. ROYALL
JAMES E. SORENSON
PAMELA JO SQUIRES
TINA ALICE TAH
MARY T. VANLEUVEN
FRANCES E. WALL
MARK S. WESSEL
ARNETTE M. WRIGHT

To be senior assistant nurse officer

DIANE M. AKER
BONNIE J. ALLARD
BELINDA E. BACON
KELLY L. BARRY
KIMBERLY M. DEFFINBAUGH
GUADALUPE R. DEMSKE
IRENE H. DUSTIN
JUDY L. GLENN
WILLIAM C. GUINN
DENNIS R. HAMMOND
JULIE D. KING
CHAD W. KORATICH
KAREN L. KOSAR
MOIRA G. MCGUIRE
CAROLYN J. MCKEOWN
ANTHONY E. MILLKAMP
MADELYN RENTERIA
CARMELITA SORRELMAN
AMY O. TAYLOR

To be assistant nurse officer

MICHELLE E. BROWN-STEPHENSON
CHANNEL R. MANGUM
HUNG P. PHAN

To be engineer director

DONALD J. HUTSON

To be engineer officer

ARTHUR M. ANDERSON
MITCHELL W. CONSTANT
ERIC L. CRUMP
DANIELLE DEVONEY
MATTHEW N. DIXON
ROBERT J. DRUMMOND
THOMAS J. HEINTZMAN
MICHAEL S. JENSEN
LOUIS A. LIGHTNER, JR.
JIMMY P. MAGNUSON
KEVIN B. MILNE
MARY C. MINER
KATHY M. PONELEIT
DANIEL D. REITZ
DAVID P. SHOULTZ
MARK R. THOMAS
ANDREW J. ZAJAC
ANTHONY T. ZIMMER

To be senior assistant engineer officer

MARK A. CALKINS
JAMIE D. NATOUR
DENMAN K. ONDELACY
JEFFREY S. REYNOLDS
HILDA F. SCHAREN-GUIVEL
ERIC Y. SHIH
NATHAN C. TATUM
CHARLES H. WEIR
DANIEL H. WILLIAMS

To be scientist director

MARY E. BIRCH
G. SHAY FOUT
DAVID HUSSONG
SHARON O. WILLIAMS-FLEETWOOD
MILDRED M. WILLIAMS-JOHNSON

To be scientist

DRUE H. BARRETT
RICKIE R. DAVIS
ANN M. MALARCHER
CLEMENT J. WELSH

To be senior assistant scientist

CARMA S. AYALA
DAPHNE B. MOFFETT
MEREDITH A. REYNOLDS
ROBERT L. WILLIAMS

To be environmental health director

RICHARD W. DURRETT
JAMES S. SPAHR

To be environmental health officer

DANIEL ALMAGUER
CLINT R. CHAMBERLIN
NANCY J. COLLINS
GARY J. GEFROH
GREGORY M. KINNES
JOHN P. LEFFEL
KEVIN D. MEEKS
MICHAEL A. NOSKA
DORIS RAVENELL-BROWN
SARATH B. SENEVIRATNE
L. J. DAVID WALLACE III
BERRY F. WILLIAMS
RONALD D. ZABROCKI

To be senior assistant environmental health officer

CALVIN K. COOK
VIVIAN GARCIA
BRIAN E. HROCH
KATHY S. SLAWSON
DONALD B. WILLIAMS, JR.

To be veterinary director

RONALD B. LANDY

To be senior assistant veterinary officer

JENNIFER H. MCQUISTON

To be pharmacist director

GARY W. BLAIR
MICHAEL E. MARCARELLI
JAMES P. STABLES

To be pharmacist

MICHAEL R. ALLEN
ROBERT A. ANDERSON
CHRISTINE E. CHAMBERLAIN
MICHAEL S. FORMAN
MICHELE F. GEMELAS
JILL G. GEOGHEGAN
KAREN G. HIRSHFIELD
REBECCA J. LIDEL
JOSEPHINE A. LYGHT
WILLIAM B. MCLIVERTY
AMY L. MINNICK
SHELLEY F. PAULSON
ANNIE L. REINER
PATRICIA F. RODGERS
SHEILA E. VEIKUNE
EARL D. WARD, JR.
KELVIN N. WHITEHEAD
DEBORAH F. YAPLEE

To be senior assistant pharmacist

JAMES L. BRESETTE

JAMES E. BRITTON, JR.
ROSALIND P. CHORAK
RICHARD O. DECEDERFELT
GARY L. ELAM
JENNIFER E. FAN
WALTER L. FAVA
PAUL E. HUNTZINGER
EUN S. JEON
TENA L. JESSING
MARIANN KOCSIS
REY V. MARBELLO
ERIC M. MUELLER
LISA D. OLIVER
LISA P. OLSON
ERIC J. POLCZYNSKI
LISA M. ROSE
KASSANDRA C. SHERROD
GREGORY W. SMITH
DEREK E. TESCHLER
STACEY A. THORNTON
JACQUELINE H. WARE
CASSONDRA M. WHITE

To be assistant pharmacist

KRISTEN L. MAVES

To be dietitian director

EDITH M. CLARK

To be dietitian

JO ANN A. HOLLAND
DAVID M. NELSON
CONNIE Y. TORRENCE-THOMAS

To be senior assistant dietitian

ALEXANDRA M. COSSI
JEAN M. KELAHAN
KIRSTEN M. WARWAR
GRAYDON T. YATABE

To be senior assistant therapist

MARY BETH DORGAN
LAURA M. GROGAN
RONALD R. WEST

To be health services director

EPIFANIO ELIZONDO
JEREMIAH P. KING

To be health services officer

TONI A. BLEDSOE
TRACI L. GALINSKY
DARLENE A. HARRIS
BRIAN T. HUDSON
MALCOLM B. JOHNS
GAY E. NORD
CARMENCITA T. PALMA
STEVEN A. SMITH
DOROTHY E. STEPHENS

To be senior assistant health services officer

JULIE WOFFORD BLACK
DEBORAH A. BOLING
MICHAEL A. CANDREVA
BRIAN K. CULLIGAN
LA CRUZ DAVID S. DE
JENNIFER S. GANNON
BONNIE L. GRANT
ARNOLD L. HOWARD
SCOTT A. MIDDLEKAUFF
GODWIN O. ODIA
RENEE S. ROBERSON
ELIZABETH A. SCOTT
LISA D. STARNES

To be assistant health services officer

ALLYSON M. ALVARADO
CHERYL L. FAJARDO
BETH ANNE HENSON
RYAN D. HILL
DAVID J. LUSCHE

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

DAVID G. ADDISS
DAVID R. ARDAY
WILLIAM B. BAINE
MARK D. BONNELL
LYNN A. BOSCO
ROBERT F. BREIMAN
RALPH T. BRYAN
GEOFFREY M. CALVERT
RICHARD J. CALVERT
DAVID B. CANTON
ROBERT L. DANNER, JR.
SCOTT D. DEITCHMAN
MARK E. DELOWERY
MAURA K. DOLLYMORE
LUIS G. ESCOBEDO
KAREN M. FARIZO
STEVEN K. GALSON
OLGA GRAJALES
DAVID M. HARLAN
GEORGE H. HAYS, JR.
AUGUSTA E. HAYS
CLARE HELMINIAK
PAUL J. HIGGINS
NOREEN A. HYNES
ROBERT H. JOHNSON
JEFFREY L. JONES
MARY L. KAMB
WILLIAM J. KASSLER
SANDRA L. KWEDER
WILLIAM C. LEVINE
JOSEPH MULINARE
PATRICK J. OCONNOR
BRADLEY A. PERKINS
ROSSANNE M. PHILEN
ROBERT E. QUICK III
GARY F. ROSENBERG
DAVID C. RUTSTEIN
MARCEL E. SALIVE
ANNE SCHUCHAT
DONALD J. SHARP
SAM S. SHEKAR
DANIEL M. SOSIN
JORDAN W. TAPPERO
JUDITH THIERRY
WALTER W. WILLIAMS
DAWN L. WYLLIE

To be senior surgeon

CHARLES H. BEYMER
SUSAN BLANK
MICHAEL J. BOQUARD
ALICE Y. BOUDREAU
J RUSSELL BOWMAN
JOANNA BUFFINGTON
WILLIE CACHO
JOSEPH M. CHEN
PHILIP E. COYNE, JR.
MARSHA G. DAVENPORT
HERMAN A. DOBBS III
MICHAEL M. ENGELGAU
THOMAS W. HENNESSY
MICHAEL F. IADEMARCO
NEWTON E. KENDIG
ALI S. KHAN
DENISE T. KOO
MARK N. LOBATO
VERNON A. MAAS
ERIC A. MANN
AUBREY K. MILLER
JEFFREY B. NEMHAUSER
LOIS R. NISKA
ELENA H. PAGE
MARK J. PAPANIA
MONICA E. PARISE
LYNN A. PAXTON
CARLOS M. RIVERA
DIANA M. RODRIGUEZ
MARC A. SAFRAN
ABIGAIL M. SHEFER
ROBERT J. SIMONDS
DAVID H. SNIADACK
MARK J. TEDESCO
JONATHAN T. WEBER
JANE R. ZUCKER

To be surgeon

JOHN M. BALINTONA
ROXANNE Y. BARROW
DAHNA L. BATTS
MARK E. BEATTY
ELISE M. BELTRAMI
KENNETH L. BROOKS
MICHAEL G. BRUCE
ANTHONY B. CAMPBELL
CHRISTINE G. CASEY
JEFFREY M. CURTIS
PATRICK H. DAVID
HEIDI C. ERICKSON
JAMES D. HEFFELFINGER
DAVID C. HOUGHTON
TERRI B. HYDE
DENISE J. JAMIESON
DAVID E. JOHNSON
VENKATARAMA R. KOPPAKA
JAMES F. LANDO
SUSAN A. LIPPOLD
SHERYL B. LYSS
JULIE M. MAGRI
STEPHANIE E. MARKMAN
LISA L. MATHIS
JOHN C. MOHS
KIMBERLY S. MOHS
ROCHELLE M. NOLTE
WILLIAM H. ORMAN
KATHERINE C. PALATIANOS
BERNARD W. PARKER
FARAH M. PARVEZ
ALEXANDER K. ROWE
STEPHEN M. RUDD
MARC A. SAFRAN
SCOTT S. SANTIBANEZ
MONA SARAIYA
MICHAEL E. TOEDT
ALICIA GARCIA VANTRAN
SEYMOUR G. WILLIAMS
JASON J. WOO
CATHERINE L. WOODHOUSE

To be dental director

JEROME B. ALFORD
WILLIAM E. ATWOOD
DONALD C. BELCHER
THOMAS L. BERMEL
ARTURO BRAVO
JAMES L. CARPENTER
A. ISABEL GARCIA
MICHAEL F. GMUREK
NORMAN W. JAMES
THOMAS A. KORBITZ
RAYMOND F. LALA
MARGARET L. LAMY
PATRICK D. MCDERMOTT
STEVE J. MESCHER
GARY L. PANNABECKER
FORREST H. PEEBLES
LYNN G. PRICE
LEE S. SHACKELFORD
DARLENE A. SORRELL
WALTON L. VANHOOSE
JOHN T. ZIMMER

To be senior dental surgeon

ARLAN K. ANDREWS
MICHAEL C. ARNOLD
TIMOTHY S. BISHOP
MARK R. BOGNAR
HERMAN J. CAMPBELL
JEFFREY M. CAROLLA
RANDOLPH A. COFFEY
JEFFERY R. COMBS
BRET A. DOWNING
MARKUS P. ELDRED
PAUL J. FARKAS
JANIE G. FULLER
CARL J. GUSTKE
GEORGE HADDY
JOSEPH G. HOSEK
RUTH M. KLEVENS
MICHAEL R. KWASINSKI
STEVEN J. LIEN
TANIA M. MACIAS
RANDALL B. MAYBERRY
ADELE M. MEGLI
MARY G. MURPHY
DEBORAH R. NOYES
SAMUEL J. PETRIE
PETER M. PRESTON
JOSE C. RODRIGUEZ
RICKEY S. THOMPSON
RICK D. VACCARELLO

To be dental surgeon

TIMOTHY L. AMBROSE
RONALD C. COX
BRYAN S. DAWSON
ROBERT G. GOOD
STANLEY K. GORDON
CLAY D. HENNING
LAURA J. LUND
GELYNN L. MAJURE
GLENN P. MARTIN
KATHLEEN M. OCONNOR-MORAN
JAMES J. PALERINO
ALAN C. PETERSON
TIMOTHY L. RICKS
MARION E. ROOTS
ROBERT P. SEWELL
TODD M. TOVAREK
LYNN C. VAN PELT
CLAUDIA G. VONHENDRICKS
CHARLES M. WEBER

To be nurse director

ELIZABETH A. AUSTIN
BETTY L. CHERN-HUGHES
LESLIE DENISE COOK COOPER
MARY P. COUIG
ROBERT E. EATON
RUSSELL L. GREEN
KAREN D. HENCH
MARY R. INGRAM
ARMANDO S. LEDESMA
CAROL L. LINDSEY
JOHN S. MOTTER
NANETTE H. PEPPER
JACQUELYN A. POLDER
BONITA S. PYLER
DEBORAH C. ROMERO
PAUL A. SATTLER
ANNETTE C. SIEMENS
NADINE M. SIMONS
PELAGIE C. SNESRUD
MARJORIE LYNN WITMAN

To be senior nurse officer

ANDREA P. ARGABRITE
JUDITH E. ARNDT
ANA MARIE L. BALINGIT-WINES
GARY W. BANGS
JANICE A. BENNETT
EILEEN D. BONNEAU
DONNA N. BROWN
ROBYN BROWN
MARY E. BRUK
DORIS L. CLARKE
AMY S. COLLINS
MARIA L. DINGER
SANDRA DODGE
LESLIE D. DYE
MARY E. FAIRBANKS
LENA S. FAWKES
JEAN FROST
EDWIN M. GALAN
LOUIS J. GLASS

LONNA J. GUTIERREZ
CINDY E. HAMLIN
KIMBERLAE A. HOUK
LAURIE S. IRWIN-PINKLEY
PHILIP JARRES
VERLISS L. KELLER-MILLER
DAVID W. KELLY
DONNA M. KENISON
DEBORAH KLEINFELD
CAROL L. KONCHAN
MARK P. LECAPITAINE
MARY M. LEEMHUIS
SUSAN R. LUMSDEN
MICHAEL D. LYMAN
IRENE MARIETTA
KENNETH H. MARMON
ANGELA M. MARTINELLI
TIMOTHY E. MATHEWS
ROBERT W. MAYES
JERILYN ANDERSON MCCLAIN
STEPHANIE V. MIDDLETON
BRENDA J. MURRAY
GENISE Y. NIXON
REBECCA K. OLIN
MARTHA T. OLONE
JOHN D. ORELLA
STEVEN R. OVERSBY
MICHAEL J. PAPANIA
CHRISTINE M. PARMENTIER
SANDRA D. PATTEA
MONIQUE V. PETROFSKY
CHERRYLL F. RANGER
JAMES R. REID
MARY J. RILEY
GILBERT P. ROSE
JOHN J. ROSENBERGER
JAMES F. SABATINOS
JULIANA M. SADOVICH
BEVERLY J. SANDERS
MAURICE M. SHEEHAN
RUTH A. SHULTS
ELLEN D. SIMMONS
LYNN A. SLEPSKI
ERNESTINE T. SMARTT
YUKIKO TANI
BERNADINE L. TOYA
KENDA J. WALLACE
JAMES S. WHITING
CINDY L. WILSON

To be nurse officer

JANICE ADAMS
DARYL L. ALLIS
WENDY S. ANTONOWSKY
THOMAS C. ARMINIO
DANIEL J. ARONSON
KEVIN J. BARTLETT
TRACY A. BROWER
SALLY E. BROWN
AMY V. BUCKANAGA
MARTHA E. BURTON
DEBORAH M. CARTER
CHARLES W. CHAMBERS
KAREN M. COOK
TERENCE E. DEEDS
CATHERINE M. DENTINGER
LISA A. DENZER
THOMAS L. DOSS
SHERI L. DOWNING-FUTRELL
SHANNON C. DUNN
ROBERT T. EDWARDS
JAMES L. GIBSON
DAVID M. GOLDSTEIN
BRENT T. HALL
LORI B. HANTON
JOHN S. HARTFORD
JODI L. HENNESSY
DIANNE MISKINIS HILLIGOSS
JOHN M. HOLCOMB
DE ALVA HONAHNIE
ERIC M. HOWSER
WILLADINE M. HUGHES
ANITA L. JOHNSON
MARY C. KARLSON
RONALD D. KEATS
JANIE M. KIRVIN
ANITA C. KRUMM
DEBORAH L. LAKE
ROBERTA PROFFITT LAVIN
RICHARD N. LELAND
LESLIE R. LIGHTWINE
LORI M. LUU
STEPHANIE C. MANGIGIAN
MARK J. MARTINEAU
PETER J. MARTINEAU
SUSAN Z. MATHEW
PEGGY J. MATHIS
STARDUST W. MAZZARIELLO
JACQUELINE P. MORGAN
CATHERINE B. MOSHIER
MICHELE E. NEHREBECKY
SHELLY K. PAYNTER
RICKY D. PEARCE
THUYLE T. PHAM
LYNN M. POWER
LAVERNE PUCKETT
MICHAEL R. SANCHEZ
BARBARA L. SCHOEN
ROSEMARY J. SULLIVAN
JAMES L. VICKROY
BRYAN E. WEAVER
DOMINIC T. WESKAMP
SIONA W. WILLIE
TRACY L. WOLFE
SHERRI L. ZUDELL

To be senior assistant nurse officer

CINDY L. ADAMS
FELICIA A. ANDREWS
GLENN R. ARCHAMBAULT
GUADALUPE R. DEMSKE
MICHAEL W. FORBES
BARBARA A. FULLER
SHERRY L. MCREYNOLDS
ALEXIS MOSQUERA
DARYL W. PERRY
MONICA D. RANKINS
JANET E. SEEGERS
SPENCER T. SMITH

To be engineer director

RANDY J. CORRELL
DANIEL L. HEINTZMAN
PAUL A. JENSEN
KENNETH F. MARTINEZ
DAVID I. MCDONNELL
RONALD L. MICKELSEN
JEFFREY J. NOLTE
RUSSEL D. PEDERSON
JOHN P. RIEGEL
RICHARD A. RUBENDALL
ROGER G. SLAPE
GREGORY A. STEVENS
MICHAEL R. WEAVER

To be senior engineer officer

DAVID M. APANIAN
SHIB S. BAJPAYEE
RAYMOND M. BEHEL II
JAMES W. COLLINS
BRYAN L. FISCHER
MICHAEL G. GRESSEL
ALLEN K. JARRELL
THOMAS M. PLUMMER
ROBERT J. REISS
STEPHEN P. RHODES
ROSS D. SCHROEDER
MUTAHAR S. SHAMSI
KEITH P. SHORTALL
MARK A. STAFFORD
MAURICE C. WEST
DOMINIC J. WOLF

To be engineer officer

STEVEN J. ANDERSON
DONALD C. ANTROBUS
STEPHEN R. BOLAN
STEVEN L. BOSILJEVAC
CHRISTOPHER A. BRADLEY
CHRISTOPHER P. BRADY
MICHAEL S. COENE
CHARLES M. COTE
GORDON R. DELCHAMPS
ROBERT J. DRUMMOND
RICHARD J. GELTING
KENNETH J. GRANT
CHARLES S. HAYDEN II
SCOTT M. HELGESON
LEE C. JACKSON
CHUCRI A. KARDOUS
ANTHONY G. KATHOL
DARRELL W. LAROCHE
JOHN W. LONGSTAFF
ROBERT J. LORENZ
ERIC L. MATSON
STEVEN M. MCGOVERN
ANDREW M. MELTZER
MARY C. MINER
NELSON N. MIX
PETER T. NACHOD
STEVEN E. RAYNOR
RICK A. RIVERS
CAROL L. ROGERS
JERRY A. SMITH
JACK S. SORUM
MICHAEL A. STOVER
DARRALL F. TILLOCK
DANIEL C. TOMPKINS
HUNG TRINH
MARJORIE E. WALLACE
RICHARD S. WERMERS

To be senior assistant engineer officer

PATRICK W. CRANEY
MATHEW J. MARTINSON
BRENT D. ROHLFS

To be scientist director

PAMELA L. CHING
DEBRA G. DEBORD
LYNDA S. DOLL
MARK S. EBERHARDT
MICHELE R. EVANS
BARRY S. FIELDS
YOUNG H. LEE
ROBERT W. LINKINS
WILLIAM G. LOTZ
MARK L. PARIS
ROGER R. ROSA
GLENN D. TODD

To be senior scientist officer

LAILA H. ALI
ROY A. BLAY
KATE M. BRETT
FRANK P. GONZALES
OMAR D. HOTTENSTEIN
LAUREN C. IACONO-CONNORS
ROSA J. KEY-SCHWARTZ
CHARLES D. KIMSEY, JR.
PATRICK J. MCNEILLY
HELENA O. MISHOE
PAUL D. SIEGEL
JOYCE L. SMITH
WILLIAM H. TAYLOR III

To be scientist officer

NELSON ADEKOYA
LISA J. COLPE
RICKIE R. DAVIS
MINNIS T. HENDRICKS, JR.
KAREN A. HENNESSEY
ROBIN L. LYERLA
KATHLEEN Y. MCDUFFIE
JOSHUA A. MOTT
STEPHANIE L. SANSOM
CYNTHIA A. STRILEY
DOUGLAS A. THOROUGHMAN

To be senior assistant scientist officer

MEREDITH A. REYNOLDS

To be environmental health director

ROBERT H. BERGER
DAVID A. BLEVINS
WILLIAM J. DANIELS
BRUCE M. ETCHISON
DANIEL M. HARPER
CHARLES L. HIGGINS
BRENDA J. HOLMAN
ALAN D. KNAPP
ALAN R. SCHROEDER
CRAIG A. SHEPHERD

To be senior environmental health officer

JARET T. AMES
DAVID P. BLEICHER
BRIAN E. CAGLE
ALAN J. DELLAPENNA, JR.
ALAN S. ECHT
RUSSELL E. ENSCORE
DONNA LYNN EVANS
WENDY L. FANASELLE
RALPH F. FULGHAM
MICHAEL G. HALKO
MICHAEL E. HERRING
THOMAS A. HILL
JOSEPH L. HUGHART
STEVEN G. INSERRA
MARK A. KELTY
MARTHA D. KENT
CYNTHIA C. KUNKEL
JAN C. MANWARING
THERESA I. MCDARMONT
MARK D. MILLER
ROBERT S. NEWSAD
MATTHEW J. POWERS
JOSEPH L. SALYER
TERESA A. SEITZ
AUBREY C. SMELLEY, JR.
RICHARD E. TURNER
JOHN W. WALMSLEY
MICHAEL D. WARREN
MICHAEL M. WELCH
REBECCA L. WEST
PAUL T. YOUNG

To be environmental health officer

CHRISTOPHER W. ALLEN
JANICE ASHBY
STEPHEN P. BERARDINELLI, JR.
MARGARET L. BOLTE
MYRNA J. BUCKLES
JULIA E. CHERVONI
KEITH W. COOK
LARRY F. CSEH
WILLIAM T. GOING III
KIT C. GROSCH
ROBERT W. GRUHOT
WAYNE L. HALL
KENNY R. HICKS
JOHN D. HOLLAND
LISA J. IWASZKO
CHRISTOPHER T. KATES
DUANE M. KILGUS
ANN M. KRAKE
JENNIFER M. LINCOLN
JOSEPH D. LITTLE
JOSEPH W. MATTHEWS
A THOMAS MIGNONE, JR.
SUSAN L. MUZA
RICHARD A. ORLANDO
GINA L. PAHONA
ALAN G. PARHAM
EDWARD PEREZ, JR.
RHONDA S. SEARS
JOHN D. SMART
TIMOTHY WALKER
ELIZABETH B. WRIGHT

To be veterinary director

DOUGLAS A. POWELL
CAROL S. RUBIN

WILLIAM S. STOKES
BARTON G. WEICK
AXEL V. WOLFF

To be senior veterinary officer

SEAN F. ALTEKRUSE
STEPHANIE I. HARRIS
ESTELLA Z. JONES-MILLER
HUGH M. MAINZER
SHANNA L. NESBY-ODELL
META H. TIMMONS

To be veterinary officer

KAMELA D.E. DAVIS
KATHERINE A. HOLLINGER

To be pharmacist director

DENNIS M. ALDER
JENEVA S. ARNOLD
DARYL A. DEWOSKIN
JOHN A. ELTERMANN, JR.
JOAN C. GINETIS
JAMES R. HUNTER
ALVIN J. LEE
SHEILA M. OKEEFE
DAVID W. RACINE
JO ANN M. SPEARMON
JAMES P. STUMPFF
JOSLYN R. SWANN
DAVID R. TAYLOR
CHARLES C. WATSON
JAMES S. WILLIAMS III

To be senior pharmacist officer

MARK E. BURROUGHS
MARIA T. BURT
VICKY S. CHAVEZ
STEPHANIE DONAHOE
KATHLEEN E. DOWNS
L. JANE DUNCAN
MARY A. FONG
JEFFREY R. FRITSCH
THOMAS P. GAMMARANO
SYRENA T. GATEWOOD
GARY M. GIVENS
BEN GLIDEWELL
RAYMOND GOLDSTINE
LILLIE D. GOLSON
LUISA V. GRAVLIN
GEORGE J. HAVENS III
RITA L. HERRING
MARY ANN HOLOVAC
WALTER L. HOLT, JR.
CHARLES V. HOPPES
CARL W. HUNTLEY
MARTIN JAGERS
CAROLYN J. JOHNSON
JOSEPH L. JOHNSON
MICHAEL D. JONES
JAMES C. JORDAN
ANTHONY E. KELLER
ALICE D. KNOBEN
VERNON T. LEW
MICHAEL R. LILLA
ROBERT H. MCCLELLAND
JOSEPH F. MCGINNIS
PHILIP J. MINNICK
JAMES M. MOORE
M. PATRICIA MURPHY
ROBERT E. PITTMAN
NICHOLAS A. QUAGLIETTA
WILLIAM D. SAGE
PAMELA M. SCHWEITZER
MARGARET A. SIMONEAU
ROBERT M. TAYLOR
JAMES E. TEAGUE
SHARON K. THOMA
THOMAS J. TROSHYNSKI
ADOLPH E. VEZZA
PETER WEISS

To be pharmacist officer

KARL D. AAGENES
JAMES F. BARNETT, JR.
CHRISTOPHER A. BINA
LYNDALL S. BLACKMON
DONALD L. BRANHAM
SILVIA P. BREAKFIELD
CAROLE C. BROADNAX
CLINTON D. BULLOCK
KRISTI A. CABLER
ROBERT B. CARLILE IV
CYNTHIA C. CARTER
LANA Y. CHEN
CARMEN C. CLELLAND
SCOTT M. DALLAS
ALISON R. DION
STEVEN D. DITTERT
KATHLEEN M. DOTSON
THOMAS C. DURAN
CAROL A. FELDOTTO
MARK A. FELTNER
TRACI C. GALE
PATRICIA N. GARVEY
SCOTT F. GIBERSON
MATTHEW P. GRAMMER
MELINA N. GRIFFIS
ROBERT W. GRIFFITH
RANDALL J. HAIGH
JANETTE L. HARRELL
DANIEL L. HASENFANG
TOMMY E. HOREIS
BECKY L. KAIME
KIMBERLY D. KNUTSON
DAVID A. KONIGSTEIN
JANE M. KREIS
KOUNG U. LEE
MICHAEL J. LONG
HOUDA MAHAYNI
PATRICK M. MARSHALL, JR.
JOHN R. MARTIN
TERRI J. MARTIN
MARK R. MCCLAIN
CONNIE J. MCGOWEN-COX
MAYRA I. MELENDEZ
ALICIA M. MOZZACHIO
CHERYL A. NAMTVEDT
MARY A. NIESEN
JENNIFER SRIVER POST
JULIE K. RHIE
WILLIAM A. RUSSELL, JR.
BRIAN D. SCHILLING
KENNETH H. SCHMIDT
MELISSA R. SCHWEISS
SANDRA M. SHIPP
SCARLET D. SOUTHERN
THOMAS A. STICHT
VANESSA G. THOMAS-WILSON
DEBORAH J. THOMPSON
ROBERT J. TOSATTO
CATHERINE L. VIEWEG
PAMELA J. WEST
BEVERLY K. WILCOX
CATHERINE W. WITTE
EDWARD N. YALE
ROCHELLE B. YOUNG

To be senior assistant pharmacist officer

GREGORY S. DAVIS
ROSS P. GREEN
ELAINE J. HU
NASSER MAHMUD
VLADA MATUSOVSKY
PARAS M. PATEL
EMILY T. THAKUR
ELIZABETH F. YUAN

To be dietitian director

KAREN M. BACHMAN-CARTER
LAURA A. MCNALLY
GLEN P. REVERE
MIRANDA S. YANG-OSHIDA

To be senior dietitian officer

ELAINE J. AYRES
SUSAN T. DETHMAN
CELIA R. HAYES
MARILYN A. WELSCHENBACH

To be dietitian officer

KARI R. BLASIUS
MELISSA Z. SANDERS
APRIL P. SHAW

To be therapist director

MARK W. DARDIS
FRANCES M. OAKLEY
IVANA R. WILLIAMS

To be senior therapist officer

DAVID J. BRUEGGEMANN
MARTHA A. DUGANNE
SUSANNE E. PICKERING
BECKY L. SELLERS
KAREN L. SIEGEL
MICHAELE R. SMITH

To be therapist officer

JEAN E. BRADLEY
JOHN H. FIGAROLA
SCOTT P. GAUSTAD
MICHELLE Y. JORDAN
MICHAEL D. LAPLANTE
CINDY R. MELANSON
LOIS L. MICHAELIS-GOODE
RICHARD SHUMWAY
MATTHEW E. TAYLOR
DANIEL C. WEAVER

To be senior assistant therapist

TESHARA G. BOUIE
AYANNA Y. HILL
JACKIE M. PETERMAN

To be health services director

REGINA A. BRONSON
RUST D. COREY
EUGENE G. DANNELS
MICHELE M. DOODY
CLIFFORD D. EVANS
JOHN D. FUGATE, JR.
ROBERT A. LATINA
STEVEN A. LEE
RICHARD A. LEVY
PAUL W. LICHTENSTEIN
LAWRENCE C. MCMURTRY
JAMES C. PORTT
LINDA M. POTTERN
HEYWARD L. ROURK, JR.
ILZE L. RUDITIS
JAMES F. SAVIOLA
RICHARD G. SCHULMAN
MAX A. TAHSUDA
ALBERT R. TALLANT
FRANCIS P. WAGNER, JR.
RICHARD C. WHITMIRE

To be senior health services officer

CORINNE J. AXELROD
THEODORE P. CHIAPPELLI
FRANK H. CROSS, JR.
WILLIAM M. GOSMAN
WILLIAM D. HENRIQUES
TERESA C. HORAN
PAUL A. JONES
GREG A. KETCHER
HENRY LOPEZ, JR.
W. HENRY MACPHERSON
MARGARET A. MCDOWELL
EDWARD M. MCNERNEY
MICHAEL R. MILNER
DIANA L. RULE
JANET REEN SAUL
TERRY J. SCHLEISMAN
RONALD E. SELLERS
DANA R. TAYLOR
RAY J. WEEKLY
PEGGY J. WHITEPLUME
WILLIAM BOYD WYETH

To be health services officer

KATHY L. BALASKO
MARINNA BANKS-SHIELDS
JEFFREY T. BOSSHART
JOHN J. CARDARELLI II
ANA D. CINTRON
GARY M. COLE
THOMAS A. COSTELLO
WILLARD E. DAUSE
SANDRA L. FERGUSON
DENISE L. GOUDELOCK
JAMES A. GREGORY
DIANE C. HANNER
HOWARD J. HEISLER
REBECCA D. HICKS
STEVEN E. HOBBS
MARY C. HOLLISTER
THOMAS W. HURST
SHERLENE B. JACQUES
DAWN A. KELLY
MONICA R. KUENY
KIMBERLY LEWANDOWSKI-WALKER
JUDITH A. NELSON
ANNE M. PERRY
JEAN O. PLASCHKE
DANIEL H. REED
JAMES B. REED
BRIAN E. RICHMOND
MONICA PASQUALE RUEBEN
RUBEN T. SABATER
JAY A. SELIGMAN
JOHN H. STADICK
DELORES E. STARR
ASTRID L. SZETO
SYLVIA J. TETZLAFF
BRUCE W. TOPEY
GILBERT E. VARNEY, JR.
KIMBERLY A. WALKER
CHRISTOPHER R. WALSH
ROBBIN K. WILLIAMS
CHERYL A. WISEMAN
ANTHONY M. ZECCOLA

To be senior assistant health services officer

MARJORIE D. BALDO
MICHELLE M. BLETH
NADINE R. BROWN
REBECCA A. BUNNELL
ELIZABETH A. HASTINGS
STANTON C. HAWKES
AMY L. HOLDER
JASON A. ORTIZ
RONALD R. PINHEIRO
KAREN J. SICARD

To be assistant health services officer

ALLYSON M. ALVARADO

THE FOLLOWING CANDIDATES FOR PERSONNEL ACTION IN THE REGULAR COMPONENT OF THE PUBLIC HEALTH SERVICE SUBJECT TO QUALIFICATIONS THEREFORE AS PROVIDED BY LAW AND REGULATIONS:

To be medical director

DANIEL S. MILLER

To be senior surgeon

PAUL J. ANDREASON
FRANCISCO M. AVERHOFF
ROBERT BALL
BRENTON T. BURKHOLDER
SUSAN T. COOKSON
RAFAEL HARPAZ
DALE J. HU
JEFFREY B. KOPP
SHIRLEY J. LEE
AUGUSTINE Q. PROVENCIO
CALMAN P. PRUSSIN
SUSAN E. REEF
RAFEL D. RIEVES
ERIC M. WASSERMANN

To be surgeon

SARAH E. ATANASOFF
MARTIN G. BELSON
PAUL J. BRADY
KAREN R. BRODER
XIOMARA I. BROWN
DOUGLAS H. ESPOSITO
ALICIA M. FRY
CHANDAK GHOSH
KENNETH R. HARMAN, JR.
CHRISTOPHER W. KEANE
TEJASHRI S. PUROHIT-SHETH
JULIA A. SCHILLINGER
LISA M. SUMNER
MELANIE M. TAYLOR

To be senior assistant surgeon

MARK R. DYBUL
DWIGHT R. HUMPHERYS
PAUL I. JUNG
KATRINA KRETSINGER
KAREN A. NEAR
SHERYL A. OSHEA
PRAGNA PATEL
PRITI R. PATEL
JEFFREY D. SCHULDEN
ANN T. SCHWARTZ
DANIEL A. SINGER
ALAN K. TUPPONCE
ALCIA A. WILLIAMS
DAVID WONG

To be senior dental surgeon

DANIEL J. HICKEY
DAVID K. LUNDAHL
JAMES T. OWEN

To be dental surgeon

RICHARD L. FIRNHABER
CHRISTINE K. HENG
RICHARD N. HUDON
SEAN R. KELLY

To be senior assistant dental surgeon

RUBEN S. ACUNA
REGINALD A. BALLARD
JOYCE D. BIBERICA
NATHAN L. BRENNER
MICHAEL J. DONALESKI
JENNIFER L. LOMBRANO
LINDA B. MARKLE
KIMBERLY WOODS MONTOYA
CRISTIAN G. MORAZAN
KHOI N. NGUYEN
ADRIAN R. PALMER
NANCY L. SANDMANN
STEPHEN W. WIIST

To be nurse officer

ROBIN A. BASSETT
SUSAN M. BEARDSLEY
TONJUS M. MASON
TRACY L. MATTHEWS
JAIME MUNIZ
DEBORAH B. NIXON
ANNE M. NORDQUIST
CELISSA G. STEPHENS
ANGELINE L. WASHINGTON

To be senior assistant nurse officer

THERESA M. ABEYTA
TAMIKA E. ALLEN
PATRICIA A. BARRETT
ELIZABETH D. BATTLES
JASON M. BISCHOFF
YOLANDA R. BURKE-DEE
WILLIAM G. CASTLE
MATTHEW A. CLEMONS
BRENDA C. COOK
CAROL A. CORBIE
JOSEPH M. CREAGER
KIMBERLY R. CROCKER
VALESIA N. DANIELS
ANISSA A. DAVIS
JAMES L. DICKENS
KAREN E. DORSE
FELICIA J. DUFFY
KEVIN D. ELKER
KRISTEN A. EVERETT
WILLIAM J. FOUST
ANDREW S. GANZON
STEPHEN G. GONSALVES
BRIAN S. GRIFFIN
JOSEFINE R. HAYNES
DENISE M. HINTON
MICHAEL J. JENKINS
JOEL A. JOHNSON
ROSEMARY A. JOHNSON
JACKIE KENNEDY-SULLIVAN
SUE A. LARKIN
ANGEL S. LASANTA
ROBIN R. LEE
CHARLETTA L. LEWIS
MEI-YING LI
JOHN T. MARCHAND, JR.
KIMBERLY Y. MARTIN
REBECCA A. MCCAIN-SINGLETON
SEAN M. MCMAHAN
JONEE J. MEARNS
MARIA A. MOREL
CYNTHIA J. NIELSEN-MCARDLE
LISA A. PALUCCI
ELIEZER R. PANGAN
ANASTASIA M. PILIAFAS-BROWN
THOMAS T. PRYOR
MICHAEL C. RAY
MELISSA A. ROBB
ELIZABETH G. SACHSE
JEFFERY R. SEMAK
DONNA M. SMITH
JONATHAN F. SMITH
TARAH S. SOMERS
SHONDA M. STACEY
COLLEEN A. SWEENEY
JAMES M. TINGEN
RICARDO VARELA
ELIZABETH ZAMORA

To be assistant nurse officer

HAROLD L. BOYLES
JOSEPH BRADY
MARK D. CRUZ
MONIQUE A. DAVIS
KAORI DONOHUE
BRYAN H. EMERY
COLEEN R. FETT
KENNETH L. SIMMET, JR.
JAMES E. THOMAS
WILLIAM T. WILLIAMSON
ANH P. WRIGHT

To be junior assistant nurse officer

BENJAMIN O. LINTHICUM
JAMES K. LYONS
ADRIANA M. MEYER-ALONZO
ANGELA F. WILLIAMS

To be senior engineer officer

CAROLE L. BOERNER

To be engineer officer

JAMES A. BELLAH
RICARDO MURGA
GREGORY J. ROBINSON
GEORGE F. STEVENS

To be senior assistant engineer officer

BRIAN J. BREUER
MICHAEL R. CHARD
PIERRE M. COSTELLO
JAVIER B. FRANCO
KELLY E. MORTENSEN
JENNIFER A. PROCTOR
MATTHEW W. RASMUSSON
CHAD A. SNELL
EMIL P. WANG
JAMES O. WHITE
TAMMY K. WHITE
MICHAEL R. YOUNG

To be assistant engineer officer

ALLEN F. BOLLINGER
SEAN T. BUSH
JENNIFER LYNN CAPAROSO

To be scientist director

PALMER A. ORLANDI, JR.

To be senior scientist

KEVIN M. MCGUINNESS

To be scientist

LAURA J. DRASKI
JOHN M. GOLDEN
LESLIE A. MACDONALD
MARK M. METHNER
DAVID J. SKANCHY
JOSEPH J. TEMENAK

To be senior assistant scientist

LEIGH T. R. BUCHANAN
DAN-MY T. CHU
DANICE K. EATON
AARON T. FLEISCHAUER
DOMINIC R. FRASCA
DARA S. FRIEDMAN
ALTHEA M. GRANT
RONA A. LEBLANC
TRACY C. MACGILL
JOEL M. MONTGOMERY
TIMOTHY D. NELLE
JAMES L. OSTERHOUT
MARTIN L. SANDERS
STEVEN S. YOON

To be environmental health officer

ALAN L. BREND
DEBORAH A. GRECO
WILLIAM J. GREIM
KEVIN P. SHEEHAN

To be senior assistant environmental health officer

RANDY J. BOYLSTEIN
BRIAN L. COOK
LISA J. DELANEY
ALARIC C. DENTON
ROGER A. GOODMAN
TRAVIS R. HUNT
DIANA L. KELSCH
BRADLEY S. KING
JOHN L. MCKERNAN
LAURALYNN T. MCKERNAN
MARY B. OCONNOR
AIMEE T. TREFFILETTI
SARAH E. UNTHANK
DANIEL J. YEREB

To be assistant environmental health officer

ROBERT A. GIBBS
CHRISTOPHER T. SMITH
MATTHEW A. WALBURGER

To be veterinary director

WILLIAM R. ELKINS

To be veterinary officer

TERRI R. CLARK
VICTORIA A. HAMPSHIRE
DANIEL R. OLEARY

To be senior assistant veterinary officer

JENNIFER G. WRIGHT

To be pharmacist director

ORVILLE D. BROWN III

To be senior pharmacist

WILLIAM D. FIGG

To be pharmacist

THOMAS E. ADDISON
KENNETH W. HILL
LARRY P. LIM
JOUHAYNA S. SALIBA
JON R. SCHUCHARDT
AARON W. SIGLER

To be senior assistant pharmacist

CECIL M. AYCOCK
MATTHEW R. BAKER
SYE D. BENNEFIELD
POSTELLE D. BIRCH
GERALD R. BROWN, JR.
ARIANNE E. CAMPHIRE
JOHN T. CHAPMAN
IVANNE L. CHEATHAM
JAMES B. CLAY
TERI A. CREAGER
KEVIN R. DENNY
IDA-LINA DIAK
PETER S. DIAK
DANA R. EVANS
LORI M. EVANS
JOHN R. FULTON
JAMES C. GEMELAS
VIOLETTE J. GEZA
ELIZABETH A. D. GIRARD
HUIJEONG A. HAHM
ANN R. HILLER
THOMAS O. HINCHLIFFE
SARAH H. HO
SHERA M. HOGAN
JAEWON HONG
HAKSONG JIN
KRISTY M. KLINGER
PAULA M. LAPLANT
NICOLE LEE
KELLI D. LUCAS
KRISTEN E. MILLER
ANGELA L. NELSON
BINH T. NGUYEN
DANIEL K. NGUYEN
SOOJUNG S. PARK
DEVVRAT T. PATEL
JACQUIE K. ROTH
SUSAN A. RUSSELL
SANDEEP S. SAINI
MARK W. SELLERS
ALISEA R. SERMON
STANLEY M. SHEPPERSON
MICHAEL J. SHIBER
MELAINE M. SHIN
KELLEY M. SIMMS
JEANNE SKANCHY
DIANE C. SMITH
KELLY L. STANKIEWICZ
AYOUB S. SULIMAN
ALLISON L. UNDERWOOD
PETER G. VERMILYEA
BEVERLY WEITZMAN
STACEY W. WILLIAMS
YON C. YU

To be dietitian

KRISTEN L. MOE
LESLYE L. RAUTH

To be senior assistant dietitian

AMY M. BEUTLER
SANDRA G. MAGERA
GREGORY J. MAHRT

To be senior assistant therapist

TERRY L. BOLES
MATTHEW R. DAAB

DARLENE M. HARMON
ERNESTINE B. HIGDON
BRIDGETTE A. SEAGO
BARBARA A. WERITO

To be senior health services officer

ROBERT J. LYON

To be health services officer

CHARLES N. JAWORSKI
SUNIL PATEL
CYNTHIA A. SPELLS
PHILLIP L. TOY
DIAHANN L. WILLIAMS

To be senior assistant health services officer

JASON D. ABEL
KARL W. BAILEY
JON T. BAUGHMAN
BRIAN C. BUCCA
RHONDALYN R. COX
ANDREW J. DEMMA
JODEE M. DENNISON
TRAVIS L. FISHER
GERARD R. FORSTER
BRENDA L. GEARHART
CAMILLE P. HAWKINS
NICHOLETTE Y. HEMINGWAY
THOMAS S. HOCHBERG
HELEN M. HUNTER
LATONYA T. JIGGETTS
SIANAT Q. KAMAL
IBRAHIM KAMARA
LAURIE ANN KELLEY
DAVID K. LAU
PETER R. LENAHAN
JENNIFER ANN MALIA
JOY ANN P. MATTHIAS
CHRISTOPHER L. MCGEE
CHRISTOPHER K. MILLER
THERESA A. MINTER
DAISY D. MITCHELL
JAMES T. MORRIS
SUSAN R. PEACOCK
TODD B. PELTON
ROBERT S. PIE, JR.
SCOTT J. SALVATORE
ANGELA K. SHEN
CLARENCE SMILEY
ADAMU A. TAHIRU
LINDA THAI
JON-MIKEL WOODY
KATHLEEN A. WOOTEN

To be assistant health services officer

GILIAN H. ENGELSON
EDUARDO R. FAYTONG
JASON S. JURKOWSKI
LEAH A. LASCO
TODD M. RAZIANO
ANGEL E. SANCHEZ
STEPHEN C. SMITH
LAREE A. TRACY
DARIN S. WIEGERS

IN THE AIR FORCE

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES AIR FORCE TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be brigadier general

COLONEL MARK A. ATKINSON, 4260
COLONEL MARK A. BARRETT, 9870
COLONEL BRIAN T. BISHOP, 9241
COLONEL MICHAEL R. BOERA, 2658
COLONEL NORMAN J. BROZENICK, JR, 5376
COLONEL CATHY C. CLOTHIER, 4532
COLONEL DAVID A. COTTON, 6654
COLONEL SHARON K. G. DUNBAR, 4733
COLONEL BARBARA J. FAULKENBERRY, 8244
COLONEL LARRY K. GRUNDHAUSER, 2485
COLONEL GARRETT HARENCAK, 8120
COLONEL JAMES M. HOLMES, 8053
COLONEL DAVE C. HOWE, 5732
COLONEL JAMES J. JONES, 6904
COLONEL MICHAEL A. KELTZ, 2961
COLONEL FREDERICK H. MARTIN, 0608
COLONEL WENDY M. MASIELLO, 5269
COLONEL ROBERT P. OTTO, 8934
COLONEL LEONARD A. PATRICK, 6807
COLONEL BRADLEY R. PRAY, 7830
COLONEL LORI J. ROBINSON, 4018
COLONEL ANTHONY J. ROCK, 4136
COLONEL JAY G. SANTEE, 1486
COLONEL ROWAYNE A. SCHATZ, JR, 4256
COLONEL STEVEN J. SPANO, 8907
COLONEL THOMAS L. TINSLEY, 0430
COLONEL JACK WEINSTEIN, 1262
COLONEL STEPHEN W. WILSON, 2773
COLONEL MARGARET H. WOODWARD, 6339

IN THE ARMY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES ARMY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be major general

BRIG. GEN. CARROLL F. POLLETT, 9096

IN THE NAVY

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. MICHAEL A. GIORGIONE, 3106

THE FOLLOWING NAMED OFFICER FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. RICHARD C. VINCI, 3013

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. WILLIAM M. ROBERTS, 2168
CAPT. ALTON L. STOCKS, 7240

THE FOLLOWING NAMED OFFICERS FOR APPOINTMENT IN THE UNITED STATES NAVY TO THE GRADE INDICATED UNDER TITLE 10, U.S.C., SECTION 624:

To be rear admiral (lower half)

CAPT. ROBERT J. BIANCHI, 4446
CAPT. THOMAS C. TRAAEN, 3372

IN THE AIR FORCE

THE FOLLOWING NAMED INDIVIDUAL FOR APPOINTMENT IN THE GRADE INDICATED IN THE REGULAR AIR FORCE UNDER TITLE 10, U.S.C., SECTION 531(A):

To be major

NOANA ISSARGRILL, 4686

IN THE ARMY

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

FRANKLIN M. CRANE, 4911
GARY T. KIRCHOFF, 2091

THE FOLLOWING NAMED OFFICERS FOR REGULAR APPOINTMENT IN THE GRADES INDICATED IN THE UNITED STATES ARMY UNDER TITLE 10, U.S.C., SECTION 531:

To be lieutenant colonel

MARK W. CRUMPTON, 4046
MATTHEW B. MEDNICK, 7794
WILL G. MERRILL, 8004
ANDREW E. PETRETTI, 1879
DAVID F. SMITH, 2839

To be major

CHRISTOPHER L. COLEMAN, 7411
CORY J. DELGER, 1478
LAWRENCE P. HOUSE, 6053
RHONDA L. KEISTER, 7593
D060597
D060629

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY NURSE CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

THOMAS BROOKS, 3673
HELEN A. MORETTI, 2593

To be major

WESLEY J. ANDERSON, 0054
MICHELLE A. DUNKLEY, 7611
SANDRA J. HETZEL, 7627
LORIE J. MITCHELL, 0832
DEBORAH C. WARREN, 1556

THE FOLLOWING NAMED INDIVIDUALS FOR REGULAR APPOINTMENT TO THE GRADES INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be colonel

DAMON T. ARNOLD, 5288
STEVEN R. SMITH, 5184

To be lieutenant colonel

DAVID B. ANDERSON, 6189
WAYNE A. CAROLEO, 2585

To be major

DONOVAN D. DIXON, 5308
JEFFREY R. KEIM, 0119
GIJSBERTUS F. VANSTAVEREN, 0195

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be lieutenant colonel

D060461

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED, IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

BERNADINE F. PELETZFOX, 0166

THE FOLLOWING NAMED OFFICER FOR REGULAR APPOINTMENT IN THE GRADE INDICATED IN THE UNITED STATES ARMY VETERINARY CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

D060470

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY MEDICAL SPECIALIST CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

JOSEF RIVERO, 5036

THE FOLLOWING NAMED INDIVIDUAL FOR REGULAR APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES ARMY DENTAL CORPS UNDER TITLE 10, U.S.C., SECTIONS 531 AND 3064:

To be major

STEPHEN J. VELEZ, 5317

IN THE MARINE CORPS

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be major

JASON K. FETTIG, 7799

THE FOLLOWING NAMED OFFICER FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES MARINE CORPS UNDER TITLE 10, U.S.C., SECTION 6222:

To be colonel

MICHAEL J. COLBURN, 2511

IN THE NAVY

THE FOLLOWING NAMED OFFICERS FOR TEMPORARY APPOINTMENT TO THE GRADE INDICATED IN THE UNITED STATES NAVY UNDER TITLE 10, U.S.C., SECTION 5721:

To be lieutenant commander

BENJAMIN AMDUR, 7908
MICHAEL L. ATWELL, 7081
GILBERT AYAN, 2938
WILLIAM E. BAIN, 3381
CASEY B. BAKER, 4229
EMILY L. BASSETT, 6985
DAVID P. BROOKS, 4724
NATHANIEL H. BROWN, 8767
SHAWN M. COWAN, 3965
MARC E. DAVIS, 6597
WILLIAM J. DAVIS, 9650
JASON M. DEICHLER, 2319
BRIAN C. EARP, 9968
MICHAEL D. FISHER, 6961
JOHN W. HALE, 4321
ANTHONY J. HARRELL, 9345
MARK R. HARRIS, 8331
MICHAEL W. HARTMANN, 1948
EDWARD A. HERTY IV, 6275
JUSTIN R. HODGES, 9411
THOMAS M. JONES, 1844
STEPHEN M. KOSLOSKI, JR., 7043
JUDD A. KRIER, 6625
NEIL A. KRUEGER, 5960
ERIC E. LANG, 1973
CHRISTOPHER LEDLOW, 6311
RANDALL G. LEE, 8516
PHUONG M. LUI, 4067
CHARLES E. LYNCH, 8834
GEORGE S. MAJOR, 2461
JAMES R. MALONE, 2216
GRADY S. MCDONALD, 6134
NATHAN M. MILLS, 4105
MICHAEL S. MITCHELL, 4709
ALBERT L. MOORE, 6362
MICHELLE L. NAKAMURA, 7772
THOMAS J. NIEBEL, 7133
HADEN U. PATRICK, 3568
WILLARD L. PHILLIPS, 1420
STEPHAN H. POMEROY, 8208
JESSE C. PRUETT, 4820
KENNETH M. RAHN, 4522
ALFREDO R. RENDON, 7102
JAMES M. RICHARDS, 4136
MARSHALL G. RIGGALL, 5567
JOHN J. RIOS, 2075
MARK T. ROBINSON, 5964
JOEL RODRIGUEZ, 5720
THOMAS A. SEIGENTHALER, 4303
JEFFREY R. SHIPMAN, 3602
WILLIAM M. SPENCE, 0404
SCOTT T. TASIN, 4236
STEVEN C. TERREAULT, 6247
LYNDEN R. TOLIVER, JR., 0419
DAN W. TURBEVILLE, 5226

BLANDINO A. VILLANUEVA, 4173
JOHN W. WATERSTON, 4648
KEITH C. WOODLEY, 1851
TODD C. ZENNER, 4164
DAVID M. ZIELINSKI, 7569

DISCHARGED NOMINATION

The Senate Committee on Homeland Security and Governmental Affairs was discharged from further consideration of the following nomination and the nomination was placed on the Executive Calendar:

*CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

*Nominee has committed to respond to requests to appear and testify before any duly constituted committee of the Senate.

CONFIRMATION

Executive nomination confirmed by the Senate Wednesday, April 11, 2007:

DEPARTMENT OF DEFENSE

JAMES R. CLAPPER, JR., OF VIRGINIA, TO BE UNDER SECRETARY OF DEFENSE FOR INTELLIGENCE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

WITHDRAWALS

Executive Message transmitted by the President to the Senate on April 11, 2007, withdrawing from further Senate consideration the following nominations:

WILLIAM LUDWIG WEHRUM, JR., OF TENNESSEE, TO BE AN ASSISTANT ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY, VICE JEFFREY R. HOLMSTEAD, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

ALEX A. BEEHLER, OF MARYLAND, TO BE INSPECTOR GENERAL, ENVIRONMENTAL PROTECTION AGENCY, VICE NIKKI RUSH TINSLEY, RESIGNED, WHICH WAS SENT TO THE SENATE ON JANUARY 9, 2007.

EXTENSIONS OF REMARKS

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Thursday, April 12, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 16

2:30 p.m.
Energy and Natural Resources
To hold hearings to examine S. 731, to develop a methodology for, and complete, a national assessment of geological storage capacity for carbon dioxide, and S. 962, to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy.
SD–366

APRIL 17

9:30 a.m.
Armed Services
To hold hearings to examine whether the Army and Marine Corps are properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat.
SD–106

10 a.m.
Commerce, Science, and Transportation
To hold hearings to examine XM Sirius.
SR–253

Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine domestic violence in the workplace.
SD–628

Judiciary
To hold oversight hearings to examine the Department of Justice.
SH–216

2 p.m.
Appropriations
Labor, Health and Human Services, Education, and Related Agencies Subcommittee
To hold hearings to examine combating autism, focusing on undertaking a coordinated response.
SD–124

3 p.m.
Armed Services
Readiness and Management Support Subcommittee
To hold hearings to examine the current readiness of United States ground forces in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program.
S–407, Capitol

Banking, Housing, and Urban Affairs
Securities, Insurance and Investment Subcommittee
To hold hearings to examine the role of securitization relating to subprime mortgage market turmoil.
SD–538

APRIL 18

10 a.m.
Health, Education, Labor, and Pensions
Business meeting to markup S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and any pending nominations.
SD–628

Small Business and Entrepreneurship
To hold hearings to examine Public Law 107–204 (Sarbanes Oxley Act) and small business addressing proposed regulatory changes and their impact on capital markets.
SR–428A

Appropriations
State, Foreign Operations, and Related Programs Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for maternal and child health, and family planning and reproductive health.
SD–138

2:30 p.m.
Appropriations
Energy and Water Development Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.
SD–138

Environment and Public Works
To hold hearings to examine the nomination of Lieutenant General Robert L. Van Antwerp, Jr. to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.
SD–406

Commerce, Science, and Transportation
Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee
To hold oversight hearings to examine proposed budget estimates for fiscal year 2008 for the United States Coast Guard.
SR–253

APRIL 19

9 a.m.
Homeland Security and Governmental Affairs
To hold hearings to examine the impact of global warming on private and federal insurance.
SD–342

9:30 a.m.
Armed Services
To hold hearings to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.
SH–216

10 a.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine United States competitiveness through basic research.
SR–253

Appropriations
Transportation, Housing and Urban Development, and Related Agencies Subcommittee
To hold hearings to examine rising highway fatalities.
SD–124

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

APRIL 24

9:30 a.m.
Armed Services
To hold hearings to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the Defense Authorization Request for fiscal year 2008 and the Futures Years Defense Program.
SH–216

APRIL 25

2 p.m.
Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

APRIL 26

9:30 a.m.
Armed Services
To hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.
SH–216

10 a.m.
Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine clean coal technology.
SR–253

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

MAY 3

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR–253

POSTPONEMENTS

APRIL 13

10:30 a.m.
Appropriations
Legislative Branch Subcommittee
To hold hearings to examine proposed budget estimates for fiscal year 2088 for the Office of the Secretary of the Senate and the Library of Congress.
SD–138

SENATE—*Thursday, April 12, 2007*

The Senate met at 9:30 a.m. and was called to order by the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Lord of humanity, forgive our foolish ways. We have tried to enjoy freedom without duty and have attempted to receive forgiveness without true repentance. Forgive us. We have received without gratitude and without giving in return. Forgive us. We have sought for victory without wisdom or sacrifice. Show us the folly of our ways. Transform our contrition into exemplary living for Your glory.

Today, bless our Senators as they labor for You and country. Create in them hearts fit to be filled with Your presence and minds ready to think Your thoughts. Go before them to show the way.

We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable BENJAMIN L. CARDIN led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 12, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable BENJAMIN L. CARDIN, a Senator from the State of Maryland, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. CARDIN thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning there will be a period of 60 minutes for morning business. The majority will control the first 30 minutes and the Republicans the second 30 minutes.

Following morning business, the Senate will resume the motion to proceed to S. 372, the Intelligence authorization bill, and vote soon thereafter on a motion to invoke cloture on the motion to proceed. I have been advised that the chairman of the Intelligence Committee, Senator ROCKEFELLER, will be on the floor and will speak prior to the vote.

Later today, I will have more to say about the schedule for the remainder of this week. A lot will depend on what happens in the motion to proceed on the Intelligence bill.

FIRST 100 DAYS

Mr. REID. Mr. President, last November, the call for change in Washington rang out from coast to coast. The Presiding Officer was one of the results of that historic vote on November 7, which has been good for the people of the State of Maryland and for the people of this country. The American people called for us to put partisanship aside in pursuit of common ground, to end the culture of corruption, to cast away the rubber stamp, and, most importantly, to change the course in Iraq. This Congress has heard that call. As we reach our 100th day, we are well on our way to delivering a government as good and honest as the people it serves.

From the very first day, we knew all our progress would depend on renewing the people's faith in the integrity of Congress. And just as an aside, Mr. President, I would note that while I am not much of a poll watcher, it was brought to my attention earlier this week that the polls showed the American people are much more supportive of the Congress than they were just a few months ago. A lot of that is as a result of what we have been able to do here.

Our first order of business was passing the toughest lobbying ethics reform legislation in the Nation's history, and we have done that. We voted to give working Americans a much deserved and long overdue raise in the minimum wage. We passed a continuing resolution that enacted tough spending limitations, and earmarks were eliminated. We passed every single recommendation of the 9/11 Commission, after they languished in the Congress for years with nothing being done. We passed a responsible pay-as-you-go budget that cut taxes for working people and invested more in education, veterans, and health care. And I might say that as a result of Senator JOHNSON being incapacitated for the next few weeks, we were able to pass that budget even though the margin here was 50 to 49. We had two brave Republicans to join with us on this very sound budget, which we appreciate very much—Senators SNOWE and COLLINS—and it was done even though in the past the Republicans couldn't pass the budget with a much larger majority than we have.

Yesterday, we passed legislation offering the promise of stem cell research in a responsible, ethical way, with 66 votes—or actually 63, but three Democratic Senators were unable to be here. They would have voted for that. So 66—1 short of being able to override the promised veto of the President. I think it is very possible we will get this bill, and it will be the first to override the President's veto. I think we can do that. There must be another Republican who will step forward, in a profile in courage, and vote with us and give hope to millions of Americans.

In the weeks ahead, we will turn our focus to reducing drug costs for senior citizens. That is going to be a battle because the wealthy, strong, powerful pharmaceutical industry has hired nearly every lobbyist in town—those with Gucci shoes and chauffeur-driven limousines—and they have been flooding this Capitol to prevent the American people from having the benefit of Medicare being able to negotiate for lower priced drugs. The big HMOs, the health care providers, and the insurance companies can but not Medicare. What does that say? It says the pharmaceutical industry is way too powerful. But we are going to have a shot at it. We will see how much power the pharmaceutical industry has over the Senate. On this side of the aisle, they have very little power, but we will see how much power they have over on the other side of the aisle. So we are going to try to allow Medicare to negotiate for lower priced drugs.

We are going to do our very best to develop a new strategy for energy, and we are going to act as quickly as we can to see what we can come up with regarding comprehensive immigration reform. We passed something here last year. We did it without the help of the President. With the help of the President this year, maybe we can do better. I certainly hope so. He says he wants to help, but actions speak louder than words.

All the while, during these first 100 days, as I mentioned, we retired the rubber stamp and restored Congress to its rightful, constitutionally mandated role as a coequal branch of Government. The Bush administration is finally being held accountable for some of its failures—and I say some of them, whether the political manipulation at the Department of Justice, where we learned today that all the e-mails dealing with their so-called political computers appear to have been destroyed or hidden—just part of the manipulations of this very historic Justice Department, and I mean historic in the sense of being the most corrupt ever, the most inept ever. We have also been able to look at this administration for its failures at Walter Reed, the deplorable conditions at Walter Reed, and the tragic mishandling of the war in Iraq.

No message was more clear in November than the call for a new direction in Iraq. Yet, in the months that have passed, President Bush has only dug us deeper, deeper in this intractable civil war going on in Iraq. Now we hear the Army will be forced to put further strain on the troops by extending their tours of duty from 12 to 15 months. Next, the Marine Corps will have added time to their already strained forces.

Today, although you didn't read it in the paper because it happened since the papers went to print, a bridge in Iraq was blown up right in the city of Baghdad, with cars piled up off of that. They do not know how many are dead as a result of that. In the Green Zone, inside the Iraqi Parliament, a bomb went off today, killing members of Parliament. They do not know how many, maybe only a couple. We don't know at this stage. But many were injured right in the Iraqi Parliament.

Policing the civil war was never supposed to be the mission, and every day the price we pay grows worse and worse—3,300 American lives lost, tens of thousands more wounded, and about $½ trillion spent. That is $½ trillion that could go to health care for the 47 million Americans who have no health care and to look at what we are going to do about the children dropping out of school and to do something to provide monies for the Leave No Child Behind Act, which could help education around our country. This $½ trillion spent, yet no end in sight, according to our President, for the troops. More of the same.

It takes more than saying we support our troops to make it so, and in these first 100 days, this Congress put words to action. Our emergency supplemental appropriations bill gives the troops every single penny requested by the commanders on the ground, plus it gives more than the President requested. It provides a reasonable, realistic strategy to draw them out from the crossfire of another country's civil war, and it provides funds that the President's budget left out to make right the unconscionable situations at Walter Reed and other VA medical facilities, because our troops do deserve that support. The support of the American troops doesn't end when they leave Iraq; it must continue when they come home to American soil.

No single piece of legislation will bring this tragic war to a climax. The American people understand that, but they elected us to lead the way, to chart a new course, showing President Bush the way forward, and in these first 100 days, we have done precisely that on the war in Iraq and the issues here at home.

In the weeks and months ahead, we will continue to do the very best we can to change the direction at home and abroad.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. There will now be a period for the transaction of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the majority leader or his designee and the last 30 minutes controlled by the Republican leader or his designee.

The Senator from New York is recognized.

FIRST 100 DAYS

Mr. SCHUMER. Mr. President, I rise to join our distinguished leader, my friend, Senator REID, and to thank him and our whip, Senator DURBIN, for their leadership and commitment to this body and to the American people.

Last November, the American people asked us to do three things: No. 1, change course in Iraq; No. 2, make middle-class families' lives a little better; and No. 3, oversee an administration that is out of touch and has had virtually no oversight for 6 years.

Over the past 100 days, we have made significant progress. Change, accountability, and oversight have become more than words; they have become our mission. We are demanding the change in Iraq that the American people want. The President is ordering us to send him a blank check to continue to fund a failed policy, no questions asked. In fact, anyone who asks questions, their integrity is often impugned. That is because the President thinks the only way to support our troops is to rubberstamp what he wants.

We in the Congress are keeping faith with the American people. We have passed a bill that funds our troops and at the same time changes our mission from policing a civil war to focusing on counterterrorism. We have worked on resolutions that offer alternatives to the President's head-in-the-sand policy in Iraq. We have held hearings to ask the tough questions that have gone unasked over the past 4 years of the war. We have also made our country safer and more secure by implementing the 9/11 Commission recommendations.

We have funded homeland security grant programs, improved communications for first responders, increased information-sharing among our intelligence and law enforcement agencies, and strengthened the visa waiver program while boosting civil liberties protections.

In the first 100 days, we also passed an increase in the minimum wage that will put real money into the pockets of hard-working individuals and families. A minimum wage increase was long overdue. While the costs of everyday life continue to rise, wages for the middle class and those aspiring to be middle class have not kept pace.

We passed a bill to open the hope of stem cell research for millions of families who suffer from debilitating diseases and, in the first 100 days, Congress has resumed one of its fundamental responsibilities—oversight of the White House and the administration. From the Justice Department to the Defense Department, Democrats are asking tough questions that have needed to be asked.

On U.S. attorneys, our investigation—not in a partisan manner but bipartisan, both parties seeking the truth—continues, and we will work until we receive every document we need and until we have talked to all the key figures involved, whether they be in the Justice Department or the White House.

Already, we passed legislation that will make sure the Senate has a say in the confirmation of U.S. attorneys because we must put the finest people in these positions, not simply cronies. We cannot allow the deprofessionalization of the U.S. attorneys.

Our oversight also meant that when major failures were disclosed, such as the disgraceful treatment of our veterans at Walter Reed and at VA centers around the country, we did not let them get swept under the rug. We held hearings to get to the bottom of things and it is clear we need accountability from those who were in charge and we need to make changes in our veterans system so our veterans do not fall through the cracks again. There is no higher priority than giving our soldiers the medical care they need, and that is why we put over $4 billion in the supplemental appropriations bill for veterans health care. When it comes to our vets, money is no object. It never should be.

It only has been 100 days, but there are marked changes in the way this Congress is being run. We are not rubberstamping the President's failed agenda, unlike the previous Congress. We have accomplished a great deal and we know there is a lot more to do.

As we move forward, we hope our colleagues across the aisle will join us and the vast majority of the American people who are with us in forging a new direction for the country, especially when it comes to Iraq. Let us use the next 100 days to show we support the troops by providing them with the funding they need and the change in mission the situation requires.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, today we mark the 100th day of the new Congress. We have much more to do on behalf of the American people, but we have already accomplished an awful lot.

We have heard the American people's call for accountability and competence in their Government, and we started making those goals a reality. We have returned the focus to the rights and interests of the American people.

As I have commended the members of the Judiciary Committee—and I commend the distinguished Presiding Officer as well as the other members for their help and active participation in the work of our committee—I come to the Senate today to thank the majority leader and those Senators who have been working so hard to restore balance to our Government, protect the liberties and rights of all Americans, and also to revive America's leadership in the world.

First and foremost, we are making progress restoring the Senate and Congress to their proper constitutional role. From the FBI's illegal and improper use of national security letters to the politically motivated dismissal of so many of the Nation's U.S. attorneys, there are concerns about the competence—but especially the independence—of the Department of Justice. This pattern of abuse of authority and mismanagement causes me, and I might say many Republicans as well as Democrats, to wonder whether the FBI and Department of Justice have been faithful stewards of the great trust the Congress and the American people have placed in them.

We need to keep our Nation safe, but we also have to respect the rights and the liberties of all Americans. In the previous Congress, the administration sought expanded powers in the PATRIOT Act to appoint U.S. attorneys without Senate confirmation and to more freely use national security letters. You know, the administration got those powers, and almost immediately they bungled them. They bungled them badly.

In the Judiciary Committee, early oversight efforts included our January 18 hearing with Attorney General Gonzales. There we examined the change in course of this administration, which had engaged in warrantless wiretapping of Americans, contrary to the law, for years. Under the watchful eye of the new Congress, the President's program for warrantless wiretaps on Americans has been revised, and now the Government has to seek approval for those wiretaps from the Foreign Intelligence Surveillance Court—something we have always expected. If our Government is going to inspect our papers, our computers, our voices, they should get a court order first.

We must engage in all surveillance necessary to prevent acts of terrorism, but we can and should do so in ways that protect the basic rights of all Americans, including the right to privacy. The issue has never been whether to monitor suspected terrorists but doing it legally and with proper checks and balances to prevent abuses. The Administration's recent reversal of course was a good first step.

Last month we held oversight hearings with FBI Director Mueller, and we called him to task for the longstanding FBI abuses of national security letters. The inspector general's report we insisted be provided included troubling findings of widespread illegal and improper use of national security letters to obtain Americans' phone and financial and credit and other records.

Nobody would stand for it if you had somebody—agents—walk into your home in the middle of the night grabbing these records. It is the same thing when they grab them electronically.

Inspector General Glenn Fine testified there could be thousands of additional violations among the tens of thousands of national security letters the FBI is now using, willy-nilly, each year.

The inspector general also found widespread use by the FBI of so-called "exigent letters." These letters, which are not authorized by any statute, were issued at least 739 times to obtain Americans' phone records when there was often no emergency and never a follow-up subpoena, as the FBI had promised. Despite these extensive abuses, the top leadership at the FBI sat idly by for years, doing nothing to stop this practice.

We questioned the FBI Director about these matters and reports that the FBI has repeatedly submitted inaccurate information to the Foreign Intelligence Surveillance Court in its efforts to obtain secret warrants in terrorism and espionage cases. It severely undermines the Government's credibility in the eyes of the Chief Judge of that court.

If the people charged with law enforcement in this country don't follow the law themselves, it all breaks down. Every one of us, every one of the 100 Senators, every one of us are required to follow the law. None of us—no American—is above the law, but it becomes even worse if those who are supposed to enforce the law do not follow the law. These abuses are unacceptable. Director Mueller now knows that and knows these abuses and violations can no longer be continued or repeated.

The Judiciary Committee is now in the midst of an investigation in which we are uncovering an abuse of power that threatens the independence of U.S. Attorneys' Offices around the country. It undermines the trust and confidence of all Americans in Federal law enforcement. We are examining the mass firing of U.S. attorneys. We are trying to get to the truth of what happened so these abuses do not happen again. I want the American people, all Americans, to have a Justice Department and U.S. Attorneys' Offices that enforce the law without regard to political influence and partisanship. I want the American people to have confidence in Federal law enforcement. I want our Federal law enforcement officers to have the independence they need to be effective and merit the trust of the American people.

Sadly, what we have heard from the administration has been a series of shifting explanations and excuses and a lack of accountability or acknowledgment of the seriousness of this matter. The women and men replaced and whose reputations were then stained by those seeking to justify these firings as "performance related" were appointees of President Bush. Several had significant achievements in office and glowing performance reviews.

As we learn more details about the ousters of these U.S. attorneys, the story grows more troubling. Had we believed and accepted the initial testimony of the Attorney General of the United States and the other Department officials, then we would not have gotten to the truth. The White House and the Attorney General dodged Congress's questions. They ducked real accountability for years. In the past, they counted on a rubberstamping Congress to avoid accountability. The American people have a new Congress, and this is a Congress that asks questions and wants the truth, and we will get the truth. The Attorney General has admitted "mistakes were made," but somehow he doesn't say what those mistakes were.

He will have another chance, yet another chance to tell the truth and the whole truth and nothing but the truth next Tuesday at our Judiciary Committee oversight hearing. The days when he could come by once a year and not answer questions are over.

I made no secret during his confirmation hearing of my concern whether Mr. Gonzales could serve as an independent Attorney General of the United States on behalf of the American people and leave behind his role as counselor to President Bush.

The Department of Justice should serve the American people by making sure the law is enforced without fear or favor. It is an oath I took when I was a prosecutor. That is the oath all prosecutors take, but it is an oath the Attorney General has to remember. The Department of Justice cannot be turned into a political arm of the White House.

Accountability has been lacking in this administration because there has been a "rubberstamp" Congress. Loyalty to the President is rewarded over all else. That lack of accountability and the lack of the checks and balances that foster it must end, and I hope it has ended. We do not need another commendation for the "heckuva job" for those who failed in their essential duties to the American people. True accountability means being forthcoming, and it means there are consequences for improper actions.

The White House continues to stand by the firings of the U.S. attorneys and despite assurances by the President that we would receive cooperation, documents and access to witnesses, the White House has yet to produce a single document or make any witnesses available.

Now we are learning that people in the White House were having "off-book" communications by using Republican political e-mail addresses, and they say these e-mails have not been preserved. I don't believe that. I don't believe that. You can't erase e-mails, not today. These e-mails have gone through too many servers. They can't say they have been lost. That is akin to saying the dog ate my homework. It doesn't work that way. Those e-mails are there, the White House just doesn't want to produce them. It is similar to the famous 18-minute gap in the Nixon White House tapes. They say these e-mails have been erased or misplaced.

They are there. The White House knows they are there, and we will subpoena them, if necessary, and we will have them because now, when the administration suddenly is facing meaningful oversight, they say they cannot produce the information. They have the information. They have to bring it out and show it to the American people. The administration has worn out the benefit of the doubt. They have undermined whatever credibility they had left.

The American people are right that they are entitled to full and honest testimony of the White House staff responsible for this debacle.

We have asked for administration officials and now former officials to cooperate with the Judiciary Committee in its inquiry, and I hope that they will. Through the committee's oversight work so far, we know some of the answers to some of the questions we have been asking, and the answers are troubling. We have learned that most of the U.S. attorneys that were asked to resign were doing their jobs well and were fired for not bending to the political will of some in Washington. Apparently, their reward for their efforts at rooting out serious public corruption is a kick out the door.

Along with these oversight matters, the Judiciary Committee has taken up questions relating to the war in Iraq and congressional authority to condition funding, the plight of Iraqi refugees, the recommendation of the Iraq Study Group on policing and the administration of justice in Iraq, and contracting fraud and abuse in Iraq.

We have examined enforcing our antitrust laws, restoring open government by reinvigorating the Freedom of Information Act, ending antitrust immunity for insurers, increasing drug competition, strengthening protections against identity theft, and providing for fair and comprehensive immigration reform.

We have also moved legislative initiatives. Indeed, I think the first legislation passed by the Senate this year was our bill to restore the cost-of-living adjustment for Federal judges. We have passed a bill to amend the reauthorization of the Voting Rights Act to honor the contribution of Cesar Chavez and other outstanding Americans. We passed by a bipartisan vote of 94 to 2 a bill to repeal that part of the PATRIOT Act reauthorization that had contributed to the U.S. attorney firings and thereby moved decisively to repeal the Attorney General's unlimited authority to appoint so-called interim U.S. attorneys without Senate consideration. At long last, we have given final passage to the bill against animal fighting that has languished for so many years. And we have passed the Genocide Accountability Act, the first legislative result of the new subcommittee I worked with Senator DURBIN to create within the Judiciary Committee on Human Rights and the Law.

I hope that the Senate will soon be considering a number of our other legislative initiatives. We have reported a court security bill, S. 378; a bill to increase drug competition by giving the FTC authority to stop drug companies from paying other companies not to compete, S. 316; a bill to establish a school loan program for those willing to serve as prosecutors and public defenders, S. 442; and legislation to reauthorize the successful Byrne grant program for law enforcement, S. 231. A number of additional items are not far behind, including a bill to reauthorize the COPS program, S. 368; and a bill that Senator SESSIONS and Senator LANDRIEU cosponsored attacking fraud in disaster and emergency relief funding. I hope to see action on our bill against war profiteering, S. 119, as well.

It is a new Congress. It is a new Congress that is off to a strong start in restoring accountability, revitalizing the checks and balances of our system, and earning back the public's trust in Government which was eroded during the rubberstamp Congress. Much remains to be done, but we have made meaningful progress in just 100 days.

Mr. SCHUMER. Mr. President, if my colleague would yield to me.

Mr. LEAHY. Of course, I will yield.

The PRESIDING OFFICER (Mr. OBAMA). The Senator from New York is recognized.

Mr. SCHUMER. Mr. President, I just want to thank our chair and leader on the Judiciary Committee for the amazing job he has done on the U.S. attorney's issue and on so many others. One of the things that has been lacking for 6 years in this administration is oversight. There has been virtually none.

As to what the chairman of the Judiciary Committee alluded to, in the U.S. attorney's area, it has been appalling what has happened, and again with no oversight. It has been on issue after issue after issue. So many of the things that we have begun to uncover, whether it is with the NSA wiretaps, whether it is with the security letters, whether it is with some of the other things going on, have been done under his watch.

I thank my colleague for his remarks and for the great job he has done.

The PRESIDING OFFICER. The Senator from Vermont is recognized.

Mr. LEAHY. Mr. President, I thank the distinguished Senator from New York. Of course, he is a member of the Senate Judiciary Committee, and one of the most active members we have. He has spent countless hours on this issue. We talk every single day. We have worked together. I have been so proud of what he has done on that committee. He made my job a lot easier.

Mr. President, I suggest the absence of a quorum, and I would ask that the time not be charged to either side.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL

Mr. THUNE. Mr. President, last month I came to the Senate floor to express my doubts about the emergency supplemental spending bill put forth by the Democratic leadership in the House and Senate.

The supplemental was, and still is, a flawed bill that will do little to advance the cause of either liberty or victory in Iraq. It is a poorly crafted bill that includes language directing the President to begin a phased withdrawal of American troops, essentially tying the hands of the Commander in Chief, and signaling to our enemies that this is the day on which we will wave the white flag and surrender.

Mr. President, the Democrats believe the war in Iraq is a civil war between Sunni and Shia, and that America has no place in their war. I see the war in Iraq as a war between Islamic fascists and everyone else.

Contrary to the belief of many of my Democratic colleagues, we are in the middle of that war, be it in Baghdad, New York, Pennsylvania, Bali, London, or Madrid. What my colleagues on the other side of the aisle fail to realize is that diplomacy and the exertion of military force are not mutually exclusive of one another. You can and must have both, and they must be effective.

But it is naive to think that you can have diplomacy in a vacuum, especially when you are dealing with a country such as Iran, a country bent on developing nuclear weapons, increasing its ballistic missile capability, and providing weapons and training to our enemies in Iraq.

However, this is all moot because the Democratic leadership on the war supplemental spending bill has been absent these last couple of weeks. Here we are, almost 3 weeks after the bill was passed in the Senate. There has been no conference of the bill. And the other body, the House of Representatives, has yet to appoint conferees. What are we waiting for? Why are we asking our men and women in uniform to wait?

Well, unfortunately, waiting is what our military is going to do. The Democratic leadership has thus far decided to purposefully send a bill to the White House that they know will be vetoed in order to set up a confrontation with the President to score political points.

I find it ironic that many of the Democrats who are so insistent on micromanaging the war and usurping the power of the President cannot even show up and show the requisite leadership to pass an emergency bill that funds our troops. Our troops deserve more from this Congress.

I hope my colleagues across the aisle will do what is right and get a bill passed that the President can sign into law. If you look at what the consequences of us not acting are, it has been very clear. Secretary of Defense Robert Gates said: This kind of disruption to key programs will have a genuinely adverse effect on the readiness of the Army and the quality of life for soldiers and their families.

The supplemental is necessary to pay for training and equipping our soldiers in Iraq and Afghanistan. If the supplemental is not passed by April 15, the military will be forced to consider the following steps: Curtailing and suspending home station training for Reserve and Guard units; slowing the training of units slated to deploy next to Iraq and Afghanistan; cutting the funding for the upgrade or renovation of barracks and other facilities that support quality of life for troops and their families; stopping the repair of equipment necessary to support predeployment training; reducing the repair work being done at Army depots; delaying or curtailing the deployment of brigade combat teams to their training rotation; this, in turn, will cause additional units in theater to have their tours extended because other units are not ready to take their place; delaying formation of new brigade combat teams; implementation of a civilian hiring freeze; prohibiting the execution of new contracts and service orders, including service orders for training events and facilities; holding or canceling the order of repair parts to nondeployed units in the Army.

These are all things that can result simply because this Congress has not acted in a way that is consistent with what is in the best interest of our men and women in uniform who are serving their country in Iraq and Afghanistan. It is about the politics of whether we ought to be withdrawing. Of course, as I said, the legislation that has passed both the House and Senate, including time lines for withdrawal, which ties the hands of our Commander in Chief, ties the hands of our generals in the field, sends a very clear message to our troops that we don't believe in their mission, that we don't believe it is possible for them to attain victory. It sends a very clear message to our enemies that on this date certain, we are going to pull out. What does that say to them, other than all they to have do is to wait us out?

Irrespective of where you are on this particular war—I know it is divisive in the United States—when it comes to the fundamental question of making sure our troops have the resources they need to do the job we have asked them to do, to make sure we are supporting the important work they are doing and giving them the impression we believe they can win and that we want them to win, there is nothing more important in the Senate for us to be dealing with. I know there are a lot of important issues the Senate has to deal with. We have an Intelligence authorization bill we are deliberating. We had stem cell research in the last couple of days. We ought to be dealing with issues such as immigration and health care and energy, all issues that are important to the people.

I submit nothing is more important than making sure the men and women in uniform, serving our country in theaters of conflict, have the resources they need to do the job we have asked of them.

Meanwhile, while the House is out of session and has yet to appoint conferees so even our staffs in the House and Senate could get together and begin discussing the differences between the House and Senate bills to get a bill to send to the President, which the President can subsequently veto and send back here so we can have an override vote, which will fail—then we will be right back where we started—the troops don't have any funding. Hopefully, at that point, perhaps, the Democrats in the House and Senate will come to the realization that all these theatrics and shenanigans being played on the floor of the House and Senate are not doing anything but sending a message to our enemies that we are weakening in our resolve and not doing what we need to be doing, and that is funding our troops to make sure they have the necessary training and equipment and ability to conduct and win this mission we have asked them to complete.

The ironic thing about it is, while all this is not going on here, the absence of activity in the Congress where we ought to be conferencing the supplemental bill so we can get the process moving forward and hopefully get a bill back from the President that will have been vetoed so we can send him another bill that has funding in it for our troops, while all this is not going on in Washington, the Speaker of the House of Representatives, while the House is out of session this week in recess, is traveling around the world conducting foreign policy. Where and since when is it the job of the Speaker of the House of Representatives to conduct foreign policy, going to other countries in the world, particularly countries with which we don't have a relationship, countries that harbor and sponsor terrorist activities, meeting with them to deliver messages from other countries around the world?

I know we have a President and Vice President, we have a State Department and a diplomatic corps, all of which are tasked with that important job. But the Speaker of the House of Representatives somehow decided she should be the courier of messages between Israel and Syria.

It should come as no surprise that the Israeli Prime Minister took issue with the Speaker of the House of Representatives conducting Israeli foreign policy as well, not to mention the fact that she didn't have the authority to do it, nor was the message she delivered the correct message. It seems to me what we ought to be focused on as a Congress is not running around the world meeting with leaders who are aiding and abetting the very people our men and women in uniform are fighting against in Iraq but, rather, being in Washington, dealing with the important issue of funding our men and women in uniform who are involved in a very important mission for the future of our country. I know this is an issue on which this country has great debate. I know people in my State, as in many States, are weary of the conflict in Iraq.

We have in place a new strategy that includes additional troops, a change in rules of engagement, new conditions and benchmarks for the Iraqi Government, for the Iraqi military. I want to see it work. I want to see our troops succeed. I believe a majority of the people want to see our mission in Iraq succeed, knowing full well the consequences of failure will be detrimental and disastrous to the United States and to our security in the future. Yet here we are. The Senate is here. We can't conduct a conference because the House of Representatives is not in session, nor did they, before they departed for a 2-week recess, appoint conferees to the supplemental appropriations bill that would enable us to go about this important work.

Mr. SESSIONS. Will the Senator yield for a question?

Mr. THUNE. I am happy to yield to the Senator from Alabama.

Mr. SESSIONS. About the conference process, when an emergency supplemental is passed, even though it had language in it that I know the Senator opposes, and so do I, it would normally have to go to a conference committee of Members of the House of Representatives and Members of the Senate. Sometimes it takes a good while, does it not, historically, for differences in the House and Senate bills to be worked out? It sometimes takes a good while; would the Senator agree?

Mr. THUNE. That is correct. The Senator is absolutely right. He well knows, anytime the House and Senate act on separate pieces of legislation, it has to go to a conference committee. Differences have to be worked out before the conference report can come back to the House and Senate and be passed and ultimately sent to the President.

Mr. SESSIONS. Those conference committee appointments are decided by the leaders of the Senate for the Senate conferees and the leaders of the House, the Speaker of the House, Ms. PELOSI, would appoint those conferees. If it were something they wanted to have done badly, that was high on her agenda, would not they have appointed conferees before we recessed almost 2 weeks ago so the conferees could have begun work during this interim period, staffs could have been working on these issues and been ready to move rapidly when the House comes back in session? If they had wanted to, couldn't they have done that?

Mr. THUNE. Mr. President, I serve with my colleague from Alabama on the Armed Services Committee. This is an issue he cares deeply about, making sure our men and women are well cared for and that they are in a position to do the work we ask them to do. It would make sense—I think it is fair to say—that the House, knowing they were going to take a 2-week recess, to appoint the conferees so the important work of the conference committee could get underway, so we wouldn't have to wait another several weeks to get this legislation through the conference committee, ultimately sent to the President, where it is certain to be vetoed, so that it has to come back here and start all over again. It seems that would be a fair expectation of our colleagues in the other body when it comes to appointing conferees for this important legislation.

Having served three terms in the House of Representatives, I had the privilege during those terms to represent my class as a Member of the House leadership. On a weekly basis, I had the opportunity, under both Speakers Gingrich and HASTERT, to be a part of the process. I know how many pressures and how much responsibility comes with the job of Speaker of the House. Our Senate leaders on both sides have a caucus of about 50 people, thereabouts, that they have to deal with. The Speaker of the House has a responsibility for making sure that 435 Members of the House of Representatives are moving forward with a legislative agenda. There is a lot of responsibility, a lot of pressure. I have experienced and seen firsthand much of that.

What I don't understand, however, is where in the job description of the Speaker of the House comes this notion that somehow the Speaker of the House ought to be going out and meeting with Syrian leaders, countries and leadership that are aiding and abetting the people we are fighting against, our enemies in Iraq, and trying to conduct foreign policy, representing the interests of one of our allies, the Nation of Israel, and not only misrepresenting their views but, frankly, exercising authority that clearly they didn't give her to exercise. I am at a loss to explain why we would be here waiting to conference an important supplemental appropriations bill that will fund the troops while the leadership of the other body is traveling the world, conducting meetings that clearly ought to be in the purview of our representation at the State Department and the White House and diplomatic corps.

If the Senator from Alabama would like to make some comments on this particular subject, I am happy to yield the floor.

Mr. SESSIONS. Mr. President, what time remains on this side?

The PRESIDING OFFICER. The Senator has 14½ minutes.

Mr. SESSIONS. I thank the Chair.

I thank my colleague from South Dakota. I believe his National Guard per capita is one of the largest National Guards in the country. I know mine is, both on a per-capita and aggregate basis. We have soldiers in Iraq right now from our home States. I talked to the mother of a soldier who was recently killed, and this is a painful subject for us all. At this very moment throughout Baghdad, Al Anbar Province, American soldiers are walking those streets, working closely with Iraqi soldiers, Iraqi police officers, in an effort to create stability so that political agreements can be reached that could lead to a stable and successful Iraq. This is an extremely, deeply important matter. Now we are in a situation in which our leader in the Senate, Democratic leader, Senator REID, has said they intend to fund our troops. They intend to provide the money the President needs to conduct this war, but at the same time they want to tell the generals how to conduct it. They want to say that on a given date we have to move troops in this direction or that direction, and we will begin to bring troops home 4 months from today, regardless of the conditions in Iraq, regardless of what the military experts say, without any real thought, if you want to know the truth.

I have been to Iraq four times and will be soon going my fifth. Very few people in the Senate have been there so often. I submit we don't know sufficiently how to direct the deployment of our troops. I don't know. Who knows the best? General Petraeus? This is his third full tour over there. He has studied insurgencies and written a Department of Defense manual on how to defeat an insurgency.

Who is the best qualified to make these decisions? This is not a little matter. We voted, over three-fourths of this Senate, to authorize military force in Iraq. Our soldiers are doing what we asked them to do—not what they want to do, what their duty is.

A father of a military Army officer told me right out here a few weeks ago—his son was about to go to Iraq—he said: Senator, they are watching you like a hawk. Our soldiers over there are watching what we in Congress do. They wonder what is going on.

They are putting their necks on the line for the policies we asked them to do, and they hear this kind of talk, they hear of this delay. We can't get even the emergency supplemental passed. It is very discouraging to me. I don't believe this is an action worthy of a responsible Senate. We know this Senate has the power, this Congress has the power to shut off funding for the war in Iraq and bring our troops home immediately.

But if we are not going to do that—and the Democratic leader said we are not going to do that, we are going to give them the money they need under this supplemental—if we are not going to bring them home, and we are going to give them the money, for Heaven's sakes, let's don't micromanage what they do, and let's don't demand commitments from the Commander in Chief he cannot agree to.

He cannot agree to 100 Senators telling him when and how to deploy the troops. What would General Petraeus think? What would his responsibility be to his general whom he asked to serve, who is serving, whom he told would be given responsibility to be successful in Iraq and bring stability there, with his whole effort focused on that?

I wish to share with my colleagues a deep concern that we not get into some sort of game of chicken with the President and the Congress. I must say, I am glad the Democratic leaders apparently said last night, after earlier saying no, now they will meet with the President at his request to discuss their differences.

But it is not just a political game of chicken between the Congress and the President; we have soldiers in the field whose lives are at risk this very moment. They need better support than that. Our allies need to know we are not going to be acting in a way this Senate resolution suggests. The enemy needs to know we are not going to be acting in that fashion, in my view.

We have a tough challenge over there, there is no doubt about it. General Petraeus committed, at my request, that if he thought what we were doing would not be successful, he would not hesitate to tell the Congress and the American people exactly that. I believe he will. Right now, he believes he can be successful. If we allow him to do so, I believe he will be.

Mr. President, I see others on the floor. I conclude by saying I believe we ought not to be in this posture of brinksmanship over this issue. I believe it is irresponsible. I believe it places those soldiers we have sent at greater risk for their lives, and their mission is placed in a situation where it would be more difficult to accomplish. That is something we should not do. I hope cooler heads will prevail.

Mr. THUNE. Mr. President, I ask the Senator from Alabama if he will yield for a question.

Mr. SESSIONS. I am pleased to yield.

Mr. THUNE. Mr. President, I say to the Senator, I agree with everything he said. The thing I guess that has troubled me about this process since the inception of the debate we have had in the Senate, that has been swirling around in Washington for some time, has to do with the way this supplemental bill was constructed and the proscriptive language that was put in it relative to tying the hands of our Commander in Chief, tying the hands of our generals, essentially substituting the judgment of politics in Washington for the judgment of our generals in the field.

I am extremely troubled by that language, as is the President, which is why he has indicated he is going to veto this bill when it comes before him. They knew that. They knew that when it was passed. They knew when it went down there, it was going to be an issue which the President, absolutely, in his constitutional role as Commander in Chief, could not allow—that type of language and that type of restriction—to be imposed on his ability to prosecute and win wars.

But I guess my question to the Senator from Alabama has to do with: If the Senate or the House wanted to stop what is happening in Iraq, wanted to withdraw, get our troops home immediately—in spite of the fact that under this new strategy we now have more troops there, we have different rules of engagement, we have more buy-in from the Iraqis; the Iraqis are coming more into the fight; we have an opportunity, in my view, at least, hopefully, to have success there—what is the step the Congress, if they wanted to basically end our involvement there, could do? Is it not to cut off funding? Would that not be?

If the Senate and the House were serious about this, why is it they are going about all these shenanigans, trying to provoke this confrontation with the President over this particular language that ties his hands relative to time lines, when in fact the real constitutional role the Congress has is funding? Is funding not the way, if the Senate and the House wanted to be heard on this, they would go about doing that?

Mr. SESSIONS. Mr. President, I could not agree with the Senator more. Having been in the Department of Justice a number of years as U.S. attorney and having had a few occasions to deal with this specific issue, money not appropriated by Congress cannot be spent by the Government. In fact, there is an Antideficiency Act that makes it a criminal offense for a governmental official to spend money that Congress has not appropriated.

So that is our responsibility: to fund or not fund. The Democratic leader said they are going to fund. It is not our responsibility to micromanage the war, however. So I would say we absolutely as a Congress—if we reach that decision—can shut off funding, and tomorrow the troops would have to be brought home, or shortly thereafter.

Mr. THUNE. Mr. President, I would say to the Senator from Alabama because I think it is an important point to make—I have heard the debate here a lot, and, again, as it continues in this city and across the country, that there has to be a political or diplomatic solution that somehow we have to reach; the sides have to come together, which I do not disagree with. However, I would also argue, in order for that to happen, you have to have security. You cannot have a functioning democracy or government absent security; in the last several hours, a couple of lawmakers in Iraq were killed in the Green Zone.

How is a government to function, how is a political process to work, if there is not adequate security, which is the point I believe many of us have made all along. I say to my colleague from Alabama, there has to be not only a political solution, but there has to be security established. That is what this new strategy is designed to accomplish, to allow that process to work. We ought to allow this strategy an opportunity to work, rather than pass bills out of here that tie the hands of the President, tie the hands of our generals, substitute the judgment of politicians in Washington for the judgment of our generals in the field. Furthermore, we need to get funding to our troops.

So I think the Senator from Alabama has put it very eloquently, and I join him in urging the rest of our colleagues in the Senate—and, obviously, hopefully, very soon in the House—to get this process wrapped up, to get a bill to the President that he will ultimately veto, send it back here, start over again, and let's at least get the funding to our troops so we can get this situation in Iraq secure so this political process can function and work and, hopefully, create a stable democracy.

Mr. SESSIONS. Mr. President, I say to Senator THUNE, I agree, and will recall for our colleagues that—I believe it was postelection—General Schoomaker, the Chief of Staff of the Army, pleaded with us not to allow what happened last year to happen this year. He was referring to delaying passing the supplemental because it causes all kinds of problems.

A few weeks ago, he testified again, and he was passionate about this. It is his soldiers, predominantly, Army soldiers in Iraq. He pleaded with us not to delay this supplemental. He said you have to take money from all kinds of accounts, and time and effort the leadership in the Department of Defense needs to be spending helping the soldiers being successful has to be redirected to bringing money together in ways that are not easy to fund the effort. He described it as trying to walk through a marsh waste deep in water—those were his words—in the muck.

We are creating a political muck that makes it very difficult and adds additional burdens to our Defense Department when they have so many important things to do. We should not do that.

I thank the Senator for his eloquent remarks and his leadership on the Armed Services Committee and for his commitment to our soldiers and commitment to the United States of America and the good foreign policy we have had, we seek to accomplish.

Our foreign policy is a foreign policy designed to improve the Middle East. It is designed to improve the lives of the people in Iraq. It is not an imperialistic attempt to gain wealth or power at their expense. We want them to be successful. In the end, it will be successful for us. It will make us more safe. It will make the world more safe and can begin the end of some of the radicalism we are seeing.

I thank the Presiding Officer and yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF PROCEDURE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that I be recognized for the time remaining under morning business, and I further ask consent that after my time expires, the Senator from Missouri, Mr. BOND, be recognized for a period of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION

Mr. ROCKEFELLER. Mr. President, let me take this opportunity to extend my deep appreciation to my good friend, Senator REID, for his very genuine persistence in pursuing this Intelligence authorization bill. He has worked hard, both as minority leader and as majority leader, to try to make this happen.

I suspect Senator BOND and I will have some fairly strong words to say in agreement about this because I think both of us are very dismayed that despite the very considerable efforts of Vice Chairman BOND and myself—we operate very closely together—to get agreement on this bill, there is still an objection to its consideration, as I understand.

It is almost inconceivable to me we are forced to come to this point of cloture and motions to proceed and all kinds of things on a national security bill. I do not understand that, where that comes from, why the motivation, how that happens.

In any event, we are talking about the authorization bill of the Intelligence Committee for 2007; and this is already the period for the 2008 authorization bill. It is inexcusable. From 1978 through 2004—that is a long time, 1978 to 2004—every year, there was an authorization bill, like every year there is a military authorization, Armed Services authorization bill. It happens in all major committees. The Senate had an unbroken 27-year record of having authorization bills every single year. This year and the last year—and I think the preceding year—we did not.

It is very frustrating to the Senator from Missouri and myself. This should be considered, and is considered, must-pass legislation. It is in the national interest. We are in the middle of a war on terror. Our continued military involvement in Iraq and Afghanistan calls for an analysis of what is going on in the intelligence community, putting it into authorization form so it can go on to be discussed and debated on the floor.

It is a matter of life and death. But we are being blocked again from considering a bill that provides the legislative roadmap for America's intelligence programs. America is not meant to work that way. Similar to the bills I have mentioned, you have to get authorization. It is done routinely. It is very puzzling.

Now, there are 16 separate provisions under our 2007 authorization bill—we are in the period for the 2008 authorization bill—enhancing and clarifying the authority of the Director of National Intelligence. These provisions include improvements to the way we approach and manage human intelligence, which the vice chairman and I feel very strongly about, information sharing, and the ability to manage intelligence community resources. Those are words with a great deal behind them.

I, like many of my colleagues, have been increasingly concerned about the seemingly endless stream of leaks of classified information. This bill includes provisions improving the authority of the Director of National Intelligence, whom we put in charge to look at matters such as these, and the Director of the CIA to protect intelligence sources and methods and a provision to increase the penalties for unauthorized disclosure of the identity of a covert agent.

The bill also contains numerous provisions intended to improve oversight of the intelligence community. We have not been doing that in the sense that we should, and Vice Chairman Bond and I worked very closely together on this issue. He is a ferocious pursuer of intelligence wherever he can find it, and he usually manages to bring it back with him. Section 408 will establish a statutory inspector general for the intelligence community. The DNI, the Director of National Intelligence, has used his power to create an IG, but the power to do so doesn't mean a requirement to do so. So we would strengthen that position in this legislation and make it more accountable to Congress.

Section 434 of the bill strengthens accountability and oversight of the technical intelligence agencies by providing a very important matter: that the heads of the National Security Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency are to be appointed by the President, as they have been but with the advice and consent of the Senate. That has not been the case. This is an enormous fountain of intelligence, and we think they ought to be responsive to the two Intelligence Committees in the Senate and the House.

My colleagues may be surprised that the head of an agency with as central a role in the intelligence community as the National Security Agency or an agency with the enormous budget of the National Reconnaissance Office is not appointed with Senate confirmation. It is really shocking. Whether it was an oversight or not, I have no idea, but it is wrong. Senator MIKULSKI pointed this out. This bill would correct that.

Section 108, cosponsored in committee last year by Senators LEVIN and HAGEL, seeks to improve the timely flow of information to congressional intelligence committees. In other words, things can't be put off for a year or 2 years, 6 months or whatever. We try to enforce our view that we are an oversight group and we intend to be treated as such and we will not be treated in a lesser way. Similar language was included in the intelligence reform legislation that passed the Senate in 2004 and in S. 4, which passed the Senate last month.

There are requirements for the provision of specific information, including a report on the implementation of the Detainee Treatment Act and a separate report on the operation of clandestine detention facilities. These are not trivial matters, as the Presiding Officer understands, and they cannot be dealt with trivially by this body, and therefore we need this bill.

These provisions are all intended to improve our ability to make decisions leading to better intelligence for the military and policymakers. There is no reason the Senate cannot pass the bill and do so quickly so that we can conference with the House and do that quickly so that we can pass the bill, the authorization bill of 2007, here in April of 2007 and proceed on.

I will close by saying: I would remind my colleagues that we are at war in Iraq and in Afghanistan, and we are at war in scores—or potentially at war in scores of countries around the world where al-Qaida is strong and growing, or groups such as the Taliban or others are growing. We can't have delay. This is an important bill. I encourage my colleagues to vote for the motion to invoke cloture and allow this process to move forward.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I wholeheartedly join with my new chairman of the Senate Intelligence Committee, Senator ROCKEFELLER, in urging our colleagues to work constructively with us in reestablishing congressional oversight of our intelligence community.

More than 30 years ago, the Senate Select Committee on Intelligence was formed to address a serious problem, and that problem was previously a complete lack of congressional oversight of the U.S. intelligence operations. The attacks of September 11, 2001, and the findings of the 9/11 Commission confirmed that congressional oversight of intelligence was still seriously lacking in many areas.

With the painful lessons of 9/11 in mind and the threats laid out by Chairman ROCKEFELLER, it is more important than ever that we perform our oversight role. Unfortunately, the last Congress failed to see an intelligence authorization bill pass the Senate, although Chairman ROBERTS and Vice Chairman ROCKEFELLER tried hard to pass one. There were political reasons—neither side of the aisle was blameless in that regard—but it did not happen.

When Senator McCONNELL asked me to be vice chairman of the Intelligence Committee for this session of Congress, I wrote a letter with suggestions to the chairman on the priorities, and at the top of the list was passing the fiscal year 2007 Intelligence Authorization Act. Chairman ROCKEFELLER and I strongly agreed that if we were to be able to conduct constructive oversight and make our suggestions and our requests and demands known, we would have to pass this bill. We have to pass authorization bills. We have been in agreement on that matter since the beginning.

We have a managers' amendment we will be describing in more detail which we will offer which addresses some of the serious concerns other Members and I have had for some time, and I would ask anybody who has concerns about the underlying bill to look at the managers' amendment, which I think addresses most, if not all, of the serious concerns that might be raised.

We have to reassert our oversight. Now, there may be some officials in the executive branch who prefer a lack of congressional oversight. I sure understand their positions. If I were running an agency, I wouldn't want to have Congress looking over my shoulder. But that is not how the system works. We have a responsibility to provide the funding and oversee how they are carrying out their duties, and I suggest this bill will give us the power to do so and ensure constructive accountability. One of the most significant means of providing such accountability is authorizing the appropriations for the intelligence community's national intelligence program, or NIP. For that reason, the authorization of the appropriations section in this bill may be its most important section.

Is this bill perfect? No. There is no such thing as perfect legislation—I have never seen one, and I don't expect to see one—but we all get an opportunity and will have an opportunity to vote to improve it.

The bill, as reported, is largely the same bill as last year and contains many provisions sought by intelligence community agencies to help them in their job. For example, the bill provides the Director of National Intelligence with additional authorities to improve information access across the intelligence community. So there can no longer be stovepipes of information not shared among the agencies collecting it. The DNI is given full access to human intelligence and the authority to improve access and coordination across the community.

Nearly half of the provisions contained in this bill were requested by the intelligence community for fiscal year 2006 and 2007. We are in the process of receiving the IC request for 2008, as it clears OMB. When we pass this bill, we will have addressed 23 of the 31 cleared provisions that are contained in the IC's fiscal 2008 request.

There is also included an example of where our committee wants to take some initiative. The bill creates within the office of the DNI a National Space Intelligence Center—or we may call it an office—to address intelligence collections related to our space assets or threats to the United States from space. The need for this office was emphasized recently by the successful antisatellite weapons test by the People's Republic of China. Creating this new office or center is an example of the forward-leaning oversight that corrects a present deficiency within the IC.

It is time the Senate reassert its constitutional role in oversight. Does the process have warts? As I said, of course it does, but it is a critical component of our national security.

I urge all Senators to work with us constructively to pass the bill. We look forward to hearing from both sides on the amendments they have, and maybe we will be able to clear many of them and get this bill passed. We ask that Members bring those amendments to us as soon as possible.

Again, I strongly urge and request my colleagues who recognize that intelligence is so important in this global war on terror declared on us by al-Qaida and radical Islamists—not a war we started but a war they started, that can only be countered by good intelligence—help us get to the process of improving our intelligence community and our intelligence performance.

Mr. President, I thank my colleague for his leadership, I thank the Chair, and I yield the floor.

The PRESIDING OFFICER. The Republican leader is recognized.

HONORING SENATOR TED STEVENS

Mr. McCONNELL. Mr. President, I rise to honor a colleague and a friend, Senator TED STEVENS, who this week becomes history's longest serving Republican member of the Senate. This is an outsized accomplishment for a man whose name is virtually synonymous with the Nation's largest State. Yet no one who ever crossed paths with Senator STEVENS is surprised that he has achieved it.

The long list of things he has done for the people of Alaska in the course of a remarkable 39 years in the Senate traces an arc as vast as the State itself. His love for that State and this country is legendary. This milestone is merely an occasion to recall and retell that legend. As the Republican leader, an admirer, and a friend, I welcome it.

It is a story that takes us back to a day when transistor radios were new to the White House and construction workers had just cleared a space in the Bronx for Yankee Stadium. America was changing quickly, and THEODORE FULTON STEVENS would take as much of it as he could.

Born in Indianapolis, he moved to Redondo, CA, as a boy and learned to surf along the beaches of the South Bay. His pioneering spirit took him to Oregon and Montana for college and then to even more exotic places as an Army Air Corps pilot in World War II. At 19 years old, he was flying C-46 transport planes over the Himalayas and into China supporting the legendary Flying Tigers. He left the Army after achieving the rank of lieutenant and in recognition of his bravery received a Distinguished Flying Cross and an Air Medal.

A decorated war veteran in his early 20s, TED returned to California to resume his studies and later enrolled at Harvard Law School. A consummate tough guy, the man who would one day prepare for tough legislative fights by donning ties that featured the Incredible Hulk helped pay his way through law school by tending bar and selling his own blood.

After law school, TED showed up in Washington to practice his trade. He married a girl named Ann, and together they set out on yet another adventure. With an appetite for risk and a passion for service, TED would carve a life for himself and his young family out of the vast expanse of the Alaska territory. He would devote the rest of his life to helping people there achieve the same rights and privileges that those in the lower 48 took for granted. As a result of decades of work in the service of that goal, the name "TED STEVENS" would one day be synonymous with an area one-sixth the size of the entire United States.

He was there at the creation. As a young lawyer at the Department of the Interior, TED STEVENS stood over a map with President Eisenhower and traced out the borders of the 49th State. He returned there in 1961, started a law firm of his own, and soon won a seat for himself in the Alaska House of Representatives. Four years after that, Democratic Senator Bob Bartlett passed away, and on Christmas Eve, the State's Republican Governor chose TED to replace him.

Now, TED STEVENS wasn't well known outside his home State, but curious folks in Washington could have found this brief description of him in Newsweek. Here is how they summed him up:

> Stevens is a 5'6" cigar smoker who hunts moose and earned a reputation as a scrapper in the Alaska House of Representatives.

It was brief, but it wasn't far off. TED didn't leave his scrappiness in Juneau. He would bring it to Washington.

A story about the Marine Mammal Protection Act of 1972 illustrates the point. TED was a first term minority senator at the time, but he was determined to find a way to get this piece of legislation enacted into law.

The story goes that TED was carpooling into work one morning with the Democratic chairman who could make it happen, and he got him to agree to a vote on his amendment that day.

Well, the day passed without any action. They called the bill up on the floor, and the thing went through second reading, third reading, and then onto a final vote. No amendment.

TED ran right up to the Chairman and yelled at him right to his face: "You SOB, you promised me a vote!" Hearing the commotion, the Democratic leader, Mike Mansfield, came over to chastise TED. Nobody swears in this chamber, he said.

But then TED told Mansfield what had happened, and how important the bill was to his State, Mansfield turned to the chairman and asked whether the story was true. When he found out it was, he took the bill back to a second reading, offered the Stevens amendment in his own name, and the amendment passed.

This was just one of the major pieces of critical legislation TED has fought for on behalf of Alaskans. There have been many others. Ted never tires of fighting for the people of Alaska. But if you ask his staff, they'll say he just never tires.

His chief of staff, George Lowe, remembers his first trip to Alaska with the boss. A staff assistant at the time, George was a little taken back when he picked TED up at 6 a.m. and the Senator had already gone through the briefing book he'd been given the night before, already read the papers, and already been on the phone to Washington for a couple hours.

"I needed a vacation after doing for two weeks what he'd been doing for 39 years," he said.

After Ann's tragic death, TED met his beloved Catherine. They would add a sixth child to TED's brood, Lily, who many of us remember running around the Senate as a little girl.

Catherine had to get used to TED's tenacity early on. The day after their wedding, he agreed to fill in for a colleague on a trip to tout Reaganomics in China. She had never let him live down that "Honeymoon."

As chief of staff, George says nothing's changed. He's learned to put his Blackberry in the basement when he goes to bed at night, or the boss would keep him up with e-mails.

TED will tell you he works so hard because there's so much work to do. Alaskans don't have the benefit of centuries of infrastructure and planning that much of the rest of the country does. Of the giant State's more than 200 villages, only a handful had running water when TED came to the Senate. But largely thanks to him, roughly half of them do now.

He's tried to make sure that people on the outside understand the challenges. And turning down an invitation to Alaska from TED STEVENS isn't recommended if you ever expect to appear before him at a committee hearing. An entire generation of Federal officials has trekked up there at TED's invitation.

Elaine and I have spent six of the last seven July recesses at the Kenai River King Salmon Classic and, like everybody else who's been there, we never leave without being impressed by two things: the magnificence of the scenery, and just how much of Alaska's progress is a direct result of TED STEVENS.

It starts at the airport: TED STEVENS Anchorage International. It runs through the pipeline; the land settlement claims; the double-hulled tankers that move along the shore; and through all the homes in the remotest reaches of Alaska that have radio and television because of TED. And it continues with his epic battle to open up the Artic National Wildlife Refuge.

"They sent me here to stand up for the State of Alaska," TED once said. That's just what he's done. And Alaskans love him for it: on March 22, 2000, the Alaska State Legislature named TED STEVENS Alaskan of the Century.

But he's done a lot more for the rest of us besides. Thanks to a remarkable 35-year tenure on the Appropriations Committee, no one has done more for the U.S. military than TED STEVENS. Never one to deny or delay materials or supplies to troops at home or in the field, he's secured funds to continue funding the F–117, to replace Air Force One, for Unmanned Aerial Vehicles like the Predator and Global Hawk, and for a replacement Coast Guard Icebreaker and the F–16 program.

He was instrumental in ensuring funds for early military research on everything from breast cancer to AIDS.

I remember asking myself when I first arrived in the Senate whether STEVENS was ever in a good mood.

But I learned, as everyone else who knows him does, that, like Hamlet, TED STEVENS "speaks daggers but uses none." And in this, "his tongue and his soul be hypocrites."

Those who weren't convinced of this changed their minds during that sad week in September 2003, when we learned about the death of Senator Gordon Smith's son, Garrett. Senator Smith opposed TED on ANWR, the biggest issue of his life. And a lesser man might have held a grudge. Yet it was TED who arranged to fly himself and his colleagues in the Senate to the funeral.

They say the only way to have a friend is to be one. And TED's friendship with Senator Inouye is one of the great models of bipartisanship this building has ever known. We all know the two men call each other brothers. But some might not recall that TED has actually donated money from his own Political Action Committee to Senator Inouye's re-election campaign.

How does TED do all this?

He's always looking forward. Thirty-nine years in the Senate, and he doesn't reminisce. He hasn't slowed down a bit. He plays tennis and enjoys fishing. He tries to get in an hour at the Senate gym every day. And when he says he's a fighter, he means it: his staff assures me he still trains on a speed bag.

When TED got to the Senate, he had a motto: "To hell with the politics, do what's right for Alaska." Over the years, he changed that motto, just slightly. Now it's: "To hell with the politics, do what's right for the Nation." But in one of the most distinguished careers in the history of this body, he's done both.

The people of Alaska and this Nation are better for having TED STEVENS around. We'd hardly know what to do without him. And in appreciation of his friendship and his noble service to State and country, I honor him today for his historic achievement and wish him many more years of good health and service.

(Applause.)

The PRESIDING OFFICER. The Senator from Hawaii is recognized.

Mr. INOUYE. Mr. President, I am a proud Democrat. TED STEVENS is a proud Republican. People have said, how can you two ever get together?

Well, as the leader has indicated, we call each other brothers.

I know this is a violation of our party rules, but I have contributed to Ted's campaign, and he has contributed to my campaign. Last election was one of the most negative and partisan ones that I have ever experienced. The issue was Iraq, as it is today. TED STEVENS came up to me and said: You know, this election is sending a bad message to the fellows and the women in Iraq. We should send another message. So he proposed that we do our very best to pass the Defense appropriations bill in a timely fashion unanimously. The record will show that the subcommittee came out and voted unanimously for the Defense appropriations bill. The full committee responded by unanimously voting for it, and the Senate, for the first time in history, voted 100 to 0.

That is bipartisanship, Mr. President. We have demonstrated that it can be done, and it has been done many times. We have many things in common, but I think more things uncommon. He represents glaciers; I represent coconut trees. But we do have many things in common. We fought in World War II—he in China with the Flying Tigers, and I was in Europe fighting the Germans. We represented territories. So we came in as new Members of the Senate, and he and I have received the crown of being "pork men of the year." We are No. 1 in add-ons in the United States Senate.

Mr. President, I am proud to call TED STEVENS my brother. I hope we can continue this brothership for as long as we are here. We have just given him a new title: the Strom Thurmond of the Arctic Circle.

(Applause.)

Mr. GREGG. Mr. President, I want to join my colleagues in recognizing Senator TED STEVENS upon this milestone of his serving longer in this body than any other Republican Senator. This is a significant moment and our former President pro tempore of the Senate has set an impressive, historic accomplishment.

I think this is most significant not because we are recognizing TED STEVENS for his length of service in this body, but rather because we are recognizing what TED STEVENS has accomplished in this institution as a U.S. Senator. There are few individuals who can equal his service and accomplishments as a true leader.

As Alaska's Senior Senator, his steadfast and tenacious advocacy of his State and constituents is widely known. His career transcends Alaska's transition from a frontier and U.S. territory to an important and vibrant State.

After earning his law degree at Harvard University, TED STEVENS moved to the heart of Alaska, the Chena River and Fairbanks, where he became a prosecutor and a U.S. attorney in the early 1950s.

TED quickly became a leader in the statehood movement and in 1956 he served his first assignment in Washington as the Department of Interior's legislative counsel and later Solicitor General. He later returned to Alaska and was elected to the Alaska House of Representatives where he became the majority leader and speaker pro tempore. In 1968 he was appointed to fill Senator Bartlett's seat in the U.S. Senate. He was elected to retain that seat in 1970 and has been a part of this institution ever since.

TED is a forceful and dedicated advocate for the people of Alaska. He has brought about significant economic development, be it clearing the way for North Slope petroleum development and the construction of the Alaska pipeline, the upcoming natural gas pipeline, countless small airports and aviation improvements, or overall basic infrastructure. He has been a tenacious advocate for the Alaskan fishing industry, including creation of the Exclusive Economic Zone to allow the sustainable harvest of the largest and most valuable fishery in the United States. It is not by chance that the basic law governing fisheries in this Nation is called the Magnuson-Stevens Act.

Like most Alaskans, TED is a true sportsman with a rich appreciation for the unique and special environmental resources of his State. Men and women fishing on the Kenai River or trolling off Cape Chacon or other waters need just look next to them, through sunshine or inclement weather, to see the Senior Senator from Alaska fishing for kings, or reds or silvers or halibut.

TED STEVENS is an American Senator who has made tremendous contributions to U.S. security policy and defense posture since the 1960s.

TED STEVENS left college to fight in the Second World War. Senator STEVENS served in the Army Air Corps and flew support missions over the Himalayas to General Stillwell and our forces in the China/Burma theater.

Since 1980, Senator STEVENS has served as either chairman or ranking member of the Senate's Department of Defense Appropriations Subcommittee. The aircraft, the ships, the missiles, the tanks and combat vehicles, and the weapons systems that are manned by our dedicated men and women in the U.S. Armed Forces have been developed, procured and supported under TED STEVENS's steady and pragmatic leadership. The training, pay and support of our personnel have been carried out by programs that he championed and shepherded through the Congress. The "operating tempos" and readiness levels are items of personal interest for him. He is a champion of research and development to ensure our Nation's leadership is not diminished, and that America remains prepared to take on threats to its national security.

As an appropriator, TED STEVENS has often focused on the business of national defense. Like others, he has been a champion of the "top line" for the Defense Budget, seeking to ensure that national security is remains a priority and receives appropriate funding. He has also dedicated long hours to ensuring that funds are not wasted and that priorities are addressed.

Finally, TED STEVENS should be recognized for his work as a legislator in this body. TED STEVENS has authored and championed legislation far too numerous to list. He has left his mark on so many laws, policies and programs that benefit Americans across this Nation. For example, TED STEVENS has played a leadership role in our national space programs, and it was his personal effort that allowed NASA to recover from the *Challenger* disaster in 1986. He helped create the National Oceanic and Atmospheric Administration and has been the sponsor or cosponsor of countless significant pieces of environmental legislation. He has championed remote sensing satellites that protect our Nation from severe weather and is the author and foremost supporter of our Nation's ocean exploration program.

TED STEVENS has also left his mark on every piece of telecommunications legislation over the past 20 years. He has put forward legislation that provides for our airports and air transportation systems, and terrorism countermeasûres. He is a strong advocate for the Coast Guard and has overseen fleet, aircraft, and system modernization during the 1980s and 1990s.

TED STEVENS has been a leader on issues as diverse as reform of U.S. civil service retirement programs, to the rules governing the operation of the U.S. Senate. So often it is Senator STEVENS's style to be the workhorse and moving force behind legislation, but to let others receive the credit. He is a Senator who pulls up his sleeves and works and he is a man of his word.

TED is a dedicated family man—to his wife Catherine and his daughter Lily, and his children from his first marriage to Ann Stevens. TED STEVENS is a Senator who lives every day to the fullest. He is tireless.

So Mr. President, it is very appropriate that the Senate convene here today to recognize and congratulate our Republican President pro tempore, the vice chairman of the Commerce Committee and the former chairman of the Senate Appropriations Committee. We are here today to recognize the length of his service and the accomplishments of his Senate service.

Mr. HATCH. Mr. President, I rise today to pay tribute to my friend and colleague, Senator TED STEVENS of Alaska. Today, Senator STEVENS has the distinct honor of becoming the longest serving Republican Senator in this Chamber.

I know of no greater patriot and lover of freedom than TED STEVENS. Whether flying his C-47 with the Flying Tigers in World War II, or serving in the Alaska House of Representatives, Senator STEVENS' life is a model of heroism and personal integrity.

TED's tenure in the Senate has been equally impressive. He chaired the Senate Appropriations Committee for 6 years, the Commerce, Science, and Transportation Committee for 2 years, and served as the Senate President pro tempore for 4 years. In each and every one of these high offices, TED served with dignity and distinction.

As one who has had a stewardship over our Nation's military for many years, there is no greater friend to our men and women in the military than Senator STEVENS. No one in Congress has done more to make our Nation's military the great institution it is today. We all rely heavily on TED's expertise on so many defense-related matters, as I believe many in this body and throughout the Federal Government do. He is the Senate's greatest asset with regard to the needs of the military, and his knowledge about defense issues has proven invaluable every time this Nation has faced a crisis in the last four decades.

Although TED is not the tallest man in the Senate, my colleagues and I all look up to the senior Senator from Alaska. When he comes to work in his Incredible Hulk tie, you know he means business and is ready to do whatever it takes to ensure legislation which improves the lives of Americans gets safely sheparded through the Senate.

It has been my privilege to know and work with TED for many years here in the Senate, and even though he has been described by some as gruff and grouchy, I have always found him to be very helpful and patient. Take for example a few months ago when I was meeting with several constituents from Utah in my DC office. During our conversations, we found that we needed some expertise that only TED could provide. I hurriedly called him at home in Alaska without pausing to calculate the time difference. Although it was midmorning where I was sitting in DC, it was quite early in the morning in Alaska where a groggy TED STEVENS courteously took my call, helped me with the information I needed, and—I hope—promptly went back to bed to finish his night's sleep. TED has shown similar types of courtesy and kindness to several Members of this body and he has always proven able to balance the delicate, yet competing, needs to maintain good friendships and still move the work of the country forward even when all sides are not in agreement.

TED's wisdom and his character have served as an example to everyone he meets, and I am grateful for the opportunity I have had to serve the people of the United States alongside my dear, dear friend, Senator TED STEVENS.

So, from one old bull to another old bull, I would like to thank my good friend TED for his friendship and leadership. Also, I would like to thank his wife Catherine for her selflessness and willingness to share her husband. The hours kept by a hard-working Senator are long and can be very demanding on families, but Catherine has been extremely patient and our Nation is grateful.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, I am embarrassed but very grateful to my friends, our leader, Mr. MCCONNELL, and my great friend and brother, DAN INOUYE. DAN and I have been here a long time. Actually, he came to the Senate before I got here. I was downtown with the Eisenhower administration when he arrived in the Department of the Interior. I went home after that Presidency ended to Alaska and never expected to come back. But I did, and I am grateful for the outline of my service that our Republican leader has presented in the Senate.

I can only say two or three things. One is that I would not be here now if it wasn't for a real understanding family. My first wife was, and my current wife, Catherine, has been supportive beyond anyone's understanding. It is a long way to go home. I remember one year I flew home 35 times—one day up and one day back, almost. But I have been away from my family a great deal. I have 6 children and 11 grandchildren and they have understood my commitment to the Senate. I do believe that it would be impossible to be here without that type of support.

I also have been privileged and ask that after my remarks, I be permitted later to have printed in the RECORD a list of the dedicated young Alaskans who have come down and worked with me in various positions; also, those who have worked with me at home. I have had a series of distinguished chiefs of staff who have gone on to other functions and have shown what training in the Senate can do for a young person. I think over a dozen of my chiefs of staff have gone through law school working full time in my office and going to school full time. We sort of run a separate adjunct of the Senate, and that is a law school on the side, I think.

I do believe I have had the honor of serving with many great people. I served with the people who were here when I came here—Senator Baker, Senator Mansfield, Senator Scott, Senator Magnuson, Senator Dole, Senator Jackson, Senator Cook, Senator Bible, Senator Bell, Senator Hollings—there are so many.

I remember the time when Senator McClellan, who was chairman of the Appropriations Committee, took the whole committee up to Alaska because he was tired of asking me why I was seeking so much money. He decided to take the whole committee up there. We traveled through the State for 2 weeks. That doesn't happen now.

I am surrounded by friends here on both sides of the aisle, and I am still very honored to be here.

Let me close by saying I really think I am here because of the mentors I had in Alaska. Two publishers—Bill Snedden, publisher of the Fairbanks Daily News-Miner, and Bob Atwood, publisher of the Anchorage Times—urged me to come to Washington to participate in the Eisenhower administration during our fight for statehood. I was lucky enough to tie into former Senator Fred Seaton who was Secretary of the Interior. I worked with him for a period of almost 4 years and left Washington as the Solicitor of the Department of the Interior, his reward to me for our working together.

I was also honored to follow a good friend, a friend I got to know during the territorial days as we fought for statehood, and that was Bob Bartlett. He was my predecessor. He was, during the time we were fighting for statehood, the delegate from the Territory of Alaska as a Democrat.

I think our relationship was almost as close as the relationship I have with Senator INOUYE. He was a fine man, a great and distinguished public servant for Alaska. I am honored to hold what Alaskans call the Bartlett seat.

I thank my colleagues again for the courtesy all have shown me. I passed a milestone only because Strom made the mistake of being a Democrat for two terms. I am honored to have this recognition today.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. BROWN). The majority leader is recognized.

Mr. REID. Mr. President, when I came to Washington, Senator INOUYE—I am sorry, Senator STEVENS. They are like brothers, and it is easy to get them mixed up—Senator STEVENS had already been here 12 or 13 years. He has a distinguished service: 38 years in this Chamber, going on 15,000 votes, decorated pilot in World War II. But there are a number of instances that I want to spread on this record regarding Senator STEVENS.

First of all, he has a relationship that has already been mentioned with one of America's great people, Senator DAN INOUYE. DAN INOUYE, of course, is a Medal of Honor winner. A gentleman describes who he is. But the relationship between Senator INOUYE and Senator STEVENS, when the history books are written, will be legendary. They are friends, a Republican and a Democrat, who are like a couple of brothers.

They have traveled the world over many times, and the relationship is something we should all recognize as being possible in this Chamber. People of different parties from different parts of our United States can become friends. Party affiliation is secondary to their relationship.

For me, the example they have set has paved the way for the relationship Senator ENSIGN and I have. We are from the same State, with totally different political philosophies, but our friendship is, in our own minds, comparable to that of Senator STEVENS and Senator INOUYE. Thank you very much, I say to Senator STEVENS and Senator INOUYE, for the example you have set for us.

I also want to relate to everyone something that is remarkable to me. I was serving in the House of Representatives when Senator Alan Bible died. Senator Bible served in the Senate for 20 years. He was a great public servant from the State of Nevada and a dignified Senator who, because of illness, left the Senate after 20 years.

When he died, there was a plane available to take anyone who wanted to go to the State of Nevada to his funeral. I went, and the only other Member of Congress who traveled to Nevada was TED STEVENS. It was a long way to Reno, NV, where Senator Bible was buried, but TED STEVENS went. Why did he go? Because on a very important vote to Senator STEVENS that made the difference between Senator STEVENS carrying the day or losing the day, Senator Bible stepped forward, as Senator STEVENS said, courageously and voted with this Republican Senator.

Think about that: Senator Bible was long gone, hadn't been in the Senate for many years. He died. But Senator STEVENS remembered Senator Bible doing something that he thought was beyond the call of his democratic duty. And so Senator STEVENS and I took this lonely flight to Reno, NV, to attend the funeral of my friend and Senator STEVENS' friend, Senator Bible. That speaks volumes about the kind of person Senator STEVENS is.

One of the highlights of my congressional service has been the ability to travel all over the world. It is part of our obligation as Members of Congress to go see what American interests are doing around the world. On one of those trips, I signed up to go as a young Senator and was led by the great John Glenn and TED STEVENS. It was a memorable trip. I can remember—the Iron Curtain was down—leaving Austria and going into Czechoslovakia. They stopped the train. In came the KGB and other Iron Curtain soldiers. They looked under the train, in the train, and looked at all of us. We went into Prague, and in a little diner, bar, that evening, a man came in wearing a flight jacket, a World War II flight jacket. Of course, Senator Glenn and Senator STEVENS had worn those flight jackets representing the United States as they flew airplanes: one a marine, one a member of the Army Air Corps.

The conversation that night with that man, who probably was a KGB plant, as we talked later, developed into a great conversation. We were able to be regaled with conversations about Senator Glenn in World War II and Senator STEVENS in World War II flying airplanes for America's interests around the world. I always will remember that.

Finally, I say to Senator STEVENS, at this desk right here, you watched me manage a few bills. We were able to finish an appropriations bill. You thought I helped a lot. So you gave me the distinct honor of giving me one of your Hulk ties, which I still have.

(Laughter.)

We laugh and joke about that, but it meant a lot to me that Senator STEVENS thought enough of me to give me one of his ties.

So I say to Senator STEVENS, at this important occasion for you, of course, and our country, recognizing you, your service in this body, the longest serving Republican in the history of the Republic, I extend to you my appreciation and my friendship.

(Applause, Senators rising.)

The PRESIDING OFFICER. The Republican leader is recognized.

Mr. McCONNELL. Mr. President, the junior Senator from Alaska is on her feet. I wanted to make sure you saw her. She will be seeking recognition.

The PRESIDING OFFICER. The junior Senator from Alaska is recognized.

Ms. MURKOWSKI. Mr. President, it gives me enormous pride to pay tribute to our senior Senator, to my senior Senator, Mr. STEVENS, and to listen to the comments, to listen to the stories from so many of you as colleagues and friends.

For so many years—I think my whole life—I have grown up hearing the stories about Senator STEVENS, and to understand how today—tomorrow, actually—he makes history as the longest serving Republican Senator.

What you all need to appreciate is that so much of the history of TED STEVENS is also the history of the State of Alaska. They are inextricably tied, and we know that. So to be able to share that with his friends and colleagues for so many years is so important.

I truly appreciate the words of the Republican leader outlining the history, the very storied military career that Senator STEVENS had, understanding how he went on to be the U.S. attorney for the territory at the time, his schooling through UCLA, through Harvard. Coming back to the State of Alaska is where we all kind of pick up with the history that is now legendary and is seen in so many places.

Someone mentioned the TED STEVENS International Airport. We look around to so many of the monuments in the State, whether it is the Trans-Alaska Pipeline that has been delivering oil to the lower 48 for the past 25-some-odd years—we look at those and we think: TED STEVENS.

I don't know how many of you are aware of the history of our State as it relates to our lands and knowing and understanding that it was TED STEVENS who moved these forward, whether it was ANILCA, our land conservation act, the Native Claims Settlement Act, the effort to build the Trans-Alaska Pipeline, the Magnuson-Stevens Fisheries Act, the Denali Commission—these are living legends, if you will, through legislation that came about through the dedication, through the persistence, through the urging of Senator STEVENS.

We all want to believe, certainly, that we work on behalf of the people we represent, but as we look to these legislative victories, these legislative successes that Senator STEVENS has put in place over the years, I believe that truly demonstrates his commitment to the people of Alaska. When we think about providing the Native peoples with title to their lands, when we think about the educational challenges that face us in this enormous State with geographic and rural challenges that we can only imagine, when we think about how we provide health care in a State such as Alaska, all we need to do is look to the initiatives that have been put in place.

Senator STEVENS has always—always—kept Alaska first and has been very selfless in his efforts to put his State, to put the people of Alaska first.

We lovingly call him throughout the State "Uncle TED."

And you chuckle, but I think it is fair to say. They might not say it to your face, TED, but behind your back they are always calling you Uncle TED, because I hear it. They love it. The people of Alaska love it when you put on your Super Hero tie, when you wear the Hulk tie, because that is your signal that you mean business on behalf of the people of the State of Alaska.

You know, talk about people who have minds as sharp as a tack, TED will come up to me and we will be talking about something and he will say, You remember back in 1973 when so-and-so said something to so-and-so? And I am thinking, I was still in high school back then; no, I don't remember that. But he has such a grasp of the history and the facts. I appreciated his comment that he doesn't reminisce, but he is not going to let go of the factual background that has gotten us to where we are today.

Senator STEVENS mentioned those who have worked for him, and he and I have a unique relationship in that I was an intern for him. I credit him as my first political mentor here. Whether that means your staff will go on to succeed both you and me, who knows, but I look to what you have provided me as I have joined the family of the Senate here. I could not have asked for a better mentor, a better colleague to work side by side with as we move forward to advance the interests of the State of Alaska.

I know I will have you to work together with for years to come, and I join my colleagues again in acknowledging you on this truly historic occasion. I think it is fair to say, as an Alaskan, I feel personally blessed to have you and your leadership for our State and our Nation, and for that I thank you very much.

(Applause, Senators rising.)

Mr. STEVENS. Mr. President, I ask unanimous consent that the list of family and Senate staff to which I previously referred, be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

FAMILY

My wife, Catherine Ann Stevens, my deceased wife, Ann Cherrington Stevens, who left us due to our 1978 accident. We have six children, Susan, Beth, Walter, Ted, Ben, and Lily; and our eleven grandchildren, Susan, Ben, Augustus, Theodore II (Ben and Elizabeth Stevens family), Sally Masako (Ted and Junko Stevens family), Ann, Rachel and Elizabeth (Walter and Debbie Stevens family), Laura Beth, John Peter, and Sara Ann (Susan and David Covich family).

SENATE STAFF

CHIEFS OF STAFF

Ron Birch; George Nethercutt; Tim McKeever; Rebecca Cox; Bill Phillips; Greg Chapados; Lisa Sutherland; Mitch Rose; Carol White; Dave Russell; George Lowe.

FORMER STAFF IN THE WHIP OFFICE

Susan Alvarado—one of the first professional female staff assistants to leadership.

Larry Burton—whip office.

DeLynn Henry—long term scheduler.

STAFF DIRECTORS

Appropriations—Steve Cortese, Jim Morhard; Commerce—Lisa Sutherland, Christine Kurth; Government Affairs—Wayne Schley, Al McDermott; Rules—Al McDermott; Ethics—Bill Canfield; Whip—Rebecca Cox; President Pro Tempore Office—Jennifer Lowe; President Pro Tempore Emeritus Office—George Lowe.

ALASKA STAFF

Barb Andrews Mee; Marie Nash; Edie Opinsky; Jim Egan; Gloria McCutcheon; Ruth Burnett; Mike Dalton; Diane Hutchinson; Connie McKenzie.

CURRENT AND FORMER STEVENS' PERSONAL OFFICE STAFFERS FROM 1969 TO APRIL 12, 2007 (*CURRENT STAFF MEMBER)

A

Albrittain, Nancy A.; Alexander, David M.; Allen, Dorothy M.; Alowa, Allen D.; Alvarado, Susan E.; Alvord, Melanie A.; Andrews, Barbara A. (now Andrews-Mee); Andrews, Christina; Angerman, Lillie; Arai, T. Juliette; Aravosis, John G.; Arness, Peggy M.; Arnold, Susan L.; *Arthur, Will.

B

Bahmer, Barbara A.; Bahmer, Gale O.; Bailey, Helen S.; Baker, Bridget L.; Baker, Elizabeth Anna-Marie; Baker, Laurie; Ballash, Heather L.; Banks, Gary S.; Barbagallo, Nelly E.; Barnes, Mark; Bartosik, Curtis J.; Bass, Sandra R.; Bates, Gwendolyn J.; Behm, Yvonne D.; Beighle, Jon J.; Belcher, Janet B.; Belon, Valerie L.; *Bennett, Doris C.; Bennett, Patricia A.; Bergstrom, Minta C.; Bertoson, Todd; *Bertrand, Joel; Binns, Mahalia J.; Birch, Ronald G.; Blackwell, Michelle; Blanchard, Virginia; Boatman, Robert W.; Bolton, Jerry K.; Bookout, Cynthia R.; Bombeck, Tui; Boone, Courtney; Bourassa, Phillippe H.; Boyer, Robert L.; Brandman, Sonja; Brandt-Erichsen, Svend A.; Braniff, Mimi; Brewer, Martha J.; Bridenbaugh, Kathleen A.; Briggs, Michael G.; Britt, Gloria; Britt, Sharon M.; Brown, Benjamin E.; Brown, Charlie L.; Brown, Lauren E.; Brown, Sylvia H.; Bryant, Julie; Bullock, George D.; Bundy, Elliot; Burnett, John S.; Burnett, Ruth E.; Burnett, Suzanne; Burnett, Wally; Burton, Larry D.; Butzlaff, Nathan B.

C

Cabaniss, Virginia Dale; Call, Kay L.; *Campbell, Nikki; Carlisle, Margo D.B.; Carlson, Thomas L.; Castillo, Florence A.; Causey, Janel (Anderson); Chaffins, Katherine E.; Chapados, Greg; Chapek, Rebekah A.; Christian, Diana F.; Christie, Monica A.; Chomski, Kathleen (Brown); Ciccone, Christine M.; Cipra, Fredesvinda K.; Clancy, Lynda E.; Clark, Jane B.; Clements, Barbara; Clements, Charles; Cole, Brent; Collins, William L., III; Colver, Jane D.; Comstock, Earl W.; *Connell, Elizabeth J.; Covington, G. Dianne; Constantine, Janet A.; Cook, Caroline W.; Cook, Cora J.; Corbin, Lelani; Corthell, Lisa L.; Costello, Earle E.; Covington, G. Dianne; Cowen, James S.; Cowen, Joseph D.; Cox, Rebecca (Gernhardt); Craddick, Elaine L.; Craddick, Jan O.; Crawford, James M.; Crews, Darcy L.; Crittenden, Benjamin R.; Crittenden, Evelyn M.; Crittenden, Harriet C.; Crosley, Margy M.; Crossman, Sally J.; Crow, Michelle (now Maher); Cullen, Ann P.

D

Dalton, Kathleen F.; Dames, Edna M.; Dames, John C.; Daniels, Lorna; Darnell, Joseph; Davidge, Ric; *Davis, Mark; Dearring, Barbara G.; *Demopoulos, Nicolia; Derr, H.J.; Devore, Jon M.; Devore, Michelle (Butler); Dewhirst, Mary K.; Dickey, H. Gen; Dietz, Suzanne; Dinneen, Mark K.; Dittman, David; Dittman, Terry; Dixon, Karen G.; Donahue, Helen S.; Doogan, Laura; Dow, Wendi; Drager, Philip J.; Droege, Phillip; Dunbar, Henry T.

E

*Eames, Seth; Egan, James B.; Eklund, Nancy A.; Elerding, Mary Jane; Elliott, Norman H., IV; Elwell, Dan; *Engibous, Robyn; Evans, Ernest H.

F

Farr, Meghan; Farrell, Alycia; Fate, Julie Y.; Faunce, Mary L.; Feind, Gena M.; Ferguson, John D.; Ferguson, Pamela G.; Fessenden, Lori Ann; Fink, Joshua; Fitch, Karen M.; Flanders, Barbara; Flannigan, Michael J.; Fradley, Dennis C.; Franz, Joan L.; Fraser, Robert C.; Frazier, Ernest M.; Freitag, Renee; Friehlke, Ann; Fromuth, Peter J.; Fuller, Douglas S.; Fuller, Kimberly A.

G

Gallagher, Hugh G.; Gayman, Carol (Steiner); German, Penelope S.; Gibson, Duane R.; Gilman, Bradley D.; Gilman, Lisa C.K.; Gilman, Margaret; Gimm, Viola M.; Glasmann, Michael J.; Godwin, Agnes C.; Goodman, Stuart A.; Gore, Mary; Grane, Kimberly; Grant, Ian; Graves, Roger K.; Gray, Louise A.; Green, Isaac A.; Greisen, David; Gregg, Samantha C.; Griffiths, Leslie O.; Groseclose, Robert B.; Gruenberg, Max F., Jr.; Gustufson, Carol.

H

Haggart, Richard G.; Halcomb, Patricia M.; Henry, Diana L. (now Diana H. West / then Diana H. Barnhart); Hall, Lisa C.; Halvarson, Janet M.; Hansen, Paul G.; Hanson, Ingrid C.; Harrison, Ardine; Haugen, Leif; Hayes, James; Hayes, Lindsay; Hays, Dorothy A.; Hefke, Nancy L.; Hegg, Ruth E.; Hegyi, Karen R.; Henry, Diana; *Henry, Martha DeLynn; Henthorn, Deborah T.; Herman, Margaret G.; Hess, Carol (Logan); Hess, Kelly A.; Hett, Susan Elaine; Hickling, Elizabeth M.; Highbaugh, Rita K.; Hill, Cynthia L.; Hilscher, Hilary J.; Hinkley, Jeanette (Nichols); Hobbs, Mary Jo; Hodson, Lona M.; Hogan, John J.; Hozey, John; *Hughes, Brian; Hultberg, Rebecca L.; Hutchison, Diane.

I

Iani, Frances S.; Irrigoo, Connie; Ivko, Terri L.

J

Jaehning, Leslie; Jeffress, R.D.; Jennings, Malin T.; Jessup, Carolyn R.; Johansen, Gary L.; Johnsen, Krag A.; Johnson, Louise L.; Johnson, Myrtle F.; Johnson, Rhonda; Johnson, Robert W.; Johnston, Martha R.; Jolly, Claire Anne; Jones, G. Kevin.

K

Kaplan, Gregory D.; Katongan, Adeline R.; Katz, John W.; Keller, Kristen L.; Kelly, Ernest B., III; Kemppel, Denali A.; Kerezy, John D.; *Kerley, Patrick J.; Kerttula, Anna M.; Kidd, Margaret L.; King, Sara L.; Kirchoff, Scharine; Kloster, Kendra; Konigsberg, Charles S.; Kozie, Michelle; Kron, Stephanie A.; Kurth, Christine.

L

Lack, Jonathon H.; Ladd, Priscilla D.; Lahmeyer, Lillian A.; Lahmeyer, Michelle E.; Landry, Jeffrey; Lang, Cheri A.; Lang, Deborah S.; Langton, Michal; Lappi, Karen D.; Larson, Dean M.; Larson, Michelle R.; *Laudenberger, Theresa A.; Layton, Mark; Lawrie, Heather A.; *Leathard, Scott; Lee, Claire K.P.; Leonard, Lindsay; Lewis, Irene C.; Lock, Kathleen M.; Loewen, Reuben M.; Logan, Douglas M.; Longnecker, Barbara A.; Louis, Claudia J.; Lounsbury, Joel; *Lowe, George H., IV; Lowe, Jennifer (Mies); Lund, Thomas R.; Lundquist, Andrew.

M

Macauly, Margie M.; Maculay, Gail C.; Magnusson, Lori M.; Mai, Audra M.; *Maitlen, Brandon; Maloney, Wayne; Martin, Bernadette V.; Martin, Guy R.; Mason, Paisley; Matsuno-Nash, Marie; May, Terence; McAlpin, Jay A.; McCabe, John T.; McClees, Charles J., Jr.; McCuthheon, Gloria; McGuire, Lesil L.; McInerney, Anne E.; McInturff, Janell A.; McKeever, Timothy A. McKenzie, Connie; McLeod, Phillip W.; Menduno, F.M.; Messina, Gary S.; *Michalski, Nathan; Miller, Alexis R.; Miller, Terrence B.; Mock, Lisa C.; Moore, Elizabeth M.; Moran, Margaret A.; Moran, Michael P.; Morgheim, Jeffrey S. Motley, Allison H.; Motznik, Lavonne L.; Murdey, Phyllis M.; Murphy, Ann Marie; Murphy, Lynne F. (now Hill); *Musgrove, John; Musko, Tonja J.; Myers, Joanne.

N

Nelson, James B.; Nethercutt, George R., Jr.; Newman, Kathryn C.; Nichols, Steven; Nicolet, Katherine L.; Niemi, Celia B.; Nikzad, Cheri A.; Norton, Katherine H.; Nosek, Peter C.

O

O'Hara, Kristina D.; O'Leary, Michael S.; Odom, Jane H.; Odom, Milton W., III; Oliver, Lori Ann; Olson, Lori A.; O'Keefe, Sean; O'Keefe, Shannon B.; Opinsky, Celine; Opinsky, Edith M.; Osborne, Jason M.; Otierney, Daniel P.; Oursler, Susan J.; Owletuck, George N.

P

*Palmer, Suzanne; Parker, Carole A.; Parsons, James; Patton, Penny E.; Paxton, Matthew; Pence, Randall G.; Perdue, Karen R.; Perles, Steven R.; Peterson, Darwin; Peyton, Leonard James; Phillips, William D.; Pierce, Rosemary D.; Pignalberi, Marco A.; Pillifant, Thomas H.; Pinnolis, Barry R.; Plunk, Karen S.; Powers, Penny S.; Pugh, Kristen; Pusich, Shannon M.

Q

Quam, Dana C.; Quinlan, Clarissa M.; Quisenberry, Jack B.; Quist, Linda A.

R

*Raabe, Aprille; Radakovich, Keith K.; Raffeto, John C.; Randall, William T.; Range, Kimberly D.; Rawson, Debra; Raymond, Patricia A.; Reeve, Mary; Reeves, Katharine E.; Rice, Eugenie A.; Richard, Ryan R.; Richards, Bonnie E.; Richardson, Linda L.; Richmond, Kristen K.; Rickett, Robert R.; Rideout, Anita; Rigos, Chris J.; Robbins, Jane A.; *Robbins, Mark; Roberts, Laury; Rogers Candice; Rogozinski, Janet L.; Roots, John; Rose, Mitchell F.; Rosenquist, Jane S.; Rosenquist, Matthew; Rosenwald, Cynthia M.; Rubinstein, Pamela A.; Ruff, Richard; Rugg, William J.; Rushton, A. Lyell, III; Russell, David C.

S

Sandahl, Virginia; *Saunders, Aaron; Schabacker, Chris; Schaefermeyer, Darryl J.; Schafer, Jennifer A.; Schemmel, Cheryl A.; Schley, Wayne A.; Schneider, Mark; Schroer, Jo Anne W.; Schultheis, Bruce E.; Schwartz, Judith A.; Scott, Shirley A.; Seekins, Kerri L.; Seelbaugh, Patricia A.; Shaftel, Douglas; Sharp, Amy R.; Shaver, Victoria L.; Shaw, Douglas B.; Shepherd, Leslie C.; Sherbert, Eva M.; Shore, Mary E.; Shoup, Sharon; Silver, Steven W.; Simpson, Maryann; Slick, Sherrie A.; Slovikosky, Beverly A.; Smith, Robert B.; *Sorensen, Ray; Southall, A. Doris; Spaan, Michael R.; Sparck, Amy; Sparck, Michelle; Spencer, Mark E.; Spils, Carol A.; *Spinelli, Lindsey; Springer, Mark A.; St. Sauver, Beverly K.; Staser, Jeffrey B.; Stealey, Katherine; Stealey, Mary L.; Stenehjem, Connie M.; Stengl, Susan P.; Stepovich, Antonia M.; Stepovich, Laura M.; Stepovich, Melissa M.; Stevens, Elizabeth (Engelken); Steverson, Judith (Garnett); Stiefel, Justin; Stokes, Robert C., III; Stone, Michelle A.; Stone, Sandra; Sullivan, H. Paul, Jr.; Sumpter, Gerri; Sunne, Anne C.; Sutherland, Lisa; Sutherland, Scott A.; Swan, Lulu; Sykes, Gwendolyn;

T

Taft, Margo L.; Tanner, Patrick; Terlesky, Juanita S.; Tess, Terry L.; Todd, James M.; Todd, Karen G.; Tony, Paul D.; Trimble, Mary H.; Thompson, Pamela S.; Trump, Marsha V.; Teeley, Sandra E.; Turner, Lewis N.; Tyser, Sue E.

U

Utter, Brian.

V

Vallet, Paul P.; Vaughn, Philip; Vanderjack, Andrew; Verble, Saga O.; Von Gemmingen, Brett; Vrem, Lisa S.

W

*Wackowski, Steve; Wagoner, Norman B.; Wallace, John Foster; *Waller, Karina; Weaver, Karen; Weaver, Robert C., Jr.; Weddle, Aaron; Wahto, Heidi A.; Weddle, Justin; Weidlein, Patricia M.; Weiss, Kelly S.; Webster, Patricia S.; West, Jade C.; Wheeler, Ruth B.; White, Carol M.; Wilken, Alan W.; Williams, Cynthia G.; *Williams, Kate N.; Winn, Robert L.; Wold, Joanne; Wolek, Gail A.; Williams, Anne M.; Wonder, E. Paul; Wesley, David H.; Wood, Sarah A.; Woodrow, Shirley A.; Woodworth, Glen E.

Y

Yarmon, Joel; Yauney, James A.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is now closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 372, which the clerk will report.

The legislative clerk read as follows:

Motion to proceed to S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will report.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 20, S. 372, Intelligence Authorization.

Harry Reid, Sherrod Brown, Claire McCaskill, Jack Reed, Jon Tester, Patty Murray, Jeff Bingaman, Amy Klobuchar, Blanche L. Lincoln, Evan Bayh, Benjamin L. Cardin, Max Baucus, Pat Leahy, Chuck Schumer, Byron L. Dorgan, Ken Salazar, Dick Durbin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to consideration of S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), and the Senator from South Dakota (Mr. JOHNSON) are necessarily absent.

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 94, nays 3, as follows:

[Rollcall Vote No. 129 Leg.]

YEAS—94

Akaka
Alexander
Allard
Baucus
Bayh
Bennett
Bingaman
Bond
Boxer
Brown
Brownback
Bunning
Burr
Byrd
Cantwell
Cardin
Carper
Casey
Chambliss
Clinton
Cochran
Coleman
Collins
Conrad
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Dorgan
Durbin
Ensign
Enzi
Feingold
Feinstein
Graham
Gregg
Hagel
Harkin
Hatch
Hutchison
Inhofe
Inouye
Isakson
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
Lott
Lugar
Martinez
McCain
McCaskill
McConnell
Menendez
Mikulski
Murkowski
Murray
Nelson (FL)
Nelson (NE)
Obama
Pryor
Reed
Reid
Roberts
Rockefeller
Salazar
Sanders
Schumer
Sessions
Shelby
Smith
Snowe
Specter
Stabenow
Stevens
Sununu
Tester
Thomas
Thune
Vitter
Voinovich
Warner
Webb
Whitehouse
Wyden

NAYS—3

Coburn
Grassley
Kyl

NOT VOTING—3

Biden
Dodd
Johnson

The PRESIDING OFFICER. On this vote, the yeas are 94, the nays are 3. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Who seeks recognition? The Senator from Montana is recognized.

Mr. BAUCUS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. KERRY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. TESTER). Without objection, it is so ordered.

Mr. KERRY. I ask unanimous consent that I be permitted to proceed in morning business and that I be followed by the Senator from North Dakota.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I also ask unanimous consent that the time be charged to the postcloture time.

The PRESIDING OFFICER. Without objection, it is so ordered.

IRAQ

Mr. KERRY. Mr. President, I rise to speak about the situation in Iraq, notwithstanding that the headlines and the television shows over the last days have been consumed by discussions about what happened with the Duke lacrosse team and comments made by Don Imus and other things.

Yesterday, I attended another funeral for a young soldier, a sergeant in the U.S. Army, 10th Mountain Division, Chris Wilson, at Arlington. That is where the real focus of our country ought to be right now, on the war in Iraq, about which yesterday the Senator from Arizona gave a speech that I thought was divisive, a speech that was more political than one that offered a solution, because the solution is not more of the same. The solution is not to characterize the war as it has been characterized over the course of the last 4½ years, as a do-or-die fight against al-Qaida over there or it is going to be over here. This is the most amazing scare tactic we have seen employed over the last years. It avoids reality, and it draws the United States deeper and deeper into a position of loss of credibility and loss of leverage in our ability to do what we need to do.

I don't know one person in the Senate who cheers for surrender or cheers for loss or for chaos in Iraq. To suggest that is an insult to the Members of the Senate. It is an insult to those of us who care as much about victory and as much about success and as much about the lives and support of our troops as anybody in public life today. The devastating attack in Baghdad yesterday, the lack of any real political progress as a result of the President's escalation, and the incredible toll this is taking on our Armed Forces deserves a real debate, not a polarized, divisive appeal to the lowest common denominator of fear in American politics.

It also deserves a debate about what this administration could learn if it listened to our generals. We are now more than 4 years into the war in Iraq and, tragically, it is only now that the administration suddenly realizes: Wow, maybe we ought to find one individual who can coordinate the war efforts between Afghanistan and Iraq and have the authority to coordinate the military efforts and civilian efforts. But they are doing it at a time where apparently no one wants the job, and no one wants the job in the most extraordinary way. It says a lot, when the President finally decides to appoint a war czar in order to get everybody on the same page, that the situation in Iraq is actually so bad and the administration's stubborn willingness to change course so persistent that they can't, at least as of now, find anybody to take the job.

I read yesterday's articles on the front pages of our paper in Washington. I was really stunned. This administration has approached three retired four-star generals about taking on this task. Maybe Senator MCCAIN ought to stop and think about why those generals resisted an appeal to their patriotism, to their sense of duty, to their service to country after years of a career in the U.S. military. What did Marine GEN Jack Sheehan say? He is not an opponent of this administration, nor is Army GEN Jack Keane, nor retired Air Force GEN Joseph Ralston. All three declined. None of them are opponents of this administration. In fact, they all have established ties with this administration. Why would our top military commanders decline such a high-level position?

General Sheehan, a 35-year marine who once served as the top NATO commander, summed it up pretty well in what I thought was an extraordinary statement.

He said:

> The very fundamental issue is they [the administration] don't know where the hell they're going.

That is a 35-year retired Marine general:

> . . . they don't know where the hell they're going.

Then he said:

> So rather than go over there, develop an ulcer and eventually leave, I said no thanks.

It is pretty incredible that three retired four-star generals, whose careers, whose service to the Nation, whose understanding of the military is a lifetime of experience, all said no to the Commander in Chief.

The President insists he listens to the generals, not the politicians. He ought to heed his own advice and end the disgraceful record of ignoring the very military administration he professes to believe in. Again and again this administration has turned its back on the best advice of the military. Each time they have done so at our peril. Start with General Shinseki, who we all now agree was right when he said we needed a lot more troops and was met with dismissal. As the former top operating officer at the Pentagon, a different Marine lieutenant general put it:

> The commitment of our forces to this fight was done with a casualness and swagger that are the special province of those who have never had to execute these missions—or bury the results.

Instead of listening to General Shinseki, the administration decided to push him aside, give him the cold shoulder, and eventually retirement.

Last year, retired high-ranking military leaders, many of whom played key combat or planning roles in Afghanistan and Iraq, came forward and publicly called for the resignation of Defense Secretary Donald Rumsfeld. Across the administration, the warnings of those who wore the uniform of their country all their lives and who, retired or not, did not resign their citizenship in order to serve their country all were dismissed as acts of disloyalty or as threats to civilian control of the Armed Forces. Think about that. A retired military officer who isn't wearing the uniform, earned their retirement, speaks out about a war they were personally involved in helping to plan, saying: We have to change course. They are somehow called unpatriotic and disloyal, and somehow that threatens the civilian control of the Armed Forces. How does an ex-military officer who has the right to speak out threaten civilian control of the Armed Forces? It is the scare tactic, the usual approach of this administration—try to throw out a big red herring, put the straw man out there and debate the straw man instead of debating the real strategy of the war.

In the end, it took an election. The American people spoke out. That is what replaced Secretary Rumsfeld, not the advice of the men and women who had seen him nearly break the military they had served for decades. That was the administration's choice. But it didn't stop there. Ask General Casey or General Abizaid, who warned that more U.S. troops would not solve Iraq's security problem and could actually slow the process of getting Iraqi security forces to assume more responsibility. The Joint Chiefs of Staff, who unanimously opposed this escalation—what happened to listening to the Joint Chiefs of Staff and their recommendation? General Abizaid was replaced. General Casey was reassigned. The Joint Chiefs were overruled. Yesterday, we learned that the Pentagon is going to stretch our overextended military even further by extending combat tours and reducing the time between rotations to provide the additional troops necessary for the President's misguided escalation. What do our military leaders have to say about that? Robert Scales, a retired Army two-star general, said that to sustain this deployment while giving soldiers the training and the rest they need would require twice as many Army and Marine Corps brigades as we have today. Then he warned, this two-star Army general, that the Army is about to be "broken."

We are hearing our own generals talk to us again about what is happening to our military that is overstretched and about to be broken. Those are not our words; those are the words of military personnel. Barry McCaffrey, retired Army four-star general, who recently returned from another factfinding trip to Iraq, tells us that combat equipment for both the Active and Reserve components "is shot." His conclusion was simple:

> There is no argument of whether the U.S. Army is rapidly unravelling.

At a time when mistake after mistake is being compounded by the very civilian leadership that ignored expert military advice in the invasion and occupation of Iraq, those who understand that the price for each mistake is being paid by our troops must be heard. The message from the generals who were offered the war czar position has been crystal clear. If they really thought the administration had a strategy that could succeed in Iraq, why would they turn down the job? There is a very good reason for their skepticism. This administration simply refuses to accept the reality of how you change course or even that you must fundamentally change course in Iraq.

We keep hearing that the escalation is showing progress. While the level of Iraqi civilian casualties may have gone down in Baghdad, it has gone up in other parts of the country. Why? For the obvious reason that they have the flexibility of choosing where they will engage. Almost a certainty, some came to the floor and predicted: Put more troops into Baghdad, they will retreat into the shadows, into other communities. They will probe, they will find the weaknesses, and that is where they will reengage. That is precisely what has happened. The overall casualty rate in Iraq has remained essentially the same.

Just today we learned of a devastating suicide bombing in the Iraqi Parliament, right in the heart of the heavily fortified Green Zone. Ten people died, including two Iraqi lawmakers, along with any sense of personal security in what is supposed to be the safest part of Baghdad. It is a strange definition of the progress we have been hearing about. How are more American troops going to stop a single fanatic with explosives strapped to his or her chest?

One thing we do know is American troops are paying the ultimate price for this escalation. In the first 7 weeks, the number of U.S. troops who died in Baghdad doubled. On Monday alone, we learned of two more soldiers from Massachusetts who died in Iraq, CAPT Anthony Palermo, age 26, of Boston, MA, and SGT Adam P. Kennedy, 25, of Norfolk, MA. The administration says that these men and women are giving their lives because the purpose of this escalation is to allow the Iraqis space to make the political deals that we all agree are the only hope for ending the civil war. But if the violence is going down in Baghdad, where is the political progress? We keep hearing that the Iraqis are getting closer to a deal on sharing oil revenues. I think we have had the Secretary of State in front of the Foreign Relations Committee at least twice that I can think of in which she has said: We are almost there, we are nearing a deal. The last time was a month and a half ago, maybe 2 months ago. Where is the deal? Every time, hopes for a final deal turn out to be an illusion. Where is the rapidity of the Iraqi response to the political compromises that need to be made to resolve this?

The de-Baathification law that is a key part of the national reconciliation process was recently denounced by Ayatollah Sistani and is nowhere near completion. The Iraqis are still at square one when it comes to amending the Constitution and disarming the militias. Still the President refuses to impose any meaningful consequences on the Iraqis for failure to meet these benchmarks.

Now, again, I listened to the speech of the Senator from Arizona yesterday in which he talked about those who advocate surrender and those who cheer for the potential of loss. Again and again, our military leaders have said there is no military solution in Iraq. General Abizaid said it. General Casey said it. Most recently, General Petraeus—new on the job—reiterated there is no military solution. The President has said it. The Secretary of State has said it. Donald Rumsfeld said it.

But where is the diplomatic effort necessary within the whole Middle East, let alone in Iraq alone, to leverage the kind of transformation that is necessary to end the civil war? And how dare the Senator from Arizona only talk about the fundamentals of al-Qaida and how if we don't fight them over there we will fight them over here, when the fight is really one between civil parties in Iraq?

Yes, al-Qaida is in Iraq. We understand that. Yes, al-Qaida has the ability to be able to bomb something and create trouble as a consequence of that. But the real violence, the fundamental divisions, the piece of this which is extending the stalemate and the American presence at the same time is the unwillingness of the Shia and Sunni and the politicians who are fighting for position and for the future spoils of Iraq itself—their unwillingness to resolve those differences.

The longer the U.S. military stays there saying: We are here, we are going to do this, we are going to go out and do the pacification, we will do the military backup—as long as that security blanket is there, those politicians know they can take as long as they want to come to any compromise.

I have heard some of our own diplomats in the region express their concern about the open-endedness and express the lack of leverage over the Iraqis themselves that helps us bring a resolution here.

The only way in which you can change the dynamic on the ground is when the administration accepts the simple reality that this Congress has now voted on, that the Iraqi politicians have repeatedly shown they only respond to a deadline, a deadline to transfer the authority. Remember that, back when Ambassador Bremer was there and we said: "We are going to change the provisional government. We are going to transfer authority to Iraq," and they said: "Oh, no, we're not ready. Don't do this."? But we said: "It is going to happen. It is going to happen on this date. Get ready." And it did, and we did transfer the authority. The same thing for the two elections and the referendum. I remember them saying: "We have to push this off. We are not ready for the election. Can't participate." We said: "No. We're going to have this firm date. We're going to have an election." And guess what. We had the two elections. We had the referendum. We got the Constitution, flawed as it is. But we pushed people to understand this was not open-ended and interminable.

The fact is, I do not believe young Americans ought to be dying or maimed to provide a window of opportunity for Iraqi politicians to continue to procrastinate, to give them the cover they need and want to be able to manipulate and maneuver and position themselves for power. That is not what our troops went over there to do. If you go back and reread the resolution we voted on here, it was to deal with Saddam Hussein, it was to deal with the weapons of mass destruction; it was not to put our troops in the middle of a civil war and engage in the kind of struggle we are involved in today.

Mr. President, another thought about this issue. Again, there are those running for President on the Republican side who I guess have found that the orthodoxy of their primaries requires them to go out and suggest that Democrats want something they do not want. So maybe we have not learned anything about the truth in American politics. But the fact is, no Democrat whom I know of has suggested abandoning Iraq. No Democrat has suggested inviting chaos—more than the chaos that exists today.

In fact, we have what we believe is a plan for success, and it does not leave Iraq without the presence of American troops—I might add, to the chagrin of some people in this country who think it ought to. It leaves the President the discretion to finish the training of Iraqis. That is the principal thing we ought to be there to do. And it leaves the President the ability to be able to decide how many troops are necessary to complete the task of training the Iraqis. It also leaves the President the discretion to decide what the President needs in order to prosecute al-Qaida. It does not walk away from the battle against al-Qaida. It leaves those special forces and special operations and intelligence-gathering and other operations necessary to continue to prosecute al-Qaida. Finally, it leaves the President the discretion to be able to leave such forces as are necessary to protect American facilities and personnel.

Now, how much more discretion, at this point in time, after 4-plus years of war, when they have made every decision wrong, should we allow the President? People say: Don't micromanage the war. Somebody has to manage this war because the folks who are in there, obviously, are not doing it effectively. When you have your own generals coming back and telling you the troops still do not have the armor, they still do not have the level of up-armored Humvees, they are still going out on patrols in ways that are, in many cases, provocatively dangerous and invite the kinds of injuries they are getting, without the gain on the back end as a consequence of the risk they have taken. I think that is unacceptable.

Last month, Iraq's neighbors and key players from the international community finally got together at a conference in Baghdad. Guess what. Nothing tangible came out of the conference. There is no sense of urgency about the upcoming meeting in Egypt, which is why a deadline is so essential. The countries in the region need to know this dynamic is going to change.

To the degree they are concerned about Iran, to the degree they are concerned about their Sunni brothers—and they are; Saudi Arabians, Jordanians, Egyptians are predominantly Sunni, and they are deeply concerned about the Sunni minority in Iraq. But they need to translate that concern into a regional security plan where there is a greater level of assistance in order to force the kinds of compromises necessary between the parties. Absent that, this is just going to go on.

We owe it to our troops and to our country to have an honest debate and to try to work together to find the way forward in Iraq. I think the speech Senator MCCAIN gave yesterday, in which he said Democrats were cheering for defeat and surrender in Iraq, does a disservice to the Senator from Arizona as well as to the U.S. Senate. I think he knows better. And he knows full well that no one here wants to see Iraq fall apart. But we have a different plan for how you prevent it. We have a different plan for how you achieve success.

It seems to me that a plan that says the President has the discretion to leave troops that are necessary to complete the training is not, on its face, an abandonment of Iraq. It is an alternative way of achieving the leverage necessary to be able to get the responses we have not gotten over the last 4 years.

So, Mr. President, we disagree on the strategy, but we do not disagree on the stakes. The Vice President hides behind similar rhetoric. He dares to claim that those who offer a new way forward are "undermining" our troops. Well, I have had enough of that rhetoric. I have had enough. And I think most of my colleagues have.

Undermining our troops? Let's have that debate, Mr. Vice President. This is a Vice President who helped send them into combat without adequate protection, without adequate numbers of troops, without an adequate plan, without the guarding of the ammo dumps, without the kind of engagement diplomatically that helps them, without the humvees that were up-armored, without the armor—that's why parents in America are going out and buying the state-of-the-art armor for those troops. And this President and Vice President want to talk about undermining the troops?

Let's have a debate with an administration that sent them into battle in Iraq with serious injuries and other medical problems, including some whose doctors said they were too injured to even wear their body armor. You want to have a debate about undermining the troops? Then how about failing to provide them with the proper medical care when they come home with broken bodies and minds, with a VA budget that is inadequate, with a hospital situation that does not follow up and honor the sacrifice they have made? How about the extended tours in Iraq, where people have given up their jobs and their livelihoods because they are in the National Guard and they have been called up repeatedly, and they are the sole proprietor of a business? How about that?

It seems to me Congress has done what the President and this administration have stubbornly refused to do. We have recognized the best way you support the troops is to change a failed policy. The best way you support the troops is to implement a strategy that works for those troops. The best way you support the troops is to guarantee we put in place a strategy that honors their sacrifice and really leverages the real interests and real stakes of the United States in the region.

I think we ought to honor the lives lost, not with words and not with divisive speeches, but we ought to honor them with lives saved. That starts by putting aside the hollow rhetoric and the straw men that have undermined a real debate for far too long and by supporting an exit strategy that preserves our core interests in Iraq, a strategy that negotiates a new security arrangement for the region; helps to leverage the kind of participation of other countries that have an interest in standing up to Iran; and regains our credibility in the region, which has been tattered with Abu Ghraib and Guantanamo, not to mention the policies in Iraq themselves.

Our own CIA has told us the current strategy is creating more terrorists, that it is emboldening the radical Islam extremists. What we are offering is a strategy that we believe better speaks to America's values, to America's interests, and, most of all, to our obligation to the troops.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

AMERICAN WORKERS

Mr. DORGAN. Mr. President, there is a poignant story about the days following the death of Franklin Delano Roosevelt. As his body lie in state here in the U.S. Capitol, long lines of people formed in order to file past the body of the dead President. A journalist interviewed a worker who was standing there, with his hat in his hand held in front of him, with tears in his eyes. The journalist asked this working man, who had been standing in line for some long while: Did you know Franklin Delano Roosevelt? The working man looked back at him and said: No, I didn't. But he knew me.

The question is, Who knows American workers today? I ask that question because I read in the paper that Circuit City, a pretty well-known corporation in this country, has decided it wants to lay off 3,400 workers. Here is what Circuit City said about those workers:

> It had nothing to do with their skills or whether they were a good worker or not.

That is according to a Circuit City spokesperson.

Now, this sort of thing follows on the heels of the offshore outsourcing of many other American jobs, American companies shutting down. There is no more Fruit of the Loom underwear made in America, no more Levi's made in America, no more Huffy bicycles made here, no more Fig Newton cookies made here. There are no more Radio Flyer little red wagons made in America. It is all gone. It is all outsourced. Those workers all got fired. Pennsylvania House Furniture. I could go through the long list.

We understand that even as companies outsource jobs to China in search of 30-cents-an-hour labor, other companies that keep their jobs here have decided to put downward pressure on wages to be competitive, so we see the announcement of Circuit City. Three thousand four hundred workers need to be laid off because they are paid an average of $10 to $11 an hour; they are firing workers making 50 cents above the average. They plan to replace them with new workers who will work for substantially less, and they say they are going to save $110 million through these firings and replacements.

But Circuit City executives actually seem to be doing a little better than the workers. The employees are losing their jobs, but the CEO gets $10 million a year. The chairman gets $10 million, the CEO gets $10 million, the executive VP gets $6 million. This is from a company that lost money. I don't know. Maybe in some towns that seems to work. In my hometown, it wouldn't work very long.

It seems to me we are becoming a society of disposable workers, run by those who don't think workers make much of a difference in this country. Circuit City said they will start hiring replacements immediately. Anybody can apply for the jobs except for the Circuit City workers who were fired. They have to wait 10 weeks, and then they can reapply for the job at a lower salary.

So let's put some names to these 3,400 workers. I pulled some out of the newspaper.

Bobby Young worked 20 years for Circuit City. He got a letter from his boss saying he was fired. It was addressed "To Whom It May Concern." It is unbelievable. He said he is 47 years old. "What they did as a company to me, it's not the American way," he says. To Whom It May Concern: You are fired. It tells you a little something about the concern about the workers, doesn't it?

Alan Hartley, Charlotte, NC. He thought he and other top employees were being called into a special meeting because he thought they were going to be recognized for outstanding performance, but it wasn't quite that way. They decided they were going to be recognized to be laid off because they should be replaced with lower paid workers. Now he says they are going to hire people who aren't properly trained for the jobs to help take care of the customers.

> I haven't told my kids yet. They don't know I just got fired for doing a good job.

Steven Rash made $11.59 an hour; worked for the company 7 years. He was working another full-time job as well—two jobs to pay off his student debt.

It is not just Circuit City. There are other companies. I will not go through the whole list of companies. David Leonhart of the New York Times said that companies are wringing out what they see as inefficiencies. The inefficiency of paying $11.50 an hour; God forbid we should overpay people by $11.50 an hour, plus give them a little health insurance and retirement as part of their compensation. Well, when pensions and health insurance and $11.50-an-hour salary is viewed as an inefficiency, there is something wrong in this country. He also says this is a corporate safety net that is being taken away. There is no corporate safety net. It is a basic American standard of living that workers have bargained for.

Let me ask the question whether this applies to everybody. No, it doesn't. It just applies to workers, the people who take a shower after work. It just applies to those people. Top executives—in 2006 there were 35 chief executives who were fired for poor performance and, combined, they got $799 million payment as they went out the door. Pfizer's chairman, he got $200 million when he bailed out of that company, despite the fact the company had lost more than $130 billion in value. Home Depot chairman, he got fired on the very first day of 2007. He got $210 million as he went out the door. United Health Group, he somehow ended up with $1.1 billion in stock options as he went out the door. I don't quite understand all these things.

Jack Welch, a celebrated CEO, wrote the book "Winning," and after he retired from General Electric, he got a package he was sufficiently embarrassed about, once it was disclosed, that he decided to give some of it back.

His package included an $80,000-a-month Central Park apartment during his retirement, lifetime use of the company jet, membership at an array of country clubs, maid service at multiple homes, limousines and prime tickets and several homes.

I don't understand how we have come to the point where the average CEO in this country, the average CEO of Standard & Poor's 500 companies, made $14.7 million. CEOs on average are paid 411 times more than the average workers in this company. Think of that. In 1965, CEOs on average were paid 25 times more than the average worker. Now it is 411 times more. Yesterday I opened the paper and read that Sprint CEO got a compensation package of $21.3 million, the former Nextel chairman got $36.2 million. Sallie Mae, by the way, in the business of providing student loans, their chief executive officer got a package of $16.6 million and a bonus of $2.5 million as a part of that. Ford Motor lost $12.6 billion last year. It went out and recruited a new chairman—oh, by the way, for the chairman, when the company lost $12.6 billion, that chairman got $10.5 million last year. They just went to hire a new guy and he got a $28 million package which includes an $18 million bonus.

The average CEO who was fired last year got $9 million in severance.

Abraham Lincoln once said there is no America without labor and to fleece the one is to rob the other.

There is a man named Bob Negley. Bob Negley is quite a remarkable businessman, a very unusual businessman. He ran a company called Rollerblade. Most of us know about Rollerblade. I like to rollerblade, personally—inline skates. I think it is a great sport. I haven't even broken a bone. Maybe I shouldn't say that, but I like to rollerblade. Bob Negley ran Rollerblade and then he sold it. After he sold it, he did something that is very unusual in this country. He moved to Florida, midyear, sold his position in Rollerblade, that controlling position, and moved to Florida. Then Christmastime came around and all the workers who worked for Bob Negley who made Rollerblades began to get Christmas cards from Bob Negley and his wife. In the Christmas card as they opened it up was a check from this man who had previously owned the company 6 months before. With the check was a note and it said this: I sold this company and I made a lot of money, but I understand what made this company successful. It was all of you. You worked out there in the plants and in the factories, you worked in engineering, you worked in marketing, you are the ones who made this company successful and, as a result, I made a lot of money. I want to share some of it with you. He included in the Christmas card a check computed on the number of years of service which some employees found to be over $20,000, and, by the way, he said, I have prepaid your Federal income taxes on this money. Accept this as a token of my appreciation because you were the company, you made this company successful.

Contrast that, if you will, with these days all the discussions in the newspaper about Circuit City who has to get rid of 3,400 workers. Why? Because we want to hire less-experienced workers, and we want to bring them on for less money; $11 an hour is too much.

Or, perhaps, Wal-Mart, which sends an internal memorandum around. A top executive writes a memo in Wal-Mart and says the cost of an associate—that is an employee, by the way, but you know this notion of "associate." In my hometown there was a one-eyed, 3-legged dog with fleas they named "Lucky," so names don't mean very much.

So he says, the cost of an associate with 7 years of tenure is 55 percent more than the cost of an associate with 1 year of tenure, and yet there is no difference in his or her productivity. Message? Don't let people stay around very long. Let's have a lot of turnover here. Let's have people around who don't know anything so we can pay them nothing. This is going on in this country, and the question is, Who is going to stand up for American workers? Who decides for a change that the expansion of the middle class in this country, where workers were paid well, was something that represented the success of the American economic engine? Who is going to decide that? These companies that decide that workers are like wrenches: use them up and throw them away, it doesn't matter, or will they decide, once again, as Franklin Delano Roosevelt did, or as did that worker standing with his hat in his hands said: I know American workers. That President knew American workers. Will we decide finally that American workers have value in this economic system?

Sure, we can outsource everything. We can ship all these jobs to China and pay people 30 cents an hour to make bicycles to be sold in America. We can decide that we are going to get rid of all these workers and replace them with $8- or $6-an-hour people. Is that what is going to build a better country? Is that what is going to expand the middle class? There is no social program in this Chamber that we debate and talk about that is as important to the American people as a good job that pays well with good benefits. It is time, long past the time we start to remember that.

Yes, I used some company names here and I have described some severance packages. Perhaps I shouldn't single those companies out, but the fact is they put themselves on the front section of the business section of these newspapers with their own news: We want to get rid of 3,400 employees; that's what Circuit City says. I am saying that is a value system which ignores the fact that workers are your company. I told a company that was in to see me not so long ago: Your brand is a brand all of us recognize. Your brand is not just something painted someplace; it is the people who work for your company. If you don't understand that, at some point that brand will be worth virtually nothing. This country needs to begin to understand, once again, and honor, once again, work and working men and women who struggle every day. They get up, they work, they work hard, they give you an honest day's work, and they come home and try and raise a family and do all the things that make life in this country worthwhile. All too often these days we see this notion that somehow, by some companies, workers don't have value, don't have worth. That is a very serious mistake. Both in public policy and I hope in the private sector, we need to turn this around and understand this country's success depends on expanding the middle class, on providing opportunities for the people in this country—opportunities, yes, for a good job that pays well, to take care of families and provide the things you want for a good life in this country's future.

Mr. President, I yield the floor, and I make a point of order that a quorum is not present.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, when I am done—and I think that will be in about 15 or 20 minutes—I ask unanimous consent the Senator from Texas, Mr. CORNYN, follow me.

The PRESIDING OFFICER. Without objection, it is so ordered, so ordered.

BUDGET

Mr. GRASSLEY. Mr. President, 2 weeks ago we passed the budget resolution in the Senate. One week after that, the House passed their budget resolution. So we are in a position of being conferenced between the House and the Senate on a budget resolution, and I thought at this point I ought to give some updates, particularly as it relates to the work of the Committee on Finance, and particularly as it relates to the issue of taxes and an impending tax increase that is out there—tomorrow, almost—a few years away if we don't do anything to stop the biggest tax increase in the country, or that will be, in fact, the biggest tax increase in the country.

So as the budget resolution slowly works its way through Congress, one especially important issue wrapped up in this whole great big budget resolution and document is the longevity of the bipartisan tax relief that was enacted in 2001 and 2003, and this very day those tax decreases for working men and women are still in place and will be in place through the year 2010. It has always been my goal, when you have Chairman Greenspan saying that this tax relief for working men and women is the reason the economy has rebounded, that we should continue this tax relief into the future, because if it is the goose that laid the golden egg of 7.8 billion new jobs being created since the recession, then we ought to keep that golden egg working for the American taxpayer.

Some people may not give the contents of a budget resolution much consideration since it does not get signed into law by the President but is merely a set of guidelines for tax and spending decisions that apply to Congress as we make permanent law and as we make decisions on tax policy for the future. Those tax and spending decisions must go to the President for his acting on them and then become law.

For this reason, along with anyone who supports tax relief, we are very concerned about the budget resolutions passed by the Democratic majorities in the House and Senate that are now in conference. Yes, this is a Republican Senator. I am in the minority now since the last election. So I want to raise these concerns as a responsibility of the majority and to alert the American people about what the majority might be up to, or if they are not up to it, what the consequences are if nothing happens.

This concern is derived from the fact that the two budget resolutions—the one in the House and the one in the Senate—do not provide for the extension of tax relief beyond 2010. What does it mean when I use the words the budget resolutions do not provide for "the extension" of tax relief beyond 2010? That means, if Congress takes no action, we will have the biggest tax increase in the history of the country, and we will have that tax increase without even a vote of the Congress.

For the first time in more than 6 years, Congress is sending a message, then, that there is no guarantee of continued tax relief. In fact, the Democratic budget resolutions say the very opposite. The budget resolution passed by the Senate only provides 44 percent of the revenue necessary to extend these popular, bipartisan—and let me emphasize bipartisan—tax relief bills of 2001. Mr. President, 44 percent is not enough, but that 44 percent is more than the big fat zero percent in the House-passed budget resolution. The House-passed budget resolution provides no revenue room for the extension of tax relief, meaning that the majority of the House of Representatives right now is taking a position on the budget to let the biggest tax increase in the history of our country go into effect without a vote of Congress.

What does that mean, besides the biggest tax increase in history? It means things such as no tuition deduction for people sending their kids to college, no teacher deduction for the supplies the teacher might buy out of their own pocket. Those are just a couple of popular items that would expire at that particular time that would be a small part of the biggest tax increase in the history of the country, happening without the vote of the people.

I would like to think that I am an optimist, but in conferencing two resolutions, which cover 44 percent on the part of the Senate and zero percent on the part of the House, I am doubtful of reaching a number greater than the already inadequate number of 44 percent provided in the Senate. This stands in stark contrast to the budget that the President submitted this February and to the budgets the President has submitted over each of the last 6 years. All of those budgets provided the revenue room to make bipartisan tax relief permanent. In other words, the President is asking Congress to take action so that the biggest tax increase in the history of our country would not happen; and if it did happen, it would happen without a vote of the people. He thinks that Congress making a decision for tax relief for working men and women provided the incentive, according to Chairman Greenspan, for the economic recovery—and we have now created 7.8 million new jobs—and ought to be made permanent tax policy. In other words, don't kill the goose that has laid the golden egg.

The Democratic budget resolutions can be best represented by a chart that I have here which shows that in terms of the guaranteed tax relief proposal, they amount to a big goose egg for the American taxpayer. We have it right here on the chart. That is a big fat zero. If they are lucky, I suppose college-bound taxpayers could sell this goose egg back to the Democratic leaders in the House and Senate because they will need the money if they are not able to deduct the cost of tuition.

What is even more inexplicable than the Democrats' failure to extend the popular and bipartisan tax relief enacted in 2001 and 2003 are some of the reasons given. The chairman of the Budget Committee this year basically said that since the Republicans wrote that law—forgetting that it was bipartisan in 2001; how clever to ignore that fact—it is our problem. The leftwing of the blogosphere has echoed that message of the Democratic leadership.

In regard to the left side of the blogosphere, I will briefly describe two posts my staff found on the Internet. The first comes from a scholar of government who posts the Daily Kos under the name of "piec." I may be mispronouncing that, and if so, it is unintentional.

According to piec's analysis, the Tax Increase Prevention and Reconciliation Act of 2005, which was signed last May by President Bush, was a "poison pill" designed to sabotage the economy to increase the prospects of Republican candidates in 2012. The argument seems to be that having popular and bipartisan tax relief from 2001 and 2003 all sunset at the end of 2010 would cause such an economic mess that the Democrats, assumed by the blogger, piec, to be in power at that time, will take the blame and suffer at the polls.

Wouldn't it have been nice if I could think as chairman, when we wrote that bill, that I was smart enough to see ahead from 2001 to 2012? Thank you, piec, for giving me that credit. But I didn't know that. We passed it because of the rules in place at that particular time. It had to sunset.

Another observer of Government posted comments under the name of "Blue Bunting" to the "Care2 News Network." In a posting titled "The Monster Republican Tax Hike," Blue Bunting says that the "Republican Congresses chose not to make their tax cuts . . . permanent." Her argument seems to be that Republicans put sunset clauses in a bill solely to improve the long-term budget projections and that responsibility for the expiration of tax relief rests completely with the Republicans, even though the Republicans are in the minority. The implication is that by lowering taxes, Republicans are responsible for a tax increase that would occur when the Democratic majorities control both Houses of Congress, even though taxes coming in from all the taxes that the Federal Government collects run to a 50-year average of what they have been, 18.6 percent of GDP. If it has been that way for 50 years, what is the problem?

Now, these blogs I have just referred to, these commentaries, are available to anyone if you want to read them online. But to make it easier, I ask unanimous consent that they be printed in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Daily Kos, Feb. 27, 2007]

TIPRA, THE POISON PILL (A COMMENTARY)

(By Piec)

I was reading the diary, "Capital Gains and Dividend Tax Cuts Are Robbery" by Dean Nut 2/18/2007. Interesting thought . . . to have all your income coming from investment just to have a lower tax.

I'd say, though, that is a very risky way to live because then you're totally at the mercy of selfish, economy saboteurs who we have stupidly elected to our very own government. What a shameful group of individuals they are, too! Caring nothing for their country. Caring only for their selfish, hogging selves! Everyone of them should be tried as traitors!

Look back to recent history, to May 17, 2006. What happened on that day? Bush signed the extension of the Jobs and Growth Tax Relief Reconciliation Act of 2003 (JGTRRA). The new bill, called the Tax Increase Prevention and Reconciliation Act of 2005 (TIPRA), didn't have anything to do with stimulating the economy in a post-911 period. Bush and his fellow Republicans knew that the war wasn't going well and that the U.S. people were down on them for it. The mood of the country was becoming increasing more anti-Republican with every U.S. soldier that came home in a coffin. The Republican party was bleakly looking toward the November 2006 elections and surely would lose their tails off. The party needed to do some long-range planning. Thus, the TIPRA passed legislature: The House of Representatives approved (H.R. 4297) by a vote of 244 Republicans to 185 Democrats opposed, and the Senate approved it 54 Republicans to 44 Democrats opposed.

Yes, this was long-range planning. TIPRA was a poison pill for the U.S. economy because it extended the pain that people would start feeling in their pocket books beginning on January 1, 2008. Originally, 2008, a presidential election year, was set up to be the ONLY year that the capital gains tax rates for 10 percent and 15 percent bracketed filers would drop from 5 percent to 0 percent. Short term, this bottoming out of tax rates in those tax brackets would stimulate the market and, thus, the economy. But because of the extension created with TIPRA, the rock bottom percentage would not be a "good thing", but a huge market-swinger, a market-swinger toward recession—simply because the Republicans wished the "good thing" to become a poison pill and, thereby, drag controlling-democrats down into a spiraling hole for the duration of three, entire years.

On January 1, 2011, as the law now stands, everything will sunset. This, 2011, is the third year of the next presidential election cycle. Right when the country will be deepening into recession, the tax brackets will sunset. This means that everything tax-wise will be as it was pre-911. Ten percent, 15 percent, 25 percent, 28 percent, 33 percent, and 35 percent tax brackets will become, once again, 15 percent, 28 percent, 31 percent, 36 percent, and 39.6 brackets. Actual cash dollars will be squeezed out of every man, women, and child in the form of raised taxes, and just when they thought that they couldn't bleed anymore. The capital gains tax rates will also sunset. The post-911 tax brackets of capital gains and qualifying dividend rates of 0 percent for 10 percent and 15 percent bracketed filers and 15 percent for everyone else will become the old 10 percent for gains in the 15 percent bracket and all others will be 20 percent. Plus, that screwing five-year holding period rule will be back to trap people again for good. Yes, TIPRA's only purpose was to sabotage the U.S. economy and drive the power of Congress back to Republicans in 2012.

It absolutely makes me sick to see fellow Americans operate like this . . . tear the whole country and weaken it, just to satisfy some evil, selfish desire for power. We never sent them to government to serve ONLY themselves!

[From Care2 News Network]

THE MONSTER REPUBLICAN TAX HIKE

COMMENTS

Blue Bunting: Tuesday April 3, 2007, 8:32 pm

Last week I made a note to link to this post at Obsidian Wings. I just spotted the note.

Hilzoy notes the commentary in some quarters that:

Following the example set by their Senate brethren last Friday, House Democrats will adopt a budget resolution containing the largest tax increase in U.S. history amid massive national inattention.

Bet you didn't know that, eh? The Dems are already pushing through the largest tax increase in U.S. history! and nobody is paying attention!

Anyway, Hilzoy digs a bit further into the story. It really is worth reading.

Long story short . . . Republican Congresses chose not to make their tax cuts (or, as PGL would note, their tax deferments) permanent. They didn't have to put in a sunset clause—they chose to, in an attempt to make long term projections look better. Even with that obfuscation, the situation no longer looks quite so rosy. But . . . if the new Democratic Congress doesn't do what the Republican Congresses that preceded it failed to do, namely make the tax cut permanent, well, that's the equivalent of the Democrats pushing the largest tax increase in history.

Maybe it's just me . . . but since this whole thing was planned and executed by a Republican Congress under a Republican President, shouldn't we be referring to this as the Republican's tax increase? And my bet is that there are a lot of Republicans in Congress now, and that will be seeking re-election some time soon, that voted for this massive tax increase.

Blue Bunting: Tuesday April 3, 2007, 9:07 pm

Fact Check

Robert Novak wrote this in today's Washington Post:

"Following the example set by their Senate brethren last Friday, House Democrats will adopt a budget resolution containing the largest tax increase in U.S. history amid massive national inattention.

Nobody's tax payment will increase immediately, but the budget resolutions set a pattern for years ahead. The House version would increase non-defense, non-emergency spending by $22.5 billion for next fiscal year, with such spending to rise 2.4 percent in each of the next three years. To pay for these increases, the resolution would raise taxes by close to $400 billion over five years—about $100 more than what was passed in the Senate."

Heavens, I said to myself, what can Robert Novak possibly be talking about? The Democrats budget (pdf, h/t The Gavel) does not actually contain any tax increases:

And yet this claim that the Democrats' budget contains a tax increase is being cited all over the place. So what's up?

Novak gives us a clue:

"It had been assumed that the new Democratic majority would end President Bush's relief in capital gains dividend and estate taxation. The simultaneous rollback of Bush-sponsored income tax cuts was a surprise."

Ah, Rolling back the Bush tax cuts. But wouldn't that still require some actual changes in revenues from the baseline projections? A GOP Budget Caucus press release gives us further details:

Note that word 'automatic'. It's quite worrying. How did the Democrats manage to create an automatic tax increase? Don't tax increases normally have to be enacted? I hope so. It would be awful if tax increases could just happen automatically. Come to think of it, it would be even worse if it turns out that this isn't confined to the tax code, and all sorts of laws could be passed automatically. I mean, who knows what the U.S. Code might decide to do to itself, without the intervention of any human agent? We could wake up one morning to find that ping pong had been automatically criminalized, or that a requirement that all Americans wear silly clown costumes had automatically come into force, or that all our national parks had automatically sold themselves to WalMart. The possibilities are horrifying.

Imagine my relief when I realized what was actually going on. The Bush tax cuts are set to expire automatically. They were written that way. What the Democrats are proposing to do is simply not to change this.

Moreover, guess who wrote these sunset provisions into the tax increases? The Republicans, that's who. They were trying to make the tax increases seem less fiscally ruinous than they were, so they made them last only so long before they expired. (This is why I expect 2010 to produce a spike in mortality among the very rich; the heirs of people who die during 2010 pay no estate tax; the heirs of people who die in 2011 pay 50% on all the money they inherit above the level at which the estate tax kicks in. As Paul Krugman said, "That creates some interesting incentives. Maybe they should have called it the Throw Momma From the Train Act of 2001.")

So here's what Novak's "largest tax increase in U.S. history" actually comes to the Republicans passed a series of tax cuts that they set up to expire. They intended to make them permanent, but never got around to it. The Democrats are proposing to leave their tax cuts alone. But this counts as a tax increase, apparently on the grounds that whatever Republicans sorta kinda thought they were going to do, but never actually got around to doing, counts as already done, and anyone who proposes to leave things alone counts as undoing the things they were intending to do.

That's a fun way to think. Maybe we should also count the Democrats as having dramatically increased the budget deficit, on the grounds that the Republicans kinda sorta said they were going to make it go away, so even though they didn't, we should act as though they did and compare whatever deficits the Democrats incur to the Republicans' imaginary balanced budget. Maybe, if things in Iraq continue to go badly, we should compare that not to the situation when the Democrats took over, but to the situation that would have obtained if the Republicans had in fact produced a beacon of democracy that transformed the Middle East, and say: hey, you awful Democrats, we were being greeted with flowers and candy, and hailed as liberators, and now look what's happened to Baghdad!!!!

Or maybe we should try living in the real world. The Democrats are proposing to leave tax laws written and enacted by Republicans alone. That does not count as increasing taxes.

Michaelena Whittaker: Thursday April 5, 2007, 11:21 am

Ditto, Blue . . . it' all a political ploy, as usual ("High Treason" has been THE neocon agenda since the 80's.)

Indigo Star Nation: Saturday April 7, 2007, 11:14 pm

Impeachment is the only way to end these atrocities and reclaim America's conscience and honor.

http://www.care2.com/c2c/groups/disc.html?gpp=11736&pst=633140

Read this thread and take action to impeach.

Also follow my news shares on withholding your taxes as a protest.

Mr. GRASSLEY. To begin with, it is completely ridiculous to suggest that President Bush and Republicans in general did not intend or desire the permanence of tax relief. President Bush and my party generally have favored permanence of tax relief—not just because it brings in less money, but because permanence of tax policy—when investors and laborers can depend on the tax policy, you are going to get better planning long term. It is better for the economy.

Mr. President, you need to look no further than the budgets to which I have referred. The administration and the Republican Congress have budgeted for an extension of the bipartisan tax relief provisions. That action has affected the bottom lines of these budgets. And as we heard over and over again, the Democratic leadership, the liberal think tanks, and sympathetic east coast media have criticized the bottom lines of those budgets. So the Democratic leadership, the liberal think tanks, and the sympathetic east coast media cannot have it both ways. We are not going to let them have it both ways. They cannot shut off the bipartisan tax relief, take credit for the supposed deficit reduction, and also claim that there is tax relief in this budget that passed the Senate 2 weeks ago and the House a week ago.

Getting back to the blog I referred to, the Daily Kos, one posted as "Ortcutt" agrees with this point. Ortcutt, however, incorrectly identifies the purveyor of the phony logic. The blogger puts it on Congressional Republicans and President Bush. As the hard, cold numbers in the Democratic budget resolutions and floor debate in the CONGRESSIONAL RECORD show, Democrats claim that expired tax relief is not a tax hike. Let me emphasize that.

Are we going to let people get away with that, when they know what the law is on December 31, 2010, and the biggest tax increase in the history of the country is going to happen, without a vote of the people? And when that happens, they are saying it is not a tax hike?

Surely, they don't think the American people are that stupid. The Democratic leadership are the folks trying to claim that their budgets, which don't provide the revenue room for expired tax relief, don't contain tax hikes. Hogwash.

I ask unanimous consent to have printed in the RECORD the Ortcutt comment.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HAVING IT BOTH WAYS

The Republicans want it both ways on budgets and expiring tax cuts. If you look at the CBO's budget outlook, there will be a surplus in 2012. However, the only reason for that is that the temporary tax cuts of the so-called Economic Growth and Tax Relief Reconciliation Act of 2001 will expire on January 1, 2011. When a temporary tax cut expires is that a tax increase or not? When the President Bush brags that the budget will be balanced in 2012 without tax increases, he is saying that letting a tax cut expire is not a tax increase. But when Republicans debate extending the tax cuts, how many Republicans do you think will cast letting a tax cut expire as a tax increase. All of them. It's fundamentally dishonest and disgusting. I just hope that we can get this fact through to the American people.

Mr. GRASSLEY. Mr. President, responding to another criticism, it is completely off the mark to say the tax relief bills were written by Republicans. It is almost as if the Democratic leadership is saying that tax relief was passed by a National Republican Congress and not by the Congress.

The 2001 bill was written by a bipartisan majority and was opposed by a partisan minority led by the Democratic leadership. The conference report to accompany the law that was entitled the Economic Growth and Tax Relief and Reconciliation Act passed the Senate on May 26, 2001.

I ask unanimous consent that the information pertaining to that rollcall be printed in the CONGRESSIONAL RECORD so we can show it was a bipartisan rollcall.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE ROLLCALL VOTES 107TH CONGRESS—1ST SESSION AS COMPILED THROUGH SENATE LIS BY THE SENATE BILL CLERK UNDER THE DIRECTION OF THE SECRETARY OF THE SENATE

VOTE SUMMARY

Question: On the Conference Report (H.R. 1836, Conference Report).

Vote Number: 170; Vote Date: May 26, 2001, 11:25 a.m.

Required For Majority: 1/2; Vote Result: Conference report agreed to.

Measure Number: H.R. 1836.

Measure Title: A bill to provide for reconciliation pursuant to section 104 of the concurrent resolution on the budget for fiscal year 2002.

Vote Counts: YEAs 58; NAYs 33; Present 2; Not Voting 7.

ALPHABETICAL BY SENATOR NAME

Akaka (D–HI), Present, Giving Live Pair
Allard (R–CO), Yea
Allen (R–VA), Yea
Baucus (D–MT), Yea
Bayh (D–IN), Nay
Bennett (R–UT), Yea
Biden (D–DE), Nay
Bingaman (D–NM), Present, Giving Live Pair
Bond (R–MO), Yea
Boxer (D–CA), Not Voting
Breaux (D–LA), Yea

Brownback (R–KS), Yea
Bunning (R–KY), Yea
Burns (R–MT), Yea
Byrd (D–WV), Nay
Campbell (R–CO), Yea
Cantwell (D–WA), Nay
Carnahan (D–MO), Yea
Carper (D–DE), Nay
Chafee (R–RI), Nay
Cleland (D–GA), Yea
Clinton (D–NY), Nay
Cochran (R–MS), Yea
Collins (R–ME), Yea
Conrad (D–ND), Nay
Corzine (D–NJ), Nay
Craig (R–ID), Yea
Durbin (D–IL), Nay
Edwards (D–NC), Nay
Ensign (R–NV), Yea
Enzi (R–WY), Not Voting
Feingold (D–WI), Nay
Feinstein (D–CA), Yea
Fitzgerald (R–IL), Yea
Frist (R–TN), Yea
Graham (D–FL), Nay
Gramm (R–TX), Yea
Grassley (R–IA), Yea
Gregg (R–NH), Yea
Hagel (R–NE), Yea
Harkin (D–IA), Not Voting
Hatch (R–UT), Yea
Helms (R–NC), Yea
Hollings (D–SC), Nay
Hutchinson (R–AR), Yea
Hutchison (R–TX), Yea
Inhofe (R–OK), Yea
Inouye (D–HI), Nay
Jeffords (R–VT), Yea
Johnson (D–SD), Yea
Kennedy (D–MA), Nay
Kerry (D–MA), Not Voting
Kohl (D–WI), Yea
Kyl (R–AZ), Yea
Landrieu (D–LA), Yea
McCain (R–AZ), Nay
McConnell (R–KY), Yea
Mikulski (D–MD), Nay
Miller (D–GA), Yea
Murkowski (R–AK), Yea
Murray (D–WA), Not Voting
Nelson (D–FL), Nay
Nelson (D–NE), Yea
Nickles (R–OK), Yea
Reed (D–RI), Nay
Reid (D–NV), Nay
Roberts (R–KS), Yea
Rockefeller (D–WV), Nay
Santorum (R–PA), Yea
Sarbanes (D–MD), Nay
Schumer (D–NY), Nay
Sessions (R–AL), Yea
Shelby (R–AL), Yea
Smith (R–NH), Yea
Smith (R–OR), Yea
Snowe (R–ME), Yea
Specter (R–PA), Yea
Stabenow (D–MI), Nay
Stevens (R–AK), Yea
Thomas (R–WY), Yea
Thompson (R–TN), Yea
Thurmond (R–SC), Yea
Torricelli (D–NJ), Yea
Voinovich (R–OH), Yea
Warner (R–VA), Yea
Crapo (R–ID), Yea
Daschle (D–SD), Nay
Dayton (D–MN), Nay
DeWine (R–OH) Yea
Dodd (D–CT), Nay
Domenici (R–NM), Not Voting
Dorgan (D–ND), Nay
Leahy (D–VT), Not Voting
Levin (D–MI), Nay
Lieberman (D–CT), Nay
Lincoln (D–AR), Yea
Lott (R–MS), Yea
Lugar (R–IN), Yea
Wellstone (D–MN), Nay
Wyden (D–OR), Nay

GROUPED BY VOTE POSITION

YEAs—58

Allard (R–CO)
Allen (R–VA)
Baucus (D–MT)
Bennett (R–UT)
Bond (R–MO)
Breaux (D–LA)
Brownback (R–KS)
Bunning (R–KY)
Burns (R–MT)
Campbell (R–CO)
Carnahan (D–MO)
Cleland (D–GA)
Cochran (R–MS)
Collins (R–ME)
Craig (R–ID)
Crapo (R–ID)
DeWine (R–OH)
Ensign (R–NV)
Feinstein (D–CA)
Fitzgerald (R–IL)
Frist (R–TN)
Gramm (R–TX)
Grassley (R–IA)
Gregg (R–NH)
Hagel (R–NE)
Hatch (R–UT)
Helms (R–NC)
Hutchinson (R–AR)
Hutchison (R–TX)
Inhofe (R–OK)
Jeffords (R–VT)
Johnson (D–SD)
Kohl (D–WI)
Kyl (R–AZ)
Landrieu (D–LA)
Lincoln (D–AR)
Lott (R–MS)
Lugar (R–IN)
McConnell (R–KY)
Miller (D–GA)
Murkowski (R–AK)
Nelson (D–NE)
Nickles (R–OK)
Roberts (R–KS)
Santorum (R–PA)
Sessions (R–AL)
Shelby (R–AL)
Smith (R–NH)
Smith (R–OR)
Snowe (R–ME)
Specter (R–PA)
Stevens (R–AK)
Thomas (R–WY)
Thompson (R–TN)
Thurmond (R–SC)
Torricelli (D–NJ)
Voinovich (R–OH)
Warner (R–VA)

NAYs—33

Bayh (D–IN)
Biden (D–DE)
Byrd (D–WV)
Cantwell (D–WA)
Carper (D–DE)
Chafee (R–RI)
Clinton (D–NY)
Conrad (D–ND)
Corzine (D–NJ)
Daschle (D–SD)
Dayton (D–MN)
Dodd (D–CT)
Dorgan (D–ND)
Durbin (D–IL)
Edwards (D–NC)
Feingold (D–WI)
Graham (D–FL)
Hollings (D–SC)
Inouye (D–HI)
Kennedy (D–MA)
Levin (D–MI)
Lieberman (D–CT)
McCain (R–AZ)
Mikulski (D–MD)
Nelson (D–FL)
Reed (D–RI)
Reid (D–NV)
Rockefeller (D–WV)
Sarbanes (D–MD)
Schumer (D–NY)
Stabenow (D–MI)
Wellstone (D–MN)
Wyden (D–OR)

Present—2

Akaka (D–HI)
Bingaman (D–NM)

Not Voting—7

Boxer (D–CA)
Domenici (R–NM)
Enzi (R–WY)
Harkin (D–IA)
Kerry (D–MA)
Leahy (D–VT)
Murray (D–WA)

GROUPED BY HOME STATE

Alabama: Sessions (R–AL), Yea; Shelby (R–AL), Yea.

Alaska: Murkowski (R–AK), Yea; Stevens (R–AK), Yea.

Arizona: Kyl (R–AZ), Yea; McCain (R–AZ), Nay.

Arkansas: Hutchinson (R–AR), Yea; Lincoln (D–AR), Yea.

California: Boxer (D–CA), Not Voting; Feinstein (D–CA), Yea.

Colorado: Allard (R–CO), Yea; Campbell (R–CO), Yea.

Connecticut: Dodd (D–CT), Nay; Lieberman (D–CT), Nay.

Delaware: Biden (D–DE), Nay; Carper (D–DE), Nay.

Florida: Graham (D–FL), Nay; Nelson (D–FL), Nay.

Georgia: Cleland (D–GA), Yea; Miller (D–GA), Yea.

Hawaii: Akaka (D–HI), Present, Giving Live Pair; Inouye (D–HI), Nay.

Idaho: Craig (R–ID), Yea; Crapo (R–ID), Yea.

Illinois: Durbin (D–IL), Nay; Fitzgerald (R–IL), Yea.

Indiana: Bayh (D–IN), Nay; Lugar (R–IN), Yea.

Iowa: Grassley (R–IA), Yea; Harkin (D–IA), Not Voting.

Kansas: Brownback (R–KS), Yea; Roberts (R–KS), Yea.

Kentucky: Bunning (R–KY), Yea; McConnell (R–KY), Yea.

Louisiana: Breaux (D–LA), Yea; Landrieu (D–LA), Yea.

Maine: Collins (R–ME), Yea; Snowe (R–ME), Yea.

Maryland; Mikulski (D–MD), Nay; Sarbanes (D–MD), Nay.

Massachusetts: Kennedy (D–MA), Nay; Kerry (D–MA), Not Voting.

Michigan: Levin (D–MI), Nay; Stabenow (D–MI), Nay.

Minnesota: Dayton (D–MN), Nay; Wellstone (D–MN), Nay.

Mississippi: Cochran (R–MS), Yea; Lott (R–MS), Yea.

Missouri: Bond (R–MO), Yea; Carnahan (D–MO), Yea.

Montana: Baucus (D–MT), Yea; Burns (R–MT), Yea.

Nebraska: Hagel (R–NE), Yea; Nelson (D–NE), Yea.

Nevada: Ensign (R–NV), Yea; Reid (D–NV), Nay.

New Hampshire: Gregg (R–NH), Yea; Smith (R–NH), Yea.

New Jersey: Corzine (D–NJ), Nay; Torricelli (D–NJ), Yea.

New Mexico: Bingaman (D–NM), Present, Giving Live Pair; Domenici (R–NM), Not Voting.

New York: Clinton (D–NY), Nay; Schumer (D–NY), Nay.

North Carolina: Edwards (D–NC), Nay; Helms (R–NC), Yea.

North Dakota: Conrad (D–ND), Nay; Dorgan (D–ND), Nay.

Ohio: DeWine (R–OH), Yea; Voinovich (R–OH), Yea.

Oklahoma: Inhofe (R–OK), Yea; Nickles (R–OK), Yea.

Oregon: Smith (R–OR), Yea; Wyden (D–OR), Nay.

Pennsylvania: Santorum (R–PA), Yea; Specter (R–PA), Yea.

Rhode Island: Chafee (R–RI), Nay; Reed (D–RI), Nay.

South Carolina: Hollings (D–SC), Nay; Thurmond (R–SC), Yea.

South Dakota: Daschle (D–SD), Nay; Johnson (D–SD), Yea.

Tennessee: Frist (R–TN), Yea; Thompson (R–TN), Yea.

Texas: Gramm (R–TX), Yea; Hutchison (R–TX), Yea.

Utah: Bennett (R–UT), Yea; Hatch (R–UT), Yea.

Vermont: Jeffords (R–VT), Yea; Leahy (D–VT), Not Voting

Virginia: Allen (R–VA), Yea; Warner (R–VA), Yea.

Washington: Cantwell (D–WA), Nay; Murray (D–WA), Not Voting.

West Virginia: Byrd (D–WV), Nay; Rockefeller (D–WV), Nay.

Wisconsin: Feingold (D–WI), Nay; Kohl (D–WI), Yea.

Wyoming: Enzi (R–WY), Not Voting; Thomas (R–WY), Yea.

Mr. GRASSLEY. Mr. President, the 2001 tax relief bill passed the Senate with 58 yeas. At that time, the Senate was evenly divided—50 Republicans and 50 Democrats—with the Republicans technically having control because of the Vice President's vote. However, not every single Republican voted for that tax relief measure. Those 58 yeas included 12 Democrats, nearly one-quarter of the 50 Democrats sitting in the Senate at that particular time. If all of those Democrats had voted against the conference report, it would have failed.

Clearly, it is ridiculous to say this was purely a Republican bill. Given the experience the Democratic leadership has had with cloture votes in the past few months, I would expect them to appreciate the necessity of working on a bipartisan basis in this body. This is the only political institution of our system where minority views are protected and must be respected because of no limit on debate, called a filibuster, and it takes 60 percent, a supermajority, to overcome a filibuster to get to finality. That is where Democrats were protected when they were in the minority for the last 6 years. This is where Republicans are going to be protected for the next 2 years—and hopefully no longer than 2 years—as a minority.

It takes 60 votes to get permanent tax relief. The bottom line is, we didn't have the 60 votes in 2001 and 2003 for making these bipartisan tax relief plans permanent. And with a couple exceptions I will discuss shortly, over the last 6 years, we haven't had the 60 votes for permanent tax relief.

So tax relief in 2001 was not made permanent because the Democratic leadership and the liberal core of the Democratic caucus have refused to support permanence, and that is apparent now more than ever with the budget that is in conference between the House and Senate.

Of course, last November, the Democrats won control of both Houses of Congress. I wonder if the House Democratic leadership will be sending over any bills to make tax relief permanent. I doubt it. Even if the House Democratic leadership did send over such a bill, I would not expect the Senate Democratic leadership to take it up. When in Republican hands, the House regularly sent over bills to provide permanence for various components of the bipartisan tax relief bill which they couldn't get through the Senate.

Senate Democrats are clearly capable of working with Republicans to make tax relief provisions permanent if they like what they want to make permanent. And we have done it in the past. The Holocaust Restitution Tax Fairness Act of 2001 repealed the sunset of a provision originally contained in the 2001 tax relief bill that allowed Holocaust survivors and their heirs and estates to receive restitution payments tax free. Making this provision permanent was absolutely the right thing to do, and the fact that it passed the Senate by unanimous consent proves that, and it passed it during a period when the Democrats controlled the Chamber, indicating the level of cooperation that occurred between Senate Republicans and Democrats when Democrats want to make a provision of the tax law permanent law.

As I go through these examples, everyone needs to remember that holding the majority in the Senate is not a ticket for either party to force its agenda down the other party's throat. Senate rules encourage cooperation by giving the minority many opportunities to check the majority, and this becomes even more evident when those majorities are very slim as they are right now—51 Democrats, 49 Republicans. And they have been very slim for the last several Congresses.

I say this to point out that the Holocaust Restitution Act became permanent because Republicans and Democrats worked together to make it permanent, and it would not have been sent to the President if one side or the other wanted to block it.

I will give one more example that occurred last summer as part of the pension reform bill. We call that the Pension Protection Act of 2001. It passed the Senate 93 yea votes and made permanent—now here we have bipartisan cooperation to make permanent other parts of the tax bill—the retirement security provisions of that 2001 tax bill. Even if every Republican supported the bill, a united Democratic caucus could have held back the five additional votes needed for final passage if they chose.

Clearly, Democrats have a record of working with Republicans to make tax relief provisions permanent when they choose to do it. So why not work in the same way to make the rest of that tax law of 2001 and 2003 permanent so we don't have the biggest tax increase in the history of the country without a vote of the American people, so we will have permanence of tax law, so working men and women can plan on the future, so investors who create jobs can plan on the future as well? That is better for the economy.

Let me return to the present day. The House and Senate, then, as I have said so many times, passed separate budget resolutions, now in conference, but currently would end up subjecting Americans to the largest tax increase in history, and the Democrats have responded by basically declaring it is not their responsibility. How can a majority so avoid the responsibility of being a majority?

The Democratic leadership and the liberal core have the power to make these provisions permanent. I assure my colleagues we will be there working with them as we did on the retirement portions of the pension bill, as we did on the Holocaust relief bill, to make sure it becomes permanent law.

I think they should, but I realize they may not agree with me. However, if they do let tax relief expire, they have to take responsibility for letting that happen. They have to take responsibility for the biggest tax increase in the history of the country happening without a vote of the people when they would have had the cooperation of Republicans to make sure it was permanent and to make sure this biggest tax increase doesn't happen.

Several times since November, I have heard that elections have consequences, and one of those consequences is for the winner having increased responsibility. Since Democrats have made tax relief provisions permanent in the past—and I have given only two examples—they can likewise do it again, and they will have Republican cooperation to make it happen.

One of the bloggers I cited earlier points out the economic calamity that would befall our country if all tax relief was allowed to expire at the end of 2010. On this specific point, he is correct, and I gave a speech to this effect right here on this floor on March 1 where I cited a study done by the Wall Street firm of Goldman Sachs.

If something is not done to extend or make permanent tax relief before the end of 2010, American families, working families, will be hit with a wall of tax increases that is currently built into the Democratic budget resolution.

I have a chart. This chart shows, according to the U.S. Treasury, not according to this Senator from Iowa, a family of four with $40,000 of income will be subjected to an average tax increase of $2,052 all at once. The Democrats, now in the driver's seat, need to decide whether they are going to let that wall go up, whether that wall is going to stand between this taxpayer and more money for them to spend instead of more money for me to spend for them, or are they going to take advantage of the opportunity we give them to cooperate to prevent that big tax increase of 2,000 and more dollars to go into effect for a family with an income of $40,000, as though there is something about being rich making $40,000 a year.

I want to conclude with a reference to a story about a man who cared a great deal about the typical taxpayer, President Ronald Reagan. During the Cold War, while in West Berlin, President Reagan challenged Soviet President Gorbachev to tear down the Berlin Wall. I challenge the Democratic leadership to tear down the wall of tax increases built into their budgets. I hope my liberal friends in the core of the Democratic caucus will urge the Democratic leaders to tear down the wall of tax increases they have built. This is not a wall Republicans built. This is a wall Democrats through their budget built because they have the power, they have a minority that is willing to cooperate with them, as we have on two other instances I have given in these remarks. Join with us in the Republican conference and tear down the wall of tax increases that has been built.

I yield the floor.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Texas is recognized.

Mr. CORNYN. I thank the Chair.

(The remarks of Mr. CORNYN pertaining to the introduction of S. 1096 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORNYN. Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SALAZAR). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATOR TED STEVENS, LONGEST SERVING REPUBLICAN SENATOR

Mr. BYRD. Madam President, Senator TED STEVENS is not on the floor at the moment. I am going to wait, if I may. I have the floor, do I not, Madam President?

The PRESIDING OFFICER. The Senator does.

Mr. BYRD. I am going to wait. I understand that Senator STEVENS is on his way. He will be here in a couple of minutes. I will await the arrival, if the Chair will allow me, of Senator TED STEVENS. I understand he is on his way, and I want him to be present to hear what I am going to say.

Madam President, tomorrow, April 13, the very distinguished senior Senator from Alaska, my dear friend, Senator TED STEVENS, will become, if it is the good Lord's will, the longest serving Republican Senator in the history of these United States. It will mark his, Senator TED STEVENS's, 13,990th day as a Senator. Senator STEVENS, on tomorrow, if the Lord let's him live, will surpass the late Senator Strom Thurmond of South Carolina, who served 13,989 days as a Republican Senator. Tomorrow, Senator STEVENS will serve, the good Lord willing, 13,990 days.

This is a great honor and an important milestone in the Senate career of our esteemed colleague, my friend, TED STEVENS. I congratulate Senator TED STEVENS for this monumental, historic achievement. As the longest serving Democratic Senator in the history of the Senate, I, ROBERT C. BYRD, welcome my friend, Senator TED STEVENS of Alaska, into this most exclusive club. In fact, it is probably the most exclusive club I know. There are only two of us, one Democrat and one Republican, in it.

I have served in this Chamber with Senator TED STEVENS for nearly four decades. He came here in 1968. Senator STEVENS and I have served together on the Senate Appropriations Committee since 1972. I was on the committee a long time before that, but we, Senator STEVENS and I, have served together on the Senate Appropriations Committee since 1972. During these years of service together, we have developed a profound respect and admiration for each other. We now share many memories, both on and off the Senate floor.

One of my favorite memories is a very special personal one. I recall how Senator STEVENS would bring his baby daughter Lily with him to the Senate and carry her around the Capitol in a basket. Over the years, I have become very close to Lily as well as her father. Lily is all grown up now. As a matter of fact, she will finish law school this year. But Senator STEVENS remains the proud, loving father he always has been.

A couple of years ago, when the Senate was working into the late hours of the night and tensions were running high, as they occasionally do around here, Senator TED STEVENS took me by the arm and pulled me aside because he had something he wanted to show me. It was an article that Lily had written about the U.S. Capitol that had just been published by the U.S. Historical Society, and he, Senator STEVENS, wanted to share it with me. I remarked at the time how touched I was by this. It was a father's pride in his child's accomplishment. I recall it now as a loving reminder that the Senate is a family—the Senate is a family.

Senator TED STEVENS is a Republican. I am a Democrat. Of course, we have had a few differences in our lives. We have been here for a long time on this floor—right here on this floor. But, actually, some of them became quite heated. Senator STEVENS, as you know, says what he thinks. He is a man. He is a gentleman. He is a Senator. He says what he thinks. Oh, here he is, right here on the floor. I had to look around now to remind me he was there.

Now, some of these things have become quite heated. We both tend—Senator STEVENS and I—to be strong-willed persons, U.S. Senators, with different political philosophies. And each of us is determined to represent the best interests of his and my home State and the people—the people—who send us here. So, naturally, at times, we are going to disagree.

But I feel I can say before God and man and Senators—I feel I can say without fear of contradiction—that not once—not once—have we allowed our political differences to become personal ones.

I have come to admire Senator TED STEVENS as a man of immense integrity, high personal principles, and unqualified honesty.

I admire Senator TED STEVENS as a great American. He is a patriot. He is a patriot whose devotion for our country—this country, yours and mine—led him to join the Army Air Corps during World War II, where he, Senator STEVENS, flew support missions for the Flying Tigers of the 14th Air Force. For his service, Senator STEVENS—he was not a Senator then—but Senator STEVENS, for his service at that time, was awarded numerous medals, including the Distinguished Flying Cross. Let me say that again. For his service, he was awarded numerous medals, including—including—the Distinguished Flying Cross.

In the 1950s, after graduating from Harvard Law School, Senator STEVENS began his long and remarkable career in public service by serving in various positions in the Eisenhower administration.

Senator STEVENS is also a great legislator. In our nearly four decades in the Senate, Senator STEVENS and I have also worked together on numerous bills. We have even cosponsored some together. This includes S. 880, the Senate Family Leave Act, which is currently under consideration in the Senate.

I especially admire Senator STEVENS for his work on the Senate Appropriations Committee. During his years as chairman of the Senate Appropriations Committee, he was bipartisan, cooperative, and respectful of everyone, just the way the chairman of the Appropriations Committee, or any Senate committee, ought to be.

While noting that Senator STEVENS has served as chairman of the Senate Appropriations Committee, allow me to point out that I have always been impressed by the similarity of our careers.

As I have already mentioned, I am the longest serving Democratic Senator ever. Tomorrow, Senator TED STEVENS will become the longest serving Republican Senator.

Both of us have served as President pro tempore of the Senate and President pro tempore emeritus.

Both of us—Senator STEVENS and I—have served as our party's whip in the Senate. The "whip" is an old term. When the fox hunters went out, and they brought the hounds in, they used whips, and they knew how to use them. So both of us—Senator STEVENS and I—have served as our individual party's—his is the Republican Party; mine is the Democratic Party—each of us has served as his party's whip in the Senate. The term "whip" goes back a long way. It goes back to England and the House of Commons.

Both of us—Senator STEVENS and I—have chaired the Senate Appropriations Committee, and each has served as ranking member on the committee.

Both of us have been honored with recognition as the "King of Pork"—the "King of Pork"—while I am sure the organization that gave us that title intended it to be something less than a compliment.

Madam President, I again congratulate this great Senator, this fine legislator, this outstanding American for his historic achievement. Senator STEVENS is truly the kind of man whom our country and this Chamber need.

I close with a poem. I know it by memory. I am going to read it into the RECORD:

> Not gold, but only men can make a Nation great and strong; men who for truth and honor's sake, stand fast and labor long.
>
> Real men who work while others sleep, who dare while others fly. They build a Nation's pillars deep and lift them to the sky.

Madam President, for the record, I will yield the floor soon, but for right now, I see on the other side of the aisle three very distinguished Senators. I see Senator TED STEVENS. I see Senator COCHRAN, THAD COCHRAN of Mississippi. Now, we are not supposed to say these things such as this—and I see the great Senator from Georgia, Senator ISAKSON. By the way, let me tell my colleagues, Senator ISAKSON comes over to my desk here every day I am here and he takes the time to shake my hand. He does. He takes the time to speak with me and to talk with me. One day I may make a little speech on the Senate floor, God willing, and I am going to talk about Senator ISAKSON. But today, I salute my friend Senator TED STEVENS.

Mr. STEVENS. Madam President, does the Senator yield the floor at this time?

Mr. BYRD. I do.

Mr. STEVENS. Madam President, I regret I wasn't here at the commencement of the comments of the distinguished Senator from West Virginia, but I am overwhelmed and honored that he would make these comments, and particularly that he would reference his relationship to our youngest daughter Lily who has great love and affection for Senator BYRD. We have come through a lot of travails, each of us, during our times in the Senate, and I have always found Senator BYRD to be a warm and great friend in times of trouble and very gracious when in times such as this. We could stand here and I would tell the Senate some of the times I have spent with Senator BYRD, including the time once in Britain when we gathered together a group of British and United States members of the British-American Parliamentary Conference and we listened to Senator BYRD tell us about his life and some of the things he had done as a child, and we listened to him recite many of the great poems he knows. He has one of the most prodigious memories I have ever known, and he is the most gracious Member of the Senate. He always has been very kind and helpful.

I came here as an appointed Senator and took the position of—we called it the Bartlett seat, Senator Bob Bartlett's seat. Senator BYRD was very gracious to Senator Bartlett as Alaska's first senior Senator, and he extended greetings to me as Senator Bartlett's replacement, and throughout these nearly 40 years he has been a great friend. We have had differences of opinion, but we have never had a disagreeable word between us. God willing, that will never happen.

So I thank my friend. He honors me, he honors my family, and he honors the Senate by the remarks he made about the Senate itself. We are a family. This aisle ought not to be a canyon; it ought to be very easy to step across that aisle and shake hands with a friend as I have just done. I thank the Senator for what he has said and for giving me the opportunity to be here when he said it.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Madam President, will the very able and distinguished Senator from Alaska yield so I might say a few words?

Mr. STEVENS. I am happy to do so.

Mr. BYRD. I thank the Senator, my friend, for what he has said. I salute him, my friend. I wish Erma, my darling wife, were here, sitting up in the gallery. We have rules that we don't speak to the gallery, but I wish she were here. She knew Senator STEVENS. She knew Mrs. Stevens. She knew us, my wife, and Mrs. Stevens, who is not here today, but my wife knew us, Senator STEVENS and me, her childhood sweetheart, ROBERT C. BYRD, she knew we were friends, Senator STEVENS and I, the closest of friends. Now, when I say the closest of friends, Senators know what that means. That doesn't mean Senator STEVENS and I go out together at night and drink booze together or anything such as that. We are the closest of friends. I don't have anything against Senators or anybody else who wants to go out and drink booze. I don't. I won't say what I have done in my lifetime, but I know a little bit about what booze is. I know what we are talking about.

Senators STEVENS and I are the dearest of friends. I happen to be, through the good Lord's will, in my ninetieth year. I will be 90 in November, if it is the good Lord's will and I live to see the 20th day of November. I don't mind talking out loud, because as Popeye the Sailor Man used to say: I yam what I yam, and that is all I yam.

Now, Senator STEVENS—I am not supposed to address him, a colleague, like this, but I am going to do that with the Senate's permission. This is not in accordance with the rules. Senator STEVENS, I want to say to you—I want to say to you in the presence of Senator COCHRAN, who is a Senator on the Appropriations Committee, along with Senator STEVENS and me—I know the right grammar, you see—along with the Senator from Mississippi, and me. Some might think I should say the Senator from Mississippi and I.

I am supposed to say it, because I am talking in a different vein, but Senator COCHRAN serves on the Senate Appropriations Committee with me. And he and I—in other words, he, Senator THAD COCHRAN and I—serve on the Senate Appropriations Committee together, and Senator STEVENS has at times been the chairman of that Appropriations Committee. I was the ranking member. What I am going to say, Senator STEVENS and I—I am not supposed to talk in the first person. We usually in the Senate talk to the distinguished Senator from Alaska. I want to say to Senator STEVENS, though, in the Senate, he is my friend. He knows that. Senator STEVENS, I admire you. I respect you. You are a great Senator from a great State. Under the Constitution, he and I, as Senators, belong to the greatest deliberative body in the world. I respect the history of England and the House of Commons. That is a great body. The House of Lords, that is a great body. But the U.S. Senate is the upper House, the so-called upper House, and it is the upper House. There are two Houses, and the Senate is the upper House, because it used to be up there in the old days, and so the Members referred to the Senate as the upper House.

Senator STEVENS—I am going to speak to him as I shouldn't—I know what the rules are, but I am going to say to Senator STEVENS directly this may be the last time—who knows; it may not be—that I will ever speak to him on the floor like this. Senator STEVENS, I love you, I respect you, and I admire you. I hope God will always bless you and hold you in the hollow of his hand. In the name of our Lord Jesus Christ, I pray and ask for the forgiveness of my own shortcomings. Senator STEVENS, you are my friend, and we will let it go at that.

Madam President, I am going to yield the floor.

The PRESIDING OFFICER. The Senator from Alaska is recognized.

Mr. STEVENS. Madam President, all I can say to my friend is that I am already blessed by God to be your friend, and I thank you very much.

Mr. BYRD. Madam President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Mississippi is recognized.

Mr. COCHRAN. Mr. President, I am pleased to be here to hear the remarks of the distinguished Senator from West Virginia, my good friend, and to join with others who have honored and paid tribute to Senator STEVENS on the occasion of his reaching a milestone where he has served in the Senate longer than any other Republican Member in history.

I had the privilege, when I was a new Member of the House of Representatives after my election in 1972, to observe Senator STEVENS as he worked with Howard Baker as the Republican leaders of the Senate and to come to respect him and know him and then to join the Senate body after the election of 1978. He has been a mentor and a dear friend throughout my career in the Senate, and I can say one could have no greater fortune than to serve in the presence of Senator BYRD and Senator STEVENS and others who were the true leaders of the Senate when I was a new Member.

I have come to appreciate and respect them more as time has gone on. I recall Senator STEVENS becoming chairman, after Senator BYRD had served as chairman, of the Appropriations Committee. It was my good fortune to become a member of that committee after only 2 years in the Senate. I have appreciated the opportunity to work closely with him ever since.

Senator STEVENS, of course, was our President pro tempore. I don't recall a more diligent and hard-working President pro tempore than was Senator STEVENS. He had some big shoes to fill: Strom Thurmond, Jim Eastland from my State of Mississippi, and Senator BYRD; and all were dutiful. I recall Senator STEVENS personally being there every morning to open the Senate, usually a duty delegated to others; and he probably presided personally over the Senate as much as any person who has occupied that position of responsibility.

To be here today and to hear DAN INOUYE talk about his early recollections of their service together in the Senate, and other Senators who have spoken on this special occasion in the life of our Senate, has made me happy to be here and to be able to observe and appreciate this day in the history of the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. ISAKSON. Mr. President, I wish to tell a quick story. I was in my office working and watching the beginning of Senator BYRD's speech about Senator STEVENS. I was reminded that I had a picture of two fellows who came up from Georgia to cook for the Senate at a barbecue. It is a picture of Senator STEVENS, myself, and those two gentlemen. The reason I ran over here is to say this: When I asked who the two gentlemen wanted to have their picture taken with, they said Senator TED STEVENS. I think that is a testimony to his reach, which is far beyond Alaska and to my home in Georgia.

Secondly, when I saw Senator BYRD speak, I knew he was speaking about Senator STEVENS, and I realized the embodiment of history in the Senate that these two gentlemen represent. To come and sit down as Senator THAD COCHRAN came into the Chamber, I realized this 2-year rookie of the Senate was sitting among greatness.

My favorite book of all time is "The Greatest Generation" because it tells true stories of those great men and women who, in the most critical test in the history of our country, defeated the axis powers in Germany and in the Pacific and saw to it that this democracy continued. Senator STEVENS fought bravely for this country in the Pacific. As I was born in 1944, his generation was seeing to it that I would have the opportunity to live the life I have and one day actually come to the Senate.

Senator STEVENS, I wanted to say, as a youngster in the Senate, thank you for what you have done. You sacrificed, and you have allowed me to be able to take advantage and eventually come to the Senate. I pass those same compliments on to Mr. COCHRAN and Mr. BYRD. These are three great Americans with whom I am honored to share a moment today. Congratulations.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I thank Senator COCHRAN, I thank Senator STEVENS, and I thank the great Senator from Georgia, Senator ISAKSON, for their kind words.

I thank the Chair and I thank God we were here today. I thank our Heavenly Father, especially, for this man, this Senator, TED STEVENS, and for his service to our country and to the Senate. I salute him as one of the great Senators of my time—and I have been here a long time.

I yield the floor.

Mr. COCHRAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. THUNE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX DAY

Mr. THUNE. Mr. President, I rise today because it is that time of year again. Tax day is almost upon us. As millions of Americans rush to get their taxes done this weekend, and many having just completed the process, we all know what a pain it is to have your hard-earned dollars taken away by the Government.

Mr. President, if you thought this year was painful, I have terrible news for you. It is going to get a lot worse. Under the new management in Congress, the Democrats have proposed a budget that would result in the largest tax increase in America's history. That means more money will be taken away from families and small businesses. Since we all just completed one, or are about to do so, I want to have us look at how the Democrats are going to increase America's taxes on a typical 1040 tax form.

Let's start up here with filing status. Say you are a married couple filing jointly. The marriage penalty is back. That means married couples are going to pay somewhere in the range of another $1,360 more in higher taxes because of the return of the marriage penalty.

Some taxpayers are going to find their exemption of $3,300 get cut to zero.

Go down to dividends and senior citizens. Anybody who has a dividend in this country is going to see their taxes increased on dividends to 39.6 percent, which is an increase from the current tax rate on dividends of 15 percent.

Capital gains. Let's say you are a senior citizen and you have capital gains income. Your tax rate is going to go from 15 percent to 20 percent.

How about those families that are putting kids through college and are now taking advantage of the student loan interest deduction? Well, that, too, is going to be capped for families making more than $60,000 a year.

Let's move over to the taxpayers who itemize deductions, such as mortgage interest, charitable contributions, State and local tax deduction. What is going to happen there is you are going to see this go up; it will be capped, the amount they can deduct.

Take the alternative minimum tax, right down here. The alternative minimum tax is going to affect an additional 20 million Americans who are going to have to pay that.

How about the credit for child and dependent care expenses, which is something the working families in this country take advantage of. There again, that credit is going to be slashed by 31 percent.

The child tax credit that a lot of working families in this country take advantage of is currently at $1,000. That also is going to be slashed in half from $1,000 down to $500.

Let's take a look at the earned-income tax credit. Again, this is a credit which is taken advantage of by a lot of lower income working Americans and a lot of people who are serving their country—soldiers, men and women in uniform—slashed.

Let's take a look at the tax rate schedule, too, because I think this is very important. If you are a taxpayer today paying at the 10-percent tax rate, the 10-percent tax rate is boom, gone, boom, gone, boom, gone, boom, gone. If you are paying at the 25-percent tax rates, your taxes are going to go up to 28 percent. You lose the 25-percent rate. If you are paying at the 28-percent rate, your taxes are going to go up to 31 percent. If you are someone who is paying currently at the 33-percent rate, your taxes are going to go up—boom—to 36 percent. If you are someone who is currently paying taxes at the 35-percent rate, your taxes are going to go up to 39.6 percent.

So what does all this mean? Everybody wants to know, when they do their taxes, what the bottom line is; how does it affect me when it comes to the actual amount of taxes I am going to pay?

We took a typical family in South Dakota to see how it would impact them. A typical family in South Dakota, when it comes down to computing the amount they are going to owe in taxes under this Democratic budget, will pay an additional $2,596 in taxes on top of what they are already paying this year if this Democratic budget is enacted.

The point I am simply making is this: When you get behind and read through all the fine print in the Democratic budget, you come down to one simple conclusion: higher taxes—higher taxes for married couples because of the return of the marriage penalty. You are going to get penalized for being married. That is the "benefit" for being married, if the Democratic budget is enacted; higher taxes for seniors, who are going to pay a 39-percent tax rate on dividend income; a 20-percent tax increase, from 15 percent, on capital gains distributions; higher taxes on working families in this country who are trying to put their kids through college and who are going to lose some of the deductions they currently get for student loan interest.

If I take it over to the next chart, the credit for child dependent care expenses, child tax credit, impacting working families, higher taxes for working families, higher taxes for low-income Americans because of the earned-income tax credit, and again, most importantly probably in all of this, the 10-percent rate lower income Americans currently pay is gone, it is eliminated—gone, boom. Every tax rate on the rate schedule today is going to go up, from 25 percent to 28 percent, from 28 percent to 31 percent, from 33 percent to 36 percent, and from 35 percent to 39.6 percent. Every person in this country who pays taxes today is going to see a higher tax bill because of this Democratic budget. And as I said—every State can check this out for themselves—in my State of South Dakota, a typical bill is going to go up by $2,596 over this year.

That is the bottom line. That is the bottom line on the Democratic budget—higher taxes, the highest, biggest increase in taxes in America's history.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KENNEDY. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONGRATULATING SENATOR STEVENS

Mr. KENNEDY. Mr. President, tomorrow our colleague and friend TED STEVENS will mark his 13,990th day as a Senator. It is an auspicious occasion because he will pass Strom Thurmond as the Senator who served longest as a member of the Republican Party.

I remember well when TED STEVENS came to the Senate in 1968. It seems like only yesterday. It is a great honor to say we have served together here for more than 38 years.

TED was appointed to fill the seat of a true giant of public service, Bob Bartlett, the architect of Alaska statehood, who had passed away just before Christmas in 1968. I can't help but think all these years later that Bob Bartlett would be the first to pay tribute to what his friend TED STEVENS has accomplished as his successor in the Senate.

I admire many things about my colleague from Alaska, the first and foremost being that he knows why he is here. He came to the Senate 9 years after Alaska was admitted to the Union, a State nearly a quarter the size of the continental United States and encompassing some of the most unforgiving geography and weather in the world. It is a State of tremendous natural beauty and indomitable spirit, but also enormous challenges brought about by its immense size, its distance from the lower 48, and its close proximity to the North Pole.

TED STEVENS came to the Senate to fight for the State of Alaska and the wonderful people who call it home. More than 38 years later, his purpose continues just as clearly and his determination just as strong. His skill and passion in championing the people of his State are a remarkable tribute to the bond he has formed with the people of Alaska and his colleagues in Congress.

In fact, TED STEVENS has given his entire career in service to others and to his country. He is a true public servant, a servant in the finest sense of the word. As a member of the Army Air Corps, he flew with the Flying Tigers of the 14th Air Force and earned two Distinguished Flying Crosses. The slogan of the Army Air Corps in those days was: The difficult we do immediately, the impossible takes a little longer.

That has certainly been true of his service in the Senate, too. He has been a respected leader on military issues and a strong defender of some of the bravest workers in the world, our Nation's fishermen. We share that love for fishermen and for the sea, as our two States are defined by their relationship with the sea, its bounty, its beauty, and its mystery.

He has answered the call of public service in countless ways time and time again. I saw his passion and determination to improve the lives of Native Alaskans when I traveled with him in his first year as a Senator to visit remote villages in Alaska back in April of 1969, and it is the same passion and determination I see today.

TED, Walter Mondale, and I traveled over 3,600 miles throughout the State visiting Anchorage, Pilot Station, Arctic Village, and other villages. We traveled at times by ski plane and even by dogsled.

We were traveling with the Senate Subcommittee on Indian Education, and I will never forget what we saw. There were no Native Alaskan teachers and few spoke native languages, making it nearly impossible for the schoolchildren to learn, many of whom had never even heard English. We saw villages where people had to walk 2 miles through frozen tundra to find drinking water and other villages where only 8 out of 100 Native Alaskans were graduating from high school.

I remember our subcommittee hearing in Fairbanks and the Pilot Station teacher who told us that the warmest she could ever get her classroom was zero degrees Fahrenheit. Imagine children trying to learn when it is that cold in the classroom.

More than anything else, I remember TED STEVENS determination to improve the lives of the people and give them the opportunity to build a better future. We were able to pass legislation to improve water treatment facilities in Native Alaskan villages and improve education for the children as a result of that trip—and none of it would have happened without TED STEVENS.

I also feel a special closeness with TED because in addition to the many years we have served side by side, we both share the same soft-spoken and gentle approach for advancing our priorities and the many causes we care about so deeply. I only wish he were a Democrat.

I also pay tribute to TED's wonderful wife Catherine. She is an extraordinary woman, a person of enormous kindness and compassion who has been so understanding over the years of the demanding and often bizarre schedules we keep in this Chamber.

I have come to know her through her impressive service to the Kennedy Center, where she has made such a great impact on the Board of Trustees. This milestone is very much hers as well. We know the innumerable sacrifices a Senator's spouse has to make—especially those who make their home on the farthest side of the continent.

So I congratulate both TED STEVENS and Catherine Stevens on this extraordinary milestone. Well done, my friends, and best wishes for many more record-breaking days among us.

The PRESIDING OFFICER (Mr. NELSON of Florida). The Senator from Alaska is recognized.

Mr. STEVENS. Mr. President, again, I am indebted to my friend from Massachusetts. We have spent many times together and, as he says, shared a great many goals. I am very pleased that he would make these remarks. I think that it sort of reminds me of a little bit of a little too much ado about nothing, but I do appreciate him being here. Thank you very much.

As Senator KENNEDY leaves, I should repeat something I have told often, and that is, back in 1969, as a brandnew appointed Senator, I joined Senator KENNEDY and others in going to the villages of Alaska. We found mold on the hospital walls in Bethel. When we came back, we started the process of replacing it, and it is a beautiful hospital today.

But we also went to the small villages. We went down to Pilots Station, and we were walking through this little village. All of a sudden, a little boy, baby boy, came running out, had a top on, but he obviously had lost his diaper.

My friend scooped him up, unzipped his parka, and put him inside. We walked around to find out where his home was. We came to this nice, small, well-kept native cabin. It was obvious that the mother was looking for her son.

We went in and Senator KENNEDY gave her the boy, and there on the wall of that little cabin was his brother, President Kennedy's photograph. It is a small world. I will never forget it. Thank you.

Mr. President, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DURBIN. I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

ANOTHER WARNING ON DARFUR

Mr. DURBIN. Mr. President, I rise today to again address the terrible crisis in Darfur and the surrounding region. For the last few months, I have come to the floor on a weekly basis to remind my colleagues and those who follow the transactions in the Senate that while we have debated many important issues, we have not done enough when it comes to the genocide in Darfur.

About 4 years ago, President Bush acknowledged that a genocide was taking place. It is a rare occurrence for a President of the United States to make that admission. I saluted him for that and praised him because it took courage. He said what others were afraid to say, that the killing in Darfur of hundreds of thousands of people was, in fact, a genocide—a calculated effort to wipe a people off the map. Several hundred thousand have died, and more than a million have been displaced from their homes. The genocide in Darfur continues to this day. Although we have pronounced this situation to be one of the most uncivilized in the history of our planet, the fact is that little or nothing has been done to save these poor innocent people.

This week's newspapers across the country were full of stories about Sudan. The papers illustrate both the expansion of death, destruction, and chaos in and around Darfur and the inability or unwillingness of the United States and other countries to stop this violence.

Wednesday's Washington Post described how Sudanese jingaweit militiamen crossed over the border into neighboring Chad and killed hundreds of people. This article, which I came across as I was reading the paper, is graphic. A report in the Washington Post through the Associated Press on April 10 says that:

> Sudanese Janjaweed militiamen killed as many as 400 people in the volatile eastern border region near Sudan, leaving an "apocalyptic" scene of mass graves and destruction, the U.N. refugee agency said Tuesday.

The U.N. High Commissioner for Refugees said in this article:

> Estimates of the number of dead have increased substantially and now range between 200 and 400. Because most of the dead were buried where their bodies were found—often in common graves owing to their numbers—we may never know the exact number.

The article goes on to say:

> The attackers encircled the villages, opened fire, pursued fleeing villagers, robbed women and shot the men, the U.N. High Commissioner for Refugees said. Many who survived the initial attack died later from exhaustion and dehydration, often while fleeing.

Some have argued that the genocide is over, as sad and tragic as it was, that it is finished, but this news article tells us a different story. The report of the United Nations High Commissioner for Refugees that 200 to 400 people were slaughtered is a grim reminder that this country, having declared a genocide in Darfur, cannot stand idly by as these reports are made.

When I consider the situation in Darfur, I understand that it is a challenge for the United States to think about what we might do to make this situation better. We know that violence is not only spreading across the border into eastern Chad but continues virtually unabated in this country of Sudan.

Deputy Secretary of State, John Negroponte is traveling to Sudan this week to deliver a message to Khartoum. I am hopeful. John Negroponte is a seasoned diplomat. He is being sent on an important mission. I hope his message is nothing short of a final warning that the Government of Sudan must accept the United Nations and African Union peacekeeping mission and that these peacekeeping forces must have the numbers, the equipment, and the mandate to truly protect the innocent people of that country.

I have read newspaper accounts that President Bush is angry and frustrated over Sudan's refusal to accept the peacekeepers and our collective failure to do anything about it. I have spoken personally to the President twice about this issue, and both times I have urged him, having shown the courage to declare a genocide in Darfur, to show the same courage in ordering an action by the United States that will start to protect these people. My frustration and anger grows by the day, but my sadness grows more when I read these press accounts.

I have been told by members of the administration that one thing that would help would be stronger civil penalties to levy against persons who currently violate our sanctions laws against Sudan. I am happy to introduce legislation which would do that. I also believe we need to strengthen sanction laws themselves to provide additional resources to ensure their enforcement. Even more importantly, we must convince the world to act as well.

The largest single economic player in the Sudan today is China. The single greatest export for Sudan is oil. Petrochina, the Chinese company, is a major player in that nation. That offers the Chinese powerful leverage to convince the Khartoum Government to accept U.N. peacekeepers.

In this morning's Washington Post, in what is billed as an unusually strong message, the Chinese urged Sudan on Wednesday to show more flexibility on a peace plan for the devastated Darfur region, but they went on to say the Chinese said that other countries would not help the situation by dictating the terms of action.

This article goes on to talk about China buying oil from Sudan and holding veto power in the U.N. Security Council. There have been many critics of China because, frankly, they have threatened a veto if we try to take action through the Security Council to deal with the genocide in Darfur. Perhaps that is what motivated the Assistant Foreign Minister Ahzi Jun to hold a press conference on his return from a trip to Sudan. He said at the end of that press conference:

> We suggest the Sudan side show flexibility and accept this plan—

That is the peace plan—

> offered by the U.N. to deploy a hybrid African Union-U.N. force into Darfur.

These are moderate words from the Chinese. I really had hoped for more. But at least they are speaking out, I think none too soon, as we read this terrible press account of what is occurring in this region.

Recently, the Wall Street Journal, on March 28, 2007, published an article written by Ronan Farrow and Mia Farrow entitled "The Genocide Olympics." That article reminded the readers of the Wall Street Journal of China's slogan for the 2008 Olympics. The slogan is "One World, One Dream." But what they note here is that what is going on in Darfur is a nightmare, and the Chinese have to do something about it. They make a point—and one we all appreciate—that we want to believe that China is moving into the family of civilized nations, that the Olympics will be proof of this change in China over the years, but many of us will judge China not by its slogans or its press releases but by its actions.

This month, the United Kingdom is chairing the U.N. Security Council. Next month, the United States will hold that position. I think it is imperative that the United States force a vote on multilateral actions against the Sudanese. That is the only way to move us toward a peacekeeping force.

Some argue that China may veto that resolution, but that shouldn't stop us. If they want to go on record as standing in the way of stopping this genocide, so be it. It will be a bitter commentary on their aspirations for one world and one dream.

There is also an effort underway in the United States for divestment. The Los Angeles Times reports the Council of Priests of the Archdiocese of Los Angeles has added their voice in calling for divestment of companies operating in Sudan. At the urging of one of their members—a priest who is a former stockbroker—the council wrote to the firm which handles the retirement accounts for the 350 priests in the Archdiocese urging it to sell its shares in Petrochina and Sinopec Corporation. That investment firm is Fidelity, which is the single largest U.S. holder of American shares in Petrochina. They have reportedly been hearing from thousands of their shareholders on this subject.

I am not a shareholder in Fidelity, but I have our family investments through mutual funds in this company, and I will be notifying them that if they do not divest their holdings of this Chinese oil company in Sudan on a timely basis, that I will be changing my company. I think that is a small thing. I don't have that big of an account, but if others will join me in that effort, perhaps they will think twice about these investments.

Petrochina and Sinopec are involved in some of Sudan's largest oil projects. My guess is the retirement accounts of 350 Catholic priests in Los Angeles won't make a big impact on Fidelity, but I certainly hope a number of others will join me in letting them know it is time to divest of this investment.

Along with Senator CORNYN of Texas and a growing number of bipartisan cosponsors, I have introduced legislation to support efforts by State and local governments to divest of holdings in the Sudan. There are some who say that divestment is not the way to go. They claim it is just going to take too long. But is that an excuse for doing nothing to pressure the Sudanese in the midst of a genocide?

The violence in Darfur has been going on for 4 years. The President declared 2 years ago that this was genocide. To say divestment is too slow ignores the fact that every pressure point we apply makes it a little bit harder for the Sudanese Government to continue on their present course. I see no reason we shouldn't take every step we can to end this disaster. Eight States and over fifty colleges and universities are leading the way.

I am proud that my home State of Illinois was the first to pass divestment legislation. Already, investment firms that offer Sudan-free investment vehicles are tracking billions of investments. Several major European and Canadian companies have ended their operations in the Sudan. The divestment campaign is already having an impact.

Some people also criticize divestment efforts because anti-apartheid laws from two decades ago are still on the books in some states and localities. The bipartisan bill I have introduced with Senator CORNYN addresses this issue with a sunset clause: If the Federal Government lifts its sanctions against Sudan, the authorization provided in our bill would expire.

Finally, some argue that State governments should not be making Federal policy. Divestment is about States making choices about how they invest their pensions and other funds. The Durbin-Brownback bill recognizes that choice and extends Federal support for it in the face of ongoing genocide in Sudan.

I ask unanimous consent that an article I am about to refer to be printed in the RECORD after my reference.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DURBIN. Mr. President, this article is from the Atlantic Magazine, April 2007 issue. I came across it and was attracted to the title of this article by Steven Faris titled "The Real Roots of Darfur."

When we have this debate about global warming and talk about climate change, we talk about the impact it might have on a great State such as Florida over many years and other places around the world. Mr. Faris writes an article that talks about the climate change in this area, the Darfur region, which has taken place over the last several years. What they once billed as an occasional drought or bad agricultural practices now has become a recurring trend.

Here is what Mr. Faris wrote in the Atlantic Magazine:

> By the time of the Darfur conflict 4 years ago, scientists had identified another cause. Climate scientists fed historical sea-surface temperatures into a variety of computer models about atmospheric change. Given the particular pattern of ocean temperature changes worldwide, the model strongly predicted a disruption in African monsoons.

Of course, the rainy seasons.

Columbia University's Alessandra Giannini led one of the analyses and said:

> This was not caused by people cutting trees or overgrazing. The roots of the drying of Darfur, she and her colleagues have found, lay in changes to the global climate.

There is a competition here for land between farmers and those who have livestock, and that is part of the tension in this area.

The article goes on to conclude:

> With countries across the region and around the world suffering similar pressures, some see Darfur as a canary in the coal mine, a foretaste of climate-driven political chaos.

Environmental degradation creates very dry tinder, so if someone wants to light a match to it, they can light it up.

I wish to put this into the CONGRESSIONAL RECORD for those who follow this debate because I have spoken about a lot of reasons for the violence here, and it is the first time I have seen a suggestion of environmental causation.

EXHIBIT 1

THE REAL ROOTS OF DARFUR

(By Stephan Faris)

To truly understand the crisis in Darfur—and it has been profoundly misunderstood—you need to look back to the mid-1980s, before the violence between African and Arab began to simmer. Alex de Waal, now a program director at the Social Science Research Council, was there at that time, as a doctoral candidate doing anthropological fieldwork. Earlier this year, he told me a story that, he says, keeps coming back to him. De Waal was traveling through the dry scrub of Darfur, studying indigenous reactions to the drought that gripped the region. In a herders' camp near the desert's border, he met with a bedridden and nearly blind Arab sheikh named Hilal Abdalla, who said he was noticing things he had never seen before: Sand blew into fertile land, and the rare rain washed away alluvial soil. Farmers who had once hosted his tribe and his camels were now blocking their migration; the land could no longer support both herder and farmer. Many tribesmen had lost their stock and scratched at millet farming on marginal plots.

The God-given order was broken, the sheikh said, and he feared the future. "The way the world was set up since time immemorial was being disturbed," recalled de Waal. And it was bewildering, depressing. And the consequences were terrible."

In 2003, another scourge, now infamous, swept across Darfur. Janjaweed fighters in military uniforms, mounted on camels and horses, laid waste to the region. In a campaign of ethnic cleansing targeting Darfur's blacks, the armed militiamen raped women, burned houses, and tortured and killed men offighting age. Through whole swaths of the region, they left only smoke curling into the sky.

At their head was a 6-foot-4 Arab with an athletic build and a commanding presence. In a conflict the United States would later call genocide, he topped the State Department's list of suspected war criminals. De Waal recognized him: His name was Musa Hilal, and he was the sheikh's son.

The fighting in Darfur is usually described as racially motivated, pitting mounted Arabs against black rebels and civilians. But the fault lines have their origins in another distinction, between settled farmers and nomadic herders fighting over failing lands. The aggression of the warlord Musa Hilal can be traced to the fears of his father, and to how climate change shattered a way of life.

Until the rains began to fail, the sheikh's people lived amicably with the settled farmers. The nomads were welcome passers-through, grazing their camels on the rocky hillsides that separated the fertile plots. The farmers would share their wells, and the herders would feed their stock on the leavings from the harvest. But with the drought, the farmers began to fence off their land-even fallow land—for fear it would be ruined by passing herds. A few tribes drifted elsewhere or took up farming, but the Arab herders stuck to their fraying livelihoods—nomadic herding was central to their cultural identity. (The distinction between "Arab" and "African" in Darfur is defined more by lifestyle than any physical difference: Arabs are generally herders, Africans typically farmers. The two groups are not racially distinct.)

The name Darfur means "Land of the Fur" (the largest single tribe of farmers in Darfur), but the vast region holds the tribal lands—the dars—of many tribes. In the late 1980s, landless and increasingly desperate Arabs began banding together to wrest their own dar from the black farmers. In 1987, they published a manifesto of racial superiority, and clashes broke out between Arabs and Fur. About 3,000 people, mostly Fur, were killed, and hundreds of villages and nomadic camps were burned before a peace agreement was signed in 1989. More fighting in the 1990s entrenched the divisions between Arabs and non-Arabs, pitting the Arab pastoralists against the Fur, Zaghawa, and Massaleit farmers. In these disputes, Sudan's central government, seated in Khartoum, often supported the Arabs politically and sometimes provided arms.

In 2003, a rebellion began in Darfur—a reaction against Khartoum's neglect and political marginalization of the region. And while the rebels initially sought a pan-ethnic front, the schism between those who opposed the government and those who supported it broke largely on ethnic lines. Even so, the conflict was rooted more in land envy than in ethnic hatred. "Interestingly, most of the Arab tribes who have their own land rights did not join the government's fight," says David Mozersky, the International Crisis Group's project director for the Horn of Africa.

Why did Darfur's lands fail? For much of the 1980s and '90s, environmental degradation in Darfur and other parts of the Sahel (the semi-arid region just south of the Sahara) was blamed on the inhabitants. Dramatic declines in rainfall were attributed to mistreatment of the region's vegetation. Imprudent land use, it was argued, exposed more rock and sand, which absorb less sunlight than plants, instead reflecting it back toward space. This cooled the air near the surface, drawing clouds downward and reducing the chance of rain. "Africans were said to be doing it to themselves;" says Isaac Held, a senior scientist at the National Oceanic and Atmospheric Administration.

But by the time of the Darfur conflict four years ago, scientists had identified another cause. Climate scientists fed historical sea-surface temperatures into a variety of computer models of atmospheric change. Given the particular pattern of ocean-temperature changes worldwide, the models strongly predicted a disruption in African monsoons. This was not caused by people cutting trees, or overgrazing; says Columbia University's Alessandra Giannini, who led one of the analyses. The roots of the drying of Darfur, she and her colleagues had found, lay in changes to the global climate.

The extent to which those changes can be blamed on human activities remains an open question. Most scientists agree that greenhouse gases have warmed the tropical and southern oceans. But just how much artificial warming—as opposed to natural drifts in oceanic temperatures—contributed to the drought that struck Darfur is as debatable as the relationship between global warming and the destruction of New Orleans. "Nobody can say that Hurricane Katrina was definitely caused by climate change," says Peter Schwartz, the co-author of a 2003 Pentagon report on climate change and national security. "But we can say that climate change means more Katrinas. For any single storm, as with any single drought, it's difficult to say. But we can say we'll get more big storms and more severe droughts."

With countries across the region and around the world suffering similar pressures, some see Darfur as a canary in the coal mine, a foretaste of climate-driven political chaos. Environmental degradation "creates very dry tinder," says de Waal. "So if anyone wants to put a match to it, they can light it up." Combustion might be particularly likely in areas where the political or social geography is already fragile. "Climate change is likely to cause tension all over the world," says Idean Salehyan, a political scientist at the University of North Texas. Whether or not it sparks conflict, he says, depends on the strength, goodwill, and competence of local and national governments. (For more on the economic, political, and military tensions that global warming might create, see "Global Warming: What's in It for You?" by Gregg Easterbrook, on page 52.)

In Darfur itself, recognizing climate change as a player in the conflict means seeking a solution beyond a political treaty between the rebels and the government. "One can see a way of de-escalating the war," says de Waal. "But unless you get at the underlying roots, it'll just spring back." One goal of the internationally sponsored peace process is the eventual return of locals to their land. But what if there's no longer enough decent land to go around?

To create a new status quo, one with the moral authority of the God-given order mourned by Musa Hilal's father, local leaders would have to put aside old agreements and carve out new ones. Lifestyles and agricultural practices would likely need to change to accommodate many tribes on more fragile land. Widespread investment and education would be necessary.

But with Khartoum uncooperative, creating the conditions conducive to these sorts of solutions would probably require not only forceful foreign intervention but also a long-term stay. Environmental degradation means the local authorities have little or no surplus to use for tribal buy-offs, land deals, or coalition building. And fighting makes it nearly impossible to rethink land ownership or management. "The first thing you've got to do is stop the carnage and allow moderates to come to the fore," says Thomas Homer-Dixon, a political scientist at the University of Toronto. Yet even once that happens, he admits, "these processes can take decades."

Among the implications arising from the ecological origin of the Darfur crisis, the most significant may be moral. If the region's collapse was in some part caused by the emissions from our factories, power plants, and automobiles, we bear some responsibility for the dying. "This changes us from the position of Good Samaritans—disinterested, uninvolved people who may feel a moral obligation—to a position where we, unconsciously and without malice, created the conditions that led to this crisis," says Michael Byers, a political scientist at the University of British Columbia. "We cannot stand by and look at it as a situation of discretionary involvement. We are already involved."

Mr. DURBIN. Mr. President, I would like to also ask unanimous consent that the article I referred to in the Wall Street Journal be printed in the RECORD at the end of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

Mr. DURBIN. Divestment is not the only answer, nor are stepped-up U.S. sanctions or even multilateral U.S. sanctions, but together these steps might work. Hundreds of thousands of people in Darfur have been killed, and millions have been driven from their homes. It is too late to repeat the empty promise of "never again," but we can at least live up to the pledge of no more.

I am reminded of my former colleague, boss, and mentor, Paul Simon of Illinois, who in 1994 joined Senator Jim Jeffords in asking that troops be sent to Rwanda to try to stop the massacre. We were told that 5,000 soldiers could have stopped that massacre of 800,000 innocent people. No action was taken. These innocent people died. Senator Simon and Senator Jeffords did their best to try to call the attention of Congress and the Government and the world to what was happening in that nation, to no avail.

But they can at least take satisfaction—the late Paul Simon and Jim Jeffords—that they did their best as Members of the Senate. So many of my colleagues on both sides of the aisle joined me in this bipartisan effort to call attention to the genocide in Darfur and to urge our Government to take decisive, meaningful action as quickly as possible to spare these suffering people.

I yield the floor.

EXHIBIT 2

[From the Wall Street Journal]

THE GENOCIDE OLYMPICS

(By Ronan Farrow and Mia Farrow)

"One World, One Dream" is China's slogan for its 2008 Olympics. But there is one nightmare that China shouldn't be allowed to sweep under the rug. That nightmare is Darfur, where more than 400,000 people have been killed and more than two-and-a-half million driven from flaming villages by the Chinese-backed government of Sudan.

That so many corporate sponsors want the world to look away from that atrocity during the games is bad enough. But equally disappointing is the decision of artists like director Steven Spielberg—who quietly visited China this month as he prepares to help stage the Olympic ceremonies—to sanitize Beijing's image. Is Mr. Spielberg, who in 1994 founded the Shoah Foundation to record the testimony of survivors of the holocaust, aware that China is bankrolling Darfur's genocide?

China is pouring billions of dollars into Sudan. Beijing purchases an overwhelming majority of Sudan's annual oil exports and state-owned China National Petroleum Corp.—an official partner of the upcoming Olympic Games—owns the largest shares in each of Sudan's two major oil consortia. The Sudanese government uses as much as 80% of proceeds from those sales to fund its brutal Janjaweed proxy militia and purchase their instruments of destruction: bombers, assault helicopters, armored vehicles and small arms, most of them of Chinese manufacture. Airstrips constructed and operated by the Chinese have been used to launch bombing campaigns on villages. And China has used its veto power on the U.N. Security Council to repeatedly obstruct efforts by the U.S. and the U.K. to introduce peacekeepers to curtail the slaughter.

As one of the few players whose support is indispensable to Sudan, China has the power to, at the very least, insist that Khartoum accept a robust international peacekeeping force to protect defenseless civilians in Darfur. Beijing is uniquely positioned to put a stop to the slaughter, yet they have so far been unabashed in their refusal to do so.

But there is now one thing that China may hold more dear than their unfettered access to Sudanese oil: their successful staging of the 2008 Summer Olympics. That desire may provide a lone point of leverage with a country that has otherwise been impervious to all criticism.

Whether that opportunity goes unexploited lies in the hands of the high-profile supporters of these Olympic Games. Corporate sponsors like Johnson & Johnson, Coca-Cola, General Electric and McDonalds, and key collaborators like Mr. Spielberg, should be put on notice. For there is another slogan afoot, one that is fast becoming viral amongst advocacy groups; rather than "One World, One Dream," people are beginning to speak of the coming "Genocide Olympics."

Does Mr. Spielberg really want to go down in history as the Leni Riefenstahl of the Beijing Games? Do the various television sponsors around the world want to share in that shame? Because they will. Unless, of course, all of them add their singularly well-positioned voices to the growing calls for Chinese action to end the slaughter in Darfur.

Imagine if such calls were to succeed in pushing the Chinese government to use its leverage over Sudan to protect civilians in Darfur. The 2008 Beijing Olympics really could become an occasion for pride and celebration, a truly international honoring of the authentic spirit of "one world" and "one dream."

Mr. DURBIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. DURBIN). Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the motion to proceed to S. 372 be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. The clerk will state the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

Mr. REID. Mr. President, I ask unanimous consent that the mandatory live quorum be waived and the cloture vote occur on Monday, April 16, at 5:30 p.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that the Senate resume consideration of the bill on Monday at 3 p.m. and that Senator ROCKEFELLER be recognized at that time to offer a managers' amendment on behalf of himself and Senator BOND.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, earlier today the Senate invoked cloture on the motion to proceed to the fiscal year 2007 Intelligence authorization bill.

However, as a result of objections from the other side, the Senate now finds itself in the unfortunate position of having to run out the clock for the next several days rather than promptly considering and completing action on this important legislation.

Let me remind my colleagues of the long road we have been down with this bill already.

The previous Republican-controlled Congress failed to pass an intelligence authorization bill in fiscal year 2006 and fiscal year 2007—2 years in a row.

That is an unprecedented and unacceptable record for this body: prior to that, Congress had passed this bill every single year for 27 years, often with the bipartisan support of every Senator.

As my colleagues know, the Intelligence authorization bill funds the operations of the 16 agencies of the U.S. intelligence community—including the CIA, the FBI, the NSA, the Defense Department—and all the critical work they do to keep Americans safe and fight the war on terror.

It includes essential initiatives that would improve our efforts to fight terrorism and control weapons of mass destruction, enhance our intelligence collection capabilities, and strengthen intelligence oversight.

Blocking the passage of this bill, as a handful of Senators on the other side of the aisle have done over the last couple of years, has left Congress silent on these important matters and made America less secure.

Most of us in the Senate recognize how important it is to pass this bill. We know it is not a partisan issue, that there are no political points to be scored on either side. But I am increasingly disappointed at the continued obstructionism by several Republicans on a matter of national security.

Earlier this year, Chairman ROCKEFELLER and Vice Chairman BOND attempted to bring this bill up for consideration. We were told the objections of a single Senator on the other side of the aisle blocked their efforts.

I have heard that some Senators on the other side of the aisle are interested in offering amendments, yet at this time none of these amendments have surfaced or seen the light of day.

I would certainly like to be reasonable and accommodate every Senator's interest in debating amendments offered in good faith, but I am increasingly concerned that we are seeing obstructionism and delay tactics, rather than productive debate.

Some may wonder what is behind the delay. At a time of war, why would a handful of Senators be willing to hold up a bill that is crucial to our national security?

Why would a group of Senators hold up a bill that has always passed quickly, with little debate or amendment?

Why would they hold up a bill that enjoys overwhelming bipartisan support?

It appears the answer lies not in the legislation before us now but the legislation the Senate will turn to next:

A Medicare bill that will lower drug costs for seniors and people with disabilities by giving the Federal Government the power to negotiate drug prices with some of this Nation's most powerful and profitable companies.

This is not good faith debate—it is a cynical effort by the drug companies—their lobbyists in Gucci shoes and chauffeured limousines—and their supporters—to hold this national security bill hostage and delay the Senate from acting on legislation to help society's most vulnerable.

So I ask my colleagues to consider this fair notice: unless I see some signs of good faith from the other side of the aisle toward a reasonable timeframe for considering a reasonable number of amendments, I will file cloture on this bill tomorrow.

The Senate has a lot of work ahead of it and it should begin with the swift consideration and passage of this bill.

MORNING BUSINESS

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to a period for the transaction of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

EMERGENCY SUPPLEMENTAL APPROPRIATIONS

Mr. BYRD. Mr. President, early next week, Members of the House and Senate will meet to work on the final version of the emergency supplemental appropriations bill. The Senate's version of this legislation provides $123 billion primarily for the wars in Iraq and Afghanistan, for improving the health care for returning soldiers and veterans, for continued Hurricane Katrina recovery for the gulf coast, to fill major gaps in homeland security, and to provide emergency drought relief for farmers. The President has asserted that Congress is holding funding for the troops hostage for what he calls "porkbarrel" spending. What nonsense. Facts matter. Once again, the President does not seem to know the facts. This is legislation that meets some of the most critical needs of our troops and our Nation.

In the days since the Senate approved this legislation, the White House has taken on the regular practice of demonizing the Congress and attacking the bipartisan bill. On Tuesday, for instance, President Bush repeated his hollow claims that the Army will run out of money if Congress doesn't finish this legislation by the weekend. What nonsense.

The nonpartisan Congressional Research Service has reported that the Army can use the dollars that Congress has already appropriated—some $52 billion—to help the Pentagon reach the end of May. Fifty-two billion dollars. Unless the administration has a new military adventure up its sleeve that the country doesn't know about, that $52 billion will easily pay for continued operations in Iraq.

The White House is spinning an imaginary tale of doom and gloom to try to scare the Congress and the country. But the facts just don't support the administration claims.

To underscore this factfinding effort, the Army provided financial updates to the House of Representatives this week and told House officials that its current Army funding could last until the summer. Yet, to listen to the White House, one would think that our soldiers will be out of bullets by Sunday.

Another example of facts mattering. In remarks this week, before announcing that the troops would see their tours of duty extended for at least 3 months and that his escalation would take many months longer than he first planned, President Bush spoke of a reprogramming request for $1.6 billion from personnel accounts. That is Washington-speak for shifting funds around to pay the bills. Basically, the Pentagon is considering a shift of dollars from September's payroll budget to fund the President's surge plan. Yet, to hear the dire claims coming from the White House, this shift would wreak havoc on the Pentagon. The truth is that no havoc will ensue. This shift is one that the Pentagon has adopted on many occasions in years past, during times of war and peace. This is a simply accounting move, not a major blow to the Pentagon's war machine.

It is time for the White House to drop this trumped-up crisis talk and get down to the truth.

Let's take a look at what the House and Senate have actually approved. The House and the Senate, on a bipartisan basis, have each approved nearly $100 billion for our soldiers, sailors, airmen, and marines. The House and the Senate, on a bipartisan basis, approved funding to improve the health care of our troops and our veterans. The House and Senate, on a bipartisan basis, approved funding to speed long-delayed Hurricane Katrina reconstruction. The House and Senate, on a bipartisan basis, approved funding to close the major gaps in our homeland security that could be exploited at any moment.

These priorities, the White House claims, are extraneous and wasteful. On top of the $38 billion already approved by Congress for the reconstruction of Iraq, now the White House has requested $3.7 billion more to rebuild Iraq. I cannot understand how the White House can champion another $3.7 billion to rebuild Baghdad but object to $3.3 billion to rebuild the hurricane-ravaged gulf coast of America. I cannot understand how the White House can press Congress to build new hospitals in Iraq but object to $1.7 billion to provide first-class health care for our veterans and another $1.3 billion for our troops returning home from war.

When this legislation is finished, we will have a responsible plan that provides key resources for our troops, takes care of our veterans returning home from war, and rebuilds the communities laid to waste by Hurricane Katrina. And Congress will listen to the American people and craft a responsible framework for the Iraqis to take control of their own nation. This is not legislation that should be vetoed by this President; this is legislation that he should sign into law.

We will announce a conference schedule soon and move forward quickly. Our goal is to have the final legislation to President Bush by the end of the month.

ASSEMBLED CHEMICAL WEAPONS ALTERNATIVES PROGRAM

Mr. McCONNELL. Mr. President, I rise today to discuss the future of the Assembled Chemical Weapons Alternative, ACWA, program, which is of vital importance to the people of Madison County, KY.

The people of Madison County are living right next door to over 500 tons of the deadliest material ever conceived by man. It is stored at the Blue Grass Army Depot, BGAD. Understandably, those in the nearby community would like to see these weapons disposed of as safely and quickly as possible. It is the mission of the ACWA program, as well as the Department of Defense, to do just that.

Recently, the program manager for ACWA, Mike Parker, decided to retire. Mike has left big shoes to fill. The question then is, who will take Mike's place? Whoever is picked to permanently fill his position will need to possess a number of qualifications. These traits include an appreciation for the unique culture at ACWA. Central to that culture is the willingness to work collaboratively and openly with the local community and with Congress. It would be unfortunate if the new program manager, whoever it may be, were to attempt to impose solutions unilaterally onto the community and to act without transparency and consultation with Congress. I also trust that the new program manager will understand the need to complete work at BGAD as soon as is safely possible; not as soon as the department finds it to be convenient.

Finally, the new program manager needs to be fully committed to chemical neutralization at BGAD as this approach has already been selected by the department, embraced by the community and endorsed by the state of Kentucky. Any variance from this path would only lead to additional delay in eliminating the risks associated with these stored weapons.

The job of disposing of chemical weapons at BGAD is not just to be laid at the feet of the program manager for ACWA. It is a mission entrusted to the Department of Defense. Accordingly, the department itself needs to provide oversight over ACWA to ensure that the new program manager is acting in a manner consistent with the way ACWA has conducted its business in the past. Those at the department also need to support the ACWA program manager's mission by providing sufficient funding in the annual budget request, in the $450–500 million range, so that the chemical weapons are disposed of in a timely fashion. In the past, the department has chosen to tie itself in bureaucratic knots over the program. Those days need to end. These chemical weapons need to be destroyed. The people of Madison County deserve no less.

RECIDIVISM REDUCTION AND SECOND CHANCE ACT

Mr. KENNEDY. Mr. President, for far too long the criminal justice system has failed to adequately address recidivism, and that failure has imposed a large financial and social cost on the Nation. Even the best-intentioned prisoners face debilitating challenges when they rejoin their communities, yet the current system leaves them ill-prepared to face those challenges.

Our existing policies of mass incarceration and release are not working. Large prison populations and high recidivism rates place heavy burdens on prisons, communities, and taxpayers. Of the 2.2 million persons housed in prisons today—an average annual increase of 3 percent in the past decade—97 percent will be released into the community. Overcrowding continues to plague the system. State prisons are operating at full capacity and sometimes as much as 14 percent above capacity, and Federal prisons are 34 percent above capacity. In 2005, prison populations in 14 States rose at least 5 percent. Recidivism and inadequate reentry programs add to the problem. Over 600,000 prisoners are released each year, but two-thirds of them are arrested again within 3 years.

The social cost of recidivism is devastating to communities, and it also imposes a financial burden. States spend an average of approximately $22,000 annually to house a prisoner. Taxpayers spend more than $60 billion annually on corrections, more than six times the $9 billion spent 25 years ago. Yet the current system still fails to adequately support the essential programs for health, housing, substance abuse, education, and employment that ex-offenders need to reintegrate into their communities. Even community and local law enforcement programs that are effective in helping ex-offenders often lack adequate resources and guidance.

Future generations will bear the burden created by today's high recidivism rates. In 2006, the Department of Health and Human Services reported that 2 million children nationwide have an incarcerated parent. Studies suggest that these children are seven times more likely to end up in prison themselves. One study found that as many as 1 in 10 will have been incarcerated before reaching adulthood. Of the approximately 100,000 juveniles who are currently incarcerated, many will become recidivists because of a lack of effective reentry programs.

This increasingly serious failure demands a comprehensive solution that takes into account both the challenges that ex-offenders face and the role of law enforcement and community and family-based programs in successful reentry. That is why I am pleased to join my colleagues in support of the Second Chance Act. This legislation provides an opportunity for law enforcement, communities, and families to give former offenders a helping hand that the vast majority of them will use to become productive members of society.

The Second Chance Act provides financial support, research, and guidance for proven and cost-effective solutions to the health, housing, substance abuse, education, and employment challenges that former offenders face in reintegrating into their communities. It funds mentoring grants, demonstration grants, drug treatment, and family-based treatment. It authorizes the National Institute of Justice to conduct research on offender reentry and on the need for a national resource center for State, local, and community service providers to collect and disseminate best practices. The bill also creates an interagency taskforce to review and report to Congress on the Federal barriers that so many ex-offenders face.

A second chance starts with a place to live. This bill will promote programs that help recently released inmates overcome the first major hurdle they face—finding safe, adequate, and affordable housing. 15 to 27 percent of prisoners expect to go to homeless shelters upon release. Figures published by the Volunteers of America in 2004 indicated that two-thirds of former prisoners who lacked adequate housing had committed crimes within 1 year of their release, compared to only one-quarter of those who had housing. Another recent study released by the National Criminal Justice Reference Service showed that 30–50 percent of parolees in urban areas such as Los Angeles and San Francisco are homeless, which compounds the profound hardship that re-integration already places on urban communities. The Second Chance Act supports our communities and local law enforcement by supporting housing programs for ex-offenders, so that they can take the first steps towards getting back on their feet and rejoining the community.

The Second Chance Act also supports mental health care and substance abuse treatment programs that are vital to many ex-offenders as they struggle to reintegrate. Nearly a quarter of State prisoners and jail inmates with a mental health problem had served three or more prior incarcerations, yet two-thirds of State prisoners do not receive mental health treatment. In substance abuse treatment, more than two-thirds of State prisoners have been regular drug users at some point during their lives, and one-third had committed the crime for which they were imprisoned while under the influence of drugs.

According to a recent Bureau of Justice Statistics report, of the approximately 50 percent of prisoners who met the criteria for drug dependence or abuse, less than half participated in drug treatment programs since their admission to prison. To address these issues, the Second Chance Act reauthorizes mental health care and substance abuse treatment demonstration projects and provides resources and best practices research to comprehensive community-based and family-based substance abuse programs. The programs supported by this legislation give ex-offenders the care and treatment they need to remain drug free and out of prison.

We also cannot expect ex-offenders to become productive members of the community if they don't have the education and vocational training they need to find jobs. The Bureau of Justice Statistics reports that only 46 percent of incarcerated individuals have a high school diploma or its equivalent. The limited availability of education and vocational training programs exacerbates the problem. Only 5 percent of jail jurisdictions offer vocational training, and 33 percent of jurisdictions offer no educational or vocational training at all.

Research shows what a profound effect such programs have on decreasing recidivism rates. Recidivism for inmates who participate in prison education, vocation, and work programs have been found to be 20 to 60 percent lower than for nonparticipants. The Federal Bureau of Prisons found a 33-percent drop in recidivism among Federal prisoners who participated in vocational training.

The Safer Foundation in Chicago found a recidivism rate of 8 percent for participants in its vocational program, compared with 46 percent for a comparison group. The Second Chance Act supports community education and vocational training programs that have proven their effectiveness, and offers the tools and resources to study best practices on job training and placement. It also supports collaboration among community corrections, technical schools, community colleges, and the workforce development and employment service sectors to help ex-offenders overcome the many barriers they face in finding employment.

In addition to addressing adult ex-offender reentry programs, the Second Chance Act also supports juvenile ex-offender reentry programs that put juvenile ex-offenders on the path to being productive adults and good citizens. The nearly 100,000 children who make up the juvenile prison population are among the most vulnerable and defenseless group in our criminal justice system. Too often, we fail to protect them. Many juvenile ex-offenders have learning disabilities and need substance abuse and mental health treatment. Many are incarcerated in overcrowded facilities. All need an education and the support of community-based programs to reintegrate them after incarceration. To help give juvenile ex-offenders the second chance they need to become positive forces in their communities, this bill reauthorizes the Juvenile Offender Reentry Demonstration Projects, creates a resource center to collect data and provide guidance concerning best practices for juvenile reentry, offers grants to improve educational methods in juvenile facilities, and supports community and family-based juvenile aftercare programs.

In Massachusetts, programs like those that the Second Chance Act would authorize have already been nationally recognized for their success. In Hampden County, Sheriff Michael Ashe and the Hampden County Sheriff's Department have shown that law enforcement and community-based reentry programs that focus on education, employment and treatment are the most effective way to reduce recidivism and improve community safety. States such as Massachusetts have been creating innovative and effective reentry programs, and it is time for the Federal Government to do its part. Supporting such programs is the surest way to ensure that when ex-offenders leave prison, they go with the skills, guidance, and support they need to succeed.

I am especially pleased that the Second Chance Act will support the Elderly Nonviolent Offender Pilot Program, which focuses on reintegrating nonviolent elderly offenders over the age of 60. The current strategy of incarcerating elderly inmates who are no longer a threat to their community is a waste of government resources and a humanitarian failure, and the problem is only getting bigger as the elderly prison population grows. A 2004 report by the National Institute of Corrections found that the number of State and Federal prisoners ages 50 or older rose 172 percent between 1992 and 2001, and some estimates suggest that the elderly inmate population has grown by as much as 750 percent over the last two decades. Even conservative estimates suggest that the population of elderly inmates will represent 33 percent of the total prison population by 2010. The average cost of housing the increasing number of elderly inmates is reported to be about $67,000, three times the average cost of housing younger inmates. As the age of the inmate population grows over the next decade, the total spent on corrections will increase dramatically, even though nonviolent elderly offenders pose little risk to the community. And according to a Department of Justice report, they have a recidivism rate of only 1.4 percent, much lower than the rate for younger inmates.

Housing elderly inmates also raises humanitarian concerns. Often they require treatment for chronic and fatal diseases, protection from younger prisoners, and alterations to accommodate walkers, canes, and geriatric chairs. According to the National Institute of Corrections:

> [T]he lack of personal protection for elderly inmates, which may be frail and therefore vulnerable to the threats of assault by younger predatory inmates, contributes to the emotional stress and physical deterioration they routinely experience, especially among those who may be already vulnerable owing to chronic illness.

Housing nonviolent elderly offenders is not just a financial issue. It is also a humanitarian problem for which we must find new solutions.

Forty-one states already offer some kind of early limited release program for elderly inmates. The American Bar Association has recently endorsed a proposed amendment to the sentencing guidelines to allow more lenient sentencing for nonviolent elderly offenders. By supporting the Elderly Nonviolent Offender Pilot Program, Congress takes an important step towards addressing the humanitarian and financial challenges of housing an aging prison population. The Federal Bureau of Prisons estimates that 378 nonviolent elderly offenders, and an average of 53 nonviolent elderly offenders a year over the next decade, will be eligible for the program. It offers an opportunity to demonstrate the effectiveness of alternatives to housing elderly inmates, and I hope its success will lead to a more comprehensive solution to one of the important challenges facing the prison system.

When ex-offenders return to prison, all Americans pay a price, both social and financial. The Second Chance Act supports a comprehensive solution to the recidivism problem in America—a problem that we cannot afford to ignore. It is a solution that allows local law enforcement, communities, and families to offer ex-offenders the programs and support they need to get back on their feet and become positive, productive members of their communities.

DECEPTIVE FOOD PACKAGING

Mr. LEVIN. Mr. President, today I call attention to a development within the U.S. Food and Drug Administration, FDA, that has resulted in the sale of carbon-monoxide-treated meat to American consumers. Allowing this can deceive American consumers and raises serious public health concerns since the consumers can no longer rely on the way the meat looks to indicate its freshness.

The use of carbon monoxide turns beef a shade of red that mimics very fresh red meat. Mixing carbon monoxide into the pre-packaged, air-tight packaging of beef allows it to retain its red color long after the expiration date on the package.

The meatpacking industry argues that beef is actually safe up to 20 days when refrigerated and much longer if it is frozen. They also argue that because untreated meat can begin to turn brown before its expiration date, it is not a true indication of the meat's freshness and consumers should not be relying on the color of the meat, but the expiration date on the package.

That is a theoretical argument that fails in the real world. Consumers do rely on meat color and the industry knows that the only purpose of using carbon monoxide is to maintain the red color. Experiments with treated and untreated packages of beef compared how they age under refrigeration. After the expiration date, untreated meat begins to turn brown, while meat was still rosy pink if treated with carbon monoxide. Even though the treated beef looked fresh, it was in fact contaminated with E. coli bacterium and salmonella.

The FDA has had longstanding rules against color alteration of meats but, inexplicably, the FDA has allowed carbon-monoxide-treated packaging to move forward. I asked the Food and Drug Administration for an explanation of this change. In their response, the FDA claims that adding carbon monoxide to the packaging meets their standard of "generally recognized as safe," and no further FDA approval is required.

Relying on the procedures for substances that are "generally recognized as safe" is inappropriate for color additives and surely that should include any substance added to food whose purpose is to change its color. Under the Federal Food, Drug and Cosmetic Act, the FDA is required to issue, through notice and comment rulemaking, the permissible conditions of use in regulations "listing" the color additive. The color additive "listing" procedure is a transparent process in which the public is engaged. Consumers have the opportunity to comment on the safety and deception risks that are presented. For the FDA to allow the use of carbon monoxide for color alteration under the "generally recognized as safe" notification procedure ignores the well established listing requirements for public engagement in the policy development process.

Since there are currently no requirements for the meatpacking industry to label which meats have been packed in carbon monoxide and which have not, it is especially important for consumers to look for the expiration date printed on all meat package labels and not just at the color of the beef. Even if the meat is purchased before the expiration date, consumers still need to be aware that beef packaged in carbon monoxide can spoil at home yet still look fresh. If consumers judge the freshness of beef by its red color without checking the expiration date on the package, they risk their health.

Prepackaged beef should not be treated with carbon monoxide, but at a minimum, meat that has been treated with carbon monoxide should be clearly labeled so that consumers know what they are buying.

Six consumer groups recently sent a letter to Senators asking that Congress take action on this important health issue. I ask unanimous consent that this letter be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CONSUMER FEDERATION OF AMERICA—CONSUMERS UNION FOOD & WATER WATCH—GOVERNMENT ACCOUNTABILITY PROJECT NATIONAL CONSUMERS LEAGUE—SAFE TABLES OUR PRIORITY

JANUARY 18, 2007.

DEAR SENATOR: We write to urge Congress to institute a ban on the use of carbon monoxide in a modified atmosphere packaging (MAP) process for case-ready fresh meat. In January 2006, consumer groups sent a letter to the Food and Drug Administration (FDA) and the Department of Agriculture (USDA) requesting the FDA and the USDA to re-visit their acceptance of carbon monoxide usage in case-ready meats as a GRAS (generally recognized as safe) substance. This request was made for several reasons: (1) the science behind the decision is questionable; (2) the decision was made without the benefit of public dialogue and input; (3) this process has already been banned in Europe; and (4) there is concern by the American public that the meat that they purchase could look fresher and safer than it actually is. However, despite repeated calls from members of Congress and consumer groups, the agencies have not acted.

The addition of carbon monoxide utilized in the MAP processing of fresh meat produces a new, bright red color in the meat, which then masks the natural browning of the meat that would occur over time. This could induce consumers to buy and use meat products that are not as fresh as they appear. Furthermore, case ready packages of meat processed with carbon monoxide are not at this time required to have labeling informing consumers that such a process was used.

Even USDA has acknowledged the risk of misrepresentation to consumers by noting that the use of carbon monoxide "with case ready fresh cuts of meat and ground beef could potentially mislead consumers into believing that they are purchasing a product that is fresher or of greater value than it actually is and may increase the potential for masking spoilage." This is precisely the situation Congress, by law, intended to proscribe in establishing the adulteration and misbranding provisions of the Federal Food, Drug and Cosmetic Act (FDCA) and the Federal Meat Inspection Act (FMIA) in the early 1900s.

As a result of recent foodborne illness outbreaks which sickened hundreds and caused several deaths, consumers are becoming increasingly concerned about the federal government's ability to protect them from contaminated food. Consumers want more disclosure about food-processing practices, not obfuscation, as is occurring with meat utilizing a MAP process.

The use of carbon monoxide in the MAP processing of fresh meat means that consumers have no way of judging the freshness of the meat, which Consumer Reports found could be spoiled even before the labeled "use-by or freeze-by" date. Proponents of carbon monoxide disingenuously point to smell as a telltale sign of spoilage but consumers can't use smell with sealed packages before the point of purchase. They have to wait until they have purchased the meat and taken it home to open the package and be able to smell it. Those with impaired senses of smell may have difficulty in detecting "off" odors. In addition, those at greatest risk of contracting the most serious forms of foodborne illness, such as the elderly, may have difficulty reading the stamped dates on the packages.

The Consumer Federation of America sponsored a national survey that demonstrated overwhelming opposition from consumers to the use of carbon monoxide in meat. When asked whether the practice of treating red meat with carbon monoxide is deceptive or not, 78 percent of consumers surveyed said the practice is deceptive. In that same survey 68 percent of consumers said they would strongly support a mandatory labeling law for carbon monoxide-treated meat.

In addition, industry insistence that consumers rely on "use-by" or "freeze-by" dates to determine the freshness of the meat is not valid. Conventionally packaged (on-site) meat and ground beef generally has a shelf life of approximately four to five days, at which time the meat turns brown and is either discounted or discarded. Meat that arrives in store in a "case-ready" condition in typical packaging (packaging that has not used CO or the MAP process) has a shelf life of 10 to 12 days, before the meat changes color. Contrast these shelf lives with the 28-day shelf life granted by USDA for ground beef that is packaged under a MAP process utilizing carbon monoxide. Even after that period of time, the artificially bright red color persists, lessening the likelihood that consumers will check the "use-by or freeze-by" date.

The findings of two studies, one by Consumer Reports and one sponsored by Kalsec and conducted by S&J laboratories, raised serious concerns that some carbon monoxide-treated meat on store shelves and available to consumers may be spoiled prior to the use-by date stamped on the package. Additionally, a study conducted at Texas Tech and submitted to the FDA by supporters of CO-meat seemed to corroborate these findings—that CO-treated meat may be spoiled prior to the use-by date on the label.

The question now becomes, "Are the agencies acting in the best interests of consumers?" If you believe as we do that they are not, then it is incumbent upon Congress to act.

As a result of the agencies' acceptance of this process and unwillingness to revisit their decision based on new information provided to them over the course of this past year, the onus is now on consumers to determine for themselves if the meat they are buying is fresh, not presented to them in a deceptive manner, or potentially unsafe. Unfortunately, consumers have been put in this position without the information or tools to make these determinations—such as clear labeling that indicates the use and purpose of carbon monoxide, and communications programs to inform consumers not to use color to judge the freshness and quality of meat, as they usually do. As a result, consumers have no indication that the color of this meat is the result of the addition of carbon monoxide to the packaging and are denied the opportunity to make informed purchasing decisions. This practice therefore can deceive the consumer into believing that meat is fresh when it may be spoiled or that it is of higher quality than it appears.

We respectfully urge the 110th Congress to take this matter up by instituting an immediate ban on the use of carbon monoxide in a MAP process for case-ready fresh meat. This meat is sitting, unlabeled, on grocery store shelves now and no action by FDA or USDA to reconsider its GRAS decision seems to be forthcoming, despite the numerous concerns raised above.

Sincerely,

CHRIS WALDROP,
Consumer Federation of America.
JEAN HALLORAN,
Consumers Union.
WENONAH HAUTER,
Food & Water Watch.
JACQUELINE OSTFELD,
Government Accountability Project.
LINDA GOLODNER,
National Consumers League.
NANCY DONLEY,
S.T.O.P.—Safe Tables Our Priority.

UPCOMING ELECTIONS IN NIGERIA

Mr. OBAMA. Mr. President, I rise today to discuss the situation concerning the upcoming elections in Nigeria.

The people of Nigeria have a historic achievement within their grasp: their country's first peaceful, democratic transfer of power from one elected civilian government to another. To secure this victory for themselves and for Africa, and to retain the kind of international confidence in Nigeria's future that is essential for the country's growth, Nigerians need and deserve the strongest possible international support for free, fair, and peaceful elections on April 14 and 21.

Successful elections are not guaranteed. Political violence and serious irregularities have tarnished past polling in parts of the country, denying some Nigerians their democratic rights. No one truly interested in Nigeria's long-term stability and prosperity can accept repeats of these incidents as regular features of the country's political landscape.

There is already cause for concern this time around. Regrettably, preparations for this month's elections have been sluggish, and the independence of the electoral commission has been compromised. Important national discussions about corruption and accountability have been temporarily hijacked by elaborate preelection maneuvering.

But the Nigerian people can still succeed in exercising their democratic rights and taking control of their national destiny. The rule of law, not the wishes of the powerful, can resolve outstanding questions about the electoral process. American interests in working with a strong and democratic Nigerian partner will remain powerful regardless of who is victorious when the returns come in, which is precisely why we should use our voice now, not to favor any party or candidate, but to support Nigeria's democracy.

FIFTY CALIBER SNIPER RIFLES

Mr. LEVIN. Mr. President, militaries around the world use .50 caliber sniper rifles which are noted for their powerful and destructive capabilities. In the hands of a terrorist, these weapons could inflict devastating results. The fact that terrorists can legally obtain weapons in the United States with such destructive capabilities puts us all at great risk.

In 1985, a previously classified National War College strategic study report, written by a former Deputy Assistant Director of the U.S. Secret Service, warned of the growing threat from large caliber sniper rifles, specifically .50 caliber rifles. These "long range weapons pose a significant threat for U.S. National Command Authority figures if used by terrorists or other assailants," the Secret Service warned. "These weapons are more accurate than shoulder fired antitank rockets and, if used against aircraft, [are] immune to electronic counter measures."

Ten years later the RAND Corporation, a nonprofit global policy think tank, issued a report identifying .50 caliber sniper rifles as a serious threat to the security of U.S. Air Force bases. After noting the success of Barrett sniper rifles against light armored vehicles in the 1991 gulf war, the report noted, "Such weapons also give light forces a portable and quite deadly option against parked aircraft. These rifles are effective against man-sized targets up to 1,600 meters away and could hit aircraft sized targets at even greater ranges." It further states that, "it seems only a matter of time before these or similar weapons find their way into the arsenals of potential adversaries, if they have not already done so."

The August 2003 U.S. Army Intelligence training handbook, "A Military Guide to Terrorism in the Twenty-First Century," specifically identified large caliber sniper rifles as an attractive weapon for terrorists to use for an assassination. It noted that .50 caliber sniper rifles are of particular interest because they can engage attacks on "targets that are difficult to get close enough for other weapons," yet "can also effectively engage light armored vehicles."

A 2004 report on security at Los Angeles International Airport, LAX, specifically warned of snipers using .50 caliber rifles to fire at parked or taxiing aircraft among a list of potential terrorist attack tactics. The RAND Corporation compiled this list by considering information gathered by intelligence organizations based on the historical tendencies and capabilities of terrorist organizations. The analysis however was not able to identify "any truly satisfactory" security improvement options to protect against such sniper attacks.

In November 2004, the Homeland Security Center at the University of Southern California, funded by the U.S. Department of Homeland Security, identified .50 caliber sniper rifles as an imminent threat to civil aviation. A risk analysis prepared by the center stated that the range and power of .50 caliber sniper rifles enable them to "target fuel tanks, passengers, pilots, and down aircraft in the worst case." It also noted that al Qaida has acquired and used these rifles against coalition forces in Iraq.

These destructive weapons are currently subject to only minimal Federal regulation. Buyers need to only be 18 years old, rather than the 21 years of age which is required for handgun purchases. There is no minimum age requirement for the possession of a .50 caliber weapon and no regulation on second hand sales. Congress must do more to help keep military style firearms out of the hands of terrorists.

HONORING OF DREW BLEDSOE

Mr. KERRY. Mr. President, today I wish to honor former New England Patriots Quarterback Drew Bledsoe on his retirement, after 14 years in the National Football League, NFL.

Drew Bledsoe helped usher in the modern era of Patriots football. Throughout his career, Drew Bledsoe may have also played for the Buffalo Bills, an AFC East rival of the Patriots, and for the Dallas Cowboys, but he got his start in chilly Foxboro, MA.

Fourteen years ago, a young Bledsoe was the first overall selection in the NFL Draft for New England draft of Washington State. He brought the Patriots to their first Super Bowl in 11 years, and despite ultimately losing to Brett Favre and the Green Bay Packers, a newfound feeling of excitement and pride overtook New England's football fans. And that feeling hasn't subsided.

After Tom Brady went down in the AFC playoff in 2002, Bledsoe led the Patriots to victory over the Pittsburgh Steelers, ensuring the Pats a spot in Super Bowl XXXVI. And as you know, that was just the beginning of the New England football dynasty.

Bledsoe is a four-time Pro-Bowl quarterback, who throughout his career threw for more than 44,000 yards and completed more than 250 touchdown passes. He finished his career 7th all-time in yards passing, 13th in touchdowns, and 5th in completions.

His career off the field was just as impressive. Bledsoe has long worked to help improve the lives of children by teaching parenting skills through both the Drew Bledsoe Foundation and Parenting with Dignity. The programs' curriculum, which teaches the importance of family values, is used nationwide, reaching an estimated 1.75 million American families. He has also served as international chairman of the Children's Miracle Network, helping to raise millions of dollars to benefit children nationwide.

Bledsoe is the recipient of the Thurman Munson Humanitarian Award, the NFL Alumni Spirit Award for exemplifying the spirit of the NFL caring for kids and the Walter Payton Man of the Year Award, chosen by his teammates for demonstrating balance between civic and professional responsibilities. He also received the Ed Block Courage award, chosen by his teammates as the NFL player demonstrating the most courage and character.

Drew Bledsoe has conducted himself with both dignity and maturity throughout his 14 years in the NFL, and today I, along with Patriots fans across New England, congratulate him on a fantastic career and wish him success in the next chapter of his life.

ADDITIONAL STATEMENTS

TRIBUTE TO ELEANOR SANTEE

• Mr. CASEY. Mr. President, today, I would like to honor a woman of incomparable dedication and grace. After 26 years of loyal service to the Scranton School District, Mrs. Eleanor Santee retired from her position as a secretary at Robert Morris Elementary School on March 2, 2007.

Throughout Eleanor's years of service, the combination of her experience and work ethic allowed her to provide capable administrative support for the three principals of Robert Morris Elementary under whom she served. More importantly, Eleanor took the time and initiative to provide support, encouragement, and friendship to the thousands of students who passed through the school during tenure. Some people with Eleanor's years of experience might have become complacent, but Eleanor understood that in order to be successful a school must go beyond mere academic success; it must also provide a nurturing environment where pupils can develop the knowledge, skills, and attitudes necessary for success throughout life. Eleanor made an indelible mark on Robert Morris Elementary and all who passed through there. She can take pride in a job well done.

In retirement, I have no doubt that Eleanor will continue to be an active citizen of my hometown, Scranton, PA, where she resides with her husband Richard.

I congratulate Eleanor on her many years of service to Robert Morris Elementary School and wish her the best in health and happiness at the completion of an admirable career.•

APPRECIATION FOR TOM GARY, JR.

• Mr. COCHRAN. Mr. President, I am pleased to commend Tom Gary of Greenwood, MS, for his distinguished service during the past year as president of the Delta Council.

Delta Council is an economic development organization representing the business, professional, and agricultural leadership of the 18 delta and part-delta counties of Northwest Mississippi. Delta Council was organized in 1935 to help meet the challenges which confronted this region of our State.

A major concern of the Mississippi Delta was the impact of Mississippi River and tributary flooding. Flood protection and drainage have severely challenged the delta region throughout its history. This is an area of concern where Tom Gary has distinguished himself as a leader. Tom took the leadership of the Delta Council Flood Control Committee following a serious delta flood in 1991 and led the effort to accelerate construction and completion of all Yazoo Basin projects. The 1991 flood inundated more than 1.1 million acres in 15 delta towns; and it seriously damaged schools, roads, public facilities and cropland. After Gary's term as Flood Control Committee chairman, cities such as Greenville, the largest town in north Mississippi, received benefits that will provide 100-year flood protection.

Tom serves as vice president of Delta Wildlife, chairman of the Leflore County Farm Service Agency Committee, commissioner and treasurer of the Leflore County Soil and Water Conservation Commission, director of the Business and Industry Political Education Committee and as the Cotton Board director of Farmers Supply Cooperative. He was also appointed by the Secretary of Agriculture as a member of the Cotton Board.

Through his work with Delta Council, Tom has become a strong advocate and effective leader in advancing Delta Council's mission in adult literacy, the fight against critical teacher shortages in the primary and secondary school system, improved access to health care, and in transportation developments which are so vital to the delta region.

I congratulate Tom Gary and his wife Moxie for the contribution they have made to the delta through their service in Delta Council during the past year.•

TRIBUTE TO FRANCIS HARVEY

• Mr. LIEBERMAN. Mr. President, today I wish to speak about a recent change in the top leadership in our Army. Dr. Francis Harvey departed as Secretary of the Army at a ceremony at Fort Myer, VA. Farewell ceremonies are often held at Fort Myer for soldiers of all ranks as they pass the torch to those men and women who will take over the responsibility of defending our Nation. The ceremony at Fort Myer honors their contributions and symbolizes the continuity between the past and the future. Secretary of the Army Harvey's service as Secretary of the Army was during a particularly crucial time for the Army. The Nation is at war against a dangerous and determined enemy. That war is of long duration, and the Army has borne the brunt of the fighting. The nature of this war, and the demands it has made on the Army, has resulted in great challenges for the senior leadership of the Army. Secretary Harvey accepted those challenges and worked with skill, determination, and honor to overcome them and keep our Army strong and ready today and to prepare it for tomorrow. Many of us in Congress know of and appreciated Secretary Harvey's commitment to the Army. But the person who is best able to tell of his accomplishments and his contribution to the Army is his close partner, the Chief of Staff of the Army. I am pleased to commend to my colleagues GEN Peter Schoomaker's speech thanking Secretary Harvey for his service to the Army. I bid Secretary Harvey farewell, thank him for his service to our country, and wish him all the best in the next chapter of his life.

The material follows.

SPEECH BY GENERAL SCHOOMAKER

Secretary and Mrs. Harvey, Deputy Secretary England, Chairman of the Joint Chiefs, General Pace . . . Sergeant Major of the Army Preston, other distinguished guests and friends. Today Dr. Fran Harvey, our 19th Secretary of the Army, departs our ranks but not our hearts. I am grateful to have had the privilege and honor to serve by his side. When Secretary Harvey was sworn-in back in November 2004 I provided him a photo of a Soldier on bended knee in Iraq carrying an almost unbearable load.

I explained to Secretary Harvey that this picture should serve to remind him—that like all leaders across our Army—everything he does will impact our Soldiers on the ground. Our challenge, therefore, was to lighten the load our Soldiers bear (in other words, to "take things out of their rucksacks," as we like to say).

While he has kept it on his desk for two years let me tell you in no uncertain terms Secretary Harvey needed no such reminder. He was quick to state, and truly believed, that "Soldiers are and will always be our centerpiece. Their efforts are the reason the Army is one of the most respected organizations in America."

This conviction was evident in everything I saw him do as our Secretary. Everything was based on his passionate concern for the Army, its Soldiers, their families, and our Army Civilians.

This concern is reflected in the other picture on his desk, one of two ladies, the mothers of two fallen Soldiers. That picture serves as a reminder of the sacrifices our Soldiers and their families are making. His dedication was reflected in his personal and professional commitment to "provide a quality of life for our Soldiers that matched the quality of service they provide to the Nation."

And he has worked tirelessly to do just that. Because of his vision, his dedication, and his unfailing commitment he departs our ranks today knowing with absolute certainty that our Soldiers and their families as well as the Army Civilians who support them have benefited greatly from his service. I have no doubt that our Army is far better today than we were just two years ago

Our progress in many cases is the direct result of his determination to stand-up to those who challenged the basis of our requirements to properly support our Soldiers.

He also inspired us to think differently and far more strategically about how we "do business." Without doubt these qualities are a testament to the unique brand of values-based, principle-centered leadership he demonstrated with absolute conviction in his service as Secretary of the Army.

In short his impact on our Army has been profound. He has moved us significantly forward in our collective and continuing efforts to meet the needs of the Nation that we serve.

My remarks will be brief because you came to hear Secretary Harvey, not me. We've convened today to honor him and his family and bear witness to the sacrifice of our Soldiers and the contributions our Army is making worldwide in defense of the Nation.

We often overlook the fact that to perform his duties as our Secretary . . . he has endured his own experience in "family separation" by being apart from Mary his gracious wife of over forty years for more than twenty-eight months. While we could spend the remainder of today highlighting Secretary Harvey's achievements neither he nor you would be very appreciative of "the mother of all laundry lists." So I will briefly highlight three broad but interrelated touchstones: People, Resources, and Teamwork.

Dr. Harvey's commitment to people has enabled us to sustain the overall health and viability of our All-Volunteer force—which is now being tested for the first time in a protracted conflict. His actions have enabled us to achieve unprecedented levels of both recruitment and retention. "People are the Army" and we recruit more of them each year than all of the other Services combined. In Fiscal Year 2006 the Active component had its best year in nine years recruiting over 80,000 men and women. The National Guard had its best year in thirteen years recruiting over 69,000 people; finally, the Reserves achieved over a 25 percent increase from the previous year bringing in 25,000 new people.

His accomplishments on behalf of the great people in our organization have been a logical continuation of his voluntary service to the Army as a key member of the Army Science Board while a private citizen over many years.

They include: Improvements which enabled us to meet our goals for recruiting and retaining our All Volunteer force; decisions and support to provide for better access and better management of our vital National Guard and Army Reserve units not as individuals but instead as whole cohesive units fully prepared and ready to perform their duties amidst new challenges; and decisions and support to grow our force—in a extraordinary way—to better meet our needs and to alleviate, over time, current levels of stress on our Soldiers and their families.

We now have dramatic enhancements to "push the envelope" increasing our ability to protect the force. These include considerable improvements affecting all elements of the Department to improve leadership, training, education, and career opportunities for our civilians and our civilian executives and equally impressive improvements in finding ways—to change our culture—to drive out waste and improve both efficiency and effectiveness. In this regard he thought and acted unequivocally like a Soldier.

He was driven by a single unifying purpose: to free human and financial resources for more compelling wartime and operational needs. Properly focusing activity and obtaining resources to enable that activity are core tasks for senior leaders. No one that I have served with in public or private life does it better than Dr. Fran Harvey. Our budgeted dollars for Fiscal 2008, due to his personal efforts, are the highest in our history—which exemplify his leadership in this regard. Working in full collaboration with me and all of "the right people" he quickly established a strategic framework that reflected our most urgent challenges and ongoing initiatives. He then set out in a determined yet pragmatic fashion to obtain the resources required to support our Army to ensure it was fully prepared to serve at the forefront of the war on terror and to execute the full range of its other worldwide missions.

Creating relevant, ready forces is the surest measure of effective Army leadership. Since 2004 sixty-four (64) Brigade Combat Teams have been converted or are in the process of being converted; 148 multifunctional and functional support Brigades have been converted, or are in the process of being converted, to the modular design force.

I won't dwell on numbers. While important they do little to tell this story. I will highlight instead the personal courage and integrity he demonstrated in challenging the bureaucracy, changing perceptions, and setting us on a path to get our resources and our requirements in balance. His leadership proved to be decisive in this regard. Not only did he establish a methodology (demonstrating why he has been so successful in "Corporate America") to explain why our costs have increased in recent years, he also promoted understanding and acceptance at the highest levels of our Government for our most compelling needs. We will rely upon Fran Harvey's example "to do what is right" for many years to come.

He also inspired all of us in the Army to achieve more—in what we do personally . . . and in what we expect to be delivered by others. In this regard . . . two of his deep seated beliefs will remain embedded in the culture which shapes and characterizes our Army: "In the bottom line it's all about 'cost, schedule, and performance' plain and simple and what gets measured gets done."

His efforts have dramatically improved the quality and openness of our working relationships within the Department of Defense and with the many stakeholders upon whom we depend for resources and support. In a word, he is a genuine "team player" who has engendered unprecedented levels of teamwork which will benefit our Soldiers. Our personal working relationship is the result of our mutual decision to operate from the same playbook. And that playbook was based on a couple of key fundamentals. We agreed that the door between our offices would always remain open and that our relationship would be based upon one core belief—that Soldiers would remain the center of all that we do.

Over the past two years we've crossed that threshold that used to be blocked many times a day. Opening the door between our offices not only opened lines of communication, it also enabled progress in three other very important ways: First, as an outgrowth of the extremely close partnership between Secretary Harvey and me we set the tone for a strong civil-military team at the top of the Department. Second, we were unified in our commitment to a single Vision—the Army Vision—that centers, as it must, on the great Soldiers who fill our ranks and the dedicated Army Civilians who support them to generate and sustain our All-Volunteer force. Third, teamwork and a shared vision for the future enabled our entire team to better articulate and defend the Army's most compelling needs.

I'm convinced that these positive developments played a vital role in dramatically changing our current and projected resource posture and ultimately to better provide for our Soldiers and to better accomplish what the Nation demands from its Army. So as we farewell our 19th Secretary I say so long to a visionary, a "true leader" and a teammate with whom I have been enormously proud to serve. He has led the Army to unprecedented levels of civil-military cooperation, fostered open communication, and mutual respect (even in times of disagreement) all in the interest of Soldiers, families, and the Army mission—to conduct prompt, sustained combat and stability operations on land. I have mentioned just a few of the seminal achievements that will endure and continue to bear fruit long after Dr. Harvey departs our ranks today. Selfless leadership is that rare and wonderful commodity of which every nation possesses too little. Its presence is unmistakable, its impact enduring.

We are fortunate to have the continuity of vision and direction that Acting Secretary Geren now represents. Sir, we welcome your leadership and your experience as a Member of Congress and within the office of the Secretary of Defense. We know that you'll lead and care for our Soldiers and families and that you're going to keep us on course.

Secretary Harvey, Sir, thank you for your service for your friendship and for living the Army Values and for honoring our Warrior Ethos. Because of your leadership we're "Army Strong" and as our song says we'll "keep rolling along." Together we wish you, Mary, Francis, John and the rest of your family Godspeed.

Army Strong!●

MESSAGE FROM THE HOUSE

ENROLLED BILL SIGNED

The following enrolled bill, previously signed by the Speaker of the House, was signed today, April 12, 2007, by the President pro tempore (Mr. BYRD).

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive programs.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on April 12, 2007, she had presented to the President of the United States the following enrolled bill:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive programs.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1434. A communication from the Administrator, Livestock and Seed Program, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Soybean Promotion and Research: Qualified State Soybean Boards; Correcting Amendment" received April 4, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1435. A communication from the Secretary of Defense, transmitting, pursuant to law, the report of the release of General Peter J. Shoomaker, United States Army, from active duty and his return to the Retired List as of April 10, 2007; to the Committee on Armed Services.

EC–1436. A communication from the General Counsel, Department of Defense, transmitting, the report of several legislative proposals relative to the National Defense Authorization Bill for fiscal year 2008; to the Committee on Armed Services.

EC–1437. A communication from the Under Secretary of Defense (Policy), transmitting, pursuant to law, a report relative to activities and assistance provided under Cooperative Threat Reduction Programs; to the Committee on Armed Services.

EC–1438. A communication from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting, pursuant to law, a report relative to the Department's compliance with certain requirements of the USA PATRIOT Act; to the Committee on Banking, Housing, and Urban Affairs.

EC–1439. A communication from the Assistant Secretary for Export Administration, Bureau of Industry and Security, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled "Chemical Weapons Convention Regulations: UDOC 'Change in Inspection Status Form;' Amendments to Records Review and Recordkeeping

Requirements; Additions to the List of States Parties to the Chemical Weapons Convention" (RIN0694–AD53) received on April 4, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1440. A communication from the Regulations Coordinator, Centers for Medicare and Medicaid Service, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Medicare Program; Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics, Orthotics, and Supplies and other Issues" (RIN0938–AN14) received on April 6, 2007; to the Committee on Finance.

EC–1441. A communication from the Offices of the Inspector General of the Departments of Commerce, Defense, Energy, State, Homeland Security, and the Central Intelligence Agency, transmitting, pursuant to law, a report relative to controls over exports to China; to the Committee on Foreign Relations.

EC–1442. A communication from the Department of State, transmitting, pursuant to law, copies of the certification and the related justifications pertaining to the course of action described in Section 1203(d) of the Cooperative Threat Reduction Act of 1993 (Title XII, P.L. 103–160), as amended, and Section 502 of the FREEDOM Support Act (Title V, P.L. 102–511); to the Committee on Foreign Relations.

EC–1443. A communication from the Department of State, transmitting, pursuant to law, an annual report relative to the defense articles and defense services that were licensed for export under Section 38 of the Arms Export Control Act during fiscal year 2006; to the Committee on Foreign Relations.

EC–1444. A communication from the Department of State, transmitting, pursuant to law, a report relative to the Deputy Secretary's determination that waiving the restrictions contained in the Cooperative Threat Reduction Act of 1993 and the FREEDOM Support Act during fiscal year 2006 with respect to the Russian Federation is important to the national security interests of the United States; to the Committee on Foreign Relations.

EC–1445. A communication from the Deputy Secretary of State, transmitting, pursuant to law, a report relative to the implementation status of the debt reduction authority to support projects in the Russian Federation promoting nonproliferation of weapons of mass destruction and the means of delivering such weapons; to the Committee on Foreign Relations.

EC–1446. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $100,000,000 or more to Japan; to the Committee on Foreign Relations.

EC–1447. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles or defense services sold commercially under a contract in the amount of $50,000,000 or more to Vietnam; to the Committee on Foreign Relations.

EC–1448. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to Russia, Ukraine and Norway; to the Committee on Foreign Relations.

EC–1449. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the certification of a proposed license for the export of defense articles and defense services in the amount of $50,000,000 or more to Kazakhstan; to the Committee on Foreign Relations.

EC–1450. A communication from the President and CEO, U.S. African Development Foundation, transmitting, proposed legislation intended to amend the African Development Foundation Act; to the Committee on Foreign Relations.

EC–1451. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to a proposed change to the determination of quartz rate sensors on the United States Munitions List; to the Committee on Foreign Relations.

EC–1452. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the report of a rule entitled "Amendment of the International Traffic in Arms Regulations: United States Munitions" (Billing Code 4710–25) received on March 30, 2007; to the Committee on Foreign Relations.

EC–1453. A communication from the White House Liaison, Department of Health and Human Services, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of Surgeon General, received on April 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1454. A communication from the Chair, Barry M. Goldwater Scholarship and Excellence in Education Foundation, transmitting, pursuant to law, the Annual Report of the Foundation's activities for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–1455. A communication from the White House Liaison, Office of Planning, Evaluation and Policy Development, Department of Education, transmitting, pursuant to law, the report of the discontinuation of service in an acting role for the position of First Assistant, received on April 4, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1456. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Advisory Committee: Change of Name and Function" (21 CFR Part 14) received on April 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1457. A communication from the Director, Regulations and Policy Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Food Substances Affirmed as Generally Recognized as Safe in Feed and Drinking Water of Animals: 25-Hydroxyvitamin D3" (Docket No. 1995G–0321) received on April 10, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1458. A communication from the Director, Office of Standards, Regulations, and Variances, Department of Labor, transmitting, pursuant to law, the report of a rule entitled "Criteria and Procedures for Proposed Assessment of Civil Penalties" (RIN1219–AB51) received on April 3, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1459. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1460. A communication from the Director, Office of Government Ethics, transmitting, pursuant to law, the report of a rule entitled "Removal of Obsolete Regulations Concerning the Inoperative Provisions Regarding Charitable Payments in Lieu of Honoraria and Conforming Technical Amendments" ((RIN3209–AA00)(RIN3209–AA04)(RIN3209–AA13)) received on April 11, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1461. A communication from the Deputy Director of Communications and Legislative Affairs, U.S. Equal Employment Opportunity Commission, transmitting, pursuant to law, the Agency's Performance and Accountability Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1462. A communication from the Director, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, a report relative to the cost of response and recovery efforts in the State of South Carolina; to the Committee on Homeland Security and Governmental Affairs.

EC–1463. A communication from the Chemical Security Compliance Division, Office of Infrastructure Protection, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Chemical Facility Anti–Terrorism Standards" (RIN1601–AA41) received on April 6, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1464. A communication from the Chairman, U.S. Merit Systems Protection Board, transmitting, pursuant to law, a report entitled "Accomplishing Our Mission: Results of the Merit Principles Survey 2005"; to the Committee on Homeland Security and Governmental Affairs.

EC–1465. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Annual Report on the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002: Fiscal Year 2006 (March 2007)"; to the Committee on Homeland Security and Governmental Affairs.

EC–1466. A communication from the Acting Executive Director, Office of Compliance, transmitting, pursuant to law, the Office's Annual Report for calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1467. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Vocational Rehabilitation and Employment Program—Initial Evaluations" (RIN2900–AM25) received on April 10, 2007; to the Committee on Veterans' Affairs.

EC–1468. A communication from the Director of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans and Dependents Education: Topping-Up Tuition Assistance; Licensing and Certification Tests; Duty to Assist Education Claimants" (RIN2900–AK80) received on April 10, 2007; to the Committee on Veterans' Affairs.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BIDEN, from the Committee on Foreign Relations, without amendment:

S. 193. A bill to increase cooperation on energy issues between the United States Government and foreign governments and entities in order to secure the strategic and economic interests of the United States, and for other purposes (Rept. No. 110–54).

H.R. 1003. A bill to amend the Foreign Affairs Reform and Restructuring Act of 1998 to reauthorize the United States Advisory Commission on Public Diplomacy (Rept. No. 110–55).

By Mr. LEAHY, from the Committee on the Judiciary, without amendment and with a preamble:

S. Res. 112. A resolution designating April 6, 2007, as "National Missing Persons Day."

EXECUTIVE REPORT OF COMMITTEE

The following executive report of a nomination was submitted:

By Mr. LEAHY for the Committee on the Judiciary.

Halil Suleyman Ozerden, of Mississippi, to be United States District Judge for the Southern District of Mississippi.

(Nominations without an asterick were reported with the recommendation that they be confirmed.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. DORGAN (for himself, Mr. Hagel, Mr. Johnson, Mr. Brownback, Mr. Durbin, Mr. Conrad, Mr. Salazar, Mr. Rockefeller, Mr. Coleman, Ms. Landrieu, Mrs. Lincoln, Mr. Harkin, and Mr. Pryor):

S. 1093. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

By Ms. STABENOW (for herself and Mr. Casey):

S. 1094. A bill to reauthorize and provide additional funding for essential agricultural research, extension, education, and related programs, to establish the National Institutes for Food and Agriculture as an independent agency reporting to and coordinating with the Secretary of Agriculture, and for other purposes; to the Committee on Agriculture, Nutrition, and Forestry.

By Mr. SCHUMER:

S. 1095. A bill to require airports to screen all individuals with access to the secure areas of an airport upon arrival; to the Committee on Commerce, Science, and Transportation.

By Mr. CORNYN (for himself, Mr. Craig, Mr. Akaka, and Mrs. Hutchison):

S. 1096. A bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes; to the Committee on Veterans' Affairs.

By Mrs. CLINTON (for herself and Ms. Collins):

S. 1097. A bill to amend title 10, United States Code, to provide for the award of a military service medal to members of the Armed Forces who served honorably during the Cold War era; to the Committee on Armed Services.

By Mr. DOMENICI (for himself, Mr. Kennedy, Mr. Bingaman, Mr. Harkin, Mr. Leahy, and Mr. Sanders):

S. 1098. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

By Ms. COLLINS (for herself and Mr. Harkin):

S. 1099. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

By Mr. HAGEL (for himself, Mr. Sununu, Mrs. Dole, and Mr. Martinez):

S. 1100. A bill to address the regulation of secondary mortgage market enterprises, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mrs. LINCOLN (for herself and Mr. Smith):

S. 1101. A bill to amend the Energy Policy and Conservation Act to improve energy standards for home appliances, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BINGAMAN (for himself, Mr. Smith, Mr. Kohl, Ms. Snowe, Mrs. Lincoln, and Mr. Kerry):

S. 1102. A bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. Smith, and Mr. Kerry):

S. 1103. A bill to amend title XVIII of the Social Security Act to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out-of-pocket threshold under part D of the Medicare program; to the Committee on Finance.

By Mr. LUGAR (for himself, Mr. Kennedy, Mr. Bond, Mr. Leahy, Mr. Coleman, Mr. Lieberman, Mr. Isakson, Mr. Smith, Mr. Levin, Mr. Sununu, Mr. Cornyn, and Mr. Dodd):

S. 1104. A bill to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants; considered and passed.

By Mr. KENNEDY (for himself, Mr. Smith, Mr. Leahy, Mr. Specter, Ms. Mikulski, Ms. Collins, Mr. Menendez, Ms. Snowe, Mr. Brown, Mr. Kerry, Mr. Durbin, Mr. Lautenberg, Mr. Dodd, Mr. Nelson of Nebraska, Mrs. Feinstein, Mr. Levin, Mr. Harkin, Mr. Whitehouse, Ms. Stabenow, Mr. Biden, Mrs. Murray, Mr. Bayh, Ms. Cantwell, Mr. Cardin, Mr. Lieberman, Mr. Reed, Mr. Schumer, Mr. Obama, Mrs. Boxer, Ms. Klobuchar, Mr. Akaka, Mr. Bingaman, Mrs. Clinton, Ms. Landrieu, Mr. Rockefeller, Mrs. Lincoln, Mr. Casey, Mrs. McCaskill, Mr. Inouye, Mr. Nelson of Florida, Mr. Salazar, and Mr. Johnson):

S. 1105. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

By Mr. THUNE:

S. 1106. A bill to extend the additional duty on ethanol, to require an investigation into certain ethanol imports, and for other purposes; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Bingaman, Mr. Nelson of Florida, Mrs. Clinton, Ms. Collins, Mrs. Lincoln, Mrs. Boxer, and Mr. Kerry):

S. 1107. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. Bingaman, Ms. Snowe, Mrs. Lincoln, and Mr. Kerry):

S. 1108. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. ALEXANDER (for himself, Mr. Byrd, Mr. Coleman, Mr. Kennedy, Mr. Allard, Mrs. Feinstein, Mr. Corker, and Mrs. Boxer):

S. Res. 146. A resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States; to the Committee on the Judiciary.

By Mr. ALEXANDER (for himself and Mr. Corker):

S. Res. 147. A resolution congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship; considered and agreed to.

By Mr. NELSON of Florida (for himself and Mr. Martinez):

S. Res. 148. A resolution commending The University of Florida men's basketball team for winning the 2007 National Collegiate Athletic Association (NCAA) Division I Basketball Championship; considered and agreed to.

By Mrs. CLINTON (for herself and Mr. Hagel):

S. Con. Res. 26. A concurrent resolution recognizing the 75th anniversary of the Military Order of the Purple Heart and commending recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; to the Committee on Armed Services.

By Mrs. CLINTON (for herself and Mr. Hagel):

S. Con. Res. 27. A concurrent resolution supporting the goals and ideals of "National Purple Heart Recognition Day"; to the Committee on Armed Services.

ADDITIONAL COSPONSORS

S. 21

At the request of Mr. REID, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 21, a bill to expand access to preventive health care services that help reduce unintended pregnancy, reduce abortions, and improve access to women's health care.

S. 206

At the request of Mrs. FEINSTEIN, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 206, a bill to amend title II of the Social Security Act to repeal the Government pension offset and windfall elimination provisions.

S. 236

At the request of Mr. LEAHY, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Rhode Island (Mr. WHITEHOUSE) were added as cosponsors of S. 236, a bill to require reports to Congress on Federal agency use of data mining.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 380

At the request of Mr. WYDEN, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 380, a bill to reauthorize the Secure Rural Schools and Community Self-Determination Act of 2000, and for other purposes.

S. 404

At the request of Mr. THOMAS, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 404, a bill to amend the Agricultural Marketing Act of 1946 to require the implementation of country of origin labeling requirements by September 30, 2007.

S. 430

At the request of Mr. BOND, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 430, a bill to amend title 10, United States Code, to enhance the national defense through empowerment of the Chief of the National Guard Bureau and the enhancement of the functions of the National Guard Bureau, and for other purposes.

At the request of Mr. LEAHY, the names of the Senator from New Mexico (Mr. BINGAMAN) and the Senator from Wisconsin (Mr. FEINGOLD) were added as cosponsors of S. 430, supra.

S. 439

At the request of Mr. REID, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 439, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation.

S. 450

At the request of Mr. ENSIGN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 450, a bill to amend title XVIII of the Social Security Act to repeal the medicare outpatient rehabilitation therapy caps.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 498

At the request of Mr. FEINGOLD, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 498, a bill to amend title XVIII of the Social Security Act to improve the Medicare program for beneficiaries residing in rural areas.

S. 527

At the request of Mr. FEINGOLD, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 527, a bill to make amendments to the Iran, North Korea, and Syria Nonproliferation Act.

S. 572

At the request of Mr. KENNEDY, the name of the Senator from Illinois (Mr. OBAMA) was added as a cosponsor of S. 572, a bill to ensure that Federal student loans are delivered as efficiently as possible in order to provide more grant aid to students.

S. 579

At the request of Mr. REID, the names of the Senator from Maryland (Mr. CARDIN) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 590

At the request of Mr. SMITH, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 590, a bill to amend the Internal Revenue Code of 1986 to extend the investment tax credit with respect to solar energy property and qualified fuel cell property, and for other purposes.

S. 609

At the request of Mr. ROCKEFELLER, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 609, a bill to amend section 254 of the Communications Act of 1934 to provide that funds received as universal service contributions and the universal service support programs established pursuant to that section are not subject to certain provisions of title 31, United States Code, commonly known as the Antideficiency Act.

S. 671

At the request of Mr. AKAKA, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 671, a bill to exempt children of certain Filipino World War II veterans from the numerical limitations on immigrant visas.

S. 735

At the request of Mr. KENNEDY, the names of the Senator from Vermont (Mr. LEAHY), the Senator from Texas (Mr. CORNYN) and the Senator from Iowa (Mr. GRASSLEY) were added as cosponsors of S. 735, a bill to amend title 18, United States Code, to improve the terrorist hoax statute.

S. 746

At the request of Mr. ALLARD, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 746, a bill to establish a competitive grant program to build capacity in veterinary medical education and expand the workforce of veterinarians engaged in public health practice and biomedical research.

S. 771

At the request of Mr. HARKIN, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 771, a bill to amend the Child Nutrition Act of 1966 to improve the nutrition and health of schoolchildren by updating the definition of "food of minimal nutritional value" to conform to current nutrition science and to protect the Federal investment in the national school lunch and breakfast programs.

S. 774

At the request of Mr. DURBIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. 774, a bill to amend the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 to permit States to determine State residency for higher education purposes and to authorize the cancellation of removal and adjustment of status of certain alien students who are long-term United States residents and who entered the United States as children, and for other purposes.

S. 793

At the request of Mr. HATCH, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. 793, a bill to provide for the expansion and improvement of traumatic brain injury programs.

S. 799

At the request of Mr. HARKIN, the names of the Senator from Illinois (Mr.

DURBIN) and the Senator from Pennsylvania (Mr. CASEY) were added as cosponsors of S. 799, a bill to amend title XIX of the Social Security Act to provide individuals with disabilities and older Americans with equal access to community-based attendant services and supports, and for other purposes.

S. 851

At the request of Mr. SCHUMER, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 851, a bill to amend the Internal Revenue Code of 1986 to provide a higher education opportunity credit in place of existing education tax incentives.

S. 883

At the request of Mrs. FEINSTEIN, the name of the Senator from Georgia (Mr. ISAKSON) was added as a cosponsor of S. 883, a bill to amend the Higher Education Act of 1965 to extend loan forgiveness for certain loans to Head Start teachers.

S. 923

At the request of Mr. KERRY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 923, a bill to amend the National Trails System Act to designate the New England National Scenic Trail, and for other purposes.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Iowa (Mr. HARKIN) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from California (Mrs. BOXER), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 970

At the request of Mr. SMITH, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 974

At the request of Ms. COLLINS, the name of the Senator from North Dakota (Mr. CONRAD) was added as a cosponsor of S. 974, a bill to amend title VII of the Tariff Act of 1930 to provide that the provisions relating to countervailing duties apply to nonmarket economy countries, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Missouri (Mr. BOND), the Senator from Pennsylvania (Mr. CASEY) and the Senator from Texas (Mr. CORNYN) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1013

At the request of Mr. HARKIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1013, a bill to amend title XIX of the Social Security Act to encourage States to provide pregnant women enrolled in the Medicaid program with access to comprehensive tobacco cessation services.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1062

At the request of Mr. DURBIN, the name of the Senator from North Carolina (Mrs. DOLE) was added as a cosponsor of S. 1062, a bill to establish a congressional commemorative medal for organ donors and their families.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1088

At the request of Ms. STABENOW, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 1088, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. RES. 82

At the request of Mr. HAGEL, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Res. 82, a resolution designating August 16, 2007 as "National Airborne Day".

S. RES. 92

At the request of Mrs. CLINTON, the names of the Senator from Louisiana (Mr. VITTER) and the Senator from Connecticut (Mr. DODD) were added as cosponsors of S. Res. 92, a resolution calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

At the request of Ms. COLLINS, her name was added as a cosponsor of S. Res. 92, supra.

S. RES. 122

At the request of Mr. HAGEL, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. Res. 122, a resolution commemorating the 25th anniversary of the construction and dedication of the Vietnam Veterans Memorial.

S. RES. 130

At the request of Mr. THOMAS, the name of the Senator from Nevada (Mr. REID) was added as a cosponsor of S. Res. 130, a resolution designating July 28, 2007, as "National Day of the American Cowboy".

S. RES. 132

At the request of Mr. STEVENS, the names of the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. HAGEL) and the Senator from Virginia (Mr. WEBB) were added as cosponsors of S. Res. 132, a resolution recognizing the Civil Air Patrol for 65 years of service to the United States.

S. RES. 141

At the request of Mrs. CLINTON, the names of the Senator from New Jersey (Mr. MENENDEZ), the Senator from Wisconsin (Mr. FEINGOLD), the Senator from Florida (Mr. NELSON) and the Senator from Oregon (Mr. SMITH) were added as cosponsors of S. Res. 141, a resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. DORGAN (for himself, Mr. HAGEL, Mr. JOHNSON, Mr. BROWNBACK, Mr. DURBIN, Mr. CONRAD, Mr. SALAZAR, Mr. ROCKEFELLER, Mr. COLEMAN, Ms. LANDRIEU, Mrs. LINCOLN, Mr. HARKIN, and Mr. PRYOR):

S. 1093. A bill to reward the hard work and risk of individuals who choose to live in and help preserve America's small, rural towns, and for other purposes; to the Committee on Finance.

Mr. DORGAN. Mr. President, I am pleased to be joined by Senators HAGEL, JOHNSON, BROWNBACK and nine of our colleagues today in re-introducing the New Homestead Act of 2007. This legislation will help address a serious threat to the economic future of rural America—the loss of its residents and Main Street businesses.

I have previously described to my Senate colleagues the severe economic and social hardships that population out-migration has had on America's Heartland when businesses are shuttered up, schools and churches are consolidated or closed altogether. Hundreds of thousands of people have left small towns in rural areas throughout the Great Plains. If you are a business owner, mayor, school board member, minister or resident of one of these rural communities, you know firsthand about this problem. People who are from these areas know that you simply can't grow or run a business in an environment where the overall economy is shrinking, current and potential customers are leaving, and public and private investment is falling. Too many communities in North Dakota and other rural States lack the critical mass of people and resources it takes to keep a community alive and growing.

Rural counties in North Dakota and heartland States have experienced massive net out-migration in recent decades and this trend is continuing today. Forty-seven of North Dakota's fifty-three counties suffered net population losses between 2000 and 2005. My home county, Hettinger, saw its population dwindle from 4,257 in 1980 to just 2,715 in 2000. Its population is projected to drop to just 1,877 by 2020.

However, this out-migration problem isn't limited to North Dakota. Nearly all of America's Heartland is facing significant population losses. Over the past fifty years or so, nearly two-thirds of rural counties in the Great Plains lost at least one third of their population.

One of the major problems caused by chronic out-migration is the dwindling workforce of young people. A recent analysis and report prepared by Dr. Richard Rathge at the North Dakota State Data Center highlighted this concern. His report revealed that the steady out-migration of young adults over the last half century or so has significantly reduced the proportion of individuals age 20 to 34 in our rural counties. The report predicts that between 2000 and 2020, the prime working age population in North Dakota, those aged 35 to 54, will decline from 183,435 to 146,717, a loss of nearly 37,000 people. If this trend continues as predicted, there will be more elderly North Dakotans age 65 and older in the year 2020 than individuals who are in their prime working years. As the report concluded, this dwindling labor pool could have a devastating economic impact on rural communities that are already struggling from a loss of residents, businesses and investments needed to survive.

We believe the bipartisan New Homestead Act will help reverse the depopulation of our rural communities by giving people who are willing to commit to live and work in high out-migration areas for 5 years tax and other financial rewards to help them to buy a home, pay for college, build a nest egg, and start a business. These incentives include repaying up to $10,000 of a college loan, offering a $5,000 tax credit for the purchase of a new home, protecting home values by allowing losses in home value to be deducted from Federal income taxes, and establishing Individual Homestead Accounts that will help people build savings and have access to credit.

It also provides tax incentives to encourage businesses to move to or expand their operations in high out-migration rural counties, including tax credits for investments in rural buildings and to offset the cost of equipment purchases and operating expenses of small businesses with five or fewer employees. Very little, if any, private venture capital is invested in out-migration rural counties, so the New Homestead Act also establishes a new $3 billion venture capital fund with state and local governments as partners to ensure that entrepreneurs and companies in these areas get the capital they need to start and grow their businesses.

The United States Senate has previously passed parts of the New Homestead Act, but those and other provisions in the bill have not yet been signed into law. But there is good reason to think we will make significant progress on the New Homestead Act in the 110th Congress.

In March, the Senate passed S. Con. Res. 21, to establish a budget plan for fiscal year 2008. This resolution allows for Senate action on the kinds of policies provided in the New Homestead Act. Specifically, Section 306 of the budget authorizes the Budget Committee Chairman to revise the levels in the resolution by $15 billion for revenue-neutral legislation that would, among other things, provide rural development investment incentives for counties impacted by high rates of out-migration.

The Senate's action on the budget signals that Federal policy makers in the U.S. Senate do understand that rural out-migration is a serious threat to the economic well-being of the Nation's Heartland. My colleagues and I will work closely with the leaders of the Budget Committee and the tax-writing Senate Finance Committee to secure passage of New Homestead Act provisions in the coming year.

I urge my colleagues to support the New Homestead Act in the 110th Congress by cosponsoring it and helping us move this important bill forward in the legislative process.

By Mr. CORNYN (for himself, Mr. CRAIG, Mr. AKAKA, and Mrs. HUTCHISON):

S. 1096. A bill to amend title 38, United States Code, to provide certain housing benefits to disabled members of the Armed Forces, to expand certain benefits for disabled veterans with severe burns, and for other purposes; to the Committee on Veterans' Affairs.

Mr. CORNYN. Mr. President, for the past several months, our Nation has focused on the tragic stories of the shameful conditions our wounded soldiers have faced as outpatients in Building 18 at Walter Reed Army Medical Center, and the stories of the difficulty they faced as they tried to navigate the military and veterans health care and benefits systems following their return from Afghanistan and Iraq.

This morning, the chairman of the Senate Armed Services Committee and the ranking member—the committee on which I serve—as well as the Veterans' Affairs Committee had further hearings and detailed the work we have to do to bring down another wall, and that is the wall that separates our wounded warriors from the benefits they have earned by their noble service.

Today I introduce the Veterans Housing Benefits Enhancement Act of 2007 that will provide immediate and tangible assistance to our wounded servicemembers and their families by strengthening our current law.

This legislation provides explicit VA housing and automobile grant eligibility to servicemembers and veterans with burn injuries, enhanced eligibility for grant assistance during the Department of Defense-to-Veterans' Administration transition, and requires the Secretary of the Veterans' Administration to report on possible improvements to the current law that would cover others with special disabilities, such as those with traumatic brain injuries.

I am pleased to say the chairman of the Senate Veterans' Affairs Committee, Senator DANNY AKAKA, and the ranking member, Senator LARRY CRAIG of Idaho, have joined me as original cosponsors of this legislation, as well as my senior Senator from Texas, Mrs. HUTCHISON.

I grew up in a military family. My dad served for 31 years in the Air Force. I saw firsthand the importance of treating our veterans in a fair and equitable manner. The sacrifices our men and women in uniform make every day must not be forgotten when they take that uniform off or when they leave their active-duty military service. No veteran should ever be left behind. The fundamental agreement—I would say even sacred covenant—between our men and women in uniform and our Government does not end when a servicemember is wounded or separates from the active-duty military service and becomes a veteran.

Let there be no question about it, the conditions of these outpatient housing facilities at Walter Reed were absolutely unacceptable. But perhaps the story of that unacceptable condition has led us to finding a way to serve our wounded warriors and their families better. The U.S. military and the Department of Veterans Affairs must conduct a top-to-bottom investigation of our entire military health system and take immediate steps to address any and all problems that might exist.

It is sobering to know—as Senator CRAIG quoted during this morning's hearings in the Senate Armed Services Committee and Veterans' Affairs Committee—that the conclusions reached by GEN Omar Bradley some five decades ago were not fundamentally different from those that are tentative conclusions today about how we can improve that transition, and still we know problems exist.

The President's Commission on Care for America's Returning Wounded Veterans, led by Senator Bob Dole and Secretary Donna Shalala, is an important component of this ongoing effort, which will not be a task for the shortwinded. We have an obligation and a duty to ensure that the men and women who are serving and who have served in our military are receiving the very best treatment and benefits for themselves and their families. We cannot and we should not tolerate anything less. We have to do whatever it takes, including providing both the necessary resources and cutting the bureaucratic redtape, to best meet the medical and other needs of those who have so nobly defended our Nation's freedom.

In my State of Texas, my home of San Antonio, Brooke Army Medical Center stands at the forefront of modern army medicine, second to none in the world. Without a doubt—and this is a personal judgment, and I know my colleagues will indulge me—it is Brooke Army Medical Center that is the crown jewel of modern military medicine. I have seen firsthand the magnificent job our men and women are doing at Brooke Army Medical Center to care for our servicemembers, and they deserve all the credit and our firm support.

When I made my most recent visit to Brooke Army Medical Center, on March 10, I had the chance to not only visit soldiers and their families but I chaired a roundtable of hospital administrators, veterans service organizations, and veterans themselves because I wanted to learn from them what we needed to do here in Washington, DC to craft the laws and policies of this Nation to serve them better. I appreciate the strong opinions and advice expressed by these people who participated in the roundtable, and others who have been a source of information and feedback to me as I try to do what I can in my capacity as their elected representative to accomplish these goals. The care and support our Nation provides to these wounded warriors is a direct reflection of the level of respect we have for both our military, our military families, and our veterans, and will, in many ways, shape the armed services, the all-volunteer services, for many years to come. They depend not only on recruitment but retention.

In conjunction with my most recent visit to Brooke Army Medical Center, I heard from many soldiers, families, and veterans about their individual experiences, as I know the current occupant of the chair has when he has traveled back to Colorado, and as all of us have when we go back to learn more from our constituents about how we can improve our response. I learned in particular of challenges that burn victims and their families have faced because they have not received enough special care and assistance for that particular type of injury in the area of VA housing grants and automobile enhancements.

In particular, I want to recognize two women, heroes in my eyes, and I am sure in the eyes of their families, people such as Christy Patton, whose husband, U.S. Army SSG Everett Patton, is undergoing treatment at Brooke Army Medical Center. He was wounded and badly burned by an IED, an improvised explosive device, in Iraq while with the 172nd Stryker Brigade from Alaska. The Pattons have five children.

Then there is Rosie Babin, whose son Alan, a corporal, a medic, was shot while serving in the 82nd Airborne combat team in 2003, now medically retired and living at home with his parents outside Austin, TX. These two women—Christy Patton, who sought me out and explained to me the difficult challenges that her husband and her family of five children are having transitioning and dealing with these wounds and transitioning from the military medical care into retirement and the veterans system; as well as Rosie Babin, on behalf of her son Alan—are the most fervent and effective advocates anyone could ever want to have on your side. They have helped me a great deal as I have tried to craft legislation which I have introduced today to help not only them, because I know they didn't come to me advocating just for a solution for their husband or their son, they came to me because they thought we could craft a solution for wounded warriors and their families yet to come. These families, though, are facing unique challenges as they deal with the injuries of their loved ones, and we have a responsibility to ensure they do not go it alone and that they get all the resources and assistance our country can offer them so they can recover to the maximum degree possible.

The intent of the legislation which I have introduced today, along with my cosponsors, is pretty straightforward. Let me describe briefly what it does.

It would strengthen the present code to provide for the specific needs of burn victims for housing and automobile grants. It would ensure that wounded servicemembers and veterans with other specific needs, such as traumatic brain injuries, are also covered by these kinds of grants, if required. It would further strengthen the Department of Defense-to-Veterans' Administration transition.

As the occupant of the chair knows, that has been one of the real problems we have identified early on, is transitioning people from active-duty military service into the Veterans' Administration, with the duplicate bureaucracies and redtape and the different standards for disability determination and the like. But this bill, in particular, would strengthen the Department of Defense-to-Veterans Administration transition by providing partial housing grants for those veterans residing with a family member to cover servicemembers still on active duty awaiting their final VA disability rating.

I have to say a word here about the family members. When I have been to Walter Reed and when I have been to Brooke Army Medical Center in San Antonio, I have seen young spouses, mostly women, who are attending to their injured warrior husbands, or in the case of Rosie Babin, a mother, a loving mother attending to the needs of her son, who was also injured in 2003. It was brought home to me on a very human level what these wounds mean not just to those who receive them but to the family members, who basically sacrifice everything in order to attend to and care for their loved ones. So we ought to do everything we can for our warriors, such as Alan Babin, who are living in their parents' home, to make sure these housing grants will cover servicemembers still on active duty who are awaiting their Veterans' Administration disability rating.

This legislation will also require the Veterans' Administration to report on the need for a permanent housing grant for wounded veterans who reside with family members; and, finally, it will adjust current law to provide home improvements and structural alteration housing grants to Department of Defense servicemembers who are awaiting final VA disability ratings.

As a direct result of the care and concern of military family members, such as Christy Patton and Rosie Babin, we now have a concrete response to the very real concerns they have raised and ways that we can, working together, strengthen the current law. I hope my colleagues will support this legislation so we can work together on a bipartisan basis, in unison, to support our wounded servicemembers and their families better, particularly people such as the Babins and the Pattons. With continued attention to our veterans, we can fashion a revised system that best supports them and their families. I know we all agree that they deserve nothing less. They are the very finest our Nation has to offer.

By Mr. DOMENICI (for himself, Mr. KENNEDY, Mr. BINGAMAN, Mr. HARKIN, Mr. LEAHY, and Mr. SANDERS):

S. 1098. A bill to amend the Public Health Service Act to revise the amount of minimum allotments under the Projects for Assistance in Transition from Homelessness program; to the Committee on Health, Education, Labor, and Pensions.

Mr. DOMENICI. Mr. President, I rise today with my colleagues, Senator KENNEDY, Senator BINGAMAN, Senator HARKIN, Senator LEAHY and Senator SANDERS to introduce a bill that will raise the minimum grant amounts given to States and territories under the PATH program. The PATH program provides services through formula grants of at least $300,000 to each State, the District of Columbia and Puerto Rico and $50,000 to eligible U.S. territories. Subject to available appropriations, this bill will raise the minimum allotments to $600,000 to each State and $100,000 to eligible U.S. territories.

When the PATH program was established in fiscal year 1991 as a formula grant program, Congress appropriated $33 million. That amount has steadily increased over the years with Congress appropriating $55 million this past year. However, despite these increases, States and territories such as New Mexico that have rural and frontier populations, have not received an increase in their PATH funds. Under the formula, as it currently exists, many States and territories will never receive an increase to their PATH program, even with increasing demand and inflation. This problem is occurring in my home State of New Mexico as well as twenty-five other States and territories throughout the United States.

The PATH program is authorized under the Public Health Service Act and it funds community-based outreach, mental health, substance abuse, case management and other support services, as well as a limited set of housing services for people who are homeless and have serious mental illnesses. Program services are provided in a variety of different settings, including clinic sites, shelter-based clinics, and mobile units. In addition, the PATH program takes health care services to locations where homeless individuals are found, such as streets, parks, and soup kitchens.

PATH services are a key element in the plan to end chronic homelessness. Every night, an estimated 600,000 people are homeless in America. Of these, about one-third are single adults with serious mental illnesses. I have worked closely with organizations in New Mexico such as Albuquerque Health Care for the Homeless and I have seen first hand the difficulties faced by the more than 15,000 homeless people in New Mexico, 35 percent of whom are chronically mentally ill or mentally incapacitated.

PATH is a proven program that has been very successful in moving people out of homelessness. PATH has been reviewed by the Office of Management and Budget and has scored significantly high marks in meeting program goals and objectives. Unquestionably, homelessness is not just an urban issue. Rural and frontier communities face unique challenges in serving PATH eligible persons and the PATH program funding mechanisms must account for these differences.

I look forward to working with my colleagues on this important issue.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1098

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. MINIMUM ALLOTMENTS UNDER THE PROJECTS FOR ASSISTANCE IN TRANSITION FROM HOMELESSNESS PROGRAM.

Section 524 of the Public Health Service Act (42 U.S.C. 290cc-24) is amended to read as follows:

"SEC. 524. DETERMINATION OF AMOUNT OF ALLOTMENT.

"(a) DETERMINATION UNDER FORMULA.—Subject to subsection (b), the allotment required in section 521 for a State for a fiscal year is the product of—

"(1) an amount equal to the amount appropriated under section 535 for the fiscal year; and

"(2) a percentage equal to the quotient of—

"(A) an amount equal to the population living in urbanized areas of the State involved, as indicated by the most recent data collected by the Bureau of the Census; and

"(B) an amount equal to the population living in urbanized areas of the United States, as indicated by the sum of the respective amounts determined for the States under subparagraph (A).

"(b) MINIMUM ALLOTMENT.—

"(1) IN GENERAL.—Subject to paragraph (2), the allotment for a State under section 521 for a fiscal year shall, at a minimum, be the greater of—

"(A) the amount the State received under section 521 in fiscal year 2006; and

"(B) $600,000 for each of the several States, the District of Columbia, and the Commonwealth of Puerto Rico, and $100,000 for each of Guam, the Virgin Islands, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"(2) CONDITION.—If the funds appropriated in any fiscal year under section 535 are insufficient to ensure that States receive a minimum allotment in accordance with paragraph (1), then—

"(A) no State shall receive less than the amount they received in fiscal year 2006; and

"(B) any funds remaining after amounts are provided under subparagraph (A) shall be used to meet the requirement of paragraph (1)(B), to the maximum extent possible.".

By Ms. COLLINS (for herself and Mr. HARKIN):

S. 1099. A bill to amend chapter 89 of title 5, United States Code, to make individuals employed by the Roosevelt Campobello International Park Commission eligible to obtain Federal health insurance; to the Committee on Homeland Security and Governmental Affairs.

Ms. COLLINS. Mr. President, I rise to introduce a bill that would solve a serious health-insurance problem for some Americans who work on Campobello Island, Canada, near the Maine border, at a park that honors the memory of President Franklin D. Roosevelt.

Ten residents of the State of Maine are employed on that beautiful island by the Roosevelt Campobello International Park. The park centers on the spacious summer cottage that FDR loved and visited often, from his childhood in the 1880s up to his last trip in 1939. Today, the Roosevelt cottage and the park draw thousands of visitors from around the world.

The Roosevelt Campobello International Park was dedicated in 1964 as a memorial to President Roosevelt, and is funded by both the U.S. and the Canadian Governments under terms of a treaty.

Unfortunately, the drafters of the treaty did not address the need for health insurance for park employees. As a result, the State Department concluded in 1965 that those employees "shall be subject to the relevant Canadian labor laws." Based on that State Department opinion, the U.S. Civil Service Commission—precursor of the Office of Personnel Management—determined that the employees were not eligible for Federal Employee Health Benefits Program coverage.

Meanwhile, even if the employees could join the Canadian health plan, the park's location makes it impractical for them to seek medical treatment in Canada. The closest doctors and hospitals are in Maine, and the only access to the park is from the United States.

Consequently, the employees have relied on a small-group insurance plan negotiated by the Park Commission and have paid for their own insurance. But as with millions of other Americans, drastic increases in premiums have made that small-group plan unaffordable for the Park employees. The result is a genuine hardship for them and their families.

My bill will resolve this problem simply, by making these employees eligible for FEHBP health insurance. This is a matter of equal treatment as well as compassion. Full-time employees of other joint-responsibility parks on the U.S.A.-Canada border, like Glacier National Park, are already eligible for coverage under the FEHBP.

Adding this handful of employees to the rolls is a negligible cost to the government, but a huge relief for these deserving citizens.

I am pleased to be joined in this effort by Senator HARKIN. He serves ably on the Roosevelt Campobello International Park Commission, and so understands the problem faced by my Maine constituents employed at the park.

I hope that our colleagues will join us to support this bill so that the American citizens maintaining a park honoring a great American President will be treated fairly. I ask unanimous concent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1099

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HEALTH INSURANCE.

Section 8901(1) of title 5, United States Code, is amended—

(1) in subparagraph (H), by striking "and" at the end;

(2) in subparagraph (I), by inserting "and" after the semicolon; and

(3) by inserting before the matter following subparagraph (I) the following:

"(J) an individual who is employed by the Roosevelt Campobello International Park Commission and is a citizen of the United States,".

By Mr. BINGAMAN (for himself, Mr. SMITH, Mr. KOHL, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1102. A bill to amend title XVIII of the Social Security Act to expedite the application and eligibility process for low-income subsidies under the Medicare prescription drug program and to revise the resource standards used to determine eligibility for an income-related subsidy, and for other purposes; to the Committee on Finance.

By Mr. BINGAMAN (for himself, Mr. SMITH, and Mr. KERRY):

S. 1103. A bill to amend title XVIII of the Social Security At to include costs incurred by the Indian Health Service, a Federally qualified health center, an AIDS drug assistance program, certain hospitals, or a pharmaceutical manufacturer patient assistance program in providing prescription drugs toward the annual out of pocket threshold under part D of the Medicare program; to the Committee on Finance.

Mr. BINGAMAN. Mr. President, I rise today with my colleague Senator SMITH to introduce two pieces of vitally important, bipartisan legislation that will ensure that low-income seniors have full access to the benefits available to them under the Medicare Drug Benefit. The first piece of legislation makes critical improvements in the Medicare Part D Low-Income Subsidy (LIS) available to assist these individuals in meeting cost sharing, premium, and deductible requirements under Part D. The second will ensure that low-income seniors don't get caught in the Medicare Part D coverage gap, or "doughnut hole," simply because of where they purchase their Part D pharmaceuticals.

These bills were developed in close collaboration with Senator SMITH, who also will be introducing two bills today to achieve other, critical improvements in the Medicare program for low-income seniors. Together, we believe this package of four bills will provide the reforms necessary to ensure that the Medicare program and the LIS function as they were intended, to ensure access to life-saving drug coverage for some of the most vulnerable members of our society.

Data indicates that a shockingly low number of seniors eligible for the LIS benefit are actually receiving the benefit. According to the January 2007 report by the National Council on Aging (NCOA), The Next Steps: Strategies to Improve the Medicare Part D Low-Income Subsidy, only 35 percent to 42 percent of beneficiaries who could have successfully applied for the LIS in 2006 were actually receiving it. Exacerbating this problem, NCOA also reports that overall LIS enrollment rates are slowing. In total for 2007, NCOA estimates that between 3.4 and 4.4 million beneficiaries still must be identified and enrolled in the LIS. Furthermore, data indicates that certain LIS requirements result in many low-income seniors that should be eligible for the benefit being denied enrollment in LIS. I believe the modest policy changes created by the legislation I and Senator SMITH are introducing will ensure that all low-income beneficiaries have access to the LIS.

The single most significant barrier to LIS eligibility is the asset test, which accounts for approximately 41 percent of LIS denials. As reported by NCOA, the asset test penalizes low income retirees who may have very modest savings. For example, approximately half of the people that failed the asset test have excess assets of $35,000 or less. These people tend to be older, female, widowed, and living alone. In addition the asset test is inherently discriminatory against certain categories of people, e.g., people who rent their homes.

My legislation, the Part D Equity for Low-Income Seniors Act, will dramatically improve this inequity by raising the asset test limits to $27,500 for an individual and $55,000 for a couple. This will capture about half of individuals and two-thirds of couples who have been denied LIS because of excess resources.

As recommended by OIG in fall 2006, this legislation also allows the Internal Revenue Service (IRS) to transfer tax filing information to the Social Security Administration (SSA) so they can better target beneficiaries who might be eligible for the LIS. In addition, this legislation creates an expedited LIS application process for pre-screened beneficiaries, prohibits the reporting of retirement account balances, life-insurance policies and in-kind contributions when determining a beneficiary's resource level, and prohibits LIS benefits from being counted as resources for the purposes of determining eligibility for other federal programs.

I also am introducing the Low-Income True Out-Of Pocket (TrOOP) Expense under Part D Assistance bill, which ensures that low-income Americans do not get "stuck" in the Part D "doughnut hole" simply because of where they choose to purchase Part D pharmaceuticals.

Unbelievably, under current regulation and guidance, individuals who are in the doughnut hole and receive Part D drugs from commercial pharmacies are permitted to count waivers or reductions in Part D cost-sharing to count towards their TrOOP. However, low-income individuals who tend to receive Part D drugs from safety-net pharmacies and other safety-net providers are not permitted to count similar waivers or reductions in Part D cost-sharing by safety-net providers towards their TrOOP. Thus, current law penalizes low-income individuals and makes it easier for them to get stuck in the doughnut hole—never accessing the catastrophic coverage to which they are entitled.

My legislation would undo this inequity and permit waivers and reductions for beneficiaries receiving care from safety-net providers to count towards beneficiaries' TrOOP. Specifically, the legislation will count waivers and reductions by certain safety-net hospitals and pharmacies, Federally Qualified Health Centers (FQHCs), AIDS Drug Assistance Programs (ADAPs), Pharmacy Assistance Programs (PAPs), and the Indian Health Service (IRS) toward TrOOP.

In closing, I would also like to offer my strong support for the two bills on which we worked very closely with Senator Smith and that he is introducing today. The first is the Medicare Part D Outreach and Enrollment Enhancement Act, which creates a permanent 90-day special enrollment period for any beneficiary who becomes eligible for the LIS. It also requires CMS to provide such beneficiaries facilitated enrollment into the plans allowing, within 90 days, the beneficiary to be enrolled into the most appropriate plan for his or her needs. The legislation also waives the late enrollment penalty for LIS beneficiaries, provides a $1 per beneficiary authorization for State Health Insurance Programs, and funds the National Center on Senior Benefits and Outreach, which was created last year in the Older Americans Act.

The second piece of legislation creates important equity between institutionalized Part D beneficiaries dually eligible for Medicare and Medicaid and those dual eligibles who avoid initialization through a Home and Community Based Waiver (HCBW).

Currently under Federal law, Part D cost-sharing requirements are waived for dual-eligible individuals that are institutionalized but are not waived for individuals in HCBWs. Senator SMITH's legislation would make an important change to Federal law to all allow cost sharing under Part D to be waived for dual eligibles regardless of whether they are institutionalized or receiving care through HCBWs.

I also would like to express my gratitude for the assistance of several key senior citizen advocates in crafting all four important pieces of legislation, including: Paul Cotton and Kristen Sloan from the American Association of Retired Persons, Howard Bedlin and Sara Duda from the National Council on Aging, Lena O'Rourke and Marc Steinberg from Families USA, Patricia Nemore and Vicki Gottlich from the Center for Medicare Advocacy and Paul Precht, from the Medicare Rights Center. I would also like to thank the Staff at the Social Security Administration (SSA) for their prompt feedback and invaluable assistance.

I urge my colleagues to join me in supporting these important pieces of legislation, which will ensure that life saving pharmaceuticals are available to low-income Americans.

I ask unanimous consent that the National Council on Aging Report, and the text of these bills to be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE NEXT STEPS: STRATEGIES TO IMPROVE THE MEDICARE PART D LOW-INCOME SUBSIDY

The passage of the Medicare Modernization Act (MMA) was the largest expansion of the Medicare program since its inception in 1965 and over 90 percent of Medicare beneficiaries now have prescription drug coverage due to unprecedented efforts by the public and private sectors. However, millions of those in greatest need have still not signed up for the Low-Income Subsidy (LIS or Extra Help) program, which provides generous financial assistance to beneficiaries with limited income and resources, including coverage through the "donut hole." HHS has estimated that at least 75% of the Medicare beneficiaries still without any prescription drug coverage are eligible for the Low-Income Subsidy.

The challenge of finding and enrolling people with limited means in needs-based programs is not new. After forty years, take-up rates remain low for many federal means-tested benefits. As a result of unprecedented efforts by the public, non-profit and private sectors in the first year of the program, NCOA estimates that 35% to 42% of beneficiaries who could have successfully applied for the LIS in 2006 are actually receiving it. While the LIS take-up rate so far is on a par with historic enrollment rates in other federal, needs-based programs (especially after the first year of effort), there are signs that overall enrollment rates are slowing. We estimate that there are between 3.4 and 4.4 million beneficiaries that we still need to find and sign up for the program in 2007.

These are people who would benefit most from the coverage that Part D and the LIS can offer them. With targeted investments and modest policy changes, significantly higher participation rates can be achieved in 2007.

This paper identifies recommended legislative, administrative, and regulatory reforms that should be made to the LIS to improve access to the program for seniors and people with disabilities with limited means. Some of the key legislative reforms recommended include: (1) eliminating the asset test, as it is the single-most significant barrier to Part D LIS eligibility; (2) enacting legislation to make the LIS Special Enrollment Period (SEP) permanent and eliminate the late enrollment premium penalty for this population; and (3) establishing and funding a dedicated, nationwide network of enrollment centers through the new National Center on Senior Benefits Outreach and Enrollment in order to find and enroll remaining LIS eligibles.

There are also significant administrative and regulatory reforms recommended in this paper. Some of the reforms include having the Social Security Administration (SSA): (1) designate at least one dedicated worker in each field office who is assigned specifically to process LIS applications where practical; (2) amend the LIS application to allow applicants to designate a third party to assist them through the LIS application process and interact with SSA on their behalf; and (3) maintain a link from the online LIS application to a webpage that provides seniors and people with disabilities—as well as their family members, friends, or advocates—with state-specific information on other public benefits for which they may be eligible.

In addition to implementing reforms to the Part D LIS program, Prescription Drug Plans (PDPs) and Medicare Advantage-Prescription Drug plans (MAPDs) should be required to screen their member lists for individuals who are potentially eligible for the Low- Income Subsidy. We estimate that up to 1.1 million more people in plans could enroll in the LIS if they knew they were eligible for the program and received application assistance. PDPs and MA-PDs could partner with nonprofit organizations to help screen their members for LIS eligibility.

We commend CMS for its recent decisions to permit low-income beneficiaries to sign up for LIS and enroll in a plan throughout the remainder of 2007 without penalty. This action is necessary, but not sufficient in itself to achieve higher LIS enrollments in 2007. To reach the remaining LIS eligibles, additional investment in proven strategies that work is needed, along with progress on the other recommendations included in this paper.

With the beginning of the second year of this program, the Access to Benefits Coalition and NCOA call on the Administration, foundations, corporations and advocacy groups to renew their commitment to outreach and enrollment efforts and to invest in effective strategies to help seniors and people with disabilities in greatest need to receive the important benefits available to them.

S. 1102

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Part D Equity for Low-Income Seniors Act of 2007".

SEC. 2. EXPEDITING LOW-INCOME SUBSIDIES UNDER THE MEDICARE PRESCRIPTION DRUG PROGRAM.

(a) IN GENERAL.—Section 1860D–14 of the Social Security Act (42 U.S.C. 1395w-114) is amended by adding at the end the following new subsection:

"(e) EXPEDITED APPLICATION AND ELIGIBILITY PROCESS.—

"(1) EXPEDITED PROCESS.—

"(A) IN GENERAL.—The Commissioner of Social Security shall provide for an expedited process under this subsection for the qualification for low-income assistance under this section through a request to the Secretary of the Treasury as provided in subparagraph (B) for information described in section 6103(l)(21) of the Internal Revenue Code of 1986. Such process shall be conducted in cooperation with the Secretary.

"(B) CURRENTLY ELIGIBLE INDIVIDUALS.—The Commissioner of Social Security shall, as soon as practicable after implementation of subparagraph (A), screen such individual for eligibility for the low-income subsidy provided under this section through such a request to the Secretary of the Treasury.

"(2) NOTIFICATION OF POTENTIALLY ELIGIBLE INDIVIDUALS.—Under such process, in the case of each individual identified under paragraph (1) who has not otherwise applied for, or been determined eligible for, benefits under this section (or who has applied for and been determined ineligible for such benefits based only on excess resources), the Commissioner of Social Security shall send a notification that the individual is likely eligible for low-income subsidies under this section. Such notification shall include the following:

"(A) APPLICATION INFORMATION.—Information on how to apply for such low-income subsidies.

"(B) DESCRIPTION OF THE LIS BENEFIT.—A description of the low-income subsidies available under this section.

"(C) INFORMATION ON STATE HEALTH INSURANCE PROGRAMS.—Information on—

"(i) the State Health Insurance Assistance Program for the State in which the individual is located; and

"(ii) how the individual may contact such Program in order to obtain assistance regarding enrollment and benefits under this part.

"(D) ATTESTATION.—An application form that provides for a signed attestation, under penalty of law, as to the amount of income and assets of the individual and constitutes an application for the low-income subsidies under this section. Such form—

"(i) shall not require the submittal of additional documentation regarding income or assets;

"(ii) shall permit the appointment of a personal representative described in paragraph (4); and

"(iii) shall allow for the specification of a language (other than English) that is preferred by the individual for subsequent communications with respect to the individual under this part.

If a State is doing its own outreach to low-income seniors regarding enrollment and low-income subsidies under this part, such process shall be coordinated with the State's outreach effort.

"(3) HOLD-HARMLESS.—Under such process, if an individual in good faith and in the absence of fraud executes an attestation described in paragraph (2)(D) and is provided low-income subsidies under this section on the basis of such attestation, if the individual is subsequently found not eligible for such subsidies, there shall be no recovery made against the individual because of such subsidies improperly paid.

"(4) USE OF AUTHORIZED REPRESENTATIVE.—Under such process, with proper authorization (which may be part of the attestation form described in paragraph (2)(D)), an individual may authorize another individual to act as the individual's personal representative with respect to communications under this part and the enrollment of the individual under a prescription drug plan (or MA-PD plan) and for low-income subsidies under this section.

"(5) USE OF PREFERRED LANGUAGE IN SUBSEQUENT COMMUNICATIONS.—In the case an attestation described in paragraph (2)(D) is completed and in which a language other than English is specified under clause (iii) of such paragraph, the Commissioner of Social Security shall provide that subsequent communications to the individual under this part shall be in such language.

"(6) CONSTRUCTION.—Nothing in this subsection shall be construed as precluding the Commissioner of Social Security or the Secretary from taking additional outreach efforts to enroll eligible individuals under this part and to provide low-income subsidies to eligible individuals.".

(b) DISCLOSURE OF RETURN INFORMATION FOR PURPOSES OF DETERMINING INDIVIDUALS ELIGIBLE FOR SUBSIDIES UNDER MEDICARE PART D.—

(1) IN GENERAL.—Subsection (l) of section 6103 of the Internal Revenue Code of 1986 is amended by adding at the end the following new paragraph:

"(21) DISCLOSURE OF RETURN INFORMATION TO CARRY OUT MEDICARE PART D SUBSIDIES.—

"(A) IN GENERAL.—The Secretary shall, upon written request from the Commissioner of Social Security under section 1860D-14(e)(1) of the Social Security Act, disclose to officers and employees of the Social Security Administration return information of a taxpayer who (according to the records of the Secretary) may be eligible for a subsidy under section 1860D-14 of the Social Security Act. Such return information shall be limited to—

"(i) taxpayer identity information with respect to such taxpayer,

"(ii) the filing status of such taxpayer,

"(iii) the gross income of such taxpayer,

"(iv) such other information relating to the liability of the taxpayer as is prescribed by the Secretary by regulation as might indicate the eligibility of such taxpayer for a subsidy under section 1860D-14 of the Social Security Act, and

"(v) the taxable year with respect to which the preceding information relates.

"(B) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used by officers and employees of the Social Security Administration only for the purposes of identifying eligible individuals for, and, if applicable, administering—

"(i) low-income subsidies under section 1860D-14 of the Social Security Act, and

"(ii) the Medicare Savings Program implemented under clauses (i), (iii), and (iv) of section 1902(a)(10)(E) of such Act.

"(C) TERMINATION.—Return information may not be disclosed under this paragraph after the date that is one year after the date of the enactment of this paragraph.".

(2) CONFORMING AMENDMENTS.—Paragraph (4) of section 6103(p) of the Internal Revenue Code of 1986 is amended—

(A) by striking "(14) or (17)" in the matter preceding subparagraph (A) and inserting "(14), (17), or (21)"; and

(B) by striking "(15) or (17)" in subparagraph (F)(ii) and inserting "(15), (17), or (21)".

SEC. 3. MODIFICATION OF RESOURCE STANDARDS FOR DETERMINATION OF ELIGIBILITY FOR LOW-INCOME SUBSIDY.

(a) INCREASING THE ALTERNATIVE RESOURCE STANDARD.—Section 1860D-14(a)(3)(E)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(E)(i)) is amended—

(1) in subclause (I), by striking "and" at the end;

(2) in subclause (II)—

(A) by striking "a subsequent year" and inserting "2007";

(B) by striking "in this subclause (or subclause (I)) for the previous year" and inserting "in subclause (I) for 2006";

(C) by striking the period at the end and inserting a semicolon; and

(D) by inserting before the flush sentence at the end the following new subclauses:

"(III) for 2008, $27,500 (or $55,000 in the case of the combined value of the individual's assets or resources and the assets or resources of the individual's spouse); and

"(IV) for a subsequent year the dollar amounts specified in this subclause (or subclause (III)) for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(3) in the flush sentence at the end, by inserting "or (IV)" after "subclause (II)".

(b) EXEMPTIONS FROM RESOURCES.—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)) is amended—

(1) in subparagraph (D), in the matter preceding clause (i), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")";

(2) in subparagraph (E)(i), in the matter preceding subclause (I), by inserting "subject to the additional exclusions provided under subparagraph (G)" before ")"; and

(3) by adding at the end the following new subparagraph:

"(G) ADDITIONAL EXCLUSIONS.—In determining the resources of an individual (and their eligible spouse, if any) under section 1613 for purposes of subparagraphs (D) and (E) the following additional exclusions shall apply:

"(i) LIFE INSURANCE POLICY.—No part of the value of any life insurance policy shall be taken into account.

"(ii) IN-KIND CONTRIBUTIONS.—No in-kind contribution shall be taken into account.

"(iii) PENSION OR RETIREMENT PLAN.—No balance in any pension or retirement plan shall be taken into account.".

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 4. INDEXING DEDUCTIBLE AND COST-SHARING ABOVE ANNUAL OUT-OF-POCKET THRESHOLD FOR INDIVIDUALS WITH INCOME BELOW 150 PERCENT OF POVERTY LINE.

(a) INDEXING DEDUCTIBLE.—Section 1860D-14(a)(4)(B) of the Social Security Act (42 U.S.C. 1395w-114(a)(4)(B)) is amended—

(1) in clause (i), by striking "or";

(2) in clause (ii)—

(A) by striking "a subsequent year" and inserting "2008";

(B) by striking "this clause (or clause (i)) for the previous year" and inserting "clause (i) for 2007"; and

(C) by striking "involved." and inserting "involved; and";

(3) by adding after clause (ii) the following new clause:

"(iii) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(4) in the flush sentence at the end, by striking "clause (i) or (ii)" and inserting "clause (i), (ii), or (iii)".

(b) INDEXING COST-SHARING.—Section 1860D-14(a) of the Social Security Act (42 U.S.C. 1395w-114(a)) is amended—

(1) in paragraph (1)(D)(iii), by striking "exceed the copayment amount" and all that follows through the period at the end and inserting "exceed—

"(I) for 2006 and 2007, the copayment amount specified under section 1860D-2(b)(4)(A)(i)(I) for the drug and year involved; and

"(II) for 2008 and each succeeding year, the amount determined under this subparagraph for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year."; and

(2) in paragraph (2)(E), by striking "exceed the copayment or coinsurance amount" and all that follows through the period at the end and inserting "exceed—

"(i) for 2006 and 2007, the copayment or coinsurance amount specified under section 1860D-2(b)(4)(A)(i)(I) for the drug and year involved; and

"(ii) for 2008 and each succeeding year, the amount determined under this clause for the previous year increased by the annual percentage increase in the consumer price index (all items; U.S. city average) as of September of such previous year.".

SEC. 5. NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.

(a) IN GENERAL.—Section 1860D-14(a)(3) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)), as amended by section 3(c)(3), is amended—

(1) in subparagraph (A), in the matter preceding clause (i), by striking "subparagraph (F)" and inserting "subparagraphs (F) and (H)"; and

(2) by adding at the end the following new subparagraph:

"(H) NO IMPACT ON ELIGIBILITY FOR BENEFITS UNDER OTHER PROGRAMS.—The availability of premium and cost-sharing subsidies under this section shall not be treated as benefits or otherwise taken into account in determining an individual's eligibility for, or the amount of benefits under, any other Federal program.".

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of enactment of this Act.

S. 1103

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Helping Fill the Medicare Rx Gap Act of 2007".

SEC. 2. INCLUDING COSTS INCURRED BY THE INDIAN HEALTH SERVICE, A FEDERALLY QUALIFIED HEALTH CENTER, AN AIDS DRUG ASSISTANCE PROGRAM, CERTAIN HOSPITALS, OR A PHARMACEUTICAL MANUFACTURER PATIENT ASSISTANCE PROGRAM IN PROVIDING PRESCRIPTION DRUGS TOWARD THE ANNUAL OUT OF POCKET THRESHOLD UNDER PART D.

(a) IN GENERAL.—Section 1860D-2(b)(4)(C) of the Social Security Act (42 U.S.C. 1395w-102(b)(4)(C)) is amended—

(1) in clause (i), by striking "and" at the end;

(2) in clause (ii)—

(A) by striking "such costs shall be treated as incurred only if" and inserting "subject to clause (iii), such costs shall be treated as incurred if";

(B) by striking ", under section 1860D–14, or under a State Pharmaceutical Assistance Program";

(C) by striking "(other than under such section or such a Program)"; and

(D) by striking the period at the end and inserting "; and"; and

(3) by inserting after clause (ii) the following new clause:

"(iii) such costs shall be treated as incurred and shall not be considered to be reimbursed under clause (ii) if such costs are borne or paid—

"(I) under section 1860D–14;

"(II) under a State Pharmaceutical Assistance Program;

"(III) by the Indian Health Service, an Indian tribe or tribal organization, or an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act);

"(IV) by a Federally qualified health center (as defined in section 1861(aa)(4));

"(V) under an AIDS Drug Assistance Program under part B of title XXVI of the Public Health Service Act;

"(VI) by a subsection (d) hospital (as defined in section 1886(d)(1)(B)) that meets the requirements of clauses (i) and (ii) of section 340B(a)(4)(L) of the Public Health Service Act; or

"(VII) by a pharmaceutical manufacturer patient assistance program, either directly or through the distribution or donation of covered part D drugs, which shall be valued at the negotiated price of such covered part D drug under the enrollee's prescription drug plan or MA–PD plan as of the date that the drug was distributed or donated.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to costs incurred on or after January 1, 2008.

By Mr. KENNEDY (for himself, Mr. SMITH, Mr. LEAHY, Mr. SPECTER, Ms. MIKULSKI, Ms. COLLINS, Mr. MENENDEZ, Ms. SNOWE, Mr. BROWN, Mr. KERRY, Mr. DURBIN, Mr. LAUTENBERG, Mr. DODD, Mr. NELSON of Nebraska, Mrs. FEINSTEIN, Mr. LEVIN, Mr. HARKIN, Mr. WHITEHOUSE, Ms. STABENOW, Mr. BIDEN, Mrs. MURRAY, Mr. BAYH, Ms. CANTWELL, Mr. CARDIN, Mr. LIEBERMAN, Mr. REED, Mr. SCHUMER, Mr. OBAMA, Mrs. BOXER, Ms. KLOBUCHAR, Mr. AKAKA, Mr. BINGAMAN, Mrs. CLINTON, Ms. LANDRIEU, Mr. ROCKEFELLER, Mrs. LINCOLN, Mr. CASEY, Mrs. MCCASKILL, Mr. INOUYE, Mr. NELSON of Florida, Mr. SALAZAR, and Mr. JOHNSON):

S. 1105. A bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes; to the Committee on the Judiciary.

Mr. KENNEDY. Mr. President, hate crimes violate everything our country stands for. They send the poisonous message that certain Americans deserve to be victimized solely because of who they are. These are crimes committed against entire communities, the Nation as a whole and the very ideals upon which our country was founded.

The vast majority of Congress agrees. In 2000, 57 Senators voted in support of this bill. In 2002, 54 Senators voted with us, and, in 2004, we had 65 votes. Today, we are re-introducing this bicameral, bipartisan bill with the support of 39 original cosponsors, and we have the votes to get cloture. We have the votes in the House too. This year, we are going to get it done.

Our legislation is supported by a broad coalition of over 210 law enforcement, civic, religious and civil rights groups, including the International Association of Chiefs of Police, the National Sheriffs Association, the Anti-Defamation League, the Interfaith Alliance, the U.S. Conference of Mayors, the Leadership Conference on Civil Rights, the National District Attorneys Association, and the National Center for Victims of Crime.

Data from the National Crime Victimization Survey are especially disturbing because they indicate that a large number of hate crimes go unreported. The data indicates that an average of 191,000 hate crimes take place every year, but only a small percentage are reported to the police.

We obviously need to strengthen the ability of Federal, State and local governments to investigate and prosecute these vicious and senseless crimes. The existing Federal hate crime statute was passed in 1968, soon after the assassination of Dr. Martin Luther King, Jr. It was such an important step forward at the time, but it is now a generation out of date.

The absence of effective legislation has undoubtedly resulted in the failure to solve many hate-motivated crimes. The recent action of the Justice Department in reopening 40 civil-rights-era murders demonstrates the need for adequate laws. Many of the victims in these cases have been denied justice for decades, and for some, justice will never come.

This bill corrects two major deficiencies in current law—one, the excessive restrictions requiring proof that victims were attacked because they were engaged in certain "federally protected activities," and, two, the limited scope of the law, which covers only hate crimes based on race, religion, or ethnic background, excluding violence committed against persons because of their sexual orientation, gender, gender identity, or disability.

The federally protected activity requirement is outdated, unwise and unnecessary, particularly when we consider the unjust outcomes that result from this requirement. Hate crimes can occur in a variety of circumstances, and citizens are often targeted during routine activities that should be protected.

For example, in June 2003, six Latino teenagers went to a family restaurant on Long Island. They knew one another from their involvement in community activities and were together to celebrate one of their birthdays. As the group entered the restaurant, three men who were leaving the bar assaulted them, pummeling one boy and severing a tendon in his hand with a sharp weapon. During the attack, the men yelled racial slurs and one identified himself as a skinhead.

Two of the men were tried under the current Federal law for committing a hate crime and were acquitted. The jurors said the government failed to prove that the attack took place because the victims were engaged in a federally protected activity—using the restaurant. The result in this case is only one example of the inadequate protection under current law. The bill we introduce today will eliminate the federally protected activity requirement. Under this bill, the defendants who left the courtroom as free men would almost certainly have left in handcuffs through a different door.

The bill also recognizes that hate crimes are also committed against people because of their sexual orientation, their gender, their gender identity, or their disability. It's up to Congress to make sure that tough Federal penalties also apply to those who commit such crimes as well. Passing this bill will send a loud and clear message. All hate crimes will face Federal prosecution. Action is long overdue.

Examples of the problem abound. Two years ago, a 52-year-old Alabama man was beaten on the head with a hammer because he was gay. Still waiting for justice, the man lies in a coma as a result of that attack.

In 1993, a 21-year-old transgender man, Brandon Teena was raped and beaten in Humboldt, NE, by two male friends. The local sheriff refused to arrest the offenders, and they later shot and stabbed Brandon to death.

In 1999, four women in Yosemite National Park were targeted by a man who admitted to having fantasized about killing women for most of his life. The current hate crime law did not apply to this horrific crime because enjoyment of a Federal park is not a federally protected right.

In 2001, Fred C. Martinez, Jr., a Navajo, openly gay, transgender youth, was murdered while walking home from a party in Cortez, CO. The perpetrator, Shaun Murphy, had traveled from New Mexico to Colorado with a friend in order to sell illegal drugs. He met Fred at a carnival that night, and the next morning, while driving, he saw Fred walking down the street. Shaun and his friend offered Fred a ride and dropped him off close to home. Shortly thereafter, Shaun attacked Fred and beat him to death with a large rock. His body was discovered several days later. The attackers bragged about this vicious crime, describing the victim with vulgar epithets.

The perpetrator could not be charged with a hate crime because no State or Federal law protecting gender identity existed. He received a 40-year sentence under a plea agreement and he will be eligible for parole in 25 years. His victim did not live long enough to see his 20th birthday. If the defendant had been charged with a Federal hate crime, he could have received a life sentence. If the prosecutor had greater aid for his investigation under the proposed legislation, he could have had a stronger case against the defendant and prosecuted him more effectively.

In October 2002, two deaf girls in Somerville, MA—one of whom was wheelchair bound due to cerebral palsy—were harassed and sexually assaulted by four suspected gang members in a local park. Although the alleged perpetrators were charged in the incident, the assaults could not be charged as hate crimes because there is no Federal protection for hate crimes against disabled individuals.

These examples graphically illustrate the senseless brutality that our fellow citizens face simply for being who they are. They also highlight the importance of passing this legislation, which is long overdue. The vast majority of us in Congress have recognized the importance of this legislation since it was first introduced—nearly 10 years ago. This year, we have an opportunity to pass it in both the Senate and the House, and enact it into law. Let's make the most of this opportunity, and do all we can to end these senseless crimes.

I ask unanimous consent to print in the RECORD this list of organizations who support the Matthew Shepard bill.

There being no objection the material was ordered to be printed as follows:

1. American-Arab Anti-Discrimination Committee.
2. American Association of University Women.
3. American Civil Liberties Union.
4. American Jewish Committee.
5. American Psychological Association.
6. Anti-Defamation League.
7. Asian American Justice Center.
8. Center for the Study of Hate and Extremism.
9. Human Rights Campaign.
10. Interfaith Alliance.
11. International Association of Chiefs of Police.
12. Japanese American Citizens League.
13. Jewish Council for Public Affairs.
14. Leadership Conference on Civil Rights.
15. Matthew Shepard Foundation.
16. National Association for the Advancement of Colored People.
17. National Council of Jewish Women.
18. National District Attorneys Association.
19. National Sheriffs' Association.
20. People for the American Way.
21. Religious Action Center of Reform Judaism.
22. SALDEF (Sikh American Legal Defense and Education Fund).
23. Unitarian Universalist Association.
24. The United States Conference of Mayors.
25. Group Letter: Religious Organizations: African American Ministers in Action, American Jewish Committee. Anti-defamation League, Buddhist Peace Fellowship, Catholics for a Free Choice, Church Women United, The Episcopal Church, Hadassah, Hindu American Foundation, The Interfaith Alliance, Jewish Council for Public Affairs, Jewish Women International, Muslim Public Affairs Council, NA'AMAT USA, National Council of Churches of Christ, National Council of Jewish Women, North American Federation of Temple Youth, Presbyterian Church USA, Sikh Council on Religion and Education, United Church of Christ Justice and Witness Ministries, Union for Reform Judaism, United Methodist Church General Board of Church and Society, Unitarian Universalist Association of Congregations, United Synagogues of Conservative Judaism and Women of Reform Judaism.
26. Group Letter: Consortium for Citizens with Disabilities: Alexander Graham Bell Association for the Deaf and Hard of Hearing, American Association on Health and Disability, American Association on Intellectual and Developmental Disabilities, American Association on Mental Retardation, American Association of People with Disabilities, American Council of the Blind, American Counseling Association, American Dance Therapy Association, American Medical Rehabilitation Providers Association, American Music Therapy Association, American Network of Community Options and Resources, American Occupational Therapy Association, American Psychological Association, American Therapeutic Recreation Association, American Rehabilitation Association, Association of Tech Act Projects, Association of University Centers of Disabilities, Autism Society of America, Bazelon Center for Mental Health Law, Council for Learning Disabilities, Council of State Administrators of Vocational Rehabilitation, Easter Seals, Epilepsy Foundation, Hellen Keller National Center, Learning Disabilities Association of America, National Alliance on Mental Illness, National Association of Councils on Developmental Disabilities, National Coalition on Deaf-Blindness, National Disability Rights Network, National Down Syndrome Society, National Fragile X Foundation, National Rehabilitation Association, National Respite Coalition, National Structured Settlement Trade Association, NISH, Paralyzed Veterans of America, Research Institute for Independent Living, School Social Work Association of America, Spina Bifida Association, The Arc of the United States, United Cerebral Palsy, United Spinal Association, World Institute on Disability.
27. Group Letter: National Partnership for Women and Families: 9to5 Bay Area, 9to5 Colorado, 9to5 Poverty Network Initiative (Wisconsin), 9to5 National Association of Working Women, AFL–CIO Department of Civil, Human and Women's Rights, American Association of University Women, Atlanta 9to5, Break the Cycle, Coalition of Labor Union Women, Colorado Coalition Against Sexual Assault (CCASA), Communications Workers of America AFL–CIO, Democrats.com, Equal Rights Advocates, Feminist Majority, Gender Public Advocacy Coalition, Gender Watchers, Hadassah the Women's Zionist Organization of America, Legal Momentum, Los Angeles 9to5, NA'AMAT USA, National Abortion Federation, National Asian Pacific American Women's Forum, National Association of Social Workers, National Center for Lesbian Rights, National Congress of Black Women, National Council of Jewish Women, National Council of Women's Organizations, National Organization for Women, National Partnership for Women and Families, National Women's Conference, National Women's Committee, National Women's Law Center, Northwest Women's Law Center, Sargent Shriver National Center on Poverty Law, The Women's Institute for Freedom of the Press, Washington Teachers Union, Women Employed, Women's Law Center of Maryland, Women's Research and Education Institute, YWCA USA.
28. Excerpts of Support for the Hate Crime Prevention Act of 2007.
29. General List of Supporting Organizations 2007.

Mr. BAYH. Mr. President, like acts of terrorism, hate crimes have an impact far greater than the impact on the individual victim. They are crimes against entire communities, the whole Nation, and the ideals of liberty and justice upon which America was founded.

First enacted nearly 40 years ago after the assassination of Martin Luther King, Federal hate crime laws have provided an important basis for prosecuting those who commit violent acts against another due to the person's race, color, religion or national origin.

Current law, however, makes it unnecessarily difficult to investigate and prosecute these and other insidious hate crimes. Consequently, the time has come to remove some of these hurdles and to expand the scope of Federal law so Americans who fall victim to hate crimes can receive protection under Federal law.

That is why I have cosponsored the Local Law Enforcement Hate Crimes Act of 2007, a bipartisan bill with broad political support that has been endorsed by 210 law enforcement, civil rights, civic, and religious organizations.

The bill will strengthen the ability of Federal, State, and local governments to investigate and prosecute hate crimes based on race, ethnic background, religion, gender, sexual orientation, disability, and gender identity.

The bill will also provide grants to help State and local governments meet the extraordinary expenses involved in hate crime cases.

This bill, while adding to Federal authority, properly leaves with the State or local law enforcement officials the primary responsibility of protecting citizens against crimes of violence. The bill authorizes actual Federal prosecutions only when a State does not have jurisdiction, when a State asks the Federal Government to take jurisdiction, or when a State fails to act. It is a Federal back-up for State and local law enforcement.

While State and local governments should continue to have the primary responsibility for investigating and prosecuting hate crimes, an expanded Federal role is necessary to ensure an adequate and fair response in all cases. The Federal Government must have jurisdiction to address those limited, but important cases in which local authorities are either unable or unwilling to investigate and prosecute.

Failure to pass Federal hate crimes legislation would signify our failure as a nation to accord each of our citizens the respect and value they deserve.

According to FBI statistics, 27,432 people were victims of hate-motivated violence over the last three years. That's an average of over 9,100 people per year, with nearly 25 people being victimized every day of the year, based on their race, religion, sexual orientation, ethnic background, or disability. But it is estimated that the vast majority of hate crimes goes unreported. Survey data from the biannual National Crime Victimization Survey suggests that an average of 191,000 hate crime victimizations take place per year.

While hatred and bigotry cannot be eradicated by an act of Congress, as a nation, we must send a strong, clear, moral response to these cowardly acts of violence. I believe that the Federal Government must play a leadership role in confronting criminal acts motivated by prejudice.

All Americans have a stake in responding decisively to violent bigotry. We must pull together to combat ignorance and hatred. The devastation caused by hate crimes impacts the victims, members of his or her family, as well as entire communities, and the Nation as a whole.

I am reminded of the great wisdom of Martin Luther King, "Darkness cannot drive out darkness; only light can do that. Hate cannot drive out hate; only love can do that. Hate multiplies hate, violence multiplies violence, and toughness multiplies toughness in a descending spiral of destruction. The chain reaction of evil—hate begetting hate, wars producing wars—must be broken, or we shall be plunged into the dark abyss of annihilation." Strength to Love, 1963.

I urge my colleagues to stand up against ignorance and intolerance and vote for the Local Law Enforcement Hate Crimes Prevention Act.

Mr. SCHUMER. Mr. President, I am proud to be a co-sponsor of the Local Law Enforcement Hate Crimes Prevention Act of 2007, and I commend my friend and colleague, Senator KENNEDY, for his leadership and determination on this issue. We have tried for the better half of a decade to get this legislation passed, signed, and enacted into law. Today represents our strongest effort to date, and it is long past time that crimes based on hate be recognized and criminalized under Federal law. The need for Federal hate crimes legislation has been apparent for years as hate crimes know no State borders and—in part because their impacts often affect the very fabric of our society—they are a problem that affects all Americans.

This act sends the message that we will not tolerate acts of aggression and violence towards targeted communities or individuals who become victims of violence merely for being themselves. Perpetrators of this type of violence will now be subject to Federal prosecution under this act. Before we had to rely on the States to act, and some simply have failed to do enough to stem this type of criminal behavior. This act recognizes that hate crimes have national consequences and are not mere localized occurrences.

Put simply, a hate crime tends to impact an entire community, as opposed to being limited to the victim or the victim's family. It is a crime against a particular group, and must be treated as such. In essence, there are two crimes—one against he victim, and one against the victim's group or community. Some have asked, "But aren't all crimes based on hate?" No, they are not. Hate crimes are unique because they cut at the very fabric of our national values; they undermine shared principles like tolerance and equal protection under the law, and in so doing, harm us all. It is the responsibility of the Federal Government to address this issue and arm prosecutors with the tools they need to seek justice, promote order and provide all American with equal protection under the law.

The framework of the Constitution provides a sound basis for our actions today—both the Commerce Clause and the Thirteenth Amendment are implicated by these crimes. The effects of hate crimes do not end at a State's border, but rather transcend those borders. These crimes implicate a citizen's ability to move and travel freely. Additionally, violence based on someone's race, religion, sexual orientation, or the other characteristics noted in the act are reminiscent of the ultimate hate crime—slavery. As such, the 13th Amendment allows for Federal action to remedy this problem. The courts have ruled time and time again that discrimination in housing and discrimination in contractual agreements could be remedied through Federal statutes promulgated under the authority of the Thirteenth Amendment. It matters not what the discrimination is based on, what matters is the, discrimination itself. In an attempt to rid the last vestiges of slavery from our society, the courts have allowed the 13th Amendment to be the basis of such legislation.

Let us be very clear, we are not criminalizing speech. Violent acts against an African American, a woman, or a Sikh because of who they are do not constitute free expression. Nor are we are criminalizing evil thoughts. We are only criminalizing action—harmful and violent action that cuts against our society and against the very meaning of what it is to be an American. Congress and local law enforcement are not becoming the "thought-police." Rather, we are criminalizing the violent actions of closed-minded and hateful individuals.

In today's society, we see all too frequently violence based on the person's race, religion, sexual orientation, or other characteristics. We must act to address these injustices. This is not about special rights to any particular group. Actually, it is quite the contrary. This is about equal rights. This is about going after those individuals who act on their harmful beliefs. By committing hate crimes, they are attempting to relegate certain people to second-class citizenship. They think they can do this through violence. But they are wrong, and this legislation is a forceful statement that this country will not tolerate this behavior.

The victims of these crimes have done nothing to bring on this violence. Because of these crimes, the victims' communities frequently live in fear. Unfortunately, these crimes are not few and far between. These crimes are all too common, and when committed, they send a shockwave that can be felt across the country. Matthew Shepard and James Byrd are just two of the many thousands of victims of hate crimes whose deaths horrified this country. Additionally, we mustn't forget the thousands of loyal and patriotic Americans, who after 9/11, were attacked by ruthless thugs, all because they "looked" like—or were—Muslims or Arab Americans. We saw many of these attacks in New York, and let me say, those attacks were not just a New York problem, they were an American problem. Every State experienced similar violence in the months after 9/11, and that is one reason why Federal legislation is appropriate.

The Act not only makes hate crimes a Federal crime, but it also serves to benefit local police departments as well, considering they are the front line of defense and prevention. This Act delivers much needed financial assistance to local police departments who may be struggling to deal with the crimes. It will also assist them in helping the community which they protect.

The point is, that we should be protecting communities who are targets of this shameful violence, and this Act today marks a great step in that direction. I urge all of my colleagues to vote for this Act and look forward to working with you all to see this Act gets passed and signed into law.

By Mr. SMITH (for himself, Mr. BINGAMAN, Mr. NELSON of Florida, Mrs. CLINTON, Ms. COLLINS, Mrs. LINCOLN, Mrs. BOXER, and Mr. KERRY):

S. 1107. A bill to amend title XVIII of the Social Security Act to reduce cost-sharing under part D of such title for certain non-institutionalized full-benefit dual eligible individuals; to the Committee on Finance.

By Mr. SMITH (for himself, Mr. BINGAMAN, Ms. SNOWE, Mrs. LINCOLN, and Mr. KERRY):

S. 1108. A bill to amend title XVIII of the Social Security Act to provide a special enrollment period for individuals who qualify for an income-related subsidy under the Medicare prescription drug program and to provide funding for the conduct of outreach and education with respect to the premium and cost-sharing subsidies under such program, and for other purposes; to the Committee on Finance.

Mr. SMITH. Mr. President, today I am proud to join my colleague, Senator BINGAMAN, to introduce a package of four bills aimed at helping seniors get the assistance they need with their Medicare prescription drug costs. Thirty-nine million individuals now have access to affordable prescription drug therapies through Medicare Part D, many for the very first time. But low-income beneficiaries still are experiencing difficulties taking full advantage of the program's benefits. I believe the bipartisan package of legislation we have developed will go a long way to removing programmatic barriers that are limiting seniors from getting the help we intended them to have when we created Medicare Part D Prescription Drug Program.

The low-income subsidy (LIS) is one of the best features of Medicare's new prescription drug benefit. Over the past few years, I have conducted extensive oversight of the program's implementation, especially through my work as Chairman and now Ranking Member of the Special Committee on Aging. Through hearings and staff-level investigations, I have identified a number of concerns with both the administration and the overall effectiveness of Medicare Part D's LIS. The Centers for Medicare and Medicaid Services (CMS) and the Social Security Administration (SSA) have made a great deal of progress to ensure that the benefit is working well for all beneficiaries. But their efforts can only go so far. Ultimately, it is Congress' responsibility to ensure that all low-income seniors who have difficulty paying their prescription drugs costs get the help they need.

Two of the four bills that Senator BINGAMAN and I are filing today are based upon initiatives that I introduced during the 109th Congress. The first is a measure that would create parity in the cost-sharing charged beneficiaries living in nursing homes and assisted living facilities. Under current law, dual-eligible Medicare beneficiaries, those who qualify for both Medicaid and Medicare coverage, receive a subsidy from the government to pay the benefit's required $250 deductible. These individuals also qualify for reduced copayments for both generic and brand named drugs in the amount of one and three dollars respectively. If a dual-eligible beneficiary receives long-term care services in an institutional setting, such as a nursing home, he or she is exempt from paying the required copayment. Congress decided to provide this assistance because dual-eligible beneficiaries residing in nursing homes live off of very limited incomes. For instance, in Oregon the personal needs allowance beneficiaries receive each month for incidentals, including medications, is only $30. As many institutionalized beneficiaries are on multiple medications, they would not be able to meet their share of drug costs.

This is the very reason Congress provided institutionalized dual-eligible beneficiaries with an exemption from all copayments under Medicare Part D. However, many dual-eligible beneficiaries choose to receive long-term care services in home or community-based settings, such as assisted living or resident care program facilities. Almost all states have chosen to establish Home and Community Based Services (HCS) Medicaid demonstration projects that have expanded access to community based alternatives to an even greater number of low-income elderly Americans. The State of Oregon operates one of the Nation's most successful HCS waivers, serving an average of 23,500 dual-eligible beneficiaries each year. My state has a thriving community based care industry that has provided many dual-eligible Oregonians the freedom to choose the care setting that best meets their own physical and social needs.

While dual-eligible beneficiaries are exempted from prescription drug copayments under Medicare Part D, those choosing community-based alternatives are required to pay them. This is despite the fact that beneficiaries choosing community based care options typically live off of the same limited incomes as those residing in nursing homes. While some states provide HCS beneficiaries' a larger personal stipend each month, many may have greater financial demands. At the end of the day, they are in no better position to pay the costs of prescription drugs than those beneficiaries living in nursing homes.

I also should note that their less restrictive living environments may require them to take additional medications to support their daily routines. It is not uncommon for dual-eligible beneficiaries in community-based care settings to be on 8 to 10 medications at a given time. At that level, even minimal copayments create a significant financial burden to these individuals.

The current dual-eligible copayment exemption policy not only is creating inequity in Medicare Part D, it is potentially restricting access to life-saving medications. This is not what Congress intended. I believe we need to do everything possible to support choice in long-term care, and by applying the current institutional copayment exemption more uniformly, Congress will ensure the Medicare drug benefit does not adversely affect beneficiaries' choices.

The second measure I am introducing today is based upon a bill I filed last year. That legislation sought to provide beneficiaries applying for LIS extra time to enroll into Part D if they had not received notification of their eligibility status by the time an open enrollment period ended. The bill also would have also waived the late enrollment penalty assessed to all beneficiaries who enroll outside of an enrollment period. Fortunately, CMS enacted an administrative solution to this problem, and allowed all LIS eligible beneficiaries to enroll into Medicare Part D at any point during 2006, and later extended that policy into 2007.

Now that Medicare Part D is fully implemented and policymakers have had an opportunity to assess how well the program is working, I believe that the administrative actions taken by CMS last year to create a special enrollment period for LIS beneficiaries should be made permanent. The Medicare Part D Outreach Enrollment Enhancement Act of 2007 does just that. It would create a 90-day special enrollment period for any beneficiary who applies and is approved for the LIS at any point during the year. It also would allow them to undergo a facilitated enrollment process overseen by CMS, so they get the help they need to select a prescription drug plan that best meets their needs.

Additionally, the bill exempts low-income beneficiaries from Medicare Part D's late enrollment penalty. While an enrollment penalty can be an effective means of helping drug plans better assess their risk in a given period, it is not fair to ask our low-income seniors—many who struggle with a number of challenging healthcare problems—to pay a higher cost simply because they need additional time to enroll in the program. Selecting a prescription drug plan can be a challenging feat, and it can be even more complicated if you are trying to make your limited income stretch as far as it can. We need to guarantee that beneficiaries have sufficient time to choose the most affordable plan that also meets all their prescription drug needs.

The measure also would create a new authorization to support the valuable work of State Health Insurance Programs (SHIPs). SHIPs provide a range of services to our nation's seniors, such as help choosing a quality prescription drug plan, applying for financial assistance with their drug costs and resolving general problems experienced with the drug benefit. Unfortunately, funding for SHIPs has not kept pace with the number of beneficiaries that age into Medicare each year. To remedy that, my bill creates a new authorization that increases funding in conjunction with growth in enrollment. The bill also provides funding for the new National Center of Senior Benefits and Outreach, created in the Older Americans Act last year. The Center is charged with developing ways to assist organizations like SHIPs to better target their efforts so that all seniors are fully aware of the benefits that might be available to them.

The next bill in the package we are filing today addresses a problem low-income seniors encounter if and when they enter into the drug benefit's coverage gap. While beneficiaries still have access to medications through their drug plans during the coverage gap, they may have to pay more for them. For those living on fixed incomes, this could present a serious problem as the out-of-pocket cost of many common prescription drugs can be quite steep. Fortunately, many safety-net programs, like community health centers and the AIDS Drug Assistance Program (ADAP), provide assistance to eligible low-income beneficiaries during the coverage gap. Effectively, they fill the role of the drug plan in providing beneficiaries access to their medications at a heavily subsidized cost.

This scenario presently works well for a number of low-income beneficiaries, but it is simply unsustainable in the long-run for two key reasons. First, from the perspective of beneficiaries, it is not right to ask them to continue paying premiums to their drug plans during the coverage gap when they are unable to generate sufficient out-of-pocket expenses to qualify for the program's catastrophic benefit. Many low-income beneficiaries who get "caught" in the coverage gap struggle with significant health problems, such as cancer or HIV/AIDS. These conditions often require costly treatment that a low-income beneficiary would likely have to forge without the assistance of a safety-net provider.

Second, the current scenario is placing a disadvantageous strain on the safety-net programs that assist low-income beneficiaries with their drug costs during the coverage gap. One of the primary reasons Medicare Part D was created was to provide relief to states and other safety-net providers who bore a lion's share of the responsibility of providing access to drug therapies for the Nation's seniors. While Part D has gone a long way to fulfill that intention, there is still much that can be done to help our safety-net providers. It is not right that service providers like community health centers and ADAP have been forced to provide discounted medications to low-income beneficiaries during the coverage gap, especially when the beneficiary has no way of accruing enough out-of-pocket costs for their Part D coverage to resume.

The bill Senator BINGAMAN and I are filing today resolves both these problems. It would allow safety net providers' drug costs to count toward a beneficiary's out-of-pocket costs so they are able to reach Medicare Part D's catastrophic benefit at some point. This will ensure that low-income beneficiaries have access to the full range of coverage under the program and will provide much needed fiscal relief to already strained safety net providers. Congress intended for all beneficiaries—especially those with limited incomes—to have full access to the benefits through Medicare Part D. This bill will guarantee that happens.

Despite the progress we have made in providing low-income seniors access to affordable prescription drugs, I find it troubling that recent estimates still show that there may be at least three million seniors eligible for the low-income subsidy who have yet to apply for it. While CMS, SSA and their community partners continue their vital outreach to capture these seniors, I believe the existing LIS application is too complex and is preventing seniors from getting the help they need. We need a simpler process that better reflects the true levels of assets and resources held by low-income seniors.

The last bill in the package I am filing today does just that. The Part D Equity for Low-Income Seniors Act is the product of months of bipartisan collaboration with representatives of groups like AARP, the National Council on Aging and Families USA. It aims to help SSA better target potentially eligible beneficiaries and make the application process much simpler to complete.

First, drawing from a recommendation from the Health and Human Services Office of Inspector General, SSA is given the authority to use select tax information to help determine which Medicare beneficiaries might be eligible for extra help with their drug costs. With this data, they would be able to more efficiently contact beneficiaries and prescreen them for potential eligibility. I realize that some of my colleagues might have privacy concerns with such an arrangement, but I want to make clear that my bill is not giving SSA access to any data that they already do not have. In order to implement the Part B subsidy adjustment, the Medicare Modernization Act requires that the Internal Revenue Service (IRS) send tax data to the SSA—they are legally prohibited from using it for any other purpose than Part B. We simply are establishing the same process for data exchange that already exists between the IRS and SSA so that SSA can more efficiently conduct its outreach work for Medicare Part D's low-income subsidy.

The bill also seeks to make the LIS application easier for seniors to complete. I have heard a number of complaints that the current form uses confusing verbiage and is overly burdensome in its reporting requirements. As a remedy, we eliminate the reporting of retirement account balances, the face value of life savings policies and in-kind contributions. This not only will make the form easier to complete, it will prevent seniors from the pressure of having to determine whether they should sacrifice their retirement income or long-term risk protection in order to pay their healthcare bills. I believe we need to be encouraging seniors to save for their later years in life, not requiring them to liquidate their futures to fill their prescriptions.

In order to make the LIS benefit more accurately reflect the assets and resources low-income seniors possess, our bill also proposes raising the current asset test limit to $27,500 for an individual and $55,000 for a couple. According to data from the SSA, this increase should help capture almost 40 percent of the individuals who are ineligible for the LIS benefit due to excess resources, and 50 percent of the couples. I realize this can be a sensitive issue for some of my colleagues—especially on my side of the aisle. We want to ensure that only those beneficiaries who truly are in need of help with their drug are eligible for government assistance. But, I also believe that we can be too heavyhanded and prevent those with legitimate need from getting it. The new asset/resource limits Senator BINGAMAN and I have proposed represent a good, bipartisan solution to the problem. I know many would like to see the full asset test repealed, but this year that may be a difficult feat to accomplish politically and financially. This is a reasonable step forward, one the advocates support. I hope my colleagues will as well.

I believe that the Medicare Prescription Drug Program is working for America's seniors and that we should not undertake a significant overhaul of the new benefit in this Congress. However, there is room for improvement, especially in regard to making the program work better for America's low-income seniors. I firmly believe that if Congress does not address some of these lingering problems this year, Medicare's long-term public image could be severely tarnished in the eyes of the very people it was created to serve.

One can learn a great deal about the character of a society by looking at how well it cares for its poor and vulnerable citizens. I believe my four bills that improve upon how Medicare Part

D serves low-income beneficiaries will help cement the United States as a country that looks out for its citizens in need. I hope my colleagues will join me in supporting the full package and assist me in moving it through the process.

I ask unanimous consent that the text of these bills be printed in the RECORD.

There being no objection, the bills were ordered to be printed in the RECORD, as follows:

S. 1107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Home and Community Services Copayment Equity Act of 2007".

SEC. 2. ELIMINATION OF PART D COST-SHARING FOR CERTAIN NON-INSTITUTIONALIZED FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.

(a) IN GENERAL.—Section 1860D-14(a)(1)(D)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(1)(D)(i)) is amended—

(1) in the heading, by striking "INSTITUTIONALIZED INDIVIDUALS.—In" and inserting "ELIMINATION OF COST-SHARING FOR CERTAIN FULL-BENEFIT DUAL ELIGIBLE INDIVIDUALS.—

"(I) INSTITUTIONALIZED INDIVIDUALS.—In"; and

(2) by adding at the end the following new subclauses:

"(II) CERTAIN OTHER INDIVIDUALS.—In the case of an individual who is a full-benefit dual eligible individual and who is a resident of a facility described in subclause (III) or who is receiving home and community-based services in a home setting provided under a home and community-based waiver approved for the State under section 1915 or 1115, the elimination of any beneficiary coinsurance described in section 1860D-2(b)(2) (for all amounts through the total amount of expenditures at which benefits are available under section 1860D-2(b)(4)).

"(III) FACILITY DESCRIBED.—For purposes of subclause (II), a facility described in this subclause is—

"(aa) an assisted living facility or a resident care program facility (as such terms are defined by the Secretary);

"(bb) a board and care facility (as defined in section 1903(q)(4)(B)); or

"(cc) any other facility that is licensed or certified by the State and is determined appropriate by the Secretary, such as a community mental health center that meets the requirements of section 1913(c) of the Public Health Service Act, a psychiatric health facility, a mental health rehabilitation center, and a mental retardation developmental disability facility.".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to drugs dispensed on or after the date of enactment of this Act.

S. 1108

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Medicare Part D Outreach and Enrollment Enhancement Act of 2007".

SEC. 2. SPECIAL ENROLLMENT PERIOD FOR INDIVIDUALS ELIGIBLE FOR AN INCOME-RELATED SUBSIDY.

(a) SPECIAL ENROLLMENT PERIOD.—Section 1860D-1(b)(3) of the Social Security Act (42 U.S.C. 1395w-101(b)(3)) is amended by adding at the end the following new subparagraph:

"(F) ELIGIBILITY FOR LOW-INCOME SUBSIDY.—

"(i) IN GENERAL.—Subject to clause (iii), in the case of an applicable individual (as defined in clause (ii)).

"(ii) APPLICABLE INDIVIDUAL DEFINED.—For purposes of this subparagraph, the term 'applicable individual' means a part D eligible individual who is determined to be a subsidy-eligible individual (as defined in section 1860D-14(a)(3)), including such an individual who was enrolled in a prescription drug plan or an MA-PD plan on the date of such determination.

"(iii) TIMING OF SPECIAL ENROLLMENT PERIOD.—The special enrollment period established under this subparagraph shall be for a 90-day period beginning on the date the applicable individual receives notification of such determination.".

(b) ENROLLMENT PROCESS FOR SUBSIDY-ELIGIBLE INDIVIDUALS ELIGIBLE FOR SPECIAL ENROLLMENT PERIOD.—Section 1860D-1(b)(1) is amended by adding at the end the following new subparagraph:

"(D) SPECIAL RULE FOR SUBSIDY-ELIGIBLE INDIVIDUALS ELIGIBLE FOR SPECIAL ENROLLMENT PERIOD.—The process established under subparagraph (A) shall include, in the case of an applicable individual (as defined in clause (ii) of paragraph (3)(F)) the following:

"(i) FACILITATED ENROLLMENT.—During the 90-day period described in clause (iii) of such paragraph, a process for the facilitated enrollment of the individual in the prescription drug plan or MA-PD plan that is most appropriate for such individual (as determined by the Secretary). At the end of such 90-day period, the individual shall be enrolled in such plan unless the individual declines enrollment in the plan or in the program under this part, or chooses to enroll in another plan selected by the individual prior to the end of such 90-day period.

"(ii) ONE-TIME CHANGE OF ENROLLMENT.—The opportunity to change enrollment with a prescription drug plan or an MA-PD plan not less than once during a plan year. Nothing in the previous sentence shall limit the ability of a part D eligible individual who is a full-benefit dual eligible individual (as defined in section 1935(c)(6)) to change enrollment under subparagraph (C)".

(c) WAIVER OF LATE ENROLLMENT PENALTY.—Section 1860D-13(b) of the Social Security Act (42 U.S.C. 1395w-113(b)) is amended by adding at the end the following new paragraph:

"(8) WAIVER OF PENALTY FOR SUBSIDY-ELIGIBLE INDIVIDUALS.—In no case shall a part D eligible individual who is determined to be a subsidy-eligible individual (as defined in section 1860D-14(a)(3)) be subject to an increase in the monthly beneficiary premium established under subsection (a).".

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2008.

SEC. 3. OUTREACH AND EDUCATION FOR PREMIUM AND COST-SHARING SUBSIDIES UNDER PART D.

(a) ADDITIONAL FUNDING FOR OUTREACH AND ASSISTANCE.—

(1) STATE HEALTH INSURANCE ASSISTANCE PROGRAMS.—There are authorized to be appropriated for each of fiscal years 2008, 2009, 2010, and 2011, an amount equal to $1 multiplied by the total number of individuals entitled to benefits, or enrolled, under part A of title XVIII of the Social Security Act, or enrolled under part B of such title during the fiscal year (as determined by the Secretary of Health and Human Services, based on the most recent available data before the beginning of the fiscal year) to be used to provide additional grants to State Health Insurance Assistance Programs (SHIPs) to conduct outreach and education related to the Medicare program under such title.

(2) NATIONAL CENTER ON SENIOR BENEFITS OUTREACH AND ENROLLMENT.—

(A) IN GENERAL.—There are appropriated $4,000,000 to the National Center on Senior Benefits Outreach and Enrollment established under section 202(a)(20)(B) of the Older Americans Act of 1965 (42 U.S.C. 3012(a)(20)(B)) to be used to provide outreach and enrollment assistance with respect to premium and cost-sharing subsidies under the Medicare prescription drug program under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.).

(B) COORDINATION.—The National Center on Senior Benefits Outreach and Enrollment shall coordinate outreach and enrollment assistance conducted under subparagraph (A) with activities conducted by State Health Insurance Assistance Programs (SHIPs) and other appropriate entities that conduct outreach and education related to such premium and cost-sharing subsidies.

(b) ENCOURAGING STATES TO DIRECT SUBSIDY-ELIGIBLE INDIVIDUALS TO ORGANIZATIONS PROVIDING ASSISTANCE.—

(1) IN GENERAL.—The Secretary of Health and Human Services shall encourage States to direct applicable individuals to appropriate organizations and entities that provide assistance with respect to—

(A) applying for premium and cost-sharing subsidies under section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114); and

(B) enrolling in a prescription drug plan or an MA-PD plan under part D of title XVIII of the Social Security Act (42 U.S.C. 1395w-101 et seq.).

(2) APPLICABLE INDIVIDUALS DEFINED.—In this subsection, the term "applicable individual" means an individual the State believes to be, or determines to be, eligible for premium and cost-sharing subsidies under section 1860D-14 of the Social Security Act (42 U.S.C. 1395w-114).

SEC. 4. SCREENING BY COMMISSIONER OF SOCIAL SECURITY FOR ELIGIBILITY UNDER MEDICARE SAVINGS PROGRAMS.

(a) IN GENERAL.—Section 1860D-14(a)(3)(B)(i) of the Social Security Act (42 U.S.C. 1395w-114(a)(3)(B)(i)) is amended by inserting after the first sentence the following: "As part of making an eligibility determination under the preceding sentence for an individual, the Commissioner shall screen for the individual's eligibility for medical assistance for any medicare cost-sharing described in section 1905(p)(3) and, if the screening indicates the individual is likely eligible for any such medicare cost-sharing, transmit the pertinent information to the appropriate State Medicaid agency for the determination of eligibility and enrollment of the individual for such medicare cost-sharing under the State plan (or under a waiver of such plan).".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of enactment of this Act.

SEC. 5. ADMINISTRATION ON AGING STUDY AND REPORT ON SCREENING PROCESSES USED BY GOVERNMENT NEEDS-BASED PROGRAMS.

(a) STUDY.—

(1) IN GENERAL.—The Assistant Secretary of the Administration on Aging (in this section referred to as the "Assistant Secretary") shall conduct a comprehensive study of screening processes used by government needs-based programs.

(2) MATTERS STUDIED.—In conducting the study under paragraph (1), the Assistant Secretary shall—

(A) assess any duplications of effort under existing screening processes used by government needs-based programs;

(B) determine the feasibility of creating a uniform screening process for such needs-based programs;

(C) determine how the Federal government, State governments, and community-based organizations can better coordinate existing screening processes in order to facilitate the enrollment of seniors into need-based programs;

(D) include a cost-benefit analysis with respect to creating a uniform screening process or better streamlining existing screening processes; and

(E) determine the feasibility of using the Internet to administer screening processes, as well as the costs and benefits of migrating to on online system.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Assistant Secretary shall submit a report to Congress containing the results of the study conducted under subsection (a), together with recommendations—

(1) to streamline and improve the effectiveness of screening processes used by government needs-based programs; and

(2) for such legislation or administrative action as the Assistant Secretary determines appropriate.

(c) AUTHORIZATION.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 146—DESIGNATING JUNE 20, 2007, AS "AMERICAN EAGLE DAY", AND CELEBRATING THE RECOVERY AND RESTORATION OF THE AMERICAN BALD EAGLE, THE NATIONAL SYMBOL OF THE UNITED STATES

Mr. ALEXANDER (for himself, Mr. BYRD, Mr. COLEMAN, Mr. KENNEDY, Mr. ALLARD, Mrs. FEINSTEIN, Mr. CORKER, and Mrs. BOXER) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 146

Whereas, the bald eagle was designated as the national emblem of the United States on June 20, 1782, by our country's Founding Fathers at the Second Continental Congress;

Whereas, the bald eagle is the central image used in the Great Seal of the United States and the seals of the President and Vice President;

Whereas, the image of the bald eagle is displayed in the official seal of many branches and departments of the Federal Government, including—

(1) Congress;

(2) the Supreme Court;

(3) the Department of Defense;

(4) the Department of the Treasury;

(5) the Department of Justice;

(6) the Department of State;

(7) the Department of Commerce;

(8) the Department of Homeland Security;

(9) the Department of Veterans Affairs;

(10) the Department of Labor;

(11) the Department of Health and Human Services;

(12) the Department of Energy;

(13) the Department of Housing and Urban Development;

(14) the Central Intelligence Agency; and

(15) the United States Postal Service;

Whereas, the bald eagle is an inspiring symbol of the American spirit of freedom and democracy;

Whereas, the image, meaning, and symbolism of the bald eagle have played a significant role in American art, music, history, literature, architecture, and culture since the founding of our Nation;

Whereas, the bald eagle is featured prominently on United States stamps, currency, and coinage;

Whereas, the habitat of bald eagles exists only in North America;

Whereas, by 1963, the number of nesting pairs of bald eagles in the lower 48 States had dropped to about 417;

Whereas, the bald eagle was first listed as an endangered species in 1967 under the Endangered Species Preservation Act, the Federal law that preceded the Endangered Species Act of 1973;

Whereas, caring and concerned citizens of the United States in the private and public sectors banded together to save, and help ensure the protection of, bald eagles;

Whereas, in 1995, as a result of the efforts of those caring and concerned citizens, bald eagles were removed from the "endangered" species list and upgraded to the less imperiled "threatened" status under the Endangered Species Act of 1973;

Whereas, by 2006, the number of bald eagles in the lower 48 States had increased to approximately 7,000 to 8,000 nesting pairs;

Whereas, the administration is likely to officially delist the bald eagle from both the "endangered" and "threatened" species lists under the Endangered Species Act of 1973, with a final decision expected no later than June 29, 2007;

Whereas, if delisted under the Endangered Species Act of 1973, bald eagles should be provided strong protection under the Bald and Golden Eagle Protection Act and the Migratory Bird Treaty Act;

Whereas, bald eagles would have been permanently extinct if not for vigilant conservation efforts of concerned citizens and strict protection laws;

Whereas, the dramatic recovery of the bald eagle population is an endangered species success story and an inspirational example for other wildlife and natural resource conservation efforts around the world;

Whereas, the initial recovery of the bald eagle population was accomplished by the concerted efforts of numerous government agencies, corporations, organizations, and individuals; and

Whereas, the sustained recovery of the bald eagle population will require the continuation of recovery, management, education, and public awareness programs, to ensure that the population and habitat of bald eagles will remain healthy and secure for future generations: Now, therefore, be it

Resolved, That the Senate—

(1) designates June 20, 2007, as "American Eagle Day"; and

(2) encourages—

(A) educational entities, organizations, businesses, conservation groups, and government agencies with a shared interest in conserving endangered species to collaborate on education information for use in schools; and

(B) the people of the United States to observe American Eagle Day with appropriate ceremonies and other activities.

SENATE RESOLUTION 147—CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM FOR WINNING THE 2007 NCAA DIVISION I WOMEN'S BASKETBALL CHAMPIONSHIP

Mr. ALEXANDER (for himself and Mr. CORKER) submitted the following resolution; which was considered and agreed to:

S. RES. 147

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the "Lady Vols") defeated the Scarlet Knights of Rutgers by a score of 59-46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996-98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006-2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Auguste scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006-2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

SENATE RESOLUTION 148—COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM FOR WINNING THE 2007 NATIONAL COLLEGIATE ATHLETIC ASSOCATION (NCAA) DIVISION I BASKETBALL CHAMPIONSHIP

Mr. NELSON of Florida (for himself and Mr. MARTINEZ) submitted the following resolution; which was considered and agreed to:

S. RES. 148

Whereas, on April 2nd, 2007, the University of Florida men's basketball team made history with its 84-75 win over the Ohio State University Buckeyes - becoming only the seventh school to repeat as national champions in men's hoops, and the first team since Duke University accomplished this feat in 1991 and 1992, and the first school to hold national titles in both basketball and football in the same year;

Whereas, the Gators entered the 2006-2007 season as the defending national champions and posted a 35-5 win-loss record during their second run for the title, finishing the season with a ten-game winning streak and securing the Southeastern Conference Championship, in addition to the 2007 NCAA Division I men's basketball crown;

Whereas, Head Coach Billy Donovan joined elite company as he became one of only four active coaches to win multiple NCAA titles;

Whereas, University of Florida junior Corey Brewer was chosen as the Most Outstanding Player of the Final Four;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators defended their title and captured a second consecutive national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2007 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win consecutive NCAA Division I Basketball Championships; and

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the Head Coach of the University of Florida men's basketball team, Billy Donovan.

SENATE CONCURRENT RESOLUTION 26—RECOGNIZING THE 75TH ANNIVERSARY OF THE MILITARY ORDER OF THE PURPLE HEART AND COMMENDING RECIPIENTS OF THE PURPLE HEART FOR THEIR COURAGEOUS DEMONSTRATIONS OF GALLANTRY AND HEROISM ON BEHALF OF THE UNITED STATES

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 26

Whereas the Purple Heart is a combat decoration awarded to members of the Armed Forces who are wounded by an instrument of war wielded by the enemy;

Whereas the Purple Heart is awarded posthumously to the next of kin in the name of members of the Armed Forces who are killed in action or die of wounds received in action;

Whereas the Purple Heart was originally conceived as the Badge of Military Merit by General George Washington on August 7, 1782;

Whereas 2007 marks the 225th anniversary of the Badge of Military Merit, the predecessor of the Purple Heart;

Whereas the practice of awarding the Purple Heart was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements;

Whereas more than 1,535,000 Purple Hearts have been awarded to members of the Armed Forces who fought in defense of freedom and democracy in World War I, World War II, the Korean War, the Vietnam War, Operation Desert Storm, Operation Enduring Freedom, Operation Iraqi Freedom, and other expeditionary conflicts;

Whereas approximately 550,000 recipients of the Purple Heart are alive today;

Whereas the organization known as the Military Order of the Purple Heart was formed on October 19, 1932, for the protection and mutual interest of members of the Armed Forces who have received the Purple Heart; and

Whereas the Military Order of the Purple Heart is composed exclusively of recipients of the Purple Heart and is the only veterans' service organization comprised strictly of combat veterans: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) congratulates the Military Order of the Purple Heart on its 75th anniversary as a national organization whose goals are to preserve and sustain the honor of the Armed Forces;

(2) commends all recipients of the Purple Heart for their courageous demonstrations of gallantry and heroism on behalf of the United States; and

(3) encourages the people of the United States to take time to learn about the Purple Heart and the honor, courage, and bravery it symbolizes.

SENATE CONCURRENT RESOLUTION 27—SUPPORTING THE GOALS AND IDEALS OF "NATIONAL PURPLE HEART RECOGNITION DAY"

Mrs. CLINTON (for herself and Mr. HAGEL) submitted the following concurrent resolution; which was referred to the Committee on Armed Services:

S. CON. RES. 27

Whereas the Purple Heart is the oldest military decoration in the world in present use;

Whereas the Purple Heart is awarded in the name of the President of the United States to members of the Armed Forces who are wounded in a conflict with an enemy force or are wounded while held by an enemy force as prisoners of war, and is awarded posthumously to the next of kin of members of the Armed Forces who are killed in a conflict with an enemy force or who die of wounds received in a conflict with an enemy force;

Whereas the Purple Heart was established on August 7, 1782, during the Revolutionary War, when General George Washington issued an order establishing the Honorary Badge of Distinction, otherwise known as the Badge of Military Merit;

Whereas the award of the Purple Heart ceased with the end of the Revolutionary War, but was revived in 1932, the 200th anniversary of George Washington's birth, out of respect for his memory and military achievements; and

Whereas observing National Purple Heart Recognition Day is a fitting tribute to George Washington and to the more than 1,535,000 recipients of the Purple Heart, approximately 550,000 of whom are still living: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That Congress—

(1) supports the goals and ideals of "National Purple Heart Recognition Day";

(2) encourages all people in the United States to learn about the history of the Purple Heart and to honor its recipients; and

(3) requests that the President issue a proclamation calling on the people of the United States to conduct appropriate ceremonies, activities, and programs to demonstrate support for members of the Armed Forces who have been awarded the Purple Heart.

AMENDMENTS SUBMITTED AND PROPOSED

SA 842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account , and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 842. Mr. ALLARD submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, insert the following:

SEC. 509. SHARING OF SOCIAL SECURITY DATA FOR IMMIGRATION ENFORCEMENT PURPOSES.

(a) SOCIAL SECURITY ACCOUNT NUMBERS.—Section 264(f) of the Immigration and Nationality Act (8 U.S.C. 1304(f)) is amended to read as follows:

"(f) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), the Secretary of Homeland Security, the Secretary of Labor, and the Attorney General are authorized to require an individual to provide the individual's social security account number for purposes of inclusion in any record of the individual maintained by either such Secretary or the Attorney General, or of inclusion in any application, document, or form provided under or required by the immigration laws.".

(b) EXCHANGE OF INFORMATION.—Section 290(c) of the Immigration and Nationality Act (8 U.S.C. 1360(c)) is amended by striking paragraph (2) and inserting the following new paragraphs:

"(2)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if earnings are reported on or after January 1, 1997, to the Social Security Administration on a social security account number issued to an alien not authorized to work in the United States, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of the alien, the name and address of the person reporting the earnings, and the amount of the earnings.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary.

"(3)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if a social security account number was used with multiple names, the Commissioner of Social Security shall provide the Secretary of Homeland Security with information regarding the name, date of birth, and address of each individual who used that social security account number, and the name and address of the person reporting the earnings for each individual who used that social security account number.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(4)(A) Notwithstanding any other provision of law (including section 6103 of the Internal Revenue Code of 1986), if more than one person reports earnings for an individual during a single tax year, the Commissioner of Social Security shall provide the Secretary of Homeland Security information regarding the name, date of birth, and address of the individual, and the name and address of the each person reporting earnings for that individual.

"(B) The information described in subparagraph (A) shall be provided in an electronic form agreed upon by the Commissioner and the Secretary for the sole purpose of enforcing the immigration laws.

"(C) The Secretary, in consultation with the Commissioner, may limit or modify the requirements of this paragraph, as appropriate, to identify the cases posing the highest possibility of fraudulent use of social security account numbers related to violation of the immigration laws.

"(5)(A) The Commissioner of Social Security shall perform, at the request of the Secretary of Homeland Security, a search or manipulation of records held by the Commissioner if the Secretary certifies that the purpose of the search or manipulation is to obtain information that is likely to assist in identifying individuals (and their employers) who are using false names or social security account numbers, who are sharing a single valid name and social security account number among multiple individuals, who are using the social security account number of a person who is deceased, too young to work, or not authorized to work, or who are otherwise engaged in a violation of the immigration laws. The Commissioner shall provide the results of such search or manipulation to the Secretary, notwithstanding any other provision law (including section 6103 of the Internal Revenue Code of 1986).

"(B) The Secretary shall transfer to the Commissioner the funds necessary to cover the costs directly incurred by the Commissioner in carrying out each search or manipulation requested by the Secretary under subparagraph (A).".

(c) FALSE CLAIMS OF CITIZENSHIP OR NATIONALITY.—Section 212(a)(6)(C)(ii) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(6)(C)(ii)) is amended—

(1) in the heading, by inserting "OR NATIONALITY" after "CITIZENSHIP"; and

(2) in subclause (I), by inserting "or national" after "citizen".

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEES ON ARMED SERVICES AND VETERANS' AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committees on Armed Services and Veterans' Affairs be authorized to meet during the session of the Senate on Thursday, April 12, 2007, at 9:30 a.m., in open session to receive testimony on the Departments of Defense and Veterans Affairs disability rating systems and the transition from the Department of Defense to the Department of Veterans Affairs.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Thursday, April 12, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine the implementation of the Transportation Worker Identification Credential (TWIC) Program.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Thursday, April 12, 2007, at 10 a.m. in room SD–366 of the Dirksen Senate Office Building. The purpose of the hearing is to receive testimony on S. 987, the Biofuels for Energy Security and Transportation Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the session of the Senate on Thursday, April 12, 2007, at 10 a.m., in G50 Dirksen Senate Office Building, to hear testimony on "Filing Your Taxes: An Ounce of Prevention is Worth a Pound of Cure."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, April 12, 2007, at 2:15 p.m., in 215 Dirksen Senate Office Building, to hear testimony on "International Perspectives on Alternative Energy Policy: Incentives and Mandates and their Impacts."

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Finance be authorized to meet during the Session of the Senate on Thursday, April 12, 2007, at 6:40 p.m., in 215 Dirksen Senate Office Building, to consider a substitute to S. 3, the Medicare Prescription Drug Price Negotiation Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON HEALTH, EDUCATION, LABOR, AND PENSIONS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Health, Education, Labor, and Pensions be authorized to hold a hearing on equal pay for women workers during the session of the Senate on Thursday, April 12, 2007 at 2 p.m. in SD–628.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON INDIAN AFFAIRS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Indian Affairs be authorized to meet on Thursday, April 12, 2007, at 9:30 a.m. in Room 485 of the Russell Senate Office Building to conduct a business meeting to consider pending legislation, to be followed immediately by an Oversight Hearing on Tribal Colleges and Universities.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON THE JUDICIARY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on the Judiciary be authorized to meet to conduct a markup on Thursday, April 12, at 10 a.m. in Dirksen Room 226.

Agenda

I. Committee Authorization, Authorization of Subpoenas in Connection with Investigation into Replacement of U.S. Attorneys.

II. Bills, S. 236, Federal Agency Data Mining Reporting Act of 2007, Feingold, Sununu, Leahy, Kennedy, Carin; S. 376, Law Enforcement Officers Safety Act of 2007, Leahy, Specter, Grassley, Kyl, Sessions, Cornyn; S. 849, OPEN Government Act, Leahy, Cornyn, Specter, Feingold; S. 119, War Profiteering Prevention Act of 2007, Leahy, Feinstein, Feingold, Schumer, Durbin; S. 621, Wartime Treatment Study Act of 2007, Feingold, Grassley, Kennedy; S. 798, Star-Spangled Banner and War of 1812 Bicentennial Commission Act, Cardin, Warner, Kennedy; S. 735, Terrorist Hoax Improvements Act of 2007, Kennedy, Kyl, Coleman, Schumer; H.R. 740, Preventing Harassment through Outbound Number Enforcement (PHONE) Act of 2007, Scott, Conyers, Forbes, Boucher, Jackson-Lee, Gutierrez, Sherman.

III. Nominations, Robert Gideon Howard, Jr., to be United States Marshall for the Eastern District of Arkansas; Frederick J. Kapala, to be United States District Judge for the Northern District of Illinois; Halil Suleyman Ozerden, to be United States District Judge for the Southern District of Mississippi; Benjamin Hale Settle, to be United States District Judge for the Western District of Washington.

IV. Resolutions, S. Res. 112, designating April 6, 2007, as "National Missing Person's Day," Schumer, Crapo, Feinstein.

The PRESIDING OFFICER. Without objection, it is so ordered.

SELECT COMMITTEE ON INTELLIGENCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on April 12, 2007 at 2:30 p.m. to hold a closed hearing.

The PRESIDING OFFICER. Without objection, it is so ordered.

AD HOC SUBCOMMITTEE ON DISASTER RECOVERY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Ad Hoc Subcommittee on Disaster Recovery be authorized to meet on Thursday, April 12, 2007, at 2 p.m. for a hearing titled "GAO's Analysis of the Gulf Coast Recovery: A Dialogue on Removing Obstacles to the Recovery Effort."

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITY AND INTERNATIONAL TRADE AND FINANCE

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Security and International Trade and Finance be authorized to meet during the session of the Senate on April 12, 2007, at 2 p.m., to conduct a hearing on "Pirating the American Dream: Intellectual Property Theft's Impact on America's Place in the Global Economy and Strategies for Improving Enforcement."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the following staff members of the Intelligence Committee be given access to the floor during consideration of S. 372 and all pending matters.

Sameer Bhalotra, Randy Bookout, Tom Corcoran, Mike Davidson John Dickas, Melvin Dubee, Lorenzo Goco, Evan Gottesman, David Grannis, Christine Healey, Andy Johnson, Dan Jones, David Koger, Jack Livingston, John Maguire, Paul Matulic, Don Mitchell, Matt Pollard, Kathleen Rice, Eric Rosenbach, Todd Rosenblum, Jacqueline Russell, Alissa Starzak, Don Stone, Greg Thielmann, Louis Tucker, Jennifer Wagner. Christopher White.

I ask further that Ken Johnson, of the Committee staff, be given unrestricted floor privileges during consideration of S. 372 and related pending matters.

Mr. CORNYN. Mr. President, I ask unanimous consent that Jack Kammerer be granted the privilege of the floor during the course of debate on the Intelligence authorization bill.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 75; that the nomination be confirmed; that the motion to reconsider be laid upon the table; that any statements be printed in the RECORD; that the President be immediately notified of the Senate's action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nomination was considered and confirmed as follows:

DEPARTMENT OF DEFENSE

Claude M. Kicklighter, of Georgia, to be Inspector General, Department of Defense

LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will now return to legislative session.

IRAQI AND AFGHANI TRANSLATORS

Mr. REID. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 1104.

The PRESIDING OFFICER. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 1104) to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants.

There being no objection, the Senate proceeded to consider the bill.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill (S. 1104) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 1104

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SPECIAL IMMIGRANT STATUS FOR CERTAIN ALIENS SERVING AS TRANSLATORS OR INTERPRETERS WITH FEDERAL AGENCIES.

(a) INCREASE IN NUMBERS ADMITTED.—Section 1059 of the National Defense Authorization Act for Fiscal Year 2006 (8 U.S.C. 1101 note) is amended—

(1) in subsection (b)(1)—

(A) in subparagraph (B), by striking "as a translator" and inserting ", or under Chief of Mission authority, as a translator or interpreter" ;

(B) in subparagraph (C), by inserting "the Chief of Mission or" after "recommendation from"; and

(C) in subparagraph (D), by inserting "the Chief of Mission or" after "as determined by"; and

(2) in subsection (c)(1), by striking "section during any fiscal year shall not exceed 50." and inserting the following: "section—

"(A) during each of the fiscal years 2007, 2008, and 2009, shall not exceed 500; and

"(B) during any other fiscal year shall not exceed 50.".

(b) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—Section 1059(c)(2) of such Act is amended—

(1) by amending the paragraph heading to read as follows:

"(2) ALIENS EXEMPT FROM EMPLOYMENT-BASED NUMERICAL LIMITATIONS.—"; and

(2) by inserting "and shall not be counted against the numerical limitations under section 201(d), 202(a), and 203(b)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(d), 1152(a), and 1153(b)(4))" before the period at the end.

(c) ADJUSTMENT OF STATUS.—Section 1059 of such Act is further amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) ADJUSTMENT OF STATUS.—Notwithstanding paragraphs (2), (7) and (8) of section 245(c) of the Immigration and Nationality Act (8 U.S.C. 1255(c)), the Secretary of Homeland Security may adjust the status of an alien to that of a lawful permanent resident under section 245(a) of such Act if the alien—

"(1) was paroled or admitted as a nonimmigrant into the United States; and

"(2) is otherwise eligible for special immigrant status under this section and under the Immigration and Nationality Act.".

RAYMOND G. MURPHY DEPARTMENT OF VETERANS AFFAIRS MEDICAL CENTER

Mr. REID. Mr. President, I ask unanimous consent that the Committee on Veterans' Affairs be discharged from further consideration of S. 229 and the Senate proceed to its immediate consideration.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the bill by title.

The legislative clerk read as follows:

A bill (S. 229) to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

There being no objection, the Senate proceeded to consider the bill.

Mr. DOMENICI. Mr. President, I am very pleased today that we will have renamed the Albuquerque VA facility as the Raymond G. Murphy Department of Veterans Affairs Medical Center. I thank my colleague Senator BINGAMAN for his support on this issue, as well as Senator AKAKA and Senator CRAIG and the staff on the Committee of Veterans' Affairs for their help.

Raymond "Jerry" Murphy died last Friday at the age of 77. His obituary described him as "one of the softest-spoken, most modest men to ever wear the Medal of Honor." Jerry Murphy was a true American hero who in war and peace dedicated himself to others. CPT Jerry Murphy was the 39th U.S. Marine to be awarded the Medal of Honor for heroism in the Korean war. When he returned from war he dedicated his entire life to taking care of other veterans. He spent 23 years working in the Albuquerque VA regional office. Upon his retirement, he continued to serve veterans as a volunteer until he became too sick to do so. I think it is only right that the medical center in Albuquerque bear his name in recognition of his great service to veterans and to the Nation.

I came to the floor earlier in the week and spoke about my good friend after he died. I stand by that statement and again send my condolences to Jerry's wife Maryann, his sons John, Michael, and Tim, his daughter Eleanor, as well as his eight grandchildren. It is never easy to lose a loved one, but at these trying moments, we can take solace in the fact that Jerry lived a long and fulfilling life. He helped many people and touched many lives. His service is a shining example to civilians and veterans alike of a life dedicated to service.

I am very proud to have known Jerry Murphy and to have been able to call him my friend. It is a privilege to play a part in bestowing this deserving honor on a great man and a great American, Raymond Gerald Murphy.

Mr. REID. Mr. President, I ask unanimous consent that the bill be read a third time, passed, the motion to reconsider be laid upon the table, and that any statements relating to this bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The bill was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

S. 229

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The Federal building known and designated as the "Department of Veterans Affairs Medical Center" located at 1501 San Pedro Drive, SE, in Albuquerque, New Mexico, shall be known and redesignated as the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the Federal building referred to in section 1 shall be deemed to be a reference to the "Raymond G. Murphy Department of Veterans Affairs Medical Center".

CONGRATULATING THE UNIVERSITY OF TENNESSEE WOMEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 147.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 147) congratulating the University of Tennessee women's basketball team for winning the 2007 NCAA Division I Women's Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, if I can just comment, that was a remarkable tournament. The final four was exciting, and the game between the Rutgers University team and the University of Tennessee was very exciting. It was high-quality basketball. I enjoyed it a lot more than the men's final four.

Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 147) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 147

Whereas, on April 3, 2007, before a crowd of over 20,000 fans, the University of Tennessee women's basketball team (the "Lady Vols") defeated the Scarlet Knights of Rutgers by a score of 59-46 to win the 2007 National Collegiate Athletic Association (NCAA) Division I Women's Basketball Championship;

Whereas this championship was the first national title for the Lady Vols since their 3-year championship run in 1996-98, and their 7th national title in the last 20 years;

Whereas the Lady Vols were successful due to the leadership of Coach Pat Summitt, the Nation's all-time winningest NCAA basketball coach (men's or women's) with 947 wins over 33 seasons at the University of Tennessee;

Whereas Joan Cronan, the Women's Athletics Director, has shown vision and leadership throughout her 24-year career at the University of Tennessee and created one of the most visible and respected athletic programs in the country;

Whereas the Lady Vols were undefeated in conference games during the 2006-2007 season and compiled an impressive overall record of 34 wins and 3 losses;

Whereas Candace Parker tallied 17 points, 7 rebounds, and 3 assists and was selected the Most Outstanding Player for the 2007 tournament, becoming the 5th Lady Volunteer to be so honored, following in the footsteps of Chamique Holdsclaw (1998, 1997), Michelle Marciniak (1996), Bridgette Gordon (1989), and Tonya Edwards (1987);

Whereas Shannon Bobbitt, who at only 5 feet, 2 inches, is the smallest player ever at the University of Tennessee, scored 3 decisive 3-pointers in the 2nd half, finished the game with 13 points, and was named to the 2007 All-Tournament Team;

Whereas Nicky Anosike had a career high of 16 rebounds and was named to the 2007 All-Tournament team;

Whereas senior Sidney Spencer scored 11 points and Alberta Auguste scored 10 points, with both players achieving a combined 6 for 6 from the free throw line;

Whereas Alexis Hornbuckle played outstanding defense and created energy on the court;

Whereas Dominique Redding and Alex Fuller also contributed to the team's victory;

Whereas the 2006-2007 team has an average GPA above 3.0; and

Whereas Coach Pat Summitt's Lady Vols continue their remarkable graduation rate, with every student athlete who has completed her eligibility at the University of Tennessee either graduating or working toward all of the requirements for graduation: Now, therefore, be it

Resolved, That the Senate—

(1) congratulates the University of Tennessee women's basketball team for being champions on and off the court and for their victory in the 2007 NCAA Division I Women's Basketball Championship;

(2) recognizes the significant achievements of the players, coaches, students, alumni, and support staff whose dedication and hard work helped the University of Tennessee Lady Vols win the NCAA championship; and

(3) respectfully requests the Secretary of the Senate to transmit copies of this resolution to the following for appropriate display—

(A) Dr. John D. Petersen, President of the University of Tennessee;

(B) Dr. Loren Crabtree, Chancellor of the University of Tennessee, Knoxville;

(C) Joan Cronan, Women's Athletics Director; and

(D) Pat Summitt, Women's Basketball Head Coach.

COMMENDING THE UNIVERSITY OF FLORIDA MEN'S BASKETBALL TEAM

Mr. REID. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 148.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 148) commending The University of Florida men's basketball team for winning the 2007 National Collegiate Athletic Association (NCAA) Division I Basketball Championship.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and that any statements relating to the resolution be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 148) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 148

Whereas, on April 2nd, 2007, the University of Florida men's basketball team made history with its 84–75 win over the Ohio State University Buckeyes—becoming only the seventh school to repeat as national champions in men's hoops, and the first team since Duke University accomplished this feat in 1991 and 1992, and the first school to hold national titles in both basketball and football in the same year;

Whereas, the Gators entered the 2006–2007 season as the defending national champions and posted a 35–5 win-loss record during their second run for the title, finishing the season with a ten-game winning streak and securing the Southeastern Conference Championship, in addition to the 2007 NCAA Division I men's basketball crown;

Whereas, Head Coach Billy Donovan joined elite company as he became one of only four active coaches to win multiple NCAA titles;

Whereas, University of Florida junior Corey Brewer was chosen as the Most Outstanding Player of the Final Four;

Whereas, each player, coach, trainer, and manager dedicated his or her time and effort to ensuring that the Florida Gators defended their title and captured a second consecutive national championship; and

Whereas, the families of the players, students, alumni, and faculty of the University of Florida, and all of the supporters of the University of Florida, are to be congratulated for their commitment to, and pride in, the basketball program at the University: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Florida men's basketball team for winning the 2007 NCAA Division I Basketball Championship;

(2) recognizes the achievements of all of the players, coaches, and support staff who were instrumental in helping the University of Florida men's basketball team win consecutive NCAA Division I Basketball Championships, and

(3) respectfully requests the Secretary of the Senate to transmit enrolled copies of this resolution to—

(A) the University of Florida for appropriate display;

(B) the President of the University of Florida, Dr. J. Bernard Machen;

(C) the Athletic Director of the University of Florida, Jeremy Foley; and

(D) the Head Coach of the University of Florida men's basketball team, Billy Donovan.

CALLING FOR IMMEDIATE AND UNCONDITIONAL RELEASE OF SOLDIERS OF ISRAEL

Mr. REID. Mr. President, I ask unanimous consent that the Senate Committee on Foreign Relations be discharged from further consideration of S. Res. 92.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report the resolution by title.

The legislative clerk read as follows:

A resolution (S. Res. 92) calling for the immediate and unconditional release of soldiers of Israel held captive by Hamas and Hezbollah.

There being no objection, the Senate proceeded to consider the resolution.

Mr. REID. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, the motion to reconsider be laid upon the table, and any statements relating to the resolution be printed in the RECORD, with no intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 92) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 92

Whereas Israel withdrew from southern Lebanon on May 24, 2000;

Whereas Congress expressed concern for soldiers of Israel missing in Lebanon and Syrian-controlled territory of Lebanon in the Act entitled "To locate and secure the return of Zachary Baumel, a United States citizen, and other Israeli soldiers missing in action", approved November 8, 1999 (Public Law 106–89), which required the Secretary of State to raise the status of missing soldiers of Israel with appropriate government officials of Syria, Lebanon, the Palestinian Authority, and other governments in the region, and to submit to Congress reports on those efforts and any subsequent discovery of relevant information;

Whereas, on June 18, 2000, the United Nations Security Council welcomed and endorsed the report by United Nations Secretary-General Kofi Annan that Israel had withdrawn completely from Lebanon under the terms of United Nations Security Council Resolution 425 (1978);

Whereas Israel completed its withdrawal from Gaza on September 12, 2005;

Whereas, on June 25, 2006, Hamas and allied terrorists crossed into Israel to attack a military post, killing 2 soldiers and wounding a third, Gilad Shalit, who was kidnapped;

Whereas, on July 12, 2006, terrorists of Hezbollah crossed into Israel to attack troops of Israeli patrolling the Israeli side of the border with Lebanon, killing 3 soldiers, wounding 2 more, and kidnapping Ehud Goldwasser and Eldad Regev;

Whereas Gilad Shalit has been held in captivity by Hamas for more than 7 months;

Whereas Ehud Goldwasser and Eldad Regev have been held in captivity by Hezbollah for more than 6 months;

Whereas Hamas and Hezbollah have withheld all information on the health and welfare of the men they have kidnapped; and

Whereas, contrary to the most basic standards of humanitarian conduct, Hamas and Hezbollah have prevented access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross: Now, therefore, be it

Resolved, That the Senate—

(1) demands that—

(A) Hamas immediately and unconditionally release Israeli soldier Gilad Shalit;

(B) Hezbollah accept the mandate of United Nations Security Council Resolution 1701 (2006) by immediately and unconditionally releasing Israeli soldiers Ehud Goldwasser and Eldad Regev; and

(C) Hezbollah and Hamas accede to the most basic standards of humanitarian conduct and allow prompt access to the Israeli captives by competent medical personnel and representatives of the International Committee of the Red Cross;

(2) expresses—

(A) vigorous support and unwavering commitment to the welfare and survival of the State of Israel as a Jewish and democratic state with secure borders;

(B) strong support and deep interest in achieving a resolution of the Israeli-Palestinian conflict through the creation of a viable and independent Palestinian state living in peace alongside of the State of Israel;

(C) ongoing concern and sympathy for the families of Gilad Shalit, Ehud Goldwasser, Eldad Regev, and all other missing soldiers of Israel; and

(D) full commitment to seek the immediate and unconditional release of the Israeli captives; and

(3) condemns—

(A) Hamas and Hezbollah for the cross border attacks and kidnappings that precipitated weeks of intensive armed conflict between Israel and Hezbollah and armed Palestinian groups; and

(B) Iran and Syria for their ongoing support of Hezbollah and Hamas.

AUTHORITY FOR COMMITTEE TO REPORT

Mr. REID. Mr. President, I ask unanimous consent that on Friday, April 13, notwithstanding an adjournment of the Senate, the Senate Finance Committee be permitted to report S. 3 during the hours of 12 noon to 2 p.m.; further, that if the bill is reported, it be in order for the majority leader to move to proceed to the bill on Monday, April 16.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Mr. President, I also ask unanimous consent that Members have until 2:30 p.m. on Monday to file amendments to S. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. I further ask unanimous consent that if the committee does not file S. 3 tomorrow, it be in order for the majority leader, on Monday, to introduce a bill dealing with the same subject matter and that it be in order for the majority leader to move to proceed to that bill on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDERS FOR MONDAY, APRIL 16, 2007

Mr. REID. I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 2 p.m. on Monday, April 16, and on Monday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired, and the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes with Senators permitted to speak for up to 10 minutes each; that at the close of morning business the Senate resume consideration of S. 372, as provided for under a previous order.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. REID. I commend the Republican leader for his willingness to work with us in getting an agreement where we debated two stem cell bills. I also would be remiss if I did not mention the primary individuals who were here during most, if not all, of that debate: Senators HARKIN, SPECTER, BROWNBACK, COLEMAN, and ISAKSON. They conducted the debate in a manner which shows Members can disagree and not be disagreeable. Although there were different points of view, the debate was clearly very informative and educational.

Also, we just entered an order allowing the Senate to consider the Intelligence authorization bill on Monday. There will be a cloture vote on that bill at 5:30 p.m. on Monday.

The Senate will not be in session on Friday. Therefore, there will be no rollcall votes.

ADJOURNMENT UNTIL MONDAY, APRIL 16, 2007, AT 2 P.M.

Mr. REID. If there is no further business to be brought before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:24 p.m., adjourned until Monday, April 16, 2007, at 2 p.m.

CONFIRMATION

Executive nomination confirmed by the Senate Thursday, April 12, 2007:

DEPARTMENT OF DEFENSE

CLAUDE M. KICKLIGHTER, OF GEORGIA, TO BE INSPECTOR GENERAL, DEPARTMENT OF DEFENSE.

THE ABOVE NOMINATION WAS APPROVED SUBJECT TO THE NOMINEE'S COMMITMENT TO RESPOND TO REQUESTS TO APPEAR AND TESTIFY BEFORE ANY DULY CONSTITUTED COMMITTEE OF THE SENATE.

HOUSE OF REPRESENTATIVES—*Monday, April 16, 2007*

The House met at 2 p.m. and was called to order by the Speaker pro tempore (Mr. ALTMIRE).

DESIGNATION OF THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
April 16, 2007.

I hereby appoint the Honorable JASON ALTMIRE to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

Lord God, the beginning and the end of all things, our spring celebrations speak to our national identity and to the soul of each individual. Out of the cold of winter comes new life, fragile yet wonderful.

The Passover renewed and the eternal meaning of Easter usher in an abiding sense of being the free children of God because we celebrate Your presence once again revealed in the course of history and in the ordinary affairs of daily life. May the cloud of Your mystery guide us day and night and never be lifted from our conscious endeavors.

Be with Congress as it takes up the affairs of state. Both by law and policy, this government seeks to establish a world fresh with creativity, born out of freedom and brilliant with hope, because faith is renewed and trust is placed more squarely in You who live and reign forever and ever.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from South Carolina (Mr. WILSON) come forward and lead the House in the Pledge of Allegiance.

Mr. WILSON of South Carolina led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 11, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 11, 2007, at 10:40 a.m.:

That the Senate passed S. 521.

That the Senate passed S. 801.

That the Senate passed without amendment H.R. 137.

That the Senate passed without amendment H.R. 753.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 12, 2007.

Hon. NANCY PELOSI,
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 12, 2007, at 9:56 am:

That the Senate passed S. 5.

That the Senate passed S. 30.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of House.

COMMUNICATION FROM THE CLERK OF THE HOUSE

The SPEAKER pro tempore laid before the House the following communication from the Clerk of the House of Representatives:

OFFICE OF THE CLERK,
HOUSE OF REPRESENTATIVES,
Washington, DC, April 13, 2007.

Hon. NANCY PELOSI
The Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER. Pursuant to the permission granted in Clause 2(h) of Rule II of the Rules of the U.S. House of Representatives, the Clerk received the following message from the Secretary of the Senate on April 13, 2007, at 11:00 am:

That the Senate passed S. 229.

That the Senate passed S. 1104.

With best wishes, I am,

Sincerely,

LORRAINE C. MILLER,
Clerk of the House

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 4 of rule I, the following enrolled bill was signed:

By Speaker pro tempore VAN HOLLEN on Wednesday, April 11, 2007:

S. 1002, to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive program.

VISITING THE FAR EAST

(Mr. WILSON of South Carolina asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WILSON of South Carolina. Mr. Speaker, I had the honor 2 weeks ago of joining Congressman SOLOMON ORTIZ for a codel across the Far East. We were privileged to meet with officials in Guam, U.S.A.; China; South Korea; and Vietnam. Having visited most of those capitals before, this most recent trip reaffirmed my hope for the future. This extraordinarily fast growing region presents great opportunity for growing friendships for America.

In Korea and Guam, where America begins its day, we visited our servicemembers who are an inspiration of dedication, providing front line security for American families.

In Vietnam and China, we saw dynamic developing free-market economies. Amazingly, Vietnam has become one of the fastest growing modern economies on Earth, and its number one trading partner is America.

I am confident that phenomenal economic transformation can lead to expanded freedoms for the people of Vietnam and China.

In conclusion, God bless our troops and we will never forget September 11. Our prayers are with Virginia Tech families.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

HONORING SERGEANT HOWARD PLOUFF

(Ms. FOXX asked and was given permission to address the House for 1 minute.)

Ms. FOXX. Mr. Speaker, I rise today to honor the life of SGT Howard Plouff who was killed last month while answering the call for help from sheriffs deputies in Winston-Salem. Sergeant Plouff was known as an honorable man who selflessly served his family and community for more than 17 years in the Winston-Salem Police Department.

He was dedicated to community development and service. He was an assistant coach in the Southwest Forsyth Little League and was a member of the Holy Family Catholic Church in Clemmons. His is a legacy of the spirit of service that permeates this great country, and I am saddened by the profound loss that his death will be to his family, his police colleagues, his friends and our community.

He grew up on Long Island in New York City. He joined the Winston-Salem Police Department in 1989 and was promoted to sergeant in 1999.

Sergeant Plouff's career as a police officer was punctuated by his commitment to serving our community in North Carolina with distinction and honor. He earned the respect of his fellow officers and did not hesitate to go above and beyond the call of duty. In fact, during his time with the Winston-Salem Police Department, he was awarded its highest honor, the Medal of Valor, in 2003 for helping to prevent the suicide of a woman who had threatened to jump to her death from her apartment building. His death leaves a gaping hole not only with his family but within the ranks of Winston-Salem's Police Department.

He left behind a loving wife, Joyce, who is a third grade teacher at Southwest Elementary School, and his 13-year-old daughter, Brandy, and 11-year-old daughter, Holly.

Mr. Speaker, my thoughts and prayers are with Sergeant Plouff's wife and daughters and his extended family. May God bless them and comfort them during this difficult time. The city of Winston-Salem is fortunate to have been served by such an honorable and brave officer. He was a blessing to the many whose lives he touched. He will be sorely missed.

COMMUNICATION FROM THE HONORABLE MARILYN MUSGRAVE, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable MARILYN MUSGRAVE, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to notify you formally, pursuant to Rule VIII of the Rules of the House of Representatives, that I have received a subpoena, issued in the County Court for Weld County, Colorado, for testimony and documents in a criminal case.

After consultation with the Office of General Counsel, I have determined that compliance with the subpoenas is inconsistent with the precedents and privileges of the House.

Sincerely,

MARILYN MUSGRAVE,
Member of Congress.

COMMUNICATION FROM THE HONORABLE DARRELL E. ISSA, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DARRELL E. ISSA, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2007.

Hon. NANCY PELOSI
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a judicial subpoena for documents issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,

DARRELL E. ISSA,
Member of Congress.

COMMUNICATION FROM THE HONORABLE DUNCAN HUNTER, MEMBER OF CONGRESS

The SPEAKER pro tempore laid before the House the following communication from the Honorable DUNCAN HUNTER, Member of Congress:

HOUSE OF REPRESENTATIVES,
Washington, DC, April 4, 2007.

Hon. NANCY PELOSI,
Speaker, House of Representatives,
Washington, DC.

DEAR MADAM SPEAKER: This is to formally notify you, pursuant to Rule VIII of the Rules of the House of Representatives, that I have been served with a judicial subpoena for documents issued by the United States District Court for the District of Columbia.

After consulting with the Office of General Counsel, I will make the determinations required by House Rule VIII.

Sincerely,

DUNCAN HUNTER,
Member of Congress.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken tomorrow.

LIEUTENANT TODD JASON BRYANT POST OFFICE

Ms. WATSON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 988) to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 988

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LIEUTENANT TODD JASON BRYANT POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, shall be known and designated as the "Lieutenant Todd Jason Bryant Post Office".

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the "Lieutenant Todd Jason Bryant Post Office".

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 988 is legislation introduced by Representative KEN CALVERT to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the Lieutenant Todd Jason Bryant Post Office.

On October 31, 2003, somewhere in the Iraqi desert between Fallujah and Baghdad, First Lieutenant Todd Jason Bryant was killed when his Humvee was struck head-on by a rocket-propelled grenade. His life was taken instantly at age 23. He was assigned to C Company, 1-34 AR where he assumed duties as platoon leader, 3rd Platoon.

☐ 1415

First Lieutenant Todd Bryant received the Bronze Star, the Purple Heart, the Meritorious Service Medal, the National Defense Service Medal, and the Army Service Ribbon for his distinguished service to his country.

First Lieutenant Todd Bryant is survived by his wife, Jenifer, his parents, Larry and Linda Bryant, his brother, Major Timothy Bryant, USMC, and his sister, Tiffany Bryant.

The memory of this jovial fun-loving man will live on forever through his family and friends. Jenifer Bryant said, "There was a lot more to him than just a soldier. He was my best friend. His goal in life was to make people think that he was the most hilarious man alive."

I support H.R. 988 and urge its passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Lieutenant Todd Jason Bryant was a proud and loyal American who served his country in fighting the war on terror. He made the ultimate sacrifice, defending freedom and liberty, when he lost his life on October 31, 2003, in Iraq.

Todd Jason Bryant was born in Long Beach, California, on January 14, 1980. As a young student, he was very athletic and always involved in school activities. During high school, he played football and golf, and also played the tuba in the marching band. He was the youngest of three and was determined to follow in his siblings' path by enlisting in the military.

At 17, he joined the Army Reserves and completed boot camp before graduating from high school. He received his nomination to West Point Academy from the sponsor of this bill, Congressman KEN CALVERT. He graduated from West Point in 2003 with a degree in political science. He had said before his death that he dreamed of being either a Member of Congress or a high school football coach.

His military training took him to installations in Kentucky and Kansas. Only 9 days before Lieutenant Bryant was sent to support Operation Iraqi Freedom in 2003, he happily wed Jenifer Reardon in Pittston, Pennsylvania.

On Friday, October 31, 2003, at the age of 23, Lieutenant Bryant was killed when a rocket-propelled grenade struck his Humvee while on patrol in Fallujah. Lieutenant Todd Bryant was an ambitious man who was able to accomplish much in his short but meaningful lifetime. Among his military awards are the Bronze Star, Purple Heart, Meritorious Service Medal, National Defense Service Medal and the Army Service Ribbon.

Lieutenant Bryant will always be remembered as a fun-loving, humorous, cheerful, proud and loyal friend, husband, son and brother. He brought joy to all those around him, easily making friends through his contagious laughter.

Lieutenant Bryant was honored to serve his country, and he served it well. Let us honor his ultimate sacrifice by renaming this post office for him.

Mr. CALVERT. Mr. Speaker, as the author of H.R. 988, I rise today to pay tribute to First Lieutenant Todd Bryant. The legislation would designate a post office in my district as the "Lieutenant Todd Bryant Post Office." Todd was born on January 14, 1980, in Long Beach, California. Todd came from a military family and his desire and determination to join the military was nothing short of resolute. He enlisted in the Army Reserve and completed Basic Training at Fort Sill, Oklahoma before his senior year of high school.

In the fall of 1997, Todd came to my office seeking a nomination to the U.S. Military Academy at West Point and the following March, Todd accepted an Appointment to West Point. I was proud to nominate this ambitious young man who I knew would distinguish himself throughout his military service, just as he had done throughout his whole life.

Todd interned in my district office before his senior year at West Point and graduated with a degree in Political Science on June 1, 2002. He would often joke that he was going to run for my congressional seat some day—I have no doubt he would have succeeded. After graduation, Todd attended the Armor Officer's Basic Course at Fort Knox, Kentucky, graduating in December 2002.

On August 30, 2003, Todd and Jenifer Reardon were married in Pennsylvania, 9 days before shipping out with his unit in support of Operation Iraqi Freedom. On Friday, October 31, 2003, Todd was killed by an improvised explosive device as his Humvee traveled on a road between Fallujah and Baghdad. He was 23 years old.

I ask you to support H.R. 988 to honor the service and sacrifice of Lieutenant Bryant. The naming of the post office in Rubidoux would be a fitting tribute to him, and the sacrifice of his wife and loving family. First Lieutenant Bryant was a true patriot and a brave young man, and our community feels his loss immensely.

Mr. DREIER. Mr. Speaker, I rise today as a proud cosponsor of H.R. 988, the Lieutenant Todd Jason Bryant Post Office Building Designation Act. Todd Bryant, a First Lieutenant in the United States Army, was killed in action on October 31, 2003 when his Humvee encountered an explosive device on the road between Fallujah and Baghdad. He was 23 years old. He is a recipient of the National Defense Service Ribbon, the Purple Heart, the Iraqi Freedom Medal, the Meritorious Service Medal and the Bronze Star.

Bryant, a 2002 graduate of West Point, was a member of Company C, 1st Battalion and 34th Armor Regiment of the 1st Infantry Division at Fort Riley, Kansas. Todd Bryant was deployed to Iraq in September 2003, a few days after he married his wife Jenifer.

Todd was born at the Long Beach Naval Hospital. Although he grew up in Riverside, he attended La Canada High School, located in La Canada-Flintridge, California, one of the cities I am privileged to represent. While at La Canada High, he participated in the band and played for the Spartans football team. Todd came from a military family. His parents, Larry and Linda, prior to both working at Jet Propulsion Laboratory in La Canada-Flintridge, both served as Captains in the U.S. Air Force. His older sister Tiffany is a fellow West Point graduate and his older brother Timothy is a U.S. Marine. Although Todd excelled at being a soldier, he also had other interests. He volunteered as a Congressional intern in Congressman KEN CALVERT's office and he spent a summer participating in Service America at West Hills Elementary School in Bremerton, Washington in 2001. Learning more about Todd's interests and actions, one can not come away without noting the extraordinary impact he had on his friends, family and community. Today, his friends and family are still reminiscing about his humor, his love of In-N-Out burgers and his charisma.

Mr. Speaker, without question, Congress and the American people will continue to honor and remember the men and women who gave the ultimate sacrifice in this war. We hope this small act of memorializing Lieutenant Todd Jason Bryant at the Rubidoux post office honors his memory and serves as a reminder to those in the community of the remarkable heroism of Todd and his family.

Ms. FOXX. Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and pass the bill, H.R. 988.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 273) supporting the goals and ideals of Financial Literacy Month, and for other purposes.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 273

Whereas personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens;

Whereas personal financial management skills and lifelong habits develop during childhood;

Whereas a study completed in 2006 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than did high school seniors 7 years earlier, and the average scores in both years were failing grades;

Whereas in recent years, the Congress, State legislatures and Governors around the country have increasingly recognized the importance and effectiveness of financial education, and, as a result, an increasing number of States now require financial education during high school, including Alabama, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Missouri, New York, North Carolina, Ohio, South Carolina, Texas, Utah, Virginia, and West Virginia;

Whereas 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least 1 credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money;

Whereas United States consumer debt totaled $2,400,000,000,000 in 2006, of which credit card debt alone exceeded $825,000,000,000;

Whereas personal savings as a percentage of income dropped to negative 1 percent in 2006, the lowest since the Great Depression;

Whereas, although more than 42,000,000 people in the United States participate in qualified cash or deferred arrangements described in section 401(k) of the Internal Revenue Code of 1986 (commonly referred to as "401(k) plans"), a Retirement Confidence Survey conducted in 2004 found that only 42 percent of workers surveyed have calculated how much money they will need to save for retirement and 37 percent of workers say that they are not currently saving for retirement;

Whereas the average baby boomer has only $50,000 in savings apart from equity in their homes;

Whereas a study by the American Institute of Certified Public Accountants found that 55 percent of people between the ages of 25 and 34 maintain an interest-bearing account or other savings instrument, a decrease of 10 percent since 1985;

Whereas studies show that as many as 10,000,000 households in the United States are "unbanked" or are without access to mainstream financial products and services;

Whereas expanding access to the mainstream financial system provides individuals with lower-cost and safer options for managing finances and building wealth and is likely to lead to increased economic activity and growth;

Whereas public, consumer, community-based, and private sector organizations throughout the United States are working to increase financial literacy rates for Americans of all ages and walks of life through a range of outreach efforts, including media campaigns, websites, and one-on-one counseling for individuals;

Whereas Members of the United States House of Representatives established the Financial and Economic Literacy Caucus (FELC) in February 2005 to (1) provide a forum for interested Members of Congress to review, discuss and recommend financial and economic literacy policies, legislation, and programs, (2) collaborate with the private sector, nonprofits, and community-based organizations, and (3) organize and promote financial literacy legislation, seminars, and events, such as "Financial Literacy Month" in April 2007 and the annual "Financial Literacy Day" fair on April 24, 2007; and

Whereas the National Council on Economic Education, its State Councils and Centers for Economic Education, the Jump$tart Coalition for Personal Financial Literacy, its State affiliates, and its partner organizations, and JA Worldwide have designated April as Financial Literacy Month to educate the public about the need for increased financial literacy for youth and adults in the United States: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of Financial Literacy Month, including raising public awareness about the importance of financial education in the United States and the serious consequences that have resulted from a lack of understanding about personal finances; and

(2) requests that the President issue a proclamation calling on the Federal Government, States, localities, schools, nonprofit organizations, businesses, other entities, and the people of the United States to observe the month with appropriate programs and activities with the goal of increasing financial literacy rates for individuals of all ages and walks of life.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, the importance of financial and fiscal responsibility cannot be overstated. Personal financial literacy is essential to ensure that individuals are prepared to manage money, credit and debt and become responsible workers, heads of households, investors, entrepreneurs, business leaders and citizens. That is why I am pleased to support H. Res. 273.

Personal savings as a percentage of personal income decreased from 7.5 percent in the early 1980s to a negative 0.2 percent in the last quarter of 2005.

As the resolution notes, 92 percent of college students acquire at least one credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money.

The Jump$tart Coalition for Personal Financial Literacy seeks to improve the personal financial literacy of young adults. Jump$tart's purpose is to evaluate the financial literacy of young adults and to develop, disseminate and encourage the use of financial education standards for grades K–12 and promote the teaching of personal finance.

To that end, Jump$tart has established 12 must-know personal financial principles for young people to improve their financial future. These 12 principles should be followed by adults as well.

The 12 financial principles stressed during the Financial Literacy Month for Youth are map your financial future;

Do not expect something for nothing, and high returns equal high risk;

Know your take-home pay, compare interest rates, pay yourself first, and money doubles by the rule of 72; to determine how long it would take your money to double, divide the interest into 72;

And your credit past is your credit future;

Start saving young, stay insured, budget your money, do not borrow what you cannot repay, and let me add one more thing, pay all your taxes.

Mr. Speaker, I am pleased to support this resolution supporting the goals of Financial Literacy Month and urge all my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Today many Americans do not know how to balance a checkbook, intelligently invest their money or financially plan for their retirement. Studies have shown that few young adults living in this country know how to responsibly use a credit card. This is a time when debt is on the rise and savings have dropped to negative 1 percent of personal income. It is clear that teaching financial literacy is imperative for individuals to learn how to manage their money, credit and debt.

While many States require high schools to teach financial education, increased economic education is still necessary. H. Res. 273 recognizes the goals and ideals of Financial Literacy Month and raises awareness of the importance of financial education. It is our hope that the President calls on the government, States and other organizations to observe the month with relevant programs and activities supporting financial education.

Learning about saving and investing is especially important for today's young generation because of the uncertainty of the future of Social Security. More so than ever, private savings play a larger role in determining one's retirement. While there may be Social Security reform in the coming years, everyone must be able to adequately plan their savings for the future.

Financial education has proven to be very effective. Simple projects such as stock market simulations help young people understand how to invest in stocks, bonds and mutual funds. It is our hope they will retain these skills when they begin investing their own money.

Organizations such as the Jump$tart Coalition for Personal Finance Literacy help spread awareness, especially in school-age children. The National Council on Economic Education has established many programs which give teachers the tools to teach their students basic economic skills and help them apply their knowledge to daily life. These groups recognize the need for more widespread financial literacy, but it is necessary for Congress to place more emphasis on this idea and encourage other organizations to begin to participate in this movement as well.

With a solid background knowledge of financial literacy, we can raise America's youth to become responsible employees, heads of households, investors, entrepreneurs and business leaders.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. HINOJOSA).

Mr. HINOJOSA. Mr. Speaker, I rise in strong support of House Resolution 273 that the gentlewoman from Illinois (Mrs. BIGGERT) and I introduced earlier this year. The legislation supports the ideas and goals of Financial Literacy Month, which falls in April of each year.

Before I proceed, I want to take this opportunity to thank my good friend and colleague, Congresswoman WATSON from California, for managing time on this resolution for our side of the aisle. I also want to take this opportunity to thank all of my Democratic colleagues who cosponsored this important resolution this year.

Together with the tremendous number of cosponsors Congresswoman BIGGERT obtained, we broke our old record of 91 cosponsors and garnered the support of 118 Members of Congress for this bill.

I am very pleased with this development. It shows that an increasing number of Members of Congress are beginning to see the light and come on board the financial literacy cause with me and Congresswoman BIGGERT.

It is imperative that we, in Congress, pay more attention to the financial literacy rates of our citizens from prekindergarten all the way to retirement. The sooner that a person begins to learn good saving habits, the better off he or she will be in the future.

I am especially pleased and honored to inform you that 18 cities and three counties in my congressional district have issued proclamations honoring April 22–28, 2007, as National Financial Literacy Awareness Week.

The cities, in alphabetical order, include the following: Beeville, Combes, Cuero, Donna, Edcouch, Edinburg, Falfurrias, Goliad, Harlingen, La Feria, La Villa, Mathis, McAllen, Mercedes, Pharr, Primera, Santa Rosa, Weslaco. It also includes three counties, which are as follows: Duval County, Jim Wells County and Karnes County.

□ 1430

Mr. Speaker, I also want to take this opportunity to thank several State legislatures for realizing the importance of financial literacy by taking action to address the diminishing understanding of basic finance by U.S. high school students.

A study completed in 2006 by the Jump$tart Coalition for Personal Financial Literacy found that high school seniors know less about principles of basic personal finance than high school seniors did 7 years earlier, and the average scores in both years were failing. Our high school seniors are failing basic finance.

Add to that the fact that 55 percent of college students acquire their first credit card during their first year in college, and 92 percent of college students acquire at least one credit card by their second year in college, yet only 26 percent of people between the ages of 13 and 21 reported that their parents actively taught them how to manage money. Add all that together, and you have got a recipe for serious financial troubles down the road for college graduates.

Luckily, in recent years State legislatures around the country have increasingly recognized the importance and effectiveness of financial education. As a result, an increasing number of States now require financial education during high school. I hope my colleagues and their staff are taking note of this because the following States now require high school students to pass some form of financial education or literacy courses before they can graduate. Those States include the following: Alabama, Georgia, Idaho, Illinois, Kansas, Kentucky, Louisiana, Missouri, New York, North Carolina, Ohio, South Carolina, my great State of Texas, Utah, Virginia, and West Virginia.

I strongly recommend that my colleagues contact their State legislators and encourage them to impose similar requirements.

Mr. Speaker, every day consumers deal with money from balancing a checking account to shopping for a mortgage or auto loan, researching a way to pay for a college education, checking credit card statements, saving money for retirement, understanding a credit report, or simply deciding whether to pay cash or charge a purchase. The list goes on and on and on. Many consumers do not really understand their finances.

Now that we know that high school students are failing basic financial literacy exams, it is even more disconcerting to learn that adults are not faring much better. High bankruptcy rates, foreclosures on homes, increased credit card debt, data security breaches, and identity theft make it imperative that all of us take an active role in providing financial and economic education during all stages of one's life.

Every year we here in Congress discuss the future insolvency of Social Security, Medicare, and Medicaid; and that concerns me considerably. But now that I have done some additional research into the demographics and financial standing of the baby boomers, I was shocked to learn that the personal savings as a percentage of income dropped a negative 1 percent in 2006, the lowest since the Great Depression. Even worse, the average baby boomer has only $50,000 in savings for retirement apart from equity in their homes.

These are very serious and disturbing facts that we and our State counterparts must address, and soon. To address these problems and others, I cofounded and currently cochair the Congressional Financial and Economic Literacy Caucus with Congresswoman JUDY BIGGERT. The caucus seeks to address these issues head on by increasing public awareness of poor financial literacy rates and working to find the ways and means to improve those rates. The caucus has provided a forum for my colleagues to promote policies that advance financial literacy and economic education.

It is my hope that through the Financial and Economic Literacy Caucus we can continue to further educate Americans about financial and economic topics ranging from the importance of saving, reducing credit card debt, obtaining a free annual credit report, avoiding payday lenders, check cashers, and especially these days predatory lenders. Hopefully the caucus can teach individuals to take care of their finances, to lead them down the path to the American Dream of homeownership.

Mr. Speaker, I include for printing in today's RECORD letters in support of this resolution. They include letters from JA Worldwide; National Council on Economic Education; Financial Planning Association, Independent Bankers Association of Texas; MasterCard; the American Institute of Certified Public Accountants; the National Association of Mortgage Brokers; Networks Financial Institute; North American Securities Administrators Association. It includes HSBC, the Independent Community Bankers of America; Housing Assistance Council; National Association of Federal Credit Unions. It includes Capital One; as well as Visa; Charles Schwab Foundation; Financial Services Forum; Financial Services Roundtable, National Association of Realtors; Girls, Incorporated; AFSA Education Fund; Countrywide, First Nations Oweesta Corporation, Native Americans. It includes National Association of Affordable Housing Lenders; America's Community Bankers; Community Bankers Association; Consumer Mortgage Coalition; Texas Credit Union League; State Farm Insurance Company, Freddie Mac; Wells Fargo; and the National Youth Involvement Board.

Mr. Speaker, several of these groups will be participating in the Financial Literacy Day Fair that will take place April 24 from noon to 4 p.m. here on the Hill at the Cannon Caucus Room. It is my understanding that over 50 different groups will present their financial literacy products, their programs, and ideas during the fair. The last time we hosted the event, over 500 people attended the event not only to take advantage of the free financial literacy advice but also to enjoy a wonderful buffet. I encourage my colleagues and their staff to attend the Financial Literacy Day Fair. Again, I repeat, it will be held April 24 from noon to 4 p.m. in the Cannon Caucus Room and lunch will be served.

On the same day, April 24, at 3 p.m. in room 2220 of the Rayburn House Office Building, the Financial and Economic Literacy Caucus is collaborating with Visa on a different financial literacy event. Visa is bringing Jean Chatzky to the Hill to provide some financial advice and respond to questions. Both Members and staff are invited to this event at 2220 Rayburn from 3:30 to 5 p.m., which I believe will be beneficial and a huge success.

In closing, Mr. Speaker, our country is suffering financially, and our constituents are not armed with the tools they need to provide for a good future. For these reasons and more, I encourage my colleagues to support this resolution.

JUNIOR ACHIEVEMENT
WORLDWIDE HEADQUARTERS,
Colorado Springs, CO, April 9, 2007.

Hon. RUBEN HINOJOSA,
Rayburn House Office Building, House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of JA Worldwide™ and our 1,400 associates and 138,700 classroom volunteers around the country, I want to express our full-fledged support for H. Res. 273. This resolution supporting the goals and ideals of Financial Literacy Month once again demonstrates your leadership in promoting financial literacy and economic education.

With personal bankruptcies and debt continuing to soar, we believe that it is critical that financial literacy education continue to place a high priority on targeting America's youth. According to the 2007 JA Worldwide Poll on Personal Finance, more than 75 percent of teens nationwide say they influence their parents' buying decisions, while nearly 29 percent of 18- and 19-year olds say they already own and use their own credit cards. The earlier we can provide youth with tools, tips, and strategies to help them successfully manage their finances, the better off our country will be.

I also would like to congratulate you both for your continued leadership of the Financial and Economic Literacy Caucus, and for your commitment to events such as this month's Financial Literacy Day on the Hill. As the nation's oldest and largest organization dedicated to promoting economic education and financial literacy, JA Worldwide stands ready to assist you and the caucus in advancing the goals of H. Res. 273.

Thank you again for your resolve in championing the importance of a financially literate society. We look forward to working with you in the future to advance this critical issue.

Sincerely,

DAVID S. CHERNOW,
President and CEO, JA Worldwide.

NATIONAL COUNCIL ON
ECONOMIC EDUCATION,
March 27, 2007.

Hon. RUBEN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of the National Council on Economic Education (NCEE) I am writing to express my support for H. Res. 273, a Resolution Supporting the Goals and Ideals of Financial Literacy Month. I want to commend you and your colleagues for once again highlighting the importance of financial and economic education.

The NCEE believes that our young people deserve to know about the economic system they will be laboring in, contributing to, benefiting from, and ultimately, inheriting. Since our founding, we have learned that economic and financial literacy, taught early, often, and well, is a key factor in our nation's future success in the global economy. Our charge is to ensure that young people have the tools to embrace an "economic way of thinking", a critical skill that will help them make informed decisions based on rational, ethical inquiry.

H. Res. 273 provides an important and timely "call to action" from the House of Representatives to improve financial and economic literacy. The first step to address the challenges described in the resolution is to provide our elementary and secondary students with the solid grounding in the fundamentals of economics and personal finance that will lead to sound decisions through life. H. Res. 273 correctly recognizes that "personal financial management skills and lifelong habits develop during childhood," and that it is also essential to increase "financial literacy rates for individuals of all ages and walks of life."

We look forward to continuing to work with both of you, along with the House Financial and Economic Literacy Caucus, and all Members of the House and Senate, to achieve the goals reflected in H. Res. 273.

Thank you again for your consistent leadership on this critical issue.

Sincerely,

ROBERT F. DUVALL,
President & CEO.

FPA COMMENDS REPRESENTATIVES HINOJOSA AND BIGGERT FOR SUPPORTING FINANCIAL LITERACY MONTH

DENVER, Apr. 10.—The Financial Planning Association® (FPA®) strongly supports the bipartisan congressional resolution (H. Res. 273) designating April as "Financial Literacy Month" co-sponsored by Representative Rubén Hinojosa (D–Texas) and Representative Judy Biggert (R–Ill.). This resolution seeks to raise public awareness about the importance of financial education in the U.S. Throughout the month and across the country, FPA has committed to increasing the public's awareness about the importance of financial education and financial planning.

In observance of Financial Literacy Month, FPA has planned a host of programs and activities to increase financial literacy for individuals of all ages and walks of life. Some of these events include:

April 5—FPA participated in a financial literacy panel featuring Senator Wayne Allard (R–Colo.) at the University of Colorado in Boulder.

April 11—FPA panelist will speak to Capitol Hill staff on issues surrounding retirement and Thrift Savings Plans in conjunction with the Savings Coalition.

April 12—Financial education seminar at the Teen Center in Capital Heights, Md.

April 13—Reverse mortgages seminar at Point East Senior Condominium in Aventura, Fla.

April 13—Presentation for soon-to-be law graduates at University of Michigan School of Law.

April 18—Investing presentation at Wachovia in Richmond, Va.

April 18—Investing presentation at Nexus in Plymouth, Minn.

April 18 and May 9—Forging your financial future, budgeting and investing presentations at the Bronx Community College in New York.

April 19—Tax planning, investment and wealth building seminar for the Black Law Students Association at Yale Law School in New Haven, Conn.

April 24—Participate in exhibit hall at the Financial Literacy Fair sponsored by Jump$tart Coalition in Washington, D.C.

April 25—Budgeting presentations for the Greater Washington Jump$tart Coalition in 17 public high schools in the Washington, D.C. public school system.

April 26—Financial planning 101 presentation at the St. Charles Public Library in St. Charles, Ill.

FPA highly commends Representative Hinojosa and Representative Biggert for leading the Congressional efforts to encourage financial education.

IBAT EDUCATION FOUNDATION,
April 11, 2007.

Hon. RUBÉN HINOJOSA,
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES: The Independent Bankers Association of Texas (IBAT), representing over 500 community banks and thrifts, is pleased to wholeheartedly and enthusiastically support House Resolution 273.

A financially literate populace is of paramount importance to the continued economic prosperity of our country and its citizens. The IBAT Main Street Foundation was created to foster and promote the goals outlined in this resolution, and our membership is committed to delivering financial education in a number of venues.

We are especially pleased with a new collaborative agreement with Junior Achievement, with a strong focus on financial education.

We applaud you for your multiple initiatives in this important area, and very much appreciate the support of the many co-sponsors and supporters of this resolution.

We look forward to working together with you and others who share the passion of enhancing the financial knowledge and expertise of our citizenry.

Sincerely,

MARY LANGE, CAE.
President, IBAT Education Foundation.

AICPA SUPPORTS HOUSE RESOLUTION ON APRIL AS FINANCIAL LITERACY MONTH

NEW YORK, NY, Apr. 10, 2007.—The American Institute of Certified Public Accountants (AICPA) strongly endorses the bi-partisan Congressional resolution (H.R. 273) supporting April as "Financial Literacy Month." This resolution raises awareness about the critical need for financial education in the United States and encourages government, as well as the private sector, to collaborate on this important public service issue.

"The CPA profession is dedicated to improving the financial literacy of all Americans," said Barry C. Melancon, AICPA President and CEO. "The AICPA applauds Reps. RUBÉN HINOJOSA (D-TX) and JUDY BIGGERT (R-IL) and the more than 100 co-sponsors of this resolution for their concern and recognition that a financially educated citizenry is essential to the strength of our country.

"Across the nation, our members are volunteering in their communities every day to help educate Americans about managing their personal finances more effectively. By volunteering in America's schools, providing financial management workshops for deployed soldiers and their spouses, helping protect senior citizens from financial abuse, and many other examples, CPAs are sharing their time and expertise to get Americans moving in the right financial direction."

The CPA profession is actively committed to improving Americans' financial understanding. In 2004, the AICPA launched 360 Degrees of Financial Literacy (www.360financialliteracy.org) to help Americans understand how financial issues affect them at different life stages. In 2006, the Institute debuted a related campaign with the Ad Council, Feed the Pig™ (www.feedthepig.org), for 25–34-year-olds. A study commissioned by the AICPA found that Americans in this particular age group have seen their median net worth decline over the past 20 years despite increases in income. Moreover, they seem to be willing to take on greater amounts of unsecured debt.

The American Institute of Certified Public Accountants (www.aicpa.org) is the national, professional association of CPAs, with approximately 330,000 members, including CPAs in business and industry, public practice, government, and education. It sets ethical standards for the profession and U.S. auditing standards for audits of private companies; federal, state and local governments; and non-profit organizations. It also develops and grades the Uniform CPA Examination. Headquartered in New York, the AICPA also maintains offices in Washington, D.C.; Durham, N.C.; and Lewisville, TX.

CAPITAL ONE FINANCIAL CORPORATION,
McLean, Va, April 9, 2007.
Hon. RUBEN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of Capital One, I am writing to express our strong support for H. Res. 273 and its affirmation of the goals and ideals of financial literacy month.

The legislation highlights the importance of greater financial literacy skins for all individuals: "personal financial literacy is essential to ensure that individuals are prepared to manage money, credit, and debt, and become responsible workers, heads of households, investors, entrepreneurs, business leaders, and citizens." For several years, Capital One has been a proud supporter of the bill's fundamental principles.

Capital One has an on-going commitment to bettering financial literacy skills in communities across the country. We are particularly proud of our multi-faceted program to develop and deliver financial education to low- and moderate-income populations and others within our local communities and across the country. This program is described below.

Highlights of Capital One's comprehensive efforts in financial education and its partnerships follow:

Finance Park. In 2006, Capital One partnered with Junior Achievement Worldwide to create a signature program—Capital One/Junior Achievement Finance Park—to introduce seventh—and eighth-grade students to money management basics. This unique, mobile program traveled to select cities to provide students the opportunity to experience a day-in-the-life of an adult. The goal is to prepare students to make wise financial decisions. The mobile unit will travel to a number of additional markets in 2007.

MoneyWi$e with Consumer Action. More than five years ago, Capital One partnered with Consumer Action to launch MoneyWi$e, a national literacy partnership. It is the first program to combine free, multilingual financial education materials with community training and seminars. Since 2001, regional conferences have delivered training to more than 400 CBOs from 27 states. Together with Consumer Action, Capital One has also established a stipend program to help ensure that CBOs have access to the resources they need to conduct financial education programs and outreach in their communities.

As a result of this partnership, Capital One has been able to facilitate the distribution of more than 1.5 million free financial education brochures in five languages through a network of 7,300 CBOs nationwide. The program addresses financial literacy across both income and ethnic barriers. All information is provided for free.

Jump$tart Coalition. Together with the Jump$tart Coalition for Personal Finance, Capital One works with local and state governments to include a financial education curriculum in public school systems nationwide. Capital One also played a very active role in helping to form a Coalition in Virginia—and Capital One has co-sponsored the Coalition's annual summit for the past two years.

MoneyWi$e University. To help give students the information they need to become financially responsible, Capital One introduced MoneyWi$e University, a program to teach responsible spending and basic money management skills to college-aged students. Developed in partnership with Visa and first introduced on campuses in 2002, the MoneyWi$e University curriculum educates college students about the fundamental elements of credit and budget management. MoneyWi$e University has provided personal instruction to hundreds of students on five campuses around the country.

Ongoing Local Efforts. Capital One has an ongoing program through which associates present financial education seminars directly to clients of local community development organizations.

Through partnerships with leading national non-profit organizations, a grassroots approach to training non-profits to lead Capital One programs on a local level, and direct delivery of financial education to local nonprofit organization clients, Capital One has a multi-faceted and comprehensive approach to improving financial literacy. Links to our programs can be found at www.capitalone.com/financialeducation.

Again, we would like to thank you for your introduction of H. Res. 273 and your ongoing leadership with the Financial and Economic Literacy Caucus in Congress.

Sincerely,

LARRY STEIN,
Senior Vice President, Policy Affairs.

NATIONAL ASSOCIATION OF REALTORS®,
Washington, DC, April 13, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT, I am writing on behalf of over 1.3 million members of the National Association of REALTORS® to convey our support for H. Res. 273, a resolution supporting the goals and ideals of Financial Literacy Month. We also commend you and your colleagues for your commitment to raising public awareness about the importance of financial education in the United States.

As you know, our Nation's finance system offers access to capital and credit to consumers of almost every economic condition, which has significantly contributed to the highest homeownership rates in our Nation's history. Homeownership is the primary source of a household's net worth and the fundamental first step toward accumulating personal wealth.

For most households, purchasing a home is one of the largest financial transactions they will ever make. However, research reports indicate that many Americans lack the financial knowledge that empowers them to make sure their American dream does not turn into a nightmare. For example, Center for Responsible Lending found that an overwhelming majority of consumers can not calculate interest charges on a loan and the Federal Reserve recently reported that almost half of borrowers with adjustable rate mortgages (ARMS) do not know the potential maximum interest rate for their loan.

REALTORS® believe that financial education is an important defense to helping prevent consumers from getting into abusive mortgages that will undoubtedly be financially destructive. NAR, in partnership with the Center for Responsible Lending, has issued three consumer education brochures, "How to Avoid Predatory Lending," "Specialty Mortgages: What Are the Risks and Advantages?" and "Traditional Mortgages: Understanding Your Options." The brochures emphasize how important it is for consumers to make sure they fully understand how traditional non-traditional mortgages work before deciding which is the right choice and how to avoid the pitfalls and entrapments of predatory loans.

In addition to NAR's consumer education materials, many of our state and local associations have high-profile financial education programs in partnership with cities and community groups. Some examples include:

In Maryland, a number of local REALTOR® associations, including in Anne Arundel County, Howard County, Prince George's County, and the Greater Baltimore Board of REALTORS® have partnered with Freddie Mac to develop CreditSmart, a credit education workshop. REALTORS® instructors teach the course to renters, homebuyers, students, and others, on how to manage critical money skills. The skills that course participants obtain help point them in the right direction to managing credit and saving to buy a home.

In 1996, the Illinois Association of REALTORS® organized the Partnership for HomeOwnership, Inc. to help assist low-income rural Illinois residents achieve the dream of homeowners hip. The Partnership has administered several multi-million dollar mortgage programs (in excess of $130 million), provided pre-purchase homebuyer counseling to over 1,500 Illinois residents, and is a HUD approved housing counseling agency. The Partnership also recently oversaw the development of a high school financial educational Web site that is available both in English and in Spanish.

In Arkansas, the Fort Smith Board of Realtors® and the city of Forth Smith have teamed up to create a homebuyer assistance program. Participants receive credit counseling and mortgage readiness education. The program also offers a five-week financial fitness course on budgeting, money management, credit and avoiding predatory lending. Since 1997, more than 200 families have purchased a home as a result of the program.

NAR stands ready to work with you and the members of the Financial and Economic Literacy Caucus to promote the goals of H. Res. 273 and to support a national strategy focused on helping improve the financial education of all Americans.

Sincerely,

JERRY GIOVANIELLO,
Senior Vice President.

Ms. FOXX. Mr. Speaker, I yield as much time as she may consume to my distinguished colleague from the State of Illinois (Ms. Biggert), the cosponsor of this legislation.

Mrs. BIGGERT. I thank the gentlewoman for yielding.

Mr. Speaker, I rise today in support of House Resolution 273, to designate April as Financial Literacy Month. This will be the fourth year that I have had the pleasure of working with my friend and colleague and fellow Chair of the House Financial and Economic Literacy Caucus, Mr. HINOJOSA, to promote the goals and ideals of Financial Literacy Month.

I am amazed at the progress that we have made so far over the last few years in raising awareness about the importance of greater financial literacy and economic education. Hundreds, if not thousands, of public-private sector, nonprofit, and community-based organizations across the country have established financial literacy programs. More than 50 of them will be on hand in the Cannon Caucus Room on April 24 to share the benefits of their knowledge and experience at the annual Financial Literacy Day Fair, and I encourage all of our colleagues to attend and learn more about these important efforts.

As Mr. HINOJOSA mentioned, we have received dozens of letters in support of these efforts and this Financial Literacy Month resolution from various financial and educational organizations. And I think that this year we have set a new standard for unity on this issue, with well over 100 Members of Congress co-sponsoring this resolution. In doing so, I think we send a clear, unambiguous message that the House is committed to addressing one of America's most pressing needs.

And while we have made great strides in raising awareness, the need for improved financial education has never been greater. According to the Federal Reserve, consumer debt in America now exceeds $2.4 trillion. According to the Department of Commerce, the personal savings rate in America recently dropped to negative 1.1 percent, a level that has not been seen since the Great Depression.

The fact is that today's marketplace abounds with options for managing wealth. Credit and investment opportunities are presented to consumers on a daily basis. For instance, by the time they reach their second year in school, the vast majority, 92 percent, of American college students have at least one credit card, and yet just a small fraction of those students have sat down with their parents and learned the basic principles of money management, like compound interest and supply and demand.

We have a responsibility to ensure that Americans of all ages have access to the tools and resources they need to capitalize on their investment choices, succeed in today's sophisticated economic market, and enjoy a secure financial future. And the key to this success continues to be basic financial education starting early, during grades K through 12.

It is a testament to the progress we are making that 38 States now include personal finance education in their curriculum guidelines. But we must continue building on this progress if we are to help today's students become tomorrow's successful investors, entrepreneurs, and business leaders.

The Financial Literacy and Education Commission established by Congress in the Fair and Accurate Credit Transaction Act of 2003 recently held a national summit to develop better methods of teaching money management skills. I look forward to working with my colleagues on the Education and Labor Committee to implement and enhance economic education initiatives as we work to reauthorize No Child Left Behind in the coming year.

I also look forward to working with my colleagues on legislation that will put young Americans on the path to an affordable education and a firm financial future.

At the start of the 110th Congress, I introduced one such bill, H.R. 87, the 401 Kids Family Savings Act of 2007. This bill will allow parents and family members to set aside money in a child's account that will accumulate interest tax free and can be used for college tuition, a first home, or even retirement.

Mr. Speaker, it is critically important that families have access to effective savings mechanisms like these if they are to secure their financial futures. But it is even more important that Americans have the know-how and motivation to use them, and that is the goal of the Financial Literacy Month and the resolution before us today.

Mr. Speaker, I would like to take this opportunity to thank my good friend and distinguished colleague from Texas (Mr. HINOJOSA) for introducing this resolution and for his dedication to improving financial literacy. I also would like to thank Mr. HINOJOSA's staff, especially Greg Davis, for all their hard work, diligent work in bringing this resolution to the floor. I would also like to thank the chairman and ranking member of the Oversight and Government Reform Committee, Mr. WAXMAN and Mr. TOM DAVIS, for helping to move this resolution through their committee in such a timely and bipartisan manner. And, finally, I would like to thank the gentlelady from California (Ms. WATSON) and the gentlelady from North Carolina (Ms. FOXX) for their support and for managing this resolution on the floor.

Mr. Speaker, I strongly support this resolution, and I urge my colleagues to do the same.

Mr. HINOJOSA. Mr. Speaker, I submit the following letters regarding H. Res. 273, "Supporting the Goals and Ideals of Financial Literacy Month":

MASTERCARD WORLDWIDE,
Washington, DC, April 13, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: I am writing to communicate MasterCard Worldwide's strong support for House Resolution 273, which highlights the goals and promotes the spirit of financial literacy month.

MasterCard Worldwide shares your vision of increasing financial literacy, illustrated by our various consumer education programs. Specifically, MasterCard has developed two programs called Debt Know How and Are You Credit Wise? which target consumers at different stages of their financial lives and aims to increase successful financial planning.

By offering consumers easy-to-understand tips and resources to increase their financial planning efforts, MasterCard's Debt Know How program helps consumers successfully manage debt. The program was developed in conjunction with the University of Minnesota Extension Service and is available in both English and Spanish. Debt Know How is offered in both a "trainer the trainer" format for community leaders as well as in a direct-to-consumer format design to reach families currently struggling with debt.

Are You Credit Wise? is MasterCard's consumer education program which aims to increase financial literacy rates among America's college students by teaching successful financial planning skills. The program employs a peer-to-peer teaching model to maximize its effectiveness, as college students are more inclined to listen and act upon information coming from their peers than from parents, teachers or counselors. In its eighth year, the Are You Credit Wise? program has reached more than 420,000 students on 58 college and university campuses in the U.S. and Canada.

We once again applaud your leadership and your tireless efforts to improve the lives of the American people through increased financial literacy.

Sincerely,

JOSHUA PEIREZ,
Group Executive, Global Public Policy.

NAMB,
Washington, DC, April 10, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of the 27,000 members of the National Association of Mortgage Brokers (NAMB), I would like to thank you and your colleagues for your work on House Resolution 273, supporting the goals of National Financial Literacy Month.

At a time when home buyers and consumers face the hurdles of a complicated marketplace and predatory lenders, your work educating consumers is invaluable. As you know, an educated consumer is a protected consumer.

As H.R. 273 makes clear, smart financial management is the result of a lifetime of sound spending habits and financial education. Encouraging consumers to develop these good habits is essential to ensuring strong credit and a healthy financial outlook.

NAMB joins you in our dedication to maintaining the highest commitment to consumer education on mortgage and home-buying issues. Our members work to improve the financial understanding of consumers across the country in a variety of ways. First, our work with Freddie Mac's CreditSmart and CreditSmart Español has helped lower-income workers and families better manage their financial futures. Second, we inspire a commitment to consumer education in the next generation of mortgage brokers through our work with Delta Epsilon Chi (DECA). DECA is an international association of high school and college students studying business and entrepreneurship.

NAMB applauds your commitment to this issue and your dedication on behalf of consumers and across the Nation. We salute your efforts to improve the lives and financial futures of hard-working Americans.

Sincerely,

HARRY DINHAM,
President, National Association of Mortgage Brokers.

NETWORKS FINANCIAL INSTITUTE,
Indianapolis, IN, April 10, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of Networks Financial Institute at Indiana State University (NFI), I am writing to express our strong support for H. Res. 273 as well as our appreciation for your leadership on the critical issue of financial literacy.

In recent years, the need to improve financial literacy has gained a significant amount of attention as Americans save less for their retirement and spend more of their disposable income. In our consumer oriented society, long-term saving and investing for retirement have become overlooked priorities and resulted in unsustainable credit card debt and personal bankruptcies. This trend has the potential for long term negative consequences on the well being of both individual households and our nation's economic stability.

NFI works diligently to effect positive change in the financial literacy of all Americans through our research, collaboration, and implementation of financial literacy education programs. A deep body of research exists that shows the importance of introducing literacy skills as early in a child's cognitive development as possible. This continuum of learning extends to financial literacy. As such, NFI is committed to providing financial literacy education to all age levels beginning in early childhood. Parents and teachers are in the best position to shape the knowledge and behaviors of future consumers, and to give children the foundation they need to make the best financial literacy choices.

NFI commends you for the very crucial role you play in the financial education of Americans, and we look forward to continuing to work with you and your colleagues in the House Financial and Economic Literacy Caucus to insure that the goals and ideals of Financial Literacy Month are realized each and every day.

Sincerely yours,

ELIZABETH A. COIT,
Executive Director.

Washington, DC, April 12, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: HSBC-North America strongly supports H. Res. 273, a resolution supporting the goals and ideals of Financial Literacy Month. On behalf of HSBC, I would like to commend you and Congresswoman Biggert for your ongoing efforts to highlight the importance of financial literacy at the national level.

As an industry leader, HSBC champions several issues important to consumers, including financial education. Through the Center for Consumer Advocacy, a repository of information on financial literacy education, insights, and guidance, HSBC continues its commitment to improving America's financial literacy rates.

Signature initiatives include:

YourMoneyCounts.com—HSBC's consumer education website provides information in a broad range of financial and money management topics. There are over 1,900 site visitors per month.

Adult Financial Literacy Workshops—In partnership with the Center for Neighborhood Enterprise (CNE), HSBC provides financial education workshops at numerous community locations. More than 5,000 families were educated in 2006.

Financial Education Grant Program—HSBC provides $1 million in grant funding to support consumer financial education, credit management, and home buyer counseling programs. These programs are provided by twelve organizations in nine states, and assisted more than 164,000 families in 2006.

YourFutureCounts—In partnership with the Society for Financial Education and Professional Development (SFED), HSBC presents credit management and personal financial management seminars in Historically Black Colleges and Universities (HBCU) campuses nationwide. More than 11,000 students have attended seminars since the program's inception in 2005.

Additionally, during Financial Literacy month, HSBC will host and participate in many financial literacy activities across the nation, including Capitol Hill, that help Americans gain critical information necessary to successfully manage their personal finances. For example, once again this year, HSBC will serve as a lead sponsor of the Federal Reserve Bank's Chicago Money Smart Week from April 30–May 5. We are proud of our involvement in this important program which offers consumers a wealth of information on how to better manage their personal finances through more than 300 events ranging in topic from credit to home buying to retirement.

We, at HSBC, believe financial education empowers consumers to use credit wisely, build assets and accumulate wealth, providing everyone with an opportunity for a secure and comfortable future.

Your leadership on this issue is essential to raise awareness and to implement a national strategy to improve the money management, credit use, and debt management skills of all individuals. We look forward to continuing to work with you and greatly appreciate your efforts to make financial literacy a nationwide endeavor.

Sincerely,

J. DENIS O'TOOLE,
Senior Vice President, Government Relations HSBC–North America.

[From the Independent Community Bankers of America]

ICBA APPLAUDS REPS. HINOJOSA AND BIGGERT FOR RESOLUTION ON FINANCIAL LITERACY MONTH

WASHINGTON, DC. (April 4, 2007)—The Independent Community Bankers of America (ICBA) strongly supports the bi-partisan congressional resolution (H. Res. 273) designating April as "Financial Literacy Month," which calls on government, non-profit organizations and the private sector to raise public awareness about the importance of financial education in the United States and the serious consequences that can result from a lack of understanding about personal finances.

"Managing money wisely is critical to success in life," said James P. Ghiglieri, Jr., ICBA chairman and president of Alpha Community Bank, Toluca, Ill. "Too many Americans lack the skill and knowledge to make appropriate financial decisions. The more consumers and young adults know, the better they are at managing their finances, and the better they manage their finances, the more likely they are to enjoy a secure financial future."

ICBA has an on-going commitment to improving financial literacy by encouraging community banks to provide financial education within their communities and by forging government, nonprofit and private-sector partnerships, such as the FDIC Money Smart program, JumpStart Coalition, and Practical Money Skills for Life.

"We commend Reps. Rubén Hinojosa (D–Tex.) and Judy Biggert (R–Ill.), along with the more than 100 cosponsors, for introducing a resolution that supports the goals and ideas of Financial Literacy Month," said Ghiglieri. "Financial education is important for today's consumers so that they can understand and make good decisions when faced with the complex array of financial products and services available."

NATIONAL ASSOCIATION OF FEDERAL CREDIT UNIONS,
Arlington, VA, April 5, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of the National Association of Federal Credit Unions (NAFCU), the only trade organization that exclusively represents the interests of our nation's federal credit unions, I want to thank you for introducing H. Res. 273, in support of the goals and ideals of Financial Literacy Month.

As you know America's savings rate has been steadily decreasing for years. While there is no easy solution to the problem, highlighting the most problematic issues and focusing on creating a comprehensive national plan to improve financial literacy is a very important step forward. NAFCU and its membership was particularly pleased to see Congress acknowledge the importance of increasing financial literacy awareness through the strong bi-partisan support of this resolution. With America's savings rate at its lowest point in years and consumer debt continuing to steadily grow, designating April as Financial Literacy Month is an excellent step in raising public awareness on this important issue.

As I am sure you are already aware, improving financial education and teaching members to invest prudently is a hallmark of the credit union movement. I wanted to take this opportunity to offer NAFCU's expertise in that field should you have any questions regarding the many diverse and unique programs that credit unions offer in this regard. With nearly 800 member credit unions, NAFCU and its members have a number of knowledgeable individuals who have helped design and implement numerous financial literacy programs.

Again, if NAFCU can be of any help to you or the Committee, please contact me or NAFCU Director of Legislative Affairs.

Sincerely,

FRED R. BECKER, Jr.,
President/CEO.

VISA.

Hon. RUBÉN HINOJOSA,
House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: I am writing to commend you for your efforts on behalf of financial education, and for introducing H. Res. 273, a "Resolution Supporting the Goals of Financial Literacy Month."

Visa, through its "Practical Money Skills for Life" program, has been working to expand and improve financial literacy for youth in schools, as well as consumers at all stages of life. This award-winning comprehensive educational program includes interactive, computer based activities, as well as plans that can be used by teachers to deliver financial literacy lessons in the classroom.

Visa developed Practical Money Skills for Life in close consultation with educational and nonprofit financial literacy organizations. These materials are available for free through the Internet at http://www.practicalmoneyskills.com/.

Recently, Visa announced its first ever statewide rollout of its "Financial Football" program in West Virginia. Financial Football is a popular, interactive computer game that incorporates content from Practical Money Skills for Life, and tests students' knowledge by combining the structure and rules of the NFL with financial education questions.

This statewide rollout, conducted in partnership with West Virginia State Treasurer John D. Perdue, distributed Financial Football game and curriculum CDs to all high schools in the State.

Visa is encouraged by your leadership on financial education issues. We look forward to working with you, the House Financial and Economic Literacy Caucus, your House and Senate colleagues, and the Financial Literacy and Education Commission, to advance this very important cause.

Thank you again for your dedication to improving financial literacy.

Sincerely,

LISA B. NELSON,
Senior Vice President & Director, Government Relations.

THE FINANCIAL SERVICES ROUNDTABLE,
Washington, DC, April 13, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINJOSA AND BIGGERT: The Financial Services Roundtable applauds your leadership in introducing House Resolution 273, recognizing the goals and ideals of Financial Literacy Month. We strongly support your efforts to strengthen Americans' understanding of the financial world.

The Roundable considers financial literacy integral to Americans in realizing their dreams by preparing them to save, invest, and manage their money. This resolution highlights the positive impact of sound financial literacy on achieving life's goals. Whether you are just entering the workforce, purchasing your first home or nearing retirement age, everyone can benefit from increased financial awareness and education.

The Roundtable has put in place trusted resources like www.MyMoneyManagement.net and 888-995-HOPE to help consumers. MyMoneyManagement.net is the first industry-wide financial education effort to provide comprehensive information to help Americans with their financial difficulties and direct them to nonprofit credit counselors. 888-995-HOPE is available 24/7 to homeowners in America having trouble paying their mortgage. Homeowners receive free foreclosure prevention counseling by expert counselors at HUD approved agencies.

The Financial Services Roundtable represents 100 of the largest integrated financial services companies providing banking, insurance, and investment products and services to the American consumer. Member companies participate through the Chief Executive Officer and other senior executives nominated by the CEO. Roundtable member companies provide fuel for America's economic engine, accounting directly for $65.8 trillion in managed assets, $1 trillion in revenue, and 2.4 millions jobs.

We thank you for your leadership in recognizing Financial Literacy Month through H. Res. 273. The Roundtable is proud to support this important resolution.

Best regards,

STEVE BARTLETT,
President and CEO.

AFSA EDUCATION FOUNDATION,
Washington, DC, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

Re: Support for House Resolution 273

DEAR REPRESENTATIVE HINOJOSA AND REPRESENTATIVE BIGGERT: The American Financial Services Association Education Foundation (AFSAEF) and AFSA strongly support H. Res. 273—the bi-partisan resolution designating April as Financial Literacy Month. Furthermore, we commend your exemplary leadership in championing financial literacy education for youth and adults.

AFSAEF and AFSA are committed to improving the financial literacy of all Americans and especially our youth through our initiatives. AFSAEF developed and made available free of charge MoneySKILL®, an interactive online personal finance curriculum, aimed at the millions of high school students who graduate each year without a basic understanding of money management fundamentals. It is designed to be used as all or part of their grade for courses in economics, math, or social studies. The 34-module curriculum includes the content areas of income, expenses, assets, liabilities and risk management that is targeted at high school students. A life simulation module asks students to project their own life expectancies regarding jobs, neighborhood, cars, education plans, marriage plans and the number of children they plan to have. The simulation allows students to incorporate MoneySKILL® personal finance concepts into their everyday lives. It challenges them to make the concepts their own, providing them with skills that will last a lifetime.

Since it was introduced, high school teachers in all 50 states have been successfully incorporating MoneySKILL® into their course curricula. In fact, in the past two months teachers from 40 states have enrolled more than 9,100 new students to use the course. Teacher-training workshops have proven to be the most effective way to reach teachers. Currently we have 21 workshops scheduled for this year; more are being added as conference plans are finalized. In addition to MoneySKILL, AFSAEF provides a comprehensive array of financial brochures and "how to" materials for use by adults.

AFSAEF and AFSA strongly support the goals of the House Financial and Economic Literacy Caucus and especially your unwavering leadership. We encourage the U.S. House of Representatives to pass H.R. 273.

Sincerely,

M. SUSIE IRVINE,
President and CEO, AFSA Education Foundation.

HOUSING ASSISTANCE COUNCIL,
Washington, DC, April 4, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: Congratulations on your introduction of H. Res. 273, the resolution designating April as Financial Literacy Month. Congratulations also on your outstanding leadership on this vitally important issue. The Housing Assistance Council strongly supports your efforts through your caucus and this resolution to increase awareness about the importance of financial education and economic literacy in our nation.

HAC sees on a regular basis the consequences that can result from a lack of understanding about personal finances. The local housing development nonprofits that HAC assists often have a difficult time qualifying potential homebuyers because of financial and credit problems. In addition, some families that become homeowners may suffer if they do not budget carefully or unwisely borrow against the equity in their homes. These and other problems likely could be avoided if the families and individuals involved learned better personal financial literacy at a younger age, or in pre- and post-purchase counseling.

Please let us know if we can be of any help in your admirable and essential work.

Sincerely,

MOISES LOZA,
Executive Director.

APRIL 11, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of the Charles Schwab Foundation, I offer my congratulations on your reappointment as Co-Chairs of the Financial and Economic Literacy Caucus for the 110th Congress. I also want to thank you for introducing H. Res. 273, which designates April as "Financial Literacy Month," and for attracting a bipartisan group of more than 100 co-sponsors of the resolution. At Schwab, we share your belief that increasing financial literacy is critically important to ensuring that Americans save more, spend responsibly, and plan for their futures.

As you know, Schwab partners with the Boys & Girls Clubs of America to offer a financial education program, "Money Matters: Make It Count," in teen Clubs around the country. This program of fun, interactive lessons teaches teenagers everything from the basics of opening a savings account and writing checks to managing a budget, getting financial aid for college and even the basics of investing and entrepreneurship. This highly successful program has helped provide financial confidence to more than 40,000 teens in the first two years it was offered. It has also provided a great opportunity for Schwab employees to offer their expertise as teachers, both in the Clubs and in local schools.

The need for improved financial education, particularly for teens, was underscored by the results of Teens & Money, an annual survey released last month by Schwab. We found that teens have lofty expectations about their futures, estimating that they will be earning an average salary of $145,500, despite the fact that only 5 percent of the U.S. population currently earns a six-figure income, and the average national wages are about $40,000. And while 62 percent of teens say that they are prepared to deal with the adult financial world after high school, further probing finds gaps that do not correspond with this confidence. Only 41 percent say they are knowledgeable about how to budget, just 26 percent understand how credit card fees and interest work, and only 24 percent know whether a check-cashing service is a good thing to use. The credit card issue is of particular concern, because our survey found that almost a third (29 percent) of teens have already incurred debt.

The positive news from the survey is that teenagers want to learn more about personal finance. Nearly 90 percent want to learn how to make their money grow, and 60 percent say that learning about money management is a top priority. But teens are not getting the education they need. Just 28 percent are being taught about budgeting, spending and saving by their parents or guardians. Only 24 percent say that their parents have taught them how to use a credit card responsibly. Interestingly, two-thirds of the teens surveyed say they would prefer to learn through experience rather than in the classroom.

To help address these issues, Schwab is launching this month Schwab MoneyWise™, a comprehensive cross-generational package of financial education materials, including a web site, which will offer tools for parents who would like to help their teens learn more about money.

We believe that programs like our partnership with the Boys & Girls Clubs of America and our new MoneyWise initiative are important ways to reach young people, and there are numerous other programs sponsored by other companies and organizations that are focused on the same goal. We also believe that there needs to be a concerted national effort to raise awareness about the importance of financial literacy. Every level of government, our schools, our private sector companies, our non-profit organizations, and, perhaps most importantly, our parents all have an important role to play. We need to continue to work together to find creative solutions and encourage a national discussion of the basics of financial education. Efforts like designating April as "Financial Literacy Month" and the April 24th Financial Literacy Day on Capitol Hill are important parts of this effort, and we are very pleased to support both.

Thank you very much for your leadership on this important issue.

Sincerely,

CARRIE SCHWAB POMERANTZ,
President, Charles Schwab Foundation.

FREDDIE MAC,
McLean, VA, April 16, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA: On behalf of Freddie Mac, I am writing to express our support for the bi-partisan Congressional resolution (H. Res. 273) supporting April as "Financial Literacy Month," cosponsored by 115 Members of the House of Representatives.

As a secondary mortgage market entity, Freddie Mac has made home possible for one in six home buyers and more than four million renters in America. We greatly understand the important role financial literacy plays in obtaining and maintaining good credit. Credit records affect everything from renting an apartment to buying a home, paying for a college education to purchasing a car. Poor credit histories limit the ability of many consumers to attain financial security, particularly those in under-served communities—including low-income consumers, minorities and immigrants. Without good credit, it's difficult to save money, become a homeowner, and accumulate wealth.

In response to the need to increase financial literacy and awareness, Freddie Mac developed the CreditSmart®, and CreditSmart® Español consumer education curricula. CreditSmart is designed to help consumers understand, build, and maintain good credit. Since its launch in 2000, the CreditSmart program has reached in excess of one million people through its outreach network of Community Based organizations, conventions, initiatives and web access. (www.freddiemac.com/creditsmart)

CreditSmart is used in numerous communities across America and is taught to consumers by college instructors, nonprofit counseling agency staff, consumer and community group staff, police officers, employers, lenders, real estate professionals and mortgage brokers. Just two months ago, Freddie Mac launched CreditSmart Asian a new three-part series of multilingual guidebooks focused on helping Asian Americans become more informed consumers. This program will be available in Chinese, Korean, Vietnamese, and English.

Freddie Mac has also been a leader in sponsoring a successful consumer awareness campaign to help consumers avoid predatory lending practices. Don't Borrow Trouble®, is a national award-winning campaign that combines public education and counseling services to help homeowners avoid lending practices that strip away their home's equity. Pioneered in Boston by Mayor Thomas M. Menino and the Massachusetts Community & Banking Council (MCBC), Freddie Mac has expanded the campaign to communities nationwide to almost 50 cities and states throughout the country. These campaigns have helped inform more than 100,000 consumers across the U.S.

Freddie Mac commends you for your bringing this resolution to the House of Representatives to continue to draw awareness to the need for financial literacy and we are grateful for your leadership of the Financial Literacy Caucus.

Sincerely,

KIRSTEN JOHNSON-OBEY,
Director, Congressional Relations.

STATEMENT BY FORUM CEO DONALD L. EVANS ON FINANCIAL LITERACY RESOLUTION

WASHINGTON, DC.—Financial Services Forum CEO Donald L. Evans issued the following statement on H. Res. 273, a resolution supporting Financial Literacy Month:

"Financial assets—stock, bonds, mutual finds, and insurance products—are powerful tools for building wealth and providing for a secure future. With a record number of Americans approaching retirement, financial literacy is more important than ever. Rep. Ruben Hinojosa and Rep. Judy Biggert are bringing appropriate focus to the goal of providing a better financial education to all Americans. We appreciate their efforts to raise awareness of financial literacy and fully support their efforts."

Last April, the Financial Services Forum released a survey finding that two in five (42 percent) of Americans say they know only some, very little, or not much about how to effectively manage their long-term personal finances and retirement security. The poll also found that 60 percent of young people (between the ages of 18 and 34) say they do not have the knowledge they need to effectively manage their personal finances and retirement security.

The Financial Services Forum has also issued a report detailing the significant commitment of Forum member firms to financial literacy programs.

A copy of that report and the survey are available on our web site at www.financialservicesforum.org.

AMERICA'S COMMUNITY BANKERS,
April 11, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of America's Community Bankers (ACB) and its over 1000 member institutions, I am writing to express our strong support for H. Res. 273, a Resolution to support the goals and ideals of Financial Literacy Month. ACB commends you both for your ongoing leadership and commitment to increasing awareness of financial literacy in the United States, and we are also pleased that a similar Resolution, S. Res. 126, has been approved by the United States Senate.

The American financial services system often presents a maze of decisions, and ACB has always made financial literacy a top priority to help consumers choose wisely. ACB's members are dedicated to strengthening America's communities by meeting the financial needs of consumers fairly and efficiently. As the responsibility for individuals to manage their own finances increases, so does our responsibility to provide individuals from every economic background with the tools they need to navigate their financial environment. ACB is committed to ensuring that all Americans have fair and equitable access to credit, and that consumers have the necessary skills to make wise financial decisions.

The goals expressed in H. Res. 273 recognize many of ACB's core principles, and we look forward to continuing to work with both of you, along with the House Financial and Economic Literacy Caucus, to make financial literacy a priority of the 110th Congress.

Sincerely,

ROBERT R. DAVIS,
Executive Vice President and Managing Director, Government Relations.

CONSUMER BANKERS ASSOCIATION,
Arlington, VA.

Re H. Res. 273

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: The membership of the Consumer Bankers Association has taken a leadership role in providing financial education, offering instruction in every field of personal finance, including home ownership, foreclosure prevention, credit card usage, basic budgeting and a host of other topics relevant to the needs of our customers. CBA has found that such efforts have helped produce knowledgeable consumers with the financial skills needed for the responsible use of the products and services available today from our member banks.

It is because of the intensive and extensive efforts to educate their customers that our membership welcomes your efforts to recognize the importance of financial literacy by promoting Financial Literacy Month through H. Res. 273. We believe the Resolution is a welcome part of the campaign so that everyone is provided the tools to navigate the sometimes complex waters of today's economy.

We congratulate you for highlighting the commitment to financial literacy. CBA pledges our full support to promote the goals of Financial Literacy Month and offers our assistance to the Congress and our communities in creating a better-educated population of financial services consumers.

Please do not hesitate to contact us if you feel we can be of further assistance in your endeavors to promote financial education.

MARCIA Z. SULLIVAN,
Vice President and Director, Government Relations.

WASHINGTON, Apr. 4 2007.—The National Association of Affordable Housing Lenders (NAAHL) strongly supports the bipartisan congressional resolution (H. Res. 273) designating April as "Financial Literacy Month," to increase awareness about the importance of financial education in the United States and the serious consequences that can result from a lack of understanding about personal finances.

"NAAHL represents America's leaders in moving private capital to those in need," said NAAHL President and CEO Judy Kennedy. "Our members have helped lead efforts to increase financial education nationwide, especially for low- and moderate-income persons."

"For example, NAAHL members ShoreBank and NeighborWorks America, in partnership with the federal banking regulators, have pioneered programs and approaches which have resulted in greater financial literacy in underserved communities," Kennedy said.

"We commend Reps. Ruben Hinojosa (D–Texas) and Judy Biggert (R–Ill.) for introducing this resolution that supports the goals and ideals of Financial Literacy Month."

The resolution has more than 100 cosponsors in the House of Representatives. A similar resolution, S. Res. 126, has been approved by the Senate.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA: The Texas Credit Union League is pleased to support House Resolution 273. As you know, the Texas Credit Union League through our Foundation supports financial literacy in a big way. Project NEFE—a statewide collaborative initiative to bring the accredited High School Financial Planning Program along with comprehensive training to schools across Texas—is one of the primary missions of our Foundation. All material and training is offered free of charge.

The NEFE curriculum meets the learning objectives and standards approved by the Texas Education Agency and State Board of Education to meet the requirement. Credit unions are all about people helping people, and there is no greater way to demonstrate that commitment than credit unions working with teachers and providing the volunteer efforts to train our children in financial matters. We have been extremely pleased and excited on how our Foundation, Texas Cooperative Extension and NEFE have worked together to deliver this free education to our younger generation.

On behalf of the seven million credit union members concerned with the issue of financial literacy, we applaud you and your many cosponsors. We look forward to joining our voice with yours in the cause of financial literacy.

Sincerely,

DICK ENSWEILER,
CEO/President, Texas Credit Union League.

GIRLS INCORPORATED,
New York, NY, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA AND REPRESENTATIVE BIGGERT: Girls Inc. is proud to join you in supporting H. Res. 273, and the ideals and goals of Financial Literacy Month. Financial education is critical to ensuring that individuals gain the skills necessary to assess financial opportunities and successfully manage their money. We applaud you for your leadership on this important bill.

Through our affiliates across the country, Girls Inc. teaches girls and their families important finance skills that help them to understand topics such as banking, saving, and investments, thus helping their future economic security, success, and well-being. We believe girls in particular benefit from opportunities to learn these essential skills. A survey we conducted in 1998 of teenage daughters and their mothers, found that the number one concern of mothers was they would not have enough money at one point in their lives. Other surveys have shown that girls are less likely than boys to consider themselves "very knowledgeable or confident" about financial issues and money management. Economic and financial literacy is critical to helping girls plan for and achieve economic independence.

We thank you for your commitment to this issue and your understanding of the necessity of such a bill as H. Res. 273.

Sincerely,

JOYCE M. ROCHÉ,
President and CEO.

FIRST NATIONS OWEESTA CORPORATION,
Rapid City, SD, April 11, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: The Native Financial Education Coalition (NFEC) and First Nations Oweesta Corporation (Oweesta) strongly support your efforts to officially designate April as "Financial Literacy Month". As the national voice advocating for stronger personal financial management skills among Native peoples, the NFEC urges Congress to pass the bipartisan H. Res. 273 as a step toward raising awareness and spurring action toward better financial education in Native communities across the country.

Native communities across the board are lacking in financial education skills, which directly relates to the poverty and other social ills that often define Native peoples in the eyes of others. For example, Native communities are a hotbed for predatory lenders because Native people do not have the skills or awareness to understand the financing and credit process sufficiently, and a large percentage of our families are among the unbanked. We do not, however, have to let this situation define us and our involvement in Financial Literacy Month over the years is one way of taking control of our own lives and moving towards economic sovereignty.

The NFEC and Oweesta believe so strongly in this issue that this month, on April 26th, we will host the 3rd Annual Native Financial Education Policy Briefing in Washington, DC for lawmakers, staffers, Native leaders and others interested in Native financial education. In the past we have intentionally held the Briefing in April to commemorate Financial Literacy Month and see a real benefit to making it officially recognized as such. We commend you for your leadership on this issue and look forward to continuing our work together to make financial education a reality for all Native communities.

Sincerely,

ELSIE MEEKS,
Executive Director, First Nations Oweesta Corporation, Chairperson, Native Financial Education Coalition.

NORTH AMERICAN SECURITIES
ADMINISTRATORS ASSOCIATION, INC.,
Washington, DC, April 6, 2007.

Hon. RUBÉN HINOJOSA,
Washington, DC.
Hon. JUDY BIGGERT,
Washington, DC.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of NASAA thank you for introducing H. Res. 273, which supports the goals and ideals of Financial Literacy Month. State securities regulators have a long tradition of protecting investors through education, and most have established an investor education department within their regulatory agency. Several of NASAA's Investor Education Section's current activities include: personal finance, investor and fraud prevention education on military installations; empowering senior citizens to spot, stop and avoid financial scams and several initiatives designed to teach youth the value of sound investing principles. Whether offering students the opportunity to understand the workings of Wall Street through the InvestEd stock market game, sponsoring an essay contest on how investing can create financial independence in South Dakota, or reaching out to teens in New Jersey through a Consumer University that teaches investing, regulators are connecting with youth across the country.

As part of the effort to educate our nation's youth, in April, state securities division staffs will join in celebrating "Financial Literacy Month" by visiting schools throughout their state to teach students about personal finance, the capital markets, investment choices and fraud.

Reaching out to our young citizens is just one component of the ongoing financial education effort undertaken by state securities regulators. We are dedicated to improving financial literacy for our constituents of all ages, recognizing that financial education has a direct impact on the economic health of our families, communities, states and this country overall. This year NASAA will be launching a new investor education podcast series as part of Financial Literacy Month. The series, "The Alert Investor," is a resource for the public to learn about investing wisely, avoiding fraud and how to exercise their rights as investors.

We commend you for your continued efforts to draw attention to the importance of financial literacy programs, and NASAA looks forward to participating in Financial Literacy Day on Capitol Hill. Please contact Daphne Smith, Tennessee Securities Commissioner and Chair of NASAA's Investor Education Section, or Deborah House in NASAA's corporate office if we may be of further assistance to you. We look forward to continuing our work with you and your offices on this particular issue.

Sincerely,

JOSEPH P. BORG,
NASAA President,
Director, Alabama Securities Commission.

APRIL 13, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of Wells Fargo & Co., I am writing to express our strong support for H. Res. 273, a Resolution that raises awareness and support for financial literacy. Wells Fargo commends the leadership and determination that both of you have demonstrated as leaders of the financial literacy caucus.

Wells Fargo is committed to working with you in addressing the need for financial literacy for all Americans. Wells Fargo's financial literacy program, Hands on Banking® and El futuro en tus manos®, targets all age groups from elementary schools to adults. The program has been developed in collaboration with teachers and administrators across the country. The Department of Education in Texas, Utah and South Carolina has approved this program for school districts in their state. Wells Fargo has also partnered with various non-profit groups to put Hands on Banking and El futuro en tus manos into the hands of those who can benefit the most including: National Council of Economic Education, Jump$tart Coalition, Navajo Nation in Arizona and the Mexican Consulates in Texas and California.

Wells Fargo believes the key to economic self-sufficiency is financial education. With this in mind, we are proud to express our support for H. Res 273 and look forward to continuing to team up with you and the House Financial and Economic Literacy Caucus to increase financial education throughout the United States.

Sincerely,

PAMELA ERWIN,
Senior Vice President,
Wells Fargo Foundation.

NATIONAL YOUTH
INVOLVEMENT BOARD,
Aurora, CO, April 16, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVE HINOJOSA AND REPRESENTATIVE BIGGERT: The National Youth Involvement Board is grateful for your cosponsorship of H. Res. 273, and we share with you the values upheld during Financial Literacy Month. You have been steadfast in leading a surge in attention to Americans' personal financial strength and the financial education each citizen deserves. As an organization that represents and consists of citizens from all walks of life, we proudly share your devotion.

The National Youth Involvement Board (NYIB) is a volunteer network of not-for-profit credit unions, affiliated organizations, and other enthusiasts committed to providing young people the financial fundamentals they need for a lifetime of success. Whether through youth-specific services, classroom presentations, or collaborative efforts with organizations like Junior Achievement Worldwide and the National Endowment for Financial Education, NYIB members have long demonstrated creativity and cooperation toward our common purpose.

We at the National Youth Involvement Board understand that visible national recognition of the need for personal financial literacy is essential to a promising future for America. Your efforts—specifically H. Res. 273—have created exactly that. Thank you!

Sincerely,

JOHN FARIES,
Chairman,
National Youth Involvement Board.

NATIONAL COUNCIL OF HIGHER
EDUCATION LOAN PROGRAMS,
Washington, DC, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives,
Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives,
Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: On behalf of the members of the National Council of Higher Education Loan Programs (NCHELP). I am writing to enthusiastically support House Resolution 273. Our members help millions of students fund higher education each year. We agree with you that it is more important than ever that students and their families have the information and tools necessary to make good financial decisions.

NCHELP members support and share the goal of House Resolution 273 to increase financial literacy among all Americans and to raise public awareness about the importance of a sound financial education. Our members provide information and training to college-bound students all around the country on topics like managing credit and checking accounts, basic credit and budgeting concepts, and personal financial management, better preparing these students to make good financial decisions and borrow responsibly. Materials are made available in Spanish and other languages where needed to ensure all Americans receive this important information on college access and financial literacy. Our members also partner with organizations like the Jump$tart Coalition, Junior Achievement and 360 Degrees of Financial Literacy to promote financial education to middle and high school students.

I thank you both for your continued leadership of the Financial and Economic Literacy Caucus and pledge that the members of NCHELP stand ready to assist you and your colleagues in this important endeavor.

Sincerely,

BRETT E. LIEF,
President.

COUNTRYWIDE,
Calabasas, CA, April 12, 2007.

Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. JUDY BIGGERT,
House of Representatives, Longworth House Office Building, Washington, DC.

Re: Support for H. Res. 273.

DEAR CONGRESSMAN HINOJOSA AND CONGRESSWOMAN BIGGERT: On behalf of Countrywide Financial Corporation I want to commend you and your colleagues in the House Financial and Economic Literacy Caucus for the introduction of H. Res. 273, which supports the goals and ideals of Financial Literacy Month.

Founded in 1969 on the belief that all Americans should have the opportunity to own a home, Countrywide has become the largest home mortgage lender in the nation and a leader in providing home loans to first-time buyers, minorities and low- and moderate-income families. Today, Countrywide has grown to more than 54,000 employees with 900 retail offices nationwide. We at Countrywide share the sentiments and concerns expressed in H. Res. 273, and we strongly support the goal of improving the quality and reach of financial education in America, particularly to lower- and moderate-income individuals and families.

To that end, in conjunction with Financial Literacy Month Countrywide has launched its Home Ownership Mortgage Education (H.O.M.E.) program. The H.O.M.E. program is a comprehensive online reference tool, available at www.HomeByCountrywide.com. providing consumers with information on all aspects of homeownership, from basic personal finance to life as a homeowner. By offering this financial and homebuyer education program, Countrywide supports consumers' ability to make well-informed financial decisions as they pursue the dream of homeownership.

The H.O.M.E. program is a further extension of Countrywide's founding mission and one of several education initiatives that Countrywide supports. In January 2005, Countrywide announced a $1 million, five-year commitment to the U.S. Conference of Mayors' DollarWi$e Campaign. As a founding sponsor of the campaign, Countrywide supports Capacity Grants, a component of the campaign that makes grants to cities that are developing or expanding local financial education strategies for consumers. More than 100 cities now conduct local DollarWi$e campaigns and Capacity Grants have been awarded to the following cities: Pleasanton (CA), Quincy (IL), Bowling Green (KY), Quad Cities (IL, IA), Detroit, Savannah and Miami.

Again, I want to express my personal support and that of our employees for H. Res. 273, and for the goals and ideals of the House Financial and Economic Literacy Caucus.

Sincerely,
ANGELO R. MOZILO,
Chairman and CEO.

STATE FARM INSURANCE COMPANIES,
Bloomington, IL, April 12, 2007.
Hon. RUBÉN HINOJOSA,
Rayburn House Office Building, House of Representatives, Washington, DC.
Hon. JUDY BIGGERT,
Longworth House Office Building, House of Representatives, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: As a leader in insurance and financial services, State Farm® strongly supports H Res. 273. This resolution in support of the goals and ideals of Financial Literacy Month clearly illustrates the need for increased efforts to build financial and economic literacy in the United States, especially among young people.

State Farm is committed to promoting financial literacy among Americans of all ages. In 2006, State Farm contributed more than $1.3 million dollars to financial literacy programs; and, in 2007, we will contribute nearly $2 million. Our contributions target the issue of financial literacy in many ways, from grassroots efforts that are led by youth, to training aimed at teacher education, to content designed for adults.

On behalf of State Farm, I congratulate you both on your continued leadership of the Financial and Economic Literacy Caucus. Your commitment to promoting the importance of financial literacy through events like the upcoming Financial Literacy Day on the Hill benefits not only your constituents, but thousands of other Americans seeking access to higher education, homeownership, retirement savings, and other fundamental financial goals.

We look forward to a continued relationship with you as we work to address this very important issue. If State Farm can serve as a resource to you or the Caucus, please feel free to contact me.

Sincerely,
MICHAEL A. FERNANDEZ,
Vice President, Public Affairs.

CONSUMER MORTGAGE COALITION,
Washington, DC, April 15, 2007.
Hon. RUBÉN HINOJOSA,
House of Representatives, Rayburn House Office Building, Washington, DC.
Hon. Judy Biggert,
House of Representatives,
Longworth House Office Building, Washington, DC.

DEAR REPRESENTATIVES HINOJOSA AND BIGGERT: The Consumer Mortgage Coalition, a trade association of national mortgage lenders, servicers, and service providers, strongly endorses the bi-partisan Congressional resolution, H.R. 273, supporting April as "Financial Literacy Month". We applaud and thank you and all of the cosponsors of this resolution for your efforts to both raise awareness about the critical need for financial education in the United States and encourage the government and the private sector to work towards our common goal on this issue.

Our nation's finance system offers access to capital and mortgage credit to consumers of almost every economic condition. This has contributed significantly to raising our nation's homeownership rate to the highest in history. Homeownership remains the fundamental first step towards an individual's ability to accumulate personal wealth, as well as contributing to neighborhood and community stability, among many other attributes.

For most households, purchasing a home is the most significant financial transaction they will ever make. Therefore, it is very important that homebuyers understand and are able to choose the mortgage loan product that best fits their individual financial needs. In order for a consumer to make the right choice, however, they must be financially literate.

Moreover, a well-informed consumer is the first line of defense against mortgage fraud and predatory mortgage origination practices. If consumers are able to fully understand the options before them, they will be better able to defend themselves against those who hope to take advantage of them.

From a broader perspective, our member companies strongly believe that financial education has a direct impact on the economic health of our families, our communities, and our nation.

Again, we thank and applaud you for your leadership on this important initiative.

With best regards, I am
Sincerely,
ANNE C. CANFIELD,
Executive Director.

[From the Washington Post, Mar. 30, 2007]

MONEY'S ON THE LINE DURING THESE CLASSES: COLLEGES TEACH FINANCIAL BASICS

(By Susan Kinzie)

Heather O'Brien graduates from Georgetown University this spring with an education in biology, in English, in history. She leaves with a newfound conviction that she should work in the ministry. And with about $63,000 in debt.

"When I got here," she said, "finances were the last thing on my mind. I was on my own for the first time, in a new place. It was very exciting—and it seemed like college would last forever."

Now, she's taking one last set of classes. It's a sort of Real World 101, a crash course in money: Georgetown is offering a series of financial literacy workshops for seniors, covering such topics as loan repayment and consolidation, spending, credit cards, taxes and benefits.

The professors and other financial experts leading the classes all say the same thing: If only I'd known this when I was your age.

"These are lessons best learned young," said adjunct business professor Michael Ryan, "when there's not a lot on the line."

Students are leaving college with more debt than ever, now that more of them have to rely on loans, tuition keeps rising and credit cards are being pushed on many campuses. The median education loan debt is nearly $20,000 for full-time students at four-year colleges. And that's not including credit cards; more than half of students surveyed this winter by Sallie Mae had piled on more than $5,000 in debt in school. And one-third added more than $10,000 in credit-card debt.

Some students treat credit cards and student loans like found money, for spring break trips or betting on NCAA brackets. But many are struggling to afford college; nearly a quarter charge part of their tuition. And most need to get used to managing expenses, learning—often the hard way—as they go along.

Now some schools are adding courses on financial basics. Beginning this academic year in Virginia, for example, public universities are required to offer some financial literacy training, said Barry Simmons, Virginia Tech's director of scholarships and financial aid. The school designed an optional online class, covering budgeting, credit cards and other basics for freshmen. The University of Virginia has a pilot program, too.

Financial companies offer occasional courses on campus, and some have pitched in on the Georgetown classes. The added focus comes as scrutiny on universities' relationships with lenders increases and as Congress moves to ease the burden on students.

Some students arrive on campus used to managing credit, balancing budgets, maybe even trading stocks. But others—

"We get the sense that students don't really understand how money works," said Greg Pasqua, a senior at Georgetown who heads the student-run credit union and helped organize the seminars. "People do things that aren't very intelligent with their money. Overdraw accounts six times on $2 purchases, and get hit with six fees for buying bubble gum. Or get reported to Equifax because you didn't pay your loan on time, and you're like, 'I'll get it next time.' "

Ryan said, "It's amazing what some students don't know—that 30 to 40 percent of their proceeds will be taxed away . . . Even basic things like 401(k)s," or whether they should put money into the pretax retirement savings accounts.

At two recent workshops at Georgetown, students interrupted to ask, "What is a 401(k), anyway?"

So professors and other experts sorted through the unfamiliar names and the jargon, explained the types of benefit choices they'll be expected to make, how to figure out what their monthly loan payments and take-home pay will be, how to invest in their 20s.

It's not difficult stuff. It's just—who has time to think about credit scores and interest rates when there's so much else going on?

Until a car loan or a lease is turned down because of a bad credit score, or late fees pile up.

When O'Brien was a high school senior in Texas, she was offered a full scholarship to another school. But she loved Georgetown; when she visited, someone told her that everyone there has been given many gifts and that they should think about how to give back.

So she didn't pay too much attention to the details of the loans she was taking out. "When I was a freshman, I was like, 'Loans, great! I don't have to pay them back 'til I stop going to school—cool.' "

It's not just tuition (which is a hefty $33,000-plus this year, before housing, books and fees.) In Georgetown, with shops selling $200 jeans and bars mixing $15 cocktails, there are plenty of ways to bleed money within stumbling distance of campus.

O'Brien didn't make any big mistakes; she was careful. She knew she didn't want to drop a couple of weeks' paychecks from her on-campus job on a top from some little boutique nearby; she'd rather take a bus to shop somewhere cheaper. She's not a big drinker, so she doesn't wake up wondering what happened to her wallet. But she does like ordering music and books online, and she didn't realize how quickly it could add up.

"It wasn't until senior year, when I had to pay my own rent and pay utilities, that I really understood what $60,000 was," she said, referring to her tuition debt.

This year, too, she started setting rules for herself. "I eat lunch on campus once a week and pack my lunch the other days." And she limits her online purchases to $20 a month. She opened a separate account for her rent money so she's not tempted to dip into it.

The classes have already changed her mind-set, she said. She learned about interest rates and credit scores. "I have had a couple of late payments that dinged me. I just thought, 'Oh, one day late, not a big deal.'" But in the class she learned that could cost major benefits. "If you go three years [paying] on time, you could have a 3 percent decrease in the interest rate—which is amazing."

She doesn't regret taking out the loans; she had so many great classes at Georgetown that she kept switching majors, from premed to English and so on. "This is the place that made me who I am," she said, "The ideals, the professors, the chaplains, the friends I made."

She's excited to become a chaplain or a grief and crisis counselor at a hospital after graduate school. She knows she won't get paid much, but she's absolutely sure it's what she's meant to do.

"There are some things I look back and wish they were different," she said. She might have taken out smaller loans, with less money for expenses. "I might have had more of a realization that all of that was [racking up] interest and would take a long time to pay back."

Now she has a better idea of how to manage loans and evaluate benefits and salary. The classes reminded her to budget carefully and put money away for retirement when she can.

Then again, she's not sure that had she learned all this earlier it would have changed many of the decisions she made. "Graduation," she said, "was so far away."

Mr. DREIER. Mr. Speaker, I would like to thank my colleagues Mr. HINOJOSA and the Mrs. BIGGERT, for introducing H. Res. 273, a resolution supporting the goals and ideals of Financial Literacy Month. As a member of the Financial and Economic Literacy Caucus and a cosponsor of this resolution, I am proud to support this measure.

In this 21st century economy, more Americans have access to financial services and products than ever before. With the click of a button, consumers can perform a variety of financial activities over the Internet, from paying bills to managing investments. Increased availability of credit allows more people to enjoy the benefits of easy access to capital and enhanced purchasing power. Today, half of all American households own stocks. This growing number of "investor class" Americans are participating in financial markets through retirement plans, investment vehicles or Internet trading accounts.

Yet, as this resolution recognizes, we must do more to ensure that American citizens not only have access to these important financial services, but are equipped with the knowledge to make critical financial decisions as they plan for the future. Whether it is buying a home, paying for college, starting a small business or planning for retirement, it is imperative that we help individuals develop a solid foundation in personal finance.

We must also continue efforts to ensure that individuals are equipped with the proper tools to make smart financial decisions from an early age. Reading, writing and math, the traditional cornerstones of our education system, need to be supplemented with a curriculum that will equip America's youth to meet the real-life demands of the 21st century. In the fast-paced and increasingly complex world in which we live, teaching our students about personal finance issues, from basic spending decisions to investing and saving for retirement, is critical. The efforts of organizations like Visa USA, Citigroup, the Credit Union National Association, the American Bankers Association and the Securities Industry Association have helped to bring financial literacy programs to our Nation's youth in classrooms, after-school programs and libraries. I am proud that in my own district, Bonita High School, the Boys and Girls Club of the Foothills and the Glendora Public Library have had the opportunity to benefit from these programs.

It is also important to note that efforts to enhance financial literacy should not just be confined to our own country. As we strive for expanded trade and investment with our global partners, the financial ups and downs in world markets have a greater impact on our local economies. Helping to spread financial and economic literacy to emerging markets is critically important to establishing stability in developing nations. For example, in 2004 Citigroup and the Citigroup Foundation provided more than $22 million in support of financial education programs in activities that reached millions of people in more than 40 countries. These activities included community development projects to support the expansion of thrift and credit-based cooperative groups in India and the development of a micro-finance industry in China.

Ultimately, expanding access to the financial system and knowledge of its workings provides individuals with greater choice when managing finances, building wealth and making investments. These activities in turn lead to increases in economic activity and growth that benefits our entire Nation. I urge my colleagues to recognize the importance of financial literacy and support this measure.

Ms. LORETTA SANCHEZ of California. Mr. Speaker, I rise in strong support of H. Res. 273—Supporting the goals and ideals of Financial Literacy Month.

Have you seen the headlines recently? Only yesterday, it was reported that mortgage defaults are at an all time high in California. According to one report, 46,760 borrowers defaulted between January and March. That's an increase of 23.1 percent relative to the previous quarter, and 148 percent compared with the same period a year ago.

In another story, I read that foreclosures of homes in California were 11,033 in the first quarter. That's an 81.5 percent increase over last quarter.

I'm concerned about the effect that this is having on families in my home state. I'm also concerned about the effect that this is having on the economy of the nation as a whole.

While it is impossible to say that this crisis could have been avoided, we can certainly do more to shield consumers from its worst effects. One of those ways is to promote greater financial literacy.

This bill, H. Res. 273, is an important tool for increasing awareness, and points the way forward toward creating greater financial literacy in our communities.

The potential benefits of greater financial literacy are almost incalculable. We can be sure that greater awareness and understanding of finances will lead to higher savings rates. It will allow consumers to gain access to less expensive and less risky loans. And it will protect people from getting into a precarious financial situation without their understanding the consequences.

I urge my colleagues to support this legislation, and for us to join together to not only promote the goals of financial literacy, but also, to make them a reality.

Mr. REYES. Mr. Speaker, I rise today in support of H. Res. 273, a resolution supporting the goals and ideals of Financial Literacy Month.

According to the JumpStart Coalition for Personal Financial Literacy, the average high school graduate does not possess basic personal financial management skills. These young people are unable to balance a checkbook, and most have little knowledge of basic practices such as earning, spending, saving and investing.

This lack of awareness has serious consequences for young people. Without a fundamental understanding of finance charges and accumulating interest, young people become prone to credit card abuse, which often results in overspending and long-term debt. As they take on greater and greater financial responsibilities, these men and women are similarly unprepared to finance higher education, handle a mortgage, and save for retirement. The implications of this behavior extend beyond personal welfare. Consumer debt in the U.S. reached $2.4 trillion in 2006, $825 billion of which comes from credit card debts.

Financial literacy should be a fundamental part of every young American's education. The ability to manage one's finances is essential to building wealth and leading a prosperous economic life. On the other hand, those who lack the ability to manage money face lifelong obstacles to fulfilling their human potential and creating a solid economic foundation for their families.

I thank my distinguished colleagues, Congressman HINOJOSA and Congresswoman BIGGERT, for their work leading the House Financial Literacy Caucus, and I urge my colleagues to support this resolution.

Mr. GARRETT of New Jersey. Mr. Speaker, I rise to support the goals and ideals of Financial Literacy Month.

Due to the growing complexity of financial products being offered throughout this country and the rapidly increasing number of young adults and seniors using these various products, it is essential that everyone educate themselves so they fully understand how their activities may affect their financial standing and future.

As a member of the Financial Literacy Caucus, I believe the private financial sector and local, state, and Federal government officials should continue to further expand and promote financial literacy and education. Whether it is buying a home, opening a bank account, or acquiring a credit card, consumers are faced with a myriad of complex decisions requiring a broad knowledge of our nation's financial system.

According to a July 2005 survey of 1,000 parents of high school students by Visa, parents rank developing good personal financial skills and being able to handle their money (74 percent) ahead of both following the wrong crowd (58 percent) and drugs/alcohol use (56 percent) in terms of their concerns they have for their children's futures. Only personal safety ranked higher (89 percent). This illustrates how valuable the American public considers financial literacy.

Mr. Speaker, I stand in support of the goals and ideals of financial literacy month and I encourage my colleagues to do the same.

Ms. EDDIE BERNICE JOHNSON of Texas. Mr. Speaker, I rise today in complete support of the Financial Literacy Month Resolution which addresses the public's lack of knowledge of basic financial principles and aims to lessen our Nation's already enormous consumer debt.

According to recent studies, many young Americans seem to be lacking personal financial management skills. The facts indicate that for nearly a decade now, high school seniors have possessed an insufficient knowledge of personal finance. Attempting to address this gap in knowledge and to prevent future financial blunders, 16 states are requiring basic financial education in their high schools. I strongly believe that, as a result of such efforts, many young citizens will become financially responsible. This will not only enlighten their personal lives, but ultimately combat our growing consumer debt.

Along with America's youth, many adults are also seemingly incapable of properly managing their finances. It is my understanding that, three years ago, a Retirement Confidence Survey found that 42 percent of workers surveyed had not calculated how much money they will need for retirement; and additionally, 37 percent of the workers said that they were not saving for retirement. From these statistics and with the current status of Social Security, I feel that it would be beneficial for many Americans to be educated on financial opportunities; including, but not limited to, qualified cash and deferred arrangements. Thus, we must promote nation-wide financial literacy programs to help citizens seize such opportunities.

In closing, our Nation's expanding consumer balance and the economic fears of many Americans can both be assuaged through H. Res. 273. I am delighted that many of my fellow members are already in favor of this resolution, and I encourage my other colleagues to follow suit.

☐ 1445

Ms. WATSON. I have no further speakers, Mr. Speaker, and I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time also.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 273.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. WATSON. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

VIRGINIA TECH TRAGEDY

(Ms. PELOSI asked and was given permission to address the House.)

Ms. PELOSI. Mr. Speaker, it is with great sadness that I rise to acknowledge that today our country has been struck by a terrible, terrible tragedy. The death toll at Virginia Tech now is reported to be over 30. This is the worst campus shooting in the history of our country.

As the Virginia Tech community struggles with the mourning and questioning that is certain to follow, the continued prayers of this Congress are with the students, their families, the faculty and the staff at Virginia Tech.

Leader BOEHNER joins me in extending our condolences to all concerned. And we ask for a moment of silence to be observed in this body. Would we all please rise to observe the moment of silence.

MOMENT OF SILENCE OBSERVED IN MEMORY OF THOSE SLAIN AT VIRGINIA TECH UNIVERSITY

The SPEAKER pro tempore. Members will rise and observe a moment of silence.

COMMEMORATING THE 85TH ANNIVERSARY OF THE FOUNDING OF THE AMERICAN HELLENIC EDUCATIONAL PROGRESSIVE ASSOCIATION

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 71) commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 71

Whereas the American Hellenic Educational Progressive Association (AHEPA) was founded July 26, 1922, in Atlanta, Georgia, by eight visionary Greek immigrants to help unify, organize, and protect against the bigotry, discrimination, and defamation faced by people of all ethnic, race, and religious backgrounds perpetrated predominantly by the Ku Klux Klan;

Whereas the mission of AHEPA is to promote the ideals of ancient Greece, which include philanthropy, education, civic responsibility, and family and individual excellence through community service and volunteerism;

Whereas since its inception, AHEPA has instilled in its members an understanding of their Hellenic heritage and an awareness of the contributions made to the development of democratic principles and governance in the United States and throughout the world;

Whereas AHEPA has done much throughout its history to foster American patriotism;

Whereas members of AHEPA served in the Armed Forces of the United States to protect American freedom and to preserve those democratic ideals that are part of the Hellenic legacy, and specifically in World War II, were parachuted behind enemy lines in Nazi-occupied Greece to help liberate it;

Whereas AHEPA raised more than $253 million for United States War Bonds during World War II, for which AHEPA was named an official Issuing Agent for United States War Bonds by the Department of Treasury, an honor that no other civic organization was able to achieve at the time;

Whereas the members of AHEPA donated $612,000 toward the restoration of the Statue of Liberty and Ellis Island, New York, for which AHEPA received special recognition by the Department of the Interior;

Whereas the AHEPA National Housing Program was awarded $500 million by the Department of Housing and Urban Development for its Section 202 Program that has yielded 4,370 units in 80 properties across 21 states and 49 cities which has provided dignified, affordable housing to senior citizens;

Whereas AHEPA was recognized by the Department of State as an organization that has engaged in "Track Two Diplomacy" to foster reconciliation and rapprochement in the Eastern Mediterranean, which is in the best interest of the United States;

Whereas members of AHEPA raised $110,000 for the creation of the George C. Marshall Statue erected on the grounds of the United States Embassy in Athens, Greece in celebration of the historic relationship between the United States and Greece, and in tribute to an outstanding Statesman and Philhellene, General Marshall;

Whereas AHEPA financially supports scholarships, educational chairs, medical research, and countless other charitable and philanthropic causes by contributing more than $2,000,000 annually from its national, district, and local levels collectively;

Whereas in the spirit of their Hellenic heritage and in commemoration of the Centennial Olympic Games held in Atlanta, Georgia, members of AHEPA raised $775,000 for the "Tribute" to Olympism Sculpture, the "fan-like" structure of which helped to save lives during the Olympic Bombing at Centennial Olympic Park;

Whereas members of AHEPA have been Presidents and Vice Presidents of the United States, United States Senators and Representatives, and United States Ambassadors, and have served honorably as elected officials at the local and State levels throughout the United States; and

Whereas President George H.W. Bush cited AHEPA as one of America's "thousand points of light": Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) recognizes the significant contributions of American citizens of Hellenic heritage to the United States,

(2) commemorates the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), applauds its mission, and commends the many charitable contributions of its members to communities around the world, and

(3) requests the President of the United States to issue a proclamation acknowledging the 85th Anniversary of AHEPA and its many accomplishments.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H. Con. Res. 71, to commemorate the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, a leading association for 1.3 million American citizens of Greek ancestry, and Philhellenes. I am proud to be an original cosponsor of this resolution, and I thank Mrs. MALONEY for her leadership as the author of the resolution and as one of the Chairs of the Congressional Hellenic Caucus.

The American Hellenic Educational Progressive Association, known as AHEPA, was born out of the cruelty and subjugation imposed upon many minorities by hate groups during the early 20th century. The organization was founded in Atlanta in 1922 to respond to growing attacks on Greek Americans and Greek American businesses by the Ku Klux Klan. It has since grown to become the largest and oldest American-based, Greek-heritage grass-roots membership organization.

AHEPA's initial interests were to cultivate Greek-owned businesses and help its members assimilate into American culture. Today, AHEPA's mission is to carry the legacy of Greek culture throughout generations. The organization continues to do this through diversification, language immersion and educational enrichment. AHEPA is known for its philanthropic resources which fund equal opportunity housing, hospitals, specialty schools and academic scholarships.

While AHEPA primarily is a membership organization for Greek Americans or Americans of Greek descent, membership is open to all Americans who support the organization's mission. This is the finest tradition of Philhellenism, and reminds us that the modern relationship between the people of America and of Greece was forged by their parallel struggles for freedom from foreign tyranny, and by the inspiration we both take from the democracy first developed centuries ago in Greece.

For 85 years the American Hellenic Educational Progressive Association has remained an organization that embodies the true meaning of America. I commend AHEPA, and ask that my colleagues support this commendation. I urge all my colleagues to support H. Con. Res. 71.

Mr. Speaker, I reserve my time.

Ms. FOXX. Mr. Speaker, I yield myself as much time as I may consume.

The American Hellenic Educational Progressive Association, AHEPA, is the largest and oldest American-based, Greek-heritage, grass-roots membership organization. It was created on July 26, 1922, in response to the alarming number of local and national groups whose missions were based on racism.

The founders of AHEPA were Greek immigrants who strove to find ways to adapt to their new country and honor their heritage and cultural ideals. Their mission is to promote Hellenism, education, philanthropy, civic responsibility and family and individual excellence. These efforts are made through community service and volunteerism. It is an organization with over 1.3 million participants, making it the largest association for American citizens of Greek ancestry.

AHEPA's commitment to education is one of its strongest components. Over $4 million is endowed at the local, district and national levels toward the use of scholarships, and a half million dollars is awarded annually to thousands of students. By providing these scholarships, it affords students the opportunities to educate and be educated on the rich, cultural history of relations between Greece and the United States.

Other AHEPA achievements include securing funding for the "Tribute to Olympism" sculpture in Atlanta, Georgia, the creation of the George C. Marshall statue at the United States Embassy located in Athens, Greece, and the Federal grant of $500 million providing affordable housing to senior citizens. A few of AHEPA's philanthropic successes include the restoration of the Statue of Liberty at Ellis Island, and they continue to send care packages to our troops through the USO.

In their 85th year, the American Hellenic Education Progressive Association continues to promote its ideals of ancient Greece through community service and volunteerism. The association has grown tremendously over the years, and it is to be congratulated for its charitable contributions to society both in the U.S. and throughout the world.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I have no further speakers. I yield back the balance of my time.

Ms. FOXX. Mr. Speaker, I yield as much time as he may consume to my distinguished colleague from the State of Florida, Mr. BILIRAKIS.

Mr. BILIRAKIS. Mr. Speaker, it is with great Greek American pride that I rise today to offer my congratulations on the occasion of the 85th anniversary of the American Hellenic Education Progressive Association. Founded in Atlanta, Georgia, on July 26, 1922, as a reaction to racism and bigotry, AHEPA is the oldest and largest American Hellenic organization in the United States today. Its mission, to promote Hellenism, education, philanthropy, civic responsibility, family and individual excellence, set the standard for ethnic organizations, and has helped Greek Americans become one of the most successful ethnic groups in the United States.

AHEPA's list of accomplishments is amazing. It has endowed millions of dollars in academic scholarships, and the AHEPA family has contributed over $1 billion in national projects for such deserving entities as Saint Basil's Academy, Cooley's Anemia Foundation, the Special Olympics, and Muscular Dystrophy research.

Additionally, the AHEPA National Housing Corporation has secured over $4 million to develop and complete over 70 housing projects for low-income seniors.

AHEPA's patriotic endeavors have included helping thousands of Greek immigrants assimilate into American life, and four of those immigrants were my grandparents, Mr. Speaker, raising $253 million for the U.S. bond drive during World War II, helping to restore the Statue of Liberty, providing tens of thousands of dollars to the 9/11 relief effort, and sending countless care packages to our troops overseas.

Its good works are endless, Mr. Speaker. That is why I am so proud to tell you that I am a member of AHEPA. And I will tell you that I am a member on the local level of the Tarpon Springs Chapter in Florida, the George Washington Chapter, Number 16, which was founded in the 1920s.

As cochair of the Caucus on Hellenic Affairs, I will continue to work closely with my cochair, CAROLYN MALONEY, my fellow Greek American Congressmen and women, Philhellenes in Congress, as well as AHEPA president, Gus James, to encourage the wonderful educational and philanthropic endeavors that have characterized AHEPA for 85 years.

Also, I promise to work in conjunction with AHEPA to continue to strengthen U.S./Greece relations, secure religious freedom and protection for the Ecumenical Patriarchate, and that is our number one issue, Mr. Speaker, and promote solutions to the Cypress and the FYROM issues.

I wish Mr. Gus James and the whole AHEPA family continued success and a long life as it continues to serve as a beacon of hope, true and good things. That is what Hellenic Americans want. Bravo AHEPA, and at least 85 more.

Ms. ROS-LEHTINEN. Mr. Speaker, today we rise to celebrate the 85th anniversary of the founding of an organization truly worthy of the praise of this body and of our Nation.

The American Hellenic Educational Progressive Association, AHEPA, was founded to embrace ideals which are prized by the United States and Greece both individually and jointly. The Greek American community seeks to embody the principles of AHEPA's mission, most notably: freedom from bigotry and discrimination, philanthropy, education, civic responsibility, and family and individual excellence through community service.

Mr. Speaker, it is appropriate that the Greek-American community is represented by an organization of the caliber and effectiveness of AHEPA.

AHEPA has done much over the years to strengthen and support our Nation domestically and to further our interests internationally—from providing dignified affordable senior housing at home, to encouraging a more stable Eastern Mediterranean and a stronger EU.

I encourage my colleagues to join me in strong support of this resolution commemorating the 85th anniversary of the founding of AHEPA and recognizing the significant contributions of Greek-Americans to the United States.

Mr. GARRETT of New Jersey. Mr. Speaker, I am pleased that we are able to bring before the House today H. Con. Res. 71, commemorating the 85th anniversary of the American Hellenic Educational Progressive Association, AHEPA.

I am a proud original cosponsor of this resolution that honors an organization that spreads the universal truths of Hellenism—humanity, freedom, and democracy—across the United States and around the world.

AHEPA was founded to stand against the forces of bigotry and hate and to help Greek immigrants to become part of our Nation. The organization also helps young people achieve their dreams of education and supporting philanthropy and public service that helps the neediest in our society.

As a Member of Congress, I am proud to participate in the Congressional Caucus on Hellenic Affairs. In this capacity, I work with fellow Members to enhance and strengthen the United States' relationship with Greece and the Republic of Cyprus. The friendship between our nations has a long and rich history, and by continuing to further this important bond, we can stand together to advance the causes of liberty and democracy.

At this 85th anniversary we can reflect on AHEPA's past successes and upon the many ways in which Greek-Americans have enriched the fabric of our country. It is also a time to look forward with hope and anticipation to a future of continuing to build the vision that is AHEPA.

Mr. SARBANES. Mr. Speaker, I rise today in support of H. Con. Res. 71, which pays tribute to the American Hellenic Educational Progressive Association, AHEPA, on the occasion of its 85th anniversary. I commend my colleague, the chair of the Hellenic Caucus for her leadership on this and other issues of importance to Hellenism.

AHEPA was formed in July of 1922 as part of an effort to combat the bigotry of the Ku Klux Klan and others who were espousing anti-immigrant sentiments toward immigrants, including those of Greek descent. It soon joined forces with the likes of the NAACP and B'nai B'rith to engage in the fight against discrimination and for a just and equal society.

Early on, AHEPA also sought to help newly arrived Greeks become United States citizens and to share in the civic life of our country by forming schools that taught English and the principles of American government. At the same time, AHEPA sought to educate all Americans about the significant heritage and contributions immigrants of Greek descent add to the American community.

As an organization, it fast grew to make enormous contributions to our society. To cite one early example, AHEPA raised more than $253 million in the U.S. War Bond drive during World War II, which earned it distinctive recognition from the U.S. Department of Treasury.

Today the AHEPA mission has evolved, but it still seeks to bring the ideals of ancient Greece—including philanthropy, education, civic responsibility, and family and individual excellence—to the modern day community. AHEPA's Educational Foundation now has an endowment of over $4 million which annually provides for more than a half a million dollars in scholarships at the local, district and national levels. Thousands of young men and women have benefited from AHEPA scholarships. From its Centennial Foundation and its Cooley's Anemia Foundation to its National Housing Corporation, the contributions AHEPA now makes, both here in the United States and around the globe are too vast to mention individually.

But Mr. Speaker, I take personal pride in each of these contributions and accomplishments because I myself am a member of AHEPA. So on this important occasion, I am especially honored to commend President Gus James and the rest of the AHEPA leadership not only for continuing AHEPA's phenomenal tradition of service and philanthropy, but also for their very thoughtful innovations which have helped AHEPA make distinct strides in the evolution of its mission for today.

I urge my colleagues to support this important resolution.

Mr. HOLT. Mr. Speaker, I rise today in support of H. Con. Res. 71 which commemorates the 85th anniversary of the founding of the American Hellenic Educational Progressive Association, AHEPA. I am pleased to be a cosponsor of this resolution to pay tribute to AHEPA, which is a leading association for the 1.3 million American citizens of Greek ancestry.

AHEPA was founded on June 26, 1922. Since that day, AHEPA remained true to its mission to promote Hellenism, education, philanthropy, civic responsibility, and family and individual excellence.

AHEPA, has helped its members gain a richer understanding of Hellenic heritage and awareness of its contributions to democratic principles in the United States and across the globe.

AHEPA members have served in our Nation's Armed Forces, helped raise funds for United States War Bonds during World War II, helped in the restoration of the Statue of Liberty, and performed many other acts to help foster American patriotism.

As a member of the Hellenic Caucus, I rise to honor the AHEPA and all American citizens of Greek ancestry for their ongoing contributions to our country.

When establishing our democratic Nation, our founding fathers drew a great deal from the ancient Greeks. Our democratic system, that is founded on the principals of popular representation, was introduced by the ancient Athenians who were the first to create a civilization based on the rule of the people. Our founding fathers continued the Greek tradition of debating how best to govern and pursued a government that would provide liberty and justice for all. Our dual experiments in democratic government will forever link the United States and Greece.

Not only can we trace the origins of our democratic government to Greece, but also the foundation of science. As some of the first philosophers, the Greeks explored the fields of mathematics, logic, astronomy, physics and biology. The Greeks focused on thinking and understanding, rather than the practical use of their findings in science. Through Aristotle's concepts we built the foundations for the modern scientific method. Our basic understanding of the Earth and its place in the solar system came from the studies of Ancient Greeks.

Mrs. MALONEY of New York. Mr. Speaker, I rise today in strong support of H. Con. Res. 71, legislation that I introduced, which commemorates the 85th Anniversary of the American Hellenic Educational Progressive Association.

As a co-founder and co-chair of the Congressional Caucus on Hellenic Issues, I have had a close working relationship with AHEPA.

The Nation's largest and oldest association of American citizens of Greek heritage and Philhellenes, AHEPA was founded on July 26, 1922, in Atlanta, Georgia, by eight visionary Greek immigrants to combat bigotry and discrimination and help Greek immigrants assimilate into American society.

Today, its mission is to promote the ancient Greek ideals of education, philanthropy, civic responsibility, and family and individual excellence through community service and volunteerism.

Over its history, AHEPA has achieved remarkable accomplishments. It has fostered American patriotism, sheltered the elderly, educated our youth, promoted Hellenic heritage, and advanced rapproachment in the Eastern Mediterranean.

Additionally, AHEPA's members exemplify the American Dream. With their strong work ethic, Greek-Americans have risen to become leaders in their respective professions, from government to business to the arts.

Currently headed by Supreme President Gus James, II, AHEPA has been a vehicle through which this advancement has occurred in our society.

I want to thank Chairman WAXMAN and Ranking Member DAVIS for their support of this bill and for moving it through the Oversight and Government Reform Committee. I also want to acknowledge my fellow Caucus Co-Chair, Representative BILIRAKIS, for joining me in introducing this bill.

Mr. FOSSELLA. Mr. Speaker, I rise today to recognize the American Hellenic Educational Progressive Association on the auspicious occasion of the 85th Anniversary of its founding. For nearly a century, AHEPA has been a leading organization of Greek-Americans, today representing 1.3 million individuals.

On July 26, 1922 AHEPA was formed by eight visionary Greek immigrants to unite their community against discrimination, denigration, and violence perpetrated by hate groups such as the Ku Klux Klan.

From its modest origins, AHEPA has grown into a bastion of philanthropy, education, humanitarianism, and family life. Its members are patriotic, civic-minded Americans enriched with a deep respect and admiration for the heritage and culture of their homeland, Greece, the cradle of democracy. Their members have served bravely in the armed forces, worked diligently in civilian life, and been elected to every level of American government.

Each year, AHEPA contributes more than two million dollars for scholarships, medical research grants, and other charitable causes. Since the 1940s, when its health centers first opened their doors, AHEPA has become a world-class benefactor of improved health care. From the Cooley's Anemia Foundation, which issues grants to medical researchers to find a cure for the disease to the Bone Marrow Registry, established to help match those in need of marrow with compatible donors, Americans enjoy superior medical facilities and treatment thanks in part to AHEPA's assiduous efforts.

Mr. Speaker, in closing I would like to extend my congratulations and thanks to the entire AHEPA family, including the Daughters of Penelope, the Sons of Pericles, the Maids of Athena, and AHEPA's chapters in Canada and Australia. May their next 85 years be as productive and inspiring as the last.

Mr. SPACE. Mr. Speaker, I rise today in support of H. Con. Res. 71, a measure commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading voice for the nation's 1.3 million American citizens of Greek ancestry and Philhellenes.

First founded in July of 1922, AHEPA focused on responding to the bigotry and racism that was targeted at Greeks in early 20th century American society. The organization also concentrated on helping Greek immigrants assimilate into society.

Today, the mission of AHEPA has evolved to reflect better times. Now, members of AHEPA concentrate on working to promote Hellenism, education, philanthropy, civic responsibility, and family and individual excellence—all of which are pillars of both the organization and Greek society.

The principles of Hellenism—humanity, freedom, and democracy—have been broadcast around the world. In fact, not surprisingly, they were the principles that America's Founding Fathers looked to for inspiration in forming a new government. In fact, American representative democracy, as we know it, is rooted in the philosophy and ethos of the Greeks.

Greek-Americans, such as myself and 1.3 million others, are fortunate to have the outreach and leadership that AHEPA provides to our community. Thousands of students have had the opportunity to take advantage of AHEPA's scholarship programs. Over the years, countless volunteer hours have been donated to worthwhile projects such as the restoration of the Statue of Liberty and Ellis Island. With chapters across the nation, AHEPA communicates its members' positions to local and Federal legislators to ensure that Greek-American views play a role in not just the history, but also the future, of our Nation.

As a member of the Hellenic Caucus and as a Greek-American, I am proud to support H. Con. Res. 71. AHEPA deserves this recognition on the occasion of its 85th Anniversary for all that the organization has done and all that it will continue to do.

Ms. FOXX. Mr. Speaker, I urge all Members to support the passage of H. Con. Res. 71, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 71.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

□ 1500

HONORING THE LIFE OF ERNEST GALLO

Ms. WATSON. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 88) honoring the life of Ernest Gallo.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 88

Whereas Ernest Gallo was born March 18, 1909, in Jackson, California, the son of Italian immigrants, graduated from Modesto High School in 1927, earned a degree from Modesto Junior College, and married Amelia Franzia, daughter of the founders of Franzia Winery in 1931;

Whereas Ernest Gallo, with his brother Julio Gallo, founded E. & J. Gallo Winery at the end of the Prohibition Era in 1933, beginning with only $5,900 in savings and a winemaking pamphlet from the Modesto Public Library to make their first batch, growing their small family-owned winery into the world's second largest by volume, and selling an estimated 75,000,000 cases a year worldwide under approximately 100 different labels;

Whereas Ernest Gallo began his illustrious career at a young age, working in his parents' vineyard while attending Modesto High School and demonstrating his entrepreneurial spirit early in life by traveling at the age of 17 to complete his first business deal;

Whereas Ernest Gallo, demonstrating great vision, anticipated the growth of the wine industry and developed the first-of-its kind vertically integrated company, with vineyards stretching across California, an on-site bottling plant, and an art department to design bottles and labels, changing the face of California's wine industry;

Whereas the Gallo Winery employs 4,600 people in the State of California, providing critical highly-skilled employment opportunities in the San Joaquin Valley and greatly contributing to the economic strength of the State;

Whereas Ernest Gallo and the Gallo Winery were bestowed countless awards for achievement in winemaking, including the American Society of Enologists Merit Award, the wine industry's highest honor, in 1964 for outstanding leadership in the wine industry, the Gold Vine Award from the Brotherhood of the Knights of the Vine wine fraternity, the 1983 Distinguished Service Award from The Wine Spectator, and the Winery of the Year Award in both 1996 and 1998 by the San Francisco International Wine Competition; and

Whereas Ernest Gallo was widely known for his generous philanthropic work in the City of Modesto and throughout the state of California, including an endowment for the Gallo Center for the Arts in Modesto, the establishment of the Ernest Gallo Clinic and Research Center at the University of California at San Francisco for research into genetic, biochemical, and neurobiological aspects of alcohol abuse, and countless other healthcare and educational endeavors: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That Congress honors the life of Ernest Gallo, a pioneer in the field of winemaking, dedicated philanthropist, and community leader.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from California (Ms. WATSON) and the gentlewoman from North Carolina (Ms. FOXX) each will control 20 minutes.

The Chair recognizes the gentlewoman from California.

GENERAL LEAVE

Ms. WATSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from California?

There was no objection.

Ms. WATSON. Mr. Speaker, I yield myself such time as I may consume.

Ernest Gallo, who learned his craft of winemaking from a recipe in the basement of the Modesto public library with his brother Julio and with $5,900 of borrowed money, developed one of the largest wine empires in the world. They founded the E. & J. Gallo Winery in 1933 at the end of Prohibition. The Gallos rented a building and made an ordinary wine for 50 cents a gallon. They made $30,000 their first year of business. Mr. Ernest Gallo was an aggressive business leader who worked long hours and then went home and worked some more. His company made wines under more than 40 labels and employed 4,600 workers with wine sales in over 90 countries.

For decades the name "Gallo" was synonymous with inexpensive California wine. Mr. Gallo battled that image with advertisement; with humor; and to a large extent, by buying up wineries with more exclusive labels than his own company.

Robert Mondavi of Napa Valley, and a friend, said, "Ernest was a visionary. He was committed to making America a wine-drinking country."

Mr. Gallo lived and breathed wine. He aired wine commercials on TV and participated on wine promotion boards. He chaired the Wine Institute and mentored generations of winemakers. He erected wine billboards and traveled the country checking on wine displays in supermarkets. He enjoyed drinking his own wines, particularly a product that morphed over years from "red table wine" to "Cabernet Sauvignon."

Mr. Gallo had an uncanny talent for tapping into consumer tastes with sweet products such as Boone's Farm, which was so popular in the 1970s, which caused a worldwide shortage in the apple concentrate it was made from, and other products like Ripple and Thunderbird.

He moved upscale in 1974, introducing high-quality, cork-finished varietal wines, but the venture failed. He also developed E. & J. brandy and Bartles & Jaymes wine coolers. Additionally, Mr. Gallo developed its Gallo of Sonoma line and began buying upscale competitors, including the Mirassou and Louis M. Martini labels, and introducing foreign brands Ecco and other types of wine.

Mr. Gallo died unexpectedly in his Modesto home on March 6 of this year. He lived to the ripe old age of 97. And his brother Julio Gallo passed in 1993.

I commend the gentleman from California (Mr. CARDOZA) for introducing H. Con. Res. 88, honoring the life of Ernest Gallo, and I urge its swift passage.

Mr. Speaker, I reserve the balance of my time.

Ms. FOXX. Mr. Speaker, I yield myself such time as I may consume.

Today we honor the lifetime achievements of Ernest Gallo, one of the most celebrated American winemakers of the last century.

Ernest Gallo was the eldest of three brothers, born in the Sierra Nevada foothills of California to Italian immigrants. He and his brothers grew up learning about vineyards and winemaking from their father. Upon their parents' untimely death in 1933, Ernest and his brother Julio took control of the family business. Learning from library-issued pamphlets on winemaking, their goal was to make their company nationally known for affordable and quality wine. They founded E. & J. Gallo Winery with a humble investment of $5,900. Over time they went on to develop one of the largest wine empires in the world, now employing 4,600 workers and selling to 90 different countries. In fact, his winery currently sells one out of every four bottles of wine that Americans now consume.

Along with founding E. & J. Gallo Winery, Ernest Gallo often supported the industry through philanthropic work. He founded the Gallo Center for the Arts in Modesto. He established the Ernest Gallo Clinic and Research Center at the University of California at San Francisco, which conducts numerous studies and research for genetic, biochemical, and neurobiological aspects of alcohol abuse, as well as health care and education related to alcohol use.

Along with great financial success, Ernest Gallo and his winery won numerous prestigious awards, including the wine industry's highest honor, the American Society of Enologists Merit Award, in 1964 for outstanding leadership in the industry. They won the Gold Vine Award, the 1983 Distinguished Service Award from Wine Spectator, and the Winery of the Year Award in both 1996 and 1998 from the San Francisco International Wine Competition.

After a long and successful career as a winemaker, businessman, and philanthropist, Gallo passed away on March 6 at the age of 97 at his home in Modesto, California. His many distinguished accomplishments in the wine industry and his strong community involvement deserve to be recognized and honored by the Congress.

I urge all Members to support H. Con. Res. 88.

Mr. Speaker, I reserve the balance of my time.

Ms. WATSON. Mr. Speaker, I yield such time as he may consume to Representative DENNIS A. CARDOZA of California.

Mr. CARDOZA. Mr. Speaker, I rise in full support of House Concurrent Resolution 88, honoring the life and many achievements of Ernest Gallo.

I am proud to say that Ernest Gallo was not only a constituent of mine but he was also a dear friend. Over the years I served in the California State legislature and here in Congress, Ernest's deep commitment to California and to winemaking was a constant presence that guided many of my legislative efforts.

Decades ago Ernest Gallo, along with his brother Julio, recognized the great potential of the San Joaquin Valley, with its temperate weather and its extraordinary fertile soil, to foster the growth of a strong domestic wine industry. They cultivated the Gallo Winery from a small plot of land with just a few grape varieties to a multinational beverage company that ranks as the second largest in the world.

My district, California's 18th Congressional District, grows nearly 250 different crops, from asparagus to sweet potatoes, and is home to a number of agricultural businesses, some small and some quite large. But not one business has had more impact on the rich tapestry of the valley than Gallo Winery.

The Gallo Winery provides hundreds of my constituents with high-skill employment opportunities and serves as a solid foundation for continued growth in the region. The Gallo family has contributed to countless community projects throughout the valley and to medical research projects devoted to curbing alcoholism.

Ernest Gallo and the Gallo Winery revolutionized the U.S. wine industry. But what was once a boutique industry reserved for the upper crust of society is now a billion dollar business that equalizes social classes by allowing the masses to participate in wine drinking and winemaking.

In his youth, Ernest and his brother Julio recognized an unmet need in the wine industry. Demonstrating his acute business skills, Ernest quickly capitalized on the market gap and set about to create inexpensive wines for the enjoyment of all citizens. The trend of affordable wines caught on, and quickly Gallo Winery became one of the most respected companies in the business.

For agriculture, the impact has been just as immense. The success of the Gallo Winery was one of the catalysts to bringing much-needed attention to the other side of American agriculture, that which was taking place outside of the traditional farming that was done in the Midwest.

Furthermore, Gallo's commitment to environmentally sustainable farming permeates the wine grape growing industry even today and will surely be the standard for years to come.

Ernest and the entire Gallo family have long partnered with the surrounding community, especially with the city of Modesto, to give back in a number of generous ways. For instance, the Gallo Arts Center in Modesto, which is under construction now, once completed will attract quality arts and entertainment performances where there had been virtually none before. For the first time, valley residents can participate in the cultural experiences on par with our urban neighbors.

However, above all, beyond Ernest's commitments and achievements in his professional life, he must also be lauded for his personal story. He was the son of Italian immigrants who started out with nothing and, armed with little else than a brochure in winemaking from the local library, he grew the Gallo Winery empire.

Ernest Gallo is one of the finest examples of an American success story. Our culture praises individuals like Ernest, and rightly so. It is what we teach our children and our children's children, that you can take nothing for granted, that you always must take what you are given, and in Ernest's case it was his keen business sense, and turn that gift into something substantial.

I am proud to have represented Ernest Gallo all these years and even more proud to have called him my friend. He will be remembered fondly for his contributions to the industry, to agriculture, and to the community.

I thank my colleagues for their consideration.

Ms. PELOSI. Mr. Speaker, I rise to pay tribute to a distinguished Californian, a great American, and a dear friend—Ernest Gallo, the patriarch of the family-owned E&J Gallo Winery. After 97 full years, Ernest Gallo passed away on March 6.

Ernest and his brothers grew up growing grapes in the vineyard of their father, an Italian immigrant. With the repeal of Prohibition in 1933, the Gallo brothers saw an opportunity to expand the family business. With just $900 in savings, a $5000 loan, and a wine recipe from the Modesto Public Library, Ernest and Julio began to build what would become the world's largest winemaking empire.

Ernest became the head of the family and the head of the business; he ran the business and Julio produced the wine. They worked throughout their lives to improve the quality of American grapes and deserve much of the credit for turning America into a wine-drinking country.

Their success resulted from passion and hard work. Ernest's entrepreneurial skills, instinctive business sense, and marketing ideas were extraordinary. He was as innovative, as he was visionary.

Ernest Gallo was also deeply generous—a patron of many charities, education and political campaigns. He funded the Ernest Gallo Clinic and Research Center at UCSF, one of world's preeminent academic centers for the study of the biological basis of alcohol and substance abuse.

Ernest deeply loved his family, especially his wife Amelia and his son David, who both preceded him in death, his son Joseph, and his four grandchildren. I extend my deepest sympathies to them all today.

Ms. MATSUI. Mr. Speaker, I am proud that the House of Representatives is considering H. Con. Res. 88, a resolution honoring the life of Ernest Gallo. I am an original cosponsor of this resolution and a long-time admirer of Ernest Gallo, who sadly passed away on March 6.

Ernest Gallo was a pioneer in the field of winemaking and a generous philanthropist. He was also a friend to me and my late husband, Congressman Robert Matsui. His story is remarkable and exemplifies the American dream. Born to Italian immigrants, Ernest and his brother Julio, took just $5,900 in savings and a winemaking pamphlet from the Modesto Public Library, and from this modest start built the world's second-largest winery. He foresaw the potential for the California wine industry and relied upon smart ideas and hard work to build an incredibly successful business that today serves as an industry model. Today, the Gallo Winery is an important driver of northern California's regional economy, providing good jobs for 4,600 families.

But Ernest's lifetime contribution to California and the Nation went beyond his business achievements. As he became more successful, Ernest gave back to the community where he grew up. Ernest Gallo's personal generosity is demonstrated by such endeavors as the Gallo Center for the Arts in Modesto and the Ernest Gallo Clinic and Research Center at the University of California, San Francisco. These important institutions stand as a reminder of Ernest Gallo's life and his spirit.

I hope all of my colleagues will join me in supporting this resolution and honoring the life and memory of Ernest Gallo.

Mr. COSTA. Mr. Speaker, the House voted to honor Mr. Ernest Gallo, a pioneer and innovator in winemaking and exceptional example of the American entrepreneurial spirit. Born on March 18, 1909 near Modesto, California, Ernest Gallo grew up working with his brother, Julio, in a vineyard owned by their immigrant father. With less than $6,000 and a pamphlet from the Modesto Public Library, the brothers founded E & J Gallo Winery in 1933. From these humble beginnings, Ernest and his brother built a wine empire, bringing a love of wine to the U.S. customer and permanently establishing California as the epicenter of America's wine industry. Today, E & J Gallo Winery produces approximately 900 million bottles annually, selling them under 40 different labels and distributing to 90 different countries. Throughout the years, Gallo received honors for his achievements in winemaking by a host of organizations ranging from the American Society of Enologists Merit Award for outstanding leadership in the wine industry to the Gold Vine Award from the Brotherhood of the Knights of the Vine wine fraternity and the 1983 Distinguished Service Award from The Wine Spectator. In recent years, Gallo Winery has continued this trend of excellence, being named Winery of the Year in 1996 and 1998 by the San Francisco International Wine Competition and being named "Wine of the Century" at the Los Angeles County Fair wine competition. These honors are owed in no small part to the passion and innovation of Ernest Gallo. In his passing, we have lost an American legend and a dear friend.

Ms. FOXX. Mr. Speaker, I yield back the balance of my time.

Ms. WATSON. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res 88.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR

Mr. WILSON of Ohio. Mr. Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 76) honoring the 50th Anniversary of the International Geophysical Year (IGY) and its past contributions to space research, and looking forward to future accomplishments.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 76

Whereas the year 2007–2008 is the 50th anniversary of the International Geophysical Year (IGY) of 1957–1958;

Whereas the IGY initiated the Space Age with the successful launch of the first artificial satellites, Sputnik by the former Soviet Union, and Explorer I by the United States;

Whereas the interdisciplinary approach of IGY and the use of new space-based platforms enabled fundamental changes in the conduct of research concerning the Earth and its surrounding space environment;

Whereas the interdisciplinary approach of IGY enabled coordinated, synchronous, global observations and measurements of the Earth, oceans, atmosphere, ice, and near-Earth space environment;

Whereas the IGY increased our understanding of the causes of magnetic storms, ionospheric disturbances, and the origins of cosmic rays;

Whereas the use of new space-based platforms enabled the discovery of the Van Allen radiation belts, which are trapped, charged particles in the Earth's upper atmosphere, showed that those particles form belts of energy around the Earth, and contributed to the understanding of the Northern Lights;

Whereas the IGY, involved thousands of scientists from 67 nations;

Whereas the IGY, which occurred during the height of Cold War tensions, facilitated international cooperation in science and helped lead to the Antarctic Treaty, which established the use of Antarctica for peaceful purposes and promoted continued, cooperative scientific investigations on the continent;

Whereas the IGY led to the creation of institutional structures that continue to promote and enable the international exchange of scientific research related to the Earth and space, including the International Council on Science's Committee on Space Research (COSPAR), Scientific Committee on Antarctic Research (SCAR), and Scientific Committee on Oceanic Research (SCOR); and

Whereas this 50th anniversary celebration offers as an opportunity to inspire our public and youth to build on the legacy of success of the IGY, recognizing that a coordinated, international approach to interdisciplinary scientific challenges such as climate change, high energy physics, and space exploration contributes to the advancement of knowledge and sustains the cooperative spirit and goodwill among nations set forth in the IGY: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That the Congress—

(1) honors the 50th anniversary of the International Geophysical Year (IGY) and its contributions to the scientific investigations of the Earth and outer space; and

(2) encourages the public, and especially American youth, to attend IGY celebrations and seminars, such as those being planned at locations around the United States by the National Academy of Sciences and other organizations, and participate in discussions about the future of space science and Earth science.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Ohio (Mr. WILSON) and the gentleman from Nebraska (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. WILSON of Ohio. Mr. Speaker, I ask unanimous consent that all members may have 5 legislative days to revise and extend their remarks and to include extraneous materials on House Concurrent Resolution 76, the resolution now under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

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Mr. WILSON of Ohio. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of House Concurrent Resolution 76, honoring the 50th anniversary of the International Geophysical Year, and would like to take this opportunity to recognize Chairman MARK UDALL for his hard work on this resolution. This resolution marks the 50th anniversary of the International Geophysical Year, honors its contributions to space research and looks forward to future accomplishments.

Mr. Speaker, the International Geophysical Year of 1957–1958 was a highly successful international effort in involving 67 nations that came together during the Cold War to coordinate global observations and measurements of the solid Earth, the oceans, the atmosphere and the near-Earth space environment.

During the IGY, the successful launches of the first artificial satellites took place, Sputnik 1 by the former Soviet Union and Explorer 1 by the United States, marking the dawn of the Space Age. Explorer 1 also enabled one of the most notable achievements of the IGY, the discovery of belts of trapped, charged particles in the Earth's upper atmosphere by the late Dr. James Van Allen of Iowa.

This year's commemoration serves not only to remember the great scientific work that was done during the IGY, but also, Mr. Speaker, to inspire the next generation of scientists and engineers, who will be critical to our continued progress and economic wellbeing. In that regard, Mr. Speaker, House Concurrent Resolution 76 encourages the public, in particular our young people, to participate in the celebrations that are planned for this IGY anniversary year and to embrace challenging goals for future research in space science and Earth science.

Mr. Speaker, I would be remiss if I did not mention the activity of the International Polar Year and its 200 approved IPY research efforts, including studies of environmental changes in the Arctic and marine life in the Arctic Ocean.

I urge my colleagues to support House Concurrent Resolution 76 and honor this 50th anniversary of the International Geophysical Year. Through future research in Earth, science and space science, including that of the IPY, we have tremendous opportunities for new knowledge and new discoveries, and I hope we can look back 50 years from now on equally exciting accomplishments.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of Nebraska. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of House Concurrent Resolution 76, honoring the 50th anniversary of the International Geophysical Year. In 1882–1883, the first International Polar Year counted 12 participating countries, with 13 expeditions to the Arctic and two expeditions to the Antarctic to study the geophysical attributes of the polar regions.

In order to expand research opportunities beyond the polar regions, in 1957 and 1958, organizers changed the name of the third International Polar Year to the International Geophysical Year. Beginning in March of 2007 and running through March of 2009, the fourth International Polar Year celebrates the 50th anniversary of the International Geophysical Year.

In the United States, not only NASA, which is highlighted in this resolution, but the National Science Foundation, the National Oceanic and Atmospheric Administration and the Department of Energy are all actively participating in the fourth International Polar Year and the 50th anniversary of the International Geophysical Year.

The International Geophysical Year brought about the launching of the first artificial satellites and successful scientific collaborations that continue today. The current International Polar Year and 50th anniversary celebration of the International Geophysical Year seek to encourage and challenge the young men and women in scientific and engineering careers to bring about fundamental advancements in many areas of science and technology.

Mr. Speaker, I urge my colleagues to support House Concurrent Resolution 76.

Mr. HOLT. Mr. Speaker, the first International Geophysical Year was held from July 1957 to December 1958, and this year marks its 50th anniversary. The International Geophysical Year was modeled after the successful International Polar Year of 1882 and its 50th anniversary in 1932. The International Geophysical Year allowed over 60,000 scientists from 67 countries around the world to take part in a series of coordinated observations of various geophysical phenomena.

I remember the International Geophysical Year well because, as a youngster, it was reading about it that sparked my interest in science and set me toward the career in physics which I pursued before coming to Congress.

The scientific activities spanned the globe from the North to the South Poles. For example, the research in the Antarctic yielded new estimates of the Earth's total ice content—a number of importance given today's melting of major glaciers due to global warming. In addition, radiation detectors to record cosmic rays, spectroscopes to analyze the aurorae, and balloons were put to use to explore the upper reaches of the atmosphere and the formation of thunderstorms. Finally, post-World War II developments in rocketry made possible the exploration of space, employing the exciting new technology of artificial satellites.

Today, almost 50 years after Sputnik was launched, it is crucial that we reflect on how we responded to scientific challenges in the Geophysical Year and how we proceeded to invest in research and education in subsequent years. Today, we are falling behind other nations in many measurable ways, particularly in math and science education. Unlike 50 years ago with the launch of Sputnik, we are unlikely to have a sharp wake-up call before we find ourselves unable to maintain the leadership role and quality of life to which we are accustomed.

Investment in education and research, as prescribed by, for example, the Democratic Innovation Agenda, would be a good idea in any year. It is particularly apparent that we should make these investments as we reflect today on the path we followed when Sputnik was a recent stimulus and the findings of the International Geophysical Year were so inspiring.

Mr. FARR. Mr. Speaker, today I rise in support of H. Con. Res. 76 honoring the 50th anniversary of the International Geophysical Year, IGY, and its past contributions to space research, and looking forward to future accomplishments.

I would like to recognize the 50th anniversary of the International Geophysical Year and its past contributions to global observations and ocean research that led to the discovery of ocean ridges and creation of the Scientific Committees on Ocean Research and Antarctic Research. The memory of the success of the International Geophysical Year during the height of the Cold War should serve as inspiration in this age of global warming. The impacts of global warming will have impacts in all nations and addressing it and its repercussions including sea-level rise, increased number and strength of storms, and ocean acidification, will take a coordinated scientific effort, such as that generated by the International Geophysical Year, to monitor these changes, develop new technology to address them, and the ability to provide timely hurricane warnings.

Mr. UDALL of Colorado. Mr. Speaker, today I rise to speak in support of House Concurrent Resolution 76, honoring the 50th anniversary of the International Geophysical Year, IGY.

This resolution marks the 50th anniversary of the International Geophysical Year, IGY, honors its contributions to space research, and looks forward to future accomplishments.

I am pleased that several of my colleagues from the Science and Technology Committee have joined me as cosponsors and would like to thank Space and Aeronautics Subcommittee Ranking Member CALVERT, Chairman GORDON, and Research and Science Education Subcommittee Chairman BAIRD for their support for this measure.

I would especially like to thank the Chairman for his leadership in getting this bill on the floor today.

The International Geophysical Year (IGY) of 1957–1958 was an international collaboration to coordinate observations and measurements of the solid Earth, oceans, the atmosphere, and the near-Earth space environment on a global scale. Despite the tensions of the Cold War, 67 nations and thousands of scientists came together to make the IGY a resounding success.

A particularly significant aspect of the IGY was that it extended science into space through the launch of artificial satellites—signifying the dawn of the Space Age. Explorer I, the first successful U.S. satellite launch, made possible an important scientific result of the IGY—the discovery of belts of trapped, charged particles in the Earth's upper atmosphere, which are now known as the VanAllen radiation belts.

Equally importantly, the IGY has been a shining example of the benefits of international cooperation in scientific endeavors. The coordination of global interdisciplinary observations by researchers from multiple nations during a time of geopolitical tensions continues to be an inspiration and a model for those who recognize the significant contributions that can be achieved when nations come together in the peaceful pursuit of scientific knowledge.

Indeed, scientists around the world continue to build on the impressive research legacy left to them by their IGY predecessors 50 years ago. As a current example, I support the International Polar Year (IPY) and the IPY research efforts that are planned to take place over the next 2 years, efforts that will encompass a wide range of research topics—for example, on studies of environmental change in the Arctic and marine life in the Arctic Ocean.

I introduced an IGY resolution in the 108th Congress, which passed the House, to mark the then-upcoming IGY and to encourage the celebration of its 50th anniversary throughout the country and across the globe. This year's IGY concurrent resolution both honors the great scientific work that was done during the IGY, as well as works to inspire the next generation of scientists and engineers. We will be looking to those young men and women to continue to advance our knowledge, strengthen our nation's economy, and improve our quality of life. That is why H. Con. Res. 76 encourages the public, and in particular our young people, to participate in celebrations planned for the IGY anniversary year and to seek to build on the scientific legacy of the IGY by striving to achieve challenging new goals in space science and Earth science.

I urge my colleagues to support H. Con. Res. 76 and honor the 50th anniversary of the International Geophysical Year. The IGY set a high standard of achievement. I am confident that by means of future research in Earth science and space science, including that of the IPY, we can achieve equally meaningful advances over the next 50 years.

Mr. SMITH of Nebraska. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. WILSON of Ohio. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 76.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. WILSON of Ohio. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SPECIAL ORDERS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

PUBLICATION OF THE RULES OF THE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, 110TH CONGRESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Massachusetts (Mr. MARKEY) is recognized for 5 minutes.

Mr. MARKEY. Madam Speaker, the Select Committee on Energy Independence and Global Warming met on Tuesday, March 27, 2007 and approved by voice vote and without amendment the following rules to govern the activities of the Select Committee during the 110th Congress.

RULES FOR THE SELECT COMMITTEE ON ENERGY INDEPENDENCE AND GLOBAL WARMING, 110TH CONGRESS

Rule 1. General Provisions. The Rules Of the House are the rules of the Select Committee on Energy Independence and Global Warming (hereinafter "Committee") so far as they are applicable.

Rule 2. Time and Place of Meetings.

(a) Regular Meeting Days. The Committee shall meet on the first Tuesday of each month at 10 a.m., for the consideration of any pending business, if the House is in session on that day. If the House is not in session on that day and the Committee has not met during such month, the Committee shall meet at the earliest practicable opportunity when the House is again in session. The Chairman may, at his discretion, cancel, delay, or defer any meeting required under this section, after consultation with the Ranking Minority Member.

(b) Additional Meetings. The Chairman may call and convene, as he considers necessary, additional meetings of the Committee for the consideration of Committee business. The Committee shall meet for such purposes pursuant to that call of the Chairman.

(c) Vice Chairman; Presiding Member. The Chairman shall designate a member of the majority party to serve as Vice Chairman of the Committee. The Vice Chairman shall preside at any meeting or hearing during the temporary absence of the Chairman. If the Chairman and Vice Chairman are not present at any meeting or hearing, the most senior present member of the majority party shall preside at the meeting or hearing.

(d) Open Meetings and Hearings. Each meeting and hearing of the Committee for the transaction of business shall be open to the public, including to radio, television and still photography coverage, consistent with the provisions of Rule XI of the Rules of the House.

Rule 3. Agenda. The agenda for each Committee meeting other than a hearing, setting out The date, time, place, and all items of business to be considered, shall be provided to each member of the Committee at least 24 hours in advance of such meeting.

Rule 4. Procedure.

(a) Hearings. The date, time, place, and subject matter of any hearing of the Committee shall be announced at least one week in advance of the commencement of such hearing, unless the Chairman, with the concurrence of the Ranking Minority Member, determines in accordance with clause 2(g)(3) of Rule XI of the Rules of the House, that there is good cause to begin the hearing sooner. In such cases, the Chairman shall make the announcement at the earliest possible date.

(b) Meetings. The date, time, place, and subject matter of any meeting (other than a hearing) scheduled on a Tuesday, Wednesday, or Thursday when the House is scheduled to be in session shall be announced at least 24 hours (exclusive of Saturdays, Sundays, and legal holidays, except when the House is in session on such days) in advance of the commencement of such meeting.

(c) Motions. Pursuant to clause 1(a)(2) of rule XI of the Rules of the House, privileged motions to recess from day to day, or recess subject to the call of the Chair (within 24 hours), shall be decided without debate.

(d)(1) Requirements for Testimony. Each witness who is to appear before the Committee shall file with the clerk of the Committee, at least two working days in advance of his or her appearance, sufficient copies, as determined by the Chairman, of a written statement of his or her proposed testimony to provide to members and staff of the Committee, the news media, and the general public. Each witness shall, to the greatest extent practicable, also provide a copy of such written testimony in an electronic format prescribed by the Chairman. Each witness shall limit his or her oral presentation to a brief summary of the testimony. The Chairman, or the presiding member, may waive the requirements of this paragraph or any part thereof.

(2) Additional Requirements for Testimony. To the greatest extent practicable, the written testimony of each witness appearing in a non-governmental capacity shall include a curriculum vitae and a disclosure of the amount and source (by agency and program) of any federal grant (or subgrant thereof) or contract (or subcontract thereof) received during the current fiscal year or either of the two preceding fiscal years by the witness or by an entity represented by the witness.

(A) Questioning Witnesses. The right to question witnesses before the Committee shall alternate between majority and minority members. Each member shall be limited to 5 minutes in the interrogation of witnesses until such time as each member who so desires has had an opportunity to question witnesses. No member shall be recognized for a second period of 5 minutes to interrogate a witness until each member of the Committee present has been recognized once for that purpose. While the Committee is operating under the 5-minute rule for the interrogation of witnesses, the Chairman shall recognize, in order of appearance, members who were not present when the meeting was called to order after all members who were present when the meeting was called to order have been recognized in the order of seniority on the Committee.

(B) Questions for the Record. Subject to the Rules of the House, each member may submit to the Chairman additional questions for the record, to be answered by the witnesses who have appeared. Each member shall provide a copy of the questions in an electronic format to the clerk of the Committee no later than ten business days following a hearing. The Chairman shall transmit all questions received from members of the Committee to the appropriate witness and include the transmittal letter and the responses from the witnesses in the hearing record.

(C) Opening Statements. (1) All written opening statements at hearings conducted by the Committee shall be made part of the permanent hearing record.

(2) The Chairman and Ranking Minority Member (or their respective designees) are entitled to deliver a 5 minute opening statement prior to the recognition of the first witness for testimony. Opening statements by other members of the Committee are subject to the discretion of the Chairman.

Rule 5. Waiver of Agenda, Notice, and Opening Statement Requirements. Requirements of rules 3, 4(a)(1), 4(a)(2), and 4(d) may be waived for good cause by the Chairman, with the concurrence of the Ranking Minority Member.

Rule 6. Quorum. Testimony may be taken and evidence received at any hearing at which there are present not fewer than two members of the Committee. A majority of the members of the Committee shall constitute a quorum when otherwise required by the Rules of the House. For the purposes of taking any action other than those specified in the preceding sentences, one third of the members of the Committee shall constitute a quorum.

Rule 7. Journal. The proceedings of the Committee shall be recorded in a journal which shall, among other things, show those present at each meeting and hearing, and shall include a record of the votes on any question on which a record vote is demanded, a description of the motion, order, or other proposition voted, and the name of each member voting for and each member voting against such motion, order, or proposition, and the names of those members voting present. A copy of the journal shall be furnished to the Ranking Minority Member and made available to the public in a timely fashion.

Rule 8. Committee Professional and Clerical Staff.

(a) Committee staff members are subject to the provisions of clause 9 of Rule X, as well as any written personnel policies the Committee may from time to time adopt. The Chairman shall determine the remuneration of legislative and administrative employees of the Committee.

(b) The Chairman shall appoint, and may remove, the legislative and administrative employees of the Committee not assigned to the minority.

(c) Minority Professional Staff. Professional staff members appointed pursuant to clause 9 of Rule X of the House of Representatives, who are assigned to the Ranking Minority Member, and not to the Chairman, shall be assigned to such Committee business as the Ranking Minority Member considers advisable.

(d) Additional Staff Appointments. In addition to the professional staff appointed pursuant to clause 9 of Rule X of the House of Representatives, the Chairman shall be entitled to make such appointments to the clerical staff of the Committee as may be provided within the budget approved for such purposes by the Committee. Such appointees shall be assigned to such business of the Committee as the Chairman considers advisable.

Rule 9. Supervision, Duties of Staff.

(a) Committee staff members are subject to the provisions of clause 9(b) of Rule X.

(b) Supervision of Majority Staff. The professional and clerical staff of the Committee not assigned to the minority shall be under the supervision and direction of the Chairman, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

(c) Supervision of Minority Staff. The professional and clerical staff assigned to the minority shall be under the supervision and direction of the Ranking Minority Member, who shall establish and assign the duties and responsibilities of such staff members and delegate such authority as he determines appropriate.

Rule 10. Committee Expenditures. Copies of each monthly report (prepared by the Chairman of the Committee on House Administration and showing expenditures made during the reporting period and cumulative for the year by the Committee), anticipated expenditures for the projected Committee program, and detailed information on travel, shall be available to each member.

Rule 11. Broadcasting of Committee Hearings. Any meeting or hearing that is open to the public may be covered in whole or in part by radio or television or still photography, subject to the requirements of clause 4 of Rule XI of the Rules of the House. The coverage of any hearing or other proceeding of the Committee by television, radio, or still photography shall be under the direct supervision of the Chairman and may be terminated in accordance with the Rules of the House.

Rule 12. Subpoenas. The Committee may authorize and issue a subpoena under clause 2(m) of Rule XI of the House.

Rule 13. Travel of Members and Staff.

(a) Approval of Travel. Consistent with the primary expense resolution and such additional expense resolutions as may have been approved, travel to be reimbursed from funds set aside for the Committee for any member or any staff member shall be paid only upon the prior authorization of the Chairman. Travel may be authorized by the Chairman for any member and any staff member in connection with the attendance of hearings conducted by the Committee or any subcommittee thereof and meetings, conferences, and investigations which involve activities or subject matter under the general jurisdiction of the Committee. Before such authorization is given there shall be submitted to the Chairman, in writing, the following: (1) the purpose of the travel; (2) the dates during which the travel is to be made and the date or dates of the event for which the travel is being made; (3) the location of the event for which the travel is to be made; and (4) the names of members and staff seeking authorization.

(b) Approval of Travel by Minority Members and Staff. In the case of travel by minority party members and minority party professional staff for the purpose set out in paragraph (a), the prior approval, not only of the Chairman but also of the Ranking Minority Member, shall be required. Such prior authorization shall be given by the Chairman only upon the representation by the Ranking Minority Member, in writing, setting forth those items enumerated in (1), (2), (3), and (4) of paragraph (a).

REPUBLICAN TAX CUTS REDUCE THE TAX BURDEN ON AMERICANS

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 60 minutes as the designee of the minority leader.

Ms. FOXX. Mr. Speaker, tomorrow is the day that Americans are required to pay their taxes. It is the last possible day in this year that they can do that. We call it "tax day." It is normally on April 15th, but because of the calendar and because today is a holiday in the District of Columbia, it has been delayed.

I want to say something about the fact that our taxes are something that people feel obliged to pay the Federal Government and to State and local governments too, but many people do it grudgingly. We do it grudgingly because we feel concern about the way too many of our tax dollars are being spent. However, this year, taxpayers are paying less than they have paid before as a result of the tax cuts that have occurred in 2001 and 2003, tax cuts that were pushed through under a Republican Congress and asked for by a Republican President.

Children often ask me when I speak to them in school groups, what is the difference between Democrats and Republicans? I tell them that the most simple definition that I can give them is that Republicans believe that Americans should keep more of their money than Democrats do and that Democrats believe that very often the government is the answer to the problems that we have in this country, while Republicans think that individual Americans have the capability for solving most of their problems. So Republicans believe that the government that governs least governs best, and that is the philosophy that I have.

The tax cuts that were instituted in 2001 and 2003 were designed for Americans to keep more of their money than the government had been taking from them, and those tax cuts have been very effective. We see that our economy is doing extremely well as a result of those tax cuts. We have the lowest unemployment rate in this country in many, many years, the highest homeownership rate, the highest level of income in many, many years; and just on and on and on the economic indicators go that are very, very positive in this country. Those are as a result of the tax cuts.

Democrats will talk about "investing in government." Well, we don't invest in government when we give money to the government to spend. Our investments come from individual Americans who are entrepreneurs who create new jobs and create new businesses. That is where investments come from, and that is where a good return on investments come from.

Mr. Speaker, I yield to the gentleman from Nebraska.

Mr. SMITH of Nebraska. Mr. Speaker, I rise today to express some thoughts and concerns about taxation. Certainly, as taxes are due today, I know that post offices around the country are well staffed, up to midnight. It is interesting as I have paid my taxes in the past, kind of pushing it up to the last minute, to see everyone else who pushes up the payment of their taxes to the last minute. But the fact is, it does take place.

But I rise today to very briefly reflect on what today means. Certainly I realize that paying taxes is a necessary function of a civilization, but I also rise to express my concern that some tax policies that have been working over the past few years are in jeopardy. The tax relief packages offered by President Bush and certainly those in the House and Senate who supported tax relief have done good things, in fact, great things, in terms of revenues to the Federal Government, but I would say so in terms of revenues to the household budget even more importantly.

We in Congress cannot utilize what we call "dynamic scoring," the reflection of what lower taxes can do in terms of tax revenue. I understand that. I think it is unfortunate. Be that as it may, we are faced with some tough decisions, decisions impacting the budget long term, and I wish to speak of my concern for the long term.

I have learned over the years that government spending compounds once a new program is started. We have to be very mindful of that. We have to be mindful that as we look down the road, we have to come up with ways to cover the expenses of new programs. That is why I believe we should be careful when we talk about adopting new programs.

When it comes to the tax burden in general, certainly April 15th, and now the 16th, speaks volumes not only in the 3½ months it takes to prepare taxes owed from the prior year, but we often hear about "tax freedom day." Preliminary research tells us most recently this year's tax freedom day is actually April 30. It takes a full 4 months, on average, for Americans to earn enough money in their household to pay their Federal income tax.

Now, throw on top of the Federal income tax State income tax, and in a State like my State of Nebraska, property tax, it is a heavy burden in Nebraska, and sales tax, plus the other fees and taxes associated; and I just think it is important that we reflect on this.

We heard earlier about financial literacy. Yes, we have an issue with credit card debt, for example. But I think that it would serve us well to make sure that for consumers and citizens of all kinds, that we teach them about the tax burden, tax freedom day, and not just paying taxes by April 15th or 16th, but more so what it might mean to take some of those dollars paid in taxes and perhaps invest those.

□ 1530

And it is interesting, as we look at our economy in general, what available capital means to a business, to an individual.

I am inspired to hear of individuals who wish to start a business but for the available capital. When we look at what available capital can do in a house, whether it is a project around the house or whether it's a small business incubating, I think that we should look at various ways we can avail capital to our citizens, primarily through tax relief.

It is absolutely vital that we always keep this in mind, especially as we constantly need to look at growing our economy. And that it is not just coincidence, as some might suggest, that tax relief actually led to job creation and increased revenues to the Federal Government. I don't believe that that's just coincidence. I believe that that is through fashioning good tax policy and allowing individuals, individual taxpayers, to keep more of what they earn because when they spend those dollars, they spend them more wisely, and those dollars are leveraged into actually greater Federal revenue so that we can provide for those who cannot provide for themselves.

Ms. FOXX. I want to thank my colleague. He is in his first term in Congress, but he speaks very, very eloquently of this issue and other issues. I am very grateful to him for his sharing his concerns and his perspective on this.

As I said earlier, when people ask me what is the difference between a Democrat and a Republican, I say, well, Republicans think that you should keep more of your money and spend it and take care of yourself; and Democrats want to take more of your money away from you and give it to the government. And let me give you an example of what is happening. I don't have to just talk about that in the abstract; I can talk about it in concrete terms.

The tax decreases that were put through by a Republican Congress and advocated by a Republican President are due to expire in 2010 because of the rules of the Senate, which would not allow those tax cuts to be made permanent. Now, 2 weeks ago, the Democrats, who are now in a majority here in the House, and our Constitution requires that spending bills and budget bills have to begin in the House, they passed their budget. It passed, and it assumes that the 2001/2003 tax cuts will expire. The effect of that will be to impose the largest tax increase in American history, nearly $400 billion over 5 years, mainly to finance their immense new spending. And as my colleague from Nebraska said, we have to be very much concerned about the long term, and we are concerned about the long term.

Now, if the Republican tax relief is not extended, what happens when the clock strikes midnight on December 31, 2010? Well, here's what happens: the tax rates are going to go higher. In 2010, the top income tax rate will be 35 percent. The Democrats propose that that tax rate goes to 39.6 percent in 2011. The capital gains tax, 15 percent in 2010, 20 percent immediately thereafter. The tax on dividends, from 15 percent to 39.6 percent. The death tax: the death tax has been gradually going down since the tax cuts of 2001/2003. In the year 2010, the death tax will be zero. In 2011, it goes back to 55 percent.

I am particularly offended by the death tax, and I think most Americans are. It is probably the third time that that same income is going to be taxed when you impose a death tax, because we are paying taxes on our income, if you have an opportunity to invest any of that money you are going to pay capital gains tax on it, and then you are going to pay 55 percent on whatever is left over. Again, I think it is a particularly offensive tax to most Americans.

But how do the Democrats, who talk so much about the value of children, act about the child tax credit? The child tax credit went to $1,000 under the tax cuts of 2001/2003. It will be cut back to $500. We all know that you can't raise children even on $1,000 as a tax credit, let alone on $500.

The lowest tax bracket, hurting the lowest income people in our country, and Democrats say that they stand for the little people and they want to help the low-income people in this country, but what they propose to do is take the taxes on the lowest income people in our country and go from 10 percent to 15 percent. I think, again, that is an abomination. Why in the world do we want to burden those folks who are making the lowest income in this country?

Another part of the problem that we have in this country is the fact that our Tax Code is so complicated. We believe now that more than 60 percent of tax returns are prepared by a professional. If you add the number of Americans who use computer tax software to file a return, the proportion of people who seek outside help rises to 90 percent. We shouldn't live in a country where the Tax Code is so complicated that the average American citizen cannot complete his or her income tax forms.

The Office of Management and Budget estimates that we spend about 6.4 billion hours, and we did in 2006, complying with the Federal Tax Code. That many hours is the equivalent of a 40-hour work week for every employed person in America. Take your pick: do your taxes or go on a week-long vacation.

While the tax cuts of 2001 and 2003 have lowered taxes across the board and encouraged investments that lead to job creation, we are still saddled with an incomprehensible Tax Code that costs more than $265 billion a year to comply with.

As a supporter of the Taxpayer Bill of Rights, I pledge to work towards scrapping the Tax Code in order to build a new one that promotes transparency and common sense. By signing on to the Taxpayer Bill of Rights, I have also promised to work to balance the budget, to exercise the fiscal discipline needed to rein in the growth of the Federal Government, and to protect the Social Security trust fund from congressional raiding.

Let me say something about Social Security here, even though we're talking about taxes today.

Many people don't understand the or origin of the Social Security fund. After the Depression, President Roosevelt was desperate to raise money for the social programs that he wanted to institute in this country, but he knew that if he wanted to raise taxes that would raise a hew and cry among the people. At that time, 1936/1937, the average life expectancy of Americans was 59 years. People still weren't living very long in this country. We had come a long way from the early part of the century, but still life expectancy was only 59 years of age. So they came up with a scheme to take money away from Americans and have it available to spend on social programs, and they came up with a Social Security fund. It was for every American to pay a small amount. It was designed to provide a retirement income, or at least that is the way it was sold to the American people. But what most people didn't realize again at the time, the life expectancy was 59 years of age. And when did they set Social Security up to be redeemed? Age 65. The idea was that they would take in a lot of money to develop the programs that they wanted to develop, and that very few people would ever draw on Social Security for their retirement. So that's why the average age was set at 65, way beyond the average life expectancy for Americans at the time.

And immediately the money was going into other programs other than into what most Americans thought would happen, which was a fund to pay for Social Security. That has continued to the present time under both Democrats and, I am sorry to say, under Republicans. Rather than putting that money into a special fund and leaving it alone just to pay for Social Security, most of that money is going into paying for government programs, and those programs have become dependent on that Social Security money, which is why you find people very reluctant to create that mythical lock box that has been talked about so much. But we now have groups who are trying very hard to make sure that the money being paid into Social Security stays in the Social Security account. That's what I believe in, and I think that is what most Americans believe in.

The President proposed personal accounts so that people could take an interest in where their Social Security money was going and manage that money better than the Federal Government has been able to manage it. That has been demonized as a way to do something bad with the Social Security fund. But if people had a way to manage their own money, they would get a lot more from Social Security.

The average Social Security payment right now is about $1,000 a month, and I know of very, very few people who can live on that. And we know that Social Security is going to be in deep trouble in the next few years because there will be more people drawing on Social Security than are paying into Social Security. So not only are we going to have to come up with the money to pay for Social Security; we are going to have to either cut the funding that is dependent on the Social Security money or cut out programs or raise taxes. Republicans are opposed to raising taxes and continuing to fund those programs, most of which were begun in the 1930s.

What people can do in this country is to sign an online petition with the grass-roots group Freedom Works to support the initiative of the Taxpayer Bill of Rights. They can sign this petition at www.freedomworks.org/action/taxpayer. I am sure if you put in the words "freedom works," you can probably find out how to get on to that. But we need to do everything we possibly can to keep the tax rate low, protect Social Security, and reduce the burden of government on our citizens.

I want to go back over the effects of the Democrat tax hike, which were in the budget that the Democrats passed 2 weeks ago here. They will be raising the 10 percent tax rate bracket to 15 percent. More than 15 million individuals and families, who previously owed no taxes under the Republican plan, would now become subject to the individual income tax if the Democrats were successful in raising the 10 percent tax rate bracket to 15 percent and reducing or eliminating other low-income tax benefits.

That budget eliminates the marriage penalty relief. Most Americans I think now know that if you are married and you file jointly, you pay a penalty for being married in this country. Twenty-three million taxpayers would see their taxes increase on average by approximately $500 when that goes into effect. As I said earlier, it would cut the child tax credit in half. Thirty-one million taxpayers would see their taxes increase on average by $859 when this goes into effect.

□ 1545

Elderly couples with $40,000 in income would see their tax bill rise by 156 percent from $583 to $1,489. And a single parent with two children and $30,000 in earnings would see their tax benefits decline by 67 percent. With tax relief, the single parent qualifies to get back $2,214. With the Democrat tax hike, this single parent would get back only $799.

So we would see a major impact on the American family with the effects of the budget that the Democrats passed here a couple of weeks ago. It is not the way we should be going in this country.

The tax cuts of 2001 and 2003 have brought us one of the most vibrant economies this country has ever seen. The stock market is at a new high. Home ownership is at a new high. Personal income is at a new high. Unemployment rates are at an all-time low. New business creations are at an all-time high. Job creations are at an all-time high. All of the things that should be positive in this country are positive; all of the things that should be negative are negative in terms of our economy, and those come as a result of the tax cuts that were made in 2001 and 2003.

I personally cannot take any credit for that because I was not here, but I applaud those who voted for those tax cuts in 2001 and 2003 because they have had an extremely positive effect on our economy and on American families.

I want to talk some more about the dysfunctional Tax Code that we have and the impact that it has on Americans. I mentioned earlier how much it costs to file income taxes and how much is being spent by Americans because they have to go to professionals to get their taxes done. But I want to put this into sort of an allegory.

Can you imagine a business that with every passing year grows more difficult to manage, gets harder for its customers to understand, and becomes increasingly susceptible to theft? You would be right to think that such an operation would quickly go out of business.

Unfortunately, this imaginary business is more of an apt description of the United States tax system. Every year the Federal Tax Code grows larger and more complex. New rules and guidelines are added. Deductions and special exemptions proliferate. As a result, each tax season more Americans are throwing up their hands in disgust and calling in a professional to do their taxes.

According to the IRS, more than 60 percent of tax returns are prepared by a professional; and if you add the number of Americans who use computer tax software to file a return, the proportion of people who seek outside help rises to 90 percent.

Congress puts out a little-known tax law report each session that serves as a chilling picture of the obscene complexity of our tax system. The most recent version entitled "The General Explanation of Tax Legislation Enacted in the 109th Congress" runs to 806 pages and purports to explain the 109th Congress' changes to tax law. As you might imagine, it is mind-numbing. That we need a publication of this size simply to explain the 109th Congress' Tax Code additions is ample evidence that we have a massive problem on our hands.

What ails our Tax Code is not just the fact that it is 7,000 pages long. Rather, the real ailment is the burden, above and beyond the actual financial burden of tax day, of complying with a chameleon Tax Code.

As I said earlier, the government's Office of Management and Budget estimated that we spent about 6.4 billion hours in 2006 complying with the Federal Tax Code. That many hours is the equivalent of a 40-hour work week for every employed person in America. While the tax cuts of 2001 and 2003 have lowered taxes across the board and encouraged investments that lead to job creation, we are still saddled with an incomprehensible Tax Code that costs more than $265 billion to comply with each year.

Our tax professionals can't even understand it. I am sure you have read and heard the horror stories about how 10 different people will call the IRS to ask for an interpretation of a rule, and get 10 different interpretations. That, again, is a really sad commentary on our Tax Code that you can't call 10 employees from the IRS and get the same answer from 10 different people on a code that millions of us are supposed to be adhering to because the way the Tax Code is written is so incomprehensible.

While the tax cuts of 2001 and 2003 have lowered taxes across the board and encouraged investments that lead to job creation, we are still saddled with this incomprehensible Tax Code.

The IRS reports that the tax gap, the difference between what people owe and what they pay is around $300 billion. This gap is composed of the cheaters and those who simply don't know any better because the system is too murky for the average taxpayer to accurately decipher.

Realities like the tax gap, the 6 billion hours of annual compliance time, and the thousands of pages of rules and regulations have led me to join with the approximately 100 fiscal conservatives of the Republican Study Committee in support of the American Taxpayer Bill of Rights. We need a taxpayer bill of rights passed. Many States have passed a taxpayer bill of rights, and we need to do that at the Federal level.

Those of us who have signed that pledge have pledged to work towards scrapping the Tax Code in order to build a new one that promotes transparency and commonsense. I have also promised to work to balance the budget. I have done that every chance that I have had since I have been in Congress, to exercise the fiscal discipline needed to rein in the growth of the Federal Government.

I want to say that 2 years ago, when we dealt with the Hurricane Katrina relief, I am very proud to say that I pushed for an offset in Federal spending at that time. We were faced with spending outside the budget, $52 billion in one fell swoop, to offer relief to the victims of Hurricane Katrina. We had no good plan for how that money was going to be spent, and we needed a plan. We did not have an offset set up when we first passed that $52 billion. I urged the Republican Study Committee to demand offsets.

In just a few weeks' period of time, we were able to come up with $39 billion in offsets to the $52 billion. We weren't able to come up with $52 billion, but we came up with $39 billion. One of my colleagues who gives me the credit for that, calls me the "mother of offsets." It is a title I wear proudly. All of us need to be doing that here in the Congress. We all need to make sure that when we ask for any funding, that we are looking for ways to offset that funding, and certainly any new funding.

Unfortunately, the war supplemental that was passed 3 weeks ago did not have offsets in it because the rules here in the House say that emergency spending, such as the Katrina bill, don't have to have offsets in them; and yet our Democratic colleagues promised that in this session of Congress they would not do what the Republicans did and that was spend outside the budget and expand the growth of the Federal Government.

They just ignored that. They had $24 billion in new spending, pork-barrel spending, I would call it, spending to buy votes to pass the war supplemental, which were outside the budget and expanded the scope of spending, violating all of the promises that they made last year to do PAYGO. They found ways to get around those promises to pay as you go and not expand spending by putting it within the supplemental which was supposedly for the war and is emergency spending. That, to me, is one of the most cynical things that a person can do.

But as we file our taxes on April 17, we need to imagine the alternatives to piles of tax forms and schedules and endless hours calculating Uncle Sam's take. We need a system that is fair, simple and transparent. It is time for radical change in the way we collect taxes.

The first step is ditching the leviathan code we have inherited from decades of congressional tinkering and start a real tax debate over how to collect taxes responsibly, efficiently and fairly. I challenge my colleagues on the other side of the aisle to bring forth legislation that will relieve the burden that so many Americans feel at this time of the year where they have to spend hours and hours and weeks at a time preparing their taxes and paying a lot more out to the Federal Government than we should be paying.

Many years ago I read an article in the Wall Street Journal where they had done a survey of every segment of our society and asked, what do you think would a fair amount of money that you should be paying to the Federal Government in taxes. Most people felt 25 percent was about the fair amount that they should pay, and they would pay that willingly. But once you get beyond that, then people begin to begrudge it and avoid trying to pay their taxes.

We have way too many people in this country at this stage of the game paying approximately 48 percent of all of their income in taxes at all three levels, so we are at twice the level that most people feel is the fair amount to pay. I think most people would say that much of their money is being wasted. Not only do they think that they should pay only approximately 25 percent, but they want to know that the Federal Government is spending their money wisely.

I want to say that as far as I am concerned what we should be doing at the Federal level is funding primarily defense, the Federal system of interstate highways, and national parks. Beyond that, we should not be doing it.

Our Constitution shows that the things that are not mentioned in the Constitution, and in the 10th amendment we say those things not mentioned in the Constitution are the responsibility of the States. What we have done at the Federal level is we have taken on many, many more responsibilities than the framers and the founders of this country envisioned that we would do. What we need to do is step back, look at what we are funding at the Federal Government level and say, is it constitutional, is it something that we should be funding, and if not, then how can we get out of funding this and allow the States to do it. If it is a project that is worthy to be funded, then the States and localities should be doing it and not the Federal Government.

Our Federal Government was formed to provide for the defense of this Nation. The States and localities cannot do that; only the Federal Government can do it. That is our responsibility.

When people talk about the fact that we are taking money from education and putting it into the war effort, that is not accurate. We should not be funding education at all at the Federal level because that is not one of the parts of the Constitution that we should be funding. So I say if we could take the Federal Government back to its roots, to those things that we should be funding, then we would be able to lower the tax burden tremendously because much of the money that is taken at the Federal level is wasted.

President Jefferson said: "The government which governs least governs best," and I think that is accurate.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Ms. MILLENDER-McDONALD (at the request of Mr. HOYER) for today through May 25, 2007.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. SMITH of Nebraska) to revise and extend their remarks and include extraneous material:)

Mr. JONES of North Carolina, for 5 minutes, today and April 17, 18, and 19.

Mr. POE, for 5 minutes, April 17, 18, and 19.

Mr. PAUL, for 5 minutes, April 17, 18, and 19.

Mr. BURTON of Indiana, for 5 minutes, today and April 17, 18, and 19.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 30. An act to intensify research to derive human pluripotent stem cell lines; to the Committee on Energy and Commerce.

S. 229. An act to redesignate a Federal building in Albuquerque, New Mexico, as the "Raymond G. Murphy Department of Veterans Affairs Medical Center"; to the Committee on Veterans' Affairs.

S. 801. An act to designate a United States courthouse located in Fresno, California, as the "Robert E. Coyle United States Courthouse"; to the Committee on Transportation and Infrastructure.

S. 1104. An act to increase the number of Iraqi and Afghani translators and interpreters who may be admitted to the United States as special immigrants; to the Committee on the Judiciary.

SENATE ENROLLED BILL SIGNED

The SPEAKER pro tempore, Mr. VAN HOLLEN on Wednesday, April 11, 2007, announced his signature to an enrolled bill of the Senate of the following title:

S. 1002. An act to amend the Older Americans Act of 1965 to reinstate certain provisions relating to the nutrition services incentive programs.

☐ 1600

ADJOURNMENT

Ms. FOXX. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 4 o'clock and 1 minute p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, April 17, 2007, at 10:30 a.m., for morning hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1035. A letter from the Principal Deputy Under Secretary, Personnel and Readiness, Department of Defense, transmitting the Department's report on the Critical Skills Retention Bonus (CSRB) program, pursuant to 37 U.S.C. 323 (h) Public Law 106-398, section 633 (a); to the Committee on Armed Services.

1036. A letter from the Secretary of the Army, Department of Defense, transmitting a determination that the Nunn-McCurdy Unit Cost thresholds for the enclosed programs' Program Acquisition Unit Cost and Average Procurement Unit Cost metrics have been breached, pursuant to 10 U.S.C. 2433(e)(1); to the Committee on Armed Services.

1037. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting a letter on the approved retirement Vice Admiral James D. McArthur, Jr., United States Navy, and his advancement to the grade of vice admiral on the retired list; to the Committee on Armed Services.

1038. A letter from the Under Secretary for Personnel and Readiness, Department of Defense, transmitting authorization of the enclosed list of officers to wear the insignia of the grade of brigadier general accordance with title 10, United States Code, section 777; to the Committee on Armed Services.

1039. A letter from the Assistant Secretary for Legislative Affairs, Department of the Treasury, transmitting the Department's report for 2006 in accordance with Section 361(b) of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, pursuant to 31 U.S.C. 5314; to the Committee on Financial Services.

1040. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Revisions to the Public Access to HUD Records Under the Freedom of Information Act (FOIA) Regulations [Docket No. FR-5069-F-02] (RIN: 2501-AD22) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1041. A letter from the Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, transmitting the Department's final rule — Timeliness Expenditures Standards for the Insular Areas Program [Docket No. FR-5012-F-02] (RIN: 2501-AD15) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1042. A letter from the Secretary, Federal Trade Commission, transmitting the Twenty-Ninth Annual Report to Congress consistent with Section 815 of the Fair Debt Collection Practices Act, pursuant to 15 U.S.C. 1692m; to the Committee on Financial Services.

1043. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's final rule — Technical Amendments to Regulations S-T [Release No. 34-55502] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

1044. A letter from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting the Department's final rule — Alternative Fuel Transportation Program; Replacement Fuel Goal Modification (RIN: 1904-AB67) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Energy and Commerce.

1045. A letter from the Director, International Cooperation, Department of Defense, transmitting Pursuant to Section 27(f) of the Arms Export Control Act and Section 1(f) of Executive Order 11958, Transmittal No. 03-07 informing of an intent to sign the Project DIAMOND Memorandum of Understanding between the United States and the United Kingdom, pursuant to 22 U.S.C. 2767(f); to the Committee on Foreign Affairs.

1046. A letter from the Under Secretary for Policy, Department of Defense, transmitting the Department's FY 2008 Cooperative Threat Reduction Annual Report, pursuant to Public Law 106-398, section 1308; to the Committee on Foreign Affairs.

1047. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1048. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1049. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1050. A letter from the White House Liaison, Department of Education, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1051. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1052. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1053. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1054. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1055. A letter from the Presidential Appointments Officer, Department of State, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1056. A letter from the Assistant Administrator, Environmental Protection Agency, transmitting the Agency's report on the amount of the acquisitions made from entities that manufacture the articles, materials, or supplies outside of the United States in fiscal year 2006, pursuant to Public Law 109-115, section 837(a); to the Committee on Oversight and Government Reform.

1057. A letter from the EEO Director, Securities and Exchange Commission, transmitting a report about the Commission's activities in FY 2006 to ensure accountability for antidiscrimination and whistleblower laws related to employment, pursuant to Public Law 107-174, section 203 of Title II; to the Committee on Oversight and Government Reform.

1058. A letter from the Chairman, Federal Election Commission, transmitting the Commission's final rule — Best Efforts in Administrative Fines Challenges [Notice 2007-7] received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on House Administration.

1059. A letter from the Secretary, Department of Commerce, transmitting the Department's report entitled, "Chesapeake Bay Science, Service, and Stewardship: A Biennial Report to Congress," pursuant to Public Law 107-372 section 401(a)(307)(b)(7); to the Committee on Natural Resources.

1060. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Boating and Water Use Activities (RIN: 1024-AD07) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1061. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Curecanti National Recreation Area, Personal Watercraft Use (RIN: 1024-AC99) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1062. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Cape Lookout National Seashore, Personal Watercraft Use (RIN: 1024-AD44) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1063. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Dry Tortugas National Park-Special Regulations (RIN: 1024-AD45) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1064. A letter from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting the Department's final rule — Glacier Bay National Park, Vessel Management Plan Regulations (RIN: 1024-AD25) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Natural Resources.

1065. A letter from the Chief, Regulations and Administrative Law, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; South Portland, Maine, Gulf Blasting Project [CGD01-07-012] (RIN: 1625-AA00) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1066. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — IFR Altitudes; Miscellaneous Amendments [Docket No. 30538; Amdt. No. 466] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1067. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Standard Instrument Approach Procedures, Weather Takeoff Minimums; Miscellaneous Amendments [Docket No. 30530 Amdt. No. 3200] received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1068. A letter from the Director of Regulations Management, Department of Veterans Affairs, transmitting the Department's final rule — Vocational Rehabilitation and Employment Program — Initial Evaluations (RIN: 2900-AM25) received March 26, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Veterans' Affairs.

1069. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, transmitting the Bureau's final rule — Establishment of the Snake River Valley Viticultural Area (2005R-463P) [T.D. TTB-59; Re: Notice No. 60] (RIN: 1513-AB22) received March 16, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1070. A letter from the Federal Register Liaison Officer, Alcohol and Tobacco Tax and Trade Bureau, transmitting the Bureau's final rule — Green Valley of Russian River Valley Viticultural Area (2005R-412P) [T.D. TTB-60; Re: Notice No. 58] (RIN: 1513-AB18) received March 27, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1071. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Weighted Average Interest Rates Update (Notice 2007-27) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1072. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Bureau of Labor Statistics, Department Store Inventory Price Indexes By Department Groups — received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1073. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Request for Comments and Interim Guidance Regarding Allocation of Costs under the Simplified Methods of Accounting under 263A (Notice 2007-29) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

1074. A letter from the Regulations Coordinator, Department of Health and Human Services, transmitting the Department's final rule — Medicare Program; Hospital Conditions of Participation: Requirements for Approval and Re-approval of Transplant Centers to Perform Organ Transplants [CMS-3835-F] (RIN: 0938-AH17) received March 29, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

1075. A letter from the Regulations Coordinator, CMS, Department of Health and Human Services, transmitting the Department's "Major" final rule — Medicare Program; Competitive Acquisition for Certain Durable Medical Equipment, Prosthetics Orthotics, and Supplies (DMEPOS) and Other Issues [CMS-1270-F] (RIN: 0938-AN14) received April 10, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); jointly to the Committees on Ways and Means and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RANGEL: Committee on Ways and Means H.R. 1677. A bill to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach, with an amendment (Rept. 110–84). Referred to the Committee of the Whole House on the State of the Union.

Mr. GORDON: Committee on Science and Technology. H.R. 362. A bill to authorize science scholarships for educating mathematics and science teachers, and for other purposes, with an amendment (Rept. 110–85). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1515. A bill to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program (Rept. 110–86). Referred to the Committee of the Whole House on the State of the Union.

Mr. LANTOS: Committee on Foreign Affairs. H.R. 1681. A bill to amend Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes, with an amendment the (Rept. 110–87). Referred to the Committee of the Whole House on the State of the Union.

Mr. FRANK: Committee on Financial Services. H.R. 1257. A bill to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, with an amendment (Rept. 110–88). Referred to the Committee of the Whole House on the State of the Union.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. CULBERSON (for himself, Mr. BARTLETT of Maryland, Mr. GARRETT of New Jersey, Mr. HOEKSTRA, and Mr. PAUL):

H.R. 1857. A bill to restore State sovereignty over public elementary and secondary education; to the Committee on Education and Labor.

By Mr. GOHMERT (for himself, Mr. CULBERSON, and Mr. REGULA):

H.R. 1858. A bill to provide for the retrocession of the District of Columbia to the State of Maryland, and for other purposes; to the Committee on the Judiciary, and in addition to the Committee on Oversight and Government Reform, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. MCCARTHY of New York:

H.R. 1859. A bill to reinstate the prohibition on the possession or transfer of large capacity ammunition feeding devices, and to strengthen that prohibition; to the Committee on the Judiciary.

By Mrs. MCCARTHY of New York:

H.R. 1860. A bill to amend the Internal Revenue Code of 1986 to provide a 100 percent deduction for expenses related to identity theft; to the Committee on Ways and Means.

By Ms. MCCOLLUM of Minnesota:

H.R. 1861. A bill to urge the Government of the Republic of Armenia to resolve the murder case of Joshua Haglund, a United States citizen, in Yerevan, Armenia, and to fund scholarships at the University of Minnesota in the memory of Joshua Haglund for study abroad and diversity training; to the Committee on Foreign Affairs, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LORETTA SANCHEZ of California:

H.R. 1862. A bill to amend the Internal Revenue Code of 1986 to encourage new school construction through the creation of a new class of bond; to the Committee on Ways and Means.

By Mr. RANGEL:

H. Con. Res. 111. Concurrent resolution expressing the sense of Congress that Lionel Hampton should be honored for his contributions to American music; to the Committee on Education and Labor.

By Mr. LARSON of Connecticut:

H. Res. 296. A resolution supporting the goals and ideals of National Eosinophil Awareness Week, and for other purposes; to the Committee on Energy and Commerce.

By Mr. RANGEL:

H. Res. 297. A resolution expressing the sense of the House of Representatives that A. Philip Randolph should be recognized for his lifelong leadership and work end discrimination and secure equal employment and labor opportunities for all Americans; to the Committee on the Judiciary, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. STEARNS (for himself, Ms. WASSERMAN SCHULTZ, Mr. BUCHANAN, Mr. MARIO DIAZ-BALART of Florida, Mr. LINCOLN DIAZ-BALART of Florida, Mr. MILLER of Florida, Mr. KELLER, Ms. ROS-LEHTINEN, Mr. BILIRAKIS, Mr. MACK, Mr. YOUNG of Florida, Ms. CORRINE BROWN of Florida, Mr. MAHONEY of Florida, Mr. PUTNAM, Ms. GINNY BROWN-WAITE of Florida, Mr. CRENSHAW, Mr. BOYD of Florida, Mr. WEXLER, Ms. CASTOR, Mr. FEENEY, Mr. MEEK of Florida, Mr. MICA, Mr. KLEIN of Florida, Mr. WELDON of Florida, and Mr. HASTINGS of Florida):

H. Res. 298. A resolution to commend the University of Florida Gators for their historic win in the 2007 National Collegiate Athletic Association Division I Men's Basketball Tournament; to the Committee on Education and Labor.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 18: Mr. HARE.

H.R. 39: Ms. WATERS, Ms. ROYBAL-ALLARD, and Mr. DOYLE.

H.R. 74: Mr. WYNN and Mr. BOSWELL.

H.R. 82: Mr. WEINER.

H.R. 89: Mr. HAYES, Mr. ROSS, Mr. FILNER, and Mr. MARSHALL.

H.R. 96: Mr. SHERMAN.

H.R. 111: Mr. COBLE, Mr. FILNER, Mr. SIRES, Mr. MEEK of Florida, Mr. JACKSON of Illinois, Mr. BARRETT of South Carolina, Mr. WEXLER, Ms. WATSON, Mr. PERLMUTTER, Mr. COSTA, Mr. BOUSTANY, Mr. SHULER, Mr. PATRICK MURPHY of Pennsylvania, Mr. CARNEY, Mr. LEVIN, Mr. YARMUTH, Mr. WEINER, and Ms. LEE.

H.R. 145: Mr. GORDON.

H.R. 156: Ms. HOOLEY.

H.R. 171: Mr. WAXMAN and Mr. ETHERIDGE.

H.R. 176: Ms. CLARKE and Mr. FATTAH.

H.R. 197: Mr. WU, Mr. WALDEN of Oregon, Mr. RODRIGUEZ, and Mrs. CAPPS.

H.R. 211: Ms. MATSUI, Ms. SHEA-PORTER, Mr. HIGGINS, Mr. ISRAEL, and Mr. MORAN of Virginia.

H.R. 260: Mrs. CAPPS.

H.R. 297: Mr. SHERMAN.

H.R. 303: Mr. RAHALL, Mr. PASCRELL, Mrs. CUBIN, and Mr. ROSS.

H.R. 322: Mr. PICKERING.

H.R. 358: Mr. GINGREY, Mr. MURPHY of Connecticut, and Mr. COURTNEY.

H.R. 362: Ms. HERSETH SANDLIN, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. UDALL of Colorado, Mr. BARTLETT of Maryland, Mr. SHAYS, and Mr. CHANDLER.

H.R. 442: Mr. BOOZMAN, Mr. ROSS, and Mr. SNYDER.

H.R. 473: Mr. MANZULLO.

H.R. 522: Mr. GUTIERREZ, Mr. FATTAH, Ms. CASTOR, and Mr. RANGEL.

H.R. 526: Mr. CARNEY.

H.R. 563: Ms. FALLIN.

H.R. 579: Mr. TIM MURPHY of Pennsylvania, Mr. HODES, Mr. HIGGINS, Mrs. MCMORRIS RODGERS, Mr. HILL, Mr. KAGEN, Mr. RODRIGUEZ, Mr. ELLSWORTH, Mr. PATRICK MURPHY of Pennsylvania, Mr. ADERHOLT, and Mr. BUTTERFIELD.

H.R. 621: Mr. KUHL of New York and Mr. ADERHOLT.

H.R. 661: Ms. ESHOO, Mr. MARKEY, Mr. PRICE of North Carolina, and Ms. MOORE of Wisconsin.

H.R. 664: Mr. GARY G. MILLER of California.

H.R. 694: Ms. CORRINE BROWN of Florida, Mr. ROSS, and Mr. MEEKS of New York.

H.R. 699: Mr. CALVERT, Mr. GRAVES, Mr. TIBERI, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 717: Mr. BLUMENAUER.

H.R. 725: Ms. FOXX.

H.R. 728: Mr. BOYD of Florida, Mr. KING of New York, Mr. MURTHA, Mr. WEINER, Mr. WU, Mr. BOOZMAN, Mr. ABERCROMBIE, Ms. BERKLEY, Mr. RAHALL, and Ms. CLARKE.

H.R. 768: Mr. DEAL of Georgia.

H.R. 776: Mr. PLATTS.

H.R. 782: Ms. CORRINE BROWN of Florida, Mr. HIGGINS, Mr. GRIJALVA, Mr. ISSA, Mr. BROWN of South Carolina, Mr. DONNELLY, Mr. MCCAUL of Texas, Mr. CLAY, Mr. BONNER, Mr. DINGELL, Mr. WAMP, Mr. GOHMERT, Mr. PITTS, Mr. AL GREEN of Texas, Mr. BUTTERFIELD, Mr. KUCINICH, Mr. GEORGE MILLER of California, Mr. BOSWELL, and Mr. EDWARDS.

H.R. 783: Mr. UDALL of Colorado.

H.R. 840: Ms. WATSON, Mrs. MALONEY of New York, and Mr. SERRANO.

H.R. 853: Mr. TOWNS and Mr. MORAN of Virginia.

H.R. 861: Mr. CULBERSON, Mr. SAM JOHNSON of Texas, and Mr. BISHOP of Georgia.

H.R. 891: Ms. DELAURO, Mr. SERRANO, Mr. PALLONE, Mr. GONZALEZ, Mr. CLEAVER, Mr. EHLERS, and Mr. EMANUEL.

H.R. 899: Mr. THOMPSON of Mississippi.

H.R. 938: Mr. GOHMERT.

H.R. 943: Ms. MATSUI, Mr. LANTOS, Mrs. MYRICK, Mr. BRALEY of Iowa, Mr. POMEROY, Mr. MARSHALL, Mr. YARMUTH, Mr. ANDREWS, Mrs. LOWEY, Mr. ACKERMAN, Mr. OLVER, Mr. LOEBSACK, and Mr. DAVIS of Kentucky.

H.R. 951: Mr. MARSHALL.

H.R. 964: Mr. MCCAUL of Texas, Mr. MCCOTTER, and Mr. FARR.

H.R. 971: Mr. TIAHRT, Mr. GILCHREST, Mr. HINCHEY, Mr. FORTENBERRY, Mrs. CUBIN, Mr. LARSEN of Washington, Mr. SNYDER, and Ms. BALDWIN.

H.R. 998: Mr. WYNN.

H.R. 1014: Mr. MARKEY, Mr. SULLIVAN, Ms. MOORE of Wisconsin, Mr. MOORE of Kansas, Mr. ARCURI, and Mr. STUPAK.

H.R. 1022: Mr. ABERCROMBIE, Mr. FARR, and Mr. WAXMAN.

H.R. 1023: Mr. BRALEY of Iowa, Mr. JINDAL, Mr. ALTMIRE, and Mr. FILNER.

H.R. 1029: Mr. WAMP, Mr. EHLERS, Mr. GILLMOR, and Mr. ALLEN.

H.R. 1071: Mr. PALLONE.

H.R. 1076: Mr. ENGLISH of Pennsylvania, Mr. ETHERIDGE, Mr. OBERSTAR, and Mr. ROTHMAN.

H.R. 1084: Mr. DAVIS of Kentucky and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1088: Mr. OBERSTAR.

H.R. 1108: Ms. HERSETH SANDLIN, Ms. CARSON, Mr. LAMPSON, Ms. SHEA-PORTER, Mr. MITCHELL, Mr. DEFAZIO, Mr. JOHNSON of Georgia, and Mr. COSTELLO.

H.R. 1110: Mr. KINGSTON, Ms. MCCOLLUM of Minnesota, Mr. DAVIS of Kentucky, Mr. WALBERG, Mr. JOHNSON of Georgia, Mr. ABERCROMBIE, Ms. MOORE of Wisconsin, Mrs. CAPITO, Mr. HERGER, Mr. MCCOTTER, Mr. WEINER, Mr. EDWARDS, Mr. COOPER, Mr. BOOZMAN, Ms. VELÁZQUEZ, Mr. RUSH, Mr. MELANCON, Mr. CLEAVER, Mr. RUPPERSBERGER, Mr. JOHNSON of Illinois, Mr. TERRY, Mr. BURTON of Indiana, Mr. DEFAZIO, Mr. PRICE of North Carolina, and Ms. ESHOO.

H.R. 1125: Ms. FOXX, Mr. CALVERT, and Mr. FEENEY.

H.R. 1134: Mr. PITTS, Mr. BISHOP of Georgia, Mr. RAHALL, and Mr. JINDAL.

H.R. 1137: Ms. JACKSON-LEE of Texas and Ms. CARSON.

H.R. 1153: Mr. COLE of Oklahoma.

H.R. 1164: Mr. PAYNE.

H.R. 1170: Mr. FRANK of Massachusetts.

H.R. 1191: Mr. PASTOR.

H.R. 1192: Ms. SCHAKOWSKY, Mr. GOODE, Mr. PRICE of North Carolina, Mrs. MALONEY of New York, Mr. WEXLER, Mr. HARE, Mr. PLATTS, Mr. GORDON, and Ms. ESHOO.

H.R. 1199: Mr. WAMP, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, and Mr. HINOJOSA.

H.R. 1224: Mr. FILNER, Ms. JACKSON-LEE of Texas, Ms. NORTON, Ms. ZOE LOFGREN of California, Mr. ROTHMAN, and Mr. GORDON.

H.R. 1225: Mr. CARNAHAN, Mr. GEORGE MILLER of California, Mr. FILNER, Ms. ZOE LOFGREN of California, Mrs. DAVIS of California, Mr. ALLEN, Mr. COHEN, Mr. WAXMAN, Mr. ELLISON, and Mr. DEFAZIO.

H.R. 1236: Mr. KILDEE, Mr. GONZALEZ, Ms. SCHAKOWSKY, Mr. AL GREEN of Texas, Ms. BEAN, Mr. LOEBSACK, Mr. CONYERS, Ms. MOORE of Wisconsin, Mr. DINGELL, Ms. SUTTON, Mr. SCOTT of Virginia, Ms. SHEA-PORTER, Ms. ROS-LEHTINEN, Mr. CUMMINGS, Mr. DELAHUNT, Mr. OBERSTAR, Mr. JEFFERSON, Mr. GUTIERREZ, Mr. LEWIS of Georgia, Mr. STARK, Mr. UDALL of Colorado, Ms. HARMAN, and Ms. KILPATRICK.

H.R. 1237: Mr. BURTON of Indiana and Mr. SHUSTER.

H.R. 1240: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1246: Mr. SIRES and Ms. CLARKE.

H.R. 1260: Mrs. BLACKBURN and Mr. COOPER.

H.R. 1261: Mr. BURGESS and Mr. TIAHRT.

H.R. 1279: Mr. LATHAM, Mr. ROTHMAN, and Mr. BRALEY of Iowa.

H.R. 1280: Mr. ROTHMAN, Ms. MCCOLLUM of Minnesota, Ms. ESHOO, Mr. INSLEE, Mr. COHEN, Mr. EMANUEL, Mr. PALLONE, Mr. FARR, and Ms. SHEA-PORTER.

H.R. 1281: Mr. WYNN.

H.R. 1283: Mr. ADERHOLT, Mr. ETHERIDGE, Mr. EVERETT, Mr. ISSA, Mr. JINDAL, Mr. KLEIN of Florida, Ms. ZOE LOFGREN of California, Mr. LYNCH, Ms. MOORE of Wisconsin, Mr. MORAN of Virginia, and Mr. NEAL of Massachusetts.

H.R. 1286: Mr. BISHOP of New York and Mr. EHLERS.

H.R. 1300: Mr. COURTNEY and Mr. HILL.

H.R. 1307: Mr. GINGREY.

H.R. 1330: Ms. SUTTON, Mr. BRADY of Pennsylvania, Mr. DOYLE, and Mr. MEEKS of New York.

H.R. 1332: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1344: Mr. LEWIS of Kentucky, Ms. SUTTON, Ms. BALDWIN, Mr. THOMPSON of Mississippi, Mr. KAGEN, Mr. JACKSON of Illinois, Ms. KAPTUR, and Mr. JOHNSON of Georgia.

H.R. 1350: Ms. MOORE of Wisconsin.

H.R. 1354: Mr. SARBANES.

H.R. 1355: Mrs. DRAKE and Mr. FORBES.

H.R. 1380: Ms. HIRONO, Mr. FILNER, and Mr. FARR.

H.R. 1390: Mr. BROWN of South Carolina and Mr. INGLIS of South Carolina.

H.R. 1391: Mr. CONYERS, Ms. SCHAKOWSKY, Mr. NADLER, Ms. SUTTON, Mr. FILNER, Mr. MCDERMOTT, and Mrs. CAPPS.

H.R. 1400: Mr. LATHAM, Ms. DEGETTE, Mr. FEENEY, Mr. NUNES, Mr. SAM JOHNSON of Texas, Mr. MELANCON, Mr. SHAYS, Mr. BACA, Ms. ZOE LOFGREN of California, Mr. MCHENRY, Mr. CHANDLER, Mr. NEUGEBAUER, Ms. GIFFORDS, Mr. ROGERS of Alabama, Mr. PATRICK MURPHY OF PENNSYLVANIA, Mr. SULLIVAN, Mr. MEEK of Florida, Mr. SIMPSON, Mr. THOMPSON of Mississippi, and Mr. BILIRAKIS.

H.R. 1414: Mr. GRIJALVA and Mr. ISRAEL.

H.R. 1415: Mrs. CAPPS, Ms. ZOE LOFGREN of California, Ms. NORTON, Mr. HONDA, and Mr. ARCURI.

H.R. 1416: Mrs. CAPPS, Mr. FATTAH, Ms. ZOE LOFGREN of California, Ms. NORTON, and Mr. ARCURI.

H.R. 1431: Mr. MCCOTTER.

H.R. 1434: Ms. SCHAKOWSKY, Mr. BLUMENAUER, Mrs. CAPPS, and Mr. PAYNE.

H.R. 1436: Mrs. JO ANN DAVIS of Virginia and Mr. GOODE.

H.R. 1439: Mrs. LOWEY, Ms. SUTTON, Mr. WEINER, Ms. MOORE of Wisconsin, and Mr. GINGREY.

H.R. 1440: Mr. WOLF, Mr. HINCHEY, Mr. BURTON of Indiana, Mr. REYES, and Mr. HINOJOSA.

H.R. 1453: Mr. INSLEE.

H.R. 1465: Mr. NADLER.

H.R. 1467: Mr. LANGEVIN.

H.R. 1469: Mr. FILNER, Ms. SCHAKOWSKY, Mr. ABERCROMBIE, Ms. JACKSON-LEE of Texas, Ms. SLAUGHTER, and Mr. RAHALL.

H.R. 1474: Mr. FRANK of Massachusetts, Mr. ETHERIDGE, Mr. BRALEY of Iowa, Mr. BARTLETT of Maryland, Mr. HAYES, Mr. GILCHREST, Mr. JINDAL, Ms. MCCOLLUM of Minnesota, and Mr. BRADY of Pennsylvania.

H.R. 1479: Mr. ABERCROMBIE.

H.R. 1506: Mrs. LOWEY, Ms. SCHAKOWSKY, Mr. CROWLEY, Mr. MEEHAN, Mr. BAIRD, Ms. MOORE of Wisconsin, Ms. MCCOLLUM of Minnesota, Mr. EMANUEL, Mr. ELLISON, Mr. SIRES, Mr. FILNER, Mr. ABERCROMBIE, Mr. JOHNSON of Georgia, and Mr. FATTAH.

H.R. 1512: Ms. GIFFORDS, Mr. WEINER, Mrs. CHRISTENSEN, and Mr. UDALL of Colorado.

H.R. 1522: Mr. LOBIONDO, Ms. WASSERMAN SCHULTZ, Mr. HOLDEN, Mr. SOUDER, Ms. HIRONO, Mr. GENE GREEN of Texas, Mr. BROWN of South Carolina, Mr. EDWARDS, and Mr. EHLERS.

H.R. 1537: Ms. LEE, Ms. WATSON, Mr. ROHRABACHER, Mr. MILLER of Florida, Mr. HINCHEY, Mr. FARR, Mr. KILDEE, Ms. SLAUGHTER, Mr. MCHUGH, Ms. KAPTUR, Mr. CONYERS, Mr. LEWIS of Georgia, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. WOOLSEY, Mr. BISHOP of Georgia, Mr. MCCOTTER, Mr. HUNTER, Mr. GEORGE MILLER of California, Mr. UDALL of Colorado, Mr. PALLONE, Mr. RUPPERSBERGER, Mr. GRIJALVA, Mr. BARTLETT of Maryland, Mr. RYAN of Ohio, Mr. BILBRAY, Ms. SCHAKOWSKY, Mr. REYES, Mrs. LOWEY, Mr. KUHL of New York, Mr. BACA, Ms. CORRINE BROWN of Florida, Ms. BALDWIN, Mr. HARE, Mr. TANCREDO, and Mr. LANTOS.

H.R. 1554: Mr. LATHAM and Mr. LOEBSACK.

H.R. 1560: Mr. MORAN of Virginia.

H.R. 1565: Mr. VAN HOLLEN.

H.R. 1566: Mrs. LOWEY.

H.R. 1568: Mr. MCCOTTER.

H.R. 1582: Mr. COHEN.

H.R. 1589: Mrs. JO ANN DAVIS of Virginia, Mrs. DRAKE, Mr. ALLEN, Mr. GOODE, Ms. GINNY BROWN-WAITE of Florida, and Mr. MARSHALL.

H.R. 1590: Mr. PATRICK MURPHY of Pennsylvania and Mr. LARSEN of Washington.

H.R. 1593: Mr. CLAY, Mr. COHEN, Mr. ELLISON, Mr. GUTIERREZ, Ms. EDDIE BERNICE JOHNSON of Texas, Mrs. MYRICK, Mr. RAMSTAD, Mr. PAYNE, Mr. PENCE, Mr. SHIMKUS, Mr. STARK, Mr. THOMPSON of Mississippi, Mrs. SCHMIDT, Mr. DELAHUNT, Ms. MOORE of Wisconsin, Mr. VAN HOLLEN, Ms. CORRINE BROWN of Florida, Mr. FRANKS of Arizona, Mr. NADLER, Mr. BOUCHER, Mr. BERMAN, Ms. LEE, Ms. LORETTA SANCHEZ of California, Mr. EHLERS, Mr. JEFFERSON, Mr. MOORE of Kansas, Mr. REYES, Ms. DEGETTE, Mr. RUPPERSBERGER, Mr. MCDERMOTT, Mr. ROGERS of Alabama, Mr. BOSWELL, Mr. MCNULTY, Mr. PASTOR, Mr. TOWNS, Ms. CARSON, Mr. SHAYS, Ms. MCCOLLUM of Minnesota, Mr. RANGEL, Mr. MEEKS of New York, Mr. JONES of North Carolina, Mr. LEWIS of Georgia, Mr. LANGEVIN, Ms. NORTON, Mr. MORAN of Virginia, Mr. KENNEDY, Mr. FRANK of Massachusetts, Mr. GRIJALVA, Ms. BERKLEY, Mr. PITTS, Mr. GERLACH, Mr. PRICE of North Carolina, Mr. CARNAHAN, Mr. TOM DAVIS of Virginia, and Mr. HASTINGS of Florida.

H.R. 1636: Mr. MURPHY of Connecticut.

H.R. 1653: Mr. ABERCROMBIE, Mr. LEVIN, Ms. HIRONO, Mr. PATRICK MURPHY of Pennsylvania, Mr. COHEN, Mr. PRICE of North Carolina, Ms. HARMAN, Mr. LARSEN of Washington, Mr. FRANK of Massachusetts, and Ms. SOLIS.

H.R. 1671: Mr. MELANCON and Mr. JOHNSON of Georgia.

H.R. 1678: Mr. MCNERNEY, Ms. ZOE LOFGREN of California, Mr. WALZ of Minnesota, Ms. JACKSON-LEE of Texas, and Mr. WAXMAN.

H.R. 1681: Mr. MCHUGH.

H.R. 1687: Mr. WU, Mr. HOLT, Mr. MORAN of Virginia, Mr. ANDREWS, and Mr. HINOJOSA.

H.R. 1731: Mr. WALDEN of Oregon, Mr. RENZI, Mr. MCCOTTER, Mr. DAVID DAVIS of Tennessee, Mr. EHLERS, Mr. UDALL of Colorado, Mr. WAXMAN, Mrs. NAPOLITANO, Mr. SNYDER, Mr. RAMSTAD, Mr. DEFAZIO, Mrs. CAPITO, Mr. THOMPSON of California, Mr. SHAYS, Mr. BROWN of South Carolina, Mr. MOORE of Kansas, Ms. MCCOLLUM of Minnesota, Mr. ABERCROMBIE, Mr. KILDEE, Mr. ROTHMAN, Ms. SHEA-PORTER, Mr. COSTA, Mr. REICHERT, Mr. WYNN, and Ms. SCHAKOWSKY.

H.R. 1732: Ms. FOXX and Mr. BARTON of Texas.

H.R. 1738: Mr. KENNEDY.

H.R. 1742: Mr. HIGGINS, Mr. BISHOP of Georgia, Ms. SCHAKOWSKY, Mrs. MCCARTHY of New York, Mr. MILLER of North Carolina, Mr. MOORE of Kansas, and Mr. EMANUEL.

H.R. 1756: Mr. GARRETT of New Jersey, Mrs. CAPITO, Mr. MOLLOHAN, Mr. SAXTON, Mr. SOUDER, Mr. RYAN of Ohio, Mr. PLATTS, and Mr. WOLF.

H.R. 1760: Mr. KAGEN.

H.R. 1791: Mr. WAMP and Mr. FRANKS of Arizona.

H.R. 1810: Mr. CANTOR, Mr. EMANUEL, and Mr. MEEK of Florida.

H.R. 1823: Mr. LARSON of Connecticut.

H.R. 1833: Mrs. MUSGRAVE.

H.J. Res. 12: Mr. LINDER, Mr. LOBIONDO, Mr. BOYD of Florida, Mr. HAYES, Mr. GOODE, and Mr. BROWN of South Carolina.

H. Con. Res. 28: Mr. KING of New York.

H. Con. Res. 39: Mr. HINCHEY, Ms. HIRONO, Mr. INSLEE, Mr. MCDERMOTT, Ms. MILLENDER-MCDONALD, Mr. GEORGE MILLER of California, Ms. SCHAKOWSKY, Mr. SHAYS, and Mr. HARE.

H. Con. Res. 48: Mrs. MCCARTHY of New York, Mr. CLEAVER, Mr. HAYES, Mrs. CHRISTENSEN, Mr. BURGESS, Mr. SHAYS, and Mr. RYAN of Ohio.

H. Con. Res. 71: Mrs. CAPPS, Mr. RAHALL, Ms. DEGETTE, Ms. DELAURO, and Ms. ROS-LEHTINEN.

H. Con. Res. 72: Mr. GUTIERREZ, Mr. BISHOP of New York, Ms. SOLIS, and Mr. LANTOS.

H. Con. Res. 73: Mr. ANDREWS.

H. Con. Res. 75: Mr. STARK, Ms. MOORE of Wisconsin, Ms. CLARKE, and Mr. WAXMAN.

H. Con. Res. 92: Mr. HIGGINS, Mr. PATRICK MURPHY of Pennsylvania, and Mr. KIND.

H. Con. Res. 102: Mr. MANZULLO and Ms. CLARKE.

H. Con. Res. 108: Mr. NADLER, Mr. FERGUSON, and Mr. HARE.

H. Res. 106: Mr. SALAZAR, Mr. HUNTER, Mr. REICHERT, and Ms. CLARKE.

H. Res. 111: Mr. McNulty, Mr. Oberstar, Mr. Tancredo, and Mr. Yarmuth.

H. Res. 137: Mr. Lantos, Mr. Sherman, Mr. Delahunt, Ms. Linda T. Sánchez of California, Ms. Jackson-Lee of Texas, Mr. Klein of Florida, Mr. Van Hollen, and Mr. McCotter.

H. Res. 146: Mr. Hare, Mr. Jefferson, Mr. Hinojosa, Mr. Hastings of Florida, Mr. Abercrombie, Mr. Butterfield, Mr. Payne, and Mr. Waxman.

H. Res. 154: Mr. Kuhl of New York and Mr. Grijalva.

H. Res. 179: Mr. Forbes, Mr. Akin, Mr. Salazar, Ms. Giffords, Mr. Schiff, and Mr. Wolf.

H. Res. 185: Mr. Waxman.

H. Res. 189: Mr. Wolf, Mr. Ross, and Mr. Meeks of New York.

H. Res. 194: Mr. Scott of Virginia and Mr. Van Hollen.

H. Res. 231: Mr. Tiahrt.

H. Res. 263: Mr. Schiff.

H. Res. 264: Mr. Wilson of Ohio, Mr. McNulty, and Mr. Payne.

H. Res. 272: Mr. Conyers, Ms. Jackson-Lee of Texas, Ms. Corrine Brown of Florida, Mr. Al Green of Texas, Mr. Cohen, Ms. Watson, Mr. Cummings, Mr. Scott of Virginia, Mr. Delahunt, Mr. Meeks of New York, Ms. McCollum of Minnesota, and Mr. Wexler.

H. Res. 273: Mr. Wilson of Ohio, Mr. Lamborn, and Mr. Cummings.

H. Res. 289: Mr. Poe, Mrs. Maloney of New York, Mr. Boucher, Mr. Nadler, Mr. Costa, Ms. Matsui, Mr. Moore of Kansas, Ms. Zoe Lofgren of California, and Mr. Grijalva.

H. Res. 292: Mr. Regula.

H. Res. 295: Mr. Sessions, Mr. Tiahrt, Mrs. Myrick, Mrs. McCarthy of New York, and Mr. Garrett of New Jersey.

SENATE—*Monday, April 16, 2007*

The Senate met at 2 p.m. and was called to order by the Honorable MARIA CANTWELL, a Senator from the State of Washington.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Spirit, evermore creating: About us today are needs unattended and problems unsolved. Use the hearts and hands of our lawmakers to lift burdens and liberate lives. Give our Senators the wisdom that will lead them to know what must be done to make a better world. Open their ears to hear the cries of those on life's margins. Infuse them with courage to act by bringing relief and release to those who are bruised by life's storms. Whisper words of counsel to our leaders, particularly during their moments of important decisionmaking. As they seek to honor You, give them a deeper understanding of Your ways.

And, Lord, help them to do the very best they can each day, leaving the results to You.

We end this prayer by asking You to comfort those affected by the tragedy at Virginia Tech.

We pray in Your sovereign Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable MARIA CANTWELL led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication to the Senate from the President pro tempore (Mr. BYRD).

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington DC, April 16, 2007.

To the Senate:

Under the provisions of rule 1, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable MARIA CANTWELL, a Senator from the State of Washington, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Ms. CANTWELL thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Madam President, today the Senate will conduct morning business for a period of 60 minutes, with Senators permitted to speak for up to 10 minutes each. Following morning business, the Senate will resume consideration of S. 372, the Intelligence authorization bill.

Once the Senate resumes the bill, Senator ROCKEFELLER, the majority manager, will be recognized to offer a managers' amendment on behalf of himself and Senator BOND. A cloture vote on the bill will occur this afternoon at 5:30. That will be the first vote of the week. Members have until 2:30 to file any first-degree amendments.

ORDER OF PROCEDURE

I ask unanimous consent that Members have until 5 p.m. today to file second-degree amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Also, during today's session I will move to proceed to S. 3, the prescription drug bill that was reported by the Finance Committee last evening.

I ask unanimous consent, regarding any germane and timely filed first-degree amendment under rule XXII, with respect to cloture on S. 372, that it be in order for the amendment instruction line to be modified to comport to the managers' amendment.

Before the Chair rules on my request, I make this request since we are in a situation where the managers will offer an amendment at 3 p.m., which must be filed by 2:30, the filing deadline for first-degree amendments, and Members will not have an opportunity to review the amendment prior to the time for filing their amendments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRAGEDY AT VIRGINIA TECH

Mr. REID. Madam President, as mentioned in the prayer by Admiral Black, today America suffered a tragedy that defies our ability to comprehend. The news out of Virginia Tech and Blacksburg is still breaking. We don't know yet all the facts except there are 22 dead, at least 28 wounded. But what we do know breaks our hearts and shakes us to our very core. For now, we can only offer our thoughts and our prayers in our individual ways.

One of my good friends is the athletic director of Virginia Tech. He formerly was the athletic director at UNLV—Jim Weaver, a wonderful man. He has done such a great job with that program. The Virginia Tech program has received such notoriety—positive in recent years because of their athletic program. They also have a great academic program.

We all pray for the students, faculty members, and the families of the Virginia Tech community and do hope for a speedy recovery of the wounded.

We pray that America can find the strength, which we will find, to overcome our grief and outrage as we face yet another tragedy.

I think it would be appropriate, Madam President, if the distinguished Republican leader wishes to say something about this tragedy, that after he does, I ask for a moment of silence for the faculty, the students, the administration, and everyone in Virginia Tech—and our country, really. A moment of silence.

Does the Senator wish to speak?

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The minority leader is recognized.

TRAGEDY AT VIRGINIA TECH

Mr. MCCONNELL. Madam President, let me just, on this side of the aisle, offer my condolences for this unspeakable tragedy to which the majority leader has been referring and join him in calling for a moment of silence.

(Moment of silence.)

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

JACKIE ROBINSON

Mr. REID. Madam President, in July of 1944, 11 years before Rosa Parks became the mother of the civil rights movement, an African-American second lieutenant of the U.S. Navy was court-martialed on charges of insubordination for refusing to move to the back of a segregated military bus. Three years later, and 60 years ago yesterday, that second lieutenant was insubordinate to bigotry once again—this time by breaking Major League Baseball's color barrier. His name was Jackie Robinson.

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

When Dodgers owner Branch Ricky brought Jackie Robinson to the Major Leagues, many asked: Why Jackie Robinson? After all, the Negro League was filled with talented players from whom to choose. Many were much younger than Jackie Robinson; some, perhaps, even better athletes. The answer, of course, was integrity, character.

Branch Ricky knew that this trailblazing ballplayer would have to be both an athlete and a role model—a role model for African Americans and for all Americans—and no one was better suited to that great challenge than Jackie Robinson.

When Jackie Robinson crossed the chalk lines at Ebbitt's Field that day, he carried the weight of a nation along with him. On one shoulder were the catcalls, obscene gestures, and even threats from fans, opposing players, and even some of his own teammates. But on the other shoulder were the dreams of Blacks, and all Americans, that our country could one day fulfill its destiny of equality in deeds and not just in words.

Jackie's career accomplishments alone would have been enough to earn our admiration: Rookie of the Year, 6 All-Star games, Most Valuable Player Award, and a World Series championship.

Yesterday, I was visiting my daughter, and especially my grandchildren, here in the Washington, DC, area. I have three grandchildren here. My 16-year-old grandchild, Mattie, was going to have to give a talk to a group of young people. She said she only needed to talk for a couple of minutes. What could she talk about?

I said: Mattie, why don't you talk about Jackie Robinson? Tell them what a great athlete he was. But he isn't known today because he was a great athlete and stole home more than any other baseball player and did all the great things athletically; he is famous today because of his integrity. So that is what Mattie spoke to her friends about.

Jackie Robinson is now a legend. He taught a generation of African-American children that they, too, must be, on occasion, insubordinate to injustice whenever they find it, whether on a bus or on a ballfield or in a board room. Sixty years later that lesson still rings true, from Brooklyn to Los Angeles and every town and city in between.

America is a better place because of the integrity of Jackie Robinson.

The ACTING PRESIDENT pro tempore. The minority leader.

Mr. McCONNELL. Madam President, when I was a youngster, I became a fan of the Brooklyn Dodgers for two reasons. One was because of Jackie Robinson. The distinguished majority leader was just referring to his history-making appearance in a Major League uniform for the first time. The other was for a Louisville teammate of his named Pee Wee Reese. He was the one who made, really, a kind of public display of welcoming Robinson amid some of the boos and catcalls he got in the early games when he first played.

Reese went over and put his hand on Jackie Robinson's shoulder. Since he was from the South, I think it was an indication that Robinson was certainly going to be accepted by his teammates and by the rest of the league shortly thereafter and certainly ought to be accepted by the fans as well.

It was a period during which the character of people was being measured; the character of Jackie Robinson in being willing to take on this challenge and tear down this barrier for the first time in American history, and the character of those with whom he was going to be playing. Would they accept him or would they not?

It was a great Kentuckian, Pee Wee Reese, who made it clear that Jackie Robinson was going to be accepted. It was the beginning of a great thing that our country did and, of course, was a breakthrough for many of the subsequent developments that occurred over the years in improving race relations in our country. We are proud to honor the memory of Jackie Robinson.

HONORING OUR ARMED FORCES

SPECIALIST MICHAEL R. HAYES

Mr. McCONNELL. Madam President, our Nation owes a debt of gratitude to the brave men and women who fight to preserve it, a debt so great that a tribute befitting their sacrifice may well lie beyond our power to express it. Nevertheless, I ask the Senate to pause today in loving memory of SPC Michael R. Hayes of Morgantown, KY. He was 29 years old.

Specialist Hayes of the Kentucky National Guard died in support of Operation Iraqi Freedom on June 14, 2005, when a rocket-propelled grenade struck his humvee while he was securing a roadside bomb site in Baghdad.

Earlier that year, he had served valiantly in a brutal 30-minute firefight in which 10 guardsmen fought off dozens of Iraqi attackers, killing 26 anti-American fighters.

For his actions as a guardsman, Specialist Hayes earned several medals and awards, including the Bronze Star and the Purple Heart.

It is certainly sad but perhaps fitting that Mike would be taken from us while helping his fellow soldiers. Helping others was one of the defining features of Michael Hayes' life.

When Mike wasn't yet 5 years old, he was joined by his little brother, Jamie. Soon after returning home from the hospital, his mother, Barkley Hayes, heard newborn Jamie crying in his crib.

Before she could get to him, however, Mike met her in the hallway, Jamie in his arms, saying, "Mommy, help him to stop crying!"

Mike continued to look after Jamie and younger sister Melissa when all three served in the Guard's 617th Military Police Company and were stationed in Iraq at the same time. His loving relationship with his family was something Mike cherished.

Mike was also part of another family, his soccer family. David Hocker, a friend that Mike was close to, described Mike's love for the game succinctly: "I have never in my life met anyone who loved soccer more than that man."

Mike was a member of the inaugural soccer team during his sophomore year at Greenwood High School in Bowling Green, KY, where he was born and raised. A leader on and off the field, he helped solidify the fledgling program.

He wasn't a bad player, either. Mike earned All-Region and Player of the Year honors at Greenwood, and to this day remains the first and only member of the school's Athletics Hall of Fame.

According to his coach, Todd Tolbert, Mike was the kind of player that made a coach's job easier. Coach Tolbert wanted his other players to watch and emulate his dedication, effort and sportsmanship. In the words of Coach Tolbert, Mike "reached as far as he could reach, and got there. "

His determination and leadership, Coach Tolbert recalls, helped establish Greenwood soccer's reputation among the students and throughout the region.

After graduation, Mike stayed with the soccer program as an assistant coach. Not only did he serve as a role model for the younger players, he also gained valuable coaching experience that could help him reach his goal of becoming a college soccer coach.

Mike did all of that on top of attending Western Kentucky University and graduating with a degree from the Kentucky Advanced Technology Institute.

During this time, Mike learned that nearby Butler County High School was preparing to start a girls' soccer program. Mike jumped at the opportunity to become their first ever head coach.

The impact that Mike had on the players at Butler County High, and that they had on him, is hard to overstate. One of his players, a young lady named Tina Laverack, described him this way:

"He never gave up on any of us," she said. "He thought we all had potential in anything. . . I think everyone should have had the chance to meet him; they would have loved him."

Mike's friend David Hocker recalled that "If a girl wanted to work extra, he'd come in early or stay late. He spent his own money, buying food for the team or taking them someplace for team building."

Mike's brother Jamie told the Butler County players at Mike's funeral, "He talked about you guys in his down time more than you guys will ever know."

Mike's commitment to his players knew no bounds. On what would be his last trip home, he spent 12 of his 15 days playing soccer with them.

And Mike's influence in his players' lives extended far beyond the soccer field. On more than one occasion, he intervened to help a player be removed from a troubled home or beat an addiction problem.

The night before leaving for Iraq, Mike sat down with his players, addressing them as his "ladies," like always. He told them he was going to Iraq because he wanted his players to be able to walk out onto the soccer field and not be afraid.

Specialist Hayes joined the Guard in 2002 and completed more than 135 missions, including over 30 actions with the enemy, during his service. MG Donald Storm, Kentucky's adjutant general, said he "epitomized what it means to be a citizen-soldier."

CPT Todd Lindner, commander of the 617th Military Police Company, called Specialist Hayes "the consummate soldier, always in the right place doing the right thing."

When the battles were over, Mike enjoyed playing soccer and baseball with Iraqi children during his down time. He would bring them Cokes, chips and candy. It has even been suggested that with time, he might have started a soccer program for Iraqi children.

Soon before he left Kentucky for Iraq for the last time, a friend asked Mike in confidence if he thought we really ought to be involved over there. Mike told his friend of the women he saw wearing colorful clothes and no veil, smiling as they walked down the street.

He recounted watching young children running to school with pencils and paper and big smiles. "Yes," he told his friend unequivocally. "We're doing good there."

Although Specialist Hayes can no longer be with us, or his beloved family, he is loved and remembered by his mother Barkley, his brother Jamie, his sister Melissa Stewart, his nieces Charlotte Stewart and Jocelyn Hayes, and other beloved family members.

I want to thank his mother Barkley for sharing her memories of Michael with us, and for traveling to the Capitol to meet with me today.

Specialist Hayes struck everyone he met with his selflessness, dedication, and devotion to helping others.

Although he is gone, the example he set for others won't be forgotten. Not by his family. Not by his fellow soldiers. And not by the young children he taught to play his favorite game, whether in the rural bluegrass of Kentucky or the desert sands of Iraq.

I ask my colleagues to keep the family of SPC Michael R. Hayes in their thoughts and prayers. I know they will be in mine.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Oregon is recognized.

ORDER OF PROCEDURE

Mr. WYDEN. Madam President, I ask unanimous consent to speak in morning business for up to 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Madam President, would the Senator yield to me for a unanimous consent request?

Mr. WYDEN. I would be glad to yield.

MEDICARE PRESCRIPTION DRUG PRICE NEGOTIATION ACT OF 2007—MOTION TO PROCEED

Mr. REID. I ask unanimous consent that upon disposition of S. 372, the Senate proceed to the consideration of Calendar No. 118, S. 3, the prescription drug legislation.

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

CLOTURE MOTION

Mr. REID. Madam President, I now move to proceed to S. 3 and send a cloture motion to the desk.

The ACTING PRESIDENT pro tempore. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 118, S. 3, Prescription Drugs.

Dick Durbin, Amy Klobuchar, Ken Salazar, Edward Kennedy, Mark Pryor, Blanche L. Lincoln, Daniel K. Inouye, Byron L. Dorgan, Chuck Schumer, Max Baucus, Kent Conrad, Jeff Bingaman, John F. Kerry, Ron Wyden, Debbie Stabenow, Jay Rockefeller, Maria Cantwell, Harry Reid.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call required under rule XXII be waived.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. I now withdraw the motion to proceed.

The ACTING PRESIDENT pro tempore. The motion is withdrawn.

The Senator from Oregon is recognized.

VIRGINIA TECH MASSACRE

Mr. WYDEN. Madam President, the Virginia Tech community is grieving this afternoon, and our country grieves with them. To see so many young people taken from us with their lives ahead of them is an unspeakable horror, one that words simply cannot capture.

Oregonians saw a horrible school shooting in 1998, and I know that across my State, Oregonians this afternoon are sending their prayers to the Virginia Tech community. I join with those Oregonians in sending our prayers to the Virginia Tech family, and on behalf of the people of my State, I want those at Virginia Tech to know they are in our hearts and minds at this critical hour and during this time of unspeakable tragedy.

(The remarks of Mr. WYDEN pertaining to the introduction of S. 1111 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER (Mr. WEBB). The Senator from Texas.

Mr. CORNYN. Mr. President, I ask unanimous consent to speak for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

TAX REFORM

Mr. CORNYN. Mr. President, I thank the Senator from Oregon. I walked in on the tail end of his remarks, but he and I are going to be on a consistent theme today, and that is, the importance of tax reform. I look forward to reviewing his proposal because we are all on the same side.

The current IRS Code is broken. We, the Congress, need to fix it.

This last weekend, I was at a small business in Dallas, TX, called the Manda Machine Company. This small employer employs about 20 people in the Dallas area. We talked about the burdens on small businesses that make it harder for them to create jobs. In particular, we talked about the IRS Code and the importance to make it fairer, simpler, and flatter.

Common sense also tells us we need to make the IRS Code a whole lot more transparent; in other words, "readily understood," "clear," "easily detected" or "perfectly evident," which is the dictionary definition of "transparent." But according to that definition, it is clear the IRS Code fails the transparency test.

Now, I believe we ought to continue to let in a little bit more sunshine in how the Government operates and how the people's money is being spent. I think we also need to add a little bit of sunshine to how the Federal Government taxes the American people. The Federal Government should not be playing a game of "gotcha" with the owners of the American Government; and that is, we the people.

For example, the vast majority of Americans now require professional assistance to help fill out tax documents. Why it is the Code is so complex is simply beyond me. Even taxpayers who want to try to figure out how to do the right thing have a hard time doing it on their own and require the assistance of lawyers and accountants to try to figure out how to comply with the law. Six out of every 10 taxpayers in America today require the help of an outside expert to figure out how to do their duty when it comes to paying taxes.

Families and entrepreneurs alike spend billions of dollars and thousands of hours trying to figure out how to comply with the IRS Code. In fact, it is estimated taxpayers in America will spend 6 billion hours complying with the IRS Code at an estimated compliance cost of $265 billion. This has more than doubled in just over the past 10 years, and estimates are it will continue to increase at a faster rate in the future. This is a statistic that is staggering.

The number of pages in the Federal tax rules has exploded by more than 50 percent in the last decade alone. In fact, since the last major reform effort in 1986, there have been more than 14,000 changes to the IRS Code. The Federal Government and Congress in particular should not be in the business of picking winners and losers when it comes to taxpayers in this country. But that is what an exceedingly complex IRS Code does. It provides exemptions, credits to a variety of different taxpayers under a variety of different circumstances, picking winners and losers in the process. That is not what the IRS Code should be doing.

Changes, we all know, are long overdue. There can be no doubt the IRS Code and accompanying forms are burdensome, onerous, and unduly complicated. The complicated system comes at a cost. Every year, the National Taxpayer Advocate highlights this complexity in one way or another as one of the top 10 problems that taxpayers face when trying to figure out how to comply with the law.

The IRS Code, as I indicated a moment ago, is full of special interest loopholes. With every year that passes, American taxpayers spend more and more time to try to figure out how to comply with these burdensome provisions. Taxpayers will also work longer this year to pay for the government—a total of 120 days of their income will be used to fund the government. In other words, Tax Freedom Day will not come until the end of April. That means for the first 120 days of the year we all work for Uncle Sam, and then we get to the fruits of our labor thereafter, where we get to keep it, use it on our families, or save it, however we may see fit.

But this year, taxpayers will work longer to pay for Government than they will work to provide for food, housing, and clothing combined, which is 105 days, for those three essentials of life—food, housing, and clothing.

Taxpayers will work longer to pay their Federal taxes—79 days—than they will work to pay for housing, which is roughly 62 days. For health and medical care, the estimate is, it takes 52 days to work to provide for those essentials. Transportation is 30 days, and clothing is 13 days.

Whatever our tax system, be it a flat tax, sales tax, or income tax, it ought to be based on three fundamental ideas: simplicity, fairness, and transparency. I think these simple ideas should be our guide in reforming and simplifying our tax laws.

While comprehensive tax reform may not be right around the corner, the last thing we should do is to raise taxes on families and entrepreneurs and let the tax relief Congress passed in 2001 and 2003 expire. So until we come to the time that we can actually simplify and make the IRS Code fairer, the last thing we ought to do is raise taxes on the American people.

But the truth is that is what the new majority in Congress, elected last November, decided to do a month ago. The Senate passed a 5-year budget, with Democrats carrying the day, that effectively raises taxes, over the next 5 years, by over $700 billion. Unfortunately, this is the kind of tax increase that is the most odious and the most regrettable because it will not even require Members of Congress to come on the floor and vote for the tax increase so they can then be held accountable at the polls.

Instead, what Democrats have chosen to do is to have silent tax increases so that when the tax relief that was passed in 2001 and 2003 expires, we will see taxes go up higher than they ever have before at one time in our Nation's history.

I guess it is not good enough that those who are in the top 40 percent pay 99.1 percent of all income taxes, and that in 2004, the top 10 percent paid 70.8 percent of all income tax—an increase from their share of 48.1 percent in 1979.

Instead, Democrats in Congress want to see everybody end up paying more. If this trend continues—in a perverse way, the only way Democrats will be able to pay for their plans to grow the Federal Government is for the rich to grow richer.

Instead of raising taxes, we should make the President's tax relief passed by a majority of Congress a permanent part of the IRS Code. If Congress fails to make the tax relief permanent that has been the driving force in the economy, helping to create 7.9 million new jobs since August 2003—if Congress fails to make this tax relief permanent, a family of 4 making $65,000 a year would see their tax bill increase by 58 percent. Small businesses that file as individuals would see their taxes increase by 13 percent. Things such as the $1,000 child tax, relief from the marriage tax penalty, and the new low 10-percent tax bracket put money back into the pockets of working parents, while small business expensing and dividend and capital gains tax relief have helped America's entrepreneurs expand their businesses and create jobs.

Then there is perhaps the ugliest tax of all, which is the death tax. This is double taxation, because we all know we pay taxes on income as earned. But the death tax, set to rear its ugly head in 2011, will hit family businesses, farmers, and ranchers alike, forcing many to sell their farm to pay the IRS. Death should not be a taxable event.

The numbers speak for themselves in terms of the progrowth, low-tax policies: 21 consecutive quarters of growth, unemployment at historic lows—4.4 percent—and 7.9 million new jobs over the past 3½ years.

We should remember the words of former Chief Justice John Marshall, who said:

> The power to tax is the power to destroy.

The last thing we should do is to destroy this great economy, which is literally the goose that has laid all of the golden eggs.

Mr. President, I yield the floor and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask unanimous consent to speak as in morning business for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEMORIAL TRIBUTE TO BETTY BURGER

Mr. GRASSLEY. Mr. President, today I pay tribute to Betty Burger, a remarkable public servant and extraordinarily devoted congressional staffer. Betty died on Saturday at the age of 87. Betty was my chief caseworker and my oldest and longest serving staff person. She was still on the payroll as of Saturday.

Although I am deeply saddened by her departure, it brings me comfort to know this devoted mother, grandmother, and great-grandmother slipped peacefully into the hands of her Maker.

It is fitting that Betty's loved ones kept vigil at her bedside. For nearly 40 years, Betty Burger kept vigil for the people of Iowa. She started on Capitol Hill working for Iowa Representative Fred Schwengel. After Congressman Schwengel left office, she worked for an Illinois Congressman by the name of Hanrahan for 2 years. Then she wanted to work for an Iowa Congressman again, and she joined my staff on my first day on the job in Washington after I was elected to the House of Representatives in 1974. Since then, for the last 32 years, Betty has worked as a congressional staffer for the people of Iowa.

If Congress needed any rationale for eliminating mandatory retirement age in 1986, Betty Burger is that example. As my chief caseworker, Betty earned a lifetime of experience on the job mastering the ins and outs of the Federal bureaucracy. Her countless contacts within Federal agencies put a face on the so-called faceless bureaucracy. No one knew how to cut through redtape more swiftly and surely. Betty was a masterful detective the way she tracked down disability claims and benefit errors at the Social Security Administration. She decoded the maze of paperwork at the Veterans Affairs Department, and navigated Byzantine immigration rules for constituents struggling with citizenship, employment status, and deportation issues. Betty Burger knew how to cut to the chase at the State Department for Iowans who were traveling, working, or studying abroad.

Most of Iowa's 2.9 million residents didn't know Betty Burger personally, but I want them to understand how this dedicated public servant made a difference for Iowans. Betty did her job for them with remarkable efficiency, tenacity, and integrity. I heard firsthand gratitude about Betty's work from individual Iowans nearly every time I went home and held town meetings. Betty also touched the lives of Iowans and their families through her work to nominate outstanding young people to our Nation's service academies. She would always talk about what a great group we had this year. Let me tell my colleagues something about Betty. We always had a great group of academy nominees as far as Betty was concerned. These young high school kids and their parents had several conversations with Betty as they maneuvered through the nomination process. They were an inspiration to her and she knew with good young people in her academies, such as the ones she helped nominate, our country from a national security standpoint would be left in good hands.

In my office, Betty served as a role model for young staffers and seasoned colleagues alike. Her work ethic taught others to keep one's nose to the grindstone. Her professional attire taught others appearances do make a positive impression in the workplace. Her sharp-witted humor elicited laughter and taught us we could count on Betty to put a smile on everybody's face. Her uncanny grasp of cultural trends and current events taught others how to embrace aging and use one's work and life experiences for the greater good.

I can't talk about Betty without making it clear she was a fiercely loyal and proud Republican. She modeled compassionate conservatism each and every day she helped an Iowan. Day in and day out, Betty untangled a knot at a Federal agency for those who may have felt at the end of their rope trying to get an answer.

I often tell Iowans that representative government is a two-way street. Well, Betty Burger lived and breathed the spirit of representative government. She was the capable, no-nonsense person on the other end of the phone who brought thousands upon thousands of Iowans hope and peace of mind. She paved the street between Iowans and the Federal agencies from which they required service.

As her boss, I owe Betty a debt of gratitude for her tireless commitment, unwavering loyalty to this country, to the people of Iowa, and to me. As Iowa's senior Senator, I place a premium on constituent service. Betty understood this as well as anyone and exceeded my expectations.

As her friend, Barbara and I extend our heartfelt sympathies to Betty's family and the loved ones she leaves behind. As they remember their beloved mother, grandmother, sister, aunt, friend, and neighbor, please know we will dearly miss this classy and spirited Iowan who became part of our family during her honorable tenure—a lifetime—on Capitol Hill.

In the last four decades, many Iowans have felt touched by a guardian angel when Betty worked her magic on their behalf. May God's blessings continue to shine upon this guardian angel from Fairfield, IA, as she rests in peace alongside her husband John.

If I could give some advice to my colleagues, I last saw Betty in early January. If we hadn't been in session in early January of this year, probably the last time I would have seen her would have been before Christmas.

Betty got sick about that time and was going to the doctor. We were keeping in touch with her by phone but always waiting for her to get better and come back to work. Then, all of a sudden, she got very weak. We actually thought she would come back to work, but she got weak and then suddenly died.

My advice to colleagues would be this: I didn't get to see her since that last time she was in my office in January. Don't make the mistake I did. I should have been there by her bedside sometime during the period of her last week in hospice. I am sorry I wasn't. To my colleagues, take a lesson from me: When people are sick, see them. They may not come back to the office as you expect.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the remaining time for morning business be yielded back.

The PRESIDING OFFICER. Without objection, it is so ordered. Morning business is closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S. 372, which the clerk will report.

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Mr. ROCKEFELLER. Mr. President, first, let me express my disappointment that we are here under these circumstances. This is not the way we should be handling this important national security legislation.

The fiscal year 2007 Intelligence authorization bill should have been considered by the Senate, in fact, 7 months ago when it was reported unanimously by the Intelligence Committee. That is usually the way things are meant to work. For reasons that are still not clear to me, it was never brought before the Senate.

Because of the importance of this legislation, Vice Chairman BOND and I made the Intelligence bill the first order of business this January when the new Congress convened. We hoped the Senate could act swiftly on the bill so we could move to the conference with the House, but an anonymous hold on the other side prevented us from bringing up the bill and passing it by unanimous consent. Again, I am not clear what the reason for that might have been, but it was discouraging to us and, in any event, it precluded our taking any action whatsoever.

Fortunately, Senator REID understands how important this legislation is. So last week he attempted to call up the bill. But even that simple motion to proceed to the bill was blocked, forcing the Senate to invoke cloture by a vote of 94 in favor and 3 against.

The Senate, after 7 months of delay, is finally considering the legislation that sets the policy framework for the Nation's intelligence efforts, but because of the inordinate number of obstacles put in the path of the bill to date, the majority leader has been forced to file a motion to invoke cloture on this legislation. I agree with him that this is the only way to force the Senate to finally do its job and pass this very important bill. It is unfortunate, but it has to happen. This is national security legislation.

I strongly encourage all of my colleagues to support cloture so that we can move this bill forward to a conference with the House. I know I am joined by my colleague, the vice chairman. I understand that some, both in the Senate and in the administration, have expressed concern with a number of the provisions of the bill. The Office of Management and Budget issued a Statement of Administration Policy last Thursday including a veto threat, and unfortunately that statement ignored several important developments and several changes Vice Chairman BOND and I have proposed in a managers' amendment, which I am going to talk about briefly.

The administration complains about the magnitude of the fences and other restrictions contained in the classified annex to the bill. They ignore the fact that the classified annex was drafted last September with a view to having it in full effect for the full fiscal year. Vice Chairman BOND and I decided in January that the best approach to achieve swift passage was to simply bring up and pass the bill as it had been reported unanimously last year.

We have always known that many of these provisions have become outdated or have been overtaken by events. Of course, they will be adjusted, or perhaps dropped, when we go to conference. We have no intention of fencing 50 percent of a program with only 4 or 5 months left in this year. Please give us some credit.

Perhaps the more important omission in the OMB statement is the effort that Vice Chairman BOND and I have made to address, through a managers' amendment, many of the administration's specific concerns with those legislative provisions. I will run through these provisions quickly.

As reported by the committee, the bill requires two actions related to the public disclosure of intelligence budgets. First, it requires the public release of an overall budget request authorization and appropriation, the so-called top line, one number for all intelligence spending.

The second action is a study and report by the Director of National Intelligence on whether the top line for each intelligence community element; that is, the CIA, NSA, et cetera, can always be declassified without harming national security. This was a recommendation, in fact, of the 9/11 Commission.

The managers' amendment; that is, the amendment by Senator BOND and myself, struck that requirement for a study and a report on the agency-level declassification. The study and report alarmed some who believed that declassification itself would cause no harm but worry that it could lead to a "slippery slope" of revealing too much information.

The managers' amendment returns the bill language to the specific stated objective; that is, the declassification of the overall national intelligence budget. This is something the Senate has voted for twice in the last 2½ years, including last month when it passed S. 4.

This concurrent version of the authorization bill includes another provision that has passed the Senate twice but which concerns the administration and some of our colleagues. That provision in section 108 provides additional authority for congressional committees, including the Intelligence Committees of both the House and Senate, to obtain intelligence documents and information.

The managers' amendment modifies section 108 in three ways. First, it doubles the amount of time the administration will have to respond to these priority requests from 15 to 30 days.

Second, section 108 currently applies to requests from any committee—any committee—that has jurisdiction over any part of intelligence, not just the Intelligence Committees of full jurisdiction in the House and Senate. This amendment will limit the provision to requests from the Intelligence Committees.

Third, it would make clear the Intelligence Committee could specify a greater number of days than 30 for intelligence community responses. We are not unreasonable people, and if more time is needed, we would, obviously, want to be helpful.

Let me be clear to my colleagues on other committees with jurisdiction that touches on intelligence matters, because some of them are sensitive about this issue. These changes will in no way limit their ability to ask for and receive intelligence-related information. In fact, any Senator can ask for such information.

The amendment sets up an expedited procedure available to the Intelligence Committees, but it does not change existing relations or procedures for obtaining such information for other committees. That should be of comfort. If another committee were to encounter difficulty in obtaining intelligence information, they could easily ask the intelligence community to request the information under this expedited procedure. It sounds wordy; in fact, it is very easy. I think this is a sensible modification to alleviate the concern that the Intelligence Committee would be overwhelmed with requests requiring short turnaround times. Vice Chairman BOND and I are sensitive to that concern and modified the matter.

A second provision of the bill dealing with the provision of information to Congress is section 304. That section tightens up the requirement for the President to fully inform the Intelligence Committees about intelligence activities, including covert actions. Section 304, as reported, requires if the President does not inform all members of the committee about intelligence activity, the DNI must provide all members with a summary with sufficient information to permit members to assess the legality, benefits, cost, and advisability of these activities. This is on a case-by-case basis.

There was a discussion of this provision during our markup, and the administration has objected that this requirement is too detailed. The managers' amendment seeks to resolve that objection by providing instead that the DNI submit a classified notice with "a description that provides the main features of the intelligence activities." This standard is sufficiently broad to allow the notification of members, but at the same time protects sensitive sources and methods or ongoing operations.

Section 310 of this bill, as reported, would establish a pilot program on access by the intelligence community to information protected by the Privacy Act. This provision was controversial and several members expressed reservations. We subsequently learned the administration is no longer seeking this authority, so the managers' amendment strikes section 310 from the bill.

Finally, the managers' amendment modifies one of the reporting requirements included in the bill. Section 314 requires a classified report from the Director of National Intelligence about clandestine prisons. One part of that provision called for reporting on the location of any clandestine detention facility. Vice Chairman BOND and I agreed this particular information was of such sensitivity it should not be included in this report. The managers' amendment strikes that one requirement.

Mr. President, might I ask before calling up the managers' amendment, does the distinguished vice chairman wish to speak?

Mr. President, will the vice chairman have adequate time to speak?

Mr. BOND. Mr. President, if the chairman wishes to offer the amendment, I will be happy for him to do that. I will talk as long or short as I have the opportunity.

The PRESIDING OFFICER. There is no time limit on the bill at this point.

AMENDMENT NO. 843

Mr. ROCKEFELLER. Mr. President, I offer the managers' amendment.

The PRESIDING OFFICER. The clerk will report.

The bill clerk read as follows:

The Senator from West Virginia [Mr. ROCKEFELLER], for himself and Mr. BOND, proposes an amendment numbered 843.

(The amendment is printed in today's RECORD under "Text of Amendments.")

Mr. ROCKEFELLER. I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I am very pleased to join my distinguished colleague, the chairman of the Intelligence Committee, Senator ROCKEFELLER, in not only bringing before this body the Intelligence authorization bill, S. 372, but also offering the managers' amendment. This is an important first step for the Senate to return to and enhance its responsibilities of coordinating oversight and conducting aggressive oversight of intelligence activities and programs.

The committee has not been able to pass an authorization bill in the last 2 years, which means the work that has gone on in the committee cannot be reflected in guidance to the committee or in carrying out our oversight responsibilities.

Some Members may recall, others have been informed, that 30 years ago the Senate Select Committee on Intelligence was formed to address a serious problem. There had been a complete lack of congressional oversight of U.S. intelligence operations. Then when we reviewed the attacks of September 11, the findings of our committee and the findings of the 9/11 Commission confirmed that congressional oversight of intelligence was not what it should be.

We firmly believe that enacting S. 372 will move us a long way in restoring the Senate's legitimate role in oversight of U.S. intelligence. I believe we must be in a position where we can assure our colleagues and the people of the United States that the intelligence activities necessarily conducted in secret do comply with the Constitution, the treaties and the laws of the United States and other mandates and limitations placed on the exercise of that secret power.

Make no mistake about it, intelligence in this global war on terror, which has been declared on us by al-Qaida and other Islamic groups, is one that can only be countered with effective intelligence. Intelligence is the most important weapon we have in keeping our homeland safe and protecting U.S. interests and citizens abroad. We need to make sure it is done properly. We need to make sure it is done effectively.

Having studied the intelligence community and having gone through exhaustive reviews over the last 4 years of shortcomings pointed out in the intelligence community operations, we believe we can work with the intelligence community and provide necessary legislative support to ensure that the intelligence activities not only are staying within the road lines—staying on the road in the path—but also being carried out effectively. That is why we feel it is tremendously important we pass this legislation.

The chairman has pointed out there are concerns that have been voiced by the administration about this bill. To be candid, there are some provisions in the bill I do not favor or at least question. I hope in the amendment process and in the House-Senate conference we can develop a good bill that will be signed into law. But it is important to remember—and my colleagues who have expressed concerns particularly about the administration's objections should know—that what has been outlined by the chairman in the managers' amendment begins to deal with the major questions they have. The chairman and I have agreed it makes sense, for example, to declassify the top line number of the intelligence budget.

I have talked with leaders in the intelligence community and I said: Does that cause you any problems? They said: No. It is only when you get below that. Were you to go down the slippery slope of disclosing amounts going into particular units or particular programs of the intelligence community, you give away vital secrets.

This body has twice gone on record and was stated by the chairman and the 9/11 Commission has recommended disclosing the overall number so that the people of America will know whether we are continuing to support the intelligence community adequately, whether we are supporting it with the kinds of resources needed.

In our managers' amendment, we took out a study that would purport to look at the possibility of declassifying further details, other than the top line. We both agreed that should be out. The administration also was concerned about identifying certain sites, and we agreed, and in our managers' amendment we will take out any reference or any requirement of identifying those certain sites. The administration also was concerned about the number of people, the manner of informing members of the committee about certain activities that were highly classified. We are working to remedy that. The administration also had concerns about getting reports filed, the potential for a large number of requests being dumped on the intelligence community, and we have dealt with that.

So there are other items the administration has concerns about, and we may be able to address some of those here. We may be able to address some of those when we get to conference, if they still are not properly solved. But I would say one thing. The administration, like every administration, sometimes feels that congressional oversight goes further than they would like. Well, our job is to conduct oversight, and we do so with an aim of improving intelligence, the products that come out, and also ensuring that procedures are properly contained within the rules of the road, and we will continue to seek those legislative oversight tools.

We are going to accommodate the reasonable concerns of the Executive in every instance that we can because we want to make sure we don't, either by overt or inadvertent action, compromise intelligence sources, intelligence methods, or other essential intelligence programs that are necessary for the safety of our homeland and the safety of our troops in the field.

In addition to the measures contained in the managers' amendment, I have filed nine amendments, some of which overlap with the managers' amendment that we can discuss on the Senate floor. Some of these may be necessary to ameliorate and alleviate the administration's concerns. We were disadvantaged in filing this managers' amendment because the time that we had to do it was the time when most Members were out of Washington, DC, in their home State, which has led to some confusion.

I hope everybody who had a first-degree amendment that they wanted filed was able to file it by 2:30. We hope we will be able to deal with those amendments, and also we look forward to a good, robust debate on the floor of the Senate.

I hope we will have ready a description, at least for our side, of the provisions in the managers' amendment. Most of the concerns I have heard about this bill are concerns that should be alleviated by the managers' amendment, so I would ask all of my colleagues to read carefully the provisions in the managers' amendment to ensure that we have resolved those concerns.

In addition, Senator ROCKEFELLER and I are always willing to discuss with colleagues, in this unclassified setting, the unclassified portions and our reasoning for it. Our invitation to Members still stands; that if Members want to be briefed on classified portions of the intelligence bill or on matters that cannot be discussed on the Senate floor, we stand ready with our staffs to have briefings set up in the intelligence facilities to fill them in on questions that they may legitimately have.

We will look forward to conducting the debate in the time ahead.

I thank the Chair, I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MOVING AMERICA FORWARD

Mr. REID. Mr. President, my distinguished counterpart, the Senator from Kentucky, Senator MCCONNELL, held a press conference at 2:30, talking about what the Senate has not accomplished this year. I, of course, am very disappointed in that because I thought we had done a lot. I believe we have produced.

The minority talk a lot about their desire to see this Congress pass meaningful legislation. They talk a lot about supporting our troops. We have heard a lot from them about the need to defeat terrorists and make the country more secure. Their actions do not match their rhetoric. In far too many instances, our Republican colleagues say one thing and do another.

Last week, the 110th Congress reached its 100th day. In that time, the Senate has passed a series of bills that would move our country forward. With bipartisan support, we passed the toughest lobbying ethics reform legislation in the entire history of our country. With bipartisan support, we voted to give working Americans a much deserved and long overdue raise in the minimum wage. With bipartisan support, we passed a continuing resolution that enacted tough spending limits and eliminated earmarks for this year. With bipartisan support, we passed every single recommendation of the 9/11 Commission, after it languished in the Republican-controlled Congress for 2½ years. With bipartisan support, we passed a responsible, balanced, pay-as-you-go budget that reduces taxes for working Americans and invests more in education, veterans, and health care. With bipartisan support, we passed legislation that would fully fund our troops while forcing the President to change course in Iraq. And, last week, with bipartisan support, once again, we passed legislation to open the promise of stem cell research in a responsible and ethical way.

The American people want Congress to put petty bickering aside. This is exactly what I believe this Congress has done. It has not been easy. My Republican colleagues have, time and time again, allowed a small minority in their caucus to block progress that the American people, and a bipartisan majority of the Senate, demand. On every piece of legislation I mentioned, we have had to file cloture.

Sadly, on the most important issue facing our country, national security, this has been especially apparent. The minority forced us to come up with 60 votes to pass the 9/11 Commission recommendations. They required the same for the Iraq supplemental bill.

Now it appears this same group of Republicans will attempt to block passage of the Intelligence Authorization bill, the bill they wrote when they were in the majority but failed to pass for 2 years. As everyone knows, the Intelligence Authorization bill funds the operation of 16 agencies of the U.S. intelligence community, including the CIA, the FBI, the National Security Agency, the Defense Department, and all the critical work they do in fighting the war on terror. We are so fortunate that we have bipartisan cooperation of the management of the Intelligence Committee. Senator ROCKEFELLER and Senator BOND have worked closely together. They want this legislation to move forward.

This should not be a partisan issue. We had to vote to get 60 votes to proceed to the legislation. I said at that time, if you want to offer amendments while we are in the 30 hours postcloture time, do it. Now I am told the ability for us to get on the bill is going to be thwarted by not allowing us to have 60 votes.

I was upstairs this afternoon in room 407, getting a briefing on issues that are important to our country. It is so important that we move forward on this legislation and support our people who are making America safe and secure and protecting our interests all around the world. Sixteen agencies, I repeat, of the U.S. intelligence community want this legislation passed.

We are in a battle around the world on terrorism. Shouldn't our intelligence community be able to move forward with this legislation? I repeat: It was written by the Republicans. Why would they not let us go forward on this legislation? Is it because—I don't know. Is it because Vice President CHENEY thinks he is going to lose a little of his power directing everything covert that goes on in the intelligence community? Is he the one stopping this? Why? Why can't we pass legislation that was written by the Republicans to improve our intelligence operations?

This legislation includes essential initiatives that would improve our efforts to fight terrorism and control weapons of mass destruction, enhance our intelligence collection capabilities, and strengthen intelligence oversight. Does anybody dispute that? For 27 years, since we first started doing an Intelligence bill, we passed it every year. But not the last 2 years. Blocking passage of the bill leaves Congress silent on these important matters, dealing with terrorism, weapons of mass destruction, intelligence collection capabilities, and intelligence oversight. It is so important to pass this bill. This is not a partisan issue. I don't think there are political points to be scored on either side.

I hope my friends on the other side of the aisle will let this legislation go forward. We have a managers' amendment that Senator ROCKEFELLER and Senator BOND worked on that would be accepted. I cannot imagine why we would be stopped on an Intelligence authorization. I have been told that the word is out, the Republicans are not going to support cloture on this most important bill.

My friend, the distinguished Republican leader, pointed out this afternoon that we filed cloture a number of times this year. We surely have. We surely have, because there has been a minority of people on the other side who forced us to do this. The bills we passed have been bipartisan: Ethics/lobbying reform got a big bipartisan vote; minimum wage, big bipartisan vote; the continuing resolution, a big bipartisan vote—we had to do that to fund the Government—the 9/11 Commission recommendations, big bipartisan vote; stem cell, big bipartisan vote; the supplemental, a bipartisan vote. Sure, we have had to file cloture because there has been a minority of Senators on the other side who forced us to do that on these bipartisan bills.

My friend, the minority leader, is right, we have filed cloture a number of times. The fact is, his side forced us to do so rather than let us proceed directly to these bills—and this bill. We have been forced to jump through a number of procedural hoops designed to block legislation that enjoyed bipartisan support.

I will continue to do that. I understand the rights of just a few Senators and if a few Senators want to stop us from moving forward, that is fine. But to think that we couldn't get 10 Republicans to support us on a motion to invoke cloture on an Intelligence authorization bill? That is beyond my ability to comprehend, why the Republicans would stop us from moving forward on an Intelligence authorization bill. I have said they can offer amendments to the bill. Even though I thought it was absolutely wrong that we had to vote cloture on the motion to proceed, I said, during the 30 hours, if you want to offer amendments, go ahead and do so. "No."

This is not ethics reform, it is not minimum wage, it is not stem cell research, it is not the continuing resolution—it is the ability of our intelligence agencies to do their work: the CIA, FBI, NSA, Defense Department. I urge the minority to not stop this bill from going forward. The vote is at 5:30. But that is what I am told is going to happen. Their actions, if in fact they follow through on this, are not in the best interests of the American people. Anyone who has been told that they are being stymied from offering amendments is not being told the truth.

We will continue to work in a bipartisan manner to move our country forward. The bills that passed this body so far this year have been bipartisan, with overwhelming support, and, yes, we did have to file cloture because a small number of people held us up from moving on this most important piece of legislation.

I hope there will be people who will move away from this madding crowd who will not allow us to help these agencies do their work.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from Virginia.

VIRGINIA TECH MASSACRE

Mr. WARNER. Mr. President, I am joined on the floor by my distinguished colleague, Senator WEBB. We wish to address the Senate, indeed speak with all America, for we Virginians have suffered today one of the most grievous incidents ever to occur in our State or, indeed, in America.

I speak to the tragic loss of life and tragic injury of so many students and faculty at the distinguished and venerable institution of Virginia Tech in Blacksburg, VA.

All America joins to mourn these young people whose lives of promise have been cut so short, and those injured as they, hopefully and prayerfully, recover from their wounds. I must say, I have been privileged to serve in this institution for many years. I served in many other posts of public service in my lifetime. This tragedy, this tragedy is an incomprehensible situation, an incomprehensible, senseless act of violence.

In time, be it days or weeks, Americans will learn more about the circumstances of today in Blacksburg, VA. For now, however, and forever after, our hearts and our prayers are with the victims, their families, and the other students and faculty at Virginia Tech and, indeed, their families.

Virginians are proud of this historic university. I have known it all my lifetime and how it has served our State and Nation for nearly a century and a half as an exemplary institution of learning, one that has contributed many fine young men and women to the Armed Forces of our United States.

For the moment, I simply close by saying that the historic and proud tradition of Virginia Tech will carry on. Our State embraces them as does all America. We will work with them to make sure they can carry on.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WEBB, is recognized.

Mr. WEBB. Mr. President, I would like to thank the senior Senator from Virginia for having taken the initiative to bring this matter briefly to the floor today as we consider other issues.

As we have learned more facts about this incident during the time that I was presiding over the Senate, I am sure that over the next day or so we are going to learn a lot more that will help us understand, perhaps, how this incredibly tragic incident occurred.

We will have time to reach out to the grieving families and hopefully begin to heal ourselves and to again regain the confidence and the respect of the people who go to that institution. But I thank the senior Senator for bringing this matter to the floor. I want to associate myself fully with his comments. There is very little I can add in terms of describing the depth of our feelings and our regret over the fact that this incident has occurred.

It is an incredible human tragedy. As I said, there will be, I am sure, many stories over the coming days about how it occurred and the implications of it. But it is very fitting for us to pause for a few moments as we consider all of these other issues that are on the table, some of them which obviously divide us by party, but certainly on an issue such as this we are all together in extending our compassion and our regrets to the families of those who are involved.

This is a great institution. The lives that were lost today were of those people who had in their early days demonstrated an enormous amount of promise, and we again express our regrets to the families and our determination that we will help the people of the community around Virginia Tech regain the sense of purpose and vitality once we reach more understanding of what happened.

Again, I thank the senior Senator and I thank you, Mr. President, for allowing us to stop for a few moments in business today to mention this incident.

I yield the floor.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. WARNER. Mr. President, I thank my colleague. We do recognize, both of us, our gratitude to the bipartisan leadership of this institution in opening today's session with a prayer and a moment of silence to honor the victims; not only the victims involved but those at this great university and throughout the State.

I also thank our Governor. Our Governor is en route quickly returning from a trip to Japan. He has been in contact and received a call from the President of the United States, George Bush. We have talked with his chief of staff throughout the day and have waited until this time, until such facts have been gathered, the few that are known about this tragedy, before addressing the Senate.

I thank the Chair. I thank my colleagues.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, before the two Senators from the Commonwealth of Virginia leave the floor, let me express to them our sympathy and sorrow over the tremendous tragedy suffered in their State today.

A member of my staff has a son who attends this fine institution. Fortunately, she has learned that he is fine, but you can imagine her anxiety as she was waiting to hear from her son and had the television on hearing the reports.

I say to both of the Senators from Virginia that our hearts go out to them, to the members of this fine institution in Virginia, and to those who are affected by this terrible violence.

Before I turned to the issue that has brought me to the Senate floor, I just want to extend my condolences on behalf of the people of Maine to the people of Virginia.

The PRESIDING OFFICER. The Senator from Virginia, Mr. WARNER, is recognized.

Mr. WARNER. Mr. President, I thank my colleague and dear friend from Maine. I thank other colleagues who have spoken to me and to my distinguished colleague, Senator WEBB. We thank the Senate for its compassion in this matter. Each Senator feels deeply that it could have happened, I suppose, this sort of tragic situation, in any State in the Union. So we are all sharing this tragic moment in the life of America.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, can the Chair inform me of whether there is an amendment pending at the current time?

The PRESIDING OFFICER. Only the managers' substitute.

AMENDMENT NO. 847 TO AMENDMENT NO. 843

Ms. COLLINS. Mr. President, I call up amendment No. 847, which is pending at the desk.

The PRESIDING OFFICER. The clerk will report the amendment.

The assistant legislative clerk read as follows:

The Senator from Maine [Ms. COLLINS], for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA, proposes an amendment numbered 847 to amendment No. 843.

Ms. COLLINS. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To reaffirm the constitutional and statutory protections accorded sealed domestic mail, and for other purposes)

At the appropriate place, insert the following:

SEC. _____. SENSE OF CONGRESS RELATING TO CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL.

(a) FINDINGS.—Congress finds that—

(1) all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

(2) postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

(3) the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

(4) the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

(5) the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109–435) does not grant Federal law enforcement officials any new authority to open domestic mail;

(6) questions have been raised about these basic privacy protections following issuance of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435); and

(7) the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435) that in any way diminishes the privacy protections accorded sealed domestic mail under the Constitution and Federal laws and regulations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress reaffirms the constitutional and statutory protections accorded sealed domestic mail.

Ms. COLLINS. Mr. President, I am calling up this amendment on behalf of myself, Senator LIEBERMAN, Senator CARPER, Senator COLEMAN, and Senator AKAKA.

Our bipartisan amendment reaffirms the fundamental constitutional and statutory protections accorded to sealed domestic mail, even as we make provisions for sustaining our vital intelligence-gathering activity in the interests of advancing the goals of protecting our homeland from attack.

I am very pleased to have the distinguished chairman of the Senate Homeland Security Committee, Senator LIEBERMAN, as a cosponsor, as well as Senator CARPER of Delaware, who was the coauthor with me of the postal reform legislation that passed and was signed into law last year.

Senator COLEMAN and Senator AKAKA have also been very active on postal issues. I have also had the opportunity to talk with the distinguished chairman and the ranking member of the Intelligence Committee about this proposal.

For those who may not have followed this issue, let me first provide some brief background. On December 20, President Bush signed into law the Postal Accountability and Enhancement Act that Senator CARPER and I introduced last year. This new law makes the most sweeping changes in the Postal Service in more than 30 years.

The act will help the Postal Service meet the challenges of the 21st century, establish a new rate-setting system, help ensure a stronger financial future for the Postal Service, provide more stability and predictability in rates, and protect the basic features of universal service.

One of the act's many provisions provides continued authority for the Postal Service to establish a class of mail sealed against inspection.

Now, let me make very clear, this is not new authority. This is a continuation of authority that the Postal Service already has.

Regrettably, on the day that he signed the Postal Reform Act into law, the President also issued a signing statement which has created some confusion about the continued protection of sealed domestic mail. He construed that particular provision in our bill to permit "searches in exigent circumstances, such as to protect life and safety."

Now, since that time, the President's spokesman has made very clear that the President's signing statement was not intended in any way to change the scope of the current law. But the statement caused confusion and concern about the President's commitment to abide by the basic privacy protections afforded sealed domestic mail. For some, it raised the specter of the Government unlawfully monitoring our mail in the name of national security.

Given this unfortunate and inaccurate perception, I wish to be very clear, as the author of the postal reform legislation; nothing in the Postal Reform Act nor in the President's signing statement in any way alters the privacy and civil liberty protections provided to a person who sends or receives sealed mail.

In fact, the President's signing statement appears to do nothing more than restate current law. By issuing the signing statement, however, the President, unfortunately, generated questions about the administration's intent.

I am confident the administration does not intend to interpret the law differently or change the constitutional or statutory protections. But, unfortunately, this is the case, again, of where the President stepped forward and issued a signing statement, upon signing this bill into law, that has created concern and confusion where none existed before. I think it is unfortunate the President did so.

Under current law, mail sealed against inspection is entitled to constitutional protection against unreasonable searches. With only limited exceptions, the Government needs a court warrant before it can search sealed mail. This is true whether the search is conducted to gather evidence under our Criminal Code or to collect foreign intelligence information under the Foreign Intelligence Surveillance Act of 1978, perhaps better known as the FISA Act.

Exceptions to the warrant requirements of the fourth amendment are limited. When there is an immediate danger to life or limb or an immediate and substantial danger to property, then the Postal Service can search a domestic sealed letter or package without a warrant. Let me give you examples of what we are talking about. What we are talking about when we are talking about immediate threats could include wires protruding from a package that gives one the reasonable belief there may be a bomb inside. Another example might be odors or stains that indicate the presence of a hazardous material.

Americans depend upon the U.S. Postal Service to transact business and to communicate with friends and family. If there is any doubt in the public's mind that the Federal Government is not protecting the constitutional privacy accorded their mail, if there is a suspicion that the Government is unlawfully opening mail, then our people's confidence in the sanctity of our mail system and even in our Government itself will be undermined.

That is why I have joined my colleagues in offering this amendment today. It makes clear to all law-abiding Americans that the Federal Government will not invade their privacy by reading their sealed mail, absent a court order or exigent circumstances. Any contrary interpretation of the Postal Reform Act is just plain wrong. I think it is important that the Senate go on record affirming this basic constitutional privacy—statutory privacy, as well—that Americans have always counted on.

Our amendment will do nothing to weaken the vital protections we have created against terrorist attacks, but it will remove any doubt that our fundamental protections of privacy rights have in some way been weakened by the signing statement that, unfortunately, the President chose to issue.

So I urge my colleagues to remove any doubt, to make it clear that the new law, on which we worked so hard for 3 years and which was signed into law last December, does not change this in any way.

Again, I thank the chairman of the Intelligence Committee and the ranking member for their willingness to discuss this issue.

Mr. President, I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. WYDEN. Mr. President, first, I see the distinguished chairman of the committee and the vice chairman of the committee on the floor. I commend both of them for their excellent work on this legislation. I particularly wish to commend Chairman ROCKEFELLER and Vice Chairman Bond for the bipartisan approach the two of them have brought to tackling these important issues in this session of the Senate.

It is extremely important that intelligence is conducted in a bipartisan fashion and the chairman and vice chairman have set a model in terms of approaching these issues in that fashion.

In the 1970s, Members of Congress realized there was not nearly enough oversight of our Nation's spy agencies, and this lack of oversight led to a number of serious abuses. In response to the abuses, the Senate created the Select Committee on Intelligence, on which I am proud to serve. Each year, for 29 straight years, our committee has produced an intelligence authorization bill, and this annual legislation has given Congress a means by which to exercise oversight of the classified intelligence budget and provide guidance to the Central Intelligence Agency, National Security Agency, and various other important intelligence agencies.

In 2005 and 2006, regrettably, the Congress failed to pass the Intelligence authorization legislation. In my view, this is inexcusable. At a time when Americans were questioning our intelligence agencies' ability to keep them safe, the Congress failed to provide the necessary support. At a time when the intelligence community was undergoing major reorganization, Congress failed to provide sufficient guidance. At a time when our allies and our own citizens were raising serious questions about our detention policies, the Congress failed to conduct oversight. At a time when Americans were opening their morning papers and reading about the aggressive new forms of Government surveillance, such as the President's warrantless wiretapping program, the Congress failed to demand accountability.

The committee did report Intelligence authorization bills for fiscal years 2006 and 2007, but they were blocked repeatedly by anonymous holds. Regrettably, the previous leadership failed to make passing this legislation a top priority. The new leadership of the Senate has decided that ensuring national security and protecting Americans' rights and values is a major concern and, as a result, we are now dealing with this year's Intelligence Authorization Act, and it comes, in my view, to a great extent because of the cooperation of Chairman ROCKEFELLER and Vice Chairman Bond, who has also assisted me in a number of critical areas throughout this session of the Senate, for which I am very appreciative.

This legislation contains a number of important provisions which I am proud to have worked on with my colleagues on the committee. It clarifies many of the authorities of the Director of National Intelligence, establishes a new national space intelligence center, and creates a strong independent inspector general for the intelligence community. It strengthens congressional oversight by clarifying the President's responsibility to keep the Congress informed of all intelligence activities. In addition, it contains three amendments that I offered and that I believe are going to improve the functioning of our intelligence agencies.

The first of these amendments would make public the total amount of the national intelligence budget. In my view, it is ridiculous to suggest that Osama bin Laden is going to gain some sort of advantage from knowing that the national intelligence budget is one specific number or another. But declassifying this number would increase, in my view, transparency and public accountability. It would increase public accountability without sacrificing the national security needs of this country and also permit a more informed debate about funding for defense and national security.

The second of these amendments which I offered with the distinguished chairman of the committee, Senator ROCKEFELLER, would increase resources to support the Committee on Foreign Investments in the United States. After investigating the proposed takeover of the management of several United States ports by Dubai Ports World, I became convinced that the process for approving these foreign purchases did not include sufficient due diligence. There ought to be more room in this process for input from the intelligence community, and these additional resources that have come about as a result of this amendment I developed with Chairman ROCKEFELLER would support that.

The last of these amendments would maximize the criminal penalty for knowingly and intentionally disclosing the identity of a covert agent. Like many Americans, I was shocked and disappointed to learn that members of the administration exposed the identity of an undercover CIA officer for partisan political purposes. Undercover officers perform a vital and demanding service for the Nation, and the very nature of their work prevents them from receiving public praise or recognition. Deliberately exposing an undercover officer for any reason, in my view, is unacceptable, and to do it for a political purpose is simply reprehensible. This provision will send a message to men and women of the CIA and other human intelligence services that the Congress values them and their work and takes any threat to them or to their identity very seriously.

I also note that the version of this legislation that was reported by the Intelligence Committee also creates a new exemption to the Privacy Act. In the additional views to the committee report, Senator FEINGOLD and I expressed our view that the impact of this provision had not been considered carefully enough. I am pleased the managers' amendment prepared by Chairman ROCKEFELLER and Vice Chairman BOND removes this provision and, in my view, that is going to make our conference with the House of Representatives easier.

In sum, I am pleased with the work—the bipartisan work—our committee put into this legislation, and I hope the Senate will support cloture this afternoon. This is extremely important legislation. It ought to be passed on a bipartisan basis. It should not be subject to a filibuster. Congress has surrendered its national security responsibilities for too long and too often, and it is time for the Congress to stand up and do its job.

Chairman ROCKEFELLER and Senator BOND have made it possible for the Senate Intelligence Committee to bring this legislation before the Senate. I am very hopeful this legislation will move forward today and that the Senate will support cloture.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, I thank the Senator from Oregon for his kind comments. As I said earlier today, we are most grateful to the leadership for having brought up S. 372. This is a very important and necessary first step for the Senate to return to its responsibility of conducting oversight of U.S. intelligence activities and programs. Enacting S. 372 into law will help restore the Senate's legitimate role in oversight of U.S. intelligence.

As I said, the administration has voiced some concerns about provisions in the bill, and the chairman and I have made a good-faith attempt to address those concerns. We have a managers' amendment, plus several other amendments on which the chairman and I agree that we think are legitimate and measured modifications that don't change the basic purpose of our provisions but meet some of their objections.

As I said before, there are provisions in the bill that we do believe need such changes. Should any Member, however, feel we have not gone far enough, we invite them to come to the floor and join in the debate.

Is S. 372 perfect? I have never seen a piece of legislation that was and don't expect to see one. That being said, we should all remember that the perfect is the enemy of the good. There is no such thing as perfect legislation. We can today, however, begin the process of improving our oversight with a good piece of legislation.

Again, will the administration agree with everything in the bill? No. On the other hand, I do not remember many times in my political career when any executive branch has invited the legislative branch, Congress—or a State legislature with which I am also familiar—to conduct rigorous oversight of its actions and policies.

Unfortunately for executive branch officials, that is our constitutional role as laid down by the Founding Fathers. It does not mean we will refuse to accommodate the executive branch's legitimate concerns. After all, the President does have the power to veto any legislation that he feels unduly intrudes upon his authority.

In an effort to ensure the administration's concerns are addressed, I have filed an additional nine amendments to S. 372, some of which overlap with the managers' amendment the chairman and I have presented. I believe the chairman and I are in agreement on almost all of these amendments, if not all of them. Through that process, I think we can alleviate the concerns the administration has with the bill.

I am concerned, however, that the process by which we had to draft the managers' amendment, combined with the fact that the preparation had to be undertaken largely when Members were in their home State, has led to some confusion among our colleagues. That is why we are handing out a one-page summary that I hope all Members will review so they understand how this measure has been changed. We will be happy to talk with them privately or discuss it with them on the floor, and our staffs are available to work with their staffs if they have any other concerns.

I also want to make it clear to all of my colleagues that I support full and open debate on S. 372 and the timely consideration of all germane amendments. We ask that the amendments be germane. We would have great difficulty in conferencing this bill on nongermane amendments and the possibility that they would be accepted in the final report I would say is doubtful. If confusion over the amendment filing process has prevented any Senator from getting a germane amendment considered, I will certainly work with that Member to see if we could get the amendment brought to the floor for consideration.

Again, I thank my chairman who has worked in a very cooperative manner. We are seeking to achieve a good bipartisan consensus on how we in this body exercise our very important constitutional role of providing oversight for a critically important factor in our responsibility, and that is oversight and legislation with respect to the national intelligence program and the intelligence community which administers it.

I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER (Ms. STABENOW). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Madam President, in essence, what I will do is repeat what my valued and distinguished vice chairman said. It is a fact of life. The vice chairman and I have both been Governors. It is a fact of life that Governors don't like to have oversight. They don't get it. The legislatures don't get it. They get it by the people every 4 years.

It is a little different here. The President sends legislation. We look at it. It gets passed or not. But the country is so huge, and there are innumerable problems, none of which are more important than the national security. It is incredibly important not just to take the President's decision and assume that it is right. Maybe that works at the State level, but it doesn't work here.

We have an absolutely sacred obligation—and in this case a life-and-death obligation—to review, to do oversight, to ask questions, to call people in and to have closed hearings. We have endless numbers of closed hearings which are attended by members of the committee. Suddenly, this committee has come together, it is alive, and this sense of oversight is felt and appreciated by the intelligence community.

This single sheet of paper which every single Member will get when they come to the Chamber shows how Vice Chairman BOND and I, working together as we always do, made five major amendments to try to accommodate the administration with respect to the managers' amendment, which is the pending amendment. We worked those through very carefully, we agreed upon them, and they are now before us.

Then there is a separate list of five more individual amendments where we try to be responsible and responsive. That is all we can do.

The great sadness to this Senator over the past several years has been the inability of the Intelligence Committee to do oversight. That is our obligation. We need to know what is happening. There are certain areas which become so sensitive that it may be that only the vice chairman and I can be informed. People grumble about that, and so be it. That is national security protection. But we have to know what is going on, and that is the purpose of this legislation.

It has been a long time coming. The majority leader has spoken to that point. I recommend to my colleagues who come to the Chamber to vote that they take a look at this paper.

We have worked to try to accommodate the administration's objections. I am sure we have not accommodated all of them, but we have addressed some important ones without in any way interfering with our ability to do proper oversight.

Mr. LEAHY. Madam President, will the Senator yield to me, without losing his right to the floor, to make an announcement of some importance?

Mr. ROCKEFELLER. Yes.

POSTPONEMENT OF JUDICIARY COMMITTEE HEARING

Mr. LEAHY. Madam President, I just arrived back in Washington about an hour ago. I was on a flight for a number of hours and heard the horrific news of the tragedy at Virginia Tech. We had scheduled tomorrow morning before the Senate Judiciary Committee a hearing with Attorney General Gonzales. I have discussed this with the ranking member of the Senate Judiciary Committee, my friend Senator ARLEN SPECTER of Pennsylvania, and I called the Attorney General and spoke to him. All three of us agree—and they agree with my proposal—that we will postpone that hearing.

The hearing with the Attorney General will not be held tomorrow. We will postpone it until Thursday. The exact time we are working out. The Attorney General certainly was agreeable to that. I am sure he would want to be dealing with the matters of the shooting. Both Senator SPECTER and I felt this is a matter where our whole Nation is going to be grieving tomorrow and many individual Members in both bodies will be joining in that grieving and that concern for the families, for the victims of this horrible, horrible tragedy.

So the Judiciary Committee, I have decided, will not hold its hearing. It will be held Thursday.

I thank my friend from West Virginia for yielding to me so I could make that announcement.

Mr. ROCKEFELLER. Madam President, I thank the Senator and yield to the Senator from Massachusetts such time as he may require.

EXPRESSION OF SORROW FOR VIRGINIA TECH TRAGEDY

Mr. KENNEDY. Madam President, with a heavy heart, I rise to express my tremendous sorrow for the growing number of victims impacted by a terrible tragedy on a Virginia college campus today.

My deepest condolences and prayers go out to the students, faculty and their families at the Virginia Tech campus who have been affected by this horrific crime, especially those who lost loved ones.

The Nation is stunned by the loss of so many young lives. The tragedy is felt all the more because these were young people—children in the prime of their lives, with so much to offer—and who gave so much to their families—and now they are gone. They were sons and daughters, brothers and sisters, friends and neighbors. They were a part of all of us—and we will feel their loss.

There will be time to debate the steps needed to avert such tragedies. But today our thoughts and prayers go to their families.

Today, the world weeps for the victims at Virginia Tech. Our thoughts and prayers are with you.

I thank the good Senator from West Virginia.

COURT SECURITY IMPROVEMENT ACT OF 2007—MOTION TO PROCEED

CLOTURE MOTION

Mr. REID. Madam President, the distinguished Republican leader is not on the floor, so I move to proceed to S. 378, and I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 107, S. 378, the Court Security Improvement bill.

Harry Reid, Jeff Bingaman, Chuck Schumer, Jack Reed, Byron L. Dorgan, Ron Wyden, Maria Cantwell, Dianne Feinstein, Daniel K. Inouye, Daniel K. Akaka, Jim Webb, Dick Durbin, Jay Rockefeller, Sheldon Whitehouse, Barbara A. Mikulski, Ken Salazar, Edward M. Kennedy, Patrick Leahy.

Mr. REID. Madam President, I ask unanimous consent that the mandatory quorum call be waived, as provided under rule XXII.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. REID. Madam President, I now withdraw the motion to proceed.

The PRESIDING OFFICER. The motion is withdrawn.

Mr. REID. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

TRAGEDY AT VIRGINIA TECH

Mr. SCHUMER. Madam President, I join so many of my colleagues today to rise in sadness and horror at what happened in Virginia at Virginia Tech. To see the picture of one of the young women, who was allegedly slain, go on the TV screen and see her young beautiful face and realize her life has been taken and thinking of her family and then magnifying this at least 30 times, it is almost too much to bear. This is a terrible tragedy for all of us.

We pray and mourn for those who were lost. At times such as this, the only solace one can take is that God works in ways we don't understand. But I wish to add my condolences to those families who lost loved ones, pray for the recovery of those who were injured, and to all the people of the Virginia Tech community, our hearts go out to you on this sad day.

I yield the floor.

Mr. ROCKEFELLER. Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. McCONNELL. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

Mr. McCONNELL. Madam President, I rise to oppose cloture on the Intelligence authorization. There are plenty of things wrong with this bill, but our primary objection, once again, is the way it is being handled on the floor.

The Democratic majority has filed 21 cloture motions so far this session. At this rate, we will have 160 cloture motions by the end of the 110th Congress. This would shatter the old record of 82 back in 1995 and 1996.

The purpose of filing cloture early is to end debate and accelerate the passage of a measure, but abusing this privilege has the opposite effect. If the minority is shut out of the debate, it will block participation until their Members are respected and their voices are given an opportunity to be heard. We have seen this happen again and again over the last 3½ months as the majority has repeatedly struggled and failed to move legislation.

Republicans take no joy in this, but we will continue to defend our right to be heard. The Senate, as we have learned over the years, is not the House. Contrast this torpid pace of legislation in this Congress with the first 3½ months of the last one, when Republicans passed some of the most far-reaching civil justice reforms in decades. Republicans knew that the price of passing laws was to work with the minority, to have an open debate, and to vote on amendments the other side had to offer.

On bankruptcy reform, for example, we allowed 30 votes, including final passage. On this date, in the first session of the 109th Congress, Republicans had filed only four cloture motions. Looking back to the previous Congress on this date, we had only filed four cloture motions. We have had 21 filed by the new majority.

On this date in the first session of the 108th Congress, we had filed 5 cloture motions, as compared to 21 at this point with the new majority. On this date in the first session of the 107th Congress, we had only filed one cloture motion.

I think the message is pretty clear. I started this session by expressing the hope that we would do big and important things for the country. The realities of divided Government and the rules of the Senate make that supremely possible, and I thought the bipartisan meeting we had that first week in the Old Senate Chamber was a sign of good things to come. I still have that hope, and I see a real opportunity opening with the early steps the majority leader has taken on immigration reform. We are going to that the last 2 weeks before the Memorial Day recess. I think that is a good thing. I commend him for it.

It is my hope that this trend of limited debate and limited amendments—which, of course, leads to the limitation of minority rights—will soon come to an end. Madam President, 3½ months is not that long a time. We can still correct course and accomplish very important things for our country.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived. The question is, Is it the sense of the Senate that debate on S. 372, a bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule. The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Iowa (Mr. HARKIN), the Senator from South Dakota (Mr. JOHNSON), the Senator from Massachusetts (Mr. KERRY), the Senator from Louisiana (Ms. LANDRIEU), the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Florida (Mr. NELSON), and the Senator from Illinois (Mr. OBAMA), are necessarily absent.

I further announce that, if present and voting, the Senator from Iowa (Mr. HARKIN) and the Senator from Massachusetts (Mr. KERRY) would each vote "yea."

LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Mississippi (Mr. COCHRAN), the Senator from Wyoming (Mr. CRAIG), the Senator from South Carolina (Mr. DEMINT), the Senator from Nevada (Mr. ENSIGN), the Senator from South Carolina (Mr. GRAHAM), the Senator from New Hampshire (Mr. GREGG), the Senator from Florida (Mr. MARTINEZ), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

Further, if present and voting, the Senator from South Carolina (Mr. DEMINT) would have voted "nay."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 41, nays 40, as follows:

[Rollcall Vote No. 130 Leg.]

YEAS—41

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dorgan
Durbin
Feingold
Feinstein
Inouye
Kennedy
Klobuchar
Kohl
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (NE)
Pryor
Reed
Rockefeller
Salazar
Sanders
Schumer
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—40

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Coleman
Collins
Corker
Cornyn
Crapo
Dole
Domenici
Enzi
Grassley
Hagel
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
McConnell
Murkowski
Reid
Sessions
Shelby
Smith
Snowe
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—19

Biden
Brownback
Cochran
Craig
DeMint
Dodd
Ensign
Graham
Gregg
Harkin
Johnson
Kerry
Landrieu
Lautenberg
Martinez
McCain
Nelson (FL)
Obama
Roberts

The PRESIDING OFFICER. On this vote, the yeas are 41, the nays are 40. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. REID. Madam President, I move to reconsider the vote.

The PRESIDING OFFICER. The motion is entered.

The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Madam President, I have to declare myself absolutely a series of things: furious, double-crossed, misled, minimized—in terms of my role as a Senator and as chairman of the Intelligence Committee—shocked by the arrogance of the technique that was used between the White House and the minority leader to say to Republicans, after weeks in which Vice Chairman BOND and I worked out a compromise on a managers' amendment on which we worked in good faith—I dropped things he did not like, he dropped things I did not like—but it was a genuine effort.

Vice Chairman BOND, whom I respect greatly, stood here praising the managers' amendment. Then the word came down from the White House—not from Vice Chairman BOND but from the White House—through the minority leader, that this vote was to be a test of Republican Party loyalty and that therefore all Republicans were instructed to vote against it.

In all of my years in the Senate, and certainly all of my years on the Intelligence Committee, I have never seen something so repugnant, putting politics over national security. That is the bottom line. Politics was put over national security.

An order came down: This is a test of Republican Party loyalty. When it comes to that, by golly, you put politics over national security.

Thirty-one people, at least, died at Virginia Tech University this afternoon. All of my kids went to camp there. I know a number of students down there. I called to find out that they were OK, and there was grief everywhere. Republicans were standing up, Democrats were standing up expressing they were horrified.

I was just trying to figure out how many intelligence agents, how many soldiers—because of inadequate intelligence or because of some slip-up or something we had not done, something which we were prepared to correct or did correct in the managers' amendment—died, and I suspect the number was essentially greater than 31.

Now, my heart goes out to those 31. I know some of them who were spared. I was in despair until I knew they were OK.

But this act of cynicism, this act for the third year in a row, blocking intelligence legislation is beyond me. We all understand nothing can happen in military action without intelligence leading the way in; to scout out the territory, to get the feeling, to get through language skills, et cetera, to get the feeling of what is going on so we know what we are getting into.

I will not get into the importance of intelligence for Iraq or Afghanistan, but this is a real crusher. I am not shocked or discouraged with the intelligence. I am more fired up than ever on intelligence. I am shocked because something like this happens in the United States Senate for any reason at any time. I have been in this body for 24 years.

I have been in this body for 24 years, and on one occasion a majority leader called me at home—I happened to be shaving, and it was not a convenient phone call—and asked me to vote against a particular piece of legislation, which I was going to vote against in any event. That has never happened since then. Not once have I been instructed by my party or by my minority or majority leader to vote a certain way.

Yet when it comes to national security, to funding intelligence agencies, where we change the authorities, where we spent weeks in trying to work out hard problems, and did so in the managers' amendment, with more amendments to come, which we would have agreed to, to alleviate the White House's concern—the White House decided they do not like oversight. Well, I understand that. When I was a Governor, I did not like oversight. Nobody likes oversight, but it is our constitutional responsibility. We do not have that choice. We have that duty.

One of the great things about the Intelligence Committee is it has come together in recent months to accept this responsibility and to reach out and take hold of it with a vigor and a lust that makes us want to do more—but not to overdo but to do. Then along comes this vote.

It certainly is the most disappointing day, the most disappointing vote, the most disappointing sign of where we are in this country—the most disappointing sense of the relationship between the executive branch and the legislative branch—the failure of the realization we exist for a reason, that we work hard, getting ready for this vote because we had a chance to do it. Then comes down the instruction: No. Politics trumps national security. Prove you are a loyal Republican. Vote no.

It is not a good day in the Senate.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from Illinois.

Mr. DURBIN. Madam President, I was fortunate enough to serve on the Intelligence Committee for 4 years and served with the Senator from West Virginia, as well as the Senator from Missouri. It is one of the toughest assignments in the Senate. It is time consuming. It is demanding. It takes a long time to even understand the nature of our intelligence community and the valuable work they do.

I salute all members of the Intelligence Committee on both sides of the aisle for sticking with it. They do not get a lot of public attention because these hearings and deliberations are behind closed doors. This is classified information. It is critically important for the security of the United States of America that this Intelligence Committee work and work closely with the intelligence agencies.

I want to say a word on behalf of the chairman of this Intelligence Committee on the Senate side, Senator ROCKEFELLER. I cannot think of a person who has put in more time—certainly on our side of the aisle but in the Senate—dedicated to doing this job right. It must be next to impossible to keep up with everything else he has to do, but he has dedicated himself to this. I know how much this bill means to him.

This reauthorization bill for the intelligence agencies is critically important to him personally, but, more importantly, it really means so much for our Nation. If our intelligence does not get it right, we are more vulnerable. If we are more vulnerable, it means that not just people living in Springfield, IL, but our troops in the field are more vulnerable. So he has worked overtime to bring this intelligence authorization bill to the floor in a spirit of bipartisanship, as he described.

This amendment, which was just stopped by this procedural motion, is a bipartisan amendment. It is from both the chairman of the committee, Senator ROCKEFELLER, and the vice chairman of the committee, Senator BOND—Democrat and Republican. I believe him when he says he has worked in a spirit of compromise to try to find a reasonable position.

Now, when we offer this amendment, this substitute amendment, to the Senate, and say, if you have something you want to offer to improve it—Senator REID said that earlier—I cannot think of a fairer way to approach an issue, which should not be political at all.

One amendment was offered. It is my understanding only one amendment was offered. It looked like we were finally going to get this reauthorization of intelligence agencies that are so important for our security. Along comes this procedural vote, which should have been a toss-away vote. It ends up virtually stopping the debate on this critical bill. Why? I cannot understand it.

We have said: Offer your amendments, and only one amendment was offered. Senator ROCKEFELLER has worked with the Republican side of the aisle for a bipartisan approach. You have given; the other side has given. It was a good spirit of compromise, cooperation. That is what people want. Certainly, when it comes to the security of our Nation, you do not expect us to come in as Democrats and Republicans. We have a lot more responsibility.

So what happened now? When we tried to bring this to a point where it could pass, where the amendments would be limited to the most germane amendments that really get to the heart of the issue, the other side of the aisle, voted no, and now we are stuck.

They knew what they were doing. They were trying to kill this bill. But why would they want to stop this bill? This is a good bipartisan bill essential for the security of America that had been arrived at in a bipartisan manner, and they stopped it. I do not understand that.

I salute Senator ROCKEFELLER for his leadership. I understand his frustration. Certainly, the people who depend on us in the Senate, in a bipartisan fashion, to keep America safe were let down by this vote where the overwhelming majority of Republican Senators voted no.

Several Senators addressed the Chair.

The PRESIDING OFFICER (Mr. SANDERS). The majority leader.

Mr. REID. Mr. President, I came here earlier today anticipating there would be Republicans who would rise above the partisan clamor. I looked, as the vote was being cast: no, no, no, at the people I thought could do this.

Sixteen agencies are all responsible for gathering intelligence information for our country.

Mr. President, let's call it the way it is. Vice President CHENEY runs the intelligence operations of this administration. He has for 6 years. It apparently is not going to stop. We could not even improve the intelligence-gathering operations for the 16 agencies because it may interfere with the Vice President.

Mr. President, even the vice chairman of the committee voted against moving forward. I heard his conversation with the chairman, why he was doing this—because he had been asked to do it. We have had experiences in the past with the way the Republicans—everybody, hear that—have handled the intelligence-gathering information for our Nation. The Senate had to be closed using rule XXII to get some minimal information how the evidence was manipulated to take us to war in Iraq, and we got some of that information.

There has been a change in the leadership of the Senate. I was hopeful it would be better, and it has been for 3 months. There has been cooperation between the two Senators, the chairman and vice chairman. We are not dealing with—we have had to invoke cloture on everything we have done here because, as I said earlier today, I thought a minority of Republican Senators was standing in the way of our doing what we have done—minimum wage, stem cell, all that stuff.

But here we are dealing with our spies. That is what they are. We know from the situation where there has been an indictment and conviction that the White House was involved in that up to their neck with the "Scooter" Libby matter. Karl Rove appeared before the grand jury on three or four or five occasions trying to extricate himself. The President said anyone who had anything to do with leaking information would be dumped from the administration quickly. Of course, that has not happened. I guess there is nothing in the minds of Karl Rove and his minions that is not politics—even the spy operations of this country.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BOND. Mr. President, there have been some insinuations which have been thrown around on the other side. Let me be clear. This was not a cloture vote on the managers' amendment. This was a cloture vote on the bill. Many Republican Senators had asked to have an opportunity to offer amendments. Some 35 amendments have been submitted. The time for submitting the amendments shut off at 2:30 today, and we have at least 10 or so Senators who could not get back here.

Now, this bill is a good bill. But we have no reason, before we even start work on the bill, to invoke cloture to shut off amendments. Nobody from the White House told us to do that. We have Republican Senators who wanted to have an opportunity to offer amendments and vote. This is a critically important bill for the intelligence community, and I believe we need to work on it at least a couple of days. Is that too much to ask, that we work on it a couple of days?

I know the leader has entered a motion to reconsider. And if there is any sense—if there is any sense—that there is dilatory action, if there is any sense that we are not moving quickly on this bill in very short order, I would join with him and urge my Republican colleagues to do so to move this bill forward. This bill is one that has to pass if we are to get our legitimate congressional oversight.

I am not going to get into the arguments between the leaders on how many times we have invoked cloture. But on this one—this one—I gladly urged everybody to vote for cloture to proceed to the bill. There may be some in the executive branch who did not want us to. There may be a lot of provisions in the bill on oversight that the executive branch does not want. I believe we have a responsibility—a responsibility—to consider this carefully.

Reference has been made to a number of things that were inaccurate. There was a reference made to having to shut down the Senate to get a process moving in one of the second-phase investigations. The staff work had essentially been completed. The staff, under bipartisan leadership, had worked on getting that done. Shutting down the Senate was a great show, but it did nothing to move forward that particular phase of the investigation.

Now, I want to see this committee—and I hope this body—operate on a bipartisan basis. But I was very disappointed when I saw that cloture had been filed before we even started the process of amendments. Cloture is necessary when you see there is a filibuster or you see there are nongermane amendments. some of the amendments are nongermane and I will ask that they be withdrawn or I will join in a tabling motion, but I think this subject, which has not been debated on the floor sufficiently in recent years, should be open to a thorough debate. We don't want to take up a lot of time. We need to get this bill to the House and work with them to get a good Intelligence authorization bill through.

The insinuation that we got an order from the White House is absolutely without basis. They are working with us in a cooperative way, and I hope to move forward on this bill, which is now open for amendment and debate. I look forward to the opportunity to proceed with that debate and votes on the bill.

I thank the Chair, and I yield the floor.

Mr. REID. Mr. President, I have the greatest respect for the senior Senator from Missouri, but his facts are all messed up. We tried to bring this bill to the floor for a full debate. In the Senate, as everyone knows, you have to move to proceed to the bill. We did that. They objected. We had to file cloture on even being able to proceed to the bill. They initially said: We are not going to give you cloture. Then they gave us cloture. The purpose of that was to stall for time. They voted to proceed. I said immediately: Why waste the 30 hours? The rule in the Senate is you have 30 hours after you complete the cloture. I said: Offer amendments during this period of time. Don't waste the time. We could have done that last week. I told everybody. All the staff knew that: But no, nothing. I indicated we would be happy to do relevant amendments on this bill.

I ask unanimous consent now that there be four relevant amendments in order for each side and that when they are disposed of, the Senate move to final passage of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. BOND. Mr. President, reserving the right to object, I apologize.

Mr. REID. I will repeat the request. I ask unanimous consent that there be four relevant amendments in order for each side and that when they are disposed of, the Senate vote on final passage.

Mr. BOND. Reserving the right to object, we have 35 amendments. There are 10 amendments which I believe have the support of the chairman and the vice chairman. I will be happy to work tomorrow with the leaders, with the chairman, to develop a list of amendments and get a time agreement. But the whole purpose was to move this bill forward and find out what amendments are coming from both sides. I don't know about amendments from people who are not here.

I object to that proceeding.

The PRESIDING OFFICER. Objection is heard.

The majority leader is recognized.

Mr. REID. Mr. President, let me say, it is a funny way of wanting to move forward on this bill by stopping cloture twice during the last 30 hours. I repeat, I said anybody who wanted to could offer amendments. We sat for 2 days doing nothing, for 30 hours doing nothing.

I hope the distinguished Senator from Missouri and my friend, my dear friend for life, the junior Senator from West Virginia, can work something out. That is why I moved to reconsider. I hope that on this very important piece of legislation, we are able to move forward. This has nothing to do with partisan politics. This is the security of our Nation and much of the world.

Mr. BOND. Mr. President, as I indicated earlier, I want to see this bill move forward. It is open for amendment and debate. I will work with the chairman, with the leaders on both sides to come to a short time agreement with amendments to be considered. If that cannot be accepted, if we have any indication that this bill is going to be drawn out, then I will work with the leadership to get us to a position to vote on the bill. I remain committed to seeing this bill go forward, but I believe we have the need for at least a day's debate. The objection to proceeding on the bill was withdrawn. There could have been debate on Friday, but we weren't in. Now we are back in session, and I hope both sides can come forward and offer their amendments and offer their debates, and have votes and move this bill to final passage and send it to conference.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. We weren't in session because there was no activity on this bill. No one was offering amendments. I would go one step further than the distinguished Senator from Missouri suggested. The amendments have been filed. Why don't we do the relevant amendments? I don't know how many there are. Let's do the ones that are in keeping with the rules of the Senate, go ahead and handle those, starting in the morning.

That is all I have, Mr. President.

Mr. BOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the role.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

MORNING BUSINESS

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that there now be a period for morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

HONORING OUR ARMED FORCES

PRIVATE FIRST CLASS DAVID NEIL SIMMONS

Mr. BAYH. Mr. President, I rise today with a heavy heart and deep sense of gratitude to honor the life of a brave young man from Kokomo. Neil Simmons, 20 years old, was killed on April 8 while deployed in Baghdad, when his convoy encountered an improvised explosive device and insurgent fire. He had been in Iraq for less than 2 weeks. With his entire life before him, Neil risked everything to fight for the values Americans hold close to our hearts, in a land halfway around the world.

Neil attended Kokomo's Northwestern High School and followed the example set by his father and uncle by enlisting in the Army a few months before graduating in 2005. He enjoyed the structure of the military and felt a sense of duty to serve his community and country. His father described Neil as "an avid outdoorsman who was happy and always had plenty of friends."

Neil was killed while serving his country in Operation Iraqi Freedom. He was a member of the 2nd Battalion, 69th Armor Regiment, 3rd Brigade Combat Team, 3rd Infantry Division, in Fort Benning, GA. Neil's father reflected on his son's death, asking, "What's the odds of, among 160,000 troops your only child is there one week and gets killed?" Private First Class Simmons leaves behind his father David and uncle Jim Simmons.

Today, I join Neil's family and friends in mourning his death. While we struggle to bear our sorrow over this loss, we can also take pride in the example he set, bravely fighting to make the world a safer place. It is his courage and strength of character that people will remember when they think of Neil, a memory that will burn brightly during these continuing days of conflict and grief.

Neil was known for his dedication to his family and his love of country. Today and always, Neil will be remembered by family members, friends, and fellow Hoosiers as a true American hero, and we honor the sacrifice he made while dutifully serving his country.

As I search for words to do justice in honoring Neil's sacrifice, I am reminded of President Lincoln's remarks as he addressed the families of the fallen soldiers in Gettysburg: "We cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it, far above our poor power to add or detract. The world will little note nor long remember what we say here, but it can never forget what they did here." This statement is just as true today as it was nearly 150 years ago, as I am certain that the impact of Neil's actions will live on far longer that any record of these words.

It is my sad duty to enter the name of David Neil Simmons in the official RECORD of the U.S. Senate for his service to this country and for his profound commitment to freedom, democracy and peace. When I think about this just cause in which we are engaged and the unfortunate pain that comes with the loss of our heroes, I hope that families like Neil's can find comfort in the words of the prophet Isaiah who said, "He will swallow up death in victory; and the Lord God will wipe away tears from off all faces."

May God grant strength and peace to those who mourn, and may God be with all of you, as I know He is with Neil.

ARMENIAN GENOCIDE

Mrs. BOXER. Mr. President, I take this opportunity today to solemnly commemorate the 92nd Anniversary of the Armenian genocide.

The Armenian genocide was the first genocide of the 20th century. From 1915 until 1923, 1.5 million Armenians were brutally killed by the Ottoman Turks in a systematic effort to eradicate the Armenian people. There were unbearable acts of torture; men were separated from their families and murdered; women and children were put on a forced march across the Syrian desert without food or water.

Henry Morgenthau, the U.S. Ambassador to the Ottoman Empire from 1913 to 1916, recalled:

> When the Turkish authorities gave the orders for these deportations, they were merely giving the death warrant to a whole race; they understood this well, and, in their conversations with me, they made no particular attempt to conceal the fact . . . I am confident that the whole history of the human race contains no such horrible episode as this. The great massacres and persecutions of the past seem almost insignificant when compared to the sufferings of the Armenian race in 1915.

However, we were to witness other such horrible genocides later, including the Holocaust and the genocide in Darfur, which is happening today.

As with later genocides, some have tried to deny that the Armenian genocide happened. Shamefully, the Government of Turkey still refuses to admit that genocide occurred.

In order for democracy and human rights to flourish, we must not support efforts to rewrite and deny history. In the United States, we strive to make human rights a fundamental component of our democracy. It is long overdue for our nation to demand that the truth be told. We must recognize the Armenian genocide in the name of democracy, fairness and human rights.

At the beginning of the 21st century, as genocide is waged in Darfur, it is even more critical to recognize the first genocide of the 20th Century. We must send a message that genocide and genocide denial will never be tolerated.

To that end, I am proud to be an original cosponsor of Senator RICHARD DURBIN's S. Res. 106, calling on the President to accurately characterize the Armenian Genocide in his annual message around April 24 and to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian genocide.

It is important that we recognize the Armenian genocide while its survivors are still with us to tell their stories. We must recognize the genocide for the survivors. We must recognize the genocide because it is the right thing to do. We must recognize the Armenian genocide to help shed light on the darkness and move toward a more humane world.

VOTE EXPLANATION

• Mr. NELSON of Florida. Mr. President, I would like to take this opportunity to explain to the Senate my absence during today's vote to invoke cloture on S. 372, the Intelligence Authorization Act.

I am in Florida, and my flight was due to arrive in Washington this afternoon. However, because of the inclement weather, my flight was delayed and I am still in Tallahassee.

I am a member of the Senate Select Committee on Intelligence, and I have already voted in favor of this measure. As such, had I been present for the vote, I would have voted "aye" on the resolution.•

ADDITIONAL STATEMENTS

TRIBUTE TO GERALD E. HARMON, M.D.

• Mr. GRAHAM. Mr. President, today I ask the Senate to join me in recognizing Dr. Gerald E. Harmon, MD, on the occasion of his retirement from the South Carolina Air National Guard, SCANG. A native South Carolinian, "Gamecock Doc" joined the military in 1973 as a commissioned officer in the U.S. Air Force, USAF after graduating from the University of South Carolina USC. He began studying medicine at the Medical University of South Carolina through the Air Force Health Professions Scholarship Program achieving his M.D. in 1976.

Dr. Harmon completed his family practice residency at Eglin AFB in Florida. After fulfilling several USAF flight surgeon assignments in Texas and South Carolina, he transferred to the SCANG to serve as the commander of the 169th Tactical Clinic at McEntire Joint National Guard Base. Under his leadership, his unit was twice awarded the SCANG Outstanding Unit award and received "Excellent" evaluations by the USAF Inspection Agency.

In 1992, President George H. W. Bush recognized Dr. Harmon for his medical humanitarian work in Africa, and both in 1998 and 2003 the South Carolina General Assembly recognized him as the Doctor of the Day for his unselfish duty and devotion to the medical profession. Dr. Harmon was also a recipient of the American Heart Association Research Grant at the USC School of Medicine and was recognized as the Air National Guard's 1993 National Physician of the Year.

Over the last 7 years, Dr. Harmon served as the Air National Guard Assistant Surgeon General for the USAF providing critical advice and information on Air National Guard medical activities to the United States' Surgeon General. Part of his responsibilities included coordinating medical policies, plans, and programs for the Air National Guard. Dr. Harmon is the first South Carolinian to serve as the Air National Guard Assistant Surgeon General.

Dr. Harmon is currently a family practitioner the Waccamaw Medical Center on Pawleys Island, where he and his wife of 35 years reside. He is also President-elect of the South Carolina Medical Association having served on its board directors for many years.

A true patriot and a fine American, Dr. Harmon formally retired as a major general with over 700 flying hours on February 16, 2007. His military career will forever be marked by his extraordinary vision, sacrifice, and community spirit. I wish Dr. Harmon the very best in his retirement and ask that the Senate join me in thanking him for his service.•

MESSAGES FROM THE PRESIDENT

Messages from the President of the United States were communicated to the Senate by Ms. Evans, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the appropriate committees.

(The nominations received today are printed at the end of the Senate proceedings.)

MESSAGE FROM THE HOUSE

At 2:04 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that pursuant to 22 U.S.C. 2761 and the order of the House of January 4, 2007, the Speaker appoints the following Member of the House of Representatives to the British-American Interparliamentary Group: Mr. CHANDLER of Kentucky, Chairman.

The message also announced that pursuant to 22 U.S.C. 276d, and the order of the House of January 4, 2007, the Speaker appoints the following Members of the House of Representatives to the Canada-United States Interparliamentary Group: Mr. OBERSTAR of Minnesota, Chairman, Mr. SMITH of Washington, Vice Chairman, Ms. SLAUGHTER of New York, Mr. STUPAK of Michigan, Ms. KILPATRICK of Michigan, Mr. HODES of New Hampshire, Mr. WELCH of Vermont.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1469. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2005 Section 32 Hurricane Disaster Programs; 2006 Livestock Assistance Grant Program" (RIN0560–AH45) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1470. A communication from the Director, Regulatory Review Group, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "2006 Emergency Agricultural Disaster Assistance Programs" (RIN0560–AH62) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1471. A communication from the Regulatory Contact, Grain Inspection, Packers and Stockyards Administration, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled "Rules of Practice Governing Proceedings Under the Packers and Stockyards Act" (RIN0580–AA97) received on April 11, 2007; to the Committee on Agriculture, Nutrition, and Forestry.

EC–1472. A communication from the Chairman and President, Export-Import Bank of the United States, transmitting, pursuant to law, a report relative to a transaction involving exports to India; to the Committee on Banking, Housing, and Urban Affairs.

EC–1473. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans: State of Utah; State Implementation Plan Corrections" (FRL No. 8300–1) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1474. A communication from the Principal Deputy Associate Administrator, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Regulation of Fuels and Fuel Additives: Renewable Fuel Standard Program" (FRL No. 8299–9) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1475. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, a report relative to the integration of mental health services into daily activities of Service members; to the Committee on Appropriations.

EC–1476. A communication from the Assistant Secretary of Defense (Health Affairs), transmitting, pursuant to law, an annual report relative to the TRICARE Program for fiscal year 2007; to the Committee on Armed Services.

EC–1477. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's "National Call to Service" program; to the Committee on Armed Services.

EC–1478. A communication from the Assistant Secretary, Land and Minerals Management, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Plans and Information—Protection of Marine Mammals and Threatened and Endangered Species" (RIN1010–AD10) received on April 13, 2007; to the Committee on Energy and Natural Resources.

EC–1479. A communication from the Deputy Chief Human Capital Officer, Office of the Under Secretary, Department of Energy, transmitting, pursuant to law, the report of the designation of an acting officer for the position of Under Secretary, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1480. A communication from the Deputy Director, National Security Administration, Department of Energy, transmitting, pursuant to law, the report of a nomination for the position of Principal Deputy Administrator for Nuclear Security, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1481. A communication from the Deputy Chief Human Capital Officer, Office of the Under Secretary, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1482. A communication from the Deputy Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a vacancy in the position of Principal Deputy Administrator, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1483. A communication from the Deputy Director, National Nuclear Security Administration, Department of Energy, transmitting, pursuant to law, the report of a vacancy and the designation of an acting officer for the position of Under Secretary for Nuclear Security, received on April 12, 2007; to the Committee on Energy and Natural Resources.

EC–1484. A communication from the Deputy Director, Office of the Chief Financial Officer, Department of Energy, transmitting, pursuant to law, the report of a nomination, discontinuation of service in an acting role and the designation of an acting officer for the position of Chief Financial Officer, received on April 12, 2007; to the Committee on Energy and Natural Resources.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–55. A joint resolution adopted by the Legislature of the State of Montana supporting the "25 x 25" Initiative to Increase Production of Renewable Energy by the Agricultural Community; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT RESOLUTION NO. 6

Whereas, having an affordable, clean, reliable, and plentiful energy supply is critical to Montana's economy, as well as the national and international food supply; and

Whereas, current and future risks to national energy security are mounting while domestic and global energy demands are growing exponentially; and

Whereas, Montana and the United States have tremendous renewable energy resources; and

Whereas, the development of a broad spectrum of renewable energy resources, including wind power, biofuels, biomass, methane digesters, ethanol, and solar, benefit the environment and will have a direct economic benefit to agricultural landowners and rural communities; and

Whereas, rural communities and agriculture will experience multiple benefits, including establishing additional markets for agricultural commodities, increasing farm income, creating added-value uses for crops, livestock, and their byproducts, encouraging more productive use of marginal lands, resolving air, water, and soil quality problems that may arise from agricultural operations, improving wildlife habitat, and creating many new job opportunities; and

Whereas, American agriculture is well positioned to play an expanded role in the development and implementation of new energy solutions and with appropriate technological innovation, incentives, and investments, America's farms and ranches can become the factories that produce a new generation of fuels to help meet the nation's energy needs; and

Whereas, "25 x 25" is an agriculturally led initiative that envisions America's farms and ranches producing 25% of America's energy supply by the year 2025 while continuing to produce abundant, safe, and affordable food and fiber; and

Whereas, agriculture's role as an energy producer will have a positive effect on national security and trade imbalances and will serve as a catalyst for rural development in Montana and the United States; and

Whereas, Governor Brian Schweitzer (D–MT), Governor Dave Heineman (R–NE), Governor Tim Pawlenty (R–MN), Governor Mitch Daniels (R–IN), Governor Ed Rendell (D–PA), former Governor Jeb Bush (R–FL), Governor Kathleen Sebelius (D–KS), former Governor Tom Vilsack (D–IA), former Governor George Pataki (R–NY), former Governor Robert Ehrlich (R–MD), Governor Jennifer Granholm (D–MI), former Governor James Risch (R–ID), Governor Jim Doyle (D–WI), Governor Jim Douglas (R–VT), Governor Ernie Fletcher (R–KY), Governor John Lynch (D–NH), former Governor Bob Taft (R–OH), Governor Tim Kaine (D–VA), Governor Arnold Schwartzenegger (R–CA), and Governor Rod Blagojevich (D–IL) have endorsed "25 x 25"; and

Whereas, state legislatures from Colorado, Nebraska, Kansas, and Vermont have endorsed "25 x 25": Now, therefore, be it

Resolved by the Senate and the House of Representatives of the State of Montana, That the Montana Legislature endorses the "25 x 25" vision of agriculture providing 25% of the total energy consumed in the United States by the year 2025, while continuing to produce abundant, safe, and affordable food and fiber. Be it further

Resolved, That copies of this resolution be sent by the Secretary of State to the Honorable George W. Bush, President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Majority and Minority Leaders of the United States Senate and House of Representatives, and each member of the Montana Congressional Delegation.

POM-56. A concurrent resolution adopted by the Senate of the Legislature of the State of Kansas urging Congress to allow interstate marketing of state inspected meat; to the Committee on Agriculture, Nutrition, and Forestry.

Senate Concurrent Resolution No. 1604

Whereas, the Federal Wholesale Meat Act of 1967 allows states to have state meat inspection programs which are required to meet or exceed federal inspection standards of the United States Department of Agriculture for wholesomeness, cleanliness and food safety; and

Whereas, Kansas is in the majority of states which have elected to operate equivalent meat inspection programs allowing state-licensed and state-inspected meat processing facilities to engage in intrastate commerce. Other states are pursuing implementation of state inspection of their meat processing facilities; and

Whereas, State meat inspection programs are flexible and can efficiently and safely adapt their activities to small, local meat processors that cannot be duplicated by the federal inspection program because of its size and complexity; and

Whereas, State-inspected meat and poultry products are currently barred from interstate commerce under federal law, including neighboring local markets in other states, despite current meat safety and quality assurances, affecting long-range rural development and economic growth strategies within the meat processing industry; and

Whereas, such limitation on marketing of state inspected meat inhibits economic development and value-added agricultural activities in this nation's agricultural sector; and

Whereas, current policy of the National Association of State Departments or Agriculture supports the interstate shipment of state-inspected meat products: Now, therefore, be it

Resolved by the Senate of the State of Kansas, the House of Representatives concurring therein, That we urge the United States Congress to enact revisions to the Federal Meat Inspection Act and the Poultry Products Inspection Act to allow the interstate shipment and marketing of meat products by state inspected meat processing facilities; and be it further

Resolved, That the Secretary of State be directed to send an enrolled copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, the Secretary of the United States Department of Agriculture and each member of the Kansas Congressional delegation.

POM-57. A resolution adopted by the House of Representatives of the Legislature of the State of Michigan memorializing Congress to invest in Head Start and Quality Child Care; to the Committee on Health, Education, Labor, and Pensions.

House Resolution No. 40

Whereas, Head Start and high-quality child care prepare children for school and life success by narrowing the educational achievement gap between lower- and upper-income kids, increasing high school graduation rates, and reducing crime.

Whereas, studies show that at-risk children who attend Head Start and high-quality child care are better prepared for school. For example, Head Start narrows the literacy skills gap by nearly half between children in poverty and all children. The research is clear that quality early childhood education programs work to prevent crime. In Ypsilanti, Michigan, three- and four-year-olds from low-income families who were randomly assigned to a group that did not receive preschool preparation were five times more likely to have become chronic lawbreakers by age 27 than those who were assigned to the High/Scope Educational Research Foundation's Perry Preschool program; and

Whereas, currently, only about half of eligible low-income children can attend Head Start due to state and federal funding limitations, and even fewer infants and toddlers. Less than five percent of eligible children three years old and younger are able to participate in Early Head Start. Moreover, only one in seven eligible children in working, low-income families receives help paying for quality child care through the Child Care and Development Block Grant. The combination of state and federal money for preschool has helped Michigan reach two of three at-risk four-year-olds and one of five at-risk three-year-olds; and

Whereas, Real dollar funding levels for Head Start and child care have been cut for the last several years, falling far behind the rising costs that programs face. Instead of reaching more eligible kids with comprehensive health, nutrition, and early education services, Head Start programs have been forced to shorten program hours, cut back staff, reduce parent coaching, and reduce transportation and other services that help families participate: Now, therefore, be it

Resolved, by the House of Representatives, That we memorialize the Congress of the United States to increase discretionary funding in the federal budget for 2008 by $750 million in additional funding over current levels for Head Start and $720 million in additional funding over current levels for the Child Care and Development Block Grant (CCDBG). This request does not address the unmet need in Head Start and CCDBG, but simply restores services to children to the Fiscal Year 2002 level. This is a crucial first step toward meeting the need to provide quality early childhood education and care for at-risk children. Investing in Head Start and quality child care now will improve education outcomes for our nation's at-risk children and will save lives and money down the road: and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM-58. A concurrent resolution adopted by the Legislature of the State of North Dakota encouraging a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in Congress; to the Committee on the Judiciary.

House Concurrent Resolution No. 3032

Whereas, the proposed Equal Rights Amendment provides "equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex" and Congress sent the Equal Rights Amendment to the states for ratification on March 22, 1972; and

Whereas, on February 11, 1975, North Dakota became the 34th state to ratify the Equal Rights Amendment, due to the efforts of a broad spectrum of supporters, including the Coordinating Council for the Equal Rights Amendment, the 44th Legislative Assembly, and Senate Concurrent Resolution No. 4007 sponsors Senators Redlin and Lips and Representatives Homuth and Pyle; and

Whereas, many women worked all of their lives for a constitutional amendment affirming that women had equal rights and protections under the United States Constitution, including Alice Paul, Elizabeth Cady Stanton, and Susan B. Anthony; and

Whereas, 35 of the needed 38 states ratified the Equal Rights Amendment and without ratification the United States Constitution fails to guarantee female citizens equal rights and equal justice: Now, therefore, be it

Resolved by the House of Representatives of North Dakota, The Senate Concurring Therein, That the Sixtieth Legislative Assembly acknowledges the actions of the 44th Legislative Assembly of North Dakota and the sponsors of Senate Concurrent Resolution No. 4007 affirming the equal application of the United States Constitution to all citizens through the passage of the Equal Rights Amendment; and be it further

Resolved, That the Sixtieth Legislative Assembly declares Friday, March 9, 2007, North Dakota Equal Rights Amendment Recognition Day; and be it further

Resolved, That the Sixtieth Legislative Assembly encourages a recommitment to the ratification of the Equal Rights Amendment in all states and final passage in Congress; and be it further

Resolved, That the Secretary of State forward copies of this resolution to the Governor, the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States, and to each member of the North Dakota Congressional Delegation.

POM-59. A joint resolution adopted by the Legislature of the State of New Mexico memorializing Congress to fully fund medical care and aid and attendant care services for Honey Sue Newby and the other Level Three Spina Bifida children of parents who served in Vietnam and who are totally disabled; to the Committee on Veterans' Affairs.

Whereas, the Federal Department of Veterans Affairs acknowledges that one thousand two hundred children of Vietnam War veterans have some degree of disability resulting from their birth parents' exposure to Agent Orange during military service in the Vietnam War; and

Whereas, approximately two hundred of these children of war veterans are designated as level three spina bifida children, who are considered to be totally disabled; and

Whereas, these children, designated as totally disabled as a result of their birth parents' exposure to Agent Orange during military service in Vietnam, are in a situation that is indistinguishable from that of any one hundred percent service-connected disabled veteran who is totally disabled as the result of military service; and

Whereas, these two hundred level three spina bifida children of Vietnam War veterans are not treated equally with the disabled military veterans as regards compensatory medical care and aid and attendant care; and

Whereas, the financial cost for families of these children can be crippling, and many proud American military veterans and their families must depend on welfare or charity to provide the vital medical care and attendant care their children need; and

Whereas, at least one of these children, Honey Sue Newby, whose birth father served three tours as a Marine Infantryman in Vietnam, resides in New Mexico; and

Whereas, the Legislature seeks to honor and encourage fair treatment of all persons who have made personal sacrifices in the military defense of our nation: Now, therefore, be it

Resolved by the Legislature of the State of New Mexico, That it urge the United States Congress to provide full medical care and attendant care to Honey Sue Newby and the other level three spina bifida children who are totally disabled as a result of their birth parents' military service in Vietnam; and be it further

Resolved, That the New Mexico Congressional Delegation be requested to work vigorously for adequate funding to provide full medical care and aid and attendant care to all level three spina bifida children who are totally disabled because of the effects of Agent Orange used in Vietnam; and be it further

Resolved, That copies of this memorial be transmitted to each member of the Congressional Delegation, the Chief Clerks of the United States House of Representatives and the United States Senate and the United States Department of Veterans Affairs.

POM–60. A resolution adopted by the Miami-Dade County Board of County Commissioners directing the County Manager to study the creation of a voluntary "Miami-Dade Trans Fat Free Program" and a program to provide education and guidance to restaurants, bakeries and the public regarding the negative health effects of trans fats; to the Committee on Agriculture, Nutrition, and Forestry.

POM–61. A resolution adopted by the Board of Commissioners of the County of Armstrong of the State of Pennsylvania urging Congress to place a moratorium on new free trade agreements, and to investigate and review current free trade agreements and policies of the United States; to the Committee on Finance.

REPORTS OF COMMITTEES

Under the authority of the order of the Senate of April 12, 2007, the following reports of committees were submitted on April 13, 2007:

By Mr. BAUCUS, from the Committee on Finance, with an amendment in the nature of a substitute:

S. 3. A bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. BAYH:

S. 1109. A bill to increase funding for the National Institutes of Health to carry out breast cancer research and to amend title XVIII of the Social Security Act to extend for 6 months the eligibility period for the "Welcome to Medicare" physical examination and to eliminate coinsurance for screening mammography and colorectal cancer screening tests in order to promote the early detection of cancer; to the Committee on Finance.

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1110. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; to the Committee on Energy and Natural Resources.

By Mr. WYDEN:

S. 1111. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

By Mrs. FEINSTEIN (for herself and Mrs. BOXER):

S. 1112. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. BAYH (for himself and Mrs. CLINTON):

S. 1113. A bill to facilitate the provision of care and services for members of the Armed Forces for traumatic brain injury, and for other purposes; to the Committee on Armed Services.

By Mrs. FEINSTEIN (for herself and Mr. SPECTER):

S. 1114. A bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes; to the Committee on the Judiciary.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. LUGAR, Mr. AKAKA, Ms. MURKOWSKI, and Mr. CRAIG):

S. 1115. A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. SALAZAR (for himself, Mr. BINGAMAN, Mr. DOMENICI, and Mr. THOMAS):

S. 1116. A bill to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; to the Committee on Energy and Natural Resources.

By Mr. BOND (for himself and Mr. DODD):

S. 1117. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1118. A bill to improve the energy security of the United States by raising average fuel economy standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. MENENDEZ (for himself, Mrs. CLINTON, Mr. LAUTENBERG, and Mr. SCHUMER):

S. 1119. A bill to extend the time for filing certain claims under the September 11th Victim Compensation Fund of 2001, and for other purposes; to the Committee on the Judiciary.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. WARNER (for himself, Mr. WEBB, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN):

S. Res. 149. A resolution expressing the condolences of the Senate on the tragic events at Virginia Tech University; considered and agreed to.

ADDITIONAL COSPONSORS

S. 22

At the request of Mr. WEBB, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 22, a bill to amend title 38, United States Code, to establish a program of educational assistance for members of the Armed Forces who serve in the Armed Forces after September 11, 2001, and for other purposes.

S. 117

At the request of Mr. OBAMA, the name of the Senator from Montana

(Mr. TESTER) was added as a cosponsor of S. 117, a bill to amend titles 10 and 38, United States Code, to improve benefits and services for members of the Armed Forces, veterans of the Global War on Terrorism, and other veterans, to require reports on the effects of the Global War on Terrorism, and for other purposes.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 231

At the request of Mrs. FEINSTEIN, the names of the Senator from New Jersey (Mr. LAUTENBERG), the Senator from Ohio (Mr. BROWN) and the Senator from Connecticut (Mr. LIEBERMAN) were added as cosponsors of S. 231, a bill to authorize the Edward Byrne Memorial Justice Assistance Grant Program at fiscal year 2006 levels through 2012.

S. 311

At the request of Ms. LANDRIEU, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 311, a bill to amend the Horse Protection Act to prohibit the shipping, transporting, moving, delivering, receiving, possessing, purchasing, selling, or donation of horses and other equines to be slaughtered for human consumption, and for other purposes.

S. 413

At the request of Mrs. CLINTON, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. 413, a bill to amend the Bank Holding Company Act of 1956 and the Revised Statutes of the United States to prohibit financial holding companies and national banks from engaging, directly or indirectly, in real estate brokerage or real estate management activities, and for other purposes.

S. 428

At the request of Mr. NELSON of Florida, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 428, a bill to amend the Wireless Communications and Public Safety Act of 1999, and for other purposes.

S. 522

At the request of Mr. BAYH, the name of the Senator from Connecticut (Mr. LIEBERMAN) was withdrawn as a cosponsor of S. 522, a bill to safeguard the economic health of the United States and the health and safety of the United States citizens by improving the management, coordination, and effectiveness of domestic and international intellectual property rights enforcement, and for other purposes.

At the request of Mr. BAYH, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 522, supra.

S. 545

At the request of Mr. LOTT, the name of the Senator from Nevada (Mr. ENSIGN) was added as a cosponsor of S. 545, a bill to improve consumer access to passenger vehicle loss data held by insurers.

S. 625

At the request of Mr. KENNEDY, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 625, a bill to protect the public health by providing the Food and Drug Administration with certain authority to regulate tobacco products.

S. 634

At the request of Mr. DODD, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 634, a bill to amend the Public Health Service Act to establish grant programs to provide for education and outreach on newborn screening and coordinated followup care once newborn screening has been conducted, to reauthorize programs under part A of title XI of such Act, and for other purposes.

S. 689

At the request of Mr. LUGAR, the names of the Senator from Oregon (Mr. SMITH) and the Senator from Illinois (Mr. DURBIN) were added as cosponsors of S. 689, a bill to amend the Internal Revenue Code of 1986 to permanently extend and expand the charitable deduction for contributions of food inventory.

S. 694

At the request of Mrs. CLINTON, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 694, a bill to direct the Secretary of Transportation to issue regulations to reduce the incidence of child injury and death occurring inside or outside of light motor vehicles, and for other purposes.

S. 773

At the request of Mr. WARNER, the names of the Senator from Nebraska (Mr. NELSON) and the Senator from Kentucky (Mr. BUNNING) were added as cosponsors of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 795

At the request of Mr. OBAMA, the name of the Senator from Connecticut (Mr. LIEBERMAN) was added as a cosponsor of S. 795, a bill to assist aliens who have been lawfully admitted in becoming citizens of the United States, and for other purposes.

S. 803

At the request of Mr. ROCKEFELLER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 803, a bill to repeal a provision enacted to end Federal matching of State spending of child support incentive payments.

S. 831

At the request of Mr. DURBIN, the names of the Senator from Pennsylvania (Mr. CASEY) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 836

At the request of Mr. LAUTENBERG, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 836, a bill to amend the Federal Water Pollution Control Act to authorize appropriations for sewer overflow control grants.

S. 880

At the request of Mr. STEVENS, the name of the Senator from Texas (Mrs. HUTCHISON) was added as a cosponsor of S. 880, a bill to amend the Congressional Accountability Act of 1995 to provide for 8 weeks of paid leave for Senate employees giving birth, and for other purposes.

S. 881

At the request of Mr. SMITH, the name of the Senator from Kansas (Mr. BROWNBACK) was added as a cosponsor of S. 881, a bill to amend the Internal Revenue Code of 1986 to extend and modify the railroad track maintenance credit.

S. 901

At the request of Mr. KENNEDY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 901, a bill to amend the Public Health Service Act to provide additional authorizations of appropriations for the health centers program under section 330 of such Act.

S. 904

At the request of Ms. SNOWE, the name of the Senator from Mississippi (Mr. LOTT) was added as a cosponsor of S. 904, a bill to provide additional relief for small business owners ordered to active duty as members of reserve components of the Armed Forces, and for other purposes.

S. 935

At the request of Mr. NELSON of Florida, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 935, a bill to repeal the requirement for reduction of survivor annuities under the Survivor Benefit Plan by veterans' dependency and indemnity compensation, and for other purposes.

S. 937

At the request of Mrs. CLINTON, the name of the Senator from New Jersey (Mr. LAUTENBERG) was added as a cosponsor of S. 937, a bill to improve support and services for individuals with autism and their families.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Connecticut (Mr. DODD) and the Senator from New Jersey (Mr. LAUTENBERG) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 1012

At the request of Ms. LANDRIEU, the name of the Senator from Nebraska (Mr. NELSON) was added as a cosponsor of S. 1012, a bill to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, and for other purposes.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Indiana (Mr. LUGAR) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1038

At the request of Mr. CORNYN, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1038, a bill to amend the Internal Revenue Code of 1986 to expand workplace health incentives by equalizing the tax consequences of employee athletic facility use.

S. 1065

At the request of Mrs. CLINTON, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1065, a bill to improve the diagnosis and treatment of traumatic brain injury in members and former members of the Armed Forces, to review and expand telehealth and telemental health programs of the Department of Defense and the Department of Veterans Affairs, and for other purposes.

S. 1074

At the request of Mr. AKAKA, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1074, a bill to provide for direct access to electronic tax return filing, and for other purposes.

S. 1084

At the request of Mr. OBAMA, the names of the Senator from Massachusetts (Mr. KERRY) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 1084, a bill to provide housing assistance for very low-income veterans.

S. 1088

At the request of Ms. STABENOW, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 1088, a bill to amend the Federal Food, Drug, and Cosmetic Act with respect to market exclusivity for certain drugs, and for other purposes.

S. 1105

At the request of Mr. KENNEDY, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 1105, a bill to provide Federal assistance to States, local jurisdictions, and Indian tribes to prosecute hate crimes, and for other purposes.

S. RES. 106

At the request of Mr. SALAZAR, his name was added as a cosponsor of S. Res. 106, a resolution calling on the President to ensure that the foreign policy of the United States reflects appropriate understanding and sensitivity concerning issues related to human rights, ethnic cleansing, and genocide documented in the United States record relating to the Armenian Genocide.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. BOXER) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 141

At the request of Mrs. CLINTON, the name of the Senator from New Mexico (Mr. BINGAMAN) was added as a cosponsor of S. Res. 141, a resolution urging all member countries of the International Commission of the International Tracing Service who have yet to ratify the May 2006 amendments to the 1955 Bonn Accords to expedite the ratification process to allow for open access to the Holocaust archives located at Bad Arolsen, Germany.

S. RES. 146

At the request of Mr. ALEXANDER, the name of the Senator from Louisiana (Ms. LANDRIEU) was added as a cosponsor of S. Res. 146, a resolution designating June 20, 2007, as "American Eagle Day", and celebrating the recovery and restoration of the American bald eagle, the national symbol of the United States.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. HATCH (for himself and Mr. BENNETT):

S. 1110. A bill to amend the Reclamation Projects Authorization and Adjustment Act of 1992 to provide for the conjunctive use of surface and ground water in Juab County, Utah; to the Committee on Energy and Natural Resources.

Mr. HATCH. Mr. President, I rise today to reinforce the importance of water resource development projects in Juab County, UT, by introducing the Juab County Surface and Ground Water Study and Development Act of 2007, S. 1110. This legislation would amend the Reclamation Projects Authorization and Adjustment Act of 2005 to include Juab County.

Juab County's inclusion in that Act would allow the County to use Central Utah Project funds to complete water resource development projects, thus enabling the County to better utilize their existing water resources. I hope that by passing this legislation, we will ensure that farmers, ranchers, and other citizens of Juab County will have a reliable water supply and a buffer in times of drought.

Under the original plan for the Bonneville Unit of the Central Unit Project, several counties in central Utah, including Juab, were to receive supplemental water through an irrigation and drainage delivery system. Over the years, however, many central Utah Counties have elected not to participate in the plan and no longer pay the requisite taxes to the Central Utah Water Conservancy District, the political division of the State of Utah established to manage Central Utah Project activities in Utah.

Juab County, on the other hand, remained active in the Central Utah Water Conservatory District's efforts and has paid millions in property taxes to the District in hopes of benefitting from its membership. Currently, most of the water allocated to the Bonneville Unit of the Central Utah Project is planned for use in Wasatch, Salt Lake, and Utah Counties. This legislation would simply ensure that the citizens of Juab County can benefit from the system that they have financially supported for so many years.

I urge my colleagues to support this bill.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1110

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Juab County Surface and Ground Water Study and Development Act of 2007".

SEC. 2. CONJUNCTIVE USE OF SURFACE AND GROUND WATER, CENTRAL UTAH PROJECT.

Section 202(a)(2) of the Reclamation Projects Authorization and Adjustment Act of 1992 (Public Law 102–575; 106 Stat. 4609) is amended by inserting "Juab," after "Davis,".

By Mr. WYDEN:

S. 1111. A bill to amend the Internal Revenue Code of 1986 to make the Federal income tax system simpler, fairer, and more fiscally responsible, and for other purposes; to the Committee on Finance.

Mr. WYDEN. Mr. President, I have come to the floor to talk a bit about taxes. Millions of Americans are scrambling today to file their taxes, trying to pull together their 1040 forms and "schedule this" and "form that" and are plowing through shoe boxes and filing cabinets trying to find the receipts they accumulated all through this year.

Millions of our citizens have to calculate their taxes twice to find out the hard way that they have been ensnared in the alternative minimum tax and that they have to pay a much larger burden than they had expected. I believe there is a better way for our country to handle taxes, one where most Americans do not have to fear tax day, do not have to shell out billions of dollars in order to file their taxes, do not have to worry about getting crushed by the alternative minimum tax that years ago, when it was created, was not supposed to clobber middle-class folks in the Pacific Northwest and across the country.

Today I am introducing the Fair Flat Tax Act, along with my colleague in the other body, Congressman RAHM EMANUEL of Illinois. What we are doing in our fair flat tax legislation is offering the country a proposal that offers the administrative simplicity of a flat tax with the sense of fairness and progressivity that our country has always wanted in our tax system.

The tax reform proposal we have developed is simpler because it is easier to understand and use. Our legislation will include a simplified 1040 form, one page, 30 lines for every individual taxpayer.

The folks at Money magazine, the financial publication, took this one-page 1040 form, and they were able to fill out their taxes in 15 minutes.

We also make the tax system flatter by collapsing the current system of six individual tax brackets down to three brackets of 15, 25 and 35 percent. We create a flat corporate rate of 35 percent.

The plan is fairer because we do more to make it possible for middle-class folks to get ahead. We are able to give a tax cut to millions of middle-class families because we eliminate scores and scores of special-interest tax breaks, close those loopholes, that, in effect, drain the country of revenue and never find their way to helping the middle class.

We make a radical statement about tax law in our legislation. We say something is out of whack when the cop who is walking the beat in this country pays a lot higher tax rate than the person who makes all their money in the stock market. I wish to make it clear: we want everybody to get ahead, we want everybody to do well, we never want to penalize success. But let's make it possible for all Americans to share the American dream and not just the fortunate few.

Under the current Federal Tax Code, all income is not treated fairly. My colleague in the other body, Congressman EMANUEL, and I would change that. We are not interested in soaking investors. We believe in markets. We believe in creating wealth. But we want everybody to be able to share in that wealth, and under the Fair Flat Tax, they would be able to do it.

The Fair Flat Tax adopts the flat tax idea to provide real relief to the middle class through fewer exclusions, exemptions, deductions deferrals, credits and special rates for certain favored businesses, very often, breaks that have been added to the Tax Code because those powerful interests have lobbyists that the middle-class folks we represent do not.

We triple the standard deduction for single filers from $5,000 to $15,000 and from $10,000 to $30,000 for married couples. As a result, the vast majority of Americans would be better off claiming the standard deduction than having to itemize their deductions, so their filing will be simplified. We do keep the key deductions most used by middle-income folks across the country. We keep the deduction for mortgage interest and charity. We keep the credits for children, for education, and earned income.

Nobody would have to calculate their taxes twice under the Fair Flat Tax Act. Our proposal eliminates the individual alternative minimum tax which could ensnare as many as 100 million taxpayers by the end of the decade. We eliminate an estimated $20 billion each year in special breaks for special interests.

Eliminating those breaks would sustain current benefits for our men and women in uniform, our veterans, our elderly, and our disabled, as well as those tax incentives that promote savings and help our families pay for medical care and for education.

I think an especially important feature of the Fair Flat Tax Act is it corrects one of the most glaring inequities in the current tax system; and that is regressive State and local taxes. Under current law, low- and middle-income taxpayers get hit with a double whammy. Compared to wealthier folks, they pay more of their income in State and local taxes. Poor families pay more than 11 percent and middle-income families pay about 10 percent of their income in State and local taxes, while the wealthier pay only about 5 percent.

Because many low- and middle-income taxpayers do not itemize, they get no credit on their Federal form for paying State and local taxes. In fact, two-thirds of the Federal tax deduction for State and local taxes goes to those with incomes above $100,000 a year. Under the Fair Flat Tax Act, for the first time, the Federal Code would look at the entire picture of one's taxes, at an individual's combined Federal, State, and local tax burden, and give a credit to low- and middle-income individuals to correct for regressive State and local taxes.

Repealing some individual tax credits, deductions, and exclusions from income—along with eliminating some of those special interest favors in the corporate Tax Code—enables larger standard deductions and broader middle-class tax relief.

What this means is that, according to the Congressional Research Service, under our legislation, the vast majority of taxpayers would see their taxes go down. The Congressional Research Service has advised us that on average, middle-class families and individuals with wage and salary incomes up to $150,000 would see tax relief. Let me repeat that. We are talking about on average, tax relief for middle-class families and families with wage and salary incomes up to approximately $150,000. Middle-class folks in our country would get a tax break.

The legislation also makes concrete progress toward deficit reduction. Certainly, there is a long way to go to stop the hemorrhaging in the Federal budget, but this legislation makes a decent start by allowing us to start lowering the Federal deficit in 2011. It is essentially a revenue-neutral kind of system. But certainly, as we look to the future, this is going to allow us to start lowering the Federal deficit.

I also point out, by simplifying the Code, there are going to be other benefits. For example, we have heard a great deal about the tax gap in the Finance and Budget Committees. It is one of the most serious problems our country faces as it relates to finance in America. Upwards of $300 billion of money that is owed to our government is not collected. Given the fact we have a system today where people are able to flout the rules, change the system, why not go to a simpler system that makes it harder for individuals to cheat and easier for the IRS to catch those who do?

If you look at what I have proposed, the Fair Flat Tax Act—a 1040 form that is only 30 lines long—it is going to be a lot harder to cheat the system under a proposal such as this, and it is going to be a lot easier for the IRS to catch those who try to take advantage of something such as this.

I believe the Fair Flat Tax Act can make a significant contribution in helping this country collect those taxes that are owed and raise a significant amount of revenue from a source that does not increase taxes. What we are proposing with our fair flat tax legislation is a win for everybody except those who would try to rip off the system.

I am introducing the Fair Flat Tax Act of 2007 today to provide Americans a plan based on common sense principles that can make the Tax Code work better. We are going to have a system that is simpler and we are going to have a system that is fairer because it closes scores of those special interest loopholes. It gets rid of the despised alternative minimum tax, and it gives everybody a chance to get ahead in America.

It is not about class warfare. It is not about pitting one group against another. It is about giving everybody the opportunity to be a winner and to get ahead to provide for their family and ensure that when they are successful, their success can allow them to do well financially.

I do think it is important to make sure those who work for a wage get fair treatment. That has not been the case today. I want investors to do well. We all look to the stock market as a major barometer of economic prosperity in our country. But let's make sure everybody has an opportunity to get ahead. Something is seriously wrong when somebody who works for a wage gets hit with a lot higher tax rate than somebody who makes their money as an investor.

I hope we can go forward in a bipartisan way on the issue of tax reform. I am extremely disappointed the Bush administration has not chosen to follow up on tax reform. I think it is especially unfortunate, given the fact the President had a commission that had a number of good ideas as it relates to tax reform. I certainly did not agree with all of them, but let me talk about one example of how the Congress could work with the Bush administration in a bipartisan way.

I have shown this fair flat tax form I am proposing for a reason; and that is, because I think it is an ideal way for the administration and Democrats and Republicans to work together. My form is 30 lines long—30 lines long—and you can fill it out in under an hour. The President's commission had a form that is maybe six, seven lines longer—just a handful of additional lines. For purposes of Government work, there is virtually no difference between the simplified form I am proposing and what the President's commission has called for. We could get Democrats and Republicans together to work on tax reform and come up with a simplified form in a matter of days.

There is very little difference between what I am proposing and what came out of the President's commission.

But what is going to be important is that the President reach out to Democrats and Republicans in the Congress and say: Look, I want to work with you on simplifying the Tax Code. I want to work with you to hold down rates for everybody by closing out some of those special interest breaks. I want to see everybody have an opportunity to get ahead.

That certainly is what President Reagan did in 1986, when he worked with another tall fellow who served on the Senate Finance Committee, our former colleague Senator Bill Bradley. I went to school on a basketball scholarship. My jump shot is not quite as good as Bill Bradley's, but I sure know the value of bipartisan teamwork.

So today, the day before taxes are owed, I want to renew my offer to the Bush administration to work with them on the issue of tax reform. It is a natural for bipartisan leadership. We have a model; and that is, the reform of 1986, where, again, they simplified the system. They cleaned out the clutter. They got rid of some of those special interest loopholes. They held down rates for everybody. It was good for our country. We can do that again.

The fair flat tax legislation I am introducing today provides an opportunity for Democrats and Republicans to come together to fix the Tax Code in 2007, the way Democrats and Republicans did back in 1986, when the late President Reagan and Bill Bradley came together and led a bipartisan effort.

I think it is time to do that again. Most people clean out their attic every 20 years or so. We ought to clean the Tax Code every 20 years as well. I think we know how to proceed. The question is whether there is political will. I urge the Bush administration to work with Democrats and Republicans in the Congress because the current tax system, which has subjected our citizens to so much hassle and bureaucracy over the last few months, does not have to be that way. There is an alternative. I have presented one. The President's commission has presented one. Democrats and Republicans working together can do better.

I urge the President to look to the Congress, leaders of both political parties, to move forward on tax reform in the days ahead.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1111

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; AMENDMENT OF 1986 CODE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Fair Flat Tax Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; amendment of 1986 Code; table of contents.
Sec. 2. Purpose.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

Sec. 101. 3 progressive individual income tax rates for all forms of income.
Sec. 102. Health care standard deduction.
Sec. 103. Increase in basic standard deduction.
Sec. 104. Refundable credit for State and local income, sales, and real and personal property taxes.
Sec. 105. Earned income child credit and earned income credit for childless taxpayers.
Sec. 106. Repeal of individual alternative minimum tax.
Sec. 107. Termination of various exclusions, exemptions, deductions, and credits.

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

Sec. 201. Corporate flat tax.
Sec. 202. Treatment of travel on corporate aircraft.
Sec. 203. Termination of various preferential treatments.
Sec. 204. Elimination of tax expenditures that subsidize inefficiencies in the health care system.
Sec. 205. Pass-through business entity transparency.
Sec. 206. Modification of effective date of leasing provisions of the American Jobs Creation Act of 2004.
Sec. 207. Revaluation of LIFO inventories of large integrated oil companies.
Sec. 208. Modifications of foreign tax credit rules applicable to large integrated oil companies which are dual capacity taxpayers.
Sec. 209. Repeal of lower of cost or market value of inventory rule.
Sec. 210. Reinstitution of per country foreign tax credit.
Sec. 211. Application of rules treating inverted corporations as domestic corporations to certain transactions occurring after March 20, 2002.

TITLE III—OTHER PROVISIONS

Subtitle A—Improvements in Tax Compliance

Sec. 301. Information reporting on payments to corporations.
Sec. 302. Broker reporting of customer's basis in securities transactions.
Sec. 303. Additional reporting requirements by regulation.
Sec. 304. Increase in information return penalties.
Sec. 305. E-filing requirement for certain large organizations.
Sec. 306. Implementation of standards clarifying when employee leasing companies can be held liable for their clients' Federal employment taxes.
Sec. 307. Modification of collection due process procedures for employment tax liabilities.
Sec. 308. Expansion of IRS access to information in National Directory of New Hires for tax administration purposes.
Sec. 309. Disclosure of prisoner return information to Federal Bureau of Prisons.
Sec. 310. Modification of criminal penalties for willful failures involving tax payments and filing requirements.

Sec. 311. Understatement of taxpayer liability by return preparers.
Sec. 312. Penalties for failure to file certain returns electronically.
Sec. 313. Penalty for filing erroneous refund claims.
Subtitle B—Requiring Economic Substance
Sec. 321. Clarification of economic substance doctrine.
Sec. 322. Penalty for understatements attributable to transactions lacking economic substance, etc.
Sec. 323. Denial of deduction for interest on underpayments attributable to noneconomic substance transactions.
Subtitle C—Miscellaneous
Sec. 331. Denial of deduction for punitive damages.
TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET
Sec. 401. Technical and conforming amendments.
Sec. 402. Sunset.

SEC. 2. PURPOSE.

The purpose of this Act is to amend the Internal Revenue Code of 1986—

(1) to make the Federal individual income tax system simpler, fairer, and more transparent by—

(A) recognizing the overall Federal, State, and local tax burden on individual Americans, especially the regressive nature of State and local taxes, and providing a Federal income tax credit for State and local income, sales, and property taxes,

(B) providing for an earned income tax credit for childless taxpayers and a new earned income child credit,

(C) repealing the individual alternative minimum tax,

(D) increasing the basic standard deduction and maintaining itemized deductions for principal residence mortgage interest and charitable contributions,

(E) reducing the number of exclusions, exemptions, deductions, and credits, and

(F) treating all income equally,

(2) to make the Federal corporate income tax rate a flat 35 percent and eliminate special tax preferences that favor particular types of businesses or activities, and

(3) to partially offset the Federal budget deficit through the increased fiscal responsibility resulting from these reforms.

TITLE I—INDIVIDUAL INCOME TAX REFORMS

SEC. 101. 3 PROGRESSIVE INDIVIDUAL INCOME TAX RATES FOR ALL FORMS OF INCOME.

(a) MARRIED INDIVIDUALS FILING JOINT RETURNS AND SURVIVING SPOUSES.—The table contained in section 1(a) is amended to read as follows:

“If taxable income is:	The tax is:
Not over $30,000	15% of taxable income.
Over $30,000 but not over $120,000.	$4,500, plus 25% of the excess over $30,000
Over $120,000	$27,000, plus 35% of the excess over $120,000”.

(b) HEADS OF HOUSEHOLDS.—The table contained in section 1(b) is amended to read as follows:

“If taxable income is:	The tax is:
Not over $16,000	15% of taxable income.
Over $16,000 but not over $105,000.	$2,400, plus 25% of the excess over $16,000
Over $105,000	$24,650, plus 35% of the excess over $105,000”.

(c) UNMARRIED INDIVIDUALS (OTHER THAN SURVIVING SPOUSES AND HEADS OF HOUSEHOLDS).—The table contained in section 1(c) is amended to read as follows:

“If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $60,000.	$2,250, plus 25% of the excess over $15,000
Over $60,000	$13,500, plus 35% of the excess over $60,000”.

(d) MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—The table contained in section 1(d) is amended to read as follows:

“If taxable income is:	The tax is:
Not over $15,000	15% of taxable income.
Over $15,000 but not over $60,000.	$2,250, plus 25% of the excess over $15,000
Over $60,000	$13,500, plus 35% of the excess over $60,000”.

(e) CONFORMING AMENDMENTS TO INFLATION ADJUSTMENT.—Section 1(f) is amended—

(1) by striking “1993”in paragraph (1) and inserting “2008”,

(2) by striking “except as provided in paragraph (8)” in paragraph (2)(A),

(3) by striking “1992” in paragraph (3)(B) and inserting “2007”,

(4) by striking paragraphs (7) and (8), and

(5) by striking “PHASEOUT OF MARRIAGE PENALTY IN 15-PERCENT BRACKET;” in the heading thereof.

(f) REPEAL OF RATE DIFFERENTIAL FOR CAPITAL GAINS AND DIVIDENDS.—

(1) REPEAL OF 2003 RATE REDUCTION.—Section 303 of the Jobs and Growth Tax Relief Reconciliation Act of 2003 is amended by striking “December 3, 2008” and inserting “December 31, 2007”.

(2) TERMINATION OF PRE-2003 CAPITAL GAIN RATE DIFFERENTIAL.—Section 1(h) is amended (after the application of paragraph (1)) by adding at the end the following new paragraph:

“(13) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2007.”.

(g) ADDITIONAL CONFORMING AMENDMENTS.—

(1) Section 1 is amended by striking subsection (i).

(2) The Internal Revenue Code of 1986 is amended by striking “calendar year 1992” each place it appears and inserting “calendar year 2007”.

(3) Section 1445(e)(1) (after the application of subsection (g)(1)) is amended by striking “(or, to the extent provided in regulations, 20 percent)”.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 102. HEALTH CARE STANDARD DEDUCTION.

(a) IN GENERAL.—Section 62(a) (defining adjusted gross income) is amended by inserting after paragraph (21) the following new paragraph:

“(22) INDIVIDUAL SHARED RESPONSIBILITY PAYMENTS.—

“(A) IN GENERAL.—In the case of a taxpayer with gross income for the taxable year exceeding 100 percent of the poverty line (adjusted for the size of the family involved) for the calendar year in which such taxable year begins and who is enrolled in a HAPI plan under the Healthy Americans Act, the deduction allowable under section 213 by reason of subsection (d)(1)(D) thereof (determined without regard to any income limitation under subsection (a) thereof) in an amount equal to the applicable fraction times, in the case of—

“(i) coverage of an individual, $6,025,

“(ii) coverage of a married couple or domestic partnership (as determined by a State) without dependent children, $12,050,

“(iii) coverage of an unmarried individual with 1 or more dependent children, $8,610, plus $2,000 for each dependent child, and

“(iv) coverage of a married couple or domestic partnership (as determined by a State) with 1 or more dependent children, $15,210, plus $2,000 for each dependent child.

“(B) APPLICABLE FRACTION.—For purposes of subparagraph (A), the applicable fraction is the fraction (not to exceed 1)—

“(i) the numerator of which is the gross income of the taxpayer for the taxable year expressed as a percentage of the poverty line (adjusted for the size of the family involved) minus such poverty line for the calendar year in which such taxable year begins, and

“(ii) the denominator of which is 400 percent of the poverty line (adjusted for the size of the family involved) minus such poverty line.

“(C) PHASEOUT OF DEDUCTION AMOUNT.—

“(i) IN GENERAL.—The amount otherwise determined under subparagraph (A) for any taxable year shall be reduced by the amount determined under clause (ii).

“(ii) AMOUNT OF REDUCTION.—The amount determined under this clause shall be the amount which bears the same ratio to the amount determined under subparagraph (A) as—

“(I) the excess of the taxpayer's modified adjusted gross income for such taxable year, over $62,500 ($125,000 in the case of a joint return), bears to

“(II) $62,500 ($125,000 in the case of a joint return).

Any amount determined under this clause which is not a multiple of $1,000 shall be rounded to the next lowest $1,000.

“(D) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2009, each dollar amount contained in subparagraph (A) and subparagraph (C)(ii)(I) shall be increased by an amount equal to such dollar amount, multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2008’ for ‘calendar year 1992’ in subparagraph (B) thereof. Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50 ($1,000 in the case of the dollar amount contained in subparagraph (C)(ii)(I)).

“(E) DETERMINATION OF MODIFIED ADJUSTED GROSS INCOME.—

“(i) IN GENERAL.—For purposes of this paragraph, the term ‘modified adjusted gross income’ means adjusted gross income—

“(ii) determined without regard to this section and sections 86, 135, 137, 199, 221, 222, 911, 931, and 933, and

“(iii) increased by—

“(I) the amount of interest received or accrued during the taxable year which is exempt from tax under this title, and

“(II) the amount of any social security benefits (as defined in section 86(d)) received or accrued during the taxable year.

“(F) POVERTY LINE.—For purposes of this paragraph, the term ‘poverty line’ has the meaning given such term in section 673(2) of the Community Health Services Block Grant Act (42 U.S.C. 9902(2)), including any revision required by such section.”.

(b) CONFORMING AMENDMENT.—Section 213(d)(1)(D) is amended by inserting “amounts paid under section 3421 and” after “including”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 103. INCREASE IN BASIC STANDARD DEDUCTION.

(a) IN GENERAL.—Paragraph (2) of section 63(c) (defining standard deduction) is amended to read as follows:

"(2) BASIC STANDARD DEDUCTION.—For purposes of paragraph (1), the basic standard deduction is—

"(A) 200 percent of the dollar amount in effect under subparagraph (C) for the taxable year in the case of—

"(i) a joint return, or

"(ii) a surviving spouse (as defined in section 2(a)),

"(B) $26,250 in the case of a head of household (as defined in section 2(b)), reduced by any deduction allowed under section 62(a)(22) for such taxable year, or

"(C) $15,000 in any other case, reduced by any deduction allowed under section 62(a)(22) for such taxable year.".

(b) CONFORMING AMENDMENT TO INFLATION ADJUSTMENT.—Section 63(c)(4)(B)(i) is amended by striking "(2)(B), (2)(C), or".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 104. REFUNDABLE CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

(a) GENERAL RULE.—Subpart C of part IV of subchapter A of chapter 1 (relating to refundable credits) is amended by redesignating section 36 as section 37 and by inserting after section 35 the following new section:

"SEC. 36. CREDIT FOR STATE AND LOCAL INCOME, SALES, AND REAL AND PERSONAL PROPERTY TAXES.

"(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to 10 percent of the qualified State and local taxes paid by the taxpayer for such year.

"(b) QUALIFIED STATE AND LOCAL TAXES.—For purposes of this section, the term 'qualified State and local taxes' means—

"(1) State and local income taxes,

"(2) State and local general sales taxes,

"(3) State and local real property taxes, and

"(4) State and local personal property taxes.

"(c) DEFINITIONS AND SPECIAL RULES.—For purposes of this section—

"(1) STATE OR LOCAL TAXES.—A State or local tax includes only a tax imposed by a State, a possession of the United States, or a political subdivision of any of the foregoing, or by the District of Columbia.

"(2) GENERAL SALES TAXES.—

"(A) IN GENERAL.—The term 'general sales tax' means a tax imposed at one rate with respect to the sale at retail of a broad range of classes of items.

"(B) APPLICATION OF RULES.—Rules similar to the rules under subparagraphs (C), (D), (E), (F), (G), and (H) of section 164(b)(5) shall apply.

"(3) PERSONAL PROPERTY TAXES.—The term 'personal property tax' means an ad valorem tax which is imposed on an annual basis in respect of personal property.

"(4) APPLICATION OF RULES TO PROPERTY TAXES.—Rules similar to the rules of subsections (c) and (d) of section 164 shall apply.

"(5) NO CREDIT FOR MARRIED INDIVIDUALS FILING SEPARATE RETURNS.—If the taxpayer is a married individual (within the meaning of section 7703), this section shall apply only if the taxpayer and the taxpayer's spouse file a joint return for the taxable year.

"(6) DENIAL OF CREDIT TO DEPENDENTS.—No credit shall be allowed under this section to any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which such individual's taxable year begins.

"(7) DENIAL OF DOUBLE BENEFIT.—Any amount taken into account in determining the credit allowable under this section may not be taken into account in determining any credit or deduction under any other provision of this chapter.".

(b) TECHNICAL AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting "or from section 36 of such Code" before the period at the end.

(2) The table of sections for subpart C of part IV of subchapter A of chapter 1 is amended by striking the item relating to section 36 and inserting the following:

"Sec. 36. Credit for state and local income, sales, and real and personal property taxes

"Sec. 37. Overpayments of tax".

(c) REPORT REGARDING USE OF CREDIT BY RENTERS.—Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the treatment of a portion of rental payments in a manner similar to real property taxes under section 36 of the Internal Revenue Code of 1986 (as added by this section).

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 105. EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT FOR CHILDLESS TAXPAYERS.

(a) IN GENERAL.—Subsection (a) of section 32 (relating to earned income) is amended to read as follows:

"(a) ALLOWANCE OF EARNED INCOME CHILD CREDIT AND EARNED INCOME CREDIT.—

"(1) IN GENERAL.—There shall be allowed as a credit against the tax imposed by this subtitle for the taxable year—

"(A) in the case of any eligible individual with 1 or more qualifying children, an amount equal to the earned income child credit amount, and

"(B) in the case of any eligible individual with no qualifying children, an amount equal to the earned income credit amount.

"(2) EARNED INCOME CHILD CREDIT AMOUNT.—For purposes of this section, the earned income child credit amount is equal to the sum of—

"(A) the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount, plus

"(B) the supplemental child credit amount determined under subsection (n) for such taxable year.

"(3) EARNED INCOME CREDIT AMOUNT.—For purposes of this section, the earned income credit amount is equal to the credit percentage of so much of the taxpayer's earned income for the taxable year as does not exceed the earned income limit amount.

"(4) LIMITATION.—The amount of the credit allowable to a taxpayer under paragraph (2)(A) or (3) for any taxable year shall not exceed the excess (if any) of—

"(A) the credit percentage of the earned income amount, over

"(B) the phaseout percentage of so much of the adjusted gross income (or, if greater, the earned income) of the taxpayer for the taxable year as exceeds the phaseout amount.".

(b) SUPPLEMENTAL CHILD CREDIT AMOUNT.—Section 32 is amended by adding at the end the following new subsection:

"(n) SUPPLEMENTAL CHILD CREDIT AMOUNT.—

"(1) IN GENERAL.—For purposes of subsection (a)(2)(B), the supplemental child credit amount for any taxable year is equal to the lesser of—

"(A) the credit which would be allowed under section 24 for such taxable year without regard to the limitation under section 24(b)(3) with respect to any qualifying child as defined under subsection (c)(3), or

"(B) the amount by which the aggregate amount of credits allowed by subpart A for such taxable year would increase if the limitation imposed by section 24(b)(3) were increased by the excess (if any) of—

"(i) 15 percent of so much of the taxpayer's earned income which is taken into account in computing taxable income for the taxable year as exceeds $10,000, or

"(ii) in the case of a taxpayer with 3 or more qualifying children (as so defined), the excess (if any) of—

"(I) the taxpayer's social security taxes for the taxable year, over

"(II) the credit allowed under this section for the taxable year.

The amount of the credit allowed under this subsection shall not be treated as a credit allowed under subpart A and shall reduce the amount of credit otherwise allowable under section 24(a) without regard to section 24(b)(3).

"(2) SOCIAL SECURITY TAXES.—For purposes of paragraph (1)—

"(A) IN GENERAL.—The term 'social security taxes' means, with respect to any taxpayer for any taxable year—

"(i) the amount of the taxes imposed by section 3101 and 3201(a) on amounts received by the taxpayer during the calendar year in which the taxable year begins,

"(ii) 50 percent of the taxes imposed by section 1401 on the self-employment income of the taxpayer for the taxable year, and

"(iii) 50 percent of the taxes imposed by section 3211(a)(1) on amounts received by the taxpayer during the calendar year in which the taxable year begins.

"(B) COORDINATION WITH SPECIAL REFUND OF SOCIAL SECURITY TAXES.—The term 'social security taxes' shall not include any taxes to the extent the taxpayer is entitled to a special refund of such taxes under section 6413(c).

"(C) SPECIAL RULE.—Any amounts paid pursuant to an agreement under section 3121(l) (relating to agreements entered into by American employers with respect to foreign affiliates) which are equivalent to the taxes referred to in subparagraph (A)(i) shall be treated as taxes referred to in such paragraph.

"(3) INFLATION ADJUSTMENT.—In the case of any taxable year beginning in a calendar year after 2007, the $10,000 amount contained in paragraph (1)(B) shall be increased by an amount equal to—

"(A) such dollar amount, multiplied by

"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2000' for 'calendar year 1992' in subparagraph (B) thereof.

"Any increase determined under the preceding sentence shall be rounded to the nearest multiple of $50.".

(c) CONFORMING AMENDMENT.—Section 24(d) is amended by adding at the end the following new paragraph:

"(4) TERMINATION.—This subsection shall not apply with respect to any taxable year beginning after December 31, 2007.".

(d) CERTAIN TREATMENT OF EARNED INCOME MADE PERMANENT.—Clause (vi) of section 32(c)(2)(B) is amended to read as follows:

"(vi) a taxpayer may elect to treat amounts excluded from gross income by reason of section 112 as earned income.".

(e) Repeal of Disqualified Investment Income Test.—Subsection (i) of section 32 is repealed.

(f) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 106. REPEAL OF INDIVIDUAL ALTERNATIVE MINIMUM TAX.

(a) In General.—Section 55(a) (relating to alternative minimum tax imposed) is amended by adding at the end the following new flush sentence:

"For purposes of this title, the tentative minimum tax on any taxpayer other than a corporation for any taxable year beginning after December 31, 2007, shall be zero.".

(b) Modification of Limitation on Use of Credit for Prior Year Minimum Tax Liability.—Subsection (c) of section 53 (relating to credit for prior year minimum tax liability) is amended to read as follows:

"(c) Limitation.—

"(1) In general.—Except as provided in paragraph (2), the credit allowable under subsection (a) for any taxable year shall not exceed the excess (if any) of—

"(A) the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part, over

"(B) the tentative minimum tax for the taxable year.

"(2) Taxable years beginning after 2007.—In the case of any taxable year beginning after 2007, the credit allowable under subsection (a) to a taxpayer other than a corporation for any taxable year shall not exceed 90 percent of the regular tax liability of the taxpayer for such taxable year reduced by the sum of the credits allowable under subparts A, B, D, E, and F of this part.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 107. TERMINATION OF VARIOUS EXCLUSIONS, EXEMPTIONS, DEDUCTIONS, AND CREDITS.

(a) In General.—Subchapter C of chapter 90 (relating to provisions affecting more than one subtitle) is amended by adding at the end the following new section:

"SEC. 7875. TERMINATION OF CERTAIN PROVISIONS.

"The following provisions shall not apply to taxable years beginning after December 31, 2007:

"(1) Section 67 (relating to 2-percent floor on miscellaneous itemized deductions).

"(2) Section 74(c) (relating to exclusion of certain employee achievement awards).

"(3) Section 79 (relating to exclusion of group-term life insurance purchased for employees).

"(4) Section 119 (relating to exclusion of meals or lodging furnished for the convenience of the employer).

"(5) Section 125 (relating to exclusion of cafeteria plan benefits).

"(6) Section 132 (relating to certain fringe benefits), except with respect to subsection (a)(5) thereof (relating to exclusion of qualified transportation fringe).

"(7) Section 163(h)(4)(A)(i)(II) (relating to definition of qualified residence).

"(8) Section 165(d) (relating to deduction for wagering losses).

"(9) Section 217 (relating to deduction for moving expenses).

"(10) Section 454 (relating to deferral of tax on obligations issued at discount).

"(11) Section 501(c)(9) (relating to tax-exempt status of voluntary employees' beneficiary associations).

"(12) Section 911 (relating to exclusion of earned income of citizens or residents of the United States living abroad).

"(13) Section 912 (relating to exemption for certain allowances).".

(b) Conforming Amendment.—The table of sections for subchapter C of chapter 90 is amended by adding at the end the following new item:

"Sec. 7875. Termination of certain provisions".

TITLE II—CORPORATE AND BUSINESS INCOME TAX REFORMS

SEC. 201. CORPORATE FLAT TAX.

(a) In General.—Subsection (b) of section 11 (relating to tax imposed) is amended to read as follows:

"(b) Amount of Tax.—The amount of tax imposed by subsection (a) shall be equal to 35 percent of the taxable income.".

(b) Conforming Amendments.—

(1) Section 280C(c)(3)(B)(ii)(II) is amended by striking "maximum rate of tax under section 11(b)(1)" and inserting "rate of tax under section 11(b)".

(2) Sections 860E(e)(2)(B), 860E(e)(6)(A)(ii), 860K(d)(2)(A)(ii), 860K(e)(1)(B)(ii), 1446(b)(2)(B), and 7874(e)(1)(B) are each amended by striking "highest rate of tax specified in section 11(b)(1)" and inserting "rate of tax specified in section 11(b)".

(3) Section 904(b)(3)(D)(ii) is amended by striking "(determined without regard to the last sentence of section 11(b)(1))".

(4) Section 962 is amended by striking subsection (c) and by redesignating subsection (d) as subsection (c).

(5) Section 1201(a) is amended by striking "(determined without regard to the last 2 sentences of section 11(b)(1))".

(6) Section 1561(a) is amended—

(A) by striking paragraph (1) and by redesignating paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively,

(B) by striking "The amounts specified in paragraph (1), the" and inserting "The",

(C) by striking "paragraph (2)" and inserting "paragraph (1)",

(D) by striking "paragraph (3)" both places it appears and inserting "paragraph (2)",

(E) by striking "paragraph (4)" and inserting "paragraph (3)", and

(F) by striking the fourth sentence.

(7) Subsection (b) of section 1561 is amended to read as follows:

"(b) Certain Short Taxable Years.—If a corporation has a short taxable year which does not include a December 31 and is a component member of a controlled group of corporations with respect to such taxable year, then for purposes of this subtitle, the amount to be used in computing the accumulated earnings credit under section 535(c)(2) and (3) of such corporation for such taxable year shall be the amount specified in subsection (a)(1) divided by the number of corporations which are component members of such group on the last day of such taxable year. For purposes of the preceding sentence, section 1563(b) shall be applied as if such last day were substituted for December 31.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 202. TREATMENT OF TRAVEL ON CORPORATE AIRCRAFT.

(a) In General.—Section 162 (relating to trade or business expenses) is amended by redesignating subsection (q) as subsection (r) and by inserting after subsection (p) the following new subsection:

"(q) Treatment of Travel on Corporate Aircraft.—The rate at which an amount allowable as a deduction under this chapter for the use of an aircraft owned by the taxpayer is determined shall not exceed the rate at which an amount paid or included in income by an employee of such taxpayer for the personal use of such aircraft is determined.".

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 203. TERMINATION OF VARIOUS PREFERENTIAL TREATMENTS.

(a) In General.—Section 7875, as added by section 107, is amended—

(1) by inserting "(or transactions in the case of sections referred to in paragraphs (21), (22), (23), (24), and (27))" after "taxable years beginning", and

(2) by adding at the end the following new paragraphs:

"(14) Section 43 (relating to enhanced oil recovery credit).

"(15) Section 263(c) (relating to intangible drilling and development costs in the case of oil and gas wells and geothermal wells).

"(16) Section 382(l)(5) (relating to exception from net operating loss limitations for corporations in bankruptcy proceeding).

"(17) Section 451(i) (relating to special rules for sales or dispositions to implement Federal Energy Regulatory Commission or State electric restructuring policy).

"(18) Section 453A (relating to special rules for nondealers), but only with respect to the dollar limitation under subsection (b)(1) thereof and subsection (b)(3) thereof (relating to exception for personal use and farm property).

"(19) Section 460(e)(1) (relating to special rules for long-term home construction contracts or other short-term construction contracts).

"(20) Section 613A (relating to percentage depletion in case of oil and gas wells).

"(21) Section 616 (relating to development costs).

"(22) Sections 861(a)(6), 862(a)(6), 863(b)(2), 863(b)(3), and 865(b) (relating to inventory property sales source rule exception).".

(b) Full Tax Rate on Nuclear Decommissioning Reserve Fund.—Subparagraph (B) of section 468A(e)(2) is amended to read as follows:

"(B) Rate of tax.—For purposes of subparagraph (A), the rate set forth in this subparagraph is 35 percent.".

(c) Deferral of Active Income of Controlled Foreign Corporations.—Section 952 (relating to subpart F income defined) is amended by adding at the end the following new subsection:

"(e) Special Application of Subpart.—

"(1) In general.—For taxable years beginning after December 31, 2007, notwithstanding any other provision of this subpart, the term 'subpart F income' means, in the case of any controlled foreign corporation, the income of such corporation derived from any foreign country.

"(2) Applicable rules.—Rules similar to the rules under the last sentence of subsection (a) and subsection (d) shall apply to this subsection.".

(d) Deferral of Active Financing Income.—Section 953(e)(10) is amended—

(1) by striking "January 1, 2009" and inserting "January 1, 2008", and

(2) by striking "December 31, 2008" and inserting "December 31, 2007".

(e) Depreciation on Equipment in Excess of Alternative Depreciation System.—Section 168(g)(1) (relating to alternative depreciation system) is amended by striking "and" at the end of subparagraph (D), by adding "and" at the end of subparagraph (E), and by inserting after subparagraph (E) the following new subparagraph:

"(F) notwithstanding subsection (a), any tangible property placed in service after December 31, 2007,".

(f) Effective Date.—The amendments made by subsections (b), (c), and (d) shall apply to taxable years beginning after December 31, 2007.

SEC. 204. ELIMINATION OF TAX EXPENDITURES THAT SUBSIDIZE INEFFICIENCIES IN THE HEALTH CARE SYSTEM.

Not later than 180 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives recommendations regarding the elimination of Federal tax incentives which subsidize inefficiencies in the health care system and if eliminated would result in Federal budget savings of not less than $10,000,000,000 annually.

SEC. 205. PASS-THROUGH BUSINESS ENTITY TRANSPARENCY.

Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives regarding the implementation of additional reporting requirements with respect to any pass-through entity with the goal of the reduction of tax avoidance through the use of such entities, In addition, the Secretary shall develop procedures to share such report data with State revenue agencies under the disclosure requirements of section 6103(d) of the Internal Revenue Code of 1986.

SEC. 206. MODIFICATION OF EFFECTIVE DATE OF LEASING PROVISIONS OF THE AMERICAN JOBS CREATION ACT OF 2004.

(a) Leases to Foreign Entities.—Section 849(b) of the American Jobs Creation Act of 2004 is amended by adding at the end the following new paragraph:

"(5) Leases to foreign entities.—In the case of tax-exempt use property leased to a tax-exempt entity which is a foreign person or entity, the amendments made by this part shall apply to taxable years beginning after December 31, 2006, with respect to leases entered into on or before March 12, 2004.".

(b) Effective Date.—The amendment made by this section shall take effect as if included in the enactment of the American Jobs Creation Act of 2004.

SEC. 207. REVALUATION OF LIFO INVENTORIES OF LARGE INTEGRATED OIL COMPANIES.

(a) General Rule.—Notwithstanding any other provision of law, if a taxpayer is an applicable integrated oil company for its last taxable year ending in calendar year 2006, the taxpayer shall—

(1) increase, effective as of the close of such taxable year, the value of each historic LIFO layer of inventories of crude oil, natural gas, or any other petroleum product (within the meaning of section 4611) by the layer adjustment amount, and

(2) decrease its cost of goods sold for such taxable year by the aggregate amount of the increases under paragraph (1).

If the aggregate amount of the increases under paragraph (1) exceed the taxpayer's cost of goods sold for such taxable year, the taxpayer's gross income for such taxable year shall be increased by the amount of such excess.

(b) Layer Adjustment Amount.—For purposes of this section—

(1) In general.—The term "layer adjustment amount" means, with respect to any historic LIFO layer, the product of—

(A) $18.75, and

(B) the number of barrels of crude oil (or in the case of natural gas or other petroleum products, the number of barrel-of-oil equivalents) represented by the layer.

(2) Barrel-of-oil equivalent.—The term "barrel-of-oil equivalent" has the meaning given such term by section 29(d)(5) (as in effect before its redesignation by the Energy Tax Incentives Act of 2005).

(c) Application of Requirement.—

(1) No change in method of accounting.—Any adjustment required by this section shall not be treated as a change in method of accounting.

(2) Underpayments of estimated tax.—No addition to the tax shall be made under section 6655 of the Internal Revenue Code of 1986 (relating to failure by corporation to pay estimated tax) with respect to any underpayment of an installment required to be paid with respect to the taxable year described in subsection (a) to the extent such underpayment was created or increased by this section.

(d) Applicable Integrated Oil Company.—For purposes of this section, the term "applicable integrated oil company" means an integrated oil company (as defined in section 291(b)(4) of the Internal Revenue Code of 1986) which has an average daily worldwide production of crude oil of at least 500,000 barrels for the taxable year and which had gross receipts in excess of $1,000,000,000 for its last taxable year ending during calendar year 2006. For purposes of this subsection all persons treated as a single employer under subsections (a) and (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as 1 person and, in the case of a short taxable year, the rule under section 448(c)(3)(B) shall apply.

SEC. 208. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO LARGE INTEGRATED OIL COMPANIES WHICH ARE DUAL CAPACITY TAXPAYERS.

(a) In General.—Section 901 (relating to credit for taxes of foreign countries and of possessions of the United States) is amended by redesignating subsection (n) as subsection (o) and by inserting after subsection (l) the following new subsection:

"(m) Special Rules Relating to Large Integrated Oil Companies Which Are Dual Capacity Taxpayers.—

"(1) General rule.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer which is a large integrated oil company to a foreign country or possession of the United States for any period shall not be considered a tax—

"(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

"(B) to the extent such amount exceeds the amount (determined in accordance with regulations) which—

"(i) is paid by such dual capacity taxpayer pursuant to the generally applicable income tax imposed by the country or possession, or

"(ii) would be paid if the generally applicable income tax imposed by the country or possession were applicable to such dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).

"(2) Dual capacity taxpayer.—For purposes of this subsection, the term 'dual capacity taxpayer' means, with respect to any foreign country or possession of the United States, a person who—

"(A) is subject to a levy of such country or possession, and

"(B) receives (or will receive) directly or indirectly a specific economic benefit (as determined in accordance with regulations) from such country or possession.

"(3) Generally applicable income tax.—For purposes of this subsection—

"(A) In general.-The term 'generally applicable income tax' means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession on income derived from the conduct of a trade or business within such country or possession.

"(B) Exceptions.—Such term shall not include a tax unless it has substantial application, by its terms and in practice, to—

"(i) persons who are not dual capacity taxpayers, and

"(ii) persons who are citizens or residents of the foreign country or possession.

"(4) Large integrated oil company.—For purposes of this subsection, the term 'large integrated oil company' means, with respect to any taxable year, an integrated oil company (as defined in section 291(b)(4)) which—

"(A) had gross receipts in excess of $1,000,000,000 for such taxable year, and

"(B) has an average daily worldwide production of crude oil of at least 500,000 barrels for such taxable year."

(b) Effective Date.—

(1) In general.—The amendments made by this section shall apply to taxes paid or accrued in taxable years beginning after the date of the enactment of this Act.

(2) Contrary treaty obligations upheld.—The amendments made by this section shall not apply to the extent contrary to any treaty obligation of the United States.

SEC. 209. REPEAL OF LOWER OF COST OR MARKET VALUE OF INVENTORY RULE.

(a) In General.—Subsection (a) of section 471 (relating to general rules for inventories) is amended to read as follows:

"(a) General Rule.—Whenever in the opinion of the Secretary the use of inventories is necessary in order clearly to determine the income of the taxpayer, inventories shall be valued at cost.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 210. REINSTITUTION OF PER COUNTRY FOREIGN TAX CREDIT.

(a) In General.—Subsection (a) of section 904 (relating to limitation on credit) is amended to read as follows:

"(a) Limitation.—The amount of the credit in respect of the tax paid or accrued to any foreign country or possession of the United States shall not exceed the same proportion of the tax against which such credit is taken which the taxpayer's taxable income from sources within such country or possession (but not in excess of the taxpayer's entire taxable income) bears to such taxpayer's entire taxable income for the same taxable year.".

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2007.

SEC. 211. APPLICATION OF RULES TREATING INVERTED CORPORATIONS AS DOMESTIC CORPORATIONS TO CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.

(a) In General.—Section 7874(b) (relating to inverted corporations treated as domestic corporations) is amended to read as follows:

"(b) Inverted Corporations Treated as Domestic Corporations.—

"(1) IN GENERAL.—Notwithstanding section 7701(a)(4), a foreign corporation shall be treated for purposes of this title as a domestic corporation if such corporation would be a surrogate foreign corporation if subsection (a)(2) were applied by substituting '80 percent' for '60 percent'.

"(2) SPECIAL RULE FOR CERTAIN TRANSACTIONS OCCURRING AFTER MARCH 20, 2002.—

"(A) IN GENERAL.—If—

"(i) paragraph (1) does not apply to a foreign corporation, but

"(ii) paragraph (1) would apply to such corporation if, in addition to the substitution under paragraph (1), subsection (a)(2) were applied by substituting 'March 20, 2002' for 'March 4, 2003' each place it appears,

then paragraph (1) shall apply to such corporation but only with respect to taxable years of such corporation beginning after December 31, 2006.

"(B) SPECIAL RULES.—Subject to such rules as the Secretary may prescribe, in the case of a corporation to which paragraph (1) applies by reason of this paragraph—

"(i) the corporation shall be treated, as of the close of its last taxable year beginning before January 1, 2007, as having transferred all of its assets, liabilities, and earnings and profits to a domestic corporation in a transaction with respect to which no tax is imposed under this title,

"(ii) the bases of the assets transferred in the transaction to the domestic corporation shall be the same as the bases of the assets in the hands of the foreign corporation, subject to any adjustments under this title for built-in losses,

"(iii) the basis of the stock of any shareholder in the domestic corporation shall be the same as the basis of the stock of the shareholder in the foreign corporation for which it is treated as exchanged, and

"(iv) the transfer of any earnings and profits by reason of clause (i) shall be disregarded in determining any deemed dividend or foreign tax creditable to the domestic corporation with respect to such transfer.

"(C) REGULATIONS.—The Secretary may prescribe such regulations as may be necessary or appropriate to carry out this paragraph, including regulations to prevent the avoidance of the purposes of this paragraph.".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to taxable years beginning after December 31, 2006.

TITLE III—OTHER PROVISIONS

Subtitle A—Improvements in Tax Compliance

SEC. 301. INFORMATION REPORTING ON PAYMENTS TO CORPORATIONS.

(a) IN GENERAL.—Section 6041(a) (relating to payments of $600 or more) is amended by inserting "(including any corporation other than a corporation exempt from taxation)" after "another person".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after December 31, 2007.

SEC. 302. BROKER REPORTING OF CUSTOMER'S BASIS IN SECURITIES TRANSACTIONS.

(a) IN GENERAL.—Section 6045 (relating to returns of brokers) is amended by adding at the end the following new subsection:

"(g) ADDITIONAL INFORMATION REQUIRED IN THE CASE OF SECURITIES TRANSACTIONS.—

"(1) IN GENERAL.—If a broker is otherwise required to make a return under subsection (a) with respect to any applicable security, the broker shall include in such return the information described in paragraph (2).

"(2) ADDITIONAL INFORMATION REQUIRED.—

"(A) IN GENERAL.—The information required under paragraph (1) to be shown on a return with respect to an applicable security of a customer shall include for each reported applicable security the customer's adjusted basis in such security.

"(B) EXEMPTION FROM REQUIREMENT.—The Secretary shall issue such regulations or guidance as necessary concerning the application of the requirement under subparagraph (A) in cases in which a broker in making a return does not have sufficient information to meet such requirement with respect to the reported applicable security. Such regulations or guidance may—

"(i) require such other information related to such adjusted basis as the Secretary may prescribe, and

"(ii) exempt classes of cases in which the broker does not have sufficient information to meet either the requirement under subparagraph (A) or the requirement under clause (i).

"(3) INFORMATION TRANSFERS.—To the extent provided in regulations, there shall be such exchanges of information between brokers as such regulations may require for purposes of enabling such brokers to meet the requirements of this subsection.

"(4) DEFINITIONS.—For purposes of this subsection, the term 'applicable security' means any—

"(A) security described in subparagraph (A) or (C) of section 475(c)(2),

"(B) interest in a regulated investment company (as defined in section 851), or

"(C) other financial instrument designated in regulations prescribed by the Secretary.".

(b) DETERMINATION OF BASIS OF CERTAIN SECURITIES BY FIFO METHOD.—Section 1012 (relating to basis of property—cost) is amended by adding at the end the following new sentence: "Except to the extent provided in regulations, the basis of any applicable security reportable under section 6045 (by reason of subsection (g) thereof) shall be determined on a first-in, first-out method.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to sales and transfers occurring after December 31, 2007, with respect to securities acquired before, on, or after such date.

SEC. 303. ADDITIONAL REPORTING REQUIREMENTS BY REGULATION.

The Secretary of the Treasury is authorized to issue regulations under which with respect to payments made after December 31, 2007—

(1) any merchant acquiring bank is required to annually report to the Secretary the gross reimbursement payments made to merchants in a calendar year, unless the benefit of such reporting does not justify the cost of compliance, as determined by the Secretary,

(2) any contractor receiving payments of $600 or more in a calendar year from a particular business is required to furnish such business the contractor's certified taxpayer identification number or be subject to withholding on such payments at a flat rate percentage selected by the contractor, and

(3) any Federal, State, or local government is required to report to the Secretary any non-wage payment to procure property and services, other than payments of interest, payments for real property, payments to tax-exempt entities or foreign governments, intergovernmental payments, and payments made pursuant to a classified or confidential contract.

SEC. 304. INCREASE IN INFORMATION RETURN PENALTIES.

(a) FAILURE TO FILE CORRECT INFORMATION RETURNS.—

(1) IN GENERAL.—Section 6721(a)(1) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$250,000" and inserting "$3,000,000".

(2) REDUCTION WHERE CORRECTION IN SPECIFIED PERIOD.—

(A) CORRECTION WITHIN 30 DAYS.—Section 6721(b)(1) is amended—

(i) by striking "$15" and inserting "$50",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$75,000" and inserting "$500,000".

(B) FAILURES CORRECTED ON OR BEFORE AUGUST 1.—Section 6721(b)(2) is amended—

(i) by striking "$30" and inserting "$100",

(ii) by striking "$50" and inserting "$250", and

(iii) by striking "$150,000" and inserting "$1,500,000".

(3) LOWER LIMITATION FOR PERSONS WITH GROSS RECEIPTS OF NOT MORE THAN $5,000,000.—Section 6721(d)(1) is amended—

(A) in subparagraph (A)—

(i) by striking "$100,000" and inserting "$1,000,000", and

(ii) by striking "$250,000" and inserting "$3,000,000",

(B) in subparagraph (B)—

(i) by striking "$25,000" and inserting "$175,000", and

(ii) by striking "$75,000" and inserting "$500,000", and

(C) in subparagraph (C)—

(i) by striking "$50,000" and inserting "$500,000", and

(ii) by striking "$150,000" and inserting "$1,500,000".

(4) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6721(e) is amended—

(A) by striking "$100" in paragraph (2) and inserting "$500",

(B) by striking "$250,000" in paragraph (3)(A) and inserting "$3,000,000".

(b) FAILURE TO FURNISH CORRECT PAYEE STATEMENTS.—

(1) IN GENERAL.—Section 6722(a) is amended—

(A) by striking "$50" and inserting "$250", and

(B) by striking "$100,000" and inserting "$1,000,000".

(2) PENALTY IN CASE OF INTENTIONAL DISREGARD.—Section 6722(c) is amended—

(A) by striking "$100" in paragraph (1) and inserting "$500", and

(B) by striking "$100,000" in paragraph (2)(A) and inserting "$1,000,000".

(c) FAILURE TO COMPLY WITH OTHER INFORMATION REPORTING REQUIREMENTS.—Section 6723 is amended—

(1) by striking "$50" and inserting "$250", and

(2) by striking "$100,000" and inserting "$1,000,000".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to information returns required to be filed on or after January 1, 2008.

SEC. 305. E-FILING REQUIREMENT FOR CERTAIN LARGE ORGANIZATIONS.

(a) IN GENERAL.—The first sentence of section 6011(e)(2) is amended to read as follows: "In prescribing regulations under paragraph (1), the Secretary shall take into account (among other relevant factors) the ability of the taxpayer to comply at reasonable cost with the requirements of such regulations.".

(b) CONFORMING AMENDMENT.—Section 6724 is amended by striking subsection (c).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years ending on or after December 31, 2008.

SEC. 306. IMPLEMENTATION OF STANDARDS CLARIFYING WHEN EMPLOYEE LEASING COMPANIES CAN BE HELD LIABLE FOR THEIR CLIENTS' FEDERAL EMPLOYMENT TAXES.

With respect to employment tax returns required to be filed with respect to wages paid on or after January 1, 2008, the Secretary of the Treasury shall issue regulations establishing—

(1) standards for holding employee leasing companies jointly and severally liable with their clients for Federal employment taxes under chapters 21, 22, 23, and 24 of the Internal Revenue Code of 1986, and

(2) standards for holding such companies solely liable for such taxes.

SEC. 307. MODIFICATION OF COLLECTION DUE PROCESS PROCEDURES FOR EMPLOYMENT TAX LIABILITIES.

(a) IN GENERAL.—Section 6330(f) (relating to jeopardy and State refund collection) is amended—

(1) by striking "; or" at the end of paragraph (1) and inserting a comma,

(2) by adding "or" at the end of paragraph (2), and

(3) by inserting after paragraph (2) the following new paragraph:

"(3) the Secretary has served a disqualified employment tax levy,".

(b) DISQUALIFIED EMPLOYMENT TAX LEVY.—Section 6330 (relating to notice and opportunity for hearing before levy) is amended by adding at the end the following new subsection:

"(h) DISQUALIFIED EMPLOYMENT TAX LEVY.—For purposes of subsection (f), a disqualified employment tax levy is any levy in connection with the collection of employment taxes for any taxable period if the person subject to the levy (or any predecessor thereof) requested a hearing under this section with respect to unpaid employment taxes arising in the most recent 2-year period before the beginning of the taxable period with respect to which the levy is served. For purposes of the preceding sentence, the term 'employment taxes' means any taxes under chapter 21, 22, 23, or 24.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to levies served on or after January 1, 2008.

SEC. 308. EXPANSION OF IRS ACCESS TO INFORMATION IN NATIONAL DIRECTORY OF NEW HIRES FOR TAX ADMINISTRATION PURPOSES.

(a) IN GENERAL.—Paragraph (3) of section 453(j) of the Social Security Act (42 U.S.C. 653(j)) is amended to read as follows:

"(3) ADMINISTRATION OF FEDERAL TAX LAWS.—The Secretary of the Treasury shall have access to the information in the National Directory of New Hires for purposes of administering the Internal Revenue Code of 1986.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 309. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) DISCLOSURE.—

(1) IN GENERAL.—Subsection (l) of section 6103 (relating to disclosure of returns and return information for purposes other than tax administration) is amended by adding at the end the following new paragraph:

"(22) DISCLOSURE OF RETURN INFORMATION OF PRISONERS TO FEDERAL BUREAU OF PRISONS.—

"(A) IN GENERAL.—Under such procedures as the Secretary may prescribe, the Secretary may disclose return information with respect to persons incarcerated in Federal prisons whom the Secretary believes filed or facilitated the filing of false or fraudulent returns to the head of the Federal Bureau of Prisons if the Secretary determines that such disclosure is necessary to permit effective tax administration.

"(B) DISCLOSURE BY AGENCY TO EMPLOYEES.—The head of the Federal Bureau of Prisons may redisclose information received under subparagraph (A)—

"(i) only to those officers and employees of the Bureau who are personally and directly engaged in taking administrative actions to address violations of administrative rules and regulations of the prison facility, and

"(ii) solely for the purposes described in subparagraph (C).

"(C) RESTRICTION ON USE OF DISCLOSED INFORMATION.—Return information disclosed under this paragraph may be used only for the purposes of—

"(i) preventing the filing of false or fraudulent returns; and

"(ii) taking administrative actions against individuals who have filed or attempted to file false or fraudulent returns.".

(2) PROCEDURES AND RECORD KEEPING RELATED TO DISCLOSURE.—Subsection (p)(4) of section 6103 is amended—

(A) by striking "(14), or (17)" in the matter before subparagraph (A) and inserting "(14), (17), or (22)", and

(B) by striking "(9), or (16)" in subparagraph (F)(i) and inserting "(9), (16), or (22)".

(3) EVALUATION BY TREASURY INSPECTOR GENERAL FOR TAX ADMINISTRATION.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than 3 years after the date of the enactment of section 6103(l)(22), submit a written report to Congress on the implementation of such section.".

(b) ANNUAL REPORTS.—

(1) IN GENERAL.—The Secretary of the Treasury shall submit to Congress and make publicly available an annual report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons.

(2) CONTENTS OF REPORT.—The report submitted under paragraph (1) shall contain statistics on the number of false or fraudulent returns associated with each Federal and State prison and such other information that the Secretary determines is appropriate.

(3) EXCHANGE OF INFORMATION.—For the purpose of gathering information necessary for the reports required under paragraph (1), the Secretary of the Treasury shall enter into agreements with the head of the Federal Bureau of Prisons and the heads of State agencies charged with responsibility for administration of State prisons under which the head of the Bureau or Agency provides to the Secretary not less frequently than annually the names and other identifying information of prisoners incarcerated at each facility administered by the Bureau or Agency.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to disclosures on or after January 1, 2008.

SEC. 310. MODIFICATION OF CRIMINAL PENALTIES FOR WILLFUL FAILURES INVOLVING TAX PAYMENTS AND FILING REQUIREMENTS.

(a) INCREASE IN PENALTY FOR ATTEMPT TO EVADE OR DEFEAT TAX.—Section 7201 (relating to attempt to evade or defeat tax) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "5 years" and inserting "10 years".

(b) MODIFICATION OF PENALTIES FOR WILLFUL FAILURE TO FILE RETURN, SUPPLY INFORMATION, OR PAY TAX.—

(1) IN GENERAL.—Section 7203 (relating to willful failure to file return, supply information, or pay tax) is amended—

(A) in the first sentence—

(i) by striking "Any person" and inserting the following:

"(a) IN GENERAL.—Any person", and

(ii) by striking "$25,000" and inserting "$50,000",

(B) in the third sentence, by striking "section" and inserting "subsection", and

(C) by adding at the end the following new subsection:

"(b) AGGRAVATED FAILURE TO FILE.—

"(1) IN GENERAL.—In the case of any failure described in paragraph (2), the first sentence of subsection (a) shall be applied by substituting—

"(A) 'felony' for 'misdemeanor',

"(B) '$250,000 ($500,000' for '$50,000 ($100,000', and

"(C) '5 years' for '1 year'.

"(2) FAILURE DESCRIBED.—A failure described in this paragraph is—

"(A) a failure to make a return described in subsection (a) for any 3 taxable years occurring during any period of 5 consecutive taxable years if the aggregate tax liability for such period is not less than $50,000, or

"(B) a failure to make a return if the tax liability giving rise to the requirement to make such return is attributable to an activity which is a felony under any State or Federal law.".

(2) PENALTY MAY BE APPLIED IN ADDITION TO OTHER PENALTIES.—Section 7204 (relating to fraudulent statement or failure to make statement to employees) is amended by striking "the penalty provided in section 6674" and inserting "the penalties provided in sections 6674 and 7203(b)".

(c) FRAUD AND FALSE STATEMENTS.—Section 7206 (relating to fraud and false statements) is amended—

(1) by striking "$100,000" and inserting "$500,000",

(2) by striking "$500,000" and inserting "$1,000,000", and

(3) by striking "3 years" and inserting "5 years".

(d) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—Section 7206 (relating to fraud and false statements), as amended by subsection (a)(3), is amended—

(1) by striking "Any person who—" and inserting "(a) IN GENERAL.—Any person who—", and

(2) by adding at the end the following new subsection:

"(b) INCREASE IN MONETARY LIMITATION FOR UNDERPAYMENT OR OVERPAYMENT OF TAX DUE TO FRAUD.—If any portion of any underpayment (as defined in section 6664(a)) or overpayment (as defined in section 6401(a)) of tax required to be shown on a return is attributable to fraudulent action described in subsection (a), the applicable dollar amount under subsection (a) shall in no event be less than an amount equal to such portion. A rule similar to the rule under section 6663(b) shall apply for purposes of determining the portion so attributable.".

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to actions, and failures to act, occurring after the date of the enactment of this Act.

SEC. 311. UNDERSTATEMENT OF TAXPAYER LIABILITY BY RETURN PREPARERS.

(a) Application of Return Preparer Penalties to All Tax Returns.—

(1) Definition of tax return preparer.—Paragraph (36) of section 7701(a) (relating to income tax preparer) is amended—

(A) by striking "income" each place it appears in the heading and the text, and

(B) in subparagraph (A), by striking "subtitle A" each place it appears and inserting "this title".

(2) Conforming amendments.—

(A)(i) Section 6060 is amended by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**".

(ii) Section 6060(a) is amended—

(I) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(II) by striking "each income tax return preparer" and inserting "each tax return preparer", and

(III) by striking "another income tax return preparer" and inserting "another tax return preparer".

(iii) The item relating to section 6060 in the table of sections for subpart F of part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(iv) Subpart F of part III of subchapter A of chapter 61 is amended by striking "**Income Tax Return Preparers**" in the heading and inserting "**Tax Return Preparers**".

(v) The item relating to subpart F in the table of subparts for part III of subchapter A of chapter 61 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(B) Section 6103(k)(5) is amended—

(i) by striking "income tax return preparer" each place it appears and inserting "tax return preparer", and

(ii) by striking "income tax return preparers" each place it appears and inserting "tax return preparers".

(C)(i) Section 6107 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears in subsections (a) and (b) and inserting "a tax return preparer",

(III) by striking "INCOME TAX RETURN PREPARER" in the heading for subsection (b) and inserting "TAX RETURN PREPARER", and

(IV) in subsection (c), by striking "income tax return preparers" and inserting "tax return preparers".

(ii) The item relating to section 6107 in the table of sections for subchapter B of chapter 61 is amended by striking "Income tax return preparer" and inserting "Tax return preparer".

(D) Section 6109(a)(4) is amended—

(i) by striking "an income tax return preparer" and inserting "a tax return preparer", and

(ii) by striking "INCOME RETURN PREPARER" in the heading and inserting "TAX RETURN PREPARER".

(E) Section 6503(k)(4) is amended by striking "Income tax return preparers" and inserting "Tax return preparers".

(F)(i) Section 6694 is amended—

(I) by striking "**INCOME TAX RETURN PREPARER**" in the heading and inserting "**TAX RETURN PREPARER**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) in subsection (c)(2), by striking "the income tax return preparer" and inserting "the tax return preparer",

(IV) in subsection (e), by striking "subtitle A" and inserting "this title", and

(V) in subsection (f), by striking "income tax return preparer" and inserting "tax return preparer".

(ii) The item relating to section 6694 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income tax return preparer" and inserting "tax return preparer".

(G)(i) Section 6695 is amended—

(I) by striking "**INCOME**" in the heading, and

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer".

(ii) Section 6695(f) is amended—

(I) by striking "subtitle A" and inserting "this title", and

(II) by striking "the income tax return preparer" and inserting "the tax return preparer".

(iii) The item relating to section 6695 in the table of sections for part I of subchapter B of chapter 68 is amended by striking "income".

(H) Section 6696(e) is amended by striking "subtitle A" each place it appears and inserting "this title".

(I)(i) Section 7407 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**",

(II) by striking "an income tax return preparer" each place it appears and inserting "a tax return preparer",

(III) by striking "income tax preparer" both places it appears in subsection (a) and inserting "tax return preparer", and

(IV) by striking "income tax return" in subsection (a) and inserting "tax return".

(ii) The item relating to section 7407 in the table of sections for subchapter A of chapter 76 is amended by striking "income tax return preparers" and inserting "tax return preparers".

(J)(i) Section 7427 is amended—

(I) by striking "**INCOME TAX RETURN PREPARERS**" in the heading and inserting "**TAX RETURN PREPARERS**", and

(II) by striking "an income tax return preparer" and inserting "a tax return preparer".

(ii) The item relating to section 7427 in the table of sections for subchapter B of chapter 76 is amended to read as follows:

"Sec. 7427. Tax return preparers.".

(b) Modification of Penalty for Understatement of Taxpayer's Liability by Tax Return Preparer.—Subsections (a) and (b) of section 6694 are amended to read as follows:

"(a) Understatement Due to Unreasonable Positions.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a position described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $1,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Unreasonable position.—A position is described in this paragraph if—

"(A) the tax return preparer knew (or reasonably should have known) of the position,

"(B) there was not a reasonable belief that the position would more likely than not be sustained on its merits, and

"(C)(i) the position was not disclosed as provided in section 6662(d)(2)(B)(ii), or'

"(ii) there was no reasonable basis for the position.

"(3) Reasonable cause exception.—No penalty shall be imposed under this subsection if it is shown that there is reasonable cause for the understatement and the tax return preparer acted in good faith.

"(b) Understatement Due to Willful or Reckless Conduct.—

"(1) In general.—Any tax return preparer who prepares any return or claim for refund with respect to which any part of an understatement of liability is due to a conduct described in paragraph (2) shall pay a penalty with respect to each such return or claim in an amount equal to the greater of—

"(A) $5,000, or

"(B) 50 percent of the income derived (or to be derived) by the tax return preparer with respect to the return or claim.

"(2) Willful or reckless conduct.—Conduct described in this paragraph is conduct by the tax return preparer which is—

"(A) a willful attempt in any manner to understate the liability for tax on the return or claim, or

"(B) a reckless or intentional disregard of rules or regulations.

"(3) Reduction in penalty.—The amount of any penalty payable by any person by reason of this subsection for any return or claim for refund shall be reduced by the amount of the penalty paid by such person by reason of subsection (a).".

(c) Effective Date.—The amendments made by this section shall apply to returns prepared after the date of the enactment of this Act.

SEC. 312. PENALTIES FOR FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

(a) In General.—Part I of subchapter A of chapter 68 (relating to additions to the tax, additional amounts, and assessable penalties) is amended by inserting after section 6652 the following new section:

"SEC. 6652A. FAILURE TO FILE CERTAIN RETURNS ELECTRONICALLY.

"(a) In General.—If a person fails to file a return described in section 6651 or 6652(c)(1) in electronic form as required under section 6011(e)—

"(1) such failure shall be treated as a failure to file such return (even if filed in a form other than electronic form), and

"(2) the penalty imposed under section 6651 or 6652(c), whichever is appropriate, shall be equal to the greater of—

"(A) the amount of the penalty under such section, determined without regard to this section, or

"(B) the amount determined under subsection (b).

"(b) Amount of Penalty.—

"(1) In general.—Except as provided in paragraphs (2) and (3), the penalty determined under this subsection is equal to $40 for each day during which a failure described under subsection (a) continues. The maximum penalty under this paragraph on failures with respect to any 1 return shall not exceed the lesser of $20,000 or 10 percent of the gross receipts of the taxpayer for the year.

"(2) Increased penalties for taxpayers with gross receipts between $1,000,000 and $100,000,000.—

"(A) Taxpayers with gross receipts between $1,000,000 and $25,000,000.—In the case of a taxpayer having gross receipts exceeding $1,000,000 but not exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$200' for '$40', and "(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $100,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $25,000,000.—Except as provided in paragraph (3), in the case of a taxpayer having gross receipts exceeding $25,000,000 for any year—

"(i) the first sentence of paragraph (1) shall be applied by substituting '$500' for '$40', and

"(ii) in lieu of applying the second sentence of paragraph (1), the maximum penalty under paragraph (1) shall not exceed $250,000.

"(3) INCREASED PENALTIES FOR CERTAIN TAXPAYERS WITH GROSS RECEIPTS EXCEEDING $100,000,000.—In the case of a return described in section 6651—

"(A) TAXPAYERS WITH GROSS RECEIPTS BETWEEN $100,000,000 AND $250,000,000.—In the case of a taxpayer having gross receipts exceeding $100,000,000 but not exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $50,000, plus

"(II) $1,000 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $200,000.

"(B) TAXPAYERS WITH GROSS RECEIPTS OVER $250,000,000.—In the case of a taxpayer having gross receipts exceeding $250,000,000 for any year—

"(i) the amount of the penalty determined under this subsection shall equal the sum of—

"(I) $250,000, plus

"(II) $2,500 for each day during which such failure continues (twice such amount for each day such failure continues after the first such 60 days), and

"(ii) the maximum amount under clause (i)(II) on failures with respect to any 1 return shall not exceed $250,000.

"(C) EXCEPTION FOR CERTAIN RETURNS.—Subparagraphs (A) and (B) shall not apply to any return of tax imposed under section 511.".

(b) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 68 is amended by inserting after the item relating to section 6652 the following new item:

"Sec. 6652A. Failure to file certain returns electronically.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to returns required to be filed on or after January 1, 2008.

SEC. 313. PENALTY FOR FILING ERRONEOUS REFUND CLAIMS.

(a) IN GENERAL.—Part I of subchapter B of chapter 68 (relating to assessable penalties) is amended by inserting after section 6675 the following new section:

"SEC. 6676. ERRONEOUS CLAIM FOR REFUND OR CREDIT.

"(a) CIVIL PENALTY.—If a claim for refund or credit with respect to income tax (other than a claim for a refund or credit relating to the earned income credit under section 32) is made for an excessive amount, unless it is shown that the claim for such excessive amount has a reasonable basis, the person making such claim shall be liable for a penalty in an amount equal to 20 percent of the excessive amount.

"(b) EXCESSIVE AMOUNT.—For purposes of this section, the term 'excessive amount' means in the case of any person the amount by which the amount of the claim for refund or credit for any taxable year exceeds the amount of such claim allowable under this title for such taxable year.

"(c) COORDINATION WITH OTHER PENALTIES.—This section shall not apply to any portion of the excessive amount of a claim for refund or credit on which a penalty is imposed under part II of subchapter A of chapter 68.".

(b) CONFORMING AMENDMENT.—The table of sections for part I of subchapter B of chapter 68 is amended by inserting after the item relating to section 6675 the following new item:

"Sec. 6676. Erroneous claim for refund or credit.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any claim—

(1) filed or submitted after the date of the enactment of this Act, or

(2) filed or submitted prior to such date but not withdrawn before the date which is 30 days after such date of enactment.

Subtitle B—Requiring Economic Substance

SEC. 321. CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE.

(a) IN GENERAL.—Section 7701 is amended by redesignating subsection (p) as subsection (q) and by inserting after subsection (o) the following new subsection:

"(p) CLARIFICATION OF ECONOMIC SUBSTANCE DOCTRINE; ETC.—

"(1) GENERAL RULES.—

"(A) IN GENERAL.—In any case in which a court determines that the economic substance doctrine is relevant for purposes of this title to a transaction (or series of transactions), such transaction (or series of transactions) shall have economic substance only if the requirements of this paragraph are met.

"(B) DEFINITION OF ECONOMIC SUBSTANCE.—For purposes of subparagraph (A)—

"(i) IN GENERAL.—A transaction has economic substance only if—

"(I) the transaction changes in a meaningful way (apart from Federal tax effects) the taxpayer's economic position, and

"(II) the taxpayer has a substantial nontax purpose for entering into such transaction and the transaction is a reasonable means of accomplishing such purpose.

In applying subclause (II), a purpose of achieving a financial accounting benefit shall not be taken into account in determining whether a transaction has a substantial nontax purpose if the origin of such financial accounting benefit is a reduction of income tax.

"(ii) SPECIAL RULE WHERE TAXPAYER RELIES ON PROFIT POTENTIAL.—A transaction shall not be treated as having economic substance by reason of having a potential for profit unless—

"(I) the present value of the reasonably expected pre-tax profit from the transaction is substantial in relation to the present value of the expected net tax benefits that would be allowed if the transaction were respected, and

"(II) the reasonably expected pre-tax profit from the transaction exceeds a risk-free rate of return.

"(C) TREATMENT OF FEES AND FOREIGN TAXES.—Fees and other transaction expenses and foreign taxes shall be taken into account as expenses in determining pre-tax profit under subparagraph (B)(ii).

"(2) SPECIAL RULES FOR TRANSACTIONS WITH TAX-INDIFFERENT PARTIES.—

"(A) SPECIAL RULES FOR FINANCING TRANSACTIONS.—The form of a transaction which is in substance the borrowing of money or the acquisition of financial capital directly or indirectly from a tax-indifferent party shall not be respected if the present value of the deductions to be claimed with respect to the transaction is substantially in excess of the present value of the anticipated economic returns of the person lending the money or providing the financial capital. A public offering shall be treated as a borrowing, or an acquisition of financial capital, from a tax-indifferent party if it is reasonably expected that at least 50 percent of the offering will be placed with tax-indifferent parties.

"(B) ARTIFICIAL INCOME SHIFTING AND BASIS ADJUSTMENTS.—The form of a transaction with a tax-indifferent party shall not be respected if—

"(i) it results in an allocation of income or gain to the tax-indifferent party in excess of such party's economic income or gain, or

"(ii) it results in a basis adjustment or shifting of basis on account of overstating the income or gain of the tax-indifferent party.

"(3) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection—

"(A) ECONOMIC SUBSTANCE DOCTRINE.—The term 'economic substance doctrine' means the common law doctrine under which tax benefits under subtitle A with respect to a transaction are not allowable if the transaction does not have economic substance or lacks a business purpose.

"(B) TAX-INDIFFERENT PARTY.—The term 'tax-indifferent party' means any person or entity not subject to tax imposed by subtitle A. A person shall be treated as a tax-indifferent party with respect to a transaction if the items taken into account with respect to the transaction have no substantial impact on such person's liability under subtitle A.

"(C) EXCEPTION FOR PERSONAL TRANSACTIONS OF INDIVIDUALS.—In the case of an individual, this subsection shall apply only to transactions entered into in connection with a trade or business or an activity engaged in for the production of income.

"(D) TREATMENT OF LESSORS.—In applying paragraph (1)(B)(ii) to the lessor of tangible property subject to a lease—

"(i) the expected net tax benefits with respect to the leased property shall not include the benefits of—

"(I) depreciation,

"(II) any tax credit, or

"(III) any other deduction as provided in guidance by the Secretary, and

"(ii) subclause (II) of paragraph (1)(B)(ii) shall be disregarded in determining whether any of such benefits are allowable.

"(4) OTHER COMMON LAW DOCTRINES NOT AFFECTED.—Except as specifically provided in this subsection, the provisions of this subsection shall not be construed as altering or supplanting any other rule of law, and the requirements of this subsection shall be construed as being in addition to any such other rule of law.

"(5) REGULATIONS.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this subsection. Such regulations may include exemptions from the application of this subsection.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 322. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

(a) IN GENERAL.—Subchapter A of chapter 68 is amended by inserting after section 6662A the following new section:

"SEC. 6662B. PENALTY FOR UNDERSTATEMENTS ATTRIBUTABLE TO TRANSACTIONS LACKING ECONOMIC SUBSTANCE, ETC.

"(a) Imposition of Penalty.—If a taxpayer has a noneconomic substance transaction understatement for any taxable year, there shall be added to the tax an amount equal to 40 percent of the amount of such understatement.

"(b) Reduction of Penalty for Disclosed Transactions.—Subsection (a) shall be applied by substituting '20 percent' for '40 percent' with respect to the portion of any noneconomic substance transaction understatement with respect to which the relevant facts affecting the tax treatment of the item are adequately disclosed in the return or a statement attached to the return.

"(c) Noneconomic Substance Transaction Understatement.—For purposes of this section—

"(1) In general.—The term 'noneconomic substance transaction understatement' means any amount which would be an understatement under section 6662A(b)(1) if section 6662A were applied by taking into account items attributable to noneconomic substance transactions rather than items to which section 6662A would apply without regard to this paragraph.

"(2) Noneconomic substance transaction.—The term 'noneconomic substance transaction' means any transaction if—

"(A) there is a lack of economic substance (within the meaning of section 7701(p)(1)) for the transaction giving rise to the claimed benefit or the transaction was not respected under section 7701(p)(2), or

"(B) the transaction fails to meet the requirements of any similar rule of law.

"(d) Rules Applicable to Compromise of Penalty.—

"(1) In general.—If the first letter of proposed deficiency which allows the taxpayer an opportunity for administrative review in the Internal Revenue Service Office of Appeals has been sent with respect to a penalty to which this section applies, only the Commissioner of Internal Revenue may compromise all or any portion of such penalty.

"(2) Applicable rules.—The rules of paragraphs (2) and (3) of section 6707A(d) shall apply for purposes of paragraph (1).

"(e) Coordination With Other Penalties.—Except as otherwise provided in this part, the penalty imposed by this section shall be in addition to any other penalty imposed by this title.

"(f) Cross References.—

"(1) For coordination of penalty with understatements under section 6662 and other special rules, see section 6662A(e).

"(2) For reporting of penalty imposed under this section to the Securities and Exchange Commission, see section 6707A(e).".

(b) Coordination With Other Understatements and Penalties.—

(1) The second sentence of section 6662(d)(2)(A) is amended by inserting "and without regard to items with respect to which a penalty is imposed by section 6662B" before the period at the end.

(2) Subsection (e) of section 6662A is amended—

(A) in paragraph (1), by inserting "and noneconomic substance transaction understatements" after "reportable transaction understatements" both places it appears,

(B) in paragraph (2)(A), by inserting "and a noneconomic substance transaction understatement" after "reportable transaction understatement",

(C) in paragraph (2)(B), by inserting "6662B or" before "6663",

(D) in paragraph (2)(C)(i), by inserting "or section 6662B" before the period at the end,

(E) in paragraph (2)(C)(ii), by inserting "and section 6662B" after "This section",

(F) in paragraph (3), by inserting "or noneconomic substance transaction understatement" after "reportable transaction understatement", and

(G) by adding at the end the following new paragraph:

"(4) Noneconomic substance transaction understatement.—For purposes of this subsection, the term 'noneconomic substance transaction understatement' has the meaning given such term by section 6662B(c).".

(3) Subsection (e) of section 6707A is amended—

(A) by striking "or" at the end of subparagraph (B), and

(B) by striking subparagraph (C) and inserting the following new subparagraphs:

"(C) is required to pay a penalty under section 6662B with respect to any noneconomic substance transaction, or

"(D) is required to pay a penalty under section 6662(h) with respect to any transaction and would (but for section 6662A(e)(2)(C)) have been subject to penalty under section 6662A at a rate prescribed under section 6662A(c) or under section 6662B.".

(c) Clerical Amendment.—The table of sections for part II of subchapter A of chapter 68 is amended by inserting after the item relating to section 6662A the following new item:

"Sec. 6662B. Penalty for understatements attributable to transactions lacking economic substance, etc.".

(d) Effective Date.—The amendments made by this section shall apply to transactions entered into after the date of the enactment of this Act.

SEC. 323. DENIAL OF DEDUCTION FOR INTEREST ON UNDERPAYMENTS ATTRIBUTABLE TO NONECONOMIC SUBSTANCE TRANSACTIONS.

(a) In General.—Section 163(m) (relating to interest on unpaid taxes attributable to nondisclosed reportable transactions) is amended—

(1) by striking "attributable" and all that follows and inserting the following: "attributable to—

"(1) the portion of any reportable transaction understatement (as defined in section 6662A(b)) with respect to which the requirement of section 6664(d)(2)(A) is not met, or

"(2) any noneconomic substance transaction understatement (as defined in section 6662B(c)).", and

(2) by inserting "and Noneconomic Substance Transactions" after "Transactions".

(b) Effective Date.—The amendments made by this section shall apply to transactions after the date of the enactment of this Act in taxable years ending after such date.

Subtitle C—Miscellaneous

SEC. 331. DENIAL OF DEDUCTION FOR PUNITIVE DAMAGES.

(a) Disallowance of Deduction.—

(1) In general.—Section 162(g) (relating to treble damage payments under the antitrust laws) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively,

(B) by striking "If" and inserting:

"(1) Treble damages.—If", and

(C) by adding at the end the following new paragraph:

"(2) Punitive damages.—No deduction shall be allowed under this chapter for any amount paid or incurred for punitive damages in connection with any judgment in, or settlement of, any action. This paragraph shall not apply to punitive damages described in section 104(c).".

(2) Conforming amendment.—The heading for section 162(g) is amended by inserting "Or Punitive Damages" after "Laws".

(b) Inclusion in Income of Punitive Damages Paid by Insurer or Otherwise.—

(1) In general.—Part II of subchapter B of chapter 1 (relating to items specifically included in gross income) is amended by adding at the end the following new section:

"SEC. 91. PUNITIVE DAMAGES COMPENSATED BY INSURANCE OR OTHERWISE.

"Gross income shall include any amount paid to or on behalf of a taxpayer as insurance or otherwise by reason of the taxpayer's liability (or agreement) to pay punitive damages.".

(2) Reporting requirements.—Section 6041 (relating to information at source) is amended by adding at the end the following new subsection:

"(h) Section To Apply to Punitive Damages Compensation.—This section shall apply to payments by a person to or on behalf of another person as insurance or otherwise by reason of the other person's liability (or agreement) to pay punitive damages.".

(3) Conforming amendment.—The table of sections for part II of subchapter B of chapter 1 is amended by adding at the end the following new item:

"Sec. 91. Punitive damages compensated by insurance or otherwise".

(c) Effective Date.—The amendments made by this section shall apply to damages paid or incurred on or after the date of the enactment of this Act.

TITLE IV—TECHNICAL AND CONFORMING AMENDMENTS; SUNSET

SEC. 401. TECHNICAL AND CONFORMING AMENDMENTS.

The Secretary of the Treasury or the Secretary's delegate shall not later than 90 days after the date of the enactment of this Act, submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a draft of any technical and conforming changes in the Internal Revenue Code of 1986 which are necessary to reflect throughout such Code the purposes of the provisions of, and amendments made by, this Act.

SEC. 402. SUNSET.

(a) In General.—All provisions of, and amendments made by, this Act shall not apply to taxable years beginning after December 31, 2012.

(b) Application of Code.—The Internal Revenue Code of 1986 shall be applied and administered to taxable years described in subsection (a) as if the provisions of, and amendments made by, this Act had never been enacted.

By Mrs. FEINSTEIN (for herself and Mrs. Boxer):

S. 1112. A bill to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes; to the Committee on Energy and Natural Resources.

Mrs. FEINSTEIN. Mr. President, I rise today to introduce the Redwood Valley County Water District Loan Renegotiation Act of 2007. I am pleased that Senator BOXER is a cosponsor of this bill.

This bill seeks to remove roadblocks to the implementation of 1988 legislation that requires the Secretary of the Interior to renegotiate debts owed by the Redwood Valley County Water District to the United States. Enactment of this bill is necessary so that Redwood Valley can obtain a reliable water supply.

In 1983, the Redwood Valley County Water District completed a project which supplied water to a rural agricultural community near Ukiah, CA. Two Bureau of Reclamation loans totaling $7.3 million contributed to the financing of this project.

Unfortunately, the District was unable to repay these loans. This occurred for several reasons: The projected water use in the original feasibility study, developed by the District and reviewed by the Bureau, was seriously flawed; the District's ability to raise necessary revenues was compromised by a judicially imposed moratorium on new hook-ups; and concerns for endangered species reduced the District's potential water supply allotment by 33 percent.

As a result, in 1988 Congress passed Section 15 of Public Law 100–516 which indefinitely suspended the District's obligations to repay these Bureau loans and ordered the Secretary of Interior to renegotiate the loans. This loan renegotiation has yet to take place and now the District finds that its water supply is highly uncertain.

In 2000 in a report on Redwood Valley, the Bureau of Reclamation recognized these changed conditions, and concluded that the District needs a reliable water supply before it can solve its current financial dilemma.

The District recently identified two potential new projects, either of which could prove a reliable water source. No government funds will be sought for these projects. The District intends to rely on private financing, a strategy that the Bureau of Reclamation is encouraging. However, before the District can secure private financing for new projects, it must renegotiate the existing loans to provide for their repayment subsequent to the repayment of the new loans.

The existing loans are an impediment to the District's attempts to upgrade elements of its existing plant. As an example, the District unsuccessfully sought private financing to build a 100 kW solar panel project. This project would have enabled the District to cut its energy costs and to qualify for energy rebates.

Significantly, this legislation requires the District to repay to the United States the currently suspended loans once the District's new loans have been paid.

The only difference between this bill and S. 3189, which I introduced last year, is to clarify that no renegotiations are required to trigger the District's obligations to repay the loans and the Secretary of Interior "shall reschedule the payments due" once the District has satisfied its additional financial obligations.

The proposed water projects will enable the District to generate adequate revenues to allow the District to repay both its new private loans and its original loans from the United States. By providing a workable and reasonable solution to a longstanding problem, this legislation creates a win-win solution for taxpayers of the United States and the rate payers of the Redwood Valley County Water District.

I urge my colleagues to support this bill and ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1112

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RENEGOTIATION OF PAYMENT SCHEDULE.

Section 15 of Public Law 100–516 (102 Stat. 2573) is amended as follows:

(1) By amending paragraph (2) of subsection (a) to read as follows:

"(2) If, as of January 1, 2006, the Secretary of the Interior and the Redwood Valley County Water District have not renegotiated the schedule of payment, the District may enter into such additional non-Federal obligations as are necessary to finance procurement of dedicated water rights and improvements necessary to store and convey those rights to provide for the District's water needs. The Secretary shall reschedule the payments due under loans numbered 14-06-200-8423A and 14-06-200-8423A Amendatory and said payments shall commence when such additional obligations have been financially satisfied by the District. The date of the initial payment owed by the District to the United States shall be regarded as the start of the District's repayment period and the time upon which any interest shall first be computed and assessed under section 5 of the Small Reclamation Projects Act of 1956 (43 U.S.C. 422a et seq.).".

(2) By striking subsection (c).

By Mrs. FEINSTEIN (for herself and Mr. SPECTER):

S. 1114. A bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes; to the Committee on the Judiciary.

Mrs. FEINSTEIN. Mr. President, I rise today to re-introduce legislation from the last Congress that would bring all electronic surveillance of terrorists under the color of law and would modernize the rules for conducting such surveillance. I am pleased that Senator SPECTER, the Ranking Member of the Judiciary Committee, has co-sponsored this legislation.

We all agree that the President and the Intelligence Community should have all the tools they need to find the terrorists before they have a chance to strike us again. This cannot be said too many times in too many ways.

We also agree, though, that these intelligence tools can and should be used in a way that protects the constitutional and privacy rights of all Americans. That is the balance that this legislation attempts to strike.

Nowhere is this more at issue than in electronic surveillance, where government officials record the content of Americans' phone and electronic communications. This important means of obtaining critical counterterrorism information is at the same time a significant, constitutionally recognized intrusion into Americans' privacy rights.

It is worth reminding ourselves of this. We have recently focused on the use of National Security Letters, through which the FBI inappropriately obtained telephone records of at least hundreds of Americans. Electronic surveillance goes far beyond records and collects the actual content—the words spoken over the phone or typed in email.

It is also worth reminding ourselves of why this legislation is necessary, as it has been several months before this was the top legislative issue before the Senate.

For more than five years since September 11, 2001, the National Security Agency collected the content of calls from or to United States persons—citizens and permanent residents—without a court order as is required by the Foreign Intelligence Surveillance Act of 1978 (FISA).

This surveillance was done without notifying and seeking authorization from the congressional intelligence committees. The President and Vice President have very closely restricted disclosure of information about what they call the "Terrorist Surveillance Program."

Until this surveillance came to light through an article in The New York Times in December 2005, only eight members of Congress were briefed on it. Even after the article came out, the White House refused to brief the members of the House and Senate Intelligence Committees for several months.

Even now, the Intelligence Committee does not have all the information it needs to carry out its Constitutional oversight duties.

Throughout 2006, the Judiciary Committee debated various bills to authorize or prohibit electronic surveillance outside of FISA. The bill that Senator SPECTER and I authored last year, which is being re-introduced today, was reported out of Judiciary on a bipartisan vote on September 13, 2006. The Senate, however, took no legislative action prior to adjournment.

Then, on January 17, 2007, Attorney General Alberto Gonzales notified the chairman and ranking member of the Senate Judiciary Committee that the FISA Court had authorized the Terrorist Surveillance Program. Since January, the program has proceeded under Court supervision, as is required by FISA.

I was pleased that the Administration submitted the TSP to the FISA Court, and that the Court had found a way to issue an order approving this surveillance. I was pleased, but not surprised.

I had maintained throughout the legislative debate last year that it would not take many changes for the TSP to fit under the confines of FISA. All it took was the willingness of the Administration to follow legal process.

Members may ask, given the recent developments, why legislation is now necessary. There are two reasons.

The first is that the Senate should enact this bill is because this Administration has never conceded the point that it cannot conduct electronic surveillance outside of the law. It has put the TSP under FISA Court review, but it asserts that it has the right not to do so. Future Administrations, if not enjoined, may take the same view.

I disagree with this legal analysis.

Secondly, the Director of the National Security Agency, the Director of the FBI, and the Attorney General have said on many occasions that FISA is outdated and in need of modernization. The current FISA process is too bureaucratic, too slow to initiate electronic surveillance from the time a suspected terrorist's phone or email account is identified.

This bill addresses those concerns by providing new flexibility and additional resources to speed the FISA process and allow for the more timely collection of valuable intelligence.

Allow me to summarize the legislation. The bill: re-iterates that FISA is the exclusive means for conducting electronic surveillance for intelligence purposes.

Specifies that FISA's requirements cannot be written off through contorted interpretations of other statutes. The Administration's tortured argument with respect to the Authorization for the 2001 Use of Military Force (AUMF) notwithstanding, this legislation would specify that FISA's language can only be undone by a specific and direct Act of Congress.

Requires that Congress, through the Intelligence Committees, be fully briefed on the Terrorist Surveillance Program and any related surveillance programs.

Requires the Supreme Court to review, on an expedited basis, the constitutionality of the Terrorist Surveillance Program.

Streamlines the current "emergency procedures" in FISA. Currently, the Attorney General can authorize surveillance prior to a Court order for 72 hours in an emergency. This legislation would extend the time to one week, which should remove any doubt as to whether Court approval can be sought and obtained in time. The bill also allows the Attorney General to delegate his authority to initiate electronic surveillance in an emergency to specific supervisory officials at the NSA and FBI.

Authorizes additional personnel to expedite the writing, submission, and review of FISA applications. Specifically, additional FISA Court judges and staff are authorized, as are additional positions at the Department of Justice, FBI, and NSA.

Extends the existing FISA authority—for 15 days of warrantless surveillance following a declaration of war—to any 30-day period following an authorization for the use of military force or a national emergency following a terrorist attack.

Allows the National Security Agency to take full advantage of its capabilities to collect intelligence on foreign communications.

While foreign-to-foreign communications are not covered now by FISA's requirements, the NSA can only conduct surveillance on these calls if it can be sure, in advance, that a telephone call of email won't transit the United States or unexpectedly end here. In the age of cell phones and the global telecommunications system, this a priori certification is very difficult to make. This legislation therefore specifies that in such inadvertent collection cases, the NSA must minimize the data, but that it has not violated the law.

Finally, the legislation clarifies that FISA court orders for electronic surveillance must be individualized to a particular target that the government has probable cause to believe is a foreign power or an agent of a foreign power.

From the briefings I have received as a member of the Intelligence Committee and the hearings held in Judiciary, I am convinced that the Terrorist Surveillance Program is an important anti-terrorism tool that should be continued.

It is also clear from the January FISA Court ruling that the Terrorist Surveillance Program can be conducted within the confines of FISA. It is appropriate now for Congress to reiterate that this is the appropriate arrangement.

This is by no means an issue that has been overtaken by events. The Administration continues to support a view of plenary authority in which it can conduct electronic surveillance in violation of FISA. The NSA and the FBI continue to labor under a process that was formed 29 years ago, prior to fundamental changes in the telecommunications system.

I urge the Senate to act to ensure that the law is followed and privacy rights upheld, and to provide the Intelligence Community the tools it needs to continue to make us safe.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1114

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Foreign Intelligence Surveillance Improvement and Enhancement Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definitions.

TITLE I—CONSTRUCTION OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

Sec. 101. Reiteration of chapters 119, 121, and 206 of title 18, United States Code, and Foreign Intelligence Surveillance Act of 1978 as exclusive means by which domestic electronic surveillance may be conducted.
Sec. 102. Specific authorization required for any repeal or modification of title I of the Foreign Intelligence Surveillance Act of 1978.
Sec. 103. Information for Congress on the terrorist surveillance program and similar programs.
Sec. 104. Supreme Court review of the Terrorist Surveillance Program.

TITLE II—APPLICATIONS AND PROCEDURES FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

Sec. 201. Extension of period for applications for orders for emergency electronic surveillance.
Sec. 202. Additional authority for emergency electronic surveillance.
Sec. 203. Foreign Intelligence Surveillance Court matters.
Sec. 204. Document management system for applications for orders approving electronic surveillance.
Sec. 205. Additional personnel for preparation and consideration of applications for orders approving electronic surveillance.
Sec. 206. Training of Federal Bureau of Investigation and National Security Agency personnel in foreign intelligence surveillance matters.
Sec. 207. Enhancement of electronic surveillance authority in wartime.

TITLE III—CLARIFICATIONS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978

Sec. 301. Acquisition of foreign-foreign communications.
Sec. 302. Individualized FISA orders.

TITLE IV—OTHER MATTERS

Sec. 401. Authorization of appropriations.
Sec. 402. Effective date.

SEC. 2. DEFINITIONS.

In this Act:

(1) CONGRESSIONAL INTELLIGENCE COMMITTEES.—The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee on Intelligence of the House of Representatives.

(2) FOREIGN INTELLIGENCE SURVEILLANCE COURT.—The term "Foreign Intelligence Surveillance Court" means the court established by section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)).

(3) UNITED STATES PERSON.—The term "United States person" has the meaning given such term in section 101(i) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(i)).

TITLE I—CONSTRUCTION OF FOREIGN INTELLIGENCE SURVEILLANCE AUTHORITY

SEC. 101. REITERATION OF CHAPTERS 119, 121, AND 206 OF TITLE 18, UNITED STATES CODE, AND FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978 AS EXCLUSIVE MEANS BY WHICH DOMESTIC ELECTRONIC SURVEILLANCE MAY BE CONDUCTED.

(a) EXCLUSIVE MEANS.—Notwithstanding any other provision of law, chapters 119, 121, and 206 of title 18, United States Code, and the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) shall be the exclusive means by which electronic surveillance (as that term is defined in section 101(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(f)) may be conducted.

(b) AMENDMENT TO FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.—Section 109(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1809(a)) is amended by striking "authorized by statute" each place it appears and inserting "authorized by this title or chapter 119, 121, or 206 of title 18, United States Code".

(c) AMENDMENT TO TITLE 18, UNITED STATES CODE.—Section 2511(2)(a)(ii)(B) of title 18, United States Code, is amended by striking "statutory requirements" and inserting "requirements under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), this chapter, or chapters 121 or 206 of this title".

SEC. 102. SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL OR MODIFICATION OF TITLE I OF THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978.

(a) IN GENERAL.—Title I of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) is amended by inserting after section 109 the following new section:

"SPECIFIC AUTHORIZATION REQUIRED FOR ANY REPEAL OR MODIFICATION OF TITLE

"SEC. 109A. No provision of law shall be construed to implicitly repeal or modify this title or any provision thereof, nor shall any provision of law be deemed to repeal or modify this title in any manner unless such provision of law, if enacted after the date of the enactment of the Foreign Intelligence Surveillance Improvement and Enhancement Act of 2007, expressly amends or otherwise specifically cites this title.".

(b) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 109 the following new item:

"Sec. 109A. Specific authorization required for any repeal or modification of title.".

SEC. 103. INFORMATION FOR CONGRESS ON THE TERRORIST SURVEILLANCE PROGRAM AND SIMILAR PROGRAMS.

As soon as practicable after the date of the enactment of this Act, but not later than seven days after such date, the President shall brief and inform each member of the congressional intelligence committees on the following:

(1) The Terrorist Surveillance Program of the National Security Agency.

(2) Any program which involves, whether in part or in whole, the electronic surveillance of United States persons in the United States for foreign intelligence purposes, and which is conducted by any department, agency, or other element of the United States Government, or by any entity at the direction of a department, agency, or other element of the United States Government, without fully complying with the procedures set forth in the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.) or chapter 119, 121, or 206 of title 18, United States Code.

SEC. 104. SUPREME COURT REVIEW OF THE TERRORIST SURVEILLANCE PROGRAM.

(a) IN GENERAL.—Upon petition by the United States or any party to the underlying proceedings, the Supreme Court of the United States shall review a final decision on the merits concerning the constitutionality of the Terrorist Surveillance Program in at least one case that is pending in the courts of the United States on the date of enactment of this Act.

(b) EXPEDITED CONSIDERATION.—It shall be the duty of the Supreme Court of the United States to advance on the docket and to expedite to the greatest possible extent the disposition of any matter brought under subsection (a).

(c) DEFINITION.—In this section, the term "Terrorist Surveillance Program" means the program identified by the President on December 17, 2005, to intercept international communications into and out of the United States of persons linked to al Qaeda or related terrorist organizations.

TITLE II—APPLICATIONS AND PROCEDURES FOR ELECTRONIC SURVEILLANCE FOR FOREIGN INTELLIGENCE PURPOSES

SEC. 201. EXTENSION OF PERIOD FOR APPLICATIONS FOR ORDERS FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105(f) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805(f)) is amended by striking "72 hours" both places it appears and inserting "168 hours".

SEC. 202. ADDITIONAL AUTHORITY FOR EMERGENCY ELECTRONIC SURVEILLANCE.

Section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) is amended—

(1) by redesignating subsections (g), (h), (i), and (j) as subsections (h), (i), (j), and (k), respectively; and

(2) by inserting after subsection (f) the following new subsection (g):

"(g)(1)(A) Notwithstanding any other provision of this title and subject to the provisions of this subsection, the Attorney General may, with the concurrence of the Director of National Intelligence, appoint appropriate supervisory or executive personnel within the Federal Bureau of Investigation and the National Security Agency to authorize electronic surveillance on a United States person in the United States on an emergency basis pursuant to the provisions of this subsection.

"(B) For purposes of this subsection, an intelligence agent or employee acting under the supervision of a supervisor or executive appointed under subparagraph (A) may conduct emergency electronic surveillance under this subsection if such supervisor or executive reasonably determines that—

"(i) an emergency situation exists with respect to the employment of electronic surveillance to obtain foreign intelligence information before an order authorizing such surveillance can with due diligence be obtained; and

"(ii) the factual basis exists for the issuance of an order approving such surveillance under this title.

"(2) The supervisors and executives appointed by the Attorney General under paragraph (1) may only be officials as follows:

"(A) In the case of the Federal Bureau of Investigation, officials at or above the level of Special Agent in Charge.

"(B) In the case of the National Security Agency, officials at or above the level of head of branch of the National Security Agency.

"(3) A supervisor or executive responsible for the emergency employment of electronic surveillance under this subsection shall submit to the Attorney General a request for approval of the surveillance within 24 hours of the commencement of the surveillance. The request shall set forth the ground for the belief specified in paragraph (1), together with such other information as the Attorney General shall require.

"(4)(A) The review of a request under paragraph (3) shall be completed by the official concerned under that paragraph as soon as practicable, but not more than 72 hours after the commencement of the electronic surveillance concerned under paragraph (1).

"(B)(i) If the official concerned determines that the electronic surveillance does not meet the requirements of paragraph (1), the surveillance shall terminate immediately and may not be recommenced by any supervisor or executive appointed under paragraph (1), or any agent or employee acting under the supervision of such supervisor or executive, absent additional facts or changes in circumstances that lead a supervisor or executive appointed under paragraph (1) to reasonably believe that the requirements of paragraph (1) are satisfied.

"(ii) In the event of a determination under clause (i), the Attorney General shall not be required, under section 106(j), to notify any United States person of the fact that the electronic surveillance covered by such determination was conducted before the termination of the surveillance under that clause. However, the official making such determination shall notify the court established by section 103(a) of such determination, and shall also provide notice of such determination in the first report that is submitted under section 108(a) after such determination is made.

"(C) If the official concerned determines that the surveillance meets the requirements of subsection (f), the surveillance may continue, subject to the requirements of paragraph (5).

"(5)(A) An application in accordance with this title shall be made to a judge having jurisdiction under section 103 as soon as practicable but not more than 168 hours after the commencement of electronic surveillance under paragraph (1).

"(B) In the absence of a judicial order approving electronic surveillance commenced under paragraph (1), the surveillance shall terminate at the earlier of—

"(i) when the information sought is obtained;

"(ii) when the application under subparagraph (A) for an order approving the surveillance is denied; or

"(iii) 168 hours after the commencement of the surveillance, unless an application under subparagraph (A) is pending, in which case the surveillance may continue for up to an additional 24 hours while the judge has the application under advisement.

"(C) If an application under subparagraph (A) for an order approving electronic surveillance commenced under paragraph (1) is denied, or in any other case in which the surveillance is terminated and no order approving the surveillance is issued by a court, the use of information obtained or evidence derived from the surveillance shall be governed by the provisions of subsection (f).

"(D) The denial of an application submitted under subparagraph (A) may be reviewed as provided in section 103.

"(6) Any person who engages in the emergency employment of electronic surveillance under paragraph (1) shall follow the minimization procedures otherwise required by this title for the issuance of a judicial order approving the conduct of electronic surveillance.

"(7) Not later than 30 days after appointing supervisors and executives under paragraph (1) to authorize the exercise of authority in that paragraph, the Attorney General, in consultation with the Director of National Intelligence, shall submit to the court established by section 103(a), the Select Committee on Intelligence of the Senate, and the Permanent Select Committee on Intelligence of the House of Representatives, and bring up to date as required, a report that—

"(A) identifies the number of supervisors and executives who have been so appointed and the positions held by such supervisors and executives; and

"(B) sets forth guidelines or other directives that describe the responsibilities of such supervisors and executives under this subsection.".

SEC. 203. FOREIGN INTELLIGENCE SURVEILLANCE COURT MATTERS.

(a) AUTHORITY FOR ADDITIONAL JUDGES.—Section 103(a) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1803(a)) is amended—

(1) by inserting "(1)" after "(a)";

(2) in paragraph (1), as so designated, by inserting "at least" before "seven of the United States judicial circuits";

(3) by designating the second sentence as paragraph (4) and indenting such paragraph, as so designated, two ems from the left margin; and

(4) by inserting after paragraph (1), as so designated, the following new paragraph:

"(2) In addition to the judges designated under paragraph (1), the Chief Justice of the United States may designate as judges of the court established by paragraph (1) such judges appointed under Article III of the Constitution of the United States as the Chief Justice determines appropriate in order to provide for the prompt and timely consideration under section 105 of applications under section 104 for electronic surveillance under this title. Any judge designated under this paragraph shall be designated publicly.".

(b) CONSIDERATION OF EMERGENCY APPLICATIONS.—Such section is further amended by inserting after paragraph (2), as added by subsection (a)(4) of this section, the following new paragraph:

"(3) A judge of the court shall make a determination to approve, deny, or seek modification of an application submitted pursuant to section subsection (f) or (g) of section 105 not later than 24 hours after the receipt of such application by the court.".

SEC. 204. DOCUMENT MANAGEMENT SYSTEM FOR APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) SYSTEM REQUIRED.—The Attorney General shall, in consultation with the Director of the Federal Bureau of Investigation, the Director of the National Security Agency, and the Foreign Intelligence Surveillance Court, develop and implement a secure, classified document management system that permits the prompt preparation, modification, and review by appropriate personnel of the Department of Justice, the Federal Bureau of Investigation, the National Security Agency, and other applicable elements of the United States Government of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) before their submittal to the Foreign Intelligence Surveillance Court.

(b) SCOPE OF SYSTEM.—The document management system required by subsection (a) shall—

(1) permit and facilitate the prompt submittal of applications to the Foreign Intelligence Surveillance Court under section 104 or 105(g)(5) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805(g)(5)); and

(2) permit and facilitate the prompt transmittal of rulings of the Foreign Intelligence Surveillance Court to personnel submitting applications described in paragraph (1).

SEC. 205. ADDITIONAL PERSONNEL FOR PREPARATION AND CONSIDERATION OF APPLICATIONS FOR ORDERS APPROVING ELECTRONIC SURVEILLANCE.

(a) OFFICE OF INTELLIGENCE POLICY AND REVIEW.—

(1) ADDITIONAL PERSONNEL.—The Office of Intelligence Policy and Review of the Department of Justice is hereby authorized such additional personnel as may be necessary to carry out the prompt and timely preparation, modification, and review of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Attorney General shall assign personnel authorized by paragraph (1) to and among appropriate offices of the National Security Agency in order that such personnel may directly assist personnel of the Agency in preparing applications described in that paragraph.

(b) FEDERAL BUREAU OF INVESTIGATION.—

(1) ADDITIONAL LEGAL AND OTHER PERSONNEL.—The National Security Branch of the Federal Bureau of Investigation is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(2) ASSIGNMENT.—The Director of the Federal Bureau of Investigation shall assign personnel authorized by paragraph (1) to and among the field offices of the Federal Bureau of Investigation in order that such personnel may directly assist personnel of the Bureau in such field offices in preparing applications described in that paragraph.

(c) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR NATIONAL SECURITY AGENCY.—The National Security Agency is hereby authorized such additional legal and other personnel as may be necessary to carry out the prompt and timely preparation of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes.

(d) ADDITIONAL LEGAL AND OTHER PERSONNEL FOR FOREIGN INTELLIGENCE SURVEILLANCE COURT.—There is hereby authorized for the Foreign Intelligence Surveillance Court such additional staff personnel as may be necessary to facilitate the prompt and timely consideration by that Court of applications under section 104 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804) for orders under section 105 of that Act (50 U.S.C. 1805) approving electronic surveillance for foreign intelligence purposes. Personnel authorized by this paragraph shall perform such duties relating to the consideration of such applications as that Court shall direct.

(e) SUPPLEMENT NOT SUPPLANT.—The personnel authorized by this section are in addition to any other personnel authorized by law.

SEC. 206. TRAINING OF FEDERAL BUREAU OF INVESTIGATION AND NATIONAL SECURITY AGENCY PERSONNEL IN FOREIGN INTELLIGENCE SURVEILLANCE MATTERS.

The Director of the Federal Bureau of Investigation and the Director of the National Security Agency shall each, in consultation with the Attorney General—

(1) develop regulations to establish procedures for conducting and seeking approval of electronic surveillance on an emergency basis, and for preparing and properly submitting and receiving applications and orders, under sections 104 and 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1804 and 1805); and

(2) prescribe related training for the personnel of the applicable agency.

SEC. 207. ENHANCEMENT OF ELECTRONIC SURVEILLANCE AUTHORITY IN WARTIME.

Section 111 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1811) is amended by striking "fifteen calendar days following a declaration of war by the Congress." and inserting "30 calendar days following any of the following:

"(1) A declaration of war by the Congress.

"(2) An authorization for the use of military force within the meaning of section 2(c)(2) of the War Powers Resolution (50 U.S.C. 1541(c)(2)).

"(3) A national emergency created by attack upon the United States, its territories or possessions, or the Armed Forces within the meaning of section 2(c)(3) of the War Powers Resolution (50 U.S.C. 1541(c)(3)).".

TITLE III—CLARIFICATIONS TO THE FOREIGN INTELLIGENCE SURVEILLANCE ACT OF 1978

SEC. 301. ACQUISITION OF FOREIGN-FOREIGN COMMUNICATIONS.

(a) IN GENERAL.—Notwithstanding any other provision of this Act or the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), no court order shall be required for the acquisition through electronic surveillance of the contents of any communication between one person who is not located within the United States and another person who is not located within the United States for the purpose of collecting foreign intelligence information even if such communication passes through, or the surveillance device is located within, the United States.

(b) TREATMENT OF INTERCEPTED COMMUNICATIONS INVOLVING DOMESTIC PARTY.—If surveillance conducted as described in subsection (a) inadvertently collects a communication in which at least one party is within the United States, the contents of such communications shall be handled in accordance with the minimization procedures set forth in section 101(h)(4) of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801(h)(4)).

(c) DEFINITIONS.—In this section, the terms "contents", "electronic surveillance", and "foreign intelligence information" have the meaning given such terms in section 101 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801).

SEC. 302. INDIVIDUALIZED FISA ORDERS.

Any order issued pursuant to section 105 of the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1805) authorizing electronic surveillance shall be supported by an individualized or particularized finding of probable cause to believe the target of the electronic surveillance is a foreign power or an agent of a foreign power.

TITLE IV—OTHER MATTERS

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated such sums as may be necessary to carry out this Act and the amendments made by this Act.

SEC. 402. EFFECTIVE DATE.

Except as provided in section 103, this Act, and the amendments made by this Act, shall take effect on the date that is 30 days after the date of the enactment of this Act.

By Mr. BINGAMAN (for himself, Mr. DOMENICI, Mr. DORGAN, Mr. LUGAR, Mr. AKAKA, Ms. MURKOWSKI, and Mr. CRAIG):

S. 1115. A bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes; to the Committee on Energy and Natural Resources.

Mr. BINGAMAN. Mr. President, I rise to introduce a comprehensive Energy efficiency bill. I am pleased to have the Ranking Member of the Energy Committee, the senior Senator from New Mexico, as my co-sponsor, along with Senator DORGAN, Senator LUGAR, Senator AKAKA, Senator MURKOWSKI and Senator CRAIG.

Energy efficiency can be viewed as the Nation's largest energy resource. Due to actions taken to increase efficiency since the 1973 oil crisis, we now save more energy each year than we get from any single energy supply resource, including oil.

When the Energy Policy Act of 2005 was signed into law in August of 2005, it included a strong package of energy efficiency initiatives. However, just a month later, when hurricanes devastated our Nation's primary oil and gas supply region and many of us recognized that we needed to enact additional and more aggressive efficiency measures.

During the last 2 years, gasoline, natural gas, and electricity prices have reached all-time high levels. These price increases cost American families and businesses over $300 billion dollars each year. In the 2006 elections, voters sent us a clear message that they wanted Congress to address high energy prices and also to provide solutions to climate change. Energy efficiency policies can alleviate both of these problems.

Our bill includes provisions that will improve efficiency in vehicles, buildings, appliances and industrial equipment. The legislation is also intended to motivate States and utilities to recognize energy efficiency as a resource and to remove current disincentives to programs that will benefit utility customers while reducing demand for electricity and natural gas.

Improving our energy productivity through efficiency has multiple benefits—it lowers the costs of consumers' energy bills; decreases the vulnerability of the economy to energy price shocks from natural disasters or problems with foreign sources of supply; provides environmental benefits such as lower air pollution and reduced greenhouse gas emissions. Moreover, energy efficiency investments help build local jobs and improve state economies.

The bill we are introducing today includes initiatives in six key areas: Promoting the development and use of advanced lighting technologies; Expediting new efficiency standards for appliances and industrial equipment; Promoting high efficiency vehicles, advanced batteries and energy storage; Setting aggressive goals for reducing gasoline consumption and improving overall energy productivity in the U.S.; Promoting Federal leadership in energy efficiency and renewable energy; and Assisting States, local governments and utilities in energy efficiency efforts.

In addition to the Energy Efficiency Promotion Act, I want to emphasize that other Senate committees are working on complementary efficiency initiatives, including the energy efficiency tax provisions we are developing in the Finance Committee and CAFE standards legislation in the Commerce Committee.

Finally, for the information on my colleagues, this bill is the 4th in a quartet of Energy bills that will be taken up by the Energy and Natural Resources Committee in the next few weeks. These bills are: S. 987, the Biofuels for Energy Security and Transportation Act; S. 731, the National Carbon Dioxide Storage Capacity Assessment Act; and S. 962 the Department of Energy Carbon Capture and Storage R D&D Act. We are working diligently to meet the Majority Leader's timetable for floor action on Energy legislation. I encourage Senators with questions or concerns about any of these bills to let me know so that we can try to address issues in a timely manner.

I have included at the end of my statement a preliminary estimate of the energy savings that would result from the implementation of the programs in this bill. I request that this estimate be printed in the RECORD.

There being no objection the material was ordered, to be printed as follows.

ENERGY SAVING ESTIMATE FOR THE ENERGY EFFICIENCY PROMOTION ACT

Potential savings from the appliance efficiency standards included in Titles I and II: Electricity—At least 50 billion kilowatt hours per year, or enough to power roughly 4.8 million typical U.S. households; Natural gas—170 million therms per year or enough to heat about a quarter million typical U.S. homes; Water—At least 560 million gallons per day, or about 1.3 percent of total daily potable water usage; and Dollars—More than $12 billion in net present benefits for consumers.

POTENTIAL SAVINGS FROM FEDERAL GOVERNMENT LEADERSHIP IN EFFICIENCY—TITLE V

The Federal Government consumed 1.1 quadrillion Btus or "quads" of energy during Fiscal Year 2005. The Federal energy bill for Fiscal Year 2005 increased by 24 percent compared to Fiscal Year 2004.

About 30 percent of the Federal energy use is in standard buildings and about 60 percent is energy used by vehicles and equipment. Although savings can not be estimated at this time—the legislation requires the Federal Government to achieve a 30 percent reduction in energy usage per square foot by 2015 and to reduce its use of gasoline in fleet vehicles by 30 percent in Fiscal Year 2016.

POTENTIAL SAVINGS FROM ELECTRIC AND GAS UTILITY EFFICIENCY PROGRAMS—TITLE VI

Assuming all State utility regulatory commissions and nonregulated utilities adopt the energy efficiency policies and cost-effective energy efficiency programs recommended in this bill, the estimate cumulative potential energy savings by 2020 would be 7.8 quads and the energy cost savings would be $12 billion.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1115

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Energy Efficiency Promotion Act of 2007".

(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Definition of Secretary.

TITLE I—PROMOTING ADVANCED LIGHTING TECHNOLOGIES

Sec. 101. Accelerated procurement of energy efficient lighting.
Sec. 102. Incandescent reflector lamp efficiency standards.
Sec. 103. Bright Tomorrow Lighting Prizes.
Sec. 104. Sense of Senate concerning efficient lighting standards.

TITLE II—EXPEDITING NEW ENERGY EFFICIENCY STANDARDS

Sec. 201. Definition of energy conservation standard.

Sec. 202. Regional standards for heating and cooling products.
Sec. 203. Furnace fan rulemaking.
Sec. 204. Expedited rulemakings.
Sec. 205. Preemption limitation.
Sec. 206. Energy efficiency labeling for consumer products.
Sec. 207. Residential boiler efficiency standards.
Sec. 208. Technical corrections.
Sec. 209. Electric motor efficiency standards.
Sec. 210. Energy standards for home appliances.
Sec. 211. Improved energy efficiency for appliances and buildings in cold climates.
Sec. 212. Deployment of new technologies for high-efficiency consumer products.

TITLE III—PROMOTING HIGH EFFICIENCY VEHICLES, ADVANCED BATTERIES, AND ENERGY STORAGE

Sec. 301. Lightweight materials research and development.
Sec. 302. Loan guarantees for fuel-efficient automobile parts manufacturers.
Sec. 303. Advanced technology vehicles manufacturing incentive program.
Sec. 304. Energy storage competitiveness.

TITLE IV—SETTING ENERGY EFFICIENCY GOALS

Sec. 401. National goals for energy savings in transportation.
Sec. 402. National energy efficiency improvement goals.
Sec. 403. Nationwide media campaign to increase energy efficiency.

TITLE V—PROMOTING FEDERAL LEADERSHIP IN ENERGY EFFICIENCY AND RENEWABLE ENERGY

Sec. 501. Federal fleet conservation requirements.
Sec. 502. Federal requirement to purchase electricity generated by renewable energy.
Sec. 503. Energy savings performance contracts.
Sec. 504. Energy management requirements for Federal buildings.
Sec. 505. Combined heat and power and district energy installations at Federal sites.
Sec. 506. Federal building energy efficiency performance standards.
Sec. 507. Application of International Energy Conservation Code to public and assisted housing.

TITLE VI—ASSISTING STATE AND LOCAL GOVERNMENTS IN ENERGY EFFICIENCY

Sec. 601. Weatherization assistance for low-income persons.
Sec. 602. State energy conservation plans.
Sec. 603. Utility energy efficiency programs.
Sec. 604. Energy efficiency and demand response program assistance.
Sec. 605. Energy and environmental block grant.
Sec. 606. Energy sustainability and efficiency grants for institutions of higher education.
Sec. 607. Workforce training.
Sec. 608. Assistance to States to reduce school bus idling.

SEC. 2. DEFINITION OF SECRETARY.

In this Act, the term "Secretary" means the Secretary of Energy.

TITLE I—PROMOTING ADVANCED LIGHTING TECHNOLOGIES

SEC. 101. ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.

Section 553 of the National Energy Conservation Policy Act (42 U.S.C. 8259b) is amended by adding the following:

"(f) ACCELERATED PROCUREMENT OF ENERGY EFFICIENT LIGHTING.—

"(1) IN GENERAL.—Not later than October 1, 2010, in accordance with guidelines issued by the Secretary, all general purpose lighting in Federal buildings shall be Energy Star products or products designated under the Federal Energy Management Program.

"(2) GUIDELINES.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall issue guidelines to carry out this subsection.".

SEC. 102. INCANDESCENT REFLECTOR LAMP EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended—

(1) in paragraph (30)(C)(ii)—

(A) in the matter preceding subclause (I)—

(i) by striking "or similar bulb shapes (excluding ER or BR)" and inserting "ER, BR, BPAR, or similar bulb shapes"; and

(ii) by striking "2.75" and inserting "2.25"; and

(B) by striking "is either—" and all that follows through subclause (II) and inserting "has a rated wattage that is 40 watts or higher"; and

(2) by adding at the end the following:

"(52) BPAR INCANDESCENT REFLECTOR LAMP.—The term 'BPAR incandescent reflector lamp' means a reflector lamp as shown in figure C78.21–278 on page 32 of ANSI C78.21-2003.

"(53) BR INCANDESCENT REFLECTOR LAMP; BR30; BR40.—

"(A) BR INCANDESCENT REFLECTOR LAMP.—The term 'BR incandescent reflector lamp' means a reflector lamp that has—

"(i) a bulged section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RB) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, including the referenced reflective characteristics in part 7 of ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) BR30.—The term 'BR30' means a BR incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) BR40.—The term 'BR40' means a BR incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(54) ER INCANDESCENT REFLECTOR LAMP; ER30; ER40.—

"(A) ER INCANDESCENT REFLECTOR LAMP.—The term 'ER incandescent reflector lamp' means a reflector lamp that has—

"(i) an elliptical section below the major diameter of the bulb and above the approximate baseline of the bulb, as shown in figure 1 (RE) on page 7 of ANSI C79.1-1994, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph); and

"(ii) a finished size and shape shown in ANSI C78.21-1989, incorporated by reference in section 430.22 of title 10, Code of Federal Regulations (as in effect on the date of enactment of this paragraph).

"(B) ER30.—The term 'ER30' means an ER incandescent reflector lamp with a diameter of 30/8ths of an inch.

"(C) ER40.—The term 'ER40' means an ER incandescent reflector lamp with a diameter of 40/8ths of an inch.

"(55) R20 INCANDESCENT REFLECTOR LAMP.—The term 'R20 incandescent reflector lamp' means a reflector lamp that has a face diameter of approximately 2.5 inches, as shown in figure 1(R) on page 7 of ANSI C79.1-1994.".

(b) STANDARDS FOR FLUORESCENT LAMPS AND INCANDESCENT REFLECTOR LAMPS.—Section 325(i) of the Energy Policy and Conservation Act (42 U.S.C. 6925(i)) is amended by striking paragraph (1) and inserting the following:

"(1) STANDARDS.—

"(A) DEFINITION OF EFFECTIVE DATE.—In this paragraph (other than subparagraph (D)), the term 'effective date' means, with respect to each type of lamp specified in a table contained in subparagraph (B), the last day of the period of months corresponding to that type of lamp (as specified in the table) that follows October 24, 1992.

"(B) MINIMUM STANDARDS.—Each of the following general service fluorescent lamps and incandescent reflector lamps manufactured after the effective date specified in the tables contained in this paragraph shall meet or exceed the following lamp efficacy and CRI standards:

"FLUORESCENT LAMPS

Lamp Type	Nominal Lamp Wattage	Minimum CRI	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
4-foot medium bi-pin	>35 W	69	75.0	36
	≤35 W	45	75.0	36
2-foot U-shaped	>35 W	69	68.0	36
	≤35 W	45	64.0	36
8-foot slimline	65 W	69	80.0	18
	≤65 W	45	80.0	18
8-foot high output	>100 W	69	80.0	18
	≤100 W	45	80.0	18

"INCANDESCENT REFLECTOR LAMPS

Nominal Lamp Wattage	Minimum Average Lamp Efficacy (LPW)	Effective Date (Period of Months)
40–50	10.5	36
51–66	11.0	36
67–85	12.5	36
86–115	14.0	36
116–155	14.5	36
156–205	15.0	36

"(C) EXEMPTIONS.—The standards specified in subparagraph (B) shall not apply to the following types of incandescent reflector lamps:

"(i) Lamps rated at 50 watts or less that are ER30, BR30, BR40, or ER40 lamps.

"(ii) Lamps rated at 65 watts that are BR30, BR40, or ER40 lamps.

"(iii) R20 incandescent reflector lamps rated 45 watts or less.

"(D) EFFECTIVE DATES.—

"(i) ER, BR, AND BPAR LAMPS.—The standards specified in subparagraph (B) shall apply with respect to ER incandescent reflector lamps, BR incandescent reflector lamps, BPAR incandescent reflector lamps, and similar bulb shapes on and after January 1, 2008.

"(ii) LAMPS BETWEEN 2.25-2.75 INCHES IN DIAMETER.—The standards specified in subparagraph (B) shall apply with respect to incandescent reflector lamps with a diameter of more than 2.25 inches, but not more than 2.75 inches, on and after January 1, 2008.".

SEC. 103. BRIGHT TOMORROW LIGHTING PRIZES.

(a) ESTABLISHMENT.—Not later than 1 year after the date of enactment of this Act, as part of the program carried out under section 1008 of the Energy Policy Act of 2005 (42 U.S.C. 16396), the Secretary shall establish and award Bright Tomorrow Lighting Prizes for solid state lighting in accordance with this section.

(b) PRIZE SPECIFICATIONS.—

(1) 60-WATT INCANDESCENT REPLACEMENT LAMP PRIZE.—The Secretary shall award a 60-Watt Incandescent Replacement Lamp Prize to an entrant that produces a solid-state light package simultaneously capable of—

(A) producing a luminous flux greater than 900 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than 90;

(E) having a correlated color temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having a lifetime exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a soft 60-watt incandescent A19 bulb;

(H) having a size and shape similar to a 60-watt incandescent A19 bulb in accordance with American National Standards Institute standard C78.20-2003, figure C78.20-211;

(I) using an incandescent bulb power receptacle; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(2) PAR TYPE 38 HALOGEN REPLACEMENT LAMP PRIZE.—The Secretary shall award a Parabolic Aluminized Reflector Type 38 Halogen Replacement Lamp Prize (referred to in this section as the "PAR Type 38 Halogen Replacement Lamp Prize") to an entrant that produces a solid-state-light package simultaneously capable of—

(A) producing a luminous flux greater than or equal to 1,350 lumens;

(B) consuming less than or equal to 10 watts;

(C) having an efficiency greater than 90 lumens per watt;

(D) having a color rendering index greater than or equal to 90;

(E) having a correlated color coordinate temperature of not less than 2,750, and not more than 3,000, degrees Kelvin;

(F) having a lifetime exceeding 25,000 hours under typical conditions expected in residential use;

(G) having a light distribution pattern similar to a PAR 38 halogen lamp;

(H) having a size and shape that fits within the maximum dimensions of a PAR 38 halogen lamp in accordance with American National Standards Institute standard C78-21-2003, figure C78.21-238;

(I) using a PAR 38 halogen power receptacle; and

(J) mass production for a competitive sales commercial market satisfied by the submission of 10,000 such units equal to or exceeding the criteria described in subparagraphs (A) through (I).

(3) TWENTY-FIRST CENTURY LAMP PRIZE.—The Secretary shall award a Twenty-First Century Lamp Prize to an entrant that produces a solid-state-light-light capable of—

(A) producing a light output greater than 1,200 lumens;

(B) having an efficiency greater than 150 lumens per watt;

(C) having a color rendering index greater than 90;

(D) having a color coordinate temperature between 2,800 and 3,000 degrees Kelvin; and

(E) having a lifetime exceeding 25,000 hours.

(c) PRIVATE FUNDS.—The Secretary may accept and use funding from private sources as part of the prizes awarded under this section.

(d) TECHNICAL REVIEW.—The Secretary shall establish a technical review committee composed of non-Federal officers to review entrant data submitted under this section to determine whether the data meets the prize specifications described in subsection (b).

(e) THIRD PARTY ADMINISTRATION.—The Secretary may competitively select a third party to administer awards under this section.

(f) AWARD AMOUNTS.—Subject to the availability of funds to carry out this section, the amount of—

(1) the 60-Watt Incandescent Replacement Lamp Prize described in subsection (b)(1) shall be $10,000,000;

(2) the PAR Type 38 Halogen Replacement Lamp Prize described in subsection (b)(2) shall be $5,000,000; and

(3) the Twenty-First Century Lamp Prize described in subsection (b)(3) shall be $5,000,000.

(g) FEDERAL PROCUREMENT OF SOLID-STATE-LIGHTS.—

(1) 60-WATT INCANDESCENT REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the 60-Watt Incandescent Replacement Lamp Prize under subsection (b)(1), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with a goal of replacing the use of 60-watt incandescent lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(1) by not later than the date that is 5 years after the date the award is made.

(2) PAR 38 HALOGEN REPLACEMENT LAMP REPLACEMENT.—Subject to paragraph (3), as soon as practicable after the successful award of the PAR Type 38 Halogen Replacement Lamp Prize under subsection (b)(2), the Secretary (in consultation with the Administrator of General Services) shall develop governmentwide Federal purchase guidelines with the goal of replacing the use of PAR 38 halogen lamps in Federal Government buildings with a solid-state-light package described in subsection (b)(2) by not later than the date that is 5 years after the date the award is made.

(3) WAIVERS.—

(A) IN GENERAL.—The Secretary or the Administrator of General Services may waive the application of paragraph (1) or (2) if the Secretary or Administrator determines that the return on investment from the purchase of a solid-state-light package described in paragraph (1) or (2) of subsection (b), respectively, is cost prohibitive.

(B) REPORT OF WAIVER.—If the Secretary or Administrator waives the application of paragraph (1) or (2), the Secretary or Administrator, respectively, shall submit to Congress an annual report that describes the waiver and provides a detailed justification for the waiver.

(h) BRIGHT LIGHT TOMORROW AWARD FUND.—

(1) ESTABLISHMENT.—There is established in the United States Treasury a Bright Light Tomorrow permanent fund without fiscal year limitation to award prizes under paragraphs (1), (2), and (3) of subsection (b).

(2) SOURCES OF FUNDING.—The fund established under paragraph (1) shall accept—

(A) fiscal year appropriations; and

(B) private contributions authorized under subsection (c).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section.

SEC. 104. SENSE OF SENATE CONCERNING EFFICIENT LIGHTING STANDARDS.

(a) FINDINGS.—The Senate finds that—

(1) there are approximately 4,000,000,000 screw-based sockets in the United States that contain traditional, energy-inefficient, incandescent light bulbs;

(2) incandescent light bulbs are based on technology that is more than 125 years old;

(3) there are radically more efficient lighting alternatives in the market, with the promise of even more choices over the next several years;

(4) national policy can support a rapid substitution of new, energy-efficient light bulbs for the less efficient products in widespread use; and,

(5) transforming the United States market to use of more efficient lighting technologies can—

(A) reduce electric costs in the United States by more than $18,000,000,000 annually;

(B) save the equivalent electricity that is produced by 80 base load coal-fired power plants; and

(C) reduce fossil fuel related emissions by approximately 158,000,000 tons each year.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that the Senate should—

(1) pass a set of mandatory, technology-neutral standards to establish firm energy efficiency performance targets for lighting products;

(2) ensure that the standards become effective within the next 10 years; and

(3) in developing the standards—

(A) establish the efficiency requirements to ensure that replacement lamps will provide consumers with the same quantity of light while using significantly less energy;

(B) ensure that consumers will continue to have multiple product choices, including energy-saving halogen, incandescent, compact fluorescent, and LED light bulbs; and

(C) work with industry and key stakeholders on measures that can assist consumers and businesses in making the important transition to more efficient lighting.

TITLE II—EXPEDITING NEW ENERGY EFFICIENCY STANDARDS

SEC. 201. DEFINITION OF ENERGY CONSERVATION STANDARD.

Section 321 of the Energy Policy and Conservation Act (42 U.S.C. 6291) is amended by striking paragraph (6) and inserting the following:

"(6) ENERGY CONSERVATION STANDARD.—

"(A) IN GENERAL.—The term 'energy conservation standard' means—

"(i) 1 or more performance standards that prescribe a minimum level of energy efficiency or a maximum quantity of energy use, and, in the case of a showerhead, faucet, water closet, urinal, clothes washer, and dishwasher, water use, for a covered product, determined in accordance with test procedures prescribed under section 323; and

"(ii) 1 or more design requirements.

"(B) INCLUSIONS.—The term 'energy conservation standard' includes any other requirements that the Secretary may prescribe under subsections (o) and (r) of section 325.".

SEC. 202. REGIONAL STANDARDS FOR HEATING AND COOLING PRODUCTS.

Section 325(o) of the Energy Policy and Conservation Act (42 U.S.C. 6295(o)) is amended by adding at the end the following:

"(6) REGIONAL STANDARDS FOR HEATING AND COOLING PRODUCTS.—

"(A) IN GENERAL.—Notwithstanding any other provision of this section, the Secretary may establish regional standards for space heating and air conditioning products.

"(B) MAXIMUM NUMBER OF REGIONS.—For each space heating and air conditioning product, the Secretary may establish not more than 3 regions with differing standards.

"(C) BOUNDARIES OF REGIONS.—

"(i) IN GENERAL.—The Secretary shall establish the regions so as to achieve the maximum level of energy savings that are technically feasible and economically justifiable.

"(ii) STATE BOUNDARIES.—Boundaries for a region shall conform to State borders and only include contiguous States (other than Alaska and Hawaii, which shall be noncontiguous).

"(D) FACTORS FOR ESTABLISHMENT.—In deciding whether to establish 1 or more regional standards for space heating and air conditioning equipment, the Secretary shall consider all of the factors described in paragraphs (1) through (4).".

SEC. 203. FURNACE FAN RULEMAKING.

Section 325(f)(3) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)(3)) is amended by adding at the end the following:

"(E) FINAL RULE.—

"(i) IN GENERAL.—The Secretary shall publish a final rule to carry out this subsection not later than December 31, 2012.

"(ii) CRITERIA.—The standards shall meet the criteria established under subsection (o).".

SEC. 204. EXPEDITED RULEMAKINGS.

Section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295) is amended by adding at the end the following:

"(hh) EXPEDITED RULEMAKING FOR CONSENSUS STANDARDS.—

"(1) IN GENERAL.—The Secretary shall conduct an expedited rulemaking based on an energy conservation standard or test procedure recommended by interested persons, if—

"(A) the interested persons (demonstrating significant and broad support from manufacturers of a covered product, States, and environmental, energy efficiency, and consumer advocates) submit a joint comment recommending a consensus energy conservation standard or test procedure; and

"(B) the Secretary determines that the joint comment includes evidence that (assuming no other evidence were considered) provides an adequate basis for determining that the proposed consensus energy conservation standard or test procedure proposed in the joint comment complies with the provisions and criteria of this Act (including subsection o)) that apply to the type or class of covered products covered by the joint comment.

"(2) PROCEDURE.—

"(A) IN GENERAL.—Notwithstanding subsection (p) or section 336(a), if the Secretary receives a joint comment that meets the criteria described in paragraph (1), the Secretary shall conduct an expedited rulemaking with respect to the standard or test procedure proposed in the joint comment in accordance with this paragraph.

"(B) ADVANCED NOTICE OF PROPOSED RULEMAKING.—If no advanced notice of proposed rulemaking has been issued under subsection (p)(1) with respect to the rulemaking covered by the joint comment, the requirements of subsection (p) with respect to the issuance of an advanced notice of proposed rulemaking shall not apply.

"(C) PUBLICATION OF DETERMINATION.—Not later than 60 days after receipt of a joint comment described in paragraph (1)(A), the Secretary shall publish a description of a determination as to whether the proposed standard or test procedure covered by the joint comment meets the criteria described in paragraph (1).

"(D) PROPOSED RULE.—

"(i) PUBLICATION.—If the Secretary determines that the proposed consensus standard or test procedure covered by the joint comment meets the criteria described in paragraph (1), not later than 30 days after the determination, the Secretary shall publish a proposed rule proposing the consensus standard or test procedure covered by the joint comment.

"(ii) PUBLIC COMMENT PERIOD.—Notwithstanding paragraphs (2) and (3) of subsection (p), the public comment period for the proposed rule shall be the 30-day period beginning on the date of the publication of the proposed rule in the Federal Register.

"(iii) PUBLIC HEARING.—Notwithstanding section 336(a), the Secretary may waive the holding of a public hearing with respect to the proposed rule.

"(E) FINAL RULE.—Notwithstanding subsection (p)(4), the Secretary—

"(i) may publish a final rule at any time after the 60-day period beginning on the date of publication of the proposed rule in the Federal Register; and

"(ii) shall publish a final rule not later than 120 days after the date of publication of the proposed rule in the Federal Register.".

SEC. 205. PREEMPTION LIMITATION.

Section 327 of the Energy Policy and Conservation Act (42 U.S.C. 6297) is amended—

(1) in subsection (b)—

(A) in paragraph (6), by striking "or" at the end;

(B) in paragraph (7), by striking the period at the end and inserting "; or"; and

(C) by adding at the end the following:

"(8) is a State regulation for a product for which a Federal energy conservation standard has not been established, in that—

"(A) the product is excluded from or not directly affected by a Federal standard; or

"(B) a rulemaking occurs that ultimately does not prescribe a Federal energy conservation standard for the product."; and

(2) in subsection (c)—

(A) in paragraph (8), by striking the period at the end and inserting "; or"; and

(B) by adding at the end the following:

"(9) is a State regulation for a product for which a Federal energy conservation standard has not been established, in that—

"(A) the product is excluded from or not directly affected by a Federal standard; or

"(B) a rulemaking occurs that ultimately does not prescribe a Federal energy conservation standard for the product.".

SEC. 206. ENERGY EFFICIENCY LABELING FOR CONSUMER PRODUCTS.

(a) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Federal Trade Commission, in consultation with the Secretary and the Administrator of the Environmental Protection Agency (acting through the Energy Star program), shall promulgate regulations to add the consumer electronics product categories described in subsection (b) to the Energy Guide labeling program of the Commission.

(b) CONSUMER ELECTRONICS PRODUCT CATEGORIES.—The consumer electronics product categories referred to in subsection (a) are the following:

(1) Televisions.

(2) Personal computers.

(3) Cable or satellite set-top boxes.

(4) Stand-alone digital video recorder boxes (including TIVO and similar branded products).

(5) Computer monitors.

(c) LABEL PLACEMENT.—The regulations shall include specific requirements for each product on the placement of Energy Guide labels.

(d) DEADLINE FOR LABELING.—Not later than 1 year after the date of promulgation of regulations under subsection (a), the Commission shall require labeling electronic products described in subsection (b) in accordance with this section (including the regulations).

(e) AUTHORITY TO INCLUDE ADDITIONAL PRODUCT CATEGORIES.—The Commission may add additional product categories to the Energy Guide labeling program if the product categories include products, as determined by the Commission—

(1) that have an annual energy use in excess of 100 kilowatt hours per year; and

(2) for which there is a significant difference in energy use between the most and least efficient products.

SEC. 207. RESIDENTIAL BOILER EFFICIENCY STANDARDS.

Section 325(f) of the Energy Policy and Conservation Act (42 U.S.C. 6295(f)) is amended—

(1) by redesignating paragraph (3) as paragraph (4); and

(2) by inserting after paragraph (2) the following:

"(3) BOILERS.—

"(A) IN GENERAL.—Subject to subparagraphs (B) and (C), boilers manufactured on or after September 1, 2012, shall meet the following requirements:

Boiler Type	Minimum Annual Fuel Utilization Efficiency	Design Requirements
Gas Hot Water	82%	No Constant Burning Pilot, Automatic Means for Adjusting Water Temperature
Gas Steam	80%	No Constant Burning Pilot
Oil Hot Water	84%	Automatic Means for Adjusting Temperature
Oil Steam	82%	None
Electric Hot Water	None	Automatic Means for Adjusting Temperature
Electric Steam	None	None

“(B) PILOTS.—The manufacturer shall not equip gas hot water or steam boilers with constant-burning pilot lights.

“(C) AUTOMATIC MEANS FOR ADJUSTING WATER TEMPERATURE.—

“(i) IN GENERAL.—The manufacturer shall equip each gas, oil, and electric hot water boiler (other than a boiler equipped with tankless domestic water heating coils) with an automatic means for adjusting the temperature of the water supplied by the boiler to ensure that an incremental change in inferred heat load produces a corresponding incremental change in the temperature of water supplied.

“(ii) CERTAIN BOILERS.—For a boiler that fires at 1 input rate, the requirements of this subparagraph may be satisfied by providing an automatic means that allows the burner or heating element to fire only when the means has determined that the inferred heat load cannot be met by the residual heat of the water in the system.

“(iii) NO INFERRED HEAT LOAD.—When there is no inferred heat load with respect to a hot water boiler, the automatic means described in clauses (i) and (ii) shall limit the temperature of the water in the boiler to not more than 140 degrees Fahrenheit.

“(iv) OPERATION.—A boiler described in clause (i) or (ii) shall be operable only when the automatic means described in clauses (i), (ii), and (iii) is installed.”.

SEC. 208. TECHNICAL CORRECTIONS.

Section 321(30)(B)(viii) of the Energy Policy and Conservation Act (42 U.S.C. 6291(30)(B)(viii)) is amended by striking “82” and inserting “87”.

SEC. 209. ELECTRIC MOTOR EFFICIENCY STANDARDS.

(a) DEFINITIONS.—Section 340(13) of the Energy Policy and Conservation Act (42 U.S.C. 6311(13)) is amended by striking subparagraph (A) and inserting the following:

“(A)(i) The term ‘electric motor’ means—

“(I) a general purpose electric motor - subtype I; and

“(II) a general purpose electric motor - subtype II.

“(ii) The term ‘general purpose electric motor - subtype I’ means any motor that is considered a general purpose motor under section 431.12 of title 10, Code of Federal Regulations (or successor regulations).

“(iii) The term ‘general purpose electric motor - subtype II’ means a motor that, in addition to the design elements for a general purpose electric motor - subtype I, incorporates the design elements (as established in National Electrical Manufacturers Association MG-1 (2006)) (or successor design elements) for any of the following:

“(I) A U-Frame Motor.

“(II) A Design C Motor.

“(III) A close-coupled pump motor.

“(IV) A footless motor.

“(V) A vertical solid shaft normal thrust (tested in a horizontal configuration).

“(VI) An 8-pole motor.

“(VII) A poly-phase motor with voltage of not more than 600 volts (other than 230 or 460 volts).”.

(b) STANDARDS.—Section 342(b) of the Energy Policy and Conservation Act (42 U.S.C. 6313(13)) is amended by striking paragraph (1) and inserting the following:

“(1) STANDARDS.—

“(A) GENERAL PURPOSE ELECTRIC MOTORS - SUBTYPE I.—

“(i) IN GENERAL.—Except as otherwise provided in this subparagraph, a general purpose electric motor - subtype I with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12-12 of National Electrical Manufacturers Association (referred to in this paragraph as ‘NEMA’) MG-1 (2006) (or a successor table).

“(ii) FIRE PUMP MOTORS.—A fire pump motor shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).

“(B) GENERAL PURPOSE ELECTRIC MOTORS - SUBTYPE II .—A general purpose electric motor - subtype II with a power rating of not less than 1, and not more than 200, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of enactment of this subparagraph, shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).

“(C) DESIGN B, GENERAL PURPOSE ELECTRIC MOTORS.—A NEMA Design B, general purpose electric motor with a power rating of not less than 201, and not more than 500, horsepower manufactured (alone or as a component of another piece of equipment) after the 3-year period beginning on the date of the enactment of this subparagraph shall have a nominal full load efficiency established in Table 12-11 of NEMA MG-1 (2006) (or a successor table).”.

(c) EFFECTIVE DATE.—The amendments made by this section take effect on the date that is 3 years after the date of enactment of this Act.

SEC. 210. ENERGY STANDARDS FOR HOME APPLIANCES.

(a) DEFINITION OF ENERGY CONSERVATION STANDARD.—Section 321(6)(A) of the Energy Policy and Conservation Act (42 U.S.C. 6291(6)(A)) is amended by striking “or, in the case of” and inserting “and, in the case of residential clothes washers, residential dishwashers,”.

(b) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS.—Section 325(b) of the Energy Policy and Conservation Act (42 U.S.C. 6295(b)) is amended by adding at the end the following:

“(4) REFRIGERATORS, REFRIGERATOR-FREEZERS, AND FREEZERS MANUFACTURED ON OR AFTER JANUARY 1, 2014.—Not later than December 31, 2010, the Secretary shall publish a final rule determining whether to amend the standards in effect for refrigerators, refrigerator-freezers, and freezers manufactured on or after January 1, 2014, and including any amended standards.”.

(c) RESIDENTIAL CLOTHES WASHERS AND DISHWASHERS.—Section 325(g)(4) of the Energy Policy and Conservation Act (42 U.S.C. 6295(g)(4)) is amended by adding at the end the following:

“(D) CLOTHES WASHERS.—

“(i) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2011.—A residential clothes washer manufactured on or after January 1, 2011, shall have—

“(I) an energy factor of at least 1.26; and

“(II) a water factor of not more than 9.5.

“(ii) CLOTHES WASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2015.—Not later than December 31, 2011, the Secretary shall publish a final rule determining whether to amend the standards in effect for residential clothes washers manufactured on or after January 1, 2015, and including any amended standards.

“(E) DISHWASHERS.—

“(i) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2010.—A dishwasher manufactured on or after January 2, 2010, shall use not more than—

“(I) in the case of a standard-size dishwasher, 355 kWh per year or 6.5 gallons of water per cycle; and

“(II) in the case of a compact-size dishwasher, 260 kWh per year or 4.5 gallons of water per cycle.

“(ii) DISHWASHERS MANUFACTURED ON OR AFTER JANUARY 1, 2018.—Not later than December 31, 2015, the Secretary shall publish a final rule determining whether to amend the standards for dishwashers manufactured on or after January 2, 2018, and including any amended standards.”.

(d) DEHUMIDIFIERS.—Section 325(cc) of the Energy Policy and Conservation Act (42 U.S.C. 6295(cc)) is amended—

(1) in paragraph (1), by inserting “and before October 1, 2012,” after “2007,”; and

(2) by striking paragraph (2) and inserting the following:

“(2) DEHUMIDIFIERS MANUFACTURED ON OR AFTER OCTOBER 1, 2012.—Dehumidifiers manufactured on or after October 1, 2012, shall have an Energy Factor that meets or exceeds the following values:

Product Capacity (pints/day):	Minimum Energy Factor liters/kWh
Up to 35.00	1.35
35.01–45.00	1.50
45.01–54.00	1.60
54.01–75.00	1.70
Greater than 75.00	2.5.”

(e) ENERGY STAR PROGRAM.—Section 324A(d)(2) of the Energy Policy and Conservation Act (42 U.S.C. 6294a(d)(2)) is amended by striking “2010” and inserting “2009”.

SEC. 211. IMPROVED ENERGY EFFICIENCY FOR APPLIANCES AND BUILDINGS IN COLD CLIMATES.

(a) RESEARCH.—Section 911(a)(2) of the Energy Policy Act of 2005 (42 U.S.C. 16191(a)(2)) is amended—

(1) in subparagraph (C), by striking “and” at the end;

(2) in subparagraph (D), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:

"(E) technologies to improve the energy efficiency of appliances and mechanical systems for buildings in cold climates, including increased use of renewable resources, including fuel.".

(b) REBATES.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) in subsection (b)(1), by inserting ", or products with improved energy efficiency in cold climates," after "residential Energy Star products"; and

(2) in subsection (e), by inserting "or product with improved energy efficiency in a cold climate" after "residential Energy Star product" each place it appears.

SEC. 212. DEPLOYMENT OF NEW TECHNOLOGIES FOR HIGH-EFFICIENCY CONSUMER PRODUCTS.

(a) DEFINITIONS.—In this section:

(1) ENERGY SAVINGS.—The term "energy savings" means megawatt-hours of electricity or million British thermal units of natural gas saved by a product, in comparison to projected energy consumption under the energy efficiency standard applicable to the product.

(2) HIGH-EFFICIENCY CONSUMER PRODUCT.—The term "high-efficiency consumer product" means a product that exceeds the energy efficiency of comparable products available in the market by at least 25 percent.

(b) FINANCIAL INCENTIVES PROGRAM.—Effective beginning October 1, 2007, the Secretary shall competitively award financial incentives under this section for the manufacture of high-efficiency consumer products.

(c) REQUIREMENTS.—

(1) IN GENERAL.—The Secretary shall make awards under this section to manufacturers of high-efficiency consumer products, based on the bid of each manufacturer in terms of dollars per megawatt-hour or million British thermal units saved.

(2) ACCEPTANCE OF BIDS.—In making awards under this section, the Secretary shall—

(A) solicit bids for reverse auction from appropriate manufacturers, as determined by the Secretary; and

(B) award financial incentives to the manufacturers that submit the lowest bids that meet the requirements established by the Secretary.

(d) FORMS OF AWARDS.—An award for a high-efficiency consumer product under this section shall be in the form of a lump sum payment in an amount equal to the product obtained by multiplying—

(1) the amount of the bid by the manufacturer of the high-efficiency consumer product; and

(2) the energy savings during the projected useful life of the high-efficiency consumer product, not to exceed 10 years, as determined under regulations issued by the Secretary.

TITLE III—PROMOTING HIGH EFFICIENCY VEHICLES, ADVANCED BATTERIES, AND ENERGY STORAGE

SEC. 301. LIGHTWEIGHT MATERIALS RESEARCH AND DEVELOPMENT.

(a) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary shall establish a research and development program to determine ways in which—

(1) the weight of vehicles may be reduced to improve fuel efficiency without compromising passenger safety; and

(2) the cost of lightweight materials (such as steel alloys and carbon fibers) required for the construction of lighter-weight vehicles may be reduced.

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $60,000,000 for each of fiscal years 2007 through 2012.

SEC. 302. LOAN GUARANTEES FOR FUEL-EFFICIENT AUTOMOBILE PARTS MANUFACTURERS.

(a) IN GENERAL.—Section 712(a) of the Energy Policy Act of 2005 (42 U.S.C. 16062(a)) is amended in the second sentence by striking "grants to automobile manufacturers" and inserting "grants and loan guarantees under section 1703 to automobile manufacturers and suppliers".

(b) CONFORMING AMENDMENT.—Section 1703(b) of the Energy Policy Act of 2005 (42 U.S.C. 16513(b)) is amended by by striking paragraph (8) and inserting the following:

"(8) Production facilities for the manufacture of fuel efficient vehicles or parts of those vehicles, including electric drive transportation technology and advanced diesel vehicles.".

SEC. 303. ADVANCED TECHNOLOGY VEHICLES MANUFACTURING INCENTIVE PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADJUSTED AVERAGE FUEL ECONOMY.—The term "adjusted average fuel economy" means the average fuel economy of a manufacturer for all light duty vehicles produced by the manufacturer, adjusted such that the fuel economy of each vehicle that qualifies for an award shall be considered to be equal to the average fuel economy for vehicles of a similar footprint for model year 2002.

(2) ADVANCED TECHNOLOGY VEHICLE.—The term "advanced technology vehicle" means a light duty vehicle that meets—

(A) the Bin 5 Tier II emission standard established in regulations issued by the Administrator of the Environmental Protection Agency under section 202(i) of the Clean Air Act (42 U.S.C. 7521(i)), or a lower-numbered Bin emission standard;

(B) any new emission standard for fine particulate matter prescribed by the Administrator under that Act (42 U.S.C. 7401 et seq.); and

(C) at least 125 percent of the average base year combined fuel economy for vehicles of a substantially similar footprint.

(3) COMBINED FUEL ECONOMY.—The term "combined fuel economy" means—

(A) the combined city/highway miles per gallon values, as reported in accordance with section 32908 of title 49, United States Code; and

(B) in the case of an electric drive vehicle with the ability to recharge from an off-board source, the reported mileage, as determined in a manner consistent with the Society of Automotive Engineers Recommended Practice J1711 or a similar practice recommended by the Secretary .

(4) ENGINEERING INTEGRATION COSTS.—The term "engineering integration costs" includes the cost of engineering tasks relating to—

(A) incorporating qualifying components into the design of advanced technology vehicles; and

(B) designing new tooling and equipment for production facilities that produce qualifying components or advanced technology vehicles.

(5) QUALIFYING COMPONENTS.—The term "qualifying components" means components that the Secretary determines to be—

(A) specially designed for advanced technology vehicles; and

(B) installed for the purpose of meeting the performance requirements of advanced technology vehicles.

(b) MANUFACTURER FACILITY CONVERSION AWARDS.—The Secretary shall provide facility conversion funding awards under this section to automobile manufacturers and component suppliers to pay not more than 30 percent of the cost of—

(1) reequipping or expanding an existing manufacturing facility in the United States to produce—

(A) qualifying advanced technology vehicles; or

(B) qualifying components; and

(2) engineering integration performed in the United States of qualifying vehicles and qualifying components.

(c) PERIOD OF AVAILABILITY.—An award under subsection (b) shall apply to—

(1) facilities and equipment placed in service before December 30, 2017; and

(2) engineering integration costs incurred during the period beginning on the date of enactment of this Act and ending on December 30, 2017.

(d) IMPROVEMENT.—The Secretary shall issue regulations that require that, in order for an automobile manufacturer to be eligible for an award under this section during a particular year, the adjusted average fuel economy of the manufacturer for light duty vehicles produced by the manufacturer during the most recent year for which data are available shall be not less than the average fuel economy for all light duty vehicles of the manufacturer for model year 2002.

SEC. 304. ENERGY STORAGE COMPETITIVENESS.

(a) SHORT TITLE.—This section may be cited as the "United States Energy Storage Competitiveness Act of 2007".

(b) ENERGY STORAGE SYSTEMS FOR MOTOR TRANSPORTATION AND ELECTRICITY TRANSMISSION AND DISTRIBUTION.—

(1) DEFINITIONS.—In this subsection:

(A) COUNCIL.—The term "Council" means the Energy Storage Advisory Council established under paragraph (3).

(B) COMPRESSED AIR ENERGY STORAGE.—The term "compressed air energy storage" means, in the case of an electricity grid application, the storage of energy through the compression of air.

(C) DEPARTMENT.—The term "Department" means the Department of Energy.

(D) FLYWHEEL.—The term "flywheel" means, in the case of an electricity grid application, a device used to store rotational kinetic energy.

(E) ULTRACAPACITOR.—The term "ultracapacitor" means an energy storage device that has a power density comparable to conventional capacitors but capable of exceeding the energy density of conventional capacitors by several orders of magnitude.

(2) PROGRAM.—The Secretary shall carry out a research, development, and demonstration program to support the ability of the United States to remain globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(3) ENERGY STORAGE ADVISORY COUNCIL.—

(A) ESTABLISHMENT.—Not later than 90 days after the date of enactment of this Act, the Secretary shall establish an Energy Storage Advisory Council.

(B) COMPOSITION.—

(i) IN GENERAL.—Subject to clause (ii), the Council shall consist of not less than 15 individuals appointed by the Secretary, based on recommendations of the National Academy of Sciences.

(ii) ENERGY STORAGE INDUSTRY.—The Council shall consist primarily of representatives of the energy storage industry of the United States.

(iii) CHAIRPERSON.—The Secretary shall select a Chairperson for the Council from among the members appointed under clause (i)

(C) Meetings.—

(i) In general.—The Council shall meet not less than once a year.

(ii) Federal advisory committee act.—The Federal Advisory Committee Act (5 U.S.C. App. 2) shall apply to a meeting of the Council.

(D) Plans.—No later than 1 year after the date of enactment of this Act, in conjunction with the Secretary, the Council shall develop 5-year plans for integrating basic and applied research so that the United States retains a globally competitive domestic energy storage industry for motor transportation and electricity transmission and distribution.

(E) Review.—The Council shall—

(i) assess the performance of the Department in meeting the goals of the plans developed under subparagraph (D); and

(ii) make specific recommendations to the Secretary on programs or activities that should be established or terminated to meet those goals.

(4) Basic research program.—

(A) Basic research.—The Secretary shall conduct a basic research program on energy storage systems to support motor transportation and electricity transmission and distribution, including—

(i) materials design;

(ii) materials synthesis and characterization;

(iii) electrolytes, including bioelectrolytes;

(iv) surface and interface dynamics; and

(v) modeling and simulation.

(B) Nanoscience centers.—The Secretary shall ensure that the nanoscience centers of the Department—

(i) support research in the areas described in subparagraph (A), as part of the mission of the centers; and

(ii) coordinate activities of the centers with activities of the Council.

(5) Applied research program.—The Secretary shall conduct an applied research program on energy storage systems to support motor transportation and electricity transmission and distribution technologies, including—

(A) ultracapacitors;

(B) flywheels;

(C) compressed air energy systems;

(D) power conditioning electronics; and

(E) manufacturing technologies for energy storage systems.

(6) Energy storage research centers.—

(A) In general.—The Secretary shall establish, through competitive bids, 4 energy storage research centers to translate basic research into applied technologies to advance the capability of the United States to maintain a globally competitive posture in energy storage systems for motor transportation and electricity transmission and distribution.

(B) Program management.—The centers shall be jointly managed by the Under Secretary for Science and the Under Secretary of Energy of the Department.

(C) Participation agreements.—As a condition of participating in a center, a participant shall enter into a participation agreement with the center that requires that activities conducted by the participant for the center promote the goal of enabling the United States to compete successfully in global energy storage markets.

(D) Plans.—A center shall conduct activities that promote the achievement of the goals of the plans of the Council under paragraph (3)(D).

(E) Cost sharing.—In carrying out this paragraph, the Secretary shall require cost-sharing in accordance with section 988 of the Energy Policy Act of 2005 (42 U.S.C. 16352).

(F) National laboratories.—A national laboratory (as defined in section 2 of the Energy Policy Act 2005 (42 U.S.C. 15801)) may participate in a center established under this paragraph as part of a cooperative research and development agreement (as defined in section 12(d) of the Stevenson-Wydler Technology Innovation Act of 1980 (15 U.S.C. 3710a(d))).

(G) Intellectual property.—A participant in a center under this paragraph shall have a royalty-free, exclusive nontransferable license to intellectual property that the center invents from funding received under this subsection.

(7) Review by national academy of sciences.—Not later than 5 years after the date of enactment of this Act, the Secretary shall offer to enter into an arrangement with the National Academy of Sciences to assess the performance of the Department in making the United States globally competitive in energy storage systems for motor transportation and electricity transmission and distribution.

(8) Authorization of appropriations.—There are authorized to be appropriated to carry out—

(A) the basic research program under paragraph (4) $50,000,000 for each of fiscal years 2008 through 2017;

(B) the applied research program under paragraph (5) $80,000,000 for each of fiscal years 2008 through 2017; and;

(C) the energy storage research center program under paragraph (6) $100,000,000 for each of fiscal years 2008 through 2017.

(c) Advanced Battery and Electric Vehicle Technology Program.—

(1) Definitions.—In this subsection:

(A) Battery.—The term "battery" means an electrochemical energy storage device powered directly by electrical current.

(B) Electric drive transportation technology.—The term "electric drive transportation technology" means vehicle systems that use stored electrical energy to provide motive power, including electric motors and drivetrain systems.

(2) Program.—The Secretary shall conduct a program of research, development, demonstration, and commercial application for batteries and electric drive transportation technology, including—

(A) batteries;

(B) on-board and off-board charging components;

(C) drivetrain systems;

(D) vehicles systems integration; and

(E) control systems, including systems that optimize for—

(i) prolonging battery life;

(ii) reduction of petroleum consumption; and

(iii) reduction of fossil fuel emissions.

(3) Authorization of appropriations.—There is authorized to be appropriated to carry out this subsection $200,000,000 for each of fiscal years 2007 through 2012.

TITLE IV—SETTING ENERGY EFFICIENCY GOALS

SEC. 401. NATIONAL GOALS FOR ENERGY SAVINGS IN TRANSPORTATION.

(a) Goals.—The goals of the United States are to reduce gasoline usage in the United States from the levels projected under subsection (b) by—

(1) 20 percent by calendar year 2017;

(2) 35 percent by calendar year 2025; and

(3) 45 percent by calendar year 2030.

(b) Measurement.—For purposes of subsection (a), reduction in gasoline usage shall be measured from the estimates for each year in subsection (a) contained in the reference case in the report of the Energy Information Administration entitled "Annual Energy Outlook 2007".

(c) Strategic Plan.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for reduction in gasoline usage established under subsection (a).

(2) Public input and comment.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public comment.

(d) Plan Contents.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(e) Plan Updates.—

(1) In general.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) Contents.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) to the maximum extent practicable, verify energy savings resulting from the policies.

(f) Report to Congress and Public.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (c) and each updated plan.

SEC. 402. NATIONAL ENERGY EFFICIENCY IMPROVEMENT GOALS.

(a) Goals.—The goals of the United States are—

(1) to achieve an improvement in the overall energy productivity of the United States (measured in gross domestic product per unit of energy input) of at least 2.5 percent per year by the year 2012; and

(2) to maintain that annual rate of improvement each year through 2030.

(b) Strategic Plan.—

(1) In general.—Not later than 1 year after the date of enactment of this Act, the Secretary, in cooperation with the Administrator of the Environmental Protection Agency and the heads of other appropriate Federal agencies, shall develop a strategic plan to achieve the national goals for improvement in energy productivity established under subsection (a).

(2) Public input and comment.—The Secretary shall develop the plan in a manner that provides appropriate opportunities for public input and comment.

(c) Plan Contents.—The strategic plan shall—

(1) establish future regulatory, funding, and policy priorities to ensure compliance with the national goals;

(2) include energy savings estimates for each sector; and

(3) include data collection methodologies and compilations used to establish baseline and energy savings data.

(d) PLAN UPDATES.—

(1) IN GENERAL.—The Secretary shall—

(A) update the strategic plan biennially; and

(B) include the updated strategic plan in the national energy policy plan required by section 801 of the Department of Energy Organization Act (42 U.S.C. 7321).

(2) CONTENTS.—In updating the plan, the Secretary shall—

(A) report on progress made toward implementing efficiency policies to achieve the national goals established under subsection (a); and

(B) verify, to the maximum extent practicable, energy savings resulting from the policies.

(e) REPORT TO CONGRESS AND PUBLIC.—The Secretary shall submit to Congress, and make available to the public, the initial strategic plan developed under subsection (b) and each updated plan.

(f) NATIONAL ACTION PLAN ON ENERGY EFFICIENCY.—The Administrator of the Environmental Protection Agency and the Secretary, with the heads of other Federal agencies as appropriate, shall continue to support maintenance and updating of the National Action Plan on Energy Efficiency to help inform the development of the strategic plan under subsection (b).

SEC. 403. NATIONWIDE MEDIA CAMPAIGN TO INCREASE ENERGY EFFICIENCY.

(a) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Energy Efficiency and Renewable Energy (referred to in this section as the "Secretary"), shall develop and conduct a national media campaign for the purpose of increasing energy efficiency throughout the economy of the United States over the next decade.

(b) CONTRACT WITH ENTITY.—The Secretary shall carry out subsection (a) directly or through—

(1) competitively bid contracts with 1 or more nationally recognized media firms for the development and distribution of monthly television, radio, and newspaper public service announcements; or

(2) collective agreements with 1 or more nationally recognized institutes, businesses, or nonprofit organizations for the funding, development, and distribution of monthly television, radio, and newspaper public service announcements.

(c) USE OF FUNDS.—

(1) IN GENERAL.—Amounts made available to carry out this section shall be used for the following:

(A) ADVERTISING COSTS.—

(i) The purchase of media time and space.

(ii) Creative and talent costs.

(iii) Testing and evaluation of advertising.

(iv) Evaluation of the effectiveness of the media campaign.

(v) The negotiated fees for the winning bidder on requests from proposals issued either by the Secretary for purposes otherwise authorized in this section.

(vi) Entertainment industry outreach, interactive outreach, media projects and activities, public information, news media outreach, and corporate sponsorship and participation.

(B) ADMINISTRATIVE COSTS.—Operational and management expenses.

(2) LIMITATIONS.—In carrying out this section, the Secretary shall allocate not less than 85 percent of funds made available under subsection (e) for each fiscal year for the advertising functions specified under paragraph (1)(A).

(d) REPORTS.—The Secretary shall annually submit to Congress a report that describes—

(1) the strategy of the national media campaign and whether specific objectives of the campaign were accomplished, including—

(A) determinations concerning the rate of change of energy consumption, in both absolute and per capita terms; and

(B) an evaluation that enables consideration whether the media campaign contributed to reduction of energy consumption;

(2) steps taken to ensure that the national media campaign operates in an effective and efficient manner consistent with the overall strategy and focus of the campaign;

(3) plans to purchase advertising time and space;

(4) policies and practices implemented to ensure that Federal funds are used responsibly to purchase advertising time and space and eliminate the potential for waste, fraud, and abuse; and

(5) all contracts or cooperative agreements entered into with a corporation, partnership, or individual working on behalf of the national media campaign.

(e) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $5,000,000 for each of fiscal years 2008 through 2012.

TITLE V—PROMOTING FEDERAL LEADERSHIP IN ENERGY EFFICIENCY AND RENEWABLE ENERGY

SEC. 501. FEDERAL FLEET CONSERVATION REQUIREMENTS.

(a) FEDERAL FLEET CONSERVATION REQUIREMENTS.—

(1) IN GENERAL.—Part J of title III of the Energy Policy and Conservation Act (42 U.S.C. 6374 et seq.) is amended by adding at the end the following:

"SEC. 400FF. FEDERAL FLEET CONSERVATION REQUIREMENTS.

"(a) MANDATORY REDUCTION IN PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—The Secretary shall issue regulations for Federal fleets subject to section 400AA requiring that not later than October 1, 2015, each Federal agency achieve at least a 20 percent reduction in petroleum consumption, and that each Federal agency increase alternative fuel consumption by 10 percent annually, as calculated from the baseline established by the Secretary for fiscal year 2005.

"(2) PLAN.—

"(A) REQUIREMENT.—The regulations shall require each Federal agency to develop a plan to meet the required petroleum reduction levels and the alternative fuel consumption increases.

"(B) MEASURES.—The plan may allow an agency to meet the required petroleum reduction level through—

"(i) the use of alternative fuels;

"(ii) the acquisition of vehicles with higher fuel economy, including hybrid vehicles and plug-in hybrid vehicles if the vehicles are commercially available;

"(iii) the substitution of cars for light trucks;

"(iv) an increase in vehicle load factors;

"(v) a decrease in vehicle miles traveled;

"(vi) a decrease in fleet size; and

"(vii) other measures.

"(b) FEDERAL EMPLOYEE INCENTIVE PROGRAMS FOR REDUCING PETROLEUM CONSUMPTION.—

"(1) IN GENERAL.—Each Federal agency shall actively promote incentive programs that encourage Federal employees and contractors to reduce petroleum through the use of practices such as—

"(A) telecommuting;

"(B) public transit;

"(C) carpooling; and

"(D) bicycling.

"(2) MONITORING AND SUPPORT FOR INCENTIVE PROGRAMS.—The Administrator of General Services, the Director of the Office of Personnel Management, and the Secretary of Energy shall monitor and provide appropriate support to agency programs described in paragraph (1).

"(3) RECOGNITION.—The Secretary may establish a program under which the Secretary recognizes private sector employers and State and local governments for outstanding programs to reduce petroleum usage through practices described in paragraph (1).

"(c) REPLACEMENT TIRES.—

"(1) IN GENERAL.—Except as provided in paragraph (2), the regulations issued under subsection (a)(1) shall include a requirement that, to the maximum extent practicable, each Federal agency purchase energy-efficient replacement tires for the respective fleet vehicles of the agency.

"(2) EXCEPTIONS.—This section does not apply to—

"(A) law enforcement motor vehicles;

"(B) emergency motor vehicles; or

"(C) motor vehicles acquired and used for military purposes that the Secretary of Defense has certified to the Secretary must be exempt for national security reasons.

"(d) ANNUAL REPORTS ON COMPLIANCE.—The Secretary shall submit to Congress an annual report that summarizes actions taken by Federal agencies to comply with this section.".

(2) TABLE OF CONTENTS AMENDMENT.—The table of contents of the Energy Policy and Conservation Act (42 U.S.C. prec. 6201) is amended by adding at the end of the items relating to part J of title III the following:

"Sec. 400FF. Federal fleet conservation requirements.".

(b) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out the amendment made by this section $10,000,000 for the period of fiscal years 2008 through 2013.

SEC. 502. FEDERAL REQUIREMENT TO PURCHASE ELECTRICITY GENERATED BY RENEWABLE ENERGY.

Section 203 of the Energy Policy Act of 2005 (42 U.S.C. 15852) is amended by striking subsection (a) and inserting the following:

"(a) REQUIREMENT.—

"(1) IN GENERAL.—The President, acting through the Secretary, shall ensure that, of the total quantity of domestic electric energy the Federal Government consumes during any fiscal year, the following percentages shall be renewable energy from facilities placed in service after January 1, 1999:

"(A) Not less than 10 percent in fiscal year 2010.

"(B) Not less than 15 percent in fiscal year 2015.

"(2) CAPITOL COMPLEX.—The Architect of the Capitol, in consultation with the Secretary, shall ensure that, of the total quantity of electric energy the Capitol complex consumes during any fiscal year, the percentages prescribed in paragraph (1) shall be renewable energy.

"(3) WAIVER AUTHORITY.—The President may reduce or waive the requirement under paragraph (1) on an annual basis, if the President determines that the average governmentwide cost per kilowatt hour of complying with paragraph (1) will be more than 50 percent higher than the average governmentwide cost per kilowatt-hour for electric energy in the preceding year.".

SEC. 503. ENERGY SAVINGS PERFORMANCE CONTRACTS.

(a) RETENTION OF SAVINGS.—Section 546(c) of the National Energy Conservation Policy Act (42 U.S.C. 8256(c)) is amended by striking paragraph (5).

(b) FINANCING FLEXIBILITY.—Section 801(a)(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287(a)(2)) is amended by adding at the end the following:

"(E) SEPARATE CONTRACTS.—In carrying out a contract under this title, a Federal agency may—

"(i) enter into a separate contract for energy services and conservation measures under the contract; and

"(ii) provide all or part of the financing necessary to carry out the contract.".

(c) SUNSET AND REPORTING REQUIREMENTS.—Section 801 of the National Energy Conservation Policy Act (42 U.S.C. 8287) is amended by striking subsection (c).

(d) DEFINITION OF ENERGY SAVINGS.—Section 804(2) of the National Energy Conservation Policy Act (42 U.S.C. 8287c(2)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as clauses (i), (ii), and (iii), respectively, and indenting appropriately;

(2) by striking "means a reduction" and inserting "means—

"(A) a reduction";

(3) by striking the period at the end and inserting a semicolon; and

(4) by adding at the end the following:

"(B) the increased efficient use of an existing energy source by cogeneration or heat recovery, and installation of renewable energy systems;

"(C) the sale or transfer of electrical or thermal energy generated on-site, but in excess of Federal needs, to utilities or non-Federal energy users; and

"(D) the increased efficient use of existing water sources in interior or exterior applications.".

(e) ENERGY AND COST SAVINGS IN NONBUILDING APPLICATIONS.—

(1) DEFINITIONS.—In this subsection:

(A) NONBUILDING APPLICATION.—The term "nonbuilding application" means—

(i) any class of vehicles, devices, or equipment that is transportable under the power of the applicable vehicle, device, or equipment by land, sea, or air and that consumes energy from any fuel source for the purpose of—

(I) that transportation; or

(II) maintaining a controlled environment within the vehicle, device, or equipment; and

(ii) any federally-owned equipment used to generate electricity or transport water.

(B) SECONDARY SAVINGS.—

(i) IN GENERAL.—The term "secondary savings" means additional energy or cost savings that are a direct consequence of the energy savings that result from the energy efficiency improvements that were financed and implemented pursuant to an energy savings performance contract.

(ii) INCLUSIONS.—The term "secondary savings" includes—

(I) energy and cost savings that result from a reduction in the need for fuel delivery and logistical support;

(II) personnel cost savings and environmental benefits; and

(III) in the case of electric generation equipment, the benefits of increased efficiency in the production of electricity, including revenues received by the Federal Government from the sale of electricity so produced.

(2) STUDY.—

(A) IN GENERAL.—As soon as practicable after the date of enactment of this Act, the Secretary and the Secretary of Defense shall jointly conduct, and submit to Congress and the President a report of, a study of the potential for the use of energy savings performance contracts to reduce energy consumption and provide energy and cost savings in nonbuilding applications.

(B) REQUIREMENTS.—The study under this subsection shall include—

(i) an estimate of the potential energy and cost savings to the Federal Government, including secondary savings and benefits, from increased efficiency in nonbuilding applications;

(ii) an assessment of the feasibility of extending the use of energy savings performance contracts to nonbuilding applications, including an identification of any regulatory or statutory barriers to such use; and

(iii) such recommendations as the Secretary and Secretary of Defense determine to be appropriate.

SEC. 504. ENERGY MANAGEMENT REQUIREMENTS FOR FEDERAL BUILDINGS.

Section 543(a)(1) of the National Energy Conservation Policy Act (42 U.S.C. 8253(a)(1)) is amended by striking the table and inserting the following:

"Fiscal Year	Percentage reduction
2006	2
2007	4
2008	9
2009	12
2010	15
2011	18
2012	21
2013	24
2014	27
2015	30.".

SEC. 505. COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.

Section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) is amended by adding at the end the following:

"(f) COMBINED HEAT AND POWER AND DISTRICT ENERGY INSTALLATIONS AT FEDERAL SITES.—

"(1) IN GENERAL.—Not later than 1 year after the date of enactment of this subsection, the Secretary, in consultation with the Administrator of General Services and the Secretary of Defense, shall identify Federal sites that could achieve significant cost-effective energy savings through the use of combined heat and power or district energy installations.

"(2) INFORMATION AND TECHNICAL ASSISTANCE.—The Secretary shall provide agencies with information and technical assistance that will enable the agencies to take advantage of the energy savings described in paragraph (1).

"(3) ENERGY PERFORMANCE REQUIREMENTS.—Any energy savings from the installations described in paragraph (1) may be applied to meet the energy performance requirements for an agency under subsection (a)(1).".

SEC. 506. FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.

Section 305(a)(3) of the Energy Conservation and Production Act (42 U.S.C. 6834(a)(3)) is amended by striking "(3)(A)" and all that follows through the end of subparagraph (A) and inserting the following:

"(3) FEDERAL BUILDING ENERGY EFFICIENCY PERFORMANCE STANDARDS.—

"(A) IN GENERAL.—Not later than 1 year after the date of enactment of the Energy Efficiency Promotion Act of 2007, the Secretary shall establish, by rule, revised Federal building energy efficiency performance standards that require that:

"(i) For new Federal buildings and Federal buildings undergoing major renovations:

"(I) The buildings be designed to achieve energy consumption levels that are at least 30 percent below the levels established in the version of the ASHRAE Standard or the International Energy Conservation Code, as appropriate, that is in effect as of the date of enactment of the Energy Efficiency Promotion Act of 2007.

"(II) The buildings be designed so that the fossil fuel-generated energy consumption of the buildings is reduced, as compared with the fossil fuel-generated energy consumption by a similar Federal building in fiscal year 2003 (as measured by Commercial Buildings Energy Consumption Survey or Residential Energy Consumption Survey data from the Energy Information Agency), by the percentage specified in the following table:

"Fiscal Year	Percentage Reduction
2007	50
2010	60
2015	70
2020	80
2025	90
2030	100.

"(III) Sustainable design principles are applied to the siting, design, and construction of all new and replacement buildings and major renovations of buildings.

"(ii) If water is used to achieve energy efficiency, water conservation technologies shall be applied to the extent that the technologies are life-cycle cost-effective.".

SEC. 507. APPLICATION OF INTERNATIONAL ENERGY CONSERVATION CODE TO PUBLIC AND ASSISTED HOUSING.

Section 109 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12709) is amended—

(1) in subsection (a)(2), by striking "the Council of American" and all that follows through "2003" and inserting "the 2006";

(2) in subsection (b)—

(A) in the heading, by striking "MODEL ENERGY CODE.—" and inserting "INTERNATIONAL ENERGY CONSERVATION CODE.—"; and

(B) by striking "CABO" and all that follows through "2003" and inserting "the 2006";

(3) in subsection (c)—

(A) in the heading, by striking "MODEL ENERGY CODE AND"; and

(B) by striking "CABO" and all that follows through "2003" and inserting "the 2006"; and

(4) by adding at the end the following:

"(d) FAILURE TO AMEND THE STANDARDS.—Not later than 1 year after the requirements of the 2006 International Energy Conservation Code are revised, if the Secretaries have not amended the energy efficiency standards under this section or made a determination under subsection (c), and if the Secretary of Energy has made a determination under section 304 of the Energy Conservation and Production Act (42 U.S.C. 6833) that such revised International Energy Conservation Code would improve energy efficiency, all new construction of housing described in subsection (a) shall meet the requirements of such revised International Energy Conservation Code.".

TITLE VI—ASSISTING STATE AND LOCAL GOVERNMENTS IN ENERGY EFFICIENCY

SEC. 601. WEATHERIZATION ASSISTANCE FOR LOW-INCOME PERSONS.

Section 422 of the Energy Conservation and Production Act (42 U.S.C. 6872) is amended by striking "$700,000,000 for fiscal year 2008" and inserting "$750,000,000 for each of fiscal years 2008 through 2012".

SEC. 602. STATE ENERGY CONSERVATION PLANS.

Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended by striking "fiscal year 2008" and inserting "each of fiscal years 2008 through 2012".

SEC. 603. UTILITY ENERGY EFFICIENCY PROGRAMS.

(a) ELECTRIC UTILITIES.—Section 111(d) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)) is amended by adding at the end the following:

"(16) INTEGRATED RESOURCE PLANNING.—Each electric utility shall—

"(A) integrate energy efficiency resources into utility, State, and regional plans; and

"(B) adopt policies establishing cost-effective energy efficiency as a priority resource.

"(17) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by any electric utility shall—

"(i) align utility incentives with the delivery of cost-effective energy efficiency; and

"(ii) promote energy efficiency investments.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) removing the throughput incentive and other regulatory and management disincentives to energy efficiency;

"(ii) providing utility incentives for the successful management of energy efficiency programs;

"(iii) including the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives;

"(iv) adopting rate designs that encourage energy efficiency for each customer class; and

"(v) allowing timely recovery of energy efficiency-related costs.".

(b) NATURAL GAS UTILITIES.—Section 303(b) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 3203(b)) is amended by adding at the end the following:

"(5) ENERGY EFFICIENCY.—Each natural gas utility shall—

"(A) integrate energy efficiency resources into the plans and planning processes of the natural gas utility; and

"(B) adopt policies that establish energy efficiency as a priority resource in the plans and planning processes of the natural gas utility.

"(6) RATE DESIGN MODIFICATIONS TO PROMOTE ENERGY EFFICIENCY INVESTMENTS.—

"(A) IN GENERAL.—The rates allowed to be charged by a natural gas utility shall align utility incentives with the deployment of cost-effective energy efficiency.

"(B) POLICY OPTIONS.—In complying with subparagraph (A), each State regulatory authority and each nonregulated utility shall consider—

"(i) separating fixed-cost revenue recovery from the volume of transportation or sales service provided to the customer;

"(ii) providing to utilities incentives for the successful management of energy efficiency programs, such as allowing utilities to retain a portion of the cost-reducing benefits accruing from the programs;

"(iii) promoting the impact on adoption of energy efficiency as 1 of the goals of retail rate design, recognizing that energy efficiency must be balanced with other objectives; and

"(iv) adopting rate designs that encourage energy efficiency for each customer class.".

SEC. 604. ENERGY EFFICIENCY AND DEMAND RESPONSE PROGRAM ASSISTANCE.

The Secretary shall provide technical assistance regarding the design and implementation of the energy efficiency and demand response programs established under this title, and the amendments made by this title, to State energy offices, public utility regulatory commissions, and nonregulated utilities through the appropriate national laboratories of the Department of Energy.

SEC. 605. ENERGY AND ENVIRONMENTAL BLOCK GRANT.

(a) DEFINITIONS.—In this section

(1) ELIGIBLE ENTITY.—The term "eligible entity" means—

(A) a State;

(B) an eligible unit of local government within a State; and

(C) the District of Columbia.

(2) ELIGIBLE UNIT OF LOCAL GOVERNMENT.—The term "eligible unit of local government" means—

(A) a city with a population of at least 35,000; and

(B) a county with a population of at least 200,000.

(3) STATE.—The term "State" means—

(A) each of the several States of the United States;

(B) the Commonwealth of Puerto Rico;

(C) Guam;

(D) American Samoa; and

(E) the United States Virgin Islands.

(b) PURPOSE.—The purpose of this section is to assist State and local governments in implementing strategies—

(1) to reduce fossil fuel emissions created as a result of activities within the boundaries of the States or units of local government;

(2) to reduce the total energy use of the States and units of local government; and

(3) to improve energy efficiency in the transportation sector, building sector, and any other appropriate sectors.

(c) PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide to eligible entities block grants to carry out eligible activities (as specified under paragraph (2)) relating to the implementation of environmentally beneficial energy strategies.

(2) ELIGIBLE ACTIVITIES.—The Secretary, in consultation with the Administrator of the Environmental Protection Agency, the Secretary of Transportation, and the Secretary of Housing and Urban Development, shall establish a list of activities that are eligible for assistance under the grant program.

(3) ALLOCATION TO STATES AND ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

(A) IN GENERAL.—Of the amounts made available to provide grants under this subsection, the Secretary shall allocate—

(i) 70 percent to eligible units of local government; and

(ii) 30 percent to States.

(B) DISTRIBUTION TO ELIGIBLE UNITS OF LOCAL GOVERNMENT.—

(i) IN GENERAL.—The Secretary shall establish a formula for the distribution of amounts under subparagraph (A)(i) to eligible units of local government, taking into account any factors that the Secretary determines to be appropriate, including the residential and daytime population of the eligible units of local government.

(ii) CRITERIA.—Amounts shall be distributed to eligible units of local government under clause (i) only if the eligible units of local government meet the criteria for distribution established by the Secretary for units of local government.

(C) DISTRIBUTION TO STATES.—

(i) IN GENERAL.—Of the amounts provided to States under subparagraph (A)(ii), the Secretary shall distribute—

(I) at least 1.25 percent to each State; and

(II) the remainder among the States, based on a formula, to be determined by the Secretary, that takes into account the population of the States and any other criteria that the Secretary determines to be appropriate.

(ii) CRITERIA.—Amounts shall be distributed to States under clause (i) only if the States meet the criteria for distribution established by the Secretary for States.

(iii) LIMITATION ON USE OF STATE FUNDS.—At least 40 percent of the amounts distributed to States under this subparagraph shall be used by the States for the conduct of eligible activities in nonentitlement areas in the States, in accordance with any criteria established by the Secretary.

(4) REPORT.—Not later than 2 years after the date on which an eligible entity first receives a grant under this section, and every 2 years thereafter, the eligible entity shall submit to the Secretary a report that describes any eligible activities carried out using assistance provided under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(d) ENVIRONMENTALLY BENEFICIAL ENERGY STRATEGIES SUPPLEMENTAL GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall provide to each eligible entity that meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3) a supplemental grant to pay the Federal share of the total costs of carrying out an eligible activity (as specified under subsection (c)(2)) relating to the implementation of an environmentally beneficial energy strategy.

(2) REQUIREMENTS.—To be eligible for a grant under paragraph (1), an eligible entity shall—

(A) demonstrate to the satisfaction of the Secretary that the eligible entity meets the applicable criteria under subparagraph (B)(ii) or (C)(ii) of subsection (c)(3); and

(B) submit to the Secretary for approval a plan that describes the activities to be funded by the grant.

(3) COST-SHARING REQUIREMENT.—

(A) FEDERAL SHARE.—The Federal share of the cost of carrying out any activities under this subsection shall be 75 percent.

(B) NON-FEDERAL SHARE.—

(i) FORM.—Not more than 50 percent of the non-Federal share may be in the form of in-kind contributions.

(ii) LIMITATION.—Amounts provided to an eligible entity under subsection (c) shall not be used toward the non-Federal share.

(4) MAINTENANCE OF EFFORT.—An eligible entity shall provide assurances to the Secretary that funds provided to the eligible entity under this subsection will be used only to supplement, not to supplant, the amount of Federal, State, and local funds otherwise expended by the eligible entity for eligible activities under this subsection.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this subsection for each of fiscal years 2008 through 2012.

(e) GRANTS TO OTHER STATES AND COMMUNITIES.—

(1) IN GENERAL.—Of the total amount of funds that are made available each fiscal year to carry out this section, the Secretary shall use 2 percent of the amount to make competitive grants under this section to States and units of local government that are not eligible entities or to consortia of such units of local government.

(2) APPLICATIONS.—To be eligible for a grant under this subsection, a State, unit of local government, or consortia described in paragraph (1) shall apply to the Secretary for a grant to carry out an activity that would otherwise be eligible for a grant under subsection (c) or (d).

(3) PRIORITY.—In awarding grants under this subsection, the Secretary shall give priority to—

(A) States with populations of less than 2,000,000; and

(B) projects that would result in significant energy efficiency improvements, reductions in fossil fuel use, or capital improvements.

SEC. 606. ENERGY SUSTAINABILITY AND EFFICIENCY GRANTS FOR INSTITUTIONS OF HIGHER EDUCATION.

(a) DEFINITIONS.—In this section:

(1) ENERGY SUSTAINABILITY.—The term "energy sustainability" includes using a renewable energy resource and a highly efficient technology for electricity generation, transportation, heating, or cooling.

(2) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 2 of the Energy Policy Act of 2005 (42 U.S.C. 15801).

(b) GRANTS FOR ENERGY EFFICIENCY IMPROVEMENT.—

(1) IN GENERAL.—The Secretary shall award not more than 100 grants to institutions of higher education to carry out projects to improve energy efficiency on the grounds and facilities of the institution of higher education, including not less than 1 grant to an institution of higher education in each State.

(2) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to—

(A) implement a public awareness campaign in the community in which the institution of higher education is located to promote the project; and

(B) submit to the Secretary, and make available to the public, reports on any improvements achieved as part of a project carried out under paragraph (1).

(c) GRANTS FOR INNOVATION IN ENERGY SUSTAINABILITY.—

(1) IN GENERAL.—The Secretary shall award not more than 250 grants to institutions of higher education to engage in innovative energy sustainability projects, including not less than 2 grants to institutions of higher education in each State.

(2) INNOVATION PROJECTS.—An innovation project carried out with a grant under this subsection shall—

(A) involve an innovative technology that is not yet commercially available;

(B) have the greatest potential for testing or modeling new technologies or processes; and

(C) ensure active student participation in the project, including the planning, implementation, evaluation, and other phases of the project.

(3) CONDITION.—As a condition of receiving a grant under this subsection, an institution of higher education shall agree to submit to the Secretary, and make available to the public, reports that describe the results of the projects carried out under paragraph (1).

(d) AWARDING OF GRANTS.—

(1) APPLICATION.—An institution of higher education that seeks to receive a grant under this section may submit to the Secretary an application for the grant at such time, in such form, and containing such information as the Secretary may prescribe.

(2) SELECTION.—The Secretary shall establish a committee to assist in the selection of grant recipients under this section.

(e) ALLOCATION TO INSTITUTIONS OF HIGHER EDUCATION WITH SMALL ENDOWMENTS.—Of the amount of grants provided for a fiscal year under this section, the Secretary shall provide not less 50 percent of the amount to institutions of higher education that have an endowment of not more than $100,000,000, with 50 percent of the allocation set aside for institutions of higher education that have an endowment of not more than $50,000,000.

(f) GRANT AMOUNTS.—The maximum amount of grants for a project under this section shall not exceed—

(1) in the case of grants for energy efficiency improvement under subsection (b), $1,000,000; or

(2) in the case of grants for innovation in energy sustainability under subsection (c), $500,000.

(g) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as are necessary to carry out this section for each of fiscal years 2008 through 2012.

SEC. 607. WORKFORCE TRAINING.

Section 1101 of the Energy Policy Act of 2005 (42 U.S.C. 16411) is amended—

(1) by redesignating subsection (d) as subsection (e); and

(2) by inserting after subsection (c) the following:

"(d) WORKFORCE TRAINING.—

"(1) IN GENERAL.—The Secretary, in cooperation with the Secretary of Labor, shall promulgate regulations to implement a program to provide workforce training to meet the high demand for workers skilled in the energy efficiency and renewable energy industries.

"(2) CONSULTATION.—In carrying out this subsection, the Secretary shall consult with representatives of the energy efficiency and renewable energy industries concerning skills that are needed in those industries.".

SEC. 608. ASSISTANCE TO STATES TO REDUCE SCHOOL BUS IDLING.

(a) STATEMENT OF POLICY.—Congress encourages each local educational agency (as defined in section 9101(26) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801(26))) that receives Federal funds under the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6301 et seq.) to develop a policy to reduce the incidence of school bus idling at schools while picking up and unloading students.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Secretary, working in coordination with the Secretary of Education, $5,000,000 for each of fiscal years 2007 through 2012 for use in educating States and local education agencies about—

(1) benefits of reducing school bus idling; and

(2) ways in which school bus idling may be reduced.

Mr. DOMENICI. Mr. President, over 18 months ago, the President signed into law the Energy Policy Act of 2005. The enactment of that comprehensive legislation was a watershed event in structuring sound Energy policy for this Nation's future. We did a great deal in that energy bill on energy conservation and improved energy efficiency.

EPAct implemented new efficiency standards for 15 large commercial and residential appliances that have, in the past, consumed a great deal of energy, such as commercial washers, refrigerators, freezers, air-conditioners, and icemakers. In response to that mandate, the Department of Energy codified 15 new efficiency standards. Because of these new standards alone, we will save 50,000 megawatts of off-peak electricity use by 2020—which is an energy savings equal to more than eighty 600-megawatt power plants.

EPAct also encourages consumers to make their homes more energy efficient by giving them a 10-percent personal tax credit for energy efficient improvements. Additionally, homebuilders get a business tax credit for the construction of new homes that meet a 30-percent energy reduction standard. The law aids businesses in saving energy by providing a deduction for energy-efficient commercial buildings meeting a 50-percent energy reduction standard. Manufacturers are also assisted in building more energy-efficient home products via a manufacturers' tax credit for energy-efficient dishwashers, clothes washers, and refrigerators.

Still, there is no doubt that much can be done to improve the ways in which we use energy. That is why I am pleased today to introduce the Energy Efficiency Promotion Act of 2007 with Senator BINGAMAN. The bill we are introducing is a good starting point—but it is still a work in progress. I expect this bill to evolve over the course of the next several weeks with important input from those who will be tasked with implementing this policy and those who will be impacted by it. In particular, I am very interested in the Energy Department's views on this bill, and the committee will conduct a hearing next week at which the Department will testify.

The Energy Efficiency Promotion Act of 2007 represents over $12 billion in net present benefits for consumers. Potential electricity savings of 50 billion kilowatt hours per year equal enough energy savings to power almost 5 million households. Potential natural gas savings of 170 million therms per year equal enough energy savings to heat 250,000 households. And water savings from the legislation amount to about 560 million gallons per day.

This bill presses for better energy efficiency in the Federal Government—the appropriate place to start. Title I focuses on the promotion of energy-efficient lighting technologies within Federal Government and requires all general purpose lighting in Federal buildings to be Energy Star rated or designated as efficient by the Federal Energy Management Program. Title I also contains a sense of the Senate that Federal policies be adopted on efficient lightbulb standards.

Title II, which deals with energy efficiency standards, sets forth a number of consensus standards on such products as residential boilers, clothes washers, dishwashers, dehumidifiers, and electric motors. Such efficiency standards have the potential to save significant amounts of energy. This title also provides DOE with the authority to expedite rulemakings for energy-efficient consensus standards.

Title III promotes high efficiency vehicles, advanced batteries, and energy storage. It provides for lightweight materials research and development and loan guarantee the manufacture of fuel-efficient vehicle parts, including hybrid and advanced diesel vehicles.

Title IV sets forth national energy savings goals in the areas of transportation and the Nation's energy productivity. This title extends the President's goal for gasoline savings and further seeks to improve the Nation's overall energy productivity.

Title V calls for increased federal leadership in energy efficiency and renewable energy. It directs DOE to reduce petroleum consumption and increases the Federal requirement to purchase electricity generated by renewable energy. This title also permanently authorizes the Energy Savings Performance Contracts Program.

Title VI seeks to assist State and local governments with their ongoing efforts to improve their energy efficiency. It extends the authorization for both the Weatherization Assistance Program and the State Energy Conservation Program. This title also establishes energy efficiency grant programs for local governments and institutions of higher learning.

Again, I think the Energy Efficiency Promotion Act of 2007 we are introducing today is a good starting point for our continued work in the energy efficiency area. I look forward to working with Senator BINGAMAN, the administration, and all affected stakeholders as we move forward on this bill.

By Mr. BOND (for himself and Mr. DODD):

S. 1117. A bill to establish a grant program to provide vision care to children, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. BOND. Mr. President, children endure a lot. They cannot always tell us what's wrong. Often they do not know themselves. So it takes a special person to work with young people and help identify their problems. Every child deserves the opportunity to reach their full potential, but it takes more than a book-bag full of pencils, paper, books and rulers to equip children with the tools necessary to succeed in school.

The most important tool kids will take to school is their eyes. Good vision is critical to learning. 80 percent of what kids learn in their early school years is visual. Unfortunately, we overlook that fact sometimes. According to the CDC only one in three children receive any form of preventive vision care before entering school. That means many kids are in school with an undetected vision problem. One in four children has a vision problem that can interfere with learning. Some children are even labeled "disruptive" or thought to have a learning disability when the real reason for their difficulty is an undetected vision problem.

Without any vision care, some of our children will continue to fall through the cracks. I sympathize with these kids because I suffer from permanent vision loss in one eye as a result of undiagnosed Amblyopia in childhood. Amblyopia is the number one cause of vision loss in young Americans. If discovered and treated early, vision loss from Amblyopia can be largely prevented. Had I been identified and treated before I entered school, I could have avoided a lifetime of vision loss. Parents are not always aware that their child may suffer from a vision problem. By educating parents on the importance of vision care and recognizing signs of visual impairment we can help children avoid unnecessary vision loss.

To ensure that children get the vital vision care that they need to succeed, today Senator DODD and I are introducing the Vision Care for Kids Act which will establish a grant program to compliment and encourage existing State efforts to improve children's vision care. More specifically, grant funds will be used to: (1) provide comprehensive eye exams to children that have been previously identified as needing such services; (2) provide treatment or services necessary to correct vision problems identified in that eye exam; and (3) develop and disseminate educational materials to recognize the signs of visual impairment in children for parents, teachers, and health care practitioners.

We need to do this. We must improve vision care for children to better equip them to succeed in school and in life. The Vision Care for Kids Act, endorsed by the American Academy of Ophthalmology, American Optometric Association, and Vision Council of America, will make a difference in the lives of children across the country.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1117

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Vision Care for Kids Act of 2007".

SEC. 2. FINDINGS.

Congress makes the following findings:

(1) Millions of children in the United States suffer from vision problems, many of which go undetected. Because children with vision problems can struggle developmentally, resulting in physical, emotional, and social consequences, good vision is essential for proper physical development and educational progress.

(2) Vision problems in children range from common conditions such as refractive errors, amblyopia, strabismus, ocular trauma, and infections, to rare but potentially life- or sight-threatening problems such as retinoblastoma, infantile cataracts, congenital glaucoma, and genetic or metabolic diseases of the eye.

(3) Since many serious ocular conditions are treatable if identified in the preschool and early school-aged years, early detection provides the best opportunity for effective treatment and can have far-reaching implications for vision.

(4) Various identification methods, including vision screening and comprehensive eye examinations required by State laws, can be helpful in identifying children needing services. A child identified as needing services through vision screening should receive a comprehensive eye examination followed by subsequent treatment as needed. Any child identified as needing services should have access to subsequent treatment as needed.

(5) There is a need to increase public awareness about the prevalence and devastating consequences of vision disorders in children and to educate the public and health care providers about the warning signs and symptoms of ocular and vision disorders and the benefits of early detection, evaluation, and treatment.

SEC. 3. GRANTS REGARDING VISION CARE FOR CHILDREN.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention, may award grants to States on the basis of an established review process for the purpose of complementing existing State efforts for—

(1) providing comprehensive eye examinations by a licensed optometrist or ophthalmologist for children who have been previously identified through a vision screening or eye examination by a licensed health care provider or vision screener as needing such services, with priority given to children who are under the age of 9 years;

(2) providing treatment or services, subsequent to the examinations described in paragraph (1), necessary to correct vision problems; and

(3) developing and disseminating, to parents, teachers, and health care practitioners, educational materials on recognizing signs of visual impairment in children.

(b) CRITERIA AND COORDINATION.—

(1) CRITERIA.—The Secretary, in consultation with appropriate professional and consumer organizations including individuals with knowledge of age appropriate vision services, shall develop criteria—

(A) governing the operation of the grant program under subsection (a); and

(B) for the collection of data related to vision assessment and the utilization of follow up services.

(2) COORDINATION.—The Secretary shall, as appropriate, coordinate the program under

subsection (a) with the program under section 330 of the Public Health Service Act (relating to health centers) (42 U.S.C. 254b), the program under title XIX of the Social Security Act (relating to the Medicaid program) (42 U.S.C. 1396 et seq.), the program under title XXI of such Act (relating to the State children's health insurance program) (42 U.S.C. 1397aa et seq.), and with other Federal or State programs that provide services to children.

(c) APPLICATION.—To be eligible to receive a grant under subsection (a), a State shall submit to the Secretary an application in such form, made in such manner, and containing such information as the Secretary may require, including—

(1) information on existing Federal, Federal-State, or State-funded children's vision programs;

(2) a plan for the use of grant funds, including how funds will be used to complement existing State efforts (including possible partnerships with non-profit entities);

(3) a plan to determine if a grant eligible child has been identified as provided for in subsection (a); and

(4) a description of how funds will be used to provide items or services, only as a secondary payer—

(A) for an eligible child, to the extent that the child is not covered for the items or services under any State compensation program, under an insurance policy, or under any Federal or State health benefits program; or

(B) for an eligible child, to the extent that the child receives the items or services from an entity that provides health services on a prepaid basis.

(d) EVALUATIONS.—To be eligible to receive a grant under subsection (a), a State shall agree that, not later than 1 year after the date on which amounts under the grant are first received by the State, and annually thereafter while receiving amounts under the grant, the State will submit to the Secretary an evaluation of the operations and activities carried out under the grant, including—

(1) an assessment of the utilization of vision services and the status of children receiving these services as a result of the activities carried out under the grant;

(2) the collection, analysis, and reporting of children's vision data according to guidelines prescribed by the Secretary; and

(3) such other information as the Secretary may require.

(e) LIMITATIONS IN EXPENDITURE OF GRANT.—A grant may be made under subsection (a) only if the State involved agrees that the State will not expend more than 20 percent of the amount received under the grant to carry out the purpose described in paragraph (3) of such subsection.

(f) DEFINITION.—For purposes of this section, the term "comprehensive eye examination" includes an assessment of a patient's history, general medical observation, external and ophthalmoscopic examination, visual acuity, ocular alignment and motility, refraction, and as appropriate, binocular vision or gross visual fields, performed by an optometrist or an ophthalmologist.

(g) AUTHORIZATION OF APPROPRIATIONS.—For the purpose of carrying out this section, there are authorized to be appropriated such sums as may be necessary for each of fiscal years 2008 through 2012.

Mr. DODD. Mr. President, today, Senator BOND and I are introducing the Vision Care for Kids Act of 2007. This legislation will provide follow-up vision care services for those children who have visual problems and are not covered under an insurance policy or under any Federal, or State health benefits program.

Why is this legislation needed? Let's look at the facts. According to the 2004 Vision Problems Action Plan, published by Prevent Blindness America, vision problems affect one in 20 preschoolers and 80 percent of children under age six are not screened for vision problems before entering public school.

Perhaps even more startling than the statistics I have just mentioned, is that 20 States do not require children to receive any vision care prior to entry or during their early school years. Thus, millions of children are at risk of having possible vision problems later in life.

I am pleased that my home State of Connecticut provides annual screenings to children in kindergarten through grade six. In addition, during the ninth grade, each student also receives a vision screening. Following the eye tests that are administered in Connecticut's schools, the local superintendent sends a note to the parent or guardian of each student who is found to have a problem.

Although Connecticut provides screenings in the early years, it is important to note that out of the 467,488 children in Connecticut, there are almost 70,000 who have untreated vision disorders, according to the most recent Census data. Nationwide, almost 6 million out of close to 40 million children have untreated vision disorders. The Centers for Disease Control and Prevention said that "impaired vision can affect a child's cognitive, emotional, neurological, and physical development."

With the introduction of the Vision Care for Kids Act, Senator BOND and I are seeking to improve the data I have outlined. When this legislation is enacted, the States will have the resources to pay for follow-up vision treatment for children who now do not have the financial means to undergo this much needed care.

Our initiative will enable Federal funding to complement existing State efforts in regard to: providing comprehensive eye examinations for children under age nine; furnishing the necessary treatment or services needed if an eye exam determines additional care is needed; and developing educational materials for parents, teachers, and health care practitioners that will increase recognition of the signs of visual impairment in children. The Vision Care for Kids Act will serve as an incentive to States to provide eye care to those youngsters who are in need of treatment and are currently unable to access care.

This year, we are working on the reauthorization of the State Children's Health Insurance Program (SCHIP). SCHIP was created to provide health care to millions of children who were previously uninsured. Over the last ten years, we have seen the positive impact of this essential program. Passage of the Vision Care for Kids Act will be a key component of ensuring that we have a comprehensive children's health care delivery system in this country. I look forward to working with Senator BOND and my colleagues to see that this legislation is not only is not only passed by this body soon, but that it is signed into law.

By Mr. DORGAN (for himself and Mr. CRAIG):

S. 1118. A bill to improve the energy security of the United States by raising average fuel economy standards, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Mr. DORGAN. Mr. President, today I am pleased to be joined by Senator CRAIG to introduce legislation called the Fuel Efficiency Act of 2007. This legislation is an important component of broader legislation that my colleague and I recently introduced on March 14, 2007. That legislation is a balanced plan with the overall goal to improve the energy security of the U.S. through a 50 percent reduction in the oil intensity of the economy by 2030.

This is important to me because the United States remains dangerously dependent on foreign sources of oil. Today we import over 60 percent of our oil from Iraq, Kuwait, Saudi Arabia, Nigeria, Venezuela, and other unstable nations of the world. This is very troubling to me.

Our larger proposal is grounded in four cornerstone principles. The first principle is achievable, stepped increases in fuel efficiency of the transportation fleet. The second principle promotes increased availability of alternative fuel sources and infrastructure. The third principle calls for expanded production and enhanced exploration of domestic and other secure oil and natural gas resources. Finally, the fourth principle improves the management of alliances to better secure global energy supplies.

In the United States, we use about 67 percent of our oil to power our vehicles. This is the area where we are least secure and increasingly dependent. For these reasons and more, we introduced S. 875 as a bi-partisan, balanced approach to securing our future energy through reducing our dependence on foreign oil.

I am also a member of the Senate Commerce, Science and Transportation Committee which has jurisdiction over the fuel economy standards of our Nation's vehicle fleet. I look forward to working with Chairman INOUYE, Ranking Member STEVENS, and other members of the committee who are interested in enacting strong, fair, and forwarding-looking fuel economy standards.

It should be noted that this is the first time that both Senator CRAIG and I have publicly stated our support for increased fuel economy standards beyond the incremental steps that the current administration has made to date. Our Nation's fuel economy standards have not significantly changed since the mid-1980s. We now have lower passenger vehicle fuel efficiency standards than Japan, the European Union, Australia, Canada, and yes, even China.

The bill we have introduced today reforms and strengthens fuel efficiency standards by establishing an annual 4 percent increase in the fuel economy of the entire new vehicle fleet, including automobiles, medium trucks, and heavy trucks from 2012–2030. The National Highway Traffic Safety Administration will have discretion to invoke "off-ramps" if it is determined that the increase is not technologically achievable, creates material safety concerns, or is not cost effective.

Senator CRAIG and I came together to develop a new pathway forward because we believe that bolder energy security measures must be taken now to address our long-term security, economic growth and environmental protection. There is no silver bullet to solving our energy dependence. Digging and drilling is a strategy I call yesterday forever. Conservation alone is not the answer. Renewable fuels hold promise, but we need to do much more here. We believe the combination of steps sets the right pathway to U.S. energy security, and we look forward to moving increased fuel economy standards through the Senate Commerce Committee.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 149—EXPRESSING THE CONDOLENCES OF THE SENATE ON THE TRAGIC EVENTS AT VIRGINIA TECH UNIVERSITY

Mr. WARNER (for himself, Mr. WEBB, Mr. REID, Mr. MCCONNELL, Mr. AKAKA, Mr. ALEXANDER, Mr. ALLARD, Mr. BAUCUS, Mr. BAYH, Mr. BENNETT, Mr. BIDEN, Mr. BINGAMAN, Mr. BOND, Mrs. BOXER, Mr. BROWN, Mr. BROWNBACK, Mr. BUNNING, Mr. BURR, Mr. BYRD, Ms. CANTWELL, Mr. CARDIN, Mr. CARPER, Mr. CASEY, Mr. CHAMBLISS, Mrs. CLINTON, Mr. COBURN, Mr. COCHRAN, Mr. COLEMAN, Ms. COLLINS, Mr. CONRAD, Mr. CORKER, Mr. CORNYN, Mr. CRAIG, Mr. CRAPO, Mr. DEMINT, Mr. DODD, Mrs. DOLE, Mr. DOMENICI, Mr. DORGAN, Mr. DURBIN, Mr. ENSIGN, Mr. ENZI, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. GRAHAM, Mr. GRASSLEY, Mr. GREGG, Mr. HAGEL, Mr. HARKIN, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. INOUYE, Mr. ISAKSON, Mr. JOHNSON, Mr. KENNEDY, Mr. KERRY, Ms. KLOBUCHAR, Mr. KOHL, Mr. KYL, Ms. LANDRIEU, Mr. LAUTENBERG, Mr. LEAHY, Mr. LEVIN, Mr. LIEBERMAN, Mrs. LINCOLN, Mr. LOTT, Mr. LUGAR, Mr. MARTINEZ, Mr. MCCAIN, Mrs. MCCASKILL, Mr. MENENDEZ, Ms. MIKULSKI, Ms. MURKOWSKI, Mrs. MURRAY, Mr. NELSON of Florida, Mr. NELSON of Nebraska, Mr. OBAMA, Mr. PRYOR, Mr. REED, Mr. ROBERTS, Mr. ROCKEFELLER, Mr. SALAZAR, Mr. SANDERS, Mr. SCHUMER, Mr. SESSIONS, Mr. SHELBY, Mr. SMITH, Ms. SNOWE, Mr. SPECTER, Ms. STABENOW, Mr. STEVENS, Mr. SUNUNU, Mr. TESTER, Mr. THOMAS, Mr. THUNE, Mr. VITTER, Mr. VOINOVICH, Mr. WHITEHOUSE, and Mr. WYDEN) submitted the following resolution; which was considered and agreed to:

S. RES. 149

Resolved, that the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;

(2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

AMENDMENTS SUBMITTED AND PROPOSED

SA 843. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

SA 844. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 372, supra; which was ordered to lie on the table.

SA 845. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 846. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 847. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra.

SA 848. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 849. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 850. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 851. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 852. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 853. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 856. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 857. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 858. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 859. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 860. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 861. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 862. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 863. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 864. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 865. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 866. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 867. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 868. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 869. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 870. Mr. KYL submitted an amendment intended to be proposed by him to the bill S.

372, supra; which was ordered to lie on the table.

SA 871. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 872. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 873. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 874. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 875. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 876. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 877. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 879. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 880. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 881. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 883. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

SA 884. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 843. Mr. ROCKEFELLER (for himself and Mr. BOND) proposed an amendment to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Incorporation of classified annex.
Sec. 104. Personnel ceiling adjustments.
Sec. 105. Intelligence Community Management Account.
Sec. 106. Incorporation of reporting requirements.
Sec. 107. Availability to public of certain intelligence funding information.
Sec. 108. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 306. Modification of availability of funds for different intelligence activities.
Sec. 307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 308. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 310. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 311. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 312. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 313. Report on any clandestine detention facilities for individuals captured in the Global War on Terrorism.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 403. Authority of the Director of National Intelligence to manage access to human intelligence information.
Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 408. Inspector General of the Intelligence Community.
Sec. 409. Leadership and location of certain offices and officials.
Sec. 410. National Space Intelligence Center.
Sec. 411. Operational files in the Office of the Director of National Intelligence.
Sec. 412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.

Sec. 442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.
TITLE V—OTHER MATTERS
Sec. 501. Technical amendments to the National Security Act of 1947.
Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 372 of the One Hundred Tenth Congress and in the Classified Annex to such report as incorporated in this Act under section 103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. 372 of the One Hundred Tenth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill   of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 107. AVAILABILITY TO PUBLIC OF CERTAIN INTELLIGENCE FUNDING INFORMATION.

(a) AMOUNTS REQUESTED EACH FISCAL YEAR.—The President shall disclose to the public for each fiscal year after fiscal year 2007 the aggregate amount of appropriations requested in the budget of the President for such fiscal year for the National Intelligence Program.

(b) AMOUNTS AUTHORIZED AND APPROPRIATED EACH FISCAL YEAR.—Congress shall disclose to the public for each fiscal year after fiscal year 2006 the aggregate amount of funds authorized to be appropriated, and the aggregate amount of funds appropriated, by Congress for such fiscal year for the National Intelligence Program.

SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"Sec. 508. (a) Requests of Committees.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request for any intelligence assessment, report, estimate, legal opinion, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, make available to such committee such assessment, report, estimate, legal opinion, or other information, as the case may be.

"(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided for under that paragraph.

"(b) Requests of Certain Members.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) Assertion of Privilege.—In response to a request covered by subsection (a) or (b), the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall provide the document or information covered by such request unless the President certifies that such document or information is not being provided because the President is asserting a privilege pursuant to the Constitution of the United States.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.".

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking "other" the second place it appears.

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) Clarification of Definition of Congressional Intelligence Committees To Include All Members of Committees.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) Notice on Information Not Disclosed.—

(1) In general.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Notice on Information Not Disclosed.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) Conforming amendment.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) Reports and Notice on Covert Actions.—

(1) Form and content of certain reports.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) Notice on information not disclosed.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) Delegation of Authority.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) Submittal of Guidelines to Congress.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) Disclosure of Agent After Access to Information Identifying Agent.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) Disclosure of Agent After Access to Classified Information.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"Sec. 1103. (a) Authority To Retain Amounts Paid.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) Crediting of Amounts Retained.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) Availability of Amounts.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) Debt Owed to an Element of the Intelligence Community Defined.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. 310. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 311. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) Funds of Office of Director of National Intelligence.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) Funds of Central Intelligence Agency.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) Travel and Transportation Expenses Defined.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) Report Required.—Not later than May 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method—

(A) an identification of the official making such determination; and

(B) a statement of the basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method—

(A) an identification of the official making the determination to discontinue such method; and

(B) a statement of the basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action—

(A) an identification of the official taking such action; and

(B) a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(5) An appendix containing—

(A) all guidelines for the application of the Detainee Treatment Act of 2005 to the detention or interrogation activities, if any, of any element of the intelligence community; and

(B) all legal opinions of any office or official of the Department of Justice about the meaning or application of Detainee Treatment Act of 2005 with respect to the detention or interrogation activities, if any, of any element of the intelligence community.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term "intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 313. REPORT ON ANY CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational, and if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, have the authority—

"(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "**WITH**" and inserting "**OF HEADQUARTERS WITH HEADQUARTERS OF**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) COORDINATION AND PRIORITIZATION OF RESEARCH CONDUCTED BY ELEMENTS OF INTELLIGENCE COMMUNITY.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) DEVELOPMENT OF TECHNOLOGY GOALS.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) GOALS FOR TECHNOLOGY NEEDS OF INTELLIGENCE COMMUNITY.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) REPORT.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) APPOINTMENT.—

(1) IN GENERAL.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) APPLICABILITY.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) TITLE.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) ESTABLISHMENT.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"SEC. 103H. (a) OFFICE OF INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) PURPOSE.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) INSPECTOR GENERAL OF INTELLIGENCE COMMUNITY.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) DUTIES AND RESPONSIBILITIES.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

"(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit, the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105–272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) Separate Budget Account.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) Construction of Duties Regarding Elements of Intelligence Community.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) Repeal of Superseded Authority To Establish Position.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) Executive Schedule Level IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) National Counter Proliferation Center.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) Establishment.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) In General.—

"(1) Establishment.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for Fiscal Year 1984 (50 U.S.C. 403e–1) is amended to read as follows:

"(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

"(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.".

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

"(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.".

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking "to the Central Intelligence Agency or to the Intelligence Community Staff" and inserting "to the Office of the Director of National Intelligence or to the Central Intelligence Agency"; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking "Director of Central Intelligence" and inserting "Director of National Intelligence or Director of the Central Intelligence Agency".

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting "PERSONNEL ELIGIBLE FOR AWARDS.—" after "(b)";

(B) by striking "subsection (a) of this section" and inserting "subsection (a)"; and

(C) by striking "a date five years before the date of enactment of this section" and inserting "December 9, 1978"; and

(2) in subsection (c), as so redesignated, by inserting "PAYMENT AND ACCEPTANCE OF AWARDS.—" after "(c)".

SEC. 413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107–306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking "subsection (f)" each place it appears in paragraphs (1) and (2) and inserting "subsection (e)"; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking "subsection (e)(1)" and inserting "subsection (d)(1)"; and

(B) in paragraph (2), by striking "subsection (e)(2)" and inserting "subsection (d)(2)".

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking "or";

(2) in paragraph (2), by striking the period and inserting "; or"; and

(3) by adding at the end the following new paragraph:

"(3) the Office of the Director of National Intelligence.".

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

"(F) The Director of National Intelligence, or the Director's designee.".

SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) APPOINTMENT OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended by inserting "from civilian life" after "who shall be appointed".

(b) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Such section is further amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.".

(c) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (b)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (e)".

(d) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(e) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403–6) is amended by adding at the end the following new subparagraph:

"(C) The Deputy Director of the Central Intelligence Agency.".

(f) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(g) EFFECTIVE DATE AND APPLICABILITY.—

(1) DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendment made by subsection (a) shall—

(A) take effect on the date of the enactment of this Act; and

(B) apply upon the occurrence of any act creating a vacancy in the position of Director of the Central Intelligence Agency after such date, except that if the vacancy occurs by resignation from such position of the individual serving in such position on such date, that individual may continue serving in such position after such resignation until the individual appointed to succeed such resigning individual as Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position.

(2) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—The amendments made by subsections (b) through (e) shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking "and" at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

"(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and".

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403g) is amended by striking "section 102A(i)" and all that follows through "unauthorized disclosure" and inserting "sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))".

(c) CONSTRUCTION WITH EXEMPTION FROM REQUIREMENT FOR DISCLOSURE OF INFORMATION TO PUBLIC.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) TECHNICAL AMENDMENTS TO CENTRAL INTELLIGENCE AGENCY RETIREMENT ACT.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking "OF DCI";

(2) by striking "section 102A(i)" and inserting "sections 102A(i) and 104A(e)(4)";

(3) by striking "of National Intelligence"; and

(4) by inserting "of the Central Intelligence Agency" after "methods".

SEC. 423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) ADDITIONAL EXCEPTION.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by striking "Directorate of Operations" and inserting "National Clandestine Service";

(2) in paragraph (2), by striking "position or category of positions" each place it appears and inserting "individual, individuals, position, or category of positions"; and

(3) by adding at the end the following new paragraph:

"(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) REPORT ON WAIVERS.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: "The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007."; and

(2) in the second sentence—

(A) by striking "section 104A(g)(2), as so added" and inserting "subsection (h)(2) of section 104A, as so added and redesignated"; and

(B) by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) REPORT ELEMENTS.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) ASSISTANCE OF COMPTROLLER GENERAL.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) DEFINITIONS.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) TERMINATION OF EMPLOYEES.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) AUTHORITY TO WITHHOLD DISCLOSURE OF AFFILIATION WITH NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"SEC. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the

Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) Coverage Under Inspector General Act of 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) Certain Designations Under Inspector General Act of 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) Power of Heads of Elements Over Investigations.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) Director of National Security Agency.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"Sec. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) Director of National Geospatial-Intelligence Agency.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) Director of National Reconnaissance Office.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) Positions of Importance and Responsibility.—

(1) Designation of positions.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) Covered positions.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) Effective Date and Applicability.—(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as opensource information.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) Authority To Pay Incentive.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) Covered Employees.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"Sec. 23A. (a) Authority To Enter Into Contracts.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) Treatment as Employees of the United States Government.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

"(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

"(c) Contract To Be Appropriate Means of Securing Services.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.".

SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108-177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403-1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "AND OTHER" after "ACQUISITION".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403-1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) Amendments to National Security Intelligence Reform Act of 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108-458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "AGENCY" after "INTELLIGENCE".

(b) Other Amendments to Intelligence Reform and Terrorism Prevention Act of 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) References to Head of Intelligence Community.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) Clerical Amendments.—Such title is further amended by striking "DIRECTOR OF CENTRAL INTELLIGENCE" each place it appears in a provision as follows and inserting "DIRECTOR OF NATIONAL INTELLIGENCE":

(1) Section 441(c).
(2) Section 443(d).

(c) Reference to Head of Central Intelligence Agency.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403-3(c)(7), (d), 403-4(a), (g), and 405)" and inserting "authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a).".

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) In General.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "FOREIGN"; and

(2) by striking "foreign" each place it appears.

(b) Responsibility of DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) Conforming Amendment.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) Executive Schedule Level III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) Executive Schedule Level IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) Title 5, United States Code.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).
(B) Section 3132(a)(1)(B).
(C) Section 4301(1) (in clause (ii)).
(D) Section 4701(a)(1)(B).
(E) Section 5102(a)(1) (in clause (x)).
(F) Section 5342(a)(1) (in clause (K)).
(G) Section 6339(a)(1)(E).
(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) Title 44, United States Code.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) Homeland Security Act of 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) Inspector General Act of 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) Ethics in Government Act of 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) Other Acts.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SA 844. Ms. LANDRIEU submitted an amendment intended to be proposed by her to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. . REPORT ON INTELLIGENCE RELATED TO INSURGENT FORCES IN IRAQ.

(a) Requirement for Report.—Not later than 90 days after the date of enactment of this Act, and every 90 days thereafter, the Director of National Intelligence shall submit to Congress a report on intelligence relating to the insurgent forces in Iraq that are fighting against coalition forces in Iraq or forces of the Government of Iraq.

(b) Content of Report.—Each report required by subsection (a) shall include the following:

(1) An estimate of the number of insurgent forces in Iraq that are fighting against coalition forces in Iraq or forces of the Government of Iraq.

(2) A description of the locations in Iraq where such insurgent forces are located.

(3) A description of the capability of such insurgent forces and of the manner in which such insurgent forces are funded.

(4) An estimate of the number of members of such insurgent forces in Iraq who are—

(A) members of al Qaeda or any other terrorist organization; or

(B) former members of the Ba'ath Party.

(c) Form of Report.—The report required by subsection (a) shall be submitted in a classified form.

SA 845. Mr. BAYH submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. PROCUREMENT OF PREDATOR AND GLOBAL HAWK UNMANNED AERIAL VEHICLES AND RELATED SYSTEMS.

(a) Report Required.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions being taken by the Department of Defense to address shortfalls in the procurement of Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles and associated orbits for military and intelligence mission requirements.

(b) Elements.—The report required by subsection (a) shall include the following:

(1) A description of any shortages in available Predator Unmanned Aerial Vehicles, Global Hawk Unmanned Aerial Vehicles, and associated orbits to meet requirements of United States military and intelligence forces in the field, including for activities in Iraq, Afghanistan, Colombia, East, South and Southeast Asia.

(2) A description of progress in developing next-generation stealth, medium-altitude unmanned aerial vehicles.

(3) A schedule for addressing such shortages.

(4) An assessment of whether or not the Department of Defense has requested all funds required to keep production lines for such unmanned aerial vehicles running at maximum capacity until such shortages are fully addressed, and, if not, a statement of the reasons why.

(5) A description of the actions required to fully address such shortages.

(6) An assessment of whether or not reliance on a sole-source producer for production of the Predator Unmanned Aerial Vehicle delays the achievement of production and procurement schedules for such vehicle, and if so, recommendations securing one or more additional producers of the vehicle

(7) A statement of the anticipated overseas requirements for such unmanned aerial vehicles during the five-year period beginning on the date of the report, including an assessment of the extent to which long-endurance unmanned aerial vehicles, whether armed or for intelligence, surveillance, and reconnaissance purposes, are long-term and growing requirement for the Armed Forces.

(8) A statement as to whether domestic requirements for medium-altitude unmanned aerial vehicles will further delay meeting all overseas military and intelligence requirements.

(c) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

SA 846. Mr. BINGAMAN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

"(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

SA 847. Ms. COLLINS (for herself, Mr. LIEBERMAN, Mr. CARPER, Mr. COLEMAN, and Mr. AKAKA) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; as follows:

At the appropriate place, insert the following:

SEC. . SENSE OF CONGRESS RELATING TO CONSTITUTIONAL AND STATUTORY PROTECTIONS ACCORDED SEALED DOMESTIC MAIL.

(a) FINDINGS.—Congress finds that—

(1) all Americans depend on the United States Postal Service to transact business and communicate with friends and family;

(2) postal customers have a constitutional right to expect that their sealed domestic mail will be protected against unreasonable searches;

(3) the circumstances and procedures under which the Government may search sealed mail are well defined, including provisions under the Foreign Intelligence Surveillance Act of 1978 (50 U.S.C. 1801 et seq.), and generally require prior judicial approval;

(4) the United States Postal Inspection Service has the authority to open and search a sealed envelope or package when there is immediate threat to life or limb or an immediate and substantial danger to property;

(5) the United States Postal Service affirmed January 4, 2007, that the enactment of the Postal Accountability and Enhancement Act (Public Law 109–435) does not grant Federal law enforcement officials any new authority to open domestic mail;

(6) questions have been raised about these basic privacy protections following issuance of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435); and

(7) the Senate rejects any interpretation of the President's signing statement on the Postal Accountability and Enhancement Act (Public Law 109–435) that in any way diminishes the privacy protections accorded sealed domestic mail under the Constitution and Federal laws and regulations.

(b) SENSE OF CONGRESS.—It is the sense of Congress that Congress reaffirms the constitutional and statutory protections accorded sealed domestic mail.

SA 848. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"§ 2332c. Recruitment of persons to participate in terrorism.

"(a) OFFENSES.—

"(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

"(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

"(b) PENALTIES.—Any person who violates subsection (a)—

"(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

"2332c. Recruitment of persons to participate in terrorism."; and

(2) by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.".

SA 849. Mr. CORNYN Submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . RECRUITMENT OF PERSONS TO PARTICIPATE IN TERRORISM.

(a) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by inserting after section 2332b the following:

"§ 2332c. Recruitment of persons to participate in terrorism.

"(a) OFFENSES.—

"(1) IN GENERAL.—It shall be unlawful to employ, solicit, induce, command, or cause another person to commit an act of domestic terrorism or international terrorism or a Federal crime of terrorism, with the intent that the person commit such act or crime of terrorism

"(2) ATTEMPT AND CONSPIRACY.—It shall be unlawful to attempt or conspire to commit an offense under paragraph (1).

"(b) PENALTIES.—Any person who violates subsection (a)—

"(1) in the case of an attempt or conspiracy, shall be fined under this title, imprisoned not more than 10 years, or both;

"(2) if death of an individual results, shall be fined under this title, punished by death or imprisoned for any term of years or for life, or both;

"(3) if serious bodily injury to any individual results, shall be fined under this title, imprisoned not less than 10 years nor more than 25 years, or both; and

"(4) in any other case, shall be fined under this title, imprisoned not more than 10 years, or both.

"(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed or applied so as to abridge the exercise of rights guaranteed under the first amendment to the Constitution of the United States.

"(d) LACK OF CONSUMMATED TERRORIST ACT NOT A DEFENSE.—It is not a defense under this section that the act of domestic terrorism or international terrorism or Federal crime of terrorism that is the object of the employment, solicitation, inducement, commanding, or causing has not been done.

"(e) DEFINITIONS.—In this section—

"(1) the term 'Federal crime of terrorism' has the meaning given that term in section 2332b of this title; and

"(2) the term 'serious bodily injury' has the meaning given that term in section 1365 of this title.".

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The table of sections at the beginning of chapter 113B of title 18, United States Code, is amended—

(1) by inserting after section 2332b the following:

"2332c. Recruitment of persons to participate in terrorism."; and

(2) by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.".

SEC. ___. APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(1) is filed after the date of the enactment of this Act; and

(2) pertains to the administration or enforcement of the immigration laws of the United States.

(b) PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a Federal court determines that a plaintiff should be awarded prospective relief to remedy a violation of the Government in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) design the relief as the least intrusive means to correct the violation;

(C) design the relief in a manner to minimize, to the greatest extent practicable, the adverse impact of such relief on the national security, border security, ability to administer and enforce the immigration laws, and public safety of the United States; and

(D) provide for the expiration of the relief on a specific date, which may not be later than the earliest date practicable for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—A court granting prospective relief for a violation described in paragraph (1) shall issue a written order granting the relief and include in the order a discussion of the manner in which the relief is designed to meet the requirements of subparagraphs (A) through (D) of paragraph (1) and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief ordered by a court in a case related to the immigration laws of the United States shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief and orders the preliminary relief to become a final order granting prospective relief prior to the expiration of the 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the date on which the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court may, for good cause, postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) PENDING MOTIONS.—

(i) MOTIONS PENDING FOR 45 DAYS OR LESS.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for not more than 45 days on the date of the enactment of this Act shall be treated as if the motion had been filed on the date of the enactment of this Act for purposes of this subsection.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—

(I) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for more than 45 days on the date of the enactment of this Act, and remains pending 10 days after the date of the enactment of this Act, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of the motion.

(II) DURATION OF AUTOMATIC STAY.—An automatic stay under subclause (I) shall continue until the court enters an order granting or denying the Government's motion.

(III) POSTPONEMENT.—An automatic stay under this clause may not be postponed under subparagraph (C).

(E) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a United States court of appeals orders a decision on a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States to be remanded to a district court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the motion.

(F) ORDERS BLOCKING AUTOMATIC STAYS.—An order staying, suspending, delaying, or otherwise barring the effective date of an automatic stay, other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction and immediately shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code.

(3) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JURISDICTION OVER ORDERS INTERFERING WITH THE INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision and sections 1361 and 1651 of such title, no court shall have jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)), except as expressly provided in section 242(e) of such Act (8 U.S.C. 1252(e)).

(2) DETERMINATION OF JURISDICTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall promptly determine whether the court continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to an order granting prospective relief that was entered before the date of the enactment of this Act if the prospective relief granted by such order was necessary to remedy the violation of a right guaranteed by the Constitution of the United States.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall not enter, approve, or continue a consent decree unless it complies with the requirements of subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the requirements of subsection (b).

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree" means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties, but does not include private settlement agreements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action of the claim resolved by such agreement.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion subject to the provisions of this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of this section to any person or circumstance shall not be affected by such finding.

SEC. ___. JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to visas issued before, on, or after such date.

SEC. ___. DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED.

(a) DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.—

(1) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(A) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(B) in paragraph (1)—

(i) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(ii) by adding at the end of subparagraph (B), the following flush text:

"If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii)."; and

(iii) by amending subparagraph (C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

"(i) fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the efforts of the Secretary to establish the identity of the alien and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien; or

"(ii) conspires or acts to prevent the alien's removal.";

(C) in paragraph (2)—

(i) by striking "During" and inserting the following:

"(A) IN GENERAL.—During"; and

(ii) by adding at the end the following new subparagraph:

"(B) EFFECT OF STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(D) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities or to perform affirmative acts that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(E) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If the alien is released, the alien"; and

(F) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the parole or the removal of the alien becomes reasonably foreseeable. In no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply to an alien who has effected an entry into the United States and do not apply to any other alien detained pursuant to paragraph (6):

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether an alien will be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

"(B) ADDITIONAL 90-DAY PERIOD.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(D)).

"(C) FURTHER DETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the removal period and the 90-day period authorized by subparagraph (B)—

"(i) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(I) will be removed in the reasonably foreseeable future; or

"(II) would be removed in the reasonably foreseeable future, or would have been removed, but for the failure or refusal of the alien to make all reasonable efforts to comply with the removal order, or to cooperate fully with the efforts of the Secretary to establish the identity of the alien and to carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien, or conspiracies or acts to prevent the alien's removal;

"(ii) until the alien is removed, if the Secretary certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

"(IV) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

"(aa) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

"(bb) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

"(V) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); or

"(iii) pending a certification under clause (ii), if the Secretary has initiated the administrative review process under subparagraph (C) not later than 30 days after the expiration of the alien's removal period (including any extension of the removal period as provided in paragraph (1)(D)).

"(D) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (C)(ii) every 180 days without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such a certification, the Secretary may not continue to detain the alien under subparagraph (C)(ii).

"(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (C)(ii) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in item (bb) of subparagraph (C)(ii)(IV).

"(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention under this paragraph, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

"(F) REDETENTION.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if—

"(I) the alien fails to comply with the conditions of release;

"(II) the alien fails to continue to satisfy the conditions described in subparagraph (A); or

"(III) upon reconsideration, the Secretary determines that the alien may be detained under subparagraph (B) or (C).

"(ii) APPLICABILITY OF CUSTODY PROVISIONS.—The provisions of paragraph (6) and this paragraph shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of that the alien was so returned to custody.

"(G) CERTAIN ALIENS WHO EFFECTED ENTRY.—The Secretary of Homeland Security in the exercise of discretion may waive the provisions of subparagraph (A) through (F) and detain an alien without any limitations, except those which the Secretary shall adopt by regulation, if—

"(i) the alien has effected an entry;

"(ii) the alien has not been lawfully admitted into the United States; and

"(iii) the alien has not been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.".

(2) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(A) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

"(3) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (1) or (2) of this subsection shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(B) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(i) in subsection (e)—

(I) by striking "The" and inserting the following:

"(1) IN GENERAL.—The"; and

(II) by adding at the end the following new paragraph:

"(2) LIMITATION ON REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right."; and

(ii) by adding at the end the following new subsection:

"(f) LENGTH OF DETENTION.—

"(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.".

(3) EFFECTIVE DATES.—

(A) AMENDMENTS MADE BY PARAGRAPH (1).—The amendments made by paragraph (1) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(i) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(ii) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(B) AMENDMENTS MADE BY PARAGRAPH (2).—The amendments made by paragraph (2) shall take effect on the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

(b) CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.—

(1) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended—

(A) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(B) by striking "If, after a hearing" and inserting the following:

"(1) IN GENERAL.—If, after a hearing";

(C) by striking "In a case" and inserting the following:

"(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case";

(D) by striking "Subject to rebuttal" and inserting the following:

"(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal";

(E) in subparagraphs (B) and (C) of paragraph (1), as resdesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(F) by adding at the end the following new paragraph:

"(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).".

(2) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(A) in subparagraph (A), by striking "; and" and inserting a semicolon; and

(B) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

(c) SEVERABILITY.—If any provision of this section or any amendment made by this section, or the application of any such provision or amendment to any person or circumstance, is held to be invalid for any reason, the remainder of the provisions of this section and the amendments made by this section, and the application of such provisions and amendments to any other person or circumstance shall not be affected by such holding.

SA 850. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Managment Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE VI—DETENTION AND REMOVAL OF ALIENS ORDERED REMOVED

SEC. 601. DETENTION OF DEPORTABLE ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1231(a)) is amended—

(1) by striking "Attorney General" each place it appears, except for the first reference in paragraph (4)(B)(i), and inserting "Secretary of Homeland Security";

(2) in paragraph (1)—

(A) by amending clause (ii) of subparagraph (B) to read as follows:

"(ii) If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of the removal of the alien, the date the stay of removal is no longer in effect.";

(B) by adding at the end of subparagraph (B), the following flush text:

"If, at the beginning of the removal period, as determined under this subparagraph, the alien is not in the custody of the Secretary of Homeland Security (under the authority of this Act), the Secretary shall take the alien into custody for removal, and the removal period shall not begin until the alien is taken into such custody. If the Secretary transfers custody of the alien during the removal period pursuant to law to another Federal agency or a State or local government agency in connection with the official duties of such agency, the removal period shall be tolled, and shall begin anew on the date of the alien's return to the custody of the Secretary subject to clause (ii)."; and

(C) by amending subparagraph (C) to read as follows:

"(C) SUSPENSION OF PERIOD.—The removal period shall be extended beyond a period of 90 days and the alien may remain in detention during such extended period if the alien—

"(i) fails or refuses to make all reasonable efforts to comply with the removal order, or to fully cooperate with the efforts of the Secretary to establish the identity of the alien and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien; or

"(ii) conspires or acts to prevent the alien's removal.";

(3) in paragraph (2)—

(A) by striking "During" and inserting the following:

"(A) IN GENERAL.—During"; and

(B) by adding at the end the following new subparagraph:

"(B) EFFECT OF STAY OF REMOVAL.—If a court, the Board of Immigration Appeals, or an immigration judge orders a stay of removal of an alien who is subject to an administratively final order of removal, the

Secretary of Homeland Security in the exercise of discretion may detain the alien during the pendency of such stay of removal.";

(4) in paragraph (3), by amending subparagraph (D) to read as follows:

"(D) to obey reasonable restrictions on the alien's conduct or activities or to perform affirmative acts that the Secretary of Homeland Security prescribes for the alien, in order to prevent the alien from absconding, for the protection of the community, or for other purposes related to the enforcement of the immigration laws.";

(5) in paragraph (6), by striking "removal period and, if released," and inserting "removal period, in the discretion of the Secretary of Homeland Security, without any limitations other than those specified in this section, until the alien is removed. If the alien is released, the alien"; and

(6) by redesignating paragraph (7) as paragraph (10) and inserting after paragraph (6) the following new paragraphs:

"(7) PAROLE.—If an alien detained pursuant to paragraph (6) is an applicant for admission, the Secretary of Homeland Security, in the Secretary's discretion, may parole the alien under section 212(d)(5) and may provide, notwithstanding section 212(d)(5), that the alien shall not be returned to custody unless either the alien violates the conditions of the parole or the removal of the alien becomes reasonably foreseeable. In no circumstance shall such alien be considered admitted.

"(8) ADDITIONAL RULES FOR DETENTION OR RELEASE OF CERTAIN ALIENS WHO HAVE MADE AN ENTRY.—The following procedures apply to an alien who has effected an entry into the United States and do not apply to any other alien detained pursuant to paragraph (6):

"(A) ESTABLISHMENT OF A DETENTION REVIEW PROCESS FOR ALIENS WHO FULLY COOPERATE WITH REMOVAL.—For an alien who has made all reasonable efforts to comply with a removal order and to cooperate fully with the Secretary of Homeland Security's efforts to establish the alien's identity and carry out the removal order, including making timely application in good faith for travel or other documents necessary to the alien's departure, and has not conspired or acted to prevent removal, the Secretary of Homeland Security shall establish an administrative review process to determine whether an alien will be detained or released on conditions. The Secretary shall make a determination whether to release an alien after the removal period in accordance with paragraph (1)(B). The determination shall include consideration of any evidence submitted by the alien, and may include consideration of any other evidence, including any information or assistance provided by the Department of State or other Federal agency and any other information available to the Secretary pertaining to the ability to remove the alien.

"(B) ADDITIONAL 90-DAY PERIOD.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien for 90 days beyond the removal period (including any extension of the removal period as provided in paragraph (1)(D)).

"(C) FURTHER DETENTION.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may continue to detain an alien beyond the removal period and the 90-day period authorized by subparagraph (B)—

"(i) until the alien is removed, if the Secretary determines that there is a significant likelihood that the alien—

"(I) will be removed in the reasonably foreseeable future; or

"(II) would be removed in the reasonably foreseeable future, or would have been removed, but for the failure or refusal of the alien to make all reasonable efforts to comply with the removal order, or to cooperate fully with the efforts of the Secretary to establish the identity of the alien and to carry out the removal order, including making timely application in good faith for travel or other documents necessary to the departure of the alien, or conspiracies or acts to prevent the alien's removal;

"(ii) until the alien is removed, if the Secretary certifies in writing—

"(I) in consultation with the Secretary of Health and Human Services, that the alien has a highly contagious disease that poses a threat to public safety;

"(II) after receipt of a written recommendation from the Secretary of State, that release of the alien is likely to have serious adverse foreign policy consequences for the United States;

"(III) based on information available to the Secretary of Homeland Security (including classified, sensitive, or national security information, and without regard to the grounds upon which the alien was ordered removed), that there is reason to believe that the release of the alien would threaten the national security of the United States; or

"(IV) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and—

"(aa) the alien has been convicted of one or more aggravated felonies as defined in section 101(a)(43)(A), one or more crimes identified by the Secretary of Homeland Security by regulation, or one or more attempts or conspiracies to commit any such aggravated felonies or such identified crimes, provided that the aggregate term of imprisonment for such attempts or conspiracies is at least 5 years; or

"(bb) the alien has committed one or more crimes of violence (as defined in section 16 of title 18, United States Code, but not including a purely political offense) and, because of a mental condition or personality disorder and behavior associated with that condition or disorder, the alien is likely to engage in acts of violence in the future; or

"(V) that the release of the alien will threaten the safety of the community or any person, conditions of release cannot reasonably be expected to ensure the safety of the community or any person, and the alien has been convicted of at least one aggravated felony as defined in section 101(a)(43); or

"(iii) pending a certification under clause (ii), if the Secretary has initiated the administrative review process under subparagraph (C) not later than 30 days after the expiration of the alien's removal period (including any extension of the removal period as provided in paragraph (1)(D)).

"(D) RENEWAL AND DELEGATION OF CERTIFICATION.—

"(i) RENEWAL.—The Secretary of Homeland Security may renew a certification under subparagraph (C)(ii) every 180 days without limitation, after providing an opportunity for the alien to request reconsideration of the certification and to submit documents or other evidence in support of that request. If the Secretary does not renew such a certification, the Secretary may not continue to detain the alien under subparagraph (C)(ii).

"(ii) DELEGATION.—Notwithstanding section 103, the Secretary of Homeland Security may not delegate the authority to make or renew a certification described in subclause (II), (III), or (V) of subparagraph (C)(ii) to an official below the level of the Assistant Secretary for Immigration and Customs Enforcement.

"(iii) HEARING.—The Secretary of Homeland Security may request that the Attorney General, or a designee of the Attorney General, provide for a hearing to make the determination described in item (bb) of subparagraph (C)(ii)(IV).

"(E) RELEASE ON CONDITIONS.—If it is determined that an alien should be released from detention under this paragraph, the Secretary of Homeland Security, in the exercise of discretion, may impose conditions on release as provided in paragraph (3).

"(F) REDETENTION.—

"(i) IN GENERAL.—The Secretary of Homeland Security, in the exercise of discretion, without any limitations other than those specified in this section, may again detain any alien subject to a final removal order who is released from custody if—

"(I) the alien fails to comply with the conditions of release;

"(II) the alien fails to continue to satisfy the conditions described in subparagraph (A); or

"(III) upon reconsideration, the Secretary determines that the alien may be detained under subparagraph (B) or (C).

"(ii) APPLICABILITY OF CUSTODY PROVISIONS.—The provisions of paragraph (6) and this paragraph shall apply to any alien returned to custody pursuant to this subparagraph, as if the removal period terminated on the day of that the alien was so returned to custody.

"(G) CERTAIN ALIENS WHO EFFECTED ENTRY.—The Secretary of Homeland Security in the exercise of discretion may waive the provisions of subparagraph (A) through (F) and detain an alien without any limitations, except those which the Secretary shall adopt by regulation, if—

"(i) the alien has effected an entry;

"(ii) the alien has not been lawfully admitted into the United States; and

"(iii) the alien has not been physically present in the United States continuously for the 2-year period immediately prior to the commencement of removal proceedings under this Act or deportation proceedings against the alien.

"(9) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision pursuant to paragraph (6), (7), or (8) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and regulatory) available to the alien as of right.".

(b) DETENTION OF ALIENS DURING REMOVAL PROCEEDINGS.—

(1) IN GENERAL.—Section 235 of the Immigration and Nationality Act (8 U.S.C. 1225) is amended by adding at the end the following new subsections:

"(e) LENGTH OF DETENTION.—

"(1) IN GENERAL.—An alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.

"(3) JUDICIAL REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to paragraph (1) or (2) of this subsection shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right.".

(2) CONFORMING AMENDMENTS.—Section 236 of the Immigration and Nationality Act (8 U.S.C. 1226) is amended—

(A) in subsection (e)—

(i) by striking "The" and inserting the following:

"(1) IN GENERAL.—The"; and

(ii) by adding at the end the following new paragraph:

"(2) LIMITATION ON REVIEW.—Without regard to the place of confinement, judicial review of any action or decision made pursuant to subsection (f) shall be available exclusively in a habeas corpus proceeding instituted in the United States District Court for the District of Columbia, and only if the alien has exhausted all administrative remedies (statutory and nonstatutory) available to the alien as of right."; and

(B) by adding at the end the following new subsection:

"(f) LENGTH OF DETENTION.—

"(1) IN GENERAL.—With regard to the length of detention, an alien may be detained under this section, without limitation, until the alien is subject to an administratively final order of removal.

"(2) EFFECT ON DETENTION UNDER SECTION 241.—The length of detention under this section shall not affect the validity of any detention under section 241.".

(c) EFFECTIVE DATES.—

(1) AMENDMENTS MADE BY SUBSECTION (A).—The amendments made by subsection (a) shall take effect on the date of the enactment of this Act, and section 241 of the Immigration and Nationality Act, as amended, shall apply to—

(A) all aliens subject to a final administrative removal, deportation, or exclusion order that was issued before, on, or after the date of the enactment of this Act; and

(B) acts and conditions occurring or existing before, on, or after the date of the enactment of this Act.

(2) AMENDMENTS MADE BY SUBSECTION (B).—The amendments made by subsection (b) shall take effect on the date of the enactment of this Act, and sections 235 and 236 of the Immigration and Nationality Act, as amended, shall apply to any alien in detention under provisions of such sections on or after the date of the enactment of this Act.

SEC. 602. CRIMINAL DETENTION OF ALIENS TO PROTECT PUBLIC SAFETY.

(a) IN GENERAL.—Section 3142(e) of title 18, United States Code, is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively;

(2) by striking "If, after a hearing" and inserting the following:

"(1) IN GENERAL.—If, after a hearing";

(3) by striking "In a case" and inserting the following:

"(2) PRESUMPTION ARISING FROM OFFENSES DESCRIBED IN SUBSECTION (F)(1).—In a case";

(4) by striking "Subject to rebuttal" and inserting the following:

"(3) PRESUMPTION ARISING FROM OTHER OFFENSES INVOLVING ILLEGAL SUBSTANCES, FIREARMS, VIOLENCE, OR MINORS.—Subject to rebuttal";

(5) in subparagraphs (B) and (C) of paragraph (1), as resdesignated, by striking "paragraph (1)" and inserting "subparagraph (A)"; and

(6) by adding at the end the following new paragraph:

"(4) PRESUMPTION ARISING FROM OFFENSES RELATING TO IMMIGRATION LAW.—Subject to rebuttal by the person, it shall be presumed that no condition or combination of conditions will reasonably assure the appearance of the person as required if the judicial officer finds that there is probable cause to believe that the person is an alien and that the person—

"(A) has no lawful immigration status in the United States;

"(B) is the subject of a final order of removal; or

"(C) has committed a felony offense under section 842(i)(5), 911, 922(g)(5), 1015, 1028, 1028A, 1425, or 1426 of this title, or any section of chapters 75 and 77 of this title, or section 243, 274, 275, 276, 277, or 278 of the Immigration and Nationality Act (8 U.S.C. 1253, 1324, 1325, 1326, 1327, and 1328).".

(b) IMMIGRATION STATUS AS FACTOR IN DETERMINING CONDITIONS OF RELEASE.—Section 3142(g)(3) of title 18, United States Code, is amended—

(1) in subparagraph (A), by striking "; and" and inserting a semicolon; and

(2) by adding at the end the following new subparagraph:

"(C) the person's immigration status; and".

SEC. 603. SEVERABILITY.

If any provision of this title or any amendment made by this title, or the application of any such provision or amendment to any person or circumstance, is held to be invalid for any reason, the remainder of the provisions of this title and the amendments made by this title, and the application of such provisions and amendments to any other person or circumstance shall not be affected by such holding.

SA 851. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . JUDICIAL REVIEW OF VISA REVOCATION.

(a) IN GENERAL.—Section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1201(i)) is amended by striking "There shall be no means of judicial review" and all that follows and inserting the following: "Notwithstanding any other provision of law, including section 2241 of title 28, United States Code, or any other habeas corpus provision, and sections 1361 and 1651 of such title, a revocation under this subsection may not be reviewed by any court, and no court shall have jurisdiction to hear any claim arising from, or any challenge to, such a revocation.".

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on the date of enactment of this Act and shall apply to visas issued before, on, or after such date

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SA 852. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . APPROPRIATE REMEDIES FOR IMMIGRATION LITIGATION.

(a) LIMITATION ON CLASS ACTIONS.—No court may certify a class under rule 23 of the Federal Rules of Civil Procedure in any civil action that—

(1) is filed after the date of the enactment of this Act; and

(2) pertains to the administration or enforcement of the immigration laws of the United States.

(b) PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—If a Federal court determines that a plaintiff should be awarded prospective relief to remedy a violation of the Government in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall—

(A) limit the relief to the minimum necessary to correct the violation of law;

(B) design the relief as the least intrusive means to correct the violation;

(C) design the relief in a manner to minimize, to the greatest extent practicable, the adverse impact of such relief on the national security, border security, ability to administer and enforce the immigration laws, and public safety of the United States; and

(D) provide for the expiration of the relief on a specific date, which may not be later than the earliest date practicable for the Government to remedy the violation.

(2) WRITTEN EXPLANATION.—A court granting prospective relief for a violation described in paragraph (1) shall issue a written order granting the relief and include in the order a discussion of the manner in which the relief is designed to meet the requirements of subparagraphs (A) through (D) of paragraph (1) and shall be sufficiently detailed to allow review by another court.

(3) EXPIRATION OF PRELIMINARY INJUNCTIVE RELIEF.—Preliminary injunctive relief ordered by a court in a case related to the immigration laws of the United States shall automatically expire on the date that is 90 days after the date on which such relief is entered, unless the court finds that such relief meets the requirements described in subparagraphs (A) through (D) of paragraph (1) for the entry of permanent prospective relief and orders the preliminary relief to become a final order granting prospective relief prior to the expiration of the 90-day period.

(c) PROCEDURE FOR MOTION AFFECTING ORDER GRANTING PROSPECTIVE RELIEF AGAINST THE GOVERNMENT.—

(1) IN GENERAL.—A court shall promptly rule on a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(2) AUTOMATIC STAYS.—

(A) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief made by the Government in any civil action pertaining to the administration or enforcement of the immigration laws of the United States shall automatically, and without further order of the court, stay the order granting prospective relief on the date that is 15 days after the date on which such motion is filed unless the court previously has granted or denied the Government's motion.

(B) DURATION OF AUTOMATIC STAY.—An automatic stay under subparagraph (A) shall continue until the date on which the court enters an order granting or denying the Government's motion.

(C) POSTPONEMENT.—The court may, for good cause, postpone an automatic stay under subparagraph (A) for not longer than 15 days.

(D) PENDING MOTIONS.—

(i) MOTIONS PENDING FOR 45 DAYS OR LESS.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for not more than 45 days on the date of the enactment of this Act shall be treated as if the motion had been filed on the date of the enactment of this Act for purposes of this subsection.

(ii) MOTIONS PENDING FOR MORE THAN 45 DAYS.—

(I) IN GENERAL.—A motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States that has been pending for more than 45 days on the date of the enactment of this Act, and remains pending 10 days after the date of the enactment of this Act, shall result in an automatic stay, without further order of the court, of the prospective relief that is the subject of the motion.

(II) DURATION OF AUTOMATIC STAY.—An automatic stay under subclause (I) shall continue until the court enters an order granting or denying the Government's motion.

(III) POSTPONEMENT.—An automatic stay under this clause may not be postponed under subparagraph (C).

(E) AUTOMATIC STAYS DURING REMANDS FROM HIGHER COURTS.—If a United States court of appeals orders a decision on a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States to be remanded to a district court, the order granting prospective relief which is the subject of the motion shall be automatically stayed until the district court enters an order granting or denying the motion.

(F) ORDERS BLOCKING AUTOMATIC STAYS.—An order staying, suspending, delaying, or otherwise barring the effective date of an automatic stay, other than an order to postpone the effective date of the automatic stay for not longer than 15 days under subparagraph (C), shall be treated as an order refusing to vacate, modify, dissolve, or otherwise terminate an injunction and immediately shall be appealable pursuant to section 1292(a)(1) of title 28, United States Code.

(3) REQUIREMENTS FOR ORDER DENYING MOTION.—Subsection (b) shall apply to any order denying a motion made by the Government to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States.

(d) ADDITIONAL RULES CONCERNING PROSPECTIVE RELIEF AFFECTING EXPEDITED REMOVAL.—

(1) JURISDICTION OVER ORDERS INTERFERING WITH THE INSPECTION OF ALIENS ARRIVING IN THE UNITED STATES.—Notwithstanding any other provision of law (statutory or nonstatutory), including section 2241 of title 28, United States Code, or any other habeas corpus provision and sections 1361 and 1651 of such title, no court shall have jurisdiction to grant or continue an order or part of an order granting prospective relief if the order or part of the order interferes with, affects, or impacts any determination pursuant to, or implementation of, section 235(b)(1) of the Immigration and Nationality Act (8 U.S.C. 1225(b)(1)), except as expressly provided in section 242(e) of such Act (8 U.S.C. 1252(e)).

(2) DETERMINATION OF JURISDICTION.—If the Government files a motion to vacate, modify, dissolve, or otherwise terminate an order granting prospective relief in a civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall promptly determine whether the court continues to have jurisdiction and shall promptly vacate any order or part of an order granting prospective relief that is not within the jurisdiction of the court.

(3) APPLICABILITY.—Paragraphs (1) and (2) shall not apply to an order granting prospective relief that was entered before the date of the enactment of this Act if the prospective relief granted by such order was necessary to remedy the violation of a right guaranteed by the Constitution of the United States.

(e) SETTLEMENTS.—

(1) CONSENT DECREES.—In any civil action pertaining to the administration or enforcement of the immigration laws of the United States, the court shall not enter, approve, or continue a consent decree unless it complies with the requirements of subsection (b).

(2) PRIVATE SETTLEMENT AGREEMENTS.—Nothing in this section shall preclude parties from entering into a private settlement agreement that does not comply with the requirements of subsection (b).

(f) DEFINITIONS.—In this section:

(1) CONSENT DECREE.—The term "consent decree" means any relief entered by the court that is based in whole or in part on the consent or acquiescence of the parties, but does not include private settlement agreements.

(2) GOOD CAUSE.—The term "good cause" does not include discovery or congestion of the court's calendar.

(3) GOVERNMENT.—The term "Government" means the United States, any Federal department or agency, or any Federal agent or official acting within the scope of official duties.

(4) PERMANENT RELIEF.—The term "permanent relief" means relief issued in connection with a final decision of a court.

(5) PRIVATE SETTLEMENT AGREEMENT.—The term "private settlement agreement" means an agreement entered into by the parties that is not subject to judicial enforcement other than the reinstatement of the civil action of the claim resolved by such agreement.

(6) PROSPECTIVE RELIEF.—The term "prospective relief" means temporary, preliminary, or permanent relief other than compensatory monetary damages.

(g) EXPEDITED PROCEEDINGS.—It shall be the duty of every court to advance on the docket and to expedite the disposition of any civil action or motion subject to the provisions of this section.

(h) EFFECTIVE DATE.—This section shall apply with respect to all orders granting prospective relief in any civil action pertaining to the administration or enforcement of the immigration laws of the United States, whether such relief was ordered before, on, or after the date of the enactment of this Act.

(i) SEVERABILITY.—If any provision of this section or the application of such provision to any person or circumstance is found to be unconstitutional, the remainder of this section and the application of the provisions of this section to any person or circumstance shall not be affected by such finding.

SA 853. Mr. CORNYN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. . SENSE OF THE SENATE REGARDING LEADERS OF CONGRESS ENGAGING IN DIPLOMACY WITH STATE SPONSORS OF TERRORISM.

(a) FINDINGS.—Congress makes the following findings:

(1) The Secretary of State has designated certain countries that have repeatedly provided support for international acts of terrorism as state sponsors of terrorism.

(2) State sponsors of terrorism provide critical support to non-state terrorist groups.

(3) Without state sponsors, terrorist groups would have much more difficulty obtaining the funds, weapons, materials, and secure areas they require to plan and conduct operations.

(4) United States policy seeks to pressure and isolate state sponsors of terrorism so they will renounce the use of terrorism, end support to terrorists, and bring terrorists to justice for past crimes.

(5) Syria remains a designated state sponsor of terrorism, having first been designated as such on December 29, 1979.

(6) Iran remains a designated state sponsor of terrorism, having first been designated as such on January 19, 1984.

(7) The Secretary of State determined in 2006 that Syria and Iran continue to "routinely provide unique safe haven, substantial resources and guidance to terrorist organizations".

(8) Senators themselves have historically recognized the constitutional principle that the foreign affairs power resides exclusively in the Executive Branch. For example, Senator J. William Fulbright, former Chairman of the Committee on Foreign Relations of the Senate explained in a speech at Cornell Law School in 1959, "[t]he pre-eminent responsibility of the President for the formulation and conduct of American foreign policy is clear and unalterable.... He possesses sole authority to communicate and negotiate with foreign powers." (published as J. William Fulbright, "American Foreign Policy in the 20th-Century Under an 18th-Century Constitution", 47 Cornell Law Quarterly 1, 3 (1961)).

(9) The Supreme Court similarly recognized the "very delicate, plenary and exclusive power of the President as the sole organ

of the Federal Government in the field of international relations" in the United States versus Curtiss-Wright Export Corporation (299 U.S. 304, 319 (1936)).

(b) SENSE OF THE SENATE.—It is the sense of the Senate that leaders of Congress should not engage in diplomacy with state sponsors of terrorism over the expressed objections of officials of the Executive Branch, as the Executive Branch has the exclusively responsibility for foreign affairs matters under the Constitution.

SA 854. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. . PENALTIES FOR VIOLATIONS OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

"PENALTIES

"SEC. 206. (a) It shall be unlawful for—

"(1) a person to violate, or conspire to or attempt to violate, any license, order, regulation, or prohibition issued under this title;

"(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued under this title; or

"(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

"(b) A civil penalty not to exceed $250,000 may be imposed on any person who commits an unlawful act described in subsection (a).

"(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in subsection (a), shall, upon conviction for such unlawful act—

"(1) if a corporation, be fined not more than $500,000;

"(2) if a natural person, be fined not more than $500,000, or imprisoned not more than 10 years, or both; or

"(3) if an officer, director, or agent of a corporation who knowingly participates, or attempts to participate, in such unlawful act, be fined not more than $500,000, or imprisoned not more than 10 years, or both.".

SA 855. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _. PROHIBITION OF WAR CRIMES PROSECUTION.

(a) SHORT TITLE.—This section may be cited as the "Prohibition of Foreign War Crimes Prosecutions of Americans Act of 2007".

(b) IN GENERAL.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§ 2442. International criminal court

"(a) OFFENSE.—Except as provided under subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

"(b) EXCEPTION.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

"(1) on territory subject to the sovereign jurisdiction of such government; or

"(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

"(c) CRIMINAL PENALTY.—

"(1) IN GENERAL.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned under paragraph (2), or both.

"(2) PRISON SENTENCE.—The maximum term of imprisonment for an offense under this section is the greater of—

"(A) 5 years; or

"(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

"(d) EXTRATERRITORIAL JURISDICTION.—There is extraterritorial jurisdiction over an offense under this section.

"(e) CIVIL REMEDY.—Any person who is aggrieved by a violation described in subsection (a) may, in a civil action, obtain appropriate relief, including—

"(1) punitive damages; and

"(2) a reasonable attorney's fee as part of the costs.

"(f) DEFINITIONS.—In this section—

"(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

"(2) the term 'indict' includes—

"(A) the formal submission of an order or request for the prosecution or arrest of a person; and

"(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

"(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

"(4) the term 'war crime' means any offense that is within the jurisdiction of the International Criminal Court at the time the offense is committed.".

(c) CLERICAL AMENDMENT.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"2442. International criminal court.".

SA 856. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 11, strike line 18 and all that follows through page 12, line 20.

SA 857. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 108 and insert the following:

SEC. 108. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

"RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

"SEC. 508. (a) REQUESTS OF COMMITTEES.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request pursuant to this section for any intelligence assessment, report, estimate, legal justification, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, make available to such committee such assessment, report, estimate, legal justification, or other information, as the case may be.

"(2) A committee making a request under paragraph (1) may specify a greater number of days for submittal to such committee of information in response to such request than is otherwise provided under that paragraph.

"(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the

Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

"(2) Upon making a request covered by paragraph (1)—

"(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

"(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.

"(c) Response to Request.—In the event that a response to a request covered by subsection (a) or (b) is not provided within the specified time period, the Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government or other organization within the Executive branch that is an element of the intelligence community shall submit a written explanation as to why the document or information covered by such request could not be provided in the specified time period and shall provide a reasonable date certain for when such document or information will be provided.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

"Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.".

SA 858. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 304 and insert the following:

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) Clarification of Definition of Congressional Intelligence Committees to Include All Members of Committees.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) Notice on Information Not Disclosed.—

(1) In general.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Notice on Information Not Disclosed.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) Conforming amendment.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) Reports and Notice on Covert Actions.—

(1) Form and content of certain reports.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) Notice on information not disclosed.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SA 859. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 310.

SA 860. Mr. BOND submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 42, strike line 5 and all that follows through page 43, line 14, and insert the following:

(1) Report required.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational, and if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

SA 861. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Beginning on page 109, strike line 24 and all that follows through page 110, line 6, and insert the following:

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open source information into the National System for Geospatial-Intelligence.

SA 862. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 410 and insert the following:

SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE OFFICE

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

"(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Office.".

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

SA 863. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 421 and insert the following:

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

"(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

"(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

"(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

"(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (f)".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403-6(b)(2)) is amended by adding at the end the fallowing new subparagraph:

"(J) The Deputy Director of the Central Intelligence Agency.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SA 864. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Section 308 of the bill is amended to read as follows:

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) DISCLOSURE OF AGENT AFTER ACCESS TO INFORMATION IDENTIFYING AGENT.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "or imprisoned" and all that follows and inserting the following: "and imprisoned for not less than 3 years nor more than 20 years.".

(b) DISCLOSURE OF AGENT AFTER ACCESS TO CLASSIFIED INFORMATION.—Subsection (b) of such section is amended by striking "or imprisoned" and all that follows and inserting the following: "and imprisoned for not less than 2 years nor more than 15 years.".

SA 865. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 40, between lines 7 and 8, insert the following:

(3) The information described in paragraphs (1) and (2) may be included in such report only if the Director of National Intelligence determines that publication of such information would not endanger national security.

SA 866. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) IN GENERAL.—It shall be unlawful for any person who is an employee or member of the Senate or House of Representatives, or who is entrusted with or has lawful possession of, access to, or control over any classified information contained in a report submitted to Congress under this Act, the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109–177; 120 Stat. 192), the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458; 118 Stat. 3638), or an amendment made by any such Act to—

(1) knowingly and willfully communicate, furnish, transmit, or otherwise makes available such information to an unauthorized person;

(2) publish such information; or

(3) use such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(c) INFORMATION TO CONGRESS.—Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives, or joint committee thereof.

(d) DEFINITIONS.—As used in this section—

(1) the term "classified information" means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958, or any successor thereto; and

(2) the term "unauthorized person" means any person who does not have authority or permission to have access to the classified information under the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

SA 867. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. IMPROVEMENTS TO THE CLASSIFIED INFORMATION PROCEDURES ACT.

(a) SHORT TITLE.—This section may be cited as the "Classified Information Procedures Reform Act of 2007".

(b) INTERLOCUTORY APPEALS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 7(a) of the Classified Information Procedures Act (18 U.S.C. App.) is amended by adding at the end "The Government's right to appeal under this section applies without regard to whether the order appealed from was entered under this Act.".

(c) EX PARTE AUTHORIZATIONS UNDER THE CLASSIFIED INFORMATION PROCEDURES ACT.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the second sentence—

(A) by striking "may" and inserting "shall"; and

(B) by striking "written statement to be inspected" and inserting "statement to be made ex parte and to be considered"; and

(2) in the third sentence—

(A) by striking "If the court enters an order granting relief following such an ex parte showing, the" and inserting "The"; and

(B) by inserting "and any summary of the classified information the defendant seeks to obtain" after "text of the statement of the United States".

(d) APPLICATION OF CLASSIFIED INFORMATION PROCEDURES ACT TO NONDOCUMENTARY INFORMATION.—Section 4 of the Classified Information Procedures Act (18 U.S.C. App.) is amended—

(1) in the section heading, by inserting ", AND ACCESS TO," after "OF";

(2) by inserting "(a) DISCOVERY OF CLASSIFIED INFORMATION FROM DOCUMENTS.—" before the first sentence; and

(3) by adding at the end the following:

"(b) ACCESS TO OTHER CLASSIFIED INFORMATION.—

"(1) If the defendant seeks access through deposition under the Federal Rules of Criminal Procedure or otherwise to nondocumentary information from a potential witness or other person which he knows or reasonably believes is classified, he shall notify the attorney for the United States and the district court in writing. Such notice shall specify with particularity the classified information sought by the defendant and the legal basis for such access. At a time set by the court, the United States may oppose access to the classified information.

"(2) If, after consideration of any objection raised by the United States, including any objection asserted on the basis of privilege, the court determines that the defendant is legally entitled to have access to the information specified in the notice required by paragraph (1), the United States may request the substitution of a summary of the classified information or the substitution of a statement admitting relevant facts that the classified information would tend to prove.

"(3) The court shall permit the United States to make its objection to access or its request for such substitution in the form of a statement to be made ex parte and to be considered by the court alone. The entire text of the statement of the United States, as well as any summary of the classified information the defendant seeks to obtain, shall be sealed and preserved in the records of the court and made available to the appellate court in the event of an appeal.

"(4) The court shall grant the request of the United States to substitute a summary of the classified information or to substitute a statement admitting relevant facts that the classified information would tend to prove if it finds that the summary or statement will provide the defendant with substantially the same ability to make his defense as would disclosure of the specific classified information.

"(5) A defendant may not obtain access to classified information subject to this subsection except as provided in this subsection. Any proceeding, whether by deposition under the Federal Rules of Criminal Procedure or otherwise, in which a defendant seeks to obtain access to such classified information not previously authorized by a court for disclosure under this subsection must be discontinued or may proceed only as to lines of inquiry not involving such classified information.".

SA 868. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. PREVENTION AND DETERRENCE OF TERRORIST SUICIDE BOMBINGS.

(a) OFFENSE OF REWARDING OR FACILITATING INTERNATIONAL TERRORIST ACTS.—

(1) IN GENERAL.—Chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"§ 2339E. Providing material support to international terrorism

"(a) DEFINITIONS.—In this section:

"(1) The term 'facility of interstate or foreign commerce' has the same meaning as in section 1958(b)(2).

"(2) The term 'international terrorism' has the same meaning as in section 2331.

"(3) The term 'material support or resources' has the same meaning as in section 2339A(b).

"(4) The term 'perpetrator of an act' includes any person who—

"(A) commits the act;

"(B) aids, abets, counsels, commands, induces, or procures its commission; or

"(C) attempts, plots, or conspires to commit the act.

"(5) The term 'serious bodily injury' has the same meaning as in section 1365.

"(b) PROHIBITION.—Whoever, in a circumstance described in subsection (c), provides, or attempts or conspires to provide, material support or resources to the perpetrator of an act of international terrorism, or to a family member or other person associated with such perpetrator, with the intent to facilitate, reward, or encourage that act or other acts of international terrorism, shall be fined under this title, imprisoned not more than 25 years, or both, and, if death results, shall be imprisoned for any term of years or for life.

"(c) JURISDICTIONAL BASES.—A circumstance referred to in subsection (b) is that—

"(1) the offense occurs in or affects interstate or foreign commerce;

"(2) the offense involves the use of the mails or a facility of interstate or foreign commerce;

"(3) an offender intends to facilitate, reward, or encourage an act of international terrorism that affects interstate or foreign commerce or would have affected interstate or foreign commerce had it been consummated;

"(4) an offender intends to facilitate, reward, or encourage an act of international terrorism that violates the criminal laws of the United States;

"(5) an offender intends to facilitate, reward, or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of the United States Government;

"(6) an offender intends to facilitate, reward, or encourage an act of international terrorism that occurs in part within the United States and is designed to influence the policy or affect the conduct of a foreign government;

"(7) an offender intends to facilitate, reward, or encourage an act of international terrorism that causes or is designed to cause death or serious bodily injury to a national of the United States while that national is outside the United States, or substantial damage to the property of a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions) while that property is outside of the United States;

"(8) the offense occurs in whole or in part within the United States, and an offender intends to facilitate, reward or encourage an act of international terrorism that is designed to influence the policy or affect the conduct of a foreign government; or

"(9) the offense occurs in whole or in part outside of the United States, and an offender is a national of the United States, a stateless person whose habitual residence is in the United States, or a legal entity organized under the laws of the United States (including any of its States, districts, commonwealths, territories, or possessions).".

(2) TECHNICAL AND CONFORMING AMENDMENTS.—

(A) TABLE OF SECTIONS.—The table of sections for chapter 113B of title 18, United States Code, is amended by adding at the end the following:

"2339D. Receiving military-type training from a foreign terrorist organization.

"2339E. Providing material support to international terrorism.".

(B) OTHER AMENDMENT.—Section 2332b(g)(5)(B)(i) of title 18, United States Code, is amended by inserting "2339E (relating to providing material support to international terrorism)," before "or 2340A (relating to torture)".

(b) INCREASED PENALTIES FOR PROVIDING MATERIAL SUPPORT TO TERRORISTS.—

(1) PROVIDING MATERIAL SUPPORT TO DESIGNATED FOREIGN TERRORIST ORGANIZATIONS.—Section 2339B(a) of title 18, United States Code, is amended by striking "15 years" and inserting "25 years".

(2) PROVIDING MATERIAL SUPPORT OR RESOURCES IN AID OF A TERRORIST CRIME.—Section 2339A(a) of title 18, United States Code, is amended by striking "15 years" and inserting "40 years".

(3) RECEIVING MILITARY-TYPE TRAINING FROM A FOREIGN TERRORIST ORGANIZATION.—Section 2339D(a) of title 18, United States Code, is amended by striking "ten years" and inserting "15 years".

(4) ADDITION OF ATTEMPTS AND CONSPIRACIES TO AN OFFENSE RELATING TO MILITARY TRAINING.—Section 2339D(a) of title 18, United States Code, is amended by inserting ", or attempts or conspires to receive," after "receives".

SA 869. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TERRORIST MURDERS, KIDNAPPINGS, AND ASSAULTS.

(a) PENALTIES FOR TERRORIST MANSLAUGHTER AND ATTEMPTS OR CONSPIRACIES TO COMMIT TERRORIST MURDER.—Section 2332 of title 18, United States Code, is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ", punished by death" and all that follows and inserting "and punished by death or imprisoned for life;"; and

(B) in paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for not less than 10 years nor more than 30 years; and"; and

(2) in subsection (b)—

(A) in paragraph (1), by striking "or imprisoned" and all that follows and inserting "and imprisoned for life; and"; and

(B) in paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for life.".

(b) ADDITION OF OFFENSE OF TERRORIST KIDNAPPING.—Section 2332 of title 18, United States Code, is amended—

(1) by redesignating subsections (c) and (d) as subsections (d) and (e), respectively; and

(2) by inserting after subsection (b) the following:

"(c) KIDNAPPING.—Whoever outside the United States unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away, or attempts or conspires to seize, confine, inveigle, decoy, kidnap, abduct or carry away, a national of the United States shall be fined under this title and imprisoned for life.".

(c) ADDITION OF SEXUAL ASSAULT TO DEFINITION OF OFFENSE OF TERRORIST ASSAULT.—Section 2332(d) of title 18, United States Code, as redesignated by subsection (b) of this section, is amended—

(1) in paragraph (1), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury";

(2) in paragraph (2), by inserting "(as defined in section 1365, including any conduct that, if the conduct occurred in the special maritime and territorial jurisdiction of the United States, would violate section 2241 or 2242)" after "injury"; and

(3) in the matter following paragraph (2), by striking "or imprisoned" and all that follows and inserting "and imprisoned for not less than 10 years nor more than 30 years.".

SA 870. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. ___. NATIONAL INTELLIGENCE ESTIMATE ON PERSONS DEALING WITH STATE SPONSORS OF TERRORISM.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate on business activities carried out with a state sponsors of terrorism.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) may not be submitted within 270 days after the date of the enactment of this Act, the Director shall submit to Congress a notification of such determination that includes—

(A) the reasons that such National Intelligence Estimate may not be submitted by such date; and

(B) an estimated date for the submittal of such National Intelligence Estimate.

(b) CONTENT.—The National Intelligence Estimate required by subsection (a) shall include—

(1) a list of persons, including foreign persons, that carry out business activity with the government of, or a private entity located within, a country that is a state sponsors of terrorism;

(2) a description of such business activities carried out by each such person, including estimates of the magnitude of such activities;

(3) an assessment of the importance of such activities to the economy of each state sponsor of terrorism;

(4) an assessment of the likely effect of each State law, including each decision by a public pension board or governing body of a

State that requires divestment from persons who conduct business activity with a state sponsors of terrorism; and

(5) an assessment of options available to the United States to reduce such activities and the likely effect that carrying out such options may have on the policies and economies of each state sponsor of terrorism.

(c) STATE SPONSOR OF TERRORISM DEFINED.—In this section, the term "state sponsor of terrorism" means any country the government of which has been determined by the Secretary of State to have repeatedly provided support for acts of international terrorism pursuant to—

(1) section 6(j)(1)(A) of the Export Administration Act of 1979 (50 U.S.C. App. 2405(j)(1)(A)) (or successor statute);

(2) section 40(d) of the Arms Export Control Act (22 U.S.C. 2780(d)); or

(3) section 620A(a) of the Foreign Assistance Act of 1961 (22 U.S.C. 2371(a)).

(d) COORDINATION.—In preparing the National Intelligence Estimate required by subsection (a), the Director of National Intelligence shall coordinate with the Secretary of State, the Secretary of the Treasury, the Secretary of Commerce, the Chairman of the Securities and Exchange Commission, and other appropriate governmental or nongovernmental entities.

(e) FORM.—The National Intelligence Estimate required by subsection (a) shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. Such National Intelligence Estimate may include a classified annex.

SA 871. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. IMMUNITY FOR REPORTING SUSPICIOUS ACTIVITIES AND MITIGATING TERRORIST THREATS RELATING TO TRANSPORTATION SECURITY.

(a) IMMUNITY FOR REPORTING SUSPICIOUS BEHAVIOR.—Any person who makes or causes to be made a voluntary disclosure of any suspicious transaction, activity, or occurrence indicating that an individual may be engaging or preparing to engage in a matter described in subsection (b) to any employee or agent of the Department of Homeland Security, the Department of Transportation, the Department of Justice, any Federal, State, or local law enforcement officer, any transportation security officer, or any employee or agent of a transportation system shall be immune from civil liability to any person under any law or regulation of the United States, or any constitution, law, or regulation of any State or political subdivision of any State, for such disclosure.

(b) COVERED DISCLOSURES.—The matter referred to in subsection (a) is a possible violation or attempted violation of law or regulation relating—

(1) to a threat to transportation systems or passenger safety or security; or

(2) to an act of terrorism, as defined in section 3077 of title 18, United States Code, that involves or is directed against transportation systems or passengers.

(c) LIMITATION ON APPLICATION.—Subsection (a) shall not apply to a statement or disclosure by a person that, at the time it is made, is known by the person to be false.

(d) ATTORNEY FEES AND COSTS.—If a person is named as a defendant in a civil lawsuit for making voluntary disclosures of any suspicious transaction or taking actions to mitigate a suspicious matter described in subsection (b), and the person is found to be immune from civil liability under this section, the person shall be entitled to recover from the plaintiff all reasonable costs and attorney's fees as allowed by the court.

(e) RETROACTIVE APPLICATION.—This section shall apply to activities and claims occurring on or after November 20, 2006.

SA 872. Mr. BOND (for himself and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 41, line 1, strike "legal opinions" and insert "legal justifications".

SA 873. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 304.

SA 874. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 314.

SA 875. Mr. CHAMBLISS (for himself and Mr. KYL) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 107.

SA 876. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PROHIBITION OF ISSUANCE OF TRANSPORTATION SECURITY CARDS TO CONVICTED FELONS.

(a) IN GENERAL.—Section 70105 of title 46, United States Code, is amended—

(1) in subsection (b)(1), by striking "decides that the individual poses a security risk under subsection (c)" and inserting "determines under subsection (c) that the individual poses a security risk"; and

(2) in subsection (c), by amending paragraph (1) to read as follows:

"(1) DISQUALIFICATIONS.—

"(A) PERMANENT DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is permanently disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, in a civilian or military jurisdiction of any of the following felonies:

"(i) Espionage or conspiracy to commit espionage.

"(ii) Sedition or conspiracy to commit sedition.

"(iii) Treason or conspiracy to commit treason.

"(iv) A Federal crime of terrorism (as defined in section 2332b(g) of title 18), a comparable State law, or conspiracy to commit such crime.

"(v) A crime involving a transportation security incident.

"(vi) Improper transportation of a hazardous material under section 5124 of title 49, or a comparable State law.

"(vii) Unlawful possession, use, sale, distribution, manufacture, purchase, receipt, transfer, shipping, transporting, import, export, storage of, or dealing in an explosive or explosive device. In this clause, an explosive or explosive device includes—

"(I) an explosive (as defined in sections 232(5) and 844(j) of title 18);

"(II) explosive materials (as defined in subsections (c) through (f) of section 841 of title 18); and

"(III) a destructive device (as defined in 921(a)(4) of title 18 and section 5845(f) of the Internal Revenue Code of 1986).

"(viii) Murder.

"(ix) Making any threat, or maliciously conveying false information knowing the same to be false, concerning the deliverance, placement, or detonation of an explosive or other lethal device in or against a place of public use, a State or other government facility, a public transportation system, or an infrastructure facility.

"(x) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.), or a comparable State law, if 1 of the predicate acts found by a jury or admitted by the defendant consists of 1 of the crimes listed in this subparagraph.

"(xi) Attempt to commit any of the crimes listed in clauses (i) through (iv).

"(xii) Conspiracy or attempt to commit any of the crimes described in clauses (v) through (x).

"(xiii) Any other felony that the Secretary of Homeland Security classifies, by regulation, as a permanently disqualifying criminal offense under this subparagraph.

"(B) INTERIM DISQUALIFYING CRIMINAL OFFENSES.—Except as provided under paragraph (2), an individual is disqualified from being issued a biometric transportation security card under subsection (b) if the individual has been convicted, or found not guilty by reason of insanity, during the 7-year period ending on the date on which the individual applies for such card, or was released from incarceration during the 5-year period ending on the date on which the individual applies for such card, of any of the following felonies:

"(i) Unlawful possession, use, sale, manufacture, purchase, distribution, receipt, transfer, shipping, transporting, delivery, import, export of, or dealing in a firearm or other weapon. In this clause, a firearm or other weapon includes—

"(I) firearms (as defined in section 921(a)(3) of title 18 and section 5845(a) of the Internal Revenue Code of 1986); and

"(II) items contained on the United States Munitions Import List under section 447.21 of title 27, Code of Federal Regulations.

"(ii) Extortion.

"(iii) Dishonesty, fraud, or misrepresentation, including identity fraud and money laundering if the money laundering is related to a crime described in this subparagraph or subparagraph (A). In this clause, welfare fraud and passing bad checks do not constitute dishonesty, fraud, or misrepresentation.

"(iv) Bribery.

"(v) Smuggling.

"(vi) Immigration violations.

"(vii) Distribution of, possession with intent to distribute, or importation of a controlled substance.

"(viii) Arson.

"(ix) Kidnapping or hostage taking.

"(x) Rape or aggravated sexual abuse.

"(xi) Assault with intent to kill.

"(xii) Robbery.

"(xiii) Conspiracy or attempt to commit any of the crimes listed in this subparagraph.

"(xiv) Fraudulent entry into a seaport under section 1036 of title 18, or a comparable State law.

"(xv) A violation of the Racketeer Influenced and Corrupt Organizations Act (18 U.S.C. 1961 et seq.) or a comparable State law, other than any of the violations listed in subparagraph (A)(x).

"(xvi) Any other felony that the Secretary of Homeland Security classifies, by regulation, as an interim disqualifying criminal offense under this subparagraph.

"(C) UNDER WANT WARRANT, OR INDICTMENT.—An applicant who is wanted, or under indictment, in any civilian or military jurisdiction for a felony listed in this paragraph, is disqualified from being issued a biometric transportation security card under subsection (b) until the want or warrant is released or the indictment is dismissed.

"(D) DETERMINATION OF ARREST STATUS.—

"(i) IN GENERAL.—If a fingerprint-based check discloses an arrest for a disqualifying crime listed in this section without indicating a disposition, the Transportation Security Administration shall notify the applicant of such disclosure and provide the applicant with instructions on how the applicant can clear the disposition, in accordance with clause (ii).

"(ii) BURDEN OF PROOF.—In order to clear a disposition under this subparagraph, an applicant shall submit written proof to the Transportation Security Administration, not later than 60 days after receiving notification under clause (i), that the arrest did not result in conviction for the disqualifying criminal offense.

"(iii) NOTIFICATION OF DISQUALIFICATION.—If the Transportation Security Administration does not receive proof in accordance with the Transportation Security Administration's procedures for waiver of criminal offenses and appeals, the Transportation Security Administration shall notify—

"(I) the applicant that he or she is disqualified from being issued a biometric transportation security card under subsection (b);

"(II) the State that the applicant is disqualified, in the case of a hazardous materials endorsement; and

"(III) the Coast Guard that the applicant is disqualified, if the applicant is a mariner.

"(E) OTHER POTENTIAL DISQUALIFICATIONS.—Except as provided under subparagraphs (A) through (C), an individual may not be denied a transportation security card under subsection (b) unless the Secretary determines that individual—

"(i) has been convicted within the preceding 7-year period of a felony or found not guilty by reason of insanity of a felony—

"(I) that the Secretary believes could cause the individual to be a terrorism security risk to the United States; or

"(II) for causing a severe transportation security incident;

"(ii) has been released from incarceration within the preceding 5-year period for committing a felony described in clause (i);

"(iii) may be denied admission to the United States or removed from the United States under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.); or

"(iv) otherwise poses a terrorism security risk to the United States.".

(b) CONFORMING AMENDMENT.—Section 70101 of title 49, United States Code, is amended—

(1) by redesignating paragraphs (2) through (6) as paragraphs (3) through (7); and

(2) by inserting after paragraph (1) the following:

"(2) The term 'economic disruption' does not include a work stoppage or other employee-related action not related to terrorism and resulting from an employer-employee dispute.".

SA 877. Mr. DEMINT submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the "Intelligence Authorization Act for Fiscal Year 2007".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—INTELLIGENCE ACTIVITIES

Sec. 101. Authorization of appropriations.
Sec. 102. Classified schedule of authorizations.
Sec. 103. Incorporation of classified annex.
Sec. 104. Personnel ceiling adjustments.
Sec. 105. Intelligence Community Management Account.
Sec. 106. Incorporation of reporting requirements.
Sec. 107. Response of intelligence community to requests from Congress for intelligence documents and information.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

Sec. 201. Authorization of appropriations.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

Sec. 301. Increase in employee compensation and benefits authorized by law.
Sec. 302. Restriction on conduct of intelligence activities.
Sec. 303. Clarification of definition of intelligence community under the National Security Act of 1947.
Sec. 304. Improvement of notification of Congress regarding intelligence activities of the United States Government.
Sec. 305. Delegation of authority for travel on common carriers for intelligence collection personnel.
Sec. 306. Modification of availability of funds for different intelligence activities.
Sec. 307. Additional limitation on availability of funds for intelligence and intelligence-related activities.
Sec. 308. Increase in penalties for disclosure of undercover intelligence officers and agents.
Sec. 309. Retention and use of amounts paid as debts to elements of the intelligence community.
Sec. 310. Extension to intelligence community of authority to delete information about receipt and disposition of foreign gifts and decorations.
Sec. 311. Availability of funds for travel and transportation of personal effects, household goods, and automobiles.
Sec. 312. Director of National Intelligence report on compliance with the Detainee Treatment Act of 2005.
Sec. 313. Report on any clandestine detention facilities for individuals captured in the Global War on Terrorism.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

Sec. 401. Additional authorities of the Director of National Intelligence on intelligence information sharing.
Sec. 402. Modification of limitation on delegation by the Director of National Intelligence of the protection of intelligence sources and methods.
Sec. 403. Authority of the Director of National Intelligence to manage access to human intelligence information.

Sec. 404. Additional administrative authority of the Director of National Intelligence.
Sec. 405. Clarification of limitation on co-location of the Office of the Director of National Intelligence.
Sec. 406. Additional duties of the Director of Science and Technology of the Office of the Director of National Intelligence.
Sec. 407. Appointment and title of Chief Information Officer of the Intelligence Community.
Sec. 408. Inspector General of the Intelligence Community.
Sec. 409. Leadership and location of certain offices and officials.
Sec. 410. National Space Intelligence Center.
Sec. 411. Operational files in the Office of the Director of National Intelligence.
Sec. 412. Eligibility for incentive awards of personnel assigned to the Office of the Director of National Intelligence.
Sec. 413. Repeal of certain authorities relating to the Office of the National Counterintelligence Executive.
Sec. 414. Inapplicability of Federal Advisory Committee Act to advisory committees of the Office of the Director of National Intelligence.
Sec. 415. Membership of the Director of National Intelligence on the Transportation Security Oversight Board.
Sec. 416. Applicability of the Privacy Act to the Director of National Intelligence and the Office of the Director of National Intelligence.

Subtitle B—Central Intelligence Agency

Sec. 421. Director and Deputy Director of the Central Intelligence Agency.
Sec. 422. Enhanced protection of Central Intelligence Agency intelligence sources and methods from unauthorized disclosure.
Sec. 423. Additional exception to foreign language proficiency requirement for certain senior level positions in the Central Intelligence Agency.
Sec. 424. Additional functions and authorities for protective personnel of the Central Intelligence Agency.
Sec. 425. Director of National Intelligence report on retirement benefits for former employees of Air America.

Subtitle C—Defense Intelligence Components

Sec. 431. Enhancements of National Security Agency training program.
Sec. 432. Codification of authorities of National Security Agency protective personnel.
Sec. 433. Inspector general matters.
Sec. 434. Confirmation of appointment of heads of certain components of the intelligence community.
Sec. 435. Clarification of national security missions of National Geospatial-Intelligence Agency for analysis and dissemination of certain intelligence information.
Sec. 436. Security clearances in the National Geospatial-Intelligence Agency.

Subtitle D—Other Elements

Sec. 441. Foreign language incentive for certain non-special agent employees of the Federal Bureau of Investigation.
Sec. 442. Authority to secure services by contract for the Bureau of Intelligence and Research of the Department of State.
Sec. 443. Clarification of inclusion of Coast Guard and Drug Enforcement Administration as elements of the intelligence community.
Sec. 444. Clarifying amendments relating to section 105 of the Intelligence Authorization Act for fiscal year 2004.

TITLE V—OTHER MATTERS

Sec. 501. Technical amendments to the National Security Act of 1947.
Sec. 502. Technical clarification of certain references to Joint Military Intelligence Program and Tactical Intelligence and Related Activities.
Sec. 503. Technical amendments to the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 504. Technical amendments to title 10, United States Code, arising from enactment of the Intelligence Reform and Terrorism Prevention Act of 2004.
Sec. 505. Technical amendment to the Central Intelligence Agency Act of 1949.
Sec. 506. Technical amendments relating to the multiyear National Intelligence Program.
Sec. 507. Technical amendments to the Executive Schedule.
Sec. 508. Technical amendments relating to redesignation of the National Imagery and Mapping Agency as the National Geospatial-Intelligence Agency.

TITLE I—INTELLIGENCE ACTIVITIES

SEC. 101. AUTHORIZATION OF APPROPRIATIONS.

Funds are hereby authorized to be appropriated for fiscal year 2007 for the conduct of the intelligence and intelligence-related activities of the following elements of the United States Government:

(1) The Office of the Director of National Intelligence.

(2) The Central Intelligence Agency.

(3) The Department of Defense.

(4) The Defense Intelligence Agency.

(5) The National Security Agency.

(6) The Department of the Army, the Department of the Navy, and the Department of the Air Force.

(7) The Department of State.

(8) The Department of the Treasury.

(9) The Department of Energy.

(10) The Department of Justice.

(11) The Federal Bureau of Investigation.

(12) The National Reconnaissance Office.

(13) The National Geospatial-Intelligence Agency.

(14) The Coast Guard.

(15) The Department of Homeland Security.

(16) The Drug Enforcement Administration.

SEC. 102. CLASSIFIED SCHEDULE OF AUTHORIZATIONS.

(a) SPECIFICATIONS OF AMOUNTS AND PERSONNEL CEILINGS.—The amounts authorized to be appropriated under section 101, and the authorized personnel ceilings as of September 30, 2007, for the conduct of the intelligence and intelligence-related activities of the elements listed in such section, are those specified in the classified Schedule of Authorizations prepared to accompany the conference report on the bill S. 372 of the One Hundred Tenth Congress and in the Classified Annex to such report as incorporated in this Act under section 103.

(b) AVAILABILITY OF CLASSIFIED SCHEDULE OF AUTHORIZATIONS.—The Schedule of Authorizations shall be made available to the Committees on Appropriations of the Senate and House of Representatives and to the President. The President shall provide for suitable distribution of the Schedule, or of appropriate portions of the Schedule, within the executive branch.

SEC. 103. INCORPORATION OF CLASSIFIED ANNEX.

(a) STATUS OF CLASSIFIED ANNEX.—The Classified Annex prepared by the Select Committee on Intelligence of the Senate to accompany its report on the bill S. 372 of the One Hundred Tenth Congress and transmitted to the President is hereby incorporated into this Act.

(b) CONSTRUCTION WITH OTHER PROVISIONS OF DIVISION.—Unless otherwise specifically stated, the amounts specified in the Classified Annex are not in addition to amounts authorized to be appropriated by other provisions of this Act.

(c) LIMITATION ON USE OF FUNDS.—Funds appropriated pursuant to an authorization contained in this Act that are made available for a program, project, or activity referred to in the Classified Annex may only be expended for such program, project, or activity in accordance with such terms, conditions, limitations, restrictions, and requirements as are set out for that program, project, or activity in the Classified Annex.

(d) DISTRIBUTION OF CLASSIFIED ANNEX.—The President shall provide for appropriate distribution of the Classified Annex, or of appropriate portions of the annex, within the executive branch of the Government.

SEC. 104. PERSONNEL CEILING ADJUSTMENTS.

(a) AUTHORITY FOR ADJUSTMENTS.—With the approval of the Director of the Office of Management and Budget, the Director of National Intelligence may authorize employment of civilian personnel in excess of the number authorized for fiscal year 2007 under section 102 when the Director of National Intelligence determines that such action is necessary to the performance of important intelligence functions, except that the number of personnel employed in excess of the number authorized under such section may not, for any element of the intelligence community, exceed 2 percent of the number of civilian personnel authorized under such section for such element.

(b) NOTICE TO INTELLIGENCE COMMITTEES.—The Director of National Intelligence shall promptly notify the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives whenever the Director exercises the authority granted by this section.

SEC. 105. INTELLIGENCE COMMUNITY MANAGEMENT ACCOUNT.

(a) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the Intelligence Community Management Account of the Director of National Intelligence for fiscal year 2007 the sum of $648,952,000. Within such amount, funds identified in the classified Schedule of Authorizations referred to in section 102(a) for advanced research and development shall remain available until September 30, 2008.

(b) AUTHORIZED PERSONNEL LEVELS.—The elements within the Intelligence Community Management Account of the Director of National Intelligence are authorized 1,575 full-time personnel as of September 30, 2007. Personnel serving in such elements may be permanent employees of the Intelligence Community Management Account or personnel detailed from other elements of the United States Government.

(c) CLASSIFIED AUTHORIZATIONS.—

(1) AUTHORIZATION OF APPROPRIATIONS.—In addition to amounts authorized to be appropriated for the Intelligence Community Management Account by subsection (a), there are also authorized to be appropriated for the Intelligence Community Management Account for fiscal year 2007 such additional amounts as are specified in the classified Schedule of Authorizations referred to in section 102(a). Such additional amounts for research and development shall remain available until September 30, 2008.

(2) AUTHORIZATION OF PERSONNEL.—In addition to the personnel authorized by subsection (b) for elements of the Intelligence Community Management Account as of September 30, 2007, there are also authorized such additional personnel for such elements as of that date as are specified in the classified Schedule of Authorizations.

(d) REIMBURSEMENT.—Except as provided in section 113 of the National Security Act of 1947 (50 U.S.C. 404h), during fiscal year 2007 any officer or employee of the United States or a member of the Armed Forces who is detailed to the staff of the Intelligence Community Management Account from another element of the United States Government shall be detailed on a reimbursable basis, except that any such officer, employee, or member may be detailed on a nonreimbursable basis for a period of less than one year for the performance of temporary functions as required by the Director of National Intelligence.

SEC. 106. INCORPORATION OF REPORTING REQUIREMENTS.

(a) IN GENERAL.—Each requirement to submit a report to the congressional intelligence committees that is included in the joint explanatory statement to accompany the conference report on the bill _____ of the One Hundred Tenth Congress, or in the classified annex to this Act, is hereby incorporated into this Act, and is hereby made a requirement in law.

(b) CONGRESSIONAL INTELLIGENCE COMMITTEES DEFINED.—In this section, the term “congressional intelligence committees” means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 107. RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION.

(a) IN GENERAL.—Title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.) is amended by adding at the end the following new section:

“RESPONSE OF INTELLIGENCE COMMUNITY TO REQUESTS FROM CONGRESS FOR INTELLIGENCE DOCUMENTS AND INFORMATION

“SEC. 508. (a) REQUESTS OF COMMITTEES.—The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall, not later than 30 days after receiving a request for any intelligence assessment, report, estimate, information related to intelligence activity, or other intelligence information from the Select Committee on Intelligence of the Senate or the Permanent Select Committee on Intelligence of the House of Representatives, provide a response to such committee regarding the request for such assessment, report, estimate, or other information, as the case may be.

“(b) REQUESTS OF CERTAIN MEMBERS.—(1) The Director of National Intelligence, the Director of the National Counterterrorism Center, the Director of a national intelligence center, or the head of any other department, agency, or element of the Federal Government, or other organization within the Executive branch, that is an element of the intelligence community shall respond, in the time specified in subsection (a), to a request described in that subsection from the Chairman or Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman or Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives.

“(2) Upon making a request covered by paragraph (1)—

“(A) the Chairman or Vice Chairman, as the case may be, of the Select Committee on Intelligence of the Senate shall notify the other of the Chairman or Vice Chairman of such request; and

“(B) the Chairman or Ranking Member, as the case may be, of the Permanent Select Committee on Intelligence of the House of Representatives shall notify the other of the Chairman or Ranking Member of such request.”.

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting after the item relating to section 507 the following new item:

“Sec. 508. Response of intelligence community to requests from Congress for intelligence documents and information.”.

TITLE II—CENTRAL INTELLIGENCE AGENCY RETIREMENT AND DISABILITY SYSTEM

SEC. 201. AUTHORIZATION OF APPROPRIATIONS.

There is authorized to be appropriated for the Central Intelligence Agency Retirement and Disability Fund for fiscal year 2007 the sum of $256,400,000.

TITLE III—INTELLIGENCE AND GENERAL INTELLIGENCE COMMUNITY MATTERS

SEC. 301. INCREASE IN EMPLOYEE COMPENSATION AND BENEFITS AUTHORIZED BY LAW.

Appropriations authorized by this Act for salary, pay, retirement, and other benefits for Federal employees may be increased by such additional or supplemental amounts as may be necessary for increases in such compensation or benefits authorized by law.

SEC. 302. RESTRICTION ON CONDUCT OF INTELLIGENCE ACTIVITIES.

The authorization of appropriations by this Act shall not be deemed to constitute authority for the conduct of any intelligence activity which is not otherwise authorized by the Constitution or the laws of the United States.

SEC. 303. CLARIFICATION OF DEFINITION OF INTELLIGENCE COMMUNITY UNDER THE NATIONAL SECURITY ACT OF 1947.

Subparagraph (L) of section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended by striking “other” the second place it appears.

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) CLARIFICATION OF DEFINITION OF CONGRESSIONAL INTELLIGENCE COMMITTEES TO INCLUDE ALL MEMBERS OF COMMITTEES.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting “, and includes each member of the Select Committee” before the semicolon; and

(2) in subparagraph (B), by inserting “, and includes each member of the Permanent Select Committee” before the period.

(b) NOTICE ON INFORMATION NOT DISCLOSED.—

(1) IN GENERAL.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

“(b) NOTICE ON INFORMATION NOT DISCLOSED.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees and requests that such information not be provided in full or to all members of the congressional intelligence committees, the Director shall, in a timely fashion, provide written notification to the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, as the case may be, of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement of the reasons for such determination. The Director shall provide a general description of the nature of the matter notified to all members of such committees, so long as such general description will not jeopardize sensitive intelligence sources and methods or other exceptionally sensitive matters.

“(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.”.

(2) CONFORMING AMENDMENT.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking “subsection (b)” and inserting “subsections (b) and (c)”.

(c) REPORTS AND NOTICE ON COVERT ACTIONS.—

(1) FORM AND CONTENT OF CERTAIN REPORTS.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting “(1)” after “(b)”; and

(C) by adding at the end the following new paragraph:

“(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

“(A) A concise statement of any facts pertinent to such report.

“(B) An explanation of the significance of the covert action covered by such report.”.

(2) NOTICE ON INFORMATION NOT DISCLOSED.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

“(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b)(2) in full or to all the members of the congressional intelligence committees, and requests that such information not be provided in full or to all members of the congressional intelligence committees, for the reason specified in paragraph (2), the Director shall, in a timely fashion, provide written notification to the Chairman and Vice Chairman of the Select Committee on Intelligence of the Senate or the Chairman and Ranking Member of the Permanent Select Committee on Intelligence of the House of Representatives, as the case may be, of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in a classified form and include a statement of the reasons for such determination. The Director shall provide a general description of the nature of the matter notified to all members of such committees, so long as such general description will not jeopardize sensitive intelligence sources and methods or other exceptionally sensitive matters.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

SEC. 305. DELEGATION OF AUTHORITY FOR TRAVEL ON COMMON CARRIERS FOR INTELLIGENCE COLLECTION PERSONNEL.

(a) Delegation of Authority.—Section 116(b) of the National Security Act of 1947 (50 U.S.C. 404k(b)) is amended—

(1) by inserting "(1)" before "The Director";

(2) in paragraph (1), by striking "may only delegate" and all that follows and inserting "may delegate the authority in subsection (a) to the head of any other element of the intelligence community."; and

(3) by adding at the end the following new paragraph:

"(2) The head of an element of the intelligence community to whom the authority in subsection (a) is delegated pursuant to paragraph (1) may further delegate such authority to such senior officials of such element as are specified in guidelines prescribed by the Director of National Intelligence for purposes of this paragraph.".

(b) Submittal of Guidelines to Congress.—Not later than six months after the date of the enactment of this Act, the Director of National Intelligence shall prescribe and submit to the congressional intelligence committees the guidelines referred to in paragraph (2) of section 116(b) of the National Security Act of 1947, as added by subsection (a).

(c) Congressional Intelligence Committees Defined.—In this section, the term "congressional intelligence committees" means—

(1) the Select Committee on Intelligence of the Senate; and

(2) the Permanent Select Committee on Intelligence of the House of Representatives.

SEC. 306. MODIFICATION OF AVAILABILITY OF FUNDS FOR DIFFERENT INTELLIGENCE ACTIVITIES.

Subparagraph (B) of section 504(a)(3) of the National Security Act of 1947 (50 U.S.C. 414(a)(3)) is amended to read as follows:

"(B) the use of such funds for such activity supports an emergent need, improves program effectiveness, or increases efficiency; and".

SEC. 307. ADDITIONAL LIMITATION ON AVAILABILITY OF FUNDS FOR INTELLIGENCE AND INTELLIGENCE-RELATED ACTIVITIES.

Section 504 of the National Security Act of 1947 (50 U.S.C. 414) is amended—

(1) in subsection (a), by inserting "the congressional intelligence committees have been fully and currently informed of such activity and if" after "only if";

(2) by redesignating subsections (b), (c), (d), and (e) as subsections (c), (d), (e), and (f), respectively; and

(3) by inserting after subsection (a) the following new subsection (b):

"(b) In any case in which notice to the congressional intelligence committees on an intelligence or intelligence-related activity is covered by section 502(b), or in which notice to the congressional intelligence committees on a covert action is covered by section 503(c)(5), the congressional intelligence committees shall be treated as being fully and currently informed on such activity or covert action, as the case may be, for purposes of subsection (a) if the requirements of such section 502(b) or 503(c)(5), as applicable, have been met.".

SEC. 308. INCREASE IN PENALTIES FOR DISCLOSURE OF UNDERCOVER INTELLIGENCE OFFICERS AND AGENTS.

(a) Disclosure of Agent After Access to Information Identifying Agent.—Subsection (a) of section 601 of the National Security Act of 1947 (50 U.S.C. 421) is amended by striking "ten years" and inserting "15 years".

(b) Disclosure of Agent After Access to Classified Information.—Subsection (b) of such section is amended by striking "five years" and inserting "ten years".

SEC. 309. RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY.

(a) In General.—Title XI of the National Security Act of 1947 (50 U.S.C. 442 et seq.) is amended by adding at the end the following new section:

"RETENTION AND USE OF AMOUNTS PAID AS DEBTS TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

"Sec. 1103. (a) Authority To Retain Amounts Paid.—Notwithstanding section 3302 of title 31, United States Code, or any other provision of law, the head of an element of the intelligence community may retain amounts paid or reimbursed to the United States, including amounts paid by an employee of the Federal Government from personal funds, for repayment of a debt owed to the element of the intelligence community.

"(b) Crediting of Amounts Retained.—(1) Amounts retained under subsection (a) shall be credited to the current appropriation or account from which such funds were derived or whose expenditure formed the basis for the underlying activity from which the debt concerned arose.

"(2) Amounts credited to an appropriation or account under paragraph (1) shall be merged with amounts in such appropriation or account, and shall be available in accordance with subsection (c).

"(c) Availability of Amounts.—Amounts credited to an appropriation or account under subsection (b) with respect to a debt owed to an element of the intelligence community shall be available to the head of such element, for such time as is applicable to amounts in such appropriation or account, or such longer time as may be provided by law, for purposes as follows:

"(1) In the case of a debt arising from lost or damaged property of such element, the repair of such property or the replacement of such property with alternative property that will perform the same or similar functions as such property.

"(2) The funding of any other activities authorized to be funded by such appropriation or account.

"(d) Debt Owed to an Element of the Intelligence Community Defined.—In this section, the term 'debt owed to an element of the intelligence community' means any of the following:

"(1) A debt owed to an element of the intelligence community by an employee or former employee of such element for the negligent or willful loss of or damage to property of such element that was procured by such element using appropriated funds.

"(2) A debt owed to an element of the intelligence community by an employee or former employee of such element as repayment for default on the terms and conditions associated with a scholarship, fellowship, or other educational assistance provided to such individual by such element, whether in exchange for future services or otherwise, using appropriated funds.

"(3) Any other debt or repayment owed to an element of the intelligence community by a private person or entity by reason of the negligent or willful action of such person or entity, as determined by a court of competent jurisdiction or in a lawful administrative proceeding.".

(b) Clerical Amendment.—The table of contents in the first section of that Act is amended by adding at the end the following new item:

"Sec. 1103. Retention and use of amounts paid as debts to elements of the intelligence community.".

SEC. 310. EXTENSION TO INTELLIGENCE COMMUNITY OF AUTHORITY TO DELETE INFORMATION ABOUT RECEIPT AND DISPOSITION OF FOREIGN GIFTS AND DECORATIONS.

Paragraph (4) of section 7342(f) of title 5, United States Code, is amended to read as follows:

"(4)(A) In transmitting such listings for an element of the intelligence community, the head of such element may delete the information described in subparagraphs (A) and (C) of paragraphs (2) and (3) if the head of such element certifies in writing to the Secretary of State that the publication of such information could adversely affect United States intelligence sources or methods.

"(B) Any information not provided to the Secretary of State pursuant to the authority in subparagraph (A) shall be transmitted to the Director of National Intelligence.

"(C) In this paragraph, the term 'element of the intelligence community' means an element of the intelligence community listed in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).".

SEC. 311. AVAILABILITY OF FUNDS FOR TRAVEL AND TRANSPORTATION OF PERSONAL EFFECTS, HOUSEHOLD GOODS, AND AUTOMOBILES.

(a) Funds of Office of Director of National Intelligence.—Funds appropriated to the Office of the Director of National Intelligence and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(b) Funds of Central Intelligence Agency.—Funds appropriated to the Central Intelligence Agency and available for travel and transportation expenses shall be available for such expenses when any part of the travel or transportation concerned begins in a fiscal year pursuant to travel orders issued in such fiscal year, notwithstanding that such travel or transportation is or may not be completed during such fiscal year.

(c) TRAVEL AND TRANSPORTATION EXPENSES DEFINED.—In this section, the term "travel and transportation expenses" means the following:

(1) Expenses in connection with travel of personnel, including travel of dependents.

(2) Expenses in connection with transportation of personal effects, household goods, or automobiles of personnel.

SEC. 312. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON COMPLIANCE WITH THE DETAINEE TREATMENT ACT OF 2005.

(a) REPORT REQUIRED.—Not later than May 1, 2007, the Director of National Intelligence shall submit to the congressional intelligence committees a comprehensive report on all measures taken by the Office of the Director of National Intelligence and by each element, if any, of the intelligence community with relevant responsibilities to comply with the provisions of the Detainee Treatment Act of 2005 (title X of division A of Public Law 109–148).

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of the detention or interrogation methods, if any, that have been determined to comply with section 1003 of the Detainee Treatment Act of 2005 (119 Stat. 2739; 42 U.S.C. 2000dd), and, with respect to each such method, a statement of the general basis for such determination.

(2) A description of the detention or interrogation methods, if any, whose use has been discontinued pursuant to the Detainee Treatment Act of 2005, and, with respect to each such method, a statement of the general basis for such determination.

(3) A description of any actions that have been taken to implement section 1004 of the Detainee Treatment Act of 2005 (119 Stat. 2740; 42 U.S.C. 2000dd–1), and, with respect to each such action, a statement of the basis for such action.

(4) Any other matters that the Director considers necessary to fully and currently inform the congressional intelligence committees about the implementation of the Detainee Treatment Act of 2005.

(c) FORM.—The report required by subsection (a) shall be submitted in classified form.

(d) DEFINITIONS.—In this section:

(1) The term "congressional intelligence committees" means—

(A) the Select Committee on Intelligence of the Senate; and

(B) the Permanent Select Committee of the House of Representatives.

(2) The term "intelligence community" means the elements of the intelligence community specified in or designated under section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)).

SEC. 313. REPORT ON ANY CLANDESTINE DETENTION FACILITIES FOR INDIVIDUALS CAPTURED IN THE GLOBAL WAR ON TERRORISM.

(a) IN GENERAL.—The President shall ensure that the United States Government continues to comply with the authorization, reporting, and notification requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.).

(b) DIRECTOR OF NATIONAL INTELLIGENCE REPORT.—

(1) REPORT REQUIRED.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational and, if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with United States obligations under the Geneva Conventions and the Convention Against Torture.

(3) FORM OF REPORT.—The report required by paragraph (1) shall be submitted in classified form.

TITLE IV—MATTERS RELATING TO ELEMENTS OF THE INTELLIGENCE COMMUNITY

Subtitle A—Office of the Director of National Intelligence

SEC. 401. ADDITIONAL AUTHORITIES OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON INTELLIGENCE INFORMATION SHARING.

Section 102A(g)(1) of the National Security Act of 1947 (50 U.S.C. 403–1(g)(1)) is amended—

(1) in subparagraph (E), by striking "and" at the end;

(2) in subparagraph (F), by striking the period and inserting a semicolon; and

(3) by adding at the end the following new subparagraphs:

"(G) in carrying out this subsection, have the authority—

"(i) to direct the development, deployment, and utilization of systems of common concern for elements of the intelligence community, or that support the activities of such elements, related to the collection, processing, analysis, exploitation, and dissemination of intelligence information; and

"(ii) without regard to any provision of law relating to the transfer, reprogramming, obligation, or expenditure of funds, other than the provisions of this Act and the National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458), to expend funds for purposes associated with the development, deployment, and utilization of such systems, which funds may be received and utilized by any department, agency, or other element of the United States Government for such purposes; and

"(H) for purposes of addressing critical gaps in intelligence information sharing or access capabilities, have the authority to transfer funds appropriated for a program within the National Intelligence Program to a program funded by appropriations not within the National Intelligence Program, consistent with paragraphs (3) through (7) of subsection (d).".

SEC. 402. MODIFICATION OF LIMITATION ON DELEGATION BY THE DIRECTOR OF NATIONAL INTELLIGENCE OF THE PROTECTION OF INTELLIGENCE SOURCES AND METHODS.

Section 102A(i)(3) of the National Security Act of 1947 (50 U.S.C. 403–1(i)(3)) is amended by inserting before the period the following: ", any Deputy Director of National Intelligence, or the Chief Information Officer of the Intelligence Community".

SEC. 403. AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE TO MANAGE ACCESS TO HUMAN INTELLIGENCE INFORMATION.

Section 102A(b) of the National Security Act of 1947 (50 U.S.C. 403–1(b)) is amended—

(1) by inserting "(1)" before "Unless"; and

(2) by adding at the end the following new paragraph:

"(2) The Director of National Intelligence shall—

"(A) have access to all national intelligence, including intelligence reports, operational data, and other associated information, concerning the human intelligence operations of any element of the intelligence community authorized to undertake such collection;

"(B) consistent with the protection of intelligence sources and methods and applicable requirements in Executive Order 12333 (or any successor order) regarding the retention and dissemination of information concerning United States persons, ensure maximum access to the intelligence information contained in the information referred to in subparagraph (A) throughout the intelligence community; and

"(C) consistent with subparagraph (B), provide within the Office of the Director of National Intelligence a mechanism for intelligence community analysts and other officers with appropriate clearances and an official need-to-know to gain access to information referred to in subparagraph (A) or (B) when relevant to their official responsibilities.".

SEC. 404. ADDITIONAL ADMINISTRATIVE AUTHORITY OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended by adding at the end the following new subsection:

"(s) ADDITIONAL ADMINISTRATIVE AUTHORITIES.—(1) Notwithstanding section 1532 of title 31, United States Code, or any other provision of law prohibiting the interagency financing of activities described in clause (i) or (ii) of subparagraph (A), in the performance of the responsibilities, authorities, and duties of the Director of National Intelligence or the Office of the Director of National Intelligence—

"(A) the Director may authorize the use of interagency financing for—

"(i) national intelligence centers established by the Director under section 119B; and

"(ii) boards, commissions, councils, committees, and similar groups established by the Director; and

"(B) upon the authorization of the Director, any department, agency, or element of the United States Government, including any element of the intelligence community, may fund or participate in the funding of such activities.

"(2) No provision of law enacted after the date of the enactment of this subsection shall be deemed to limit or supersede the authority in paragraph (1) unless such provision makes specific reference to the authority in that paragraph.".

SEC. 405. CLARIFICATION OF LIMITATION ON CO-LOCATION OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 103(e) of the National Security Act of 1947 (50 U.S.C. 403–3(e)) is amended—

(1) by striking "**WITH**" and inserting "**OF HEADQUARTERS WITH HEADQUARTERS OF**";

(2) by inserting "the headquarters of" before "the Office"; and

(3) by striking "any other element" and inserting "the headquarters of any other element".

SEC. 406. ADDITIONAL DUTIES OF THE DIRECTOR OF SCIENCE AND TECHNOLOGY OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) Coordination and Prioritization of Research Conducted by Elements of Intelligence Community.—Subsection (d) of section 103E of the National Security Act of 1947 (50 U.S.C. 403–3e) is amended—

(1) in paragraph (3)(A), by inserting "and prioritize" after "coordinate"; and

(2) by adding at the end the following new paragraph:

"(4) In carrying out paragraph (3)(A), the Committee shall identify basic, advanced, and applied research programs to be carried out by elements of the intelligence community.".

(b) Development of Technology Goals.—That section is further amended—

(1) in subsection (c)—

(A) in paragraph (4), by striking "and" at the end;

(B) by redesignating paragraph (5) as paragraph (8); and

(C) by inserting after paragraph (4) the following new paragraphs:

"(5) assist the Director in establishing goals for the elements of the intelligence community to meet the technology needs of the intelligence community;

"(6) under the direction of the Director, establish engineering standards and specifications applicable to each acquisition of a major system (as that term is defined in section 506A(e)(3)) by the intelligence community;

"(7) ensure that each acquisition program of the intelligence community for a major system (as so defined) complies with the standards and specifications established under paragraph (6); and"; and

(2) by adding at the end the following new subsection:

"(e) Goals for Technology Needs of Intelligence Community.—In carrying out subsection (c)(5), the Director of Science and Technology shall—

"(1) systematically identify and assess the most significant intelligence challenges that require technical solutions;

"(2) examine options to enhance the responsiveness of research and design programs of the elements of the intelligence community to meet the requirements of the intelligence community for timely support; and

"(3) assist the Director of National Intelligence in establishing research and development priorities and projects for the intelligence community that—

"(A) are consistent with current or future national intelligence requirements;

"(B) address deficiencies or gaps in the collection, processing, analysis, or dissemination of national intelligence;

"(C) take into account funding constraints in program development and acquisition; and

"(D) address system requirements from collection to final dissemination (also known as 'end-to-end architecture').".

(c) Report.—(1) Not later than June 30, 2007, the Director of National Intelligence shall submit to Congress a report containing a strategy for the development and use of technology in the intelligence community through 2021.

(2) The report shall include—

(A) an assessment of the highest priority intelligence gaps across the intelligence community that may be resolved by the use of technology;

(B) goals for advanced research and development and a strategy to achieve such goals;

(C) an explanation of how each advanced research and development project funded under the National Intelligence Program addresses an identified intelligence gap;

(D) a list of all current and projected research and development projects by research type (basic, advanced, or applied) with estimated funding levels, estimated initiation dates, and estimated completion dates; and

(E) a plan to incorporate technology from research and development projects into National Intelligence Program acquisition programs.

(3) The report may be submitted in classified form.

SEC. 407. APPOINTMENT AND TITLE OF CHIEF INFORMATION OFFICER OF THE INTELLIGENCE COMMUNITY.

(a) Appointment.—

(1) In general.—Subsection (a) of section 103G of the National Security Act of 1947 (50 U.S.C. 403–3g) is amended by striking "the President, by and with the advice and consent of the Senate" and inserting "the Director of National Intelligence".

(2) Applicability.—The amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, and shall apply with respect to any appointment of an individual as Chief Information Officer of the Intelligence Community that is made on or after that date.

(b) Title.—Such section is further amended—

(1) in subsection (a), by inserting "of the Intelligence Community" after "Chief Information Officer";

(2) in subsection (b), by inserting "of the Intelligence Community" after "Chief Information Officer";

(3) in subsection (c), by inserting "of the Intelligence Community" after "Chief Information Officer"; and

(4) in subsection (d), by inserting "of the Intelligence Community" after "Chief Information Officer" the first place it appears.

SEC. 408. INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY.

(a) Establishment.—(1) Title I of the National Security Act of 1947 (50 U.S.C. 402 et seq.) is amended by inserting after section 103G the following new section:

"INSPECTOR GENERAL OF THE INTELLIGENCE COMMUNITY

"Sec. 103H. (a) Office of Inspector General of Intelligence Community.—There is within the Office of the Director of National Intelligence an Office of the Inspector General of the Intelligence Community.

"(b) Purpose.—The purpose of the Office of the Inspector General of the Intelligence Community is to—

"(1) create an objective and effective office, appropriately accountable to Congress, to initiate and conduct independently investigations, inspections, and audits relating to—

"(A) the programs and operations of the intelligence community;

"(B) the elements of the intelligence community within the National Intelligence Program; and

"(C) the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community;

"(2) recommend policies designed—

"(A) to promote economy, efficiency, and effectiveness in the administration and implementation of such programs and operations, and in such relationships; and

"(B) to prevent and detect fraud and abuse in such programs, operations, and relationships;

"(3) provide a means for keeping the Director of National Intelligence fully and currently informed about—

"(A) problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions; and

"(4) in the manner prescribed by this section, ensure that the congressional intelligence committees are kept similarly informed of—

"(A) significant problems and deficiencies relating to the administration and implementation of such programs and operations, and to such relationships; and

"(B) the necessity for, and the progress of, corrective actions.

"(c) Inspector General of Intelligence Community.—(1) There is an Inspector General of the Intelligence Community, who shall be the head of the Office of the Inspector General of the Intelligence Community, who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The nomination of an individual for appointment as Inspector General shall be made—

"(A) without regard to political affiliation;

"(B) solely on the basis of integrity, compliance with the security standards of the intelligence community, and prior experience in the field of intelligence or national security; and

"(C) on the basis of demonstrated ability in accounting, financial analysis, law, management analysis, public administration, or auditing.

"(3) The Inspector General shall report directly to and be under the general supervision of the Director of National Intelligence.

"(4) The Inspector General may be removed from office only by the President. The President shall immediately communicate in writing to the congressional intelligence committees the reasons for the removal of any individual from the position of Inspector General.

"(d) Duties and Responsibilities.—Subject to subsections (g) and (h), it shall be the duty and responsibility of the Inspector General of the Intelligence Community—

"(1) to provide policy direction for, and to plan, conduct, supervise, and coordinate independently, the investigations, inspections, and audits relating to the programs and operations of the intelligence community, the elements of the intelligence community within the National Intelligence Program, and the relationships between the elements of the intelligence community within the National Intelligence Program and the other elements of the intelligence community to ensure they are conducted efficiently and in accordance with applicable law and regulations;

"(2) to keep the Director of National Intelligence fully and currently informed concerning violations of law and regulations, violations of civil liberties and privacy, and fraud and other serious problems, abuses, and deficiencies that may occur in such programs and operations, and in such relationships, and to report the progress made in implementing corrective action;

"(3) to take due regard for the protection of intelligence sources and methods in the preparation of all reports issued by the Inspector General, and, to the extent consistent with the purpose and objective of such reports, take such measures as may be appropriate to minimize the disclosure of intelligence sources and methods described in such reports; and

"(4) in the execution of the duties and responsibilities under this section, to comply with generally accepted government auditing standards.

"(e) LIMITATIONS ON ACTIVITIES.—(1) The Director of National Intelligence may prohibit the Inspector General of the Intelligence Community from initiating, carrying out, or completing any investigation, inspection, or audit if the Director determines that such prohibition is necessary to protect vital national security interests of the United States.

"(2) If the Director exercises the authority under paragraph (1), the Director shall submit an appropriately classified statement of the reasons for the exercise of such authority within 7 days to the congressional intelligence committees.

"(3) The Director shall advise the Inspector General at the time a report under paragraph (2) is submitted, and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such report.

"(4) The Inspector General may submit to the congressional intelligence committees any comments on a report of which the Inspector General has notice under paragraph (3) that the Inspector General considers appropriate.

"(f) AUTHORITIES.—(1) The Inspector General of the Intelligence Community shall have direct and prompt access to the Director of National Intelligence when necessary for any purpose pertaining to the performance of the duties of the Inspector General.

"(2)(A) The Inspector General shall have access to any employee, or any employee of a contractor, of any element of the intelligence community whose testimony is needed for the performance of the duties of the Inspector General.

"(B) The Inspector General shall have direct access to all records, reports, audits, reviews, documents, papers, recommendations, or other material which relate to the programs and operations with respect to which the Inspector General has responsibilities under this section.

"(C) The level of classification or compartmentation of information shall not, in and of itself, provide a sufficient rationale for denying the Inspector General access to any materials under subparagraph (B).

"(D) Failure on the part of any employee, or any employee of a contractor, of any element of the intelligence community to cooperate with the Inspector General shall be grounds for appropriate administrative actions by the Director or, on the recommendation of the Director, other appropriate officials of the intelligence community, including loss of employment or the termination of an existing contractual relationship.

"(3) The Inspector General is authorized to receive and investigate complaints or information from any person concerning the existence of an activity constituting a violation of laws, rules, or regulations, or mismanagement, gross waste of funds, abuse of authority, or a substantial and specific danger to the public health and safety. Once such complaint or information has been received from an employee of the Federal Government—

"(A) the Inspector General shall not disclose the identity of the employee without the consent of the employee, unless the Inspector General determines that such disclosure is unavoidable during the course of the investigation or the disclosure is made to an official of the Department of Justice responsible for determining whether a prosecution should be undertaken; and

"(B) no action constituting a reprisal, or threat of reprisal, for making such complaint may be taken by any employee in a position to take such actions, unless the complaint was made or the information was disclosed with the knowledge that it was false or with willful disregard for its truth or falsity.

"(4) The Inspector General shall have authority to administer to or take from any person an oath, affirmation, or affidavit, whenever necessary in the performance of the duties of the Inspector General, which oath, affirmation, or affidavit when administered or taken by or before an employee of the Office of the Inspector General of the Intelligence Community designated by the Inspector General shall have the same force and effect as if administered or taken by or before an officer having a seal.

"(5)(A) Except as provided in subparagraph (B), the Inspector General is authorized to require by subpoena the production of all information, documents, reports, answers, records, accounts, papers, and other data and documentary evidence necessary in the performance of the duties and responsibilities of the Inspector General.

"(B) In the case of departments, agencies, and other elements of the United States Government, the Inspector General shall obtain information, documents, reports, answers, records, accounts, papers, and other data and evidence for the purpose specified in subparagraph (A) using procedures other than by subpoenas.

"(C) The Inspector General may not issue a subpoena for or on behalf of any other element of the intelligence community, including the Office of the Director of National Intelligence.

"(D) In the case of contumacy or refusal to obey a subpoena issued under this paragraph, the subpoena shall be enforceable by order of any appropriate district court of the United States.

"(g) COORDINATION AMONG INSPECTORS GENERAL OF INTELLIGENCE COMMUNITY.—(1) In the event of a matter within the jurisdiction of the Inspector General of the Intelligence Community that may be subject to an investigation, inspection, or audit by both the Inspector General of the Intelligence Community and an Inspector General, whether statutory or administrative, with oversight responsibility for an element or elements of the intelligence community, the Inspector General of the Intelligence Community and such other Inspector or Inspectors General shall expeditiously resolve which Inspector General shall conduct such investigation, inspection, or audit.

"(2) The Inspector General conducting an investigation, inspection, or audit covered by paragraph (1) shall submit the results of such investigation, inspection, or audit to any other Inspector General, including the Inspector General of the Intelligence Community, with jurisdiction to conduct such investigation, inspection, or audit who did not conduct such investigation, inspection, or audit.

"(3)(A) If an investigation, inspection, or audit covered by paragraph (1) is conducted by an Inspector General other than the Inspector General of the Intelligence Community, the Inspector General of the Intelligence Community may, upon completion of such investigation, inspection, or audit by such other Inspector General, conduct under this section a separate investigation, inspection, or audit of the matter concerned if the Inspector General of the Intelligence Community determines that such initial investigation, inspection, or audit was deficient in some manner or that further investigation, inspection, or audit is required.

"(B) This paragraph shall not apply to the Inspector General of the Department of Defense or to any other Inspector General within the Department of Defense.

"(h) STAFF AND OTHER SUPPORT.—(1) The Inspector General of the Intelligence Community shall be provided with appropriate and adequate office space at central and field office locations, together with such equipment, office supplies, maintenance services, and communications facilities and services as may be necessary for the operation of such offices.

"(2)(A) Subject to applicable law and the policies of the Director of National Intelligence, the Inspector General shall select, appoint, and employ such officers and employees as may be necessary to carry out the functions of the Inspector General. The Inspector General shall ensure that any officer or employee so selected, appointed, or employed has security clearances appropriate for the assigned duties of such officer or employee.

"(B) In making selections under subparagraph (A), the Inspector General shall ensure that such officers and employees have the requisite training and experience to enable the Inspector General to carry out the duties of the Inspector General effectively.

"(C) In meeting the requirements of this paragraph, the Inspector General shall create within the Office of the Inspector General of the Intelligence Community a career cadre of sufficient size to provide appropriate continuity and objectivity needed for the effective performance of the duties of the Inspector General.

"(3)(A) Subject to the concurrence of the Director, the Inspector General may request such information or assistance as may be necessary for carrying out the duties and responsibilities of the Inspector General from any department, agency, or other element of the United States Government.

"(B) Upon request of the Inspector General for information or assistance under subparagraph (A), the head of the department, agency, or element concerned shall, insofar as is practicable and not in contravention of any existing statutory restriction or regulation of the department, agency, or element, furnish to the Inspector General, or to an authorized designee, such information or assistance.

"(C) The Inspector General of the Intelligence Community may, upon reasonable notice to the head of any element of the intelligence community, conduct, as authorized by this section, an investigation, inspection, or audit of such element and may enter into any place occupied by such element for purposes of the performance of the duties of the Inspector General.

"(i) REPORTS.—(1)(A) The Inspector General of the Intelligence Community shall, not later than January 31 and July 31 of each year, prepare and submit to the Director of National Intelligence a classified, and, as appropriate, unclassified semiannual report summarizing the activities of the Office of the Inspector General of the Intelligence Community during the immediately preceding 6-month periods ending December 31 (of the preceding year) and June 30, respectively.

"(B) Each report under this paragraph shall include, at a minimum, the following:

"(i) A list of the title or subject of each investigation, inspection, or audit conducted during the period covered by such report, including a summary of the progress of each particular investigation, inspection, or audit since the preceding report of the Inspector General under this paragraph.

"(ii) A description of significant problems, abuses, and deficiencies relating to the administration and implementation of programs and operations of the intelligence community, and in the relationships between elements of the intelligence community, identified by the Inspector General during the period covered by such report.

"(iii) A description of the recommendations for corrective or disciplinary action made by the Inspector General during the period covered by such report with respect to significant problems, abuses, or deficiencies identified in clause (ii).

"(iv) A statement whether or not corrective or disciplinary action has been completed on each significant recommendation described in previous semiannual reports, and, in a case where corrective action has been completed, a description of such corrective action.

"(v) A certification whether or not the Inspector General has had full and direct access to all information relevant to the performance of the functions of the Inspector General.

"(vi) A description of the exercise of the subpoena authority under subsection (f)(5) by the Inspector General during the period covered by such report.

"(vii) Such recommendations as the Inspector General considers appropriate for legislation to promote economy, efficiency, and effectiveness in the administration and implementation of programs and operations undertaken by the intelligence community, and in the relationships between elements of the intelligence community, and to detect and eliminate fraud and abuse in such programs and operations and in such relationships.

"(C) Not later than the 30 days after the date of receipt of a report under subparagraph (A), the Director shall transmit the report to the congressional intelligence committees together with any comments the Director considers appropriate.

"(2)(A) The Inspector General shall report immediately to the Director whenever the Inspector General becomes aware of particularly serious or flagrant problems, abuses, or deficiencies relating to the administration and implementation of programs or operations of the intelligence community or in the relationships between elements of the intelligence community.

"(B) The Director shall transmit to the congressional intelligence committees each report under subparagraph (A) within seven calendar days of receipt of such report, together with such comments as the Director considers appropriate.

"(3) In the event that—

"(A) the Inspector General is unable to resolve any differences with the Director affecting the execution of the duties or responsibilities of the Inspector General;

"(B) an investigation, inspection, or audit carried out by the Inspector General focuses on any current or former intelligence community official who—

"(i) holds or held a position in an element of the intelligence community that is subject to appointment by the President, whether or not by and with the advice and consent of the Senate, including such a position held on an acting basis;

"(ii) holds or held a position in an element of the intelligence community, including a position held on an acting basis, that is appointed by the Director of National Intelligence; or

"(iii) holds or held a position as head of an element of the intelligence community or a position covered by subsection (b) or (c) of section 106;

"(C) a matter requires a report by the Inspector General to the Department of Justice on possible criminal conduct by a current or former official described in subparagraph (B);

"(D) the Inspector General receives notice from the Department of Justice declining or approving prosecution of possible criminal conduct of any current or former official described in subparagraph (B); or

"(E) the Inspector General, after exhausting all possible alternatives, is unable to obtain significant documentary information in the course of an investigation, inspection, or audit,

the Inspector General shall immediately notify and submit a report on such matter to the congressional intelligence committees.

"(4) Pursuant to title V, the Director shall submit to the congressional intelligence committees any report or findings and recommendations of an investigation, inspection, or audit conducted by the office which has been requested by the Chairman or Vice Chairman or Ranking Minority Member of either committee.

"(5)(A) An employee of an element of the intelligence community, an employee assigned or detailed to an element of the intelligence community, or an employee of a contractor to the intelligence community who intends to report to Congress a complaint or information with respect to an urgent concern may report such complaint or information to the Inspector General.

"(B) Not later than the end of the 14-calendar day period beginning on the date of receipt from an employee of a complaint or information under subparagraph (A), the Inspector General shall determine whether the complaint or information appears credible. Upon making such a determination, the Inspector General shall transmit to the Director a notice of that determination, together with the complaint or information.

"(C) Upon receipt of a transmittal from the Inspector General under subparagraph (B), the Director shall, within seven calendar days of such receipt, forward such transmittal to the congressional intelligence committees, together with any comments the Director considers appropriate.

"(D)(i) If the Inspector General does not find credible under subparagraph (B) a complaint or information submitted under subparagraph (A), or does not transmit the complaint or information to the Director in accurate form under subparagraph (B), the employee (subject to clause (ii)) may submit the complaint or information to Congress by contacting either or both of the congressional intelligence committees directly.

"(ii) An employee may contact the intelligence committees directly as described in clause (i) only if the employee—

"(I) before making such a contact, furnishes to the Director, through the Inspector General, a statement of the employee's complaint or information and notice of the employee's intent to contact the congressional intelligence committees directly; and

"(II) obtains and follows from the Director, through the Inspector General, direction on how to contact the intelligence committees in accordance with appropriate security practices.

"(iii) A member or employee of one of the congressional intelligence committees who receives a complaint or information under clause (i) does so in that member or employee's official capacity as a member or employee of such committee.

"(E) The Inspector General shall notify an employee who reports a complaint or information to the Inspector General under this paragraph of each action taken under this paragraph with respect to the complaint or information. Such notice shall be provided not later than 3 days after any such action is taken.

"(F) An action taken by the Director or the Inspector General under this paragraph shall not be subject to judicial review.

"(G) In this paragraph, the term 'urgent concern' means any of the following:

"(i) A serious or flagrant problem, abuse, violation of law or Executive order, or deficiency relating to the funding, administration, or operation of an intelligence activity involving classified information, but does not include differences of opinions concerning public policy matters.

"(ii) A false statement to Congress, or a willful withholding from Congress, on an issue of material fact relating to the funding, administration, or operation of an intelligence activity.

"(iii) An action, including a personnel action described in section 2302(a)(2)(A) of title 5, United States Code, constituting reprisal or threat of reprisal prohibited under subsection (f)(3)(B) of this section in response to an employee's reporting an urgent concern in accordance with this paragraph.

"(H) In support of this paragraph, Congress makes the findings set forth in paragraphs (1) through (6) of section 701(b) of the Intelligence Community Whistleblower Protection Act of 1998 (title VII of Public Law 105-272; 5 U.S.C. App. 8H note).

"(6) In accordance with section 535 of title 28, United States Code, the Inspector General shall report to the Attorney General any information, allegation, or complaint received by the Inspector General relating to violations of Federal criminal law that involves a program or operation of an element of the intelligence community, or in the relationships between the elements of the intelligence community, consistent with such guidelines as may be issued by the Attorney General pursuant to subsection (b)(2) of such section. A copy of each such report shall be furnished to the Director.

"(j) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall, in accordance with procedures to be issued by the Director in consultation with the congressional intelligence committees, include in the National Intelligence Program budget a separate account for the Office of Inspector General of the Intelligence Community.

"(k) CONSTRUCTION OF DUTIES REGARDING ELEMENTS OF INTELLIGENCE COMMUNITY.—Except as resolved pursuant to subsection (g), the performance by the Inspector General of the Intelligence Community of any duty, responsibility, or function regarding an element of the intelligence community shall not be construed to modify or effect the duties and responsibilities of any other Inspector General, whether statutory or administrative, having duties and responsibilities relating to such element.".

(2) The table of contents in the first section of the National Security Act of 1947 is amended by inserting after the item relating to section 103G the following new item:

"Sec. 103H. Inspector General of the Intelligence Community.".

(b) REPEAL OF SUPERSEDED AUTHORITY TO ESTABLISH POSITION.—Section 8K of the Inspector General Act of 1978 (5 U.S.C. App.) is repealed.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Inspector General of the Intelligence Community.".

SEC. 409. LEADERSHIP AND LOCATION OF CERTAIN OFFICES AND OFFICIALS.

(a) NATIONAL COUNTER PROLIFERATION CENTER.—Section 119A(a) of the National Security Act of 1947 (50 U.S.C. 404o–1(a)) is amended—

(1) by striking "(a) ESTABLISHMENT.—Not later than 18 months after the date of the enactment of the National Security Intelligence Reform Act of 2004, the" and inserting the following:

"(a) IN GENERAL.—

"(1) ESTABLISHMENT.—The"; and

(2) by adding at the end the following new paragraphs:

"(2) DIRECTOR.—The head of the National Counter Proliferation Center shall be the Director of the National Counter Proliferation Center, who shall be appointed by the Director of National Intelligence.

"(3) LOCATION.—The National Counter Proliferation Center shall be located within the Office of the Director of National Intelligence.".

(b) OFFICERS.—Section 103(c) of that Act (50 U.S.C. 403–3(c)) is amended—

(1) by redesignating paragraph (9) as paragraph (13); and

(2) by inserting after paragraph (8) the following new paragraphs:

"(9) The Chief Information Officer of the Intelligence Community.

"(10) The Inspector General of the Intelligence Community.

"(11) The Director of the National Counterterrorism Center.

"(12) The Director of the National Counter Proliferation Center.".

SEC. 410. NATIONAL SPACE INTELLIGENCE CENTER.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE CENTER

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Center.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE CENTER.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Center.

"(c) MISSIONS.—The National Space Intelligence Center shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Center has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Center to carry out the missions of the Center under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Center.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Center.".

(b) REPORT ON ORGANIZATION OF CENTER.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Center shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Center established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Center.

(B) An identification of key participants in the Center.

(C) A strategic plan for the Center during the five-year period beginning on the date of the report.

SEC. 411. OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Title VII of the National Security Act of 1947 (50 U.S.C. 431 et seq.) is amended by inserting before section 701 the following new section:

"OPERATIONAL FILES IN THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

"SEC. 700. (a) EXEMPTION OF CERTAIN FILES FROM SEARCH, REVIEW, PUBLICATION, OR DISCLOSURE.—(1) Information and records described in paragraph (2) shall be exempt from the provisions of section 552 of title 5, United States Code, that require search, review, publication, or disclosure in connection therewith when—

"(A) such information or records are not disseminated outside the Office of the Director of National Intelligence; or

"(B) such information or records are incorporated into new information or records created by personnel of the Office in a manner that identifies such new information or records as incorporating such information or records and such new information or records are not disseminated outside the Office.

"(2) Information and records described in this paragraph are the following:

"(A) Information disseminated or otherwise provided to an element of the Office of the Director of National Intelligence from the operational files of an element of the intelligence community that have been exempted from search, review, publication, or disclosure in accordance with this title or any other provision of law.

"(B) Any information or records created by the Office that incorporate information described in subparagraph (A).

"(3) An operational file of an element of the intelligence community from which information described in paragraph (2)(A) is disseminated or provided to the Office of the Director of National Intelligence as described in that paragraph shall remain exempt from search, review, publication, or disclosure under section 552 of title 5, United States Code, to the extent the operational files from which such information was derived remain exempt from search, review, publication, or disclosure under section 552 of such title.

"(b) SEARCH AND REVIEW OF CERTAIN FILES.—Information disseminated or otherwise provided to the Office of the Director of National Intelligence by another element of the intelligence community that is not exempt from search, review, publication, or disclosure under subsection (a), and that is authorized to be disseminated outside the Office, shall be subject to search and review under section 552 of title 5, United States Code, but may remain exempt from publication and disclosure under such section by the element disseminating or providing such information to the Office to the extent authorized by such section.

"(c) SEARCH AND REVIEW FOR CERTAIN PURPOSES.—Notwithstanding subsection (a), exempted operational files shall continue to be subject to search and review for information concerning any of the following:

"(1) United States citizens or aliens lawfully admitted for permanent residence who have requested information on themselves pursuant to the provisions of section 552 or 552a of title 5, United States Code.

"(2) Any special activity the existence of which is not exempt from disclosure under the provisions of section 552 of title 5, United States Code.

"(3) The specific subject matter of an investigation by any of the following for any impropriety, or violation of law, Executive order, or Presidential directive, in the conduct of an intelligence activity:

"(A) The Select Committee on Intelligence of the Senate.

"(B) The Permanent Select Committee on Intelligence of the House of Representatives.

"(C) The Intelligence Oversight Board.

"(D) The Department of Justice.

"(E) The Office of the Director of National Intelligence.

"(F) The Office of the Inspector General of the Intelligence Community.".

(b) CLERICAL AMENDMENT.—The table of contents in the first section of that Act is amended by inserting before the item relating to section 701 the following new item:

"Sec. 700. Operational files in the Office of the Director of National Intelligence.".

SEC. 412. ELIGIBILITY FOR INCENTIVE AWARDS OF PERSONNEL ASSIGNED TO THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) IN GENERAL.—Subsection (a) of section 402 of the Intelligence Authorization Act for

Fiscal Year 1984 (50 U.S.C. 403e-1) is amended to read as follows:

“(a) AUTHORITY FOR PAYMENT OF AWARDS.—(1) The Director of National Intelligence may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Office of the Director of National Intelligence in the same manner as such authority may be exercised with respect to personnel of the Office.

“(2) The Director of the Central Intelligence Agency may exercise the authority granted in section 4503 of title 5, United States Code, with respect to Federal employees and members of the Armed Forces detailed or assigned to the Central Intelligence Agency in the same manner as such authority may be exercised with respect to personnel of the Agency.”.

(b) REPEAL OF OBSOLETE AUTHORITY.—That section is further amended—

(1) by striking subsection (c); and

(2) by redesignating subsection (d) as subsection (c).

(c) EXPEDITIOUS PAYMENT.—That section is further amended by adding at the end the following new subsection (d):

“(d) EXPEDITIOUS PAYMENT.—Payment of an award under this authority in this section shall be made as expeditiously as is practicable after the making of the award.”.

(d) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (b), by striking “to the Central Intelligence Agency or to the Intelligence Community Staff” and inserting “to the Office of the Director of National Intelligence or to the Central Intelligence Agency”; and

(2) in subsection (c), as redesignated by subsection (b)(2) of this section, by striking “Director of Central Intelligence” and inserting “Director of National Intelligence or Director of the Central Intelligence Agency”.

(e) TECHNICAL AND STYLISTIC AMENDMENTS.—That section is further amended—

(1) in subsection (b)—

(A) by inserting “PERSONNEL ELIGIBLE FOR AWARDS.—” after “(b)”;

(B) by striking “subsection (a) of this section” and inserting “subsection (a)”; and

(C) by striking “a date five years before the date of enactment of this section” and inserting “December 9, 1978”; and

(2) in subsection (c), as so redesignated, by inserting “PAYMENT AND ACCEPTANCE OF AWARDS.—” after “(c)”.

SEC. 413. REPEAL OF CERTAIN AUTHORITIES RELATING TO THE OFFICE OF THE NATIONAL COUNTERINTELLIGENCE EXECUTIVE.

(a) REPEAL OF CERTAIN AUTHORITIES.—Section 904 of the Counterintelligence Enhancement Act of 2002 (title IX of Public Law 107-306; 50 U.S.C. 402c) is amended—

(1) by striking subsections (d), (g), (h), (i), and (j); and

(2) by redesignating subsections (e), (f), (k), (l), and (m) as subsections (d), (e), (f), (g), and (h), respectively.

(b) CONFORMING AMENDMENTS.—That section is further amended—

(1) in subsection (d), as redesignated by subsection (a)(2) of this section, by striking “subsection (f)” each place it appears in paragraphs (1) and (2) and inserting “subsection (e)”; and

(2) in subsection (e), as so redesignated—

(A) in paragraph (1), by striking “subsection (e)(1)” and inserting “subsection (d)(1)”; and

(B) in paragraph (2), by striking “subsection (e)(2)” and inserting “subsection (d)(2)”.

SEC. 414. INAPPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT TO ADVISORY COMMITTEES OF THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

Section 4(b) of the Federal Advisory Committee Act (5 U.S.C. App.) is amended—

(1) in paragraph (1), by striking “or”;

(2) in paragraph (2), by striking the period and inserting “; or”; and

(3) by adding at the end the following new paragraph:

“(3) the Office of the Director of National Intelligence.”.

SEC. 415. MEMBERSHIP OF THE DIRECTOR OF NATIONAL INTELLIGENCE ON THE TRANSPORTATION SECURITY OVERSIGHT BOARD.

Subparagraph (F) of section 115(b)(1) of title 49, United States Code, is amended to read as follows:

“(F) The Director of National Intelligence, or the Director's designee.”.

SEC. 416. APPLICABILITY OF THE PRIVACY ACT TO THE DIRECTOR OF NATIONAL INTELLIGENCE AND THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE.

(a) AUTHORITY TO EXEMPT.—The Director of National Intelligence may prescribe regulations to exempt any system of records within the Office of the Director of National Intelligence from the applicability of the provisions of subsections (c)(3), (c)(4), and (d) of section 552a of title 5, United States Code.

(b) PROMULGATION REQUIREMENTS.—In prescribing any regulations under subsection (a), the Director shall comply with the requirements (including general notice requirements) of subsections (b), (c), and (e) of section 553 of title 5, United States Code.

Subtitle B—Central Intelligence Agency

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (c), (d), (e), (f), (g), and (h), respectively; and

(2) by inserting after subsection (a) the following new subsection (b):

“(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

“(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

“(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.”.

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (d) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking “subsection (d)” and inserting “subsection (e)”.

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

“Deputy Director of the Central Intelligence Agency.”.

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(a)(2) of the National Security Act of 1947 (50 U.S.C. 403-6) is amended by adding at the end the following new subparagraph:

“(C) The Deputy Director of the Central Intelligence Agency.”.

(e) MILITARY STATUS OF INDIVIDUAL SERVING AS DIRECTOR OF CENTRAL INTELLIGENCE AGENCY OR ADMINISTRATIVELY PERFORMING DUTIES OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) A commissioned officer of the Armed Forces who is serving as the Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act shall not, while continuing in such service, or in the administrative performance of such duties, after that date—

(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

(2) Except as provided in subparagraph (A) or (B) of paragraph (1), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

(3) A commissioned officer described in paragraph (1), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.

(f) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by subsections (a) through (d) shall take effect on the date of the enactment of this Act and shall apply upon the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

SEC. 422. ENHANCED PROTECTION OF CENTRAL INTELLIGENCE AGENCY INTELLIGENCE SOURCES AND METHODS FROM UNAUTHORIZED DISCLOSURE.

(a) RESPONSIBILITY OF DIRECTOR OF CENTRAL INTELLIGENCE AGENCY UNDER NATIONAL SECURITY ACT OF 1947.—Subsection (e) of section 104A of the National Security Act of 1947 (50 U.S.C. 403-4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (3), by striking “and” at the end;

(2) by redesignating paragraph (4) as paragraph (5); and

(3) by inserting after paragraph (3) the following new paragraph (4):

“(4) protect intelligence sources and methods of the Central Intelligence Agency from unauthorized disclosure, consistent with any direction issued by the President or the Director of National Intelligence; and”.

(b) PROTECTION UNDER CENTRAL INTELLIGENCE AGENCY ACT OF 1949.—Section 6 of the Central Intelligence Agency Act of 1949

(50 U.S.C. 403g) is amended by striking "section 102A(i)" and all that follows through "unauthorized disclosure" and inserting "sections 102A(i) and 104A(e)(4) of the National Security Act of 1947 (50 U.S.C. 403–1(i), 403–4a(e)(4))".

(c) Construction With Exemption From Requirement for Disclosure of Information to Public.—Section 104A(e)(4) of the National Security Act of 1947, as amended by subsection (a), and section 6 of the Central Intelligence Agency Act of 1949, as amended by subsection (b), shall be treated as statutes that specifically exempt from disclosure the matters specified in such sections for purposes of section 552(b)(3) of title 5, United States Code.

(d) Technical Amendments to Central Intelligence Agency Retirement Act.—Section 201(c) of the Central Intelligence Agency Retirement Act (50 U.S.C. 2011(c)) is amended—

(1) in the subsection caption, by striking "of DCI";

(2) by striking "section 102A(i)" and inserting "sections 102A(i) and 104A(e)(4)";

(3) by striking "of National Intelligence"; and

(4) by inserting "of the Central Intelligence Agency" after "methods".

SEC. 423. ADDITIONAL EXCEPTION TO FOREIGN LANGUAGE PROFICIENCY REQUIREMENT FOR CERTAIN SENIOR LEVEL POSITIONS IN THE CENTRAL INTELLIGENCE AGENCY.

(a) Additional Exception.—Subsection (h) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a), as redesignated by section 421(b)(1) of this Act, is further amended—

(1) in paragraph (1)—

(A) by striking "paragraph (2)" and inserting "paragraphs (2) and (3)"; and

(B) by striking "Directorate of Operations" and inserting "National Clandestine Service";

(2) in paragraph (2), by striking "position or category of positions" each place it appears and inserting "individual, individuals, position, or category of positions"; and

(3) by adding at the end the following new paragraph:

"(3) Paragraph (1) shall not apply to any individual in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency who is serving in a Senior Intelligence Service position as of December 23, 2005, regardless of whether such individual is a member of the Senior Intelligence Service.".

(b) Report on Waivers.—Section 611(c) of the Intelligence Authorization Act for Fiscal Year 2005 (Public Law 108–487; 118 Stat. 3955) is amended—

(1) by striking the first sentence and inserting the following new sentence: "The Director of the Central Intelligence Agency shall submit to Congress a report that identifies individuals who, or positions within the Senior Intelligence Service in the Directorate of Intelligence or the National Clandestine Service of the Central Intelligence Agency that, are determined by the Director to require a waiver under subsection (h) of section 104A of the National Security Act of 1947, as added by subsection (a) and redesignated by section 421(b)(1) of the Intelligence Authorization Act for Fiscal Year 2007."; and

(2) in the second sentence—

(A) by striking "section 104A(g)(2), as so added" and inserting "subsection (h)(2) of section 104A, as so added and redesignated"; and

(B) by striking "position or category of positions" and inserting "individual, individuals, position, or category of positions".

SEC. 424. ADDITIONAL FUNCTIONS AND AUTHORITIES FOR PROTECTIVE PERSONNEL OF THE CENTRAL INTELLIGENCE AGENCY.

Section 5(a)(4) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(4)) is amended—

(1) by inserting "(A)" after "(4)";

(2) in subparagraph (A), as so designated—

(A) by striking "and the protection" and inserting "the protection"; and

(B) by striking the semicolon and inserting ", and the protection of the Director of National Intelligence and such personnel of the Office of the Director of National Intelligence as the Director of National Intelligence may designate; and"; and

(3) by adding at the end the following new subparagraph:

"(B) Authorize personnel engaged in the performance of protective functions authorized pursuant to subparagraph (A), when engaged in the performance of such functions, to make arrests without warrant for any offense against the United States committed in the presence of such personnel, or for any felony cognizable under the laws of the United States, if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony, except that any authority pursuant to this subparagraph may be exercised only in accordance with guidelines approved by the Director and the Attorney General and such personnel may not exercise any authority for the service of civil process or for the investigation of criminal offenses;".

SEC. 425. DIRECTOR OF NATIONAL INTELLIGENCE REPORT ON RETIREMENT BENEFITS FOR FORMER EMPLOYEES OF AIR AMERICA.

(a) In General.—Not later than 120 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a report on the advisability of providing Federal retirement benefits to United States citizens for the service of such individuals before 1977 as employees of Air America or an associated company while such company was owned or controlled by the United States Government and operated or managed by the Central Intelligence Agency.

(b) Report Elements.—(1) The report required by subsection (a) shall include the following:

(A) The history of Air America and associated companies before 1977, including a description of—

(i) the relationship between such companies and the Central Intelligence Agency and other elements of the United States Government;

(ii) the workforce of such companies;

(iii) the missions performed by such companies and their employees for the United States; and

(iv) the casualties suffered by employees of such companies in the course of their employment with such companies.

(B) A description of the retirement benefits contracted for or promised to the employees of such companies before 1977, the contributions made by such employees for such benefits, the retirement benefits actually paid such employees, the entitlement of such employees to the payment of future retirement benefits, and the likelihood that former employees of such companies will receive any future retirement benefits.

(C) An assessment of the difference between—

(i) the retirement benefits that former employees of such companies have received or will receive by virtue of their employment with such companies; and

(ii) the retirement benefits that such employees would have received and in the future receive if such employees had been, or would now be, treated as employees of the United States whose services while in the employ of such companies had been or would now be credited as Federal service for the purpose of Federal retirement benefits.

(D) The recommendations of the Director regarding the advisability of legislative action to treat employment at such companies as Federal service for the purpose of Federal retirement benefits in light of the relationship between such companies and the United States Government and the services and sacrifices of such employees to and for the United States, and if legislative action is considered advisable, a proposal for such action and an assessment of its costs.

(2) The Director of National Intelligence shall include in the report any views of the Director of the Central Intelligence Agency on the matters covered by the report that the Director of the Central Intelligence Agency considers appropriate.

(c) Assistance of Comptroller General.—The Comptroller General of the United States shall, upon the request of the Director of National Intelligence and in a manner consistent with the protection of classified information, assist the Director in the preparation of the report required by subsection (a).

(d) Form.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

(e) Definitions.—In this section:

(1) The term "Air America" means Air America, Incorporated.

(2) The term "associated company" means any company associated with or subsidiary to Air America, including Air Asia Company Limited and the Pacific Division of Southern Air Transport, Incorporated.

Subtitle C—Defense Intelligence Components

SEC. 431. ENHANCEMENTS OF NATIONAL SECURITY AGENCY TRAINING PROGRAM.

(a) Termination of Employees.—Subsection (d)(1)(C) of section 16 of the National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by striking "terminated either by" and all that follows and inserting "terminated—

"(i) by the Agency due to misconduct by the employee;

"(ii) by the employee voluntarily; or

"(iii) by the Agency for the failure of the employee to maintain such level of academic standing in the educational course of training as the Director of the National Security Agency shall have specified in the agreement of the employee under this subsection; and".

(b) Authority To Withhold Disclosure of Affiliation With NSA.—Subsection (e) of such section is amended by striking "(1) When an employee" and all that follows through "(2) Agency efforts" and inserting "Agency efforts".

SEC. 432. CODIFICATION OF AUTHORITIES OF NATIONAL SECURITY AGENCY PROTECTIVE PERSONNEL.

The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by adding at the end the following new section:

"Sec. 21. (a) The Director is authorized to designate personnel of the Agency to perform protective functions for the Director and for any personnel of the Agency designated by the Director.

"(b)(1) In the performance of protective functions under this section, personnel of the Agency designated to perform protective functions pursuant to subsection (a) are authorized, when engaged in the performance of such functions, to make arrests without a warrant for—

"(A) any offense against the United States committed in the presence of such personnel; or

"(B) any felony cognizable under the laws of the United States if such personnel have reasonable grounds to believe that the person to be arrested has committed or is committing such felony.

"(2) The authority in paragraph (1) may be exercised only in accordance with guidelines approved by the Director and the Attorney General.

"(3) Personnel of the Agency designated to perform protective functions pursuant to subsection (a) shall not exercise any authority for the service of civil process or the investigation of criminal offenses.

"(c) Nothing in this section shall be construed to impair or otherwise affect any authority under any other provision of law relating to the performance of protective functions.".

SEC. 433. INSPECTOR GENERAL MATTERS.

(a) COVERAGE UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a)(2) of section 8G of the Inspector General Act of 1978 (5 U.S.C. App. 8G) is amended—

(1) by inserting "the Defense Intelligence Agency," after "the Corporation for Public Broadcasting,";

(2) by inserting "the National Geospatial-Intelligence Agency," after "the National Endowment for the Arts,"; and

(3) by inserting "the National Reconnaissance Office, the National Security Agency," after "the National Labor Relations Board,".

(b) CERTAIN DESIGNATIONS UNDER INSPECTOR GENERAL ACT OF 1978.—Subsection (a) of section 8H of the Inspector General Act of 1978 (5 U.S.C. App. 8H) is amended by adding at the end the following new paragraph:

"(3) The Inspectors General of the Defense Intelligence Agency, the National Geospatial-Intelligence Agency, the National Reconnaissance Office, and the National Security Agency shall be designees of the Inspector General of the Department of Defense for purposes of this section.".

(c) POWER OF HEADS OF ELEMENTS OVER INVESTIGATIONS.—Subsection (d) of section 8G of that Act—

(1) by inserting "(1)" after "(d)";

(2) in the second sentence of paragraph (1), as designated by paragraph (1) of this subsection, by striking "The head" and inserting "Except as provided in paragraph (2), the head"; and

(3) by adding at the end the following new paragraph:

"(2)(A) The Director of National Intelligence or the Secretary of Defense may prohibit the Inspector General of an element of the intelligence community specified in subparagraph (D) from initiating, carrying out, or completing any audit or investigation if the Director or the Secretary, as the case may be, determines that the prohibition is necessary to protect vital national security interests of the United States.

"(B) If the Director or the Secretary exercises the authority under subparagraph (A), the Director or the Secretary, as the case may be, shall submit to the committees of Congress specified in subparagraph (E) an appropriately classified statement of the reasons for the exercise of the authority not later than seven days after the exercise of the authority.

"(C) At the same time the Director or the Secretary submits under subparagraph (B) a statement on the exercise of the authority in subparagraph (A) to the committees of Congress specified in subparagraph (E), the Director or the Secretary, as the case may be, shall notify the Inspector General of such element of the submittal of such statement and, to the extent consistent with the protection of intelligence sources and methods, provide the Inspector General with a copy of such statement. The Inspector General may submit to such committees of Congress any comments on a notice or statement received by the Inspector General under this subparagraph that the Inspector General considers appropriate.

"(D) The elements of the intelligence community specified in this subparagraph are as follows:

"(i) The Defense Intelligence Agency.

"(ii) The National Geospatial-Intelligence Agency.

"(iii) The National Reconnaissance Office.

"(iv) The National Security Agency.

"(E) The committees of Congress specified in this subparagraph are—

"(i) the Committee on Armed Services and the Select Committee on Intelligence of the Senate; and

"(ii) the Committee on Armed Services and the Permanent Select Committee on Intelligence of the House of Representatives.".

SEC. 434. CONFIRMATION OF APPOINTMENT OF HEADS OF CERTAIN COMPONENTS OF THE INTELLIGENCE COMMUNITY.

(a) DIRECTOR OF NATIONAL SECURITY AGENCY.—The National Security Agency Act of 1959 (50 U.S.C. 402 note) is amended by inserting after the first section the following new section:

"SEC. 2. (a) There is a Director of the National Security Agency.

"(b) The Director of the National Security Agency shall be appointed by the President, by and with the advice and consent of the Senate.

"(c) The Director of the National Security Agency shall be the head of the National Security Agency and shall discharge such functions and duties as are provided by this Act or otherwise by law.".

(b) DIRECTOR OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.—Section 441(b) of title 10, United States Code, is amended—

(1) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively; and

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2) The Director of the National Geospatial Intelligence Agency shall be appointed by the President, by and with the advice and consent of the Senate.".

(c) DIRECTOR OF NATIONAL RECONNAISSANCE OFFICE.—The Director of the National Reconnaissance Office shall be appointed by the President, by and with the advice and consent of the Senate.

(d) POSITIONS OF IMPORTANCE AND RESPONSIBILITY.—

(1) DESIGNATION OF POSITIONS.—The President may designate any of the positions referred to in paragraph (2) as positions of importance and responsibility under section 601 of title 10, United States Code.

(2) COVERED POSITIONS.—The positions referred to in this paragraph are as follows:

(A) The Director of the National Security Agency.

(B) The Director of the National Geospatial-Intelligence Agency.

(C) The Director of the National Reconnaissance Office.

(e) EFFECTIVE DATE AND APPLICABILITY.—

(1) The amendments made by subsections (a) and (b), and subsection (c), shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(A) the date of the nomination by the President of an individual to serve in the position concerned, except that the individual serving in such position as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to such position, by and with the advice and consent of the Senate, assumes the duties of such position; or

(B) the date of the cessation of the performance of the duties of such position by the individual performing such duties as of the date of the enactment of this Act.

(2) Subsection (d) shall take effect on the date of the enactment of this Act.

SEC. 435. CLARIFICATION OF NATIONAL SECURITY MISSIONS OF NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY FOR ANALYSIS AND DISSEMINATION OF CERTAIN INTELLIGENCE INFORMATION.

Section 442(a) of title 10, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also analyze, disseminate, and incorporate into the National System for Geospatial-Intelligence, likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open-source information.

"(B) The authority provided by this paragraph does not include the authority to manage or direct the tasking of, set requirements and priorities for, set technical requirements related to, or modify any classification or dissemination limitations related to the collection of, handheld or clandestine photography taken by or on behalf of human intelligence collection organizations."; and

(3) in paragraph (3), as so redesignated, by striking "paragraph (1)" and inserting "paragraphs (1) and (2)".

SEC. 436. SECURITY CLEARANCES IN THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

The Secretary of Defense shall, during the period beginning on the date of the enactment of this Act and ending on December 31, 2007, delegate to the Director of the National Geospatial-Intelligence Agency personnel security authority with respect to the National Geospatial-Intelligence Agency (including authority relating to the use of contractor personnel in investigations and adjudications for security clearances) that is identical to the personnel security authority of the Director of the National Security Agency with respect to the National Security Agency.

Subtitle D—Other Elements

SEC. 441. FOREIGN LANGUAGE INCENTIVE FOR CERTAIN NON-SPECIAL AGENT EMPLOYEES OF THE FEDERAL BUREAU OF INVESTIGATION.

(a) AUTHORITY TO PAY INCENTIVE.—The Director of the Federal Bureau of Investigation may pay a cash award authorized by section 4523 of title 5, United States Code, in accordance with the provisions of such section, to any employee of the Federal Bureau of Investigation described in subsection (b) as if such employee were a law enforcement officer as specified in such section.

(b) COVERED EMPLOYEES.—An employee of the Federal Bureau of Investigation described in this subsection is any employee of the Federal Bureau of Investigation—

(1) who uses foreign language skills in support of the analyses, investigations, or operations of the Bureau to protect against international terrorism or clandestine intelligence activities (or maintains foreign language skills for purposes of such support); and

(2) whom the Director of the Federal Bureau of Investigation, subject to the joint guidance of the Attorney General and the Director of National Intelligence, may designate for purposes of this section.

SEC. 442. AUTHORITY TO SECURE SERVICES BY CONTRACT FOR THE BUREAU OF INTELLIGENCE AND RESEARCH OF THE DEPARTMENT OF STATE.

Title I of the State Department Basic Authorities Act of 1956 (22 U.S.C. 2651a et seq.) is amended by inserting after section 23 the following new section:

"SERVICES BY CONTRACT FOR BUREAU OF INTELLIGENCE AND RESEARCH

"Sec. 23A. (a) Authority To Enter Into Contracts.—The Secretary may enter into contracts with individuals or organizations for the provision of services in support of the mission of the Bureau of Intelligence and Research of the Department of State if the Secretary determines that—

"(1) the services to be procured are urgent or unique; and

"(2) it would not be practicable for the Department to obtain such services by other means.

"(b) Treatment as Employees of the United States Government.—(1) Individuals employed under a contract pursuant to the authority in subsection (a) shall not, by virtue of the performance of services under such contract, be considered employees of the United States Government for purposes of any law administered by the Office of Personnel Management.

"(2) The Secretary may provide for the applicability to individuals described in paragraph (1) of any law administered by the Secretary concerning the employment of such individuals.

"(c) Contract To Be Appropriate Means of Securing Services.—The chief contracting officer of the Department of State shall ensure that each contract entered into by the Secretary under this section is the appropriate means of securing the services to be provided under such contract.".

SEC. 443. CLARIFICATION OF INCLUSION OF COAST GUARD AND DRUG ENFORCEMENT ADMINISTRATION AS ELEMENTS OF THE INTELLIGENCE COMMUNITY.

Section 3(4) of the National Security Act of 1947 (50 U.S.C. 401a(4)) is amended—

(1) in subparagraph (H)—

(A) by inserting "the Coast Guard," after "the Marine Corps,"; and

(B) by inserting "the Drug Enforcement Administration," after "the Federal Bureau of Investigation,"; and

(2) in subparagraph (K), by striking ", including the Office of Intelligence of the Coast Guard".

SEC. 444. CLARIFYING AMENDMENTS RELATING TO SECTION 105 OF THE INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2004.

Section 105(b) of the Intelligence Authorization Act for Fiscal Year 2004 (Public Law 108–177; 117 Stat. 2603; 31 U.S.C. 311 note) is amended—

(1) by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) by inserting "or in section 313 of such title," after "subsection (a)),".

TITLE V—OTHER MATTERS

SEC. 501. TECHNICAL AMENDMENTS TO THE NATIONAL SECURITY ACT OF 1947.

The National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended as follows:

(1) In section 102A (50 U.S.C. 403–1)—

(A) in subsection (c)(7)(A), by striking "section" and inserting "subsection";

(B) in subsection (d)—

(i) in paragraph (3), by striking "subparagraph (A)" in the matter preceding subparagraph (A) and inserting "paragraph (1)(A)";

(ii) in paragraph (5)(A), by striking "or personnel" in the matter preceding clause (i); and

(iii) in paragraph (5)(B), by striking "or agency involved" in the second sentence and inserting "involved or the Director of the Central Intelligence Agency (in the case of the Central Intelligence Agency)";

(C) in subsection (l)(2)(B), by striking "section" and inserting "paragraph"; and

(D) in subsection (n), by inserting "And Other" after "Acquisition".

(2) In section 119(c)(2)(B) (50 U.S.C. 404o(c)(2)(B)), by striking "subsection (h)" and inserting "subsection (i)".

(3) In section 705(e)(2)(D)(i) (50 U.S.C. 432c(e)(2)(D)(i)), by striking "responsible" and inserting "responsive".

SEC. 502. TECHNICAL CLARIFICATION OF CERTAIN REFERENCES TO JOINT MILITARY INTELLIGENCE PROGRAM AND TACTICAL INTELLIGENCE AND RELATED ACTIVITIES.

Section 102A of the National Security Act of 1947 (50 U.S.C. 403–1) is amended—

(1) in subsection (c)(3)(A), by striking "annual budgets for the Joint Military Intelligence Program and for Tactical Intelligence and Related Activities" and inserting "annual budget for the Military Intelligence Program or any successor program or programs"; and

(2) in subsection (d)(1)(B), by striking "Joint Military Intelligence Program" and inserting "Military Intelligence Program or any successor program or programs".

SEC. 503. TECHNICAL AMENDMENTS TO THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) Amendments to National Security Intelligence Reform Act of 2004.—The National Security Intelligence Reform Act of 2004 (title I of Public Law 108–458) is further amended as follows:

(1) In section 1016(e)(10)(B) (6 U.S.C. 458(e)(10)(B)), by striking "Attorney General" the second place it appears and inserting "Department of Justice".

(2) In section 1061 (5 U.S.C. 601 note)—

(A) in subsection (d)(4)(A), by striking "National Intelligence Director" and inserting "Director of National Intelligence"; and

(B) in subsection (h), by striking "National Intelligence Director" and inserting "Director of National Intelligence".

(3) In section 1071(e), by striking "(1)".

(4) In section 1072(b), by inserting "Agency" after "Intelligence".

(b) Other Amendments to Intelligence Reform and Terrorism Prevention Act of 2004.—The Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108–458) is amended as follows:

(1) In section 2001 (28 U.S.C. 532 note)—

(A) in subsection (c)(1), by inserting "of" before "an institutional culture";

(B) in subsection (e)(2), by striking "the National Intelligence Director in a manner consistent with section 112(e)" and inserting "the Director of National Intelligence in a manner consistent with applicable law"; and

(C) in subsection (f), by striking "shall," in the matter preceding paragraph (1) and inserting "shall".

(2) In section 2006 (28 U.S.C. 509 note)—

(A) in paragraph (2), by striking "the Federal" and inserting "Federal"; and

(B) in paragraph (3), by striking "the specific" and inserting "specific".

SEC. 504. TECHNICAL AMENDMENTS TO TITLE 10, UNITED STATES CODE, ARISING FROM ENACTMENT OF THE INTELLIGENCE REFORM AND TERRORISM PREVENTION ACT OF 2004.

(a) References to Head of Intelligence Community.—Title 10, United States Code, is amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 193(d)(2).
(2) Section 193(e).
(3) Section 201(a).
(4) Section 201(b)(1).
(5) Section 201(c)(1).
(6) Section 425(a).
(7) Section 431(b)(1).
(8) Section 441(c).
(9) Section 441(d).
(10) Section 443(d).
(11) Section 2273(b)(1).
(12) Section 2723(a).

(b) Clerical Amendments.—Such title is further amended by striking "Director of Central Intelligence" each place it appears in a provision as follows and inserting "Director of National Intelligence":

(1) Section 441(c).
(2) Section 443(d).

(c) Reference to Head of Central Intelligence Agency.—Section 444 of such title is amended by striking "Director of Central Intelligence" each place it appears and inserting "Director of the Central Intelligence Agency".

SEC. 505. TECHNICAL AMENDMENT TO THE CENTRAL INTELLIGENCE AGENCY ACT OF 1949.

Section 5(a)(1) of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f(a)(1)) is amended by striking "authorized under paragraphs (2) and (3) of section 102(a), subsections (c)(7) and (d) of section 103, subsections (a) and (g) of section 104, and section 303 of the National Security Act of 1947 (50 U.S.C. 403(a)(2), (3), 403–3(c)(7), (d), 403–4(a), (g), and 405)" and inserting "authorized under subsections (d), (e), (f), and (g) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a).".

SEC. 506. TECHNICAL AMENDMENTS RELATING TO THE MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.

(a) In General.—Subsection (a) of section 1403 of the National Defense Authorization Act for Fiscal Year 1991 (50 U.S.C. 404b) is amended—

(1) in the subsection caption, by striking "Foreign"; and

(2) by striking "foreign" each place it appears.

(b) Responsibility of DNI.—That section is further amended—

(1) in subsections (a) and (c), by striking "Director of Central Intelligence" and inserting "Director of National Intelligence"; and

(2) in subsection (b), by inserting "of National Intelligence" after "Director".

(c) Conforming Amendment.—The heading of that section is amended to read as follows:

"SEC. 1403. MULTIYEAR NATIONAL INTELLIGENCE PROGRAM.".

SEC. 507. TECHNICAL AMENDMENTS TO THE EXECUTIVE SCHEDULE.

(a) Executive Schedule Level II.—Section 5313 of title 5, United States Code, is amended by striking the item relating to the Director of Central Intelligence and inserting the following new item:

"Director of the Central Intelligence Agency.".

(b) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by striking the item relating to the Deputy Directors of Central Intelligence.

(c) EXECUTIVE SCHEDULE LEVEL IV.—Section 5315 of title 5, United States Code, is amended by striking the item relating to the General Counsel of the Office of the National Intelligence Director and inserting the following new item:

"General Counsel of the Office of the Director of National Intelligence.".

SEC. 508. TECHNICAL AMENDMENTS RELATING TO REDESIGNATION OF THE NATIONAL IMAGERY AND MAPPING AGENCY AS THE NATIONAL GEOSPATIAL-INTELLIGENCE AGENCY.

(a) TITLE 5, UNITED STATES CODE.—(1) Title 5, United States Code, is amended by striking "National Imagery and Mapping Agency" each place it appears in a provision as follows and inserting "National Geospatial-Intelligence Agency":

(A) Section 2302(a)(2)(C)(ii).

(B) Section 3132(a)(1)(B).

(C) Section 4301(1) (in clause (ii)).

(D) Section 4701(a)(1)(B).

(E) Section 5102(a)(1) (in clause (x)).

(F) Section 5342(a)(1) (in clause (K)).

(G) Section 6339(a)(1)(E).

(H) Section 7323(b)(2)(B)(i)((XIII).

(2) Section 6339(a)(2)(E) of such title is amended by striking "National Imagery and Mapping Agency, the Director of the National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency, the Director of the National Geospatial-Intelligence Agency".

(b) TITLE 44, UNITED STATES CODE.—(1)(A) Section 1336 of title 44, United States Code, is amended by striking "National Imagery and Mapping Agency" both places it appears and inserting "National Geospatial-Intelligence Agency".

(B) The heading of such section is amended to read as follows:

"§ 1336. National Geospatial-Intelligence Agency: special publications".

(2) The table of sections at the beginning of chapter 13 of such title is amended by striking the item relating to section 1336 and inserting the following new item:

"1336. National Geospatial-Intelligence Agency: special publications.".

(c) HOMELAND SECURITY ACT OF 2002.—Section 201(f)(2)(E) of the Homeland Security Act of 2002 (6 U.S.C. 121(f)(2)(E)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(d) INSPECTOR GENERAL ACT OF 1978.—Section 8H of the Inspector General Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" each place it appears and inserting "National Geospatial-Intelligence Agency".

(e) ETHICS IN GOVERNMENT ACT OF 1978.—Section 105(a)(1) of the Ethics in Government Act of 1978 (5 U.S.C. App.) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(f) OTHER ACTS.—(1) Section 7(b)(2)(A)(i) of the Employee Polygraph Protection Act of 1988 (29 U.S.C. 2006(b)(2)(A)(i)) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

(2) Section 207(a)(2)(B) of the Legislative Branch Appropriations Act, 1993 (44 U.S.C. 501 note) is amended by striking "National Imagery and Mapping Agency" and inserting "National Geospatial-Intelligence Agency".

SA 878. Mr. COBURN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place insert:

SEC. ___. JURISDICTION OVER INTELLIGENCE APPROPRIATIONS.

Notwithstanding subparagraph (b) of paragraph 1 of rule XXV of the Standing Rules of the Senate, the Select Committee on Intelligence shall have jurisdiction over all proposed legislation, messages, petitions, memorials, and other matters relating to appropriation, rescission of appropriations, and new spending authority related to funding for intelligence matters.

SA 879. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. ___. SENSE OF CONGRESS REGARDING PRESIDENTIAL AUTHORITY TO CONTROL FOREIGN POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Article II, section 1 of the Constitution of the United States grants "executive Power" to the President of the United States.

(2) James Madison wrote in Federalist No. 47 that Charles de Montesquieu was "[t]he oracle who is always consulted and cited" on issues dealing with separation of powers, and, in "The Spirit of the Laws", Montesquieu defined the executive power "in respect to things dependent on the law of nations" and as the power by which the "magistrate . . . makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions".

(3) In a speech to Congress in 1789, James Madison noted that the "association of the Senate with the President in exercising [the appointment] function, is an exception to this general rule [that executive power is vested solely in the President]; and exceptions to general rules . . . are ever to be taken strictly".

(4) In 1790, Thomas Jefferson wrote, "The transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.".

(5) Alexander Hamilton reaffirmed this view in 1793, asserting "that as the participation of the Senate in the making of treaties, and the power of the legislature to declare war, are exceptions out of the general 'executive power' vested in the President, they are to be construed strictly, and ought to be extended no further than is essential to their execution".

(6) John Marshall, during his congressional term in 1799, reaffirmed that the President was "the sole organ of the nation in its external relations" because "[h]e possesses the whole Executive Power".

(7) In 1936, the Supreme Court, in *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304, stated, "Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advise and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it.".

(8) Section 953 of title 18, United States Code, originally enacted in 1799 as the Logan Act (1 Stat. 613), states, "Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both. This section shall not abridge the right of a citizen to apply himself, or his agent, to any foreign government, or the agents thereof, for redress of any injury which he may have sustained from such government or any of its agents or subjects.".

(9) In 1952, Senator Arthur Vandenberg asserted that "politics stop at the water's edge".

(10) Intrusions on the executive power of the President by Members of Congress have had negative effects on foreign policy, and, in the past, some Members of Congress have tried to subvert the goals and aims of the executive branch by pursuing foreign policy goals that are contrary to those of the President.

(11) In 1987 and 1988, Speaker of the House Jim Wright attempted to engage in diplomacy between the Sandinista Government of Nicaragua and the Contra regime against the expressed aims of President Ronald Reagan. Speaker Wright's actions undermined the authority and leveraging power of the President at a crucial time in the Nation's history and also ignored the finding of the Permanent Select Committee on Intelligence of the House of Representatives that the Government of Nicaragua was planning to use military force against coterminous states.

(12) In 1980, Representative Charlie Wilson began urging the Central Intelligence Agency to arm Afghani mujahideen fighters. The decision to double funding to Afghanistan was unsolicited and was made without the knowledge of the President. The book "Charlie Wilson's War", written by George Crile, asserts that Representative Wilson thus violated the Logan Act.

(13) In 1983, the decision of Congress to attach a stipulation to legislation authorizing

the extension of the presence of the Marines in Beirut, which stated that the extension could be withdrawn if fatalities continued, possibly led to the suicide bombing of the Marine barracks on October 23, 1983, causing the deaths of 241 members of the Armed Forces of the United States.

(14) It is essential that the President alone have the ability to formulate foreign policy and engage in diplomacy.

(15) The offices of the Speaker of the House of Representatives and the Majority Leader of the Senate are positions of special responsibility, seen as "authoritative" by foreign governments, and thus, the Speaker of the House and the Majority Leader of the Senate should be held accountable for actions that may be seen by foreign governments as contrary to the foreign policy goals of the President.

(16) Recent actions by Speaker of the House Nancy Pelosi, whether intentionally or unintentionally, have undermined the President's foreign policy toward Syria by giving a false impression of the positions of the United States and Israel on negotiations with the Government of Syria.

(17) It is essential that Members of Congress be viewed as supportive of the President's execution of foreign policy.

(18) It is harmful and dangerous for the executive power of the President to be subjugated by Congress.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is not in the interests of the United States for Members of Congress to intervene in disputes between the United States Government and governments of foreign countries without the authorization of the President; and

(2) Members of Congress should heed the foreign policies of the President while traveling outside the United States and meeting with foreign governments.

SA 880. Mr. INHOFE (for himself and Mr. CRAIG) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end, insert the following:

SEC. . SENSE OF CONGRESS REGARDING PRESIDENTIAL AUTHORITY TO CONTROL FOREIGN POLICY.

(a) FINDINGS.—Congress finds the following:

(1) Article II, section 1 of the Constitution of the United States grants "executive Power" to the President of the United States.

(2) James Madison wrote in Federalist No. 47 that Charles de Montesquieu was "[t]he oracle who is always consulted and cited" on issues dealing with separation of powers, and, in "The Spirit of the Laws", Montesquieu defined the executive power "in respect to things dependent on the law of nations" and as the power by which the "magistrate . . . makes peace or war, sends or receives embassies, establishes the public security, and provides against invasions".

(3) In a speech to Congress in 1789, James Madison noted that the "association of the Senate with the President in exercising [the appointment] function, is an exception to this general rule [that executive power is vested solely in the President]; and exceptions to general rules . . . are ever to be taken strictly".

(4) In 1790, Thomas Jefferson wrote, "The transaction of business with foreign nations is executive altogether. It belongs, then, to the head of that department, except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly.".

(5) Alexander Hamilton reaffirmed this view in 1793, asserting "that as the participation of the Senate in the making of treaties, and the power of the legislature to declare war, are exceptions out of the general 'executive power' vested in the President, they are to be construed strictly, and ought to be extended no further than is essential to their execution".

(6) John Marshall, during his congressional term in 1799, reaffirmed that the President was "the sole organ of the nation in its external relations" because "[h]e possesses the whole Executive Power".

(7) In 1936, the Supreme Court, in *United States* v. *Curtiss-Wright Export Corporation*, 299 U.S. 304, stated, "Not only, as we have shown, is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm, with its important, complicated, delicate and manifold problems, the President alone has the power to speak or listen as a representative of the nation. He makes treaties with the advise and consent of the Senate; but he alone negotiates. Into the field of negotiation the Senate cannot intrude, and Congress itself is powerless to invade it.".

(8) Section 953 of title 18, United States Code, originally enacted in 1799 as the Logan Act (1 Stat. 613), states, "Any citizen of the United States, wherever he may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, with intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the United States, shall be fined under this title or imprisoned not more than three years, or both. This section shall not abridge the right of a citizen to apply himself, or his agent, to any foreign government, or the agents thereof, for redress of any injury which he may have sustained from such government or any of its agents or subjects.".

(9) In 1952, Senator Arthur Vandenberg asserted that "politics stop at the water's edge".

(10) Intrusions on the executive power of the President by Members of Congress have had negative effects on foreign policy, and, in the past, some Members of Congress have tried to subvert the goals and aims of the executive branch by pursuing foreign policy goals that are contrary to those of the President.

(11) In 1987 and 1988, Speaker of the House Jim Wright attempted to engage in diplomacy between the Sandinista Government of Nicaragua and the Contra regime against the expressed aims of President Ronald Reagan. Speaker Wright's actions undermined the authority and leveraging power of the President at a crucial time in the Nation's history and also ignored the finding of the Permanent Select Committee on Intelligence of the House of Representatives that the Government of Nicaragua was planning to use military force against coterminous states.'

(12) In 1980, Representative Charlie Wilson began urging the Central Intelligence Agency to arm Afghani mujahideen fighters. The decision to double funding to Afghanistan was unsolicited and was made without the knowledge of the President. The book "Charlie Wilson's War", written by George Crile, asserts that Representative Wilson thus violated the Logan Act.

(13) In 1983, the decision of Congress to attach a stipulation to legislation authorizing the extension of the presence of the Marines in Beirut, which stated that the extension could be withdrawn if fatalities continued, possibly led to the suicide bombing of the Marine barracks on October 23, 1983, causing the deaths of 241 members of the Armed Forces of the United States.

(14) It is essential that the President alone have the ability to formulate foreign policy and engage in diplomacy.

(15) The offices of the Speaker of the House of Representatives and the Majority Leader of the Senate are positions of special responsibility, seen as "authoritative" by foreign governments, and thus, the Speaker of the House and the Majority Leader of the Senate should be held accountable for actions that may be seen by foreign governments as contrary to the foreign policy goals of the President.

(16) Recent actions by Speaker of the House Nancy Pelosi, whether intentionally or unintentionally, have undermined the President's foreign policy toward Syria by giving a false impression of the positions of the United States and Israel on negotiations with the Government of Syria.

(17) It is essential that Members of Congress be viewed as supportive of the President's execution of foreign policy.

(18) It is harmful and dangerous for the executive power of the President to be subjugated by Congress.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) it is not in the interests of the United States for Members of Congress to intervene in disputes between the United States Government and governments of foreign countries without the authorization of the President; and

(2) Members of Congress should heed the foreign policies of the President while traveling outside the United States and meeting with foreign governments.

SA 881. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, insert the following:

SEC. 426. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE REPORT ENTITLED "CIA ACCOUNTABILITY WITH RESPECT TO THE 9/11 ATTACKS".

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make available to the public an unclassified version of the Executive Summary of the report of the Inspector

General of the Central Intelligence Agency entitled "Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusion of the Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attack of September 11, 2001" issued in June 2005 that redacts any classified material contained in the Executive Summary.

(b) Report to Congress.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the redacted Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SA 882. Mr. KYL submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

On page 43, line 14, strike the period and insert ", if the Director of National Intelligence determines that publication of such description or determination would not endanger national security."

SA 883. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. . PROHIBITION OF WAR CRIMES PROSECUTION.

(a) Short Title.—This section may be cited as the "Prohibition of Foreign War Crimes Prosecutions of Americans Act of 2007".

(b) In General.—Chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"§ 2442. International criminal court

"(a) Offense.—Except as provided under subsection (b), it shall be unlawful for any person, acting under the authority of the International Criminal Court, another international organization, or a foreign government, to knowingly indict, apprehend, detain, prosecute, convict, or participate in the imposition or carrying out of any sentence or other penalty on, any American in connection with any proceeding by or before the International Criminal Court, another international organization, or a foreign government in which that American is accused of a war crime.

"(b) Exception.—Subsection (a) shall not apply in connection with a criminal proceeding instituted by the government of a foreign country within the courts of such country with respect to a war crime allegedly committed—

"(1) on territory subject to the sovereign jurisdiction of such government; or

"(2) against persons who were nationals of such country at the time that the war crime is alleged to have been committed.

"(c) Criminal Penalty.—

"(1) In general.—Any person who violates subsection (a) shall be fined not more than $5,000,000, imprisoned under paragraph (2), or both.

"(2) Prison sentence.—The maximum term of imprisonment for an offense under this section is the greater of—

"(A) 5 years; or

"(B) the maximum term that could be imposed on the American in the criminal proceeding described in subsection (a) with respect to which the violation took place.

"(d) Extraterritorial Jurisdiction.—There is extraterritorial jurisdiction over an offense under this section.

"(e) Civil Remedy.—Any person who is aggrieved by a violation described in subsection (a) may, in a civil action, obtain appropriate relief, including—

"(1) punitive damages; and

"(2) a reasonable attorney's fee as part of the costs.

"(f) Definitions.—In this section—

"(1) the term 'American' means any citizen or national of the United States, or any other person employed by or working under the direction of the United States Government;

"(2) the term 'indict' includes—

"(A) the formal submission of an order or request for the prosecution or arrest of a person; and

"(B) the issuance of a warrant or other order for the arrest of a person,

by an official of the International Criminal Court, another international organization, or a foreign government;

"(3) the term 'International Criminal Court' means the court established by the Rome Statute of the International Criminal Court adopted by the United Nations Diplomatic Conference of Plenipotentiaries on the Establishment of and International Criminal Court on July 17, 1998; and

"(4) the term 'war crime' means any offense that is within the jurisdiction of the International Criminal Court at the time the offense is committed.".

(c) Clerical Amendment.—The table of sections in chapter 118 of title 18, United States Code, is amended by adding at the end the following:

"2442. International criminal court.".

SA 884. Mr. ENSIGN submitted an amendment intended to be proposed by him to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

In lieu of the matter proposed to be inserted, insert the following:

SEC. ___. PENALTIES FOR VIOLATIONS OF THE INTERNATIONAL EMERGENCY ECONOMIC POWERS ACT.

Section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) is amended to read as follows:

"PENALTIES

"Sec. 206. (a) It shall be unlawful for—

"(1) a person to violate, or conspire to or attempt to violate, any license, order, regulation, or prohibition issued under this title;

"(2) a person subject to the jurisdiction of the United States to take any action to evade or avoid, or attempt to evade or avoid, a license, order, regulation, or prohibition issued under this title; or

"(3) a person subject to the jurisdiction of the United States to approve, facilitate, or provide financing for any action, regardless of who initiates or completes the action, if it would be unlawful for such person to initiate or complete the action.

"(b) A civil penalty not to exceed $250,000 may be imposed on any person who commits an unlawful act described in subsection (a).

"(c) A person who willfully commits, or willfully attempts to commit, an unlawful act described in subsection (a), shall, upon conviction for such unlawful act—

"(1) if a corporation, be fined not more than $500,000;

"(2) if a natural person, be fined not more than $500,000, or imprisoned not more than 10 years, or both; or

"(3) if an officer, director, or agent of a corporation who knowingly participates, or attempts to participate, in such unlawful act, be fined not more than $500,000, or imprisoned not more than 10 years, or both.".

NOTICES OF HEARINGS/MEETINGS

COMMITTEE ON RULES AND ADMINISTRATION

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Committee on Rules and Administration will meet on Wednesday, April 18, 2007, at 10 a.m., to conduct a hearing on Repealing Limitation on Party Expenditures on Behalf of Candidates in General Elections.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Energy, Committee on Energy and Natural Resources.

The hearing will be held on April 23, 2007 at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

For further information, please contact Deborah Estes at (202) 224–4971 or Britni Rillera at (202) 224–1219.

JOINT COMMITTEE ON THE LIBRARY

Mrs. FEINSTEIN. Mr. President, I wish to announce that the Joint Committee of Congress on the Library will meet on Wednesday, April 18, 2007, at 2:15 p.m., in S–115 to conduct its organization meeting for the 110th Congress.

For further information regarding this hearing, please contact Howard Gantman at the Rules and Administration Committee on 224–6352.

COMMITTEE ON SMALL BUSINESS AND ENTREPRENEURSHIP

Mr. KERRY. Mr. President, the Chairman would like to inform the Members of the Committee that the Committee will hold a hearing entitled "Sarbanes-Oxley and Small Business: Addressing Proposed Regulatory Changes and their Impact on Capital Markets," on Wednesday, April 18, 2007 at 10 a.m. in room 428A of the Russell Senate Office Building.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be authorized to hold a hearing during the session of the Senate on Monday, April 16, 2007, at 2:30 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of this hearing is to receive testimony on S. 731, National Carbon Dioxide Storage Capacity Assessment Act of 2007 and S. 962, Department of Energy Carbon Capture and Storage Research, Development, and Demonstration Act of 2007.

The PRESIDING OFFICER. Without objection, it is so ordered.

APPOINTMENTS

The PRESIDING OFFICER. The chair, on behalf of the Republican leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Vice Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: the Honorable TRENT LOTT of Mississippi.

The Chair, on behalf of the Majority Leader, pursuant to Section 154 of Public Law 108–199, appoints the following Senator as Chairman of the Senate Delegation to the U.S.-Russia Interparliamentary Group conference during the 110th Congress: the Honorable E. BENJAMIN NELSON of Nebraska.

ORDERS FOR TUESDAY, APRIL 17, 2007

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 10 a.m., Tuesday, April 17; that on Tuesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed to have expired, the time for the two leaders be reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes under the control of the Republican leader or his designee, and the final 30 minutes under the control of the majority leader or his designee; that at close of morning business, the Senate resume consideration of S. 372, the Intelligence authorization bill; that on Tuesday, the Senate stand in recess from 12:30 p.m. to 2:15 p.m. in order to accommodate the respective party conference work sessions.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER TO ADJOURN

Mr. ROCKEFELLER. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that the Senate stand adjourned under the previous order following the remarks of Senator WARNER and Senator WEBB.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Virginia is recognized.

Mr. WARNER. Mr. President, at this time, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

EXPRESSING THE CONDOLENCES OF THE SENATE ON THE TRAGIC EVENTS AT VIRGINIA TECH UNIVERSITY

Mr. WARNER. Mr. President, I am joined here with my colleague, Senator WEBB, and the two of us have put forward a resolution of the Senate, S. Res. 149. We are joined in the cosponsorship by the distinguished majority leader, Senator REID, the minority leader, Senator MCCONNELL, and all other Members of the Senate.

Our resolution, jointly prepared by Senator WEBB and myself, reads as follows:

> Expressing the condolences of the Senate on the tragic events at Virginia Tech University.
>
> Resolved, that the Senate
>
> (1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;
>
> (2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and
>
> (3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

I yield the floor to my distinguished colleague.

The PRESIDING OFFICER. The Senator from Virginia.

Mr. WEBB. Mr. President, I again express my gratitude to the senior Senator from Virginia for taking the initiative on this resolution and working with us to make sure this is language which is acceptable to all the Members of this body.

I also express my appreciation to many people in this body—Members—and also staff members and others who have come forward today and expressed their condolences about what happened in this incident. Again, all of us are truly saddened by what has happened today in this tragic event. This is a very small gesture of condolence and support from our body, but I think it is a very appropriate one, and I am pleased to be one of the cosponsors of it. Hopefully, once the grieving is done, we can, indeed, move forward to finding ways that will prevent these sorts of incidents from happening in the future.

I yield the floor.

Mr. WARNER. Mr. President, I thank my distinguished colleague. We have worked as partners on this resolution throughout the day. It has been a most unusual day for the two of us, for our Governor, for our State, and all its people.

Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 149, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

> A resolution (S. Res. 149) expressing the condolences of the Senate on the tragic events at Virginia Tech University.

There being no objection, the Senate proceeded to consider the resolution.

Mr. WARNER. Mr. President, I ask unanimous consent that the resolution be agreed to and that the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

The resolution (S. Res. 149) was agreed to, as follows:

S. RES. 149

Expressing the condolences of the Senate on the tragic events at Virginia Tech University.

Resolved, that the Senate—

(1) offers its heartfelt condolences to the victims and their families, and to students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred today at Virginia Tech in Blacksburg, Virginia;

(2) expresses its hope that today's losses will lead to a shared national commitment to take steps that will help our communities prevent such tragedies from occurring in the future; and

(3) recognizes that Virginia Tech has served as an exemplary institution of teaching, learning, and research for well over a century; and that the University's historic and proud traditions will carry on.

Mr. WARNER. I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 6:47 p.m., adjourned until Tuesday, April 17, 2007, at 10 a.m.

NOMINATIONS

Executive nominations received by the Senate April 16, 2007:

FEDERAL EMERGENCY MANAGEMENT AGENCY

DENNIS R. SCHRADER, OF MARYLAND, TO BE DEPUTY ADMINISTRATOR FOR NATIONAL PREPAREDNESS, FEDERAL EMERGENCY MANAGEMENT AGENCY, DEPARTMENT OF HOMELAND SECURITY. (NEW POSITION)

IN THE ARMY

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

KIRK O. AUSTIN, 5300
JOHNNY M. SELLERS, 2172
LEE W. SMITHSON, 1441

THE FOLLOWING NAMED ARMY NATIONAL GUARD OF THE UNITED STATES OFFICERS FOR APPOINTMENT TO THE GRADE INDICATED IN THE RESERVE OF THE ARMY UNDER TITLE 10, U.S.C., SECTIONS 12203 AND 12211:

To be colonel

CRAIG E. BENNETT, 7845
DAVID G. BRIDGES, 5401
GARY A. FREESE, 6249
DARLENE M. SHEALY, 4560

EXTENSIONS OF REMARKS

HONORING SANDRA WALLACE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. LANTOS. Madam Speaker, I rise today to recognize a woman who has enjoyed a remarkable career helping parents and their children begin the life-long process of learning. Sandra Wallace, who is retiring after 27 years as a teacher and director at the Pacifica Co-op Nursery School, has been a pillar in the lives of families at this popular parent-participation pre-school.

Known to multiple generations as "Teacher Sandy," she began her career more than 35 years ago as a high school art teacher. When she and her husband, Doug, began their own family, she took a leave of absence. Taking her own children to a co-op nursery school, she was struck with a desire to work in such a program herself. That moment began nearly three decades of service to children and parents who benefited from her wisdom, compassion, patience, knowledge and experience in childhood education.

Madam Speaker, her career in early childhood education began as an enrichment teacher at the Serramonte Nursery School in Daly City. While earning a master's degree from San Francisco State University, she conducted her graduate field study at the Pacifica Co-op Nursery School. Knowing a good thing, the school's board hired her full time as an Assistant Director, leading to a tenure that has spanned generations.

Young parents immediately recognized the unique skills Teacher Sandy exhibited at the Co-op Nursery School. She created the popular Bug School as a summer program, and in 1985 she was appointed Director for the growing morning and afternoon sessions.

In 1995, the Professional Association for Childhood Education (PACE) for the State of California named her Teacher of the Year.

Not only did Sandra Wallace manage the programs at the Co-op Nursery School, but she also worked with the Jefferson Union High School District Adult Education Division teaching Parent Education classes. Many men and women in the area learned valuable skills from Teacher Sandy about how to raise their children effectively. The value of giving families a strong educational beginning cannot be overstated, and I know the families she's touched and the community she's been dedicated to owe her a deep debt of gratitude.

Madam Speaker, I want to share with my colleagues my immense respect and appreciation for Sandra Wallace. She has dedicated her professional life to making sure children and their parents have a meaningful and productive start. She and her husband will be retiring to Michigan this year, but Teacher Sandy is leaving a legacy in my Congressional district that will live on in the more than 1,000 children she has taught while making the Pacifica Co-op Nursery School a treasure of the local community.

I would like to wish her a long, happy and healthy retirement and extend the gratitude of all my constituents for her selfless commitment to childhood education.

IN HONOR OF NAAMANS LITTLE LEAGUE

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. CASTLE. Madam Speaker, it is with Speaker, it is with great enthusiasm that I rise today to celebrate the 50th anniversary of the Naamans Little League. By providing a positive outlet for children, this organization has played a vital role in shaping young leaders in my home state of Delaware.

After it was founded in 1957, the organization has grown rapidly because of its efficient organization and the valuable service it provides to the community: uniting children with sports. While it began with only 60 boys on 4 baseball teams, Naamans Little League now has over 500 players on 42 teams and has formed both a Tee Ball League and a Senior League.

I was fortunate enough to celebrate with the League after they participated in the Little League World Championship. This opportunity further convinced me that their significance within the community cannot be emphasized strongly enough. Their efforts have allowed countless people to understand and enjoy the benefits of physical activity, team work, sportsmanship, and responsibility. After spending just a short while at the celebration, it became very clear to me that this organization has a profoundly far reaching impact, shaping individuals, friendships, families, and communities.

I am pleased to announce that a flag will be flown over the capital in honor of the Naamans Little League's 50th anniversary. I commend this great organization for their immeasurable contributions to Delaware and wish them all the best on this momentous anniversary.

RECOGNIZING DOMINICK ESTEBAN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Dominick Esteban, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 214, and in earning the most prestigious award of Eagle Scout.

Dominick has been very active with his troop, participating in many scout activities. Over the many years Dominick has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Dominick Esteban for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE CARPENTERS LOCAL 1005 OF HOBART, INDIANA

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pride and respect that I congratulate the members of Carpenters Local 1005 of Hobart, Indiana, who were honored at the union's 2007 Service Recognition Banquet. The union members of Northwest Indiana have consistently demonstrated the work ethic and quality craftsmanship on which the community prides itself. The banquet, which was held on Saturday, April 14, 2007, at the Avalon Manor in Hobart, Indiana, honored those members who have completed between 10 and 65 years of service with the union.

Carpenters Local 1005, which received its charter on March 7, 1972, is one of the largest Carpenters' locals in the State of Indiana. Every year, Local 1005 honors its members for their years of dedicated service. This year's distinguished honorees included Charles Ray, who was honored for his 65 years of service, as well as Charles Bonner, William Bruce, James Donnella, Chester King, Paul Malott, Oakley Moench, Robert Olson, Elbe Rice, Victor Stanzione, and Robert Szentesy, all members who were honored for 60 years of service. Those who were honored for 55 years of service include: Phillis Angelo, Willard Basco, Earl Cooper, John Demay, Lawrence Dewes, Robert Fedorchak, George Garbus, Duane Hanaway, and Jozef Wozniak. For 50 years of service, the honorees were: Ed Cicillian, Robert Covaciu, David Dunn, Bernard Floyd, Wyvil Gearhart, Carrol Kelley, and Howard Scheidt. Bobby Anderson and J.C. Stanley were recognized for 45 years of service, while several members were honored for 40 years of service. These honorees included: Phillip Bough, James Brannock, Harry Carey, James Fields, Jerry Fox, Joe Gabonay, Joe Harbison, Paul Kirchenstien, Robert Odell, Jack Postma, James Postma, Truman

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.
Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Shelton, Richard Tallant, Robert Todd, Donald Treadway, Loren Underwood, and James Vickers. For their 35 years of service, Roy Balcerak and Richard Kleckner were honored, while the 30-year honorees included: Lucas Amptmeyer, Don Ayers, Wesley Birky, Gerald Blend, Larry Bliss, Elmer Conley, Gerald Donohue, Dale Gearhart, Greg Hanas, Thomas Hill, Daniel Holden, Clyde Imboden, James Jablonski, Richard Liebharth, Leonard Lustgarten, Charles Nannenga, Joseph Pero, Mark Robertson, Rick Singleton, Jerry Vanderplough, Larry Vick, and Michael Zickuhr. The members honored for 25 years of dedicated service were Harris Sampson, Charles Smith, and Bobby Thompson, while 20-year honorees included: Mark Berg, Jeffrey Berkman, Ronald Blaney, Michael Collins, Robert Cook, Brian Deutscher, Timothy Flatt, Roy Guerrero, Lawrence Hill, Stanley Kurczewski, Michael Lelak, David Lopez, Andrew Mitchell, Richard Neal, Robert Ott, Michael Pouch, Dan Prochno, John Schwartz, Ann Starzynski, Charles Stone, Michael Wallace, Frank Westerlund, and Doug Wilson. Those members honored for 15 years of service included: Ronald Bennett, Douglas Bohnert, Carl Depaul, Mark Derosa, Terence Dicken, Joel Edgington, Michael Gajewski, Dennis Glover, Christopher Kerulis, Roger Kikkert, Kenneth Kollasch, Steven Kopack, Michael Lawrence, Samuel Lazaro, Kevin Lynch, Darren Marsee, Kevin Mulroe, Joe Rettig, Thomas Rettig, Nicholas Saliwonczyk, Harold Sills, Patrick Stanley, Albert Turner, Commodore Warren, Kenneth Whitten, William Yuhasz, and Philip Zagone.

Finally, members of Local 1005 honored at the banquet for 10 years of service included: Steve Adams, Erik Bailey, Christopher Birky, Robert Bleck, Scott Blue, Brian Clare, Thomas Climack, Scott Crawford, Tim Crepeau, Anthony Dafcik, Timothy Dekock, Joseph Emons, Joseph Evert, Dustin Farnum, Eddie Fowler, Nathaniel Gaska, Donald Haddix, James Harrison, David Jurov, Douglas Kamminga, Bryan Kowalisyn, Stanley Kush, Aaron Lowe, William Lynch, Jason Marcotte, David Messer, Donald Murphy, John Nygra, Ryan Prendergast, Greg Province, Tony Qualizza, Jason Samuels, Jim Sargent, Larry Scheeringa, James Schultz, Martin Shell, John Stoddard, Antwon Strong, Timothy Sweeney, James Taylor, Catherine Thoreson, and Dan Vanderwall.

Madam Speaker, I ask that you and my distinguished colleagues join me in congratulating these dedicated, honorable, and outstanding members of Carpenters Local 1005, in addition to the hard-working union men and women throughout the country. The countless hours of exceptional service the men and women of Carpenters Local 1005 have provided to their community deserve our admiration and respect. Their dedication and commitment are the epitome of the values we hold in Northwest Indiana, and I am proud to represent such fine men and women in Congress.

CELEBRATING DR. DOROTHY I. HEIGHT, A LIVING LEGEND AND ADVOCATE FOR JUSTICE AND EQUALITY

HON. CHARLES B. RANGEL

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. RANGEL. Madam Speaker, I rise today in celebration of the birth of Dr. Dorothy Irene Height. For nearly half a century, Dorothy Height has served as a leader in the struggle for equality and human rights. Living by example, her life's work has and will remain a testament to her vision for a just and equitable world for all people.

Born in Richmond, Virginia on March 24, 1912 she moved to Ranklin, Pennsylvania, with her parents, at the age of four. Dr. Height demonstrated her intelligence, focus and astonishing oratorical skills early on, winning scholarships and competitions that would aid her in the pursuit of both a bachelors and masters degree, which she completed in four years, at New York University.

Dr. Height's career as an activist began when she joined the National Council for Negro Women in 1937. At the time Dr. Height was working as a caseworker for the welfare department in New York. She would go on to join the national staff of the YWCA, serve as national president of Delta Sigma Theta, Incorporated from 1946–1957. Throughout her tenure in these capacities Dr. Height developed leadership training programs, interracial and ecumenical educational programs, and a series of programs—like "Wednesdays in Mississippi"—designed to bring together people of different racial and ethnic backgrounds to create a dialogue of understanding.

Beyond championing a vision of equality and justice for the United States, Dr. Height is renowned for her extensive international and developmental work in education. In her illustrious career she has worked as a national leader, served on numerous appointed committees, and received numerous awards and accolades.

It is with great personal joy that I recognize and celebrate the birth anniversary of Dorothy Irene Height, a living legend and a treasure to us all.

IN HONOR OF LUIS VALDEZ

HON. SAM FARR

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. FARR. Madam Speaker, I rise today to honor Mr. Luis Valdez of San Juan Bautista, California, who will be inducted into the College of Fellows of the American Theatre on April 22 at the Kennedy Center for the Performing Arts here in Washington, DC. The 124 current members include playwright Edward Albee and Broadway director Jack O'Brien. Like those before him, Luis is to be honored for his contribution to American theater.

His has been a "career of firsts." His play "Zoot Suit" was the first play written by a Chicano to be produced on Broadway. His movie "La Bamba," about the life of the 1950's rock 'n' roll star Ritchie Valens, won popular acclaim, and was the first film written and directed by a Chicano that was produced by a major motion picture company.

As a child, Luis emigrated from Mexico with his family and became a migrant farm worker. In 1965, he founded El Teatro Campesino, which means "The Farm Worker's Theater." He chose to create this theater in rural San Juan Bautista instead of moving to a big city in order to stay in touch with his roots and remain a true theater of farm workers.

Luis has three sons, all of whom are involved in the arts. "I have to stress the importance of family in my life," he said. He has won several awards, including the Presidential Medal of the Arts from the White House, but says, "I'm proudest of my family. I consider myself to be quite blessed in that regard."

Luis believes that art should have a message, and inspiring people to make changes in their lives has been one of his main goals in the theater. He recently produced a play for the Monterey Bay Aquarium about the dangers of pollution.

Madam Speaker, it is a tremendous honor for a national organization of any kind to seek out a resident of a small town for their highest award. Luis Valdez came from humble beginnings, and in spite of his remarkable accomplishments, he remains a humble man. I am proud to congratulate Luis on his election to the College of Fellows of the American Theatre.

RECOGNIZING JOSHUA ABERNATHY FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Abernathy, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Abernathy for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

HONORING BARBARA S. AUSTIN ELEMENTARY UPON ITS 20TH-YEAR ANNIVERSARY

HON. KENNY MARCHANT

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. MARCHANT. Madam Speaker, I rise today to recognize Barbara S. Austin Elementary, "Home of the Austin Mustangs" for its 20th anniversary of providing a superb education for the students of Coppell, Texas.

Barbara S. Austin Elementary School is proud to celebrate 20 years of excellence in education. Nestled in the center of Coppell, Texas, Austin Elementary is a neighborhood school that has provided thousands of students with an outstanding learning experience over the years.

Named after Barbara S. Austin, an actively involved community leader who served on the Coppell Independent School District Board of Trustees, Austin Elementary opened its doors in the fall of 1987 with over 500 students. Once a small community with one school housing kindergarten through twelfth grade, by August of 1987 Coppell had grown to include three elementary schools, two middle schools, and one high school. Austin Elementary was the first elementary school built with the new architectural plan that led the way for the additional seven elementary schools added over the next 10 years.

Mustang pride and the school motto, "Just for today, I will do my best!", are part of Austin's heritage. It has a student body comprised of a diverse mix of energetic students, parents who are supportive and involved in their children's education, and a dedicated and committed staff who do everything in their power to ensure success for all students.

In honor of this special anniversary, Austin Elementary is creating a "Thanks for the Memories" personalized brick patio to commemorate the many teachers and families that have been a part of Austin Elementary over the past 20 years. On April 29, 2007 at 2:30 p.m., a dedication ceremony will take place and all current and former staff, students and parents are invited to share in this celebration.

Madam Speaker, I am honored to have had this time to honor the 20th anniversary of Barbara S. Austin Elementary School.

THE 12TH ANNIVERSARY OF THE OKLAHOMA CITY BOMBING

HON. DIANE E. WATSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Ms. WATSON. Madam Speaker, this Wednesday, April 19, 2007 marks the 12th anniversary of the Oklahoma City bombing that claimed 168 lives and left over 800 injured. 19 of the victims were children. On the occasion of the 12th anniversary of the Oklahoma City bombing, I want to acknowledge those who lost their lives as well as the family and friends left behind. I further acknowledge the selfless sacrifice and courage Oklahoma City family members made in their embrace of 9/11 family members following the attacks on the World Trade Center in 2001. The exchange that has taken place since that time is great evidence of how Americans come together in time of need.

Let us never forget those who lost their lives on this day of infamy as well as the living who have been so profoundly affected by this national tragedy.

TRIBUTE TO ARMAND "SKIP" BECOTTE, JR.

HON. BARNEY FRANK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. FRANK of Massachusetts. Madam Speaker, last Friday, while we were in recess, the Massachusetts Lions Club held a very well-deserved testimonial for Armand "Skip" Becotte, Jr., who lives in the town of Fairhaven, Massachusetts, in the district I am privileged to represent.

Madam Speaker, as many Members know, the Lions Club has made as its highest priority helping people deal with health problems, particularly in the area of eyesight. They have also worked on hearing related issues. Personally, Skip Becotte has taken as his motto the words of the great Helen Keller, in her address to the Lions Club, "Help me hasten the day when there shall be no preventable blindness; no little deaf, blind child untaught; no blind man or woman unaided. I appeal to you Lions, you who have your sight, your hearing, you who are strong and brave and kind. Will you not constitute yourselves Knights of the Blind in this crusade against darkness?"

Currently Skip Becotte is the District Governor for the Massachusetts Lions District 33S, which includes much of Southeastern Massachusetts, including all of Cape Cod and much of the district that I represent. During his governorship the Lions in District 33S have given nearly $200,000 to the Perkins School for the Blind, Massachusetts Eye and Ear Infirmary, Joslin Diabetes Center, New England Eye Center, Schepens Eye Research Institute and many other institutions.

Madam Speaker, Skip Becotte—winner of the Melvin Jones Fellow Award for outstanding service in 2001—is an extraordinary man. A retired police officer and father of five, his life exemplifies service to others. I congratulate the Lions Club for honoring this man and I am glad to share with my colleagues the story of his work because it is an inspiration to all.

HONORING THE FORT KNOX VETERAN SERVICE OFFICE

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to pay public tribute to the men and women who work in the Fort Knox Veteran Service Office. These dedicated individuals from my congressional district are deserving of our respect and admiration.

Recent global events have rightfully renewed our focus on those brave men and women, past and present, who have answered our Nation's call to service. In times of war and in times of peace we must always show our gratitude for those who have worn the uniform of the United States military.

Through their work at the Fort Knox Veteran Service Office, Paul Schlisser, Clint Meshew, Jaydean Maschak, and Mildred Meshew have made it their mission to assist fellow veterans and their survivors in obtaining benefits they have earned. Collectively, the group helped over 900 individuals in Kentucky's Second Congressional District in 2006.

As the home of Fort Knox, my district has a high population of veterans. Our government has a special responsibility to support programs and initiatives that ensure premium health care and economic stability for those Americans who stood selflessly in harm's way to preserve our most fundamental freedoms. The Fort Knox Veteran Service Office continues to do exemplary work supporting this important endeavor.

It is my great privilege to honor Paul Schlisser, Clint Meshew, Jaydean Maschak, and Mildred Meshew today before the entire House of Representatives for their continued service to our country helping fellow veterans and their survivors who need their support. They are a group of outstanding citizens worthy of our collective honor and appreciation.

IN RECOGNITION OF BISHOP ARETHA E. MORTON

HON. MICHAEL N. CASTLE

OF DELAWARE

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. CASTLE. Madam Speaker, it is with great pleasure that I rise today to recognize Aretha E. Morton for being appointed as State Bishop for my home state of Delaware in 2006.

This great honor has been bestowed upon her due to her long-standing dedication to the Baptist church. I congratulate Bishop Aretha E. Morton on an outstanding career in ministry. She began her career by singing and recording in several different Gospel groups. By the age of twenty-one, she made the decision to commit her life to the ministry and preached her first trial sermon. Her hard work as a preacher was acknowledged in 1983, when she became the pastor of Tabernacle Baptist Church, making her the first female Baptist Pastor in the State of Delaware. Ten years later, she was given another great honor when the Wilmington Fire Department appointed her as Chaplain for the Wilmington Fire Department. This honor made her the first woman and the first African American Fire Chaplain.

In 1995, she connected her church with the Full Gospel Church Fellowship. This church, now named the Tabernacle Full Gospel Baptist Church, has become the largest affiliate church of its kind in the Delaware area. In 2002, she was named the Full Gospel Baptist Church Fellowship's District Overseer of the

Year. Her success in ministry continued when she became one of the first female bishops in the Full Gospel Church Fellowship International. Fellow clergy refer to her as "Mother" and in September of 2005 she was even listed on Gospel Today's "World's Most Loved Pastors" List, illustrating her respected, humble and revered reputation.

After over 40 years of bringing her love, talents, and enthusiasm to the Baptist ministry, she was appointed Bishop of the Baptist Church for the State of Delaware. I can think of no candidate more deserving of our recognition and praise than Bishop Aretha E. Morton. I congratulate Bishop Morton on an exceptional career of service and dedication.

RECOGNIZING TRAVIS JAMES FOSTER FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Travis James Foster, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Travis has been very active with his troop, participating in many scout activities. Over the many years Travis has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Travis James Foster for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE ON THE PUBLIC SERVICE OF RON GRIFFIN AND HIS SON, KYLE

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GARRETT of New Jersey. Madam Speaker, last month, one of my constituents, Ron Griffin, journeyed to Iraq. His son, Kyle, had been killed while serving in Iraq. Mr. Griffin wanted to meet with men and women who were now serving there and with Iraqi citizens who were living through the war there.

His trip was not sanctioned by our Government. In fact, the State Department and Pentagon tried to talk him out of taking it for fear for Mr. Griffin's safety. But, showing the same determination and commitment that his son and his son's fellow servicemembers demonstrate to the world every day, Mr. Griffin found his way to Iraq any way.

In the face of constant media and political attention on Iraq, sometimes it seems that the negative news dominates coverage and it is easy to forget the many positive acts about which we may never hear. Mr. Griffin is on a mission to show the world how extraordinary the men and women serving in Iraq are and how hopeful they and the Iraqi people are for a better future. He says that what he saw in Iraq can be summed up in three words: "Professionalism. Humanity. Spirituality." And, I would like to share his thoughts on his trip in his own words:

> I journeyed to Iraq for this is where my son died helping to free a nation. I came on my own dime without the sponsorship of anyone. I simply desired to experience through my own eyes a sense of what the true reality of life on the ground in Iraq is from the words of and the ability to observe the people who populate the Kurdish area in the northern and eastern portion of Iraq and from our service members wherever I had the honor of meeting with and speaking to the true American Idols of our lifetime.
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> I went not as some distraught father searching for that elusive feeling of closer that all so many believe that I must attain in order to move on. I abhor that statement. It is not the manner in which I mourn or honor my son and every other Fallen Hero. Each day of my life I endure the numbing sadness that is the reality of Kyle's death while in simultaneously I have been comforted and supported by the fathomless depths of human kindnesses. I am saddened for all those who never had the pleasure of meeting my son, the other Fallen Heroes or any of those other magnificent individuals who have served and serve us this day. You have lost more than I have for I have been honored to have walked among greatness.
>
> I came however with a pre-disposed political bent that is in total support of our mission and for doing whatever and for how long it takes for the successful completion of our mission. Having spent nearing two weeks living among the Kurdish people, journeying from Erbil to Duhok to Barzan and countless locations in between and then traveling from Harbor Gate on the Turkish border in the north down through Mosul, Tikrit and finally to Baghdad with the members of our magnificent military I am today an American father who knows unquestionably and steadfastly that the price my son paid to liberate Iraq was worth every ounce of blood and sweat he sacrificed. However it is not from the political perspective that I have reached that conclusion but rather from the depths of the humanity of the Kurdish people and the majesty in which our military conducts themselves while in service to us.
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> Somewhere in the recesses of my consciousness I am continually reminded that somehow I have been put on this path for a purpose and that could not have been made more perfectly clear than by what I have experienced these past two weeks. I have long bridled under the incessant negativity that the vast majority of the media portrayed as the reality of Iraq. That notion was ripped from my perspective when I was told outright by the Soldiers that they knew that regardless of how many ribbons they helped cut, schools they opened, or lives they improved on any given day that if one bomb went off in Baghdad the story that would be told would be the boom story. They felt bad for the American people for they would then not be able to share in the joyous satisfaction that the soldiers and the Iraqi people had experienced. They are over that and now so am I. Likewise I was somewhat consumed with the hypocrisy of those who mouth the words of support for the troops while calling their mission a failure and wanting to end it. I thought that such statements were hurting the troops as they served us. I am now ashamed of my lack of insight to what indeed is the reality of Iraq, or at least that part of and the people of that part that I journeyed through. Almost universally the troops told me that they simply do not have the time to be involved in the political aspect of what they are doing for to do so would interfere with the performance of their job and that is the primary mission to every Soldier. It finally became clear to me from my many conversations that while they, like most human beings would most certainly would appreciate the unending support of the American people especially as they endure all the hardships of being Soldiers, they will perform every task assigned to them for they are consummate professionals through and through. They do their job because they are individuals of the highest moral character who have sworn an oath to protect and defend this country and nothing will prevent them from doing just that. To watch them do their jobs is liken to viewing Tiger Woods march through a golf course. The Soldiers just wear different clothes.
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> Stepping off the plane in Erbil, a city of over 1 million residents and the capital of the Kurdish region, you can not help but be stunned by the majestic vistas, impressed by the precision and competency of the personnel at the airport and be totally astonished by the expansion that is taking place on every section of the now Erbil International Airport and the city itself for you must continually remind yourself that indeed you are in Iraq! The physical part of the Kurdish region is simply breathtaking in it's scope and beauty, while the emotional aspect is riveting in its intensity and vibrancy. Freedom permeates from every inch of this land and in that sense of security, optimism resounds. The entire region appears to be one vast construction site with building and improvements going on everywhere. One only has to travel but a few short blocks in any direction and the examples of rapid and real progress stun your senses. I have likewise traveled to the hinterland where the amenities of life are Spartan but in both locations the quality of the Kurdish people bring joy to all those that have the privilege of meeting them. They seem to have been born with a perpetual warm and engaging smile and a sincere and genuine greeting for all those that they come in contact with. Eye contact is never absent from the conversation, nor is the ever-present wry smile that can burst into uncontrolled laughter at any time. One need to only ride down the road from Erbil to Khanzad, a 15 Km drive from central Erbil to experience the joy of these wonderful people. There are endless picnics ongoing during this month of celebration. Children laugh, play and fly their kites, men play music or dance while the women in festive and shimmering colored native dress organize the feeding of everyone.
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> Each and every conversation is filled with the personal atrocities that they have all endured. Atrocities that they will forever remember and will not allow anyone to forget but amidst those stories of horror lurks absolutely no seething need for revenge. They know full well that there is no time or place for revenge and recrimination. They live with the horror of yesterday and look to the future with optimism and eternal thanks for the help and support of the American people in helping them gain their total freedom. Thank you and welcome are part of every conversation. From Harbor Gate to Mosul to

Tikrit to Baghdad back to Tikrit, with a honored stop at Diyala, to Mosul and then finally back to Erbil I have been simultaneously overwhelmed, stunned and awe struck by the extraordinary professionalism of every soldier I personally meet and those I only had the opportunity to observe without them ever knowing that I was watching. I learned of an organization that cares deeply, profoundly and personally for the well being of every individual within its ranks, while every individual member is willing to sacrifice their very being for every other individual member. That is why they go about what they call their job but what I refer to as their passion with a clarity of purpose that humbles you to your knees. In this organization everyone and I mean everyone knows that they are first and foremost a soldier who is fully trained and prepared to go into battle should the need occur but they likewise perform a multitude of vast ranging tasks that they have been highly trained for to highest possible professional standards. They completely understand their specific task and perform it superbly for they know full well that every individual soldier is equal in their value and importance to the successful completion of the mission.

The words COMPLEXITY and PROFESSIONALISM scream at you as you begin to understand all that is going on all about you. From the formation of a huge truck convoy, to the logistical requirements of a division, to the combat readiness of squadrons of Blackhawks to the coordination of the divergent aspects of public affairs one can not help but be stunned the complexity of our effort in Iraq and most importantly the professionalism in which the effort is carried out.

Accompanying that professionalism is the humanity of these Soldiers who have sacrificed so much for us and of which we sadly know so little. Their stories should be told and retold for they are the heroes that we should be emulating. In Baghdad I was fortunate to be allowed to stay in visitors quarters and was escorted by a National Guard Unit from Kentucky. I like most people had a somewhat diminished view of the National Guard. I got to know these individuals quite well and dramatically experienced that same level of professionalism first hand. I was learning the history of the county in Kentucky where my escort was from when a fire fight broke out across the lake. After a number of minutes of continuous fighting the Sgt's unit was notified that they would be joining the fight. In an instant the calm of the mess was transformed as these soldiers prepared for combat. Three vehicles and 15 men would be heading out to the streets of Baghdad. Everyone knew their job precisely. The guns were mounted as the computers were spun up. Communications were checked and every individual soldier completed their own mental checklist. As if in a heart beat I watched as men did what I initially thought was a transformation from escort to Soldier but what I watched was in fact was a Soldier performing one job and then another, both to the highest professional standards.

Over the next few weeks Americans will argue over and eventually vote for their choice as to who is going to get the title of "AMERICAN IDOL ". They will watch transfixed as young athletes perform at the highest possible level to gain the title of National Champion of College Basketball. Millions will flock to the baseball stadiums of America to watch in awe as their teams begin their long journey to be named as The World Champions of Baseball. All that should pale before your eyes for those Wondrous Warriors who seek not the accolades but unselfishly protect your very freedoms have already earned the right to be crowned as World and National Champions and are in fact "THE TRUE AMERICAN IDOLS" for everyday they place their lives on the line for us.

"CONGRATULATING THE NATIONAL JROTC MIDDLE SCHOOL CHAMPIONS OF T.C. MARSH JUNIOR HIGH"

HON. PETE SESSIONS

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. SESSIONS. Madam Speaker, I rise today to proudly recognize T.C. Marsh Junior High School as the home to the National Junior Reserve Officer Training Corps (JROTC) Middle School Champions. Thirty-five of the school's 217 unit members qualified for the competition which was held on March 31 in Dallas. Under the guidance of teacher David Bates, the students competed against units from all over the country. Bates served for the army as a corporal in the First Calvary. As a former Florida Gator football player, Bates coaches W.T. White varsity softball and football teams and until this year, coached 8th grade football, basketball and baseball at T. C. Marsh. I congratulate David Bates and the students of T.C. Marsh Junior High School for their well-deserved victory and wish them all the best in future endeavors.

HONORING HISPANIC VETERANS OF WORLD WAR II

HON. LINDA T. SÁNCHEZ

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Ms. LINDA T. SÁNCHEZ of California. Madam Speaker, I proudly join my colleagues today to pay tribute to the contributions of Latinos who served in our Armed Forces during World War II. As we were painfully reminded by the complete omission of Hispanics from a PBS documentary on World War II, the important contributions of Latinos, native born, as well as immigrants, are too often overlooked and forgotten.

From the American Revolution, a victory that established our Nation; to the Civil War, a victory that preserved our Nation; to the current wars in Iraq and Afghanistan, Hispanics have played an instrumental role.

From Hispanic business owners to day laborers to the growing number of Hispanics in executive level positions, Hispanics are ingrained in the fabric of our strong Nation. As the largest and fastest growing minority in the Unites States, Hispanic participation in all segments of society is not only essential but apparent. It should not be surprising, then, that Hispanics also serve our nation in one of its most patriotic duties—the heroic defense of our country.

During World War II, Hispanics served in greater proportions than any other minority in the U.S. Armed Forces with the number of Hispanics serving likely peaking at well over 400,000. Although proper record keeping of Hispanics in the armed forces was not kept until after World War II, we have a multitude of accounts of Hispanic participation. One famous example is Company E of the 141st Regiment of the 36th Texas Infantry Division, which was made up entirely of Spanish-speaking Americans. For their notable service they were awarded 1,685 Bronze Stars, 492 Silver Stars, 31 Distinguished Service Crosses, 12 Legions of Merit, and 11 Soldier's Medals.

One individual example is Staff Sergeant Ysmael R. Villegas. A California native, he served in the United States Army during World War II. At the Battle of Luzon in the Philippines, he stepped up to lead his squad in a counterattack of the enemy and single-handedly cleared five installations of heavy machineguns. Upon taking the sixth and final area of firing, and at only twenty-one years old, Staff Sergeant Villegas was killed in action. For his bravery, President Harry Truman posthumously awarded him the Medal of Honor.

There are countless stories of heroism like Staff Sergeant Villegas'. Hispanics disproportionately earned more Medals of Honor in the 20th Century than any other major subgroup. From the Civil War to the Vietnam War, there have been thirty-nine Hispanic Americans who have received the Medal of Honor. Twenty-two of them sacrificed their lives in combat in service to the United Stated Navy, Army, and Marines.

According to the latest Census, there are over 1.1 million living Hispanic veterans of the U.S. Armed Forces. And this number is expanding. Since November 2006, 25,300 Hispanics have been deployed for service. According to the Department of Defense, Hispanics have endured the most deaths for a minority group in Operation Iraqi Freedom and Operation Enduring Freedom. Our country honors their service as well as those who have served in the past.

I encourage all Americans to take the opportunity to recognize and continue to learn about the role Hispanics played in World War II and throughout our nation's history. It is an integral part of the American story. Without these contributions and sacrifices, America would not be what it is today.

TRIBUTE TO MRS. CINDY CARLSON

HON. PETER J. VISCLOSKY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. VISCLOSKY. Madam Speaker, it is with great pleasure that I stand before you today to honor Mrs. Cindy Carlson upon her retirement from her position as Secretary for Sub-District 5, District 7 of the United Steelworkers. I have known Cindy for many years, and she is one of the most involved citizens I have ever known, especially when it comes to her service to the United Steelworkers. Cindy has been a member of the staff at District 7 for an astonishing 31 years, and her contributions to the organization are immeasurable. For her efforts and many contributions to Sub-District 5, District 7 and the United Steelworkers, there will be a retirement celebration in Cindy's honor on Friday, April 20, 2007, at Andorra Banquets in Schererville, Indiana.

Cindy Carlson was born and raised in Saint John, Indiana. She began her career with the United Steelworkers of America in 1976 as Staff Secretary in what was then Sub-District 2 of District 31. From there, Cindy moved up to become the Secretary for the SubDistrict 2 Director, a position she held from 1981–1988. Then in 1988, recognizing Cindy's skills and abilities, Director Jack Parton assigned Cindy to the position of Secretary for the Assistant Director and the Civil Rights/Safety and Health Coordinator. Though these new responsibilities would have been enough for most people, Cindy also took on the position of Secretary for the District 31 Steelworkers Organization of Active Retirees (SOAR). From there, Cindy went on to become Executive Secretary to the Director of District 31 in 1995. After redistricting took place in 1996, and District 31 changed to District 7, Cindy was reassigned to the Organizing Department. During this time, her experience and expertise was fully utilized, as she served in many secretarial capacities with District 7. Finally, in 2004, Cindy was awarded the position of SubDistrict 5 Secretary, which she held until her retirement on March 1, 2007. During this time, she also served as Secretary for the District 7 Women of Steel and for the Contracting-Out Coordinator, Mike Mezo.

In addition to the impressive career Cindy has had with District 7, she has also served as a dedicated member of the International United Steelworkers Clerical Union, Local 3657, where she once again utilized her many talents as a member of several committees. Cindy's knowledge of the Union and her field, along with her complete commitment to improving conditions for the steelworkers in her district, has made her one of the most well-respected individuals the First Congressional District has produced. While she will remain in contact with those with whom she has worked, her daily presence will surely be missed by all of her colleagues.

Now retired, Cindy is committed to spending her time with those closest to her, her family. A devoted wife, mother, and grandmother, Cindy's commitment to the United Steelworkers and its members is surpassed only by her dedication to her family. Cindy and her husband, Lyle, remain in Northwest Indiana. They have been blessed with one daughter, Heather, and her husband Chad, as well as Cindy's loving grandson, Alex, whom she truly adores. While Cindy will be enjoying her retirement with them, and with her mother, Ellen Hogan, there is no doubt that Cindy will remain committed to several organizations, including the Tri-Town Labor/Democratic Organization, which she founded in 2005, the Saint John Junior Women's Club, the VFW Post 717 Ladies' Auxiliary, and of course, SOAR.

Madam Speaker, Cindy Carlson has given her time and efforts selflessly to the members of the United Steelworkers for the past 31 years. At this time, I ask that you and all of my distinguished colleagues join me in wishing her the best upon her retirement and commending her for her lifetime of service and dedication.

RECOGNIZING KEVIN AARON LEWIS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Kevin Aaron Lewis, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Kevin has been very active with his troop, participating in many scout activities. Over the many years Kevin has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Kevin Aaron Lewis for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

PERSONAL EXPLANATION

HON. TOM FEENEY

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. FEENEY. Madam Speaker, I would like to express my regret for missing votes on the House floor on Monday, March 26, 2007. I was delayed in my district as a result of a canceled flight.

TRIBUTE TO MR. DAVID J. LYNCH

HON. BILL SALI

OF IDAHO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. SALI. Madam Speaker, I rise to honor and express appreciation for Mr. David J. Lynch of Meridian, Idaho. Mr. Lynch is not only a great Idahoan, he is also a great American. He served our country as an enlisted member of the U.S. Navy and served in World War II on the USS *Tappahannock*. His life of service did not end with the war. He has continued to give his time and energy freely up until this very day as a grassroots volunteer for the Jade Bar-Shalom Books for Israel Project.

As Rena Cohen, a co-founder of the Project has said: Mr. Lynch "is a most extraordinary citizen of the United States and has done much to extend the hand of friendship and solidarity of the people of the United States to the children of Israel threatened by terrorism, and sadly, deprived of basic learning materials as funding for Israel's public school system has of necessity been diverted to defense during the last few years."

Jade Bar-Shalom Books for Israel Project provides used English books that are still in good condition to school libraries in Israel and is an excellent example of what can be done when committed individuals sacrifice time and energy for the sake of a cause greater than themselves.

Mr. Lynch should be honored for a lifetime of service not only to Idaho and the United States, but also to those in need in a very troubled part of the world. It is for that reason that I rise to ask my colleagues to join me in recognizing this fine American.

RECOGNIZING EVAN WRIGHT FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Evan Wright, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Evan has been very active with his troop, participating in many scout activities. Over the many years Evan has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Evan Wright for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN RECOGNITION OF GERALD A. ESPOSITO

HON. NYDIA M. VELÁZQUEZ

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Ms. VELÁZQUEZ. Madam Speaker, I rise today on the floor of the U.S. House of Representatives to recognize Gerald (Gerry) A. Esposito, District Manager of Community Board 1 in Brooklyn, leader within our community, and lifetime resident of the Greenpoint-Williamsburg community, for 30 years of public service.

Born on March 7, 1954 at St. Catherine's Hospital on Bushwick Avenue, Gerald is a product of Brooklyn Public Schools. As he moved on in his academic career, receiving a bachelors of science from the C.U.N.Y. Graduate Center, and a masters degree in public administration at John Jay College of Criminal Justice. Gerry remained loyal to the city of New York and later he successfully graduated from the city's Executive Training "Top Forty Program".

While in college, Gerry became interested in community and public service. Volunteering with the Boy Scouts of America, VISTA, and the Peace Corps, his dedication to improving the community was obvious to all. After gaining employment in the nonprofit and local government sectors, in 1977 he was hired by the

Community Board No. 1—the youngest district manager in the city of New York. Thirty years later, there is no aspect of that board that has not been enriched by his guidance. A strong advocate for the delivery of city services to the community, he has successfully addressed a complex range of matters relating to the public welfare, the district, and its residents.

In addition to the long years of public service, Gerald's commitment to the residents of Brooklyn has been unyielding. Socially conscious and philanthropic, Mr. Esposito is a loyal supporter and member of various fraternal organizations and alumni associations. President of the Seneca Club, Scout Master of Troop 604, and appointed Chairman of the Boy Scouts of America in the Lenape Bay District are just a few of the many roles our residents rely on this advocate's generosity to fill. It is truly uplifting to know that Williamsburg/Greenpoint has invested their trust in a public servant, wholeheartedly dedicated to the betterment of our community.

Therefore, Madam Speaker, I rise with my colleagues in the House of Representatives to honor the 30 years of public service and contributions of Gerald A. Esposito in Williamsburg and Greenpoint in Brooklyn, New York.

TRIBUTE TO MALDEN CATHOLIC HIGH SCHOOL ON THE OCCASION OF THE 75TH ANNIVERSARY OF THE SCHOOL

HON. EDWARD J. MARKEY

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. MARKEY. Madam Speaker, I am proud to say that on April 29, 2007, my alma mater Malden Catholic High School will celebrate 75 years of Xaverian Brothers education in my hometown of Malden, Massachusetts.

Since 1932, Malden Catholic has graduated over 8,000 alumni. Currently, 700 young men from over 45 Massachusetts cities and towns are educated at Malden Catholic.

Malden Catholic has created a community of faith that promotes the dignity of all. The high school is dedicated to the spiritual, intellectual, creative, social, and physical development of its students.

In 2006, Malden Catholic was named "One of America's Top 50 Catholic High Schools" by the Catholic High School Honor Roll.

Malden Catholic was honored in 1999 when it was named "One of America's Outstanding High Schools" by US News & World Report.

The Malden Catholic Community embraces the challenge put forward in its mission, "Plus Ultra," which means "More Beyond." The Community as a whole works diligently to ensure that a Malden Catholic education continues to be available to a variety of deserving young men from a variety of social and economic backgrounds.

Madam Speaker, I offer my heartfelt congratulations to Malden Catholic High School as the school celebrates 75 years of excellence. I thank the faculty, alumni, students, and parents who make Malden Catholic one of the greatest high schools in America.

TRIBUTE TO ARNIE C. GLASSBERG

HON. FORTNEY PETE STARK

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. STARK, Madam Speaker, I rise today to pay tribute to Arnie C. Glassberg, Superintendent of the San Lorenzo Unified School District in San Leandro, California. Mr. Glassberg is retiring after having served as an educator and administrator for 37 years. He has been employed by the San Lorenzo Unified School District for the last eight years, serving as Assistant Superintendent of Business Services and currently as Superintendent.

Mr. Glassberg began his career in education as a junior high school teacher and counselor. After leaving the classroom he spent several years in special education as a program specialist, assistant and principal. With several years of school site level experience behind him, Mr. Glassberg accepted a position as Director of Instruction for a unified school district. While in that position he was asked to move from education to business support and assume the position of acting assistant superintendent, business services.

For the next 22 years, Mr. Glassberg worked as a chief business official and deputy superintendent in a variety of school districts where he was responsible for the construction of new schools and the modernization of old schools.

As Assistant Superintendent of Business Services at the San Lorenzo Unified School District, Mr. Glassberg was instrumental in the development of a partnership with Dell Computers. This partnership resulted in an eLearning project that put laptops in the hands of almost 5,000 students.

As Superintendent, Mr. Glassberg was instrumental in the development of Small Learning Communities to better serve high school students. The Small Learning Communities are based on student interest in building strong relationships with teachers during their high school years. The San Lorenzo Unified School District now offers six Small Learning Communities as well as a traditional high school program to enhance students' learning experience.

Mr. Glassberg has many professional and personal achievements of which he can be proud. He has been asked to share his many years of expertise and experience in education related matters at numerous conferences. He is certified in a number of education specialties.

On May 15, 2007, Mr. Glassberg will be honored at a reception. I join his colleagues and admirers in thanking him for his service to our students and teachers. He is an exemplary educator and an administrator who has left his mark and made a positive difference.

RECOGNIZING JOSHUA PATRICK ZANS FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joshua Patrick Zans, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Joshua has been very active with his troop, participating in many scout activities. Over the many years Joshua has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joshua Patrick Zans for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

TRIBUTE TO THE 100TH ANNIVERSARY OF THE SUSQUEHANNA COUNTY HISTORICAL SOCIETY AND FREE LIBRARY ASSOCIATION

HON. CHRISTOPHER P. CARNEY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. CARNEY. Madam Speaker, I rise today to recognize the 100th anniversary of the Susquehanna County Historical Society and Free Library Association. The Susquehanna County Historical Society and Free Library serve all of Susquehanna County, providing books, services, education, and historical information to all of the residents of Susquehanna County.

The Cope family of Philadelphia and Dimock had expressed interest in the founding of a free public library, and working with the Historical Society, in 1907 merged to better serve the people of Susquehanna County. The Historical Society and Library headquarters were opened in 1907 at the corner of Monument Square and Maple Street in Montrose. The building was expanded in 1957, adding a museum space and a Children's room. In the first year of the Library's operation, circulation was almost 14,000, and last year in 2006, circulation was a quarter of a million.

The Library now serves as a headquarters for the county library system. Three other locations throughout the county also offer books, CD's, videos, computers and internet access, and other services and materials to all of Susquehanna County. The access is not limited to those who are able to visit the library, but all inhabitants of Susquehanna County. Programs such as Books-by-Mail, Books-on-Wheels and Books for the Blind allow books to reach residents throughout the county. Outreach librarians bring collections of books and other items to deposit stations, as well as throughout the county to classrooms, day cares, nursing homes, and preschools.

The Historical Society and Museum, founded by W.C. Cruser, occupies the top floor of the Montrose building. The Museum charges no admission and draws thousands of visitors every year from throughout Susquehanna County. Described as a "jewel of the county," the museum's incredible collections of art, toys, photographs, tools, clothing, weapons, and other artifacts serve as a testament to the history of Susquehanna County.

In closing, Madam Speaker, I ask my colleagues to join me in recognizing the Susquehanna County Historical Society and Free Library Association for their 100 years of distinguished service to Susquehanna County and the United States of America.

TRIBUTE TO JOSEPH TOMASI

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Ms. KAPTUR. Madam Speaker, on April 9, our community lost a giant of a man dedicated to the greater good and betterment of all. Joseph Tomasi, lifetime labor union leader and resident of Ohio, passed from this life to the next at the age of 86 after a decade long and valiant struggle with kidney disease. He loved his family and community and devoted his noble life to the cause of working men and women.

For nearly all his life, Mr. Tomasi built the labor movement within Ohio and America. In an effort to stand up for what he believed in, Mr. Tomasi lost his first job because of participation in union activities, and later dedicated his life to this cause. He served our Nation during World War II in the United States Army and was awarded the Purple Heart medal. When he returned, Mr. Tomasi continued to exhibit his dedication to his community by working as the director of Region 2B for the United Auto Workers for 17 years. Even after retirement, Mr. Tomasi helped to establish and served on the board for the Northwest Ohio Cooperative Labor Management Center at the University of Toledo. His efforts there saved thousands of jobs in our region through careful attention to negotiated workouts and settlements and gained respect from all involved.

Joe Tomasi showed compassion to all. He gave back to the community every chance he was given. He served on numerous boards and committees throughout the Northwest Ohio area, always striving to help bridge the gap between management and labor.

Mr. Tomasi's calm and collected manner, his keen insight and unbounding enthusiasm will be missed by all. He always fought for the underdog—in his profession, his community, and his politics. His spirit inspired all those who knew him. May God royally bless him for a life lived for others. We extend our deepest sympathies to Mr. Tomasi's daughter, son, grandchildren, brothers and sister and extended family. We know Joe joins his childhood sweetheart, Evelyn, in the heavens beyond.

RECOGNIZING JOSEPH WHALON FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Joseph Whalon, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Joseph has been very active with his troop, participating in many scout activities. Over the many years Joseph has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Joseph Whalon for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

IN HONOR OF THE EQUALITY RIDERS

HON. JERROLD NADLER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. NADLER. Madam Speaker, I rise today to pay tribute to an extraordinary group of young adults—The Equality Riders—who have dedicated 2 months of their lives, traveling thousands of miles, visiting 32 colleges and universities around the country and talking to countless students, faculty members and staff in pursuit of social justice.

The spirit of The Equality Ride was born out of the recognition that homophobia is globally pervasive and that no country, state, city, community or school escapes its reach. The Equality Ride offers a unique opportunity for student activists to dedicate their time and energy in the pursuit of Lesbian, Gay, Bisexual and Transgendered equality through the practice of nonviolent resistance and educational campaigns.

I embrace the spirit of The Equality Ride and these leaders in the fight for social justice. The participants of the Equality Ride as well as its supporters have changed numerous lives, raised awareness and challenged notions regarding homosexuality through both on and off campus activities.

While conducting their work on the various campuses, riders confront some of their harshest critics and engage in structured dialogue with the academic community through classroom presentations, panel discussions, school-wide forums and film screenings as well as informal interactions. Outside of the college and university campuses, communities have welcomed the riders to share in worship, potlucks, fundraisers and meetings.

I applaud these riders and their supporters who have tirelessly waged a campaign of truth based on the nonviolent practices of Dr. Martin Luther King, Jr. and Mahatma Gandhi to end the cycle of fear and misunderstanding that causes this vicious form of prejudice. As the Chairman of the Subcommittee on the Constitution, Civil Rights and Civil Liberties, it is my great honor to pay tribute to these visionary young people and congratulate them on their courage, determination and dedication.

RECOGNIZING ALEX J. MARTIN FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. SAM GRAVES

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. GRAVES. Madam Speaker, I proudly pause to recognize Alex J. Martin, a very special young man who has exemplified the finest qualities of citizenship and leadership by taking an active part in the Boy Scouts of America, Troop 264, and in earning the most prestigious award of Eagle Scout.

Alex has been very active with his troop, participating in many scout activities. Over the many years Alex has been involved with scouting, he has not only earned numerous merit badges, but also the respect of his family, peers, and community.

Madam Speaker, I proudly ask you to join me in commending Alex J. Martin for his accomplishments with the Boy Scouts of America and for his efforts put forth in achieving the highest distinction of Eagle Scout.

CONGRATULATING KATY RHOADES, ELIZABETH GHELETA AND PATRICIA BROWN ON BEING AWARDED A JEFFERSON AWARD FOR PUBLIC SERVICE

HON. TOM LANTOS

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Monday, April 16, 2007

Mr. LANTOS. Madam Speaker, I rise today to bring attention to three remarkable women in my Congressional District in California. These women are distinguished recipients of the prestigious Jefferson Award for Public Service in 2006. I would like to express my own personal gratitude to these women and share their stories with my colleagues.

Katy Rhoades is an extraordinary volunteer who has devoted herself to improving the quality of life of people with disabilities. She became an advocate for the disabled when her son, Kit, was first diagnosed with spina bifida. Katy left a career in the insurance industry to care full-time for her son. While she worked tirelessly with Kit, she also managed to find the time and energy to work with others with disabilities in San Mateo County. I am happy to announce that her son, now 21, has become a successful, independent young man and is currently enrolled at Cañada College in Redwood City. Katy has continually given of herself, tirelessly advocating for people with disabilities.

Her work on behalf of disabled people includes serving on the San Mateo County Commission on Disabilities, the Health Plan of San Mateo, the Meals on Wheels Coalition, New Beginning Coalition and the Second Harvest Food Bank. Katy has also worked with the California Children Services and the Far-West Wheelchair Sports Association. Katy developed the "Transition to Independence Fair" to help children with disabilities as they grow into adulthood. This unique fair now takes place every other year and is growing in importance. Katy Rhoades is an incredible ally and friend to people with disabilities. She has made her community in the Bay Area a better place for everyone.

Madam Speaker, Elizabeth Gheleta is another recent winner of the Jefferson Award. She has helped rebuild the lives of thousands of San Mateo County jail inmates and former inmates, and has also provided support and assistance to their children and families.

A long, distinguished career with the San Mateo County Service League has made Elizabeth Gheleta an invaluable and integral part of the agency's history. When Proposition 13 closed down the Service League in 1978, Elizabeth took on a leadership role that salvaged it. She built the Service League into a well-established, non-profit community organization with 25 staff members and over 500 dedicated volunteers.

This tireless and visionary woman expanded local in-jail resources to include educational programs, religious services, substance abuse counseling, and life skills to aid in the transition back into society. Elizabeth's success with the Service League has resulted in similar programs that have given hundreds of former inmates and their families a second chance in life.

Elizabeth Gheleta has spent 38 years with the Service League, and her recent retirement will leave a large void in the agency, but we can all take comfort in the knowledge that she leaves behind a strong and essential pillar of our community. She refused to give up on prison inmates and has given countless men and women the skills and support they need in order to return to productive lives in our society.

Madam Speaker, the third, and certainly not last, extraordinary woman I want to tell you about is Patricia Brown, who has retired from the Peninsula Conflict Resolution Center after 20 years of service. She has been the Executive Director of PCRC since 1992, guiding the non-profit organization in its mission to provide conflict management and resolution services in San Mateo County. This remarkable organization has grown under Patricia's leadership and today trains people to communicate and solve problems together, through constructive means. Through her vision and commitment, conflict resolution today not only involves adults, but children in school as well.

Patricia is also an active community volunteer, involving herself in the creation and development of a number of partnerships, including development of the Multi-Option Alternative Dispute Resolution Program. She has served on the California Judicial Council's Collaborative Justice Courts Advisory Committee and was involved in an innovative alliance of San Mateo County non-profits known as Thrive. A founding member of the California Dispute Resolution Council and its non-profit partner, the California Dispute Resolution Institute, Patricia can point to countless success stories relating to successful conflict resolution.

Madam Speaker, let me recognize with great pride Katy Rhoades, Elizabeth Gheleta and Patricia Brown, three women who have devoted their lives to making our community a stronger, safer and more vibrant place to live. These women are gems in San Mateo County and an inspiration to all of us. I am honored to be able to highlight their accomplishments.

SENATE COMMITTEE MEETINGS

Title IV of Senate Resolution 4, agreed to by the Senate on February 4, 1977, calls for establishment of a system for a computerized schedule of all meetings and hearings of Senate committees, subcommittees, joint committees, and committees of conference. This title requires all such committees to notify the Office of the Senate Daily Digest—designated by the Rules Committee—of the time, place, and purpose of the meetings, when scheduled, and any cancellations or changes in the meetings as they occur.

As an additional procedure along with the computerization of this information, the Office of the Senate Daily Digest will prepare this information for printing in the Extensions of Remarks section of the CONGRESSIONAL RECORD on Monday and Wednesday of each week.

Meetings scheduled for Tuesday, April 17, 2007 may be found in the Daily Digest of today's RECORD.

MEETINGS SCHEDULED

APRIL 18

Time to be announced

Homeland Security and Governmental Affairs

Business meeting to consider the nomination of Gregory B. Cade, of Virginia, to be Administrator of the United States Fire Administration, Department of Homeland Security.

S–216, Capitol

9:30 a.m.

Agriculture, Nutrition, and Forestry

To hold hearings to examine economic challenges and opportunities facing American agricultural producers today, focusing on livestock, poultry and competition issues.

SD–106

Armed Services

Airland Subcommittee

To hold hearings to examine whether the Army is properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat in review of the Defense Authorization Request for fiscal year 2008 and the Future Years Defense Program.

SR–222

10 a.m.

Finance

To hold hearings to examine the Administration's plan for reducing the tax gap, focusing on goals, benchmarks, and timetables.

SD–215

Health, Education, Labor, and Pensions

Business meeting to markup S. 1082, to amend the Federal Food, Drug, and Cosmetic Act to reauthorize and amend the prescription drug user fee provisions, and the nominations of Douglas G. Myers, of California, Jeffrey Patchen, of Indiana, Lotsee Patterson, of Oklahoma, all to be Members of the National Museum and Library Services Board, Stephen W. Porter, of the District of Columbia, to be a Member of the National Council on the Arts, and Cynthia Allen Wainscott, of Georgia, to be a Member of the National Council on Disability.

SH–216

Commerce, Science, and Transportation

Interstate Commerce, Trade, and Tourism Subcommittee

To hold hearings to examine if "Free Trade" is working.

SR–253

Rules and Administration

To hold hearings to examine repealing the limitation on party expenditures on behalf of candidates in general elections.

SR–301

Small Business and Entrepreneurship

To hold hearings to examine Public Law 107–204 (Sarbanes Oxley Act) and small business addressing proposed regulatory changes and their impact on capital markets.

SR–428A

Appropriations

State, Foreign Operations, and Related Programs Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for maternal and child health, and family planning and reproductive health.

SD–124

Veterans' Affairs

Business meeting to markup the nomination of Thomas E. Harvey, of New York, to be an Assistant Secretary of Veterans Affairs (Congressional Affairs).

Room to be announced

2:15 p.m.

Library

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.

S–115, Capitol

2:30 p.m.

Appropriations

Energy and Water Development Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Energy.

SD–138

Environment and Public Works

To hold hearings to examine the nomination of Lieutenant General Robert L. Van Antwerp, Jr. to be Chief of Engineers and Commanding General of the United States Army Corps of Engineers.

SD–406

Commerce, Science, and Transportation

Oceans, Atmosphere, Fisheries, and Coast Guard Subcommittee

To hold oversight hearings to examine the President's budget request for fiscal year 2008 for the United States Coast Guard.

SR–253

Printing

Organizational business meeting to consider an original resolution authorizing expenditures for committee operations and committee's rules of procedure for the 110th Congress.

S–115, Capitol

3 p.m.

Armed Services

Readiness and Management Support Subcommittee

Personnel Subcommittee

To hold joint hearings to examine the readiness impact of quality of life and family support programs to assist families of Active Duty, National Guard, and Reserve military personnel in review of the Defense Authorization Request for Fiscal Year 2008 and the Future Years Defense Program.

SR–232A

9:30 p.m.

Foreign Relations

To hold hearings to examine the nominations of R. Niels Marquardt, of California, to be Ambassador to the Republic of Madagascar, and to serve concurrently and without additional compensation as Ambassador to the Union of Comoros, Janet E. Garvey, of Massachusetts, to be Ambassador to the Republic of Cameroon, and Phillip Carter, III, of Virginia, to be Ambassador to the Republic of Guinea.

SD–419

APRIL 19

9 a.m.

Homeland Security and Governmental Affairs

To hold hearings to examine the impact of global warming on private and federal insurance.

SD–342

9:30 a.m.

Armed Services

To hold hearings to receive testimony on the Department of Defense's management of costs under the Logistics Civil Augmentation Program (LOGCAP) contract in Iraq.

SD–106

Judiciary

To hold oversight hearings to examine the Department of Justice.

SH–216

10 a.m.

Appropriations

Commerce, Justice, Science, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the Department of Justice.

SD–192

Finance

To hold hearings to examine grains, cane, and automobiles relating to tax incentives for alternative fuels and vehicles.

SD–215

Judiciary

To hold hearings to examine S. 1079, to establish the Star-Spangled Banner and War of 1812 Bicentennial Commission, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 221, to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts, S. 495, to prevent and mitigate identity theft, to ensure privacy, to provide notice of security breaches, and to enhance criminal penalties, law enforcement assistance, and other protections against security breaches, fraudulent access, and misuse of personally identifiable information, S. 376, to amend title 18, United States Code, to improve the provisions relating to the carrying of concealed weapons by law enforcement officers, S. 119, to prohibit profiteering and fraud relating to military action, relief, and reconstruction efforts, S. 735, to amend title 18, United States Code, to improve the terrorist hoax statute, H.R. 740, to amend title 18, United States Code, to prevent caller ID spoofing, and the nominations of Robert Gideon Howard, Jr., of Arkansas, to be United States Marshal for the Eastern District of Arkansas, Frederick J. Kapala, of Illinois, to be United States District Judge for the Northern District of Illinois, and Benjamin Hale Settle, of Washington, to be United States District Judge for the Western District of Washington; and the possibility of the issuance of certain subpoenas in connection with the investigation into the replacement of United States Attorneys.

SD–226

Appropriations

Military Construction and Veterans' Affairs, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for miltary construction for the Army, Navy, and Marine Corps.

SD–138

Commerce, Science, and Transportation

Science, Technology, and Innovation Subcommittee

To hold hearings to examine United States competitiveness through basic research.

SR–253

Appropriations

Transportation, Housing and Urban Development, and Related Agencies Subcommittee

To hold hearings to examine rising highway fatalities.

SD–124

2 p.m.

Homeland Security and Governmental Affairs

Federal Financial Management, Government Information, Federal Services, and International Security Subcommittee

To hold hearings to examine the current state of the Postal Service along with the efforts underway to implement the Postal Accountability and Enhancement Act (Public Law 109–435).

SD–342

2:30 p.m.

Armed Services

Strategic Forces Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the military space programs in review of the Defense Authorization Request and the Future Years Defense Program; with the possibility of a closed session in SR–222 following the open session.

SR–232A

Intelligence

To receive a closed briefing on certain intelligence matters.

S–407, Capitol

10 p.m.

Aging

To hold hearings to examine bioidentical hormones.

SD–562

APRIL 20

9:30 a.m.

Appropriations

Labor, Health and Human Services, Education, and Related Agencies Subcommittee

To hold hearings to examine proposed budget estimates for fiscal year 2008 for the National Institutes of Health, focusing on the burden of chronic diseases.

SD–116

APRIL 23

3 p.m.

Energy and Natural Resources

To hold hearings to examine S. 1115, to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment.

SD–366

APRIL 24

9:30 a.m.

Homeland Security and Governmental Affairs

Disaster Recovery Subcommittee

To hold hearings to examine trailers, focusing on creating more flexible, efficient, and cost-effective Federal Disaster Housing Program.

SD–342

Armed Services

To hold hearings to receive testimony on United States Pacific Command, United States Forces Korea, and United States Special Operations Command in review of the Defense Authorization Request for fiscal year 2008 and the Futures Years Defense Program.

SH–216

10 a.m.

Commerce, Science, and Transportation

To hold hearings to examine communications, broadband and competitiveness relating to how the United States measures up.

SR–253

Health, Education, Labor, and Pensions

To hold hearings to examine No Child Left Behind Reauthorization, focusing on modernizing middle and high schools for the twenty-first century.

SD–628

Judiciary

Human Rights and the Law Subcommittee

To hold hearings to examine the casualties of war focusing on child soldiers and the law.

SD–226

2:30 p.m.
Judiciary
To hold hearings to examine the Insurrection Act rider and the state control of the National Guard.
SD–226

APRIL 25

2 p.m.
Armed Services
Emerging Threats and Capabilities Subcommittee
To hold hearings to examine language technology and training for the Department of Defense.
SR–325

Veterans' Affairs
To hold an oversight hearing to examine the Department of Veterans Affairs, focusing on mental health issues.
SR–418

2:30 p.m.
Commerce, Science, and Transportation
Business meeting to consider pending calendar business.
SR–253

APRIL 26

9:30 a.m.
Armed Services
To hold hearings to receive testimony on legal issues regarding individuals detained by the Department of Defense as unlawful enemy combatants.
SH–216

10 a.m.
Health, Education, Labor, and Pensions
Employment and Workplace Safety Subcommittee
To hold hearings to examine if the Occupational Safety and Health Administration (OSHA) is working for working people.
SD–628

Commerce, Science, and Transportation
Science, Technology, and Innovation Subcommittee
To hold hearings to examine clean coal technology.
SR–253

2:30 p.m.
Commerce, Science, and Transportation
Consumer Affairs, Insurance, and Automotive Safety Subcommittee
To hold hearings to examine All-Terrain Vehicle (ATV) safety.
SR–253

MAY 3

2:30 p.m.
Commerce, Science, and Transportation
To hold hearings to examine pending nominations.
SR–253

MAY 9

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on benefits legislation.
SD–562

MAY 16

10 a.m.
Veterans' Affairs
To hold hearings to examine the nomination of Michael K. Kussman, of Massachusetts, to be Under Secretary for Health of the Department of Veterans Affairs.
SD–562

MAY 23

9:30 a.m.
Veterans' Affairs
To hold hearings to examine on health legislation.
SD–562

SENATE—*Tuesday, April 17, 2007*

The Senate met at 10 a.m. and was called to order by the Honorable JON TESTER, a Senator from the State of Montana.

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal Lord God, as we continue to mourn the carnage which happened at Virginia Tech and the flags fly half-mast, give us the determination to bring good from evil and sanity from insanity. May this horrific shooting prompt us to humble ourselves and pray and seek Your face and turn from wickedness. Permit our pain and anguish to force us to examine what contributions we may be making in romanticizing a culture of violence. May the shooting in Blacksburg, VA, keep us alert to the battle we fight against principalities, powers, and evil in our world.

Use our Senators today as agents of reconciliation as they remember that in everything, You are working for the good of those who love You. Hear our prayer, forgive our sins, and heal our land. We pray in Your merciful Name. Amen.

PLEDGE OF ALLEGIANCE

The Honorable JON TESTER led the Pledge of Allegiance, as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, April 17, 2007.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JON TESTER, a Senator from the State of Montana, to perform the duties of the Chair.

ROBERT C. BYRD,
President pro tempore.

Mr. TESTER thereupon assumed the chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

SCHEDULE

Mr. REID. Mr. President, this morning the Senate will be in a period of morning business for 60 minutes, with Senators permitted to speak for up to 10 minutes each. The first half of morning business is controlled by the Republican leader or his designee or designees and the last portion controlled by the majority. Following morning business, the Senate will resume consideration of S. 372, the Intelligence authorization bill.

Yesterday, it was unfortunate that the Senate did not invoke cloture on the intelligence legislation. However, I did enter a motion to reconsider the failed cloture vote. We will have that vote again at some time.

Also today, at 12:30 p.m., the Senate will recess for the party conferences. We have no votes scheduled today because of the inability to move forward on the very important intelligence authorization as a result of the Republicans in unison voting against our ability to go forward. If there is no change in that, we made a couple of proposals yesterday which were all objected to, as to being able to move forward on germane amendments, relevant amendments.

We will have a cloture vote on another issue that it appears at this time the Republicans are going to block; that is, the ability for Medicare to negotiate for lower priced prescription drugs.

We are going to continue to move forward on our desire to allow the intelligence community, the 16 agencies that work for the Federal Government, working in espionage and other such important issues, to allow them to have legislation that brings us up to date. For the last 2 years, there has been no legislation in that regard because the Republicans did not move forward. We are going to continue to try to move forward even though the Vice President does not want this legislation.

We also are going to continue to speak for the American people in allowing Medicare—one of the most important programs ever developed by this country has been Medicare. I can remember my first elected job on the board of trustees of then Southern Nevada Memorial Hospital, the largest hospital district in the State of Nevada at the time. When I took that job, 45 percent of those people who were senior citizens who came to that hospital had no insurance, and children, spouses, friends, and neighbors had to agree to pay their hospital bill or they would not be taken care of.

The situation now is that virtually every senior citizen, as a result of Medicare having passed—that passed during my term of office on the board of trustees—virtually every senior citizen now has the ability to be taken care of, except Medicare cannot now negotiate for lower priced prescription drugs. The insurance industry can, the Veterans' Administration can, HMOs can, but not Medicare.

We are going to continue to try to move forward on that issue even though the Republicans obviously are being led down the wrong path by the pharmaceutical industry and the insurance industry and HMOs. We are going to continue to try to do the business of the American people even though sometimes it is difficult.

I yield the floor.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of morning business for up to 60 minutes, with Senators permitted to speak therein for up to 10 minutes each, with the first 30 minutes controlled by the Republican leader or his designee and the last 30 minutes controlled by the majority leader or his designee.

The Senator from Utah is recognized.

EXPRESSION OF SYMPATHY

Mr. BENNETT. Mr. President, before I begin my statement with respect to tax day, I wish to pause and express on behalf of the people of Utah our great sympathy for and anguish over the tragedy that has occurred in the State of Virginia.

I was once a resident of the State of Virginia, and I now am a physical resident of the State of Virginia while remaining a legal resident of Utah, and I feel close to the people of Virginia.

Virginia is known for its system of colleges spread throughout the State, in magnificent rural settings. Blacksburg, VA, is one of those settings, and Virginia Tech is one of those colleges. It comes as an enormous shock, and a sense of horror, to discover that a single student can be sufficiently disturbed in this quiet kind of setting to vent all of his demons in such a manner.

I want the people of Virginia and the students and parents of Virginia Tech

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

to know they are not alone in their horror and their grief and to share that on behalf of the people of Utah whom I represent.

TAX DAY

Mr. BENNETT. Mr. President, today is tax day, the day when most of us file for an extension so we can have another 3 months or so to work through the problems connected with our taxes. I wish to review the history of our tax system and the groundwork for an attempt to try to solve some of its serious problems.

One of the reasons we file for an extension is because the Tax Code itself is impenetrable. There are few—or I would say if any—who understand it. I remember when I was a very junior Senator here on the floor talking about health care, when President Clinton's administration was pursuing that, and making the point on the floor that the law was absolutely beyond comprehension. I quoted James Madison, who said that the laws should be understandable, and that was part of his justification for the writing of the Constitution.

Senator Moynihan, the Senator from New York, corrected me; that is, he disagreed with me. He stood up and said: Senator, we have long since passed the point where the laws are understandable. Look at the Tax Code; there is not a soul on the Earth who understands that, so do not make the fact that the health care bill is incomprehensible a justification for defeating it.

I do not know how serious he was. Senator Moynihan was known for his sense of humor, but he was also known for his ability to go to the heart of the issue.

Let me review the history of where we got our tax systems—and yes, the last word is plural because we have basically two Federal tax systems in this country. We have the payroll tax, and we have the income tax. Both were adopted during the period of the Great Depression.

Stop and think about the conditions which existed at that time. We were in the worst economic contraction of our history. The American unemployment rate was running not only in double digits but as high as 25 percent. Of the 75 percent who still had jobs, many of them had jobs that were not adequate to their needs. It was a devastating psychological time. The historians who talk of it say that many of those who were unemployed would get up in the morning, put on their suit and tie, put on their hat, and leave the house as if they were going to work because they did not want the neighbors to know they were unemployed. The stigma of unemployment was psychologically almost as devastating as the financial stigma of being unable to meet one's bills and pay one's mortgage.

The second circumstance that was present at the time of the Great Depression was that we were in the center of the industrial age. All of us, as we went to school, remember being taught about the industrial revolution when we shifted from basically an agricultural economy to predominately an industrial economy, an economy of factories, an economy of mass—mass building, mass production, mass communications. Everything was industrialized.

The third situation that applied in those days was that our economy was basically protected by two oceans. We were insulated from the rest of the world in a very real, physical, geographical sense.

Stop and think about these three interacting with each other—serious economic contraction in the midst of the industrial age at a time when we were self-contained between two oceans. Ask yourself whether those three conditions exist today.

We are in the midst of the longest running expansion in our history, not contraction. We are in the midst of this information age, not the industrial age. The focus of America, just as it shifted from agriculture to industry, has now shifted to the information age, and the richest man in America is not the one who owns the most land, as was true in the agricultural age, or the one who owns the biggest factory, as was true in the industrial age, but the one who has mastered the capacity of the digital code, which is true in the information age.

Finally, we are clearly not confined to a land between two oceans. Money moves around the world, ideas move around the world, and concepts move around the world with the click of a mouse.

We do not have anything like the economic circumstances that prevailed when we adopted our present tax system. Yet we continue to perpetuate those tax systems as if they still apply to our situation.

The payroll tax penalizes the working poor. It is an effective tax rate of 15 percent on the waitress who works at minimum wage because 7½ percent she has to pay and 7½ percent her employer pays that otherwise she would get in her paycheck. That is a very high, regressive tax. When it started out in the midst of the Great Depression, it was 1 percent or 2 percent, and now it has grown to a 15-percent effective rate.

While the payroll tax penalizes the working poor, the income tax discourages the productive rich. The more you produce, the more the Government comes in and says: We will take that away from you.

I have said before in this Chamber, I was fortunate enough to be involved in building a business during what many newspapers called the decade of greed. Ronald Reagan was President, and the top tax rate was 28 percent. We had basically a flat tax system. It had two tiers, 15 percent and 28 percent, but it was moving us toward a simple system, a flat rate system. If I were running that same business today, the effective rate would be 43 percent, and the difference between 28 percent and 43 percent on the earnings of that company would probably make the difference between the company surviving or not. It started out not in a garage but in a basement. It grew to 4,000 employees. Think of the tax revenue coming from those employees, think of the tax revenue coming from that successful business. Then ask yourself: Would it have been a good thing to have prevented that business from coming on board in the name of high tax rates?

We need the tax revenue. We perhaps need more tax revenue than we are currently getting. I will grant that to my friends on the Democratic side. But I suggest to them a bargain. If we want to drive to a higher level of tax revenue, let's recognize we live in a very different world than we lived in in the 1930s, when we created our present tax system. Let's talk about eliminating the payroll tax. Senator Moynihan was willing to do that. Let's talk about eliminating the present system of income tax and replacing it with a flat tax. Instead of saying we want to use the tax system to make economic decisions, using the tax system as the tiller to steer the economy, let's adopt the radical notion that the purpose of taxes is to raise money to run the Government, and then ask ourselves, how can we raise it in as simple a manner as possible, as efficient a manner as possible, as competitive a manner as possible, so that we recognize the reality in which we live—a tax system that is geared to an expanding economy rather than shrinking one, a tax system that is geared to the information age rather than the industrial age, and a tax system that is geared to a worldwide economy rather than one centered within our borders.

I am already having conversations with some of my Democratic friends on this issue. I think tax day is the day to talk about it. We disagree as to whether the President's tax cuts should be extended. I voted for them. I think they probably should be. But I am willing to scrap the whole thing, if my friends across the aisle will make a deal with us whereby we say: Let's start with a clean sheet of paper and produce a tax system that is geared to the realities of the economic circumstances we face. I hope in this Congress we can move in that direction.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Wyoming is recognized.

WORKING TOGETHER

Mr. THOMAS. Mr. President, I rise to talk about a couple of topics. Certainly we have a lot of issues facing us. We have a lot of things to do. Quite frankly, we have been moving rather slowly over the last several months. We have had one bill signed by the President. We need to decide how we are going to move forward. The leader was talking about the Republicans holding up bills, and so on. We need to understand that we are close enough in this Senate on numbers and voting that we are going to have to have some agreements on things before we lay them out. Neither side is going to be able to say, Here is the way we are going, because it is close. We do have different views. When there is legislation pending, the minority side has amendments they wish to offer.

On the other hand, I admit that sometimes the minority side wants to hold things up, and we can't do that either. So I hope we will look for a little more. I don't expect us to come together with everything, but we need to come together with a system which allows us to talk about our differences and to reach some agreements.

I wish to comment on a couple of issues. The first one, of course, is the one that almost everyone has on their mind today, as the Senator from Utah indicated. This is tax day. Americans have reached deep into their pockets today to pay their Federal income tax. At the same time, we are straining to understand the Tax Code that governs how much we owe. It is very complicated. All of us understand that, particularly today, or as we ask for an extension, because it is so complicated and so difficult to actually arrive at a conclusion with respect to taxes.

I am not sure it has to be that way. The Senator from Utah has described some changes that ought to be made. We talk about that always at tax time, and then we seem to get away from it when tax time is over. We ought to stay in there and ask: How can we do this job? There have to be taxes paid. Obviously, there has to be some fairness among the taxpayers. But does it need to be this complicated? Does it need to be this technical? We find ourselves with a tax program that is designed by literally hundreds of programs that are more put in place to affect behavior and to affect how things are going to happen than they are for taxes. We will give tax relief for this, if you will do this. If you do this, we will give you tax relief over here. The next thing you know, we have such a complicated plan.

The average American has a great deal of trouble understanding and complying with the Tax Code. The vast majority of the taxpayers use tax preparers, even in the simplest of tax situations. We in Congress get frustrated with the lack of compliance with the Code; i.e., the tax gap that we hear so much about. It is apparently substantial in terms of the amount of money involved. But the average American is as frustrated by sincerely trying to comply with the system in most cases. I understand the tax gap. Maybe there are some people who are actually trying to avoid taxes. But often the tax gap is simply because of the complexity.

The good news, of course, is the economy is strong. That is good news. The economic policies of the last 6 years are working and have continued to contribute to the growth of the economy, to encourage investment, and to encourage job creation. Our economy has added jobs for 43 straight months; 7.8 million since August 2003. This is good, particularly when we look at the changes in the world economy. Again, the Senator from Utah was talking about that. As we continue to grow jobs, that is a very good thing.

The economy has added jobs to the extent of 7.8 million over this period of time. The national employment rate has fallen to 4.4 percent last month. Average earnings grew 4 percent last year. The elements of the economy are good. Interestingly enough, largely because of the Iraq situation, we don't hear much about the good economy or about the good things going on in the country. That is too bad. The strong economy has resulted in stronger tax revenues in 2006.

It is important, as we talk about taxes, that we maintain progrowth taxes in economic policy, the idea of extending those tax benefits which have helped to bring about this growth is important. We are at a point where some of them will expire within the next couple of years. They are the kinds of benefits that one needs to know about before tax time so investments can and will be made because of the benefits. The policies in place are working. I don't think we ought to mess with success. At the same time, we have already passed as part of the budget an almost $1 trillion tax increase. Additionally, the budget that was passed by the other side of the aisle increased spending and the size of Government. I am concerned about that. These policies will undo all the good that has been done over the last several years. It is kind of a game: What taxes are you going to have to beat to offset spending now and saying it doesn't need to be. But the fact is, it does. From 2008 to 2011, the budget will increase the deficit by $440 billion and increase the gross debt by $2.2 trillion, if we go on as is now suggested. The budget ignores the impending Medicare and Social Security crises. In fact, it would make it even worse by spending more than a trillion of the Social Security surplus.

When we talk about taxes, we also have to talk about the size, scope, and role of the Federal Government. It is time we look at some of the things we are doing and wonder why they need to be done by the Federal Government and whether, in fact, they should be done by State and local governments or, in fact, the private sector. We should not be using tax policy as a substitute for direct appropriations and encouraging behavior. That is what we have gotten into. We have talked a lot in recent years about tax reform. It is high time we put it into action, whether it is a flat tax, which is difficult to understand but is used in some places around the world—it seems to be workable—or whether it is a tax that is put on the items that people purchase which would be a little difficult to sell. An acquisition tax is one that is being talked about. But we ought to get away from the behavior tax and get back down to a simplified tax.

We need taxes. The Government has to be funded and should be funded in a fair way. But it needs to be done in a different way.

Let me move to Medicare and the noninterference issue that may be coming up very soon. That is the competition on the Part D program by having the Government do the sort of work that needs to be done in the private sector and having a change in the way this thing is operating. I think Part D, which is rather new and still being incorporated but is pretty deeply involved in participation at this point—90 percent of Medicare beneficiaries have drug coverage—is very good. Folks are saving a considerable amount of money under the program. On average seniors are saving $1,200 yearly on drug costs. A survey reported 80 percent of seniors are happy with the Part D benefits that went into effect recently. Folks in Wyoming are certainly telling me they like the plans that are available there. There are fewer plans available in a smaller population State than there are in some others. Nevertheless, there are plans available. They are available at the local drugstore, and they have an option of several plans from which to choose which is very important for us to maintain in the Part D program.

The costs are 30 percent lower than the original estimates, and it has caused competition. It has caused the private sector to come about with reduced estimates. That is very good. Even the expert the Democratic majority put in place to head up the Congressional Budget Office says this legislation that is proposed to have the Government do the negotiations with drug companies would not save money, according to the CBO. In an April 10 letter to Chairman BAUCUS, the CBO writes:

> We anticipate that under the bill the Secretary would lack the leverage to negotiate prices under the broad range of covered Part D drugs that are more favorable than those

> obtained by Prescription Drug Plans under current law. Without the authority to establish a formulary or other tools to reduce drug prices, we believe that the Secretary would not obtain significant discounts from drug manufacturers across a broad range of drugs.

CBO also testified that negotiating Medicare drug prices could make costs go up for everyone else. We have to understand we need a drug program, a Medicare program for everyone. There are certain ways it would have to be done for the elderly, for the underfinanced, and so on. But the plan needs to be there for everyone.

The Government Accountability Office has said price fixing may result in limited access. You can imagine if there is negotiation on prices, some of the pharmaceutical companies are going to say: OK, we are not going to offer this drug; we won't offer that drug. Under this plan, you have alternatives and alternative programs from which you can choose to take on different ideas.

Why do we want to take away a plan that has been moving toward success and still has an opportunity for more success and change it before that opportunity has been worked through? Last week the Finance Committee, of which I am a member, held a markup to consider the pending legislation. We asked the proponents of that to come up with their plans. Frankly, they didn't have any specifics as to how this would be handled.

With just the idea we would have the Government negotiate, it sounds like, wow, we would come up with some real good stuff. The fact is—the bottom line is—I think most of us want to see the market work. When there is competition, when there are these kinds of things, it does cause the market to work.

So I think before we pass any bill, we should know and consider, find out, as clearly as we can, what impact it has on the folks. We do not want to talk too much, it seems, on the Senate floor about how that will work. I think we should talk about how it works.

I have great respect for my colleagues on the other side of the aisle, but they believe expanding the Government is the way to solve health problems. I do not agree. I do not believe Government price fixing is the answer to the question.

Current law has increased choices, has lowered prices through market competition, and that is the system we have in this country. Market competition is where we need to go. So we should let the market continue to work and say, as the saying goes, "if it ain't broke, don't fix it." So I think that is how we are challenged.

I am hopeful we can move forward. I think we have a lot of things to do. We need to get on with immigration. I do not think there is anything more important to the country than to have an immigration law that works, that we have a closed border, that we have people coming to work legitimately and legally who return after their period of work or go through the process for becoming citizens. The system we have now is not working, and we need to change that.

I think energy continues to be a factor in the future, very clearly. There is no doubt there is going to be more demand. There is no doubt there is going to be a more difficult time in acquiring energy sources from around the world. We have to depend more on our own, including alternatives. I think alternatives are a very good solution over time as we find out ways to use them and use them in the volumes that are necessary to fill our needs.

In the meantime, I think we need to be very careful to assist in developing those things we know how to do now that will make us have supplies in the interim as we wait for these alternatives to develop—coal, for example. Coal is our largest fossil resource. We know ways to have plants develop electricity from coal, where we can extract carbon, reinject the carbon, help with the climate change, and at the same time have a supply of energy we need.

So these are some of the things I guess I am a little frustrated we cannot move toward. We spend too much time hassling over some of these problems that should not take that long. We should get on with dealing with health care, get on with dealing with energy, get on with dealing with immigration, get on with dealing with spending, get on with dealing with the size of the budget. These are the real issues out there that I think the American people—and I am sure Wyoming people—are concerned about.

So I urge we move as quickly as we can, working together, so we can find ways to move forward and solve some of the problems that are before us.

Mr. President, I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

TRAGEDY AT VIRGINIA TECH

Mr. DURBIN. First, Mr. President, let me say that every parent remembers when their kids left the nest. There is that moment when they finally reach that age where they are off to college. I can recall when Loretta and I took our three kids off to their colleges of choice. It was kind of an emotional moment, with mixed feelings: proud they had reached this point in their lives when they were off on their own, sad that now they are leaving their little family setting that had been so familiar and so happy for so many years. But you knew if you were lucky enough as a parent to have attended college that they were facing an extraordinary personal opportunity to go to college and meet so many other students and expand their horizons and learn what it means to live on your own resources.

So that is why the tragedy of Virginia Tech is so sad, that the happy setting of college, where parents have entrusted their students to the university campus, can turn into a scene of horror as we found yesterday in Blacksburg, VA. We are all stunned and heartsick over the staggering and incomprehensible loss of life yesterday. We offer our deepest condolences to the families who lost precious sons and daughters in that shooting rampage, and to the victims who survived it.

As police search for clues, I hope those of us in Congress will come together to also search honestly for answers about what can be done to prevent another tragedy. This has been billed as the worst massacre in American history on a school or college campus. I can still recall 8 years ago in the room behind me, the cloakroom, when we heard of the Columbine shooting when 15 students lost their lives. In Blacksburg, the estimate is somewhere between 32 or 33 who have lost their lives. It is unspeakable to think about the placid setting of that college campus turning into a bloody scene yesterday morning. Now we will go about the grim task of identifying those who were injured and burying the remains of the ones who were killed as the Nation grieves with Virginia Tech University.

REMEMBERING CONGRESSMAN JIM JONTZ

Mr. DURBIN. Mr. President, I wish to say a few words about a friend of mine who passed away on Saturday. His name was Jim Jontz. For 6 years, from 1987 to 1993, Jim represented Indiana's fifth congressional district in the House of Representatives. That is where I first met him and worked with him.

In 1991, the Almanac of American Politics described him as:

> One of the most incredibly hardworking and gifted natural politicians who has routinely done the impossible.

Two years ago Jim was diagnosed with colon cancer that had already spread to his liver. We hoped at the time he would find a way to "do the impossible" again and defeat this illness. He fought that cancer for 2 valiant years, but he died on Saturday afternoon in his home in Portland, OR.

Jim Jontz defied ordinary stereotypes. He was a progressive Democrat elected three times by one of the most conservative areas in the country to represent them in Congress. People used to wonder all the time how that was possible. I have some ideas. For one thing, Jim had a flair for trademarks. He was famous for riding his sister's rusty blue Schwinn with mismatched tires in parades.

Jim also practiced a very personal style of politics—something he learned from his days as a grassroots organizer. He ran what he called "shoe leather" campaigns. His goal in every campaign was to knock on as many doors and speak to as many people as possible. He owned four pairs of shoes that he rotated in and out of at a local repair shop every week. That is how much shoe leather he put into his job. His campaign signs were always shaped like shoes.

Most importantly, Jim Jontz was a bridge builder. There is a school of politics that says the way you win campaigns is to divide people up into groups and pit them against one another. Jim was a master of a different and better kind of politics. He wanted to build bridges and understanding between groups that too often saw themselves as enemies: organized labor and environmentalists, and family farmers and environmentalists. He was always trying to find some common ground. He cared deeply about preserving the land and family farms and he believed the best way to preserve family farms was to help farmers be better stewards of the land. That seemed like a strange idea to some people 25 years ago. Today, it surely makes sense.

Because of his bridge-building abilities, Jim was tapped to mediate disputes between farmers and environmentalists during negotiations for the 1990 farm bill. One result was a wetlands protection program that won strong support from farmers, environmentalists, and sportsmen. That program has saved many family farms, preserved the natural beauty of our land, and protected our clean water. It is part of the great legacy Jim Jontz leaves.

In addition to his important work on the House Agriculture Committee, Jim served on the Education and Labor Committee, the House Select Committee on Aging, and on the Veterans' Affairs Committee. On Veterans' Affairs, he worked with another brave man—my closest friend when I came to Congress and for so many years—Lane Evans. They worked to help veterans living with one of the most common but least understood injuries of war: post-traumatic stress disorder. Those efforts are part of Jim's legacy that we are relying on today while so many of our soldiers come back from Iraq and Afghanistan trying to conquer the demons in their minds from that experience.

As everyone who knew Jim also knew, he was deeply committed to preserving the ancient forests in the Pacific Northwest. That commitment earned him the support of celebrities and common folk as well who shared his love for America's natural treasures. It also won him the enmity of powerful logging interests and their supporters in Congress.

During the debate of the 1990 farm bill, Jim offered an amendment that would have prevented logging of ancient forests and national parks. A powerful House member of the other party retaliated by drafting legislation that would have allowed the Federal Government to create a 1-million acre national forest smack dab in the middle of Jim's congressional district.

In the end, Jim's efforts to save old-growth forests probably ended his career in Congress. The timber industry targeted him for defeat when he ran for his fourth House term in 1992 and he lost, but he didn't stop. In 1994, he ran for the Senate, losing in his last campaign. In 1995, he moved to Portland, OR, where he continued to work to save ancient forests and preserve the Endangered Species Act.

In 1998, Jim was elected president of Americans for Democratic Action, a position he held for 4 years before becoming ADA president emeritus. His most recent project for the ADA was leading its "Working Families Win" campaign which focused on raising the minimum wage, providing working families with affordable health care, and other issues of basic economic justice.

Jim Jontz grew up in Indianapolis and graduated phi beta kappa from Indiana University in 1973 after less than 3 years with a degree in geology. He fell into politics by accident almost in 1974. He opposed a dam building project that he thought threatened his little community. He challenged the chief sponsor of the project, who happened to be the majority leader of the Indiana House, and Jim won. At age 22 he became a political giant killer. He also served in the Indiana Senate before being elected to Congress in 1996 at age 35.

Jim won that first race against the House majority leader by two votes. He believed he picked up those last two votes when he insisted on campaigning at 10 p.m. the night before the election at a laundromat that was still open. That was Jim Jontz—using every last minute to try to make a difference. It was the way he ran his campaigns, it is the way he lived his life, and he did make a difference.

I join so many others—not just from Indiana and from Congress, but from across the country—in offering condolences to Jim's family: his mother, stepfather, and his sister who lives in Chicago. He was a good man who left a great legacy. I am proud to have called him my friend. He will be missed.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Rhode Island is recognized.

IRAQ WAR

Mr. WHITEHOUSE. Mr. President, as I come to the floor this morning to share my concerns about this country's disastrous policies in Iraq, our Nation is mourning the unimaginable loss of 32 people in the tragic and senseless shootings at Virginia Tech. The thoughts and prayers of every American are with the victims of this horrific episode, the deadliest shooting this country has ever seen. We are only beginning to learn exactly what happened yesterday. We may never know why it happened, but what we know for certain is that in our shared grief we will find shared resolve to care for the wounded, to comfort the families and friends of those who died, to support this university and its community, and to search for answers and hope this tragedy may never be repeated.

I have been a member of the Senate now for just over 100 days. I am here, and many of my freshman colleagues are here, because the people of Rhode Island, like millions of other people across this country, looked at the war in Iraq and saw something that needed to change. They saw hundreds of billions of dollars spent, much of it wasted on reconstruction contracts that were sloppily managed or ill-advised. They saw one after another in a succession of retired generals protesting the failed strategy in Iraq and arguing for a different course. They saw reports that the Bush administration had misused and politicized our national intelligence services to press a case for war that did not exist. They read books, chronicling a heartbreaking series of mistakes and misjudgments. They saw tens of thousands of American soldiers return home grievously injured, and mourned more than 3,000 men and women who will never return home.

The country saw one of the greatest foreign policy disasters of American history and demanded a new direction. The American people voted for change. They were sincere, sober, and correct in their judgment, and this new Congress listened, but President Bush did not. Instead of committing to redeploy our troops from Iraq, the President chose to escalate this conflict. Now, instead of working with this new Congress to forge a new strategy, a strategy worthy of the sacrifices of our men and women in uniform, the President and Vice President are on the attack—on the political attack—not against the Iraqi leaders who are slow-walking us through this conflict in their country, but against the American people who have rightly questioned their failing policy. The question is this: How much longer will this President refuse to listen?

Since joining the Senate just over 100 days ago, I have worked to put pressure on the Bush administration to redeploy our troops from Iraq. In mid-March, as a member of the Senate Intelligence Committee, I traveled to Iraq to get a firsthand look at the situation on the ground, to see the hard work of our dedicated troops, and to talk with our military commanders and with Iraqi political officials. In Baghdad, our delegation met with several of the officers leading America's military engagement in Iraq, including GEN David Petraeus, LTG Raymond Odierno, and LTG Martin Dempsey, as well as members of our U.S. Embassy country team. We also met with Mahmud al-Mashhadani, Speaker of the Iraqi Parliament, and National Security Minister Shirwan al-Waili. In my capacity as a member of the Intelligence Committee, I also met with members of our Nation's intelligence staff and their Iraqi counterparts.

In Fallujah, we spoke with GEN Walter E. Gaskin, Marine commander in Anbar Province, and other commanders of the Marine Expeditionary Force. I met three brave Rhode Islanders there: Kristie St. Jean from Woonsocket, Christopher Tilson from Providence, and Anthony Paulo from Westerly, all serving our Nation with dedication, courage, and honor.

On our return, we traveled through Germany to visit Landstuhl Regional Medical Center near Ramstein Air Base where our soldiers, sailors, marines, and airmen, badly injured in Iraq and Afghanistan, are med-evac'd to receive critical medical care before their return home. MAJ Andrew Risio, who hails from Ashaway, RI, is helping provide care to our wounded soldiers in that facility.

The young men and women I met with in Iraq and their families have made tremendous sacrifices, and their expert performance and can-do attitude reinforced my pride in the American spirit. The security posture we maintain around our military bases is strong, and our troops are working hard to secure the cities and countryside of Iraq. The work of our intelligence and Special Operations personnel, which often runs nonstop through the night, is remarkable and exhibits a level of professionalism in which every American can be very confident.

The achievements of our forces in Iraq are serious—and here is what impressed me the most from our trip: So is their commitment that the Iraqis must assume responsibility for the security and governance of their own country. In nearly every briefing, at every level of command, the message came loud and clear that our military is highly focused on accomplishing a handover of security responsibilities so as to bring our troops home. As a young soldier in mess hall told me, the Iraqis "won't stand up until we start to stand back."

I do believe the Iraqis need more motivation to stand up. For instance, there is key legislation the Iraqi Parliament must pass that our military commanders believe is necessary if this surge is to succeed. They told me we cannot succeed in this military surge unless it is accompanied by a political surge, an economic surge, and a diplomatic surge. Critical measures to facilitate provincial elections, regulation and revenue-sharing for the Iraqi oil industry, reversing de-Beatification in favor of reunification, and restricting sectarian militias are all legislative initiatives that have stalled.

Iraq must take action and move this legislation forward and step up its own security presence. That will require real commitment and urgency, Mr. President. And it would be putting it mildly to say I was not reassured by the signals I received from our meetings with Iraqi officials. There is a serious disconnect between the urgency of our generals about this legislation, and the absence of urgency or energy on the part of Iraqi officials. One soldier I met put it in simple, homespun terms. He said: "If your parents are willing to pay for the movies and you don't have to spend your own money, or if you can get your big sister to do your homework for you, who wants that to stop?"

It does have to stop and this Congress is taking action to make that clear. I was proud to vote with a majority of the Senate to pass binding bipartisan legislation to require the safe redeployment of our brave troops beginning in 120 days, with the goal of having the vast majority of our troops redeployed from Iraq by the end of March. I am also a cosponsor of the recently introduced Feingold-Reid legislation to continue to put pressure on the Bush administration to safely redeploy our troops.

Only the kind of pressure a decision to redeploy creates will provide the motivation needed for Iraq to take the necessary steps to assume responsibility for its own governance and security. An announcement that our troops will be leaving will encourage the Iraqis to step up and take their security seriously, will discourage the insurgents, and will send a message to the world community that stability in Iraq will no longer be the responsibility of America alone.

Last week, I had the opportunity to take that message directly to the Oval Office. In a meeting with President Bush and several of our colleagues who had recently traveled to Iraq, I urged him to announce a redeployment and a change of course was the strongest force he had in his hands. I also gave the President letters sent to me from Rhode Island folks with family members serving in Iraq.Those messages said loudly and clearly that it is time to bring our troops home.

But rather than acting to change course, the President keeps playing politics. He has threatened to veto legislation this Congress passed to provide critically needed funding for our troops in the field. In our meeting last week, he said he was prepared for what he called a "classic political showdown."

The question of what to do in Iraq is not a political fight between President Bush and the Democrats in Congress. It is a struggle between the President and the will and the good sense of the American people. It is long past time that their voices were heard.

I yield the floor and suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDENT pro tempore. The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, I ask unanimous consent to speak for 10 minutes in morning business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

UNANIMOUS-CONSENT REQUEST—S. RES. 123

Mr. DEMINT. Mr. President, in January this body took a significant step toward reforming the way we spend American taxpayer dollars. While debating the ethics reform bill, Senators voted 98 to 0 in favor of my amendment requiring transparency for 100 percent of Member-requested earmarks. This was an early sign that Congress was going to change the way we do business here in Washington.

But since then, I am afraid my optimism has been tempered by a healthy dose of political reality. The ethics bill containing new Senate rules has been stalled, and its future enactment is anything but certain. In the meantime, the Senate has continued business as usual, as earmarking continues unfettered from transparency rules. The appropriators are soliciting earmarks. The WRDA bill is full of undisclosed earmarks, and none of the committees are complying with the anticorruption transparency requirements.

Upon notice that I was going to offer this bill again on the floor, the Democratic leadership of the Appropriations Committee just issued a press release saying they were going to comply with these rules. That is really good news. So if the appropriators want to comply, there is no reason at all that we shouldn't enact this rule as a Senate rule.

Yesterday's Roll Call reported that the Senate Environment and Public

Works Committee is advancing two pieces of legislation packed with billions of dollars worth of earmarks, but the committee is not asking Senators to certify that they have no financial interests in the projects, at least for now. In other words, the Senate is continuing to conduct its business in the old way, which was rejected by the American voters.

We cannot continue to wait. The Senate rules must be changed now if we are going to implement what the chairman of the Appropriations Committee, the distinguished chairman, called an accountable, aboveboard, transparent process for funding decisions, and put an end to the abuses that have harmed the credibility of Congress.

I agree 100 percent. My proposal, S. Res. 123, creates a new Senate rule that requires public disclosure of the earmarks contained in bills passed by committee. This disclosure includes the name of the Member requesting the earmark, the name and address of the intended recipient of the earmark, the purpose of the earmark, and a certification that the requesting Member and his or her spouse have no financial interest in the requested earmark. These are simple transparency ideas that the American people need.

Mr. President, I ask unanimous consent that the following Senators be added as cosponsors to S. Res. 123: Senator ENSIGN, Senator MCCAIN, Senator ENZI, Senator MARTINEZ, and Senator MCCASKILL.

The PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. DEMINT. Mr. President, this resolution will immediately require all Members who request earmarks to certify in writing that they have no financial interests in the requested earmark.

Following the imprisonment of Congressman Duke Cunningham for selling earmarks for bribes, Americans need to know their elected officials are not using public office for private gain. This is simply information every Senator should be willing to provide, and I believe most are.

But it is beginning to look as if the new majority is not really interested in shining light on the earmarking process. Before we left for the Easter recess, I asked unanimous consent for the Senate to adopt S. Res. 123 so that we could enact this important rule immediately. The majority objected and said this proposal needed to go through the "appropriate process." That is a sad excuse. This rule has already gone through the normal process. It was offered as an amendment on the floor, it was modified by the leadership of the Democratic Party, and it passed 98 to 0. This is a Senate rule, and the only thing left for us to do is actually enact it.

Let me just read a few quotes from the Democratic leadership when we worked out the language on this bill before. This includes a lot of Democratic language.

Majority leader HARRY REID said: In effect, we have combined the best ideas from both sides of the aisle, Democrat and Republican, to establish the strongest possible disclosure rules in this regard.

Majority whip DICK DURBIN said: I am pleased with this bipartisan solution. I believe it reflects the intent of all on both sides of the aisle to make sure there is more disclosure. We have full agreement. The language has been vetted.

The bill I offer today as a Senate rule is exactly the language we passed 98 to 0.

The majority leader offered up his own excuse when he said his office was not notified in advance. In order to make sure that excuse is not used again, I sent a letter last week to the Democratic and Republican leaders notifying them of my intent to seek unanimous consent today to enact a Senate earmark disclosure rule—again, the one we have already passed 98 to 0.

But I understand the other side has come up with a third excuse. This time, they are going to say that enacting earmark disclosure requirements will dilute the effect of the lobbying and ethics reform bill. This is probably the weakest of all of their excuses. How does enacting an ethics reform provision dilute its effect? The only thing diluting ethics reform is our unwillingness to abide by this new rule. This excuse rings hollow because the majority did not bother to include this rule in their original bill. When we brought it to the floor, they tried to kill it.

I have tried to work in a bipartisan manner on this issue. I have been patient. But it has been over 80 days. The earmark process is continuing as usual, and all the American people are getting is excuses. It is time to enact this rule.

Mr. President, I ask unanimous consent that the Rules Committee be discharged from further consideration and the Senate now proceed to S. Res. 123; further, that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection?

The Senator from Illinois is recognized.

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from Illinois reserves the right to object.

The Senator from Illinois.

Mr. DURBIN. Mr. President, in explaining my reservation, I first wish to commend the Senator from South Carolina on the courtesy he has extended to both sides of the aisle in notifying us of his intent to make this unanimous-consent request. I wish to make clear to him and to all Members that the Senate Democratic leadership remains fully committed to earmark disclosure, but we believe his suggestion, taking it piece by piece, is not the right way to accomplish our goal.

Earlier this year, we considered comprehensive ethics reform. It is a product of the first 100 days of the new leadership of Congress that we are most proud of. Included in that reform was a provision related to transparency in earmarking. I supported this reform. In fact, I joined Senator DEMINT in crafting a new definition of "earmark" and requiring that earmarks in legislation be posted on the Internet prior to their final consideration on the floor of the Senate. We both agreed on this language. It passed with an overwhelming majority of 98 to 0, and the underlying bill passed 96 to 2.

No one is suggesting these earmark rules will not be implemented. In fact, today the Senate Appropriations Committee, chaired by the President pro tempore of the Senate, who is now presiding, Senator BYRD, has announced a new policy of transparency in accountability, totally consistent with the language which we agreed on and adopted overwhelmingly on the floor of the Senate.

Mr. President, I ask unanimous consent that the committee's announcement on these sweeping reforms be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[U.S. Senate Committee on Appropriations Press Release, Apr. 17, 2007]

SENATE APPROPRIATIONS COMMITTEE ANNOUNCES EARMARK REFORM STANDARDS

WASHINGTON, DC.—The U.S. Senate Committee on Appropriations will adopt an unprecedented policy of transparency and accountability beginning with the Fiscal 2008 appropriations cycle, Committee Chairman Robert C. Byrd, D-W.Va., announced Tuesday.

"The changes that we are making in the appropriations process will help to restore confidence in the Congress," Chairman Byrd explained. "We are ending 'business as usual' in Washington, D.C. We will restore integrity to the process. We will increase accountability and openness, while we also will work to substantially reduce the number of earmarks in legislation."

Until S. 1, the Ethics and Earmark Reform legislation, is signed into law, the Senate Appropriations Committee will follow these standards:

All earmarks will be clearly identified in the committee bill and report. The identification will include the requesting Senator, the amount of the earmark, the recipient of the earmark, and the purpose of the earmark. If there is no specifically intended recipient for an earmark, the intended location of the activity will be listed.

An earmark shall be defined as it is in the Senate-passed Ethics and Earmark Reform legislation. An earmark is a legislative provision or report language included primarily at the request of a Senator, Member of the House, Delegate, or Resident Commissioner, that provides, authorizes, or recommends a specific amount of discretionary budget authority, credit authority, or other spending authority for a contract, loan, loan guarantee, grant, loan authority, or other expenditure with or to an entity, or targeted to a specific State, locality, or Congressional district, other than through a statutory or administrative formula driven or competitive award process.

The committee bill and report will be published on the Internet, both through the committee site (http://appropriations.senate.gov) as well as on the Library of Congress' website (http://thomas.loc.gov).

Senators will be required to certify that neither they nor their spouses have a financial interest in any earmark. Senators will need to submit a letter to the Appropriations Committee certifying that they have no financial interest in a project. Those letters will be available for public inspection. What constitutes a Senator's "financial interest" shall be determined by the guidelines of the Senate Ethics Committee and Senate Rule XXXVII.

Mr. DURBIN. Mr. President, under these new guidelines, all earmarks will be clearly identified in the committee bill and report, including the requesting Senator, the amount of the earmark, the recipient of the earmark, and the purpose of the earmark. An earmark shall be defined as in the Senate-passed ethics reform bill, which Mr. DEMINT and I cosponsored. The committee bill and report will be published on the Internet—as my amendment required—so that the world can see these earmarks in advance of final passage. Senators will be required to certify that neither they nor their spouses have any financial interests in any earmark. These guidelines will be in place until the ethics reform bill is signed into law.

I commend the Presiding Officer as chairman of the Appropriations Committee for reaching out to the other side of the aisle, to the ranking member, Senator COCHRAN from Mississippi, so that he has been informed of our intention to reform this earmark process.

Earmark disclosure, though, is only one part of the much broader package. We need to strengthen gift and travel rules for Members of the Senate, close the revolving door, strengthen lobbying disclosure, outlaw the K Street Project, this notorious project in which Mr. Abramoff and others were involved, and take other steps to clean up the way business is done in Washington.

Now, if the Senator from South Carolina has his way, we will take one piece today. Some will suggest taking another piece tomorrow. I think it will dilute our effort. We need, within the next few weeks, to work with the House to pass this measure. For those who ask: Well, why hasn't it taken place so far, the House ethics reform was done by House rule, did not involve a joint action by the House and the Senate.

So we are going to find a vehicle that will accomplish our Senate ethics reform, statutory and rules reform, and do it in the appropriate manner and do it in a comprehensive way. We have been assured by House leaders that they will move on this bill in the next few weeks. As soon as the House acts, the Senate will move for conference as quickly as possible. We should not take up bits and pieces of the larger bill.

The Senate has expressed a strong support for earmark disclosure, and the Senate Appropriations Committee, which I am proud to be a member of, has taken the lead on this side of the aisle in strong reforms. The goal of the Senator from South Carolina is already being implemented, and I hope he can take "yes" for an answer.

I would like to correct one thing he said for the record. When he started his remarks about earmarks, he said at one point that when it comes to earmarks, this Senate is "business as usual." As the Presiding Officer and those who follow the Senate know, that is hardly the case. When we considered the continuing resolution which had all of the pending appropriations bills from the previously Republican-controlled Congress yet enacted, we took a bold move on our part—that is, the Democratic side—and eliminated 9,300 earmarks that were in bills authored when the Senator from South Carolina was in the majority. We eliminated every single one of them—all 9,300 earmarks. It contained no new earmarks. This continuing resolution eliminated funding for over $2.1 billion of earmarks for over 1,900 separate projects.

This is hardly business as usual. Business as usual would have been to take the bills from a Republican Congress, with thousands of earmarks, and enact them into law. We did not do that. So to suggest we are continuing along the path that was the case when there were previous leaders in Congress is just not supported by the facts.

Beyond that, I can give my assurance to the Senator from South Carolina, my colleague, that the earmark language which we adopted in the Senate is going to be the standard by which we live. The Appropriations Committee has made that very clear. I believe that is what we should do.

So at this point, Mr. President, acknowledging the commitment of the Senator from South Carolina to this issue and acknowledging that he should be standing here and saying he has accomplished quite a bit to this point, I would have to say that his additional suggestion today of plucking out one piece of ethics reform and moving on it would be inconsistent with our ultimate goal of having comprehensive ethics reform. In the meantime, we have followed this measure through the Senate Appropriations Committee and, as a consequence, I must object.

The PRESIDENT pro tempore. Objection is heard.

The Senator from Oklahoma is recognized.

Mr. COBURN. Mr. President, I appreciate the opportunity to speak on this issue. It is very interesting. The American people should hear what has just gone on here.

What we have heard is rhetoric without responsibility. There is no question that by moving, as Senator DEMINT has, we finally got the Appropriations Committee to endorse what was passed in the ethics legislation. However, after the ethics legislation was passed, I spoke on the floor. I was the last person to speak on the floor late that evening. I made the statement—and it is now proving to be true—that it was ethics reform in name only, no substance.

We now hear an argument that says: We should not pass the most significant portion of the ethics bill in a stand-alone process so that we can, in fact, do what the American people want, which is transparency in this Government.

It is interesting, if you know how this place operates, that if in fact you have an earmark reform on appropriations only, and no earmark reform on an authorization, you have no earmark reform because once something is authorized in an authorizing bill through an earmark, it no longer will apply to the appropriations bill. So we will have the same thing going on. The reason we are seeing an objection to earmark reform is because we truly, in the majority of cases, don't want earmark reform. What we are doing is, we are doing it—talk about piecemeal—only in one area. What we will do is, there won't be an earmark on an appropriations bill. What we will do is authorize them now. Since we won't apply the earmark rule to authorization bills, the American public will once again be hoodwinked. They won't know whose financial interest it is nor who it will benefit.

The problem with ethics in Washington isn't the lobbyists, isn't the campaign contributions, it is the Members of Congress. Until that changes, until the American people demand accountability—what we just heard was a flimsy excuse for not accepting this into the rules of the Senate. We voted on it. The American people deserve it. It is a sham.

I again ask unanimous consent that the Rules Committee be discharged from further consideration, and the Senate now proceed to S. 123; further that the resolution be agreed to and the motion to reconsider be laid upon the table.

The PRESIDENT pro tempore. Is there objection to the several requests?

Mr. DURBIN. Mr. President, reserving the right to object.

The PRESIDENT pro tempore. The Senator from Illinois reserves the right to object.

Mr. DURBIN. It strikes me as odd that the Senator from Oklahoma will not acknowledge the obvious. The earmark reform language which he supported, and the Senator from South Carolina supports, passed the Senate 98 to 0. It was part of the first comprehensive ethics reform package this Senate has seen in many years; many years of Republican rule, I might add. We are now saying that the Appropriations Committee has voluntarily said, even before the conference committee that we are going to live by these standards.

I will not quibble with the Senator from Oklahoma because he and I see this quite differently. But authorizing a project does not mean it has money. That is why we have authorizing committees and appropriating committees. I can authorize the Sun, the Moon, the stars, and the Milky Way, but I will not deliver any of those to anybody until I get to an appropriations bill.

Mr. COBURN. Will the Senator yield for a question?

Mr. DURBIN. When I am finished, I will. All of the authorization in the world notwithstanding, unless you appropriate the money from the Treasury for the project, it is just a good idea that might happen.

Mr. COBURN. Will the Senator yield?

Mr. DURBIN. I said I will. Allow me to finish my sentence. What I am suggesting is, other committees may take this up as well on an interim basis. But the bills that are going to move on the floor of the Senate are the appropriations bills. Now that the budget resolution is passed, our major obligation is to achieve something we haven't done for years. We want to try to pass the appropriations bills on time. That means that the time of the Senators from Oklahoma and South Carolina and all of us will be consumed with appropriations bills, and the rules we will play by on earmarks for those bills which will be front and center, our major business, will be the same rule that you voted for, the vote that the Senator from Oklahoma cast on this floor for earmark reform. So I say to the Senator from Oklahoma, he can be prepared as these bills come to the floor to see the very approach he has suggested be followed voluntarily. In the meantime we have the assurance of the House that this matter is going to conference committee.

Suggesting that we have abandoned our commitment to reform or calling it a flimsy excuse overstates the Senator's position.

I object.

Mr. COBURN. Will the Senator yield for a question?

The PRESIDENT pro tempore. Senators will please address other Senators through the Chair and refer to other Senators in the third person, not in the first person.

Mr. DURBIN. Mr. President, I object to the unanimous consent request.

The PRESIDENT pro tempore. The Senator from Illinois objects.

CONCLUSION OF MORNING BUSINESS

The PRESIDENT pro tempore. Morning business is closed.

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007

The PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of S. 372, which the clerk will report.

The assistant legislative clerk read as follows:

A bill (S. 372) to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

Pending:

Rockefeller/Bond amendment No. 843, in the nature of a substitute.

Collins amendment No. 847 (to amendment No. 843), to reaffirm the constitutional and statutory protections accorded sealed domestic mail.

The PRESIDING OFFICER (Mr. CASEY). The Senator from West Virginia.

Mr. ROCKEFELLER. Mr. President, the Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments, and we have in fact cleared already 10 amendments. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and that the motions to reconsider be laid upon the table en bloc. These were agreed to by both sides and have been cleared by all parties. The numbers of the amendments are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection to the several requests?

Mr. COBURN. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Missouri.

Mr. BOND. Mr. President, it is very important that we move forward with this bill. We have given time for our colleagues to debate and raise other questions. We would ask that we be able to proceed in a reasonable timeframe to take up amendments which have been introduced by the chairman and the vice chairman together and reflect bipartisan agreement. As vice chairman, I am firmly committed to passage of intelligence reauthorization. I would say further it remains my intention to reduce the partisanship and politicization of intelligence matters.

Events on the Senate floor yesterday, including direct personal attacks on me, indicate this remains a tall order. This bill makes getting a bill harder, and it is already hard enough. Given the kitchen sink provided in the administration's Statement of Administration Policy indicating a possible veto, the chairman and I are trying in good faith, as the chairman indicated, to work through 9, 10, or a dozen amendments to correct the major objections that the administration has.

The administration must know that as we try to weigh their key priorities, they must respect our priorities and our fundamental oversight responsibility which I and the Members of this body should take seriously, as any Senator will.

As for yesterday's events, Senator MCCONNELL manages the floor for the minority. He did not want to end the debate prematurely and the opportunity to offer amendments by the minority, especially with 18 Members absent from the Senate due to bad weather. I supported him because it is the responsibility of our two leaders to manage the floor debate and to protect the rights of minorities and absent Senators. While the attacks on me were inappropriate and offensive, I will continue to work for passage of this intelligence reform measure, which is one of the most important bills we can pass in this session. The measure is too important to be derailed by personal and political attacks.

My friends on the other side of the aisle want more oversight of intelligence. I agree. We got into problems prior to 9/11 because we didn't have good oversight. We have found that there are holes that need to be plugged in oversight. We need to move forward. But forcing an end to the debate with 18 Members absent was not the way to do so. I am hoping that we can show progress by adopting amendments and moving this bill forward to exercise our oversight to provide the intelligence community the direction they need. Our desire is to move forward in the regular order, work our way through amendments, work out a time agreement, dispose of amendments, and hopefully conclude with a bill that most, if not the overwhelming majority, of Members can support so we can get to conference and continue the process.

I will continue to work with the chairman under the difficult circumstances that he and I both face. I am not for delay or any effort, real or imagined, to kill this bill, but I have honest concerns, as others, that there should be an opportunity to address through the regular order in a reasonable timeframe. If there are unreasonable delays, then we will pursue other options which are necessary sometimes to move a bill.

Because of the difficult division present in recent years over these issues, we have been unable to get an authorization bill passed. I find that unacceptable, and I am committed to finding a bill, but it can't be just any bill. It must be the product of give and take and mutual respect and compromise between both parties and both bodies and one the administration can sign.

Mr. ROCKEFELLER. Will the vice chairman yield?

Mr. BOND. Yes.

Mr. ROCKEFELLER. Mr. President, the Senator from Oklahoma has indicated to me that he will not object to the managers' amendment going forward, if he would be allowed to finish what he was talking about, which I assume would happen within the next 5 or 8 minutes. If that is the case, then we will have made progress.

Mr. BOND. Mr. President, I didn't mean to cut the Senator off. For the movement of this bill, we had hoped to be able to clear some amendments so we could show progress, but the Senator from Oklahoma is seeking recognition. I am sure he has some important things to say. I hope we will finish in time to allow us to pass the cleared amendments prior to 12:30. I apologize to the Senator from Oklahoma and thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. COBURN. I ask unanimous consent to speak as in morning business for the next 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

EARMARKS

Mr. COBURN. Mr. President, it is very important we not leave the debate on earmarks. What we saw was an issue about the integrity of Congress which Senator DEMINT and myself have been championing. There are only 4 Members of the Senate who don't offer earmarks, 4 out of 100 who don't play the game of earmarks. It is important that the American people know that if we are going to have earmarks, it ought to be clearly identified. We ought to know who is benefiting, who is getting the money, who is sponsoring the money, and what the outcome will be. It is great that the Appropriations Committee has just stated that they are going to voluntarily accede to the rules we passed 98 to 0, except there is one small problem with that; the fact is, there is no enforcement of the rules available to Senators when they violate that very point, which means they may follow that, but if, in fact, they do not, we have no course of action with which to raise a point of order when they do not.

I wish to go back to something the esteemed Senator from Illinois said, which is, we have gotten what we want. No, we have not. We have not gotten it until the American people get the transparency they need about how the Congress operates. If you eliminate earmarks in appropriations but do not eliminate earmarks in authorizations, what is authorized as an earmark will come to the appropriation as not an earmark because it is then authorized, so we will play the same game but one step further back.

I am disappointed at the leadership, that they would block what the American people so fully want. And the idea we have to conference what should be a Senate rule, when the House has already passed a rule—they operate under the very same thing Senator DEMINT has asked for—all we have to do is agree we will, in fact, abide by those rules by accepting that as a rule of the Senate. Anything less than that is political Washington doublespeak which the American people are tired of.

There should not be one earmark, one special favor, one indication of anything done at any level—authorization or appropriations—the American people are not fully aware of as to who has the vetted interest and who will be the benefactor and what the motivations might be in association with that.

So the fact the majority objects to incorporating what we obviously, supposedly, all agreed to—or was it the fact that people voted for it because the people wanted us to and now we will not carry it out? What it does, by not adopting this rule, Senator DEMINT's rule, is we undermine again the integrity of this body.

The American people deserve transparency. The American people should have transparency. The only way we can truly be held accountable by the American people is if they can see everything that is going on.

To deny this rule, to deny the fact we are going to operate in the open, to deny the fact we are going to be held accountable is exactly what the American people are sick of.

I remind my colleagues we do not have a higher favorability rating than the President at this time, whom we are so quick to impugn, and the reason we do not is the very reason we saw in the objection placed on this rule, this resolution. To me, it is a sad day in the Senate because we are playing games again with the American people. I said, after we passed the ethics bill, it will be a long time until we see anything. It will be a long time. It has already been a long time. Why hasn't it been conferenced? There have been 80 days to conference an ethics bill. There has not been the first step. There has not been the naming of conferees. There has not been the first step to move forward toward that.

The American people should surmise—and correctly—the Congress still wants to work in the shadows, they still do not want to have transparency; therefore, they still do not want to be held accountable by the American people.

I thank you for the time and yield back, and I will offer no objection to the request of the Senator from West Virginia to accept amendments on the Intelligence authorization bill.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment so I may call up amendments Nos. 848, 849, 850, 851, 852, and 853, en bloc.

The PRESIDING OFFICER. Is there objection?

Mr. ROCKEFELLER. Objection.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Mr. President, as I indicated before, the distinguished Republican manager, Senator BOND, and I and our staffs have been working together to clear some amendments. We have cleared 10. I now ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table, en bloc. The amendment numbers are 845, 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Mr. CORNYN. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. ROCKEFELLER. Would the Senator yield?

Mr. CORNYN. Mr. President, I believe the Senator from West Virginia has the floor. I don't.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. The Senator from West Virginia would be interested as to why it is the distinguished Senator from Texas objects.

Mr. CORNYN. Mr. President, let me suggest the absence of a quorum.

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 849 TO AMENDMENT NO. 843

(Purpose: To amend chapter 113B of title 18, United States Code, to prohibit the recruitment of persons to participate in terrorism, to provide remedies for immigration litigation, and to amend the Immigration and Nationality Act to modify the requirements related to judicial review of visa revocation and to modify the requirements related to detention and removal of aliens ordered removed)

Mr. CORNYN. Mr. President, I ask unanimous consent to set aside the pending amendment and call up Amendment No. 849.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Texas [Mr. CORNYN] proposes an amendment numbered 849 to amendment No. 843.

(The amendment is printed in the RECORD of Monday, April 16, 2007, under "Text of Amendments.")

Mr. CORNYN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

AMENDMENTS NOS. 846, AS MODIFIED; 856, 858, 859, 860, AS MODIFIED; 861, AS MODIFIED; 862, 863, AND 872, AS MODIFIED, EN BLOC, TO AMENDMENT NO. 843

Mr. ROCKEFELLER. Mr. President, I resume my request which I will make in full, and that is that the Republican manager, Senator BOND, and this Senator from West Virginia and our staffs have been working together to clear some amendments. We have cleared 10 amendments—9 amendments. I ask unanimous consent that it be in order for the Senate to consider en bloc the following amendments, that they be agreed to en bloc, and the motions to reconsider be laid upon the table en bloc. Those amendment numbers are 846, 856, 858, 859, 860, 861, 862, 863, and 872.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The amendments were agreed to, as follows:

AMENDMENT NO. 846, AS MODIFIED

On page 37, between lines 19 and 20, insert the following:

"(7) develop 15-year projections and assessments of the needs of the intelligence community to ensure a robust federal scientific and engineering workforce and the means to recruit such a workforce through integrated scholarships across the intelligence community, including research grants and cooperative work-study programs;

AMENDMENT NO. 856

(Purpose: To strike the requirement for a study on the disclosure of additional intelligence information)

Beginning on page 11, strike line 18 and all that follows through page 12, line 20.

AMENDMENT NO. 858

(Purpose: To improve the notification of Congress regarding intelligence activities of the United States Government)

Strike section 304 and insert the following:

SEC. 304. IMPROVEMENT OF NOTIFICATION OF CONGRESS REGARDING INTELLIGENCE ACTIVITIES OF THE UNITED STATES GOVERNMENT.

(a) Clarification of Definition of Congressional Intelligence Committees to Include All Members of Committees.—Section 3(7) of the National Security Act of 1947 (50 U.S.C. 401a(7)) is amended—

(1) in subparagraph (A), by inserting ", and includes each member of the Select Committee" before the semicolon; and

(2) in subparagraph (B), by inserting ", and includes each member of the Permanent Select Committee" before the period.

(b) Notice on Information Not Disclosed.—

(1) In general.—Section 502 of such Act (50 U.S.C. 413a) is amended—

(A) by redesignating subsections (b) and (c) as subsections (c) and (d), respectively; and

(B) by inserting after subsection (a) the following new subsection (b):

"(b) Notice on Information Not Disclosed.—(1) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (a) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the intelligence activities covered by such determination, and contain no restriction on access to this notice by all members of the committee.

"(2) Nothing in this subsection shall be construed as authorizing less than full and current disclosure to all the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives of any information necessary to keep all the members of such committees fully and currently informed on all intelligence activities covered by this section.".

(2) Conforming amendment.—Subsection (d) of such section, as redesignated by paragraph (1)(A) of this subsection, is amended by striking "subsection (b)" and inserting "subsections (b) and (c)".

(c) Reports and Notice on Covert Actions.—

(1) Form and content of certain reports.—Subsection (b) of section 503 of such Act (50 U.S.C. 413b) is amended—

(A) by redesignating paragraphs (1) and (2) as subparagraphs (A) and (B), respectively;

(B) by inserting "(1)" after "(b)"; and

(C) by adding at the end the following new paragraph:

"(2) Any report relating to a covert action that is submitted to the congressional intelligence committees for the purposes of paragraph (1) shall be in writing, and shall contain the following:

"(A) A concise statement of any facts pertinent to such report.

"(B) An explanation of the significance of the covert action covered by such report.".

(2) Notice on information not disclosed.—Subsection (c) of such section is amended by adding at the end the following new paragraph:

"(5) If the Director of National Intelligence or the head of a department, agency, or other entity of the United States Government does not provide information required by subsection (b) in full or to all the members of the congressional intelligence committees, and requests that such information not be so provided, the Director shall, in a timely fashion, notify such committees of the determination not to provide such information in full or to all members of such committees. Such notice shall be submitted in writing in a classified form, include a statement of the reasons for such determination and a description that provides the main features of the covert action covered by such determination, and contain no restriction on access to this notice by all members of the committee.".

(3) Modification of nature of change of covert action triggering notice requirements.—Subsection (d) of such section is amended by striking "significant" the first place it appears.

AMENDMENT NO. 859

(Purpose: To strike the pilot program on disclosure of records under the Privacy Act relating to certain intelligence activities)

Strike section 310.

AMENDMENT NO. 860, AS MODIFIED

Beginning on page 29, strike line 24 and all that follows through page 31, line 15, and insert the following:

(1) Report required.—Not later than 60 days after the date of the enactment of this Act, the Director of National Intelligence shall provide to the members of the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on any clandestine prison or detention facility currently or formerly operated by the United States Government for individuals captured in the global war on terrorism.

(2) Elements.—The report required by paragraph (1) shall include the following:

(A) The date each prison or facility became operational, and if applicable, the date on which each prison or facility ceased its operations.

(B) The total number of prisoners or detainees held at each prison or facility during its operation.

(C) The current number of prisoners or detainees held at each operational prison or facility.

(D) The total and average annual costs of each prison or facility during its operation.

(E) A description of the interrogation procedures used or formerly used on detainees at each prison or facility, including whether a determination has been made that such procedures are or were in compliance with the United States obligations under the Geneva Conventions and the Convention Against Torture.

AMENDMENT NO. 861, AS MODIFIED

Beginning on page 96, strike line 24 and all that follows through page 97, line 6, and insert the following:

"(2)(A) As directed by the Director of National Intelligence, the National Geospatial-Intelligence Agency shall also develop a system to facilitate the analysis, dissemination, and incorporation of likenesses, videos, or presentations produced by ground-based platforms, including handheld or clandestine photography taken by or on behalf of human intelligence collection organizations or available as open source information into the National System for Geospatial-Intelligence.

AMENDMENT NO. 862

(Purpose: To change the name of the National Space Intelligence Center to the National Space Intelligence Office)

Strike section 410 and insert the following:

SEC. 410. NATIONAL SPACE INTELLIGENCE OFFICE.

(a) ESTABLISHMENT.—

(1) IN GENERAL.—Title I of the National Security Act of 1947 (50 U.S.C. 401 et seq.) is amended by adding after section 119B the following new section:

"NATIONAL SPACE INTELLIGENCE OFFICE

"SEC. 119C. (a) ESTABLISHMENT.—There is established within the Office of the Director of National Intelligence a National Space Intelligence Office.

"(b) DIRECTOR OF NATIONAL SPACE INTELLIGENCE OFFICE.—The National Intelligence Officer for Science and Technology, or a successor position designated by the Director of National Intelligence, shall act as the Director of the National Space Intelligence Office.

"(c) MISSIONS.—The National Space Intelligence Office shall have the following missions:

"(1) To coordinate and provide policy direction for the management of space-related intelligence assets.

"(2) To prioritize collection activities consistent with the National Intelligence Collection Priorities framework, or a successor framework or other document designated by the Director of National Intelligence.

"(3) To provide policy direction for programs designed to ensure a sufficient cadre of government and nongovernment personnel in fields relating to space intelligence, including programs to support education, recruitment, hiring, training, and retention of qualified personnel.

"(4) To evaluate independent analytic assessments of threats to classified United States space intelligence systems throughout all phases of the development, acquisition, and operation of such systems.

"(d) ACCESS TO INFORMATION.—The Director of National Intelligence shall ensure that the National Space Intelligence Office has access to all national intelligence information (as appropriate), and such other information (as appropriate and practical), necessary for the Office to carry out the missions of the Office under subsection (c).

"(e) SEPARATE BUDGET ACCOUNT.—The Director of National Intelligence shall include in the National Intelligence Program budget a separate line item for the National Space Intelligence Office.".

(2) CLERICAL AMENDMENT.—The table of contents for that Act is amended by inserting after the item relating to section 119B the following new item:

"Sec. 119C. National Space Intelligence Office.".

(b) REPORT ON ORGANIZATION OF OFFICE.—

(1) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Director of the National Space Intelligence Office shall submit to the Select Committee on Intelligence of the Senate and the Permanent Select Committee on Intelligence of the House of Representatives a report on the organizational structure of the National Space Intelligence Office established by section 119C of the National Security Act of 1947 (as added by subsection (a)).

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) The proposed organizational structure of the National Space Intelligence Office.

(B) An identification of key participants in the Office.

(C) A strategic plan for the Office during the five-year period beginning on the date of the report.

AMENDMENT NO. 863

(Purpose: To modify the requirements related to the Director and Deputy Director of the Central Intelligence Agency)

Strike section 421 and insert the following:

SEC. 421. DIRECTOR AND DEPUTY DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY.

(a) ESTABLISHMENT OF POSITION OF DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—Subsection (a) of section 104A of the National Security Act of 1947 (50 U.S.C. 403–4a) is amended—

(1) by redesignating subsections (b), (c), (d), (e), (f), and (g) as subsections (d), (e), (f), (g), (h), and (i) respectively; and

(2) by inserting after subsection (a) the following new subsections (b) and (c):

"(b) DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) There is a Deputy Director of the Central Intelligence Agency who shall be appointed by the President, by and with the advice and consent of the Senate.

"(2) The Deputy Director of the Central Intelligence Agency shall assist the Director of the Central Intelligence Agency in carrying out the duties and responsibilities of the Director.

"(3) The Deputy Director of the Central Intelligence Agency shall act for, and exercise the powers of, the Director of the Central Intelligence Agency during the absence or disability of the Director of the Central Intelligence Agency or during a vacancy in the position of Director of the Central Intelligence Agency.

"(c) MILITARY STATUS OF DIRECTOR OF THE CENTRAL INTELLIGENCE AGENCY AND DEPUTY DIRECTOR OF CENTRAL INTELLIGENCE AGENCY.—(1) Not more than one of the individuals serving in the positions specified in subsection (a) and (b) may be a commissioned officer of the Armed Forces in active status.

"(2) A commissioned officer of the Armed Forces who is serving as the Director or Deputy Director of the Central Intelligence Agency or is engaged in administrative performance of the duties of Director or Deputy Director of the Central Intelligence Agency shall not, while continuing in such service, or in the administrative performance of such duties—

"(A) be subject to supervision or control by the Secretary of Defense or by any officer or employee of the Department of Defense; or

"(B) exercise, by reason of the officer's status as a commissioned officer, any supervision or control with respect to any of the military or civilian personnel of the Department of Defense except as otherwise authorized by law.

"(3) Except as provided in subparagraph (A) or (B) of paragraph (2), the service, or the administrative performance of duties, described in that paragraph by an officer described in that paragraph shall not affect the status, position, rank, or grade of such officer in the Armed Forces, or any emolument, perquisite, right, privilege, or benefit incident to or arising out of such status, position, rank, or grade.

"(4) A commissioned officer described in paragraph (2), while serving, or continuing in the administrative performance of duties, as described in that paragraph and while remaining on active duty, shall continue to receive military pay and allowances. Funds from which such pay and allowances are paid shall be reimbursed from funds available to the Director of the Central Intelligence Agency.".

(b) CONFORMING AMENDMENT.—Paragraph (2) of subsection (e) of such section, as redesignated by subsection (a)(1) of this section, is further amended by striking "subsection (d)" and inserting "subsection (f)".

(c) EXECUTIVE SCHEDULE LEVEL III.—Section 5314 of title 5, United States Code, is amended by adding at the end the following new item:

"Deputy Director of the Central Intelligence Agency.".

(d) ROLE OF DNI IN APPOINTMENT.—Section 106(b)(2) of the National Security Act of 1947 (50 U.S.C. 403–6(b)(2)) is amended by adding at the end the fallowing new subparagraph:

"(J) The Deputy Director of the Central Intelligence Agency.".

(e) EFFECTIVE DATE AND APPLICABILITY.—The amendments made by this section shall take effect on the date of the enactment of this Act and shall apply upon the earlier of—

(1) the date of the nomination by the President of an individual to serve as Deputy Director of the Central Intelligence Agency, except that the individual administratively performing the duties of the Deputy Director of the Central Intelligence Agency as of the date of the enactment of this Act may continue to perform such duties after such date of nomination and until the individual appointed to the position of Deputy Director of the Central Intelligence Agency, by and with the advice and consent of the Senate, assumes the duties of such position; or

(2) the date of the cessation of the performance of the duties of Deputy Director of the Central Intelligence Agency by the individual administratively performing such duties as of the date of the enactment of this Act.

AMENDMENT NO. 872, AS MODIFIED

On page 28, line 19, strike "legal opinions" and insert "legal justifications".

Mr. BOND. Mr. President, I move to reconsider the vote.

Mr. ROCKEFELLER. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ROCKEFELLER. Mr. President, I also ask unanimous consent that it be in order for any of the cleared amendments to be modified to comport to the substitute.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BOND. Mr. President, I thank the Chairman. We are moving forward now on the bill. As indicated, we have some drafting problems we are working out, but we also have high hopes of being able to adopt a number of the amendments that have been filed on both sides. Some of them may require modification.

Mr. President, as we get ready to go to our policy lunches, I once again ask that Members with amendments come forward and let us know what the amendments are. We ask that they be germane, because nongermane amendments, even if they are passed, will not survive conference. We want to keep the proceedings moving forward, so we ask that amendments be germane. We ask Members to work with us so we can accept them or offer a compromise to make them acceptable. We want to do that. Otherwise, when votes are needed, and I am sure they will be, we ask that a reasonable time period be agreed on by both sides, the proponent of the amendment and the opponent, so we may get some orderly procedure so our colleagues will know how we are moving forward and we can show progress.

I thank the Chair and I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:40 p.m., recessed until 2:15 p.m., and reassembled when called to order by the Presiding Officer (Mr. CARPER).

INTELLIGENCE AUTHORIZATION ACT FOR FISCAL YEAR 2007—Continued

The PRESIDING OFFICER. The pending business is the Cornyn amendment. Who seeks recognition?

The Senator from Tennessee is recognized.

Mr. ALEXANDER. Mr. President, I ask unanimous consent to speak as in morning business for 5 minutes.

Mr. KYL. Mr. President, I wonder if my colleague will first allow me to lay down an amendment but not speak to it.

Mr. ALEXANDER. Yes.

The PRESIDING OFFICER. The Senator from Arizona is recognized.

Mr. KYL. Mr. President, is there a pending amendment?

The PRESIDING OFFICER. Yes, it is the Cornyn amendment.

Mr. KYL. Mr. President, I ask unanimous consent to lay aside the pending amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 866 TO AMENDMENT NO. 849

Mr. KYL. Mr. President, I simply ask unanimous consent to call up as a second-degree amendment to the pending amendment my amendment No. 866.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Arizona [Mr. KYL] proposes an amendment numbered 866 to amendment No. 849.

Mr. KYL. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

(Purpose: To protect classified information)

At the end, add the following:

SEC. . UNLAWFUL DISCLOSURE OF CLASSIFIED REPORTS BY ENTRUSTED PERSONS.

(a) IN GENERAL.—It shall be unlawful for any person who is an employee or member of the Senate or House of Representatives, or who is entrusted with or has lawful possession of, access to, or control over any classified information contained in a report submitted to Congress under this Act, the USA PATRIOT Improvement and Reauthorization Act of 2005 (Public Law 109-177; 120 Stat. 192), the Intelligence Reform and Terrorism Prevention Act of 2004 (Public Law 108-458; 118 Stat. 3638), or an amendment made by any such Act to—

(1) knowingly and willfully communicate, furnish, transmit, or otherwise makes available such information to an unauthorized person;

(2) publish such information; or

(3) use such information in any manner prejudicial to the safety or interest of the United States or for the benefit of any foreign government to the detriment of the United States.

(b) PENALTY.—Any person who violates subsection (a) shall be fined under title 18, United States Code, imprisoned not more than 10 years, or both.

(c) INFORMATION TO CONGRESS.—Nothing in this section shall prohibit the furnishing, upon lawful demand, of information to any regularly constituted committee of the Senate or House of Representatives, or joint committee thereof.

(d) DEFINITIONS.—As used in this section—

(1) the term "classified information" means information which, at the time of a violation of this section, is determined to be Confidential, Secret, or Top Secret pursuant to Executive Order 12958, or any successor thereto; and

(2) the term "unauthorized person" means any person who does not have authority or permission to have access to the classified information under the provisions of a statute, Executive Order, regulation, or directive of the head of any department or agency who is empowered to classify information.

The PRESIDING OFFICER. The Senator from Tennessee is now recognized.

USCIS NATURALIZATION TEST REDESIGN

Mr. ALEXANDER. Mr. President, I thank my colleagues for giving me 5 minutes.

As my late friend Alex Haley, the author of "Roots," said, "Find the good and praise it." We talk an awful lot about illegal immigration here in the Senate. The majority and minority leaders have both said that before Memorial Day, we will bring up immigration reform in a comprehensive manner. I hope very much that we do that. That is our responsibility. It is too big a problem for one party to solve, and we should work on it in a bipartisan way.

Today, I want to talk about legal immigration as opposed to illegal immigration. About 650,000 individuals become U.S. citizens every year. Each of us has attended ceremonies where this happens. This is at the very heart of our Nation. This is why we call the United States of America the Nation of immigrants. What is so important about them is that no one becomes an American based upon his or her race or where their grandparents came from. In fact, that is constitutionally impermissible. One becomes an American by a remarkable oath of allegiance to this country as opposed to some other country, and then demonstrating good character, being here for 5 years, and showing that you know our common language, English, and an understanding of the U.S. history.

The importance of that was brought home to me last week when I was visiting in Nashville. About 30 percent of all of the students in Tennessee who have limited English proficiency happen to be in the Nashville School District, and Pedro Garcia, the superintendent of schools, was telling me that many of those students who are not now American citizens want to make sure they learn enough U.S. history in middle school and high school so they can pass the citizenship test and become Americans when they graduate.

Today, the U.S. Citizenship and Immigration Services, USCIS, is formally releasing the Citizen's Almanac. I call it to the attention of our colleagues. It is a collection of American symbols of freedom and liberty to be given to every newly sworn citizen, and that would be 650,000 this year. It is built upon action that was taken earlier this year by the USCIS to create a new and better citizenship test.

At the conclusion of my remarks, I ask unanimous consent that a fact sheet about the naturalization test redesign be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALEXANDER. Mr. President, the purpose of that test is to simply give new meaning to what it means to be an American. That oath of allegiance which these 650,000 new citizens will take is basically the same oath that George Washington and his officers took at Valley Forge in 1778. It has a great deal of meaning. Other countries in the world have not had the experience we have had helping people from around the world become Americans. The English, the French, the Japanese, and the Germans are struggling with that right now, as people move in who are not Japanese, German, English, or French. It is hard for them to become part of that national identity. We have not had that problem. We welcome everyone based upon their understanding of the symbols and documents represented in the Citizen's Almanac. So if we don't teach about these things in our schools or immigrants don't learn it in the naturalization process, then we are not a united country.

As I have said many times on this floor, diversity is a great strength of the United States of America, but it is not our greatest strength. Our greatest strength is that we have been able to take all of this diversity and mold it into one country, not because of race or ethnicity but because of a belief in a few principles and our common language. We are able to say we are proud of where we came from, but we are prouder to be Americans.

I salute the U.S. Citizenship and Immigration Services for this document, and the National Endowment for the Humanities for its hard work on it. The Citizen's Almanac includes the patriotic anthems and symbols of the United States, Presidential and historical speeches from Presidents Lincoln, Washington, Roosevelt, Kennedy and Reagan, and Martin Luther King, Jr., and landmark decisions of the Supreme Court. It ought to be in every Senate office. It will be in every home of every new citizen. It will be a good document to be in every school in America.

I yield the floor.

EXHIBIT 1

[From the U.S. Department of Homeland Security, U.S. Citizenship and Immigration Services, Jan. 22, 2007]

USCIS NATURALIZATION TEST REDESIGN

U.S. Citizenship and Immigration Services (USCIS) is revising the naturalization test to create a test and testing process that is standardized, fair and meaningful. A standardized and fair naturalization test will include uniform testing protocols and procedures nationwide to ensure that there is no variation between offices. A meaningful test will encourage civic learning and patriotism among prospective citizens. A revised test, with an emphasis on the fundamental concepts of American democracy and the rights and responsibilities of citizenship, will help to encourage citizenship applicants to learn and identify with the basic values that we all share as Americans.

BACKGROUND

During the past 10 years, the standardization and meaningfulness of the naturalization test have come under scrutiny. Various studies found that the exam lacked standardized content, instruments, protocols or scoring system. Inconsistencies were reported in the way the exams were administered nationwide, and there was no assessment of whether applicants had a meaningful understanding of U.S. history and government.

To address these concerns, Immigration and Naturalization Services (INS) launched a test redesign project in 2000 that has included technical assistance from several test development contractors, the National Academy of Sciences, a panel of history and U.S. government scholars, and a panel of English as a Second Language (ESL) experts. In addition, USCIS has sought input from a variety of stakeholders, including immigrant advocacy groups, citizenship instructors, ESL teachers, and USCIS District Adjudications Officers.

Changes to the naturalization test

The reading and writing portions of the pilot naturalization exam is similar to the current test except that the new exam contains more civics-based vocabulary. Applicants will still have up to three chances to read and write a sentence correctly in English. In the writing section of the test, the testing officer will dictate a sentence and ask the applicant to write everything the officer reads. During the reading portion of the test, the test officer will ask the applicant to read each word out loud in that sentence.

The proposed format for the new civics exam will still require applicants to correctly answer six out of 10 questions chosen from a master list of 100 civics questions and answers. The difference is that the new sentences will now focus on civics and history topics, rather than the general range of topics on the current test. USCIS has placed these questions and answers, along with a study guide on the Internet and elsewhere in the public domain to help applicants prepare.

Q. What are the new civics questions and English vocabulary list items?

A. USCIS posted has made the English vocabulary lists available at: www.uscis.gov/natzpilot.

Q. How were the questions developed?

A. English Items. A panel of English as a Second Language (ESL) and other test development experts chosen by the association of Teachers of English to Speakers of Other Languages (TESOL) developed the English items. The TESOL panel established an English language level for the test consistent with Department of Education reporting levels for adult basic education.

Civics Items. The TESOL panel also assisted in drafting and reviewing civics questions using a content framework identified by the Office of Citizenship from a review of government authorized civics and citizenship texts, the U.S. Department of Education's National Standards for Civics and Government, the current naturalization test, and the study guide developed by a panel of experts assembled by USCIS in 2004.

Q. How are the new questions an improvement over the old questions?

A. By weighing the questions on the new civics and U.S. history test we will ensure that all test forms are at the same cognitive and language level. By creating test forms at the same level of difficulty, we are ensuring that an applicant who goes for an interview in one city of the country has the same chance of passing the test as in any other city. The English vocabulary on the new test is also fairer because it is targeted at a language level consistent with the Department of Education reporting standards for the level required by Section 312 of the Immigration and Nationality Act. District Adjudication Officers are being trained to administer and score the naturalization tests in the same way nationwide to ensure uniform administration of the test.

Applicants will receive a study guide on the new civics and U.S. history questions so they can deepen their knowledge and understanding of our Nation as they prepare for the exam. The new items will focus less on redundant and trivial questions based on rote memorization and will focus on concepts, such as the rights and responsibilities of citizenship. Some items on the current test fit those needs and required little content change, so several items from the current test will appear on the revised test. The range of acceptable answers to each question will also increase so that applicants can learn more about a topic and select from a wider range of acceptable answers. And finally, the reading and writing test will provide a tool for civic learning because the vocabulary list is civics-based.

Q. How will the interview process change for applicants?

A. The interview process will not change.

PILOT PROGRAM

As part of the test redesign, USCIS will conduct a pilot program in ten cities beginning in February 2007 to ensure the agency has all the information necessary before the new test is fully implemented nationwide in 2008. During this pilot, USCIS will carefully analyze the new test questions to make certain that the questions are fair and work as they were intended. USCIS will also collect information about testing procedures, to include feedback from DAOs, to help refine the testing procedures and facilitate the smooth transition to the new naturalization exam.

Q. What will USCIS pilot?

A. USCIS plans to pilot 142 U.S. history and government questions and approximately 36 reading and 36 writing items. The topic areas include principals of American democracy, system of government, rule of law, rights and responsibilities, American History, and geography. About half of the questions include rephrased versions of questions on the current test. All citizenship applicants in the 10 pilot areas who are scheduled for their naturalization test during the pilot will receive advance copies of the civics questions and the two lists of vocabulary for self-study. USCIS has also posted these study materials on the web at: http://www.uscis.gov/natzpilot. The actual test will become available to the public.

Q. How were the questions selected?

A. The TESOL panel assisted USCIS in drafting and reviewing civics questions using best practices and conventional sample techniques, such as regression analysis, currently used in private industry.

Q. Where are the test sites?

A. The pilot program will run in 10 cities that were randomly selected based on citizenship application volume. The ten pilot sites are: Albany, NY, Boston, MA; Charleston, S.C.; Denver; EL Paso, Texas; Kansas City, Mo.; Miami; San Antonio, Texas; Tucson, Ariz.; and Yakima, Wash.

Q. How were the 10 pilot cities selected?

A. To capture the diversity of USCIS offices and applicants, USCIS randomly selected a representative sample of 10 districts by geographic region and the volume of applications that were processed in each office to conduct the pilot. This method will help insure that the final results can be made with equal accuracy and statistical weight.

Q. What is the purpose of the pilot?

A. A pilot is a crucial component of any test design process. A pilot ensures that the draft test items, scoring rubrics, and administration processes are appropriate, not too difficult, and elicit the responses we expect.

Q. How will USCIS conduct the pilot?

A. USCIS must administer about 6,000 tests to achieve a representative and significant study.

Pilots will begin in February 2007 and will last between two to four months.

USCIS trained the test administrators on the new exam process.

USCIS will mail a notification to all applicants scheduled for an interview at the pilot sites during the pilot period informing them that they have the opportunity to participate in the national pilot program.

Applicants will also receive a letter explaining the pilot and study questions.

Applicants who take the pilot but do not pass one or more parts will have the opportunity to take the current test or part of the current test immediately during the interview, thus giving them an additional opportunity to pass the naturalization test.

Many of the questions on the pilot test and the current test cover the same subjects, so additional preparation is expected to be minimal.

Once pilot results have been analyzed, piloted items will be revised accordingly.

Q. Must applicants participate in the pilot?

A. No. Applicants will have the choice to decline participation in the pilot test. For those who decline, they will be given the current test.

USCIS will continue to meet with local immigrant service providers, advocates, and ESL teachers in pilot sites to gain their support so that they can encourage immigrants to participate in their government and make this a successful pilot.

The PRESIDING OFFICER. The Senator from California is recognized.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that Senator FEINGOLD and I be permitted to speak for up to 10 minutes as in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE CAMPAIGN DISCLOSURE PARITY ACT

Mrs. FEINSTEIN. Mr. President, I rise in my capacity as chairman of the Rules Committee to speak about a bill that the Committee heard and passed out unanimously a short time ago. That bill is entitled the "Senate Campaign Disclosure Parity Act." It is sponsored by Senators FEINGOLD, COCHRAN, and 32 other Senators. It would require that Senate campaign finance reports be filed electronically rather than in paper format. That is all the bill does.

Currently, House candidates, Presidential candidates, political action committees, and party committees are all required to file electronically, and they do. But Senators, Senate candidates, authorized campaign committees, and the Democratic and Republican Senate campaign committees are exempt. As a result, we have a very cumbersome system in which paper copies of disclosure reports are filed with the Senate Office of Public Records, which then scans them, makes an electronic copy of them, and sends that copy to the FEC on a dedicated communications line. The FEC then prints the report and sends it to a vendor in Fredericksburg, VA, where the information is keyed in by hand and transferred back to the FEC database. All of this costs about $250,000, and it is a waste of money, a waste of staff, and a waste of time.

At our hearing on February 14 on this bill—and this bill is just on this point—it was clear that there was no public opposition to this proposal, only public support. The bill has been hotlined. It has cleared on the Democratic side. It has not cleared on the Republican side.

Now, again, this bill says we will just allow us to electronically file our quarterly reports. I just electronically filed my quarterly reports. I then gave a paper copy to the Secretary of the Senate. This is exactly the type of good-government law the Senate can adopt as a stand-alone measure.

I hope we move this legislation today, without burdening it with other items. It is really long past time to bring the Senate into the modern era. So I hope my colleagues on both sides of the aisle will join me in ensuring timely access and disclosure of Senate finance campaign activities and bring that information before the public.

I will now yield to the author of the legislation, the distinguished Senator from Wisconsin.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. FEINGOLD. Mr. President, I thank the Senator from California. I am very pleased to be here with her today. I sincerely thank the Senator from California for moving the Senate Campaign Disclosure Parity Act through the Rules Committee so that we are now in a position to finally pass this legislation. As the Senator from California indicated, at last count, we now have 35 cosponsors for S. 223, 20 Democrats and 15 Republicans, and no known opposition.

The bill fixes the anomaly in the election laws that makes it nearly impossible for the public to get timely access to Senate campaign finance reports, even though most other reports are available on the Internet within 24 hours of their filing with the Federal Election Commission, FEC. This bill will finally bring Senate campaigns into the 21st century by amending the section of the election laws dealing with electronic filing to require reports filed with the Secretary of the Senate to be filed electronically and forwarded to the FEC within 24 hours.

This step is long overdue. There is no excuse for keeping our own campaign finance information inaccessible to the public when the information filed by House and Presidential candidates, PACs, parties, and even 527 organizations is readily available almost immediately. The Washington Post has called the outmoded Senate campaign reporting system "obviously unjustified," and Roll Call has called it "indefensible." I couldn't agree more.

The current system means that the FEC's detailed coding, which allows the press and the public to do more sophisticated searches and analysis, is completed over a week later for Senate reports than for House reports. It means that the final disclosure reports covering the first 2 weeks of October are often not available for detailed scrutiny until after the election. That is scandalous and there is no good reason for it.

Let me just say that I know that the election laws have a big impact on campaigns and all Senators have a strong personal stake in vetting changes to those laws. I am very familiar with controversial and contested campaign finance legislation. This isn't that kind of bill. This bill is as close to a no-brainer as you can get in this area.

In addition to bipartisan support here in the Senate, major media outlets have endorsed it, as have bloggers on the left and the right. No one that I know of opposes it. And yet, it has now been nearly 3 and a half years since I first introduced it. That is nearly half as long as it took us to pass McCain-Feingold. I know McCain-Feingold. You might say McCain-Feingold is a friend of mine. This bill is no McCain-Feingold.

As I understand it, this bill has cleared the Democratic side. Given the strong support for it from across the political spectrum, and cosponsorship from many Republican Senators, and I especially thank Senator COCHRAN for being the main author along with me. I sincerely hope there won't be an objection on the Republican side. It would be wrong to hold this bill up as some kind of bargaining chip. It is time for the Senate to pass this bill, and I hope that can be done today.

Once again, I thank the Senator from California, and I yield the floor.

Mrs. FEINSTEIN. Mr. President, if I may, I will ask a question of the Senator from Wisconsin. First, I thank him for his leadership on this issue.

If I can ask the Senator, is there any item in this bill other than electronic filing?

Mr. FEINGOLD. No, there is not.

Mrs. FEINSTEIN. Doesn't this bill simply enable Members of the Senate, just as every other political office does, to file directly electronically their finance reports?

Mr. FEINGOLD. That is all it does.

Mrs. FEINSTEIN. I thank the Senator.

Mr. President, this is such a simple, direct bill with respect to transparency. It is an idea whose time has long come. It happens everywhere else except for the Senate, Senate committees, and the Senate campaign committees. The time is long overdue to pass this bill. It is such a simple, good-government issue. It is very hard for me to understand who could oppose this and what their reason for opposing it could be. I hope that if there is opposition in this Senate, the Member would be willing to come down to the floor and express why they would oppose this bill.

We have the solid support of the entire Rules Committee. This bill was easy to pass out of committee. It was easy to hotline on the Democratic side, and it should be easy to pass by unanimous consent.

Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 96, S. 223, a bill to require Senate candidates to file designations, statements, and reports in electronic forms; that the committee-reported amendment be considered and agreed to; that the bill, as amended, be read three times, passed; and that the motion to reconsider be laid upon the table, with no intervening action.

The PRESIDING OFFICER. Is there objection?

Mr. ALEXANDER. Mr. President, on behalf of a Republican Senator, I object.

The PRESIDING OFFICER. Objection is heard.

Mrs. FEINSTEIN. I yield the floor.

Mr. ROCKEFELLER. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ACTION ON AMENDMENTS NOS. 856 AND 859 VITIATED

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the previous action on amendments Nos. 856 and 859 be vitiated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. I yield the floor, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER (Mr. BROWN). The Senator from West Virginia is recognized.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that at 5:45 p.m. today, the motion to proceed to the motion to reconsider be agreed to, the motion to reconsider be agreed to, and without further interning action, the Senate proceed to vote on the motion to invoke cloture on S. 372, the Intelligence authorization bill; further, that Members have until 4:45 p.m. to file any second-degree amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ROCKEFELLER. Mr. President, I should say this has been cleared on both sides.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. Mr. President, I ask to speak as in morning business for half an hour, although I probably will not speak that long.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE

Mr. GRASSLEY. Mr. President, earlier this year I gave a series of statements on this floor on the Medicare prescription drug benefit. Back then, I said I was informing my colleagues because in the near future Congress would consider some fundamental changes in how the benefit works.

Well, for the entire Senate, the future is now. Last week the Senate Finance Committee marked up legislation on the so-called prohibition on Government negotiations under the Medicare prescription drug benefit. When I gave these four statements during February, I said it was important for the public and also for Medicare beneficiaries to understand the proposed changes, and that it was equally important to explore the effects these changes would have.

Those reasons still hold true this very day. They are even more important now as the Senate gears up for action on that ill-advised legislation. I will inform my colleagues on this topic today, tomorrow, and the rest of the week, if I need to, because I want to make sure everyone understands the consequences of this legislation that is going to change the Medicare Program and hurt the Medicare Program, a program that is working; that if it ain't broke, don't fix it. I am willing to talk about this issue until I am blue in the face.

First, everyone should recognize that political opponents of the drug benefit that we call Part D of Medicare have tried for 4 years to tear this benefit apart since day one. Day one dates back to December 2003, when the President signed the bill. These naysayers feel Government can always manage better. They want a Government-run benefit program of drugs in Medicare, and they want the Federal Government dictating drug prices, as if the Federal Government can dictate drug prices.

Thankfully, the naysayers lost when that legislation was being considered. But that has not stopped them from constantly whining and carping about the drug benefit that is now law. The naysayers said there would be no prescription drug plans. Then when there were plenty of prescription drug plans coming into the system, approved by the Secretary of HHS to administer to the seniors of America, they said there were too many plans.

The naysayers said it was too confusing, that the seniors would not be able to choose plans, even arguing that there would be a small number of seniors signing up.

But the seniors have enrolled. In fact, 92 percent of the seniors in America are covered by a prescription drug plan. And what about their satisfaction? Interviews show a great deal of satisfaction on the part of seniors with the plans.

Then the naysayers suggested plans could change their prices and the drugs they cover at the drop of a hat, which has not happened. So the naysayers were wrong again. They did all they could to taint beneficiaries' views of the benefits before it even got off the ground. But the naysayers' biggest criticism of the drug benefit is that, according to them, the Government does not negotiate with drugmakers for lower prices.

Now I will show you how silly that is and how wrong that is and, more importantly, how misleading that is. I say according to "them," meaning according to the naysayers, because they have gone to great lengths to make it sound as though nobody is negotiating with drug companies. If you believe the naysayers out there, you would think that drug companies name their price and Medicare is forced to pay it. That is so wrong that it truly boggles the mind. It seems to me, as I see these arguments, there is no embarrassment on the part of the naysayers' part.

Now, it is correct, of course, that the Secretary of Health and Human Services himself does not negotiate with drug companies, but it is absolutely not correct to say there are no negotiations. That is complete and utter nonsense. It is embarrassingly wrong. Under the Medicare drug benefit, multiple drug plans compete against each other for the membership of seniors and disabled people covered by Medicare. These plans compete to get the lowest prices from manufacturers, for you as a member, because they want to keep you as a member.

In fact, these plans want to be the best negotiators and to offer beneficiaries the best possible drug plan with low premiums, low cost sharing, and even with additional benefits. They compete to be the plan that beneficiaries want to join.

Now, is this something new? No, it is nothing new. This is the same approach used for health care benefits for every Member of Congress, and 3 million Federal employees, under what we call the Federal Employee Health Benefit Program. If beneficiaries do not like the job their plan is doing, you can fire your plan. You can leave it, join another plan. You can choose a better plan. Yet, you see, it is actually very simple how this works; very simple. Harnessing the power of competition among plans gives the Medicare Program beneficiaries and the taxpayers access to better negotiation than anything the Government could do on its own.

In fact, there are five negotiators out there that are negotiating in a bigger way than even the Federal Government can. Can you imagine that, there are five negotiators that are bigger than the Federal Government that were negotiating this? Competition, then, is the mainstay of our free market economy. Businesses compete every day in almost every sector of our economy to produce the products consumers most want at a price that consumers pay, which is probably what consumers can afford.

But the naysayers of the drug benefit somehow do not like that. They are uncomfortable with the free market. They want the Government to run everything. They want the Government itself doing the negotiation. They find it hard to believe anyone could do a better job negotiating than big Government.

Of course, along the lines, they are ignoring the simple fact that competition is working. They are ignoring that competition has led to lower premiums, $22 this year instead of $23 last year, instead of $37 when we wrote the legislation.

They are ignoring that competition is bringing choices to beneficiaries, those who said we would never have choice, that you could not use plans because plans would not work. You know what. Those very Members of Congress are wrong, because in my State there are 43 plans. Will there always be 43 plans? No. I imagine there are some that are small, will weed themselves out, will be bought. These people are ignoring that the Government is not actually very good at figuring out what it should pay for drugs. They are ignoring the fact to carry on with the political scam that they committed against beneficiaries and against the public.

I have a chart I used a month ago that I want to show again. On it is a quote from the Washington Post, recognizing as well, when it wrote the following in an editorial, that this is a political scam and that governments don't do a very good job of negotiating:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

We knew this because of the Government's experience paying for drugs covered by Medicare Part B. There are not very many drugs covered by Medicare Part B, but there have been a few and over a long period of time. What did we learn from that experience of Part B Medicare? These happen to be the drugs that are given during a physician's office visit or other drugs such as oral cancer drugs. Medicare payments for these drugs were based on what is called the average wholesale price, AWP. It is similar to a sticker price for a car. No one actually pays that price on the sticker of a car. The joke was that average wholesale price or AWP actually stood for "ain't what's paid." Over the past decade, reports issued by the inspector general, by the Department of Justice, and by the Government Accountability Office found that by relying on average wholesale price, Medicare was vastly overpaying for these drugs. Recommendations were made to change payments so they reflected actual market cost. The Clinton administration tried to make some of these changes but after pushback from providers, it backed off.

Congress took another run at this issue in 2003 in the Medicare Modernization Act and was successful. Congress reformed how Medicare pays these drugs under Part B, not Part D. Medicare now bases its payment for many of these drugs on a market-based price, a real price, not the average wholesale price, not the "ain't what's paid" price because it wasn't paid. This change, believe it or not, is saving the taxpayers and beneficiaries, but it took years to get that fixed. In all that time, Medicare and taxpayers paid too many dollars for drugs, wasted money, billions and billions of dollars wasted. So using the Part B tradition, we don't want to make the same mistake. We don't want to repeat that experience under the new Part D of drugs for Medicare.

We also knew Medicare overpays for a lot of other services and equipment. The bookshelves are full of other reports from the General Accounting Office, from the inspector general, from the Medicare Payment Advisory Commission, from the Congressional Budget Office, and others, about how Medicare is paying too much in too many areas. For example, Medicare overpaid for durable medical equipment for years until the Republican-led Congress made changes in the 2005 Deficit Reduction Act. In addition, each year the Office of Inspector General issues what is called the Red Book, which presents cost savings recommendations. The books are usually 50 or more pages long, and the recommendations span all aspects of Medicare—hospitals, physicians, home health care plans, and others. This is more evidence of the many areas where Medicare doesn't get the best deal.

Congress has even created the Medicare Payment Advisory Commission, called MedPAC, to provide advice to Congress on payments for services. Every year, Congress hears recommendations from MedPAC to address Medicare overpayments, but many times it takes years for the Secretary of Health and Human Services or for the entire Congress to act to save the taxpayers money. In making recommendations, MedPAC looks at profit margins, for example. One type of provider had been found to have margins of 17 percent off of Medicare payments. The Congress has been able to act on many MedPAC recommendations, but it can be very hard to accomplish these changes. I remember when I was chairman of the Senate Finance Committee over the last 4 years. I received letters from Members saying something like: Please don't cut payments for this provider group or that provider group.

In fact, on the Senate floor just before recess, I fought to prevent this very Senate from freezing a Center for Medicare Services' rule that would have prevented wasteful spending in the program we call Medicaid. Is the rule a good thing or a bad thing? We didn't bother to hold the first hearing on the subject. The only thing that mattered was that a group of providers complained. Like the Clinton administration found, letters and complaints such as that can make it difficult, in the very short order, to do anything about a problem, despite the compelling evidence of overpayments, despite the high profit margins, despite the fact that a proposed change could save taxpayers billions of dollars.

Those of us who wrote the Part D Medicare drug plan passed 4 years ago—and that was mostly Senator BAUCUS for the Democrats and me for the Republicans—were concerned that this same kind of dynamic might happen with this Part D program. Political pressures on Medicare drug benefits would tie the hands of the Secretary of Health and Human Services. If that happens, the programs would be unmanageable and costs would skyrocket. Instead, Congress put competing private plans in charge of negotiating. These plans and their negotiators have years of experience in this arena. This is what they do for a living. Health and Human Services has had very little experience and a very dismal track record.

On this chart, these plans and their negotiators and managers have powerful bargaining clout in the market. They manage the drug coverage for tens of millions of people. There are plans that cover upwards of 50 million people—75 million, in one case—far more than the 41 million Medicare beneficiaries. Clearly, Medicare beneficiaries account for a large number of all prescriptions filled each year, so some might argue that 41 million beneficiaries have more clout than 75 million nonbeneficiaries, but numbers alone do not necessarily translate into lower costs.

As evidence of that, we had all sorts of experts come before the Finance Committee in January on this very topic. In response to questions I asked, particularly of Professor Scott Morton of Yale University, he said it doesn't matter whether you negotiate on behalf of 1 million or 43 million people; what matters is what leverage you have and how you use that leverage.

I think I ought to emphasize that. It is how you use the leverage. So it is what is done to leverage those numbers, then, that leads to lower costs. That leverage comes from the plan being able to say to a drug company something such as: I can get a better deal on drug A from a different manufacturer that has the same clinical effect as your drug B. If you can't match it or do better, then I am going to leave the table.

Some plans will get a better deal on drug A and put it in their formulary. Some plans will get a better deal on drug B. But many experts agree—and experience suggests—that it would be difficult for the Government itself, our Government, to walk away from the table. There would be enormous pressure to cover everything. If it did, the negotiating power lies not with the Government but with the manufacturers.

Here is what Professor Scott Morton said would happen if someone negotiating drug prices couldn't have a formulary:

> Each manufacturer would know that, fundamentally, Medicare must purchase all products. The Medicare "negotiator" would have no bargaining leverage, and therefore, simply allowing bargaining on its own would not lead to substantially lower prices.

At the same hearing, we had another witness. That witness was Mr. Edward Haislmaier, of the Heritage Institute. I would like to quote him from his written testimony:

> [that] volume purchasing encourages manufacturer discounting, it is not; in and of itself, sufficient to extract large discounts. Manufacturers will only offer substantial discounts if the buyer combines the "carrot" of volume with the "stick" of being able to substitute one supplier's goods with those of another.

In drug negotiations, that stick is called a formulary. Plans participating in drug benefits can use that stick. Expert after expert agrees it would be difficult, if not impossible, for the Government, however, to use that stick under Medicare. In fact, in a November 2 Wall Street Journal opinion piece, Dr. Allen Enthoven, an economist at Stanford University, wrote:

> When the government negotiates, its hands are tied because there are few drugs it can exclude without facing political backlash from doctors and the Medicare population, a very influential group of voters.

Let's be honest with each other. What do you think would happen in the Senate if the Center for Medicare Services, CMS, tried to cut a large drug company headquartered in New Jersey or North Carolina, for example, completely out of Part D because they wouldn't meet the Government's price demands? Would Senators from those States say something such as: Oh, well, that is just too bad? Would any of you say that if it was in your State that a manufacturer was being cut out? Again, let's be honest with each other.

What are we left with then? At the January Senate Finance Committee hearing, Professor Scott Morton said that without a formulary—the "stick," as I refer to it—the Secretary would have about as much negotiating power as you would get by calling a drug maker and saying something such as: I would like you to offer a lower price. Their answer might be: Why should I? You have to buy my drug, so why would I offer you a lower price? About all you have left after that is: Please, won't you give me a lower price? That is not going to get you very far.

If my friends on the other side of the aisle think this bill is going to achieve real savings for consumers or the Federal Government, they must have some ideas in mind. I can't believe my friends would come to the Senate floor with a bill that is truly as "do nothing" as CBO describes it.

Here is what the Congressional Budget Office said about S. 3. It would have "a negligible effect on federal spending." Another quote:

> Without the authority to establish a formulary, we believe that the Secretary would not be able to encourage the use of particular drugs by Part D beneficiaries, and as a result would lack the leverage to obtain significant discounts in his negotiations with drug manufacturers.

So let me repeat that other quote: It would have "a negligible effect on federal spending."

The bill we are considering and voting on tomorrow cannot possibly be as innocuous or inconsequential as what the Congressional Budget Office said. Certainly, there must be creative ideas out there to find savings we have not considered.

Since the Finance Committee's markup of S. 3 the other night, I have been considering how a Secretary might use his imagination to find savings. One of the first places we looked at was H.R. 4, the bill that passed the Senate.

H.R. 4 struck the language in the statute that prevents the Secretary from instituting a price structure for reimbursement of covered drugs. Did the House strike the ban because they want an imaginative Secretary to use price controls as part of negotiations? Because all we have heard is they do not want price controls.

Last Thursday night, we offered an amendment to S. 3 to prevent the Secretary from using a preferred drug list, or PDLs as they are called. A preferred drug list is just a formulary under a different name. It is essentially a Government-controlled list of drugs that you can or cannot have.

While I do not think there is a difference between formularies and preferred drug lists, we have seen the courts rule that a State can use one in Medicaid even though Medicaid bans the use of formularies.

So Thursday night, we had an amendment to prevent the Secretary from using preferred drug lists. After all, we do not want the Secretary coming up with a list of drugs you can or cannot take, do we?

To my surprise, the Democrats on the committee rejected my amendment. So what is going on? Perhaps they think that having the Government establish a preferred drug list is one of the imaginative ideas a Secretary will be able to use to save money.

I think this bill is a Trojan Horse. It is dressed up as a do-nothing message bill. But before the week is out, we are going to look inside that horse and see all the bad that could be waiting to hurt beneficiaries. We will see what is bad in this bill that will hurt access and choices beneficiaries currently have in this Medicare drug benefit program.

Maintaining access and choice—access and choice—is critical because beneficiaries have different drug needs. The way the benefit is structured now is that plans can have different formularies. Some might get a good price on one drug; another might get a better price on another drug. They can have different formularies, and beneficiaries can have choices that meet their needs.

When Congress finished work on the new drug benefit in 2003, we knew it was an experiment. Nothing like this had ever been tried. Here is what we learned: Private competition works. It has been successful at keeping costs down. The 25 most used drugs by seniors cost 35 percent less. Plan bids have come in lower than expected. This year, they were down 10 percent from last year's bids.

Premiums are lower than they were estimated to be. Before 2006, Medicare's chief actuary estimated the average monthly premium would be $37, but it was actually $23 in 2006. That is 38 percent lower than expected. Because of the strong competition between plans, the average premiums for beneficiaries is expected to be about $22 in 2007, not the $39 that had been estimated.

Why? Private competition works.

The net cost to the Federal Government is also lower than expected. In January, the official Medicare actuary announced that the net 10-year cost of Part D has dropped by $189 billion over the original budget window used when the Medicare Modernization Act was enacted. That is 2004 to 2013. That is a 30-percent drop in the actual cost compared to the projection.

Why? Because private competition works.

The savings are unheard of for a Government program of any kind. Where else have you ever heard of a cost underrun in a Federal program?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. GRASSLEY. Mr. President, could I please have 4 more minutes? I ask unanimous consent for that additional time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRASSLEY. I wish to emphasize: We have a cost underrun in a Federal program. When have you ever heard of that?

You could not get those lower prices and lower costs unless the prescription drug plans are being strong negotiators with the drug makers. States are also saving money in lower contributions, better known as "clawback" payments. State clawback payments are now projected to be $37 billion less over a 10-year period. That is 27 percent lower. Just in 2006, States saved $700 million.

Why? Because private competition is working.

The plans are negotiating lower prices for drugs. I have said so many times, for the top 25 drugs used by seniors, the Medicare prescription drug plans have been able to negotiate prices that on average are 35 percent lower than the average cash price at retail pharmacies—35 percent lower.

Why? Because private competition is working.

Here are some examples: Lipitor is 15 percent lower, Atenolol is 63 percent lower, while Fosamax is 30 percent lower. I could go on down the list.

Now, when the drug benefit was signed into law, we believed it would work and hold down costs. That is certainly happening today even more than we expected because private competition works.

We also said that if it did not work—if the negotiating model used for the drug benefit did not hold down costs—then Congress would need to reexamine things. If costs grew too fast, then the whole idea would have to be revisited.

Maybe we would have to restrict access to drugs. Maybe we would have to rely more on mail order pharmacies instead of liberal access to local retail pharmacies. Maybe more drastic cost-cutting measures would be needed.

But that is not the position we are in today. Why? Because private competition works.

I hate to sound like a broken record, but I think the naysayers out there need a little repetition therapy. Everyone has heard the old saying that "if it ain't broke, don't fix it." It certainly applies here, and the evidence shows it.

I would like to be the first one to say that the Medicare drug benefit is not perfect. There are improvements that can be made. Congress should look at ways to make it easier for low-income beneficiaries to get the additional assistance they need by reexamining the low-income subsidy asset test.

We need to look at payments to pharmacies and make some reforms in that area. We need to look at ways we can simplify the enrollment process. And there are other areas where we can make improvements.

But one area that is working very well is the negotiating power of Medicare drug plans. They have shown their ability to hold down costs. It is working.

The pleas from the naysayers to put the Government in charge of negotiating are about politics, not policy. These voices have not given up in their misguided quest to score political points with the drug benefit. It saddens me the Democratically controlled Congress has devoted so much time to this issue rather than looking at some of the improvements we can make in Part D that I mentioned.

Why they have put politics ahead of constructive changes is beyond me.

In January, I had hoped we could put politics aside and focus on some of the real improvements we could be making with the drug benefit. But, sadly, that is not the case, and that is why I am here today.

Under the drug benefit today, with the plans negotiating with drug makers and competing with each other, we have lower drug prices for beneficiaries, lower program costs for the Government—saving the taxpayers money—and prescription drug choices for beneficiaries.

Private competition works.

Mr. President, I urge my colleagues to oppose S. 3. It is a big government takeover of the private market that is working for the Medicare benefit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent I be permitted to proceed as in morning business for such time as I may consume.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

Mr. President, let me just comment. I did not come to the floor to speak about the bill specifically. I wish to speak about the alternative minimum tax in a moment. But I cannot help, since I am a member of the committee—listening to the ranking member talk about Medicare and what the impact of allowing Medicare the possibility of being able to negotiate might or might not be—but speak to that for a moment, if I can.

I think most Americans understand, as a matter of common sense, that when an entity that represents their tax dollars has the ability to go out into the marketplace and negotiate for a price, the probability they are going to have saved tax dollars is pretty real, if there is a good and decent negotiation.

The resistance of the Senator from Iowa and others is interesting because it is a resistance that represents the power of big companies in the country—the drug companies—to sort of say: Hey, we kind of like the system the way it is—which we understand because the profits are enormous. But our job is to represent the taxpayers' dollars. Our job is also to use the marketplace thoughtfully.

I do not know what it is that suggests, on the one hand, it is legitimate for the Veterans' Administration to go out as a Government entity and negotiate a lower price for the drugs it purchases to distribute to veterans—which we do—but it is not OK for Medicare—which is another Government program that costs the taxpayers a lot of money—to be able to go out and negotiate a lower price for seniors. It is illogical.

What they do is come in and try to scare people and say: Well, we have given this special privilege to the Veterans' Administration, but if all of a sudden we allow somebody else to negotiate it, then the veterans are not going to get as good a deal.

Well, nobody knows that until you go out into the marketplace. The Veterans' Administration and Medicare together still do not represent the entire market. You are going to have an incredible number of private citizens still purchasing through private health care plans or their HMOs or other plans—private as they are—also.

The marketplace is still going to have its capacity to work. This is not such a large block that it represents a complete and total eradication of a marketplace, No. 1. No. 2, there are other countries where you have this kind of negotiated fee for the service being provided which has worked very effectively.

I think the bottom line is that people have to remember that this legislation we are talking about does not order the Secretary to do this. It is pretty obvious under this administration it is not going to happen because they do not believe in it. All we are doing is lifting the prohibition against the Secretary doing it. So if all the negative things the Senator talks about are true, a smart Secretary is not going to do them because they are negative.

But why would you put in place a prohibition? Why do you specifically say: No, the Secretary can't go out and negotiate the price. You are stuck with the status quo. You are stuck with the current system. The reason is very simple: because it is a lot of money out of the pockets of taxpayers into the pockets of the big companies. That is it, and they are here protecting that.

This is a question of whether we are simply going to lift the prohibition, let the Secretary make the judgment. Can you go out into the market? Can you do this without hurting veterans? Can you do it without upsetting the marketplace? Can you do it and still have the kind of resources you want put into the research of new drugs and other things? I am confident a Secretary is going to make a smart decision.

It is interesting to see the people who usually spend the most time arguing in this country "don't let the government interfere" are the ones who are standing up to let the Government—excuse me, not let the Government, force the Government, in effect, to interfere with the marketplace. Actually, what they really are doing is putting in place a prohibition against the Secretary actually letting the marketplace work or testing whether the marketplace could work more effectively. In effect, we leave it in a state where the companies are dictating effectively what the price is going to be and the citizen, as a result, winds up paying an unfair burden.

We are not doing the best job possible as Government trustees of taxpayer money in taking care of that money and in representing the interests of our taxpayers. That is what is at stake here. Are you prepared to trust the discretion of the Secretary to analyze this, to look at what is best for the country, best for the delivery system, and make that judgment? All we are doing is lifting an unfair special interest prohibition to allow a full analysis of what the better alternative might be.

ALTERNATIVE MINIMUM TAX

Mr. President, as Americans prepared their taxes this year, millions of families in Massachusetts and across the country found a very unpleasant surprise. Beyond their regular income taxes, families found another hidden income tax, which is the alternative minimum tax. It costs those families many thousands of dollars. Most taxpayers are accustomed to computing their income tax liability in the usual way: adding up their income, making whatever deductions they are entitled to, subtracting exemptions for their dependents, and then checking their tax bracket to find out how much they owe. But this year, many of those same taxpayers discovered another tax that ate up any exemptions and deductions they might have claimed. It is a hidden income tax, and it affects the wrong people. It affects people we never intended to affect, and each year that we don't address it, it grows worse.

This alternative minimum tax is a tax that made sense once upon a time. When it was first enacted in 1969, it had a rationale, but since then, it has become bloated and illogical. The tax was first put in place when Treasury Secretary Joseph Barr, during his 1 month as the shortest tenured Treasury Secretary in history, told Congress about 155 wealthy Americans who had paid no income tax in 1966. Congress was overwhelmed with mail expressing outrage that these 155 rich Americans weren't pulling their weight. In response, Congress passed the first version of the AMT. So the AMT was put in place to address Americans' concerns with 155 of the richest Americans at a time when 155 represented a large block of those who were among the wealthiest Americans. Urging tax reform, Secretary Barr coined the phrase "taxpayers' revolt" and that is exactly what we are likely to see unless we get this right now.

In 1970, 20,000 taxpayers were affected by the alternative minimum tax. This year, about 4 million Americans will pay it, and next year that number could rise to 23 million Americans. What was originally a small fix at the edge of our Tax Code has now ballooned into a massive inconvenience and unfairness at the center of our Tax Code. Instead of serving its original purpose, the tax cuts we saw passed into law a few years ago, illogical and deceptive as they were, are winding up targeting the very people we are supposed to be helping. The very people we hear most of the rhetoric about—those who need help in America and the middle class being unfairly taxed—are the very people who are being unfairly taxed by this hidden tax people don't want to talk about. The fact is the middle class has seen an enormous shift in the burden away from the wealthiest Americans onto the middle class, the very people the AMT was designed to protect.

The AMT is now poised to make a dramatic shift from the wealthy to the middle class. In 2006, taxpayers earning more than half a million dollars will pay 47 percent of the tax. By 2010, that number will drop to 16 percent. We are going to go from 47 percent of the people who earn more than half a million dollars who are supposed to be the targets of the alternative minimum tax—that will drop to 16 percent—and the people who are going to pick up the difference are going to be Americans in the middle class who are struggling with increasing tuition costs, increasing energy costs, increasing health care costs, and wages that are either frozen or going down. Meanwhile, investment income will not be impacted by the alternative minimum tax, and the top alternative minimum tax rate is lower than the top marginal tax rate, which is what people pay on their income.

So a tax designed to cover or apply to the wealthiest Americans has become a solidly middle-class tax.

This tax also punishes certain States in our country more than other States, and particularly a State such as mine—Massachusetts—but other States in the Northeast and large industrial States. In 2007, 24 percent of Massachusetts taxpayers, up from about 5 percent last year, will be hit by the alternative minimum tax, so that Massachusetts will be No. 4 in the rankings of all the States in the country. I don't think we ought to be putting an undue burden on the middle class, and we certainly shouldn't be putting one unfairly on certain States while other States are exempt.

Worse still, the tax penalizes families with children because it eliminates any dependent exemptions. So here we are talking about family values, but the family values are stripped away for those middle-class families because they lose their exemptions for their dependents.

In 2007, the alternative minimum tax will impact a family with four children and an income of $57,000. Married couples will be more than 12 times as likely as singles to face the alternative minimum tax in 2010. So those of us who argued strongly about the marriage penalty need to note that the marriage penalty is, in fact, growing larger as a consequence of the alternative minimum tax. We wrote the exemptions that we had specifically to help families to get away from that problem, and my question is, do we now want to burden them with this additional tax.

President Bush has acknowledged, at least rhetorically, this is a failed policy. There is room for bipartisanship here. Congress and the President need to work together to address what has become a major structural problem in our Tax Code. I commend my colleague from Massachusetts, Congressman NEAL, who is working in the House on this issue and showing important leadership in order to try to address it, and I look forward to seeing his proposal.

In fixing this tax, there are two major pitfalls we have to avoid. The first is: Don't simply repeal the tax without paying for it. We can't afford to do that, and it is clearly not fiscally responsible. Finally, it doesn't solve the problem. Second, we need to find a permanent solution. The alternative minimum tax itself was originally a small fix for a different tax issue. It is the accumulation over time of stopgap measures that has brought us to the current problem. So I don't believe it serves us well at all to push this issue down the road, as has been the practice of the Congress in these last years.

We also need to make the tax policy of our country simpler and more straightforward and fill it with a little more common sense and a little less special interests. Our tax problem as a nation was, in fact, made significantly worse by the Bush tax cuts, and the alternative minimum tax has been used quietly, more and more, to ask middle-class families to pay the burden of the wealthiest Americans' tax cut.

We can all agree the main reason this tax has grown out of proportion is that it wasn't indexed to inflation. The same money we talk about today went an awful lot farther in 1970. The movies back then cost $1.65. The fact is we haven't adjusted the tax brackets to rise with inflation.

Another major problem has been the alternative minimum tax interaction with the Bush tax cuts. This administration and the Republican Congress purposefully allowed the tax system to become unbalanced. This was done in order to hide the true cost of the tax cuts. Normally, sound tax policy involves changing the alternative minimum tax to reflect changes in regular tax cuts. For example, in 1993, we raised rates for both taxes simultaneously. But under this President, in 2001 and in 2003 and in 2004, we cut the regular income tax rate without making corresponding significant changes in the AMT. Instead of paying upfront through the regular income tax, this administration used the AMT to finance tax cuts for the very people the AMT was designed to tax. The AMT quietly takes back a portion of the Bush tax cuts by 2010, about 29 percent, transferring the tax burden from the top tax brackets to largely middle-class tax families.

If we had a vote on the floor of the Senate which specifically said: Are you going to tax middle-class families in order to pay for a wealthy tax cut and shift the burden by about 29 percent, almost everybody here would vote no. So it is the hidden tax cut that has the impact. Before the Bush tax cuts, 17 million taxpayers would have been affected by the alternative minimum tax in 2010, but with the Bush tax cuts, that number almost doubles to 31 million. If we let the Bush tax cuts expire in 2011, at least the number of AMT taxpayers would drop dramatically. I am confident that will be an important debate down the road here. In 2007, a family with 2 children and an income of $80,000 will see 59 percent of their tax cut taken back by the alternative minimum tax. Tom Waits, the 1970s singer and songwriter, once said the large print giveth and the small print taketh away. Well, the small print, my friends, is the alternative minimum tax, and it is taking away America's families' tax savings.

We need to be honest about the cost of our tax cuts. Back in 2001, I tried to offer an amendment that exempted all taxpayers with incomes under $100,000 from the AMT. At that time I warned that the AMT is encroaching on middle-class taxpayers and that the tax cuts would only make things worse. The fix for the AMT problem at that time was estimated to cost $110 billion over 10 years, money that instead is now being paid by middle-class families. The amendment at that time was revenue neutral. It offset the cost by delaying some of the Bush tax cuts. It cut the 39.6 rate down to 37 percent, instead of 35, but unfortunately, the amendment failed.

I don't believe we can continue to put this problem off. Unless we reform our tax system for the sake of middle-class families—and we simply can't afford not to reform it—we are going to pay one way or the other, with the debt that is passed on to our children or with taxes passed on from the wealthiest to an ever-growing part of the middle class. We need a bipartisan, fiscally responsible, permanent approach, not one that masks the costs of irresponsible cuts or becomes a burden for the middle class, and not one that gives more and more families an unpleasant surprise on tax day.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The distinguished Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I wish to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will inquire.

Mr. BYRD. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The Senate is considering S. 372.

Mr. BYRD. Mr. President, I have a parliamentary inquiry further.

The PRESIDING OFFICER. The Senator will state it.

Mr. BYRD. Mr. President, what is the parliamentary situation—I may not have the floor. May I ask the Chair, please tell me what the parliamentary situation is.

The PRESIDING OFFICER. The Senator from West Virginia has been recognized by the Chair and now has the floor.

Mr. BYRD. Mr. President, if that were not the case, what would be the case?

The PRESIDING OFFICER. There is no current time agreement. The Senate is considering S. 372 under no time agreement.

Mr. BYRD. Very well. Mr. President, I am not going to speak just now. I want to respect the wishes of another Senator who is on the floor at the moment. In a few minutes, I will want to speak a bit. As of now, I am going to take my seat. I will ask the Senator, does he wish to speak at this time?

Mr. WYDEN. Mr. President, I thank the distinguished Senator from West Virginia for his courtesy. If it would not be too great an imposition, I will speak for a few minutes on the Intelligence bill. That would be very much appreciated.

Mr. BYRD. Mr. President, I thank the distinguished Senator. I am going to sit down and listen. May I ask the Senator this question: How long will he likely speak?

Mr. WYDEN. Again, I thank the Senator from West Virginia for his courtesy. I will speak less than 10 minutes. I so appreciate the thoughtfulness of the Senator from West Virginia.

Mr. BYRD. Mr. President, I thank the distinguished Senator. After he yields the floor, I will seek recognition. I understand the rules of the Senate. I am just stating at this point what I intend to do.

The PRESIDING OFFICER. The Senator from Oregon is recognized.

Mr. WYDEN. Before he leaves, Senator BYRD has always been so kind to this Senator. I appreciate it.

I wish to take a few moments to talk about the critically important Intelligence authorization bill that is before the Senate now. I am disappointed that this legislation has not yet passed because it seems to me that Chairman ROCKEFELLER and Vice Chairman BOND have done an awful lot of very good work in terms of negotiating on this legislation and doing it in a bipartisan fashion. A number of us have felt that it was critically important that intelligence, in the days ahead, at a time of great threat to our country, be an area that is pursued in a bipartisan way. My view is that Chairman ROCKEFELLER and Vice Chairman BOND have really kept that kind of bipartisan lodestar in mind as we have conducted our work throughout this session. That is one of the reasons I have so wanted this legislation to move forward.

I wish to take a minute to highlight just one of the provisions that seems to be objectionable to the executive branch and try to show how, in my view, that should not be the case and how the Senate ought to come together around it and move forward on this bipartisan piece of legislation.

There is a provision in the bill the Senate is now considering—a provision that I offered—which would make public the total size of our national intelligence budget. This provision would not make public how much the country spends on any particular collection method; it would simply state the U.S. Government spends X amount of money on national intelligence programs.

This has long received bipartisan support. The bipartisan 9/11 Commission was for it. The former Director of the CIA, Stansfield Turner, is for it. I would like to note that our current Secretary of Defense, Secretary Gates, when he was before the U.S. Senate Intelligence Committee—and I will quote here—said:

> From my personal perspective, I don't have any problem with releasing the top line of the intelligence community budget.

I am of the view that Secretary Gates was right when he said that a number of years ago, and he is right at this time as well. In my view, to suggest that disclosing the total size of our national intelligence budget would cause any harm whatsoever to national security is ridiculous. It is absolutely absurd to think that Osama bin Laden is off in a cave somewhere contemplating what the overall national intelligence budget is. It is absurd to suggest that Kim Jong Il is somehow sitting in his office wondering and worrying, for example, whether the Wyden amendment to the intelligence authorization is going to pass. It is absurd to believe that any terrorist or dictator or any other enemy of the United States will gain any sort of advantage whatever from the public disclosure of the top line of the national intelligence budget.

But there are people who will gain an advantage; that is, the American people. Making the total size of our intelligence public is going to increase public accountability and will allow for a more informed debate about national security. If the national intelligence budget's overall number is made public, there will be a more informed discussion about whether money should be spent on aircraft carriers or submarines or on intelligence gathering. This debate will only ensure that taxpayer dollars are used more wisely and that America will be safer.

Senator BYRD has been very gracious to give me this time this afternoon. There are other provisions that I feel strongly about in this legislation. The increased penalties, for example, for outing a covert agent is something I feel strongly about. After the Dubai Ports debate, it is clear that there should be additional resources devoted to looking at the intelligence ramifications of those particular issues.

But my bottom line is, at a time when Americans are questioning our intelligence agencies' ability to keep them safe, the Congress has a responsibility to provide support. At a time when the intelligence community is undergoing major reorganization, the Congress has a responsibility to provide guidance. At a time when our allies and our citizens are raising serious questions about detention issues, Congress has a responsibility to conduct oversight. At a time when Americans continue to open their morning papers and read about aggressive new forms of Government surveillance and, in particular, the now-disclosed abuse of the national security letters, Congress has a responsibility to demand accountability.

Chairman ROCKEFELLER and Vice Chairman BOND have done a lot of good work on this legislation. The distinguished occupant of the chair has been involved in those debates, and we are pleased that he is part of the committee. I hope the Senate will move expeditiously to move forward on this legislation. It is an important bill, at a critical time for the security of the American people.

Again, I express my appreciation to the distinguished Senator from West Virginia for giving me the opportunity to speak this afternoon.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, I wish to thank the distinguished Senator from Oregon, Mr. WYDEN, for his courtesy, and I also want to say that he is one of the immortal 23 Senators who said, in kind words and respectful words and in senatorial terms, we won't go—meaning, we were going to be Senators. We know what the Constitution says about Members of the Senate and the House, we were going to be Senators, we were going to be respectful, but we were going to vote our way. We were respectful of the President, but we knew we were Senators and that there were three branches of Government, and we know and knew then that this is the legislative branch—the first branch of Government that is mentioned under the Constitution, and it is sometimes called "the people's branch." That is for good reason.

Now, what is the floor situation?

The PRESIDING OFFICER. S. 372 is the pending question, and the Senator from West Virginia has the floor with no present time restriction.

Mr. BYRD. Further parliamentary question: Is time controlled at this moment?

The PRESIDING OFFICER. It is not.

Mr. BYRD. I thank the Chair. Mr. President, I ask unanimous consent that I may speak as in morning business—in other words, out of order—for not to exceed 20 minutes. I don't expect to take that much time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD. I thank the Chair.

VETO THREATS

Mr. President, the 110th Congress will consider legislation this session that raises passions and excites partisan fervor. It is likely that much of what the Congress considers this year and next will be subject to Presidential veto threats because the President's political party no longer controls the Congress.

I was quite surprised recently to hear some Senators take the position that this body is wasting its time in drafting and passing legislation which the President threatens to veto.

Let me respectfully remind all who listen that the Congress legislates for the people and has a constitutional obligation—in other words, duty—to act independently from—I say this again, I say it respectfully—from the White House. There are three branches, as everybody knows, of Government. This is a separate but equal branch. I want Senators to listen. This is a separate branch, but it is equal.

I will repeat myself. As Senators already know, there are three separate but equal branches of Government. The Constitution's Framers never considered a President to be the final arbiter of the public good. Whether the question relates to military, foreign, or domestic affairs, a Presidential veto threat is not the last word in what should become the law of our land. Those decisions are left to the representatives of the people, along with the power over the purse—along with the power over the purse—and other constitutionally enumerated congressional powers.

We hear almost daily a Presidential scolding of the Congress concerning the supplemental appropriations bill, which is shortly headed for a House-Senate conference. Continued Presidential veto threats on the funding for the Iraq war represent a stubborn unwillingness to concede that the American people have over time and with considerable debate come to see that the Iraq war was a mistake.

In the case of Iraq, it is likely that the people of the United States would have come to these opinions much earlier had they not had information withheld from them or, in some instances, presented to them falsely. Of course, I knew this.

Of course, also, it remains the constitutional prerogative of the President to exercise the veto. I respect that. But it also remains the prerogative of the Congress—the other body across the way and this body—it also remains the prerogative of the Congress to challenge that veto and to assert and defend the will of the people.

A President's power to veto is not and should not be absolute. Let me repeat that. A President's power to veto is not and should not be absolute. If the President vetoes a measure under our Constitution, the Congress can override that veto with a two-thirds vote of both Houses. All Senators know that. I am not telling Senators anything they don't know.

A Presidential veto does not necessarily end the legislative process. When the President vetoes legislation under article I, section 7 of the Constitution, the President's objections are submitted to the House of Congress—Congress being of two bodies—submitted to the House of Congress in which the measure originated so that the measure and the President's objections can be reconsidered. All Senators know that. Any schoolboy who has studied the Constitution knows that. But I am stating for the record, again, for all who run to read.

A new vote can be scheduled on the same piece of legislation and a veto can be overturned if the people's representatives—if the people's elected representatives—in Congress demand it.

There is nothing earthshaking about overturning a Presidential veto. Since 1969, the Congress has overridden almost 20 percent of the Presidential vetoes. President Franklin Roosevelt had nine vetoes overridden by Democratic Congresses. I repeat: President Franklin Roosevelt had nine vetoes overridden by Democratic Congresses. President Ronald Reagan had six vetoes overridden by a Democratic House and a Republican Senate.

The veto override provision in the Constitution is a protection for the people whom the Congress represents. Members of Congress are elected by the people to make laws based on sound public policy, not to capitulate or surrender to any—Republican or Democrat—to any Presidential threats. The Senate must never—hear me now, the Senate must never—become a rubberstamp for any President, Republican or Democrat or Independent or otherwise.

Certainly, the Congress should carefully consider the announced reasons for a Presidential veto, but the Congress has a duty, if the President's reasons are not credible or do not reflect the will of the people, to overturn Presidential vetoes, if the Congress wishes to do so.

The veto on the override is a healthy public opportunity for Members of Congress—both Houses—to consider the reasons offered by the President for his veto. Just as the President is held accountable for his veto, we Senators are held accountable for our votes on bills that are sent to the President and, if applicable, a subsequent veto override vote.

Members of the Senate and the people understand that when the President submits a bill to Congress and then asks that it be passed without any amendments or conditions—the President has a right to do that, but we all know that the President is treating the Congress like a subordinate branch capable of only saying yes or no and never expected to alter a Presidential proposal in any way.

The President knows what the Constitution says, and he knows that the Congress has a right to listen, to study, and then to act as it seeks to act. So this is an argument that contradicts the most basic constitutional principles on which our Republic is founded.

The Congress was envisioned as a check on an overzealous or unwise President, and that is no reflection on either party—that the President can be a Democrat, a Republican, or otherwise—and we do our duty to the Constitution when we vigorously utilize our enumerated powers.

So let us hear no more about measures that the President has threatened to veto being not worthy of the Senate's consideration. Let the President issue his veto threats as he wishes, but also let the Congress dutifully represent the will of the people.

On the matter of Iraq—and I say this most respectfully—I have been chagrined of late to hear the falsehoods and scare tactics emanating from the Oval Office. President Bush has repeatedly intimated that there is a connection between the attacks of 9/11 and the Iraq war when no such link exists. President Bush has suggested—he is my President and yours, Senators—that the supplemental appropriations bill as now written would cause death and destruction in America, which is patently false. I speak now as the chairman—of course, everybody knows it—I speak as the chairman of the Appropriations Committee.

Mr. President, I make a parliamentary inquiry: Are we under limited time, I ask the Chair?

The PRESIDING OFFICER. The Senator has 1 minute 30 seconds remaining of the 20 minutes he requested.

Mr. BYRD. Mr. President, I am not going to belabor Senators. I have seven more pages to read. I know what is in here, and so I ask unanimous consent that I may use whatever time I consume, and I assure Senators I will not consume more than 10 minutes, if that much.

The PRESIDING OFFICER. Is there objection?

Hearing no objection, it is so ordered.

Mr. BYRD. President Bush has said the bill does not fund the troops, which is false. The Senate bill provides $2 billion more than the President requested for the troops and provides $1.8 billion more for veterans health care. I regret this continual barrage of misinformation coming from the White House just as I regret the intransigence—the intransigence—of a President who will not cool off—and I say this respectfully—of a President who will not cool off and stop fearmongering long enough to negotiate a resolution to the differences in the bill's language. He—the President—has been invited to do so in good faith and yet still the almost daily castigation from the White House continues.

I wonder about the effect on the morale of our brave fighting men and women when the President—any President—repeats inaccuracies like the Congress has failed to fully fund the troops. It seems to me that it is not a prudent thing to say. Congress and the American people support our troops, and the supplemental bill that we shall shortly take to conference robustly funds their needs in the field and cares for their needs after they return home.

For the President to assert otherwise is a disservice—and I say this with the utmost respect. I will say it again. For the President to assert otherwise is a disservice. Honorable men and women may disagree, but Members of Congress and officials of the executive branch have a duty to try to find common ground, especially when the issue is a violent and controversial war, with our troops in harm's way every day. I shall hope for a more reasonable and more realistic tone from our President—and I say it with the utmost respect, but this is an equal branch with the executive branch and the judicial branch—in the coming days. May I say further that more light and less heat on this matter would truly be in the best interests of our troops and of our sorely divided country.

Now, Mr. President, I have been here a long time. I know how to speak, when to speak, and when not to speak, but I am a U.S. Senator, and I am asserting this Senate's constitutional duty. My Republican friends and my Democratic friends know this, and I know they have a right to do the same, but that is my speech for today, God willing.

Mr. President, I thank the Chair, I thank all Senators, and I yield the floor.

Ms. STABENOW. Mr. President, first, I thank my distinguished colleague from West Virginia for his insight, as always, and wisdom on so many issues. He epitomizes what it means to be a Senator, and we are honored and appreciative of his leadership.

PRESCRIPTION DRUGS

Mr. President, I do want to speak today as it relates to prescription drugs and the very important vote we will be having tomorrow, but I also first want to speak to what is happening as it relates to Blacksburg, VA, and Virginia Tech University, just to indicate that we know there was a memorial service today; that all of us, even as we carry on the normal business of the Senate, are very mindful and aware of what has occurred in the massacre at Virginia Tech University. My thoughts and prayers go out to everyone who has been affected throughout the university, most particularly the families.

Certainly, I think I can speak for the people of my great State of Michigan when I say that we are deeply, deeply sorrowful, and our prayers go out to each and every one of the people who have been affected.

Mr. President, we have a very important vote tomorrow, which is whether to proceed to legislation that would begin the process of allowing the Secretary of Health and Human Services to be able to negotiate the very best price for our seniors under Medicare. I want to take this opportunity to commend our majority leader for getting us to this point, Senator REID, and the Finance Committee for getting us to this point, for bringing the issue of Medicare drug pricing to the Senate floor. I hope tomorrow we are going to see a strong bipartisan vote to proceed with the bill.

Frankly, it is very unfortunate we are having to vote on whether to proceed to this bill, but since that vote is occurring, I hope we will have a resounding yes tomorrow for something that is so clear to the American people. The direction we will hopefully take tomorrow is the direction that the voters asked us to take. Their message last November was crystal clear: that they want to make sure we are making health care decisions in the best interests of people—the best interests of seniors, of children, of families—and not the special interests that make money off the system. Tomorrow is going to be a vote on that.

Tomorrow will be the first step in the process. We are removing the provision that prohibits Medicare from using its negotiating clout. What we are going to be voting on tomorrow is whether we will proceed. And why are we doing that? Well, first of all, this Medicare bill that was put in place a few years ago actually prohibited the Secretary from negotiating to get the best price for seniors, amazingly. People to this day ask: How in the world did that happen? Well, it happened because, unfortunately, there were too many provisions in that bill that were put in on behalf of the special interests rather than our seniors.

The step we take tomorrow is good for our seniors, it is good for families, and it is good for taxpayers. It is good for taxpayers to get the best deal so that our dollars can go as far as possible under Medicare. So tomorrow is an important day.

I have been fighting for this provision ever since the Medicare prescription drug program was passed in late 2003. I wish I could have supported that bill. I did not, in part because of the prohibition that was put into place. That bill was written and designed with a huge gap in coverage—it has often been called the doughnut hole—that, frankly, wouldn't be there if we were able to get the very best pricing and stretch those Medicare dollars as far as they should go.

In fact, I joined a group of Senators to introduce legislation on December 12, 2003, to repeal the prohibition on negotiation, which is what we are talking about now, because we knew then what we know today. If the Secretary of Health and Human Services negotiates Medicare prescription drug prices, seniors will pay the lowest possible price. That should be what we are all focused on as it relates to Medicare prescription drugs. More than 3 years later, we are taking the first step toward getting this done. It is about time. I think that is what the American people are saying to us.

The best way to get the lowest possible prices on prescription drugs is to use the negotiating clout of 43 million seniors and people with disability who are under Medicare. That negotiating clout needs to be used. We are considering this bill right now because the American people want it. According to a poll conducted by the AARP, 87 percent of all Americans said they want Medicare to negotiate prescription drug prices—87 percent. That is a pretty big number. Eighty-seven percent of the seniors, according to AARP, when asked, have said: Yes, of course, we want the Federal Government to negotiate to get the very best price.

Why do consumers want Medicare to negotiate for lower drug prices? Because they know what everybody knows: large purchasers are getting deep discounts for prescription drugs, and they want the same from Medicare.

This bill does not do the same thing as the VA, but the VA is a good example of what can be done when there is negotiation, when the Federal Government brings its clout as it does for our veterans. It gives us some idea of the kinds of discounts that can be achieved.

For example, we know that on average, the VA health system gets prescription drugs for approximately 58 percent less than their retail prices—58 percent—and on some medicines, it is up to a 1,000-percent difference. Now, I would say, if the VA can do this and get 58 percent, we can get a better deal if we negotiate, knowing again that this bill does not reflect what the VA does, but it gives you a sense of what can be done when we have that kind of clout.

Let's be clear about what we are doing right now with this bill. We are opening the door to lower drug prices so Medicare beneficiaries can afford the medicines they need and we can save taxpayers money. We all know how many times we have heard the stories—I hear them all the time—of folks trying to juggle between keeping the lights on, buying food, and getting their medicine. Our top goal should be, as a Medicare Program, to make sure people can get the medicine they need at the very best price. This bill moves us in that direction.

Let's be clear also about what we are not doing. This legislation does not create a national drug formulary, nor does it establish price controls. Seniors will have access to all of the drugs they do today, and possibly more. The prescription drug industry will continue to thrive, and R&D will not be affected. The change we will see is a change we have been asking for for the last 3 years, that seniors and families have been asking for for the last 3 years.

It is also important to note because we will hear from our friends on the other side of the aisle that somehow, if Medicare is going to have the opportunity to negotiate or if the Secretary can negotiate at appropriate times for lower prices, we are going to see the prices of the VA go up. Well, I asked the Congressional Budget Office to submit to me in writing if that were, in fact, true under this bill. They, in fact, said: No, under this bill, that is not the case. We are not going to see veterans or any other group see their prescription drug prices go up under this legislation. So that is one good thing we need to make clear and debunk as we begin this debate.

Now, what we do know is we have a very interesting thing going on. We have two kinds of debate going on right now in opposition from those who are major beneficiaries of the current system, the special interest groups that have the benefit right now of seeing huge profit increases as a result of this prescription drug bill. On the one hand, we are seeing ads that say: This legislation will do nothing. Do not pass it; it will not do anything. Then, on the other hand, the very same people are saying: But it will cause seniors to not be able to get the choice of medicines they want, it will cause veterans to see their medicine costs go up, it will cost R&D and we won't be able to do research and development into new prescription drugs anymore. I find it so interesting that the same people are arguing both sides: It will not do anything, and it will have all of these devastating effects.

At the same time, we are seeing huge amounts of money, millions and millions of dollars—for months, I have seen ads on TV and radio, newspaper ads telling us these people do not want negotiation or that it will not do anything, all paid for by the same people who benefit by the current system. I might just say that just today, a full-page, single-color ad running in the Washington Post on page A5 today, costs about $135,000—this is today, this is yesterday. We have ad after ad after ad being run and paid for by people who tell us this bill will not do anything. It will not do anything, but yet they have spent millions of dollars on TV, millions of dollars on the radio, in ads we have seen, ads for our benefit, ads telling us people do not want negotiation.

I might add that in this ad which is running right now, where they say people really do not want Medicare to negotiate, what they say in the fine print is that, in fact, 89 percent oppose Government negotiation if it could limit access to new prescription medicine—if it could limit access to new prescription medicine. This bill does not limit access to new prescription medicine—or old prescription medicine, for that matter. That is not what we are talking about.

In fact, what I find interesting, and the subtle part of this is, if we negotiate for a better deal, they won't be able to do research anymore. We know that right now the drug industry spends 2½ times more on marketing and advertising than they do on research.

I would suggest we can negotiate to get a little better price. And I wonder how much $135,000 would buy in medicine for somebody today instead of one ad? Let's cut down a little bit on the marketing and advertising, and we won't have to worry about whether Medicare can negotiate for the very best price.

So I hope that tomorrow we are going to have a vote to proceed to this very important public policy issue, this very important bill. I hope we are going to, in fact, do what 87 percent of voters are saying they want us to do—negotiate the very best price for prescription drugs.

I would ask my colleagues to vote to allow us to proceed to the bill. We can continue to work together on exactly what the language should look like, but the idea that you would stop it before we can even have the debate would be extremely disturbing. People in this country do not understand why it is that decisions are made too often for those who happen to have the lobbyists here or the ads on TV or in the newspaper and not enough for the folks who are working hard every day or are retired on a fixed income trying to make ends meet.

Tomorrow is a chance for us to show that those folks are not making the decisions, that we are going to move forward on a bill which is positive for seniors, which is going to give us an opportunity to open the door to negotiating good prices and make a real difference for people, a real difference for people whom the system is supposed to help, the Medicare prescription drug benefit for our seniors, for people on Medicare. They deserve the best price. Tomorrow, we will have a chance to vote to go to that debate and work together to get a bill that will do that. I hope we are going to vote to do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alabama is recognized.

TAX DAY

Mr. SHELBY. Once again, today, tax time is upon us. It is April 17. We know April 15 is the magic day, but it has been extended because of when it fell. Today is the day everybody in America knows that the Federal Government income taxes are due. If you are like me, you spent way too much time completing your taxes this year.

Our Tax Code and its accompanying regulations total tens of thousands of pages which are complicated, confusing, and costly to comply with. In fact, since we last had major reform in 1986 there have been more than 14,000 changes to the Tax Code. Average taxpayers should not have to pour over tax regulations for hours on end or pay a tax professional to complete their tax documents.

In the IRS' own estimation, the average time burden for all taxpayers filing a 1040 is 30 hours. Unfortunately, what this means is that for most people is that in addition to paying the Government every year, they need to pay someone or buy software to tell them exactly how much to pay their Government.

Americans need a simple, commonsense solution. This is why I have introduced S. 1040, the Tax Simplification Act.

The Tax Simplification Act establishes a flat income tax of 17 percent on all income and places real spending limits on the Federal Government. First, my proposal would replace our current incomprehensible Tax Code with a flat rate of 17 percent on all individuals' income beyond an exemption for the individual and any dependents. To prevent the double-taxation of income, earnings from savings would not be included as taxable income, resulting in a tax cut for virtually all taxpayers and providing a strong incentive for people to save. Increasing the savings rate in this country should be a priority of this Congress and this bill will do that.

As complicated as the individual tax system has proven, it pales in comparison to the hoops U.S. businesses are required to jump through. In preparation for 2005 taxes, businesses and nonprofits spent an estimated 6.4 billion hours complying with the Federal Income Tax Code, with an estimated compliance cost of over $265 billion. Without action, that number is expected to grow to over $482 billion by 2015.

What this means is that for every $5 the Government collects right now, businesses are forced to spend another $1 to comply with the countless rules and regulations that we, the Government, have created. These additional costs are then passed on to the consumers, investors, and employees. We need to overcome this notion that our corporate income tax simply applies to some faceless boardroom.Corporations do not pay taxes. People pay taxes. Corporations do not comply with our tax laws. People do.

Under my legislation, companies would pay the flat tax of 17 percent rate on their income, simplifying the complicated calculations businesses currently go through to determine their taxable income. S. 1040 simply defines income as the positive difference between revenue and expenses. As the legislation is implemented, the rate of taxation would be 19 percent in the first 2 years and then lowered to the desired rate of 17 percent in the third year.

Finally, this legislation would require a three-fifths majority in Congress for any tax increase. This ensures that only in times of the most need would the Government be able to take any more money out of the hands of hard-working Americans. By enacting this legislation we would institute a strong backstop against those that would seek to continue the out-of-control growth of the Federal Government. And we would open a new chapter of responsibility and accountability in our revenue collection.

Yes, the flat tax would revolutionize the way our Government operates. Today, if a flat tax were in place, taxpayers would file a return the size of a postcard. Rather than spending hours deciphering convoluted IRS forms or resorting to professional tax assistance, the flat tax would allow taxpayers to complete their taxes quickly and easily.

The time for significant reform of our Tax Code is now. The flat tax would revolutionize the way our Government operates. The complexities and inequities of the current tax system would end. They would be replaced by a system that treats every taxpayer equally and represents a massive reduction in the tax burden carried by hard-working Americans.

Only by treating every taxpayer equally can our Tax Code ever achieve true fairness. Only when the shackles of our burdensome Tax Codes are removed will we truly see what our great economy is capable of doing.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, Mr. ISAKSON has a very brief statement, perhaps 2 minutes. I wonder if he can be recognized for 2 minutes and then Senator NELSON for 2 minutes and then I be recognized for 5 minutes. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator from Georgia is recognized.

HONORING RYAN CLARK

Mr. ISAKSON. Mr. President, I ask to address the Senate as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ISAKSON. Mr. President. I rise today to express my sympathy and I know the sympathy of all of the Members of the Senate and the people of the United States of America on the tragic losses yesterday at Virginia Tech.

I learned this morning that one of those first tragic losses was a young gentleman by the name of Ryan Clark, and I, from the floor of the Senate, send to Martinez, GA, my sympathy, that of Senator CHAMBLISS, and that of all Members of the Senate on the tragic loss of Ryan.

None of us can understand what happened yesterday, but all of us must understand the profound tragedy and the loss of youth in its prime.

Ryan Clark, 22 years old, a double major in English and biology, was about to walk across the stage and graduate and then pursue a masters and a Ph.D. in psychology. Ryan is survived not only by his mother Letitie but by his brother Bryan. Bryan told us that his brother was known best by his nickname on the campus, "Stack." Stack, if you go to the Web site of the Virginia Tech band, can be seen volunteering his time in a food drive for the needy. In fact, just last December, in the Georgia Dome at the Peach Bowl of 2006, one of the last times that Ryan went back to Georgia, he performed with the Virginia Tech band at halftime of that bowl game.

This young man was a residential adviser, a member of the band, an outstanding student, a proud son, and a proud brother. I am very proud as a Georgian to have known of his accomplishments, and I send his mother Letitie my prayers and my hopes that she will accept our sympathy and endure the tragedy of the loss of her son Ryan.

To the families of all of those professors, employees, and students who were hurt yesterday in Blacksburg, VA. I extend my sympathy and my deepest prayers that we will find reconciliations out of tragedy.

I yield the floor.

The PRESIDING OFFICER. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, our hearts go out to the citizens of Virginia, to the university community, and to the families and the loved ones of those in this tragedy. It goes without saying that we will get to the bottom of this and then find out what is going wrong in this country that our sense of morality has gone askew so that a senseless set of murders such as this would occur.

I am here to speak on behalf of this intelligence legislation on which we are about to have a vote, cutting off debate so we can proceed to finalize the bill. It is necessary that we do that. I had the privilege of serving on the Intelligence Committee along with my colleague, the Senator from Michigan, on his committee, the Armed Services

Committee, as well as the Senate Foreign Relations Committee. There is so much going on that is at stake for this country that we cannot in any way delay this Intelligence bill; it needs to be considered; it needs to be amended, if that is the will of this body; it needs to be passed, and we need to then get reconciled with the House and get it to the President for his signature. There are too many things that are super important to this country for us to do anything other than protect the interests of this country through our intelligence activities.

I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. LEVIN. Mr. President, the release of the 9/11 Commission Report in July of 2004 fueled a debate about how our intelligence community should be restructured to better respond to the post-9/11 threat.

In response to problems identified by the 9/11 Commission, Congress passed and the President signed into law the Intelligence Reform and Terrorism Prevention Act of 2004. Most notably, that bill created the Director of National Intelligence, empowering the DNI with budget power and control over personnel in the intelligence community.

The bill also created the National Counterterrorism Center, or NCTC, with the authority to conduct strategic counterterrorism planning and to assign roles and responsibilities for counterterrorism activities. Passage of intelligence reform was a watershed moment in the drive to better organize our Government to deal with the threat of terrorism.

On December 8, 2004, the same day the Senate passed the Intelligence reform bill, it passed the Intelligence Authorization Act for fiscal year 2005. It is troubling that that day, December 8, 2004, was the last day this body passed an Intelligence authorization bill, and it underscores the importance of the Senate passing the bill before us. Since passage of the Intelligence reform bill in 2004, we learned a good deal about what additional changes to law might be needed to improve our intelligence community functions. In addition, as we have learned about such activities as the NSA's warrantless wiretapping program, we have come to better appreciate the need for strong congressional oversight of the intelligence community.

As a matter of fact, the 9/11 Commission said the following in its very lengthy and thoughtful report, "Strengthen Congressional Oversight of Intelligence and Homeland Security." That is the heading of the section, and this is the one pungent sentence from that report which I hope will cause a lot of people to rethink their opposition to cloture on this bill:

> Of all of our recommendations, strengthening congressional oversight may be among the most difficult and important.

Those words should have an impact on the vote that is coming up in about 40 minutes.

More than 30 years ago, the Senate passed S. Res. 400, establishing the Select Committee on Intelligence, and charging that committee with providing "vigilant legislative oversight over the intelligence activities of the United States to assure that such activities are in conformity with the Constitution and laws of the United States."

The legislation before us today takes significant steps toward reinvigorating our oversight responsibility. For example, effective oversight depends on Members of Congress having timely access to intelligence information. Unfortunately, too often that is not the case, as requests from Congress for intelligence information are stonewalled and slow walked. Section 108 of the bill before us requires the intelligence community to provide, upon request from the chairman or vice chairman of the Senate Intelligence Committee or chairman or ranking member of the House Intelligence Committee, timely access to existing intelligence assessments, reports, estimates, legal opinions, or other intelligence information.

The bill before us also advances Congress's oversight of particular matters. For example, section 313 requires the Director of National Intelligence to submit a classified report on any clandestine detention facilities operated by the U.S. Government. This public law requirement reflects the Intelligence Committee's determination to undertake serious oversight of any intelligence community detention and interrogation practices. The bill before us also establishes within the Office of the Director of National Intelligence an inspector general of the intelligence community. That is a major reform. It is highly important, and it is long overdue. The creation of an inspector general of the intelligence community will strengthen accountability by permitting independent examinations of problems, abuses, or deficiencies.

We should not let another year go by without an Intelligence authorization bill. We cannot defeat the threats this Nation faces without the strongest and most effective intelligence community which, in turn, requires strong oversight.

I yield the floor and suggest the absence of quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DORGAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. SALAZAR). Without objection, it is so ordered.

TRADE

Mr. DORGAN. Mr. President, later this week there will be a group of us in the Senate holding a meeting on trade issues and talking about what our response will be to the request by President Bush to extend what they call trade promotion authority. Trade promotion authority is a slogan that was used to replace fast track because fast track apparently became some sort of a pejorative term, at least in the minds of some. So they came up with the term "trade promotion authority." It is like labeling things healthy forests or clear skies, trade promotion authority. What it means is fast track. The Congress, by Constitution, has the right to be engaged in foreign commerce. That is where it is described, in the Constitution. It is not described as part of executive branch responsibilities. It is described as part of the responsibilities of Congress to be involved in the issue of trade and foreign commerce.

What has happened over some years is the Congress has given the President authority to negotiate trade agreements in secret behind closed doors, bring the trade agreements to this Congress, and we agree we will put on a straitjacket and not be allowed to offer any amendments, and it will be considered as a trade agreement that we have negotiated with some other country under expedited procedures. The Congress itself has decided to put itself in a straitjacket with something called fast track or trade promotion authority. I did not support that. I didn't support it for President Clinton. I don't support it for President Bush. President Bush has had fast track trade promotion authority now for some while. It is about to expire on June 30. He is asking that it be extended. As for me, I will not support extending it. I hope to be involved with a group of Senators who similarly will describe the danger to this country's economic future that would be entailed by supporting the extension of fast track or trade promotion authority.

Let me describe what the danger is. Some wish to ignore all the evidence that exists with respect to trade. The fact is, in the past year our trade deficit in 1 year was $830 billion. What does that number mean? It probably doesn't mean much to most people. It means every single day we purchase from foreign countries $2 billion more than we are able to sell to foreign countries. Every single day we put $2 billion worth of IOUs in the hands of another country. A substantial portion of those IOUs is now possessed by China, Japan, and others. About $1 billion is owed from the citizens of this country to China and Japan.

In addition to the imbalance of $2 billion a day importing more than we export or consume—saying it another way, about 6 percent more than we produce—we are seeing American jobs being shipped overseas. We have actually some cheerleaders for that proposition. We have some people in this country who say isn't that great. Isn't that a wonderful situation where we can actually move American jobs abroad. None of those people will ever lose their jobs. They will write books and make laws, but they will never lose their jobs. It is the folks who shower after work who lose their jobs; the people who go to the plant, the people on the assembly line; the people who find their job is going elsewhere because there is someone else in the world, a billion to a billion and a half people willing to work for 20 or 30 cents an hour. They will work with no health care benefits and no retirement benefits and in some cases for 20 cents an hour. If they decide they are being cheated out of wages and try to organize workers, they will be sent to prison.

That is the new economy? That is the new circumstance of the global economy? That is free trade? That is good for our country? I don't think so.

I have spoken at length about this issue. I am for trade and plenty of it. Sign me up. I support trade. I like trade. I insist that it be fair to this country. I am flat out tired, through fast track, of having trade agreements being negotiated in secret overseas someplace behind closed doors by U.S. negotiators who forget who they are working for. They bring them to this Chamber under expedited authority called fast track and there is the prohibition of any amendment being offered to change what is obviously wrong with the agreement. Then it runs through here like a hot knife through butter. We have had NAFTA and CAFTA and U.S.-Canada. We have had all these trade agreements, at the end of which we have the largest trade deficit in the history of humankind. It is not even close. Every time we pass a new trade agreement, we have a larger deficit.

The people who come up with these concoctions called free trade say: Isn't this wonderful? No, it is not. Would they say it was wonderful if they were losing their jobs? They wouldn't. But they are not the ones losing their jobs.

Alan Blinder, a mainstream economist, former vice chairman of the Federal Reserve, said this about the outsourcing of American jobs: There are 40 million American jobs subject to outsourcing. Not all of them will leave this country, but even those that remain will have downward pressure on their income because there is someone else somewhere else in the world willing to work for pennies.

So is that the new global economy? Is that the flat world? Mr. Friedman wrote the book "The World is Flat." I know better than that; so does he. The world is not flat. In the chapter where he looks at Bangalore, India and says, isn't this wonderful, all these jobs in India, no, it is not wonderful.

Is this the kind of new economy we signed up for? Have we forgotten the lessons, have we forgotten what it took to get to this kind of standard of living?

James Fyler was shot 54 times. It was said once he died of lead poisoning. I guess when you are shot 54 times—he was actually killed in Ludlow, CO, nearly 90 years ago. He was killed because he thought people who went into the coal mines to mine for coal had a right to a fair wage and a right to work in a safe workplace.

Move forward a century from James Fyler, from people who gave their lives to lift the standards in this country, to expand the middle class, to provide for good jobs, demand a fair wage, demand decent benefits, and then ask yourself if, after a century, when we expanded the middle class in this country—with good jobs that pay well—have we now decided there is a new strategy, a bankrupt strategy, which is so-called free trade, which is unfair to the American worker, because it is a race to the bottom, saying to companies: If you can find somebody who will work for 20 cents an hour, have them make the Huffy bicycles, have them make the Radio Flyer little red wagons, have them make the Fig Newtons, have them make the Hanes underwear, and have them make the Levi's. They are all gone because they went in search of cheap labor. All those American jobs are gone. Now, I ask you, is that a road to a better future for American workers?

We, actually, in this Chamber, mind you—not me but a majority—have supported one of the most pernicious provisions I have ever seen, a provision that says: Do you know what, if you want to close your manufacturing plant and fire your workers and move the jobs to China, we intend to give you a big fat tax break for doing it. That is unbelievable. I have tried four times to change that in the Senate and have come up short in the vote four straight times. But I guarantee you this: One day, there will be enough clear thinking in this Congress to decide we ought to stop subsidizing the export of American jobs.

So I started by saying we have an $830 billion trade deficit. That relates to the export of jobs and the purchase every day of $2 billion more than we are able to ship abroad. We are going to have to repay that someday. You can make a case on the budget deficit that is money which we owe to ourselves. You cannot make that case with the trade deficit. That will be repaid someday with a lower standard of living in this country.

That is why we ought to, as a country, begin worrying about and thinking about this new strategy. I am for a fair trade strategy. I am for trade, and plenty of it, but it must be fair to this country. I am sick and tired of seeing trade agreements that pull the rug out from under our workers and pull the rug out from under our standards. I want to lift people up, not press people down. I do not believe in a future in which 40 million to 50 million additional workers are subject to outsourcing. But if they are not outsourced, they, nonetheless, can come home and say: Honey, I didn't lose my job today, but they are going to pay me less.

One final point. I spoke here about a week ago about Circuit City. I do not know much about that company. I do know this: They announced they were going to fire 3,400 people. Because they were bad workers? Not a bit. No. They said: We are going to fire them because we want to rehire other workers to whom we can pay less money. They were making, I think, slightly above $11 an hour. They wanted to fire 3,400 workers so they could hire cheaper workers, less expensive workers.

I do not know. If you go into a store and ask somebody where the camera counter is, are you going to find a worker who knows? Maybe you have a worker you could pay less money to, but do these companies forget that their company is their workers, the company is represented by their workforce, that is their brand?

We are headed in the wrong direction. There is no social program in this country as important as a good job that pays well. Yet the whole notion here of the companies that want to produce in China and ship here and run their income through the Cayman Islands to avoid paying taxes to this country—the whole notion is, this is a new day, it is a new economy. Don't you understand it? Free trade. That is not fair trade, where I come from.

My colleague, Senator BROWN, has worked on this issue for a long while in the U.S. House, and now in the U.S. Senate. I really appreciate seeing new voices come to the Senate demanding we move toward fair trade relationships. We can compete, but the competition has to be fair. That has not been the case with any of these trade agreements.

Mr. President, I am happy to yield the floor so my colleague, Senator BROWN, can be recognized.

The PRESIDING OFFICER. The Senator from Ohio.

Mr. BROWN. Mr. President, I ask unanimous consent to speak as in morning business for only 5 minutes or so.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, I wish to echo much of what Senator DORGAN has said and thank him for his leadership on trade issues. I came to the House of Representatives in 1993, elected in 1992. Our trade deficit was fairly large in those days, we thought: $38 billion. Today, as the Senator said, depending on whether you count services in addition to manufactured products, it exceeds $800 billion.

Interestingly, if you add the aggregate trade deficit from 1992 through 2006—that means the amount of imports we have brought into our country versus the amount of exports we have going out of our country—we have had a $4 trillion trade deficit in the aggregate. That is $4 trillion of wealth having gone out of our country.

To understand what $4 trillion is, because nobody can really understand that, if you spent $1,000 every second of every minute of every hour of every day—if you spent $1,000 of every second of every minute of every hour of every day—to spend $4 trillion, it would take you 135 years. That is the kind of wealth we have seen go out of our country. But to understand that in more human terms, let me just share a story, if I could, for a moment.

About 7 or 8 years ago, after the North American Free Trade Agreement, unfortunately, passed the House and Senate—Senator DORGAN voted against it in the Senate; I voted against it in the House, a dozen or so years ago—I flew to McAllen, TX, at my own expense and rented a car and went across the border with a couple of friends and visited Reynosa, Mexico, to see what NAFTA had brought to the border areas and to the country of Mexico—at least that part of Mexico.

I went to the home of two General Electric workers—General Electric, Mexico. Both made about 90 cents an hour. Both worked pretty much 60 hours a week, 10 hours a day, 6 days a week. They lived in a home maybe 20 feet by 15 feet, with no running water, no electricity. They had dirt floors. When it rained hard, the floors turned to mud.

When you went outside their home—these are people who worked 60 hours a week each for an American company, a Mexican subsidiary of an American company, 3 miles from the United States of America in Reynosa, Mexico—if you went outside their home, there was a ditch behind their house, maybe 4 feet wide, with 2 by 4s across the ditch. Children would be playing in this ditch with human waste, industrial waste—who knows what was going through it. The American Medical Association said the Mexican-U.S. border is the most toxic place in the Western Hemisphere. And these children were playing in whatever this human and industrial effluent waste was in this neighborhood.

As you walked through this neighborhood, you could tell where the workers worked by the construction materials from which their homes were built—packing materials and cardboard boxes from the companies for which they worked or from the suppliers to the companies for which they worked. They used that as roofs and walls to build their shacks.

Again, these are people who hold full-time jobs for General Electric, Mexico, 3 miles from the United States of America.

Then, nearby, within a mile, I visited an auto plant—an auto plant that looked just like an auto plant in Lordstown, OH, Avon Lake, OH, with modern technology, even more modern than what we have often in auto plants in Ohio, unfortunately. They had clean floors and hard-working workers who were very productive.

There was one difference between the Mexican auto plant and the auto plant you would see in Cleveland. The difference was there was no parking lot in the Mexican auto plant because, simply put, the workers have not shared in the wealth they produce for their company.

You could go halfway around the world. You could go to a Motorola plant in Malaysia, and the workers are not paid enough to buy the phones they make. You could come back halfway around the world to Costa Rica to a Disney plant, and the workers do not make enough money to buy the toys they make for their children. You could go back halfway around the world to China, and the workers at the Nike plant are not paid enough to buy the shoes they make.The difference in their economy and ours, and these trading partners where we have huge trade deficits, is the workers are not sharing in the wealth they create.

But that is starting to happen in the United States. In the last 30 years, the wealthiest 20 percent in our country, the wealthiest 5 percent, the wealthiest 1 percent are seeing their wealth go up while wages are stagnant for the rest of the country. That is why the middle class is shrinking, because people who are working hard and playing by the rules simply are not sharing in the wealth they create.

They are more productive than they have ever been. We are setting productivity records in this country. Yet wages are stagnant or worse. Companies are outsourcing, companies are going overseas. Senator DORGAN said those same companies are getting tax breaks and all kinds of advantages, as this body and, across the Capitol, the House of Representatives continue to pass these job-killing trade agreements that outsource our jobs, that betray our middle class, that mean layoffs of police and fire and teachers and people who make our communities healthier, as families are hurt by these layoffs or as families are hurt by stagnant wages.

That is why we need a very different trade policy—whether it is with Japan, whether it is with Mexico—a trade policy that lifts up the middle class and helps to strengthen the middle class, a trade policy that will help workers in the developing world instead of this trade policy that outsources our jobs, betrays our communities, and hurts our families.

Mr. DORGAN. Mr. President, will the Senator from Ohio yield for a question?

Mr. BROWN. Yes.

Mr. DORGAN. Mr. President, the Senator from Ohio has described automobiles as one part of his discussion. I wonder if the Senator from Ohio knows, for example, with respect to South Korea, we imported about 700,000 automobiles from South Korea in the last year. We were able to export about 4,000 American cars to South Korea.

Now, why the imbalance? Mr. President, 99 percent of the cars driven on the streets of South Korea are made in South Korea. That is the way they want it. Once in a great while, we have a little burst. The Dodge Dakota pickup—all of a sudden, it looked like they were going to sell some Dodge Dakota pickups in South Korea. Just like that, the Government shut that down. Oh, they do it very subtlely, but they know what they are doing—just like that.

China is a good example. We did a trade agreement with China. China is now creating an automobile export market. They want to be a big automobile exporter and intend to export to this country. Here is what we said to China, a country with which we have a giant trade deficit: When you ship your Chinese cars to the United States, we will impose a 2.5-percent tariff on your cars. And we agree that for any U.S. automobiles we would sell in China, you may impose a 25-percent tariff. So to a country with which we have a giant trade deficit—we now have a $230 billion trade deficit with China—we have said: It is OK for you to impose a tariff that is 10 times higher than we would impose on your cars.

That is unbelievably ignorant, in my judgment, ignorant of our own economic interests.

If I may make one additional point. In Ohio, they used to make Huffy bicycles. I have spoken about that at some length on this floor. They paid people $11 an hour to make Huffy bicycles. Huffy bicycles are 20 percent of the American bicycle market. You can buy them at Wal-Mart, Kmart, Sears. The people at the plant in Ohio loved their jobs. They made the Huffy bicycles for over a century. They all got fired. They all lost their jobs. You can still buy a Huffy bicycle. They are all made in China.

But on the last day of work, after they were fired, these Huffy bicycle workers, as they drove out of the parking lot of the plant, all left a pair of empty shoes where their car used to sit in the parking lot. It was their way of saying to this company: You can ship our jobs overseas, but, by God, you are not going to fill our shoes. It was a poignant way for workers to say: This job mattered to me. We worked here for a century making bicycles as American workers. And now it is gone.

It is unbelievable, when you hear these stories and see what the consequences are of American companies that have decided: Do you know what, the new economy says, let's produce where we can pay people 30 cents an hour. Incidentally, that is how much workers get who are now producing Huffy bicycles. They are paid 30 cents an hour. They work 7 days a week, 12 to 14 hours a day. That is what the Ohio workers were told. You cannot compete against that, so you lose.

In my judgment, our country, this Senate—Senator BROWN and I and others—has to begin standing up for the economic interests of our country and our workers. If we do not, we will surely see a shrinking of the middle class and a dramatic impact on the economy and future growth of this country. That is why this is such an important issue.

Again, let me just say how impressed I am with not only Senator BROWN but especially Senator BROWN and some others who have joined us in the Senate, who will be very strong voices on behalf of a sane, thoughtful, sensible protrade policy that is pro-fair trade and stands up for this country's economic interests.

I thank the Senator from Ohio for yielding to me.

Mr. BROWN. Mr. President, I reemphasize what Senator DORGAN says so often; that is, we want trade—plenty of it—we just want it with different rules. We want fair trade. Plenty of countries around the world practice trade, as South Korea does, for their own national interests. We practice trade according to some economics textbooks some days, and other days we practice trade according to what is in the interests of these large corporations that outsource. But these companies—again I use the word "betray"—they betray our families, they betray our communities when they do what Huffy Bicycles did because those jobs were good-paying union jobs in Shelby County OH, in western Ohio. As Senator DORGAN said, they have been there for hundreds of years.

In the far corner of northwest Ohio there is a company called the Ohio Art Company. The Ohio Art Company makes something that almost everyone who grew up in this country knows about: they make the Etch A Sketch. Some years ago, Wal-Mart went to the Ohio Art Company and said: We want to sell Etch A Sketch in our stores for under $10, and the Ohio Art Company couldn't make them for that price, so they pretty much moved most or all of their production to China.

It is that kind of betrayal by these corporations, with the concurrence of our Government, because our Government writes the rules for these trade agreements—our Government has consistently practiced trade and allowed our largest companies to practice trade not according—unlike other countries that don't practice it according to our national interests, and it is time that we do.

Mr. DORGAN. Mr. President, I would like to ask the Senator to yield for one more point. The Governor of Pennsylvania, Governor Rendell, tried very hard to keep a company in Pennsylvania. Pennsylvania House Furniture. They make fine furniture with Pennsylvania wood, a very special kind of Pennsylvania wood. They make top-of-the-line furniture and did for a long time—I think for over a century as well. They were purchased by La-Z-Boy, and La-Z-Boy decided that Pennsylvania House Furniture would be outsourced to China. At that point, Governor Rendell and folks in Pennsylvania got involved to try to save Pennsylvania House Furniture, but they couldn't do it. The jobs all went to China. Incidentally, they now ship the wood from Pennsylvania to China, put the furniture together, and then ship it back to be sold as Pennsylvania House Furniture.

There is somebody in this country who has a piece of furniture that they don't understand the value of. The last day at work at this plant where they had made furniture, these craftsmen, who made top-end, top-of-the-line furniture, these craftsmen, the last day of work, on the last piece of furniture that came off the assembly line in Pennsylvania, turned it over and they all signed it. Someone has a piece of furniture with the signatures of all the craftsmen at that plant who, on their last day at work, decided they wanted to sign as a note of pride in the work they had just completed.

Then the jobs were gone, all gone to China, because the Pennsylvania workers could not compete with those who would work for 25 cents, 30 cents, 35 cents an hour. But they shouldn't have to. That is the point of our discussion about fair trade.

Mr. BROWN. Mr. President, in the next decade our Nation needs to—our Government needs to come up with a manufacturing policy. If our trade laws and our tax laws continue to encourage outsourcing, continue to contribute to this erosion of the middle class, we will be a country with less and less manufacturing, fewer and fewer manufacturing jobs, less and less of an ability to protect our national interests. It is a question of national security, to be able to have a strong manufacturing component to our economy, and it is a question of economic security for families in places such as Dayton, in places such as Steubenville and Painesville and Cleveland, OH, places where people have built middle-class lifestyles, bought their homes, sent their children to college, worked for a decent retirement because they have worked hard and played by the rules and manufactured goods that people in our country use.

I think it is important as we move forward with Senator DORGAN and people like Senator WHITEHOUSE from Rhode Island, who is also very interested in this, that we move forward on developing this manufacturing policy on trade, on tax law, and on helping particularly our small manufacturers compete in this global economy.

I thank the President, and I yield the floor.

Mr. WHITEHOUSE. Mr. President, we have seen a considerable number of the members of the Intelligence Committee come up to this floor this afternoon, and that is because we have before us S. 372, legislation authorizing funding for our intelligence and national security services. But rather than work with Congress to ensure agencies such as the CIA, FBI, NSA, and many others receive the funding they need to meet their missions and keep Americans safe, the Bush administration and some in the Republican minority are stonewalling this legislation.

As the newest member of the Select Committee on Intelligence, I am deeply troubled to see this legislation stalled at the expense of the security of our Nation. My father was a Foreign Service officer, and through his eyes I have seen the power of American diplomatic and intelligence efforts to do both great good in the world and great harm.

In their misuse and in the politicization of America's intelligence apparatus, President Bush and his administration have done great harm to America's standing in the world and our security at home. Now we face the bleak prospect that for the third year in a row the Senate may not pass an intelligence authorization bill. This should give every concerned American pause.

This measure will fund our intelligence community agencies, fight terrorism, strengthen our capabilities to collect, analyze, and act on intelligence, and, most importantly, expand transparency and oversight of our intelligence community. It is a reflection of diligent, thorough, and tenacious work by our committee chairman, JAY ROCKEFELLER, the distinguished Senator from West Virginia whom I see with me on the floor this afternoon, along with his Republican counterpart, Vice Chairman BOND. I was hopeful that at least we could end the partisan logjam that has crippled the Senate Intelligence Committee for the last several years. I have been pleased with the thoughtful and serious tone of the committee's work on both sides of the aisle. Yet now something has suddenly changed, and the Republican minority has maneuvered to block this legislation from becoming law. Now it appears the White House has intervened, has called in chits, and twisted arms to stop a bill on which Chairman ROCKEFELLER and Vice Chairman BOND have worked so long and hard.

We understand this administration does not want congressional oversight.

They don't want oversight on their inept response to Hurricane Katrina. They don't want oversight on the unprecedented purge of U.S. attorneys. They don't want oversight on the debacle going on in Iraq. They don't want oversight on intelligence either. But no administration in recent memory has more badly needed congressional oversight, and in no area has that need been more plainly demonstrated than in the intelligence function of our Government.

This is the administration that failed to ensure adequate oversight of national security letters under the PATRIOT Act. This is the administration that conducted its own secret wiretap program to monitor conversations, including the conversations of U.S. citizens. This is the administration that established its own secret prison network offshore to hold terrorism suspects off the record of this country's legitimate judicial institutions. This is the administration that cherry-picked its intelligence to justify the claim of Iraqi weapons of mass destruction. That abuse of intelligence alone cost our country thousands of lives, billions of dollars, and damage to our relations with allies around the world that will linger for many years.

One can see why this administration would resist congressional oversight, but Congress is obligated to oversee our country's national security and intelligence-gathering services. That is our duty under the Constitution. This duty is particularly important with the covert intelligence agencies because their work is not subject to public inquiry. These are not organizations that work in the bright light of day but in the deep dark of the secrecy they require to be effective. So meaningful and appropriate congressional oversight is our only safeguard.

This administration welcomes oversight less than almost any I can think of, but no administration in recent memory has needed it more. Perhaps the Nixon administration, but like the Nixon administration, this administration's resistance to congressional oversight is a measure of how badly that oversight is needed. Unfortunately, for too many years this Congress has conducted oversight by the principle, "out of sight, out of mind" or maybe "see no evil, hear no evil, speak no evil." You don't have to look far to see how badly this strategy has failed.

But there is a new team in town and a new leadership of this Congress that takes these responsibilities seriously. It is an abdication of our responsibility under the Constitution, and it is irresponsible with respect to the security of our Nation to let this legislation languish.

I urge my colleagues in the minority to reconsider their actions, to return to this floor in good faith, to continue the good work that Chairman ROCKEFELLER and Vice Chairman BOND have so nobly accomplished, and to give our intelligence agencies the funding they need to keep us safe.

I yield the floor.

Mr. ROCKEFELLER. Mr. President, first of all, I want to truly congratulate the Senator from Rhode Island for his statement which was delivered forcefully, intelligently, accurately, and with great conviction which comes from his extremely broad experience in life.

or this Senator's part, my view is this: Unless the Senate invokes cloture and moves to finish action on the fiscal year 2007 authorization bill, we have failed for the third time, or as Senator LEVIN put it, since 2004 when we last passed it, to pass important national security legislation. Everything that the American people are worried about, everything that comes out of events like yesterday in Blacksburg, VA—and by the way, I spent a good deal of time on the phone talking to students I know down there—everything points to a massive, tectonic change in the way we are carrying on.

I speak very proudly of a PBS series which is looking at this whole subject. Monday, Tuesday, Wednesday, Thursday, and Friday, 12 consecutive hours of looking at what Islam is, what it isn't; what jihad is, what it isn't; and how we came to this point. It is done from all points of view, usually without any journalists, just soldiers talking. It is brilliant, and I recommend it to my colleagues.

We tried last week to move the Intelligence authorization bill, and we were prevented from doing so due to objection from some of our Republican colleagues. When cloture on the motion to proceed was passed last Thursday, the vote was 94 to 3. That is not just to drop off a number, that is a significant expression of public will in the Senate. The Senate was again prevented from moving to the bill for the purpose of debate and amendment by a continued Republican objection, forced 30 hours to run on the motion to proceed. As a result, we have wasted 2 days.

As my distinguished and good friend Senator BOND said, we wasted 2 days when we could have considered and disposed of many amendments, which we were prepared to do.

Vice Chairman BOND and I have been working together, the two of us, to clear and pass amendments even this day, and have done so, a goodly number of very important ones, because we are determined that this should work. However, many of those 42 amendments filed are extraneous, and they are nonrelevant. We have to pay attention to those things that are outside the jurisdiction of the Senate Intelligence Committee and the purpose of the authorization bill so they don't fall, but we won't be able to get to those.

So I would just conclude this way. Oversight of the activities of the U.S. intelligence community is a necessary and essential duty of this body. It is a duty which Vice Chairman BOND and I take extremely seriously. He is very aggressive about it and cares a great deal about it. I do, too. I think it defines the integrity of the process with which we protect our Nation and the people who protect our Nation, covertly, overtly, as the Senator from Rhode Island talked about.

So it is our constitutional duty. I don't like to be in dereliction of my constitutional duty at any particular time. I can't think of any time that is more important to me not to do so than right now.

In addition, I fear that it sends a disturbing message to the clandestine collectors and the intelligence analysts of the intelligence community who actually watch us and pay a lot more attention to us, particularly here in Washington, and read our tea leaves and take their signals about where they stand on our priority list. I want them to stand at the very top. I think the vice chairman wants them to stand at the very top. If we do not consider them a legislative priority, then I am saddened by that.

I call upon my colleagues to set aside politics and vote for cloture and final passage of this intelligence authorization bill that has languished in legislative limbo for more years than I am happily willing to admit.

I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri is recognized.

Mr. BOND. Mr. President, I regret we have come to an impasse. The chairman and I and the members of the committee have worked very hard to get a bill that is getting much better. I am very sorry that we were not allowed to vote on amendments this afternoon and to continue with our efforts to move this bill forward. The leaders are responsible on both sides for running this body, and we are in a position now where it appears to the minority that amendments will not—could be precluded under that circumstance. I am afraid there will not be the support for cloture. I regret that we have worked so long and hard and apparently will not be able to continue with this bill. I hope to do so at a later time.

I thank my colleagues and I yield the floor.

The PRESIDING OFFICER. Under the previous order, the motion to proceed to the motion to reconsider is agreed to.

CLOTURE MOTION

The PRESIDING OFFICER. Under the previous order and pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on Calendar No. 20, S. 372, the Intelligence Authorization bill of 2007.

Harry Reid, Chuck Schumer, Russell D. Feingold, Jay Rockefeller, Evan Bayh, Patty Murray, Dick Durbin, Jeff Bingaman, Robert Menendez, B.A. Mikulski, Dianne Feinstein, Bill Nelson, E. Benjamin Nelson, S. Whitehouse, Byron L. Dorgan, Blanche L. Lincoln, Ron Wyden.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on S. 372, a bill to authorize appropriations through fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The bill clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from South Dakota (Mr. JOHNSON), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK) and the Senator from Arizona (Mr. MCCAIN).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 50, nays 45, as follows:

[Rollcall Vote No. 131 Leg.]

YEAS—50

Akaka
Baucus
Bayh
Bingaman
Boxer
Brown
Byrd
Cantwell
Cardin
Carper
Casey
Clinton
Conrad
Dodd
Dorgan
Durbin
Feingold
Feinstein
Hagel
Harkin
Inouye
Kennedy
Kerry
Klobuchar
Kohl
Landrieu
Lautenberg
Leahy
Levin
Lieberman
Lincoln
McCaskill
Menendez
Mikulski
Murray
Nelson (FL)
Nelson (NE)
Pryor
Reed
Reid
Rockefeller
Salazar
Sanders
Schumer
Snowe
Stabenow
Tester
Webb
Whitehouse
Wyden

NAYS—45

Alexander
Allard
Bennett
Bond
Bunning
Burr
Chambliss
Coburn
Cochran
Coleman
Collins
Corker
Cornyn
Craig
Crapo
DeMint
Dole
Domenici
Ensign
Enzi
Graham
Grassley
Gregg
Hatch
Hutchison
Inhofe
Isakson
Kyl
Lott
Lugar
Martinez
McConnell
Murkowski
Roberts
Sessions
Shelby
Smith
Specter
Stevens
Sununu
Thomas
Thune
Vitter
Voinovich
Warner

NOT VOTING—5

Biden
Brownback
Johnson
McCain
Obama

The PRESIDING OFFICER. On this vote, the yeas are 50, the nays are 45. Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

Mr. FEINGOLD. Mr. President, I am deeply disappointed and concerned about the continuing Republican filibuster of the fiscal year 2007 Intelligence authorization bill. This bill is critical for our national security. It supports the intelligence community while ensuring that Congress can conduct necessary oversight of our intelligence activities. Failure to pass this legislation would undermine the men and women of our intelligence community who look to Congress not only for funding but for policy guidance and legal clarity. It also sends a terrible signal to the American people, that despite repeated abuses by this administration from warrantless wiretapping to National Security Letters, Senate Republicans have chosen to shield the administration from congressional scrutiny and oversight. Unchecked executive authority is contrary to our constitutional system. And the American people understand well what the 9/11 Commission stressed—that strong congressional oversight is an essential part of defending and protecting America.

There are a number of provisions of the bill that I view as particularly important. Besides authorizing the intelligence programs that help keep us safe, the bill improves congressional oversight of the intelligence community and advances the critical work of intelligence reform. The National Security Act requires that the congressional intelligence committees be kept fully and currently informed of all intelligence activities. The administration failed to comply with this law with regard to its illegal warrantless wiretapping program. I am pleased, therefore, that this bill limits the ability of the executive branch to deny information to the full membership of the Intelligence Committee. I am also pleased that the classified annex to the bill includes my amendment calling on the administration to work with the committee to ensure adequate oversight of the program, which has not yet occurred.

With regard to intelligence reform, the bill establishes, within the Office of the Director of National Intelligence, an inspector general of the intelligence community, which will strengthen accountability across the community. The bill also requires the declassification of the aggregate budget for all intelligence activities. This longstanding intelligence reform goal, which was recommended by the 9/11 Commission, will allow for basic budget transparency and a level of accountability without damaging our national security.

The bill includes an amendment I offered to the classified annex with Senator ROCKEFELLER calling for more intelligence resources to be directed toward Africa. The continent presents a wide range of threats, such as terrorist havens and the transnational movements of terrorist organizations, while corruption, authoritarianism and poverty allow these conditions to fester. In order to bolster our national security, we need greater information and understanding of these threats. Of particular concern is Somalia, where the committee encouraged the intelligence community to work with other agencies of the U.S. Government on a comprehensive strategic plan for stability. Unfortunately, since the amendment was originally accepted by the committee in May 2006, the situation in the Horn of Africa has only deteriorated and the overall U.S. Government strategy for addressing the crisis remains sorely inadequate.

Finally, I am pleased that, in response to the concerns of Senator WYDEN and myself, a provision creating a new exemption to the Privacy Act has been removed. Widespread abuses involving National Security Letters recently uncovered by the Department of Justice inspector general only underscore why Congress must conduct vigorous oversight of how current authorities are being used before providing new ones.

I again express my disappointment that the bill is being filibustered and hope that the bill will soon be passed into law.

Mr. KYL. Mr. President, I rise to talk to my colleagues about my amendment No. 866 to protect the classified information handled by Congress.

Having served on the Intelligence Committee for 8 years, no one needs to tell me how important it is for Congress to have the information it needs to perform oversight of the intelligence community.

However, we must be mindful that much of this information could do great damage to our national security. This bill includes what I believe are misguided provisions related to clandestine prisons, the Detainee Treatment Act, and the enormous expansion of access to highly sensitive national security information.

The bill would declassify information about the intelligence budget, dramatically expand the number of members and staff with access to the most sensitive national security information our government holds, and provide details of the interrogation techniques used by our military and intelligence community.

Can anyone imagine what would happen if al-Qaida became privy to the interrogation techniques our military and intelligence community use? Does anyone think al-Qaida wouldn't adapt and train its terrorists accordingly?

I believe disseminating this information is a mistake. But, if we are going to disseminate it, we must put in place a mechanism to ensure this sensitive information does not get into the hands of our enemies. And we must give pause to those who would use this information to conduct their own personal foreign policies, as has been seen in the systematic use of leaks of classified information in recent years.

My amendment will ensure this information is treated as it should be by imposing a 10-year criminal penalty on those Members and staff who leak our national security secrets.

I urge adoption of the amendment.

MEDICARE

Mr. CORNYN. Mr. President, I rise today to discuss the Medicare prescription drug program that Congress passed a little over 3 years ago with a bipartisan majority. We have all heard the very impressive statistics associated with the Medicare Part D program. More than 90 percent of seniors eligible for the benefit have drug coverage, and they will save on average $1,200 per year.

More importantly, more than 80 percent of enrolled seniors have expressed their satisfaction with the program. Competition in the prescription drug benefit has forced down costs far below what was anticipated. In 2007, the average premium for the benefit was $22 a month, 40 percent less than projected at the outset.

The Congressional Budget Office's new budget estimate for the next 10 years shows that net Medicare costs for the prescription drug benefit will be more than 30 percent, or $256 billion, lower than originally forecast. Not only are the costs for this prescription drug benefit lower than expected, but for 2007 more drugs are also being covered by participating plans than last year. The average plan now covers 4,300 drugs in its formulary versus 3,800 last year, a 13-percent increase.

The basic point is this: We passed a prescription drug benefit that uses market competition to provide critical medications to seniors at a cost much lower than originally projected. The results so far demonstrate a familiar principle: competition and choice bring lower prices and, I might add, better service.

There are some who want to change that successful model, so we have to ask ourselves: How does their plan improve on this very successful Government program?

Since I believe being a zealous guardian of the taxpayers' dollars is one of the reasons my constituents sent me here, one of the first questions I ask is: Will the alternative plan of interfering with this market-based competition actually save taxpayers money while continuing to provide choice and access to prescription drugs for seniors?

The simple answer to this question is, no, and you don't have to take my word for it. The nonpartisan Congressional Budget Office determined that the proposal that is before us would have a "negligible effect" on reducing Government spending.

The advocates of this particular proposal that is pending before us cannot point to any Government source that will support their claim that the Federal Government can negotiate more effectively than the private market. Specifically, CBO writes that "CBO estimates that H.R. 4 would have a negligible effect on Federal spending because we anticipate that the Secretary would be unable to negotiate prices across the broad range of covered part D drugs that are more favorable than those obtained by PDPs under current law." Secretary Leavitt describes in practice how having the Government negotiate drug prices will not lead to lower costs for beneficiaries or taxpayers. He has written:

> We are seeing large-scale negotiations with drug manufacturers, but they are being conducted by private plans, not the government. A robust market with a lot of competitors has driven down prices. It's the magic of the market. To assume that the government, in our genius, could improve on this belies the reality of a complex task.

In fact, public opinion polls back up Secretary Leavitt's comments. A study by the Tarrance Group found that only 28 percent of seniors believe that the Government would do a better job in setting drug prices than a competitive marketplace.

The Washington Post agrees. It has written, on January 14:

> Governments are notoriously bad at setting prices, and the U.S. Government is notoriously bad at setting prices in the medical realm.

As policymakers, it is also our job to ask: What are the potential consequences of this new legislation that is pending before us? Quite simply, the consequences are dire. Since Government will decide which drugs seniors have access to, seniors will be left with fewer choices.

In terms of analyzing the consequences of this alternative plan, it is helpful to look at examples in other countries that have tried what Democrats are now advocating in this model. We don't have to guess about what the consequences would be because other countries have tried it. I recently read a piece published in the Washington Post and written by Alberto Mingardi, president of a think tank in Italy, and I want to quote from this article because I believe it demonstrates my point. He writes about the Democrats' plan to require the Government to set prices, or at least giving the Secretary the authority to do that. He said:

> It would create a Medicare drug program that looks a lot like the system we have in my country, Italy, where drug prices are among the lowest in Europe. At first glance, this might seem like an enviable model for America to follow. But before Pelosi rushes down the road to Italian-style health care, let me offer a word of caution. Italy is hardly a health care paradise. In fact, it's more like a quagmire of red tape.
>
> For the most part, Italy's lower drug prices are the product of government price controls. In Italy, these price controls have created a number of problems. The government's attempt to force down drug prices has not produced overall health-care spending. Rather, it has resulted in a spike in demand—which is one reason why Italy's health-care spending has skyrocketed, growing nearly 68 percent between 1995 and 2003.
>
> As for the quality of Italy's care, that, too, has suffered. With demand for drugs rising, the Italian government has attempted to save money by adopting reimbursement policies that favor certain drugs over others. Unfortunately, the most innovative products often aren't considered reimbursable by the government precisely because they are the most expensive.
>
> It's a great system if you just need an antibiotic. But if you're hoping to avoid open heart surgery through access to a miracle drug, it can be a nightmare.

He concludes.

> The economy is also harmed. Because it's simply not profitable for companies to invent cures in Italy, price controls have decimated Italy's pharmaceutical industry. So by attempting to hold down drug prices, the Italian government has deprived its citizens of the best care without reducing health-care spending. And it has deprived the country of what could be a vibrant sector of the economy. In their rush to revamp Medicare, U.S. policy leaders should be careful not to make the same mistake.

Mr. President, I ask unanimous consent that the article be printed in its entirety in the RECORD at the conclusion of my comments.

The PRESIDING OFFICER (Mr. MENENDEZ). Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. Mr. President, I also want to stress the last sentence that I read one more time, where he says: It is a great system, if you need an antibiotic. But if you are hoping to avoid open heart surgery through access to a miracle drug, it can be a nightmare.

We don't need to go down this path. We don't have to change course. Right now, under Medicare Part D, market forces and competition have created a wildly popular benefit that uses market competition to provide critical medications to seniors at costs much lower than projected a few short years ago.

I have spent a few moments describing my concern with the Democrats' plan to "so-called" negotiate prices. I would say to ration drugs is a more accurate description. But by far my biggest concern about this bill is, of course, another example of their preference for Government control in health care rather than market-driven, patient-centered approaches favored by those of us on this side of the aisle.

I would urge my colleagues to call this debate what it is: It is not so much about noninterference clauses in Medicare prescription drug laws. There is a much more importantly and potentially consequential debate about whom Americans want to be making decisions in our health care system. Do they want it to be the Government or do they want it to be patients themselves and their doctors?

I recently read a quote from a physician in Switzerland that I found particularly poignant. He reminds us that:

> We all have a single-payer health care system. Citizens always wind up paying for health care, either through taxes, insurance premiums, or out-of-pocket costs. The real question is whether they will have a single-decider system. In many European countries, there are single-decider systems in which governments and their agents control what medical services its citizens will or will not receive.

Of course, we know all too well how close we are in this country to having a single-payer health care system. Roughly, 50 cents of every health care dollar we spend in the United States is spent directly by the U.S. Government. The health care economy is approximately $2 trillion annually, or one-sixth of the entire U.S. economy. I believe we have to reform our health care system, emphasizing individual choice and trusting patients and their families and their doctors to make the right choices—not lawyers or, yes, even bureaucrats in Washington, DC.—to make the important health care and treatment decisions.

So make no mistake about it, this bill is about a much larger issue than the title of the legislation itself would suggest. We are not debating some sterile provision called a noninterference clause. We are debating something far more significant.

The Washington Post believes this debate is about something much larger than the noninterference clause as well, and they have written:

> The Democrats' stance is troubling because it suggests an excessively governmental-led view of health care reform. The better approach is to let each insurer offer its own version of the right balance, see whether it attracts customers, and then adapt flexibly.

In my State, the Dallas Morning News has written:

> When congressional Democrats press for this change next year, remember they're pushing for much more than lower prices. They're seeking to move the line where government should stop and the marketplace should start.

I do agree with the Democrats that this debate is about negotiation, but the real question is not should we have negotiation but who should negotiate. The proponents of this legislation believe it should be the Government, and I couldn't disagree more. The proponents of this legislation believe the Government is more skilled in making pricing decisions than the free market, and I have to say, I think that is wrong.

We have been presented in this legislation with a remarkably clear choice: If you believe the way to improve our broken health care system is to embrace a market-driven approach that lowers costs and does not reduce choices for seniors, then you will vote to continue the prescription drug program that we passed a few short years ago. If you believe, as the advocates of this legislation do, that Government bureaucrats are better suited than the free market to make pricing decisions for thousands of prescription drugs, then you will want to vote for this legislation.

I will vote for the current market-driven approach that provides choices for seniors and puts patients and doctors in control rather than the Government, and I urge my colleagues to join me.

EXHIBIT 1

[From the Washington Post, Nov. 12, 2006]

DRUG PRICE PATH TO AVOID

(By Alberto Mingardi)

The next speaker of the House, Rep. Nancy Pelosi (D-Calif.), has let it be known that within her first 100 hours on the job, she will move to allow the government to negotiate directly with pharmaceutical companies to obtain lower drug prices for Medicare patients.

Her plan would create a Medicare drug program that looks a lot like the system we have in my country, Italy, where drug prices are among the lowest in Europe. And that's pretty low, considering that drugs in Europe average about 60 percent less than in the United States. Even as U.S. prices rose, Italian drug prices decreased by 5 percent last year.

At first glance, this might seem an enviable model for America to follow. But before Pelosi rushes down the road to Italian-style health care, allow me to offer a word of caution. Italy is hardly a health-care paradise. In fact, it's more like a quagmire of red tape.

For the most part. Italy's lower drug prices are the product of government price controls. The state purchases nearly 60 percent of the nation's prescription drugs. And it supposedly negotiates prices directly with pharmaceutical companies. But since the Italian government controls such a disproportionate share of the market, it in effect dictates drug prices. In Italy, these price controls have created a number of problems.

First, they distort the laws of supply and demand. Because of the country's artificially low drug prices, demand for pharmaceuticals is artificially high—higher than it would be under free-market conditions. The point is that the Government's attempt to force down drug prices has not reduced overall health-care spending. Rather, it has resulted in a spike in demand—which is one reason why Italy's health-care spending has skyrocketed, growing nearly 68 percent between 1995 and 2003.

As for the quality of Italy's care, that, too, is suffering. With demand for drugs rising, the Italian government has attempted to save money by adopting reimbursement policies that favor certain drugs over others. Unfortunately, the most innovative products often aren't considered reimbursable by the government precisely because they are the most expensive.

It's a great system if you just need an antibiotic. But if you're hoping to avoid open-heart surgery through access to a miracle drug, it can be a nightmare. And Italians are lacking more than just choice in cutting-edge drugs. They also lack information. According to a recent survey, more than 50 percent of Italy's patients believe that the national health service cannot even supply adequate information about treatments and drugs.

The economy is also harmed. Because it's simply not profitable for companies to invent cures in Italy, price controls have decimated Italy's pharmaceutical industry. Today not one of the world's 50 largest drug manufacturers has its headquarters in Italy, even though the country is the world's seventh-largest economy. Because most drug and biotechnology companies are outside Italy's borders, there are only 84,000 pharmaceutical workers in Italy's entire drug industry. The industry has become a perfect target for Italy's politicians, because they can rail against it with little political downside. The more we follow this path, the less likely it is for Italian companies to develop valuable innovations—at great risk for both our economy and our health.

So by attempting to hold down drug prices, the Italian government has deprived its citizens of the best care without reducing health-care spending. And it has deprived the country of what could be a vibrant sector of the economy. In their rush to revamp medicare, U.S. Policy leaders should be careful not to make the same mistake.

Mr. CORNYN. Mr. President, I yield the floor.

Mr. HATCH. Mr. President, I rise to express my deep concerns about S. 3, the Medicare Fair Prescription Drug Price Act of 2007.

Back in 2003, I helped draft the Medicare Modernization Act. I was one of the Senate's chief negotiators for the House-Senate conference on this legislation. We wrote legislation that was approved by both Chambers of Congress and signed into law by the President in December 2005. And by enacting this legislation, Medicare beneficiaries are now offered a quality prescription drug benefit at an affordable price. It is a successful program by any measure.

I want to take a few minutes to talk about the Medicare Modernization Act of 2003 and what a difference it has made in the lives of Medicare beneficiaries.

Today, there are 38 million Medicare beneficiaries and over 90 percent participate in the Medicare Part D program. Eighty percent of Medicare Part D beneficiaries are happy with their Medicare prescription drug plan. And they are happy with their plans, because they have a choice in coverage—beneficiaries are able to get a plan that meets their needs. We don't have a one-size-fits-all program attempting to stretch over 38 million people. The cost savings have been profound for both beneficiaries and for taxpayers.

When the Medicare Part D plan first began in January 2006, we thought that the average premium would be around $37 per month. Because of plan competition, the average premium is $22 a month. That has reflected for taxpayers over $113 billion of savings over what Congress had originally estimated. And the other good news is that if a beneficiary hits the doughnut hole—the point where the beneficiary has to pay out of pocket for his or her prescriptions—there are now plans in every State that will provide coverage through the doughnut hole period.

As we all know, back in January, the House of Representatives passed legislation that would require the prices of prescription drugs received under the Medicare Part D program to be negotiated by the Secretary of Health and Human Services. Late last week, the Senate Finance Committee also approved S. 3, the Medicare Fair Prescription Drug Price Act of 2007. While this legislation does not mandate that the Secretary negotiate drug prices for the Medicare Part D benefit, it gives the Secretary the discretion to do so.

Any way you look at it, Congress requiring the Secretary to negotiate prescription drug prices would lead to a one-size-fits-all drug plan which would result in fewer choices. Beneficiaries would have less satisfaction with a one-size-fits-all plan. And, in my opinion, drug prices will not be lower.

In addition, beneficiaries would have fewer choices. When you negotiate drug prices, there is really only one way to do it. You limit the choices available. You say I am going to take your medication off your drug plan or I am only going to pay X amount for a drug, a price so low that perhaps the manufacturer cannot participate. If the Government starts doing that, suddenly you have the Government making choices about who can get what drug as opposed to beneficiaries and their doctors making those decisions.

Currently there are over 4,400 drugs available on Medicare Part D plans. Beneficiaries may choose a plan that meets their needs. That is exactly why 80 percent of Medicare Part D beneficiaries are happy. And for those who aren't, the good news is we can help find a plan that serves them better. If we had one plan, one formulary, then we would have a lot more unhappy people.

And how does the Secretary of Health and Human Services feel about this new responsibility? I would like to take a minute to read an editorial that appeared in the Washington Post on January 11, 2007. This editorial was written by Secretary Mike Leavitt, not only a good friend of mine but a very thoughtful, knowledgeable, and open-minded Secretary of HHS as far as health care policy is concerned. "Medicare And the Market Government Shouldn't Be Negotiating Prescription Prices," by Mike Leavitt, Thursday, January 11, 2007; Page A25:

> We all want people with Medicare to get the prescription drugs they need at the lowest possible prices. The issue before Congress this week is how best to do that. Should consumer choice and private-sector competition determine prices—or should government?
>
> The success of the Medicare prescription drug benefit provides strong evidence that competition among private drug plans has contributed significantly to lowering costs. The average monthly premium has dropped by 42 percent, from an estimated $38 to $22—and there is a plan available for less than $20 a month in every state. The net Medicare cost of the drug program has fallen by close to $200 billion since its passage in 2003.
>
> Seniors and people with disabilities like the benefit. Studies consistently show that three-quarters of Medicare beneficiaries are satisfied with their coverage. Individuals like being able to choose the plan that best fits their needs. A single, one-size-fits-all drug plan would have made the choice easier, and Congress did create a standard plan. But fewer than 15 percent of enrollees have selected that standard plan—opting instead for plans with lower premiums, no deductibles and enhanced coverage.
>
> Despite the success of the benefit, some people believe government can do a better job of lowering prices than a competitive marketplace. Legislation under consideration would require the secretary of health and human services to negotiate and set the prices of drugs. In effect, one government official would set more than 4,400 prices for different drugs, making decisions that would be better made by millions of individual consumers.
>
> There is also the danger that government price setting would limit drug choices. Medicare provides access to the broadest array of prescription drugs, including the newest drugs. But price negotiation inevitably results in the withholding of access to some drugs to get manufacturers to lower prices.
>
> The Department of Veterans Affairs, often cited as an example of how government can negotiate prices, operates an excellent program for veterans, but the VA formulary excludes a number of new drugs covered by the Medicare prescription benefit. Even Lipitor, the world's best-selling drug, isn't on the VA formulary. That may be one reason more than a million veterans are also getting drug coverage through Medicare.
>
> Some observers point to the massive buying power of the federal government as the means to exert clout over drug companies, but the federal government has nowhere near the market power of the private sector. Private-sector insurance plans and pharmacy benefit managers, who negotiate prices between drug companies and pharmacies, cover about 241 million people, or 80 percent of the population. Medicare could cover at most 43 million.

The independent Congressional Budget Office has said that government price negotiation would have a "negligible effect on federal spending." And previous experience with Congress and Medicare regulating drug prices has not been reassuring. Medicare Part B, which covers physician services, outpatient hospital care and other services, sets the prices for some medicines—notably a number of cancer drugs. It has a history of reimbursing at rates substantially greater than prevailing prices. In 2005, Part B drug spending increased by almost 20 percent.

If the Federal Government begins picking drugs and setting prices for all Medicare beneficiaries, administrative costs would add a new burden to taxpayers. The Department of Health and Human Services would have to hire hundreds of new employees. Legions of lobbyists would follow, each seeking higher Medicare payments for the drug companies they represent. As a Post editorial noted in November, "having the government set drug prices is a sure way of flooding the political system with yet more pharmaceutical lobbyists and campaign spending."

There is a proper role for government in setting standards and monitoring those who provide the benefit. We should ensure that beneficiaries have access to medically necessary treatments. But government should not be in the business of setting drug prices or controlling access to drugs. That is a first step toward the type of government-run health care that the American people have always rejected.

There are many ways the administration and Congress can work together to make health care more affordable and accessible. But undermining the Medicare prescription drug benefit, which has improved the lives and health of millions of seniors and people with disabilities, is not one of them.

Secretary Leavitt is correct—providing flexible prescription drug plans to beneficiaries should be one of our top goals. Getting Medicare beneficiaries the best price possible for their prescription drugs should be one of our top goals. And offering Medicare beneficiaries high quality prescription drug plans should be one of our top goals. In my reading of this legislation, passage will result in none of these goals being achieved and, in fact could result in the Medicare prescription drug benefit becoming a national formulary which could result in higher prices for drugs and limited choices for Medicare beneficiaries.

When we were drafting this bill, we took great care to provide protections to Medicare beneficiaries who decided to participate in the Medicare Prescription Drug Plan. We wanted to provide beneficiaries with a drug benefit that would not cost them an arm and a leg, and that would allow access to a wide range of prescription drug choices.

In order to preserve those choices, the Medicare Modernization Act prohibits the Secretary from establishing a formulary. If the Secretary cannot lower prices without a formulary and if it is prohibited by law for the Secretary to establish a formulary then I ask you—what is the purpose of this bill?

I believe that, should this bill become law, it will be no time before its supporters decide that now they want the Secretary to establish a formulary. I think this bill is a Trojan horse with a Medicare formulary hidden inside.

Mr. President, I urge my colleagues to think carefully about this issue. I urge them to talk to their Medicare beneficiaries in their states and ask them whether or not they are happy with their prescription drug plans. I believe that they will find that almost everyone is happy with their current benefit and changing this benefit is a terrible mistake on our part.

FEDERAL INCOME TAX FILING DEADLINE

Mr. HATCH. Mr. President, today the tax man cometh.

Americans have April 17 circled on their calendars, and not with a smiley face.

This year, roughly 135 million Americans sat down to complete their tax returns. Many have made the unfortunate discovery that they owe additional money to the IRS.

Others are shocked to learn that they owe something called the alternative minimum tax.

I would like to emphasize one point today, a point that many of my constituents have learned the hard way: their tax burden is already too high.

For middle-class Americans, tax day has become an aggravation at best, and an outrage at worst.

Many Utahns, as well as distraught taxpayers throughout the Nation, know the look of tax overload. They see it when they look in the mirror, and they see it when they look at their spouse.

There is the kitchen table. A late night. Some scattered papers and receipts. An elbow on the table. And a hand on the forehead in disbelief. This is the look of overtaxed Americans. It is the look of misery and confusion. It does not need to be this way.

There are economic burdens as well, and that burden is only going to grow if the Democrats get their way.

Many of us pay too much in taxes already. But the policies of the congressional majority are a blueprint for even higher taxes. Neither our citizens nor our economy can bear much more.

Middle-class Americans are overtaxed.

According to the Tax Foundation, this year Americans will work 120 days to pay their total tax burden.

Let's put this in perspective. They will work 62 days to pay for their house and home. They will work 52 days for health and medical care. They will work 30 days for food. But they will work 120 days to pay their taxes.

If you told my parents' generation that their tax burden would be that high, they would have thought we lost a war to France.

But the Democrats are not satisfied. They want the so-called rich to pay more of their so-called fair share.

Let me translate. By "rich" they mean anyone with a job.

And by "fair share," they mean empty your wallet.

According to recent data from the IRS, persons making more than $30,122, or the top 50 percent of all income earners, paid 97 percent of all income taxes in 2004, the latest year there were data available.

Those who made more than $60,041 in 2004, the top 25 percent, paid 85 percent of all income taxes.

These people are not rich.

As one of my Democratic colleagues noted earlier this year, a mother and a father making $90,000 a year in a place like Virginia or New York or California or New Jersey are not rich. They are doing the best they can to provide for their families. And once you factor in taxes, housing, clothing, medical care, and college savings, those paychecks do not go that far.

The middle class is already paying out much more in taxes than is spent by the Government on its behalf.

According to the Tax Foundation, an individual making over $65,000 a year pays $7,217 more in taxes every year than is spent for him or her.

But for some Members of this body, our system is still not progressive enough.

I know that there are some policy wonks and political strategists who think the days of tax revolt are over.

Apparently we are at some postpartisan, end of history, where Americans just accept big government and big bites out of their paychecks.

I for one am not buying it.

It seems some things never change in this country.

One of those things is the commitment of Americans to their rights of life, liberty, and property.

Americans remain very jealous of their liberties, and rightly so. Chief among our liberties is the freedom to use the money you earn through your hard work and initiative, to build your business, buy a home, and take care of your family.

Working hard to fund some new Government bureaucracy is not at the top of the list. If taxes go up significantly, the party responsible is going to be in for a rude awakening. They are going to be reminded, with grave electoral consequences, that the Government can take only so much.

Along with many of my colleagues on this side of the aisle, I think our tax burden is still too high. Many Americans still pay too much. The estate tax still destroys family businesses. Too many startup businesses are killed off by taxes before they have begun. We need to be providing tax incentives so people can responsibly save for their retirement and health care. We need to be coming up with innovative tax policies and entitlement reforms.

Instead, the Democrats are keeping mum as Medicare and Social Security take on water, keeping to themselves their foolproof plan to bail us out: Raise taxes.

The combined unfunded liability for Social Security and Medicare is $84 trillion. That is "trillion" dollars. Where is that money coming from? They are having a hard time coming up with money today for a $50 billion 1-year fix for the AMT, the alternative minimum tax. Where are they going to get $84 trillion?

Do not worry, they tell us; they are going to fix Social Security and Medicare. But fixing it their way will break the backs of middle-class taxpayers. Mark my words, they will raise taxes on the middle class, taking away or limiting savings vehicles for health and retirement. They will raise taxes on individuals, hiking rates and hurting families. And they will raise taxes on businesses, killing industry and choking initiative.

Conservatives are fond of saying that ideas have consequences. They certainly do. There are important differences between the parties. In their guts, Democrats distrust markets, believe that more Government intervention and Government programs are the answer, and are willing to hike taxes to achieve their goals.

Those of us on this side of the aisle believe in personal responsibility, low taxes, and encouraging the freedom, entrepreneurialism, and dynamism of the American people.

Ideas have consequences. One leads to economic prosperity; the other leads to national stagnation. I want my constituents to know that on these debates to come, I stand with the taxpayers. We need to be encouraging industry. We need to be growing our economy. We need to be lowering and simplifying our tax burden.

Today's Democratic majority promised real change. Instead, we are getting the same tired song. They are not taking our Nation's fiscal woes seriously. They are hoping Americans will not object when their taxes are hiked to pay for our coming entitlement train wreck.

They should think twice before going down this road. Middle-class Americans, such as my constituents in Utah, are trying to get their taxes done by midnight tonight. They want their tax burden lowered, and so do I. There are lots of promises made by our friends on the other side to get rid of the AMT. They have had at least three chances to vote to get rid of the AMT for the vast majority in the middle class and they have refused do so.

If left unchecked, the AMT is going to, within the next 10 years, be assessed on over 35 million Americans. Remember, it started out because there were about 159 people who did not pay their taxes, people who were immensely rich. Now we are talking up to 25 million Americans as we stand here today, and up to 35 million Americans within the next ten years. I am calling on my colleagues on the other side to live up to their campaign promises and let us get rid of AMT. It is very unfair to the middle class, and frankly, for most Americans.

I promise to do all I can to see we do that.

I yield the floor.

The PRESIDING OFFICER. The Senator from Georgia is recognized.

Mr. CHAMBLISS. Mr. President, I ask unanimous consent to speak as if in morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CHAMBLISS. Mr. President, I rise today to oppose S. 372, the fiscal year 2007 Intelligence authorization bill, in its current form. I believe, without amendment, this legislation will deteriorate the existing working relationship and trust the intelligence community has with Congress.

I voted against this legislation in both the Intelligence Committee and the Armed Services Committee because I believed significant alterations needed to be made before I could offer my support. As a member of the Intelligence Committee, I am fully cognizant of the importance of passing an authorization bill to guide our intelligence community as well as to advise the Senate appropriations process. Passing an authorization bill reasserts much needed Congressional oversight of the intelligence community, and it ensures that the Senate is relevant on national security issues that are critically important.

At this time, I question whether the Senate is serious about the need to examine all possible improvements to the bill or is willing to devote the time necessary to discuss and debate all amendments. Given the natural and conflicting interests involved, it is prudent that Congress act carefully and work with the executive branch to ensure that its needs are met, rather than hastily making demands through legislation that many provisions of this bill attempt to do. This will only create further friction between the two branches. I believe there are other ways to ensure effective oversight.

Some sections of this bill, particularly sections 304 and 107, are problematic to me, and I believe they will not further meaningful Congressional oversight. Therefore, I have offered amendments to strike these sections and urge my colleagues to support my amendments.

Let me detail my concerns with these two sections. First, section 304 requires the intelligence community to notify all of the members of the Senate and House Intelligence Committees whenever the House and Senate leadership and committee leaders are briefed on highly sensitive intelligence or covert actions. It requires that the notification include a statement of the reasons why only the leadership was informed, as well as a description of the main features of the matter.

There is a history of compromise and cooperation between the executive and legislative branches regarding the sharing of sensitive intelligence with Congress. The President has the duty to protect intelligence sources and methods. One such way is to limit the number of people who are privy to the information. Congress recognized this duty in the National Security Act, which states that information be shared:

> with due regard for the protection from unauthorized disclosure of classified information relating to sensitive intelligence sources or methods or other exceptionally sensitive matters.

The reporting requirement in section 304 may disclose the very sensitive information the President has determined only the leadership has a need to know. As a member of the Intelligence Committee, I recognize there are some highly sensitive matters I do not have a need to know, and I support having limited notification when absolutely necessary to protect the information.

Frequently the Congressional leadership will be informed of tightly controlled classified operations in which limiting knowledge of them is appropriate. Many of us do not have a need to know about various sensitive operations which, if leaked, could result in lives being lost as well as the termination of Congressional access to information.

Additionally, I have confidence in the chairman and vice chairman of the Intelligence Committee. I count on the leaders of the committee to be responsible for determining when additional access to information is warranted and for requesting that additional members be briefed as necessary. Section 304 seeks to abandon these practices which have been refined over three decades of aggressive Congressional oversight.

Next, section 107 requires the public disclosure of the National Intelligence Program budget requests and Congressional authorizations and appropriations for the intelligence community. Disclosing these figures to the public also discloses them to our enemies who will be watching for fluctuations in these figures, which may damage intelligence sources and methods over time.

Additionally, declassifying the overall budget for the intelligence community may lead others to demand that each agency declassify their budget. No doubt this would have grave effects on the capabilities of our intelligence agencies. For those reasons I oppose S. 372 in its current form and the managers' amendment to it. I urge my colleagues to support my amendments to strengthen this bill.

FAIR TAX ACT

Mr. President, today is the deadline for all taxes to be filed. As many millions of Americans rush to file their taxes, I rise to bring attention to our horribly broken, overly complex, and unfair American tax system. I have and will continue to support significant reform of the Tax Code in this country, as I have consistently done during my service in Congress.

Accordingly, I have recently introduced the Fair Tax Act of 2007 on behalf of myself, my colleague from Georgia, Senator ISAKSON, Senator COBURN, and Senator CORNYN, because we are in desperate need of tax reform.

Imagine the economic freedom and purchasing power provided by a tax system that would allow us to retain 100 percent of our earnings while maintaining the benefits of Government-sponsored programs, and allowing them to flourish. Such would be the case under the system proposed in the Fair Tax Act.

The Fair Tax Act would create a national sales tax as the primary source of Federal revenue, would eliminate our current archaic and inefficient Tax Code, and would replace it with a simpler, fairer means of collecting revenue. Specifically, the Fair Tax Act would repeal the individual income tax, the corporate income tax, capital gains tax, all payroll taxes, self-employment tax, and the estate and gift taxes in lieu of a 23-percent tax on the final sale of all goods and services.

Elimination of these inefficient taxing mechanisms would bring about equality and simplicity to our overly complex tax system. Moreover, the Fair Tax Act would abrogate any double taxation that occurs under our current tax system because it would provide tax relief for business-to-business transactions. These transactions, including used-product transactions that have already been taxed, are not subject to the sales tax.

More importantly, under the Fair Tax Act, the Federal Government's revenue would go unchanged. Social Security and Medicare benefits would remain untouched under the Fair Tax bill, and there would be no financial reductions to either one of these vital programs. Instead, the source of the trust fund revenue for these two programs would be replaced simply by consumption tax revenue instead of payroll tax revenue.

Finally, under the Fair Tax Act, every American would receive a monthly rebate check equal to spending, up to the Federal poverty level according to the Department of Health and Human Services guidelines. This rebate would ensure that no American pays taxes on the purchase of necessities. This is a critical component.

INVEST IN AMERICA ACT

Mr. President, I also rise today as an original cosponsor of the Invest in America Act. While I firmly believe significant overhaul of the Tax Code is the best way to achieve absolute fairness and transparency in our tax system, until we actually get to that point, we simply cannot allow the current rate reductions and other provisions of the 2001–2003 tax relief packages to expire, which is what the Democrats have proposed in their budget for the 2008 fiscal year. This would be a drastic blow to the economy and a misguided step in the wrong direction. The Invest in America Act would make the individual tax rates permanent. The lower rates have been essential to our continued economic growth over the past several years, and have encouraged Americans to work harder, be more productive, and retain more of their hard-earned money.

Additionally, this bill corrects current wrongs in our tax codes, such as the death tax and the AMT. It would make the repeal of the death tax permanent, and would save more than 130,000 families each year from confronting a loss of the family farms, ranches, or family-owned businesses. It would permanently repeal the AMT which, while designed to ensure every American pays some minimum tax, is in fact now hitting more and more middle-income families, and this it was not designed to do.

Most significant to the growth of our economy, this bill would also make the current reduced capital gains and dividend rates permanent. Since the reduction of these investment rates in 2003, it has become easier for new businesses, and existing ones, to attract the capital they need to start, succeed, and expand.

Moreover, with greater than half of all Americans owning stock, middle-class families, seniors, and other Americans are greatly benefitting from these lower rates, including the 5-percent rate, which drops to zero percent in 2008.

The proposals in this bill would also help American families by making permanent the increased child tax credit, the marriage penalty relief, the adoption tax credit, the tuition deduction, and the teacher deduction. These provisions, along with other proposals in the Invest in America Act, make permanent the R&D tax credit and the increased small business expensing rates, enabling both the taxpayer and the American economy to grow.

Most importantly, the Invest in America Act sets forth a tax system that would gave back to those who invest in the strengthening of the American economy. We need to overhaul our tax system, impose fairness, and implement policies that encourage economic growth rather than stifle it. That is what Georgians want and deserve, and that is what Americans want and deserve.

VIRGINIA TECH TRAGEDY

I rise today with a very heavy heart to extend my condolences to the families who lost loved ones as a result of yesterday's tragic shootings on the Virginia Tech campus. One of those victims includes a young man, 22-year-old Ryan Clark of Martinez, GA, who served as a resident adviser at West Ambler Johnston dormitory where the first shooting occurred. Ryan was set to graduate this spring with a degree in biology and English, and he hoped to pursue a Ph.D., a pretty amazing young man from an academic standpoint. In his spare time, he also helped out the disadvantaged children in the area, as well as disabled children. On this particular day, he came to the rescue of the first victim and, as a result, became a victim himself.

I wish to convey my extreme sorrow to his family as they try to grasp the reality and gain a better understanding of what has happened. While he was still in his very young years, it is clear that he had already impacted so many lives and in so many different ways. While I know that words may be of little comfort at this time, the Clark family and all of the families involved and the Virginia Tech community will remain in my prayers as we try to find peace in the coming days.

It is difficult to fathom how something like this could happen. Words can't fully describe the grief we all feel as the weight of this tragedy settles over our Nation. My prayer is that through faith and resolve, our country will emerge from this disaster in unity and strength as together we find healing. While I know that we are still learning the facts surrounding these despicable acts, it is my hope that we can all work together and renew our commitment to ensure that our communities and schools are safe from similar future events.

I join my colleagues in the Senate who have spoken so eloquently on this matter and our entire Nation in mourning the 32 lives lost yesterday, and I pray for the strength of our country during this time of grief and sorrow.

Mr. CRAIG. Mr. President, news of yesterday's tragic killings at Virginia Tech reached me piecemeal as I was traveling back to Washington.

We are still far from final answers and explanations. Even today, facts are still being confirmed, evidence is still being collected, and the impact of the tragedy is still reverberating.

Last night, the Senate formally reacted to these terrible events through a resolution of sympathy.

I rise today to personally express my sorrow and condolences to the family and friends of the victims, to the survivors, and to the Virginia Tech community at large. The magnitude of this tragedy is unimaginable. You are in my thoughts and prayers, and I hope you know that the hearts of millions of Americans go out to you in your time of grief.

As we come to understand more about the events that unfolded so tragically yesterday, there will be plenty of time for us to argue about policy and politics and how to distribute blame. Today we should be mourning the loss of these lives, and doing what we can to help the wounded and comfort the bereaved.

I yield the floor.

The PRESIDING OFFICER. The majority leader is recognized.

Mr. REID. Mr. President, I don't need to remind my colleagues that our country is at war. We face tremendous challenges in keeping America safe. On the other side of the aisle, in the last couple of days we have heard some talk about the Intelligence authorization bill which the Republican majority failed to pass in 2 separate years, the first time in 27 years this bill has not been passed, but it wasn't passed the last 2 years.

This year I thought it would be good if we passed an Intelligence authorization bill. We have 16 agencies that deal with the espionage, the security, the intelligence of our Nation. A bipartisan bill came out of the Intelligence Committee, the committee agreeing that something should be done. But it gets over here and word comes from the White House: Don't let that bill go. Like lemmings off a cliff, the Republicans do not allow this bill to go forward. The excuses, a fourth grade student could see through, maybe a second grade student.

They say: Democrats wouldn't allow us to offer amendments. That is absolutely false, untrue. From the very beginning, when they refused to let us proceed to the bill initially and we had to file cloture, cloture was invoked because it gave them 30 hours to stall doing nothing. I said that during that 30-hour period amendments could be offered. Not a single amendment was proffered.

So then we come to cloture on the bill itself. Even the vice chairman of the committee did not vote to go forward with this legislation. Again, I said: OK, cloture wasn't invoked. Let's go ahead and offer some amendments. They did. Guess what the first amendment was to show how serious they are about the intelligence operations of this country. An amendment was offered by a Republican 34 pages long dealing with immigration which shows how they want to solve the immigration problems of this country and the intelligence problems. This is no place for immigration. We are going to debate immigration the last 2 weeks of this work period.

It is beyond my ability to comprehend how Senators on this side of the aisle, looking over there, could vote this way, people whom I have always believed to be patriots. Why would they not vote on this? I will tell you why they didn't. Vice President CHENEY wants to be the czar of intelligence of this country, as he has been for 6 years. He can rest well tonight because he is going to be able to continue, without this bill setting certain standards for interrogation with our intelligence agencies and other things that on a bipartisan basis were said to be important to improve the intelligence apparatus of our country.

The amendments offered this afternoon were not in good faith. A 34-page immigration amendment on an Intelligence authorization bill? They were nothing more than an effort to make the White House happy. It is no secret. Senators have told Senators on this side that is why they voted against cloture: they were told to do so by the White House.

Maybe my friends on the other side of the aisle think it is not important, that they can pull this one off and get away with it. We have a war on terror going on, and we have intelligence agencies—16 in number—that are working every day trying to keep ahead of the bad guys. The bipartisan bill that has been before the Senate for the last several days was drafted based upon what the intelligence agencies thought they needed to improve their ability to collect information. I don't think it is going to work. The credibility of the Vice President is not very high in this country. For reasons like this, it is apparent why that is.

The White House talks about the war on terror; let's work together to do something about it. Step back a minute. Is it political posturing to think that the intelligence agencies of this country that should have legislation that should be passed every year not be passed for 3 years?

I am very disappointed. I say this not in a mean or argumentative way. I am terribly disappointed. If the Presiding Officer, other Senators on this floor, if I ever as the leader came to one of you and said: We are not going to let the intelligence bill go forward this year, I think my caucus would tell me what to do with my suggestion. But apparently the White House has more sway than the American people to this group across the aisle. That is really too bad.

The PRESIDING OFFICER. The Senator from Ohio.

MORNING BUSINESS

Mr. BROWN. I ask unanimous consent that there now be a period of morning business with Senators permitted to speak therein for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

MEDICARE PRESCRIPTION DRUG BENEFIT

Mr. BROWN. Mr. President, Americans as much as any people on Earth have a sense of fair play. That is why I believe 3 or 4 years ago, when the Medicare law was passed literally in the middle of the night in the House of Representatives, where the Presiding Officer and I served at that time, by one vote—the rollcall vote was kept open for 3 hours, arms were twisted, calls from the President and pleas and all kinds of begging on the House floor, and who knows what else—that is why people were angry with the way the Medicare law passed. They were also angry especially because of the sense of betrayal they felt with the Medicare law that clearly was written by the drug companies and for the drug companies and by the insurance companies and for the insurance companies.

In fact, that Medicare law meant as much as $200 billion in extra profits for the drug industry and meant as much as $70 or $80 billion in directed subsidies for insurance companies to entice—the word our friends used—entice those insurance companies to write standalone Medicare prescription drug coverage.

Americans know the score. Americans understand much about this whole Medicare law. We all understand the major employee groups typically in our system negotiate bulk discounts on prescription drugs. Americans also understand that the VA negotiates bulk discounts on prescription drugs. The VA, which ensures millions of our Nation's veterans, will go to the drug industry, company by company, and negotiate on a drug formulary, negotiate a price that gives the Government paying for these prescription drugs for our Nation's veterans a discount of about 50 percent on average, the same kind of thing that large insurance companies will do. But under this Medicare law—again, written by the drug companies, written by the insurance companies, pushed through because of the lobbying force and the advertisements and all that the drug industry did and the insurance industry did—Medicare is prohibited under law from negotiating bulk discounts on prescription drugs. That is a prohibition only the drug industry and their friends in Congress—and they number many—could love.

When Medicare has to pay higher prices for medicines, dollars are taken from taxpayers' pockets and placed directly into the pockets of the multinational drug industry. For many years, I have taken bus trips with senior citizens to Canada, when I was in the House of Representatives, from my northern Ohio congressional district. We drove up through Detroit to Windsor to allow senior citizens to buy prescription drugs at a discount of 50, 60, 70 percent because the Canadians have a system where they negotiate drug prices directly with the manufacturer. It is the same drugs, the same manufacturer, the same packaging. The only difference between the medicine sold here and the medicine sold in Canada is the price.

That is the same in country after country after country. We pay two and three and four times more for prescription drugs than people in any other country given the same drug, the same dosage, the same manufacturer. It is a great deal for the drug industry and a bum deal for consumers, especially for senior citizens and for taxpayers in our country.

Medicare is the single largest prescription drug consumer in the country, and jacked-up prices jeopardize Medicare's future.

The legislation we will consider tomorrow ends the prohibition on price negotiations. It takes the handcuffs off Medicare and enables Medicare to negotiate price discounts—the kind of discounts Medicare should receive, given the huge volume of medicines it purchases.

Medicare is a system with more than 40 million Americans in that system. That kind of bulk discount buying will save billions—tens of billions—of dollars for American taxpayers and for senior citizens.

The drug industry, however, has taken to the airwaves, as it always does, and gone to Nation's newspapers to fight this legislation. In the Washington Post today is an example of an outrageous kind of ad the drug industry has written: "89% of Voters Oppose Government Negotiation of Medicare Drug Prices." That is what it says: "89 percent of Voters Oppose Government Negotiation of Medicare Drug Prices." That does not even pass the straight-face test. I hardly know anyone in Ohio—a Democrat, a Republican, an independent—I hardly know anyone who does not think the Government should use the bulk discount process of negotiating directly with the drug industry on behalf of 40 million Medicare beneficiaries. Yet, they claim, in bold print, in a full-page ad that costs tens of thousands of dollars—not much for the drug industry, to be sure—that "89% of Voters Oppose Government Negotiation of Medicare Drug Prices."

If you read the small print, it says:

> Majorities of Democratic, Republican and Independent voters do not want the government negotiating prescription drug prices under Medicare. In fact, 89 percent oppose government negotiation if it could limit access to new prescription medications.

Well, no kidding, if it limits access, then they say they do not like it. But, of course, they do not. And, of course, because of high drug company prices, we are seeing limited access to prescription drugs.

How many times, I say to the Presiding Officer, in New Jersey or in Ohio or in Nevada or in Iowa do we hear stories from our constituents who have decided, because they cannot quite afford the drugs, they are going to cut a pill in half so their prescription will last twice as long, or they are only going to take a tablet every other day, even though they are prescribed to take it every day, so their prescription lasts longer? How often do we have to hear that?

That is the issue of access, that too many seniors, too many middle-class Americans, too many low-income Americans simply cannot afford to pay for their prescription drugs because the price is so high because of the drug companies, with their billions of dollars in advertising, with their hundreds of millions of dollars they spend on 600 lobbyists in this institution. There are, at last count, over 600 people paid by the drug industry to lobby this Congress. There are only 535 of us here in Congress; 100 in the Senate, 435 in the House. They have more than 600 lobbyists to talk to us. These most recent ads are particularly offensive.

Allowing Medicare to negotiate lower priced medicines will not reduce access to medicines, it will increase access. If we get lower priced drugs, more people who have these prescriptions will be able to fully fill their prescriptions so, in fact, they will get access to drugs. That is why lower prices for Medicare mean lower copayments for seniors, and that means increased access to medicines.

That is why AARP supports allowing price negotiations. That is why the Alliance for Retired Americans supports allowing price negotiations. That is why the Committee to Preserve Social Security and Medicare supports allowing price negotiations.

The drug industry, again, stooped pretty low with this misleading poll, and then with this very expensive—tens of thousands of dollars for this one ad in one newspaper in the country. I wonder if there is any line the drug industry would not cross when it comes to preserving the sweetheart deal they have in this country, where they have far too many politicians in the Senate and in the House, far too many of our colleagues, who simply, again, over and over and over, do the drug companies' bidding.

Every other developed country in the world, as I said earlier, gets better priced prescription drugs than we do. Every other developed country in the world gets better prices than we do. That is because these countries do not put up with the grossly inflated drug prices our Nation does. It is because their drug company lobbyists or their drug company media campaigns simply may not be as effective in France and Canada and Germany and Israel and Japan and Mexico, and all over the world, where drug prices are a half or a third or a fourth of what they are here.

We will put up with most anything, it seems, if an industry has deep enough pockets and an army of lobbyists. Prohibiting the Government from negotiating volume discounts on prescription drugs simply makes no sense. The Government negotiates the price of everything else it buys.

When the Architect of the Capitol buys carpeting for the Senate floor—as we look around at this very nice blue carpet here—they do not take the manufacturer's word that a fair price would impair fiber research. We do not say whatever the carpet makers want, we will pay because it costs a lot to do this research to make these rugs beautiful and make this carpet last, when so many feet walk over it.

When the Park Service buys ranger uniforms, it does not take the first bid that comes in. It gets good quality at the lowest price possible.

But with drugs, the President and his allies here in Congress—and we know how much money the drug industry gave to President Bush; and we know the kinds of effective lobbying the drug industry employs in the Senate—the President and his allies here in Congress say the Government must pay any price the drug industry wants to charge.

That policy is more than a mistake; it is a joke on the American people. It is a betrayal of our constituents. The drug companies are laughing all the way to the bank.

We need to pass this legislation tomorrow and let Medicare bargain for the prices that Medicare beneficiaries deserve.

REMEMBERING FELIX WILLIAM RIVERA

Mr. REID. Mr. President, I rise today to honor the memory of a great Nevada educator and coach, Felix William Rivera. Felix, a physical and health education teacher in the Clark County School District in Las Vegas, NV, was involved in a fatal car accident on February 8, 2007.

Felix proudly lived in the Las Vegas metropolitan area all of his life. He graduated from Basic High School in 1991 and the University of Nevada, Las Vegas in 1996 with degrees in secondary education and sports medicine and certification in athletic training. As a student teacher, Felix was selected as a Distinguished Student Teacher of the Year Award. He began his teaching career at Swainston Middle School in 1997, and thereafter served as a Physical Education Coach and Athletic Trainer at Western High School and Health Teacher and Athletic Trainer at Desert Pines High School.

Felix went above and beyond his job responsibilities in order to provide students with the opportunity to learn and succeed. He spent countless hours treating students who had limited access to health care. Oftentimes, he would arrive early to school in order to provide treatments, limited therapy, or counseling to students who simply needed a listening ear. Felix had outstanding listening skills and frequently utilized his networking base to connect students with the proper resources. As one of his former students noted, "Not only did Mr. Rivera teach health, he also taught us about life and steps we needed to take in order to become successful." A fellow teacher at Desert Pines High School described him as a "role model for students who took great pride in every lesson that he taught." A teacher and friend further commented on his congenial personality, "He was the kind of person who had an innate ability to get right to the point, an ear-to-ear smile that was contagious and a well-known sense of humor."

It is clear that Felix was a dedicated educator, a role model, and a mentor who left a lasting impression on his students. On April 18, 2007, family, friends, students, and colleagues will honor his legacy by dedicating a mural with the words "hard as steel with a heart of gold" in the training room at Desert Pines High School, where he spent much of his time counseling students. I join in honoring Felix and extend my deepest sympathies to his family and friends, especially his wife and high school sweetheart, Alice "Cookie" Masterson and children, Anthony and Felicia. He is deeply missed and his service and dedication to the students of Clark County will always be greatly appreciated.

ARMY MEDICAL DEPARTMENT CENTER AND SCHOOL ACHIEVEMENTS

Mr. AKAKA. Mr. President, when I began my chairmanship of the Veterans' Affairs committee this January, I assured my colleagues that we would renew our focus on the need for cooperation and collaboration between the Department of Defense and the Department of Veterans Affairs. As we look at the way these two entities work together, it is important that we highlight the good work and progress being made. One example of progress and excellence in collaboration can be found at the Army Medical Department Center and School, located at Fort Sam Houston, which trains Army, Air Force, and VA nurses.

This year, U.S. News and World Report ranked the Army Medical Department Center and School second in the Nation for their anesthesia nursing program. They missed first place by just a tenth of one point, and have improved their score from 3.8 out of 5.0 in 2003, to 4.0 out of 5.0 in 2007. This notable achievement brings added credibility to their already prestigious program.

Since 2004, VA and DOD have partnered to train VA nurse anaesthetists to work in the VA health care system, the largest health care system in the country. The first class of VA nurse anesthetists recently graduated from the Army Medical Department Center and School. Their graduation represents what I hope will be a steady flow of highly qualified VA nurse anesthetists using their skills and knowledge to give veterans the high-quality health care they have earned through service.

I realize that, with the private sector offering six-figure salaries for nurse anesthetists, those who chose to work within the military and VA do so not for personal gain. They stay to respond to the higher calling of caring for servicemembers and veterans in their times of need, and are to be commended for their dedication and their work. In that spirit, I say ‘e ho'omaika'i ia'oukou, or congratulations, to the graduates, students, faculty, staff, and others who have worked to make the Army Medical Department Center and School the success that it is today.

RECOGNITION OF CANUTE DALMASSE

Mr. LEAHY. Mr. President, today I honor Canute Dalmasse of Stowe, VT, who is retiring after 36 years of dedicated service to the State of Vermont, working to conserve, protect, and enhance our State's natural resources. His extraordinary contribution to the stewardship of Vermont's natural environment calls for special recognition.

Canute retires as the deputy secretary of the Vermont Agency of Natural Resources, overseeing fish, wildlife, forests, parks, recreation, and environmental conservation programs and recently served with distinction as acting secretary. His career began in 1971 as one of the first district coordinators implementing Vermont's landmark Act 250 environmental law that uses a holistic approach looking at environmental, visual, and social criteria to assess potential development impacts. A proven leader and innovator, he has served as director of the Office of Water Resources and commissioner of the Department of Environmental Conservation.

Canute is an avid boater and angler on Lake Champlain and an unflinching advocate for Vermont's waters. He serves on the Lake Champlain Basin Program Steering Committee and as chair of its executive committee, bringing the States of Vermont and New York and the Province of Quebec together to work for a clean, healthy lake. He also serves on the Lake Memphremagog Steering Committee, working with the Province of Quebec to protect and enhance that international water.

Canute received his bachelors degree from Columbia University in New York City and served in the 101st Airborne Division in the U.S. Army during the Vietnam War. He and his wife Diane have two sons, Layton and Canute. He is a longtime resident of Stowe, VT, and is a past president of Stowe Youth Hockey and chair of the Stowe Recreation Commission.

Canute Dalmasse is a tribute to his State, his community, and to protecting Vermont's natural environment. The great State of Vermont, with its celebrated natural beauty and well-deserved reputation for exemplary environmental stewardship, honors Canute's dedication, devotion, and hard work that helped set the course for Vermont's environmental future. It is an honor and a privilege to recognize Canute today in the U.S. Senate.

TRAUMATIC BRAIN INJURY

Mr. BAYH. Mr. President, I wish to speak to legislation to fight a discrepancy in access to care that prevents hundreds of our Nation's heroes from receiving the best possible care for traumatic brain injury.

Traumatic brain injury has been identified as the "signature injury" afflicting armed servicemembers returning from Iraq and Afghanistan. After sacrificing so much, we have a moral obligation to ensure that these men and women receive the best care available to them. Unfortunately, administrative and medical capacity problems have prevented many of our heroes from receiving the care they desperately need and deserve. There is an immediate solution to address this.

The Department of Veterans Affairs, VA, has made clear progress in research and development of rehabilitation treatment for individuals who have incurred traumatic brain injuries. However, VA medical facilities have not yet reached the level of private rehabilitation facilities, which have been developing cognitive treatment for the past 30 years.

While VA medical centers offer excellent services, there are barriers to receiving the optimal health care options. These include a confusing array of benefits, overworked and undertrained case managers, and, most importantly, a discrepancy between benefits for those on active duty versus those who are medically retired. This discrepancy in benefits leads to confusion among families who are forced to try to determine what is in the best interest of the servicemember, often without having full knowledge of the difference in benefits offered to Active Duty and veterans. Currently, the TRICARE plan that is available to Active Duty servicemembers permits them to receive coverage for cognitive therapy obtained in private nonmilitary facilities. However, medical retirees do not have this health care coverage option. Consequently, severely injured TBI patients struggle to obtain the critical care they desperately need.

Further, while many armed servicemembers have dedicated family members and loved ones who fight to ensure that they receive the best care possible, not all servicemembers have family to speak and act on their behalf. Thus, many are left without optimal treatment and without an advocate.

The need to ensure that every TBI patient receives the best care possible cannot be understated. This is an immediate problem with an immediate solution. We have the ability to provide a crucial, temporary answer to our armed services members while the VA develops the capability to facilitate care for this unique population. We can not stand idly by, as hundreds of our bravest Americans are prevented from receiving the care they deserve.

HONORING PASTOR RHIO CLEIGH

Mr. GRASSLEY. Mr. President, today I take a few minutes to honor a great man of faith. Pastor Rhio Cleigh dedicated the past 25 years to serving his community through the church. The last 15 of those years have been at my home church—Prairie Lakes Church in Cedar Falls, IA.

The work of a pastor is not always easy but, much like my work, it is very rewarding. As a minister in our church, Rhio was responsible for counseling individuals through difficult times, visiting the sick in the hospital, and ministering to the senior citizens of our congregation.

This Sunday our membership will honor Pastor Cleigh as he retires from the ministry. Rhio plans to spend his retirement enjoying time with his wife Patti, his 6 children, 10 grandchildren, and 1 great-grandchild. He also hopes to have a little more time for some of his hobbies—things like woodworking, camping, fishing, and gardening.

Barbara joins me in sincere appreciation to Rhio for his contributions to our church and community. Together we wish him a long and happy retirement.

U.S. FOREIGN POLICY AGENDA

Mr. CRAIG. Mr. President, I rise today in support of a sense-of-the-Congress amendment my good friend and colleague Senator INHOFE has just submitted regarding Presidential authority over setting American foreign policy. Like all of my colleagues, I have the right to visit foreign countries in my capacity as a Member of Congress. However, the Constitution is quite clear about the separation of powers between the legislative and executive branches of our government, and the executive branch has the exclusive authority to conduct negotiations with foreign countries.

As we all know, the Logan Act prohibits American citizens from negotiating with foreign governments without the authority of the United States. What would it mean if a Member of the House or Senate, and especially a member of the leadership, was to visit a foreign country and in discussions with their government, explicitly speak out against our Nation's foreign policy agenda? High ranking Members of Congress, I believe, are seen by foreign governments as carrying an official message of foreign policy, and if such members contradict the administration, it can be very damaging to our country politically and diplomatically.

Members of Congress have the ability to express their dissent from the floor of their respective Chambers, but under no circumstances should Members visit with foreign governments for the sole purpose of demonstrating their opposition to the administration's foreign policy. Such actions would show a sincere lack of respect for the boundaries drawn out by our Constitution, and I would hope that all Members of Congress will use good judgment when visiting with foreign governments in the future.

It is a very dangerous precedent to set if Members of Congress decide to buck the American foreign policy agenda and carry mixed messages to foreign governments, especially foreign governments hostile to our country. While I will continue to support congressional rights to travel abroad and meet with government officials, there is a responsibility that comes along with those visits, and that responsibility is to uphold and support the administration's foreign policy agenda.

For this reason I have joined my colleague Senator INHOFE in submitting this amendment. I believe it sends a clear and strong message that Members of Congress have the responsibility to defer to and support the administration on setting our Nation's foreign policy agenda, and under no circumstances should Members blatantly defy our administration for purely political gain.

REAL ID ACT

Mr. TESTER. Mr. President, today my home State of Montana becomes the fourth State in the Nation to declare its opposition to the REAL ID Act by enacting binding legislation that opts Montana out of REAL ID. With it, my State is opting out of the onerous regulation, blatant invasion of privacy, and the high cost of compliance that will come from implementing REAL ID.

I congratulate my Governor, Brian Schweitzer, and both houses of the Montana State Legislature. Both houses of the legislature approved this legislation unanimously. Thirteen other States have anti-REAL ID legislation that has passed one of the houses of the legislature. In Montana and the rest of these States, opposition to this poorly constructed law is bipartisan.

That is why I am pleased to once again offer my support for the Identification Security Enhancement Act, introduced by Senator AKAKA and Senator SUNUNU—another bipartisan show of opposition to the REAL ID Act.

Why is there so much opposition to REAL ID beyond the beltway? It comes down to three reasons. First, the REAL ID Act puts massive new Federal regulations on the States. From new databases and fraud monitoring, to new network and data storage capacity, the States will be tasked with an enormous range of new regulations and requirements. Once REAL ID becomes effective, every State's Department of Motor Vehicles will have to play immigration official by reconciling discrepancies in social security numbers with the Social Security Administration. DMVs will have to require proof of "legal presence" in the United States from immigrants.

I am for a strong immigration policy. I believe we ought to enforce our borders and enforce the laws we have on the books. But it is completely unreasonable for the Federal Government to put that job on the Montana Department of Motor Vehicles, or any other State's DMV.

And these new regulations carry with them a hefty pricetag. DHS now estimates that Real ID will cost the states and their taxpayers $23.1 billion.

Finally, REAL ID raises some very real privacy concerns. Data mining and data theft have become all too common phrases for too many Americans who resent having their personal information collected by the government, or worse, having it stolen from the government. We all recall the massive potential problems that arose from the theft of personal data from the VA last year. I have no doubt that the databases called for in REAL ID will be an even greater target for data thieves.

We can do better than REAL ID. Senator AKAKA's legislation shows that. Today, Montana adds its voice to those calling for the Federal Government to go back to the drawing board. Let's listen to what Montana has to say.

PAYOLA SETTLEMENT

Mr. FEINGOLD. Mr. President, I would like to briefly comment on an important settlement that has been recently announced by the Federal Communications Commission, FCC.

Four major radio station groups, Clear Channel, Entercom, Citadel, and CBS Radio, have taken an important first step in cleaning up the radio industry through today's consent decree with the FCC and side agreement with the independent music community on airplay and rules of engagement. I want to especially commend Commissioner Adelstein for his tireless work to bring these groups together and then-Attorney General Spitzer for spearheading the initial investigation that has led to State and now Federal settlements.

I was encouraged to see internal business reforms, increased recordkeeping for transactions between labels and radio stations and unfettered access to these records by the FCC as part of the consent decrees. While these provisions are not as broad as those included in my previous payola legislation, the increased recordkeeping and disclosure in the consent decrees represent a step in the right direction. Transparency and accountability through sustained oversight will go a long way in eliminating the pervasive shadowy practices that have plagued the radio industry on and off almost since its inception.

While the parties to the consent decrees do not directly admit wrongdoing, the payment of $12.5 million to the U.S. Treasury from the four station groups is an implicit acknowledgement that the evidence uncovered by then-Attorney General Eliot Spitzer showed that significant abuses had taken place. From all accounts, the stations also deserve some credit for working in good faith with the FCC and the independent music community to work toward a solution that did more than just put this matter behind them. The internal reforms and side agreement negotiated with the American Association of Independent Music, A2IM, appear to show a real desire to change and include the voices of local, unsigned and independent musicians that have unfortunately been missing more often than not from our public airwaves over the past decade or more.

I am pleased by the voluntary side agreement by the radio station groups to provide more airtime and fair rules of engagement. These rules of engagement require nondiscriminatory treatment for labels and musicians seeking to be played at the stations and echo requirements from my previous payola legislation. I am heartened that these major radio station groups have apparently come to the realization that the old system wasn't working and that it was in their best interest to make it easier for small labels and local musicians to be heard. With more and more musicians being successful without or with limited radio airplay—just look at the commercial and critical success of the Dixie Chicks' last album—I hope radio stations are realizing they must change and play what their potential listeners want to hear in order to remain relevant. I hope this important commitment by four station groups will be replicated throughout the rest of the radio industry.

I have a few lingering concerns that both the consent decrees and side agreement depend heavily on continued good faith instead of strong enforceable standards. I have no reason to believe that the potential good from these agreements will not be fulfilled, but we can't allow backsliding, especially after the 3-year term of the decrees expires. This means that the FCC will need to maintain vigorous and continued oversight. I urge the FCC to take the next step of building on this first wave of settlements and reaching agreements or taking enforcement action against the other stations implicated by the Spitzer investigation.

SMALL BUSINESS TAX BURDEN

Ms. SNOWE. Mr. President, today millions of taxpayers, many owners of small businesses, will file their income tax returns while some States in the Northeast, including my home State of Maine, have rightfully been given an additional 48 hours to file due to the devastating storms resulting in disastrous flooding, wind damage, and power outages.

As citizens file their taxes this week, I am very happy to say that a wide majority of Mainers and Americans alike will be fully compliant in reporting the appropriate amount of income, with the Internal Revenue Service estimating 84 percent of taxpayers are compliant. The unfortunate flip side to that statistic is that 16 percent of taxpayers either fail to report income or underreport income and thus fail to pay all the taxes owed. This misreporting of income has resulted in a $345 billion gross tax gap, which is the difference between taxes owed and paid.

Unquestionably, we must ensure that taxes owed are taxes paid. While the Congressional Budget Office, CBO, projects a deficit of around $200 billion this fiscal year without any abatement through 2011, the fact remains that narrowing the tax gap would help reduce the deficit—plain and simple.

Not only does the tax gap prevent us from balancing the budget, equally disturbing is how noncompliance breeds disrespect for the tax system and can lead to the further shirking of obligations. The result could be that, to fill the gap, law-abiding taxpayers would have to pay higher taxes. Consider the following: According to preliminary IRS data, for 2005, taxpayers filed 134.5 million individual income tax returns. If we were to shrink the tax gap, each of those returns would have to be assessed additional tax in the amount of $2,566. I would not want to be in position to ask my constituents for more of their hard-earned money, especially to cover those who are not paying their fair share.

Last year, the Treasury Department issued "A Comprehensive Strategy for Reducing the Tax Gap." This document astutely points out, the Tax Code's complexity is itself a significant source of noncompliance. The current Tax Code costs the Government revenue since even those who try their best to follow the rules, often end up underpaying tax because the rules are too complicated and difficult to decipher. Therefore, any solution to the tax gap must also require simplifying the Tax Code.

A top priority I hear from small businesses across Maine and this country is the need for tax relief. Despite the fact that small businesses are the real job-creators for Maine's and our Nation's economy, the current tax system is placing an entirely unreasonable burden on them when trying to satisfy their tax obligations. The current Tax Code imposes a large, and expensive, burden on all taxpayers in terms of satisfying their reporting and recordkeeping obligations. The problem, though, is that small companies are disadvantaged most in terms of the money and time spent in satisfying their tax obligation.

For example, according to the Small Business Administration's Office of Advocacy, small businesses spend an astounding 8 billion hours each year complying with Government reports. They also spend more than 80 percent of this time on completing tax forms. What's even more troubling is that companies that employ fewer than 20 employees spend nearly $1,304 per employee in tax compliance costs, an amount that is nearly 67 percent more than larger firms. A recent survey by the National Federation of Independent Businesses found that 88 percent of small-employer taxpayers used a tax professional and the two reasons small-employer taxpayers most frequently cite for using tax professionals are to assure compliance and the complexity of the law.

For that reason, I have introduced a package of proposals that will provide not only targeted, affordable tax relief to small business owners, but also simpler rules under the Tax Code. By simplifying the Tax Code, small business owners will be able to satisfy their tax obligation in a cheaper, more efficient manner, allowing them to be able to devote more time and resources to their business.

I have introduced legislation, S. 269, in response to the repeated requests from small businesses in Maine and from across the Nation to allow them to expense more of their investments, like the purchase of essential new equipment. My bill modifies the Internal Revenue Code by doubling the amount a small business can expense from $100,000 to $200,000, and make the provision permanent, as President Bush proposed this change in his fiscal year 2007 tax proposals. With small businesses representing 99 percent of all employers, creating 75 percent of net new jobs and contributing 51 percent of private-sector output, their size is the only "small" aspect about them.

By doubling and making permanent the current expensing limit and indexing these amounts for inflation, this bill will achieve two important objectives. First, qualifying businesses will be able to write off more of the equipment purchases today, instead of waiting 5, 7 or more years to recover their costs through depreciation. That represents substantial savings both in dollars and in the time small businesses would otherwise have to spend complying with complex and confusing depreciation rules. Moreover, new equipment will contribute to continued productivity growth in the business community, which economic experts have repeatedly stressed is essential to the long-term vitality of our economy.

Second, as a result of this bill, more businesses will qualify for this benefit because the phase-out limit will be increased to $800,000 in new assets purchases. At the same time, small business capital investment will be pumping more money into the economy. This is a win-win for small business and the economy as a whole and I am pleased to have Senators LOTT, ISAKSON, CHAMBLISS and COLLINS join me as cosponsors of this legislation.

Another proposal that I have introduced with Senators LINCOLN and LOTT, the Small Business Tax Flexibility Act of 2007, S. 270, will permit start-up small business owners to use a taxable year other than the calendar year if they generally earn fewer than $5 million during the tax year.

Specifically, the Small Business Tax Flexibility Act of 2007 will permit more taxpayers to use the taxable year most suitable to their business cycle. Until 1986, businesses could elect the taxable year-end that made the most economic sense for the business. In 1986, Congress passed legislation requiring partnerships and S corporations, many of which are small businesses, to adopt a December 31 year-end. The Tax Code does provide alternatives to the calendar year for small businesses, but the compliance costs and administrative burdens associated with these alternatives prove to be too high for most small businesses to utilize.

Meanwhile, C corporations, as large corporations often are, receive much more flexibility in their choice of taxable year. A C corporation can adopt either a calendar year or any fiscal year for tax purposes, as long as it keeps its books on that basis. This creates the unfair result of allowing larger businesses with greater resources greater flexibility in choosing a taxable year than smaller firms with fewer resources. This simply does not make sense to me. My bill changes these existing rules so that more small businesses will be able to use the taxable year that best suits their business.

To provide relief and equity to our Nation's 1.5 million retail establishments, most of which have less than five employees, I have introduced a bill, S. 271, with Senators LINCOLN, HUTCHISON, and KERRY that reduces from 39 to 15 years the depreciable life of improvements that are made to retail stores that are owned by the retailer. Under current law, only retailers that lease their property are allowed this accelerated depreciation, which means it excludes retailers that also own the property in which they operate. My bill simply seeks to provide equal treatment to all retailers.

Specifically, this bill will simply conform the Tax Codes to the realities that retailers on Main Street face. Studies conducted by the Treasury Department, Congressional Research Service and private economists have all found that the 39-year depreciation life for buildings is too long and that the 39-year depreciation life for building improvements is even worse. Retailers generally remodel their stores every 5 to 7 years to reflect changes in customer base and compete with newer stores. Moreover, many improvements such as interior partitions, ceiling tiles, restroom accessories, and paint, may only last a few years before requiring replacement.

Finally, I joined Senator BOND in introducing S. 296 that will simplify the Tax Code by permitting small business owners to use the cash method of accounting for reporting their income if they generally earn fewer than $10 million during the tax year. Currently, only those taxpayers that earn less than $5 million per year are able to use the cash method. By increasing this threshold to $10 million, more small businesses will be relieved of the burdensome recordkeeping requirements that they currently must undertake in reporting their income under a different accounting method.

This package of proposals are a tremendous opportunity to help small enterprises succeed by providing an incentive for reinvestment and leaving them more of their earnings to do just that. Notably, providing tax relief by passing these simplification measures will also help us reduce the tax gap by increasing compliance. I urge my colleagues to join me in supporting these proposals.

ADDITIONAL STATEMENTS

INVENT IOWA PROGRAM

• Mr. HARKIN. Mr. President, on April 21, some 360 young Iowa inventors will gather at Hilton Coliseum on the campus of Iowa State University for the Invent Iowa 2007 State Invention Convention. This gathering will mark the 20th year for Invent Iowa.

Over the last two decades, thousands of Iowa students have participated in this important statewide event. The annual Invention Convention has showcased the skill, imagination and creativity of some of our best and brightest—and most creative—youngsters.

From the Motorized Guinea Pig Walker invented by Nicholas Schrunk of Spirit Lake to the Oops! Proof No-spill Feeding Bowl invented by Alexis Abernathy of Cedar Rapids, students have created innovative solutions to everyday problems.

In Nicholas' case, he needed to figure out a way for his guinea pig, Freckles, to get some exercise without running around the house and annoying his mother. Alexis got the idea for her invention by watching a 2-year-old child spill his cereal again and again. These two inventions were creative solutions that earned recognition for the young inventors. In the last 20 years, there have been thousands of other inventions.

Each year, approximately 30,000 Iowa students begin the journey to the State Convention by participating in local and regional competitions. The staffs from Iowa's Area Education Agencies do a tremendous job working with educators on curriculum ideas and setting up the regional events. Since the inception of the program in 1987, more than half a million students have participated in Invent Iowa.

The seed for Invent Iowa was planted at a statewide conference I sponsored in conjunction with Iowa State University in 1986 on the future of Iowa communities. In his keynote address, David Morris from the Institute for Local Self-Reliance focused on the need to rekindle the spirit of innovation in the United States, and he also spoke of his experience as a judge for the Minnesota Metropolitan Young Inventor's Fair. Following that event, my office, led by Dianne Liepa, began working with Carol McDanolds Bradley at the Iowa Department of Education, statewide education groups, nonprofit organizations and businesses to form a steering committee to establish a statewide invention program for students. Invent Iowa was born.

In 1989, the Invent Iowa Board of Directors contracted with the Belin-Blank Center for Gifted Education and Talent Development at the University of Iowa to serve as the home for the organization's State coordinator. Eleven years later, Invent Iowa would become a program under the full direction of Belin-Blank. Under the leadership of the dedicated staff at Belin-Blank, Invent Iowa has grown and flourished.

In particular, I would like to salute the excellent work of Dr. Nicholas Colangelo, director of the Belin-Blank Center, and Dr. Clar Baldus, who serves a dual role as administrator of Rural Schools Programs and Inventiveness Programs at Belin-Blank as well as State coordinator for Invent Iowa. They have been tireless advocates for the program and are dedicated to its success far into the future.

Invent Iowa is a great program, and I am very proud to recognize all of the people and organizations that continue to carry on Iowa's tradition for innovation and invention. Congratulations on reaching this important milestone to the advisory board for Invent Iowa and to the sponsors including the Belin-Blank Center, Iowa Area Education Agencies, Iowa Intellectual Property Law Association, Rockwell Collins Corporation, McKee, Voorhees and Sease patent attorneys Larry Engman and David Belin, Dean P. Barry Butler and the College of Engineering at the University of Iowa, and Dean Mark J. Kushner and the College of Engineering at Iowa State University.

The most important partners in the success of Invent Iowa have been classroom teachers across Iowa. They help guide students through all phases of the invention process from the documentation of need, to the inception of the idea, creation of the prototype, research to ensure the innovativeness of the invention, and the final presentation to a panel of evaluators. Without these dedicated teachers working with the young inventors, there would be no Invent Iowa.

On the 20th anniversary, I congratulate all the Iowans who have worked so hard to make Invent Iowa such a success. I wish them even greater success in their next 20 years. Also, good luck to the students who will be participating in the 2007 Invention Convention this weekend.•

IN RECOGNITION OF THE POTTER FAMILY

• Mr. NELSON of Nebraska. Mr. President, today I pay tribute to the Potter family, who are being honored with the Family Tree Alumni Award from the University of Nebraska-Lincoln, UNL. This award was established in 1995 for families having at least three generations of UNL graduates and at least two family members with a record of outstanding service to the university, the alumni association, their community and/or their profession.

This legacy finds its roots in Herb "Cub" Potter, Sr., who began attending the University of Nebraska in 1910. Herb lettered as a quarterback on the dominating "Stiehm Rollers" Nebraska football teams of 1911, 1912, and 1914. The latter of those teams finished with 7 wins, 0 losses and 1 tie, which was said to be deserving of the mythical national title. At the university, Herb met his wife, Carrie Coman, a fellow student and an Alpha Omicron Pi member.

The two sons of Herb and Carrie Potter, Herb, Jr., and younger brother Brooks, became the next generation of Huskers during the early 1940s. Herb, Jr., graduated in 1943 with a degree in business administration and soon married a fellow graduate, Lois Ballantyne, class of 1940. Brooks attended the University of Nebraska until he enlisted in the U.S. Navy at the onset of World War II. Unfortunately, Brooks passed away while serving his country as a member of the "greatest generation."

Herb, Jr.'s close ties to Nebraska did not end with his graduation. He embarked on a career spanning 30 years at the University of Nebraska Foundation as secretary/treasurer and later vice president. Upon his retirement in 1982, Herb's tenure spanned a period during which the foundation grew from a staff of 5 employees and assets of $1 million to a staff of 22 and assets of $80 million.

Herb and Lois passed on the Husker tradition to their two daughters, Barbara and Carol. Barbara, class of 1967, met and married Robert Reynolds, class of 1971, at Nebraska. Robert went on to serve in the U.S. Department of the Interior with distinction for 33 years. In recognition of his outstanding contributions to the National Park Service, Robert was given the Meritorious Service Award in 1991, the second highest award given in the Department of the Interior. Then in 2000, he was awarded the Distinguished Service Award, which is given to only 4 out of 20,000 each year.

Carol, class of 1973, M.S. 1975, also met her husband, Paul Lou, class of 1973, M.S. 1976, at the university. Paul has spent the past 25 years as an instructor teaching a broad range of computer classes at Diablo Valley Community College in Pleasant Hill, CA, where he is considered one of the most popular teachers.

From the Ballantyne family, there have been several other Nebraska graduates, with the latest being Kevin Zimmerman, a lawyer who is currently serving his country in the armed services. Other graduates have gone on to become doctors—Doug Peter—teachers—Sandra Peter, Pat Kahre and Frank Daily—artists—Joyce Ballantyne and Beverly Ballantyne—and business professionals—Byron Ballantyne and Jim Peter.

Finally, current marching band member Kyle Peter represents the fifth generation of the Potter family tree to attend the University of Nebraska.

In addition to this legacy being deep in its years, it is also wide in its spread. From 1910 up to the present, there has been a member of either the Potter or Ballantyne families affiliated with the University of Nebraska during every single decade. What a rich tradition at Nebraska.●

TRIBUTE TO COACH DOUG ROSS

● Mr. SESSIONS. Mr. President, I would like to congratulate and make some remarks today about a very valuable asset to the University of Alabama in Huntsville and the entire State of Alabama—Ice Hockey Head Coach Doug Ross, who is retiring after 25 years of coaching the UAH Chargers hockey team.

Coach Ross began his coaching career at Ohio University in 1976 where he coached for one season, and then at Kent State University for 2 years. He came to UAH in 1982. The hockey team at that time was a top team and the only NCAA hockey team south of the Mason-Dixon line. Under his leadership, the team has had great success, reaching NCAA Division I status. Quoting Coach Joe Ritch, his predecessor at UAH. "Doug brought UAH championships, unique notoriety, and national respect in the collegiate hockey world. We all owe Doug Ross a debt of gratitude for his commitment to UAH and hockey for this state."

The team went to the NCAA Regional Tournament this year where they played the third longest game in NCAA Regional Tournament history. In a thrilling game with top-ranked and top-seeded Notre Dame, the Chargers lost 3–2 in double overtime on a power-play goal. If winning it all could not happen, this game was one on which to cap a career.

Coach Ross is known for recruiting top notch student athletes to UAH. Following their success on the ice, many of his players are active alumni, living in the Huntsville area and actively involved in the community.

Thank you, Coach Ross, for bringing NCAA hockey to the forefront in Alabama and for your loyalty and support for the University of Alabama in Huntsville. Your legacy is a great one and I join with UAH, the Huntsville community, and the State of Alabama in wishing you the very best in your retirement.●

MESSAGE FROM THE HOUSE

At 2:31 p.m., a message from the House of Representatives, delivered by Ms. Niland, one of its reading clerks, announced that the House has passed the following bill, in which it requests the concurrence of the Senate:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office".

The message also announced that the House has agreed to the following concurrent resolutions, in which it requests the concurrence of the Senate:

H. Con. Res. 71. Concurrent resolution commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes.

H. Con. Res. 88. Concurrent resolution honoring the life of Ernest Gallo.

MEASURES REFERRED

The following bill was read the first and the second times by unanimous consent, and referred as indicated:

H.R. 988. An act to designate the facility of the United States Postal Service located at 5757 Tilton Avenue in Riverside, California, as the "Lieutenant Todd Jason Bryant Post Office"; to the Committee on Homeland Security and Governmental Affairs.

The following concurrent resolution was read, and referred as indicated:

H. Con. Res. 71. Concurrent resolution commemorating the 85th Anniversary of the founding of the American Hellenic Educational Progressive Association (AHEPA), a leading association for the Nation's 1.3 million American citizens of Greek ancestry, and Philhellenes; to the Committee on the Judiciary.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–1485. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (72 FR 14449) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1486. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determinations" (72 FR 14447) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1487. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Changes in Flood Elevation Determination" (72 FR 14456) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1488. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Final Flood Elevation Determinations" (72 FR 14461) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1489. A communication from the Chairman, Federal Financial Institutions Examination Council, transmitting, pursuant to law, the Council's 2006 Annual Report; to the Committee on Banking, Housing, and Urban Affairs.

EC–1490. A communication from the Regulatory Specialist, Office of the Comptroller of the Currency, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Expanded Examination Cycle for Certain Small Insured Depository Institutions and U.S. Branches and Agencies of Foreign Banks" (OCC–2007–0007) received on April 12, 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1491. A communication from the Director, Office of Thrift Supervision, Department of the Treasury, transmitting, pursuant to law, a report relative to the Office's compensation plan for 2007; to the Committee on Banking, Housing, and Urban Affairs.

EC–1492. A communication from the Principal Deputy, Office of the Under Secretary of Defense (Personnel and Readiness), transmitting, pursuant to law, a report relative to the Department's oversight of recruiter misconduct; to the Committee on Armed Services.

EC–1493. A communication from the Senior Attorney, Office of the Secretary, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Review of Data Filed by Certificated or Commuter Air Carriers to Support Continuing Fitness Determinations Involving Citizenship Issues" (RIN2105–AD25) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1494. A communication from the Program Analyst, National Highway Traffic

Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Electronic Stability Control" (RIN2127–AJ77) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1495. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Upgrade Door Retention Performance" (RIN2127–AH34) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1496. A communication from the Program Analyst, National Highway Traffic Safety Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "New Car Assessment Program; Safety Labeling" (RIN2127–AJ76) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1497. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Phillipsburg, KS" ((RIN2120–AA66)(Docket No. 06–ACE–13)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1498. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Thedford, NE" ((RIN2120–AA66)(Docket No. 06–ACE–12)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1499. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Modification of Class E Airspace; Alliance, NE" ((RIN2120–AA66)(Docket No. 06–ACE–15)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1500. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Bombardier Model DHC–8–400 Series Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–155)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1501. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pacific Aerospace Corporation Ltd. Model 750XL Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–69)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1502. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; CTRM Aviation Sdn. Bhd. Model Eagle 150B Airplanes" ((RIN2120–AA64)(Docket No. CE–11)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1503. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135BJ, –135ER, –135KE, –135KL, and –135LR Airplanes; and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP" ((RIN2120–AA64)(Docket No. 2006–NM–120)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1504. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model EMB–135 Airplanes and Model EMB–145, –145ER, –145MR, –145LR, –145XR, –145MP, and –145EP Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–167)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1505. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; BAE Systems Limited Model BAe 145 and Avro 146–RJ Airplanes" ((RIN2120–AA64)(Docket No. 2005–NM–106)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1506. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Airbus Model A300 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–145)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1507. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; McDonnell Douglas Model DC–8–62, DC–8–63, DC–8–62F, and DC–8–63F Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–063)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1508. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Turbomeca S.A. Arrius 2F Turboshaft Engines" ((RIN2120–AA64)(Docket No. 2005–NE–33)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1509. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Empresa Brasileira de Aeronautica S.A. Model ERJ 170 and ERJ 190 Airplanes" ((RIN2120–AA64)(Docket No. 2006–NM–166)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1510. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Airworthiness Directives; Pilatus Aircraft Ltd. Models PC–6, PC–6–H1, PC–6–H2, PC–6/350, PC–6/350–H1, PC–6/350–H2, PC–6/A, PC–6/A–H1, PC–6/A–H2, PC–6/B–H2, PC–6/B1–H2, PC–6/B2–H2, PC–6/B2–H4, PC–6/C–H2, and PC–6/C1–H2 Airplanes" ((RIN2120–AA64)(Docket No. 2006–CE–19)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1511. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Safety Approvals" ((RIN2120–AI50)(Docket No. FAA–2006–21332)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1512. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Miscellaneous Changes to Commercial Space Transportation Regulations" ((RIN2120–AI45)(Docket No. FAA–2005–21234)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1513. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Human Space Flight Requirements for Crew and Space Flight Participants" ((RIN2120–AI57)(Docket No. FAA–2005–23449)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1514. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Extended Operations of Multi-Engine Airplanes" ((RIN2120–AI03)(Docket No. FAA–2002–6717)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1515. A communication from the Program Analyst, Federal Aviation Administration, Department of Transportation, transmitting, pursuant to law, the report of a rule entitled "Licensing and Safety Requirements for Launch" ((RIN2120–AG37)(Docket No. FAA–2000–7953)) received on April 13, 2007; to the Committee on Commerce, Science, and Transportation.

EC–1516. A communication from the Administrator, National Aeronautics and Space Administration, transmitting, the report of draft legislation to amend the National Aeronautics and Space Act of 1958, as amended, and the NASA Flexibility Act of 2004 to provide NASA additional workforce flexibilities; to the Committee on Commerce, Science, and Transportation.

EC–1517. A communication from the Secretary, Federal Trade Commission, transmitting, pursuant to law, a report entitled "Federal Trade Commission Report to Congress on Marketing Violent Entertainment to Children: A Fifth Follow-Up Review of Industry Practices in the Motion Picture, Music Recording and Electronic Game Industries"; to the Committee on Commerce, Science, and Transportation.

EC–1518. A communication from the Assistant Secretary for Fish, Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Designation of Critical Habitat for Cirsium hydrophilum var. hydrophilum (Suisun thistle) and Cordylanthus mollis ssp. mollis (soft bird's-beak)" (RIN1018–AU44) received on April 13, 2007; to the Committee on Environment and Public Works.

EC–1519. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Migratory Bird Subsistence Harvest in Alaska; Harvest Regulations for Migratory Birds in Alaska During the 2007 Season" (RIN1018–AU59) received on April 12, 2007; to the Committee on Environment and Public Works.

EC–1520. A communication from the Secretary of Health and Human Services, transmitting, pursuant to law, a report entitled

"Pilot Testing of Electronic Prescribing Standards—Cooperative Agreements"; to the Committee on Finance.

EC–1521. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Regulations: Application of Section 409A to Nonqualified Deferred Compensation Plans" ((RIN1545–BE79)(TD9321)) received on April 13, 2007; to the Committee on Finance.

EC–1522. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "2007 Automobile Depreciation Limits" (Rev. Proc. 2007–30) received on April 13, 2007; to the Committee on Finance.

EC–1523. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "April—June 2007 Section 42 Bond Factor Amounts" (Rev. Rul. 2007–25) received on April 13, 2007; to the Committee on Finance.

EC–1524. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Revision to Regulations Relating to Portfolio Interest" ((RIN1545–BF64)(TD9323)) received on April 13, 2007; to the Committee on Finance.

EC–1525. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Mirror Legislation and the United Kingdom" (Uniform Issue List Number 1503.06–00) received on April 13, 2007; to the Committee on Finance.

EC–1526. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Guidance Regarding the Application of Section 409A to Split-Dollar Insurance Arrangements" (Notice 2007–34) received on April 13, 2007; to the Committee on Finance.

EC–1527. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Section 911 Waiver Rev. Proc.—2006 Update" (Rev. Proc. 2007–28) received on April 13, 2007; to the Committee on Finance.

EC–1528. A communication from the Chief of the Publications and Regulations Branch, Internal Revenue Service, Department of the Treasury, transmitting, pursuant to law, the report of a rule entitled "Anti-Avoidance and Anti-Loss Reimportation Rules Applicable Following a Loss on Disposition of Stock of Consolidated Subsidiaries" ((RIN1545–BG26) (TD9322)) received on April 13, 2007; to the Committee on Finance.

EC–1529. A communication from the President and CEO, Overseas Private Investment Corporation, transmitting, pursuant to law, a report relative to the development and effects of the Corporation's fiscal year 2006 projects; to the Committee on Foreign Relations.

EC–1530. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to Taiwan's participation in the World Health Organization; to the Committee on Foreign Relations.

EC–1531. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, the notification of a proposed exercise of the Federal Aviation Administration to transfer $11 million in fiscal year 2006 Economic Support Funds to the Peacekeeping Operations account to support security sector reform in Liberia; to the Committee on Foreign Relations.

EC–1532. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2007–50—2007–60); to the Committee on Foreign Relations.

EC–1533. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to methods employed by Cuba to comply with the United States-Cuba September 1994 "Joint Communique" and the treatment by the Government of Cuba of persons returned to Cuba; to the Committee on Foreign Relations.

EC–1534. A communication from the Assistant Secretary, Office of Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to the Millennium Challenge Corporation's activities for fiscal year 2006; to the Committee on Foreign Relations.

EC–1535. A communication from the Interim Director, Pension Benefit Guaranty Corporation, transmitting, pursuant to law, the report of a rule entitled "Benefits Payable in Terminated Single-Employer Plans; Allocation of Assets in Single-Employer Plans; Interest Assumptions for Valuing and Paying Benefits" (29 CFR Parts 4022 and 4044) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1536. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Dandruff, Seborrheic Dermatitis, and Psoriasis Drug Products Containing Coal Tar and Menthol for Over-the-Counter Human Use; Amendment to the Monograph" ((RIN0910–AF49) (Docket No. 2005N–0448)) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1537. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Blood Vessels Recovered With Organs and Intended for Use in Organ Transplantation" (Docket No. 2006N–0051) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1538. A communication from the Director, Regulations Policy and Management Staff, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled "Blood Vessels Recovered With Organs Intended for Use in Organ Transplantation" ((RIN0910–AF65) (Docket No. 2006N–0051)) received on April 12, 2007; to the Committee on Health, Education, Labor, and Pensions.

EC–1539. A communication from the Chairman, National Foundation on the Arts and the Humanities, transmitting, pursuant to law, an annual report relative to the Arts and Artifacts Indemnity Program for fiscal year 2006; to the Committee on Health, Education, Labor, and Pensions.

EC–1540. A communication from the Director, Regulations and Disclosure Law Division, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled "Advance Electronic Presentation of Cargo Information for Truck Carriers Required to be Transmitted Through ACE Truck Manifest at Ports in the States of Vermont, North Dakota and New Hampshire" (19 CFR Part 123) received on April 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1541. A communication from the Director, Office of Personnel Management, transmitting, pursuant to law, an annual report containing certain fiscal year 2006 statistical data relative to Federal sector equal employment opportunity complaints filed with the Office; to the Committee on Homeland Security and Governmental Affairs.

EC–1542. A communication from the Acting Senior Procurement Executive, Office of the Chief Acquisition Officer, Department of Defense, transmitting, pursuant to law, the report of a rule entitled "Federal Acquisition Regulation: Federal Acquisition Circular 2005–16" (FAC 2005–16) received on April 12, 2007; to the Committee on Homeland Security and Governmental Affairs.

EC–1543. A communication from the Chairman, Postal Regulatory Commission, transmitting, pursuant to law, a report relative to its implementation of the Sunshine Act during calendar year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1544. A communication from the Chief Administrative Officer, Patent and Trademark Office, Department of Commerce, transmitting, pursuant to law, the Office's Annual Report for fiscal year 2006; to the Committee on Homeland Security and Governmental Affairs.

EC–1545. A communication from the Deputy Assistant Administrator, Office of Diversion Control, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "Control of a Chemical Precursor Used in the Illicit Manufacture of Fentanyl as a List I Chemical" (RIN1117–AB12) received on April 13, 2007; to the Committee on the Judiciary.

EC–1546. A communication from the Secretary, Judicial Conference of the United States, transmitting, the report of draft legislation entitled "Civil Judicial Procedure, Administration, and Technical Amendments Act of 2007"; to the Committee on the Judiciary.

EC–1547. A communication from the Secretary, Judicial Conference of the United States, transmitting, pursuant to law, a report relative to the Conference's determinations on four district courts that were subject to review under the Conference's Biennial Survey of Article III Judgeship Needs; to the Committee on the Judiciary.

EC–1548. A communication from the Secretary, Judicial Conference of the United States, transmitting, a draft bill intended to create additional Article III judgeships and convert temporary judgeships to permanent ones in the U.S. courts of appeals and district courts; to the Committee on the Judiciary.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–62. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho urging Congress to consider adoption of a resolution working toward the development of a federal bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments, which help support roads and schools, to forest communities throughout the western states; to the Committee on Agriculture, Nutrition, and Forestry.

HOUSE JOINT MEMORIAL NO. 4

Whereas, it has long been the intent and policy of the federal government to hold rural communities harmless from the creation of federal lands and in 1906 the Committee on Public Lands recognized that the presence of federal lands could create hardship for many counties as they provided little revenue or commerce at that time; and

Whereas, in 1908, the federal government promised rural counties twenty-five percent of all revenues generated from the multiple-use management of the newly created national forests to support public roads and public schools; and

Whereas, in recent decades, the forest resources have not been managed in a manner to produce long-term sustainable revenue to share with schools and counties; and

Whereas, in 2000, Congress passed Public Law 106–393, the Secure Rural Schools and Community Self-Determination Act. The Act restored historical payment levels previously made to states and counties from the federal government for road and school purposes because of declining levels of actual forest receipts; and

Whereas, the reauthorization and appropriation of the Secure Rural Schools and Community Self-Determination Act is pending before the United States Congress, and Idaho counties are on record as being strongly supportive of a fully funded approval of this Act; and

Whereas, federal land managers continue to be faced with funding shortages. In the event the Secure Rural Schools and Community Self-Determination Act is not reauthorized and appropriated, counties will be faced with higher property taxes or a reduction in services and, even if the Act is reauthorized and appropriated, it will likely be the last time, and the state of Idaho must seek a long-term solution; and

Whereas, in 2006, House Joint Memorial No. 21 was adopted by the members of the Second Regular Session of the Fifty-eighth Idaho Legislature to provide one option to address the problem of declining forest receipts by urging Congress to support federal legislation transferring management of National Forest System lands within Idaho to the state of Idaho to be managed for the benefit of the rural counties and schools; and

Whereas, in February 2007, a concurrent resolution was introduced in the Idaho House of Representatives and will be voted on by the First Regular Session of the Fifty-ninth Idaho Legislature authorizing Idaho's Legislative Council to appoint an interim committee to undertake and complete an assessment of the decline in receipts on National Forest System lands, which have historically been shared with counties. The goal of the interim committee's recommendations will be to develop a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to Idaho's forest counties, which help support roads and schools, and to provide projects that enhance forest ecosystem health, provide employment opportunities, and improve cooperative relationships among those who use and care about the lands the federal government manages. The resolution calls for the interim committee to work in cooperation and coordination with the state of Idaho, its counties, its school and highway districts, along with the recognized Indian tribes of the state of Idaho. The resolution also provides that the interim committee address National Forest System lands, but only those lands that do not have special designations. The interim committee is directed to formulate a solution that will protect all valid existing rights, existing public access and activities, including hunting, fishing and recreation, and that will not be construed to interfere with treaties or any other obligations to the Indian tribes, commitments to county governments, or the General Mining Law or Taylor Grazing Act: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That the legislatures of all western states should consider the adoption of similar resolutions, working toward the development of a federal, bipartisan, long-term solution that addresses sustainable management of federal forest lands to stabilize payments to forest counties throughout the western United States, which help support roads and schools, and to provide projects that enhance forest ecosystem health and provide employment opportunities, and to improve cooperative relationships among those who use and care about the lands the federal government manages; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and Speaker of the House of Representatives of Congress, the congressional delegation representing the State of Idaho in the Congress of the United States and to the Legislatures of the states of Alaska, Arizona, California, Colorado, Hawaii, Montana, Nevada, New Mexico, Oregon, Utah, Washington and Wyoming.

POM–63. A resolution adopted by the Senate of the Legislature of the State of Michigan expressing the Senate's opposition to Norfolk Southern Corporation's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; to the Committee on Commerce, Science, and Transportation.

SENATE RESOLUTION NO. 34

Whereas, The Norfolk Southern Corporation is considering the sale of its Michigan lines from Grand Rapids to Kalamazoo and from Ypsilanti to Kalamazoo. The Ypsilanti to Kalamazoo line carries the state's busiest high-speed AMTRAK train, the Wolverine, which travels from Detroit to Chicago. The Wolverine travels on the Norfolk Southern Railroad's rail corridor from Ypsilanti to Kalamazoo until it connects with AMTRAK's own line. Ridership on this line increased six percent in 2006 to 142,185 passengers; and

Whereas, The Ypsilanti to Kalamazoo portion of the Norfolk Southern line is a vital link between Detroit and Chicago. Expanding the high-speed rail capacity on this line is vital to the future development of this area. New industry, including coal energy, biodiesel, and ethanol fuel plants are proposed for Michigan and specifically along the I–94 corridor located near the Ypsilanti to Kalamazoo rail line. Continued operation of this line by Norfolk Southern is essential to expansion of new industry in this area. Over 150 railroad employees' jobs are associated with the rail traffic along this line; and

Whereas, Norfolk Southern is a Class One railroad operator, earning revenue in excess of $250 million annually. As a Class One operator, Norfolk Southern has the capacity to maintain and promote the use of these lines. The proposed sale of the Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo lines will almost certainly place the lines under the management of a Class Three operator, a rail company earning revenue of $20 million or less annually. A Class Three operator will be far less likely to have the means to maintain the lines, thus increasing the chance of accidents. Class Three operators also rely on federal grants for line and equipment maintenance, grants that are not always guaranteed; Now, therefore, be it

Resolved by the Senate, That we express opposition to Norfolk Southern's proposed sale of its rail lines from Ypsilanti to Kalamazoo and Grand Rapids to Kalamazoo and continuing to the Indiana border; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate; the Speaker of the United States House of Representatives; members of the Michigan congressional delegation; the United States Department of Transportation, Surface Transportation Board; the Norfolk Southern Corporation; AMTRAK; and the Michigan Department of Transportation.

POM–64. A joint resolution adopted by the Legislature of the State of Maine memorializing the President and Congress to fully fund the State Children's Health Insurance Program; to the Committee on Finance.

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO FULLY FUND THE STATE CHILDREN'S HEALTH INSURANCE PROGRAM

Whereas, the State of Maine and at least 13 other states have used up much of the federal subsidies for child health care even though the fiscal year is still not ended, due in part to the great need for these funds and also to the inadequate formula by which the money is apportioned; and

Whereas, the State Children's Health Insurance Program, known as SCHIP, was started by Congress in 1998 and is funded by a combination of federal and state funds, as well as by the premiums of participants; and

Whereas, the program was envisioned as a way to provide health insurance to the children of the working poor and the current budget is $5.5 billion, which is about $745 million short of the needs of the states; and

Whereas, the State of Maine has used its SCHIP funds to help significantly with MaineCare, which has provided valuable and important health care to more than 14,850 children in our State, and without additional federal aid 3,500 to 4,000 Maine children will go uninsured; and

Whereas, the State of Maine needs at least $6,500,000 to help the children at risk and to keep our children healthy, and other states have needs just as important: Now, therefore, be it

Resolved, That We, your Memorialists, on behalf of the people we represent, take this opportunity to request that the State Children's Health Insurance Program be fully funded not only for the children of the State of Maine, but for all of the children of the working poor in the United States; and be it further

Resolved, That official copies of this resolution, duly authenticated by the Secretary of

State, be transmitted to President George W. Bush, the Speaker of the United States House of Representatives, the President of the United States Senate and to each member of the Maine Congressional Delegation.

POM-65. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho urging Congress to use all efforts, energies, and diligence to withdraw the U.S. from any further participation in the Security and Prosperity Partnership of North America, or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of the North American Union; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 5

Whereas, the U.S. Department of State, the U.S. Department of Commerce and the U.S. Department of Homeland Security participated in the formation of the Security and Prosperity Partnership of North America (SPP) on March 23, 2005, representing a trilateral agreement between Canada, Mexico and the United States designed, among other things, to facilitate common regulatory schemes between these countries; and

Whereas, reports issued by the SPP indicate that it has implemented regulatory changes among the three countries that circumvent United States trade, transportation, homeland security and border security functions and that it is the intention of SPP to continue toward a North American Union in the future; and

Whereas, the actions taken by the SPP to coordinate border security by eliminating obstacles to migration between Mexico and the United States actually makes the United States-Mexico border less secure and more vulnerable to possible terrorist activities, and Mexico is the primary source country of illegal immigrants, illegal drug entry and illegal human smuggling into the United States; and

Whereas, according to the U. S. Department of Commerce, the United States trade deficits with Mexico and Canada have significantly increased since the implementation of the North American Free Trade Agreement (NAFTA), and the volume of imports from Mexico has soared since NAFTA, straining security checks at the U.S. border; and

Whereas, the economic and physical security of the United States is impaired by the potential loss of control of its borders attendant to the full operation of NAFTA and the SPP; and

Whereas, the regulatory and border security changes implemented and proposed by the SPP violate and threaten United States sovereignty; and

Whereas, the NAFTA Superhighway System from the west coast of Mexico through the United States and into Canada has been suggested as part of a North American Union to facilitate trade between the SPP countries; and

Whereas, the stability and economic viability of the U.S. ports along the western coast will be seriously compromised by huge cargos off-loaded at cheaper labor cost from foreign traders into the ports of Mazatlan and Lazaro Cardenas; and

Whereas, the state of Texas has already approved and begun planning of the Trans-Texas Corridor, a major multi-modal transportation project beginning at the United States-Mexico border, which would serve as an initial section of the NAFTA Superhighway System; and

Whereas, plans of Asian trading powers to divert cargo from U.S. ports such as Los Angeles to ports in Mexico will only put pressure on border inspectors, interfering with their already overwhelming job of intercepting the flow of drugs and illegals flowing into this country; and

Whereas, future unrestricted foreign trucking into the United States can pose a safety hazard due to inadequate maintenance and inspection, and the Transportation Security Administration's (TSA) lack of background checks for violations in Mexico, lack of drug and alcohol testing, lack of enforcement of size and weight requirements and lack of national security procedures, which threaten the American people and undermine the very charge given to our homeland security agency to defend our borders against these threats; and

Whereas, the Eisenhower National Highway System was designed for the national security of the United States for movement of the military, purposes of commerce from state to state, not from foreign countries, and this highway system should not be compromised by treaties or agreements with other countries that would supplant the control and management of our nation's highways by our U.S. Department of Transportation and the various states; and

Whereas, we strongly object to any treaty or agreement, which threatens to violate national security, private property, United States commerce, constitutional rights and American sovereignty and emphasize our commitment to the Pacific Northwest Economic Region (PNWER) and other cooperative working nations in mutual beneficial goals; and

Whereas, this trilateral partnership to develop a North American Union has never been presented to Congress as an agreement or treaty, and has had virtually no congressional oversight; and

Whereas, recent reports on internet news, Friday, January 26, 2007, WorldNetDaily, stating that Congressman Poe (R-Texas) asked about the U.S. Department of Transportation's work with the trade group North American Super-Corridor Coalition, Inc. (NASCO) and the department's plans to build the Trans-Texas Corridor, Congressman Poe was told that the NAFTA agreement superhighway corridor plans exist to move goods from Mexico through the United States to Canada; and

Whereas, American citizens and state and local governments throughout the United States would be negatively impacted by the SPP process: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we emphatically urge and petition the Congress of the United States and particularly the congressional delegation representing the state of Idaho to use all efforts, energies and diligence to withdraw the United States from any further participation in the Security and Prosperity Partnership of North America or any other bilateral or multilateral activity that seeks to advance, authorize, fund or in any way promote the creation of any structure to create any form of North American Union; and be it further

Resolved, That House Concurrent Resolution 40 of the First Session of the 110th Congress addresses the concern herein expressed by the state of Idaho; and be it further

Resolved, That we are asking our congressional delegation, our U.S. Department of Transportation Secretary Mary E. Peters and President Bush to reject appropriated federal fuel tax dollars for such SPP or NAFTA when there is such a need for fuel tax dollars to be dedicated to the needs of the states in the U.S. in order to maintain our highway system; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the Senate and the Speaker of the House of Representatives of Congress, and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM-66. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho supporting the participation of Taiwan in a meaningful and appropriate way in the World Health Organization; to the Committee on Foreign Relations.

HOUSE JOINT MEMORIAL NO. 2

Whereas, direct and unobstructed participation in international health cooperation forums and programs is crucial for all parts of the world, especially with today's greater potential for the cross-border spread of various infectious diseases such as AIDS; and

Whereas, Taiwan's achievements in the field of health care are substantial, including life expectancy levels that are some of the highest in Asia, maternal and infant mortality rates that are comparable to those of western countries, free hepatitis B vaccinations for children and the eradication of polio, cholera, smallpox and the plague; and

Whereas, the Centers for Disease Control and Prevention and its Taiwanese counterpart have enjoyed close collaboration on a wide range of public health issues; and

Whereas, in recent years Taiwan has expressed a willingness to give financial and technical assistance to the international aid and health activities supported by the World Health Organization; and

Whereas, Taiwan's population of twenty-three million is larger than that of seventy-five percent of World Health Organization member states; and

Whereas, the United States, in its 1994 Taiwan Policy Review, declared its intention to support Taiwan's participation in appropriate international organizations; and

Whereas, Taiwan's participation in the World Health Organization could bring many benefits to the state of health care, not only in Taiwan, but also regionally and globally: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the participation by Taiwan in a meaningful and appropriate way in the World Health Organization; and be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States, to the President of the Senate and the Speaker of the House of Representatives of Congress, to the congressional delegation representing the State of Idaho in the Congress of the United States, to the Director-General of the World Health Organization and to the representative of the Taipei Economic and Cultural Representative Office in the United States.

POM-67. A resolution adopted by the Senate of the Legislature of the State of Michigan memorializing Congress to invest in Head Start and quality child care; to the Committee on Health, Education, Labor, and Pensions.

SENATE RESOLUTION NO. 27

Whereas, Head Start and high-quality child care prepare children for school and life success by narrowing the educational achievement gap between lower- and upper-income kids, increasing high school graduation rates, and reducing crime; and

Whereas, Studies show that at-risk children who attend Head Start and high-quality child care are better prepared for school. For example, Head Start narrows the literacy skills gap by nearly half between children in poverty and all children. The research is clear that quality early childhood education programs work to prevent crime. In Ypsilanti, Michigan, three-and four-year-olds from low-income families who were randomly assigned to a group that did not receive preschool preparation were five times more likely to have become chronic lawbreakers by age 27 than those who were assigned to the High/Scope Educational Research Foundation's Perry Preschool program; and

Whereas, Currently, only about half of eligible low-income children can attend Head Start due to state and federal funding limitations, and even fewer infants and toddlers. Less than five percent of eligible children three years old and younger are able to participate in Early Head Start. Moreover, only one in seven eligible children in working, low-income families receives help paying for quality child care through the Child Care and Development Block Grant. The combination of state and federal money for preschool has helped Michigan reach two of three at-risk four-year-olds and one of five at-risk three-year-olds; and

Whereas, Real dollar funding levels for Head Start and child care have been cut for the last several years, falling far behind the rising costs that programs face. Instead of reaching more eligible kids with comprehensive health, nutrition, and early education services, Head Start programs have been forced to shorten program hours, cut back staff, reduce parent coaching, and reduce transportation and other services that help families participate: Now, therefore, be it

Resolved by the Senate, That we memorialize the Congress of the United States to increase discretionary funding in the federal budget for 2008 by $750 million in additional funding over current levels for Head Start and $720 million in additional funding over current levels for the Child Care and Development Block Grant (CCDBG). This request does not address the unmet need in Head Start and CCDBG, but simply restores services to children to the Fiscal Year 2002 level. This is a crucial first step toward meeting the need to provide quality early childhood education and care for at-risk children. Investing in Head Start and quality child care now will improve education outcomes for our nation's at-risk children and will save lives and money down the road; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–68. A joint resolution adopted by the House of Representatives of the Legislature of the State of Idaho affirming the state's support of the United States campaign to secure our country and urging members of Idaho's congressional delegation to support measures to repeal the federal REAL ID Act of 2005; to the Committee on the Judiciary.

HOUSE JOINT MEMORIAL NO. 3

Whereas, the state of Idaho recognizes the Constitution of the United States as our charter of liberty and the Bill of Rights as affirming the fundamental and inalienable rights of Americans, including freedom of privacy and freedom from unreasonable searches; and

Whereas, Idaho has a diverse population whose contributions are vital to the state's economy, culture and civic character; and

Whereas, Idaho is proud of its tradition of protecting the civil rights and liberties of all its residents, affirming the fundamental rights of all people and providing more expansive protections than are granted by the Constitution of the United States; and

Whereas, the federal REAL ID Act of 2005, Public Law 109–13, creates a national identification card by mandating federal standards for state driver's licenses and identification cards and requires states to share their motor vehicle databases; and

Whereas, the REAL ID Act mandates the documents that states must require to issue driver's licenses and requires states to place uniform information on every driver's license in a standard, machine-readable format; and

Whereas, the REAL ID Act prohibits federal agencies and federally-regulated commercial aircraft from accepting a driver's license or identification card issued by a state that has not fully complied with the act; and

Whereas, the REAL ID Act places a costly, unfunded mandate on states, with initial estimates for Idaho of more than thirty-nine million dollars with ongoing annual expenses of an estimated nine million three hundred thousand dollars and a national estimate of more than eleven billion dollars over the next five years; and

Whereas, the REAL ID Act requires the creation of a massive public sector database containing information on every American that is accessible to all motor vehicle employees and law enforcement officers nationwide and that can be used to gather and manage information on citizens. Such activities are not the business or responsibility of government; and

Whereas, the REAL ID Act enables the creation of additional massive private sector databases, combining both transactional information and driver's license information gained from scanning the machine-readable information contained on every driver's license; and

Whereas, these public and private databases are likely to contain numerous errors and false information, creating significant hardship for Americans attempting to verify their identities in order to travel on commercial aircraft, open a bank account or perform any of the numerous functions required to live in the United States today; and

Whereas, the federal trade commission estimates that ten million Americans are victims of identity theft annually, and because identity thieves are increasingly targeting motor vehicle departments, the REAL ID Act will enable the crime of identity theft by making the personal information of all Americans, including date of birth and signature, accessible from tens of thousands of locations; and

Whereas, the REAL ID Act requires a driver's license to contain a person's actual home address and makes no exception for individuals in potential danger, such as undercover law enforcement personnel or victims of stalking or criminal harassment; and

Whereas, the REAL ID Act contains onerous record verification and retention provisions that place unreasonable burdens on the motor vehicle division and on third parties required to verify records; and

Whereas, the REAL ID Act will place enormous burdens on consumers seeking new driver's licenses, such as longer lines, increased document requests, higher costs and a waiting period; and

Whereas, the REAL ID Act will place state motor vehicle staff on the front lines of immigration enforcement by forcing state employees to determine federal citizenship and immigration status, excessively burdening both foreign-born applicants and motor vehicle staff; and

Whereas, the REAL ID Act passed without sufficient deliberation by Congress and did not receive a hearing by any congressional committee or a vote solely on its own merits, despite opposition from more than six hundred organizations; and

Whereas, the REAL ID Act eliminated a process of negotiated rulemaking initiated under the Intelligence Reform and Terrorism Prevention Act of 2004, which had convened federal, state and local policymakers, privacy advocates and industry experts to solve the problem of the misuse of identity documents; and

Whereas, the REAL ID Act provides little security benefit and leaves identification systems open to insider fraud, counterfeit documentation and database failures: Now, therefore, be it

Resolved by the members of the First Regular Session of the Fifty-ninth Idaho Legislature, the House of Representatives and the Senate concurring therein, That we support the government of the United States in its campaign to secure our country, while affirming the commitment of the United States that this campaign not be waged at the expense of the essential civil rights and liberties of the citizens of this country; and be it further

Resolved, That it is the policy of the state of Idaho to oppose any portion of the REAL ID Act that violates the rights and liberties guaranteed under the constitutions of the State of Idaho and the United States, including the Bill of Rights. Be it further

Resolved, That the Idaho Legislature shall enact no legislation nor authorize an appropriation to implement the provisions of the REAL ID Act in Idaho, unless such appropriation is used exclusively for the purpose of undertaking a comprehensive analysis of the costs of implementing the REAL ID Act or to mount a constitutional challenge to the act by the state Attorney General. Be it further

Resolved, That the Idaho Legislature urges the Idaho congressional delegation to support measures to repeal the REAL ID Act. Be it further

Resolved, That the Chief Clerk of the House of Representatives be, and she is hereby authorized and directed to forward a copy of this Memorial to the President of the United States George W. Bush, the United States Attorney General Alberto Gonzales, the President of the Senate and the Speaker of the House of Representatives of Congress, the Governor of Idaho C. L. Otter and the congressional delegation representing the State of Idaho in the Congress of the United States.

POM–69. A resolution adopted by the Senate of the Legislature of the State of Massachusetts memorializing the President and Congress to recommend more funding to the Department of Veterans Affairs in the budget for fiscal year 2008; to the Committee on Veterans' Affairs.

Resolution Memorializing George W. Bush, President of the United States, and the United States Congress to Recommend More Funding to the Department of Veterans Affairs in the Fiscal Year 08 Federal Budget.

Whereas, President George W. Bush has recommended 34.2 billion for the Department of Veterans Affairs in his proposed fiscal year 08 budget, which is an inadequate appropriation to adequately address the health of our veterans; and

Whereas, while the Bush Administration continues to tout its recommendation for an increase of $2 billion over the previous fiscal year as a "landmark budget", the reality is that this 6% increase is barely enough to account for the cost of inflation and cannot fund the need for improvements in medical care and expansion of services; and

Whereas, more than 27,000 service members have returned home to Massachusetts since September 11, 2001, having faced a new type of warfare in the form of improvised explosive devices and are, upon return home, in need of specialized services and care; and

Whereas, the United States Government must provide to the Department of Veterans Affairs all the tools available to make this specialized care available, particularly for head, spinal cord and sight injuries and the growing need for mental health services; and

Whereas, in 2006, the Veterans Health Administration's Undersecretary for Health Policy and Coordination stated that some areas of the country did not have any mental health services available and that other areas had such long wait times that certain services were "virtually inaccessible"; and

Whereas, unfortunately, once again, Category 8 Veterans, those veterans deemed "high income" veterans by the Veterans Administration—some who make as little as $28,000 a year—and who have been ineligible to enroll in the Veterans Administration Health Care System since 2003, may continue to be shut out of the Veterans Administration Health Care Systen if funding is not increased, adding to the approximately 1 million Category 8 Veterans who have been turned away since 2003; and

Whereas, while the Massachusetts State Senate has supported the Veterans Affairs' recommendations for improvements in medical equipment and facility upgrades to medical centers, for two years, the Senate has fought hard to prevent the possible consolidation of the four existing Veterans Administration medical care facilities in the greater Boston area into one "mega-plex", since the negative impact of removing thousands of veterans from their familiar health care environment and forcing them to change physicians would have consequences that cannot be balanced by the creation of one modernized facility: Now, therefore, be it

Resolved, That the Massachusetts Senate hereby urges the President of the United States and Congress to address the Veterans Affairs Budget in a timely manner, include in the 2008 budget the Veterans Affairs' recommendations for improvements in medical equipment and facility upgrades to all Massachusetts Veterans Administration Medical Centers and to provide mandatory funding for the Department of Veterans Affairs Health Care system so as to appropriately honor and facilitate the healing of our veterans who selflessly risk their lives and wellbeing to protect our freedom; and be it further

Resolved, That copies of these resolutions be transmitted forthwith by the clerk of the Senate to the President of the United States, the Presiding Officer of each branch of Congress and to the Members thereof from the Commonwealth.

POM-70. A resolution adopted by the Senate of the Legislature of the State of Vermont urging Congress to enact legislation to assure federal funding for veterans' health care; to the Committee on Veterans' Affairs.

Senate Resolution 13

Whereas, the United States Department of Veterans Affairs (VA) provides medical care for veterans, including men and women, who have risked their lives to protect the security of our nation, and

Whereas, Congress appropriates funding for VA health care each year as part of the discretionary federal budget, and

Whereas, each year's federal budget for veterans' health care has been very seriously under-funded, and

Whereas, this serious and now chronic shortfall affects the access to and the quality of medical care services that the VA provides for our veterans, and

Whereas, the priority of serving veterans must be absolute and irrevocable, and must serve as the foundation for the VA and of our nation's public policy: Now, therefore, be it

Resolved by the Senate, That the Senate of the State of Vermont urgently requests that Congress enact legislation to assure Federal funding for veterans' health care, and be it further

Resolved, That Governor Douglas also request that Congress enact legislation to assure Federal funding for veterans' health care, and be it further

Resolved, That the Secretary of the Senate be directed to send a copy of this resolution to the Governor, the President, the Vice President, Secretary of Veterans Affairs, James Nicholson; Speaker of the House, Nancy Pelosi; House Minority Leader, John Boehner; Senate Majority Leader, Harry Reid; Senate Minority Leader, Trent Lott; to the members of the Vermont Congressional delegation; and to Vermont veterans organizations.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Mr. KYL (for himself, Mr. McConnell, Mr. Grassley, Mr. Lott, Mr. Ensign, Mr. Hatch, Mr. Thomas, Mr. Smith, Mr. Bunning, Mr. Crapo, Mr. Roberts, Mr. DeMint, Mr. Alexander, Mr. Martinez, Mr. Chambliss, Mr. Brownback, Mr. Craig, Mr. Allard, Mr. Graham, Mr. Enzi, Mr. Inhofe, Mr. Burr, and Mr. Coburn):

S. 14. A bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

By Mr. HARKIN (for himself, Mr. Isakson, Mr. Bingaman, and Mr. Lieberman):

S. 1120. A bill to amend the Public Health Service Act to provide grants for the training of graduate medical residents in preventive medicine and public health; to the Committee on Health, Education, Labor, and Pensions.

By Mr. REED (for himself and Mr. Cochran):

S. 1121. A bill to authorize the cancellation of Perkins Loans for students who perform public service as librarians in low-income schools and public libraries; to the Committee on Health, Education, Labor, and Pensions.

By Mr. NELSON of Nebraska:

S. 1122. A bill to improve the calculation of highway mileage to medium and large hub airports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. STABENOW:

S. 1123. A bill to provide an extension for filing a refund for the excise tax on toll telephone service, and to provide for a safe harbor for businesses claiming such a refund; to the Committee on Finance.

By Mr. LEVIN (for himself and Mr. Coleman):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

By Mr. LOTT (for himself, Mr. Conrad, Mr. Smith, Mr. Cochran, Mr. Nelson of Nebraska, Mr. Graham, Mr. Isakson, Mr. Stevens, Mr. Hagel, Ms. Landrieu, and Mr. Crapo):

S. 1125. A bill to amend the Internal Revenue Code of 1986 to provide incentives to encourage investment in the expansion of freight rail infrastructure capacity and to enhance modal tax equity; to the Committee on Finance.

By Mr. LOTT (for himself, Ms. Landrieu, and Mr. Cochran):

S. 1126. A bill to amend the Federal Water Pollution Control Act to expand and strengthen cooperative efforts to monitor, restore, and protect the resource productivity, water quality, and marine ecosystems of the Gulf of Mexico; to the Committee on Environment and Public Works.

By Mr. LEVIN:

S. 1127. A bill for the relief of Alexandrea S. Banks Desutter and Nicholas S. Banks Desutter; to the Committee on the Judiciary.

By Mr. DODD (for himself, Mr. Cochran, Mr. Kennedy, Mr. Stevens, Mr. Bingaman, Mr. Kerry, and Mr. Rockefeller):

S. 1128. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. SMITH (for himself and Mr. Bingaman):

S. 1129. A bill to amend the Internal Revenue Code of 1986 to modify the definition of governmental plan with respect to Indian tribal governments; to the Committee on Finance.

By Mr. SMITH (for himself, Mrs. Lincoln, Ms. Snowe, Ms. Stabenow, Mr. Schumer, Mr. Levin, Mr. Kerry, and Mr. Rockefeller):

S. 1130. A bill to amend the Internal Revenue Code of 1986 to restore, increase, and make permanent the exclusion from gross income for amounts received under qualified group legal services plans; to the Committee on Finance.

By Ms. COLLINS:

S. 1131. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

By Ms. MURKOWSKI:

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 1133. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

By Mr. NELSON of Nebraska (for himself and Mr. BROWNBACK):

S. 1134. A bill to maximize transparency and accountability for direct appropriations to non-Federal entities, including those instances when Congress appropriates funds to a Federal agency specifically in order to contract with a congressionally identified non-Federal entity; to the Committee on Homeland Security and Governmental Affairs.

By Mr. SESSIONS:

S. 1135. A bill to amend chapter 1 of title 9, United States Code, to establish fair procedures for arbitration clauses in contracts; to the Committee on the Judiciary.

By Mrs. MURRAY (for herself, Mr. BROWN, and Mr. DODD):

S. 1136. A bill to promote the economic security and safety of victims of domestic violence, dating violence, sexual assault, or stalking, and for other purposes; to the Committee on Finance.

By Mr. MENENDEZ (for himself, Mr. BAUCUS, and Ms. CANTWELL):

S. 1137. A bill to authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, and Mr. LAUTENBERG):

S. Res. 150. A resolution expressing the sense of the Senate that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007; to the Committee on Homeland Security and Governmental Affairs.

By Mr. ENZI (for himself and Mr. THOMAS):

S. Res. 151. A resolution commending the University of Wyoming Cowgirls for their championship victory in the Women's National Invitation Tournament; considered and agreed to.

By Mr. BUNNING (for himself, Mr. PRYOR, Mr. MCCONNELL, Mr. KERRY, Mr. OBAMA, and Mr. CARDIN):

S. Res. 152. A resolution honoring the lifetime achievements of Jackie Robinson; considered and agreed to.

By Mr. REID:

S. Res. 153. A resolution making temporary appointments to the Select Committee on Ethics; considered and agreed to.

ADDITIONAL COSPONSORS

S. 3

At the request of Mr. BAUCUS, the name of the Senator from Florida (Mr. NELSON) was added as a cosponsor of S. 3, a bill to amend part D of title XVIII of the Social Security Act to provide for fair prescription drug prices for Medicare beneficiaries.

S. 170

At the request of Mr. ENSIGN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of S. 170, a bill to amend the Internal Revenue Code of 1986 to repeal the excise tax on telephone and other communications services.

S. 180

At the request of Mrs. HUTCHISON, the name of the Senator from Tennessee (Mr. CORKER) was added as a cosponsor of S. 180, a bill to provide a permanent deduction for State and local general sales taxes.

S. 185

At the request of Mr. LEAHY, the name of the Senator from Michigan (Mr. LEVIN) was added as a cosponsor of S. 185, a bill to restore habeas corpus for those detained by the United States.

S. 211

At the request of Mrs. CLINTON, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 211, a bill to facilitate nationwide availability of 2–1–1 telephone service for information and referral on human services, volunteer services, and for other purposes.

S. 221

At the request of Mr. GRASSLEY, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 221, a bill to amend title 9, United States Code, to provide for greater fairness in the arbitration process relating to livestock and poultry contracts.

S. 254

At the request of Mr. ENZI, the names of the Senator from Florida (Mr. NELSON) and the Senator from Delaware (Mr. CARPER) were added as cosponsors of S. 254, a bill to award posthumously a Congressional gold medal to Constantino Brumidi.

S. 261

At the request of Ms. CANTWELL, the name of the Senator from Pennsylvania (Mr. CASEY) was added as a cosponsor of S. 261, a bill to amend title 18, United States Code, to strengthen prohibitions against animal fighting, and for other purposes.

S. 294

At the request of Mr. LAUTENBERG, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 294, a bill to reauthorize Amtrak, and for other purposes.

S. 338

At the request of Mr. CONRAD, the name of the Senator from Pennsylvania (Mr. SPECTER) was added as a cosponsor of S. 338, a bill to amend title XVIII of the Social Security Act to ensure and foster continued patient quality of care by establishing facility and patient criteria for long-term care hospitals and related improvements under the Medicare program.

S. 359

At the request of Mr. KENNEDY, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 359, a bill to amend the Higher Education Act of 1965 to provide additional support to students.

S. 387

At the request of Mr. WYDEN, the name of the Senator from Arkansas (Mr. PRYOR) was added as a cosponsor of S. 387, a bill to prohibit the sale by the Department of Defense of parts for F–14 fighter aircraft.

S. 399

At the request of Mr. BUNNING, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 399, a bill to amend title XIX of the Social Security Act to include podiatrists as physicians for purposes of covering physicians services under the Medicaid program.

S. 479

At the request of Mr. HARKIN, the name of the Senator from New Mexico (Mr. DOMENICI) was added as a cosponsor of S. 479, a bill to reduce the incidence of suicide among veterans.

S. 486

At the request of Mr. KENNEDY, the name of the Senator from Wisconsin (Mr. FEINGOLD) was added as a cosponsor of S. 486, a bill to establish requirements for lenders and institutions of higher education in order to protect students and other borrowers receiving educational loans.

S. 543

At the request of Mr. NELSON of Nebraska, the name of the Senator from Utah (Mr. BENNETT) was added as a cosponsor of S. 543, a bill to improve Medicare beneficiary access by extending the 60 percent compliance threshold used to determine whether a hospital or unit of a hospital is an inpatient rehabilitation facility under the Medicare program.

S. 566

At the request of Mr. NELSON of Nebraska, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 566, a bill to amend the Consolidated Farm and Rural Development Act to establish a rural entrepreneur and microenterprise assistance program.

S. 579

At the request of Mr. HATCH, the name of the Senator from Arizona (Mr. MCCAIN) was added as a cosponsor of S. 579, a bill to amend the Public Health Service Act to authorize the Director of the National Institute of Environmental Health Sciences to make grants for the development and operation of research centers regarding environmental factors that may be related to the etiology of breast cancer.

S. 621

At the request of Mr. FEINGOLD, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 621, a bill to establish commissions to review the facts and circumstances surrounding injustices suffered by European Americans, European Latin Americans, and Jewish refugees during World War II.

S. 638

At the request of Mr. ROBERTS, the names of the Senator from Delaware (Mr. CARPER), the Senator from Maryland (Mr. CARDIN) and the Senator from Oklahoma (Mr. COBURN) were added as cosponsors of S. 638, a bill to amend the Internal Revenue Code of 1986 to provide for collegiate housing and infrastructure grants.

S. 667

At the request of Mr. BOND, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 667, a bill to expand programs of early childhood home visitation that increase school readiness, child abuse and neglect prevention, and early identification of developmental and health delays, including potential mental health concerns, and for other purposes.

S. 675

At the request of Mr. HARKIN, the name of the Senator from Arkansas (Mrs. LINCOLN) was added as a cosponsor of S. 675, a bill to provide competitive grants for training court reporters and closed captioners to meet requirements for realtime writers under the Telecommunications Act of 1996, and for other purposes.

S. 742

At the request of Mrs. MURRAY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 742, a bill to amend the Toxic Substances Control Act to reduce the health risks posed by asbestos-containing products, and for other purposes.

S. 761

At the request of Mr. REID, the name of the Senator from Mississippi (Mr. COCHRAN) was added as a cosponsor of S. 761, a bill to invest in innovation and education to improve the competitiveness of the United States in the global economy.

S. 773

At the request of Mr. WARNER, the name of the Senator from New York (Mrs. CLINTON) was added as a cosponsor of S. 773, a bill to amend the Internal Revenue Code of 1986 to allow Federal civilian and military retirees to pay health insurance premiums on a pretax basis and to allow a deduction for TRICARE supplemental premiums.

S. 805

At the request of Mr. DURBIN, the name of the Senator from Massachusetts (Mr. KENNEDY) was added as a cosponsor of S. 805, a bill to amend the Foreign Assistance Act of 1961 to assist countries in sub-Saharan Africa in the effort to achieve internationally recognized goals in the treatment and prevention of HIV/AIDS and other major diseases and the reduction of maternal and child mortality by improving human health care capacity and improving retention of medical health professionals in sub-Saharan Africa, and for other purposes.

S. 807

At the request of Mrs. LINCOLN, the name of the Senator from Colorado (Mr. ALLARD) was added as a cosponsor of S. 807, a bill to amend the Comprehensive Environmental Response Compensation and Liability Act of 1980 to provide that manure shall not be considered to be a hazardous substance, pollutant, or contaminant.

S. 831

At the request of Mr. DURBIN, the name of the Senator from Oregon (Mr. WYDEN) was added as a cosponsor of S. 831, a bill to authorize States and local governments to prohibit the investment of State assets in any company that has a qualifying business relationship with Sudan.

S. 902

At the request of Mr. HARKIN, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 902, a bill to provide support and assistance for families of members of the National Guard and Reserve who are undergoing deployment, and for other purposes.

S. 911

At the request of Mr. BUNNING, his name was added as a cosponsor of S. 911, a bill to amend the Public Health Service Act to advance medical research and treatments into pediatric cancers, ensure patients and families have access to the current treatments and information regarding pediatric cancers, establish a population-based national childhood cancer database, and promote public awareness of pediatric cancers.

S. 958

At the request of Mr. SESSIONS, the name of the Senator from Ohio (Mr. BROWN) was added as a cosponsor of S. 958, a bill to establish an adolescent literacy program.

S. 961

At the request of Mr. NELSON of Nebraska, the names of the Senator from Arkansas (Mrs. LINCOLN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Ohio (Mr. BROWN), the Senator from Maine (Ms. SNOWE) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 961, a bill to amend title 46, United States Code, to provide benefits to certain individuals who served in the United States merchant marine (including the Army Transport Service and the Naval Transport Service) during World War II, and for other purposes.

S. 962

At the request of Mr. BINGAMAN, the names of the Senator from Wyoming (Mr. THOMAS), the Senator from Idaho (Mr. CRAIG), the Senator from Tennessee (Mr. CORKER) and the Senator from Louisiana (Ms. LANDRIEU) were added as cosponsors of S. 962, a bill to amend the Energy Policy Act of 2005 to reauthorize and improve the carbon capture and storage research, development, and demonstration program of the Department of Energy and for other purposes.

S. 970

At the request of Mr. SMITH, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Minnesota (Ms. KLOBUCHAR) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 970, a bill to impose sanctions on Iran and on other countries for assisting Iran in developing a nuclear program, and for other purposes.

S. 982

At the request of Mrs. CLINTON, the name of the Senator from Wisconsin (Mr. KOHL) was added as a cosponsor of S. 982, a bill to amend the Public Health Service Act to provide for integration of mental health services and mental health treatment outreach teams, and for other purposes.

S. 991

At the request of Mr. DURBIN, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of S. 991, a bill to establish the Senator Paul Simon Study Abroad Foundation under the authorities of the Mutual Educational and Cultural Exchange Act of 1961.

S. 1018

At the request of Mr. DURBIN, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1018, a bill to address security risks posed by global climate change and for other purposes.

S. 1040

At the request of Mr. SHELBY, the name of the Senator from Idaho (Mr. CRAIG) was added as a cosponsor of S. 1040, a bill to repeal the current Internal Revenue Code and replace it with a flat tax, thereby guaranteeing economic growth and greater fairness for all Americans.

S. 1055

At the request of Mr. BIDEN, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 1055, a bill to promote the future of the American automobile industry, and for other purposes.

S. 1085

At the request of Mr. THUNE, the name of the Senator from Maine (Ms. SNOWE) was added as a cosponsor of S. 1085, a bill to require air carriers to publish customer service data and flight delay history.

S. 1092

At the request of Mr. HAGEL, the names of the Senator from Hawaii (Mr. INOUYE) and the Senator from New Mexico (Mr. DOMENICI) were added as cosponsors of S. 1092, a bill to temporarily increase the number of visas which may be issued to certain highly skilled workers.

S. 1114

At the request of Mrs. FEINSTEIN, the name of the Senator from Maryland (Ms. MIKULSKI) was added as a cosponsor of S. 1114, a bill to reiterate the exclusivity of the Foreign Intelligence Surveillance Act of 1978 as the sole authority to permit the conduct of electronic surveillance, to modernize surveillance authorities, and for other purposes.

S. CON. RES. 22

At the request of Mr. DURBIN, the name of the Senator from Hawaii (Mr. INOUYE) was added as a cosponsor of S. Con. Res. 22, a concurrent resolution expressing the sense of the Congress that the Citizens' Stamp Advisory Committee should recommend to the Postmaster General that a commemorative postage stamp be issued to promote public awareness of Down syndrome.

S. RES. 118

At the request of Mr. LEVIN, the name of the Senator from California (Mrs. FEINSTEIN) was added as a cosponsor of S. Res. 118, a resolution urging the Government of Canada to end the commercial seal hunt.

S. RES. 123

At the request of Mr. DEMINT, the names of the Senator from Nevada (Mr. ENSIGN), the Senator from Arizona (Mr. MCCAIN), the Senator from Wyoming (Mr. ENZI), the Senator from Florida (Mr. MARTINEZ) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. Res. 123, a resolution reforming the congressional earmark process.

AMENDMENT NO. 873

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 873 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

AMENDMENT NO. 874

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 874 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

AMENDMENT NO. 875

At the request of Mr. CHAMBLISS, the name of the Senator from Florida (Mr. MARTINEZ) was added as a cosponsor of amendment No. 875 intended to be proposed to S. 372, an original bill to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. KYL (for himself, Mr. MCCONNELL, Mr. GRASSLEY, Mr. LOTT, Mr. ENSIGN, Mr. HATCH, Mr. THOMAS, Mr. SMITH, Mr. BUNNING, Mr. CRAPO, Mr. ROBERTS, Mr. DEMINT, Mr. ALEXANDER, Mr. MARTINEZ, Mr. CHAMBLISS, Mr. BROWNBACK, Mr. CRAIG, Mr. ALLARD, Mr. GRAHAM, Mr. ENZI, Mr. INHOFE, Mr. BURR, and Mr. COBURN):

S. 14. A bill to repeal the sunset on certain tax rates and other incentives and to repeal the individual alternative minimum tax, and for other purposes; to the Committee on Finance.

Mr. KYL. Mr. President, today, on behalf of the Senate Republican leadership, I am introducing the Invest in America Act, a comprehensive set of legislative proposals that are designed keep American families and the American economy on the path of continued prosperity by preventing—the largest tax increase in our Nation's history—a tax increase that is scheduled to happen in 2011 if Congress fails to extend current tax policies.

The American economy is the envy of the developed world. Our unemployment rate is just 4.4 percent, and 7.8 million new jobs have been created since mid-2003. Not only are more Americans working than ever before, but the benefits of our growing economy are broadly shared by all Americans. Real, inflation-adjusted wages rose 2.2 percent in the last 12 months—faster than the average rate of the late 1990s. This meant an extra $1,279 in the past year for the typical family with two wage earners. To keep our economy growing on this strong and sustainable path, we must avoid tax increases that could damage our economy.

America's economy has been growing at a strong and sustainable pace due in large measure to the fact that Americans are willing to work harder and be more productive in their labor, thus creating more new goods and services at lower costs. Americans will continue to be productive and contribute to our strong economy if we reject marginal tax rate increases on the income they earn. Studies have shown that people really do work more if the tax imposed on their extra labor is relatively low. Arizona State University's distinguished economics professor, Dr. Edward Prescott, won a Nobel Prize in economics for research that proved this theory.

It's interesting that the big investment bank, Goldman Sachs, studied what would happen if taxes increase across-the-board, as is scheduled to happen in 2011 when the various tax rates and other provisions enacted since 2001 expire. The short answer is an immediate recession—a recession that would not be avoided even if the Federal Reserve acted to cut interest rates. This study demonstrates very clearly why Congress cannot allow this tax hike to happen.

The President proposed in his fiscal year 2008 budget to make the tax rates and many other tax incentives enacted since 2001 permanent. In marked contrast, Democrats have produced budget resolutions in both the House and the Senate that assume all of these tax policies will expire and taxes will increase dramatically for virtually every American. In fact, the average family will see its taxes increase by about $3,675 if the Democrats are successful in canceling the tax relief. Today, Senate Republicans are going on the record in support of making these important tax policies permanent and in opposition to plans by Democrats to allow these tax increases to occur.

Our legislation underscores our commitment to American families and to a strong American economy by preventing the largest tax increase in American history. We believe that American families pay enough in taxes—indeed, revenues are running above historical levels. The Invest in America Act makes all of the current-law tax rates permanent so that no American family faces an automatic tax hike in 2011. I want to underscore that Republicans believe that no American family should face a tax increase—not young people just entering the job market and other lower-income Americans who are benefiting so substantially from the 10 percent bracket; not middle-income families; and not more successful Americans, including the almost 80 percent of taxpayers in the top bracket who report small business income.

Our legislation also invests in American families by making the $1,000-per-child tax credit, the marriage penalty relief, and the other components of the Economic Growth and Tax Relief Reconciliation Act—EGTRRA—of 2001 permanent. American moms and dads face an enormous and unexpected reduction in the child tax credit in 2011, when the child tax credit is scheduled to be cut in half. Republicans know that the child tax credit helps countless parents offset some of the costs associated with raising their children, and we know that reducing the credit by 50 percent will be a terrible blow to many families. That's why Republicans support making the current $1,000 per-child tax credit permanent.

Married couples will face an unwelcome surprise when the marriage penalty relief expires. The marriage penalty relief the Republicans enacted is aimed squarely at middle-income families because the relief is only provided for the standard deduction and the 15-percent bracket. Republicans believe there is no reason a married couple should face a higher tax burden than they would as two single taxpayers, and so we propose to invest in American families by making the marriage penalty relief permanent.

The Invest in America Act underscores our commitment to investing in America's future by making the important education-related tax benefits enacted in recent years permanent. This will help countless middle-income Americans afford higher education costs. Our legislation invests in America's future by extending the tuition deduction, extending the modifications to Coverdell education savings accounts, extending certain provisions for the student loan interest deduction, and extending the exclusion for employer-provided educational assistance. We also propose to permanently extend the $250 deduction for expenses of elementary and secondary school teachers.

Republicans also believe that parents ought to be able to pass on the fruits of their labor to their children without the Federal death tax confiscating half of their estate, above a small exemption amount. The death tax hits family businesses and family farms and ranches the hardest because the owners are often not wealthy families, but rather have most of their assets tied up in the value of the business or the value of the land. And while the death tax hurts families, it also hurts our economy if it forces family businesses to close down, eliminating good-paying jobs in the process. Under current law, the death tax is repealed in 2010, but springs back to life in 2011, when more than 131,000 families will have to file estate tax returns in that year alone. Americans pay taxes throughout their lives, and Republicans believe they should not have more than half of their assets taken in taxes at death too, so the Invest in America Act makes repeal of the death tax permanent.

The Invest in America Act goes beyond the 2001 and 2003 tax relief laws and also repeals—once and for all—the individual Alternative Minimum Tax (AMT). If you go by rhetoric alone, there is overwhelming bipartisan support in Congress for repealing the AMT. But, American taxpayers want action. The problems we have encountered from the AMT demonstrate what happens when Congress tries to target a tax specifically at the "wealthy"—we almost always end up hitting the broad swath of middle-income families. The AMT was never intended to hit middle-income taxpayers, and Congress ought to repeal it before it imposes unnecessary and unexpected taxes on more and more families.

Republicans understand that, in addition to not raising taxes on families, we cannot take our strong and dynamic economy for granted; we believe we must invest in American competitiveness. While our legislation should not be viewed as a comprehensive approach to improving American competitiveness, we believe a necessary first step is to prevent tax increases that will surely hurt America's competitive position in the world economy. Specifically, the Invest in America Act makes permanent the current tax rates for capital gains and dividends; it makes the increased expensing amounts available for small businesses permanent; and it makes permanent the newly-enhanced research and development tax credit.

America cannot expect to be the home for worldwide capital markets if it is hostile to American investors, so the Invest in America Act makes the existing tax rates for long-term capital gains and for qualified dividends permanent. These lower tax rates implemented in 2003 and extended in 2006 have encouraged investors of all income categories to put their money to work in the markets, generating solid returns for American investors and providing much needed capital for American businesses to grow and create new jobs. It has been 4 years since these lower rates were enacted-long enough for us to determine once and for all that lower rates really do encourage increased economic activity.

Growth since the 2003 tax relief has averaged more than 3.5 percent, while it averaged just 1.3 percent from the first quarter of 2001 through the second quarter of 2003. The Dow Jones Industrial Average has risen by 40 percent since the lower investment tax rates were enacted. The average 401(k) balance has risen by about 65 percent since 2003. All of this investment activity makes it easier for entrepreneurs and businesses to raise funds to expand and grow their businesses, create more jobs, and improve standards of living around the country.

It's interesting to note that, while the conventional wisdom is that these lower investment tax rates only benefit "the rich," half of all Americans own shares of stock, either on their own or in their retirement savings. In fact, most of the Americans who are benefiting from these lower rates are middle-income taxpayers. Moreover, the current 5 percent rate, which is available for the lower-income investors and drops to zero in 2008, is a sometimes-forgotten benefit, but it is especially important to our senior citizens who rely on their investment income. According to statistics calculated by the Joint Committee on Taxation, the vast majority of elderly taxpayers who report capital gains and dividends income have incomes under $100,000.

In addition to reducing tax rates to encourage more business investment, Congress also significantly increased the amount of investment that small businesses may expense in a given year. This has helped countless small businesses expand their operations by making the purchase of new equipment more cost-effective. Unfortunately, these increased levels are only in effect through 2009. Small businesses create most new jobs in the U.S. and comprise half of our private gross domestic product, so the Invest in America Act proposes to make the enhanced small business expensing levels permanent.

While low tax rates on income and investments are essential to keeping America competitive, Republicans know that many countries around the world are specifically and aggressively working to attract some of the most high-quality jobs and economic activities available: research and development. America hinders its ability to attract and retain R&D here because the tax incentives we give to encourage R&D are not permanent law, but must be extended every year or so. This makes it very difficult for companies to commit to large-scale R&D investments in the U.S., when other countries are offering permanent or longer-term tax incentives. To ensure that America remains the most attractive place for R&D, the Invest in America Act makes the R&D tax credit permanent.

The Invest in America Act also acknowledges that the U.S. tax system imposes a costly and frustrating burden on taxpayers, with filers spending an average 30 hours to complete the typical Form 1040. Six in ten Americans opt instead to hire a professional. The billions of dollars spent each year simply complying with the tax system could be put to a much better, and more economically beneficial, use. The Invest in America Act expresses the Sense of the Senate that the Finance Committee should report tax simplification legislation by the end of the year to make the tax system fair, transparent, and efficient, without raising tax rates.

Finally, I want to address the effect all of the tax changes have had on our budget deficit and to dispute the notion that Congress must raise taxes elsewhere if we are going to make existing tax rates and incentives permanent and repeal the AMT. It is important for all Americans to know that all of the additional tax revenue flowing into the Treasury from our growing economy, hardworking Americans, and from profitable investments has caused our budget deficit to shrink below 2 percent of GDP—well below its historical average. If we stay on our current progrowth path, reject tax increases, and impose reasonable restraints on spending growth, we will balance the budget by 2012, if not sooner.

As for the notion that Congress must "pay for" tax relief with tax increases, I would note that the official estimates about how much certain tax provisions will "cost" the Treasury are just that, estimates. And they often prove to be wrong. For example, since 2003, the Treasury has collected $133 billion more in capital gains revenue than was originally projected by the Congressional Budget Office; revenues have exceeded official CBO projections by 68 percent. Second, the concept of requiring corresponding tax increases falsely assumes that the Government is entitled to the revenue, when it really belongs to the American people. Third, revenues are running above their historical average of about 18.2 percent and are projected to continue increasing even if we make the current tax structure permanent, as we propose in the Invest in America Act. If we raise taxes in order to extend the tax policies, we will be taking even more resources out of the private sector and spending them on government programs, which will certainly damage our economy. To protect our growing economy, I believe we must ensure that revenues, as a percentage of our economy, do not rise much above their current level.

I am pleased to be the lead sponsor of this important legislation that underscores the commitment of the Senate Republican leadership to investing in American families, America's future, and American competitiveness. America's economy is growing at a strong and sustainable level, to the benefit of all American families, but this growth will not continue if we unwisely allow taxes to be increased on work, savings, and investment—the very engines of economic growth.

By Mr. REED (for himself and Mr. COCHRAN):

S. 1121. A bill to authorize the cancellation of Perkins Loans for students who perform public service as librarians in low-income schools and public libraries; to the Committee on Health, Education, Labor, and Pensions.

Mr. REED. Mr. President, I am joined by Mr. COCHRAN in introducing important legislation, the Librarian Incentive to Boost Recruitment and Retention in Areas of Need (LIBRARIAN) Act, to support our Nation's librarians. This legislation is also being introduced in the other body by Representative BECERRA, along with Representatives GRIJALVA, EHLERS, and SHIMKUS.

Public libraries and schools across the Nation are experiencing a shortage of librarians. Approximately 25 percent of America's school libraries do not have a State certified library media specialist on staff and with more than three in five librarians becoming eligible for retirement in the next decade this shortage is anticipated to only worsen.

The LIBRARIAN Act amends the Higher Education Act to provide for Perkins loan forgiveness to individuals with master's degrees in library science who become librarians in low-income schools and public libraries. Librarians working full-time in low-income areas would qualify for up to 100 percent Perkins loan forgiveness depending on the number of years they serve.

Libraries and librarians play an essential role in our schools and communities; this legislation aims to provide the same support to librarians as other public service workers receive, including teachers working in low-income schools, Head Start staff, law enforcement officials, and nurses or medical technicians.

Today we celebrate National Library Workers Day, a day to recognize the valuable contributions made by librarians and others who work in libraries. With this legislation, we have an opportunity to encourage more individuals to pursue the field of library science and retain those skilled librarians who are already serving in our low-income schools and communities.

I was pleased that the text of this bill was included in the Higher Education Act reauthorization bill approved by the Senate Health, Education, Labor, and Pensions Committee last Congress. I will again press for its inclusion in the reauthorization bill the Committee is currently working to develop. I urge my colleagues to join us in this endeavor by cosponsoring the LIBRARIAN Act.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the bill was ordered to be printed in the RECORD, as follows:

S. 1121

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Librarian Incentive to Boost Recruitment and Retention in Areas of Need Act of 2007" or the "LIBRARIAN Act".

SEC. 2. LOAN CANCELLATION.

(a) AMENDMENTS.—Section 465(a) of the Higher Education Act of 1965 (20 U.S.C. 1087ee(a)) is amended—

(1) in paragraph (2)—

(A) by striking "section 111(c)" in subparagraph (A) and inserting "section 1113(a)(5)";

(B) by striking "or" at the end of subparagraph (H);

(C) by striking the period at the end of subparagraph (I) and inserting "; or"; and

(D) by inserting after subparagraph (I) the following new subparagraph:

"(J) as a full time librarian, if the librarian has a master's degree in library science and is employed in—

"(i) an elementary school or secondary school that is eligible for assistance under title I of the Elementary and Secondary Education Act of 1965; or

"(ii) a public library that serves a geographic area that contains 1 or more schools eligible for assistance under title I of the Elementary and Secondary Education Act of 1965."; and

(2) in paragraph (3)(A)(i), by striking out "(H), or (I)" and inserting "(H), (I), or (J)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply with respect to any year of service that is completed after the date of enactment of this Act.

By Mr. LEVIN (for himself and Mr. COLEMAN):

S. 1124. A bill to amend the Internal Revenue Code of 1986 to simplify, modernize, and improve public notice of and access to tax lien information by providing for a national, Internet accessible, filing system for Federal tax liens, and for other purposes; to the Committee on Finance.

Mr. LEVIN. Mr. President, today is the day that millions of Americans across this country perform an important civic duty by paying their taxes. It is also a day when many Members of Congress take the time to reflect on the state of the Federal tax system and consider how we can strengthen it, simplify it, make it more fair, and, in a responsible way, ease the tax burden on our citizens.

Earlier this year, I introduced the Stop Tax Haven Abuse Act, S. 681, to strengthen our tax system. That bipartisan bill, which I introduced with my colleagues, Senators NORM COLEMAN and BARACK OBAMA, targets outrageous, offshore tax abuses that drain $100 billion each year from the U.S. Treasury at the expense of honest, hardworking American families who pay their fair share. Offshore tax abuses eat away at the foundations of our tax system, draining billions in tax revenue, diverting substantial IRS enforcement resources, and demoralizing honest taxpayers who play by the rules. S. 681 offers a host of provisions to stop offshore abuses, and I urge my colleagues to take a serious look at that legislation on this tax day. If enacted, it would make our tax system more effective, more fair, and more productive. It deserves to be enacted into law this year.

Stopping offshore tax abuse, however, is far from the only tax problem that needs to be addressed if we are to achieve a fair and cost effective tax system. So today, I am introducing with Senator COLEMAN legislation offering a cure to a completely different tax problem. The target of this legislation is better administration of Federal tax liens.

It has been 40 years since Congress made any significant changes to the laws regulating how the Internal Revenue Service (IRS) files Federal tax liens and makes them public. Right now, outdated laws are forcing the IRS to waste taxpayer dollars on an old-fashioned, inefficient, and burdensome paper tax lien filing system that should be replaced by a modernized electronic filing system capable of operating at a fraction of the cost. It is time to bring the Federal tax lien system into the 21st century. That's why I am introducing today, along with Senator COLEMAN, the Tax Lien Simplification Act, which will simplify the process of recording tax liens at an estimated ten-year cost savings of over half a billion dollars, while at the same time improving taxpayer service by speeding up the release of liens after taxes are paid.

Tax liens are a principal way to collect payment from persons who are delinquent in paying their taxes. By law, Federal tax liens arise automatically ten days after a taxpayer's failure to pay an assessed tax. The lien automatically attaches to the taxpayer's real and personal property and remains in effect until the tax is paid. However, the tax lien is not effective against other creditors owed money by the same taxpayer, until a notice of the Federal tax lien is publicly recorded. Generally, between competing creditors, the first to file notice has priority, so the filing of tax lien notices is very important to the government and to the taxpaying public if taxes are to be collected from persons who don't pay them.

Current law requires the IRS to file public notices of Federal tax liens in State, county, or city recording offices around the country. There are currently more than 4,100 of these local recording offices, many of which have developed specific rules regulating how such liens must be formatted and filed in their jurisdictions. This patchwork system developed more by default than by plan, because those local offices were where documents affecting title to real property, judgments, and other lien and security interest documents had always been filed.

In 1966, to help the IRS comply with a proliferating set of local filing rules for Federal tax liens, Congress passed the Tax Lien Act to standardize certain practices. This act provided, for example, that liens against real estate had to be filed where the property was located, and required each State to designate a single place to file Federal tax liens applicable to personal property. Most States subsequently adopted a version of the Uniform Tax Lien Filing Act, enabling the IRS to file a notice of tax lien in each locality where the taxpayer's real estate is located, and a single notice where the taxpayer resides to reach any personal property. For corporations, States typically require the IRS to file a notice to attach real estate in each locality where the real estate is located, and a separate notice, usually at the State level, to attach other types of property. There are often additional rules for trusts and partnerships. The end result of the law was to reduce some but not all of the multiple sets of rules regulating the local filing of Federal tax liens.

In addition, in most cases, the IRS continued to have to physically file the tax lien in the appropriate local recording office. In most cases, that filing is accomplished by mail. Some jurisdictions also allow electronic filings, but those jurisdictions are few and far between. The same is true if a lien has to be corrected, or a related certificate of discharge, subordination, or nonattachment needs to be filed, or when a tax liability has been resolved and the IRS wants to release a lien. Each usually requires a paper filing in one or more local recording offices. If a paper filing is lost or misplaced, the IRS often has to send an employee in person to deal with the problem, adding travel costs to other administrative expenses.

The paper filing system imposes similar burdens on other persons dealing with the tax lien system. Any person who is the subject of a tax lien, for example, or who is a creditor trying to locate a tax lien, is required to make a physical trip to one or more local recording offices to search the documents and see if a lien has been filed. Currently, there is no central database of locally filed tax liens that can be accessed by any member of the public or by any taxpayer that is the subject of a federal tax lien. Not even IRS personnel have access to such a tax lien database. It does not exist.

The result is an inefficient, costly, and burdensome paper filing system that can and should be completely revamped. Businesses across the country learned long ago that electronic filing systems outperform paper; they save personnel costs, material costs, time, and client frustration. Government agencies have learned the same thing as they have moved to electronic databases and recordkeeping, including systems made available to the public on the Internet. Among the many examples of government-sponsored, Internet-based systems currently in operation are the contractor registry operated by the General Services Administration to allow persons to register to bid on federal contracts, the license registry operated by the Federal Communications Commission to allow the public to search radio licenses, and the registry operated by the U.S. Patent and Trademark Office to allow the public to search currently registered patents and trademarks. Each of these systems has saved taxpayer money, while improving service to the public.

Just as government agencies gave up the horse and buggy for the automobile, it is time for the IRS to move from a decentralized, paper-based tax lien filing system to an electronic national tax lien registry. But the IRS' hands are tied, until the Congress changes the laws holding back modernization of the federal tax lien filing system.

The bill we are introducing today would make the changes necessary to enable the IRS to take immediate steps to simplify and modernize the Federal tax lien filing system. The operative provisions would require the IRS to create a national registry for the filing of tax lien notices as an electronic database that is Internet accessible and searchable by the public at no cost. It would mandate the use of this system in place of the existing system of local filings. It would establish the priority of Federal tax liens according to the date and time that the relevant notice was filed in the national registry, in the same way that priorities are currently established from the date and time of filing in local recording offices. The bill would also shorten the time allowed to release a tax lien, after the related tax liability has been resolved, from 30 days to 10 days.

To establish this new electronic filing system, the bill would give the Treasury Secretary express authority to issue regulations or other guidance governing the establishment and maintenance of the registry. Among other obligations, Treasury would be required to ensure that the registry was secure and prevent data tampering. In addition, prior to the implementation of the national registry, the Treasury Secretary would be required to review the information currently included in public tax lien filings to determine whether any of that information should be excluded or protected from disclosure on the Internet. For example, the Treasury Secretary would be expected to prevent the disclosure of social security numbers that are currently included in many public tax lien filings, but if disclosed on the Internet, could facilitate identity theft. While such identifying information could continue to be included in a tax lien filing to ensure that the filing is directed toward the correct person, the registry could be constructed to prevent such information from being disclosed publicly and to instead provide such information only upon request from appropriate persons involved in the enforcement of the tax lien or collection of the tax debt. By requiring this information review prior to implementing the national tax lien registry, the bill is expected to provide greater protection of some taxpayer information than occurs in current tax lien filings.

The bill would require the Treasury Secretary to establish a functioning tax lien registry by January 1, 2009, but would also allow the IRS to continue to use the existing paper-based tax lien filing system, in parallel with the new system, for an appropriate period to ensure a smooth transition. The IRS has indicated that it would be able to establish an electronic tax lien filing system within the specified time period.

Moving to a centralized, electronic tax lien filing system, an Internet-based National Registry of tax liens, would accomplish at least three objectives. It would save taxpayer dollars, speed the process for filing and releasing tax liens, and simplify the process for researching Federal tax liens for taxpayers and creditors.

The IRS estimates that moving from a paper-based, locally filed tax lien system to an Internet-based, Federal tax lien filing system would save about $570 million over 10 years. That's half a billion dollars in cost savings. These savings would come from the elimination of State filing fees, IRS personnel costs, travel costs related to local filing problems, and the cost of lost taxes whenever the IRS makes an error or a tax lien filing is misplaced or delayed. Filing fees, for example, vary widely from state to state, but typically cost at least $10 per filing, and in some States cost as much as $150. If a taxpayer has real estate in multiple jurisdictions, those costs multiply. Personnel costs include the IRS service center staff that is currently charged with filing tax liens nationwide and complying with the myriad filing rules in effect in the 4,100 recording offices across the country. Additional anticipated savings would come from reduced mailing and travel costs.

Electronic filing would not only save money, it would improve taxpayer service. Taxpayers who are the subject of a tax lien filing, for example, would benefit from a centralized registry in several ways. First, taxpayers would be able to review their liens as soon as they are filed online, without having to make a physical trip to one or more local recording offices. Second, taxpayers would have an easy way to look up their liens on multiple occasions, identify any problems, and correct any errors. Third, once the underlying tax liability was resolved, the IRS would be required to release the tax lien in 10 days, instead of the 30 days allowed under current law. The longer 30-day period is necessitated by the current complexities associated with filing a paper lien in one or more local offices, complexities that would be eliminated by the establishment of a centralized, electronic registry.

Creditors who need to research Federal tax liens would also benefit from a centralized, electronic registry. Lenders, security holders and others, for example, would be able to use a simplified search process that could take place online and would not require physical trips to multiple locations. Simplifying the search process would also provide greater certainty that all tax liens were found. The ability to research Federal tax liens remotely and instantaneously should be of particular benefit to larger lenders and to creditors of taxpayers with widely distributed assets.

Federal tax liens are not a topic that normally excites the public's interest. Sound tax administration, however, requires attention to administrative as well as enforcement concerns. Federal law is currently impeding development of a more efficient, cost effective tax lien filing system. Amending the law as indicated in the Tax Lien Simplification Act to streamline the tax lien filing system, moving it from a paper-based to an electronic-based system, would not only advance the more efficient, cost-effective tax system we all want, it would also save half a billion dollars in taxpayer money. At the same time, it would make the system work better for individual taxpayers by reducing the possibility for mistakes and speeding up the release of liens for taxpayers who have paid. Modernizing our tax lien filing system makes sense in every way. I urge my colleagues to join Senator COLEMAN and myself in enacting this bill into law this year.

I ask unanimous consent to print in the RECORD following these remarks a section-by-section analysis of the bill.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

The Tax Lien Simplification Act introduced by Senators Levin and Coleman contains the following provisions.

SECTION 1

The short title of the bill is the "Tax Lien Simplification Act."

SECTION 2

Section 2 contains the findings and purpose of the bill. It finds that the current federal tax lien filing system is inefficient, burdensome, and expensive, and that current technology permits the creation of an electronic system that would be more efficient, more timely, less burdensome, and less expensive. It states that the purpose of the bill is to simplify and modernize the tax lien filing process, to improve public access to tax lien information, and to save taxpayer dollars by replacing the current decentralized system of local tax lien filings with a centralized, nationwide, Internet accessible, and fully searchable tax lien filing system.

SECTION 3

Section 3 contains the operative provisions of the bill.

Subsection (a) would amend section 6323(f) of title 26 by eliminating the provisions in current law directing tax liens to be filed in state and local recording offices, and by authorizing the filing of federal tax lien notices in a national tax lien registry to be established under a new subsection 6323(k). It would deem such notices, and any related certificate of release, discharge, subordination, or nonattachment of a lien, to be effective for purpose of determining the relative priority of a federal tax lien. It would direct the Secretary of the Treasury to prescribe the form and content of the tax lien notices to be filed on the registry. Filings of tax lien notices and related documents would become effective from the date and time of recording in the national tax lien registry, just as they are now from the date and time of a local filing.

Subsection (b) would provide that if an existing tax lien notice must be re-filed, then the re-filing should be made in the national tax lien registry.

Subsection (c) would require certificates of release, discharge, subordination, and nonattachment of a tax lien to be filed in the national tax lien registry. It would also reduce from 30 days to 10 days the time allotted for the release of a tax lien after the underlying tax liability has been resolved. It would make various conforming amendments in the provisions related to federal tax liens.

Subsection (d)(1) would amend section 6323 of title 26 by establishing a National Registry of federal tax liens and related documents. It would require this National Registry to be established and maintained by the Secretary of the Treasury, and made accessible to and searchable by the public through the Internet at no cost. It would require the registry to identify the taxpayer to whom the tax lien applies and reflect the date and time the notice of lien was filed. It would require the registry to be searchable by, at a minimum, taxpayer name and address, the type of tax, the tax period, and when Treasury determines it is feasible, by the affected property.

Subsection (d)(2) would require Treasury to issue regulations or other guidance for the maintenance and use of the registry, and to secure the registry and prevent data tampering. Prior to the implementation of the registry, the Treasury Secretary would be required to review the information currently provided in public tax lien filings to determine whether any of that information should be excluded or protected from public viewing in the National Registry.

Subsection (e) would establish a transition rule for the move from the existing paper-based tax lien filing system to the National Registry. It would authorize the Treasury Secretary to issue regulations allowing for the continued filing of notices in state and local offices for "an appropriate period to permit an orderly transition" to the National Registry.

Subsection (f) would require Treasury to make the National Registry operational as of January 1, 2009, and make the bill applicable to tax lien notices filed after December 31, 2008.

By Mr. DODD (for himself, Mr. COCHRAN, Mr. KENNEDY, Mr. STEVENS, Mr. BINGAMAN, Mr. KERRY, and Mr. ROCKEFELLER):

S. 1128. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. DODD. Mr. President, I rise today to introduce, along with Senators COCHRAN, KENNEDY, STEVENS, BINGAMAN, KERRY and ROCKEFELLER the Summer of Service Act of 2007. This bill offers middle school students the chance to spend a summer in service to their communities as they transition into high school.

The Summer of Service Act would create a competitive grant program that would enable States and localities to offer middle school students an opportunity to participate in a structured community service program over the summer months. It would employ service-learning to teach civic participation skills, help young people see themselves as resources to their communities, expand educational opportunities and discourage "summer academic slide." Providing tangible benefits to their communities, Summer of Service projects would direct grantees to work on unmet human, educational, environmental and public safety needs and encourage all youth, regardless of age, income, or disability, to engage in community service. The program would also grant participants with an educational award of up to $500 which can later be used to pay for college.

Volunteerism not only brings support and services to communities in need, it also provides significant benefits to the students who participate. When young people participate in service activities they feel better able to control their lives in a positive way, avoiding risk behaviors, strengthening their community connections and become more engaged in their studies. When service is tied to what students are learning in school, they often make gains on achievement tests, complete their homework more often, and increase their grade point average. Students who engage in service learning also improve their communication skills, gain increased awareness of career possibilities, and develop more positive workplace attitudes, setting the foundation for their place as America's future leaders. Studies also show that students who participate in community service are more likely to graduate high school and demonstrate interest in going to college.

We often hear today of the tremendous pressures our young people face at home, in school and in the afterschool hours. Summer of Service provides young people with the chance to be a positive change in their communities. For this reason, I urge my colleagues to join me in supporting the Summer of Service Act of 2007. I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1128

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Summer of Service Act of 2007".

SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) Throughout the United States, there are pressing unmet human, educational, environmental and public safety needs.

(2) Americans desire to affirm common responsibilities and shared values, and join together in positive experiences, that transcend race, religion, gender, age, disability, region, income, and education.

(3) Americans of all ages can improve their communities and become better citizens through service to their communities.

(4) When youth participate in service activities and see that they are able to improve the lives of others, the youth feel better able to control their own lives in a positive way, avoiding risky behaviors, strengthening their community connections, and becoming more engaged in their own education.

(5) When youth service is tied to learning objectives, that service is shown to decrease alienation and behavior problems, and increase knowledge of community needs, commitment to an ethic of service, and understanding of politics and morality.

(6) When service is tied to what students are learning in school, the students make gains on achievement tests, complete their homework more often, and increase their grade point averages.

(7) Students who engage in service-learning improve their communication skills, increase their awareness of career possibilities, have a deeper understanding of social and economic issues that face the United States, and develop more positive workplace attitudes, preparing them to take their places as future leaders of the United States.

(8) In a national poll, more than 80 percent of parents said that their child would benefit from an after school program that offered community service and 95 percent of teens agreed that is important to volunteer time to community efforts.

(b) PURPOSE.—The purposes of this Act are to—

(1) offer youth the chance to spend a summer in service to their communities as a rite of passage before high school;

(2) teach civic participation skills to youth and help youth see themselves as resources and leaders for their communities;

(3) expand educational opportunities and discourage "summer slide" by engaging youth in summer service-learning opportunities;

(4) encourage youth, regardless of age, income, or disability, to engage in community service;

(5) provide tangible benefits to the communities in which Summer of Service programs are performed; and

(6) enhance the social-emotional development of youth of all backgrounds.

SEC. 3. SUMMER OF SERVICE PROGRAMS.

Title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.) is amended—

(1) by redesignating subtitles F, G, H, and I as subtitles G, H, I, and J, respectively;

(2) by redesignating sections 160 through 166 as sections 159A through 159G, respectively; and

(3) by inserting after subtitle E the following:

"Subtitle F—Summer of Service Programs

"SEC. 161. DEFINITIONS.

"In this subtitle:

"(1) EDUCATIONAL AWARD.—The term 'educational award' means an award disbursed under section 162B(d) or 163B(d).

"(2) ELIGIBLE ENTITY.—The term 'eligible entity' means a public or private nonprofit organization, an institution of higher education, a local educational agency, a public elementary school or public secondary school, or a consortium of 2 or more of the entities described in this paragraph.

"(3) ELIGIBLE YOUTH.—The term 'eligible youth' means a youth who will be enrolled in the sixth, seventh, eighth, or ninth grade at the end of the summer for which the youth would participate in community service under this subtitle.

"PART I—SUMMER OF SERVICE STATE GRANT PROGRAM

"SEC. 162. GRANTS TO STATES.

"(a) GRANTS.—

"(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to States, to enable the State Commissions—

"(A) to carry out State-level activities under subsection (d); and

"(B) to award subgrants on a competitive basis under section 162A to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

"(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as 'educational award funds') shall be—

"(A) included in the funds for such grants to States and subgrants to eligible entities; or

"(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 162B(d).

"(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

"(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to a State for a program in a sum equal to—

"(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

"(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

"(C) an amount sufficient to provide for the reservation for State-level activities described in subsection (d).

"(b) STATE APPLICATION.—To be eligible to receive a grant under this section, a State shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

"(1) designates the State Commission as the agency responsible for the administration and supervision of the community service program carried out under this part in the State;

"(2) describes how the State Commission will use funds received under this part, including funds reserved for State-level activities under subsection (d);

"(3) describes the procedures and criteria the State Commission will use for reviewing applications and awarding subgrants on a competitive basis under section 162A to eligible entities for projects, including how the State Commission will give priority to an entity that—

“(A) offers a quality plan for or has an established track record of carrying out the activities described in the entity's application;

“(B) has a leadership position in the community from which the youth participating in the project described in the application will be drawn;

“(C) proposes a project that focuses on service by the participants during the transition year before high school;

“(D) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

“(E) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

“(F) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

“(G) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

“(H) proposes a project that provides high quality service-learning experiences;

“(4) describes the steps the State Commission will take, including the provision of ongoing technical assistance described in subsection (d)(2) and training, to ensure that projects funded under section 162A will implement effective strategies; and

“(5) describes how the State Commission will evaluate the projects, which shall include, at a minimum—

“(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

“(B) a description of how the State Commission will disseminate the results of the evaluations, as described in subsection (d)(4)(C).

“(c) Applicant Review.—

“(1) Selection criteria.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the State programs proposed by the applicants.

“(2) Review panels.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

“(3) Notification of applicants.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

“(4) Resubmission and reconsideration.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) State-Level Activities.—A State that receives a grant under this section may reserve up to 5 percent of the grant funds for State-level activities, which may include—

“(1) hiring staff to administer the program carried out under this part in the State;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to eligible entities that receive subgrants under section 162A;

“(3) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of eligible entities and local eligible youth in the program carried out under this part; and

“(4)(A) conducting an evaluation of the projects carried out by eligible entities under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 162A. SUBGRANTS TO ELIGIBLE ENTITIES.

“(a) Subgrants.—

“(1) In general.—A State that receives a grant under section 162 shall use the grant funds to award subgrants on a competitive basis to eligible entities to pay for the Federal share of the cost of carrying out community service projects.

“(2) Periods of subgrants.—The State shall award the subgrants for periods of 3 years.

“(3) Amounts of subgrants.—The State shall award such a subgrant to an eligible entity for a project in a sum equal to—

“(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 162(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) Applications.—To be eligible to receive a subgrant under this section for a project, an entity shall submit an application to the State Commission at such time, in such manner, and containing such information as the State Commission may require, including information that—

“(1) designates the community in which the entity will carry out the project, which community may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) describes the manner in which the entity will—

“(A) engage a substantial portion of the youth in the designated community;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the eligible entity intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the eligible entity will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the eligible entity will annually make the results of such evaluation available to the State.

“(c) Continued Eligibility.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, an entity shall demonstrate that the entity has met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) Selection of Subgrant Recipients.—In awarding subgrants under this section, the State shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 162B. SUMMER OF SERVICE PROJECTS.

“(a) Use of Funds.—

“(1) In general.—An eligible entity that receives a subgrant under section 162A shall use the subgrant funds to carry out a community service project.

“(2) Specific uses.—The eligible entity may use the subgrant funds to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 162A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 162A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the subgrant period.

“(3) Non-federal share.—An eligible entity that receives a subgrant under section

162A shall provide the non-Federal share of the costs described in section 162A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

"(b) SERVICE PROJECTS.—

"(1) ELIGIBLE SERVICE CATEGORIES.—The eligible entity may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

"(2) INELIGIBLE SERVICE CATEGORIES.—The eligible entity may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

"(c) PERIOD OF SERVICE PROJECTS.—The eligible entity—

"(1) shall carry out the community service project funded under section 162A during a period, the majority of which occurs in the months of June, July, and August; and

"(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

"(d) EDUCATIONAL AWARD.—

"(1) ELIGIBILITY.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

"(2) DISBURSEMENTS BY ELIGIBLE ENTITY.—If the Chief Executive Officer decides under section 162(a)(2)(A) to include educational award funds in subgrants under this part, the eligible entity carrying out the project shall—

"(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

"(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

"(ii) shall not otherwise permit disbursal of the award to the parents; or

"(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

"(3) DISBURSEMENTS BY CHIEF EXECUTIVE OFFICER.—If the Chief Executive Officer decides under section 162(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

"SEC. 162C. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to an eligible entity that demonstrates the matters described in subsection (b), to assist the entity in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

"(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), an entity shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

"(1) that the entity received a subgrant under section 162A for a community service project; and

"(2) that the entity would be unable to carry out the project without substantial hardship unless the entity received a supplemental grant under subsection (a).

"(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to an eligible entity for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

"SEC. 162D. INDIAN TRIBES AND TERRITORIES.

"From the funds made available to carry out this part under section 165(b)(2)(A) for any fiscal year, the Chief Executive Officer shall reserve an amount of not more than 3 percent for payments to Indian tribes, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be used in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

"PART II—SUMMER OF SERVICE NATIONAL DIRECT GRANT PROGRAM

"SEC. 163. NATIONAL DIRECT GRANTS.

"(a) GRANTS.—

"(1) IN GENERAL.—The Chief Executive Officer shall award grants on a competitive basis to public or private organizations (referred to individually in this part as an 'organization')—

"(A) to carry out quality assurance activities under subsection (d); and

"(B) to pay for the Federal share of the cost of carrying out a community service program—

"(i) in a State where the State Commission does not apply for funding under part I; or

"(ii) in multiple States.

"(2) FUNDS FOR EDUCATIONAL AWARDS.—The Chief Executive Officer shall decide whether funds appropriated to carry out this part and available for educational awards (referred to in this part as 'educational award funds') shall be—

"(A) included in the funds for such grants to organizations and any subgrants to local providers; or

"(B) reserved by the Chief Executive Officer, deposited in the National Service Trust for educational awards, and disbursed according to paragraphs (1) and (3) of section 163B(d).

"(3) PERIODS OF GRANTS.—The Chief Executive Officer shall award the grants for periods of 3 years.

"(4) AMOUNTS OF GRANTS.—The Chief Executive Officer shall award such a grant to an organization for a program in a sum equal to—

"(A) the amount obtained by multiplying $500 and the number of youth who will participate in the program (to be used for program expenses);

"(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in paragraph (2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards); and

"(C) an amount sufficient to provide for the reservation for quality assurance activities described in subsection (d).

"(b) NATIONAL DIRECT APPLICATIONS.—To be eligible to receive a grant under this section for a community service program, an organization shall submit an application to the Chief Executive Officer at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information that—

"(1) describes how the organization will use funds received under this part, including funds reserved for quality assurance activities under subsection (d);

"(2)(A) describes the procedures and criteria the organization will use for reviewing applications and awarding subgrants on a competitive basis under section 163A to local providers for projects, including how the organization will give priority to a provider that, with respect to each project described in the application—

"(i) offers a quality plan for or has an established track record of carrying out the activities described in the provider's application;

"(ii) has a leadership position in the community from which the youth participating in the project will be drawn;

"(iii) proposes a project that focuses on service by the participants during the transition year before high school;

"(iv) plans to ensure that at least 50 percent of the participants are low-income eligible youth;

"(v) proposes a project that encourages or enables youth to continue participating in community service throughout the school year;

"(vi) plans to involve the participants in the design and operation of the project, including involving the participants in conducting a needs-based assessment of community needs;

"(vii) proposes a project that involves youth of different ages, races, sexes, ethnic groups, religions, disability categories, or economic backgrounds serving together; and

"(viii) proposes a project that provides high quality service-learning experiences; or

"(B) if the organization will carry out the community service program directly, demonstrates that the organization meets the requirements of clauses (i) through (viii) of subparagraph (A) with respect to each project described in the application;

"(3) describes the steps the organization will take, including the provision of ongoing technical assistance described in subsection (d)(2)) and training, to ensure that projects funded under this part will implement effective strategies; and

"(4) describes how the organization will evaluate the projects funded under this part, which shall include, at a minimum—

"(A) a description of the objectives and benchmarks that will be used to evaluate the projects; and

"(B) a description of how the organization will disseminate widely the results of the evaluations, as described in subsection (d)(3)(C).

"(c) APPLICANT REVIEW.—

"(1) SELECTION CRITERIA.—The Chief Executive Officer shall evaluate applications for grants under this section based on the quality, innovation, replicability, and sustainability of the programs proposed by the applicants.

"(2) REVIEW PANELS.—The Chief Executive Officer shall employ the review panels established under section 165A in reviewing the applications.

"(3) NOTIFICATION OF APPLICANTS.—If the Chief Executive Officer rejects an application submitted under this section, the Chief Executive Officer shall promptly notify the applicant of the reasons for the rejection of the application.

"(4) RESUBMISSION AND RECONSIDERATION.—The Chief Executive Officer shall provide an applicant notified of rejection with a reasonable opportunity to revise and resubmit the application. At the request of the applicant, the Chief Executive Officer shall provide technical assistance to the applicant as part of the resubmission process. The Chief Executive Officer shall promptly reconsider an application resubmitted under this paragraph.

“(d) Quality Assurance Activities.—An organization that receives a grant under this section may reserve up to 5 percent of the grant funds for quality assurance activities, which may include—

“(1) hiring staff to administer the program carried out under this part by the organization;

“(2) providing technical assistance, including technical assistance concerning the professional development and training of personnel, to local providers that receive subgrants under section 163A; and

“(3)(A) conducting an evaluation of the projects carried out by local providers of the organization under this part;

“(B) using the results of the evaluation to collect and compile information on best practices and models for such projects; and

“(C) disseminating widely the results of the evaluation.

“SEC. 163A. SUBGRANTS TO LOCAL PROVIDERS.

“(a) Subgrants.—

“(1) In general.—An organization that receives a grant under section 163 may use the grant funds to award subgrants on a competitive basis to local providers to pay for the Federal share of the cost of carrying out community service projects.

“(2) Periods of subgrants.—The organization shall award the subgrants for periods of 3 years.

“(3) Amounts of subgrants.—The organization shall award such a subgrant to a local provider for a project in a sum equal to—

“(A) the amount obtained by multiplying $500 and the number of youth who will participate in the project (to be used for project expenses); and

“(B) unless the Chief Executive Officer decides to deposit funds for educational awards in the National Service Trust, as described in section 163(a)(2)(B), an additional amount equal to the amount described in subparagraph (A) (to be used for educational awards).

“(b) Local Provider Application.—To be eligible to receive a subgrant under this section, a local provider shall submit an application to the organization at such time, in such manner, and containing such information as the organization may require, including information that—

“(1) designates the communities in which the local provider will carry out projects under the subgrant, each of which communities may be the service area of an elementary school or secondary school, a school district, a city, town, village, or other locality, a county, the area in which a public housing project is located, a neighborhood, or another geographically or politically designated area;

“(2) for each project described in such application, describes the manner in which the local provider will—

“(A) engage a substantial portion of the youth in the designated community involved;

“(B) engage a variety of entities and individuals, such as youth organizations, elementary schools or secondary schools, elected officials, organizations offering summer camps, civic groups, nonprofit organizations, and other entities within the designated community to offer a variety of summer service opportunities as part of the project;

“(C) ensure that the youth participating in the project engage in service-learning;

“(D) engage as volunteers in the project business, civic, or community organizations or individuals, which may include older individuals, volunteers in the National Senior Volunteer Corps established under title II of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5000 et seq.), participants in the school-based and community-based service-learning programs carried out under parts I and II of subtitle B, participants in the AmeriCorps program carried out under subtitle C, or students enrolled in secondary schools or institutions of higher education;

“(E) ensure that youth participating in the project provide at least 100 hours of community service for the project;

“(F) recruit eligible youth to participate in the project;

“(G) recruit service sponsors for community service activities carried out through the project, if the local provider intends to enter into an arrangement with such sponsors to provide project placements for the youth;

“(H) promote leadership development and build an ethic of civic responsibility among the youth;

“(I) provide team-oriented, adult-supervised experiences through the project;

“(J) conduct opening and closing ceremonies honoring participants in the project;

“(K) involve youth who are participating in the project in the design and planning of the project; and

“(L) provide training, which may include life skills, financial education, and employment training, in addition to training concerning the specific community service to be provided through the project, for the youth; and

“(3)(A) specifies project outcome objectives relating to youth development or education achievement, community strengthening, and community improvement;

“(B) describes how the local provider will establish annual benchmarks for the objectives, and annually conduct an evaluation to measure progress toward the benchmarks; and

“(C) provides an assurance that the local provider will annually make the results of such evaluation available to the organization.

“(c) Continued Eligibility.—To be eligible to receive funds under this section for a second or subsequent year of a subgrant period, a local provider shall demonstrate that all the projects for which the subgrant was awarded met the annual benchmarks for the objectives described in subsection (b)(3).

“(d) Selection of Subgrant Recipients.—In awarding subgrants under this section, the organization shall ensure that projects are funded in a variety of geographic areas, including urban and rural areas.

“SEC. 163B. SUMMER OF SERVICE PROJECTS.

“(a) Use of Funds.—

“(1) In general.—A local provider that receives a subgrant under section 163A shall use the subgrant funds to carry out a community service project.

“(2) Specific uses.—The local provider may use the subgrant funds, to pay for—

“(A) hiring staff to administer the project;

“(B) developing or acquiring service-learning curricula for the project, to be integrated into academic programs, including making modifications for students who are individuals with disabilities and students with limited English proficiency;

“(C) forming local partnerships to develop and offer a variety of service-learning programs for local youth participating in the project;

“(D) establishing benchmarks, conducting evaluations, and making evaluation results available, as described in subparagraphs (B) and (C) of section 163A(b)(3);

“(E) conducting outreach and dissemination of program-related information to ensure the broadest possible involvement of local eligible youth and community partners in the project;

“(F) conducting ceremonies as described in section 163A(b)(2)(J);

“(G) carrying out basic implementation of the community service project; and

“(H) carrying out planning activities, during an initial 6 to 9 months of the grant period.

“(3) Non-Federal share.—A local provider that receives a subgrant under section 163A shall provide the non-Federal share of the cost described in section 163A(a)(1) from private or public sources other than the subgrant funds. The sources may include fees charged to the parents of the youth participating in the community service project involved and determined on a sliding scale based on income.

“(b) Service Projects.—

“(1) Eligible service categories.—The local provider may use the subgrant funds to carry out a community service project to meet unmet human, educational, environmental, or public safety needs.

“(2) Ineligible service categories.—The local provider may not use the subgrant funds to carry out a service project in which participants perform service described in section 132(a).

“(c) Period of Service Projects.—The local provider—

“(1) shall carry out the community service project funded under section 163A during a period, the majority of which occurs in the months of June, July, and August; and

“(2) may carry out the project in conjunction with a related after school or in-school service-learning project operated during the remaining months of the year.

“(d) Educational Award.—

“(1) Eligibility.—Each eligible youth who provides at least 100 hours of community service for a project carried out under this part shall be eligible to receive an educational award of not more than $500. An eligible youth may participate in more than 1 such project but shall not receive in excess of $1,000 in total for such participation.

“(2) Disbursements by local provider.—If the Chief Executive Officer decides under section 163(a)(2)(A) to include educational award funds in subgrants under this part, the local provider carrying out the project shall—

“(A) disburse an educational award described in paragraph (1) in accordance with regulations issued by the Chief Executive Officer, which—

“(i) may permit disbursal of the award to the parents of the youth that have established a qualified tuition program account under section 529 of the Internal Revenue Code of 1986, for deposit into the account; but

“(ii) shall not otherwise permit disbursal of the award to the parents; or

“(B) enter into a contract with a private sector organization to hold the educational award funds and disburse the educational award as described in subparagraph (A).

“(3) Disbursements by chief executive officer.—If the Chief Executive Officer decides under section 163(a)(2)(B) to reserve educational award funds, the Chief Executive Officer shall disburse the educational award as described in paragraph (2)(A).

"(e) APPLICATION OF SECTION.—References in this section to local providers, with respect to the use of subgrant funds received under section 163A, apply equally to organizations that carry out community service projects directly, with respect to the use of grant funds received under section 163.

"SEC. 163C. SUPPLEMENTAL GRANTS.

"(a) IN GENERAL.—The Chief Executive Officer may award a supplemental grant to a local provider that demonstrates the matters described in subsection (b), to assist the provider in carrying out a community service project in accordance with the requirements of this part, as determined appropriate by the Chief Executive Officer.

"(b) APPLICATION.—To be eligible to receive a supplemental grant under subsection (a), a provider shall submit an application to the Chief Executive Officer, at such time, in such manner, and containing such information as the Chief Executive Officer may require, including information demonstrating—

"(1) that the provider received a subgrant under section 163A for a community service project; and

"(2) that the provider would be unable to carry out the project without substantial hardship unless the provider received a supplemental grant under subsection (a).

"(c) AMOUNT OF GRANT.—The Chief Executive Officer shall award such a grant to a local provider for the project in the amount obtained by multiplying $250 and the number of youth who will participate in the project (to be used for project expenses).

"PART III—SUMMER OF SERVICE NATIONAL ACTIVITIES

"SEC. 164. NATIONAL ACTIVITIES.

"(a) NATIONAL QUALITY AND OUTREACH ACTIVITIES.—The Chief Executive Officer may use funds reserved under section 165(b)(1), either directly or through grants and contracts, to—

"(1) provide technical assistance and training to recipients of grants and subgrants under parts I and II;

"(2) conduct outreach and dissemination of program-related information to ensure the broadest possible involvement of States, eligible entities, organizations, local providers, and eligible youth in programs carried out under parts I and II; and

"(3) to carry out other activities designed to improve the quality of programs carried out under parts I and II.

"(b) NATIONAL EVALUATION.—

"(1) RESERVATION.—For each fiscal year, the Chief Executive Officer shall reserve not more than the greater of $500,000, or 1 percent, of the funds described in subsection (a) for the purposes described in paragraph (2).

"(2) EVALUATION.—The Chief Executive Officer shall use the reserved funds—

"(A) to arrange for an independent evaluation of the programs carried out under parts I and II, to be conducted in the second and third years in which the programs are implemented; and

"(B) using the results of the evaluation, to collect and compile information on models and best practices for such programs; and

"(C) to disseminate widely the results of the evaluation.

"(3) REPORT.—The Chief Executive Officer shall annually submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and the Workforce of the House of Representatives, a report concerning the results of the evaluations conducted under paragraph (2). Such reports shall also contain information on models of best practices and any other findings or recommendations developed by the Chief Executive Officer based on such evaluations. Such reports shall be made available to the general public.

"PART IV—GENERAL PROVISIONS

"SEC. 165. AUTHORIZATION OF APPROPRIATIONS AND AVAILABILITY.

"(a) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this subtitle $100,000,000 for fiscal year 2008 and such sums as may be necessary for each subsequent fiscal year.

"(b) AVAILABILITY.—Of the funds appropriated under subsection (a) for a fiscal year, the Chief Executive Officer—

"(1) shall reserve not more than 4 percent to carry out activities under part III (relating to national activities); and

"(2) from the remainder of such funds, shall make available—

"(A) a portion equal to 66⅔ percent of such funds for programs carried out under part I (relating to the State grant program), including programs carried out under section 162D; and

"(B) a portion equal to 33⅓ percent of such funds for programs carried out under part II (relating to the national direct grant program).

"(c) REALLOCATION.—If the Chief Executive Officer determines that funds from the portion described in subsection (b)(2)(A) will not be needed to carry out programs under part I for a fiscal year, the Chief Executive Officer shall make the funds available for programs under part II for that fiscal year.

"SEC. 165A. REVIEW PANELS.

"The Chief Executive Officer shall establish panels of experts for the purpose of reviewing applications submitted under sections 162, 162C, 162D, and 163.

"SEC. 165B. CONSTRUCTION.

"An individual participating in service in a program described in this subtitle shall not be considered to be an employee engaged in employment for purposes of the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).".

SEC. 4. CONFORMING AMENDMENTS.

(a) REDESIGNATION OF SUBTITLES.—

(1) Section 118(a) of the National and Community Service Act of 1990 (42 U.S.C. 12551(a)) is amended by striking "subtitle H" and inserting "subtitle I".

(2) Section 122(a)(2) of such Act (42 U.S.C. 12572(a)(2)) is amended by striking "subtitle I" and inserting "subtitle J".

(3) Section 193A(f)(1) of such Act (42 U.S.C. 12651d(f)(1)) is amended by striking "subtitles C and I" and inserting "subtitles C and J".

(4) Section 501(a)(2) of such Act (42 U.S.C. 12681(a)(2)) is amended—

(A) in the paragraph heading, by striking "SUBTITLES C, D, AND H" and inserting "SUBTITLES C, D, AND I";

(B) in subparagraph (A), by striking "subtitles C and H" and inserting "subtitles C and I"; and

(C) in subparagraph (B), by striking "subtitle H" and inserting "subtitle I".

(b) REDESIGNATION OF SECTIONS.—

(1) Section 155(d)(3) of such Act (42 U.S.C. 12615(d)(3)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(2) Section 156(d) of such Act (42 U.S.C. 12616(d)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(3) Section 159(c) of such Act (42 U.S.C. 12619(c)) is amended—

(A) in paragraph (2)(C)(i), by striking "section 162(a)(2)" and inserting "section 159C(a)(2)"; and

(B) in paragraph (3), by striking "section 162(a)(2)(A)" and inserting "section 159C(a)(2)(A)".

(4) Section 159B(b)(1)(B) of such Act (as redesignated by section 3(2)) is amended by striking "section 162(a)(3)" and inserting "section 159C(a)(3)".

(c) RELATIONSHIP TO NATIONAL SERVICE EDUCATIONAL AWARD PROVISIONS.—

(1) NATIONAL SERVICE TRUST.—Section 145 of the National and Community Service Act of 1990 (42 U.S.C. 12601) is amended—

(A) in subsection (a)—

(i) in paragraph (2), by striking "and" at the end;

(ii) in paragraph (3), by striking the period and inserting ", other than interest or proceeds described in paragraph (4)(B); and"; and

(iii) by adding at the end the following:

"(4)(A) any amounts deposited in the Trust under subtitle F; and

"(B) the interest on, and proceeds from the sale or redemption of, any obligations held by the Trust for a program carried out under subtitle F."; and

(B) in subsection (c), by inserting "(other than any amounts deposited in the Trust under subtitle F)" after "Amounts in the Trust".

(2) AVAILABILITY OF AMOUNTS IN NATIONAL SERVICE TRUST.—Section 148(a) of the National and Community Service Act of 1990 (42 U.S.C. 12604(a)) is amended by inserting "(other than any amounts deposited in the Trust under subtitle F)" after "Amounts in the Trust".

By Ms. COLLINS:

S. 1131. A bill to amend the Cooperative Forestry Assistance Act of 1978 to establish a program to provide assistance to States and nonprofit organizations to preserve suburban forest land and open space and contain suburban sprawl; to the Committee on Agriculture, Nutrition, and Forestry.

Ms. COLLINS. Mr. President, the people of Maine have always been faithful stewards of the forest because we understand its tremendous value to our economy and to our way of life. From the vast tracts of undeveloped land in the north to the small woodlots in the south, forest land has helped to shape the character of our entire State.

While our commitment to stewardship has preserved the forest for generations, there is a threat to Maine's working landscape that requires a fresh approach. This threat is suburban sprawl, which has already consumed tens of thousands of acres of forest land in southern Maine. Sprawl occurs because the economic value of forest or farm land cannot compete with the value of developed land.

Sprawl threatens our environment and our quality of life. It destroys ecosystems, increasing the risk of flooding and other environmental hazards. It burdens the infrastructure of the affected communities, increases traffic on neighborhood streets, and wastes taxpayer money. Sprawl causes the unnecessary fragmentation of open space that reduces the economic viability of the remaining working forests.

In the State of Maine, suburban sprawl has already consumed tens of thousands of acres of forest and farm land. The problem is particularly acute in southern Maine where an 108 percent increase in urbanized land over the past two decades has resulted in the labeling of greater Portland as the "sprawl capital of the Northeast."

I am particularly alarmed by the amount of working forest and farm land and open space in southern and coastal Maine that has given way to strip malls and cul-de-sacs. Once these forests, farms, and meadows are lost to development, they are lost forever.

Maine is trying to respond to this challenge. The people of Maine continue to contribute their time and money to preserve important lands and to support our State's 88 land trusts. It is time for the Federal Government to help support these State and community-based efforts.

For these reasons, I have introduced the Suburban and Community Forestry and Open Space Program Act. This legislation, which was drafted with the advice of land owners and conservation groups, establishes a $50 million grant program within the U.S. Forest Service to support locally driven land conservation projects that preserve working forests. Local government and nonprofit organizations would compete for funds to purchase land or access to land to protect working landscapes threatened by development.

Projects funded under this initiative must be targeted at lands located in parts of the country that are threatened by sprawl. In addition, this legislation requires that Federal grant funds be matched dollar-for-dollar by State, local, or private resources.

This is a market-driven program that relies upon market forces rather than government regulations to achieve its objectives. Rather than preserving our working forests, farmland and open spaces by zoning or other government regulation, with this program we will provide the resources to allow a landowner who wishes to keep his or her land as a working woodlot to do so.

My legislation also protects the rights of property owners with the inclusion of a "willing-seller" provision, which requires the consent of a landowner if a parcel of land is to participate in the program.

The $50 million that would be authorized by my bill would help achieve stewardship objectives: First, this bill would help prevent forest fragmentation and preserve working forests, helping to maintain the supply of timber that fuels Maine's most significant industry. Second, these resources would be a valuable tool for communities that are struggling to manage growth and prevent sprawl.

Understanding that land ownership issues differ in other parts of the Nation, I have included a geographic limitation in this bill. This limitation would exempt any State where the Federal Government owns 25 percent or more of that State's land from the Suburban and Community Forestry and Open Space Program. With the 25 percent limitation, a figure used in previous bills, the twelve States with the highest percentage of federally owned land would not be eligible to participate in this new program. Those States, however, who are struggling most with the loss of working landscapes would be authorized to receive Federal assistance in their efforts to combat sprawl.

Third, the bill would help to preserve open space and family farms. Currently, if the town of Gorham, ME, or another community trying to cope with the effects of sprawl turned to the Federal Government for assistance, none would be found. My bill will change that by making the Federal Government an active partner in preserving forest and farm land and managing sprawl, while leaving decision-making at the State and local level where it belongs.

The Suburban and Community Forestry and Open Space Program Act has had a successful history in the Senate. In 2002, this legislation was included in the forestry title of the Senate approved version of the Farm Bill. Unfortunately, the forestry title was stripped out of the Farm Bill conference report. And again, in 2003, this legislation passed the Senate. This time, during consideration of the Healthy Forests Restoration Act. Unfortunately, this provision was removed from the Healthy Forests Restoration Act conference report. This new Congress and the reauthorization of the Farm Bill provide an excellent opportunity to enact this important legislation.

There is great work being done on the local level to protect working landscapes for the next generation. By enacting the Suburban and Community Forestry and Open Space Act, Congress can provide an additional avenue of support for these conservation initiatives, help prevent sprawl, and help sustain the vitality of natural resource-based industries.

By Ms. MURKOWSKI:

S. 1132. A bill to amend the Internal Revenue Code of 1986 to allow Indian tribes to receive charitable contributions of apparently wholesome food; to the Committee on Finance.

Ms. MURKOWSKI. Mr. President, I rise to introduce a bill that will help increase the amount of food donations going to American Indians and Alaska Natives nationwide.

Unfortunately, the poverty rate among American Indians and Alaska Natives continues to be high. Specifically, the poverty rate for our Nation's American Indians and Alaska Natives is over three times that of non-Hispanic whites, according to the U.S. Census Bureau. Not only do natives face greater challenges in securing basic household necessities, but in securing food as well.

According to a 2005 U.S. Department of Agriculture report, 35.1 million Americans face challenges in getting enough food to eat. This includes 12.4 million children. Of these statistics, Natives constitute a disproportionate number due to the higher poverty rate among this group.

And yet, charitable organizations that provide hunger relief are unable to meet the basic needs of Natives due to an oversight in the federal tax code. Section 170(e)(3) of the Internal Revenue Code allows corporations to take an enhanced tax deduction for donations of food; however, the food must be distributed to 501(c)(3) nonprofit organizations, such as food banks. Nonprofit organizations cannot then transfer such donations to tribes. Although many donations to tribes are tax deductible under section 7871 of the Internal Revenue Code, tribes are not among the organizations listed under Section 501(c)(3) of the Internal Revenue Code. To clarify, section 170(e)(3) does not allow tribes to be eligible recipients of corporate food donations to nonprofit organizations since they are not listed under Section 501(c)(3) as an eligible entity.

With this legislation, I intend to make a simple correction to the tax code that clearly indicates that tribes are eligible recipients of food donated under section 170(e)(3) of the Internal Revenue Code. This correction is long overdue and would remedy an egregious inequity in the Federal tax code that affects natives nationwide.

Please allow me to provide a few examples of how this legislation could foster positive change. In Alaska, approximately half of the food donated to the Food Bank of Alaska from corporations could go to tribes throughout Alaska. Much of this food would go to villages that are only accessible by air or water. In South Dakota, roughly 30 percent of the food the Community Food Banks of South Dakota distributes could go to reservations. In North Dakota, the amount of food donated to the Great Plains Food Bank could double if this legislation were enacted. The Montana Food Bank Network projects that food donations could increase by 16 percent. A food bank based in Albuquerque, NM, estimates that their food donations could triple in the first year alone.

It is imperative that we address this important issue expeditiously. The health and well-being of low income American Indians and Alaska Natives across the Nation is at stake.

I ask unanimous consent that the text of this bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD as follows:

S. 1132

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. CHARITABLE CONTRIBUTIONS OF APPARENTLY WHOLESOME FOOD TO INDIAN TRIBES.

(a) IN GENERAL.—Section 170(e)(3) of the Internal Revenue Code of 1986 (relating to special rule for contributions of inventory and other property) is amended—

(1) by redesignating subparagraph (E) as subparagraph (F); and

(2) by inserting after subparagraph (D) the following new subparagraph:

"(E) SPECIAL RULE FOR INDIAN TRIBES.—

"(i) IN GENERAL.—For purposes of this paragraph, an Indian tribe (as defined in section 7871(c)(3)(E)(ii)) shall be treated as an organization eligible to be a donee under subparagraph (A) with respect to apparently wholesome food (as defined in section 22(b)(2) of the Bill Emerson Good Samaritan Food Donation Act (42 U.S.C. 1791(b)(2)) (as in effect on the date of the enactment of this subparagraph)) only.

"(ii) USE OF PROPERTY.—For purposes of subparagraph (A)(i), if the use of the apparently wholesome food donated is related to the exercise of an essential governmental function of the Indian tribal government (within the meaning of section 7871), such use shall be treated as related to the purpose or function constituting the basis for the organization's exemption.".

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2007.

By Mr. AKAKA (for himself, Mr. BINGAMAN, and Mr. DURBIN):

S. 1133. A bill to provide additional protections for recipients of the earned income tax credit; to the Committee on Finance.

Mr. AKAKA. Mr. President, today, I am reintroducing the Taxpayer Abuse Prevention Act. Earned income tax credit (EITC) benefits intended for working families are significantly reduced by the use of refund anticipation loans (RALs), which typically carry three or four digit interest rates. In 2005, EITC filers accounted for more than half of the refund anticipation loans issued despite being only 17 percent of the taxpayer population. EITC recipients lost an estimated $649 million in loan fees plus application or documentation fees in 2005. The EITC is intended to help working families meet their food, clothing, housing, transportation, and education needs. Working families cannot afford to lose a significant portion of their EITC funds by expensive, short-term, RALs.

The interest rates and fees charged on RALs are not justified because of the short length of time that these loans are outstanding and the minimal risk they present. These loans carry little risk because of the Debt Indicator program.

The Debt Indicator (DI) is a service provided by the Internal Revenue Service (IRS) that informs the lender whether or not an applicant owes Federal or State taxes, child support, student loans, or other government obligations, which assists tax preparers in ascertaining the ability of applicants to obtain their full refund so that the RAL is repaid. The Department of the Treasury should not be facilitating these predatory loans that allow tax preparers to reap outrageous profits by exploiting working families.

Unfortunately too many working families are susceptible to predatory lending because they are left out of the financial mainstream. Between 25 and 56 million adults are unbanked, or not using mainstream, insured financial institutions. The unbanked rely on alternative financial service providers to obtain cash from checks, pay bills, send remittances, utilize payday loans, and obtain credit. Many of the unbanked are low-and moderate-income families that can ill afford to have their earnings unnecessarily diminished by high-cost and often predatory financial services. In addition, the unbanked are unable to save securely to prepare for the loss of a job, a family illness, a down payment on a first home, or education expenses.

My legislation will protect consumers against predatory loans, reduce the involvement of the Department of the Treasury in facilitating the exploitation of taxpayers, and expand access to opportunities for saving and lending at mainstream financial services.

My bill prohibits refund anticipation loans that utilize EITC benefits. Other Federal benefits, such as Social Security, have similar restrictions to ensure that the beneficiaries receive the intended benefit.

My bill also limits several of the objectionable practices of RAL providers. It will prohibit lenders from using tax refunds to collect outstanding obligations for previous RALs. In addition, mandatory arbitration clauses for RALs that utilize federal tax refunds would be prohibited to ensure that consumers have the ability to take future legal action if necessary.

It is troubling that the Department of the Treasury facilitates refund anticipation loans. In 1995, the use of the DI was suspended because of massive fraud in e-filed returns with RALs. The use of the DI was reinstated in 1999. Use of the Debt Indicator should once again be stopped. The DI is helping tax preparers make excessive profits from low- and moderate-income taxpayers who utilize RALs. The IRS should not aide unscrupulous preparers who take the earned benefit away from low-income families. My bill terminates the DI program. In addition, this bill removes the incentive to meet congressionally mandated electronic filing goals by facilitating the exploitation of taxpayers. My bill would exclude any electronically filed tax returns resulting in tax refunds distributed by refund anticipation loans from being counted towards the goal established by the IRS Restructuring and Reform Act of 1998, which is to have at least 80 percent of all returns filed electronically by 2007.

My bill also expands access to mainstream financial services. Electronic Transfer Accounts (ETA) are low-cost accounts at banks and credit unions intended for recipients of certain federal benefit payments. Currently, ETAs are provided for recipients of other federal benefits such as Social Security payments. My bill expands the eligibility for ETAs to include EITC benefits. These accounts will allow taxpayers to receive direct deposit refunds into an account without the need for a refund anticipation loan. Furthermore, my bill would mandate that low- and moderate-income taxpayers be provided opportunities to open low-cost accounts at federally insured banks or credit unions via appropriate tax forms. Providing taxpayers with the option of opening a bank or credit union account through the use of tax forms provides an alternative to RALs and immediate access to financial opportunities found at banks and credit unions.

I want to thank my colleagues, Senators BINGAMAN and DURBIN for cosponsoring this legislation. I also appreciate the efforts of Representative JAN SCHAKOWSKY who will be reintroducing the companion legislation in the other body. I ask unanimous consent that the text of the Taxpayer Abuse Prevention Act be printed in the RECORD.

I urge my colleagues to support this important legislation that will restrict predatory RALs and expand access to mainstream financial services.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1134

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Taxpayer Abuse Prevention Act".

SEC. 2. PREVENTION OF DIVERSION OF EARNED INCOME TAX CREDIT BENEFITS.

(a) IN GENERAL.—Section 32 of the Internal Revenue Code of 1986 (relating to earned income tax credit) is amended by adding at the end the following new subsection:

"(n) PREVENTION OF DIVERSION OF CREDIT BENEFITS.—The right of any individual to any future payment of the credit under this section shall not be transferable or assignable, at law or in equity, and such right or any moneys paid or payable under this section shall not be subject to any execution, levy, attachment, garnishment, offset, or other legal process except for any outstanding Federal obligation. Any waiver of the protections of this subsection shall be deemed null, void, and of no effect.".

(b) EFFECTIVE DATE.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 3. PROHIBITION ON DEBT COLLECTION OFFSET.

(a) IN GENERAL.—No person shall, directly or indirectly, individually or in conjunction or in cooperation with another person, engage in the collection of an outstanding or delinquent debt for any creditor or assignee by means of soliciting the execution of, processing, receiving, or accepting an application or agreement for a refund anticipation loan or refund anticipation check that contains a provision permitting the creditor to repay, by offset or other means, an outstanding or delinquent debt for that creditor from the proceeds of the debtor's Federal tax refund.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term "refund anticipation loan" means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

(c) EFFECTIVE DATE.—This section shall take effect on the date of the enactment of this Act.

SEC. 4. PROHIBITION OF MANDATORY ARBITRATION.

(a) IN GENERAL.—Any person that provides a loan to a taxpayer that is linked to or in anticipation of a Federal tax refund for the taxpayer may not include mandatory arbitration of disputes as a condition for providing such a loan.

(b) EFFECTIVE DATE.—This section shall apply to loans made after the date of the enactment of this Act.

SEC. 5. TERMINATION OF DEBT INDICATOR PROGRAM.

The Secretary of the Treasury shall terminate the Debt Indicator program announced in Internal Revenue Service Notice 99-58.

SEC. 6. DETERMINATION OF ELECTRONIC FILING GOALS.

(a) IN GENERAL.—Any electronically filed Federal tax returns, that result in Federal tax refunds that are distributed by refund anticipation loans, shall not be taken into account in determining if the goals required under section 2001(a)(2) of the Restructuring and Reform Act of 1998 that the Internal Revenue Service have at least 80 percent of all such returns filed electronically by 2007 are achieved.

(b) REFUND ANTICIPATION LOAN.—For purposes of subsection (a), the term "refund anticipation loan" means a loan of money or of any other thing of value to a taxpayer because of the taxpayer's anticipated receipt of a Federal tax refund.

SEC. 7. EXPANSION OF ELIGIBILITY FOR ELECTRONIC TRANSFER ACCOUNTS.

(a) IN GENERAL.—The last sentence of section 3332(j) of title 31, United States Code, is amended by inserting "other than any payment under section 32 of such Code" after "1986".

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to payments made after the date of the enactment of this Act.

SEC. 8. PROGRAM TO ENCOURAGE THE USE OF THE ADVANCE EARNED INCOME TAX CREDIT.

(a) IN GENERAL.—Not later than 6 months after the date of the enactment of this Act, the Secretary of the Treasury shall, after consultation with such private, nonprofit, and governmental entities as the Secretary determines appropriate, develop and implement a program to encourage the greater utilization of the advance earned income tax credit.

(b) REPORTS.—Not later than the date of the implementation of the program described in subsection (a), and annually thereafter, the Secretary of the Treasury shall report to the Committee on Finance of the Senate and the Committee on Ways and Means of the House of Representatives on the elements of such program and progress achieved under such program.

(c) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

SEC. 9. PROGRAM TO LINK TAXPAYERS WITH DIRECT DEPOSIT ACCOUNTS AT FEDERALLY INSURED DEPOSITORY INSTITUTIONS.

(a) ESTABLISHMENT OF PROGRAM.—Not later than 1 year after the date of the enactment of this Act, the Secretary of the Treasury shall enter into cooperative agreements with federally insured depository institutions to provide low- and moderate-income taxpayers with the option of establishing low-cost direct deposit accounts through the use of appropriate tax forms.

(b) FEDERALLY INSURED DEPOSITORY INSTITUTION.—For purposes of this section, the term "federally insured depository institution" means any insured depository institution (as defined in section 3 of the Federal Deposit Insurance Act (12 U.S.C. 1813)) and any insured credit union (as defined in section 101 of the Federal Credit Union Act (12 U.S.C. 1752)).

(c) OPERATION OF PROGRAM.—In providing for the operation of the program described in subsection (a), the Secretary of the Treasury is authorized—

(1) to consult with such private and nonprofit organizations and Federal, State, and local agencies as determined appropriate by the Secretary, and

(2) to promulgate such regulations as necessary to administer such program.

(d) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as are necessary to carry out the program described in this section. Any sums so appropriated shall remain available until expended.

By Mr. SESSIONS:

S. 1135. A bill to amend chapter 1 of title 9, United States Code, to establish fair procedures for arbitration clauses in contracts; to the Committee on the Judiciary.

Mr. SESSIONS. Mr. President, I rise and send to the desk a bill entitled the "Fair Arbitration Act of 2007." This bill continues the legislative process that I started several years ago with the introduction of the "Consumer and Employee Arbitration Bill of Rights" and the "Arbitration Fairness Act of 2002." The purpose of the Fair Arbitration Act of 2007, like my earlier proposals, is to improve the Federal Arbitration Act so that it will remain a cost-effective means of resolving disputes, but will do so in a fair way. The Fair Arbitration Act will provide procedural protections to everyone who enters into a contract with an arbitration clause. This bill ensures that consumers, employees, and small businesses that enter into contracts covered by the Federal Arbitration Act will have their disputes resolved in accordance with fundamental principles of due process, and in a speedy and cost-effective manner.

Congress originally enacted the Federal Arbitration Act in 1925. It has served us well for over three-quarters of a century. Under the Act, if the parties agree to a contract affecting interstate commerce that contains a clause requiring arbitration, the clause will be enforceable in court. In short, the Federal Arbitration Act allows parties to a contract to agree not to take their disputes to court, but to resolve any dispute arising from that contract before a neutral decision-maker, generally selected by a nonprofit arbitration organization, such as the American Arbitration Association or the National Arbitration Forum. The parties can generally present evidence and be represented by counsel. And the decision-makers will apply the relevant State law in resolving the dispute. Arbitration is generally quicker and less expensive than going to court.

In recent years, there have been some cases where the arbitration process has not worked well, but thousands of disputes have been fairly and effectively settled by arbitrators. Such a system is even more important because of skyrocketing legal costs where attorneys require large contingency fees. Accordingly, I have opposed piecemeal legislative changes to the act. Instead, I believe that the Senate should approach the Federal Arbitration Act in a comprehensive manner.

The approach of reforming arbitration rather than abandoning the arbitration process provides a better solution in several respects. Arbitration is one of the most cost-effective means of resolving disputes. Unlike businesses, consumers and employees generally cannot afford a team of lawyers to represent them. And their claims are often not big enough so that a lawyer would take the case on a 25 percent or even a 50 percent contingent fee. In a 1998 article in the Columbia Human Rights Law Review, Lewis Maltby, then the Director of the National Task Force on Civil Liberties in the Workplace of the American Civil Liberties Union and a Director of the American Arbitration Association, explained how court litigation is often just too expensive for most employees:

> Even if the client has clearly been wronged and is virtually certain to prevail in court, the attorney will be forced to turn down the case unless there are substantial damages. A survey of plaintiff employment lawyers found that a prospective plaintiff needed to have a minimum of $60,000 in provable damages not including pain and suffering or other intangible damages before an attorney would take the case.
>
> Even this, however, does not exhaust the financial obstacles an employee must overcome to secure representation. In light of their risk of losing such cases, many plaintiffs' attorneys require a prospective client to pay a retainer, typically about $3,000. Others require clients to pay out-of-pocket expenses of the case as they are incurred. Expenses in employment discrimination cases can be substantial. Donohue and Siegelman found that expenses in Title VII cases are at least $10,000 and can reach as high as $25,000. Finally, some plaintiffs' attorneys now require a consultation fee, generally $200-$300, just to discuss their situation with a potential client.

> The result of these formidable hurdles is that most people with claims against their employer are unable to obtain counsel, and thus never receive justice. Paul Tobias, founder of the National Employment Lawyers' Association, has testified that ninety-five percent of those who seek help from the private bar with an employment matter do not obtain counsel. Howard's survey of plaintiffs' lawyers produced the same result. A Detroit firm reported that only one of eighty-seven employees who came to them seeking representation was accepted as a client.

Without arbitration, consumers and employees are faced with having to pay a lawyer's hourly rate, which may amount to several thousand dollars to litigate a claim in court. If that is what consumers and employees are left with, many will have no choice but to drop their claim. That is not right. It is not fair. Thus, Professor Stephen Ware of the Cumberland Law School stated in a paper published by the CATO Institute that "current [arbitration] law is better for all consumers [than an exemption from the Federal Arbitration Act] except those few who are especially likely to have large liability claims. . . ."

Thus, while some have argued that the Congress should enact exemptions from the Federal Arbitration Act for different classes of contracts from automobile franchise contracts to employment contracts to chicken farmers, such exemptions would not help the overwhelming majority of the people who could not afford a lawyer to litigate in court. This is where arbitration can give consumers and employees a cost-effective forum to assert their claims. Thus, before we make exceptions to the Federal Arbitration Act for special interests with friends in Washington, I think it is our duty to consider how we can improve the system for everyone.

We can improve the arbitration system, but we must take a balanced approach. In such an approach, we must protect the sanctity of legal contracts explicitly protected under Article I, Section 10 of the U.S. Constitution. In any contract, the parties must agree to all the terms and clauses included in the contract document. This includes the arbitration clause. This is basic contract law, and the basic premise of the Federal Arbitration Act for over 75 years.

Unfortunately, however, in certain situations consumers, employees, and small businesses have not been treated fairly. That is what the Fair Arbitration Act is designed to correct.

The bill will maintain the cost savings of binding arbitration, but will grant several specific "due process" rights to all parties to an arbitration proceeding. The bill is modeled after consumer and employee due process protocols of the American Arbitration Association, which have broad support. The bill provides the following rights:

1. Notice. Under the bill, to be enforceable, an arbitration clause would have to have a heading in large, bold print, would have to state whether arbitration is binding or optional, identify a source that the parties may contact for more information, and state that a consumer could opt out to small claims court.

This will ensure, for example, that consumers who receive credit card notices in the mail will not miss an arbitration clause because it is lost in the "fine print." Further, it would give all parties a means to obtain more information on how to resolve any disputes. Finally, the clause would explain that if a party's claims could otherwise be brought in small claims court, the party would be free to do so. Small claims court, unlike regular trial court, provides another inexpensive and quick means of dispute resolution.

2. Independent selection of arbitrators. The bill grants all parties the right to have potential arbitrators disclose relevant information concerning their business ties and employment. All parties to the arbitration will have an equal voice in selecting a neutral arbitrator. This ensures that the large company who sold a consumer a product will not select the arbitrator itself, because the consumer with a grievance will have the right to nominate potential arbitrators, too. As a result, the final arbitrator selected will have to have the explicit approval of both parties to the dispute. This helps ensure that the arbitrator will be a neutral party with no allegiance to either party.

3. Choice of law. The bill grants the non-drafting party, usually the consumer or the employee, the right to have the arbitrator governed by the substantive law that would apply under conflicts of laws principles applicable in the forum in which the non-drafting party resided at the time the contract was entered into. This means that the substantive contract law that would apply in a court where the consumer, employee, or business resides at the time of making the contract will apply in the arbitration. Thus, in a dispute arising from the purchase of a product by an Alabama consumer from an Illinois company, a court would have to determine whether Alabama or Illinois law applied by looking to the language of the contract and to the place where the contract was entered into. The bill ensures that an arbitrator would use the same conflict of laws principles that a court would in determining whether Alabama or Illinois law would govern the arbitration proceedings.

4. Representation. The bill grants all parties the right to be represented by counsel at their own expense. Thus, if the claim involves complicated legal issues, consumers, employees, or small businesses would be free to have their lawyer represent him in the arbitration. Such representation should be substantially less expensive than a trial in court because of the more abbreviated and expedited process of arbitration.

5. Hearing. The bill grants all parties the right to a fair hearing in a forum that is reasonably convenient to the consumer or employee. This would prevent a large company from requiring consumers, employees, or small business owners to travel across the country to arbitrate their claim and to expend more in travel costs than their claim is potentially worth.

6. Evidence. The bill grants all parties the right to conduct discovery and to present evidence. This ensures that the arbitrator can have all the facts before making a decision.

7. Cross examination. The bill grants all parties the right to cross examine witnesses presented by the other party at the hearing. This allows a party to test the statements of the other party's witnesses and be sure that the evidence before the arbitrator is correct.

8. Record. The bill grants all parties the right to hire a stenographer or tape record the hearing to produce a record. This right is key to proving later whether the arbitration proceeding was fair.

9. Timely resolution. The bill grants all parties the right to have an arbitration proceeding completed promptly so that they do not have to wait for a year or more to have their claim resolved. Under the bill, a defendant must file an answer not more than 30 days of the filing of the complaint. The arbitrator has 90 days after the answer to hold a hearing. The arbitrator must render a final decision within 30 days after the hearing. Extensions are available in extraordinary circumstances.

10. Written decision. The bill grants all parties the right to a written decision by the arbitrator explaining the resolution of the case and his reasons therefor. If the consumer or employee takes a claim to arbitration, he deserves to have an explanation of why he won or lost.

11. Expenses. The bill grants all parties the right to have an arbitrator provide for reimbursement of arbitration fees in the interests of justice and the reduction, deferral, or waiver of arbitration fees in cases of extreme hardship. It does little good to take a claim to arbitration if the consumer or employee cannot even afford the arbitration fee. This provision ensures that the arbitrator can waive or reduce the fee or make the company reimburse the consumer or employee for a fee if the interests of justice so require.

12. Small claims opt-out. The bill grants all parties the right to opt out of arbitration into small claims court if that court has jurisdiction over the claim and the claim does not exceed $50,000.

The bill also provides an effective mechanism for parties to enforce these rights. At any time, if a consumer or employee believes that another party violated his or her rights, the consumer or employee can request and the arbitrator may award a penalty up to the amount of the claim plus attorneys fees. For example, if a defendant party failed to provide discovery to a plaintiff party, the plaintiff could move for an award of fees. The amount of the fee award is limited, as it is in court, to the amount of cost incurred by the employee in trying to obtain the information from the company. This principle is taken from Rule 37 of the Federal Rules of Civil Procedure. After the decision, if the losing party believes that the rights granted to him by the Act have been violated, it may file a petition with the Federal district court. If the court finds by clear and convincing evidence that the losing party's rights were violated, it may order a new arbitrator appointed. Thus, if a consumer, employee, or small business has an arbitrator that is unfair and this causes him to lose the case, the plaintiff can obtain another arbitrator.

This bill is an important step to continuing a constructive dialog on arbitration. This bill will ensure that those who can least afford to go to court can go to a less expensive arbitrator and be treated fairly. It will ensure that every arbitration carried out under the Federal Arbitration Act is completed fairly, promptly, and economically. I look forward to working with my colleagues in the Senate to ensure that consumers, employees, and small businesses who agree in a contract to arbitrate their claims will be treated fairly under the Federal Arbitration Act.

I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1135

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Fair Arbitration Act of 2007".

SEC. 2. ELECTION OF ARBITRATION.

(a) IN GENERAL.—Chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"§ 17. Election of arbitration

"(a) FAIR DISCLOSURE.—In order to be binding on the parties, a contract containing an arbitration clause shall—

"(1) have a printed heading in bold, capital letters entitled '**ARBITRATION CLAUSE**', which heading shall be printed in letters not smaller than ½ inch in height;

"(2) explicitly state whether participation within the arbitration program is mandatory or optional;

"(3) identify a source that a consumer or employee can contact for additional information regarding—

"(A) costs and fees of the arbitration program; and

"(B) all forms and procedures necessary for effective participation in the arbitration program; and

"(4) provide notice that all parties retain the right to resolve a dispute in a small claims court, as provided in subsection (b)(12).

"(b) PROCEDURAL RIGHTS.—

"(1) IN GENERAL.—If a contract provides for the use of arbitration to resolve a dispute arising out of or relating to the contract, each party to the contract shall be afforded the rights described in this subsection, in addition to any rights provided by the contract.

"(2) COMPETENCE AND NEUTRALITY OF ARBITRATOR AND ADMINISTRATIVE PROCESS.—

"(A) IN GENERAL.—Each party to the dispute (referred to in this section as a 'party') shall be entitled to a competent, neutral arbitrator and an independent, neutral administration of the dispute.

"(B) ARBITRATOR.—Each party shall have an vote in the selection of the arbitrator, who—

"(i) unless otherwise agreed by the parties, shall be a member in good standing of the bar of the highest court of the State in which the hearing is to be held;

"(ii) shall comply with the Code of Ethics for Arbitrators in Commercial Disputes of the American Bar Association and the American Arbitration Association and any applicable code of ethics of any bar of which the arbitrator is a member;

"(iii) shall have no—

"(I) personal or financial interest in the results of the proceedings in which the arbitrator is appointed; or

"(II) relation to the underlying dispute or to the parties or their counsel that may create an appearance of bias; and

"(iv) prior to accepting appointment, shall disclose all information that might be relevant to neutrality (including service as an arbitrator or mediator in any past or pending case involving any of the parties or their representatives) or that may prevent a prompt hearing.

"(C) ADMINISTRATION.—The arbitration shall be administered by an independent, neutral alternative dispute resolution organization to ensure fairness and neutrality and prevent ex parte communication between parties and the arbitrator. The arbitrator shall have reasonable discretion to conduct the proceeding in consideration of the specific type of industry involved.

"(3) APPLICABLE LAW.—In resolving a dispute, the arbitrator—

"(A) shall be governed by the same substantive law that would apply under conflict of laws principles applicable in a court of the State in which the party that is not drafter of the contract resided at the time the contract was entered into; and

"(B) shall be empowered to grant whatever relief would be available in court under law or equity.

"(4) REPRESENTATION.—Each party shall have the right to be represented by an attorney, or other representative as permitted by State law, at their own expense.

"(5) HEARING.—

"(A) IN GENERAL.—Each party shall be entitled to a fair arbitration hearing (referred to in this section as a 'hearing') with adequate notice and an opportunity to be heard.

"(B) ELECTRONIC OR TELEPHONIC MEANS.—Subject to subparagraph (C), in order to reduce cost, the arbitrator may hold a hearing by electronic or telephonic means or by a submission of documents.

"(C) FACE-TO-FACE MEETING.—Each party shall have the right to require a face-to-face hearing, which hearing shall be held at a location that is reasonably convenient for the party who did not draft the contract unless in the interest of fairness the arbitrator determines otherwise, in which case the arbitrator shall use the process described in section 1391 of title 28, to determine the venue for the hearing.

"(6) EVIDENCE.—With respect to any hearing—

"(A) each party shall have the right to present evidence at the hearing and, for this purpose, each party shall grant access to all information reasonably relevant to the dispute to the other parties, subject to any applicable privilege or other limitation on discovery under applicable State law;

"(B) consistent with the expedited nature of arbitration, relevant and necessary prehearing depositions shall be available to each party at the direction of the arbitrator; and

"(C) the arbitrator shall—

"(i) make reasonable efforts to maintain the privacy of the hearing to the extent permitted by applicable State law; and

"(ii) consider appropriate claims of privilege and confidentiality in addressing evidentiary issues.

"(7) CROSS EXAMINATION.—Each party shall have the right to cross examine witnesses presented by the other parties at a hearing.

"(8) RECORD OF PROCEEDING.—Any party seeking a stenographic record of a hearing shall make arrangements directly with a stenographer and shall notify the other parties of these arrangements not less than 3 days before the date of the hearing. The requesting party shall pay the costs of obtaining the record. If the transcript is agreed by the parties, or determined by the arbitrator to be the official record of the proceeding, it shall be provided to the arbitrator and made available to the other parties for inspection, at a date, time, and place determined by the arbitrator.

"(9) TIMELY RESOLUTION.—

"(A) IN GENERAL.—Upon submission of a complaint by the claimant, the respondent shall have not more than 30 days to file an answer.

"(B) EVIDENCE.—After the answer is filed by the respondent, the arbitrator shall direct each party to file documents and to provide evidence in a timely manner so that the hearing may be held not later than 90 days after the date of the filing of the answer.

"(C) EXTENSIONS.—In extraordinary circumstances (including multiparty, multidistrict, or complex litigation) the arbitrator may grant a limited extension of the time limits under this paragraph, or the parties may agree to such an extension.

"(D) DECISION.—The arbitrator shall notify each party of its decision not later than 30 days after the hearing.

"(10) WRITTEN DECISION.—The arbitrator shall provide each party with a written explanation of the factual and legal basis for the decision. This written decision shall describe the application of an identified contract term, statute, or legal precedent. The decision of the arbitrator shall be subject to review only as provided in subsection (c)(2) of this section and sections 10, 11, and 16 of this title.

"(11) EXPENSES.—The arbitrator or independent arbitration administration organization, as applicable, shall have the authority to—

"(A) provide for reimbursement of arbitration fees to the claimant, in whole or in part, as part of the remedy in accordance with applicable law or in the interests of justice; and

"(B) waive, defer, or reduce any fee or charge due from the claimant in the event of extreme hardship.

"(12) SMALL CLAIMS OPT OUT.—

"(A) IN GENERAL.—Each party shall have the right to opt out of binding arbitration and to proceed in any small claims court with jurisdiction over the claim. For purposes of this paragraph, no court with jurisdiction to hear claims in excess of $50,000 shall be considered a small claims court.

"(B) EXCEPTION.—If a complaint in small claims court is amended to exceed the lesser of the jurisdictional amount of that court or a claim for $50,000 in total damages, the small claims court exemption of this paragraph shall not apply and the parties shall proceed by arbitration.

"(c) DENIAL OF RIGHTS.—

"(1) DENIAL OF RIGHTS BY PARTY MISCONDUCT.—

"(A) IN GENERAL.—At any time during an arbitration proceeding, any party may file a motion with the arbitrator asserting that another party has deprived the movant of a right granted by this section and seeking relief.

"(B) AWARD BY ARBITRATOR.—If the arbitrator determines that the movant has been deprived of a right granted by this section by another party, the arbitrator shall award the movant a monetary amount, which shall not exceed the reasonable expenses incurred by the movant in filing the motion, including attorneys' fees, unless the arbitrator finds that—

"(i) the motion was filed without the movant first making a good faith effort to obtain discovery or the realization of another right granted by this section;

"(ii) the opposing party's nondisclosure, failure to respond, response, or objection was substantially justified; or

"(iii) the circumstances otherwise make an award of expenses unjust.

"(2) DENIAL OF RIGHTS BY ARBITRATOR.—

"(A) IN GENERAL.—A losing party in an arbitration proceeding may file a petition in the United States district court in the State in which the party that did not draft the contract resided at the time the contract was entered into to assert that the arbitrator violated a right granted to the party by this section and to seek relief.

"(B) REVIEW.—A United States district court may grant a petition filed under subparagraph (A) if the court finds clear and convincing evidence that an action or omission of the arbitrator resulted in a deprivation of a right of the petitioner under this section that was not harmless. If such a finding is made, the court shall order a rehearing before a new arbitrator selected in the same manner as the original arbitrator as the exclusive judicial remedy provided by this section.

"(d) LIMITATION ON CLAIMS.—Except as otherwise expressly provided in this section, nothing in this section may be construed to be the basis for any claim in law or equity.

"(e) DEFINITIONS.—In this section—

"(1) the term 'contract' means a contract evidencing a transaction involving commerce; and

"(2) the term 'State' includes the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Commonwealth of the Northern Mariana Islands, and the Virgin Islands.".

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections at the beginning of chapter 1 of title 9, United States Code, is amended by adding at the end the following:

"17. Election of arbitration.".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to any contract (as that term is defined in section 17 of title 9, United States Code, as added by this Act) entered into after the date that is 6 months after the date of enactment of this Act.

By Mr. MENENDEZ (for himself, Mr. BAUCUS, and Ms. CANTWELL):

S. 1137. A bill authorize grants to carry out projects to provide education on preventing teen pregnancies, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

Mr. MENENDEZ. Mr. President, today I am introducing the Teen Pregnancy Prevention Responsibility and Opportunity Act, legislation that creates a comprehensive approach to fighting teen pregnancy and giving young people the support they need to make informed decisions.

The results of a 1997 congressionally-ordered study were released this month. The 6-year study found that youth who participate in abstinence education programs are no more or less likely to engage in sex than those who do not participate in abstinence education programs. Both groups are reported to have similar numbers of sexual partners, and to have sex for the first time at about the same age; around 15 years old. This proves that abstinence-only education isn't working.

But rather than invest in proven programs, the Bush administration continues to insist on a narrow-minded, misguided approach of abstinence-only education. As this study demonstrates, abstinence-only just doesn't cut it. The United States continues to have the highest teen-pregnancy rate and teen birth rate in the western industrialized world. In a human context, this impacts one-third of all teenage girls. In a fiscal context, these unintended pregnancies cost the United States at least $9 billion annually despite Federal appropriations of about $176 million a year towards promoting abstinence until marriage.

American taxpayers deserve a better rate of return on their investment. American youth deserve quality education, positive role models, effective after school programs, employment opportunities, and medically and scientifically accurate family life education. The time is now for a new direction in sex education.

Adolescents need to know we care. They need to know we care as parents, as educators, as business people, as politicians, and as healthcare providers. They need to know we want them to become successful contributing members of society, but for that to happen we must commit to and invest in them. We need to be opening doors for these young people, and that is just what my Teen Pregnancy Prevention, Responsibility and Opportunity Act will do.

The Teen Pregnancy Prevention, Responsibility and Opportunity Act will establish a comprehensive program for reducing adolescent pregnancy through education and information programs, as well as positive activities and role models both in school and out of school.

While we have done a good job of progressively decreasing teen pregnancy, we can do better. With the sons of teen mothers more likely to end up in prison, and the daughters of teen mothers more likely to end up teen mothers themselves, we must act now to break this problematic cycle.

The time is now to make a real difference in the lives of our youth, and to give them the support they need to grow and lead positive lives.

Our schools, community and faith-based organizations need access to funds to teach age-appropriate, factually and medically accurate, and scientifically-based family life education.

We need programs that encourage teens to delay sexual activity.

We need to provide services and interventions for sexually active teens.

We need to educate both young men and women about the responsibilities and pressures that come along with parenting.

We need to help parents communicate with teens about sexuality.

We need to teach young people responsible decision-making.

And, we need to fund after school programs that will enrich their education, and offer character and counseling services.

We know that after school programs reduce risky adolescent behavior by involving teens in positive activities that also provide positive life skills. Teenage girls who play sports, for instance, are more likely to wait to become sexually active, and to have fewer partners. They are consequently less likely to become pregnant.

Let us join together to recommit ourselves to continuing to decrease the incidence of teen pregnancy, and recommit ourselves to offering family life education and positive after school programs that will foster responsible young adults.

The time is now to invest in our teens. We cannot afford to let doors close on them. Instead we must continue to open the door of opportunity. I urge my colleagues to join me in supporting this important legislation.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 150—EXPRESSING THE SENSE OF THE SENATE THAT PUBLIC SERVANTS SHOULD BE COMMENDED FOR THEIR DEDICATION AND CONTINUED SERVICE TO THE NATION DURING PUBLIC SERVICE RECOGNITION WEEK, MAY 7 THROUGH 13, 2007

Mr. AKAKA (for himself, Mr. VOINOVICH, Mr. LIEBERMAN, Ms. COLLINS, Mr. LEVIN, Mr. STEVENS, Mr. CARPER, Mr. WARNER, and Mr. LAUTENBERG) submitted the following resolution; which was referred to the Committee on Homeland Security and Governmental Affairs:

S. RES. 150

Whereas Public Service Recognition Week provides an opportunity to recognize the important contributions of public servants and honor the diverse men and women who meet the needs of the Nation through work at all levels of government;

Whereas millions of individuals work in government service in every city, county, and State across America and in hundreds of cities abroad;

Whereas public service is a noble calling involving a variety of challenging and rewarding professions;

Whereas Federal, State, and local governments are responsive, innovative, and effective because of the outstanding work of public servants;

Whereas the United States of America is a great and prosperous Nation, and public service employees contribute significantly to that greatness and prosperity;

Whereas the Nation benefits daily from the knowledge and skills of these highly trained individuals;

Whereas public servants—

(1) provide vital strategic support functions to our military and serve in the National Guard and Reserves;

(2) fight crime and fire;

(3) ensure equal access to secure, efficient, and affordable mail service;

(4) deliver social security and medicare benefits;

(5) fight disease and promote better health;

(6) protect the environment and the Nation's parks;

(7) enforce laws guaranteeing equal employment opportunities and healthy working conditions;

(8) defend and secure critical infrastructure;

(9) help the Nation recover from natural disasters and terrorist attacks;

(10) teach and work in our schools and libraries;

(11) develop new technologies and explore the earth, moon, and space to help improve our understanding of how our world changes;

(12) improve and secure our transportation systems;

(13) keep the Nation's economy stable; and

(14) defend our freedom and advance United States interests around the world;

Whereas members of the uniformed services and civilian employees at all levels of government make significant contributions to the general welfare of the United States, and are on the front lines in the fight against terrorism and in maintaining homeland security;

Whereas public servants work in a professional manner to build relationships with other countries and cultures in order to better represent America's interests and promote American ideals;

Whereas public servants alert Congress and the public to government waste, fraud, abuse, and dangers to public health;

Whereas the men and women serving in the Armed Forces of the United States, as well as those skilled trade and craft Federal employees who provide support to their efforts, are committed to doing their jobs regardless of the circumstances, and contribute greatly to the security of the Nation and the world;

Whereas public servants have bravely fought in armed conflict in defense of this Nation and its ideals and deserve the care and benefits they have earned through their honorable service;

Whereas government workers have much to offer, as demonstrated by their expertise and innovative ideas, and serve as examples by passing on institutional knowledge to train the next generation of public servants;

Whereas May 7 through 13, 2007, has been designated Public Service Recognition Week to honor America's Federal, State, and local government employees; and

Whereas Public Service Recognition Week is celebrating its 23rd anniversary through job fairs, student activities, and agency exhibits: Now, therefore, be it

Resolved, That the Senate—

(1) commends public servants for their outstanding contributions to this great Nation during Public Service Recognition Week and throughout the year;

(2) salutes their unyielding dedication and spirit for public service;

(3) honors those government employees who have given their lives in service to their country;

(4) calls upon a new generation to consider a career in public service as an honorable profession; and

(5) encourages efforts to promote public service careers at all levels of government.

Mr. AKAKA. Mr. President, today I rise to submit a resolution to honor Federal, State, and local government employees during Public Service Recognition Week. I am proud to be joined in this effort by Senators VOINOVICH, LIEBERMAN, COLLINS, LEVIN, STEVENS, CARPER, WARNER, and LAUTENBERG and by Representative DANNY DAVIS, chairman of the House Federal Workforce Subcommittee, who is submitting this resolution in the House.

We all recognize the important work performed by public servants and the impact they have on all of our lives. Over hundreds of years, our country has grown and prospered due in large part to the dedication of public servants at all levels of government. Each day public servants, in small and large ways, work to maintain, and in many cases enhance, the quality of our lives.

Whether they are saving lives as firefighters, police officers, or members of the Coast Guard; preserving our environment by patrolling parks, discovering new ways to live "green," or working at wastewater treatment plants; working to improve government services by eliminating waste, fraud, and abuse; or working to keep our Nation safe as members of our armed forces or as diplomats, public servants perform duties with excellence and professionalism that Americans rely on every day.

Public Service Recognition Week is a great occasion to draw attention to and underscore the valuable contributions of those who dedicate themselves to public service. For more than 20 years, the Nation has participated in a week-long celebration to highlight their achievements. This year, the 23rd annual Public Service Recognition Week will take place May 7–13, 2007. State and Federal agencies across the Nation plan to host activities to honor their achievements and improve public understanding of their contributions.

As the Federal Government is facing what the Office of Personnel Management calls a retirement tsunami, Public Service Recognition Week also provides an opportunity for the Federal Government to showcase the rewarding and challenging careers in the public sector and inspire a new generation of public servants. Working for the public good is a high and noble calling, and this annual celebration is the perfect opportunity for Federal agencies to recruit new employees.

I want to thank all public employees for the work they do day after day to make government effective, and I urge my colleagues and all Americans to join in Federal, State, and local celebrations and recognize the outstanding contributions made by public servants to our daily lives. I ask my colleagues for their support for this resolution.

SENATE RESOLUTION 151—COMMENDING THE UNIVERSITY OF WYOMING COWGIRLS FOR THEIR CHAMPIONSHIP VICTORY IN THE WOMEN'S NATIONAL INVITATION TOURNAMENT

Mr. ENZI (for himself and Mr. THOMAS) submitted the following resolution; which was considered and agreed to:

S. RES. 151

Whereas, on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72–56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas their victory was witnessed by a record crowd at the University of Wyoming Arena-Auditorium;

Whereas the outstanding play of forward Hanna Zavecz earned her the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas the University of Wyoming Cowgirls Head Coach Joe Legerski led the Cowgirls basketball team to its most successful season in school history; and

Whereas the University of Wyoming students and faculty are dedicated to academic and athletic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Wyoming Cowgirls for their victory in the championship basketball game of the Women's National Invitation Tournament; and

(2) requests the Secretary of the Senate to transmit a copy of this resolution to the University of Wyoming Cowgirls basketball team Head Coach Joe Legerski and to the University of Wyoming President Thomas Buchanan for appropriate display.

SENATE RESOLUTION 152—HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BUNNING (for himself, Mr. PRYOR, Mr. MCCONNELL, Mr. KERRY, Mr. OBAMA, and Mr. CARDIN) submitted the following resolution; which was considered and agreed to:

S. RES. 152

Whereas Jackie Robinson was the first athlete in the history of the University of California at Los Angeles to letter in 4 sports in 1 year;

Whereas on April 15, 1947, Jackie Robinson became the first African-American to play for a major league baseball team;

Whereas Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to 6 National League pennants in 10 years and a World Series championship;

Whereas Jackie Robinson's inspiring career earned him recognition as the first African-American to win a batting title, to lead the league in stolen bases, to play in an All-Star game, to play in the World Series, and to win a Most Valuable Player award;

Whereas Jackie Robinson was elected to the Baseball Hall of Fame in 1962, the first African-American to receive such an honor;

Whereas in March of 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom;

Whereas on October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow;

Whereas Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor;

Whereas his legacy continues through the Jackie Robinson Foundation that has provided over $14,500,000 in scholarships to students in need;

Whereas Jackie Robinson's courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles;

Whereas Jackie Robinson, in his career, demonstrated that how you play the game is more important than the final score;

Whereas Jackie Robinson's legacy helps make the American dream more accessible to all;

Whereas April 15, 2007, marks the 60th anniversary of Jackie Robinson's first game in Major League Baseball; and

Whereas on April 15, 2007, over 200 players, managers, and coaches wore Jackie Robinson's number, 42, which was retired throughout Major League Baseball in 1997, to honor his achievements: Now, therefore, be it

Resolved, That the achievements and contributions of Jackie Robinson be honored and celebrated; that his dedication and sacrifice be recognized; and that his contributions to the Nation be remembered.

SENATE RESOLUTION 153—MAKING TEMPORARY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. REID submitted the following resolution; which was considered and agreed to:

S. RES. 153

Resolved, That (a) for matters before the Select Committee on Ethics involving the preliminary inquiry arising in connection with alleged communications by persons within the committee's jurisdiction with and concerning David C. Iglesias, then United States Attorney for the District of New Mexico, and subsequent action by the committee with respect to that matter, if any, the Senator from Colorado (Mr. Salazar) shall be replaced by the Senator from Ohio (Mr. Brown).

(b) The membership of the Select Committee on Ethics shall be unchanged with respect to all matters before that committee other than the matter referred to in subsection (a).

AMENDMENTS SUBMITTED AND PROPOSED

SA 885. Mr. DURBIN (for himself, Mr. HAGEL, Mr. BIDEN, Mr. CASEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table.

SA 886. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra; which was ordered to lie on the table.

SA 887. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 885. Mr. DURBIN (for himself, Mr. HAGEL, Mr. BIDEN, Mr. CASEY, and Mr. WHITEHOUSE) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title III, add the following:

SEC. 315. NATIONAL INTELLIGENCE ESTIMATE ON GLOBAL CLIMATE CHANGE.

(a) REQUIREMENT FOR NATIONAL INTELLIGENCE ESTIMATE.—

(1) IN GENERAL.—Except as provided in paragraph (2), not later than 270 days after the date of the enactment of this Act, the Director of National Intelligence shall submit to Congress a National Intelligence Estimate (NIE) on the anticipated geopolitical effects of global climate change and the implications of such effects on the national security of the United States.

(2) NOTICE REGARDING SUBMITTAL.—If the Director of National Intelligence determines that the National Intelligence Estimate required by paragraph (1) cannot be submitted by the date specified in that paragraph, the Director shall notify Congress and provide—

(A) the reasons that the National Intelligence Estimate cannot be submitted by such date; and

(B) an anticipated date for the submittal of the National Intelligence Estimate.

(b) CONTENT.—The Director of National Intelligence shall prepare the National Intelligence Estimate required by this section using the mid-range projections of the fourth assessment report of the Intergovernmental Panel on Climate Change—

(1) to assess the political, social, agricultural, and economic risks during the 30-year period beginning on the date of the enactment of this Act posed by global climate change for countries or regions that are—

(A) of strategic economic or military importance to the United States and at risk of significant impact due to global climate change; or

(B) at significant risk of large-scale humanitarian suffering with cross-border implications as predicted on the basis of the assessments;

(2) to assess other risks posed by global climate change, including increased conflict over resources or between ethnic groups, within countries or transnationally, increased displacement or forced migrations of vulnerable populations due to inundation or other causes, increased food insecurity, and increased risks to human health from infectious disease;

(3) to assess the capabilities of the countries or regions described in subparagraph (A) or (B) of paragraph (1) to respond to adverse impacts caused by global climate change;

(4) to assess the security implications and opportunities for the United States economy of engaging, or failing to engage successfully, with other leading and emerging major contributors of greenhouse gas emissions in efforts to reduce emissions; and

(5) to make recommendations for further assessments of security consequences of global climate change that would improve national security planning.

(c) COORDINATION.—In preparing the National Intelligence Estimate under this section, the Director of National Intelligence shall consult with representatives of the scientific community, including atmospheric and climate studies, security studies, conflict studies, economic assessments, and environmental security studies, the Secretary of Defense, the Secretary of State, the Administrator of the National Oceanographic and Atmospheric Administration, the Administrator of the National Aeronautics and Space Administration, the Administrator of the Environmental Protection Agency, the Secretary of Energy, and the Secretary of Agriculture, and, if appropriate, multilateral institutions and allies of the United States that have conducted significant research on global climate change.

(d) FORM.—The National Intelligence Estimate required by this section shall be submitted in unclassified form, to the extent consistent with the protection of intelligence sources and methods, and include unclassified key judgments of the National Intelligence Estimate. The National Intelligence Estimate may include a classified annex.

SA 886. Mr. WYDEN (for himself, Mr. BOND, and Mr. ROCKEFELLER) submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title IV, insert the following:

SEC. 426. AVAILABILITY OF THE EXECUTIVE SUMMARY OF THE OFFICE OF INSPECTOR GENERAL REPORT ON CENTRAL INTELLIGENCE AGENCY ACCOUNTABILITY REGARDING FINDINGS AND CONCLUSIONS OF THE REPORT OF THE JOINT INQUIRY INTO INTELLIGENCE COMMUNITY ACTIVITIES BEFORE AND AFTER THE TERRORIST ATTACKS OF SEPTEMBER 11, 2001.

(a) PUBLIC AVAILABILITY.—Not later than 30 days after the date of the enactment of this Act, the Director of the Central Intelligence Agency shall make available to the public an unclassified version of the Executive Summary of the report of the Inspector General of the Central Intelligence Agency entitled Office of Inspector General Report on Central Intelligence Agency Accountability Regarding Findings and Conclusions of the Report of the Joint Inquiry into Intelligence Community Activities Before and After the Terrorist Attacks of September 11, 2001, issued in June 2005, that is declassified to the maximum extent possible, consistent with national security.

(b) REPORT TO CONGRESS.—The Director of the Central Intelligence Agency shall submit to Congress a classified annex to the declassified Executive Summary made available under subsection (a) that explains the reason that any redacted material in the Executive Summary was withheld from the public.

SA 887. Mr. BAYH submitted an amendment intended to be proposed to amendment SA 843 proposed by Mr. ROCKEFELLER (for himself and Mr. BOND) to the bill S. 372, to authorize appropriations for fiscal year 2007 for the intelligence and intelligence-related activities of the United States Government, the Intelligence Community Management Account, and the Central Intelligence Agency Retirement and Disability System, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title V, add the following:

SEC. 509. PROCUREMENT OF PREDATOR AND GLOBAL HAWK UNMANNED AERIAL VEHICLES AND RELATED SYSTEMS.

(a) REPORT REQUIRED.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the actions being taken by the Department of Defense to address shortfalls in the procurement of Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles and associated orbits for military and intelligence mission requirements.

(b) ELEMENTS.—The report required by subsection (a) shall include the following:

(1) A description of any shortages in available Predator Unmanned Aerial Vehicles, Global Hawk Unmanned Aerial Vehicles, and associated orbits to meet requirements of United States military and intelligence forces in the field, including for activities in Iraq, Afghanistan, Colombia, East, South and Southeast Asia.

(2) A description of progress in developing next-generation stealth, medium-altitude unmanned aerial vehicles.

(3) A schedule for addressing such shortages.

(4) An assessment of whether or not the Department of Defense has requested all funds required to keep production lines for such unmanned aerial vehicles running at maximum capacity until such shortages are fully addressed, and, if not, a statement of the reasons why.

(5) A description of the actions required to fully address such shortages.

(6) An assessment of whether such shortages can be eliminated through the opening of additional production lines for Predator Unmanned Aerial Vehicles and Global Hawk Unmanned Aerial Vehicles, as applicable, or a sole-source producer delays the achievement of production and procurement schedules for such vehicles, and if so, recommendations for securing one or more additional producers of such vehicles.

(7) A statement of the anticipated overseas requirements for such unmanned aerial vehicles during the five-year period beginning on the date of the report, including an assessment of the extent to which long-endurance unmanned aerial vehicles, whether armed or for intelligence, surveillance, and reconnaissance purposes, are long-term and growing requirement for the Armed Forces.

(8) A statement as to whether domestic requirements for medium-altitude unmanned aerial vehicles will further delay meeting all overseas military and intelligence requirements.

(c) FORM.—The report required by subsection (a) shall be submitted in unclassified form, but may include a classified annex.

NOTICES OF HEARINGS/MEETINGS

PERMANENT SUBCOMMITTEE ON INVESTIGATIONS

Mr. LEVIN. Mr. President, I would like to announce for the information of the Senate and the public that the Permanent Subcommittee on Investigations of the Committee on Homeland Security and Governmental Affairs will hold a hearing entitled "Transit Benefits: How Some Federal Employees Are Taking Uncle Sam For A Ride." In 2006, the Permanent Subcommittee on Investigations, at Senator COLEMAN's request, initiated an investigation into possible abuses of the Federal Transit Benefit Program. Under this program, the Federal Government provides qualified Federal employees with benefits for use on public transportation systems in order to reduce air pollution and decrease traffic congestion. For instance, employees living in the Washington, D.C. area receive a paper card, called a Metrochek or Metro Smartrip, with a magnetically encoded value that can be used on Metrorail or exchanged for an equivalent value in train or bus tickets. The April 24th Subcommittee hearing will examine whether transit benefits are being misused, program rules are being violated, and agency oversight requires strengthening. Witnesses for the upcoming hearing will include the Government Accountability Office, the Department of Transportation (DOT), the DOT Inspector General, the Department of Defense (DOD), as well as the DOD Inspector General. A final witness list will be available on Friday, April 20, 2007.

The Subcommittee hearing is scheduled for Tuesday, April 24, 2007, at 2:30 p.m. in Room 342 of the Dirksen Senate Office Building. For further information, please contact Elise J. Bean, of the Permanent Subcommittee on Investigations.

COMMITTEE ON ENERGY AND NATURAL RESOURCES—REVISED

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Committee on Energy and Natural Resources.

The hearing will be held on April 23, 2007 at 3 p.m. in room SD–366 of the Dirksen Senate Office Building.

The purpose of the hearing is to receive testimony on S. 1115, a bill to promote the efficient use of oil, natural gas, and electricity, reduce oil consumption, and heighten energy efficiency standards for consumer products and industrial equipment, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510–6150.

SUBCOMMITTEE ON WATER AND POWER

Mr. BINGAMAN. Mr. President, I would like to announce for the information of the Senate and the public that a hearing has been scheduled before the Subcommittee on Water and Power of the Committee on Energy and Natural Resources. The hearing will be held on April 25, 2007, at 2:30 p.m. in room 366 of the Dirksen Senate Office Building in Washington, DC.

The purpose of the hearing is to receive testimony on the following bills: S. 175, to provide for a feasibility study of alternatives to augment the water supplies of the Central Oklahoma Master Conservancy District and cities served by the District; S. 324, to direct the Secretary of the Interior to conduct a study of water resources in the

State of New Mexico; S. 542, to authorize the Secretary of the Interior to conduct feasibility studies to address certain water shortages within the Snake, Boise, and Payette River systems in the State of Idaho, and for other purposes; S. 752, to authorize the Secretary of the Interior to participate in the implementation of the Platte River Recovery Implementation Program for Endangered Species in the Central and Lower Platte River Basin and to modify the Pathfinder Dam and Reservoir; S. 1037, to authorize the Secretary of the Interior to assist in the planning, design, and construction of the Tumalo Irrigation District Water Conservation Project in Deschutes County, Oregon; S. 1116 and H.R. 902, to facilitate the use for irrigation and other purposes of water produced in connection with development of energy resources; and H.R. 235, to allow for the renegotiation of the payment schedule of contracts between the Secretary of the Interior and the Redwood Valley County Water District, and for other purposes.

Because of the limited time available for the hearing, witnesses may testify by invitation only. However, those wishing to submit written testimony for the hearing record should send it to the Committee on Energy and Natural Resources, United States Senate, Washington, DC 20510-6150, or by email to Gina Weinstock@energy.senate.gov.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on Tuesday, April 17, 2007, at 9:30 a.m., in open session to receive testimony on whether the Army and Marine Corps are properly sized, organized, and equipped to respond to the most likely missions over the next two decades while retaining adequate capability to respond to all contingencies along the spectrum of combat.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Committee on Commerce, Science, and Transportation be authorized to hold a hearing during the session of the Senate on Tuesday, April 17, 2007, at 10 a.m., in room 253 of the Russell Senate Office Building. The purpose of this hearing is to examine the role of the Federal Communications Commission in reviewing the XM-Sirius merger, and issues related to the effect of this proposed merger on competition and the public interest.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the Subcommittee on Employment and Workplace Safety be authorized to hold a hearing on domestic violence in the workplace during the session of the Senate on Tuesday, April 17, 2007, at 10 a.m., in SD-628.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON READINESS AND MANAGEMENT SUPPORT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the subcommittee on readiness and management support be authorized to meet, in closed session, during the session of the Senate on Tuesday, April 17, 2007, at 3 p.m., to receive a briefing on the current readiness of U.S. Ground Forces.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON SECURITIES, INSURANCE, AND INVESTMENT

Mr. ROCKEFELLER. Mr. President, I ask unanimous consent that the subcommitte on securities, insurance, and investment be authorized to meet during the session of the Senate on April 17, 2007, at 3 p.m., to conduct a hearing on "subprime mortgage market turmoil: Examining the role of securitization."

The PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. GRASSLEY. Mr. President, I ask unanimous consent that Martin Sobel, a member of my staff, be granted floor privileges during this week's session of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CORNYN. Mr. President, I ask unanimous consent that an intern on my staff, Maggie Haas, be granted the privilege of the floor for the remainder of this week.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATCH. Mr. President, I ask unanimous consent that Dr. Guy Clifton be granted the privilege of the floor for the remainder of the debate on S. 3.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMENDING THE UNIVERSITY OF WYOMING COWGIRLS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 151, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 151) commending the University of Wyoming Cowgirls for their championship victory in the Women's National Invitation Tournament.

There being no objection, the Senate proceeded to consider the resolution.

Mr. ENZI. Mr. President, today I commend the University of Wyoming Cowgirls on winning the 2007 Women's National Invitation Tournament.

On March 31, 2007, the University of Wyoming women's basketball team won this exciting national tournament by defeating the University of Wisconsin team by a score of 72-56. They made it to the final by defeating Kansas State in triple overtime.

This historic win was the first WNIT championship for the Cowgirls and was witnessed by a record crowd of over 15,000 fans at the University of Wyoming Arena-Auditorium.

But as any Cowgirl fan can tell you, this victory was the result of months of hard practice, courageous leadership by the players and coaches, and a commitment to excellence both on the court and in the classroom. The teamwork and discipline demonstrated all year by the Wyoming Cowgirls allowed them to be successful on game day. And we do not have to look far to see examples of this success: This year, the Wyoming Cowgirls won the most games in program history, including thrilling late-game comebacks and overtime wins. Equally as important, however, they earned the respect of women's basketball programs across the Nation.

I am proud to stand here today on the floor of the Senate and congratulate the University of Wyoming Cowgirls on a championship season and recognize the student athletes, coaches, faculty, and fans who were essential in achieving this great victory.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 151) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 151

Whereas, on March 31, 2007, the University of Wyoming Cowgirls defeated the University of Wisconsin Badgers by a score of 72-56 in the championship basketball game of the Women's National Invitation Tournament;

Whereas their victory was witnessed by a record crowd at the University of Wyoming Arena-Auditorium;

Whereas the outstanding play of forward Hanna Zavecz earned her the award of the Women's National Invitation Tournament Most Valuable Player;

Whereas the University of Wyoming Cowgirls Head Coach Joe Legerski led the Cowgirls basketball team to its most successful season in school history; and

Whereas the University of Wyoming students and faculty are dedicated to academic and athletic achievement, and serve as the standard of excellence, scholarship, and sportsmanship for the entire Nation: Now, therefore, be it

Resolved, That the Senate—

(1) commends the University of Wyoming Cowgirls for their victory in the championship basketball game of the Women's National Invitation Tournament; and

(2) requests the Secretary of the Senate to transmit a copy of this resolution to the University of Wyoming Cowgirls basketball team Head Coach Joe Legerski and to the University of Wyoming President Thomas Buchanan for appropriate display.

HONORING THE LIFETIME ACHIEVEMENTS OF JACKIE ROBINSON

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate now proceed to the consideration of S. Res. 152, which was submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 152) honoring the lifetime achievements of Jackie Robinson.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BUNNING. Mr. President, I would like to take a moment to honor the legacy and achievements of Jackie Robinson.

On Sunday, over 200 Major League players, manager, and coaches took to baseball fields across the Nation wearing Jackie Robinson's No. 42, which was retired throughout Major League Baseball in 1997. Sixty years ago, on April 15, 1947, Jackie Robinson became the first African-American to play in a Major League Baseball game.

The first athlete to letter in four sports in 1 year at the University of California at Los Angeles, Jackie Robinson seemed destined to make a name for himself. He began his baseball career in the Negro Leagues, playing shortstop for the Kansas City Monarchs. In 1946, Jackie Robinson played for the Montreal Royals, leading the International League in batting average with a .349 average, and fielding percentage with a .985 percent. He began his major league career at the age of 28 playing first base for the Brooklyn Dodgers—the only position that was open.

That year, he was named Rookie of the Year. In 1948, he was moved to second base and went on to lead the Dodgers to six National League pennants in 10 years and a World Series championship. His inspiring career earned him recognition as the first African-American to win a batting title, lead the league in stolen bases, play in an All-Star game, play in the World Series, win a Most Valuable Player award, and be elected to baseball's Hall of Fame in 1962.

Off the baseball diamond, Jackie Robinson lived a life of achievement through his work in the civil rights movement. In the business world, he actively promoted Black enterprises in New York's Harlem neighborhood.

In March 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom. On October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow. His mission to expand opportunity for others continues today through the Jackie Robinson Foundation that has provided over $14.5 million in scholarships to students who might not otherwise be able to afford college tuition.

Jackie Robinson was a good friend of mine, and it is with great reverence that I introduce, today, a resolution with Senators MARK PRYOR and MITCH MCCONNELL to honor and celebrate his achievements, recognize his sacrifices, and remember his contributions to the Nation. His courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles. We can best honor him by reflecting on the epigraph Robinson wrote for his own tombstone, "The value of a life is measured by its impact on other lives."

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 152) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 152

Whereas Jackie Robinson was the first athlete in the history of the University of California at Los Angeles to letter in 4 sports in 1 year;

Whereas on April 15, 1947, Jackie Robinson became the first African-American to play for a major league baseball team;

Whereas Jackie Robinson, who began his career in the Negro Leagues, was named Rookie of the Year in 1947 and led the Brooklyn Dodgers to 6 National League pennants in 10 years and a World Series championship;

Whereas Jackie Robinson's inspiring career earned him recognition as the first African-American to win a batting title, to lead the league in stolen bases, to play in an All-Star game, to play in the World Series, and to win a Most Valuable Player award;

Whereas Jackie Robinson was elected to the Baseball Hall of Fame in 1962, the first African-American to receive such an honor;

Whereas in March of 1984, President Ronald Reagan posthumously awarded Jackie Robinson the Presidential Medal of Freedom;

Whereas on October 29, 2003, Congress posthumously awarded Jackie Robinson the Congressional Gold Medal, the highest award Congress can bestow;

Whereas Major League Baseball renamed the Rookie of the Year Award the Jackie Robinson Award in his honor;

Whereas his legacy continues through the Jackie Robinson Foundation that has provided over $14,500,000 in scholarships to students in need;

Whereas Jackie Robinson's courage and dignity taught the Nation about the strength of the human spirit when confronted with seemingly immovable obstacles;

Whereas Jackie Robinson, in his career, demonstrated that how you play the game is more important than the final score;

Whereas Jackie Robinson's legacy helps make the American dream more accessible to all;

Whereas April 15, 2007, marks the 60th anniversary of Jackie Robinson's first game in Major League Baseball; and

Whereas on April 15, 2007, over 200 players, managers, and coaches wore Jackie Robinson's number, 42, which was retired throughout Major League Baseball in 1997, to honor his achievements: Now, therefore, be it

Resolved, That the achievements and contributions of Jackie Robinson be honored and celebrated; that his dedication and sacrifice be recognized; and that his contributions to the Nation be remembered.

MAKING TEMPORARY APPOINTMENTS TO THE SELECT COMMITTEE ON ETHICS

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. Res. 153, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 153) making temporary appointments to the Select Committee on Ethics.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, and the motion to reconsider be laid upon the table.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 153) was agreed to, as follows:

S. RES. 153

Resolved, That (a) for matters before the Select Committee on Ethics involving the preliminary inquiry arising in connection with alleged communications by persons within the committee's jurisdiction with and concerning David C. Iglesias, then United States Attorney for the District of New Mexico, and subsequent action by the committee with respect to that matter, if any, the Senator from Colorado (Mr. Salazar) shall be replaced by the Senator from Ohio (Mr. Brown).

(b) The membership of the Select Committee on Ethics shall be unchanged with respect to all matters before that committee other than the matter referred to in subsection (a).

NATIONAL MISSING PERSONS DAY

Mr. BROWN. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 115, S. Res. 112.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The assistant legislative clerk read as follows:

A resolution (S. Res. 112) designating April 6, 2007, as "National Missing Persons Day."

There being no objection, the Senate proceeded to consider the resolution.

Mr. BROWN. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table; that any statements relating thereto be printed in the RECORD.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The resolution (S. Res. 112) was agreed to.

The preamble was agreed to.

The resolution, with its preamble, reads as follows:

S. RES. 112

Whereas each year tens of thousands of people go missing in the United States;

Whereas, on any given day, there are as many as 100,000 active missing persons cases in the United States;

Whereas the Missing Persons File of the National Crime Information Center (NCIC) was implemented in 1975;

Whereas, in 2005, 109,531 persons were reported missing to law enforcement agencies nationwide, of whom 11,868 were between the ages of 18 and 20;

Whereas section 204 of the PROTECT Act, known as Suzanne's Law and passed by Congress on April 10, 2003, modifies section 3701(a) of the Crime Control Act of 1990 (42 U.S.C. 5779(a)), so that agencies must enter records into the NCIC database for all missing persons under the age of 21;

Whereas Kristen's Act (42 U.S.C. 14665), passed in 1999, has established grants for organizations to, among other things, track missing persons and provide informational services to families and the public;

Whereas, according to the NCIC, 48,639 missing persons were located in 2005, an improvement of 4.2 percent from the previous year;

Whereas many persons reported missing may be victims of Alzheimer's disease or other health-related issues, or may be victims of foul play;

Whereas, regardless of age or circumstances, all missing persons have families who need support and guidance to endure the days, months, or years they may spend searching for their missing loved ones; and

Whereas it is important to applaud the committed efforts of families, law enforcement agencies, and concerned citizens who work to locate missing persons and to prevent all forms of victimization: Now, therefore, be it

Resolved, That the Senate—

(1) designates April 6, 2007, as "National Missing Persons Day"; and

(2) encourages the people of the United States to—

(A) observe the day with appropriate programs and activities; and

(B) support worthy initiatives and increased efforts to locate missing persons.

ORDERS FOR WEDNESDAY, APRIL 18, 2007

Mr. BROWN. Mr. President, lastly, I ask unanimous consent that when the Senate completes its business today, it stand adjourned until 8:30 a.m., Wednesday, April 18; that on Wednesday, following the prayer and the pledge, the Journal of proceedings be approved to date, the morning hour be deemed expired and the time for the two leaders reserved for their use later in the day; that there then be a period of morning business for 60 minutes, with Senators permitted to speak therein and with the time equally divided and controlled between the majority and the Republican leaders or their designees; that following the 60 minutes, the Senate resume the motion to proceed to S. 3, the prescription drug bill, and vote on the motion to invoke cloture on the motion to proceed; that prior to the vote on the motion to invoke cloture on the motion to proceed to S. 378, the court security bill, there be 2 minutes of debate equally divided between Senators LEAHY and SPECTER or their designees.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BROWN. Mr. President, if there is no further business and if the Republican leader has nothing further, I now ask unanimous consent that the Senate stand adjourned under the previous order.

There being no objection, the Senate, at 7:25 p.m., adjourned until Wednesday, April 18, 2007, at 8:30 a.m.

HOUSE OF REPRESENTATIVES—*Tuesday, April 17, 2007*

The House met at 10:30 a.m. and was called to order by the Speaker pro tempore (Mr. HOLDEN).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, *April 17, 2007.*

I hereby appoint the Honorable TIM HOLDEN to act as Speaker pro tempore on this day.

NANCY PELOSI,
Speaker of the House of Representatives.

MORNING HOUR DEBATES

The SPEAKER pro tempore. Pursuant to the order of the House of January 4, 2007, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning hour debates. The Chair will alternate recognition between the parties, with each party limited to not to exceed 30 minutes, and each Member, except the majority leader, the minority leader, or the minority whip, limited to not to exceed 5 minutes.

The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

ALTERNATIVE MINIMUM TAX REFORM

Mr. BLUMENAUER. Thank you, Mr. Speaker.

Today, 4 million Americans are paying the price for the misplaced tax priorities of the Bush administration and the Republicans here in Congress. For the last 6 years, their obsession with assisting the top 1/10 of a percent and other favored special interests to reduce their tax burden has riddled the Tax Code with more loopholes, adding about a million and a half more words to that code. At the same time they have considered three mammoth and expensive tax bills in 2001, 2003 and 2004 that refused to address the alternative minimum tax inequity. They have made few modest additions with broad benefit like the 10-percent bracket but showered their real attention, their affection, and huge sums of money on those who need help the least. In the process, the $5.6 trillion surplus inherited by this administration has evaporated, to be replaced by $2 trillion more in additional national debt.

In the meantime, the alternative minimum tax, signed into law by Republican President Richard Nixon to ensure that the richest of Americans, who used tax shelters, pay at least some income tax, has morphed into a tax on millions of Americans who are caught because they pay their State and local taxes and are raising their families but largely leaves the most wealthy untouched.

Without extraordinary action, over the course of the next 3 years the alternative minimum tax will ensnare 32 million families, virtually every two-worker middle-class family with children. It won't bother the hedge fund manager or the NBA superstar but it will tax the teacher married to the firefighter with two kids. Because a tax shelter now means paying your local property and income taxes but does not include the tremendous tax advantage from capital gains, it won't hit the high-tech billionaire but will hit the postal worker and the nurse with three teenage kids at home.

The zeal to make permanent these tax changes has left the needs of tens of millions of Americans at risk. Indeed, the number one priority of the administration and the Republicans in Congress for taxation would not only make a true reform of the alternative minimum tax prohibitively expensive, it would rely on the ever-widening reach of the alternative minimum tax to finance their schemes.

On this day that millions of Americans are filing their tax returns and 4 million are paying the mutated, unfair alternative minimum tax, it is time to have that critical national debate on taxes in honest terms:

Should we tax people who work at jobs more than people whose money works for them?

Do we care about reducing the ability of some very privileged people to escape taxation?

What is our priority for tax reform? Is it to freeze the patchwork of special interest provisions over the last 6 years? Or to prevent 32 million families from an unjust alternative minimum tax, and then paying billions more to accountants just to calculate the damage?

I would hope that this is the last year that this unjust tax is used to provide unnecessary tax benefits for those who need them the least at the expense of those truly in need of tax relief.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 10 o'clock and 35 minutes a.m.), the House stood in recess until noon.

☐ 1200

AFTER RECESS

The recess having expired, the House was called to order at noon.

PRAYER

The Chaplain, the Reverend Daniel P. Coughlin, offered the following prayer:

All powerful God, yet so loving and merciful, be present and attentive to those most in need. A Nation tossed by violent storms and upset by tragic human events surrounds grieving families and young people in schools with its prayers today.

As faith-filled Abraham reveals Your own filial love as he gazed on his son Isaac, so we identify with any parent who groans in mourning over the lifeless body of a child. Bring Your love to bear upon the campus of Virginia Tech and all the families affected by the crackling sound of gunfire and then the unbearable silence that follows. Thrown by the rush of terror and anxiety, may the people of God now reach out to them in their overwhelming moment of helplessness.

You, Lord, through the prophet Isaiah have said You would care for the young: "The Lord, our everlasting God, creator of the whole world, grows neither weary nor faint. Yet no one can fathom God with full understanding. He gives vigor to the weary, new strength to the exhausted. Even if the young and vigorous grow weary and faint, and stumble and fall, those who look to the Lord will receive new life. They will be lifted up on the wings of eagles. They will run and never tire. They will march and never grow weary."

We believe in You and with You, Lord God, they will live in Your presence until we are all reunited, forever and ever.

Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House her approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

☐ This symbol represents the time of day during the House proceedings, e.g., ☐ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

PLEDGE OF ALLEGIANCE

The SPEAKER. Will the gentleman from Arkansas (Mr. ROSS) come forward and lead the House in the Pledge of Allegiance.

Mr. ROSS led the Pledge of Allegiance as follows:

> I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

TAXPAYER PROTECTION ACT

(Mr. WALZ of Minnesota asked and was given permission to address the House for 1 minute.)

Mr. WALZ of Minnesota. Madam Speaker, I rise today in support of H.R. 1677, the Taxpayer Protection Act of 2007.

Every year thousands of taxpayers receive smaller refunds than they are entitled to. Our Tax Code is so inaccessible and complicated that many families do not claim all of the credits they so sorely need. The Taxpayer Protection Act of 2007 will improve communication between taxpayers and the IRS. By encouraging the Internal Revenue Service to reach out to those that may qualify for the earned income tax credit, we will save struggling families many thousands of dollars

Tax preparation is a multibillion-dollar business in America. It is useful to those who can afford it, but no one should be forced to hire an accountant or a preparer just to ensure that they can enjoy the benefits that many of us take for granted. Nor should the industry be able to prey on taxpayers with unfair refund anticipation loans.

This piece of legislation will improve the safeguards against fraud. By increasing reporting requirements on the IRS, the agency will become a vital component in the important fight against identity theft.

As many Americans rush to file their taxes on time this week, we all want to feel secure that the refund we receive is no more or less than we deserve.

TODAY IS TAX DAY

(Mr. KELLER of Florida asked and was given permission to address the House for 1 minute.)

Mr. KELLER of Florida. Mr. Speaker, today is tax day. Millions of Americans will write big fat checks to Uncle Sam. Who is paying the bill? The top 10 percent of households, families with incomes of $100,000 or more, pay 70 percent of all Federal income taxes. Coincidentally, 70 percent of all the new jobs in America are created by small businessmen.

The tax cuts of 2003 have created 7.8 million new jobs and have given us the lowest unemployment rate in four decades. Unfortunately, the Democrat budget proposal contemplates allowing these tax cuts to expire which will give Americans the largest tax increase in history.

Under the Democrat tax increase, small businesses will be hurt and 42 million families with children will see their tax bill go up by an average of $2,100. A married couple with two kids making $60,000 will see their taxes go up by 60 percent.

On tax day let's remember the hardworking families who are paying the bills to Uncle Sam and oppose all new taxes.

STRONG SUPPORT FOR THE TAXPAYER PROTECTION ACT

(Mr. YARMUTH asked and was given permission to address the House for 1 minute.)

Mr. YARMUTH. Mr. Speaker, we are all still numb from yesterday's heartbreaking tragedy in Blacksburg, Virginia. I want to take a moment to extend my thoughts and prayers and those of my constituents in Louisville, Kentucky, to the students and faculty, friends and family at Virginia Tech University. We stand with you today in outrage and mourning, seeking answers and sharing your loss.

I rise today in strong support of the Taxpayer Protection Act. Our tax system is tailor made for accountants and those who can afford to hire them. For those who must tread tax season alone, a dearth of regulation opens these citizens up to Internet scams and identity theft. A lack of easily accessible information ensures that money-saving provisions like the earned income tax credit go unnoticed and unutilized, costing Americans hundreds or even thousands of dollars.

The Taxpayer Protection Act changes that, turning a bureaucracy designed for accountants into a system made for Americans. This bill will ensure that Americans who benefit from the earned income tax credit are those who deserve it, not only those who are shrewd enough to find it.

Over the last 6 years we have seen a tax system that has worked very well for the extremely rich. I urge my colleagues to pass the Taxpayer Protection Act.

CONGRESS NEEDS TO MAKE TAX RELIEF PERMANENT

(Mr. WALBERG asked and was given permission to address the House for 1 minute.)

Mr. WALBERG. Mr. Speaker, over the past few weeks Americans across our country have taken time out of their busy schedules to complete their 1040s, 1099s and W–2s by the April 17 deadline.

They did so in many different ways. Some planned ahead and mailed in their forms well before the deadline, while others are scrambling to finish work on their taxes until late tonight.

Today, taxpayers in south central Michigan are still working to meet their tax obligation for 2007. While tax day may be today, the average Michigander will have to work until April 29 of this year just to pay his or her individual tax bill.

The $400 billion tax increase recently passed by Congress represents the largest tax increase in American history and could lead to a crippling economic recession.

Americans know best how to spend their hard-earned money, and rather than increase the tax burden, Congress needs to make tax relief permanent for hardworking American families.

By putting our fiscal house in order, this Congress can go a long way in restoring the trust of the American people and build a better, brighter future for our country.

EXPRESSING SUPPORT FOR THE TAXPAYER PROTECTION ACT

(Mr. ELLSWORTH asked and was given permission to address the House for 1 minute.)

Mr. ELLSWORTH. Mr. Speaker, I rise today for two reasons. First of all, I want to extend my deepest condolences to the victims of yesterday's tragedy at Virginia Tech. The people of the Eighth District of Indiana will keep them and their families in their thoughts and prayers.

I also rise today in support of the Taxpayer Protection Act. This bipartisan bill empowers middle-class Hoosier families in the fight against identity theft, and I am proud to support it.

Credit cards, on-line banking and shopping on the Internet have become a part of everyday life for many Hoosiers. These tools can make life easier for Hoosier families, but they also make Hoosiers vulnerable to criminals attempting to steal identities. With modern technology, a criminal can steal someone's credit cards, bank account and Social Security number and then proceed to spend thousands of dollars in someone else's name.

In addition to saddling families with thousands of dollars in debt, these crimes can erase years of good credit history, denying consumers the ability to buy a house or lease a car.

The Taxpayer Protection Act takes on this new threat and requires the Federal Government to notify taxpayers of any suspected identity theft. This bill is an important step in providing taxpayers the security of knowing their information is safe, and it will give Hoosiers the power to fight identity theft.

I urge my colleagues to support it.

TAX DAY

(Mr. BRADY of Texas asked and was given permission to address the House for 1 minute.)

Mr. BRADY of Texas. Mr. Speaker, our prayers are with the Virginia Tech families as well.

Paying tax is bad enough, but the time it takes to figure them out, I think, is almost worse. You should not need an accountant to do your taxes or live in fear of making an honest mistake.

For our children's sake, we need to sunset this Tax Code and replace it with something far simpler, like a flat tax or, my choice, a retail sales tax. Can you imagine never having to fill out a tax form again in your life? Can you imagine having the IRS completely and totally out of your life?

Let's not forget we need to keep taxes low. Tax Freedom Day for Texas families is this Thursday. That is the first day since New Year's that Texas families will begin working for themselves, not for the government.

My constituents are worried that the new Democrat budget allows President Bush's tax relief to expire, which would raise taxes $2,700 a year on our families. Washington needs to tighten its belt before it demands that our families tighten theirs.

STOP THE TAX MONSTER

(Mr. PRICE of Georgia asked and was given permission to address the House for 1 minute.)

Mr. PRICE of Georgia. Mr. Speaker, today, Americans will reach deep into their pockets and pay Uncle Sam. Today, they will finish slogging through the maze of Tax Code jargon, crunching numbers and filling out forms. Today, they will once again trust Washington with their money, because today, Mr. Speaker, is just like every other tax day before it.

Mr. Speaker, Americans are fed up with the status quo of today, and they deserve a different tomorrow. They deserve a tomorrow where they won't be taxed from the day they are born until the day they die and at every single point in between.

Americans deserve a tomorrow where saving and investing are virtues, not vices. Americans deserve a tomorrow where taxation brings efficient and responsible government. Americans deserve a tomorrow where doing their part and paying their fair share is enough. And they deserve a tomorrow where government respects their hard work and appreciates their sacrifice.

Only then will tomorrow be any different from today. May we all work positively for that new day.

☐ 1215

THE VIRGINIA TECH TRAGEDY

(Mr. PENCE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PENCE. Mr. Speaker, with the report of rifle fire, America changed on the campus of Virginia Tech yesterday. A prestigious campus nestled in the mountains of Virginia became home to unspeakable acts of evil at the hands of a 23-year-old English major from South Korea.

The Bible tells us to mourn with those who mourn, and to pray for one another that we may be healed. I simply rise, very humbly, on behalf of the good people of eastern Indiana to assure the grieving families and community of Virginia Tech that we in Indiana are mourning with you and praying for you.

May God grant mercy to all those affected by this tragedy and grant wisdom to leaders in law enforcement and higher education as we apply the tragedy of Virginia Tech to protect our children and campuses in the future.

TAX DAY

(Mrs. BLACKBURN asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BLACKBURN. Mr. Speaker, today the tax man cometh, and the tax man taketh away on this very day. The American people circle this on our calendar. We look forward to it with dread because we know that this is the day that the money goes in to feed an inefficient and ineffective, many times, Federal Government.

The current Congress has voted for tax increases at every single turn. They voted for more spending while eliminating tax reductions for middle-class American families. They are getting rid of the deductions that have helped jump start the economy. The simple truth is that liberals want to take more money out of your pocket and put it into the Federal Government.

In my State, my fellow Tennesseans can expect to pay more than $2,600 per year in coming years, thanks to the hold-on-to-your-wallet Congress that is in action today.

My colleagues and I at the Republican Study Committee have recently proposed a taxpayer bill of rights that protects the taxpayer.

It includes:

1. The right to have a Federal Government that does not grow beyond their ability to pay for it.

2. The right to receive back each dollar that they entrust to the Government for their retirement.

3. The right to expect the Government to balance the budget without having their taxes raised.

4. And the right to have a right to a simple, fair tax code that they can understand.

WILBERFORCE

(Mr. PITTS asked and was given permission to address the House for 1 minute.)

Mr. PITTS. Mr. Speaker, throughout this year we will celebrate the work to end one of humanity's worst acts of injustice. It was 200 years ago that William Wilberforce and his friends finally saw success in their attempt to end the British slave trade after 20 years of failed attempts.

To mark the anniversary of this tremendous accomplishment, a number of efforts are under way to inform people about this often forgotten hero of humanity. A wonderful movie about the life of Wilberforce entitled "Amazing Grace" has been released in theaters. Another documentary on his life and efforts, entitled "The Better Hour," is expected to air on public television this fall.

I have introduced a resolution in this body honoring his life and accomplishments. Yesterday, a contest was announced for high school students challenging them to follow Wilberforce's example by pursuing efforts to end modern-day slavery trafficking in men, women and children, which still plagues the world.

All of these events remind us that individuals of character and integrity really can change the world by fighting to end injustice and exploitation. That truth inspired Wilberforce in his day, and it should continue to inspire us today.

THE HATE CRIMES BILL

(Mr. GOHMERT asked and was given permission to address the House for 1 minute.)

Mr. GOHMERT. Mr. Speaker, our thoughts and prayers, I know, from all of us here in the House go out to the families of those harmed and the families of those who were murdered there at Virginia Tech. We do extend our sympathies.

It seems like it would be inappropriate to bring up legislation that we are going to have a hearing on today, hate crimes. The hate crimes bill we take up will say we should protect more those with gender identity issues, with homosexuality issues, things like that, than college students, because the message of the bill is this: the hate crimes legislation says the majority of the Congress says that if you are going to hurt someone, if you are going to shoot them, brutalize them, please, make it a random, senseless act of violence like in Virginia. Don't hate them while you're hurting them.

That is a ridiculous message to send with legislation and I hope we will rethink it.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ROSS). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

WILD SKY WILDERNESS ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 886) to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 886

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Wild Sky Wilderness Act of 2007".

SEC. 2. ADDITIONS TO THE NATIONAL WILDERNESS PRESERVATION SYSTEM.

(a) ADDITIONS.—The following Federal lands in the State of Washington are hereby designated as wilderness and, therefore, as components of the National Wilderness Preservation System: certain lands which comprise approximately 106,000 acres, as generally depicted on a map entitled "Wild Sky Wilderness Proposal" and dated February 6, 2007, which shall be known as the "Wild Sky Wilderness".

(b) MAP AND LEGAL DESCRIPTIONS.—As soon as practicable after the date of enactment of this Act, the Secretary of Agriculture shall file a map and a legal description for the wilderness area designated under this Act with the Committee on Energy and Natural Resources of the Senate and the Committee on Natural Resources of the House of Representatives. The map and description shall have the same force and effect as if included in this Act, except that the Secretary of Agriculture may correct clerical and typographical errors in the legal description and map. The map and legal description shall be on file and available for public inspection in the office of the Chief of the Forest Service, Department of Agriculture.

SEC. 3. ADMINISTRATION PROVISIONS.

(a) IN GENERAL.—

(1) Subject to valid existing rights, lands designated as wilderness by this Act shall be managed by the Secretary of Agriculture in accordance with the Wilderness Act (16 U.S.C. 1131 et seq.) and this Act, except that, with respect to any wilderness areas designated by this Act, any reference in the Wilderness Act to the effective date of the Wilderness Act shall be deemed to be a reference to the date of enactment of this Act.

(2) To fulfill the purposes of this Act and the Wilderness Act and to achieve administrative efficiencies, the Secretary of Agriculture may manage the area designated by this Act as a comprehensive part of the larger complex of adjacent and nearby wilderness areas.

(b) NEW TRAILS.—

(1) The Secretary of Agriculture shall consult with interested parties and shall establish a trail plan for Forest Service lands in order to develop—

(A) a system of hiking and equestrian trails within the wilderness designated by this Act in a manner consistent with the Wilderness Act (16 U.S.C. 1131 et seq.); and

(B) a system of trails adjacent to or to provide access to the wilderness designated by this Act.

(2) Within two years after the date of enactment of this Act, the Secretary of Agriculture shall complete a report on the implementation of the trail plan required under this Act. This report shall include the identification of priority trails for development.

(c) REPEATER SITE.—Within the Wild Sky Wilderness, the Secretary of Agriculture is authorized to use helicopter access to construct and maintain a joint Forest Service and Snohomish County telecommunications repeater site, in compliance with a Forest Service approved communications site plan, for the purposes of improving communications for safety, health, and emergency services.

(d) FLOAT PLANE ACCESS.—As provided by section 4(d)(1) of the Wilderness Act (16 U.S.C. 1133(d)(1)), the use of floatplanes on Lake Isabel, where such use has already become established, shall be permitted to continue subject to such reasonable restrictions as the Secretary of Agriculture determines to be desirable.

(e) EVERGREEN MOUNTAIN LOOKOUT.—The designation under this Act shall not preclude the operation and maintenance of the existing Evergreen Mountain Lookout in the same manner and degree in which the operation and maintenance of such lookout was occurring as of the date of enactment of this Act.

SEC. 4. AUTHORIZATION FOR LAND ACQUISITION.

(a) IN GENERAL.—The Secretary of Agriculture is authorized to acquire lands and interests therein, by purchase, donation, or exchange, and shall give priority consideration to those lands identified as "Priority Acquisition Lands" on the map described in section 2(a). The boundaries of the Mt. Baker-Snoqualmie National Forest and the Wild Sky Wilderness shall be adjusted to encompass any lands acquired pursuant to this section.

(b) ACCESS.—Consistent with section 5(a) of the Wilderness Act (16 U.S.C. 1134(a)), the Secretary of Agriculture shall ensure adequate access to private inholdings within the Wild Sky Wilderness.

(c) APPRAISAL.—Valuation of private lands shall be determined without reference to any restrictions on access or use which arise out of designation as a wilderness area as a result of this Act.

SEC. 5. LAND EXCHANGES.

The Secretary of Agriculture shall exchange lands and interests in lands, as generally depicted on a map entitled "Chelan County Public Utility District Exchange" and dated May 22, 2002, with the Chelan County Public Utility District in accordance with the following provisions:

(1) If the Chelan County Public Utility District, within ninety days after the date of enactment of this Act, offers to the Secretary of Agriculture approximately 371.8 acres within the Mt. Baker-Snoqualmie National Forest in the State of Washington, the Secretary shall accept such lands.

(2) Upon acceptance of title by the Secretary of Agriculture to such lands and interests therein, the Secretary of Agriculture shall convey to the Chelan County Public Utility District a permanent easement, including helicopter access, consistent with such levels as used as of date of enactment, to maintain an existing telemetry site to monitor snow pack on 1.82 acres on the Wenatchee National Forest in the State of Washington.

(3) The exchange directed by this Act shall be consummated if Chelan County Public Utility District conveys title acceptable to the Secretary and provided there is no hazardous material on the site, which is objectionable to the Secretary.

(4) In the event Chelan County Public Utility District determines there is no longer a need to maintain a telemetry site to monitor the snow pack for calculating expected runoff into the Lake Chelan hydroelectric project and the hydroelectric projects in the Columbia River Basin, the Secretary shall be notified in writing and the easement shall be extinguished and all rights conveyed by this exchange shall revert to the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, H.R. 886, introduced by the gentleman from Washington State, Representative RICK LARSEN, would designate a 106,000-acre wilderness on national forest lands in the State of Washington. The proposed wilderness, to be known as the Wild Sky Wilderness, has probably been more studied and reviewed than any recent wilderness considered by the Natural Resources Committee.

This is not a new matter. Nearly identical legislation was approved by the committee in the 107th Congress. This message was subject to a hearing in 2004, at which time the administration testified they do not object to its passage.

Further, similar legislation has passed the Senate in each of the last three Congresses. The proposed wilderness includes significant low-level elevation wilderness that is home to important fish and wildlife populations. This new wilderness would link with previously designated wilderness in the national forest and would be within a few hours' distance from half of the population of Washington State.

The Wild Sky Wilderness has significant State and local support in Washington. State officials, local elected officials, businesses, and church groups have all gone on record supporting the wilderness designation.

Mr. Speaker, the time has come to designate this wilderness. I would like to commend my colleague, Representative LARSEN, and other Members of the

Washington delegation for their perseverance in seeking a wilderness designation for this magnificent area.

We support passage of H.R. 886 and urge its adoption today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I would like to begin by complimenting Representative LARSEN for the hard work he has put into this legislation and for proposing wilderness only in his district. This would seem to be a basic sensible courtesy, but seems to be lost on some of his fellow Democrats.

With that said, the minority is opposed to this bill. During the markup in the Natural Resources Committee, the minority pledged its willingness to work with the majority, but this offer must have fallen upon deaf ears. In the future, we hope the majority can at least contact us after we make such a gesture.

Much of the area that would be designated by this bill does not qualify as wilderness. The 1964 Wilderness Act states explicitly that wilderness areas should be primitive and untrammeled by man. Yet the Wild Sky Wilderness Act includes several roads, a bridge, numerous culverts, and other manmade developments.

The proposal also includes areas with mining patents and lands identified by the Forest Service for timber harvest. Moreover, according to the Forest Service, road corridors within the wilderness are too narrow to ensure proper road maintenance and safe passage by travelers. Without sufficient corridors, landslides or other natural disturbances could permanently block or destroy the road.

Restrictions associated with the wilderness areas prohibit the use of mechanized or motorized activities, which would surely be needed to prepare a road. It is disingenuous for the majority to tout the public's ability to visit the Wild Sky area without protecting one of the main roads that would allow access to the Wild Sky area.

We are willing to work with the majority and have indicated our willingness to do so. In the future we hope that the majority would work with us.

Wilderness areas affect local communities, are permanent, and many times have ramifications or unintended consequences. We ask the majority to take these bills seriously and study them in good faith before hurriedly passing them on to the House floor.

Mr. Speaker, I have no additional speakers, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield 5 minutes to my colleague, the sponsor of this legislation before us today, the gentleman from Washington (Mr. LARSEN).

Mr. LARSEN of Washington. Mr. Speaker, I rise today in support of creating the first wilderness area for Washington State in over 20 years. The Wild Sky Wilderness will be unique, protecting 106,000 acres of the most pristine forests and streams in my district, while providing a clean and accessible place to hike, hunt, and fish.

The Wild Sky Wilderness Act has been carefully crafted, and it reflects years of community input. It will protect the peaks, forests and lakes of the Mount Baker-Snoqualmie National Forest, as well as thousands of acres of lower-elevation forest and salmon-bearing streams. Wild Sky will protect more lower-elevation acres than any other wilderness area in Washington State, bringing wilderness closer to our communities and benefiting Washington families and businesses for generations to come.

Congress passed the last national forest wilderness act in 1984 when a bipartisan effort brought a bill to President Ronald Reagan for signature that created, among other areas, the Henry M. Jackson Wilderness. This Wild Sky Wilderness Act has strong bipartisan support as well. This bill has received strong support from local Republican and Democratic legislators, former Republican Governors, and our current Democratic Governor, Christine Gregoire. Additionally, State legislators and the Snohomish County Executive have expressed their support.

The Wild Sky Wilderness Act has local support. The former mayor of the town of Index, the closest local government to the proposed wilderness, has said that "the Wild Sky Wilderness will be the best thing that ever happened in the valley." The cities of Monroe and Snohomish, both located on Highway 2 on the way to the Wild Sky, have passed resolutions of support.

The Wild Sky Wilderness Act has strong business support. REI, Inc., the Nation's largest consumer cooperative with its focus on the outdoor adventure, is an endorser, as are David and Lynn Meier, co-owners of A Stone's Throw Bed and Breakfast and A Cabin in the Sky vacation rental just down the way from the wild Skykomish wilderness. Additionally, the Snohomish County Economic Development Council supports this proposal.

This bill again marks the summit of a 5-year process of inclusiveness and compromise. My staff and the staff of Senator PATTY MURRAY, who is the bill's prime sponsor in the Senate, have worked over the last 5 years to address local concerns. As a result of this community input, the original idea of a 120,000-acre proposal has been whittled down to the 106,000-acre bill that we are voting on today.

The spirit of compromise has been a constant in this bill's development over the last 5 years. This past winter, as an example, massive floods altered the path of the Skykomish River, displacing and destroying parts of the primary road that snakes through the proposed wilderness area. Immediately, Senator MURRAY and I brought together Snohomish County, the Forest Service and local advocates to responsibly adjust the boundaries of the proposed wilderness to ensure that the road could be repaired and remain open in the future.

The spirit of compromise has earned the support of groups such as the Washington Sea Plane Pilots Association, local tribes, the Wild Steelhead Coalition, the Back Country Horsemen and the Washington Coalition of Citizens with Disabilities. Additionally, my office has received approximately 4,000 letters and e-mails in support of the Wild Sky and a petition with over 10,000 names in support. Over 5 years of collaboration and compromise has resulted in a bill that has gained broad support in the best tradition of past Washington State wilderness areas. It is time to create the next generation of Washington State wilderness.

Finally, I want to thank Chairman RAHALL and his staff, Jim Zoia and Rick Healy, for their tremendous help and unwavering support for the Wild Sky Wilderness Act.

Mr. Speaker, in conclusion, I would like to submit the following names for the RECORD. These people conceived, fine-tuned, negotiated, along with many other people, the boundaries of the Wild Sky. Without their tireless effort, we would not be here today, and we owe them our thanks as well.

Mike Town, John Leary, Larry Romans, Tom Uniack, Rick McGuire, Mark Lawler, Harry Romberg, Norm Winn, Don Parks, Charlie Raines, Jon Owen, Michael Carroll, Jill Mckinnie, Brandon Hall, Christian Gunter, Jasper MacSlarrow, Louis Lauter, Doug Clapp, Abbey Levenshus, Charla Newman, Amanda Mahnke, Kim Johnston, Jeff Bjornstad, Jaime Shimek, Karen Waters, John Engber, Rachelle Hein, Cindy Lewis, Christy Gullion, Nalani Askov, Michelle Ackerman, Jennifer Ekstrom, Doug Scott, Bill Arthur, Doug Walker, Bill & Sue Cross, Bob Hubbard, Conway Leovy, Mark Heckert, Kem Hunter, Aaron Reardon, Peter Jackson, Tracy Nagelbush, Brian Bonlender, Michelle Koppes, Dave Sommers, Amit Ronen, Carrie Desmond.

Finally I would like to thank the late Karen M. Fant, 1949–2006. Throughout her adult life Karen spurred thousands of citizens across the State of Washington to speak up for the protection of wild places and wilderness. Early on Karen recognized the need to bring together and involve local people in efforts to protect wilderness. To do so she cofounded and directed the Washington Wilderness Coalition. She was instrumental in forming an effective statewide community of wilderness advocates. To those who knew her, she provided never-ending inspiration and enthusiasm to keep working for the goal of protecting wilderness and wildlands in Washington State. Above all, Karen saw the potential and opportunity in everyone to be involved, play an important role, and make a difference.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington, a member of the committee, Representative JAY INSLEE.

Mr. INSLEE. Mr. Speaker, this is wilderness the way wilderness is supposed to be done. I want to compliment Congressman LARSEN and Senator PATTY MURRAY for their efforts to shepherd and to fine-tune this bill. If anyone wants to see how to do a wilderness bill, come see how this one is done to take into consideration all of the local comments to pare this down to where we have the muscle and bone in this wilderness right now.

Boy, is it the right place to do it. I have a picture here of Gunn and Merchant peaks looking north from Baring Peak. I climbed Baring Peak, that is really just a little scramble, a couple of summers ago. What is so amazing about the Wild Sky Wilderness, it is both wild, and it is in the sky. It is only about 55 minutes from downtown Seattle.

□ 1230

About 2 million people can drive to this incredible Wild Sky Wilderness in about an hour, and it is a hidden gem. What you can say is that we have a new hidden gem that has been protected in the State of Washington to join the other jewels in the crown of our wilderness and our National Park System in the State of Washington, and we invite people to come out and see it. And if you come, what you will see is a very virgin country very close to an urban area.

Millions of people drive by these mountains on Highway 2 and don't even realize how wild this country is right to their left as they are going east towards eastern Washington. There are hardly even any marked trails in there. So if you want wild close to an urban area, come to the Wild Sky Wilderness. It is a very, very wonderful place to go.

But there is a second reason I want to point out why this wilderness is so important. The day I went up to the Baring Peak, I just happened to meet a father and two of his sons he was taking for a hike. He told me this is one of the earliest hikes going into Baring Lake. And if you could see the smile on this dad and the sort of interesting looks on these two kids, you know what wilderness is about, because today when we establish the Wild Sky Wilderness, we are giving a gift to these kids and their kids and their grandkids. So these kids could be in the same position as dad has been, sometime, to have a wilderness to take their kids and their grandkids to, and they will have the same smile on their faces 100 years from now as this family did that summer day up on Baring Peak.

I want to thank the people who have been involved in this, Mike Towns specifically, a fellow who has been working on this for over 10 years. He is a teacher in Redmond, Washington. I know he will have a big smile on his face today, too. This is a great day for the continuation of wilderness in the State of Washington. It is just south of the Jackson Wilderness Area. It is a tradition that Congressman LARSEN has followed and Senator Jackson, and a proud tradition of wilderness in the State of Washington. Congratulations.

Mr. GRIJALVA. Mr. Speaker, I yield 3 minutes to the gentleman from Washington State, Representative BAIRD.

Mr. BAIRD. Mr. Speaker, I simply rise to congratulate my dear friend and colleague, Congressman LARSEN, for his tireless efforts on this.

This bill has been around for several Congresses. It has had wide bipartisan support. And as my friend, Mr. INSLEE, said, this was done the right way. Mr. LARSEN held countless hearings, met with virtually every imaginable interest group. There were compromises, sometimes difficult, sometimes painful compromises. But in the end, we have a truly remarkable area of land set aside. And, Mr. LARSEN, our friends in the other body, Senator MURRAY and Senator CANTWELL, worked very vigorously on this, and I congratulate them. And, as Mr. INSLEE did, I also want to congratulate the many citizen groups who worked so hard on this.

I encourage my friends on the other side to recognize that no bill will be perfect, but this is about as good as you are going to get. This is an area definitely worth preserving, and the people on the ground support it, by and large. It is one thing to say that it is nice for people to set aside wilderness in their own area and not other areas, but doesn't that converse also apply in not opposing an effort of someone to set aside a wilderness in his own area? I would think the reasoning would suggest that it would, and I urge support from both sides of the aisle on this.

I would just finally conclude with this. It is not possible for us to construct or build new wildlands. We can't do that; it is not within our power. What is within our power is to protect the small remaining areas of wildlands for all the future generations. This legislation does an admirable job of achieving this. I urge its passage, and I commend my friend and colleague, Mr. LARSEN, and the entire committee for working on this.

Mr. GRIJALVA. Mr. Speaker, I yield 2 minutes to the gentleman from California, Representative MCNERNEY.

Mr. MCNERNEY. Mr. Speaker, before I give my remarks, I first want to say that our thoughts and prayers today are with the students of Virginia Tech and their families.

Mr. Speaker, I rise today in support of the Wild Sky Wilderness Act of 2007, and I thank my colleague, Mr. LARSEN, and other members of the Washington delegation for their hard work in moving this bill forward. The Wild Sky Wilderness Act shows what we can accomplish when small businesses, concerned citizens, and elected officials work to preserve the environment.

The bill allows us to protect more than 100,000 acres of environmentally sensitive land that includes habitat for species such as the spotted owl and the bald eagle. Hikers, skiers, and fishermen of future generations will enjoy the same pristine natural environment. As we protect our country's great outdoors, we also protect some of the greatest traditions.

Mr. Speaker, this bill is good for the economy, good for the environment, and good for families. I hope my colleagues will support this legislation.

Mr. INSLEE. Mr. Speaker, today I rise as a cosponsor of H.R. 886, the Wild Sky Wilderness Act of 2007 to commend the House for taking long overdue action on legislation to designate the Wild Sky Wilderness. Today's approval of this well-drawn, meritorious environmental legislation is long overdue. I want to thank Congressman RICK LARSEN and Senator PATTY MURRAY for their tireless persistence on behalf of their constituents as well as Chairman RAHALL for his long standing support for the Wild Sky and for bringing this bill to the floor.

As a Member of the House Natural Resources Committee, I have been supportive of Congressman LARSEN's attempts to designate this area as wilderness and was continually frustrated at the failure of the previous Chairmen of that Committee to move this legislation and disappointed at the reasons given for inaction. Those arguments were without merit.

One of the benefits of working on this legislation was learning of the steadfast support from my constituents, the new Wild Sky Wilderness will be a popular and well-loved addition to my state's heritage of protected wild landscapes. It is overwhelmingly supported by my constituents, who live nearby. Indeed, the new Wild Sky Wilderness is within easy access of the people in the entire Puget Sound region.

This wilderness area, which is located in Snohomish County, enjoys enthusiastic support from the county council as well as our elected county executive. It also has the support of an overwhelming number of local elected leaders throughout the county, Democrats and Republicans alike, as well as a long list of local Snohomish County business owners. Over the years that the Wild Sky Wilderness has been before Congress it has earned enthusiastic editorial support from the local newspaper, the Everett Herald, as well as the major newspapers in Seattle and across the state.

I want to emphasize to my colleagues that in my State this is as popular and non-controversial a proposal as it could possibly be. I am pleased to mention the support this legislation enjoys from the Administration, including the Agriculture Under Secretary, who in response to my questioning said that the President will sign this bill into law.

On top of its stunning wild character, the 106,577-acre Wild Sky Wilderness is particularly noteworthy because it embraces lower elevation lands than most of the existing Federal wilderness areas in our State. As a result, the new wilderness will afford statutory protection to headwaters streams and watersheds vital to the survival and restoration of healthy runs of salmon and steelhead in the Skykomish River, for which the area is named.

Passage of this legislation contributes to the important goal of protecting a greater diversity of biological communities in our National Wilderness Preservation System—including deep, forested valleys as well as towering, ice-clad mountain peaks. This lower elevation wilderness land will provide greater opportunities for year-round recreational adventures for Washington State residents.

During the congressional consideration of this wilderness proposal, our committee has dealt with a question that all too easily can mislead those who are not familiar with the 1964 Wilderness Act and of the consistent approach Congress has followed over four decades now in applying the protection of that historic conservation law to additional portions of our Federal lands.

As Congress acts on wilderness proposals such as this Wild Sky Wilderness legislation, it is important that we take care to follow the legislative history of the Wilderness Act of 1964, which was a bipartisan product of our committee, and the precedents consistently laid down over the subsequent more than four decades as Congress has enacted more than 130 laws under both Democratic and Republican leadership that have designated new wilderness areas across our country.

It is clear that the Wilderness Act reserves to Congress alone the decision as to what Federal lands are "suitable" for designation as wilderness. Subsection 2(a) of the Wilderness Act specifies that ". . . no Federal lands shall be designated as 'wilderness areas' except as provided for in this Act or by a subsequent Act." Subsection 3(c) further specifies that the President may make recommendations, but that "A recommendation of the President for designation as wilderness shall become effective only if so provided by an Act of Congress."

Despite this full history of Congressional action, some tried to question the inclusion of certain lands in the Wild Sky Wilderness because these lands showed fading evidence of past logging, old roads, and similar evidence of human use and impact. This objection, sometimes referred to as the "purity theory" of wilderness, is not based on an accurate understanding of the Wilderness Act and the intent of those who enacted it.

The new Wild Sky Wilderness includes some evidence of past human uses and impacts, including evidence of logging, old logging roads and logging railroad grades, and some culverts installed along those roads and railroad grades. In this way, it is no different than many wilderness areas Congress has previously designated as wilderness.

During a debate here on the House floor in 1969, Representative Morris K. Udall, the former chairman of our committee and himself one of the architects of the Wilderness Act, explained this practical approach intended by the authors of the Wilderness Act to the House:

> It would be nice to have our national wilderness system absolutely pure and completely free of any sign of the hand of man. But the fact is that we are getting a late start in this business of preserving America's wilderness. Logging has occurred; wood roads have been opened and later abandoned; cabins have been built which in time have decayed and fallen down; in the interest of public health and safety and to protect the natural resources there may sometimes be lookout towers and patrol cabins. All of these are imperfections within the wilderness. Yet how often is man able to create or to establish anything which is truly perfect? Very, very rarely—if ever. [Congressional Record, September 24, 1969]

Mr. Speaker, these remarks by Rep. Udall perfectly explicate the practical approach that Congress has always followed as we choose lands for protection in our National Wilderness Preservation System. He went on to further explain that:

> Congress has declared it is our national policy to preserve America's wilderness resource. Whether some prior existing imperfection—something less than absolutely purity—is to be accepted into the national wilderness system should be determined by whether its inclusion will significantly contribute to the implementation of this national policy of wilderness preservation or whether its omission will significantly obstruct this policy. [CONGRESSIONAL RECORD, September 24, 1969]

In keeping with the practical approach he has so cogently summarized, I want to emphasize that some of the low elevation lands within the Wild Sky Wilderness show evidence of past human use and impacts. We have made a careful judgment that inclusion of these lands is important to serve the overall purpose of wilderness protection. As chairman Udall would have put it, every acre in the proposed Wild Sky Wilderness exhibits "substantially all the value of wilderness." We should preserve it.

I would also like to take a moment to pay tribute to Ms. Karen Fant, who devoted her life to preserving wilderness and wildlife in Alaska and the Pacific Northwest. She spent four decades organizing for conservation, working for groups including the Alaska Coalition, Sierra Club, Olympic Park Associates, Wild Sky Working Group, Washington Wilderness Coalition, and Save Our Wild Salmon Coalition. Her activism spanned many years, crossed state lines, and extended as far as Chongqing, China, where she dedicated herself to developing a strategy to address environmental degradation in Asia as a board member of the Seattle-Chongqing Sister City Association.

Karen was instrumental in passing the 1984 Washington State Wilderness Act, which sets aside over one million acres of new wilderness. She also initiated the efforts to preserve Wild Sky. I cannot imagine a better way to honor Karen's conservation legacy than for my colleagues to join me in supporting H.R. 886, the Wild Sky Wilderness Act of 2007. Passage of this legislation is the perfect tribute to Karen's legacy.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 886.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

EXPRESSING THE SENSE OF THE HOUSE OF REPRESENTATIVES CONCERNING THE 50TH ANNIVERSARY OF THE FLOODING OF CELILO FALLS

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 217) expressing the sense of the House of Representatives concerning the 50th anniversary of the flooding of Celilo Falls.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 217

Whereas Celilo Falls, located near The Dalles, Oregon, was a great fishing and trading location for Indian tribes and has been called the "Wall Street of the West" by historians;

Whereas artifacts suggest tribes as far as Alaska, the Great Plains and the Southwest United States came to trade and fish at Celilo for over 10,000 years;

Whereas the Umatilla, Nez Perce, Yakama and Warm Springs tribes reserved their fishing rights at their usual and accustomed places, including Celilo, when they signed treaties with the United States;

Whereas on March 10, 1957, to provide hydroelectricity and irrigation, The Dalles Dam was constructed;

Whereas the completion of the dam inundated Celilo in six hours, quickly changing the way of life for tribes that fished at Celilo; and

Whereas tribes still live and fish along the river, exercising their treaty rights agreed with the Congress of the United States: Now, therefore, be it

Resolved, That the House of Representatives recognizes the 50th anniversary of the flooding of Celilo Falls and the change of life it imposed upon tribal peoples.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The purpose of House Resolution 217, introduced by our colleague from Oregon, Mr. DAVID WU, is to express the sense of the House of Representatives concerning the 50th anniversary of the flooding of Celilo Falls. Celilo Falls was a unique natural feature formed as the Columbia River carved a path through the hard volcanic rock east of the Cascade Mountains. On March 10, 1957, the Dalles Dam was completed, flooding the historic fishing and trading area around Celilo Falls.

For over 10,000 years, the falls had been an area of intense trading and commerce for Indian tribes from as far away as Alaska, the Great Plains, and the Southwest. The falls were also noted as an extremely abundant fishery, where tons of Columbia River salmon were caught, dried, and traded.

Mr. Speaker, this resolution simply seeks to recognize the 50th anniversary of the flooding of the falls, and to remember Celilo Falls as an important area of fishing and trading for many tribal peoples.

I urge my colleagues to join me in supporting House Resolution 217, and I offer my congratulations to Congressman WU for his leadership on this resolution.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H. Res. 217 recognizes the flooding of Celilo Falls in Oregon. In 1957, the U.S. Corps of Engineers constructed the multipurpose Dalles Dam to provide much needed hydropower and irrigation for the Pacific Northwest. As a result of the dam, the falls were inundated, changing the way four tribes fished at the location.

This resolution recognizes the 50th anniversary of that change.

It is my understanding that this resolution will not be used for future litigation claims and legislative purposes, so we have no objection.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield as much time as he may consume to the sponsor of this resolution, the gentleman from Oregon (Mr. WU).

Mr. WU. I thank the gentleman from Arizona.

Mr. Speaker, for thousands of years, a village stood at Celilo Falls on the Columbia River, which today is the boundary between the States of Oregon and Washington.

Celilo Falls was known to Native Americans as a center for gathering and trade in the Pacific Northwest. It was so important that some have even called Celilo Falls the Wall Street of the West. Lewis and Clark described it as a great emporium where "the neighboring nations assemble."

Artifacts suggest that tribes as far away as Alaska, the Great Plains, and the Southwest of the United States came to trade at the falls for salmon and other goods. The trade was so extensive and the number of tribes who came to Celilo was so extensive that the number of languages spoken developed into a trade jargon known as Chinookan, and it was used among the people conducting business at Celilo.

Celilo Falls was also known as a great salmon fishery. Salmon were both sacred to and provided economic wealth for the tribes who fished in the area. Thousands gathered to fish and trade along the river.

Fifty years ago, Celilo Falls changed forever. In 1957, the Dalles Dam was completed a few miles downriver from Celilo. Once the dam was completed and the flood gates closed, Celilo Falls was inundated in just 6 hours.

The Dalles Dam was constructed to provide hydroelectricity, irrigation, and to enable navigation. The dams along the Columbia and other rivers created numerous benefits for the Pacific Northwest. The slack water created by the dams provided easy and safe river navigation upriver to deliver goods to the inland Northwest. Today, barges can travel as far as Lewiston, Idaho, because of the navigable waters created by the dams.

However, the benefits created by the dams changed a way of life for the tribal peoples who were the first inhabitants of the Columbia River Basin. While some may not remember Celilo Falls before the Dalles Dam was completed, its effects remain fresh in the minds of many of the tribes of the Pacific Northwest. Recently, the 50th anniversary of the flooding of the falls was acknowledged by these tribes. This event both mourned what was lost and celebrated what remains today, tribal stories and culture, a way of life. Attendees included tribal officials and tribal members throughout the Pacific Northwest, nontribal members, and various Federal, State, and local governmental officials. The attendees reflect the relationship of the various groups who now work together to manage the river for all those who live in and visit the region today.

This resolution seeks to acknowledge and commemorate the flooding of Celilo Falls. I urge my colleagues to support the resolution.

Mr. PEARCE. Mr. Speaker, will the gentleman yield?

Mr. WU. I yield to the gentleman from New Mexico.

Mr. PEARCE. I would appreciate engaging in a brief colloquy regarding H. Res. 217.

Is it the understanding of the gentleman from Oregon that the enactment of this resolution will not be used for litigation or legislative purposes?

Mr. WU. The gentleman is correct. The purpose of the resolution is commemorative, and limited to an expression of the sense of the House of Representatives.

Mr. PEARCE. I thank the gentleman for that clarification.

Mr. WU. I thank the gentleman.

Mr. PEARCE. Mr. Speaker, I would yield such time as he may consume to the gentleman from Oregon (Mr. WALDEN).

Mr. WALDEN of Oregon. Mr. Speaker, colleagues, today we memorialize and remember the events of more than 50 years ago when the gates closed for the first time on the Dalles Dam, and within 6 hours another wild and noisy stretch of the mighty Columbia River fell silent and serene in the name of progress.

Celilo Falls was also known as Wyam, which means echo of falling water, or sound of water upon the rocks. And, indeed, what a sound it must have been to hear the fourth largest river in America as it crashed over basalt rocks and cliffs. Lewis and Clark's journals refer to the falls as a place where "the river turned on edge."

This photograph here to my left is actually one my father took as a colorized slide before the falls was inundated. It shows the tribal members fishing from these wooden platforms, roped to the edge with ropes around their waist. They would spread sand out on the platforms because all the water made the platforms so slick, and then they would engage with the dip nets to hoist 40-pound, 50-pound, 60-pound salmon out of the river. The trick was not to get more than two fish in your net because that might be more than you weighed, and you ran the risk of being dragged into the river. Indeed, there was a young man who fell in the river, and later was rescued and saved because he ended up in a net and was able to be pulled out.

What a river it was and what a river it is. As the Columbia River passed over these falls, the sound could be heard from miles away. During periods of high water, nearly 1 million cubic feet of water per second would pass over these falls. Now, let me put that in comparison: Niagara Falls in New York, 200,000 cubic feet of water passes over those falls.

☐ 1245

A million would have passed over these. But it wasn't just these falls, because you see the basalt rapids continued on toward the Dalles for 11 miles. So not only were there these falls, but there were other rapids and falls along the way. And it was more than just a roaring falls or an historic and bountiful fishing area. It was, as some historians noted, "the Wall Street of the West."

In his book, "The Columbia River Salmon and Steelhead Trout, Their Fight for Survival," author Anthony Netboy described the scene this way:

"Here came Indians from the interior who had no fishing grounds of their own or whose fishing was poor, to trade for dried salmon, offering peltries from Montana, jade axes from the Fraser River area, horn of mountain sheep, baskets, rabbit or bearskins. The Klamath and Modoc peoples from

Klamath Lake brought slaves and dentalia shells, their medium of exchange. Trade connections with the Dalles, says the anthropologist Philip Drucker, in 'Cultures of the North Pacific Coast,' stretched across the Rockies and into the Great Plains."

This was one of the most significant fisheries of the Columbia River. In "Recalling Celilo," author Elizabeth Woody writes:

"Historically, the Wyampum lived at Wyam for over 12,000 years. Estimates vary, but Wyam is among the longest continuously inhabited communities in North America. The elders tell us we have been here from time immemorial.

"Today we know Celilo Falls as a lost landmark. It was a place as revered as one's own mother."

Woody goes on to write:

"What happened at Wyam was more significant than entertainment. During the day, women cleaned large amounts of finely cut fish and hung the parts to dry in the heat of the arid landscape. So abundant were the fish passing Wyam on their upriver journey that the fish caught there could feed a whole family through the winter. Many families had enough salmon to trade with other tribes or individuals for specialty items.

"No one would starve if they could work. Even those incapable of physical work could share other talents. It was a dignified existence."

The tribes called themselves "salmon people." And it is easy to understand why. In 1805, Lewis and Clark estimated seeing five tons of dried salmon stacked in a single village near the Dalles.

The dawn of the 20th century brought change to the area with the construction in 1913 of the Dalles-Celilo Canal, providing the first safe passage around the falls. Then in the 1930s and 1940s, more pressures built as down-river communities suffered from floods, river traffic increased, and a Nation at war needed more electricity to power its industry.

In 1950, Congress authorized the construction of the Dalles Dam, and on March 10, 1957, the gates of this river-blocker closed and within hours, silence overtook Celilo Falls, Wyam and the way of life known for centuries.

Now, plans for construction of the dam were battled by Chief Tommy Thompson as he and the tribal members knew that the end of the falls would mean the end of life as they had known it. But they could not stop the effort. Their village was relocated. The government paid tribal members in one-time sums of nearly $4,000, and promised sustained fisheries and access to new fishing sites.

Layfee Foster, of the Dalles, took this famous photograph of Chief Tommy Thompson and his wife, Flora, and their granddaughter, Linda George, whom I met at the ceremony at Celilo Falls last month.

I would like to read from Mr. Netboy's book again, as he eloquently states the last of the first salmon rites that were held in April of 1956. He writes:

"On Sunday, April 20, 1956, when the Dalles Dam was about to be enclosed and the Celilo fishery, dating back to a long forgotten time would be inundated, I witnessed the last of the first salmon rites at Celilo village. The day was warm and sunny, and hundreds of tribesmen gathered for this sad occasion on the banks of the Columbia, the women wearing multi-colored flowing dresses and scarves, and the men awkward-fitting store clothes. Emissaries of Tommy Thompson, chief of the host band, the Wyams, said to be over 100 years old, had to seek elsewhere than the Columbia for salmon because an early spring thaw in the mountains made it impossible to use the historic site to catch enough fish for the festival. They bought 400 pounds of salmon in Portland, and members of Warm Springs Reservation who had fishing rights at Celilo helped out with donations of venison and roots for the occasion.

"The stolid, bronze-colored chief sat at the head table in the longhouse, surrounded by silent and respectful tribesmen squatting on mats on the earthen floor. Outside, slabs of salmon were being smoked over log fires tended by women, just as when Lewis and Clark camped here in 1805 and smoked a pipe of peace with the chief.

"Chief Thompson blessed the first fish caught a few days before and made a speech in his native language that was charged with emotion. Before it was over, the vigorous old man was weeping. Although I did not understand a word, I could imagine the feelings that inspired him as he saw the last bit of land held by the tribe about to go underwater and the ancient picturesque fishery disappear. He had seen the white settlers pour into the valley, and the baleful impact they made on the natives' culture. The churning river where he had fished as a youth, from rickety platforms, would become a placid lake. There were tears in the eyes of many who listened to him.

"When the First Salmon rites were concluded, the chief permitted newsmen to photograph him with his younger wife, Flora. Usually the festival lasted a few days, but this time it was confined to one. There were bone games in the afternoon and dances in the evening. The next morning the Portland Oregonian reported an interview with Henry Thompson, son of the chief, who said, and I quote, 'When the dam is finished and there are no more fish at Celilo, my father will still live here and will die here. I too will die here. Both of us were born at Celilo, and here,' pointing to the Indian cemetery on a bluff of the village, 'amid the rimrock, we will be buried.'

"Tommy Thompson died 3 years later, and without him, without the roaring falls, and with salmon caught elsewhere, the First Salmon ceremonies held occasionally at the new Celilo village built by the Corps of Engineers on the bluff lost their flavor and meaning and were eventually abandoned."

Today the Dalles Dam employs 150 people, generates enough electricity to power two cities the size of Portland, Oregon, helps control run-off in the spring. The power it produces makes no carbon emissions and is 90 percent efficient.

Today the U.S. Army Corps of Engineers is rehabilitating the Celilo village, spending $13 million to build a new sewer plant, new houses, a playground, school and update the water and electrical system. A new longhouse was completed last year.

Today we memorialize the situation at Celilo, the loss of that great falls and the work that remains ahead.

Mr. GRIJALVA. Mr. Speaker, I would like to yield to the gentleman from Oregon (Mr. BLUMENAUER) as much time as he may consume.

Mr. BLUMENAUER. Mr. Speaker, I appreciate the gentleman's courtesy, and I am pleased to join with my colleagues from Oregon in recognizing the importance of the anniversary of the flooding of Celilo Falls.

Mr. Speaker, we have, in the Northwest, I think, in recent years, started to re-evaluate our relationship to native peoples and to the special sites that are holy for them.

I remember in my youth Celilo Falls when it was a site of the native fishing, going by on a train, watching the dip netting, pulling these fish from the falls. It was something that I didn't properly appreciate at the time. People in my own family were talking about the great dam that was about to be constructed, and using it as a metaphor for progress in our community.

Well, transforming the mighty Columbia River into a machine that has aided navigation and electric generation has had many positive aspects for the Pacific Northwest, but it has been devastating for the Native Americans.

Sadly, our history, since the treaty of 1855, has been one where we have not always honored even the provisions in those treaties to Native Americans. And particularly the site at Celilo, where we are talking about over 10,000 years of history, strikes special significance. It is an unparalleled meeting point for people of native tribes that, slowly but surely, now we are starting to recognize, starting to appreciate, the Federal Government is starting to invest in working with them to restore the heritage. I hope that this recognition of the significance of the 50th anniversary of the flooding of the falls might be another signal that we are appreciating our responsibility in partnership with native people, the need to work with them in terms of first foods, in terms of historic sites, in terms of restoring the spirit of partnership in those treaties too often that has not been observed.

I appreciate my colleague, Congressman WU, bringing this forward. I appreciate the Congress focusing attention on it today, but I hope it is the beginning of a more sustained effort to keep faith with our native people.

Mr. PEARCE. Mr. Speaker, I cannot enhance or extend the word pictures given by my colleague from Oregon and would, therefore, reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, let me, if I may, inquire of the gentleman from New Mexico (Mr. PEARCE) if he has any additional speakers.

Mr. PEARCE. Mr. Speaker, I do not have other speakers and would yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and agree to the resolution, H. Res. 217.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

CENTRAL TEXAS WATER RECYCLING ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 609) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 609

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Central Texas Water Recycling Act of 2007".

SEC. 2. PROJECT AUTHORIZATION.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575; 43 U.S.C. 390h et seq.) is amended by inserting after section 16 the following new section:

"SEC. 16___. CENTRAL TEXAS WATER RECYCLING AND REUSE PROJECT.

"(a) AUTHORIZATION.—The Secretary, in cooperation with the City of Waco and other participating communities in the Central Texas Water Recycling and Reuse Project is authorized to participate in the design, planning, and construction of permanent facilities to reclaim and reuse water in McLennan County, Texas.

"(b) COST SHARE.—The Federal share of the costs of the project described in subsection (a) shall not exceed 25 percent of the total cost.

"(c) LIMITATION.—The Secretary shall not provide funds for the operation and maintenance of the project described in subsection (a).

"(d) SUNSET OF AUTHORITY.—The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16___ the following:

"Sec. 16 . Central Texas Water Recycling and Reuse Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself as much time as I may consume.

We support the passage of H.R. 609 and commend our colleague, Representative CHET EDWARDS, for his persistence and hard work to secure authorization for this important project.

The purpose of this legislation is to authorize the Secretary of the Interior to participate in the Central Texas Water Recycling and Reuse Project. This project would treat and recycle waste water generated by the City of Waco and six neighboring communities. Recycling and reuse of this water would decrease the strain on older treatment plants in the area and help meet future demands, providing reclaimed water for golf courses, landscaping, and other industrial uses.

The water recycling project identified in this bill will be eligible for limited financial assistance from the Bureau of Reclamation's title 16 water recycling program. Water recycling and desalination projects are proven technologies that can help stretch limited water supplies in areas such as Texas. The City of Waco is keenly aware that additional sources of water will be required to meet future water demands and should be commended for looking for sustainable solutions.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on almost identical legislation. This legislation was subsequently passed by the House under suspension of the rules.

I want to express our full support for this legislation. I offer my congratulations to Congressman EDWARDS for his leadership.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

This bill authorizes Federal participation in a water reuse project in McLennan County, Texas. As central Texas cities experience rapid population growth and increased water demand, these communities are being proactive to better utilize their existing water supplies. We have no objection to this well-intended bill.

Mr. Speaker, I reserve the balance of my time.

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Mr. GRIJALVA. Mr. Speaker, I would like to yield such time as he may consume to the gentleman from Texas (Mr. EDWARDS), the sponsor of this legislation.

Mr. EDWARDS. Mr. Speaker, let me first begin by thanking Mr. GRIJALVA for his leadership and for his kind comments about our work together on this. Let me also thank Mr. PEARCE for his cooperative, bipartisan effort. These are the kinds of bills that don't fill up the press galleries, but they are certainly important to the folks in our communities throughout the country.

Mr. Speaker, our communities and Nation have a responsibility to be good stewards of our water resources. And that is why I introduced H.R. 609, the Central Texas Water Recycling Act of 2007.

This bill will authorize an innovative water recycling program in partnership with my hometown of Waco, Texas, and several neighboring communities. It supports efforts to manage water resources efficiently in McLennan County by strategically locating regional satellite treatment plants that will not only provide for conservation of our community's water supply, but by doing so efficiently, will help reduce costs to taxpayers.

The initial projects under this legislation can provide up to 10 million gallons of water per day, reuse water, thereby reducing the water demand on Lake Waco. Instead of wasting valuable drinking water for use in factories and on golf courses in the July and August heat of my district, we will be able to use lower-cost recycled wastewater for those purposes and save enough drinking water to supply 20,000 households in central Texas.

The bottom line is this: Being good stewards of our water supply, we will reduce water costs for businesses, save central Texas taxpayers millions of dollars, and encourage economic growth in our area.

I want to thank Chairman RAHALL and Ranking Member YOUNG for their support of this measure; and the subcommittee chairman, Mrs. NAPOLITANO, and the ranking subcommittee member, Mrs. MCMORRIS RODGERS, for their key role on this bill's passage.

This is the kind of bipartisan effort, as I mentioned earlier, that shows what Congress can do when we work together on a bipartisan basis.

I also want to thank the mayors, city council, and staff from the cities of Waco, Lorena, Robinson, Hewitt, Woodway, Bellmead, and Lacy-Lakeview for their cooperative efforts that brought us here today.

Finally, I want to extend special credit to Waco's city manager, Larry Groth, a very special friend of mine, for his extraordinary leadership on this bill. Without Mr. Groth's leadership, hard work, and professionalism, we would not be here today. And as a citizen of Waco, I am grateful for his outstanding service to my hometown.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 609.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

AUTHORIZING PARTICIPATION IN LOS ANGELES COUNTY WATER SUPPLY AUGMENTATION DEMONSTRATION PROJECT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 786) to amend the Reclamation Wastewater and Groundwater Study and Facilities Act to authorize the Secretary of the Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 786

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF LOS ANGELES COUNTY WATER SUPPLY AUGMENTATION DEMONSTRATION PROJECT.

(a) IN GENERAL.—The Reclamation Wastewater and Groundwater Study and Facilities Act (Public Law 102–575, title XVI; 43 U.S.C. 390h et seq.) is amended by adding at the end the following:

"SEC. 16 . LOS ANGELES COUNTY WATER SUPPLY AUGMENTATION DEMONSTRATION PROJECT.

"(a) IN GENERAL.—The Secretary of the Interior, in cooperation with the Los Angeles and San Gabriel Rivers Watershed Council, is authorized to participate in the planning, design, construction, and assessment of a neighborhood demonstration project to—

"(1) demonstrate the potential for infiltration of stormwater runoff to recharge groundwater by retrofitting one or more sites in the Los Angeles area with features designed to reflect state-of-the-art best management practices for water conservation, pollution reduction and treatment, and habitat restoration; and

"(2) through predevelopment and postdevelopment monitoring, assess—

"(A) the potential new water supply yield based on increased infiltration; and

"(B) the value of the new water.

"(b) COST SHARING.—The Federal share of the cost of the project described in subsection (a) shall not exceed 25 percent of the total cost of the project.

"(c) LIMITATION.—No Federal funds shall be used for the operation and maintenance of the project described in subsection (a). For purposes of this subsection, pre- and post-development monitoring for not more than 2 years before and after project installation for project assessment purposes shall not be considered operation and maintenance.

"(d) SUNSET OF AUTHORITY.— The authority of the Secretary to carry out any provisions of this section shall terminate 10 years after the date of the enactment of this section.".

(b) CLERICAL AMENDMENT.—The table of sections in section 2 of Public Law 102–575 is amended by inserting after the item relating to section 16 the following:

"Sec. 16 . Los Angeles County Water Supply Augmentation Demonstration Project.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

The purpose of H.R. 786, sponsored by our colleague from Lakewood, California, LINDA SÁNCHEZ, is to authorize the Secretary of Interior to participate in the Los Angeles County Water Supply Augmentation Demonstration Project.

The legislation will authorize Federal financial assistance for a unique water reuse and conservation project in the Los Angeles area. The initiative will demonstrate that small-scale neighborhood projects can be built to increase local water supplies and reduce urban runoff pollution. Projects like this can help residents of southern California increase local water supplies, reduce our dependence on imported water from northern California and the Colorado River.

This is an innovative project and a good bill that deserves our support. I congratulate my colleague, Congresswoman SÁNCHEZ, for championing this legislation.

In the 109th Congress, the Subcommittee on Water and Power held a hearing on similar legislation. This legislation was subsequently passed by the House under suspension of the rules.

We strongly support H.R. 786, and I would like, once again, to thank and commend my friend, LINDA SÁNCHEZ, for her work on this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

H.R. 786 authorizes the Secretary of the Interior to participate in the design, planning, and construction of a water recharge demonstration project in southern California. To meet the needs of future population growth in this arid region, capturing storm-water runoff and recharging groundwater could substantially increase local water supplies.

I urge my colleagues to support this bill.

Mr. Speaker, I reserve the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield such time as she may consume to the gentlewoman from California, LINDA SÁNCHEZ.

Ms. LINDA T. SÁNCHEZ of California. Mr. Speaker, let me begin by thanking Mr. GRIJALVA for being so generous with time. And I would also like to thank Natural Resources Committee Chairman NICK RAHALL and Ranking Member DON YOUNG, as well as Water and Power Subcommittee Chairwoman GRACE NAPOLITANO, for recognizing the importance of this bill, H.R. 786, the "Southern California Water Augmentation Study."

I would like to especially thank Chairwoman GRACE NAPOLITANO for her support on this bill and her leadership in moving it through the Natural Resources Committee.

I became interested in this effort because California and other parts of the country need to move forward on two very important issues. First, we must increase our groundwater drinking supplies. We can do this by improving the safe infiltration of surface water which seeps into the ground. Second, we must reduce urban storm-water runoff that can carry trash and contamination to our beaches and oceans. This water augmentation study addresses both of those issues.

Storm-water currently becomes contaminated by running off rooftops and roads and carrying that pollution into our oceans. Our study is assessing ways to safely absorb that water into the ground where natural purifying processes can take place. This will stem the flow of polluted water into the ocean and safely recharge our groundwater supplies. Simply put, this project is about taking the water that we lose and turning it into water we use.

This study will assess the potential of urban storm-water infiltration to augment our water supplies. It will determine the benefits, costs, and risks of infiltration. It will help us understand what conditions we need to make infiltration work and assess its potential for increasing our drinking water supply. At the same time, it will show us how to reduce water pollution, creating additional environmental and social benefits.

Mr. Speaker, this bill is designed to make southern California more water-self-sufficient and less reliant on imported water from our neighbors in the central and northern parts of our State.

This is a bipartisan effort in which there is agreement on the merits of the project throughout our government. I am very pleased that President Bush has included funding for the water augmentation study in his last four budgets, including this year.

Also, the Bureau of Reclamation has been extremely supportive of this project. In fact, they helped create it in the year 2000 because they see it as helping to solve the real problem we face in California and other, shall I say, "water-challenged" areas of the country.

Again, I would like to thank Chairman RAHALL and Ranking Member YOUNG, as well as the great staff on the House Resources Committee; and to thank Representative NAPOLITANO for her unyielding support of this bill.

In 1907, Theodore Roosevelt said, "The conservation of natural resources is the fundamental problem. Unless we solve that problem, it will avail us little to solve all others." With your help, Southern California can make significant progress toward improving its water resources management.

I urge approval of this legislation.

Mr. PEARCE. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 786.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

ESTABLISHING DEMONSTRATION PROGRAM TO FACILITATE LANDSCAPE RESTORATION PROGRAMS WITHIN CERTAIN UNITS OF NATIONAL PARK SYSTEM

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 309) to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 309

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSE.

The purpose of this Act is to establish a demonstration program to facilitate landscape restoration programs within those units of the National Park System established by statute to preserve and interpret resources associated with American military history.

SEC. 2. DEMONSTRATION PROGRAM AUTHORIZED.

(a) AUTHORIZATION.—The Secretary of the Interior (hereafter in this Act referred to as the "Secretary"), acting through the Director of the National Park Service, shall carry out a demonstration program that provides that receipts from timber sales shall be retained for expenditure within units of the National Park System from which the timber is removed as part of an approved plan for the restoration or protection of park resources or values.

(b) PARTICIPATION.—The Secretary shall permit each of the 24 National Battlefields, National Battlefield Parks, National Military Parks, and National Battlefield Sites in existence on the date of the enactment of this Act to participate in the demonstration program authorized by subsection (a) if the unit has in place, before the date of the enactment of this Act, a general management plan, cultural landscape plan, or other resources management plan approved pursuant to the National Environmental Policy Act of 1969 (43 U.S.C. 4321 et seq.), that identifies specific timber for removal for purposes of cultural or historic landscape restoration or fuel load reduction.

(c) USE OF RECEIPTS.—Each unit selected to participate in the demonstration program authorized under subsection (a) shall retain receipts from the sale or disposal of timber removed from that unit. Such receipts shall be available for expenditure without further appropriation or fiscal year limitation for the following purposes only:

(1) Landscape restoration within the unit.

(2) Interpretive services within the unit.

(3) Eradication of disease, insects, or invasive species within the unit.

(4) Fuel load reduction within the unit.

SEC. 3. REPORT.

Two years after the date of enactment of this Act, the Secretary shall submit a report to the House Natural Resources Committee and the Senate Committee on Energy and Natural Resources that contains the results of the demonstration program authorized under this Act, including—

(1) a detailed accounting of the receipts generated in each unit by the demonstration program;

(2) the expenditure by each unit of those receipts; and

(3) any resource or other impacts, positive or negative, on each participating unit.

SEC. 4. SUNSET.

The authority granted to the Secretary in section 2 shall expire 4 years after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

Many units of the National Park System were established to conserve U.S. military history. All these units have restoration of their historic landscapes as an important management goal. This restoration entails removal of landscape features, including trees, which were not present at the time of the relevant historic event. However, removal of any natural resources from a National Park must be undertaken extremely carefully. In addition, many of these park units report a lack of funding for such work.

H.R. 309, introduced by my colleague on the Natural Resources Committee, Representative STEVE PEARCE, would create a revenue source for such projects by allowing individual units to retain proceeds from the sale of timber removed from the unit. Importantly, the legislation is narrowly written as a demonstration project to apply within a defined list of 24 military parks and to prevent any change to existing environmental requirements governing logging on NPS land.

Representative PEARCE has worked tirelessly on behalf of this legislation and is to be commended for his efforts.

We strongly support the passage of H.R. 309, as amended, by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I yield myself such time as I may consume.

I appreciate the comments by the gentleman from Arizona (Mr. GRIJALVA).

H.R. 309, introduced by me, would establish an innovative 4-year demonstration program in the National Park Service to improve and expedite landscape restoration programs within 24 units of the National Park System to better preserve and interpret resources associated with American military history.

One of the tenets of the Park Service is to preserve the look of national battlefields as they existed at the time of the conflict. Often this involves removing trees and other woody debris that encroach on sightlines. Under current law, these trees are removed and any funds from their sale are returned to the General Treasury.

As a part of this new program, selected parks would be permitted to retain receipts from any timber sales and use those funds on the respective landscape restoration programs and interpretive services. While this would not involve a lot of money, every little bit helps, especially given the National Park System maintenance backlog.

This noncontroversial bill was favorably reported last Congress by unanimous consent, and I urge my colleagues to support H.R. 309.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 309, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SOUTHERN NEVADA READINESS CENTER ACT

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 815) to provide for the conveyance of certain land in Clark County, Nevada, for use by the Nevada National Guard.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 815

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Southern Nevada Readiness Center Act".

SEC. 2. NEVADA NATIONAL GUARD LAND CONVEYANCE, CLARK COUNTY, NEVADA.

Notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, to the Nevada Division of State Lands for use by the Nevada National Guard between 35 and 50 acres of land in Clark County, Nevada, as generally depicted on the map entitled "Southern Nevada Readiness Center Act" and dated October 4, 2005.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 815, introduced by the gentleman from Nevada, Representative JON PORTER, states that notwithstanding any other provision of law, Clark County, Nevada, may convey, without consideration, between 35 and 50 acres of land for the use by the Nevada National Guard as a Readiness Center.

The land in question is part of a larger block of lands conveyed to Clark County under a provision of the Public Law 109-263, the Southern Nevada Public Lands Management Act of 1998. These lands comprise part of the Airport Environs Overlay District for McCarran Airport, and Public Law 105-263 required that the land be managed in accordance with airport noise compatibility planning agreements.

Further, the 1998 act specified if land was sold or transferred, it had to be done at fair market value with the proceeds distributed pursuant to the act. H.R. 815 would waive this last requirement. Since the proceeds of the land is for an important public purpose, we believe the waiver is appropriate.

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Mr. Speaker, I would like to commend my colleague from Nevada, Representative PORTER, for his work on this legislation. I would note that identical legislation passed the House in the 109th Congress. We support the passage of H.R. 815 and recommend its adoption by the House today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I rise in support of H.R. 815 and yield to the author of the bill, the distinguished gentleman from Nevada (Mr. PORTER).

Mr. PORTER. Mr. Speaker, the Southern Nevada Readiness Center Act conveys land to the Army National Guard for a readiness center that will provide Guardsmen with access to facilities, technology, and equipment needed to ensure proper training and readiness.

Because the Southern Nevada National Guard's force continues to grow, this new facility is crucial. It will better train and prepare our soldiers on the front lines. The center is the first new construction for the Army National Guard in the Las Vegas valley in more than 10 years. The facility will house communications, engineering and medical Guard units. It will include a 200-person theater-style auditorium, distance-learning classrooms, medical examination rooms, a weight room, locker rooms, multiple arms vaults, a kitchen, and a maintenance bay. Soldiers will be able to prepare both physically and technically for missions. In total, between 300 and 400 Guardsmen will train at the armory on a drill weekend.

The center will not only help ensure Nevada will be prepared in the event of a crisis or a natural disaster, but also would help ensure that Guardsmen are fully trained and ready for any contingency as directed by the National Command Authority.

I commend the National Guard soldiers who volunteer to serve at home and overseas in order to keep our country safe. It is incumbent upon us to provide the proper facilities that will ensure these soldiers are well trained and prepared.

I thank my colleagues on both sides of the aisle for working in a bipartisan, bicameral manner in support of this bill.

Mr. Speaker, thank you for allowing me to speak on this important legislation.

Mr. PEARCE. Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 815.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

COPPER VALLEY NATIVE ALLOTMENT RESOLUTION ACT OF 2007

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 865) to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 865

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the "Copper Valley Native Allotment Resolution Act of 2007".

SEC. 2. DEFINITIONS.

In this Act:

(1) ASSOCIATION.—The term "Association" means the Copper Valley Electric Association.

(2) NATIVE ALLOTMENT.—

(A) IN GENERAL.—The term "Native allotment" means—

(i) each of the following allotments issued under the Act of May 17, 1906 (34 Stat. 197, chapter 2469):

(I) A-031653.
(II) A-043380.
(III) A-046337.
(IV) AA-5896.
(V) AA-6014, Parcel B.
(VI) AA-6034.
(VII) AA-7059.
(VIII) AA-7242, Parcel B.
(IX) AA-7336.
(X) AA-7552.

(XI) AA–7553.

(XII) AA–7554.

(XIII) AA–7600.

(XIV) AA–8032; and

(ii) any allotment for which a patent or Certificate of Allotment has been issued under the Act of May 17, 1906 (34 Stat. 197, chapter 2469) across which the Association maintains an electric transmission line on the date of enactment of this Act.

(B) EXCLUSIONS.—The term "Native allotment" does not include any allotment to which the Secretary has approved the grant of a right of way or issued a patent or Certificate of Allotment that is subject to a right of way held by the Association.

(3) SECRETARY.—The term "Secretary" means the Secretary of the Interior.

(4) STATE.—The term "State" means the State of Alaska.

SEC. 3. ELECTRIC TRANSMISSION LINE RIGHTS-OF-WAY.

(a) IN GENERAL.—There is granted to the Association rights-of-way across the Native allotments for an electric transmission line owned by the Association.

(b) WIDTH.—After considering any information provided by the Association, allottee, or any other source that the Secretary determines to be relevant, the Secretary shall determine an accurate legal description of the rights-of-way, the nature of the rights granted, and the widths of the rights-of-way granted by subsection (a).

(c) CERTAIN AGREEMENTS.—Notwithstanding any other provision of this Act, this Act does not apply to land owned by Ahtna, Inc. and any prior or current right-of-way agreements that may exist between Ahtna, Inc. and the Copper Valley Electric Association or the State.

(d) COMPENSATION.—

(1) IN GENERAL.—The Secretary shall—

(A) appraise the value of the rights-of-way granted under subsection (a);

(B) pay to any owner of a Native allotment or, if the owner is deceased, an heir or assign of the owner, compensation for the grant of a right-of-way over the Native allotment in an amount determined under paragraph (2);

(C) issue recordable instruments that indicate the location of the rights-of-way over the Native allotments;

(D) provide written notice of the compensation procedure for the rights-of-way to—

(i) the owner of record for each Native allotment; or

(ii) if the owner of record is deceased, the heir or assign of the owner of record; and

(E) publish in the Federal Register and any newspaper of general circulation within the service area of the Association and location of the relevant allotment—

(i) notice of the compensation procedure established by this subsection; and

(ii) with respect to a Native allotment described in section 2(2)(A)(ii), the location of the right-of-way, as prepared by the Association and provided to the Secretary, in accordance with any requirements established by the Secretary.

(2) CALCULATION OF PAYMENTS.—

(A) IN GENERAL.—For purposes of calculating the amount of compensation required under paragraph (1)(B), the Secretary shall determine, with respect to a portion of a Native allotment encumbered by a right-of-way—

(i) compensation for each right-of-way based on an appraisal conducted in conformity with the version of the Uniform Appraisal Standards for Federal Land Acquisitions that is correct as of the date of the compensation proceeding; and

(ii) interest calculated based on the section 3116 of title 40, United States Code.

(B) DATE OF VALUATION.—For purposes of subparagraph (A), the date of valuation of the acquisition by the Association of each right-of-way shall be considered to be the date of enactment of this Act.

(3) JUDICIAL REVIEW.—Notwithstanding any other provision of law, judicial review under this subsection shall be limited to a review of the determination of the Secretary under paragraph (2) regarding the compensation for a right-of-way over a Native allotment.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated such sums as are necessary to carry out this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, I yield myself such time as I may consume.

H.R. 865, introduced by the gentleman from Alaska, Representative DON YOUNG, would resolve a long-standing conflict between Alaska Native land titles and utility rights-of-way in Alaska. This legislation is in response to a September 2004 GAO report entitled, "Alaska Native Allotments: Conflicts With Utility Rights-of-Way Have Not Been Resolved Through Existing Remedies."

Although the Copper Valley Electric Association, a rural non-profit electrical cooperative, holds rights-of-way granted in the 1950s and 1960s, and built electric lines prior to the filing of the Alaska Native allotment claims, there is a conflict with land titles subsequently issued under the Alaska Native Allotment Act. In essence, H.R. 865 resolves that conflict by ratifying the existing rights-of-way across 14 specified Native allotments and providing for fair market value compensation for the landowners. As amended, the bill provides that the compensation, which is estimated by CBO to be no more than $150,000, is subject to appropriations. We have no objection to H.R. 865.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I rise in support of H.R. 865. The majority, Mr. GRIJALVA, has adequately explained this bill. I thank him for his consideration on behalf of the author, DON YOUNG.

Mr. Speaker, I yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 865, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

AUTHORIZING PAYMENT FOR SERVICES RENDERED BY SUBCONTRACTORS FOR WORK TO BE COMPLETED AT GRAND CANYON NATIONAL PARK

Mr. GRIJALVA. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1191) to authorize the National Park Service to pay for services rendered by subcontractors under a General Services Administration Indefinite Deliver/Indefinite Quantity Contract issued for work to be completed at the Grand Canyon National Park, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1191

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. DEFINITIONS.

As used in this Act, the following definitions apply:

(1) IDIQ.—The term "IDIQ" means an Indefinite Deliver/Indefinite Quantity contract.

(2) PARK.—The term "park" means Grand Canyon National Park.

(3) PGI.—The term "PGI" means Pacific General, Inc.

(4) SECRETARY.—The term "Secretary" means the Secretary of the Interior, acting through the Director of the National Park Service.

SEC. 2. AUTHORIZATION.

The Secretary is authorized, subject to the appropriation of such funds as may be necessary, to pay the amount owed to the subcontractors of PGI for work performed at the park under an IDIQ with PGI between fiscal years 2002 and 2003, provided that—

(1) the primary contract between PGI and the National Park Service is terminated;

(2) the amount owed to the subcontractors is verified;

(3) all reasonable legal avenues or recourse have been exhausted by the subcontractors to recoup amounts owed directly from PGI; and

(4) the subcontractors provide a written statement that payment of the amount verified in paragraph (2) represents payment in full by the United States for all work performed at the park under the IDIQ with PGI between fiscal years 2002 and 2003.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. GRIJALVA) and the gentleman from New Mexico (Mr. PEARCE) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. GRIJALVA. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days to revise and extend and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. GRIJALVA. Mr. Speaker, during fiscal years 2002 and 2003, Grand Canyon National Park entered into construction contracts worth $17 million with a general contractor called Pacific General, Incorporated, known as PGI.

In January 2004, numerous subcontractors employed by PGI notified National Park Service that they were not receiving payment. After an investigation, it was discovered that PGI was diverting Federal funds which should have gone to the subcontractors. PGI eventually declared bankruptcy.

It was further discovered that in a clear violation of Federal policies, the park had failed to require PGI to post a surety bond as a condition of the contract. The agency is now prohibited from paying the subcontractors directly because the funds appropriated for those contracts have already been paid to PGI. Overall, the subcontractors are owed about $1.3 million. H.R. 1191 authorizes the Secretary to use $1.3 million in available funds from Grand Canyon National Park to pay the subcontractors. Applicants for the funds would have to verify the amount they are owed, demonstrate that they have exhausted all reasonable legal avenues to recoup amounts owed to them by PGI, and provide written statements that the amount they are seeking represents payment in full.

Mr. Speaker, this is an imperfect solution to a difficult problem. However, these small business owners who provided quality services to the Federal Government in good faith should not have to wait any longer to receive payment.

My colleague from Arizona, Representative RENZI, is to be commended for his efforts on behalf of these small business people. Similar legislation was approved by the House in the 109th Congress, and we urge its passage today.

Mr. Speaker, I reserve the balance of my time.

Mr. PEARCE. Mr. Speaker, I rise to thank the majority, Mr. GRIJALVA, for his support of H.R. 1191, and I would yield such time as he may consume to the distinguished author of the bill, the gentleman from Arizona (Mr. RENZI), who has worked tirelessly for 4 years on this bill.

Mr. RENZI. Mr. Speaker, I want to thank my chairman and colleague from Arizona (Mr. GRIJALVA) and my neighbor from New Mexico (Mr. PEARCE) for their assistance and support in helping us find a solution finally today.

It has been 4 years in the making. I thank you, Mr. GRIJALVA and Mr. PEARCE, for being a part of pushing this across the finish line.

Our intention today is to provide legislation to fix a problem that affects almost 40 small business men and women throughout Arizona, Utah, New Mexico and the Southwest who are devastated by this unfortunate contract mismanagement that the National Park Service and Pacific General, Inc. were involved in.

I know, Mr. PEARCE, you remember from last Congress, in helping us finish on this, that many of these businesses are bankrupt today. Many of their sons and daughters aren't able to go to college because the Federal Government owes them money for work that they performed in the Grand Canyon. So today, we find a way to fix that with a technical correction in order for these subcontractors to get paid.

Mike Richardson, who is the owner of Southwest Water Works, located in Phoenix, Arizona, came before Congress, before your subcommittee last session. He testified, and he was able to bring this problem to the forefront. His dedicated assistance to bringing this matter before Congress should be commended.

After this time, the Washington Contracting and Procurement Office of the National Park Service performed an acquisition management review. In this review, the National Park Service discovered that the park had failed to ensure that PGI obtained the proper payments and performance bonds required by the National Park Service under the Miller Act. Then on February 6, 2004, the National Park Service suspended further payments to PGI, issued a suspension notice, and ceased activities with the contractor.

Unfortunately, as stated, the subcontractors were not paid for the work that they provided to the Federal Government. They fall into two categories. The first category consists of subcontractors that performed work on various projects where the National Park Service had already paid PGI for their work. Up to $1.3 million PGI did not pay to subcontractors. I think, as Congressman GRIJALVA talked about, there were $17 million paid overall to the contractor; $1.3 million never made its way down to these subcontractors.

The second category is composed of subcontractors who performed work on various projects where the National Park Service failed to pay PGI. The National Park Service has been unable to pay these contractors who performed the work at Grand Canyon because Federal law prohibits payments directly to subcontractors due to a lack of direct contractual relationship between the parties.

This bill today that Mr. GRIJALVA has championed, and Mr. PEARCE, fixes this grave inequity.

I thank you so very much for your leadership, Mr. GRIJALVA and Mr. PEARCE. I appreciate your service, and understanding these are small business men and women, Arizona, New Mexico and Utah, that will benefit from your leadership on this bill.

Mr. PEARCE. Mr. Speaker, I would yield back the balance of my time.

Mr. GRIJALVA. Mr. Speaker, again let me commend the gentleman from Arizona (Mr. RENZI) for this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. GRIJALVA) that the House suspend the rules and pass the bill, H.R. 1191, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

☐ 1330

TAXPAYER PROTECTION ACT OF 2007

Mr. LEWIS of Georgia. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1677) to amend the Internal Revenue Code of 1986 to enhance taxpayer protections and outreach, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1677

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; ETC.

(a) SHORT TITLE.—This Act may be cited as the "Taxpayer Protection Act of 2007".

(b) AMENDMENT OF 1986 CODE.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

(c) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

Sec. 1. Short title; etc.
Sec. 2. Family business tax simplification.
Sec. 3. Taxpayer notification of suspected identity theft.
Sec. 4. Extension of time for return of property for wrongful levy.
Sec. 5. Individuals held harmless on wrongful levy, etc., on individual retirement plan.
Sec. 6. Clarification of IRS unclaimed refund authority.
Sec. 7. Prohibition on IRS debt indicators for predatory refund anticipation loans.
Sec. 8. Prohibition on misuse of Department of the Treasury names and symbols.
Sec. 9. EITC outreach.
Sec. 10. Modification of rules pertaining to FIRPTA nonforeign affidavits.
Sec. 11. Disclosure of prisoner return information to Federal Bureau of Prisons.

Sec. 12. Increase in penalty for bad checks and money orders.

SEC. 2. FAMILY BUSINESS TAX SIMPLIFICATION.

(a) In General.—Section 761 (defining terms for purposes of partnerships) is amended by redesignating subsection (f) as subsection (g) and by inserting after subsection (e) the following new subsection:

"(f) Qualified Joint Venture.—

"(1) In general.—In the case of a qualified joint venture conducted by a husband and wife who file a joint return for the taxable year, for purposes of this title—

"(A) such joint venture shall not be treated as a partnership,

"(B) all items of income, gain, loss, deduction, and credit shall be divided between the spouses in accordance with their respective interests in the venture, and

"(C) each spouse shall take into account such spouse's respective share of such items as if they were attributable to a trade or business conducted by such spouse as a sole proprietor.

"(2) Qualified joint venture.—For purposes of paragraph (1), the term 'qualified joint venture' means any joint venture involving the conduct of a trade or business if—

"(A) the only members of such joint venture are a husband and wife,

"(B) both spouses materially participate (within the meaning of section 469(h) without regard to paragraph (5) thereof) in such trade or business, and

"(C) both spouses elect the application of this subsection.".

(b) Net Earnings From Self-Employment.—

(1) Subsection (a) of section 1402 (defining net earnings from self-employment) is amended by striking ", and" at the end of paragraph (15) and inserting a semicolon, by striking the period at the end of paragraph (16) and inserting "; and", and by inserting after paragraph (16) the following new paragraph:

"(17) notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) in determining net earnings from self-employment of such spouse.".

(2) Subsection (a) of section 211 of the Social Security Act (defining net earnings from self-employment) is amended by striking "and" at the end of paragraph (14), by striking the period at the end of paragraph (15) and inserting "; and", and by inserting after paragraph (15) the following new paragraph:

"(16) Notwithstanding the preceding provisions of this subsection, each spouse's share of income or loss from a qualified joint venture shall be taken into account as provided in section 761(f) of the Internal Revenue Code of 1986 in determining net earnings from self-employment of such spouse.".

(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2006.

SEC. 3. TAXPAYER NOTIFICATION OF SUSPECTED IDENTITY THEFT.

(a) In General.—Chapter 77 (relating to miscellaneous provisions) is amended by adding at the end the following new section:

"SEC. 7529. NOTIFICATION OF SUSPECTED IDENTITY THEFT.

"If, in the course of an investigation under section 7206 (relating to fraud and false statements) or 7207 (relating to fraudulent returns, statements, or other documents), the Secretary determines that there was or may have been an unauthorized use of the identity of the taxpayer or dependents, the Secretary shall—

"(1) as soon as practicable and without jeopardizing such investigation, notify the taxpayer of such determination, and

"(2) if any person is criminally charged by indictment or information under either of such sections, notify such taxpayer as soon as practicable of such charge.".

(b) Clerical Amendment.—The table of sections for chapter 77 is amended by adding at the end the following new item:

"Sec. 7529. Notification of suspected identity theft.".

(c) Effective Date.—The amendments made by this section shall apply to determinations made after the date of the enactment of this Act.

SEC. 4. EXTENSION OF TIME FOR RETURN OF PROPERTY FOR WRONGFUL LEVY.

(a) Extension of Time for Return of Property Subject to Levy.—Subsection (b) of section 6343 (relating to return of property) is amended by striking "9 months" and inserting "2 years".

(b) Period of Limitation on Suits.—Subsection (c) of section 6532 (relating to suits by persons other than taxpayers) is amended—

(1) in paragraph (1) by striking "9 months" and inserting "2 years", and

(2) in paragraph (2) by striking "9-month" and inserting "2-year".

(c) Effective Date.—The amendments made by this section shall apply to—

(1) levies made after the date of the enactment of this Act, and

(2) levies made on or before such date if the 9-month period has not expired under section 6343(b) of the Internal Revenue Code of 1986 (without regard to this section) as of such date.

SEC. 5. INDIVIDUALS HELD HARMLESS ON WRONGFUL LEVY, ETC., ON INDIVIDUAL RETIREMENT PLAN.

(a) In General.—Section 6343 (relating to authority to release levy and return property) is amended by adding at the end the following new subsection:

"(f) Individuals Held Harmless on Wrongful Levy, Etc. on Individual Retirement Plan.—

"(1) In general.—If the Secretary determines that an individual retirement plan has been levied upon in a case to which subsection (b) or (d)(2)(A) applies, an amount equal to the sum of—

"(A) the amount of money returned by the Secretary on account of such levy, and

"(B) interest paid under subsection (c) on such amount of money,

may be deposited into such individual retirement plan or any other individual retirement plan (other than an endowment contract) to which a rollover from the plan levied upon is permitted.

"(2) Treatment as rollover.—If amounts are deposited into an individual retirement plan under paragraph (1) not later than the 60th day after the date on which the individual receives the amounts under paragraph (1)—

"(A) such deposit shall be treated as a rollover described in section 408(d)(3)(A)(i),

"(B) to the extent the deposit includes interest paid under subsection (c), such interest shall not be includible in gross income, and

"(C) such deposit shall not be taken into account under section 408(d)(3)(B).

For purposes of subparagraph (B), an amount shall be treated as interest only to the extent that the amount deposited exceeds the amount of the levy.

"(3) Refund, etc., of income tax on levy.—If any amount is includible in gross income for a taxable year by reason of a levy referred to in paragraph (1) and any portion of such amount is treated as a rollover under paragraph (2), any tax imposed by chapter 1 on such portion shall not be assessed, and if assessed shall be abated, and if collected shall be credited or refunded as an overpayment made on the due date for filing the return of tax for such taxable year.

"(4) Interest.—Notwithstanding subsection (d), interest shall be allowed under subsection (c) in a case in which the Secretary makes a determination described in subsection (d)(2)(A) with respect to a levy upon an individual retirement plan.".

(b) Effective Date.—The amendment made by this section shall apply to amounts paid under subsections (b), (c), and (d)(2)(A) of section 6343 of the Internal Revenue Code of 1986 after the date of the enactment of this Act.

SEC. 6. CLARIFICATION OF IRS UNCLAIMED REFUND AUTHORITY.

Section 6103(m)(1) (relating to tax refunds) is amended by inserting ", and through any other means of mass communication," after "media".

SEC. 7. PROHIBITION ON IRS DEBT INDICATORS FOR PREDATORY REFUND ANTICIPATION LOANS.

(a) In General.—Subsection (f) of section 6011 (relating to promotion of electronic filing) is amended by adding at the end the following new paragraph:

"(3) Prohibition on IRS debt indicators for predatory refund anticipation loans.—

"(A) In general.—In carrying out any program under this subsection, the Secretary shall not provide a debt indicator to any person with respect to any refund anticipation loan if the Secretary determines that the business practices of such person involve refund anticipation loans and related charges and fees that are predatory.

"(B) Refund anticipation loan.—For purposes of this paragraph, the term 'refund anticipation loan' means a loan of money or of any other thing of value to a taxpayer secured by the taxpayer's anticipated receipt of a Federal tax refund.

"(C) IRS debt indicator.—For purposes of this paragraph, the term 'debt indicator' means a notification provided through a tax return's acknowledgment file that a refund will be offset to repay debts for delinquent Federal or State taxes, student loans, child support, or other Federal agency debt.".

(b) Effective Date.—The amendment made by this section shall apply to determinations after the date of the enactment of this Act.

SEC. 8. PROHIBITION ON MISUSE OF DEPARTMENT OF THE TREASURY NAMES AND SYMBOLS.

(a) In General.—Subsection (a) of section 333 of title 31, United States Code, is amended by inserting "internet domain address," after "solicitation," both places it appears.

(b) Penalty for Misuse by Electronic Means.—Subsections (c)(2) and (d)(1) of section 333 of such Code are each amended by inserting "or any other mass communications by electronic means," after "telecast,".

(c) Effective Date.—The amendments made by this section shall apply with respect to violations occurring after the date of the enactment of this Act.

SEC. 9. EITC OUTREACH.

(a) In General.—Section 32 (relating to earned income) is amended by adding at the end the following new subsection:

"(n) Notification of Potential Eligibility for Credit and Refund.—

"(1) In general.—To the extent possible and on an annual basis, the Secretary shall provide to each taxpayer who—

"(A) for any preceding taxable year for which credit or refund is not precluded by section 6511, and

"(B) did not claim the credit under subsection (a) but may be allowed such credit for any such taxable year based on return or return information (as defined in section 6103(b)) available to the Secretary,

notice that such taxpayer may be eligible to claim such credit and a refund for such taxable year.

"(2) Notice.—Notice provided under paragraph (1) shall be in writing and sent to the last known address of the taxpayer.".

(b) Effective Date.—The amendment made by this section shall take effect on the date of the enactment of this Act.

SEC. 10. MODIFICATION OF RULES PERTAINING TO FIRPTA NONFOREIGN AFFIDAVITS.

(a) In General.—Subsection (b) of section 1445 (relating to exemptions) is amended by adding at the end the following:

"(9) Alternative procedure for furnishing nonforeign affidavit.—For purposes of paragraphs (2) and (7)—

"(A) In general.—Paragraph (2) shall be treated as applying to a transaction if, in connection with a disposition of a United States real property interest—

"(i) the affidavit specified in paragraph (2) is furnished to a qualified substitute, and

"(ii) the qualified substitute furnishes a statement to the transferee stating, under penalty of perjury, that the qualified substitute has such affidavit in his possession.

"(B) Regulations.—The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph.".

(b) Qualified Substitute.—Subsection (f) of section 1445 (relating to definitions) is amended by adding at the end the following new paragraph:

"(6) Qualified substitute.—The term 'qualified substitute' means, with respect to a disposition of a United States real property interest—

"(A) the person (including any attorney or title company) responsible for closing the transaction, other than the transferor's agent, and

"(B) the transferee's agent.".

(c) Exemption Not to Apply if Knowledge or Notice That Affidavit or Statement Is False.—

(1) In general.—Paragraph (7) of section 1445(b) (relating to special rules for paragraphs (2) and (3)) is amended to read as follows:

"(7) Special rules for paragraphs (2), (3), and (9).—Paragraph (2), (3), or (9) (as the case may be) shall not apply to any disposition—

"(A) if—

"(i) the transferee or qualified substitute has actual knowledge that the affidavit referred to in such paragraph, or the statement referred to in paragraph (9)(A)(ii), is false, or

"(ii) the transferee or qualified substitute receives a notice (as described in subsection (d)) from a transferor's agent, transferee's agent, or qualified substitute that such affidavit or statement is false, or

"(B) if the Secretary by regulations requires the transferee or qualified substitute to furnish a copy of such affidavit or statement to the Secretary and the transferee or qualified substitute fails to furnish a copy of such affidavit or statement to the Secretary at such time and in such manner as required by such regulations.".

(2) Liability.—

(A) Notice.—Paragraph (1) of section 1445(d) (relating to notice of false affidavit; foreign corporations) is amended to read as follows:

"(1) Notice of false affidavit; foreign corporations.—If—

"(A) the transferor furnishes the transferee or qualified substitute an affidavit described in paragraph (2) of subsection (b) or a domestic corporation furnishes the transferee an affidavit described in paragraph (3) of subsection (b), and

"(B) in the case of—

"(i) any transferor's agent—

"(I) such agent has actual knowledge that such affidavit is false, or

"(II) in the case of an affidavit described in subsection (b)(2) furnished by a corporation, such corporation is a foreign corporation, or

"(ii) any transferee's agent or qualified substitute, such agent or substitute has actual knowledge that such affidavit is false,

such agent or qualified substitute shall so notify the transferee at such time and in such manner as the Secretary shall require by regulations.".

(B) Failure to furnish notice.—Paragraph (2) of section 1445(d) (relating to failure to furnish notice) is amended to read as follows:

"(2) Failure to furnish notice.—

"(A) In general.—If any transferor's agent, transferee's agent, or qualified substitute is required by paragraph (1) to furnish notice, but fails to furnish such notice at such time or times and in such manner as may be required by regulations, such agent or substitute shall have the same duty to deduct and withhold that the transferee would have had if such agent or substitute had complied with paragraph (1).

"(B) Liability limited to amount of compensation.—An agent's or substitute's liability under subparagraph (A) shall be limited to the amount of compensation the agent or substitute derives from the transaction.".

(C) Conforming amendment.—The heading for section 1445(d) is amended by striking "or Transferee's Agents" and inserting ", Transferee's Agents, or Qualified Substitutes".

(d) Effective Date.—The amendments made by this section shall apply to dispositions of United States real property interests after the date of the enactment of this Act.

SEC. 11. DISCLOSURE OF PRISONER RETURN INFORMATION TO FEDERAL BUREAU OF PRISONS.

(a) In General.—Subsection (k) of section 6103 (relating to disclosure of certain return and return information for tax administration purposes) is amended by adding at the end the following new paragraph:

"(10) Disclosure of certain return information of prisoners to federal bureau of prisons.—

"(A) In general.—Under such procedures as the Secretary may prescribe, the Secretary may disclose to the head of the Federal Bureau of Prisons any return information with respect to individuals incarcerated in Federal prison whom the Secretary has determined may have filed or facilitated the filing of a false return to the extent that the Secretary determines that such disclosure is necessary to permit effective Federal tax administration.

"(B) Restriction on redisclosure.—Notwithstanding subsection (n), the head of the Federal Bureau of Prisons may not disclose any information obtained under subparagraph (A) to any person other than an officer or employee of such Bureau.

"(C) Restriction on use of disclosed information.—Return information received under this paragraph shall be used only for purposes of and to the extent necessary in taking administrative action to prevent the filing of false and fraudulent returns, including administrative actions to address possible violations of administrative rules and regulations of the prison facility.

"(D) Annual report.—In each of the calendar years 2007 through 2010, the Secretary shall submit to Congress and make publicly available a report on the filing of false and fraudulent returns by individuals incarcerated in Federal and State prisons. Such report shall include statistics on the number of false and fraudulent returns associated with each Federal and State prison.

"(E) Termination.—No disclosure may be made under this paragraph after December 31, 2010.".

(b) Recordkeeping.—Paragraph (4) of section 6103(p) is amended by striking "(k)(8)" both places it appears and inserting "(k)(8) or (10)".

(c) Evaluation by Treasury Inspector General for Tax Administration.—Paragraph (3) of section 7803(d) is amended by striking "and" at the end of subparagraph (A), by striking the period at the end of subparagraph (B) and inserting "; and", and by adding at the end the following new subparagraph:

"(C) not later than December 31, 2009, submit a written report to Congress on the implementation of section 6103(k)(10).".

(d) Effective Date.—

(1) In general.—Except as provided in paragraph (2), the amendments made by this section shall apply to disclosures made after December 31, 2007.

(2) Annual report.—Section 6103(k)(10)(D) of the Internal Revenue Code of 1986 (relating to annual reports), as added by this section, shall apply to reports submitted after the date of the enactment of this Act.

SEC. 12. INCREASE IN PENALTY FOR BAD CHECKS AND MONEY ORDERS.

(a) In General.—Section 6657 (relating to bad checks) is amended—

(1) by striking "$750" and inserting "$1,250", and

(2) by striking "$15" and inserting "$25".

(b) Effective Date.—The amendments made by this section shall apply to checks or money orders received after the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Georgia (Mr. Lewis) and the gentleman from Minnesota (Mr. Ramstad) each will control 20 minutes.

The Chair recognizes the gentleman from Georgia.

Mr. LEWIS of Georgia. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 1677 and am pleased to be a lead co-sponsor of this bill with Chairman Rangel.

Today is the due date for Americans to file their tax returns. On this day, it is wise for the House to consider a bill to increase taxpayer protection and expand outreach efforts to millions of Americans.

Mr. Speaker, this is an important bill; this is a timely bill. The Taxpayer Protection Act is a result of a hearing held by the Oversight Subcommittee that I chair. H.R. 1677 is an important first step in standing up, really standing up for the American taxpayer. It is a shame that people use fraudulent tax schemes to steal Social Security numbers and financial information from Americans.

This legislation protects taxpayers from misleading Web sites and identity theft. H.R. 1677 provides higher penalties for persons who use either Web site names that may be confused with the official IRS Web site or mass e-mails that appear to be from the IRS. This bill requires the IRS to notify you if your identity is stolen in a tax scam.

You should not become more vulnerable for being a responsible citizen. The Taxpayer Protection Act prohibits the IRS from providing certain information to businesses that the IRS believes make predatory loans based on tax refunds. These short-term loans often charge interest rates sometimes above 100 percent that victimize low-income workers.

H.R. 1677 will also assist with efforts to reach millions of working Americans who are eligible to claim the earned income tax credit. These taxpayers often do not take advantage of the EITC. They have a right to know of all benefits available to them. Under this bill, the IRS will expand its current outreach program to help more low-income Americans receive this tax credit, a credit which lifts millions of families out of poverty each year.

This bipartisan legislation moves us in the right direction to make tax issues simpler and clearer for the average person. We must fight poverty, fight fraud, and provide these basic protections for all Americans.

Mr. Speaker, I fully support the Taxpayer Protection Act, and I urge all of my colleagues on both sides of the aisle to vote "yes" for H.R. 1677.

Mr. Speaker, I reserve the balance of my time.

Mr. RAMSTAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I strongly support the Taxpayer Protection Act. This legislation is a package of commonsense reforms that passed the Ways and Means Committee by a voice vote with broad bipartisan support, and I want to take this opportunity to thank Chairman RANGEL of the full Ways and Means Committee, as well as Chairman LEWIS, the chairman of our Oversight Subcommittee, for working in a bipartisan, pragmatic and commonsense way on this legislation, and for working in a bipartisan way thus far generally in the committee. I also want to thank Ranking Member MCCRERY for his leadership.

Mr. Speaker, true to its name, this bill will protect taxpayers and expand their rights. One important reform will prevent Internet domains from using the Treasury Department's name or symbol, which is usually done to trick people into giving out sensitive personal or financial information. Clearly, this should not be allowed and should be outlawed, as this bill provides. It prohibits phishing, and by that I mean phishing with a "P-H," not the kind that Minnesota is famous for. We are referring here to mass e-mail communications falsely claiming to be from the IRS that can lead to identity theft and have victimized too many Americans.

The bill also requires the IRS to notify taxpayers when there is an unauthorized use of the taxpayer's identity. This will help taxpayers take steps to clear their names quickly if and when their identity is stolen.

Another commonsense provision of this bill allows the IRS to return funds directly to a taxpayer's retirement account if the IRS improperly levied fines from that account.

One provision, Mr. Speaker, that received considerable attention in the committee deals with refund anticipation loans. I mentioned in the committee that while I certainly understand the motivation behind the provision and the belief that the IRS should not be a facilitator for predatory loans, I am concerned because the bill does not define "predatory"; but I trust, Mr. Speaker, that will be clarified in the conference.

I also hope we are not inadvertently making this problem worse by denying lenders information on "debt indicators" so that the provision increases the risk that a lender will not be reimbursed by the taxpayer's refund. This could cause lenders to increase fees and interest rates even further, making taxpayers pay even more for early access to their refunds. While I am not opposed to the provision, this should be addressed in the conference.

I strongly support another provision in the bill which would encourage the IRS to do more to ensure that taxpayers entitled to receive earned income credit refunds actually receive them.

Mr. Speaker, as we all know, the earned income credit is one of our most effective antipoverty tools for working families. This provision certainly deserves our strong support.

Mr. Speaker, I am also very pleased that the committee adopted my amendment to prevent tax fraud by prison inmates. This amendment is based on legislation that Chairman LEWIS and I introduced in the last Congress in response to a hearing we held in 2005. This hearing revealed massive tax fraud going on within the walls of our Nation's prisons. In fact, the IRS testified that 15 percent of all tax fraud in the United States is committed by prison inmates while in prison. Tax fraud in any form is obviously unacceptable and illegal; but it is particularly outrageous and egregious when it is committed by prison inmates who are supposed to be paying their debt to society, not bilking taxpayers.

For example, we heard testimony, Mr. Speaker, from one inmate who had swindled taxpayers to the tune of $3.5 million in false tax return claims, and this was not an isolated incident.

While the IRS is able to detect some inmate tax fraud, far too much of it falls through the cracks. And, unfortunately, the IRS is prohibited by current law from sharing information with prison officials that would allow those officials to punish and stop this fraud.

My amendment, and I appreciate the chairman's support of this amendment, my amendment would allow the IRS to disclose information to Federal prison officials to help them stop the tax fraud that is occurring right under their noses within the walls of Federal prisons. I hope in time this commonsense provision can also be extended to include State prisons.

Mr. Speaker, it is truly fitting that in a bill entitled the Taxpayer Protection Act we protect honest taxpayers from such blatant, outrageous fraud that is being committed by some prison inmates.

Mr. Speaker, I urge my colleagues to protect taxpayers and support this legislation.

Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I thank my friend, my colleague, the ranking member, for all of his help and support in bringing this legislation before us today.

GENERAL LEAVE

Mr. LEWIS of Georgia. Mr. Speaker, I ask unanimous consent to give Members 5 legislative days to revise and extend their remarks on the bill, H.R. 1677.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Georgia?

There was no objection.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from North Dakota (Mr. POMEROY), a member of the committee.

Mr. POMEROY. Mr. Speaker, I want to commend my friend, the chairman of the Oversight Subcommittee, the former chairman, now ranking member of the Oversight Subcommittee, for bringing this bipartisan bill to the floor.

There are a couple of features I wish to speak to: one, we prohibit use of misleading Internet names. I want to show you why I think that is important.

This is Departmentofthetreasury.com. You pull it up and it looks like an official Web page of the Federal Government. However, the second page on this same domain name shows Departmentofthetreasury.com is for sale. Basically, departmentofthetreasury.gov is the protected government name, and dot-com is a private name that preys upon the public believing they are communicating with the Federal Government, and they are not.

Now, I think we ought to take some exception to the marketing "Departmentofthetreasury.com is for sale." That is a public name. It is owned by the American people. You can't sell something you don't own, and that is a name appropriately reserved reflecting the Department of Treasury of this country, and nobody should be allowed to make a plug nickel on it.

Here is some body of information showing just how lucrative it might be for those who want to prey upon the public using Federal names. There is a domain site called IRS.com, and inconceivably to me, they rang the bell as some prized business concern in the American Stock Exchange this morning. Well, I think a business that preys upon the public with misleading domain names is no business you want to celebrate in ringing the bell of a great stock exchange.

In fact, public reports, as reported in the New York Times today, show that their revenues jumped from $17.5 in 2005 to $25.6 million after IRS.com paid $12.9 million for that domain name. I have pulled up IRS.com. Some would say there is clear disclosure; this is not a public site. IRS.com has IRS. It has tax information, and in little tiny, flyspeck language it has the disclosure. It is deliberately built to deceive, and in fact one survey showed that 40 percent of those accessing the site thought it was a Federal site. And even after seeing it, one-third thought it was a Federal site. But they use this site to market information to taxpayers.

Just to conclude, the business plan of these enterprises to get people to the site, they then have other services offered on the site. The domain holder, IRS.com, is paid for each link accessed by a member of the public. Some of the things sold on that site represent very low value: refund anticipation loans or expensive tax preparation services. This is a fraud on the public, and we ought to put an end to it.

I also appreciate what we are doing, turning up the heat on these refund anticipation loans, or RALs. To me, they represent an exceedingly poor value to the American public. In fact, such a poor value that I can't believe people are accessing them if they knew the facts and knew the costs. The commissioner has identified some of the practices as predatory lending in testimony to the committee. I like giving the Treasury Department authority to deal with people engaged in predatory lending practices. I urge passage of the bill.

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Mr. RAMSTAD. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 2 minutes to the gentleman from Pennsylvania (Mr. CARNEY).

Mr. CARNEY. Mr. Speaker, I thank Mr. LEWIS for his leadership on this very important bill that we are discussing today.

I rise today in support of the Taxpayer Protection Act of 2007. I have spent the last 2 weeks in northeast and central Pennsylvania hearing from families in my district about matters that concern them, and one thing was consistent. Our middle-class families deserve a tax cut and tax protection.

It is time to start protecting our taxpayers, Mr. Speaker. This bipartisan legislation will do just that. This legislation requires the IRS to notify taxpayers if there has been an unauthorized use of their identity. This is a serious issue, and the IRS must be actively contacting those individuals who may have fallen victim to identity theft.

This bill protects those who would receive a tax break, also. It requires the IRS to notify those who would be eligible for a tax break. For example, it requires the IRS to conduct additional earned income tax credit outreach, including notifying those who are eligible about how to apply for it.

The Taxpayer Protection Act supports small, family-owned businesses and allows for spouses of the family-owned business to pay Social Security and Medicare taxes as a sole proprietorship rather than as a partnership. This will save our small businesses money, promoting investment and growth in our communities.

I came to Congress to stand up for working families, both in my State, Pennsylvania, and this country. This bipartisan bill protects taxpayers, protects families and protects individuals; and I am proud to support it today.

Mr. Speaker, I just want to mention our condolences for those at Virginia Tech University. I think today everybody in this country is a Hokie.

Mr. RAMSTAD. Mr. Speaker, I yield 2 minutes to the gentleman from California (Mr. HERGER), a distinguished member of the Ways and Means Committee and ranking member of the Trade Subcommittee.

Mr. HERGER. Mr. Speaker, in 2001 President Bush and Congress worked to enact the most important tax relief since Ronald Reagan in the 1980s.

For individuals and families, we reduced marginal tax rates on personal income, doubled the child tax credit, reduced the unfair marriage tax penalty, phased out the onerous death tax, and significantly lessened the impact of the alternative minimum tax. We also provided essential tax relief on investment income.

Far from taxpayer protection, as this bill's title suggests, we are now hearing proposals from the other side that would do away with the tax relief of the last 6 years. Contrary to the naysayers, tax relief has played a critical role in revitalizing our Nation's economy.

Over 7.5 million new jobs have been created since 2003. The national unemployment rate has fallen to a very low 4.4 percent. Economic growth has been steady and strong. Our investment markets are no longer bursting; they are booming.

American families and small businesses did not just sit on the $1.1 trillion that we returned to them. They put much of it back into our economy through investment and consumption. The result: Tax revenues are up 35 percent and deficits are much lower than CBO anticipated.

Mr. Speaker, as we observe tax day, to truly protect taxpayers, Congress should talk about ways to make the tax relief we have permanent. Regrettably, the majority party and its budget anticipate the opposite.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. MCNERNEY).

Mr. MCNERNEY. Mr. Speaker, I rise today in strong support of the Taxpayer Protection Act of 2007.

I would like to commend Chairman RANGEL and Ranking Member MCCRERY for bringing this bill to the floor and for working to simplify our tax policies.

Today's Tax Code has become so complex that it takes more than 25 hours to complete an itemized tax return. That is about 10 hours longer than in 1988.

Small business owners will also benefit significantly from this legislation by streamlining the process that married couples use to file returns.

Our reliance on technology and the openness of the Internet is greater than ever, and we should improve security to defend American taxpayers from identity theft.

I am pleased that provisions in the Taxpayer Protection Act increase online security for individuals and allow them to have better recourse in the event of a crime.

Mr. Speaker, I urge my colleagues to support H.R. 1677.

Mr. RAMSTAD. Mr. Speaker, I reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 3 minutes to the gentleman from New York (Mr. CROWLEY), my colleague on the Ways and Means Committee.

Mr. CROWLEY. Mr. Speaker, thank you for giving me the time.

I also just want to express briefly the support of my constituents in Queens and The Bronx in New York. Their hearts and prayers are today in Virginia with the students and faculty and parents of Virginia Tech students.

Mr. Speaker, I rise in strong support of the Taxpayer Protection Act, a bill that will work to protect and empower taxpayers.

I want to specifically recognize and thank Chairman RANGEL not only for crafting a solid, bipartisan bill, but also for continuing the comity that has, this year, become the hallmark of our committee.

I would also like to express my gratitude to you, as well as to Oversight Subcommittee Chairman LEWIS and Ranking Member RAMSTAD for including important new provisions dealing with the earned income tax credit. The EITC has been a great benefit to my constituents, with almost 114,000 of them claiming this credit, bringing home to Queens and The Bronx $270 million. While impressive, I still have almost 23,000 constituents in my district who are eligible, but do not seek this credit, thereby missing out on an estimated $54 million in revenue, money these people need for everyday living and money that can be turned back into our communities.

During both the oversight hearing on EITC and, later, the full committee hearing with IRS Commissioner Everson, I highlighted the need for the IRS to work with those who qualify for the EITC to make the process of restating past returns easier. This bill does that.

Additionally, during private and, later, under committee questioning, I asked Commissioner Everson about ways to outreach EITC to more people, including those who may not file returns.

Again, the sponsors heard the concerns of many of us on this committee and crafted a bill today that also mandates the IRS undertake this outing by using IRS' existing resources and data to dig deeper and find these eligible people.

The people who qualify and receive the earned income tax credit, the people I am talking about, are the working poor, again poor people who work, and they need our help. This bill provides them an important helping hand. I thank the sponsors for putting working people first in this legislation.

I also want to thank many of the not-for-profit groups that are helping our constituents access EITC. Just yesterday, I met with the leadership in New York City of ACORN, and they are starting a program to help our mutual constituents reach out so that they can make access of the EITC, the earned income tax credit.

I once again thank the sponsors of this legislation. I welcome this new direction in Congress and in America.

Mr. RAMSTAD. Mr. Speaker, I continue to reserve the balance of my time.

Mr. LEWIS of Georgia. Mr. Speaker, I yield 1 minute to the gentleman from North Carolina (Mr. SHULER).

Mr. SHULER. I thank the gentleman for yielding.

Mr. Speaker, before I begin, I would like to offer my thoughts and prayers to the family of those who died yesterday at Virginia Tech and all those affected by this senseless tragedy.

Mr. Speaker, I rise today in support of this legislation, H.R. 1677, the Taxpayer Protection Act of 2007.

As we mark the deadline for Federal income taxes today, this bill takes important steps to simplify the tax process for family-owned small businesses, which are the backbone of our country and our economy.

Mr. Speaker, this bill will allow both spouses in a family-owned business to pay Social Security and Medicare taxes as a sole proprietorship, not as a partnership.

Mr. Speaker, when a husband and wife owns a business together, they are really collecting only one paycheck. They should only have to pay taxes once.

Mr. RAMSTAD. Mr. Speaker, I yield 3 minutes to the gentleman from Georgia (Mr. PRICE), a champion of the taxpayer.

Mr. PRICE of Georgia. I appreciate the gentleman for yielding, and I appreciate the leadership on both sides of the aisle for this issue.

I am heartened by the stated enthusiasm of the members of the majority party for the Taxpayer Protection Act. I am remarkably encouraged.

Today being tax day, it is appropriate that we speak about this issue, and it is mostly good work. I would commend the individuals who worked on this. It is mostly good work, but I would suggest, Mr. Speaker, that real protection requires real reform, and the real solution to the challenges that we face as Americans, all of us in our tax system, is that we need fundamental reform.

This is an appropriate bill and kind of tinkers with the margins of our tax system, and I think those modifications are, as I mentioned, appropriate and a step in the right direction; but our current system is extremely regressive and extremely unfair.

So, to talk about the earned income tax credit, it's an appropriate thing to notify people who don't know that they are eligible for that. However, there are embedded taxes in everything that we purchase that make our system right now much more regressive than it ought be.

There is legislation available that would, in fact, promote fundamental reform. It would capture all of the underground economy that is fully a third of our current economy, nearly $1 trillion. It would reward those kinds of things that we say that we want, like hard work and success and entrepreneurship and vision and all those wonderful American ideals.

That bill is H.R. 25. It is the fair tax, the national retail sales tax. It would bring about true fundamental reform and would bring about true protection for the American taxpayer.

So I commend the individuals who brought forward H.R. 1677, and I would suggest, Mr. Speaker, that this is a small step in the right direction. However, real reform requires real change. Fundamental reform to our tax system is what is needed, and I am hopeful that in relatively short order we will be able to embrace each other with real fundamental reform to our entire tax system on the floor of this House.

Mr. LEWIS of Georgia. Madam Speaker, I yield 2 minutes to the gentleman from Oregon (Mr. BLUMENAUER), a member of the Ways and Means Committee.

Mr. BLUMENAUER. Madam Speaker, I appreciate my colleague from Georgia, the distinguished chairman of the Oversight Committee, for permitting me to speak on this bill, and I commend his hard work.

I find no small amount of irony hearing one of our friends from the other side of the aisle talk about how it might be time now for tax reform. The other side of the aisle was in charge for 12 years, and it is interesting that in the last 6 years, when they controlled the White House and Congress and had three major tax bills before us, the words in the Tax Code increased 1.5 million; 1.5 million extra words, special-interest provisions, while ignoring opportunities to simplify the code and to deal meaningfully with the tax tsunami that is coming at us, the alternative minimum tax.

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I appreciate the hard work that the subcommittee has done, dealing with provisions like this that have no argument against them. These are things that are long overdue. I am glad we are moving forward. I commend the subcommittee Chair, and our Chair, Mr. RANGEL, for looking at other provisions that would level the playing field, that would deal with simplification, deal with fairness, deal with some of the problems that lower-income citizens have in terms of trying to cope with the complexity, and being able to equip the Internal Revenue Service to make sure that we deal with hundreds of billions of dollars that is uncollected revenue that shifts the burden on the vast majority of Americans who are hard working, who report their income, who pay their taxes fairly and on time.

It isn't the fault of the worker who has got the W–2 that we have this vast amount of uncollected income. We have the complexity. I appreciate what this bill represents, a true effort at bipartisan cooperation to establish a foundation. We can move forward to have an Internal Revenue Code that is fair and effective for all.

Mr. RAMSTAD. Madam Speaker, may I just inquire as to how many speakers the other side may have.

Mr. LEWIS of Georgia. That was my last speaker, Mr. Ranking Member.

Mr. RAMSTAD. Madam Speaker, before yielding back, I too want to express my deepest sympathy to the entire Virginia Tech community. Like every other Member of this body, my thoughts and prayers are with all those affected by the tragic and senseless loss of lives.

Having no further speakers, I urge a strong "yes" vote for this taxpayer protection.

Madam Speaker, I yield back the balance of my time.

Mr. LEWIS of Georgia. Madam Speaker, I too, before I close this debate on this bill, join with my colleagues and others to mourn for the victims of this unspeakable, unbelievable, senseless act of violence at Virginia Tech. We mourn, we pray for the victims and for their families.

I also want to thank my colleague, my friend, the ranking member, Mr. RAMSTAD, for all of his help in bringing this piece of legislation, as I stated before, before us today.

Madam Speaker, I fully support H.R. 1677, the Taxpayer Protection Act of 2007. We must do more for Americans. We must protect taxpayers from being victims of fraudulent tax schemes, misleading Web sites and predatory refund loans.

H.R. 1677 does this. It provides higher penalties for deceptive Web sites and mass e-mails. It requires the IRS to notify you if your identity is stolen in a tax scam. It reduces predatory refund loans.

H.R. 1677 expands IRS outreach programs to millions of taxpayers eligible for the earned income tax credit who have not claimed it. This credit lifts millions of working Americans out of poverty each year.

Madam Speaker, this is a good bill. This is an important bill. This is a necessary bill. On this tax day we must do more for taxpayers. I urge my colleagues, all of my colleagues on both sides of the aisle to vote "yes" for H.R. 1677.

Mr. MARKEY. Madam Speaker, I rise in strong support of H.R. 1677, the "Taxpayer Protection Act of 2007."

I would like to focus my remarks on Section 8 of this bill, which clarifies the intent of the Congress that the existing legal prohibitions on the misuse of Department of the Treasury names and symbols also extend to misuse over the Internet. I support this provision, which addresses a very real problem that currently exists with potentially misleading commercial websites that taxpayers may mistakenly believe to be affiliated with the IRS.

In February, the Subcommittee on Telecommunications and the Internet, which I chair, became aware of three commercial websites operating under domain names which may confuse the public into believing them to be official IRS websites: IRS.com, IRS.net and IRS.org. In response to this situation, I wrote to the Federal Trade Commission Chairman Majoras, Secretary of the Treasury Paulson, and Internal Revenue Service Commissioner Everson to express my concerns that consumers who visited these sites might provide the operators with personally identifiable information and tax return information, enabling the operators to either market or sell this information to others, or to sell and market all manner of products and services to these taxpayers.

A consumer survey and study presented to the IRS and FTC in early January of this year by the Computer and Communications Industry Association suggested that a significant proportion of consumers misinterpreted these three non-governmental Websites as being sites hosted by the IRS. The survey showed, for example, that before viewing the website IRS.com, 47 percent of those surveyed believed the site represented the Internet address of the Internal Revenue Service. Even after viewing the site, ⅓ of those surveyed still believed the site was the IRS website.

Now, the IRS.com website bears a remarkable resemblance to the official IRS.gov site. Both websites have the same color blue banner at the very top, a grey search bar right below, and a white background with various links and search features covering the bulk of the page. Back in February, the IRS.com site even had an actual image of the U.S. Treasury headquarters building on the top of the page. At the time, there was only a fine-print disclaimer at the bottom of these sites stating that that it was a non-governmental site. This disclaimer was so far down on the webpage that few consumers were likely to view it.

I continue to be concerned about the potential for unfair or deceptive trade practices associated with these commercial websites, and I believe that we need to do more to ensure that the public does not continue to be exposed to these potentially misleading or confusing websites. There is no relationship between a citizen and our government more sensitive, nor information more private, than that involving individual taxes and the annual voluntary compliance obligation. The federal government has a duty to protect taxpayers from predatory behaviors as they seek to meet their obligation to pay taxes.

I am hopeful that, by clarifying the intent of the Congress that the existing legal prohibitions on misuse of Treasury Department and IRS names and symbols are and should be applied to commercial activity on the Internet, this bill will better protect the public from this kind of operation in the future.

I urge adoption of the bill.

Mr. EMANUEL. Madam Speaker, I rise today in support of H.R. 1677, the Taxpayer Protection Act of 2007. Too often, middle-class taxpayers find themselves confused and frustrated by the complexity of the tax code. Over 60 percent of taxpayers now use a paid preparer to file their tax return, costing them hundreds or thousands of dollars that they could have used for college, health care, or retirement.

This legislation provides overdue relief for taxpayers that will protect them from fraud, require the IRS to do a better job of communicating which tax credits a taxpayer can qualify for, and hold tax cheats accountable for their actions. Today is Tax Day, and this legislation sends a message to taxpayers that help is on the way.

Hearings held by Chairman JOHN LEWIS provided ample evidence that taxpayers are too often exposed to identify theft or unaware of potential benefits. The Taxpayer Protection Act will require the IRS to notify taxpayers involved in tax fraud investigations that there may have been an unauthorized use of their identities, will provide filers with a longer period of time to seek restitution from the IRS for a wrongful penalty, punish predatory lenders, and require the IRS to promote the Earned Income Tax Credit sq that more Americans can take care of a tax benefit they have earned but have not been notified.

Madam Speaker, Tax Day can be a difficult day for many Americans. Let us do our part to make common-sense reforms that put the government back on the side of the average taxpayer.

I thank Mr. RANGEL, the Chairman of the Ways and Means Committee, for his leadership on this issue, and I urge my colleagues to join me in voting for H.R. 1677, the Taxpayer Protection Act of 2007.

Mr. LEVIN. Madam Speaker, I rise today in strong support of H.R. 1677, the Taxpayer Protection Act.

I would note that its consideration today is particularly timely as millions of hardworking Americans file their tax returns. Those workers and families deserve to know that their government is taking every step to protect the sensitive data contained in those returns and to enhance taxpayer rights.

Identity theft is a large and growing problem in our society, and unfortunately, a lack of vigilance on the part of the IRS has contributed to that problem. One criminal who testified before the Senate Finance Committee last week detailed how he stole $1.1 million from the Treasury by using stolen identities to claim fraudulent refunds. While this individual is rightly serving time in prison, we must act to prevent such crimes in the future.

This legislation contains a number of common sense provisions to accomplish just that, including a requirement that the IRS notify a taxpayer if it discovers that there may have been an unauthorized use of the taxpayer's identity during the course of a tax fraud investigation and the authority for the IRS to notify taxpayers on the Internet about unclaimed tax refunds. It also increases penalties on misleading websites that use government names and symbols to engage in the fraudulent practice known as "phishing. "

I am also pleased that it enhances Earned Income Tax Credit outreach so that every taxpayer who is eligible for this credit realizes its benefits.

Madam Speaker, I urge my colleagues to support the legislation.

Mr. MARKEY. Madam Speaker, I rise in strong support of H.R. 1677, the "Taxpayer Protection Act of 2007."

I would like to focus my remarks on Section 8 of this bill, which clarifies the intent of the Congress that the existing legal prohibitions on the misuse of Department of Treasury names and symbols extend to misuse over the Internet. I support this provision, which addresses a very real problem that currently exists with potentially misleading commercial Web sites that taxpayers may mistakenly believe to be affiliated with the IRS.

In February, the Subcommittee on Telecommunications and the Internet, which I chair, became aware of three commercial Web sites operating under domain names which may confuse the public into believing them to be official IRS Web sites: IRS.com, IRS.net, and IRS.org. In response to this situation, I wrote to the Federal Trade Commission Chairman Majoras, Secretary of the Treasury Paulson, and Internal Revenue Service Commissioner Everson to express my concerns that consumers who visited these sites might provide the operators with personally identifiable information and tax return information, enabling the operators to either market or sell this information to others, or to sell and market all manner of products and services to these taxpayers. Since the taxpayers who provide personal information to these sites might be doing so under the misimpression that they were dealing with an official government Web site subject to applicable federal privacy protections, I felt there was a serious potential for consumer confusion, deception, and abuse.

In fact, a consumer survey and study presented to the IRS and FTC in early January of this year by the Computer and Communications Industry Association suggested that a significant proportion of consumers misinterpreted these three nongovernmental Web sites as being sites hosted by the IRS. The survey showed, for example, that before viewing the Web site IRS.com, 47 percent of those surveyed believed the site represented the Internet address of the Internal Revenue Service. Even after viewing the site, one third of those surveyed still believed the site was the IRS Web site.

Now, the IRS.com Web site bears a remarkable resemblance to the official IRS.gov site. Both Web sites have the same color blue banner at the very top, a grey search bar right below, and a white background with various links and search features covering the bulk of the page. Back in February, the IRS.com site even had an actual image of the U.S. Treasury headquarters building on the top of the page. At the time, there was only a fine-print disclaimer at the bottom of this site stating that it was a non-governmental site. This disclaimer was so far down on the Web page that few consumers were likely to view it.

I asked the FTC, the Treasury, and the IRS to look into the issues raised by this Web site, as well as the IRS.org and IRS.net sites. The IRS and the Treasury Department have never formally responded to my inquiry. However, the IRS has issued a press statement warning taxpayers about these potentially misleading sites. The FTC did respond to my letter, but in that response merely noted that in response to the concerns I had raised, the operator had "made a number of changes to distinguish it from the official IRS Web site, and to better highlight the disclaimers included on the Web site."

I continue to be concerned about the potential for unfair or deceptive trade practices associated with these commercial Web sites, and I believe that we need to do more to ensure that the public does not continue to be exposed to these potentially misleading or confusing Web sites. There is no relationship between a citizen and our government more sensitive, nor information more private, than that involving individual taxes and the annual voluntary compliance obligation. The federal government has a duty to protect taxpayers from predatory behaviors as they seek to meet their obligation to pay taxes. I am hopeful that by clarifying the intent of the Congress that the existing legal prohibitions on misuse of Treasury Department and IRS names and symbols is and should be applied to commercial activity on the Internet, that this bill will better protect the public from this kind of operation in the future.

I urge adoption of the bill.

Mr. REYES. Madam Speaker, I rise today in strong support of H.R. 1677, the Taxpayer Protection Act of 2007.

This bill accomplishes several important objectives. It cracks down on websites that attempt to strip unwitting consumers of sensitive information by imitating the IRS website. Electronic filing is on the rise, which is good for both consumers and the IRS, and we must make sure Americans feel comfortable and secure when paying their taxes online.

This legislation would also require the IRS to notify a taxpayer when it becomes evident in the course of a tax fraud investigation that he or she may have been the victim of identify theft. In the past, when presented with evidence of such fraud, the IRS, incredulously, would not apprise an individual of the serious situation he or she was facing. This must change.

In addition, the bill would also simplify tax filing requirements for businesses owned jointly by a husband and wife and make it easier for a married couple to file as a single proprietor of a business rather than as a partnership. It increases consumer protections from predatory providers of refund anticipation loans, gives taxpayers more time to recover property seized improperly by the IRS, and updates federal law to stop certain forms of tax fraud.

Perhaps most importantly, this bill would strengthen our outreach to people entitled to cash back on their tax returns under the Earned Income Tax Credit (EITC). The EITC is effective because it rewards work. The families of Americans who work hard but don't earn a lot should not be forced to live in poverty. However, recent evaluations have shown that approximately 25 percent of hardworking households eligible for the EITC have not claimed it, and billions of dollars in targeted tax credits did not end up in the hands of the workers who needed them most.

When hundreds of millions of Americans step up to invest in their country by paying their taxes, they must know that Congress is looking out for their best interests. By passing this bill, we are doing just that.

I thank my colleagues and urge passing of the bill.

Mr. CUMMINGS. Madam Speaker, today marks a date that is familiar to most Americans: April 17th is the deadline for filing taxes. Like most Americans, I too can now breathe a sigh of relief because my tax return has been mailed to the Internal Revenue Service, IRS.

This year we were fortunate enough to have more time to file our taxes due to the normal tax day falling on the weekend and the Emancipation Day Holiday in the District of Columbia on Tuesday. While many filers will benefit from this extra time, millions of Americans will still ask for extensions to file due to their inability to understand the complicated tax regulations.

I am committed to a tax system that is fair to all Americans and to a system that is "taxpayer friendly." This is why I support efforts to simplify the tax code by closing loopholes, which will reduce the compliance burden. By simplifying our current code, we can increase compliance, and ensure our long-term fiscal stability. It is our duty to protect taxpayers and to provide a "user-friendly" government.

For this reason, I support H.R. 1677, the Taxpayer Protection Act of 2007. This Act requires the IRS to notify taxpayers of incidences of identity theft; prevents the wrongful use of one's name; permits the IRS to withhold information from the companies offering refund anticipation loans that are considered predatory; and gives taxpayers more time to collect money that was wrongfully held by the IRS. This legislation would help to protect taxpayers from unlawful acts that at times can be hard to detect.

Each year millions of families expect to receive money back from the government. However, they deserve to be receiving more; America's families and workers need tax relief. It should be a priority for Congress to assist families with the cost of childcare and long-term health care, eliminate the marriage penalty, help small businesses, and help Americans save for higher education and retirement. We need to develop a refundable tax credit for workers who earn reasonably low incomes. This is very important to helping the American people.

As a member of Congress it is our duty to ensure that taxpayers are being treated fairly and equally within our tax system. As the 110th Congress moves forward, I will work with my colleagues to ensure that this goal is achieved.

That is why I urge my colleagues to vote in favor of H.R. 1677, the Taxpayer Protection Act of 2007. I want to thank Congressman RANGEL and Congressman LEWIS for introducing this vitally important legislation.

Mr. LEWIS of Georgia. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mrs. TAUSCHER). The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 1677, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LEWIS of Georgia. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

Mr. LANTOS. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 196) supporting the goals and ideals of World Water Day.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 196

Whereas the global celebration of World Water Day is an initiative that grew out of the 1992 United Nations Conference on Environment and Development in Rio de Janeiro;

Whereas the United Nations General Assembly, via resolution, designated March 22 of each year as World Water Day;

Whereas although water is the most widely occurring substance on earth, only 2.53 percent of all water is freshwater and the remainder is salt water;

Whereas freshwater resources are further impaired by various forms of industrial, chemical, human, and agricultural pollution;

Whereas climate change will increasingly pose a challenge for ensuring the availability of sufficient water supplies at the appropriate times;

Whereas approximately one in six people in the world lack access to safe drinking water and approximately two in every five people lack access to basic sanitation services;

Whereas water-related diseases are among the most common causes of illness and death, afflicting primarily the poor and very poor in developing countries;

Whereas up to five million people die each year from preventable water and sanitation related diseases, including one out of every five children in the poorest countries;

Whereas every $1 invested in safe drinking water and sanitation yields an economic return of between $3 and $34, depending on the region;

Whereas increasing access to safe drinking water and sanitation advances efforts towards other United States development objectives including fighting poverty and hunger, promoting primary education and gender equality, reducing child mortality, promoting environmental stability, improving the lives of slum dwellers, and strengthening national security;

Whereas the participants in the 2002 World Summit on Sustainable Development in Johannesburg, including the United States, agreed to the Plan of Implementation which included an agreement to work to reduce by one-half from the baseline year 1990 “the proportion of people who are unable to reach or to afford safe drinking water,” and “the proportion of people without access to basic sanitation” by 2015; and

Whereas Congress passed and the President signed into law the “Senator Paul Simon Water for the Poor Act of 2005” (Public Law 109–121) which was intended to “elevate the role of water and sanitation policy in the development of U.S. foreign policy and improve the effectiveness of U.S. official programs”: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals of World Water Day;

(2) recognizes the importance of increasing access to safe drinking water and sanitation, as well as the conservation and sustainable management of water resources, to human health and quality of life across the globe;

(3) urges an increased effort and the investment of greater resources by the Department of State, the United States Agency for International Development, and all relevant Federal departments and agencies towards providing sustainable and equitable access to safe drinking water and sanitation for the poor and very poor; and

(4) encourages the people of the United States to observe World Water Day with appropriate recognition, ceremonies, activities, and programs to demonstrate the importance of water to humanity.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I rise in strong support of this resolution, and I yield myself such time as I might consume.

I would first like to commend my distinguished colleague and a former member of the Committee on Foreign Affairs, EARL BLUMENAUER of Oregon, for introducing this important resolution.

Nearly 5 years ago, representatives of governments around the globe, including the United States, stood together and agreed to reduce by one-half the number of people who lack access to safe drinking water and basic sanitation by the year 2015. We now stand at the midpoint of that target, and we are no closer to reaching it than we were at the outset.

Today over 900 million people lack access to safe water, and over 1.3 billion people do not have access to basic sanitation. Climate change is rapidly depleting the world's already badly stretched water resources.

Each year more than 3 billion of our fellow human beings suffer from preventable water-related diseases. As a result of these diseases, 5 million people die. Most of these victims are children under the age of 5. Clearly, more must be done to address this humanitarian catastrophe.

Our legislation, H. Res. 196, demonstrates the commitment of the Congress to achieve the goals and ideals of World Water Day to increase the availability of clean water.

Collectively, we have the means to address this global crisis. What we need is political will for action. Congress swiftly acted with the passage of the Senator Paul Simon Water for the Poor Act in 2005, a critically important piece of legislation spearheaded by the distinguished gentleman from Oregon (Mr. BLUMENAUER) with the support of my former colleague, Chairman Henry Hyde, and myself.

This resolution is another step in improving our commitment to bringing clean water and basic sanitation to the poorest of the poor. H. Res. 196 urges our own government to utilize every resource at our disposal to improve access to clean water and sanitation for those most in need. It recognizes the importance of conservation and sustainable management of water resources to both human health and the quality of life.

We must do all we can to provide clean water and basic sanitation for all people across the globe.

Madam Speaker, I strongly support this resolution and urge all of my colleagues to do so.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I rise in support of House Resolution 196, which expresses the support of this House for the goals and ideals associated with World Water Day.

The lack of access to safe drinking water and the lack of adequate sanitation systems continue to be major problems for poor people around the world despite our strong efforts over many decades to help address those challenges. The lack of clean water and sanitation systems in many parts of the world lead to the spread of disease and to the deaths that might otherwise have been avoided and undermines the efforts we take to assist poor people around the world as they seek a better life.

Madam Speaker, I just got back last week from a heart-wrenching trip to Darfur, and we saw firsthand how important a resource water is to so many people. We saw, by visiting the clinics, how many people are afflicted with the diseases that are borne because of the water that is not pure, that is not sanitized and that is, in fact, full of bacteria. I understand how important it is to support the goals and ideals of this resolution before us commemorating World Water Day.

In addition to sanitation and access to clean water, the conservation of water resources is, itself, an increasing challenge around the world. Conservation of drinking water will, in fact, remain even a greater challenge in the near future as mankind's population continues to expand and the demand for fresh, clean water increases.

In calling for the appropriate Departments and agencies of the United States Government to increase our efforts to support access to clean water, availability of sanitation systems and conservation of water, this resolution properly cites the Senator Paul Simon Water for the Poor Act of 2005 enacted in the last Congress, which called for a greater focus on the objectives that are associated with World Water Day.

This resolution rightfully seeks to highlight this global problem encouraging all of us to observe World Water

Day every year on March 22. I support the intent of this resolution and its adoption by this House.

Madam Speaker, I reserve the balance of our time.

Mr. LANTOS. Madam Speaker, I am pleased to yield 7 minutes to the author of this resolution, my good friend from Oregon (Mr. BLUMENAUER).

Mr. BLUMENAUER. I appreciate the chairman's courtesy. I appreciate his leadership in working with me on this bill.

Madam Speaker, as we stagger under the implications of what we have just witnessed at Virginia Tech, I think part of what we ought to do is to rededicate ourselves to simple steps that will help make the world a better place. I can think of no better or direct way for us to act today than what this legislation means for us.

I would begin by thanking the gentlewoman from Texas, Ms. JOHNSON, who can't be here right now because she is actually chairing a committee dealing with water pollution as we speak, as Chair of the Water Resources Subcommittee. She has been really a terrific champion. I see here today my friend from Tennessee, the former Chair of the subcommittee, who likewise has been focusing on the central need for us to be respectful of water supply.

As the old joke goes, God gives us water for free, but he doesn't give us the pipes, the distribution system and purification.

Across the world, as my good friends from the Foreign Affairs Committee have just enumerated, every day millions and millions of poor people are paying the price for nature's failure to provide water exactly where they live, and a failure of stewardship on the part of governments and individuals to take care of the water that they have.

□ 1415

They are paying the price for pollution from inadequate or nonexistent sanitation, and far too many poor people are paying a huge amount of their scarce income because they can't otherwise get water. They are paying in time and in money. There are some poor people that are slowly going blind because of arsenic poisoning in their water system in Bangladesh.

I used to think that the pictures in the National Geographic articles with the water jug on the head was sort of exotic, but now I recognize this as the face of poverty. Indeed it is a travesty as young women particularly spend 1, 2, or 3 hours with that jug of water balanced on their head to meet the needs of their family. That is time that they are not spending in school, that is time that they are not spending economically to support that family. As has been mentioned, every 15 seconds a child dies from lack of access to safe drinking water and sanitation, and each is an unnecessary death because we know exactly what to do to stop it. Indeed, there are people from churches and synagogues and Boy Scout troops and Kiwanis Clubs that are acting on their own to help provide water around the world.

Lack of access to drinking water and sanitation is the number one preventable killer in the world. And I won't repeat the statistics, mind numbing as they are, of over 2 billion people without access to sanitation, and the fact that half the people who are sick today around the globe are sick needlessly from waterborne diseases.

As my friend from Florida said, this is tied to other health problems, HIV/AIDS, and poverty reduction. The tragedy is compounded because we are not doing enough to stop it. By recognizing the goals and ideals of World Water Day, we commit again on this floor to spread the word about this grave issue and build the momentum to address it.

As the chairman of the Foreign Affairs Committee pointed out, in 2002 the world did take a stand. I was privileged to be at that conference in Johannesburg, where the United States and 185 other countries agreed to that ambitious goal. The frustration is that this goal can be met, if done correctly, for less than the cost of a takeout pizza a year for an American family.

In 2005, the Congress passed and the President signed into law the Paul Simon Water for the Poor Act, which I thought was important because not only were we for the first time taking a stand, but the way that we did it, with the leadership of Mr. LANTOS and Mr. Hyde; and on the Senate side we had the minority leader and the majority leader coming together in broad bipartisan legislation. We were for the first time providing a plan to implement the commitment that the United States and 185 other countries made.

I am saddened as we come to the floor today, however, that the Bush administration has failed to implement this legislation. Instead, as I read the budget, the President has proposed major cuts to the already inadequate commitment from the United States to water and sanitation.

The centerpiece of this bill was to create a strategy for meeting our international commitments, to bring together some 15 agencies and departments, to have a plan. Sadly, the deadline has passed, and as yet, we don't have yet that comprehensive plan. We continue to use gimmicks and numbers games to claim that the administration is meeting Congress' requirements, but they are not. This resolution ought to be a point of emphasis that Congress demands a greater effort, not lesser, from the administration, and indeed from ourselves, as we come forward with the budgets this year. We should insist that the United States stand by its word and actually do something about this crisis. We are saying that we have to partner with poor people wherever they are, not in a few allied countries in the Middle East, but especially in sub-Saharan Africa, in South Asia, and around the world.

I would hope that with the help of the Foreign Affairs Committee and the distinguished leadership on the floor here that when the State Department comes back to Congress this June with its second report on the implementation of the bipartisan "Water for the Poor Act," I would hope that it will match our legislation in scope, ambition, and focus. If not, let us return to the drawing board to find ways to help the State Department meet its obligation under the Act.

Ms. ROS-LEHTINEN. I am now pleased to yield such time as he may consume to the gentleman from Tennessee (Mr. DUNCAN), who is the former chairman of the Subcommittee on Water Resources and the Environment, and representing a district that surrounds Knoxville and includes Knoxville, who passed a resolution supporting the ideals of the issue before us.

Mr. DUNCAN. Madam Speaker, I thank, first of all, the gentlelady from Florida, the new ranking member of the Foreign Affairs Committee, for yielding me this time and for her kind words and her strong support of this legislation. I also commend Chairman LANTOS for bringing this resolution to the floor. But I especially want to commend my good friend and colleague, the gentleman from Oregon (Mr. BLUMENAUER) for his work in bringing this matter to the floor today and also calling attention to what is a very, very serious problem.

I had the privilege of chairing the Aviation Subcommittee for 6 years, and that subcommittee seemed to generate a lot of attention and publicity. Then I chaired for 6 years the Water Resources and Environment Subcommittee, and unfortunately I think people did not pay as much attention to that subcommittee; and I thought it was just as important, perhaps more important, than the Aviation Subcommittee. And yet I said many times there probably is nothing that the people in this country take for granted as much as they do our clean water and wastewater infrastructure in this Nation.

Madam Speaker, much work needs to be done in this country in regard to our water to keep it to the standards that the people of this country want. And so the day after tomorrow we will hopefully pass a long overdue bill, the Water Resources Development Act, a bill that we passed two or three times here in the House, that has been held up in the Senate, but that is very, very important for our water infrastructure in this Nation.

You have heard some of the statistics already. My statistics vary just a little bit. I was given the information that 1.2 billion don't have access to clean water; Chairman LANTOS said a lower figure, I think Mr. BLUMENAUER said a higher figure, but it is an astounding number of people, whatever the exact number is, that don't have access to a good, clean water source.

Water-related diseases, as Chairman LANTOS said, kill over 5 million people each year. Six million are blind today because of trachoma, an eye infection spread through poor hygiene caused by dirty water and unsanitary conditions. I could give all kinds of statistics.

As the gentlelady from Florida (Ms. ROS-LEHTINEN) said, I was proud that in my hometown of Knoxville recently, the city council, at the urging of our great Mayor Bill Haslam, passed a proclamation in support of World Water Day. This was done without my knowledge, and so I am pleased that other people are helping to call attention to what is one of the most serious problems that this world faces today.

And so I think that it is very appropriate that the Congress take up a resolution at this time, and I think that this will help lead to progress in this area, much, much needed progress; and I urge support for this resolution.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to my good friend from Ohio, the distinguished chairman of the Oversight and Government Reform Subcommittee on Domestic Policy, Mr. KUCINICH.

Mr. KUCINICH. I thank my friend, Mr. LANTOS.

I rise as a proud cosponsor of this bill emphasizing the importance of water. Despite the availability of advanced and inexpensive water treatment technologies and despite an aggregate level of wealth that should preclude injustice, one in six people in the world still lack access to safe drinking water. Global warming is expected to worsen the situation.

At the same time, privatization of our scarce water supplies is also proliferating. It drives up the price of a life-giving resource under the guise of making it cheaper. In its most egregious form, bottled water companies overpump a valuable water supply, restricting access to only those who can afford to pay more for water than for gas.

I represent an area of Cleveland that, like many nearby cities, relies on Lake Erie for drinking water. During negotiations by Great Lakes States over the conditions under which water could be withdrawn from Lake Erie and the surrounding Great Lakes, the bottled water industry slipped in their own language; it allowed exclusive, unlimited access to Great Lakes water by their industry. By weakening the agreement in this way, it also paved the way for any corporation to have full access to the lakes, even at the expense of the public water supply. This is happening at a time when both water quality and quantity are expected to decline as a result of global warming.

In Nottingham and Barrington, two small New Hampshire towns, a company called USA Springs is attempting to pump 310,000 gallons a day in an area populated with homes that get their water from small, private, household wells. The community is concerned about loss of their water supply, loss of water quality, degradation of nearby wetlands, but USA Springs is using their substantial resources to overwhelm the community. The result is that this company, USA Springs, is now dangerously close to winning this battle it started in 2001. Similar battles are being fought in communities all over the country.

The basic building blocks of life, like water, must be accessible by people before corporations and must be managed as a public trust, not reduced to a commodity.

Mr. LANTOS. Madam Speaker, I am pleased to yield 2 minutes to my friend and neighbor from California, Congresswoman LYNN WOOLSEY, chairwoman of the Education and Labor Subcommittee on Workforce Protections.

Ms. WOOLSEY. Madam Speaker, today I rise in support of the World Water Day resolution, H.R. 196, and I am proud to be a cosponsor of Congressman BLUMENAUER's resolution.

The district I represent includes Marin and Sonoma Counties just north of San Francisco. My district is very ecologically diverse. In fact, we are putting new life into our wetlands, we are expanding our wetlands. We have wastewater treatment plants that make it possible for us to send our wastewater and use our wastewater to water our grapes, and we have one of the best grape growing counties in the country.

In fact, in my very own backyard, my drip system that waters my yard is controlled by satellite because my town of Petaluma is experimenting. They picked 100 houses and asked us, would we let them use our drip systems as an experimental project; and it will indeed save me money and save water, I am sure. Along with that, many of our commercial and recreation activities in my district are focused around water.

So even with programs like this throughout our country, throughout the world, we are squandering. We still squander this precious resource called water.

World Water Day raises the profile of the issue. It means that we must keep on working, we must keep on paying attention to safe and sustainable water supplies, and we must make safe and sustainable water available without regard to any economic or any political boundaries.

Recently, there has been an entirely renewed attention to global warming, and with that, we are paying more attention to our water resources and what we need to do to keep a safe and liveable world, not just for Americans, not just for Petalumans, but for everyone.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 196.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

□ 1430

CONDEMNING RECENT VIOLENT ACTIONS OF GOVERNMENT OF ZIMBABWE AGAINST PEACEFUL OPPOSITION PARTY ACTIVISTS AND MEMBERS OF CIVIL SOCIETY

Mr. LANTOS. Madam Speaker, I move to suspend the rules and agree to the concurrent resolution (H. Con. Res. 100) condemning the recent violent actions of the Government of Zimbabwe against peaceful opposition party activists and members of civil society, as amended.

The Clerk read the title of the concurrent resolution.

The text of the concurrent resolution is as follows:

H. CON. RES. 100

Whereas in 2005 the Government of Zimbabwe launched Operation Murambatsvina ("Operation Throw Out the Trash") against citizens in major cities and suburbs throughout Zimbabwe, depriving over 700,000 people of their homes, businesses, and livelihoods;

Whereas on March 11, 2007, opposition party activists and members of civil society attempted to hold a peaceful prayer meeting to protest the economic and political crisis engulfing Zimbabwe, where inflation is running over 3,000 percent and formal sector unemployment stands at 80 percent and in response to President Robert Mugabe's announcement that he intends to seek reelection in 2008;

Whereas opposition activist Gift Tandare died on March 11, 2007, as a result of being shot by police while attempting to attend the prayer meeting and Itai Manyeruke died on March 12, 2007, as a result of police beatings and was found in a morgue by his family on March 20, 2007;

Whereas under the direction of President Robert Mugabe and the Zimbabwe African National Union–Patriotic Front (ZANU–PF) government, police officers, security forces, and youth militia brutally assaulted the peaceful demonstrators and arrested opposition leaders and hundreds of civilians;

Whereas Movement for Democratic Change (MDC) leader Morgan Tsvangarai was brutally assaulted and suffered a fractured skull, lacerations, and major bruising; MDC member Sekai Holland, a 64-year old grandmother, suffered ruthless attacks at Highfield Police Station, which resulted in the breaking of her leg, knee, arm, and three ribs; fellow activist Grace Kwinje, age 33, also was brutally beaten, while part of one ear was ripped off; and Nelson Chamisa was badly injured by suspected state agents at Harare airport on March 18, 2007, when trying to board a plane for a meeting of Africa Caribbean Pacific (APC) lawmakers in Brussels, Belgium;

Whereas Zimbabwe's foreign minister warned Western diplomats that the Government of Zimbabwe would expel them if they gave support to the opposition, and said Western diplomats had gone too far by offering food and water to jailed opposition activists;

Whereas victims of physical assault by the Government of Zimbabwe have been denied emergency medical transfer to hospitals in neighboring South Africa, where their wounds can be properly treated;

Whereas those incarcerated by the Government of Zimbabwe were denied access to legal representatives and lawyers appearing at the jails to meet with detained clients were themselves threatened and intimidated;

Whereas at the time of Zimbabwe's independence, President Robert Mugabe was hailed as a liberator and Zimbabwe showed bright prospects for democracy, economic development, domestic reconciliation, and prosperity;

Whereas President Robert Mugabe and his ZANU-PF government continue to turn away from the promises of liberation and use state power to deny the people of Zimbabwe the freedom and prosperity they fought for and deserve;

Whereas the staggering suffering brought about by the misrule of Zimbabwe has created a large-scale humanitarian crisis in which 3,500 people die each week from a combination of disease, hunger, neglect, and despair;

Whereas the Chairman of the African Union, President Alpha Oumar Konare, expressed "great concern" about Zimbabwe's crisis and called for the need for the scrupulous respect for human rights and democratic principles in Zimbabwe;

Whereas the Southern African Development Community (SADC) Council of Nongovernmental Organizations stated that "We believe that the crisis has reached a point where Zimbabweans need to be strongly persuaded and directly assisted to find an urgent solution to the crisis that affects the entire region.";

Whereas Zambian President Levy Mwanawasa has likened Zimbabwe to a "sinking Titanic" and has urged southern Africa to take a new approach to Zimbabwe, stating that "quiet diplomacy has failed to help solve the political chaos and economic meltdown in Zimbabwe";

Whereas European Union and African, Caribbean, and Pacific lawmakers strongly condemned the latest attack on an opposition official in Zimbabwe and urged the government in Harare to cooperate with the political opposition to restore the rule of law; and

Whereas United States Ambassador to Zimbabwe, Christopher Dell, warned that opposition to President Robert Mugabe had reached a tipping point because the people no longer feared the regime and believed they had nothing left to lose: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That—

(1) it is the sense of Congress that—

(A) the state-sponsored violence taking place in Zimbabwe represents a serious violation of fundamental human rights and the rule of law and should be condemned by all responsible governments, civic organizations, religious leaders, and international bodies; and

(B) the Government of Zimbabwe has not lived up to its commitments as a signatory to the Constitutive Act of the African Union and African Charter of Human and Peoples Rights which enshrine commitment to human rights and good governance as foundational principles of African states; and

(2) Congress—

(A) condemns the Government of Zimbabwe's violent suppression of political and human rights through its police force, security forces, and youth militia that deliberately inflict gross physical harm, intimidation, and abuse on those legitimately protesting the failing policies of the government;

(B) holds those individual police, security force members, and militia involved in abuse and torture responsible for the acts that they have committed;

(C) condemns government harassment and intimidation of lawyers attempting to carry out their professional obligations to their clients and repeated failure by police to comply promptly with court decisions;

(D) condemns the harassment of foreign officials, journalists, human rights workers, and others, including threatening their expulsion from the country if they continue to provide food and water to victims detained in prison and in police custody while in the hospital;

(E) commends United States Ambassador Christopher Dell and other United States Government officials and foreign officials for their support to political detainees and victims of torture and abuse while in police custody or in medical care centers and encourages them to continue providing such support;

(F) calls on the Government of Zimbabwe to cease immediately its violent campaign against fundamental human rights, to respect the courts and members of the legal profession, and to restore the rule of law while adhering to the principles embodied in an accountable democracy, including freedom of association and freedom of expression;

(G) calls on the Government of Zimbabwe to cease illegitimate interference in travel abroad by its citizens, especially for humanitarian purposes; and

(H) calls on the leaders of the Southern African Development Community (SADC) and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, first I want to thank my good friend from Florida, Ranking Member ILEANA ROS-LEHTINEN of the Foreign Affairs Committee, Chairman DONALD PAYNE and Ranking Member CHRIS SMITH, and all the other cosponsors of this resolution for joining me in condemning the egregious violence perpetrated against innocent civilians by the Government of Zimbabwe.

For the past 6 years, the Government of Zimbabwe has been on a path of failed policies and distorted vision. As the economy of the country spiraled downward, the Central Bank has been unresponsive and reckless.

Zimbabwe was once known as Southern Africa's bread basket. But after years of disastrous misrule, the people there now find themselves eating field mice to stave off hunger. Zimbabwean officials have the temerity to declare to the world that they eat field mice because they are a delicacy.

On March 11, many segments of Zimbabwe's society joined together to hold a prayer breakfast to focus attention on the country's desperate situation. The government reacted swiftly, violently cracking down on the gathering. In this incident, six opposition activists were shot, and over 50 had to be hospitalized, including key opposition leaders, many of whom did not get proper treatment for their severe injuries.

This latest incident underscores a disturbing pattern of recent years. The Zimbabwean Government pledges peace, then commits human rights violations against its own people, and it precipitates humanitarian crisis after humanitarian crisis. In response to legitimate protests, the government has retaliated with draconian legislation and harsh security enforcement. It transformed Zimbabwe's poor children into violent militia members, not unlike child soldiers in other ravaged African countries.

In 2005, the Zimbabwean Government launched its infamous Operation Throw Out the Trash against citizens in major cities, driving some 700,000 innocent people from their homes, businesses, and livelihoods.

So I ask Mugabe, the dictator of this country, what kind of human being called himself a "leader," yet is willing to commit atrocities against the very people he is supposed to lead?

In spite of Zimbabwe's embittered rhetoric toward the United States, our

Congress passed, 6 years ago, the Zimbabwe Democracy and Economic Recovery Act, offering significant economic and political aid to Zimbabwe if it would reverse its anti-democratic and anti-people ways.

Zimbabwe had invaded a neighboring country, grossly mismanaged its economy, flaunted the rule of law and democratic practices. Using the diplomatic tools at our disposal, our government imposed travel and economic sanctions against individuals who were responsible for the grossest violations.

The United States remains open to change in Zimbabwe, hopeful about prospects and ready to reward its arrival. We clearly provided an opportunity for Zimbabwe to reverse course and to reap generous economic benefits from the American people.

Unfortunately, the Zimbabwean leaders are bent on a bitter and disastrous course that no sane or rational appeal from its own citizens or the community of nations has been able to reverse.

Today Zimbabwe, once one of the most promising countries of Africa, is a dismal shadow of its former self. It faces an unfathomable inflation rate of 3,000 percent, the highest on the planet, and a shocking 80 percent of the people of the country are unemployed.

Our resolution condemns the economic and political madness that is gripping Zimbabwe and urges the government to return to sanity, end the state-sponsored violence, and address the needs of its people.

I, again, want to thank all of those who cosponsored my resolution and urge all of my colleagues to vote in support of H. Con. Res. 100.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

I am very pleased to be an original cosponsor of House Concurrent Resolution 100, authored by the esteemed Chair of our Foreign Affairs Committee, the gentleman from California (Mr. LANTOS). And this resolution, Madam Speaker, condemns the Government of Zimbabwe for its latest assault against political freedom and human rights in that country.

Once hailed by some as a liberator, President Mugabe of Zimbabwe has been exposed as a tyrant and a thug.

Under his authoritarian rule, Zimbabwe boasts the highest rate of inflation in the world, currently standing at an estimated 3,000 percent. Formal sector unemployment stands at 80 percent. Literacy rates are declining, and life expectancy has plummeted to 38 years. Thirty-eight years is the life expectancy in that country.

Large scale commercial farming has been effectively destroyed by a disastrous land reform program which ultimately displaced poor black farmers in favor of political cronies, and acute food shortages which have since left Zimbabweans dependent on international food aid.

The very same party that emerged from a hard-fought struggle for majority rule, shouting slogans of equality and justice, has now taken to arresting, to beating and to intimidating anyone who dares to challenge its policies.

It is clear that, absent meaningful corrective measures, Mugabe's legacy will be defined by his responsibility for the ruinous policies and draconian laws that have brought untold suffering to his people and the near collapse of Zimbabwe as a nation.

Rather than address the underlying inequities that have driven Zimbabwe to economic and political ruin, Mugabe prefers to engage in soapbox demagoguery and espouse conspiracy theories of Western imperialism.

He interferes with the work of nongovernmental organizations that are attempting to aid Zimbabweans in need. He harasses, he threatens foreign diplomats, and he even revokes the visas of congressional staffers from our Foreign Affairs Committee attempting to travel to the region to get a clear understanding of what is happening in Zimbabwe.

Mugabe thumbs his nose at Western nations that condemn his assault on basic human rights, particularly those who appear committed to helping Zimbabwe realize its potential through true democratic reform.

Zimbabwe's neighbors and the African Union should take proactive measures to help resolve this crisis, including by pressing the Mugabe regime to immediately halt its brutal crackdown, to release political prisoners, and to engage in meaningful dialogue with the opposition and with civil society.

The President of Zambia already has stepped up to the plate in this regard, and South Africa would be well advised to follow suit.

I thank the gentleman from California again, our chairman of our Foreign Affairs Committee, for introducing this very important and timely resolution. And I urge the full support of our House.

Madam Speaker, I reserve the balance of our time.

Mr. LANTOS. Madam Speaker, I am delighted to yield 5 minutes to my good friend from New Jersey, chairman of the Foreign Affairs Subcommittee on Africa and Global Health, Mr. PAYNE.

Mr. PAYNE. Madam Speaker, I rise to speak in support of H. Con. Res. 100, and commend Mr. LANTOS and the ranking member for this H. Con. Res. 100, condemning the violence and the violent action taken against the peaceful opposition party activists and members of civil society in Zimbabwe just a few months ago, last month in March.

Zimbabwe has faced a number of political and economic challenges over the past 7 years. Every time I begin to believe that the situation in Zimbabwe has calmed down, something happens which reminds me of how volatile the situation really is.

The March 11 crackdown on people who were gathering at a prayer meeting was a disturbing display of violence. Two people were killed. The leader of the Movement for Democratic Change, Morgan Tsvangari, and other members of the MDC were tortured while in police custody.

Two women were beaten so severely they needed specialized medical care that was only available in South Africa. One of them, Sekai Holland, had her leg broken in three places, her knee broken and her arm and three ribs broken. I cannot understand what possessed security forces to beat a 64-year-old woman so brutally.

And according to the people in Zimbabwe, abductions and killings continue. However, there are encouraging developments. What is most encouraging is that the regional leaders in Southern Africa have spoken out publicly. As recently mentioned, the President of Zambia has likened Zimbabwe to the Titanic, a sinking ship. Officials at the South African Department of Foreign Affairs expressed concern about the situation as well.

The leaders of Southern Africa's Development Community held a meeting of extraordinary heads of state in Tanzania in the wake of violence and asked South African President Thabo Mbeki to help resolve the situation.

This is an important step, and we should support SADC's effort. It is imperative that Congress do all we can to ensure that human rights and the rule of law are respected in Zimbabwe across the political spectrum.

As Mr. LANTOS mentioned, Zimbabwe had great promise. When the struggle to end white rule of Ian Smith was led by Mr. Nkhomo and Mr. Mugabe, the ZANU and ZAPO leaders, they finally were able to break the stranglehold of Ian Smith's government. And education was the order of the day, and the Zimbabweans went ahead to build a country.

But something happened in the meantime, and the move from multipartyism to single-party system, and Mr. Mugabe taking all of the power, that was a move in the wrong direction. And so we have seen multipartyism come back again. But this brutal behavior of the security forces must end.

In conclusion, I think that we should take a look at the Lancaster House Accords because this was an agreement between Zimbabwe and Great Britain where there would be willing seller-willing buyer purchase of the land that was in the hands of the very small minority of the white Rhodesians.

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And there has to be a program of some land distribution. However, the way that Mr. Mugabe has been doing it, as Mr. LANTOS mentioned, in the past there was an attempt to assist Zimbabwe to see if we could help in that process, but we were denied.

So I just ask my colleagues if they would support this resolution, and, hopefully, Mr. Mugabe and the people of Zimbabwe will finally see the light.

Ms. ROS-LEHTINEN. Madam Speaker, I am pleased to yield such time as he may consume to the former Chair of the Africa Subcommittee, now the ranking member, Mr. SMITH of New Jersey.

Mr. SMITH of New Jersey. Madam Speaker, I thank my good friend and colleague for yielding.

I rise in very strong support of H. Con. Res. 100. I want to thank Chairman LANTOS for sponsoring it. I think it sends a very clear and nonambiguous message to all parties, including the barbaric Mugabe regime.

Madam Speaker, 2 years ago almost to this date, April 21, I chaired a hearing of the House Subcommittee on Africa, Global Human Rights and International Operations entitled "Zimbabwe: Prospects for Democracy after the March, 2005, Elections." At that time, I noted that "Robert Mugabe was a hero to his people and to his fellow Africans for successfully standing up to racism and oppression. More than two decades later, however, he has so tarnished his image that it must now resemble the fictional portrait of Dorian Gray, showing an increasingly repugnant picture of a hero who has gone astray."

During the Mugabe reign, approximately 2.4 million people have been literally thrown out of their homes, and their homes have been bulldozed. There have been a number of killings and politically motivated kidnappings and torture. The government has relied on repressive laws to suppress freedom of speech, press, assembly, movement, association, and academic freedom. The Zimbabwean people have suffered greatly as a result of the government's extremely misguided economic policies, and many have died from preventable diseases. The U.S. Department of State concluded in its Country Reports on Human Rights Practices for 2006 that Zimbabwe and its government have "engaged in pervasive and systematic abuse of human rights."

Unfortunately, the situation has only worsened in 2007. The world community was shocked by the photos of beaten members of the political opposition who gathered on March 11 for a peaceful prayer meeting. Mugabe has continued to crack down on any political opposition and even threatened foreign diplomats who offered food and water to jailed opposition leaders.

It is essential that the entire international community raise its voice in support of those seeking democratic reforms in Zimbabwe. Among other measures, this resolution calls upon the Southern African Development Community, or SADC, and the African Union to consult urgently with all Zimbabwe stakeholders to intervene with the Government of Zimbabwe while applying appropriate pressures to resolve the economic and political crisis.

I must express my deep disappointment that SADC has failed to take decisive action with regard to Zimbabwe. Following consultations in Zimbabwe earlier this month, the executive director of SADC stated, "What's good for Zimbabwe is good for the region. What's bad for Zimbabwe is bad for the region. I think it's time we did less talk and do the work." On that point, I could not agree more.

Unfortunately, rather than getting to work and pressing Mugabe to undertake meaningful reforms and halt his latest assault on human beings, on political and human rights, this statement was followed by a plea of support for the Mugabe regime by the International Monetary Fund.

Is the complete retraction of political and human rights and the beating to death of innocent civilians not bad for Zimbabwe? Are Mugabe's disastrous economic policies, which have resulted in inflation rates of up to 3,000 percent, unemployment rates of 80 percent, and the flight of thousands of economic and political refugees from Zimbabwe into other SADC countries not bad for the region? And what does the continued coddling of Mugabe say about the SADC members' commitment to a "new vision" of responsible governance under the New Economic Partnership for Africa Development, which was championed by South Africa?

Madam Speaker, the Mugabe government has used every means of suppression, every tool that they could muster, to crush those who disagree with that regime.

I urge the passage of this resolution in order to send an urgent message to SADC and to the rest of the international community to do everything necessary to resolve this crisis currently crippling Zimbabwe and provide any and all assistance that the Zimbabwean people so desperately need to achieve democratic reform, peace, and economic prosperity.

Again, I thank the author, Mr. LANTOS, and the ranking member for bringing to the floor this timely and extremely important piece of legislation.

Ms. ROS-LEHTINEN. Madam Speaker, I yield back the balance of my time.

Mr. LANTOS. Madam Speaker, I have no further requests for time, and I yield back the balance of my time

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. LANTOS. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

THE AMERICAN NATIONAL RED CROSS GOVERNANCE MODERNIZATION ACT OF 2007

Mr. LANTOS. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1681) to amend the Congressional Charter of The American National Red Cross to modernize its governance structure, to enhance the ability of the board of governors of The American National Red Cross to support the critical mission of The American National Red Cross in the 21st century, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1681

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as "The American National Red Cross Governance Modernization Act of 2007".

SEC. 2. FINDINGS; SENSE OF CONGRESS.

(a) FINDINGS.—Congress makes the following findings:

(1) Substantive changes to the Congressional Charter of The American National Red Cross have not been made since 1947.

(2) In February 2006, the board of governors of The American National Red Cross (the "Board of Governors") commissioned an independent review and analysis of the Board of Governors' role, composition, size, relationship with management, governance relationship with chartered units of The American National Red Cross, and whistleblower and audit functions.

(3) In an October 2006 report of the Board of Governors, entitled "American Red Cross Governance for the 21st Century" (the "Governance Report"), the Board of Governors recommended changes to the Congressional Charter, bylaws, and other governing documents of The American National Red Cross to modernize and enhance the effectiveness of the Board of Governors and governance structure of The American National Red Cross.

(4) It is in the national interest to create a more efficient governance structure of The American National Red Cross and to enhance the Board of Governors' ability to support the critical mission of The American National Red Cross in the 21st century.

(5) It is in the national interest to clarify the role of the Board of Governors as a governance and strategic oversight board and for The American National Red Cross to amend its bylaws, consistent with the recommendations described in the Governance

Report, to clarify the role of the Board of Governors and to outline the areas of its responsibility, including—

(A) reviewing and approving the mission statement for The American National Red Cross;

(B) approving and overseeing the corporation's strategic plan and maintaining strategic oversight of operational matters;

(C) selecting, evaluating, and determining the level of compensation of the corporation's chief executive officer;

(D) evaluating the performance and establishing the compensation of the senior leadership team and providing for management succession;

(E) overseeing the financial reporting and audit process, internal controls, and legal compliance;

(F) holding management accountable for performance;

(G) providing oversight of the financial stability of the corporation;

(H) ensuring the inclusiveness and diversity of the corporation;

(I) ensuring the chapters of the corporation are geographically and regionally diverse;

(J) providing oversight of the protection of the brand of the corporation; and

(K) assisting with fundraising on behalf of the corporation.

(6)(A) The selection of members of the Board of Governors is a critical component of effective governance for The American National Red Cross, and, as such, it is in the national interest that The American National Red Cross amend its bylaws to provide a method of selection consistent with that described in the Governance Report.

(B) The new method of selection should replace the current process by which—

(i) 30 chartered unit-elected members of the Board of Governors are selected by a non-Board committee which includes 2 members of the Board of Governors and other individuals elected by the chartered units themselves;

(ii) 12 at-large members of the Board of Governors are nominated by a Board committee and elected by the Board of Governors; and

(iii) 8 members of the Board of Governors are appointed by the President of the United States.

(C) The new method of selection described in the Governance Report reflects the single category of members of the Board of Governors that will result from the implementation of this Act:

(i) All Board members (except for the chairman of the Board of Governors) would be nominated by a single committee of the Board of Governors taking into account the criteria outlined in the Governance Report to assure the expertise, skills, and experience of a governing board.

(ii) The nominated members would be considered for approval by the full Board of Governors and then submitted to The American National Red Cross annual meeting of delegates for election, in keeping with the standard corporate practice whereby shareholders of a corporation elect members of a board of directors at its annual meeting.

(7) The United States Supreme Court held The American National Red Cross to be an instrumentality of the United States, and it is in the national interest that the Congressional Charter confirm that status and that any changes to the Congressional Charter do not affect the rights and obligations of The American National Red Cross to carry out its purposes.

(8) Given the role of The American National Red Cross in carrying out its services, programs, and activities, and meeting its various obligations, the effectiveness of The American National Red Cross will be promoted by the creation of an organizational ombudsman who—

(A) will be a neutral or impartial dispute resolution practitioner whose major function will be to provide confidential and informal assistance to the many internal and external stakeholders of The American National Red Cross;

(B) will report to the chief executive officer and the audit committee of the Board of Governors; and

(C) will have access to anyone and any documents in The American National Red Cross.

(b) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) charitable organizations are an indispensable part of American society, but these organizations can only fulfill their important roles by maintaining the trust of the American public;

(2) trust is fostered by effective governance and transparency, which are the principal goals of the recommendations of the Board of Governors in the Governance Report and this Act;

(3) Federal and State action play an important role in ensuring effective governance and transparency by setting standards, rooting out violations, and informing the public;

(4) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications with State regulators of charitable organizations and should cooperate with them as appropriate in specific matters as they arise from time to time; and

(5) while The American National Red Cross is and will remain a Federally chartered instrumentality of the United States, and it has the rights and obligations consistent with that status, The American National Red Cross nevertheless should maintain appropriate communications and collaborations with local, community, and faith-based non-profit organizations, including those organizations that work within minority communities.

SEC. 3. ORGANIZATION.

Section 300101 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting "a Federally chartered instrumentality of the United States and" before "a body corporate and politic"; and

(2) in subsection (b), by inserting at the end the following new sentence: "The corporation may conduct its business and affairs, and otherwise hold itself out, as the 'American Red Cross' in any jurisdiction.".

SEC. 4. PURPOSES.

Section 300102 of title 36, United States Code, is amended—

(1) by striking "and" at the end of paragraph (3);

(2) by striking the period at the end of paragraph (4) and inserting "; and"; and

(3) by adding at the end the following paragraph:

"(5) to conduct other activities consistent with the foregoing purposes.".

SEC. 5. MEMBERSHIP AND CHAPTERS.

Section 300103 of title 36, United States Code, is amended—

(1) in subsection (a), by inserting ", or as otherwise provided," before "in the bylaws";

(2) in subsection (b)(1)—

(A) by striking "board of governors" and inserting "corporation"; and

(B) by inserting "policies and" before "regulations related"; and

(3) in subsection (b)(2)—

(A) by inserting "policies and" before "regulations shall require"; and

(B) by striking "national convention" and inserting "annual meeting".

SEC. 6. BOARD OF GOVERNORS.

Section 300104 of title 36, United States Code, is amended to read as follows:

"§ 300104. Board of governors

"(a) BOARD OF GOVERNORS.—

"(1) IN GENERAL.—The board of governors is the governing body of the corporation with all powers of governing and directing, and of overseeing the management of the business and affairs of, the corporation.

"(2) NUMBER.—The board of governors shall fix by resolution, from time to time, the number of members constituting the entire board of governors, provided that—

"(A) as of March 31, 2009, and thereafter, there shall be no fewer than 12 and no more than 25 members; and

"(B) as of March 31, 2012, and thereafter, there shall be no fewer than 12 and no more than 20 members constituting the entire board.

Procedures to implement the preceding sentence shall be provided in the bylaws.

"(3) APPOINTMENT.—The governors shall be appointed or elected in the following manner:

"(A) CHAIRMAN.—

"(i) IN GENERAL.—The board of governors, in accordance with procedures provided in the bylaws, shall recommend to the President an individual to serve as chairman of the board of governors. If such recommendation is approved by the President, the President shall appoint such individual to serve as chairman of the board of governors.

"(ii) VACANCIES.—Vacancies in the office of the chairman, including vacancies resulting from the resignation, death, or removal by the President of the chairman, shall be filled in the same manner described in clause (i).

"(iii) DUTIES.—The chairman shall be a member of the board of governors and, when present, shall preside at meetings of the board of governors and shall have such other duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(B) OTHER MEMBERS.—

"(i) IN GENERAL.—Members of the board of governors other than the chairman shall be elected at the annual meeting of the corporation in accordance with such procedures as may be provided in the bylaws.

"(ii) VACANCIES.—Vacancies in any such elected board position and in any newly created board position may be filled by a vote of the remaining members of the board of governors in accordance with such procedures as may be provided in the bylaws.

"(b) TERMS OF OFFICE.—

"(1) IN GENERAL.—The term of office of each member of the board of governors shall be 3 years, except that—

"(A) the board of governors may provide under the bylaws that the terms of office of members of the board of governors elected to the board of governors before March 31, 2012, may be less than 3 years in order to implement the provisions of subparagraphs (A) and (B) of subsection (a)(2); and

"(B) any member of the board of governors elected by the board to fill a vacancy in a board position arising before the expiration of its term may, as determined by the board, serve for the remainder of that term or until the next annual meeting of the corporation.

"(2) STAGGERED TERMS.—The terms of office of members of the board of governors (other than the chairman) shall be staggered such that, by March 31, 2012, and thereafter, ⅓ of the entire board (or as near to ⅓ as practicable) shall be elected at each successive annual meeting of the corporation with the term of office of each member of the board of governors elected at an annual meeting expiring at the third annual meeting following the annual meeting at which such member was elected.

"(3) TERM LIMITS.—No person may serve as a member of the board of governors for more than such number of terms of office or years as may be provided in the bylaws.

"(c) COMMITTEES AND OFFICERS.—The board—

"(1) may appoint, from its own members, an executive committee to exercise such powers of the board when the board is not in session as may be provided in the bylaws;

"(2) may appoint such other committees or advisory councils with such powers as may be provided in the bylaws or a resolution of the board of governors;

"(3) shall appoint such officers of the corporation, including a chief executive officer, with such duties, responsibilities, and terms of office as may be provided in the bylaws or a resolution of the board of governors; and

"(4) may remove members of the board of governors (other than the chairman), officers, and employees under such procedures as may be provided in the bylaws or a resolution of the board of governors.

"(d) ADVISORY COUNCIL.—

"(1) ESTABLISHMENT.—There shall be an advisory council to the board of governors.

"(2) MEMBERSHIP; APPOINTMENT BY PRESIDENT.—

"(A) IN GENERAL.—The advisory council shall be composed of no fewer than 8 and no more than 10 members, each of whom shall be appointed by the President from principal officers of the executive departments and senior officers of the Armed Forces whose positions and interests qualify them to contribute to carrying out the programs and purposes of the corporation.

"(B) MEMBERS FROM THE ARMED FORCES.—At least 1, but not more than 3, of the members of the advisory council shall be selected from the Armed Forces.

"(3) DUTIES.—The advisory council shall advise, report directly to, and meet, at least 1 time per year with the board of governors, and shall have such name, functions and be subject to such procedures as may be provided in the bylaws.

"(e) ACTION WITHOUT MEETING.—Any action required or permitted to be taken at any meeting of the board of governors or of any committee thereof may be taken without a meeting if all members of the board or committee, as the case may be, consent thereto in writing, or by electronic transmission and the writing or writings or electronic transmission or transmissions are filed with the minutes of proceedings of the board or committee. Such filing shall be in paper form if the minutes are maintained in paper form and shall be in electronic form if the minutes are maintained in electronic form.

"(f) VOTING BY PROXY.—

"(1) IN GENERAL.—Voting by proxy is not allowed at any meeting of the board, at the annual meeting, or at any meeting of a chapter.

"(2) EXCEPTION.—The board may allow the election of governors by proxy during any emergency.

"(g) BYLAWS.—

"(1) IN GENERAL.—The board of governors may—

"(A) at any time adopt bylaws; and

"(B) at any time adopt bylaws to be effective only in an emergency.

"(2) EMERGENCY BYLAWS.—Any bylaws adopted pursuant to paragraph (1)(B) may provide special procedures necessary for managing the corporation during the emergency. All provisions of the regular bylaws consistent with the emergency bylaws remain effective during the emergency.

"(h) DEFINITIONS.—For purposes of this section—

"(1) the term 'entire board' means the total number of members of the board of governors that the corporation would have if there were no vacancies; and

"(2) the term 'emergency' shall have such meaning as may be provided in the bylaws.".

SEC. 7. POWERS.

Subsection (a)(1) of section 300105 of title 36, United States Code, is amended by striking "bylaws" and inserting "policies".

SEC. 8. ANNUAL MEETING.

Section 300107 of title 36, United States Code, is amended to read as follows:

"§ 300107. Annual meeting

"(a) IN GENERAL.—The annual meeting of the corporation is the annual meeting of delegates of the chapters.

"(b) TIME OF MEETING.—The annual meeting shall be held as determined by the board of governors.

"(c) PLACE OF MEETING.—The board of governors is authorized to determine that the annual meeting shall not be held at any place, but may instead be held solely by means of remote communication subject to such procedures as are provided in the bylaws.

"(d) VOTING.—

"(1) IN GENERAL.—In matters requiring a vote at the annual meeting, each chapter is entitled to at least 1 vote, and voting on all matters may be conducted by mail, telephone, telegram, cablegram, electronic mail, or any other means of electronic or telephone transmission, provided that the person voting shall state, or submit information from which it can be determined, that the method of voting chosen was authorized by such person.

"(2) ESTABLISHMENT OF NUMBER OF VOTES.—

"(A) IN GENERAL.—The board of governors shall determine on an equitable basis the number of votes that each chapter is entitled to cast, taking into consideration the size of the membership of the chapters, the populations served by the chapters, and such other factors as may be determined by the board.

"(B) PERIODIC REVIEW.—The board of governors shall review the allocation of votes at least every 5 years.".

SEC. 9. ENDOWMENT FUND.

Section 300109 of title 36, United States Code is amended—

(1) by striking "nine" from the first sentence thereof; and

(2) by striking the second sentence and inserting the following: "The corporation shall prescribe policies and regulations on terms and tenure of office, accountability, and expenses of the board of trustees.".

SEC. 10. ANNUAL REPORT AND AUDIT.

Subsection (a) of section 300110 of title 36, United States Code, is amended to read as follows:

"(a) SUBMISSION OF REPORT.—As soon as practicable after the end of the corporation's fiscal year, which may be changed from time to time by the board of governors, the corporation shall submit a report to the Secretary of Defense on the activities of the corporation during such fiscal year, including a complete, itemized report of all receipts and expenditures.".

SEC. 11. COMPTROLLER GENERAL OF THE UNITED STATES AND OFFICE OF THE OMBUDSMAN.

(a) IN GENERAL.—Chapter 3001 of title 36, United States Code, is amended by redesignating section 300111 as section 300113 and by inserting after section 300110 the following new sections:

"§ 300111. Authority of the Comptroller General of the United States

"The Comptroller General of the United States is authorized to review the corporation's involvement in any Federal program or activity the Government carries out under law.

"§ 300112. Office of the Ombudsman

"(a) ESTABLISHMENT.—The corporation shall establish an Office of the Ombudsman with such duties and responsibilities as may be provided in the bylaws or a resolution of the board of governors.

"(b) REPORT.—

"(1) IN GENERAL.—The Office of the Ombudsman shall submit annually to the appropriate Congressional committees a report concerning any trends and systemic matters that the Office of the Ombudsman has identified as confronting the corporation.

"(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—For purposes of paragraph (1), the appropriate Congressional committees are the following committees of Congress:

"(A) SENATE COMMITTEES.—The appropriate Congressional committees of the Senate are—

"(i) the Committee on Finance;

"(ii) the Committee on Foreign Relations;

"(iii) the Committee on Health, Education, Labor, and Pensions;

"(iv) the Committee on Homeland Security and Governmental Affairs; and

"(v) the Committee on the Judiciary.

"(B) HOUSE COMMITTEES.—The appropriate Congressional committees of the House of Representatives are—

"(i) the Committee on Energy and Commerce;

"(ii) the Committee on Foreign Affairs;

"(iii) the Committee on Homeland Security;

"(iv) the Committee on the Judiciary; and

"(v) the Committee on Ways and Means.".

(b) CLERICAL AMENDMENT.—The table of sections for chapter 3001 of title 36, United States Code, is amended by striking the item relating to section 300111 and inserting the following:

"300111. Authority of the Comptroller General of the United States.
"300112. Office of the Ombudsman.
"300113. Reservation of right to amend or repeal.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. LANTOS) and the gentlewoman from Florida (Ms. ROS-LEHTINEN) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. LANTOS. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. LANTOS. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of this legislation. Wherever disaster strikes, the American Red Cross is on the scene to lend a helping hand in any immediate aftermath. In times of crisis, its staff of 35,000 and over 1 million Red Cross volunteers take on the daunting task of translating the compassion of the American people into shelter, clothing, medical help, and food. Be it a fire that puts a family out of its home or a tornado that tears through an entire community, the Red Cross responds immediately, answering the call of an astonishing 75,000 incidents last year alone.

The relief work of the Red Cross is not limited to our borders. The Red Cross responds to tsunamis and earthquakes and other natural disasters across the globe, providing much-needed assistance to victims. Earlier this month, the Red Cross quickly mobilized to provide the Solomon Islands with safe drinking water, medical care, and emergency shelter after that country was hit with a tsunami.

But the American Red Cross, Madam Speaker, like so many disaster relief organizations, has come under heightened scrutiny after 9/11 and the gulf coast hurricanes of 2005. Particularly, the disaster that New Orleans and the gulf coast suffered and the response to it crystallized the need for reform of this venerable organization, which had not changed its governance structure in over half a century. The leadership of the American Red Cross undertook a 6-month, top-to-bottom comprehensive governance and performance audit. After over 100 interviews of past and present Red Cross officers, volunteer chapter leaders, donors, and many others, the verdict was in: Red Cross governance required a major overhaul.

Last October, Madam Speaker, the Red Cross board of governors unanimously approved a series of changes to improve the governance and the accountability of the organization. But such changes cannot be implemented without amending the Red Cross charter, and for that to occur, congressional action is needed. That is the reason for our legislation.

Last month the other body acted with urgency by passing the American National Red Cross Organization Act. This House aims to act with similar urgency as we consider this bill just 3 weeks after it was introduced by my good friend, ILEANA ROS-LEHTINEN of Florida, and myself.

Madam Speaker, H.R. 1681 amends the Red Cross charter in a number of significant ways. First, the board of governors will be reduced to 25 members. Where previously some board members were selected by local chapters, some elected by the board, others appointed by the President, our legislation requires governors to be elected solely by delegates to the Red Cross' annual meeting. The responsibilities for day-to-day operations will be delegated exclusively to the Red Cross management rather than to the board. Our legislation requires the Red Cross to establish an office of ombudsman, who will report to Congress, to raise the profile of the whistleblower process for employees and volunteers and to make improvements to it.

Madam Speaker, while these changes would not directly affect the organization's disaster response, it will help promote the kind of leadership needed to make Red Cross management and operations run smoothly and effectively for the balance of this century.

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I would like to express my appreciation to my friend and distinguished colleague, the ranking member of the Committee on Foreign Affairs, ILEANA ROS-LEHTINEN, for cosponsoring this legislation; and I want to thank her for her commitment to ensuring that the American Red Cross remains accountable to the American people.

I strongly support this legislation, and I urge all of my colleagues to do the same.

Madam Speaker, I reserve the balance of my time.

Ms. ROS-LEHTINEN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, as always, it is a delight and a joy to work with our chairman, TOM LANTOS of California. And I join him as an original co-sponsor of The American Red Cross Governance Modernization Act of 2007.

The American Red Cross, as Mr. LANTOS has pointed out, is an institution with a unique status. It has been assigned the responsibility by Congress of fulfilling the obligations of the United States under the Geneva Convention for carrying out peacetime and disaster relief functions. This obligation has not been a small undertaking. The Red Cross has been helping victims of war and natural disasters since its founding in 1881.

As a Member of Congress from Florida's 18th District, I am well aware of the great job, the amazing efforts of Red Cross as an organization made up of volunteers, and in the way that they have responded to numerous hurricanes in my State and tropical storms. And so on behalf of the residents of my district and my State, thank you to the Red Cross and its many volunteers.

And it is precisely because of this, Madam Speaker, I applaud the Red Cross for the hard work that it has done to review its internal governance structures and proposed changes to its charter that will make it an even stronger organization so they can help more people that will reform the organization and take it into its next century of service.

I am pleased that the Red Cross was willing to accept additional significant proposed changes that will provide even more accountability and transparency in the manner in which it will report its findings regarding audits and investigations to the general public.

In the future, Madam Speaker, anyone will be able to log on to the Red Cross Web site and view the results of its finding for audits and investigations that are conducted by the ombudsman's office. This act alone will provide even further assurances necessary for the American public to feel confident that the Red Cross handles donations with the utmost care.

I urge my colleagues to unanimously support H.R. 1681. And I thank the chairman for his leadership on this issue.

Madam Speaker, I yield back the balance of my time.

Mr. LANTOS. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and pass the bill, H.R. 1681, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS HIGHLIGHTED THROUGH NATIONAL VOLUNTEER WEEK

Ms. SHEA-PORTER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 293) supporting the goals and ideals highlighted through National Volunteer Week.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 293

Whereas National Volunteer Week will be observed during the week of April 15 through 21, 2007;

Whereas the National Volunteer Week theme, "Inspire By Example", truly reflects the power volunteers have to inspire the people they help and to inspire others to serve;

Whereas about 61.2 million people volunteered through or for an organization at least once between September 2005 and September 2006, according to a recent survey by the United States Bureau of Labor Statistics, and the proportion of people who volunteered was 26.7 percent, more than a quarter of the total United States population;

Whereas the estimated dollar value of volunteer time was $18.04 in 2005, according to the latest information provided by Independent Sector, a nonpartisan leadership forum, and the coalition estimates the value of volunteer time for 2005 to be $280 billion;

Whereas volunteers have contributed to the enhancement and improvement of communities across the United States, especially with respect to the aftermath of the hurricanes on the Gulf Coast; and

Whereas National Volunteer Week will continue to build awareness of the role that volunteers play in local, national, and international communities, and their commitment and dedication to improving lives, strengthening communities, and fostering civic engagement through service and volunteering: Now, therefore, be it

Resolved, That the House of Representatives—

(1) supports the goals and ideals highlighted through National Volunteer Week;

(2) acknowledges the diligent efforts of our major federally funded community service and volunteer programs;

(3) recognizes with gratitude the contributions of the millions of dedicated and caring individuals who have chosen to serve others through volunteerism; and

(4) encourages all American people, of any age and background, to seek out opportunities to serve through volunteerism.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from New Hampshire (Ms. SHEA-PORTER) and the gentleman from Pennsylvania (Mr. PLATTS) each will control 20 minutes.

The Chair recognizes the gentlewoman from New Hampshire.

GENERAL LEAVE

Ms. SHEA-PORTER. Madam Speaker, I request 5 legislative days during which Members may insert material relevant to House Resolution 293 into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from New Hampshire?

There was no objection.

Ms. SHEA-PORTER. I yield myself such time as I may consume.

House Resolution 293 is a bipartisan bill recognizing the important role of volunteers in local, national, and international communities and their dedication to improving lives, strengthening communities, and fostering civic engagement through service and volunteering.

April 15–21, 2007 is recognized as National Volunteer Week. The theme is Inspire by Example, which reflects the power volunteers have to inspire the people they help and to aspire others to serve.

Inspire by Example has been the theme throughout our history. We have 61 million volunteers out of a population of 300 million who volunteer some time each day to serve others. From the very beginning of our time, we have been committed to serving each other. Benjamin Franklin started a volunteer fire department in a library and took care of those in the community, as have others.

From the beginning, through war, through disaster and through famine, we have seen the greatest step forward to serve our country. Who could forget the service of the Greatest Generation who came forward in so many ways as others went to war and we saw our own population step up to fulfill the roles in our community and to each other?

What do these volunteers do each day of the year? They teach others to read. They care for others who are ill. They work on the forefront for disaster. Right now, in my own State of New Hampshire, which has once again been hit by flood waters, we have volunteers who are out there serving our community. They serve to take care of babies and young mothers. They serve to take care of alcoholics and drug addicts and the most vulnerable in our communities, and they continue their service right through hospice and in senior settings. So we have to thank our volunteers and also recognize what motivates them and to encourage them. That is what this resolution does, to speak to them and to urge them to continue their service.

While we have had the greatest numbers at all in the past year, 61.2 million volunteers, we have also had a slight drop. We have to make sure it is possible for volunteers to continue their full-time lives of service in their own jobs and then also in their communities.

Madam Speaker, I reserve the balance of my time.

Mr. PLATTS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in strong support of House Resolution 293, which supports the goals and ideals highlighted through National Volunteer Week.

I would like to thank my colleague from New Hampshire (Ms. SHEA-PORTER) for introducing this legislation and bringing it to the floor here today.

As we have heard, National Volunteer Week has been celebrated since 1974, when President Nixon signed an executive order establishing this annual celebration of volunteerism.

As we now celebrate another National Volunteer Week, we are reminded that community service takes place through efforts both large and small throughout our great country. This year's Volunteer Week theme is Inspire by Example, and countless individuals of all backgrounds and ages inspire others every day through their efforts to address the common concerns of our neighborhoods, communities, Nation, and world. And I know personally that it was the example of my parents, Babs and Dutch Platts, volunteering in our community as a Sunday school teacher, a Little League coach, running the school candy sales; their example of volunteerism for me and my four siblings helped to inspire my interest in public service and pursuit of this very position I now hold.

Our country has seen the inspiring example of our citizens' willingness to serve others in the wake of the terrorist attacks of 9/11 and rebuilding efforts along the gulf coast, and in response to countless other tragedies, large and small, that touch lives every day.

Community service isn't just about responding to disaster. It is also about lifting a hand to help a neighbor, teaching a child to read, restoring a neglected park, and numerous other acts of good will that reaffirm our common humanity. As cochair of the National Service Caucus here in the House with Representatives CHRIS SHAYS, DORIS MATSUI and DAVID PRICE, I am particularly interested in seeing the spirit of volunteerism celebrated and extended to as many Americans as possible.

As this resolution says, more than a quarter of this country's population volunteered in some capacity from September of 2005 to September of 2006 at an estimated value or benefit to our country of $280 billion. I certainly hope these numbers continue to grow.

I also want to express my thanks to the thousands of organizations and their leaders across the country that capture the spirit of our volunteers and bring that spirit to bear in a concentrated way to relieve suffering, provide opportunities to the needy, to clean up our communities, and bring hope to millions. These organizations and the public and private partners that support them provide needed infrastructure to support the energy of our community service providers.

As this resolution states, National Volunteer Week will continue to raise awareness of the role that volunteers play in local, national and international communities, and their commitment to improving lives, strengthening communities and fostering civic engagement.

Again, I thank my colleague, Ms. SHEA-PORTER, and urge my colleagues to support National Volunteer Week and to support House Resolution 293.

Madam Speaker, I reserve the balance of my time.

Ms. SHEA-PORTER. I now yield 5 minutes to the gentleman from Kentucky, JOHN YARMUTH.

Mr. YARMUTH. I thank the gentlewoman.

Madam Speaker, in a week when our hearts are heavy with the weight of yesterday's tragedy at Virginia Tech and the anniversary of the shooting at Columbine High School, it is important that we also remember America's tremendous capacity for selfless acts of goodness.

I refer to a spirit that sets aside superficial desires in favor of the needs of our fellow human beings, a spirit that shows our Nation at its best, the spirit honored during this National Volunteer Week.

Last year, as has been said, more than a quarter of Americans dedicated their time to bettering their communities, inspiring by example and improving lives.

I am fortunate to represent a community in which passionate leadership and dedicated citizens have enacted community service projects on every scale throughout Louisville. Just during our recent recess, I think a picture has been painted of what people are willing to give to others. On one morning I joined more than 3,000 volunteers of all ages as we embarked on a project to clean up across the communities in furthering the Operation Brightside movement. In visiting schools, we saw parents and grandparents volunteering their time to help kids. In hospital after hospital we saw people of all ages helping our sick. And also in one of the most moving experiences during my recess, two first grade classes at Coleridge-Taylor Elementary had decided to help the troops in Iraq. They went out and collected 200 pounds of candy to send overseas. These were sixth graders who saw the need to give of their time and energy to help others. It was truly an inspirational moment.

The great thing about volunteering is it is a way that you demonstrate your citizenship. We talk a lot about patriotism and citizenship in this body, but nothing demonstrates citizenship more than your willingness to spend your dear time to help others.

I hope this week does not stand alone in honoring our generous citizens and organizations. And I urge every citizen to join them in discovering the rewards that volunteering has to offer.

I urge my colleagues to support H. Res. 293.

Mr. PLATTS. Madam Speaker, I yield such time as he may consume to the gentleman from Connecticut, cochair of the National Service Caucus (Mr. SHAYS).

Mr. SHAYS. I thank my colleague from Pennsylvania.

Madam Speaker, I rise today in support of H. Res. 293, supporting the goals and ideals of National Volunteer Week.

This week, we celebrate the millions of volunteers from around the country who give their time and energy to their communities.

National Volunteer Week's theme, "Inspire by Example," says it all. Volunteers set an example of selfless service in giving in support of our country's most vulnerable residents, the homeless, hungry, elderly, at-risk youth, and disabled. Their work not only supports their communities, but encourages others to do the same.

More than 61 million people volunteered between September 2005 and September 2006. The estimated value of volunteer time given in 2005 is $280 billion.

This underscores the value of national service. Our Federal national service programs give Americans of all ages the opportunity to serve in areas of need around the country, recruiting and managing volunteers. They help ensure the volunteer's time is used effectively to provide the maximum benefit to the organization and the people it serves.

I still remember how I felt as a 14-year-old watching the 1960 Presidential election between Vice President Richard Nixon and Senator John Kennedy. I felt energized listening to Senator Kennedy when he spoke of the Peace Corps and making the world a better and safer place. I wanted to be part of his vision. I wanted to give to the world community. Years later that dream was fulfilled when my wife, Betsi, and I served 2 years in the Peace Corps. The same powerful emotions, the same sense of energy and eagerness we felt in the 1960s is alive today and expressed by those who give back to their communities.

Today is a day to recognize the millions of Americans who volunteer and express our sincere gratitude for their service.

I thank my colleague CAROL SHEA-PORTER, for introducing this resolution.

Ms. SHEA-PORTER. I now yield 5 minutes to the gentleman from Maryland (Mr. SARBANES).

☐ 1515

Mr. SARBANES. Madam Speaker, before I say anything else, I would like to extend my deepest sympathies and prayers to the families and friends of the victims of yesterday's tragedy, and to the entire Virginia Tech community.

I rise today in support of H. Res. 293 which recognizes the diligent efforts of federally funded and volunteer programs, and generally observes the role of volunteers in the life of our country. When somebody volunteers to perform a service, it is not only a service for other people, it is a service for them as well.

Now more than ever, Americans need a restored sense of greatness and purpose. On the release of the Corporation for National and Community Service's report on volunteering in America, CEO David Eisner's remarks poignantly address the importance of community and national service. He said, "Service and volunteering aren't just nice things to do, but are necessary parts of how our Nation deals with its challenges."

In the wake of tragedies such as Hurricane Katrina, hundreds of thousands of lives have been changed for the better because of the dedication and hard work of volunteers all across the country. But it is not enough. We can do much more. According to the Corporation for National and Community Service, while there has been a significant increase in the number of volunteers nationwide, one in three Americans dropped out of volunteering between 2005 and 2006. Volunteer programs need more than just willing and able volunteers, they need national support.

By reinvigorating national and community service programs, and honoring our volunteers, we feed our democratic spirit and cultivate citizenship. Being engaged in democracy through service, we bolster the best of what citizenship is about. The result will be more vibrant communities and a stronger America, cultivated through experiences that all people share regardless of their background. No young American should be deprived of these opportunities due to a lack of commitment from Washington.

I ask for your support of H. Res. 293.

Mr. PLATTS. Madam Speaker, I urge passage of H. Res. 293, and thank Ms. SHEA-PORTER for her introduction of this resolution, and hope that all of our fellow Americans will experience and celebrate the spirit of volunteerism throughout our country.

Mrs. McCARTHY of New York. Madam Speaker, I rise in strong support of H. Res. 293 honoring volunteer service and thank Representative SHEA-PORTER for introducing this bill. As Chairwoman of the Healthy Families and Communities Subcommittee, I wanted to highlight this extremely important issue which is why the first hearing the HFC Subcommittee held was on national service. This is a bipartisan issue, and I am looking forward to working with Ranking Member PLATTS to move ahead on reauthorizing the service bill.

National service has a distinguished and strong history in our Nation. Our roots in service extend back to the first pioneers, when colonists had to ban together to overcome the challenges of surviving and adjusting to a new land.

Evidence shows that service and volunteering lowers dropout rates among teens, lowers crime rates in communities with high rates of volunteerism, lowers costs associated with the aging population and improves the health and lowers the rates of depression among the elderly. Volunteering is a cost effective way of meeting our Nation's social needs both from the standpoint of the volunteers and the people who benefit from the services.

In my home state of New York, more than 76,000 people of all ages and backgrounds are helping to meet local needs and strengthen communities. There are 239 national service programs in New York alone. In my district we have more than 1,300 service volunteers, and we have almost 3,000 students age K–12 that participate in the Learn and Serve programs.

I truly believe that expanding national service, particularly to disadvantaged youth, is an effective way to combat things like youth gangs and violence, and the evidence bears that out. And it is critical that we begin teaching about participation and service at an early age.

Madam Speaker, I would like to thank Congresswoman SHEA-PORTER for her hard work to in introducing this resolution. I urge my colleagues to support this important legislation.

Mr. TIAHRT. Madam Speaker, I rise today in honor of National Volunteer Week. Our communities across the country are a better place because of the commitment of America's volunteers. Being a volunteer means giving your time unconditionally and having a heart full of compassion. Many times this giving person doesn't receive any sort of thanks or gratitude, but still continues to give what they can to their community without receiving recognition.

Today, I would like to recognize and thank Treatha Brown-Foster from the 4th District of Kansas for all her diligent work. Treatha has a diverse portfolio of programs and activities for which she volunteers. A few programs she participates in include: procuring funding for the Christmas Treasures Fund for the Boys and Girls Club, motivating the public to cooperate with law enforcement agencies as a member of the Crime Stoppers Board, and serving on the Board of Governors for the Dwight D. Eisenhower Excellence in Public Service Series.

Treatha's commitment to her community is remarkable. At a time when it seems many people are focused on themselves, it is refreshing to see people like Treatha, who want to do more for others and do so with joy in their hearts and smiles on their faces. Much of this service goes unrecognized, so today I thank Treatha and others like her for their hard work and compassion.

I encourage my colleagues to promote National Volunteer Week and thank the many millions of Americans who dedicate themselves to bettering our communities. As the saying goes, "Volunteers don't get paid; not because they're worthless but because they're priceless." God bless Treatha Brown-Foster and America's priceless volunteers.

Mr. HARE. Madam Speaker, in celebration of National Volunteer Week, I rise today to honor the many volunteers in my Congressional District and throughout the country. In 1974, National Volunteer Week was established to encourage Americans to dedicate their time and energy to improving their communities and making a difference in the lives of others. We observe these goals this week and reaffirm our commitment to supporting our Nation's volunteers.

Throughout our country, volunteers make America better by reaching out to help their neighbors in need. These caring individuals give to people who have nothing, mentor children who lack love and attention, feed those who are hungry, and shelter those who are homeless. In the aftermath of hurricanes Katrina and Rita, people throughout the country came forward to help the Gulf Coast recover and rebuild—a true testament of the American spirit.

Since the original enactment of National Volunteer Week, the number of volunteers has increased at incredible rates. The resolution before us today rightfully acknowledges the diligent efforts of these millions of individuals who care deeply about the future of our country and their fellow citizens.

I am extremely proud to be a cosponsor of this legislation, and urge all my colleagues to vote for its passage.

Mr. EMANUEL. Madam Speaker, I rise today in strong support of H. Res. 293, a resolution supporting the goals and ideals of National Volunteer Week. This bill recognizes the beneficial effects of volunteerism in our Nation, and thanks the millions of individuals who have generously donated their time for charitable efforts.

Volunteerism is a hallmark of a civil and compassionate society, and since 1974, National Volunteer Week has consistently encouraged and supported the charitable and selfless contributions of America's volunteers. From the men and women feeding the hungry at the Chicago Food Depository to the volunteers that master information about Chicago's museums and cultural institutions, these individuals deserve our thanks for all of their hard work.

Last year alone, over 61 million Americans offered their time and effort to volunteer in a myriad of ways. These individuals recognized the vital importance of lending a helping hand to beneficent causes and donated their time and efforts in order to make a difference in their communities.

The striking importance of volunteerism was highlighted in the recovery efforts following Hurricanes Katrina and Rita in the Gulf Coast. The communal effort extended after these disasters exemplified the American spirit of fellowship and altruism, and provided the crucial support necessary to begin rebuilding homes and business in this battered region.

National Volunteer Week promote's these selfless acts and raises awareness of the need for personal involvement within America's communities. For this reason I celebrate and support this institution.

Madam Speaker, as we observe National Volunteer Week, I wish to express my gratitude and appreciation for all of the efforts of our Nation's volunteers. Their work reflects the gracious and humanitarian character of the American Nation, and provides countless hours of service to valuable community organizations. I ask my colleagues to join me in voting in favor of H. Res. 293, in order to recognize the volunteers of America and National Volunteer Week.

Mr. TIAHRT. Madam Speaker, I rise today to recognize some of the outstanding volunteers in my district who dedicate their time to serving women and their unborn children. Together, Choices Medical Clinic and the Pregnancy Crisis Center have over 80 volunteers that serve as support to women and families in the community.

It is an honor to recognize their work and dedication to offering women healthy choices for themselves and their unborn children. Dr. Scott Stringfield, Volunteer Medical Director, Dr. Cindy Nash, Volunteer Physician, and Dr. Lydia Dennis, Volunteer Physician, as well as over 40 others, provide support as volunteers at Choices Medical Clinic in Wichita, Kansas. Since its opening in December of 1999, Choices Medical Clinic has served 6,075 women and saved 1,500 babies from abortion.

Without these caring individuals, Choices would not be able to serve the number of women they do and prevent the loss of life in the same capacity.

Choices are able to offer women a snapshot of their child through their 4–D sonogram machine. They also inform women about the harmful effects of abortions. Women deserve to know the truth about abortion—the physical and mental consequences of this violent procedure, and Choices allows them this information so they can make the healthiest choice for themselves and their baby.

The Pregnancy Crisis Center has served over 40,000 mothers and families since it opened in 1985. The volunteer services they provide are of no cost to the patients and clients. In 2006 alone, 6,000 services were provided to young women aged 15–25 years of age.

The Pregnancy Crisis Center has been blessed over the years with wonderful, caring volunteers. Currently, they have 40 volunteers, including three special ladies who have been long serving volunteers, Mary Power, Kay Esau and Shirley Moler. All three serve as Client Advocates, who meet with young ladies, hear their stories, and then match them with assistance.

All of the volunteers at Choices Medical Clinic and the Pregnancy Crisis Center deserve to be recognized throughout the year for their excellence in giving back to the community. Today, during National Volunteer Week, I thank you all for caring for others and bringing hope and restoration to families in need.

May you know the impact you are having on the well-being of women and the unborn and may you never tire of this excellent work.

God Bless You.

Mr. PLATTS. Madam Speaker, I yield back the balance of my time.

Ms. SHEA-PORTER. Madam Speaker, I urge my colleagues to support H. Res. 293, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from New Hampshire (Ms. SHEA-PORTER) that the House suspend the rules and agree to the resolution, H. Res. 293.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Ms. SHEA-PORTER. Madam Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this question will be postponed.

TREATING CERTAIN COMMUNITIES AS METROPOLITAN CITIES FOR PURPOSES OF COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

Mr. FRANK of Massachusetts. Madam Speaker, I move to suspend the rules and pass the bill (H.R. 1515) to amend the Housing and Community Development Act of 1974 to treat certain communities as metropolitan cities for purposes of the community development block grant program.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1515

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. METROPOLITAN CITIES.

Paragraph (4) of section 102(a) of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) is amended by adding at the end the following new sentence: "Notwithstanding any other provision of this paragraph, with respect to any fiscal year beginning after the date of the enactment of this sentence, the cities of Alton and Granite City, Illinois, shall be considered metropolitan cities for purposes of this title.".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Massachusetts (Mr. FRANK) and the gentleman from Illinois (Mr. SHIMKUS) each will control 20 minutes.

The Chair recognizes the gentleman from Massachusetts.

Mr. FRANK of Massachusetts. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, this is a bipartisan bill that passed our committee unanimously. It addresses a series of glitches which have resulted in the communities of Alton and Granite City, Illinois, losing their status as entitlement communities under the community development block grant program.

These are both cities that have done a very good job of using these funds. There is no reason why they should not continue to be allowed to enjoy this. The events which led to this having happened are complicated, and even more relevant, quite boring, so it does not seem to me that the House would much care about them.

The relevant point is that there is a unanimous view on the part of our committee, and this has been urged on us by the gentlemen from Illinois, Mr. SHIMKUS and Mr. COSTELLO, that we should restore Alton and Granite City to their rightful places as entitlement cities, and I hope the House will do that.

I reserve the balance of my time.

Mr. SHIMKUS. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I rise today in support of this resolution that would restore the entitlement status to Alton and Granite City for consideration in the community development block grant program.

I want to thank my colleague and friend, Congressman COSTELLO, who will be following me, for his leadership on this. This is a snafu that happens in government, and we are glad to come together, united, to attempt to fix this.

The bottom line geographical issues are that I am from Collinsville, Illinois, in Madison County. I represent half that county. Granite City and Alton are actually in Madison County. Congressman COSTELLO represents those communities ably and well. So we come together to try to fix this.

I want to thank the chairman of the committee, who heard our concerns and moved this expeditiously, along with the ranking member, Mr. BACHUS, and my good friend, JUDY BIGGERT, who helped in the process.

We look forward to a time when Alton and Granite City can get involved in the process and make applications through the CDBG for the needed infrastructure developments that are available through that Federal program.

Madam Speaker, I reserve the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield such time as he may consume to the prime author of this bill, who is a very vigorous advocate for one of the communities he represents, the gentleman from Illinois (Mr. COSTELLO).

Mr. COSTELLO. Madam Speaker, I thank the chairman of the Financial Services Committee not only for yielding time to me, but for handling this bill in a very quick fashion and getting it to the floor today.

I think everything that needs to be said about this legislation has been said by the chairman and my colleague from Collinsville, Illinois.

I urge passage of this legislation.

H.R. 1515 would allow the cities of Alton and Granite City in Illinois to maintain principal city designation for entitlement purposes under the Community Development Block Grant program.

Alton and Granite City have been a part of the Madison County CDBG program since its inception in 1975 for purposes of receiving grants as entitlement communities under the CDBG program.

In 1999, Alton and Granite City deferred their entitlement status so Madison County would not lose entitlement status as a county.

This agreement proved to be satisfactory until the OMB changed definitions. OMB no longer recognizes the "central city" status. The new "principal city" designation requires a minimum population of 50,000, which neither community meets.

As a result, both communities lost entitlement status for purposes of the CDBG program, while all other "central city" communities were grandfathered into the program.

HUD has determined that Alton & Grantie City are the only communities to have lost CDBG entitlement status in the Nation as a result of the recent OMB changes in how counties are defined.

As a result, Granite City and Alton are no longer part of an entitlement community.

At no time did the cities or the county believe that, by deferring their status in previous years, they would be jeopardizing future funding.

Madam Speaker, I again thank Chairman BARNEY FRANK, Ranking Member BACHUS, and Congressman SHIMKUS, for working together in a bipartisan manner to address this unique situation.

Other information:

Both communities are older industrial cities that have suffered from job losses and have higher than local, State and national unemployment levels. Both have had large employers, including steel mills in both cities, close. Both have an older housing stock and lower income residents. Additionally, both have a disproportionate share of public housing, in comparison to the balance of the region.

Alton population: 30,500; Granite City population: 31, 301.

Mr. SHIMKUS. Madam Speaker, I yield back the balance of my time.

Mr. FRANK of Massachusetts. Madam Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Massachusetts (Mr. FRANK) that the House suspend the rules and pass the bill, H.R. 1515.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 3 o'clock and 23 minutes p.m.), the House stood in recess subject to the call of the Chair.

□ 1804

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. MEEKS of New York) at 6 o'clock and 4 minutes p.m.

PRIVILEGED REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1257, SHAREHOLDER VOTE ON EXECUTIVE COMPENSATION ACT

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–96) on the resolution (H. Res. 301) providing for consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation, which was referred to the House Calendar and ordered to be printed.

PRIVILEGED REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 1361, RELIEF FOR ENTREPRENEURS: COORDINATION OF OBJECTIVES AND VALUES FOR EFFECTIVE RECOVERY ACT OF 2007

Mr. ARCURI, from the Committee on Rules, submitted a privileged report (Rept. No. 110–97) on the resolution (H. Res. 302) providing for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes, which was referred to the House Calendar and ordered to be printed.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 1677, by the yeas and nays;

H. Res. 196, by the yeas and nays;

H. Con. Res. 100, by the yeas and nays;

H. Res. 273, by the yeas and nays;

H. Con. Res. 76, by the yeas and nays.

Proceedings on H. Res. 293 will resume tomorrow.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

TAXPAYER PROTECTION ACT OF 2007

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill, H.R. 1677, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Georgia (Mr. LEWIS) that the House suspend the rules and pass the bill, H.R. 1677, as amended.

This will be a 15-minute note.

The vote was taken by electronic device, and there were—yeas 407, nays 7, not voting 19, as follows:

[Roll No. 214]

YEAS—407

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—7

Bachmann
Blackburn
Flake
McHenry
Paul
Tancredo
Westmoreland

NOT VOTING—19

Brady (PA)
Carnahan
Carson
Carter
Fattah
Ferguson
Higgins
Hill
Hunter
Jindal
Kirk
Lampson
McCollum (MN)
Millender-McDonald
Neal (MA)
Poe
Rogers (MI)
Rush
Walsh (NY)

☐ 1831

Mr. GRIJALVA, Mr. GARY G. MILLER of California and Ms. SLAUGHTER changed their vote from "nay" to "yea."

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF WORLD WATER DAY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 196, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the resolution, H. Res. 196.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 393, nays 22, not voting 18, as follows:

[Roll No. 215]

YEAS—393

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Buchanan
Burgess
Butterfield
Calvert
Camp (MI)
Campbell (CA)
Cantor
Capito
Capps
Capuano
Cardoza
Carney
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Filner

Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul (TX)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Serrano
Sessions
Sestak
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Watson
Watt
Waxman
Weiner
Welch (VT)
Weller
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—22

Bishop (UT)
Burton (IN)
Buyer
Carter
Conaway
Deal (GA)
Flake
Franks (AZ)
Goode
Herger
Hoekstra
Johnson, Sam
Lamborn
Paul
Poe
Sali
Sensenbrenner
Shadegg
Thornberry
Walberg
Weldon (FL)
Westmoreland

NOT VOTING—18

Brady (PA)
Brown-Waite, Ginny
Cannon
Carnahan
Carson
Fattah
Ferguson
Higgins
Hill
Hunter
Jindal
Lampson
McCollum (MN)
Millender-McDonald
Neal (MA)
Rush
Walsh (NY)
Waters

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their votes.

☐ 1841

Mr. CONAWAY changed his vote from "yea" to "nay."

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

CONDEMNING RECENT VIOLENT ACTIONS OF GOVERNMENT OF ZIMBABWE AGAINST PEACEFUL OPPOSITION PARTY ACTIVISTS AND MEMBERS OF CIVIL SOCIETY

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. LANTOS) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 100, as amended.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 0, answered "present" 4, not voting 15, as follows:

[Roll No. 216]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Edwards
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McCrery
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner

Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson000000 (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

ANSWERED "PRESENT"—4

Brown, Corrine
Johnson, E. B.
Kilpatrick
Paul

NOT VOTING—15

Brady (PA)
Carson
Fattah
Ferguson
Higgins
Hill
Hunter
Jindal
Johnson, Sam
Lampson
McCarthy (NY)
Millender-McDonald
Neal (MA)
Rush
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised they have 2 minutes to record their votes.

□ 1852

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution, as amended, was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

SUPPORTING THE GOALS AND IDEALS OF FINANCIAL LITERACY MONTH

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the resolution, H. Res. 273, on which the yeas and nays were ordered.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from California (Ms. WATSON) that the House suspend the rules and agree to the resolution, H. Res. 273.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 414, nays 2, not voting 17, as follows:

[Roll No. 217]

YEAS—414

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Cantor
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Costello
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Larson (CT)
Latham
LaTourette
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Lynch
Mack
Mahoney (FL)
Maloney (NY)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy (CT)
Murphy, Patrick
Murphy, Tim
Murtha
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Obey
Olver
Ortiz
Pallone
Pascrell
Pastor
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Radanovich
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NAYS—2

Flake
Paul

NOT VOTING—17

Brady (PA)
Carson
Edwards
Fattah
Ferguson
Higgins
Hill
Hunter
Jindal
Johnson, Sam
Lampson
McCarthy (NY)
McCrery
Millender-McDonald
Neal (MA)
Rush
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised 2 minutes remain in this vote.

□ 1900

So (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

WELCOMING BACK THE HONORABLE JO ANN DAVIS OF VIRGINIA

(Mr. WAMP asked and was given permission to address the House for 1 minute.)

Mr. WAMP. Mr. Speaker, I know this is unusual, but God is good, and I just wanted her colleagues to welcome back to the floor of this House the gentlewoman from Virginia (Mrs. JO ANN DAVIS).

Mr. Speaker, we'll keep praying, and I yield back.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Without objection, 5-minute voting will continue.

There was no objection.

HONORING THE 50TH ANNIVERSARY OF THE INTERNATIONAL GEOPHYSICAL YEAR

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and agree to the concurrent resolution, H. Con. Res. 76, on which the yeas and nays were ordered.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. WILSON) that the House suspend the rules and agree to the concurrent resolution, H. Con. Res. 76.

This will be a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 406, nays 0, not voting 27, as follows:

[Roll No. 218]

YEAS—406

Abercrombie
Ackerman
Aderholt
Akin
Alexander
Allen
Altmire
Andrews
Arcuri
Baca
Bachmann
Bachus
Baird
Baker
Baldwin
Barrett (SC)
Barrow
Bartlett (MD)
Barton (TX)
Bean
Becerra
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Blackburn
Blumenauer
Blunt
Boehner
Bonner
Bono
Boozman
Boren
Boswell
Boucher
Boustany
Boyd (FL)
Boyda (KS)
Brady (TX)
Braley (IA)
Brown (SC)
Brown, Corrine
Brown-Waite, Ginny
Buchanan
Burgess
Burton (IN)
Butterfield
Buyer
Calvert
Camp (MI)
Campbell (CA)
Cannon
Capito
Capps
Capuano
Cardoza
Carnahan
Carney
Carter
Castle
Castor
Chabot
Chandler
Clarke
Clay
Cleaver
Clyburn
Coble
Cohen
Cole (OK)
Conaway
Conyers
Cooper
Costa
Courtney
Cramer
Crenshaw
Crowley
Cubin
Cuellar
Culberson
Cummings
Davis (AL)
Davis (CA)
Davis (IL)
Davis (KY)
Davis, David
Davis, Jo Ann
Davis, Lincoln
Davis, Tom
Deal (GA)
DeFazio
DeGette
Delahunt
DeLauro
Dent
Diaz-Balart, L.
Diaz-Balart, M.
Dicks
Dingell
Doggett
Donnelly
Doolittle
Doyle
Drake
Dreier
Duncan
Ehlers
Ellison
Ellsworth
Emanuel
Emerson
Engel
English (PA)
Eshoo
Etheridge
Everett
Fallin
Farr
Feeney
Filner
Flake
Forbes
Fortenberry
Fossella
Foxx
Frank (MA)
Franks (AZ)
Frelinghuysen
Gallegly
Garrett (NJ)
Gerlach
Giffords
Gilchrest
Gillibrand
Gillmor
Gingrey
Gohmert
Gonzalez
Goode
Goodlatte
Gordon
Granger
Graves
Green, Al
Green, Gene
Grijalva
Gutierrez
Hall (NY)
Hall (TX)
Hare
Harman
Hastert
Hastings (FL)
Hastings (WA)
Hayes
Heller
Hensarling
Herger
Herseth Sandlin
Hinchey
Hinojosa
Hirono
Hobson
Hodes
Hoekstra
Holden
Holt
Honda
Hooley
Hoyer
Hulshof
Inglis (SC)
Inslee
Israel
Issa
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Johnson (GA)
Johnson (IL)
Johnson, E. B.
Jones (NC)
Jones (OH)
Jordan
Kagen
Kanjorski
Kaptur
Keller
Kennedy
Kildee
Kilpatrick
Kind
King (IA)
King (NY)
Kingston
Kirk
Klein (FL)
Kline (MN)
Knollenberg
Kucinich
Kuhl (NY)
LaHood
Lamborn
Langevin
Lantos
Larsen (WA)
Latham
Lee
Levin
Lewis (CA)
Lewis (GA)
Lewis (KY)
Linder
Lipinski
LoBiondo
Loebsack
Lofgren, Zoe
Lowey
Lucas
Lungren, Daniel E.
Mack
Mahoney (FL)
Manzullo
Marchant
Markey
Marshall
Matheson
Matsui
McCarthy (CA)
McCaul (TX)
McCollum (MN)
McCotter
McDermott
McGovern
McHenry
McHugh
McIntyre
McKeon
McMorris Rodgers
McNerney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Melancon
Mica
Michaud
Miller (FL)
Miller (MI)
Miller (NC)
Miller, Gary
Miller, George
Mitchell
Mollohan
Moore (KS)
Moore (WI)
Moran (KS)
Moran (VA)
Murphy, Patrick
Murphy, Tim
Musgrave
Myrick
Nadler
Napolitano
Neugebauer
Nunes
Oberstar
Olver
Ortiz
Pallone
Pascrell
Pastor
Paul
Payne
Pearce
Pence
Perlmutter
Peterson (MN)
Peterson (PA)
Petri
Pickering
Pitts
Platts
Poe
Pomeroy
Porter
Price (GA)
Price (NC)
Pryce (OH)
Putnam
Rahall
Ramstad
Rangel
Regula
Rehberg
Reichert
Renzi
Reyes
Reynolds
Rodriguez
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rohrabacher
Ros-Lehtinen
Roskam
Ross
Rothman
Roybal-Allard
Royce
Ruppersberger
Ryan (OH)
Ryan (WI)
Salazar
Sali
Sánchez, Linda T.
Sanchez, Loretta
Sarbanes
Saxton
Schakowsky
Schiff
Schmidt
Schwartz
Scott (GA)
Scott (VA)
Sensenbrenner
Serrano
Sessions
Sestak
Shadegg
Shays
Shea-Porter
Sherman
Shimkus
Shuler
Shuster
Simpson
Sires
Skelton
Slaughter
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Solis
Souder
Space
Spratt
Stark
Stearns
Stupak
Sullivan
Sutton
Tancredo
Tanner
Tauscher
Taylor
Terry
Thompson (CA)
Thompson (MS)
Thornberry
Tiahrt
Tiberi
Tierney
Towns
Turner
Udall (CO)
Udall (NM)
Upton
Van Hollen
Velázquez
Visclosky
Walberg
Walden (OR)
Walz (MN)
Wamp
Wasserman Schultz
Waters
Watson
Watt
Waxman
Weiner
Welch (VT)
Weldon (FL)
Weller
Westmoreland
Wexler
Whitfield
Wicker
Wilson (NM)
Wilson (OH)
Wilson (SC)
Wolf
Woolsey
Wu
Wynn
Yarmuth
Young (AK)
Young (FL)

NOT VOTING—27

Brady (PA)
Cantor
Carson
Costello
Edwards
Fattah
Ferguson
Higgins
Hill
Hunter
Jindal
Johnson, Sam
Lampson
Larson (CT)
LaTourette
Lynch
Maloney (NY)
McCarthy (NY)
McCrery
Millender-McDonald
Murphy (CT)
Murtha
Neal (MA)
Obey
Radanovich
Rush
Walsh (NY)

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (during the vote). Members are advised there are 2 minutes to record their vote.

□ 1908

So (two-thirds being in the affirmative) the rules were suspended and the concurrent resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. MURPHY of Connecticut. Mr. Speaker, on rollcall No. 218, had I been present, I would have voted "yea."

ELECTION OF MEMBER TO CERTAIN STANDING COMMITTEE OF THE HOUSE

Mr. BECERRA. Mr. Speaker, by direction of the Democratic Caucus, I offer a privileged resolution (H. Res. 304) and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 304

Resolved, That the following named Member be, and is hereby, elected to the following standing committee of the House of Representatives:

COMMITTEE ON THE JUDICIARY.—Ms. Baldwin (to rank immediately after Mr. Sherman).

Mr. BECERRA (during the reading). Mr. Speaker, I ask unanimous consent that the resolution be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The resolution was agreed to.

A motion to reconsider was laid on the table.

THE DUKE CASE: POLITICAL PANDERING?

(Mr. POE asked and was given permission to address the House for 1 minute.)

Mr. POE. Mr. Speaker, District Attorney Mike Nifong of North Carolina quickly prosecuted Duke University lacrosse players for an alleged sexual assault against a minority female. He sensationalized and fueled racial unrest, all to promote his reelection campaign. He made outlandish allegations, calling the players hooligans.

Forget the presumption of innocence or due process. Forget the facts.

Nifong is yet another example of a prosecutor gone wild, wild about publicity and win-at-all-costs mentality. Now the cases have been dismissed for lack of evidence.

The damage is to the innocent players who cannot get their reputations back. The damage is to the bona fide sexual assault victims who may be reluctant to prosecute. The damage is to Duke University who acted too hastily by suspending the players due to media hysteria. The damage is to those who are actual victims of crime based on race.

DAs who violate their oath to seek justice and then flaunt their power by relentlessly prosecuting people in spite of the facts, all to grab a headline, should be held personally liable in our courts and be accountable for their actions by removal from office and permanent suspension from the practice of law. There must be consequences for abuse of power.

And that's just the way it is.

WHAT IS THE ADMINISTRATION DOING TO COMBAT THE RISING PRICE OF GASOLINE

(Mr. ENGEL asked and was given permission to address the House for 1 minute.)

Mr. ENGEL. Mr. Speaker, every day my constituents and people all around America go to a gasoline station to put gasoline in their cars and see that the prices are rising and rising and rising to a point of ridiculousness. I want to know what is the administration doing to combat this problem.

When the price of a barrel of oil goes up, gasoline prices go up, but when the cost of a barrel of oil goes down, gasoline prices still go up.

Americans remember the gasoline prices started dropping conveniently just before the last election in 2006. Is it a coincidence? I don't know, but certainly I do know that nothing is happening, and every single day Americans are feeling the pinch at the pump.

I call on the administration to take action. Enough is enough. I don't know if it's collusion. I don't know what it is. I just know it's wrong, and prices should be dropping when the cost of a barrel of oil goes down, not getting higher.

HONORING TEACHER EMILY JENNETTE

(Mr. GINGREY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGREY. Mr. Speaker, I rise today to congratulate Emily Jennette, a teacher at Sawyer Road Elementary School in Marietta, Georgia, who was recently recognized as our State's Teacher of the Year.

This award could not have gone to a more deserving candidate. Ms. Jennette is an exceptional educator, praised by her fellow teachers for her innovative teaching techniques, a commitment to learning and an outstanding ability to engage her students.

Mr. Speaker, I want to thank both Ms. Jennette and another Cobb County teacher who was a top 10 finalist, Ms. Jennifer Dawson of Lost Mountain Middle School. Educators are among our communities' most valuable assets. Their gifts impact students in the classroom, and their lessons follow our children throughout life.

Georgia is fortunate to have teachers like Emily Jennette educating our children, and I know she will make our State proud at the National Teacher of the Year competition.

Mr. Speaker, I ask that you join me in congratulating Ms. Jennette and all the teachers who help mold our children's lives every day.

A THREE-POINT PLAN FOR RESCUING THE NATION FROM VIOLENCE

(Mr. KUCINICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KUCINICH. Mr. Speaker, in the aftermath of the tragedy at Blacksburg, Virginia, it is becoming painfully obvious that the easy availability of handguns constitutes a growing national crisis of public health and safety, one that calls for a powerful, wide-ranging response from this Congress.

I am urging Members to support H.R. 676, the Conyers-Kucinich bill, which establishes a universal, not-for-profit health care system, which provides full and comprehensive mental health care.

Second, support H.R. 808, a bill establishing a Department of Peace and Nonviolence, which directly addresses the issues of domestic violence, gang violence, and violence in the schools which is reflected in our current homicide rates.

And third, the 33 deaths at Blacksburg constitute a national tragedy. So, too, does the fact that an average of 32 people each and every day in the United States perish in handgun-related incidents. Accordingly, I am drafting a bill to ban the purchase, sale, transfer or possession of handguns by civilians. A gun buy-back provision will be provided in the bill.

It's time for us to rescue this Nation from the violence which is engulfing it, and I have just articulated a three-point plan to do so.

□ 1915

SPECIAL ORDERS

The SPEAKER pro tempore (Mr. ELLSWORTH). Under the Speaker's announced policy of January 18, 2007, and under a previous order of the House, the following Members will be recognized for 5 minutes each.

BUILD A BETTER NATION

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Michigan (Ms. KILPATRICK) is recognized for 5 minutes.

Ms. KILPATRICK. Mr. Speaker and Members, I stand here today as chairperson of the Congressional Black Caucus to say thank you to America, thank you to the president and CEO of NBC News network, as well as the president and CEO of CBS News network. I had an opportunity to meet with them last week. They did the right thing.

Our country is in peril. We need to bring our country together. Thank you very much for the senior staffs of both of those organizations and for the people of America for standing up and speaking out.

We are in trying times at the moment, and there is much we must do to bring our country together and make our families stronger. Kudos, most gracious love, to the women of the Rutgers' basketball team, 10 young women, all honor students, child prodigies, dedicated and working to make life better for themselves and for America, to get to Rutgers, to stay there, to achieve academic excellence, and, yes, then to excel. Also, kudos to the University of Tennessee women's basketball team, the NCAA women's basketball champions.

This is the 35th anniversary year of title IX. Title IX is the legislation 35 years ago that was enacted that would make an equal playing field for women in sports and athletics. We will celebrate title IX and have been all year. I have spoken to President McCormick, and the Congressional Black Caucus, the Speaker of the House and others will be welcoming the Rutgers and Tennessee teams as well as the president and coaching staffs to our city of Washington, DC, very soon. We will hold a 2-hour summit and hear from the National Organization For Women, a psychiatrist from Rutgers University, some renowned women and others who speak to the values of America.

Today we had the chairman of the Federal Communications Commission in our Appropriations Committee. He came for his budget today. We talked about how do we make America better; how do we shut down some of the smut and other things that are negatively impacting our children. We are a better Nation than that. He has agreed to work with us and together, through this Congress, the FCC will be stronger. We must strengthen some of the things that they must do.

The 1934 law is archaic. The courts have interpreted that law very narrowly. This is far bigger than a person. This is about the strength and success of our families, of our children.

On behalf of the men and women who serve in this United States Congress, and specifically the men and women of the Congressional Black Caucus, let us rise up and build a better Nation for our sisters, our girls, our women, and, yes, our men and boys.

OPEN BORDER CHAOS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. POE) is recognized for 5 minutes.

Mr. POE. Mr. Speaker, recent memos that have been released finally by the Justice Department regarding certain situations in the Federal Government, specifically in the U.S. Attorney's office, have revealed numerous things. No wonder the Justice Department fought releasing these e-mails and memos.

We now understand that the prosecution of Federal drug cases along the Texas-Mexico border has dropped dramatically. All the way from Texas to California, prosecutions of drug cases have dropped. In some places up to 25 percent of drug cases are not prosecuted that were prosecuted just a year ago. What is happening is the Federal Government is not able to prosecute drug smugglers, and they are asking the States to prosecute those cases.

Many States—especially those counties on the border with Texas and Mexico, same was true in Arizona and Mexico, New Mexico and California and Mexico—don't have the resources to prosecute all those drug cases.

So what is happening is many cases are dropping through the cracks, all because the Federal Government has dropped 25 percent of prosecution of drug smugglers into the United States because they say they are overwhelmed with cases.

How many cases are we talking about? What types of drug cases? Well, in some cases they are prosecuting cases of only 500 pounds or more of marijuana. Five hundred pounds, that is just a number. But we can relate it to money, and 500 pounds of marijuana is worth about $400,000. A drug smuggler smuggling in $400,000 worth of dope or less, in some cases is getting a pass by the Federal Government because they say they are too overwhelmed with the illegal entry into the United States by drug smugglers.

If the States don't prosecute those cases, as many States are not able to do, what is happening is those drug smugglers are getting a get-out-of-jail-free card.

Drug smugglers are not stupid. They can weigh their marijuana. So all they got to do, before they bring that dope into the United States, is make sure they have less than 500 pounds, because if they are caught by our border agents, the Federal Government won't prosecute them because the Federal Government says we have too many cases.

This is absurd; this is nonsense. This is chaos. Law enforcement is mad about this, and rightfully so. One former DEA official in the El Paso sector made the comment that if the Feds decline to prosecute, and the State lacks the resources to prosecute these drug smugglers, they just go free. You have people violating the drug laws who now get away with it in the United States, all because the Federal Government doesn't do its job. The job is bigger than prosecuting drug smugglers. The job is protect the borders, and our Federal Government doesn't do that.

They claim that they are not prosecuting drug cases because they are prosecuting folks that illegally enter the United States. But maybe that is not true either. These same memos now reveal that in the State of Texas an illegal coming into the United States has to be captured six times before they are actually prosecuted criminally for being in the United States.

What happens is if they are caught the first six times, they are just taken home. Of course, they come right back to the United States. They are not being prosecuted. In Arizona, sometimes it is up to 11 times illegals enter the United States before they are criminally prosecuted for being here illegally.

So what is the Federal Government doing? Well, we do know they are spending a lot of their time prosecuting border protectors. They are spending a lot of taxpayer money to make deals, back-room deals with drug smugglers so that they can prosecute the likes of border agents Ramos and Compean, deputy sheriffs like Gilmer Hernandez, individuals who are enforcing the law.

The Federal Government's duty is to protect the dignity of this Nation. It needs to protect the border from everybody coming into the United States illegally, no matter the reason, but especially those people who are criminals, especially those drug smugglers who bring drugs into the United States and make a profit off of that human weakness, and now giving them a pass, because they are not bringing in enough dope? This is absurd. Not prosecuting illegals until the sixth or eleventh time because we don't supposedly have the resources is absurd, and it is all because we don't protect the dignity of the United States.

Border control in this country doesn't seem to even exist. Third World nations protect their borders better than the United States, and the United States protects the borders of other nations like Korea. Why don't we protect our own border?

While all of this is going on down there on the lawless border of the United States and Mexico, now we hear about a new reform package, a comprehensive immigration plan that is supposed to have little border security, supposed to have a lot of amnesty and supposed to have a whole lot more guest workers in the United States. That is not going to work.

What we need is the National Guard on the border. We need to protect the borders, the dignity of the United States.

And that's just the way it is.

THE FARM LABOR RECRUITMENT SYSTEM

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Ohio (Ms. KAPTUR) is recognized for 5 minutes.

Ms. KAPTUR. Mr. Speaker, on April 9, 2007, 29-year-old Toledoan, Santiago Raphael Cruz, was found bound, gagged and beaten to death in Monterrey, Mexico, in the office of his employer, the Toledo-based Farm Labor Organizing Committee, or FLOC.

Mr. Cruz moved from Toledo, Ohio, to Mexico 3 months ago to legally arrange for Mexican guest laborers to work for a North Carolina pickle plant with which FLOC has a contract. FLOC's efforts assured guest workers were treated humanely, that their papers were legal, and that the notorious crime-ridden labor recruitment system that characterizes farm labor on this continent would cease to exist.

FLOC, which is part of the AFL–CIO, is a farm labor union and social movement based in our district led by Baldemar Velasquez. FLOC is perhaps most recently known for achieving a fair labor contract for guest workers in the United States with H2A visas in North Carolina. Mr. Velasquez led that campaign, as well as one to organize pickle workers in Ohio in the 1980s, and has been recognized as a MacArthur Foundation fellow.

In Mexico, FLOC offered a safe, legal alternative to the exploitative promises of coyotes and those who charge exorbitant fees to smuggle Mexicans across the border. The union had been burglarized, and the workers harassed for their efforts to protect Mexicans wishing to work in our country.

I learned, as I learned more about Mr. Cruz's brutal murder, I asked myself whether this horrendous crime could have been encouraged by FLOC's noble efforts to stop the illegal trafficking and continental labor caused by NAFTA. I have called upon the governments of the United States and Mexico to fully investigate and bring the perpetrators of this horrendous crime to justice. These coyotes prey upon desperate Mexican workers whose lands were taken from them by the Mexican Government under NAFTA. NAFTA set up conditions in North America for cruel exploitation of millions of landless peasants and workers in Mexico.

Mr. Velasquez and FLOC worked endlessly to give people not only legal rights but hope for an end to the harsh treatment handed to them by the governments of the United States and of Mexico. The current and often illegal labor recruitment system is rife with corruption. It exploits landless peasants through a corrupt bounty system imposed by unsavory labor recruiters.

Many times I have said NAFTA fuels illegal immigration by creating an exodus of massive proportion of people from the Mexican countryside who need something to eat after their livelihoods are taken from them. The manner in which these people are being exploited is a continental sacrilege. The problem with NAFTA and NAFTA-style trade agreements is they fail to take people into account.

NAFTA and NAFTA-style agreements serve the interests primarily of the money classes. They reduce risks for Wall Street investors while raising the risk that workers in our heartland will lose their jobs and health care. They are manna for hedge funds, but a threat to the economic security of blue collar workers.

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They leave people out of the question. Whether it is campesinos in Mexico trying to provide food for their families and eke out an existence taken from them by their own government in cahoots with ours through NAFTA, or auto workers in the Midwest pursuing the American dream of a house, a car, and a better life for their children, they are the forgotten people in our global economy.

As Mr. Velasquez noted, Mr. Cruz had a good heart and was working for the people. Mr. Cruz gave his life in service to the forgotten people. We honor his commitment and we extend our sympathies to his family, to his friends, and to the entire FLOC community of which our community is so very proud.

His horrific death reminds us how brutal and unforgiving the NAFTA-induced labor system has become across our continent. It is time to renegotiate NAFTA. It is time not to extend it further. It is time to require continental labor standards that uphold the dignity of human life, not extinguish it.

Mr. Speaker, I submit extraneous material for printing in the RECORD, and I thank my colleague from Washington for allowing me to speak.

[From the toledoblade.com, April 12, 2007]

U.S. DEMANDS PROBE OF SLAYING

(By Clyde Hughes)

The U.S. General Consulate Office in Mexico is pressing for a complete investigation in the beating death of a Toledo union worker found dead early Monday at the union's office in Monterrey, U.S. Rep. Marcy Kaptur (D., Toledo) said yesterday.

Law enforcement officials from the state of Nuevo Leon are investigating the death of Santiago Rafael Cruz, 29, a Mexican native who has lived in Toledo since 1998 and had worked for the Farm Labor Organizing Committee as manager of its Monterrey office for three months, said Baldemar Velasquez, longtime president of the union.

Mr. Velasquez said he believed Mr. Cruz's death is directly related to FLOC's efforts to organize workers in the Monterrey area.

He said the union's education efforts made workers there less susceptible to people who would charge workers large sums of money to enter the United States illegally.

FLOC's program there recruits Mexican residents interested in going to the United States as part of a guest-worker program through a contract the union has with a North Carolina pickle company, union officials said.

Mr. Cruz was bound, gagged, and beaten, Miss Kaptur said yesterday.

She said she talked with Edward Heartney, consul for politics and economic affairs with the U.S. consulate general in Monterrey, who assured her he'd press the Mexican government for a thorough investigation and offer the assistance of the FBI.

Miss Kaptur said she also could call for a special investigation, which is allowed through the North American Free Trade Agreement, which would engage the labor departments of both the United States and Mexico.

She said the investigation provision in NAFTA, though, does not provide for sanctions.

"Right now, they need to do the basic policing work," Miss Kaptur said. "Our government is engaged and I wanted [Mr. Heartney's] assurance on that. You see how NAFTA is contributing to this endless stream of people who are so vulnerable to exploitation.

"There are no worker protections under NAFTA. When [FLOC] does try to take the illegality out of what's going on there, this sort of horrendous tragedy occurs. It will be taken note of on a national level here."

Mr. Velasquez said his union workers have been harassed there before for organizing workers and helping them obtain legal documents to work in the United States.

He said he believes that people running illegal operations to move Mexicans into the United States see FLOC as a threat.

"We're actually fighting the corruption that's prevalent in this area," Mr. Velasquez said via phone call from Monterrey. "There's been 10 policemen killed here in the last year. We've educated the workers not to be taken advantage of and some people here don't like that, but we have to carry on the work."

Mr. Velasquez said Mr. Cruz's body will be returned to Puebla, Mexico, where the majority of his family is located, for a funeral. He said arrangements for the funeral have not been made yet.

He said Mr. Cruz's work with FLOC, which dates to his arrival to Toledo in 1998, made a difference in the union.

"He had a heart for the people," Mr. Velasquez said. "He spent his extra time consulting people, teaching them how not to get cheated and ripped off by phony promises by people who said they could get papers for undocumented folks, and he would explain any proposals out there for immigration reform.

"Basically, he wouldn't allow people to be duped by other people wanting to take advantage of people's ignorance. He was very effective at that."

Mr. Velasquez and Miss Kaptur said the murder investigation is still in the early stages and both said they plan on following the results closely.

WE JUST MARCHED IN (SO WE CAN JUST MARCH OUT)

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Texas (Mr. PAUL) is recognized for 5 minutes.

Mr. PAUL. Mr. Speaker, all the reasons given to justify a preemptive strike against Iraq were wrong. Congress and the American people were misled.

Support for the war came from various special interests that had agitated for an invasion of Iraq since 1998. The Iraq Liberation Act passed by Congress and signed into law by President Clinton stated that getting rid of Saddam Hussein was official U.S. policy. This policy was carried out in 2003.

Congress failed miserably in meeting its crucial obligations as the branch of government charged with deciding whether to declare war. It wrongly and unconstitutionally transferred this power to the President, and the President did not hesitate to use it.

Although it is clear there was no cause for war, we just marched in. Our leaders deceived themselves and the public with assurances that the war was righteous and would be over quickly. Their justifications were false, and they failed to grasp even basic facts about the chaotic, political, and religious history of the region.

Congress bears the greater blame for this fiasco. It reneged on its responsibility to declare or not declare war. It transferred this decision-making power to the executive branch and gave open sanction to anything the President did. In fact, the Founders diligently tried to prevent the executive from possessing this power, granting it to Congress alone in article I, section 8, of the Constitution.

Today, just about everyone acknowledges the war has gone badly, and 70 percent of the American people want it to end. Our national defense is weakened, the financial costs continue to drain us, our allies have deserted us, and our enemies are multiplying, not to mention the tragic toll of death and injuries suffered by American forces.

Iraq is a mess, and we urgently need a new direction. But our leaders offer only hand-wringing and platitudes. They have no clear-cut ideas to end the suffering and war. Even the most ardent war hawks cannot begin to define victory in Iraq.

As an Air Force officer, serving from 1963 to 1968, I heard the same agonizing pleas from the American people. These pleas were met with the same excuses about why we could not change a deeply flawed policy and rethink the war in Vietnam. That bloody conflict, also undeclared and unconstitutional, seems to have taught us little despite the horrific costs.

Once again, though everyone now accepts that the original justifications for invading Iraq were not legitimate, we are given excuses for not leaving. We flaunt our power by building permanent military bases and an enormous billion-dollar embassy, yet claim we have no plans to stay in Iraq permanently. Assurances that our presence in Iraq has nothing to do with oil are not believed in the Middle East. The argument for staying to prevent civil war and bring stability to the region logically falls on deaf ears.

If the justifications for war were wrong, if the war is going badly, if we can't afford the costs, both human and economic, if civil war and chaos have resulted from our occupation, if the reasons for staying are not more credible than the reasons for going, then why the dilemma? The American people have spoken and continue to speak out against the war, so why not end it?

How do we end it? Why not exactly the way we went in? We marched in and we can march out.

More good things may come of it than anyone can imagine. Consider our relationship with Vietnam, now our friendly trading partner. Certainly we are doing better with her than when we tried to impose our will by force.

It is time to march out of Iraq and come home.

SITUATION IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Texas (Ms. JACKSON-LEE) is recognized for 5 minutes.

Ms. JACKSON-LEE of Texas. Mr. Speaker, before I begin I would like to just have a moment of silence for the fallen students of Virginia Tech and our colleagues, who were with them today, the people of Virginia, and the people of the United States of America.

Thank you.

As I begin this 5 minutes, I believe it will be the challenge of this body to find a way to confront the issue of violence through physical acts and violence through words. Many of us will propose new gun legislation, some of us will look to outreach, but we will also seek understanding. That understanding I think leads me to join with the Chairwoman of the Congressional Black Caucus as I acknowledge the outstanding women of the Rutgers University basketball team, to thank them for their dignity, their diplomacy, and their excellence; and to speak, just a very short brief word, of my agreement with the final action on Imus and his unfortunate and destructive words.

Many of the first amendment advocates, of which I happen to be one, are up in arms. Many have said the punishment was too harsh. But I use the age-old teaching tool for those of us in constitutional law classes around the Nation. And though the first amendment is pure, the right to association, the freedom of religion is pure, but it is qualified by the Supreme Court that indicates that we cannot call "fire" in a crowded theater. And so it is obvious that unfortunately what Imus did with these words, these women athletes, these academically excellent students is that they cried "fire." And fire cannot be allowed to burn, and the fire had to be extinguished, and Imus and his ugly words had to be taken off of the public airwaves, wishing him well for hopefully a reformation and a rebirth so that young people all around America can, one, not be subjected to the violence of words, and they cannot be subjected to the brutality, the violence of guns.

Let me move, Mr. Speaker, quickly to an additional cause for my standing here today. And that is to salute my colleague, Congresswoman LYNN WOOLSEY, who tonight will give her 200th statement in opposition to the war in Iraq. I join her today, sadly, because again young people, valiant, patriotic young people are on the front lines of Iraq. They have not protested, they have not said, I will not go, but they look to their leadership, policymakers to have the courage of conviction.

My friend from Texas is right, this is an unending and unsuccessful political action; 3,309 are dead, the violence over the weekend has been unspeakable. The cleric, al-Sadr, has taken out his ministers from the government. That means the coalition government is on the brink of collapse. Why? Because the prime minister is stubborn and will not sit down with his cabinet and parliament and ask in a respectful and collaborative way for the United States to be thanked for its valiant work of its military and asked that we stand down so that Iraq can stand up.

What a tragedy: ego over commonsense. What a tragedy: the continued loss of life over big egos.

And so I say to the administration, we will not give you an unending mandate to continue the terrible loss of life of our troops, and the reason we will not do that is because we declare a military success.

I wear on my lapel the flag of the POWs, the celebration and commemoration of men and women still lost at war, still missing in action, some now who have come home, soldiers that are lost. There is a military success, a legislative initiative of H.R. 930 that I have declaring a military success, the discovery of no weapons of mass destruction, disposing of Saddam Hussein, and many other valiant efforts of our military. And then we must now move to diplomacy.

It is time now to recognize lives and patriotism rise stronger than egos and bluster and the sadness of the debacle in Iraq.

Mr. Speaker, as a proud member of the Progressive and the Out of Iraq Caucuses, I rise to speak about the current situation regarding the Iraq War. But before I do, let me express my condolences to the families and friends and neighbors and loved ones who suffered such horrific losses yesterday. I speak of Virginia Tech University, one of the Nation's great land grant colleges, where we witnessed the most senseless acts of violence on a scale unprecedented in our history.

Neither the mind nor the heart can contemplate a cause that could lead a human being to inflict such injury and destruction on fellow human beings. The loss of life and innocence at Virginia Tech is a tragedy over which all Americans mourn and the thoughts and prayers of people of goodwill everywhere go out to the victims and their families. In the face of such overwhelming grief, I hope they can take comfort in the certain knowledge that unearned suffering is redemptive.

The war in Iraq has also caused a lot of unearned suffering in Iraq and here at home. This is the same war, Madam Speaker, whose proponents misrepresented to the Nation would last no more than 6 months and likely less than 6 weeks. This same war in Iraq, we were led to believe by the Administration, would cost less than $50 billion and would be paid out of the ample revenues from Iraq's oil fields. The war in Iraq, the American people were promised, should have ended years ago with Americans troops greeted as liberators by jubilant Iraqis throwing rose petals at their feet.

As I and my colleagues in the Progressive Caucus and the Out of Iraq Caucus forecast at the time, the starry-eyed, rosy scenarios laid out by the President, Vice-President, and Defense Secretary Rumsfeld would come to pass in fantasy land, but not in the cold, hard world of reality which they refused to live in.

To date, the war in Iraq has lasted longer than America's involvement in World War II, the greatest conflict in all of human history. But there is a difference. The Second World War ended in complete and total victory for the United States and its allies. But then again, in that conflict America was led by FDR, a great Commander-in-Chief, who had a plan to win the war and secure the peace, listened to his generals, and sent troops in sufficient numbers and sufficiently trained and equipped to do the job.

As a result of the colossal miscalculation in deciding to invade Iraq, the loss of public trust resulting from the misrepresentation of the reasons for launching that invasion, and the breath-taking incompetence in mismanaging the occupation of Iraq, the Armed Forces and the people of the United States have suffered incalculable damage.

The war in Iraq has claimed the lives of 3,309 brave servicemen and women (64 in the first 16 days of this month). More than 24,600 Americans have been wounded, many suffering the most horrific injuries. American taxpayers have paid nearly $400 billion to sustain this misadventure.

The depth, breadth, and scope of the President's misguided, mismanaged, and misrepresented war in Iraq is utterly without precedent in American history. It is a tragedy in a league all its own. But it was not unforeseeable or unavoidable.

Mr. Speaker, H.R. 1591, the U.S. Troop Readiness, Veterans' Health and Iraq Accountability Act the House passed last month provides real benchmarks and consequences if the Iraqi Government fails to live up to its commitments. First, it requires the President to certify and report to Congress on July 1, 2007 that real progress is underway on key benchmarks for the Iraqi government. If the President cannot so certify, redeployment of U.S. troops must begin immediately and be completed within 180 days. If the President fails to certify that Iraq has met the benchmarks on October 1, 2007, a redeployment of U.S. troops would begin immediately at that time and must be completed within 180 days. In any case, at the latest, a redeployment of U.S. troops from Iraq must begin by March 1, 2008, and must be completed by August 31, 2008.

I have to say, Mr. Speaker, the Iraqi Government is not off to a good start. The Green Zone surrounding Baghdad remains insecure. Earlier this week, a suicide bomber managed to penetrate the security perimeter of the Iraqi Parliament and detonated a bomb that killed at least three members of the Iraqi parliament and wounded scores of others. Additionally, the market represented by Senator MCCAIN as an example of the improved security situation in Iraq was turned into a killing field within days after Senator MCCAIN's visit.

And yesterday we learned that radical Shiite Muslim cleric Muqtada al-Sadr has reasserted his political power by yanking his loyalists from the Cabinet, a move aimed at showing his supporters he retains his credentials as an opposition leader and which increases the pressure on Prime Minister Nouri al-Maliki to loosen his embrace of the U.S. occupation, which many Iraqis blame for violence in the country.

These developments, Mr. Speaker, illustrate the wisdom of requiring benchmarks the Iraqi Government must meet to justify continued American blood and treasure in Iraq. Moreover, because those benchmarks are established pursuant to President Bush's policies, it is passing strange indeed that he would threaten to veto the bill since it necessarily means he would be vetoing his own benchmarks for the performance of the Iraqi government. He would be vetoing his own readiness standards for U.S. troops. The President demands this Congress send him an Iraq war bill with "no strings." But the only "strings" attached, Mr. Speaker, are the benchmarks and standards imposed by the President himself.

Mr. Speaker, in addition to the enormous financial cost, the human cost to the men and women of the United States Armed Forces has also been high but they have willingly paid it. Operation Iraqi Freedom has exacerbated the Veterans Administration health care facility maintenance backlog; placed an undue strain on the delivery of medical treatment and rehabilitative services for current and new veterans; and exacted a heavy toll on the equipment, training and readiness requirements, and the families of the men and women of the United States Armed Forces.

The emergency supplemental acknowledged the sacrifices made by, and the debt of gratitude, we and the Iraqi people owe to Armed Forces of the United States. But more than that, it makes a substantial down payment on that debt by providing substantial increases in funding for our troops.

The supplemental includes a total appropriation of $2.8 billion for Defense Health Care, which is $1.7 billion above the President's request. The additional funding supports new initiatives to enhance medical services for active duty forces and mobilized personnel, and their family members. Included in this new funding is $450 million for Post Traumatic Stress Disorder/Counseling; $450 million for Traumatic Brain Injury care and research; $730 million to prevent health care fee increases for our troops; $20 million to address the problems at Walter Reed; and $14.8 million for burn care.

Unlike the Republican leadership of the 109th Congress and the Bush Administration, the new Democratic majority is committed to America's veterans. What's more, we back up that commitment by investing in their well-being. For example, the supplemental bill we passed included $1.7 billion above the President's request for initiatives to address the health care needs of Iraq and Afghanistan veterans and the backlog in maintaining VA health care facilities, including $550 million to address the backlog in maintaining VA health care facilities so as to prevent the VA from experiencing a situation similar to that found at Walter Reed Medical Center.

We provided an additional $250 million for administration to ensure there are sufficient personnel to support the growing number of Iraq and Afghanistan veterans and to maintain a high level of services for all veterans; $229 million for treating the growing number of Iraq and Afghanistan veterans; $100 million for contract mental health care, which will allow the VA to contract with private mental health care providers to ensure that Iraq and Afghanistan veterans are seen in the most timely and least disruptive fashion, including members of the Guard and Reserve; and $62 million to speed up the processing of claims of veterans returning from Iraq and Afghanistan.

Mr. Speaker, when American troops are sent into harm's way, America has an obligation to do all it can to minimize the risk of harm to the troops. That is why it was so important that we included additional funding above the President's request to support our troops. We provided $2.5 billion more to address the current readiness crisis of our stateside troops, including ensuring that they are better equipped and trained. We included $1.4 billion more for military housing allowances and $311 million more for Mine Resistant Ambush Protected (MRAP) vehicles for troops in Iraq. And there is included in the supplemental $222 million more for infrared countermeasures for Air Force aircraft to address the growing threat against U.S. air operations in Iraq and Afghanistan

Equally important, Mr. Speaker, the supplemental contains language directing the President to adhere to current military guidelines for unit readiness, deployments, and time between deployments.

In the supplemental we passed, the Defense Department is required to abide by its current Unit Readiness policy, requiring the chief of the military department concerned to determine that a unit is "fully mission capable" before it is deployed to Iraq. The President may waive this provision by submitting a report to Congress detailing why the unit's deployment is in the interests of national security despite the assessment that the unit is not fully mission capable.

The Defense Department is also required to abide by its current policy and avoid extending the deployment of units in Iraq in excess of 365 days for the Army and 210 days for the Marines. The provision may be waived by the President only by submitting a report to Congress detailing the particular reason or reasons why the unit's extended deployment is in the interests of national security.

Mr. Speaker, to reduce the incidence of combat fatigue and enhance readiness, it is important that our troops have sufficient "time out of the combat zone and training between deployments. That is why we require the Defense Department to abide by its current policy and avoid sending units back into Iraq before troops get the required time away from the war theater. The President may waive this provision by submitting a report to Congress detailing why the unit's early redeployment to Iraq is in the interests of national security.

Mr. Speaker, the American people spoke loudly and clearly last November when they tossed out the Rubber-Stamp Republican Congress. They voted for a New Direction in Iraq and for change in America. They voted to disentangle American troops from the carnage, chaos, and civil war in Iraq. They voted for accountability and oversight, which we Democrats have begun to deliver on; already the new majority has held more than 100 congressional hearings related to the Iraq War, investigating everything from the rampant waste, fraud, and abuse of Iraq reconstruction funding to troop readiness to the Iraq Study Group Report to the shameful mistreatment of wounded soldiers recuperating at Walter Reed Medical Center.

And we will not stop, Mr. Speaker, until we are clearly on a glide path to the day when our troops come home and where we can "care for him who has borne the battle, and for his widow and orphan." And even then our work will not be done. For we must still be about the business of repairing the damage to America's international reputation and prestige. But this Democratic majority, led by the Progressive Caucus and the Out of Iraq Caucus, has ushered in a new era of oversight, accountability, and transparency to defense and reconstruction contracting and procurement.

THE LOGAN ACT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Indiana (Mr. BURTON) is recognized for 5 minutes.

Mr. BURTON of Indiana. Mr. Speaker, I have high regard for everybody in this whole body, but when someone does something wrong, it is imperative that it be brought to light, and brought to light in a public forum.

About a week ago, the Speaker of the House, along with others, took a trip that the State Department and the White House disapproved of, to visit Syria. Syria is a terrorist state, has been on the terrorist state list for a long, long time. They have been working with Iran, they have been a transit point for weapons that went into Lebanon, weapons that killed a lot of people. They support Hezbollah and Hamas, two terrorist organizations. They work closely with Iran which has been involved in terrorism and is also on the terrorist list. And for the Speaker and others to go over there and talk with Assad, in my opinion and in the opinion of the law, the Logan Act, that it was not only the wrong thing to do and sent the wrong message, but it was a violation of an act of Congress.

I want to read to you the language in the Logan Act. It says, "Any citizen of the United States, wherever he or she may be, who, without authority of the United States, directly or indirectly commences or carries on any correspondence or intercourse with any foreign government or any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of United States, shall be fined under this title or imprisoned not more than 3 years or both."

Now, I am not under any illusions that there is going to be any censorship of the Speaker or any prosecution of the Speaker, but I think the American people ought to know that she weakened the position of the United States in the Middle East, and she broke the law; and she should be held accountable for that. And tonight I hope the American people get this message and send a message to the Speaker.

She has talked recently, as I understand it, and she is thinking about going to Iran and talking to Ahmadinejad. He is one of the terrorist leaders of the world. And if she were to go over there while he is building nuclear weapons and the whole world is trying to get him to stop, it would be a sure sign of weakness on the part of the United States, and it would send such a signal that they would be more aggressive than they have been in the past.

In 1938 and 1939, Winston Churchill was looked upon as a warmonger because he warned about Hitler, and yet Lord Chamberlain went to Munich, Germany, and he signed a peace agreement on Hitler's terms, gave Hitler the Sudetenland, came back, and said, "Peace in our time," because he went and talked with Hitler and he thought he could convince him not to be aggressive. That was the green light for World War II and 62 million people died.

Talking to these terrorists without getting them to discuss and want to change and move away from their policies of mass destruction is wrong. Iran is trying to build nuclear weapons and they will already have one; they are trying to build a delivery system for intercontinental, intermediate range, and short-range missiles.

We must not send a signal of weakness. I think the Speaker did the wrong thing. I believe she violated the Logan Act because she didn't have the approval of both the White House and the Defense Department, and I hope that she won't do this again. And I certainly hope she won't go to Iran.

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COMMEMORATING THE RUTGERS UNIVERSITY SCARLET KNIGHTS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PALLONE) is recognized for 5 minutes.

Mr. PALLONE. Mr. Speaker, I came here tonight to talk about the Rutgers Women's basketball team, which I am so proud of, and I will. But I have to respond to the previous speaker.

I am very proud of the fact that Speaker PELOSI went to Syria. It is very important for us to have a dialogue with Syria. The fact of the matter is that the Iraq Study Group recommended that we have a dialogue with both Syria and Iran, and certainly we need a new direction with regard to the war in Iraq. And an effort to reach out and have dialogue is a good thing.

And there is such hypocrisy on the part of the other side of the aisle. I mean, the President and the White House criticized the Speaker. But a week before, a couple of days before, there were Republican Members of Congress that went to Syria. So this is just total hypocrisy.

It was a good thing that she went to Syria. It is the very type of dialogue that we need.

Now, Mr. Speaker, I came here this evening to honor the Rutgers University Scarlet Knights women's basketball team and applaud their character and integrity. These remarkable young women are a class act, and I am proud to represent them and Rutgers University here in Congress.

After outrageous comments were made about the team by Don Imus on his CBS radio and MSNBC show, the team showed great courage in choosing to meet with him so he could see firsthand how wrong his sexist and racist comments were. During this emotionally and mentally exhausting ordeal, these remarkable young women were graceful and poised as they became media headlines for controversy.

And I strongly denounce Don Imus' divisive comments. They were disgusting, and they have no place in our everyday language, let alone on a nationally televised radio and television program. His comments not only affected these players, but resonated with women and African Americans across the Nation.

These were innocent student athletes living out their basketball dreams. They did not deserve to be his target. And MSNBC's decision to pull his television broadcast and CBS' firing of him displayed great moral character, and I support their choices.

His comments, Imus' comments, deprived these women of fully enjoying their accomplishments of being crowned Big East champions, going to the Final Four, and making history as the first athletic team from Rutgers to play for a national championship. All-Met Division I Player of the Year Kia Vaughn said it best when she said, "Our moment was stolen from us."

I want to talk about this team, Mr. Speaker. Rutgers had a Cinderella season that saw them come back from some devastating early season losses, including a 40-point loss to Duke. Under head coach C. Vivian Stringer, the Scarlet Knights finished their amazing season with a 27-9 record. The team fought improbable odds to reach the pinnacle NCAA title game, and maintained enormous composure when nasty comments overshadowed their record-breaking season.

I am immensely proud of this extraordinary team. Last week the Nation had an opportunity see a group of outstanding student athletes who were striving to reach lifetime goals, both on and off the basketball court. By excelling in academics, music and community service, they are great role models for student athletes across the Nation.

The Scarlet Knights women basketball players are excellent representatives of Rutgers University and the State of New Jersey, and they should be honored for their hard work, dedication, and heart.

Mr. Speaker, today I introduced a resolution commending the Scarlet Knights women's basketball team for their record-breaking season and their outstanding achievement off the basketball court. I am hopeful Congress will recognize these fine women by passing this resolution tomorrow.

HONORING BROWNIE SCOUT TROOP 114

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from North Carolina (Ms. FOXX) is recognized for 5 minutes.

Ms. FOXX. Mr. Speaker, I rise today to honor the patriotic efforts of Brownie Scout Troop 114 of Liberty Grove Baptist Church of North Wilkesboro. This group of 18 young women has demonstrated a tangible commitment to supporting our troops stationed in Iraq. Last month they collected donations to send nearly 250 boxes of Girl Scout cookies to the brave men and women from their community who are serving in Iraq.

They pounded the pavement to sell cookies and find like-minded people who were willing to join them in sending cookies to a local North Carolina National Guard unit stationed near Tikrit, Iraq. I applaud the thoughtful and committed patriotism of these girls who invested their time to selflessly raise money and then send a token of appreciation to our Nation's troops.

The troops that are receiving the famous Girl Scout cookies are members of the headquarters 105th Engineer

Group from Winston-Salem. For these men and women, there is no small act of kindness. No, this is much more than that. For our troops on the front line of the war on terror, to receive a package of cookies from a local Brownie Scout troop is like receiving a breath of fresh air from home. Whether or not these young women knew it, they were communicating to our soldiers that there are people who still care for our troops' welfare. They communicated that the youngest generation still values sacrifice and service to country.

I come to the floor today to celebrate this concentrated act of patriotic kindness and to honor the young ladies who have taken ownership of our Nation's great tradition of offering support to our troops serving abroad. Their example highlights what our great Nation is capable of producing in its youth.

We cannot emphasize enough how proud we are that these Scouts made this effort to brighten the days of hundreds of soldiers in Iraq. What may seem like a small token of gratitude will live on in the memory of the many troops who, in the coming weeks, will enjoy a box of Girl Scout cookies in the deserts of Iraq. I have no doubt that these men and women will look back with great fondness as they remember the day when the mail call brought them an unexpected box of sweets and a reminder that their community and their country stands behind them in this difficult time.

The members of the Brownie troop who sent this gift of baked goods are Alexandra Dillard, Reva Combs, Laken Harrold, Allison Livengood, Allie Barker, Lauren Johnson, Daniella Meeza, Kristina Meeza, Acacia Key, Charlotte York, Cheyenne Byrd, Alexis Baldwin, Erin McGee, Angela Nardini, Karlie Cranfill, Caitlyn Minton and Hope Brown.

It is my hope that their example is reproduced by many others, and that the soldiers who receive the fruit of their labors feel honored and respected by this act of young-hearted kindness.

CHILDREN: UNCOUNTED IRAQ CASUALTIES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Washington (Mr. MCDERMOTT) is recognized for 5 minutes.

Mr. MCDERMOTT. Mr. Speaker, I had intended to rise this evening to focus my attention on the suicide bombing last week in Baghdad that killed and wounded several members of the Parliament, including Osama al-Nujafii. He was a member of the Iraq Parliament who participated in a historic live teleconference I hosted last month linking several of my House colleagues with several Iraq Parliamentarians. I wish him and the others wounded in the attack a speedy recovery.

That attack occurred inside the Green Zone, and it confirms that no one is safe in Iraq, no matter how many checkpoints or blast walls or press releases out of the White House. It confirms that the President's military escalation has only escalated the violence and the casualties. It confirms that the President has no control whatsoever on the events on the ground. And it confirms that the American people are right to demand that the President work with the Democratic Congress and establish a firm timetable for the withdrawal of U.S. troops.

For now, most Americans are grimly aware of the weekend of bombings and killings across Iraq. But the situation is even worse. The Iraq war will live long after the U.S. forces leave the country.

As a child psychiatrist, I was shocked to learn of a new study looking at the effects this war is having on Iraqi children. I submit the story from USA Today for the RECORD. It is the first comprehensive look at the impact the war is having on innocent Iraqi children. The Ministry of Health surveyed 2,500 primary school kids in Baghdad, and 70 percent of those young kids displayed symptoms of trauma-related stress. As the USA Today reported, many Iraqi children have been physically wounded, and many are psychologically scarred. They are the uncounted casualties of the Iraq war. Thousands of innocent Iraqi children are uncounted casualties. But for all these innocent Iraqi children, this war will rage on for them for years to come. They will face a life of anguish, and, in fact, will be the ones who, in the future, are the future violent ones we worry about.

For all these innocent Iraqi children, this war will rage on for years to come. In some cases, these children will face a lifetime of anguish and suffering, and not one of these children is being counted as a casualty.

These children routinely walk through carnage on their way to school, when they go at all.

These children are routinely exposed to random violence and killings that burn images in their minds that will scar them for life.

As a child psychiatrist, I can only echo the conclusions of one Iraqi doctor who was interviewed by USA Today.

"Some of these children are time bombs," said Said al-Hashimi, a psychiatrist who teaches at an Iraqi Medical School.

In this excerpt from USA Today, al-Hashimi said he is concerned Iraqi children could become the next generation of fighters and fuel violence for years to come.

Because of what they are living through as youngsters, "they may think it's better to martyr themselves for religion or country," al-Hashimi said.

The only hope for these uncounted casualties is treatment.

But, as the USA Today story points out, there is only one government run psychiatric hospital in Baghdad—a city of 6 million people, or put more accurately, a city of 6 million casualties.

And then there are the uncounted casualties of Iraqi children in Basra, Rumadi, Najaf, Karbala, Mosul, Kirkuk, Fallujah, Baqubah, and all the other places Iraqi children live.

Until the war ends, there is virtually no chance that thousands of innocent Iraqi children will be treated for their war wounds.

We can only estimate how many thousands of Iraqi children need urgent psychological attention. We know they are not going to get it until this war ends.

There is a timetable for doing just that, and the President should stop listening to his discredited Vice President and start listening to reason and reality.

Now, in the face of that, our Speaker has led this Congress to set a time line that the President says, I will ignore. The President said, I will ignore the people, I will ignore the vote of 2006. No matter what the Speaker does, I am going to attack her.

So the Speaker took the Iraq Study Group's book that said we ought to talk to the people in Syria. For those of you who don't know, Syria is right up next to Iraq. And it is on the border. And there are Presidential accusations that people are coming in from Syria into Iraq, creating trouble and killing our troops. This is on its way to being the most deadly month in 5 years.

Now, for the Speaker to take her time and carefully plan and go over and talk to the leadership of Syria about attacks being made on Americans is, in my view, it is part of her legislative responsibility to the people, not only of her district, but the entire country. And for someone to come out here and accuse her of a violation of the Logan Act. Now this is a 200-year-old act that no one has ever been prosecuted under because there are real questions as to whether it prevents Members of the Congress from using their first amendment rights to talk out on behalf of the people that they represent.

In 1980, the State Department maintained that a visit to Cuba by Senators John Sparkman and George McGovern was not inconsistent with the Logan Act. Nothing in the act, they said, "would appear to restrict Members of Congress from engaging in discussions in pursuance of their legislative duties under the Constitution."

In 1976 the State Department was asked to weigh in as to whether former President Nixon violated the Logan Act by visiting China. The Department stated that Mr. Nixon's trip was taken entirely in his capacity as a private citizen and that the Department "was unaware of any basis for believing Mr. Nixon acted with intent prohibited" by the act. The Department has noted that no one has ever been prosecuted under this act.

This kind of attack on the Speaker will be answered in full again and again. Make no mistake about that.

The article previously referred to follows:

[From USA TODAY]

70% OF IRAQI SCHOOLCHILDREN SHOW SYMPTOMS OF TRAUMA

(By James Palmer)

BAGHDAD—About 70% of primary school students in a Baghdad neighborhood suffer symptoms of trauma-related stress such as bed-wetting or stuttering, according to a survey by the Iraqi Ministry of Health.

The survey of about 2,500 youngsters is the most comprehensive look at how the war is affecting Iraqi children, said Iraq's national mental health adviser and author of the study, Mohammed Al-Aboudi.

"The fighting is happening in the streets in front of our houses and schools," al-Aboudi said. "This is very difficult for the children to adapt to."

The study is to be released next month. Al-Aboudi discussed the findings with USA TODAY.

Many Iraqi children have to pass dead bodies on the street as they walk to school in the morning, according to a separate report last week by the International Red Cross. Others have seen relatives killed or have been injured in mortar or bomb attacks.

"Some of these children are suffering one trauma after another, and it's severely damaging their development," said Said Al-Hashimi, a psychiatrist who teaches at Mustansiriya Medical School and runs a private clinic in west Baghdad. "We're not certain what will become of the next generation, even if there is peace one day," Al-Hashimi said.

The study was conducted last October in the Sha'ab district of northern Baghdad. The low- to middle-income neighborhood is inhabited by a mix of Shiites and Sunni Arabs. Al-Aboudi said he believes the sample was broadly representative of conditions throughout the capital.

In the study, schoolteachers were asked to determine whether randomly selected students showed any of 10 symptoms identified by the World Health Organization as signs of trauma. Other symptoms included voluntary muteness, declining performance in school or an increase in aggressive behavior.

The teachers received training from Iraqi psychologists on how to identify and help students cope with trauma-related stress, al-Aboudi said.

The study "shows the impact of the violence and insecurity on the children and on children's mental health," said Naeema Al-Gasseer, the Iraqi representative of the WHO. "They have fear every day."

The Iraqi government is aware of the problem but largely unequipped to address it, said Ali al-Dabbagh, a government spokesman. "Until we have proper security in Baghdad, there's not much we can do to help these children," Al-Dabbagh said in Washington.

IRAQIS FEAR WAR'S LONG-TERM COST TO KIDS

(By James Palmer)

BAGHDAD—Ahmed Al-Khaffaji, 6, refused to leave his house for nearly a year after shrapnel from a mortar shell ripped through his left arm, rendering it useless.

Hussain Haider was only 5 when he stopped speaking after watching his father slowly bleed to death on the living room floor of the family's Sadr City home.

Iraqi psychiatrists worry about the long-term consequences of a generation that has been constantly exposed to explosions, gunfights, kidnappings and sectarian murders.

"Some of these children are time bombs," said Said al-Hashimi, a psychiatrist who teaches at Mustansiriya Medical School.

Mental health professionals such as al-Hashimi say that there is a chronic shortage of trained psychiatrists and that schools are the front line for treating traumatized children.

Ahmed's skin was badly scarred, and he suffered burns on both legs when a mortar round slammed into his family's south Baghdad home on Jan. 1, 2006.

His mother, Safia Hussain Ali, said that for nearly a year afterward, her son feared leaving the house and often refused to eat.

Today, Ahmed attends school, but his behavior occasionally regresses, and he retreats from reality.

"Sometimes he refuses to eat and just wants to watch TV or play video games," Ali said.

Haider al-Malaki, 40, a psychiatrist at the government-run Ibn Rushd Hospital, said he has treated children as young as 6 with post-traumatic stress disorder. He said he has also seen children with sleeping and eating disorders that can be traced to the violence.

MORE AGGRESSION

"They have all experienced some kind of psychological trauma, whether they witnessed a murder or survived a kidnapping attempt," al-Malaki said. "When they witness violence, they're more likely to display aggressive and reckless behavior" later.

Al-Hashimi said he is concerned Iraqi children could become the next generation of fighters and fuel violence for years to come. Because of what they are living through as youngsters, "they may think it's better to martyr themselves for religion or country," al-Hashimi said.

Al-Hashimi set up a workshop this year to help teachers and school officials deal with students suffering from war-related trauma. He urges educators to get kids to release their emotions through activities such as academic competitions and soccer games.

"Schools in hot areas are still functioning," Al-Hashimi said, referring to volatile Baghdad neighborhoods. "Unfortunately, many people don't know how to handle the children in this situation."

Attacks on or near schools have forced Iraqi teachers and other school staff to try to protect their students.

"Children are very perceptive of teachers' moods and actions," said Hadoon Waleed, a psychology professor at Baghdad University. "It's very important that teachers are trained to handle their students during stressful situations."

Fawad Al-Kaisi, 59, headmaster at the Al-Hurriyah primary school in south Baghdad, said his staff has learned through experience.

"When explosions go off in the area, the students become very nervous," Al-Kaisi said. "We try our best to create a positive environment to make them feel safe."

Like others among Iraq's professional elite, psychiatrists are scarce, in part because they have been targets of kidnappers and assassins.

Al-Malaki, the psychiatrist at Ibn Rushd, survived two bullet wounds in his right arm from an assassination attempt in his clinic last year. He is among the few psychiatrists who have remained in Iraq and continued to work.

The Iraqi Society of Psychiatrists estimates at least 140 of the country's 200 psychiatrists were killed or have fled the country in the past four years.

LITTLE HELP AVAILABLE

A shortage of psychiatric facilities further limits the availability of mental health care. Ibn Rushd is the only government-funded psychiatric hospital in Baghdad, a city of 6 million people.

For Hussain Haider, now 7, and other children, the need is urgent. He stopped speaking for months after his father was killed in a crossfire between fighters of the Mahdi Army, a Shiite militia group, and U.S. forces April 6, 2004.

Hussain's mother, Thuraya Jabbar, said his grades have fallen, and he is awakened frequently by nightmares.

"He starts crying whenever we start speaking about his father," she said.

DENOUNCING THE REPREHENSIBLE COMMENTS OF DON IMUS

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. LEE) is recognized for 5 minutes.

Ms. LEE. Mr. Speaker, first let me take a moment to offer my condolences to the families of the victims of the terrible and senseless violence at Virginia Tech. As they struggle to cope with their tremendous loss, we must give proper respect to their lives and the lives of the thousands of innocent people that are cut short every year in this country by gun violence. And let us honor their memories by committing ourselves to bringing an end to gun violence.

Before I begin, I want to commend my colleague, Congresswoman WOOLSEY, because today is the 200th time she has come to this floor to speak out against this unnecessary war in Iraq. I commend your tenacity, Congresswoman WOOLSEY, and I thank you for your leadership and your commitment to ending the occupation of Iraq and to bringing our troops home. I am proud to serve with you in this body as your colleague and as co-chair of the Progressive Caucus, and I want to say to you that your voice has become the voice of America. Thank you. Congresswoman WOOLSEY.

Let me also thank the Chair of the Congressional Black Caucus, Congresswoman KILPATRICK, and members of the CBC for their leadership in addressing and denouncing the latest reprehensible comments by Don Imus.

First, I want to congratulate the Rutgers women's basketball team. We are so proud of you. Your record of achievement as women, as students, as athletes speaks for itself and no one can take away your accomplishments.

As we all know, on April 4, the morning talk show host Don Imus, who has, for years, mind you, for years, made disparaging remarks towards people of color and others, referred to the very distinguished women of the Rutgers basketball team with such disgusting words that I don't even want to repeat them.

Not only did his comments belittle the ethnicity of these women of valor, but he apparently felt entitled to denigrate these women as women. We are here today to say that there is no place for that kind of sexism and racism in our public discourse.

□ 2000

So while we acknowledge MSNBC and CBS did the right thing by firing Imus, we need to ask the question, what took so long? CBS's initial response, which was to suspend Imus 2 weeks with pay, suggested that they thought that a token punishment would appease the public outcry and demonstrated a complete disregard and insensitivity to both the women of the Rutgers basketball team and the millions of Americans who were outraged by the comments.

The fact is, this incident is just one of many Imus should have been fired for a long time ago. For example, he should have been fired 14 years ago when he referred to Gwen Ifill, who was then the White House correspondent for the New York Times, and he said, "Isn't the Times wonderful? It lets the cleaning lady cover the White House." The point is this was not an isolated incident.

If you look back at what he said with regard to New York Times sports reporter Bill Rhoden, he said he was a "quota hire." When you look at what he said about the tennis player, Amelie Mauresmo, he called her "a big old . . ." And I don't even want to say what he said there, but go back and check the record. He even admitted that he picked one of his producers to do the "N jokes."

You know, this is unbelievable. The point is, and I want to make this clear, this is not an isolated incident. And while I, for one, am glad that his show has been cancelled, I believe that we should be concerned with the fact that it took him so long to be taken off the air.

It is also important to understand that this is just not about Imus. There is a tendency in this country to treat racism as an issue of personal ill will so that people can say to themselves "I don't hate black people" and ignore all of the ways that the status quo in our society today reinforces racial inequality as well as sexism. Institutional racism and sexism don't need any personal ill will in order to continue. They rely on indifference, and people like Imus promote that indifference.

The grim reality is that women still earn 75 cents for every dollar earned by their male counterparts. The fact is that in the United States a woman is raped every 6 minutes, and women of color are especially vulnerable to sexual violence. The fact is that, in spite of all the progress we have made in America, an African American woman is still less likely to make it to college than a white woman.

What is dangerous about people like Imus, and he is only one of many, is that their racist and their sexist commentary serves to celebrate and uphold the status quo, to make it okay to be indifferent to the racism and sexism that still surrounds us. That is unacceptable.

Finally, let me just say to Imus's sponsors: Let me congratulate you again, you did the right thing. But before you get too complacent, let me remind you, Procter & Gamble and American Express and all the rest, that the makeup of your corporate board rooms reflects the indifference to institutional racism and sexism in this country, and we are looking to you to do more than stop sponsoring bigots. We are looking to you to help young women, young black women like the women on the Rutgers basketball team, to overcome the hurdles that face them and to find the opportunities that are too often denied them.

So let me thank again Congresswoman KILPATRICK for her leadership in the Congressional Black Caucus. Also let me say thank you again, Congresswoman WOOLSEY, for your leadership.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. ELLSWORTH). Members are reminded to direct their remarks to the Chair.

REMARKS ON DON IMUS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois (Mr. DAVIS) is recognized for 5 minutes.

Mr. DAVIS of Illinois. Mr. Speaker, I would like to begin by expressing condolences to all of those who were directly affected by the gun violence that has just taken the lives of so many young people with so much promise. Again, I think it is an indication of a tremendous need to better regulate the acquisition and ownership of guns in our country, and I join with all of those who call for increased regulation.

Mr. Speaker, America's radios, televisions, newspapers, and Internet sites have been consumed for the past several days over remarks by radio personality Don Imus.

Two weeks ago Imus referred to the women of the Rutgers University women's basketball team in language which can only be described as racist, sexist, and viciously offensive. Faced with an uproar of disgust and protest in response to those remarks, Imus apologized on one hand and on the other denied any racism and insisted that his words carried no malice.

Imus has a history of similar remarks and demands for him to be fired escalated by the hour and day. Under pressure from the public and advertisers, MSNBC agreed to drop the Imus show, and then, of course, CBS came to the same decision. I commend them for coming to the realization that this kind of rhetoric has no place on the public airways. I hope this outcome will be viewed as a victory for free speech and corporate responsibility.

I consider myself an apostle of the first amendment. Free speech is fundamental to our very notions of what and who we are as a people and as a Nation. Nevertheless, I believe that the outcry and protest over the Imus remarks and the demands for his dismissal are not only justified, but are totally consistent with the first amendment.

Nothing has eaten away at the soul of America, nothing has divided our Nation, and nothing has more persistently infected our democracy than the monstrous evil of racism.

Racism dehumanized and continues to dehumanize African Americans and others. Racism continues to ravage the lives of Black America from health to housing and from income to imprisonment. It has taken almost 150 years of struggle and sacrifice, but we no longer accept the racist practices and we no longer excuse racist speech.

No one is demanding that the government muzzle Mr. Imus. However, it is logical and just that large, extremely profitable media companies whose existence and whose profits are based on freedom of speech, would want to ensure that they are not profiting from the abuse of African American women, from the poisoning of relations between Americans, or from discrimination or oppression of any sector of our society.

Last week it was an outcry against Mr. Imus for his remarks. Today and tomorrow it must be against the rappers, hip-hop artists, and comedians who use vile language as a part of their public acts.

My mother used to take washing powder or soap and wash out our mouths if we were to use language that was unacceptable to her. Now, I know that we can't do this with some of our entertainers, but we certainly can sanitize and let them know that we are not appreciative of their language.

I join with those who commend the chairperson of the Congressional Black Caucus, CAROLYN CHEEKS KILPATRICK, for her leadership. And I also commend Reverend Jesse Jackson and the Reverend Al Sharpton for the tremendous roles that they played in raising this issue.

THE RUTGERS WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. PAYNE) is recognized for 5 minutes.

Mr. PAYNE. Mr. Speaker, I was only going to speak about our Rutgers women, but I do want to also add my voice to the condolences for the Virginia Tech students. Out of the number of students who were killed, four students came from my State of New Jersey. So our hearts are heavy for all of the families, but especially for our four New Jersey students.

I also want to add my congratulations to Congresswoman WOOLSEY for being the persistent voice against the war. Day in and day out she has brought this to our attention, and I think much of what we see today in the movement against the war can directly be attributed to her tenacity.

I want to also commend Speaker PELOSI for the groundbreaking trip she took to Syria. I think that the dignity and the knowledge and the respect that were shown to her will begin to break the ground, and I hope that she continues to do that.

Mr. Speaker, as a Representative from New Jersey, I am pleased to rise here in the United States House of Representatives to praise the young women of the Rutgers basketball team, the Scarlet Knights, and their inspirational coach, C. Vivian Stringer. They are true champions not only for their academic and athletic achievements, but for the dignity, for the strength, for the class they have shown during this ordeal.

These 10 women overcame disappointing early losses in the season to advance, amazingly, to the Final Four. Around the Nation fans watched as the Scarlet Knights of Rutgers, who had lost four of their first seven games, defeated Duke's Blue Devils in an exciting 53–52 upset victory. This was after a lopsided 59–35 victory over LSU.

When the ugly incident with Don Imus cast a shadow over their success, these young women showed what they were made of. In standing up for themselves and their school and for New Jersey, they also took a stand on behalf of all young women who insist on being treated with respect and refuse to be insulted and stereotyped.

Don Imus and those of his ilk vastly underestimated New Jersey's strong and proud Scarlet Knights. He underestimated the pride we feel in New Jersey about our remarkable women on that team. As a matter of fact, during the founding of the Nation, New Jersey had a theme: "Don't tread on us." Don Imus may have had a microphone, but he was no match for these young women and their coach, who so eloquently spoke up for what is right and fair. I am so proud that through their actions they were able to persuade two major networks, MSNBC and CBS, as well as numerous advertisers, that the days of using public airways to ridicule and debase anyone they choose are over.

Let me add that it is time that the FCC start doing its job by halting the use of racial and gender slurs over the public airways. As long there is weak enforcement, there will continue to be hate language used by the so-called "shock jocks." In Rwanda it was the radio that urged people to kill and to go. It is hate radio that can create problems, serious problems, as we have seen, like I said, in Rwanda.

History has shown us that words matter, and once society accepts ugly language, ugly incidents will follow. We see the indecent exposure at the Super Bowl, where a tremendous amount of attention was paid. However, we let a Don Imus go on year in, year out, year in, year out, and many others. Something is wrong with that picture.

I call on the networks to examine their record of hiring minorities for top on-the-air and executive positions so that African Americans are fairly represented in the media. One reason that the networks made the decision to discontinue the Don Imus show was that the network employees let the management know how disturbed and embarrassed and offended they were by these demeaning commentaries and that they were a part of that institution, and that was the overriding factor. However, it was Rosa Parks, who 50 years ago decided that she would not sit at the back of the bus, and the people from Montgomery walked for a year, 2 years, and broke the back of the bus company. It was once again the economics that had a play in this 50 years later that people said that if you continue to advertise on that station, we will not use your product. So I am proud of the American people.

Finally, let me say that once again I am proud of these young women, one from my district in Newark, New Jersey, from the high school Shabazz that I taught at.

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200TH SPECIAL ORDER ON THE WAR IN IRAQ

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from California (Ms. WOOLSEY) is recognized for 5 minutes.

Ms. WOOLSEY. Mr. Speaker, I rise today for the 200th time to express my disgust and dismay with our Nation's policy in Iraq. And I want to thank Bart Ackeocella, who has helped me with my many, many words calling on the President of the United States to bring our troops home.

Forty-nine months after this failed Iraq policy was launched, we are still being told, Be patient. Progress is just around the corner. All of our sacrifices will somehow be worth it. But all that amounts to nothing more than desperate spin. And the American people aren't buying it; neither, apparently, are some top military brass. The administration can't find someone to take the job of war czar, a job that would coordinate the military campaigns in Iraq and Afghanistan. One of the recruits for the job, retired Marine General Jack Sheehan, told The Washington Post last week that he would rather spare himself the ulcer, saying of the Bush administration, "The very fundamental issue is they don't know where the hell they're going."

How can the administration possibly say that Iraq is on the road to freedom and stability when a bomb goes off inside the Green Zone and kills members of the elected Parliament? If it's not safe inside the fortress of the Green Zone, just imagine what it is like in the streets of Baghdad.

How can the administration say progress is being made when the Associated Press reports that dozens of Iraqi police officers were demonstrating outside their Baghdad station chanting, "No, no to America. Get out, occupiers." And now American soldiers can look forward to a few more months of trying valiantly, but in vain, to carry out this misguided mission, as the Pentagon has announced that soldiers' 1-year tours will be extended to 15 months.

I ask my colleagues who gave the President the authority to invade Iraq 4½ years ago if they weren't surprised that they voted for an occupation with no apparent end in sight. They absolutely didn't intend for our troops to be caught in the middle of a civil war that our very presence as occupiers has inspired. Four and a half years later, over 3,300 Americans who will never make it home to their families, and all at the cost of more than $375 billion to stop Saddam Hussein from using weapons of mass destruction that he didn't have.

This week, Americans sent their 2006 tax returns to the IRS, trusting that our government will send that money back to us in the form of services, benefits, stability and security. So what do we tell them? What do we tell the American people about the staggering costs they are being asked to assume for the occupation of Iraq? Can anyone possibly argue that we have somehow gotten a return on this reckless investment?

The National Priorities Project has broken down the Iraq financial burden, assuming a total of $456 billion once the latest supplemental is signed by the President. Here is what it boils down to: $4,100 for every American household; $1,500 for every man, woman and child; $275 million a day; $11 million every hour. Look what we could do with that kind of money: $928 million, 3 days in Iraq is enough to build 100 schools or 5,400 affordable housing units, or provide health care for 144,000 children for the length of the Iraq war.

And if national security is what you want to redirect the money toward, we could have used Iraq appropriations for more secure posts, for energy independence initiatives, for nuclear nonproliferation programs, for debt relief in the underprivileged areas of the world. We could have invested in real national security.

Mr. Speaker, we have sacrificed more than enough in lives, in treasure, in national stature and credibility for a mistaken ideological pipe dream.

It is time for our leaders to hear the frustration of the American people, frustration with this shameful, wasteful, futile policy. It is time to end this occupation. It is time to bring our troops home.

THE RUTGERS WOMEN'S BASKETBALL TEAM

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New Jersey (Mr. HOLT) is recognized for 5 minutes.

Mr. HOLT. Mr. Speaker, the women's basketball team of Rutgers University had a great season going to the finals. And as one of two Members of Congress who represents Rutgers University here in Congress, I would like to pay tribute to them, not just for their athletic ability.

After the season was over, they were the subject of hateful, crude and insulting comments; and they responded with restraint, with eloquence and dignity. They were classy. These athletes and Coach Stringer distinguished themselves after the season even more than they did during their extraordinary season. And they serve as a reminder of what college athletics is all about, or should be. We hold up college athletics not for the entertainment of alumni and fans, but because we believe athletic participation builds character. These women of the Rutgers basketball team showed that they have character.

DEMOCRATIC BLUE DOG COALITION

The SPEAKER pro tempore. Under the Speaker's announced policy of January 18, 2007, the gentleman from Arkansas (Mr. ROSS) is recognized for 60 minutes as the designee of the majority leader.

Mr. ROSS. Mr. Speaker, tonight I rise on behalf of the 43 Member strong fiscally conservative Democratic Blue Dog Coalition. We are a group of fiscally conservative Democrats that are committed to restoring common sense and fiscal discipline to our Nation's government.

As you walk the Halls of Congress, Mr. Speaker, it is easy to know when you are walking by the office of a fellow Blue Dog Member because you will see this poster that says "The Blue Dog Coalition." It says, "Today, the U.S. national debt is, 8,887,793,986,597.86." And for every man, woman and child in America, their share of the national debt is $29,465. It is what we refer to as the "debt tax." And that is one tax that cannot be cut, that cannot go away until this Nation gets its fiscal house in order. The Federal deficit continues to climb.

Mr. Speaker, it is hard now to think back and realize, but from 1998 through 2001, this country had a balanced budget; and yet under the Republican leadership for the previous 6 years, we have seen them rubber-stamp the President's budget year after year after year, giving us the largest deficit after the largest deficit after the largest deficit, record deficits. And as a result of that, we have seen the national debt grow to where it is today, approaching $9 trillion.

Why does this matter? It matters because the total national debt from 1789 to 2000 was $5.67 trillion, but by 2010, the total national debt will have increased to $10.88 trillion. This is a doubling of the 211-year debt in just 10 years. Interest payments on this debt are one of the fastest growing parts of the Federal budget. And the debt tax is one that cannot be repealed. Deficits reduce economic growth. They burden our children and grandchildren with liabilities. They increase our reliance on foreign lenders who own some 40 percent of our debt.

This chart here, Mr. Speaker, graphically depicts why the American people should be concerned about the fact that our country is nearly $9 trillion in debt. You see, our Nation spends a half a billion dollars a day, give or take a few dollars, simply paying interest on the debt, and that is money that could be going for education, health care, veterans benefits, to properly equip our men and women in uniform and ensure that they've got the best body armor possible.

And this really graphically depicts it, as you can see. The red bar is the amount of money our Federal Government spends simply paying interest on the national debt. The light blue bar demonstrates how much money we spend educating our children. The green box indicates how much we spend on our veterans. And the purple box indicates how much we spend on homeland security. Again, you can see overwhelmingly our tax money is going to pay interest on the national debt.

It is time to get our fiscal house in order. It is time to restore common sense to our Federal Government. And once we do, we can begin to spend less of your hard earned tax money, Mr. Speaker, on paying interest on the national debt, and we can spend a lot more on educating our children, taking care of America's veterans, keeping our homeland secure, and the list of America's priorities goes on and on.

One of the co-chairs for the fiscally conservative Democratic Blue Dog Coalition is Allen Boyd from Florida. He is our administrative co-chair. I am delighted that he has joined me this evening for this lively discussion about restoring common sense and fiscal discipline to our national government. And part of the way we do that, we believe, is through accountability.

Throughout the evening we are going to be talking about the budget, we are going to be talking about the debt and the deficit, we are going to be talking about accountability, not only at home, but also in Iraq, and making sure that the hardworking people of this country are getting the most for their tax dollar. I don't think that is asking too much. And I think it is very appropriate that on tax day we rise on the floor of the House to demand accountability for how the American taxpayer's money is being spent.

With that, I yield to the gentleman from Florida, Mr. BOYD, the co-chair for administration for the Blue Dog Coalition.

Mr. BOYD of Florida. Mr. Speaker, I want to thank my friend and counterpart, Mike Ross from Arkansas, my fellow Member of the 43 Member strong fiscally conservative Blue Dog Coalition. It is a group that I have been a member of all the years of my service, 10 years of my service here in the United States House of Representatives, and it is a group that I am quite proud of their work on behalf of the American people.

Mr. Speaker, like yourself, being raised in Indiana and Mr. ROSS in Arkansas, I was raised in a little community in north Florida on a farm by parents who taught me very early that it was important that we, as a family, live within our means. We established our priorities as a family, the things that we had to have, needed. We knew what our sources of income were, and we worked hard as a family to meet those priorities. But Mr. Speaker, you know, we were taught as young people, as children, if you don't have the money, then you don't buy things which you can't afford to pay for. Those were lessons that we learned very well at an early age, taught by our parents, that we carried on to our businesses. And let's face it, if you spend more money every year in a business than you take in, you're out of business pretty soon; your banker pulls the plug on you.

□ 2030

We learned that lesson. Our local governments and State governments understand that, as well as our county governments. But something has happened in Washington in the last 6 years. In 8 tough years during the 1990s of making tough decisions relative to our priorities and spending and getting under control the deficit spending, 6 years ago, 6-plus years ago, we went on a rampage here in Washington that sent spending through the roof, far outstripping the revenues raised to pay for that spending. As a result, we had to go into the capital markets and borrow that money to pay for normal operations of our United States Government.

We have the most powerful government in the world. We have the most powerful Nation. We have the richest Nation. Our economic model is a wonderful, wonderful economic model. But we have forgotten the lessons that we all learned as children taught to us by our parents that we ought to be fiscally responsible and we ought to be accountable for how we spend our dollars.

This is really what my friend, Mr. Ross, who is leading this special order tonight, the point that he wants to make. That is that when we take dollars from the American public in the form of taxes, and today is the day, April 17, which happens to be—since yesterday was a holiday someplace, today is the day that our taxes are due. When we take taxes from the American people, the American people expect us to spend that money wisely and they expect us to account for them and they don't expect us to waste those dollars.

That is why some of the things that I have been seeing over the last several years in the way that some of our Federal executive agencies have spent the money and been unable to account for, and I tell you, honestly, Mr. Speaker, the Department of Defense probably is the biggest offender as it relates to accountability. Many of the dollars that we have appropriated over the years for the Iraq war, for instance, the Department of Defense cannot pass an audit or account for in how they were spent.

I think you see one of the things that is happening in the last several months since the election is that Congress is beginning to ask the tough questions of the administration as it relates to how the tax dollars that are taken from the American people by the United States Government, how they are spent. Are we spending them wisely and are we accounting for them? Do we have contractors running amuck in Iraq, and are we getting our money's worth?

I think this is an important time to be thinking about accountability and good stewardship of our American tax dollars. Today is the day. Midnight tonight is the time when that filing is due. You know, the people at home that I live around, they don't mind paying taxes as long as they know as a government we are setting our priorities and we are doing a good job of stewardship and accounting for the dollars that are being spent. I think that is what this is all about tonight, accountability; and I want to thank my friend, Mr. Ross, for leading this discussion.

And, Mr. Speaker, it is great to see you in that chair as a fellow member of the Blue Dog Coalition.

Mr. ROSS. I thank the gentleman from Florida for his insight and discussing fiscal discipline and the budget and demanding that this Congress reflects the values and the priorities of the American people.

The U.S. is becoming increasingly dependent on foreign lenders. Foreign lenders currently hold a total of $2.199 trillion of our public debt. Compare this to only $623 billion in foreign holdings back in 1993. There is a chart here that pretty much shows us where we have been and where we are going. The amount of foreign-held debt more than doubled under the Bush administration. Starting in 2001, you can see how many billions of dollars we were borrowing from foreign central banks and foreign investors, and you can see how it has gradually increased all of the way through 2006.

Putting it another way, this President has borrowed more money in the past 6 years from foreign central banks and foreign investors than the previous 42 Presidents combined. You want to talk about a national security risk, I believe that alone is a national security risk.

We are already 60 percent dependent on foreign oil. We know that. We see it every time we fill up at the pumps. And, Mr. Speaker, if we are not careful, we are also going to become too dependent on foreign countries to fund our government.

I always enjoy David Letterman's top 10 list. I have a top 10 list. My top 10 list tonight lists the foreign countries that we have borrowed money from to help fund tax cuts in this country for people earning over $400,000 a year. That's right, year after year, for the past 6 years, we have continued to pass tax cuts, not for working families, but for folks earning over $400,000 a year. We didn't have a surplus, so where did the money come from? It came from our Nation borrowing to the tune of about a billion dollars a day.

And before we borrow a billion a day, we spend half a billion every day paying interest on the debt we have already got, money that could go to our veterans, to homeland security, to education, to health care. Some 10 million children in this country today are without health care. Instead, it is going to pay interest on our national debt. Where did the money come from? A lot comes from the Social Security trust fund.

The first bill I filed as a Member of Congress was a bill to tell the politicians in Washington to keep their hands off the Social Security trust fund. Republican leadership for 6 years refused to give me a hearing or a vote on that bill. Now we know why: Because they were borrowing money from the Social Security trust fund with absolutely no provision made on how the money is going to be paid back or when it is going to be paid back or where the revenues are going to come from to pay it back.

When you go to the bank to get a loan, the banker wants to know how you are going to pay it back, when you are going to pay it back, and how much you are going to pay back on a monthly schedule, and so forth and so on.

But the top 10 list, these are the countries that the United States of America has borrowed money from to fund our government in these days of reckless deficit spending:

Japan, $637.4 billion.

China, $346.5 billion.

The United Kingdom, $223.5 billion.

OPEC, yes, OPEC, our Nation, the United States of America, has borrowed $97.1 billion from OPEC.

Korea, $67.7 billion.

Taiwan, $63.2 billion.

The Caribbean banking centers, $63.6 billion.

Hong Kong, $51 billion.

Germany, $52.1 billion.

And rounding out the top 10 countries that the United States of America has borrowed money from to fund our government, Mexico, $38.2 billion.

It is time to restore fiscal discipline and accountability to our government. And a new member of the fiscally conservative Blue Dog Coalition who is helping us do that in this new Democratic majority, we are demanding answers to tough questions, we are demanding commonsense be restored in our government. We are demanding that this new leadership governs from the middle, which is where we are as Blue Dogs and where we believe the majority of Americans are, and the new Blue Dog member who is helping us do that is the gentleman from Ohio (Mr. WILSON), and I yield to him at this time.

Mr. WILSON of Ohio. Mr. Speaker, this is a taxing time for America. As a member of the fiscally conservative Democrat Blue Dog Coalition, I welcome these opportunities to come to the floor and talk about fiscal responsibility and what we need to draw our attention to in this Nation's most pressing problem.

Mr. Speaker, it is a skyrocketing national debt. As Congressman ROSS has pointed out and indicated in numerous ways, it has just gotten out of hand. We are paying so much money of our tax dollars to pay the interest on the debt to foreign countries that we are borrowing from that it is really changing the face of America.

Tonight, Mr. Speaker, the timing is especially good because April 17 is the tax filing deadline for this year. As Americans, we race to the mailboxes with our taxes to meet the deadline, and it is important to note how our national debt affects each and every U.S. taxpayer. The average U.S. household devotes almost $2,000 a year in taxes to pay interest on our national debt, $2,000 a year just to pay the interest. That is about twice the amount they pay in taxes to help fund the Department of Education, veterans' health care, and homeland security programs.

Under this administration's budget, the picture only gets worse for American taxpayers. By 2014, the GAO says that more than two-thirds of revenues will be required just to pay the interest on our debt. Under this projection, net interest would become the largest Federal spending program, larger than Social Security, larger than our defense budget, and larger than Medicare and Medicaid combined. This defies commonsense and is not in line with our national priorities.

An approach that faces this troubling reality is long overdue, and in the first 100 days of this Congress, we have proved that we are up to the challenge. We passed bills, Mr. Speaker, that benefit small businesses, and above all, we passed a responsible budget. It funds our top priorities, like strengthening our military and our homeland security. This is commonsense and this is what the Blue Dogs stand for. We want to make a difference by requiring and demanding fiscal responsibility.

This also does something very important. It restores fiscal discipline and returns us to surplus by 2012.

Mr. Speaker, as American taxpayers, we send our hard-earned money to the IRS. They should know where it is going. Today, too much of it is going towards paying interest on our national debt. With fiscal responsibility and cost accountability in place, this Congress can change what is going on and bring real relief to America's working families.

Mr. ROSS. Mr. Speaker, I thank the gentleman from Ohio for his work within the fiscally conservative Democratic Blue Dog Coalition in trying to restore commonsense and fiscal discipline to our national government, trying to give us a budget that will return us to the days of record surpluses instead of record deficits. Hopefully, as a result of the budget passed on this floor just in the last week, we will see this number start back down once again, because it is important; it is important that we put an end to deficit spending.

One of the ways we do that is through accountability. Let me just say that if we are going to ask the American people to get up and go to work and pay taxes, we as a Congress should be held accountable and the various Federal agencies should be held accountable to ensure they are getting the most value for their tax dollars, that we truly are doing things that will honor their work and ensure that we leave this country just a little bit better than we found it for our children and our grandchildren.

☐ 2045

One of the leaders in the Blue Dog Coalition, in fact, one of the founders of the Blue Dog Coalition that has done a lot in the area of accountability is the gentleman from Tennessee (Mr. TANNER), and at this time, I will yield to the gentleman from Tennessee (Mr. TANNER). Thank you for joining me this evening.

Mr. TANNER. Mr. Speaker, well, thank you very much.

I wanted to come tonight and join with my colleague, Mr. ROSS. I heard what you have been saying and I wish this was not true, but all one has to do is go to the Web site of the U.S. Treasury and see for one's self how much money has been borrowed in the last 60 months from foreign sources, and I heard you address that point earlier.

I want to talk about a bill that we introduced last Congress that the Blue Dogs endorsed and that we hope to introduce in the next few days in this Congress; and hopefully we can pass it this time.

It has to do with the subject of, the theme of tonight's Special Order with regard to accountability. And this is not a Democrat or Republican bill. A lot of times these Special Orders are utilized by people who want to come and blast the Democrats, if they are Republicans, or Democrats who want to blast the Republicans on the other side, and that is not what this floor is for. Politics should end here. We all represent people in this country in a public office and, therefore, all of us represent not political parties in our jobs here but citizens of this country.

This accountability bill that I want to talk about for just a few minutes, if I may, has to do with demanding that those whom we appropriate money to, any administration, Democrat, Republican, does not matter, actually manage the money so that we at least know where it goes. We may disagree as to how it is spent, but we at least, as public officials, ought to have the responsibility for ourselves and those whom we represent to understand and appreciate what it is going for.

We have here in Washington, the Congress has, an organization called the GAO, General Accountability Office. The GAO is charged with the responsibility, as a nonpolitical branch of the government, to audit, among other things, other responsibilities, audit the various Federal agencies to see what they are doing with the money that we remove from people's pockets involuntarily. And I heard you mention tax day earlier. Today is tax day. We remove the money involuntarily from the taxpayers, the citizens of this country, and then we appropriate to an administration, any administration.

Well, the GAO does audits as part of their responsibility, and they have reported to us that 18 of 24 Federal agencies could not produce an acceptable audit in fiscal year 2005, which is the latest figures that we have.

Now, there is no private enterprise in America that could withstand that kind of either sloppy bookkeeping on the one hand, to be charitable, about it, sloppy bookkeeping, or out-and-out negligence, incompetence, fraud, whatever one wishes to call it. Eighteen of 24 could not do that.

So last year, we, the Blue Dogs, designed a bill that said when that happens, when the Inspector General of any department or the GAO identifies any element or any agency of the Federal Government that cannot tell us what they did with the money that we removed from people involuntarily in the form of taxation and appropriated to them, this bill would provide that within 60 days Congress must, by law, hold a hearing to determine why it is they cannot account for the money that was appropriated to them or, in the alternative, if they cannot account for it, then it is simple: They do not get it.

That makes eminent sense to me as a businessperson at home in Tennessee. I cannot imagine going to the comptroller or the treasurer of our business and saying, here is an expenditure of X amount of dollars, what did you do with it, and they would respond, I do not know, I cannot tell you what happened to that. That would not be acceptable in any private enterprise in this country, and it should not be acceptable here in the public domain because it is all of our moneys that we are talking about, 18 of 24.

The other aspect of this bill is, in government talk, when the GAO identifies a high-risk program, what they mean is the program is being mismanaged, number one; or two, it is not doing what Congress intended it to do when the law was passed. Pretty simple. It is either the program is not working or they cannot tell us what they did with the money. In either event, Congress ought to hold a public hearing so the people of this country know that this program is either not working or that it is being so badly mismanaged, by again any administration, that we need to stop the spending.

I hope as we move through this Congress that we will be able to actually enhance and improve on it; not only that, but actually pass it into law. It needs to be done. It has everything to do with the trust that the American people have placed in us when they voted for us to come here to this arena to transact their business on their behalf.

One of the things I like so much about the Blue Dogs is that we have this quaint belief that the voting card that all of us possess as Members of Congress belongs not to either party leadership but to the people who hired us. That is, I believe, what the Founding Fathers had in mind when they created the People's House.

And so, therefore, when we have all this talk about partisan politics here, it really has nothing to do with the philosophy of the Blue Dogs in that we believe we ought to work for the people that hired us, and that is the people in our respective districts who have every right to expect that when we come here. We will not only be guardians of the country in terms of funding what is necessary for national defense, and we are very strong on that, as you know, but we also will try as best we can individually and collectively as a body to see that the moneys that are being spent are being spent in the best possible way.

I gave a talk at home over the Easter recess, and I told them, I said there are two things that are being witnessed here by this unbelievable not only spending spree, but borrowing spree that has gone on around here for the last 60 months. We have transferred so much of our Nation's treasure to interest, for which we get nothing, that we are degrading basically the tax base to the point where I am afraid in the future our country will not be able to make the two investments that I believe are necessary for our Nation's security.

One is in the area of infrastructure. One only need go to any country on the planet where there is no infrastructure, no highways, roads, bridges, water, sewer, all of the things that private enterprise in this country can build around to create the economic opportunity, the jobs, to create the commerce that will result in further tax receipts for more investment, whether it be for water and sewer and highways, airports, bridges, roads, tunnels, anything like that, to see that the government must make those investments so that private enterprise can prosper.

Nobody is prospering in these countries. We call them Third World countries, but they are nonetheless countries where there is no infrastructure. Nobody is doing any good because there is nothing to build around to create the economic activity, the commerce that must go on to make things happen. And so we are degrading our tax base by this interest that we are now paying, for which we get nothing.

The second thing is human capital. From my reading of history, there is no country in the history of civilization and mankind, or humankind, that has been able to maintain itself as a strong and free country with an unhealthy, uneducated population. We are beginning to see the budget being cut in areas where, number one, we have to have public education because all of us, as American citizens, are charged with the responsibility not only for ourselves and our families, but we are charged with making decisions for our cities, counties, State and country. Without public education for the literally millions of kids who may not get that in their homes, because of various economic factors and otherwise, we have to educate our citizens. Thomas Jefferson said it as well as anybody.

The other thing is health care. We are going to be taking up SCHIP, it is called, which is basically children's health insurance. We cannot afford in this country, in my view, to leave it better than when we found it with unhealthy, uneducated children, and so what we are trying to do is stop this ever-increasing encroachment on the tax base of interest so that we are rendered unable as citizens to do the things necessary to keep our country competitive in an increasingly globalized world. This is not just a hope. It is a necessity, in my view, that we be able to do that.

So, as we talk about fiscal responsibility, we talk about this unbelievable borrowing that is taking place, what we are really talking about is balancing the budget, not for the sake of balancing the budget, but for the sake of stopping an ever-increasing encroachment on the tax base for which we get nothing.

Last year, this country sent overseas $145 billion thereabouts. That is almost seven times as much as the so-called foreign aid bill. I do not particularly like the way we do that, but at least one can make some strategic decisions about money that is being appropriated in the foreign aid bill in terms of whether or not it will advance the interests of the United States in a given part of the world. Interest checks, on the other hand, just go to whoever bought our debt. That is a huge difference, and it is one I hope that people will relate to, understand, appreciate and hold dear when they make the decisions that they make with regard to who ought to be running our United States Congress.

Again, this bill basically does not address who controls the Congress or who controls the White House. It simply says that all of us who come here as public servants ought to have that kind of responsibility to oversee and to look after the moneys that are removed from people's pockets involuntarily in the form of taxation and appropriated to any administration.

□ 2100

I think, and I am glad that the Blue Dogs share that philosophy and share that opinion, because oftentimes, all you hear coming from these microphones is, well, the Republicans are worse than the Democrats, the Democrats are worse than the Republicans, and they did it to us, so we will do it to them. That is not getting us anywhere.

We have much more serious matters to discuss, and we ought to be talking about it in this Special Order. Tonight is one opportunity. I want to thank you again for allowing me this time to talk about these, I think, critical matters that affect us all. There is no Democrat or Republican; we are all Americans.

As Americans, we are not doing what we ought to do to do the things that I heard ALLEN BOYD talk about awhile ago about what our parents taught us: one, live within your means; two, pay your debts; three, invest in the future. Unfortunately, we haven't been doing any of those, and it's going to catch up with us at some point if we don't reverse it.

We are trying, we need help doing it, but we are going to keep plugging away at it.

I am very proud of this Special Order that you put together. I am actually really proud of the work that the Blue Dogs are doing.

Mr. ROSS. I thank the gentleman from Tennessee for his insight and his leadership on the accountability bill to restore accountability to our national government.

Did the gentleman, I just want to make sure I understood the gentleman correctly, did the gentleman indicate that 18 of 24 major Federal agencies can't produce a clean audit of its books?

Mr. TANNER. That is according to the GAO. There were six that were compliant with the Federal management, financial management law. Commerce, Labor, the EPA, the National Science Foundation, the Office of Personnel Management, and the Social Security Administration.

The ones who were not were Agriculture, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Justice, Interior, State, Transportation, Treasury, Veterans Affairs, Agency for International Development, General Services Administration, National Aeronautics and Space Administration, Nuclear Regulatory Commission and the Small Business Administration.

There may be valid reasons why they could not tell us what they did, but we ought to have a hearing and find out what those reasons are. If they need help to correct it, and legislation to do so, then we at least would know that; and we could begin to work on that to try to correct this problem.

But to ignore it is, in my judgment, an act of irresponsibility by the Congress and by the administration.

Mr. ROSS. I thank the gentleman for his work on accountability within our government, Mr. TANNER from Tennessee, one of the founders of the fiscally conservative Democratic Blue Dog Coalition. Thank you for your leadership. Thank you for joining us on the floor this evening to talk about restoring common sense, accountability, and fiscal discipline to our national government.

Madam Speaker, as you walk the Halls of Congress, again, it's easy to know when you are walking by the office of a fellow Blue Dog member, because you will see this poster reminding the American people, reminding the Members of the Congress that today the U.S. national debt is $8,887,793,986,597 and some change. For every man, woman and child in America, their share, your share, of the national debt is $29,465.

Also, if you have any questions, comments on our Special Order this evening, I would encourage you to e-mail us at BlueDog@mail.house.gov. That is BlueDog@mail.house.gov.

This is a Special Order being hosted by the fiscally conservative Democratic Blue Dog Coalition talking about issues that we believe are important to the future of this country.

I am delighted to be joined this evening by a new member of the Blue Dog Coalition from the State of Indiana (Mr. ELLSWORTH).

Mr. ELLSWORTH. Madam Speaker, I had not intended to address the House, the people's House tonight. But as I sat in the chair you sit in just a few minutes ago, I looked out and listened to the other Members and reflected on why I was sent here just 90 days ago, or a little longer, and thought that it was my duty to come down and talk.

As I heard Mr. BOYD from Florida address the group and talk about the way he was raised in Florida, it was very similar to the way Mr. ROSS was raised in Arkansas and the way I was raised in Indiana. It reminds me of a story that I told a few times and PAYGO comes to mind.

I can remember when I was very young, probably in the 10-year-old range, having my eye on a Sting-Ray bicycle at Sears and Roebuck in Evansville, Indiana, at the Washington Square Mall. Those back home will know what I am talking about. It was a purple Sting-Ray, metal flake seat. I think they called it a banana seat, if I remember it correctly. It had a sissy bar on the back and high-rise handlebars.

For anybody in that age group, you will remember what I am talking about. I can vividly remember that the price tag was $55 for that bicycle. I remember going home and asking my parents if I could have that bicycle. They said, sure, when you save the $55, knock yourself out, you can go down and do that.

I cut grass, and I delivered papers with my brother, and I had odd jobs until I saved the $55 and was able to go down to Sears and purchase that bike. That's the way you did it back then. You saved your money. You paid as you went. That's the way you purchased things.

That lesson stayed with me to this day. I am proud to display that poster outside my hall, outside my office in the Cannon Building.

But it's also a stark reminder, when we are talking about trillions of dollars of debt, that every Member of this country, every man, woman and child, that their part of the national debt is $29,465, is a stark reminder of the work we have to do.

When I was asking people to hire me for this job, I can remember a couple of things they told me they wanted before they would send me here that they wanted me to guarantee them, that I would be honest, and I would be fair, and I would be fiscally conservative.

When I started looking at the Congress, and groups to associate yourself with, it became very easy when I found out about the Blue Dog Coalition, the fiscally conservative group of Members, 43 strong now, that said we have got to bring this place back to order. I can remember a gentleman in Evansville, Scott Saxe, a gentleman I used to work out with at the Fitness Zone in Evansville. He said, you know, I am a Republican, but this has gotten ridiculous, the way our country spends. He says, we have got to stop this insanity.

That is why I applied for this job, so I could come be a part of that. People come in my office every day, and good people. I call them do-gooders, because they are good people doing good things. They are looking for that Federal help that we can give them.

But we can't give it unless we have that money; we save it in the areas we can save. It's tough, because you know these people are out helping folks every day. You want to give, because that's the way America is. We give to people that are doing good, but it's tough, because we have got to make tough decisions.

But in the 3 months that I have been here, now going on 4, I see examples every day of ways that we can cut the waste, fraud and abuse, the things that we are doing that the American people, when they hear about it in the Eighth District of Indiana, they get really upset, and they should, and that is why I am here.

Just a few examples: when we send contractors, no matter how you feel about the war in the Middle East, but when we send our contractors over on our dime, and they sit 9 months and never lift a finger on the contracts they are hired for, that is money wasted that we could give, put to something else, education, to help people help people.

When we have pallets of money that are lost, pallets, skid loads of $100 bills that are lost, and we can't find them? That is not why they sent me to Congress. That is not what they expect us to do, to lose millions of dollars on pallets in the Middle East.

No-bid contracts, we have all heard about those. Companies would be getting Federal contracts that aren't paying their Federal taxes. I don't think people mind paying taxes. They will talk about it. But when they drive on I–70 through Terre Haute, or I–64 through the northern part of Vanderburgh County or I–164, they appreciate those roads.

When the FBI or Federal law enforcement agency does something 'good for them or the Border Patrol keeps their borders safe, they don't mind paying taxes for that. But when they are getting ripped off or losing money and are doing no-bid contracts, and we have companies being awarded Federal contracts and not paying their Federal taxes, is just plain wrong. It's not why they sent me here. It's not why they sent any of us here, and they want us to stop.

Single-source contracts, let's take, for example, our military plants, and there are two companies that make the engines, but we award to one single source. It's wrong. Competition is healthy; we need to do it. It's why I am proud to join the Blue Dog Coalition. This Congress, both sides of the aisle, needs to work together to bring some sense, some common sense and fiscal accountability back to these Halls so that we can go back to our districts, proud, Republicans and Democrats alike, saying we are spending your money wisely, we are spending it honestly and fiscally and conservatively.

Mr. ROSS. I thank the gentleman from Indiana, a new member of the fiscally conservative Blue Dog Coalition for joining me this evening and being a part of this discussion on how we restore common sense, fiscal discipline, and accountability to our government.

Mr. TANNER said it very well earlier in the evening when he said the American people are sick and tired of all the partisan bickering that goes on at our Nation's Capitol. I can tell you those of us in the Blue Dog Coalition, we don't care if it is our idea or the Republican idea. We are looking for commonsense ideas, ideas that promote accountability, ideas that make sense for the people back home.

Now, there are others that will come to this floor and talk about the Democrats being bad on this or so forth and so on, and there are Democrats that will talk about the Republicans being bad on this or so forth and so on, but the American people are sick of that. The American people get it. They recognize that we are all Americans first and we are in this together.

Talking about accountability, this is a bipartisan issue that I would like to raise in the closing minutes of this Special Order. The United States is spending about $9 billion a month in Iraq, which translates to about $275 million a day or $12 million an hour. However, even with all of this spending, many believe that the U.S. Army is not providing our troops with the most technologically advanced and effective body armor available.

If you ask 100 different people what they think about this post-war Iraq policy, you get about 100 different answers. But I can tell you that there is one thing that all of us, Democrat and Republican, should remain united on, and that is funding and supporting and properly equipping our men and women in uniform. This war has affected all of us. My brother-in-law is in the United States Air Force. He is in the Middle East region this evening.

Let me tell you that 2 weeks ago, one of my constituents, Mr. John Grant of Hot Springs, Arkansas, brought this issue to my attention. Mr. Grant has become an expert on the types of body armor that are currently available in the market due to the fact that his youngest son serves in the Army National Guard's 39th Infantry Brigade. Arkansas' 39th was recently informed that they could be deployed to Iraq by the end of the year. It will be their second deployment. I was there in Baghdad visiting them August 11, 2004, on their previous deployment, soldiers from my hometown, soldiers from throughout my district, people that I used to teach in Sunday school and people that, well, I have duck hunted with.

□ 2115

And they will be returning again, perhaps by the end of the year, and I believe that we owe it to this soldier, his family, and all soldiers and their families, to ensure that our troops are given the finest armor and equipment available.

This issue specifically involves the U.S. Army's recent testing and comparison of Pinnacle Armor's so-called Dragon Skin body armor and the Interceptor Body Armor, often referred to as IBA, currently in use by the Armed Forces. Because of equipment shortages in 2005, some troops purchased equipment at their own expense, including body armor, and Congress enacted legislation to reimburse these soldiers. However, months later, the Army issued a "safety of use message," which instructed all commanders to ensure that only IBA brand is used by soldiers, prohibiting the use of any other body armor.

The Army's "safety of use message" also dispelled recent reports that Dragon Skin was superior to the IBA, citing that Dragon Skin has failed various tests and therefore does not meet the Army's requirements for soldier body armor protection.

Military support organizations, such as Soldiers for the Truth, of which Mr. Grant is a member, along with Dragon Skin manufacturer Pinnacle Armor, argue that Dragon Skin did not fail any test. They have stated that the testing was biased, and they continue to stand behind their assertions that Dragon Skin is superior to the IBA.

They point out that Dragon Skin has also been approved and is used by the U.S. Air Force, the CIA, the NSA, the U.S. Department of Energy officials in Iraq, the U.S. Secret Service Presidential Protection detail, some Special Forces units, and various police departments and SWAT teams around the Nation. However, our troops cannot purchase or use this body armor. I have even been informed that, as a result of this message, if a soldier purchases and uses any armor other than the IBA, this action will be construed as though the soldier has disobeyed a direct order and could, could, jeopardize his or her family receiving service group life insurance if killed in combat.

It is not certain whether this is true, but if it is, I completely disagree with this policy and believe that our combat soldiers should not be denied the use of the latest and most effective body armor if it will result in the preservation of their lives.

Therefore, for the protection of our troops, I am calling for a full investigation into whether the U.S. Army is using the most effective body armor for our troops' protection. We need an unbiased external investigation to determine whether the IBA is the most effective armor available. And if additional testing reveals that Dragon Skin body armor or any other brand is the superior product, then it should be provided to our troops.

I am extremely grateful to Mr. Grant for bringing this issue to my attention, as there is no greater obligation we have to our troops, who risk their lives on a daily basis, than to supply them with the most advanced technology and resources available.

I believe that we must demand that the most stringent test possible be conducted to resolve whether our troops are being given access to the absolute best body armor available. What might have been good in 2003 might very well be outdated today. My only goal is to protect our troops in harm's way by ensuring that they receive the most advanced body armor on the market today as they carry out their mission.

May God bless our country, may God bless and keep our soldiers safe.

THE OFFICIAL TRUTH SQUAD

The SPEAKER pro tempore (Ms. CASTOR). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. PRICE) is recognized for 60 minutes as the designee of the minority leader.

Mr. PRICE of Georgia. Madam Speaker, thank you so very much.

Before I begin, I do want to just say that our hearts, our thoughts, and our prayers are with all at Virginia Tech and in Blacksburg, Virginia, today. As you know, Madam Speaker, an unspeakable horror visited their campus, and it is absolutely impossible for any of us to know what those who were directly connected to it are going through. We were so incredibly heartened by their convocation today as we watched it, and we noted that Hokie spirit is effervescent and incredibly supportive. We are all with the Hokie Nation today. We wish them the best and know that they are comforted by each other and by God's amazing grace.

Madam Speaker, it is a great privilege for me to come to the floor again this evening. I want to thank the leadership for the opportunity to share some comments and to discuss an issue that our friends just finished talking about a little bit.

This is a remarkable day every year. Madam Speaker, as you know, today is once again the day when Americans reach deep into their pockets and they pay Uncle Sam. Many Americans may be filling out their tax forms right now, or they have just finished slogging through the maze of the Tax Code jargon and crunching numbers and filling out form after form after form. And today, Americans all across this Nation will once again trust Washington with their money, because today is tax day. It is usually April 15; by a couple different factors it became April 17 this year. But nonetheless, Madam Speaker, it is tax day.

And I would suggest, Madam Speaker, that Americans are fed up with the status quo of today, and I and many of my colleagues believe that Americans deserve a different tomorrow. They deserve a tomorrow where they won't be taxed from the day they are born until the day that they die and at every single point in between.

Americans deserve a tomorrow where saving and investing are virtues, not vices. Americans deserve a tomorrow where taxation brings efficient and responsible representation, and they deserve a tomorrow where, when the American people do their part, they understand that paying their fair share is enough. And they deserve a tomorrow where the government respects their hard work and appreciates their sacrifice. Only then, Madam Speaker, will tomorrow be any different than today.

We are going to talk and discuss this evening the issue of taxes, the tax structure that we have in our Nation that supports so many, many things. We are going to talk about its fairness or lack of fairness. We are going to talk about the amount of money that is received and whether or not there are any options.

We are going to talk about positive solutions. And as we do so, we like, when we come to the floor, to talk about facts. I want to talk about facts. And I will remind my colleagues of one of our favorite quotes. One of my favorite quotes comes from Senator Daniel Patrick Moynihan who said that "Everyone is entitled to their own opinion, but they are not entitled to their own facts." And so it is, Madam Speaker, that as we come and talk about facts as they relate to taxes, it is important that we use correct figures, that we use accurate figures.

One of the figures that I ran across when looking at the tax issue and realizing how large our government has grown and how many taxes the Washington government takes, in 2005 the Federal Government took in about $2.4 trillion. That is an awful lot of money, Madam Speaker, and it is sometimes hard to kind of get your arms around what that actually means. Well, in a relatively short period of time, less than 50 years, what that means, based upon accounting for inflation and accounting for growth, is that that amount of money is larger than the entire U.S. economy was in 1959. So in less than one person's lifetime we have grown the amount of tax revenue, and this is in constant dollars, real dollars, we have grown the amount of tax revenue larger than our entire government was and the economy was in 1959. So it is truly remarkable.

And what that brings about, Madam Speaker, is that we ought to be, as representatives of the people, asking questions. Is that appropriate? Is that an appropriate policy for our Nation? Should we be modifying things? Should we be changing things? Should we be potentially more fair to the American people? What should we be doing?

And so we will be joined tonight by a number of colleagues. One of my good friends and fellow colleagues from Georgia is Congressman PHIL GINGREY. Congressman GINGREY is a fellow physician, represents a district right outside of the city of Atlanta. I served with him in the State senate, and it is a privilege to serve with him here in the United States Congress. He is one of the true fiscal conservatives, an individual who understands and appreciates the importance of tax revenue, yes, but also the importance of fairness on the part of our Federal Government.

So I am pleased to welcome my good friend from Georgia, Congressman GINGREY.

Mr. GINGREY. Congressman PRICE, I thank you so much for letting me join with you and the Truth Squad in talking about the real truth in regard to what burdens are on the American people, particularly on this day, tax day, April 17. And it reminds me that there is another date coming up pretty soon, and I think that is on April 22, and that is called tax freedom day. And that day gets later and later in the calendar year each and every year. That is how long a person has to work to pay their tax burden, not only to the Federal Government but to local and State and the entire tax burden. Almost a third of the year, Madam Speaker, people have to work to pay the tax burden.

So we in the Republican Party feel very strongly that we need to cut taxes, simplify taxes, lower taxes. And we can do that, and we have done that. We did it in 2001, we did it in 2003. And while we heard from our friends on the other side of the aisle in the previous hour, the so-called Blue Dog Coalition, in regard to the costs to the revenue stream of the tax cuts, saying that we only cut taxes for people making more than $400,000 a year, when in fact, Madam Speaker, everybody who pays taxes got a tax cut under the tax cut provisions that this President and the former majority, the Republican Party, enacted for the American people.

And while, when you crunch the numbers, that was estimated to cost $1.3 trillion, or $130 billion each and every year over a 10-year period of time, because supposedly you would be taking in less revenue, in fact it stimulated the economy; and over a 2½ year period of time, the amount of revenue that came into the Federal Government actually increased by $250 billion.

So our good friends, the Blue Dogs, play a little bit loose with the truth in regard to their calculus. And really it is not calculus, Madam Speaker, it is simple math. The gentlemen that spoke, the four or five of them in the previous hours, our friends, the Blue Dogs, they would make great red dogs. They come from States that the so-called Blue Dog Democrats are traditionally conservative, they are fiscally conservative. They are conservative on social issues.

And we had the gentleman from Arkansas, we had a Member from Tennessee, we had a Member from Indiana, we had a Member from Ohio. It doesn't surprise me that they would be sounding like Republicans, because many of them represent Republican-leaning, typically traditional districts. And when we earn back our majority, Madam Speaker, I think that the Blue Dogs that we are hearing from, the five by tonight, there are a total of 43, many of them would make great red dogs; and I look forward to the day that they join us.

But, Madam Speaker, in the meantime, I think that I need to talk to them about their math a little bit. They spent some time talking about the debt and the fact that all of this money that we have had to borrow, this $8.8 trillion worth of debt, comes from foreign countries. The gentleman from Arkansas listed, I think, the top nine. And they want to imply that all of the debt is money that we have had to borrow from rogue nations, if you will. But they are not rogue nations.

□ 2130

But the point I want to make, Madam Speaker, is that only about 25 percent of that debt is held by any foreign nation, whether we are talking about Germany or France or Spain or Portugal or, yes, China or India. Seventy-five percent of that debt is held by my mom and my dad and our Blue Dog grandparents and corporate America and the United States citizens. Americans borrow or lend that money to the United States Government because they have faith in the full credit of this great country. So this implication that only rogue nations are willing to borrow money or lend money to this country is totally ludicrous.

And if the gentleman from Georgia, my good friend and colleague, Dr. PRICE, will indulge me for a few minutes, I want to also point out another very, very misleading figure. They take that debt, that $8.8 trillion worth of debt that has accumulated over a number of years.

Don't forget, Madam Speaker, and my good friends on the other side of the aisle, they controlled this place for 40 years. And that $8.8 trillion worth of debt didn't just occur overnight.

But they take 300 million people, man, woman and child, the population of this great country, and they divide it into $8.8 trillion, and they come up with $27,000 worth of debt for every man, woman and child in this country.

Well, Madam Speaker, what is the gross domestic product, the wealth of this country? I think 2006, maybe would be the last figure that I have, it was about $13 trillion. So you divide that same number into the gross domestic product, you could say that the share of the wealth of this country of every man, woman and child is $44,000.

So, like I say, they are playing a little loose with the numbers, and they go on and talk about this budget resolution that they have got and how they are going to balance the budget and have no deficit over a 5-year period of time and actually have a little bit of money in the bank in 2012.

How do they do that, Madam Speaker? They do it by letting the tax cuts of the Republican majority and our President expire. The decrease in the marginal rate for every person that is paying taxes, the increase, the doubling of the child tax credit, the elimination, and once again, reinserting the marriage tax penalty, and that is total, when you add up every one of those tax cuts that we enacted that they intend to let expire in 2010 and 2011, it is a total, I think, and my colleague from Georgia and my other colleagues that are here tonight will agree, almost $400 billion. And I think that is the largest tax increase on the people of this country in the history of this country.

So here, again, I thank the gentleman from Georgia for bringing out the truth once again, as he does so well in the Truth Squad's discussions. And I thank him for letting me weigh in a little bit tonight. And with that I will yield back to the gentleman from Georgia.

Mr. PRICE of Georgia. I thank my good friend and colleague from Georgia for your comments, for your perspective, and for the truth and the facts that you bring to the table, and you mentioned a number of them. I would just like to highlight two of them because they are incredibly important, Madam Speaker, for the American people to appreciate. The first is that Tax Freedom Day. We talk about tax day, but Tax Freedom Day has yet to arrive. Depending on what State you are in, I think the earliest State, Tax Freedom Day is April 22, which is next week. But what that means, Madam Speaker, is that every single American who has been working since the first of the year, on average, every single one, is continuing to work from January 1 until now, through at least April 22 to pay the taxes that they owe. They haven't even started to work for themselves or their family. Madam Speaker, that is a tax system that is broken and flawed.

The other fact that you brought out, my good friend from Georgia, Congressman GINGREY brought out, was that the proposal that was passed on this floor just a little over two weeks ago by our friends on the other side of the aisle, many of whom call themselves Blue Dogs. We are checking to make certain, Madam Speaker. We think they are probably lap dogs because of the bills that they have been supporting. And one of them was this budget that was passed that will result in a $400 billion tax increase for the American people, the largest tax increase in the history of the Nation. That is a fact.

I want to mention a couple of other facts and then call on a couple of other good friends who have joined me this evening. Oftentimes, Madam Speaker, you hear people say, well, the wealthy in this Nation don't pay any taxes, or they get a remarkable tax benefit, that they are given favored treatment. You hear that oftentimes by our friends on the other side.

This chart, Madam Speaker, really points out the truth. These are actual numbers and actual facts. And that is that the top 1 percent of wage earners in this Nation, the top 1 percent, pay 36.9 percent of the taxes. That is, the top 1 percent pay 36.9 percent of the taxes. If you take the top 10 percent of wage earners in this Nation, the taxes that they pay, the total revenue that they pay in terms of taxes for this Nation, 68.2 percent. And the top half, the top 50 percent pay 96.7 percent of the tax revenue that comes into this Nation. Madam Speaker, that is a fact. It is important to appreciate that because our good friends on the other side of the aisle so often want to play class warfare. They want to pit one side against the other. And what this shows very, very clearly is that individuals all across this Nation are paying their fair share and then some.

I have been joined by many good friends who will comment about various aspects of our tax system and tax policy, as well as the budget that has been proposed. And right now I would like to ask a good friend from Texas to join me, and look forward to his comments, Congressman KEVIN BRADY from Texas, who has a wonderful business background and appreciates the importance of appropriate government policy and making certain that we allow all Americans, all Americans, the greatest opportunity in this wonderful Nation. Congressman BRADY, thanks so much for joining us.

Mr. BRADY of Texas. Well, thank you. And I appreciate joining the two gentlemen from Georgia who continue to look out every day for the family's pocket books, rather than Washington's pocket books, which I fear is too deep. And the point I always try to make, I am in my 11th year in Congress, serve on the Ways and Means Committee, have worked on all of President Bush's tax relief. And I am convinced that Washington has all the money it needs. It just doesn't have all the money it wants. And there is a big difference between the two.

And tonight, as you and I talk, millions of Americans are scrambling at the last minute to file their taxes, rummaging through cabinets and drawers and bank statements, anxious to try to comply with the complicated Tax Code. And they are willing to pay their fair share. But our code is so complex that they worry.

Paying taxes is bad enough. But the time wasted in figuring them is almost worse. You shouldn't need an accountant to do your taxes, and you shouldn't live in fear of just making an honest mistake. For our sanity's sake, and I think for our children's sake, we really need to sunset this awful Tax Code and replace it with something far more simple, like a flat tax or my preference, a retail sales tax. And I love the retail sales tax because, can you imagine, can you imagine never having to fill out a tax return again in your lifetime? Never. Can you imagine the IRS being completely, totally out of your life forever?

And as we talk about how complex this code is, let's not forget we need to keep our taxes low. Tax Freedom Day for Texas families is this Thursday. And that is the first day since New Year's that Texans will start working for themselves and not for the government. For the rest of the country, on average, you have still got two more weeks, April 30. In fact, most families in America will get to the fifth month of the year. Can you imagine? The fifth month of the year before they stop working for the government and start working for their dreams, for their families, for what they want to accomplish in life. And I think most of us would feel better if we felt that Washington wasn't wasting so much of our hard-earned money.

My families are worried that the new Democrat budget allows President Bush's tax relief to expire, which would increase taxes on families in Texas $2,700 a year; $2,700 more for each, a typical Texas family.

I talked over the April work period with Kirk and Sandy Noyes of the Woodlands; visited with Marty and Ty Drake in their home in Livingston; Buck and Ava Anderson of Cleveland in their living room; sat down in the kitchen with Ed and Connie Heiman of Magnolia; Elmer and Pauline Hensley of Lumberton; Pat and Ashley Canfield of Huntsville. We talked about what that $2,700 would mean to their families, and they talked about the medical bills for their young children because co-pays and deductibles add up so quickly. They talked about car insurance, how expensive that is. Marty Drake is a police officer. He said, You know, I will work overtime, all of my high school football games, use all that money just to pay that extra bill.

One woman, who is it? Connie Heiman in Magnolia, she works at a doctor's office just so she can pay the health care. And she said, We don't have any extra money. And her husband runs the flooring store in Magnolia. He said, I can't work longer. I work 6½ days a week as it is.

And my belief is that we are, despite what Washington thinks, we are an overtaxed Nation. And all you need to do is look at your own day to understand it. We wake up in the morning, get in the shower, we pay a water tax. We grab a cup of coffee, pay a sales tax. Drive down to work, pay a fuel tax. At work we pay, not just payroll tax but income tax as well. Get home at night, flip on the switch, walk in the door, turn on the lights, pay the electricity tax, pick up the phone, pay a telephone tax, turn on the TV, pay cable tax, kiss our wife goodnight, pay a marriage penalty tax and we do that every day of our life. And when we die, we pay a death tax. We are an overtaxed Nation.

And in my belief, we need to continue, not just for our economy, but for our families, we need to continue President Bush's tax relief because our families can't take this extra hit. The marriage penalty will come back to life. That is wrong. In fact, Ways and Means, and I will finish with this, because we have other Members who need to visit as well. But we did the tax relief not for grins and giggles, but for two important reasons. One was fairness. The marriage penalty is unfair. The death tax is unfair. The State and local sales tax structure, it was unfair for other States to have an advantage. And another reason is to spur this economy. After 9/11, we took three big hits: 9/11, the recession and the wonderful Enrons and WorldComs of the world. Our economy took huge hits. We targeted tax relief, and we have had 40 straight months of job growth, created 7.5 million new jobs. We are going to risk that? We are going to risk this strong economy raising taxes on families and small businesses? It doesn't make sense. My belief is Washington needs to tighten its belt before we ask our families and small businesses to tighten theirs.

Mr. PRICE of Georgia. I thank the gentleman from Texas for his wonderful summary of the remarkable taxes that each and every one of us are exposed to on a daily basis, everything we do. And that is why I say that the American people deserve more than that. They deserve a government that is more fair than that, especially in the area of taxation. The $2,700 for each individual in Texas is about what they would pay, if the policies of the other side go through, about what they would pay in the State of Georgia as well. And the folks have a lot of ability to figure out what they ought to do with that money and a greater priority that they ought to do with that money, as opposed to what the government ought to do with that money. So as most people understand and appreciate, they know how to spend their money better than the Federal Government.

And somebody mentioned earlier today that the Federal Government, whenever they do anything on behalf of the American people, it costs three times as much as it would in the private sector. So that even gets to the point more about what the facts of the situation are and why they belie what we are doing, why they would draw anyone to the appropriate conclusion that we are taxed too much as a Nation.

I have got a few other folks who have joined me, and I appreciate it so much. And I am joined by my good friend from North Carolina, Congressman McHenry, who also is an individual who has served in the State legislature and knows well the importance of fiscal responsibility and the importance of making certain that we don't overtax our Americans all across this Nation. I welcome you. I look forward to your comments.

Mr. McHENRY. I thank my good friend from Georgia, Dr. Price. Thank you for your leadership and for being here on the floor and being so active. Your constituents should be proud of you. And I thank them for electing you.

Madam Speaker, here on Tax Day, in 2007, I hearken back to the words that Ronald Reagan said. He said, our Federal Tax Code is, in short, utterly impossible, utterly unjust, and completely counterproductive. It reeks with injustice and is fundamentally un-American and has earned a rebellion, and it is time we rebelled.

□ 2145

That is a quote from Ronald Reagan in 1983.

Well, I think it is high time we rebel. Today is one day in every American's life where they realize how complex and how horrible our Federal Tax Code is. The Tax Code stands at an astonishing 16,485 pages in length, and there are 1,638 different tax forms on the IRS's Web site. That is outstandingly horrible for the American people.

In 2006, the average taxpayer spent 37.8 hours crunching numbers to complete even the most basic tax form, Form 1040. That is nearly an entire work week spent in filing taxes. Even worse, small businesses spend about 80 hours in preparing their tax returns. That is a 2-week vacation for the average working American family.

And, in total, the American people in a recent poll think the Tax Code is obscene. Eighty percent think the Tax Code is too complicated while only 3 percent believe the Tax Code is just fine the way it is. I concur with that 80 percent, Madam Speaker.

Although just empowered a few months, the new Democratic majority in the House with our new Speaker, they have proposed the largest tax increase in American history. The largest tax increase in American history. They propose a $2,066,675,000,000 tax increase. What does that mean for the average American? Well, the average American, a family of four making $50,000 a year, will see a tax hike of roughly $2,092 this year. What is worse is that my constituents back home in North Carolina will see an average tax increase of $2,671 per year. That is money they could be spending on education. That is money they could be spending on their kids. That is money they could be spending in their community. Instead, the Democrats want that money to come here to fund the bloated bureaucracy in Washington, D.C.

Now, you understand the Republicans have cut taxes over the last decade, and that is very positive. Actually, as the Republican majority for 12 years, we proposed a tax cut every year. Every single year we proposed that. Now, Democrat President Bill Clinton didn't support it, but once we got George Bush in office in 2001, he proposed a massive tax cut.

What has that done? Well, the Democrats say that it is not enough money coming into government. Well, they are wrong. They are absolutely wrong. The Democrats are wrong when they say government doesn't have enough money.

Just this last year, government income amounted to over $2.4 trillion. Now, let's put this in historical context. That is the largest income to any government in the history of the planet. Now, let's think this thing through. $2.4 trillion, is that enough to fund our Federal bureaucracy? According to the Democrats, the answer is "no." They want more. They want the American people to give more to the Federal Government.

Let's put that $2.4 trillion in context. Well, there are only two countries on Earth that have economies larger than our Federal Government. Aside from ours, Germany and Japan are the only countries on Earth that have economies larger than our Federal income. Now, the scary part is that Germany only barely beats the Federal Government with its roughly similar size economy.

There is a lot of talk about how the Chinese economy is booming and it is on the rise. Well, it is true and it is a big threat to our jobs here in the United States, and it is a big economic concern for us as a nation. But the Chinese economy, though booming, is only $1.9 trillion, and that means it is a half trillion dollars smaller than our Federal income. The total gross domestic product of China is smaller than the income to our Federal Government.

So, Madam Speaker, if we look at a recent poll by Pew Research, people were asked what they thought was the best way to reduce the Federal deficit, and in that poll the result was pretty simple. Only 9 percent said that tax increases were the best way. A combined 69 percent said they would rather see government reduce spending. Now, not only do I agree with the 80 percent of the American people that say the Tax Code is too complex, that it is obscene; I also agree with that 69 percent that say the way to reduce government is to reduce spending. That is pretty simple. It is common sense to the American people.

Madam Speaker, I urge this Democrat majority to rethink their tax increase strategy, because it is going to raise taxes on every American who pays taxes. And, furthermore, those that are in the low income of our economy are actually going to see their taxes increase as well because they are going to roll back all the Bush tax cuts over the last 7 years. I think that is the wrong thing for the American people. It is the wrong thing for my constituents of western North Carolina. And I think that that is something that is going to harm our economy, the strength of our growing economy. So I think the Democrats should rethink their tax increase strategy and do what is right for the American people. Reform the Tax Code. Cut taxes at the very least, but reform the Tax Code so we can actually inject more capital into the marketplace and allow people to keep more of what they earn because it is good for their families and good for our economy, and I think it is generally good for America.

With that, I thank you, Congressman Price, for hosting this important hour, especially on such an important day to the American people when they have to go file those tax returns. We know how frustrated they get because we have to file those same tax returns, and it is important that we remind our constituents that we are subject to the same laws that they are, and that is a very good thing and a great motivation for tax reform.

Mr. PRICE of Georgia. Madam Speaker, I thank my friend from North

Carolina and I appreciate his perspective. And I think he said a couple of important things. One was that he pointed out that the average American spends almost 40 hours preparing his or her taxes. That is one whole week's worth of work. That is 2 percent of the productive time of each and every American spent just on the unproductive activity of preparing their tax returns. If that doesn't scream for reform, Madam Speaker, I am not sure what does.

I am pleased to be joined by another good friend, a new Member of Congress, a freshman Member from Tennessee, Congressman DAVID DAVIS, who I know has run a business and understands the importance of the economy's being vibrant, of the appropriate level of taxes not just for businesses but for individuals.

And I appreciate your joining us tonight and look forward to your comments.

Mr. DAVID DAVIS of Tennessee. Madam Speaker, I thank the gentleman from Georgia for yielding.

Congressman PRICE, you do such a great job. Thank you for your leadership. Thank you for your willingness to spread the truth.

I welcome the opportunity to speak to Americans on tax day. I know some of us, as we draw near to midnight here, a lot of people still working on those forms, trying to get them down to the post office. It reminds me of what Ronald Reagan said back in the early 1980s. Ronald Reagan said, "We don't have a trillion dollar debt because we haven't taxed enough. We have a trillion dollar debt because we spend too much." That seems like commonsense to me, and I think the people that are listening to us tonight understand that. They understand they have to sit around the kitchen table and decide how much money is coming in and how much money goes out.

Small business owners have to do the same thing. They sit around sometimes at a little break room table and decide, am I going to hire that next person or am I going to have to lay somebody off? Am I going to be able to afford another machine to be more productive so I can grow the business and be good for the economy? We understand that as Americans.

Today, tax day, families across America are feeling the cost of the Federal Government. I know we feel it. I know the American people are feeling it. It is one of the reasons I decided to run for Congress. I did own a small business, and I have actually owned a couple. I grew up in a small community in a little county called Unicoi County in East Tennessee, up in the mountains near North Carolina. And I worked my way through college. I actually worked two jobs, went to school full time, and was fortunate enough from that to start some businesses. And I sold one of those businesses.

And one of the reasons I decided to run for Congress was because the government took too much of my money. And I really looked at it as being my money because I earned it. My wife and I started the business. We took the risk. We put our home up. If that business hadn't succeeded, the bank could have come and taken our home. And when I sold the business, I should have been able ,to keep the proceeds and take care of my two children. It shouldn't have gone to the government. And I decided that I needed to get involved.

According to the Congressional Research Service, President Bush's program of comprehensive tax relief was well timed to respond to a weak economy. Do you remember back in the early 2000s we had just been hit by terrorist extremists, and we had natural disasters. So those tax relief packages that he put in place have actually worked. Tax relief enacted in 2001 granted immediate tax rebates, reduced marginal tax rates, and lowered the marriage tax penalty. The tax relief of 2003 accelerated much of the 2001 growth which would ultimately strengthen our economy.

We are residing and living in a strong economy. The Republican tax cut relief has seen nearly 4 straight years, 21 straight quarters, of economic growth, while adding 7.5 million new jobs. Seven point five million new jobs, that excites me. And we were able to do that because people are allowed to keep their money at home.

You see, government really doesn't create jobs. Government takes money. But if you leave that money back in local communities, that money is put to work and it does good things.

The Congressional Budget Office confirmed that the tax cuts of 2003 have helped boost the Federal revenues by 68 percent. Commonsense again. If you allow people to keep their tax dollars at home, the economy grows. And this should be understood by both sides of the aisle. This actually works for Democrats and Republicans. It worked for President Kennedy, it worked for President Reagan, and it has worked for President Bush. This is bipartisan. We all ought to understand that keeping taxes low, keeping spending low, the economy will grow and the coffers of government will grow. I think that is a good thing.

We should all work to make the successful tax cuts of 2001 and 2003 permanent. If they are not made permanent, which I am convinced that this new "hold on to your wallet Congress" has in mind, we are going to have a problem in our economy. For example, 84 million women will see their taxes increased by $1,970. Now, we all say here for the low and middle income, but if you are a woman, with this new tax increase of $400 billion, your average tax is going to go up $1,970.

We are going to see 48 million married couples' taxes increased by $2,726. It seems inherently unfair to me. Forty-two million families will see their taxes go up by $2,084. And I thought we were here for the low and middle income. These are the people that are paying taxes.

Twenty-six million small business owners will see a devastating tax increase of $3,637. The small business owner that runs the little store down the street or creates five jobs on the corner, who probably employs some of your friends in your local community, they are going to see their taxes go up over $3,600. And where are they going to get that $3,600 to send up to Washington? They are going to get it from you, the American people. They are going to either increase the cost of goods and we are going to see inflation, or they are going to decide they can't hire that last employee or maybe they have to let that last employee go.

Five million low-income individuals and couples will no longer be exempt from Federal income taxes.

□ 2200

This is going to hurt the very people that we say we are trying to help.

Again, we should work in a bipartisan manner, Republicans and Democrats, to make sure that the tax cuts of 2001 and 2003 are made permanent. I am very concerned if we don't do that, that we are going to see our economic growth go into a slide, and we are going to have a problem that we are going to have to deal with.

Just two weeks ago, Washington Democrats passed a fiscal blueprint that raises taxes on Americans in one fell swoop. As part of this ill-gotten budget, taxpayers in Tennessee, my home State, will not be allowed to deduct their sales tax from their Federal income tax, which is only fair because we don't have an income tax. It makes us equal with all the other States. Taxes on small businesses in east Tennessee will go up. The child tax credit will decrease from $1,000 to $500. The marriage penalty is coming back. Residents of the First District of Tennessee's average expense in taxes is going up over $2,000. The definition of a small business will decrease from $400,000 to $200,000. Dividends will no longer be taxed at the personal gains rate, thereby increasing double taxation of dividends by as much as 62 percent. People all across America voted for change, but they are not getting the change they voted for.

We have a choice between bigger economy or bigger government, and the majority party has made it their choice to have a bigger government. And if anyone tells you that Americans aren't paying their fair share for a civilized society, they must remember that Americans pay more in their taxes than they do for housing, clothing and heating combined. And also remember that Americans this year will have to work until the last week of April in order to pay their taxes. That is over 114 days just to cover their tax bills. So on tax day, today, when we feel it the most, everyone needs to remember, we need to hold the line on spending, reduce earmarks, and pass line item veto, and crack down on worthless pork barrel spending and be good stewards of the taxpayers' money. And again I remind you, Ronald Reagan said, "We don't have a trillion dollar debt because we haven't taxed enough; we have a trillion dollar debt because we spend too much."

And with that, I yield back.

Mr. PRICE of Georgia. I thank my friend from Tennessee for his eloquent comments and for really bringing perspective to the issue.

It really befuddles me as to how our friends on the other side of the aisle can say that they need to raise taxes to raise revenue, because if you look at this chart, Madam Speaker, what you appreciate is that as revenues were going down in the early part of this decade, what the solution was, as it is always a solution, is to lower taxes and you allow people to keep more of their hard-earned money. You put more money back in the pockets of American people and what happens? The economy flourishes, and lo and behold we have a record $2.4 trillion of revenue to the Federal Government because of decreased taxes.

I am so proud to be joined by my good friends tonight to talk about this issue. And we are pleased to welcome once again Congresswoman MARSHA BLACKBURN from Tennessee, an individual who also knows and appreciates the importance of fiscal responsibility and the importance that allowing individuals to keep more of their hard-earned money means to their own freedom and their own liberty. I welcome you and look forward to your comments this evening.

Mrs. BLACKBURN. I thank the gentleman from Georgia.

Madam Speaker, I thank you for the opportunity to be on the floor tonight and talk a little bit about what the hold-on-to-your-wallet Congress is doing to Americans as we come to this tax day. You know, we circle April 15 on the calendar every year. I tell you, everybody knows that. They look forward to that day with dread. And I have said so many times I think the only thing good that happens that day is my nephew, Chip Wedgeworth, has a birthday every year on April 15. So that is the highlight of our April 15.

I think the reason that Americans look at April 15 with that sense of dread is because they know, our constituents know, that we are overtaxed. They know that the government is overspent. It is plain and simple to them. They know that the government does not have a revenue problem, they've got a spending problem. And they never take the time to go through the disciplines that are necessary to reduce what the Federal Government spends. Those are things that American men and women who are working know. They know that government is overspent; they know that they are overtaxed. They know that the government doesn't have a revenue problem, that it has a spending problem. And Americans do mark this date on the calendar. They resent what it stands for.

I thank the gentleman from Georgia for what he is doing on this issue.

Madam Speaker, it is so nice to be on this floor and be joined by my colleagues who are real people, who live real lives, as the gentleman from Tennessee was talking about his business; people that understand what it takes to start a business, to run a business, to maintain a business. They are not part of the liberal elite. They are part of real people, this wonderful American middle class that makes this Nation run.

You know, I think another thing that kind of gets to people as they are sitting there trying to get those taxes in the mail tonight and figure these forms out, these thousands upon thousands upon thousands of pages of the tax form, you know, I had one of my constituents in a town hall meeting say he couldn't read the Tax Code, it was bigger than the King James version of the Bible and he has never been able to get through the Bible, and so he definitely couldn't get through the Tax Code. That is how big and unwieldy this thing has become.

But they look at this and they know that what we've got is a bureaucracy that is out of control. It is unresponsive; it is out of control. And the liberal elites who have created this bureaucracy think they are smarter than everybody else. They think that they know what should be happening for and to the rest of the country. And you know, I am right in there with them, don't like that very much.

I think that our constituents all know, too, that just as we are talking about, they know that they are overtaxed and government is overspent. They know that government is never going to get enough of their money.

And my colleague from Tennessee mentioned sales tax deductibility. Madam Speaker, I think it is just really so very sad that this Congress chose to let those tax deductions expire, which in effect will enact the largest tax increase in history on the American people, all to put more into the coffers of a government so that the liberal elites get their hands on it and they spend it. There again, the people know that they are overtaxed and they know government is overspent.

As we talk about what is before us today, I think that it is important. I was looking at one of the gentleman's posters that he has down there about mandatory spending growth. Isn't it amazing that we see this mandatory spending growth? The budget that our colleagues across the aisle, the Democrats, have chosen to pass makes our tax reductions temporary, makes tax relief for all of our families temporary, and makes spending permanent.

Mr. PRICE of Georgia. Will the gentlewoman yield?

Mrs. BLACKBURN. I would gladly yield.

Mr. PRICE of Georgia. I brought along a number of charts. And we are not getting to a lot of them, but some of them we will.

This chart is an important one because this shows the mandatory spending growth, something I like to coin actually "automatic spending growth" because it is not mandatory. The Federal Government has determined that that is where we are going to spend money. And it automatically increases. These are the automatic programs, which are basically Social Security, Medicare and Medicaid; and unless they see reforms, what we will have seen from 1995 to 2017 is an increase from 48.7 percent to 62.2 percent of our economy.

Mrs. BLACKBURN. If the gentleman will yield?

Mr. PRICE of Georgia. I would be happy to yield.

Mrs. BLACKBURN. I think what we see here is so important, and what you've just said speaks to the issue. Because a budget should reflect not the priorities of the government, but the priorities of the people. And what we have seen in the budget that our friends across the aisle brought that eliminated the tax reductions, that increased the taxes, that adds to that, knowing that people are overtaxed, knowing that government is overspent, is the fact that all of these automatic increases, mandatory spending growth, not addressing entitlement reforms that are needed, but allowing that to be put on autopilot, and increase and increase and making that spending permanent while you make the tax reductions temporary.

Mr. PRICE of Georgia. Will the gentlelady yield?

Mrs. BLACKBURN. I will yield.

Mr. PRICE of Georgia. This chart really points that out, "Ignoring Entitlement Reform," which is exactly what occurred 2½ weeks ago when our friends passed our budget.

When the Republicans were in charge, with the Balanced Budget Act we passed in 1987 we saved nearly $130 billion. With the Deficit Reduction Act just a few short years ago in 2005, about $40 billion. With the budget that was adopted 2½ weeks ago, none, zero. No entitlement reform. No automatic spending reform. And consequently, what you know and what I know is that we are on track to spend that 62.2 percent in a few very short years.

Mrs. BLACKBURN. The gentleman is exactly right. That is why we have to look at that budget document on this tax day and say, they laid the marker down. They showed us what their priorities are. Their priorities are a bigger government and higher taxes on the American people.

I would invite all of them to join us, join us in reducing taxes. Join us in making these tax reductions permanent. Join us in making sales tax deductibility permanent. Join us in being certain that middle-class Americans get first right of refusal on their paycheck, that it is not the Federal Government that gets first right of refusal on that paycheck. Before those deductions are taken out, let's be certain that the American people have the opportunity to sit down at that kitchen table and decide how they are going to spend those hard-earned dollars, because it is their work.

You know, American families, individuals in my district in Tennessee, we talked a lot about taxes as we went through this district work period. I had one of my constituents stand up in one of our meetings and he said, MARSHA, I've got sweat equity in my paycheck; I've got a lot of sweat equity in my paycheck when I get it. And it just galls me every time I see a little bit more of that paycheck going to Washington, D.C. for programs that don't work. He talked about the spinach farmers and the fisheries and the peanut storage people and Katrina relief and all these things that were the waste; and the additions and the add-ons and the pork barrel spending that got put into the bill that would have funded our military.

On this tax day, as people are going to the mailboxes tonight, they know that they are not undertaxed, they are overtaxed. They know that government is not underspent, it is overspent. And they know that the Democrats laid down a marker. They made a choice when they did this budget. That budget choice was, do you want to stand with the American families and let them have first right of refusal on that paycheck, or do you want to give first right of refusal to the bureaucrats and the liberal elites in Washington, D.C.? And they made their choice.

Mr. PRICE of Georgia. I thank the gentlewoman for her perspective and for her passion for appropriate policies here out of Washington on behalf of the American people.

And you've heard a lot about what our friends on the other side of the aisle have proposed. And it is important to the look at the numbers, Madam Speaker, the numbers on what has been proposed by our good friends on the other side of the aisle when the clock strikes midnight on December 21, 2010.

They have proposed and they have enacted a budget that will result in increasing the ordinary income rates from 35 percent to 39.6 percent; increasing capital gains from 15 percent to 20 percent; increasing dividends from 15 percent to 39.6 percent; increasing estate taxes from zero percent to 55 percent; decreasing the child tax credit from $1,000 to $500; and, amazingly, increasing the lowest tax bracket from 10 percent to 15 percent. A remarkable $400 billion in new taxes, a remarkable display of, frankly, lack of appreciation and lack of respect for the American worker.

Now what is the solution? A lot of things can be done. What we would propose and have proposed is something that respects American values and I believe results in increasing American vision, and that is a taxpayer bill of rights, a Federal taxpayer bill of rights. Many folks will recognize the sound of that because there are some States around this Nation that have indeed enacted a taxpayer bill of rights. The problem at the State level, however, is that all they can address is State revenue, State money.

□ 2215

But, Madam Speaker, because of the actions of our friends on the other side of the aisle and because they want to dig deeper, we believe strongly that a taxpayer bill of rights is appropriate for the Federal Government. We believe that taxpayers have a right to a Federal Government that does not grow beyond their ability to pay for it. That means that the Federal Government ought not grow more than the population grows or more than the cost of living increases, and that can be put into law and that is what part of the taxpayer bill of rights does.

We also believe that Americans have a right to receive back every single dollar that they entrust to the American people for their retirement. That is the Social Security issue, Madam Speaker. Right now the Federal Government, right now Washington spends money that the American people send to Washington to cover for their Social Security compensation, and what does Washington do, oftentimes it spends it on other programs. That is not right and it is not fair. I hear about it when I am back home, and I suspect you do as well.

We believe taxpayers have a right to a balanced budget without raising taxes. You can balance the budget in one of two ways. You can raise taxes to try to increase revenue, which doesn't actually work, but you can have it work on paper. You can increase taxes and say, well, we will balance the budget that way, which is what our friends on the other side of the aisle have done. They say we will increase taxes $400 billion, and that is the way we will balance the budget.

Madam Speaker, there is another way you can balance the budget, and that is by decreasing spending, and that is what we would propose through a taxpayer bill of rights.

Fourth, we would propose fundamental and fair tax reform. My good friend from Texas mentioned earlier the proposal for a flat tax. That is one way to do it. I support the fair tax, the national retail sales tax, something that would do away with the IRS, do away with that organization that so many Americans dread and results in so much pain and heartache on the part of the American people.

Finally, a taxpayer bill of rights that would require a supermajority for any increase in taxes for our Nation, something that was in effect until the very first day of this Congress when this new majority said, "no," we ought not have a supermajority to increase taxes, we ought to let a simple majority do it which results in a huge opportunity for an increase in taxation and has resulted in, by this new majority, policies which will significantly increase taxes.

So, Madam Speaker, what we have done tonight is outlined the problem, outlined the history, talked about what kinds of solutions can be proposed and what we would propose in the way of an appropriate Federal taxpayer bill of rights.

I would like to close with a quote from Thomas Jefferson who had a perspective on taxation. He said: "To take from one because it is thought his own industry has acquired too much, in order to spare others who have not exercised equal industry and skill is to violate arbitrarily the first principle of association, the guarantee to everyone the free exercise of his industry and the fruits acquired by it." That was Thomas Jefferson, Madam Speaker.

Madam Speaker, each and every one of us is remarkably privileged to serve in this House of Representatives. It is an honor to represent my constituents, as I know each Member feels it is an honor to represent theirs. We live in a wondrous and glorious nation, the longest surviving democracy in the history of the world, a nation that has resulted in, because of its actions, more freedom and more prosperity for more individuals than any nation in the history of mankind.

It is commonsense and responsibility on behalf of the Members who represent all of the constituents across this Nation that have resulted in those policies. I, as I know my colleagues who have been here this evening, look forward to working with Members on both sides of the aisle to bring about that accountability and responsibility, and to bring about the kind of credit and honor to our constituents that they so richly deserve by their labor.

Madam Speaker, I look forward to making certain that we hold each other accountable to establish the kinds of policies that are appropriate and the kinds of policies that will result in the greatest amount of prosperity and freedom for future generations of Americans.

REMEMBERING VICTIMS AT VIRGINIA TECH UNIVERSITY AND HONORING HISPANIC WORLD WAR II VETERANS

The SPEAKER pro tempore (Ms. CASTOR). Under the Speaker's announced policy of January 18, 2007, the gentleman from Texas (Mr. RODRIGUEZ) is recognized for half the remaining time until midnight.

Mr. RODRIGUEZ. Madam Speaker, tonight we will be highlighting the courage and honor of our Hispanic World War II veterans.

But before we begin tonight, I would like to take this moment to honor the victims of the unbelievable tragedy at Virginia Tech University. We have only just begun to hear the incredible stories of the heroism and tragedy, and begun to learn the names and faces of those who died and those whose survived, but whose lives will forever be changed.

Today we have also seen how remarkable and how resilient they are. To the Virginia Tech University community, the students, the staff, the family members and the loved ones who are suffering today, please know that you are in our prayers and thoughts tonight.

I ask for a brief moment of silence.

GENERAL LEAVE

Mr. RODRIGUEZ. Madam Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous material on the subject of my Special Order tonight.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. RODRIGUEZ. Madam Speaker, I rise this evening, joined by my colleagues, to honor and pay respect and tribute to the contributions of the Latino and Hispanic soldiers who served so valiantly during World War II.

World War II was a major turning point for the United States Latinos, changing the world views of an entire generation. Approximately half a million Hispanics served in the Armed Forces during World War II. Unfortunately, many Latino soldiers who returned home found the same discrimination they had left behind, a system that held Latinos to a lower status.

Latinos and Latinas who worked in military installations and in other jobs previously denied them also questioned the status quo.

Understanding the importance of getting an education to better adapt after their tour of duty, many veterans used the GI bill to earn college degrees. In the years following World War II, those men and women made astonishing civil rights advancements for their people through school desegregation, in voting rights, and in basic civil rights.

Powerful organizations grew out of this era, including the American GI Forum founded by Dr. Hector Garcia of Corpus Christi in 1948 to advocate for veterans' rights.

Another organization that came out of the World War II generation of Latinos was the Mexican American Legal Defense and Education Fund in 1968. This came about after Mexican American World War II veterans, including people such as Pete Tijerina; Gregory Luna, a Senator from Texas; Ed Idar and Albert Armendariz, among others, found that their clients, mostly low-income Mexican Americans, were being denied justice in the legal system.

For Puerto Ricans, World War II brought new questions in which the United States came to appreciate Puerto Rico's military importance in the Caribbean. The United States maintained that it needed to keep its sovereign power over the islands for reasons of national security, and World War II strengthened that position. However, over 53,000 Puerto Ricans served within the United States military with dignity. Soldiers from the island, serving in the 65th Infantry Regiment, participated in combat in the European theater in Germany and central Europe.

World War II was also the first conflict in which women other than nurses were allowed to serve in the United States Armed Forces. However, when the United States entered World War II, Puerto Rican nurses volunteered for service, but were not accepted into the Army or the Navy Nurse Corps, and it was not until 1944 that the Army Nurse Corps decided to activate and recruit Puerto Rican nurses so the Army hospitals would not have to deal with language barriers.

Sadly, Madam Speaker, the stories of these men and women have been virtually untold either in the mass media or in the scholarly writings, and that is why my colleagues and I are here this evening to begin sharing the stories of the Hispanic and Latino World War II veterans, so all Americans can learn about and appreciate their contributions.

Within our own body of the Congressional Hispanic Caucus I am proud to honor, to recognize the service of four of our own who have served the military with dignity: Chairman SILVESTRE REYES, Chairman SOLOMON ORTIZ, the Honorable JOHN SALAZAR, and the honorable chairman of the Congressional Hispanic Caucus, JOE BACA.

Chairman JOE BACA, who represents the 43rd District of California, was drafted in 1966 and served in the Army as a paratrooper with both the 101st and the 82nd Airborne Divisions from 1966 through 1968.

I want to take this opportunity to yield to our chairman, and I thank him for being here tonight.

Mr. BACA. Madam Speaker, first of all, I would like to thank our Chair of the Congressional Hispanic Caucus on Veterans Affairs for addressing this important issue of those men and women who served during World War II, and that is our chairman, Ciro Rodriguez. It is important that people realize the contributions of many of our Hispanics who served during that period of time, that we are visible and that we were not invisible during that period of time and that we made many contributions to this country during that period of time.

So I rise today in honor of the over 500,000 Hispanics who bravely served our country during World War II with honor and with integrity and were proud to wear the uniform. And for those of us who wore that uniform, men and women who were willing to ultimately sacrifice for this country, it is an honor for us and our family members when we put on that uniform and fight for this country.

Madam Speaker, 65,000 Puerto Ricans also served during that period of time. Thirteen Medals of Honor were given out, 11 were Mexican American, two were Puerto Ricans. So when you can look at the contributions of these individuals and many others, as a veteran, I am proud of our heritage and our long history of continuing to fight for this country.

More Hispanics fought for this country's freedom and security during World War II, and I state that is an important fact to understand, and it is important that it be included in part of our history of the contributions that Hispanics have made. More Hispanics than any other minority group have served this country with distinction.

Just one example is Company E of the 141st Regiment of the 36th Texas Infantry Division. This company was made up entirely of Hispanics, bilingual individuals who were willing to serve for this country. After 361 days of combat in Italy and France, the 141st Infantry Regiment sustained 1,126 casualties, 5,000 wounded and more than 500 missing in action.

In recognizing their extended service and valor, the members of the 141st were awarded three Medals of Honor, 31 Distinguished Service Crosses, 12 Legions of Merit, 492 Silver Stars, 11 Soldier's Medals, and 1,685 Bronze Stars. We were, and are, visible and participated and gave our lives during World War II. And that is an important fact for many of our children and others to know the contributions of many of our men and women who served us, who sacrificed for this country.

Hispanic women also made a huge contribution to the American war effort. Madam Speaker, 200 Puertoriquenas served during the Women's Army Corps, which was one of the first service opportunities for women in American history.

□ 2230

Bilingual Hispanic women also worked in important positions within the Women's Army Auxiliary Corps in areas like communications and interpretation. They also worked as specialized bilingual nurses and logistics specialists all over the world, providing the United States military the services vital to the war effort and to this country.

Hispanic veterans have made huge contributions to American society after serving our country in this war.

Dr. Hector P. Garcia of Corpus Christi founded the American GI Forum in 1948 to advocate on behalf of veterans rights, and as our chairman indicated, many veterans who came back home, who served this country, were trying to buy homes and trying to receive the same benefits that many other individuals were given in this country but yet were denied those same rights, whether to buy a home, obtain a education, have the same rights as others. I know because I experienced the same thing when I returned back after serving this country and was trying to rent a home, and they would not rent to me, and of course, they rented to my wife. In doing so, the GI Forum became an important civil rights organization for Mexican Americans.

Another organization that came out of the World War II generation of Latinos was the Mexican American Legal Defense and Educational Fund, or MALDEF, in 1968. Mexican American World War II veterans, such as Pete Tijerina, Ed Idar and Albert Armendariz, came together to advocate for low-income Mexican Americans who needed fair treatment within the American legal system.

As a Hispanic, a veteran and as chair of the Congressional Hispanic Caucus, I cannot tell you how humbled I am by the sacrifice of these brave men and women who came before me, who ultimately gave the sacrifice, who believed in this country and continue to believe in this country and will continue to fight for this country because we know it is an honor to serve for the United States and its principles and what it stands for.

I am particularly honored to know of a dear friend of mine who served during World War II, David Guerra Galvan, who recently passed away on March 23 when I went back to the district. He was born in my district and was a resident of Rialto, my hometown, for 50 years.

David served his country in the Army during World War II as a paratrooper and in the 101st Airborne Division. During his European tour, David was also transferred to the 82nd Airborne Division as part of a detachment for the personal protection of General Dwight Eisenhower. After his military service, David continued to serve his country as a data communications operator at Norton Air Force Base. He retired after 40 years of outstanding service to the Armed Forces in 1990.

David was a dear friend of mine, and he is a perfect example of the hundreds of thousands of veterans that we are honoring today who have served our country and will continue to serve our country.

David Galvan was a Hispanic, he was an American and a proud American, and he loved this country. He spent his entire life serving our Nation and his community and his family; as well as my brother Abilio Baca who served in the Armed Forces in the Army during the Korean conflict; as well as my father-in-law, Ted Dominguez, who served during World War II.

I feel honored to have followed in David's footsteps by serving in the 101st and 82nd Airborne during my military service, and I thank him and I thank all of the many men and women who served during World War II. They are our heroes. They are our role models. They have paved the way for generations of proud Hispanics. They are the ones who ultimately paid the sacrifices so that we can enjoy the freedoms that we have here today because they were willing to step up to the plate. They stepped up to the plate and were willing to die for this country. That is why we have the freedoms that we have today, and we must not forget the legacy of what they have left for us. They have opened the door. They paved the way. They provided that for us. Let us remember those veterans who have served this country.

Mr. RODRIGUEZ. Madam Speaker, let me take this opportunity also to congratulate Congressman BACA not only as chairman of the Congressional Hispanic Caucus but for his service to his country, and he continues to serve in the U.S. House of Representatives. I thank Congressman BACA.

Let me take this opportunity also to just share with you that also I mentioned earlier Chairman Sylvestre Reyes, who also served in the military, now chairman of the Intelligence Committee, who represents the 16th District of Texas. He is a Vietnam combat veteran, and he was stationed in Marble Mountain in DaNang, and he served as a helicopter crew chief within the 282nd Combat Assault Helicopter Company from March 1967 to April 1968. I know that he was unable to be here tonight, but I know that he also cherishes and recognizes those individuals who served our country.

Let me take this opportunity to recognize a friend from San Antonio, Texas, which represents a community that has multitude and is known as Military U.S.A., San Antonio, because of the support that we have for our military with Lackland Air Force Base, Randolph Air Force Base, Fort Sam Houston, Brooks that used to be here, and the military support and all the families there, Congressman Charlie Gonzalez.

Mr. GONZALEZ. Madam Speaker, I want to express my thanks of course to my colleague Ciro Rodriguez, my neighbor and fellow San Antonian for his great service in this Congress and, of course, as past chair of the Congressional Hispanic Caucus.

I first would like to digress from the remarks that I have had here prepared to highlight the life of a great man. The individual that I will be highlighting taught me as a very young man and as a young lawyer that if you have something to say, say it; if you believe in something stand up and state it.

While we were awaiting our call to have our Special Order, some of my colleagues from the other side of the aisle were representing certain figures and facts, demonstrating that the practices of the Democratic party and Democratic leaders simply resulted in deficit spending, not having a balanced budget, runaway spending and so on. The only problem with those facts and those figures is that the Republicans have been in the majority since 1995. It was only last year in 2006 that we were able to take back the majority. So, if there was too much spending, if there was irresponsibility in the way of fiscal policy, they had the majority.

Let us talk about the expiration of certain tax programs that were passed back in 2005. Was it truly necessary to say they would expire in 2005? Now, I understand that we do things in 5-year increments often enough, but they had the majority. Make them permanent; they never did. Extend them; they never did. You wonder why.

It is complaining that this bus is being driven in an erratic manner and the wrong destination. The problem is you were driving it. They controlled Congress and nothing was done.

The last time we had a balanced budget was under the Clinton administration, and it was because of President Clinton's leadership that we were able to balance the budget because of good, solid economic policy and tax policies that really were fair to all Americans.

I leave you with a couple of thoughts here. First of all, what we are proposing in the first few months of being in the majority is to maintain and make sure that we still have the child tax credit that would not expire, that we make sure that the marriage penalty relief would not expire. Why? Because that truly is just. That truly is fair.

What is not fair is what I am going to read to you now that appeared back in 2005. Back on the 8th day of December 2005, the Republican tax reconciliation bill, the Tax Policy Center, run jointly by the Brookings Institution and the Urban Institute has concluded that the bottom 80 percent of households would receive 15.5 percent of the House tax cuts. The top 20 percent would receive 84.2 percent of the benefit. Households earning more than $1 million would get 40 percent of the tax cut relief, or an average reduction of nearly $51,000. If you believe that is fair tax policy, something is truly, truly wrong, and we are going to correct that as we assume the majority.

Now, who taught me that? I will go now into my remarks because we are here to honor and to spotlight the service of Hispanics and especially in World War II.

Madam Speaker, it is my pleasure today to participate in this Special Order honoring Hispanic veterans of the Second World War. As we have already heard, the contributions made by Hispanic Americans to the war effort against the Axis Powers were significant. A half million Hispanics served, and I fear that their contributions are often forgotten.

It is important that all Americans, including Hispanics, enjoy recognition and our historical dialogues commensurate with the contributions they made to our Nation. When we fail to be inclusive, our histories are incomplete. They are only half-truths. We owe it to past and future generations to make our histories whole. When history is complete, it is also fair and it is just.

Today, I am honored to make a small contribution to our country's World War II dialogue on behalf of the war's Hispanic veterans in hopes that their stories come to occupy a place in history proportionate to their service and to their sacrifice.

Like their African American brothers-in-arms, Hispanic Americans served the United States in World War II with honor and distinction, despite the fact that they had yet to enjoy the full fruits of the liberty they defended.

Back in the 1940s, in the late 1940s also, most of the services offered to the American public by our national, State and local governments were segregated between whites and minorities, including Hispanics. But despite the fact that the services to which they were entitled were often withheld or inferior, Hispanics did not withhold their service to the American people. They fought for our country even as schools they attended, jobs they worked, wages they earned, and living conditions they tolerated reflected systematic inequality that denied them full rights of citizenship. Despite the inequality endured by Hispanic veterans before and after World War II, their stories of courage and heroism during that troubling time are the equal of any that can be told.

I regret that I have time to share with you the story of but one of the hundreds of thousands of Hispanic veterans who so courageously defended the liberty of humankind during those darkest hours.

The Honorable Mike Machado enjoyed a lengthy career of public service to the United States, to the State of Texas and to the residence of his beloved home city of San Antonio. He was born in San Antonio on September 4, 1923, and attended Sydney Lanier High School where he excelled as a student athlete.

Like so many young men of his generation, Mike Machado entered service to his country during the earliest days of his adulthood by enlisting in the United States Army Air Corps at 17. He became a nose gunner on a B-24, battling the Germans over the skies of Nazi-occupied Europe. By the summer of 1944, he had flown over 40 missions.

On June 13, 1944, Mike Machado's B-24 was heavily damaged over Munich. Despite the desperate nature of their situation, the crew stayed with their aircraft rather than parachute into enemy hands.

□ 2245

Mike Machado and his comrades crossed the border into northern Italy before they were forced to make a crash landing. Upon impact, fire engulfed the B-24. Mike Machado carried two of his fellow airmen to safety that day, saving them from the flames. In the process, he received severe burns to his upper body and arms that would limit the use of his hands for the rest of his life.

My personal observation that I would like to make is that even I practiced before Judge Machado. It was obvious that this is someone who had suffered horrific, disfiguring and incapacitating injuries.

The French Underground provided sanctuary for Mike over the following months, hiding him from Nazi forces and eventually securing his return to the United States Army. His strength and his resilience, combined with the rudimentary medical care provided by his French companions, allowed him to survive his injuries from the fire and the flack.

After his return to the United States Army, he began a 36-month long recuperation at Beaumont General Hospital in El Paso. The ordeal included 23 skin graft operations that only partially repaired the injuries incurred during his heroic rescue efforts. Mike Machado's story of heroism does not end with his discharge from the Army. His injuries did not deter him from his pursuit of an education, in law, especially, and a career of public service, as a city attorney and as a judge at the municipal and State district court levels.

Judge Machado used the GI Bill to enroll at Saint Mary's University and graduated from Saint Mary's University Law School in 1952. He soon became a prosecutor. In 1957, he was appointed as a municipal court judge where he served for 20 years. In 1977, he became a judge for the newly created 227th State district court. That same year he was honored by Pope Paul VI with a knighthood in the Pontifical Order of Saint Gregory the Great. He served as a district judge for 21 years until the time of his death.

When he died on July 29, 1998, Judge Machado had amassed over a half century of public service to our country, as an airman, and as an assistant DA, and a municipal and district court judge. He was just shy of his 75th birthday and would have been retired from the bench, as Texas law requires, on September 4 of that year.

While Texas law mandated his retirement from the judicial branch, it could not squelch Judge Machado's desire to serve the public, knowing that mandatory retirement was fast approaching.

What did he do? Well, prior to the brain aneurysm that took his life, he had announced at the age of 74 his candidacy for district attorney in Bexar County on the Democratic ticket. Judge Machado was highly regarded in the community, as evidenced by the over 1,000 mourners that attended his funeral.

As a judge, he performed marriage ceremonies for thousands of San Antonio couples. He welcomed the public into his chambers with open arms, often quite literally. What I mean by that, it was a big giant bear hug that he would give you, and he made himself available to individuals in need of help.

Believe it or not, even ex-convicts that he had sentenced would seek his advice at times. He was a man of the people and a man who befriended everyone. I am honored to have had the opportunity to share with you the story of Judge Mike Machado, a courageous man and a servant of his country.

My colleague, Congressman RODRIGUEZ, who organized this opportunity to recount the bravery of Hispanic veterans of World War II, should be commended for his efforts today and in the past, because this is not the first time that Congressman RODRIGUEZ has risen to the defense of the Hispanic warrior in recognizing and remembering these servicemen, including Judge Mike Machado.

As I indicated earlier, we did not offer these comments tonight solely to highlight the virtues of specific individuals. We realized as Judge Machado's son has said of his dad, "My father and many more of his generation would be embarrassed at the prospect of receiving special attention for doing what they consider to be a privilege, that is, serving this great country." When we honor individuals like Judge Mike Machado, we honor a symbol really of something much more. We honor them because their courage symbolizes the courage and sacrifice to which the Hispanic community and the Nation at large aspire.

We honor the service of Hispanic veterans of World War II specifically today in order to solidify their place in World War II history and ensure that their patriotic virtues receive the appreciation they deserve, that Judge Machado and hundreds of thousands of his fellow World War II veterans, Hispanic and non-Hispanic alike, look back on their valiant service to our country as a privilege and an honor, and should be an inspiration to all Americans.

Let our recognition of their sacrifices motivate us to a greater appreciation of the contributions made during World War II by Americans, regardless of their racial or ethnic backgrounds. None of their brave soldiers will ever be forgotten.

Mr. RODRIGUEZ. Congressman CHARLIE GONZALEZ, I want to personally thank you tonight for bringing the story of Judge Machado, a great leader in San Antonio. I also want to thank you for your comments as you regressed and talked a little bit in terms of the deficit. You have talked in eloquence, and I couldn't help but remember your dad, Henry B. Gonzalez, as he spoke in this House about the important issues that confront us.

I know that previous groups had talked about the deficit, knowing full well that this particular administration went into office with a surplus, one of the largest surpluses in recorded history. Now we find ourselves without that surplus and find ourselves in an $8.9 trillion debt.

That being said, let me also take this opportunity to mention a little bit about some of our own veterans here on the House. Chairman SOLOMON ORTIZ, who sits on the Armed Services Committee, represents the 27th District of Texas.

As a result of his father's death at the age of 16, Chairman ORTIZ dropped out of school to find a job to assist his mother in paying the family bills. Shortly thereafter, Chairman ORTIZ joined the Army, because, as he put it, it was the one place that would give him free room and board and let me send my check back home to my mother.

It was in the Army that Mr. ORTIZ, SOLOMON, ever conscious of the needs for an education, got his GED. He received his basic training at Fort Hood, Texas, and was sent overseas to France for his tour of duty. He later found himself reassigned to the 61st Military Police Company, Criminal Investigation Office, a move that would color much of his future professional life. He remained as an investigator for the duration of his tour of duty, receiving his advanced military police training at Fort Gordon, Georgia.

Congressman JOHN SALAZAR, who represents the Third District of Colorado, graduated from Centauri High School in La Jara, Colorado. In 1973 he joined the Army. After serving in Heidelberg, Germany, SALAZAR received an honorable military discharge in 1976. Congressman SALAZAR is proud to be a veteran and proud to be both the son and father of men who have served. The Salazar family is honored to have served our country. Congressman SALAZAR tells a story of his father, a veteran of World War II, requesting to be buried in his uniform.

Today's generation of Hispanics and Latino American soldiers look to the brave men and women, veterans, who fought before them, as true inspiration. In the State of Texas alone, there are 197,173 World War II veterans who have fought so bravely and honorably to defend our beloved country. According to the 2000 census, the VA reported and recognized Texas as having 14,871,550 civilian population over the age of 18 and a total veteran civilian population of over 1.7 million.

Within the 23rd Congressional District, which is the district that I represent, a district that is one of the largest in the country that stretches from San Antonio to El Paso through Eagle Pass and the border, has some 700 miles of the border with Mexico. I represent the VA reports in their county estimates and projections of living veterans report, that as of September 30, 2006, there are currently 53,012 living veterans within the 23rd Congressional District.

Therefore, my colleagues, I stand today, this evening, in honor of the extraordinary service these men and women should be recognized for what they do. In so recognizing their efforts, we also need to recognize them in terms of what we provide them with.

Before I do that, let me take this opportunity to also tell a story of my father-in-law. Daniel Sanchez Pena was born on January 11, 1919, as the youngest son of Manuel Pena and Catarina Sanchez Pena in Las Colonias of Karnes County, Texas. He grew up in his parents' ranchito doing all the types of farm chores that kids do in a farm. He only went to the second grade in school. He learned to play the guitar at 14 and played at community and farmhouse dances around the community. He would use his skills while in the Army to entertain himself and his fellow soldiers.

To this day, he still enjoys, at 87, playing the guitar there at home. Daniel Sanchez Pena was registered on the 16th day of October, 1940. He reported to the Local Board No. 1 in Karnes County, Texas, at the courthouse, on March 25, 1942. This was part of the 35th precinct of what is referred to as the Robstown, Texas, ward. At the age of 23, in June of 1942, he was at the headquarters of the Armed Forces Replacement Training Center in Fort Knox, Kentucky, Company A, for training. Being a farm boy, he was an expert shooter and got excellent points for marksmanship. He still talks about the beautiful mountains in Kentucky that he recalls and the green valleys.

After training, he was sent to New York to board the ship and go overseas. This was a real adventure to Daniel. Daniel had never traveled far from his home, much less across the Atlantic Ocean. He still talks about the amazement of seeing the dolphins and the whales and other large fish that he saw. He recalls how seasick they were and how at night, how he looked on that floating city of lights. Coming from a small town, that seemed like a large city.

He served in the U.S. Army for 3 years. He was a rifleman in the infantry. He remembers crawling in the sand, freezing in the snow, climbing the steep mountains and the high mountains in Italy and forever marching, dodging bullets and digging fox holes. He saw his friends from Karnes County, a young man at that point that he talks about, and always remembers him, who was killed in front of him. To this day, he still remembers that specific incident when that occurred.

He recalls the many tragedies of the war for both soldiers and civilians. He remembers having to hold his plate of food so that they would not be stolen by the starving civilians and children who appeared around the camps when they went through both Africa and into Italy. He often wondered why he got out alive.

Truly, he experienced every emotion known to man, from profound sorrow to wondrous awe. Only in the last 2 to 3 years has he started to talk about these experiences. As he talks about his experiences, he remembers parts of the comments and the language, the Italian language that he picked up and some of the words. He returned from service in 1945, receiving the European-African-Middle Eastern Campaign Medal with four bronze service stars, the World War II Victory Medal, and the Honorable Service Lapel Button for World War II.

He married Dora Mansanalez in September of 1947, another young lady who lived at another farm adjoining their farm. His father had seven children, three girls and four boys. Two of the boys, Roberto and Guillermo, my brother-in-laws, served in the Army. Carolina, his daughter, is my wife.

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And so I mention Daniel Pena because he is typical of a lot of the veterans, a lot of Hispanic veterans who have served our country, who never spoke of the war until now as he reaches 87 years of age he begins to talk about those incidents.

Let me also take this opportunity, Madam Speaker, as featured by Gebe Martinez, a longtime journalist in Washington. I would like to share with you a story which she featured of a soldier from my own 23rd District of Texas, Nick Arzola.

Nick Arzola was defined as a skinny kid from Del Rio, Texas; service in World War II was the pride of his life. He never forgot the precise time he left New York for the war, 5 p.m. on October 7, 1943. Arzola went through the choppy seas, pitched in his ship so violently that he was sick for the entire 18 days' voyage to Scotland.

On land, he went from cooking on a gas stove on the battlefront to moving grenades and bombs at a munitions depot. Arzola was a proud American from Del Rio, even if he was considered the only Mexican with a bunch of Yankees, as he used to say. He was good natured despite the stereotype. His war buddies first thought he looked Filipino. Then, they called him Pancho Villa and they called him Casanova, according to the tales.

When he returned to Texas after the war, he traveled a road that would later be named for Cleto Rodriguez, the first Hispanic to receive the Medal of Honor for his bravery in the battle in Manila.

Nick opened a barbershop in Del Rio and painted signs freehand, including billboards for rising Texas politicians such as Lloyd Bentsen. A veteran, he never missed an election and rounded up voters to take part in freedom as he campaigned.

Until he died in 2005, he was part of the uniformed honor guard at the funeral of Del Rio's war veterans, one where to this day you have a large number of veterans there in Del Rio that continue to volunteer as their veterans pass away and do the honors of burying them.

Nick Arzola's story may not seem unlike that of other veterans, but this is a representation of part of America's history that has too often been forgotten. His story, like the stories many colleagues have shared, have not been told. Nick never missed an election and rounded up votes as he worked and will continue to do so.

So I want to take this opportunity to also mention, as I have a few minutes left, we talked the last few weeks about the situation that we find ourselves with as PBS has a 14-hour program on World War II that will be released in September. There has been a great deal of concern about the lack of Hispanic participation in that particular program. We have had meetings with Ken Burns and others and have been pleased that we have been able to make some inroads. There is still a lot of work to be done.

I do want to mention that I am also concerned that within our own population we don't know the history of the role that Mexican Americans and Hispanics have played, not only in World War II but throughout all the wars.

I want to mention a group of Mexicans, these are truly Mexicans from Mexico that played a very significant role in World War II in defense of the United States and that was referred to as Escuadron 201, the Aztec Eagles, as they were called. The 201 Escuadron was a group of 300 Mexicans that were trained in the United States and fought on behalf of the United States, with some 38 Mexican pilots that were trained in this country.

On December 8, 1941, the day after the attack on Pearl Harbor, Mexico severed its ties with Germany, Italy, and Japan. And in May 1942, the Nazis also sank a Mexican tanker, and Mexico declared war against the Axis powers. During that time, Mexico participated in the war, and one group was the Escuadron 201. This group of 300 individuals that were Mexicans were trained in this country. The 201 successfully participated in the Allied efforts to bomb Luzon and Formosa, known as Taiwan now, to attempt to push the Japanese out of the island.

Assigned to the 58th Fighter Group of the United States Fifth Air Force, the Aztec Eagles, as they were called, were also used in ground support efforts after the aerial threat from Japan weakened. During those ground assignments, the men of the squadron saw firsthand the fearlessness and war mentality of the Japanese soldiers. Japanese soldiers were often captured after trying to come into the U.S. military campsites for food, as they recalled during the stories. Several of these soldiers such as Captain Reynaldo Gallardo and others continue to remember their efforts.

I want to mention, on Veterans Day Carlos Faustinos, a former member of the Escuadron 201, always is proud of flying not only Old Glory but the Mexican flag, because he, as a Mexican, fought on behalf of the United States against the Japanese. He was also known for being able to down six Japanese Zeros, which basically makes him an ace, and was able to get credit and receive La Cruz de Honor, the Cross of Honor, which is equivalent to the U.S. Medal of Honor award in this country.

Very few Americans know of the 201 Escuadron. Very few of them know of the Aztec Eagles, these Mexicans who fought with the U.S. troops as troopers and fought over the sea in the Pacific. They continue to engage and continue to meet, and I know the G.I. Forum has recently honored their efforts, but much more needs to be done.

Let me take this opportunity in closing to indicate that as we honor our troops, it is not just sufficient for us to honor them with our words. We have to honor them with our acts. And that is why I am extremely proud to announce that this legislation has put more money for our veterans service than any other in history. I am glad that the budget for 2008 has $6.6 billion, and I know that the House of Representatives will be voting on that. That $6.6 billion is the resources that are essentially needed at this present time to help.

And for 2007, I am also proud to say that we were able to take that particular piece of legislation that should have been passed last year, that was passed by this Congress, the concurrent resolution, and that we added to that bill after we struck all the line items that were placed on that bill the previous year by the previous Congress, we struck every single line item, and we added $3.6 billion for the VA.

So I am pleased not only that we did that, but I am also pleased to announce that the supplemental that the President will hopefully eventually sign has an additional $1.7 billion for our troops for health care. That is the way to honor our troops not only with our words but with our deeds.

Mrs. NAPOLITANO. Madam Speaker, I am honored to join my colleagues in honoring the tremendous contributions of World War II Veterans.

During World War II Americans responded to a call of service that resulted in a generation of leaders that has since never been seen. As our country faced the war, all citizens stood united and ready to contribute. Without exception, Hispanic Americans were also there to seize the call their country had laid before them. Not only did Hispanic Americans serve our country during a time of war, their leadership after service resulted in huge civil rights advancements for the Hispanic community.

It is with great privilege that I take the opportunity to especially recognize the noble service and high sacrifices of the approximately 500,000 Hispanic Americans who served in the Armed Forces during World War II. One of whom was my brother-in-law, Manuel Musquiz—a bombardier.

During World War II Hispanic participation was at a higher percentage than any other minority. Of these, at least 65,000 were Puerto Rican and the majority of the Hispanics were Mexican-Americans. Thirteen Medals of Honor were awarded to Latinos in World War II, eleven to Mexican Americans, and two to Puerto Ricans. When Hispanic soldiers returned home they utilized the GI Bill to advance their education.

Unfortunately, many Latino soldiers who served during WWII also received a rude awakening as they returned home. They faced the same discrimination they had left when they heeded the call to serve. Latino soldiers returned home to exert their rights, through numerous civil rights efforts, to create greater opportunities through activism. Powerful organizations grew out of this era, including the G.I. Forum and the Mexican American Legal Defense and Educational Fund (MALDEF). A wealth of gratitude is entitled to these national heroes and their families who not only fought for democracy but fought for equality.

I would also like to recognize my fellow colleagues of the Congressional Hispanic Caucus who also have served our country: Representatives ORTIZ, REYES, BACA, and SALAZAR.

We pause to remember the noble service and high sacrifices of those who have worn our nation's uniform. We must not allow our children to forget about those who have served and the millions of living military veterans in the United States, those residing in California, and Hispanic veterans in the U.S. Our thoughts and prayers are also with tomorrow's veterans—our servicemen and women serving in Iraq and Afghanistan and across the world.

Let us remember the service of all our veterans, the ones that wars—and peace—cannot be won without. And let us renew our national promise to fulfill our sacred obligations to our veterans and families who have sacrificed so much so that we can live free.

Mr. HINOJOSA. Madam Speaker, I first want to express my deepest condolences to all of the families who lost loved ones in yesterday's tragedy at Virginia Tech University. This horrific event has affected Americans all over this country and we all mourn for those who were lost and pray for the swift recovery of those who were injured.

Tonight I join my colleagues from the Congressional Hispanic Caucus in paying tribute to the thousands of Hispanic veterans who have fought and died defending this country. My Congressional district has lost many young men in this most recent conflict in Iraq and Afghanistan.

They are but the latest in a long line of patriots from South Texas who have given their lives in the defense of America.

Tonight I want to pay tribute to a young man from my district who received this Nation's highest award, the Congressional Medal of Honor.

Alfredo Cantu Gonzalez, known to his friends and family as "Freddy", was born in 1946 in Edinburg, Texas in the Rio Grande Valley. His mother was a waitress, who had to raise her son alone.

Freddy worked in the cotton fields as a teenager to help his mother. He attended Edinburg High School, where he was an outstanding football star.

After graduation, he enlisted in the Marine Corps. After his initial training, he was sent to Vietnam in 1966 where he served as a rifleman and squad leader. He was quickly promoted from private to lance corporal to corporal.

He returned to the States in 1967 where he was given the task of training recruits in guerilla warfare. Freddy told his mother and friends he did not want to return to Vietnam and would not re-enlist.

A few months after his return from Vietnam, he learned that an entire Marine platoon had been killed, including a group of men who had served under him during his first tour of duty. He was saddened by their loss and immediately volunteered for a second tour of duty.

On July 1, 1967 he was promoted to sergeant and shipped back to Vietnam.

On January 31, 1968, Sergeant Freddy Gonzalez and his men were assigned the task of protecting a truck convoy that was bringing relief to a major Vietnamese town. The truck convoy was attacked by the Viet Cong with mortars and machine gun fire.

Although Sergeant Gonzalez was wounded, he ran through heavy fire to rescue a wounded Marine who fell off the tank.

On February 3, Sergeant Gonzalez was wounded again but refused medical treatment until all of the other wounded Marines were treated.

The next day, on February 4, Sergeant Gonzalez and his Marine platoon were pinned down by the Viet Cong, who were firing at the Americans with rockets and automatic weapons from a church.

Sergeant Gonzalez, utilizing a number of light anti-tank assault weapons, fearlessly moved from position to position, firing numerous rounds at the heavily fortified enemy emplacements, almost single-handedly neutralizing the enemy.

All appeared quiet and Sergeant Gonzalez approached to make sure that the church was secure when the hidden lone enemy survivor killed him. At the age of 21, Sergeant Freddy Gonzalez had given the ultimate sacrifice for his country.

In 1969, his mother, Dolia Gonzalez, was escorted to the White House to receive the Congressional Medal of Honor awarded to her son posthumously because of his tremendous heroism in saving the men in his platoon.

He was also awarded numerous other medals including the Purple Heart, the Vietnam Presidential Unit Citation, the National Defense Service Medal, the Vietnam Service Medal with 2 bronze stars and the Vietnam Gallantry Cross with palm.

Long after his death, his courage, his patriotism and his sacrifice are still remembered. In the Rio Grande Valley there are schools, roads and parks named after him.

In 1996, the Navy commissioned the USS *Gonzalez*, a guided-missile destroyer and the first modern destroyer named for a Mexican American. Freddie was one of 13 Hispanics who were awarded the Medal of Honor for their service in Vietnam.

Hispanics have a proud tradition of patriotism and have always been willing to answer America's call to duty, often when they were not even citizens. Freddy Gonzalez' story is just one of the many thousands of stories that make up the heritage of our Hispanic veterans.

I urge all of my colleagues to join me in thanking all of these brave men and women, as well as their families and loved ones, for their service.

Mr. ORTIZ. Madam Speaker, Hispanic veterans represent our love of this nation . . . they represent the best of our community . . . and their service is a frequent path to greater opportunities for them and their families.

I am a veteran, inspired by another veteran who inspired so many of us: Dr. Hector P. Garcia who created the GI Forum, a powerful platform that represents Hispanic veterans who labor on the battlefield for our nation. Dr. Hector Garcia was a personal hero to me.

He served the nation on the battlefield . . . and he served us again by making people understand that a soldier is a soldier—that race makes no difference among Americans, particularly when they wear the uniform of the United States. If he were here today, he would have a great deal to say to PBS about the omission of Hispanics when putting together a special on WWII.

WWII was the moment in time when Hispanics found their place in U.S. society and found our voice in demanding equality among troops . . . and elsewhere in the American family. And it was Dr. Hector's audacious vision that began a decades-long march in advancing civil rights, voting rights and school desegregation for Hispanics in Texas and around the nation.

Here's how it all began . . . the family of Felix Longoria—a brave and fallen U.S. soldier from WWII—wanted his body buried at Three Rivers Cemetery in Three Rivers, Texas. Yet segregation's profound and evil roots ran deep in the heart of Texas then, reaching all the way into cemeteries, and Longoria's burial was refused; he was not white and could not be buried alongside those with whom he had fought in the war.

Dr. Hector laid bare the raw racism inherent in the U.S. after this nation fought a global war to protect democracy and our way of life, when even cemeteries were segregated. The fight to bury this war hero was successful and that effort begat the GI Forum, the very first Hispanic civil rights organization in this nation.

I was so pleased that—after the Hispanic Caucus engaged PBS in a serious conversation about the lack of inclusion of the story of Hispanics in the story of WWII—PBS understood the enormity of that decision. They will now include the extraordinary exploits of Hispanic warriors in the story of the last declared war our nation fought.

Yet, it was not only WWII in which Hispanic Americans were heroes in securing freedom; there were many examples of Hispanic war heroes throughout our history. Today we should also honor our forefathers who played a large part in making—and then keeping—the United States free and democratic; for as long as there has been a United States, Hispanics have played major roles in building our country and defending it.

From the American Revolution that freed the United States from England—to today's operation against al Qaeda—Hispanics proudly and bravely served the United States. When the Colonies on the East Coast of what is now the United States rebelled against England, Hispanics played a pivotal role.

As Governor of the Louisiana Territory, General Benardo de Gálvez sent money, gunpowder, rifles and other supplies to General George Washington to aid in the revolution. He later served gallantly in the War for Independence by capturing both Mobile and Pensacola—at a pivotal point in the war.

Captain Jorge Farragut came to the United States to seek his fortune by fighting the British—first in the Revolution, then in the War of 1812—as part of the U.S. Navy.

Hispanics also raised special collections and taxes to aid the fight for independence. After the Revolution was won, Mexican pesos aided in the construction of St. Peter's Church in New York City to celebrate the end of the war. As in the Revolution, Hispanics served proudly in each war and conflict in which the United States participated.

In the course of that service, 38 Hispanics have been awarded the Congressional Medal of Honor, our country's highest award for military bravery and service.

In the Civil War, David Glasgow Farragut, son of Jorge Farragut, won fame as a Union hero by blockading Southern ports, destroying Rebel ships anchored in New Orleans, and by capturing Mobile for the Union.

His contributions prompted Congress to create the title of Rear Admiral to reward him as the first man to ever hold that rank. Farragut was commissioned Vice Admiral in 1864, then Admiral in 1866.

Federico Fermández Cavada, a Lieutenant Colonel for the Union Army, fought bravely at Gettysburg. Rafael Chácon also served with the Union Army, and attained the rank of Major.

Santos Benavides—originally from Laredo—fought for the Confederacy. His rank of Colonel was the highest of any Mexican-American Army officer in the Civil War.

Major Manuel Antonio Chavez forced the Confederate Army to retreat down the Rio Grande, preventing the rebels from carrying out their plans to seize the gold mines of New Mexico and California.

Lieutenant Colonel José Francisco Chaves of the Union Army assisted in recapturing Albuquerque and Santa Fe.

One of the most interesting soldiers in the Confederacy was Loretta Janet Velázquez, who fought disguised as a man. Upon discovery and discharge, she continued her service as a Confederate spy.

In 1973, Lieutenant Colonel Mercedes Cubria retired from the Army—she was the first Hispanic woman to achieve that rank. Hispanics served bravely for the cause of freedom and democracy in World War I, World War II, Korea, and Vietnam.

Around 500,000 Hispanics served the United States during World War II, and it is on the shoulders of these great men that the rest of us could see the future.

In the years to come, when the military service of Hispanics is viewed through the prism of history, there are certainly a number of young Hispanics whose service to this nation in this new war will distinguish themselves among great U.S. warriors in the 21st Century.

Mr. COSTA. Madam Speaker, I join my colleague Representatives DEVIN NUNES in honoring the life of Mr. Louis Flores Ruiz from Dinuba, California, who passed away peacefully at his home on Sunday, April 1, 2007. Mr. Ruiz was loyal, compassionate and worked hard to make the American Dream a reality in his life.

Mr. Louis Flores Ruiz was born on October 30, 1918 in Chihuahua, Chihuahua, Mexico. At the age of five, he and his family immigrated to the United States and after successfully serving his country by joining the U.S. Army, he was granted United States Citizenship on December 17, 1944. During his time in the Army, he served as a Military Police escorting prisoners-of-war and civilians in combat areas as well as investigating theft. His stellar service to our country made Mr. Ruiz a recipient of the Philippine Liberation Ribbon, one Bronze Service Star, an Asiatic-Pacific Campaign Medal with Bronze Service Stars, and a Good Conduct Medal.

Upon his return from his service, Mr. Ruiz first worked as a grocery store owner, then as an insurance salesman. After that, he joined his brothers and brother-in-law in Tulare, California and co-founded a large tortilla factory where they pioneered the automation of tortilla production. An entrepreneur and innovator at heart, Mr. Ruiz went on to co-found what has become the largest frozen food Mexican manufacturing firm in the United States, the second largest Hispanic-owned manufacturing firm in the United States, and the largest manufacturing plant in the state of California. Ruiz Foods has also helped establish programs of charitable giving within the community to many organizations that enhance the quality of life for the people of the Central Valley.

In 1983 Mr. Ruiz had the distinctive honor of meeting with President Ronald Reagan and Vice President George Bush in the Rose Garden of the White House, as he accepted the U.S. Small Business Administration's Small Business Person's of the Year Award. In 2003, Mr. Ruiz had the pleasure of hosting President George W. Bush at Ruiz Foods in Dinuba, CA. Other major highlights in Mr. Ruiz's life include, placing a wreath at the Tomb of the Unknown Soldier at Arlington Cemetery at the request of President Reagan and being named the 14th person to the Tortilla Industry Association Hall of Fame—a distinction reserved for those who have made positive contributions to the tortilla industry through technical or significant innovations in products, equipment or ingredients while attaining business success.

Mr. Ruiz is survived by JoAnn, his wife; their daughter and son-in law, Shannon and Eric Weller; brother and sister-in-law, Carlos and Olga Ruiz; brother and sister-in-law, Edward Sr. and Dolores Ruiz; brother and sister-in-law, Oscar and Alice Ruiz, sister, Margaret Tarasas; and daughter-in-law, Luisa Ruiz; the mother of his four children, Rose; and their daughter and son-in-law, Rose Margaret and Paul Doherty; son and daughter-in-law, Fred and Mitzie Ruiz; daughter and son-in-law, Anna and Dennis January; and daughter Carrie Ruiz. Louis was also blessed with numerous nieces, nephews, godchildren, grandchildren, great grandchildren, a wonderful care provider and many dear friends.

Although the passing of Mr. Louis Flores Ruiz brings sadness to his family, friends, and community, we believe his legacy of hard work and kindness will forever live on, through those whose lives he so graciously lived.

Mr. RODRIGUEZ. Madam Speaker, thank you for allowing me to be here at this time.

STEM CELL RESEARCH

The SPEAKER pro tempore (Ms. CASTOR). Under the Speaker's announced policy of January 18, 2007, the gentleman from Georgia (Mr. GINGREY) is recognized for the time remaining until midnight.

Mr. GINGREY. Madam Speaker, I am very happy to be before my colleagues on the House floor this evening to talk about a hugely important issue that we will be dealing with once again this week in all probability.

As you know, Madam Speaker and my colleagues, I am talking about the issue of stem cell research. Last week the Senate was in session, and once again the bill that passed on the House floor in the 109th Congress, the Castle-DeGette bill, which would require Federal funding, taxpayer funding for embryonic stem cell research that was obtained by the destruction of the so-called "throwaway embryos" from infertility assisted reproductive technology clinics that couples say they did not want, that these were extras. Well, that bill that passed last year on this House floor passed the Senate last week, and, Madam Speaker, we will be seeing that bill very soon once again.

So, I want to be present tonight to talk about this very, very important issue with my colleagues and anyone that has an opportunity within ear distance of what we are speaking about tonight to help bring an understanding to this issue and to try to convince my colleagues that we can do this; that is, we can do stem cell research as we have been doing over the last several years.

Since President Bush's first term in office way back in 2001, we have been spending Federal tax dollars on stem cell research. But what the President said in August of 2001 was that he would not allow Federal tax dollars, your tax dollars, my tax dollars, those of my family, my parents, my constituents, to be used to fund stem cell research that resulted in the destruction of a human life.

What President Bush did say back then was that embryonic stem cell research that was ongoing, that was a result of cell lines developed from human embryos that had already been destroyed could continue; and Federal tax dollars could be used through the NIH to give grants to these researchers as they applied to use these existing cell lines, which indeed did come from the destruction of human life, as I believe life begins at conception, in these embryos that were taken from fertility clinics.

In fact, Madam Speaker, I want to emphasize that point because it is so important that our colleagues understand that, especially new Members on both sides of the aisle that weren't here for the debate last year, that got the impression maybe they and their constituents felt that this administration and the former leadership of this Congress in the 109th was spending nothing, was refusing to fund stem cell research whether it was adult or embryonic.

But the facts are really brought home by this first slide, Madam Speaker, that I want to present. And this is basically what it says: Our government invested in lifesaving research. The Federal Government has spent $161 million since 2003 on human embryonic stem cell research. As I pointed out, Madam Speaker, the President was willing to allow that funding to continue on those embryonic stem cell lines that had already been created. And there was some 60 of those stem cell lines where researchers could get a grant from the Federal Government and begin that important research on these stem cells.

Before that, no administration, no President, at no time in the 40 years that the Democrats controlled the Congress, certainly not during President Clinton's 8 years, was one dime of Federal tax dollars spent on embryonic stem cell research. Some was spent on adult stem cell research. But when it was suggested by scientists that maybe the embryonic stem cells had more potential to develop into a lot of different tissues and ultimately organs that could possibly help people with diseases, and we have all seen those television spots with celebrities in some cases, Michael J. Fox, who is suffering severely from Parkinson's disease.

☐ 2315

The life of Christopher Reeves, we all know about the tragic injury and the quadriplegic state that he suffered in for many years before his tragic death last year.

When you see those things, you know, you think, well, we are not doing anything. But the truth is, and it is very important for us to understand this, that under President Bush, indeed, since 2003, some $608 million has been spent on stem cell research. And a lot of that, as I point out, because of those previous embryonic stem cell lines, a lot of it has been on embryonic stem cell research, and he is the only President that allowed that.

Now, we have great Members in both bodies and on both sides of the aisle. And I have a tremendous amount of respect, Madam Speaker, for the two Members in this body, in this House, that felt that because maybe these embryonic stem cell lines that were previously created that were being used for research would exhaust themselves, that we would use up all those stem cells. We certainly haven't, at this moment. I think there is still 20 of those stem cell lines in existence. Some were found to be contaminated. Originally, I think, back in 2001, we estimated that there were 60 of those lines, and now we are down to 20. So I can understand the concern that maybe we would exhaust that supply.

So Congressman CASTLE, a Republican Member, Congresswoman DEGETTE, a Democratic Member, along with the Senate colleagues, Senator REID, Senator KENNEDY, Senator SPECTER, in a bipartisan way, felt the same thing. So these two bills came before the respective bodies in the 109th Congress. We did pass the Castle-DeGette bill, but the Senate failed to deal with that, until finally it was decided that they would go ahead and pass a companion bill, and then my colleagues, of course, know that the President, as he had said all along that he would veto that bill, and he did.

But what I want to make sure that the new Members understand is that people like myself, who are pro-life Members of this body, we support stem cell research, with only one exception. We don't support research that requires killing of a human life. And last year, I, along with Congressman Roscoe Bartlett, the gentleman from Maryland, a Ph.D. physiologist who knows more about this subject, I guess, than anybody in this body, and we worked together to develop an alternative bill that would allow us, we the Federal Government, to fund research programs that would use embryonic-like cells to get to the same point without destroying human life. And some of the things that were suggested in the Bartlett-Gingrey bill that we voted on, in this House, in the 109th Congress, were to obtain an embryonic cell from a stem cell from an embryo without destroying that embryo, to be able to, essentially, biopsy with a fine needle and obtain those embryonic cells without killing or even harming in any way that little embryo which had the potential, of course, for human life. We didn't want to destroy that life.

And this was part of the Roscoe Bartlett-Gingrey bill. And we felt that this was sort of a win/win situation, Madam Speaker and my colleagues, because we would be able to get to the same point without any collateral damage. And of course the collateral damage that I am talking about is the destruction of a human life.

And I want to go through a few of the posters that we have, and I want to point out, Madam Speaker, that a lot of our colleagues who are in support of destroying those human embryos, kind of indiscriminately, so that we can obtain the embryonic cells that hopefully can lead to cure of some of these diseases that I mentioned, would say in their argument, look, 75, 80 percent of the American people are in favor of this. How could we deny that overwhelming show of support when you ask the American people do they want us to do this, and therefore, we think we should, and we are going to pass this bill, over the President's objection.

Well, Madam Speaker, as we all know, in regard to a response, it really sort of depends on how you ask the question. If you ask the question, and maybe a person sitting at home gets a telephone call of a pollster, and they have been watching television, and they have just seen a clip of Michael J. Fox and the ravages of Parkinson's disease, or Christopher Reeves, as he sits there with the breathing machine, struggling to talk to the American people about his struggles, and then they get that call, and it is a pollster and they say, would you be in favor of using embryonic stem cells in research to help cure these diseases? And of course that individual may also just happen to have a family member who is in the nursing home suffering from something like Alzheimer's is an example.

And sure, I mean, Madam Speaker, if I were one of those individuals that got that call, I would say, absolutely. Absolutely. So I am surprised the number was only 75 percent. I would think it would be 95 percent, if you phrase the question in that way.

Now, on the other hand, if you said, and you prefaced that with, would you be in favor of your tax dollars going to fund this research on embryonic stem cells that might help cure one of these devastating diseases, then no doubt that number would go down a little bit. I don't know how much, but no doubt. When you start saying, well, now, it is your money. It is not somebody else's money, in the abstract. It is your money. Now, do you want to spend your money, the numbers would not be as high.

But in this, the point I am getting to, Madam Speaker, in this next slide, if you ask the question this way, and this is the only fair way to ask this scientific question, say to the individual, stem cells are the basic cells from which all of a person's tissues and organs develop. Congress is considering the question of Federal funding for experiments using stem cells from human embryos. The live embryos would be destroyed in their first week of development to obtain these cells. Do you support or oppose using your Federal tax dollars for such experiments? That is the question that should be asked. And when it was asked, in a poll conducted by the International Communications Research in May of 2006, this is what the survey said. Those who support that, 38 percent. Those who oppose it, 47.8 percent. So, Madam Speaker, that really is the crux of what we are talking about in regard to, do the American people support research using embryonic stem cells that result in the wanton, indiscriminate destruction of a human embryo, the so-called extra, and I will get into that point later in the discussion, extra, throwaway, nobody wants them, little babies.

And if you believe as I do that life begins at conception, these embryos are several days to a week, maybe even 10 days old, long past the moment of conception.

We are blessed tonight, my colleagues, to have one of our colleagues join me in this discussion. And she just happens to represent a wonderful district in North Carolina that includes the Wake Forest Baptist University and Medical Center. And I want her to share with us some of the research that is going on there at Wake Forest and the Wake Forest School of Medicine.

I had an opportunity, Madam Speaker, as I was returning to Washington yesterday, to stop at Wake Forest and to visit with Dr. Anthony Atala, who is the president of the Institute for Regenerative Medicine at Wake Forest University, and to spend about 3 hours with Dr. Atala, to have an opportunity to meet with Dr. Hatch, the president of Wake Forest University, and Dr. Richard Dean who is the dean of the medical school. And with the 150, they weren't all there, but quite a few were, Ph.D. and M.D. scientists that are working there at that great university, and some of the things that they are doing to give us an opportunity to obtain pluripotent, almost embryonic-like stem cells that will help us do this kind of research that our colleagues want us to continue, and the President wants to fund, with no collateral damage.

So at this point I want to yield to my colleague, VIRGINIA FOXX from North Carolina, to tell us a little bit more about that program and take as much time as she wants. And we will continue our dialogue. And I yield now to my good friend, VIRGINIA FOXX.

Ms. FOXX. Thank you, Dr. GINGREY, Congressman GINGREY. I appreciate your starting off this hour this evening on this important issue. I also appreciate your having gone to Wake Forest to visit the Institute for Regenerative Medicine. Some of the most important research that is happening in the area of stem cell research is occurring at the Institute for Regenerative Medicine at Wake Forest University. And I am very proud to represent them here in the Congress.

I am going to talk a little bit about what they are doing, but I want to reiterate some of the things that you have been saying. I got out my file today on this and looked back at my notes, and it was almost 2 years ago that I stood on this floor one evening, a little earlier than this, and spoke for about 40 minutes about the issue of stem cell research. And I have told this story many, many times to people, because many may wonder why we are here speaking sometimes to very few of our colleagues who are here in the Chamber. But I tell this story because it was about 9 o'clock at night, and as I said, I spoke for about 40 minutes. And when I got back to my office, the staffer said to me, you just had a call from a gentleman from Maryland who had never watched C-SPAN before, was channel surfing and saw this woman standing on the floor of the House and wondered how in the world did she get to be on the floor of the House when he thought only Members of Congress could speak on the floor of the House. And I didn't look like I was a Member of Congress, so he stopped the channel surfing and watched and listened to me talk about the issue of stem cell research and called my office and said that he was so grateful for that because he had not understood the issue like I had explained it.

☐ 2330

And he wanted to just call and thank me for that. And that has been one of the things that has kept me going and doing these Special Orders at night, thinking that even if we only reach a few people who are watching, it is important to do that, and it is particularly important on this issue.

And I think how you described, Dr. GINGREY, the way the survey question should be asked, explaining to people exactly what is going to happen as a result of the research, is very, very important because we all know you get about whatever results you want to from a survey depending on how you ask the question. But I think describing what stem cell research is, is extremely important, and talking about what is being done. You have presented some facts and figures there already, and I want to do it again. I just think that every time we talk about it, we need to talk about it.

People who are pro-life support stem cell research. I support stem cell research. You do. Every other person here who considers himself or herself a pro-lifer supports stem cell research. But what we want is research that does not require the killing of human life. That is what is important to us. We also know, as you have pointed out, that a lot of money is being spent on embryonic stem cell research. A lot of Federal dollars are being spent on that. And I think, frankly, that we are paying more than our fair share for research that many people find to be morally repugnant.

You gave some statistics. Mine are not long-term statistics. I have the 2006 numbers.

In 2006 NIH spent $38 million on embryonic stem cell research, compared to $200 million on human nonembryonic stem cell research, adult and cord blood research. That is very important research. That is the research that has given us some results in terms of curing disease. We have gotten no positive results from embryonic stem cell research, and that is the point I think that needs to be made over and over again.

And one of the reasons I am very excited about the research that Dr. Atala and his team are doing is because they are doing research that doesn't require the destruction of human life. Dr. Atala, who came to Wake Forest from Harvard and brought a large team, as you said, with him, is a tissue engineering specialist, and he has found that amniotic fluid stem cells have those pluripotent properties that you pointed out earlier and grow as fast as embryonic stem cells. And I know that he talked to you about the research, particularly in growing bladders, that has occurred there and the tremendously positive response that he has gotten.

Mr. GINGREY. Reclaiming my time, on that point for just a second, Dr. Atala's research in regard to amniotic fluid cells, which that study was published just this January of 2007 in the journal Nature Biotechnology, was an amazing accomplishment in what Dr. Atala says. And I know this, as an OBGYN physician from the great State of Georgia in my prior life where I practiced for 26 years, delivering 5,200 babies. What Dr. Atala is doing, you can obtain this amniotic fluid from a pregnant mom, pregnant woman, in the process of trying to make sure that she is not carrying a baby that has a genetic defect. A lot of times this is done if a woman is a little older. She is not old at age 35 but is considered a little older for childbearing and the increased risk of genetic defects. So a lot of women do have this amniocentesis done. And if not an amniocentesis, a biopsy actually can be taken of a part of the placenta through the cervix as early as 9 weeks of the pregnancy or obtain the amniotic fluid with a very fine needle as early as 10 or 11 weeks of the pregnancy.

So I just wanted to point that out to my colleague that we are just talking about a few weeks more mature in getting those cells, which are almost embryonic because they are so early.

Ms. FOXX. Right. Well, thank you again for pointing out more of the scientific evidence that we have. And I think it is very important that a person with your background as an OBGYN physician can understand this issue so well and explain it. I think that all the physicians on our side of the aisle are very strong pro-lifers and are working very hard to get the information out about this issue.

As you point out, those stem cells, those coming from the umbilical cord and those coming from the placenta and the amniotic fluid, have shown tremendous results.

The other thing that the media does not point out and that people who are proposing that we go to embryonic stem cell research with government funding, they don't point out the fact that over 70 diseases have been treated by adult stem cells and zero treatments have come out of embryonic stem cell research, even though embryonic stem cell research just passed the 25-year mark. For over 25 years, scientists have been looking into using embryonic stem cells, and we have really gotten nothing but negative results from that, and we have gotten tremendously positive results from adult stem cell research.

So that is why it is so important that we always distinguish between adult stem cell research and embryonic stem cell research. We must do that when we talk about it. Again, it is like what you have said, pointing out the questionnaires and the surveys, making sure that people get asked the right question and that we describe the issue very, very well. We need very much to educate the American public on this issue so that they won't think that the President is being very arbitrary when he vetoes the bill and that we are not being arbitrary when we uphold that veto, which I hope that we will do. And we need to explain to people the ethical questions that we are dealing with.

As I pointed out in my comments a couple of years ago, and I want to say it again, never in this country have we sanctioned research that would harm other human beings. There was the research done in the 1930s that was wrong. We have condemned it. Since that time we have had very, very strong and ethical programs to protect adults from diseases that would cause them harm and from diseases that would cause them death. And yet people don't see the same problem when they are dealing with embryos, and we have to do that. We must do that. We are crossing an ethical Rubicon when we sanction using embryos for research or creating embryos for this research. I think that it is really going over the line, and we must tell people that, and we must have them understand the long-term implications of that for our society and for the human race. We don't believe in doing that in this country.

□ 2340

I think that we have to be very careful again that we explain we can get better results from doing things ethically than we are going to get from doing things unethically, and we don't start down a slippery slope of treating human beings in the wrong way.

I want to thank you again for coming tonight and starting this discussion on this very, very important issue. I hope there is at least one gentleman out there or one person out there, whether they are in Maryland or some other State, who is watching this for the first time and understanding the issue and the distinction that we are making between doing ethical research on adult stem cells and what most of us consider is unethical research on embryos, which will destroy them; and that we can continue to use funds to support programs like Dr. Tony Atala's research at Wake Forest University and other places where they are seeing excellent results. And if we take that money away, we may be denying the kinds of cures that many people say they want to get; but by ignoring the adult stem cell research victories, we may be slowing up the great results that we could get. And I yield back to you.

Mr. GINGREY. I thank the gentlelady from North Carolina who I said represents Wake Forest University and Dr. Atala and his team there.

And her closing comments, Madam Speaker, segue really into my next slide in this poster that I've got. What Ms. FOXX said is we have to not go down that slippery slope. We have to consider the collateral damage of what we do. We have to be very, very careful that we are not playing God. And I say that with all honest, sincerity, that we have an opportunity to do ethical stem cell research; and by that I simply mean balancing life and science.

Ms. FOXX talked about a number of the techniques. She talked about obtaining stem cells from umbilical cord blood. She talked about obtaining adult stem cells from bone marrow or from blood. And she talked about the many successes utilizing research with adult stem cell research. And the cures, I think she mentioned 70 different diseases, including Type I diabetes. There was just a study from Brazil where 13 of 15 Type I juvenile, we call it, it is not always in children, but a lot of children get juvenile diabetes, the severe kind of diabetes that almost always requires insulin therapy, and even with good control, leads to devastating complications, such as blindness, kidney failure, the need for a kidney transplant. Thirteen out of 15 of these Type I diabetics in Brazil who were treated with adult stem cells were found to be months later developing insulin on their own. These stem cells went to the pancreas and became the so-called islet cells, and now 13 out of 15 of those patients are not having to use insulin at all to control their diabetes.

So some of the ethical ways. And then of course we talked about Dr. Atala, who happens also to be chairman of the Department of Urology and operates every day on what you might call routine things, but at the same time is spending a lot of his effort running the Institute for Regenerative Medicine, where they are studying ways to obtain, through amniotic fluid, cells that are neither completely embryonic nor completely adult, but they have qualities that are very similar to both, in being similar to embryonic cells, those that my colleagues on the other side of the aisle mostly, although some Republicans supported the Castle-DeGette as well, the need to use these cells. Well, if you can get the amniotic cells, they can double every 36 hours just like the embryonic cells that we are talking about in destroying a human embryo. But also, similar to an adult cell, they do not form tumors. And that is one of the huge problems that the research on embryonic cells has resulted in.

How do you solve that problem? Well, with Dr. Atala's research, we wouldn't have that problem. These cells would double every 36 hours, and they don't form tumors. The best of both worlds.

I see my colleague from Texas has joined us. He is a fellow insomniac, although it is a little earlier out in Texas and maybe his constituents are still up, certainly some are in California; but it is great to have him with me tonight.

At this point I would like to yield to the gentleman from east Texas and let him join in on this very, very important topic.

Mr. GOHMERT. Well, I appreciate my good friend from Georgia, the good doctor, yielding.

And I, like our friend Ms. FOXX, appreciate so much the time you spent in explaining this, Dr. GINGREY.

You know, when you and I discussed this, and if we could exchange in a colloquy here for a moment, but you and I discussed this back at the time when we were having a vote on this matter.

I came to the floor very excited because this amniotic fluid stem cell information was just exciting because it didn't grow tumors. It wouldn't require throwing away embryos. That was exciting news. And I just felt in my heart, you know, we just get this information to the floor and let those folks, most of them on the other side of the aisle, but all the people who are saying we have got to dispose of embryos, we have got to kill these unborn children in order to get the stem cells that are embryonic stem cells. Here is this great research, the great information that shows these are better than embryonic, these amniotic stem cells. And that is exciting. Nobody has to die to provide stem cells for anybody else to live. We got to the floor, and my heart was broken. They didn't care. They didn't care.

Mr. GINGREY. If the gentleman would yield, and I really so much appreciate him pointing that out.

I think what the gentleman is saying is, no tumor formation, no collateral damage, no destruction of life, lives that could be adopted and become a "snowflake" baby, we have a slide later on to show. But I wanted to mention to my colleague, and I like his comments on this. In addition to the work that Dr. Atala is doing at Wake Forest, and I didn't know this, this is the last year, I say to the gentleman from Texas, but in my great State of Georgia, at the University of Georgia, a Ph.D. researcher, Dr. Steve Stice, has a project whereby embryonic stem cells from embryos can be obtained if it is an embryo that once it is rethawed and there is maybe an attempt to place that in a mother's womb, but if you look at it under the microscope, he can tell if that embryo has the potential for further generation. It is not dead, but you might equate it to, say, a person who has no brainwave activity, the other extreme of life, and has no chance of recovery. Well, Dr. Stice, his research would be to obtain those embryonic stem cells from those embryos so you wouldn't be destroying human life.

And I yield back to my colleague because I wanted to make him aware of that. Our Senator, our junior Senator, who is so prescient and has a way of solving problems when you've got a divide like this, Senator JOHNNY

ISAKSON, along with Senator NORM COLEMAN from Minnesota, introduced a bill in the Senate last week and it passed overwhelmingly. I think it got 75 votes. And I hope that we will have an opportunity to vote on that bill in this House if, Madam Speaker, Ms. PELOSI, will allow that to come to voice for a vote; because I can't see why any Member, Republican or Democrat, pro-life, pro-choice, would not want to support that, where it is a win-win situation. I yield back.

Mr. GOHMERT. Thank you. I appreciate the gentleman from Georgia yielding.

And I know we both share that hope that springs eternal in the human breast, that this is beginning to soak in. In fact, you know, you wonder who is listening, who is paying attention. Are other people getting it? I was talking to seven friends that are here from Smith County with Sky Ranch, a Christian camp, and every one of them get it. They understand.

□ 2350

They know the value of human life, and they are passing that on. And those with whom they deal, they are getting it. So the message is getting out here. And I really believe with the optimism that my dear friend from Georgia has and that we have, that there are so many good people in this body, and I was so pleased to learn that when I got here, that I believe in the end they will get it. They will understand we don't have to make that terribly difficult, unethical decision to end some life in order to take something from that one because we have made the philosophical decision that we think that this person means more to us than this other person, so we take this organ, we take those stem cells and kill them to allow this one to live, and we shouldn't have to go there. And the amniotic fluid stem cells I think provide that kind of excitement.

I thank the gentleman from Georgia and appreciate your interest and care and love for life, all life, even life on both sides of the aisle and for what you are doing here.

Mr. GINGREY. Judge Gohmert, I thank you for your kind remarks; and of course you are here not to praise me but to praise God and life and the sanctity of life at the extremes, the embryo and the senior citizens as well.

My colleagues, Madam Speaker, I cannot over-emphasize the point as I look at this and reference you to this next slide. No lives, no lives are thrown away.

We have heard, all of our colleagues have heard people speak on this floor and say there are 400,000 of these extra throw-away embryos available for this research, and they are going to be and I have even heard people say, thrown down the toilet, that they are garbage. I have heard the expression, and I know this is appalling, Madam Speaker, but to hear the expression that it is nothing but medical waste and they are going to be thrown away anyway, I know that gives many of us and you and me and many of my colleagues chill bumps to think about that.

But the point is of these 400,000, those are not all extra and scheduled for the trash can and available for the harvesting of embryonic stem cells. The fact is in April 2002, there were a total of 396,000 embryos that had been placed in storage, frozen for possible later use. Of those, and that is what this slide points out, 88 percent of these frozen embryos, in fact close to 350,000, are being held for future family building by the donors. They have not completed their family. Maybe they have not gotten pregnant yet. They have not conceived. So 88 percent are going to remain preserved in a frozen state so that hopefully these infertile couples will hopefully at some point in the future become parents.

And only 2.8 percent, about 8,700 of the frozen embryos, are designated for destruction. Couples a lot of times are asked the question: Well, would you like to give this baby up for destruction so that we can get these embryonic stem cells, or would you rather just throw them away? Well, half of the people that own those embryos would say for whatever reason, maybe the same reason that folks sometimes say no, I don't want an autopsy on my loved one; or no, I don't want to donate an organ when I am in a massive automobile accident and I am brain dead. A lot of people will say, look, I don't want my embryo, my child, to be put in a blender for the sake of obtaining those embryonic stem cells. I would rather it be thrown away.

So this business of 400,000 available, it is nothing near that amount. It is very important for people and our colleagues to understand and to put that in perspective.

Madam Speaker, I know our time is running short. We are rapidly approaching the time that this body will be adjourning for the day, a busy day. And I have one poster in particular that I want my colleagues to take a close look at. This is the one that I am presenting now with these precious children.

These were frozen embryos. These were part of the so-called medical waste that was going to be thrown away; or, indeed, put in a blender and churned up, destroying these little lives. Thank God the ones on this poster were adopted by infertile couples, with the permission from the couples who owned those embryos. These are what we refer to as the snowflake babies.

Last year when we were debating this issue, many of them, the parents went out of their way to take time off work, to buy an airline ticket and fly up here with these toddlers, some months old, and some a few years old. And I saw at the White House, as President Bush vetoed this bill last year, he was holding a set of snowflake baby twins. Indeed, throw away medical waste. I think not.

These little children on this poster look a lot like my six grandchildren. I have three precious granddaughters and three precious grandsons, and I think how precious life is.

We need to think about this very, very closely. I want to ask my colleagues this question, just like the survey, the polling done and you ask the question in the right way: some of us are pro-life. Some of us are pro-choice. Some of us are Democrats, some of us are Republicans. But if we have an opportunity to obtain embryonic stem cells, maybe they do have more potential than the adult stem cells. I don't know. I do know they have this problem with tumor formation. But if the argument is our hands have been tied, although we have funded embryonic stem cell research on those existing cell lines, but if the opportunity is there and we considered that tonight and talked about Dr. Atala's work on obtaining nearly embryonic, nearly totipotential cells, we also can do things like biopsy an embryo, that is called pregenetic diagnosis, and we do that all the time now.

If an embryo is from a family that has a congenital defect like hemophilia or muscular dystrophy, you can biopsy that embryo to make sure that condition does not exist. If you can do that without harming the embryo, and it has been done thousands of times, we ought to be able to do the same technique and get embryonic stem cells. It takes some research.

If we can continue to fund scientists like Dr. Stice at the University of Georgia in regard to using those essentially brain dead embryos that don't have any potential for further life and get those embryonic stem cells, we don't have to get into this argument, Madam Speaker, between the pro-life and pro-choice community.

Isn't that, my colleagues, the way to go? I hope there is an opportunity this year in the 110th Congress to vote on that bill and give the President something that he can sign and get back to us and make it law.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. HIGGINS (at the request of Mr. HOYER) for today and the balance of the week.

Mr. HILL (at the request of Mr. HOYER) for today on account of official business in the district.

Mr. WALSH of New York (at the request of Mr. BOEHNER) for today and the balance of the week on account of family reasons.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PALLONE) to revise and extend their remarks and include extraneous material:)

Ms. KILPATRICK, for 5 minutes, today.

Ms. JACKSON-LEE of Texas, for 5 minutes, today.

Mr. WYNN, for 5 minutes, today.

Mr. PALLONE, for 5 minutes, today.

Ms. NORTON, for 5 minutes, today.

Ms. LEE, for 5 minutes, today.

Mr. DAVIS of Illinois, for 5 minutes, today.

Ms. WATERS, for 5 minutes, today.

Mr. PAYNE, for 5 minutes, today.

Ms. WOOLSEY, for 5 minutes, today.

Mr. MCDERMOTT, for 5 minutes, today.

Mr. DEFAZIO, for 5 minutes, today.

Mrs. MCCARTHY of New York, for 5 minutes, today.

Mr. KUCINICH, for 5 minutes, today.

Mr. HOLT, for 5 minutes, today.

(The following Members (at the request of Mr. POE) to revise and extend their remarks and include extraneous material:)

Mr. MORAN of Kansas, for 5 minutes, April 18.

Ms. FOXX, for 5 minutes, today.

Mr. JONES of North Carolina, for 5 minutes, April 23 and 24.

(The following Member (at her own request) to revise and extend her remarks and include extraneous material:)

Ms. KAPTUR, for 5 minutes, today.

ADJOURNMENT

Mr. GINGREY. Madam Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at midnight), the House adjourned until today, Wednesday, April 18, 2007, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 8 of rule XII, executive communications were taken from the Speaker's table and referred as follows:

1076. A letter from the Secretary, Department of the Treasury, transmitting a 6-month periodic report on the national emergency with respect to persons who commit, threaten to commit, or support terrorism that was declared in Executive Order 13224 of September 23, 2001, pursuant to 50 U.S.C. 1641(c); to the Committee on Foreign Affairs.

1077. A letter from the Secretary, Department of the Treasury, transmitting the semiannual report detailing payments made to Cuba as a result of the provision of telecommunications services pursuant to Department of the Treasury specific licenses, pursuant to 22 U.S.C. 6032; to the Committee on Foreign Affairs.

1078. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1079. A letter from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting copies of international agreements, other than treaties, entered into by the United States, pursuant to 1 U.S.C. 112b; to the Committee on Foreign Affairs.

1080. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report entitled "Supporting Democracy and Human Rights: The U.S. Record 2006-2007," pursuant to Public Law 107-228, section 665; to the Committee on Foreign Affairs.

1081. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Russia (Transmittal No. DDTC 036-07); to the Committee on Foreign Affairs.

1082. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Vietnam (Transmittal No. DDTC 016-07); to the Committee on Foreign Affairs.

1083. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Government of Japan (Transmittal No. DDTC 037-07); to the Committee on Foreign Affairs.

1084. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting pursuant to section 36(c) of the Arms Export Control Act, certification regarding the proposed license for the export of defense articles and services to the Governments of Russia, Ukraine, and Norway (Transmittal No. DDTC 035-07); to the Committee on Foreign Affairs.

1085. A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting a report mandated in the Participation of Taiwan in the World Health Organization Act, 2004 (Pub. L. 108-235), Section 1(c); to the Committee on Foreign Affairs.

1086. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1087. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1088. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1089. A letter from the Deputy CHCO/Director, OHCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1090. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1091. A letter from the Deputy CHCO/Director, HCM, Department of Energy, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1092. A letter from the Secretary, Department of Energy, transmitting the Department's determination and findings of the site at Yucca Mountain for the development of a geologic repository for spent nuclear fuel and high level radioactive waste, pursuant to 41 U.S.C. 253(c)(7); to the Committee on Oversight and Government Reform.

1093. A letter from the Director, Office of Civil Rights and Diversity, Department of Energy, transmitting the Department's annual report for Fiscal Year 2006, Fiscal Year 2005, and Fiscal Years 1999-2004 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1094. A letter from the Assistant Administrator, OARM, Environmental Protection Agency, transmitting a report pursuant to the Federal Vacancies Reform Act of 1998; to the Committee on Oversight and Government Reform.

1095. A letter from the Board Members, Railroad Retirement Board, transmitting the Board's annual report for FY 2006 prepared in accordance with Section 203 of the Notification and Federal Employee Antidiscrimination and Retaliation Act of 2002 (No FEAR Act), Public Law 107-174; to the Committee on Oversight and Government Reform.

1096. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; McDonnell Douglas MD-11 and -11F Airplanes [Docket No. FAA-2006-25089; Directorate Identifier 2006-NM-091-AD; Amendment 39-14873; AD 2007-01-02] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1097. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 B2 and B4 Series Airplanes [Docket No. FAA-2006-25670; Directorate Identifier 2006-NM-027-AD; Amendment 39-14868; AD 2006-26-10] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1098. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Stemme GmbH & Co. KG Model S10-VT Gliders [FAA-2006-26518; Directorate Identifier 2006-CE-84-AD; Amendment 39-14874; AD 2007-01-03] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1099. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Sikorsky Aircraft Corporation Model S-61L, N, R, and NM Helicopters [Docket No. FAA-2006-25824; Directorate Identifier 2004-SW-23-AD; Amendment 39-14876; AD 2007-01-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1100. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 707-100 Long Body, -100B Long Body, -100B Short Body, -E3F, -300, -300B, and -300C Series Airplanes; Model 727-100 and -200 Series Airplanes; Model 737-200, -200C, -300, -400, and -500 Series Airplanes;

Model 747-100B, 747-200B, 747-200C, 747-200F, 747-300, 747-400, 747-400D, 747SR, and 747SP Series Airplanes; Model 757-200 and 757-200PF Series Airplanes; and Model 767-200 and -300 Series Airplanes; Equipped with Observer or Attendant Seats [Docket No. FAA-2006-24948; Directorate Identifier 2005-NM-030-AD; Amendment 39-14871; AD 2006-26-13] (RIN: 2120-AA64) Received March 15, to the Committee on Transportation and Infrastructure.

1101. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; BAE Systems (Operations) Limited Model BAe 146 and Avro 146-RJ Airplanes [Docket No. FAA-2006-25851; Directorate Identifier 2006-NM-133-AD; Amendment 39-14872; AD 2007-01-01] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1102. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Model 390 Airplanes [Docket No. FAA-2006-25745; Directorate Identifier 2006-CE-47-AD; Amendment 39-14866; AD 2006-26-08] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1103. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; PZL-Bielsko Model SZD-50-3 "Puchacz" Gliders [Docket No. FAA-2006-25810; Directorate Identifier 2006-CE-49-AD; Amendment 39-14838; AD 2006-24-09] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1104. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Air Tractor, Inc. Models AT-501, AT-502, AT-502A, AT-502B, and AT-503A Airplanes [Docket No. FAA-2004-19961; Directorate Identifier 2004-CE-48-AD; Amendment 39-14839; AD 2006-24-10] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1105. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; International Aero Engines AG (IAE) V2522-A5, V2524-A5, V2527-A5, V2527E-A5, V2527M-A5, V2530-A5, and V2533-A5 Turbofan Engines. [Docket No. FAA-2006-26013; Directorate Identifier 2003-NE-21-AD; Amendment 39-14841; AD 2006-25-01] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1106. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models 1900, 1900C, and 1900D Airplanes [Docket No. FAA-2006-26258; Directorate Identifier 2006-CE-67-AD; Amendment 39-14840; AD 2006-24-11] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1107. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A330, A340-200, and A340-300 Series Airplanes [Docket No. FAA-2006-25389; Directorate Identifier 2006-NM-059-AD; Amendment 39-14870; AD 2006-26-12] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1108. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Turbomeca Model Arrius 2B1, 2B1A, 2B2, Turboshaft Engines [Docket No. FAA-2006-26138; Directorate Identifier 2006-NE-38-AD; Amendment 39-14865; AD 2006-26-07] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1109. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives ; Boeing Model 737-200, -300, -400, and -500 Series Airplanes [Docket No. FAA-2005-22629; Directorate Identifier 2005-NM-089-AD; Amendment 39-14867; AD 2006-26-09] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1110. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Raytheon Aircraft Company Models C90A, B200, B200C, B300, and B300C Airplanes [Docket No. FAA-2006-25157; Directorate Identifier 2006-CE-34-AD; Amendment 39-14814; AD 2006-23-02] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1111. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model DHC-8-400 Series Airplanes [Docket No. FAA-2006-25723; Directorate Identifier 2006-NM-007-AD; Amendment 39-14858; AD 2006-25-17] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1112. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Bombardier Model CL-600-1A11 (CL-600), CL-600-2A12 (CL-601), and CL-600-2B16 (CL-601-3A and CL-601-3R) Airplanes [Docket No. FAA-2006-25645; Directorate Identifier 2005-NM-201-AD; Amendment 39-14857; AD 2006-25-16] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1113. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Boeing Model 777 Airplanes [Docket No. FAA-2006-23817; Directorate Identifier 2005-NM-176-AD; Amendment 39-14846; AD 2006-25-05] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1114. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Columbia Aircraft Manufacturing Models LC41-550FG and LC42-550FG Airplanes [Docket No. FAA-2006-26400; Directorate Identifier 2006-CE-71-AD; Amendment 39-14948; AD 2006-25-08] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

1115. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Airbus Model A300 Airplanes [Docket No. FAA-2006-25423; Directorate Identifier 2006-NM-029-AD; Amendment 39-14845; AD 2006-25-04] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on, Transportation and Infrastructure.

1116. A letter from the Program Analyst, Department of Transportation, transmitting the Department's final rule — Airworthiness Directives; Agusta S.p.A. Model AB139 Helicopters [Docket No. FAA-2006-25703; Directorate Identifier 2006-SW-20-AD; Amendment 39-14747; AD 2006-17-51] (RIN: 2120-AA64) received March 15, 2007, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. RAHALL: Committee on Natural Resources. H.R. 886. A bill to enhance ecosystem protection and the range of outdoor opportunities protected by statute in the Skykomish River valley of the State of Washington by designating certain lower-elevation Federal lands as wilderness, and for other purposes (Rept. 110–89). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 309. A bill to direct the Secretary of the Interior to establish a demonstration program to facilitate landscape restoration programs within certain units of the National Park System established by law to preserve and interpret resources associated with American history, and for other purposes; with an amendment (Rept. 110–90). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 865. A bill to grant rights-of-way for electric transmission lines over certain Native allotments in the State of Alaska (Rept. 110–91). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 285. A bill to establish the Steel Industry National Historic Site in the State of Pennsylvania; with an amendment (Rept. 110–92). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 249. A bill to restore the prohibition on the commercial sale and slaughter of wild free-roaming horses and burros (Rept. 110–93). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 162. A bill to adjust the boundary of the Barataria Preserve Unit of the Jean Lafitte National Historical Park and Preserve in the State of Louisiana, and for other purposes (Rept. 110–94). Referred to the Committee of the Whole House on the State of the Union.

Mr. RAHALL: Committee on Natural Resources. H.R. 319. A bill to establish the Journey Through Hallowed Ground National Heritage Area, and for other purposes; with an amendment (Rept. 110–95). Referred to the Committee of the Whole House on the State of the Union.

Mr. MCGOVERN: Committee on Rules. House Resolution 301. Resolution providing for consideration of the bill (H.R. 1257) to amend the Securities Exchange Act of 1934 to provide shareholders with an advisory vote on executive compensation (Rept. 110–96). Referred to the House Calendar.

Mr. HASTINGS of Florida: Committee on Rules. House Resolution 302. Resolution providing for consideration of the bill (H.R. 1361) to improve the disaster relief programs of the Small Business Administration, and for other purposes (Rept. 110–97). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions were introduced and severally referred, as follows:

By Mr. LAMBORN (for himself and Mr. BUYER):

H.R. 1863. A bill to direct the Secretary of Veterans Affairs to conduct at two-year pilot program to use a mobile processing unit to perform certain services of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. LAMBORN (for himself and Mr. BUYER):

H.R. 1864. A bill to amend title 38, United States Code, to direct the Secretary of Veterans Affairs to provide for the automated processing of veterans disability compensation claims; to the Committee on Veterans' Affairs.

By Mr. TOM DAVIS of Virginia (for himself, Mr. TURNER, Mr. TOWNS, Mr. MORAN of Virginia, and Mr. BILBRAY):

H.R. 1865. A bill to amend title 31, United States Code, to allow certain local tax debt to be collected through the reduction of Federal tax refunds; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CUELLAR (for himself and Mr. AKIN):

H.R. 1866. A bill to amend title XVIII of the Social Security Act to provide payment under part A of the Medicare Program on a reasonable cost basis for anesthesia services furnished by an anesthesiologist in certain rural hospitals in the same manner as payments are provided for anesthesia services furnished by anesthesiologist assistants and certified registered nurse anesthetists in such hospitals; to the Committee on Ways and Means.

By Mr. BAIRD (for himself, Mr. EHLERS, Mr. GORDON, Ms. HOOLEY, Mr. BILBRAY, Mr. MCNERNEY, and Mr. HILL):

H.R. 1867. A bill to authorize appropriations for fiscal years 2008, 2009, and 2010 for the National Science Foundation, and for other purposes; to the Committee on Science and Technology.

By Mr. WU (for himself, Mr. GINGREY, Mr. GORDON, Mr. HALL of Texas, Mr. MITCHELL, and Mr. EHLERS):

H.R. 1868. A bill to authorize appropriations for the National Institute of Standards and Technology for fiscal years 2008, 2009, and 2010, and for other purposes; to the Committee on Science and Technology.

By Ms. VELÁZQUEZ:

H.R. 1869. A bill to enhance the ability of community banks to foster economic growth and serve their communities, boost small businesses, increase individual savings, and for other purposes; to the Committee on Financial Services, and in addition to the Committees on Ways and Means, and Small Business, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS (for himself, Mr. WAXMAN, Mrs. MALONEY of New York, Mr. KUCINICH, and Mr. MURPHY of Connecticut):

H.R. 1870. A bill to amend title 31, United States Code, to prohibit delinquent Federal debtors from being eligible to enter into Federal contracts, and for other purposes; to the Committee on Oversight and Government Reform, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. GILLIBRAND (for herself, Mrs. BONO, Mr. HIGGINS, Mr. MCNERNEY, Mrs. BOYDA of Kansas, Mr. RUPPERSBERGER, Mr. BISHOP of Georgia, Mr. BARROW, Mr. PETERSON of Minnesota, Mr. LINCOLN DAVIS of Tennessee, Mr. PATRICK MURPHY of Pennsylvania, Mr. ARCURI, Mr. BOSWELL, Mr. SHULER, Mr. ELLSWORTH, Mr. ALTMIRE, Mr. WILSON of Ohio, Mr. CARNEY, Mr. MCNULTY, Ms. SHEA-PORTER, Ms. SUTTON, Mr. MAHONEY of Florida, Ms. HARMAN, Ms. CASTOR, Mr. WALZ of Minnesota, Ms. CLARKE, Mr. HARE, Mr. ISRAEL, Mr. CROWLEY, Mr. HINCHEY, Mr. DONNELLY, Mr. YARMUTH, Mr. LOEBSACK, Ms. HIRONO, Mr. PERLMUTTER, Mr. COURTNEY, and Mr. JOHNSON of Georgia):

H.R. 1871. A bill to amend the Internal Revenue Code of 1986 to increase, expand the availability of, and repeal the sunset with respect to, the dependent care tax credit; to the Committee on Ways and Means.

By Mr. JOHNSON of Georgia:

H.R. 1872. A bill to amend title 18, United States Code, to give investigators and prosecutors the tools they need to combat public corruption; to the Committee on the Judiciary.

By Mr. BRALEY of Iowa (for himself, Mr. CHABOT, and Ms. VELÁZQUEZ):

H.R. 1873. A bill to reauthorize the programs and activities of the Small Business Administration relating to procurement, and for other purposes; to the Committee on Small Business.

By Mr. ANDREWS:

H.R. 1874. A bill to amend chapter 44 of title 18, United States Code, to require microstamping of all firearms manufactured in or imported into the United States, and ballistics testing of all firearms in the custody of the Federal Government; to the Committee on the Judiciary.

By Mr. BOREN (for himself and Mr. SULLIVAN):

H.R. 1875. A bill to amend the Internal Revenue Code of 1986 to permanently extend the Indian employment credit and the depreciation rules for property used predominantly within an Indian reservation; to the Committee on Ways and Means.

By Mr. ANDREWS (for himself and Mr. LEWIS of Kentucky):

H.R. 1876. A bill to amend the Internal Revenue Code of 1986 to exclude from gross income of individual taxpayers discharges of indebtedness attributable to certain forgiven residential mortgage obligations; to the Committee on Ways and Means.

By Mr. BECERRA (for himself, Mr. GRIJALVA, Mr. EHLERS, and Mr. SHIMKUS):

H.R. 1877. A bill to authorize the cancellation of Perkins Loans for students who perform public service as librarians in low-income schools and public libraries; to the Committee on Education and Labor.

By Ms. CORRINE BROWN of Florida (for herself, Mr. CONYERS, and Mr. ETHERIDGE):

H.R. 1878. A bill to amend title XIX of the Social Security Act to permit States, at their option, to require certain individuals to present satisfactory documentary evidence of proof of citizenship or nationality for purposes of eligibility for Medicaid, and for other purposes; to the Committee on Energy and Commerce.

By Mr. CARTER:

H.R. 1879. A bill to direct the Secretary of Veterans Affairs to convey the Department of Veterans Affairs Medical Center located in Marlin, Texas, to the State of Texas; to the Committee on Veterans' Affairs.

By Ms. DELAURO (for herself, Ms. JACKSON-LEE of Texas, Mr. TOWNS, Mr. MCDERMOTT, Ms. MATSUI, Mr. SHAYS, Mr. HINOJOSA, Mr. HONDA, Mr. LARSON of Connecticut, and Mr. MURPHY of Connecticut):

H.R. 1880. A bill to amend the National and Community Service Act of 1990 to establish a Summer of Service State grant program, a Summer of Service national direct grant program, and related national activities, and for other purposes; to the Committee on Education and Labor.

By Mr. DOYLE (for himself, Mr. SMITH of New Jersey, Mr. ENGEL, and Mr. PICKERING):

H.R. 1881. A bill to improve support and services for individuals with autism and their families; to the Committee on Energy and Commerce.

By Mr. EVERETT (for himself, Mr. BONNER, Mr. ROGERS of Alabama, Mr. CRAMER, and Mr. BACHUS):

H.R. 1882. A bill to amend the Internal Revenue Code of 1986 to authorize agricultural producers to establish and contribute to tax-exempt farm risk management accounts in lieu of obtaining federally subsidized crop insurance or noninsured crop assistance, to provide for contributions to such accounts by the Secretary of Agriculture, to specify the situations in which amounts may be paid to producers from such accounts, and to limit the total amount of such distributions to a producer during a taxable year, and for other purposes; to the Committee on Ways and Means, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. FOSSELLA:

H.R. 1883. A bill to codify procedures regarding naturalization ceremonies conducted by the Secretary of Homeland Security; to the Committee on the Judiciary.

By Mr. GORDON (for himself and Mr. PITTS):

H.R. 1884. A bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GRIJALVA (for himself and Ms. GIFFORDS):

H.R. 1885. A bill to establish the Santa Cruz Valley National Heritage Area in the State of Arizona, and for other purposes; to the Committee on Natural Resources.

By Mr. HINCHEY:

H.R. 1886. A bill to prevent public financing of oil or gas field development projects, surveying or extraction activities, processing facilities, pipelines, or terminals, or other oil and gas production or distribution operations or facilities, and for other purposes;

to the Committee on Financial Services, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINCHEY:

H.R. 1887. A bill to amend the Internal Revenue Code of 1986 to extend the financing for Superfund for purposes of cleanup activities with respect to those Superfund sites for which removal and remedial action is estimated to cost more than $50 million, and for other purposes; to the Committee on Ways and Means, and in addition to the Committees on Energy and Commerce, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HOEKSTRA (for himself, Mr. Baird, Mr. Walsh of New York, Mr. Franks of Arizona, Mr. Akin, Ms. Jackson-Lee of Texas, Mr. Grijalva, Mr. Knollenberg, Mr. Clay, Mr. Moore of Kansas, Mr. Chabot, Mr. Rogers of Michigan, Mr. Ehlers, Mr. Gary G. Miller of California, Mr. McHugh, Mr. Upton, Mr. Souder, Mr. Gillmor, Mr. McCotter, Mr. Davis of Kentucky, Mr. Gerlach, Mr. Doyle, Mr. Keller, Mr. Calvert, Mrs. Musgrave, Mr. Platts, Mr. English of Pennsylvania, Mr. Gonzalez, and Mr. Larson of Connecticut):

H.R. 1888. A bill to amend the Internal Revenue Code of 1986 to provide a shorter recovery period for the depreciation of certain systems installed in nonresidential buildings; to the Committee on Ways and Means.

By Mr. HOLDEN (for himself, Mr. LoBiondo, Mr. Ellsworth, Mr. Murtha, Mr. Brady of Pennsylvania, Ms. Kilpatrick, Mrs. McCarthy of New York, Ms. Jackson-Lee of Texas, Mr. Miller of Florida, and Mr. LaHood):

H.R. 1889. A bill to require prisons and other correctional facilities holding Federal prisoners under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to do by law; to the Committee on the Judiciary.

By Mr. HOLDEN (for himself, Mr. LoBiondo, Mr. Ellsworth, Mr. Murtha, Mr. Brady of Pennsylvania, Ms. Kilpatrick, Mrs. McCarthy of New York, Ms. Jackson-Lee of Texas, Mr. Miller of Florida, and Mr. LaHood):

H.R. 1890. A bill to ensure that the incarceration of inmates is not provided by private contractors or vendors and that persons charged with or convicted of an offense against the United States shall be housed in facilities managed and maintained by Federal, State, or local governments; to the Committee on the Judiciary.

By Mr. KENNEDY (for himself, Mr. Thompson of Mississippi, Mr. Langevin, Ms. Jackson-Lee of Texas, Mr. Blumenauer, Mr. Grijalva, Ms. Zoe Lofgren of California, Mr. Gonzalez, and Mr. Cohen):

H.R. 1891. A bill to promote the development of disaster plans that will protect the maximum number of citizens; to foster public trust, confidence, and cooperation with these plans; and to encourage greater public participation in homeland security by allowing the American people to have a direct and influential role in developing and modifying community disaster preparedness, response, recovery, and mitigation plans in collaboration with government officials, emergency managers, health authorities, and professional responders, and for other purposes; to the Committee on Transportation and Infrastructure, and in addition to the Committees on Energy and Commerce, and Homeland Security, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LIPINSKI (for himself, Mr. McIntyre, Mr. Shuler, Mr. Ellsworth, Mr. Melancon, and Mr. Donnelly):

H.R. 1892. A bill to direct the Secretary of Health and Human Services to provide for the establishment and maintenance of a National Amniotic and Placental Stem Cell Bank; to the Committee on Energy and Commerce.

By Mrs. LOWEY:

H.R. 1893. A bill to amend the Federal Hazardous Substances Act to require the inclusion of warning labels on Internet and catalogue advertising of certain toys and games; to the Committee on Energy and Commerce.

By Mrs. McCARTHY of New York:

H.R. 1894. A bill to provide for the construction and renovation of child care facilities, and for other purposes; to the Committee on Financial Services.

By Mrs. McCARTHY of New York:

H.R. 1895. A bill to improve the tracking of stolen firearms and firearms used in a crime, to allow more frequent inspections of gun dealers to ensure compliance with Federal gun law, to enhance the penalties for gun trafficking, and for other purposes; to the Committee on the Judiciary.

By Ms. McCOLLUM of Minnesota (for herself, Mr. Oberstar, and Mr. Ellison):

H.R. 1896. A bill to amend the Individuals with Disabilities Education Act to fully fund 40 percent of the average per pupil expenditure for programs under part B of that Act; to the Committee on Education and Labor.

By Mr. PAUL:

H.R. 1897. A bill to protect the second amendment rights of individuals to carry firearms in units of the National Park System, and for other purposes; to the Committee on Natural Resources.

By Mr. PAUL:

H.R. 1898. A bill to amend the Internal Revenue Code of 1986 to allow individuals a credit against income tax for medical expenses for dependents; to the Committee on Ways and Means.

By Mr. PAUL:

H.R. 1899. A bill to amend part A of title XVIII of the Social Security Act to clarify that facilities designated as critical access hospitals may use beds certified for such hospitals for assisted living; to the Committee on Ways and Means.

By Mr. RAHALL:

H.R. 1900. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who received an expeditionary medal during a period of military service other than a period of war; to the Committee on Veterans' Affairs.

By Mr. RAHALL:

H.R. 1901. A bill to amend title 38, United States Code, to extend eligibility for pension benefits under laws administered by the Secretary of Veterans Affairs to veterans who served during certain periods of time in specified locations; to the Committee on Veterans' Affairs.

By Mr. RUSH (for himself, Mr. Waxman, Mr. Markey, Mr. Butterfield, Mr. Doyle, Ms. Schakowsky, and Mr. Dingell):

H.R. 1902. A bill to prohibit brand name drug companies from compensating generic drug companies to delay the entry of a generic drug into the market, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. TOWNS:

H.R. 1903. A bill to amend the Public Health Service Act and Employee Retirement Income Security Act of 1974 to require that group and individual health insurance coverage and group health plans provide coverage for reconstructive prosthetic urology surgery if they provide coverage for prostate cancer treatment; to the Committee on Energy and Commerce, and in addition to the Committee on Education and Labor, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. WILSON of New Mexico (for herself and Mr. Udall of New Mexico):

H.R. 1904. A bill to provide assistance to the State of New Mexico for the development of comprehensive State water plans, and for other purposes; to the Committee on Natural Resources.

By Mrs. McCARTHY of New York (for herself, Mr. Platts, Mr. George Miller of California, Mr. Michaud, and Mr. Ellison):

H. Con. Res. 112. Concurrent resolution supporting the goals and ideas of a National Child Care Worthy Wage Day; to the Committee on Education and Labor.

By Mr. CARNEY (for himself, Mr. Jones of North Carolina, Mr. Holden, Mr. Reyes, Mr. Melancon, Mr. Meehan, and Mr. Doyle):

H. Con. Res. 113. Concurrent resolution recognizing the important contributions and tremendous potential of military ground robotics and expressing the support of the Congress for continued funding and development of Unmanned Ground Vehicles; to the Committee on Armed Services.

By Mr. CLEAVER (for himself, Mr. Rangel, and Mr. Blunt):

H. Con. Res. 114. Concurrent resolution encouraging recognition of February 13th of each year for the founding for the Negro Leagues in Kansas City, Missouri; to the Committee on Oversight and Government Reform.

By Mr. HASTINGS of Florida (for himself, Ms. Kaptur, and Mr. Levin):

H. Con. Res. 115. Concurrent resolution urging all sides to the current political crisis in Ukraine to act responsibly and use dialogue to resolve the crisis and ensure a free and transparent democratic system in Ukraine based on the rule of law; to the Committee on Foreign Affairs.

By Mr. McDERMOTT (for himself and Mr. Weller):

H. Res. 299. A resolution expressing the sense of the House of Representatives that Congress should increase public awareness of child abuse and neglect and should continue to work with the States to reduce the incidence of child abuse and neglect through such programs as the Child Welfare Services and Promoting Safe and Stable Families programs; to the Committee on Ways and Means.

By Mr. PALLONE (for himself, Ms. KILPATRICK, Mr. SIRES, Mr. HOLT, Mr. PASCRELL, Mr. PAYNE, Mr. ROTHMAN, Mr. GARRETT of New Jersey, Mr. FERGUSON, Mr. LOBIONDO, Mr. SAXTON, Mr. FRELINGHUYSEN, Mr. ANDREWS, Mr. SMITH of New Jersey, Ms. WATSON, Mr. MCDERMOTT, Ms. LEE, Mr. HINCHEY, Mr. LEWIS of Georgia, Ms. CARSON, Mr. COHEN, Mrs. JONES of Ohio, Mr. AL GREEN of Texas, Mr. GEORGE MILLER of California, Mrs. CAPPS, Ms. CORRINE BROWN of Florida, Ms. SOLIS, Mr. HOYER, Mr. TOWNS, Mr. CONYERS, Mr. WYNN, Ms. EDDIE BERNICE JOHNSON of Texas, and Ms. SCHAKOWSKY):

H. Res. 300. A resolution commending the achievements of the Rutgers University women's basketball team and applauding the character and integrity of their student-athletes; to the Committee on Education and Labor.

By Mrs. GILLIBRAND:

H. Res. 303. A resolution expressing the sense of the House of Representatives that a day ought to be established to bring awareness to the issue of missing persons; to the Committee on Oversight and Government Reform.

By Mr. BECERRA:

H. Res. 304. A resolution electing a Member to a certain standing committee of the House of Representatives; considered and agreed to.

By Mrs. DRAKE (for herself, Mr. SMITH of Washington, Mr. THORNBERRY, Mr. HAYES, Mr. MCINTYRE, Mr. SKELTON, Mr. HUNTER, Ms. CASTOR, Mr. CONAWAY, Mr. SAXTON, Mr. KLINE of Minnesota, Mr. COOPER, Mr. ELLSWORTH, Mr. ORTIZ, Mr. TURNER, Mr. MILLER of Florida, Mr. CALVERT, Mr. MARSHALL, Mrs. GILLIBRAND, Mr. ANDREWS, Ms. SHEA-PORTER, and Mr. UDALL of Colorado):

H. Res. 305. A resolution honoring the 53,000 soldiers, sailors, airmen, Marines, and civilians that comprise the Nation's special operations forces community; to the Committee on Armed Services.

By Mr. BOUCHER (for himself, Mr. WOLF, Mr. MORAN of Virginia, Mr. GOODLATTE, Mr. SCOTT of Virginia, Mr. TOM DAVIS of Virginia, Mr. GOODE, Mr. CANTOR, Mrs. JO ANN DAVIS of Virginia, Mr. FORBES, and Mrs. DRAKE):

H. Res. 306. A resolution offering heartfelt condolences to the victims and their families regarding the horrific violence at Virginia Tech in Blacksburg, Virginia, and to the students, faculty, administration and staff and their families who have been deeply affected by the tragic events that occurred there; to the Committee on Education and Labor.

By Mr. DAVIS of Illinois (for himself, Mr. TOM DAVIS of Virginia, Mr. MARCHANT, Mr. CLAY, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, Mr. WAXMAN, Mr. WYNN, Mr. REYES, Mr. THOMPSON of Mississippi, Mr. FATTAH, Mr. MORAN of Virginia, Mr. SARBANES, Mr. HOYER, Mr. ORTIZ, Mr. BRADY of Pennsylvania, Mrs. MALONEY of New York, Mr. SMITH of Washington, Mr. HOLT, Ms. NORTON, Mr. MCHUGH, Ms. DELAURO, Mr. VAN HOLLEN, Mr. CARNEY, Mr. RANGEL, and Ms. LINDA T. SÁNCHEZ of California):

H. Res. 307. A resolution expressing the sense of the House of Representatives that public servants should be commended for their dedication and continued service to the Nation during Public Service Recognition Week, May 7 through 13, 2007; to the Committee on Oversight and Government Reform.

By Mr. DAVIS of Illinois:

H. Res. 308. A resolution remembering and honoring the life and achievements of Jackie Robinson on the 60th anniversary of integrated Major League Baseball; to the Committee on Oversight and Government Reform.

By Mr. ENGEL (for himself and Mr. KIRK):

H. Res. 309. A resolution expressing the sense of the House of Representatives that the United States should support independence for Kosovo; to the Committee on Foreign Affairs.

By Mr. HASTINGS of Florida (for himself, Mr. ROGERS of Michigan, Mr. LANTOS, Mr. REYES, Mr. HOEKSTRA, Ms. ESHOO, Mr. ISSA, Ms. SLAUGHTER, Mr. THOMPSON of Mississippi, Mr. FILNER, Mr. KENNEDY, Ms. SOLIS, Ms. KILPATRICK, Ms. LEE, Mr. PAYNE, Mr. BECERRA, Mr. RODRIGUEZ, Mr. SMITH of Washington, Mr. WEXLER, Ms. WASSERMAN SCHULTZ, Mr. TIERNEY, and Mr. BOYD of Florida):

H. Res. 310. A resolution condemning in the strongest terms the terrorist attacks that occurred in Casablanca, Morocco, on April 10 and 14, 2007, and in Algiers, Algeria, on April 11, 2007; to the Committee on Foreign Affairs.

By Mr. LATHAM:

H. Res. 311. A resolution congratulating Iowa State University for its efforts to refurbish and rededicate Morrill Hall; to the Committee on Education and Labor.

By Mr. LOEBSACK (for himself, Mr. BOSWELL, Mr. LATHAM, Mr. BRALEY of Iowa, and Mr. KING of Iowa):

H. Res. 312. A resolution congratulating Zach Johnson on his victory in the 2007 Masters golf tournament; to the Committee on Oversight and Government Reform.

By Mr. ORTIZ (for himself, Mr. TOM DAVIS of Virginia, Mr. BRADY of Pennsylvania, Mr. TAYLOR, Mrs. BOYDA of Kansas, Ms. LORETTA SANCHEZ of California, Mr. HARE, Ms. CLARKE, Mr. WOLF, Mr. RYAN of Ohio, Ms. BORDALLO, Mr. SHAYS, Ms. JACKSON-LEE of Texas, Mr. BOSWELL, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BARTLETT of Maryland, Mr. HINOJOSA, Mr. RUPPERSBERGER, Mr. BRALEY of Iowa, Mr. HAYES, Mr. ABERCROMBIE, Mr. UDALL of Colorado, Mr. LAMPSON, Mr. REYES, Mr. MCGOVERN, Ms. SHEA-PORTER, and Mr. MCNERNEY):

H. Res. 313. A resolution recognizing and commending all of the volunteers and supporters of Our Military Kids, Inc., for their efforts in awarding grants to over 1,100 school-aged children of deployed and severely injured National Guard and Reserve personnel in 49 states and the District of Columbia; to the Committee on Armed Services.

By Mr. WEXLER (for himself, Mr. FEENEY, Mr. BERMAN, Mr. COBLE, Mr. SCHIFF, Mr. GOODLATTE, Mr. SMITH of Texas, Mr. SMITH of Washington, Mrs. BONO, Ms. WATSON, and Mr. ISSA):

H. Res. 314. A resolution supporting the goals of World Intellectual Property Day, and for other purposes; to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions as follows:

H.R. 19: Mr. DEAL of Georgia.

H.R. 23: Ms. CARSON, Mr. LOBIONDO, Mr. OBERSTAR, Mr. RUPPERSBERGER, Mr. COSTELLO, Mr. WAXMAN, Mr. SALAZAR, Mr. LARSEN of Washington, Mr. MCCOTTER, Ms. SUTTON, Mr. MARCHANT, and Ms. DELAURO.

H.R. 25: Mr. BILBRAY.

H.R. 45: Mr. LANTOS.

H.R. 63: Mr. WHITFIELD and Mr. CHABOT.

H.R. 67: Mr. SOUDER.

H.R. 91: Mr. JONES of North Carolina and Mr. GORDON.

H.R. 154: Mr. ENGEL.

H.R. 156: Mr. RAHALL, Mr. BRADY of Pennsylvania, and Mr. CARNEY.

H.R. 174: Mr. COHEN and Mr. ABERCROMBIE.

H.R. 176: Mr. GRIJALVA, Mrs. CHRISTENSEN, Mr. RANGEL, Mr. MEEHAN, Mr. PAYNE, Mr. TOWNS, Mr. LANTOS, Mr. CONYERS, Ms. CORRINE BROWN of Florida, Mr. ENGEL, Mr. BURTON of Indiana, Mr. MCDERMOTT, Mr. DELAHUNT, and Mr. WATT.

H.R. 178: Mr. GRIJALVA, Mr. COHEN, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. RANGEL, Mr. BUTTERFIELD, Mr. CONYERS, and Ms. CARSON.

H.R. 180: Mr. NEAL of Massachusetts, Mr. ENGEL, Mr. NADLER, Mr. LAHOOD, and Ms. WASSERMAN SCHULTZ.

H.R. 192: Mr. SHAYS.

H.R. 219: Mr. TANCREDO and Mr. GERLACH.

H.R. 221: Mr. SALI.

H.R. 241: Mr. SESSIONS and Mr. WAMP.

H.R. 255: Mr. ISSA.

H.R. 278: Mr. MOORE of Kansas and Mr. DOGGETT.

H.R. 281: Mr. WU, Mr. MCNERNEY, Mr. ABERCROMBIE, Ms. CLARKE, Ms. BERKLEY, Ms. LINDA T. SÁNCHEZ of California, and Ms. ZOE LOFGREN of California.

H.R. 303: Mrs. MCCARTHY of New York.

H.R. 346: Mr. BROWN of South Carolina, Mr. SHUSTER, and Mr. SCOTT of Georgia.

H.R. 359: Ms. MCCOLLUM of Minnesota and Mr. WAXMAN.

H.R. 367: Mrs. MCMORRIS RODGERS.

H.R. 404: Mr. GOODLATTE.

H.R. 405: Mr. WAMP, Mr. ETHERIDGE, Mr. HINOJOSA, and Ms. HIRONO.

H.R. 406: Ms. SHEA-PORTER, Mr. MORAN of Virginia, Mr. SHERMAN, Mr. CONYERS, Mr. LANTOS, Mr. CUMMINGS, Ms. JACKSON-LEE of Texas, and Mr. KILDEE.

H.R. 418: Mrs. MCCARTHY of New York.

H.R. 436: Mr. SMITH of Nebraska, Mr. FOSSELLA, and Mr. PITTS.

H.R. 443: Mrs. EMERSON.

H.R. 445: Mrs. EMERSON.

H.R. 463: Mr. MCINTYRE.

H.R. 464: Mr. COHEN and Ms. MOORE of Wisconsin.

H.R. 468: Mr. HINOJOSA.

H.R. 503: Mr. EMANUEL, Ms. CLARKE, Mr. CONYERS, Mrs. LOWEY, Ms. NORTON, and Mr. PRICE of North Carolina.

H.R. 522: Ms. WASSERMAN SCHULTZ.

H.R. 526: Mr. RAHALL.

H.R. 549: Ms. SHEA-PORTER, Mr. MCNERNEY, Ms. SUTTON, and Mr. TIAHRT.

H.R. 583: Mr. CAPUANO, Mr. MCINTYRE, Mr. CHANDLER, Mr. EMANUEL, Mr. ISSA, Mr. HODES, Mr. JONES of North Carolina, Mr. HAYES, Mr. WU, Mr. CANNON, Mr. KILDEE, Mr. TAYLOR, Ms. SCHAKOWSKY, and Mrs. MCCARTHY of New York.

H.R. 592: Mr. HIGGINS and Mr. CUMMINGS.

H.R. 612: Ms. SHEA-PORTER.

H.R. 618: Mr. BURTON of Indiana.

H.R. 628: Mr. FORBES, Mr. GOODLATTE, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 633: Mr. JOHNSON of Georgia.

H.R. 657: Mr. MARSHALL.

H.R. 667: Mr. LANTOS and Mr. WYNN.

H.R. 676: Ms. SCHAKOWSKY, Mr. KILDEE, and Ms. CORRINE BROWN of Florida.

H.R. 690: Mr. LINCOLN DIAZ-BALART of Florida, Mr. PRICE of North Carolina, Mr. ROSS, Mr. JINDAL, and Mrs. CAPPS.

H.R. 695: Mr. BECERRA, Mr. LARSON of Connecticut, Ms. MCCOLLUM of Minnesota, Mr. WEXLER, Mr. ABERCROMBIE, Mr. JOHNSON of Georgia, Mr. OLVER, Mr. CONAWAY, Mr. LOBIONDO, Mr. HOYER, Ms. DELAURO, Ms. LEE, Mr. CAPUANO, Mr. WYNN, Mrs, JONES of Ohio, and Ms. EDDIE BERNICE JOHNSON of Texas.

H.R. 711: Mr. BAKER.

H.R. 718: Mr. UDALL of Colorado, Mr. MILLER of North Carolina, Mr. OBERSTAR, Mr. JINDAL, Mrs. TAUSCHER, Mr. POE, and Mr. WAMP.

H.R. 728: Mr. PETERSON of Minnesota, Mr. CUMMINGS, and Mr. Carney.

H.R. 729: Mr. WAXMAN.

H.R. 734: Mr. COLE of Oklahoma, Mr. SHAYS, and Mr. ORTIZ.

H.R. 736: Mrs. CAPITO.

H.R. 741: Mr. MCCOTTER, Mr. SARBANES, Mr. HINCHEY, Mr. NADLER, Mr. HIGGINS, Mr. PETRI, Mr. MOORE of Kansas, Mr. BISHOP of New York, and Mr. KUHL of New York.

H.R. 743: Mr. SMITH of Nebraska.

H.R. 748: Mr. LEVIN, Mr. RAMSTAD, Mr. BERRY, Mr. RAHALL, Mr. BISHOP of Georgia, Mr. SNYDER, Mr. WHITFIELD, and Mr. MARSHALL.

H.R. 758: Mr. WAMP, Ms. KAPTUR, Mr. COHEN, and Ms. ROS-LEHTINEN.

H.R. 760: Mr. LYNCH, Ms. BALDWIN, Mr. HINCHEY, Mr. RUPPERSBERGER, Mr. WU, Mrs. MCCARTHY of New York, Mr. STARK, Mrs. MALONEY of New York, Mr. BRADY of Pennsylvania, Mrs. CAPPS, and Mr. RUSH.

H.R. 769: Mrs. MUSGRAVE.

H.R. 782: Mr. REYNOLDS.

H.R. 784: Mr. CANTOR, Mr. DAVIS of Kentucky, Mr. ROSS, Mr. TOM DAVIS of Virginia, Mr. BOYD of Florida, Ms. KILPATRICK, and Mr. ROGERS of Alabama

H.R. 806: Mr. RAHALL.

H.R. 811: Mr. SAXTON, Ms. CARSON, Mr. SIRES, Ms. MOORE of Wisconsin, Mr. HILL, Mr. YARMUTH, Mr. BARROW, and Mr. SARBANES.

H.R. 821: Mrs. MALONEY of New York, Ms. NORTON, and Mr. MEEKS of New York.

H.R. 823: Mr. ISRAEL, Mr. BLUMENAUER, Ms. MATSUI, Mr. INSLEE, Mrs. DAVIS of California, Mr. ELLISON, and Mr. WYNN.

H.R. 829: Mr. CARNEY.

H.R. 878: Mr. LEVIN.

H.R. 882: Mr. HINOJOSA, Mr. JINDAL, and Mr. HINCHEY.

H.R. 891: Ms. ESHOO, Mr. KING of New York, Mr. OLVER, Mr. ARCURI, Mrs. TAUSCHER, and Mr. ENGEL.

H.R. 897: Mr. DAVIS of Illinois.

H.R. 916: Mr. ROTHMAN and Mr. MEEK of Florida.

H.R. 917: Mr. LATHAM.

H.R. 923: Mr. HINOJOSA and Mr. MCCOTTER.

H.R. 943: Mr. MOORE of Kansas, Mr. MAHONEY of Florida, and Mr. LINCOLN DAVIS of Tennessee.

H.R. 947: Ms. DELAURO.

H.R. 962: Mr. WAXMAN.

H.R. 970: Mr. EHLERS and Mrs. BONO.

H.R. 971: Mr. REHBERG, Mr. ARCURI, and Mr. BISHOP of New York.

H.R. 980: Mr. WEXLER, Mr. COOPER, Mr. GONZALEZ, Mr. KIRK, Mr. MILLER of North Carolina, Mr. LEWIS of Georgia, Mr. RYAN of Ohio, Mr. PAYNE, Mr. MEEK of Florida, Mr. DAVID DAVIS of Tennessee, Mr. RAHALL, Mrs. DAVIS of California, Mr. POMEROY, Ms. SOLIS, Mr. GORDON, Mr. MEEKS of New York, Mr. BISHOP of New York, Mr. COURTNEY, Mr. PETRI, and Mr. BRALEY of Iowa.

H.R. 989: Mr. LINCOLN DAVIS of Tennessee, Mr. JINDAL, and Mr. SESSIONS.

H.R. 997: Mr. REGULA, Mr. BILIRAKIS, Mr. INGLIS of South Carolina, Mr. GOHMERT, Mr. GRAVES, Mr. DEAL of Georgia, Mr. LINCOLN DAVIS of Tennessee, and Mr. SOUDER.

H.R. 1017: Mrs. CAPPS and Ms. LORETTA SANCHEZ of California.

H.R. 1023: Mr. HASTINGS of Florida.

H.R. 1026: Mr. PAYNE, Mr. BOUSTANY, Mr. BONNER, Mr. PAUL, Mr. BERRY, Mr. BOSWELL, Mr. GORDON, and Mr. WALZ of Minnesota.

H.R. 1028: Mr. PETERSON of Minnesota and Mr. HINOJOSA.

H.R. 1031: Mr. FILNER.

H.R. 1032: Mr. ALLEN.

H.R. 1056: Mr. MILLER of Florida.

H.R. 1057: Mr. MILLER of Florida.

H.R. 1058: Mr. MILLER of Florida.

H.R. 1061: Mr. SHAYS.

H.R. 1064: Mr. MILLER of North Carolina, Mr. OLVER, Ms. LINDA T. SÁNCHEZ OF CALIFORNIA, MS. WOOLSEY, Mr. PERLMUTTER, Mr. GONZALEZ, Ms. SUTTON, Mr. JOHNSON of Georgia, Mr. EMANUEL, Mr. DOYLE, Ms. BEAN, Ms. CORRINE BROWN of Florida, Mr. RUPPERSBERGER, Ms. CARSON, Mr. HIGGINS, Mrs. CAPPS, Ms. JACKSON-LEE of Texas, Mr. GORDON of Tennessee, Mr. WALZ of Minnesota, Ms. MATSUI, Mr. ROTHMAN, Mr. LANTOS, and Mr. HALL of New York.

H.R. 1070: Mr. COHEN and Ms. JACKSON-LEE of Texas.

H.R. 1072: Ms. ZOE LOFGREN of California and Mr. JACKSON of Illinois.

H.R. 1073: Mr. LOBIONDO, Ms. CORRINE BROWN of Florida, Mr. MCCOTTER, Mr. HIGGINS, Ms. SUTTON, and Mr. ROTHMAN.

H.R. 1076: Mr. LARSEN of Washington, Mr. MANZULLO, and Mrs. GILLIBRAND.

H.R. 1084: Mr. BERMAN.

H.R. 1092: Mr. FERGUSON, Mrs. TAUSCHER, Mr. FILNER, Mr. FATTAH, Mr. LANTOS, Ms. JACKSON-LEE of Texas, Mr. GRIJALVA, Mrs. MCCARTHY of New York, Mr. ELLISON, Mr. PERLMUTTER, and Mr. HARE.

H.R. 1093: Mr. BERRY.

H.R. 1094: Mr. JONES of North Carolina.

H.R. 1095: Mr. TERRY.

H.R. 1098: Mr. CARNAHAN and Mr. ABERCROMBIE.

H.R. 1102: Mr. TIBERI, Mr. HIGGINS, Ms. ZOE LOFGREN of California, and Mr. ENGLISH of Pennsylvania.

H.R. 1103: Ms. DEGETTE, Mr. WAXMAN, Ms. SCHAKOWSKY, Mr. PAYNE, Mrs. CAPPS, and Mr. BLUMENAUER.

H.R. 1108: Mr. BRALEY of Iowa.

H.R. 1142: Mr. LANTOS, Mr. MCNERNEY, Mr. PORTER, Mr. BOREN, Mr. MILLER of North Carolina, Mr. PATRICK MURPHY of Pennsylvania, and Mr. RAHALL.

H.R. 1157: Mr. MARSHALL, Mr. FRANKS of Arizona, Mr. REYNOLDS, Mr. HIGGINS, Mr. UDALL of Colorado, Mr. PATRICK MURPHY of Pennsylvania, and Mr. FOSSELLA.

H.R. 1187: Mr. WAXMAN, Mrs. CAPPS, and Ms. ESHOO.

H.R. 1190: Mr. BOREN, Mrs. MALONEY of New York, Mr. JEFFERSON, Mr. MARSHALL, Mrs. MCCARTHY of New York, Ms. NORTON, Mr. BURTON of Indiana, Ms. ROS-LEHTINEN, Mr. CLAY, and Mr. DOYLE.

H.R. 1192: Mr. FILNER and Mr. GENE GREEN of Texas.

H.R. 1194: Mr. MEEK of Florida, Mr. MANZULLO, Mr. RUPPERSBERGER, Mr. JEFFERSON, Mr. FATTAH, Mrs. CAPPS, Mr. BERRY, Ms. BALDWIN, Mr. STUPAK, Mr. SAM JOHNSON of Texas, and Mrs. JONES of Ohio.

H.R. 1197: Mr. GORDON and Mr. MILLER of Florida.

H.R. 1199: Ms. HIRONO.

H.R. 1216: Ms. ZOE LOFGREN of California, Mr. SHAYS, Mr. GINGREY, Mr. HASTINGS of Florida, Mr. LANGEVIN, Mr. KENNEDY, Mr. BISHOP of New York, Mr. REHBERG, Mr. GONZALEZ, Mr. KLEIN of Florida, Ms. WASSERMAN SCHULTZ, Mr. MOORE of Kansas, and Mr. REYES.

H.R. 1222: Mr. HIGGINS and Mr. GINGREY.

H.R. 1225: Mr. BLUMENAUER and Mr. MICHAUD.

H.R. 1228: Mr. ROGERS of Alabama and Mr. RAHALL.

H.R. 1237: Mr. HINOJOSA, Mr. MCNULTY, Mr. SHIMKUS, Mr. WELDON of Florida, and Mr. BOUSTANY.

H.R. 1239: Mr. PITTS, Mr. LEVIN, Mr. MARSHALL, and Ms. KAPTUR.

H.R. 1261: Mr. SOUDER, Mr. JOHNSON of Illinois, and Mr. SALI.

H.R. 1264: Mr. HOLDEN, Mrs. EMERSON, and Mr. MANZULLO.

H.R. 1280: Mr. WOLF.

H.R. 1281: Mr. PRICE of North Carolina.

H.R. 1283: Mr. CLEAVER, Ms. SUTTON, and Mr. CAPUANO.

H.R. 1293: Mr. INGLIS of South Carolina, Mrs. MYRICK, Mr. SULLIVAN, Mr. LARSON of Connecticut, Mr. BARTLETT of Maryland, Mr. WAMP, Ms. BALDWIN, Mr. LATOURETTE, and Mr. KENNEDY.

H.R. 1304: Mr. ISSA.

H.R. 1308: Mrs. CAPPS.

H.R. 1324: Mr. HAYES.

H.R. 1333: Mr. BROWN of South Carolina.

H.R. 1343: Mr. MATHESON, Mr. SIRES, Mr. MARKEY, Mr. EMANUEL, Ms. SCHAKOWSKY, Ms. MCCOLLUM of Minnesota, Mr. BUTTERFIELD, Mr. ABERCROMBIE, Mr. HINOJOSA, Mr. SMITH of New Jersey, Ms. BORDALLO, Ms. NORTON, Mr. LARSEN of Washington, Mr. MICHAUD, Mr. EHLERS, Mr. LANGEVIN, Mr. MCNULTY, Mr. MCDERMOTT, Mr. GOODE, Mr. STARK, Mr. FILNER, Mr. CLAY, Mr. HINCHEY, Mr. JOHNSON of Georgia, and Mr. SARBANES.

H.R. 1344: Mr. BARROW, Mrs. NAPOLITANO, and Mr. SKELTON.

H.R. 1346: Mr. ROTHMAN, Mr. AL GREEN of Texas, Ms. WATSON, Mr. JOHNSON of Georgia, Mr. PALLONE, and Mr. RAHALL.

H.R. 1355: Mr. MILLER of Florida.

H.R. 1363: Ms. BALDWIN, Ms. SCHAKOWSKY, and Mr. SIRES.

H.R. 1368: Mr. CASTLE and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1377: Mr. WALZ of Minnesota, Mr. ABERCROMBIE, Ms. LORETTA SANCHEZ of California, and Mr. MORAN of Virginia.

H.R. 1379: Mr. NADLER.

H.R. 1380: Mr. ENGLISH of Pennsylvania.

H.R. 1385: Mr. WEXLER, Mrs. CAPPS, Ms. SHEA-PORTER, Mr. CLEAVER, Mr. KENNEDY, Ms. JACKSON-LEE of Texas, Mr. DOYLE, Mr. HONDA, and Mr. WAXMAN.

H.R. 1386: Ms. MCCOLLUM of Minnesota, Mrs. CAPPS, and Mr. LATOURETTE.

H.R. 1399: Mr. MURTHA, Mr. ALTMIRE, Mr. GORDON, Mr. GINGREY, Mr. BAKER, Mr. CARTER, Mr. RENZI, Mr. YOUNG of Alaska, Mr. CAMPBELL of California, Mr. SAM JOHNSON of Texas, Mr. CHANDLER, Mr. MCCAUL of Texas, Mr. CRENSHAW, Mr. SULLIVAN, Mr. BROWN of South Carolina, Mrs. MUSGRAVE, Mr. PETERSON of Pennsylvania, Mr. BARROW, Mr. BOSWELL, Mr. GOODE, Mr. HALL of Texas, Mr. LAMBORN, and Mr. SHIMKUS.

H.R. 1413: Mr. SCHIFF.

H.R. 1420: Mrs. MALONEY of New York, Mr. JACKSON of Illinois, Mr. VAN HOLLEN, Mr. RUSH, Mr. FATTAH, Ms. WATERS, Ms. Sutton, Mr. GUTIERREZ, Mr. HARE, Mr. HINOJOSA, and Mr. MARKEY.

H.R. 1424: Mr. DENT and Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1428: Mr. Cohen and Mr. KLINE of Minnesota.

H.R. 1440: Ms. BORDALLO, Mr. KING of New York, and Mr. MCCOTTER.

H.R. 1453: Mr. HIGGINS.

H.R. 1457: Mr. BURTON of Indiana.

H.R. 1459: Mr. WILSON of South Carolina, Ms. CLARKE, Mr. NADLER, Mr. BOUCHER, Ms. SCHAKOWSKY, Mr. HALL of New York, Mr. KILDEE, and Mr. LANGEVIN.

H.R. 1467: Mr. LATHAM.

H.R. 1474: Mr. RAHALL, Mr. BISHOP of New York, Mr. CUMMINGS, Mr. HOEKSTRA, and Mr. KIRK.

H.R. 1488: Mr. BLUMENAUER, Mr. PEARCE, and Mr. ENGLISH of Pennsylvania.

H.R. 1494: Mr. RAMSTAD, Mrs. CAPPS, and Ms. ESHOO.

H.R. 1497: Mr. WYNN, Mr. CUMMINGS, Mr. GEORGE MILLER of California, Ms. WATSON, Ms. MCCOLLUM of Minnesota, and Mr. HONDA.

H.R. 1498: Ms. MCCOLLUM of Minnesota, Mr. MCCOTTER, Ms. SCHAKOWSKY, Mr. HINOJOSA, Mr. PRICE of North Carolina, Mr. WYNN, Ms. ZOE LOFGREN of California, and Ms. ESHOO.

H.R. 1518: Mr. GOODE, Mr. WALZ of Minnesota, and Mr. HINCHEY.

H.R. 1524: Mr. MCDERMOTT, Mr. PAUL, Ms. ZOE LOFGREN of California, Mr. PRICE of Georgia, Ms. LEE, Mr. WELCH of Vermont, Mr. NADLER, and Mr. FILNER.

H.R. 1527: Mr. HASTINGS of Washington.

H.R. 1532: Mrs. CAPPS, Mr. FILNER, and Mr. RAHALL.

H.R. 1540: Ms. SCHWARTZ.

H.R. 1541: Mr. PETERSON of Minnesota, and Ms. JACKSON-LEE of Texas.

H.R. 1551: Ms. MCCOLLUM of Minnesota, Ms. SCHAKOWSKY, Ms. SHEA-PORTER, Mr. PATRICK MURPHY of Pennsylvania, Mr. DOYLE, Mr. KAGEN, Ms. SCHWARTZ, Mr. PLATTS, Mr. FERGUSON, and Mr. WYNN.

H.R. 1560: Mr. LARSON of Connecticut, Mr. THOMPSON of Mississippi, Ms. LINDA T. SÁNCHEZ of California, and Mr. DELAHUNT.

H.R. 1567: Ms. MCCOLLUM of Minnesota, Ms. LEE, Mrs. CAPPS, Ms. ESHOO, Mr. CONYERS, Mr. MCCOTTER, and Mr. JOHNSON of Georgia.

H.R. 1576: Mr. HIGGINS, Mr. WYNN, and Mr. MCNULTY.

H.R. 1582: Mr. UDALL of Colorado.

H.R. 1586: Mr. BOREN, Mr. JONES of North Carolina, Mr. YOUNG of Alaska, and Mrs. CUBIN.

H.R. 1588: Mrs. CAPPS, Mr. ABERCROMBIE, Mr. RAHALL, Mr. PRICE of North Carolina, and Mr. WESTMORELAND.

H.R. 1589: Mr. KLINE of Minnesota.

H.R. 1600: Mr. BUTTERFIELD, Mr. BISHOP of New York, Mr. CAMP of Michigan, Ms. WASSERMAN SCHULTZ, Mr. GEORGE MILLER of California, Mrs. DAVIS of California, Ms. ESHOO, and Mr. RAHALL.

H.R. 1609: Mr. TOWNS, Mr. FOSSELLA, Mr. PAYNE, Mr. FILNER, Mr. CROWLEY, and Mr. KING of New York.

H.R. 1611: Mr. RODRIGUEZ, Mr. MEEK of Florida, and Mr. BISHOP of New York.

H.R. 1616: Mr. WALZ of Minnesota, Mr. FILNER, Mr. AL GREEN of Texas, and Mr. ALLEN.

H.R. 1640: Mr. TIAHRT, Mr. KING of New York, and Mr. SIMPSON.

H.R. 1645: Mr. FILNER, Mr. ABERCROMBIE, Mr. DAVIS of Alabama, Mr. FRANK of Massachusetts, Mr. MEEK of Florida, and Mr. PALLONE.

H.R. 1646: Mr. LANTOS.

H.R. 1647: Mr. LEWIS of Kentucky, Mr. SPACE, Mr. KING of New York, Mr. EMANUEL, Mr. SIMPSON, Mr. GONZALEZ, Mr. FARR, Mr. ROYCE, Ms. SCHAKOWSKY, Mr. PRICE of North Carolina, Mr. LARSON of Connecticut, Mr. MORAN of Virginia, Mr. WU, Mr. HINCHEY, Mr. ABERCROMBIE, Ms. LINDA T. SÁNCHEZ of California, Ms. ROS-LEHTINEN, Mr. RAHALL, Mr. LATHAM, and Mr. DAVIS of Alabama.

H.R. 1653: Mrs. DAVIS of California, Mr. WAXMAN, and Mr. CAPUANO.

H.R. 1655: Mr. CULBERSON, Ms. CARSON, Mrs. EMERSON, and Ms. BALDWIN.

H.R. 1667: Ms. BERKLEY.

H.R. 1673: Mr. HAYES, Mr. TIM MURPHY of Pennsylvania, Mr. MOORE of Kansas, Mr. AL GREEN of Texas, Mr. BACHUS, Mr. ALTMIRE, and Mr. ARCURI.

H.R. 1678: Mr. KIRK.

H.R. 1683: Mr. LEVIN.

H.R. 1688: Mr. CONYERS, Mr. CLEAVER, Mr. JACKSON of Illinois, Ms. JACKSON-LEE of Texas, and Mr. SARBANES.

H.R. 1691: Mr. SERRANO, Mr. FARR, and Mr. CLAY.

H.R. 1692: Mr. PAYNE.

H.R. 1700: Mr. PATRICK MURPHY of Pennsylvania.

H.R. 1705: Mr. GUTIERREZ, Mrs. MCCARTHY of New York, Mr. MCNERNEY, Ms. SHEA-PORTER, Mr. PATRICK MURPHY of Pennsylvania, Mr. FATTAH, Ms. MATSUI, Mr. PAYNE, Ms. SUTTON, and Mr. LANTOS.

H.R. 1707: Ms. LEE, Mr. ELLISON, Mr. SHAYS, Mr. MCNERNEY, and Mr. RYAN of Ohio.

H.R. 1709: Mr. DEFAZIO, Mr. BLUMENAUER, Mr. HOLT, Mr. ENGLISH of Pennsylvania, and Mr. MAHONEY of Florida.

H.R. 1713: Mr. LANTOS, Ms. CORRINE BROWN of Florida, Ms. ZOE LOFGREN of California, Mr. JEFFERSON, Mr. JACKSON of Illinois, Mr. MORAN of Virginia, Ms. WOOLSEY, Mr. COHEN, Mr. WAXMAN, Mr. HOLT, Ms. WATERS, Mr. ABERCROMBIE, Mr. CUMMINGS, Mr. FATTAH, Ms. MCCOLLUM of Minnesota, Mr. GEORGE MILLER of California, Mr. CAPUANO, Mr. BLUMENAUER, Mr. CARNAHAN, and Mr. ALLEN.

H.R. 1728: Ms. MATSUI, and Mr. ISRAEL.

H.R. 1729: Mr. GINGREY.

H.R. 1730: Mr. RAHALL, Mr. PETRI, Mr. GILCHREST, and Mr. ROGERS of Kentucky.

H.R. 1732: Mr. JONES of North Carolina.

H.R. 1740: Mr. ABERCROMBIE, Mr. COHEN, Mrs. EMERSON, Mr. JACKSON of Illinois, Mr. MCGOVERN, Ms. SCHAKOWSKY, Mr. WYNN, Mr. HOLT, and Mrs. MALONEY of New York.

H.R. 1747: Mr. DOGGETT, and Mrs. NAPOLITANO.

H.R. 1755: Mr. CLAY.

H.R. 1756: Mr. SHULER, Mr. ROSS, Mr. MILLER of Florida, Mrs. EMERSON, and Mr. GALLEGLY.

H.R. 1760: Mr. WALZ of Minnesota.

H.R. 1773: Mr. RYAN of Ohio, Mr. HOLDEN, Mr. WILSON of Ohio, Mr. LANTOS, Mr. ABERCROMBIE, Ms. HERSETH SANDLIN, Mr. CARNAHAN, and Mr. FERGUSON.

H.R. 1783: Mr. SESTAK, Ms. SCHWARTZ, Mr. KENNEDY, Mr. DELAHUNT, Mrs. DAVIS of California, Mr. BERMAN, Mr. ISRAEL, Mr. ALTMIRE, Ms. SUTTON, and Mr. RANGEL.

H.R. 1791: Mr. PETERSON of Minnesota.

H.R. 1801: Mr. REICHERT, Ms. MCCOLLUM of Minnesota, Mr. WYNN, Mr. ENGLISH of Pennsylvania, Mr. HASTINGS of Florida, Mr. MEEKS of New York, Mr. MCGOVERN, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. MCDERMOTT, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. BERMAN, Mrs. MALONEY of New York, Mrs. CAPPS, Mr. CAPUANO, and Mr. BLUMENAUER.

H.R. 1809: Ms. SCHAKOWSKY, Mr. ROTHMAN, Mr. PRICE of North Carolina, and Ms. NORTON.

H.R. 1811: Mrs. MILLER of Michigan and Mr. BROWN of South Carolina.

H.R. 1813: Mr. SESSIONS.

H.R. 1819: Mr. MORAN of Virginia, Ms. JACKSON-LEE of Texas, Ms. MCCOLLUM of Minnesota, Ms. DELAURO, Mr. MARSHALL, Mr. ENGLISH of Pennsylvania, and Ms. HIRONO.

H.R. 1820: Ms. JACKSON-LEE of Texas.

H.R. 1821: Ms. MATSUI, Mr. GRIJALVA, Mr. UDALL of New Mexico, Mrs. MCCARTHY of New York, Mr. PERLMUTTER, and Mr. BLUMENAUER.

H.R. 1823: Mr. SMITH of Texas.

H.R. 1829: Mr. WILSON of South Carolina and Mr. BUCHANAN.

H.R. 1845: Mr. PRICE of Georgia and Mr. MURTHA.

H.J. Res. 3: Mr. KENNEDY and Mr. ROTHMAN.

H.J. Res. 12: Mr. PETERSON of Minnesota.

H.J. Res. 14: Mrs. CAPPS and Mr. HARE.

H.J. Res. 40: Mr. BOYD of Florida.

H. Con. Res. 7: Mr. LANTOS, Mr. COURTNEY, Mr. SCHIFF, Mr. JOHNSON of Georgia, Mr. BERMAN, Mr. COSTA, Mr. BUTTERFIELD, Mr. REICHERT, Mr. ABERCROMBIE, Mr. ALLEN, and Mr. LAHOOD.

H. Con. Res. 21: Mr. STARK and Mrs. JO ANN DAVIS of Virginia.

H. Con. Res. 33: Mr. ANDREWS, Mr. YARMUTH, and Mr. BRALEY of Iowa.

H. Con. Res. 48: Mr. CARDOZA, Mr. SESSIONS, Mr. PAUL, Mrs. NAPOLITANO, and Mr. CAPUANO.

H. Con. Res. 49: Mr. HARE.

H. Con. Res. 60: Mr. POE.

H. Con. Res. 81: Mr. WOLF and Ms. SUTTON.

H. Con. Res. 108: Mr. LAHOOD.

H. Res. 37: Mr. HARE.

H. Res. 49: Mr. WYNN, Mr. ISSA, and Mr. BOYD of Florida.

H. Res. 55: Ms. CLARKE.

H. Res. 100: Mr. REYES, Mr. ELLISON, Mr. SCHIFF, Mr. HINOJOSA, Mr. THOMPSON of California, Mr. RAHALL, and Mr. SIRES.

H. Res. 101: Ms. LEE, Mr. HARE, Ms. CORRINE BROWN of Florida, Ms. KILPATRICK, Ms. MATSUI, Mr. ABERCROMBIE, and Ms. HOOLEY.

H. Res. 121: Mr. RUPPERSBERGER, Mr. WYNN, and Mr. WEINER.

H. Res. 146: Mr. JACKSON of Illinois.

H. Res. 158: Ms. JACKSON-LEE of Texas.

H. Res. 186: Mr. BLUMENAUER, Mr. LANTOS, Mr. YOUNG of Florida, Mrs. DAVIS of California, Ms. HARMAN, Mr. WAXMAN, Mr. BUCHANAN, Mr. LINCOLN DIAZ-BALART of Florida, Mr. ALLEN, Mr. ISRAEL, Mr. SERRANO, Mr. LEWIS of Georgia, Mr. ROTHMAN, Mr. NADLER, Ms. JACKSON-LEE of Texas, and Mr. KENNEDY.

H. Res. 194: Mr. NADLER, Ms. CLARKE, and Mr. WYNN.

H. Res. 208: Mr. ISSA.

H. Res. 209: Mr. NADLER, Mr. HIGGINS, and Ms. CLARKE.

H. Res. 216: Mr. PLATTS and Mr. DAVIS of Kentucky.

H. Res. 226: Mr. RANGEL.

H. Res. 227: Mr. SERRANO, Mr. HOLT, Mrs. NAPOLITANO, Ms. MOORE of Wisconsin, Mr. ABERCROMBIE, and Mr. LEWIS of Georgia.

H. Res. 241, Mr. FILNER and Ms. WOOLSEY.

H. Res. 243: Mr. WILSON of South Carolina, Mr. MARIO DIAZ-BALART of Florida, Mr. ENGEL, Mr. WAMP, Mr. MCHUGH, Mr. FRELINGHUYSEN, Mrs. MYRICK, Mr. LEWIS of Kentucky, Mr. BURGESS, Mr. STUPAK, Mrs. JOANN DAVIS of Virginia, Mr. BURTON of Indiana, Mr. ROTHMAN, Mr. TOWNS, Mr. CHABOT, Mr. FORTUÑO, and Mr. FORTENBERRY.

H. Res. 257: Mr. CONYERS, Mr. WOLF, Ms. NORTON, Mr. HINOJOSA, Mr. GRIJALVA, Mr. SHAYS, Mr. BURTON of Indiana, Mr. PAYNE, Ms. JACKSON-LEE of Texas, Mr. FRANK of Massachusetts, Mr. MCNULTY, Mr. RANGEL, Mr. GOODE, Mr. TANNER, Ms. BORDALLO, and Ms. SUTTON.

H. Res. 258: Mr. GRIJALVA, Ms. SCHAKOWSKY, Mr. PATRICK MURPHY of Pennsylvania, Mr. HINCHEY, and Mr. MCCOTTER.

H. Res. 259: Mr. HARE, Ms. SHEA-PORTER, and Mr. CUMMINGS.

H. Res. 272: Mr. LANTOS, Mr. WYNN, Mr. SCOTT of Georgia, Ms. CLARKE, Mr. JEFFERSON, and Ms. CARSON.

H. Res. 273: Ms. WASSERMAN SCHULTZ.

H. Res. 282: Mr. PASCRELL, Mr. LOBIONDO, Mr. ROTHMAN, Mr. PERLMUTTER, Mr. LANTOS, Mr. CARNAHAN, Mr. STARK, Mr. THOMPSON of Mississippi, Ms. WATSON, Mr. SALAZAR, Mr. MCDERMOTT, Mr. COHEN, Mr. BERMAN, and Mr. FILNER.

H. Res. 285: Mr. GERLACH, Ms. GINNY BROWN-WAITE of Florida, and Mr. MCCOTTER.

H. Res. 287: Mr. ENGEL, Mr. PUTNAM, Mr. ARCURI, Mr. WYNN, and Mr. BROWN of South Carolina.

H. Res. 292: Mr. ENGLISH of Pennsylvania.

H. Res. 293: Mrs. MCCARTHY of New York, Mr. KUCINICH, Mr. GRIJALVA, Mr. SARBANES, Mr. ALTMIRE, Mr. YARMUTH, Mr. PRICE of North Carolina, Ms. MATSUI, Mr. SHAYS, Ms. SUTTON, Mr. FATTAH, Ms. MCCOLLUM of Minnesota, Mr. HONDA, Ms. CLARKE, Mr. HOLT, Mr. CLAY, Mr. EHLERS, Mr. HINOJOSA, Mr. VAN HOLLEN, Mr. HARE, Ms. DELAURO, Mr. MEEKS of New York, and Mr. FORTUÑO.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmarks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY: MR. CHABOT

The amendments to be offered by Representative Chabot or a designee to H.R. 1361, the RECOVER Act, do not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

OFFERED BY: MR. HALL OF TEXAS

The amendment to be offered by Representative Hall of Texas or a designee to H.R. 363, the Sowing the Seeds through Science and Engineering Research Act does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(d), 9(e), or 9(f) of rule XXI.

AMENDMENTS

Under clause 8 of rule XVIII, proposed amendments were submitted as follows:

H.R. 1257

OFFERED BY: MR. BACHUS

AMENDMENT NO. 1: Page 4, beginning on line 8, strike "Section 16" and insert "Section 14", and on line 11, strike "(h)" and insert "(i)".

H.R. 1257

OFFERED BY: MR. CAMPBELL OF CALIFORNIA

AMENDMENT NO. 2: Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) MAJORITY-ELECTED BOARD EXEMPTION.—The shareholder vote requirements of this subsection shall not apply with respect to any issuer that requires the members of its board of directors to be elected by a majority of the votes cast in a shareholder election of such board.".

H.R. 1257

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 3: Page 4, beginning on line 8, strike "Section 16" and insert "Section 14", and on line 11, strike "(h)" and insert "(i)".

H.R. 1257

OFFERED BY: MR. FRANK OF MASSACHUSETTS

AMENDMENT NO. 4: Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 4, line 16, strike "shall permit" and insert "shall provide for".

Page 4, line 22, insert "the corporation or" after "binding on".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 6, line 3, strike "shall require" and insert "shall provide for".

Page 6, line 6, insert "the corporation or" after "binding on".

H.R. 1257

OFFERED BY: MR. GARRETT

AMENDMENT NO. 5: Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) CONDITIONS TRIGGERING VOTE.—The shareholder vote requirements of this subsection shall only apply if the executive compensation (as disclosed pursuant to the Commission's compensation disclosure rules) exceeds by 10 percent or more the average compensation for comparable positions—

"(A) in companies within the issuer's industry; and

"(B) among companies with comparable total market capitalization,

as determined in accordance with regulations issued by the Commission.".

H.R. 1257

OFFERED BY: MS. JACKSON-LEE OF TEXAS

AMENDMENT NO. 6: Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) WEBSITE DISCLOSURE OF VOTE.—Not later than 30 days after the votes provided for in paragraphs (1) and (2)(B) are counted, the issuer shall post the results of such vote in a prominent location on the issuer's Internet website (if the issuer maintains an Internet website).".

H.R. 1257

OFFERED BY: MR. MCHENRY

AMENDMENT NO. 7: Page 3, line 18, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF VOTE TO PENSION FUND BENEFICIARIES.—A shareholder who is casting the vote permitted under this subsection on behalf of the beneficiaries of a pension fund shall be required to disclose to such beneficiaries whether such vote was cast to approve or disapprove the compensation.".

H.R. 1257

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 8: Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) CONDITIONAL IMPLEMENTATION.—

"(A) CONDITIONAL EFFECTIVE DATE.—Subject to subparagraph (C), this subsection shall be effective with respect to any solicitation of a proxy, consent, or authorization for an annual or other shareholder meeting occurring on or after the date that is 90 days after the Commission transmits to Congress the report required under subparagraph (B).

"(B) STUDY ON RECRUITMENT AND RETENTION OF EXECUTIVES.—The Commission shall conduct a study to determine the effect of the separate vote requirements under this subsection on the ability of issuers to recruit and retain executives, and not later than 90 days after the date of enactment of this Act, shall transmit to Congress a report containing the findings of such study.

"(C) DETERMINATION BY COMMISSION.—This subsection shall not take effect if the Commission determines, pursuant to the study required under subparagraph (B), that the requirements of this subsection would significantly hinder issuers' recruitment and retention of executives.".

H.R. 1257

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 9: Strike all after the enacting clause and insert the following:

SEC. 1. DISCLOSURE OF EXECUTIVE COMPENSATION.

Congress finds and declares that the shareholder disclosures relating to executive compensation required by the rules issued by the Securities and Exchange Commission on September 8, 2006 (71 Fed. Reg. 53158) provide an adequate and complete mechanism for shareholder approval of such compensation.

H.R. 1257

OFFERED BY: MR. PRICE OF GEORGIA

AMENDMENT NO. 10: Page 4, line 25, strike ", nor shall such vote" and all that follows through page 5, line 3, and insert a period.

Page 6, line 10, strike ", nor shall such vote" and all that follows through page 6, line 13, and insert a period, and after such line insert the following:

"(3) LIMITATION ON SHAREHOLDER PROPOSALS.—A shareholder permitted to vote under this subsection shall not be eligible under the Commission's shareholder proposal regulation (17 CFR 240.14a–8) to make proposals for inclusion in any proxy materials related to compensation.".

H.R. 1257

OFFERED BY: MR. PUTNAM

AMENDMENT NO. 11: Page 4, line 13, strike "Any proxy" and insert "Subject to paragraph (3), any proxy".

Page 5, line 6, strike "In any proxy" and insert "Subject to paragraph (3), in any proxy".

Page 6, line 13, strike the close quotation marks and following period and after such line insert the following:

"(3) DEFERRED COMPENSATION EXEMPTION.—The shareholder vote requirements of this subsection shall not apply to an issuer if the compensation of executives as disclosed pursuant to the Commission's compensation disclosure rule indicates that the issuer provides the majority of the issuer's executive compensation in the form of non-qualified deferred compensation.".

H.R. 1257

OFFERED BY: MR. ROSKAM

AMENDMENT NO. 12: Page 4, line 13, strike "IN GENERAL" and insert "ANNUAL VOTE".

Page 4, beginning on line 14, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

Page 5, beginning on line 7, strike "or other meeting of the shareholders" and insert "meeting of the shareholders (or a special meeting in lieu of the annual meeting)".

H.R. 1257

OFFERED BY: MR. SESSIONS

AMENDMENT NO. 13: Page 6, line 13, strike the close quotation marks and following period and after such line insert the following new paragraph:

"(3) DISCLOSURE OF ACTIVITIES TO INFLUENCE VOTE.—Notwithstanding paragraphs (1) or (2)(B), a shareholder's vote shall not be counted under such paragraphs if the shareholder has spent, directly or indirectly, more than a de minimis amount of money (as determined by the Commission) on activities to influence a vote of other shareholders, unless such shareholder discloses to the Commission, in accordance with rules prescribed by the Commission—

"(A) the identity of all persons or entities engaged in such a campaign;

"(B) the activities engaged in to influence the vote; and

"(C) the amount of money expended on such a campaign.".

EXTENSIONS OF REMARKS

HONORING KATHLEEN KEMP, PH.D.

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. ALTMIRE. Madam Speaker, I rise to recognize the career of Kathleen Kemp, Ph.D., who is retiring this year after nearly 40 years of teaching political science, the past 28 years of which were spent at my alma mater, Florida State University.

Dr. Kemp is a skilled and popular instructor who has authored many publications and won numerous awards. In 1990, I was a student in her American Presidency class. I can say without reservation or exaggeration that Dr. Kemp changed my life.

On the last day of my last class at Florida State, Dr. Kemp pulled me aside to recommend that I consider volunteering for a local congressional campaign. I took her advice and worked for the campaign throughout that summer and into the fall of 1990. Following the election, the candidate, Congressman Pete Peterson, hired me to work on his Capitol Hill staff. This opportunity, which would never have arisen without Dr. Kemp's advice, started me on a road that would eventually lead to my election to Congress. More importantly, I met my future wife, Kelly, on that same campaign and we now have two beautiful daughters.

So, Madam Speaker, I can honestly say that Professor Kathleen Kemp greatly influenced my career and had a profound impact on my life. I have no doubt that countless other students she has instructed over the years can say the same.

I thank her and wish her all the best in her retirement.

RECOGNIZING DR. TIMOTHY BLOCK FOR HIS ROLE IN HEPATITIS TYPE B RESEARCH

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today in recognition of Dr. Timothy Block for his efforts in the research of Hepatitis B. This truly remarkable individual has dedicated his life to expanding knowledge of and solutions to a disease that kills one million people each year.

Motivated to cure Hepatitis B by one afflicted area family with nowhere else to turn, Dr. Block established the Hepatitis B Foundation in 1991. Its mission: to discover a cure and to help patients with the disease. In 2003, Dr. Block and the Hepatitis B Foundation created the Institute for Hepatitis and Virus Research, a nonprofit organization that researches the disease in search of a breakthrough. As volunteer President of the organization, Dr. Block led the formation of the Pennsylvania Biotechnology Center of Bucks County, Pennsylvania's first Biotech center.

In addition to his work with Hepatitis B research, Dr. Block has initiated a Summer Research Internship Program. The program affords college students the opportunity to participate in research careers under the supervision of scientists. The Hepatitis B Foundation also hosts an annual convention called the "B Informed Patient Conference," at which people from around the country can share experiences and learn from experts.

Madam Speaker, Dr. Block has brought hope to millions of Hepatitis B patients and has spearheaded discovery research in the field. His zeal for helping other members of his community is unparalleled and the personal responsibility he has taken on for Hepatitis B patients throughout his career is commendable. I applaud his service to his community and to those affected by a deadly disease.

CIVICS CLASS VOICES CONCERNS ABOUT IRAQ

HON. NICK J. RAHALL II

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. RAHALL. Madam Speaker, I rise today to speak on behalf of the growing sentiment about the war in Iraq felt by not only the youth of my district, but by the youth of the Nation as well.

Recently, a senior Civics Class from Boone County in my district wrote to me expressing their concerns for the war and the effects this war has had on the homefront. These students represent a generation that will have to deal with the direct consequences of the actions we take today.

I'd like to read to you a portion of that letter.

> Our primary concern is the war in Iraq. We are in favor of fighting terrorism, but America went into Iraq under false pretenses. We now know that Iraq had nothing to do with the attack on 9/11. We believe that the reason we went to Iraq is to gain a stronghold on the oil fields. We are trading blood for oil. We have a strong feeling that American should have never invaded Iraq because our presence there is breeding more terrorism around the world. We are giving terrorists a common foe to retaliate against. We are incubating more hatred from other terrorists and now giving them a reason to unite.

I not only share the students' concerns about the war in Iraq, but I also share their concerns about the effect our involvement in the region has had here at home. The men and women of our military have gone above and beyond the call when it comes to serving their country in Iraq, but more is still being asked of them. While many of our troops are serving their third tour of duty, the President continues to move forward with his plan to send more troops into the region.

These students also point out that as this added strain on our military families continues, the strain on our domestic budget grows every day.

They go on to write, "Another of our concerns is the way our economy is being affected by the war. Just think of what $2.9 trillion dollars could have done for this Nation. Oil companies are making an annual profit of $39.5 billion dollars while many people in this Nation suffer in poverty. They are suffering because in today's society one cannot support a family on the minimum wage of $5.15 an hour. The money spent on the Iraq war has put a tremendous amount of pressure on the recipients of Social Security. Many older Americans have to choose between medication and food because they cannot afford both. Add to this the fact that thousand of Americans still do not have any health insurance."

I believe that no American should have to be burdened with such consequences. We must find a way to balance the cost of this war with the cost that families are continuing to pay here at home.

I applaud these young men for speaking up. They represent the voice of the majority of Americans who want us out of Iraq, and I want them to know that concerns have been heard. Rest assured, I will continue to do all that I can to make sure that their voices never go silent and that we continue to strive for the best course of action in Iraq and for our Nation here at home.

IN HONOR OF THE CENTENNIAL ANNIVERSARY OF THE GARDEN STATE SYMPHONIC BAND

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor the centennial anniversary of the Garden State Symphonic Band.

The Garden State Symphonic Band was founded in 1907 as the Goodwill Fife & Drum Corps. In 1920, the name was changed to the Goodwill Band, and they performed under this name until 1958, when it became the Bay City Band. It was not until 1967 that the Garden State Symphonic Band took its current title.

Modeled after the extraordinarily successful Sousa Band of the early 20th century, the Garden State Symphonic Band's primary goal is to remain a traditional American professional concert band while reaching as much of the community as possible. This organization is the oldest band of its nature in New Jersey

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

and one of the only remaining in the entire mid-Atlantic region.

Currently, the band is under the direction of Christian Pedersen, Jr., of Fords, NJ, and is composed of an ensemble of musicians hailing from some of the most prestigious music conservatories in the Nation. Many band members have previously performed with well-known orchestras such as the New York Philharmonic and the Metropolitan Opera Orchestra, while others have performed on Broadway with major musicals.

The Garden State Symphonic Band has played at numerous venues including the Garden State Arts Center and the Clinton Museum, in addition to several county and municipal parks. Each summer, the band provides 8–10 free outdoor performances entitled "Concerts by the Bay" at Bayview Park in Perth Amboy.

Madam Speaker, I sincerely hope that my colleagues will join me in celebrating the centennial anniversary of the Garden State Symphonic Band. Through its cultural and artistic contributions, the Garden State Symphonic Band has become an integral part of the New Jersey community.

TRIBUTE TO NEW DIRECTIONS ON ITS 15TH ANNIVERSARY

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. WAXMAN. Madam Speaker, I rise to congratulate New Directions, a remarkable program located in the congressional district I represent, on celebrating its 15th year.

New Directions is a superb veterans' service organization located on the West Los Angeles Veterans Affairs property. Started by Toni Reinis and John Keaveney 15 years ago in a small rented house, it has grown to encompass four facilities totaling 223 long-term residential treatment beds for homeless veterans and their dependents.

New Directions has become a national model for the successful treatment of veterans battling co-occurring disorders—mental illness and substance abuse. Over the past 15 years, New Directions has been responsible for assisting over 8,000 homeless veterans and their families in getting back on their feet and reintegrated into our community.

New Directions provides a comprehensive network of therapeutic services to assist veterans. Veterans living at New Directions are given job training and placement assistance, parenting and money management classes, legal and financial assistance, remedial education and resources for alumni. Residents leave New Directions with a job, housing, a savings account, computer skills, renewed self-confidence and the support of mentors and peers. Under Toni and John's guidance, veterans undergo astounding, life-altering transformations.

As veterans enter the building, the first thing they see is a plaque on the outside of the building that refers to New Directions as "The Last House on the Block." Veterans arrive often feeling they have bottomed out and are without hope of overcoming their challenges. New Directions offers them another chance to turn their lives around.

Los Angeles has the largest population of homeless veterans in the Nation. An estimated 24,000 veterans live on the streets of Los Angeles. Many of them suffer from co-occurring disorders, post-traumatic stress disorder—PTSD—as well as chronic medical problems. New Directions welcomes these veterans and offers them a safe environment to address their challenges.

I want to thank and acknowledge Toni and John for the tremendous contributions they have made to veterans these past 15 years. Their dedication and commitment are inspirational. They have helped rebuild countless lives and for that we owe them a debt of gratitude.

I ask my colleagues to join me in sending our highest praise and thanks to Toni Reinis and John Keaveney on celebrating the first 15 years of New Directions.

INTRODUCTION OF THE TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

HON. RALPH M. HALL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. HALL. Madam Speaker, I rise today as an original co-sponsor of the Technology Innovation and Manufacturing Stimulation Act of 2007. This bill provides a three-year authorization for the National Institute of Standards and Technology (NIST). NIST is one of three agencies targeted by the President's American Competitiveness Initiative (ACI). The ACI aims to double the federal investment in physical science research over the next 10 years. This investment will ensure that American remains technologically competitive in the complex global marketplace.

NIST plays a unique role in that its scientists and engineers have a 100-year plus history of working directly with American industries to address their needs for measurement methods, tools, data, and technology. These are the building blocks that allow industry to grow and prosper. To cite just a few examples, NIST's labs develop chemical, biochemical, and chemical engineering measurements, data, models, and reference standards, provide measurement science for the electronics and electrical industries, and research and develop test methods and standards to improve the usability, reliability and security of computers and computer networks for work and home.

The Technology Innovation and Manufacturing Stimulation Act of 2007 supports the President's ACI by authorizing NIST's labs at a rate that would double the budget over the next 10 years. The bill also supports the competitiveness of American's small and medium-sized manufacturers by authorizing the Manufacturing Extension Partnership Program. Finally, the bill ensures that new research findings will find their way quickly to the marketplace by authorizing the Technology Innovation Program to provide grants to accelerate the development of high-risk technologies.

I thank Mr. EHLERS and Mr. GINGREY for their extensive input in developing this bill and my Democratic colleagues for incorporating our priorities into this bipartisan legislation. I look forward to working on this bill with all of my colleagues on the Science and Technology Committee.

HONORING THE LEAGUE OF WOMEN VOTERS, EDEN AREA

HON. BARBARA LEE

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Ms. LEE. Madam Speaker, I rise today to honor the Eden Area chapter of the League of Women Voters (LWVEA). Throughout its extraordinary history, LWVEA has been known for promoting respect for individuals, valuing diversity, and empowering communities through civic engagement. This year LWVEA celebrates 50 years of service through encouraging the informed and active participation of individuals in government.

The League of Women Voters was first organized on February 14, 1920 in an effort to unite organizations who believed in the League's principles. The goal of this collaborative effort was to develop and codify legislation and public policy that protected future advocacy groups and promoted voter education throughout the electorate.

The League prevailed in implementing legislation that addressed labor, social security and social justice concerns pertaining to woman's rights. Specifically, the League urged legislators to enact provisions for Federal aid for child care and maternal programs. In the 1930's, the League advocated successfully for the enactment of the Social Security and Food and Drug Acts. The League played an important rule in transmuting hundreds of federal jobs from the Spoils System to the Civil Service designation. Credit is owed to the League for establishing the United Nations pursuant to World War II. Later, the League was recognized by the United Nations as being a nongovernmental organization.

The Eden Area group, like the national organization, is a nonpartisan political organization whose mission is to build citizen participation in the democratic process. The League of Women Voters, Eden Area group strives to educate policymakers and the general public on important issues in the public interest at all levels of government. LWVEA is committed to studying community issues in an unbiased manner, and achieving positive solutions to public policy issues through education and conflict management.

The Eden Area Chapter has made immeasurable strides in furthering the nation's democratic objectives. Some recent and notable achievements of the Eden Area Chapter's work include sponsoring an Alameda County community forum on open government; writing letters and newspaper articles in support of state legislation on campaign finance reform; and promoting universal health care for all Californians. The LWVEA also has televised and moderated candidate forums for city, county and state candidates; provided translation services and ballot measure pros and cons; and conducted elections for homeowner associations and other community groups.

Today the members and supporters of the League of Women Voters, Eden Area have come together to celebrate not only their 50 year anniversary, but also their permanent and positive impact on our community. On this very special day, I join all of them in thanking and saluting the League of Women Voters Eden Area Chapter for their profound contributions to California's 9th Congressional District, our country and our world.

A TRIBUTE TO SOL LEWITT

HON. JOE COURTNEY

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. COURTNEY. Madam Speaker, it is an honor and privilege to celebrate the life of Sol LeWitt, one of America's greatest artists and a resident of Connecticut's Second District. Sol died last week on Sunday, April 8, 2007.

Sol lived a distinguished and accomplished life. After earning his Bachelor of Fine Arts degree from Syracuse University, and bravely serving in the Korean War, Sol spent much of his early life studying art at the New York City School of Visual Arts and working at the Museum of Modern Art. While in New York, Sol began what would later become a flourishing and influential career as an artist.

Sol is best known for his work with drawing and sculpting two and three-dimensional works. His exhibitions have been shown all over the world in the most prestigious of museums, including the New York Museum of Modern Art, Chicago Museum of Contemporary Art, San Francisco Museum of Modern Art, Wadsworth Atheneum in Hartford, Whitney Museum of American Art in New York, Gemeentemuseum in The Hague, and the Krunsthalle in Switzerland. He is frequently referred to as one of the country's most prolific artists and as someone who has helped shape the modern art movement.

Given all of Sol's significant life accomplishments, he was an exceptionally humble man who was loved by those around him. His wife Carol was especially devoted, and is an exceptionally caring and compassionate individual.

I rise today to salute the life and accomplishments of Sol LeWitt and join Members in praying for his family. He will be missed by all.

IN HONOR OF THE GRADUATES OF TEANECK'S 21ST CITIZEN POLICE ACADEMY

HON. SCOTT GARRETT

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. GARRETT of New Jersey. Madam Speaker, I rise today to share with my colleagues the exemplary community policing program conducted by the Township of Teaneck and to congratulate the 41 citizens who will graduate next month from Teaneck's 21st Citizen Police Academy.

The program gives citizens the opportunity to experience first-hand the work and techniques of the Teaneck Police Department. For eleven weeks, citizens participate in classroom activities, field trips to a prison and a medical examiner's office, and hands-on exercises. Students can gain a strong understanding and appreciation for the work that the police do every day to keep our communities safe. Students can also gain the skills necessary to help be eyes and ears in our communities, helping the police keep those neighborhoods safe.

I commend the Police Department for taking the initiative to organize this program. Particularly in our post-9/11 world, we know that an active and alert citizenry is one of our best defenses against terrorist and criminal behavior.

I also commend the 41 citizens who have taken time from their busy personal and professional lives to participate in this program: Sal Aliano, Kimberly Anderson, Shonita Badger, Alan Barsamian, James Bennett, Jon-Michael Bernal, Tiffany Blandford, Michael Bonanno, Giuseppe Casalinuovo, Angela Cespedes, Alba Coello, Mario Coello, Marva Coleman, Nancy Elsayed, David Fisher, Kevin Frederick, John Hohnadel, Tiara Jonson, Cynthia Johnson, Beverly Joseph, Chris Kowalczyk, Gladis Lizardi, Tara Lizardi, Gina Lampley, Celia Maldonado, Usman Malik, Jahmilah Mansfield, Tara McVey, Mireilly Meiss, Travara Morton, Sharde Mott, Avani Patel, Yoselin Perez, Flor Ramirez, Alba Ramos, Omer Savasci, Michael Schmitt, Andre Sousa, Jenene Taylor, Stacey Ann Wilson, and Leslie Srolovits.

TRIBUTE TO MARGARET NICHOLAS

HON. TIM RYAN

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. RYAN of Ohio. Madam Speaker, I rise today in recognition of Margaret Nicholas, a member of the Hungarian Reformed Federation of America, Branch #227 in Warren, OH. Mrs. Nicholas was named a Fraternal Most Valuable Participant for the week of October 2, 2006. These Fraternal MVP's embody a spirit of generosity, dedicating their time to the betterment of their communities through their charitable endeavors.

The HRFA was founded 110 years ago, with the mission to preserve, promote, and support the cultural, religious, and linguistic traditions of Hungarians in America. Mrs. Nicholas has long been active in the Warren branch of the HRFA, currently serving as the Branch Manager.

Over the years, Mrs. Nicholas has been involved in many charitable activities, among them assembling care packages for troops serving overseas, which she has done since the days of the Vietnam War. Over the past two years, she has helped deliver over 4,000 cookies to the VA hospital in Brecksville, OH for the annual Join Hands Day. She is deeply involved in her church, helping to cook sausages to raise money for missions, organizing a vacation bible school, as well as serving as both a deacon and an elder.

I would like to commend Mrs. Nicholas on her outstanding devotion the improvement of the lives of people, not only in her community but across the country and around the world.

FREEDOM FOR LÁZARO RODRIGUEZ CAPOTE

HON. LINCOLN DIAZ-BALART

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. LINCOLN DIAZ-BALART of Florida. Madam Speaker, I rise today to speak about Lázaro Miguel Rodriguez Capote, a political prisoner in totalitarian Cuba.

Mr. Rodríguez Capote is a member of the Cuban Pro Human Rights Party and a peaceful pro-democracy activist in totalitarian Cuba. As an opponent of the tyrannical regime in Havana, he has worked for basic human rights for the people of Cuba despite constant harassment and repression because he believes the Cuban people are entitled to basic human rights and democracy; in other words, freedom from tyranny.

On February 24, 1996, three U.S. citizens and a resident of Florida were assassinated when two civilian Brothers to the Rescue aircraft, on a humanitarian mission, were destroyed in international airspace by Cuban MiGs on the direct order of the Cuban dictator. The downing of the Brothers to the Rescue airplanes over international waters by the tyranny left an indelible impression on the consciences of Cuban pro-democracy activists and in countless millions throughout the world.

Mr. Rodriguez Capote was one of the many human rights activists in totalitarian Cuba who sought to commemorate the tragic deaths of these men but who was prohibited from demonstrating by the tyranny. Although Mr. Rodriguez Capote was threatened by state security thugs prior to his participation in peaceful demonstrations, he refused to allow his voice to be silenced. Consequently, he was wrongfully arrested on February 22, 2002 on trumped-up charges of "espionage and enemy propaganda".

Mr. Rodríguez Capote was summarily incarcerated and to this day languishes in grotesque subhuman conditions without having even been tried for a single crime. He is being held indefinitely in a totalitarian dungeon, suffering abhorrent conditions because he refuses to accept the reality inflicted upon Cuba by the tyranny. Since his incarceration he has held several hunger strikes to attract attention to the plight of Cuban political prisoners,

Mr. Rodríguez Capote is one of the many heroes of the peaceful Cuban democratic movement who are locked in the dungeons of the dictatorship for their beliefs. These men and women are symbols of freedom and democracy, who will always be remembered when freedom reigns again in Cuba.

Madam Speaker, let me be very clear, the brutal repression practiced by the tyranny in Havana is incompatible with the democratic values and the international law of our hemisphere. Mr. Rodríguez Capote is suffering in a dungeon because he believes in freedom, democracy and human rights. My Colleagues, we must demand the immediate and unconditional release of Lázaro Miguel Rodríguez Capote and every prisoner of conscience in totalitarian Cuba.

TRIBUTE TO ZACH JOHNSON'S 2007 MASTERS TOURNAMENT VICTORY

HON. DAVID LOEBSACK

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. LOEBSACK. Madam Speaker, today, my colleagues and I from the Iowa delegation are introducing a resolution congratulating Zach Johnson on his 2007 Masters Tournament victory. Zach Johnson is the first Iowan to win the Masters, and is only the second native born Iowan to win a major golf championship. As many Iowans will recall, Jack Fleck won the 1955 U.S. Open Championship at Olympic Club in San Francisco. Zach has joined the ranks of golfs greatest champions, including Byron Nelson, Sam Snead, Ben Hogan, Arnold Palmer, Gary Player, Jack Nicklaus, Tiger Woods, Phil Mickelson, and many others.

I'm particularly proud of Zach's accomplishments because he is a true Iowan, and from the 2nd District, which I represent. He was born in Iowa City and raised in Cedar Rapids.

Zach was a member of the Regis High School golf team in Cedar Rapids. His talent and dedication helped lead the team to an Iowa 4A State Golf Championship in 1992. He also played on his Drake University golf team in Des Moines, there he helped lead the team to three NCAA regional meets and two Missouri Valley championships.

Zach continued to impress in his early professional career. He won his first PGA Tour event at the 2004 Bell South Classic and qualified for the 2006 U.S. Ryder Cup team representing the U.S. as one of 12 golfers in Kildare, Ireland.

On Sunday April 8, 2007, Zach Johnson showed great skill, patience and will. He withstood the challenge of the weather and of the course, and won the prestigious 2007 Masters Tournament. All of Iowa is proud of our hometown success story.

HONORING GIL COHEN FOR LIFETIME ACHIEVEMENT IN THE VISUAL ARTS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to honor an extraordinary Eighth District resident. Mr. Gil Cohen has recently received the Bucks County Arts Award for his devotion and talent as an artist. An exceptional aviation artist, Mr. Cohen is a member of many local art groups.

As a young boy in Philadelphia, Mr. Cohen became an expert in identifying the various World War II planes flying overhead. He combined this knowledge with a love of history and a gift for painting, first as an artist with the United States Army in West Germany and later as a freelance artist. One of his greatest accomplishments is a series of oil paintings depicting the Eighth Air Force during World War II.

Mr. Cohen has received a number of awards for his work, and he has exhibited his paintings at the National Military Park system, the Kennedy Center and the Pentagon. He is a member of the Air Force Art Program, the New York Society of Illustrators, and the American Society of Aviation Artists. He is also a past Vice President and Chairman of the Exhibition Committee of the American Society of Aviation Artists. He is a Coast Guard Illustrator and has served as a member of the Central Bucks Chamber of Commerce Byers Bucks Fever Art Exhibition committee.

Madam Speaker, Mr. Cohen has proven himself to be both an accomplished artist and an upstanding citizen. His past service to the United States of America as an Army and Coast Guard illustrator demonstrates his commitment to his country, as does the work he still does in his community. Madam Speaker, such an exemplary model for society is seldom found, and I rise today to honor Mr. Cohen for his service and commend him for his talent.

IN HONOR OF JOHN JOSEPH HAMMILL

HON. FRANK PALLONE, JR.

OF NEW JERSEY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PALLONE. Madam Speaker, I rise today to honor a true servant of New Jersey and the States, who devoted his life to the safety and well being of his neighbors and community. John Joseph Hammill, a veteran of the United States Navy, Highland Park Police Department and the Middlesex County Prosecutor's Office, passed away on December 6, 2006 at the age of 59.

Born on July 23, 1947 in Jersey City, Mr. Hammill moved to Carteret, New Jersey as a teenager. After graduating from Carteret High School, Mr. Hammill enlisted in the United States Navy and served in a military hospital in Yokohama, Japan until 1969.

When Mr. Hammill returned home, he joined the Highland Park Police Department, dutifully protecting his community for 8 years and attaining the rank of Detective, First Grade. Demonstrating exceptional knowledge and passion for traffic safety, Mr. Hammill transferred to the Middlesex County Prosecutor's Office in 1977, where he served as a detective in the Fatal Accident Unit until his retirement from law enforcement in 1994.

Mr. Hammill's relentless commitment to public service brought him out of a brief retirement to the Damon House Drug Rehabilitation Center in New Brunswick. Through hard work and dedication he ascended quickly through the organization to the role of Assistant Director, where he served in this capacity until retiring in 2004.

While devoting his professional career to serving the public, Mr. Hammill was equally unselfish with his personal time, working to better his community through organizations such as the New Jersey State Policeman's Benevolent Association, Mothers Against Drunk Driving, the New Jersey Coalition Against Impaired Driving, the Middlesex County Alcohol Association and as an AARP defensive driving instructor.

Madam Speaker, I ask that my colleagues join me today in honoring the life of Mr. John Joseph Hammill. A caring family man, Mr. Hammill served his community and country with pride and honor. His life's work served as an inspiration to us all, and he will be deeply missed.

TRIBUTE TO J. LLOYD "BUD" JACOBS, JR.

HON. HENRY A. WAXMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. WAXMAN. Madam Speaker, I rise today to recognize J. Lloyd "Bud" Jacobs, Jr., a remarkable educator who is retiring from the Los Angeles Unified School District (LAUSD) after 38 years of service.

Bud Jacobs, who earned a Bachelor of Arts degree at the University of California, Berkeley and a Master of Arts degree from the University of California, Los Angeles, began his career with LAUSD as an English teacher at Fremont High School. He later worked as an instructional advisor for Regional Administrative Region C-LAUSD and an as assistant principal at Bret Harte Intermediate School, John Muir Middle School, and Venice High School.

From 1992–2000 Bud Jacobs was principal of Venice High School, which Newsweek Magazine rated as one of the top 100 high schools in America. Venice High School also received presidential recognition for 2 National Science Bowl championships. Since 2000, he has served as director of instructional support services for LAUSD's high school programs.

Bud Jacobs has been honored as an outstanding administrator by the Association of California School Administrators and the California Council for the Social Studies.

In addition to his career with LAUSD, Bud Jacobs served as a fellow with the Institute for Learning at the University of Pittsburgh and with the Harvard Principals' Center. He has been a trustee for the Los Angeles Educational Alliance Reform Now (LEARN) and president of UCLA's School of Education Alumni Support Group (EUCLAN).

Bud Jacobs has earned the profound respect and affection of students, teachers and administrators within LAUSD. The Los Angeles community owes him a debt of gratitude for his dedication to our students and tireless commitment to educational excellence. I congratulate him on his extraordinary contributions and wish him good health and happiness as he embarks on this new chapter in his life.

HONORING AMERICAN LEGION POST 364 AND AMERICAN LEGION AUXILIARY UNIT 364

HON. TOM DAVIS

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TOM DAVIS of Virginia. Madam Speaker, I rise today to honor the officers and members of American Legion Post 364, American Legion Auxiliary Unit 364, and all national members of the American Legion and American Legion Auxiliary.

The American Legion is a community-service organization, made up of patriotic, mutual-help, war-time veterans. The American Legion Auxiliary is a women's patriotic service organization, created to assist the American Legion. Through community service programs, both of these fine institutions have made a great impact on our community and to the veterans living in our region.

This year, Mr. Jerry Howard will serve as the American Legion Department of Virginia commander. A 22 year veteran of the U.S. Air Force, Jerry has been a member of the American Legion for 23 years. He has previously served as Post 364 commander, 16th District commander and Department of Virginia vice commander.

Ms. Marcia Wheatley will serve as the American Legion Auxiliary Department of Virginia president. A 12 year member of the American Legion Auxiliary, Marcia has served as Unit 364 president and 16th District president.

Together, Jerry and Marcia will represent Virginia at state and national veteran events where they will promote programs that benefit veterans, troops, and children. Also, they will travel here, to Washington DC, to meet with members of Congress to discuss legislation needed to provide for the health and well being of troops and veterans.

Other recent officer selections include Virginia Department Historian Barbara Barnes, Auxiliary National Security Chairman Dianne Cabot, Post 364 Commander William Moriarity and Unit 364 President Raye Ferrington. These individuals bring a stellar record of accomplishment to these institutions, and the American Legion and American Legion Auxiliary will benefit greatly from their experience.

Madam Speaker, in closing, I would like to take this opportunity to thank all the men and women who serve the American Legion and the American Legion Auxiliary. Their tireless efforts on behalf of the community, state and nation deserve our highest praise. I commend and congratulate all of these officers on their selection to these positions, and wish them further success as they continue to work for our Nation's veterans.

HONORING DALE BROWN

HON. RON LEWIS

OF KENTUCKY

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. LEWIS of Kentucky. Madam Speaker, I rise today to congratulate Warren County School District Superintendent Dale Brown for winning the Kentucky School Board Association's 2007 F.L. Dupree Outstanding Superintendent Award.

Mr. Brown was named superintendent of the Warren County School System in 2000. The school district has flourished under his stewardship throughout the past 7 years. Among his many accomplishments, Brown is particularly noted for maintaining the school system's budget while overseeing an ambitious $4 million technology overhaul that has outfitted every classroom with an ACTIV board.

Superintendent Brown has also won widespread praise for his efforts to increase energy conservation; creating an energy education program and overseeing the Commonwealth's first energy efficient school in Alvaton, KY. These initiatives have saved the school district over $2 million in energy costs over the last three years, demonstrating a remarkable local commitment to our nation's quest to promote energy independence.

More than 23 different native languages are spoken by Warren County School District students. Mr. Brown has created a new comprehensive language program for limited English proficient students uniquely tailored to their individual needs.

It is my great privilege to recognize Mr. Dale Brown today before the entire U.S. House of Representatives for his excellent work in public education. His dedication to the Warren County School District is felt by students, teachers, and administrators alike. He is an outstanding citizen worthy of our collective honor and appreciation.

THE VIRGINIA TECH SHOOTINGS

HON. JAMES R. LANGEVIN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. LANGEVIN. Madam Speaker, it is with profound sorrow that I rise today to express my deepest sympathy to everyone in the Virginia Tech community, and to all of their shocked and grieving loved ones. I know I also join millions around the nation who are at a loss to fully comprehend yesterday's shootings on the Virginia Tech campus that took 33 lives, including the shooter. I also pray for the quick and full recovery of all those who were injured.

I am also profoundly saddened to learn that Daniel O'Neil, of Lincoln, RI, was a victim of yesterday's shootings. I join his family and the people of Rhode Island in mourning this great loss.

Madam Speaker, every life that was lost yesterday was taken too early. Every life taken had a history, a family and dreams for the future. In the coming days, these lives will be identified, and we will hear many terrible stories about what happened in those buildings. We will also hear about heroic acts in the face of unimaginable terror. As a nation, we must find solace in each other and reach out to those that need us the most.

As long as I have been in public service, I have tried to answer the question, "how can we make our country safer than it is right now?" Unfortunately, yesterday's events showed us all how much work needs to be done. While many questions remain, we do know that yesterday marked the deadliest mass shooting in U.S. history. I believe it is our job in Congress to make sure an incident like this never happens again. As we await the findings of the investigation, we must look to our laws and security procedures to make sure that they are protecting our citizens. I also hope we can learn from this tragedy will spur a national discussion on how we can reduce gun violence.

Today, let us reflect on the lives we have so senselessly and tragically lost. May we keep them and their loved ones in our thoughts and prayers, and may their memory live on forever.

TRIBUTE TO THE FILM SCHOOL OF SAN ANTONIO

HON. CIRO D. RODRIGUEZ

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. RODRIGUEZ. Madam Speaker, I rise today to celebrate and recognize the accomplishments of The Film School of San Antonio, a magnet program on the campus of Harlandale High School in the Harlandale Independent School District of San Antonio, Texas.

Utilizing a rigorous, sequential and customized curriculum, the Film School of San Antonio provides first hand experience in the collaborative arts of filmmaking, screenwriting, animation and drama. Additionally, the film school prepares students for job opportunities, scholarships and college admissions. With a strong foundation in media, students also compete in national contests and film festivals.

The Film School of San Antonio and its students have earned a wealth of awards and accolades. In 2005, the program received an Emmy nomination for their film "La Corrida," a documentary on the plight of illegal immigrants in "No Mans Land" just north of the U.S./Mexican border. In 2006, the program's student produced film Mocha, made history when it won a non-student category Emmy Award. This is the first high school to be able to claim this achievement in Texas. Most recently, the school was invited by the Sundance Institute to attend the internationally recognized Sundance Film Festival to meet and network with Producers and Directors.

The famous actor and filmmaker Orson Welles once said that, "A film is never really good unless the camera is an eye in the head of a poet." The students at the Film School of San Antonio are poets that through film find their expression. Through their engagement with the program and the assistance of their dedicated teachers, the students at the Film School of San Antonio are able to give their poetic visions a reality.

I extend my most sincere congratulations to the program director George F. Ozuna; the school instructors: Pete Barcenez, Dagoberto Patlán, Daniel Garcia and Sharon Shuler; the school's students: Briana Baiz, Mercedes Casarez, Krysten Casias, Samuel Garcia, Michael Levine, Felix Perez and Raul Servin;

and their families. Their work is inspiring. I am proud of their success and hope that film continues to bring them much personal satisfaction.

VAN JUNIOR SENIOR HIGH SCHOOL,
Van, WV, February 22, 2007.

Congressman NICK RAHALL,
Rayburn House Office Building,
Washington, DC.

CONGRESSMAN RAHALL: We are the Senior Civics class of Van Jr/Sr High School in Boone County, West Virginia. We watched President Bush's State of the Union Address and the Democratic Response. We are writing to you to discuss our concerns within the government today. Our Civics class consists of all male students, who (if the draft is enabled) would be sent to fight for a cause we don't understand.

Our primary concern is the war in Iraq. We are in favor of fighting terrorism, but America went into Iraq under false pretenses. We now know that Iraq had nothing to do with the attack on 9/11. We believe that the reason we went to Iraq is to gain a stronghold on the oil fields. We are trading blood for oil. We have strong feeling that America should have never invaded Iraq because our presence there is breeding more terrorism around the world. We are giving terrorists a common foe to retaliate against. We are incubating more hatred from other terrorists and now giving them a reason to unite hence the statement, "The enemy of my enemy is my ally".

We highly oppose the sending of 21,000 more soldiers to Iraq. Instead, we must start bringing soldiers home, because who is going to protect us while our soldiers are fighting overseas? Some soldiers are serving their third tour of duty against their will, compliments of the Backdoor Draft. America should have never gone further than Afghanistan. We have forgotten about Osama Bin Laden in our rush to topple Saddam Hussein.

All we are doing right now is debating while our soldiers are loosing their lives. Let us quit talking and do something! Young lives and futures depend on your actions. Please take into consideration the lives you can save instead of destroy.

Another of our concerns is the way our economy is being affected by the war. Just think of what 2.9 trillion dollars could have done for this nation. Then look at this figure, oil companies are making an annual profit of 39.5 billion dollars while many people in this nation are suffering in poverty. They are suffering because in today's society one cannot support a family on the minimum wage of $5.15 an hour. Only three percent of Americans today are financially well off. The outsourcing of good paying American jobs is causing our unemployment rate to rise. If this trend continues, poverty will become more common and our society will become even more unstable.

The money spent on the Iraq war has put a tremendous amount of pressure on the recipients of Social Security. Many older Americans have to choose between medication and food because they cannot afford both. Add to this the fact that thousands of Americans still do not have any health insurance.

America has become greedy and corrupt. When did America stop caring about the common people? The Civics Class of Van High School wants the voice of the common man to be heard in Washington, D.C. We are the future of this great nation and our representatives must consider this while debating the course our country will take, not only in Iraq, but also at home.

Sincerely,

The Senior Civics Class of Van Jr.-Sr. High School: Justin Gent, Christopher Boulet, Robert Burnett, Joshua Cook, Jason Hoosier, Matthew Kuhn, Terry Legg, Gregory O'Dell, Jonathan Simms, Robert Valle, Scott White, Kasey Whitman.

RECOGNIZING JONATHON OTTO FOR HIS EFFORTS IN THE AFTERMATH OF HURRICANE KATRINA

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, I rise today to commend Mr. Jonathon Otto for his efforts in the aftermath of Hurricane Katrina. Mr. Otto has raised money for and helped rebuild the Mississippi town of Bay St. Louis, which was decimated in Hurricane Katrina. Mr. Otto has been nominated for the Bucks County Chamber of Commerce's 2007 Ambassador Award.

Mr. Otto's career with Penn Valley Contractors, Inc. as a construction superintendent and estimator, along with his passion for helping others, made him the perfect candidate to spearhead fundraising efforts in the aftermath of Hurricane Katrina for the Bucks/Mont Katrina Relief Project.

Madam Speaker, Mr. Otto has truly risen to the challenge. He raised more than $2 million and personally oversaw reconstruction efforts. He stepped up and coordinated the collection of materials, volunteers, and transportation, supervising the construction of a brand-new daycare center in Bay St. Louis.

Beyond the Katrina Relief Project, Mr. Otto has served the community in a variety of ways, including acting as Treasure and Director of the Phillips Mill Community Association, trustee of the Newtown Friends School, treasurer and clerk of the Finance Committee, and director of the Heritage Conservancy.

Madam Speaker, Mr. Otto is an inspiration for us all. When a community was in trouble, he jumped in and began rebuilding. On behalf of the residents of the Eighth District, of Bay St. Louis and of all Americans, I congratulate Mr. Otto on his commendable efforts with the Katrina Relief Project. In a stunning display of good will and humanity, he has reminded us of the important things in life and the value of community.

HONORING THE 25TH ANNIVERSARY OF THE METROPOLITAN YOUTH SYMPHONY OF ARIZONA WAYNE ROEDERER, MUSICAL DIRECTOR

HON. HARRY E. MITCHELL

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. MITCHELL. Madam Speaker, I rise today to honor the 25th anniversary of the Metropolitan Youth Symphony of Arizona. This is a remarkable milestone for any organization, but especially for a volunteer-run, nonprofit one. As a long-time supporter of the arts, I must take this occasion to commend them on a job well done, and commend them for undertaking this ambitious endeavor.

Let me tell you a little bit about MYS. In the spring of 1982, a group of interested parents and music educators from the East Valley began exploring the potential for developing a youth orchestra. Their goal was to provide a challenging program of excellence in orchestral music for your school musicians through the ninth grade. The first Metropolitan Youth Symphony season was launched that same year as more than 150 youngsters participated in the September auditions. The gala premiere concert, on November 10, 1982, featured two string orchestras and one full symphony orchestra.

The growth of Metropolitan Youth Symphony has been impressive. Now in its 25th season, the 267 members of MYS, under the direction of Wayne Roederer, musical director/principal conductor; Lew Felton, associate conductor; and Amy Bennett, Division III conductor, are divided into three string orchestras and one full symphonic orchestra. Members attend weekly rehearsals at Westwood High School and perform in at least four formal concerts each season. Over the years, MYS orchestras have been invited to perform in a variety of locations including Phoenix Symphony Hall, the Mesa Amphitheatre, Fiesta Mall, Disneyland and Washington, DC. On June 13, 1993, members of Division I, the full symphony orchestra, received the honor of performing at New York City's famed Carnegie Hall. The gala 25th anniversary concert will be performed at the Ikeda Auditorium of the Mesa Arts Center at 7 p.m. on April 28, 2007, with alumni performing with Division I.

In addition to orchestra performance opportunities, MYS sponsors wind sectionals, a recital series, Division I weekend retreat in Prescott, a scholarship competition and the MYS Fiddlers.

The mission of the Metropolitan Youth Symphony has always been to educate young instrumental musicians through the ninth grade in the art of orchestral performance through the use of the world's finest orchestral music to develop character, discipline, leadership, cultural awareness, and a strong commitment to excellence. This enables MYS to contribute to the East Valley's rich cultural heritage and create a higher level of appreciation for the performing arts.

This occasion marks not only the 25th anniversary of a vibrant organization, but the retirement of Musical Director and Principal Conductor Wayne Roederer. Without him, this anniversary would not have been reached, and hundreds of young musicians would have missed out on the experience of performing with similarly motivated individuals. I say thank you and well done.

TRIBUTE TO THE LADY HORNETS BASKETBALL TEAM OF HARRIS-STOWE STATE UNIVERSITY

HON. WM. LACY CLAY

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. CLAY. Madam Speaker, I rise today to honor the Lady Hornets Basketball Team of Harris-Stowe State University for their crowning achievement on March 3, 2007 when they became the first-ever Lady Hornets team to clench the American Midwest Conference—AMC—title.

To win this historic title the team, led by Head Coach Christopher Lewis, soundly defeated the Columbia College Cougars by a score of 78–58 on the Cougars' home court in Columbia, Mo. To put the score in perspective and to appreciate the tenacity of the squad, a brief recap of the victory might be appreciated.

Trailing by six points early in the first half, the Lady Hornets worked a 40 percent shooting effort into a halftime advantage of 36–29. They opened the second half with one of their patented runs, extending their lead to 13. They continued to increase their field-goal percentage to 51 percent and their three-point success to 43 percent. Senior guard Laniya Stevens led the Hornets with 23 points and junior guard Chanel Ross added a double-double with 21 points and 10 steals. Both Stevens and Ross received First Team All-Conference honors, while Kanisha Pettis received an All-Conference honorable mention. Stevens received another honor when her number, 20, was retired by the school.

With their victory—their sixth consecutive win—the Lady Hornets moved on to play in the National Association of Intercollegiate Athletics Tournament or the NAIA, also a first for the team.

Madam Speaker, I am honored to recognize the Lady Hornets Basketball Team of Harris-Stowe State University—Jamira Easley, Dionn Jackson, Chareka Terry, Dominique Allen, K'Vonn Brittingham, Tawanda Barns, Briranda Griffin, Kanisha Pettis, Erica Anderson, Chanel Ross, Carmon Weaver, Laniya Stevens, Kimberly Lang, Valarie Mason, Amy Williams, Stephanie Roberts, Tamara Black, Shelia Walker and Marvis Jackson—for becoming the first team to earn the American Midwest Conference title. From a 73-game losing streak a few years ago to champions today, the Lady Hornets have become a shining example of what commitment, perseverance and hard work can accomplish. They are a force to be reckoned with and the pride of the school and the entire St. Louis community. In their honor I ask my congressional colleagues to join me in honoring the team, their coach, Christopher Lewis, Athletic Director Richard Fanning, University President Dr. Henry Givens, Jr., and the entire university. With such continued dedication and hard work, a national title could be in the Hornets' nest in the near future.

IN RECOGNITION OF JAMES W. MURRAY

HON. BRAD ELLSWORTH

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. ELLSWORTH. Madam Speaker, I rise today to recognize the outstanding achievements of one of my constituents, James W. Murray of Oakland City, IN. For the past 33 years, Murray has served as president of Oakland City University. During his remarkable tenure at OCU, the school has undergone massive and exciting improvements.

When Murray arrived on campus, the school had only 324 students. Today the total enrollment exceeds 2,300, and OCU has become the second largest employer in Gibson County, IN. President Murray also oversaw OCU gaining full accreditation and university status. The school's main campus has undergone extensive facility expansion during his tenure, and as an advocate for fiscal responsibility, I congratulate President Murray for executing these projects debt-free.

Murray also deserves commendation for his distinguished service as an officer in the United States Marine Corps. He served in both Korea and Vietnam and received three Purple Hearts and a Bronze Star.

President Murray will retire on May 31, and I am proud to honor his exceptional career. His contributions in service to our country and commitment to education deserve recognition.

* * *

TRIBUTE TO JOAN COLEMAN AND ANTHONY PIZZA

HON. MARCY KAPTUR

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Ms. KAPTUR. Madam Speaker, I am proud to recognize two long-time advocates in our community, Joan Coleman and Anthony Pizza. Both will be honored at the inaugural "Stand Up for Victims" event on April 25, 2007, sponsored by Advocates for Victims and Justice, Inc. in Toledo, Ohio. The organization was developed by Mr. Pizza and Mrs. Coleman to assist crime victims and provide educational and prevention programs to the community. Advocates for Victims and Justice, Inc. also assists older adult victims of crime as well as victims of domestic violence and sexual assault.

Joan Coleman was the first Executive Director of the Toledo/Lucas County Victim Witness Assistance Program, initiated in 1990 by then Lucas County Prosecutor Anthony Pizza. The Prosecutor believed that the victims of crime and their families suffered needlessly through inadequate attention from the court system itself and deserved special attention as they navigated that system. Under Joan Coleman's able tutelage, the Victims Witness Assistance Program has grown to a staff of seventeen with offices throughout Lucas County.

A graduate of the University of Toledo with a degree in Education/Social Work, Joan put her experience as a community activist to work in establishing and growing the Victim Witness Assistance Program into a premiere service providing outreach for Spanish-speaking victims; assistance to victims of juvenile offenders in Juvenile Court; a crisis response team for short-term assistance to victims of domestic violence throughout the county, a three-part intervention in the local schools to educate schoolchildren about the effects of crime on victims, offenders, and the community known as the Victims Forum; Kids' Space for children of female victims of violent crime who could not appear in court without this free child watch service; Suburban Courts' Services to provide support and advocacy for victims in the Maumee and Sylvania court systems; and Victims Forum Peacemakers, a school-based program which teaches children the skills to combat bullying.

In an effort to fully address the challenge of funding for all of these services, Joan sought the establishment of a non-profit foundation. Advocates for Victims and Justice, Inc. was incorporated in 1994 to help retain and expand victims' services to meet the ever-increasing needs of the community. Private donations remain a vital source of funding for the programs which Joan worked so tirelessly and passionately to establish.

Those honoring her describe Joan best as they "gratefully thank and honor the woman whose vision, energy, commitment and passion for victims of violent crime and their families has given many thousands of people a sense of acceptance and hope." More than just an administrator, Joan Coleman has accompanied thousands of victims into the courtroom remaining by their side. It is not unusual for victims and their families to remain in contact with the Victim Witness Assistance Program long after their proceedings have been finalized. This fact is the most telling tribute to this remarkable woman.

Anthony G. Pizza, was elected Lucas County Prosecutor in 1976 and served continuously until his retirement in 1996. In this twenty-year period, Tony "endeared himself to the citizens of Lucas County as a man with both a huge heart and a passionate conviction that crime has no place in our community."

Born in Toledo in 1921, Tony graduated from St. Charles grade school and Libbey High School, where he played varsity football and was class salutatorian. He attended Kenyon College and graduated from the University of Toledo College of Law in 1950. He and his wife Madlynn, married now 63 years, together raised four children and have six grandchildren and four great grandchildren.

Tony actually began his career in the Prosecutor's Office in 1951, where he served as an assistant prosecutor. Thus it can be said that Tony devoted his entire career as an advocate for justice on behalf of the citizens of our community. In all, Tony Pizza served our community for 45 years in the office of the Lucas County Prosecutor, an impressive tenure during which he often used innovative methods to fight crime. During all those years, he never let difficult situations or personal tragedy drag him down and his "sunny disposition, leadership, and dedication to our community" inspired us all.

Tony Pizza also understood the ability of his office to address non-criminal needs and causes. As one example, he successfully stopped the State of Michigan from building a hazardous waste dump which would pollute the waterways of Northwest Ohio by filing suit in the U.S. District Court.

Though retired as Prosecutor for a decade, Tony still practices law. His family remains paramount and he has earned the privilege of spending warm winters in Florida. The recognition offered him in the tribute describes this incredible man among men as "a most deserving attorney and Prosecutor, as well as a uniquely blessed and courageous human being. 'Lest we forget!' is the testimony inscribed on the Toledo Police Memorial. It also perfectly describes Anthony G. Pizza, mentor and friend to all of us privileged enough to know him."

It is wonderful that the Advocates for Victims and Justice, Inc. has chosen to honor these two amazing people while they are able to enjoy the recognition and know how much they mean to the people of our community. I offer my personal congratulations to both Joan Coleman and Tony Pizza as they receive this honor, and my own heartfelt thank you to each for courageous and selfless service.

RECOGNIZING THE BOY SCOUTS OF TROOP 648 FOR ACHIEVING THE RANK OF EAGLE SCOUT

HON. JAMES P. MORAN

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. MORAN of Virginia. Madam Speaker, I rise today to honor Joseph Cameron Morgan, Evan Carlin O'Rourke, Christopher Anthony Piemonte, William E. Pierce, and Joshua Paul St. Louis of Alexandria, Virginia, for achieving the rank of Eagle Scout in the Boy Scouts of America. As members of Troop 648 in the Chain Bridge District of the National Capital Area Council, these Scouts have exemplified the finest qualities of leadership and citizenship in earning Boy Scouts' most prestigious award.

At Troop 648, these Scouts have provided leadership in a variety of positions. They have led as Senior Patrol Leaders, Assistant Senior Patrol Leaders, and as Troop Representatives to the Order of the Arrow, Scouting's national honor society. They have also served as Junior Assistant Scoutmasters to Troop 648 supervising and supporting the other Boy Scouts.

Together and collectively, these Scouts have trekked through the mountains of Virginia, Maryland and Pennsylvania, explored underground caves, sailed the Chesapeake Bay and gone on numerous camping trips. They have earned dozens of merit badges and many service awards, including the President's Volunteer Service Award (Gold) for providing over 250 hours of service to the community in a twelve month period. They have earned numerous environmental awards including the World Conservation Award and the William T. Hornaday Award. These young men are truly exemplary Scouts.

For their Eagle Scout Leadership Service Projects, these young men have organized and managed dozens of volunteers. They have led conservation projects, trail construction and park restoration involving hundreds of hours of work. Our communities are truly a better place to live because of their efforts.

Madam Speaker and fellow members of Congress, I ask you to join me in commending these present and future leaders for their accomplishments with the Boy Scouts of America and for achieving the distinction of Eagle Scout.

A TRIBUTE ON THE OCCASION OF THE DEDICATION OF THE DENNIS MALONEY COMMUNITY JUSTICE CENTER

HON. GREG WALDEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. WALDEN of Oregon. Madam Speaker, I rise today to pay tribute to a dear friend and an exceptional community leader who tragically passed away in February of this year, Mr. Dennis "Denny" Maloney. Today Denny's friends, family and colleagues gather in Deschutes County, Oregon to celebrate his life with the dedication of the new "Dennis Maloney Community Justice Center." This is a fitting tribute to a man who gave so generously of his time and his talents throughout a distinguished career in service to others.

My colleagues, Denny Maloney was born on March 20, 1951 in Green Bay, Wisconsin, to Patrick and Carol Maloney. Denny graduated with honors from the University of Wisconsin, where he studied humanities. It was in Minnesota where Denny would acknowledge his most significant achievement occurred. It is there that he met and married his lovely wife, Nancy. Together, they raised five outstanding daughters, Tracy, Shannon, Caitlin, Kelly and Molly. Those who knew Denny knew not only a man with a strong sense of civic commitment, but a father and husband with tremendous devotion and commitment to his family.

Madam Speaker, those of us in Oregon, especially communities in central Oregon, are so fortunate that Denny's upbringing and education instilled in him the drive and desire to make the world a better place. He led by example, and remarkable results followed. Denny was a longtime advocate for troubled youth and was a nationally recognized expert and innovator on the subject of juvenile rehabilitation. Madam Speaker, Denny didn't believe in giving up on someone. He saw the inherent good in humanity and in the people he met, and he devoted his life to giving people a second chance. Denny worked to ensure that troubled youth received mentoring and counseling, while demonstrating the significant value of being an upstanding member of society and a real contributor within one's community. Simply put, Denny Maloney positively changed the lives of many of his fellow citizens.

During his lifetime, Denny amassed over 30 years of experience in the field of community corrections. For 16 years, he served as the Director of the Deschutes County Department of Community Justice in my home state of Oregon. There, he initiated a variety of juvenile and adult corrections programs that are globally renowned.

He wrote extensively about the methods he developed and the positive impact of his programs is evident not only across our nation but in the international community as well. Nearly 30 states restructured their entire juvenile justice systems based on Denny's presentation on restorative justice. Additionally, the U.S. Department of State has distributed information based on Denny's juvenile justice research to over 250 countries and his methods are being used worldwide as a foundation for justice system reform.

Madam Speaker, during his phenomenal career of contributions, Denny Maloney generously shared his experience and his expertise with others. The work that he did improved the lives of countless people across our country, and I'm grateful to have known him.

While his services and accomplishments speak volumes, perhaps most importantly, Denny Maloney inspired all who knew him to do more to help those in need and to improve the quality of life for all citizens. He always wore an infectious smile, and he encouraged us to keep a positive attitude in our work and throughout our daily lives. He was a good friend and trusted counselor to me and to many others. We will all miss his wisdom, wit, enthusiasm and ability, and we will never forget the mark he left in our communities and in our hearts.

TRIBUTE TO MR. FRANK BUCKLES

HON. SHELLEY MOORE CAPITO

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mrs. CAPITO. Madam Speaker, I rise today to recognize and celebrate the long life and continuing achievements of Mr. Frank Buckles. One of four known surviving veterans of the WWI, Frank recently celebrated his 106th birthday.

Frank was born in Missouri in 1901 and was only 16 when the United States entered the First World War. Frank's age, however, did not prevent him from serving his country. After being turned away by the Navy and Marines, he convinced an Army recruiter he was old enough to enlist.

Frank served in England and France during the war; first as a car and ambulance driver and later as an escort for returning German POWs. After the war, he returned to America and worked for the White Star Line Steamship Company and the Banker's Trust Company.

In 1941 Frank became entangled in the Second World War. The Japanese Army invaded while Frank was working in the Philippines and he spent three years as a prisoner in Japanese war camps.

These remarkable experiences could easily fill two full lives, but for Frank it was only the first half. He came home from the war and settled down to start a family, moving to West Virginia in 1954 and managing Gap View Farm.

Frank has been there ever since. At 106, he is still active on his 330 acre cattle farm.

Madam Speaker, in a time when America faces a grave external threat, we can find comfort and strength in our Nation's history. During the 106 years since Frank Buckles' birth, the United States has grown into the greatest Nation on earth. The service, determination, patriotism and love that Frank has shown throughout his life represents the very best of this great country. West Virginians are honored to call Frank one of our own.

TRIBUTE TO THE UNIVERSITY OF WYOMING WOMENS BASKETBALL TEAM

HON. BARBARA CUBIN

OF WYOMING

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mrs. CUBIN. Madam Speaker, I am proud to rise today to offer my congratulations to the University of Wyoming womens basketball team. On March 31st, the team handily defeated the University of Wisconsin to win the Womens National Invitational Tournament for the first time in school history.

As the Representative of the great State of Wyoming, it is my pleasure to join my fellow citizens as our state beams with pride for these 14 very accomplished young women and their coach, Joe Legerski.

Madam Speaker, millions of people across America call themselves basketball players, but only the truly elite will ever have the satisfaction and delight of calling themselves national champions. Members of the Wyoming Cowgirl basketball team are now living the dream of every young girl who has ever laced up her high tops and joined her local hoops team.

But the road to the WNIT Championship wasn't easy. In the semi-finals, the Cowgirls were pitted against the defending WNIT champs, Kansas State University. In front of a boisterous home crowd, the Cowgirls won a triple-overtime thriller, earning a ticket to the first post-season championship game in the program's history.

Three days later, over 15,000 fans arrived at Laramie's famous Arena-Auditorium to watch the Cowgirls roll to a 72–56 victory over the Wisconsin Badgers. Their victory came in front of the largest-ever crowd of Cowgirl basketball fans, a testament to the State's overwhelming support and pride for these women.

I urge my colleagues to join me in congratulating Amy Bolerjack, her sister Jodi Bolerjack, Mallory Cline, Elisabeth Dissen, Annie Gorenstein, Angiah Harris, Gemma Koehler, Megan McGuffey, Megan Mordecai, Justyna Podziemska, Dominique Sisk, Rebecca Vanderjagt, Aubrey Vandiver, and tournament MVP Hanna Zavecz.

These Cowgirls have proven they know how to get 'er done. They are living a dream come true, and they will have memories to last a lifetime.

INTRODUCTION OF RESOLUTION ON UKRAINE POLITICAL CRISIS

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise to introduce a concurrent resolution which addresses the current political crisis in Ukraine, a country of strategic importance to the United States. My resolution urges all sides to the ongoing impasse to act responsibly and use dialogue to resolve the crisis and ensure a free and democratic system in Ukraine based on the rule of law. I am pleased that Rep. KAPTUR, a co-chair of the Ukrainian American Caucus, has joined me as original cosponsor.

Ukraine's current political conflict is the result of the ongoing power struggle that President Victor Yushchenko and Prime Minister Victor Yanukovich have now been engaged in since Yanukovich became Prime Minister last August. This power struggle, rooted in hastily conceived constitutional reforms, threatens to undermine Ukraine's hard-fought and substantial democratic gains, especially those won since the 2004 Orange Revolution.

Exactly 2 weeks ago today, President Yushchenko issued a decree dissolving parliament, asserting that the Prime Minister was attempting to monopolize power, and called for new parliamentary elections for May 27. Parliament has refused to disband and questions the legality of the presidential decree. Ukraine's Constitutional Court is to rule on the legality of the decree and both sides have agreed to abide by the Court's decision. Unfortunately, some of the Court's judges have already complained of threats and pressure, especially from Yanukovich's supporters. Clearly, this is unacceptable and steps have been taken to protect the judges.

Madam Speaker, it is important to note that Ukraine has made real democratic gains since the Orange Revolution. A year ago, as President of the OSCE Parliamentary Assembly, I had the privilege of leading the OSCE-led International Election Observation Mission to Ukraine's parliamentary elections and the pleasure and profound satisfaction of pronouncing them free and fair. Also, in contrast to the first 13 years of its independence, Ukraine in now designated by Freedom House as a "free" country, and not merely "partly free." Nevertheless, despite the progress, there have been missed opportunities and some of the promises of that historic revolution have gone unfulfilled.

Democratic institutions and the rule of law in Ukraine are still emerging and fragile and lacking in their ability to safeguard democratic gains, and it is this weakness that has made it possible for this power struggle to ripen into a full-blown political crisis. First and foremost, my resolution calls for the crisis to be resolved in a manner that adheres to the rule of law consistent with Ukraine's democratic values and national security, in keeping with its OSCE commitments. It is also essential that the dispute is resolved in a peaceful manner. I am encouraged that demonstrations in Kyiv have been peaceful and that all sides to the dispute appear to recognize that any kind of violent conflict would have very negative consequences for Ukraine.

Madam Speaker, prolonged instability is clearly not in Ukraine's interests and that nation's political leaders need to find a transparent way out of the current impasse that all parties will abide by. I hope that responsible dialogue consistent with the rule of law leads to a positive outcome for the Ukrainian people and the democratic path they have chosen.

As this resolution underscores, Congress has been a staunch supporter of the development of democracy and respect for human rights and the rule of law in Ukraine since the restoration of that nation's independence in 1991. The consolidation of democracy and the rule of law in Ukraine will further strengthen that country's independence and sovereignty, enhancing Ukraine's aspirations for full integration with the West. I urge my colleagues to support this timely resolution as a demonstration of Congress' interest, concern, and support for the Ukrainian people.

HONORING RIVERDALE'S LADY WARRIORS ON THEIR CHAMPIONSHIP BASKETBALL SEASON

HON. BART GORDON

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. GORDON of Tennessee. Madam Speaker, I rise today to recognize the 2006–2007 Riverdale High School Lady Warriors and their championship basketball season. The Lady Warriors are from my home town of Murfreesboro, Tennessee, and I am proud of them for this tremendous accomplishment.

I know these ladies put forth intense determination and perseverance as they captured the first girls basketball championship for a Murfreesboro team in 83 years and the first ever for Riverdale High School.

The Lady Warriors were dominant throughout their season. Their final win over Memphis Northside was the team's 17th straight victory.

I commend Riverdale High School principal Tom Nolan, Lady Warriors head coach Michael Burt and assistant coaches Brianne Dodgen, Tisha Hayes, Jamey Arnold and Cuyler Lanier.

I extend my congratulations to the 2006–2007 AAA State Champion Lady Warriors: Anne Marie Lanning, Alex Bivens, Jessica Whitens, Nikki Talley, Shellina Burgess, Morgann Swoape, Clarke Davis, Hillary Grider, Payton Dickinson, Candace Spurlock, Rachel Orman, Natalie Lanning and Manager Jackie Donovan.

HONORING DR. PATRICK MAXWELL

HON. MARSHA BLACKBURN

OF TENNESSEE

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mrs. BLACKBURN. Madam Speaker, it is a privilege to rise today to honor G. Patrick Maxwell, M.D., FACS and thank him for his contributions to the practice of plastic surgery and his service to others. Dr. Maxwell's talents as a pioneering plastic surgeon are world renowned.

Dr. Maxwell received both his undergraduate and M.D. from Vanderbilt University and completed residencies in general surgery and plastic surgery at the Johns Hopkins Hospital in Baltimore, Maryland. Dr. Maxwell has published over 100 scientific articles, and lectured and performed live surgical demonstrations in over 20 countries world-wide.

In 2005, Dr. Maxwell was awarded the Presidential Award from the American Society of Plastic Surgeons. This award acknowledged his "excellence as an educator and innovator bringing art and science to a new level for the specialty." Additionally Maxwell has received virtually every accolade awarded to an American plastic surgeon. These awards include the Robert H. Ivy Society Award, the James Barrett Brown Award and Maxwell is a three time recipient of the Walter Scott Brown Award. Dr. Maxwell continues to be an innovator in his field and has ten U.S. patents for medical devices. Dr. Maxwell has been instrumental in revolutionizing developments in reconstruction for survivors of breast cancer.

Maxwell's contributions are not limited to the field of plastic surgery. In addition, Maxwell is the co-founder of the Tennesse-Kentucky chapter of Operation Smile, past president of the Nashville Chapter of the American Cancer Society, a founder and board member of the Aspen Center for Integrative Medicine and co-founder and Executive EVP Diversified Specialty Institute.

Madam Speaker, I ask my colleagues to join me in thanking Dr. Maxwell for his extraordinary contributions to plastic surgery and for the profoundly positive impact he has on our community.

TRIBUTE TO PHILIP G. KIKO

HON. F. JAMES SENSENBRENNER, JR.

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. SENSENBRENNER. Madam Speaker, it is with mixed feelings that I rise before you today to say a few words about one of my longest serving and closest staff, Philip G. Kiko. Phil was one of the first people I hired on my personal staff in 1979, when I was a freshman Member of Congress, and in the years since, he has become a close friend and confidant.

During my tenure on the House Committee on the Judiciary, a Committee upon which I have served throughout my tenure in this body and chaired from 2001 to 2006, Phil served the country and Committee ably by pushing through several pieces of legislation that, in my opinion, have made this country a better place. Just look at the reauthorization of the Voting Rights Act of 1982, a historic event that reaffirmed the promise of voting equality to millions of Americans. And then, as General Counsel and Chief of Staff to the Committee on the Judiciary last year, Phil led staff negotiations that led to near unanimous House and Senate passage of the Fannie Lou Hamer, Rosa Parks, and Coretta Scott King Voting Rights Act Reauthorization and Amendments Act. His unique capacity to bridge partisan divisions to advance the promise of equality our Constitution provides to all of America's citizens best illustrates his unrivaled abilities as a consensus-builder and negotiator.

Moreover, the skills Phil demonstrated during consideration and passage of this legislation were applied to advance other legislation whose titles are as familiar as they are historic. Phil was a driving staff force behind congressional passage of the Adam Walsh Child Protection and Safety Act of 2006, which has been hailed by child safety and law enforcement groups as the most comprehensive federal child protection legislation in a generation.

And who can forget the terrorist attacks of September 11, 2001 which demonstrated fundamental vulnerabilities in America's law enforcement and intelligence communities. Phil played a central staff role in consideration and passage of the USA PATRIOT and USA PATRIOT Improvement and Reauthorization Act, laws that have provided America's law enforcement and intelligence agencies with the tools necessary to detect, disrupt and deter terrorist attacks before they occur on American soil. Phil has also played pivotal roles in congressional passage of the Bankruptcy Abuse Prevention and Consumer Protection Act, the Class Action Fairness Act, REAL ID Act, and other legislation that will distinguish his years of service to the Committee as among the most productive and meaningful in our Nation's history.

Madam Speaker, most Americans have probably never heard of Phil Kiko, but they have heard of the aforementioned bills he has worked on, and they have certainly been affected by them in some way, shape or form. Phil's tenacity and passion for working on ideals that he believed to be right and just often pushed him and those he worked with, to spend many a late night in the Capitol—but the benefits of his dedication went ultimately to Americans like you and me.

It is never easy to say goodbye, especially to one who has been by my side for decades. But I also know that there comes a time when we must all simply move on. That time has come for Phil Kiko, and so I stand before you, and the rest of my colleagues, and I ask you all to join me in wishing Phil all the best, as he takes his next step.

On behalf of the Committee on the Judiciary, the House of Representatives, and myself, I thank you Phil, for all your service to this Nation, and congratulate you on a job well done.

HONORING THOMAS HEBEL FOR LIFETIME BUSINESS ACHIEVEMENTS

HON. PATRICK J. MURPHY

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PATRICK J. MURPHY of Pennsylvania. Madam Speaker, it is my pleasure to rise today to congratulate Mr. Thomas Hebel on his recent nomination for the Bucks County Chamber of Commerce Lifetime Achievement Award in the area of Business Achievement. His success as the owner of Bucks Country Gardens and dedication to his community set him apart as an outstanding individual, and it is my pleasure to join in the recognition of his extraordinary career.

The great honor of this Lifetime Achievement Award is not one easily attained. The award takes into account both Mr. Hebel's remarkable success within his business venture and his commitment to his community. Mr. Hebel has been an exemplary model in both of these areas.

An accomplished landscaper, Mr. Hebel graduated from the Pennsylvania State University with a degree in landscaping, and was hired as a landscape designer at Tom Royer's Nursery and Greenhouses. He worked his way up to partner, and upon Mr. Royer's retirement, purchased the business, becoming the sole owner. He renamed the business Bucks Country Gardens, and in just thirteen years, the business grew from five employees to sixty-five employees.

Mr. Hebel and his staff donate time to volunteer in the community. His efforts include serving as President of the Bucks Beautiful program, the company's annual beautification of a Bucks County organization, working on the Bucks County Designer House and serving on various committees for the Pennsylvania State University.

Madam Speaker, Mr. Hebel embodies the true American spirit. He has risen from designer to business owner but never lost his passion for gardening or for helping his community. He has dedicated himself to his career and his community and I commend him today for his outstanding service.

HONORING VASKEN HOGOPIAN, PH.D.

HON. JASON ALTMIRE

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. ALTMIRE. Madam Speaker, I rise to pay tribute to Vasken Hagopian, Ph.D., who is retiring after more than 40 years of teaching, the past 37 years of which were spent at my alma mater, Florida State University.

Professor Hagopian is recognized as a world-renowned expert in high energy physics. His research has involved the use of high energy particle accelerators to study the properties of fundamental particles, such as the proton and the neutron.

I first crossed paths with Professor Hagopian as an astronomy student at Florida State in 1986. I later worked with him during my time as a legislative assistant for former Congressman Pete Peterson of Florida in the mid-1990's.

Over the years, students often asked him why it is important to study astronomy and related fields. Professor Hagopian would famously reply, "You never know, one of you might end up in Congress one day and have to vote on science budgets and space exploration." Like most things he taught his students, he was, in the long run, proven right.

I wish Professor Hagopian well as he pursues new challenges and moves into the next phase of his extraordinary life.

HONORING CHIEF LUTHER J. TAYLOR OF THE SOUTH BEND FIRE DEPARTMENT

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. DONNELLY. Madam Speaker, I rise today to pay tribute to an outstanding citizen of South Bend, IN, Luther J. Taylor, who has devoted his life to the protection of his community. For the past 34 years he has served as a firefighter for the South Bend Fire Department, 21 of those as Fire Chief.

Chief Taylor's career as a firefighter started in 1972. At that time he never intended to build a career but rather to move on to another profession after a few years. Yet, his feelings of duty to his community and enjoyment for his job led him to a long and illustrious career. Today the South Bend community honors this career.

First appointed Fire Chief by Mayor Roger Parent in 1985, Taylor's adept management style and creative ideas led him to be reappointed under the two succeeding mayors. In his 21 years as Fire Chief he has greatly increased the professionalism, efficiency and lifesaving capacity of the South Bend Fire Department. Through Chief Taylor's leadership, the South Bend Fire Department has become one of the top fire departments in Indiana.

From 1992 to 1993 Chief Taylor served as the President of the Indiana Fire Chiefs Association. This association strives to increase the professionalism and success of fire departments throughout Indiana. He has served on numerous other boards across the State of Indiana each benefiting greatly from his expertise.

In 2005 Chief Luther Taylor was awarded the Sagamore of the Wabash, the highest honor bestowed by governors of Indiana, by Governor Joe Kernan. This award is given only to those who make major contributions to the lives of Hoosiers.

So today, on behalf of the citizens of South Bend, I thank Luther Taylor for his years of dedication to the safety and security of our community. As he retires from almost 35 years on the South Bend Fire Department, I pay special tribute to one of the finest fire chiefs to ever serve Indiana. His service will always be remembered for numerous lives that were saved as a result of his efforts and the changes that each citizen can see as a result of his leadership.

TRIBUTE TO THE CITY OF LENEXA, KANSAS, ON ITS 100TH ANNIVERSARY

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. MOORE of Kansas. Madam Speaker, I am pleased to have this opportunity today to recognize the 100th anniversary of my community of residence, the city of Lenexa, Kansas, one of the leading communities in the Third Congressional District of Kansas. Lenexa officially became a city on May 8, 1907, and the community is coming together for an eight-day celebration from May 5–12 of this year.

Lenexa was platted in 1869 by French-born civil engineer, Octave Chanute, who, in addition to designing the original Hannibal Bridge over the Missouri River in Kansas City, also served as a mentor to the Wright Brothers in their quest for flight. Lenexa was named for Na Nex Se, a highly respected, hard-working Shawnee Indian woman, the daughter-in-law of Chief Black Hoof. Thirty-eight years later, on May 8, 1907, Lenexa was incorporated as a City of the Third Class in Kansas.

In Lenexa's earliest days, people from various backgrounds and cultures came together to form this great city. With a population of approximately 300, the young city boasted a healthful location, graded schools, three churches, suburban train service, excellent telephone service, and an electric railway station.

Today, Lenexa, which has grown to a population of 46,000 residents and enjoys a healthy business base, is considered a city of choice for a variety of high tech and bioscience companies. The city also is looked to as a leader in local government initiatives such as watershed management and public safety.

Lenexa, which is known as the City of Festivals for the numerous festivals and events it hosts each year, will hold a week-long community celebration (May 5–12, 2007) to mark the occasion of its 100th anniversary.

Madam Speaker, Lenexa cherishes its rich history, heritage and culture, and with this celebration marking the city's 100th anniversary, Lenexa honors its past while looking forward to the future. I join with my neighbors, friends and constituents in Lenexa in honoring this important milestone.

INTRODUCING THE ENHANCED OPTIONS FOR RURAL HEALTH CARE ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PAUL. Madam Speaker, I raise to introduce the Enhanced Options for Rural Health Care Act. This legislation allows critical access hospitals to use beds designated for critical access use, but currently not being used for that purpose, for assisted living services financed by private payments.

This bill will help improve the financial status of small rural hospitals and extend the health care options available to people living in rural areas without increasing federal expenditures. Currently, fear that rural hospitals will lose critical access status if beds designated for critical access are used for another purpose is causing rural hospitals to allow beds not needed for a critical access purpose to remain unused. This deprives rural hospitals of a much-needed revenue stream and deprives residents of rural areas of access to needed health care services.

My colleagues may be interested to know that the idea for this bill comes from Marcella Henke, an administrator of Jackson County Hospital, a critical access hospital in my congressional district. Ms. Henke conceived of this idea as a way to meet the increasing demand for assisted living services in rural areas and provide hospitals with a profitable way to use beds not being used for critical access purposes. I urge my colleagues to embrace this practical way of strengthening rural health care without increasing federal expenditures by cosponsoring the Enhanced Options for Rural Health Care Act.

EXPRESSING SUPPORT FOR A NATIONAL FOSTER PARENTS DAY

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today in honor of National Foster Parents Day. Foster parents are vital to the development of today's children and tomorrow's leaders. As former President John Fitzgerald Kennedy once proclaimed, "Children are the world's most valuable resource and its best hope for the future." Foster care parents dedicate their lives to care for the less fortunate children, with little compensation or recognition. They perform this noble task under very difficult circumstances with love and care. Recognizing these efforts is important.

There are 523,000 children in foster care in the United States today. Congress has made a number of improvements to foster care laws over the last decade; improvements that have helped support our children and families. It is good to recognize these advances, but we should take a moment to consider how we can improve the system further.

There are currently over 2½ million children being cared for by family members nationally. However, unless these relatives have waivers from the Department of Health and Human Services, they are not eligible for foster care maintenance payments. Withholding financial support from family providers greatly ignores the needs of these children and families. Almost 19 percent of kinship care providers live in poverty, and 30 percent to 40 percent of children in foster care have chronic medical problems. It is unrealistic to expect these providers to afford appropriate care for these vulnerable children simply because they are family. This is a very personal problem to me. The 7th Congressional District in Illinois—my Congressional District—has the highest percentage of children being raised by grandparents in the nation. Two other Chicago districts follow close behind. It also upsets me greatly that the limitations in our system have a disproportionate effect on minority children and families, who tend to opt for guardianship rather than adoption.

So, I join my colleagues in supporting a day to recognize foster parents and their tremendous contribution to society.

VAISAKHI DAY CELEBRATED AROUND THE WORLD

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TOWNS. Madam Speaker, on April 13 and 14, the Sikhs community celebrated Vaisakhi Day with events in Washington, New York, London, Canada, Australia, and wherever Sikhs live. It was a very proud day for them. The Washington, DC, event was led by Dr. Paramjit Singh Ajrawat, a well-known Sikh activist and supporter of a free Khalistan.

Large numbers of Sikhs showed up in these locations to celebrate the day. They called for freedom for the Sikh nation. They raised slogans in support of Khalistan, the Sikh homeland. Freedom is the birthright of all peoples and nations.

When America became independent, Punjab was already independent. Dr. Gunnit Singh Aulakh, president of the Council of Khalistan, has called on Sikhs to celebrate Vaisakhi Day by rededicating themselves to achieving the freedom that is their birthright.

Madam Speaker, we should put this Congress on record with a resolution in support of self-determination for Khalistan and throughout the subcontinent. Why is India opposed to a free and fair vote on the matter, in the democratic way? We should end our aid and trade with India until I the basic rights of all are allowed to be enjoyed, the way that democratic countries behave.

VAISAKHI DAY CELEBRATED WITH PARADES, EVENTS

WASHINGTON, DC, Apr. 14, 2007.—Vaisakhi Day, the 308th anniversary of the creation and consecration of the Khalsa Panth by Guru Gobind Singh, is being celebrated with parades and events in Washington, London, New York, Canada, England, Australia, and around the world.

The Washington parade occurs on April 14 under the leadership of Dr. Paramjit Singh Ajrawat with the cooperation of the local Sikh Gurdwaras. Later in April, the annual Sikh Day Parade in New York will be held.

Guru Gobind baptized the first five baptized Sikhs, known as the Panj Piaras, on Vaisakhi Day in 1699, then asked them to baptize him. He declared, "In grieb Sikhin ko deon Patshahi ("I give sovereignty to the humble Sikhs") Just two years after his departure from this earthly plane in 1708, the Sikhs established their own independent state in Punjab.

At the time that America became independent, Punjab was an independent country already. It was independent from 1710 to 1716 and again from 1765 to 1849, when the British conquered South Asia. Today Sikhs struggle to regain the sovereignty that Guru Gobind Singh bestowed upon them over 300 years ago.

Vaisakhi Day is the anniversary of the founding of the Khalsa. On Vaisakhi Day in 1699, Guru Gobind Singh baptized the Sikhs and required them to keep the five Ks. He made the Sikhs into saints and soldiers. That memory is celebrated on Vaisakhi Day each year.

"I send Vaisakhi Day greetings to all Sikhs and I urge all Sikhs to take this occasion to fulfill Guru Gobind Singh's vision by working to liberate our homeland, Khalistan, from Indian oppression," said Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, which leads the struggle to achieve independence for Khalistan. Khalistan declared itself independent on October 7, 1987. Over 250,000 Sikhs have been killed since the Indian government attacked the Golden Temple in Amritsar in June 1984. More than 52,000 are being held as political prisoners, some for over 20 years.

"Vaisakhi Day should be a time to renew our commitment to freedom for our Sikh brothers and sisters in Punjab, Khalistan so they can live in prosperity, dignity, and security. Only a free Khalistan can end the repression of the Sikh Nation," Dr. Aulakh said. "Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Van Badshah. Freedom for Khalistan is closer than ever. Now is the time to claim it".

HONORING CHRISTELLA GRESS ON RECEIVING THE UNITED STATES COAST GUARD AUXILIARY COMMODORE GREANOFF INSPIRATIONAL LEADERSHIP AWARD

HON. LOUISE McINTOSH SLAUGHTER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Ms. SLAUGHTER. Madam Speaker, I am pleased to honor Ms. Christella (Chris) Gress from Grand Island, New York, who today received the first annual Commodore Greanoff Inspirational Leadership Award from the United States Coast Guard.

The Commodore Greanoff Inspirational Leadership Award recognizes the most distinguished United States Coast Guard Auxiliary Flotilla Commander, and parallels existing Coast Guard leadership awards for officers, chief petty officers, and civilians. The United States Coast Guard Auxiliary, established by Congress in 1939, has more than 27,000 members who are engaged in missions that involve boat safety education, search and rescue, and homeland security operations.

Ms. Gress is the Immediate Past Flotilla Commander of Flotilla 35, District 9 Eastern Auxiliary Region. As Commander of her Flotilla, Ms. Gress dedicated over 800 hours of her time to advance the mission and goals of the United States Coast Guard Auxiliary. Her commitment to the Auxiliary becomes even more impressive when one learns that she is holding multiple college teaching-jobs and working on a doctoral dissertation.

Ms. Gress is described as tireless and a natural motivator, and is credited with developing a strong sense of collective identity within her Flotilla. Ms. Gress hosted team exercises and fellowship events that welcomed new members and increased activity among experienced members. Under her leadership, Flotilla membership participation expanded in programs including vessel examinations, operations, and public education. In addition, Ms. Gress was the driving force behind an award-winning Flotilla newsletter.

Madam Speaker, Ms. Gress has earned the respect and high admiration of her community and the United States Coast Guard Auxiliary. I am proud to recognize her as the first recipient of the Commodore Greanoff Inspirational Leadership Award.

TRIBUTE TO THE LAWRENCE, KANSAS, COMMUNITY NURSERY SCHOOL

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. MOORE of Kansas. Madam Speaker, the Lawrence, Kansas, Community Nursery School [LCNS] was founded in 1948 after a group of mothers attended a conference on preschool play offered by the University of Kansas Extension School and sponsored by the Lawrence League for the Practice of Democracy. They founded the school on three main principles—that the school must be: a parent cooperative; integrated, both racially and religiously; and low-cost. Today LCNS is the second oldest operating parent cooperative preschool in the Nation, and those principles remain at the corner of the school.

On April 17, 1948 the school opened with its first class of 10 mothers and 14 children. Financial support for the school came from the Lawrence League for the Practice of Democracy and the Oread Meeting of Friends. The tuition was set at $1.00 per week. In 1951 the Kansas State Board of Health licensed the school, and in July of 1952 the school was incorporated under Kansas State Law as the Lawrence Community Nursery School. The school received its permanent license to operate in 1961.

The school was housed in various churches and schools for its first 6 years. After at least eight different locations, in the spring of 1955 the members of the advisory board, the board, and the general membership voted to start a 3-year building fund campaign chaired by Dr. Helen Gilles, a well known local pediatrician, to raise money to buy a permanent home for the nursery school.

The campaign was a huge success. With support of local businesses, members of the cooperative, and the community at large, they were able to raise over $2,000 in their building fund by May 1956, more than 2 years ahead of schedule. In March 1956, Dr. Gilles presented the idea of buying the Wesleyan Methodist Church at the corner of 7th and Alabama Streets. In August 1956, they put a down payment on the church. In September 1956, the board voted to paint the school "barn red with white trim." This is how the building remains today, and it has become a permanent fixture in the Old West Lawrence neighborhood and the greater community as a whole.

Several months of renovations and sharing the school with the church followed. Although the site was used by the school in the fall of 1956, the church remained. In the summer of 1957 the church moved out, and the Little Red Schoolhouse was the home of the Lawrence Community Nursery School. Madam Speaker, I join with the LCNS community and with all Lawrencians in celebrating the completion of the 50th school year at their permanent home at 645 Alabama Street.

INTRODUCING THE CHILD HEALTH CARE AFFORDABILITY ACT

HON. RON PAUL

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. PAUL. Madam Speaker, I am pleased to help working Americans provide for their children's health care needs by introducing the Child Health Care Affordability Act. The Child Health Care Affordability Act provides parents with a tax credit of up to $500 for health care expenses of dependent children. Parents caring for a child with a disability, tenninal disease, cancer, or any other health condition requiring specialized care would receive a tax credit of up to $3,000 to help cover their child's health care expenses.

The tax credit would be available to all citizens, regardless of whether or not they itemize their deductions. The credit applies against both income and payroll tax liability. The tax credits provided in this bill will be especially helpful to those Americans whose employers cannot afford to provide health insurance for their employees. These workers must struggle to meet the medical bills of themselves and their families. This burden is especially heavy on parents whose children have a medical condition; such as cancer or a physical disability that requires long-term or specialized health care.

As an OB–GYN who has had the privilege of delivering more than four thousand babies, I know how important it is that parents have the resources to provide adequate health care for their children. The inability of many working Americans to provide health care for their children is rooted in one of the great inequities of the tax code—Congress' failure to allow individuals the same ability to deduct health care costs that it grants to businesses. As a direct result of Congress' refusal to provide individuals with health care related tax credits, parents whose employers do not provide health insurance have to struggle to provide health care for their children. Many of these parents work in low-income jobs; oftentimes, their only recourse for health care is the local emergency room.

Sometimes parents are forced to delay seeking care for their children until minor health concerns that could have been easily treated become serious problems requiring expensive treatment! If these parents had access to the type of tax credits provided in the Child Health Care Affordability Act, they would be better able to provide care for their children, and our Nation's already overcrowded emergency rooms would be relieved of the burden of having to provide routine care for people who otherwise cannot afford it.

According to research on the effects of this bill done by my staff and legislative counsel, the benefit of these tax credits would begin to be felt by joint filers with incomes slightly above $18,000 dollars per year, or single income filers with incomes slightly above $15,000 dollars per year. Clearly, this bill will be of the most benefit to low-income Americans balancing the demands of taxation with the needs of their children.

Under the Child Health Care Affordability Act, a struggling single mother with an asthmatic child would at last be able to provide for her child's needs, while a working-class family will not have to worry about how they will pay the bills if one of their children requires lengthy hospitalization or some other form of specialized care.

Madam Speaker, this Congress has a moral responsibility to provide tax relief so that loncome parents struggling to care for a sick child can better meet their child's medical expenses. Some may say that we cannot enact the Child Health Care Affordability Act because it would cause the government to lose revenue. But, who is more deserving of this money, Congress or the working parents of a sick child?

The Child Health Care Affordability Act takes a major step toward helping working Americans meet their health care needs by providing them with generous health care related tax cuts and tax credits. I urge my colleagues to support the pro-family, pro-health care tax cuts contained in the Child Health Care Affordability Act.

RECOGNIZING THE CHICAGO 2016 OLYMPIC BID

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today to recognize that, on April 14, 2007, the city of Chicago was selected as the United States' candidate for the 2016 Summer Olympics. The Chicago Olympic bid represents a choice by the United States Olympic Committee to share the hometown qualities of this great American city and state with the world's athletes, guests, and over 3.6 billion people who take part in the Olympics via global television broadcast. If Chicago is selected by the International Olympic Committee, the 2016 Games will be the first Summer Olympics held in the Americas since the 1996 Atlanta Games.

Chicago's passion for sports, record of hosting international events, and cultural heritage make it a fitting host for these momentous games. Already a professional sports powerhouse, Chicago is arguably one of the most sport-oriented cities in the United States. Indeed, Chicagoans are famous for their enthusiastic support of their home teams, be it the Chicago Bears, Blackhawks, Cubs, Bulls, or the World Series Champion White Sox. Chicago boasts one of the largest marathon events worldwide as well—the Chicago Marathon.

Chicago also enjoys a long history of hosting historic world gatherings, including the 1893 World's Columbian Exposition, the 1933 Century of Progress Exposition, the 1959 Pan American Games, as well as matches for the 1994 FIFA World Cup soccer tournament. Although Chicago was to host the 1904 Summer Olympics, this honor ultimately went to St. Louis to coincide with the St. Louis World's Fair.

In addition, Chicago's world-class architecture, renowned skyline, multi-cultural, historical, and pop-cultural contributions are expected to weigh heavily as positive attractions in the Olympic bid considerations. 'The international community will be dazzled by Chicago's view from atop the Sears Tower, they will be serenaded by the deep passion of our Blues music, and they will savor our restaurants, which are second to none.

The 2016 Chicago Olympic bid offers America the chance to demonstrate not only the most amazing level of competition the world has to offer, but also to showcase the values that make America and the Olympic movement so significant, such as fair play, friendship, hope, and inspiration. The world will have the opportunity to learn surprising and amazing things about Chicago. By way of the 2016 Summer Olympics, Chicago will become the world's second home.

COUNCIL OF KHALISTAN SENDS VAISAKHI GREETINGS TO SIKH NATION

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TOWNS. Madam Speaker, April 13 is a very important day in the Sikh community. It is called Vaisakhi Day, the anniversary of the consecration or the Khalsa Panth in 1699 by Guru Gobind Singh. It is celebrated in Sikh families around the world. There is a parade here in DC and later one in New York. I rise today to offer Vaisakhi Day greetings to the Sikh community.

Recently, the Council of Khalistan issued Vaisakhi greetings to the Sikh Nation. In the letter, Dr. Gurmit Singh Aulakh, President of the Council of Khalistan urges the Sikh nation to work for the liberation of Khalistan, the Sikh homeland that declared its independence from India on October 7, 1987. The Indian government has subjected the Sikhs and other minorities, such as Christians, Muslims, and others, to major atrocities. Over a quarter of a million Sikhs have been murdered by the government since 1984. More than 90,000 Kashmiri Muslims, over 300,000 Christians in Nagaland, and tens of thousands of other minorities have lost their lives at the hands of the regime and its operatives. The Movement Against State Repression reports that more than 52,000 Sikhs are being held as political prisoners without charge or trial, as well as tens of thousands of other minorities.

Freedom is the birthright of all peoples and nations, and Dr. Aulakh points out that Guru Gobind Singh conferred sovereignty on the Sikh Nation. That birthright has been suppressed.

Dr. Aulakh also pointed out the ongoing activities in support of Khalistan in Punjab and elsewhere. On behalf of the Sikh nation, Dr. Awatar Singh Sekhon recently submitted a memorandum on the oppression of the Sikhs and the need for independence to the United Nations Human rights Commission in Geneva. Former Member of Parliament Atinder Pal Singh ran in the recent Punjab elections on a platform supporting Khalistan. He also organized a seminar on Khalistan. Sikh leaders were arrested on two separate occasions just for making speeches in support of Khalistan and raising the Khalistani flag. Jagjit Singh, President of Dal Khalsa, was quoted in the Deccan Herald as saying that "the Indian government can never suppress the movement. Sikh aspirations can only be met when they have a separate state." Yet India prefers to continue its repression, stationing half a million troops in Punjab alone.

Only independence will allow the Sikhs and the other oppressed minorities to live in freedom, prosperity, security, and dignity, which is their birthright. It is clear that as long as they remain under India's rule, they cannot get just and fair treatment. The atrocities will continue. This is unacceptable, Madam Speaker.

We should be on record in support of self-determination for Khalistan and throughout the subcontinent. We should also stop our aid and trade with India until it learns to respect the human rights of all people. This is in accord with American principles and these are practical steps we can take to bring real freedom to South Asia.

[April 4, 2007]

VAISAKHI DAY MESSAGE TO THE SIKH NATION

DEAR KHALSA JI: WAHEGURU JI KA KHALSA, WAHEGURU JI KI FATEH!

On April 13, the Sikh Nation will celebrate Vaisakhi Day, observing the 308th anniversary of the day Guru Gobind Singh established the Khalsa Panth. I would like to take this opportunity to wish you and your family and friends and all Sikhs a Happy Vaisakhi Day. As you know, Vaisakhi Day is the anniversary of the founding of the Khalsa. On Vaisakhi Day in 1699, Guru Gobind Singh baptized the Sikhs and required them to keep the five Ks. He made the Sikhs into saints and soldiers, giving the blessing "In grieb Sikhin ko deon Patshani" ("I give sovereignty to the humble Sikhs.") Just two years after his departure from this earthly plane in 1708, the Sikhs established their own independent state in Punjab. Today we struggle to regain the sovereignty that Guru Gobind Singh bestowed upon us over 300 years ago.

We must remind ourselves of our heritage by raising slogans of "Khalistan Zindabad" and beginning a Shantmai Morcha to liberate our homeland, Khalistan. Every morning and evening we recite, "Raj Kare Ga Khalsa." Now is the time to act on it. Do we mean what we say every morning and evening?

Last week, Dr. Awatar Singh Sekhon, Managing Editor of the International Journal of Sikh Affairs, representing the Council of Khalistan, presented a memorandum on Sikh sovereignty and the release of the Sikh political and non-political prisoners in India to the United Nations Human Rights Commission in Geneva. The memorandum discussed the Human Rights Violations, persecution, torture, genocide of Sikhs since 1984 as well as the current situation in Punjab, Khalistan. The ongoing effort to reclaim the freedom that is our birthright took another step forward with this delivery.

The Sikhs in Punjab have suffered enormous repression at the hands of the Indian regime in the last 23 years. The Indian government has murdered over 250,000 Sikhs since 1984. In addition, over 50,000 Sikh youth were picked up from their houses, tortured, murdered in police Custody, then secretly cremated as "unidentified bodies." Their remains were never even given to their families! Over 52,000 Sikhs sit in Indian jails as political prisoners without charge or trial, according to a report by the Movement Against State Repression (MASR.) Some of them have been in illegal custody for over 20 years! Repression and genocide of this magnitude at the hands of the Indian government is unparallelled in the late part of the 20th century. India should be ashamed of the genocide it has committed against Sikhs, Christians, Muslims, and other minorities.

Recently, Chief Minister Badal backed off his promise to repeal Section 5 of the Punjab Termination of Agreement Act, the section that allowed the free transfer of Punjab's river water to Haryana and Rajasthan to continue. This promise was essential to getting him elected. Although he is the leader of the Akali Dal, Badal has again shown that he is under the control of the Hindutva movement. It is time for the Sikh leadership to stop kowtowing to the Indian government and start protecting the interests of the Sikh Nation. He should immediately sever his alliance with the BJP. As every Sikh knows, the BJP is determined to destroy the Sikh religion and the Sikh Nation.

Dr. K.S. Aulakh (no relation) recently resigned as Vice Chancellor of Punjab Agricultural University after Mr. Badal ordered him to open the University gate, which had been closed because of robberies and a murder, something that he could not do. Dr. G.S. Kalkat, former Vice chancellor of PAU and chairman of the Punjab Farmers Commission, described this resignation as unfortunate and said there should be no political interference in the workings of the University could not be tolerated. Dr. Darshan Singh, former Dean of Postgraduate Studies at PAU; Dr. D.R. Bhumbla, former Vice Chancellor of Haryana Agricultura University; Prof. Pritpal Singh Kapur, former pro-Vice Chancellor of Guru Nanak Dev University; Dr. Darsban Singh, former Dean of Postgraduate Studies at PAU; and Lt. Col. Chanan Singh Dhillon, retired President of the Indian Ex-Services League; among others, were also critical of Badal's political interference. Dr. K.S. Aulakh was appointed by Mr. Badal several years ago when Badal was Chief Minister before, so this was an unusually courageous act on his part and he is to be saluted for it. Mr. Badal is Chief Minister of Punjab. Why doesn't he even want to protect the students, faculty, and staff at PAU from robberies and murders?

Jathedar Joginder Singh Vedanti is another who is under Indian government control. A couple of years ago, he was quoted as saying, "We don't want separate territory." Apparently, Vedanti would rather maintain the oppression and the atrocities against the Sikh Nation than enjoy the glow of freedom, as promised to us at the time of independence. Has he forgotten our heritage of freedom? How can the spiritual leader of the Sikh religion deny the Sikh Nation's legitimate aspiration for freedom and sovereignty? Is he not stung by the words of one of his predecessors, former AkalTakht Jathedar Professor Darshan Singh, who said, "If a Sikh is not a Khalistani, he is not a Sikh"? Is Akal Takht occupied by a person who does not believe in Sikh values and Sikh aspirations?

Sikhs can never forgive or forget the Indian government's military attack on the Golden Temple and 125 other Gurdwaras throughout Punjab. Over 20,000 Sikhs were murdered in those attacks as Operation Bluestar, including Sant Jarnail Singh Bhindranwale, General Shabeg Singh, Bhai Amrik Singh, and over 100 Sikh religious students ages 8–13 who were taken out into the courtyard and shot. These attacks accelerated the Sikh independence movement and deepened the desire for independence in the hearts of Sikhs, a fire that burns brightly in the hearts of the Sikh Nation to this day. Sant Bhindranwale said that the attack on the Golden Temple would "lay the foundation stone of Khalistan" and he was right.

Khalsa Ji, at this time of Vaisakhi, the whole Khalsa Panth must be energized to re-establish a sovereign, independent Khalsa Raj by freeing our homeland, Khalistan. It is time for Sikhs to look back at our history of persecution and suffering over the past two decades. The Hindu government of India, whether run by the Congress Party of by the BJP, wants minorities either subservient to Hinduism or completely wiped out. In spite of the fact that the religions believe completely opposite things, Hindus desire to engulf Sikhism just as they did with Jainism and Buddhism in India. They think that Buddhism is part of Hinduism because Siddhartha Gautama, the Buddha, was born in India. Similarly, Guru Nanak was born Hindu, so they proclaim Sikhism to be part of Hinduism. Yet Guru Nanak said that he was "neither Hindu nor Muslim." Jesus was born Jewish. Does that mean that Christianity is merely part of Judaism?

On this auspicious occasion celebrating the birth of the Khalsa Panth, we must bring back our Khalsa spirit. We must remember our heritage and tradition of "Khalsa Bagi Yan Badshah" by committing ourselves to freeing our homeland, Punjab, Khalistan, from Indian Occupation. We need a new Sikh political party which has a dedication to the interests of the Sikh Nation as its sole objective, to establish Khalsa Raj by liberating Khalistan, severing all political ties with India.

The Indian government wants to break the will of the Sikh Nation and enslave them forever, making Sikhism a part of Hinduism. This can only be stopped if we free Punjab from Delhi's control and reestablish a sovereign, independent country, as declared on October 7, 1987. We must recommit ourselves to freeing our homeland, Punjab, Khalistan. Raise slogans of "Khalsa Bagi Yan Badshah," "Raj Kare Ga Khalsa," "Khalistan Zindabad," and "India out of Khalistan." Use this vaisakhi to launch a Shantmai Morcha to liberate Khalistan. In spite of India's best efforts, they cannot arrest all of us. Their jails are overflowing as it is. We must keep the pressure on every day to force India to withdraw from our homeland and allow the glow of freedom in Khalistan.

The flame of freedom still burns brightly in Punjab in spite of the Indian government's brutal repression. Perhaps this is why India is afraid to hold a free and fair vote on the subject of independence. The essence of democracy is the right to self-determination. The time to achieve our independence is now. Always remember our heritage: Raj Kare Ga Khalsa; Khalsa Bagi Yan Badshah. Freedom for Khalistan is closer than ever. We must rededicate ourselves to achieving it.

Pantha Da Sewadar,
DR. GURMIT SINGH AULAKH
President, Council of Khalistan.

INTRODUCTION OF A RESOLUTION CONDEMNING IN THE STRONGEST TERMS THE RECENT TERRORISTS ATTACKS THAT OCCURRED IN CASABLANCA, MOROCCO AND IN ALGIERS, ALGERIA

HON. ALCEE L. HASTINGS

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. HASTINGS of Florida. Madam Speaker, I rise today to introduce a resolution condemning in the strongest terms the recent terrorist attacks in Morocco and Algeria.

Often times we forget that we are not the only country or people affected by the scourge of international terrorism. Radical extremists have affected and disrupted the lives of many of our friends and allies all over the world. Daily, we see images and hear stories of blatant, unprovoked, vicious attacks on innocent men, women and children. Our enemy is not limited to fighting on a military battlefield. Our enemy does not discern its victims on the basis of race, religion or nationality.

The most recent examples of this complete disregard for human life are the attacks occurring this last week in Morocco and Algeria. Not only did the attacks result in several deaths and injuries, but whole communities were devastated and thrown into extreme chaos.

The people and governments of Morocco and Algeria must know that we stand behind them and that America does not condone any act of terrorism, killing several people and devastating communities by the chaos and havoc wreaked by them.

I am pleased my colleague and friend, Representative MICHAEL ROGERS from Michigan, has joined me as an original cosponsor of this resolution. I strongly urge our colleagues to support it and urge its swift consideration.

FARM RISK MANAGEMENT ACT

HON. TERRY EVERETT

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. EVERETT. Madam Speaker, I introduced legislation today, along with my Alabama colleagues Reps. SPENCER BACHUS, JO BONNER, BUD CRAMER, and MIKE ROGERS, to enable America's farmers to better manage the risk to their livelihoods in times of severe weather and skyrocketing energy costs. The Farm Risk Management Act (FARM Act) would create risk management accounts, using both USDA and individual farmer contributions, to reduce the financial impact of disasters on the agriculture community. The FARM Act would allow farmers to insure their income by creating a whole-farm risk management program based on total revenues from all their farming activities. This is a departure from the current crop insurance program, which provides coverage based on a specific commodity. The new risk management account goes beyond the scope of current crop insurance by allowing farmers to withdraw funds from their accounts to help offset any unforeseen farm expense including high energy or fertilizer costs. With my new proposal, a farmer would deposit money into the new risk management account. The U.S. Department of Agriculture would then match the farmer's contribution in this tax-deferred, interest-bearing account, rather than subsidizing a portion of the crop insurance premium for the farmer as is done presently. As a result, farmers would effectively be self-insured.

More and more, we are seeing farmers lose their farms due to the unfortunate combination of increasingly harsh weather, rising operational costs and a Federal crop insurance program that is too expensive to help many cover their losses. Recent Farm Bill hearings and subsequent meetings I have had with farmers in the Southeast have led me to the conclusion that current crop insurance programs are not working. The present system is too expensive, leaving many farmers exposed to uncontrollable risks. It also allows room for fraud which only serves to drive up program costs for everyone.

There is an urgent need for significant crop insurance reform that will offer hard-working farmers the tools they need to manage the unique risks involved in agricultural production. This approach of individual risk management accounts could address many of the problems associated with the current crop insurance system and save the Federal government money by alleviating the future need for ad hoc disaster assistance. Most importantly, it will give farmers struggling against natural forces beyond their control greater flexibility to make a living while performing the vital task of putting food on America's table.

HONORING THE LIFE AND ACHIEVEMENTS OF JACKIE ROBINSON

HON. DANNY K. DAVIS

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. DAVIS of Illinois. Madam Speaker, I rise today to honor the life and groundbreaking accomplishments of Jackie Robinson, on the occasion of the 60th anniversary of integrated Major League Baseball. Sixty years ago this month, Jackie Robinson overcame institutionalized opposition to become the first African-American Major League Baseball player. He proved himself to be among the best that have ever played the game. He was a member of six World Series teams and earned six consecutive All-Star Game nominations. In 1962 Jackie Robinson was inducted into the Baseball Hall of Fame.

In addition to his multiple sports accomplishments, Jackie Robinson accomplished great things in his personal life. He was a key figure in the establishment a growth of Freedom Bank. He also served with honor and distinction as a second lieutenant in the United States Army from 1942–1944. In 1984, he was awarded the Presidential Medal of Freedom. It gives me great pride to have served during the 108th Congress when we awarded Jackie Robinson the Congressional Gold Medal.

Throughout his life Jackie Robinson stood up against inequality, served as a great role model for all American citizens, and proved that anything is possible. I recall one story that exemplified his commitment to justice, when he faced court-martial charges for insubordination resulting from his refusal to obey an order to move to the back of a segregated military bus in Texas. I salute Jackie Robinson and commend him on his life of accomplishment.

INTRODUCTION OF THE TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

HON. VERNON J. EHLERS

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. EHLERS. Madam Speaker, I rise today to introduce with my colleagues "The Technology Innovation and Manufacturing Competitiveness Act." I introduced legislation in both the 108th and 109th Congresses focused on strengthening U.S. manufacturing, and both times it was passed by the House. I am pleased that this bill contains many of the same provisions as well as others, since the global competitiveness of U.S. manufacturing remains a pressing issue.

The President's American Competitiveness Initiative (ACI), started in 2006, launched a three-pronged approach to competitiveness by strengthening research at the National Science Foundation, Office of Science at the Department of Energy, and the laboratories and construction of the National Institute of Standards and Technology (NIST). This bill addresses the last of these agencies by fully supporting the ACI requested improvements, as well as reauthorizing programs at NIST crucial to our global competitiveness.

Although manufacturing has experienced tremendous technological gains over the last few years, international competition has exacted a terrible toll on our nation's manufacturers. In particular, our small and medium-sized firms are under tremendous pressure to become more efficient, to modernize, and to cut their prices. There is no evidence that these pressures are likely to go away.

This bill will help address long-term problems facing our nation's manufacturers by broadening and strengthening manufacturing extension services and creating a new program to revive manufacturing innovation through collaborative research and development.

Specifically, this bill will address the competitiveness needs of our Nation by:

Reauthorizing the critical programs at the National Institute of Standards and Technology (NIST), a federal research laboratory dedicated to ensuring U.S. leadership in technology-based standards and industries; creating a new collaborative research and development program for manufacturing technology; creating a fellowship program at NIST to develop U.S. manufacturing research expertise; reauthorizing and creating a new grant program within the Manufacturing Extension Partnership (MEP) program so that the MEP Centers can extend their expertise to a range of problems beyond their current scope of activities; and establishing the Technology Innovation Program and Advisory Board to help bring more innovative technologies to market.

I want to thank Chairman GORDON and Ranking Member HALL for working in a bipartisan manner to introduce this bill, which addresses such an important topic to our nation. I appreciate the efforts of the majority to consider the input of the minority members of the Science and Technology Committee.

Madam Speaker, it is incredibly important to our future for this nation to remain competitive today. Congress must provide a coherent federal response to the changes that are underway in manufacturing, and to support the technological innovation that is fundamental to retaining our manufacturing strength. This bill provides a mechanism for that crucial response and I look forward to working with my colleagues on this issue in the 110th Congress.

INTRODUCTION OF THE LIBRARIAN INCENTIVE TO BOOST RECRUITMENT AND RETENTION IN AREAS OF NEED (LIBRARIAN) ACT OF 2007

HON. XAVIER BECERRA

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. BECERRA. Madam Speaker, I rise today to introduce bipartisan legislation, the Librarian Incentive to Boost Recruitment and Retention in Areas of Need (LIBRARIAN) Act of 2007, with Representatives VERNON EHLERS (MI–3), RAÚL GRIJALVA (AZ–07), and JOHN SHIMKUS (IL–19). Senators JACK REED (RI) and THAD COCHRAN (MS) will also be introducing a companion measure today in the Senate. The LIBRARIAN Act of 2007, which is endorsed by the American Library Association, will offer much needed help to recruit and retain librarians in schools and public libraries located in low-income areas. We accomplish this by establishing a loan forgiveness program for college students who obtain a master's degree in library science and latter commit to serve as librarians in disadvantaged communities.

The introduction of the LIBRARIAN Act is timely since today we celebrate National Library Workers Day. Our Nation's public and school libraries and the people who keep them open are national treasures. Every day, these libraries provide an invaluable public good to our communities. Together they offer crucial access to education, skills training and unique information. These services are particularly important in low-income communities where resources are often scarce.

Unfortunately, libraries are losing their most valuable asset: librarians. According to a 2002 School Library Journal survey, 30 states and the District of Columbia reported either a severe or extremely severe librarian shortage. The librarian shortage is attributed to two principal factors. First, an alarming number of librarians have reached the age of retirement and the number is expected to increase dramatically in the next decade. The American Library Association, the oldest and largest library association in the world, projects that between 60 to 65 percent of currently practicing librarians will retire by the year 2020. The United States Bureau of Labor Statistics estimates that more than three out of five librarians are aged 45 years or older—many of these librarians will become eligible to retire in the next 10 years.

The second factor causing the librarian shortage is that libraries are now in direct competition with highly salaried private sectors needing workers with librarian skills such as those in multimedia technology, database administration and systems analysis. Today it is not uncommon to encounter a librarian earning less than $29,000 annually, despite the fact that the position is highly specialized and requires a master's degree in library science. Not surprisingly, librarians are increasingly leaving their profession and using their invaluable education and experience in other more lucrative employment arenas.

Sadly, low-income community libraries will suffer most from the coming librarian shortage. While well-funded suburban libraries can afford to recruit and retain librarians, low-income area libraries lack the resources to attract well qualified staff. Moreover, most librarians look to relocate to highly desirable areas creating an even greater difficulty for low-income area libraries to attract qualified candidates to fill job openings.

Earlier this year, I received first-hand confirmation that if the LIBRARIAN Act passed we could attract more students to the profession. A young student in my district who had learned about the LIBRARIAN Act wrote to me stating that she would now consider a career as a librarian and gladly work in a low-income community. Previously, this student had not entertained the idea of becoming a librarian.

There is strong precedent in law for canceling student loans under the Federal Perkins Loan program. Several categories of professionals who service low-income areas currently receive such a benefit. Teachers working in special education, Head Start and educationally disadvantaged schools under the Title I Program, special education and Head Start, as well as members of the armed services, law enforcement officers, Peace Corps volunteers, medical technicians and nurses can qualify for forgiveness of their Federal Perkins student loans.

Specifically, the LIBRARIAN Act allows Federal Perkins loan cancellation for full-time librarians with a master's degree in library sciences who are employed in: a public library that serves a geographic area that contains one or more schools eligible for educationally disadvantaged school funding under Title I; or an elementary or secondary school library that is eligible for educationally disadvantaged school funding under Title 1.

Librarians working full-time in these areas would qualify for up to 100 percent Federal Perkins loan forgiveness depending on their years of service as a librarian in the disadvantaged schools or public libraries. Specifically, they would qualify for: 15 percent loan forgiveness for each of the first and second years of such service; 20 percent loan forgiveness for each of the third and fourth years of such service; and 30 percent loan forgiveness for the fifth year of such service.

Since loan forgiveness would apply to the years of services that are completed after the enactment of this Act, students entering a library sciences program and librarians with outstanding Federal Perkins loans stand to benefit. In the end, the susceptible communities that are detrimentally affected by a librarian shortage stand to benefit the most from this bill.

Madam Speaker, it is time to take steps towards alleviating this shortage of librarians in America. The loan forgiveness provisions of the LIBRARIAN Act will be a valuable tool in attracting some of our brightest and best students to become tomorrow's educators in the communities where they are most needed. I urge my colleagues to join us in supporting the passage of this important legislation.

TRIBUTE TO SHAWNEE MISSION UNITARIAN UNIVERSALIST CHURCH

HON. DENNIS MOORE

OF KANSAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. MOORE of Kansas. Madam Speaker, the Shawnee Mission Unitarian Universalist Church has been an important presence in the City of Overland Park and Johnson County, Kansas, since 1967.

In 1970 the Church, sited on historical grounds that date to the 1871 Breyfogle Farm, the 1913 Mathey Farm, and the 1948 Burgdorfer Farm, purchased the house and barn, vintage 1913, from a previous church congregation. This site will be the location of the Church's 40th anniversary celebration, following its worship service on May 20, 2007.

The Church has provided liberal religious services and education for adults and children, has sponsored forums with knowledgeable speakers on public issues, has initiated a pathfinding Coming of Age program for youth in the denomination, and has presented a nationally-recognized World Religion Series. Additionally, the Church has promoted democracy by serving as a voting site in the community and has encouraged members to support many local, national, and international charitable efforts including SafeHome, Johnson County Interfaith Hospitality Network, Habitat for Humanity, Crosslines, American Indian Center, Million Voices for Darfur, UNICEF, and many others.

Through the years the Church has been a good neighbor to the surrounding residential area through its maintenance of buildings and grounds, including the front garden which has been recognized as a Certified Wildlife Habitat by the National Wildlife Federation. The Church also is a member in good standing of the Unitarian Universalist Association [UUA], the international umbrella group of UU congregations and has been certified as a Welcoming Congregation by UUA.

Madam Speaker, the members of the Shawnee Mission Unitarian Universalist Church are celebrating the past and present successes of their church community and are planning for the future of their church community. I am pleased to join with, Johnson County, the City of Overland Park and with men and women of goodwill throughout the Kansas City metropolitan area in recognizing and congratulating the Shawnee Mission Unitarian Universalist Church upon its 40th anniversary as a vibrant member of the metropolitan area's interfaith communities.

IN MEMORY OF DR. GURCHARAN SINGH, HUMANITARIAN AND FREEDOM ACTIVIST

HON. EDOLPHUS TOWNS

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. TOWNS. Madam Speaker, I was distressed to learn that Dr. Gurcharan Singh, a Sikh scholar from Long Island, was killed March 31 in a hit-and-run traffic accident. Professor Singh was on his way to the Gurdwara (the Sikh place of worship) at the time. The driver has not yet been found.

Professor Singh was a professor at Marymount Manhattan College and a leader in the Sikh community in New York. He was a father and grandfather. According to WNBC–TV, he was "a counselor to New York's Sikh community and a philanthropist devoted to bringing people of different faiths and nationalities together." He was also an activist in support of Sikh freedom, serving as an advisor to the Council of Khalistan, which leads the effort to free the Sikh homeland, Khalistan, from Indian occupation. In that capacity, he would accompany the Council's President, Dr. Gurmit Singh Aulakh, when he would go to the U.N. Human Rights Commission.

Prior to teaching at Marymount, Dr. Singh had been a professor at Columbia University. He taught political science and international studies.

The Council of Khalistan issued a press release about Dr. Singh's passing. It was also reported on WNBC Channel 4 in New York, on Yahoo News, on several Sikh and South Asian news outlets, and around the Internet.

On behalf of all my colleagues, I wish to extend the sympathies of the U.S. Congress to Dr. Singh's family, friends, and students. I'm sure that everyone joins me in this. I know that he will leave a void that will be very difficult to fill.

Madam Speaker, the best tribute we could pay to Dr. Singh is to continue his work, as Dr. Aulakh points out. This Congress can help by stopping aid to India and trade with that country until all people there enjoy human rights and by going on record in support of self-determination for Dr. Singh's Sikh Nation and for the Nagas, Kashmiris, and all the people seeking freedom in India. Self-determination is the essence of democracy.

PLAINVIEW SCHOLAR, LEADER MOURNED AFTER HIT-AND-RUN DEATH

GURCHARAN SINGH, 77, TAUGHT AT COLUMBIA, MARYMOUNT MANHATTAN COLLEGE

PLAINVIEW, N.Y.—A family and a community were mourning Saturday night the death of beloved professor and role model killed by a hit-and-run driver on Long Island, NewsChannel 4's Aimee Nuzzo reported.

Gurcharan Singh, 77, a scholar and a professor, was also a counselor to New York's Sikh community and a philanthropist devoted to bringing people of different faiths and nationalities together, according to family and friends.

"He is the gem of our community," said friend Paul Kandhari. "If there was a family problem, he'll be there. If the father and son have a problem, he'll be there."

The Plainview father of three and grandfather was struck and killed by a hit-and-run driver while walking from his home to church Friday night.

Dr. Singh was crossing Old Country Road in Plainview just after 8 p.m. headed for the Sikh temple, when a red or maroon car traveling westbound ran a red light, struck him and kept going, police told Nuzzo.

Singh was airlifted to Nassau University Medical Center with multiple fractures and head trauma, but he did not survive.

"My father was a very selfless man who served his community and society with all his heart, and we'd really love any assistance in finding the individual who did this," said Surinder Singh, the victim's son.

Anyone with information about the mishap was asked to call Nassau County Crime Stoppers at 1–800–244–TIPS.

Once a professor at Columbia University, Singh taught political science and international studies at Marymount Manhattan College for more than three decades and continued to teach part-time, Nuzzo said.

A statement from Marymount Manhattan College said the "community is deeply saddened by the news of Professor Singh's death. He served as a devoted teacher at the college for many years, and his loss will be felt by all of our faculty, staff, students and alumni. Our thoughts are with his family during this difficult time." Dr. Singh's friends said they have no doubt the selfless humanitarian would have forgiven the hit-and-run driver who took his life. They said they hoped that would help whoever is responsible to come forward.

[Council of Khalistan Press Release]

DR. GURCHARAN SINGH, ADVISOR TO COUNCIL OF KHALISTAN, KILLED IN HIT-AND-RUN TRAFFIC ACCIDENT

LEADING SIKH SCHOLAR, TEACHER, HUMANITARIAN

WASHINGTON, DC, Apr. 4, 2007—Dr. Gurmit Singh Aulakh, President of the Council of Khalistan, today expressed "deepest sympathies" to the family and friends of Professor Gurcharan Singh, a leading Sikh scholar and a teacher at Marymount Manhattan College. Professor Gurcharan Singh was killed by a hit-and-run driver about 8:00 p.m. on the evening of March 31 as he was heading to the Gurdwara.

"Professor Gurcharan Singh leaves a vacuum that will be hard to fill, not only within the Sikh community and Nassau County, but for his family, friends, students, and the many whose lives he touched," said Dr. Aulakh, "He will be greatly missed. I am proud that he was my friend."

"Only God gives life and takes life. As human beings, we are helpless. 'Ghale Aawe Nanka Sadhe Uthin Jai.' We can only mourn his loss but the best tribute to Dr. Gurcharan Singh will be to continue his mission which he worked for, that is serving humanity and working hard to liberate Khalistan from Indian occupation. Only in a free Khalistan will the Sikh religion flourish and the Sikh Nation prosper."

Professor Gurcharan Singh was well known as a humanitarian on Long Island. "My father was a very selfless man who served his community and society with all his heart," said his son Surinder Singh. He served as a counselor to the New York Sikh community and was a philanthropist.

Professor Gurcharan Singh was also a strong supporter of Khalistan, the independent Sikh homeland that declared its independence from India on October 7, 1987. In that effort, he served as an advisor to the President of the Council of Khalistan, which leads the peaceful, democratic, nonviolent effort to liberate Khalistan. He accompanied Dr. Aulakh whenever he went to talk to the United Nations Human Rights Commission.

His death was reported on WNBC–TV New York and on its website; on Indo-Asian News Service; on Sikh media outlets; on a variety of websites; and on other media outlets.

"Professor Gurcharan Singh's passing is a loss to the Sikh Nation, to the people of Long Island and America, to his family and friends, and to friends of freedom," said Dr. Aulakh. "May God bless this departed soul."

FIFTIETH ANNIVERSARY OF THE ASSOCIATION OF UNIVERSITIES FOR RESEARCH IN ASTRONOMY

HON. GABRIELLE GIFFORDS

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Ms. GIFFORDS. Madam Speaker, this month marks the fiftieth anniversary of the founding of the Association of Universities for Research in Astronomy AURA. In 1957, seven universities banded together to form a new type of consortium that would establish a national astronomical observatory available to all astronomers on a merit basis. This new consortium, AURA, sought access to the clearest skies and best observing sites available. They established their headquarters in Tucson, AZ, and over the ensuing years built the Kitt Peak National Observatory and a sister observatory in Chile known as the Cerro Tololo Inter-American Observatory.

The establishment of AURA took place in an environment in which the National Science Foundation was only 5 years old and the establishment of a space agency was still to come. AURA saw the need for the astronomical community to organize itself, to work toward common goals, and to create scientific opportunities for all. AURA and other public observatories helped advance the field of U.S. astronomy.

From these beginnings, AURA has extended our view of the universe and ourselves with its visionary planning for what is now the Hubble Space Telescope, which AURA operates from its Space Telescope Science Institute in Baltimore. It also paved the way for the giant ground based telescopes known as the International Gemini Observatory, in Hawaii and Chile.

AURA has helped astronomy move to a central position in national and international scientific research with increasingly strong ties to many other areas of the physical sciences and the fundamental questions that they address.

For example, on the largest scales in the field of cosmology, astrophysics and particle physics increasingly view the universe as the ultimate "high-energy laboratory", which may be the only way to address questions about the fundamental nature of matter and space itself. Observations made at AURA observatories both on the ground and in space have revealed the existence of both dark matter and dark energy. At the other extreme of scale, astrobiology is synthesizing research in astronomy, biology, and chemistry and is emerging as a field in itself. Again, observations at AURA's observatories are beginning a quest to search for the presence of life and ultimately understand its origins both within our solar system and in our galaxy.

Looking to the near future and the advent of the James Webb Space Telescope and a Giant Segmented Mirror Telescope, we hope to see the light from the first stars in the Universe, to catch galaxies as they are first assembling, investigate the nature of dark matter and dark energy, understand how black holes are formed, and take a census of extrasolar planets with masses extending from that of Jupiter down to masses comparable to that of the Earth. With the Advanced Technology Solar Telescope, we hope to observe the Sun at the smallest scales possible and understand the fundamental workings of our closest star. These questions are not just at the forefront of astronomical research, but are ones that have captured the public's interest and imagination.

Madam Speaker, I ask all of my colleagues to join me in commending AURA for its accomplishments over the past fifty years. From a humble idea born in Tucson, AZ, to the outer reaches of the universe, AURA has made a major contribution to U.S. science and to our cultural heritage.

HONORING THE MOST REVEREND JOHN MICHAEL D'ARCY, BISHOP OF THE DIOCESE OF FORT WAYNE-SOUTH BEND

HON. JOE DONNELLY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. DONNELLY. Madam Speaker, I rise today to express my congratulations to the Most Reverend John Michael D'Arcy, Bishop of the Diocese of Fort Wayne-South Bend, who is celebrating the 50th anniversary of his ordination to the Priesthood. In the past 50 years countless individuals, both Catholic and not, have experienced the wisdom and love of Bishop D'Arcy and each of them can be grateful for having known him.

Bishop D'Arcy, the son of Irish immigrants, was born on August 18, 1932. He recalls feeling called to the priesthood at a very young age, hoping to follow in the footsteps of his childhood priests. Immediately following high school he entered Saint John's Seminary in Brighton, Massachusetts. For the next 8 years Bishop D'Arcy developed his spiritual knowledge and prepared to serve his community.

After Seminary, Bishop D'Arcy studied in Rome at the Angelicum where he received his doctorate in spiritual theology in 1968. He returned to St. John's Seminary where he served as spiritual director and professor until 1985, guiding many young men in their journey to the priesthood. As a result of his years of faith and service, John D'Arcy was ordained auxiliary bishop in his native Boston in 1975.

Bishop D'Arcy was appointed the eighth Bishop of Fort Wayne-South Bend on the 26th of February, 1985. During his tenure, he has focused extensively on enlarging the Catholic community in faith and numbers. His focus on education has led to the expansion of Catholic education across the diocese. With the creation of the South Bend Chancery and other church offices Bishop D'Arcy gave many more people access to Catholic services.

So, today I rise to pay tribute to Bishop John D'Arcy for his years of dedication to the people of Indiana. His 50 years of selfless service will always be remembered by those whose lives are better because of his kindness and compassion. May God grant Bishop D'Arcy many more years of strength and courage. His service to the people of Indiana has truly been a blessing.

INTRODUCTION OF H.R. 1868, THE TECHNOLOGY INNOVATION AND MANUFACTURING STIMULATION ACT OF 2007

HON. PHIL GINGREY

OF GEORGIA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, April 17, 2007

Mr. GINGREY. Madam Speaker, I rise today as an original co-sponsor of the Technology Innovation and Manufacturing Stimulation Act of 2007. I join my colleagues from the Science and Technology Committee, Mr. WU, Mr. GORDON, Mr. HALL and Mr. EHLERS, in introducing this important bill that will ensure our Nation's technological competitiveness for decades to come.

The President's American Competitiveness Initiative (ACI) provides a foundation to keep our country competitive in the ever-expanding global marketplace. The Technology Innovation and Manufacturing Stimulation Act plays an important role in fulfilling this initiative by reauthorizing the National Institute of Standards and Technology, or NIST. NIST labs serve almost every Federal agency and U.S. industry by providing reliable and dependable standards, measurements, and certification services.

As Congress looks to the future of the technology industry in this country, NIST research will prove to be indispensable in the maturation of cutting-edge basic research in becoming successful commercial products. Emerging fields such as nanotechnology and bioengineering are dependent on scientifically-based industrial measurements and standards to see that advanced laboratory research can make that leap into practical industrial applications. I recently visited some of NIST's laboratories and was amazed by the fascinating and vital work its scientists perform.

H.R. 1868 includes 3-year authorization levels for NIST's laboratories which are consistent with the ACI's goal to double the nation's investment in physical science research by 2017. The Technology Innovation and Manufacturing Stimulation Act also authorizes the Manufacturing Extension Partnership program-a cost-sharing program that provides technical and business assistance to small and medium-sized manufacturers. This assistance has a proven track record in the manufacturing industry to help companies remain competitive in the global marketplace by improving productivity and efficiency. In addition, this legislation authorizes the Technology Innovation Program that provides grants that encourage the development of high-risk, innovative technologies that will provide widespread economic benefits to companies across the United States.

I thank Chairman WU for incorporating our priorities for NIST into this comprehensive authorization bill and I look forward to working with my Science Committee colleagues to ensure quick action on this important bill.